

QUEENSTOWN LAKES DISTRICT COUNCIL
DECISION OF THE QUEENSTOWN LAKES DISTRICT COUNCIL

TITLE: Recommended Decision on Plan Change 3 – Heritage Part II – Issued by the Hearings Panel for the Queenstown Lakes District Council

DATED: 23 November 2006

EXECUTIVE SUMMARY

Plan Change 3 seeks to ensure, where practical, that the Queenstown Lakes District's significant heritage features and items are recognised and protected for future generations and that heritage landscapes, and their associated values within the District, are recognised and protected.

The Plan Change was notified on 10 June 2005 with submissions closing on 5 August 2005. The summary of submissions was notified on the 6 December 2005, with further submissions closing on 23 January 2006.

A total of 80 original submissions and 23 further submissions were received on Plan Change 3. Submissions received seek various forms of relief, including but not limited to: the inclusion of additional features and trees in the Plan Change/District Plan; the removal/deletion of features and trees included in the Plan Change/District Plan; amendment of the District Plan category for features included in the Plan Change; clarification of features/trees included in the Plan Change; general protection for trees and features which meet an identified threshold; amendment and/or deletion of reference to heritage landscapes in the District Plan/Plan Change; amendment of the Issues, Objectives and Policies of Part 13 of the District Plan; and amendment to the Heritage Landscapes definition.

A hearing to consider the submissions received to Plan Change 3 was held in Queenstown between Monday 4 and Wednesday 6 September 2006. The Hearings Panel consisted of Mr Neville Marquet (chairperson), Councillor Christine Kelly and Councillor John Wilson.

The following report sets out the considerations and decisions of the Hearings Panel on the submissions received on Plan Change 3.

CONTENTS

EXECUTIVE SUMMARY	1
1.0 Introduction	3
2.0 Background	6
3.0 List of Submitters.....	7
4.0 The Hearing	10
5.0 Decisions	24
Attachment 1: Recommended amendments to Plan Change 3.....	94
Attachment 2: Relevant original feature assessments.....	102
Attachment 3: Relevant tree re-assessments	103
Attachment 4: Other recommendations from the Hearings Panel	104
Attachment 5: Heritage Incentive Brochure	107

1.0 INTRODUCTION

This report sets out the considerations and decisions of the Hearings Panel (also referred to as "the Panel") on submissions lodged to Plan Change 3 – Heritage Part II to the Partially Operative District Plan.

The relevant provisions in the Queenstown Lakes Partially Operative District Plan (referred to as the District Plan) which are affected by Plan Change 3 and the decision include:

District Plan Section	Provisions
Part 13 – Heritage	13.1.2 – Issues 13.1.3 – Objective 3 – Heritage Landscapes 13.1.4 – Environmental Results Anticipated
Definitions	Heritage Landscape
Appendix 3	Inventory of Protected Features
Appendix 10	Indicative Lines of Heritage Landscapes
Planning Maps	8-10, 12, 13, 18, 21-26, 28-36, 39

In this report submissions are addressed according to the relief sought by the submitter. Relief sought has been grouped under Part 5 of this report in the following order:

1. Additions – Features (refer to page 24)
2. Additions – Trees (refer to page 29)
3. Deletions – Features (refer to page 34)
4. Deletions – Trees (refer to page 42)
5. Clarification – Features (refer to page 50)
6. Clarification – Trees (refer to page 54)
7. Amendment of Categories (refer to page 60)
8. Typographical Errors (refer to page 65)
9. General Protection (refer to page 70)
10. Heritage Landscapes (refer to page 73)
11. District Plan Issues, Policies, and Objectives (refer to page 81)
12. District Plan Definitions (refer to page 84)
13. General (refer to page 85)
14. Support (refer to page 91)

Submissions have been grouped together where it is considered that the content of the submissions is the same or similar.

Under Part 5 each submission (or group of submissions where relevant) is summarised, and then the Hearings Panel consideration and decision is provided.

In summarising the submissions, the name of a submitter is shown in bold, with their submission number shown in normal font within a square bracket. The name of a further submitter is shown in *bold italics*, with their submission number shown in italics within a square bracket.

Decisions on submissions are detailed under the consideration of each submission. Where amendments are to be made to the District Plan as a result of a decision on a submission, additional text is shown as underlined and text to be removed is shown as being ~~struck out~~.

In making decisions, the Hearings Panel has:

- (i) been assisted by a report prepared by its planning staff. This report was circulated to all submitters prior to the hearing taking place; and
- (ii) been assisted by re-evaluations of heritage features and trees where necessary. These assessments were commissioned to assist the Planners Report; and
- (iii) been assisted by legal advice where necessary; and
- (iv) had regard to matters raised by submitters and further submitters in their submissions and further submissions and at the Council hearing; and
- (v) had regard to the relevant provisions of the Resource Management Act 1991, in particular Section 32.

In accordance with Section 32(2) of the Act, a further evaluation under this section of the Act must be made before the Council makes a decision on a change to the District Plan. In considering the submissions to this Plan Change an evaluation in accordance with Section 32(3) and Section 32(4) was carried out. The outcomes of this evaluation were consistent with the Section 32 analysis undertaken as part of the preparation of the Plan Change and were taken into account when making a decision on each submission.

Attached to this report as Attachment 1 are the revised versions of the relevant provisions of the District Plan further to the decisions contained in this report. Where there is any inconsistency between the provisions contained in Appendix 1 and the text contained in the body of the report, the provisions in Appendix 1 shall take precedence.

Where a submission is determined to be outside the purpose (also referred to as scope) of the Plan Change the submission has been rejected. With respect to determining the scope of a submission reference is made to Clause 6 of First Schedule to the Resource Management Act 1991 (referred to as the Act) which states:

"6. Making submissions

Any person, including the local authority in its own area, may, in the prescribed form, make a submission to the relevant local authority on a proposed policy statement or plan that is publicly notified under clause 5."

A submission on a plan change is therefore limited in that it must be "on" the plan change.

In the case of Plan Change 3 the purpose of the Plan Change was to research the addition of heritage features (including trees) to the Inventory of Protected Features contained in Appendix 3 of the District Plan and ensure recognition of heritage landscapes.

Accordingly, for a submission to be deemed to be within the scope of Plan Change 3 the submission must relate to:

- The addition of heritage features/trees to the Inventory of Protected Features;
- The heritage features/trees that were added to the Inventory of Protected Features through Plan Change 3; or
- The provisions added to the District Plan through Plan Change 3 regarding Heritage Landscapes.

As a result, where a submission seeks the addition of a feature or tree to the Inventory of Protected Features and that feature/tree is not already listed in the District Plan, the feature/tree could be deemed to be on or within the scope of the Plan Change. However, in considering whether the submissions are within the scope of the Plan Change or not, the Council also needs to consider whether making a decision to accept such submissions would be fair and reasonable.

Landowners of items that have been sought to be included in the Plan Change by way of a submission were not originally sent a copy of the public notice. This was because at that point such landowners were not deemed to be affected by the Plan Change. In addition, at the time of the notification of the summary of submissions, other than the public notification (by way of newspaper advertisement and press releases), the affected landowners were not contacted to ensure they were aware of the submissions to include heritage items contained on their land. Hence, to date potentially affected landowners have not been made aware of the Plan Change process or been given a fair opportunity to participate in it.

As a matter of fairness it has therefore been decided that such submissions which seek additional features or trees be added to the Inventory of Protected Features are not on the Plan Change. These submissions are consequentially rejected. It is however considered that the additional items sought in these submissions should be assessed and decided upon through a separate follow-on Plan Change process. This will allow the affected landowners of the additional items to participate in the process. A list of the additional items sought is included in Attachment 4.

Where a submission seeks the addition of a feature or tree to the Inventory of Protected Features and the feature/tree is now listed in the District Plan as a result of Plan Change 3, a decision has been made to accept the submission. These submissions are deemed to be within the scope of the Plan Change and in effect support the inclusion of the feature/tree in the Plan Change.

Submissions that seek amendment or deletion of a feature or tree that was added to the Inventory of Protected Features through Plan Change 3 have been reassessed and a decision on the submission has been made according to this assessment. Where however a submission seeks amendment or deletion of a feature/tree that was listed in the District Plan prior to the notification of Plan Change 3, the submission has been rejected. This is based on the submission being deemed outside the scope of the Plan Change.

Where a submission seeks either general protection of trees or amendment of District Plan provisions to provide for maintenance/trimming of protected trees, the submission has been rejected. This is based on such submissions being outside the scope of the Plan Change. With respect to these matters however, it is acknowledged that the Council is currently in the process of finalising guidelines to clarify what is significant trimming and what is maintenance trimming with respect to trees protected under the District Plan.

It is envisaged that such guidelines will provide some certainty for landowners as to whether trimming works of protected trees requires resource consent or not. It is also acknowledged that the Council are in the process of drafting a policy regarding the protection and management of trees contained within Council land. The Hearings Panel therefore recommends that the Council consider the issues raised in such submissions in their ongoing work on Council policies and guidelines regarding trees and the general maintenance/trimming of protected trees within the District.

Heritage features assessed as part of the Plan Change, including reassessment for the purpose of this decision, have been assessed in accordance with a criteria established during the preparation of the Plan Change. The criteria assess features based on their archaeological, architectural, cultural, spiritual, historic, social, townscape, context, rarity, representative and technological value.

Trees assessed as part of the Plan Change, including reassessment for the purpose of this decision, have been assessed by a suitably qualified arborist and where appropriate have been assessed in accordance with the Standard Tree Evaluation Method (STEM).

STEM is a well recognised and used method and assesses trees based on their condition, amenity and matters of notable recognition. It provides a system by which different elements of the tree can be scored on a scale of 3 to 27, with 27 being the highest score. There is a total of 10 different criteria regarding the condition and amenity elements and an additional 10 elements for trees with notable recognition. As a result trees could potentially score anywhere from 30 to 270, or up to 540 for trees with notable recognition.

2.0 BACKGROUND

Heritage items protected within the Queenstown Lakes District are listed in the Inventory of Protected Features, being Appendix 3 of the District Plan, and are identified on the District Plan Maps.

Classification is given to each heritage item according to the significance of that feature. Categories range from one to three, with category 1 warranting the highest level of protection. Provisions relating to each category are contained in Part 13 - *Heritage* of the District Plan.

In August 2002 the Council notified a variation to the Inventory of Protected Features. The purpose of that Variation was to update the information and amend any errors contained within the Inventory so to provide accurate information. As a result of this Variation it was discovered that the Inventory of Protected Features did not accurately represent the heritage values throughout the entire District. It was considered that a number of significant features were not protected, with the rural areas and Townships in the District being the least represented. For example, no heritage features within the Kingston area were listed in the Inventory, however Kingston has significant historical relevance to the District being the launching place of the TSS Earnslaw and the home of the Kingston Flyer.

In addition, significant heritage landscapes throughout the District were not recognised or provided for in the District Plan, with Part 13 only providing protection for individual features and precincts (clusters/groups of heritage

buildings). To the contrary heritage landscape are made up of many different interconnecting layers.

As a result, the Council decided to initiate Plan Change 3 to:

- Ensure, where practical, the District's significant heritage features and items are recognised and protected for future generations; and
- Ensure that the heritage landscapes, and their associated values, within the District are recognised and protected.

The purpose of the Plan Change was summarised as being:

To research the addition of heritage features to the Partially Operative District Plan, and ensure recognition of heritage landscapes, so that the Districts significant heritage values are effectively recognised and protected.

During the preparation of Plan Change 3 an assessment of alternative options, including the effectiveness, costs and benefits, efficiency and appropriateness of each, was undertaken in accordance with section 32 of the Act. The outcome of the section 32 analysis led the Council to conclude that the addition of heritage features to the Inventory of Protected Features and recognition of heritage landscape through objectives, policies, methods and assessment matters, was necessary to achieve an effective level of protection of the Districts heritage values. Further, that such values should be recognised and provided for when assessing resource consents for subdivision and development.

Plan Change 3 was notified on 10 June 2005 with submissions closing on 5 August 2005. The summary of submissions was notified on 6 December 2005, with further submissions closing on 23 January 2006.

A total of 80 original submissions and 23 further submissions were received with regard to the Plan Change.

3.0 LIST OF SUBMITTERS

The following submitters lodged submissions on Plan Change 3:

Original Submitter	Submission Number	Page Reference
Brian Anderson	3/1.1 - 3/1.2	50
Arrowtown Village Association	3/2.1 - 3/2.2	30
Anne Marie Bailey	3/3.1 - 3/3.3	43, 49, 54 & 55
Karen Boulay on behalf of Queenstown and District Historical Society	3/4.1 - 3/4.4	60, 71, 86 & 91
Karen Boulay	3/5.1	30
Jo Boyd	3/6.1	30
Marie Braddock	3/7.1	55
Victoria Buckham & Simon Flood	3/8.1 - 3/8.2	43 & 49
Vicki Buckham on behalf of the HPT Queenstown Lakes branch	3/9.1	71
Jay Cassells	3/10.1 - 3/10.6	24, 26, 82

		& 91
Jay Cassells	3/11.1 - 3/11.18	25, 27 & 71
Gordon Christie	3/12.1 - 3/12.8	28, 30, 31, 33 & 71
Neil Clayton	3/13.1	71 & 74
P A & W A Cody Family Trust	3/14.1	31
Closeburn Station Management Ltd	3/15.1	74
Conway Consolidated Trust	3/16.1	43
Damper Bay Estates Ltd	3/17.1	74
Katie Deans	3/18.1 - 3/18.8	31, 71 & 86
Director General of Conservation	3/19.1 - 3/19.5	81, 83, 85 & 91
Sharon Duncan	3/20.1 - 3/20.2	31 & 91
Neil Farrin	3/21.1	31
David Finlin	3/22.1 - 3/22.4	31
John & Virginia Foster	3/23.1	75
Chiga Fukuda	3/24.1	31
Carolyn Gee	3/25.1 - 3/25.9	25, 28 & 29
Jackie Gillies	3/26.1 - 3/26.2	31 & 91
John Glover	3/27.1	25
John Glover	3/28.1	34
Jill Hamel	3/29.1	26
Robert & Elvena Heywood	3/30.1	55
Historic Places Trust - Queenstown Lakes Branch	3/31.1	62
Jerry Hohneck	3/32.1	88
Infinity Investment Group	3/34.1	75
JF Investments Ltd	3/35.1	75
Patsy Lambert-Robinson	3/36.1	31
Pam Maclean	3/37.1 - 3/37.18	25, 27, 28 & 72
Anne Maguire	3/38.1	26
Ministry of Education	3/39.1 - 3/39.5	39, 52, 88, 89 & 92
Mount Field Ltd	3/40.1	75
NZ Historic Places Trust, Southern Regional Office	3/41.1 - 3/41.2	62 & 64
Paradise Rural Estate Ltd	3/42.1 - 3/42.3	43, 55 & 75
Gordon Bailey	3/43.1 - 3/43.16	65
Gordon Bailey	3/44.1	45
Gordon Bailey	3/45.1 - 3/45.11	31
Gordon Bailey	3/46.1 - 3/46.57	31, 45, 46, 47, 48, 58 & 66
Gordon Bailey	3/47.1 - 3/47.6	91
Gordon Bailey	3/48.1	88
Gordon Bailey	3/49.1	68
Ken Gousmett on behalf of the QLDC	3/50.1	59
Duncan Field	3/51.1 - 3/51.2	32
Duncan Field	3/52.1 - 3/52.2	32
QLDC Heritage Variation Committee	3/53.1	89
Queenstown and District Historical Society	3/54.1 - 3/54.3	26, 28 & 72
Barry Robertson	3/55.1 - 3/55.2	32 & 49
Scott Freeman Consulting	3/56.1	74

Kirsty Sharpe	3/57.1	32
Signature Investments Ltd	3/58.1	75
Karen Stuart	3/59.1	72
Dorothea Ramsey	3/60.1	31
Barbara Syme	3/61.1	26
J & J Syme	3/62.1	35
Keith and Brenda Taylor	3/63.1	32
Te Ao Marama Incorporated	3/64.1 - 3/64.3	61, 81 & 83
T & J Thompson	3/65.1	89
Brian and Nelda Thompson	3/66.1 - 3/66.3	32 & 47
Transit New Zealand	3/67.1 - 3/67.5	75, 84 & 85
Wakatipu Environmental Society Inc	3/68.1 - 3/68.3	90
Wakatipu Environmental Society Inc	3/69.1	32
Walnut Cottage Trust	3/70.1 - 3/70.2	53 & 64
Wanaka Community Board	3/71.1	38
Wanaka Primary School	3/72.1	39
Wanaka Residents Association	3/73.1	38
Robert & Clair Waring	3/74.1	91
Wyuna & Glencoe Stations	3/75.1	74
Mary Hansen	3/76.1	32
Upper Clutha Presbyterian Church Board of Managers	3/77.1	41
Andrew Dalziel	3/78.1 - 3/78.2	29
Murray & Sandra McClennan	3/79.1	32
Malcolm Boote on behalf of Queenstown and District Historical Society	3/80.1	91

Further Submitter	Submission Number	Page Reference
Bruce Albiston, NZ Historic Places Trust (Southern Region)	3/15.1.1, 3/19.1.1 - 3/19.5.1, 3/29.1.1, 3/54.2.1 - 3/54.3.1, 3/64.1.1 - 3/64.3.1	26, 28, 61, 76, 81, 83, 84, 85 & 91
Margaret Elsie Allison	3/77.1.7	41
Gordon Bailey	3/46.6.1	68
Gaye Crosswell	3/77.1.6	41
Director General of Conservation	3/17.1.1 - 3/17.1.2, 3/23.1.1 - 3/23.1.2, 3/28.1.1 - 3/28.1.2, 3/40.1.1 - 3/40.1.2, 3/42.1.1 - 3/42.1.2, 3/56.1.1 - 3/56.1.2, 3/58.1.1 - 3/58.1.2, 3/62.1.1-3/62.1.2, 3/64.1.2 - 3/64.1.3, 3/75.1.1 - 3/75.1.2	34, 36, 76 & 82
Ken Gousmett on behalf of the QLDC	3/10.4.1 - 3/10.5.1, 3/45.8.1, 3/45.11.1, 3/47.2.1	25, 32 & 91
Graham Hill	3/77.1.4	41
Historic Places Trust Queenstown Lakes Branch	3/37.15.1, 3/37.17.1, 3/38.1.1	25 & 26
Bruce King	3/77.1.3	41
Catherine Little	3/77.1.5	41
Pam Maclean	3/37.11.1	25
Donald McLeay	3/11.10.1	25
Ministry of Education	3/9.1.2, 3/11.2.2 - 3/11.3.2, 3/11.4.2, 3/18.1.1, 3/37.2.2 - 3/37.4.2, 3/72.1.1	39, 72 & 73
David & Olivia Page	3/65.1.1	89

Peninsula Road Ltd	3/57.1.1	32
Queenstown and District Historical Society	3/8.1.1, 3/10.4.2, 3/10.5.2, 3/15.1.2, 3/17.1.3, 3/19.2.2 – 3/19.5.2, 3/23.1.3, 3/27.1.1, 3/29.1.2, 3/30.1.1, 3/31.1.1, 3/35.1.1, 3/37.1.1, 3/37.15.2, 3/37.17.2, 3/38.1.2, 3/40.1.3, 3/41.1.1, 3/42.1.3, 3/42.2.1, 3/55.1.2, 3/56.1.3, 3/62.1.3, 3/64.1.4, 3/64.2.2, 3/70.1.1, 3/75.1.3	24, 25, 26, 27, 36, 49, 55, 62, 64, 76, 81, 82, 83, 84 & 85
Harry Renfree	3/11.10.2	25
Barry Robertson	3/55.1.1	49
Cheryl Taylor	3/77.1.2	41
Transit New Zealand	3/9.1.1, 3/11.2.1 – 3/11.4.1, 3/11.8.1- 3/11.9.1, 3/11.18.1, 3/12.7.1, 3/18.7.1 – 3/18.8.1, 3/25.2.1, 3/37.2.1 – 3/37.4.1, 3/37.8.1 – 3/37.9.1, 3/37.11.2, 3/37.18.1, 3/54.1.1, 3/59.1.1, 3/64.1.5	25, 27, 72 & 82
Bryan Umbers	3/77.1.1	41
Wakatipu Environmental Society Inc	3/13.1.2, 3/68.1.1	73 & 90
Wensley Developments Ltd.	3/14.1.1	31

4.0 THE HEARING

The Hearing to consider submissions on Plan Change 3 – Heritage Part II, commenced at 9am on 4 September 2006 at the Council Chambers in Queenstown and ran until 6 September. The Hearings Panel consisted of commissioner Mr Neville Marquet (chairperson), Councilor Christine Kelly and Councilor John Wilson. In attendance at the hearing were Ms Natasha van Hoppe (Consultant Planner), Mr Scott Figenshow (Council Senior Policy Analysts) and Ms Cathy Walker (Secretary).

The Panel held a 'pre-hearing meeting' on the Monday morning to provide submitters who wished to be heard the opportunity to supply any written submissions and to identify how long they anticipated they would need for their oral submissions. A speaking order was then established and the hearing of submitters commenced. Additional submitters and further written evidence from submitters who could not attend the hearing were also received and/or heard throughout the proceedings of the hearing.

The following provides a summary of the verbal and written evidence presented to the Panel during the proceedings of the hearing:

4.1 Michael Lynch on behalf of the Heritage Variation Committee [3/53.1]

Michael Lynch presented verbal and written evidence in support of the Heritage Variation Committee/Working Party submission.

Mr Lynch stated that he broadly supports the conclusions reached in the Planners Report, however some categories of features differ from Rebecca Reid's work. Mr Lynch supports the proposed changes to the categories of some of the features as outlined in Ms Reid's work on the Heritage Inventory. These changes include the following:

Heritage Feature	QLDC Category	Rebecca Reid's Recommended Category
Kingston Wharf	3	1
Rock retaining wall, Kingston	3	1
Upper Shotover School	3	1
Ships Inn, Kingston	3	2
Rifle Butt, Queenstown	3	2
Paradise House	3	2
Paradise scheelite mine	3	2
Gibbston Hotel site	3	2
Resta Stone Stable	3	2
Ryecroft Cottage	3	2
Albert Town School	3	2
Luggate Bridge	3	2

Mr Lynch is in favour of a proposed precinct for Park and Brisbane Streets and does not agree with the Planners recommendation as set out in the Planners Report with respect to Jay Cassells submission on this matter. He believes this precinct is important and would like some element of protection for the area. Believes it is important due to the rarity of the buildings as residential buildings. Mr Lynch suggested that the proposed precinct could be extended from Brisbane Street out to Hobart Street, as that area is also relatively unchanged.

With respect to the submissions which are recommended to be rejected based on there not being enough information provided in such submissions, Mr Lynch believes that submitters were not given enough clarity or effective communication from the Council to provide sufficient submissions and believes these should be re-assessed.

4.2 Paul Wilson on behalf of Gordon Bailey [3/43.1 - 3/43.16], [3/44.1], [3/45.1 - 3/45.11], [3/46.1 - 3/46.57], [3/47.1 - 3/47.6], [3/48.1], [3/49.1] and [3/46.6.1]

Paul Wilson presented verbal evidence on behalf of Mr Bailey. In his evidence he stated that there is a need for clarification of trees in the District Plan. In addition, both the common name and botanical name should be listed in the District Plan for every protected tree.

He further commented that there are problems with the identification of protected trees. To overcome this physical identification is being considered by the Council, such as ground-mounted labels. An alternative method would be to compile a photo file as an appendix to the District Plan, listing each tree, its status and its position.

Mr Wilson requested that if there is a technical way in which existing trees in the District Plan can be updated to correct typos and include correct names etc, that this be undertaken.

Mr Wilson supports the Tree Pruning form that has been developed in association with this Plan Change.

4.3 John & Virginia Foster [3/23.1]

John Foster presented verbal evidence on his own behalf. Mr and Mrs Foster are the run-holders of Ben Lomond Station, which encompasses the areas identified in the Plan Change as the Moke Lake and Sefferstown heritage landscape areas.

Mr and Mrs Foster oppose the identification of these areas as heritage landscapes in the Plan Change. They believe the designation of heritage landscapes is too wide and that it could apply to any high country station. Mr Foster stated that there is no reason why the two areas have been pulled out from the rest of the property and that there is no reason why these two areas are any more important in a historical sense. Believes that they are not nationally or locally important areas and that there is enough protection for these areas in the District Plan without another layer.

Mr and Mrs Foster are also concerned about the motives behind DoC's further submission and feel they may apply greater weighting to these areas through the tenure review process if they are identified as heritage landscapes.

Mr Foster stated that they were never consulted regarding the Plan Change and were not notified.

4.4 Brian Bayley on behalf of the Queenstown and District Historical Society [3/4.1 – 3/4.4], [3/54.1 – 3/54.3], [3/80.1] and [3/8.1.1], [3/10.4.2], [3/10.5.2], [3/15.1.2], [3/17.1.3], [3/19.2.2 – 3/19.5.2], [3/23.1.3], [3/27.1.1], [3/29.1.2], [3/30.1.1], [3/31.1.1], [3/35.1.1], [3/37.1.1], [3/37.15.2], [3/37.17.2], [3/38.1.2], [3/40.1.3], [3/41.1.1], [3/42.1.3], [3/42.2.1], [3/55.1.2], [3/56.1.3], [3/62.1.3], [3/64.1.4], [3/64.2.2], [3/70.1.1], [3/75.1.3]

Brian Bayley presented verbal evidence on behalf of the Queenstown and District Historical Society.

Mr Bayley stated that the Society generally accepts and supports the Plan Change. He noted that there appears to be a number of features that were included in the Plan Change which have not been mentioned in the Planners Report. As a result the Society are of the view that a working group, with representatives from the Council and the Historical Society, should work through the report to correct names and identify subjects where needed before the Plan Change is made.

Mr Bayley recommended that the Hearings Panels adjourn to allow for a working party to go through some of the issues raised in submissions that have been considered outside the scope of the Plan Change.

Mr Bayley also presented an additional verbal and written submission on his own behalf with respect to Ref 209, being the Poplars on Speargrass Flat and Hunter Roads.

Mr Bayley believes that he is a landowner affected by the inclusion of Ref 209 however he has not been contacted previously about this inclusion and hence the reason for his late submission. The Lombardy Poplar trees on Hunter Road were recently inspected by the Councils Parks and Reserves Manager Gordon Bailey. This inspection showed that the trees are in a decayed and dangerous condition and should be removed.

Mr Bayley believes there is a risk associated with retaining the trees and would like to know who is responsible for this risk. He believes that as responsible landowners they have to remove these trees.

Mr Bayley seeks the removal of the 8 roadside Lombardy Poplars on the boundary of their property from the Plan Change and that with respect to this particular listing the word "Lombardy" be inserted immediately prior to the word "Poplars" in the Appendix 3, thereby avoiding the protection of all Poplars, such as the Tasman Poplars, from heritage protection.

4.5 Shirley Fergusson and David Finlin on behalf of Ken Gousmett [3/50.1]

Shirley Fergusson presented verbal and written planning evidence and David Finlin presented verbal and written arboricultural evidence on behalf of Ken Gousmett.

Ken Gousmett's submission relates to Inventory of Protected Features Ref 199, being the Weeping Elm tree on Ballarat Street in Queenstown. His submission seeks recognition in the Plan Change that transplanting the Weeping Elm tree would be a satisfactory alternative to retention in its existing location. The submission outlines that the retention of the tree in its current location is not compatible with the proposed Community Centre and Melbourne/Henry Street bypass.

In her evidence Mrs Fergusson described the tree, the site and the proposals relating to the site. She then detailed two potential sites for the transplanting of the tree, being within the Remarkables Centre site and the Queenstown Events Centre/Aquatic Centre site. Based on this, in her evidence Mrs Fergusson detailed what changes would be required to the Plan Change to accommodate such transplanting.

Mr Finlin in his evidence identified the suitability of the Weeping Elm to transplanting, the potential benefits of transplanting, the ground area necessary to accommodate the tree at maturity and the suitability of the proposed relocation sites. In summary, Mr Finlin concluded that the present tree location has a number of physical limitations that will effect the natural development of the tree to reach its full potential. Transplanting the tree to a better location is achievable and will provide for the long-term health of the tree.

4.6 Shirley Fergusson on behalf of Peninsula Road Ltd [3/57.1.1]

Shirley Fergusson presented verbal evidence on behalf of further submitter Peninsula Road Ltd and stated that Peninsula Road Ltd supports the recommendations on page 56 of the Planners Report.

4.7 Miss Ritchie on behalf of Paradise Rural Estates Ltd [3/42.1 – 3/42.3]

Miss Ritchie presented verbal and written evidence on behalf of Paradise Rural Estates Ltd.

The submission of Paradise Rural Estates addresses three matters being the proposed protection of the Poplars on Speargrass Flats Road (Ref 209), the proposed protection of the Hawthorn Hedge on Domain Road, Speargrass Flats Road and Lower Shotover Road (Ref 208) and the maintenance of the protected Hawthorn Hedge. Miss Ritchie's evidence addressed each of these matters individually.

With regards to the Poplar trees Miss Ritchie submitted that the trees are known to be inherently dangerous and are on the edge of a reasonably well traveled public road. The submitter believes that the Council has a responsibility to ensure that they are safe before protecting them. This has not been done. Further the trees are located on Council road reserve, accordingly there is no need for heritage protection under the District Plan, as the trees can be appropriately managed under the Council's tree policy. It was also noted that the vegetation along the eastern half of the relevant section of Speargrass Flats Road is not the scattered Poplar trees as on the southern side of the road.

With respect to the Hawthorn Hedge Miss Ritchie stated that the Plan Change fails to recognise that the existing Hawthorn Hedge consists of a mix of Hawthorn, Elderberry and other species and that the Planners Report makes no reference to the protection of these other species. It is submitted that the whole of the hedgerow needs protection not just the Hawthorn. It was further submitted that the Plan Change should also include the Hawthorn Hedgerow on that section of Lower Shotover Road between SH6A and Domain Road.

Finally, Miss Ritchie submitted that the Planners Report failed to address the issue that appropriate maintenance of the Hedgerow requires significant trimming to occur. Furthermore, it was submitted that there should be an exemption included in the Plan Change to allow for gateways to be installed for rural residential uses.

In summary, it was requested that the provisions protecting the Hawthorn/Elderberry Hedgerows be reworded to be fully effective and provide for proper maintenance and an exemption for vehicle access, and that the provisions protecting Poplar trees on Speargrass Flat Road be removed.

4.8 Barry Robertson [3/55.1 – 3/55.2]

Barry Robertson presented verbal and written evidence on his own behalf.

In his evidence Mr Robertson stated that his original submission was that the hedgerows on private land be excluded from the Plan Change. He is however willing to agree for the Hawthorn Hedgerow on their property (Ref 208) to be included if there is no outside controls over the trimming and pruning and that this can be done without incurring any Local Authority or Resource Consent costs.

Further to questioning by the Hearings Panel Mr Robertson stated that they prune the hedgerow about every 10 years and that the Elderberry within the hedge is a weed that gets sprayed out.

In summary, Mr Robertson seeks to retain the inclusion of the Hawthorn Hedge (ref 208) in the Plan Change, however seeks clarification regarding the trimming and maintenance of the hedge. He also seeks the addition of the Poplars on Domain Road in the Plan Change.

4.9 Simon Stammers-Smith on behalf of David & Olivia Page [3/65.1.1]

Simon Stammers-Smith presented verbal and written evidence on behalf of further submitters David and Olivia Page.

In his evidence Mr Stammers-Smith stated that the submitters do not agree with the original submission of Tim Thompson, as they believe that the cottage is now so altered and contains so little of its original materials that despite its appearance the cottage is dilapidated and there is little of the historical structure that warrants a category 3 status.

The submitters accept that their submission probably does not comply with the rules, however they request that in reaching a decision on whether the cottage should be protected or not that a number of matters be considered, being:

- The appearance of the cottage has changed radically since it was built, resulting in the loss of the symmetry of the cottage when viewed from Park Street. There is little of the original structure left;
- The cottage is not in good condition and is in fact in poor condition. The cost of restoration of the cottage to its original condition would be significant. Even maintaining the cottage in its present run-down state will involve significant sums.

Mr Stammers-Smith evidence provided detail on the condition of the cottage and identified what additions had been made since it was originally built in the 1880's. As a result the submitter disagrees with the Heritage assessment which states "the cottage is still in good condition and is still intact".

It was further stated that the family accepts its responsibility to maintain, as best it can, a rather dilapidated cottage and it will carry out that responsibility so long as possible.

Finally, the submitters feel that the cottage has little significance in terms of design, incorporating a mish mash of 1880's, 1960's, and 2004 design. It has no particular style and has none of the significance as set out in the Plan Change.

In conclusion, based on this the submitters suggest that it may be agreed that a category 3 status is not warranted.

4.10 Jay Cassells and Pam Maclean [3/10.1 – 3/10.6], [3/11.1 – 3/11.18] and [3/37.1 – 3/37.18]

Jay Cassells presented verbal and written evidence on his own behalf and on behalf of Pam Maclean.

Mr Cassells is concerned that the scope of the Plan Change may be too narrow. He agrees with the concerns of Mr Lynch and other submitters that many submitters are not conversant with the process, that inadequate consultation may have been undertaken, that there has been inadequate identification of issues and that as a result all the issues are not ready for a final hearing, and that there is no provision for continued assessment and inclusion of items for protection. Therefore he believes that the Plan Change process needs some form of adjournment or extension to allow for matters raised in the Planners Report which require more time i.e. heritage landscapes and general tree protection, to be properly considered and addressed. He further submits that the Plan Change establish a regime for a rolling assessment and where appropriate inclusion of items in the relevant schedule.

With respect to his submission regarding establishing a precinct bordered by Brisbane and Park Streets, Mr Cassells supports the evidence presented by Mr Stammers-Smith. Whilst he does not agree that alterations to a building deprives it of heritage or cultural significance, any system to protect the precinct area must be robust and realistic. It must allow for people to move buildings around on their land. This would allow heritage character to be protected and landowners to release the value of their land.

The Brisbane Street and Park Street area needs to be given some level of protection so that its rare value as a residential area in Queenstown can be protected. There is very little of this left in Queenstown.

Mr Cassells does not believe that the inclusion of such a precinct is outside the scope of the Plan Change. The Plan Change is or was concerned with the identification and preservation of heritage and other items and assets for the benefit of the community. Mr Cassells further disputes that a precinct in this area is not justified; it contains 4-5 heritage buildings and has a character or spirit that is not present in the same way anywhere else in Queenstown. This character is comprised of streetscape (including the street width), bird activity, tree planting, proximity to the lake and gardens, occupation by residents, proximity to the town, a mix of NZ house styles from various eras and a connection with the history of the CBD. It has also not been fully explored nor explained. This area is important for tourists to see and would be similar in net effect to Arrowtown.

With respect to heritage landscapes, Mr Cassells defined these areas as having natural and cultural features and which approach spiritual and inform our lives, for example the Remarkables. He is concerned that the Planners Report recommends that this issue be dropped and if so a major opportunity will have been lost.

All submissions that relate to the protection of trees which in the Planners Report are recommended to be supported are supported by Mr Cassells. However, he is concerned about the application of the STEM analysis and is concerned that there is no protection of trees other than those individually assessed under this method. The community has spoken for the need of a default position where trees of a certain identifiable class not be chopped down. He therefore submits that the Plan Change establish an ongoing mechanism for the protection of trees of cultural or heritage significance and that sufficient further time is allowed for the identification and assessment of trees that are presently recommended to be excluded due to want of identification.

Mr Cassells supports the submissions 3/3.1, 3/8.2, 3/8.1.1 and 3/13.1, supports the submissions discussed under Parts 4.1.16, 4.1.23, 4.1.28, 4.2.2, 4.2.3, 4.2.5, 4.2.6, 4.2.10, 4.2.16, 4.2.17, 4.2.20, 4.2.24, 4.2.25, 4.2.26, 4.2.32, 4.2.33, 4.2.34, 4.2.35, 4.3.2, 4.6.1, 4.9.1, 4.13.1 and 4.13.9 of the Planners Report and opposes the submissions discussed under Parts 4.4.3 and 4.4.4.

Mr Cassells noted that his submissions were lodged as a means of triggering the issues as opposed to solving them all.

4.11 John Stevenson on behalf of the Walnut Cottage Trust [3/70.1 – 3/70.2]

John Stevenson presented verbal and written evidence on behalf of the Walnut Cottage Trust.

Mr Stevenson stated that the Trust seeks amendment to the Plan Change to allow for only the front rooms of the Walnut Cottage to be subject to a Category 3 status.

The reasons for this include:

- Only the front two rooms of the cottage are from the Wakatipu Flour Mill;
- The cottage is in the Walnut Cottage Trust with a codicil of wishes referencing its use and retention in the Stevenson family who have looked after it for the last 58 years;
- A category 2 status is too onerous and will inhibit the ability to maintain the cottage; and
- It is critical that the Trust is able to adapt the cottage for viable uses as this produces the funds to do the maintenance and general up keep.

4.12 Karen Swain on behalf of the Wakatipu Environmental Society [3/68.1 – 3/68.3], [3/69.1], [3/13.1.2] and [3/68.1.1]

Karen Swain presented verbal evidence on behalf of the Wakatipu Environmental Society.

Ms Swain stated that the Society supports the submission of Neil Clayton and opposes the Planners recommendations with respect to their submissions [3/68.1], [3/68.2] and [3/68.3]. She further stated that Part 13 of the District Plan is much more important than Appendix 3 and that Appendix 3 should be an evolving document with a mechanism that allows for additional features to be added. It needs to be open-ended and be reviewed within reasonable periods (i.e. every 2-3 years).

4.13 Ben Wilson on behalf of Neil Farrin [3/21.1]

Ben Wilson presented verbal evidence on behalf of Neil Farrin.

Neil Farrin's submission seeks protection of trees contained within the reserve at Dublin Bay. Ben Wilson's grandfather, Earldon Wilson, planted these trees in the 1950's. Mr Farrin currently owns land within the vicinity of the trees.

Mr Wilson provided electronic images of the trees which showed that there are 100's of trees contained within the reserve.

It was noted that in the original assessment of the trees the arborist assessed the incorrect trees. This matter has now been rectified and an additional assessment has been carried out.

Mr Wilson noted that there is a difficulty associated with growing these trees due to the weather conditions and soil type. As a result the size of the trees do not reflect their age, which is estimated to be around 50 years. This in turn may have some impact on the outcome of a STEM analysis. Mr Wilson agrees that the STEM assessment may not be appropriate for cluster of trees and also trees that have undergone harsh conditions.

Ideally it would be good to identify each tree individually however it is understood that this may not be practical.

The submitter would like it recognised that the trees are within a reserve and therefore warrant such associated protection. The trees however do warrant further protection. It is believed that a number of the trees are important due to their rarity.

It is therefore sought that a broader level of protection be provided in this area due to the difficulty of assessing each individual tree.

Wilding pines are an issue within the reserve and without protection the clearing of these pines could result in an adverse effect on the other trees within the reserve.

- 4.14 Mary Wallace on behalf of the NZ Historic Places Trust [3/41.1 – 3/41.2], [3/15.1.1], [3/19.1.1 -3/19.5.1], [3/29.1.1], [3/54.2.1 – 3/54.3.1] and [3/64.1.1 – 3/64.3.1]

Mary Wallace presented verbal and written evidence on behalf of the NZ Historic Places Trust.

In relation to the Plan Change the Trust makes the following comments:

- The Trust supports all of the proposed additions to the Inventory of Protected Features as proposed in the Plan Change.
- In relation to the Trusts submissions it accepts the recommendations made in the Planners Report with respect to the addition of the Arranmore Farm buildings as category 2, the Grandstand on the old Queenstown Race Course site, and with respect to retaining Skippers Road as category 2.
- The Trust does not support the recommendations made in the Planners Report with respect to their submission regarding Paradise House. The Trust continues to seek category 1 for this building on the basis of it having very high heritage values.

With respect to heritage landscapes the Trust supports the addition of heritage landscape provisions in the District Plan. The District Plan currently provides no acknowledgement or recognition of heritage landscapes. The proposed provisions for heritage landscapes in the Plan Change would better acknowledge, recognise and start the protection process of heritage landscapes. The Trust considers that the heritage landscape provisions provide a good foundation and that there is opportunity to make some amendment to satisfy the concerns of the Trust and other submitters.

Ms Wallace stated that she considers cultural landscape to have different values than a heritage landscape, as they include areas of human activity and a cultural/spiritual relationship. She would prefer a heritage landscape to be called a cultural landscape within the District Plan as it is more tangible. She believes that cultural heritage sites are being slowly destroyed and are becoming an endangered resource, with many already being lost.

The Trust opposes the recommended rejection of the proposed Heritage Landscape provisions in their entirety in the Planners Report. Reasons detailed in Ms Wallace's evidence includes:

- It is of utmost importance to increase the awareness of heritage landscapes. The best way to do this is to acknowledge and recognise them in the District Plan.
- The Objective and Policies can be improved through wording to provide clarity and the Implementation Methods can be refined so that they can be appropriate, effective and satisfy some of the concerns in opposing submissions.
- It may be difficult, if not impossible, to fully satisfy all submitters concerns, in particular landowners/occupiers of identified/potential heritage landscapes.
- Owners/lessees of land with heritage landscapes require consideration, however heritage values are by nature not limited to particular owners or occupiers but are instead valued by the public for a range of reasons.
- Submitters have the right to appeal to the Environment Court any decision resulting from the hearing.
- The RMA does not specially state that a District Plan must provide implementation of its objectives and policies and does not require that there be rules and assessment matters in the District Plan.
- The inclusion of objectives and policies alone would enable recognition of heritage landscapes and enable significant heritage landscapes to be given some consideration case by case during resource consent process, irrespective of the absence of rules/assessment criteria.

In her evidence Ms Wallace stated that she believes that some of the concerns raised by submitters can be addressed by more explicit wording, providing clarity and meaning to the understanding of heritage landscapes. To this end she has suggested wording to improve the meaning of a number of these provisions. Recommended amendments to the Plan Change include amending: the wording of proposed Objective 3 of Rule 13.1.3, associated Policies 3.2, 3.3 and 3.4, associated Implementation Methods, Explanation and Principal Reasons for Adoption, and Environmental Results Anticipated; amending the definition for heritage landscapes; and amending the area of the Macetown and Skippers Heritage Landscapes as shown on the maps contained in Appendix 10 – Indicative Lines of Heritage Landscapes.

In conclusion the Trust seeks the following decisions:

1. All of the additional features to the Inventory of Protected Features proposed in the Plan Change be included in the District Plan;
2. Paradise House be upgraded to Category 1; and
3. Retention in the Plan Change of the Heritage Landscape provisions.

4.15 Jim & Jenny Syme [3/62.1]

Jim and Jenny Syme presented verbal and written evidence on their own behalf. Their submission related to the proposed protection of the Thompson House at 66 Hallenstein Street (Ref 73).

In their evidence Mr and Mrs Syme detail the reasons why they purchased the house, the renovations and improvements they have made since owning it and their proposed future intentions for the house.

Mr and Mrs Syme agree with the Councils objective of preserving the original parts of the house, which they stated are the stone walls (north and east walls) and the chimneys incorporated in those walls, and are pleased to see the Planners recommendation is for the restriction of the protection to only apply to the original parts of the house and not to any alterations that are post 1900.

However, the Syme's have two issues with the proposal outlined in the Planners recommendation. Firstly, they do not agree that the property should be scheduled as a category 2 item as this seems unduly restrictive. They do not consider that the Council has provided adequate justification for including the property in this category and do not understand why it is so significant to the District. A category 2 item is a very significant restriction on property rights and the ability to alter the house. Category 3 is more appropriate in the current circumstances and will give themselves and the Council more flexibility in relation to the types of alterations that can occur while still protecting the stone walls from demolition.

Secondly, they are concerned with the proposed wording set out in the Planners Report because it creates significant uncertainty as to what would and would not be subject to the restrictions and accordingly what alterations may or may not be permitted. In order to avoid interpretation issues they consider that the Council should specially state those original parts of the house that would be subject to any protection given.

4.16 John Glover [3/27.1] and [3/28.1]

John Glover presented verbal and written evidence on his own behalf. Mr Glover's submissions relate to the proposed protection of the Kinloch Lodge (Ref 97).

Mr Glover opposes the recommendations in the Planners Report with regards to his submissions. He believes that if these are adopted the desired aims of the District Plan will not be achieved. Further, that the future viability of his business and the protection of the lodge will be at risk due to uncertainty of the category 2 protection. The business has to be viable to protect the building/lodge.

Mr Glover stated that the issues highlighted in his submissions have not been resolved and that the summary of his submissions is inadequate, which has lead to inadequate discussions. He also noted that there has been no consultation during the process.

With respect to the further submission lodged by the Director of General of Conservation, Mr Glover cannot see how this further submission relates to his original submissions.

With regards to financial assistance Mr Glover notes that this is discretionary and does not deal with land value decreasing. Loss of the use of land and buildings through the Plan Change is not addressed and will not be covered by funding.

In summary, Mr Glover requests that the feature be included in the Attachment 4 of the Planners Report to allow time to sort out the outstanding issues (i.e. such as the purchase of the adjoining road reserve). If it is worthy of category 2 then it should be protected as such, however with time for the correct processes to take place. An alternative would be to list Kinloch as a precinct as this would protect the contextual setting.

- 4.17 Ray Clarkson on behalf of the Queenstown and District Historical Society [3/4.1 – 3/4.4], [3/54.1 – 3/54.3], [3/80.1], [3/8.1.1], [3/10.4.2], [3/10.5.2], [3/15.1.2], [3/17.1.3], [3/19.2.2 – 3/19.5.2], [3/23.1.3], [3/27.1.1], [3/29.1.2], [3/30.1.1], [3/31.1.1], [3/35.1.1], [3/37.1.1], [3/37.15.2], [3/37.17.2], [3/38.1.2], [3/40.1.3], [3/41.1.1], [3/42.1.3], [3/42.2.1], [3/55.1.2], [3/56.1.3], [3/62.1.3], [3/64.1.4], [3/64.2.2], [3/70.1.1] and [3/75.1.3]

Ray Clarkson presented verbal evidence on behalf of the Queenstown and District Historical Society.

In his evidence Mr Clarkson stated that the Society is in favor of supporting the Plan Change however they are concerned by the comment “outside the scope of the Plan Change” and would of thought that the scope/purpose of the Plan Change would be wider. Considers this to be a narrow interpretation of the brief for the Plan Change.

With regards to their submissions and the associated recommendations made in the Planners Report, the Society made the following comments:

- Skippers Road – considers it a strange recommendation that it is not appropriate for the road to be a category 1. It has been identified widely as a very important historical road.
- Paragraph 4.13.1 of the Planners Report – do not consider it to be outside the scope of the Plan Change and requires a policy with it.
- Arranmore Farm buildings – happy that they are recommended for inclusion.
- Grandstand at the old Queenstown racecourse site – consider it would be better as a category 2.
- Commemorative trees should be protected from the date of planting.
- Boatshed, Frankton – pleased that something has been done.
- Queenstown Bowling Club – this has great recreational value.
- Arrow River Chinese Relics – the Society is prepared to do some research on this as it is very important. Many of the sites have already been recorded by the Society.
- Kinloch Lodge – would like to see it listed as a category 1. Valued because of its age, use (which is still a hotel), its unique style and it's setting with the space around it, the wharf and the Bryant Hotel. The building is in good condition and is well maintained and should be a category 1. The Kinloch wharf would also be liable to be a category 1.
- Thompson House, Hallenstein Road – was a great surprise that the landowner wishes to remove it from the list/Plan Change. The Society supports that it remain in the Plan Change.
- Hawthorn Hedge, Speargrass Flats Road etc – welcomes the recommendation that these be preserved.

Mr Clarkson also stated that the Society is happy to assist the Council in researching items that are to be reviewed at a later date (Attachment 4 of the Planners Report).

4.18 Donald McLeay [3/11.10.1]

Donald McLeay provided written evidence which was received on 23 August and was presented to the Hearings Panel on Thursdays 7 September.

In his evidence Mr McLeay seeks answers to questions regarding the likely action from here. This included that if the recommendation of the Planners Report is accepted and the buildings on the Mathias property are accepted as category 2 what then takes place? It is envisaged that the buildings will be "fenced off" in some way and the remaining land area would then be subdivided into residential sections.

Mr McLeay further states that now seems the right time to provide for any change that might be considered when the time is appropriate, that is when there is no longer a resident living on the property who is dependant on the property for his shelter and survival. When this situation does come about the property should not simply be allowed to disappear into an enlarging subdivision of other residential properties.

It was further asked if any thought had been given to providing for the Mathias property to be the basis for a 4-acre community reserve as a reminder of the foresight and energy of development which the early settlers have given for later generations.

4.19 Keith & Brenda Taylor [3/63.]

Keith and Brenda Taylor provided written evidence, which was received on the 24 August and was presented to the Hearings Panel on Monday 4 September.

Their evidence states that they are disappointed with the Planners Report and arborists STEM assessment for the following reasons:

1. The variegated liriiodendron was obviously assessed against the stature of the ordinary green variety which reaches a greater height and configuration;
2. The variegated form of this age is extremely rare in this District;
3. It seems shortsighted not to protect a tree of this maturity;
4. It is giving shelter to rhododendrons assessed by the Puketi Trust as an important collection.

4.20 Upper Clutha Presbyterian Church Board of Managers and Cheryl Taylor [3/77.1] and [3/77.1.2]

Cheryl Taylor provided written evidence on behalf of the Upper Clutha Presbyterian Church Board of Managers and herself. This evidence was received on 31 August and was presented to the Hearings Panel on Monday 4 September.

The Upper Clutha Board of Mangers object to the proposed protection of the St Ninian's Presbyterian Church.

Their evidence provides a list of questions to the Council including: why is there any need to place a category 2 designation on the building? Obviously you are trying to create a collection of identifiable special features in the area – for who? What changes is the heritage order going to make? What are the implications for custodians of the church now and in the future?

The evidence further states that over the past seventy years the building has been cared for, tended, maintained, loved and admired by so many. The parishioners are proud of their place. Anyone who wishes may visit, reflect, sing, praise, photograph. Without discussion or permission we are to accept the proposal to place this building in category 2 of the heritage register of the Council.

The Board states that as custodians of the place they are responsible for, are the worshippers in and pay the costs of this place. Please respect our position.

4.21 Arrowtown Village Association [3/2.1 – 3/2.2]

The Arrowtown Village Association provided written evidence, which was received on Wednesday 6 September and was presented to the Hearings Panel on Thursday 7 September.

In their evidence the Association states that further to their submission they wish to seek protection for the following trees on the old Manse:

- (i) Second Greek Fir;
- (ii) Wellingtonia

These trees are of significance to Arrowtown and are in a residential zone. To protect them against removal in future years it is important that they have protected status. The land they are on could, in years to come, be further subdivided and the removal of these trees would be a significant loss to Arrowtown.

4.22 Carey Vivian on behalf of Closeburn Station Management Ltd, J F Investments Ltd and Mt Field Ltd [3/15.1], [3/35.1] and [3/40.1]

Carey Vivian provided written evidence on behalf of Closeburn Station Management Ltd, J F Investments Ltd and Mt Field Ltd. This evidence was received on Tuesday 5 September and was presented to the Hearings Panel on Wednesday 6 September.

In his written evidence Mr Vivian states that the submitters agree with the recommendations on Page 101 of the Planners Report, that is to remove all reference to heritage landscapes from the District Plan. Additionally the submitters add that the protection of heritage values, including landscapes, is already provided for in the District Plan through implementation of the District-Wide Landscape Assessment Criteria.

4.23 P A & W A Cody Family Trust [3/14.1]

Mr P A Cody provided written evidence on behalf of the P A & W A Cody Family Trust. This evidence was received and presented to the Hearings Panel on Wednesday 6 September.

In their written evidence the Trust state that they oppose the further submission of Wensley Developments Ltd, in particular that there is no justification for the protection of the group of trees identified in the Trusts original submission.

The reason for their opposition includes:

- The trees offer shelter for Council reserve land, essential Council critical infrastructure and private property protection and beauty, and have been so over 40 years;
- The trees create a natural barrier from prevailing wind and wave action, which is responsible for the degradation of lakeside beaches;
- Beachfront degradation is a major cost to the Council. An unprecedented increase in the rate of degradation of beach, council reserve, increased level of risk to Council main trunk sewer and ultimately private land would occur if these trees were removed;
- The protection of these trees would see an affordable natural level of service maintained.

The Trust believes that the above effects to be adverse and request protection to be granted for this stand of trees. Consequently the Trust seeks that item (3) of the Wensley Development Ltd further submission be rejected

5.0 DECISIONS

5.1 ADDITIONS – FEATURES

- 5.1.1 Brisbane and Park Streets Precinct
Boatshed, Slipway and Old Ticket Office, Frankton Marina
Paddy Mathias Place
Frankton Track
Queenstown Bowling Club
Chinese Settlement Relics/Sites, Arrow River
Rail between Kingston and Fairlight
Telephone Wire, Kingston to Halfway Bay
Engines, Carriages and Wagons at Kingston
Weir and Piping for Rail Water Tank, Kingston
Kinloch Lodge Precinct
Bridge Abutments, McChesney Creek, Arthurs Point
Stone Stable, Lot 9 DP 301885, Littles Road
Features on Arranmore Farm, Grants Road
Pig and Whistle Building

Submissions

Jay Cassells [3/10.3] submits that the area enclosed by Brisbane and Park Streets should be a precinct and that the District Plan be amended accordingly.

Jay Cassells [3/10.4] and [3/10.5] submits that the Inventory of Protected Features should be expanded to include the boatshed, slipway and old ticket office at Frankton Marina.

Queenstown and District Historical Society [3/10.4.2] and [3/10.5.2] supports the submission of Jay Cassells.

Ken Gousmett [3/10.4.1] and [3/10.5.1] submits additional information with respect to the submission of Jay Cassells. In particular, the report prepared by Neil Clayton (titled 'Historicity of a Boatshed and Cottage at Frankton') and the report prepared by Tim Bradford (titled Structural Review of the Frankton Marina Slipway Building) are relevant, together with the Frankton Marina Recreation Reserve Management Plan.

Jay Cassells [3/11.10] and Pam Maclean [3/37.10] submit that the structures and grounds known as Paddy Mathias Place at Arthur's Point be added to the District Plan.

Donald McLeay [3/11.10.1] and Harry Renfree [3/11.10.2] support the submission of Jay Cassells..

Jay Cassells [3/11.11] and Pam Maclean [3/37.11] submit that the path known as the Frankton Track be added to the District Plan.

Pam Maclean [3/37.11.1] supports her original submission.

Transit NZ [3/37.11.2] opposes in part the submission of Pam Maclean.

Jay Cassells [3/11.15] and Pam Maclean [3/37.15] submit that the Bowling Club buildings and grounds be added to the District Plan.

Historic Places Trust Queenstown Lakes Branch [3/37.15.1] and Queenstown and District Historical Society [3/37.15.2] support the submission of Pam Maclean.

Jay Cassells [3/11.17] and Pam Maclean [3/37.17] submit that any relics or sites of Chinese settlement on the Arrow River be added to the District Plan.

Historic Places Trust Queenstown Lakes Branch [3/37.17.1] and Queenstown and District Historical Society [3/37.17.2] supports the submission of Pam Maclean.

Carolyn Gee [3/25.1] seeks that the rail between Kingston and Fairlight be registered and protected as a heritage item.

Carolyn Gee [3/25.2] seeks that the telephone wire running from Kingston to Half Way Bay be registered and protected as heritage items.

Transit NZ [3/25.2.1] opposes in part the submission of Carolyn Gee.

Carolyn Gee [3/25.5] seeks that the 2 engines, 4 carriages and numerous wagons at Kingston be registered and protected as heritage items.

Carolyn Gee [3/25.8] seeks that the weir and piping supplying water from the hill to the rail water tank be registered and protected as a heritage item.

John Glover [3/27.1] seeks amendment to the Plan Change to include a heritage precinct affecting the land occupied and immediately adjoining the former Glacier Hotel (Kinloch Lodge).

Queenstown and District Historical Society [3/27.1.1] supports the submission of John Glover.

Jill Hamel [3/29.1] submits that the abutments of the 1875 bridge over McChesney Creek, Arthur's Point be included in the Inventory of Protected Features.

Bruce Albiston of the NZ Historic Places Trust [3/29.1.1] and Queenstown and District Historical Society [3/29.1.2] support the submission of Jill Hamel.

Anne Maguire [3/38.1] submits that the stone stable located at Lot 9 DP 301885 on Littles Road be a protected feature.

Historic Places Trust Queenstown Lakes Branch [3/38.1.1] and Queenstown and District Historical Society [3/38.1.2] supports the submission of Ann Maguire.

Queenstown and District Historical Society [3/54.2] seeks protection of the heritage features on the historic Arranmore farm on Grant Road.

Bruce Albiston of the NZ Historic Places Trust [3/54.2.1] supports the submission of the Queenstown and District Historical Society.

Barbara Syme [3/61.1] submits that the Pig & Whistle building in Queenstown be protected.

Jay Cassells [3/10.6] submits that Inventory of Protected Features should be expanded to include other features and trees to be advised.

Consideration

These submissions seek that additional heritage items be included in the Plan Change. The submissions could be interpreted to be consistent with the purpose of the Plan Change and could therefore be deemed to be on or within the scope of the Plan Change. However, in considering whether the submissions are within the scope of the Plan Change or not, the Council also needs to consider whether making a decision to accept the submissions would be fair and reasonable.

Landowners of items contained in these submissions were not originally sent a copy of the public notice, as at that point such landowners were not deemed to be affected by the Plan Change. In addition, at the time of the notification of the summary of submissions, other than the public notification (by way of newspaper advertisement and press releases), the affected landowners were not contacted to ensure they were aware of the submissions to include in the Plan Change heritage items contained on their land. Hence, to date potentially affected landowners have not been made aware of the Plan Change process or been given a fair opportunity to participate in it.

As a matter of fairness it has therefore been decided that these submissions are not on the Plan Change. It is considered that the additional items sought in these submissions should therefore be assessed and decided upon through a separate follow-on Plan Change process (refer to Attachment 4). This will allow the affected landowners of the additional items the opportunity to participate in the process.

Decision

That the submissions of Jay Cassells [3/10.3], [3/10.4], [3/10.5], [3/10.6], [3/11.10], [3/11.11], [3/11.15] and [3/11.17], Pam Maclean [3/37.10], [3/37.11],

[3/37.15] and [3/37.17], Carolyn Gee [3/25.1], [3/25.2], [3/25.5] and [3/25.8], John Glover [3/27.1], Jill Hamel [3/29.1], Anne Maguire [3/38.1], Queenstown and District Historical Society [3/54.2] and Barbara Syme [3/61.1] and further submissions of Queenstown and District Historical Society [3/10.4.2], [3/10.5.2], [3/37.15.2], [3/37.17.2], [3/27.1.1], [3/29.1.2] and [3/38.1.2], Ken Gousmett [3/10.4.1] and [3/10.5.1], Donald McLeay [3/11.10.1], Harry Renfree [3/11.10.2], Pam Maclean [3/37.11.1], Historic Places Trust Queenstown Lakes Branch [3/37.15.1], [3/37.17.1] and [3/38.1.1], Bruce Albiston of the NZ Historic Places Trust [3/29.1.1] and [3/54.2.1] and Transit NZ [3/37.11.2] and [25.2.1] are rejected.

Reason

It has been determined that the submissions are outside the scope of the Plan Change.

- 5.1.2 Horne Creek
Edith Cavell Bridge
Kawarau Falls Bridge
Earnslaw Slipway and Winch, Kelvin Heights
Williams Cottage
The Bath House
Queenstown Gardens
Old Farm Building above Stoney Creek Subdivision
Grandstand, Old Race Course, Queenstown Airport

Submissions

Jay Cassells [3/11.1] and Pam Maclean [3/37.1] submit that the whole of Horne Creek from its source to its confluence with Lake Wakatipu be added to the District Plan so as to obtain the highest level of protection.

Queenstown and District Historical Society [3/37.1.1] supports the submission of Pam Maclean.

Jay Cassells [3/11.7] and Pam Maclean [3/37.7] submit that the Edith Cavell Bridge be added to the District Plan so as to obtain the highest level of protection.

Jay Cassells [3/11.8] and Pam Maclean [3/37.8] submit that the Kawarau Falls Bridge be added to the District Plan so as to obtain the highest level of protection.

Transit NZ [3/11.8.1] and [3/37.8.1] opposes in part the submission of Jay Cassells.

Jay Cassells [3/11.12] and Pam Maclean [3/37.12] submit that the Earnslaw slipway and winch shed at Kelvin Heights be added to the District Plan so as to obtain the highest level of protection.

Jay Cassells [3/11.13] and Pam Maclean [3/37.13] submit that the Williams Cottage be added to the District Plan so as to obtain the highest level of protection.

Jay Cassells [3/11.14] and Pam Maclean [3/37.14] submit that the Bath House be added to the District Plan so as to obtain the highest level of protection.

Jay Cassells [3/11.16] and Pam Maclean [3/37.16] submit that the [Queenstown] gardens and buildings be added to the District Plan so as to obtain the highest level of protection.

Gordon Christie [3/12.8] submits that the old farm buildings on land above the Stoney Creek subdivision be considered in this review.

Queenstown and District Historical Society [3/54.3] seeks protection of the old racecourse grandstand on the Queenstown airport land.

Bruce Albiston of the NZ Historic Places Trust [3/54.3.1] supports the submission of the Queenstown and District Historical Society.

Consideration

The above items are currently protected under the District Plan. Consequently, the submissions are considered redundant as the relief sought is already provided for under the District Plan.

Some of the submissions however seek that the existing listing be protected at a higher category. It is considered that the current listings sufficiently protect the heritage values associated with the features. Further, re-assessing existing features listed within the Inventory of Protected Features does not form part of the purpose of the Plan Change.

Decision

That the submissions of Jay Cassells [3/11.1], [3/11.7], [3/11.8], [3/11.12], [3/11.13], [3/11.14] and [3/11.16], Pam Maclean [3/37.1], [3/37.7], [3/37.8], [3/37.12], [3/37.13], [3/37.14] and [3/37.16], Gordon Christie [3/12.8] and Queenstown and District Historical Society [3/54.3] and further submissions of *Queenstown and District Historical Society [3/37.1.1]*, *Transit NZ [3/11.8.1]* and *[3/37.8.1]* and *Bruce Albiston of the NZ Historic Places Trust [3/54.3.1]* are rejected.

Reason

The features are currently listed in the Inventory of Protected Features. Further, re-assessing existing features listed within the Inventory of Protected Features does not form part of the purpose of the Plan Change.

- 5.1.3 Turntable and Water Tower, Rail Yard, Kingston Wharf, Kingston Stone Wall, Kingston Wharf
Stone Huts and Building Remnants on Marcus Taylor's Property

Submissions

Carolyn Gee [3/25.3] and [3/25.4] seeks that the turntable and water tower in the Kingston rail yard be protected as a heritage item.

Carolyn Gee [3/25.6] seeks that the wharf at Kingston be protected as a heritage item.

Carolyn Gee [3/25.7] seeks that the old stonewall running towards the Kingston wharf be protected as a heritage item.

Andrew Dalziel [3/78.1] and [3/78.2] requests that the two stone huts and the remnants of a stone building on the Marcus Taylor's property (being Lot 2 DP 11834) be included with category 1 protection.

Consideration

The Kingston Railway turntable and water tower, Kingston wharf and stonewall approach and Gibbston Hotel (building remnants on Marcus Taylors property) were included in the notified Plan Change. These submissions are therefore considered to further reinforce the inclusion of these features in the Plan Change.

The submissions of Andrew Dalziel however seek that the Gibbston Hotel building remnants be protected as category 1. It is considered that the current listing of the Gibbston hotel remnants sufficiently protects the heritage values associated with these features.

Decision

That the submissions of Carolyn Gee [3/25.3], [3/25.4], [3/25.6] and [3/25.7] are accepted.

That the submissions of Andrew Dalziel [3/78.1] and [3/78.2] are accepted in part. Those parts of the submissions which are accepted relate to the inclusion of the buildings in the Plan Change. Those parts of the submissions which are rejected relate to the request for protection as a category 1 item.

Reason

The submissions reinforce the inclusion of the features in the Plan Change.

5.1.4 Old Stone House, Allen Stream, Kingston

Submission

Carolyn Gee [3/25.9] seeks that the old stone house remains at Allen Stream just south of Kingston on the western side of the valley be protected as a heritage item.

Consideration

The submission by Carolyn Gee seeks protection under the Queenstown Lakes District Plan of features which are located outside the Queenstown Lakes District boundary. As a result the submission falls outside the jurisdiction of the Queenstown Lakes District Council and therefore cannot be considered by the Council.

The Panel however recommend that the Council forward the submission of Carolyn Gee onto the appropriate District Council, being the Southland District Council, for their reference.

Decision

That the submission of Carolyn Gee [3/25.9] is rejected.

Reason

The submission falls outside the jurisdiction of the Queenstown Lakes District Council.

5.2 ADDITIONS – TREES

- 5.2.1 Wellingtonia's, Arrowtown Camp Ground
Mature Trees next to Greek Fir Ref 269, Old Manse Grounds
Trees, 5 Huff Street
Wellingtonia's, Boyd Road
Major Trees around Wanaka Lake Edge and in Eely Point Area
Poplars opposite Wanaka Showgrounds around to Edgewater
Poplars and Blue Gums above Stoney Creek Subdivision
Trees on Lake Front near 885 Frankton Road
Smoke Trees along Frankton Road
Chestnut Tree, 93 Thompson Street
Trees on QLDC Reserve next to 297 Dublin Bay Road
Gum Trees, adjacent to Sherwood Manor Hotel, Frankton Road
Snow Gum, Glenorchy Road, Bobs Cove
Horse Chestnut, Driveway to Sutherland Farm, Gorge Road
Oak Trees, 148 Kingston Road
Eucalypt Tree, Council Reserve, Panorama Terrace
Oak Trees, Mrs Lynley Hansen Property, Frankton
Eucalyptus Tree, Lake Hawea Foreshore
Taxus Baccata 'Fastigiata', Old Queenstown Primary School
Sequoiadendrum giganteum, Old Bottle House Site
Tilia x europea, Earnslaw Park
Juglans regia, Walnut, St Peters Anglican Church
Ulmus glabra 'Horizontalis' and Aesculus hippocastanum (Horse Chestnut) St Peters Anglican Church
Pyrus Communis, Common Pear, Wanaka Station Park
Pyrus Communis (Pear), Pyrus Sp. (Eating Plum), Ficus Sp. (Fig) and Aesculus hippocastanum, Reserve Gorge Road/Stanley Street
Larix decidua (European larch), Wanaka Station Homestead
Larix kaemferi (Japanese larch), Wanaka Station Homestead
Cedrus atlantica glauca (Atlantic cedar blue), Wanaka Station Homestead
Gum Tree, Wanaka cemetery
Liriodendron, Capell Ave/Skinner Cres, Lake Hawea
Tall Red Oak next to Buckingham Green, Arrowtown
Norway Spruce, Courthouse, Queenstown
Poplars, Domain Road
Significant Trees around Lake Edge, Kawarau Falls Lakeside Holiday Park
Walnut Tree at Pinewood Gardens
Trees at Arranmore Farm, Grants Road
Elm Trees, Section 25D Block VII Shotover SD

Submission

Arrowtown Village Association [3/2.1] and [3/2.2] requests that the Wellingtonia's in the Arrowtown Camp Ground cabin area and the mature trees next to the Greek Fir (Ref 269) in the grounds of the Old Manse on Manse Road be added to the Inventory of Protected Trees.

Karen Boulay [3/5.1] submits that the trees located at 5 Huff Street be added to the Inventory of Protected Features.

Jo Boyd [3/6.1] seeks to add the avenue of Wellingtonia's on Boyd Road to the Inventory of Protected Features.

Gordon Christie [3/12.1], [3/12.2] and [3/12.3] submits that the list of trees to be protected in Wanaka is very minimal. If all trees within Council land or reserves

are not protected then there are many trees that should be covered in this review, including all the major trees around the Wanaka lake edge and in the Eely Point area and the Poplars opposite the Wanaka showground and around to the Edgewater.

Gordon Christie [3/12.6] seeks that the Poplars and Blue Gums in the paddocks above the Stoney Creek subdivision be protected in the event of any future subdivision.

P A & W A Cody Family Trust [3/14.1] seeks that the trees identified in the aerial photo attached to submission (on the lake front near submitters property at 885 Frankton Road) be protected under the Plan Change.

Wensley Developments Ltd [3/14.1.1] opposes the submission of P A & W A Cody Family Trust.

Katie Deans [3/18.5] submits that the Smoke trees along Frankton road be protected.

Sharon Duncan [3/20.2] seeks the protection of the Chestnut tree at 93 Thompson Street.

Neil Farrin [3/21.1] submits that the trees on the QLDC reserve next to 297 Dublin Bay Road be considered for heritage status.

David Finlin [3/22.1] submits that the two gum trees on Frankton Road, adjacent to the Sherwood Manor Hotel, are worthy of inclusion in the Plan Change.

David Finlin [3/22.2] submits that the Snow gum on Glenorchy Road, opposite the entrance to Pat & Sue Farry (Punatapu), Bobs Cove, is worthy of inclusion in the Plan Change.

David Finlin [3/22.3] submits that the Horse Chestnut, along the driveway to the Sutherland Farm on Gorge Road, is worthy of inclusion in the Plan Change.

David Finlin [3/22.4] submits that the Oak trees in farmland by the old white stone cottage, on the State Highway between the Kelvin Heights turnoff and Boyd Road, are worthy of inclusion in the Plan Change.

Chiga Fukuda [3/24.1] and Dorothea Ramsay [3/60.1] requests that the two Eucalypt trees located on the Council reserve on Panorama Terrace be added to the Inventory of Protected Features.

Jackie Gillies [3/26.2] seeks inclusion of six Oak trees on the property of Mrs Lynley Hansen, located adjacent to the Woolshed on Hansen Road in Frankton, within the list of protected trees.

Patsy Lambert-Robinson [3/36.1] submits that a number of large Eucalypts on the foreshore of Lake Hawea should be protected.

Gordon Bailey [3/45.1], [3/45.2], [3/45.3], [3/45.4], [3/45.5], [3/45.6], [3/45.7], [3/45.8], [3/45.9], [3/45.10], [3/45.11], [3/46.2], [3/46.3] and [3/46.4] submits that the two *Taxus Baccata* 'Fastigiata' at the old Queenstown Primary School, the *Sequoiadendrum giganteum* at the site of the old Bottle House, the *Tilia x europea* at Earnslaw Park, the *Juglans regia*, *Ulmus glabra* and *Aesculus*

hippocastanum at the St Peters Anglican Church, the nine Pyrus Communis at the Wanaka Station Park, the Pyrus Communis, two Pyrus Sp, Ficus Sp. and Aesculus hippocastanum at the reserve on the corner of Gorge Road and Stanley Street, and the Larix deciduas, Larix kaemferi and Cedrus atlantica glauca at Wanaka Station Homestead be included in the District Plan as heritage trees.

Ken Gousmett [3/45.8.1] and [3/45.11.1] submits additional information with respect to the submission of Gordon Bailey to avoid a possible conflict between the Heritage Tree Register and The Remarkables Centre project.

Duncan Field [3/51.1] and [3/52.1] submits that the tall Red Oak tree next to Buckingham Green in Arrowtown and the Gum Tree in the Wanaka Cemetery be included in the Plan Change.

Duncan Field [3/51.2] and Keith & Brenda Taylor [3/63.1] submit that the Liriodendron at Lake Hawea, on the corner of Capell Avenue and Skinner Crescent, be included in the Plan Change.

Duncan Field [3/52.2] and Wakatipu Environmental Society [3/69.1] submit that the Norway Spruce tree next to the Queenstown Courthouse be included in the Plan Change.

Barry Robertson [3/55.2] seeks inclusion of the Poplars along the Domain Road frontage as protected features.

Kirsty Sharpe [3/57.1] requests protection of the trees at the Kawarau Falls Lakeside Holiday Park.

Peninsula Road Ltd [3/57.1.1] opposes the submission of Kirsty Sharpe.

Brian & Nelda Thompson [3/66.2] requests that the two Walnut trees at Pinewood Gardens be included in the District Plan.

Mary Hansen [3/76.1] submits that the group of trees at Arranmore Farm (at the end of Grants Road) including walnuts, horse chestnuts, elms and black poplars should be registered.

Murray & Sandra McClennan [3/79.1] submits the nine Elm trees at the rear of their property (being Section 25D Block VII Shotover SD) for tree protection.

Consideration

These submissions seek additional trees be included in the Plan Change. The submissions could be interpreted to be consistent with the purpose of the Plan Change and therefore could be deemed to be on or within the scope of the Plan Change. However, in considering whether the submissions are within the scope of the Plan Change or not, the Council also needs to consider whether making a decision to accept the submissions would be fair and reasonable.

Landowners of trees contained in these submissions were not originally sent a copy of the public notice, as at that point such landowners were not deemed to be affected by the Plan Change. In addition, at the time of the notification of the summary of submissions, other than the public notification (by way of newspaper advertisement and press releases), the affected landowners were not contacted to ensure they were aware of the submissions to include in the Plan Change heritage items contained on their land. Hence, to date

potentially affected landowners have not been made aware of the Plan Change process or been given a fair opportunity to participate in it.

As a matter of fairness it has therefore been decided that these submissions are not on the Plan Change. It is considered that the additional trees sought in these submissions should therefore be assessed and decided upon through a separate Plan Change process (refer to Attachment 4). This will allow the affected landowners of the additional trees the opportunity to participate in the process.

Decision

That the submissions of Arrowtown Village Association [3/2.1] and [3/2.2], Karen Boulay [3/5.1], Jo Boyd [3/6.1], Gordon Christie [3/12.1], [3/12.2], [3/12.3] and [3/12.6], P A & W A Cody Family Trust [3/14.1], Katie Deans [3/18.5], Sharon Duncan [3/20.2], Neil Farrin [3/21.1], David Finlin [3/22.1], [3/22.2], [3/22.3] and [3/22.4], Chiga Fukuda [3/24.1], Dorothea Ramsay [3/60.1], Jackie Gillies [3/26.2], Patsy Lambert-Robinson [3/36.1], Gordon Bailey [3/45.1], [3/45.2], [3/45.3], [3/45.4], [3/45.5], [3/45.6], [3/45.7], [3/45.8], [3/45.9], [3/45.10], [3/45.11], [3/46.2], [3/46.3] and [3/46.4], Duncan Field [3/51.1], [3/51.2], [3/52.1] and [3/52.2], Keith & Brenda Taylor [3/63.1], Wakatipu Environmental Society [3/69.1], Barry Robertson [3/55.2], Kirsty Sharpe [3/57.1], Brian & Nelda Thompson [3/66.2], Mary Hansen [3/76.1] and Murray McClennan & Sandra [3/79.1] and the further submissions of *Wensley Developments Ltd* [3/14.1.1], *Ken Gousmett* [3/45.8.1] and [3/45.11.1] and *Peninsula Road Ltd* [3/57.1.1] are rejected.

Reason

It has been determined that the submissions are outside the scope of the Plan Change.

5.2.2 Lime Trees, Wanaka Station Park Wellingtonia's near Redwood Lane

Submission

Gordon Christie [3/12.4] and [3/12.5] submits that there are many other trees which enhance the landscape. Seeks protection of the Lime trees at Wanaka Station Park and the Wellingtonia's near Redwood Lane if not already protected.

Consideration

The Lime trees in Wanaka Station Park are currently protected under the District Plan. They are listed in the Inventory of Protected Features as Ref 620 and are identified on planning map 22.

The Wellingtonia's near Redwood Lane are currently protected under the District Plan. They are listed in the Inventory of Protected Features as Ref 609 and are identified on planning map 21.

Consequently, the submissions of Gordon Christie are redundant as the trees are already protected under the District Plan

Decision

That the submissions of Gordon Christie [3/12.4] and [3/12.5] are rejected.

Reason

The trees are already protected under the District Plan.

5.3 DELETIONS – FEATURES

5.3.1 Ref 97, Former Glacier Hotel/Kinloch Lodge

Submission

John Glover [3/28.1] seeks the former Glacier Hotel at Kinloch not be included in the Inventory of Protected Features until agreement is reached between the Council and the owner of the feature as to measures that will address the financial consequences. The category two listing and inclusion in the Inventory of Protected Features will: have financial implications in respect of the value of the freehold land; restrict the growth of the business; and place significant additional ongoing costs on the business in terms of resource consent compliance/costs. No remedy, relief or agreement has been negotiated with the Council to offset these effects. Subject to agreement with Council to mitigate the mentioned consequences, the Plan Change would not be opposed.

Director General of Conservation [3/28.1.1] and [3/28.1.2] opposes the submission of John Glover, in particular opposes the perceived impact of the Plan Change on future developments.

Consideration

The Plan Change proposes to list Kinloch Lodge (former Glacier hotel) in the Inventory of Protected Features as a category 2 item.

Under Part 13 of the District Plan alteration of a category 2 item is a discretionary activity and demolition is a non-complying activity.

Assessment of Kinloch Lodge, which was carried out as part of the Plan Change preparation, concluded that the building has a high overall heritage value, particularly with respect to historic, social, architectural and contextual values.

This assessment was further confirmed in additional research work carried out by Rebecca Reid (on behalf of the Council) after the notification of the Plan Change (refer to pages 86 – 92 of the Draft Queenstown Lakes District Heritage Register prepared by the Queenstown Lakes District Council, 2005).

Further to this additional research, the Council has also recently introduced a Heritage Incentive Policy (refer to Attachment 5). This policy allows the Council to assist with the financial costs of protecting and preserving the heritage of the District. Financial assistance is now available to any category 1, 2 or 3 feature (including trees) listed in the Inventory of Protected Features where costs are necessary for the preservation, conservation or safety of the building or place and are above and beyond costs that would normally be incurred if the site was not listed in the District Plan. Financial assistance can either be in the way of professional advice (i.e. regarding earthquake strengthening, building conservation plans, adaptive re-use feasibility studies etc) or reimbursing land use consent and/or building consent fees incurred because of the historic protection.

It is considered that this financial assistance will assist in mitigating the financial implications identified in the submission.

In considering the submission the Panel note the matters raised in the evidence presented by Mr Glover. However, based on the historic significance of the building the Panel consider it appropriate to retain the proposed listing of the Kinloch Lodge in the Inventory of Protected Features, although as a category 3 item so to provide greater flexibility for the landowner.

Decision

That the submission of John Glover [3/28.1] is rejected and that the further submission of *Director General of Conservation* [3/28.1.1] and [3/28.1.2] is accepted.

And that the following amendments be made to the Plan Change:

Appendix 3

Inventory of Protected Features

1 Queenstown and Environs

Buildings

Commercial

Ref No	Map Ref	Description	Legal Desc	NZHPT Ref	Valn Ref	NZHPT Cat	QLDC Cat
97	25	Former Glacier Hotel (Kinloch Lodge) Armadale Street, Kinloch	Sec 4-6 Blk XX Town of Kinloch		2911121700		2 3

Reason

Based on the historic significance of the building it is considered appropriate to retain the proposed listing of the Kinloch Lodge in the Inventory of Protected Features, although as a category 3 item so to provide greater flexibility.

5.3.2 Ref 73, Thompson House, 66 Hallenstein Street, Queenstown

Submission

Jim & Jenny Syme [3/62.1] in their written submission oppose the inclusion of Thompson House at 66 Hallenstein Street, Queenstown in the Inventory of Protected Features as the inclusion of property is: contrary to the purpose of the Act; not necessary for the protection of historic heritage; not the most efficient and effective means of achieving the District Plan's objective of the conservation and enhancement of the Districts natural, physical and cultural heritage values and heritage landscapes; not necessary for Council to carry out its function; and contrary to good resource management practice. Reasons include: the section 32 report does not include any reason or rationale for the inclusion of the property; having regard to assessment criteria attached to the section 32 report it is not considered that the property justifies inclusion; the property has undergone substantial alteration over the years, changing the original design and character of the building to the extent that it no longer has any representative, technological or archaeological value. Their written submission therefore seeks that the property be deleted from the

Inventory of Protected Features and any further relief and/or amendments to the Plan Change as may be necessary to address the concerns outlined above.

Director General of Conservation [3/62.1.1] and [3/62.1.2] and Queenstown and District Historical Society [3/62.1.3] oppose the submission of Jim & Jenny Syme. The Director General of Conservation in particular opposes the perceived impact of the Plan Change on future developments. The Historical Society submits that the Thompson House dates back to around 1871. If such heritage features are not protected they may be lost, meaning a loss to the community of tangible links to its past.

Consideration

The Plan Change proposes to list Thompson House at 66 Hallenstein Street in the Inventory of Protected Features as a category 2 item.

The purpose of the Plan Change included the research of the addition of heritage features to the District Plan. This research included the assessment of all identified features, including Thompson House.

Assessment of Thompson House concluded that it has high overall heritage value. In particular, the assessment identified that it has high historic, social, rarity and representative values and very important townscape and context values. The assessment acknowledged that the building had undergone some alteration and addition and as a result it was assessed as having only moderate architectural value. A summary of the assessment is detailed in the draft register sheet, which was produced as a result of this Plan Change (refer to Attachment 2).

The purpose of the Plan Change is supported by the section 32 analysis, which concluded that it was appropriate to research the addition of further heritage features into the District Plan. The section 32 analysis identified that this approach will ensure that the District's significant heritage values are effectively represented and recognised.

The assessment of Thompson House, identified that the feature contributes to the District's significant heritage values. The inclusion of the Thompson House within the Plan Change is appropriate to meet the outcome of the section 32 analysis and purpose of the Plan Change, in that ensuring that the District's significant heritage values are effectively recognised and protected. For that reason the Planners Report on submissions recommended that it was not appropriate to delete Thomson House from the Inventory of Protected Features.

The Planners Report further acknowledged that the building had undergone alterations over the years and recommended to overcome this through amendment of the description of the feature in the Inventory of Protected Features to clarify that the protection does not include subsequent additions that have been made to the building or property.

In their evidence, which was presented to the Hearings Panel, Mr and Mrs Syme stated that they were pleased to see the Planners recommendation for the restriction of the protection of the building to only apply to the original parts of the house and not to any alterations that are post 1900.

The Syme's however identified two issues with the proposal outlined in the Planners recommendation. Firstly, they do not agree that the property should be scheduled as a category 2 item as, in addition to other reasons, they considered this to be unduly restrictive. They stated that a category 3 status would be more appropriate in the current circumstances and will give themselves and the Council more flexibility in relation to the types of alterations that can occur while still protecting the original stone walls from demolition. Secondly, they were concerned with the proposed wording set out in the Planners Report because it creates significant uncertainty as to what would and would not be subject to the restrictions and accordingly what alterations may or may not be permitted. In order to avoid interpretation issues they sought that the Council should specially state those original parts of the house that would be subject to any protection given, being the stone walls (north and east walls) and the chimneys incorporated in those walls,

In considering this submission and the matters raised in the evidence presented at the hearing, the Panel consider it appropriate to amend the proposed category of the feature to a category 3 status and to provide clarification in the Inventory of Protected Features as to what parts of the building are protected as recommended in the Planners Report.

Decision

That the submission of Jim & Jenny Syme [3/62.1] is accepted in part and the further submissions of *Director General of Conservation* [3/62.1.1] and [3/62.1.2] and *Queenstown and District Historical Society* [3/62.1.3] are accepted.

That part of Jim & Jenny Syme's submission which is accepted relates to amending the description and category of the feature in the Inventory of Protected Features to address concerns raised in the submission. That part of the submission which is rejected relates to the request in the written submission to delete the feature from the Inventory of Protected Features.

And that the following amendments be made to the Plan Change:

Appendix 3

Inventory of Protected Features

1 Queenstown and Environs

Buildings

Dwellings

Ref No	Map Ref	Description	Legal Desc	NZHPT Ref	Valn Ref	NZHPT Cat	QLDC Cat
73	36	Thompson House (excluding additions made after 1900), 66 Hallenstein Street	Lot 1 DP 3401 Blk XVI Queenstown		2910527300		2 3

Reason

The assessment of Thompson House identified that the feature contributes to the Districts significant heritage values. The inclusion of the feature within the Plan Change is therefore appropriate to meet the outcome of the section 32 analysis and the purpose of the Plan Change, in that the Districts significant heritage values are effectively recognised and protected.

In considering the submission and the evidence presented at the hearing the Panel however consider it appropriate to amend the proposed category of the features to a category 3 status and to provide clarification in the Inventory of Protected Features as to what parts of the building are protected.

5.3.3 Ref 537, A & P Showgrounds Building, Wanaka

Submission

Wanaka Community Board [3/71.1] and Wanaka Residents Association [3/73.1] seek the removal of the District Plan protection on the building located at the Wanaka Show Grounds. The parties oppose the protection as: there is little historic relevance or merit for this designation; the building is structurally unsound, in a poor state of repair and not worthy of improvement; it will restrict future development of the Reserve area for sporting and cultural activities and will jeopardise the possible development of a new multi purpose events centre where the existing dilapidated building stands; and it will compromise the future use of a legally designated road (Stone Street) to provide improved access to this site.

Consideration

The Plan Change will result in the addition of the A & P Showgrounds Building in Wanaka, to the Inventory of Protected Features as a category 2 item.

Assessment of the showgrounds building, which was carried out as part of the Plan Change preparation, concluded that the building had a moderate to high overall heritage value, with high historic, social, townscape and contextual values, moderate to high architectural value and moderate cultural, spiritual, rarity and representative values (refer to Attachment 2).

In addition to the submissions of the Wanaka Community Board and the Wanaka Residents Association, a submission was received from the Upper Clutha A & P Society in support of the inclusion of the A & P Showgrounds building in the District Plan. However, since the notification of the Plan Change the building has been subject to significant tornado damage. This has resulted in the Upper Clutha A & P Society withdrawing their submission of support.

The current state of the building is further reinforced in the submissions of the Wanaka Community Board and Wanaka Residents Association where they state that the building is structurally unsound and is in a poor state of repair.

As a result of this damage it is considered that the overall heritage value of the building may no longer be consistent with the outcome of the original assessment. In particular, the building is currently unlikely to score very high based on its architectural value.

Further, it is noted that while the building scored high in the assessment due to its historic, social, townscape and contextual values, it is considered that it may in fact be the site as a whole (in particular the grounds) that represents these values. Given that the site is designated under the District Plan as a recreation reserve it is considered that these values, which are consistent with the purpose of the designation, will be retained through implementation of this designation alone.

As a result it is considered appropriate to remove the A & P Showgrounds Building from the Inventory of Protected Features as sought by the Wanaka Community Board and the Wanaka Residents Association.

Decision

That the submissions of Wanaka Community Board [3/71.1] and Wanaka Residents Association [3/73.1] are accepted and that Ref 537, A & P Showground Building, McDougall Street, be removed from the Inventory of Protected Features and planning map 21.

Reason

As a result of the building being subject to damage, thereby affecting its over heritage value, it is considered appropriate to remove the A & P Showgrounds Building from the Inventory of Protected Features.

5.3.4 Ref 551, Pembroke School, Wanaka Primary School

Submission

Wanaka Primary School Board of Trustees [3/72.1] submit that there are no historic buildings on the site occupied by the Wanaka Primary School and request that Council amends its records accordingly.

The Ministry of Education [3/72.1.1] supports the submission of Wanaka Primary School Board of Trustees as the District Plan maps incorrectly show a heritage building (ref 551) on the school site.

Ministry of Education [3/39.3] seeks clarification of the heritage status of Pembroke School building (Ref 551) given that the building is likely to be removed from the site. The section 32 report does not support the listing of the Pembroke School Building yet it is still listed in the District Plan by way of the Plan Change. The Albert Town school building(s) seem to have support for heritage listing in the section 32 report however does not appear in the District Plan. Concerned that these may have been confused.

Consideration

The Plan Change proposes to list the Pembroke School Building in the Inventory of Protected Features as a category 3 item and referred to it in the Inventory as Ref 551 and identify it on planning map 21. Ref 55 is proposed to be listed as being located at 71 Tenby Street, Wanaka, legally described as Section 1 Block XL, Town of Wanaka.

71 Tenby Street, Wanaka is the location of the Wanaka Primary School.

At the time of the preparation of the Plan Change the Wanaka Primary School site contained a heritage building that was assessed as part of the Plan Change. This building has however since been re-located to a privately owned site in Albert Town. Therefore, as identified in the submission of the Wanaka Primary School Board of Trustees there are no historic buildings now located on the Wanaka Primary School site.

As identified in the submission of the Ministry of Education, there appears to be some confusion and inconsistency when referring to the building previously located on the Wanaka Primary School site and the remains of the school located in Albert Town.

The assessment of the features, undertaken as part of the Plan Change, identified the building on the Wanaka Primary School site as the Albert Town School building and the buildings located at the Albert Town site as the Pembroke School remains.

In this assessment the Albert Town School building was assessed as having a moderate overall heritage value, with a high townscape and context value. As a result of the assessment it was recommended that the building be included in the Plan Change. The Pembroke School remains were assessed as having a low overall heritage value and were not recommended for inclusion in the Plan Change.

Prior to notification of the Plan Change it was however advised that the naming of the two buildings (the Albert Town School building and the Pembroke School remains) had been confused and that the building located on the Wanaka Primary School site should in fact be referred to as the Pembroke School building. As a result necessary amendments were made to the Plan Change.

Since notification of the Plan Change additional research undertaken by Rebecca Reid (on behalf of the Council) has determined that the correct (former) name of the building previously located on the Wanaka Primary School site was Albert Town School building (refer to pages 53-55 of the Draft Queenstown Lakes District Heritage Register, Queenstown Lakes District Council 2005). As a result of this research and the submission of the Ministry of Education it is concurred that the building previously located on the Wanaka Primary School site should be referred to as the Albert Town School building and the buildings located at the Albert Town site as the Pembroke School remains, as originally assessed.

Now that the correct location and reference of Ref 551 has been clarified it is necessary to determine whether the building should continue to be protected under the District Plan.

As identified above, the assessment of the Albert Town School building identified that the building has a moderate overall heritage value, with a high townscape and context value. However, given that the building has been relocated since this assessment it is considered that the building would no longer retain a high townscape and context value, thereby affecting the overall heritage value. As a result it is not considered appropriate to list Ref 551 in the Inventory of Protected Features.

The Panel however recommend that the building be included in a list of items that at a later date can be reviewed for potential inclusion in the District Plan through a separate plan change process (refer to Attachment 4). This would allow for accurate assessment of the building on its new relocated site.

Decision

That the submissions of Wanaka Primary School Board of Trustees [3/72.1] and Ministry of Education [3/39.3] and further submission of *The Ministry of Education* [3/72.1.1] are accepted and that Ref 551, Pembroke School Building, 71 Tenby Street, be removed from the Inventory of Protected Features and planning map 21.

Reason

It is confirmed that there are no historic buildings currently located on the Wanaka Primary School site. Further, the building previously located on the Wanaka Primary School site should be referred to as the Albert Town School building as opposed to the Pembroke School building, as originally assessed. Given that the building has been relocated since this assessment it is considered that the building no longer possesses a high townscape and context value, thereby lowering the overall heritage value. As a result it is not considered appropriate to list Ref 551 in the Inventory of Protected Features.

5.3.5 Ref 536, St Ninians Presbyterian Church, Kane Road, Hawea

Submission

Upper Clutha Presbyterian Church Board of Managers [3/77.1] request that the St Ninians Presbyterian Church be left off the District Plan. The Board objects to its protection under the District Plan and takes full responsibility and care for future generations of St Ninians. They do not wish to inhibit possible future expansion of the buildings.

Bryan Umbers [3/77.1.1], Cheryl Taylor [3/77.1.2], Bruce King [3/77.1.3] and Margaret Elsie Allison [3/77.1.7] Graham Hill [3/77.1.4], Catherine Little [3/77.1.5] and Gaye Crosswell [3/77.1.6] support the submission by Upper Clutha Presbyterian Board of Managers. Reasons include so that future alterations or expansion are not hindered.

Consideration

The St Ninians Presbyterian Church on Kane Road in Hawea is proposed to be listed in the Inventory of Protected Features as a category 2 item as a result of the Plan Change.

Assessment of the St Ninians Presbyterian Church, which was carried out as part of the Plan Change preparation, concluded that the building has a high overall heritage value, particularly with respect to historic, social, cultural, spiritual, architectural, rarity and representative values.

Additional research undertaken by Rebecca Reid (on behalf of the Council), after the notification of the Plan Change, identified that the church has an overall moderate to high heritage value (refer to pages 48-52 of the Draft Queenstown Lakes District Heritage Register, Queenstown Lakes District Council 2005). This research concluded that the church forms a significant part of Hawea Flat's built heritage and helps provide an insight into the wider community's history and identity. It represents the importance of religious activities in the rural area and contributes to our understanding of who settled here.

With respect to heritage features, the purpose of the Plan Change was to research the addition of heritage features to the District Plan so that the Districts significant heritage values are effectively recognised and protected. As a result of the outcome of the assessment and additional research it is considered that the inclusion of the church in the Inventory of Protected Features achieves the purpose of the Plan Change. This is consistent with section 6(f) of the Act.

The submission of the Upper Clutha Presbyterian Church Board of Managers opposes the protection of the church as they do not wish to inhibit future

expansion of the building. It is considered that as a category 2 item future development of the site may be restricted if such development was inconsistent with the objectives of the District Plan. However, if the feature was classified as a category 3 item future alteration or demolition of the church would require resource consent for a controlled or discretionary activity respectively. The Council must grant Controlled Activity consents, reserving the right to impose conditions. A category 3 listing would thereby provide greater flexibility for the landowner.

In considering the submissions the Panel acknowledge the written evidence provided by the Upper Clutha Presbyterian Church Board of Managers. The Panel however consider it appropriate to list the protection of the church under the District Plan, although with amendment to the category status of the building from category 2 to category 3, so to give greater flexibility to the landowner and to address the concerns of the submitters.

Decision

That the submission of Upper Clutha Presbyterian Church Board of Managers [3/77.1] and further submissions of *Bryan Umbers* [3/77.1.1], *Cheryl Taylor* [3/77.1.2], *Bruce King* [3/77.1.3], *Margaret Elsie Allison* [3/77.1.7], *Graham Hill* [3/77.1.4], *Catherine Little* [3/77.1.5] and *Gaye Crosswell* [3/77.1.6] are rejected.

And that the following amendments be made to the Plan Change:

Appendix 3

Inventory of Protected Features

4 Wanaka and Environs

Buildings

Ecclesiastical

Ref No	Map Ref	Description	Legal Desc	NZHPT Ref	Valn Ref	NZHPT Cat	QLDC Cat
536	18	St Ninians Presbyterian Church, Kane Road, Hawea Flat	Part Section 11 Blk V Lower Hawea SD		2908217800		2 3

Reason

As a result of the outcome of the assessment and research undertaken, consistency of the inclusion of the building in the Inventory of Protected Features with the purpose of the Plan Change and the Act and provision of future development through the resource consent process, it is not considered appropriate to delete the St Ninians Presbyterian Church from the Inventory of Protected Features. Although, to address concerns raised by submitters it is considered appropriate to amend the category status of the building from category 2 to category 3, so to give greater flexibility to the landowner and to provide for alterations to be made in the future.

5.4 DELETIONS – TREES

5.4.1 Ref 603, Wellingtonia adjacent to 95 Lakeside Road

Submission

Conway Consolidated Trust [3/16.1] requests that the Wellingtonia located adjacent to 95 Lakeside Road be removed from the Inventory of Protected Features. Reasons include: the rate of growth of the tree is affecting adjacent properties and will have a negative effect on Marine Terrace Ltd when it completes its hotel development; if any earthworks are commenced on adjacent high density sections the tree will become more of a hazard; and the tree is growing in a easterly direction which will become a danger.

Consideration

The Wellingtonia tree located at 99 Lakeside Road is listed in the Inventory of Protected Features as Ref 603 and is identified on planning map 21.

The tree was not included in the Plan Change and has been listed in the District Plan for some time. As a result the relief sought by Conway Consolidated Trust is outside the scope of the Plan Change and therefore cannot not be considered.

Decision

That the submission of Conway Consolidated Trust [3/16.1] is rejected.

Reason

The tree was not included in the Plan Change and as a result the relief sought by Conway Consolidated Trust is outside the scope of the Plan Change.

5.4.2 Ref 209, Poplars on Speargrass Flat Road

Submission

Paradise Rural Estates Ltd [3/42.3] request that the provision protecting Poplar trees on Speargrass Flat Road be removed on the grounds that it is unclear whether this includes the Poplars on the southern side of Speargrass Flat Road between Domain Road and Lower Shotover Road and Poplars are inherently dangerous trees and landowners should be able to lawfully remove them.

Anne Marie Bailey [3/3.1] supports the provision to have the Poplars (Ref 209) included as heritage Trees.

Victoria Buckham & Simon Flood [3/8.2] supports the Plan Change with particular regard to Ref 209. The submission seeks the Plan Change to be implemented with respect to Ref 209 and that it provide for the ongoing enhancement, maintenance and replacement of the Poplars. This will maintain the rural and visual amenity values enjoyed in the area, benefit the surrounding environment and landscape, and enhance the natural and historic values present in the area.

Consideration

The Plan Change proposes to list the Poplar trees on Speargrass Flat Road and Hunter Road in the Inventory of Protected Features as Ref 209 and identify them on planning map 29.

A STEM evaluation of the Poplars as a whole was undertaken as part of the preparation of the Plan Change. Under this evaluation the Poplars total score was 186. In particular, the trees scored highly for their visibility, role in the setting and climate influence, and most importantly for their stature and age,

being estimated to be over 100 years. They were also identified as having good vigour and vitality, and an important function.

As a result of submissions arborist David Glenn attempted a re-assessment of these trees. This assessment however involved incorrect trees and hence the outcomes of the re-assessment cannot be used when considering these submissions.

Paradise Rural Estates Ltd seeks the Poplars to be removed from the Inventory of Protected Features, while Anne Marie Bailey, Victoria Buckham and Simon Flood support the inclusion of the trees in the Inventory.

As a consequence of considering these submissions it is considered that the reference to these Poplar trees in the Inventory of Protected Features is incorrect. It was never the intention to protect the Poplar trees on Hunter Road with the original assessment only including assessment of the Poplars on that section of Speargrass Flat Road between its intersection with Lower Shotover Road/Hunter Road and Domain Road.

Further to the evidence presented and the outcomes of the original STEM assessment the Panel consider it appropriate to retain the Poplars trees in the Plan Change and to amend the description of the trees (being Ref 209) in the Inventory of Protected Features to clarify that Ref 209 includes protection of the Poplars on the both sides of Speargrass Flat Road between its intersection with Lower Shotover Road/Hunter Road and Domain Road. This will assist in clarifying matters raised in the submission of Paradise Rural Estates Ltd and ensuring the Inventory contains correct information.

Paradise Rural Estate also raised the issue in their submission that Poplar trees are known to be dangerous. The Panel in considering their submission discussed this issue. As a result the Panel recommend that the Council investigate the options available to detect decay in trees on reserve land (including road reserve), in particular the possibility of ultra sounding where appropriate.

Decision

That the submission of Paradise Rural Estates Ltd [3/42.3] is rejected and the submissions of Anne Marie Bailey [3/3.1] and Victoria Buckham & Simon Flood [3/8.2] are accepted and that the following consequential amendment be made to the Plan Change:

Appendix 3

Inventory of Protected Features

1 Queenstown Heritage - Trees

Ref No	Map Ref	Description	Legal Desc		Valn Ref
209	29	Poplars, Hunters Road and located on the section of Speargrass Flat Road between its intersection with Lower Shotover Road/Hunter Road and Domain Road (both sides of the road).	Various		Various

Reason

Further to the evidence presented and the outcomes of the original STEM assessment the Panel consider it appropriate to retain the Poplars trees in the Plan Change and to amend the description of the trees to clarify matters raised in the submission of Paradise Rural Estates Ltd and to ensure the Inventory of Protected Features contains correct information.

5.4.3 Ref 200, Prunus Accolade, Coronation Drive

Submission

Gordon Bailey [3/44.1] and [3/46.21] submits that the 6 Prunus 'Accolade' be removed from the Plan Change as: they are likely to be 25-30 years old, not 50 years; are in average condition; are not overly long lived; are very common; and in general are not good specimens.

Consideration

The Plan Change proposes to list the Cherry trees (Prunus 'Accolade') on Coronation Drive in the Inventory of Protected Features as Ref 200 and identify them on planning map 36.

A STEM evaluation of the Cherry trees was undertaken as part of the preparation of the Plan Change. Under this evaluation the trees total score was 111. This is a low score with the trees only scoring highly for the role they play in the setting.

Further to the submission of Gordon Bailey, the Cherry trees have been reassessed by arborist David Glenn (refer to Attachment 3). In this assessment the trees scored 99.

Further STEM evaluation work undertaken by David Glenn has indicated that a STEM score of around 100 is relatively low and that trees should only be considered for inclusion in the District Plan where the STEM score is 120 or greater.

As a result of this re-assessment, Mr Glenn concludes that although these trees have some value due to their heritage status, individually they are not significant enough to warrant inclusion in the District Plan.

The Panel however recommend that the Cherry trees be included in a list of items that at a later date can be reviewed for potential inclusion in the District Plan through a separate plan change process (refer to Attachment 4).

Decision

That the submissions of Gordon Bailey [3/44.1] and [3/46.21] are accepted and that Ref 200 be deleted from the Inventory of Protected Features and planning map 36.

Reason

The re-assessment of the Cherry trees concluded that they are not worthy of protection under the District Plan.

5.4.4 Ref 146, Japanese Maples, Ballarat Street, Queenstown Ref 150, Rowans, Coronation Drive, Queenstown Ref 579, European Larch, Crown Range Road Summit

Submission

Gordon Bailey [3/46.5], [3/46.8] and [3/46.47] submits that a number of trees throughout the District are either no longer in existence or are in a poor state of health and therefore not worthy of continued protection. Amendment of the heritage tree list in the District Plan is sought to ensure accurate information. Recommends deleting Ref 146, Japanese Maples, adjacent to 63 Ballarat Street as it no longer exists, Ref 150, Rowans, Coronation Drive as only one is left and is in poor health and Ref 579, European Larch, Crown Range Road as it has died.

Consideration

The Japanese Maple trees located adjacent to 63 Ballarat Street are listed in the Inventory of Protected Features as Ref 146 and are identified on planning map 36.

The Rowan trees located on Coronation Drive are listed in the Inventory of Protected Features as Ref 150 and are identified on planning map 36

The European Larch located on the Crown Range Road is listed in the Inventory of Protected Features as Ref 579 and are identified on planning map 13.

These trees were not included in the Plan Change and have been listed in the District Plan for some time. As a result the relief sought by Gordon Bailey is outside the scope of the Plan Change and therefore cannot not be considered.

Decision

That the submissions of Gordon Bailey [3/46.5], [3/46.8] and [3/46.47] are rejected.

Reason

The trees were not included in the Plan Change and as a result the relief sought by Gordon Bailey is outside the scope of the Plan Change.

5.4.5 Ref 202, Manatu, Goldfields, 56 Frankton Road

Submission

Gordon Bailey [3/46.23] submits that a number of trees throughout the District are either no longer in existence or are in a poor state of health and therefore not worthy of continued protection. Amendment of the heritage tree list in the District Plan is sought to ensure accurate information. Recommends deleting Ref 202, Manatu, Goldfields, Frankton Road from the Inventory of Protected Features as it no longer exists.

Consideration

The Plan Change proposes to list the Manatu tree located at 56 Frankton Road in the Inventory of Protected Features as Ref 202 and identify it on planning map 35.

As identified in the submission of Gordon Bailey this tree no longer exists. It is therefore considered appropriate and necessary to remove this item from the

Inventory of Protected Features. This will ensure the Inventory contains accurate information.

Decision

That the submission of Gordon Bailey [3/46.23] is accepted and that Ref 202, Manatu, Goldfields, 56 Frankton Road, be removed from the Inventory of Protected Features and planning map 35.

Reason

The Manatu tree at 56 Frankton Road no longer exists. It is therefore necessary to remove this item from the Inventory of Protected Features to ensure the Inventory contains accurate information.

5.4.6 Ref 203, Oak, Pinewood Gardens

Submission

Gordon Bailey [3/46.24] submits that a number of trees throughout the District are either no longer in existence or are in a poor state of health and therefore not worthy of continued protection. Amendment of the heritage tree list in the District Plan is sought to ensure accurate information. Recommends deleting Ref 203, Oak, Pinewood Gardens from the Inventory of Protected Features as it cannot be located.

Brian & Nelda Thompson [3/66.1] and [3/66.3] support the protection of heritage trees in the District Plan, including the large oak tree at Pinewood Gardens and request that all paperwork is correct, including a legal description and map reference. This tree is very old.

Consideration

The Plan Change proposes to list the Oak tree in the Pinewood Gardens in the Inventory of Protected Features as Ref 203 and identify it on planning map 36.

A STEM evaluation of the Oak tree was undertaken as part of the preparation of the Plan Change. Under this evaluation the trees total score was 162. In particular the tree scored highly based on its condition, including its form, vigour, vitality and age. It also scored highly for its stature.

With respect to heritage features, the purpose of the Plan Change was to research the addition of heritage features (including trees) to the District Plan so that the Districts significant heritage values are effectively recognised and protected. As a result of the outcome of the STEM evaluation it is considered that the inclusion of the Oak tree at Pinewood Gardens in the Inventory of Protected Features achieves the purpose of the Plan Change and is also consistent with section 6(f) of the Act.

As identified in both the submission of Gordon Bailey and Brian and Nelda Thompson the reference to the location of the Oak tree in the Inventory of Protected Features and on the planning maps is incorrect.

It is important for successful implementation, that the Inventory of Protected Features contains accurate information. It is therefore necessary to amend the details of Ref 203 as listed in the Inventory of Protected Features and as identified on the planning maps, to ensure the location of the tree is accurately recorded.

Decision

That the submission of Gordon Bailey [3/46.24] is accepted in part and the submissions of Brian & Nelda Thompson [3/66.1] and [3/66.3] are accepted.

That part of the submission of Gordon Bailey which is accepted relates to amending the District Plan to ensure it contains accurate information. That part of the submission which is rejected relates to the request to delete the tree from the Inventory of Protected Features.

And that the following amendments be made to the Plan Change:

Appendix 3

Inventory of Protected Features

1 Queenstown
Heritage - Trees

Ref No	Map Ref	Description	Legal Desc	Valn Ref
203	36 31	Oak, Pinewood Gardens, <u>163 Frankton-Ladies Mile Highway</u>	<u>Lot 2 DP 308784</u>	<u>2907147700</u>

And that Ref 203 be deleted from planning map 36 and added to planning map 31.

Reason

As a result of the outcome of the STEM evaluation, the inclusion of the Oak tree at Pinewood Gardens in the Inventory of Protected Features achieves the purpose of the Plan Change and is consistent with section 6(f) of the Act. However, reference to the Oak tree in the Inventory of Protected Features and on the planning maps is incorrect. It is therefore necessary to amend the details of Ref 203 to ensure the location of the tree is accurately recorded.

5.4.7 Ref 211, Pin Oak, Remarkables Lodge, 595 Kingston Road

Submission

Gordon Bailey [3/46.32] submits that a number of trees throughout the District are either no longer in existence or are in a poor state of health and therefore not worthy of continued protection. Amendment of the heritage tree list in the District Plan is sought to ensure accurate information. Recommends deleting Ref 211, Pin Oak, Remarkables Lodge, Kingston Road from the Inventory of Protected Features, as it is not considered worthy of such protection.

Consideration

The Plan Change proposes to list the Pin Oak located at 595 Kingston Road in the Inventory of Protected Features as Ref 211 and identify it on planning map 13.

A STEM evaluation of the Pin Oak was undertaken as part of the preparation of the Plan Change. Under this evaluation the trees total score was 102. This is a low score, with the tree not scoring highly on any specific criteria.

Further to the submission of Gordon Bailey, the Pin Oak has been reassessed by arborist David Glenn (refer to Attachment 3). The outcome of this

assessment was consistent with the original assessment, scoring 102, which is under the recommended STEM score trigger of 120.

As a result of this re-assessment, Mr Glenn concludes the tree appears to be of a reasonable size although as it scored a low STEM score it is not recommended to be worthy of inclusion in the District Plan.

It is therefore considered appropriate to remove the tree from the Plan Change.

Decision

That the submission of Gordon Bailey [3/46.32] is accepted and that Ref 211 be deleted from the Inventory of Protected Features and planning map 13.

Reason

The re-assessment concluded that the Pin Oak tree is not worthy of inclusion in the District Plan.

5.4.8 Ref 208, Hawthorn Hedge, Domain Road, Speargrass Flats and Lower Shotover Road

Submission

Barry Robertson [3/55.1] opposes the Plan Change and seeks that Hedgerows (Ref 208) on private land be excluded from the Plan Change. There are already too many controls over the submitter's property.

Barry Robertson [3/55.1.1] supports his original submission to include all hedgerows in Domain Road/Lower Shotover Road/ Speargrass Flat triangle and submits that any trimming/topping or removal of trees on these roads be carried out with consultation/consent of adjoining landowners.

Anne Marie Bailey [3/3.1] supports the provision to have the Hawthorn Hedge (Ref 208) included as a heritage tree.

Victoria Buckham & Simon Flood [3/8.1] support the Plan Change with particular regard to Ref 208. The submission seeks that the Plan Change be implemented with respect to Ref 208 and that it provide for the ongoing enhancement, maintenance and replacement of the Hawthorn hedge. This will maintain the rural and visual amenity values enjoyed in the area, benefit the surrounding environment and landscape, and enhance the natural and historic values present in the area.

Queenstown and District Historical Society [3/8.1.1] and [3/55.1.2] supports the submission of Victoria Buckham and Simon Flood and opposes the submission of Barry Robertson. They submit that the hawthorn is a unique feature and is an expression of the historic farming methods in the District. It is recognised that the hedgerows do require maintenance through trimming for safety reasons and continued good health. Such maintenance should be allowed for with conditions imposed to ensure they are not removed. The Society seeks that the hedgerows be included as protected features, with a criteria for their maintenance and retention.

Consideration

The Plan Change proposes to list the avenue of Hawthorn Hedge, within the triangle of Domain Road, Speargrass Flat Road and Lower Shotover Road in the Inventory of Protected Features as Ref 208 and identify it on planning map 29.

The submissions of Anne Marie Bailey, Victoria Buckham and Simon Flood and further submission of the Queenstown and District Historical Society all support the inclusion of the Hawthorn Hedge in the District Plan.

The original submission of Barry Robertson seeks that the Hawthorn hedge which is located on private property be excluded from inclusion in the District Plan. The further submission of Barry Robertson (in support of his original submission) however submits that all hedgerows on Domain Road, Lower Shotover Road and Speargrass Flat road be included. In his evidence to the Hearings Panel Mr Robertson clarified that he seeks to retain the inclusion of the Hawthorn Hedge (ref 208) in the Plan Change however requests clarification regarding the trimming and maintenance of the hedge.

As a result, all submitters support the protection of the Hawthorn Hedge in the District Plan, further reinforcing the appropriateness of including this feature in the Plan Change.

Reference is made to Part 5.6.2 of this report which considers submissions which seek clarification on the protection of the Hawthorn Hedge (Ref 208), in particular the maintenance and trimming of the hedge.

Decision

That the submission of Barry Robertson [3/55.1] is rejected and that the submissions of Anne Marie Bailey [3/3.1] and Victoria Buckham & Simon Flood [3/8.1] and further submissions of *Queenstown and District Historical Society* [3/8.1.1] and [3/55.1.2] and Barry Robertson [3/55.1.1] are accepted.

Reason

The submitters support the protection of the Hawthorn Hedge (ref 208) in the District Plan, further reinforcing the appropriateness of the inclusion of this feature in the Plan Change.

5.5 CLARIFICATION – FEATURES

5.5.1 Ref 521, The Glebe, Wanaka

Submission

Brian Anderson [3/1.1] and [3/1.2] supports the Plan Change, however seeks clarification as to which parts of the Glebe building are to be classified as heritage, as a major alteration was completed in 2002. In addition, Mr Anderson seeks an on-site visit to make him aware of the implications.

Consideration

The Glebe house located at 135 Stone Street in Wanaka was included in the preparation of the Plan Change as Ref 113.

Assessment of the original house was undertaken as part of the Plan Change preparation and identified that it has a moderate to high overall heritage

value, in particular high historic, social, architectural and technological value. As a result, the feature was included in the Plan Change and is proposed to be listed in the Inventory of Protected Features as Ref 521 as a category 2 item.

Rebecca Reid, on behalf of the Council, carried out additional research and assessment of the house after the notification of the Plan Change (refer to pages 60-62 of the Draft Queenstown Lakes District Heritage Register, Queenstown Lakes District Council 2005). This assessment confirmed the original house has an overall moderate to high heritage value.

As identified in the submission of Brian Anderson, the assessment of the house recognises that although the original house is predominantly intact, there were a number of additions made in 2002.

It is acknowledged that while Ref 521 of the Inventory of Protected Features does not stipulate what part of the Glebe house is protected, it was the intention of the Plan Change to only include and protect the original Glebe house. As a result it is considered appropriate to amend the Inventory of Protected Features to clarify this matter.

Given the level of detailed information contained in the additional assessment undertaken by Rebecca Reid it is not considered that an on-site visit is necessary.

Decision

That the submissions of Brian Anderson [3/1.1] and [3/1.2] are accepted in part.

That part of Brian Anderson’s submission which is accepted relates to providing clarification as to which parts of the building are protected. That part of the submission which is rejected relates to the request for an on-site visit.

And that the following amendment be made to the Plan Change:

Appendix 3

Inventory of Protected Features

4 Wanaka and Environs

Buildings

Dwellings

Ref No	Map Ref	Description	Legal Desc	NZHPT Ref	Valn Ref	NZHPT Cat	QLDC Cat
521	23	Glebe House, 135 Stone Street, <u>original house only</u>	Lot 1 DP24047		2905371001		2

Reason

While Ref 521 of the Inventory of Protected Features does not stipulate what part of the Glebe house is protected, it was the intention of the Plan Change to only include and protect the original Glebe house.

5.5.2 Ref 541, Hawea Flat School

Submission

Ministry of Education [3/39.2] request that the heritage values of Hawea Flat School (Ref 541) be clarified, as the particular aspects that have heritage protection are not stipulated. Concerned that any activity on the site will be subject to an assessment of heritage effects. In addition, there does not appear to have been any consultation with the Ministry or Hawea Flat School Board of Trustees.

Consideration

The Hawea Flat School building was included in the preparation of the Plan Change as Ref 163.

Assessment of the building was undertaken as part of the Plan Change preparation and identified that it has a moderate to high overall heritage value, in particular a relatively high social, townscape and representative value. The assessment also noted that the building is not located on its original site and that it is currently being used by the school as a library.

As a result of the assessment, the feature was included in the Plan Change and is proposed to be listed in the Inventory of Protected Features as Ref 521 as a category 3 item.

It is however acknowledged that Ref 521 of the Inventory of Protected Features does not clearly identify that it is only one building (being the current library) that is protected and not the whole school as currently listed.

It is therefore considered necessary to amend the description of Ref 521 in the Inventory of Protected Features to clarify that it is only the one building that is protected. This will ensure accurate implementation of the Inventory.

Decision

That the submission of the Ministry of Education [3/39.2] is accepted and that the following amendments be made to the Plan Change:

Appendix 3

Inventory of Protected Features

4 Wanaka and Environs

Buildings

Public

Ref No	Map Ref	Description	Legal Desc	NZHPT Ref	Valn Ref	NZHPT Cat	QLDC Cat
541	18	Hawea Flat School <u>building located in the north-eastern corner of the school site, corner of Camphill Road and Kane Road.</u> Hawea Flat	Part Sect 11 Blk V Lower Hawea SD		2908217700		3

Reason

The preparation of the Plan Change included the Hawea Flats school building, however the proposed listing in the Inventory of Protected Features does not clearly identify that it is the one building (being the current library) that is protected and not the whole school.

5.5.3 Ref 363, Walnut Cottage

Submission

Walnut Cottage Trust [3/70.2] requests that the Council only include the original portion of the cottage in the District Plan. Over the years the cottage has been subject to a number of additions and alterations. Only one third of the building is original.

Consideration

The Walnut Cottage located at 265 Arrowtown-Lake Hayes Road, was included in the preparation of the Plan Change as Ref 84.

Assessment of the cottage was undertaken as part of the Plan Change preparation and identified that it has a moderate to high overall heritage value, in particular high historic, social and context values. As a result, the feature was included in the Plan Change and is proposed to be listing in the Inventory of Protected Features as Ref 363.

Rebecca Reid, on behalf of the Council, carried out additional research and assessment of the cottage after the notification of the Plan Change (refer to pages 12-15 of the Draft Queenstown Lakes District Heritage Register, Queenstown Lakes District Council 2005). This assessment confirmed the original building has an overall moderate to high heritage value.

As identified in the submission of the Walnut Cottage, the assessment of the cottage identified that additions to the cottage have been made.

It is acknowledged that while Ref 363 of the Inventory of Protected Features does not stipulate what part of the Walnut Cottage is protected, it was the intention of the Plan Change to only include and protect the original building. As a result it is considered appropriate to amend the Inventory of Protected Features to clarify this matter.

In considering this submission the Panel noted how care has been taken of the building over time. The Panel also discussed extending the listing to cover the whole building however it was considered that this is not necessary.

Reference is also made to part 5.7.5 of this report which details the Panels decision on the category of this building.

Decision

That the submission of Walnut Cottage Trust [3/70.2] is accepted and that the following amendments be made to the Plan Change:

Appendix 3

Inventory of Protected Features

2 Arrowtown and Environs

Buildings
Dwellings

Ref No	Map Ref	Description	Legal Desc	NZHPT Ref	Valn Ref	NZHPT Cat	QLDC Cat
363	26	Walnut Cottage, 265 Arrowtown-Lake Hayes Road, <u>original building only.</u>	Lot 1 DP 5746 Blk VII Shotover SD		2907114000		2

Reason

While Ref 363 of the Inventory of Protected Features does not stipulate what part of the Walnut Cottage is protected, it was the intention of the Plan Change to only include and protect the original building.

5.6 CLARIFICATION – TREES

5.6.1 Ref 209, Poplars

Submission

Anne Marie Bailey [3/3.2] and [3/3.3] seeks clarification as to who will be responsible for the maintenance of the Poplars (Ref 209) and seeks the District Plan to state that Council is responsible for their upkeep and maintenance. It should not be the landowner's responsibility to maintain the trees in accordance with the Council views. Further, the Poplars are old and are presently falling down. The Council needs to make a plan available in case the Poplars become unstable and dangerous and the Council must undertake to replant and maintain these trees at their own cost.

Consideration

The submission of Anne Marie Bailey is considered to be outside the scope of the Plan Change, which with respect to heritage trees is limited to the research of the addition of trees to the Inventory of Protected Features.

In addition it is not considered that the District Pan is the appropriate means of achieving the matters raised in the submission.

The Panel however recommend that the Council take on board the recommendations made in the submission of Anne Marie Bailey in their ongoing work on Council policies regarding trees and the general maintenance of trees within the District.

Ms Bailey also raised the issue in her submission that Poplar trees are known to be dangerous. The Panel in considering her submissions discussed this issue. As a result the Panel recommend that the Council investigate the options available to detect decay in trees on reserve land (including road reserve), in particular the possibility of ultra sounding where appropriate.

Reference is also made to the Panels consideration under part 5.6.2 of this report regarding the trimming and maintenance of protected trees and part 5.4.2 regarding the request to delete the Poplar trees from the Inventory of Protected Features.

Decision

That the submissions of Anne Marie Bailey [3/3.2] and [3/3.3] are rejected.

Reason

The submission is considered to be outside the scope of the Plan Change.

5.6.2 Ref 208, Hawthorn Hedge, Hawthorn Hedge, Domain Road, Speargrass Flats and Lower Shotover Road

Submission

Anne Marie Bailey [3/3.2] and [3/3.3] seeks clarification as to who will be responsible for maintenance of the Hawthorn Hedge (Ref 208) and seeks the District Plan to state that Council is responsible for their upkeep and maintenance. It should not be the landowner's responsibility to maintain the trees in accordance with the Council views.

Marie Braddock [3/7.1] opposes the addition of the Hawthorn Hedge to the District Plan if there is to be no trimming or maintaining on the verges by the owners or Council. The Hawthorn overhangs to such an extent that you must walk or ride horses on the road. Seeks for this to be taken into account and for clarification of who is responsible for roadside overhanging.

Robert & Elvena Heywood [3/30.1] support, in principle, the protection of the avenue of Hawthorn Hedgerows. However, they are concerned that landowners with hedgerows on their properties should continue to have right to prune or trim these hedgerows without reference to the Council. Trimming is required for road safety, in particular visibility from driveways, and to prevent self sown hawthorns infesting crops. Seeks that, notwithstanding the protection of designated Hawthorn hedgerows, routine pruning and trimming be undertaken by landowners without reference to Council. The Council should also assume responsibility for periodic trimming of the roadside.

Paradise Rural Estates Ltd [3/42.2] request that the provision protecting the Hawthorn hedgerows be reworded to be fully effective, provide for proper maintenance and an exemption for vehicle access gaps. It should be reworded as: the reference to "Avenue" is not clearly defined as it does not specify whether it relates to both sides of the road; it fails to recognise that existing hawthorn hedges consist of a mixed species of hawthorn, elderberry and other species; it should include Lower Shotover Road between State Highway 6A and Domain Road; the hedgerows warrant proper protection. Significant trimming of the Hawthorn hedgerows is a discretionary activity. This fails to recognise that appropriate maintenance of these hedgerows requires significant trimming to occur. There is no exemption to create gaps in the hedgerow sufficient for the provision of driveway access, which will inhibit the reasonable and efficient use of the land and will give rise to inappropriate internal adverse effects.

Queenstown and District Historical Society [3/30.1.1] and [3/42.2.1] support the submissions of Robert & Elvena Heywood and Paradise Rural Estates Ld and submit that the hedgerows are a unique feature and are an expression of the historic farming methods in the District. It is recognised that the hedgerows do require maintenance through trimming for safety reasons and continued good health, which should be allowed for with conditions imposed to ensure they are not removed.

Consideration

The above submissions seek the following with regards to the Hawthorn Hedge located on Domain, Speargrass Flats and Lower Shotover Roads:

- Clarification as to who will be responsible for the trimming and maintenance of the hedge, including providing this clarification in the District Plan;
- Assurance that general pruning, trimming and maintenance can be continued without the need to refer to Council;
- Rewording of the provisions relating to the Hawthorn Hedge to provide for maintenance;
- Clarification of the definition of "Avenue"; and
- Inclusion of the Hawthorn Hedge on Lower Shotover Road between SH6a and Domain Road.

The relief sought in the first three bullet points above is considered to be outside the scope of the Plan Change, which with respect to heritage trees is limited to the research of the addition of trees to the Inventory of Protected Features it is therefore not considered possible to amend the provisions of the District Plan, in particular Part 13, through the Plan Change to provide clarification of the maintenance of trees in the District Plan.

With respect to the first bullet point, it is also considered that the District Pan is not the appropriate means of achieving these matters.

With respect to the second and third bullet points it is noted that a further submission was lodged by Gordon Bailey which raised similar issues. In particular Mr Bailey submitted that the District Plan should allow for minor maintenance work on protected trees where the works are approved by the Council Parks Manger and are carried out in accordance with acceptable arboriculture practice.

In addition, the Panel received evidence regarding the need for regular trimming and maintenance of Hawthorn Hedges. This is endorsed by the Panel.

In response to these matters the Panel recommends that the Council support the guidelines drafted by the Council with regards to the maintenance and trimming of trees protected under the District Plan (titled "A Guideline to Pruning Heritage Trees in the Queenstown Lakes District") and that the Council produce specific guidelines for the maintenance of Hawthorn Hedges.

With respect to the fourth bullet point it is considered appropriate and necessary to amend Ref 208 in the Inventory of Protected Features to provide clarification that the protection of Hawthorn Hedge under Ref 208 relates to both sides of the road. This amendment will ensure effective protection.

With regards to the final bullet point it has been requested that the Hawthorn Hedge on Lower Shotover Road between SH6a and Domain Road be included in the District Plan. Hawthorn hedges within this vicinity have been assessed by arborist David Glenn. Based on this assessment Mr Glenn concludes that while the Hawthorn hedges are reasonably old and provide sufficient vegetation cover, they are widely considered as a noxious weed in New Zealand, are not long lived and are susceptible to collapse if they are not maintained properly. He considers the hedges within this vicinity are generally poorly maintained.

Based on this assessment it is not considered appropriate to also include the Hawthorn hedges on the section of Lower Shotover Road between State Highway 6a and Domain Road in the District Plan. Further, inclusion of additional items in the Plan Change is deemed to be outside the scope of the Plan Change.

The submission of Paradise Rural Estates Ltd also seeks provision be made in the protection of the Hawthorn for an exemption for vehicle access gaps. In considering this matter the Panel noted that provision for access ways is already provided for through the resource consent process as per Part 13 of the District Plan as a Restricted Discretionary activity.

With respect to Paradise Rural Estates submission it is also noted that the other species commonly found growing with Hawthorn, in particular Elderberry, are not included in the protection of the Hawthorn Hedge and are not considered to possess the same level of significance as the Hawthorn.

Reference is also made to Part 5.4.8 of this report which considers submissions seeking that the Hawthorn Hedge (Ref 208) be deleted from the Inventory of Protected Features.

Decision

That the submissions of Anne Marie Bailey [3/3.2] and [3/3.3], Marie Braddock [3/7.1] and Robert & Elvena Heywood [3/30.1] are rejected

The submission of Paradise Rural Estates Ltd [3/42.2] and further submissions of *Queenstown and District Historical Society* [3/30.1.1] and [3/42.2.1] are accepted in part.

That part of the submission of Paradise Rural Estate which is accepted relates to amending Ref 208 to provide clarification that the protection of the Hawthorn Hedge relates to both sides of the road. That part of the submission of Paradise Rural Estate which is rejected relates to the request to reword the provisions to provide for maintenance and to include the Hawthorn Hedge on Lower Shotover Road between SH6a and Domain Road.

And that the following amendments be made to the Plan Change:

Appendix 3

Inventory of Protected Features

1 Queenstown
Heritage Trees – Queenstown

Ref No	Map Ref	Description	Legal Desc		Valn Ref
208	29	Avenue of Hawthorn Hedge within triangle of Domain Road, Speargrass Flat Road and Lower Shotover Road <u>located on both sides of the road.</u>	Various		Various

Reason

Relief sought by a number of submitters regarding maintenance/trimming of the Hawthorn hedge is outside the scope of the Plan Change and therefore cannot be considered. Amendment of Ref 208 in the Inventory of Protected Features is however considered appropriate and necessary to provide

clarification that the protection of Hawthorn Hedge relates to both sides of the road. Finally, it is not considered appropriate to include the Hawthorn Hedge on Lower Shotover Road between SH6a and Domain Road in the Plan Change.

5.6.3 Ref 204, Walnut Trees, Walnut Grove, Lake Hayes Estate

Submission

Gordon Bailey [3/46.1] seeks amendment of the heritage tree list in the District Plan to ensure accurate information is shown. It is unclear how many of the Walnut trees at Walnut Grove, Lake Hayes Estate, are protected. All trees appear in good health. Recommends that all 74 Walnut trees be protected heritage trees.

Consideration

The Walnut trees on Walnut Lane off Frankton-Ladies Mail Highway were included in the preparation of the Plan Change as tree Ref 12.

Evaluation of the trees in accordance with the STEM analysis was undertaken as part of the Plan Change preparation and identified a STEM score of 171. In particular the trees scored highly based on their vigour, vitality, age and their role in the setting. They were also recognised as having good form, stature and visibility. As a result, the trees were included in the Plan Change and are proposed to be listed in the Inventory of Protected Features as Ref 204.

As identified in the submission, Ref 204 of the Inventory of Protected Features does not specify how many of the 74 trees are protected.

The STEM evaluation for these trees included the assessment of all of the Walnut trees. It was consequently the intention of the Plan Change to include all the Walnut trees in the Inventory of Protected Features. As a result it is considered appropriate to amend the Inventory of Protected Features to clarify this matter.

Decision

That the submission of Gordon Bailey [3/46.1] is accepted and that the Plan Change be amended as follows:

Appendix 3

Inventory of Protected Features

1 Queenstown and Environs Heritage Trees – Queenstown

Ref No	Map Ref	Description	Legal Desc	Valn Ref
204	30	Walnut Trees (74), Walnut Lane	Lot 1 DP 302859	2907124304

Reason

The STEM evaluation of the trees assessed all of the Walnut trees on the site and it was consequently the intention of the Plan Change to include all the Walnut trees in the Inventory of Protected Features.

5.6.4 Ref 199, Weeping Elm, Ballarat Street

Submission

Ken Gousmett [3/50.1] seeks recognition in the Plan Change that transplanting the Weeping Elm (Ref 199) at Ballarat Street may be a satisfactory option to retention in the existing location. This could be added as an extra line as follows: *"In assessing any discretionary application regarding this tree under the Assessment Matters (13.3.2iv) the transplanting of this tree either to another location on the community centre site or to the aquatic centre at Frankton will also be considered"*. Reasons include: the tree did not score highly in the STEM evaluation; general enthusiasm to retain the tree if at all practical; Weeping Elm is generally very successful as a large tree transplant; the tree's retention could affect the development of the site by reducing the capacity of carparking; it will also compromise the use of the site for community centre purposes; and the location of the tree may affect the Council's strategy for a road connection from Melbourne to Henry Street.

Further detail of the amendments sought to allow for the transplanting of the tree were provided in Mrs Fergusson evidence (attachment G of her evidence).

Consideration

The Weeping Elm tree on the old swimming pool site on Ballarat Street, Queenstown was included in the preparation of the Plan Change as tree Ref 3.

Evaluation of the tree in accordance with the STEM analysis was undertaken as part of the Plan Change preparation and identified a STEM score of 102. As a result of this evaluation the tree was included in the Plan Change and is proposed to be listed in the Inventory of Protected as Ref 199.

Further STEM evaluation work undertaken by David Glenn has however indicated that a STEM score of around 100 is relatively low and that trees should only be considered for inclusion in the District Plan where the STEM score is 120 or greater.

Reasons the Weeping Elm tree scored so low in its evaluation were based on it having a: moderate form; minor function; insignificant stature; minor role in the setting; and a minor contribution to climate control. In addition the tree is not visible for any great distance and is consequently not regarded as a visual feature or landmark. The Weeping Elm evaluation did however provide a high score based on the rare occurrence of the species and the lack of other trees in close proximity, drawing greater attention to it than if it was located amongst a stand of trees. It was also recognised as having good vigour and vitality.

Transplanting the Weeping Elm tree has been recommended as being appropriate by arborist David Finlin of Essential Landscape Ltd in support of Mr Gousmett's submission.

It is considered that transplanting is consistent with the outcomes of the STEM evaluation which recognises that the tree is not regarded as a visual landmark, does not have any particular usefulness that is associated to the site (noise screening, soil stabilisation, wildlife refuge/shelter etc), does not play a significant role in the setting, and does not provide for any climate control

within its vicinity. The tree did score highly in the STEM evaluation based the lack of other trees in close proximity, however it is considered that this factor can be maintained through transplanting.

In making its decision the Panel agree with the proposed transplanting of the Weeping Elm and consider the Events Centre site as being appropriate as it would allow the tree to continue its association with the swimming pool and would allow for the on-going health of the tree given that the site is large and flat.

Decision

That the submission of Ken Gousmett [3/50.1] is accepted and that the following amendment be made to the Plan Change:

Appendix 3

Inventory of Protected Features

1 Queenstown and Environs Heritage Trees – Queenstown

Ref No	Map Ref	Description	Legal Desc	Valn Ref
199	36	Weeping Elm, <u>located as at 4/9/06 on the old swimming pool site, Ballarat Street by the old swimming pool (47 & 49 Stanley Street)</u> <u>Transplanting to the following sites is permitted:</u> <ul style="list-style-type: none"> <u>Lot 1 DP 25073, Lot 11 DP 22121 and Sections 49-50, Section 58, Sections 61-62, Section 149, Part Section 59-60 and Part Section 63 Block I Shotover Survey District (Queenstown Events Centre/Aquatic Centre, Frankton).</u> 	Sec 1 SO 19720, Secs 1-2, 9 Blk XVIII Queenstown Town <u>Note: Legal description and valuation number to be updated if the tree is transplanted.</u>	2910615600

Reason

It has been determined that transplanting the Weeping Elm to the Events Centre site and the provision of this in the Inventory of Protected Features would be appropriate.

5.7 AMENDMENT OF CATEGORIES

5.7.1 Amendments to Categories in accordance with Research undertaken by Rebecca Reid

Submission

Karen Boulay on behalf of the Queenstown and District Historical Society [3/4.2] submits that the category ratings of some items be upgraded from initial assessment due to later research, including the heritage inventory work completed by Rebecca Reid of over a dozen of the Districts icons.

Consideration

The submission of Karen Boulay lacks detail as to exactly which items should have their categories upgraded. As a result it not possible to determine whether or not such amendment is appropriate.

The Panel therefore recommend that the Council initiate the category amendments recommended by Rebecca Reid through a separate Plan Change.

Decision

That the submission of Karen Boulay on behalf of the Queenstown and District Historical Society [3/4.2] is rejected.

Reason

The submission lacks detail as to which items should have their categories upgraded.

5.7.2 Pre 1900 Archaeological sites

Submission

Te Ao Marama Incorporated [3/64.3] requests that categories are amended to include pre 1900 archaeological sites in Category 1. The proposed Categories fail to recognise the importance of wahi tapu and wahi taonga, which need to be included under the highest protection.

Bruce Albiston of the NZ Historic Places Trust [3/64.3.1] supports the submission of Te Ao Marama Incorporated as the submission more accurately describes the archaeological provisions of the Historic Places Act and the significance of archaeological sites.

Consideration

Listed heritage items are classified into one of three Council categories. Under the 'Explanation and Principal Reason for Adoption' of Objective 1 – Heritage Values of Part 13.1.3, Category 1 is described as:

“Category 1

The heritage resource warrants the highest level of protection because it is extremely significant to the District and demolition is not contemplated. Category 1 shall include all places of greatest historical or cultural heritage significance including all items in Category 1 of the Historic Places Trust’s Register.”

Further under this section the following explanation is provided with regards to the protection of waahi tapu, waahi tapu areas and archaeological sites:

“Where possible, the Plan recognises waahi tapu, waahi tapu areas and archaeological sites. However due to the nature of these resources, it may not be possible to identify all sites or list them in Appendix 3. The nature of these particular heritage resources also makes them difficult to categorise as has been done for the other listed heritage items.

Such sites which are listed in the Inventory of Protected Features have been categorised as either a category 2 or 3. This reflects the importance of categorising each site/feature individually.

Further, it is not considered appropriate under the Act to categorise sites/features prior to appropriate assessment of each site/feature as this may lead to inefficient and inappropriate implementation of the Act. Given the nature of these sites, such assessments are generally neither practical nor possible.

As a result, based on these constraints, it is considered that the existing method for protecting waahi tapu, waahi tapu areas and archaeological sites under the District Plan is the most appropriate method and should be retained.

Decision

That the submission of Te Ao Marama Incorporated [3/64.3] and further submission of *Bruce Albiston of the NZ Historic Places Trust* [3/64.3.1] are rejected.

Reason

It is not considered appropriate under the Act to categorise sites/features prior to appropriate assessment of each site/feature as this may lead to inefficient and inappropriate implementation of the Act.

5.7.3 Ref 5, Skippers Road

Submission

NZ Historic Places Trust (Southern Region) [3/41.1] in their written submission seeks retention of all provisions of the Plan Change with amendment to the category of Skippers Road from category 2 to category 1.

Historic Places Trust Queenstown Lakes Branch [3/31.1] supports the Plan Change relating to Skippers Road and environs and seeks the implementation of the Plan Change.

Queenstown and District Historical Society [3/31.1.1] and [3/41.1.1] supports the submission of the NZ Historic Places Trust and submits that Skippers Road has a unique character which warrants preservation at the highest level.

Consideration

Under Part 13 of the District Plan alteration of any feature or structure listed in the Inventory of Protected Features as either a category 1 and 2 is a discretionary activity. However, demolition of a category 2 item is a non-complying activity, while demolition of a category 1 item is a prohibited activity.

Although assessment of Skippers Road (undertaken as part of the preparation of the Plan Change) identified that it has a high overall heritage value, given the nature, function and purpose the road serves the Planners Report on submissions recommended that it was not appropriate for Skippers Road to be a category 1 item and that as a category 2 item the heritage values associated with the road will be more than effectively protected and maintained.

In their evidence presented to the Hearings Panel the NZ Historic Places Trust noted that they accept the recommendation made in the Planners Report with respect to Skippers Road.

Based on this the Panel consider it appropriate to retain the category 2 listing for the Skippers Road.

Decision

That the submission of the NZ Historic Places Trust (Southern Region) [3/41.1] and further submission of the *Queenstown and District Historical Society* [3/41.1.1] are rejected.

That the submission of the Historic Places Trust Queenstown Lakes Branch [3/31.1] and further submission of the *Queenstown and District Historical Society* [3/31.1.1] are accepted.

Reason

Given the nature, function and purpose the road serves it is not considered appropriate for it to be listed as a category 1 item.

5.7.4 Ref 226, Paradise House

Submission

New Zealand Historic Places Trust (Southern Region) [3/41.2] seeks retention of all provisions of the Plan Change with amendment to the category of the Paradise House from category 3 to category 1.

Consideration

The Paradise House was assessed as part of the preparation of the Plan Change and was identified as having a high overall heritage value. As a result of this assessment and consultation with the landowner the feature was included in the Plan Change and is proposed to be listed in the Inventory of Protected Features as Ref 226, as a category 3 item.

The Paradise house was included in further research undertaken by Rebecca Reid (on behalf of the Council) after the notification of the Plan Change (refer to pages 79-85 of the Draft Queenstown Lakes District Heritage Register, Queenstown Lakes District Council 2005). This research confirmed the outcome of the original assessment in that the house was recognised as having a high overall heritage value. In particular, it was identified as having high architectural, cultural, traditional, historical, social, townscape, rarity and representative value.

In comparison to other features in the District this feature scored very highly in this assessment and as a result Rebecca Reid recommended in her work that the feature be raised from a category 3 item to a category 2.

Based on the work and recommendations made by Rebecca Reid it is considered appropriate to amend the category rating of the Paradise house from category 3 to category 2.

This will have the effect of requiring a discretionary activity consent for any alteration as opposed to a controlled activity consent, and a non-complying activity consent as opposed to a discretionary activity consent for the demolition of the building.

It is acknowledged that the Historic Places Trust have requested that the feature be raised to a category 1 item. It is however considered that amendment to category 2 will still ensure the heritage values associated with the building are effectively maintained and protected. Further, this is considered consistent with research undertaken by the Council.

Decision

That the submission of the New Zealand Historic Places Trust (Southern Region) [3/41.2] is accepted in part.

That part of the submission which is accepted relates to raising the category rating of the Paradise House. That part of the submission which is rejected relates to the request to protect the Paradise house as a category 1 item.

And that the following amendments be made to the Plan Change:

Appendix 3

Inventory of Protected Features

1 Queenstown and Environs

Buildings

Dwellings

Ref No	Map Ref	Description	Legal Desc	NZHPT Ref	Valn Ref	NZHPT Cat	QLDC Cat
226	9	Paradise House, Paradise Trust, Paradise Road	Section 30 Block II Dart SD		2911131900		3 2

Reason

In additional research work carried out by Rebecca Reid it was recommended that the Paradise House be raised from a category 3 item to a category 2.

5.7.5 Ref 363, Walnut Cottage

Submission

Walnut Cottage Trust [3/70.1] requests that the Council amend the status of the Walnut Cottage from category 2 to category 3 as: the majority of the Cottage does not require protection as an historic feature; the Cottage was moved to its current address in 1947 and had additions added in 1948 and 1998; the Cottage is subject to a family trust that has conditions protecting its future; category 2 is inappropriate for the Cottage as a whole as only one third of the building is original.

Queenstown and District Historical Society [3/70.1.1] oppose the submission of Walnut Cottage Trust as the original, core part of the cottage merits Category 2 protection on account of its age. The fact that only part of the present building is historic should not prevent protection of the part that is historic. Changes in the status or existence of the Trust could result in loss of protection.

Consideration

The Walnut Cottage was assessed as part of the preparation of the Plan Change and was identified as having a moderate to high overall heritage value. As a result of this assessment the feature was included in the Plan Change and is proposed to be listed in the Inventory of Protected Features as Ref 363, as a category 2 item.

The Walnut cottage was included in further research undertaken by Rebecca Reid (on behalf of the Council) after the notification of the Plan Change (refer to pages 12-15 of the Draft Queenstown Lakes District Heritage Register, Queenstown Lakes District Council 2005). This research confirmed the outcome of the original assessment in that the house was recognised as having a moderate to high overall heritage value and warranted protection as a category 2 item. In particular the research identified that the cottage has high historical, social, townscape, rarity and representative value and moderate architectural value.

However, further to the evidence presented by John Stevenson on behalf of the Walnut Cottage Trust the Panel notes how care has been taken of the building over time and considers that a category 3 status is appropriate.

Decision

That the submission of Walnut Cottage Trust [3/70.1] is accepted and that the further submission of *Queenstown and District Historical Society* [3/70.1.1] is rejected.

And that the following amendment be made to the Plan Change:

Appendix 3

Inventory of Protected Features

2 Arrowtown and Environs

Buildings

Dwellings

Ref No	Map Ref	Description	Legal Desc	NZHPT Ref	Valn Ref	NZHPT Cat	QLDC Cat
363	26	Walnut Cottage, 265 Arrowtown-Lake Hayes Road.	Lot 1 DP 5746 Blk VII Shotover SD		2907114000		2 3

Reason

Further to the evidence presented the Panel considers that a category 3 status is appropriate.

5.8 TYPOGRAPHICAL ERRORS

5.8.1 Typographical and Technical Errors

Submission

Gordon Bailey [3/43.1], [3/43.2], [3/43.3], [3/43.4], [3/43.5], [3/43.6], [3/43.7], [3/43.8], [3/43.9], [3/43.10], [3/43.11], [3/43.12], [3/43.13], [3/43.14], [3/43.15]

and [3/43.16] submits a technical submission to correct the names, both botanical and common, on the Register Sheets of the trees listed below. Seeks these name changes, spelling and general nomenclature of the trees be corrected as it is important Council has the correct nomenclature for all listed trees:

- Ref 205, Robinia - Change common name from Robinia to False acacia, Black locust and change botanical name from Robinia pseudoacacia to Robina pseudoacacia.
- Ref 212, Acer - Change common name from Acer to Silver maple.
- Ref 213, Robinia - Change common name from Robinia to False acacia, Black Locust and change botanical name from Robinia acacia to Robinia pseudoacacia.
- Ref 214, Wellingtonia's - Include botanical name Sequoiadendron giganteum.
- Ref 274, Walnut Tree - Change common name from Walnut tree to Black walnut.
- Ref 215, Sycamores - Change botanical name from Sycamore to Acer pseudoplatanus.
- Ref 215, Oak - Change common name from Oak to English oak and change botanical name from Quercus robur to Quercus robur.
- Ref 215, Wellingtonia's - Include botanical name Sequoiadendron giganteum.
- Ref 215, Lawson Cypress - Add botanical name Chamaecyparis lawsoniana.
- Ref 215, Lime Trees - Change common name from Lime Tree to Common Lime and change botanical name from Tilia ps. to Tilia x Valgaris.
- Ref 623, Brewer Spruce - Change botanical name from Picea brewerana to Picea breweriana.
- Ref 168, Walnut - Change common name from Walnut to Black Walnut.
- Ref 198, Oaks - Change common name from Oak to English oak.
- Ref 202, Manatu - Add to common name Ribbonwood and change botanical name from Plagianthus betulinus to Plagianthus betulinus.
- Ref 203, Oak - Change common name from Oak to English oak.
- Ref 204, Walnut Trees - Change common name from Walnut tree to Common walnut and change botanical name from Juglans var. to Juglans regia.

Gordon Bailey [3/46.6], [3/46.7], [3/46.9], [3/46.10], [3/46.11], [3/46.12], [3/46.13], [3/46.14], [3/46.15], [3/46.16], [3/46.17], [3/46.18], [3/46.19], [3/46.20], [3/46.22], [3/46.25], [3/46.26], [3/46.27], [3/46.28], [3/46.29], [3/46.30], [3/46.31], [3/46.33], [3/46.34], [3/46.35], [3/46.36], [3/46.37], [3/46.38], [3/46.39], [3/46.40], [3/46.41], [3/46.42], [3/46.43], [3/46.44], [3/46.45], [3/46.46], [3/46.48], [3/46.49], [3/46.50], [3/46.51], [3/46.52], [3/46.53], [3/46.54], [3/46.55], [3/46.56] and [3/46.57] submits that a number of errors need to be corrected. Amendment of the heritage tree list in the District Plan is sought to ensure accurate information is shown as follows:

- Ref 148, Lewis Hotop Trees – should read: Lewis Hotop Trees, Ash (Fraxinus Sp.), 1 Elm (Ulmus procera), 1 Lawson Cypress (Chamaecyparis Lawsoniana), 2 Sycamore (Acer pseudoplatanus), Camp Street, Queenstown (St James Apartments).
- Ref 149, Wellingtonia's – address should read: Cemetery road, Queenstown, on the boundary with Camping Ground and legal description should read: Adjacent to Section 132, Section 1 & 2 SO 20796, parts 73 111 Block XX Shotover SD.

- Ref 152, Wellingtonia's - should read as Wellingtonia, and legal description should read Section 1, Block XXXVII, town of Queenstown.
- Ref 153, Lime or Linden - read as Lime Tree not Lime or Linden.
- Ref 155, Black Oak etc - site description should include words; 'Queenstown Gardens'.
- Ref 156, Lombardy Poplars - should read as 27 Poplars.
- Ref 163, Lombardy Poplar - should read (Populus nigra) and Marking not Mafeking.
- Ref 168, Walnut - Address should read; Memorial Street, Queenstown and include botanical name Juglans nigra.
- Ref 173, Dogwood - Botanical name should read Cornus capitata.
- Ref 186, Service Tree - change botanical name Sorbus domesticus to Sorbus domestica.
- Ref 192, Poet Laurel - change botanical name Laurus mobilis to Laurus nobilis.
- Ref 194, Yew Tree - change botanical name Taxus baccata 'fastigita' to Taxus baccata 'Fastigiata'.
- Ref 198, Oaks and Cedars - add botanical name Quercus robur after 'Oaks' and state that there are 9 Oaks. Add botanical name Cedrus deodara after the word 'Cedars' and state there are 11 Cedars.
- Ref 199, Weeping Elm - add botanical name Ulmus glabra 'Horizontalis'.
- Ref 201, Poplar - add botanical name Populus nigra.
- Ref 204, Walnut Trees - add botanical name jugtans regia and specify number of trees (32).
- Ref 205, Robinia - add botanical name Robinia pseudoacacia and specify number of trees (3).
- Ref 206, Macrocarpa - add botanical name Cypressus macrocarpa and add to site description "opposite Events Centre".
- Ref 207, Wellingtonia's - add botanical name Sequoiadendron giganteum.
- Ref 208, Hawthorn Hedge - add botanical name Crataequs monogyna.
- Ref 209, Poplars - add to site description "Lower Shotover Road and Domain Road".
- Ref 210, Elm - add botanical name Ulmus Lois van Houtte and add to site description "South Remarkable Ski Field entrance".
- Ref 212, Acer - add botanical name Acer saccharinum and add to site description the words "front garden".
- Ref 213, Robina - add botanical name Robinia pseudoacacia.
- Ref 214, Wellingtonia's - add botanical name Sequoiadendrum giganteum and specify that there are 2 trees.
- Ref 215, Oak's etc - add botanical names and specify numbers of trees as follows; (8) Acer pseudopltanus, (2) Quercus robur, (2) Sequoiadendron giganteum, (6) Tilla x europea, and Chamaecypari lawsoniana.
- Ref 255, Hawthorn Hedge - add botanical name Crataegus monogyna.
- Ref 273, Indian Bean Tree - add botanical name Catalpa bignonioides.
- Ref 274, Walnut Tree - add botanical name Juglans regia.
- Ref 275, Spruce - add botanical name Picea.
- Ref 420, Wellingtonia's - add botanical name Sequoiadendron giganteum.
- Ref 421, Gum Tree - add botanical name Eucalyptus gunnii.
- Ref 560, Giant Fir - add RNZIH Notable Tree reference ID 30.
- Ref 564, Horse Chestnut - add to botanical name hippocostanum.
- Ref 574, Japanese Maple - add botanical name Acer Sp.
- Ref 577, Walnut - add RNZIH reference 325.
- Ref 582, Dawn Redwood - add to botanical name Glyptostrobodes.

- Ref 583, Dawn Redwood - add to botanical name Glyptostroboodes.
- Ref 591, Lombardy Poplar - change botanical name Halica to Italica.
- Ref 593, Douglas Fir - add RNZIH reference number 324.
- Ref 594, Douglas Fir - add RNZIH reference number 322.
- Ref 596, Oak Trees - Change the common name to English Oak Trees (3).
- Ref 598, English Oak - add RNZIH reference number 321.
- Ref 601, Wellingtonia - add RNZIH reference numbers 323 and 317.
- Ref 623, Brewer Spruce - add botanical name Picea breweriana.
- Ref 625, Holly - add botanical name Ilex Sp.
- That the following tree id numbers from the Royal NZ Institute of Horticulture Notable Trees in NZ Scheme be included in the District Plan:
 - Giant Fir, Wanaka Station Homestead – RNZIH tree ID 320.
 - Weeping Redwood, Wanaka Station Homestead – RNZIH tree ID 318.
 - Common Lime, Wanaka Park Station – RNZIH tree ID 830.

Gordon Bailey [3/46.6.1] submits further to his original submissions that: the 6 Sequoiadendron giganteum trees located either side of the Queenstown Gondola cableway be considered for protection; Rule 13.2.3.2(iii) Discretionary Activities - Heritage Trees should be amended regarding activities within the drip-line of trees; the District Plan should allow for minor maintenance work on protected trees where the works are approved by the Council Parks Manger and are carried out in accordance with acceptable arboriculture practice; and submits other options for consideration regarding the protection of trees under the District Plan and the planning/resource consent processes associated to this.

Gordon Bailey [3/49.1] seeks correctly named trees in the District Plan and for the botanical name Cedrus deodara to be included on the Register Sheet for Ref 198, Cedars at the Queenstown Motor Park.

Consideration

Gordon Bailey has submitted a number of submissions to ensure that protected trees are correctly recorded in the Inventory of Protected Features and in the register sheets prepared as part of this Plan Change.

It is important that these documents contain correct information to ensure the effective and efficient implementation of the District Plan and protection of the District's heritage trees. As a result it is considered important and necessary to amend the Inventory of Protected Features and register sheets as detailed in Gordon Bailey's submissions.

It is noted that some of these submissions relate to protected trees which did not form part of the Plan Change and have been listed in the District Plan for some time. Consequently, these points of submission are outside the scope of the Plan Change and therefore cannot be considered. The Panel however recommend that the Council investigate whether the amendments sought in these submissions can be made to the District Plan in accordance with clause 16(2) and/or clause 20A of the First Schedule to the Act.

It is also not considered necessary to amend details of listed trees if it is decided elsewhere in this report that they be removed from the Inventory of Protected Features e.g. Ref 202.

With respect to point of submission 3/46.19 which seeks that Ref 198 identify that there are 9 Oaks and 11 Cedars protected on the Queenstown Motor Park site, it is noted that since the notification of the Plan Change it appears

that 3 of the Oak trees have been removed. Further, as detailed under part 5.14.1 of this Decision, the trees fall over two different lots, being identified as the old Queenstown Motor Park area and the Lakeview Holiday Park area. As detail in the original assessment for these trees 6 Oaks and 7 Cedars are intended to be protected on the old Motor Park area and 3 Oaks (which have been removed) and 4 Cedars are intended to be protected on the Lakeview Holiday Park Area. There are currently 2 Wellingtonia's protected on the old Motor Park site (as Ref 214). It is therefore considered that while it is important to identify the number of trees protected as sought by Mr Bailey, it is also important to ensure that the number of trees are identified in the Inventory of Protected Features for each of the individual lot rather than grouping them as a whole as currently recorded.

With respect to point of submission 3/46.25 which seeks that Ref 204 identify that 32 trees are protected, it is noted that under part 5.6.3 of this report it is decided that Ref 204 of the Inventory of Protected Features be amended to identify that all 74 Walnut trees are protected. As a result, identification of 32 trees as requested in point of submission 3/46.25 is rejected.

Reference is also made to parts 5.2.40 and 5.4.2 of this report which considers submissions relating to Ref 209. As a result of the decisions on these submissions, relief sought by Gordon Bailey with respect to Ref 209 is rejected.

Finally, it is noted that the submitters requests that the Royal NZ Institute of Horticulture tree id number be included in the Inventory of Protected Features where relevant. This relief is outside the scope of the Plan Change and therefore cannot be considered.

Decision

That the submissions of Gordon Bailey [3/43.1], [3/43.2], [3/43.3], [3/43.4], [3/43.5], [3/43.6], [3/43.7], [3/43.8], [3/43.9], [3/43.10], [3/43.11], [3/43.12], [3/43.13], [3/43.15] and [3/43.16], Gordon Bailey [3/46.14], [3/46.20], [3/46.22], [3/46.26], [3/46.27], [3/46.28], [3/46.29], [3/46.31], [3/46.33], [3/46.34], [3/46.35], [3/46.36], [3/46.38], [3/46.39], [3/46.40], [3/46.41], [3/46.42], [3/46.45], [3/46.56] and [3/46.57] and Gordon Bailey [3/49.1] are accepted

That the submissions of Gordon Bailey [3/46.19] and [3/46.25] are accepted in part. Those parts of the submissions which are accepted relate to including the botanical name and identifying the number of trees protected. Those parts of the submissions which are rejected relate to not identifying the number of trees protected as sought by Mr Bailey.

That the submissions of Gordon Bailey [3/43.14] and Gordon Bailey [3/46.6], [3/46.7], [3/46.9], [3/46.10], [3/46.11], [3/46.12], [3/46.13], [3/46.15], [3/46.16], [3/46.17], [3/46.18], [3/46.30], [3/46.37], [3/46.43], [3/46.44], [3/46.46], [3/46.48], [3/46.49], [3/46.50], [3/46.51], [3/46.52], [3/46.53], [3/46.54] and [3/46.55] and further submission of Gordon Bailey [3/46.6.1] are rejected.

And that the following amendments be made to the Plan Change:

Appendix 3 – Inventory of Protected Features

Ref No	Map Ref	Description	Legal Desc	Valn Ref
168	35	Walnut (<u>Juglans nigra</u>), recreation ground, Memorial Street, <u>Queenstown</u> .	Sec 134 Blk XX, Shotover SD	2910614000

198	35	Oaks and Cedars (4) (Cedrus deodara), Queenstown Lakeview Holiday Motor Park, Thompson Brecon Street	Lot 1, DP 7498 (James Clouston Recreational Reserve)		2910671300
199	36	Weeping Elm (<u>Ulmus glabra 'Horizontalis'</u>), Ballart Street, by old swimming pool (47 & 49 Stanley Street)	Secs 1-2, 9 Blk XVIII Queenstown Town		2910615600
201	33	Poplar (<u>Populus nigra</u>), Frankton foreshore (Antrum Hotel site)	Part Section 47 Blk XXI Shotover SD		2910331500
204	30	Walnut Trees (<u>Juglans regia</u>), Walnut Lane	Lot 1 DP 302859		2907124304
205	30	Robinia (3) (<u>Robinia pseudoacacia</u>), Frankton-Ladies Mile Highway	Lot 1 DP 302859		2907124303
206	33	Macrocarpa (<u>Cupressus macrocarpa</u>), 57 & 60 Frankton-Ladies Mile Highway, <u>opposite the Events Centre.</u>	Sec 125 Blk 1 Shotover SD		2907148700
207	31	Wellingtonia's (2) (<u>Sequoiadendron giganteum</u>), Fulton and Hogan Ltd gravel yard, Frankton-Ladies Mile Highway.	Lot 66, Section 71 and Crown Land adjacent to Sections 67 Shotover River Block LI Shotover SD		2910200200
208	29	Avenue of Hawthorn Hedge (<u>Crataegus monogyna</u>), within triangle of Domain Road, Speargrass Flat Road and Lower Shotover Road	Various		
210	13	Elm (<u>Ulmus Lois van Houtte</u>), 249 Kingston Road, <u>south of the Remarkables Ski Field entrance.</u>	Lot 2 DP 17411		2913100500
212	13	Acer (<u>Acer saccharinum</u>), <u>Front garden of Remarkables Lodge</u> , 595 Kingston Road	Lot 1 DP 22658		2913100902
213	26	Robina (<u>Robinia pseudoacacia</u>), Rapid No. 192, Speargrass Flat Road	Lot 1 DP 11206		2907117301
214	35	Wellingtonia's (2) (<u>Sequoiadendron giganteum</u>), Oaks (6) (<u>Quercus robur</u>) and Cedars (7) (<u>Cedrus deodara</u>), Old Queenstown Motor Park, Thompson Street	Section 3 Blk XX Shotover SD		2910671300
215	13	Oak's (2) (<u>Quercus robur</u>), Sycamore's (8) (<u>Acer pseudoplatanus</u>), Wellingtonia's (2) (<u>Sequoiadendron giganteum</u>), Lawson Cypress (<u>Chamaecyparis lawsoniana</u>) and Lime Trees (6) (<u>Tilia x europea</u>), Old School Site, Gibbston Highway	Sec 53 Blk V Kawarau SD		2907204700
273	28	Indian Bean Tree (<u>Catalpa bignonioides</u>), outside 10 Caernarvon St	Road reserve		
274	26	Walnut Tree (<u>Juglans regia</u>), Walnut Cottage site, 265 Arrowtown-Lake Hayes Road	Lot 1 DP 5746 Blk VI Shotover SD		2907114000
275	26	Avenue of Spruce (<u>Picea</u>) leading to Ayreburn Homestead, 343 Arrowtown-Lakes Hayes Road	Lot 3 DP 5737 Block VI Shotover SD		2907116600
420	39	Wellingtonia's (<u>Sequoiadendron giganteum</u>), Kingston Cemetery entrance	Gaz 33-2430 Sec 16 Blk I Kingston SD (cemetery reserve)		2913126000
421	39	Gum Tree (<u>Eucalyptus gunnii</u>), school reserve, Kent Street (on boundary)	Pt Sec 1 of Sec 15 Blk I Kingston		2913126700
574	22	Japanese Maple (<u>Acer sp.</u>), 12 Homestead Close	Lot 8 DP 27278 Wanaka Town		2905401503
623	22	Brewer Spruce (<u>Picea breweriana</u>), Wanaka Station Park, Norman Terrace	Lot 1 DP 16152 Wanaka Town		2905401400
625	22	Holly (<u>Ilex sp.</u>), Wanaka Station Park, Norman Terrace	Lot 1 DP 27278 Wanaka Town		2905401400

And that the Register Sheets for the following features be amended accordingly: Ref 168, 198, 203, 204, 205, 212, 213, 214, 215, 274 and 623.

Reason

It is important that the Inventory of Protected Features and register sheets contain correct information to ensure the effective and efficient implementation of the District Plan and protection of the District's heritage trees. However, some of the submissions relate to protected trees which did not form part of the Plan Change and have been listed in the District Plan for some time. Consequently, these points of submission are outside the scope of the Plan Change and therefore cannot be considered.

5.9 GENERAL PROTECTION

5.9.1 General Protection of Types of Features or of Features which meet a Criteria and of all Trees, Types of Trees, or Trees which meet a Criteria

Submission

Karen Boulay on behalf of the Queenstown and District Historical Society [3/4.4] submits that there should be a serious consideration about the decimation of the Districts trees, even those not protected, and that a new rule needs to be implemented.

Vicki Buckham on behalf of the Historic Places Trust Queenstown Lakes Branch [3/9.1] supports a blanket provision for all trees over 5 meters high and of a certain girth. This criteria needs to be refined and defined but needs to be set in place urgently.

Jay Cassells [3/11.2], [3/11.3], [3/11.4], [3/11.5], [3/11.6], [3/11.9] and [3/11.18] and Pam Maclean [3/37.2], [3/37.3], [3/37.4], [3/37.5], [3/37.6], [3/37.9] and [3/37.18] submit that the following be added to the relevant appendix of the District Plan so as to obtain the highest level of protection:

- Any tree over 35 years old;
- Any tree over 5m in height;
- Any tree over 0.6m in girth, when measured from the lowest point where the tree emerges from the ground;
- Any jetty and associated structures on any lake, river or other body of water in the District;
- Any boatshed, slip way or other related structures including, but not limited to, any boatshed or structure identified by a numbered yellow tag;
- Any bridge over 50 years old; and
- Any building or structure over 80 years old;

Gordon Christie [3/12.7] submits that current issues and problems of tree protection could be answered through protecting trees by a requirement that those of a certain trunk diameter or girth 1m above ground level cannot be felled without Council approval, as in other District Plans.

Neil Clayton [3/13.1] submits that the Plan Change is unlikely to achieve the intention of protecting heritage items in the District as it is unlikely that all items worthy of protection can be individually identified and included in the Inventory of Protected Features at any one time and that the research and documentation required to support the inclusion is beyond the time and

money resources of a local authority to complete and maintain. Mr Clayton seeks that the heritage protection schemes from other jurisdictions be adapted to provide protection of all buildings and structures over a specified age within the District and all trees within the District of a prescribed species over a specified girth and/or height.

Katie Deans [3/18.1], [3/18.2], [3/18.6], [3/18.7] and [3/18.8] submits that:

- Any tree over 50 years old should be discussed by unbiased parties as to its future;
- When protecting trees it is important to note the difference in growth rates;
- Poplars where healthy should be protected;
- Most New Zealand native Beech trees should be protected; and
- All trees should be assessed.

Queenstown and District Historical Society [3/54.1] would like to see provisions in the District Plan that would not allow any large tree to be felled without Council approval. Trees are a highly regarded amenity feature in the District. While some trees are protected many more that are of value are not. It is also important that policy insist that new trees replace removed trees.

Karen Stuart [3/59.1] seeks amendment of the heritage list in the District Plan to add and include trees that are in the category of a certain age, height and girth. These trees need to be respected and are a part of the community. If they need to be felled they need to go through a strenuous and public forum.

Transit NZ [3/9.1.1], [3/11.2.1], [3/11.3.1], [3/11.4.1], [3/37.2.1], [3/37.3.1], [3/37.4.1], and [3/54.1.1] opposes the submission of the Historic Places Trust Queenstown Lakes Branch, Jay Cassells, Pam Maclean and the Queenstown and District Historical Society Reasons include: it is over protective and simplistic; it will create a situation where an extensive number of trees in the District have a degree of protection; it could potentially restrict Transit's ability to undertake maintenance and upgrade activities outside the existing road designation efficiently; and trees adjacent to the State Highway can have adverse effects on road safety.

Transit NZ [3/11.9.1], [3/11.18.1], [3/37.9.1] and [3/37.18.1] opposes in part the submission of Jay Cassells. Bridges/buildings/structures need to be identified for protection on an individual basis. Transit own a large number of bridges over 50 years old, of these few are likely to have any heritage value.

Transit NZ [3/12.7.1], [3/18.7.1], [3/18.8.1] and [3/59.1.1] opposes in part the submission Gordon Christie, Katie Deans and Karen Stuart. Trees located within the State Highway reserve should be exempt from any assessment provided for in the District Plan, as Transit is the controlling authority for State Highways and is necessary to ensure Transit can provide for and maintain a safe and efficient State Highway Network.

The Ministry of Education [3/11.2.2], [3/11.3.2], [3/11.4.2], [3/37.2.2], [3/37.3.2], [3/37.4.2] and [3/9.1.2] opposes the submissions of Jay Cassells, Pam Maclean and the Historic Places Trust Queenstown Lakes Branch as they are vague and provide a blanket protection or all such trees. Blanket protection of trees based only on size or age is a clumsy and inappropriate method that does not necessarily achieve the aim of the Plan Change. Blanket protection results in increased compliance cost and does not meet the purpose of the Act if the tree does not have any of the values.

The Ministry of Education [3/18.1.1] opposes the submission of Katie Deans as it is vague and does not specify who should discuss the future of older trees and does not refer to the District Plan. It also would lead to further assessment, which is not in line with the intent of the Act.

Wakatipu Environmental Society [3/13.1.2] supports the submission of Neil Clayton that "it is unlikely that all items worthy of protection can be individually identified".

Consideration

The District Plan identifies certain buildings, objects, places and trees within the District as being significant and worthy of protection. These items are listed in the Inventory of Protected Features (Appendix 3 of the District Plan) and are controlled through provisions under Part 13 of the District Plan.

Part of the purpose of the Plan Change was to research the addition of heritage features to the existing Inventory of Protected Features.

Submissions of Jay Cassells, Pam Maclean, Katie Deans and Karen Stuart seek amendment of the Inventory of Protected Features to include protection of features or trees which are of a certain age, size or species.

These submissions are considered to seek protection of trees and features per se, as opposed to protecting trees or features that are recognised for their heritage value. The different forms of criteria sought could affect trees and features that do not warrant protection as a heritage item. As a result these submissions are considered to be outside the scope of the Plan Change as they seek protection of a greater class of trees and features other than heritage features and trees as per the purpose of the Plan Change.

Submissions of Neil Clayton, Karen Boulay, Historic Places Trust, Gordon Christie, Katie Deans, and the Queenstown and District Historical Society seek amendment or addition of the District Plan provisions to allow for the protection of trees and/or features which meet a certain criteria.

As detailed above, with respect to heritage features and trees, the scope of the Plan Change is limited to adding further items to the Inventory of Protected Features. The Plan Change did not include the amendment or addition of the rules of Part 13 with respect to heritage features or trees. It is therefore considered that submissions seeking such relief are outside the scope of the Plan Change and cannot be considered.

The Panel however recommends that the Council consider the matters raised in these submissions in their ongoing work on Council policies and guidelines regarding trees and the general maintenance/trimming of protected trees within the District, with Council policy and guidelines being considered a more appropriate method of achieving the issues raised in these submissions.

Decision

That the submissions of Jay Cassells [3/11.2], [3/11.3], [3/11.4], [3/11.5], [3/11.6], [3/11.9] and [3/11.18], Pam Maclean [3/37.2], [3/37.3], [3/37.4], [3/37.5], [3/37.6], [3/37.9] and [3/37.18], Neil Clayton [3/13.1], Karen Boulay on behalf of the Queenstown and District Historical Society [3/4.4], Vicki Buckham on behalf of the Historic Places Trust Queenstown Lakes Branch [3/9.1], Gordon Christie [3/12.7], Katie Deans [3/18.1], [3/18.2], [3/18.6], [3/18.7] and [3/18.8],

Queenstown and District Historical Society [3/54.1], and Karen Stuart [3/59.1] and further submission of *Wakatipu Environmental Society* [3/13.1.2] are rejected.

That the further submissions of *Transit NZ* [3/9.1.1], [3/11.2.1], [3/11.3.1], [3/11.4.1], [3/11.9.1], [3/11.18.1] [3/12.7.1], [3/18.7.1], [3/18.8.1], [3/37.2.1], [3/37.3.1], [3/37.4.1], [3/37.9.1], [3/37.18.1], [3/54.1.1] and [3/59.1.1] and *The Ministry of Education* [3/11.2.2], [3/11.3.2], [3/11.4.2], [3/18.1.1], [3/37.2.2], [3/37.3.2], [3/37.4.2] and [3/9.1.2] are accepted.

Reason

The submissions are considered to be outside the scope of the Plan Change as they either seek protection of a greater class of trees and features other than heritage features and trees as per the purpose of the Plan Change or they seek amendment or addition of the rules of Part 13 which did not form part of the Plan Change.

5.10 HERITAGE LANDSCAPES

5.10.1 Heritage Landscapes

Submission

Neil Clayton [3/13.1] submits that the Plan Change is unlikely to achieve the intention of protecting heritage items in the District as it is unlikely that all items worthy of protection can be individually identified and included in the Inventory of Protected Features at any one time and that the research and documentation required to support the inclusion is beyond the time and money resources of a local authority to complete and maintain. Mr Clayton seeks that the heritage protection schemes from other jurisdictions be adapted and adopted to provide protection of all precincts and landscapes relating to prehistory, history and culture within the District.

Closeburn Station Management Ltd [3/15.1], J F Investments Ltd [3/35.1], Mount Field Ltd [3/40.1], Scott Freeman Consulting Ltd [3/56.1] and Wyuna Station & Glencoe Station [3/75.1] submit that the level of public consultation undertaken to support the inclusion of heritage items/features and the concept of heritage landscapes is inadequate. Further, the inclusion of heritage landscapes is ad-hoc, unjustified and based on incorrect information. It introduces uncertainty in relation to development across all zones as acknowledged in the section 32 report. The definition of heritage landscape lacks certainty and is so broad that any zone or landscape could constitute a heritage landscape. In addition, proposed methods of implementation of proposed Objective 3 do not form part of this Plan Change and therefore it is impossible to identify how it will be applied. There is no justification as to why the five heritage landscapes identified in the section 32 report constitute heritage landscapes as defined by the Plan Change. The section 32 report identifies heritage landscapes as those with 'interconnecting layers'. There is no clear identification or definition as to what 'layers' are specific to any particular area that warrants this blanket classification. The proposed Issues, Objectives and Policies relating to heritage landscapes are deficient with regard to the existing heritage provisions. Finally, the inclusion of heritage landscapes is contrary to the matters detailed under Part II of the Act and does not provide for the sustainable management of natural and

physical resources. Based on these deficiencies and lack of consultation with landowners it is requested that the Plan Change be withdrawn in its entirety.

Damper Bay Estates Ltd [3/17.1], Infinity Investment Group Ltd [3/34.1] and Signature Investment Ltd [3/58.1] submit that the proposed definition of a Heritage Landscape is very broad and has the ability to encompass a wide variety of landscapes and features. The proposed Objectives and Policies for heritage landscapes are also considered broad and subjective, providing a high level of uncertainty. They create catch-all provisions which may unduly restrict some activities. The proposal to establish criteria for identifying heritage landscapes at the time of resource consent establishes uncertainty, which cannot be justified in terms of section 32 of the Act. As a result of the RMA Amendment Act 2003 and the inclusion of section 6(f) and a definition of 'Historic Heritage', it is no longer necessary to include the protection of heritage features under the definition of 'Landscape'. The proposed Plan Change does not reflect this. Landscapes that hold heritage values need to be firstly identified in terms of the Act and then specific rules should be developed. The Plan Change as it stands is currently too subjective to be implemented appropriately and effectively. As a result it is requested that the Plan Change be withdrawn. Failing total withdrawal of the Plan Change it is requested that the Plan Change be amended to include a more detailed assessment of heritage landscapes and that these landscape areas are then supported by their own set of objectives, policies and rules.

John & Virginia Foster [3/23.1] request that the Sefferstown and Moke Lake heritage landscapes be deleted from the Plan Change as there is no evidence to necessitate it. These landscapes are on private property. Further, Sefferstown is not historic. The area has only been called 'Sefferstown' colloquially since 1972. The old school house has already been identified by the Historic Places Trust and is protected by the Trust. The trees are introduced species. The Council did not consult the landowners.

Paradise Rural Estates Ltd [3/42.1] request that the heritage landscape provisions be deleted entirely. The level of public consultation undertaken is inadequate. Further, the inclusion of heritage landscapes is ad-hoc, unjustified and based on incorrect information. It introduces uncertainty in relation to development across all zones as acknowledged in the section 32 report. The definition of a heritage landscape lacks certainty and is so broad that any zone or landscape could constitute a heritage landscape. In addition, proposed methods of implementation of proposed Objective 3 do not form part of this Plan Change and therefore it is impossible to identify how it will be applied. There is no justification as to why the five heritage landscapes identified in the section 32 report constitute heritage landscapes as defined by the Plan Change. Finally, the inclusion of heritage landscapes is contrary to the matters detailed under Part II of the Act and does not provide for the sustainable management of natural and physical resources

Transit NZ [3/67.1] submits that from time to time it undertakes physical works to maintain and improve the State Highway Network and in this context cultural and historic heritage issues are addressed. It is inevitable that works on the State Highway network will have the potential to disturb places of heritage importance and Transit proactively avoids, or limits the disturbance of significant features along the State Highway network. The identification and management of heritage landscapes by Council has the potential to affect Transits operation of the State Highway Network. Transit welcomes a continuation of the good working relationship it has with the Council in order

to achieve both the State Highway objectives and social and environmental responsibility regarding heritage resources. Transit therefore asks to be kept fully involved in on-going work to identify and manage heritage landscapes.

Director General of Conservation [3/17.1.1], [3/17.1.2], [3/23.1.1], [3/23.1.2], [3/42.1.1], [3/42.1.2], [3/58.1.1], [3/58.1.2], [3/40.1.1], [3/40.1.2], [3/56.1.1], [3/56.1.2], [3/75.1.1] and [3/75.1.2] opposes the submissions of Damper Bay Estates Ltd, John & Virginia Foster, Paradise Rural Estates Ltd, Signature Investments Ltd, Mount Field Ltd, Scott Freeman Consulting Ltd and Glencoe Station, in particular the objection to the definition of a Heritage Landscape and the perceived impact of the Plan Change on future developments. Reasons include: the definition of Heritage Landscapes is clear and unambiguous; the submissions seek to create a definition that is black and white and easily applied for Resource Consent purposes, however this is unreasonable and untenable and would require a total encapsulation and understanding of past human interaction with the environment into an all defining statement; the inclusion of heritage landscapes will not adversely affect development by adding additional costs to Resource Consent applications or by introducing uncertainty; the listing of heritage items in the District Plan does not require that a landowner be informed before this is done; and land ownership is irrelevant to the inclusion of an area as a heritage landscape.

Queenstown and District Historical Society [3/17.1.3], [3/23.1.3], [3/42.1.3] [3/15.1.2], [3/35.1.1], [3/40.1.3], [3/56.1.3] and [3/75.1.3] opposes the submissions of Damper Bay Estates Ltd, John & Virginia Foster, Paradise Rural Estates Ltd, Closeburn Station Management Ltd, JF Investments Ltd, Mount Field Ltd, Scott Freeman Consulting Ltd and Wyuna Station & Glencoe Station as the heritage landscapes which the Plan Change seeks to protect are distinctive and valuable, providing insight into the early European history of the District. The features they contain are inter-related, making the value an entire unit. They need consideration as an integrated whole. While lack of consultation prior to inclusion is regrettable, failure to provide protection until proper consultation can be carried out could put these areas at risk. Amendment through submissions should include the reasons for their inclusion and assessment matters for consideration of changes to activities within them.

Bruce Albiston of the NZ Historic Places Trust [3/15.1.1] opposes the submission of Closeburn Station Management as the Plan Change will better provide for heritage as required by the Act.

Consideration

Submissions received regarding heritage landscapes raise a number of issues with respect to this concept and its implementation under the District Plan. In particular it is submitted that:

- The proposed definition for heritage landscapes is broad and lacks certainty;
- The proposed Objectives and Policies for heritage landscapes are broad and considered as catch-all provisions;
- The establishment of criteria for heritage landscapes at the time of resource consent creates uncertainty;
- Inadequate consultation has been undertaken;
- There is no justification as to why the five heritage landscapes contained in the Plan Change are defined as heritage landscapes.

The purpose of the Plan Change included ensuring recognition of heritage landscapes so that the District's significant heritage values are effectively recognised and protected.

As part of the preparation of the Plan Change a section 32 analysis was undertaken. This analysis concluded that recognition of heritage landscapes through objectives, policies, methods and assessment matters in the District Plan was necessary to achieve an effective level of protection of the District's heritage values. Further, that such values should be recognised and provided for when assessing resource consents for subdivision and development.

The section 32 analysis acknowledged the concept of heritage landscapes is relatively new to New Zealand, in particular within resource management methodologies. As a result limited research has been undertaken as to what the most effective methods would be for protection of such areas under current legislation. Consequently, the section 32 analysis concluded that it was inappropriate to impose provisions for such areas prior to being aware of all the options available and the implications of such options. The analysis however considered that to achieve the purpose of the Plan Change it was important to acknowledge and recognise heritage landscape areas within the District through inserting objectives, policies and methods within the District Plan.

As a result of the Plan Change proposes to insert the following Objective and Policies into the District Plan:

"Objective 3 - Heritage Landscapes

Recognise heritage landscapes and their associated values which significantly contribute to the District's character, history, social and cultural values, and ensure adverse effects of development on these values are avoided, remedied or mitigated.

Policies

- 3.1 To identify and draw public attention to heritage landscapes and their associated values.*
- 3.2 To recognise and protect the value of the different layers within identified heritage landscapes and how these interconnect.*
- 3.3 To maintain the interconnections between nodes within heritage landscapes.*
- 3.4 To ensure subdivision design within heritage landscapes maintains historic spatial and linear patterns.*
- 3.5 To encourage development that will retain or enhance the values and elements of heritage landscapes.*
- 3.6 To promote and encourage public awareness and protection of heritage landscapes and their values."*

The Objective and Policies are proposed to implemented through the following methods:

"Implementation Methods

Objective 3 and associated policies will be implemented through a number of methods:

(i) District Plan

- (a) Identify areas of heritage landscapes in the District Plan using indicative lines and attach as Appendix 10.*
- (b) Establish criteria to identify significant heritage landscapes at the time of resource consent.*

- (c) Consider alternative uses of identified heritage landscapes which would enable their protection, when resource consents are considered in relation to heritage landscapes as shown in Appendix 10 or as identified through using criteria.
- (ii) Other Methods
 - (a) To liaise with the Historic Places Trust, local historical societies, New Zealand Archaeological Association and takata whenua to identify heritage landscapes and their values and promote public awareness of the importance of heritage landscape.
 - (b) Encourage and promote further research of heritage landscapes and their values."

The Hearings Panel concur with the outcomes of the Section 32 analysis and agree that it is important to acknowledge and recognise heritage landscape areas within the District through inserting objectives and policies into the District Plan.

The Panel note the matters raised by the submitters and believe that some of their concerns can be addressed through amendment of the wording of the proposed provisions. Such amendment would provide greater clarity and understanding of heritage landscapes under the District Plan.

The Panel do not consider it appropriate to remove reference to Heritage Landscapes in its entirety from the Plan Change as sought by submitters as:

- It is important that heritage landscapes in the District are acknowledged in the District Plan;
- It is appropriate for Heritage Landscapes to be acknowledged through objectives and policies in the District Plan until suitable implementation methods can be established;
- The Act does not specifically state that a District Plan must provide implementation of its objectives or that it has to contain rules; and
- Greater clarity and certainty of the proposed Objectives and Policies in the Plan Change can be achieved through amendment of these provisions.

Finally, as detailed in the section 32 report, the best efforts were made by the Council to ensure consultation and notification was undertaken with all affected parties.

Decision

That the submissions of Neil Clayton [3/13.1,] Damper Bay Estates Ltd [3/17.1], Infinity Investment Group Ltd [3/34.1], Signature Investment Ltd [3/58.1], Closeburn Station Management Ltd [3/15.1], J F Investments Ltd [3/35.1], Mount Field Ltd [3/40.1], Scott Freeman Consulting Ltd [3/56.1], Wyuna Station & Glencoe Station [3/75.1], John & Virginia Foster [3/23.1] and Paradise Rural Estates Ltd [3/42.1] are rejected

That the submission of Transit NZ [3/67.1 and further submissions of Bruce Albiston of the NZ Historic Places Trust [3/15.1.1], Director General of Conservation [3/17.1.1], [3/17.1.2], [3/23.1.1], [3/23.1.2], [3/42.1.1], [3/42.1.2], [3/58.1.1], [3/58.1.2], [3/40.1.1], [3/40.1.2], [3/56.1.1], [3/56.1.2], [3/75.1.1] and [3/75.1.2] and Queenstown and District Historical Society [3/17.1.3], [3/23.1.3], [3/42.1.3], [3/15.1.2], [3/35.1.1], [3/40.1.3], [3/56.1.3] and [3/75.1.3] are accepted.

And that the following amendments be made to the Plan Change:

13.1.3 Objectives and Policies

Objective 3 – Heritage Landscapes

Recognise heritage landscapes and their associated values which significantly contribute to the District's character, history, social and cultural values, and ensure adverse effects of inappropriate subdivision, use and development on these values are avoided, remedied or mitigated.

Policies

- 3.1 *To identify and draw public attention to heritage landscapes and their associated values.*
- 3.2 *To recognise and protect ~~the value of~~ the different layers of history within identified heritage landscapes and how these interconnect and the relationship between these layers to retain their cultural meaning and values.*
- 3.3 *To ~~maintain the interconnections between nodes~~ retain heritage connections between places, sites, or points of heritage significance within or between heritage landscapes.
Note: Connections may be physical e.g. road or water-race, or notional e.g. a former route or line of sight, spiritual.*
- 3.4 *To ensure subdivision, development and use ~~design within heritage landscapes maintains historic spatial and linear patterns~~ the values of heritage landscapes including character, context, setting and historic patterns.*
- 3.5 *To encourage development that will retain or enhance the values and elements of heritage landscapes.*
- 3.6 *To promote and encourage public awareness and protection of heritage landscapes and their values.*

Implementation Methods

Objective 3 and associated policies will be implemented through a number of methods:

- (i) Partially Operative District Plan
- (a) Develop criteria to identify areas of heritage landscapes of significance in the District in the Partially Operative District Plan using indicative lines and attach as Appendix 10.
- (b) Identify heritage landscapes using the criteria and show the boundaries of these areas on maps attached as Appendix 10 to the District Plan.
- (~~b~~ c) Establish criteria to identify significant heritage landscapes. Develop assessment criteria to determine the potential adverse effects of development, subdivision and use on these heritage landscapes, for consideration at the time of resource consent.
- (~~c~~ d) Consider alternative uses of identified heritage landscapes which would enable their protection, when resource consents are considered ~~in relation to heritage landscapes as shown in Appendix 10 or as identified through using criteria.~~

- (ii) Other Methods
 - (a) To liaise with the Historic Places Trust, local historical societies, New Zealand Archaeological Association, New Zealand Institute of Landscape Architects and takata whenua to identify heritage landscapes and their values and promote public awareness of the importance of heritage landscape.
 - (b) Encourage and promote further research of heritage landscapes and their values

Explanation and Principal Reasons for Adoption

Heritage landscapes define significant past patterns of land use, relationships and experiences of humans with their surroundings. They may encompass natural terrain, physical structures and processes, archaeological sites or remains, pathways, habitats and cultural meaning with many of these elements overlaying one another. They are therefore more complex than individual structures, trees or cluster of buildings, sometimes containing a number of these features and include the context and setting of these areas.

13.1.4 Environmental Results Anticipated

- (i) The preservation of a representative range of resources of heritage and cultural values important to present and future generations of Queenstown Lakes District's residents and visitors.
- (ii) The active and productive use of heritage buildings and sites, while ensuring the protection of the heritage values of those sites.
- (iii) Maintenance and enhancement of heritage items to enable their continued use and enjoyment.
- (iv) The retention, within their natural life-spans, of trees or groups of trees which have outstanding values to the District's people.
- (v) The retention and expansion of tree cover of the District.
- (vi) The protection of manawhenua values of takata whenua.
- (vii) Development of the Special Character Areas of Queenstown and Arrowtown Town Centres in a manner which recognises and enhances the features and patterns of the built heritage of those areas.
- (viii) The retention of layers and interconnections of history, their fabric and setting, and the relationship between these layers within heritage landscapes to enable their meaning and values to be protected.
- (ix) The maintenance and enhancement of heritage landscapes to enable their continued use and addition of layers.

Definitions

HERITAGE LANDSCAPE - means land surfaces, (which are defined by their value and significance to a group in society) that have been modified by human activity and define significant past patterns of land use, relationships

and experiences of humans with their surroundings, which may include cultural, spiritual, historic, aesthetic, ecological and scientific values. Heritage landscapes may encompass natural terrain, physical structures and processes, archaeological sites or remains, pathways, habitats, the context and setting of these areas and cultural meaning (beliefs and practices, histories and myths) with elements of these overlaying one another over time.

Reason

It is not considered appropriate to remove reference to Heritage Landscapes in its entirety from the Plan Change as sought by submitters as:

- It is important that heritage landscapes in the District are acknowledged in the District Plan;
- It is appropriate for Heritage Landscapes to be acknowledged through objectives and policies in the District Plan until suitable implementation methods can be established;
- The Act does not specifically state that a District Plan must provide implementation of its objectives or that it has to contain rules.
- Greater clarity and certainty of the proposed Objectives and Policies in the Plan Change can be achieved through amendment of these provisions.

5.11 DISTRICT PLAN ISSUES, POLICIES AND OBJECTIVES

5.11.1 Issue 13.1.2

Submission

Director General of Conservation [3/19.2] submits that under Part 3.1.2 Issues, Page 2, second paragraph, the 'or' in the sentence "*...to have particular regard to the recognition and protection of heritage values of sites, buildings, places, areas or heritage landscapes* " should be replaced with 'and'. Heritage landscapes should be recognised and protected as well as the heritage values of sites, buildings, places and areas.

Te Ao Marama Incorporated [3/64.1] requests that 13.1.2 be amended to be consistent with the Historic Places Act 1993. The Plan Change does not recognise the relevance of the Historic Places Act 1993 in which all archaeological sites pre 1900 are fully protected whether recorded or not. Placing pre 1900 sites in Category 3 is not particularly useful. Local Authorities do not have necessary expertise or mandate to categorise pre 1900 archaeological sites. Further, the statement that "*the Historic Places Act provides possible protection for archaeological sites through an authority application process*" is incorrect. The Historic Places Act fully protects the sites.

Bruce Albiston of the NZ Historic Places Trust [3/19.2.1] and [3/64.1.1] supports the submission of the Director General of Conservation which gives appropriate recognition to archaeological sites and landscapes and supports the submission of Te Ao Marama Incorporated as it more accurately describes the archaeological provisions of the Historic Places Act and the significance of archaeological sites.

Queenstown and District Historical Society [3/19.2.2] supports the submission of the Director General of Conservation and submits that the heritage landscapes the Plan Change seeks to protect are distinctive and valuable features on account not only of the historic buildings they contain.

Queenstown and District Historical Society [3/64.1.4] supports the submission of Te Ao Marama Incorporated and submits that amendment of the District Plan to be consistent with the Historic Places Act is a sensible way of drawing the attention of the public and developers to the provisions of that Act with respect to archaeological sites.

Director General of Conservation [3/64.1.2] and [3/64.1.3] opposes the submission of Te Ao Marama Incorporated.

Transit NZ [3/64.1.5] supports in part the submission of Te Ao Marama Incorporated. Transit NZ has entered into an Accidental Discovery Protocol with Ngai Tahu.

Consideration

As detailed under part 5.10.1, the Hearings Panel consider that it is important to acknowledge and recognise heritage landscape areas within the District through inserting provisions into the District Plan. Further, the Panel agree that amendment of the heritage landscape provisions is necessary to provide greater clarity and understanding of heritage landscapes under the District Plan. As a result the Panel consider that the amendments sought by the Director General of Conservation are appropriate.

The submission of Te Ao Marama Incorporated is considered to be outside the scope of the Plan Change, which is limited to the research of the addition of heritage features to the District Plan and recognition of heritage landscapes. As a result the submission and related further submissions cannot be considered.

Decision

That the submission of Director General of Conservation [3/19.2] and further submissions of Bruce Albiston of the NZ Historic Places Trust [3/19.2.1], Queenstown and District Historical Society [3/19.2.2] are accepted.

That the submission of Te Ao Marama Incorporated [3/64.1] and further submissions of Bruce Albiston of the NZ Historic Places Trust [3/64.1.1], Director General of Conservation [3/64.1.2] and [3/64.1.3], Queenstown and District Historical Society [3/64.1.4] and Transit NZ [3/64.1.5] are rejected.

And that the following amendments be made to the Plan Change:

13.1.2 Issues

... The Act requires the Council to have particular regard to the recognition and protection of heritage values of sites, buildings, places areas ~~or~~ and heritage landscapes. To give effect to this obligation under the Act the Partially Operative District Plan must...

Reason

The Panel consider that the amendments sought by the Director General of Conservation are appropriate and that the submission of Te Ao Marama Incorporated is outside the scope of the Plan Change.

5.11.2 Rule 13.1.3 Objective 1

Submission

Jay Cassells [3/10.2] submits that Objective 1 should be amended to include provisions for the protection of identified precincts.

Te Ao Marama Incorporated [3/64.2] requests that Implementation Methods, (ii) Other Methods of 13.3.3 Objective 1 be amended to make provision for an accidental discovery protocol, which may be applied to Resource Consents for development.

Bruce Albiston of the NZ Historic Places Trust [3/64.2.1] supports the submission of Te Ao Marama Incorporated as the submission more accurately describes the archaeological provisions of the Historic Places Act and the significance of archaeological sites.

Queenstown and District Historical Society [3/64.2.2] supports the submission of Te Ao Marama Incorporated and submits that amendment of the District Plan to be consistent with the Historic Places Act is a sensible way of drawing the attention of the public and developers to the provisions of that Act with respect to archaeological sites.

Consideration

The submissions are considered to be outside the scope of the Plan Change, which is limited to the research of the addition of heritage features to the District Plan and recognition of heritage landscapes. In achieving this purpose the Plan Change only amended objective and policies with respect to providing recognition of heritage landscapes. As a result the submissions cannot be considered.

In considering the submission of Jay Cassells (3/10.2) the Panel noted that the concept has merit however they could not consider it as it did not form part of the Plan Change.

Decision

That the submissions of Jay Cassells [3/10.2] and Te Ao Marama Incorporated [3/64.2] and further submissions of *Bruce Albiston of the NZ Historic Places Trust [3/64.2.1]* and *Queenstown and District Historical Society [3/64.2.2]* are rejected.

Reason

The submissions are outside the scope of the Plan Change.

5.11.3 Rule 13.1.3 Objective 3

Submission

Director General of Conservation [3/19.3] submits that the wording of Implementation Method (i)(b) of Objective 3 - Heritage Landscapes should be changed so that criteria are established before resource consent applications are considered. There should be a set of criteria in the District Plan that determine what is significant. The resource consent application should be checked against established criteria.

Director General of Conservation [3/19.4] submits that the Explanation and Principal Reasons for Adoption of Objective 3 - Heritage Landscape should include the word "subtle" in the sentence "*Heritage Landscapes define significant and subtle past patterns of land use...*" and the word

"archaeological remains" in the sentence "they may encompass natural terrain, physical structures and processes, archaeological remains, pathways, habitats and cultural meaning..." Heritage landscapes define subtle past patterns of land use. They encompass archaeological remains as well as other elements overlaying one another.

Bruce Albiston of the NZ Historic Places Trust [3/19.3.1] and [3/19.4.1] supports the submissions of the Director General of Conservation, which seeks changes that give appropriate recognition to archaeological sites and landscapes.

Queenstown and District Historical Society [3/19.3.2] and [3/19.4.2] supports the submissions of the Director General of Conservation and submits that the heritage landscapes the Plan Change seeks to protect are distinctive and valuable features on account not only of the historic buildings they contain.

Transit NZ [3/67.2], [3/67.3] and [3/67.4] submits that some terms used are not defined and not understood including the following terms in Objective 3: 'value of the different layers'; 'interconnections between nodes'; and 'historic spatial and linear patterns'. Transit requests that such terms be replaced with more layman-friendly language to enable Transit to more fully appreciate the implications of the Plan Change to Transits activities.

Consideration

As detailed under part 5.10.1, the Hearings Panel consider that it is important to acknowledge and recognise heritage landscape areas within the District through inserting provisions into the District Plan. Further, the Panel agree that amendment of the heritage landscape provisions is necessary to provide greater clarity and understanding of heritage landscapes under the District Plan.

As a result the Panel agree that some terms used in Objective 3 are not clearly understood as detailed in Transit NZ submissions. This is reflected in the Panels decision on Policies 3.2, 3.3 and 3.4 as detailed under part 5.10.1 above.

The Panel agree with the Director General of Conservation that the wording of the Implementation Methods for Objective 3 requires amendment to reflect that criteria should be established before resource consents applications are considered. This is reflected in the Panels decision detailed under part 5.10.1 above.

The Panel also agree that the addition of the words "archaeological remains" to the Explanation and Principal reasons for Adoption of Objective 3 as sought by the Director General of Conservation is appropriate. The Panel do not however agree that the addition of the word "subtle" is appropriate.

Decision

That the submission of Director General of Conservation [3/19.4] and further submissions of *Bruce Albiston of the NZ Historic Places Trust [3/19.4.1]* and *Queenstown and District Historical Society [3/19.4.2]* are accepted in part. Those parts of the submissions which are accepted relate to the request to add the words "archaeological remains" to Rule 13.1.3. Those parts of the submissions which are not accepted relate to the request to add the word "subtle" to Rule 13.1.3.

That the submissions of Director General of Conservation [3/19.3] and Transit NZ [3/67.2], [3/67.3] and [3/67.4] and further submissions of *Bruce Albiston of the NZ Historic Places Trust* [3/19.3.1] and *Queenstown and District Historical Society* [3/19.3.2] are accepted.

And that amendment be made to Rule 13.1.3 Objective 3 of the Plan Change in accordance with the decision detailed under part 5.10.1 of this report.

Reason

The Panel considers that the amendments sought by the Director General of Conservation and Transit NZ are appropriate.

5.12 DISTRICT PLAN DEFINITIONS

5.12.1 Heritage Landscape

Submission

Transit NZ [3/67.5] notes that the inclusion of 'pathways' in the definition of Heritage Landscape and seeks clarification about the implications of this for State Highways. The network closely mimics traditional travel paths that connected traditional settlements.

Director General of Conservation [3/19.5] submits the definition of Heritage Landscapes should include "archaeological remains".

Bruce Albiston of the NZ Historic Places Trust [3/19.5.1] supports the submission of the Director General of Conservation, which seeks changes that give appropriate recognition to archaeological sites and landscapes.

Queenstown and District Historical Society [3/19.5.2] supports the submission of the Director General of Conservation and submits that the heritage landscapes the Plan Change seeks to protect are distinctive and valuable features on account not only of the historic buildings they contain.

Consideration

As detailed under part 5.10.1, the Hearings Panel consider that it is important to acknowledge and recognise heritage landscape areas within the District through inserting provisions into the District Plan. Further, the Panel agree that amendment of the heritage landscape provisions is necessary to provide greater clarity and understanding of heritage landscapes under the District Plan, in particular with respect to the definition for heritage landscapes. As a result the Panel consider that the amendments sought by the Director General of Conservation are appropriate. This is reflected in the Panels decision detailed under part 5.10.1 above.

The Panel do not consider that the inclusion of the term "pathways" in the Heritage Landscape definition will have any significant implications for Transit NZ. Pathways are only one aspect that makes up a heritage landscape and rather than being considered individually pathways are considered in the context of the heritage landscape as a whole.

Decision

That the submission of Director General of Conservation [3/19.5] and further submissions of *Bruce Albiston of the NZ Historic Places Trust* [3/19.5.1] and *Queenstown and District Historical Society* [3/19.5.2] are accepted.

That the submission of Transit NZ [3/67.5] is rejected.

And that amendment be made to the definition of Heritage Landscapes in the Plan Change in accordance with the decision detailed under part 5.10.1 of this report.

Reason

The Panel considers that the amendments sought by the Director General of Conservation are appropriate.

5.13 GENERAL

5.13.1 Research and Documentation of Items

Submission

Karen Boulay on behalf of the Queenstown and District Historical Society [3/4.3] submits that the current items in the District Plan should be researched and documented in the same way as some items in the Plan Change have been. There is no explanation in the District Plan as to why the features are so cherished.

Katie Deans [3/18.3] submits that research should be conducted into who planted the trees and why.

Consideration

The submissions of Karen Boulay and Katie Deans are outside the scope of the Plan Change, which is limited to the research of the addition of heritage features to the District Plan and recognition of heritage landscapes. As a result the submissions cannot be considered.

However it is recognised that ongoing research and documentation of protected features under the District Plan is important for effective protection and recognition of these features. As a result the Panel recommend that the Council initiate a process that will allow for this to occur.

Decision

That the submissions of Karen Boulay on behalf of the Queenstown and District Historical Society [3/4.3] and Katie Deans [3/18.3] are rejected.

Reason

The submissions are outside the scope of the Plan Change.

5.13.2 Ladies Mile Services

Submission

Katie Deans [3/18.4] submits that the Council look into enhancing trees on Ladies Miles by putting services underground.

Consideration

The submission of Katie Deans is outside the scope of the Plan Change, which is limited to the research of the addition of heritage features to the District Plan and recognition of heritage landscapes. As a result the submission cannot be considered.

Decision

That the submission of Katie Deans [3/18.4] is rejected.

Reason

The submission is outside the scope of the Plan Change.

5.13.3 Skippers Catchment Association

Submission

Jerry Hohneck [3/32.1] submits that there should be a co-ordinated structure in place for Skippers and requests an amendment be made from the Upper Shotover Management Committee to the Skippers Catchment Users Association or similar.

Consideration

The submission of Jerry Hohneck is outside the scope of the Plan Change, which is limited to the research of the addition of heritage features to the District Plan and recognition of heritage landscapes. As a result the submission cannot be considered.

Decision

That the submission of Jerry Hohneck [3/32.1] is rejected.

Reason

The submission is outside the scope of the Plan Change.

5.13.4 Memorandum of Understanding

Submission

Ministry of Education [3/39.4] submits that should Hawea Flat School and/or Pembroke School Building be included in the District Plan, then a Memorandum of Understanding between the Ministry and the Council be drafted to outline how any applications at the schools be treated in terms of matters affecting heritage values. The Ministry seeks clarification as to how any designation processes for schools with heritage listings will be dealt with. The Ministry stresses that the function of these schools is primarily for education purposes and this should take precedence over heritage values.

Consideration

The submission of the Ministry for Education is outside the scope of the Plan Change, which is limited to the research of the addition of heritage features to the District Plan and recognition of heritage landscapes. As a result the submission cannot be considered.

It is however noted that as per part 5.3.4 of this Decision the Pembroke School building is to be deleted from the Plan Change.

With respect to the Hawea Flat School building the Panel recommend that the Council consider talking to the Ministry of Education with respect to this matter.

Decision

That the submission of the Ministry of Education [3/39.4] is rejected.

Reason

The submission is outside the scope of the Plan Change.

5.13.5 Exemption for Internal Alterations

Submission

Ministry of Education [3/39.5] submits that should Hawea Flat School and/or Pembroke School Building be included in the District Plan then any internal alterations (excluding structural changes) be exempt from the consideration of heritage values and rules. Minor internal alterations are unlikely to have any impact on the heritage values of the buildings given that they are already used for education purposes. The Ministry considers it to be an inefficient use of time and resources to require an assessment of heritage effects for minor internal alterations.

Consideration

The submission of the Ministry for Education is outside the scope of the Plan Change, which is limited to the research of the addition of heritage features to the District Plan and recognition of heritage landscapes. With respect to heritage features the Plan Change did not involve amendment of any rules under Part 13 of the District Plan. As a result the submission cannot be considered.

It is however noted that as per part 5.3.4 of this Decision the Pembroke School building is to be deleted from the Plan Change.

Decision

That the submission of the Ministry of Education [3/39.5] is rejected.

Reason

The submission is outside the scope of the Plan Change.

5.13.6 Standard Tree Evaluation Method

Submission

Gordon Bailey [3/48.1] submits that in order to clarify a method of evaluating trees for protection, that the Council adopt the STEM as the method to evaluate trees for inclusion in the District Plan.

Consideration

The submission of Gordon Bailey is outside the scope of the Plan Change, which is limited to the research of the addition of heritage features to the District Plan and recognition of heritage landscapes. As a result the submission cannot be considered.

It is however noted that the STEM approach to evaluating trees was adopted for both rounds of assessment, which assessed whether identified trees warranted protection under the District Plan or not. Further, the method/s Council adopts is covered in other areas of Council policy.

Decision

That the submission of Gordon Bailey [3/48.1] is rejected.

Reason

The submission is outside the scope of the Plan Change.

5.13.7 Heritage Variation Committee/Working Party

Submission

QLDC Heritage Variation Committee [3/53.1] seeks to be heard on all and various of the listed and putative variation suggestions.

Consideration

The QLDC Heritage Variation Committee was represented by Michael Lynch at the hearing of submissions. Mr Lynch presented written and verbal evidence which included amendments sought by the Committee to the Plan Change.

As requested, the Heritage Variation Committee have therefore been heard however no amendment to the District Plan is to be made as a result of their submission as these amendments did not form part of their original submission. As such the submission is rejected.

Decision

That the submission of the QLDC Heritage Variation Committee [3/53.1] is rejected.

Reason

As requested, the Heritage Variation Committee have been heard however no amendment to the District Plan is to be made as a result of their submission as these amendments did not form part of their original submission.

5.13.8 Ref 63, Cottage, 28 Park Street

Submission

Thomas & Jessica Thompson [3/65.1] submit that they are interested in keeping the cottage as it is unchanged.

David & Olivia Page [3/65.1.1] submit with respect to the submission of Thomas & Jessica Thompson and seek that no protection order be made as to restore the cottage to its original condition would involve significant expenditure and that even to maintain it as is will cost significant sums.

Consideration

The Park Street Cottage is proposed to be listed in the Inventory of Protected Features as a category 2 item as a result of the Plan Change.

Assessment of the cottage, which was carried out as part of the Plan Change preparation, concluded that the building has a moderate to high overall heritage value.

Additional research undertaken by Rebecca Reid (on behalf of the Council), after the notification of the Plan Change, also identified that the cottage has an overall moderate to high heritage value (refer to pages 30-33 of the Draft Queenstown Lakes District Heritage Register, Queenstown Lakes District Council 2005). This research concluded that the cottage is an important reminder of the typical early style of domestic architecture in Queenstown, pre-1900. The research also identified that while the cottage has been added to recently to provide more living space, the addition can be considered sympathetic to the old cottage, given that it does not obstruct the view from the street and that the architecture of the cottage can still be clearly read, and more importantly the cottage itself is in good condition and is still intact.

In considering the submissions the Panel support the inclusion of the cottage in the Plan Change.

The submission of Thomas & Jessica Thompson does not seek any relief from the Council and as a result it may be that the further submission of David & Olivia Page, which seeks removal of the proposed protection of the cottage at 28 Park Street, is outside the scope of the original submission. However, based on the merits of the cottage the Panel declines the relief sought in the further submission of David & Olivia Page.

Decision

That the submission of Thomas & Jessica Thompson [3/65.1] is accepted and that the further submission of *David & Olivia Page* [3/65.1.1] is rejected.

Reason

The Panel support the inclusion of the cottage in the Plan Change.

5.13.9 Emphasis Part 13 and De-Emphasis Appendix 3 of the District Plan

Submission

Wakatipu Environmental Society [3/68.1], [3/68.2] and [3/68.3] request that Part 13 be afforded the required emphasis necessary to assess the community's heritage assets, while Appendix 3 - Inventory of Protected Features is de-emphasised. The Inventory should serve as a list of known features and items. Any new information that comes to light regarding a potential candidate for inclusion in the Inventory should be assessed under the policies, objectives, rules and assessment matters outlined in Part 13 – Heritage.

Wakatipu Environmental Society [3/68.1.1] support their original submission and submit that an introduction should be added to the beginning of the Inventory of Protected Features acknowledging that: the Inventory is not exhaustive; it is meant to complement Part 13 of the District Plan; and that reference should be made to Part 13 where questions arise. They further submit that: they support the concept of heritage landscapes and submissions requesting more detail regarding heritage landscapes; they support submissions calling for the inclusion of parameters that describe aspects of trees worthy of protection; Category 3 be removed from the Inventory of

Protected Features and all items assigned Category 3 be reassigned to Category 2.

Consideration

The submissions of the Wakatipu Environmental Society are outside the scope of the Plan Change, which is limited to the research of the addition of heritage features to the District Plan and recognition of heritage landscapes. The purpose of Plan Change did not involve any review of the methods of implementation for Part 13 – Heritage. As a result the submissions cannot be considered.

Decision

That the submissions of Wakatipu Environmental Society [3/68.1], [3/68.2] and [3/68.3] and the further submission of *Wakatipu Environmental Society* [3/68.1.1] are rejected.

Reason

The submissions are outside the scope of the Plan Change.

5.14 SUPPORT

5.14.1 Support

Submission

Karen Boulay on behalf of the Queenstown and District Historical Society [3/4.1], Jay Cassells [3/10.1], Director General of Conservation [3/19.1], Jackie Gillies [3/26.1], Ministry of Education [3/39.1], Robert & Clair Waring [3/74.1] and Malcolm Boote on behalf of the Queenstown and District Historical Society [3/80.1] submit general support for the Plan Change. The Ministry of Education however notes that it has some concerns about how it may affect schools with a heritage listing.

Bruce Albiston of the NZ Historic Places Trust [3/19.1.1] supports the submission of the Director General of Conservation.

Sharon Duncan [3/20.1] supports retaining long established special trees whether native or exotic, with the exception of pine trees/radiata.

Gordon Bailey [3/47.1], [3/47.2], [3/47.3], [3/47.4], [3/47.5] and [3/47.6] supports the inclusion of the following trees in the Plan Change:

- Walnut in the recreation ground (Ref 168);
- Oak and Cedars at Queenstown Motor Park (Ref 198);
- Wellingtonia at Queenstown Motor Park (Ref 214);
- Indian Bean tree in Arrowtown (Ref 273);
- Wellingtonia's in the Kingston cemetery (Ref 420); and
- Gum tree in the Kingston (Ref 421).

Ken Gousmett [3/47.2.1] submits additional information with respect to the submission of Gordon Bailey to correct the description of these heritage trees. Reference to the Queenstown Motor Park under their description, should be deleted and replaced with James Clouston Reserve. The legal description for these trees is the James Clouston Reserve (Lot 1 DP 7498) not the Queenstown Motor Park, which is immediately adjoining.

Consideration

As acknowledged and discussed throughout this report, the Plan Change is considered to be effective in achieving its purpose and ensures that the Districts significant heritage values are effectively recognised and protected. To that end it is considered that the Plan Change meets the purpose of the Act, in particular section 6(f).

It is considered that the submissions Gordon Bailey regarding the tree Ref's 168, 198, 214, 273, 420 and 421 confirm the inclusion of these trees in the Plan Change.

With respect to the further submission of Ken Gousmett it is noted that the correct address of the Oak and Cedar trees (Ref 198) is the Old Queenstown Motor Park site/Queenstown Lakeview Holiday Park and not the James Clouston Reserve as identified by Mr Gousmett. This is confirmed in the original assessment undertaken for these trees.

It is however acknowledged that the current reference to these Oak and Cedar trees under Ref 198 of the Inventory of Protected Features is inconsistent and leads to misinterpretation, with the legal description and valuation number not matching up with the site description. Further the Motor/Holiday Park is located on a number of lots with some of the Oaks and Cedars being located on the same lot as the protected Wellingtonia's (Ref 214) (referred to as the old Queenstown Motor Park site) and some being located on an adjoining site (referred to as the Lakeview Holiday Park site). The current listing does not clearly provide for this. Finally, it is noted that the Oak trees located on the Lakeview Holiday Park site have been removed.

As a result, further to Mr Gousmett's submission it is considered necessary to correct the site description, legal description and valuation number of the Oaks and Cedars to ensure the Inventory of Protected Features contains correct information, thereby avoiding misinterpretation.

Decision

That the submissions of Karen Boulay on behalf of the Queenstown and District Historical Society [3/4.1], Jay Cassells [3/10.1], Director General of Conservation [3/19.1], Jackie Gillies [3/26.1], Ministry of Education [3/39.1], Robert & Clair Waring [3/74.1], Malcolm Boote on behalf of the Queenstown and District Historical Society [3/80.1], Sharon Duncan [3/20.1] and Gordon Bailey [3/47.1], [3/47.2], [3/47.3], [3/47.4], [3/47.5] and [3/47.6] and further submission of *Bruce Albiston of the NZ Historic Places Trust* [3/19.1.1] are accepted in part.

As a result of making amendments to the Plan Change in this Decision, the submissions cannot be accepted in full as they support the notified version of the Plan Change. Hence, those parts of the submissions which are accepted relate to retaining and implementing the Plan Change in general and those parts which are not accepted relate the amendments made to the Plan Change in this Decision.

That the further submission of *Ken Gousmett* [3/47.2.1] is rejected.

And that the following amendments be made to the District Plan:

Appendix 3

Inventory of Protected Features

1 Queenstown and Environs Heritage Trees – Queenstown

Ref No	Map Ref	Description	Legal Desc	Valn Ref
198	35	Oaks and Cedars, Queenstown Lakeview Holiday Motor Park, Thompson Brecon Street	Lot 1, DP 7498 (James Clouston Recreational Reserve) Pt Block XXXii Town of Queenstown	2910671300 2910614101
214	35	Wellingtonia's, Cedars and Oaks, Old Queenstown Motor Park, Thompson Street	Section 3 Blk XX Shotover SD Lot 1 DP 354070	2910671300 2910614101

Reason

For those reasons discussed within this report it is considered that the Plan Change achieves its purpose and the purpose of the Act and as a result further to Mr Gousmett's submission it is considered necessary to correct the site description, legal description and valuation number of the Oaks and Cedars (Ref 198) to ensure the Inventory of Protected Features contains correct information, thereby avoiding misinterpretation.

ATTACHMENT 1: RECOMMENDED AMENDMENTS TO PLAN CHANGE 3

As a result of considering submissions on Plan Change 3, the Hearings Panel recommend making the following amendments to the Partially Operative District Plan.

(Note additions are underlined and text to be removed is struck out)

1. Part 13 – Heritage

1.1 Amend Issue 13.1.2 as follows:

13.1.2 Issues

Resources of heritage value within the District can be adversely affected by existing and new development resulting in a loss of character and historical understanding of the District. A balance needs to be achieved between the changing activities within the District and the protection and enhancement of heritage resources. Many of the District's heritage resources are in private ownership and balances need to be reached between the legitimate expectations of owners to alter their properties and the interests of the community in retaining and preserving the heritage features.

The Historic Places Act 1993 essentially provides a framework for the identification and listing of historic places and areas and waahi tapu and waahi taoka sites and areas. Although the Historic Places Act provides possible protection for archaeological sites through an authority application process, it does not provide any specific protection for other heritage resources. Therefore, the Council must provide for the protection of heritage resources in the Partially Operative District Plan.

The Act requires the Council to have particular regard to the recognition and protection of heritage values of sites, buildings, places, areas ~~or~~ and heritage landscapes. To give effect to this obligation under the Act the Partially Operative District Plan must:

- identify those heritage and archaeological resources worthy of protection;
- adopt suitable measures, including where appropriate, rules to secure the preservation of the identified heritage and archaeological resources.

Section 193 of the Act specifically enables protection for any historic building or feature through the placing of a heritage order. The Council has the authority to act as a heritage protection authority under the Act. Other heritage protection authorities may also give notice to the Council of their requirement for a heritage protection order.

1.2 Amend Objective 3 of 13.1.3 Objectives and Policies as follows:

Objective 3 - Heritage Landscapes

Recognise heritage landscapes and their associated values which significantly contribute to the District's character, history, social and cultural values, and ensure adverse effects of inappropriate subdivision, use and development on these values are avoided, remedied or mitigated.

Policies

3.1 *To identify and draw public attention to heritage landscapes and their associated values.*

3.2 *To recognise and protect ~~the value of the different layers of history within identified heritage landscapes and how these interconnect~~ and the relationship between these layers to retain their cultural meaning and values.*

- 3.3 ~~To maintain the interconnections between nodes~~ retain heritage connections between places, sites, or points of heritage significance within or between heritage landscapes.
Note: Connections may be physical e.g. road or water-race, or notional e.g. a former route or line of sight, spiritual.
- 3.4 ~~To ensure subdivision, development and use design within heritage landscapes maintains historic spatial and linear patterns~~ the values of heritage landscapes including character, context, setting and historic patterns.
- 3.5 ~~To encourage development that will retain or enhance the values and elements of heritage landscapes.~~
- 3.6 ~~To promote and encourage public awareness and protection of heritage landscapes and their values.~~

Implementation Methods

Objective 3 and associated policies will be implemented through a number of methods:

- (i) Partially Operative District Plan
- (a) ~~Identify areas of heritage landscapes of significance in the District in the Partially Operative District Plan using indicative lines and attach as Appendix 10.~~
- ~~(b) Establish criteria to identify significant heritage landscapes at the time of resource consent.~~
- ~~(c) Consider alternative uses of identified heritage landscapes which would enable their protection, when resource consents are considered in relation to heritage landscapes as shown in Appendix 10 or as identified through using criteria.~~
- ~~(b) Include an inventory of identified heritage landscapes and their values in the District, and show their boundaries by indicative lines on maps attach as Appendix 10.~~
- ~~(c) Develop assessment criteria to identify heritage landscapes. These criteria need to be able to:~~
- ~~i) in the absence of a comprehensive study or if a heritage landscape has not yet been identified, identify the presence of heritage landscapes; or~~
- ~~ii) where a heritage landscape has been identified either in Appendix 10 or by 1) above, identify the components /values of the landscapes; and~~
- ~~iii) assess what the potential adverse effects of development, subdivision or other use will be on the heritage landscape.~~
- ~~(d) Consider and assess what protection mechanisms are appropriate for Heritage Landscapes.~~
- (ii) Other Methods
- (a) To liaise with the Historic Places Trust, local historical societies, New Zealand Archaeological Association, New Zealand Institute of Landscape Architects and takata whenua to identify heritage landscapes and their values and promote public awareness of the importance of heritage landscape.
- (b) Encourage and promote further research of heritage landscapes and their values.

Explanation and Principal Reasons for Adoption

Heritage landscapes define significant past patterns of land use, relationships and experiences of humans with their surroundings. They may encompass natural terrain, physical structures and processes, archaeological sites or remains, pathways, habitats and cultural meaning with many of these elements overlaying one another. They are therefore more complex than individual structures, trees or cluster of buildings, sometimes containing a number of these features and include the context and setting of these areas.

1.3 Amend Environmental Result 13.1.4 as follows:

13.1.4 Environmental Results Anticipated

- (i) The preservation of a representative range of resources of heritage and cultural values important to present and future generations of Queenstown-Lakes District's residents and visitors.
- (ii) The active and productive use of heritage buildings and sites, while ensuring the protection of the heritage values of those sites.
- (iii) Maintenance and enhancement of heritage items to enable their continued use and enjoyment.
- (iv) The retention, within their natural life-spans, of trees or groups of trees which have outstanding values to the District's people.
- (v) The retention and expansion of tree cover of the District.
- (vi) The protection of manawhenua values of takata whenua.
- (x) Development of the Special Character Areas of Queenstown and Arrowtown Town Centres in a manner which recognises and enhances the features and patterns of the built heritage of those areas.
- (xi) The retention of layers and interconnections of history, their fabric and setting, and the relationship between these layers within heritage landscapes to enable their meaning and values to be protected.
- (xii) The maintenance and enhancement of heritage landscapes to enable their continued use and addition of layers.

2 Definitions

2.1 Insert a definition for Heritage Landscape as follows:

HERITAGE LANDSCAPE - means land surfaces, (which are defined by their value and significance to a group in society) that have been modified by human activity and define significant past patterns of land use, relationships and experiences of humans with their surroundings, which may include cultural, spiritual, historic, aesthetic, ecological and scientific values. Heritage landscapes may encompass natural terrain, physical structures and processes, archaeological sites or remains, pathways, habitats, the context and setting of these areas and cultural meaning (beliefs and practices, histories and myths) with elements of these overlaying one another over time.

3 Appendix 3 – Inventory of Protected Features

3.1 Amend the Inventory of Protected Features (Appendix 3) as follows:

Note for the purpose of this Decision only the changes to the Plan Change as a result of this Decision have been shown here.

Appendix 3

Inventory of Protected Features

1 QUEENSTOWN AND ENVIRONS

BUILDINGS

Dwellings

Ref No	Map Ref	Description	Legal Desc	NZHPT Ref	Valn Ref	NZHPT Cat	QLDC Cat
73	36	Thompson House (<u>excluding additions</u>), 66 Hallenstein Street	Lot 1 DP 3401 Blk XVI Queenstown		2910527300		2 3
226	9	Paradise House, Paradise Trust, Paradise Road	Section 30 Block II Dart SD		2911131900		3 2

Commercial

Ref No	Map Ref	Description	Legal Desc	NZHPT Ref	Valn Ref	NZHPT Cat	QLDC Cat
97	25	Former Glacier Hotel (Kinloch Lodge) Armadale Street, Kinloch	Sec 4-6 Blk XX Town of Kinloch		2911121700		2 3

HERITAGE TREES - QUEENSTOWN

Ref No	Map Ref	Description	Legal Desc	Valn Ref
168	35	Walnut (<u>Juglans nigra</u>), recreation ground, Memorial Street, <u>Queenstown</u>	Sec 134 Blk XX, Shotover SD	2910614000
198	35	Oaks and Cedars(4) (Cedrus deodara), Queenstown Motor <u>Lakeview Holiday Park, Thompson Brecon Street</u>	Lot 1, DP 7498 (James Clouston Recreational Reserve) Pt Block XXXII Town of	2910671300 <u>2910614101</u>

			Queenstown	
199	36	Weeping Elm, located as at 4/9/06 on the old swimming pool site, Ballarat Street by the old swimming pool (47 & 49 Stanley Street) <u>Transplanting to the following sites is permitted:</u> <ul style="list-style-type: none"> • <u>Lot 1 DP 25073, Lot 11 DP 22121 and Sections 49-50, Section 58, Sections 61-62, Section 149, Part Section 59-60 and Part Section 63 Block I Shotover Survey District (Queenstown Events Centre/Aquatic Centre, Frankton).</u> 	Sec 1 SO 19720, Secs 1-2, 9 Blk XVIII Queenstown Town <u>Note: Legal description and valuation number to be updated if the tree is transplanted.</u>	2910615600
200	36	Cherry Trees, Coronation Drive	Road Reserve	
201	33	Poplar (<u>Populus nigra</u>), Frankton foreshore (Antrum Hotel site)	Part Section 47 Blk XXI Shotover SD	2910331500
202	35	Manatu Goldfields, 56 Frankton Road	Section 7 Blk XLI Town of Queenstown	2910522000
203	36 31	Oak, Pinewood Gardens, 163 Frankton-Ladies Mile Highway	<u>Lot 2 DP 308784</u>	<u>2907147700</u>
204	30	Walnut Trees (<u>Juglans regia</u>) (74), Walnut Lane	Lot 1 DP 302859	2907124304
205	30	Robinia (3) (<u>Robinia pseudoacacia</u>), Frankton-Ladies Mile Highway	Lot 1 DP 302859	2907124303
206	33	Macrocarpa (<u>Cupressus macrocarpa</u>), 57 & 60 Frankton-Ladies Mile Highway, opposite the Events Centre.	Sec 125 Blk 1 Shotover SD	2907148700
207	31	Wellingtonia's (2) (<u>Sequoiadendron giganteum</u>), Fulton and Hogan Ltd gravel yard, Frankton-Ladies Mile Highway.	Lot 66, Section 71 and Crown Land adjacent to Sections 67 Shotover River Block LI Shotover SD	2910200200
208	29	Avenue of Hawthorn Hedge (<u>Crataegus monogyna</u>), within triangle of Domain Road, Speargrass Flat Road and Lower Shotover Road, located on both sides of the road.	Various	Various
209	29	Poplars, Hunter Road and located on the section of Speargrass Flats Road between its intersection with Lower Shotover Road/Hunter Road and Domain Road (both sides	Various	Various

		of the road).			
210	13	Elm (<i>Ulmus Lois van Houtte</i>), 249 Kingston Road, south of the Remarkables Ski Field entrance.	Lot 2 DP 17411		2913100500
244	43	Pin Oak, Remarkables Lodge, 595 Kingston Road	Lot 1 DP 22658		2913100902
212	13	Acer (<i>Acer saccharinum</i>), front garden of Remarkables Lodge, 595 Kingston Road	Lot 1 DP 22658		2913100902
213	26	Robina (<i>Robinia pseudoacacia</i>), Rapid No. 192, Speargrass Flat Road	Lot 1 DP 11206		2907117301
214	35	Wellingtonia's (2) (<i>Sequoiadendron giganteum</i>), Oaks (6) (<i>Quercus robur</i>) and Cedars (7) (<i>Cedrus deodara</i>), Old Queenstown Motor Park, Thompson Street	Section 3 Blk XX Shotover SD Lot 1 DP 354070		2910674300 2910614101
215	13	Oak's (2) (<i>Quercus robur</i>), Sycamore's (8) (<i>Acer pseudoplatanus</i>), Wellingtonia's (2) (<i>Sequoiadendron giganteum</i>), Lawson Cypress (<i>Chamaecyparis lawsoniana</i>) and Lime Trees (6) (<i>Tilia x europea</i>), Old School Site, Gibbston Highway	Sec 53 Blk V Kawarau SD		2907204700

2 ARROWTOWN AND ENVIRONS

BUILDINGS

Dwellings

Ref No	Map Ref	Description	Legal Desc	NZHPT Ref	Valn Ref	NZHPT Cat	QLDC Cat
363	26	Walnut Cottage, 265 Arrowtown-Lake Hayes Road, <u>original building only.</u>	Lot 1 DP 5746 Blk VII Shotover SD		2907114000		2 3

HERITAGE TREES - ARROWTOWN

Ref No	Map Ref	Description	Legal Desc	NZHPT Ref	Valn Ref
273	28	Indian Bean Tree (<i>Catalpa bignonioides</i>), outside 10 Caernarvon St	Road reserve		
274	26	Walnut Tree (<i>Juglans regia</i>), Walnut Cottage site, 265 Arrowtown-Lake Hayes Road	Lot 1 DP 5746 Blk VI Shotover SD		2907114000

275	26	Avenue of Spruce (<i>Picea</i>) leading to Ayreburn Homestead, 343 Arrowtown-Lakes Hayes Road	Lot 3 DP 5737 Block VI Shotover SD		2907116600
-----	----	---	------------------------------------	--	------------

3 KINGSTON

HERITAGE TREES - KINGSTON

Ref No	Map Ref	Description	Legal Desc	NZHPT Ref	Valn Ref
420	39	Wellingtonia's (<i>Sequoiadendron giganteum</i>), Kingston Cemetery entrance	Gaz 33-2430 Sec 16 Blk I Kingston SD (cemetery reserve)		2913126000
421	39	Gum Tree (<i>Eucalyptus gunnii</i>), school reserve, Kent Street (on boundary)	Pt Sec 1 of Sec 15 Blk I Kingston		2913126700

4 WANAKA AND ENVIRONS

BUILDINGS

Dwellings

Ref No	Map Ref	Description	Legal Desc	NZHPT Ref	Valn Ref	NZHPT Cat	QLDC Cat
521	23	Glebe House, 135 Stone Street, <u>original house only.</u>	Lot 1 DP 24047		2905371001		2

Ecclesiastical

Ref No	Map Ref	Description	Legal Desc	NZHPT ref	Valn Ref	NZHPT Cat	QLDC Cat
536	18	St Ninians Presbyterian Church, Kane Road, Hawea Flat	Part Section 11 Blk V Lower Hawea SD		2908217800		2 3

Public

Ref No	Map Ref	Description	Legal Desc	NZHPT ref	Valn Ref	NZHPT Cat	QLDC Cat
537	24	A & P Showground Building, McDougall St	Section 12 Block XV Town of Wanaka		2905342500		2
541	18	Hawea Flat School building, located in the north-eastern corner of the school site, corner of Camphill Road and Kane Road, Hawea Flat	Part Sect 11 Blk V Lower Hawea SD		2908217700		3
554	24	Pembroke School Building, 71 Tenby Street	Section 1 Blk XL Town of Wanaka		2905326400		3

HERITAGE TREES - WANAKA

Ref No	Map Ref	Description	Legal Desc	Valn Ref
574	22	Japanese Maple (<u>Acer sp.</u>), 12 Homestead Close	Lot 8 DP 27278 Wanaka Town	2905401503
623	22	Brewer Spruce (<u>Picea breweriana</u>), Wanaka Station Park, Norman Terrace	Lot 1 DP 16152 Wanaka Town	2905401400
625	22	Holly (<u>Ilex sp.</u>), Wanaka Station Park, Norman Terrace	Lot 1 DP 27278 Wanaka Town	2905401400

ATTACHMENT 2: RELEVANT ORIGINAL FEATURE ASSESSMENTS

ITEM NUMBER:



Thompson House
66 Hallenstein Street, Queenstown

Constructed - 1871 - 1875

Building Type/Use - Residential

Materials - Wood and stone

Style -

Architect -

Builder -

NZHPT Register -

District Plan Status - 2

Valuation number - 2910527300

Legal Description- Lot 1, DP 3401 Blk XVI,
Queenstown Town

Heritage Assessment

Historic and Social Value - High

Cultural and Spiritual Value - Low

Architectural Value - Moderate

Townscape and Context Value - Very Important

Rarity and Representative Value - High

Technological Value - Low

Archaeological Value - Moderate to High

Overall Heritage Value - High

Description -

The Thompson House is a building constructed of a central core of double cell schist with architecturally sympathetic wooden additions. The building is located on the corner of Hallenstein St and Ballarat St. It overlooks Queenstown is surrounded by a cottage garden, fence on Ballarat boundary, hedge on Hallenstein boundary, lawns.

History -

The Thompson House is one of the earliest buildings in Queenstown. The land, with an area of one acre and 36 perches, was first registered as a Crown grant on 10 June 1871 to Nelson L. Thompson, a stonemason of Arrowtown. It seems likely, Thompson, because of his occupation, erected the small stone building because when the land, plus two more quarter acres, was sold to William McKibbin, labourer, of Crown Terrace in April 1875 for 164 pounds, mention was made of buildings.

In 1880, William McKibbin, who now listed himself as farmer, along with Henry and John in partnership became the new owners, then for 300 pounds, they sold to James McKibbin (not a bad investment over four and a half years especially as two sections between Malaghan and Turner Streets were not included). However the arrangement did not last long because seven months later James McKibbin had sold the property to Louis De Beer, merchant, of Queenstown. Unfortunately, Louis De Beer died in January 1887 aged 43 of congestion of the lungs, but his wife Rosette continued to occupy the property until 1908, in all a period of 28 years.

Miss Jenny Thomson, who owned the property from March 1934 to Feb 1974, named the cottage *Kaiweka*. She was a registered nurse who came to Queenstown with suspected tuberculosis and also to care for her sister, Mrs Margaret Gilkison, another TB patient. The dry air of Central Otago was regarded as suitable treatment for this serious complaint and many people moved to the area in an attempt to cure the condition.

Previous occupiers and owners include (in chronological order):

Nelson L. Thompson - 1871 - 1875
William McKibbin - 1875 - 1880
James McKibbin 1880 - 1881?
Louis De beer 1881 - 1908
Mrs M.P. Ashworth
Maria Davis
Miss Mary Louise McKibbin
Jenny Thompson
Mrs Lorna Chisholm
Jim Syme

Summary of Heritage Significance and any Additional Comments -

Sources -

The Queenstown Courier: the Official Publication of the Queenstown & Districts Historical Society



NAME

Showground Building

LOCATION/ADDRESS

McDougall Street, Wanaka

Constructed - 1920's

Building Type/Use - Sporting/Recreation use

Materials – Wood and iron

Style - Colonial pavilion

Architect -

Builder -

NZHPT Register -

District Plan Status -

Valuation number - 2905342500

Legal Description- Section 12 Block XV Town of
Wanaka

Heritage Assessment

Historic and Social Value - High

Cultural and Spiritual Value - Moderate

Architectural Value – Moderate - High

Townscape and Context Value - High

Rarity and Representative Value - Moderate

Technological Value - Low

Archaeological Value - Low

Overall Heritage Value - Moderate - High

DESCRIPTION

The building is a significant sporting centre constructed of wood and iron. It is located within the A & P showground with the site designated as a recreation reserve

HISTORY

SUMMARY OF HERITAGE SIGNIFICANCE AND ANY ADDITIONAL COMMENTS

The building has a high association with the social growth of the town. It has high social, historic and townscape values. It is consider as a landmark and represents symbolic values associated with as town and country sport.

The original part of the building has not been altered, there have however been additions.

SOURCES

Upper Clutha Historical Records Society

ATTACHMENT 3: RELEVANT TREE RE-ASSESSMENTS

Cherry Trees

Condition Evaluation

POINTS	3	9	15	21	27	SCORE	CODE
Form	Poor	Moderate	Good	Very good	Specimen	9	c-1
Occurrence	Predominant	Common	Infrequent	Rare	Very rare	9	c-2
Vigour & Vitality	Poor	Some	Good	Very good	Excellent	15	c-3
Function	Minor	Useful	Important	Significant	Major	9	c-4
Age (yr)	10 yrs. +	20 yrs.+	40 yrs. +	80 yrs. +	100 yrs. +	15	c-5
sub-total points						57	c-t

Amenity Evaluation

POINTS	3	9	15	21	27	SCORE	CODE
Stature (m)	3 to 8	9 to 14	15 to 20	21 to 26	27 +	3	a-1
Visibility (km)	0.5 - 1.0	1.0 -2.0	2.0 -4.0	4.0 - 8.0	8.0 - >	3	a-2
Proximity	Forest	Parkland	Group 10 +	Group 3 +	Solitary	9	a-3
Role	Minor	Moderate	Important	Significant	Major	15	a-4
Climate	Minor	Moderate	Important	Significant	Major	3	a-5
sub-total points						33	a-t

Notable Evaluation

RECOGNITION	Local	District	Regional	National	International	SCORE	CODE
POINTS	3	9	15	21	27		
Stature							ns
Feature							ns-1
Form							ns-2
Historic							nh
Age 100+							nh-1
Association							nh-2
Commemoration						9	nh-3
Remnant							nh-4
Relict							nh-5
Scientific							nsc
Source							nsc-1
Rarity							nsc-2
Endangered							nsc-3
sub-total points							n-t
TOTAL POINTS						9	t-p

99

Standard Tree Evaluation Method Score Form. Copyright R.Flook, with permission to ITM Ltd.

REMARKS:			
Client: QLDC			
Client reference: N.V			
Contact:		Phone:	Cell.ph.:
Address:		Fax:	E-mail:
Tree species: Prunus accolade			
Tree location: Coronation drive QT			

Pin Oak

Condition Evaluation

<i>POINTS</i>	3	9	15	21	27	SCORE	CODE
Form	Poor	Moderate	Good	Very good	Specimen	15	c-1
Occurrence	Predominant	Common	Infrequent	Rare	Very rare	15	c-2
Vigour & Vitality	Poor	Some	Good	Very good	Excellent	15	c-3
Function	Minor	Useful	Important	Significant	Major	9	c-4
Age (yr)	10 yrs. +	20 yrs.+	40 yrs. +	80 yrs. +	100 yrs. +	15	c-5
sub-total points						69	c-t

Amenity Evaluation

<i>POINTS</i>	3	9	15	21	27		CODE
Stature (m)	3 to 8	9 to 14	15 to 20	21 to 26	27 +	9	a-1
Visibility (km)	0.5 - 1.0	1.0 -2.0	2.0 -4.0	4.0 - 8.0	8.0 - >	3	a-2
Proximity	Forest	Parkland	Group 10 +	Group 3 +	Solitary	9	a-3
Role	Minor	Moderate	Important	Significant	Major	9	a-4
Climate	Minor	Moderate	Important	Significant	Major	3	a-5
sub-total points						33	a-t

Notable Evaluation

<i>RECOGNITION</i>	Local	District	Regional	National	International	SCORE	CODE
<i>POINTS</i>	3	9	15	21	27		
Stature							ns
Feature							ns-1
Form							ns-2
Historic							nh
Age 100+							nh-1
Association							nh-2
Commemoration							nh-3
Remnant							nh-4
Relict							nh-5
Scientific							nsc
Source							nsc-1
Rarity							nsc-2
Endangered							nsc-3
sub-total points							n-t
TOTAL POINTS						102	t-p

Standard Tree Evaluation Method Score Form. Copyright R.Flook, with permission to ITM Ltd.

REMARKS:		
Client:	QLDC	
Client reference:	N.V	
Contact:	Phone:	Cell.ph.:
Address:	Fax:	E-mail:
Tree species:	Quercus paulustris	
Tree location:	Remarkables lodgeQT	

ATTACHMENT 4: OTHER RECOMMENDATIONS TO THE COUNCIL FROM THE HEARINGS PANEL

As a result of considering and making decisions on the submissions on Plan Change 3, the Hearings Panel have made the following recommendations to the Council outside the current Plan Change process:

- That the following items be reviewed for potential inclusion in the District Plan through a separate follow-on Plan Change process.

Features/Trees to be Reviewed	
Features:	Brisbane and Park Streets Precinct, Queenstown
	Boatshed, Slipway and Old Ticket Office, Frankton Marina
	Paddy Mathias Place, Arthurs Point
	Frankton Track
	Queenstown Bowling Club, Queenstown Gardens
	Relics or sites of Chinese settlement on the Arrow River
	Rail between Kingston and Fairlight
	Telephone wire, Halfway Bay
	Engines, Carriages and Wagons at Kingston
	Weir and Piping for Rail Water Tank, Kingston
	Kinloch Lodge Precinct
	Bridge Abutments, McChesney Creek, Arthurs Point
	Stone Stable, Lot 9 DP 301885, Littles Road, Wakatipu Basin
	Features on Arranmore Farm, Grants Road
	Pig and Whistle Building, Queenstown
Albert Town School building, Albert Town	
Trees:	Wellingtonia's, Arrowtown Camp Ground
	Mature Trees next to Greek Fir Ref 269, Old Manse Grounds
	Trees at 5 Huff Street, Queenstown
	Avenue of Wellingtonia's, Boyd Road
	Major Trees around Wanaka Lake Edge and in Eely Point Area
	Poplars opposite Wanaka Showgrounds around to Edgewater
	Poplars and Blue Gums above Stoney Creek Subdivision
	Trees on Lake Front near 885 Frankton Road
	Smoke Trees along Frankton Road
	Chestnut Tree, 93 Thompson Street, Queenstown
	Trees on QLDC Reserve next to 297 Dublin Bay Road
	Gum Trees, adjacent to Sherwood Manor Hotel, Frankton Road
	Snow Gum, Glenorchy Road, Bobs Cove
	Horse Chestnut, Driveway to Sutherland Farm, Gorge Road
	Oak Trees, 148 Kingston Road
	Eucalypt Tree, Council Reserve, Panorama Terrace, Queenstown
	Oak Trees, Mrs Lynley Hansen Property, Frankton
	Eucalyptus Tree, Lake Hawea Foreshore
	Taxus Baccata 'Fastigiata', Old Queenstown Primary School
	Sequoiadendrum giganteum, Old Bottle House site, Queenstown
	Tilia x europea, Earnslaw Park, Queenstown
	Juglans regia, Walnut, St Peters Anglican Church, Queenstown
	Ulmus glabra 'Horizontalis' and Aesculus hippocastanum (Horse Chestnut), St Peters Anglican Church, Queenstown
	Pyrus Communis, Common Pear, Wanaka Station Park
	Pyrus Communis (Pear), Pyrus Sp. (Eating Plum), Ficus Sp. (Fig) and Aesculus hippocastanum, Reserve Gorge Road/Stanley Street

	Larix decidua (European larch), Wanaka Station Homestead
	Larix kaemferi (Japanese larch), Wanaka Station Homestead
	Cedrus atlantica glauca (Atlantic cedar blue), Wanaka Station Homestead
	Gum Tree, Wanaka cemetery
	Liriodendron, Corner of Capell Ave and Skinner Cres, Lake Hawea
	Tall Red Oak next to Buckingham Green, Arrowtown
	Norway Spruce, Courthouse, Queenstown
	Poplars, Domain Road, Wakatipu Basin
	Significant Trees around Lake Edge, Kawarau Falls Lakeside Holiday Park
	Walnut, Pinewood Gardens, 163 Frankton-Ladies Mile Highway, Frankton Flats
	Trees at Arranmore Farm, Grants Road, Frankton Flats
	Elm Trees, Section 25D Block VII Shotover SD
	Cherry trees, Coronation Drive, Queenstown

- That the Council forward the submission of Carolyn Gee [3/25.9] onto the Southland District Council for their reference.
- That the Council investigate the options available to detect decay in trees on reserve land (including road reserve), in particular ultra sounding where appropriate.
- That the Council consider the matters raised in the submissions of Anne Marie Bailey [3/3.2] and [3/3.3], Jay Cassells [3/11.2], [3/11.3], [3/11.4], [3/11.5], [3/11.6], [3/11.9] and [3/11.18], Pam Maclean [3/37.2], [3/37.3], [3/37.4], [3/37.5], [3/37.6], [3/37.9] and [3/37.18], Neil Clayton [3/13.1], Karen Boulay on behalf of the Queenstown and District Historical Society [3/4.4], Vicki Buckham on behalf of the Historic Places Trust Queenstown Lakes Branch [3/9.1], Gordon Christie [3/12.7], Katie Deans [3/18.1], [3/18.2], [3/18.6], [3/18.7] and [3/18.8], Queenstown and District Historical Society [3/54.1], and Karen Stuart [3/59.1] in their ongoing work on Council policies and guidelines regarding trees and the general maintenance/trimming of protected trees within the District.
- That the Council support the guidelines drafted with regards to the maintenance and trimming of trees protected under the District Plan (titled "A Guideline to Pruning Heritage Trees in the Queenstown Lakes District") and that the Council produce specific guidelines for the maintenance of hawthorn hedges.
- That the Council investigate whether the amendments sought in the submissions Gordon Bailey that are outside the scope of the Plan Change can be made to the District Plan in accordance with clause 16(2) and/or clause 20A of the First Schedule to the Act.
- That the Council initiate the category amendments recommended by Rebecca Reid through a separate Plan Change process.
- That the Council initiate a process that will allow for ongoing research and documentation of protected features listed under the District Plan.
- That the Council consider talking to the Ministry of Education regarding their request to draft a memorandum of understanding between the Council and

the Ministry with respect to lodging applications for the Hawea Flat School building.

ATTACHMENT 5: HERITAGE INCENTIVE BROCHURE

Applicants Name

Address (Postal)

Contact Phone Number/ Email

Location/Address of heritage item

Category Listing 1 2 3

(Please indicate by circling)

District Plan Reference

(See Section A3 Inventory of Protected Features.)

Describe the item in brief

Type of Assistance

a. Professional Advice

b. Consent Reimbursement.

c. Both

(Please tick one))

Please fill out following where applicable and attach additional documents of support ie quotes or in the case of consent, fee receipt.

Consent Applied For and Why (In Brief)

Advice Sought, and Why (In Brief)

Name of Professional (include contact details)



QLDC Heritage Incentive -Grant Application

The Queenstown Lakes District Council Heritage Incentive Policy allows the Council to assist with the financial costs of protecting and preserving the natural and built heritage of the district.

Financial assistance can only be granted to Category 1, 2 and 3 historic buildings, sites and objects (including trees) listed in the Inventory of Protected Features (Appendix 3) of the District Plan. You can check this on the Council website www.qldc.govt.nz or at a Council office or library.

Grants

There are two types of grants that can be awarded. They are:

Professional advice: This grant can help pay for advice on earthquake strengthening, building conservation plans, adaptive re-use feasibility studies or other studies to do with the conservation of the place or object.

Consents: Reimbursing the landowner for land use consent and building consent fees incurred in preservation or adaptive re-use. These are fees incurred because of the historic designation.

The preservation and celebration of the district's local cultural heritage.



- Council Community Outcome

Checklist

- Applications must be for historic building, site or object listed in Heritage Register of the District Plan
- Heritage Trees are eligible under the same criteria as Category 2 Items.
- Assistance for buildings will apply whether the building is an earthquake risk or not.
- Grants will be available for private property only.
- Assistance will not be made available retrospectively. Only approved projects are eligible.
- Applications must disclose if there are any competing community objectives related to the site and the work proposed in the application.
- Disbursement of grants will only be made on a reimbursement basis for eligible costs detailed in the approved project budget.
- Council will only consider making heritage incentive grants for planning or resource consent costs which are necessary for the

preservation, conservation or safety of the building or place, that are above and beyond costs that would normally be incurred if the site were not listed in the district plan historic register.

- Applicants are encouraged to explore resources and funding that may be available from other sources to meet the project's needs. A good reference is the "Reference Resource for Cooperative Community Historic Heritage" prepared by Opus, as published by the Ministry for the Environment, October 2004.
- Entitlement to heritage funding will not be automatic. A decision will be made in each case whether funds will be allocated or not.

Please note that Category 1 items can attract more funding, as shown in the table below:

Type of Assistance	Cat Item 1	Cat Item 2 (trees)	Cat 3 Item
Grants for professional advice	100%, up to maximum	100%, up to maximum	50%, up to maximum
Reimbursement for Resource or Building Consent fees	100%, up to maximum	100%, up to maximum	50%, up to maximum
Maximum Grant (combination of 1. Professional Advice and 2. Consent Fees)	\$4,000	\$3,000	\$1,500

Application

All applications will be considered on a first come basis, as only one annual allocation will be made each financial year (July 1 to June 30). The total amount available is \$15,000. The Council will assume no liability for any application.

No grant can exceed the totals listed for each category for the combination of professional advice of consent fees.

Applications will be considered by the Heritage sub-committee, which must satisfy itself with the caliber of the applicant's professional advice.

The sub-committee can make reasonable requests in exchange for funding, for example agreeing to a 'historic place' plaque.

Council staff or the sub committee may request additional information. If this request is made the application is not deemed complete.

Applicants will receive confirmation of receipt and expected time frame between processing the application and the sub-committee's consideration.

Applicants will be notified of the sub-committee's decision within 20 days of receiving a complete application.

**Send the completed form to:
QLDC Policy and Planning
Private Bag 50072
Queenstown
Enquiries Ph 03 441 0499**