

IN THE MATTER of the Resource
Management Act 1991

AND

IN THE MATTER of the Queenstown Lakes
District Proposed District
Plan, Hearing Stream 03

STATEMENT OF EVIDENCE BY J W P HADLEY

27 June 2016

INTRODUCTION

- 1 My name is James William Peter Hadley. I am a Trustee of the Mill House Trust which owns the property at 549 Speargrass Flat Road (the Mill House) on Lot 1 DP12234 and Lot 3 DP 23930.
- 2 The Mill House Trust has owned the property at 509 Speargrass Flat Road since 2003. I occupied the property with my family from 2003 until 2009. The property is currently tenanted.
- 3 Through my work as a professional engineer I have been involved with, and have had significant exposure to, several heritage projects and I am familiar with strengthening and building works to preserve heritage values. As such I have some understanding of heritage issues.

MY SUBMISSIONS

- 4 I have made a Further Submission regarding Chapter 26 of the Proposed District Plan (PDP), Historic Heritage in response to Heritage New Zealand's original submission. My evidence today should be read in conjunction with my Further Submission, number 1113. My brief evidence today firstly records the acknowledgement by Submitter 426, Heritage New Zealand (HNZ), of the error in their submissions and formal withdrawal of the submission regarding 549 Speargrass Flat Road, and then disagrees with the evidence and recommendations of Mr Richard Knott for the Council.

HNZ ERROR

- 5 In evidence from Heather Bauchop for HNZ, at her para 8.6, it is recorded that the New Zealand Heritage List includes the Wakatipu Flour Mill, but that it does not include the Mill House. Ms Bauchop states that "*Heritage New Zealand's submission refers to the Mill House in error. I confirm that the submission in relation to the Mill House is withdrawn.*" Ms Bauchop goes on to state "*I support a Category 2 listing for the Wakatipu Flour Mill*". Importantly, she is silent on the Mill House, clearly determining that no

classification or listing of the Mill House is warranted. Copies of the relevant evidence sections are attached.

- 6 Again, at 16.1 of the evidence by Jane O'Dea for HNZ it is stated that *"Heritage New Zealand withdraws this submission as it relates to the Mill House (PDP heritage item 76)"*. Ms O'Dea also takes the trouble to record that the Mill House is not part of the New Zealand Heritage List entry. So again, it is recorded that the Mill House has not previously achieved the threshold for classification and entry on to the New Zealand Heritage List, nor has it achieved that threshold in this current review. Evidence copies are attached for ease of reference.

QLDC & OPERATIVE DISTRICT PLAN ERROR

- 7 At para 5.101, Mr Richard Knott for QLDC, states that he has checked the extent of place of 557 Speargrass Flat Road (Wakatipu Flourmill Complex) and finds that it is clear that this does not include the Mill House. He goes on to state *"I have further examined the HNZ List and it does not include Mill House as an item."*
- 8 Mr Knott, at his 5.102, goes on to conclude that *"It therefore appears that the Trustees of the Mill House Trust are correct and that HNZ have included this property in their submission in error, and also that QLDC have incorrectly made reference to it being on the HNZ List in error in both the ODP and PDP (emphasis added)."*
- 9 So it is established by fact that not only has HNZ made an error in their submission, but that QLDC's own expert has confirmed that the Mill House was incorrectly listed in error as a heritage item in the Operative District Plan. Whilst it is pleasing that this error has finally been highlighted and acknowledged as a result of our submission, it is very frustrating that the property has laboured under this error for literally decades, and has needlessly been subjected to the costs and delays of controlled activity and restricted discretionary consents triggered by the Council's error in its heritage lists. This current submission is further evidence of such delays

and costs caused by QLDC's error. Let it be clear that HNZ have no interest in the Mill House, yet as the owners of the property we are forced to monitor and respond to the issues raised all because QLDC made an error by including the Mill House as a Heritage Item under the ODP. The counterfactual is simply, had HNZ and QLDC not made the initial error, we would not be here and there would be no classification or suggestions of continuation of an erroneous classification as is now promoted by Mr Knott. Put simply, the genesis of the Mill House being discussed in any context as a heritage item is solely due to the accidental and erroneous extension of the Wakatipu Flour Mill classification first by HNZ, and then by QLDC. Had these mistakes not been made, there would be no discussion of the Mill House as a heritage item at this time.

EVIDENCE OF MR KNOTT

- 10 Whilst identifying and acknowledging the previous errors of both HNZ and QLDC, Mr Knott goes on to take it upon himself to consider the heritage values of the Mill House. He bases his assessment on a "view from the road" and an assessment by a Ms Chontelle Syme for the Wakatipu Heritage Trust. The Wakatipu Heritage Trust has no regulatory standing and is not an authority. It does not even appear particularly active. Its last publicly available Chairman's report is dated 2013.
- 11 Of more concern is that Mr Knott has principally relied upon a report prepared by an unqualified party who has clearly entered the Trust's property illegally and without authority. Ms Syme issued her report as second year undergraduate History student at the University of Otago. With all due respect to Ms Syme and her academic talent, she is not a Heritage Architect and could not reasonably be considered an authority in the same manner as HNZ experts, Ms Bauchop and Ms O'Dea – both of whom do not consider that the Mill House should be included as a listed item.
- 12 With regard to the report by Ms Syme I must record that at no time did the Trust give approval for entry onto the property and as such Ms Syme has

completed her report illegally. Her report even highlights the lack of professionalism in that it incorrectly cites the owner in 2013 as a 'Susan Margaret Vowles'. It also incorrectly references a New Zealand Historic Places Trust Number which has now been confirmed as not applying to the Mill House. The effect being that the original error of association with the classification of the Wakatipu Flour Mill, has unnecessarily and unreasonably propagated heritage issues for the Mill House and it is time for that to stop.

- 13 Speaking as the owners of the property it is very disappointing to us that our property has been illegally accessed and that instead of addressing a past wrong, Mr Knott chooses again to propagate an existing and obvious error on the basis of an unqualified and unprofessional report.

RELIEF SOUGHT

- 14 On the basis of the evidence of Mr Knott, the Section 42A Report by Ms Jones now recommends retention of the Category 3 listing for Item 76, the Mill House, but removes the HNZ listing.
- 15 We strongly oppose that recommendation for the following reasons;
- 16 Firstly, the recommendation is based on the evidence of Mr Knott which is shown to have relied upon a report that was prepared by an unqualified party who entered the property illegally and who did not establish the correct property owner to consult.
- 17 Secondly, the recommendation is a propagation of what is now an acknowledged and known previous error of both QLDC and HNZ (as stated in evidence by Mr Knott). As such, this knowing continuation of the classification by QLDC after confirmation of the error, would be subject to legal challenge on the basis that such an inclusion was ultra vires.

- 18 Thirdly, at a common sense level, the Trust has laboured under the unfair and incorrect classification of the Mill House by QLDC over some many years. Having had the Trust's allegation of the error now confirmed as correct by Council's own experts, this current District Plan review process is the opportunity for QLDC to recognise the tolerance of the Trust to date and remedy that error and imposition over time, by acting swiftly and removing the classification all together.
- 19 In closing, I believe that the issues in this matter are very clear and I ask that the Commissioners take sensible and pragmatic steps to correct a past wrong by removing Item 76 Mill House as an item from the list included in the Section 42A report.

Item 42 Stone Walled Race, 26 Hallenstein Street, Queenstown

- 8.5 I have appended an assessment for the 'Stone Walled Race' (Appendix A). I consider that this was in fact a stone-lined channel, providing drainage rather than a race. I support IPENZ's view that it is a rare infrastructure item. The rarity of such infrastructure items make them worthy of listing as Category 2 items on the PDP, as is shown by the QLDC Category 2 listing for the cobbled gutters in Arrowtown.

Item 77 Oast House, 557 Speargrass Flat Road (Mill Creek)

- 8.6 Item 77 is included on the New Zealand Heritage List as the Wakatipu Flour Mill Complex (Former) (List Entry No. 2241). This List Entry includes the flour mill, but not the former Miller's House on the west side of Wakatipu Creek. Heritage New Zealand's submission refers to the Mill House in error. I confirm that the submission in relation to the Mill House is withdrawn. I support a QLDC Category 2 listing for the Wakatipu Flour Mill.

Item 91 Kinross Store and Buildings, Gibbston

- 8.7 I note that Heritage New Zealand has submitted that Kinross be a Category 2 Item. I have not undertaken additional assessment of this item. I am not familiar with the site and do not think I have sufficient evidence to form an opinion. Because of this, I agree with Knott that it remain a Category 3 item.

Item 101 St Peter's Parish Centre (former Vicarage), 1 Earl Street

- 8.8 I have appended an assessment of the former vicarage at 1 Earl Street that provides further information about the former vicarage (Appendix A). Based on my knowledge of the history of the church and its role in the community I believe that the vicarage, as one of a group of significant buildings associated with the Anglican Church in Queenstown, has considerable historical and architectural importance. I therefore disagree with Richard Knott's recommendation that the vicarage remain QLDC Category 3 and support its listing as QLDC Category 2.

Item 107 Courthouse (Former Library and Reading Room and Justice Building), Ballarat Street

- 8.9 I have not undertaken additional assessment of the Queenstown Courthouse. I agree, however, that as defined in the Recommended Revised Chapter as set out in the Section 42A Report, that Category 1 is the equivalent of HNZPT Category 1. This reflects the current

ATTACH 2

own view
Evidence of [^] ~~for~~ on behalf of
Heritage NZ. chap 26 Historic Heritage

15. SUBDIVISION

15.1 Similar to my comment regarding the issue of signage, I do have a concern about Plan clarity in terms of provisions that closely relate to heritage management being located in other sections of the PDP. In this regard I note the proposed deletion of rule 26.6.2 (subdivision) in the RRC and that the issue of the subdivision of sites containing all or part of a protected feature will be addressed in hearing stream 4.

15.2 Whilst I understand and accept the reasoning for this as provided in the Section 42A Report (paragraphs 14.1-14.3) I do nevertheless consider that it would be appropriate to provide a clear cross-reference under 'Table 1 General' to the subdivision chapter. Such a note could read as follows or similar:

For provisions concerning the subdivision of any site containing all or part of a protected feature users of the Plan are referred to Chapter 27 Subdivision.

16. PROPOSED ADDITIONS TO INVENTORY OF PROTECTED FEATURES AND/OR PROPOSED CHANGES TO HERITAGE ITEM CATEGORIES

16.1 I note that the Section 42A Report, at paragraph 21.6 mentions that the landowners' views on inclusion of certain heritage items are not known. In this regard I believe it is useful to note that Heritage New Zealand wrote to all owners or leaseholders of land containing the heritage items which were the subject of Heritage New Zealand's PDP submission. With regard to proposed new additions to the Inventory of Protected Features, and proposed category changes the owners of the following places were written to:

- Gratuity Cottage, 9 Gorge Rd
- Sew Hoy's Big Beach Claim Historic Area (legal river)
- Wong Gong's Terrace Historic Area
- Reko's Point
- Kawarau Falls Dam
- Roaring Meg Bridge Abutment
- Skippers Bridge
- Hullert House
- Pleasant Terrace workings, including Sainsbury's House
- Kinross Farm Steading

- Bullendale
- Wakatipu Flourmill Complex (former) – noting that as per paragraph 8.6 of Heather Bauchop’s statement, Heritage New Zealand withdraws this submission as it relates to the Mill House (PDP heritage item 76.) The Mill House is not part of the New Zealand Heritage List entry for the Wakatipu Flourmill complex.
- Tomanovitch Cottage

16.2 The letters sent to these parties outlined the following matters:

- Explained how Heritage New Zealand’s submission on the PDP affects their property;
- Explain that there is an option to lodge a further submission;
- Where to find further information on the QLDC website regarding the PDP and how to lodge a further submission.
- Provided contact details of HNZPT staff if there were any queries.

16.3 Copies of the letters sent are included in Appendix B to this statement.

16.4 In terms of direct responses to the letters, HNZPT received the following responses:

9 Gorge Rd

HNZPT was contacted by the owner of 9 Gorge Rd. Verbal advice about the submission process was provided. Separate advice concerning the possible development of the site was also provided however I do not wish to detail this in my statement in order to respect the privacy of the owner.

Reko’s Point Archaeological Site

HNZPT was contacted in the last fortnight by the owner of part of the Reko’s Point site who had not lodged a further submission but wished to have an update on the current situation. I advised on the status at that time and undertook to keep them informed of any progress as I become aware of it.

16.5 A few parties lodged further submissions which were copied to HNZPT.

(h) Archaeological Value High

5.92 I viewed this building on 1 April 2016 and note that whilst there has been some modification to the building and little maintenance, it continues to retain many original features such as the remaining stalls which contribute to its historic, social and architectural values. I find no reason not to concur with the JGAA assessment and conclude that the building is extremely significant to the District.

5.93 In view of the above, I agree with the submission that the stable building should be increased to Category 1.

Item 76 Mill House, 549 Speargrass Flat Road (Mill Creek)

5.94 HNZ (Submission 426) recommend that the Category of this building be increased from Category 3 to Category 2. This section of their submission also refers to a number of items and heritage significance and in particular indicates that:

This is an existing situation which has been carried over from the operative District Plan. All of the relevant listings are items that are entered on the New Zealand Heritage List. The heritage values of these places have been established through the process of entry onto the New Zealand Heritage List. Given the emphasis in sections 26.2 and 26.5.1 on protection being applied on a scale based on the relative significance of heritage items, Heritage New Zealand considers it important that the QLDC categories assigned to scheduled items accurately reflect the level of heritage significance.

It is considered that the reports enclosed in Appendix C relating to each of these items supports the relief sought i.e. the upgrading of items from QLDC category 3 to category 2; or QLDC category 2 to category 1.

5.95 Trustees of the Mill House Trust (FS 1113) strongly oppose the submission by HNZ to upgrade the heritage classification of the building. They point out that HNZ do not include any supporting report with their submission and that they are therefore not able to respond to the relief.

- 5.96** They also point out that the Mill House has already been significantly modified by modern architectural renovation and heritage values are already compromised as a result. They confirm that HNZ have not inspected or assessed the property (unless they have done so without the owner's consent).
- 5.97** They wonder whether, as HNZ have focussed their reporting on the neighbouring flour mill and Oast House, they have included Heritage Item 76 in their summary submission at their point 32 in error. They suggest that the incorrect reference to Heritage Item 76 in the HNZ submission means that the HNZ submission on this property should be struck out.
- 5.98** They further submit that the modification of this property is such that the historic categorisation should be downgraded and removed (e.g. from Category 3 to no classification).

Response

- 5.99** I viewed this property from the road on 1 April 2016. It is currently scheduled as a Category 3 building in the ODP.
- 5.100** The HNZ submission makes very clear reference to their submission relating to items that are entered on the New Zealand Heritage List where the heritage values of the place have been established through the process of entry onto that list.
- 5.101** Whilst the entry for this building in the ODP schedule and in the PDP schedule indicate that it is listed by HNZ (item 2241), the reference on the HNZ List relates to the Wakatipu Flourmill Complex at 557 Speargrass Road. I have checked the extent of place of 557 Speargrass Road, Lot 1 DP 18523 (CT OT12A/101), and it is clear that this does not include Mill House. I have further examined the HNZ List and it does not include Mill House as an item.
- 5.102** It therefore appears that the Trustees of the Mill House Trust are correct and that HNZ have included this property in their submission in error, and also that QLDC have incorrectly made reference to it being on the HNZ List in error in both the ODP and PDP.

5.103 In terms of the heritage values of the Mill House, an assessment of the building was carried out by Chontelle Syme on behalf of the Wakatipu Heritage Trust in February 2014 as part of the Wakatipu Heritage Trust Inventory Project 2013-2014. This is attached in **Appendix F**.

Heritage Assessment, Chontelle Syme, Wakatipu Heritage Trust (2014) pg 362

5.104 The Wakatipu Heritage Trust Inventory Project was run by the Trust in partnership with the Department of Conservation, the Council, University of Otago and HNZ to assess sites already on the ODP schedule to increase the information available about each (as there was previously little information available).

5.105 This report concludes that overall the Mill House building has Moderate Heritage Value, with each criteria assessed as below. These criteria are similar but not identical to those used for PC3 and PDP assessments:

(a)	Historical/Social Value	High
(b)	Cultural/Traditional Value	Moderate
(c)	Architectural Value	High
(d)	Landscape/Townscape Value	High
(e)	Rarity/Representative Value	Moderate
(f)	Technological Value	Moderate
(g)	Archaeological Value	Moderate
(h)	Heritage Assessment	Moderate

5.106 I have viewed the property at 549 Speargrass Road from the road and considered the Wakatipu Heritage Trust assessment. Having done this, I believe the assessment to be fair and have no reason to not agree with its conclusions.

5.107 Recognition that the Mill House building has moderate value would mean that it would appropriately be recognised as a Category 3 building. I therefore do not agree with either the submitter or further submitter and consider that the building should remain as a Category 3 building. However, the reference to the HNZ listing in the schedule, be removed.

APPENDIX F:

A link to the list of Heritage Assessments for specific scheduled items that I consider in my evidence [here](#).

1. Item 3 Antrim Engines Slipway and Cradle, Kelvin Peninsula
 - *Heritage report, Peter Petchey, Southern Archaeology Ltd (2015), page 1*
2. Item 40 Kawarau Falls Bridge, Frankton
 - *HNZ Heritage Assessment, page 57*
 - *Heritage Assessment, JGAA (2012), page 66*
 - *Site assessment report, Stacey Solomon (2013), page 81*
3. Item 45 Skippers Bridge, Shotover River
 - *HNZ Skippers Road Registration Report (2006) page 89*
 - *IPENZ Engineering Heritage Register Report (2013), page 138*
4. Item 57 Hulbert House (Tutuila) 68 Ballarat Street
 - *HNZ Heritage Assessment Report (2012), page 156*
5. Item 63 Cottage, 28 Park Street
 - *Heritage Assessment, Rebecca Reid (2005), page 187*
 - *Assessment of Environmental Effects, JGAA (2016), page 191*
6. Item 65 Queenstown Bowling Club Pavilion
 - *Heritage Assessment, Rebecca Reid (2006), page 212*
7. Item 67 Sainsbury's House, Skippers Mt Aurum Recreational Reserve
 - *HNZ Heritage Assessment, Pleasant Terrace Workings (2013), page 215*
8. Item 70 Threepwood and Stone Buildings, Lake Hayes and Item 242 Threepwood Stables
 - *Threepwood Conservation Plan, JGAA (2005), page 257*
 - *Threepwood Stables Heritage Assessment, JGAA (2011), page 342*
9. Item 76 Mill House, 549 Speargrass Flat Road (Mill Creek)
 - *Heritage assessment, Chontelle Syme, Wakatipu Heritage Trust (2014), page 362.*