

**New Zealand Tungsten Mining Limited
Hearing Stream 3 – Chapter 26 – Historic Heritage.**

Questions from the Panel for Mr Carey Vivian (CV)

Where necessary, supplementary by answers from Dr Hayden Cawte (HD):

1. Do the Rural Chapter (21) provisions provide a "higher order" framework relative to Chapter 26, or do they work alongside one another?
 - (a) CV answer: In my opinion they work alongside one another.
2. What is the significance of the difference between the PC 49 definition of earthworks excluding mining, and the PDP definition not excluding mining?
 - (a) CV answer: This will be addressed in the Definitions Chapter hearing stream.
3. Are the Assessment Matters in the Rural chapter (or any other Chapter) a duplication, or inconsistent with, the heritage landscape provisions in the Heritage Chapter? What issues in reality would the duplication cause to consenting?
 - (a) CV answer: To some extent the ONL assessment matters duplicate the GHL. In my opinion if you have assessed development correctly under the ONL assessment criteria then the GHL adds very little to the process.
4. What additional value, or points of difference, do the GHL provisions add above and beyond the Landscape and Rural chapters?
 - (a) CV answer: The specific protection of mining heritage.
5. If a consent is required under the Rural rules, is there any issue with the fact consent is also triggered by the Heritage rules?
 - (a) CV answer: No issue, however if it is a lesser "hierarchy" rule it does seem pointless unless it assists in focusing on a particular issue.
6. There is no definition of archaeological site in the RMA, or in the PDP. Are decision makers under the RMA bound by the definition of "archaeological site" in the Heritage New Zealand Pouhere Taonga Act 2014? (Note this is a legal question also). Should there be a definition of "archaeological site" in the PDP and if so what should it be?

Note this preliminary answer will be supplemented further in the hearing stream for the Definitions Chapter.

- (a) HC supplementary answer: In practice, councils tend to devolve archaeological considerations to Heritage New Zealand. Where a site is pre-1900, or likely to be, councils tend to place advisory notes that an archaeological authority should be applied for from HNZ.

There is no legislative framework for modifying, destroying etc, post-1900 sites that one might call an archaeological site (ie. HNZ can't provide an authority to destroy or modify a post-1900 site). A heritage impact assessment (as opposed to an archaeological assessment) can make recommendations that post-1900 sites should be investigated under archaeological methods as a form of mitigation. I consider a heritage impact assessment to cover effects to archaeology as well, as opposed to an archaeological assessment that only considers archaeology.

I suggest reference to the HNZPTA definition for clarity.

CV answer: From a user point of view I am supportive of the PDP having as many definitions as possible. I agree with HC suggestion of reference to the HNZPTA definition for clarity.

7. On the topic of "key features to be protected" would it be better to provide a map of those features?

(a) HC answer: Probably difficult to accomplish especially as additional sites are likely to be identified as works proceed, meaning the map would be subject to change which is not useful in a district plan. Can we not say something along the lines of "development must consider the full range of mining features within the landscape in any proposals etc." I.e. On a case by case basis subject to expert advice and effective management/mitigation? Or development must ensure that the layers of mining history remain visible in the landscape (ie. That the small and short lived be considered also as it also contributes to the landscape as much as the large and obvious features like State mine) – I realise this isn't exactly helpful but in stating "key features" it misses the ability to evaluate modification of these in light of better heritage outcomes.

(b) CV answer: I agree it would be better, but as HC notes above, it could be difficult to accomplish.

8. Why was exception taken to "in accordance with best practice" in policy 26.5.2.1, your pages 16 – 17.

(a) CV answer: I believe any assessment should be in accordance with best practice. I see little need to spell this out in a policy.

9. Regarding paragraphs 4.98 – 4.106, has Dr Cawte revised his position on whether he [*now agrees with the statement that subsurface features have limited amenity value and therefore limited heritage value*], and if so, does Mr Vivian revise his position:

(a) HC answer: There are a number of factors that contribute to heritage or archaeological value of which, amenity is only one. I tend to place a lot of weight on reduced amenity value but other factors contribute to the overall value. This is especially so in archaeology, the other values contributing to overall significance are; condition, rarity, information potential and cultural associations (these are required in an authority application). Generally they are weighted evenly but I tend to weight amenity value slightly higher. So it is difficult to say that there is limited or no heritage value, just because amenity is reduced. In a practical sense, I would suggest that modification or destruction of a site can proceed because of reduced amenity value subject to normal mitigation measures which might include recording prior to destruction and monitoring during.

(b) I rely of HC evidence. If his position has changed then my evidence should be amended to reflect this.