

**Summary of Hearing Statement – Proposed Queenstown Lakes District Plan 2015  
Dr Matthew Schmidt 29 June 2016**

**Introduction**

1. My name is Dr Matthew Schmidt. My qualifications and experience are outlined in my written statement. This statement concerns archaeological matters associated with the Proposed Queenstown Lakes District Plan (PDP) 2015 and Heritage New Zealand's submission on the PDP.

**Purpose of this Evidence**

2. My statement addresses the proposed management of archaeological heritage sites under the Proposed District Plan ("PDP") and whether this will ensure the effective management of significant archaeological sites in the QLDC area.
3. I consider three matters in my written statement: how sites are protected by the Heritage New Zealand Pouhere Taonga Act 2014 ("HNZPTA 2014") and the Resource Management Act 1991 ("RMA 1991"); the proposed Archaeology Alert Layer; and why only the most significant archaeological sites should be listed in the PDP Inventory of Protected Features.

**The Protection and Management of Archaeological sites: use of the Heritage New Zealand Pouhere Taonga Act 2014 and the Resource Management Act 1991**

4. Under Section 42 of the HNZPTA 2014, it is illegal to modify or destroy an archaeological site without an Archaeological Authority granted by HNZPT, hence providing a blanket protection of archaeological sites anywhere no matter what their origins are and how significant they are.
5. The Archaeological Authority Application process can involve as little as three key persons in the making of a determination and the Application process does not require public consultation.
6. Although the Archaeological Authority process can be used as a tool in the management of archaeological sites, it is focused on the effects on the site itself and the recovery of information. In making a determination HNZPT is limited to considering the effects on the archaeological site under strict criteria (see Section 59(1)(a) of the HNZPTA 2016).
7. However, under a district plan, the effects on a listed site may take a wider berth such as the visual or bulk intrusion of a structure on a site, the moving of a pre-1900 building, the partial demolition of a pre-1900 building or the impacts on a large complex site which extends over multiple legal boundaries. My written evidence expands on the reasons for this and provides examples.

## The Archaeological Alert Layer and LIMS & PIMS

8. The use of an Archaeological & Cultural Alert Layer as set out in Section 26.3.1 of the PDP, which will be based on a cultural alert layer for planning identification purposes, and New Zealand Archaeological Association (NZAA) sites up to a map scale of 1:48,000, Topuni areas, Nohoanga areas, Statutory Acknowledgement areas identified in the Ngai Tahu Claims Settlement Act 1998, and based on maps from the Deed of Settlement (QLDC region only), is a very positive addition. I agree with the Section 42A report with respect to the benefits it will make to the management of archaeological sites and ensuring those persons undertaking any sort of developments in the District are aware of their legal obligations with respect to sites. This will significantly reduce the possibility of accidental damage to sites. This information could also be useful for LIMs and PIMs.
9. I believe Archaeological Alert Layers also have the advantage of ensuring District Plan schedules do not become cluttered with numerous archaeological sites with varying significance or where no significance statements are available. Such Schedules should concentrate on highly significant archaeological sites.

### Conclusions

10. In conclusion, it could be argued that the HNZPTA 2014 provides an overarching protection of archaeological sites for the nation as a whole, with the RMA 1991 providing a protection and management mechanism for highly significance archaeological sites at a local level.
11. In regards to individual archaeological sites scheduled in the PDP Inventory, I particularly support the inclusion of sites proposed by Heritage New Zealand for scheduling, these sites being:
  - Reko's Point Chinese Goldmining Sites.
  - Roaring Meg Bridge Abutment.
  - Wong Gong's terrace historic area (HNZ no. 7549).
  - Sew Hoys Big Beach claim historic area (HNZ no. a. 7545).

Please note: In my written evidence under 'Conclusions', I noted in error that the Frankton Mill Site, Kawarau Road, Frankton (Section 3, Block XVIII, Town of Queenstown (2910121800) was proposed by Heritage New Zealand for inclusion in the Inventory. I am not familiar with this site.

**59 Decision on appeal**

- (1) In determining an appeal made under section 58, the Environment Court—
- (a) must, in respect of a decision made on an application made under section 44, have regard to any matter it considers appropriate, including—
    - (i) the historical and cultural heritage value of the archaeological site and any other factors justifying the protection of the site:
    - (ii) the purpose and principles of this Act:
    - (iii) the extent to which protection of the archaeological site prevents or restricts the existing or reasonable future use of the site for any lawful purpose:
    - (iv) the interests of any person directly affected by the decision of Heritage New Zealand Pouhere Taonga:
    - (v) a statutory acknowledgement that relates to the archaeological site or sites concerned:
    - (vi) the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wāhi tūpuna, wāhi tapu, and other taonga; and
  - (b) may confirm or reverse the decision appealed against or modify the decision in the manner that the Environment Court thinks fit.

