

QUEENSTOWN LAKES DISTRICT COUNCIL

Hearing of Submissions on Proposed District Plan

Report 5

Report and Recommendations of Independent Commissioners Regarding
Chapter 26 – Historic Heritage

Commissioners

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Appendix 1: Chapter 26 as Recommended

Appendix 2: Recommendations on Submissions and Further Submissions

Appendix 3: Definitions recommended to Stream 10 Panel for inclusion in Chapter 2

PART A: COMMON INTRODUCTORY MATTERS

1. PRELIMINARY MATTERS

1.1. Terminology in this Report

1. Throughout this report, we use the following abbreviations:

Act	Resource Management Act 1991 as it was prior to the enactment of the Resource Legislation Amendment Act 2017, unless otherwise stated
Clause 16(2)	Clause 16(2) of the First Schedule to the Act
Council	Queenstown Lakes District Council
DoC	The Department of Conservation
GHL	Glenorchy Heritage Landscape
HNZ	Heritage New Zealand – Te Pouhere Taonga
HNZPTA	Heritage New Zealand Pouhere Taonga Act 2014
NZTM	New Zealand Tungsten Mining
ODP	The Operative District Plan for the Queenstown Lakes District as at the date of this report
ONF	Outstanding Natural Feature(s)
ONL	Outstanding Natural Landscape(s)
PDP	Stage 1 of the Proposed District Plan for Queenstown Lakes District as publicly notified on 26 August 2015
Proposed RPS	The Proposed Regional Policy Statement for the Otago Region Decisions Version dated 1 October 2016
RMA	Resource Management Act 1991 as it was prior to the enactment of the Resource Legislation Amendment Act 2017, unless otherwise stated
RPS	The Operative Regional Policy Statement for the Otago Region dated October 1998
Stage 2 and variations	Stage 2 of the District Plan review, including variations, notified by the Council on 23 November 2017.

1.2. Topics Considered

2. The subject matter of this hearing was Chapter 26 of the PDP (Historic Heritage). We have divided this Report into three parts. The first sets out the introductory matters common to all of our recommendations. The second deals with submissions made on the introductory sections to Chapter 26, and submissions on the objectives, policies, and rules. The second sets out our recommendations on the submissions relating to the listing of particular properties as protected heritage features, heritage precincts, archaeological sites, heritage landscapes (heritage overlay areas) and general submissions.

1.3. Hearing Arrangements

3. Hearing of Chapter 26 was undertaken contemporaneously with the hearing of Chapter 32 (Protected Trees) and was heard by the same panel of hearing commissioners, although Chapter 32 is the subject of a separate report and set of recommendations¹.
4. The hearings on Chapter 26 were held on 27 – 28 July 2016 inclusive in Queenstown.
5. The parties heard from on Chapter 26 were:

Queenstown Lakes District Council

- Sarah Scott (Counsel)
- Victoria Jones
- Richard Knott

HNZPTA²

- Jonathan Howard
- Heather Bauchop
- Dr Andrew Schmidt
- Jane O’Deav

NZTM³

- Dr Hayden Cawte
- Gary Gray

Real Journeys Limited⁴

- Fiona Black
- Ben Farrell

Ngai Tahu Properties Limited⁵

- Tim Williams

Millbrook Country Club Inc⁶

- Dan Wells

¹ Report 6
² Submission 426
³ Submission 598, Further Submission 1287
⁴ Submission 621, Further Submission 1341
⁵ Submission 596
⁶ Submission 696

DJ and EJ Cassels, the Bulling Family, the Bennett Family, M Lynch⁷

- Maree Baker Galloway, Counsel

Mill House Trust⁸

- James Hadley

Other Submitters

- Jacqueline Gillies⁹
- Karl Barkley¹⁰
- Dianne Holloway¹¹
- Anna- Marie Chin¹²

6. A summary of evidence was also tabled by David Cooper, Senior Policy Adviser, on behalf of Federated Farmers.

1.4. Procedural Steps and Issues

7. On 23 June 2016 a memorandum was issued following our site inspections of a number of heritage features listed in the PDP, which sought further information with respect to various listed features within heritage precincts. Specific clarification was sought with respect to Item 32, the Frankton Mill Site.
8. On 13 July 2016, the Chair issued a first Minute to the Council drawing attention to potential deficiencies whereby there was no apparent policy support for rules which categorise the demolition of Category 1 Heritage Features as a prohibited activity, or for the protection of archaeological sites.
9. On 22 July 2016, the Chair issued a second Minute seeking that the officers provide clarification as to whether some buildings listed as heritage features were also identified as contributory buildings in Heritage Precincts. This Minute also sought clarification as to the status of new buildings in Heritage Precincts.
10. Except where necessary, this report does not include reference to all individual submissions and submission points, as these are contained in the summary of submissions and our recommendations as to whether these be accepted, accepted in part, or rejected, as contained in Appendix 2 to these recommendations.
11. Finally, in our discussion of submissions, reference is made to the section within each chapter, or the objective/policy/rule numbers in the PDP as notified. Where text changes are proposed, reference is made to the section of the chapter or objective/policy/rule numbers

⁷ Submission 503

⁸ Submission 1113

⁹ Submission 604. Ms Gillies clarified that she appeared in her own right and that the submission was lodged by her personally, not the firm Jackie Gillies Associates as listed in the Section 42A Report. We have updated the list of submissions in Appendix 2 to reflect this.

¹⁰ Submission 63

¹¹ Submission 31

¹² Submission 368

as amended by these recommendations. Reference should be made to Appendix 1, which sets out the text of Chapter 26 resulting from our recommendations.

1.5. Background to the Hearing

12. The evidence of Ms Jones focused primarily on the structure of the chapter, and the objectives, policies, and rules, while the evidence of Mr Knott primarily focused on the submissions relating to individual listed heritage features.
13. We note that, with the withdrawal of the area affected by Change 50 to the ODP from the PDP, matters relating to Heritage Feature 68 (Glenarm Cottage) were not dealt with through this hearing. This affected four submissions and a further submission¹³, which Ms Jones recommended be rejected as being outside the scope of the hearing. Those submissions ceased to have any status once the Council resolved to withdraw this area from the PDP and we have not considered them.
14. Rules relating to the subdivision of sites containing heritage features were reallocated to the hearings for Chapter 27: Subdivision. The submissions relating to those rules have been heard by a differently constituted Hearing Panel and are dealt with in the report and recommendations of that Panel on Chapter 27¹⁴.
15. Ms Jones explained that the Council had carried over a significant part of the heritage provisions currently contained in the ODP, particularly as they affected listings. The primary differences from the ODP were summarised as follows:
 - a. the retention of three Categories of protected heritage features in the liberalisation of rules for Category 3 (notably internal alterations being made permitted), except for external alterations which are to be made restricted discretionary;
 - b. an extension to some heritage precincts with a new distinction between 'contributory' and 'non-contributory' buildings within such precincts;
 - c. the addition of a rule making 'development' a discretionary activity within heritage precincts;
 - d. the introduction of a section on Sites of Significance to Maori, with a list of subject sites to be notified under a later stage of the District Plan review;
 - e. the addition of rules in the PDP relating to a specific number of archaeological sites;
 - f. the retention of four 'heritage landscapes' (to be renamed heritage overlay areas) carried over from the ODP, but now subject to rules as well as policies;
16. In terms of actual listings of heritage features, only eight additional sites were sought for listing by the Council through this review, these being 253 Centennial Avenue (Item 253); the Kawarau Falls Dairy and Meat Store (Item 241); Marshall Cottage (Item 240); Threepwood Stables (Item 242); Millers Flat Church, Arrowtown (Item 250); Former Methodist Church, Arrowtown (Item 151); Shanahan's Cottage, Arrowtown (Item 252); and Kinloch Jetty and Wharf Building (Item 239).
17. In addition, the Kingston Flyer engines and rolling stock (Item 408) was delisted and an archaeological site (714) relating to the old house site at Kingston was added.

¹³ Submissions 516.5, 571.5, 604.46, 672.33 and FS1098.11

¹⁴ Report 7

18. Altogether 37 original submissions, and 21 further submissions comprising 286 points of submission, were lodged¹⁵. We do not discuss every submission point in this report. Rather, we focus on the issues raised. Appendix 2 contains our recommendations on the individual submission points.
19. The Section 42A Report recommended significant amendments and additions to the objectives and policies, relying on a submission by Ms J Gillies to provide scope to undertake these amendments. The scope of these amendments was not challenged at the hearing. We accept the general proposition that the recommended amendments were within scope.

1.6. Definitions

20. Definitions play a critical part in the interpretation of the rules in this chapter. Definitions, and recommended additions or alterations to definitions arise during our recommendations.
21. At the time of the Stream 3 hearings, the Council officers were recommending that definitions specific to this chapter be included in the chapter. Subsequently, the Council officers reporting on Chapter 2 Definitions, recommended that all definitions be located in that chapter, and that Hearing Panels which had heard submissions on definitions, make their recommendations to the Hearing Stream 10 Panel, so that Panel could reconcile any differences in recommendations and make the ultimate recommendation to the Council.
22. Consequently, in the report, where we make recommendations on definitions, those recommendations are to the Stream 10 Hearing Panel, and we have separated the definitions we recommend be included in Chapter 2 into Appendix 3.

2. STATUTORY CONSIDERATIONS

23. We have considered the submissions in relation to this chapter consistent with the approach outlined in the Hearing Panel's Introduction Report¹⁶. In this instance, there are no objectives or policies in the RPS directly relevant to our consideration.
24. The Proposed RPS, on the other hand, contains a specific objective and policies relevant to our consideration which we are required to have regard to¹⁷. Objective 5.2 and Policy 5.2.1 require the recognition of various elements that are characteristic of, or important to, Otago's historic heritage. Policy 5.2.2 requires the identification of historic heritage places and areas of regional and national significance using the attributes set out in Schedule 6 to the Proposed RPS. Policy 5.2.3 lists the ways historic places or areas are to be protected or enhanced. The Proposed RPS lists methods by which district plans can implement these policies. The approach taken in the PDP is consistent with these.
25. We have also approached our consideration on the basis that the contents of this Chapter need to give effect to, or be consistent with, the objectives¹⁸ and policies¹⁹ in recommended Chapter 3.

¹⁵ Section 42A Report paragraph 8.1

¹⁶ Report 1, Section ?

¹⁷ Section 74(2)(a)(i) of the Act

¹⁸ Strategic Objective 3.2.3.1

¹⁹ Strategic Policy 3.3.16

26. Consistent with the approach outlined in Report 1 and the approach taken by the Hearings Panel (differently constituted) who heard submissions on Chapters 3, 4 and 6 of the PDP²⁰, our assessment in terms of section 32 and 32AA of the Act is incorporated into our discussion of the various provisions.
27. In undertaking its section 32 assessment prior to notification, the options considered by the Council included (1) status quo/no change – that is, retaining the provisions in the ODP; (2) retain and improve; and (3) comprehensive review with the third option being selected. While in many respects the exercise was undertaken thoroughly, we feel that it has been somewhat misdirected with respect to the requirements under Section 32. Chapter 26, while being clarified and ‘streamlined’, still contains some of the most stringent regulation possible in the form of prohibited activity status for the demolition or relocation of Category 1 heritage features; noncomplying activity status for demolition or relocation of Category 2 heritage features, and noncomplying activity status for partial demolition and relocation within a site.
28. While we appreciate that this was the activity status for some of these activities under the ODP, the fact that these may remain the same or be made more liberal in some respects under the PDP does not detract from the need to justify their activity status as part of the current full review of the district plan. For those being regulated, there is a fundamental difference between the implications of prohibited activity status, noncomplying activity status, discretionary activity status and even restricted discretionary activity status. These issues go to the heart of effectiveness and efficiency. This is not to say that more stringent activity status is inappropriate, but rather that it needs to be justified, which does not appear to have occurred on a comparative basis as part of the Council’s analysis. There appears to be an implicit assumption that prohibited activity status and noncomplying activity status ensures the protection of a heritage feature – but while prohibited activity status would prevent an application being made, it may be ineffective by providing a financial disincentive in terms of ensuring ongoing maintenance or restoration. Not all owners of heritage buildings are ‘developers’ but ordinary private owners who may well not be in a financial position to afford consenting processes, let alone the works required to maintain or restore their buildings. A further important factor is that heritage rules have very specific application to individual landowners, in contrast to district plan rules having general application, such as bulk and location standards.
29. However some of the deficiencies in the notified version of Chapter 26 have been addressed by Ms Jones in her Section 42A Report, and as will be apparent as part of these recommendations, we have made a number of changes in response to her report and the submissions that have been made, to the extent that this is possible within the scope of submissions. We address changes made to the notified provisions in terms of section 32AA to the level of detail which is appropriate as part of each suite of provisions²¹.

²⁰ Refer Report 3 on Chapters 3,4 and 6, paragraphs 29 - 39

²¹ Section 32AA (1) (d) (ii).

PART B: SUBMISSIONS ON THE INTRODUCTION, OBJECTIVES, POLICIES AND RULES

3. INTRODUCTORY PROVISIONS – SECTION 26.1 AND SECTION 26.2

30. Both sections are explanatory and descriptive in nature and do not contain any regulatory provisions in the form of objectives, policies, or rules. There were two submissions in support of Section 26.1 by Federated Farmers²² and Ms J Gillies²³, and two further submissions, one each in opposition and support. Ms Jones recommended amending Section 26.1 by adding a description of the content of Chapter 26 (i.e. the objectives policies and rules applying to the Inventory of Protected Heritage Features, Heritage Precincts, Heritage Landscapes (now proposed to be termed 'Heritage Overlay Areas'), and Sites of significance to Maori. We recommend these two submissions in support be accepted.
31. At this early juncture, we advise that we have decided to rename 'heritage landscapes' as '*heritage overlay areas*', for two reasons. Firstly, it reduces potential confusion between the terms 'outstanding natural landscapes' and 'heritage' as set out in sections 6(b) and 6(f) of the Act respectively, and emphasises the fact that the rules in such areas are an overlay over existing applicable rules in the Rural Zone. As it is a term that appears a number of times, and for the purposes of these recommendations, throughout the rest of these recommendations we will refer to these as "*heritage overlay areas*". We consider this to be an alteration to wording not altering meaning or effect²⁴. We also recommend consequential changes to the Stream 10 Hearing Panel to give effect to this change.
32. The officer's report questioned the usefulness of Section 26.2, noting, however, that no submitter had sought that it be deleted. There were a number of submissions seeking that this (basically descriptive) section of the chapter be amended. A significant part of this section addresses situations where in future additional items might be added to the Inventory of Listed Heritage Features. In practice, such additional features could only be added in the future through a plan change procedure, or a future review of the District Plan.
33. Sections 26.2 and 26.2.1 as notified provided that nominations for future inclusions from members of the public would be welcomed, provided these were accompanied by the written consent of the affected owners, a report from an appropriately qualified and experienced conservation/landscape architect, a preference for site-specific reports from relevant government agencies such as HNZ or DoC, accompanied by a Conservation Plan.
34. HNZ²⁵ questioned the necessity for an owner's "consent" being required for a proposed listing, a position supported by the reporting officer. A further submission was received opposing the submission point made by HNZ. We note that consultation is provided for through what would be a necessary plan change procedure to list additional buildings. Nevertheless, we agree that requiring an owner's "consent" could imply a right of veto, which would not be appropriate if a building justified listing on the basis of its documented and assessed heritage values. However, we do consider it is necessary as a matter of principle to send a clear signal to users of the PDP, that if a heritage feature were proposed for listing,

²² Submission 600

²³ Submission 604

²⁴ See Recommendation Report 1

²⁵ Submission 426

the owner should at least be made aware of any proposed listing and its implications, and be consulted. It would be entirely unsatisfactory that an owner only became aware of a heritage listing after it had become operative, and without the opportunity (if they chose) to submit in opposition.

35. In this respect we endorse and commend HNZ for taking the initiative of advising in writing those property owners where HNZ was either seeking a new listing, or an upgrading of activity status to a higher category involving a greater degree of regulation²⁶. Taking these matters into account, we concluded that the wording of Section 26.2.1 should be amended to require “*evidence that affected owners have been informed and consulted...*”
36. A second matter of concern raised by HNZ was a proposed ‘requirement’ that a Conservation Plan be included with any request for a new heritage feature to be listed. Ms Jones agreed, noting that it would impose a costly obligation on those seeking the listing and would act as a potential barrier and disincentive. The Otago Regional Council²⁷ opposed the requirement for the general public to prove the relevance of any features for inclusion, arguing that this was a matter for the Council. We agree with both of these submissions, recognising that if the Council were to act on a requested listing, it would be required to undertake a plan change procedure including a section 32 assessment. In some cases (but not always) a Conservation Plan would be prepared for the affected heritage feature in consultation with the landowner. The preparation of a Conservation Plan can be a very expensive undertaking and onerous for a property owner. Accordingly, we recommend the text of this section be amended to provide for *encouraging* the preparation of a Conservation Plan.
37. Ms Gillies sought that Section 26.2 provide ‘definitions’ of each of the heritage categories²⁸, which was supported both by Ms Jones and Mr Knott. We consider that, while this certainly had merit in terms of informing plan readers, it was more a case of providing a ‘description’ rather than a definition in a legal sense. In addition, we do not consider such descriptions should be incorporated under ‘definitions’ because the status of each heritage feature is already clearly established (with legal certainty) under the Inventory of heritage features. Accordingly we conclude it would be appropriate to incorporate a brief *description* of each category under a new Section 26.2.2, as this would also provide an explanatory introduction to the policies and rules on heritage features.
38. Ms Gillies also sought clarification of what the Council’s ‘criteria’ actually were²⁹ for assessing buildings and structures – this being the term contained in Section 26.2.3 as notified. Ms Jones’ Section 42A Report responded by proposing that a new set of heritage ‘criteria’ be added³⁰ as an entirely new section of the PDP based on commonly used matters listed under seven headings used to justify and ranking listings for heritage features. These included:
 - a. Historic and Social Value
 - b. Cultural and Spiritual Value
 - c. Architectural Value
 - d. Townscape and Context Value
 - e. Rarity and Representative Value
 - f. Technological Value

²⁶ Ibid, paragraphs 16.1 – 16.5

²⁷ Submission 798, supported by FS1098, FS1341, FS1342

²⁸ Submission 604

²⁹ Submission 604

³⁰ V Jones, Section 42A Report, paragraphs 20.9 and 20.10

g. Archaeological Value

39. We agree that this set of criteria, which we recommend be incorporated into renumbered Section 26.5 (Evaluation Criteria), is an appropriate, and indeed necessary, additional component enabling plan users to better understand the basis for listing heritage features. We recommend the inclusion of these evaluation criteria.
40. Finally, Real Journeys Limited³¹ sought to delete wording stating that “...a report from an appropriately qualified and experienced conservation/landscape architect....” be part of any request for listing, or to more accurately define what this ‘qualification’ meant. We are satisfied with Ms Jones’ proposal that this section be amended, to remove the subjective term “appropriately”. Furthermore – and bearing in mind that this section is advisory in nature – the words “is required” should also be deleted. We recommend wording read “..... a report from a qualified conservation/landscape architect or a person with demonstrated experience as an adviser or manager on projects involving heritage precincts or areas, is recommended”.
41. We reiterate that these provisions are not mandatory requirements which have the status of rules or policies, rather their role is to provide information and advice to plan users. Any further listings or extensions of heritage precincts or heritage overlay areas would be subject to separate plan change procedures including undertaking analysis under section 32 of the RMA, and procedural requirements for consultation and a formal notification and submission process. To address concerns raised by submissions, we recommend amending these provisions to remove ‘mandatory’ language, and in particular wording suggesting ‘requirements’. We also recommend amendments to improve the clarity of the provisions. Our recommended wording is set out in Appendix 1
42. The numbering and identification of Sections 26.1 (Purpose) and 26.2 (Identification and Protection) remain unchanged as a result of the above recommendations.
- 4. ‘INFORMATION REQUIREMENTS’ (SECTION 26.3) AND ‘OTHER RELEVANT PROVISIONS’ (SECTION 26.4)**
43. There were no submissions opposing either of these sections, although there were submissions in general support of their contents from Ms Gillies³² and HNZ³³. As notified, Section 26.3 simply provided very brief and generalised advice about the kind of information that should accompany applications, and had no statutory force. Section 26.3.1 drew attention to a new initiative added to the PDP, being the proposed ‘Archaeological Alert Layer’.
44. The ‘Archaeology Alert Layer’ was described in the Section 42A Report as identifying archaeological sites within the Council’s GIS system, accompanied by explicit reference to this in the PDP. It could be used to determine whether an authority to disturb or destroy an archaeological site would be required from HNZ, albeit that it was unlikely to ever provide a complete inventory across the district³⁴. It drew submissions in support from Ms Gillies and HNZ. We agree that it would be a very useful tool for plan users, particularly if it assisted in

³¹ Submission 621

³² Submission 604

³³ Submission 426

³⁴ Section 42A Report, paragraph 12.3

avoiding situations where applicants only became aware of the need for consent from HNZ at the time they obtained their resource consent.

45. We conclude that it would be more efficient to incorporate the contents of Section 26.3 into existing Section 26.2 and so recommend. Our recommended wording is set out in Appendix 1.
46. Real Journeys Limited³⁵ sought that the information in the archaeological alert layer be correct and easily updated, which we consider can be accepted in part, to the extent that any updating required is for the provision of information and would not in itself constitute a site being listed. Richard Hewitt's submission³⁶ related to sites of importance to Maori, which is to be dealt with under a later stage of the review. We recommend Mr Hewitt's submission be accepted in part to the extent that the matter will be addressed later through the addition of sites of significance to tangata whenua.
47. Section 26.4 is simply a cross-reference to other District Wide Rules which may apply in addition to the rules on Historic Heritage as part of an application made to the Council, and which is to be retained subject to the deletion of now superfluous cross references to the ODP.
48. Section 26.4 drew a single submission in support from Ms Gillies³⁷. We recommend the submission is accepted in part. Ms Jones recommended this section be reformatted consistent with the equivalent provisions in other chapters³⁸, and that it be relocated to after the objectives and policies (again, consistent with other chapters)³⁹. In terms of Section 32AA, we are satisfied that these changes are essentially matters of clarification and improved formatting, which do not require any further detailed analysis. We recommend they be made under Clause 16(2) as shown in Appendix 1.
49. As existing Sections 26.3 and 26.4 will be incorporated into other parts of Chapter 26, subsequent section 26.5 discussed below (Objectives and Policies), will be renumbered 26.3.

5. 26.5 - OBJECTIVES AND POLICIES

50. Section 26.5 as notified incorporated four objectives, each with associated policies. As each objective and its policies forms an associated 'group', we have considered submissions on each group jointly.

5.1 Objective 26.5.1 and Policies

51. Objective 26.5.1 and its accompanying policies as notified, read as follows:

26.5.1 Objective

To recognise and protect historic heritage features in the District from the adverse effects of land use, subdivision and development.

³⁵ Submission 621

³⁶ Submission 711

³⁷ Submission 604

³⁸ V Jones, Section 42A Report

³⁹ V Jones, Reply Statement

Policies

26.5.1.1 *Ensure historic heritage features within the District that warrant protection are recognised in the Inventory of Protected Features.*

26.5.1.2 *Protect historic heritage features against adverse effects of land use and development, including cumulative effects, proportionate to their level of significance.*

26.5.1.3 *Require the mitigation of development affecting historic Heritage, where it cannot be reasonably avoided, to be proportionate to the level of significance of the feature.*

52. A preliminary matter which requires consideration at this point, is that there is no explicit *policy* in the PDP to implement the prohibited activity status for Category 1 heritage features in the *rules*. This is an important point, as section 75(1)(c) requires that a district plan state “.....*the rules (if any) to implement the policies*” (our emphasis). In the absence of a policy to this effect, the *vires* of the rule may well be called into question if challenged.

53. In our first Minute issued to the Council on 13 July 2016, we sought a response from Council Officers with respect to this issue. The officer’s response dated 4 August 2016 states that:

“While I accept that all rules must implement the policy as set out in the Panels [sic] Minute, I note that, in this case, as the policy relates to a (notified) prohibited activity rule, its inclusion in the District Plan is not a substantive change. This is because the rule itself already prevents any resource consent applications in respect of this activity”⁴⁰.

54. We are not satisfied that simply having a rule which ‘trumps’ the ability to apply for resource consent, is sufficient to overcome the lack of a policy framework for a rule as draconian as prohibited activity status. However, related to this issue is the question of whether this potential problem could be resolved within the scope of submissions received, given that there were submissions on the rules which had sought that demolition be combined with the rules applicable to ‘alterations’ and having the same activity status. In other words, could a submission on the rules provide scope for adding or altering policies?

55. We considered this matter was of sufficient importance that legal advice was sought. We were also aware that the same issue had arisen in other Chapters in the PDP. In response to a Request for Legal Advice dated 4 August 2016, we received advice from Meredith Connell on 9 August 2016. This drew attention to the findings of the Environment Court⁴¹ which clarified that there were three useful steps to be taken in asking whether a submission reasonably raises scope for relief, as follows:

- a. *Does the submission clearly identify what issue was involved and some change sought to the proposed plan?*
- b. *Can the local authority rely on the submission as sufficiently informative for the local authority to summarise it accurately and fairly in a non-misleading way?*
- c. *Does the submission inform other persons of what the submitter is seeking?*

⁴⁰ V Jones, Supplementary Reply Evidence, paragraph 2.6

⁴¹ Campbell v Christchurch City Council [2002] NZRMA 332 (EC)

56. Ms Jones was additionally of the opinion that a submission point of Ms Gillies⁴² provided scope to make amendments to the objectives and policies, and we have also come to the conclusion that additional scope is provided with the submissions of Millbrook Country Club and Upper Clutha Transport⁴³. We discuss this issue in more detail with respect to the submissions on Policy 26.5.1.3 below, but we are satisfied that the ‘tests’ identified by the Environment Court were satisfied in this case, and that the submissions made on the policies and rules provide adequate scope to make the necessary amendments to the policies, so that they adequately reflect a spectrum of regulatory control in the rules ranging from prohibited activity status for the demolition of Category 1 heritage features, to noncomplying activity status for demolition of Category 2 and Category 3 heritage features. This includes a policy recognising that the demolition of Category 1 heritage features is a prohibited activity. It also recognises a similar hierarchy of partial demolition, alterations etc.
57. Five submissions⁴⁴ sought that the word “*inappropriate*” be added before “..... *land use, subdivision and development*” in Objective 26.5.1. We note that section 6(f) of the RMA requires a territorial authority to recognise and provide for “*the protection of historic heritage from inappropriate subdivision, use, and development*”.
58. The first difficulty with Objective 26.5.1 as notified, was that it virtually paraphrased section 6(f) of the RMA, an approach which provides little useful guidance to decision-makers or applicants. The reproduction of the words in section 6(f) promoted by the submitters, would result in the objective ‘parroting’ the provisions of the Act to an even greater extent, and as observed in other reports, ‘bland’ plan policy drafting of this nature has been the subject of criticism from the Environment Court⁴⁵.
59. As worded, the objective could be seen as fettering the Council’s discretion, and narrowing the application of the legislation itself. Qualifying an objective in this way might be acceptable were it not for the fact that the balance of the policy wording simply referred generically to “historic heritage”. If it were qualified (for example) by stating “*those listed elements of historic heritage which have the highest classification for protection*”, the more confined wording of the objective could be justified. Quite apart from that, the rules framework for heritage features, while very stringent for Category 1 heritage features, is less so for Category 2 and to an even greater extent, Category 3. For this reason, the notified wording of the objective did not align well with the rules which implement the objective, because those rules were clearly based on a *hierarchy* of protection which was greater for some categories than others.
60. Ms Jones correctly observed that the wording of the objective was more in the nature of a policy, similar to Policy 26.5.1.2⁴⁶. In other words, rather than reflecting what should be an outcome, it specifies an ‘action’ – that is, a means of implementation. Accordingly, we recommend that Objective 26.5.1 be re-drafted to specify an outcome, which the associated policies would achieve.

⁴² Submission 604

⁴³ Submissions 696 and 726 respectively

⁴⁴ Submissions 598, 635, 672, 688, 696

⁴⁵ High Country Rosehip Orchards Ltd and Mackenzie Lifestyle Limited and Others v Mackenzie District Council, [2011] NZEnvC 387

⁴⁶ V Jones, Section 42A Report, paragraph 19.4

61. NZTM and Straterra⁴⁷ submitted the selective adoption of additional wording so that the objective would read “to recognise and protect, maintain and enhance historic heritage features” Ms Jones considered this arguably duplicated Objective 26.5.4, but saw “no harm” in including it in Objective 26.5.1.⁴⁸ While adding the word “maintain” seemed entirely consistent with the protection of heritage, we sought from Ms Jones an explanation of what was meant by “enhance”. A similar concern was raised by Ms Gillies, who stated in evidence that:

“Also, simply leaving the word “enhance” without qualification may produce unintended consequences, since this word can have different meaning to different people”⁴⁹.

62. She gave the example that an owner may replace a corrugated iron roof of a heritage building with a new Colorsteel roof, which although a form of physical ‘enhancement’, may detract from heritage values. In response to a question from us, her contention was that ‘enhancement’ meant improving the understanding and appreciation of the heritage values of a heritage item. By way of contrast, NZTM and Straterra sought to have this word included in the objective in the context of providing for ongoing mining activities in the Glenorchy Heritage Overlay Area. This was on the basis that mining in the distant and recent past, and potentially in the future, added to heritage values.
63. Enhancement may also include repairs, restoration, and earthquake strengthening. This arose in the submission of Real Journeys Limited⁵⁰ who argued that heritage structures and buildings may need to be modified or re-engineered as safety standards evolve. For this reason, we consider there is some force in this argument.
64. We agree with Ms Gillies that the word “enhance” is certainly open to wide interpretation, which appears to be well illustrated by the examples discussed above. The word “enhance” assumes considerable significance for the objectives and policies, because Ms Jones recommended that the word “enhance” be added not only to Objective 26.4.1, but also to Policy 26.4.1.2, new policies 26.4.1.6 and 26.4.1.7, added to Policy 26.4.2.1, and included in objective 26.4.4 and policy 26.4.4.1.
65. Ms Jones, in consultation with Mr Knott, claimed it would be difficult to define what is meant by “enhance”, but saw no practical or interpretive difficulties with it being added across a number of the objectives and policies. However, we have come to the conclusion that it would be appropriate to add a definition of “enhance” specifically applicable to this chapter, based on the useful input received from submitters on this matter. With some qualifications, we think that the examples presented to us have some merit in the context of heritage protection, and would add value and clarification for applicants and the Council in considering applications affecting heritage features.
66. We have concluded that to provide clarification, and to avoid unwieldy wording and repetition, the concept of “enhance” is most appropriately addressed through its own new policy as set out below, which we recommend be included following existing renumbered Policy 26.3.1.1:

⁴⁷ Submissions 519 and 598

⁴⁸ V Jones, Section 42A Report, paragraph 19.6

⁴⁹ J Gillies, EIC, paragraph 5.2

⁵⁰ Submission 621

“26.3.1.2 To enhance historic heritage through:

- a. increasing the knowledge and understanding of heritage values;*
- b. providing for the enhancement of heritage values through works which increase the resilience of heritage features by way of repairs and upgrades to meet building and safety standards, subject to these works being undertaken in a manner which respects heritage values and where possible retains original heritage fabric, or utilises the same or similar materials”.*

67. This reworded policy emphasises both enhancing understanding of historic heritage as pointed out by Ms Gillies, and the same time recognises necessary changes to heritage features in order to meet other statutory and operational requirements as sought by Real Journeys. The addition of this new policy means subsequent policies will require renumbering. With respect to the relief sought by NZTM and Straterra, we consider this would best be addressed through a specific new policy relating to Heritage Overlay Areas, given the specialised character and narrow geographic focus of these locations. This new policy (26.3.4.5) is addressed detail later in Section 5.4 of this report.
68. Having regard to the content of the submissions on Objective 26.5.1, and the amended versions identified in the officer’s report, we recommend the adoption of the following wording (now expressed as an outcome) for this objective:
- “26.3.1 The District’s historic heritage is recognised, protected, maintained, and enhanced”.*
69. This wording is more properly phrased as an objective rather than a policy, and rather than seeking protection ‘from’ land use’ subdivision and development, emphasises the desired outcome for historic heritage in the District. Accordingly it does not need to be qualified by the term ‘inappropriate’.
70. Policy 26.5.1.1 simply stated that the Council recognises heritage features worthy of protection by their listing under the Inventory of Protected Features. We note that in future additional heritage features may be added to this Inventory. There were no submissions opposing this Policy, and we recommend that it remain unchanged, renumbered as Policy 26.3.1.1.
71. Policies 26.5.1.2 and 26.5.1.3 were to some degree related: the first being to protect historic heritage against adverse effects of land use and development; and the second relating to the mitigation of development where it cannot be reasonably avoided. In both cases the wording of each policy qualified heritage protection with the phrase “..... *proportionate to their level of significance*”.
72. Seven submissions and further submissions were lodged on Policy 26.5.1.2. Two of these⁵¹ sought that reference to development be prefaced by the word “inappropriate”. Another two sought that the historic heritage be ‘maintained and enhanced’ as well as protected.

⁵¹ Submissions 672) and 688

73. We have earlier discussed the issues around qualifying policies by adding the word “inappropriate” and our conclusions that the concepts of maintaining and enhancing historic heritage be incorporated into renumbered Objective 26.3.1. The wording of the policy also needs to be aligned with the structure of the rules in Chapter 26 which includes rules on the protection of heritage features, heritage precincts, and heritage areas. We also consider that subdivision should be included in recognition of the fact that although this is dealt with through the rules under Chapter 27, it is proper that reference be made back to the *policies* for heritage in Chapter 26. We recommend that Policy 26.5.1.2 as notified, follow after new Policy 26.3.1.2 and be renumbered and worded as follows:

“26.3.1.3 Protect historic heritage values while managing the adverse effects of land use, subdivision and development, including cumulative effects, taking into account the significance of the heritage feature, area or precinct”.

74. Policy 26.5.1.3, as notified, attracted only two submissions, one of which was generally in support⁵². Straterra sought that reference to the words *“be proportionate to the level of significance of the feature”* be replaced by reference to the ‘authorities’ under the HNZPTA. This appeared to reflect the concerns of the submitter about potential duplication between the protection of archaeological sites under the HNZPTA, and the provisions of the PDP. However to a greater extent, the submission point reflected the strongly held views contained in the NZTM evidence to the hearing, in which it was contended that mining had a unique and ongoing relationship with heritage and that the PDP needed to allow for change, as well as interpretation of past mining activities⁵³.

75. HNZ⁵⁴ expressed concern about the effects of ongoing incremental change having the effect of eroding heritage values. We suspect that the basis of these submissions comes from different perspectives, one specific to an ongoing history of small-scale mining in a particular location (Glenorchy) while the other is addressing long held concerns about inappropriate modifications which have the effect of reducing heritage values of *buildings* over time (for example McNeill Cottage in Queenstown⁵⁵). Accordingly, we need to exercise considerable caution about amending a policy having general application to heritage, in a manner which might have the unintended effect of encouraging ongoing inappropriate alterations and ‘improvements’, particularly to heritage buildings. For this reason, we believe issues about the ongoing evolution of mining heritage, would be better addressed through amendments to Objective 26.5.3 as notified, and associated policies.

76. Before moving on to address this policy further, we note that Ms Jones went on to recommend that a substantial additional policy framework be added to those under Objective 26.5.1. In fact, this included no less than five additional policies addressing the following six matters:

- a. works within heritage settings
- b. demolition and relocation beyond the site
- c. the concept of partial demolition
- d. relocation of protected features within a site
- e. additions and alterations to protected features
- f. activities within heritage precincts

⁵² Submissions 635 and 598 (supported by FS1287)

⁵³ G Gray, EiC, paragraphs 9.1 and 9.3

⁵⁴ Submission 426

⁵⁵ J Gillies, EiC, paragraphs 16.1 to 16.4

77. The substantial changes which she recommended included splitting demolition into two categories of ‘total demolition’ and ‘partial demolition’; refining the policy framework according to the categories of protection (that is Categories 1 – 3); and providing a policy framework for relocation of heritage features beyond and within a site.
78. To provide scope for these amendments, Ms Jones relied on a number of separate submissions on the objectives and policies, such as that of Watertight Investments Limited⁵⁶, which argued that the protection of historic heritage did not necessarily mean that all land use subdivision and development was inappropriate. Further, that there was a need to provide for the adaptive reuse of heritage buildings. A number of submission points asked for Rule 26.6.3 to be deleted in its entirety⁵⁷. Ms Jones reiterated her view that there was sufficient scope to enable the necessary changes in her Supplementary Reply Evidence received on 4 August 2016⁵⁸. The Council has already recognised a need to distinguish between works affecting different categories of heritage features, as exemplified by the use of the words “*proportionate to the level of significance of the feature*” found in Policies 26.5.1.2 and 26.5.1.3. No concerns were expressed in principle at the hearing about the scope of the changes proposed by Ms Jones.
79. We note that the submitters had identified that the policy framework in the PDP as notified was somewhat indiscriminate in its application. The policies did not adequately recognise that the level of regulatory protection for heritage features, relocation, or for the type of works undertaken to heritage features, was based on a hierarchy of three categories under which heritage features were listed. The rules model in the PDP, based on these categories, very clearly expressed that the level of regulatory intervention would be much greater for Category 1 heritage features, than those for Category 2, and finally for Category 3. In recognition of this hierarchy, we consider that the word “avoid” is appropriate in circumstances where an activity is prohibited, but is not necessarily appropriate in circumstances where an activity is noncomplying or discretionary in status.
80. We consider there is merit in the submissions, and in the response to them by the reporting officer. For these reasons, there needs to be a more refined approach to the potential effects of works on *settings*, the issue of what constitutes *demolition* (dealt with later in terms of the rules), *relocation*, what is meant by “proportionate” in terms of the categorisation of heritage features, and the level of regulation appropriate for *total demolition*, *partial demolition*, and *alterations*.
81. Based on Ms Jones’ recommendations, and incorporating matters raised in submissions, we recommend that the objective and policy framework associated with Objective 26.5.1 be expanded and amended as follows:

“26.3.1.4. Where activities are proposed within the setting or extent of place of a heritage feature, to protect the heritage significance of that feature by ensuring that:

- a. the form, scale and proportion of the development, and the proposed materials, do not detract from the protected feature located within the setting or extent of place;*

⁵⁶ Submissions 672, 519, 426, 604, 688, 696 and 725.

⁵⁷ Submissions 672, 688, 696 and 726

⁵⁸ Refer paragraphs 2.1 and 2.2

- b. the location of development does not detract from the relationship that exists between the protected feature and the setting or extent of place, in terms of the values identified for that feature;*
 - c. existing views of the protected feature from adjoining public places, or publicly accessible places within the setting or extent of place, are maintained as far as is practicable*
 - d. hazard mitigation activities and network utilities are located, designed, or screened to be as unobtrusive as possible.*
- 26.3.1.5. Avoid the total demolition, or relocation beyond the site, of Category 1 heritage features.*
- 26.3.1.6. Discourage the total demolition of Category 2 heritage features, or the partial demolition of Category 1 and Category 2 heritage features, unless evidence is provided which demonstrates that:*
 - a. other reasonable alternatives have been shown to be impractical;*
 - b. there is a significant risk to public safety or property if the feature or part of it is retained;*
 - c. the heritage feature is unable to serve a productive use or its retention would impose an unreasonable financial burden on the building owner.*
- 26.3.1.7. Promote the retention of Category 3 heritage features, or where the partial demolition of Category 3 heritage features is proposed, reduce any adverse effects on its overall heritage values.*
- 26.3.1.8. Discourage the relocation of Category 2 heritage features beyond the site, or within the site, unless evidence is provided which demonstrates that:*
 - a. relocation is necessary to facilitate the ongoing use or protection of the heritage feature, or to ensure public safety;*
 - b. measures are in place to minimise the risk of damage to the heritage feature;*
 - c. the heritage values of the heritage feature in its new location are not significantly diminished.*
- 26.3.1.9. Where the relocation of Category 3 heritage features either beyond or within the site is proposed, to have regard to:*
 - a. the ongoing use or protection of the heritage feature, or to ensure public safety;*
 - b. measures to minimise the risk of damage to the heritage feature;*

- c. *the heritage values of the heritage feature in its new location.*
- d. *within a Heritage Precinct, the effects on the heritage integrity of that precinct including adjoining structures and the precinct as a whole”.*

5.2 Objective 26.5.2 and Policies

Objective 26.5.2 and *policies*, as notified, stated as follows:

Objective

To provide for the sustainable use of historic heritage features

Policies

26.5.2.1 *Encourage the ongoing economic use of heritage buildings and sites by allowing adaptations and uses that do not permanently adversely affect heritage values and are in accordance with best practice.*

26.5.2.2 *Encourage the maintenance of historic heritage features and allow minor repairs and maintenance to be achieved without the need for consents.*

82. There were few submissions on Objective 26.5.2, and all were fully or generally in support. A further submission from Straterra in support of HNZ, while supporting the objective, also sought that the objective be qualified by reference to the HNZPTA⁵⁹. However the amendment sought was beyond scope as it sought to extend the content of the original submission. In any event, we do not consider that reference to other legislation is appropriate in this objective.

83. As was the case with Objective 26.5.1, this particular objective as notified was expressed in the terminology of a policy rather than as an objective. Accordingly, we recommend the adoption of a more succinct version of the amended text proposed by Ms Jones, so that the objective would read as follows:

“Objective 26.3.2 *The sustainable use of historic heritage features”.*

84. Four submissions⁶⁰ sought that the wording of Policy 26.5.2.1 be qualified by the words shown as underlined below:

“..... by allowing adaptations and uses that ~~do not~~ avoid remedy or mitigate permanently adversely effects on heritage values.....”

85. The relief sought was consistent with earlier submissions on Objective 26.5.1 and some of its associated policies. One underlying theme with these submissions was that the policy was too indiscriminate and did not recognise different regulatory responses which go beyond simply ‘avoidance’. However simply paraphrasing the provisions of section 5(2)(c), as discussed earlier in this assessment, is unhelpful to decision-makers.

86. HNZ⁶¹ sought that the policy make provision for addressing adverse effects on heritage values *“including through incremental change”* (this appears to have been inadvertently sought as

⁵⁹ FS1015

⁶⁰ Submissions 672, 688, 69. and 726 (supported by FS1097)

⁶¹ Submission 426

an amendment to 'Policy' 26.5.1). HNZ are concerned that ongoing changes to heritage buildings can amount to 'a death by a thousand cuts' whereby heritage values can be gradually eroded over time by the impact of small but successive unsympathetic alterations.

87. NZTM sought that the policy be amended by the words shown in underlining below:

"..... by allowing adaptations and uses that either add to heritage values or do not permanently adversely affect the heritage values....."

88. We consider that the submission has again raised what we consider a reasonable concern that the policies are too indiscriminate in their application, because they do not adequately recognise any hierarchy of protection as provided for in the rules as notified. We have already addressed this matter in our recommendation to add new Policies 26.3.1.4 – 26.3.1.9 above. In addition, Policy 26.5.2.1, as notified, is an 'incentive' policy which seeks to encourage the ongoing use of heritage features, rather than having the avoidance of adverse effects as its primary purpose. Accordingly, we do not see that it is necessary to change the policy in the manner suggested by the submission.

89. In considering the submissions on this particular policy, we are sympathetic to the submission by HNZ on "parent" Objective 26.5.2, which sought to address potentially adverse effects (on buildings) of ongoing incremental change. We consider that, while it is appropriate to encourage adaptive reuse of heritage features, this is a matter that needs to be addressed at a policy level. As noted previously, this concept is difficult to reconcile with the relief sought by NZTM, which derives from a very different base - the ongoing development of small-scale mining within heritage overlay areas. We consider that this matter is best addressed under Objective 26.5.4 as notified, and the submission made by NZTM thereon⁶².

90. While we are conscious that the definition of "effects" in the RMA includes cumulative effects, we think it is useful to add explicit reference to cumulative effects at a policy level, given its particular significance to heritage.

91. Ms Jones noted that Real Journeys Limited⁶³ had lodged a submission recommending the addition of a new policy emphasising that the continued use of heritage structures and buildings may require them to be modified. This was not specific to any particular part of the objectives and policies section, but we agree that it would be appropriate to incorporate it as an amendment to Policy 26.5.2.1 (now Policy 26.3.2.1).

92. Having considered these submissions, and the amended versions put forward by Ms Jones, we recommend that the (renumbered) Policy 26.3.2.1 be reworded as set out below. We also consider this, at least in part, addresses the concern raised in the submission of Ms Gillies⁶⁴ in respect to what was meant by the words "*permanently affected*".

"26.3.2.1 Encourage the ongoing economic use of heritage features, sites and areas by allowing adaptations and uses that are in accordance with heritage best practice, and:

a. enhance heritage values in accordance with Policy 26.3.1.2;

⁶² Submission 519

⁶³ V Jones, Section 42A Report, paragraph 19.16 and Submission 421.

⁶⁴ Submission 604

do not result in adverse cumulative effects through successive alterations over time;

- b. provides an economically viable use for the heritage feature, subject to any works being undertaken in a manner which respects its heritage values;*
- c. recognises the need for modifications through works which increase the resilience of heritage buildings by way of repairs and upgrades to meet building and safety standards, subject to these works being undertaken in a manner which respects heritage values”.*

93. There were no submissions in opposition to Policy 26.5.2.2. However, Ms Jones recommended that the words “..... *to be achieved without the need for consents*” be deleted from the end of the policy wording. As the wording already states that minor repairs will be “allowed”, this additional wording appears superfluous. Accordingly, we recommend that Policy 26.5.2.2 (renumbered Policy 26.3.2.2) read as follows:

“26.3.2.2 Encourage the maintenance of heritage features by allowing minor repairs and maintenance”.

5.3 Objective 26.5.3 and Policies

Objective 26.5.3 and policies, as notified, read as follows:

Objective

To recognise the diversity of historic heritage features, landscapes and values associated with them.

Policies

26.5.3.1 Identify the heritage values of precincts, buildings, structures, sites, archaeological sites landscapes and sites of significance to Maori.

26.5.3.2 Ensure that decision making on development proposals, on the effects on tangible and non-tangible values of sites of significance to Maori, are informed by those mandated to do so.

26.5.3.3 Recognise and protect the different layers of history within heritage landscapes and the relationship between these layers to retain their cultural meaning and values.

26.5.3.4 Avoid duplication of consents with other statutory bodies on archaeological sites.

94. The objective was broadly supported by HNZ and Ms Gillies⁶⁵. Other submissions that were lodged on this group related to concerns about duplication of consent requirements between the PDP and procedures under the HNZPTA.

95. As was the case with Objectives 26.5.1 and 26.5.2, Objective 26.5.3 was worded as a policy rather than an objective (outcome). For this reason, Ms Jones recommended that it be recast as an objective. We agree and recommend Objective 26.5.3 be reworded (and renumbered) to read as follows:

⁶⁵ Submissions 426 (supported by FS1015) and 604

“26.3.3 Objective *The diversity of historic heritage features, heritage precincts, heritage overlay areas, and values associated with them is recognised*”.

96. There were no submissions on Policy 26.5.3.1, concerning identifying heritage values. However, the policy was poorly worded, and we recommend that the wording be amended to read:

“26.3.3.1 *Identify the heritage values of heritage precincts, heritage features, sites of significance to Maori, and landscapes of heritage significance, and in conjunction with Heritage New Zealand, archaeological sites*”.

97. We consider this to be a non-substantive amendment clarifying the meaning of the policy able to be made under Clause 16(2).
98. A submission⁶⁶ was received on Policy 26.5.3.2, related to the value of sites of significance to tangata whenua. The submission by Ms Gillies stated that consultation with tangata whenua should be carried out and a full list and map prepared showing these sites. It is our understanding that such a process is currently underway, and a list of sites would be identified and notified as part of a later stage of the PDP review. We consider that only minor grammatical changes to the wording of the policy are necessary under Clause 16(2). Our recommended wording is in Appendix 1.
99. Policy 26.5.3.3 sought to address “*the different layers of history within heritage landscapes*” and was the subject of a submission from Real Journeys Limited⁶⁷, who sought that the policy be amended. However this amendment was not expanded upon at the hearing by either Ms Black or Mr Farrell, who instead concentrated on amendments sought to Policies 26.5.2.1 and 26.5.4.3 as notified.
100. We understood the concerns expressed by the submitter derived from issues related to the maintenance of the historic steamer ‘*TSS Earnslaw*’ and its slipway at Kelvin Heights. The slipway has been substantially altered as a consequence of the need to replace old timbers with concrete – and that this illustrated the point that operational necessities meant that particular ‘layers’ of history would have to be given priority. However, Policy 26.5.3.3 is related to heritage *landscapes* (overlay areas), which is a different issue. We conclude that no changes are needed to the wording of Policy 26.3.3.3 as renumbered, except to note that the description of heritage landscapes is being changed to Heritage Overlay Areas.
101. HNZ, as part of their submission on Objective 26.5.3 and the policies as a whole, requested that the wording of Policy 26.5.3.4 be amended to avoid *unnecessary* duplication, an amendment that was supported by Ms Jones. Chapter 26 was notified with a requirement that a resource consent may be needed for the disturbance of some archaeological sites, notwithstanding parallel consents being required under the HNZPTA.
102. We consider this particular issue in detail in our assessment of submissions on the rules, to which reference should be made. Our conclusions on the rules are that, while in limited cases regulation through the PDP of activities on and around archaeological sites could be justified, we are not satisfied that the provisions contained within the PDP had been crafted or defined

⁶⁶ Submission 604, supported by FS1015

⁶⁷ Submission 621

with sufficient certainty. Given our conclusions on the rules, it is not appropriate at this time to retain this policy in the PDP. Consistent with our findings on that matter, we recommend that Policy 26.5.3.4 as notified is deleted.

5.4 Objective 26.5.4 and Policies

Objective 26.5.4 and policies, as notified, stated as follows:

Objective

To enhance historic heritage features where possible.

Policies

26.5.4.1 *Encourage opportunities to enhance historic heritage features, including the need for the provision of interpretation and, by offering possible relaxations in rules elsewhere in the Plan, accommodate better planning outcomes for heritage on a case-by-case basis.*

26.5.4.2 *Recognise the value of long term commitments to the preservation of heritage values in the form of covenants and consent notices.*

26.5.4.3 *Accept that ongoing improvements to buildings, including earthquake strengthening and other safety measures, will assist in providing for their ongoing use and longevity.*

103. There were no submissions opposing Objective 26.5.4, and two submissions in support⁶⁸. As was the case with all of the preceding objectives, Ms Jones recommended that it be amended to read as an objective, rather than a policy. Consistent with our other recommendations on this matter, we recommend that Objective 26.5.4 be amended and renumbered to read as follows:

“26.3.4 The historic heritage value of heritage features is enhanced where possible”.

104. There were no submissions on Policies 26.5.4.1 or 26.5.4.2. Ms Gillies⁶⁹ submitted on Policy 26.5.4.3 seeking that greater scope be provided for financial incentives and there be scope for reductions in the activity standards where this would act as an incentive for heritage retention.

105. The issue of incentives arose in Policy 26.5.4.1 as notified. Policy 26.5.4.3 on the other hand, focuses on physical improvements to heritage buildings such as earthquake strengthening and safety standards, as a means of providing for their ongoing use and longevity.

106. We are strongly of the view that the PDP is deficient in the extent to which it relies on regulation, rather than non-regulatory methods. We were informed during the hearing that the Council has a very modest budget of \$25,000 per annum to assist with funding heritage projects. The submission by Ms Gillies provides limited scope to better address the matter of non-regulatory methods. In considering non-compliances relating to a resource consent application involving a heritage feature, the existence of a policy which provides a degree of incentive through the relaxation of other rules would be worthwhile, as *one* of a number of factors to be taken into account.

⁶⁸ Submission 426 and 524

⁶⁹ Submission 604, supported by FS1098

107. Even though there were no submissions on Policy 26.5.4.1, this is the policy which to some extent would address the issue of incentives raised by Ms Gillies. We concur with the suggestions of Ms Jones that this policy could be split into two parts, the first relating to enhancing understanding of heritage features, and a separate *new policy* dealing with the distinct issue of incentives. We consider that the creation of a new policy specific to incentives gives effect to the submission by Ms Gillies and the further submission in support by HNZ.
108. Accordingly, we recommend that existing policy 26.5.4.1 be split into two policies reading (and renumbered) as follows:
- “26.3.4.1 Encourage opportunities to enhance the understanding of historic heritage features, including through the need to provide for interpretation.*
- 26.3.4.2 Provide incentives for improved planning outcomes for heritage values through the relaxation of rules elsewhere in the District Plan, where appropriate, on a case-by-case basis”.*
109. The ‘splitting’ of Policy 26.5.4.1 into two parts results in notified Policy 26.5.4.2 being renumbered as Policy 26.3.4.3. As there were no submissions on this policy, we recommend the wording be adopted unaltered.
110. Real Journeys Limited⁷⁰ sought an amendment to the wording of Policy 26.5.4.3 (as notified) so that improvements to buildings and structures would be ‘enabled’ rather than ‘accepted’, and that the policy refer to structures as well as buildings. This was in large part supported by Ms Jones. The Ministry of Education supported the policy as notified⁷¹.
111. We accept that Real Journeys’ amendments would improve the application of the policy, subject to the words ‘heritage features’– which includes structures as well as buildings – being incorporated in the amended Policy 26.5.4.3, now renumbered 26.3.4.4 as a consequence of other amendments set out above. Accordingly, the following wording is recommended:
112. *“26.3.4.4 Enable ongoing improvements to heritage features, including earthquake strengthening and other safety measures, in recognition that this will provide for their ongoing use and longevity”.*
113. Finally, NZTM⁷² sought the addition of an entirely new policy reading as follows:
- “Encourage and enable a continuation of the activity or activities that created the heritage landscape in a manner that avoids, remedies or mitigates adverse effects on significant heritage features, while also allowing for those features to be added to and complemented by modern day examples of the historic activity”.*
114. What the submitter is actually referring to here, as made clear through their extensive evidence, is the ability to continue to undertake *mining* activities (in the Mount Judah area

⁷⁰ Submission 621

⁷¹ Submission 524

⁷² Submission 519, supported by FS1015, opposed by FS1356

near Glenorchy), based in large part on an argument that a continuation of small-scale mining (having created the heritage landscape in this area), is consistent with the maintenance of heritage values. While we see the justification for a discrete policy to deal with this matter, we do not see the need for obfuscation by omitting mention of the word 'mining'.

115. We have also discussed this point, as raised by the submitter, earlier with respect to Objective 26.5.1, and Policy 26.5.1.3 as notified. There we expressed concerns that an unqualified policy which allows for ongoing development as part of heritage generally, could in some cases (particularly in respect to buildings⁷³) result in the gradual erosion of heritage values, a matter which was raised as a concern by HNZ⁷⁴. While we appreciate this was probably not the *intention* of NZTM, the circumstances being addressed by the submitter were unique to the mining activities which have been undertaken in the Mount Judah area near Glenorchy.
116. For this reason, we are supportive of the addition of a policy as sought by the submitter, but one that is more narrowly confined to the potential for ongoing small-scale mining in heritage overlay areas, rather than one having application to heritage generally. We think it is important that any policy provision emphasise "small scale" mining, which is how any future mining activities were described by NZTM in their evidence⁷⁵. This would comprise underground mining exploiting small 'stringer' type reefs typical of the area. Certainly large-scale or opencast mining (perhaps an extreme example being the Macraes Mine in East Otago) would be completely inconsistent both with the heritage character of these landscapes and their location within an ONL. We also note at this point that the only detailed evidence we heard was that relating to the Glenorchy Heritage Overlay Area, and accordingly we consider that any policy recognition should also be confined to that location, in the absence of evidence for other locations.
117. Ms Jones promoted an alternative wording, which, in broad terms, we consider would be appropriate with amendments. Accordingly, we recommend the addition of a new policy worded as follows:

"26.3.4.5 Recognise the potential for ongoing small-scale mining activities consistent with the maintenance of heritage and landscape values within the Glenorchy Heritage Overlay Area, subject to the protection of features identified in Section 26.10".

5.5 Section 32AA

118. Significant additions and refinements have been made to the objectives and policies as part of our recommendations. In terms of section 32AA, we are satisfied that renumbered Objectives 26.3.1 – 26.3.4 which have now been rephrased as *outcomes* rather than *actions*, will be the most appropriate way to achieve the purpose of the Act. We are also satisfied that their associated suite of policy provisions will better achieve these amended objectives as discussed in our assessment above. Most importantly, the amendments will provide a much better alignment between the objectives and policies on one hand, and the rules on the other. It will facilitate 'enhancement' of historic heritage in terms of both public knowledge and understanding, and recognition of the need to undertake repairs and upgrades (such as for seismic upgrades) to extend the resilience of historic heritage. It will better facilitate restoration through the activity category of 'partial demolition' where this enables extensive repairs and upgrading, and reduces the otherwise onerous regulatory

⁷³ Part C of this Report re-Mc'Neill's cottage

⁷⁴ Submission 426.

⁷⁵ G Gray, EiC, paragraphs 3.6 and 3.7

impact of categorising such works as ‘demolition’. It better clarifies those circumstances whereby works within the setting of a heritage feature or where buildings are relocated, are considered to be appropriate. Furthermore it provides differentiation between on-site and off-site relocation on the basis that neither is desirable, but that the latter had significantly greater adverse effects through loss of heritage context.

119. The amendments also give greater recognition to non-regulatory options and make specific provision for heritage features associated with the unique history of mining in part of the alpine environment of the Glenorchy area. Although these changes provide a greater degree of liberalisation than the notified version of the PDP, we consider that they will be more effective and efficient by providing a relatively greater incentive to carry out necessary restoration, repairs and maintenance in better encouraging the ongoing use of heritage buildings.

6. RULES

6.1 Preliminary

120. There are a number of preliminary matters which are either common to the rules generally, or which we consider need to be addressed before dealing with the rules under each ‘rule table’ individually. As an initial matter, we note that in the rules as notified, provision is made that any activity which is not specifically identified, but breaches a standard requires consent as a discretionary activity. We note the absence of such a provision would mean that in terms of Section 9 of the Act, such an activity would be permitted. We support the incorporation of such a provision, but it should have the status of a rule rather than being merely information.

121. Mr Vivian’s evidence⁷⁶ for NZTM sought to change to the wording of this provision by the deletion of the words shown in ~~strikeout~~ below:

“Any ~~activity that is not Permitted requires resource consent, and any activity that is not specifically identified in a level of activity, but breaches a standard, requires resource consent as a Discretionary activity~~”.

122. Mr Vivian’s contention was that the words shown as ~~strikeout~~ were superfluous (essentially a statement of the obvious), a conclusion supported by Ms Jones. We accept that it should be amended as shown above. There is a further point that became apparent to us in respect to this clause; it is effectively a rule which affects activity status, and should form part of the rules. Accordingly, we recommend it be added as a new introductory rule renumbered 26.5.1 and titled “Activities not specifically identified”, reading as follows:

26.5.1	Activities not specifically identified Any activity which breaches a standard but is not specifically identified under any of the levels of activities set out in the rules below.	<u>D</u>
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123. This is consistent with rule drafting in other chapters of the PDP. We consider this to be a clarification rather than a substantive change. It also give effect, in part, to the relief sought by NZTM⁷⁷.

⁷⁶ C Vivian, EiC, paragraphs 4.67 to 4.71.

⁷⁷ Submission 519, supported by FS1015, opposed by FS1356

6.2 Definitions

124. In a number of cases in the PDP as notified, terms used to clarify rules were incorporated into the body of the rule with the result that the rule effectively became a definition in itself, and/or the text became repetitive and lengthy. In some cases, definitions were set out in footnotes. As part of assessing the submissions on rules, we have concluded that as a formatting change, it was preferable to incorporate definitions in Chapter 2, albeit noting their specific applicability to this chapter. This was an approach which had already been initiated by Ms Jones as part of her response to submissions. The issues associated with the definitions are discussed in the context of each relevant rule, and the definitions we recommend are set out in Appendix 3 to this report. We recommend to the Stream 10 Hearing Panel that these be included in Chapter 2 for the reasons set out in the discussion of each of them throughout this report. The terms so defined are as follows:
- a. Archaeological site
 - b. Contributory buildings
 - c. Extent of place
 - d. External alterations and additions
 - e. Heritage fabric
 - f. Heritage feature or features
 - g. Heritage significance
 - h. Historic Heritage
 - i. Internal alterations
 - j. Non-contributory buildings
 - k. Partial demolition
 - l. Relocation
 - m. Minor Repairs and maintenance
 - n. Setting
 - o. Total demolition

6.3 Interpreting and Applying the Rules

125. As notified, Rule 26.6 commenced with preliminary statements explaining the purpose of the following tables and the various categories of activity. Unlike other chapters in the PDP, it did not include a table setting out other District Wide chapters that could be relevant. Rather, there was a short list in Section 26.4 Other Relevant Provisions of potentially relevant chapters, but the explanatory statement identified that there could be more chapters relevant.
126. In her Section 42A Report, Ms Jones recommended that Section 26.4 be entitled Other Relevant Provisions and Rules, that it have a table format consistent with that adopted in other chapters, but that it remain as a provision prior to the objectives and policies. In the reply version, Ms Jones recommended moving this section to immediately precede the rules section.
127. We agree with Ms Jones that the identification of other District Wide Chapters should be incorporated in a manner consistent with elsewhere in the PDP. Consistent with other Hearing Panels, we also think it appropriate to label the provisions describing how the rule tables work as Interpreting and Applying the Rules. We have also added Section/Rule numbers to these provisions consistent with other chapters. This alters the numbering of the rules in the various tables.

6.4 Numbering

128. As a result of amendments made to the format of Chapter 26 as discussed in our recommendations, the rules in Tables 1 to 3 will be renumbered 26.5.1 – 26.5.15.

6.5 Evaluation Criteria

129. In our consideration of submissions on Chapter 26 in general, and Section 26.3.2 specifically, we recommend acceptance of a submission by Ms Gillies⁷⁸ to add a set of criteria which identify the basis for heritage listings.
130. We recommend a new Section 26.5 be added which contains these evaluation criteria. Also, the wording of the rules (where activities are restricted discretionary in status) will contain the following wording:

“The effects on the heritage values and heritage significance as evaluated in accordance with the evaluation criteria in Section 26.6”.

6.6 Use of the term ‘Heritage Features’ in the ‘Inventory’

131. Throughout the text of Chapter 26 in the rules, there is consistent reference to ‘heritage features’, which are those items listed in what is referred to in the text as ‘the Inventory’, which is contained in (to be renumbered) Section 26.8. This Inventory contains the details of all listed heritage features in the District.
132. However, it is apparent that reference to the term heritage features is not always consistent throughout the chapter, and sometimes refers to simply features, buildings, or structures. We note that the Inventory includes not only buildings, but also features and structures such as cemeteries, fences, plaques and bridges. We have accordingly sought to make consistent reference to ‘heritage features’ throughout the chapter as listed in the renumbered Inventory Section 26.7. Only where the context requires otherwise, will reference be made to structures and buildings. The term heritage features is included in the terms we recommend be defined - being all of those buildings features or other structures listed in the Inventory.

6.7 General Submissions on Rules

133. HNZ called for the adoption of Chapter 26 subject to the amendments sought by the submitter⁷⁹, and Ms Gillies expressed her support for the clear format of the rules⁸⁰. We recommend acceptance of these submissions in part on the basis of their support for Chapter 26, subject to the necessary recommended amendments as discussed elsewhere in this section.
134. Three submitters sought the deletion of Table 5 relating to the rules applicable to archaeological sites⁸¹. This was a major issue with respect to the rules, but our consideration of this issue is addressed in detail under its consideration of submissions on Table 5 (refer Section 6.18 below). Based on our conclusions with respect to that matter, we recommend the submissions be accepted.

⁷⁸ Submission 604

⁷⁹ Submission 426

⁸⁰ Submission 604

⁸¹ Submission 621, 696 and 726

135. A submission by Anna-Marie Chin Architects and Phil Vautier⁸² sought the deletion of Rule 26.6.7 (curtilage and settings). Our consideration of that matter is addressed with the other submissions on that rule in Section 6.14 below. Based on that consideration, we recommend that the submission be accepted in part to the extent that clarification is provided in terms of the meaning of setting and the introduction of the concept of ‘extent of place’.
136. Ms Gillies⁸³ drew attention to an apparent error under “Note 2”, which is a footnote to Rule 26.6.1 concerning minor repairs and maintenance, which should have referred to heritage precincts. As part of the re-drafting of rules relating to heritage, this footnote has now been deleted entirely, and consequently we recommend the submission be accepted in part.
137. Richard Hewitt requested that the Council should educate landowners and others about the importance of local history, and provide a joint education programme in conjunction with Kai Tahu Ki Otago⁸⁴. This submission did not specify changes to the text of the PDP, but, rather, raised issues more closely related to the Council’s administrative rather than resource management functions. We recommend it be accepted in part to the extent that the Council will be undertaking ongoing assessment and consultation associated with heritage features in the District in administering the District Plan.
138. The final matter summarised under the submissions relating to rules generally, concerned the listing and rules framework applicable to the TSS *Earnslaw*. This raised a quite significant issue, as the vessel is protected as a Category 1 heritage feature under the ODP. As part of the current review of its District Plan, the Council decided that the *Kingston Flyer* (but not the track on which it runs, and associated fixed infrastructure) should be de-listed on the basis that it was not a ‘fixed’ item, but moveable. This in turn raised a legitimate concern from Real Journeys Limited as owner of the TSS *Earnslaw*, as to whether it was legally possible to list the *Earnslaw* as well⁸⁵. We deal with this issue under the submissions relating to individual listings and based on those conclusions, we recommend this submission point be accepted in part.

6.8 Table 1 – Rule 26.6.1 Repairs and Maintenance

139. This rule provided that repairs and maintenance were a permitted activity for all heritage features subject to these being ‘defined’ as activity standards in the body of the rule as follows:

Minor repairs and maintenance on all protected buildings and features, including contributory and non-contributory buildings in heritage precincts

This includes minor repair of building materials and includes replacement of minor components such as individual bricks, cut stone, timber sections, roofing and glazing. The replacement item should be of the original or closely matching material, colour, texture, form and design.

Works that do not meet these standards are classed as alterations.

⁸² Submission 368

⁸³ Submission 604

⁸⁴ Submission 711

⁸⁵ Submission 621

140. It became apparent to us that there was an inconsistency between the title of the rule, being “repairs and maintenance” and the rule itself, which uses the term “minor repairs and maintenance”. However, it was noted that the wording went on to describe ‘acceptable’ repair and maintenance works as including ‘minor’ repair of building materials and replacement of ‘minor’ components.
141. Three submissions were received on this rule. Heritage New Zealand⁸⁶ sought that the rule be qualified in a more restrictive way by requiring that original materials be used for repairs and maintenance, except “if not achievable”, while the Ministry of Education sought that it be liberalised by allowing different materials, form and design where this was “practicable or appropriate”⁸⁷. The need to avoid material containing asbestos was cited as an example. Real Journeys requested that the rule also apply to “structures”⁸⁸.
142. We accept in principle that as part of good heritage practice, the replacement of decayed or damaged heritage fabric should utilise the same materials wherever possible. We acknowledge that this is not always possible, either because the material is simply no longer available, or in the case of asbestos is unsuitable (if not unacceptable) on health and safety grounds, notwithstanding that Ms Jones’ report indicated that there were circumstances where this material was still accepted for use. In addition to that, we are well aware of the practical difficulties experienced by many district councils in defining acceptable permitted repairs and maintenance, and where these ‘transition’ into alterations.
143. We conclude these submissions should be accepted in part by amending the text accompanying the rule as follows, and incorporating a definition of minor repairs and maintenance into Chapter 2. This rule would then simply read:

26.5.2	<p>Repairs and maintenance Minor repairs and maintenance on all protected heritage features and contributory and non-contributory buildings in heritage precincts.</p> <p><i>Note: Works that do not fall within the definition of minor repairs and maintenance are classed as alterations.</i></p>	P
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144. As noted in the previous section under general submissions, there is no need for the footnote to the rule, particularly as contributory and non-contributory buildings are already specifically referred to as the definitions.
145. We also recommend to the Stream 10 Hearing Panel that the following definition be included in Chapter 2 in place of the original wording within the activity standard. The content of this definition gives partial effect to the relief sought in the submissions of HNZ, the Ministry of Education, and Real Journeys.

Repairs and maintenance means repair of building materials and includes replacement of minor components such as individual bricks, cut stone, timber sections, roofing and glazing. The replacement items shall be of the original or closely matching material, colour, texture,

⁸⁶ Submission 426

⁸⁷ Submission 524

⁸⁸ Submission 621

form and design, except that there shall be no replacement of any products containing asbestos, but a closely matching product may be used instead.

Repairs and maintenance works that do not fall within this definition will be assessed as alterations.

146. With respect to the concern raised by Real Journeys that structures be specifically referred to, no changes are considered necessary because the definition of ‘heritage features’ includes structures, as listed in the Inventory of heritage features.

6.9 Table 1 – Rule 26.6.2 Subdivision

147. Rule 26.6.2 as notified concerns the subdivision of sites containing a protected feature. This rule duplicates notified Rules 27.5.1.4, 27.5.1.5 and 27.2.1.6. The Council sought that this rule be removed from this chapter and contained in Chapter 27 Subdivision⁸⁹. Ms Jones agreed with that approach⁹⁰ and advised that other submissions on the rule had been deferred to Stream 4, which heard submissions on Chapter 27.

148. We agree this is the most appropriate way to deal with the duplication and recommend the rule be deleted.

6.10 Table 2 – Rule 26.6.3 Demolition

149. This rule provided that the demolition of any Category 1 heritage feature would be a prohibited activity, that of a Category 2 building a noncomplying activity, and that of Category 3 building a restricted discretionary activity.

150. Accompanying the rule were the following activity standards:

Works that result in damage, substantial removal from the site, destruction of any, or all, significant elements of the historic fabric or characteristics of a building or feature, involving (but not limited to) the removal or replacement of walls, windows, ceilings, floors, roofs and any associated additions.

Restricted Discretion is limited to:

The extent of the demolition and the cumulative effects on the building or feature.

151. Prohibited activity status represents the extreme end of the regulatory spectrum, and perhaps unsurprisingly there were some submissions with respect to its status. There are 14 Category 1 items listed in the ODP, with the officers recommending an additional six be added to this category as part of the review (with the listing of the *TSS Earnslaw* to be removed). Two submissions sought that the rule be deleted in its entirety⁹¹, while two others sought that the rule either be deleted, or the wording of the PDP be unequivocal about what constituted “demolition” and that it should exclude major alterations⁹².

152. We are of the view that the impact of this rule (apart from the categorisation of the heritage feature) is dependent on the number of features listed, particularly in Category 1; how

⁸⁹ Submission 383

⁹⁰ V Jones, Section 42A Report, Section 14

⁹¹ Submissions 672 and 688

⁹² Submission 696 and 726

demolition was actually defined; and whether the demolition affected ‘heritage fabric’. All of these matters arose through this rule and others as discussed below.

153. Ms Jones gave some detailed consideration to the implications of adopting prohibited activity status, albeit that it was a feature in the ODP, and (with the unusual exception of the listing of the *TSS Earnslaw*) this status had not been opposed by any of the affected property owners, noting that the Council or Crown agencies were the owners in a number of cases. From questioning it was understood that in these circumstances, the implications were understood by those affected - that is, there was no possibility of even applying for consent to demolish a Category 1 heritage feature. In weighing up this status, Ms Jones, although acknowledging some concerns about making the activity prohibited, said that *“a prohibited activity rule is highly effective in that it offers complete protection and indirectly encourages ongoing repair, maintenance, and alterations to retain its viability as it is well understood that demolition is not an option”*⁹³.
154. We entertain some doubts that this statement holds true, more particularly for private property. It can only “indirectly encourage” ongoing repair and maintenance if the affected owner is either willing or financially able to afford the necessary works – and assuming those works are not inadvertently captured by the demolition rule itself, or the very considerable costs associated with the consenting process. This can be particularly difficult if the listed feature is for example, a private home. Furthermore, an owner can alternatively decide not to undertake any repairs or maintenance at all, leading to demolition by neglect. The only regulatory option available to the Council in these circumstances is the issue of a heritage order under section 189A of the RMA. It is understood that this was ultimately what was required to secure the protection of a group of miner’s cottages in Arrowtown.
155. Prohibited activity status can be very onerous, and can in some respects be seen as a form of designation without compensation. We nevertheless acknowledge that in the absence (with one exception) of any opposition to the continued listing of Category 1 heritage features being carried over from the ODP to the PDP, there was little scope to alter the status of any of these features. However, it was a factor that weighed heavily in our consideration of the listing of *additional* Category 1 buildings through this review process. We are cautious about any proposed additions to Category 1, particularly where additional research was required, and/or where affected parties had not been adequately consulted, or made aware of the statutory implications of having their properties within this category.
156. We do not support those submissions which sought that demolition be given the same activity status as alterations, either explicitly or by implication. In our view this would significantly degrade the heritage provisions of the PDP, and could arguably fail to give effect to Section 6(f) of the Act with respect to Category 1 heritage features at least. However these submissions, both in terms of their scope and nature of the relief sought, raised an important issue about how demolition can be differentiated from other categories of activities affecting heritage buildings, and the heritage categories themselves, particularly with respect to alterations. There is significant risk that the rule as notified, and its activity standards, could have the effect of capturing necessary and desirable works as “demolition”.
157. This was recognised by Ms Jones, and we broadly agree with her analysis and proposed means of addressing this issue. She proposed that “demolition” be split into two categories of “total demolition” and “partial demolition”. To address the inevitable concerns about how

⁹³ Section 42A Report, paragraph 13.9

this would be defined, she suggested a definition whereby total demolition would amount to demolition of historic fabric or characteristics equal to or exceeding 70% by volume or area whichever is greater; and that partial demolition would amount to demolition of historic fabric or characteristics exceeding 30% by volume or area whichever is greater, but less than 70%⁹⁴. The principle of splitting total and partial demolition was also endorsed by Ms Gillies in her evidence⁹⁵, although she qualified this by saying that she was unable to comment as to the appropriateness of the ‘percentages’ at this time. We understand the basis of the Council’s approach is a similar framework forming part of the Auckland Unitary Plan.

158. As part of her recommendations, Ms Jones also recommended that the relocation of a Category 1 building to another site remain a prohibited activity, and that relocation remain noncomplying *within* the same site. She also recommended (and we concur) that reference to “total demolition or destruction” be reduced to simply “demolition” as the additional wording is somewhat emotive and superfluous.
159. In consultation with Mr Knott, Ms Jones also concluded that it would be appropriate to provide a better description of the basis for categorising heritage features in the PDP. This is not a matter of a definition – the categorisation of heritage features is determined by the Inventory itself, which in turn follows an assessment process based on criteria for heritage listings. However from a descriptive perspective, this was seen as useful for plan readers and has been incorporated in the (non-statutory) Section 26.2.2.
160. Based on the above assessment, we recommend that:
 - a. the activity of “demolition” be split into two categories of “total demolition” and “partial demolition”.
 - b. that these terms, rather than being incorporated into the rule itself as an activity standard, be removed from the rule and become definitions in Chapter 2.
 - c. that prohibited activity status continue to apply to total demolition of Category 1 heritage features, and remain a noncomplying activity for Category 2 heritage features and a restricted discretionary activity for Category 3 heritage features.
 - d. that partial demolition be categorised as a noncomplying activity for Category 1 and Category 2 heritage features and restricted discretionary activity for Category 3 heritage features.
161. We also recommend to the Stream 10 Panel that the terms total demolition and partial demolition be defined as set out in Appendix 3.
162. We also recommend minor changes to the matters of discretion to be applied to total or partial demolition or relocation to another site where this work related to a Category 3 heritage feature.
163. In her evidence to the hearing, Ms Gillies argued that demolition and relocation were different activities, and should be dealt with through separate rules. We can see some merit in her perspective from a philosophical point of view, and the matter is finely balanced. However, such an amendment would result in ‘bulking up’ the rules which have identical statutory application, whether it is the activity of relocation off the site, or the activity of total demolition. For this reason, we recommend no change to this aspect of the rules.

⁹⁴ *ibid*, pages 26 – 9 and 26 – 10.

⁹⁵ J Gillies, EIC, paragraph 9.2

164. With the ‘splitting’ of demolition into two separate rules dealing with total and partial demolition, the new rules are renumbered as 26.5.3 and 26.5.4. we recommended the revised rules be worded as follows:

		Cat 1	Cat 2	Cat 3
26.5.3	<p>Total demolition or relocation to another site</p> <p>*For Category 3 heritage features discretion is restricted to:</p> <ul style="list-style-type: none"> a. The extent of the demolition proposed and the cumulative effects on the heritage feature; b. The effects on the heritage values and heritage significance, as evaluated in accordance with the criteria in section 26. 6. c. Where the protected heritage feature is located within a heritage precinct, the effects of the proposed activity on the key features of the heritage precinct as identified in section 26.7. 	PR	NC	RD*
26.5.4	<p>Partial demolition</p> <p>*For Category 3 heritage features discretion is restricted to:</p> <ul style="list-style-type: none"> a. The extent of the demolition; b. The effects on heritage values and heritage significance, in accordance with the evaluation criteria in section 26.6; c. The effects on the heritage values and heritage significance of the feature, including the cumulative effects resulting from incremental demolition; d. Where the heritage feature is located within a heritage precinct, the effects of the proposed activity on the key features of the heritage precinct as identified in section 26.7. 	<u>NC</u>	<u>NC</u>	<u>RD*</u>

6.11 Table 2 – Rule 26.6.4 Relocation

165. As notified, Rule 26.6.4 conferred prohibited activity status for any relocation of a Category 1 heritage feature, noncomplying for a Category 2 heritage feature, and restricted discretionary status for relocation of a Category 3 heritage feature. The activity standard stated that:

“Works that result in an existing building or feature being relocated within the same site.

Restricted Discretion is limited to:

The physical effects on the heritage fabric and the effects on the setting of the feature”.

166. Three submissions were received on this rule⁹⁶. Ms Gillies supported the rule, particularly noting that an equivalent rule was absent in the ODP. However, Ms Gillies also sought that the relocation of Category 3 building should be changed from restricted discretionary to non-complying in status.
167. Watertight Investments sought that the rule be deleted as being overly restrictive and unnecessary, while Real Journeys Limited sought that the rule be amended to ensure that on-site relocation be provided for as a restricted discretionary activity, with discretion extending not only to the effects on heritage value but consideration of potential benefits of relocation.
168. It is now commonplace for relocation of heritage buildings to be regulated in district plans. We accept that the heritage values associated with a particular feature will have a close association with both the site on which it is located and the wider environment. While the relocation of a building may result in it being physically 'saved', its relocation is a less than optimum outcome, as its physical and historic context would be lost. This is particularly the case with Category 1 buildings and features, although in reality the prospect of any of the small number of such protected items being relocated is extremely small.
169. We agree with Real Journeys' contention that there may be circumstances where relocation is appropriate, but only as a last resort for Category 2 buildings (with noncomplying activity status). Although not common, relocation off-site may be the only remaining alternative to demolition in a small number of cases, particularly where operational requirements may make this necessary, or the setting and surrounds of the building have been severely compromised by development, or would compromise the continued retention of a building on its original site. We expect such circumstances to be rare. However in these circumstances then relocation on-site would be preferred to relocation off-site, and we consider it is appropriate that the rules framework differentiates in favour of the former.
170. Accordingly, we support the amendment proposed by Ms Jones that relocation be split into relocation off-site and relocation on-site. We consider that the activity status for the relocation of heritage features off-site is appropriately balanced as originally notified, on the basis that it has greater adverse effects on heritage values than relocation on-site. Where a heritage feature is relocated on-site, the feature would still maintain a clear physical relationship to its original location. We do not support the submission point of Ms Gillies that the relocation of a Category 3 building should be non-complying, because it would not be appropriate to have a different activity category for demolition on one hand, and off-site relocation of Category 3 buildings on the other.
171. Ms Jones recommended that, in addition to creating a new and separate rule for relocation on-site, the activity categories remain the same except for Category 1 heritage features, where relocation would become a noncomplying activity rather than a prohibited activity. We consider this would achieve an appropriate regulatory balance, bearing in mind that any relocation (even within a site) would still have potentially adverse effects compared to retaining a building *in situ*.
172. It was drawn to our attention however, that as notified, the PDP required that the relocation of buildings within a *heritage precinct* be a discretionary activity⁹⁷. There was potential for

⁹⁶ Submissions 604, 621 and 672

⁹⁷ Rules 26.6.10 and 26.6.11.

confusion, because the relocation of a heritage feature generally within a site is only a restricted discretionary activity. However, as we discuss later when discussing the rules in Table 3, such confusion can be avoided by making the rules explicit that Table 3 does not apply to heritage features listed in the Inventory in Section 26.8. However, we recommend a consequential amendment to add an additional assessment matter under the activity standards for restricted discretionary activities. This is not an additional or new rule, but ensure that where a heritage feature is within a heritage precinct, the effects of relocation on the heritage precinct are taken into account. This assessment matter has been included in Rules 26.5.3 and 26.5.4 recommended above, and in Rule 26.5.5 which relates to relocation within a site.

173. The submission from Real Journeys sought that account be taken of circumstances in which the relocation of a heritage feature may be necessary for operational reasons⁹⁸. Specifically, the submitter was concerned that the heritage listed steam boiler from the *Antrim* used to provide power for slipping the *TSS Earnslaw*, may need to be replaced by more modern machinery at some point. This would necessitate the *Antrim* engine being moved to a different point on the site – we understand that the submitter would not be contemplating its total removal elsewhere or scrapping.
174. Having visited the facility in question, we consider that there is some justification for adding an assessment matter for a restricted discretionary activity (note our subsequent findings on the Category listing of this heritage feature in our assessment of individual listings later in these recommendations). This would be only an assessment matter and not a rule in itself, and its inclusion was appropriate subject to it being narrowly focused. We recommend adding a clause to Rule 26.5.5 reading:

“c. Any evidence that relocation is necessary for operational reasons”.

175. We recommend that relocation off the site be included in Rule 26.6.3 (as above) and that relocation within a site be controlled by Rule 26.5.5 as set out below:

		Cat 1	Cat 2	Cat 3
26.5.5	<p>Relocation within the site</p> <p>The relocation of an existing heritage feature within the same site.</p> <p>* For Category 3 heritage features discretion is restricted to:</p> <ul style="list-style-type: none"> a. The effects on the heritage values and heritage significance of the feature in accordance with the evaluation criteria in section 26.6; b. The physical effects on the heritage fabric and the effects on the setting or extent of place of the feature. c. Any evidence that relocation is necessary for operational reasons. d. Where the heritage feature is located within a heritage precinct, the effects of the proposed activity on the key features of the heritage precinct as identified in section 26.7. 	NC	NC	RD*

6.12 Table 2 – Rule 26.6.5 External alterations

176. Rule 26.6.5 as notified provided for external alterations to a Category 1 heritage feature to be a fully discretionary activity, and a restricted discretionary activity for Categories 2 and 3. The rule read:

“Works affecting the fabric or characteristics of buildings and features. Additions to buildings such as signs, lighting and street furniture are also included.

Restricted Discretion is limited to:

The extent of the alteration and the cumulative effects on the building or feature”.

177. The rule as notified included reference to ‘additions’ under the activity standard, and we consider it is appropriate that the rule be clarified to refer to external alterations *and additions*, although an addition to the exterior of the building may be taken to include an alteration to that exterior.
178. Five submissions were received on Rule 26.6.5. That from Ms Gillies⁹⁹ again referred to the need for criteria to be specified, which has been discussed previously with criteria incorporated into a new Section 26.5 ‘Evaluation Criteria’.
179. Watertight Investments¹⁰⁰, along with Justin Crane and Kirsty McTaggart¹⁰¹, sought that demolition and relocation be combined with external alterations and have the same activity status. These submissions would effectively result in a substantial liberalisation of the rules framework for both demolition and relocation, particularly for Category 1 and Category 2 heritage features. We have considered submissions specific to demolition above, and our recommendation is to accept Ms Jones’ proposal to split demolition into two categories of total and partial demolition. The latter category provides greater flexibility for major works without these being captured under the otherwise stringent controls attached to full demolition, and we recommend provisions for relocation within the site are also liberalised. We note that there have been no submissions (with the partial exception of the listing of the *TSS Earnslaw*) which have challenged any Category 1 listings.
180. Furthermore, we consider that the degree of liberalisation sought by these two submissions would seriously weaken heritage protection for the most important heritage features in the District. However, the recommended creation of the category of ‘partial demolition’ does provide some relief for these submitters.
181. These two submissions, and those of Millbrook Country Club and Upper Clutha Transport¹⁰² also sought that the wording of this rule specify that it applied to “..... *buildings listed in Table 26.9*”. We addressed this matter earlier in Section 6.1 above. Our conclusions were to adopt a definition of ‘Heritage features’, and to define these as including any items listed in the Inventory under renumbered Section 26.8. This includes buildings, as well as other miscellaneous heritage items and structures such as bridges, roads, statues etc. We consider that the definition of ‘Heritage features’ effectively addresses the concerns raised in these submission points.

⁹⁹ Submission 604, supported by FS1098

¹⁰⁰ Submission 672

¹⁰¹ Submission 688

¹⁰² Submissions 696 and 726 respectively

182. The final issue raised by this group of four submitters was their concern with the following words under the activity standard:

“Works affecting the fabric or characteristics of buildings and features. Additions to buildings such as signs, lighting and street furniture are also included”.

183. A difficulty arises as to what these somewhat subjective words mean, and potentially inconsistent administration of the rules. An entirely objective definition of what constitutes “alterations” is almost certainly unobtainable, but to grant the relief sought by the submitters would result in an even greater level of ambiguity.

184. Nevertheless, there is clearly a need to address the matters raised in in these submission points, to reduce the potential for ambiguity (eliminating it being probably impossible). Our recommendations on the Chapter as a whole, and through the inclusion of definitions in Chapter 2, has approached the issue of clarifying the status of work affecting heritage features in the following way:

- a. Introducing and defining an activity of *partial demolition*;
- b. Introducing and defining an activity of *alterations and additions*;
- c. Including a definition of *repairs and maintenance*;
- d. Providing a definition of ‘*heritage fabric*’
- e. Incorporating most of the contents under the activity standards into the definitions described above.

185. Effectively, these definitions mean that any works which do not fall under the activities of partial demolition or repairs and maintenance, will fall to be considered as alterations. We consider this clarification utilising the definitions below address the matters raised.

186. We recommend the Stream 10 Panel include the following definition of ‘external alterations and additions’ in Chapter 2:

*“**External alterations and Additions** means undertaking works affecting the heritage fabric of heritage features, but excludes repairs and maintenance, and partial demolition. External additions include signs and lighting.”*

187. We recommend the following definition of ‘heritage fabric’, based largely on Ms Jones’ response to submissions:

*“**Heritage fabric** means any physical aspect of a heritage feature which contributes to its heritage values as assessed with the criteria contained in Section 26.6. Where a heritage assessment is available on the Council’s records this will provide a good indication of what constitutes the heritage fabric of that heritage feature. Where such an assessment is not available, heritage fabric may include but is not limited to:*

- a. *Original and later material and detailing which forms part of, or is attached to, the interior or exterior of a heritage feature;*
- b. *The patina of age resulting from the weathering and wear of construction material over time;*

- c. *Fixtures and fittings that form part of the design or significance of a heritage feature but excludes inbuilt museum and art work exhibitions and displays, and movable items not attached to a building, unless specifically listed”.*
- d. *Heritage features which may require analysis by archaeological means, which may also include features dating from after 1900.*

188. In the course of the hearing, Ms Gillies expressed some concern about ‘defining’ heritage fabric, on the basis that providing examples would have the result that applicants would potentially exclude any elements of heritage that are not included under those ‘examples’. We believe that this concern, while understandable, has been at least partly addressed by prefacing the examples with the words “not limited to”.

189. In consequence, we recommend the new renumbered rule for external alterations and additions be worded as follows:

		Cat 1	Cat 2	Cat 3
26.5.6	External alterations and additions *For Category 2 and 3 heritage features discretion is restricted to: a. The effects on the heritage values and heritage significance of the feature in accordance with the evaluation criteria in Section 26.6; b. Where the heritage feature is located within a heritage precinct, the effects of the proposal on the key features of the heritage precinct as identified in Section 26.7.	D	RD*	RD*

6.13 Table 2 – Rule 26.6.6 Internal Alterations

190. This rule as notified provided that internal alterations to a Category 1 heritage feature be a discretionary activity, to a Category 2 a restricted discretionary activity, and a permitted activity for Category 3. The rule read:

Internal Alterations

Works affecting the historic fabric or characteristics of a building including (but not limited to) the partial removal and replacement of decoration, windows, ceilings, floors or roofs that only affect the interior of the building or object.

Restricted Discretion is limited to:

The extent of the development and the cumulative effects on the building or feature, and its setting.

191. Five submissions were received on this rule, these being from HNZ, Watertight Investments, Justin Crane and Kirsty McTaggart, Millbrook Country Club, and Upper Clutha Transport¹⁰³. These submissions raised identical concerns to those on notified Rule 26.6.5 above - focusing on the ‘grey areas’ between demolition and alterations and repairs.

¹⁰³ Submissions points 426, 627, 688, 696 and 726 respectively

192. The rule as notified, again incorporated a ‘definition’ under the activity standard, which we consider is more appropriately reworded and placed in Chapter 2. The proposed definition is derived from the activity standard in the existing rule, and we recommend to the Stream 10 Hearing Panel that it read as follows:

“Internal alterations means undertaking works affecting the internal heritage fabric of heritage features, but excludes repairs and maintenance. Internal alterations includes the partial removal and replacement of decoration, windows, ceilings, floors or roofs that only affect the interior of the building”.

193. Meanwhile the rule related to internal alterations would become a new renumbered rule 26.5.7. We recommend this rule be worded as follows:

		Cat 1	Cat 2	Cat 3
26.5.7	<p>Internal alterations</p> <p>Internal alterations affecting the heritage fabric of a building</p> <p>* For Category 2 heritage features (buildings) discretion is restricted to:</p> <p>a. The extent of the alteration and the cumulative effects on the building; or feature.</p> <p>b. The effects on the heritage values and heritage significance of the feature in accordance with the evaluation criteria in Section 26.6.</p> <p>c.</p> <p>Note: For the avoidance of doubt, alterations such as the partial removal and replacement of decoration, windows, ceilings, floors or roofs that only affect the interior of the building are subject to this rule.</p>	D	RD*	P

6.14 Table 2 – Rule 26.6.7 Development within the curtilage or setting

194. This rule as notified provided that development within the curtilage or setting be a discretionary activity for Category 1 heritage features, and a restricted discretionary activity for Category 2 and Category 3 features.

The activity standard under the rule read as follows:

“Works including earthworks, signage, lighting, street furniture, new buildings and structures.

Restricted Discretion is limited to:

The extent of the development and the cumulative effects on the building or feature and its setting”.

195. Eight submissions were received on this rule. Ms Jones advised that the ODP was ambiguous as to whether heritage protection extended to the surrounds (‘setting’) of listed heritage items. We are aware that the protection of settings is common in district plans. As notified, the rule was accompanied by a footnote defining setting as follows:

“Setting means the area around and/or adjacent to a place of cultural heritage value that is integral to its function, meaning, and relationships. Setting includes the structures, outbuildings, features, gardens, curtilage, airspace, and access ways forming the spatial

context of the place or used in association with the place. Setting also includes cultural landscapes, townscapes, and streetscapes; perspectives, views, and views to and from a place; and relationships with other places which contribute to the cultural heritage value of the place. Setting may extend beyond the area defined by legal title and may include a buffer zone necessary for the long-term protection of the cultural heritage value of the place. ICOMOS New Zealand Charter 2010”.

196. Ms Gillies supported the new rule relating to ‘setting’, and sought that the word ‘curtilage’ be deleted from the heading of the rule¹⁰⁴. On this preliminary matter, we agree with the conclusion of Ms Jones that the word ‘curtilage’ added little to the application of the rule, and that the word ‘setting’ was well established term in heritage circles. Accordingly, we recommend the word ‘curtilage’ be removed as requested.
197. Seven submitters (Real Journeys Limited, Watertight Investments Ltd, Justin Crane and Kirsty McTaggart, Millbrook Country Club Ltd, Upper Clutha Transport, Anna Marie Chin Architects and Paul Vautier, and the Ministry of Education) sought that the rule be deleted¹⁰⁵. As less preferred alternative, Real Journeys sought that the rule exclude development associated with the use of the protected feature, while Millbrook Country Club suggested the rule be amended to only apply to development within a 30m radius of a heritage feature.
198. Ms Jones came to the conclusion that the rule was too broad and subjective to trigger the activity status of a prospective activity¹⁰⁶. We consider that in determining the need to protect a setting, and determining its extent, the following factors are relevant:
- a. whether the surrounds of a heritage dwelling for example (setting) includes features integral to its original design and history, such as ornamental gardens;
 - b. whether development within a setting would have an incongruous appearance with respect to the listed heritage feature within that setting;
 - c. whether development within the setting would result in public views of the heritage feature itself being lost;
 - d. whether the scale of development within the setting would diminish the significance of the heritage feature;
 - e. whether the setting contains unsympathetic or more modern development which does not justify protection;
 - f. whether the setting is so extensive in scale that it impinges on the otherwise permitted development rights on the affected property itself;
 - g. whether the site containing the heritage feature is so large that including it within the setting would have an onerous effect on the affected property owner
 - h. the extent to which the protection of the setting would impinge on otherwise permitted development on adjoining properties.
199. This is a form of heritage regulation which can have one of the largest perceived and real impacts on private property rights. In addition to this – and even more challenging – is how to define the setting in such a way as to find an appropriate balance between protecting those parts of the site that have a strong association with the listed heritage feature thereon, and otherwise permitted development aspirations. We note that sites may also contain protected trees, which are dealt with separately under recommendations on Chapter 32.

¹⁰⁴ Submission 604

¹⁰⁵ Submissions 621, 627, 688, 696,726 and 524 respectively

¹⁰⁶ Section 42A Report, paragraph 10.5

200. We are satisfied that the definition of ‘setting’ as contained in the footnote to Rule 26.6.7 as notified, even allowing for the difficulty of defining the term ‘setting’, is too expansive and lacks reasonable certainty. The inclusion of a statement that the setting may extend beyond a title boundary for example, raises the real spectre that an adjoining landowner could find themselves subject to the rule without their knowledge, let alone with any consultation or the opportunity challenge the rule. We agree with Ms Jones on this point. As notified, the footnote defining setting means that it could have very broad and largely undefined application.
201. In her evidence for HNZ, Ms O’Dea made the observation that protecting heritage settings is appropriate, and said *“in my view, the extent of the heritage settings must be balanced with the practicalities of reasonable use of property. In this regard control on any new development must be focused on effects on the principle heritage item. I believe it would be of benefit to undertake further work to identify additional extents of place in the future and that this would provide even greater certainty. However at this time I consider that the proposed provisions as put forward in the RRC(sic) strike an appropriate balance between the protecting the surroundings of significant historic Heritage, with ensuring reasonable limitations on how far settings might extend; and strong policy guidance through 26.5.1.4 which will also aid interpretation”*¹⁰⁷.
202. We broadly agree with these sentiments, which were reflected in the amendments proposed by Ms Jones, who also recommended the adoption of the concept of ‘extent of place’, whereby settings, particularly on complex sites containing buildings, or on large sites, were physically defined in plan form and incorporated into the PDP. Fifteen such sites, to be termed ‘extent of place’, were identified, defined and recommended to be incorporated into renumbered Section 26.8.1, immediately following the Inventory of Listed Heritage Features under Section 26.8. We note that a very similar approach has been adopted in the Christchurch Replacement District Plan¹⁰⁸.
203. We are of the view that ‘extent of place’ needs to be defined and recommend to the Stream 10 Panel that the following definition be included in Chapter 2:
- “**Extent of Place** means the area around and/or adjacent to a heritage feature listed in the Inventory under Section 26.8 and which is contained in the same legal title as a heritage feature listed on the Inventory, the extent of which is identified in Section 26.8.1.”*
204. Ms Jones also recommended that for the other sites falling under the definition of a ‘setting’, an improved definition be provided for “works” which would require consent within the setting. A setting would otherwise be confined to land within the legal title of the property concerned.
205. While the suggested amendment by Millbrook Country Club¹⁰⁹ to define a setting as being within a 30m radius of a heritage feature was a constructive contribution towards providing greater certainty, we have concluded that there would be circumstances where this would be either too much or too little, and heritage features may require setback distances which would vary depending on surrounding features. Where a setting potentially includes all of

¹⁰⁷ J O’Dea, EIC, paragraph 9.3

¹⁰⁸ Christchurch Replacement District Plan, Chapter 9, Appendix 9.3.6.4

¹⁰⁹ Submission 696

the land within a certificate of title, we consider that an alternative approach is to define instead the kind of development that might require consent in these circumstances.

206. Ms Gillies sought that Rule 26.6.7 be amended by requesting that the heritage value of the setting be identified on a case-by-case basis and that it be stated that “works affecting the historic setting of the site should be avoided”¹¹⁰. We are not sympathetic to this suggested approach because of the high degree of uncertainty which would be added to a potentially subjective rule, and also note that the words quoted were too subjective to form the legal basis of a rule or definition. In this particular case, we prefer the approach suggested by HNZ’s witnesses and Ms Jones.
207. We have considered as to how the vexed term ‘setting’ could be defined, particularly as the majority of settings are not identified by a plan showing the extent of place. We recommend to the Stream 10 the adoption of a more confined definition as follows:
- “Setting means the area around and/or adjacent to a heritage feature listed under the Inventory in Section 26.8 and defined under 26.8.1, which is integral to its function, meaning and relationships, and which is contained in the same legal title as the heritage feature listed on the Inventory”.*
208. This still has a significant element of subjectivity which illustrates the difficulties of defining the meaning of setting. However the wording used above, and particularly the word “integral” implies that in some cases the setting will not include all of the certificate of title. We consider there would be significant benefits in extending the concept of ‘extent of place’ more widely to other sites thus providing greater certainty, however this is beyond the scope of the current hearing.
209. Ms Jones also proposed that where “development” takes place within either a setting or and extent of place, that the nature of the “development” requiring consent be specified. Ms Jones recommended that a definition of “development” be included in Chapter 26 to provide greater specificity as to what this rule was attempting to control¹¹¹. While we agree with the degree of specificity defined by Ms Jones, we are of the view that the definition was in fact a rule restricting activities and that it would be more appropriate if the rule itself specified what activities it restricts. The proposed definition also contained an explanatory exclusion. We consider that can appropriately be inserted as an Advice Note at the end of the rule.
210. Based on consideration of the foregoing, we recommend this rule, renumbered 26.5.8, read as follows:

¹¹⁰ Submission 604

¹¹¹ Section 42A Report, paragraph 10.7

		Cat 1	Cat 2	Cat 3
26.5.8	<p>Development within the setting or extent of place New buildings and structures, earthworks requiring consent under Chapter 25, car park areas exceeding 15m² within the view from a public road, and car park areas exceeding 40m² located elsewhere.</p> <p>* For Category 2 and 3 heritage features, discretion is restricted to:</p> <p>a. Development within the setting, or within the extent of place where this is defined in the Inventory under Rule 26.8;</p> <p>b. The extent of the development and the cumulative effects on the building or heritage feature, and its setting or extent of place;</p> <p>c. The effects on the heritage values and heritage significance of the feature in accordance with the evaluation criteria in section 26.6.</p> <p>Note: This rule does not apply to any use of buildings, structures and land other than the activities specified above.</p>	D	RD*	RD*

6.15 Tables 1 and 2 – Section 32AA

211. In undertaking our assessment of Chapter 26 as notified, we were not satisfied that some important aspects of the rules in Chapter 26 as notified were consistent with sections 32 and 32AA(2) of the Act, notably in terms of subsection 32(1)(b), as being the most appropriate way to achieve the objectives, or being efficient and effective. To address these deficiencies, we have concluded it is necessary to make a number of amendments in response to submissions.
212. Firstly, we recommend (to the Stream 10 Hearing Panel) the incorporation of definitions in Chapter 2 which are critical to providing certainty in terms of the application of the terms used in the rules themselves. Uncertainty would be inefficient as it would impose additional administration and compliance costs on both the Council and applicants.
213. Secondly, the rules and their assessment matters also required clarification and expansion to expedite the processing of future resource consents. As notified, the rules would have the effect of capturing relocation within a site, and potentially significant restoration works, under the category of ‘demolition’ with prohibited activity status. In turn, this would have the effect of acting as a disincentive towards the protection of historic heritage. We have significant reservations about prohibited activity status, as while it is effective in preventing *applications* to demolish buildings, it is also inflexible, arguably undermines the provisions of section 189A of the Act, and is inefficient in terms of encouraging building maintenance and restoration. However, there is no scope within submissions to address this matter further, except in part through the amendments creating the category of ‘partial demolition’.
214. A further significant improvement in terms of the efficiency of the rules is our support for Ms Jones’ recommendation to provide a definition of the ‘extent of place’ which provides certainty for both Council and landowners by defining the area which has affected by the

setting of a heritage feature, particularly on large or complex sites. We are satisfied that the amendments to the rules in Chapter 26 that we are recommending will result in improved effectiveness – and particularly improved efficiency – in the administration of the PDP and achieving the objective of protecting historic heritage in the District.

6.16 Table 3 – Heritage Precincts: Rules 26.6.8 – 26.6.15

215. As a result of amendments made to the format of Chapter 26 as discussed in the Panel’s recommendations, the rules in Table 3 will be renumbered 26.5.9 – 26.5.13.

216. Some background to our recommendations relating to Heritage Precincts is necessary, as it is apparent there is some scope for confusion in the way that the rules have been drafted, a matter raised through submissions and pointed out by Ms Jones¹¹².

217. There are five heritage precincts comprising the following:

- a. Queenstown Courthouse
- b. Queenstown Mall
- c. Queenstown Marine Parade
- d. Arrowtown Town Centre
- e. Arrowtown Cottages

218. We understand the basis of these precincts is that they contain important heritage features (buildings), or a collection of significant heritage features, including other buildings which, although not worthy of individual listing, still contribute to the heritage significance of the precinct and are described in the rules as “contributory buildings”. There are also buildings in three of the precincts which make no individual contribution to the heritage values of the precinct, described in the rules as “non-contributory buildings”. The PDP seeks to regulate external alterations or removal of such buildings, given there may be circumstances where this would have a potentially adverse effect on adjoining contributory buildings and listed heritage features, or to the precinct as a whole.

219. The five heritage precincts are shown in plan form in the Inventory of Heritage Precincts, under Section 26.8 of the PDP as notified. Non-contributory buildings are identified in blue on these plans. Each plan of the heritage precincts is accompanied by a ‘Statement of Significance’. As contributory and non-contributory buildings are defined in plan form, there is no uncertainty as to which buildings fall under either of these categories. Ms Jones suggested, in response to submissions, that definitions be incorporated for these terms, initially for non-contributory buildings. We agree and recommend to the Stream 10 Panel that definitions of both contributory and non-contributory buildings be included in Chapter 2.

220. We note that there are no non-contributory buildings in the Queenstown Courthouse and Arrowtown Town Centre precincts. Within the precincts there is a significant overlap between the rules under Chapter 26 heritage, and rules which apply within the particular zone concerned and other chapters. For example, the rules relating to a *new* building which might replace a non-contributory building in the in the Arrowtown Cottages Precinct are not subject to rules under Chapter 26. New buildings within a heritage precinct are instead only subject to rules under Chapter 10 (Arrowtown Residential Historic Management Zone), Chapter 14 (Arrowtown Town Centre Zone) and Chapter 12 (Queenstown Town Centre Zone).

¹¹² Section 42A Report, paragraph 15.10

221. HNZ sought the adoption of Rule 26.6.11 (relocation of non-contributory buildings) and sought that Rule 26.8 be reviewed by providing further detail¹¹³. Although broadly supportive of the provisions for heritage precincts, Ms Gillies expressed concern about their detailed implementation¹¹⁴. As part of her response, Ms Jones noted that:

*“However, the format of the chapter is such that if an applicant wishes to, say, alter a building in a precinct then consent will be required under Tables 1, 2 and 3. This is not sufficiently clear and it is confused by some of the rules in Table 3 explicitly excluding individually listed items and other rules not stating this exclusion. It is evident from the submissions that it is unclear how the respective rules work together”.*¹¹⁵

222. Table 1 addresses ‘General’ introductory rules, Table 2 concerns ‘Buildings, Structures, and Features’ and Table 3 concerns Heritage Precincts.

223. From considering the submissions (particularly that of Ms Gillies) and Ms Jones’ report, it was apparent that there were a number of difficulties apparent with Table 3 as notified:

- a. It was unclear whether the rules for listed heritage features contained in the Inventory and within a heritage precinct, were applied in *addition* to those rules within the precinct or whether the rules within a precinct (which in some cases were more liberal) took precedence;
- b. The text of the rules relating to contributory and non-contributory buildings were conflated with each other and difficult to interpret;
- c. While the maps of the precincts were helpful, they did not show heritage features within the precinct that were also listed in the Inventory. Category 3 heritage features within a heritage precinct were subject to more liberal rules than unlisted contributory buildings, which appeared inconsistent;
- d. Important linkages to relevant zone rules within the heritage precinct were not made clear; and finally,
- e. The format of the rules in Table 3 (heritage precincts) were repetitive and inconsistent with those in Table 2.

224. This uncertainty resulted in us issuing a Minute seeking clarification as to the correct position. In response to the Minute, Ms Jones expressed the view that it was not necessary to add a rule into Chapter 26 to regulate new buildings within heritage precincts – at least in part, because this would duplicate the rules framework elsewhere in the PDP. We agree with this view, but believe it would be appropriate to add a cross reference at the beginning of Table 3 to inform plan readers of the need to consult rules in other chapters of the PDP which are relevant to new buildings within Heritage Precincts.

225. We are of the view that Table 3 (Rules 26.6.8 – 26.6.15 as notified) was in need of re-drafting and streamlining, particularly with relation to its format. These changes primarily involve clarifying the position of buildings that are not listed in the Inventory as protected heritage features; creating an additional activity status column for works affecting non-contributory buildings; and informing plan readers by way of a cross-reference to key rules in other chapters. Readers of these recommendations are also strongly encouraged to refer to the recommended definitions, contained in Appendix 3, which are also relevant to Table 3.

¹¹³ Submission 426

¹¹⁴ Submission 604

¹¹⁵ Section 42A Report, paragraph 15.10

226. We recommend Table 3 be redrafted as described below. There is no change to the activity status of any of the specified activities.
- a. An introductory note to Table 3 advising plan readers of the zone rules which apply to the construction of new buildings in Heritage Precincts contained within the Arrowtown Residential Historic Management, Arrowtown Town Centre, and Queenstown Town Centre Zones.
 - b. A note at the start of Table 3 making it clear that protected heritage features listed in the Inventory are not subject to the rules in Table 3;
 - c. A redraft of old Rule 26.6.8 (demolition) as a new Rule 26.5.9 covering total and partial demolition and relocation beyond the site. We recommend notified Rule 26.6.9 (demolition or removal of non-contributory buildings and features) be deleted.
 - d. Notified Rules 26.6.10 and 26.6.11 relating to relocation of contributory buildings and non-contributory buildings are replaced with new Rules 26.50.10 and 26.5.11 relating to relocation within a heritage precinct and from a heritage precinct respectively.
 - e. Notified Rules 26.6.12 and 26.6.13 relating to external and internal alterations, are replaced with new Rules 26.5.12 and 26.5.13.
 - f. Notified Rule 26.6.15 (development) is recommended to be deleted as unnecessary.
 - g. Separate activity status columns are now provided for contributory and non-contributory buildings.
227. We recommend the revised rules read as follows:

Table 3 Heritage Precincts

Notes:

- a. Table 3 only relates to heritage features that are not listed in the Inventory (26.8). Buildings listed in the Inventory are subject to the rules in Tables 1 and 2 only.
- b. The following chapters contain rules which apply to the construction of new buildings within heritage precincts:
 - i Chapter 10: Arrowtown Residential Historic Management Zone
 - ii Chapter 12: Queenstown Town Centre Zone
 - iii Chapter 13: Arrowtown Town Centre Zone

		<u>Contributory buildings other than those listed in 26.8</u>	<u>Non-contributory buildings</u>
26.5.9	<u>Total and partial demolition or relocation beyond the site</u>	<u>D</u>	<u>P</u>
26.5.10	<u>Relocation within a heritage precinct</u>	D	<u>D</u>
26.5.11	<u>Relocation from a heritage precinct</u>	D	<u>P</u>
26.5.12	External alterations Discretion is restricted to: <ol style="list-style-type: none"> The extent of the alterations and the cumulative effects on the heritage feature, and its setting or extent of place; The effects on other contributory and individually listed buildings and heritage features. The key features and values of the precinct as identified in the statement of significance, and key features to be protected in section 26.7. The effects on the heritage values and heritage significance of any affected heritage feature in accordance with the evaluation criteria in section 26.6. 	RD	<u>RD</u>
26.5.13	Internal alterations	P	<u>P</u>

6.17 Table 4 – Rule 26.16 Sites of Significance to Maori

228. The only submission on this rule was from Ms Gillies¹¹⁶, simply seeking that consultation with Tangata Whenua be carried out, and a map and the list of sites be prepared. This information was not contained within the PDP as notified, and we understand it is to form part of a later stage of the PDP review. That being the case, we recommend the submission be allowed in part.
229. We note that this rule contains the term “development”. It is unclear whether the meaning this word was meant to have is the same as the word defined in Chapter 2, noting that that definition is limited to the purpose of determining financial contributions, or the same meaning as has been given to “development within setting or extent of place” as used in recommended Rule 26.5.8. We recommend this be addressed when the additional matters are included in this rule.
230. We also note that as notified the rule contained the following provision:
Any application made in relation to this rule shall not be publicly notified, or limited notified other than to Tangata Whenua.
231. During the course of hearings the various Hearing Streams, the Council, in legal submissions, have raised the issue of using a notification rule to identify a particular potentially affected

¹¹⁶ Submission point 426 .30

person. This was not addressed in Hearing Stream 3, but we raise the query as to whether this provision falls foul of the same *vires* issue. Again, we see that as a matter for the Council to address when including the additional material in relation to this rule into the PDP.

6.18 Table 5 – Archaeological sites – Rules 26.6.17 – 26.6.20

232. Four submitters lodged submissions with respect to Table 5, three of which sought its complete deletion on the basis that any disturbance or destruction of such sites were covered by separate statutory procedures under the HNZPTA¹¹⁷; that these rules added an unnecessary additional layer of regulation; were subjective in terms of determining activity status; and were not effective or efficient. Ms Gillies sought that all the rules under Table 5 relating to such sites be defined and reworded¹¹⁸.
233. The proposed rules relating to archaeological sites were one of the more contentious issues which arose through the submissions on Chapter 26, and accordingly our assessment addresses this matter in some detail.
234. The case for the Council was that it was appropriate – indeed necessary – for rules to be incorporated into the PDP to address the protection of specified heritage sites. We hasten to add at this point that the notified list of archaeological sites *subject to district plan rules* did not include *all* archaeological sites in the District. A list of 15 archaeological sites was contained within section 26.10 as notified.

Ms Jones, for the Council, and witnesses from HNZ, advanced the case that rules were also needed under the PDP on the basis that:

- a. there are specific effects that HNZ cannot consider under the HNZPTA 2014; and
 - b. there was no scope for public participation under the HNZPTA procedures.
235. By way of background, we note that an archaeological site is defined under Section 6 of the HNZPTA as follows:
- “archaeological site means, subject to section 42 (3), –*
- a. *any place in New Zealand, including any building or structure (or part of a building or structure), that*
 - b. *was associated with human activity that occurred before 1900 or is the site of the wreck of any vessel where the wreck occurred before 1900; and*
 - c. *provides or may provide, through investigation by archaeological methods, evidence relating to the history of New Zealand; and*
 - d. *includes a site for which a declaration is made under section 43 (1)“.*
236. Section 42 of the HNZPTA provides that no person may modify or destroy, or cause to be modified or destroyed, the whole or any part of an archaeological site if that person knows or ought reasonably to have suspected that the site is as archaeological site. Section 49 of the Act provides that in determining an application to modify or destroy an archaeological site under section 44, HNZ must (relevantly) have regard to the matters set out in section

¹¹⁷ Submissions 672, 688, 696

¹¹⁸ Submission 604

59(1)(a), which in turn the Environment Court must have regard when determining an appeal. This states:

“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 –*
- b. the historical and cultural heritage value of the archaeological site and any other factors justifying the protection of the site.*
- c. the purpose and principles of this Act:*
- d. 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:*
- e. the interests of any person directly affected by the decision of Heritage New Zealand Pouhere Taonga:*
- f. a statutory acknowledgement that relates to the archaeological site or sites concerned:*
- g. the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, wahi topuna, wahi tapu, and other taonga, and*
- h. may confirm or reverse the decision appealed against or modify the decision in the manner that the Environment Court thinks fit”.*

237. In his evidence for HNZ, Dr Matthew Schmidt, supported by Ms O’Dea, stated that:

“Considering the effects of an activity on a site, in making a determination on an application to HNZPT to modify or destroy a site, HNZPT is limited to considering the effects on the archaeological site under strict criteria (see section 59 of the HNZPTA 201). However under a district plan, the effects on a listed site may take a wider berth such as the visual intrusion of a structure on a site or the impaired view of a site by adjoining landowners due to a development, and the Council can make it a condition in a Resource Consent that a site must be avoided due to its high significance to local history, hence directly managing the offsite impacts on this resource”¹¹⁹. (Our emphasis)

238. Ms Jones drew our attention to an Environment Court case which she contended supported the notion that the protection available under the HNZPTA was not adequate in some cases to ensure the protection of heritage sites¹²⁰. This case involved the proposed establishment of an oil drilling well in the Waitara Valley in North Taranaki. In that case the Court stated:

“We consider that it is abundantly clear from these provisions that the sections of the Act under consideration are directed at the protection of archaeological sites themselves and not wider areas beyond them. It is correct that the matters identified in section 59(1)(a) of the Act which might be considered when determining an application under section 44 are very

¹¹⁹ Dr M Schmidt, EIC, paragraph 17, and Mary O’Dea, EIC, paragraph 13.2

¹²⁰ Greymouth Petroleum Ltd v Heritage New Zealand Pouhere Taonga [2016] NZEnv 11

*wide in scope but they are clearly matters which must apply to the archaeological site in respect of which the application has been made.*¹²¹”

239. The Court went on to say that HNZ regulates physical interference by modification or destruction of archaeological sites under the HNZPTA, while local authorities regulate land use including any other form of interference with archaeological sites¹²².
240. We are satisfied that in law, a district council may seek to regulate land use in and around archaeological sites, subject of course to the necessary tests under section 32 of the RMA, including consideration of whether district plan rules may duplicate fully or in part, the role of HNZ under the HNZPTA. The concerns of the Court in this case (among other things) was not so much with ‘what’ was being controlled, but rather the *extent* to which control could be exercised over other activities beyond the archaeological site itself. Our concern with the proposed rules in Chapter 26 relating to archaeological sites are not whether they are lawful or not, but the manner in which they have been promulgated.
241. HNZ sought that five additional sites be added to the PDP, to bring the total to 20, which was accepted by Ms Jones as appropriate. Included among these was an old gold mining site, the Sew Hoys Big Beach claim which perhaps illustrates the issues associated with complex archaeological sites. Sites like this are characterised by linked features made up of a series of archaeological ‘sites’. In circumstances such as this, the establishment of new and inappropriately sited structures which are beyond (but close to) a single archaeological ‘site’, may obstruct the view of the heritage item or detract from its heritage values. In principle, we accepted that this was a legitimate concern that needed to be addressed. Another point, emphasised by Dr Schmidt, was that under the HNZPTA, while archaeological values associated with the total demolition of heritage buildings could be considered, this was not necessarily the case with *partial demolition*¹²³.
242. Other than by way of a few examples such as this, we heard little evidence as to why the particular sites had been listed in the PDP as requiring the additional protection of a rule in the district plan.
243. The Rules under Table 5 proposed a four level hierarchy of control. At the point of *least* control, this provides that modification, damage or destruction of an archaeological site would be a *permitted activity* subject to:
- “Any alterations to an archaeological site (scheduled or not) included within the provisions of an authority to modify, damage or destroy under the HNZPTA 2014, provided there are no other effects on heritage”* (our emphasis). Where there were *minor other effects* on heritage, modification, damage or destruction would be a *restricted discretionary activity* subject to:
- “The extent of the development on any heritage feature that is not covered under the archaeological authority”*¹²⁴.
244. Where there were *more than minor other effects* on heritage, the modification, damage, or destruction would be fully discretionary, and where an application (to HNZ) breached the

¹²¹ *ibid*, paragraph 38.

¹²² *ibid*, paragraph 42

¹²³ Dr M Schmidt, EIC, paragraph 20, and HNZTPA, section 42(3).

¹²⁴ Chapter 26, (notified version) Rule 26.6.18

HNZPTA, it would be a *prohibited activity*. In the case of the latter, such a provision at least potentially overrides the HNZPTA, to the extent that even if HNZ gave consent to disturbing an archaeological site, this was still be prohibited under the PDP.

245. Ms Jones recommended significant changes, a number of them to provide consistency between the format applied to heritage features and those applying to archaeological sites. This included adding rules relating to the 'relocation' of archaeological sites which had the potential to even further complicate matters. Under the regime suggested in her report, destruction, partial or full demolition of an archaeological site would be a discretionary activity; relocation would be a discretionary activity, and modification or alteration a restricted discretionary activity. The prohibited activity category in breach of the HNZPTA would be deleted. Discretion would be restricted to "*the effect of the alteration or modification on the heritage values of the site*".
246. We note that, as notified, there were **no** policies in the PDP specifically addressing the issue of regulating modification, damage or destruction of an archaeological site.
247. We are aware that many of the archaeological sites described were on public land, and in all probability, were not likely to be threatened by inappropriate works in their vicinity. However the physical extent of an archaeological site might be indeterminate under the PDP rules, and otherwise potentially affect permitted development on a property (or even an adjoining property or properties), to a substantial extent. We note that such effects are required to be taken into account by HNZ in decisions that it makes under section 59(1)(a)(iii) of the HNZPTA, but there is no indication that district plan rules would be subject to the same discipline. We are concerned about potential implications of the proposed rules, and even the extent to which such controls would be *intra vires*, noting that affected parties might be unaware of its implications for otherwise permitted property rights.
248. In terms of submitters' concerns about the duplication of consent processes, Ms Jones defended the need for the rules by suggesting they be qualified by adding the word "unnecessary" before duplication. The wording of the Council's discretion under Rule 26.6.18 as notified and 26.6.24 in Ms Jones' Reply Statement did not appear to differ in content from what HNZ has to consider under section 59 of the HNZPTA, and would appear to still amount to duplication.
249. We are prepared to accept in principle, that in a small number of cases, an archaeological site (and more especially an aggregation of such sites) may justify additional regulation under the PDP. The relevant factors we consider should apply in the circumstances are:
 - a. specifically identifying what activities in the environment surrounding an archaeological site may have an adverse effect upon it – e.g. the erection of structures, earthworks, planting etc, as opposed to effects on the heritage of the archaeological site itself which is properly the responsibility of HNZ.
 - b. an assessment of the extent to which such adverse effects can be controlled by other rules, for example where the site is within an outstanding natural landscape (ONL) or a heritage overlay area;
 - c. specific definition in plan form of the area wherein additional regulatory measures apply adjacent to archaeological sites – the plans accompanying an 'extent of place' as proposed for heritage features could be a good model.
250. In this way affected parties would have a clear indication of how and where their property rights could be affected.

251. A further factor emphasised by both Ms Jones and HNZ was the observation that there was no right for public participation through the procedures under the HNZPTA. However no indication was given to us as to why public participation is in fact either necessary or desirable, particularly given the applicants in those cases would be faced not only with two consent processes, but also the additional costs and delays flowing from public or limited notification which could well be very expensive and onerous. In this respect, we also note that potential for wider public involvement is not intended by the Council as part of the future identification of sites of significance to Tangata Whenua. Notwithstanding that such sites are subject to special recognition in terms of both Part 2 of the RMA, and the HNZPTA, notification is planned to be limited to recognised representatives of iwi where written consent has not been obtained, not for the general public¹²⁵.
252. Ms Gillies' submission expressed concern about the clarity of Table 5, and sought that it be re-drafted. We consider there is substance in the submitter's concerns as we have discussed above, but are of the view that the extent of re-drafting necessary is such that the necessary amendments go beyond the scope of what is appropriate without re-notification. The submitter also sought that a definition of 'archaeological site' be included in the PDP. We consider that it would be appropriate for users of the PDP to have such a definition incorporated into the document, in accordance with the definition provided in the HNZPTA. Accordingly we consider that this submission should be accepted in part.
253. As a final matter, we are of the view that for the convenience of plan users, the definition of heritage under the HNZPTA should be also included in Chapter 2. We recommend to the Stream 10 panel that both of those definitions be included in Chapter 2.
254. In conclusion, we are satisfied that, in limited circumstances, the incorporation of rules in the PDP to regulate activities in the environs of archaeological sites could be justified, but we are not persuaded that the proposed rules framework as notified is fit for purpose. We would not preclude the addition of carefully crafted and targeted provisions for this purpose in the PDP in the future as being appropriate.
255. However, in the meantime, we recommend the submissions in opposition to listing archaeological sites are accepted, and the provisions in Table 5 be deleted.
256. As will be apparent from the foregoing discussion, in terms of our obligations under Section 32AA we were not persuaded that the rules relating to archaeological sites (at least in their notified form) satisfied the tests under that section. They were at least potentially inefficient in that they would have imprecise and adverse regulatory effects on property rights. Further, we consider there would be associated costs resulting from their imprecise physical extent, and the lack of clarity around the actual effects that were sought to be regulated.

6.19 Table 6 – Heritage landscapes, Rule 26.6.21

257. The concept of 'Heritage landscapes' was introduced into the ODP pursuant to Plan Change 30, and has been carried over into the PDP. For the reasons noted earlier in Section 3, we recommend that this term be replaced with the new term 'Heritage Overlay Area', and we use this term in discussing the rules. There are four such areas identified: Skippers, Moke Lake and Sefferton, Macetown, and Glenorchy. The physical boundaries of each of these areas is defined in plan form under Section 26.12 of Chapter 26 as notified, and each is

¹²⁵ Rule 26.6.16 as notified

accompanied by a 'Statement of Significance' and a short list of the 'Key Features to be protected'. In this respect, the format is very similar to that of Heritage precincts. A significant difference in terms of the PDP is that unlike the ODP, it now contains *rules* as well as policies.

258. These areas are historically associated with mining endeavours, although that at Glenorchy is unique in that its primary association is with scheelite mining, which has continued intermittently until quite recent times. In terms of its location and history, its development has been quite distinct from the historic gold mining activities contained within the other three Heritage Overlay Areas.

259. Notified Rule 26.6.21 applied to Heritage Overlay Areas, and, as notified, classified the following activities within these areas as discretionary activities:

"Development in heritage landscapes

Earthworks over 200m³ (but excluding farm track access, fencing, firebreaks and public use tracks)

Buildings over 5 m² in footprint

Subdivision

Forestry

Removal or destruction of any heritage feature that contributes to the values of the heritage landscape and is referred to in the statement of significance".

260. The primary submitter we heard on the subject of heritage overlay areas was NZTM¹²⁶, specifically focused on the Glenorchy Heritage Overlay Area (GHOA), although their submission sought relief over Heritage Overlay Areas as a whole. Federated Farmers¹²⁷ and Ms Gillies¹²⁸ supported the provisions on heritage overlay areas. We have addressed the issue of the policy framework for Heritage Overlay Areas earlier.

261. Some brief background is important to our consideration of this issue. NZTM have a prospecting permit covering the great majority of the GHOA¹²⁹, an extensive area on the mountain slopes to the east of Glenorchy. Dr Cawte, an archaeologist, who has an expert knowledge of this area, explained that levels of scheelite extraction have ranged between 'small scale' and 'industrial scale' activities, in response to prevailing market prices for tungsten. He said that 17 sites where mining activity has been undertaken have been identified on "Archsite"¹³⁰, of which all but one date from post 1900. He said they could therefore not be regarded as archaeological sites but could be regarded as 'historic features' under the RMA¹³¹. His key point was that the protection of heritage mining sites needed to be more specific as to what was being protected, and in his view there was an element of 'feature bias' involved in the Council's approach which seemed to favour mine entrances over

¹²⁶ Submission 519, supported by FS1015, opposed by FS1356

¹²⁷ Submission 600, supported by FS1209, opposed by FS1034

¹²⁸ Submission 604

¹²⁹ G Gray, EiC, paragraph 4.7

¹³⁰ Dr H Cawte, EiC, paragraph 4.8

¹³¹ *ibid*, paragraph 4.11

other forms of mining heritage, which included discarded tailings and machinery, water races, etc. His view was that underground mining features were not a high priority for protection.

262. The key features to be protected in the GHOA (Section 26.12.9 as notified) are as follows:

“26.12.9. All mines, mining huts, the cableway and track ways within the [GHOA] boundary (including the Black Peak mine)

26.12.9.2 The mine sites along the Mount Judah Road

26.12.9.3 All other known archaeological sites and historic places within the [GHOA]”

263. Ms Baker–Galloway presented legal submissions on behalf of NZTM and set out for us the legal background to the development of the concept of ‘heritage landscapes’ through case law. She pointed out that mining is not an activity that can be considered in terms of alternative sites, because it is confined to the location of the mineral resource itself, and will often occur in areas where mining has occurred in the past. One issue that she raised (and which became particularly apparent when we were considering the overlap between Chapter 21 (Rural) and Chapter 26, was the potential confusion between section 6(b) landscape matters and Section 6(f) heritage matters and the risk of ‘double counting’¹³². We are concerned at the potential for confusion between the physically overlapping areas identified as ‘Heritage Landscape’ and ‘Outstanding Natural Landscape’, which applied to all of the Heritage Landscapes identified in the PDP. As discussed in Section 3 above, this persuaded us of the necessity to alter the description of the Heritage Landscapes to read ‘Heritage Overlay Areas’, which equally well captures the concept of heritage mining sites dispersed over a wide area, as is typically the case with historic mining activities in this district.

264. At this point, we draw attention to submissions made by both NZTM and Stratterra (and associated further submissions) with reference to the four Heritage Overlay Areas identified in the PDP, and specifically the ‘Key features to be protected’ clauses associated with these heritage overlay areas¹³³. These submissions are dealt with later in these recommendations. Except to provide context, the following discussion is confined to the *rules* which apply within the GHOA and heritage overlay areas.

265. Dr Cawte’s evidence emphasised the key thrust of the submitter’s case when he stated that:

“Heritage is not a static quality that is already been produced but is an evolving and dynamic quality that responds to the community. In heritage management and protection a desirable situation is one in which the original, or long-term occupier maintains a connection to the site. This situation has implications when considering the ongoing viability and management of heritage sites, features and structures. Thus when it comes to modifying that site, impact is balanced with the benefits of maintaining that connection”¹³⁴.

266. It was the case for NZTM that ongoing mining should be provided for as this would maintain or even enhance the heritage values of the GHOA. We were made aware that NZTM was also

¹³² M Baker Galloway, Legal Submissions, paragraph 8.1

¹³³ Submissions 598 and 519

¹³⁴ Dr H Cawte, EiC, paragraph 6.6

a submitter on Chapter 21 (Rural), which came as no surprise given the degree of overlap between Chapter 21 and its rural rules, and Chapter 26 in terms of rules relating to heritage.

267. Obviously relevant to the NZTM submission was the nature of mining activities that could be anticipated in the GHOA in the future. Mr Gray said he expected mining to be underground using modern tools, and that mine entrances would typically range between 3x3m and 5x5m in size¹³⁵. Associated with this would be a mining building typically up to 10m² in floor area which would be essential for safety and efficiency.
268. Mr Vivian, NZTM's consultant planner, was unwell and unfortunately unable to attend the hearing. His written evidence was that the GHOA was an unnecessary overlay to the rural rules, on the basis that there was already a comprehensive set of rural rules in Chapter 21. However, he conceded that the scope of their submission did not allow for them to be deleted¹³⁶.
269. Before discussing the rules that apply to the land identified as Heritage Overlay Areas under Chapter 21, it is necessary to consider how the provisions in the various chapters of the PDP inter-relate. As we discussed in the early part of this report, Chapter 26 is the primary means by which the Council recognises and provides for the following relevant matter of national importance:

*f The protection of historic heritage from inappropriate subdivision, use, and development.*¹³⁷

270. On the other hand, the provisions contained in Chapter 21 have the broader focus of achieving the functions of the Council¹³⁸ within the area zoned Rural. This includes, importantly in respect of the areas identified as Heritage Overlay Areas, the protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development¹³⁹. In our view, the answer to Mr Vivian's criticism of the Heritage Overlay Area provisions is to ensure that any rules relate solely to the purpose of protecting historic heritage from inappropriate use and development (subdivision being dealt with under Chapter 27).
271. The Chapter 21 rules applicable to mining, as notified, included the following:
- 21.5.14 Structures
 - 21.5.15 Buildings
 - 21.5.17 Height
 - 21.5.30 - 32 Mining Activities
272. Although 'earthworks' were defined in Chapter 2 as notified, no objectives, policies or rules relating to earthworks were notified in Stage 1 of the PDP. Since the hearing, Stage 2 and variations have been notified. This included Chapter 25 Earthworks. This provides that mining is exempt from the earthworks rules (Notified Rule 25.3.4.5), and that the maximum volume of earthworks allowed as a permitted activity in a "Heritage Landscape Overlay Area"

¹³⁵ G Gray, EiC, paragraph 8.1

¹³⁶ C Vivian, EiC, paragraph 4.24.

¹³⁷ Section 6(f)

¹³⁸ As set out in section 31

¹³⁹ Section 6(b)

is 10m³ (Notified Rule 25.5.2). To exceed that amount is restricted discretionary activity (notified Rule 25.4.2) with the matters of discretion set out in Rule 25.7.

273. Turning our recommended Chapter 21 provisions¹⁴⁰, under Rule 21.4.30 these allow for mineral 'exploration' up to 20m³ per hectare as a controlled activity. Any other mining activity, or mineral prospecting that does meet the limited standards for a permitted activity¹⁴¹, is a full discretionary activity¹⁴².
274. Under Rule 21.4.12, buildings outside of a residential building platform are a discretionary activity. A structure less than 5m² in area and less than 2m in height is excluded from the definition of building¹⁴³. Under Rule 21.7.2, buildings over 5m² are subject to standards relating to reflectivity.
275. The submitter has sought that earthworks be provided for up to 2000m³ (but not qualified by area or timeframe); that a building of up to 10m² in floor area be permitted; and that the Statement of Significance be confined to addressing the removal or destruction of heritage features referred to in the Statement of Significance.
276. We have already accepted earlier in our recommendations on the objectives and policies that the potential for ongoing mining activities should be provided for. The rules are a more difficult problem to address. Ms Jones has recommended mining activities be excluded from the control of earthworks in the standards for Heritage Overlay Areas. No party has specifically sought this through their submissions, but it is – in part – a 'default' position because mining appears to have been captured by the classification of the activity of earthworks in notified Rule 26.6.21, but exempted from the earthworks rules in Chapter 25. However, the effect of Rule 26.6.21 is to require resource consent for mining beyond a threshold of 200m³.
277. We concur with the submitter and Ms Jones that the activity status for removal or destruction of any heritage feature should be specifically confined to those referred to in the Statement of Significance, or Key Features to be protected, with a cross-reference advising plan users that an authority may be required to destroy or modify any sites identified as archaeological sites under the HNZPTA. In saying this, we are aware that within the GHOA the great majority of (known) sites *postdate* 1900, and are not, therefore, archaeological sites as defined.
278. We accept Mr Vivian's contention that, particularly in an exposed alpine environment like this, some form of building however minimalist, would be essential for practical and safety reasons. However, allowing for an increase in size under the Heritage Overlay Area provisions would not alter the requirement for a consent under the Chapter 21 rules.
279. We acknowledge that mining of the scheelite resource is part of the cultural and historic character of Glenorchy, and could potentially at least make a modest contribution to local tourism, under the possible scenario described by Mr Gray¹⁴⁴. The further scope for developing this, however, is beyond the scope of the current hearings.

¹⁴⁰ See Recommendation Report 4A

¹⁴¹ Rule 21.4.29

¹⁴² Rule 21.4.31

¹⁴³ Chapter 2

¹⁴⁴ G Gray, EiC, paragraph 8.7

280. Ms Jones suggested amendments to provide for ongoing mining in the GHOA both at a policy level and in the Statement of Significance. She also sought that the rules (relevant to mining) be amended to require consent as a full discretionary activity for:
- a. earthworks over 200m³ excluding mining activities;
 - b. (all) buildings;
 - c. specifying that the removal or destruction of any heritage feature be linked to the 'Statement of Significance' or the 'Key Features to be protected' rather than those which "contribute to the values of the heritage landscape"; and –
 - d. a cross-reference to the definition of an archaeological site, and to the need to obtain consent from HNZ to disturb an archaeological site; and potentially the need for a resource consent for those sites listed under Table 5 (archaeological sites), discussed in the preceding section. Discussion relating to the statements of significance and key features to be protected is included in Part 2 of these recommendations.
281. As discussed earlier in our recommendations, we accept that further mining of the type (underground) and scale previously carried out in the GHOA would be appropriate in that Heritage Overlay Area. We would qualify this by our agreement with Ms Jones that the right balance is achieved through 'enabling' rather than 'encouraging'¹⁴⁵. The evidence we heard is that future mining would be similar to that in the past – that is underground, given the physical nature of the subsurface reefs containing scheelite. If we confine our consideration of the effects of mining within a Heritage Overlay Area to those matters which the HOA is concerned – namely effects on historic heritage, then we need to focus on the effects on the surface heritage features remaining from previous mining endeavours. Other potential adverse effects of new mining activity, such as the storage of large items of equipment, poorly sited or coloured/reflective structures, road construction, exposed surface earthworks or tailings dumps, are dealt with under Chapter 21.
282. Having regard to the scope available to us, the need for reasonable consistency with the recommendations of the Hearing Panel (differently constituted) on Chapter 21, we conclude that, in terms of the heritage aspects covered by the Heritage Overlay Area provisions, the following rules should apply:
- a. for the purposes of mining (including the deposition of excavated mine waste) the volume able to be extracted as of right be limited to 500m³ per mining site/per annum provided the earthworks do not involve the removal or destruction of any heritage feature referred to in the Statement of Significance or key Features to be Protected.. This is greater than the very modest level of 200m³ proposed by the reporting officer, but less than the 2,000m³ sought by the submitter. Without much more detailed information – and even then – it is difficult to arrive at a fully objective threshold level of determining what an appropriate scale of mining should be. We have selected 500m³ as being a reasonable threshold volume on an annual basis for an individual mine site, bearing in mind the heritage values of the receiving environment and noting that other provisions in the PDP would require a consent in any event. Beyond this volume threshold a resource consent as a discretionary activity is required;
 - b. that a building ancillary to mining activity on a mining site within a Heritage Overlay Area be allowed up to a maximum floor area of 10m², as sought by the submitter. Rule 21.7.2 would require any building exceeding 5m² to meet certain standards as to colour and reflectivity;

¹⁴⁵ Section 42A Report, paragraph 16.14

- c. that “development in heritage landscapes” and “subdivision” be deleted from Rule 26.6.21¹⁴⁶; and
- d. that the words “contributes to the values of the heritage landscape and” be deleted from the last activity listed in Rule 26.6.21 and the addition of the words “or Key Features to be Protected”¹⁴⁷.

283. We are satisfied that these amendments, although not particularly elegant, fall within the scope of submissions on what is contained in the PDP as notified. If scope was available, we would recommend that the activities listed in recommended Rule 26.5.15 require consent as a restricted discretionary activity, with discretion limited to the effects on the heritage values of the relevant HOA as expressed in the Statement of Significance and Key Features to be Protected, the location of buildings, and the location of any depositing of earthworks or mining tailings.

284. As part of our assessment, we were not convinced that the rules framework within Heritage Overlay Areas as notified in Chapter 26 sat comfortably with Section 32AA(2) - particularly in terms of the unclear relationship between the rules in Chapters 21 and 26, both of which impinge on potential mining activities. This is a consequence of the degree of duplication and overlap between these provisions, and calls into question the effectiveness and efficiency of the rules. Within the scope available to us, we have attempted to provide a greater degree of precision to the application of rules relating to volume of excavation undertaken, and the scale of buildings associated with mining activity, which we consider would better achieve the objectives and policies, particularly with respect to recommended new Policy 26.3.4.5.

285. As a result, we recommend that the rule applying to Heritage Overlay Areas be as follows:

¹⁴⁶ As recommended by Ms Jones in her Reply Statement

¹⁴⁷ As recommended by Ms Jones in her Reply Statement

<p>26.5.15</p>	<p>Notwithstanding Chapter 21, pertaining to the Rural Zone, the following additional rules apply within Heritage Overlay Areas as defined in Section 26.10:</p> <ol style="list-style-type: none"> 1. Mining on a mining site where the volume of material excavated or subsequently stockpiled exceeds 500m³ per mining site per annum (but excluding farm track access, fencing, firebreaks and public use tracks). 2. A building ancillary to mining on a mining site, which has a building footprint greater than 10m² in area; <p style="margin-left: 40px;">For the purposes of Rule 26.4.15.2, a 'building' means any building or structure that is new, relocated, altered, reclad or repainted, including containers intended to, or do, remain on site for more than six months, or an alteration to any lawfully established building.</p> 3. Removal or destruction of any heritage feature referred to in the Statement of Significance or Key Features to be protected. 4. Forestry <p><i>Notes:</i></p> <ol style="list-style-type: none"> <i>i. Where archaeological sites are referred to in the Statements of Significance or Key Features to be protected, reference should be made to the definition of archaeological sites in Chapter 2 – Definitions.</i> <i>ii. If intending to destroy or modify, or cause to be destroyed or modified, an archaeological site, an Authority will be required from Heritage New Zealand pursuant to the HNZPTA 2014.</i> <i>iii. Reference should also be made to the rules in Chapter 21, which also apply within Heritage Overlay Areas.</i> 	<p>D</p>
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6.20 Sections 26.7 and 26.8

286. J Gillies supported Section 26.7 relating to notification. As this was the only submission relating to notification, we recommend that it be accepted, although we recommend the provision be renumbered 26.5.16.

287. J Gillies also supported Section 26.8 relating to Heritage Precincts. We recommend that this submission point be accepted in part in recognition of the retention of these precincts subject to some amendments and renumbering as 26.7.

PART C: SUBMISSIONS ON LISTINGS OF HERITAGE FEATURES PRECINCTS AND HERITAGE OVERLAY AREAS

7. INTRODUCTION

288. Heritage features were listed in Section 26.9 [as notified] of the PDP. It becomes renumbered as Section 26.8 as a consequence of our recommendations. Each listing is contained in columns in order of:
- a Reference Number (Ref. No) which identifies the feature in Councils records;
 - reference to the map on which the heritage feature is identified;
 - a description of the feature;
 - a legal description and valuation reference;
 - the HNZ category listing (where applicable);
 - the proposed category listing under the PDP (Category 1, 2, or 3).
289. There were only a relatively small number of submissions opposing the listing of heritage features in the PDP, even where submissions had sought an 'upgrade' to the category in which the heritage feature was listed. Promoting a heritage feature into a higher category (e.g., from Category 3 to Category 2) has the effect of increasing the level of regulatory control. Requests for entirely new listings will have the effect of imposing controls over demolition, partial demolition, relocation or alterations which apply in addition to other rules relating to any subsequent site development.
290. Only a relatively modest amount of information was provided to us in support of new or changed listings, which in the case of the submitters was mainly from HNZ and Ms Gillies. The primary source of information available to us was the statement of evidence of Mr Richard Knott on behalf of the Council, accompanying Ms Jones' Section 42A Report. In the course of his report, Mr Knott made reference to heritage assessments carried out by, or on behalf of, a number of parties, all of which are acknowledged with footnotes in his evidence, as well as HNZ Registration Reports supporting the categorisation of various features under the HNZ's own system of categorisation. The categorisation of buildings by HNZ does not in itself confer any protection; this can only be achieved through a district plan.
291. In addressing the submissions, we note that, in a number of cases, requests for the listing of individual features, or amendments to their classification, were summarised together under one submission point, examples being submissions by IPENZ (201); HNZ (426) and Ms Gillies (604). Some of the submissions have been summarised as including multiple listings under the same submission point, or where some further submissions relate to an individual heritage feature where there are multiple features under the same submission point. This has complicated matters in terms of whether one particular submission point is granted in full or in part. We will refer to the overall submission numbers to avoid confusion.
- 7.1 Out of Scope Submissions**
292. We note at this stage that several submissions were lodged in relation to heritage features or proposed heritage features that were within the area of central Queenstown subject to Plan Change 50, which was withdrawn from the PDP by the Council on 23 October 2015. The relevant submissions were: part of 604¹⁴⁸ related to the Queenstown Campground Cabins

and HNZ further submission in support¹⁴⁹; 604¹⁵⁰ concerning Glenarm Cottage; 672.¹⁵¹ concerning Glenarm Cottage; 516¹⁵² and 517¹⁵³ seeking withdrawal of Chapter 26 provisions relating to the PC50 area.

293. As that area no longer forms part of the PDP the submissions are no longer *on* the Plan, and are therefore out of scope. We consider them no further.

7.2 Consent Status

294. Critical to many of the submissions is the consent status of works affecting heritage features, which we have considered in Part 1 of these recommendations on Chapter 26. To provide context for our recommendations with respect to listings, set out in the Table below is the status of works applicable to Categories 1, 2, or 3 in accordance with our recommendations contained in Part B.

PR = Prohibited activity
 NC = Non-Complying activity
 D = Discretionary activity
 RD = Restricted Discretionary activity
 P = Permitted activity

	Cat 1	Cat 2	Cat 3
Total demolition or relocation to another site	PR	NC	NC
Partial demolition or relocation within a site	NC	NC	RD
External alterations and additions	D	RD	RD
Internal alterations	D	RD	P
Development within a setting or extent of place	D	RD	RD

7.3 Request for Reinstating ODP listing – Kingston Flyer

295. Karl Barkley, Kingston Community Association, Geraint Bermingham and Janet McDonald¹⁵⁴ have sought that the Kingston Flyer be reinstated on the list of protected heritage features. Mr Barkley and Ms McDonald each gave evidence opposing the removal of the train itself from the heritage listing.

¹⁴⁹ Further Submission 1098

¹⁵⁰ J Gillies

¹⁵¹ Watertight Investments

¹⁵² McFarlane Investments

¹⁵³ J Thompson

¹⁵⁴ Submissions 63, 31, 822 and 118 respectively

296. Under the PDP, Item 411, the Kingston Flyer *Railway* (between Kingston and the Southland District boundary) including the turntable, water tank, water weir and crane are still listed.
297. Ms Jones' report expressed the view that under the RMA, the protection of historic heritage does not include *mobile* heritage items – whether these be cars, ships, or trains for example¹⁵⁵. The definition of historic heritage under Section 2 of the RMA includes “*natural and physical resources*” including “*historic sites, structures, places, and areas*”. Natural and physical resources are defined to include “*land, water, air, soil, minerals, and energy, all forms of plants and animals and all structures*”. “*Structure*” is defined as meaning any “*building, equipment, device, or other facility made by people and which is fixed to land, and includes any raft*”.
298. There can be no doubt that historic transportation equipment has heritage values – be it the Kingston Flyer locomotives and carriages, the locomotives and carriages on other preserved railways, historic vessels like the *TSS Earnslaw* and the steam tug *Lyttelton*, vintage aircraft, trams on the Christchurch Tramway, and collections of vintage vehicles. However, we were not persuaded that there was a *legal* basis for listing such items, including the Kingston Flyer, and we note that it became apparent that the same conundrum applied to the listing of the historic *TSS Earnslaw*, as discussed later in these recommendations. We note that the Council accepted that the listing of mobile items was *ultra vires*¹⁵⁶. This may be a deficiency in the applicable legislation, particularly given that if the train is removed, the heritage value of the listed track and its future survival, becomes problematic. However, that is beyond the scope of what we can consider.
299. Apart from that, it is understood that there was some pressure for delisting the item to enable its possible relocation elsewhere, although we do not consider that to be relevant to our consideration of the submissions. Mr Barkley presented evidence on options for resuscitating the train service, and the need for financial support from the Council, but these are matters that are completely beyond the jurisdiction of these hearings. Although it may appear ironic, should the train itself be relocated elsewhere, any works affecting the fixed railway infrastructure between Kingston and the district boundary – including demolition – would still require a resource consent.
300. The railway itself clearly has heritage significance, having been present in Kingston since 1878. In its more recent iteration, the Kingston Flyer operated between Lumsden and Kingston between 1971 and 1979, and subsequently between Fairlight and Kingston since 1982, albeit punctuated by periods of inactivity associated with the financial difficulties of its successive owners. The operation has been up for sale for several years and its current condition can be best described as derelict and a form of demolition by neglect. In this context, the resentment and strong views held by the submitters, which include adverse effects on the village of Kingston itself, can be seen as understandable.
301. However we remain satisfied that there is no legal basis for listing mobile heritage items, notwithstanding the fact that it has heritage significance. There are also potentially significant practical issues with listing this item, particularly if the locomotives and rolling stock require heavy maintenance, such as the removal of a locomotive boiler off-site for

¹⁵⁵ V Jones, Section 42A Report, paragraph 21.10

¹⁵⁶ S Scott, Legal Submissions for the Council, paragraph 3.1

overhaul. Such works could well necessitate a resource consent in order to be undertaken. We recommend that these submission points be rejected.

302. Before leaving this subject, we note there was one additional submission lodged by the Waimea Plains Railway Trust¹⁵⁷. Although a little unclear, it appeared that the submission was supporting the retention of the railway infrastructure at Kingston, although the submission was not making reference specifically to Chapter 26 as notified. The content of the submission was not addressed in the body of Ms Jones' report. However, Appendix 2 to that report recommended that it be accepted in part. We adopt that position and recommend this submission be accepted in part.

7.4 Listing of the TSS Earnslaw (Item 37)

303. Ms Gillies¹⁵⁸ and IPENZ¹⁵⁹ addressed the issue of the listing of this historic steamship and its berth on the northern side of Queenstown Bay. Ms Gillies submitted that the listing of item 37 was clearly intended to apply to the *ship*, not the berth – a position supported by Mr Knott. However, the submission by IPENZ specifically made reference to listing the ships *berth*. Real Journeys were opposed to any increased protection for items associated with this operation generally. Specifically, they challenged the *vires* of listing mobile items such as the *TSS Earnslaw*, although they went to considerable pains to emphasise that the protection of the character of this vessel was a matter of paramount importance to the company.

304. We note that the item has Category 1 listing and is described in the Inventory as:

“TSS Earnslaw, berthing located at Steamer Wharf, Beach Street”.

The site is given as being *“adjacent to Section 76 Block XX Shotover SD”.*

305. We are aware that the modern 'Steamer Wharf' development replaced the original modest 'railway station' building previously adjacent to the wharf. The use of the word “berthing” would suggest that the wharf itself is intended to be listed, although we heard no evidence to clarify this point. Both Mr Knott and Ms Gillies were clear that the listing only related to the ship itself.
306. In similar vein to the discussion above on the *Kingston Flyer*, a parallel issue arises in terms of the listing of the *TSS Earnslaw*, which is also a 'mobile item' whose 'setting' could be taken to include the entire lake, or certainly a large part of it, which the ship traverses from time to time. This issue was discussed in terms of the listing of the *Kingston Flyer* above we made reference to legal advice received on this matter.
307. For these reasons, we are satisfied that the listing of the *Earnslaw* as a protected heritage feature is *ultra vires*, a position accepted by the Council itself. Although no submission has specifically sought that it be removed from the inventory, given that its listing is not legally valid, we recommend that it be removed without further formality. We consider it is necessary to reiterate at this point that we have absolutely no doubt that the *Earnslaw* and the *Kingston Flyer* have very high heritage significance, and probably higher than most of the items otherwise listed for protection in the PDP. Our recommendations with respect to these features are simply made on the basis of the application of the law.

¹⁵⁷ Submission 101

¹⁵⁸ Submission 604

¹⁵⁹ Submission 201, opposed FS1341

7.5 Request for Area of Special Character (Hobart and Park Streets)

308. DJ and EJ Cassels, the Bulling family, the Bennett Family, M Lynch¹⁶⁰ and the Friends of the Wakatipu Gardens and Reserves Inc¹⁶¹ sought that an 'area of special character' be extended over the area south of the Wakatipu Gardens bounded by Hobart and Park Streets/Frankton Road as having townscape and landmark value, being part of an older residential area of Queenstown. Further submissions in opposition contended that the area was suitable for medium or high density residential development, an outcome which could be frustrated by the relief sought through the submissions.
309. Ms Baker–Galloway presented legal submissions on behalf of the submitters, and described the area as having “*low storey heights, smaller masses and naturally offset footprints and boundaries*”, and a built character which “*reflects a lengthy development heritage that has almost vanished in Queenstown*”¹⁶². She emphasised that the submitters were primarily concerned with the scale and built character of this environment, rather than the protection of heritage per se. She added that in terms of resourcing, the submitters were faced with the difficulty of having to attend two or more hearing streams to present a coherent case.
310. Ms Baker-Galloway explained that the concept of a special character area, perhaps in the form of an overlay of additional controls, was distinguishable from the heritage precincts provided for elsewhere in the PDP.
311. During the course of our site visit, we inspected the subject area and noted that there is a quite eclectic mixture of old and modern dwellings, ranging from low to medium density and scale. From the perspective of *heritage character*, we concluded that there is insufficient heritage 'intactness' to justify its recognition as a heritage precinct, or as some other form of special character area based on historic heritage. It would appear the concerns of the submitters would be more appropriately addressed with respect to standards relating to density and height, which are contained in Chapter 8 (Medium Density Residential) of the PDP. These submissions, to the extent they relate to Chapter 26, are recommended to be rejected.

7.6 Queenstown Court House Historic Heritage Precinct

312. Ngai Tahu Property Ltd and Ngai Tahu Justice Holdings Ltd¹⁶³ opposed the incorporation of the modern Pig'n'Whistle building within part of the Precinct. The Precinct incorporates a small number of buildings and a public open space including the former Courthouse near the corner of Stanley and Ballarat Streets.
313. It was common ground between Ms Jones and the submitters that the Pig'n'Whistle building was a modern building, albeit with a design element of heritage appearance, and that it should be excluded from the Precinct. This conclusion was also supported by Mr Knott for the Council. There was however a residual issue concerning where the redrawn boundary of the Precinct should be placed, with Mr Williams, representing Ngai Tahu, expressing the necessity for it to not include the north-eastern facade of the Pig'n'Whistle building¹⁶⁴. We

¹⁶⁰ Submission 503, supported by FS1063, opposed by FS1315

¹⁶¹ Submission 506, supported by FS1063, opposed by FS1260, FS1315

¹⁶² M Baker–Galloway, Legal Submissions, paragraph 2.1 (b).

¹⁶³ Submission 596

¹⁶⁴ T Williams, EIC, paragraph 8

concur with his suggestion that the boundary be drawn 1m off this facade. We recommend that this submission be accepted and the maps be amended accordingly.

8. SUBMISSIONS SEEKING THE ADDITION OF FURTHER HERITAGE FEATURES INTO THE PDP

8.1 Mining and Archaeological Sites

314. HNZ¹⁶⁵ sought the listing of Wong Gongs Terrace Historic Area, the Reko's Point Chinese gold mining area and the Roaring Meg Bridge abutment to the list of *archaeological sites* under Section 26.10 of the PDP as notified. IPENZ¹⁶⁶ also requested that Wong Gongs Terrace Historic Area (HNZ number 7549) be listed, but as a protected heritage item.
315. IPENZ¹⁶⁷ and HNZ¹⁶⁸ have also sought that Sew Hoy's Big Beach Claim be added to the list of archaeological sites that the Council has sought be subject to plan rules under the PDP. Ms Jones, supported by Mr Knott, recommended that Sew Hoy's Big Beach Claim Historic Area be listed as an *archaeological feature*.
316. We note that these *archaeological sites* sought for listing by HNZ are separate to those proposed to be recorded under protected *heritage features* under Section 26.7.
317. The effect of submissions made, particularly by HNZ, was to seek the inclusion of a further five archaeological sites under the *plan rules* to make a total of 20, which included these sites. We note however that IPENZ was simply seeking that these items be listed as heritage features rather than archaeological sites. The reporting officer recommended that Wong Gongs Terrace be added to the list of *archaeological sites* (Item 10), along with Reko's Point (Item 715) and the Roaring Meg Bridge abutments (Item 716).
318. In Part B of these recommendations, concerning Section 26.6 [as notified] of the PDP, we discussed in some detail the Council's proposal to incorporate 15 archaeological sites into the Plan – accompanied by their own rules – which would apply in parallel to those for archaeological sites under the HNZPTA. In that assessment, we made it clear that we were not averse in principle to (selectively) having parallel rules in the district plan relating to heritage sites, especially where there were a number of linked archaeological sites over a wider area. However we have significant reservations about doing so where these areas were not defined in such a way as to provide certainty for the affected landowners.
319. We were not satisfied that the provisions in the PDP as notified clearly identified and clarified the scope of the assessment matters that would apply to the consideration of resource consent applications affecting archaeological sites, or the physical extent of the area over which such restrictions might apply. We were of the view that the necessary changes to make such provisions workable were beyond the scope of what could be given effect to through submissions.
320. We also understand that a number of these features fall within heritage overlay areas which have layer of rules which apply under Chapter 26 in addition to the rules in Chapter 21. We heard no evidence with respect to the sites themselves.

¹⁶⁵ Submission 426

¹⁶⁶ Submission 201

¹⁶⁷ Submission 201

¹⁶⁸ Submission 426

321. We agree that, in principle, the nature of most of these heritage items are such that they are better listed for inclusion as archaeological 'sites' than as protected heritage features. However we remain of the view that until matters relating to the rules framework and the physical identification of such sites are clarified, the uncertainties associated with these provisions is such that the submission points should be rejected. We reiterate that if at some future point these deficiencies were rectified, it is considered that their inclusion within the PDP might be appropriate.
322. This does not signal that these features are unworthy of listing, but that they need to be better defined if incorporated under archaeological sites. We therefore recommend that these submission points be rejected.
323. IPENZ¹⁶⁹ and HNZ¹⁷⁰ have also sought that the Pleasant Terrace Workings be listed (this is discussed below under Item 67 Sainsbury's House, to which the site is related).

8.2 Millbrook Stables and Blacksmiths Shop

324. Ms Gillies¹⁷¹ sought that these items be added as protected heritage features in the Inventory in Section 26.7.
325. The situation with heritage features on the large Millbrook Golf Resort development is relatively complex. There are two listed items which were notified with the PDP within Millbrook – these are (a) Item 71 Stone Cottage, (McAuley) Malaghans Road; and (b) Item 93 (Butels Flour Mill, original foundations and stone wall, off Butels Road, Millbrook area). The former is a relatively isolated building towards the western end of the Millbrook complex. However, towards the centre of the golf resort is a range of commercial buildings centred around a small 'village green'. These include a group of heritage structures including the former Butel Flour Mill (now a conference centre) having a Category 2 listing; the original stone stables (now used as a kitchen); a former granary (later used as an implement shed and now the 'Hole in One' Bar); and a smokehouse/blacksmiths workshop. Of this group, only the Butel Flour Mill building was included in the PDP (as notified) as a protected heritage feature.
326. The submission of Ms Gillies¹⁷² said:
- “Millbrook Stables and Blacksmith Shop – assessment completed – but is this included in the schedule?”*
327. The wording of this submission is far from satisfactory in terms of its clarity, but on a generous interpretation of the 'relief sought', we have concluded that the additional listing of these two features is being sought. Millbrook Country Club Inc. did not further submit in opposition to Ms Gillies on this particular submission point, although as part of their wider submission on Chapter 26, their consultant planner (Mr Dan Wells) presented some maps to the Hearing which were at least helpful in showing the location of the subject buildings.

¹⁶⁹ Submission 201

¹⁷⁰ Submission 426

¹⁷¹ Submission 604

¹⁷² *ibid*, page 7

328. Mr Knott stated he had visited the buildings and relying on a 2013 assessment prepared by Ms Gillies, concluded that the buildings had high historic/social value, townscape/contextual value, rarity and representative value, technological value and archaeological value. On this basis he considered they should be included under Category 2¹⁷³.
329. Another dimension relevant to this particular submission is the wider submission by Millbrook Country Club as part of a group of four submitters who are seeking similar relief with respect to the objectives policies and rules. One of these submissions relates to development within 'settings' and the submitter had sought that 'setting' be defined as only applying to development within a 30m radius of a listed heritage feature¹⁷⁴. The Millbrook Country Club made the suggestion on the basis that they were concerned that 'setting' was poorly defined. Specifically, a property owner would not know what part of his land would be affected by development in the vicinity of a heritage building.
330. Matters relating to settings were discussed earlier in Part B of our report. Ms Jones had recommended, and we accepted, that on larger or complex sites it was appropriate to physically define in plan form the 'extent of place' as an alternative to simply referring to the 'setting'. In this case, in response to Ms Gillies submission, the Council supported the inclusion of the Millbrook Stables and the Blacksmith's Shop as Category 2 heritage features in addition to the already listed former Butels Flour Mill, and a plan defining the 'extent of place' for all of these features. Those heritage features where the settings are defined by way of a plan showing the 'extent of place' are contained in Section 26.8.1 as amended by our recommendations.
331. Having visited the site, we have arrived at two primary conclusions. We accept that on the merits, the former Millbrook Stables and Blacksmiths Shop/smokehouse are worthy of listing, but note that they had been subject to significant modifications and that it would be appropriate at this stage to apply a classification of Category 3 rather than Category 2. These items are recommended to be added as a new Item 82 to the Inventory in Section 26.8 reading as follows:
- "Millbrook Stables (remaining historic stone structure), and the Blacksmiths building/smoker".*
332. We have excluded the former granary / implement shed because its listing was not sought through the submission by Ms Gillies, and hence there is no jurisdiction to include it in the Inventory.
333. In terms of the identification of the 'extent of place' for the three listed heritage buildings, we have concluded that given their close proximity and relationship to each other, that the Council's proposed 'overlapping' extent of places defined under Sections 26.8.1.14 (Millbrook Stables and Blacksmiths Shop/Smokehouse) and 26.8.1.15 (Butels Flour Mill) is appropriate in this case. We also concurred that the inclusion of the green space between these buildings, and the inclusion of the unlisted former granary/implement shed within *the extent of space* is appropriate, given that all of these structures provide a sense of enclosure for the green space.

¹⁷³ R Knott, EiC, paragraphs 6.9 – 6.11.

¹⁷⁴ Submission 6969

334. The extent of place for Item 71 (McAuley Stone Cottage, Malaghans Road) has also been defined by the Council to limit the extent of its setting within the western part of the large Millbrook property, and we consider that to be appropriate.
335. Given that our recommendation is that these buildings be incorporated as Category 3 items, we recommend this particular request is accepted. The heritage feature is recommended to be listed under new Item 82 in the Inventory of protected heritage features.

8.3 Gratuity Cottage, 9 Gorge Road, Queenstown

336. Ms Gillies¹⁷⁵ sought that the cottage be listed as a Category 3 protected Heritage Feature, while HNZ¹⁷⁶ have sought that it be listed as a Category 2 feature in the PDP. They note that it is already listed as a Category 2 item under the HNZ register.
337. HNZ concluded that the cottage has high historic and social value, rarity and representative value, and archaeological value. Ms Gillies considers it to be one of the few early timber cottages remaining in Queenstown, utilising early timber framing, with mostly intact original fabric, and demonstrating the early social history of Queenstown with respect to its very modest size, comprising only two rooms plus a kitchen.
338. Mr Knott stated that he understood the building was not added to the PDP schedule as the owner was not agreeable to the building being included. We are aware that HNZ did write to the owner (letter to Kwang Soon Kim dated 9 November 2015) advising that they were seeking the listing of the building and setting out the implications of doing so. It would appear that the owners were aware of the listing, but did not lodge any submissions or further submissions. Earlier in Part A of our report, we expressed the view that it was essential that owners were aware of proposed listings, but that if a heritage feature demonstrated the necessary heritage qualities, that this should not preclude listing, even without the owner's consent.
339. We consider that given the rarity of this cottage, reflected in its listing under the HNZ register, that on balance there is a compelling case for the listing of Gratuity Cottage. Its listing was also supported by Mr Knott and confirmed in the amended Inventory in Ms Jones' Section 42A Report. Accordingly, the submissions are recommended to be accepted. Given Ms Gillies observation that further research with respect to this feature is necessary, we recommend that it be classified under Category 3 rather than Category 2 as sought by HNZ, and as Item 87 in the Inventory of protected heritage features.

8.4 13 and 15 Stanley Street, Queenstown

340. Ms Gillies¹⁷⁷ sought that 13 and 15 Stanley Street Queenstown, be listed as a Category 3 protected heritage feature. Three Beaches Limited¹⁷⁸ opposed the listing. There was no report from Mr Knott on this particular building.
341. Ms Gillies submission stated that:

“13, 15 Stanley Street Queenstown. Rarity – one of the very few early timber villas remaining in Queenstown, People – home and surgery of Dr Anderson for more than 40 years”.

¹⁷⁵ Submission 604

¹⁷⁶ Submission 426

¹⁷⁷ Submission 604

¹⁷⁸ FS1244.3

342. In terms of the listings she generally, she noted that:

“Gratuity Cottage and 15 Stanley Street represent the increasing rarity of 19th century cottages and houses from the original town of Queenstown. Since 1988, there have been approximately 16 houses and cottages were lost or demolished from this limited area, and there are now only approximately eight remaining”¹⁷⁹.

343. The further submitter did not appear at the hearing. However their further submission, prepared by a planning consultant, stated that:

“Based on the state of the cottage, the submitter considers that the structure is beyond reasonable economic repair. Initial investigations to date have indicated that the cottage has significant structural and weatherproofing issues, the foundations are unstable, and large components of the woodwork have rotted. Further, the cottage has been altered and added to over the years. In the submitters view, an almost complete (and expensive) rebuild would be required in order to preserve the cottage”¹⁸⁰.

344. The further submission also noted that the street address is 11 Stanley Street. We note that the further submitter’s company owns all of the western half of the street block bounded by Sydney, Stanley, and Melbourne Streets, including this property. It is readily apparent from our visit to the property that the eventual redevelopment of this large portion of land is highly likely. Consequently the ‘threat’ to it described by Ms Gillies is very real.

345. Overall however, we do not think that on balance the case for the protection of this building is as strong as that for Gratuity Cottage. The building has not been listed by HNZ, nor has that organisation supported its listing through a further submission, although they have done so for other requested listings by Ms Gillies. In response to submissions, Ms Jones’ report did not propose that this item be listed. There is little information available about the building itself, apart from the statements made by *Three Beaches* as to its condition.

346. Given this, we recommend that this particular request be rejected.

8.5 32 Park Street, Queenstown

347. Ms Gillies¹⁸¹ sought that 32 Park Street Queenstown, be listed as a Category 3 protected Heritage Feature. There were no further submissions either in support or opposition, and there was no report from Mr Knott on this request. The Council did not recommend that this feature be listed. HNZ were not a party, and we have no knowledge of whether the property owner is aware of the request for listing.

348. The submission point states:

“Architectural – elegant example of Edwardian style and generously proportioned house”.

349. We observed the dwelling from the street. There was little information available to us at the hearing to provide confidence that this dwelling should be added to the list of protected heritage features. While this is another example where further investigation may justify

¹⁷⁹ Refer Submission 604, p 7

¹⁸⁰ Refer FS1244.3, part 4.

¹⁸¹ Submission 604

listing at a later stage, we are reluctant to add features on the basis of establishing a 'holding pattern', particularly when the owner may not be aware of the proposed listing or its implications. We recommend that this particular request be rejected.

8.6 Queenstown Garden Gates

350. Ms Gillies¹⁸² sought that the Queenstown Garden Gates be listed as a Category 2 protected Heritage Feature. There were no further submissions, and again no report from Mr Knott. The submission stated:

"Identity, Public Esteem, Commemorative – Architectural – Example of early 20th-century concrete design including main uprights, small gate post & sign".

351. In this case, the listing was sought over a feature which we understand falls within the ownership and administration of the Council. There was no information passed to us as to the Council's reaction to this feature being listed, but our understanding is that they were aware of the matter. It is also noted that the Queenstown Gardens are already included in the Inventory of protected heritage features as Item 13 in the PDP, so the gates may arguably be protected already.

352. In a number of respects, the case for this proposed listing also exhibits the limitations associated with the previous requested listings, such as 13/15 Stanley Street and 32 Park Street. However we are persuaded in this case that given the simplicity of the feature (i.e. we do not have to speculate as to the degree of intactness or interior features) that its listing can on balance be justified. On this basis, we recommend that this particular request be accepted and that the Garden Gates be explicitly added to the description of the protected elements of the Queenstown Gardens already listed under Item 13. The listing would then read:

"Queenstown Gardens and Plantation Reserve Block, including the Queenstown Garden Gates, 52 Park Street".

8.7 Butchery, Tuohys Gully (Item 500)

353. Ms Gillies¹⁸³ sought that this item be added as a listed heritage feature. However this request may have been made in error, as this feature is already listed as Item 500 under the Inventory of protected heritage features in the PDP. We recommend that this particular request be accepted on the basis that the relief sought has been given effect to.

8.8 Recreational Skiing Infrastructure/Arrowtown Irrigation Scheme

354. IPENZ¹⁸⁴ sought the protection of infrastructure associated with the history of recreational skiing in the district and infrastructure associated with the Arrowtown Irrigation Scheme. We acknowledge that IPENZ do a great deal of work in promoting the recognition of historic heritage, particularly in the form of built infrastructure and transport. However, in this case we have no information relating to the specific type of infrastructure or its location, or whether any consultation has been undertaken with the potentially affected ski-field operators. The process whereby organisations or members of the public can seek for future listings of heritage features are set out in (renumbered) section 26.2.1 of Chapter 26.

¹⁸² Submission 604

¹⁸³ Submission 604

¹⁸⁴ Submission 201

355. Similarly, we are not aware of any assessment which has been undertaken by the Council or any other party with respect to the Arrowtown Irrigation Scheme. Given the lack of information available at this stage, we recommend that this submission be rejected.

9. SUBMISSIONS SEEKING RECLASSIFICATION OF EXISTING HERITAGE FEATURES

9.1 Antrim Engines Slipway and Cradle, Kelvin Peninsula (Item 3)

356. Real Journeys Limited¹⁸⁵ sought that the slipway and cradle be reclassified as Category 3 instead of Category 2. IPENZ¹⁸⁶ sought clarification that the slipway, the winch house and the *Antrim* engine and boiler be included within the listing.

357. The slipway is located near the end of the Kelvin Heights Peninsula facing onto the Frankton Arm of Lake Wakatipu. At the head of the inclined slipway is a shed containing the boiler of the former historic lake steamship *Antrim* which is used for the purpose of providing power for the slipping of the *TSS Earnslaw* for its bi-annual survey and maintenance. Rails are laid in the slipway to facilitate this process. At the time of the Hearing Panel's site visit, the upgrading of the slipway (in the form of replacing most of the original timber cradle with a concrete cradle) appeared to be completed, although other site works were still underway. We note that the upper part of the cradle had been retained in timber.

358. Ms Fiona Black explained that that for reasons of safety and reliability, it was important to provide for regular maintenance of the *Earnslaw*. She stated that:

*"Real Journeys cannot support such works triggering a resource consent process because resource consent processes create unnecessary and undue delays, which would give rise to additional cost to the company. Each day the TSS Earnslaw is out of service, the higher the cost to Real Journeys and to the Queenstown economy; and the higher the risk to our reputation by not being able to provide visitors with the experience they are seeking"*¹⁸⁷.

359. She added that the alternative of using *Fiordland* class vessels was not as appealing to the company's clients. It was this background which she argued was critical to our consideration of the slipway and the use of the *Antrim's* boiler to provide the necessary power for slipping the vessel. She maintained that it was inappropriate to consider either the *Earnslaw* or the slipway itself in the same way as 'static buildings' and that the planning regime under the PDP was aligned towards the latter. She stressed that the Company was well aware of the heritage significance of the vessel, and were contemplating preparing a Conservation Plan. In her view, specialised engineering expertise for example, would be more relevant to this operation than the input of a heritage architect.

360. Mr B. Farrell, in his planning evidence for Real Journeys, sought that the slipway and cradle be reclassified as Category 3 or a hybrid "3A", and the *Antrim* engine retain its Category 2 listing.

361. Mr Knott noted that a resource consent had been required for the work required for the slipway and this was eventually granted. The section of the upper slipway which has remained with its original timber construction was to be retained as a condition of consent, and this upper section of the slipway is not in fact required for slipping the vessel.

¹⁸⁵ Submission 621

¹⁸⁶ Submission 201

¹⁸⁷ F Black, EiC, paragraph 3.7

362. We can readily appreciate the potential operational difficulties facing Real Journeys, although the recent (consented) works undertaken on the slipway may well mean that the potential problems outlined by Ms Black are now resolved for the foreseeable future. We consider there is some weight in the submitters contention that the unique operational issues associated with the *TSS Earnslaw* and its maintenance have not been adequately acknowledged as part of the Council's overall heritage assessment. We understand that the situation may eventually arise when the *Antrim* boiler may require replacement if its condition so dictates. However in this case, the submitter has not sought that the Category 2 listing of this heritage feature be changed.
363. Turning to the issue of the slipway itself, it is now apparent that given that the majority of the structure has been replaced (with the exception of the rails), in heritage terms it has inevitably suffered some loss in its values. For this reason, we do not accept Mr Knott's advice in this instance, and recommend that the submission point of Real Journeys be accepted and a Category 3 classification applied.
364. We (and Mr Knott) also agree with the content of the IPENZ submission that the description of the heritage features associated with the slipway need to be better defined. We recommend that this particular request be accepted in part having regard to the amendment made above.

9.2 Transit of Venus Site, 8 Melbourne Street, Queenstown (Item 18)

365. Ms Gillies¹⁸⁸ sought that this site be reclassified from Category 2 to Category 3 on the basis that it is similar in character and heritage values to the Lake Level Plaque (Item 20) and Rees Tablet (Item 21), which are both in Category 3. We observed that the site of this small commemorative feature is within a small pocket of open space adjacent to a large building. Mr Knott considered that it had no distinguishing features which would justify a higher categorisation than the other two items cited by Ms Gillies, or that it was (in relative terms) 'very significant' to the District¹⁸⁹. We recommend that this submission be accepted.

9.3 Frankton Mill Site (Item 32)

366. Ms Gillies¹⁹⁰ sought that this site, which is located on a small island in the Kawarau River below the lake outlet and the Frankton Bridge, be deleted from the inventory of protected heritage features. This is on the basis that the site would be more appropriately classified as an archaeological site, as no built features remain and the effect of any potential works would more appropriately be addressed through procedures under the HNZPTA. The site is not directly affected by the construction of the new Frankton Bridge, and it would appear most unlikely that it would be disturbed in the future. We concur with the submitter, supported by Ms Jones, that the site can be deleted from the Inventory of listed heritage features and so recommend.

9.4 Kawarau Falls Bridge (Item 40)

367. HN¹⁹¹ sought that the bridge be upgraded from Category 2 to Category 1. IPENZ¹⁹² supported the listing. We note that HN advised both the NZ Transport Agency and the

¹⁸⁸ Submission 604

¹⁸⁹ R Knott, EIC, paragraph 5.15

¹⁹⁰ Submission 604

¹⁹¹ Submission 426

¹⁹² Submission 201

Council advising of its intention to seek the upgrading to Category 1 by way of letter dated 10 November 2015.

368. The bridge was originally built as a dam, as part of a failed alluvial gold mining operation. It now has been replaced as a single lane bridge by a new two lane bridge slightly downstream. We understand there is no intention to remove this bridge.

369. Mr Knott drew attention to assessments that had been undertaken of the bridge which indicated that it had high historical/social value, architectural value, landscape/townscape, rarity/ representative, and technological value, and concurred with the submitter that it would properly be included within Category 1. Accordingly, we recommend that these particular requests be accepted.

9.5 Stone Water Race, 26 Hallenstein Street, Queenstown (Item 42)

370. IPENZ¹⁹³ sought that this Category 3 item be upgraded to Category 2 in reflection of its classification under the HNZ registration system. HNZ¹⁹⁴ supported this submission and offered to provide further information to assist with the classification of this feature. From our visit to the site, we note that this is a remaining remnant of a water race system developed for drainage purposes in the early years of Queenstown.

371. We note that an archaeological authority would be required to disturb the site, quite apart from its listing as a protected heritage feature in the PDP. IPENZ contend that it is similar in significance to the cobbled stone gutters in Arrowtown. No further information was supplied by IPENZ to the hearing, and Mr Knott was not convinced that this feature needed an upgrade in its classification under the PDP.

372. We concur with Mr Knott's view, and do not recommend any change in classification.

9.6 Skippers Bridge (Item 45)

373. HNZ¹⁹⁵ sought that this structure be upgraded from Category 2 to Category 1, and advised the Council (as owner of the bridge) of its intention to seek this relief by way of a letter dated 10 November 2015. No further submissions were received. Its listing has also been supported by IPENZ¹⁹⁶. Its reclassification from Category 2 to Category 1 was supported by Mr Knott. We accept Mr Knott's evidence and recommend the upgrade.

9.7 Frankton Cemetery Walls and Gates (Item 47)

374. Ms Gillies¹⁹⁷ submitted that the stone cemetery walls for the Frankton Cemetery on Ladies Mile should be downgraded from Category 2 to Category 3, which is the same category applied to the Queenstown Cemetery (Item 44). From our site visit, it was apparent that old stone walls and gates remain intact, albeit with some memorial plaques having been erected in very recent times on the walls themselves. The cemetery itself has an atmosphere of being an oasis of history in the context of the highly commercialised environment to the west, and the heavily trafficked main highway in front.

¹⁹³ Submission 201

¹⁹⁴ FS1098

¹⁹⁵ Submission 426

¹⁹⁶ Submission 201

¹⁹⁷ Submission 604

375. Mr Knott noted that a key basis of the submission was the need for consistency within the PDP of plan listings, which would provide some support for the ‘downgrading’ of the cemetery to Category 3. With respect to this issue he said:

“Whilst I see merit in the JGAA recommendation that the Frankton Cemetery Walls and Gates be moved to Category 3 to ensure consistency with the Queenstown Capstone Cemetery Walls there has been no evidence submitted to substantiate this. Unless evidence is submitted I am not able to support the suggested amendment and must rely upon the assumption that the original assessments identified different values for each of these items and they were consequently classified accordingly”¹⁹⁸.

376. No additional evidence was provided, and having visited the cemetery, we concur with Mr Knott’s view, and accordingly recommend that there be no change in classification.

9.8 Hulbert House (Item 56)

377. Ms Gillies¹⁹⁹ and HNZ²⁰⁰ have sought that this building at 68 Ballarat Street Queenstown, have its classification changed from Category 3 to Category 2. We had the opportunity to inspect both the exterior and interior of this former large dwelling which has now been extensively restored by its owner for luxury accommodation.

378. HNZ wrote to the owners of the building (New Zealand Trust Corporation Limited) on 9 November 2015 advising them of their intention to seek an upgrading in the classification from Category 3 to Category 2 under the PDP. No further submission was received.

379. Mr Knott’s report notes that this is one of decreasing number of early Queenstown houses, and:

“It’s setting and location are impressive and it remains a prominent landmark. Architecturally, it is a fine example and the interior is also significant because of its high degree of intactness”²⁰¹.

380. Having also visited the site and part of the interior of the building, we are satisfied that it is appropriate that this building be promoted to Category 2 in the Inventory of protected heritage features, and recommend the category be changed.

9.9 Stone Building, 17 Brisbane Street (Item 58)

381. Ms Gillies²⁰² submitted that this small stone building be re-categorised from Category 2 to Category 3. Mr Knott’s very brief report on this feature simply noted that he cannot support the request as no substantive evidence was submitted. However, from our view of the building from the street (it is located on the street frontage itself), it was apparent that there had been some external, and certainly significant internal, changes to the building which was effectively part of the ‘front yard’ of the adjoining dwelling on the site. In some respects the nature and extent of these alterations were similar to those applying to McNeill Cottage as described below.

198 R Knott, EIC, paragraph 5.42

199 Submission 604

200 Submission 426

201 R Knott, EIC, paragraph 5.48

202 Submission 604, opposed by FS1098

382. As part of her consideration of the setting of heritage buildings, and the submissions made thereon, Ms Jones proposed that for some protected heritage features, it would be preferable to identify their setting in plan form – described as ‘extent of place’ and discussed earlier in these recommendations. In this case, we agree that identifying the very confined ‘extent of place’ (under Section 26.8.1) on this property is entirely appropriate, given the mix of buildings thereon, none of which have recognised heritage significance except the small stone building itself.

383. We are conscious of the relative paucity of information with respect to this building. However, it is readily apparent that in this particular case, the building had experienced significant modification and ‘modernisation’ to meet the residential needs of the property owner, and we consider that, on balance, it is appropriate to recommend that the building be reclassified under Category 3.

9.10 McNeill Cottage (Item 59)

384. Ms Gillies²⁰³ submitted that this building should also be re-categorised from Category 2 to Category 3. This building is located in the Queenstown commercial area and is used as a bar and restaurant. In her evidence to the Hearings Panel, Ms Gillies noted that as recently as 1990, the cottage was largely intact. Since that time she advised that the following alterations had taken place:

- a. the rear of the building was demolished and a new larger addition constructed onto the back, filling the entire site behind the stone part of the cottage;
- b. the two front sash windows were removed and the openings converted into French doors;
- c. the internal passage walls were removed;
- d. the plaster was removed from the stone walls of the remaining internal space.

385. She stated that:

“..... the cottage is a prime example of incremental loss of heritage value by repeated but relatively minor modifications over a number of years”,

and:

“the result is that now all that remains of McNeill’s original fabric is a stone shell, with timber roof and floor structures, its roof and timber floorboards”²⁰⁴.

386. We concur with Ms Gillies’ assessment that this is an example of modifications which reduce the intactness of a heritage buildings ‘character’, albeit that it is an example of a practical end use.

387. Mr Knott noted that while he only had a limited look at the building, he conceded that it appeared significantly altered, but considered further information was required before it was reclassified, a similar conclusion to that arrived at by HNZ. Notwithstanding this, we prefer the opinion of Ms Gillies. It was quite clear to us after viewing the building from the street and having heard her evidence, that the building’s original heritage values had been significantly compromised, and that a Category 3 listing would be more appropriate. Accordingly, we recommend the building be reclassified as Category 3.

²⁰³ Submission 604, opposed by FS1098

²⁰⁴ J Gillies, EIC, paragraphs 16.1 – 16.4

9.11 28 Park Street, Queenstown (Item 63)

388. Ms Gillies²⁰⁵ sought that this building be upgraded from Category 3 to Category 2 on the basis of its high heritage significance, and the unmodified character of the original cottage. By way of background, Mr Knott noted that he had seen a heritage assessment of the cottage carried out for the Council in 2005 and an AEE produced by Ms Gillies in February 2016 with respect to various alterations that the current owner wished to undertake, which included an assessment of the heritage significance of the building.

389. From the street, we noted that the cottage retained much of its original character, and that the work undertaken on the site (which appears to be a work in progress) reflected an understanding by the owner of the need to respect the heritage values of the cottage. Mr Knott noted that:

“Having read the assessments and reports, I agree with their conclusions and consider the building to be very significant to the District. I therefore suggest that the building should be reclassified as Category 2”²⁰⁶.

390. We concur with his conclusions and recommend that the heritage feature be reclassified as Category 2.

9.12 Queenstown Bowling Club (Item 65)

391. Ms Gillies²⁰⁷ sought that this building be reclassified from Category 2 to Category 3. Mr Knott noted that a heritage assessment was prepared for the Council in 2005 for this building and stated that he was:

“.....not aware of any significant alterations having been made to the building since this assessment was carried out and therefore consider that the conclusions still stand and the building is very significant to the District”.

392. On this basis he opposed any change in its Category 2 status in the PDP.

393. In her submission, Ms Gillies noted that with respect to the listing of heritage features generally, that there was:

“no indication of the extent of which of the feature to be protected is given, especially where buildings have had extensive additions²⁰⁸”.

394. She contended that in situations where protection should only apply to the historic part of the building and not a recent addition, it would be helpful to state this at the beginning of the schedule (Inventory) or added individually as required. This building seemed to be a good example of the scenario she had outlined. In the course of our site inspection of this particular building, it became readily apparent that it comprised two attached sections, the historic southern portion, and a northern portion which appeared to comprise entirely modern materials.

²⁰⁵ Submission 604

²⁰⁶ R Knott, EIC, paragraph 5.66

²⁰⁷ Submission 604

²⁰⁸ Submission 604

395. Mr Knott made no comment on this, and took the view that based on a heritage assessment undertaken for the Council in 2005, there was no justification for changing the protection category for the building.

396. We came to the view that the heritage significance of this building was such as to justify continued Category 2 listing, but not including the newer addition on the northern end. Such 'partial' listings exist elsewhere, Tomes Cottage (Item 80) being an example, where a more modern extension is not included in the listing. Accordingly, we recommend that the listing remain unchanged with respect to category, but that the description of the building specifically exclude the later northern extension.

9.13 Pleasant Terrace Workings and Sainsburys House: Mount Aurum (Item 67)

397. IPENZ²⁰⁹ sought that the Pleasant Terrace workings (Identified under the HNZ register as item 5175) be listed as a heritage feature under the PDP. HNZ²¹⁰ have also asked that these workings be added to the existing listing along with the outbuilding associated with Sainsbury's House, and that the combined complex be upgraded from Category 3 to Category 1. HNZ also sought a minor correction to the description of the HNZ category listing. DoC²¹¹ have supported the HNZ submission.

398. HNZ, in letters dated 13 November 2015, contacted the private and public owners of land encompassed by the Pleasant Terrace Workings (JT and LK Eden) and the Department of Conservation (Mr Newey) advising them of their request to have these features listed. No further submissions were received from the Edens. Mr Knott expressed agreement with HNZ and IPENZ that the Pleasant Terrace Workings have high historic and social value, and should be added to the Inventory in the PDP as a Category 1 item.

399. We also note that in her report, Ms Jones introduced the concept of a defined 'extent of place', and one of the sites she proposed related to Item 67. We endorse this approach, and the features subject to the submission are identified in plan form under Section 26.8.1. We observe at this point that we consider this may be a useful model for other sites, including those containing archaeological features where additional protection under the PDP might be justified in the future.

400. We recommend that the Pleasant Terrace workings be added to the listing under Item 67 in the Inventory of Listed Heritage Features, and that these features be upgraded to Category 1.

9.14 Threepwood, Lake Hayes (Items 70, 240 and 242)

401. Ms Gillies²¹² submitted on two of the three listings applying to the four heritage features (buildings) located on this property. Justin Crane and Kirsty McTaggart²¹³ sought that the legal description for the location of Threepwood Stables (Item 242) be changed to Lot 22 DP 378242. Ms Jones' response to this matter was that the existing legal description of Lot 2 DP 21614 was correct. There was no further communication from the submitter on this

²⁰⁹ Submission 201

²¹⁰ Submission 426

²¹¹ FS1080

²¹² Submission 604

²¹³ Submission 688

specific matter, and in the absence of further information, we recommend that the existing legal description be retained.

402. Turning to the substantive issue, the listings notified in the PDP were as follows:

Item 70 Threepwood and Stone Buildings, Lake Hayes (Category 2).

Item 240 Marshall Cottage (Category 3)

Item 242 Threepwood Stables (Category 2)²¹⁴.

403. Ms Gillies sought that Item 70 be split into two separate entries, comprising the Threepwood timber villa (Category 2) and the Threepwood Stone Woolshed (Category 3).

404. Ms Gillies also sought that Threepwood Stables be promoted from Category 2 to Category 1.

405. Justin Crane and Kirsty MacTaggart supported²¹⁵ the request for separate heritage listings for the Threepwood Homestead as Category 2 and the woolshed as Category 3, but opposed the upgrade of the Threepwood Stables building from Category 2 to Category 1. These further submitters advised that they are the owners of the property, and did not think that the stables building justified a higher listing.

406. Mr Knott also supported the splitting of Item 70 into two separate listings (to become 70a and 70b), and as it appeared to us from the site visit, this amendment would also assist in reducing some of the potential confusion over the listing and description of buildings on the Threepwood property.

407. In terms of the stable building, Mr Knott stated that:

*"I viewed this building on 1 April 2016 and note whilst there has been some modification to the building and little maintenance, it continues to maintain many original features such as the remaining stalls which contribute to its historic, social and architectural values"*²¹⁶.

408. We concur with this assessment, based on our visit to the site, as the building is largely in original condition. We also noted that the building is in a rather parlous state having deteriorated significantly as a result of lack of maintenance. As stated earlier in our recommendations, we think there is a significant test to be applied when buildings are upgraded to Category 1 as the resulting prohibited activity status is potentially very onerous for the affected owners. Furthermore, it does not ensure that a building is restored or even remains, as it may simply be left to deteriorate even further and fall into ruin. We are not suggesting the owners have this intention, but we have no information on this matter.

409. As stated earlier in our recommendations (refer Part A of our report) we do not consider that the listing of a building should require the owner's express consent, and we note that in this case while splitting the listing of Item 70 is accepted by the owners, an upgrading to Category 1 is not. However, we are concerned that there needs to be consultation between the Council and the property owners and a Conservation Plan prepared to secure the future of this building before an upgrade to Category 1 is further contemplated.

²¹⁴ V Jones, Section 42A Report, paragraph 5.87

²¹⁵ FS1350

²¹⁶ R Knott, EiC, paragraph 5.92

410. For these reasons, we recommend the splitting of Item 70 into two: Item 70a being the Villa (Category 2); and Item 70b being the Woolshed (Category 3). We do not recommend any change to Item 242.

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

411. HNZ²¹⁷ and IPENZ²¹⁸ have requested that this item be upgraded from Category 3 to Category 2. This has been opposed in a further submission by Mill House Trust²¹⁹. This is an example of one of the relatively few listings which has been opposed, but it is also apparent there is a degree of confusion, and issues of scope, which complicate the situation.

412. Mr James Hadley, a Trustee of the Mill House Trust which owns the property, presented written evidence to the hearing. He began by pointing out that while HNZ has listed the adjoining Wakatipu Flour Mill, this does not include Mill House. As pointed out by Mr Hadley, this error was acknowledged by HNZ (and confirmed by Mr Knott) and HNZ withdrew their submission with respect to this item²²⁰.

413. Unfortunately, this does not fully address the issues associated with this listing, which has a Category 3 listing under the ODP as well as the PDP. Mr Hadley drew attention to a statement made by Mr Knott in his report where he said that:

“It therefore appears that the Trustees of 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 the PDP”²²¹.

414. Mr Hadley then went on to say:

“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”²²².

415. However this assertion is not entirely correct, because district plan heritage listings may be made separately and addition to those made by HNZ, and all that the Council has conceded is that its reference to HNZ having listed Mill House was in error – not that the Council’s listing was in error. Rather, this is an issue of whether the Council’s listing is justified or not. Mr Knott came to the view that its listing was justified, albeit as under the ‘lowest’ Category 3 classification.

416. However this then leads us to the issue of scope. Mr Hadley was concerned that Mr Knott’s conclusions were based on an assessment prepared for the Wakatipu Heritage Trust, and that he:

“.....has principally relied upon a report prepared by an unqualified party who has clearly entered the Trust property illegally and without authority”

²¹⁷ Submission 426

²¹⁸ Submission 201

²¹⁹ FS1113

²²⁰ J O’Dea, EiC, paragraph 16.1

²²¹ R Knott, EiC, paragraph 5.102

²²² J Hadley, EiC, paragraph 9

and a;

“view from the road”²²³.

417. The submission states that the building has been substantially modified, and claims that its inclusion in the Council’s list of protected buildings has inconvenienced and disadvantaged the owners. Mr Hadley contended that the listing should be removed forthwith.
418. While we shared some of the concerns of the submitter, we are faced with the difficulty that whatever the merits of the listing, there is no original submission seeking the delisting of the site from the PDP. Furthermore, with the withdrawal of the HNZ submission, Mr Hadley’s further submission fell away.
419. Given this combination of factors, we consider the appropriate – indeed only - course of action is to retain the notified classification of Category 3. Under this category, demolition is a noncomplying activity, external alterations are a restricted discretionary activity and internal alterations are a permitted activity. We are satisfied that there was insufficient evidence to justify its upgrading to Category 2. On this basis, we recommend that the request of IPENZ be rejected.

9.16 Oast House, 557 Speargrass Flat Road (Item 77)

420. HNZ²²⁴ requested that this heritage feature be upgraded from Category 3 to Category 2. A letter advising the owner (I. and C. Wilkins) of their intent to seek an upgrade to a higher category of protection was forwarded on 9 November 2015. There was some confusion associated with the heritage linkages with adjoining Mill House (Item 76 above), and we note that Ms Bauchop’s evidence stated that:

“Item 77 is included on the New Zealand Heritage List as the Wakatipu Flour Mill Complex (Former) (List Entry number 2241). This list entry includes the Flour Mill, but not the former Millers House on the west side of Wakatipu Creek”²²⁵.

421. It goes on to say that she supports a PDP Category 2 listing for the “Wakatipu Flour Mill”. (Heritage New Zealand submission referred to the Mill House in error).
422. There were a number of factors which were of concern to us in this case. The assessment undertaken of this property on behalf of the Wakatipu Heritage Trust in December 2013 (which also included Mill House) concluded that the Oast House had a ‘high’ rating under *all* eight categories. In comparing this assessment with the HNZ registration report for the wider Wakatipu Flour Mill complex prepared in 2012, Mr Knott said:

“..... I do not consider that the two sit comfortably against each other. I consider that the assessment scores the building consistently more generously than I would expect from having read the registration report and for my brief viewing of the building”²²⁶.

²²³ J Hadley, EiC, paragraphs 10 and 11

²²⁴ Submission 426

²²⁵ H Bauchop, EiC, paragraph 8.6

²²⁶ R Knott, EiC, paragraph 5.113

423. He considered on balance that the building had ‘moderate’ value against all criteria and justified a Category 2 classification.
424. We also observed the building from the road and spoke briefly to the occupier. It also appeared that some modifications had recently been undertaken to the building and that further modifications were underway. We felt uneasy about what appeared to be the uncertainties and lack of clarity with respect to the available information on both Item 76 (adjoining Mill House) and Item 77 (Oast House). Given this situation, we felt it was premature to change the classification of this heritage feature from Category 3 to Category 2. For this reason, we recommend that the building retain a classification of Category 3.

9.17 Tomanovitch Cottage, Gibbston (Item 79)

425. HNZ²²⁷ also requested that this item be upgraded from Category 3 to Category 2.
426. We were only able to view the site from a distance because of what we understood to be potential access complications. However Mr Knott advised that he had visited the site and noted that the building was currently used for storage. He said that although the building was vulnerable to deterioration, the owners had placed a waterproof sheet over the roof to protect the structure from the weather. He agreed with the assessment of HNZ that surviving mud brick buildings such as this were quite rare, and that it was worthy of a Category 2 listing.
427. We note that the owner’s representative (KL Buxton of Canterbury Legal Services Ltd) was written to by HNZ on 9 November 2015 to advise them of the intention to raise the heritage category. On the information available to us, and on balance, it is recommended that this building be reclassified as Category 2 and that the HNZ request be accepted.

9.18 Tomes Cottage, Whitechapel Road (Item 80)

428. Ms Gillies²²⁸ requested that this building be upgraded from a Category 3 to a Category 2 heritage feature, on the basis that it is a rare remaining example of a mud brick cottage from the gold mining era. This building has a relatively modern extension to the rear which does not form part of the listing.
429. Mr Knott observed that this was another example where this submitter sought to achieve a greater degree of consistency throughout the PDP. He considered the extension did not significantly detract from the originality of the cottage, and that it was recognisable as being of mud brick construction²²⁹. He noted that the submission did not reference a conservation plan or archaeological assessment.
430. This example raises the issue (Arcadia being another example) where a higher category of listing, having significant implications for the property owner, is being proposed. We are also conscious that this property is used as a private dwelling and we had no information as to whether there had been discussions with the property owner/tenant including the possible preparation of a conservation plan. This does not preclude a higher listing in the future, but at this point such action is premature. For this reason, we agree with Mr Knott’s conclusion that a change in its category should not occur at the present time, and we conclude that pending appropriate consultation and until further work was done, this heritage feature should retain a Category 3 listing.

²²⁷ Submission 426

²²⁸ Submission 604

²²⁹ R Knott, EIC, paragraphs 5.122 and 5.123

9.19 'Arcadia', Glenorchy Area (Item 81)

431. Ms Gillies²³⁰ sought that this building be upgraded from Category 2 to Category 1. We note however, that it is currently listed under both the ODP and the PDP as only Category 3. The submission described the building as:

"a rare and unmodified grand house of considerable historical and architectural significance. There are no others of its calibre in the District".

432. She added that compared to Item 63 (cottage 28 Park Street) or Item 56 (Hulbert House) its significance was much greater. The submission point also said that further research was required.

433. Apart from noting the submitter's apparent error with respect to the building's current categorisation, Mr Knott concluded that based on an assessment carried out for the Wakatipu Heritage Trust in 2013, the building had moderate to high heritage value and was very significant to the District²³¹. In contrast to Ms Gillies, he considered the building should be upgraded to Category 2, which in his opinion sat comfortably with his recommendations with respect to 28 Park Street and Hulbert House.

434. We visited the property in less than ideal conditions. Nevertheless, we acknowledge that it is indeed a 'grand house' which is highly visible and surrounded by a spectacular natural environment. We also agree that its current Category 3 listing is unsustainable given the evidence available to us of its heritage character, particularly its historic value and setting. We also had the opportunity to speak to its owner while on the site. We understand that this large building has been maintained as best it can be, given the very limited resources available to do so. This is a private dwelling which is not open to the public.

435. We agree with the observation of Ms Gillies that further research is required, and we also consider that there needs to be consultation with the owner and the development of a Conservation Plan. We prefer the opinion of Mr Knott that given the values of this building, and considering its relative status to other buildings in Category 2, its upgrading from Category 3 to Category 2 is appropriate if not necessary. However to go a step further and to upgrade the building from Category 3 to Category 1, as sought by the submitter, is considered by us to be a step too far at this stage, pending further investigation and consultation.

436. In terms of the regulatory impact of the building being reclassified under Category 2, total demolition of the building would remain a noncomplying activity, partial demolition would move from being a restricted discretionary activity to a noncomplying activity, external alterations would remain a restricted discretionary activity, and internal alterations would change from being a permitted activity to a restricted discretionary activity. This would be the status of these activities based on the amendments to the heritage rules recommended by us in Part B of this report.

437. Having regard to the aforementioned matters, we recommend that the building is upgraded from Category 3 to Category 2.

²³⁰ Submission 604

²³¹ R Knott, EIC, paragraphs 5.127 and 5.128

9.20 Kinross Store and Buildings (Item 91)

438. HNZ²³² have requested that these buildings in the Gibbston Valley be upgraded from Category 3 to Category 2. The owner's agent was advised in writing by HNZ of the submission in a letter dated 9 November 2015. Ms Gillies²³³ sought that the description to be amended to refer to 'Kinross *Stone* buildings', not *store*, and to add the small timber framed miner's cottage on the site, to the description.
439. Again, the evidence available to us was quite limited. Ms Bauchop for HNZ said that given the limited information available to HNZ, she supported Mr Knott's recommendation that the building retain its Category 3 classification²³⁴.
440. While viewing the site, we noted the existence of the small timber building referred to in the HNZ submission, and agreed that this should be listed as part of the protected items on the property, along with all buildings under Category 3. The submission of Ms Gillies to correct the description and to specifically include the small miner's cottage was recommended to be accepted in the Section 42A Report. We recommend that the name be corrected, the timber building be included, but that it remain in Category 3.

9.21 Former Glacier Hotel, Kinloch (Item 97)

441. Ms Gillies²³⁵ sought clarification of whether this building (still currently used for accommodation) was listed under Category 2 or Category 3. In terms of this apparent anomaly, Mr Knott advised that:

"This item is included in the ODP as a Category 3 item. I have been advised by Council officers that in early Microsoft Word version of the PDP text showed the category as '3 2' (i.e. 3 struck through and replaced by 2)".

442. Mr Knott made reference to an assessment carried out for the Council in 2005 which rated the building as having high architectural, cultural/traditional, historical/social, landscape/townscape, and rarity/representative value²³⁶. On that basis, he concluded it was extremely significant to the District and should be identified under a *Category 1* listing.
443. However, this relief is beyond the Council's jurisdiction, as no submission has sought that the building have a Category 1 listing. We recommend the submission of Ms Gillies be accepted on the basis that the building be classified under Category 2, which appeared to be the actual intention of the Council. We acknowledge that the building scores highly on many of the criteria for listing, but further work, consultation and notification would be required to upgrade its listing beyond Category 2.

9.22 St Peters Parish Centre (former vicarage) Earl Street, Queenstown (Item 101)

444. Ms Gillies²³⁷ sought that the building be upgraded from Category 3 to Category 2.

²³² Submission 426

²³³ Submission 604

²³⁴ H Bauchop, EIC, paragraph 8.7

²³⁵ Submission 604

²³⁶ R Knott, EIC, paragraph 5.139

²³⁷ Submission 604, supported by FS1098

445. Mr Knott recommended that the building retain its Category 3 listing. However based on additional information provided to the hearing by Ms Gillies, and a limited amount from HNZ, we consider there is at least an arguable case to upgrade the listing of this building. Ms Gillies noted that with respect to this 1869 building:

“The building has been altered and extended throughout its life, but remains remarkably intact. Only the final modifications in 1978 to create the current Parish Rooms and separate flat have impacted on the original fabric to any great extent”.

446. She added that significant heritage fabric in the form of all wall, floor and roof structure, external wall claddings, part of the timber shingle roof under the corrugated iron, doors, windows and internal linings remained intact²³⁸. In Ms Jones’ reply statement, an upgrading to Category 2 was also supported. For these reasons, we recommend this item be upgraded to Category 2.

9.23 Queenstown Courthouse (Item 107)

447. Ms Gillies²³⁹ sought that this be listed as Category 2 instead of Category 1, on the basis that the interior is now much modified.

448. No additional information was provided by Ms Gillies. Mr Knott referred to a Conservation Maintenance Report prepared in 2007, and having viewed the building, remained of the view that notwithstanding alterations, it still had high historic and social value, architectural value, and townscape and context value²⁴⁰. On this basis, he opposed downgrading its status to Category 2.

449. We did not have any evidence before us that clearly justified a reduction in the classification of this building to Category 2, and accordingly we recommend that it retain its Category 1 listing.

9.24 Ayrburn Homestead and Stone Farm Buildings (Item 110)

450. Ms Gillies²⁴¹ sought that the combined listing of the four features on the site be replaced by individual listings, ranging between Category 1 for the stone cart shed to Category 3 for the stone dairy building. The site also includes a stone stables/woolshed and the historic Ayrburn Homestead. However, at the hearing Ms Gillies withdrew her submission and indicated she was satisfied that the Category 2 classification should still continue to apply to this group of buildings as a whole²⁴². Consequently, as the submission has been withdrawn, we make no recommendation.

9.25 Thurlby Domain, Speargrass Flat Road (Item 131)

451. Ms Gillies²⁴³ sought that this group of heritage features, collectively classified as Category 2 under the PDP, be upgraded to Category 1.

452. This site contains an outstanding group of heritage features in a treed rural environment, including stables, barn, smithy, stone cottage, wooden cottage and ruins.

²³⁸ J Gillies, EIC, paragraphs 15.4 and 15.5

²³⁹ Submission 604, supported by FS1226, opposed by FS1098

²⁴⁰ R Knott, EIC, paragraphs 5.148 and 5.149

²⁴¹ Submission 604

²⁴² J Gillies, EIC, paragraph 19.2

²⁴³ Submission 604

453. We visited the site and were able to inspect the interior of a number of buildings, such as the stables and smithy, each of which exhibited a high degree of intactness. Mr Knott advised that this group of buildings is now classified as Category 1 on the HNZ list of heritage features. An upgrading of its status under the PDP has not been sought by HNZ, although in evidence (but not by way of further submission) this was supported by Ms Bauchop for HNZ.
454. Mr Knott noted that HNZ Registration Report of November 2014 concluded that the place has high aesthetic, architectural, cultural, historical and social significance²⁴⁴. He concluded that this group of heritage features were ‘extremely significant’ and should be included under Category 1.
455. We briefly met the owner of the property in the course of our site visit, and our understanding was that they had a clear appreciation of the heritage values of the various structures on Thurlby Domain. We were in little doubt that this collection of buildings was of outstanding significance, and recommend that they be reclassified to Category 1.

9.26 Bullendale Township (Item 140)

456. IPENZ²⁴⁵ queried the naming associated with this listing and sought that the Bullendale hydroelectric dynamo and mining site be classified as Category 1, on the basis of its outstanding national significance. HNZ²⁴⁶ sought that Item 140 (Bullendale Township) Item 701 (dynamo) and Item 702 (all settlement and gold mining relics) be combined into a single listing and classified as Category 1 under the PDP. HNZ advised the two affected property owners in writing (the Department of Conservation, and Mr and Mrs J and L Eden of Arrowtown) on 13 November 2015 of their submission. DoC²⁴⁷ supported the HNZ submission on the grounds that it is important that heritage features be accurately described in the PDP.
457. IPENZ consider the site to be of outstanding national significance as being where the first use of hydro-electricity was pioneered for industrial purposes in 1886. Much of the original system, including major parts of the original dynamos and electric motor, elevate this to an internationally significant industrial and engineering heritage site. These conclusions were endorsed by Mr Knott²⁴⁸.
458. Mr Knott disagreed however, that the three separately listed items should be combined under a single listing. This conclusion is based on his contention that Items 701 and 702 relate to archaeological sites, which in turn is based on the proposals notified with the PDP whereby rules in the plan would apply to 15 specified archaeological sites.
459. We explained our reservations earlier about having parallel district plan rules applying to archaeological sites – unless these sites were specifically defined in plan form, and the extent of council discretion clearly specified. We were not satisfied that this point has yet been reached. However, Ms Jones’ reply statement proposed that these important sites be defined within an ‘Extent of Place’ to accompany the listing of Item 140 in the Inventory of

²⁴⁴ R Knott, EiC, paragraph 5.161

²⁴⁵ Submission 201

²⁴⁶ Submission 426

²⁴⁷ FS1080

²⁴⁸ R Knott, EiC, paragraphs 5.165 and 5.169

protected heritage features. We are satisfied that this is an appropriate response which provides both certainty and the necessary level of protection.

460. We concur with the views of IPENZ and Mr Knott as to the outstanding heritage significance of these features. We accept the views of IPENZ and HNZ that Items 140, 701 and 702 should be listed as a single *heritage feature* under Item 140 and recommend they be described in the Inventory under Section 26.8 as follows:

“Bullendale hydro-electric dynamo and mining site including Eden Hut and Musters Hut.

Extent of Place: Part of the land described as Section 148 Block XI Skippers Creek SD (Recreation Reserve, New Zealand Gazette 1985, page 5386) and Part Legal Road (Bullendale Track), Otago land District, and includes all remnants around the site belonging to the era of gold mining, and all objects associated with the mining and power generation operations and settlement at Bullendale within the extent of registration boundary.

Refer to the map of ‘Extent of Place’ in Section 26.8.1”.

461. We also recommend that site be given a classification of Category 1.

9.27 Former Methodist Church, Berkshire Street, Arrowtown (Item 251)

462. Anna–Marie Chin Architects and Phil Vautier²⁴⁹ requested that this heritage feature be deleted from the list of heritage features in the Inventory. The PDP has classified this building under Category 3.

463. The submitter appeared at the hearing, and contended that as a result of the extensive modifications undertaken over the years, it was inappropriate to list the building, albeit that they were sensitive to its original heritage. The building is currently used for the submitters’ architectural practice. We were advised that heritage advice was taken from Ms Jackie Gillies at the time that the most recent alterations were made. We viewed the building from the street, and noted that the exterior still possesses some of the character of the original church, although it was understood that the interior had been significantly modified. The effect of the listing under Category 3 is that demolition is a noncomplying activity; under our recommendations, ‘partial demolition’ would be a restricted discretionary activity as would external alterations. Internal alterations would be a permitted activity.

464. We are of the view that while this building has been modified to the point where the justification for its listing was becoming marginal, it did possess enough remaining external character to justify listing under Category 3, bearing in mind the implications of the more liberal rules regime for this category of protected heritage features. Accordingly, it is recommended that this submission be rejected.

9.28 Stone Cottage, Centennial Avenue, Arrowtown (Item 253)

465. Ms Gillies²⁵⁰ sought that having regard to an assessment carried out in 2015, this building should be classified as Category 2. This submission may have been lodged in error, because this is the category under which this building has in fact been listed in the PDP. We recommend the submission is accepted on the basis that the category sought in the submission already applies to the heritage feature concerned.

²⁴⁹ Submission 368.6

²⁵⁰ Submission 604

9.29 IPENZ – Support for Listing of Specified Heritage Items

466. IPENZ²⁵¹ in addition to those parts of its submission already discussed, supported the listing of the Kawarau Falls Dam (Item 40), Kawarau Gorge Suspension Bridge (Item 41), the Lower Shotover Bridge (Item 45), the One Mile Creek Hydroelectric Station (Item 96) and the Skippers Canyon Suspension Bridge (Item 45). (We assume that the reference to the Lower Shotover Bridge is in fact a reference to Item 222).
467. We recommend that these submissions of IPENZ be accepted.

10. SUBMISSIONS ON HERITAGE OVERLAY AREAS

468. As noted in Part A of our recommendations, we are recommending that the term ‘Heritage Landscapes’ be replaced with ‘Heritage Overlay Areas’ to reduce potential confusion, particularly with the use and meaning of the term ‘landscape’ in section 6 of the Act. We will use that term in this section. Submissions relating to the *policies and rules* in Heritage Overlay Areas, specifically by New Zealand Tungsten Mining Ltd (NZTM) with respect to Glenorchy, have been addressed earlier in this report under Part B. In this part of our recommendations, we have turned our attention to submissions relating to the ‘Statements of significance’ and the ‘Key features to be protected’ with respect to these areas.

469. Under Section 26.12 of the PDP as notified, there are four heritage overlay areas. These were as follows:

Skippers Heritage	[Overlay Area] (26.12.1 – 3)
Moke Lake and Sefferton Heritage	[Overlay Area] (26.12.4 – 6)
Glenorchy Heritage	[Overlay Area] (26.12.7 – 9)
Macetown Heritage	[Overlay Area] (26.12.10 – 12)

470. Each of the four heritage overlay areas is accompanied by: (1) a map defining the area covered by the overlay area; (2) a Statement of Significance; and (3) a list of the ‘Key features to be protected’.
471. Straterra²⁵² expressed support for the Skippers Heritage Overlay Area provisions, the Moke Lake and Sefferton Heritage Overlay Area provisions, the Glenorchy Heritage Overlay Area (GHOA) provisions and the Macetown Heritage Overlay Area provisions, in each instance, subject to an amendment to the ‘Key features to be protected’.
472. NZTM²⁵³ sought amendments to the wording of the ‘Statement of Significance’ for the GHOA (26.12.7 as notified). NZTM²⁵⁴ also sought amendments to the ‘Key features to be protected’ in the GHOA (26.12.9 as notified).
473. With respect to the Skippers Heritage Overlay Area, the first three ‘Key Features to be protected’ include the Skippers Road and the Skippers Suspension Bridge and former township area, and under notified 26.12.3.3:

²⁵¹ Submission 201

²⁵² Submission 598, supported by FS1287

²⁵³ Submission 519, supported by FS1015, opposed by FS1356

²⁵⁴ Submission 519, supported by FS1015, opposed by FS1080, FS1356

"All other known archaeological sites, including sluiced terraces".

474. The same wording is also used under 26.12.6.6 (Moke Lake and Sefferton), 26.12.9.3 (Glenorchy) and 26.12.12.4 (Macetown).

475. Straterra has sought that the words be changed to:

"Representative examples of other ~~All other~~ known archaeological sites, including sluiced terraces"

– for all four heritage overlay areas.

476. The basis of their submission is that present-day mining is mostly carried out where it was undertaken in the past, and future mining should be enabled subject to obtaining authorities under the HNZPTA.

477. We note that the 'Key features to be protected' clauses accompanying each identified Heritage Overlay Area do not have the status of an objective, policy or rule. They would be an 'other matter' to be taken into account where a resource consent applications are considered (section 104(1)(c) of the Act). Apart from that, we have reservations about adopting uncertain terminology such as 'representative examples', or with the concept of enabling destruction of sites which were worthy of protection, but were excluded from a list of 'representative examples'.

478. The Council has however sought to identify under Section 26.10 of the PDP as notified, a list of 15 archaeological sites where parallel planning rules would apply *in addition* to any consents required under the HNZPTA. These matters were discussed in some detail in our consideration of archaeological sites in Part B of this report. There we concluded that land subject to any parallel plan rules which apply to *an aggregation of archaeological sites* should be defined in a manner that enables a landowner or member of the public to identify how they might be affected and the actual area defined. This is the issue which we consider is critically important, subject of course to such areas being justified on their merits.

479. As part of our recommendations on the text of Chapter 26, we recommend rejecting the listing of archaeological sites and the regulation of activities associated with them under the PDP, until such time that the land affected by these activities has been physically identified. Secondly, we have concluded that any effects on archaeological sites (separately and beyond those matters that would be considered under the HNZPTA processes), have to be clearly specified in the PDP. At this point in time, such provisions have not been sufficiently developed.

480. Given those recommendations, there would be no specific rules *in the PDP* protecting archaeological sites. This addresses at least in part, the concerns expressed by Straterra. Our recommendation does not preclude the possibility in the future of more clearly expressed rules provisions applying to a small number of areas where there is aggregation of archaeological sites.

481. Unfortunately, we did not hear evidence from Straterra, and the evidence of NZTM was more specifically focused on the Glenorchy area. Our recommendations in Part B to reject the listing of archaeological sites (at least in its present form) goes some way to meeting the concerns of the submitter.

482. NZTM²⁵⁵ sought that the ‘Statement of significance’ for the GHOA be amended to recognise not only the history of mining, but that it is a cycle which is likely to be ongoing in the future:

“The Glenorchy Heritage Landscape (GHL) is significant for its specific scheelite mining activities that ~~extended from the 1880s until the 1980s which have left a significant group of mine sites and infrastructure, along with a~~ have produced a sequence of mining evidence that follows the mining cycle which began here in the 1880s and will continue to exist into the future. These activities have produced a complex of sites along with a unique social history of the people who worked there”.

483. It also sought that future mining be enabled with the addition of the following sentence:

“It is recognised in this area that the GHL retains potential for exploration and mining, and it is appropriate to enable mining in such cases”.

NZTM²⁵⁶ sought that the ‘Key features to be protected’ be amended as follows:

“26.12.9.1 Significant heritage mining entrances, mining huts, the cableway and track ways within the GHL boundary ~~(including the Black Peak mine)~~

~~26.12.9.2 the mine sites entrances along the Mount Judah Road.~~

~~26.12.9.3 all other known archaeological sites and historic places within the GHL.”~~

484. We note that the GHOA, with its ongoing (albeit interrupted) history of scheelite mining, has a unique quality relative to the other three heritage landscapes, and that much of this heritage occurred after 1900. It was also a subject upon which we heard significant amount of evidence, unlike the other three heritage landscapes.

485. Turning to the ‘Summary of significance’ and ‘Key features to be protected’ set out in Section 26.12.9 of the PDP as notified (renumbered 26.10.8 in our recommendations), we concur with both the submitter and Ms Jones that the ‘Summary of significance’ be amended to acknowledge that the mining cycle that began in the area may recommence at some point in the future. Secondly, the list of key features should be amended to remove reference to all other “known archaeological sites”, and that the text simply refer to all other known historic mining sites within the GHOA. We consider such amendments to be appropriate given that the majority of the sites postdate 1900, and while contributing to the story of the areas heritage, would not necessarily qualify as archaeological sites. We do not consider that the reference to sites on Mount Judah Road under notified 26.12.9.2, need be retained, as this was already addressed under notified 26.12.9.1.

11. CORRECTIONS TO DESCRIPTIONS IN THE INVENTORY OF LISTED HERITAGE FEATURES (RENUMBERED SECTION 26.7)

486. Ms Gillies²⁵⁷ sought that the following listings be corrected and updated, or redundant or inaccurate entries removed. There were no further submissions opposing or supporting

²⁵⁵ Submission 519

²⁵⁶ Submission 519

²⁵⁷ Submission 604

these submission points, and Ms Jones' report recommended that these be accepted, a conclusion we also recommend:

Item 49	Brunswick Flour Mill site
Item 84	172 Arthurs Point
Item 85	11 Ballarat Street
Item 89	House, 5 Brisbane Street
Item 109	Glenorchy Old School building
Item 115	Crown Lodge
Item 133	Eureka House
Item 226	Paradise House
Item 227	Cottage, Coll Street Glenorchy.

487. Ms Gillies also requested that the description of Item 100, St Peters Parish Hall in Queenstown, be amended along with Map 36. Ms Jones recommended that the submission point be accepted in part with respect to simply making reference to its location in Earl Street. No further evidence was made to this submission point during the hearing. We accept Ms Jones' proposal and so recommend.

488. HNZ²⁵⁸ sought that the following listings be corrected, updated, or inaccurate entries removed. There were no further submissions on these submission points, and Ms Jones recommended that these be accepted, as do we:

Items 34, 703 and 704	Invincible Mine and Buddle sites
Item 131	Thurlby
Item 139	Mount Aurum Schoolhouse
Item 543	Cardrona Hotel facade

and the Sefferton and Moke Lake Heritage Overlay Area boundary.

489. QLDC²⁵⁹ sought to correct an omission in the PDP by adding a legal description identifying the site of Item 532 (MacPherson House), accompanied by an appropriate symbol on the planning map. We recommend that submission be accepted.

12. GENERAL SUBMISSIONS – HISTORIC HERITAGE

490. Richard Hewitt²⁶⁰ requested consultation and collaboration with Tangata Whenua/ Kai Tahu Ki Otago (KTKO) so that a full list of sites be compiled and mapped either on Map 40 and/ or as part of the archaeological alert layer. Mr Hewitt supplied a copy of the Tairua map of 1879/80 in his submissions as a starting point for such mapping, specifically requesting the listing of Manuwhaia (the neck) and the Matikituki cultivated area, and made suggestions for collaboration between these parties and the Council in the future. Christopher Horan²⁶¹ sought an acknowledgement of Maori occupation and appropriate signage about the history of this occupation, citing the example of known sites on the western side of Lake Hawea.

²⁵⁸ Submission 426

²⁵⁹ Submission 383, supported by FS1098

²⁶⁰ Submission 711, supported by FS1285

²⁶¹ Submission 153

491. Ms Jones²⁶² noted that the PDP as notified included Objective 26.5.3 and policies which recognise the need to identify Sites of Significance to Maori; a rule which will apply to such sites (renumbered Rule 26.5.14); and clarification that such sites are yet to be identified (renumbered Section 26.9). She advised that Ngai Tahu (through KTKO and Te Ao Marama Incorporated) has agreed to provide cultural mapping of sites to the Council by September 2016, with the intention that this would be included in Stage 2 of the PDP. While we note that this material was not included in Stage 2 and variations, when such material is included by way of the First Schedule submission process, the submitter and others will have the opportunity to take further part in the process.
492. HNZ²⁶³ sought that references in Chapter 26, and in the PDP as a whole, (particularly sections 26.9 (26.8 as renumbered) and 26.10 be renumbered to change references to the *HNZ heritage categories* from Category I and Category II, to Category 1 and Category 2. Section 26.8 contains the Inventory of listed heritage features, while 26.10 as notified related to archaeological sites. We have recommended the deletion of the section on archaeological sites. We recommend that Section 26.8 be amended as requested.
493. HNZ²⁶⁴ requested that the column under Section 26.10 as notified (archaeological sites) be amended by changing the reference to 'NZHPT' to read 'HNZ'. While we accept this amendment in principle, our recommendation to delete Section 26.10 means that this amendment becomes irrelevant, and accordingly we recommend it be rejected.
494. HNZ²⁶⁵ requested an amendment to the legal description of Item 705 (archaeological site) concerning the sawmill settlements at Turners Creek, Kinloch. While we accept this amendment in principle, our recommendation to delete Section 26.10 means that the amendment sought through this submission point becomes irrelevant, and accordingly we recommend it be rejected.
495. IPENZ²⁶⁶ sought more detail in the Heritage Overlay Area listings, such as listing all the features that are included as contributing to landscape heritage values, and adding map references. We did not hear from the submitter at the hearing, and Ms Jones assumed that IPENZ was proposing that the 'Statement of Significance' and/ or the 'Key Features to be Protected' sections include all the listed heritage features contained in the Inventory.
496. We agree with Ms Jones that the relief sought would raise the difficulty that individually listed features within the 'Statement of Significance' and/ or the 'Key Features to be Protected' sections would be subject to *both* the rules relevant to the Heritage Overlay Areas as well as the rules relating to individually listed heritage features. This raises not only the spectre of confusion between two layers of rules, but potentially activities having a different activity status. Such complication does not appear to be justified by any potential benefits, and we recommend that the submission be rejected.
497. Michael Farrier²⁶⁷ sought a requirement be added to the plan requiring a maintenance regime for heritage items. Although touched on only briefly in his submission, it is assumed that this

²⁶² V Jones, Section 42A Report, paragraphs 17.1 – 17.5

²⁶³ Submission 426

²⁶⁴ Submission 426

²⁶⁵ Submission 426, supported by FS1080

²⁶⁶ Submission 201

²⁶⁷ Submission 752

be a statutory obligation to maintain heritage features in such a way that they do not fall into disrepair. Although we agree strongly with the sentiments expressed, we doubt whether it is legally possible under the RMA to compel a property owner to maintain a property, whether it is a heritage feature or otherwise. All it can regulate is full or partial demolition, relocation, and alterations. Even if such a rule were legally possible, it would be void for uncertainty as to what an adequate standard of maintenance would constitute. It is recommended that this submission be rejected.

498. Queenstown Park Limited²⁶⁸ owned a large alpine pastoral property on the true right of the Kawarau River, which is subject to an extensive submission seeking rezoning and other changes to the PDP. These are dealt with through hearings on other chapters. There are no heritage features listed on this property, an outcome which the submitter supports and seeks to have confirmed. There is no recommendation proposing listing of any heritage feature on the property, so we recommend that the submission be accepted.
499. J Gillies²⁶⁹ sought that where protected features are scheduled for protection, that the protection apply to the historic part of the building and not recent additions. We appreciate that this can be difficult with respect to buildings which have undergone alterations and additions over a long period of time, and determining what constitutes a “recent addition” can be challenging. This is often best achieved through the incorporation of a site/building plan defining that part of a building complex which is “historic” as an appendix in the District Plan, to remove the kind of ambiguity which can arise when trying to ‘describe’ the historic component.
500. This is in fact the approach that we have taken with the Queenstown Bowling Club where this very scenario has arisen. We agree with the submitter that for some heritage features, a partial listing would be appropriate, but with few exceptions this exercise does not appear to have been undertaken as part of the review of the district plan.

13. SUBMISSIONS IN SUPPORT – HISTORIC HERITAGE

501. A number of submissions supported the Chapter as notified subject to the amendments also sought in their submission, or supported particular listings. In Appendix 2 we set out our recommendations for each of these consistent with our overall recommendations for the chapter.

²⁶⁸ Submission 806

²⁶⁹ Submission 604

PART D: OVERALL RECOMMENDATION

502. For the reasons we have set out above, we recommend to the Council that:
- a. Chapter 26, in the form set out in Appendix 1, be adopted; and
 - b. The relevant submissions and further submissions be accepted, accepted in part or rejected as set out in Appendix 2.
503. We also recommend to the Stream 10 Hearing Panel that the definitions listed in Appendix 3 be included in Chapter 2 for the reasons set out above.

For the Hearing Panel



Denis Nugent, Chair
Date: 31 March 2018

Appendix 1: Chapter 26 as Recommended

26 HISTORIC HERITAGE



26.1

Purpose

The purpose of this chapter is to promote the sustainable management of the District's historic heritage¹ features. These features are an important part of the amenity and character of our natural, physical and cultural heritage. Protecting these helps retain the District's character, history, and sense of place. This will be achieved by identifying and recognising heritage values, which can then be offered protection through the Plan.

This chapter contains objectives, policies and rules relating to:

- a. the Inventory of protected Heritage Features, which includes all listed buildings, structures, and other features;
- b. heritage Precincts;
- c. sites of significance to Maori;
- d. heritage Overlay Areas.

26.2

Identification and Protection

26.2.1 Categorisation and future listing

The District's most significant known heritage features are represented in the Inventory of Protected Heritage Features. Although they all have heritage value, they are categorised according to their relative level of importance which allows different levels of regulatory protection to be applied. For heritage features there are three categories: 1 to 3, with Category 1 being the most significant.

Queenstown Lakes District Council acknowledges that the Inventory represents an identification and categorisation of heritage features at the time this plan was reviewed and may subsequently change. Nominations for inclusions, removals or amendments to categories for individual features will be considered, but should contain sufficiently detailed and robust reports in line with assessments that the Council uses. Evidence that affected owners have been informed and consulted should be provided and:

- a. for heritage precincts and Heritage Overlay Areas, a report from a qualified conservation / landscape architect or a person with demonstrated experience as an adviser or manager on projects involving heritage precincts or areas, is recommended. These may include site specific reports from government bodies with a remit for heritage, such as Heritage New Zealand Pouhere Taonga and the Department of Conservation;
- b. for sites of significance to Maori, a detailed assessment of the extent of the site and related values should be prepared by the appropriately mandated iwi;
- c. for individual buildings and structures, a report from a suitably qualified conservation architect, using the Council's criteria, and for Category 1 features, a Conservation Plan. Any Conservation Plan shall be prepared in accordance with Heritage New Zealand's Best Practice Guidelines;
- d. for sites that require the use of archaeological methods, a detailed assessment by a qualified and experienced archaeologist.

1. Sec 2A RMA

26.2.2 Description of listed Heritage Features Categories 1 – 3

- Category 1 Category 1 Heritage Features warrant the highest level of protection as they are very significant nationally or regionally. Category 1 shall include all places of the highest historical or cultural heritage significance including, but not limited to, all features in Category 1 of the Heritage New Zealand *New Zealand Heritage List/ Rarangi Kohero*.
- Category 2 Category 2 Heritage Features warrant permanent protection because they are very significant to the District and/or locally.
- Category 3 Category 3 Heritage Features are significant to the District and/or locally and their retention is warranted. The Council will be more flexible regarding significant alterations to heritage features in this Category. Category 3 shall include all other places of special historical or cultural value.
-

26.2.3 Evaluation

Development affecting historic heritage can be a complex matter because of the sensitivity of the values associated with them. The evaluation criteria contained in this section 26.6.1 of this chapter shall form the basis of any 'Assessment of Effects' on activities affecting heritage features. Early consultation on development proposals is recommended with heritage professionals, Heritage New Zealand and community heritage groups, before the design stage.

26.2.4 Archaeology Alert Layer

The HNZPTA 2014 makes it unlawful to destroy or modify the whole or part of an archaeological site without the prior authority of Heritage New Zealand. This is a separate statutory process to obtaining any resource consents required under this District Plan, but is an important step for applicants to consider when preparing a resource consent application which might affect an archaeological site. An archaeological site is defined in the HNZPTA 2014 and is also included in the list of definitions under Section 26.6.

Given the large number of archaeological sites within the District, they are not shown on the Planning Maps. However to assist prospective applicants, an alert layer is maintained by the Council which identifies particularly significant groups of sites or significant sites of unknown extent. This layer is for information purposes only, and users of the Plan are recommended to undertake early consultation with Heritage New Zealand.

This alert layer does not necessarily contain all archaeological sites but is intended to provide applicants with an easily accessible means of undertaking an initial check of the subject site. The alert layer will be updated as new information is made available to the Council. It does not form part of the District Plan Planning Maps.

26.3

Objectives and Policies

26.3.1 **Objective - The District's historic heritage is recognised, protected, maintained and enhanced.**

- Policies
- 26.3.1.1** Ensure historic heritage features within the District that warrant protection are recognised in the Inventory of Protected Features in Section 26.8.
 - 26.3.1.2** To enhance historic heritage through:
 - a. increasing the knowledge and understanding of heritage values;
 - b. providing for the enhancement of heritage values through works which increase the resilience of heritage features by way of repairs and upgrades to meet building and safety standards, subject to these works being undertaken in a manner which respects heritage values and where possible retains original heritage fabric or utilises the same or similar materials.
 - 26.3.1.3** Protect historic heritage values while managing the adverse effects of land use, subdivision and development, including cumulative effects, taking into account the significance of the heritage feature, area or precinct.
 - 26.3.1.4** Where activities are proposed within the setting or extent of place of a heritage feature, to protect the heritage significance of that feature by ensuring that:
 - a. the form, scale and proportion of the development, and the proposed materials, do not detract from the protected feature located within the setting or extent of place;
 - b. the location of development does not detract from the relationship that exists between the protected feature and the setting or extent of place, in terms of the values identified for that feature;
 - c. existing views of the protected feature from adjoining public places, or publicly accessible places within the setting or extent of place, are maintained as far as is practicable;
 - d. hazard mitigation activities and network utilities are located, designed, or screened to be as unobtrusive as possible.
 - 26.3.1.5** Avoid the total demolition, or relocation beyond the site, of Category 1 heritage features.
 - 26.3.1.6** Discourage the total demolition of Category 2 heritage features, or the partial demolition of Category 1 and Category 2 heritage features, unless evidence is provided which demonstrates that:
 - a. other reasonable alternatives have been shown to be impractical;
 - b. there is a significant risk to public safety or property if the feature or part of it is retained;
 - c. the heritage feature is unable to serve a productive use or its retention would impose an unreasonable financial burden on the building owner.

- 26.3.1.7** Promote the retention of Category 3 heritage features, or where the partial demolition of a Category 3 heritage feature is proposed, reduce adverse effects on its overall heritage values.
- 26.3.1.8** Discourage the relocation of Category 2 heritage features beyond the site, or within the site, unless evidence is provided which demonstrates that;
 - a. relocation is necessary to facilitate the ongoing use or protection of the heritage feature(s), or to ensure public safety;
 - b. measures are in place to minimise the risk of damage to the heritage feature;
 - c. the heritage values of the heritage feature(s) in its new location are not significantly diminished.
- 26.3.1.9** Where the relocation of Category 3 heritage features either beyond or within the site is proposed, to have regard to:
 - a. the ongoing use or protection of the heritage feature, or to ensure public safety;
 - b. measures to minimise the risk of damage to the heritage feature;
 - c. the heritage values of the heritage feature in its new location;
 - d. within a Heritage Precinct, the effects on the heritage integrity of that precinct including adjoining structures and the precinct as a whole.

26.3.2 Objective - The sustainable use of historic heritage features.

- Policies
- 26.3.2.1** Encourage the ongoing economic use of heritage features, sites and areas by allowing adaptations and uses that are in accordance with best practice, and:
 - a. enhance heritage values in accordance with Policy 26.3.1.2;
 - b. do not result in adverse cumulative effects through successive alterations over time;
 - c. provide an economically viable use for the protected heritage feature, subject to any works being undertaken in a manner which respects its heritage values;
 - d. recognise the need for modification through works which increase the resilience of heritage buildings by way of repairs and upgrades to meet building and safety standards, subject to these works being undertaken in a manner which respects heritage values.
 - 26.3.2.2** Encourage the maintenance of historic heritage features by allowing minor repairs and maintenance.

26.3.3 Objective - The diversity of historic heritage features, heritage precincts, heritage overlay areas and values associated with them, are recognised.

- Policies
- 26.3.3.1** Identify the heritage values of heritage precincts, heritage features, sites of significance to Maori, and areas of heritage significance and in conjunction with Heritage New Zealand archaeological sites.

26.3.3.2 Ensure that in making decisions on development proposals, the effects on tangible and non-tangible values of sites of significance to Maori, are informed by those mandated to do so.

26.3.3.3 Recognise and protect the different layers of history within heritage (overlay) areas and the relationship between these layers, to retain their cultural meaning and values.

26.3.4 Objective - The historic heritage value of heritage features is enhanced where possible.

- Policies
- 26.3.4.1** Encourage opportunities to enhance the understanding of historic heritage features, including through the need for interpretation.
 - 26.3.4.2** Provide incentives for improved outcomes for heritage values through the relaxation of rules elsewhere in the District Plan where appropriate, on a case-by-case basis.
 - 26.3.4.3** Recognise the value of long term commitments to the preservation of heritage values in the form of covenants and consent notices.
 - 26.3.4.4** Enable ongoing improvements to heritage features including earthquake strengthening and other safety measures, in recognition that this will provide for their ongoing use and longevity.
 - 26.3.4.5** Recognise the potential for ongoing small-scale mining activities consistent with the maintenance of heritage and landscape values within the Glenorchy heritage overlay area, subject to the protection of features identified in section 26.10.

26.4 Other Provisions and Rules

26.4.1 District Wide

Attention is drawn to the following District Wide chapters:

1. Introduction	2. Definitions	3. Strategic Direction
4. Urban Development	5. Tangata Whenua	6. Landscapes and Rural Character
27. Subdivision	28. Natural Hazards	32. Protected Trees
30. Energy and Utilities	31. <i>Signs</i>	35. Temporary Activities and Relocated Buildings
33. Indigenous Vegetation	34. Wilding Exotic Trees	36. Noise
37. Designations	Planning Maps	

26.4.2 Interpreting and Applying the Rules

26.4.2.1 The following tables describe activities, standards and subsequent level of activity for resource consent purposes.

26.4.2.2 Reference should be made to Chapter 27 with respect to rules regulating the subdivision of sites containing heritage features.

26.4.2.3 The following abbreviations are used in the tables.

Note: Where an application involves the exercise of matters of discretion by the Council, the activity category are identified by an asterisk *.

P Permitted	C Controlled	RD Restricted Discretionary
D Discretionary	NC Non-Complying	PR Prohibited

26.5 Rules - Activities

Table 1 General

Rule	Activity	All Heritage Features
26.5.1	Activities not specifically identified Any activity which breaches a standard but is not specifically identified under any of the levels of activities set out in the rules below.	D
26.5.2	Repairs and maintenance Minor repairs and maintenance on all protected heritage features and contributory and non-contributory buildings in heritage precincts. Note: Works that do not fall within the definition of minor repairs and maintenance are classed as alterations.	P

Table 2 Listed heritage features

Rule	Activity	Cat 1	Cat 2	Cat 3
26.5.3	Total demolition or relocation to another site *For Category 3 heritage features discretion is restricted to: a. the extent of the demolition proposed and the cumulative effects on the heritage feature; b. the effects on the heritage values and heritage significance, as evaluated in accordance with the criteria in section 26.6; c. where the protected heritage feature is located within a heritage precinct, the effects of the proposed activity on the key features of the heritage precinct as identified in section 26.7.	PR	NC	RD*

Rule	Activity	Cat 1	Cat 2	Cat 3
26.5.4	<p>Partial demolition</p> <p>*For Category 3 heritage features discretion is restricted to:</p> <ul style="list-style-type: none"> a. the extent of the demolition; b. the effects on heritage values and heritage significance, in accordance with the evaluation criteria in section 26.5; c. the effects on the heritage values and heritage significance of the feature, including the cumulative effects resulting from incremental demolition; d. where the heritage feature is located within a heritage precinct, the effects of the proposed activity on the key features of the heritage precinct as identified in section 26.6. 	NC	NC	RD*
26.5.5	<p>Relocation within the site</p> <p>The relocation of an existing heritage feature within the same site.</p> <p>*For Category 3 heritage features discretion is restricted to:</p> <ul style="list-style-type: none"> a. the effects on the heritage values and heritage significance of the feature in accordance with the evaluation criteria in Section 26.6; b. the physical effects on the heritage fabric and the effects on the setting or extent of place of the feature; c. any evidence that relocation is necessary for operational reasons; d. where the heritage feature is located within a heritage precinct, the effects of the proposed activity on the key features of the heritage precinct as identified in section 26.7. 	NC	NC	RD*
26.5.6	<p>External alterations and additions</p> <p>*For Category 2 and 3 heritage features discretion is restricted to:</p> <ul style="list-style-type: none"> a. the effects on the heritage values and heritage significance of the feature in accordance with the evaluation criteria in Section 26.6; b. where the heritage feature is located within a heritage precinct, the effects of the proposal on the key features of the heritage precinct as identified in Section 26.7. 	D	RD*	RD*
26.5.7	<p>Internal alterations</p> <p>Internal alterations affecting the heritage fabric of a building.</p> <p>* For Category 2 heritage features (buildings) discretion is restricted to:</p> <ul style="list-style-type: none"> a. the extent of the alteration and the cumulative effects on the building; b. the effects on the heritage values and heritage significance of the feature in accordance with the evaluation criteria in Section 26.6. <p>Note: For the avoidance of doubt, alterations such as the partial removal and replacement of decoration, windows, ceilings, floors or roofs that only affect the interior of the building are subject to this rule.</p>	D	RD*	P

Rule	Activity	Cat 1	Cat 2	Cat 3
26.5.8	<p>Development within setting or extent of place</p> <p>New buildings and structures, earthworks requiring consent under Chapter 25, car park areas exceeding 15m² within the view from a public road, and car park areas exceeding 40m² located elsewhere.</p> <p>* For Category 2 and 3 heritage features, discretion is restricted to:</p> <ol style="list-style-type: none"> Development within the setting, or within the extent of place where this is defined in the Inventory under Rule 26.8; The extent of the development and the cumulative effects on the heritage feature, and its setting or extent of place; The effects on the heritage values and heritage significance of the feature in accordance with the evaluation criteria in Section 26.6. <p>Note: This rule does not apply to any use of buildings, structures and land other than the activities specified above.</p>	D	RD*	RD*

Table 3 Heritage Precincts

Notes:

- table 3 only relates to heritage features that are not listed in the Inventory (26.8). Buildings listed in the Inventory are subject to the rules in Tables 1 and 2 only.
- the following chapters contain rules which apply to the construction of new buildings within heritage precincts:
 - chapter 10: Arrowtown Residential Historic Management Zone;
 - chapter 12: Queenstown Town Centre Zone;
 - chapter 13: Arrowtown Town Centre Zone.

Rule	Activity	Contributory buildings other than those listed in 26.8	Non-contributory buildings
26.5.9	Total and partial demolition or relocation beyond the site	D	P
26.4.10	Relocation within a heritage precinct	D	D
26.4.11	Relocation from a heritage precinct	D	P

Rule	Activity	Contributory buildings other than those listed in 26.8	Non-contributory buildings
26.4.12	<p>External alterations</p> <p>*Discretion is restricted to:</p> <ul style="list-style-type: none"> a. the extent of the alterations and the cumulative effects on the heritage feature, and its setting or extent of place; b. the effects on other contributory and individually listed buildings and heritage features. The key features and values of the precinct as identified in the statement of significance and key features to be protected in section 26.7; c. the effects on the heritage values and heritage significance of any affected heritage feature in accordance with the evaluation criteria in section 26.5. 	RD*	RD*
26.4.13	Internal alterations	P	P

Table 4 Sites of Significance to Maori

Rule	Activity Standard	All Sites
26.5.14	<p>Development</p> <p>Any development on a site identified as a Site of Significance to Maori.</p> <p>Any application made in relation to this rule shall not be publicly notified, or limited notified other than to Tangata Whenua.</p>	D

Table 5 Heritage Overlay Areas

Area	Activity Standard	All heritage areas
26.5.15	<p>Notwithstanding Chapter 21, pertaining to the Rural Zone, the following additional rules apply within Heritage Overlay Areas as defined in Section 26.10:</p> <ul style="list-style-type: none"> a. mining on a mining site where the volume of material excavated or subsequently stockpiled exceeds 500m³ per mining site per annum (but excluding farm track access, fencing, firebreaks and public use tracks); b. a building ancillary to mining on a mining site, which has a building footprint greater than 10m² in area; (For the purposes of Rule 26.4.15(2), a 'building' means any building or structure that is new, relocated, altered, reclad or repainted, including containers intended to, or do, remain on site for more than six months, or an alteration to any lawfully established building) c. removal or destruction of any heritage feature referred to in the Statement of Significance or Key Features to be protected; d. forestry. <p>Notes:</p> <ul style="list-style-type: none"> a. where archaeological sites are referred to in the Statements of Significance or Key Features to be protected, reference should be made to the definition of archaeological sites in Chapter 2 – Definitions; b. if intending to destroy or modify, or cause to be destroyed or modified, an archaeological site, an Authority will be required from Heritage New Zealand pursuant to the HNZPTA 2014; c. reference should also be made to the rules in Chapter 21, which also apply within Heritage Overlay Areas. 	D

26.4.16 Non- Notification

The provisions of the RMA apply in determining whether an application needs to be processed on a notified basis. Except as qualified under Table 4, no activities or non-compliances with the standards in this chapter have been identified for processing on a non-notified basis.

26.6

Evaluation Criteria

26.6.1 Evaluation criteria for categorizing and including features in the Inventory of Protected Heritage features

The following criteria are used to determine the listing and category of listed features, whether a feature should be included in the Inventory, and the category of such listed features; and

Heritage Assessments exist for many of the Protected Features and these provide a detailed assessment of the values of the feature and a conclusion of its overall significance. These assessments are available from the Council and should be used as the starting point for any evaluation. Where such an assessment does not exist, then your evaluation will need to be based on existing historical information, which can be obtained from various sources, including the Council's archaeological alert layer, Heritage New Zealand, the Council's resource consent files, and the Lakes District Museum.

1. Historic and Social Value

- a. whether the feature reflects characteristics of national and/or local history;
- b. with regard to local history, whether the feature represents important social and development patterns of its time, such as settlement history, farming, transport, trade, civic, cultural and social aspects;
- c. whether the feature is significant in terms of a notable figure, event, phase or activity;
- d. the degree of community association or public esteem for the feature;
- e. whether the feature has the potential to provide knowledge and assist in public education with regard to Otago and New Zealand History;
- f. cultural and spiritual value;
- g. whether it is of special significance to Tangata Whenua;
- h. contribution to the characteristics of a way of life, philosophy, religion or other belief which is held by a particular group or community.

2. Cultural and Spiritual Value

- a. whether it is of special significance to Tangata Whenua;
- b. contribution to the characteristics of a way of life, philosophy, religion or other belief which is held by a particular group or community.

2. Architectural Value

- a. whether the building or structure has architectural or artistic value;
- b. whether the feature represents a particular era or style of architecture or significant designer;
- c. whether the style of the building or structure contributes to the general character of the area;
- d. the degree to which the feature is intact,;
- e. whether the building or structure has undergone any alteration, thereby changing the original design.

3. Townscape and Context Value

- a. whether the feature plays a role in defining a space or street;
- b. whether the feature provides visual interest and amenity;
- c. degree of unity in terms of scale, form materials, textures and colour in relation to its setting and/or surrounding buildings.

4. Rarity and Representative Value

- a. whether the feature is a unique or exceptional representative of its type either locally or nationally;
- b. whether the feature represents a way of life, a technology, a style or a period of time;
- c. whether the feature is regarded as a landmark or represents symbolic values;
- d. whether the feature is valued as a rarity due to its type, style, distribution and quantity left in existence.

5. Technological Value

- a. whether the building has technical value in respect of the structure, nature and use of materials and/or finish;
- b. whether the building or structure is representative of a particular technique.

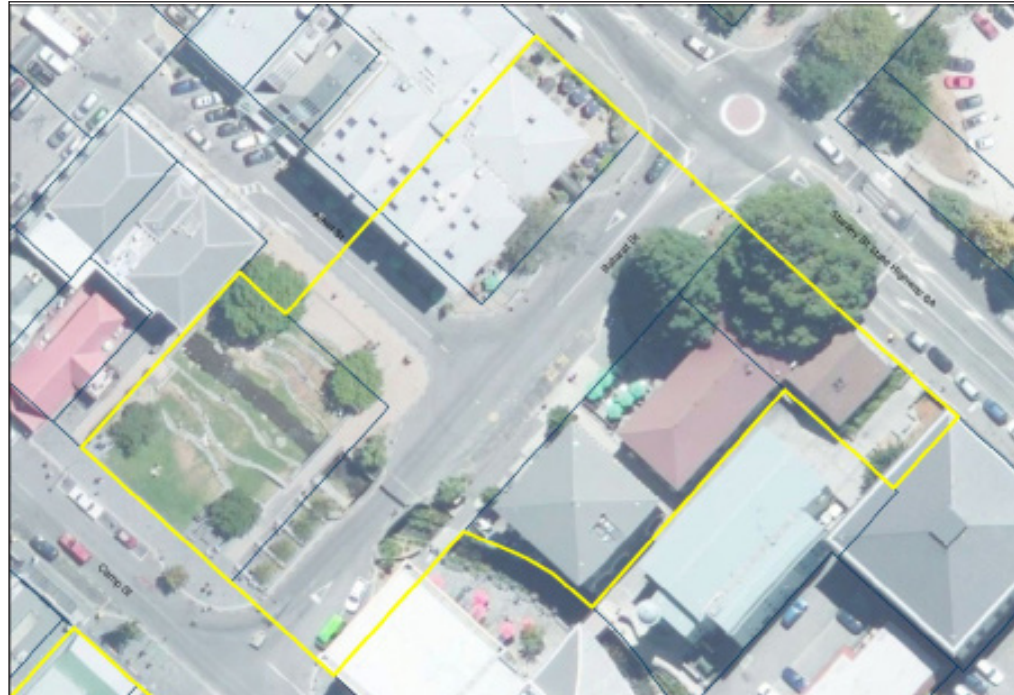
6. Archaeological Value

- a. significance in terms of important physical evidence of human activities which through archaeological investigation could provide knowledge of the history of Otago and New Zealand.

26.7

Inventory of Protected Features - Precincts

26.7.1 Queenstown Courthouse Heritage Precinct



26.7.2 Statement of Significance

The Precinct represents the historically significant civic centre of Queenstown and contains a number of important heritage buildings, open spaces and structures. Their design and the nature of their stone construction convey their high status within the District. The buildings / structures are an architectural statement of permanency, stability and prosperity as the town evolved progressively from its early canvas tent and timber structures to a new generation of enduring public buildings. The buildings / structures generally remain intact and have a high degree of historical and architectural authenticity within the town. They are very distinctive and prominent features of the townscape in this part of Queenstown and define its provenance. Their scale, form and materials are characteristic of 19th century Queenstown and, together, they are considered to have high 'group' / contextual value in relation to each other. The Stone Bridge is also a rare example of its kind in the District.

26.7.3 Key features to be protected

- 26.7.3.1** The individual principal historic buildings; their form, scale, materials and significance. Incremental loss must be avoided.
- 26.7.3.2** The 'group' value of the buildings within the Precinct and their setting within it, including the open spaces.
- 26.7.3.3** The townscape / landmark value of the Precinct, i.e., other buildings, development and signage within the Precinct or adjoining it should not adversely affect or diminish the significance of the Heritage Precinct.

26.7.4 Queenstown Mall Heritage Precinct



Blue shapes are the non-contributory buildings.

26.7.5 Statement of Significance

The Precinct represents the historically significant commercial centre of Queenstown and still embodies its early settlement pattern from when the town was set out in 1864. This is evident in the arrangement of the sections and the street layout within the precinct. The Precinct contains a wide variance of architectural styles and features of interest is centred on the Mall (Ballarat Street), which since the earliest days of Queenstown has been the principal thoroughfare from the lake through the town. The route of Ballarat Street running up to Hallenstein Street and the frontage of Eichardt's Hotel near the lake provide an historically iconic view of the town from the lake of outstanding townscape and contextual value. The Precinct is considered to have high archaeological value for the evidence that it could provide of the early settlement of Queenstown and its pre-1900 development.

26.7.6 Key features to be protected

- 26.7.6.1** The group of reasonably intact 19th century commercial buildings / structures towards the lake end of the Mall and their setting within the Precinct.
- 26.7.6.2** The early settlement pattern of the town (the arrangement of the sections and the street layout within the Precinct). Incremental loss must be avoided.
- 26.7.6.3** The view of the Precinct from the lake – including the straight view up Ballarat Street to Hallenstein and vice-versa.
- 26.7.6.4** The archaeology of the Precinct.

26.7.7 Queenstown Marine Parade Heritage Precinct



Blue shapes are the non-contributory buildings.

26.7.8 Statement of significance

The combination of the heritage buildings, the environs of Marine Parade and the shoreline of Lake Wakatipu and the landscape beyond, result in the Heritage Precinct being of unique and exceptional townscape significance. The heritage buildings within the Precinct are representative of the evolution of the early settlement into a permanent and prosperous town. The Masonic Lodge and William's Cottage are thought to be amongst the oldest buildings in the town and create a Precinct of architectural 'gems', which signifies the social and tourist heritage of the town.

26.7.9 Key features to be protected

- 26.7.9.1** The individual principal historic buildings; their form scale, materials and significance. Incremental loss must be avoided.
- 26.7.9.2** The unique and exceptional townscape significance of the Precinct.

26.7.10 Arrowtown Town Centre Heritage Precinct



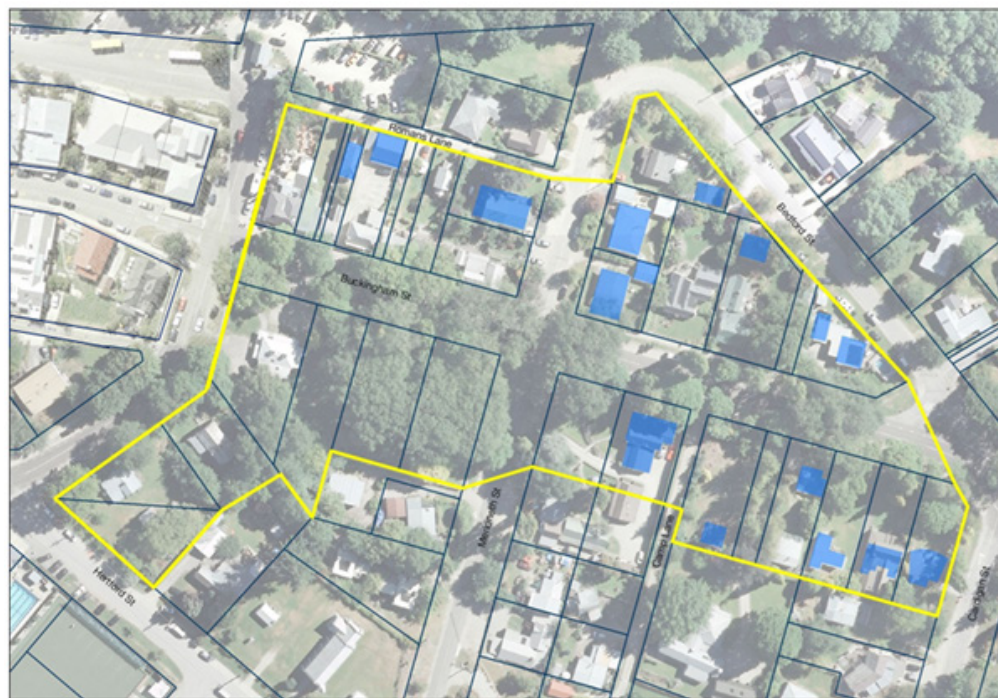
26.7.11 Statement of Significance

The precinct represents the commercial centre of the town and includes a nucleus of heritage buildings that have developed on the site of the 1864 relocated town centre. Buildings such as the former BNZ bank premises (associated with the renowned architect, R.A. Lawson) and Pritchard's Store date from the mid -1870s are symbolic of the development of the town during that economically stable period. The Postmaster's House and Post & Telegraph office have origins in the 20th century and are symbolic of the later progression of the town. The Precinct is held in high esteem by the local community and visitors alike and is a very popular tourist attraction. It contains heritage buildings / structures that are of high aesthetic and architectural significance within the District and wider region as authentic examples or representation of a goldfields' town dating from the 1860s and 1870s. It is considered to have high archaeological value for the evidence that it could provide of pre-1900 commercial Arrowtown dating to the early to mid - 1860s.

26.7.12 Key features to be protected

- 26.7.12.1** The unity of the Precinct in terms of scale, form, materials, textures and colours in relation to its mountain and river setting.
- 26.7.12.2** The 'group' value of the Precinct and its representative image of a traditional goldfields town.
- 26.7.12.3** The streetscape, and street and section patterns.
- 26.7.12.4** Views through the Precinct.
- 26.7.12.5** Archaeology.

26.7.13 Arrowtown Cottages Heritage Precinct



Blue shapes are the non-contributory buildings.

26.7.14 Statement of Significance

The Precinct represents the historically significant and authentic early years of the settlement and development of Arrowtown from, principally, a social perspective. It contains some of the town's most important buildings and features, including 1870s miners' cottages, the Masonic Lodge, the Green and the tree-lined avenue. The architectural and aesthetic quality of the precinct is derived from its plain, functional, small scale buildings, principally of timber and iron, which represent the typical form of accommodation in which miners and their families lived during the Central Otago Gold Rush years. The larger stone buildings demonstrate progress and permanence as the prosperity and confidence of the town grew. The tree-lined avenue and Green have great aesthetic appeal and provide the setting for the buildings within the precinct. The Precinct has very high townscape / contextual and rarity significance within the District.

26.7.15 Key Features to be protected

- 26.7.15.1** The individual principal historic buildings; their form, scale, materials and significance. Incremental loss must be avoided.
- 26.7.15.2** The 'group' value of the buildings within the precinct and their setting within it, including the open spaces.
- 26.7.15.3** The townscape / landmark value of the Precinct i.e., other buildings, development and signage within the Precinct or adjoining it should not adversely affect or diminish the significance of the heritage Precinct.
- 26.7.15.4** Archaeology.

26.8

Inventory of listed Heritage Features

Ref No	Map Ref	Description	Legal Description (Valuation Reference)	HNZ Cat / No.	QLDC Cat
1	36	St Peter's Anglican Church Organ, St Peter's Church, corner Church and Camp Streets	Lot 1 DP 365052 (2910504403)		3
2	36	St Peter's Anglican Church Carved Eagle Lectern, St Peter's Church, corner Church and Camp Streets	Lot 1 DP 365052 (2910504403)		3
3	37 (a) 37 (b)	The paddle steamship Antrim's former engines and boiler within the winding house, Kelvin Peninsula. Slipway and Cradle, Kelvin Peninsula	Adjacent to Sections 25 and 26, Block I, Coneburn SD (on water's edge) (Adjacent to 2909954900)		2 3
4	26	Group of Stone Building remains, Whitechapel	Lot 2 DP 15996 Block VIII, Shotover SD (2907210100)		3
5	10	Skippers Road, including stone retaining walls, cuttings at Hell's Gate, Heaven's Gate, Bus Scratch Corner, road to Branches and geographical features Lighthouse Rock, Castle Peak and Long Gully but excluding that part of long Gully legally described as Sections 3, 4 and 5 SO Plan 24648	Road Reserve Commencing at Coronet Peak Road and ending at the end of Branches Road – Blocks II, XV, XVI Shotover SD and Block II Skippers SD.	1 / 7684	2
6	10	The Macetown Road and all road stone retaining walls. From Butler Park, Buckingham Street, Arrowtown through to Macetown Historic Reserve.	Road reserve adjacent to Part Section 2 Block XXV Town of Arrowtown and Run 23, 25, 26, 39 and Part Run 27 (Road Reserve adjacent to 2918233400, 2907214600, 2907212500, 2907214700, 2907300200)		3
7	9	The Hillocks, vicinity Dart Bridge	Part Sections 1 & 2, Block IV, Dart SD (2911130400, 2911130500)		3
8	25	Bible Face, Glenorchy. Vicinity Depot and Gravel Pit, Queenstown-Glenorchy Road, Glenorchy. Exact location shown by the building line restriction.	Part Section 2, Block XIX, Town of Glenorchy (2911120100)		3
9	13	Judge and Jury Rocks, rock features only, Vicinity Kawarau Gorge Bridge	Section 4, Block I, Kawarau SD (2907213800)		3
10	9	Peter Tomb's rock, near Diamond Lake	Section 43 Block II Dart SD (2911131800)		3
11	36	Horne Creek, running through Queenstown Town Centre	Runs from Lot 1 DP20875 Block V, Queenstown Village Green through Lot 1 and Lot 2 DP416867, Lot 2 DP 357929, Lot 2 DP 18459 Block XXXI, Road reserve and adjacent to Sections 2 & 3 Block LII adjacent to Sections 2 & 3 Block LII and ending adjacent to Section 1 Block LII. (2910631100, 2910500301, 2910500510, Adjacent to 2910500401, 2910500500 and 2910506500)		2
12	36	Hotop's Rise, Corner Earl and Camp Street	Road Reserve (Camp Street)		2

Ref No	Map Ref	Description	Legal Description (Valuation Reference)	HNZ Cat / No.	QLDC Cat
13	35	Queenstown Gardens and Plantation Reserve Block, including the Queenstown Garden Gates, 52 Park Street	Section 7 Block LI Town of Queenstown (2910507200)		2
14	12	Copper mine tunnel, Moke Creek	Run 11 Glenorchy Mid Wakatipu (2907305900)		3
15	12	Re-direction tunnel, Moke Creek	Run 11 Glenorchy Mid Wakatipu (2907305900)		3
16	33	Boatshed, Slipway and original Old Ticket Office, Frankton Marina Recreation Reserve	Sections 59 & Part Section 39 Block XXI Shotover SD (2910331100)		2
17	35	Queenstown Cemetery, Brecon Street	Section 132 Block XX Shotover SD (2910614701)		2
18	35	Transit of Venus Site, 8 Melbourne Street, Queenstown	Section 15, Block XXXVI, Town of Queenstown (2910537500)		2
19	10	Cemetery, Skippers	Section 56, Block XI, Skippers Creek SD (2907301000)		3
20	36	Lake Level Plaque, Marine Parade (beside Jetty), Queenstown	Section 6 Block LI Town of Queenstown (2910506600)		3
21	36	Rees Tablet, Waterfront, Marine Parade, Queenstown	Section 6 Block LI Town of Queenstown (2910506600)		3
22	30	Robert Lee's Memorial Trough, Ladies Mile, SH 6	Road reserve adjacent to Lot 2, DP 12921, Shotover SD (Road Reserve Adjacent to 29071402001)		3
23	25	War Memorial, Mull Street, Glenorchy	Section 1560R, Block XII, Town of Glenorchy (Adjacent to 2911101100)		2
24	35	William Rees Memorial, Queenstown Gardens	Part Section 7 Block LI Town of Queenstown (2910507200)		3
25	34	Haki Te Karu Plaque, Queenstown Gardens	Part Section 7 Block LI Town of Queenstown (2910507200)		3
26	34	Scott Rock Memorial, Queenstown Gardens	Part Section 7 Block LI Town of Queenstown (2910507200)		3
27	36	War Memorial Gate, Marine Parade	Road Reserve and Section 6 Block LI Town of Queenstown (Marine Parade) (Road reserve and 2910506600)		2
28	33	1940 Centennial Gates, Queenstown Airport	Lot 2 DP 304345 (2910100106)		3
29	39	Thomas Arthur Monument, Beside Edith Cavell Bridge, Arthurs Point	Road Reserve Crown Land Block XIX Shotover SD (Road Reserve opposite 2910721001)		3
30	25	Centennial Gates, Entrance to Recreation Ground, Corner Mull and Oban Streets, Glenorchy.	Section 1 Block XX Town of Glenorchy (2911118700)		3
31	13	Steam Engine Beside Oxenbridge Tunnel, Arthurs Point	Part Section 148 Crown Land (Shotover River) Block XIX Shotover SD (2907303900)		2
33	12	Trig Station, Mount Nicholas Station	Block X, Part Run 630, Mid Wakatipu SD (2911136100)		3

Ref No	Map Ref	Description	Legal Description (Valuation Reference)	HNZ Cat / No.	QLDC Cat
34	9	Invincible Mine, including the battery, and buddle sites, Vicinity Rees River	Legal description: Sections 1 and 2 Blk XII Earnslaw SD, SO 18563 (Invincible Mine Historic Reserve NZ Gazette 1979,p 570) Otago Land District. Heritage New Zealand Cat/No:2/5603 and 5604		3
35	39	Edith Cavell Bridge Arthur's Point	Bridge adjoining Crown Land Block XIX Shotover SD being the banks of the Shotover River (Road Reserve opposite 2910721001)	1 / 4371	1
36	36	Ballarat Street Bridge, Horne Creek Queenstown Town Centre	Adjacent to Lot 1, DP 20875, Block V and Lot 1 DP 20964, Block XXXI, Town of Queenstown (Road Reserve Adjacent to 2910631100 and 2910500300)	1 / 7097	1
38	36	Bridge over Horne Creek - 11 Camp Street	Lot 2 DP 357929 (2910500401)		2
39	36	Lychgate, St Peter's Anglican Church, Corner Camp and Church Street	Lot 1 DP 365052 (29105 04403)		3
40	33	Kawarau Falls Bridge, Frankton	Bridge adjoining Section 4 Block XVIII, Town of Frankton (Adjoining 2910121800)	1 / 7448	1
41	13	Kawarau Gorge Suspension Bridge, Vicinity Gibbston	Bridge adjoining Sections 63 and 64, Block I, Kawarau SD. (2907200700)	1 / 50	1
42	35	Stone Walled Race, 26 Hallenstein Street Queenstown	Section 12, Block XXXV, Town of Queenstown (2910532900)	2 / 5224	3
43	30	Fish Smoker, Lake Hayes	Lot 6 DP 353144 (2907126606)		2
44	35	Stone Walls, Queenstown Cemetery, Brecon Street.	Section 132 Block XX Shotover SD (2910614701)		3
45	10	Skippers Bridge, Shotover River	Adjacent to Shotover Riverbank, Crown Land and Section 148, Block XI, Skippers Creek SD (Bridge adjoining 2907301600)	1/ 7684	1
46	9	Scheelite Battery, Glenorchy (Mt Judah)	SECTION 7 SO 369025 (2911125502)		3
47	33	Frankton Cemetery Walls and Gates, Frankton-Ladies Mile Highway	Cemetery Reserve No 1 Frankton Town. On the boundary of Crown Land and Part section 5 Block XXI Shotover SD and Lot 1 DP 11353 (On the boundary of 2910340500, 2910340400 and 2910340600)		2
48	33	Old Frankton Racecourse Stand (Mount Cook Hangar), Lucas Place	Lot 2 DP 304345 (2910100106)		3
49	33	Brunswick Flour Mill, Turbine and Stone buildings by Kawarau Falls Bridge, 22 Bridge Street.	Sections 3 & 4 and Block I Town of Frankton and unformed road. (2910121000 and Road Reserve)		2
50	31	Stone Buildings, Tucker Beach Road	Lot 15 DP 351843 (2907146901)		3
51	25	Railway Shed and Track, Recreation Reserve Benmore Place, Glenorchy	Section 22 Block IV Glenorchy SD (2911124100)		3
52	25	Glenorchy Wharf, Vicinity of Recreation Reserve Benmore Place, Glenorchy	Lake Bed Adjacent to Section 22 Block Glenorchy SD (Adjacent to 2911124100)		3
53	25	Glenorchy Library Building, 15 Argyle Street, Glenorchy	Section 23 Block II Town of Glenorchy (2911113900)		3
54	9	Scheelite mine and associated ruins, sluicing area and compressor. And other shaft entrances, Paradise Trust	Section 39 Block II Dart SD (2911131900)		3

Ref No	Map Ref	Description	Legal Description (Valuation Reference)	HNZ Cat / No.	QLDC Cat
55	10	Dam in Skippers Creek	Part Section 148 Block XI Skippers Creek SD (2907300400)		3
56	36	Hulbert House (Tutuila) 68 Ballarat Street Extent of Place: The land described as Sec 4 – 5, Part Sec 3 and Pt Sec 6 Blk XIX Town of Queenstown (CT OT 9B/637) Otago Land District. Refer to the map of the Extent of Place in Section 26.8.1	Sections 4 & 5, Part Sections 3 & 6 Block XX Town of Queenstown (2910615900)	2 / 2343	2
57	39	Dwelling, Complex Gorge Road (former Bordeaus store) 201 Arthur's Point Road Extent of Place: Refer to the map of the Extent of Place in Section 26.8.1	Lot 1, DP 16632, being part of Block XIX, Shotover SD (2907100900)	2 / 2238	2
58	35	Stone Building, 17 Brisbane Street, Queenstown Extent of Place: Refer to the map of the Extent of Place in Section 26.8.1	Lot 9 DP 9667 (2910514500)	2 / 5225	3
59	36	McNeill Cottage (Mullhollands Stone House), 14 Church Street	Sections 4, SO 14826, Block III, Town of Queenstown (2910505900)	2 / 2330	3
60	36	Frederick Daniels House, 47 Hallenstein Street, Queenstown	Lot 2 DP 20343, Block XLVI, Town of Queenstown (2910548000)	2 / 2333	2
61	35	Waldmann Cottage "Nil Desperandum", 2 York Street, Queenstown	Lot 4 DP 17970 Town of Queenstown (2910544200)		3
62	39	House and sleep out, Paddy Mathias Place, Arthurs Point Road, Arthurs Point	Section 123 Block XIX, Shotover SD (2910720700)		2
63	35	Cottage, 28 Park Street	Section 17 Block XXXVIII Town of Queenstown (2910512900)		2
64	36	Masonic Lodge Building, (Lake Lodge of Ophir), Corner Marine Parade/ Church Street (13 Marine Parade)	Section 6, SO 14826, Block III, Town of Queenstown (2910505800)	2 / 2338	1
65	35	Queenstown Bowling Club Pavilion, (excluding modern northern extension) located within the grounds of the Queenstown Gardens	Part Sections 4-5 & 7 Block LI Queenstown Town (2910507200)		2
66	36	Williams Cottage (Mullhollands Wooden House) 21 Marine Parade	Lot 2 DP 24375 Block III Town of Queenstown (2910505500)	2 / 2336	1
67	10	Pleasant Terrace Workings, Sainsbury's House and outbuilding, Skippers Mt Aurum Recreational Reserve. Extent of Place relating to the Pleasant Terrace Workings: Part of the land described as Sec 148 Blk XI Skippers Creek SD (NZ Gazette 1985, page 5386) and legal road (part of Skippers Road), Otago Land District on the sites associated with Pleasant Terrace Workings thereon. Refer to the map of the Extent of Place in section 26.9.1	Section 148 Block XI Skippers Creek SD, (2907300400)	1 / 5176	1
68	36	Glenarm Cottage, 50 Camp Street, Queenstown	Section 1 Block XII Town of Queenstown (2910634200)		2
69	30	Laurel Bank House, 47 Maxs Way, Lower Shotover, Queenstown	Lot 8 DP 325561 (2907464700)		3
70a	30	Threepwood Timber Villa, Lake Hayes	Lot 21 DP 378242 (2907123716)		2
70b	30	Threepwood Stone Woolshed	Lot 21 DP 378242 (2907123716)		3

Ref No	Map Ref	Description	Legal Description (Valuation Reference)	HNZ Cat / No.	QLDC Cat
71	26	Stone Cottage (McAuley), Malaghans Road Extent of Place: legal description Refer to the map of the Extent of Place in section 26.8.1	Lot 1 DP 27269 Block XVI, Shotover SD (2907111100)		3
72	27	Hanan's House, McDonnell Road	Part Section 19, Block VII, Shotover SD (2907129300)		3
73	36	Thompson House (excluding additions made after 1900), 66 Hallenstein Street	Lot 1 DP 3401 Block XVI Queenstown (2910527300)		3
74	30	McMaster House, Morven Ferry Road	Lot 1 DP 23902 Block VIII Shotover SD (2907132400)		3
75	30	Loose Box (Mt Linton) House, SH 6/Lake Hayes	Lot 1 DP 9052 Shotover SD (2907126200)		2
76	26	Mill House, 549 Speargrass Flat Road (Mill Creek)	Lot 1 DP 12234 Block VII Shotover SD (2907113302)		3
77	26	Oast House, 557 Speargrass Flat Road (Mill Creek)	Lot 1 DP 18523 Block VII Shotover SD (2907113301)	2 / 2241	3
78	13	Stone Cottage (Rees), 148 Kingston Road, SH 6, original part only	Pt Section 40 BLK XII Coneburn SD (2909954703)		3
79	13	Tomanovitch Cottage, East of DOC Reserve, Gibbston Extent of Place: the land in Certificate of Title OT 15 B/296 including the Orchard associated with to manner which Cottage but excluding the adjacent modern dwelling	Section 40 Block V Kawarau SD (2907204302)	2 / 7595	2
80	26	Cottage Whitechapel, (Tomes) (Original Part Only)	Section 126, Block VIII Shotover SD (2907210500)		3
81	9	Arcadia, Paradise, Glenorchy (Original Part Only)	Sections 3 & 4 Lot 13 DP 25326 Block II Dart SD (2911132000)		3
82		Millbrook stables (remaining historic stone structure), and the blacksmiths building/smoker Extent of Place: legal description Refer to the map of the Extent of Place in section 26.9.1	Lot 1 DP 27625, Otago Land District (2918530510A)		2
83	30	Shaw Cottage, Morven Ferry Road	Lot 2 DP 15559 (2907132100)		3
85	36	Boyne Building, The Mall, 11 Ballarat Street	Section 20 and 21, SO 14826, Block II, Town of Queenstown (2910503600)	2 / 5226	3
86	36	Colonial Bank, The Mall, 5 Ballarat Street	Section 17, SO 14826, Block II, Town of Queenstown (2910503400)		2
87	35	Gratuity Cottage, 9 Gorge Road Queenstown	Lot 1 DP 12476 (2910623700)		3
88	36	The Queenstown Athenaeum and Town Hall (Winnie Bagoes), The Mall, 7-9 Ballarat Street	Lot 1, DP 16597 (Previously Part Section 19), Block II, Town of Queenstown (2910503500)		3
89	35	House, 5 Brisbane Street	Lot 12 DP 9667 (2910514100)	2 / 2331	3
90	36	The Cow Restaurant, Cow Lane	Section 16, Block I, Town of Queenstown (2910651200)	2 / 5227	2

Ref No	Map Ref	Description	Legal Description (Valuation Reference)	HNZ Cat / No.	QLDC Cat
91	13	Kinross Store and Buildings, Gibbston	Lot 1 DP 24857 Block V, Kawarau SD (2907203903)	2 / 7240	3
92	31	Ferry Hotel, Spence Road, Lower Shotover	Part Section 106 Block III Shotover SD (2907122201)		2
93	26	Butel's Flourmill (original foundations and stone wall), Off Butel Road, Millbrook Area Extent of Place: legal description Refer to the map of the Extent of Place in Section 26.8.1	Lot 1 DP 300042 (2918500103)	2 / 3206	2
94	13	Roaring Meg Power Station, SH6	Part Riverdale Reserve, Crown land adjacent to Kawarau River Block VI Kawarau SD (2907214500)		3
95	30	Ruins Maynes Hotel, SH6, Lake Hayes Corner	Lot 1 DP352501 (2907126902)		2
96	34	Queenstown Powerhouse, One Mile	Part Sections 110 Block XX Shotover SD (2910654000)		2
97	25	Former Glacier Hotel (Kinloch Lodge) Armadale Street, Kinloch	Section 4 Block XX Town of Kinloch (2911121600)		2
98	36	Dominican Convent (Of Our Lady of the Sacred Heart) Corner Beetham and Melbourne Street	Section 7 & 8 part Section 8 Block XXXIV Town of Queenstown SO 14831 (2910529300)		2
99	36	St Peter's Anglican Church, Corner Camp Street and 4 Church Street	Lot 1 DP 365052 (2910504403)	2 / 2341	3
100	36	St Peters Parish Hall, 5 Earl Street	Lot 3 DP 365052 (2910504404)	2 / 5404	3
101	36	St Peter's Parish Centre (former Vicarage), 1 Earl Street	Lot 2 DP 365052 (2910504404)	2 / 2342	3
102	36	St Joseph's Roman Catholic Church, 41 Melbourne Street	Sections 6 SO 14831, Block XXXIV, Town of Queenstown (2910529300)	2 / 2340	2
103	25	Church, 13 Argyle Street, Glenorchy	Section 22 Block II Town of Glenorchy (2911114000)		3
104	39	The old McChesney bridge abutment remains, located by the one-way bridge by Arthurs Point Hotel, Arthurs Point	Crown Land Block XIX Shotover SD (2907150900)		2
105	29	Stone Stable, located on the former Littles farm, Littles Road, Wakatipu Basin	Lot9 DP 301885 (2907108804)		3
106	36	Former Lakes County Council Building Corner Ballarat and Stanley Streets (original part only)	Lot 1, DP 21011 (previously Section 10 and 11), Block IV, Town of Queenstown (2910630600)	2 / 2337	1
107	36	Courthouse (Former Library and Reading Room and Justice Building), Ballarat Street	Lot 3, DP 20964 and Section 7 Block XXXI, Town of Queenstown (2910500508, 2910500100)	1 / 362 / 7655	1
108	36	Coronation Bath House, Marine Parade Extent of Place: Part of the land in Sec 6 Blk LI Town of Queenstown (CT46575), Otago Land District. Refer to the map of the Extent of Place in Section 26.8.1	Section 6, SO 20747 Block LI, Town of Queenstown (2910506600)	2 / 5223	3
109	25	Old School Building, 1771 Paradise Road	Section 30 Block II Dart SD (2911131900)		2
110	26	Ayrburn Homestead and Stone Farm Buildings	Lot 1 DP 18109 (house) and Part Lot 3 DP 5737 (Dennisons Farm) (2907113200, 2907116606)		2
111	30	Homestead and Stone Stables, Bendemeer Station	Lot 2 DP 366461 (2907127311)		2

Ref No	Map Ref	Description	Legal Description (Valuation Reference)	HNZ Cat / No.	QLDC Cat
112	30	McQuilkin Cottage and Stables (Original Part Only), Bendemeer Bay, Lake Hayes	Lot 1 DP 15921 (2907136301)		3
113	13	Brodie Homestead and Farm Buildings (Glen Russell)	Lots 1 and 2, DP 22393 Block VIII Shotover SD (2907211501)		3
114	38	Closeburn Homestead Queenstown/Glenorchy Road, Closeburn	Lot 1 DP 22593 (2907317901)		3
115	13	Crown Lodge	Lot 1 DP 16512, Lot 1, DP 21358 Block VIII (2907212200)		3
116	13	Kawarau Station Woolshed, SH 6, Gibbston	Lot 20 DP 27121 (2907201600)		3
117	13	Stronsay Farm Buildings, Gibbston	Lot 8 DP 23706 (2907203702)		3
118	26	McEntyre Homestead, Lake Hayes/Arrowtown Road, (Original Part Only)	Lot 1 DP 20834 Block VII Shotover SD (2907128600)		3
119	33	McBrides Farm Buildings: consisting of Original Smithy, Dairy, Barn and Woolshed, 64 Grant Road, Frankton Flats	Dairy and Woolshed: Lot 9 DP 22121 Block I Shotover SD, Smithy: Lot 11 DP 304345, Barn: Part Section 60, Block I Shotover SD (2910210500, 2910210103, 2910210001)		2
120	30	Bridesdale, Ladies Mile	Lot 3 DP 392823 (2907400508)		3
121	30	Douglas Vale, Ladies Mile	Lot 1 DP 337267 (2907401005)		3
122	30	Glenpanel, Ladies Mile On un-named road on hill above Ladies Mile	Lot 1 DP 20162 Part Section 83 Block III Shotover SD (2907123600)		3
123	26	Willowbrook Homestead, 760 Malaghans Road	Lot 1 DP 20331 Block VI Shotover SD (2907110800)		3
124	29	Ben Lomond Station Homestead, 101 Malaghans Road	Lot 2 DP 1800 Shotover SD (2907100700)		3
125	29	Cockburn Homestead, 18 Malaghans Road	Lot 1 DP 300530 (2907100502)		3
126	26	Muter Farm Homestead (Roger Monk), McDonnell Road	Part Section 88 Block VII Shotover SD (2918400400)		2
127	30	Stone Barn, 297 Morven Ferry Road	Lot 4 DP 300119 (2907132313)		3
128	30	Stables, Morven Ferry Road	Lot 2 DP 397 602 (2907132313)		3
129	13	Royalburn Station Homestead, off Crown Range Road (Original Part Only)	Lot 2 DP 304567 (2907212003)		3
130	10	Mount Aurum Homestead, Skippers, Mount Aurum Recreational Reserve	Sections 148, Block XI Skippers Creek SD Run 818 Blocks 2-4, 7, 8, 11. Poolnoon SD (2907300400)	2 / 5176	2

Ref No	Map Ref	Description	Legal Description (Valuation Reference)	HNZ Cat / No.	QLDC Cat
131	29	Stables, Barn, Smithy, Stone Cottage, Wooden Cottage and Ruins, Thurlby Domain, Speargrass Flat Road Extent of Place: Part of the land described as Lot 1 DP 22310 (CT35296) and the land described as Lot 2 DP 22310 (CT OT 14C/392), Otago Land District. The Extent of Place encompasses two areas linked by a corridor of land along part of the driveway and the road fence line. Included within the Extent of Place are the wooden cottage, the corrugated iron farm shed, the stone cottage, and two stone stables buildings. These are connected to the ruins of the former homestead by 0.5 m strip of land that runs along the fence line facing Speargrass Flat Road and includes a section of driveway off Speargrass Flat Road, including the iron gates extending 1 m either side of the centreline. For clarity, the Extent of Place includes an area of 1 m around the ruins. Refer to the map of the Extent of Place in Section 26.8.1 .	Lot 2 DP 22310 (2907119704)	1 / 2240	1
132	13	Seffers Town School House, Moke Creek	Part Block XI, Mid Wakatipu SD		2
133	36	Eureka House, 17 Ballarat Street, Queenstown	Sections 23 SO 14826, Block II Town of Queenstown (2910503800)		3
134	36	Forrester's Lodge building, Ballarat Street (all external façade)	Lot 1, DP 21011 (previously Section 12), Block IV, Town of Queenstown (2910630600)	2 / 2332	2
135	36	Van Der Walde Building - facade The Mall, Ballarat Street (Skyline Arcade)	Lot 2, DP 19416 (previously Part Section 13) Block I, Town of Queenstown (2910651000)		2
136	36	Eichardt's Hotel facade, Corner Ballarat Street (The Mall) & Marine Parade, Queenstown	Sections 15 and 16, Block II, Town of Queenstown (2910503201)	2 / 7439	2
137	36	Mountaineer Hotel facade, Corner Rees and Beach Street, Queenstown	Lot 2 DP 22252 Block VII, Town of Queenstown (2910645501)		2
138	36	Façade, 3 Rees Street, Queenstown	Part Section 19 and Section 20 Block I, Town of Queenstown (2910651500)		3
139	10	School House at Mt Aurum	Section 148 Block XI Skippers Creek (2907300400)	2/5176	3
140	10	Bullendale hydroelectric dynamo and mining site - including Eden Hut and Musters Hut . Extent of Place: Part of the land described as Sec 148 Blk Skippers Creek SD (Recreation Reserve, NZ Gazette 1985, p 5386) and Pt Legal Road (Bullendale Track), Otago Land District, and includes all remnants around the site belonging to the gold mining era and all objects associated with the mining and power generation operations and settlement at Bullendale within the extent of the registration boundary. Refer to the map of the Extent of Place in Section 26.8.1 .	Section 148 Block XI Skippers Creek (2907300400)		1
144	10	Strohle's Hut	Part Run 27 Shotover, Skippers Creek and Soho SD's (2907300200)		3
145	10	Otago Hotel	Section 148 Block XI Skippers Creek (2907301600)		3
216	13	Chard Road	Road Reserve		2

Ref No	Map Ref	Description	Legal Description (Valuation Reference)	HNZ Cat / No.	QLDC Cat
217	10	Macnicol Battery, Aurum Basin	Part Section 148 Block XI Skippers Creek Part Mt Aurum Recreation Reserve (2907300400)		2
218	10	Eureka Battery, Jennings Creek	Part Section 148 Block XI Skippers Creek Part Mt Aurum Recreation Reserve (2907300400)		3
219	10	Nugget Battery below Nugget Terrace	Part Section 148 Block XI Skippers Creek Part Mt Aurum Recreation Reserve (2907300400)		3
220	34	Rifle Butt, Lake Wakatipu foreshore	Lake Wakatipu (approx. 250m south-west from Fernhill Road Roundabout)		3
221	35	Beacon Tripod and Beacon	Part Section 109 Block XX Shotover SD and Lake Wakatipu (2910654000)		2
222	31	Old Shotover Bridge	Joins Crown Land Block II Shotover Survey District and Spence Road		3
223	13	Victoria Bridge Supports, Gibbston Highway	River and Road Reserve		3
224	13	Ryecroft House, 1800 Gibbston Highway	Lot 1 DP 9947 (2907200800)		3
225	13	Perriam's House, Gibbston Back Road	Lot 3 DP 23253 (2907202903)		3
226	9	Paradise House, (Miller House) Paradise Trust, 1771 Paradise Road	Section 30 Block II Dart SD (2911131900)	1/7766	2
227	25	Coll Street Cottage, Coll Street	Lot 1 DP 22743 (2911119101)		3
228	10	Curries Hut, Dynamo Creek	Part Section 148 Block XI Skippers Creek Part Mt Aurum Recreation Reserve (2907300400)		3
229	13	Post Office at Seffertown	Part Run 794 Mid Wakatipu, Shotover, Skippers Creek and Glenorchy SDs (2907303900)		2
230	13	Store at Seffertown	Part Run 794 Mid Wakatipu, Shotover, Skippers Creek and Glenorchy SDs (2907303900)		2
231	13	Library at Seffertown	Part Run 794 Mid Wakatipu, Shotover, Skippers Creek and Glenorchy SDs (2907303900)		2
232	13	Resta Stone Stables, Resta Road/Camp Hill	Glenroy Station		3
233	13	Wentworth Cookshop, 2125 Gibbston Highway	Lot 20 DP 27121 (2907201600)		3
234	13	Remnants of Gibbston Hotel, Dairy, Stables and out buildings. Rapid No. 8, Coal Pit Road	Lot 1 and Lot 3 DP 385701 (2907201802, 2907201803)		3
235	13	Gibbston school teachers house, 2214 Gibbston Highway	Part Section 11 Block V Kawarau SD (2907202000)		2
236	13	Rum Curries Hut, Rafters Road	Section 39 Block V Kawarau SD (2907204500)		1
237	12	Goods shed, Elfin Bay Station, beside wharf	Section 12 SO 12351 (2911135401)		3
238	9	E. Barnetts Hut - Wyuna Station Scheelite Mining Area	Section 14 SO 369025 (2911125502)		3
239	25	Kinloch jetty and wharf building	Sec 4, Blk XX Town of Kinloch (associated with Kinloch Lodge) (2911121600)		2
240	30	Marshall Cottage, Strains Road, Threepwood, Lake Hayes	Lot 2 DP 21614 (2907123753)		3

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241	33	Kawarau Falls Dairy and Meat Store	Lot 4 DP 385775		2
242	30	Threepwood Stables	Lot 2 DP 21614		2
248	31	Hicks Cottage, Old School Road	Lot 101 DP325561		3
250	28	Millers Flat Church, Roman's Lane, Arrowtown	Part Section 3 Block x Town of Arrowtown (2918217100)		3
251	28	Former Methodist Church, 8 Berkshire Street, Arrowtown	Pt Secs 1&2 BLK VII Arrowtown (2918231100)		3
252	26	Shanahan's Cottage, Arrowtown Golf Course	Sec 3, Blk XXXII Tn of Arrowtown (2918400500)		3
253	26	Stone Cottage, 253 Centennial Avenue, Arrowtown (Limited curtilage)	Section 5 SO 445725 (2907130002)		2
301	28	King Edward VII Memorial Lamp, Corner Wiltshire Street and Berkshire Street, Arrowtown Extent of place: the immediate area around the King Edward VII Memorial Lamp. Refer to the map of the Extent of Place in section 26.8.1	Road reserve adjacent to Block VI, Town of Arrowtown	2 / 2107	3
302	28	Explosive Magazine, Malaghans Road, Arrowtow	Sections 9 Block XIX, Town of Arrowtown (2918235002C)	2 / 2108	3
303	28	World War I Field Gun, reserve, Corner Caernarvon and Durham Street	Part Section 5 Block XVIII Town of Arrowtown (2918234800)		2
304	10	Scholes Tunnel, Macetown Road	Run 26 Block XVIII Shotover SD Macetown Road (2907214600)		3
305	28	Cobbled Gutters, Berkshire Street, Arrowtown	Road Reserve	2 / 2086	2
308	28	World War I Memorial Reserve, Corner Caenarvon and Durham Street Arrowtown	Part Section 5, Block XVIII Town of Arrowtown (2918234800)	2 / 2124	2
309	26	William Fox Memorial, Coopers Terrace, Arrow River, Arrowtown	Run 26 Block XVIII Shotover SD (2907214600)		2
310	28	Stone Wall, Arrow Lane Arrowtown	Fronting Lots 1 and 2, DP9213 and Lot 1 DP17116 Block VI, Town of Arrowtown (2918228100, 2918228200)		3
311	28	Stone Wall, Recreation Reserve, Buckingham Street Arrowtown	Sections 1 and 2, Block XXV, Town of Arrowtown (2918233400, 2918232600)	2 / 2120	3
312	28	Ah Wak's Lavatory, 2 Buckingham Street Arrowtown	Lot 4 DP 18410 (2918232900)	2 / 2084	2
313	28	Cemetery Wall	Block II Section 10, 12, 13 Town of Arrowtown (2918234900)		3
314	28	Stone wall, old Arrowtown Primary School, Anglesea Street	Section 14 Block IV Town of Arrowtown (2918223202)		2
315	28	Cottage, 9 Anglesea Street Arrowtown	Section 7, Block V, Town of Arrowtown (2918220300)	2 / 3167	2
316	28	Cottage, 10 Anglesea Street Arrowtown	Lot 2 DP 342961 (2918223204)	2 / 2087	3
317	28	Cottage, 11 Anglesea Street Arrowtown	Lot 2, DP11488 (2918220400)	2 / 3166	2

Ref No	Map Ref	Description	Legal Description (Valuation Reference)	HNZ Cat / No.	QLDC Cat
318	28	Cottage, 12 Anglesea Street Arrowtown	North Part Section 10/11, Block IV, Town of Arrowtown (2918223100)	2 / 2088	2
319	28	Cottage, 21 Anglesea Street Arrowtown	Part Section 6, Block II, Town of Arrowtown (2918219400)	2 / 2089	2
320	28	Cottage, 7 Bedford Street Arrowtown	Lot 1, DP 16248, Block XXIV, Town of Arrowtown (2918216300)	2 / 2091	2
321	28	Cottage, 3 Berkshire Street Arrowtown	Lot 1, DP 9213, Block VI, Town of Arrowtown (2918228100)	2 / 2122	2
322	28	Cottage, 18 Berkshire Street Arrowtown	Section 3, Block XIII, Town of Arrowtown (2918234400)	2 / 2090	2
323	28	Dudley's House Chinese Residence and Butlers House, 4 Buckingham Street Arrowtown	Lot 1, DP 8232, being part Block VII, Town of Arrowtown (2918233000)	2 / 2106	2
324	28	Ah Lum's Cottage, Arrowtown Chinese Settlement, Middlesex Street	Lot 3 DP18410 Block VIII Town of Arrowtown (2918232800)	1 / 4366	1
325	28	Cottage (O'Callaghan's) 16 Caernarvon Street Arrowtown	Section 3 Block XIV, Town of Arrowtown (2918224500)	2 / 2100	2
326	28	Old Fever Ward, 24 Caernarvon Street Arrowtown	Lot 2, DP 10960 (2918224100)	2 / 2101	3
327	28	Off Plumb Cottage, 38 Caernarvon Street Arrowtown	Lot 1, DP 12438 (2918222200)	2 / 2112	2
328	28	Cottage (Low) 15 Denbigh Street Arrowtown	Lot 1, DP 11234 (2918221200)	2 / 2102	2
329	28	McClintock's Cottage, 31 Merioneth Street Arrowtown	Sections 2 Block XX, Town of Arrowtown (2918211800)	2 / 2103	2
330	28	Masonic Lodge Building, 9 Wiltshire Street Arrowtown	Lot 1 DP19573, Block I, Town of Arrowtown (2918217800)	1 / 2110	2
331	28	Cottage, 11 Wiltshire Street Arrowtown	DP19573 Sections 6 & 7 Block I Town of Arrowtown (29182179000)	2 / 3168	2
332	28	Cottage (former Vicarage) 34 Wiltshire Street Arrowtown	Section 20, Block VII, Town of Arrowtown (2918231500)	2 / 2105	2
333	28	Reidhaven, 5 Villiers Street Arrowtown	Part Section 10, Block VII, Town of Arrowtown (2918231900)	2 / 2116	2
334	28	Cottage, 8 Villiers Street Arrowtown	Part Sections 2 and 3, Block VIII, Town of Arrowtown (2918233200)	2 / 2104	2
335	28	Adam's Cottage, 61 Buckingham Street Arrowtown	Part Section 3, Block X Town of Arrowtown (2918217100)	2 / 2097	3
336	26	Scheib Cottage (Original Part Only) Arrow Junction	Section 118 Block VIII Shotover SD (2907130800)		3
337	26	Doctor's House, Centennial Avenue	Lot 1 DP 22726 Block XXXIII Town of Arrowtown (2918401200)		3
338	30	Fitzgibbon Cottage, Arrow Junction Road/Morven Ferry Road	Section 82, Block VIII Shotover SD (29071328000)		3
339	28	Cottage, Corner Berkshire and Caernarvon Street, Arrowtown	Section 3 Block IV Town of Arrowtown (2918223500)		3

Ref No	Map Ref	Description	Legal Description (Valuation Reference)	HNZ Cat / No.	QLDC Cat
340	28	Crowie's Cottage, 53 Buckingham Street Arrowtown	Part Section 1 Block X Town of Arrowtown (2918217500)	2 / 2093	2
341	27	Wilcox Cottage, Corner Devon and Cornwall Street, Arrowtown	Lot 1 DP 12431 (2918105200)		3
342	28	Luker's Cottage, Feehly Hill, Durham Street	Lot 4 DP 11307 (2918235503)		3
343	28	Forbes Cottage, original part only including chimney, 67 Buckingham Street Arrowtown	Section 2, Block XI Town of Arrowtown (2918215500)		3
344	28	McLaren Cottage, Corner Ford and Bedford Street Arrowtown	Lot 2 DP 9802 (2918203900)		3
345	28	Granny Jone's Cottage 59 Buckingham Street Arrowtown	Part Section 2 & 3 Block X Town of Arrowtown (2918217200)	2 / 2096	2
346	28	Gilmour's Cottage original parts only, 5 Hertford Street Arrowtown	Lot 2 DP 19573 (2918218000)		3
347	28	Meg Cottage corner Hertford and Merioneth Street Arrowtown	Section 5 Block XII Town of Arrowtown (2918212200)		3
348	27	Johnston Cottage 51 Devon Street Arrowtown.	Lot 2 DP 16516 (2918105900)		3
349	28	Brodie Cottage 32 Kent Street Arrowtown	Section 6 Block XV Town of Arrowtown (2918222600)		3
350	28	Preston Cottage 30 Kent Street Arrowtown	Section 5 Block XV Town of Arrowtown (2918222700)		3
351	28	Furieux Smith House, 5 Caernarvon Street Arrowtown	Lot 7 DP 11302 Town of Arrowtown (2918234000)		3
352	27	Currie's Cottage, Manse Road Arrowtown	Lot 2 DP 300024 Town of Arrowtown (2918410800)		3
353	28	Murphy's House, 1 Merioneth Street Arrowtown	Lot 2 DP 25997 Block XI Town of Arrowtown (2918215800)		3
354	28	Cottage (Fitzpatrick) 27 Merioneth Street Arrowtown	Section 2 Block XX Town of Arrowtown (2918211800)		3
355	28	Policeman's House 70 Buckingham Street, Arrowtown	Lot 19 DP 9914 Block VI (2918214300)		3
356	28	Pittaway's Cottage, 69 Buckingham Street Arrowtown	Section 3 Block XI Town of Arrowtown (2918215600)	2 / 2099	3
357	28	Roman's Cottage 65 Buckingham Street, Arrowtown	Lot 1 DP 12521 (2918217000)	2 / 2098	2
358	28	Stevenson's Cottage 55 Buckingham Street, Arrowtown	Part Sections 1 & 2 Block X Town of Arrowtown (2918217400)	2 / 2094	2
359	28	Cottage, 28 Wiltshire Street Arrowtown	Part Section 1 Block VII Town of Arrowtown (2918231200)		2
360	28	Summers Cottage 16 Wiltshire Street, Arrowtown	Lot 1 DP 23743 Town of Arrowtown (2918227801)		2
361	28	Summers Cottage, 12 Stafford Street Arrowtown	Lot 2 DP 16665 Block XVI Town of Arrowtown (2918226200)		2
362	28	Postmaster's House, 54 Buckingham Street, Arrowtown	Lot 2 DP 21884 Block VI (2918228801)	2 / 2113	2
363	26	Walnut Cottage, 265 Arrowtown-Lake Hayes Road, original building only	Lot 1 DP 5746 (2907114002)		3
365	28	Reid's Stables, 40 Wiltshire Street, Arrowtown	Lot 9 DP 1923 (2918231800)	2 / 2115	2

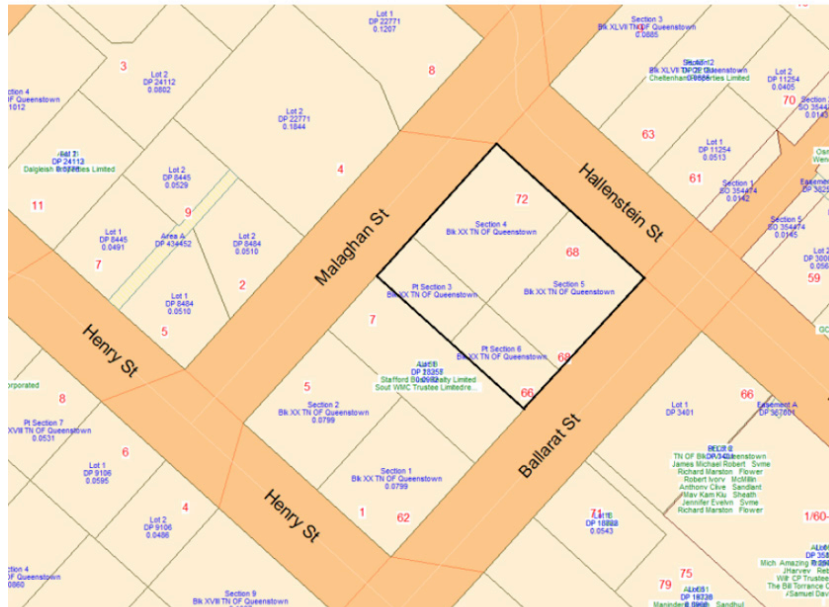
Ref No	Map Ref	Description	Legal Description (Valuation Reference)	HNZ Cat / No.	QLDC Cat
366	27	Presbyterian Manse, 51 Manse Road Arrowtown	Lots 1 DP 342248 (2918410007)		2
367	28	St John's Church, 26 Berkshire Street Arrowtown	Section 1, Block XVIII, Town of Arrowtown (2918234700)	2 / 2119	2
368	28	St Paul's Anglican Church, 13-15 Berkshire Street, Arrowtown	Section 1 & 2, Block IV, Town of Arrowtown (2918223400)	2 / 2121	2
369	28	Anglican Vestry Building, 15 Berkshire Street, Arrowtown	Sections 1 & 2, Block IV, Town of Arrowtown (2918234700)	2 / 2123	3
370	28	St Patrick's Church (Roman Catholic) & Blessed Mary MacKillop Cottage 7 Hertford Street Arrowtown	2918218100	2 / 2117	2
372	28	Arrowtown Borough Council Buildings, 57 Buckingham Street Arrowtown	Lot 1 DP 26376 Block X, Town of Arrowtown (2918217300)	2 / 2095	1
373	28	Post Office, 52 Buckingham Street, Arrowtown	Lot 1 DP 21884 Block VI Arrowtown (2918228800)	2 / 2114	2
374	28	Jail and Reserve (0.0545ha), 8 Cardigan Street Arrowtown	Lot 7, DP 9914, being Part Section 15, Town of Arrowtown (2918213600)	1 / 350	1
375	27	Police Camp Building Butler Park, Arrowtown	Part Section 2 Block XXV Town of Arrowtown (2918233400)		2
378	28	Arrowtown General Store, 18-20 Buckingham Street, Arrowtown	Lot 1 DP 27544 (2918229800)	1 / 4370	2
379	28	Stable Block (The Stables Restaurant), 28 Buckingham Street, Arrowtown	Lot 1 DP 12884 (2918229600)	2 / 2118	2
380	28	Stone Cottage, 51 Buckingham Street Arrowtown	Part 1 Section 1, Block X, Town of Arrowtown (2918217600)	2 / 2092	2
381	28	B.N.Z Agency Building, 30 Buckingham Street, Arrowtown	Lot 2 DP 12884 (2918229500)	2 / 2085	2
382	28	Lakes District Museum (former Bank), 47 Buckingham Street, Arrowtown	Sections 1-3 Block IX Arrowtown (2918230900)	2 / 2111	2
385	10	Macetown Ruins and Reserve, Vicinity Macetown	Land on SO's 14538, 18539 and 18612. Section 1, Block XIV, Shotover SD, SO18612, Sections 1-6, Block I, Sections 104, Block II; Sections 1-10 Block III, Sections 1-6 Block V; Sections 1-6 Block VI; Sections 2 & 5 Block VII; Sections 1-15 Block VIII; Sections 1-4 Block IX; Sections 1-10 Block X; sections 1-10 Block XI; Sections 1-9 Block XII; and Sections 1-9 Block XIII; Mining Reserve adjoining Block II,III,IV,IX,X & XII and adjacent to Block I & VIII and Crown Land adjoining Blocks V, VI,VII,VIII,IX & XIII and adjacent to Block 1; Town of Macetown. As in all document no's 489403 and 149467. SO Plan 14537; SO Plan 14538; SO Plan 18539 and 18612.		3

Ref No	Map Ref	Description	Legal Description (Valuation Reference)	HNZ Cat / No.	QLDC Cat
387	10	Britannia Terrace, Macetown Road	Block XVIII Shotover SD, Lot 1 DP 12267; Lots 1 & 2 DP 12940; Lots 1-4 DP 15443; Sections 3-5 Block VI Town of Arrowtown; Lots 1 & 2 DP 21884, Sections 14-15 Block IX Town of Arrowtown; Lot I DP 27170, Lot 1 DP 21701; Town of Arrowtown and the legal road to which all these properties front, Sections 1-9 Block IX (2907214600, 2918229600, 2918229500, 2918229400, 2918229300, 2918229200, 2918229100, 2918229000, 2918228902, 2918228800, 2918228801, 2918230300, 2918230400, 2918230500, 2918230600, 2918230700, 2918230800, 2918230900		3
400	39	Stone seat, Kingston foreshore	Section 1 Block XX Kingston Town (2913106700)		3
401	39	Square stone culvert, under railway yards.	Road Reserve - Kent Street		3
402	39	Stone cairn, site of the launching of the Earnslaw	Road Reserve - Kent Street		3
403	39	Rock retaining wall, wharf approach, Kingston	Lake Wakatipu		3
404	39	Wharf, Kingston	Lake Wakatipu		3
405	39	Old School Building (current library), 48 Kent Street	Lot 1 Section 15 Block 1 Kingston (2913126700)		3
410	39	Ships Inn, 24 Cornwall Street	Section 16 Block X Town of Kingston (2913114300)		3
411	39	Kingston Flyer Railway, including: Railway turntable, water tank and crane. The railway line from Kingston to Fairlight (up to the QLDC District boundary) Kingston Railway Station. Water weir	Lots 1 & 6 DP 306647 Lot 2 Part Lot 1 DP 318661; Block I, V, XII Kingston SD; Sections 1-3, 5, 7-10, 12-15, 20, 23 & 24 Block VI Town of Kingston; Section 2, 4, 6-8, 10, 11, 25, Part Section 3, 5, 9 Section 1; SO7617; Section 1-3 SO10898 SO 10760; Run 593. Lot 2 Part Lot 1 DP 318661; Lot 1 DP 306648; Block I, V, XII Kingston SD; Sections 1-3, 5, 7-10, 12-15, 20, 23 & 24 Block VI Town of Kingston; Section 2, 4, 6-8, 10, 11, 25, Part Section 3, 5, 9 Section 1; SO7617; Section 1-3 SO10898 SO 10760; Run 593; Lot 9DP 306647; Lot 4DP 318631 Section 1 Block X Part Section 8 Block I Kingston SD Scenic Reserve Balance at 29280-43500 (2913104205 2913102800, 2913104205, 2913109901, 2913104206, 2913104209, 2913104210, 2913101801, 2913102800)		2
500	10	Old Butchery, Tuohy's Gully, Cardrona	Part Section 3 Block I Cardrona SD		2
506	20	Wilkin Memorial 2 Mclellan Place, Albert Town	Lot 23 DP 24481 Block IV Lower Wanaka SD (2908326330)		2
507	21	Soldiers Monument Chalmers Street Lookout QLDC Local Purpose Reserve Wanaka	Lot 1 DP 4961 Wanaka Memorial Reserve (2905309900)		2

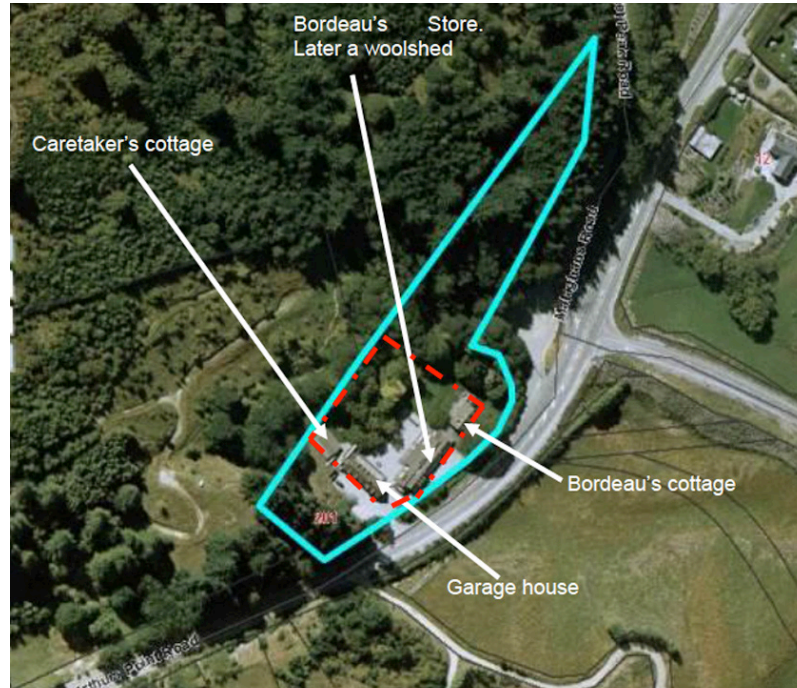
Ref No	Map Ref	Description	Legal Description (Valuation Reference)	HNZ Cat / No.	QLDC Cat
508	24	Early Graves and Pioneer Memorial Albert Town Cemetery Reserve, Lake Hawea -Albert Town Road	Section 20, Block V Lower Wanaka SD (2908201200)		2
509	24	James Horn Plaque, Albert Town Bridge over the Clutha River (Albert Town side of the river, upstream side of the bridge), Albert Town, Lake Hawea Road	Road Reserve adjacent to Section 1 SO 24606 (Adjacent to 2908330323)		2
510	10	Studholme Nursery Plaque, Vicinity of the site of early Cardrona nursery, Cardrona Road, Cardrona Valley	Road Reserve adjacent to P254 part Run 505C Cardrona SD (Adjacent to 2906119900)		2
511	7	Scaife Plaque, Mount Roy	Part Section 1 SO 22998 (2906122801)		2
512	18	Stone Ruin (Landreth property) 342 Kane Road, Hawea Flat	Section 51 Block VII Lower Hawea SD (2908211300)		3
513	22	Homestead Foundation QLDC Recreation Reserve Norman Terrace to Mt Aspiring Road	Lot 1 DP 16152 Lower Wanaka SD (2905401400)		2
514	18	Cabaret Building Foundations, Ruby Island	Ruby Island Lower Wanaka SD (2906122700)		3
515	8	Luggate Red Bridge, Rural Luggate	Road and River Reserve		3
520	24	Old Stone Cottage 100-120 Alison Avenue Albert Town	Lot 39 DP 7458 Albert Town Extn No 3 (2908330500)		3
521	23	Glebe House, 133 Stone Street, original house only	Lot 2 DP 24047 (2905371000)		2
522	18	Halliday Homestead, 85 Halliday Road	Lot 2 DP 340274 (2906304710)		3
523	8	Drake Family Stone House, Hawea Back Road	Section 34 Block I Lower Hawea SD (2908207200)		3
524	11	Stone Cottage and Stables next to Luggate Hotel, 60 Main Road, Luggate	Lot 1 DP 15124 Block VI Tarras SD (2908300900)		2
525	18	Pearce Clay stone hut, 590 Mount Barker Road	Part Lot 1 DP 17508 Block I Lower Wanaka SD (2906109502)		3
526	18	Cob House and Stone Shed, 107 Maxwell Road	Lot 2 DP 23129 Block I Lower Wanaka SD (2906109500)		3
527	8	Old John Cottage – (F Urquhart Property) Corner Gladstone Road and Hawea Back Road, Hawea	Part Section 52 Block I, Lower Hawea SD (2908204500)		3
528	18	“Blairnhall” 115 Hawea Back Road (Private Dwelling)	Lot 1 DP 9204 Block V Lower Hawea SD (2908207800)		3
529	18	Sod Cottage, 25 Loach Road, Hawea Flat	Section 88 Block XII Lower Hawea SD (2908215500)		3
530	18	McClennan’s Cottage, 64 McClennan Road Hawea Flat	Lot 2 DP 343710 (2908214101)		3
531	8	Cob Cottage, 324 Luggate-Tarras Road, Hawea Flat	Part Section 3 Block VII Tarras SD (2908211800)		2
532	8	McPherson House, Hawea-Albert Town Road			3
534	21	St Columba Anglican Church Corner MacDougall/Upton Street Wanaka	Section 4 & 5 Block XXI Wanaka Town (2905338100)	2 / 7465	3
535	18	Former St Patricks Catholic Church 65 Newcastle Road, Hawea Flat	Lot 1 DP 337991 (2908212605)		3
536	18	St Ninians Presbyterian Church, Kane Road, Hawea Flat	Part Section 11 Block V Lower Hawea SD (2908217800)		3

Ref No	Map Ref	Description	Legal Description (Valuation Reference)	HNZ Cat / No.	QLDC Cat
538	21	Old Jail Buildings – timber cell and stone building 2 Dunmore Street Wanaka	Lot 3 DP 27690 (2905307103)		2
539	11	Luggate School Plaque Kingan Road Luggate	Part Section 5 Block VI Tarras SD (2908301200)		2
540	18	Old Post Office Building, Camp Hill Road, Hawea Flat	Part Section 11 Block V Lower Hawea SD - Hawea Flat (2908217500)		3
541	18	Hawea Flat School building, located on the north-eastern corner of the school site, corner of Camphill Road and Kane Road, Hawea Flat	Part Section 11 Block V Lower Hawea SD (2908217700)		3
542	24	Blacksmith Shop (Part of Templeton Garage) 21 Wicklow Terrace, Albert Town	Lot 1 DP 19201 Section 4 Block XI Albert Town (2908333300)		3
543	24	Cardrona Hotel Facade, Crown Range Road Cardrona	Part of Sections 4, 9-10 Block VII Cardrona Town (2906123800)	2 / 2239	1
544	11	Old Flour Mill 114 & 126 Main Road SH 6 Luggate	Part Section 1, Block VI, Tarras SD (2908309100)	2 / 3242	2
545	11	Hotel Stonework Facade, 60 Main Road/SH 6, Luggate	Lot 1 DP 15124 Block VI Tarras Surrey District (2908300900)		3
546	21	Wanaka Store Façade, 70 Ardmore Street	Lot 2 DP 17535 (2905202400)		2
549	18	Stone Homestead McCarthy Road Hawea Flat	Section 41 Block I, Lower Hawea SD (2908207300)		3
550	22	Woolshed Studholme Road, Wanaka	(2905373922)		3
552	24	Cardrona Hall and Church, Cardrona Valley Road	Section 10 Block I Cardrona SD (2906125700)		1

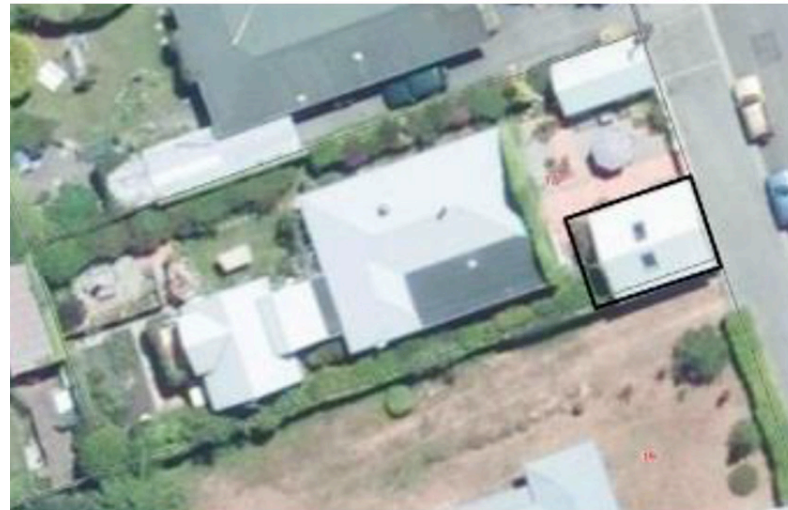
26.8.1 Maps showing and defining 'extent of place'



56 - Hulbert House - 68 Ballarat Street, Queenstown. The Extent of Place is shown by the black outline.



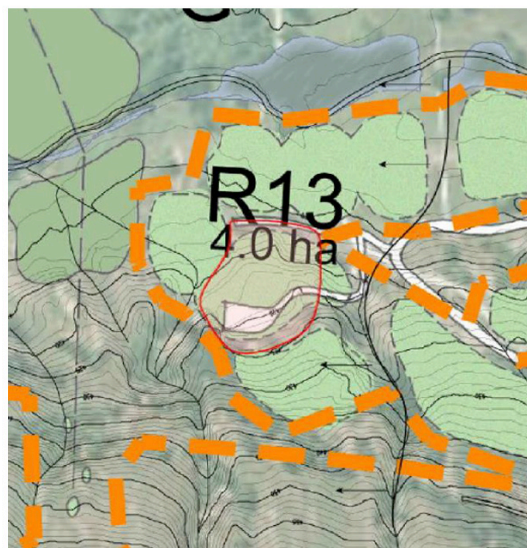
57 - Bordeau's Store - 201 Arthurs Point Road. The Extent of Place is indicated by the red dotted line. The Extent of Place includes only the land surrounding the original store and cottage.



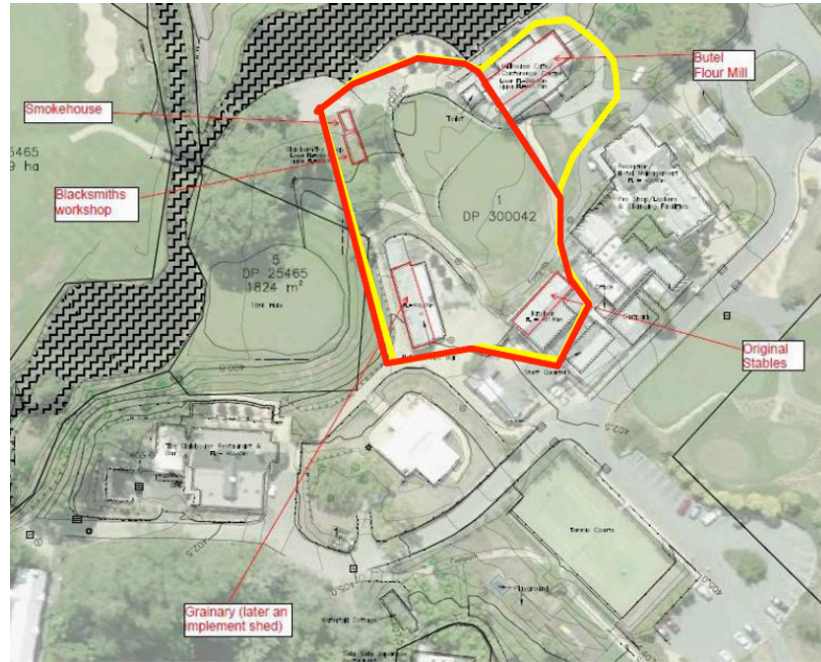
58 - Stone Building - 17 Brisbane Street, Queenstown. The Extent of Place is shown by the black outline.



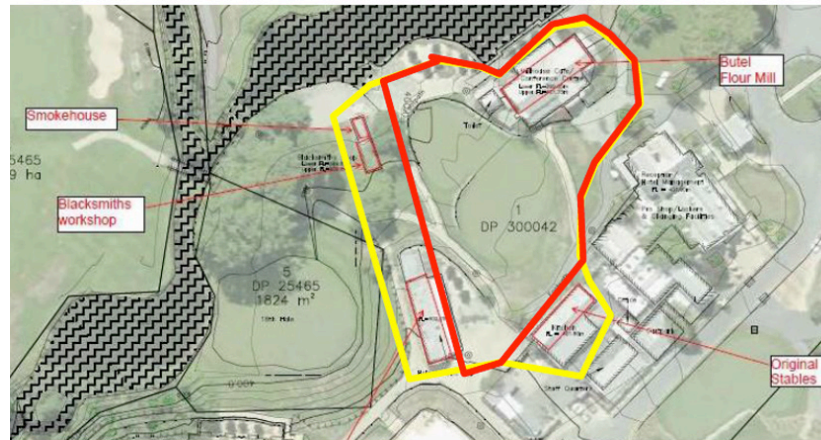
67 - The Pleasant Terrace Workings - Sec 148 Blk XI Skippers Creek SD (NZ Gazette, 1985, p.5386) and legal road (part of Skippers Road), Otago Land District. The Extent of Place is shown by the red outline.



71 - Stone Cottage (McAuley) - Malaghans Road - Lot 1 DP 27269 Secs 29 57 Blk VI Shotover SD. The Extent of Place is shown by the red outline.



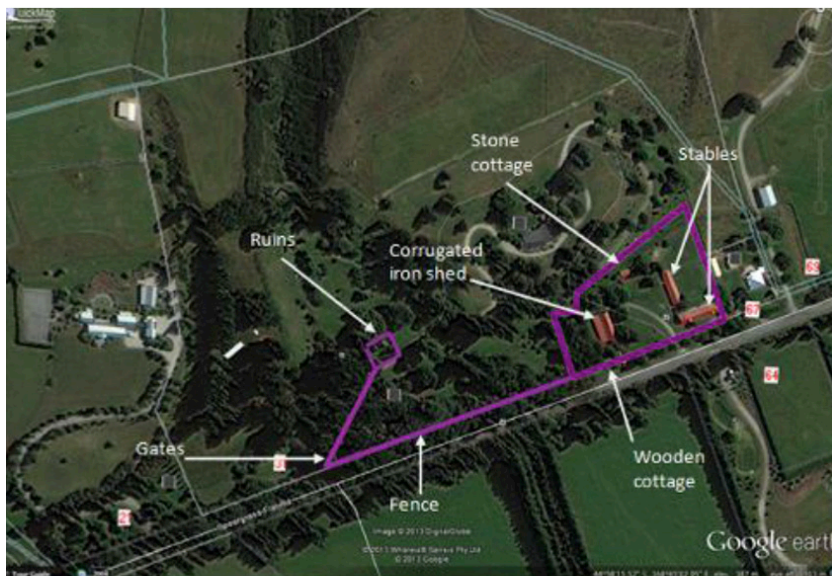
82 - Millbrook stables (remaining historic stone structure), the implement shed (remaining historic stone structure), and the blacksmith's building/ smoker - The Extent of Place is shown by the red outline.



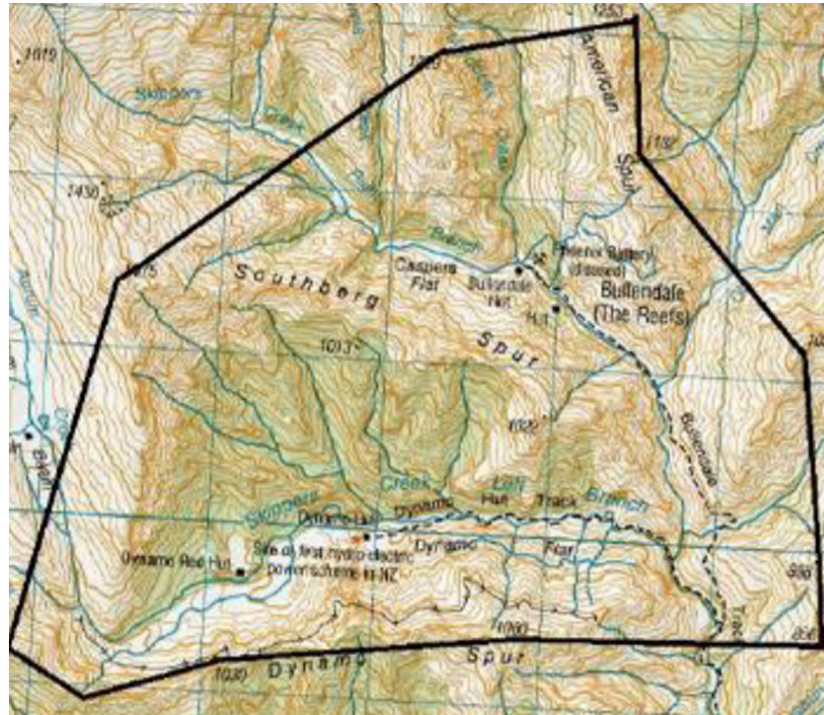
93 - Butel's Flourmill (original foundations and stone wall), Off Butel Road, Millbrook Area - The Extent of Place is shown by the red outline.



108 - Coronation Bath House, Marine Parade. The Extent of Place is indicated by the white circle.



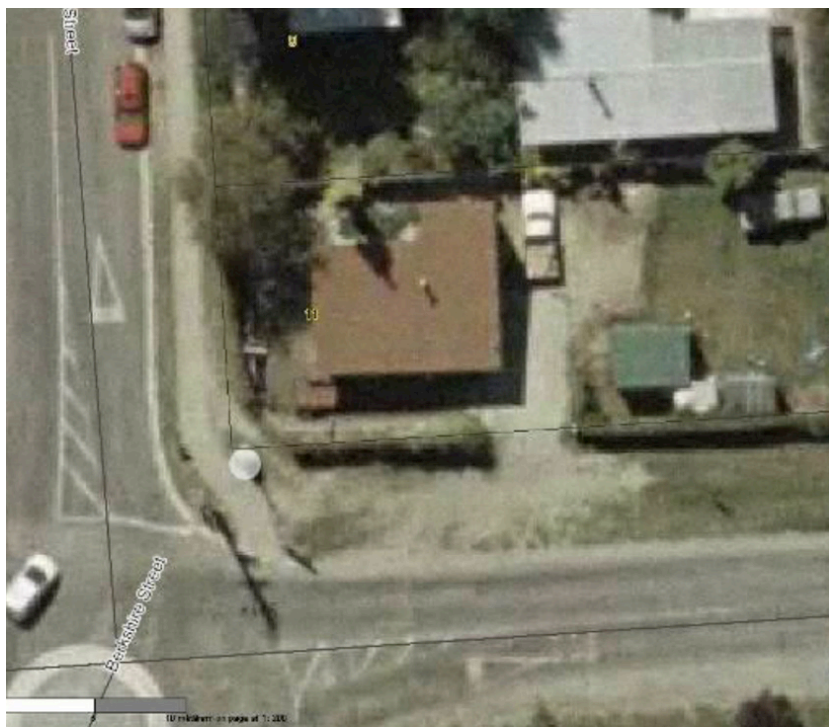
131 - Thurlby Domain - Speargrass Flat Road. The Extent of Place is shown by the purple outline.



140 - Bullendale - Section 148 Block XI Skippers Creek. The Extent of Place is shown by the black outline.



Ref 253 - 253 Centennial Ave, Arrowtown - Speargrass Flat Road. The Extent of Place is shown by the red outline.



301 - King Edward VII Memorial Lamp - Corner of Wiltshire Street and Berkshire Street, Arrowtown. The Extent of Place is indicated by the white circle.



333 - Reidhaven - 7 Villier's St, Arrowtown. The Extent of Place is shown by the yellow outline.



367 - St John's Church - 26 Berkshire Street Arrowtown. The Extent of Place is shown by the red outline.



379 - Stable Block (The Stables Restaurant) - 28 Buckingham Street, Arrowtown. The Extent of Place is shown by the black outline.

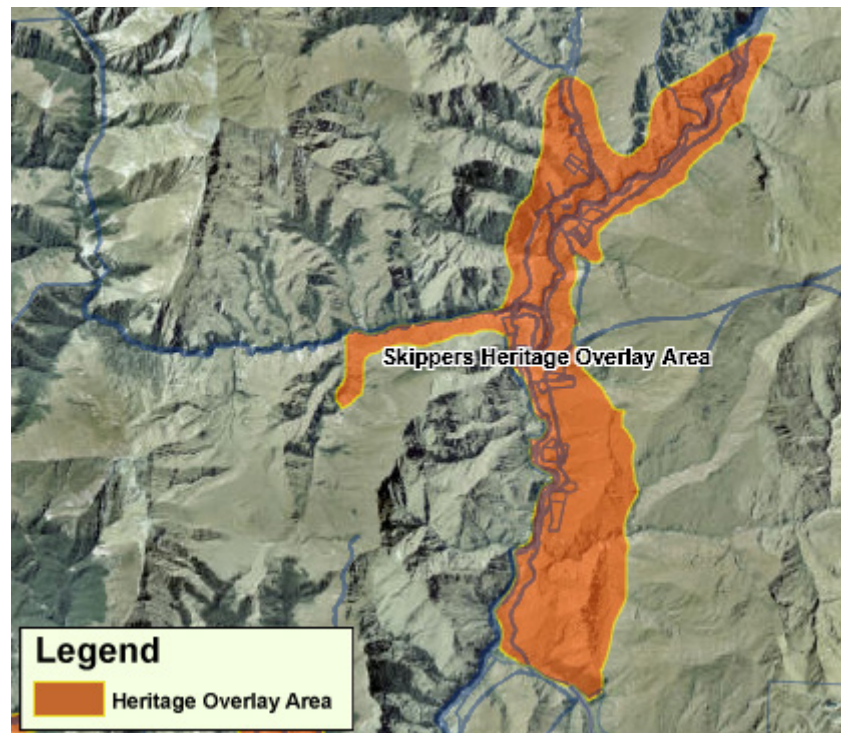
26.9

Sites of Significance to Maori

26.10

Heritage Overlay Areas

26.10.1 Skippers Heritage Overlay Area



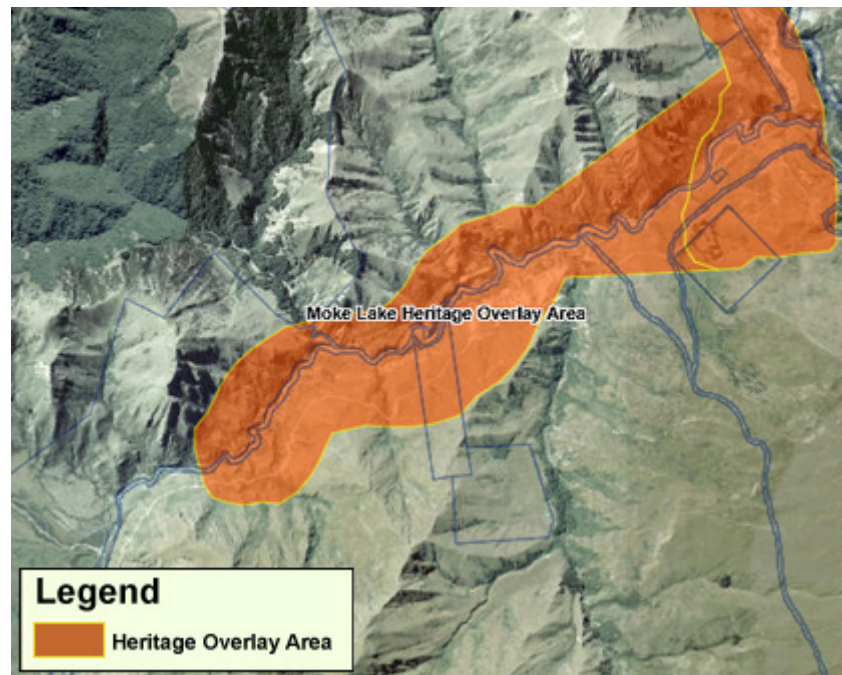
26.10.2 Statement of Significance

The Skippers Heritage Overlay Area (SOA) represents some of the most historically and archaeologically significant 19th century gold mining sites in Otago and Southern New Zealand. Together, the diverse gold mining sites and features form a historically rich landscape that embodies the 1860s gold mining efforts and challenges of early miners, as well as later, more sophisticated mining technology that was needed to access the more difficult deposits of gold. In combination with the remote and stunning natural landscape of the Shotover River valley, the SHL offers a unique, largely intact, and publicly accessible historic gold mining experience for visitors to the Shotover River. Within the SOA, the precipitous later 19th century Skippers Road (1883 to 1890), the deserted Skipper's Township (1862) and the 1901 Skippers Suspension Bridge are all highly significant heritage sites that have been recognised by their Heritage New Zealand listings. In addition, over 130 archaeological sites within the SHL are entered on the New Zealand Archaeological Association Site Recording Scheme, demonstrating the outstanding heritage significance of the Skippers Heritage Overlay Area.

26.10.3 Key Features to be protected

- 26.10.3.1** The Skippers Road and its historic revetments and construction features.
- 26.10.3.2** The Skippers suspension bridge and former township area.
- 26.10.3.3** All other known archaeological sites, including sluiced terraces.
- 26.10.3.4** Unobstructed views along the Skippers Canyon section of the Shotover River.

26.10.4 Moke Lake and Sefferton Heritage Overlay Area



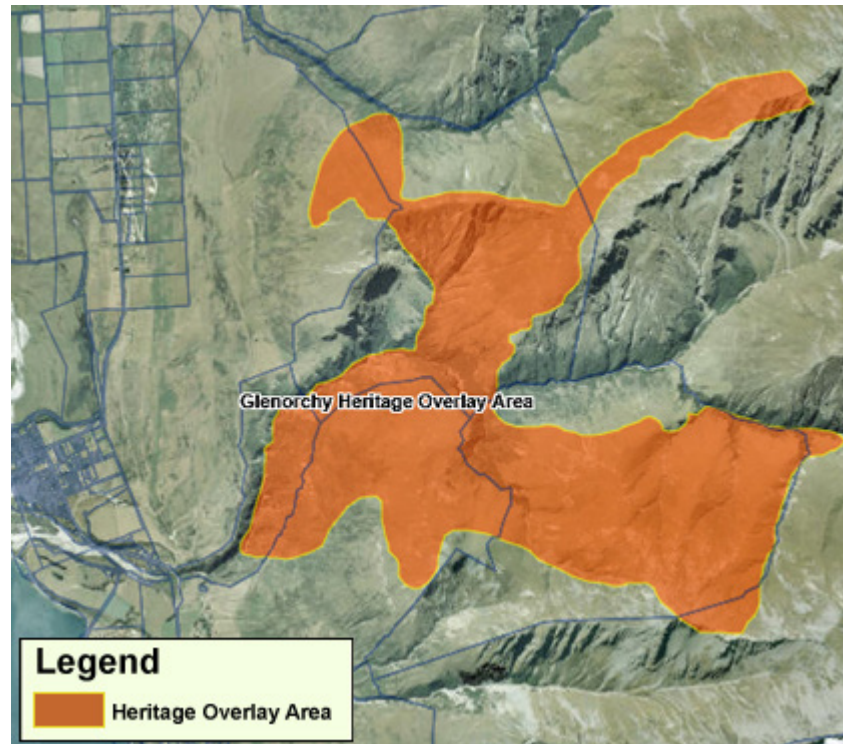
26.10.5 Statement of Significance

The Sefferton and Moke Lake Heritage Overlay Areas ((SMLHOA) are significant for their concentrations of historic gold and copper mining remains, which include both mining infrastructure and settlement sites. The extensive and well preserved complex of features along Moonlight Creek and Moke Creek are an important part of the wider history of the Wakatipu gold rush, linking closely with the Shotover River, Arrow River and Macetown / Rich Burn goldfields. Sefferton / Moke Creek was the site, albeit short lived, of an early tented gold rush township that settled into a remote, mountain community that survived into the 1950's. Its remains provide tangible reminders of the many local stories that survive of the mining community and their hardships and life in the mountain goldfields of Otago.

26.10.6 Key Features to be protected

- 26.10.6.1** The former mining settlement remains at Moke Creek / Sefferton including the surviving cottages, huts, gardens and plantings.
- 26.10.6.2** The copper mining site along Moke Lake Road.
- 26.10.6.3** Moke Lake Road and the historic track to Butchers Hut along the true right bank of the Moonlight Creek.
- 26.10.6.4** The extensive stone and earthwork mining remains centred on Sheeppark Terrace and the Moonlight Creek.
- 26.10.6.5** The 8.8km water race leading from above Montgomery's Creek to the Sheeppark Terrace area and below.
- 26.10.6.6** All other known archaeological sites and listed historic places within the SMLHA.

26.10.7 Glenorchy Heritage Overlay Area



26.10.8 Summary of Significance

The Glenorchy Heritage Overlay Area (GHOA) is significant for its specific scheelite mining activities that extended from the 1880's until the 1980's, which have left a significant group of mine sites and infrastructure, along with a unique social history of the people who worked there. Collectively, these activities left behind a sequence of evidence that follows the mining cycle that began here in the 1880s and which may well recommence at some point in the future. The sites within this heritage overlay area represent the hard won and sometimes fruitless endeavours of a close knit community of miners that spanned a hundred years of mining at Glenorchy. The GHOA encompasses the majority of the key mine sites, tracks, a cableway and sections of water races that represented the primary scheelite producing area in New Zealand. The combination of private and state-owned mines is also a unique part of the GHOA's history in the ubiquitous and contemporary gold mining industry of the Wakatipu Basin. Overall, the scheelite mining history symbolised by the GHOA is a unique one of national heritage significance.

26.10.9 Key features to be protected

- 26.10.9.1** All mines, mining huts, the cableway and track ways within the GHL boundary (including the Black Peak Mine).
 - 26.10.9.2** The mine sites along the Mount Judah Road.
 - 26.10.9.3** All other known historic mining sites within the GHOA.
-

26.10.10 Macetown Heritage Overlay Area



26.10.11 Summary of significance

Although it covers a large area, the Macetown Heritage Overlay Area (MHOA) is significant for its concentration of historic gold mining sites, focussed on the deserted mining town of Macetown, which span from the earliest exploitation of gold in the Arrowtown area in 1862, through to the end of gold mining in the 1930's. Such a continuum of mining activity – first alluvial then hard-rock or quartz – has left a distinct and intelligible landscape with diverse features and stories linked by a series of mining tracks that still allow access to this remote and stunning countryside. The MHOA encompasses three key areas; the Rich Burn Valley, Macetown and the Arrow River valley, all three of which have distinctive characters and features that coalesce to form a broader mining heritage of regional significance. Among these, Macetown is highly significant, representing the surviving remains of a remote 19th century mining village to which stories are still attached and some history has been traced to its founders, occupants and demise. Situated within its larger mining heritage context, Macetown can be interpreted as part of a community of gold mining activity sites, which are a key part of the wider Otago gold mining story.

26.10.12 Key features to be protected

- 26.10.12.1** The (Department of Conservation) Macetown Historic Reserve area including the Macetown Road.
- 26.10.12.2** The Rich Burn mining remains (e.g., Anderson's Battery and the Homeward Bound Battery; the Sunrise Mine Office).
- 26.10.12.3** The historic mining tracks of Hayes Creek, Sawpit Gully and Advance Peak and similar tracks within the MHOA.
- 26.10.12.4** All other known archaeological sites and listed historic places within the MHA.

26.11

Heritage Orders

Ref No	Map Ref	Related Protected Features	Purpose	Heritage Protection Authority	Site and Legal Description
1	28	See 362 and 373	To protect and preserve the buildings known as the Postmaster's House and the Arrowtown Post Office and their associated buildings and their surrounding land (refer to site files for complete description of heritage order).	Queenstown Lakes District Council	52 and 54 Buckingham Street Lots 1 and 2, DP 21884, Block VI, Town of Arrowtown (Valuation reference 2918228800 and 2918228801)
2	36		To protect the building known as Archer cottage and the historic relationship created by buildings on Marine Parade, the space between these buildings and the relationship between these buildings and the public space onto which they front (refer to site files for complete description of heritage order).	Queenstown Lakes District Council	Lot 15 DP 302022

Appendix 2: Recommendations on Submissions and Further Submissions

Part A: Submissions

Submission Number	Submitter	Commissioners' Recommendation	Report Reference
19.12	Kain Fround	Accept in Part	13
31.1	Kingston Community Association	Reject	7.3
63.1	Karl Barkley	Reject	7.3
72.4	Kelvin Peninsula Community Association	Accept	13
101.1	Waimea Plains Railway Trust	Accept in Part	7.3
118.1	Janet Macdonald	Reject	7.3
153.2	Christopher Horan	Accept in Part	12
187.6	Nicholas Kiddle	Accept in Part	13
201.1	IPENZ	Accept in Part	10
201.2	IPENZ	Accept in Part	9.4
201.3	IPENZ	Accept in Part	8.1
201.4	IPENZ	Accept in Part	13
201.5	IPENZ	Reject	8.8
201.6	IPENZ	Accept in Part	9.1
368.5	Anna-Marie Chin Architects and Phil Vautier	Accept in Part	6.7
368.6	Anna-Marie Chin Architects and Phil Vautier	Reject	9.27
373.14	Department of Conservation	Accept in Part	13
383.45	Queenstown Lakes District Council	Accept	6.9
383.46	Queenstown Lakes District Council	Accept	11
426.10	Heritage New Zealand	Accept in Part	6
426.1	Heritage New Zealand	Accept in Part	12
426.11	Heritage New Zealand	Accept	6.8
426.12	Heritage New Zealand	Accept in Part	6.8
426.13	Heritage New Zealand	Accept in Part	10
426.14	Heritage New Zealand	Accept in Part	6.14
426.15	Heritage New Zealand	Accept in Part	6.13
426.16	Heritage New Zealand	Accept in Part	6.16
426.17	Heritage New Zealand	Accept in Part	6.16
426.20	Heritage New Zealand	Accept	11
426.2	Heritage New Zealand	Accept	12
426.21	Heritage New Zealand	Accept	8.1
426.22	Heritage New Zealand	Accept	8.1
426.23	Heritage New Zealand	Accept	9.25
426.24	Heritage New Zealand	Accept	11
426.25	Heritage New Zealand	Accept in Part	9.26
426.26	Heritage New Zealand	Accept	11

Submission Number	Submitter	Commissioners' Recommendation	Report Reference
426.27	Heritage New Zealand	Accept	12
426.28	Heritage New Zealand	Accept in Part	8.3
426.29	Heritage New Zealand	Accept	8.1
426.3	Heritage New Zealand	Accept in Part	13
426.30	Heritage New Zealand	Accept	12
426.31	Heritage New Zealand	Accept	12
426.32	Heritage New Zealand	Accept	12
426.33	Heritage New Zealand	Accept in Part	1.5
426.34	Heritage New Zealand	Accept in Part	9.4
426.35	Heritage New Zealand	Accept	10
426.4	Heritage New Zealand	Accept in Part	3
426.5	Heritage New Zealand	Accept in Part	4
426.6	Heritage New Zealand	Accept in Part	5.1
426.7	Heritage New Zealand	Accept in Part	5.2
426.8	Heritage New Zealand	Accept in Part	5.3
426.9	Heritage New Zealand	Accept in Part	5.4
503.1	DJ and EJ Cassells, The Bulling Family, The Bennett Family, M Lynch	Reject	7.5
506.1	Friends of the Wakatiou Gardens and Reserves Incorporated	Reject	7.5
516.5	MacFarlane Investments	Reject	7.2
517.5	John Thompson	Reject	7.2
519.53	New Zealand Tungsten Mining Limited	Accept in Part	5.1
519.54	New Zealand Tungsten Mining Limited	Accept in Part	5.1
519.55	New Zealand Tungsten Mining Limited	Accept in Part	5.4
519.56	New Zealand Tungsten Mining Limited	Accept in Part	5.2
519.57	New Zealand Tungsten Mining Limited	Accept in Part	10
519.58	New Zealand Tungsten Mining Limited	Accept	6.16
519.59	New Zealand Tungsten Mining Limited	Accept in Part	6.19
519.60	New Zealand Tungsten Mining Limited	Accept in Part	10
524.38	Ministry of Education	Accept in Part	5.4
524.39	Ministry of Education	Accept in Part	5.4
524.40	Ministry of Education	Accept in Part	6.8
524.41	Ministry of Education	Accept in Part	6.14
596.3	Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited	Accept	7.6

Submission Number	Submitter	Commissioners' Recommendation	Report Reference
598.48	Straterra	Accept in Part	5.1
598.49	Straterra	Accept in Part	5.1
598.50	Straterra	Accept in Part	5.1
598.51	Straterra	Reject	10
598.52	Straterra	Reject	10
598.53	Straterra	Reject	10
598.54	Straterra	Reject	10
600.100	Federated Farmers of New Zealand	Accept in Part	5.2
600.101	Federated Farmers of New Zealand	Accept in Part	6.19
600.99	Federated Farmers of New Zealand	Accept in Part	3
604.10	Jackie Gillies	Accept in Part	5.1
604.11	Jackie Gillies	Accept in Part	5.2
604.12	Jackie Gillies	Accept in Part	5.3
604.13	Jackie Gillies	Accept in Part	5.3
604.15	Jackie Gillies	Accept in Part	5.2
604.16	Jackie Gillies	Accept in Part	5.4
604.17	Jackie Gillies	Accept in Part	6
604.18	Jackie Gillies	Accept in Part	6
604.19	Jackie Gillies	Accept	6.11
604.20	Jackie Gillies	Reject	6.11
604.21	Jackie Gillies	Accept in Part	6.12
604.22	Jackie Gillies	Accept in Part	6.14
604.23	Jackie Gillies	Accept	6.14
604.24	Jackie Gillies	Reject	6.14
604.25	Jackie Gillies	Accept in Part	6.14
604.26	Jackie Gillies	Accept in Part	6.16
604.27	Jackie Gillies	Accept in Part	6.16
604.28	Jackie Gillies	Reject	6.16
604.29	Jackie Gillies	Accept in Part	6.16
604.3	Jackie Gillies	Accept in Part	3
604.30	Jackie Gillies	Reject	6.18
604.31	Jackie Gillies	Reject	6.18
604.32	Jackie Gillies	Accept in Part	6.19
604.33	Jackie Gillies	Accept	6.20
604.34	Jackie Gillies	Accept in Part	6.20
604.35	Jackie Gillies	Accept in part	12
604.36	Jackie Gillies	Accept	9.2
604.37	Jackie Gillies	Accept	9.3
604.38	Jackie Gillies	Accept	7.4
604.39	Jackie Gillies	Reject	9.7
604.4	Jackie Gillies	Accept	3
604.40	Jackie Gillies	Accept	11
604.41	Jackie Gillies	Accept	9.8
604.42	Jackie Gillies	Reject	9.9

Submission Number	Submitter	Commissioners' Recommendation	Report Reference
604.43	Jackie Gillies	Reject	9.10
604.44	Jackie Gillies	Accept	9.11
604.45	Jackie Gillies	Reject	9.12
604.46	Jackie Gillies	Reject	1.5
604.47	Jackie Gillies	Accept	9.14
604.48	Jackie Gillies	Reject	9.18
604.49	Jackie Gillies	Accept in Part	9.19
604.5	Jackie Gillies	Accept	3
604.50	Jackie Gillies	Accept	11
604.51	Jackie Gillies	Accept	11
604.52	Jackie Gillies	Accept	General
604.53	Jackie Gillies	Accept	11
604.54	Jackie Gillies	Reject	9.20
604.55	Jackie Gillies	Accept in Part	9.21
604.56	Jackie Gillies	Accept in Part	11
604.58	Jackie Gillies	Reject	9.22
604.59	Jackie Gillies	Reject	9.23
604.6	Jackie Gillies	Accept in Part	4
604.60	Jackie Gillies	Accept	11
604.61	Jackie Gillies	Reject	9.24
604.62	Jackie Gillies	Accept	11
604.63	Jackie Gillies	Accept	9.25
604.64	Jackie Gillies	Accept	11
604.65	Jackie Gillies	Accept	11
604.66	Jackie Gillies	Accept	1
604.67	Jackie Gillies	Accept	9.14
604.68	Jackie Gillies	Accept	9.28
604.69	Jackie Gillies	Accept in Part	8.7
604.70	Jackie Gillies	Accept in Part	3, 4
604.7	Jackie Gillies	Accept	4
604.8	Jackie Gillies	Accept in Part	4
604.9	Jackie Gillies	Accept in Part	4
621.100	Real Journeys Limited	Accept in Part	6.8
621.101	Real Journeys Limited	Accept in Part	6
621.102	Real Journeys Limited	Accept	6.11
621.103	Real Journeys Limited	Accept in Part	6.14
621.104	Real Journeys Limited	Accept	6.18
621.105	Real Journeys Limited	Reject	9.1
621.93	Real Journeys Limited	Accept in Part	3
621.94	Real Journeys Limited	Accept in Part	3
621.95	Real Journeys Limited	Accept in Part	3
621.96	Real Journeys Limited	Accept in Part	4
621.97	Real Journeys Limited	Accept	5
621.98	Real Journeys Limited	Accept in Part	5.3

Submission Number	Submitter	Commissioners' Recommendation	Report Reference
621.99	Real Journeys Limited	Accept in Part	5.4
635.33	Aurora Energy Limited	Accept in Part	5.1
635.34	Aurora Energy Limited	Accept in Part	5.1
672.20	Watertight Investments Ltd	Accept in Part	5.1
672.21	Watertight Investments Ltd	Accept in Part	5.1
672.22	Watertight Investments Ltd	Accept in Part	5.2
672.24	Watertight Investments Ltd	Accept in Part	6.10
672.25	Watertight Investments Ltd	Accept in Part	6.11
672.26	Watertight Investments Ltd	Accept in Part	6.12
672.27	Watertight Investments Ltd	Accept in Part	6.13
672.28	Watertight Investments Ltd	Accept in Part	6.14
672.29	Watertight Investments Ltd	Accept in Part	6.18
672.30	Watertight Investments Ltd	Accept in Part	6.18
672.31	Watertight Investments Ltd	Accept in Part	6.18
672.32	Watertight Investments Ltd	Accept in Part	6.18
672.33	Watertight Investments Ltd	Reject	7.1
672.34	Watertight Investments Ltd	Accept in Part	General
688.16	Justin Crane and Kirsty Mactaggart	Accept in Part	5.1
688.17	Justin Crane and Kirsty Mactaggart	Accept in Part	5.1
688.18	Justin Crane and Kirsty Mactaggart	Accept in Part	5.2
688.20	Justin Crane and Kirsty Mactaggart	Accept in Part	6.10
688.21	Justin Crane and Kirsty Mactaggart	Accept in Part	6.12
688.22	Justin Crane and Kirsty Mactaggart	Accept in Part	6.13
688.23	Justin Crane and Kirsty Mactaggart	Accept in Part	6.14
688.24	Justin Crane and Kirsty Mactaggart	Accept in Part	6.18
688.25	Justin Crane and Kirsty Mactaggart	Accept in Part	6.18
688.26	Justin Crane and Kirsty Mactaggart	Accept in Part	6.18
688.27	Justin Crane and Kirsty Mactaggart	Accept in Part	6.18
688.28	Justin Crane and Kirsty Mactaggart	Reject	9.14
696.24	Millbrook Country Club Ltd	Accept in Part	5.1
696.25	Millbrook Country Club Ltd	Accept in Part	5.2
696.26	Millbrook Country Club Ltd	Accept in Part	6.10
696.27	Millbrook Country Club Ltd	Accept in Part	6.12
696.28	Millbrook Country Club Ltd	Accept in Part	6.13
696.29	Millbrook Country Club Ltd	Accept in Part	6.14
696.30	Millbrook Country Club Ltd	Accept in Part	6.18
696.31	Millbrook Country Club Ltd	Accept in Part	6.18
696.32	Millbrook Country Club Ltd	Accept in Part	6.18
696.33	Millbrook Country Club Ltd	Accept in Part	6.18
696.34	Millbrook Country Club Ltd	Accept	6.18
711.10	Richard Lawrie Hewitt	Accept in Part	4
711.5	Richard Lawrie Hewitt	Accept in Part	12
711.6	Richard Lawrie Hewitt	Accept in Part	6.7
711.8	Richard Lawrie Hewitt	Accept in Part	12

Submission Number	Submitter	Commissioners' Recommendation	Report Reference
711.9	Richard Lawrie Hewitt	Accept in Part	12
726.3	Upper Clutha Transport	Accept in Part	5.1
726.4	Upper Clutha Transport	Accept in Part	5.2
726.5	Upper Clutha Transport	Accept in Part	6.10
726.6	Upper Clutha Transport	Accept in Part	6.12
726.7	Upper Clutha Transport	Accept in Part	6.13
726.8	Upper Clutha Transport	Accept in Part	6.14
726.9	Upper Clutha Transport	Accept in Part	6.18
752.14	Michael Farrier	Reject	12
798.10	Otago Regional Council	Accept in Part	3
798.11	Otago Regional Council	Accept	3
806.163	Queenstown Park Limited	Accept	General
822.1	Geraint Bermingham	Reject	7.3

Part B: Further Submissions

Further Submission Number	Original Submission	Further Submitter	Commissioners' Recommendation	Report Reference
FS1015.34	426.7	Straterra	Accept in Part	5.2
FS1015.35	426.8	Straterra	Accept in Part	5.3
FS1015.89	519.53	Straterra	Accept in Part	5.1
FS1015.90	519.54	Straterra	Accept in Part	5.1
FS1015.91	519.55	Straterra	Accept in Part	5.4
FS1015.92	519.56	Straterra	Accept in Part	5.2
FS1015.93	519.57	Straterra	Accept in Part	10
FS1015.94	519.58	Straterra	Accept	6.16
FS1015.95	519.59	Straterra	Accept in Part	6.19
FS1015.96	519.60	Straterra	Accept in Part	10
FS1034.100	600.100	Upper Clutha Environmental Society (Inc.)	Reject	5.2
FS1034.101	600.101	Upper Clutha Environmental Society (Inc.)	Reject	6.19
FS1034.99	600.99	Upper Clutha Environmental Society (Inc.)	Reject	3
FS1063.10	506.1	Peter Fleming and Others	Reject	7.5
FS1063.4	503.1	Peter Fleming and Others	Reject	7.5
FS1080.10	426.25	Director General of Conservation	Accept	9.26

Further Submission Number	Original Submission	Further Submitter	Commissioners' Recommendation	Report Reference
FS1080.11	426.27	Director General of Conservation	Accept	12
FS1080.12	426.31	Director General of Conservation	Accept	12
FS1080.13	519.60	Director General of Conservation	Accept in Part	10
FS1080.8	426.20	Director General of Conservation	Accept	11
FS1080.9	426.21	Director General of Conservation	Accept	8.1
FS1097.699	726.3	Queenstown Park Limited	Accept in Part	5.1
FS1097.700	726.4	Queenstown Park Limited	Accept in Part	5.2
FS1098.1	201.6	Heritage New Zealand Pouhere Taonga	Accept in Part	9.1
FS1098.10	604.59	Heritage New Zealand Pouhere Taonga	Accept	9.23
FS1098.11	604.69	Heritage New Zealand Pouhere Taonga	Reject	7.1
FS1098.12	798.11	Heritage New Zealand Pouhere Taonga	Accept	3
FS1098.2	383.46	Heritage New Zealand Pouhere Taonga	Accept	11
FS1098.5	604.16	Heritage New Zealand Pouhere Taonga	Accept in Part	5.4
FS1098.6	604.21	Heritage New Zealand Pouhere Taonga	Accept in Part	6.12
FS1098.7	604.42	Heritage New Zealand Pouhere Taonga	Accept	9.9
FS1098.8	604.43	Heritage New Zealand Pouhere Taonga	Accept	9.10
FS1098.9	604.58	Heritage New Zealand Pouhere Taonga	Reject	9.22
FS1113.1	426.34	Mill House Trust	Reject	9.15
FS1117.236	604.13	Remarkables Park Limited	Accept in Part	5.3
FS1209.100	600.100	Richard Burdon	Accept in Part	5.2
FS1209.101	600.101	Richard Burdon	Accept in Part	6.19
FS1209.99	600.99	Richard Burdon	Accept in Part	3
FS1226.161	604.59	Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited	Reject	9.23
FS1244.3	604.69	Three Beaches Limited	Accept	8.4
FS1244.4	426.4	Three Beaches Limited	Reject	3
FS1260.22	506.1	Dato Tan Chin Nam	Accept in Part	7.5
FS1285.8	711.9	Nic Blennerhassett	Accept in Part	12

Further Submission Number	Original Submission	Further Submitter	Commissioners' Recommendation	Report Reference
FS1287.76	598.48	New Zealand Tungsten Mining Limited	Accept in Part	5.1
FS1287.77	598.49	New Zealand Tungsten Mining Limited	Accept in Part	5.1
FS1287.78	598.50	New Zealand Tungsten Mining Limited	Accept in Part	5.1
FS1287.79	598.51	New Zealand Tungsten Mining Limited	Reject	10
FS1287.80	598.52	New Zealand Tungsten Mining Limited	Reject	10
FS1287.81	598.53	New Zealand Tungsten Mining Limited	Reject	10
FS1287.82	598.54	New Zealand Tungsten Mining Limited	Reject	10
FS1315.1	503.1	Greenwood Group Ltd	Accept	7.5
FS1315.4	506.1	Greenwood Group Ltd	Accept	7.5
FS1341.24	798.11	Real Journeys Limited	Accept	3
FS1341.34	201.2	Real Journeys Limited	Accept in Part	9.4
FS1342.15	798.11	Te Anau Developments Limited	Accept	3
FS1350.1	604.47	Justine and Kirsty Crane and Mactaggart	Reject	9.14
FS1350.2	604.47	Justine and Kirsty Crane and Mactaggart	Accept	9.14
FS1352.17	72.4	Kawarau Village Holdings Limited	Accept	13
FS1356.53	519.53	Cabo Limited	Reject	5.1
FS1356.54	519.54	Cabo Limited	Reject	5.1
FS1356.55	519.55	Cabo Limited	Reject	5.4
FS1356.56	519.56	Cabo Limited	Reject	5.2
FS1356.57	519.57	Cabo Limited	Reject	10
FS1356.58	519.58	Cabo Limited	Reject	6.16
FS1356.59	519.59	Cabo Limited	Reject	6.19
FS1356.60	519.60	Cabo Limited	Reject	10

Appendix 3: Definitions recommended to Stream 10 Panel for inclusion in Chapter 2

<p>Archaeological Site</p>	<p>Means, subject to section 42(3) of the Heritage New Zealand Pouhere Taonga Act 2014:</p> <ul style="list-style-type: none"> a. any place in New Zealand, including any building or structure (or part of a building or structure), that – <ul style="list-style-type: none"> i. was associated with human activity that occurred before 1900 or is the site of the wreck of any vessel where the wreck occurred before 1900; and ii. provides or may provide, through investigation by archaeological methods, evidence relating to the history of New Zealand; and b. includes a site for which a declaration is made under section 43(1) of the Heritage New Zealand Pouhere Taonga Act 2014.
<p>Contributory Buildings (For the purpose of Chapter 26 only)</p>	<p>Means buildings within a heritage precinct that contribute to the significance of a heritage precinct some of which may be listed for individual protection in the Inventory under Rule 26.8. They may contain elements of heritage fabric, architecture or positioning that adds value to the heritage precinct. They have been identified within a heritage precinct because any future development of the site containing a contributory building may impact on the heritage values of heritage features, or the heritage precinct itself. Contributory buildings are identified on the plans under Section 26.7 'Heritage Precincts'. (Refer also to the definition of Non-Contributory Buildings)</p>
<p>Extent of Place (For the purpose of Chapter 26 only)</p>	<p>Means the area around and/or adjacent to a heritage feature listed in the Inventory under Section 26.8 and which is contained in the same legal title as a heritage feature listed in the Inventory, the extent of which is identified in Section 26.8.1.</p> <p>(refer also to the definition of Setting).</p>
<p>External Alterations and Additions (For the purpose of Chapter 26 only)</p>	<p>Means undertaking works affecting the external heritage fabric of heritage features, but excludes repairs and maintenance, and partial demolition. External additions includes signs and lighting.</p>
<p>Heritage Fabric (For the purpose of Chapter 26 only)</p>	<p>Means any physical aspect of a heritage feature which contributes to its heritage values as assessed with the criteria contained in section 26.5. Where a heritage assessment is available on the Council's records this will provide a good indication of what constitutes the heritage fabric of that heritage feature. Where such an assessment is not available, heritage fabric may include, but is not limited to:</p> <ul style="list-style-type: none"> a. original and later material and detailing which forms part of, or is attached to, the interior or exterior of a heritage feature; b. the patina of age resulting from the weathering and wear of construction material over time; c. fixtures and fittings that form part of the design or significance of a heritage feature but excludes inbuilt museum and art work exhibitions

	<p>and displays, and movable items not attached to a building, unless specifically listed.</p> <p>d. heritage features which may require analysis by archaeological means, which may also include features dating from after 1900.</p>
<p>Heritage Feature or Features</p> <p>(For the purpose of Chapter 26 only)</p>	<p>Means the collective terms used to describe all heritage features listed in the Inventory of Heritage Features under Section 26.8.</p>
<p>Heritage Significance</p> <p>(For the purpose of Chapter 26 only)</p>	<p>Means the significance of a heritage feature (identified in this Chapter as Category 1, 2, or 3) as evaluated in accordance with the criteria listed in section 26.5. A reduction in heritage significance means where a proposed activity would have adverse effects which would reduce the category that has been attributed to that heritage feature.</p>
<p>Historic Heritage</p>	<p>Means those natural and physical resources that contribute to an understanding and appreciation of New Zealand's history and cultures, deriving from any of the following qualities:</p> <ul style="list-style-type: none"> a. archaeological: b. architectural: c. cultural: d. historic: e. scientific: f. technological; and <p>And includes:</p> <ul style="list-style-type: none"> a. historic sites, structures, places, and areas; and b. archaeological sites; and c. sites of significance to Maori, including wahi tapu; and d. surroundings associated with natural and physical resources. e. heritage features (including where relevant their settings or extent of place), heritage areas, heritage precincts, and sites of significance to Maori.
<p>Internal Alterations</p> <p>(For the purpose of Chapter 26 only)</p>	<p>Means undertaking works affecting the internal heritage fabric of heritage features, but excludes repairs and maintenance. Internal alterations includes the partial removal and replacement of decoration, windows, ceilings, floors or roofs that only affect the interior of the building.</p>
<p>Non-Contributory Buildings</p> <p>(For the purpose of Chapter 26 only)</p>	<p>Means buildings within a heritage precinct that have no identified heritage significance or fabric and have not been listed for individual protection in the Inventory under Rule 26.8. They have been identified within a heritage precinct because any future development of a site containing a non-contributory building may impact on the heritage values of heritage features</p>

	or contributory buildings within the heritage precinct. Non— Contributory Buildings are identified on the plans under Section 26.7 ‘Heritage Precincts’.
Partial Demolition (For the purpose of Chapter 26 only)	Means the demolition of the heritage fabric of a heritage feature exceeding 30% but less than 70% by volume or area whichever is the greater. Volume is measured from the outermost surface of the heritage feature (including any surfaces below ground) and the area is measured by the footprint of the heritage feature. Partial demolition shall be determined as the cumulative or incremental demolition of the heritage fabric as from the date that the decision [specify] on Chapter 26 of the District Plan is publicly notified.
Relocation (For the purpose of Chapter 26 only)	Means the relocation of heritage protected features, including protected buildings, both within, or and beyond the site. The definition of Relocation (Buildings) in Chapter 2 (which means the removal of a building from any site to another site) shall not apply to chapter 26.
Minor Repairs and Maintenance (For the purpose of Chapter 26 only)	Means repair of building materials and includes replacement of minor components such as individual bricks, cut stone, timber sections, roofing and glazing. The replacement items shall be of the original or closely matching material, colour, texture, form and design, except that there shall be no replacement of any products containing asbestos, but a closely matching product may be used instead. Repairs and maintenance works that do not fall within this definition will be assessed as alterations.
Setting (For the purpose of Chapter 26 only)	Means the area around and/or adjacent to a heritage feature listed under the Inventory in Section 26.8 and defined under 26.8.1, which is integral to its function, meaning, and relationships, and which is contained in the same legal title as the heritage feature listed on the Inventory. (refer also to the definition of ‘Extent of Place’).
Total Demolition (For the purposes of Chapter 26 only)	Means the demolition of the heritage fabric of a heritage feature equal to or exceeding 70% by volume or area whichever is greater. Volume is measured from the outermost surface of the heritage feature (including any surfaces below ground) and the area is measured by the footprint of the heritage feature.