

**BEFORE INDEPENDENT HEARING COMMISSIONERS APPOINTED BY THE
CENTRAL OTAGO DISTRICT COUNCIL**

IN THE MATTER OF

The Resource Management Act 1991 (**RMA** or
the Act)

AND

IN THE MATTER OF

Of the Central Otago Operative District Plan
(**CODP**) and Proposed Plan Change 19 to the
Central Otago District Plan (**PC19**)

AND

IN THE MATTER OF

Applications to the Central Otago District
Council (**CODC**) by **D. J Jones Family Trust**
and N.R Searell Family Trust for subdivision
and land use resource consents for residential
subdivision and development at 88 Terrace
Street, Bannockburn (**RC230398**)

**EVIDENCE OF MATTHEW JAMES SOLE
ON BEHALF OF D. J JONES FAMILY TRUST AND N.R SEARELL FAMILY TRUST**

Dated: 27 September 2024

Presented for filing by:
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INTRODUCTION

- 1 My name is Matthew James Sole.
- 2 I have a Diploma of Horticulture from Lincoln University and an Advanced Certificate in Apiculture Telford College
- 3 I am a self employed Archaeological Consultant for Kopuwai Consultancy based in Central Otago
- 4 I am Section 45 approved archaeologist under Heritage NZ Act 2014 and have been practising since 2008
- 5 Details of previous roles and work experience relevant to your evidence
 - (a) Fifteen years (Central Otago based) private consultancy experience in archaeological heritage survey, recording for the preparation of archaeological assessment/heritage impact assessments
 - (b) Worked under and collegiately with Otago Archaeologists Dr Jill Hamel, Dr Matt Schmidt, Dr Dawn Cropper, Dr Peter Petchey, Benjamin Teele; the late Peter Bristow, the late Chris Jacomb, the late Angela Middleton,
 - (c) Archaeological survey, assessment, authority for Central Otago Queenstown Trail Trust for Lake Dunstan Trail – Clyde via Bannockburn to Cromwell.
 - (d) Archaeological surveys, assessments and authority's for Queenstown Trail Trust – Coronet Faces Water Race Track & Coronet Rear Faces Trail via Green Gate, Deep Creek and Eight Mile, Arrowtown to Lower Shotover.
 - (e) Various Archaeological surveys, assessments and authorities for DOC – Skippers, Bendigo, Flat Top Hill, Pomahaka Junction. Gabriel's Gully Historic Reserve, Golden Point.
 - (f) Heritage and trail site interpretation signage, way finding brochures & information services relating to heritage, recreation and Central Otago endemic flora & fauna.

- (g) Survey and manage track design and construction through archaeological sites via archaeological authority process for Clutha Gold Trail Charitable Trust.
 - (h) Developed feasibility study for the Roxburgh to Lawrence cycle and walking trail with CODC District Development team.
 - (i) Drafted an Outdoor recreation strategy for Central Otago.
 - (j) DOC programme manager Central Otago in Recreation and Historic.
- 6 My role in relation to the application for resource consent (**Application**) to the Central Otago District Council (**CODC**) by D. J Jones Family Trust and N.R Searell Family Trust (**Trust** or **Applicant**), is as an independent expert witness to the Trust on archaeological and heritage survey and assessment matters.
- 7 The Application was publicly notified and a number of submissions were received in support of, and in opposition to the Application. On 20 September 2024 the CODC released an Officer Report for prepared under section 42A of the RMA containing an analysis of the Application and a recommendation in response to the Application (**Officer Report**).
- 8 Although this is not an Environment Court proceeding I have read the Environment Court's Code of Conduct and agree to comply with it. My qualifications as an expert are set out above. The matters addressed in my evidence are within my area of expertise, however where I make statements on issues that are not in my area of expertise, I will state whose evidence I have relied upon. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed in my evidence.

SCOPE OF EVIDENCE

- 9 In my evidence I address the following issues:
- (a) Key points of my Archaeological & Heritage Impact Assessment Lot4 DP 339137 Terrace Street Bannockburn. Water Race Hill Subdivision - RC2 01 REV C 2023
 - (b) those submissions in opposition that address matters within scope of my expertise, with particular emphasis on matters where there is a difference of view between myself and the submitter; and

- (c) those parts of the Officer Report that address matters within scope of my expertise, with particular emphasis on matters where there is a difference of view between myself and the Officer Report.

CONTEXT

- 10 The Trust has applied for a subdivision and land use resource consent for a residential subdivision comprising residential 20 lots, including the construction of an internal access road and rights of way, recreation reserve and balance lots (**Proposal**) at 88 Terrace Street, Bannockburn, legally referred to as Lot 4 DP339137 (**Site**).
- 11 The Site is 17.6ha in area and is accessed from the eastern extent of Terrace Street and is characterised as a large undeveloped residential zone allotment located at the edge of the existing Bannockburn township. The site is bounded by Shepherd's creek to the east, Revell's Gully to the north, undeveloped residential land to the west and existing residential land generally to the south. The Site is currently bare, vacant land.
- 12 The Site is zoned Residential Resource Area (4) (**RRA(4)**) in the CODP and is partially within a building line restriction overlay (**BLR**) identified on the CODP maps. A restricted discretionary activity resource consent is required under the CODP for subdivision in the RRA(4) zone and to locate buildings within the BLR.

SUMMARY OF MY INITIAL ASSESSMENT

- 13 I have been involved with this project since 2015 and are familiar Bannockburn and its environs. I have earlier prepared an Archaeological & Heritage Impact Assessment for the Proposal which was included in the Application¹. In this section I will provide a brief summary of my assessment.
- 14 This summary outlines the findings of Archaeological & Heritage Impact Assessment (HIA) of the proposed 20-lot residential subdivision at Water Race Hill, Terrace Street, Bannockburn (Lot 4 DP339137). The proposal, submitted by the Trust, involves residential development, the creation of a public reserve, and associated public access infrastructure.
- 15 My initial assessment followed several archaeological ground surveys of the site and its wider surrounds for heritage and cultural context and heritage

¹ Appendix [c] to the Original Application for a resource consent
Evidence of Matthew James Sole on Behalf of D. J Jones Family Trust and N. R Searell Family
Trust dated 27 September 2024

landscape setting. These findings were reconciled with desktop research on early survey plans, historic photographs, NZ Retrolens historic aerial imagery, historic landownership/titles, document archives and history, existing archaeological site records, and relevant archaeological assessment reports and the Bannockburn Heritage Landscape Study (Janet Stephenson, 2004). The heritage sites and features, along with some new previously unrecorded sites have been GIS spatially mapped with the subdivision proposal layers imported and overlaid to visually inform subdivision design and assessment of heritage effects. This has front-footed the identification of heritage landscape with the natural landscape and informed the integration of these not insignificant distinctive values of Bannockburn in the subdivision design through considered collaborative effort.

- 16 It has involved dialogue with the applicant and the Applicant's project team over various revisions to get to this proposal, including engagement and consultation with Heritage New Zealand Pouhere Taonga on the project and HIA
- 17 The Site contains a significant and diverse array of recorded archaeological sites and features associated with early 1860's goldmining, early main street settlement, commonage ground, farmsteading and coalmining through to the 1930's involving several water races, reservoirs, various sluicing's off respective creek terraces and gullies along with remnants of coalmining associated with Shepherds Creek and Revells Gully. The site borders the Lake Dunstan Statutory Acknowledgement area part of a known mana whenua trail network for inland Otago.
- 18 The history and archaeology of the site and surroundings has been assessed and reviewed by site and affected components using the criteria for assessing archaeological value/s by condition, rarity/uniqueness, contextual value, information potential, amenity value and cultural associations. These are criteria adopted for the Monuments Protection Programme (Darvill et al. 1987) extracted from Guidelines for Archaeological Evaluations and Assessments of Effects 2002 by Tony Walton
- 19 The wider landscape heritage has been assessed using Criteria for evaluation effects on heritage landscapes. (Department for Transport. Highways Authority, Great Britain, 1992)

- 20 The assessment updates the potential adverse effects of this proposal (the culmination of several iterations) on such values and to recommend amendments to the proposal in order to reduce the level of effects resulting from the proposal. The recommendations are made in relation to the resource consent application to CODC and recommendations for a pending application for archaeological authority to HNZ.
- 21 This most recent proposal has seen the latter extent of the upper twin water race F41/369 retained in proposed recreation reserve Lot 30 where previously it was subject to destruction and the other heritage landscape features previously largely preserved in Lot 200 now contained in Lot 40 with the remnants Pennyweights sluiced working F41/368 within Lot 51 and the remaining Revells basin mining features and historic Bannockburn town street dwellings and stables sites in Lot 50 outside of the current subdivision proposal.

SUMMARY OF RECOMMENDATIONS

- 22 Informed by previous archaeological site records and the initial archaeological survey, front footing the preservation of identified above ground remnant archaeological features - involving various gold working sequences; sluice gulches; stacked tailings, sluice channels; main supply water races and branch distribution races; dams; likely farmstead fencing and stabling, the subdivision design has worked to avoid and preserve all of the gold working sequences; sluice gulches; stacked tailings, sluice channels; along with preserving some of the old hardwood post and wire fencing and retaining most of two of the three main races, with the upper of the twin water races being proposed for partial destruction to accommodate subdivision roading and residential lots..
- 23 For Heritage Landscape, it is the sum of all the heritage elements and their associations, connectively into industrial and commercial heritage systems that combine to make this a locally appreciated and valued heritage landscape and subset on the much wider Bannockburn heritage landscape.
- 24 In summary using Table 8 Significance of Effects Matrix we have a heritage landscape assessed with medium value and with magnitude of impact assessed as minor to moderate with matrix effect of a slight to moderate impact.

- 25 All these minor effects on heritage continue to accumulate. They are not documented or reassessed for their compounding effects. We have currently no complete or up to date heritage inventory nor is there any existing heritage register with a significance or priority ranking to inform decision making. Currently the Otago Goldfields Trust Heritage Site Review on current results is locating four new previously unrecorded sites to every existing current recorded site. Its funding is now used up and further reviews have halted with much outstanding heritage survey work still to be done.
- 26 The reductionist approach, apportioning of effect from the subdivision proposal to just individual elements is problematic. This is because while in percentage terms the destruction and loss can appear medium to small in terms of physical amount of the component element affected; in terms of contribution to interpretation and appreciation across the wider heritage system, it can be more detrimental across a heritage landscape and heritage system especially when such new large, physically and visually disruptive element is introduced into it.
- 27 Some of the historic elements on the Water Race Hill site include:
- (a) Water races.
 - (b) Sluice faces; Sluice gulches.
 - (c) Sludge Channels.
 - (d) Tailings – stacked & revetted.
 - (e) Old hardwood post and wire fence lines - Ex Farm steading/commonage grazing.
 - (f) Coal pits prospects & underground measures
 - (g) Old flume/pipeline site – Revell’s Gully.
 - (h) Artefacts insitu and scatters
- 28 Beyond the Water Race Hill subdivision on the wider Lot 4 and Part Sec 103 also owned by the trust include the above plus
- (a) Dams/reservoirs.
 - (b) Locations of past historic store & stables.
 - (c) Ex public reserve.

- (d) Bannockburn Commonage.
- (e) Chinese occupation site with garden areas.

29 The key heritage features potentially affected by the proposed Water Race Hill subdivision are:

- (a) heritage water races
- (b) historic fences, and
- (c) heritage landscape character.

29.2 Heritage water races:

- (a) A key revision is to now retain the upper portion of the two twin races F41/369 within Lot 30 (subject to landscape design control mitigation planting either side of the water race invert, to provide visual screening of built form on lots 5, 10-14 from viewpoints east of the site) to the previously proposed destruction of the upper water race. Adaptively repurpose (as already proposed) all of the lower water race into a schist metalled narrow foot path within the remnant water race structure, with appropriate residential drive crossing treatments which allow combined residential driveway use and allow active access and egress along the pedestrian footpath on the adapted downslope water race berm.
- (b) With RC2 01 REV C 2023 the upper race portions within road reserve will be destroyed and less legible portions traversing residential Lots 2, 4, & 6 may be modified subject to building platform location and earthworks This portion is losing meaningful legibility and therefore functional interpretation as a water race.
- (c) With this revision the key portion of the upper race within Lots 30 and 40 leading to the flume pipe abutment for crossing Revell's Gorge now remains with the lower race being adaptively repurposed as a metal footpath to meaningfully preserve and maintain it as a key part of the wider heritage landscape and gold mining fabric component.
- (d) The loss of the other identified minor water components servicing various other minor sluicing's was acknowledged, as was the protecting of the respective Pennyweight Sluice faces and others around the wider perimeter that the subdivision was designed around

to preserve. The new road reserve includes sections of twin historic water races; the upper race F41/369 will have southern extents destroyed and disturbed with the lower race a branch of F41/369 will be preserved by adaptive reuse as an active path with respective treatments for roadway and driveway crossings to integrate this new cultural layer of residential development, while enhancing and celebrating the historic features of this unique site.

- (e) Apart from the destruction of the southern 40 percent of the upper race F41/369 most of the water race components proposed for destruction are minor shallow earth bunded invert water races that have low visual appearance, with low structural presence and therefore little meaningful contribution to the wider historic mining system and its interpretation.

29.3 Heritage fences:

- (a) The heritage sections of fence line identified and assessed for removal have been damaged with old tree windfall, lack of maintenance due to retirement from stocking and indiscriminate public access cutting through sections of fence line. Coincidentally these more degraded sections are sited between and through proposed parcel lot design. As such they have little residual capacity to contribute as meaningful lot boundary fences. Any posts with salvageable life are being recommended for ongoing repair and maintenance for the heritage fence line identified for retention along the Lot 4 Shepherd's Creek boundary. In practice, if any fence posts are not reused immediately and need to be retained, the fence posts could be stockpiled within Lot 40, and could be utilised if the posts along the Shepherd's Creek Lot 4 boundary need to be replaced
- (b) Of the total length of remaining fencing of 853 m:
 - (i) 320 m (37.5%) of fence line will be removed and post salvaged where possible; and
 - (ii) 533 m (62.5%) of fence line will be retained.

29.4 Heritage Landscape:

- (a) Evaluating Heritage Landscapes (adapted from : Design Manual for Roads and Bridges, Volume 11 Environmental Assessment, Section 3 Environmental, Topics Part 2 Ha 08/07 Cultural Heritage – Scotland)
- (i) Individual historic assets, including archaeological remains and historic buildings contribute to historic landscape character, and the key assets should be identified together with an analysis of their contribution to the character of the unit. The value of individual historical or archaeological elements is not necessarily the determinant of the value of the historic landscape character unit to which they contribute. The presence of a scheduled monument (archaeologically 'high value'), for instance, does not necessarily confer great value to the historic landscape character unit in which it is found; and conversely, revetted schist wall ruins ('low value', say, in historic building terms) may be crucial in a 'high value' historic landscape.
- (b) Relevant factors to take into account may include:
- (i) local character, local distinctiveness (including local residents' perceptions);
- (ii) time-depth: rarity or special interest/typicality (as judged by local, regional and national standards);
- (iii) legibility (complexity of the elements/parcels/ components and the completeness or articulation of the historic landscape, association of features, either of the same period or not);
- (iv) fragility/robustness (history of change, sensitivity to change, capacity to absorb change);
- (v) cultural associations (including historical events, personages, literary or artistic connections, views);
- (vi) research potential (anticipation of further evidence).
- (c) Using the heritage landscape assessment of effects criteria applied over the Lot 4 encompassing the heritage features linked and

associated with and into adjacent land parcels this area ranks medium for heritage Landscape Character under Table 6 Evaluating Historic Landscape Character Units

- (d) The site qualifies as being an undesignated historic landscape that would justify special historic landscape designation, a landscape of regional value; with averagely well-preserved historic landscapes with reasonable coherence, time-depth, and rich and diverse array of historic industries. The heritage landscape has high context to the main street, nearby heritage landscapes (private & public) along the historic Kawarau River terrace sequences, in particular the Landmark Bannockburn Sluicing's Historic Reserve. The prominent landforms of Slaughteryard Hill and Water Race Hill off Terrace Road between Shepherd's and Revell's Gorges have their own significant contribution to the wider landscape and past cultural history.
- (e) The setting from a wide view is experienced and appreciated by locals and the wider community and while some disturbance and modification has occurred in portions, the whole is an appreciated asset.
- (f) Magnitude of impact on the Heritage Landscape - The water race hill subdivision proposal will have moderate effect on the heritage landscape through its visual intrusion on what is at present an open and legible landscape with the past endeavours, particularly of alluvial goldmining and farm steading clear and present on the current landscape.
- (g) Coalmining and Antimony mining and past commercial main street activity are obscure and negligible without guidance and interpretation. The spatial patterns and features of water races, reservoirs, sluicing's, tailings and sludge channels can be seen in visual context as whole complex and industrial system. These features are largely intact and untouched since the gold miners, early settlers and later coalminers moved on.
- (h) Using Table 7 in the Assessment of Magnitude of Change the Heritage Landscape the site sits between Minor to Moderate magnitude of impact.

- (i) While the number of physical elements changed are few and moderate in scale of physical impact, the visual change and intrusion of the residential subdivision is noticeable to many aspects of the heritage landscape resulting in moderate changes to the historic landscape character.
- (j) Effects on heritage landscape character - In summary, using Table 6 Evaluating Historic Landscape Character Units, the heritage landscape is assessed with medium value and using Table 7 Magnitude of Impact, magnitude of impact was assessed as minor to moderate. Applying the significance effects matrix at Table 8, the overall effect of the proposed subdivision on heritage features is assessed as being slight to moderate impact.
- (k) Addressing the impact of loss of legibility. The assessment of significance in archaeological terms has been described above. The assessment of effects in RMA heritage in terms of magnitude of effects is challenging when a new multi-dimensional layer/s in terms of residential subdivision is introduced into the heritage landscape. Because while as individual historic features and heritage system components can be retained and protected their legibility, context and interpretation becomes diluted and less coherent.
- (l) The apportioning of effect from the subdivision proposal is problematic. This is because while in percentage terms the destruction and loss can appear medium to low in terms of physical amount of the component element affected; the interpretation and appreciation of the wider heritage system and its contribution becomes more challenging across a heritage landscape and heritage system when such large new physically and visually disruptive new element is introduced. The compounding and unrecorded aggregate of minor of previous heritage destruction is cumulative. Prior to this subdivision documented archaeological sites destroyed are the remains of the Patterson & Co dam (F41/366) and the upper sections Pennyweight Sluicing's F41/368, the southern sluice faces of Revell's Basin sluicing's (F41/365) along with an unrecorded Terrace St Dam (Location #175 BHP) and schist hut dwelling (Location #412 BHP) have been destroyed and modified.

- (m) So, while the losses to heritage water race components are deemed low in physical lineal terms and in archaeological contribution, what remains now needs meaningful interpretation to explain the dislocated remains and their function within what was a larger more complete coherent heritage system and landscape.
 - (n) The heritage fencing affects physically are similar, being deemed low, however they also now need meaningful interpretation and on-going preservation as so little this heritage fencing feature remains.
 - (a) For mitigation from the loss to elements of the water races and fencing, good interpretation will be essential to meaningfully interpret what is being retained and preserved. Good understanding will engender appreciation and stewardship going forward and enhance the recreational trail experience especially for key values contained in Lots 30, 40, 51 & 50
- 30 Specific effects on archaeological features by the subdivision are assessed by lot/parcel with specific archaeological comments and recommendations which have been adopted by the project. These can be found in the HIA under *Table 9 Revised Table of subdivision effects on archaeological features by proposed subdivision (RC2 01 REV C 2023) by parcel with archaeological comments & recommendations.*
- 31 An Archaeological/Heritage Management Plan will be prepared with archaeological advice, by the Authority Holder, pursuant to standard terms of the archaeological authority required for this Site, in order to protect and capitalise the identified heritage values for preservation and integration into the subdivision. This will be in place prior to the subdivision construction phase so that all the considered design and planning for the heritage and landscape values are not lost by construction earthworks, roading, and subdivision services installation.
- 32 This project is an example of best practise for identifying heritage and landscape values initially and then with informed considered design between Landpro survey and subdivision planning; Rough & Milne Landscape architects; Kopuwai Archaeology; Saunders & Co and Town Planning RMA advice and project coordination, in collaboration with clients DJ Jones and NR Searell Family Trusts.

- 33 There is a high degree of recognition from all parties that the Water Race Hill has and is something unique and different which has endeared all to focus and make the most out of the combined attributes and challenges of this site and project.

RESPONSE TO SUBMISSIONS

- 34 Some submissions are opposed to the Application. A range of reasons are given for their opposition, some of which relate to my area of expertise.
- 35 The approach I have adopted in this statement of evidence is to identify those parts of submissions in opposition where I disagree with the submission and to explain my reasons for disagreement or offer points of clarification.
- 36 At page 7 under General Comment, the submission in opposition by Timothy James [06]² states 'The loss of Heritage values (circa 40%). If there was no development inside the BLR, this would not be an issue'.
- 37 I do not agree as this position is largely confined to small selection of water race components which are part of a much more diverse and relatively complex sequence of over lapping and layered tapestries of wider cultural and heritage across the broader heritage landscape. The archaeological loss has been assessed in the HIA both by water race component significance and wider contribution to the heritage landscape with recommendations for mitigation of loss and management of remaining water race features.
- 38 At page 4, the submission in opposition by Deborah and Richard Cameron [08]³ states 'In addition to that, the extent of earthworks required in order to excavate and prepare sites may also be very obvious in the landscape and damage historical features like water races and other historical items.'.
- 39 I do not agree with this as the two primary water races directly affected by subdivision are within road reserve Lot 100 & 101 and recreation reserve Lot 30. They are recorded under NZAA site recording scheme and are protected archaeological sites under the HNZ Act. While outside the residential lots the upper race will be crossed by road and the lower race by three driveways with sympathetic driveway crossing treatments designed and recommended to

² Submission number 06

³ Submission number 08

maintain their lineal nature. They are subject to a pending archaeological authority, with the lower race being adaptively repurposed into schist gravel footpaths and landscaping to ensure their retention though modified. Off the lower main water race are cryptic remnants of shallow eroded water race branches originally to service some small sets of prospecting gold sluices above Shepherds Creek that never developed beyond prospects and more recently some new additional extensions for wild flood irrigation. They have poor physical form and legibility with negligible meaningful contribution. Reference: Table 1 Revised Table of subdivision effects on archaeological features by proposed subdivision (RC2 01 REV C 2023) by parcel with archaeological comments & recommendations. Archaeological & Heritage Impact Assessment: Lot4 DP 339137 Terrace Street Bannockburn. Water Race Hill Subdivision - RC2 01 REV C 2023

- 40 At PDF point 4, the submission in opposition by Anna Petra Verboekt [13]⁴ states 'Historical and archaeological features - 'little has been mentioned of the protection/preservation of these features'.
- 41 I do not agree with this. The history and archaeology of the site and surroundings has been assessed and reviewed by site and affected components using the criteria for assessing archaeological value/s by condition, rarity/uniqueness, contextual value, information potential, amenity value and cultural associations. *These are criteria adopted for the Monuments Protection Programme (Darvill et al. 1987) extracted from Guidelines for Archaeological Evaluations and Assessments of Effects 2002 by Tony Walton* The wider landscape heritage has been assessed using Criteria for evaluation effects on heritage landscapes. (Department for Transport. Highways Authority, Great Britain, 1992) A summary of the assessment of effects on above ground archaeological features identified by survey and desktop research within the subdivision, with archaeological comments and recommendations can be seen in Table 2 Revised Table of subdivision effects on archaeological features by proposed subdivision (RC2 01 REV C 2023) by parcel with archaeological comments & recommendations. Contained in the full Archaeological & Heritage Impact Assessment: Lot4 DP 339137 Terrace Street Bannockburn Dec 2023 by Kopuwai Archaeology

⁴ Submission number 13

- 42 At PDF page 15, the submission in opposition by Gordan and Jen McGregor [12]⁵ states 'There is no detailed analysis of the site and its elements with respect to cultural heritage, specifically how the site's features fit in to the wider heritage assemblage and their significance of Bannockburn despite the completion by the department of conservation of a Bannockburn Heritage Landscape Study published in 2004'.
- 43 I do not agree with this A heritage landscape approach has been taken with the heritage assessment and impact study covering mana whenua, pastoral farming, gold mining antimony and coal mining, dredging and farm steading and early town settlement and the site relationship to Bannockburn sluicing's Historic Reserve managed by DOC. Linkages and associations have been based on whole systems approach. The have been assessed for significance and contribution both as heritage components and association to the heritage system and landscape. The Archaeological & Heritage Impact Assessment: Lot4 DP 339137 Terrace Street Bannockburn author is aware of the Bannockburn Heritage Landscape study working at the time for DOC and was involved with some of the authors in research and public launch in Bannockburn of the study.
- 44 At page 6, the submission in opposition by Charlie and Nicola Hughes [15]⁶ states 'Lot 40 4.44ha should also be included as public reserve as it includes archaeological items and would eliminate any future issues of building within the BLR on Water Race Hill' 'Pennyweights Sluicing's..... although it is recorded as an archaeological site it has been grossly modified.'
- 45 I do not agree with this. In preliminary engagement CODC has declined to accept lot 40 as public reserve. Archaeological sites and features are protected under the HNZ Act and a number are recorded archaeological sites. The water race F41/372 true left above Shepherds's creek is being proposed for preservation as a natural ground foot trail as part of the network of subdivision and associated land holdings by the project trust. Pennyweights Sluicing F41/368 is a modified recorded site and contributes still to the wider matrix of heritage and archaeological features as whole heritage landscape.

⁵ Submission number 12

⁶ Submission number 15

- 46 At PDF point 4, the submission in opposition by Alexa and Ross Wallace [26]⁷ states 'The proposed development ignores the special land resource and historic heritage resource in this BLR – of "water race Hill" and Bannockburn's character'.
- 47 I do not agree with this. The history and archaeology of the site and surroundings has been assessed and reviewed by site and affected components using the criteria for assessing archaeological value/s by condition, rarity/uniqueness, contextual value, information potential, amenity value and cultural associations. These are criteria adopted for the Monuments Protection Programme (Darvill et al. 1987) extracted from Guidelines for Archaeological Evaluations and Assessments of Effects 2002 by Tony Walton. The wider landscape heritage has been assessed using Criteria for evaluation effects on heritage landscapes. (Department for Transport. Highways Authority, Great Britain, 1992) A summary of the assessment of effects on above ground archaeological features identified by survey and desktop research within the subdivision, with archaeological comments and recommendations can be seen in Table 3 Revised Table of subdivision effects on archaeological features by proposed subdivision (RC2 01 REV C 2023) by parcel with archaeological comments & recommendations. Contained in the full Archaeological & Heritage Impact Assessment: Lot4 DP 339137 Terrace Street Bannockburn Dec 2023 by Kopuwai Archaeology.
- 48 At Page 3 [5.8], the submission by Ka Runaka [31]⁸ states 'Ka Runaka are concerned about the risk posed by inappropriate land use and development to the values of the cultural landscape and to wai maori of the site and surrounding areas'.
- 49 As the project archaeologist I have indicated to the project, the need to consult with iwi on occasions. Especially as we boarder the Te Wairere Lake Dunstan statutory acknowledgement area and both the Kawarau and Bannockburn where part of the mana whenua trail network with recorded campsites, middens in the vicinity. Recorded and researched up in the Hawksburn is significant moa hunting and camping site. Consultation will require engagement with Aukaha and Murihiku. As part of archaeological authority application, we are required to give regard to statutory

⁷ Submission number 26

⁸ Submission number 31

acknowledgement areas and consult with iwi as part of archaeological authority process. *A Statutory Acknowledgement is an acknowledgement by the Crown of a statement of Ngāi Tahu's particular cultural, spiritual, historical, and traditional association with specified areas.*

RESPONSE TO OFFICER REPORT

- 50 The Officer Report recommends acceptance of the Application. A range of reasons are given for their recommendation, some of which relate to my area of expertise.
- 51 The approach I have adopted in this statement of evidence is to identify those parts of the Officer Report where I disagree with the Officer Report and to explain my Reasons for disagreement.
- 52 At page 13, the Officer Report states 'While the Site contains archaeological sites associated with early European settler occupation and several of these will be modified as part of the subdivision development, the applicant has not sought an archaeological authority under the Heritage New Zealand Pouhere Taonga Act 2014 at this time, preferring instead to secure a resource consent before undertaking the work associated with an AA approval. That said, I note that the AHIA identifies Heritage New Zealand as a potentially affected party to this application'
- 53 Heritage NZ Otago Southland archaeologist Rebecca Benham and management have been engaged in the subdivision and related HIA's and visited the site in 2022 and more recently in May 2024. They have been provided with copies of the respective archaeological heritage impact assessments in preparation of receipt of archaeological authority application. They have received RC notification as an affected party.
- 54 At page 15, the Officer Report states 'While the AHIA advises that the proposal is a well-considered and thought-out design recognising and working with the respective community heritage, landscape and amenity values of Water Race Hill, I note that the cumulative loss of the of individual historic features and heritage system components will lead to adverse effects on the Heritage landscape values which have the potential to be moderate (more than minor). As noted above, I consider that there is also the potential for adverse cultural effects to be minor on Kā Rūnaka. I recommend a

condition be offered relating to an Accidental Discovery Protocol/Procedures if māori artefacts or archaeological materials are discovered.

- 55 A key change with this RC2 01 REV C 2023, 20 lot subdivision is most of the heritage values are now confined within three largely peripheral, non-residential lots being Lots 30, 40, 50 and 51 which largely avoids dissection and truncation, retaining more intact heritage features and heritage landscapes for better preservation, legibility, appreciation and consistency of management into the future.
- 56 As noted while the cumulative loss of the of individual historic features and heritage system components will lead to adverse effects on the Heritage landscape values which have the potential to be moderate (more than minor) the majority will be retained by combinations of preservation and adaptive reuse in Lot 30 and adaptive reuse as schist path in Lot 100 & 101 road, with an interpretation panel explaining heritage landscape and features associated with subdivision and adjacent land as part of mitigation for loss and modification of water races within the residential components of the subdivision.
- 57 As part of the pending archaeological authority required under the HNZ Act 2014 to manage and protect identified archaeological sites and features, as noted, an Archaeological/Heritage Management Plan will be prepared with archaeological advice, by the Authority Holder, in order to protect and capitalise the identified heritage values for preservation and integration into the subdivision.

CONCLUSION

- 58 A summary of my evidence is provided above.
- 59 Thank you for the opportunity to present my evidence.

Matthew James Sole
27 September 2024