

Significance of the BLR and over simplification

- It is a **directive and simple rule and definition** and they refer to parts of a building, to my mind meaning the scale of breach is at a building level not an entire lot and 11 buildings that are entirely over the line.
 - Rule: 12.7.7: No building shall be erected within any building line restriction shown on the planning maps between the building line and the feature to which it relates.
 - Means: a restriction imposed on a site to ensure that when new buildings are erected, or existing buildings relocated, extended or substantially rebuilt no part of any such building shall stand within the area subject to the restriction or encroach further than the existing building.
- The short point here is that it is understood that **Chapter 12 has not gone through the plan review process**. The only place that leads is to Part II of the RMA as the plan is incomplete when it comes to Section 12 which is where the BLR rule resides.
- Regardless of the view that there are more objectives and policies in a second generation plan like the QLDC PDP **lines on a map have meaning**. If that line is ONL appropriate care is given to address all relevant modern policies, I am simply saying that appropriate care needs to be given to the BLR, especially given that the plan is incomplete. Line cut both ways for example a zone line is also a line on in plan and it can make activities permitted.

Bannockburn Heritage:

- Significant Issue 2.7 – Heritage Resources, it is worth looking at the issue in its entirety:
 - *The Central Otago District contains a significant number of heritage buildings and some towns contain precincts that have a distinct historical character. The District also contains a large number of **archaeological and historic sites**, particularly sites associated with early Maori and **goldmining activities**. These buildings, precincts and sites contribute to **community wellbeing through their historical and cultural values**, and also economically in terms of their worth to the tourism industry. However, modification and loss of significant historic buildings, sites, structures, precincts and streetscapes can occur due to a general lack of awareness and appreciation of historic values or the financial inability to maintain such resources.*
 - This is not as tidy as what a second generation plan would be with policies and objectives that support however I do note that this issue has a cross link to 6.3.5 which importantly states:

6.3.5 Objective – Heritage Values

To recognise and protect the heritage values of the District's urban areas

Note: my understanding is that the commissioners in the hearing yesterday asked questions about the policy framework and as I was preparing this hearing statement I took another look at the policies to better assist the commissioners I found 6.3.5 which is cross referenced from the significant issue "heritage resources" Issue 2.7. mentioned above. I have scanned the application and evidence and can not find any reference to 6.3.5.

- This is a directive policy
- **RMA Section 6(f)** - Correction 6(f) is the correct section that deals with heritage matters as Mr Barr has pointed out. What I am saying about 6(f) is:
 - It states: *the **protection** of historic heritage from **inappropriate** subdivision, use, and development.* The key items to understand here are what does it mean to protect and what does inappropriate mean. What I am suggesting is that the best information to go on given that heritage is a section 6(f) matter is pulled into the application via section 104(1)(c) which states: *any **other matter** the consent authority considers **relevant and reasonably necessary to determine the application.***
 - What the above means is that there needs to be an informed discussion around heritage values and Bannockburn and Public Notification and the Bannockburn Heritage Landscape Study is the best that we have when it comes to heritage landscape values.
 - I think a question here is What happens however if these documents are starting to get out of date like the District Plans in terms of Section 6, 12, and 14 which have not yet been reviewed and relate directly to this application.
 - The Aotearoa New Zealand Landscape Assessment Guidelines can help with this and state: that District Plans give effect to higher order documents. The Landscape Assessment Guidelines state that other matters (104(1)(c)) should be looked at stating: *Other matters.....may include non-statutory documents that express the community's vision and direction for the environment such as long-term council community plans (LTCCP), iwi and hapū resource management plans, guidelines—such as the Auckland Design Manual—masterplans, conservation plans, catchment management plans, and 'sense of place' studies.*
 - In terms of the work that I have undertaken on this project previously, I agree with Mr Milne and there were options tested before I started working for QLDC and lost touch with the team in 2017. All I note in this regard is that the Regional

Policy Statement came out in 2019¹, then the 2021 version came out moving towards avoidance policies, and PC19 was notified in 2022, all superseding the district plan and giving weight to the need to look at section 6(f) in my opinion. Specifically the BLR was re-enforced by PC 19 and then potentially the plan was rendered incomplete as the commissioners stated that section 12.7.7 did not form part of PC19 as it only covered section 7.

Consents required

- The application is for a **Discretionary Activity** due to hazards. I believe that it is the words **material damage** that trigger the requirement for a discretionary consent.
- Earthworks and land use, this perplexed me after seeing the height poles = incomplete what it is seeking from this Council and also deficient the other consents that are required from the regional council to better understand the effects of the proposal
- ORC consent² as it deals with heritage as well – leads to section 91 issue that the panel will need to consider.

Heritage Values overall and a changing environment

- Mr Sole has been working on this project since the Council turned me around on the 2016 consent and I had to reconsider the heritage aspects and at the time as I recall the Council wanted me to obtain archaeological authorities prior to re-lodgement.
- I cannot fault Mr Sole's assessment all I can say is that the planning environment changed substantially since 2016, as I have mentioned above and that perhaps some more weight should have been given to some of the matters given that the site is an extension of the nationally significant Bannockburn Sluicing's.
- Mr Sole's recommendations would perhaps been looked at with a bit more purpose if it was re-looked at with a policy lens that was more up to date than that from 9 years ago. The most important being the concessions that have been given to developers under plan change 19 in the comprehensive development rule.

¹ I left Landpro in November 2017

² ORC Land and Water Plan Rule 14.5

Partially Operative Otago Regional Policy Statement 2021 – Historical and Cultural Values

ENV-2024-GHC-30
Cairn Whānau

HCV-HH-M5 – District Plans

Territorial authorities must prepare or amend and maintain their *district plans* to the extent necessary to:

- (1) identify places and areas with *historic heritage* in accordance with HCV-HH-P4 that are located outside the *beds of lakes and rivers, wetlands* and the *coastal marine area*,
- (2) control the following where they may adversely affect *historic heritage*:
 - (a) the location, intensity and form of *subdivision*,
 - (b) the character, location, scale and form of activities (including *structures*) outside the *beds of lakes and rivers* and the *coastal marine area*,
 - (c) the location and scale of *earthworks* and indigenous vegetation removal outside the *beds of lakes and rivers* and the *coastal marine area*,
 - (d) the disturbance, demolition or alteration of physical elements or *structures* with special or outstanding *historic heritage* value or qualities outside the *coastal marine area, beds of lakes and rivers*,
- (2A) enable Kāi Tahu to identify places and areas with historic heritage values for mana whenua in accordance with HCV-HH-P4 that are located on the beds of lakes and rivers, and in wetlands and the coastal marine areas,¹⁹¹⁷
- (3) include implementation methods to protect *historic heritage* places and areas required by HCV-HH-P5, and may also include:
 - (a) assessment criteria, development standards or thresholds to control the scale, intensity, form and location of activities (including for the purposes of controlling cumulative adverse effects),
 - (b) conditions on *resource consents* and designations to provide buffers or setbacks between *historic heritage* places or areas and other incompatible activity,
 - (c) accidental discovery protocols as conditions on *resource consents* for *earthworks* or other activities that may unearth archaeological features,
 - (d) providing for activities seeking to retain *historic heritage* places, areas or landscapes, including adaptive reuse, maintenance and seismic strengthening,
 - (e) including heritage alert layers in plans to inform the public about areas where there is a high probability of the presence of heritage values, particularly archaeological values, and
- (4) require the use of accidental discovery protocols as conditions on *resource consents* and

Policies

HCV–HH–P3 – Recognising *historic heritage*

Recognise that Otago's *historic heritage* includes:

- (1) Māori cultural and *historic heritage* values and sites, and places and areas,¹⁸⁹⁴
- (2) archaeological sites,
- (3) residential and commercial *buildings*,
- (4) pastoral sites,
- (5) surveying equipment, communications and transport, including *roads*, bridges railway infrastructure¹⁸⁹⁵ and routes,
- (6) industrial *historic heritage*, including mills, quarries, limekilns, grain stores, water supply infrastructure¹⁸⁹⁶ and brickworks,
- (7) gold, limestone¹⁸⁹⁷ and other mining systems and settlements,
- (8) dredge and ship wrecks, and coastal structures and buildings, including breakwaters, jetties and lighthouses,¹⁸⁹⁸
- (9) ruins,
- (10) coastal *historic heritage*, particularly Kāi Tahu occupation sites and those associated with early European activities such as whaling,
- (11) memorials, ~~and~~
- (12) trees ~~and vegetation~~¹⁸⁹⁹, ~~and~~,
- (13) military structures or remains, and¹⁹⁰⁰