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HERITAGE NEW ZEALAND
POUHERE TAONGA

7 February 2024

Central Otago District Council
PO Box 122
Alexandra 9340

By email: resource.consents@codc.govt.nz

Tēnā koe Sir/Madam

SUBMISSION OF HERITAGE NEW ZEALAND POUHERE TAONGA ON RESOURCE CONSENT APPLICATION RC220453 BY BURN COTTAGE ROAD JV LIMITED: 172 BURN COTTAGE ROAD, LOWBURN

To: Central Otago District Council
Name of submitter: Heritage New Zealand Pouhere Taonga (HNZPT)

1. This is a submission on resource consent application RC220453 for subdivision consent to subdivide a 32 hectare (ha) property in three fee simple allotments with residential building platforms at 172 Burn Cottage Road, Lowburn. The site is legally described as Lot 2 Deposited Plan 306317, held in Record of Title 24795.
2. HNZPT could not gain an advantage in trade competition through this submission.
3. HNZPT's submission relates to the protection, preservation, and conservation of New Zealand's historic and cultural heritage.
4. There are two main pieces of legislation in New Zealand that control work historic heritage. These are the Resource Management Act 1991 (RMA) and the Heritage New Zealand Pouhere Taonga Act 2014 (HNZPTA). HNZPT administers the HNZPTA.

Resource Management Act 1991

5. The Resource Management Act 1991 requires district councils to manage the use, development, and protection of natural and physical resources in a way that provides for the wellbeing of today's communities while safeguarding the options of future generations. The protection of historic heritage from inappropriate subdivision, use, and development is identified as a matter of national importance (Part 2, subsection 6(f)).
6. Historic heritage is defined as those natural and physical resources that contribute to an understanding and appreciation of New Zealand's history and cultures, derived from archaeological, architectural, cultural, historic, scientific, or technological qualities. Historic heritage includes:

- a. historic sites, structures, places and areas;
 - b. archaeological sites;
 - c. sites of significance to Māori, including wāhi tapu; and
 - d. surroundings associated with the natural and physical resources (section 2, RMA).
7. Where resource consent is required for any activity the assessment of effects is required to address cultural and historic heritage matters (4th Schedule, RMA).

Heritage New Zealand Pouhere Taonga Act 2014

8. Under the Heritage New Zealand Pouhere Taonga Act 2014 (the Act), the permission of HNZPT must be sought prior to the modification, damage, or destruction of any archaeological site, whether the site is unrecorded or has been previously recorded. An archaeological site is described in the Act as:
- a. any place in New Zealand, including any building or structure (or part of a building or structure), that:
 - i. is 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
 - iii. includes a site for which a declaration is made under section 43(1).

Proposal Site

9. There are currently no recorded archaeological sites within the proposal area, however, the attached 1880 map indicates there was one water race running through the southern end of the area (Attachment A). The map of the historic water race indicates that the landscape was modified prior to 1900 within the area of works. There is potential to encounter archaeological features associated with the pre-1900 occupation, regardless of whether any part of these structures remain above ground. The application confirms the presence of at least one extant water race, however, the date of this water race is not stated (page 8, Geotechnical Assessment Report). The Geotechnical Assessment Report also states that “within the gully, there are stacks of cobbly rocks present which could potentially be from minor gold sluicing activity” (page 12).

Effects on Historic Heritage

10. An archaeological assessment relating to the proposed works has not been included in the resource consent application. Therefore, the Assessment of Environmental Effects has insufficient information to determine the effect on historic heritage values, including any archaeological sites which have not yet been recorded.
11. In response to a further information request by Council’s processing planner, the applicant has stated that “In relation to the potential for gold mining activity, we are unaware of this having occurred on the site but as the geotechnical report noted, if that activity occurred, it was in the gully so does not impact on the occupation of the site. Any such sites will not be disturbed and that can be conditioned if considered necessary”. Archaeological features associated with pre-1900 mining activity, such as water races, are often found outside of gulleys. For example, archaeological site F41/635 records “one of several major mining races” and is located on the hill

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opposite the project area. Additionally, other evidence of goldmining, such as sluicings and tailings often covered large areas and, therefore, it is incorrect to assume the extent of these sites prior to an archaeological assessment. The potential for encountering archaeological sites that have not yet been recorded has not been assessed.

12. Any earthworks within the development area may trigger requirements under the archaeological provisions of the Heritage New Zealand Pouhere Taonga Act 2014 and may require an archaeological authority to be obtained. To determine the effect on historic heritage values of the development area from the proposed activity, including recorded archaeological sites or any archaeological site that has not yet been identified, HNZPT recommends that an archaeological assessment is undertaken by a consultant archaeologist. An archaeological assessment covers the history of occupation within the development area, the scope of the development and the likelihood of modifying, damaging, or destroying any archaeological sites. The archaeological assessment will determine whether an archaeological authority is required for the proposed works.
13. HNZPT recommends avoidance of potential archaeological features and mitigation of adverse effects to any archaeological sites wherever possible. The archaeological assessment will inform decisions around the avoidance of adverse effects to archaeology. For any areas not covered by an archaeological authority (if required), the Heritage New Zealand Accidental Discovery Protocol should be followed.

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Relief Sought by Heritage New Zealand Pouhere Taonga

14. Should Central Otago District Council grant resource consent 220453, the following is included as a condition of consent:

- a. An assessment of the proposed works is to be undertaken by a suitably qualified and experienced consultant archaeologist prior to the commencement of any works. The archaeological assessment will cover the history of occupation within the development area, the scope of the development and the likelihood of modifying, damaging, or destroying any archaeological sites. The archaeological assessment will determine whether an archaeological authority is required for the proposed works.

15. Heritage New Zealand Pouhere Taonga does not wish to be heard in support of this submission.

Kā mihi



Sarah Gallagher
Area Manager Otago & Southland

Address for service:

Fran Davies
Planner
Heritage New Zealand Pouhere Taonga
PO Box 5467
Dunedin 9058

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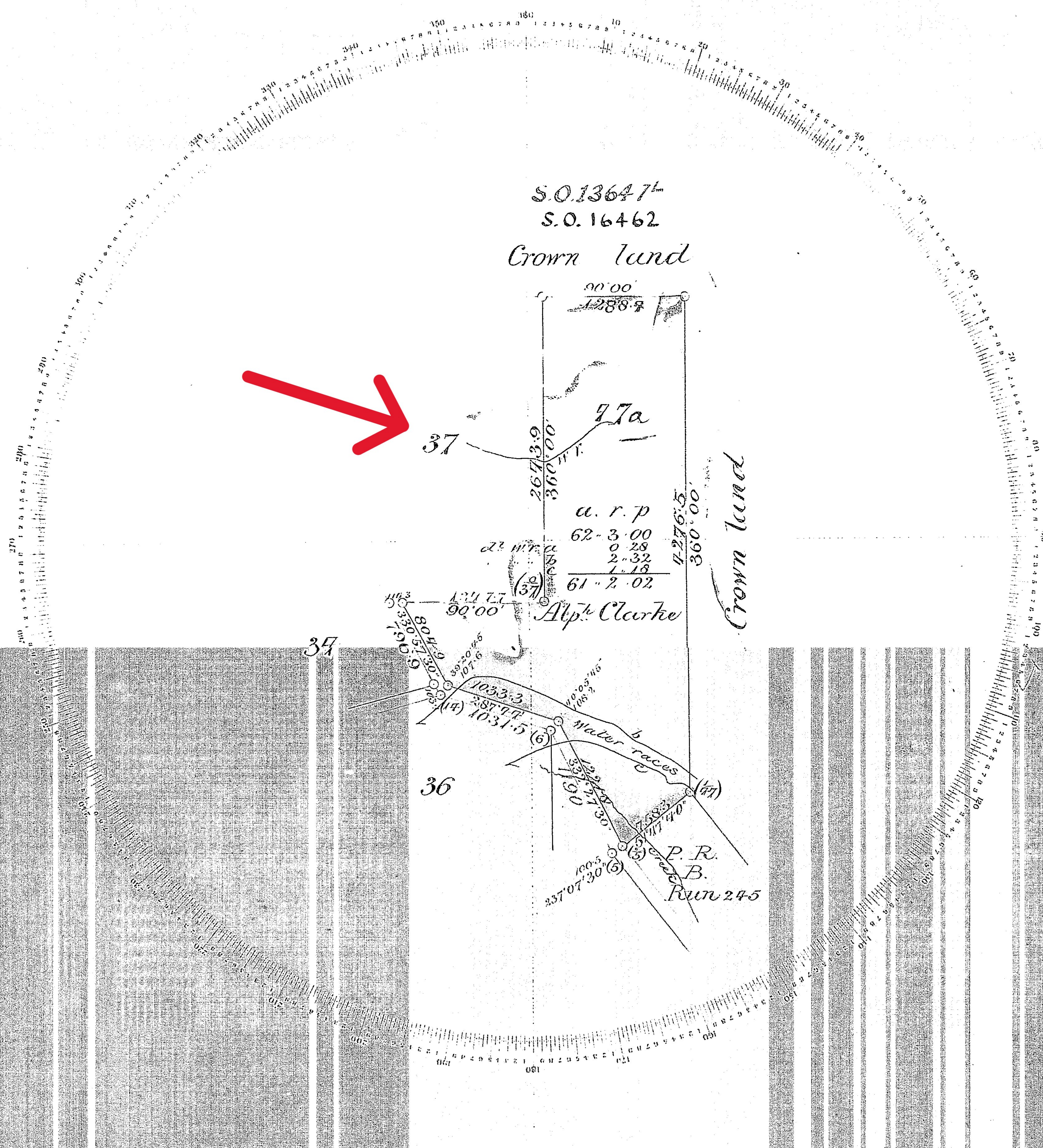
Phone: 03 470-2366

Email: FDavies@heritage.org.nz

Attachment A: Historical map

Date when received
from Surveyor

~~47~~
Survey Department of Otago.



Handwritten notes:
Reviewed 1/2/81
In view of the fact that
the plan is a field sketch
the Survey Office Dept
1/2/81

Field Sketch of Section 47(a)

Block III Crowell District.
Surveyed by A. N. Mackay Dist. Surveyor
Date 12 Nov. 1880

Scale 10 Chains to an Inch

3823

1 of B. Run A 50