

**BEFORE THE PROPOSED QUEENSTOWN LAKES DISTRICT PLAN 2015  
STAGE 1 HEARINGS PANEL**

**UNDER                                    The Resource Management Act 1991  
AND  
IN THE MATTER OF           Hearing Stream 3 (Historic Heritage)**

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**STATEMENT OF EVIDENCE OF DR MATTHEW SCHMIDT ON BEHALF  
OF HERITAGE NEW ZEALAND POUHERE TAONGA**

**CHAPTER 26 HISTORIC HERITAGE**

**Archaeology Statement**

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**June 2016**

## Introduction

1. My name is Dr Matthew Schmidt and I am employed as the Regional Archaeologist Otago/Southland for the Heritage New Zealand *Pouhere Taonga* ("HNZPT") based in the Otago/Southland Area Office, Dunedin, on whose behalf I am giving evidence.
2. I have Bachelor of Arts from the University of Otago (1991), Masters of Arts (1st Class) in Anthropology from the University of Auckland (1993) and a PhD in Sciences from the University of Waikato (1997) specialising in the radiocarbon dating of New Zealand archaeological sites. I have studied archaeology and worked in cultural heritage for 29 years having extensive archaeological experience from surveying, excavation, analysis of material and the management of Maori, Pakeha and Chinese heritage sites. I have previously worked as an independent Archaeological Consultant and as Technical Specialist Heritage for the Otago Conservancy of the Department of Conservation. I have visited numerous archaeological sites both in New Zealand and internationally giving me a very good perspective on best practice methods of managing cultural heritage sites. For the last 10 years I have initiated and managed several cultural heritage site preservation and management project per year as part of a visitor/recreation experience.
3. I have published articles in refereed journals and a book titled *Radiocarbon Dating New Zealand Prehistory Using Marine Shell* (British Archaeological Reports International, United Kingdom, 2000). In September/October 2008 I was a guest of UNESCO for six weeks as the New Zealand Archaeology Representative to the Cultural Heritage Protection Cooperation Office, Asia/Pacific Cultural Centre for UNESCO in Nara, Japan on a course on the *Research, Analysis and Preservation of Archaeological Sites and Remains*. Since 2009 I have been an International Correspondent for the Cultural Heritage Protection Cooperation Office, Asia/Pacific Cultural Centre for UNESCO in Nara, Japan.
4. I have worked for HNZPT for almost ten years and so my knowledge of the archaeology of Otago/Southland is extensive. This role requires both statutory and advocacy work with the key component being the Archaeological Authority process. I regularly provide heritage advice to people, organisations and government departments, present submissions to District and Regional Councils, provide evidence to court on site damage offences and undertake fieldwork on behalf of the HNZPT. As part of my role at Heritage New Zealand I provide technical advice and support to local groups engaged in various heritage conservation projects throughout the region.

## Purpose of this Evidence

5. I have read and considered the following reports:
  - Queenstown Lakes District Proposed District Plan – Stage 1, Section 42A Hearing Report for Hearing commencing: 27 June 2016. Report dated: 2 June 2016 -Report on submissions and further submissions - Chapter 26 Historic Heritage.
  - Evidence of Richard Knott on behalf of Queenstown Lakes District Council (“QLDC”) 2 June 2016
6. My statement addresses the proposed management of archaeological heritage sites under the Proposed District Plan (“PDP”) and whether this will ensure the effective management of significant archaeological sites in the QLDC area.
7. This will be demonstrated by first explaining how sites are protected by the Heritage New Zealand Pouhere Taonga Act 2014 (“HNZPTA 2014”) and the use of the HNZPTA 2014 and Resource Management Act 1991 (“RMA 1991”) for the protection and management of local archaeological sites.
8. Secondly, I will look at the proposed Archaeology Alert Layer and why such an approach is effective in ensuring all persons are aware of the presence of legally protected archaeological sites and how this contributes to more effective management of archaeological heritage under the Resource Management Act 1991 (RMA 1991) and towards better compliance with the HNZPTA 2014.
9. Thirdly, I will explain why only the most significant archaeological sites should be listed in the PDP Inventory of Protected Features and when this approach to the PDP is used alongside an Archaeology Alert Layer and Heritage Landscapes an effective mechanism is produced for the management of local heritage resources.

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

10. The HNZPTA 2014 and the Resource Management Act 1991 have very different purposes in regard to the protection and management of archaeological sites. This is best demonstrated by looking at how both Acts are used to reach a decision on whether sites can be modified or destroyed.
11. Section 6 of the HNZPTA 2014 defines an archaeological site as:

In this Act, unless the context otherwise requires, *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—

- (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 42(1)

12. Under Section 42 of the HNZPTA 2014, it is illegal to modify or destroy an archaeological site without an Archaeological Authority granted by HNZPT, hence providing a blanket protection of archaeological sites anywhere no matter what their origins are and how significant they are.
13. To obtain an Archaeological Authority from HNZPT, a person must provide an Archaeological Assessment from an independent archaeologist and fill out an Archaeological Authority Application which requires the applicant to obtain landowner consent and Iwi consultation or consent if it is a Maori site. The Archaeological Assessment will state how significant a site(s) is in archaeological terms based on aspects such as its condition, rarity, contextual value, information potential, amenity value (education, visual etc), and cultural associations. The Archaeological Authority Application is then considered by the Regional Archaeologist and then the Senior Archaeologist and a determination made of whether to grant, decline or part grant/decline the Application.
14. The Archaeological Authority Application process can involve as little as three key persons in the making of a determination and other parties may only become involved if they are directly affected by the modification or destruction of a site. The Application process also does not require public consultation. In addition, if an archaeological site is believed locally to be highly significant because it adds to the story of an event or place but it is not Listed on the District Plan, it is up to the independent Archaeological Assessment to make a judgment of this perceived significance and for HNZPT to then consider this opinion.
15. Although the Archaeological Authority process can be used as a tool in the management of archaeological sites (eg. declining or restricting the modification/destruction of a site) its ultimate purpose is to ensure that archaeological sites are not modified or destroyed in the first instance and secondly to ensure that they are recorded according to best practice archaeological methods if it is deemed that the modification or destruction is acceptable by HNZPT.
16. As discussed in the planning statement of Jane O'Dea, the RMA 1991 provides a direct tool for the protection and management of highly significant archaeological sites in a district or region which cannot be achieved under the HNZPTA 2014. This is because under Sections 5, 6 (e), 6 (f) and 8 of the RMA 1991, Councils are required to sustainably manage historic heritage resources, which includes archaeological values, "as matters of national importance". Councils can therefore list

archaeological sites in a district plan which have been assessed for significance and which are of such importance that they require more direct and active protection and management by the way of rules. Such assessments are open to public scrutiny and feedback before a site can make it onto a district plan schedule. The HNZPTA 2014 does not have the ability to assess the significance of archaeological sites in the public forum nor hold its own list of highly significance sites to elevate their protection.

17. Considering the effects of an activity on a site, in making a determination on an application to HNZPT to modify or destroy as 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 land owners due to a development, and a 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.
18. In my opinion, the District Plan also allows related archaeological sites to be better protected when listed as one larger site complex which crosses legal boundaries. For example, The Reko's Point site proposed by HNZPT for inclusion in the PDP consists of a part of feeder race, a stone faced dam and a header race which leads to extensive herring bone tailings hundreds of meters away. The site complex has three separate New Zealand Archaeological Association site records identifying separate features and the site lies on three legal entities with the feeder race, a stone faced dam and part of the header race on one property, and the remainder of the header race and gold tailings on the others.
19. Listing a site complex such as Reko's Point in the District Plan ensures that the effects on part of the site complex by an activity can be considered against the effects on the whole site in regards to obtaining a resource consent that affects a particular feature. District Plan scheduling then supports HNZPT under the Archaeological Authority process where that the impacts on a feature will have a consequential impact on the whole site complex which crosses legal boundaries.
20. One aspect of the RMA 1991 which is crucial in the protection and management of pre-1900 buildings is when such a building is proposed to be partially demolished. As seen above in the definition of an archaeological site under Section 6 of the HNZPTA 2014, a pre-1900 building is a site and hence an Archaeological Authority is required for its demolition. However, under Section 42(3) of the HNZPTA 2014 an Archaeological Authority is not required for a partial demolition of a pre-1900 building. This can have major implications for local heritage when an owner is making a decision on whether to retain a historically significant building or not as by taking a partial

demolition approach, an Archaeological Authority is only required for modifying or destroying the foundations of the building and what lies beneath the building. Other than this, HNZPT would take no role in terms of the archaeology under the HNZPTA 2014. The only avenue for considering the retention of the full building or recording of the building during partial demolition will be as a result of a resource consent requiring its preservation or the archaeological recording of the building during the partial demolition as a consent condition.

21. It can be seen from the discussion above, that both Acts have very different purposes. It could be argued that the HNZPTA 2014 provides an overarching protection of archaeological sites for the nation as a whole with the RMA 1991 providing a protection and management mechanism for highly significance archaeological sites at a local level.

#### **The Archaeological Alert Layer and LIMS & PIMS**

22. The use of an Archaeological & Cultural Alert Layer as set out in Section 26.3.1 of the PDP, is a very positive addition and I agree with the Section 42A report with respect to the benefits it will make to the management of archaeological sites and ensuring those persons undertaking any sort of developments in the District are aware of their legal obligations with respect to sites. This will significantly reduce the possibilities of accidental damage to sites.
23. I believe Archaeological Alert Layers also have the advantage of ensuring District Plan schedules do not become cluttered with numerous archaeological sites with varying significance or where no significance statements are available. Such Schedules should concentrate on highly significant archaeological sites.
24. I recommend that the presence or possible presence of an archaeological site on a property as indicted by the Archaeology Alert Layer should also be noted on the property LIM and on a PIM to inform the owner of its presence which may affect activity on a site.
25. Over the last 10 years as the Regional Archaeologist for HNZPT I have dealt with numerous developments or projects in Otago and Southland where a resource consent has been granted but where the archaeology has not been considered. This has resulted in accidental site damage, project delays, duplication of assessing effects on heritage/archaeology, additional costs not budgeted for in the project and in a few cases variations required to the resource consent. Archaeological Alert layers are an effective tool to advise persons to consider archaeology at the commencement of their project which is vital given the archaeological provisions of the HNZPT 2014 take precedence over any resource consent, building consent and any district plan provisions, designations etc.

26. The Archaeological Alert Layer in the proposed Dunedin City Council 2GP is already being used by persons undertaking projects or developments in Dunedin City and has resulted in a much smoother process for both processing Archaeological Authorities and, I believe, resource consents. Developers have contacted Heritage New Zealand after consulting the alert layer and because of this I have been able to inform them what archaeology is known about the area and the process of obtaining an Archaeological Assessment which can be used for both the resource consent and an Archaeological Authority Application (and for Department of Conservation concessions), hence avoiding duplication. In some instances I have been able to inform a developer on how to avoid a known site so as to not require any assessment of archaeological values and in another instance I informed a developer that he should obtain a Minor Effects Archaeological Authority before commencing his works as I believed a site may be more extensive than previously recorded. A site was present, it was recorded by an archaeologist under the Archaeological Authority during the earthworks and there were no delays in his timetable.
27. The Archaeological Alert Layer has also, in my opinion, demonstrated that dealing with archaeological sites through HNZPT and the DCC as part of their development planning is a straight forward transparent process.
28. I support the use of Archaeological & Cultural Alert Layer in the PDP particularly if it is informed by advice by HNZPT and populated with live data from the New Zealand Archaeological Association 'ArchSite' online recording scheme.

#### **Scheduling Highly Significant Archaeological Sites in the PDP Inventory of Protected Features**

29. As noted in the Section 24A report (pages 53 & 54), five archaeological sites are recommended by HNZPT to be added to the PDP. My colleague, Heather Bauchop's statement addresses Wong Gong's terrace historic area (HNZ no. 7549), Sew Hoys Big Beach claim historic area (HNZ no. a. 7545) and the Frankton Mill Site, Kawarau Road, Frankton.
30. Two sites additional sites are recommended for addition to the Inventory, these being Reko's Point Chinese Goldmining Sites and the Roaring Meg Bridge Abutment. Descriptions of these sites are attached in Appendix 1. These sites have high significance to the history of the Queenstown Lakes particularly its Chinese history and the history of transport to the Lakes District during the 19<sup>th</sup> century.
31. I believe that the current schedule with the addition of these five sites in tandem with the Archaeological Alert Layer and Heritage Landscape areas are very effective tools for the protection

and management of archaeological heritage resources in the Lakes District. The Queenstown lakes area has 1008 recorded archaeological sites and there are easily hundreds more not recorded. Only key sites have detailed archaeological data on them and a large number have not been revisited in many years. As noted above, only highly significant sites should be added to district plan schedules as this provides assurances for Councils and the public that the most significant and important are on the list for sound heritage reasons supported by good data.

## **Conclusions**

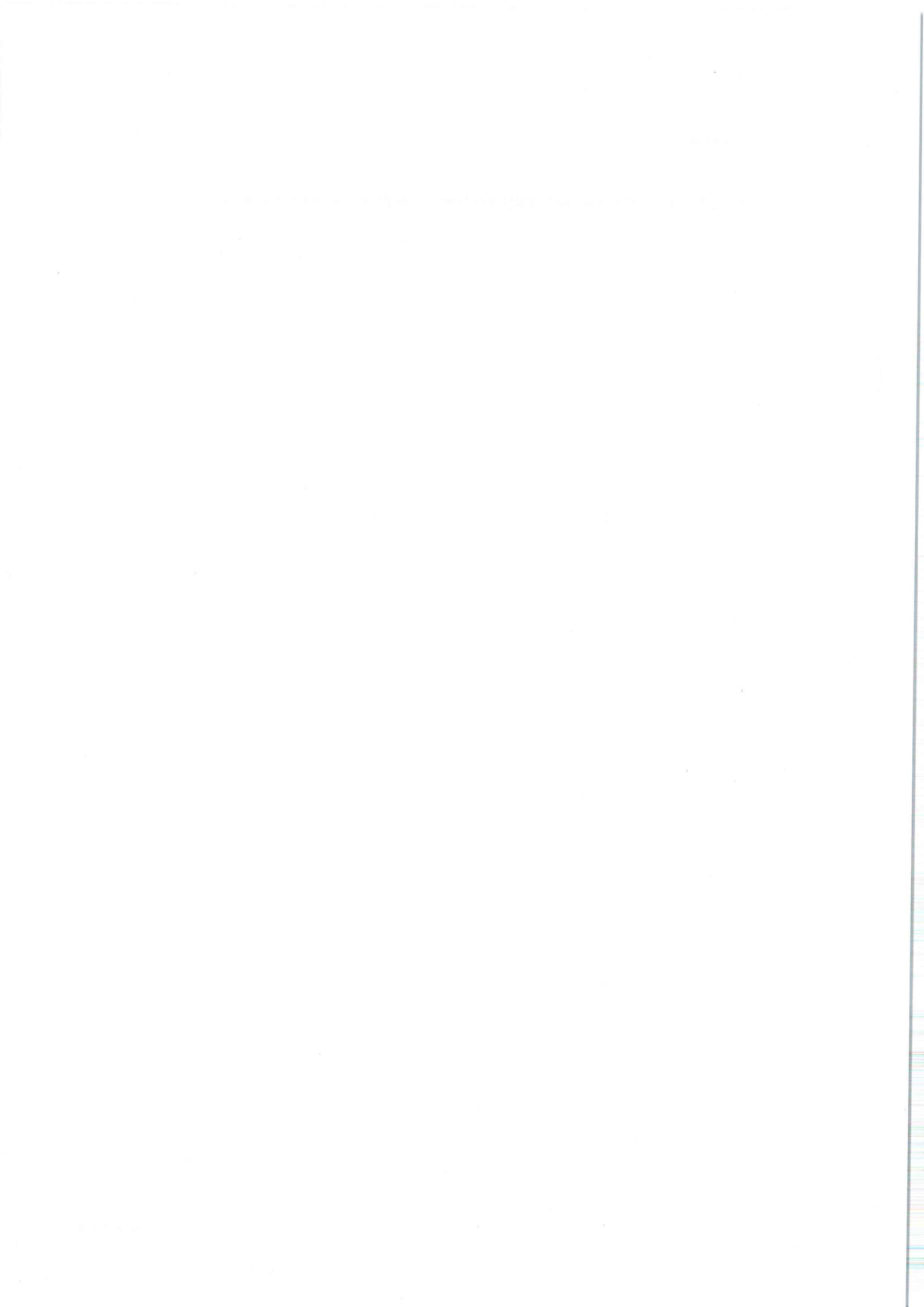
In conclusion:

- I support the development of an Archaeological & Cultural Alert Layer for the QLDC.
- I recommend data from this layer on archaeological sites known to be or possibility present on a property be noted on LIMS & PIMS.
- I support the inclusion of the five archaeological sites proposed for scheduling in Section 26.10 of the Inventory of Protected Features in the PDP by HNZPT, these sites being:
  - Reko's Point Chinese Goldmining Sites.
  - Roaring Meg Bridge Abutment.
  - Wong Gong's terrace historic area (HNZ no. 7549).
  - Sew Hoys Big Beach claim historic area (HNZ no. a. 7545).
  - Frankton Mill Site, Kawarau Road, Frankton (Section 3, Block XVIII, Town of Queenstown (2910121800))



Appendix 1

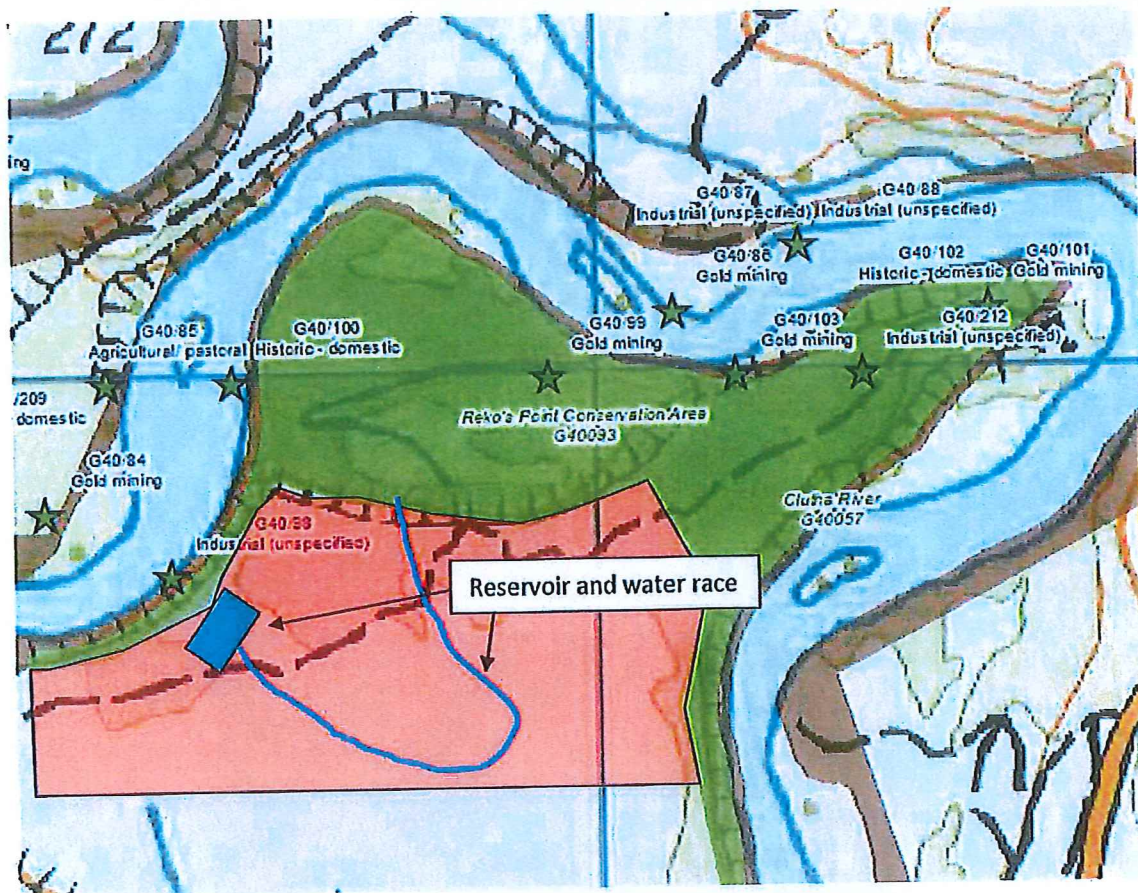
Reko's Point and Roaring Meg Bridge Abutment HNZPT archaeological assessments



## Map 7 –Reko's Point Chinese Gold Mining Complex.

Proposed extent includes Reko's point Conservation Area and Lot 2 DP 26911 Otago Land District (owner N Pittaway) containing the stone faced reservoir and header race leading to the gold workings. Sites G40/98, 99 & 100>

This site is rare in that it is known as being mined by a Chinese miner (Ah Wee), is extensive and is very well preserved with the water system (G40/98) that fed the herring bone workings (G40/99) still intact (the reservoir is an stunning example of a box-walled stone and earth reservoir). A mud hut (G40/100) is associated with the site which may have been occupied by one of the miners. This is the only gold mining site in the area that can be historically attributed to a Chinese miner and is also the best site of this mining style remaining in the Upper Clutha Valley (The Northburn Tailings are also very significant for its herring bone tailings but its water supply reservoir and system was destroyed in the 1990s).



## Map 17 – Kirtleburn Hotel site (F41/160) and Roaring Meg Bridge Abutments (F41/731)

Proposed extent as shown in NZAA Site Record Forms F41/160 (The Kirtleburn site lies on the DoC Roaring Meg Recreation Reserve F41095) and F41/731.

The Kirtleburn Hotel was built in the 1860s and burnt down in the 1880s. Limited test excavations found traces of the hotel in 1997. An important site for the history of early commercial facilities which provided support for travellers on the Kawarau pack tracks to and from Queenstown and Cromwell/Bannockburn and those that had travelled over the Cardrona-Roaring Meg & Pisa Range pack tracks down into the Kawarau.

Related to this is the bridge associated with the crossing of the Roaring Meg. This bridge is the last on the Kawarau with substantial green dressed schist stone abutments still in use and which date from the 19<sup>th</sup> century. They are of a completely different style and form than those of the Kawarau River Suspension bridge and are one of a kind for the Wakatipu.

