

IN THE MATTER                      of the Resource  
Management Act 1991

AND

IN THE MATTER                      of the Queenstown Lakes  
Proposed District Plan

AND

IN THE MATTER                      of Hearing Stream 3: Historic  
Heritage & Protected Trees

### **SECOND MINUTE CONCERNING CHAPTER 26**

1. In the course of considering the amended draft for Chapter 26 (Historic Heritage – Reply of Vicki Jones, dated 6 July 2016), two matters have arisen upon which clarification is required.
2. On page 26–13 of the above report (Table 3 Heritage precincts) it is proposed that Table 3 “*only relates to buildings that are not listed in the inventory (26.9) as those buildings are subject to Tables 1 and 2 only*”.
3. Under the status columns, it is noted that the first column is preceded by the words “*contributory buildings other than those listed in 26.9*” (our emphasis). On the face of it, there appears to be a contradiction between these two provisions, as it is unclear whether contributory buildings do in fact include buildings listed under 26.9 and which might also be subject to the rules under Tables 1 and 2. Accordingly, clarification is sought on this matter.
4. A second potential issue concerns the status of new buildings in a heritage precinct. The various rules and the proposed amendments to them are set out on pages 26–13 and 26–14. For contributory buildings, it is quite clear that total and partial demolition be a discretionary activity, relocation within or beyond a heritage precinct be a discretionary activity, while external alterations be a restricted discretionary activity. In the case of non-contributory buildings, total or partial demolition is permitted (the former at least which appears logical) relocation within the precinct is discretionary, and permitted outside the precinct (which again seems logical). External alterations are proposed to be a restricted discretionary.
5. It seems clear that it is the Council’s intention that external alterations to either a contributory or non-contributory building require assessment by resource consent to ensure that the heritage values of the precinct and adjoining buildings are protected. However, if a non-contributory building is replaced by a new building,

or consent is granted for the demolition of an existing building which is then replaced by a new building, there is no ability (at least under the heritage rules) to assess such a building in terms of its effect on the heritage character of the precinct.

6. It would appear that there may be a gap in the heritage rules with this respect, or that if the matter is addressed elsewhere in the plan (e.g. Chapter 10) that at the least a cross-reference is needed. Even with that, the multiple layers of rules affecting properties in a heritage precinct (with respect to Arrowtown in particular) is unclear, and clarification of the position is sought.
7. In both of the above cases we acknowledge that there may be issues relating to scope.
8. We ask that the Council provide clarification of what was intended in each case and whether it considers any amendments are required. If the Council considers amendments are required, we request that it advise whether such amendments are within the scope of reliefs sought in submissions.

For the Hearing Panel



Denis Nugent (Chair)

22 July 2016