
**SECOND BRIEF OF SUPPLEMENTARY EVIDENCE OF ANGELA MARIE FENEMOR
HCV (MINERAL EXTRACTION)**

Qualifications and Experience

- 1 My qualifications and experience are set out in paragraphs 6 to 8 of my Section 42A report titled *Chapter 13: HCV – Historical and cultural values* and dated 4 May 2022.

Code of Conduct

- 2 I have read and agree to comply with the Environment Court’s Code of Conduct for Expert Witnesses, contained in the Environment Court Practice Note 2023 I have complied with the Code in preparing my evidence. Other than where I state that I am relying on the advice of another person, I confirm that the issues addressed in this statement of evidence are within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions that I express.

Scope of Evidence

- 3 On 27 January 2023, the Hearing Panel directed in Minute 5:¹

“...s.42A report writers to reconsider whether to advance potential amendments to various affected chapters of the pOPRS to address effects arising from any potential consent pathway for mineral extraction activities, in response to evidence advanced by Claire Hunter for Oceana Gold (NZ) Limited”.

- 4 This supplementary statement of evidence provides my response to the amendments sought by Ms Claire Hunter for Oceana Gold Limited (OGL) to the HCV chapter.

Evidence of Ms Boyd

- 5 I have reviewed the supplementary evidence of Ms Boyd in response to Minute 5. At paragraph 25 of Ms Boyd’s supplementary evidence, she notes that it is unclear whether amendments suggested to the relevant ECO provisions to provide a pathway for mining are to be progressed together with the LF-LS policy or whether they are

¹ <https://www.orc.govt.nz/media/13760/minute-5-directions-issued-orally-by-the-panel-during-hearing-week-one.pdf>

alternative options. I note the same issue applies to the amendments suggested by Ms Hunter for the HCV-HH chapter.

- 6 Paragraph 73 of Ms Boyd's supplementary evidence notes the difference in wording used in EIT-INF-P13(1)(f) and HCV-HH-P5 when referring to places or areas with special or outstanding historic heritage values or qualities. Ms Boyd has assumed that "significant" (as used in EIT-INF-P13(1)(f)) is equivalent to "special". I agree with Ms Boyd's assumptions but also note that the reference to "significant" in EIT-INF-P13(1)(f) is an error, and recommend that it should be amended to use "special".
- 7 At paragraphs 73 to 77 of her supplementary evidence, Ms Boyd examines the approach to managing adverse effects set out in LF-LS-Px and the comparable provision in the HCV-HH chapter for managing those effects. I agree with the comparison provided in Ms Boyd's supplementary evidence and the conclusions drawn at paragraph 77.
- 8 In particular, Ms Boyd notes that while there is a close link between locating within and adversely affecting an area (with special or outstanding historic heritage values or qualities), she does not consider that locating on its own will always result in adverse effects. I agree with this statement, noting that the evidence of Mr Chris Horne for the Telecommunications Companies provides examples of activities that affect scheduled heritage buildings being permitted or controlled activities in district plans,² indicating that the relevant local authorities are confident that compliance with the rule will adequately manage any effects expected.
- 9 Ms Boyd notes that the remaining steps included in the management framework set out in HCV-HH-P5 is more stringent than that proposed by Ms Hunter in LF-LS-Px. I agree with Ms Boyd on the basis that there are no "next steps" provided for in the management hierarchy for activities that adversely affect places or areas with special or outstanding historic heritage values or qualities (i.e. the direction in the policy is to simply avoid adverse effects, and does provide an opportunity to mitigate or remedy effects).
- 10 Paragraphs 79 to 81 of Ms Boyd's supplementary evidence examine the difference between LF-LS-Px (as it applies to wāhi tūpuna) and HCV-WT-P2. Ms Boyd concludes that the proposed provisions duplicate the approach set out in HCV-WT-P2 and is therefore unnecessary. I agree with Ms Boyd's conclusions.

² Paragraph 4.10 Chris Horne Evidence in Chief Telecommunications Companies.

HCV-HH-P5

- 11 HCV-HH-P5 sets out a management approach for activities that may affect historic heritage, with an effects management hierarchy that provides a level of protection from activities that will have adverse effects on places or areas with outstanding or special values or qualities. There are two key exemptions to the requirement to avoid effects on these places or areas:
- 11.1 The provisions do not apply to infrastructure (where EIT-INF-P13 applies instead), and
- 11.2 The recommended link to HCV-HH-P7, which provides for the integration of historic heritage into new activities, and the adaptive reuse or upgrade of historic heritage places and areas.³
- 12 Paragraph 13.7 of Ms Hunter’s EIC notes support of the recommended amendments in the s42A report to include reference to HCV-HH-P7. Ms Hunter also states this addition creates a contradiction between this and clauses (3) and (4) of the policy and considers that these clauses can be deleted.
- 13 I note that the reference to HCH-HH-P7 included at clause (2) only relates to effects on places and areas with **special or outstanding** historic heritage values or qualities, whereas clauses (3) and (4) are intended to provide for the management of effects on areas and places with historic heritage values and qualities (i.e. places and areas that are not categorised special or outstanding). As such, clauses (3) and (4) provide an integral part of the management hierarchy for historic heritage and I recommend that they are retained.



Angela Marie Fenemor

24 February 2023

³ Chapter 13: HCV- Historical and cultural values, paragraph 279