
**OPENING STATEMENT OF ANGELA FENEMOR:
HISTORICAL AND CULTURAL VALUES**

- 1 This statement provides an update on my understanding of the key issues in contention for the Historical and Cultural Values chapter of the proposed Otago Regional Policy Statement 2021 (pORPS) since I prepared my section 42A report¹ and supplementary evidence² on this topic.
- 2 If I have not discussed an issue considered in my section 42A, I consider that either the issues have been resolved or the remaining issues are not significant.
- 3 The key issues raised in the evidence on the HCV-HH topic can be broadly categorised into the following themes:
 - 3.1 Appropriateness, and the practical implementation, of provisions related to the protection of historic heritage, including requirements to avoid adverse effects;
 - 3.2 Providing for new infrastructure (including that which is not nationally or regionally significant); and
 - 3.3 Providing for existing activities.
- 4 In addition, the evidence from Murray Brass for the Director General of Conservation (DOC) highlights that the s42A report does not specifically address their submission on HCV-HH-P3³. I address the submission in this opening statement.
- 5 In relation to the HCV-WT chapter, the evidence was either in support of the s42A recommendations, or provided further clarification on the points raised in the submissions. Clarification and context to the submission was provided in EIC by Maria Bartlett, Michael Bathgate and David Higgins for Kāi Tahu, and while there are some minor outstanding matters, I do not consider any issues raised to be significant.

Protection of historic heritage and avoiding adverse effects

¹ Chapter 13: HCV-HH – Historic heritage (27 April 2022)

² Brief of supplementary evidence of Angela Marie Fenemor – HCV – Historical and Cultural Values (17 October 2022)

³ 00137.143 Director General of Conservation

- 6 Some challenges to the drafting were made by several submitters particularly related to the protection of historic heritage and how to practically navigate these requirements⁴. The EIC from Paul Freeland for Dunedin City Council (DCC)⁵ notes that it is a concern that HCV-HH-O3 suggests protection of every item of historic heritage, regardless of competing objectives in the pORPS. The solution suggested by DCC includes an amendment to HCV-HH-O3 to only retain historic places and areas with special or outstanding values.
- 7 The EIC from other submitters raise concerns about the direction in HCV-HH-P5 to avoid adverse effects stating that the requirement is inappropriate or overly restrictive and presents a potentially high risk of people being unable to subdivide, use and develop resources that may affect historic heritage.⁶ Mr Farrell for Otago Fish and Game Council, Wayfare Group (now RealNZ), and Trojan Holdings) considers the HCV-HH provisions (HCV-HH-P4 and APP8) set reasonably low thresholds for identifying historic heritage.
- 8 Evidence from Kirsty O’Sullivan for Queenstown Airport describes a need for the provisions to provide for greater nuancing around the proportionality of heritage loss to the heritage gain, with acknowledgement that adverse effects may arise as a result of adaptive reuse or upgrade (HCV-HH-P7), which Ms O’Sullivan considers to be an acceptable outcome provided heritage values are maintained.⁷
- 9 It is noted that for HCV-HH-5, Michael Bathgate (for Kāi Tahu) prefers the drafting from the Kāi Tahu ki Otago submission. The EIC from Mr Bathgate also notes that APP11 (accidental discovery protocol) requires adaptation to recognise Kāi Tahu rakatirataka and kaitiakitaka.⁸

Providing for new infrastructure

- 10 Another key issue is the extent to which the HCV provisions recognise and provide for infrastructure (including that which is not nationally or regionally significant). These concerns primarily address provisions HCV-HH-P5 (Managing historic heritage) and HCV-HH-P6 (Enhancing historic heritage).

⁴ Paul Freeland (Dunedin City Council) and Kirsty O’Sullivan (Queenstown Airport)

⁵ Paul Freeland (Dunedin City Council), para 75

⁶ Ben Farrell (Otago Fish and Game Council, Wayfare Group (now RealNZ), and Trojan Holdings), para 115; Clare Hunter (OceanaGold), paras 13.1 – 13.7

⁷ Kirsty O’Sullivan (Queenstown Airport), paras 12.5-12.6

⁸ Michael Bathgate (Kāi Tahu ki Otago, Ngāi Tahu ki Murihiku and Te Rūnanga o Ngāi Tahu) paras 129-133.

- 11 The Telecommunications companies have sought to add a new clause to HCV-HH-P5 to ensure that the importance of infrastructure connections to heritage buildings are recognised in the ongoing use and protection of historic heritage. This matter was addressed in my section 42A report⁹ where I stated that, as the provision provides direction on the management of historic heritage, there was no need for a specific infrastructure connections clause.
- 12 Additionally, the Telecommunications companies have acknowledged in the EIC authored by Mr Chris Horne¹⁰, that these concerns would be resolved if the Hearing Commissioners were to adopt the amendment to the definition of '*Regionally Significant Infrastructure*' as recommended in supplementary evidence for the EIT chapter.
- 13 Transpower have sought a new clause to HCV-HH-P5, to provide cross reference to the EIT-INF section, stating that it would provide clarity regarding the management of effects from the National Grid on historic heritage.¹¹

Providing for existing activities (including infrastructure)

- 14 Several submitters have expressed concerns regarding the extent to which the provisions provide for the continuation of existing activities.
- 15 Manawa Energy¹² state that the provisions need to be practicable regarding the enhancement of heritage assets when they are part of a functioning renewable electricity generation scheme. Additionally, they state that the provisions only provide for the protection and re-use for new purposes of historic heritage items, but do not provide for the continued use and operation of the items.¹³
- 16 Similarly, Oceana Gold have sought the deletion of clauses (3) and (4) of HCV-HH-P5, as they consider that the clauses contradict the cross reference to HCV-HH-P7.

Analysis of Director General of Conservation submission on HCV-HH-P3

⁹ Chapter 13: HCV – Historical and cultural values, para 271

¹⁰ Chris Horne (Chorus, Spark and Vodafone), paras 4.15-4.16

¹¹ Ainsley McLeod (Transpower), para 8.39(d)

¹² Stephanie Styles (Manawa Energy), para 10.26

¹³ Stephanie Styles (Manawa Energy), para 10.27

17 The EIC from Murray Brass for DOC highlights that the s42A report does not specifically address their submission on HCV-HH-P3¹⁴. I agree this was inadvertently missed in the submission analysis.

18 DOC seeks to insert a new clause noting the policy does not recognise the Heritage New Zealand Pouhere Taonga Act, which is directly relevant to the purpose of the policy. The submitter provides an example of how this may be worded, as follows:

(x) and includes any historic place within the meaning under section 6 of the Heritage New Zealand Pouhere Taonga Act 2014.

19 I agree with the submission from DOC and consider that including the additional clause in HCV-HH-P3 would provide clarification that historic heritage also includes any historic place within the meaning under section 6 of the Heritage New Zealand Pouhere Taonga Act 2014.

20 For completeness, Section 6 of the Heritage New Zealand Pourhere Taonga Act 2014 states:

historic place—

(a) *means any of the following that forms a part of the historical and cultural heritage of New Zealand and that lies within the territorial limits of New Zealand:*

(i) *land, including an archaeological site or part of an archaeological site:*

(ii) *a building or structure (or part of a building or structure):*

(iii) *any combination of land, buildings, structures, or associated buildings or structures (or parts of buildings, structures, or associated buildings or structures); and*

(b) *includes any thing that is in or fixed to land described in paragraph (a).*

21 I recommend that the submission from Director General of Conservation on HCV-HH-P3 be accepted, and that HCV-HH-P3 is amended as below. Tracked changes shown in black text are from the original s42A report recommendations. Tracked changes shown in red are updated changes recommended since the s42A recommendation report.

HCV–HH–P3 – Recognising *historic heritage*

Recognise that Otago's *historic heritage* includes:

- (1) Māori Kāi Tahu cultural and *historic heritage* values¹⁵,
- (2) archaeological sites,

¹⁴ 00137.143 Director General of Conservation

¹⁵ 00239.158 Federated Farmers; 00226.287 Kāi Tahu ki Otago

- (3) residential and commercial *buildings*,
- (4) pastoral sites,
- (5) surveying equipment, communications and transport, including *roads*, bridges, railway infrastructure and routes,¹⁶
- (6) industrial *historic heritage*, including mills, quarries, limekilns, grain stores, water supply infrastructure and brickworks,¹⁷
- (7) gold, limestone ¹⁸and other mining systems and settlements,
- (8) dredge and ship wrecks, , and coastal structures and buildings, including breakwaters, jetties, and lighthouses.¹⁹
- (9) ruins,
- (10) coastal *historic heritage*, particularly Kāi Tahu occupation sites and those associated with early European activities such as whaling,
- (11) memorials and cemeteries²⁰ and
- (12) ~~trees and vegetation.~~²⁴, and
- (12A) military structures or remains.²² and
- (12B) includes any historic place within the meaning under section 6 of the Heritage New Zealand Pouhere Taonga Act 2014.²³



Angela Fenemor

13 February 2023

¹⁶ 00140.029 Waitaki DC

¹⁷ 00140.029 Waitaki DC

¹⁸ 00140.029 Waitaki DC

¹⁹ 00140.029 Waitaki DC

²⁰ 00140.029 Waitaki DC

²¹ 00239.158 Federated Farmers

²² 00140.029 Waitaki DC

²³ 00137.143 Director General of Conservation