

BEFORE GORE DISTRICT COUNCIL

IN THE MATTER OF

the Resource Management Act 1991

AND

IN THE MATTER OF

Gore District Council's Proposed District
Plan: Hearing Stream 8 – Historical Heritage,
Notable Trees, Sites and Areas of
Significance to Māori

STATEMENT OF EVIDENCE TOM ANDERSON

ON BEHALF OF

**CHORUS NEW ZEALAND LIMITED, CONNEXA LIMITED, FORTYSOUTH GROUP
LP, ONE NEW ZEALAND GROUP LIMITED AND SPARK NEW ZEALAND TRADING
LIMITED**

18 November 2024

SUMMARY STATEMENT

- i. My name is Tom Anderson. I am a Principal Planner and a Director of Incite, a resource management consulting firm. My qualifications and experience are set out in my evidence in chief in my statement to Hearing Stream 7.
- ii. As provided for in Paragraph 5.21 of Minute 5 of the Hearing Panel (titled *Hearing Procedures*), this summary statement provides a summary of the evidence in chief.
- iii. Chorus, Connexa, FortySouth, One NZ and Spark (the telecommunication companies) lodged submissions on the Proposed Gore District Plan (PDP).
- iv. The only submission point relating to Hearing Stream 8 which remains in contention is the deletion of policy HH-P7 and its subsequent provisions. These concern regulation of archaeological sites within the Proposed Gore District Plan (PDP).
- v. In my experience, archaeological sites are already appropriately regulated for under the Heritage New Zealand Pouhere Taonga Act 2014. Therefore there is no need to duplicate provisions in the PDP. Such duplication has the potential to create uncertainty, a misunderstanding of who the appropriate regulatory authority is, and is unnecessary.
- vi. As such, the evidence continues to seek the deletion of HH-P7.

EVIDENCE IN CHIEF

Professional Qualifications and Experience

1. My name is Tom Anderson. I am a Principal Planner and a Director of Incite, a resource management consulting firm. My qualifications and experience are set out in my Evidence in Chief for Hearing Stream 7. I reiterate that I have read and am familiar with the Code of Conduct for Expert Witnesses (section 9 of the Environment Court Consolidated Practice Note 2023). My evidence has been prepared in compliance with that code. In particular, unless I state otherwise, this evidence is within my area of expertise, and I have not omitted to consider any material facts known to me that might alter or detract from the opinions I express.

Scope and Purpose of Evidence

2. This evidence has been prepared in review of the telecommunications companies submissions on the Proposed Gore District Plan (PDP), as they relate to Hearing Stream 8 (HS8). In preparing this evidence I have read all other submissions and further submissions relevant to the companies' submissions and the S42A reports for HS8.
3. The only matter that remains in contention is the regulation of archaeological sites in the PDP.

Archaeological Site Regulation

4. Policy HH-P7 concerns management of archaeological site for network utility activities.
5. Through submissions S32.040, S35.040, S33.040, S37.040 and S154.004, One New Zealand Group Limited (One) Chorus New Zealand Limited (Chorus) FortySouth, Connexa Limited (Connexa) and Spark New Zealand Trading Limited (Spark) sought that Policy HH-P7 be deleted.
6. Archaeological sites are directly managed by the Heritage New Zealand Pouhere Taonga Act 2014. Under that Act, an archaeological site means:

(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 43(1)

7. The PDP adopts this definition.
8. Under Section 42 of the Heritage New Zealand Pouhere Taonga Act 2014, *unless an authority is granted under section 48, 56(1)(b), or 62 in respect of an archaeological site, no person may modify or destroy, or cause to be modified or destroyed, the whole or any part of that site if that person knows, or ought reasonably to have suspected, that the site is an archaeological site.*
9. The process for applying for an archaeological authority appropriately regulates the matters that Policy HH-P7 seeks to consider. Further, regardless of the presence of provisions in a District Plan which may seek to provide pathways for the modification or destruction of archaeological sites, it will not ameliorate the need for an archaeological authority under the Heritage New Zealand Pouhere Taonga Act 2014.
10. Given the existing, known and well understood process for an archaeological authority, and noting that such an authority achieves the same outcomes as what HH-P7 sought, in my opinion matters relating to the regulation of archaeological sites are best left to a single piece of legislation (the Heritage New Zealand Pouhere Taonga Act 2014) and are not regulated in a District Plan. In my experience, it is very unusual for a District Plan to regulate archaeological sites.
11. As such, the relief sought through this evidence is the deletion of HH-P7, and any of its subsequent regulations in the Historic Heritage chapter.

Concluding Comments

12. There are no further matters which I consider require consideration for this hearing.



Tom Anderson

18 October 2024