

PLAN CHANGE 28 – HAZARDS AND RISKS, HISTORIC HERITAGE AND NOTABLE TREES, VARIATION 1 TO PLAN CHANGE 26, AND VARIATION 1 TO PLAN CHANGE 27
FURTHER SUBMISSION

FORM 6

UNDER CLAUSE 8 OF THE FIRST SCHEDULE OF THE RESOURCE MANAGEMENT ACT 1991

The Trust is aware that all information provided in this submission will be made publicly available

Details of Further Submitter:

Full Name: The Burkes Pass Heritage Trust

Contact Person: Jane Batchelor (Chairperson submitting on behalf of the Trust)

Email Address: burkespassht@gmail.com

Telephone Number: 0273689709, Burkes Pass 03 6856271.

Further Submitter Declaration

The Trust is:

a person who has an interest in the proposal that is greater than the interest the general public has.

Reason:

The Burkes Pass Heritage Trust was formed by the Residents Association with local trustee representation in 2000 and has been actively involved in advocating for this community, communicating regularly with them and undertaking a multitude of projects, financing and improving the amenities of the area since that time. The Trust represents many (hundreds) supporters, volunteers (over 1000 volunteer hours per year) and generations of people who have lived in or been closely associated with Burkes Pass/Te Kopi-O-Opihi over a period of time now spanning three centuries and who have entrusted their time, artifacts and stories to the Trust for future generations.

Further Submission Details:

The Trust supports the submission of:

Submitter 06:

Name: Laura Batchelor

Email Address: laura@kawakawalandscape.co.nz

The particular parts of the submission the Trust supports are:

- 1) The Heritage overlay for Te Kopi-o-Opihi / Burkes Pass
- 2) The new additions to the TKO/BP Heritage Schedule
- 3) Proposed addition of two new pou to the Heritage Schedule
- 4) The proposed changes to the Heritage Provisions of the District Plan.

The reasons for support are:

They are in line with the submission of the BPHT, is from a professional landscape architect with experience in the field of heritage, design and its assessment and is also a regular volunteer.

The Trust seeks that the whole of the submission be allowed:

Reasons as above.

The Trust supports the submission of:

Submitter 07:

Name: Dan Richards

Email Address: laura@kawakawalandscap.co.nz

The particular parts of the submission the Trust supports are:

- 1) The Heritage overlay for Te Kopi-o-Opihi / Burkes Pass
- 2) The new additions to the TKO/BP Heritage Schedule
- 3) Proposed addition of two new pou to the Heritage Schedule
- 4) The proposed changes to the Heritage Provisions of the District Plan.

The reasons for support are:

They are in line with the submission of the BPHT, and are aware that Dan is a Trustee and regular volunteer.

The Trust seeks that the whole of the submission be allowed:

Reasons as above.

The Trust supports the submission of:

Submitter 10:

Name: Alex Lusby

Email Address: alex.lusby@gmail.com

The particular parts of the submission the Trust supports are:

- o That the Te Kopi-o-Opihi / Burkes Pass Heritage Overlay as recommended by heritage expert Richard Knott in his assessment 4 July 2024 be reinstated (including building guidelines)
- o That all the heritage items recommended by Richard Knott be included on the heritage register.
- o That for all the heritage items the following should be Non Complying Activities
 - inappropriate alterations as viewed from the road
 - structures erected to compromise the view of the heritage item from the road.

The reasons for support are:

They are in line with the submission of the BPHT and that he and his family are permanent residents who volunteer regularly.

The Trust seeks that the whole of the submission be allowed:

Reasons as above.

The Trust supports the submission of:

Submitter 11:

Name: Morris James Hall

Email Address: morrishall70@gmail.com

The particular parts of the submission the Trust supports are:

1. That the Te Kopi-o-Opihi / Burkes Pass Heritage Overlay as recommended by heritage expert Richard Knott in his assessment of 4th July 2024 be reinstated (including building guidelines).
2. That all the heritage items recommended by Richard Knott be included in the heritage register.
3. That for all the heritage items the following should be Non complying Activities:
 - Inappropriate alterations as viewed from the road.
 - Structures erected to compromise the view of the heritage items from the road.

The reasons for support are:

They are in line with the submission of the BPHT and that he has been a regular visitor and volunteer for 40 years.

**The Trust seeks that the whole of the submission be allowed:
Reasons as above.**

The Trust supports the submission of:

Submitter 15:

Name: Elizabeth Angelo-Roxborough

Email Address: angelo.tekapo@gmail.com

The particular parts of the submission the Trust supports are:

- 1) Recognition of the high significance in all areas of assessment by Richard Knott, Heritage Consultant for MDC.
- 2) The creation of a complete Heritage Precinct in the District Plan as in several examples given in the Otago area.

The reasons for support are:

They are in line with the submission of the BPHT and that she has been a long term resident of Burkes Pass for 50 years, an active participant along with her late husband Maurie Angelo in local heritage preservation, Burkes Pass heritage publication, Trustee and volunteer for 25 years.

**The Trust seeks that the whole of the submission be allowed.
Reasons as above.**

The Trust opposes the submission of:

Submitter 16:

Name: Heather Capstick

Email Address: j-h-capstick@xtra.co.nz

The particular part of the submission the Trust opposes is:

The revised Heritage Overlay dated November '24.

The reasons for opposition are:

- 1) The submitter's property was removed from a much earlier version of the proposed Heritage Overlay back in November 2023 along with other properties zoned Rural and without heritage items. This removal was acceptable to the Trust as a response to concerns, because rural properties already have rules and restrictions on private property unrelated to a Heritage Overlay and these are likely to support the aim of the Overlay.
- 2) The Capstick property is not included in the July '24 version or the November '24 version and their situation remains the same for both.
- 3) The Trust strongly prefers the July '24 version of the Heritage Overlay for reasons as stated in their original submission 18 including evidence of benefits in other heritage areas stated by R. Knott such as: improved property values, neighborhood predictability and saleability. This could mitigate concerns about potential saleability issues.

**The Trust seeks that the whole of the submission be disallowed:
Reasons as above.**

The Trust opposes the submission of:

Submitter 17:

Name: John Capstick
Email Address: j-h-capstick@xtra.co.nz

The particular part of the submission the Trust opposes is:
The revised Heritage Overlay dated November '24.

The reasons for opposition are:

- 1) The submitter's property was removed from a much earlier version of the proposed Heritage Overlay back in November 2023 along with other properties zoned Rural and without heritage items. This removal was acceptable to the Trust as a response to concerns of the Capsticks, because rural properties already have rules and restrictions on private property unrelated to a Heritage Overlay and these existing rules are likely to support the aim of the Overlay.
- 2) The Capstick property is not included in the July '24 version or the November '24 version and their situation remains the same for both.
- 3) The Trust strongly prefers the July '24 version of the Heritage Overlay for reasons as stated in their original submission 18 including evidence of benefits in other heritage areas stated by R. Knott such as: improved property values, neighborhood predictability and saleability.

The Trust seeks that the whole of the submission be disallowed:
Reasons as above.

The Trust supports the submission of:
Submitter 19:

Name: Warren & Maree Frost
Email Address: frostw7@gmail.com

The particular parts of the submission the Trust supports are:

- a. Opposition to the Te Kopi-o-Opihi/ Burkes Pass Heritage Overlay as adopted by council in November 2024.
- b. Support for the July 2024 Te Kopi-o-Opihi/ Burkes Pass Heritage Overlay as recommended by heritage expert Richard Knott.
- c. Support for the inclusion of the heritage items recommended by Mr Knott.

The reasons for support are:

- 1) It is in line with the Trust submission 18.
- 2) Urges the council to take the advice of engaged expertise.
- 3) Looks to the long term view and what might be possible for Burkes Pass in the future.
- 4) These submitters have relevant expertise, owned their Burkes Pass property for 20 years and are regular volunteers.

The Trust seeks that the whole of the submission be allowed:
Reasons as above.

The Trust supports the submission of:
Submitter 20:

Name: Michael Bunckenburg
Email Address: bunkhall@xtra.co.nz

The particular parts of the submission the Trust supports are:

- 1) A return to the July '24 Heritage Overlay.
- 2) Developments should be behind the front veneer of heritage corridor.

The reasons for support are:

- 1) The November '24 version removes the continuity of the heritage corridor with its appeal and opportunity of the heritage development.
- 2) Mike is long term, regular volunteer who has done a huge amount of work for this village.

The Trust seeks that the whole of the submission be allowed:

Reasons as above.

The Trust supports the submission of:

Submitter 21:

Name: Graham Batchelor

Email Address: grahambatch@gmail.com

The particular parts of the submission the Trust supports are:

- 1) Te Kopi-o-Ōpihi / Burkes Pass Heritage Overlay opposition to the November version and support for a return to the version as recommended by heritage expert Richard Knott in his assessment dated 4 July 2024, including building guidelines.
- 2) Support the inclusion of all the heritage items recommended by Richard Knott especially the School Teacher's House, Burkes Pass Accommodation house (Former Paddy's Market Homestead) Elm Tree Cottage and Highfield Cottage.
- 3) That for all the heritage items the following should be Non-Complying Activities
 - inappropriate alterations as viewed from the road
 - structures erected to compromise the view of the heritage item from the road.
- 4) That sections next to the old school and zoned LDR were removed from the July '24 Heritage Overlay have a minimum size appropriate to give an open space feel and need to be returned to the Overlay.

The reasons for support are:

- the submission is in line with that of the Trust
- has highlighted the issues of the areas in-front of three vulnerable heritage properties where there is a lack of provision to protect the view of heritage items from the road corridor. Currently there is none apart from the need for a resource consent (which may or may not be notified) and the current vacant sections that could be subdivided multiple times which would vastly reduce the open space feel. LDR rules stipulate a minimum of 400 square meters and these sections are 4150 square meters.
- The submitter has expertise and skills in relevant areas to this plan, and has contributed an enormous amount of voluntary time and energy to Burkes Pass community amenities and its heritage on technical and practical levels over a very long time.

The Trust seeks that the whole of the submission be allowed in its entirety:

Reasons as above.

The Trust supports the submission of:

Submitter 22:

Name: Joyce & John Kelly

Email: kellyjohnjoyce@gmail.com

The particular parts of the submission the Trust supports are:

1. Opposition of the Te Kopi-o-Ōpihi / Burkes Pass Heritage Overlay adopted by the council Nov 2024

2. Support the Te Kopi-o-Ōpihi / Burkes Pass Heritage Overlay as recommended by heritage expert Richard Knott in his assessment 4 July 2024
3. Support the inclusion of all the heritage items recommended by Richard Knott especially the school teachers house, Burkes Pass Accommodation house (former Paddy's Market homestead) Elm Tree cottage and Highfield cottage.
4. That for all the heritage items the following should be Non Complying Activities
 - inappropriate alterations as viewed from the road
 - structures erected to compromise the heritage item as viewed from the road. eg a large shed or water tank.

The reasons for support are:

- Agrees with the Trust submission regarding, return to July'24 overlay (with building guidelines) that has best chance of achieving a heritage town concept and enhance economic well being similar to 6 Heritage Precincts in Otago.
- Faulty reasoning amending the July '24 Overlay and short sighted decision adopting the Nov '24 overlay ignoring heritage expert and own council survey feedback, with claims of traffic hazard and lack of parking not correct.
- Removal of three strips of Overlay due to concern about restricting property owners. Purchasers will realise that they are in a sensitive location in the heritage corridor as there are large signs at each end of the township to indicate this. Appropriate design and colour guidelines for structures can be expected and may be welcomed.
- Restriction of Overlay to boxes and keeping only the fencing rule to keep visibility means inappropriate structures viewed from the road will severely impact on the heritage items and character of the township.
- Most contentious issues already removed.
- Support for identified items to add to the list used accepted methodology, are all part of essential fabric of the township, 'once gone they are gone for good'.
- These are two outstanding and frequent volunteers, Joyce grew up here and John spent significant years living and working here and both have shared memories and continue to support this township.

**The Trust seeks that the whole of the submission be allowed in its entirety:
Reasons as above.**

**The Trust supports the submission of:
Submitter 24:**

Name: Peter and Janine Donohue

Email Address: peter.donohue@tgfh.co.nz

The particular parts of the submission the Trust supports are:

- 1) the opposition to amending the July'24 overlay in October and its adoption in November '24.
- 2) The set back rule for low density residential and the fencing rule is inadequate.
- 3) Actions and measures need to be taken now to protect and maintain the cultural heritage of Burkes Pass and foster pride among residents of our unique township and not cause division in the community.

The reasons for support are:

- 1) This submission is in agreement with the Trust submission in returning to expert R. Knott's July '24 recommendation that had 75% feedback support.

2) Setback rules and fencing rules to retaining visibility of the existing heritage buildings will not meet the aim to gain an understanding of the early European rural life in the Mackenzie as they stand.

3) Highlights the multiple significant architectural highlights in particular the Mt Cook Road Board building (c1876 NZHP Cat 2 and NZHP blue plaque registration), before becoming the Mackenzie County Council, predecessor of the Mackenzie District Council. Other buildings of the same era hold invaluable cultural, architectural and historical value of the life of our early European farming community.

4) These two submitters are permanent residents and dedicated frequent volunteers who have contributed enormously in restoring their Mt Cook Road Board home and keeping its heritage alive for the future.

**The Trust seeks that the whole of the submission be allowed in its entirety:
Reasons as above.**

**The Trust supports the submission of:
Submitter 27:**

Name: Heritage New Zealand Pouhere Taonga

Email Address: mbisnar@heritage.org.nz

The particular parts of the submission the Trust supports are:

All aspects of the submission relating to Burkes Pass, including its setting and the continuity between heritage sites.

The reasons for support are:

1) The recommendation to return continuity to the heritage corridor along the Highway. Heritage New Zealand Pouhere Taonga is the primary advocate for heritage in this country and as such has considerable expertise nationwide and 'recognises the contextual history and significance of the heritage items within this area'. 'Without a continuous heritage overlay, the protection of heritage values attributed to these heritage items is disjointed and falls short of recognising their overall contextual significance'.

2) Three buildings within the township are included on the New Zealand Heritage List /Rarangi Korero, two of them are category 2 items and the church is a category one item which also has a covenant with them registered on the title, as does Alma Cob Cottage.

**The Trust seeks that the whole of the submission be allowed:
Reasons as above.**

**The Trust opposes the submission of:
Submitter 28:**

Name: John Elliott

Email Address: john_lis@xtra.co.nz

The particular part of the submission the Trust opposes is:

The restrictive nature of listing the School Teacher's House, that he believes may be more severe than his property in Wanaka listed under category 2 of the district plan.

The part of the submission that the Trust supports is:

His statement 'I am fully supportive of retaining heritage items'.

The reasons to oppose are:

- 1) The Trust believes that any restrictions are minimal and there are significant benefits from owning a property within a heritage area according to the Heritage Consultant Richard Knott who stated evidence of benefits in other heritage areas such as: improved property values, neighborhood predictability and saleability.
- 2) There are also direct financial benefits from owning a building listed on the Mackenzie District Plan with access to the Heritage Fund which can assist with grant funding works to the building, and also any fee for obtaining resource consent in relation to the effects on heritage of alterations to a listed building is paid by the council (normal resource consent fees still apply).
- 3) The contribution to the wellbeing of the community and district by retaining a heritage item and creating an opportunity for the future of the village is significant particularly with a building that is very embedded in our local history and stories.

The Trust does however support his statement of wishing to retain heritage items so that we can enjoy a special building while it is in our ownership and be caretakers of it for the future. The Teachers House should therefore be listed and part of the Heritage Overlay.

**The Trust seeks that the submission be disallowed:
Reasons as above.**

**The Trust opposes the submission of:
Submitter 34:**

Name: Burkes Pass Residents Association

Email Address: j-h-capstick@xtra.co.nz

The particular part of the submission the Trust opposes is:

- The Trust believes that the drastically amended overlay adopted in November '24 compromises the aim of the council for undergoing this process to manage future development at Te Kopi-o-Opihi / Burkes Pass so that the heritage values of the early European settlement that supported and enabled pastoral farming, and its visibility from SH8, are retained.
- The amended Nov '24 version also prevents proper protection of the District's Historic Heritage sites, items and buildings in our township from inappropriate subdivision, use and development.

The reasons for opposing this submission include:

- The blanket statement that 'The permanent residents and most holiday home owners of Burkes Pass that expressed concerns during this process are in favour of the revised overlay plan for Burkes Pass' is difficult to comment on other than there have been no details, no surveys, no evidence, and no reasons provided for this opinion.
- There is an implication that the Residents Association speaks on behalf of the permanent residents and most holiday home owners that is completely incorrect – 6 submissions have been received from current permanent residents (plus 5 ex-permanent residents) and 4 holiday home owners who all oppose the current November '24 Overlay but do support a return to the July '24 version, and one holiday home owner (no. 28) opposes his property being listed.
- There has also been no engagement with any individuals in support of the November '24 version other than the Capsticks (nos. 16&17) and John Elliott (no. 28) with this current submission process.
- The council surveys of feedback indicated a majority of support for the July '24 version of Heritage Overlay.

- The expert and independent Heritage Consultant R. Knox preference was for the July '24 version and has stated that there are many benefits from other areas with Heritage Overlays.
- The township has this one chance to harness the legacy we have been given to significantly benefit the residents, visitors and Mackenzie District with minimal restriction, similarly Dark Sky restrictions cause minimal problems and give major benefit to all.
- The heritage buildings hold high cultural, architectural and historical values of the life of our early European farming community and needs to have continuity and open spaces along the highway to maintain context.

**The Trust seeks that the submission be entirely disallowed:
Reasons as above.**

The Trust supports the submission of:

Submitter 38:

Name: Philip Quelch

Email: hello@burkesspass.nz

The particular part of the submission the Trust supports is:

- 1) Opposition to the Nov '24 version adopted by council and support for a return to the July '24 version.
- 2) Supports the inclusion of all newly identified Burkes Pass heritage items.

Reasons for supporting this submission include:

- 1) Faulty reasons by council for amending the July '24 Overlay (would cause traffic/parking issues), ignoring the Heritage Expert and council survey feedback.
- 2) This submitter owns property and a business (the Burkes Pass Country Motels) in the strip removed by the November amendment and states *'Although our property has no significant historical structures or value compared to others it is part of the town & like the other properties it should be covered under the Heritage Overlay. I am prepared to have a few rules & guidelines such as paint colours & certain design guidelines to maintain the integrity of the village as a whole'*.
- 3) Does not believe the fencing rule will be effective on its own.
- 4) Other reasons are also in agreement with the Trust submission.
- 5) He and his family are permanent residents of the township.

**The Trust seeks to have the whole submission allowed:
Reasons as above.**

The Trust supports the submission of:

Submitter 40:

Name: Jim Allan

Email: jamesaallan@hotmail.com

The particular part of the submission the Trust supports is:

- 1) Opposes the Nov '24 Overlay and supports a return to the July '24 version.
- 2) Supports the inclusion of the identified new heritage items.

Reasons for supporting this submission:

- 1) is in agreement with the Trust submissions.
- 2) has noted the incorrect reasons stated by council for the amendments (e.g. traffic and NZTA not consulted) and the majority support on the council survey for the July version.
- 3) supports the inclusion of new items essential to the heritage fabric of the township.
- 4) wishes inappropriate activities as identified by the Trust to be Non Compliant.

5) He is a direct descendant of one of the early European settlers of Burkes Pass who built Alma Cob Cottage, lives and works in the area nearby, and is a volunteer who continues to support this community.

**The Trust seeks this whole submission to be allowed:
Reasons as above.**

**The Trust supports the submission of:
Submitter 44:**

Name: Janette Kear

Email: kayaks@xtra.co.nz

The particular part of the submission the Trust supports is:

- 1) Opposes the Nov '24 Overlay and supports a return to the July '24 version.
- 2) Supports the inclusion of the identified new heritage items.
- 3) Inappropriate activities to be deemed non compliant

Reasons for supporting this submission:

- The submission is in agreement with that of the Trust.
- This submitter is a regular visitor and volunteer with long term farming family ties to the area at Rollesby Station.

**The Trust seeks to have this whole submission allowed:
Reasons as above.**

**The Trust supports the submission of:
Submitter 49:**

Name: John Emery

Email: nuumnuum@aol.com

The particular part of the submission the Trust supports is:

- 1) A reinstatement of the July '24 Heritage Overlay (including building guidelines).
- 2) Supports the inclusion of the identified new heritage items.
- 3) Inappropriate activities to be deemed non compliant

Reasons for supporting this submission:

- It is in agreement with the Trust submission, the buildings 'tell stories and teach us about our culture', 'boost civic pride and help people learn about their roots'.
- A professional designer who has been a long term visitor and now a permanent resident.
- A regular volunteer and artist whose work over many years has highlighted local heritage in exhibitions at major Galleries and he and his late wife have been responsible for renovating one of Burkes Pass major heritage items, the former school currently his home.

**The Trust seeks to have this whole submission allowed.
Reasons as above.**

**The Trust supports the submission of:
Submitter 51:**

Name: Caroline Thomson

Email: carolinethomson300@gmail.com

The particular part of the submission the Trust supports is:

- 1) A reinstatement of the July '24 Heritage Overlay including building guidelines to encourage appropriate architecture, increased side yard set backs to 5m as well as fencing rules to allow visibility.
- 2) Becoming proactive about future development to *'ensure the uniqueness of this area is preserved for future generations, tourists and the prosperity of the region'*.

Reasons for supporting this submission:

- Agrees with Trust submission
- Notes financial benefits to developers in Central Otago Heritage Areas thriving tourism and rising property values.
- Recommends introduction of protections before it is too late.
- She is puzzled by lack of council mandate for the 'watered down' November '24 amendment that just maintains the status quo and the submitter wishes to put council back in control of future development.
- Submitter has spent significant time volunteering in a practical way and using her skills contributing an enormous amount of time volunteering with the production of Burkes Pass Heritage Trust publications.

**The Trust seeks that this whole submission be allowed:
Reasons as above.**

The Trust supports the submission of:

Submitter 54:

Name: Robyn Thomson

Email: robyn_t@icloud.com

The particular part of the submission the Trust supports is:

- 1) Opposition to the Nov '24 Overlay and wishes reinstatement of the July'24 version recommended by expert heritage assessment.
- 2) All heritage items identified by R. Knott be included on the heritage register.
- 3) Inappropriate alterations and structures that compromise the view of the heritage item from the road be Non-Compliant.

Reasons for support of this submission:

- Agrees with the Trust submission and is a once in a lifetime opportunity to conserve the heritage values while permitting appropriate development.
- The July'24 Overlay will enhance economic well being for the Mackenzie District in the same way as in Heritage Precincts in Otago.
- Visitor over many years and skilled volunteer assisting Burkes Pass Heritage Trust Heritage Trust writing/editing.

**The Trust seeks that this whole submission is allowed:
Reasons as above.**

The Trust supports the submission of:

Submitter 62:

Name: Julie Greig & Jan Zyzalo

Email: julie@juliegreig.co.nz

The particular part of the submission the Trust supports is:

1. Opposition to the Te Kopi-o-Ōpihi / Burkes Pass Heritage Overlay adopted by the council Nov 2024

2. Support for the Te Kopi-o-Ōpihi / Burkes Pass Heritage Overlay as recommended by heritage expert Richard Knott in his assessment 4 July 2024

3. Support for the inclusion of all the heritage items recommended by Richard Knott especially the school teachers house, Burkes Pass Accommodation house (former Paddy's Market homestead) Elm Tree cottage and Highfield cottage.

The reasons for support of this submission:

1) Agrees with the Trust submission.

2) Motel business owners who found *'Our motel guests were always fascinated with the rich history of the area'* which is encouraging to the work of the Trust.

3) The submitters were permanent residents and business owners for many years and were significant contributors to community life as well as regular volunteers.

The Trust seeks that this whole submission is allowed:

Reasons as above.

I wish to be heard in support of my further submission.

If others make a similar further submission I would not be prepared to consider presenting a joint case with them at any hearing.



Signature of further submitter

Date: 21/2/2025