

**BEFORE THE HEARING COMMISSIONER**

**IN THE  
MATTER OF**

**The Resource Management Act  
1991 (the Act)**

**AND**

**IN THE  
MATTER OF**

**Waikato District Council Proposed  
District Plan:  
Hearing 18-Rural Zone.**

**ADDITIONAL STATEMENT OF EVIDENCE OF CAROLYN ANNE MCALLEY FOR AND ON  
BEHALF OF HERITAGE NEW ZEALAND POUHERE TAONGA**

## 1. INTRODUCTION

My name is Carolyn Anne McAlley. I previously lodged a hearings statement for the Rural Zone Topic and make a further response to the Landuse and Subdivision rebuttal reports.

## 2. SCOPE OF EVIDENCE

2.1 With regard the s42A-Subdivision rebuttal report for the Rural Zone, the HNZPT submission points 559.252, 559.259 and 559.264 are discussed in section 4.

2.2 With regard to the S42A-Landuse rebuttal report for the Rural Zone, I will discuss the outstanding points 559.286 and 559.85 further in section 4.

## 3. LEGISLATIVE FRAMEWORK

3.1 The purpose of the RMA is to *“promote the sustainable management of natural and physical resources”*. Section 5 of the Act states:

*“In this Act, sustainable management means managing the use, development and protection of natural and physical resources in a way, or at a rate which enables people and communities to provide for their social, economic, and cultural well being and for their health and safety.*

3.2 Section 6 of the RMA requires *“all persons exercising functions and powers under it, in relation to managing the use, development and protection of natural and physical resources to recognise and provide for:*

*...6(e) the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wahi tapu and other taonga, and*

*... 6(f) the protection of historic heritage from inappropriate subdivision use and development”* (historic heritage includes sites of significance to Māori).

#### 4. HNZPT RESPONSE TO RECOMMENDATIONS OF THE PLANNERS REBUTTAL

##### 4.1 (a) **Subdivision Report**-Rule 22.4.3-Submission point 559.264.

- (i) HNZPT submitted in support (559.264) of Rule 22.4.3 relating to Title boundaries that provided for subdivision while not dividing Heritage Items and Sites and Areas of Significance to Māori (SASM) with proposed lot boundaries.
- (ii) HNZPT concurs with the reporting planner's response in the Subdivision rebuttal report, para 167 onwards on this submission point.

##### 4.1 (b) **Subdivision Report** Rule-22.4.8 -Submission points 559.252 and 559.259.

- (i) HNZPT concurs with the reporting planner's response in the Subdivision rebuttal report, Para 187 onwards, on this submission point.

##### 4.2 (a) **Land Use Report- Rule 22.2.6.1 Signs-Signs General-P2, RD1**, request for an advice note, and any consequential changes as requested-Submission point 559.85.

- (i) The HNZPT submission point sought no signage on heritage sites and Māori sites of significance as a permitted activity, any signage to be restricted discretionary activity, a request for an advice note to link to other heritage controls and any consequential changes as required.
- (ii) With regard the planners response and discussion at Para 180, I cannot accept that the planner considers it's acceptable that a permitted activity standard should allow for "*a poorly designed sign of this size (that) could potentially have an adverse effect on heritage items*" and "*potentially allows for the occasional sign to be suboptimal in design*".
- (iii) The proposed permitted activity does not give effect to Section 6 (f)). Of additional concern is the view that this may be only "*occasional*" and therefore acceptable. As this is a permitted activity, it is unlikely to be monitored therefore the instances would be unknown. This view also continues a generic approach to the consideration of the potential adverse effects on the heritage building as a whole, rather than assessing the effects on each building and its individual nature as recognized in its inventory form. If a building is considered as sufficiently significant to be scheduled as a heritage item any signage, alterations or additions should be assessed. As part of subdivision, use and development, signage, as already identified by the reporting planner, has the potential to significantly detract from historic heritage. Therefore it is important that the Plan limit

the potential for adverse effects to occur. I continue to consider that the permitted activity size of signage at 3m<sup>2</sup> is unacceptable and should be reviewed through a resource consent process.

4.2 (b) **Land Use Report** - Definition-Ancillary Rural Earthworks and works in a Site or Area of Significance to Maaori-Submission points 559.286.

- (i) HNZPT welcomes confirmation, at Para 178, from the reporting planner that all “earthworks”, including “ancillary rural earthworks”, are the subject of restricted discretionary activity assessment within a Site or Area of Significance to Maaori (SASM).
- (ii) However HNZPT considers that given that “earthworks” and “ancillary rural earthworks” are **both** defined terms within the Plan and considered to be separate types of activities for the purposes of the rule framework, there would be benefit in the Plan being amended where appropriate to clearly show that it is the intention of the Plan to assess both “earthworks” and “ancillary rural earthworks” at the time of works in a SASM. This is of particular importance as HNZPT understands that the majority of the SASM are within rural locations, with many of these sites appearing to be located in the rural zone of the Planning maps.
- (iii) To this end I would seek the following amendment (addition underlined):

**22.2.3 Earthworks**

(1) Rule 22.2.3.1 – Earthworks General, provides the permitted rules for earthworks in the Rural Zone. These rules do not apply to earthworks for subdivision.

(2) There are specific standards for earthworks within rules:

(a) Rule 22.2.3.2 – Earthworks, including Ancillary rural earthworks - Maaori Sites and Maaori Areas of Significance

(b) Rule 22.2.3.3 – Earthworks - Significant Natural Areas

(c) Rule 22.2.3.4 – Earthworks – within Landscape and Natural Character Areas

And any related amendments throughout the Plan as required.

## 5. CONCLUSIONS

5.1 The RMA requires that the protection of the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wahi tapu and other taonga as a Matter of National Importance should be *recognised and provided for* as a Matter of National Importance (Section 6 (e) together with Historic Heritage (Section 6 (f)). As subdivision, use and development have the potential to significantly detract from Māori heritage and

historic heritage, it is important that the Plan limit the potential for adverse effects to occur.

5.2 I seek that the amendments as sought by NZPT in this statement be retained at the time of the decision making.

**Carolyn McAlley**

For Heritage New Zealand Pouhere Taonga