

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 24-Reserves.**

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

1. INTRODUCTION

- 1.1 My name is Carolyn Anne McAlley. I hold the qualification of a Bachelor of Planning degree from Auckland University. I have over 20 years planning experience in local and regional government, in consenting, implementation and policy based roles.
- 1.2 I have been employed by Heritage New Zealand Pouhere Taonga (HNZPT) since August 2012, where part of my role includes providing statutory planning advice in relation to proposals under the Resource Management Act, including District Plans, Plan Changes and Resource Consent proposals.
- 1.3 Although this evidence is not prepared for an Environment Court hearing I have read the Environment Court Code of Conduct for Expert Witnesses Practice Note 2014 and have complied with it when preparing this evidence. I confirm that the topics and opinions addressed in this statement are within my area of expertise. I have not omitted to consider materials or facts known to me that might alter or detract from the opinions that I have expressed.

2. SCOPE OF EVIDENCE

- 2.1 HNZPT is New Zealand's lead heritage agency and operates under the Heritage New Zealand Pouhere Taonga Act 2014 (HNZPTA). Included as the purpose of the HNZPTA is: *"To promote the identification, protection, preservation and conservation of the historical and cultural heritage of New Zealand."* HNZPT meets this purpose in a number of ways, including advocacy and active involvement in Resource Management Act 1991 (RMA) processes for heritage.
- 2.2 With regard the s42A-Reserve Zone, the HNZPT submission point 559.281 is discussed in section 4.
- 2.3 With regard to the S42A-Reserve Zone, HNZPT concurs with the planner's recommendation for further submission point 1323.92.
- 2.4 In preparing this evidence I have read the section 42A reports for the Council.

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).

3.3 In terms of Part 2 RMA matters, historic heritage is part of the environment. Therefore adverse effects on historic heritage must be avoided, remedied or mitigated (as required by section 5).

3.4 The RMA defines historic heritage as:

(a) means those natural and physical resources that contribute to an understanding and appreciation of New Zealand's history and cultures, deriving from any of the following qualities:

(i) archaeological:

(ii) architectural:

(iii) cultural:

(iv) historic:

(v) scientific:

(vi) technological; and

(b) includes—

(i) historic sites, structures, places, and areas; and

- (ii) archaeological sites; and*
- (iii) sites of significance to Māori, including wāhi tapu; and*
- (iv) surroundings associated with the natural and physical resources.*

4. HNZPT RESPONSE TO RECOMMENDATIONS OF THE PLANNERS REPORT

4.1 (a) Reserves Zone –New objective and policy-“Cultural and heritage values”-Submission point 559.281.

- (i) HNZPT sought a new policy and objective relating to the consideration of cultural and heritage values. The reporting planner at 4.2.2, paragraph 32 has rejected the submission point advising that the objectives and policies of Chapter 7 –historic heritage cover such matters, in addition to the general policies of the Reserve Management Plans with regard heritage conservation.
- (ii) I continue to consider that there would be benefit in the Plan requiring a comprehensive consideration of historic heritage and cultural matters in what are often complex and sensitive environments for example the Point Reserve. While I acknowledge that Chapter 7 of the Plan considers historic heritage items and their settings, with Sites and areas of significance to Maaori also part of the Plan’s consideration, these rules pertain to individual items and their settings and could be regarded as a series of isolated elements. The inclusion of this objective and policy within the Plan ensures a holistic consideration when works are taking place in the parks environment and allows assessment of how the layers of history, stories and associations work together. I consider it would better assist the Plan to give effect to sections 6 (e) and (f) within these complex environments.
- (iii) The reporting planners reference to the inclusion of historic heritage in reserve management plans is acknowledged, however I consider that as reserve management plans place the primary purpose of the reserve ahead of the consideration of heritage, this gives further impetus for these matters to be included into the Reserves zone considerations of the Plan.
- (iv) As the requirements related to Chapter 7 or Maaori sites and areas of significance will have the potential to already trigger a requirement for a resource consent I do not consider that the additional requirement to consider this new objective and policy would be onerous.

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.
- 5.3 I am able to answer any questions that you have relating to this statement.

Carolyn McAlley

For Heritage New Zealand Pouhere Taonga