

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 3-Strategic Objectives.**

**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 (1993) 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. HNZPT made 3 submission points (599.43, 599.44, and 599.53) related to Waikato District Council Proposed District Plan (the Plan), and 3 further submission points (FS1323.5, FS1323.8 and FS1323.33). With regard to submission points 559.43 and 44, I accept the reporting planner's recommendations and will not discuss these submission points further.
- 2.2 In preparing this evidence I have read the section 42A report for the Council.

4. HNZPT SUBMISSION POINTS

- 4.1 In submission point 559.53 HNZPT sought the inclusion of wording to avoid adverse effects on historic heritage at the time of the consideration of subdivision location and design. The reporting planner has agreed with the intent of the submission, however has recommended an alternative wording to accommodate that in some instances through archaeological recording, cultural protocol and other methods development can be accommodated where there are historic heritage and cultural values.

5. HNZPT RESPONSE TO RECOMMENDATIONS OF THE PLANNERS REPORT

5.1 Recommended wording for 4.7.2 Policy-subdivision location and design

- (a) The HNZPT submission sought an addition of the following wording to the Policy;

“(viii) Avoid adverse effects on historic heritage and cultural values.”

In response the reporting planner has recommended an alternative wording of;

“(viii) Protect significant historic heritage and cultural values and incorporate those values into subdivision design.”

- (b) I consider, after reading the related discussion in the s42A report, that the use of the wording sought in the HNZPT submission should be retained at the time of the decision, particularly as the reporting planner has advised that the recommended alternative has been made to accommodate only “some” ¹instances where other methods such as recognition would be used as mitigation presumably at the time of the destruction of historic heritage or cultural sites where for some reason avoidance could not be achieved.
- (c) I consider that the wording sought in the HNZPT submission should be retained as a more clear and appropriate threshold for these important and finite s6 RMA matters. If there are some instances where other aspects can be considered as suitable mitigation these can be worked through on a case by case basis at the time of consent.

¹ Hearing 3 S42A Report, Chapter 4: Urban Environment-4.7.2 Policy-Subdivision Location and Design, para 289

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(f) of the RMA requires that any proposal “*recognise and provide for... the protection of historic heritage from inappropriate subdivision use and development*”.

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.

6. CONCLUSIONS

- 6.1 The RMA requires that the protection of historic heritage should be *recognised and provided for* as a Matter of National Importance (Section 6(f)). As subdivision, use and development have the potential to significantly detract from built and other historic heritage, it is important that the Plan limit the potential for adverse effects to occur.
- 6.2 I seek that the wording as sought by NZPT in their submission point on Policy 4.7.2 – Policy - Subdivision location and design, be retain at the time of the decision .
- 6.3 I am able to answer any questions that you have relating to this statement.



Carolyn McAlley

For Heritage New Zealand Pouhere Taonga

