

**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 6-Village Zone.**

**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.
- 2.2 With regard to the Landuse report for the Village Zone, HNZPT made a submission point (559.46) and a further submission (FS1323.34) in relation to earthworks Policy 4.3.15 and I will discuss these further in section 4.
- 2.3 With regard the Landuse report for the Village Zone, HNZPT made a submission point (559.87) in relation to signage rules 24.2.7.1 P2 and Rule 24.2.7.1 RD 1, and further submission point (FS1323.91) in relation to Rule 24.2.7.1 P2(a)(xi) and I will discuss these further at section 4.

- 2.4 With regard to the HNZPT further submission points (FS1323.89, and FS1323.90) in relation to signage Rules 24.2.7.1 P3 and 24.2.7.1 P2 (a) (iii), I concur with the recommendations of the reporting planner and will not discuss these points any further.
- 2.5 With regard to the Subdivision report for the Village zone, HNZPT made four submission points ( 559.265, 559.270, 559.250 and 559.257) in relation to Rules 24.4.6 RD1 and 24.4.6 NC1, 24.4.8 RD 1 and 24.4.8 D1 and two further submissions (FS1323.31 and FS 1323.32) in relation Rule 24.4.6.NC1 and Rule 24.4.7. With regard these submission and further submission points I concur with the reporting planners recommendations and will not discuss these submission points further.
- 2.6 In preparing this evidence I have read the section 42A report 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(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.*

#### **4. HNZPT RESPONSE TO RECOMMENDATIONS OF THE PLANNERS REPORT**

4.1 (a) With regard the Landuse report for the Village Zone, HNZPT made a submission point (559.87) in relation to signage rules 24.2.7.1 P2 and Rule 24.2.7.1 RD 1, and a further submission point( FS 1323.91) in relation to Rule 24.2.7.1 P2 (a) (xi) that have been rejected by the reporting planner. Submission point 559.87 was part of the HNZPT generic submission point to the permitted signage rules in the Plan, to rules which vary between the zones with greater allowances in some zones for the size of signage than others. This methodology does not relate to the individual nature of heritage buildings hence the submission point seeking a restricted discretionary activity status to assess the effects of signage on buildings and Maori Sites and Areas of Significance as the permitted activity standards are not sufficiently robust to ensure that the effects are managed on these important items.

4.1 (b) If there is an interest to maintain this more enabling approach, it may be that the Panel could consider the inclusion of additional matters into the permitted standards such as the location of the sign in relation to the significant detailing of the building and the manner on which the sign is attached to the building, to ensure any possible effects are minimised. Additional consideration also needs to be given to how a sign would be installed on a Maori Site or Area of Significance, for instance would the installation of the pole to hold the sign be subject to the relevant earthworks control which would be

preferred. Both Waipa District Council and South Waikato District Council have these additional matters as part of the performance standards related to signage on heritage buildings and further consideration could be given to their inclusion in the permitted standards. It is noted that Waipa District Council controls do have differing performance standards between some zones. The Waipa District Council rules are attached as Appendix 1 to this statement as a local example of performance standards covering some of the additional matters of concern.

4.2(a) With regard to the matter of the submission point relating to an advice note directing the reader to the other rules related to heritage matters within the Chapter, where the reporting planner has rejected on the basis that this will create clutter in the Plan, I refer to one of the earlier hearing reports where the reporting planner recommended cross referencing. I support cross referencing methodology in a Plan to better enabled users of the Plan to ensure that they have addressed all relevant matters. It may be that the advice note is short, simply advising readers of the rule references for heritage buildings and Maori Site and Areas of Significance within the chapter and the relevant policies in the event that the heritage rules are not combined.

4.3 (a) With regard to the Landuse report for the Village Zone, HNZPT made a submission point (559.46) seeking an addition to the earthworks Policy 4.3.15 and further submission( FS1323.34).The reporting planner has rejected the submission point as they consider that the amendments sought by HNZPT are already contained in the Objective and Policies in Chapter 2 and 7, for example Policy 2.15.1 (specific to Maori sites) and Policy 7.1.3-Heritage Items, in addition to the Council being required *“to uphold the cultural aspects s6e of the RMA, however, the archaeological/ heritage aspect is for Heritage NZ to manage under their Act ”*<sup>1</sup>.

4.3(b) Subject to other matters on which HNZPT has submitted being accepted, I can concur with the reporting planner with regard the consideration of earthworks on Maori Sites and Areas of significance, however I do not think that Policy 7.1.3 Heritage Items sufficiently addresses the matter of earthworks on built heritage sites and historic places and the potential impact that they can have on the setting of the items or places. I will discuss these impacts on the setting next, however with regard the

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<sup>1</sup> Section 42A Hearing Report-Village Zone pg. 64/65

planners comments on the HNZPT Act 2014, I would like to clarify for the Panel that HNZPT Act 2014 is constrained to the consideration of earthworks effecting archaeology on pre-1900 sites, or a declared site which could be post 1900 of which there are not a great number maybe 5 nationally. With regard to built heritage the HNZPT Act 2014 is applicable in the event of the total demolition of a pre-1900 building. Therefore, the consideration of the impact of earthworks on the heritage settings falls almost wholly to RMA provisions for a large number of the items and places in Schedule 30.1-Historic Heritage Items.

- 4.3(c) It is worth noting that the heritage items in Schedule 30.1 Historic Heritage items are a mixture of buildings both domestic and public and also includes many memorials, monuments and cemeteries. The setting of these varied heritage items can include all manner of details from gardens, paths, hedging and trees, the location of outbuildings and the locations of particular views and vistas from within the house for example from living areas, or the view from a public building. While the Policy does capture the potential impacts of new buildings on the site of say a dwelling, it does not capture aspects that could cause impacts on an historic heritage item and its setting values such a new parking areas or turnaround areas, removal of original gardens and installation of new paths and landscaping. With regard to monuments and cemeteries and the like, alterations in paths and ground levels could alter the intrinsic values and appreciation of the historic heritage item.
- 4.3 (d) I consider that the matter of earthworks and the potential for earthworks to detract of an historic heritage place or item can and should be addressed directly through RMA provisions. Therefore, with regard the concerns raised in submission point 559.46 regarding earthworks and historic heritage items, I would seek as alternative relief (additional to other relief sought by HNZPT for the same policy) through the following amendments (additions underlined) to Policy 7.1.3:

*“(c) Relationships between heritage buildings, sites, structures, places and their settings, including the view of the identified heritage item, are retained, including at the time of earthworks.”*

## 5. CONCLUSIONS

- 5.1 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.
- 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

Attachment-Appendix 1-Waipā District Council Signage Rule

## Appendix 1

### Waipa District Council example

#### **Rules - Signs on heritage items and within the site of a heritage item: colour, lighting, materials and size**

Signs on, and within the site of a heritage item in the Commercial Zone shall be limited to the 22.4.2.1 following:

- (a) One sign, either on the site or heritage item; and
- (b) The sign must not obscure names of building, plaster detailing, or fretwork; and
- (c) The sign must be no greater than 0.25m<sup>2</sup>; and
- (d) If located on the heritage item, the sign can only be located either; on the front façade, at the ground floor level, or if the building has a verandah, below the verandah, parallel to the road. Signs must not protrude beyond the body of the building; and
- (e) Not internally illuminated or made of reflective materials.

Provided that the relevant zone based or district wide rules apply where they are more restrictive.

Activities that fail to comply with this rule will require a resource consent for a discretionary activity.