

**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 7-Industrial 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 HNZPT made 1 submission point (559.83), related to Rule 21.2.7.1-Signs-General and this is discussed at section 4.1. HNZPT also made related further submissions (FS 1323.84) and (FS-1323.85) in relation to rule 20.2.7.1P2 (a) that are discussed in section 4.1.
- 2.3 HNZPT made a further submission (FS -1323.184) in relation to Rule 20.3.1 Building height. I concur with the reporting planner's recommendations of rejecting the primary submission and supporting the HNZPT further submission in opposition, therefore, I will not discuss this matter any further.

2.3 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) HNZPT made submission point 559.83 to Rule 20.2.7.1P2 Signs-General to make all signage on Historic Heritage items and Maori sites and areas of significance a restricted discretionary activity. The further submission FS -1323.85 was lodged in relation to Rule 20.2.7.1 P2 (a), where the primary submitter sought to clarify that the rule was to apply to free standing signs only. This further submission was a HNZPT generic further submission point to those submissions related 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 (559.83) 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) With regard to the reporting planners query at pg.86 and 87 para #402 and #409 respectively regarding specific historic heritage items within the Industrial Zone, I can confirm that the Proposed Plan Historic Heritage Schedule 30.1 contains at least one Item-item 172, Building A, Former NZ Dairy Association at 452 Tauwhare Road, Matangi. There may be others but I could not find an efficient and effective method of searching.
- 4.1 ( c ) Given the inclusion of an historic heritage item within the Industrial Zone I cannot support the proposed deletions recommended from the restricted discretionary assessment criteria related to signage, discussed by the reporting planner at para #427, pg.88 and the recommended deletions at pg. 90. It is important to include the consideration of the impact on heritage features.
- 4.1(d) I have not been able to review the nearly 500 items on the Maaori sites and Areas of significance schedule and Council staff may be able to advise on this matter. If a full review cannot be made it would be appropriate given the sensitive nature of these sites to consider retaining a relevant rule framework to ensure these important sites are not compromised by inappropriate signage.

- 4.1 (e) 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 minimized, in addition to signage on heritage buildings not being illuminated. 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.
- 4.1 (f) 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. It may be that it is not appropriate to have a permitted standard for this aspect.

## **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 assessment of signage relating to signs on Historic Heritage or Maaori Sites and Areas of Significance is amended to a restricted discretionary activity or in the alternative a more robust set of performance standards is developed to minimize adverse effects on these important items.
- 5.3 I am able to answer any questions that you have relating to this statement.

**Carolyn McAlley**

For Heritage New Zealand Pouhere Taonga

