

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:
Chapter 1-Introduction**

**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 1 submission point (599.6), and 2 further submission points (FS1323.3 and FS1323.4) relating to Chapter 1-Introduction. With regard to the further submission points (FS1323.3 and FS1323.4) I concur with the recommendations of the reporting planner and do not discuss these points further.
- 2.2 Another further submission point (FS 1323.1) made to Chapter 1-Introduction by HNZPT has been deferred to Hearing 3.
- 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 SUBMISSION POINT

- 4.1 In a submission HNZPT sought that Chapter 1-Introduction was amended to include an “Issue” related to Historic Heritage (559.6).

5. HNZPT RESPONSE TO RECOMMENDATIONS OF THE PLANNERS REPORT

5.1 Recommended inclusion of historic heritage Issue for Chapter 1 Introduction

- (a) The reporting planner has concurred with the submission point (559.6) and has recommended that an Issue relating to historic heritage be included into the WaiDC PDP, in the following proposed new sub section:

“1.4.6 Historic Heritage

The Resource Management Act requires that the protection of historic heritage from inappropriate subdivision, use and development is a matter of national importance. Heritage resources are often fragile and may be adversely affected by activities, development or lack of care and maintenance. There is a need to allow communities to alter and grow, while ensuring that significant heritage resources are retained for both present and future generations”.

- (b) I generally support the recommendation, as this aligns with the submission point. However I consider that some amendments are required to better align the Issue with the consideration of historic heritage in the WaiDC PDP.
- (c) The first sentence of the Issue uses the term “*historic heritage*”, whereas the remainder of the Issue uses a term “*heritage resources*.” As the WaiDC PDP does not have the defined term “*heritage resources*”, I seek the following additional amendment to better align this recommended “Issue” with the Definitions section of the WaiDC PDP, by amending the term “*heritage resources*” to “*historic heritage resources*” as the use of the term “*historic heritage*” aligns with the defined term “*historic heritage*” in the WaiDC PDP.

- (d) I consider that finite historic heritage cannot be retained if it is not firstly recognised and protected through the WaiDC PDP. An amendment through the addition of the words “*recognise*” and “*protect*” to the last sentence of the Issue would align it with use of heritage schedules and the related protective rule framework contained within the WaiDC PDP. An additional reference to historic heritage being a finite resource is also important as it cannot be replaced.
- (e) I also consider that an amendment is required to the second sentence of the Issue, to clarify that while some historic heritage resources are fragile, all historic heritage resources may be adversely affected by activities, development or lack of care and maintenance and therefore require protection.
- (f) I therefore seek the following further amendments (additions underlined) to the recommended change:

“1.4.6 Historic Heritage

(a) The Resource Management Act requires that the protection of historic heritage from inappropriate subdivision, use and development is a matter of national importance. The finite historic heritage resources, some of which are often fragile, and may be adversely affected by activities, development or lack of care and maintenance. There is a need to allow communities to alter and grow, while ensuring that significant historic heritage resources are recognised and protected so they are retained for both present and future generations”.

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 WaiDC PDP limit the potential for adverse effects to occur.
- 6.2 HNZPT seeks that the recommendations of the reporting planner, subject to the revisions sought in this statement are retained at the time of the Decision on the WaiDC PDP.
- 6.3 I am able to answer any questions that you have relating to this statement.



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