

**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 12-Country Living 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 S42A for the Country Living Zone, and Policy 5.6.7-Earthworks HNZPT made a submission point (559.55) and I will discuss these further in section 4.
- 2.3 With regard the s42A report for the Country Living Zone, and Rule 23.2.6.1-Signs General, HNZPT made a submission point (559.86) in relation to signage rules 23.2.6- P2 and RD1 and also sought an advice note and to provide for any consequential changes. HNZPT also made further submission points (FS1323.187/87/88) in relation to Rule 23.2.6. I will discuss these further at section 4.

- 2.4 With regard to the s42A report and the discussion relating to Rule 23.4.5 RD 1, HNZPT made submission points 559.272 and 559.273, and further submission FS 1323.29 in relation to Rule 23.4.5. In relation to proposed new rule 23.4.6A, HNZPT made further submission FS 1323.30 to the Waikato District Council submission point 697.928. I will discuss these further at section 4.
- 2.5 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) Policy 5.6.7-Earthworks**

The HNZPT submission point (559.55) sought an addition (underline) to the Policy as outlined in the s42A report:

*(d) subdivision and development occurs in a manner that maintains shape, contour, ~~and~~ landscape characteristics and avoids adverse effects on historic and cultural values.*

The reporting planner has rejected this proposed amendment as they consider that:

*“I consider that this is sufficiently covered under Policies in Chapter 2 Tangata Whenua and Chapter 7 Heritage. I am also mindful that when the proposed District Plan is migrated into the National Planning Standards structure, historic heritage will have its own chapter which will ensure that Chapter 7 Objectives and Policies are applied to all zones, negating the need for policies specific to each zone.”<sup>1</sup>*

While I understand from the “Minute and Directions from the Hearing Commissioners, dated 20 February”, that there is an intention to migrate to the National Planning Standards, the same minute advises that the methodology is to be advised by the 31 March, with an opportunity, as a party listed in the memo, for HNZPT to provide comment on the methodology by Tuesday 7<sup>th</sup> April 2020. Therefore HNZPT would prefer that the proposed amendment was accepted, as it has been in other s42A reports. In this way it becomes a placeholder ensuring that the chapter is picked up in any cross referencing system that may be developed between the over view chapters and the zone chapters.

---

<sup>1</sup> Section 42A Hearing Report, H12 Country Living Zone, pg.23

**4.1 (b) Rule 23.2.6.1-Signs General-P2, RD1, request for an advice note, and any consequential changes as requested**

The HNZPT submission point sought no signage on heritage sites and Maori sites of significance as a permitted activity, any signage to be restricted discretionary activity, a request for an advice note to link to other heritage controls and any consequential changes as required.

The reporting planner considers that an identification and information only sign of 1m<sup>2</sup> is acceptable with all other signage requiring a restricted discretionary consent. This permitted standard 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.

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. 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 reporting planner recommends at para 357<sup>2</sup> of the s42A report, with regard to the HNZPT seeking an advisory creating a link to other heritage rules, that a general advisory note in the opening chapter of the proposed plan may be acceptable guiding readers to HNZPT. HNZPT is unclear if the reporting planner is referring to this proposed advisory note within the current proposed plan structure or the plan structure when it is migrated to the National Planning Standards format, where HNZPT

---

<sup>2</sup> Section 42A hearing Report, H12 Country Living Zone, para 357, pg.85

considers that the Chapters related to Historic and Cultural values are the most appropriate location for such a note.

**4.1 (c) Subdivision-Site boundaries-Significant Natural Areas, Heritage Items, Archaeological Sites, Sites of Significance to Maori - Rules 23.4.5 RD1 and 23.4.5 NC1**

The HNZPT submission sought the retention of the restricted discretionary and non-complying rules that related to Site boundaries at the time of subdivision related to Significant Natural Areas, Heritage Items, Archaeological Sites and Sites of Significance to Maori. The reporting planner has recommended accepting the HNZPT submission points in part as amendments are recommended in response to other submissions.

HNZPT supports the division of the existing rule, to assess the significant natural areas under one rule and the other items –heritage, archaeological and sites of significance to Maori under a new rule. However HNZPT notes that “heritage Items” have not been fully integrated into the new proposed Rule 23.4.6A. Heritage items in all instances include the item and its setting and subdivision of the item/setting has the potential to diminish heritage values. Therefore HNZPT would seek the inclusion of:

- “Heritage item” as part of the proposed new rules title heading- Rule 23.4.6A and
- New rule for 23.4.6A “(iv) Heritage items (Schedule 30.1-Historic Heritage Items).

With regard to the proposed change of subdivision status from non-complying to discretionary when the activity does not comply with the restricted discretionary rule (the boundaries would retain the feature in one lot) at this time HNZPT remains interested that the non-complying activity status is retained. The retention of these types of features in one lot through the initial subdivision process is the key method to ensure the preservation and integrity of the item into the future. Given that the items have been reviewed and considered significant the non-complying status is commensurate to the status of the items in the schedules and aligns with the activity status sought in relation to other parts of the plan in relation to the destruction of items.

## 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

