

BEFORE THE HEARING COMMISSIONER

**IN THE
MATTER OF**

**The Resource Management Act
1991 (the Act)**

AND

**IN THE
MATTER OF**

**Waipa District Council:
Private Plan Change 12.**

**TABLED 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 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. Otherwise 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 I write in response to the contents of the s42A report and its response to the HNZPT submission points. These points and a response to the submitter's evidence are discussed in section 4.

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 of the RMA requires “*all persons exercising functions and powers under it, in relation to managing the use, development and protection of natural and physical resources to recognise and provide for:*

...6(e) the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wahi tapu and other taonga, and

... 6(f) the protection of historic heritage from inappropriate subdivision use and development” (historic heritage includes sites of significance to Māori).

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 THE S42A REPORT

4.1 Background

- (i) HNZPT made submissions and further submissions in relation to Private Plan Change 12 (the Plan Change) and sought the following:
 - Improved consideration of archaeology over the Stage 2 of the Plan Change area (14/1), and
 - That improved recognition is given to Isla Bank through the Plan Change process, that the design measures are amended as recommended by a Boffa Miskell report, and the Waipa Heritage Schedule is amended to better recognized the setting Isla Bank (14/2-1, 2, and 3), and
 - The further submission sought that the structure plan show the likely location of building and infrastructure to ensure that the adverse impacts of these on Isla Bank are avoided.

- (ii) With regard (14/1) archaeology, HNZPT sought additional information as the nature of the archaeology on Stage 2, to be able to provide feedback as to the requirements or otherwise in relation to archaeology. All archaeology, recorded or unrecorded is protected under the provisions of the Heritage New Zealand Pouhere Toanga Act 2014. The most appropriate time to consider archaeology is at the time of a plan change as this enables the best opportunity to avoid archaeology if this is considered the most appropriate response. This consideration can then be given effect to as part of the structure plan. In this instance, Mr. Warren Grumbly has confirmed to HNZPT since the time of notification that in his professional opinion that works could proceed within Stage 2 under an Accidental Discovery Protocol (ADP). HNZPT concurs with this approach. There would be considerable benefit in making reference to the need for works to proceed under an ADP for Stages 1 and 2 as part of the text in the Plan Change as a new proposed advice note underneath Rule 15.4.2.91, however making it clear that this is in relation to any earthworks not just those related to the implementation of the landscaping plan.

- (iii) With regard (14/2) in relation to the setting of Isla Bank, HNZPT is concerned at the statement in the s42A report at para 5.7.16, where the reporting planner advises that she concurs with the applicants statement that *“Neither the District Plan or the Heritage New Zealand listing identify the setting as part of the item to be protected”*. In response I can advise that the purpose of a HNZPT listing is the recognition of heritage values, which can be through either /or the identified items and the Lot and DP that are identified within the listing. In turn this should enable a District Plan to provide protection mechanisms under the RMA. The HNZPT submission clearly advises that *“HNZPT considers that all of the Isla Bank curtilage, including its entrance from Pirongia Road, tree lined driveway and surrounding garden are important and integral parts of the historic place”*. This is recognised in the registration as it includes the land title on which the house sits (Lot 1 DP 514120). HNZPT recognised this through a technical change in 2020. Therefore the house and setting, all contained in Lot 1 DP 514120, are recognised for their heritage values. HNZPT therefore considers that this is the area that should be protected. It would be HNZPT’s preference that the Waipa Heritage Schedule was explicit regarding the extent of the recognised heritage values, which would ensure that the building and its extent would be protected at the time of the objectives, policies and rules being applied in the event of future development and subdivision. At this time because the Waipa Heritage Schedule and the relevant setting rules does not adequately address the setting of Isla Bank there is potential for adverse effects.
- (iv) While HNZPT appreciates that the Waipa Heritage Schedule cannot be amended to recognise the full extent of the Isla Bank setting at this time, HNZPT considers that it is important that consideration is given to the heritage values of Isla Bank and its setting as much as possible as the proposed staging of the development does not, in my opinion, preclude a future non-complying application to develop stage two, in the same manner that the current applicant has applied to bring forward the deferred residential zoning. Importantly the suite of proposed rules, including s42a report amendments, do extend to Pirongia Road, which includes the boundary of Isla Bank and its entrance. Therefore HNZPT still seeks, as outlined in their submission, an amendment to Design Measures at s23.4 to include recognition as suggested by the applicants Appendix C-Boffa Miskell report¹ as follows;

¹ T2 Te Awamutu Plan Change, Landscape and Visual Effects Assessment, prepared for Sanderson Group and Kotare Properties Limited, Oct 14 2020, at 8.0 (pg.20) Recommendations.

“Design integration of the boundary treatment with the retention of the entrance gates associated with heritage item property (Isla bank Villa)”.

This would align with the existing proposed design objective;

“S23.3.4 Ensure that residential development adjoining Frontier Road and Pirongia Road is sympathetic to existing residential development”.

Inclusion of this new design measure, as suggested by the Boffa Miskell report would assist in the recognition of the setting of Isla Bank in the District Plan.

5. CONCLUSIONS

- 5.1 The RMA requires that the protection of historic heritage as a Matter of National Importance. As subdivision, use and development have the potential to significantly detract from 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 HNZPT 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

15 March 2021