

BEFORE THE HEARING COMMISSIONER

**IN THE
MATTER OF**

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

AND

**IN THE
MATTER OF**

**Waipa District Council:
Proposed Plan Change 13-
Uplifting Deferred Zones.**

**STATEMENT OF EVIDENCE OF CAROLYN ANNE MCALLEY FOR AND ON BEHALF OF
HERITAGE NEW ZEALAND POUHERE TAONGA**

11th June 2021

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, in the Lower Northern office, which covers the Waikato, the Bay of Plenty and Gisborne. My role includes providing statutory planning advice in relation to proposals under the Resource Management Act, including District Plans, Plan Changes and Resource Consent and Subdivision 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 bi-cultural 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 and advocating for the retention and preservation of historic heritage sites when required including in plan change processes.
- 2.2 HNZPT made a submission in relation to proposed Plan Change 13. While HNZPT is not directly opposed to the intention of the plan change to bring forward the availability of land for the provision of housing, HNZPT is seeking that a greater consideration is given to historic heritage earlier in the process as this can be accommodated through the RMA. HNZPT sought that additional work related to historic heritage was undertaken prior to the decision making on this plan change, to correctly inform the plan change in relation to historic heritage matters, in particular archaeology.
- 2.3 The submission has been summarized as:
 - 2.3.1 Sub point 16/1-the need to provide archaeological assessments for plan changes,
 - 2.3.2 Sub point 16/2-the need to provide a fulsome archaeological assessment by a person suitably qualified with experience in the area for the C4 Structure Plan area,

- 2.3.3 Sub point 16/3-the need for cultural Impact assessments.
- 2.4 Today I rely on the expert evidence of my colleague Eleanor Sturrock, Archaeologist for the Lower Northern office of Heritage New Zealand, on matters related to:
- 2.4.1 The need to provide archaeological assessments at the earliest stage of the consideration of land being turned over to more intensive development (sub point 16/1).
 - 2.4.2 the suitability of the “*Cambridge, Growth Cell C4 Structure Plan: Preliminary Archaeological Assessment by Clough and Associates, prepared for Mitchell Daysh, August 2019*” (sub point 16/3).
 - 2.4.3 The need to preserve significant archaeology as part of this plan change process (sub point 16/3).
- 2.5 A site visit was undertaken on 10 June 2021 to 3774 Cambridge Road with HNZPT staff Eleanor Sturrock-Archaeologist and Rachel Darmody-Senior Archaeologist. We also drove by other subject properties in relation to Growth Cell C4.

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 wellbeing 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

Topic 1- All of Plan-Submission point-16/1

- 4.1 Submission point 16/1 relates to the provision of archaeological assessments and has been accepted in part by the reporting planner. The submission point related to a number of structure plans that are the subject of this plan change process for which archaeological assessments have not been provided. HNZPT notes *“A pre-requisite for the uplifting of the ‘deferred’ Residential Zone status is the preparation and approval of a Structure Plan explaining how the growth cell should be developed...”*¹ I am aware that the structure plan has already been approved by the Waipa District Council last year, however HNZPT submitted to this process to express their concerns and hope that this Plan change process can in some way remedy the matters we are raising.
- 4.2 HNZPT considers that the most appropriate time to consider historic heritage values in the light of pending intensification of land use is when the land is initially considered to be zoned for residential or deferred development. The next best time would be prior to a structure plan. The provision of a completed archaeological assessment at these earlier stages of the development process should provide sufficient information to inform the location of development, including roading, services and housing such that it protects significant archaeology. Suitable measures can then be developed to retain the feature in perpetuity as part of the subdivision processes.
- 4.3 The reporting planner has accepted in part the HNZPT submission point (section 5.2.8, page 17) advising that the future subdivision process accommodates such studies.
- 4.4 I remain concerned, based on Miss Sturrock’s² evidence that the subdivision consent process is too late in the land conversion process to properly protect the archaeological values of the extensive Maori Horticultural landscape in which C4 is located as the opportunities to protect these sites becomes more limited given the need for servicing, roading and so on.
- 4.5 Ideally important archaeological sites worthy of preservation would be included on a structure plan to provide a level of certainty to those developing the land in terms of known constraints and allow for the protection of historic heritage as is anticipated by the RMA.

Topic 1- All of Plan-Submission point 16/2

¹ Part C-Technical Reports, Waipa District Council, Cambridge C4 Structure Plan, Context Report, 9 September 2020, Mitchell Daysh Limited 2020, page 1.

² Evidence of Eleanor Sturrock, paras 14-15, page 3

- 4.6 Submission point 16/2 relates to the provision of cultural impact assessments which has been accepted in part by the reporting planner. The submission point related to a number of structure plans that are the subject of this plan change process for which cultural impact assessments have not been provided. The reporting planner advises that these assessments can be provided later in the development process.
- 4.7 As with the discussion above, regarding inadequate assessment of an historic heritage matter, I am concerned that no specific statement/s from Tangata Whenua has been made or provided in regard to this proposed Plan Change, which includes a number of structure plans.
- 4.8 HNZPT is concerned that should concerns arise later in the process that they may be difficult to accommodate, therefore HNZPT continues to seek that consultation is undertaken and any feedback provided is used to inform the decision making related to the Plan Change.

Topic 4- Topic Growth Cell C4-Submission point 16/3

- 4.9 Submission point 16/3 relates specifically to the C4 structure plan area and the associated Clough Archaeological Assessment, the only archaeological assessment undertaken as far as HNZPT understands for this Plan Change. This structure plan area contains a Waipa District Council heritage scheduled archaeological site (s15/23) that has a rule framework related to its destruction and alteration. There are also other recorded archaeological sites within this structure plan area.
- 4.10 HNZPT had raised concerned regarding the preliminary and inadequate nature of the archaeological assessment, such that it is not sufficient to inform the layout of a structure plan and was concerned that there is already an approved structure plan. In response the reporting planner has advised that *“Council staff have reviewed the submission and note the development of the structure plan was supported by the relevant technical reports. It is not considered that any of these technical reports need to be revised.”*³ In addition the reporting planner advises that *“archaeological sites will be assessed at the time as part of the consenting process.”*
- 4.11 As a further response my colleague Miss Sturrock has outlined her concerns related to the Clough Archaeological assessment under the heading Topic 4 Growth Cell C4 Structure Plan⁴. Based on her consideration I remain of the opinion that the Clough Archaeological assessment is not sufficiently robust to inform the C4 Structure Plan and to be referenced as it is as part of *“Appendix S23 – Cambridge C4 Growth Cell Structure Plan (NEW)”* in *“Section 23.7 Supporting Documents”* when it is not completed.

³ RMA Hearings Panel Report, By Hayley Thomas, section 5.5.10, page 46

⁴ Evidence of Eleanor Sturrock, paras 14-23, pages 3-4

4.12 Of particular concern is that Mis Sturrock has identified⁵ that there are sites of significant archaeological values within the structure plan area. I consider that there would be benefit in a revised assessment identifying and assessing these sites. A completed assessment prior to decision making⁶ would be the best step forward to enable the protection of archaeology in meaningful and efficient manner.

4.13 I support that the proposed text of "Appendix S23-Cambridge C4 Growth Cell Structure Plan (new)" paras s23.4.5 does anticipate that future development proposals "will be expected to consider how existing trees or archaeological features can be incorporated into the reserves network, streetscape, streetscape design or internal footpath connections". I consider that a completed archaeological assessment and identification of archaeological features to be preserved would better enable preservation of such features to occur. The inclusion of the incomplete archaeological assessment in the supporting documents section of the Structure Plan has the potential to cause confusion to future applicants, who, if the archaeological assessment had been completed, could readily understand how a proposed subdivision could impact on archaeology and design their subdivision to protect archaeology.

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 historic heritage, in particular archaeology and cultural values, it is important that this Plan Change limit the potential for adverse effects to occur.

5.2 I continue to seek that the additional work as sought through the submission and now through this evidence, related to the provision and review of Cultural Impact assessment/s and completed archaeological assessments, does take place, prior to decision making on this plan change.

5.3 I am able to answer any questions that you have relating to this statement.



Carolyn McAlley

For Heritage New Zealand Pouhere Taonga

⁵ Evidence of Eleanor Sturrock, paras 20-21, page 4

⁶ S42 report, Hayley Thomas, Proposed plan Changes 13, section 42A Hearing Report-2 June 2021, Appendix 1, pages 99-100.