

BEFORE THE HEARING PANEL

**IN THE
MATTER OF**

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

AND

**IN THE
MATTER OF**

**Proposed Plan Change 26 to the
Operative Waipa District Plan**

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

03 April 2023

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 2023 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 several ways, including advocacy and active involvement in Resource Management Act 1991 (RMA) processes for heritage.
- 2.2 HNZPT made 22 submission points in relation to the proposed Waipa District Council Plan Change 26 (PC 26), seeking changes to several of the rules and assessment criteria and that any new heritage items recognized in the research work undertaken by the Council were included onto the District Plan heritage schedules.
- 2.3 HNZPT does have some concerns that there is confusion regarding the numbering allocated to the HNZPT submission points. HNZPT has been identified as submitter 41, however in some instances HNZPT submission points appear to have been identified as 32, for example the submission point in relation to 21.1.2A.5 has been identified as submission point 32.3 in the text of the 42A report, as 41.5 in Appendix B (Submissions by topic) to the s42A report and as submission point 32.3 in the Appendix A Tracked changes and as 41.5 in the Carolyn Hill Appendix A response to PC 26 submissions on matters of historic heritage and character.
- 2.4 In this evidence I make a response to the S42A report and the consideration of the HNZPT submission points.

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 AND MATTERS RAISED IN FURTHER SUBMISSIONS.

4.1 With regard to submission points that have been recommended to be accepted:

41.1/41.2/41.3/41.4/41.5/41.7/41.8/41.9/41.10/41.11/41.12/41.13/41.14/41.15/
41.16/41.17/41.18/41.19/41.20/41.21,

I concur with the planner's assessment and recommendations in relation to these submission points.

4.2 In relation to the matters raised by the further submitters FS5 and FS6 to the HNZPT submission point 41.5:

“Rule 21.1.2A.5 More than two dwellings per site within the infrastructure constraint overlay or more than three dwellings per site outside the infrastructure constraint qualifying matter overlay”

Related assessment criteria (u) sought by HNZPT;

The extent to which development is compatible and does not detract from the values of adjacent historic heritage or character cluster sites.”

where the further submitters have regarded the HNZPT submission point as *“qualifying matters being extended beyond the boundary of the site”*¹, I make the following response.

4.3 It is important that a rule and assessment framework correctly anticipates and manages all effects generated in the built environments sought through the objectives and policies of a plan. I consider that the proposed intensification requires the existing approach to the management of the effects on historic heritage to be amended to ensure the finite historic heritage resource is appropriately protected. Until recently most operative plans have only provided for one to two levels of development in residential zones on larger sites than currently proposed, and typically this was unlikely to cause adverse effects on identified historic heritage values when on an adjacent site. Rules and assessment have been typically confined to impacts caused by those undertaking additions and alterations or locating a small new building on site. The introduction of qualifying matters is recognition that intensification does have an impact on historic heritage, and this will assist to manage effects on the historic heritage sites at the time of additional development, however this will not manage the effects from intensification on an adjacent site. Adverse effects from taller, more intensive development adjacent to historic heritage will diminish historic heritage values.

4.4 HNZPT sought inclusion for the consideration of historic heritage values when development occurred on an adjacent site. This is consistent with the approach of PC 26 as notified, where the plan change had already provided for the consideration of the possible impacts that the greater density development may impose on adjacent sites in terms of bulk, dominance, height and so on through the following, but not limited to, assessment criteria;

assessment criteria (p) of the same rule;

“(p) Integration with neighbouring residential development through consistency of façade treatment, including building proportions, detailing, materials and landscape treatment.”, or

for the rule 21.1.2A.6 9 Building height, assessment criteria (c) and (d)

¹ Appendix 1-Further submission on behalf of Ryman Healthcare, no page numbers provided, FS6 and similar for FS5.

“(c) whether consistency has been achieved with respect of the appearance and design of development with the character and values² of the areas, including existing buildings on site and adjoining sites.”

“(d) the degree to which shading, loss of daylight, amenity values and privacy affect the adjoining properties, including any historic heritage or parts of a character cluster on adjoining property”.³

4.5 Therefore, I do not see that the consideration of the effects of development on adjacent historic heritage values as *“qualifying matters being extended beyond the boundary of the site”*⁴, rather it is giving regard to an RMA Part 6 matter; the protection of historic heritage from inappropriate subdivision, use and development, and providing an opportunity for a consideration of impacts on historic heritage values, similar to the consideration afforded by this plan change in relation to a number of matters, impacting on all other sites adjacent to the new proposed, more intensive development.

4.6 With regard the submission points that have been recommended to be rejected, being 41.6, in so far as advising that this plan change does not relate to cultural or archaeological heritage, and 41.22, in so far that this plan change cannot schedule additional heritage items, I accept the reasoning of the reporting planner.

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 sought through the HNZPT submission and recommended to be accepted by the reporting planner are retained at the time of the decision making.

Carolyn McAlley



For Heritage New Zealand Pouhere Taonga

² Underlined words are a HNZPT submission point to PC 26

³ Underlined words are a HNZPT submission point to PC 26

⁴ Appendix 1-Further submission on behalf of Ryman Healthcare, no page numbers provided, FS6 and similar for FS5.

