

**BEFORE THE HEARING COMMISSIONERS**

**IN THE  
MATTER OF**

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

**AND**

**IN THE  
MATTER OF**

**Waikato District Council Proposed  
District Plan:  
Hearing 5-Defintions.**

**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 HNZPT made a number of submission points related to various definitions however only one submission point 559.288 related to "Earthworks" (and related further submission points FS.1323.104, FS 1323.105 and FS 1323.189) has been allocated to this hearing. With regard to the submission point I note a typo in the HNZPT submission point where the last sentence of the submission point *"Ancillary rural earthworks and earthworks for landscaped areas and gardens or the stock piling of coal are exempt"* has been inadvertently included. I apologise for the confusion this has caused.
- 2.3 With regard to further submission points related to signs FS1323.117, FS1323.118 and FS1323.95, I concur with the recommendations of the reporting planner and will make no further comment.
- 2.4 With regard to further submission FS1323.97 related to a new definition of "Identified Areas" and ensuring that the definition contains historic heritage, I concur with the recommendations of the reporting planner and will make no further comment regarding the new definition.

### **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 Definition - Earthworks**

(a) The HNZPT submission (559.288) supported the definition of earthworks as notified:

*“means modification of land surfaces by blading, contouring, ripping, moving, removing, placing or replacing soil or earth, or by excavation, or by cutting or filling operations.”*

subject to “*earthworks*” being assessed in a Maaori Site or Area of Significance as a restricted discretionary activity. At the time of notification “*earthworks*” was to be assessed as a limited discretionary activity in these sites and areas however it was not known at that time how the related cluster of submission points would be heard.

- (b) HNZPT further submission points FS.1323.104, FS 1323.105 and FS 1323.189 opposed the exclusion of the term “Ancillary Rural Earthworks” from the definition of “Earthworks” as that would potentially result in these types of earthworks not being assessed if they occurred in a Maaori Site or Area of Significance. Given that the sites and areas have been identified as significant there is an expectation that the methodology of the Plan will work to address the potential for adverse effects.
- (c) HNZPT accepts the use of the National Planning Standards definition for “*Earthworks*” and notes that the definitions for “*Ancillary Rural Earthworks*” and “*Rural Ancillary Earthworks*” where HNZPT are a primary submitter, are to be discussed at a later hearing. HNZPT also notes the S42A planner’s advice that any amendments to the rule related to a Site or Area of significance to Maori will be heard at the time of the hearing on the same.
- (d) HNZPT retains interest in “*Earthworks*”, and other defined activities such as “*Cultivation*” or “*Ancillary earthworks*” within a Maaori Site or Area of Significance across the entire District, being subject to a sufficient level of scrutiny through a resource consent process to ensure that these significance sites and areas are not inadvertently damaged or destroyed.

## **5. CONCLUSION**

- 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 earthworks for subdivision, use and development have the potential to significantly detract from Maori Sites or Areas of Significance, it is important that the Plan limit the potential for adverse effects to occur throughout the District.
- 5.2 I am able to answer any questions that you have relating to this statement.

**Carolyn McAlley**

For Heritage New Zealand Pouhere Taonga