

BEFORE THE HEARING COMMISSIONER

**IN THE
MATTER OF**

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

AND

**IN THE
MATTER OF**

Proposed Plan Change 37

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

29/10/2021

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, where part of my role includes providing statutory planning advice in relation to proposals, including plan changes, under the Resource Management Act.
- 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 several ways, including advocacy and active involvement in Resource Management Act 1991 (RMA) processes for heritage. HNZPT sought several matters to be addressed in their submission to the notified plan change.
- 2.2 In preparing this evidence I have read the section 42A report for the Council and the applicant's response. I have also consulted with HNZPT Senior Archaeologist, Dr. Rachel Darmody.

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*” and “*(e) the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga.*”

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 SUBMISSION AND RESPONSE TO THE S42A REPORT

4.1 HNZPT made a submission to the application and sought the following matters to be addressed:

(a) *“HNZPT considers that for the purposes of an assessment against s6(f) of the RMA, that archaeological matters have not been sufficiently assessed, therefore HNZPT cannot support the conclusion in the AEE that the effects on archaeology are no more than minor. HNZPT seeks that this concern is addressed by the application being placed on hold and the applicant undertaking an archaeological assessment prior to the decision-making process on to the Plan Change. Consideration should be given to its findings and how any concerns can be addressed through amendments to the proposed Structure Plan and associated provisions.”*

(b) *“HNZPT considers that for the purposes of an assessment against s6(e) of the RMA that cultural values have not been sufficiently assessed. HNZPT seeks that this concern is addressed by the application being placed on hold and that a CIA is undertaken and consideration be given to its findings and how any concerns can be addressed through amendments to the proposed Structure Plan and associated provisions”.*

4.2 **With regard the archaeological matters** that HNZPT raised in their submission and the provision of an archaeological assessment, this matter has not been fully resolved as discussed in the s42A report. However, the s42A report (including supporting expert archaeological advice) has provided a clear pathway forward for the resolution of archaeological matters as outlined in the expert advice of Ms. Lynda Walters at Appendix G-Archaeology.

I consider, on the advice of the HNZPT Senior Archaeologist, Dr. Rachel Darmody, that the process as outlined by Ms. Walters, of additional research being undertaken prior to the consideration of the need for an Archaeological Authority, is appropriate. No recent contact has been made with HNZPT archaeology staff therefore it is not clear to HNZPT if this research has been undertaken and there would be benefit in obtaining clarity around this aspect.

Importantly Ms. Walter advises on page 11 of her review of the archaeological assessment that *“It is my opinion that for Taupo District Council to be appropriately informed about the effects on historic heritage, including archaeological sites, resulting from PC 37 further investigation should be carried out to resolve if archaeological features are present before a decision on the plan change is made.* Again, I consider that this advice around the timing of the research is the most appropriate way forward to assist with informing the location of development and avoiding adverse effects on archaeology.

I consider that the discussion on archaeological matters contained in the applicant's reply has not provided any further clarity around the resolution of archaeological matters. Ms. Cleary, refers in her evidence (para 238) to a discussion in Mr. Crawford's evidence relating to the "reports that WSP's archaeologists prepared." However, this discussion appears to have been omitted from Mr. Crawford evidence.

- 4.3 **With regard the consideration of cultural values** the s42A report states that this matter is unresolved at the time of writing. HNZPT notes that since the time of submission further consultation has been undertaken with a hapu group. The s42A author also anticipates further evidence to be provided at the hearing around this aspect. HNZPT welcomes the further dialogue that has been initiated around this matter and seeks that clarity can be provided by the time of the decision making on the plan change regarding the impact of the Plan change on cultural values and that the impacts are not adverse.

5. CONCLUSION

- 5.1 The RMA requires that the protection of historic heritage and the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga should be *recognised and provided for* as a Matter of National Importance (Section 6(f) & (e)). As subdivision, use and development have the potential to significantly detract from historic heritage and relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga, it is important that if the Plan Change is approved that the relevant plan provisions limit the potential for adverse effects to occur.
- 5.2 HNZPT seeks that the recommendations of the reporting planner with regard the resolution of archaeological matters as advised in the s42A report and discussed at s4.2 of this statement, are undertaken by the applicant to inform decision making on this Plan Change.



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