

BEFORE THE HEARING COMMISSIONER

**IN THE
MATTER OF**

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

AND

**IN THE
MATTER OF**

**Taupo District Council :
Plan Change 36.**

**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 submission in opposition to Plan Change 36 as they considered the archaeological assessment provided with the application was inadequate. The HNZPT submission sought :
 - That an updated archaeological assessment is undertaken to determine the need for an HNZPT Archaeological Authority prior to the decision making related to the Plan Change.
- 2.3 In preparing this evidence I have read the section 42A report for the Council and the Applicants reply. I have sought expert archaeological advice from the HNZPT Senior Archaeologist for the Lower Northern Office, Dr. Rachel Darmody to assist towards making this statement.

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 S42A REPORT AND APPLICANTS REPLY

4.1 (a) S42A REPORT

Archaeological matters have been addressed with the inclusion in the S42A report of an expert report from Archaeologist Mr. Kenneth Phillips¹. At paragraph 4.6 of that report Mr. Phillips concurs with the HNZPT request for a revised archaeological assessment.

¹ Attachment G to the S42A Report-Evidence of Kenneth Phillips, Archaeology, 22 April 2020

At paragraph 5.2 of the report, Mr. Phillips advises that although he has not visited the site, he recommends that the applicant apply for an Archaeological Authority.

The reporting planner, Mr. Bonis, at paragraph 117² advises that:

“Should the Plan Change be approved, I am of the view that Archaeological effects can be appropriately managed. This would be achieved by inserting provisions in the ‘Preliminary Stage’ (Amended Provisions) for an Archaeological Authority pursuant to s44a Pouhere Taonga Act 2014 prior to any development to ensure any archaeological evidence is identified and recorded or protected”.

HNZPT are supportive of the recognition of the need for archaeological consideration at the early stage of the development process. However HNZPT is unsure of the suitability of making a direct reference to the requirements /outcomes of another legislative process, that runs as a parallel process to the RMA process, as part of the proposed provisions in Plan Change 36. HNZPT considers it would be more suitable to make this reference to the requirement for an HNZPT Archaeological Authority through the insertion of an advice note.

Therefore, HNZPT seeks the insertion of an Advice Note in the “Preliminary Stage” section of Plan Change 36, that relates to the need for an HNZPT Archaeological Authority and that this must be undertaken prior to the commencement of earthworks.

4.1 (b) **APPLICANTS REPLY**

The Applicant has commissioned an updated archaeological assessment for Plan Change 36, by the Archaeological expert Ms. Sian Keith³. Overall Ms. Keith has determined⁴ that the proposal does not require amendment based on archaeological values, however she acknowledges that field inspection work will be required as part of the preliminary stages of the proposal⁵. In addition, due to lack of information relating to mitigation planting and walkways⁶, this aspect will require further assessment to determine the need for an authority.

Ms. Keith advises⁷ that she supports the recommendations of the reporting planner for the recognition in the Preliminary stages section of the Plan Change provisions of need for a HNZPT Archaeological Authority, however also seeks:

“that this recommendation should be subject to additional prior field survey to determine if the north side of the Whareroa Stream should also be included in this application”.

² S42A Report of Matt Bonis, Planning report on Submissions and Further Submissions, dated 22 April 2020

³ Statement of Evidence of Sian Rebecca Keith, dated 1st May 2020

⁴ Statement of Evidence of Sian Rebecca Keith, dated 1st May 2020, Para 32

⁵ Statement of Evidence of Sian Rebecca Keith, dated 1st May 2020, Para 32

⁶ Statement of Evidence of Sian Rebecca Keith, dated 1st May 2020, Para 33

⁷ Statement of Evidence of Sian Rebecca Keith, dated 1st May 2020, Para 51

HNZPT recognises the benefit of this additional field survey taking place to determine the inclusion of the area into the Archaeological Authority as required.

Therefore HNZPT supports the proposed addition in the evidence of Joanne Lewis⁸ referencing the additional work required, at Page 5, Section 3-Staging, of that evidence, by making reference to the requirements of the Expert Archaeological report. This is helpful as it makes it clear within the sequence of works when this additional work should occur.

HNZPT seeks that this proposed addition is retained at the time of decision making.

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 Change limits 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 request that this statement is tabled for the consideration of the Hearings Commissioner.

Carolyn McAlley

For Heritage New Zealand Pouhere Taonga

⁸JL Lewis Evidence-Appendix 1 JL Evidence Proposed Modifications 29 April 2020, Page 5, Section 3 Staging

