

**BEFORE THE HEARING COMMISSIONER**

**IN THE  
MATTER OF**

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

**AND**

**IN THE  
MATTER OF**

**An application for Subdivision  
and Landuse consent for the  
Amberfield Development for the  
Applicant - Weston Lea Limited  
pursuant to the Act**

**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.
- 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. HNZPT sought several matters to be addressed in their submission to the notified application
- 2.2 In preparing this evidence I have read the section 42A report for the Council.

## **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 SUBMISSION

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

- (a) That the site to be retained within the heritage reserve as mitigation for the destruction of archaeological and cultural places is assessed against the criteria of the Waikato Regional Council Policy Statement Table 10.1 and deemed to be significant. In the event that the site to be protected within the proposed reserve is not deemed to be significant, consideration must be given to additional onsite mitigation in the form of the retention of other significant archaeological sites.
- (b) That a Reserve Management Plan is developed using ICOMOS Charter NZ 2010 principles. Development of this reserve management plan should occur in consultation with HNZPT.
- (c) That a Historic Heritage Interpretation Strategy is developed for the heritage reserve and the larger Amberfield subdivision. The strategy needs to give consideration to how information can be disseminated beyond the site to contribute to the understanding of the history of Hamilton and the Waikato region as a whole.
- (d) In the event that the application is approved, that an advice note is included advising of the need for an archaeological authority in the event of works on an archaeological site within the Heritage Reserve, including but not limited to the installation of interpretation, signage and pou.

4.2 The s42A report (including supporting expert statements ) confirms that the archaeological site retained within the historic reserve is considered to be significant, therefore HNZPT considers the matter outlined at (a) above has been met. The remainder of this statement pertains to the three outstanding matters from the submission and introduces concerns relating to some of the proposed archaeological conditions. This aspect will be addressed by my colleague Dr Rachel Darmody in her statement to this hearing.

## 5. HNZPT RESPONSE TO PLANNERS REPORT AND RECOMMENDATIONS OF THE PLANNERS REPORT

### 5.1 Recommended condition for a Management Plan for the proposed Historic Reserve

HNZPT is supportive that the Archaeological Heritage Reserve Management Plan (AHRMP) for the Historic Reserve will be prepared in accordance with the principles of the ICOMOS Charter (recommended condition 63). This will ensure the preservation of historic and cultural values of the reserve, in particular the archaeological site.

The submission also sought that the AHRMP was developed in consultation with HNZPT. This aspect of the submission point has not been discussed in the planners report and HNZPT is not identified in recommended condition 64, as one of the parties to be consulted at the time of its development. HNZPT considers that its specialist expertise in archaeology would be an important contribution to the development of the AHRMP to ensure the retention of archaeological values.

This discussion is reflected in the amendments sought to recommended condition 64 as follows;

*“The consent holder shall consult and obtain feedback from Hamilton City Parks and Recreation Manager (or nominee), Nga Mana Toopu o Kirikiriroa, Te Ha o Te Whenua o Kirikiriroa and Waikato Tainui and Heritage New Zealand Pouhere Taonga on the detail in the AHRMP prior to submitting the document to the Manager, Planning Guidance Unit. Evidence of the outcomes of this consultation and all feedback received shall be provided within the AHRMP.”*

### 5.2 HNZPT submission point relating to the need for a Heritage Interpretation Strategy

HNZPT has considered the response in the s42A report to their submission point that sought a heritage interpretation strategy for the site including consideration as to how the information from the strategy would be disseminated to the wider community. The s42A report (pg.29) states that it is not considered to be within the jurisdiction of the Commissioner to impose such a condition. Recent discussion with the reporting planner revealed further that it is considered that it would be the role of Hamilton City Council rather than the applicant to disseminate information gathered as part of a

resource consent application process, hence the scope concerns. In response HNZPT comments as follows:

HNZPT considers that the need for heritage interpretation is still appropriate as part of mitigation for the loss of cultural and archaeological sites. Heritage interpretation is already identified as part of Archaeological Heritage Reserve Management Plan (S42a report recommended conditions 63 and 64), a plan that will eventually become a Council ratified document. HNZPT considers that the intent of their submission point would be met with the following inclusions into the Archaeological Heritage Reserve Management Plan, as follows;

- A discussion relating to the context of the historic reserve within the Amberfield subdivision as would be expected for a plan prepared under the principles of the ICOMOS Charter, and how this wider gardening landscape can be acknowledged within the proposed historic reserve, and,
- A discussion relating to the appropriate management of interpretation and signage and other appropriate information sharing platforms, both within the reserve and beyond including those that could be accessed beyond the site at a later date should the Council develop a process to disseminate this information.

This discussion is reflected in the following amendments sought to recommended condition 63 as follows;

*“Prior to vesting Lot 1510 (Historic reserve), the consent holder shall submit to the Manager, Planning Guidance Unit an Archaeological Heritage Reserve Management Plan (AHRMP) for certification. The objective of the AHRMP is to set out how the archaeological site in the reserve will be managed in the future using ICOMOS conservation principles so that the heritage reserve does not suffer damage due to landscape works or use. The AHRMP shall include but not be limited, to:*

- (a) A history of the site and its context within the Amberfield subdivision and the larger Hamilton environs from a cultural, archaeological and historic perspective and identification of the values that are to be conserved.*
- (b) The management and maintenance goals, policies and actions identified to protect the site in perpetuity;*
- (c) What controls will be put in place to manage access to the site;*

- (d) Appropriate site interpretation and signage including appropriate information sharing platforms, and cultural recognition; and
- (e) *Who will be notified and the remedial action undertaken in the event of damage.*

**5.3 HNZPT submission point relating to the need for an advice note for an HNZPT archaeological authority for future works in the Historic Reserve.**

HNZPT sought that an advice note was included as part of the advice notes and conditions, relating to the need for an HNZPT Archaeological Authority for any works that may occur as part of the ongoing development of the Historic Reserve, as the approved HNZPT Authority referenced in the s42A report does not cover any such works. Certainly the discussion in the planners report and the applicant's response anticipates works within the Historic Reserve, as does the recommended condition/s related to the Historic Reserve (recommended condition 63).

This request for an advice note has not been discussed in the s42A report or reflected in the recommended conditions and advice notes. HNZPT considers that there would be benefit in the inclusion of such an advice note as a reminder of legal obligations under the HNZPT Act 2014 in relation to future proposed works.

I continue to seek the inclusion of an advice note relating to the need for an HNZPT archaeological authority for any works within the proposed Historic Reserve.

**5.4 Recommended condition/s relating to Archaeological matters**

My colleague Dr Darmody has raised concerns regarding the potential conflict between the issued HNZPT archaeological authority and some of the recommended conditions found in Appendix 4 to the s42A report under the heading "Archaeological Management and Monitoring". These concerns are discussed in her evidence statement and it is her recommendation that some of the recommended conditions are removed to provide for more effective management process in relation to archaeology.

## 6. CONCLUSIONS

- 6.1 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 in the event that the application is approved that the relevant conditions limit the potential for adverse effects to occur.
- 6.2 HNZPT seeks that the recommendations of the reporting planner, subject to the revisions sought in this statement and that of the HNZPT archaeologist, are retained at the time of the Decision.
- 6.3 I am able to answer any questions that you have relating to this statement.



Carolyn McAlley

Senior Planner,  
Heritage New Zealand Pouhere Taonga,  
26 Wharf Street  
Tauranga.  
Email: [cmcalley@heritage.org.nz](mailto:cmcalley@heritage.org.nz)  
ph: 07 577 4535