

**BEFORE the HEARINGS PANEL**

**IN THE  
MATTER OF**

**The Resource Management Act  
1991**

**AND**

**IN THE  
MATTER OF**

**Subdivision at 635 State Highway  
23, Whatawhata for G & S  
Singleton Heritage Limited  
(SUB0165/19)**

**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 am currently employed by the Heritage New Zealand Pouhere Taonga (Heritage New Zealand) where I am responsible for providing planning advice on historic heritage to 17 local authorities and to the public. This includes providing advice to owners of listed and scheduled heritage items, providing input to resource consent applications, plan reviews, changes and variations, as well as other plans and strategies. I have been employed by the Heritage New Zealand since August 2012.

## **2. SCOPE OF EVIDENCE**

- 2.1 Heritage New Zealand 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."* Heritage New Zealand meets this purpose in a number of ways, including advocacy and active involvement in the resource management processes relating to heritage.
- 2.2 It is in this context that I respond to the recommendations of the planners report.

## **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 The 2003 amendment to the RMA elevated historic heritage to a Matter of National Importance in Part 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. SUBMISSION**

4.1 Heritage New Zealand made a submission related to historic heritage matters to this subdivision application. Today's evidence relates to that submission point seeking an Accidental Discovery Protocol (ADP) advice note.

**5. HERITAGE NEW ZEALAND RESPONSE TO THE S42A REPORT AND THE APPLICANTS REPLY REPORT**

- 5.1 HNZPT notes that the response to their submission points is discussed in para 8.10, pg. 52 of the s42A report, where the report writer states;

*“There are no known archaeological sites on the site so it is considered any potential archaeological effects can be mitigated through an advice notice (as requested by Heritage NZ) relating to the archaeological accidental discovery protocol. This addresses Heritage New Zealand’s submission in full”*

- 5.2 HNZPT supports this approach, however notes that such an advice note does not appear to be part of the various recommended conditions and advice notes contained in Appendix H to the s42A report in the event that the application is approved.

- 5.3 HNZPT notes in the applicants reply, at para 18, pg. 5, that they are agreeable to the imposition of an ADP advice note should the application be approved.

- 5.4 HNZPT seeks that the following ADP advice note is considered by the Hearings Panel for inclusion into the conditions and advice notes section of the Decision, should the application is approved;

*“Accidental Discovery Protocol.*

*The applicant is advised to immediately stop work and contact Heritage New Zealand Pouhere Taonga if the presence of an archaeological site is suspected. Work affecting archaeological sites is subject to a consenting process under the Heritage New Zealand Pouhere Taonga Act 2014. For any activity associated with this proposal, such as earthworks, fencing or landscaping, that may modify or destroy any archaeological site(s), an authority (consent) from Heritage New Zealand Pouhere Taonga must be obtained for the work to proceed lawfully. The Heritage New Zealand Pouhere Taonga Act 2014 contains penalties for unauthorised site damage.*

*Evidence of archaeological sites may include burnt and fire cracked stones, charcoal, rubbish heaps including shell, bone and/or glass and crockery, ditches, banks, pits, old building foundations, artefacts of Maori and European origin or human burials.*

*Please contact the Lower Northern Area Office-Office on 07 577 4530”*

The inclusion of this ADP advice note would meet the intent of the HNZPT submission to this notified application.

## 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 historic heritage, it is important that in the event that the application is approved that the conditions and advice notes limit the potential for adverse effects to occur.
- 6.3 Both the reporting planner and the applicant concur with the need for an ADP advice note. HNZPT seeks the inclusion of the ADP advice note contained at para 5.4 of this statement in the event that the application is approved. This will assist to remind the consent holder of their obligations under the HNZPTA 2014 and to minimise the potential for adverse effects on archaeology.



Carolyn McAlley

For Heritage New Zealand Pouhere Taonga

03 June 2020