

BEFORE THE HEARING PANEL

**IN THE
MATTER OF**

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

AND

**IN THE
MATTER OF**

**Proposed Plan Change 9 to the
Operative Hamilton City Council
District Plan**

**HEARING STATEMENT OF CAROLYN ANNE MCALLEY ON BEHALF OF
HERITAGE NEW ZEALAND POUHERE TAONGA**

May 2023

INTRODUCTION

1. My name is Carolyn Anne McAlley. I am a planner with Heritage New Zealand Pouhere Taonga. I am here today with my HNZPT colleague Boric Bogdanovic, Conservation Advisor and we will present to you a summary of our evidence and also be available for any questions of the Panel.
2. The key focus of my evidence was in relation to:
 - Frankton Railway Village Historic Heritage Area;
 - HNZPT as an Affected party; and
 - the provision of Heritage Impact Assessment reports.

Summary of Primary Evidence

3. My primary evidence supported or sought amendments to an objective, several policies and related assessment criteria. The evidence also sought that the HNZPT listed Frankton Railway Village was recognised in its entirety as an HHA in this plan process, together with HNZPT identified as an affected party in the related inventory form. A consequential change was also sought to notification diagram in Chapter 1 - Plan Overview-1.1.9-Notification/Non-Notification Rules, page 14. This diagram will require an amendment to recognise the addition of the additional historic heritage schedule related to historic heritage areas. The current diagram recognises HNZPT as an affected party in relation to the existing schedules.
4. I have also reviewed the rebuttal evidence of Richard Knott¹ and in particular his responses to matters in my evidence. I concur with the majority of his responses, with the exceptions being discussed in this statement. I am supportive that in addition to Mr Knott supporting that the HCC Frankton Railway Village HHA extent is to be the same the HNZPT listing extent, that he is now of the opinion that individual sites should also not be deleted from the overall extent, for example 51A Rifle Range Road.
5. I do have one remaining concern, that the responses made in the rebuttal evidence of Mr Knott do not seem to be discussed in the hearings report, so I would welcome an update on this aspect.

¹ Statement of Rebuttal Evidence of Richard John Knott (Historic Heritage Areas) Dated 12 May 2023, paras 41-48

HNZPT as an Affected Party

6. With regard to the matter of HNZPT as an affected party for the proposed HHA Frankton Railway Village, I would like to make a further response to the discussion² in Mr Knott's rebuttal.
7. As you are no doubt aware the Heritage New Zealand Pouhere Taonga Act 2014 (HNZPTA), has particular provisions relation to historic areas. Section 74(1) of the HNZPTA provides that HNZPT may make recommendations as to appropriate measures the Local Authority can take to assist in conservation and preservation of a listed Historic Area. This can apply to statutory process such as policy development or consenting processes. With regard the consenting process, HNZPT can only make a recommendation under s74(1) where they have been considered as an affected party, an applicant has approached us, or an application has been publicly notified. Therefore, in order to receive and have particular regard to our recommendations we would need to have been notified about the proposal.
8. HNZPT considers that in the event that the effects on heritage values in the Frankton Railway Village are initially deemed minor or more than minor they should be an affected party and would welcome the involvement in the ongoing consenting processes. However, HNZPT also considers that there is considerable benefit in consultation being undertaken with themselves in the event of proposed works in the Frankton Railway Village and Mr Knott acknowledges the same at para 48 of his rebuttal.
9. Consultation with HNZPT is part of the General Heritage assessment criteria at section 1.3 of the Operative District Plan and HNZPT considers that there would be benefit in a requirement for consultation in all applications becoming a note in the Frankton Railway Village inventory form. This should assist to inform the consideration of HNZPT being an affected party and the determination of the level of effects on heritage values. This would also assist HNZPT fulfil its obligations with regard the historic areas.

² Statement of Rebuttal Evidence of Richard John Knott (Historic Heritage Areas) Dated 12 May 2023, para 47

Provisions-Heritage Impacts Assessments

10. Kainga Ora sought that ³ Heritage Impact Assessments (HIA) are provided “*where the nature and extent of the proposal requires it*”. Mr. Brown has outlined in his evidence⁴ that it could be a planner who made that decision.
11. In his rebuttal⁵ Mr Knott considered this matter further and advised that a well-qualified planner could author a HIA. I have reservations, as does Mr. Bogdanovic, regarding the suitability of this suggestion, in relation to the ongoing retention of historic heritage values within HHA’s. I am unclear as to the background of the “well qualified planner” or what this would entail. I consider myself to be a well-qualified planner, with over a decade of experience working at HNZPT, and I would be very hesitant to author such a document. Rather in my view, I consider it to be the realm of an expert, just as would be expected in a traffic impact assessment or similar.
12. After the identification and scheduling of historic heritage, the HIA is an important tool in the consenting process to ensure the protection of historic heritage from inappropriate subdivision, use and development and in my view, its inclusion in the consenting process is vital.

| **Carolyn McAlley**

26 May 2023

³ Statement of Primary Evidence of Michael Robert Campbell and Mark Raymond Thode on behalf of Kainga Ora-Homes and Communities (#428) Planning, 28 April 2023, page 27

⁴ Statement of Primary Evidence of John Edward Brown on behalf of Kainga Ora-Homes and Communities(#428) (Heritage) 28 April 2023, page 26, para 8.15

⁵ Statement of Rebuttal Evidence of Richard John Knott (Historic Heritage Areas) Dated 12 May 2023, para 62

