

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**

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

Planning-Built Heritage

22 September 2023

INTRODUCTION

1. My name is Carolyn Anne McAlley. I hold the qualification of a Bachelor of Planning degree (1993) from Auckland University. Since graduation I have consistently worked in both local and regional government, in consenting, policy implementation and policy-based roles.
2. I am currently employed as a heritage planner at Heritage New Zealand Pouhere Taonga (HNZPT). I have been in this role since 2012, and the majority of my work is providing statutory planning advice in relation to proposals under the Resource Management Act, including District Plans, Plan Changes and Resource Consent proposals.
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 2023 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.

SCOPE OF EVIDENCE

4. HNZPT made a submission on Proposed Plan Change 9 to the Operative Hamilton City Council District Plan (PC9). I was involved in preparing the original submission on PC9 and also the further submission.
5. I have been asked by HNZPT to assist by providing planning evidence on PC9.
6. In preparing this evidence I have read the relevant submissions, further submissions, and the Section 42A reports prepared by Council staff and/or consultants.
7. The scope of my evidence covers:
 - Section 19.2-Objective 19.2.1-Explanation, Policy 19.2.1c, and
 - Section 19.2.3-Policies 19.2.3b, 19.2.3c, 19.2.3f, 19.2.3g, 19.2.3i, 19.2.3j, 19.2.3.k and
 - Protection of interiors.

THE IMPORTANCE OF HISTORIC HERITAGE

Heritage New Zealand Pouhere Taonga

8. 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.

Historic Heritage

9. 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".
10. 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).

Section 19.2-Objective 19.2.1-Explanation, Policy 19.2.1c,

Objective 19.2.1-Explanation

11. HNZPT opposed (151.10) the deletion of the word "*social*" from the explanatory text related to Objective 19.2.1 based on its relationship to the ICOMOS Charter values. The reporting planner has rejected the submission point advising that heritage values and significance in the Operative District Plan (OPD) are based on the Waikato Regional Policy Statement (WRPS). While I continue to support referencing back to the content of the ICOMOS charter, I agree with the reporting planner that alignment with the WRPS criteria is important.
12. The WRPS assessment criteria¹ in APP7 Historic and Cultural Heritage Assessment Criteria does contain a reference to "*social*" matters, through the criteria Historic Qualities-Historical Patterns, which includes reference to "*social or economic trends and activities.*" On this basis I continue to seek reference to this value as one of many important values for which buildings are scheduled and protected.

¹ Waikato Regional Policy Statement, Part 5- Appendices and Maps, APP7-Historic and Cultural Heritage Assessment Criteria

Policy 19.2.1.c

13. HNZPT made a further submission against the deletion of the reference to ICOMOS from Policy 19.2.1c and is supportive of the reporting planner advising that the policy as notified is to be retained.

Section 19.2.3, Policy 19.2.3b, Policy 19.2.3c, Policy 19.2.3f, 19.2.3g, Policy 19.2.3i, Policy 19.2.3j, Policy 19.2.3.k

Policy 19.2.3b

14. The HNZPT submission point (151.15) supported this policy related to the relocation of buildings within the site or extant of place, while seeking a number of amendments. The reporting planner has accepted² many of the amendments sought and made further refinements for clarity, which I accept. However, in response³ to a submission point from another party, the reporting planner has deleted a reference to avoiding this type of activity.

15. I consider that this deletion leaves a gap in the thinking, that in the first instance this type of activity should not be encouraged as it results in a loss of heritage values. Therefore, I would seek that the introductory paragraph is amended as follows;

15.1. *“19.2.3b Relocation of scheduled buildings and structures within the site identified in Schedule 8A or the extant of place should be discouraged and only be allowed where it can be demonstrated that:”*

Policy 19.2.3c

16. HNZPT submitted (151.16) to this policy related to subdivision and/or development, seeking the deletion of the word “*enhance*”, addition of the wording “*settings and surrounds*” and the addition of wording relating to the proposal being supported by a suitably qualified conservation architect.

17. I agree with the reporting planner⁴ that a report from a suitably qualified professional is covered in the information requirements at 1.2.27. of the Plan and I also support the inclusion of the wording related to setting and surroundings. With regard the use of the

² Statement of Evidence of Laura Jane Galt, (Planning-Built Heritage), Dated September 2023, page 14, para 41 & 42.

³ Statement of Evidence of Laura Jane Galt, (Planning-Built Heritage), Dated September 2023, page 14, para 43.

⁴ Statement of Evidence of Laura Jane Galt, (Planning-Built Heritage), Dated September 2023, page 15 onwards,

word “*enhance*” in this policy I appreciate that the reporting planner has provided an example of enhancement; “*amalgamation of lots to retain original heritage setting*”. Such an instance would be covered under the wording “*retain and protect*” and I consider that the phrase “*and enhance*” should be deleted from the Policy.

Policy 19.2.3f

18. HNZPT submitted (151.7) to this policy related to the nature of proposed works on heritage scheduled sites. While the submission sought reference to “*surroundings*” in addition to “*setting*” the reporting planner is proposing “*extent of place*”. This change will be supported by changes to the definition of setting and surrounds, which includes reference to extent of place, and I am supportive of this change, as it covers the concerns raised in the submission regarding impacts from new development. I am supportive that other additions sought in the HNZPT submission, relating to works not detracting from heritage values have been recommended for approval.

Policy 19.2.3g

19. The HNZPT submission (151.18) sought the addition of a reference to the retention of embodied energy in this policy relating to adaptive reuse. I accept the reporting planner reasons⁵ for not making this addition.

Policy 19.2.3i

20. The HNZPT submission (151.19) sought the deletion of the words “*as far as practicable*” from the policy relating to the earthquake strengthening, fire protection, building services and accessibility. Given that the words relate to the protection of architectural features and details, I am concerned that the reporting planner’s recommendation is that this is not supported.

21. In my time at HNZPT in instances where we have been consulted about such work, the consistent advice has been to avoid architectural features and details, as these are often the reason why the building has been listed or scheduled. In many of these instances the work has not impacted on these features or have been redesigned to avoid them. I do consider that it is not best heritage practice to be advising that these features can only be protected as far as practicable as this approach does not encourage an applicant to find an alternative, more appropriate solution. I continue to seek that the wording is deleted.

⁵ Statement of Evidence of Laura Jane Galt, (Planning-Built Heritage), Dated September 2023, page 19 onwards.

Policy 19.2.3j

22. HNZPT submitted (151.20) to this policy related to the nature in which works are undertaken on heritage buildings and structures, seeking the deletion the phrase “*wherever possible enhances*”, from the following portion of the policy;

22.1. “*Conserves, and wherever possible enhances the authenticity and integrity of the building or structure.*”

23. The reporting planner⁶ has provided an example of where deleting the word “*enhance*” would preclude the action of removing inappropriate alterations and additions and returning the building to its original form. I consider that the word “*conserves*” in the policy would support such an activity, and if in doubt the term “*restoration*” could also be included to avoid ambiguity. I note that the latter term I have suggested is already a defined term in this plan, and both terms⁷ are defined in the ICOMOS Charter to which this Plan refers. I consider that it is important that the plan uses terms with defined meaning, to provide clarity for both applicants and those administering the plan.

24. Therefore, I seek an alternative amendment to address both my concerns and those of the reporting planner, as follows;

24.1. “*Conserves and ~~wherever possible enhances~~ restores the authenticity and integrity of the building or structure.*”

Policy 19.2.3k

25. The HNZPT submission sought the deletion of this policy related to interior alterations, concerned at the impact it may have on heritage buildings;

26.1 “*Modification of the interior of buildings or structures in Schedule 8A is enabled as a means of encouraging use, re-use of adaptive reuse and facilitating the retention and protection of exterior heritage values’*

And for it to be replaced by the following;

⁶ Statement of Evidence of Laura Jane Galt, (Planning-Built Heritage), Dated September 2023, page 20 onwards.

⁷ NZ ICOMOS CHARTER-Defined Term-**Conservation**-“*Conservation means all the processes of understanding and caring for a place so as to safeguard its cultural heritage value. Conservation is based on respect for the existing fabric, associations, meanings, and use of the place. It requires a cautious approach of doing as much work as necessary but as little as possible, and retaining authenticity and integrity, to ensure that the place and its values are passed on to future generations.*”

Defined Term-**Restoration**-“*means to return a place to a known earlier form, by reassembly and reinstatement, and/or by removal of elements that detract from its cultural heritage value.*”

26.2 *“Any proposal to change the interiors of buildings and structures in Schedule 8A must avoid adverse effects on exterior heritage values”.*

26. In response the reporting planner has rejected the HNZPT submission point, citing⁸ that it does protect heritage values and in response to another submission an addition has been made to the policy. I consider that the following amendments, using the recommended version of this policy may assist with addressing the concerns of both parties:

26.1. *“Appropriate modification of the interior of buildings or structures in Schedule 8A is enabled as a means of encouraging use, re-use of adaptive reuse, while ~~and~~ facilitating the retention and protection of exterior heritage values’*

Protection of interiors

27. While the HNZPT submission did not specifically support of the addition of the interior of the property at 129 Cambridge Road to the heritage schedule, I am supportive of the recommendation of the addition of the interior of this already scheduled building to the heritage schedule, plus the exterior building, together with the associated policy and rules changes (subject to other submission points in this statement). This is consistent with work that is being currently undertaken to put a paper to the HNZPT board to develop a covenant for the buildings and site.

CONCLUSION

28. 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 cultural and archaeological values, it is important that the Plan limit the potential for adverse effects to occur.

29. In my opinion the amendments that I have described in my evidence, and also sought through the HNZPT submission and further submission, will achieve the purpose of the RMA and more specifically will recognise and provide for the protection of historic heritage from inappropriate subdivision, use, and development.

^{8 8} Statement of Evidence of Laura Jane Galt, (Planning-Built Heritage), Dated September 2023, page 21 onwards.

Carolyn McAlley

A handwritten signature in cursive script that reads "C. McAlley".

22 September 2023