

**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**

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

**Planning**

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**28 April 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. HNZPT also made a further submission to the summary of submissions, with a particular focus on the retention of the proposed HHA's and the related the objectives, policies and rules.
6. I have been asked by HNZPT to assist by providing planning evidence on PC9.
7. In preparing this evidence I have read the relevant submissions, further submissions, and the Section 42A reports prepared by Council staff and/or consultants. With regard to certain topics, I rely on the expert evidence prepared by Mr Boris Bogdonovich.

8. The scope of my evidence covers:

- submission points on supporting the proposed historic heritage areas as a tool to identify, protect and manage heritage, and
- supporting the proposed additions to the proposed HCC Frankton Village HHA (HCC FHHA) while seeking complete alignment of the proposed HCC FHHA to the HNZPT Frankton Junction Railway Settlement Historic Area (#7014) listing (HNZPT FHA), and
- the submission also sought the inclusion of HNZPT as an affected party with regard the HNZPT FHA, and
- the submission also sought changes to several of the policies and seeks related amendments, and
- further submissions opposing a party that sought to remove a site from the HCC FHHA as proposed.

## **THE IMPORTANCE OF HISTORIC HERITAGE**

### **Heritage New Zealand Pouhere Taonga**

9. 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**

10. 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".
11. 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).

## OBJECTIVES AND POLICIES

### Objective 19.2.4

12. HNZPT made a submission (151.22) supporting Objective 19.2.4 as notified. The s42A Report has recommended an amendment to the wording of the Objective and I agree with the assessment and recommendation.

### Policy 19.2.4e

13. The submission point (151.24), related to the previously numbered Policy 19.2.4d, sought that the policy was amended to strongly discourage demolition and removal of buildings within an HHA, in line with the associated discretionary activity status. It also sought the removal of the reference to front corner and through sites. While I am supportive of the amended policy, I am concerned that the related assessment criteria, as recommended in the s42A report at 1.3, E Heritage Values and Special Character, Historic Heritage Area E10c undermines the policy discouraging demolition and removal;

Whether there is a consent in place for the replacement of any demolished dwelling or commercial building and whether a contract is let for construction of this.

14. I am unclear as to how this assessment criteria contributes to the overall assessment sought at the beginning of the assessment criteria “for the demolition and removal off the site, the effects of the demolition on the historic heritage values of the area”. I would welcome a response from the reporting planner on this aspect.
15. In addition, as the assessment criteria pertains to both demolition and removal, that first sentence of the group of assessment criteria should be amended to read:

For the demolition and removal off the site, the effects of the demolition or removal on the historic heritage values of the area”.

### Policy 19.2.4a

16. Submission point 151.23 of HNZPT sought the removal of the words “where practicable” from Policy 19.2.4a (now renumbered as Policy 19.2.4b):

*“Cumulative adverse effects on the heritage values of HHAs are avoided wherever practicable.”*

17. I disagree with the recommendation of the s42A author to retain the words “*where practicable*”. The use of the word “*where practicable*” when discussing the avoidance of adverse effects on historic heritage within Hamilton City does not reflect the intention of Part 2 of the RMA to protect historic heritage from inappropriate subdivision, use and development and does not align with the discretionary consent status for the removal or demolition of buildings on historic heritage areas and the associated assessment criteria.
18. I consider that helpful, clear direction should be provided in PC 9 to enable the appropriate consideration and the assessment of activities. I continue to seek the deletion of these words from this policy.

### **HISTORIC HERITAGE AREAS**

19. HNZPT submitted in support of Plan Items 30 and 31 being as notified in PC9. With regard submission points 151.29 in relation to the extent of the Templeview HHA, and 151.31 regarding the extent of the Victoria Street HHA, I am pleased to see these extents are retained and in the case of the Victoria Street extended to include additional buildings in Hood Street (Richard Knott Evidence V2-Appendix 2-Revised HHA Boundary Maps). In his evidence Mr. Bogdanovic has clearly advised at para 9 onwards the importance of HHA as an identification and protection tool and how their application in this Victoria/Hood Street location, para 17, will be of benefit in better retaining the historic heritage values. This will assist to manage the potential for cumulative effects on this important grouping of heritage buildings.

### **Frankton Railway Historic Heritage Area**

20. HNZPT submitted in support of the inclusion of the HCC FHHA, in particular the extensions shown on new portions of Rifle Range Road, however requested that the extent be further extended to match the HNZPT listing for the same. HNZPT also made a further submission on an original submission point by a party that sought that their site (57 Rifle Range Road) was removed from the HCC FHHA. I also note that a further submission against the HNZPT submission sought the deletion of their site (51A Rifle Range Road) from the HCC FHHA.

21. I rely on the evidence of my colleague Mr Bogdanovic, in particular his concluding paragraphs, regarding the need for consistency within the historic heritage areas to ensure its overall heritage values retained, when I advise that it is not appropriate to support those parties requesting that their sites are deleted from the HCC FHHA both as proposed and as recommended by Council expert Richard Knott in his revised evidence.
22. With regard the recommendation on page 36 of the S42A report to delete 51A Rifle Range Road from the proposed HHA as there is already a resource consent in place as part of a response to a further submission, I do not agree with this recommendation. This is a contrary approach to the extent sought under the HNZPT submission point 151.28 for the HCC FHHA to align with the HNZPT FHA, and the general support HNZPT gave to the use of historic heritage areas as a tool for heritage identification and protection through submission point 151.8. It is also contrary to the advice given by the HCC expert conservation advisor Mr Richard Knott who agrees with the HNZPT view that HCC FHHA should align with the HNZPT FHA.
23. The importance of having the 51A Rifle Range Road and the 57 Rifle Range Road sites as part of the historic heritage areas is to ensure that any development now or in the future does not detract in form, design and scale from the important recognised values of this HHA. As Mr. Boris Bogdanovic has outlined in his evidence, while all parts of the historic heritage areas contribute to its whole, "The inclusion of the edges of an HHA is important in managing future change and maintaining the interrelated heritage values of the whole."
24. From a planning perspective with regard the consideration that there is not a need to include the Rifle Range Road sites within the HHA as they already have a resource consent, I cannot see this as a sufficient reason for these sites to not be subject to the HCC FHHA overlay.
25. With regard to 51 A Rifle Range Road, while the current consent is part of a permitted baseline, this is the third consent for the subject site in as many years. This consent, as with any other issued consent for any site, may or may not be implemented or fully implemented, it may be varied, or a building or buildings erected under a resource consent may be demolished and the site subject to another consenting process. The benefit of having the HHA overlay on the site is that it will assist to ensure that any future consenting processes align with the recognised values of the HHA and also

assist in the more uniform understanding of the two HHA areas that seek to retain the values of this important areas.

26. In addition, there are several sites within the immediate vicinity that have issued resource consents for elder housing, one being at the corner of Rifle Range Road and Moa Cres and another at the corner of Moa Cres and Kea Street and these have not been deleted from the recommendation's version of the HCC FHHA, therefore I continue to seek the inclusion of 51A Rifle Range Road within the HCC FHHA.

#### **HNZPT as Affected Party**

27. Under submission point 151.28, HNZPT sought an amendment to the inventory form of the HCC FHHA for the inclusion of the need to consult HNZPT as an affected party for any proposals within the HCC FHHA. This has not been included in the revised inventory form that is part of Schedule 8D Historic Heritage Areas.
28. In my view, there is benefit in this approach as this would give a consistency of conservation advice and information in relation to this important historic area at the time of consenting. As HNZPT has had the historic heritage area in place since 1994 they are very familiar with its historic heritage values. An important element sitting behind this request is that the HCC and HNZPT areas are aligned to ensure that this requirement is in place for any resource consent applications for this location. This aspect has been discussed above.

#### *Consequential Change*

29. I also note that there is a consequential change required to the 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 schedules including historic heritage areas.

#### **CONCLUSION**

30. 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 limit the potential for adverse effects to occur.
31. 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.

**Carolyn McAlley**

A handwritten signature in cursive script, reading "C. McAlley".

28 April 2023