

**Before the Hearings Panel  
Appointed by Central Hawkes Bay District Council**

**IN THE MATTER** of the Resource Management  
Act 1991

**AND**

**IN THE MATTER** of Central Hawkes Bay Proposed  
District Plan

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**STATEMENT OF EVIDENCE ON BEHALF OF HERITAGE NEW ZEALAND POUHERE TAONGA**

**DEAN RAYMOND - PLANNING**

**CENTRAL HAWKES BAY PROPOSED DISTRICT PLAN**

**HEARING STREAM 5 – SUBDIVISION AND EARTHWORKS**

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**INTRODUCTION**

1. My name is Dean Raymond. I have introduced myself at previous Proposed District Plan hearings, particularly Hearing Stream 4, which I attended in person.
2. Although this evidence is not prepared for an Environment Court hearing I have read the Code of Conduct for Expert Witnesses in the Environment Court Practice Note 2014 and have complied with it in when preparing this evidence. I have considered all the material facts that I am aware of that might alter or detract from the opinions I express. This evidence is within my area of expertise.
3. Heritage New Zealand Pouhere Taonga (HNZPT) made submissions and further submissions on the Central Hawkes Bay Proposed District Plan (PDP), including submission points on some of the chapters addressed in Hearing Stream 5 – specifically the earthworks and subdivision chapters.

## **SUBDIVISION**

4. Regarding the subdivision chapter, some aspects of this chapter which relate specifically to Historic Heritage have been addressed in hearing stream 4. There are also several matters which are also addressed in the 42A report for hearing stream 5.
5. I have read the 42A author's assessment of the submission points related to archaeological sites (paragraphs 6.3.8 to 6.3.11) and I concur with the comments in this section.
6. Regarding the matter of a new assessment matter addressing Historic Heritage, Sites and Areas of Significance to Māori (Paragraphs 10.3.28 to 10.3.32) I agree with the analysis and recommendations of the author. It is acknowledged that the new assessment matter (SUB-AMXX) includes reference to Notable Trees, Significant Natural Areas, Archaeological Sites, as well as scheduled Historic Heritage places and Sites and Areas of Significance to Māori.
7. The 42A author recommends a change to SUB-R7 (paragraph 10.3.100) to add the words including the setting of any historic heritage feature. This is inconsistent with the recommendations in the 42A report for the Historic Heritage Chapter (paragraph 14.3.9 of that report) which states 'it is inappropriate to have a rule for settings'. The broader topic of 'heritage settings' has been addressed in hearing stream 4, with the recommendation that the submission points related to settings be rejected. In the absence of *heritage setting* being included throughout the PDP, I agree with the 42A author for hearing stream 4 that it would not be appropriate to include a reference to settings in the subdivision chapter, and that the words *including the setting of any historic heritage feature* should not be added.

## **EARTHWORKS**

8. HNZPT included submission points on several aspects of the earthworks chapter, including requested amendments to EW-P7 and the introduction of a new standard to explicitly control earthworks on the site of scheduled historic heritage and sites and areas of significance to Māori.

9. Regarding EW-P7 I note that the 42A author has recommended that reference to Historic Heritage and Sites and Areas of Significance to Māori be added to EW-P7. I concur with this recommendation.
10. Regarding a new standard explicitly addressing earthworks on the site of scheduled heritage items and Sites and Areas of Significance to Māori the author has recommended (paragraphs 7.1 to 7.6) that this submission be rejected. The reasons given are that there is considerable overlap with the rules in the Historic Heritage (HH) and Sites and Areas of Significance to Māori (SASM) chapters, and that including the standard requested by HNZPT would create unnecessary duplication. The author further notes that SASM-R1 requires that *no activity destroy, damage, or modify* a site identified in Schedule 3, noting that the ‘activity’ referred to in this rule would include earthworks.
11. The very general rules in the SASM and HH chapters, for example SASM-R1 and SASM-R5, are beneficial as far as they are written to capture *any* activity which might damage or destroy a site. However in practice the rule framework would allow for a land owner or developer to undertake extensive earthworks in the vicinity of a significant site without the need for any consent. Uncontrolled earthworks is one of the most common ways significant archaeological and cultural sites are damaged or destroyed. There is a high risk that such activity, whether unintentional or deliberate, would damage significant heritage or cultural resources. This is exacerbated by the fact that the sites included in the PDP schedule are identified only by a point/marker on the map, and the extent of scheduled sites has not been identified in the Plan. The location of the HH or SASM marker on the maps may also not be accurate.
12. In Paragraph 7.3.6 the author refers to the Assessment Matters which come into play when a resource consent is applied for, including reference to Wāhi Tapu, sites of significance and archaeological sites. It is appreciated that these assessment matters are included in the plan. However, there is a high bar in the PDP for an activity to trigger a consent for earthworks. For example, EW-R2 (Ancillary Rural Earthworks) provides for 500m<sup>3</sup> of earthworks per annum. Even earthworks at a much smaller scale has the potential to damage or destroy significant sites.
13. Other District Plans often include specific provisions controlling earthworks on historic heritage and SASM sites. I refer the panel to the Proposed District Plans for New Plymouth and Porirua. Both of these PDPs include policies and rules in the HH and SASM chapters for

the control of earthworks. In my opinion the location of the provisions in the Plan does not matter (whether included in the Earthworks or the SASM chapters), but it does matter that such provisions are included.

14. I acknowledge that there is the potential for duplication between the processes of the District Plan and the Heritage New Zealand Pouhere Taonga Act 2014, with regard to the destruction of archaeological sites. The PDP has taken the approach that all archaeological sites are included in the planning maps for information purposes only, however the scheduled SASM and Historic Heritage sites are included in the Plan with an associated regulatory framework. My understanding of the inclusion of these places in the PDP schedules is because of their significance. In relation to earthworks an additional level of protection, with clear and unambiguous provisions, is warranted for these places.

15. Regarding the effect of earthworks on sites containing scheduled heritage items or buildings, the greatest potential for adverse effects is on Wāhi Tapu sites. While it is possible that earthworks can cause adverse effects on the setting or surrounds of a scheduled heritage building, the larger risk is for Wāhi Tapu and other Sites of Significance to Māori. With this in mind I suggest that the additional standard requested by HNZPT be amended to refer to SASM sites and scheduled Wāhi Tapu only, and not other scheduled heritage places.

16. I recommend that the following standard be added to the District Plan, and included in rules EW-R1, EW R3, EW-R4 and EW-R7 as a permitted activity standard:

*EW-S10 Earthworks within sites containing scheduled Wāhi Tapu places in SCHED2 or Sites and Areas of Significance to Māori in SCHED3*

*All Zones: 1. The earthworks are not within a site containing a scheduled Wāhi Tapu place in SCHED2 or a Site or Area of Significance to Māori in SCHED3, unless the earthworks are limited to interments in existing cemeteries or urupā.*

17. I have considered the proposed addition of this standard in relation to the requirements of Section 32AA. The following is my brief analysis:

- This proposed provision will improve the effectiveness of the district plan by specifically controlling earthworks on sites containing Wāhi Tapu and Sites of Significance to Māori.

- The proposed amendment is efficient, as although the PDP contains general provisions addressing ‘all activities’, a specific provision addressing earthworks is warranted to achieve the purpose of the Act to protect Historic Heritage
- The proposed provision effectively implements EW-O1, EW-P7, SASM-O1, SASM-P2, and TW-P9
- The risk of not acting is that the District Plan provision are inadequate to prevent the damage or destruction of significant Wāhi Tapu and other Māori sites
- In my view the proposed amendment will be more appropriate in achieving the purpose of the RMA



Dean Raymond

**Planner**

23 August 2022