

**Before the Hearings Panel  
Appointed by Wellington City Council**

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

**AND**

**IN THE MATTER** of Wellington City Proposed  
District Plan

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

**WELLINGTON CITY PROPOSED DISTRICT PLAN – HEARING STREAM 5**

**Planning Statement – Earthworks and Subdivision**

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**18 July 2023**

## **INTRODUCTION**

1. My name is Dean Raymond, and I am employed as Manager and Planner for Heritage New Zealand Pouhere Taonga (HNZPT) based in the Central Region Office, Wellington. I have outlined by qualifications and experience in the statement I prepared for Hearing Stream 1.
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 2023 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, except where I state that I am relying on the evidence of another person.

## **SCOPE OF EVIDENCE**

3. HNZPT made a submission and further submissions on the Wellington Proposed District Plan (PDP). I was involved in preparing the original submission on the PDP and also the further submission. The HNZPT submission included a number of submission points on the earthworks and subdivision chapters. I have been asked by HNZPT to assist by providing planning evidence on the PDP.
4. In preparing this evidence I have read the relevant submissions, further submissions, and the Section 42A reports prepared by Council staff and/or consultants.
5. The scope of my evidence covers matters relating to the earthworks and subdivision chapters of the PDP.

## **SUBDIVISION**

6. Several submitters have raised the issue of the clause contained in several subdivision policies (SUB-P10, SUB-P11, SUB-P12, SUB-P13), regarding *whether covenants or consent notices can be imposed on any new allotment*. I concur with the 42A author (paragraph 109) that these clauses should be deleted from the policies. In particular I agree that these tools (consent notices and covenants) are available to manage environmental effects when warranted, and that they are commonly used, regardless of whether or not a district plan policy makes explicit reference to them.

7. Regarding the request by Wellington Heritage Professionals for an additional policy explicitly for the protection of heritage values, the 42A author states that a new policy is not necessary or appropriate. In paragraph 386 the author states that in her view the provisions across the subdivision chapter and the historic heritage chapter adequately cover policy direction for subdivision and development as it relates to historic heritage. I agree with the author regarding this matter.
8. Regarding SUB-P10, I concur with the recommended changes to this policy as shown in paragraph 404. The additional clauses will enable a broader evaluation of subdivision proposals and the potential effects on heritage values. In my view the recommended addition to SUB-P10 to a large extent gives effect to the request for an additional policy focussing on the protection of heritage values.

## **EARTHWORKS**

9. Regarding the author's recommendation on submission points related to EW-O1 (paragraphs 146 to 157), I do not agree with the conclusions and recommendations on this objective. I provide reasons for my opinion below.
10. In paragraph 149 the author states that the intent of EW-O1 is to address *core effects that are relevant to all earthworks*. The amendment sought by HNZPT submission would broaden the scope of this objective to adverse effects 'on the environment', rather than the consideration of effects being limited to 'visual amenity values, including changes to natural landforms'.
11. The author refers to the guidance material available on the Quality Planning website. I note that this guidance refers to a range of potential effects of earthworks, including water quality, visual, dust, noise, natural hazards, natural landforms, vegetation, and heritage values.<sup>1</sup> EW-O1 as notified limits the scope of adverse effects to 'visual amenity values, including changes to natural landforms.' The HNZPT submission seeks to broaden the scope of the objective to refer to 'adverse effects on the environment, including ...visual amenity values and changes to natural landforms.'

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<sup>1</sup> <https://www.qualityplanning.org.nz/sites/default/files/2018-11/Managing%20Earthworks.pdf>

12. I note that the HNZPT submission does not request that the scope of the objective be limited to consideration of historic heritage values, or even that there is a particular focus on these values. Rather, the requested change would broaden the scope, while still retaining specific reference to visual amenity and natural landforms.
13. In my view it would be appropriate for EW-O1 to be broadened to encompass a wider range of potential effects on the environment. I disagree that this would duplicate the objectives of other district-wide objectives such as HH-O2. My recommendation to the hearing panel is that EW-O1 is amended as requested by HNZPT, as shown below:

**EW-O1 Management of earthworks**

Earthworks are undertaken in a manner that:

1. Is consistent with the anticipated scale and form of development in the relevant zone;
2. Minimises adverse effects on the environment, including effects on visual amenity values and, including changes to natural landforms;
3. Minimises erosion and sediment effects beyond the site;
4. Minimises risks associated with slope instability; and
5. Protects the safety of people and property.

14. In my view the amendment shown above is the most appropriate way to achieve the overall objectives of the Proposed District Plan. In particular, it is appropriate that the only objective specifically relating to earthworks addresses a wide range of potential effects on the environment. The amended objective provides a much better fit with the range of policies in the earthworks chapter. The recommended amendment will not have any greater environmental, social, or cultural effects than the notified provisions.
15. The Kāinga Ora submission on objective EW-O1 requested changing the wording from 'visual amenity values' to 'the appearance of natural land forms'. While I agree that 'natural land forms' is a very important matter to be considered, in my view it is not appropriate to constitute the sole consideration of environmental effects.
16. Earthworks policy EW-P7 refers to earthworks on the site of heritage buildings, heritage structures, and within heritage areas. HNZPT submitted that the policy should, for consistency, also refer to earthworks within scheduled archaeological sites and Sites and Areas of Significance to Māori (SASM). The HNZPT submission points on EW-R8 and EW-S10 essentially repeat the same point.

17. The 42A author acknowledges (paragraph 343) that HNZPT is seeking consistency in the policy framework for historical and cultural values to include scheduled archaeological sites and Sites of Significance to Māori, however she considers that both scheduled archaeological sites and SASMs *have a bespoke carve out in the PDP* and as such the amendment sought is not appropriate.
18. I have considered the *bespoke* heritage and SASM provisions referred to in the 42A report, and I agree with the observation (paragraph 329) that with regards to archaeological sites earthworks and modification of sites are inherently linked. As such I concur with the author that Policy EW-P7 should not be amended.
19. I agree with the recommendation (paragraphs 338 and 339) to include specific reference to the Historic Heritage and Sites and Areas of Significance to Māori chapters in the earthworks introductory section. This addition to the earthworks chapter introduction will help to direct plan users to other relevant parts of the plan.
20. Regarding the recommendation in paragraph 338 for a reference to the Heritage New Zealand Pouhere Taonga Act 2014 and the need for an archaeological authority, in general I am in agreement with the recommended addition. However, the wording needs to be slightly amended to be more consistent with standard archaeological practice and understanding. The words ‘recorded or discovered’ convey the same meaning as ‘present or uncovered’, but are more precise, referring to sites recorded in the New Zealand Archaeological Association database, and sites discovered in the course of works.
21. I recommend the following change to the introductory section as recommended in paragraph 338 of the 42A report:

In accordance with the Heritage New Zealand Pouhere Taonga Act 2014, where an archaeological site is recorded or discovered ~~present (or uncovered)~~, an authority from Heritage New Zealand is required if the site is to be modified in any way.



**Dean Raymond**  
**18 July 2023**