

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

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

**AND**

**IN THE MATTER** of Porirua Proposed District Plan

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

**PORIRUA PROPOSED DISTRICT PLAN**

**Planning Statement – Earthworks**

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**11 January 2022**

1. My name is Dean Raymond, and I am employed as a Planner for Heritage New Zealand Pouhere Taonga (HNZPT) based in the Central Region Office. I have provided my qualifications and experience in the evidence provided for hearing stream 3 in relation to historic heritage and sites and areas of significance to Māori.
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. HNZPT made submissions and further submissions on the Porirua Proposed District Plan (PDP). I was involved in preparing both the original submission and the further submission. 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 report prepared by Council staff and/or consultants.
5. HNZPT had submitted on the earthworks chapter regarding the note on archaeological sites (included in the chapter introduction) and also the advice note located at the end of the earthworks chapter. The submission was that these sections be put into an appendix. HNZPT also submitted on the historic heritage and sites and areas of significance to Māori (SASM) chapters that the notes included in the chapter introductions on archaeological authority process be similarly placed into an appendix, with cross references as necessary.
6. The historic heritage and SASM 42A report recommends that this submission point is adopted, and that an appendix is drafted (Appendix 16).
7. The introductions to both the historic heritage and SASM chapters contain paragraphs outlining the archaeological authority process. The wording of these provisions is similar but not the same as the wording of the note/advice note clauses in the earthworks chapter.
8. The 42A report for the earthworks chapter recommends that the introductory note be retained and the following reference added regarding proposed appendix 16: The

Archaeological Authority Process under the Heritage New Zealand Pouhere Taonga Act 2014 is outlined in Appendix 16. I agree with this recommendation.

9. For the advice note at the end of the earthworks chapter the 42A author recommends that this section is deleted and replaced with the following sentence referring to Appendix 16: Information on accidental discovery protocol and Archaeological Authority Process under the Heritage New Zealand Pouhere Taonga Act 2014 is outlined in Appendix 16. I am also in agreement with this recommendation.
10. The hearing panel has asked me to provide some suggested amended wording to the appendix proposed by the 42A author for the historic heritage chapter. HNZPT wrote to the panel, suggesting that this advice would be best given at the earthworks hearing so that the provisions relating to all three chapters can be heard together.
11. In my opinion the first two paragraphs in proposed Appendix 16 can be retained, as these sections describe the legal framework for archaeological sites under the Heritage New Zealand Pouhere Taonga Act 2014. The second two paragraphs in Appendix 16 outline a sort of abbreviated accidental discovery protocol (ADP). The earthworks chapter advice note contains a fuller and more complete ADP. My preference is that the version currently in the earthworks chapter advice note are used in Appendix 16.
12. This section (Currently an advice note in the earthworks chapter) comprises an appropriately worded accident discovery protocol, and appropriately refers to 'iwi groups'. Te Rūnanga o Toa Rangatira may wish to comment on this provision, regarding whether this iwi identity should be specifically named as the appropriate iwi group within the Porirua rohe.
13. I have shown my recommended amendments to proposed Appendix 16 below, using underline and ~~strikeout~~.
14. My recommendations for amendments to these provisions are in essence a case of re-arranging existing plan provisions. For this reason I am only providing a brief Section 32AA evaluation as follows:

- The amendments will provide for a much greater level of consistency between plan provisions and will provide an appropriate and accurate reference to other statutory processes.
- The amendments will improve plan efficiency by reducing unnecessary repetition between chapters.
- The risk of not acting is that the plan provisions would remain confusing and potentially inconsistent
- There are also benefits in that the proposed provisions appropriately refer to iwi groups or kaitiaki representatives.



**Dean Raymond**

**11 January 2022**

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## **Appendix 16 - Archaeological Authority Process**

Under the Heritage New Zealand Pouhere Taonga Act 2014 it is unlawful to destroy, damage or modify an archaeological site (regardless of whether the site is identified in the District Plan or not) without obtaining an archaeological authority from Heritage New Zealand Pouhere Taonga (HNZPT) before you start work. An archaeological authority is required in addition to any resource consents required by the Council.

An archaeological site is defined in this act as any place in New Zealand (including buildings, structures or shipwrecks) that was associated with pre-1900 human activity, where there is evidence relating to the history of New Zealand that can be investigated using archaeological methods.

~~If you discover a previously unknown archaeological site (for example, when you are conducting earthworks) you must stop any work that could affect it and contact HNZPT for advice on how to proceed.~~

~~The Police will also need to be notified if human remains are revealed. If any artefacts are found, they must be handed over to the Ministry for Culture and Heritage.~~

In the event that an unidentified archaeological site or a waahi tapu site is located during works, the following applies:

- a. Work must cease immediately at that place and within 20m around the site;
- b. Heritage New Zealand Regional Archaeologist must be notified and apply for the appropriate authority if required;
- c. Appropriate iwi groups or kaitiaki representative must be notified of the discovery. Site access must be granted to enable appropriate cultural procedures and tikanga to be undertaken, as long as all statutory requirements under legislation are met (Heritage New Zealand Pouhere Taonga Act 2014);
- d. If human remains (koiwi) are uncovered then the Heritage New Zealand Regional Archaeologist, NZ Police and the appropriate iwi groups or kaitiaki representative must be notified. Remains are not to be moved until such time as iwi and Heritage New Zealand have responded; and
- e. Works affecting the archaeological site and any human remains (koiwi) must not resume until appropriate authority and protocols are completed.