



Patron:
His Excellency The Hon
Anand Satyanand, PCNZM
Governor General of New Zealand

Executive Summary of New Zealand Historic Places Trust / Pouhere Taonga to the Hauāuru Mā Raki Proposed Waikato Wind Farm by Contact Wind Ltd and Contact Energy Ltd – Notices of Requirement and applications for resource consent.

1. Introduction

- 1.1 This executive summary will highlight the main points of the New Zealand Historic Places Trust submitted evidence to the Contact Wind Ltd and Contact Energy Ltd Notices of Requirement and applications for resource consent. It includes a brief summary of the key statutory functions that facilitate the submission and identifies key points for the success of the project in terms of heritage outcomes.
- 1.2 The evidence for effects on archaeological resources is covered in Dr Rachel Darmody's evidence (Appendix A).
- 1.3 Please note that our submission covers both the Franklin region of the proposed wind farm as well as the Waikato region.

2. Statutory Functions

- 2.1 The New Zealand Historic Places Trust (NZHPT) is New Zealand's leading national heritage agency and guardian of New Zealand national heritage. Our work is shaped by the Historic Places Act 1993.

- 2.2 Historic Places Act 1993 provides for the identification, protection and conservation of the historic and cultural heritage of New Zealand.

Under section 2 of the HPA, an archaeological site is defined as a place associated with pre-1900 human activity, where there may be evidence relating to the history of New Zealand.

- 2.3 Resource Management Amendment Act (RMA) 2003 established that the protection of historic heritage from inappropriate subdivision, use and development should be recognised as a matter of national importance.

3. Submission of the New Zealand Historic Places Trust

- 3.1 The New Zealand Historic Places Trust made one submission to the Hauāuru Mā Raki – Proposed Waikato Wind Farm

3.2 Submission 1: Potential adverse effects on archaeological resources

3.2.1 This submission point was based on the provision that all Notices of Requirement and applications for resource consents were in respect of potential adverse effects on archaeological resources

4. The main points of submitted evidence

4.1 Submission 1: Potential adverse effects on archaeological resources

The NZHPT neither supports nor opposes the proposal as a whole.

The Historic Places Act 1993 provides for the identification, protection and conservation of the historic and cultural heritage of New Zealand. Under HPA section 2, an archaeological site is defined as a place associated with pre-1900 human activity, where there may be evidence relating to the history of New Zealand.

4.2 Effects on Archaeological Resources

4.2.1 The proposed wind farm is located where archaeological sites have been identified.

4.2.2 In recognition of this Contact Energy have applied for and have been granted Archaeological Authorities under the Historic Places Act 1993 which cover the whole of the project area.

4.2.3 Effects on archaeological resources will be carefully managed by the detailed conditions set out on the authority decisions (see Appendix B).

5. Summary

5.1 In heritage terms the NZHPT does not support or oppose the Hauāuru Mā Raki – Proposed Waikato Wind Farm

5.2. The NZHPT is concerned to ensure that Contact Wind Ltd, Contact Energy Ltd and the Board of Inquiry is fully aware of the potential for the overlapping jurisdiction between the Resource Management Act 1991 (RMA) and the Historic Places Act 1993 in relation to the proposed designation and resource consent conditions

- 5.3 Clarification should be made regarding the way in which the conditions imposed under the two Acts will work in practice. We consider that overlaps should be kept to a practical minimum.
- 5.4 The NZHPT suggests that;
- (i) the conditions as detailed in the document "Notices of Requirement, Part B, Schedule 3 Proposed Restrictions and Condition", that apply to the Notices of Requirement should remain in their present form,
- with the exception of
- (ii) conditions relating to the resource consent work and works which will require Authority under the HPA which should form specific conditions that would be attached to an authority issued by the NZHPT.
- 6 NZHPT seeks the following decision from the Board of Inquiry:
- 6.1 That the Hauāuru Mā Raki – Proposed Waikato Wind Farm Notices of Requirement be recommended for confirmation and resource consents recommended for approval but with the following advice note:
- 6.2 *The Hauāuru Mā Raki – Proposed Waikato Wind Farm affects archaeological sites and is, therefore, subject to a separate consent process under the Historic Places Act 1993. An authority (consent) from the New Zealand Historic Places Trust (NZHPT) must be obtained for the work prior to commencement. It is an offence to damage or destroy a site for any purpose without an authority. The Historic Places Act 1993 contains penalties for unauthorised site damage. The requiring authority, applicant and/or consent holders are reminded of the need to comply with all conditions of authorities that may be granted by the NZHPT for this project under the Historic Places Act 1993.*

Signed on behalf of the NZHPT by:


Bev Parslow

Acting General Manager – Northern Region

26 March 2009

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Taonga to the Hauāuru Mā Raki Proposed Waikato Wind Farm by
Contact Wind Ltd and Contact Energy Ltd – Notices of Requirement
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**BEFORE THE BOARD OF INQUIRY
HAUURU MA RAKI WIND FARM PROPOSAL**

IN THE MATTER of the Resource Management Act 1991

A N D

IN THE MATTER Notices of Requirement and resource consent applications by Contact Wind Limited and Contact Energy Limited in respect of the Hauauru Ma Raki Wind Farm Proposal

BETWEEN NZ HISTORIC PLACES TRUST

A N D CONTACT WIND LIMITED AND CONTACT ENERGY LIMITED

STATEMENT OF EVIDENCE OF DR RACHEL SARAH DARMODY

Introduction

1. My name is **Rachel Sarah Darmody**. I have a BA Hons, M.A. and a PhD in anthropology from the University of Otago.
2. I am currently employed by the New Zealand Historic Places Trust (NZHPT) as the Regional Archaeologist for the Lower Northern Region. In that role I am responsible for providing archaeological advice and for administering the NZHPT's statutory role relating to the processing of archaeological authorities in the Lower Northern Region. I have been employed by the NZHPT since February 2001 and have worked on over 600 authority applications. Prior to that I worked for the Clutha District Council as a strategic planner.
3. I have 15 years experience in archaeology and have been a member of the New Zealand Archaeological Association (NZAA) since 1994. I have been the NZAA Filekeeper for the Bay of Plenty since 2003 and the NZAA Site Recording Co-ordinator since 2005. I am a former council member of NZAA.

Scope of evidence

4. My evidence addresses archaeological aspects of the Waikato Wind Farm specifically in relation to the NZHPT's regulatory role in implementing the archaeological provisions of the *Historic Places Act 1993* (HPA).

The impact of the Wind Farm on archaeological sites

5. The HPA defines an archaeological site as a place associated with pre-1900 human activity where there may be evidence relating to the history of New Zealand.
6. Much of the proposed Wind Farm is located within an impressive archaeological landscape where the sites are large, complex and generally in good condition. They consist primarily of pa, pits and terraces relating to pre-European Maori occupation.
7. The archaeology of this section of the Waikato coastline was not well-surveyed until the Wind Farm project required comprehensive assessments. The base line data gathered by Clough and Associates has contributed greatly to our knowledge of this area, with a large number of previously unrecorded sites having been identified.

8. Overall the proposed Wind Farm will affect a small, but representative cross-section of sites and this provides an opportunity to collect important information about the archaeology of Waikato's west coast.

The Historic Places Act 1993 (HPA)

9. The HPA requires any person wishing to destroy, damage, or investigate any archaeological site in New Zealand to apply to the NZHPT for an authority to do so. The NZHPT administers the archaeological authority process in a way that protects archaeological sites wherever possible. Where protection of archaeological sites cannot be achieved, it ensures that significant information is retained and documented.
10. The archaeological authority process is designed to regulate the damage or destruction of archaeological sites. It ensures that any work undertaken in areas with evidence of pre-1900 occupation is done in a way that allows the maximum amount of information to be obtained, and for key sites to be excluded from any proposed development.
11. Receipt of an archaeological authority application enables the NZHPT to manage the way in which New Zealand's archaeological sites are treated. This includes being able to look at the nature of the work intended by the applicant and setting conditions that will ensure that if it is allowed to proceed, it is undertaken appropriately.
12. The process of assessing an application for an archaeological authority involves weighing up the relative archaeological and Maori/cultural values of the site for which the application has been applied. The authority is assessed in parallel by an archaeologist and a Pouhere/Maori Heritage Advisor. They have responsibility for providing the Senior Archaeologist at National Office with a recommendation and draft authority conditions where appropriate.
13. In making decisions on authority applications, the NZHPT adopts a case-by-case approach having regard to the particular relevant circumstances.
14. The NZHPT's Chief Executive, Kaihautu and National Heritage Policy Manager are the only members of staff with delegated authority from the NZHPT Board to approve the granting or declining of an archaeological authority.

15. It is important to note that an authority is required whether or not the land on which the site is located is designated, or a resource or building consent has been issued. The NZHPT also has the ability to decline an authority.
16. Once a decision has been made the applicant is advised in writing and any affected parties are provided with copies, as the NZHPT's decision may be appealed under section 20 of the HPA.

Wind Farm authorities

17. Contact Wind Limited and Contact Energy Limited applied for, and were granted, eleven authorities for the extent of the project. The authorities cover: the installation of turbines and the construction of associated roads and infrastructure; the transmission corridor; and activities associated with public road upgrades. Three of the authorities granted were precautionary. By this I mean that no recorded archaeological sites will be affected by the proposed works, however the applicant has taken a cautious approach to provide for the possibility that unrecorded sites will be encountered. The other eight authorities will affect recorded and unrecorded archaeological sites. However it should be noted that in each area covered by an authority, the applicant has taken steps to avoid recorded archaeological sites where possible.
18. The conditions of the authorities require comprehensive investigations of the archaeological sites (pursuant to section 15 of the Act) where they are directly affected by the development. The conditions of the authorities also require archaeological monitoring of sites where appropriate. All archaeological work must be undertaken in accordance with the comprehensive research strategy and management plan prepared by Dr Rod Clough. This document will direct the archaeological investigation work and provide operational guidelines and procedures for day to day activities that may affect archaeological sites during earthworks for the Wind Farm.

HPA and RMA

19. The NZHPT has a regulatory role in implementing the archaeological provisions of the HPA. Specific conditions relating to the management of archaeological resources affected by the Wind Farm have been imposed under the HPA.

20. The NZHPT's main concern is to ensure that conditions imposed under the RMA do not conflict with the authorities, which have already been granted. The NZHPT wants to ensure that conditions are not unnecessarily duplicated under the RMA, as this has the potential to cause confusion for the applicant and increase the risk of accidental damage to archaeological sites.
21. NZHPT requests that any general conditions imposed under the RMA relating to archaeology are kept to a practical minimum. We would recommend an advice note be included on all resource consents and Notices of Requirements relating to the procedure under the HPA. Any specific conditions relating to the detail of the construction works in relation to archaeology should be left to the authorities issued by the NZHPT.
22. The Board should be assured that archaeological matters are properly provided for under this approach. The authority process under the HPA is comprehensive, as outlined above. Furthermore the conditions are carefully monitored by NZHPT, who have archaeologists dedicated to compliance monitoring of archaeology.

Conclusions

23. The NZHPT's submission has sought to clarify the way in which the conditions imposed under the HPA and RMA, in relation to archaeology, will work in practice.
24. The NZHPT has the statutory responsibility for the implementation of the archaeological provisions of the HPA. In doing so it is always mindful of the resource at issue and the frequency of its occurrence in New Zealand, to ensure that representative examples of all types of archaeological sites are preserved. When the preservation of all sites is not possible, it sets detailed conditions for the appropriate recovery of archaeological information.
25. The eleven authorities granted for the Waikato Wind Farm provide for both the preservation and modification of archaeological sites. NZHPT has set detailed conditions on the authorities to manage recorded archaeological sites and provide for the accidental discovery of unrecorded archaeological sites during construction.
26. NZHPT requests that any general conditions imposed under the RMA relating to archaeology are kept to a practical minimum. We would recommend an advice note be included on all resource consents and Notices of Requirements relating to the procedure under the HPA. Any specific conditions relating to the detail of the

construction works in relation to archaeology should be left to the authorities issued
by the NZHPT.



Dr Rachel Darmody
26 March 2009