



File Ref: 3561/061  
LA: 061 RC

31 October 2008

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

**FreePost HMR Call In**  
Minister for the Environment  
PO Box 10362  
The Terrace  
Wellington 6143

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**Submission of New Zealand Historic Places Trust/Pouhere Taonga on Contact Wind Ltd and Contact Energy Ltd Applications for Resource Consent and Notices of Requirement**

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Thank you for your letter, dated 18 September 2008, notifying the New Zealand Historic Places Trust (NZHPT) of the application for resource consent and notices of requirement by Contact Wind Ltd and Contact Energy Ltd. The NZHPT also appreciates visiting the project area on 29 August 2007 and the opportunity to discuss with you the proposed work.

**This submission is in relation 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.

**NZHPT's submission relates to:**

All Notices of Requirement and applications for resource consents in respect of :

1. Potential adverse effects on archaeological resources.

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**Submission 1:** Potential adverse effects on archaeological resources.

**The NZHPT neither supports nor opposes the proposal:**

The NZHPT recognises the work completed in the archaeology report by Clough and Associates Ltd June 2008, and would like to acknowledge the design adjustments made to the proposal following consultation with NZHPT in September 2007. The adjustments attempt to avoid archaeological sites where possible so as to reduce the impact on archaeological values.

The NZHPT would like to advise Contact Wind Ltd, Contact Energy Ltd and the Board of Inquiry of the statutory requirements of the Historic Places Act 1993:

The Historic Places Act 1993 (HPA) 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.

The Archaeological Assessment has identified that the Hauāuru Mā Raki Wind farm has the potential to destroy, damage or modify archaeological sites. Section 10(1) of the Historic Places Act 1993 provides:

*Except pursuant to an authority granted under section 14 of this Act, it shall not be lawful for any person to destroy, damage, or modify, or cause to be destroyed, damaged or modified, the whole or any part of any archaeological site, knowing or having reasonable cause to suspect that it is an archaeological site.*

The NZHPT confirms the requirement for archaeological authorities under the HPA in order for this project to proceed lawfully. As the regulatory agency NZHPT is charged with making a decision whether or not to issue an Archaeological Authority.

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#### **Proposed designation and resource consent conditions.**

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

The NZHPT notes the proposed recommendations as detailed in the Clough and Associates report "Hauāuru Mā Raki Wind Farm. Assessment of Effects (Archaeology) June 2008". These recommendations are referenced in the document "Notices of Requirement, Part B, Schedule 3 Proposed Restrictions and Condition", under the heading of "Protocol for Accidental Discovery of Archaeological Remains". It is proposed that these conditions be used for each of the proposed projects or works which are the subject of the notices of requirement.

While the NZHPT is not opposed to the proposed conditions as recommended in the Report, the current wording may cause confusion. We wish to clarify 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.

For this reason we suggest that 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 its present form, but that conditions relating to the resource consent work and works which will require an authority under the HPA should be made as part of the more specific conditions that would be attached to an authority issued by the NZHPT.

This approach would minimise any risk of potential confusion as to the requirement and the responsibilities of contractors, in the event that the authority conditions were more specific (as they are likely to be) than the notice of requirement conditions.

The NZHPT is, therefore, seeking to ensure the conditions do not absolve the requiring authority, applicant or consent holders, of their legal obligations under the Historic Places Act to comply with the conditions of any authorities that may be granted by the NZHPT for this project.

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**NZHPT seeks the following decision from the Board of Inquiry:**

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:

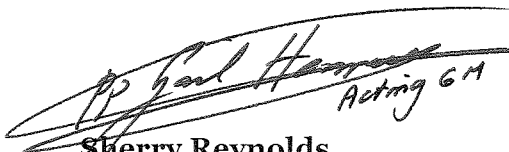
- The following advice note be included in all Resource Consent applications and Notices of Requirement:

*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.*

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**The NZHPT wishes to be heard in support of its submission**

Signed on behalf of the NZHPT by:



Sherry Reynolds  
Acting GM

**Sherry Reynolds  
General Manager – Northern Region**

**Cc: Contact Energy Limited – Hauāuru Mā Raki**  
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