



New Zealand
Historic Places Trust
Pouhere Taonga

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Lower Northern Region

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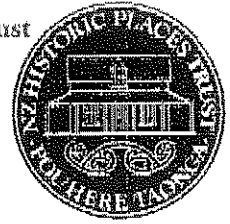
To: Minister for the Environment	From: Mike Vincent
Fax: 04 439 7700	Date: 5 October 2007
Phone:	Pages: 5 + 1
Re: Grid Upgrade Submissions	CC: 04 819 7624

Please find attached The New Zealand Historic Places Trust submission to Transpower's Notice of Requirement and applications for Resource Consent

Regards

Mike Vincent
Heritage Advisor - Planning

New Zealand Historic Places Trust
Pouhere Taonga



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

3 October 2007

File: EW. LBY 002
NZHPT ref:2433021

Minister for the Environment
FreePost Grid Upgrade Submissions
PO Box 4405
Hamilton East
Hamilton 3247

**Submission of New Zealand Historic Places Trust/Pouhere Taonga to
the Notices of Requirement and resource consent applications by
Transpower New Zealand Ltd for the North Island Grid Upgrade Project**

Thank you for your letter, dated September 2007, notifying the New Zealand Historic Places Trust (NZHPT) of the Notices of Requirement for designation and resource consents for the Transpower New Zealand Limited North Island Grid Upgrade Project - the proposed new Whakamaru to Auckland Electricity Transmission Line.

This submission is in relation to: Transpower New Zealand Limited North Island Grid Upgrade Project - Notices of Requirement and resource consents for the proposed new Whakamaru to Auckland Electricity Transmission Line.

The provisions to which the NZHPT's submission relates to:

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

1. whether the proposal recognises and provides for the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, wahi tapu, and other taonga as a matter of national importance under section 6(e) of the RMA; and
2. whether the proposal recognises and provides for the protection of historic heritage from inappropriate subdivision, use and development as a matter of national importance under section 6(f) of the RMA.

Submission point 1: Effects on Cultural Heritage Resources
The NZHPT's submission is:

The NZHPT neither supports nor opposes the proposal as a whole. Under section 6(f) of the RMA, there is a duty for those carrying out RMA functions to recognise and provide for the protection of historic heritage as a matter of national importance. The RMA definition of historic heritage includes archaeological sites and

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sites of significance to Maori (including wahi tapu). Section (e) of the RMA also requires RMA decision makers to recognise and provide for the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, wahi tapu, and other taonga as a matter of national importance.

In order to ensure that the above Part II matters are appropriately considered, the NZHPT is concerned to ensure that the cultural impact assessment is adequate in its identification of sites of significance to Maori, its assessment of effects of the proposal on cultural heritage values associated with the identified sites, and its recommendations for means by which any adverse effects could be avoided, remedied or mitigated.

Identification of sites of significance to Maori and assessment of effects on cultural heritage values

The NZHPT notes that the Cultural Impact Assessment provides a general overview of the cultural resources that could be affected by the proposed project. The NZHPT also welcomes the applicant's intent to avoid sites of significance to Maori. However, in order for such sites to be avoided, the applicant needs to be certain of the location and nature of any sites of significance to Maori within the project area.

The NZHPT is concerned that the identification of sites of significance to Maori that will be affected by the project (along the route) has been insufficient. It appears to have been based on desk-top assessments for the private lands and surveys of some Maori lands. The location of access roads, stream crossings, sub-stations, wire launching corridors and other ancillary structures/services that support the project also do not appear to have been surveyed for effects on Maori values.

The NZHPT is also concerned that, without certainty that all sites of significance to Maori have been identified, that the project's assessment of environmental effects has been unable to assess the effects of the proposal on the cultural heritage resources within the project area or to recommend appropriate means by which any adverse effects can be avoided, remedied or mitigated. As such, the NZHPT is concerned that the proposal does not recognize and provide for section 6(e) and section (f) matters of national importance.

Additional consultation with iwi/hapu may be required to assist with the identification of sites of significance to Maori (perhaps with appropriate resource management/environmental units) in terms of the location, nature and significance of any sites of significance to Maori or cultural heritage resources within the project area.

NZHPT seeks the following decisions from the Board of Inquiry:

That the Transpower New Zealand Ltd North Island Grid Upgrade Project designations be recommended for confirmation and consents recommended for approval, but with the following modifications/conditions/advice notes:

- The applicant undertakes further study to identify the location, nature and significance of any sites of significance to Maori within the project area, so that they are avoided where possible or appropriate means to remedy or mitigate adverse effects proposed. This may require additional consultation with iwi/hapu.
- The proposed protocol for dealing with koiwi or taonga, sites of significance, wahi tapu, heritage sites and archaeological sites is included as a condition in each notice of requirement for designation and resource consent decision notice subject to the amendment to its wording sought in submission point 2 below.

If you wish to discuss this submission point, please contact Dave Robson, Maori Heritage Manager, NZHPT (09 307-6952)

Submission 2: Effects on Archaeological Resources
The NZHPT's submission is:

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

The NZHPT recognises the work completed in respect to the archaeology report by Bioresearches Limited and would like to advise Transpower New Zealand Ltd and the Board of Inquiry of the statutory requirements of the Historic Places Act 1993:

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.

The Archaeological Assessment has identified that pre-1900 archaeological evidence will be disturbed by the North Island Grid Upgrade Project. 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 is meeting with Transpower New Zealand Ltd to confirm the requirement for archaeological authorities under the HPA in order for this project to proceed lawfully.

The NZHPT also notes there is proposed protocol for dealing with koiwi or taonga, sites of significance, wahi tapu, heritage sites and archaeological sites that are accidentally discovered during works. While the NZHPT is not opposed to this

protocol being included as a condition in each notice of requirement for designation and resource consent decision notice, the current wording will cause confusion.

The NZHPT is, therefore, seeking an amendment to the protocol to make clear that the protocol and its procedures do not absolve the requiring authority, applicant or consent holders, or signatories of the protocol or the responsible officer or supervisor (as defined in the protocol) of their legal obligations under the Historic Places Act 1993 to obtain archaeological authorities from the NZHPT or to comply with the conditions of any authorities that may be granted by the NZHPT for this project.

NZHPT seeks the following decision from the Board of Inquiry:

That the Transpower New Zealand Ltd North Island Grid Upgrade Project designations be recommended for confirmation and consents recommended for approval but with the following modifications or conditions/advice note:

- The following advice note be included in all resource consent applications and Notices of Requirement:

The North Island Grid Upgrade Project 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.

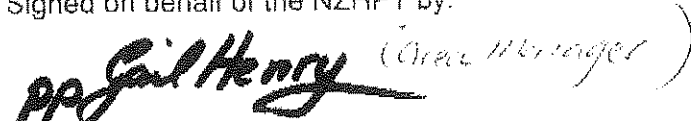
- The protocol for dealing with koiwi or taonga, sites of significance, wahi tapu, heritage sites and archaeological sites that are accidentally discovered during works be amended as follows:

Section 1: Background: add following new paragraph at 1.8: *The North Island Grid Upgrade Project 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. This protocol and its procedures do not absolve the requiring authority, applicant or consent holders, or signatories of the protocol or the responsible officer or supervisor (as defined in the protocol) of their legal obligations under the Historic Places Act 1993 to obtain archaeological authorities from the NZHPT or to comply with the conditions of any authorities that may be granted by the NZHPT for this project.*

If you wish to discuss this submission point, please contact Project Leader for the North Island Grid Upgrade Project, Gail Henry, Area Manager Lower Northern, NZHPT (07 578 1219)

The NZHPT wishes to be heard in support of its submission

Signed on behalf of the NZHPT by:


Gerry Reynolds
General Manager – Northern Region

3 October 2007

cc: The National Grid Upgrade Project, Transpower, FreePost 182915, PO Box 1021, Wellington