

# CENTRAL PLAINS WATER ENHANCEMENT SCHEME

## Supplementary Report for Archaeological Peer Review

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Prepared for Selwyn District Council

by

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## 1 BACKGROUND

Southern Pacific Archaeological Research was commissioned by Nick Boyes of Resource Management Group to undertake a peer review of the information provided by the requiring authority in respect of archaeological sites. The aim of the peer review (Jacomb 2007) was to determine whether sufficient information had been provided by the requiring authority to enable the consenting authority to make informed decisions in respect of the resource consents and recommendations on the notices of requirement. The following is a summary of the original report and includes comments on new information that has been provided wither by the applicant or by submitters.

I should state at the outset that the new information has not changed the conclusions presented in my original report except to provide them with further support. My conclusions then were that no meaningful conclusions about the effects of the proposal on heritage could be drawn by the consenting authority from the archaeological work carried out by the applicant. I listed six items of information that were missing from the application which would be required before the consenting authority would be in a position to make an informed decision (see Executive Summary from my full evidence attached here as Appendix 1).

In this summary report I discuss and assess each item of new information that has come to my attention since my original report was released. I then explain how this information has affected the conclusions reached in my original report. I finish with comments on the applicant's proposed conditions attached to Cliff Tipler's latest evidence.

## 2 DISCUSSION ON THE NATURE OF ANY NEW INFORMATION PRESENTED.

- In his summary of evidence presented at the hearing in early March, the Consultant (Dr Habberfield-Short) gave the Pegasus Town archaeology mitigation as an example of how well the proposed approach by CPW would work in respect of archaeological sites. He misses the very important point that, to the contrary, at Pegasus Town, a comprehensive archaeological survey, including subsurface investigation carried out at the request of Ngai Tahu, was carried out in advance of the application for a plan change. To the best of my knowledge the CPWES is the first large-scale project in recent times in which it is proposed that the archaeological survey is left until after the RMA decision. Examples of such projects where the full assessment was carried out in advance of the RMA application (thus providing the opportunity to avoid any sites or other heritage features at the design stage rather than after a designation is in place) include the following:

Project Aqua hydro scheme (Waitaki valley)

Project Westwind windfarm (Makara)

Wellington Inner City Bypass

Pegasus Town

Auckland International Airport extension

Project Hayes windfarm, Otago

Mahinerangi Windfarm, Otago  
Pohokura Oil and gas, Taranaki  
Kupe Oil and Gas, South Taranaki  
Bell Block Bypass, Taranaki  
State Highway passing lanes project, nationwide

- The Consultant's evidence that was released on 1 February 2008 differed in some ways from the version I reviewed in my original report (released in June 2007). Two significant differences are as follows:
  1. The June 2007 version included a *Recommendation 4*, that an assessment be carried out of "the cumulative impact of both the proposed earthworks and the future effects of the irrigation-linked land-use intensification on the archaeological resource". This recommendation, which was one that I supported in my original report, is absent from the 1 February 2008 evidence although no explanation is given for its removal.
  2. The June 2007 version had no assessment of significance of the archaeological sites likely to be affected by the CPWES. The lack of such an assessment was one of the key criticisms in my original report, which noted that it would be necessary to survey the scheme footprint and identify the sites before their significance could be assessed. A cursory assessment has been added to the Consultant's 2008 evidence but it only covers the known sites (necessarily so, since the scheme footprint has not been the subject of an archaeological survey). Therefore, my original conclusion to the effect that a significance assessment has not been provided is unchanged.
- There are three submissions from Ngai Tahu that make reference to archaeological sites. The first, by David O'Connell, notes that Ngai Tahu has been asking since its 2001 Cultural Impact Assessment (reiterated in its CIA of 2005) that an archaeological survey was needed before the effects of the scheme on sites of cultural significance could be assessed by Ngai Tahu.

O'Connell concludes that "It is my overall opinion that, from a cultural perspective, there remain too many unanswered questions to be able to justify granting consent to CPW for its proposed water enhancement scheme. Fundamental issues such as the impacts of the proposal upon significant cultural sites and the effects of the scheme upon the much treasured lowland catchment remain outstanding." (O'Connell evidence para. 42)

The other Ngai Tahu submissions, by Paul Whyte and Hoanna Burgman both support the position I have taken to the effect that an archaeological survey is necessary before a decision can be made.

- There are two submissions from the New Zealand Historic Places Trust (one by Bridget Mosley and one by Joanna Easterbrook) which are strongly in agreement with the position taken in my evidence.

- In the submission by Mandy Deans, reference is made to midden and oven sites at Tara Farm. Although the specific location of these sites is not provided, Tara Farm lies partly within the design footprint of the proposed Waianiwaniwa Valley reservoir and their existence reinforces the need for an archaeological survey there. This submission also refers to a pa site, Whakaepa Pa, as being situated at the junction of the Selwyn and Hororata Rivers. This is something that should be followed up by CPW, since existing information on this important site is unclear as to its location and description. The New Zealand Archaeological Association Site Recording Scheme contains a site record form (L35/11) that places the site close to the Selwyn River bridge near Coalgate; however, it has not been possible to find any sign of the site in recent years and it is possible that the site record form is inaccurate.

### **3 HOW ANY NEW EVIDENCE CHANGES THE CONCLUSIONS REACHED IN MY ORIGINAL REPORT**

The new information that has come to my attention since I prepared my original report (released 1 February 2008) has not altered my conclusions in any way. If anything it has provided further support; particularly the submissions by O'Connell, Whyte, Easterbrook and Mosley.

### **4 COMMENT ON THE APPLICANT'S PROPOSED CONDITIONS ATTACHED TO CLIFF TIPLER'S LATEST EVIDENCE**

The applicant has proposed a number of conditions to provide for effects on archaeological sites (Tipler evidence p. 54; 88). These include an accidental discovery protocol, iwi consultation over vegetation clearance and earthworks, a scheme-wide survey and assessment of effects on archaeological sites, and the preparation of an archaeological and heritage plan. These are largely unchanged from the conditions offered in the original Consultant's report, on which I made detailed critical comments. I will summarise my concerns here:

- Accidental discovery protocols are not an alternative to carrying out a systematic archaeological site survey. They are also not an alternative to making all reasonable efforts to ascertain the nature, distribution and extent of archaeological sites in a particular development area ahead of the development. This condition should be modified to say that an accidental discovery protocol will be developed for any areas which, following a systematic archaeological survey and archaeological assessment, are deemed not to be likely to contain any archaeological sites. Those areas where sites are more likely to be affected will be the subject of archaeological authority applications under the Historic Places Act 1993.
- Iwi consultation prior to vegetation clearance or earthworks in areas identified in the Proposed Selwyn District Plan as a Wahi Taonga site, Wahi Taonga Management Area or Mahinga Kai site. This is a useful and important condition but in the case of the first two, which are likely to contain archaeological deposits, the New Zealand Historic Places Trust should also be consulted, since any such deposit is covered under the Historic Places Act regulations.

- A scheme-wide survey of areas affected by scheme works to assess the distribution of unrecorded sites and of the scheme's effects is an essential piece of work. However, it is the timing of the work that is wrong. It needs to be completed before any decision is made so that submitters, affected parties, relevant agencies and the consenting authority can make informed assessments and decisions.
- An archaeological and heritage management plan is an important part of any large project that has the potential to affect archaeological sites. It is therefore appropriate that one be prepared for the CPWES. Again, however, the timing is an issue. The plan should really be prepared before the decision is made so that submitters and the consenting authority can be confident about how the heritage and archaeological sites in the scheme area will be managed.

Of greater concern, however, is the scope of the plan proposed in the conditions. It needs to cover both the construction phase and the long term management of heritage values affected by the scheme, and to this end I recommended the following in my evidence:

“A heritage management plan to specify the method for identifying and protecting (where possible) historic heritage places (including archaeological sites) and for avoiding, reducing or mitigating adverse effects on historic heritage places; and for managing all adverse effects on historic heritage during construction, implementation, use and ongoing maintenance of the proposed dam, intakes, canal, and distribution network. This is to be prepared in consultation with Te Runanga o Ngai Tahu, Te Ngai Tuahuriri Runanga and Te Taumutu Runanga and the New Zealand Historic Places Trust. Any future changes to the heritage management plan would require the approval of these parties.”

To sum up, as I said in my evidence, the information provided by Central Plains Water to the consenting authority is not sufficient for any decision other than that the notices of requirement be withdrawn and the resource consent applications be declined. This is not to say that the proposal should not eventually go ahead but simply that further archaeological and heritage information is required before a proper assessment of the CPWES proposal can be made.

## **APPENDIX 1 - EXECUTIVE SUMMARY FROM MAIN EVIDENCE**

For a consenting authority to make a decision on a resource consent or recommendation on a notice of requirement it requires a description and historical context of the archaeological sites affected, an assessment of the significance of their archaeological and other values and an assessment of the effects of the proposal on those values. The required assessment must also provide recommendations for avoiding, reducing or mitigating any such adverse effects.

The Consultant identified 26 sites listed in the Proposed Selwyn District Plan as lying within the project area and nine that had the potential to be directly affected. Of these nine, one (L35/22) was in an area that is not to be affected now that the long tunnel is being pursued. Of the remaining eight sites, landowner permission was refused for two sites (L35/2 and L35/3), landowners could not be contacted to obtain permission for five sites (L35/19, 20, 21 and L36/3 and L36/4) and the one site for which permission to visit could be obtained (L35/14) was not able to be found.

The archaeological survey and assessment commissioned by Central Plains Water to date does not provide the necessary information for informed decision-making on the resource consents and notices of requirement. This report determines that no meaningful conclusions about the effects of the proposal on heritage can be drawn by the consenting authority until the following information has been provided (it should be noted that this information was essentially that sought in the request for further information dated August 2006):

- An archaeological survey of all of the land covered by the designations (including the two intakes, the canals, the dam, the reservoir and all land affected by their construction). Note that this specifically includes the land in the vicinity of the traditionally recorded Ohinekakaraiti Pa at the confluence of the Waimakariri and Kowai Rivers.
- Archaeological assessments of each archaeological site identified as having the potential to be affected by the construction of the intakes, the canals, the dam and the reservoir. In some cases this may require investigations under a s18 authority from the New Zealand Historic Places Trust to determine the location, nature and extent of individual sites.
- An archaeological assessment of the remainder of the scheme (e.g., distribution network, bywashes) to determine whether or not there are any archaeological sites present to which damage would not be avoidable by realignment.
- A heritage management plan to specify the method for identifying historic heritage places and for avoiding, reducing or mitigating adverse effects on historic heritage places; the mechanism for identifying and protecting archaeological sites; and for managing all adverse effects on historic heritage during construction, implementation, use and ongoing maintenance of the proposed dam, intakes and canal works. This should be prepared in consultation with Te Runanga o Ngai Tahu, Te Ngai Tuahuriri Runanga and Te Taumutu Runanga and the New Zealand Historic Places Trust. Any future changes to the heritage management plan would require the written approval of these parties.
- An assessment of future effects of land-use intensification on the archaeological resource.
- An assessment of the visual effects on the heritage landscape, particularly in the vicinity of the dam and reservoir.

Although covered in other reports it is worth reiterating that, in addition to the statutory provisions of the HPA, archaeological sites fall explicitly under the *Resource Management Act* definition of heritage, and that heritage is a matter of national importance under the RMA (Pt2 s6f).