

**IN THE MATTER**

of the Resource Management Act 1991

**AND**

**IN THE MATTER**

of applications for resource consent by the Central Plains Water Trust and a Notice of Requirement for the designation of land by Central Plains Water Limited associated with the construction and operation of the Central Plains Water Scheme

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**STATEMENT OF EVIDENCE OF BRIDGET MARGARET MOSLEY ON BEHALF OF  
THE NZ HISTORIC PLACES TRUST / POUHERE TAONGA**

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## **1 Introduction**

- 1.1 My full name is Bridget Margaret Mosley. I am employed as the Regional Archaeologist (Canterbury & West Coast) of the NZ Historic Places Trust / Pouhere Taonga (NZHPT), Southern Regional Office, Christchurch.
- 1.2 I have a Master of Arts in Anthropology (Archaeology) from the University of Auckland and a Master of Science in Human Osteology and Funerary Archaeology from the University of Sheffield, UK. Prior to working at NZHPT (commenced May 2006), I was undertaking PhD research and archaeological consultancy in New South Wales, Australia. I am a member of the NZ Archaeological Association, the Australasian Society of Historical Archaeology and ICOMOS NZ and have over 7 years experience in archaeological consultancy and heritage management.
- 1.3 My position as Regional Archaeologist involves managing the statutory requirements of the archaeological provisions of the *Historic Places Act 1993* in the Canterbury / West Coast regions. My evidence focuses on the potential impact of this proposal on archaeological values and is informed by site visits to the affected area in December 2007 & February 2008.

## **2 Statutory framework for historic heritage**

- 2.1 The *Resource Management Act (RMA) 1991* (Section 6f) requires as a matter of national importance:

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall recognise and provide for the following matters of national importance:

...

- (f) the protection of historic heritage from inappropriate subdivision, use, and development.

‘Historic heritage’ is defined in the RMA (Section 2) as:

- (a) ... those natural and physical resources that contribute to an understanding and appreciation of New Zealand's history and cultures, deriving from any of the following qualities:
  - (i) archaeological:

- (ii) architectural:
  - (iii) cultural:
  - (iv) historic:
  - (v) scientific:
  - (vi) technological; and
- (b) includes—
- (i) historic sites, structures, places, and areas; and
  - (ii) archaeological sites; and
  - (iii) sites of significance to Maori, including wahi tapu; and
  - (iv) surroundings associated with the natural and physical resources

2.2 The historic heritage provisions of the RMA overlap to an extent with the archaeological provisions of the *Historic Places Act (HPA) 1993* (Sections 9 - 19), which set out a statutory consent process for the modification, damage or destruction of any archaeological sites, regardless of whether the land on which the site is located is designated, the activity is permitted under the District or Regional Plan or a resource or building consent has been granted. Under the HPA, archaeological sites are defined as:

- ... any place in New Zealand that—
- (a) Either—
- (i) Was associated with human activity that occurred before 1900; or
  - (ii) Is the site of the wreck of any vessel where that wreck occurred before 1900; and
- (b) Is or may be able through investigation by archaeological methods to provide evidence relating to the history of New Zealand.

The definition of ‘historic heritage’ under the RMA is, therefore, wider in scope than the definition of an ‘archaeological site’ under the HPA. Under the RMA there is no cut-off date of 1900 for ‘historic heritage’ and, consistent with Section 6(e) of the RMA, there is a statutory requirement to consider more than strictly material remains in regard to sites of significance to Maori. However, as best practice, heritage and/or archaeological assessments inform both consent processes and should be carried out prior to consent application in order to inform decision-making.

2.3 My evidence will speak to Section 6(f) of the RMA with reference to historic heritage (archaeological sites). It should be noted that, in professional practice, the term ‘archaeological sites’ encompasses places of Maori origin and places related to later colonial occupation and, in addition to sub-surface remains and artefacts,

may include features (e.g. umu (ovens), tramways, tracks and water races), areas of occupation (e.g. villages (kainga), pa, homestead sites and urupa or cemeteries), areas of industry (e.g. mine sites) and standing structures (e.g. houses, outbuildings and bridges).

### **3 Archaeological assessment to date**

- 3.1 In response to request(s) for further information, Central Plains Water (CPW) has provided two archaeological reports: ‘Survey of archaeological sites within the proposed Central Plains Water Enhancement Scheme, Canterbury’ (Habberfield-Short 19 April 2007) and ‘Assessment of effects for recorded archaeological sites within the Central Plains Water Enhancement Scheme, Canterbury’ (Habberfield-Short 20 June 2007).
- 3.2 These reports make it clear that assessment to date has been solely based on previously identified archaeological sites, as listed in the NZ Archaeological Association site records (and subsequently on Selwyn District Council planning maps). In spite of a number of submissions and the Selwyn District Council request for further information (August 2006), there has been no historic research (especially of primary sources) or survey intended to identify and assess additional historic heritage (archaeological sites) which may be affected by the proposal and have not previously been recorded.
- 3.3 The survey and assessment (referenced above in 3.1) provide a literature review and statement of the wider archaeological context of previously recorded sites. However, as noted in Appendix D of the Section 42A officer’s report from Selwyn District Council (Southern Pacific Archaeological Research, 26 November 2007), the survey and assessment (referenced above in 3.1), has not located the recorded sites and there is therefore no specific assessment in regard to the impact of the proposed scheme. In addition, because of the restriction of the reports to recorded sites, all of which are of Maori origin, there has been no consideration of the historic context of later colonial occupation.

### **4 NZ Archaeological Association site records**

- 4.1 The NZ Archaeological Association (NZAA) Site Recording Scheme, which commenced in May 1958, is a national system for recording information on archaeological sites. Information is provided to the Site Recording Scheme by many different individuals and organisations as their contribution to a co-operative

venture. The Site Recording Scheme currently contains over 55,000 records nationally.

- 4.2 The Site Recording Scheme was established as a special interest database and its primary use for many years was as a research tool for members of the NZAA. However, since the advent of the RMA, there has been greater use of the data recorded by the NZAA in planning and legal issues for site identification, protection and management.
- 4.3 Historically, the recording of archaeological sites has been carried out on a voluntary and *ad hoc* or opportunistic basis, by people with a range of archaeological experience. There is, therefore, no consistency in archaeological survey coverage and in the types of sites/features recorded. That all of the sites recorded in the area are related to Maori occupation reflects the focus of archaeological interest at the time.
- 4.4 It should be noted that the NZAA site record forms allow only for one grid reference (GPS co-ordinate) but that the area of the 'archaeological site' as indicated by that 'dot' may extend for a considerable area and contain a number of related features within a cultural/archaeological 'site'.
- 4.4 Relying solely on the data recorded in the NZAA Site Recording Scheme for a development of this size and scope is not appropriate, given the definition of historic heritage / archaeological sites under the legislation.

## **5 Archaeological values of the area affected by the CPW Scheme**

- 5.1 Limited historical research and site visits by the NZHPT have identified a number of features of historic heritage / archaeological sites within the area affected by the proposal. These include:
- areas of historic mining, such as the Panhandle West, the Victory and the Klondike Coalmines, located on topographic maps along Bush Gully Rd in the area of Coalgate Forest;
  - infrastructure associated with mining, such as the tramway formation to the east of Malvern Hills Rd;
  - various buildings (see Plates 1 & 3), such as historic pastoral homesteads (Tara), a mine manager's house, shearing shed and historic cottage (Malvern Hills Rd);
  - and other historic structures, such as a kiln on Auchenflower Rd (see Plate 2).



**Plate 1**



**Plate 2**



**Plate 3**

5.2 In addition to the sites associated with Maori occupation recorded by the NZAA, which have not been re-located or assessed to date, two Cultural Impact Assessments (2001 & 2005) further note specific areas of concern to Te Taumutu Runanga, Te Ngai Tuahuriri Runanga and Te Runanga o Ngai Tahu (TRONT), including the likelihood of burial sites being present in the areas affected by the CPW Scheme. The Cultural Impact Assessments additionally set out a number of recommendations in regard to historic heritage, including the need for historic research, survey and archaeological assessment.

**6 Archaeological assessments, ‘Archaeological Management Plans’ and ‘Accidental discovery protocols’ for archaeology**

6.1 The preference of the NZ Historic Places Trust is firstly for avoidance of historic heritage (archaeological sites) and, only if that is not possible, for mitigation of damage/destruction to by investigation, recording, analysis and reporting. In these terms, adaptive management is not an acceptable means of proceeding, as there is little, if any, possibility of avoidance.

6.2 In order to make an informed decision, historic research and systematic survey are required to locate places of historic and archaeological heritage and to assess their significance. Various documents address best-practice methods of assessment,

- including 'Heritage Management Guidelines for Resource Management Practitioners' (NZHPT 2004) and 'Guidelines for Writing Archaeological Assessments' (Archaeological Guidelines Series No. 2: NZHPT 2 June 2006).
- 6.3 The NZ Historic Places Trust accepts that, even with an acceptable level of assessment, some places of historic heritage (archaeological sites) will not necessarily be identified prior to works proceeding. To address this circumstance, archaeological protocols would typically be included in works plans for 'accidental discovery' as has been suggested by the applicant. However, as this is not possible with the inundation of the Waianiwaniwa Valley, there is a necessity for that historic research and survey to be robust and comprehensive as there will be no opportunity for later 'accidental discovery'.
- 6.4 As noted by Southern Pacific Archaeological Research (Jacomb, 26 Nov. 2007: 18) and by Selwyn District Council S42A Officer Report (Boyes, 31 Jan. 2008: Para. 145), 'accidental discovery protocols' (ADPs) for archaeology are not appropriate where historic heritage (archaeological sites) are known or strongly suspected to be present. For larger developments and projects, such as CPW, where a number of contractors and sub-contractors are likely to be involved, an 'Archaeological Management Plan' is recommended as a more comprehensive document which sets out requirements and responsibilities during implementation. However, an 'Archaeological Management Plan' would necessarily be based on the results of archaeological assessment undertaken for the consent application(s).
- 6.5 It should further be noted that 'accidental discovery protocols' for archaeology are not appropriate once the presence of archaeological remains that date prior to 1900 has been confirmed. Then conditions placed under the statutory archaeological authority (consent) process of the *Historic Places Act* take precedence.

## **7 Conclusions**

- 7.1 The NZHPT considers the documentation provided by the applicant to date does not reach the minimum standard of information required by the consenting authority to make an informed decision. In this, we note similar conclusions have been reached by the Selwyn District Council S42A Officer Report, the peer review of archaeological assessment (Southern Pacific Archaeological Research, 26 November 2007, Appendix D of the Selwyn District Council S42A Officer Report) and the evidence of Te Runanga o Ngai Tahu (Dave O'Connell; Paul Whyte; Hoanna Burgman, 6 May 2008).

7.2 The two archaeological reports provide an adequate summary of previous archaeological work. However:

- a) archaeological sites previously recorded by the NZAA within the affected area have not been relocated or assessed;
- b) the extent of previously unrecorded historic heritage within the areas affected by the CPW scheme has not been identified or assessed;
- c) the lack of survey and assessment does not allow for avoidance or mitigation of effects.

7.3 In order to adequately assess the impacts of the CPW Scheme on historic heritage (archaeological sites), NZHPT requests the following:

- Historic research of primary and secondary sources, including oral history, to identify areas of occupation and land use which may have historic heritage values and/or material remains;
- An archaeological survey of all land covered by the proposed designations (including the intakes, canals, dam, reservoir and all land affected by construction);
- Assessment of historic heritage (archaeological sites) identified by historic research and survey to determine their location, nature and extent. Note that investigation may require an archaeological authority (consent) under Section 18 of the HPA;
- The results of all research included in an Assessment of Environmental Effects (AEE), as required for resource consent applications made under the *Resource Management Act 1991* (RMA), to assess the archaeological values of the area and the likelihood of archaeological sites being disturbed, damaged or destroyed;
- An 'Archaeological Management Plan' be drafted in consultation with the NZHPT, TRONT, Te Ngai Tuahuriri Runanga and Te Taumutu Runanga.

Dated this 20<sup>th</sup> May 2008

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