

IN THE MATTER

Of the Resource Management Act (“The Act”)

AND

IN THE MATTER

Application for resource consents from Central Plains Water Trust and a Notice of Requirement for a Designation of land by Central Plains Water Limited associated with the construction and operation of the Central Plains Water Scheme

**STATEMENT OF EVIDENCE OF JOANNE ELIZABETH EASTERBROOK ON
BEHALF OF NZ HISTORIC PLACES TRUST POUHERE TAONGA**

Introduction

1. My full name is Joanne Elizabeth Easterbrook. I am employed as a Heritage Adviser Planning for the New Zealand Historic Places Trust Pouhere Taonga (NZHPT) Southern Regional Office, Christchurch. I am a graduate member of the NZ Planning Institute and a full member of ICOMOS New Zealand.
2. I have a Bachelor of Geography and a Masters in Regional & Resource Planning from Otago University. I am currently studying towards a Post Graduate Diploma in Cultural Heritage from Deakin University, Melbourne which I will complete mid 2008. I have over 7 years’ experience in resource management planning, research, and heritage planning.
3. My position as a Heritage Adviser (Planning) involves dealing with heritage-related planning issues in the Canterbury/West Coast regions. Prior to working at NZHPT (commenced December 2006) I was a resource management planner at Opus Consultants, based in Christchurch. My evidence focuses on the planning implications of this proposal. I have undertaken a site visit in December 2007.

4. The NZHPT is New Zealand's leading national historic heritage agency. The work of the NZHPT is shaped by the Historic Places Act 1993. The purpose of the act is to 'promote the identification, protection, preservation and conservation of the historical and cultural heritage of New Zealand'. There are over 5000 heritage places and areas registered under the Historic Places Act 1993 as Historic Places, Historic Areas, Wahi Tapu and Wahi Tapu areas.
5. The reason for our submission is to ensure that under the RMA 1991, Section 6 Matters of National Importance (6e) "the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga" and Section (6f) "the protection of historic heritage from inappropriate subdivision, use and development" are recognised and provided for.

NZHPT Registration

6. There are a number of sites registered with NZHPT in the area of the proposed irrigation scheme. Some examples of buildings and structures that are included on the NZHPT Register that are located within the proposed area include:

Homebush Station woolshed, stables, water tower, turbine and grain store
(Category I)

Terrace Station homestead (Category I)

Homebush Station homestead (Category II)

Coton's Cottage (Hororata) (Category II)

the Point House and Garden, Windwhistle Road (Category II)

Steventon Homestead, Whitecliffs Road (Category II)

Proposed Selwyn District Plan Heritage Listing (Township and Rural Volumes)

7. In Proposed Selwyn District Plan (Township and Rural volumes) there are a number of historic sites identified in the area of the proposed irrigation scheme such as heritage trees, heritage sites building or structure, cultural site or areas (waahi taonga or mahinga kai sites) and waahi taonga management areas.
8. The relevant rules within the Proposed Selwyn District Plan (Rural Volume) are as follows:

Rule 1 – Earthworks

Earthworks affecting any archaeological site require the consent of the NZ Historic Places Trust (refer to Section 3.3, subsection (iv) ‘Archaeological Sites’ p129

Cultural sites (silent file, waahi taonga, mahinga kai)

3.1 Any activity which does not comply with rules 1.2 to 1.4 shall be a restricted discretionary activity if standards and terms are met.

Heritage Trees

5.1 Any earthworks undertaken within 5m of the dripline of any heritage tree as listed in Appendix 4 shall be a restricted discretionary activity if standards and terms are met.

Rule II – Tree Planting and Removing Heritage Trees

19.1 The removal of any heritage trees which does not comply with rule 18.1 shall be a restricted discretionary activity.

9. As stated in the Proposed Selwyn District Plan utilities are not subject to the rules set out in Rule III – Buildings. However I agree with the Selwyn District Council 42A planners report that alteration, modification, demolition or removal of any listed heritage building in Appendix 3 of the proposed plan, and any adverse effects that might arise are relevant considerations.

10. Under the RMA, territorial and regional authorities must “take into account” iwi management plans. As stated in David O’Connell’s evidence for Te Runanga o Ngai Tahu, “*the applicant has failed to take any account whatsoever of the three iwi management plans which are directly relevant to the CPW project*”. The iwi management plans relevant to this proposal are as follows:

Te Whakataua Kaupapa: Ngai Tahu Resource Management Strategy for the Canterbury Region (Tau et al 1990).

Te Taumutu Runanga Natural Resources Plan (2002)

Te Waihora Joint Management Plan (2005)

11. Iwi Management Plans are of relevance to NZ Historic Places Trust work as they provide management guidelines for heritage sites and places of significance to Maori.
12. Manawhenua heritage concerns were identified in the two Cultural Impact Assessments prepared by David O’Connell (2001) and Dianna Jolly (2005) particularly with regard to the need for a comprehensive archaeological assessment.

Heritage Management Plan

13. As a mitigation measure, the applicant states that “*Heritage Management Plans will be prepared to cover any destruction, damage or modification to any archaeological site, or historic site or building classified under the Historic Places Act 1993 and will identify any conditions to be complied with in relation to heritage*”. Historic heritage encompasses much more than just sites identified under the Historic Places Act 1993. Heritage sites are also identified under the Resource Management Act 1991 and archaeological sites are identified in the NZ Archaeological Association database. Additionally there may be sites that have heritage value but have previously not been recorded. In my opinion, appropriate identification and assessment of historic heritage needs to be addressed in order to adequately assess the potential impacts the proposal may have on these resources. The applicant has not provided an appropriate assessment of the historic heritage values within the area of the proposed irrigation scheme. NZHPT requests that the applicant commissions a suitably qualified heritage professional to undertake a comprehensive historic heritage assessment to determine the effects of the proposed scheme on historic heritage values. As a best practice guide, please refer to attached, *Sustainable Management of Historic Heritage Guidance Series*

Information Sheet 9, Guide to Preparing a Heritage Impact Assessment;
Information Sheet 18: Assessing impacts on places and areas of significance to Maori;

Information Sheet 19: Assessing Impacts on Historic Sites, including Archaeological Sites; and

Information Sheet 22: Assessing Impacts of Designations on Historic Heritage.

14. Additionally, the applicant states that an “*Accidental Discovery Protocol will be developed to cover instances where archaeological sites (prehistoric and historic) are unearthed during the construction phase*”. Given there are a number of recorded archaeological sites within the area of proposed development, Accidental Discovery Protocol is not an appropriate mitigation measure. The legal protection of archaeological sites is covered under the Historic Places Act 1993 and this will be explained further in Bridget Mosley’s evidence.

The Proposed Irrigation Scheme

15. The applicant has applied for a number of consents from both Selwyn District Council and Environment Canterbury relating to the construction and operation of a large scale irrigation scheme. The applicants propose irrigating 60,000 ha of land between the Rakaia and Waimakariri Rivers. The proposal includes a 55m high dam containing a 12km² storage lake. Water would be distributed via the lake from a 10km tunnel and an extensive network of distribution canals. The applicants have also applied for a notice of requirement to designate the land.

16. The Selwyn District is significant for both Maori and European history. There are a number of sites identified by tangata whenua as having cultural value such as waahi taonga sites, which are generally identified as archaeological sites such as ovens and pa sites, waahi taonga management areas, mahinga kai sites and silent file areas. These issues have been identified and discussed in the submission and evidence by Te Runanga o Ngai Tahu.

17. Selwyn is a predominantly rural region with a European history steeped in farming and coalmining, see topographical map below identifying the existing coalmining sites located in the area proposed to be inundated. As stated in the book *Picks and Bricks: Tales of South Malvern* by Margaret Knowles, until recent times coal has been produced continually in the Malvern Hills for over 130 years, with the last mines being Nimmos’ Malvern Hills and Klondyke Extension, in Bush Gully. A number of

early farms were established in the Selwyn area, one of the most well known is Homebush established by the Deans family in the 1850's.

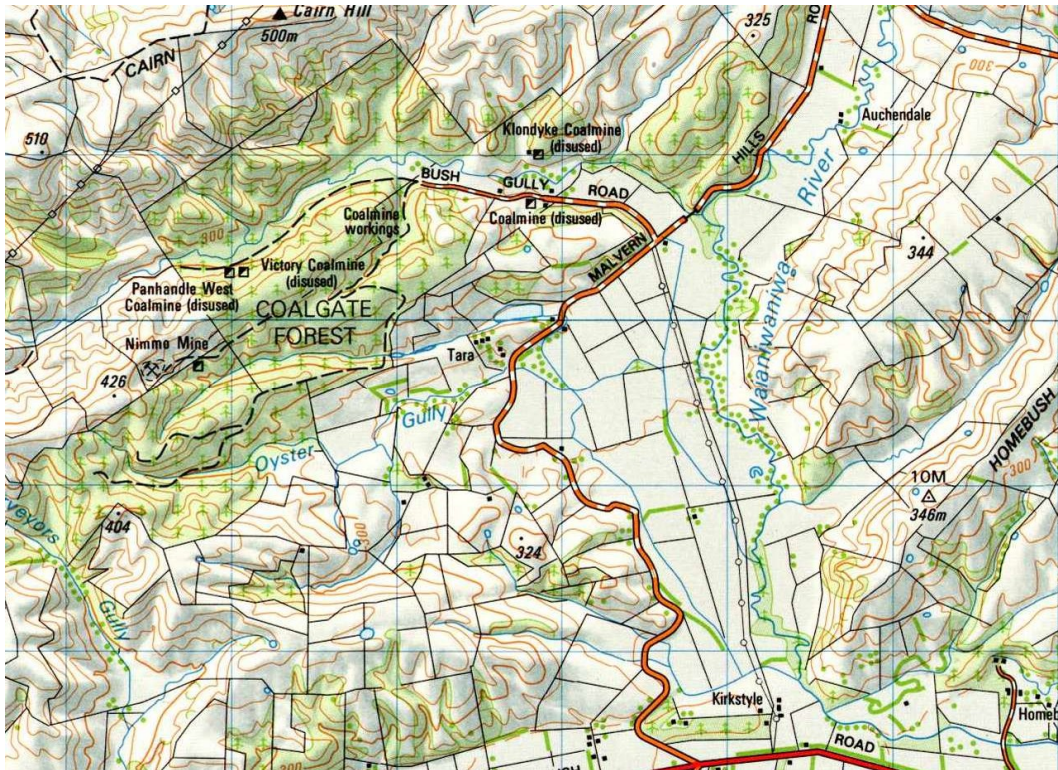


Figure One: Coalmining Sites in the area proposed to be inundated

18. The applicant provided a memo to Selwyn District Council stating ... ” *it is impossible to determine with certainty whether identified heritage trees and heritage items in the Selwyn District Plan will be affected by the works that are subject of the resource consents at this stage*”. The tables included in the memo referred to the effects on the listed sites and features as ‘*not known*’. Therefore at this stage, it is impossible to determine the effects that the proposed activity will have on these sites.

Consultation with the NZHPT

19. Since we have lodged our submissions to both Environment Canterbury and Selwyn District council, the applicant has not undertaken any consultation with NZHPT.

Archaeological Values

20. Under the Historic Places Act 1993 (HPA) archaeological sites are defined as any place associated with human activity prior to 1900, where evidence relating to the history of New Zealand can be investigated using archaeological methods. Wherever possible, the destruction, damage or modification of archaeological sites should be avoided or minimised. In our submissions we requested the applicant undertake an archaeological assessment to determine the archaeological values of the area, given there are a number of recorded archaeological sites within the area of the proposed irrigation scheme. See topographical map below showing the extent of some of the recorded archaeological sites. Under the HPA it is unlawful to alter, modify or destroy an archaeological site without an archaeological authority from NZHPT to do so.



Figure Two: Extent of some of the recorded archaeological sites within the area of proposed development

21. As a result of a number of submissions, the applicants have provided an archaeological report from Dr Jeremy Habberfield-Short. However the scope of this report is limited to just recorded archaeological sites of Maori origin, therefore does not provide the level of survey and assessment that NZ Historic Places Trust would require. Additionally, Te Runanga o Ngai Tahu has expressed the view that the report is unsatisfactory, and should be considered a preliminary report only. There are a number of sites of European origin that have not been previously recorded or assessed as part of this report, such as early coal mining sites and buildings associated with early farming. The peer review from Chris Jacomb reiterates this. Given the density of recorded Maori sites there is a high possibility that further unrecorded sites of Maori origin may be identified. This will be discussed in further detail in Bridget Mosley's evidence.

Proposed Selwyn District Plan

22. NZHPT believes that the proposal by Central Plains Water for the proposed irrigation scheme is contrary to the objective and policies in the Proposed Selwyn District Plan, in particular *People's Health, Safety and Values*.

3. People's Health, Safety and Values

3.3 Cultural and Heritage Values

Issue 1

Damage or destruction of, or inappropriate alteration of sites, places, plants, buildings or other structures which have cultural or heritage value.

I Objectives

A partnership for heritage protection is fostered between landowners, tangata whenua, community groups and the Council.

Sites of waahi tapu and other importance to tangata whenua are protected.

Sites and buildings with heritage values are recognised and, if appropriate, their values protected.

II. Policies and Methods

Maori Sites

1. *Encourage local Runanga to record information about sites of cultural importance to them, where appropriate*
2. *Recognise and protect sites of cultural importance to local Runanga through fostering a partnership between landowners and local Runanga.*
3.
 - i) *Protect sites within areas recognised in the Plan as silent file areas, from inappropriate disturbance.*
 - ii) *Protect areas identified in the plan as waahi taonga sites, waahi taonga management areas and mahinga kai sites, from damage or destruction, whenever practical.*

Other sites and buildings

4. *Record information on the heritage values of sites and buildings in Selwyn District.*
5. *n/a*
6. *Encourage retention and ongoing use and maintenance of sites and buildings listed in Appendix 3.*
7. *Allow modifications, alterations and additions to the sites and buildings listed in appendix 3, to facilitate their continued use, provided that any alterations, modifications or additions do not adversely affect their heritage values, wherever practical, considering the heritage values of a site or building and the desirability, feasibility, and costs of the proposed activity and alternatives.*
8. *Discourage the demolition or destruction of heritage sites or buildings listed in Appendix 3, except where necessary to:*
 - a. *Avoid danger to people or property; or*
 - b. *Allow reasonable use of the site; and*
 - c. *There are no appropriate options to retain the building or site.*

General Provisions

9. *Assist landowners where funds are available, with costs associated with the maintenance or restoration of heritage resources, and the additional resource consents costs imposed by the provisions to protect heritage or cultural sites or buildings in the District Plan.*

10. Consider waiving all or part of any financial contributions payable for activities involving sites of cultural or heritage value, where there is a benefit to the community from protecting the site.

Resource Management Act 1991 (RMA)

23. The purpose of the RMA is to promote the sustainable management of natural and physical resources. Sustainable management includes the use of resources in a way that avoids, remedies or mitigates any adverse effects of activities on the environment. The terms “environment” and “natural and physical resources” include historic heritage and their associated amenity, social, cultural and economic values.

24. Appropriate use of historic heritage ensures its survival; inappropriate development or demotion erodes heritage values, resulting in poor use of physical resources, contrary with the purpose of the RMA. Historic Heritage is a limited physical resource, and once heritage values are degraded or lost, they are difficult to retrieve.

25. In achieving the purpose of the RMA, Council “*shall recognise and provide for...the protection of historic heritage from inappropriate subdivision, use and development*” as a matter of national importance under Section 6.¹

26. The 2003 RMA amendments elevated historic heritage to a matter of national importance (section 6) in the RMA, and provided a definition of historic heritage where previously there was no definition. Under the RMA the definition of historic heritage is as follows:

(a) Means 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*

¹ Resource Management Act, Part II, Section 6f

(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 natural and physical resources

27. From the information supplied in the applications NZHPT is unable to determine whether the adverse affects on historic heritage can be avoided, remedied or mitigated, as identified in Section 5 of the RMA 1991.

Canterbury Regional Policy Statement (RPS)

28. The 42A Officers Report from Ecan by Leo Fietje does not assess Section 6(f) of the RMA, “*the protection of historic heritage from inappropriate subdivision, use and development*”. In is an issue, particularly with regard to archaeological and cultural sites within waterways.

29. I believe the RPS is relevant to this application as the proposal affects regionally significant heritage. *Chapter 8: Landscape, ecology and heritage* of the RPS defines “adverse effects on the integrity, distinctive characteristics, and contribution to a regional sense of identity of; wetlands, the coast, lakes and rivers, natural features and landscapes, indigenous flora and fauna, **heritage values**, and the relationship of tangata whenua [my emphasis]”. The relevant heritage objective and policies from Chapter 8 are as follows:

Objective 4 *Protection or enhancement of the historical and cultural heritage sites, buildings, places and areas, including their cultural, recreational and amenity values, that contribute to Canterbury’s distinctive character and sense of identity.*

Policy 5(a) *Historic sites, buildings, places or areas that meet the relevant criteria of sub-chapter 20.4(1), including their associated cultural and heritage*

values, should be protected from adverse effects of the use, development, or protection of natural and physical resources and their conservation should be promoted.

Sub-Chapter 20.4 identifies the 'test' for regional significance. Part (g) states heritage sites, places or areas that contribute to or reflect the cultural or spiritual identity, or evolution of the Canterbury region, including the different stages of human occupation. The particular sensitivity of these historic sites, buildings, places or areas to regionally significant adverse effects in terms of sub-chapter 20.4(2) should be reflected in the district plans of the region.

30. The proposal as it stands does not manage the historic heritage resource in an integrated way as the proposal has the potential to have adverse effects that will not be mitigated.

Conclusion

31. The Selwyn District has sites of great heritage significance for the Canterbury region. Its significance is such that its protection from inappropriate development is a matter of national importance. In my view the lack of comprehensive heritage assessments of the potential impacts of historic heritage values of the proposed irrigation scheme means that assessing effects of historic heritage values is unable to be determined. NZHPT supports the Selwyn District 42A Officers Report recommendation that the application be declined.

32. NZHPT believes this proposal as it currently stands, is inconsistent with the Proposed Selwyn District Plan, Resource Management Act (RMA), Canterbury Regional Policy Statement and the New Zealand International Council on Monuments and Sites Charter for the Conservation of Places of Cultural Heritage Value (ICOMOS NZ Charter).

Dated this 20 May 2008

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