



HERITAGE NEW ZEALAND
POUHERE TAONGA

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13 May 2021

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Hearing Administrator
Wellington International Airport - Notice of Designation
Wellington City Council

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STATEMENT ON DRAFT CONDITIONS RELATING TO ARCHAEOLOGY – EAST SIDE DESIGNATION

To: Independent Hearing Panel, c/- Hearing Administrator

Name of Submitter: Heritage New Zealand Pouhere Taonga

1. Heritage New Zealand Pouhere Taonga (HNZPT) submitted on the East Side notice of requirement proposed by Wellington International Airport. One of the HNZPT submission points was *that a condition is included requiring the undertaking of an archaeological assessment of the area of proposed designation*. I note here that the HNZPT submission and subsequent comments have been informed by advice from the organisation's archaeologist responsible for the Wellington area, as well as the Pouarahi responsible for HNZPT Central region.
2. Jo Lester, Airport Planner for WIAL, engaged with HNZPT over a series of emails seeking clarification of aspects of the HNZPT submission. A point of agreement was reached on draft conditions relating to archaeological assessment and accidental discovery protocol. On 27 April I emailed that the proffered conditions 'resolve the submission point of HNZPT with regards to archaeological assessments'.
3. Subsequently Wellington City Council (WCC) released various reports on the proposal, including Appendix F – Earthworks Assessment. This document contains recommended conditions for an archaeological assessment (Condition 2) and an accidental discovery protocol (Condition 14).
4. HNZPT has a preference for the format and content of the conditions recommended by WIAL and included in John Kyle's statement of evidence – with some amendments. A copy of the relevant conditions is copied here, along with suggested amendments. Amendments suggested by HNZPT are marked underlined and ~~strikethrough~~ below.

13. For any site enabling work involving any earthworks or construction activities within the Designated Area, an outline plan required by section 176A of the RMA shall include an Earthworks and Construction Management Plan. The purpose of the Earthworks and Construction Management Plan shall be to:

a. ...;

b. ...;

c. Describe what actions will be taken to manage the actual or potential effects arising from earthworks and construction activities including, but not limited to:

i. ...;

ii. Implementation of adherence—to any recommendations of the Archaeological Assessment Report and/or archaeological work as required by conditions 14 and 15.

Note: clause ii here was drafted as sub-clause h in the WIAL set of conditions

14. Prior to any earthworks commencing on the Designated Area which was previously by the golf course, the Requiring Authority shall undertake an archaeological assessment to identify and report on the potential for archaeological sites on the land. The Requiring Authority shall be required to implement any recommendations made in this report. Note: this may entail an exploratory archaeological authority from Heritage New Zealand Pouhere Taonga made under section 56 of the Heritage New Zealand Pouhere Taonga Act 2014.

15. If recommended in the Archaeological Assessment Report required by Condition 14 ~~required~~ the Requiring Authority shall apply for all necessary archaeological authorities under section 44(a) of the Heritage New Zealand Pouhere Taonga Act 2014 prior to the commencement of any earthworks within the Designated Area with the potential to affect archaeological remains.

5. We would like to include some comments and explanations on the suggested amendments to the set of conditions. Firstly regarding clause ii referenced above: this was listed in the WIAL conditions as sub-clause h – being one of the purposes of the ECMP. In our view it would be better placed under clause c – so that it reads as one of the actions to be taken to manage actual or potential effects.

6. WIAL conditions 14 and 15 include the words ‘prior to any earthworks commencing...’ We note that there is no suggested timeframe for when the report and/or archaeological authority needs to be undertaken and completed. We have compared this to the WCC condition which states that an Archaeological Assessment Report be submitted at least 20 working days prior to work commencing on the site. HNZPT is ambivalent as to whether any specific timing is included in the condition. What is important to note however is that it would take a minimum 20 working days to obtain an Archaeological Authority under S44(a) of the HNZPT Act. Therefore it would be necessary for the Archaeological Assessment Report to be completed earlier than 20 working days prior to work

commencing so there would be sufficient time to undertake the Authority application process and obtain an Archaeological Authority.

7. We have provided advice to WIAL that if an Archaeological Authority is in place then an Accidental Discovery Protocol (ADP) would not apply, and the ADP clauses have subsequently been withdrawn from the WIAL suite of conditions. We have also taken note of the ADP condition recommended by WCC.
8. It may be possible that there will be parts of the site where the archaeological assessment concludes that the likelihood of finding archaeological material is low, and the Archaeological Assessment Report recommends that an ADP is sufficient for these areas. If this is the case an ADP would apply to any portion of the site that is not covered by an Archaeological Authority. This approach has been taken in some other recent developments, for example the *Te Ahu a Turanga* SH3 road project.
9. A condition could be included along the lines of:

Where there are areas on the subject site for which there is no archaeological authority granted under the HNZPTA 2014 an accidental discovery protocol must apply to all works in that area. Any ADP shall be developed in consultation with HNZPT and mana whenua for the site.

10. In our view a detailed ADP does not need to be written into the conditions at this stage; if an ADP is needed it is appropriate for it to be written and implemented at a later stage.
11. HNZPT no longer wishes to be heard at the hearing. However if it would benefit the panel HNZPT are available to provide further input into drafting of the relevant conditions.

Yours sincerely



Dean Raymond

Planner / *Kaiwhakamāhere*
Central Region / *Te Takiwā o Te Pūtahi a Māui*
Heritage New Zealand Pouhere Taonga

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