

IN THE MATTER OF

The Resource Management Act 1991

AND

IN THE MATTER OF

Notices of requirement for designations under section 168 of the Act, in relation to Te Ahu a Turanga; Manawatū Tararua Highway Project

BY

NEW ZEALAND TRANSPORT AGENCY
Requiring Authority

**STATEMENT OF EVIDENCE OF DR RODNEY EDWARD CLOUGH
(HISTORIC HERITAGE AND ARCHAEOLOGY) ON BEHALF OF THE NEW
ZEALAND TRANSPORT AGENCY**

8 March 2019

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INTRODUCTION

1. My full name is **Dr Rodney Edward Clough**.
2. I am the Director of Clough & Associates Ltd, Heritage Consultants.
3. I prepared Technical Assessment #5: Historic Heritage and Archaeology ("**Technical Assessment 5**"), which is in Volume 3 of the Notices of Requirement ("**NoRs**"), and which supports the Assessment of Environmental Effects ("**AEE**"), lodged in respect of Te Ahu a Turanga; Manawatū Tararua Highway Project ("**the Project**").
4. My qualifications and experience are set out in paragraph 3 of Technical Assessment 5.
5. In preparing Technical Assessment 5 and my evidence I have:
 - (a) attended several workshops and field visits, undertaken historic research and review of relevant documentation, and carried out a field survey of the NoR corridor; and
 - (b) following the preparation of Technical Assessment 5, been involved in further discussions and field trips with both Rangitāne ō Manawatū¹ and Ngāti Kahungunu,² which resulted in me updating the archaeological report with additional information.³ While no additional effects were identified, these further visits provided a better understanding of Māori settlement and cultural values of the area.
6. I have reviewed the three technical reports presented by iwi including:
 - (a) the report provided by Associate Professor Jonathan Procter on behalf of Rangitāne ō Manawatū ("**RoM**") and Rangitāne Tamaki Nui-ā-Rua ("**RTNaR**"), which covers a historical account and values as tangata whenua for the area (Volume 3, Technical Assessment 7);
 - (b) the statement of Ngāti Kahungunu Ki Tamaki Nui-a-Rua Trust outlining matters of relevance to the Trust with regards to the Te Ahu a Turanga Project⁴ (Volume 3, Technical Assessment 8); and

¹ Paul Horton and Siobhan Lynch-Karaitiana (Te Ao Turoa Environmental Centre of Tanenuiarangi Manawatu).

² Morry Black and James Kendrick (Mauri Protection Agency).

³ The updated report is part of the Authority Application to Heritage NZ along with an Archaeological Management Plan.

⁴ Prepared by Morry Black, Greg Carlyon and James Kendrick.

- (c) Te Manawaroatanga, the cultural impact statement outlining the position and values of Ngāti Raukawa (Volume 3, Technical Assessment 9).
7. I took part in a discussion with Heritage New Zealand Pouhere Taonga ("HNZPT") on Wednesday, 20 February 2019 to discuss the points raised in its submission.

Code of Conduct

8. I confirm that I have read the Code of Conduct for expert witnesses contained in the Environment Court Practice Note 2014. My evidence has been prepared in compliance with that Code, as if it were evidence being given in Environment Court proceedings. In particular, unless I state otherwise, this evidence is within my area of expertise and I have not omitted to consider material facts known to me that might alter or detract from the opinions I express.

Purpose and scope of evidence

9. Technical Assessment 5 identifies the archaeological or other historic heritage features within the vicinity of the Project, assesses the Project's potential effect on those features, and recommends measures to avoid, remedy, or mitigate those effects.
10. My evidence does not repeat in detail the technical matters set out in that assessment. Rather, in this evidence I:
- (a) present the key findings of Technical Assessment 5, updated to take into account information received more recently, in an executive summary;
 - (b) comment on submissions received in respect of the NoRs;
 - (c) respond to a question asked by the Hearing Panel in its minute of 27 February 2019; and
 - (d) comment on the Reporting Officers' section 42A report.

EXECUTIVE SUMMARY

11. The Project comprises a new section of two lane highway approximately 11.5km in length, with new bridge structures and intersection improvements, running from the existing State Highway 3 ("SH3") western entry to the closed Manawatū Gorge route, across the Ruahine Ranges north of the Manawatū Gorge and south of Saddle Road, emerging near Woodville.

12. In the west, the Project route and new bridge over the Manawatū River and Palmerston North to Gisborne Railway Line at the mouth of the Manawatū Gorge will cross immediately south and east of Moutere Island (also known as Parahaki Island – these names are used interchangeably throughout Technical Assessment 5 and this evidence), and avoid the significant archaeological site T24/32 Parahaki Kāinga (village)/Burials. The design of the new bridge is yet to be confirmed, however, the design will consider the cultural significance of the area.
13. The existing SH3 Manawatū Gorge road and the Palmerston North to Gisborne Railway line were constructed in 1871 and 1891 respectively. Being of pre-1900 construction, the current road and railway are both archaeological sites within the definition provided in section 6 of the Heritage New Zealand Pouhere Taonga Act 2014 ("**HNZPTA**"). The Project will not affect those sites.
14. No other archaeological or other historic heritage features were identified within the footprint of the Project route, either through historical information, previous investigations, or field survey. Therefore, there should be no major constraints on the proposed construction of the Project on archaeological and other historic heritage grounds, as no known archaeological or other historic heritage sites will be affected by the proposed construction of the Project.
15. In any area where archaeological sites have been recorded in the general vicinity, it is possible that unrecorded subsurface remains may be exposed during development. It is considered that there is potential for unrecorded sites relating to pre-European and historic Māori settlement to be located along the banks of the Pohangina and Manawatū Rivers within the Project area. Historical research supported by the archaeological record confirms that the river terraces were a favoured location by Māori for settlement and gardening. However, there is only a low potential of unrecorded sites through the steep and rugged Ruahine Hills of the Project area between Ashhurst and Woodville.
16. NoR conditions are proposed to address the accidental discovery of archaeological sites and kōiwi tangata. The possibility of unrecorded archaeological sites can be provided for by putting in place procedures ensuring that the relevant Councils and HNZPT are contacted should this occur. However, as set out in the AEE and Technical Assessment 5, it is also recommended that an application should be made for an archaeological

authority under section 44(a) of the HNZPTA to cover all works undertaken for the Project.

17. Further, since archaeological survey cannot always detect sites of traditional significance to Māori, such as wāhi tapu, tangata whenua are providing information separately in relation to these matters.

COMMENTS ON SUBMISSIONS

Submission of Heritage New Zealand Pouhere Taonga

Application for archaeological authority

18. The only submission that raises issues directly relating to archaeology and historic heritage is the submission filed on behalf of HNZPT (submission 377).
19. As a first point, HNZPT seeks clarification as to whether the New Zealand Transport Agency ("**Transport Agency**") will obtain an archaeological authority from HNZPT prior to the commencement of earthworks (in the event the NoR is confirmed).
20. In order to ensure that this is carried out, HNZPT's submission requests the inclusion of a practice note at condition 24, outlining the need for an archaeological authority and the legal requirement for one where activities such as earthworks may modify or destroy any archaeological site/s
21. In response, I confirm that the Transport Agency does intend to apply for an archaeological authority prior to any earthworks being carried out, as stated in the AEE and Technical Assessment 5.
22. At the meeting held with HNZPT on 20 February 2019, I and the Transport Agency representatives assured HNZPT representatives that making an archaeological authority application is and has always been the Transport Agency's intention. Further, we advised HNZPT that an application was in fact in the process of being prepared, and would be filed as soon as it was completed.
23. On that basis, HNZPT confirmed that it was satisfied this application would be made, and therefore that it was comfortable for condition 24 to remain without an advice note requiring this to occur.

Accidental Discovery Protocol

24. HNZPT's submission also seeks clarification around the Accidental Discovery Protocol ("**ADP**") described in draft condition 24.

25. To summarise, draft condition 24 as lodged as part of the AEE requires that an ADP be established and implemented prior to the commencement of construction activities, and it sets out the particulars of the ADP's content. In order to avoid a double-up of protocols relating to accidental discovery once an archaeological authority is in place, draft condition 24 (as set out in the AEE) then goes on to state:
- (c) *The accidental discovery protocol referred to in clauses (a) and (b) above does not apply, and need not be implemented in the event that:*
 - (i) *an Authority is sought under section 44(a), and granted under section 48, of the Heritage New Zealand Pouhere Taonga Act 2014; and*
 - (ii) *that Authority provides for an accidental discovery protocol that includes the matters listed in clauses (a) and (b).*
26. HNZPT's submission seeks that this section of condition 24 be removed, and replaced with alternative wording to ensure that the ADP will continue to apply "*in the event that an archaeological authority is not in place for the entire site.*"
27. This submission point, and the drafting of condition 24, was discussed further at the meeting of 20 February 2019.
28. Following the meeting, **Ainsley McLeod** prepared amended condition 24 as follows:

24. Accidental discovery protocol

- (a) *Where an area of the designation is not subject to an archaeological authority (sought under section 44(a), and granted under section 48, of the Heritage New Zealand Pouhere Taonga Act 2014), an accidental discovery protocol applies to works in that area.*
- (b) *The accidental discovery protocol must be prepared prior to the commencement of construction (including enabling works) and in consultation with tangata whenua and Heritage New Zealand Pouhere Taonga and must include, but not be limited to:*
 - (i) *details of contractor training regarding the possible presence of cultural or archaeological sites or material;*

- (ii) *general procedures following the accidental discovery of possible archaeological sites, kōiwi tangata, wāhi tapu or wāhi taonga, including the requirement to immediately cease construction activities in the vicinity of the discovery and the requirement to notify parties including, but not limited to, Heritage New Zealand Pouhere Taonga;*
- (iii) *specific procedures in the event that kōiwi tangata are discovered;*
- (iv) *procedures for the custody of taonga (excluding kōiwi tangata) or material found at an archaeological site; and*
- (v) *activities that must be undertaken before construction activities in the vicinity of the discovery can recommence, including appropriate tikanga, recording, recovery of artefacts and consultation.*

29. HNZPT has since confirmed that the new condition 24 as prepared by **Ms McLeod** appropriately responds to this aspect of its submission.

30. I have also reviewed amended condition 24, and also consider it to be adequate for this purpose.

Notification of HNZPT

31. Finally, the HNZPT submission seeks for HZNPT to be expressly included in condition 24 as a party required to be notified following any discovery made. While I note that HNZPT would certainly be considered to be a party for the purposes of notification under any ADP, I acknowledge that for the avoidance of all doubt this could be explicitly set out in condition 24.

32. In response to this submission point, the amended condition 24 as set out above also incorporates this addition at new draft condition 24(b)(ii), and I confirm I am supportive of this amendment.

QUESTION FROM THE HEARING PANEL

Given the archaeological status of the now closed SH3 through Manawātū Gorge, what, in your view, would be an appropriate treatment for it in future in terms of either rehabilitation or abandonment?

33. The future of the Gorge Road has been discussed in detail in the evidence of **Sarah Downs**, who outlines the current issues relating to slip stability

and considers that there is at present insufficient information to determine what the future of the road will be. **Ms Downs'** evidence also outlines possible outcomes for the road, including retaining the road for a different purpose, revoking its State highway status (in whole or in part), or stopping the road.

34. However, I would expect any process (such as the State highway revocation procedure) regarding future use of the road to take into account the significant heritage values of the road, and assess the possibilities of full or partial future use of the road for walking and cycling activities.
35. While I consider that there are potential heritage opportunities in keeping access to the road open, I agree with **Ms Downs'** conclusion that there would need to be an inclusive study to determine the opportunities and constraints for future use of the Gorge.

COMMENTS ON COUNCIL SECTION 42A REPORT

36. I have reviewed the Section 42A planning report ("**the report**") where relevant to Historic Heritage and Archaeology (section 8.10). Overall, there are no significant issues raised with regards to historic heritage, but I would like to correct the last sentence in the section summarising "Effects identified by NZTA" (8.10.1) in which the report suggests that *"NZTA consider that this risk [to unrecorded historic heritage] can be appropriately managed by way of an accidental discovery protocol."*
37. I would like to clarify that the Project will be carried out under an Authority from HNZPT, and that the discovery protocol would only apply to areas not covered by the Authority.
38. In 8.10.2, the report then outlines the issues raised in the HNZPT submission, which have been discussed and responded to in detail above. However, to reiterate the points discussed above, I confirm that an application for an Authority from HNZPT is in progress, and that HNZPT's concerns over the wording of condition 24(c) have been addressed by the Transport Agency, as recommended in 8.10.5 of the report.
39. At 8.10.4, the report notes that the Transport Agency has sought to ensure avoidance of known historic heritage remains through design, and in particular the significant site of Parahaki. In this section, the report also recommends the following addition to the CEDF at section 3.1.1 Bridge (Manawatū River Crossing):

The Manawatū bridge design should appropriately express the archaeological significance, cultural narrative and shared values of the Manawatū River and Parahaki Island.

40. The report states that this is intended to give effect to recommendations in Technical Assessment 5 that the design of the new bridge should consider the archaeological and cultural significance of this area and ensure that any impact on Parahaki Island is avoided.
41. As **Lonnie Dalzell** explains in his evidence, the Transport Agency has been working closely with the legal owners of Parahaki Island throughout this process, and will continue to do so in respect of the bridge's design. Further, draft condition PN1 (as provided as part of the AEE) requires an outline plan that appropriately provides for the recommendations set out in Technical Assessment 5.
42. Accordingly, I do not consider the addition to the CEDF to be necessary; nor is it problematic from my perspective.

CONCLUSION

43. Research and field survey undertaken in preparation of Technical Assessment 5 did not result in any archaeological sites being identified along the bulk of the proposed designation.
44. A number of archaeological sites were recorded in the general vicinity, with T24/32 Parahaki Kāinga (village)/Burials (Parahaki Island) in particular being closest to the construction of the bridge at the Ashhurst end of the Gorge.
45. However the Project route and new bridge will be designed to avoid effects on these sites, and in accordance with the CEDF the design will consider the cultural significance of the area.
46. In addition, the current road and railway are also archaeological sites dating prior to 1900, however the Project will have no direct effects on these structures.
47. While the Project area has no known archaeological values or significance, I note that the Ashhurst (or western) end of the route is located at the confluence of the Manawatū and Pohangina rivers, and within a significant archaeological landscape with intensive Māori settlement along these rivers. As such, there is potential for unrecorded sites relating to pre-European and historic Māori settlement to exist in these areas. Further inland in the

Ruahine Ranges, the potential for unrecorded archaeological remains is considered to be low.

48. Overall, I consider that there should be no major archaeological constraints on the Project as no known archaeological or other historic heritage sites will be affected. Any possibility that archaeological remains may be present can be appropriately mitigated through the provisions of the HNZPTA.

Dr Rodney Clough

8 March 2019