

Heritage New Zealand Pouhere Taonga comments on draft conditions: Waitohi Picton Ferry Precinct redevelopment

Application Name	Waitohi Picton Ferry Precinct redevelopment
EPA Reference	LP 14
Agency providing comment	Heritage New Zealand Pouhere Taonga
Comments prepared by:	Karen Astwood
Contact person (if follow-up is required)	Barbara Rouse brouse@heritage.org.nz

Thank you for the opportunity to comment on the draft conditions. The draft conditions propose that potential effects on historic heritage and archaeological sites be addressed in part through conditions but mainly through the Construction Management Plan and subsidiary plans.

However, the application and draft conditions fail to provide for the potential effects on historic heritage:

- the application did not include an archaeological assessment or an assessment of the effects on historic heritage. Without this information it is difficult to assess the effectiveness of the conditions. KiwiRail has subsequently provided us with an Assessment of Heritage Effects for the Picton Railway Station that clarifies that work on the Railway Station platform will be undertaken under the existing designation. However, no assessment of effects on the *Edwin Fox* hull has been provided.
- The Construction Management Plan and Environmental Management Plans are still in draft and do not include important details on management of effects on historic heritage

Given that the management plans relating to historic heritage have yet to be finalised Heritage New Zealand Pouhere Taonga request the opportunity to review these documents and advise on mitigation measures.

Our comments focus on improving protection from:

- Effects on historical and cultural heritage from vibration:
 - While the proposed limits on vibration follow international best practice, insufficient account is taken of the impacts of seawall piling on the *Edwin Fox* and Anchor Windlass: the *Edwin Fox* is a very sensitive structure due to its age and the condition of the heritage fabric.
 - We propose a heritage management plan setting out that the condition of the *Edwin Fox* is assessed before and after the works are undertaken, and that vibration and dust are monitored throughout the work, with a protocol established for actions to be taken if limits are exceeded, and mitigation measures.
- Effects on historic heritage from dust

- The application and conditions fail to address the potential effects of dust on historic heritage, particularly the *Edwin Fox*. Dust would be covered in the heritage management plan set out above.
- Effects on archaeological sites, recorded and unrecorded. Heritage New Zealand Pouhere Taonga recommends that the applicant complete an archaeological assessment and apply for an archaeological authority as soon as practicable. If the archaeological assessment concludes that an archaeological authority is required for all or part of the site, and if it is then granted by Heritage New Zealand Pouhere Taonga, monitoring and discovery protocols will be detailed as part of the Archaeological Authority documentation in an Archaeological Management Plan (AMP). We propose a condition that takes account of the situation where either the consent holder is granted an archaeological authority, or alternatively does not have an archaeological authority in place.
- The draft conditions rely on an iwi monitor determining whether uncovered material has archaeological values. However, iwi monitors are not trained archaeologists and relying on them to make this assessment could put the monitor, the applicant or the contractor, at risk of prosecution for modifying or destroying an archaeological site. An AMP, or an Accidental Discovery Protocol prepared in consultation with Heritage New Zealand Pouhere Taonga, will ensure that any such assessment is undertaken by an archaeologist, and set out appropriate conditions for ceasing work, securing the site, contacting appropriate authorities etc.

Draft condition number	Discussion	Change requested
1.7	<p>The applicant has not yet applied for an archaeological authority; the accompanying documentation (Archaeological Management Plan) proposes that they apply for an authority after the consent is granted. It also refers to an Archaeological Assessment of Effects report which was not supplied with the application. It is in the applicant's best interests to apply for an archaeological authority as soon as practicable, and obtain an authority before work commences, to avoid any delays to the project from the discovery of archaeological material. It is also critical that those undertaking the works understand their responsibilities under the Heritage New Zealand Pouhere Taonga Act.</p> <p>The existing condition has potential to leave the applicant, contractors and iwi cultural monitors at risk of complicity in archaeological site damage and it is essential that the condition is rectified.</p>	<p>New condition and advice note:</p> <p><u>Archaeological Monitoring</u></p> <p>(a) <u>If the consent holder has an Archaeological Authority for all or part of the site, The consent holder will</u></p> <ol style="list-style-type: none"> i. <u>provide the contractor/s copies of the Archaeological Authority and the Archaeological Management Plan (AMP)and</u> ii. <u>follow the procedures specified in the AMP should archaeological material, or suspected archaeological material, be uncovered as part of the works.</u> <p>(b) <u>If the consent holder has not obtained an Archaeological Authority for all or part of the site then an Accidental Discovery Protocol (ADP) will be prepared for any areas not covered by an Authority in case of any archaeological, or suspected archaeological, discoveries that occur during construction in areas not covered by an Archaeological Authority.</u></p> <ol style="list-style-type: none"> (i) <u>Any ADP will be prepared in consultation with Te Ātiawa and Heritage New Zealand Pouhere Taonga;</u> (ii) <u>The consent holder will provide the contractor/s copies of the ADP and these conditions on-site and follow the procedures specified in the ADP should archaeological material, or suspected archaeological material, be uncovered as part of the works.</u> <p><u>Advice Note:</u></p> <p><u>The people of Te Ātiawa hold mana whenua and have a deep historic association with this area of historic occupation.</u></p>

		<p><u>All archaeological sites are protected under the Heritage New Zealand Pouhere Taonga Act 2014. An archaeological site is defined as a place associated with pre-1900 human activity, where there may be evidence relating to the history of New Zealand. This includes pre-1900 sites associated with Māori and non-Māori activity.</u></p> <p><u>The Heritage New Zealand Pouhere Taonga Act 2014 makes it unlawful to modify, damage or destroy any archaeological site, where an archaeological assessment has indicated potential for archaeological material and whether the site is recorded or not. Application must be made to Heritage New Zealand Pouhere Taonga for an Authority to modify, damage or destroy an archaeological site. The Act provides for substantial penalties for unauthorised destruction or modification.”</u></p> <p><u>If an Archaeological Assessment concludes that an Archaeological Authority is required for all or part of the site, and if it is then granted by Heritage New Zealand Pouhere Taonga, monitoring and discovery protocols will be detailed as part of the Archaeological Authority documentation in an Archaeological Management Plan (AMP).</u></p>
1.17	<p>The application does not assess the potential effects of dust on historic heritage. In particular, the effects on the <i>Edwin Fox</i>. This sensitive heritage fabric would require specialist cleaning to remove any accumulated dust.</p> <p>There is no mention of monitoring in the conditions, and this is an important aspect of controlling effects on sensitive structures.</p> <p>The proposed condition is very vague and does not mention assessing the impacts of dust on this important heritage item, nor specific methods to reduce any potential impacts.</p>	Add condition 18 A below
1.18	Clarification of what is meant by Sensitive and Historic Structures	Clarify in a footnote that in Tables 1 and 3 of the German Standard DIN 4150-3:1999 “Sensitive and Historic Structures” includes <u>buildings and structures listed on the New</u>

		<u>Zealand Heritage List/Rārangi Kōrero and scheduled in the District Plan.</u>
1.18	While the proposed limits on vibration follow DIN 4150, no provisions are made in the conditions for monitoring. HNZPT is particularly concerned about the potential effects of the seawall piling on the <i>Edwin Fox</i> . The vibration from the installation of the king piles and sheet piles for the seawall could have considerable impact at the closest point (15 metres).	Add condition 18A below
New condition 1.18A	As discussed above, the applicant has not provided a heritage impact assessment and the conditions do not adequately address impacts on built heritage	<p>New condition</p> <p><u>Before work commences, the consent holder shall prepare a management plan, prepared under the direction of a suitably qualified heritage specialist, addressing the impacts of the project on built heritage:</u></p> <ul style="list-style-type: none"> a) <u>a condition report on the <i>Edwin Fox</i> Hull and Anchor Windlass</u> b) <u>an assessment of effects of vibration (as set out in condition 2.10.1) and dust on these structures</u> c) <u>heritage conservation and temporary protection measures</u> d) <u>monitoring of dust and vibration at these sites</u> e) <u>protocols if limits for vibration or dust are exceeded</u> f) <u>mitigation measures</u> g) <u>commission a heritage professional to provide post-construction completion condition survey of the Edwin Fox structures with reference to the impacts of construction activities, vibration, dust and other factors attributed to construction activity that may have had a detrimental effect on the structure's heritage fabric.</u> h) <u>Provide copies of the heritage management plan, condition reports, monitoring data, exceedances and the actions taken to mitigate effects.</u>
2.2	It is important that the contractors have copies of all management plans, particularly those relating to heritage effects.	Add to (h) <u>Copies of all management plans are to be supplied to contractors and appropriate project personnel.</u>
2.2	The management plans to control effects on historic heritage have not yet been finalised, and	Add new condition clause

	effects on built heritage are not adequately addressed in the conditions. Heritage New Zealand requested inclusion in the Design Forum, however if this is not an appropriate forum for consideration of heritage effects, then a suitable forum should be convened.	<u>Copies of all management plans relating to historic heritage (including archaeology) are to be supplied to Heritage New Zealand Pouhere Taonga Central Region office.</u>
2.5.1	Effects on historic heritage is an important aspect of the environmental effects.	Add <u>(including cultural and historic heritage)</u>
Part B 2.1	Due to the incomplete nature of the assessment of effects on historic heritage and the reliance on management plans that have yet to be finalised, HNZPT requests representation on the Design Forum, as set out in our submission on the application.	Add: <u>one representative from Heritage New Zealand Pouhere Taonga</u>