

BEFORE THE INDEPENDENT COMMISSIONERS

IN THE MATTER

of the Resource Management Act 1991 ("**RMA**")

AND IN THE MATTER

a submission by WEL Networks Limited on Plan
Change 9 ("**PC9**") to the Operative Hamilton District
Plan ("**District Plan**")

**STATEMENT OF EVIDENCE OF DR MATTHEW LAURENCE CAMPBELL
22 SEPTEMBER 2023**

1. INTRODUCTION

- 1.1 My full name is Matthew Laurence Campbell. I have a B.A. (1988) and M.A. (1991) in Anthropology from the University of Otago and a Ph.D. (2001) in Archaeology from the University of Sydney.
- 1.2 I am the sole director of CFG Heritage Limited, a heritage and archaeological consultancy operating principally in the upper North Island. The company has been in operation since 1 November 2005. Before that, since my return from study in Australia in 2000, I undertook the same work as a sole trader, in which capacity I either sub-contracted to other archaeologists or was self-employed. I have also lectured in archaeology at the University of Auckland. I have undertaken archaeological research in New Zealand, Australia, and the Pacific.
- 1.3 I have undertaken extensive archaeological field survey, assessment and excavation throughout the upper North Island on a wide variety of site types, including infrastructure projects for agencies such as Auckland Transport, Auckland International Airport and Waka Kotahi NZ Transport Agency.
- 1.4 My experience in Hamilton and the Waikato generally includes work for Waka Kotahi on the Waikato Expressway; Transpower on the North Island Upgrade Project and general asset maintenance; as well as private residential and commercial developments.
- 1.5 I confirm that, although this hearing is not before the Environment Court, I have read the Expert Witness Code of Conduct set out in the Court's Practice Note 2023. I have complied with the Code of Conduct in preparing this evidence and will continue to comply with it while giving oral evidence. Except where I state that I am relying on the evidence of another person, this written evidence is within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed in this evidence.
- 1.6 As a member of the New Zealand Archaeological Association (**NZAA**) I am bound by the Association's Code of Ethics.

2. SCOPE OF EVIDENCE

- 2.1 I was engaged by WEL Networks Limited (**WEL**) to assess the PC9 provisions proposing archaeological site overlays.
- 2.2 My evidence is in three parts. Firstly, I assess the methodology for scheduling archaeological sites used in PC9. Secondly, I examine the rules and activity status proposed in PC9 for scheduled sites. I conclude with a test case.

3. SITE SCHEDULING METHODOLOGY

- 3.1 In 2020 Nick Cable of WSP prepared an inventory of recorded archaeological sites in Hamilton for Hamilton City Council (**Council**) including updating the extents of known garden sites.
- 3.2 These sites are proposed to be incorporated in the District Plan through PC9 (as new Schedules 8B and 8C).
- 3.3 These Schedules rely on sites recorded through the NZAA Site Recording Scheme (**SRS**). I make the following comments about the SRS process:
- (a) The SRS was established in 1958 as a research and advocacy tool, not as a management tool, although it has been increasingly used to support archaeological site management.
 - (b) Sites may be, and often are, recorded in the SRS by NZAA that do not meet the definition of an archaeological site in Section 6 of the Heritage New Zealand Pouhere Taonga Act 2014 (this definition being sites that were “associated with human activity that occurred before 1900”). For instance, sites associated with the two World Wars, or early 20th century villas and bungalows have been recorded in the SRS.
- 3.4 In my view each site recorded in the SRS (or ArchSite, the online mapping portal for the SRS) needs to be evaluated before being added to Schedules 8A and 8B in PC9, however, this does not appear to have occurred.

- 3.5 There does not seem to be any well developed, rigorous methodology for assessing the archaeological values of the recorded sites. Instead, a broad-brush approach is taken where all recorded sites are scheduled (although those proposed to be scheduled in Group 3A, are for information purposes only). Any site scheduled under this methodology would, in my opinion, be open to challenge.
- 3.6 My further concerns about the methodology used are as follows:
- (a) The Council's evidence relies on the report prepared by Mr Cable in 2020. However, in this report the sites were not assessed on a set of graded values criteria that includes high or outstanding values and it is not clear what methodology was used to assess the sites.
 - (b) Mr Ryan's evidence for the Council categorises Group 1 sites (equivalent to the current Schedule 8B) as those that have "either visible surface archaeological remains, or generally high heritage values, or outstanding or high values when assessed against one or more of the site assessment criteria."¹ The phrase "generally high heritage values" lacks clear meaning and in my opinion is not a basis for assessment. "Outstanding or high values" are also not defined.
 - (c) Mr Ryan goes on to categorise Group 2 sites (equivalent to the current Schedule 8B) as those that have "no visible surface archaeological features but is highly likely to contain subsurface archaeological remains or has some, but not high or outstanding, value when assessed against one or more of the site assessment criteria."² It is not clear to me why a site without high significance should be scheduled.
- 3.7 Mr Cable's evidence identifies key issues that were identified in submissions relating to the proposed scheduling of archaeological sites:³

¹ Statement of evidence of Paul Ryan on behalf of Hamilton City Council dated 1 September 2023 at paragraph 69, based on the Statement of evidence of Nick Cable on behalf of Hamilton City Council dated 1 September 2023 at paragraph 35.

² Statement of evidence of Paul Ryan on behalf of Hamilton City Council dated 1 September 2023 at paragraph 69

³ Statement of evidence of Nick Cable on behalf of Hamilton City Council dated 1 September 2023 at paragraph 24.

- (a) Lack of ground-truthing to confirm the condition of archaeological sites;
- (b) Lack of robust significance assessments;
- (c) Inaccurate spatial extents of archaeological sites shown on the planning maps;
- (d) Removal of sites deemed to have been “destroyed” through development; and
- (e) Addition of other sites not recorded in ArchSite into the schedules.

3.8 Some of these submission points clearly parallel my discussion above (paragraphs 3.3 to 3.6), particularly the lack of robust significance assessments.

3.9 I agree with the recommendations of Mr Cable for assessing sites in paragraph 35 of his evidence to address these issues. However, it does not appear that any of these recommendations have been implemented, with the exception that Annexure 9 of Mr Cable’s evidence addresses the point regarding inaccurate spatial extents of sites with proposed planning maps showing updated site extents.

4. RULES AND ACTIVITY STATUS FOR SCHEDULED SITES IN PLAN CHANGE 9

4.1 Rule 19.6(a)(xvi) makes earthworks in a Schedule 8B (Group 1) site a restricted discretionary activity, and Rule 19.5(a)(iii) makes earthworks in a Schedule 8C (Group 2) site a controlled activity.

4.2 In each case, earthworks in a scheduled site require a resource consent (Chapter 1.1.7 of the Plan). The information requirements in the District Plan (Volume 2: 1.2.2.7) include: “a. Written advice from an appropriately qualified person or body concerning the effects of the proposed activity on the cultural and heritage values identified for the site and outlining possible mitigation measures.”

- 4.3 Additionally, information requirements include: “d. Advice that the necessary authority to modify or damage an archaeological site has been obtained from Heritage New Zealand Pouhere Taonga under the Heritage New Zealand Pouhere Taonga Act 2014.”
- 4.4 In the case of archaeological sites this implies an archaeological assessment of effects on archaeological values (archaeologists cannot comment on cultural values) and potentially obtaining an archaeological authority, (depending on the recommendation from the assessment).
- 4.5 WEL has proposed a permitted activity rule: *For maintenance, repair, or replacement (including associated earthworks) of existing established network utilities within a site identified in Volume 2 Appendix 8, Schedule 8B and 8C, all work shall be undertaken within the existing in-ground or on-ground dimensions of the infrastructure and any existing areas of cut and fill.*
- 4.6 Mr Cable recommends that this be rejected because “Earthworks related to maintenance of network utilities on known archaeological sites have the potential to damage archaeological remains as with any other type of earthwork.”
- 4.7 He provides the comment that “A large number of archaeological sites recorded in ArchSite were recorded as a result of earthworks within the road corridor or trenching for utility and service maintenance. Such sites are only partially disturbed by earthworks and parts of these sites outside of the disturbed area remain intact. It is impossible to guarantee that new excavations will be limited to the portion of these sites that is already disturbed without first exposing these sites through excavation.”
- 4.8 I agree with Mr Cable’s comment, but in my opinion the types of excavation proposed by WEL, which are to enable maintenance in existing trenches, footings, or foundations, are not “new excavations.” Excavation in existing cuts will not damage archaeological sites.
- 4.9 HNZPT in Further Submission FS 1075 also oppose the proposed WEL rule on the grounds that “HNZPT considers that there is potential for archaeological

damage at the time of maintaining existing utility equipment, therefore HNZPT does not consider that this should be a permitted activity.”

4.10 This is essentially the same point as Mr Cable’s and I disagree with it on the same basis as I disagreed with his comment.

4.11 On the basis of Mr Cable’s evidence and HNZPT’s submission, Mr Ryan recommends that WEL’s proposed rule be rejected. In my opinion, this places an unnecessarily onerous burden on any network utilities provider to no good purpose. For the reasons given above I recommend that WEL’s proposed rule be adopted in PC9.

5. EXAMPLE SCHEDULED SITE, A001/A105

5.1 To illustrate the broad-brush nature that including all SRS sites has produced, I have reviewed one scheduled site included within PC9 with which I am personally familiar (A001/A105) This site is NZAA site S14/165 Te Awa o Katapaki, a borrow pit site.

5.2 The site was originally recorded as five borrow pits in 1994 but it is clear from aerial photos that it is a far more extensive site with clusters of borrow pits visible for nearly 1 km along the river. This is the extent assessed by Mr Cable and notified in the PC9.

5.3 Borrow pits are the remains of Māori digging down below the topsoil and upper subsoil layers to mine pumice sands and gravels, which are then placed in specially dug planting hollows or on the ground surface to assist with kūmara cultivation. The sands and gravels are usually transported no more than about 100 m from the borrow pits. The archaeological evidence of these activities consists primarily of borrow pits, usually partly infilled; planting hollows with sands and gravels still remaining in them; and gardened soils containing sands and gravels, often mixed into the topsoil by modern ploughing. Together these features constitute what archaeologists refer to as the Waikato Horticultural Complex.

5.4 In March 2023 I assessed a property at 1855 River Road. I augered across the property to look for pre-European Māori horticultural soils associated with

recorded the borrow pit complex (S14/165), but it was evident that no archaeology was present on the property. I concluded that: “The upper [river] terrace appears to have been extensively modified by the construction of River Road and / or house construction. If it was gardened by pre-European Māori, no evidence of this remains.” (Campbell 2023: 7).

- 5.5 While it would be dangerous to generalise this assessment to all the properties west of River Road in A001/A105 it certainly demonstrates that the site is in poor condition.
- 5.6 Site S14/165 was first recorded in the SRS by Cathryn Barr in 1994 in response to potential damage to three borrow pits that were about to be infilled. In 2000 Owen Wilkes recorded four pits in more detail in response to a subdivision proposal. In the site record for S14/165 he described their “good preservation [and] impressive proportions” (site record for S14/165).
- 5.7 In 2005 Alexy Simmons conducted archaeological investigations at the Riverton Estate, a greenfield housing development at the south end of S14/165, around 400 m south of the property I assessed. She pointed out that aerial photos from the 1940s show a much more extensive borrow pit complex than the three or four pits recorded by Barr and Wilkes. She investigated two borrow pits, visible on the surface prior to earthworks, and two areas of bowl-shaped hollows indicating gardening. An obsidian core and a fern root beater were also recovered. The site was not dated.
- 5.8 In July 2022 W. Gumbley Ltd undertook an investigation under HNZPT archaeological authority at 1876A River Road, around 300 m north of the property I assessed and on the other side of the road. While no borrow pits are visible in early aerial photography at this site, several are visible just to the north and south. The excavation revealed largely damaged but still interpretable evidence of the Waikato Horticultural Complex, with some evidence of transported sands and gravels and a partial borrow pit. The site was not dated.
- 5.9 As Dr Gumbley pointed out, subdivisions involving extensive earthworks such as the one investigated by Ms Simmons will completely destroy the archaeology in these locations, whereas the larger lot subdivisions to the

north will preserve some of the archaeology, although in the poor condition he encountered. This assessment and my own assessment of 1855 River Road demonstrate that A001/A105 is in poor condition.

- 5.10 In the proposed planning maps in Annexure 9 of Mr Cable's evidence he has separated A001 from A105, with the former now encompassing River Road and the upper river terrace to the west of the road, as well as the large lot developments to the north, including 1876A River Road. A105 now encompasses the denser subdivisions east of River Road, including Riverton Estate.
- 5.11 He recommends that A001 be scheduled in Group 2 and A105 be removed from the schedule as the archaeology here has already been destroyed. He seems to have relied on the excavation reports of Ms Simmons and Dr Gumbley.
- 5.12 This does not, in my opinion, constitute a robust assessment and neither does my own summary above. However, for the reasons I describe below it seems most unlikely to me that the archaeological values of the surviving part of the site (A001) would be assessed as high or outstanding.
- 5.13 In my opinion it is very probable that any archaeology beneath River Road will have been destroyed by road construction, and any archaeology in existing utilities trenches, footings and foundations will also be destroyed. This does not pass the test of "reasonable cause to suspect" that archaeological sites or features will be present (s57(1)(a) of the Heritage New Zealand Pouhere Taonga Act 2014).

Dr Matthew Laurence Campbell

22 September 2023

REFERENCE

Campbell, M. 2023. 1855 River Road, Flagstaff: archaeological assessment. Unpublished CFG Heritage report to Elaine Wang and Kewwa Low.