

IN THE MATTER of the Resource Management Act 1991

A N D

IN THE MATTER of Plan Change 36 – Whareroa North

BETWEEN

The proprietors of Hauhangaroa No 6.

A N D

Taupō District Council

EVIDENCE OF KENNETH PHILLIPS  
ARCHAEOLOGY

22 April 2020

## **1. Introduction**

- 1.1** My name is Kenneth Phillips.
- 1.2** I am the Director of Archaeology B.O.P. Heritage Consultants. I have a Bachelor of Arts in Anthropology and Ancient History and a Master of Arts in Anthropology majoring in archaeology from the University of Auckland. I have 25 years' experience in field archaeology in New Zealand. This has involved survey and excavation work throughout the North Island.
- 1.3** My consultancy business involves a range of work relating to cultural heritage management – in particular archaeological assessments and excavations relating to Resource Management Act 1991 (**RMA**) and New Zealand Pouhere Taonga Act 2014 requirements. I have carried out archaeological surveys and excavations in the Taupō District and am familiar with the archaeological landscape.
- 1.4** I have been commissioned by Taupō District Council to provide a review of the archaeological assessment accompanying the Whareroa Private Plan change proposal and to comment on submissions.
- 1.5** My area of expertise is specifically archaeology and I cannot assess cultural values which is strictly the domain of tangata whenua. It should be noted that an assessment of cultural significance might not necessarily correlate with an assessment of archaeological significance.
- 1.6** I have read and I am familiar with the Environment Court's Code of Conduct 2011 for Expert Witnesses. For the purpose of this hearing, I agree to be bound by that Code of Conduct and have familiarized myself with the requirements as set out in the Code.

## **2. Statutory basis for Archaeological and Heritage Assessment**

**2.1** The RMA recognizes as matters of national importance: ‘the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, wahi tapu, and other taonga’ (S6(e); and ‘the protection of historic heritage from inappropriate subdivision, use, and development’ (S6(f). Territorial authorities are required under Section 6 of the RMA to recognise and provide for these matters of national importance when ‘managing the use, development and protection of natural and physical resources.’

**2.2** Historic heritage is defined as ‘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’.

Historic heritage includes:

- (i) ‘historic sites, structures, places, and areas;
- (ii) archaeological sites;
- (iii) sites of significance to Maori, including wahi tapu;
- (iv) surroundings associated with the natural and physical resources’.

**2.3** An archaeological site, as defined by the Heritage New Zealand Pouhere Taonga Act 2014 6(a), is any place in New Zealand, including any building or structure (or part of a building or structure), that:

- (i) was associated with human activity that occurred before 1900 or is the site of the wreck of any vessel where the wreck occurred before 1900 and

- (ii) provides or may provide, through investigation by archaeological methods, evidence relating to the history of New Zealand.

Archaeological sites cannot be modified or destroyed unless an authority is granted under section 48, 56(1)(b), or 62 in respect of an archaeological site, no person may modify or destroy, or cause to be modified or destroyed, the whole or any part of that site if that person knows, or ought reasonably to have suspected, that the site is an archaeological site.

**2.4** Historic and cultural heritage provisions in the Waikato Regional Policy Statement is limited to an objective (3.18) that states ‘Sites, structures, landscapes, areas or places of historic and cultural heritage are protected, maintained or enhanced in order to retain the identify and integrity of the Waikato region’s and New Zealand’s history and culture.

**2.5** The Taupō District Plan (3j) provides a high-level policy statement that recognises that ‘Historic resources are finite and fragile resources, which can be disturbed, damaged or destroyed by development. Threats include earthworks, inappropriate development or incompatible adjoining uses.’ The District Plan defers to the provisions of the Heritage New Zealand Pouhere Taonga Act that provides protection for the 4 registered sites in the Taupō District as well as all recorded and or unrecorded archaeological sites within the district.

**2.6** In addition to the relevant legislation outlined both Heritage New Zealand the New Zealand Archaeological Association have provided guides outlining best practice when providing archaeological assessments.

### **3. Plan Change application – archaeological values**

**3.1** I have reviewed the assessment of archaeological values within the plan change application. An archaeological assessment for the ‘Proposed Whareroa Village North Subdivision’ was provided by

Donald Prince in 2005. I have also reviewed available archaeological information for the general area which is primarily limited to records held by the New Zealand Archaeological Association.

- 3.2** The Prince report provides a high-level assessment of the archaeological landscape affected by the plan change application. He completed an inspection of the property including limited subsurface testing and did not identify any surface features indicating the presence of archaeological sites. Prince notes that the survey of the bush block was restricted to the inspection of existing tracks as dense vegetation prevented access and accurate survey. He also suggested that topsoil damage by pig rooting may have made identification of archaeological features difficult in some areas of the bush block. He therefore recommended that further archaeological assessment would be required if access within the bush block is improved.
- 3.3** Mr Prince did not find any visible evidence of the only recorded archaeological site T18/9 (Whareroa Pa) that has coordinates within the property. He reviews information provided by Ken Moore who originally recorded the site in 1977 based on a reference to the pa in Grace (2002). Moore did not inspect the location or identify physical remains of the pa. Moore recorded many archaeological sites in the 1970s, primarily pa, throughout the Bay of Plenty and Waikato area based solely on archival references. Prince rightly concludes that the coordinate provided by Moore were arbitrary and the actual location of Whareroa Pa has not been established.
- 3.4** In his recommendations Prince states that 'There are no constraints on archaeological grounds as no archaeological sites are located on or in the immediate vicinity of the proposed works' however he then recommends that further archaeological inspection should be carried out within the bush block indicating that he thinks there may be unrecorded archaeological sites within the property. Prince had previously stated (p.5) that '(visual inspection and minor subsurface

testing) cannot always detect all subsurface archaeological features' contradicting to some extent his primary recommendation that there are 'no archaeological sites on or in the immediate vicinity of the proposed works.

- 3.5** In summary, it is my opinion that the Prince report provides an adequate assessment of the archaeological landscape within land covered by his survey however it is my opinion that his recommendations to not adequately provide for appropriate mitigation of possible unrecorded archaeological sites potentially encountered during earthwork associated with residential subdivision development.

#### The Archaeological Landscape

- 3.6** The archaeological landscape of Whareroa is poorly understood. The records of the New Zealand Archaeological Association indicate that recorded archaeological sites are primarily focused on the lake margins, however there have been few professional archaeological surveys carried out within the District consequently the full extent of the archaeological resource is yet to be established.
- 3.7** In districts such as the Bay of Plenty extensive development monitored by archaeologists has revealed a significant unrecorded subsurface archaeological resource. There have been few archaeological monitoring or investigation programmes carried out on the western shores of Lake Taupō from which to assess the prevalence of unrecorded subsurface archaeological sites. This is primarily due to the lack of development involving significant earthwork that have been monitored by an archaeologist.
- 3.8** Where an archaeological landscape is poorly understood within a landscape such as lake or coastal margins where archaeological sites relating to pre-European Maori activity are typically located, a

precautionary approach to mitigation strategies is often adopted by archaeologists.

**3.9** Accidental discovery protocols as recommended in the application are generally ineffective for large scale developments as the identification and reporting of archaeological sites encountered during earthwork becomes the responsibility of non-experts such as landowners and digger drivers. The involvement of an archaeologist during initial stages of earthworks will ensure that any unrecorded subsurface archaeological sites are recognised, recorded and investigated.

**3.10** Vegetation cover such as long pasture and dense bush or scrub can affect the surface visibility of unrecorded subsurface archaeological sites. Often stock and / or natural erosion and vegetation removal can expose previously unrecorded archaeological features. Previously unrecorded archaeological sites are regularly identified following such events throughout New Zealand even where prior comprehensive archaeological surveys have previously been undertaken.

#### **4. Heritage New Zealand submission**

**4.1** Heritage New Zealand state that 'There is likelihood that the proposed activity could have adverse effects on archaeology (HNZ 2019 point 4). This assessment is presumably based on the Prince report as it is my understanding that HNZ have not conducted their own archaeological survey of the property.

**4.2** Heritage New Zealand state that the 2005 Prince report is inadequate for the purposes of informing the Plan Change in relation to archaeology reasoning that (5) the report is 14 years old and does not consider the mitigation package outlined in the plan change application. As I have stated above changes within the landscape over the intervening 14 years may have exposed evidence of subsurface archaeological sites. Prince does

recommend further survey of the bush block following vegetation clearance.

**4.3** Heritage New Zealand also cite the variable surface visibility ranging from good (pasture block) and poor (bush block) during the archaeological survey carried out by Prince in 2005 meant accurate archaeological survey could not be carried out at that time. Prince states this limitation in his report and recommends further survey when surface visibility has improved within the bush block.

**4.4** Heritage New Zealand requested clarification of the extent of the Prince survey as the plan attached to the Prince report was unclear. It is my understanding that HNZ have subsequently been provided with a plan showing the extent of the Prince survey.

**4.5** Heritage New Zealand state that their concerns would appropriately addressed by a new archaeological survey of the property and an assessment that addresses the mitigation program included in the plan change application in order to determine if the need for an archaeological authority is required.

**4.6** It is my interpretation of the HNZ submission that their primary concern is with the potential for unrecorded subsurface archaeological sites to be encountered and destroyed without appropriate mitigation during ground disturbance (earthwork) associated with developments afforded by the proposed plan change. It is my opinion that Heritage New Zealand's request for a new survey and assessment of land affected by the Plan change is reasonable given the high-level nature of the Prince assessment and limitations of the archaeological survey as outlined by Prince and highlighted in the Heritage New Zealand submission.

## **5. Summary**

**5.1** Having reviewed the archaeological values assessment for the plan change application and submissions relating to archaeological



values associated with the proposed plan change I am of the opinion that a new archaeological survey and assessment of effects should be commissioned by the applicant that clarifies the potential for possible unrecorded subsurface archaeological sites to be present within the property and provide clearer recommendations regarding requirements specifically relating to the Heritage New Zealand Pouhere Taonga Act.

- 5.2** While I have not inspected the property personally, based on the results of Prince's assessment and my own experience assessing similar landscapes, I would recommend that the applicant applies for a Heritage New Zealand authority under the provisions of section 44a of the Pouhere Taonga Act 2014. This will allow for the identification of possible unrecorded archaeological sites by a qualified archaeologist during topsoil stripping and the immediate recording sampling and investigation of any sites encountered to allow earthwork to proceed with minimal delays. If archaeological sites are encountered during earthwork without such an authority in place the earthwork program could be delayed by 3 months or more while an HNZ authority is applied for and obtained, 15 working day stand downs concludes and archaeological investigations completed.

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