

Before Hearing Commissioners

---

*under:* the Resource Management Act 1991

*in the matter of:* notices of requirement and resource consent applications by the NZ Transport Agency and Hamilton City Council for the Southern Links Project

Rebuttal evidence of Nicholas Cable (*archaeology*) on behalf of the  
**NZ Transport Agency and Hamilton City Council**

---

Dated: 8 July 2014

Hearing date: 21 July 2014

REFERENCE: Theresa Le Bas ([tlebas@tomwake.co.nz](mailto:tlebas@tomwake.co.nz))  
Katia Fraser ([kfraser@tomwake.co.nz](mailto:kfraser@tomwake.co.nz))

Chapman Tripp  
T: +64 9 357 9000  
F: +64 9 357 9099

23 Albert Street  
PO Box 2206, Auckland 1140  
New Zealand

[www.chapmantripp.com](http://www.chapmantripp.com)  
Auckland, Wellington,  
Christchurch

Tompkins Wake  
T: +64 7 839 4771  
F: +64 7 839 4855

Westpac House  
430 Victoria Street  
PO Box 258, DX GP20031  
Hamilton 3240  
New Zealand

[www.tomwake.com](http://www.tomwake.com)

**CHAPMAN  
TRIPP** 

**TOMPKINS  
WAKE**  
LAWYERS

**REBUTTAL EVIDENCE OF NICHOLAS CABLE ON BEHALF OF THE  
NZ TRANSPORT AGENCY AND HAMILTON CITY COUNCIL**

**Introduction ..... 3**

**Response to expert evidence of submitters ..... 3**

**Conclusions ..... 8**

## **REBUTTAL EVIDENCE OF NICHOLAS CABLE ON BEHALF OF THE NZ TRANSPORT AGENCY AND HAMILTON CITY COUNCIL**

### **INTRODUCTION**

- 1 My full name is Nicholas Matthew Cable
- 2 I have the qualifications and experience set out in paragraphs 2-3 of my statement of evidence-in-chief (*EIC*) dated 12 June 2014.
- 3 My rebuttal evidence is given in support of notices of requirement (*NORs*) and applications for resource consents lodged by the NZ Transport Agency (*the Transport Agency*) and Hamilton City Council (*HCC*) on 9 August 2013 in relation to the construction, operation and maintenance of the Southern Links Project (*Project*).
- 4 I repeat the confirmation given in my *EIC* that I have read and agree to comply with the 'Code of Conduct for Expert Witnesses' contained in the Environment Court Practice Note 2011.
- 5 In this statement of rebuttal evidence, I respond to the relevant sections of evidence of the following:
  - 5.1 Evidence of Dr Rachel Darmody on behalf of Heritage New Zealand Pouhere Taonga (67) regarding archaeology.
- 6 The fact that this rebuttal statement does not respond to every matter raised in the evidence of submitter witnesses within my area of expertise should not be taken as acceptance of the matters raised. Rather, I rely on my earlier technical report "Southern Links Designation Corridor Notice of Requirement Archaeological Assessment", my *EIC* and this rebuttal statement to set out my opinion on what I consider to be the key archaeology matters for this hearing.

### **RESPONSE TO EXPERT EVIDENCE OF SUBMITTERS**

- 7 In my *EIC* I noted that I would form a view on the proposed designation condition dealing with archaeological matters once I had considered the evidence of submitters.
- 8 I have now considered the evidence of Dr Rachel Darmody of Heritage New Zealand Pouhere Taonga, alongside the matters raised in the s42A Report and the Technical Specialist Report of Mr Warren Gumbley.
- 9 I propose the following draft designation conditions to address archaeological matters in Waipa's District:

### **13 Archaeology [for NZTA Waipa NoR only]<sup>1</sup>**

- 13.1 *Prior to the commencement of detailed design, sufficient site-specific archaeological investigation, as set out in the recommendations in the Southern Links Designation Corridor Notice of Requirement Archaeological Assessment, prepared by Opus, dated 02/12/13 in relation to the Requiring Authority's Designation, must be undertaken to determine the full extent of each archaeological site affected in part or whole by the designation and to locate any intact archaeological features or deposits in order to take into account avoidance of archaeological remains during the development of detailed design plans. (N.B. This may require permission from landowners adjacent to the designation and an authority from Heritage NZ for any in-ground investigation work).*
- 13.2 *Prior to the commencement of construction, the Requiring Authority shall provide to the Waipa District Council evidence that Archaeological Authorities have been obtained from Heritage New Zealand as appropriate, to modify, damage or destroy any of the known archaeological sites likely to be affected during the construction works. Alternatively, the Requiring Authority shall provide evidence that Archaeological Authorities are not necessary.*
- 13.3 *Following consultation with Heritage New Zealand and the Taangata Whenua Working Group, a Heritage and Archaeological Site Management Plan (HASMP) shall be prepared by a suitably qualified and experienced archaeologist and conservation architect under the direction of the Requiring Authority and then submitted for certification to the Waipa District Council Chief Executive or nominee. The HASMP must be submitted for certification at least forty (40) working days prior to the commencement of any earthworks or construction activity.*
- 13.4 *The HASMP shall describe the measures that will be taken to avoid or mitigate effects on archaeological sites and heritage buildings within the designation in conjunction with any conditions required in any archaeological authority issued by Heritage New Zealand. In particular, the HASMP shall describe:*
- a) *Measures that will be taken to protect or avoid archaeological sites (or insitu archaeological remains) from damage during construction;*

---

<sup>1</sup> As this is the only designation involving heritage buildings, and specifically the Glenhope Homestead.

- b) *Mitigation measures in the form of archaeological investigation and recording, which shall include but not be limited to the site specific archaeological investigation recommendations set out in the Southern Links Designation Corridor Notice of Requirement Archaeological Assessment, prepared by Opus, dated 02/12/13 as they relate to the Requiring Authority's Designation;*
- c) *Areas where monitoring of construction works by an archaeologist will be required;*
- d) *Protocols to be followed if cultural sites, human remains or taonga (Maori artefacts) are encountered during construction works;*
- e) *The roles and responsibilities associated with managing the archaeological aspects of the Project;*
- f) *Provision for training contractors in the operational guidelines, procedures and protocols pertaining to the archaeological aspects of the Project;*
- g) *Provision for any revisions required to the HASMP during the course of the Project; and*
- h) *Reporting requirements, including updates to the national NZAA archaeological site database as new information comes to hand.*

13.5 *Following consultation with Heritage New Zealand and the Taangata Whenua Working Group, a Archaeological Site Conservation Policy shall be prepared by a suitably qualified and experienced archaeologist and then submitted for certification to the Waipa District Council Chief Executive or nominee. The Policy shall describe the on-going management of those remaining archaeological sites (part or whole) identified within the designation once construction is completed.*

13.6 *Specifically with regards to the Glenhope Homestead, the HASMP shall include requirements for:*

- a) *The preparation of a pre-relocation comprehensive photographic record of the interior and exterior of the building with a floor plan of the building identifying the location and viewpoint of photographs identified; and the wider setting of the building, including the garden and trees, and the adjacent woolshed and two worker's cottages. A detailed site plan detailing these elements as well as paths, the road entrance, driveways and any other built objects should also be drawn up with*

*the location and viewpoint of photographs identified.*

- b) Copies of all relevant records to be given to Heritage New Zealand and Waipa District Council.*
- c) The preparation of a detailed dwelling condition report prior to the start and conclusion of any relocation works.*
- d) Identification of the alternative site within the bounds of the original 350 acre farm to which the dwelling will be relocated and the works that will be undertaken at that site to recreate the setting (as far as practicable) of the original Glenhope site.*

*13.7 In addition to the relevant provisions of the HASMP, a Dwelling Conservation Plan shall be prepared for Glenhope Homestead by a suitably qualified and experienced conservation architect to identify and rank individual heritage spaces and fabric of the dwelling, describe appropriate policies to ensure heritage values of the dwelling are maintained throughout construction and operation of the Project and provide a dwelling relocation methodology, including treatment of brickwork chimneys. A copy of the Dwelling Conservation Plan shall be provided to Heritage New Zealand.*

10 I propose the following designation conditions to address archaeological matters for the other NoRs:

**13 Heritage and Archaeological Site Management Plan (All other NoRs)**

*13.1 Prior to the commencement of detailed design, sufficient site-specific archaeological investigation, as set out in the recommendations in the Southern Links Designation Corridor Notice of Requirement Archaeological Assessment, prepared by Opus, dated 02/12/13 in relation to the Requiring Authority's Designation, must be undertaken to determine the full extent of each archaeological site affected in part or whole by the designation footprint and to locate any intact archaeological features or deposits in order to take into account avoidance of archaeological remains during the development of detailed design plans. (N.B. This may require permission from landowners adjacent to the designation and an authority from Heritage NZ for any in-ground investigation work).*

*13.2 Prior to the commencement of construction the Requiring Authority shall provide to [the relevant territorial authority] evidence that Archaeological Authorities have been obtained from Heritage New Zealand as appropriate, to modify, damage or destroy any of the known archaeological sites likely to be*

*affected during the construction works. Alternatively, the Requiring Authority shall provide evidence that Archaeological Authorities are not necessary.*

*13.3 Following consultation with Heritage New Zealand and the TWWG, a Heritage and Archaeological Site Management Plan (HASMP) prepared by a suitably qualified and experienced archaeologist under the direction of the Requiring Authority and then submitted for certification to [the relevant territorial authority] Chief Executive or nominee at least forty (40) days prior to the commencement of any earthworks or construction activity.*

*13.4 The HASMP shall describe the measures that will be taken to avoid or mitigate effects on archaeological sites within the designation in conjunction with any conditions required in compliance with any archaeological authority issued by Heritage New Zealand. In particular, the HASMP shall describe:*

- a) Measures that will be taken to protect or avoid archaeological sites (or insitu archaeological remains) from damage during construction;*
- b) Mitigation measures in the form of archaeological investigation and recording, which shall include but not be limited to the site specific archaeological investigation recommendations set out in the Southern Links Designation Corridor Notice of Requirement Archaeological Assessment, prepared by Opus, dated 02/12/13 as they relate to the Requiring Authority's Designation;*
- c) Areas where monitoring of construction works by an archaeologist will be required;*
- d) Protocols to be followed if cultural sites, human remains or taonga (Maori artefacts) are encountered during construction works;*
- e) The roles and responsibilities associated with managing the archaeological aspects of the Project;*
- f) Provision for training contractors in the operational guidelines, procedures and protocols pertaining to the archaeological aspects of the Project;*
- g) Provision Monitoring for any revisions required to the HASMP during the course of the Project; and*
- h) Reporting requirements.*

*13.5 Following consultation with Heritage New Zealand and the TWWG, a Archaeological Site Conservation Policy shall be*

*prepared by a suitably qualified and experienced archaeologist and then submitted for certification to [the relevant territorial authority] Chief Executive or nominee. The Policy shall describe the on-going management of those remaining archaeological sites (part or whole) identified within the designation once construction is completed.*

- 11 In my opinion, the above conditions cover the same issues but are more succinct than those recommended in the s42A Report. The conditions for the Waipa NoR contains additional provisions to deal with the Glenhope Homestead.
- 12 I have liaised with Ms Karolyn Buhring of the NZ Transport Agency in developing the proposed designation conditions. Ms Buhring is responsible for providing technical advice to project teams in the areas of archaeology and built heritage as well as the development of heritage policy to inform the Transport Agency's operations.
- 13 In addition, Mr Rod Clough of Clough & Associates Limited has performed a peer review of the proposed designation conditions. Mr Clough has confirmed his agreement with the proposed designation conditions (as shown above) in the letter attached as **Annexure A** to my rebuttal evidence.

#### **CONCLUSIONS**

- 14 I have read the statement of expert evidence provided by the submitters relevant to archaeology, and this evidence has not caused me to depart from the opinions expressed in my EIC. I reconfirm the conclusions reached in the EIC. I have proposed some relevant and succinct archaeological conditions.

**Nicholas Cable**

**8 July 2014**





# Clough

& ASSOCIATES LTD

321 Forest Hill Road, Waiatarua, Auckland 0612

09 814 1946 [heritage@clough.co.nz](mailto:heritage@clough.co.nz)

[www.clough.co.nz](http://www.clough.co.nz)

7 July 2014

New Zealand Transport Agency and Hamilton City Council  
c/o Theresa Le Bas  
Tompkins Wake  
[tlebas@tomwake.co.nz](mailto:tlebas@tomwake.co.nz)

Dear Theresa,

**Re: Notice of Requirements from NZTA and Hamilton City Council: Southern Links  
Roothing Network – Archaeology**

In my role on the NZTA Panel of Independent Professional Advisors (IPA), I have been asked to review the archaeological and built heritage assessments, S42 report and Evidence relating to the Southern Links Project and in particular to review the sets of draft conditions proposed by NZTA and Hamilton City Council.

In addition to my role on the IPA I have worked extensively on national roading projects for the NZTA and the various alliances contracted to construct those highways throughout the North Island (see attached Biography). In particular, I acted in a similar peer review role for NZTA's Cambridge By-Pass. As a consequence, I have a good understanding of the archaeological issues encountered during these roading projects and of what constitutes a comprehensive and pragmatic set of conditions which will ensure that historic heritage is treated appropriately within both the RMA and HNZPTA statutory environments.

As part of this process, I reviewed the Opus Archaeological Assessments (Nick Cable), the HCC s42 report (Archaeological Section by Warren Gumbley), Evidence in Chief and Rebuttal of Nick Cable (Opus) in which he responds to issues raised by the S42 Report; Evidence in Chief of Ian Bowman (on Glenhope's heritage value), Evidence in Chief of Rachel Darmody (HNZ Regional Archaeologist) and the various iterations of draft conditions up to the sets provided for the hearing.

The conditions developed by NZTA and Hamilton City Council for this project in general are similar to those developed elsewhere (such as for the Waterview Connection in Auckland). In particular, the requirement for a comprehensive Heritage and Archaeological Site Management Plan (HASMP) has worked particularly well in those projects as it incorporated requirements relating to the various aspects of historic heritage (archaeological, built heritage and cultural protocols) along with Heritage NZ requirements into the one overarching document.



Overall, in my professional opinion, I consider that historic heritage has been assessed in a comprehensive manner and all of the significant issues raised in the s42 Report have been addressed in the EiC and Rebuttal Evidence of both Nick Cable and Ian Bowman. I also consider that the sets of conditions developed for these NoRs by NZTA and Hamilton City Council will provide an appropriate level of recognition of historic heritage values and a balance of protection and mitigation of effects on these values.

Yours sincerely

A handwritten signature in black ink that reads "Rod Clough". The signature is written in a cursive, slightly stylized font.

**Rod Clough** PhD (London)  
**Director**