

**BEFORE INDEPENDENT HEARING COMMISSIONERS
APPOINTED BY THE HAMILTON CITY COUNCIL**

IN THE MATTER of the Resource Management Act 1991 (**Act**)
AND

IN THE MATTER of an application for subdivision and land use
consent for the Amberfield development
pursuant to the Act.

APPLICANT Weston Lea Limited

CONSENT AUTHORITY Hamilton City Council

**EVIDENCE-IN-REPLY OF WARREN JOHN GUMBLEY
FOR WESTON LEA LIMITED**

Dated: 30 April 2019

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INTRODUCTION

1. My name is Warren John Gumbley and I am an archaeologist. I have summarised my qualifications and experience in my evidence in chief. I repeat the confirmation given in my evidence in chief that I have read the 'Code of Conduct' for expert witnesses and that my evidence has been prepared in compliance with that Code.
2. The following is evidence in reply to evidence presented by Ms Carolyn McAlley and Dr Rachel Darmody, both on behalf of Heritage New Zealand Pouhere Taonga (**HNZPT**).

REPLY TO EVIDENCE BY CAROLYN MCALLEY

3. Ms McAlley refers HNZPT's earlier submission, which identified four matters to be addressed. She notes at paragraph 4.2 of her evidence that the matter in relation to establishing the significance of the archaeological deposits within the proposed Archaeological Heritage Reserve has been resolved in the s42A report, which included an assessment of the proposed reserves heritage values against the WRPS heritage criteria contained within an addendum report supplied to HCC in August 2018.
4. Ms McAlley's following evidence relates to the remaining three points in HNZPT's submission;
 - (a) the Archaeological Heritage Reserve Management Plan (**AHRMP**);
 - (b) the Historic Heritage Interpretation Strategy; and
 - (c) a proposed advice note in relation to the need for an archaeological authority pursuant to the Heritage New Zealand Pouhere Taonga Act for the development of the proposed Archaeological Heritage Reserve.
5. Ms McAlley supports the development of an AHRMP as detailed in proposed condition 63 but has specific concerns in relation to the both this condition and its associated proposed condition 64.
6. Proposed condition 64 lists a series of bodies the consent holder must consult with in the course of the development of the AHRMP. Ms McAlley seeks

inclusion of HNZPT on the list on the basis that HNZPT has specialist expertise in archaeology and would make an important contribution to the development of the AHRMP. I agree that HNZPT would be able to make a contribution to the development of the AHRMP. I note the development of the reserve will require a further archaeological authority, for example, for the formation of tracks, installation of interpretation and cultural symbolism. This will be considered by HNZPT.

7. In their submission HNZPT sought a Heritage Interpretation Strategy but this is modified in Ms McAlley's evidence which seeks changes to proposed condition 63 with reference to the clauses that represent an effective brief for the AHRMP. Ms McAlley seeks a new clause (a) and an alteration to the original clause (c).
8. The newly proposed clause (a) requests that "a history of the site and its context within the Amberfield subdivision and the larger Hamilton environs from a cultural, archaeological and historic perspective and identification of the values that are to be conserved" should be included in the management plan". Such an historical background would normally be included in a management plan such as the AHRMP and much of the information, with the exception of the archaeological data to be recovered during the development of Amberfield, is already available. It should be noted that the need to include the archaeological data would affect the timetable for the development of the AHRMP since this will become available only following the completion of the fieldwork, post-excavation sample analyses and data analysis, and completion of the investigation reports. The archaeological work will proceed in a step-wise process consistent with the development of the subdivision and so will become available over a period of years. Therefore, a full picture of the archaeology related to the area of Amberfield will only become complete at the end of the project. I am comfortable with the proposed clause (a) as outlined by Ms McAlley.
9. Ms McAlley's proposed addition to the original clause (c) in condition 63 effectively adds nothing extra to the existing wording of the clause. It does propose that the interpretation will include signage and "appropriate information sharing platforms". This last phrase can only be read as a reference to an 'on-line' or 'web-based' presence. Whatever the merit of this

idea, it is difficult to see what organisation would be appropriate for hosting the on-line information. To be effective this would need to be hosted by an organisation with some degree of permanency and a private development company could not be considered to be such. Given the matters I have noted above I believe that the inclusion of the additional points proposed by Ms McAlley will not lead to a more effective AHRMP and interpretation strategy. I suggest that HNZPT's inclusion in the AHRMP consultation group in condition 64 would achieve the objectives which HNZPT appear to desire with the rewording of the clause in Condition 63. Accordingly, my opinion is that the original wording of clause (c) should remain.

10. The final item in Carolyn McAlley's evidence relates to the inclusion of an advice note to the effect that an archaeological authority is required before any work can occur within the proposed Archaeological Heritage Reserve. This reflects the need for the requirements of the Heritage New Zealand Pouhere Taonga Act's processes to be respected. As such the inclusion of the advice note has merit.

REPLY TO EVIDENCE BY DR RACHEL DARMODY

11. Dr Darmody presents evidence that the inclusion of the proposed condition 62 constrains and conflicts with HNZPT's powers under the Heritage New Zealand Pouhere Taonga Act. She explains the reasoning behind this in paragraphs 17-20 of her evidence. I agree with the detail and substance of Dr Darmody's evidence and also agree with her recommendation that proposed condition 62 be deleted in its entirety.

ADDITIONAL COMMENT ON PROPOSED CONDITION 61

12. I would like to make one final comment on the wording of proposed condition 61. This condition requires the submission of the Final Archaeological Report to HCC no later than forty days after completion of the final stage of the subdivision. I wish to draw the Commissioners' attention to the time-frame specified, which is unworkably brief.
13. As I have noted, the extended nature of the Amberfield project means that a series of final archaeological reports will be produced reflecting the staging of the development. It is also important to understand the nature of

archaeological research, which may be understood as an initial phase of field investigations where data is recorded and samples are recovered. This is then followed by a progressive chain of cross-referenced analyses which take months to complete since analyses are often contingent upon the result of analyses preceding it. I note that HNZPT do not require a final report until 12 months following the completion of the on-site archaeological work. I propose that any reference to a time period be deleted from this condition on the basis that it is not achievable and that Authority 2018/69 already controls the process. I note that this change has been made in the proposed changes to conditions in Annexure C of Mr Serjeant's evidence in chief (now numbered condition 63) which I support.

Dated this 30th day of April 2019



Warren Gumbley