

ARCHAEOLOGICAL MANAGEMENT PLAN: WAIKATO REGIONAL THEATRE, HAMILTON

Prepared for CharcoalBlue Ltd

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By

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Contents

Introduction	1
Purpose	1
Project Archaeologist	2
Maori Cultural Values	2
Site Management.....	5
Pre-Start Requirements	5
Demolition Phase	5
Earthworks Phase	6
Procedures if Archaeological Sites are Exposed when the Archaeologist is not Present	7
Protocols Relating to Koiwi Tangata (Human Remains).....	7
Protocols Relating to Taonga (Maori Artefacts)	8
Post-Earthworks Phase.....	9
Archaeological Team and Other Contacts	10
Archaeological Team	10
Contact Details	10
Stand Down Periods.....	11
Applicant’s and Contractor’s Responsibilities.....	12
Authority Holder’s Responsibilities.....	12
Contractor’s Responsibilities	12
Dispute Resolution.....	13

INTRODUCTION

Purpose

Development of a new theatre complex called the Waikato Regional Theatre Project, is being proposed at 170 and 198 Victoria Street in Hamilton (Figure 1). The proposed development will comprise a 1,100-seat flexible lyric theatre constructed over split levels, with a garden area, and it will include a new hotel located on the Victoria Street frontage and an art gallery, to provide views onto the Waikato River.

An archaeological assessment of the effects of the project was prepared:

Phear, S., Z. Burnett, and K. Tatton Oct 2018. Waikato Regional Theatre, Hamilton: Archaeological Assessment. Prepared for CharcoalBlue Ltd.

The archaeological assessment established that the development site has a long history, being located in an area used by Maori in relation to Kirikiriroa Pa and possibly earlier times; and being the site of the first Hamilton Hotel in 1865, which included various stables, cottages, gardens and a bathhouse. A second hotel was built in 1899 following a fire that destroyed the first hotel and cottage; and a third hotel was constructed in 1923 following another devastating fire. The development property was also the site of numerous buildings and businesses from the mid-19th century on the Victoria Street frontage.

There are no recorded archaeological sites within the development property and no archaeological remains were located during the field survey. However, there is one Schedule 8C Group 2 cultural site (Hua O Te Atua Urupa A123); and 5 heritage trees (Schedule 9D) located within the development property. Human remains were found in former Allotment 52 (198 Victoria Street) in 1889, but there are no known records of human remains being found within Allotment 53 (170 Victoria Street). There may also be unrecorded subsurface archaeological remains relating the 19th century European activities on the property (such as structural remains, postholes, pits, rubbish pits, bottle dumps, garden remains and wells).

The assessment confirmed that the majority of the development property has been heavily modified. There has been loss of land through flooding in 1876; a large amount of landscape modification related to re-building the hotel after the fires; as well as landscaping/terracing, gardening and other related activities. All these activities affect the archaeological potential of the development property. While the overgrown vegetation prevented a detailed surface inspection of the garden and urupa area during field survey, it is clear from documentary sources and the topography itself that this area has been substantially modified since European ownership in the 19th century. The potential for any in situ koiwi in this area is therefore considered to be low.

The theatre design has considered the location of the scheduled urupa and the majority of the urupa site will not undergo any earthworks, only vegetation clearance and piling works on the northern and southern edge of the urupa area to support part of the open courtyard deck and an access ramp. The courtyard deck has been redesigned to create a large void in the deck around an existing tree and therefore avoid a significant portion of the urupa. The design also uses screw piles for the least impact on the site and the foundation beams will be above ground to minimise impact. Only a small area extending approximately 2.5m only within the mapped boundary of the urupa will undergo cut

earthworks for the sub-stage area. The eastern side of the scheduled urupa area is within a future proposed Upper River Promenade and a separate project.

Based on the assessment of archeological potential, the area within the scheduled urupa affected by the earthworks is largely within a low potential area. However, it is possible that small pockets of non-modified ground are present, so the potential for finding human bones cannot be ruled out. If present, any human skeletal remains, and associated burial furniture, would potentially be destroyed by earthworks and piling. Effects on any human remains should be minor if the recommendations set out below are applied.

While no known archaeological sites will be affected by the proposed works, it is considered likely that unidentified subsurface archaeological remains may be exposed during development. An application for a general Authority under section 44(a) of the Heritage New Zealand Pouhere Taonga Act 2014 (HNZPTA) is therefore being made as a precaution prior to the start of works. This will ensure that if any remains are exposed during the proposed works appropriate action can be taken and any delays will be minimised. Where practicable archaeological features or deposits will be avoided by the earthworks under direction of the project archaeologist.

This archaeological management plan outlines the procedures to be followed during archaeological monitoring of earthworks and procedures for recording any archaeological evidence before it is modified or destroyed. It also provides protocols for the exposure of archaeological remains including koiwi tangata (human remains) or taonga (Maori artefacts).

Project Archaeologist

The 'Project Archaeologist' referred to in this plan is the archaeologist approved by Heritage NZ under section 45 of the HNZPTA.

Some of the archaeological work may be undertaken by other qualified archaeologists under the direction of the Project Archaeologist. The general term 'Archaeologist' is used to denote either the Project Archaeologist or a qualified archaeologist working under their direction.

Maori Cultural Values

Archaeological sites of Maori origin have cultural value to tangata whenua in addition to the archaeological values provided for in this plan.

Contact details for representatives of iwi that have an interest in the project area are provided in this document, as are protocols that must be adhered to if archaeological remains of Maori origin are exposed. In carrying out the requirements of the authority the archaeologists will be guided by the Iwi representatives in matters of tikanga.

Cultural protocols and ceremonial activities have been separately agreed between Waikato Regional Theatre Governance Panel and Te Haa O Te Whenua O Kirikiriroa (Thawk) and are not part of this document.

Waikato Regional Theatre Governance Panel or their designated representative are to ensure that the iwi representatives are informed at least 48 hours before the start of the works requiring archaeological monitoring.



Figure 1. The project area (red outline) at Victoria Street, Hamilton (source: HCC City Waters Viewer: 2017 aerial)

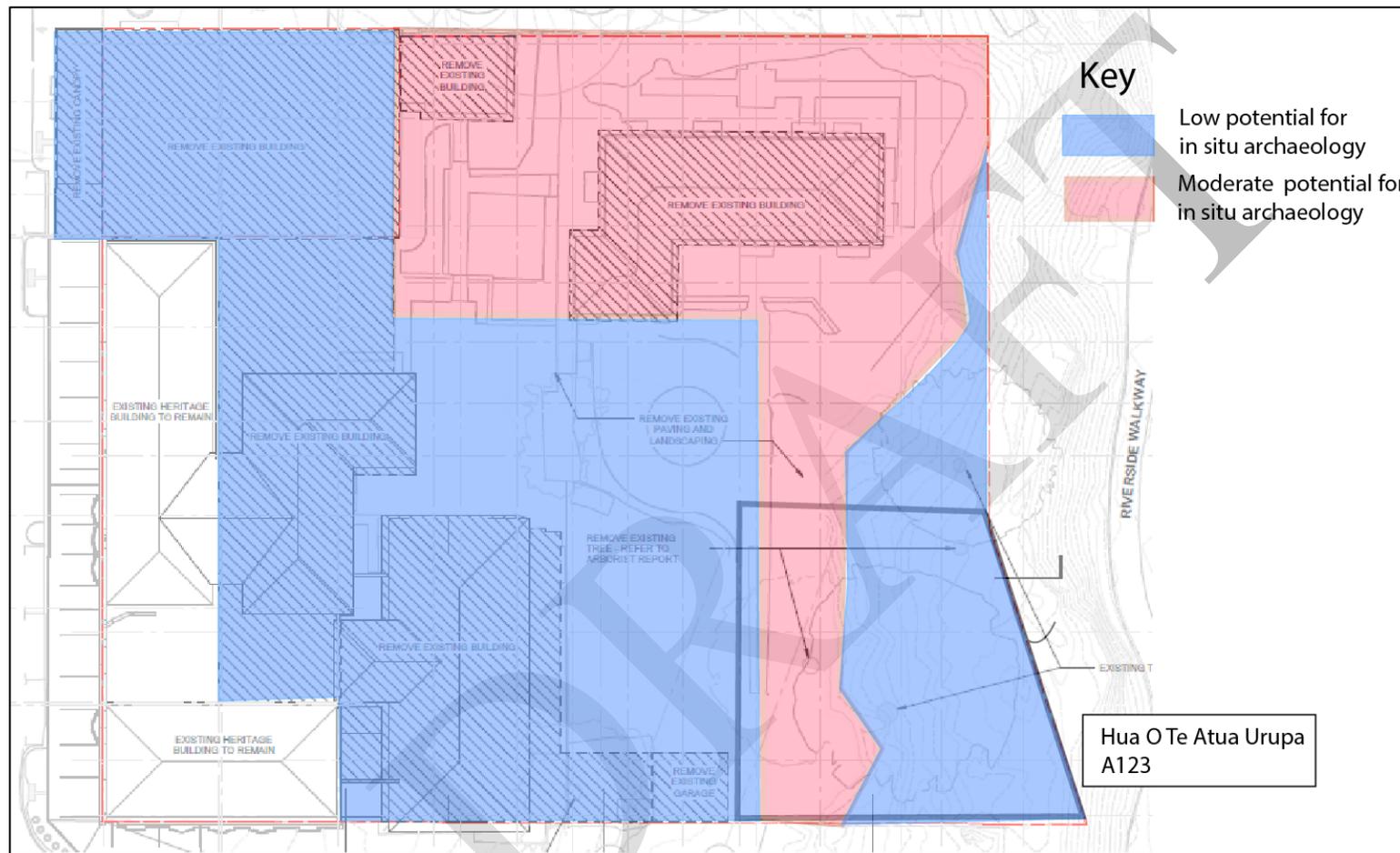


Figure 2. Demolition plan indicating the area of archaeological potential. Human remains are possible in the bounds of the urupa, and both 19th century and other features relating to Maori activities have the potential to be located across the site particularly in the area shaded pink. Archaeological monitoring is recommended within both the pink and blue areas of the proposed development site (source: base plan Jasmax)

SITE MANAGEMENT

Pre-Start Requirements

1. Prior to the start of any development works on the property, the Project Archaeologist and Thawk will be called to meet the Contractor[s] on site to brief them on the archaeological requirements, and to bless them during the Karakia to signify the start of the earthworks and the laying of the Mauri' ceremony.
2. The scheduled extent of Hua O Te Atua Urupa (A123) will be temporarily fenced off under archaeological supervision to ensure it is not impacted on during works without archaeological and Iwi supervision.
3. The Archaeologist will ensure that the Contractor/Project Manager have a copy of the Authority and Archaeological Management Plan, and will provide confirmation to Heritage NZ that they have been received and understood, either by providing copies of both documents signed by the relevant parties, or by obtaining email confirmation from them, copied to Heritage NZ.
4. The Project Archaeologist and Iwi must be given at least 2 weeks' notice by the Contractor that works are about to begin.

Demolition Phase

1. Demolition of existing buildings down to floor level without ground disturbance within the development site does not require archaeological monitoring.
2. Monitoring of the removal of all concrete and tarseal surfaces and associated aggregates/base course must be carried out by a qualified Archaeologist, to determine whether pre-1900 archaeological remains are then visible on the cleared ground, and to also identify areas where there has been limited previous modification where there may be sub-surface archaeological remains. Particular care is to be taken within the scheduled area of the urupa to ensure that any archaeological remains are not disturbed during this demolition phase.
3. Monitoring of the vegetation clearance across the property should be undertaken by a qualified Archaeologist, to determine whether pre-1900 archaeological remains are visible under these surfaces, and to also identify areas of where there has been limited previous modification where there may be sub-surface archaeological remains. Particular care is to be taken within the scheduled area of the urupa to ensure that any archaeological remains are not disturbed during this vegetation clearance.
4. An additional archaeological inspection will then be undertaken of the scheduled area of the urupa (which includes subsurface testing) with an iwi monitor assistant to establish the stratigraphy in this area and gain further understanding of the level of previous modification across this area. Additional archaeological recommendations will be made at this time for the Earthworks Phase of development.
5. If in situ archaeological features or deposits are identified during monitoring, the Archaeologist will stop works in the immediate vicinity by notifying the Contractor. Where practicable archaeological features or deposits will be avoided

by the earthworks under direction of the project archaeologist. If they cannot be avoided the archaeologist will investigate and record the remains.

6. Any in situ archaeological deposits or features exposed during monitoring will be investigated, recorded and sampled by the Archaeologist consistent with accepted archaeological practice and in accordance with the requirements of the Heritage NZ authority. Detailed notes of each feature and deposit will be made, photographs will be taken, and all subsurface features located will be detailed on the site plan. Stratigraphic drawings and photographs of features and deposits will be undertaken. Any artefacts will be retained for analysis and their positions marked on the site plan.

Earthworks Phase

1. Monitoring of all preliminary excavations (initial surface stripping of topsoil / subsoil) required for the project in the blue and pink areas shown on Figure 2 will be carried out by a qualified Archaeologist, to determine whether pre-1900 archaeological remains are present.
2. Preliminary excavations across the area of the scheduled urupa will be carefully controlled under archaeological and iwi supervision in accordance with any specific archaeological recommendations made as a result of the additional archaeological inspection undertaken after the Demolition Phase.
3. Any ground disturbance within the area of the scheduled urupa is to be limited to vegetation clearance, piling works on the northern and southern edge to support part of the open courtyard deck and an access ramp, and the excavation of a small area extending approximately 2.5m only within the mapped boundary of the urupa for the sub-stage area.
4. Monitoring will continue until the natural soil deposits have been reached with no identified archaeological deposits (where excavations are continued to this depth), or until it becomes clear that the area has been modified to the point where no archaeological deposits would be expected.
5. If in situ archaeological features or deposits are identified during monitoring, the Archaeologist will stop works in the immediate vicinity by notifying the Contractor. Where practicable archaeological features or deposits will be avoided by the earthworks under direction of the project archaeologist. If they cannot be avoided the archaeologist will investigate and record the remains.
6. Any in situ archaeological deposits or features exposed during monitoring will be investigated, recorded and sampled by the Archaeologist consistent with accepted archaeological practice and in accordance with the requirements of the Heritage NZ authority. Detailed notes of each feature and deposit will be made, photographs will be taken, and all subsurface features located will be detailed on the site plan. Stratigraphic drawings and photographs of features and deposits will be undertaken. Any artefacts will be retained for analysis and their positions marked on the site plan.
7. Additional Archaeologists will be brought to site as required to assist in the monitoring, and for the subsequent archaeological recording and sampling.

8. The Contractor will allow sufficient time and opportunity for the recording and sampling of any archaeological features or deposits encountered. The Archaeologist(s) will record the archaeological feature(s) or deposit(s) as quickly as possible so that earthworks may resume without undue delay.
9. If suspected archaeological deposits or features are identified at times or in areas where the Archaeologist is temporarily not present, the Contractor must stop works (within 10m) and follow the procedure set out below.
10. Heritage NZ will be advised by the Project Archaeologist if any significant archaeological features or deposits are exposed that were not anticipated. This will trigger the stand down procedure set out below.
11. Any significant archaeological features exposed will be retained in situ if feasible following investigation and recording.
12. If archaeological remains relating to Maori occupation are exposed, the Project Archaeologist will inform the appropriate Iwi representatives (if not present).
13. If human bone (koiwi tangata) or taonga (Maori artefacts) are encountered, the protocols set out below will be followed.

Procedures if Archaeological Sites are Exposed when the Archaeologist is not Present

If the Archaeologist is temporarily not present and remains are exposed that are potentially archaeological features or deposits (as described to the Contractor at the pre-start meeting), the following procedure should be adopted:

1. The Contractor will ensure that earthworks shall cease in the immediate vicinity (within 10m) while the Archaeologist is called in to establish whether the remains are part of an archaeological site as defined under the HNZPTA.
2. If the Archaeologist confirms that it is an archaeological site, the area of the site will be defined by the Archaeologist and excluded from earthworks.
3. The archaeological site will be investigated and recorded by the Archaeologist in accordance with accepted archaeological practice and the conditions of the authority.
4. Heritage NZ will be advised by the Archaeologist if any significant archaeological features or deposits that were not anticipated are exposed.
5. If the archaeological site relates to Maori occupation the appropriate Iwi representatives will be informed by the Archaeologist (if not present) prior to investigation.
6. If human bone (koiwi tangata) or taonga (Maori artefacts) are unearthed the protocols set out below will be followed.

Protocols Relating to Koiwi Tangata (Human Remains)

If bone material is identified that could potentially be human, the following protocol will be adopted:

1. Earthworks/investigation should cease in the immediate vicinity while an Archaeologist establishes whether the bone is human.
2. If it is not clear whether the bone is human, work shall cease in the immediate vicinity until the University's reference collection and/or a specialist can be consulted and a definite identification made.
3. If bone is confirmed as human (koiwi tangata), the Archaeologist will immediately contact Iwi representatives (if not present), Heritage NZ and the NZ Police.
4. The site will be secured in a way that protects the koiwi as far as possible from further damage.
5. Consultation will be undertaken with all Iwi representatives as outlined in the authority, the Heritage NZ Regional Archaeologist and the authority holder to determine and advise the most appropriate course of action. No further action will be taken until responses have been received from all parties, and the koiwi will not be removed until advised by Heritage NZ.
6. The Iwi representatives will advise on appropriate tikanga and be given the opportunity to conduct any cultural ceremonies that are appropriate.
7. If the Iwi representatives are in agreement and so request, the bones may be further analysed by a skilled bio-anthropological specialist prior to reburial, in line with the *Heritage NZ Guidelines Koiwi Tangata Human Remains* (2014).
8. Activity in that place can recommence as soon the bones have been reinterred or removed and authorisation has been obtained from Heritage NZ.

Protocols Relating to Taonga (Maori Artefacts)

Maori artefacts such as carvings, stone adzes, and greenstone objects are considered to be taonga (treasures). These are taonga tuturu within the meaning of the Protected Objects Act 1975. Taonga may be found in isolated contexts, but are generally found within archaeological sites. If taonga are found the following protocols will be adopted:

1. The area containing the taonga will be secured in a way that protects the taonga as far as possible from further damage, consistent with conditions of the Authority.
2. The Archaeologist will then inform Heritage NZ and the Iwi representatives so that the appropriate actions (from cultural and archaeological perspectives) can be determined.
3. These actions will be carried out within the stand down period specified below, and work may resume at the end of this period or when advised by Heritage NZ or the Archaeologist.
4. The Archaeologist will notify the Ministry for Culture and Heritage of the find within 28 days as required under the Protected Objects Act 1975. This can be done through the Auckland War Memorial Museum.

The Ministry for Culture and Heritage, in consultation with the tangata whenua, will decide on custodianship of the taonga (which may be a museum or the iwi whose claim to the artefact has been confirmed by the Maori Land Court). If the taonga requires conservation treatment (stabilisation), this can be carried out by the Department of

Anthropology, University of Auckland (09-373-7999) and would be paid for by the Ministry. It would then be returned to the custodian or museum.

Post-Earthworks Phase

1. Any artefacts recovered and samples taken will be analysed and recorded by the appropriate specialists.
2. Any Maori artefacts will be notified to the Ministry for Culture and Heritage in accordance with the Protected Objects Act 1975.
3. The Project Archaeologist will provide a report to Heritage NZ within 20 days of the completion of archaeological work. This may be the final report if no or limited archaeological remains are found.
4. If more extensive remains requiring detailed analysis are found, the Project Archaeologist will complete a full monitoring report within 12 months of the end of the archaeological work, and will provide it to Heritage NZ and other parties identified in the Authority.

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ARCHAEOLOGICAL TEAM AND OTHER CONTACTS

Archaeological Team

Rod Clough will have overall direction of the project as the contracted archaeologist. Kim Tatton will direct the project as the Section 45 archaeologist. Fieldwork will be carried out by her or under her supervision.

The archaeological team will include some or all of the following:

Name	Role	Responsibility
Rod Clough, PhD	Director	Overall direction of project
Kim Tatton, MA	Co-Director	Manage project in field and prepare report
Ellen Cameron, MA	Archaeologist	Monitoring, recording
Ben Jones, MA	Archaeologist	Monitoring, recording
Doug Gaylard, MA	Archaeologist	Monitoring, recording

Other qualified archaeologists and/or specialists may be brought in to the project if required. These may include specialists in particular categories of artefact or other remains.

Contact Details

Project Archaeologist	Kim Tatton: 021684587, kimtatton@clough.co.nz Rod Clough: (09) 8141946 or 0274850059, heritage@clough.co.nz
Heritage NZ Regional Archaeologist	Rachel Darmody (07) 5774530 RDarmody@heritage.org.nz Heritage New Zealand Lower Northern Area Office
Iwi Representatives	Te Haa O Te Kirikiriroa: Rawiri Bidois 027 2442179 rawiribidois@gmail.com Ngati Wairere: Piripi Matika, 022 0929030, ppmatika@hotmail.com Ngati Haua: Sonny Karena 0226478075, ngapine.20408@gmail.com Ngati Mahanga: Rangiuiariki Riki 0224956318 rangiuiariki.2@gmail.com Waikato-Tainui: Taroi Rawiri, 021 802232, taroi.rawiri@tainui.co.nz

STAND DOWN PERIODS

Depending on what is revealed by the earthworks, stand down periods may be required at various stages to allow for archaeological work to be carried out or for consultation with the appropriate parties may be required at various stages.

Stand down will require earthworks to cease only in the immediate vicinity of the feature or find, and work may proceed in other areas. The following maximum stand down periods will apply, but earthworks may be resumed earlier if the required work has been completed.

Timeframes need to be flexible enough to ensure that archaeological works are completed as necessary to ensure that the conditions of the authority are met.

Trigger	Stand Down Period	Requirements	Release
Archaeological feature, deposit or artefacts	Up to 3 days within each area where remains are found, but work may continue in areas where no remains are identified	Sufficient time must be allowed for the Archaeologist to investigate and record the remains.	Work resumes when the Archaeologist advises the Contractor that work is completed
Significant archaeological feature, deposit or artefacts ¹	Up to 3 days for a response from Heritage NZ, and up to 3 days for any detailed investigation required	The likely requirement is a mitigation investigation and/or recording by standard archaeological techniques, but this will be advised by Heritage NZ.	Work resumes when the Archaeologist advises the Contractor that work is completed
Human bone found	As agreed between the project manager, Heritage NZ and Iwi	Heritage NZ and NZ Police to be satisfied that koiwi identification is correct. Iwi representative(s) to organise reinterment or removal of bones from site and appropriate cultural ceremonies.	Work resumes following reinterment or removal of bones from site and when authorisation from Heritage NZ has been received.
Taonga, or archaeological remains of Maori origin found that were not anticipated	Up to 3 days	Heritage NZ and Iwi representative(s) to be consulted on appropriate action. Archaeological recording as required	Work resumes when the Archaeologist or Heritage NZ advises the Contractor that work is completed

¹ i.e. with the potential to provide significant information through detailed investigation

APPLICANT'S AND CONTRACTOR'S RESPONSIBILITIES

Authority Holder's Responsibilities

Waikato Regional Theatre Governance Panel or their designated representative has the following responsibilities:

1. To advise Heritage NZ of the start and finish dates of any required archaeological work.
2. To ensure that sufficient time is provided to carry out any archaeological investigations required.
3. To provide sufficient site security to ensure that archaeological material on site is protected from unlawful excavation or removal.
4. To ensure that a copy of the archaeological Authority is kept on site and its contents are made known to all contractors and subcontractors.
5. To ensure that a copy of this Archaeological Management Plan is kept on site and its contents are made known to all contractors and subcontractors.
6. To ensure that the conditions and protocols outlined in the Authority and this document are observed by Contractors and subcontractors.
7. To provide a safe environment for the archaeologists to carry out their work.

Contractor's Responsibilities

The Contractor's responsibilities are as follows:

1. To meet the Project Archaeologist on site prior to the start of works for a briefing on the archaeological requirements.
2. To provide the Project Archaeologist with 2 weeks' notification that project earthworks are about to begin, and to ensure that an Archaeologist is present when demolition and earthworks begin in the areas requiring monitoring shown in Figure 2.
3. To comply with the protocols above if archaeological sites, koiwi or taonga (pp. 7-8) are exposed.
4. To allow the Archaeologists sufficient time to investigate and record any archaeological remains before resuming works in the immediate vicinity.
5. To ensure a safe working environment for the Archaeologists.

DISPUTE RESOLUTION

Disputes fall into a number of categories but are usually the result of poor communication between the developer, subcontractors, Iwi representatives and the project archaeologists. Most can be avoided if sufficient detail of the archaeological issues and responsibilities is outlined in the tender document or work management documentation.

Common examples of a dispute are: that the subcontractors consider that the archaeologists are causing unacceptable delays, or that the archaeologists feel they have insufficient time to fulfil the obligations of the authority. In the event of a dispute relating to the Authority investigation the following procedure for resolution should be followed:

1. If the dispute relates to archaeological issues, a meeting between the Authority holder (or designated representative), Contractor or subcontractor and Archaeologists should be convened as soon as possible to attempt to resolve the dispute.
2. If the dispute relates to cultural issues, a meeting between the Authority holder (or designated representative), Contractor or subcontractor, Iwi representatives, and Archaeologists should be convened as soon as possible to attempt to resolve the dispute.
3. If the dispute cannot be resolved a further meeting of all parties with representatives of Heritage NZ will be arranged within 1 working day to resolve the dispute. Heritage NZ has ultimate responsibility for resolving issues relating to the conditions of the Authorities it issues.

Taonga tūturu (Maori artefacts) recovered from archaeological investigations are often deposited in local or national museums following archaeological analysis, and with the agreement of iwi. On other occasions iwi may prefer to retain ownership of artefacts and disputes can arise between different iwi with an interest in the area. Any disputes relating to the long term ownership and custody of taonga tūturu should be dealt with through the statutory processes of the Protected Objects Act 1975. The provisions of the Act require that all taonga tūturu are notified to the Ministry for Culture and Heritage within 28 days of the completion of archaeological fieldwork. Under s.11 and s.12 of the Act the Ministry for Culture and Heritage must notify all parties that have an interest in the taonga, and if competing claims for ownership are made and cannot be resolved the matter may be referred to the Maori Land Court for resolution.