

**BEFORE AN INDEPENDENT HEARINGS PANEL  
OF THE HAMILTON CITY COUNCIL**

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

**AND**

**IN THE MATTER** of an application for resource  
consent for the redevelopment of  
the former Hamilton Hotel  
building at 170 Victoria Street,  
Hamilton CBD.

---

**SUPPLEMENTARY STATEMENT OF EVIDENCE OF RODNEY EDWARD CLOUGH  
ON BEHALF OF THE APPLICANT**

**ARCHAEOLOGY  
October 2019**

---

## **1. QUALIFICATIONS AND EXPERIENCE**

**1.1** My qualifications and experience are those set out in my Evidence in Chief for this hearing.

### **1.2 Summary of evidence and comment on the evidence of Heritage NZ**

**1.3** In my Evidence in Chief I have presented a summary outlining the findings of the Archaeological AEE in which I conclude, based on comprehensive historic research and site survey, that the project area has been extensively modified and that the archaeological effects will be no more than minor. Any effects could be appropriately mitigated through the Heritage NZ authority process. These conclusions are supported by Dr Simmons, the consulting archaeologist who peer reviewed the report for council and are reflected in the findings of the Officer in the s 42A Report.

**1.4** In my evidence I also responded to and disagreed with the submission of Heritage NZ who, contrary to Dr Simmons, considered that there was insufficient detail to understand the effects of the proposed works.

**1.5** Further to their submission, Heritage NZ archaeologist, Dr Rachel Darmody has prepared a statement of evidence opposing the development, in particular because she considers that there is insufficient evidence to understand the location, extent, conditions and archaeological values of Hua O Te Atua Urupa (para 17). She cites our report where we state that the location of the urupā was based on research by Russell Foster in 2000 in conjunction with oral history and confidential records from representatives of Ngāti Wairere.

**1.6** However, we have provided as much detail as is available with regards to the urupā. We have also noted that there is a considerable discrepancy between the location provided by Russell Foster and the scheduled area.

**1.7** Foster (2000:9) states: *'to the south of Garden Place a second urupa named Hua O Te Atua was located close to the riverbank, in the vicinity of the western end of Collingwood Street. The first hotel for Hamilton City - the Commercial Hotel - was built in part over this Urupa.'*

**1.8** The Commercial Hotel was located at 287 Victoria Street on the corner of Collingwood and Victoria Streets, which is located north of the location of the Hamilton Hotel on the proposed development property. Therefore, there is a

discrepancy of some 400m between the described location of Hua O Te Atua in the Foster report and the scheduled location of the urupā in the HCC District Plan.

- 1.9** In para 24 Dr Darmody notes that human remains have been recovered elsewhere on the property [application area] at 198 Victoria St.
- 1.10** This event was referred to in our report, but I note that this find was not located within the scheduled urupā.
- 1.11** In paragraph 27 Dr Darmody points out that 'there needs to be an archaeological survey of the urupā, for the purpose of mapping, to define the extent and to understand the current features and landforms within the area'.
- 1.12** I note that the area of the urupā has been archaeologically surveyed, from which it was concluded that the area has been extensively modified by terraced gardens with retaining walls and other features. Importantly, I also note that very little of the area of the urupā will be affected by the proposal, the design of which has evolved to minimise any effects on the area as far as is possible. Further survey and mapping would not provide any additional understanding of the extent, location or effects on the urupā which would not be detectable without full excavation.
- 1.13** Contrary to Dr Darmody's paragraph 38, I do not consider that I have underestimated the potential for recovery of important archaeological information, nor do I agree that there is internal contradiction within my statement of evidence.
- 1.14** In paragraph 39, Dr Darmody cites two nearby investigations to support the important archaeological potential she considers that the application site contains. (Phillips at 21 Grantham St and Keith at the northern end of Victoria St (276, 278 and 286).
- 1.15** However, the basis for this conclusion is not clear and the two cited studies do not appear to support it. The two studies relate to two very different situations. The 21 Grantham St investigation resulted in over 2000 finds/features being uncovered. Historically, there was only limited development of the Grantham St site and, importantly, a large area of the property had been infilled and used as a carpark, thus providing excellent conditions for preservation of the archaeological record. In contrast, the Victoria St site had historically been extensively modified and relatively few features (5) were recorded. It is clear from the historic evidence and site inspection as outlined in the archaeological AEE, that we expect the Theatre site to fall within the latter category and contain relatively few features. However, the

presence and nature of any subsurface remains could only be confirmed if they are exposed by the proposed earthworks. We have therefore recommended that the possibility of exposing remains is provided for through appropriate consent and authority conditions. This is the usual approach in such circumstances.

**1.16** I also note that Heritage NZ granted an authority for both of these sites.

## **2. CONCLUSION**

**2.1** There is nothing presented in the evidence of Dr Darmody that would result in any change to my conclusions regarding the Theatre site. These are:

- a) That there are no recorded archaeological sites within the Project site and no archaeological remains or features were identified during background historic research or archaeological site inspection.
- b) That the Project site has been highly modified by 20<sup>th</sup> century construction relating to re-building the hotels after fires and other buildings and structures; as well as landscaping/terracing, gardening and other related activities.
- c) That the design of the proposed Waikato Regional Theatre has considered the location of the scheduled Hua O Te Atua Urupa (A123) and the building and required earthworks have been pulled back as far west as reasonably possible to avoid this area.

**2.2** Based on both historical sources and site inspection I consider that the overall effects will be no more than minor and that the project can be supported from an archaeological perspective. As previously stated, any effects can be appropriately mitigated through the protocols and processes outlined in the Archaeological Management Plan as part of the Heritage NZ authority requirements.

Rodney Edward Clough

October 2019