

Heritage Review  
Land Use Consent Application LUC20/47704  
45-51 Brougham Street, New Plymouth

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1 February 2021



**Prepared for:**

New Plymouth District Council

Private Bag 2025

New Plymouth 4340

**Prepared by:**

Geometria Ltd.

114A Govett Avenue

New Plymouth 4310

**Geometria**

## Quality Information

Document: Heritage Review: Land Use Consent Application LUC20/47704

Date: January 2021

Prepared by: Daniel McCurdy

Prepared for: Luke Balchin

## Revision History

Revision	Date	Details	Authorised Name
Draft	27/01/2021	First draft	McCurdy, Gibb.
Final Draft	27/01/2021	Issued to client	McCurdy, Balchin
Final	01/02/2021	Minor edits	McCurdy

Front image: View of the Brougham St property..

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## 1. Introduction

K.D Holdings have sought a resource consent for the Brougham Street Commercial Development located at 45-51 Brougham Street, New Plymouth. The proposed works will potentially affect a historic railway embankment wall adjacent to the property, and thus K.D Holdings commissioned an Archaeological Assessment of Effects, completed by Archaeological Resource Management (Bruce, 2019).

New Plymouth District Council (NPDC) commissioned Geometria Ltd. to conduct a peer review of the Archaeological Assessment of Effects (AAE), and independently assess the heritage impacts of the proposed development. This report is a peer review of that AAE (Bruce, 2019). This report does not attempt to locate or assess the values of cultural sites of significance to Maori, such as waahi tapu, as these assessments may only be made by tangata whenua.

The resource consent application considered by this report was produced by BTW Company (Martin, 2020), and provided to the author by NPDC, noted as Rev 1 - 29/04/2020.

### 1.1. Location

The proposed development is located at 45-51 Brougham Street, New Plymouth, a parcel currently occupied by a carpark (Figure 1).

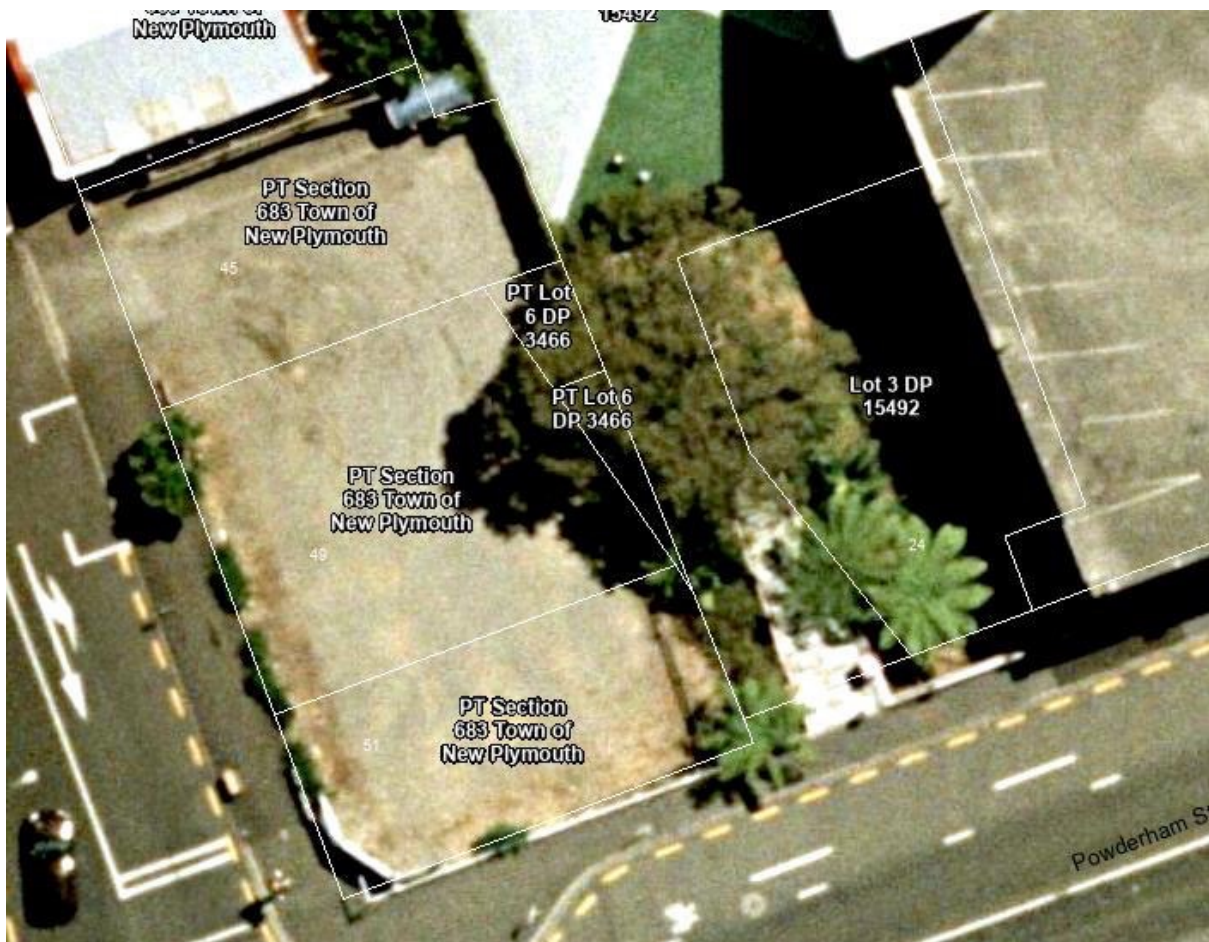


Figure 1: Location of proposed works (Source: Martin, 2020, p. 17)

## 1.2. Proposed Works

The purpose of the resource consent application is to seek land use resource consent from the New Plymouth District Council (NPDC) to establish a multi-storey building to accommodate a basement carpark, ten commercial tenants and an apartment, with associated removal of a Notable Tree (Martin, 2020, p. 1).



Proposed Building - Southeast View

Figure 2: 3D Illustration of proposed works (Source: Boon Team Architects)

## 2. Statutory Requirements

There are two main pieces of legislation in New Zealand that control work affecting archaeological sites. These are the Heritage New Zealand Pouhere Taonga Act 2014 (HNZPTA) and the Resource Management Act 1991 (RMA).

### 2.1. Heritage New Zealand Pouhere Taonga Act 2014

Heritage New Zealand administers the HNZPTA. It contains a consent (authority) process for any work affecting archaeological sites, where an archaeological site is defined as:

- a) Any place in New Zealand, including any building or structure (or part of a building or structure), that -
- b) 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
- c) Provides or may provide, through investigation by archaeological methods, evidence relating to the history of New Zealand; and
- d) Includes a site for which a declaration is made under section 43(1)

Any person who intends carrying out work that may modify or destroy an archaeological site, must first obtain an authority from Heritage New Zealand. The process applies to sites on land of all tenure including public, private, and designated land. The HNZPTA contains penalties for unauthorised site damage or destruction.

The archaeological authority process applies to all archaeological sites, regardless of whether:

- a) The site is recorded in the NZ Archaeological Association Site Recording Scheme or included in the Heritage New Zealand List,
- b) The site only becomes known about as a result of ground disturbance, and/ or
- c) The activity is permitted under a district or regional plan, or a resource or building consent has been granted

Heritage New Zealand also maintains the New Zealand Heritage List/ Rarangi Korero of Historic Places, Historic Areas, Wahi Tupuna, Wahi Tapu and Wahi Tapu Areas. The List can include archaeological sites. Its purpose is to inform members of the public about such places.

### 2.2. Resource Management Act 1991

The RMA requires City, District and Regional Councils to manage the use, development, and protection of natural and physical resources in a way that provides for the wellbeing of today's communities while safeguarding the options of future generations. The protection of historic heritage from inappropriate subdivision, use, and development is identified as a matter of national importance (section 6f).

Historic heritage is defined as those natural and physical resources that contribute to an understanding and appreciation of New Zealand's history and cultures, derived from archaeological, architectural, cultural, historic, scientific, or technological qualities.

Historic heritage includes:

- a) historic sites, structures, places, and areas
- b) archaeological sites;

- c) sites of significance to Maori, including wahi tapu;
- d) surroundings associated with the natural and physical resources (RMA section 2).

These categories are not mutually exclusive, and some archaeological sites may include above ground structures or may also be places that are of significance to Maori.

Where resource consent is required for any activity the assessment of effects is required to address cultural and historic heritage matters (RMA 4th Schedule and the district plan assessment criteria).

### **3. Methodology**

The research for this review consisted of both a desktop study and a physical site visit. The desktop study examined the following sources:

- NZAA ArchSite database
- Modern aerial photography (c.2000 – 2017)
- Historic aerial photography back to 1944
- Historic survey plans from c.1840 to c.1940
- Papers Past newspaper records
- DigitalNZ.org historic imagery
- New Plymouth District Plan

A walkover survey was undertaken on 9<sup>th</sup> June 2020 by Daniel McCurdy (Geometria), accompanying Luke Balchin (NPDC) and other contractors.

#### **3.1. Limitations**

No significant limitations were imposed upon this review. Prior to conducting this review, I informed Ivan Bruce of my intention to undertake the review.



## 4. Review

The assessment of archaeological effects (AAE) outlined by Bruce is comprehensive and fit for purpose. The historic research is comprehensive and provides a suitable background for the archaeological assessment of effects for the project. I agree with the conclusion that an archaeological authority from Heritage New Zealand Pouhere Taonga (HNZPT) would be required to complete the works. It is my understanding that an authority has already been granted for the project<sup>1</sup>.

Although the property would likely have been subject to pre-contact Maori occupation and later historic buildings, I believe it is correctly assumed (Bruce, 2019, p. 16) that extensive earthworks on the property previously would likely have removed all traces of all but the deepest remnants (such as wells, or basements) of previous occupation within the current carpark.

The most significant heritage feature that will likely be impacted by the proposed development is the former railway embankment, for the New Plymouth to Waitara Railway line, likely established before the opening of the line in 1875. The key issue for the proposed development is a large, *Agonis Flexuosa* tree (currently protected under the New Plymouth District Plan), which is located directly above the wall, with the root system deeply integrated into the structure of the wall itself (Figure 3).

Although this wall is noted as likely not being located within the subject property, if the removal of the large *Agonis Flexuosa* is undertaken, this will, in my opinion, almost certainly negatively impact the structure of the wall, either during removal, or potentially as the root structure deteriorates. It should be assumed that the wall will need to be partially rebuilt following the tree removal, as it is difficult to imagine a scenario in which the tree is removed without significantly impacting the integrity of the wall.



Figure 3: Photograph showing the former railway embankment wall and *Agonis Flexuosa*.

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<sup>1</sup> Bruce, I., 2020, *Pers. Comm.*



Bruce argues (Bruce, 2019, p. 20) that the heritage value of this particular section of the wall are low-medium due to the presence of other surviving sections of wall in longer and better-preserved sections throughout New Plymouth CBD, including on the opposite side of Powderham Street (Figure 4), which has significantly higher public amenity value. It could be argued that the heritage values of the entirety of the remaining sections of wall are in fact increased by being part of a larger heritage network, with any damage to a section of the wall negatively impacting the integrity of the entire network, so the assessment of this section of wall as low-medium is debateable. I would personally rate the heritage significance of this section of wall slightly higher than that indicated by Bruce, for this reason.



Figure 4: Section of former railway embankment wall, on the opposite side of Powderham Street.

Regardless of the heritage significance of the section of wall in question however, the *Agonis Flexuosa* will inevitably impact the structure of the wall at some point in the future, either as part of development, or when it reaches the end of its natural life. As such, it is preferable that the tree be removed in a controlled manner as part of this development. It is appropriate that the tree be removed under an HNZPT authority before it can collapse naturally and potentially have catastrophic effects on this section of the wall.

The recommendations made by Bruce that the proposed works proceed under an HNZPT authority are appropriate for the entire site, and particularly for the removal of the *Agonis Flexuosa* tree.

## 5. Conclusions

I support the recommendations of the Archaeological Assessment of Effects in their entirety, which include the development of the site under a HNZPT authority, which has already been obtained for the project. I also recommend that the tree removal would allow for the greatest protection of the heritage values of the wall. If the wall is damaged during tree removal, it should be rebuilt as close to original form as possible, with extensive recording taking place before and after tree removal to ensure that this reinstatement retains as much of the original heritage values as possible.

## 6. References

- Bruce, I., 2019. Brougham Street Development Project Area: 51 Brougham St, New Plymouth  
Proposed Works: Commercial development. Report commissioned by: K.D. Holdings Limited.
- Martin, D., 2020. Resource Consent Application and Assessment of Environmental Effects: Brougham  
Street Commercial Development. BTW Company.