

**BEFORE COMMISSIONER MARK ST. CLAIR APPOINTED BY NEW
PLYMOUTH DISTRICT COUNCIL**

UNDER

the Resource Management
Act 1991 ("RMA")

IN THE MATTER

of an application under
section 88 of the Act by
**ROBE AND ROCHE
INVESTMENTS LIMITED**
to the **NEW PLYMOUTH
DISTRICT COUNCIL** for a
subdivision to create 113
residential lots and
additional road and
recreational reserves at 56
Pohutukawa Place, Bell
Block. (SUB21/47803)

**STATEMENT OF EVIDENCE IVAN DAVID BRUCE ON BEHALF OF ROBE
AND ROCHE INVESTMENTS LIMITED**

1. INTRODUCTION

- 1.1 My full name is Ivan David Bruce. I am a consultant archaeologist and hold an M.A. honours degree in anthropology. My experience includes 20 years research and field work specialising in the archaeology of the Taranaki District, with considerable excavation experience in the Te Hua/Bell Block district during that time. Most recently and of relevance to points raised in this statement, I was the Section 45 archaeologist responsible for the archaeological excavations undertaken at the Summerset development on the neighbouring property to the west between June 2020 and August 2023.
- 1.2 This evidence is given regarding the subdivision and land use consent application ("the application") lodged by Robe and Roche Investments Limited ("the applicant"), to subdivide the land at 56 Pohutukawa Place, Bell Block into 113 residential lots and associated road and recreational reserves.
- 1.3 I am authorised to give this evidence on behalf of the applicant.

2. INVOLVEMENT IN THE PROJECT

- 2.1 My involvement in the application has included:

- (a) The completion of an archaeological assessment of the property, including both desk top research and pedestrian survey, to advise the applicant on the archaeological and historic record of the project area, and to advise of any likelihood that the development of this project will affect archaeological sites.

2.2 I have also reviewed the following documents produced with the application, including:

- (a) The original application for consent dated 26 May 2021.
- (b) The 'Addendum to Application for Resource Consent 56 Pohutukawa Place' dated 8 July 2021.
- (c) The associated scheme plans for the development dated 6 August 2021.
- (d) The 'Consultation Summary'.
- (e) The 'Mounga Ecology Ecological Statement on Road 2 and Water Quality Standards' dated 11 August 2021.
- (f) The 'Mounga Ecology Wetland Delineation Map' dated 24 June 2021.
- (g) The 'Mounga Ecology Wetland Delineation Results and Assessment Against National Environmental Standards – Freshwater 2020' dated 28 June 2021.
- (h) The 'Red Jacket Earthworks Plan' dated 25 May 2021.
- (i) The 'Red Jacket Engineering Drawings' dated 25 May 2021.
- (j) The 'Red Jacket Engineering Drawings C1 3 and C1 4 amendments' dated 5 August 2021; and
- (k) The 'Red Jacket Engineering Report' dated May 2021.
- (l) The submission of Heritage New Zealand Pouhere Taonga (HNZPT), for 56 Pohutukawa Place, Bell Block, dated March 2023.
- (m) The submission of PKW – SUB21/47803, 56 Pohutukawa Place, Bell Block, dated March 2023.

- (n) The submission of Puketapu Hapu, Ngati Tawhirikura Hapu and Te Kotahitanga O Te Atiawa Trust, dated March 2023.
- (o) The Geometria Archaeological Memo – Tapuirau to Bell Block Growth Area, dated April 2024.
- (p) He Whakamarama mo Waipu – Puketapu Draft CIA Subdivision proposals, 56 Pohutukawa Place, Bell Block, dated January 2025.

3. CODE OF CONDUCT

- 3.1 I confirm that I have read the Code of Conduct for expert witnesses contained in the 2023 Environment Court Practice Note and that I agree to comply with it. I confirm I have considered all the material facts that I am aware of that might alter or detract from the opinions I express. Unless I state otherwise, this evidence is within my sphere of expertise, and I have not omitted to consider material facts known to me that might alter or detract from the opinions I express.

4. PURPOSE AND SCOPE OF EVIDENCE

- 4.1 In this matter, I have been asked by the applicant to address matters raised in the submissions relating to archaeological matters. Of the submissions made, that of Puketapu and Tawhirikura hapus and Te Kotahitanga O Te Atiawa, PKW Ltd, and that of HNZPT are the most relevant to my field of expertise. I confirm that I have read their submissions on the Application.
- 4.2 Except where my evidence relates to contentious matters, I propose to only summarise the conclusions set out in my Archaeological Assessment, dated 2021, a copy of which is attached as **Appendix A** for convenience.
- 4.3 The assumptions, assessment and conclusions set out in my 2021 assessment remain valid.
- 4.4 My evidence is structured as follows:
 - (a) Summary (Section 5).
 - (b) Response to Submissions (Sections 8.1 – 8.2).
 - (c) Council Officers report (Section 8.3).

- (d) Proposed conditions of consent (Section 9); and
- (e) Concluding comments (Section 10).

5. SUMMARY

5.1 The key matters relating to the archaeological record raised in this application, in my opinion are:

- (a) Summary (Section 5); Currently, I am not aware of historic accounts; historic images; campaign maps; or land plans which place prehistoric or historic Māori occupation sites (such as pa or papakainga) specifically within the area of the proposed subdivision. There are no recorded archaeological sites within the area of the proposed subdivision, either in the NZAA site recording scheme or the Proposed New Plymouth District Plan (decisions version), and no surface evidence of archaeological sites was noted during my pedestrian survey.
- (b) However, there is a considerable historic record pertaining to the immediate vicinity contained within archival material, highlighted in my archaeological assessment. There have also been a considerable number of archaeological sites recorded over the past 20 years in the area surrounding the proposed subdivision. These are reviewed in my 2021 assessment.
- (c) As no archaeological sites have been identified within the area of the proposed subdivision prior to development, practical options for site identification are limited to the recovery of archaeological evidence following the topsoil removal phase of the development. Site preservation will be by record unless the developer is required to adapt/modify the development design to retain recovered archaeological material in-situ.
- (d) Preservation by archaeological record has been the main mechanism for the recording of the extensive assemblage of previously unrecorded archaeological sites unearthed in Te Hua/ Bell Block area during residential and infrastructural development during the past 20 years. I recommend the same approach is taken in this case.

- (e) To enable this approach, my assessment recommends that the applicant makes an application to complete earthworks under authority granted by HNZPT. This is a conservative approach considering that no archaeological sites are currently recorded within the development, based on my opinion that previous investigations on neighbouring developments provide reasonable grounds to assume this proposed subdivision might also contain unrecorded archaeological sites.

6. THE APPLICATION

- 6.1 Details of the application are well described in the application for resource consent submitted 26 May 2021.

7. THE APPLICATION SITE AND RECEIVING ENVIRONMENT

- 7.1 The application site and receiving environment are well described in the application for resource consent submitted 26 May 2021 Section 2, *"Description of the subject land and surrounding environment"*, and I generally agree with this description.

8. SUBMISSIONS

- 8.1 I have reviewed the submissions received from HNZPT (dated March 2023); PKW Ltd (dated March 2023); Puketapu Hapu, Ngati Tawhirikura hapu and Te Kotahitanga O Te Atiwa Trust (dated March 2023).
- 8.2 Which raise the following matters within my field of expertise:
 - (a) The submission from Puketapu, Ngati Tawhirikura and Te Kotahitanga O Te Atiwa notes that the application description of the subject land does not contain a description of the archaeological features of the surrounding area. This is a complex description, provided in detail in the 2021 archaeological assessment.
 - (b) In reviewing the protection of Historic Heritage on Page 6, the submission correctly notes that development in the wider area surrounding the proposed subdivision has resulted in the recovery of previously unrecorded Historic Heritage. However the second sentence refers to "the site", which infers an Historic Heritage site

is recorded within the area of this subdivision. I should make it clear here, that I am not aware of such a site.

- (c) The submission considers the monitoring of earthworks and an Accidental Discovery protocol to have been "*wholly unsuccessful in providing for the protection of Historic Heritage in the area*", citing the Summerset case as an example. This statement requires further context.
- (d) I can confirm that the development of the Summerset development ultimately resulted in the excavation of archaeological features, in that case several storage pits, which included, contained within 2 pits, the partial skeletal remains of 2 individuals.
- (e) Prior to the archaeological monitoring and excavation of these archaeological features, no archaeological sites were known to exist within the area of the Summerset development at all. The discovered archaeological evidence was entirely subsurface prior to the development taking place.
- (f) In my experience, no better protection of subsurface archaeological material could have been offered at Summerset, without prior knowledge of the location, extent and nature of the archaeological evidence that was eventually encountered during the development.
- (g) Like this case, Summerset was advised by me to undertake work under an archaeological authority on a precautionary basis due to the archival record of the area, rather than any visible archaeological field evidence. The archaeological monitoring and resulting excavation resulted in the recording of a previously unknown archaeological complex (P19/420). I consider this to be the only practical result that could have been achieved under the parameters of the Heritage New Zealand Pouhere Taonga Act 2014 (HNZPTA) or the Proposed New Plymouth District Plan.
- (h) Elsewhere in the Te Hua/ Bell Block area, known archaeological sites have been mapped with extents on the NPDC plan. In these cases sites can be effectively protected. Tapuirau and Te Oropuirii are useful nearby examples. However, I am not aware of any

mechanism within the NPDC plan that allows for the protection of unscheduled *potential* archaeological sites. In this situation protection of unscheduled or potential archaeological sites, is provided by the HNZPTA.

- (i) To describe the results, of archaeological research in the Te Hua/ Bell Block area as "*wholly unsuccessful*" (Pg 6) in providing for the protection of Historic Heritage in the area undervalues the view that the archaeological investigations have drawn public attention to what was 20 years ago, the largely forgotten archaeological complex of Te Hua/ Bell Block area.
- (j) The protections offered by the inclusion of many of these sites on the NPDC plan, the mapping of their known extents, and greater emphasis on the protection of those identifiable sites was heavily influenced by this research. Any future finds of previously unrecorded sites will augment existing knowledge and, in my opinion, amplifies the significance and amenity value of scheduled sites.
- (k) I note that it is also the recommendation of my colleague Dan McCurdy, Geometria that "*all earthworks within the growth area should require an archaeological authority as a resource consent condition*", in his Archaeological Memo to Sean Zieltjes - Tapuirau to Bell Block growth area, (recommendation 4, Pg 3) dated 3 April 2024. For convenience this Memo dated 3 April 2024 is attached to my evidence as **Appendix B**.
- (l) This recommendation has been reiterated in He Whakamarama mo Waipu – Puketapu Draft CIA, January 2025.
- (m) This CIA refers to an adaptive management strategy to be employed throughout this development, whereby surface test stripping is undertaken to confirm the presence or absence of archaeology as each stage is undertaken; after which the consent holder will work with Puketapu Hapu on the most appropriate manner to recognise and provide for the protection of any elements of historic heritage encountered. So long as the applicant and Puketapu agree with this process, I see no reason why this can't be successfully managed under a general archaeological authority granted by HNZPT.

- (n) I make the recommendation to include the requirement for the applicant to undertake earthworks involved in this subdivision under an archaeological authority is proposed as a condition of consent below.

COUNCIL OFFICER REPORT/S

- 8.3 I have reviewed the Section 42A Report for the Application relating to my area of expertise. My comments on that report are as follows.

S42A Report

- 8.4 Based on the specialist report, the Council's section 42A report raises the following matters that I wish to address:

- (a) I agree with the S.42A report that one of the positive effects of granting consent will be the appropriate recognition and protection of cultural values and sites (Section 6.7 para 122).
- (b) I also agree that this hearing will help refine and clarify consent conditions relating to the timing and nature of archaeological surveys and archaeological authorities (Section 6.9 para 134). I see this as the critical outcome of the hearing for matters pertaining to archaeology.
- (c) In reviewing the draft conditions to support the S.42A Report, I consider Condition 13 (Kaitiaki Forum and Tikanga Māori Conditions) whereby the Consent Holder will implement a Kaitiaki Forum to address issues relating to Tikanga Māori to be appropriate in this case. I see no reason for this scope and oversight of this forum to conflict with matters relating to the implementation of potential Archaeological Authority conditions granted by HNZPT. A similar forum was in place during the development of the adjacent Summerset Retirement Village.
- (d) However, I do see potential issues with Condition 20 (Archaeological Sites and Discovery protocols), where these requirements may either conflict with or duplicate HNZPT archaeological authority conditions yet to be finalised. As HNZPT points out in their neutral submission, *"any archaeological authority will be subject to a suite of conditions. HNZPT submits that any conditions of consent, if*

granted, should be consistent with the conditions included in the archaeological authority (HNZPT - para 5)".

- (e) I suggest that rather than attempt to implement independent protocols for what happens if an archaeological site is encountered during the development of this subdivision, this consent could avoid potential conflict by requiring that all earthworks are undertaken under an archaeological authority.
- (f) Once granted, an archaeological authority effectively renders an Archaeological Discovery Protocol redundant, as all works will be subject to a management plan required as a condition of that authority. This plan outlines the responsibilities of the applicant; the Section 45 archaeologist; and any contractors involved.
- (g) The same management plan could be expanded to address the concerns the conditions proposed in the S42A report seek to mitigate, including:
 - (i) The appropriate response in case of the recovery of Koiwi;
 - (ii) The ability to notify HNZPT in case of finds considered to be highly significant;
 - (iii) When to recommence works following a find; and
 - (iv) The role of the Kaitiaki Forum.

9. CONCLUSION

9.1 My evidence has assessed the archaeological matters that I am aware of in relation to the Application and I conclude that:

- (a) Should the recommendations in my evidence be followed, the applicant will have made all reasonable efforts to provide for the protection of historic heritage from inappropriate subdivision, use and development as outlined in Section 6(f) of the RMA, and the relevant provisions of the Proposed New Plymouth District Plan in this context.

Ivan David Bruce

Archaeological Resource Management

28 March 2025

Appendix A – Archaeological Assessment – Ivan Bruce – 2021

**Appendix B – Archaeological Memo – Tapuirau to Bell Block Growth
Area – Geometria 3 April 2024**