

Before the Independent Commissioner Hearing Panel

Under the Resource Management Act 1991 (**RMA**)

In the matter of an application by **Dunedin City Council** to develop a landfill at Smooth Hill, Dunedin.

Statement of evidence of Megan Sarah Lawrence

29 April 2022

Applicant's solicitors:

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Qualifications and experience

- 1 My name is Megan Sarah Lawrence.
- 2 I am the Principal Archaeologist at New Zealand Heritage Properties.
- 3 I hold a MA in Archaeology from the University of Otago. I have worked as an archaeological and heritage consultant for 6 years, specifically working as an archaeologist in the Dunedin area for the past 3 years. I am a member of the New Zealand Archaeological Association (NZAA).
- 4 I have read the Code of Conduct for Expert Witnesses in the Environment Court Practice Note 2014. This evidence has been prepared in accordance with it and I agree to comply with it. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed.

Scope of evidence

- 5 I have been asked to prepare evidence in relation to the potential effects on archaeological sites by the proposed Smooth Hill Landfill and associated upgrades. This includes:
 - (a) recorded archaeological sites and archaeological authority;
 - (b) potential of works to impact unrecorded archaeological sites;
 - (c) identification of archaeological features; and
 - (d) assessed archaeological values.
- 6 In preparation of this evidence, I have considered the following documents:
 - (a) LUC-2020-405 – s95 Report and Decision – Smooth Hill;
 - (b) ORC Notification Recommendation Report RM20.280 13 Sept 21;
 - (c) Public submissions received on the Application;
 - (d) The assessment report prepared by Lawrence and Cook (2020); and
 - (e) The Heritage New Zealand Pouhere Taonga Act 2014.
- 7 My evidence specifically addresses the submissions of:
 - (a) Mauger AC - submission.docx - 6496998_1; and
 - (b) McPhee A - submission - 6491465_1.

Executive summary

- 8 New Zealand Heritage Properties were commissioned to consider the potential effects of the proposed Smooth Hill Landfill on archaeological sites in the area.
- 9 An archaeological assessment was prepared by Lawrence and Cook (2020). As part of the archaeological assessment a survey of the project area was undertaken in November 2019.
- 10 During the course of preparing the archaeological assessment seven recorded archaeological sites were identified that extend into the project area. Three of these sites had been recorded prior to preparation of the assessment, while the other four sites were recorded as a result of the assessment. There is further potential for unrecorded archaeological sites to be encountered through the proposed works area.
- 11 Effects to recorded and unrecorded archaeological sites will be managed through the authority process under the Heritage New Zealand Pouhere Taonga Act 2014 as outlined in the proposed conditions of the consent.
- 12 The following statement of evidence primarily addresses the impact on recorded and unrecorded archaeological sites and the recommendations for an archaeological authority, as well as the assessment of values undertaken during the course of preparing the archaeological assessment.

Recorded archaeological sites and archaeological authority

- 13 In the archaeological assessment prepared by Lawrence and Cook (2020), seven archaeological sites were identified that extend into the project area relating to nineteenth century agricultural/pastoral activity.
- 14 Two previously recorded sites (I45/71 and I45/72) fall within the existing designation area; while one other previously recorded site (I45/67) and four sites recorded during the course of the archaeological assessment (I45/79, I45/80, I45/81, and I45/82) are located along the road reserve.
- 15 As identified in the DCC report (LUC-2020-405 – s95 Report and Decision – Smooth Hill), in response to the resource consent application, “Works resulting in the destruction or modification of any archaeological site, require an authority from Heritage New Zealand under the Heritage New Zealand Pouhere Taonga Act 2014.”
- 16 In their submission, McPhee notes that there is potential that the proposed works will modify archaeological remains associated with pre 1900 activity. The archaeological assessment (Lawrence and Cook 2020) does consider

the effects of the impact to the recorded archaeological sites within the project area. The assessment identified that the proposed works have a high likelihood of impacting archaeological remains associated with the two recorded sites within the designation area, though it is less likely that archaeological remains associated with the five sites located along the road reserve will be impacted.

- 17 The assessment recommends that an archaeological authority be sought from Heritage New Zealand Pouhere Taonga (HNZPT), which are captured in the proposed conditions of consent and several mitigation and heritage protection measures be taken. This includes retention and protection of standing structures that are present relating to historic occupation of I45/71 and I45/72.
- 18 The assessment further recommends that archaeological monitoring be undertaken based on hazard zone maps produced as part of the assessment. Any archaeological remains encountered should be recorded and reported on as per standard archaeological practices and as captured in the proposed conditions of consent. It is anticipated that these will be included in the conditions of any archaeological authority issued by HNZPT for the proposed works.

Potential of work to impact unrecorded archaeological sites

- 19 In their submission, Mauger notes the “destruction of archaeological features relating to early Māori occupation”. However, Mauger has not indicated which, or provided evidence of, archaeological sites relating to mana whenua activity that will be modified or destroyed during the course of the proposed works.
- 20 As part of the archaeological assessment a review of historical and archaeological resources was undertaken, along with a physical survey of the project area to identify archaeological sites where physical remnants of previous occupation remain that may be impacted by the proposed works. This is not discounting the fact that there may be non-physical, cultural values across the site, but these are not within the scope of, nor appropriate for, an archaeological assessment.
- 21 The cultural associations of the Smooth Hill area are addressed by Aukaha on behalf of Te Rūnanga o Ōtakou in their Cultural Impact Assessment. The document identifies that while no archaeological sites have been recorded within the project area relating to Māori activity, “conceptually the site forms part of a highly valued and used wāhi tūpuna within the wider Taieri District”.

- 22 The archaeological assessment does identify the presence of recorded sites relating to mana whenua activity close by (approximately 260m from the designation boundary). While evidence for mana whenua activity was identified in the surrounding Ōtokia and wider Taieri area, no previously recorded archaeological sites relating to mana whenua occupation were identified, nor were any new sites identified during the pedestrian survey, and the course of preparing the archaeological assessment.
- 23 There is the potential that unrecorded sites were not identified during the site survey given the limitations of the dense vegetation (both of plants still growing on site and those that had been felled). In these areas visibility of the ground surface was very low.
- 24 The archaeological assessment acknowledges the potential for unrecorded sites and features relating to Māori occupation to be encountered during works.
- 25 Consequently, the assessment recommends that an archaeological authority is sought from HNZPT for the entirety of the proposed works, not just works that potentially affect previously recorded archaeological sites.
- 26 The assessment recommends archaeological monitoring along with On-Call Protocols (OCP) to manage the proposed works – meaning unrecorded sites will be identified and managed in relation to archaeology. The OCP are outlined in the Archaeological Assessment (Section 8.3.2).
- 27 If previously unrecorded archaeological sites are exposed, they will be recorded, analysed, and reported on as per standard archaeological practices. As above, it is anticipated that the process for recording, analysing and reporting on any previously unrecorded sites will be included in the conditions of any archaeological authority issued by HNZPT for the proposed works and are also captured in the proposed conditions of consent.
- 28 The assessment specifically outlines recommendations for instances where remains relating to mana whenua activity are encountered as well as kōiwi. These include contacting all relevant parties: Rūnaka via Aukaha; HNZPT; and, if kōiwi are identified, the police.
- 29 Any archaeological sites encountered that are associated with Māori activity will be of importance to mana whenua and the wider cultural narrative. Mana whenua must be consulted if any such finds are exposed during works.

Identification of archaeological features

- 30 Mauger further notes that the assessment “does not use appropriate terms to describe these features”. Again, it is unclear to which archaeological features they are referring. However, it is assumed, they are referring to those relating to early mana whenua activity. When discussed in the report, any such archaeological features identified such as midden or ovens/umu were located beyond the project area.
- 31 It is acknowledged that mana whenua have specific Māori terms for archaeological features and material. The identifications and terms used in the archaeological assessment reference the terminology adopted in ArchSite – the New Zealand Archaeological Association National site recording scheme – and the corresponding Site Record Forms, as well as previous archaeological reports (Allingham, 1984; Hamel, 1983).
- 32 The recorded sites relating to mana whenua activity in the wider area, will not be affected by the proposed works.

Assessed archaeological values

- 33 Mauger also notes that the same archaeological features have been assessed to have “low archaeological values” thereby ignoring “their archaeological and modern cultural significance”.
- 34 The archaeological assessment has assessed the effects that the proposed landfill would have on archaeological sites recorded within the project area. Physical sites identified were associated with Pākehā occupation and considered to have low-medium to medium-high archaeological values. No sites were assessed to have low archaeological values.
- 35 The assessment of these values is based on criteria outlined by HNZPT which include condition, rarity/uniqueness, information potential, amenity value and cultural associations.
- 36 If it is assumed again, Mauger is referring to archaeological features associated with early Māori occupation; specific evidence of mana whenua occupation within the project area was not identified in the archaeological assessment (Lawrence & Cook, 2020) or the cultural impact assessment (Takau, 2020).
- 37 However, based on the background research outlined in the assessment there are two archaeological site types associated with mana whenua activity that have potential to be encountered during the proposed works: midden/oven or pā sites.

- 38 To help contextualise any such remains that may be encountered during works, and understand the potential impact of the proposed works; the archaeological values of midden/oven and pā sites (based on the archaeological research undertaken for the assessment) are as follows:
- (a) In the Ōtokia District the majority of midden/oven sites are located along the coastline, and only a small number have been recorded further inland closer to the project area. In total three midden/oven sites are recorded within 1km of the proposed landfill, and only two further sites within 2km.
 - (b) The rarity of midden/oven sites around the proposed Smooth Hill Landfill indicates that any such site found within the project area will have high rarity values. No surface features were identified during the archaeological survey, so such sites would have low amenity values and presently the condition of any midden/oven site is unknown.
 - (c) Midden/oven sites would hold low to moderate contextual and informational values depending on their condition, context, and extent. Larger complex sites with multiple interrelated features can provide a rich resource for understanding occupation and activity, as well as more opportunities to examine resource use and activity within the wider landscape.
 - (d) Overall midden/oven sites if encountered would hold moderate archaeological values, and the potential for encountering such sites is low to moderate.
- 39 Pā a Tu Pari Taniwha is recorded as I44/11, 1km northwest of the project area; however, the exact location of the occupation site is unclear. Initially the site was recorded at an island referred to as Amoka, and taonga were recovered from the site during excavations in the 1950s.
- 40 More recent archaeological investigations have indicated that the recorded location of the pā may be elsewhere in the surrounding area, with no surface or subsurface remains identified during test excavations at I44/11. Alternative possible locations have been suggested including, a location 300m south of the McLaren Gully Road and SH1.
- 41 In contrast, the wāhi tupuna identified for this site in the Dunedin City Council District Plan places the pā further north along the banks of the Taieri River (A4.58).
- 42 Given the lack of clarity surrounding the location of the pā, there is slight potential that associated archaeological remains may be encountered

within the wider project area, specifically near the intersection of McLaren Gully Road and SH1.

- 43 Pā sites are rare throughout Dunedin. Even in the wider South Island region, pā sites are significantly fewer in number than seen in the North Island. Pā hold important and high contextual values and information potential, providing information on both use of the landscape and resources as well as socio-political histories and interactions of mana whenua.
- 44 While any remains encountered during the proposed works are sub-surface and the condition unknown, pā sites do hold high public interpretation values and any information identified at these sites could be used for public engagement and educational purposes.
- 45 Overall potential Pā sites if encountered would hold high archaeological values however, the potential for such site is low.

Conclusion

- 46 Two submissions were made that commented on the archaeology. The first by A McPhee, the second by AC Mauger.
- 47 As outlined in the archaeological assessment prepared by Lawrence and Cook (2020), McPhee identifies that archaeological sites may be impacted by the proposed works.
- 48 The seven recorded archaeological sites identified within the project area relate to nineteenth century agricultural/pastoral activity.
- 49 AC Mauger suggests that archaeological features, likely referring to early Māori activity, and their associated archaeological values were not identified or assessed appropriately within the archaeological assessment.
- 50 The archaeological assessment assessed the values of the recorded sites that are present within the project area to have low-medium to medium archaeological values based on criteria outlined by HNZPT.
- 51 Recorded archaeological sites relating to mana whenua activity beyond the Smooth Hill Landfill and the associated road upgrades were identified in the assessment from ArchSite and previous archaeological reports. None extend into the project area.
- 52 There is potential for unrecorded archaeological sites relating to both pre-1900 mana whenua and Pākehā activity to exist within the project.

53 Consequently, effects to both recorded and unrecorded sites will be managed through the authority process under the Heritage New Zealand Pouhere Taonga Act 2014 as outlined in the proposed conditions of consent.

Megan Lawrence

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29 April 2022