

Astrid Caldwell

From: donotreply@aucklandcouncil.govt.nz
Sent: Wednesday, 26 February 2014 10:01 p.m.
To: Unitary Plan
Cc: submissions@nzarchaeology.org
Subject: Proposed Auckland Unitary Plan Submission - Simon Bickler
Attachments: NZAA Unitary Plan Submission Final.pdf

Thank you for your submission to the proposed Auckland Unitary plan.

You should receive an acknowledgement within 10 working days. Please retain this as your copy. If you do not receive this, could you email unitaryplan@aucklandcouncil.govt.nz or phone 09 301 0101.



Submitter details

Full name: Simon Bickler
Organisation: New Zealand Archaeological Association
Postal address: P O Box 6337, , DUNEDIN
Email address: submissions@nzarchaeology.org
Post code: 9059
Local board: none
Contact Person: Beatrice Hudson
Date of submission: 26-Feb-2014

Scope of submission

The specific provisions that my submission relates to are:

Provision(s):

Part 1 Chapter B: 2, 4, 4, 5, 7, 10 Part 2 Chapter C: 1, 2, 3, 5, 6, 7 Part 2 Chapter D: 2, 3, 5 Part 2 Chapter E: 2, 3, 4, 5, 6 Part 3 Chapter G: 2 Part 3 Chapter H: 2, 4, 5 Part 3 Chapter I: 1, 2, 3, 4, 6, 21 Part 3 Chapter J: 2, 3, 4, 5, 6 Part 5 Appendix 4.1, 4.2, 9.1 Section 32 Report 2.13, 2.15, 3.13

Property address:

Map:

Map overlays (heritage)

Other:

Submission

Please indicate whether you support or oppose the specific provisions or wish to have them amended and the reasons for your views.

I oppose the specific provisions identified above

I wish to have the provisions identified above amended:

Yes

The reasons for my views are:

Detailed reasons provided in submission.

I seek the following decision by Council:

Accept the Proposed Plan with amendments as outlined below

If the Proposed Plan is not declined, then amend it as outlined below:

Detailed amendments appended to submission.

I wish to be heard in support of my submission:

Yes

If others make a similar submission, I will consider presenting a joint case with them at a hearing:

No

Telephone:

If you are a person who could gain an advantage in trade competition through the submission, your right to make a submission may be limited by clause 6 (4) of part 1 of Schedule 1 of the Resource Management Act 1991

I could not gain an advantage in trade competition through this submission



New Zealand Archaeological Association Inc.
P O Box 6337, DUNEDIN 9059, NEW ZEALAND

Proposed Auckland Unitary Plan (PAUP)

New Zealand Archaeological Association Submission, February 2014

INTRODUCTION

The New Zealand Archaeological Association (NZAA) is an independent national organisation representing the archaeological community in New Zealand. We are an incorporated non-profit organisation with a membership spanning internationally respected academics, professional archaeologists, and institutions involved or interested in archaeology, as well as students and amateurs. The objectives of the NZAA are to promote and foster research into the archaeology of New Zealand and the Pacific and advocate for the conservation of archaeological sites. Members must abide by our Code of Ethics.

Archaeology is the study of past human activity through material remains. The values that archaeological sites hold include scientific and historical information value as well as social, cultural and sometimes amenity and educational values. In New Zealand, all archaeological sites that relate to human activity that predates 1900 are protected under the Historic Places Act 1993 (HPA). In addition, archaeological sites within district or regional plan schedules have statutory protection under the Resource Management Act 1991 (RMA), and may post-date 1900.

NZAA has considerable collective professional experience relating to the archaeological and heritage provisions of the HPA and RMA. Its professional members are responsible for undertaking the archaeological assessments for both public and private clients on which the decisions of the New Zealand Historic Places Trust (NZHPT) and local and regional authorities are based. NZAA members have a close understanding of the effects and efficacy of the historic heritage provisions of the RMA and NZAA has been a leading contributor to past debates on the best way of integrating RMA historic heritage protection and the HPA provisions.

NZAA operates the national site recording scheme used for managing information on archaeological sites. We have worked for many years with the managers of Auckland Council's Cultural Heritage Inventory (CHI) to integrate archaeological information from our database into the CHI. We consider the CHI to be an important resource which makes a substantial contribution to heritage protection in the Auckland region. (At the end of our submission we append some information on the information contained within the NZAA database, and how it differs from or overlaps with information in other heritage databases). NZAA also operates a series of outlets across old and new media for the dissemination of popular and more academic contributions to New Zealand's heritage.

New Zealand Archaeological Association Inc.

SUBMISSION

Overall the NZAA supports the Proposed Plan subject to the amendments outlined below.

The scope of our submission is confined to the historic and cultural heritage provisions in the following sections:

Part 1 Chapter B: 2, 4, 4, 5, 7, 10

Part 2 Chapter C: 1, 2, 3, 5, 6, 7

Part 2 Chapter D: 2, 3, 5

Part 2 Chapter E: 2, 3, 4, 5, 6

Part 3 Chapter G: 2

Part 3 Chapter H: 2, 4, 5

Part 3 Chapter I: 1, 2, 3, 4, 6, 21

Part 3 Chapter J: 2, 3, 4, 5, 6

Part 5 Appendix 4.1, 4.2, 9.1

Map overlays

Section 32 Report 2.13, 2.15, 3.13

The key points we wish to make relate to:

1. The Sites and Places of Value to Mana Whenua overlay ('Archaeology of Maori origin')
2. Provisions relating to archaeological assessment and investigation
3. Lack of provision relating to historic period non-Maori archaeological sites
4. Duplication of processes under the PAUP and the Historic Places Act 1993
5. Accidental discovery protocols
6. Schedules of Significant Historic Heritage Places, Historic Heritage Areas and Sites and Places of Significance to Mana Whenua
7. Protection of volcanic cone viewshafts
8. Section 32 Report

In our submission we first discuss the key points, and then present a table (Table 1) setting out elements of the PAUP that we either support and wish to see retained, or support in part or oppose and wish to see changed, with specific amendments proposed.

New Zealand Archaeological Association Inc.

Preliminary comments:

NZAA is a supporter of the heritage provisions of the RMA. However for archaeology it sees these as being in a supportive role to the archaeological provisions of the HPA. That Act has a blanket protection provision for archaeological sites. The protection that follows engages Maori in its considerations when sites of interest to Maori are involved, although the resulting protection can be relatively weak. Local plan provisions under the RMA can certainly add to this by:

- Providing a higher level of protection for scheduled sites assessed as being of particular value to Mana Whenua and the local community;
- Involving Mana Whenua and the local community in any evaluation of their significance if under threat; and
- Covering archaeological sites not included within the HPA definition of an archaeological site (i.e., post 1900).

However we do not see value in plans under the RMA undertaking blanket protection of archaeological sites as this can only cause confusion with the HPA and frustration for all parties involved. The blanket protection role of the HPA does not need to be duplicated in plans under the RMA.

Our submission predominantly relates to archaeological matters, and we have particular concerns regarding the Sites and Places of Value to Mana Whenua overlay, which consists entirely of 'Archaeology of Maori origin'. We would like to preface our submission on this overlay by stating that the NZAA recognises the cultural importance of Maori archaeological sites to Mana Whenua and fully supports the principle that Mana Whenua should be involved in the management of their heritage sites. We recognise the need for both archaeological and cultural impact assessments where archaeological sites of Maori cultural association may be impacted on by development. However, we have serious concerns relating to the proposed rules for archaeological sites and their surrounds within the overlay, as the sites have been effectively scheduled without any prior assessment and in many cases without confirmation of the presence, exact location and extent of the sites. In our opinion these rules will impose unnecessary hardship and will be detrimental to public support for archaeological site protection.

We are generally supportive of the regional policies and objectives relating to historic heritage and Mana Whenua in Part 2 of the PAUP. We support the concept of a precautionary approach to ensure the protection, if possible, of unscheduled historic heritage places (including archaeological sites) through archaeological and cultural impact assessments where land use has the potential to impact on those values. However, we consider that this is best achieved through a non-statutory alert layer, for reasons set out below.

We also note that the structure of the plan is overly complex and difficult to follow as the objectives, policies and rules relating to historic heritage are widely dispersed throughout the document. This is reflected in the many different parts of the plan that fall within the scope of our submission (see above).

New Zealand Archaeological Association Inc.

1. SITES AND PLACES OF VALUE TO MANA WHENUA OVERLAY ('ARCHAEOLOGY OF MAORI ORIGIN')

This overlay consists of 3,600 of the archaeological sites relating to Maori occupation that are recorded in the NZAA's site recording scheme and in the Council's CHI, identified in Appendix 4.2 as 'Archaeology of Maori origin'. The list in Appendix 4.2 is not specifically identified as a schedule, but is a schedule in all but name. These sites have undergone no evaluation process (except for some of those that are also included in the Schedule of Significant Historic Heritage Places), but Rules are applied to them and to a considerable buffer area around them which restrict activities and impose assessment requirements (Activity Table and associated development controls in Part 3 Chapter J: 5.2.1 and 5.2.2). We consider that this overlay will impose considerable (and for the most part unnecessary) costs on landowners and land managers and because of this will erode public support for archaeology. We make the following points to support this opinion:

- a) Metadata – The nature of the archaeological data does not appear to have been taken into account. The NZAA site recording scheme pre-dates the HPA and RMA and has been developed for research as much as for site protection purposes. In addition to existing pre-1900 archaeological sites it includes: sites that have been destroyed since they were recorded; possible rather than proven archaeological sites; botanical sites that may or may not indicate early settlement; historically reported sites that may have no physical remains or where the precise location is not known; and sites post-dating 1900 that have archaeological value. It is therefore essential that the recorded information for any particular site is reviewed and, if necessary, a current archaeological assessment carried out to determine whether the site is still present, before any statutory protection measures are imposed in the PAUP.
- b) Process – There has been no review of the data or assessment of significance against the PAUP criteria, except for some of those sites which are also included in the Schedule of Significant Historic Heritage Places. For the majority no review of the CHI records on individual sites, or any assessment of individual sites either by an archaeologist or by Mana Whenua, has been carried out as a basis for selecting the Sites/Places of Value to Mana Whenua overlay – as confirmed to us by the Council.¹ Instead the selection has been made on the basis of a global mapping exercise, the criteria for which are that archaeological sites "are of Maori origin and specified by a geospatial co-ordinate"² (i.e. an accurate GPS location, as explained to us by Council heritage staff). These sites are described as 'confirmed' within the PAUP, but in many cases this is incorrect (see (d) below). The inclusion of these sites on what is a de facto schedule, with associated rules that impose considerable constraints and requirements, is in our opinion premature.
- c) Significance – Many of the sites are of limited archaeological significance and we suspect would prove to be of limited cultural heritage significance. Many of the sites are small shell middens, most of which do not appear to have any associated settlement remains. While these have archaeological and information value, they are generally of low to moderate archaeological significance and would not meet the historic heritage criteria for scheduling

¹ This was confirmed by Stephanie Fleming, Public Information Advisor, Auckland Council in a response to NZAA's Official Information request regarding the basis of the Sites/Places of Value to Mana Whenua overlay, dated 16 January 2014.

² Ibid.

New Zealand Archaeological Association Inc.

in the PAUP. However, they do have archaeological and information value and are protected by the archaeological provisions of the HPA. While their cultural significance is for Mana Whenua to determine, Mana Whenua of the Auckland region have not been given the opportunity to select individual archaeological sites for inclusion in the overlay based on their cultural significance. We note that on the basis of previous cultural impact assessments the sites considered by Mana Whenua to be of high cultural value are generally pa, urupa, kainga, and some pit and terrace sites rather than small isolated shell middens. We do not consider that the current de facto scheduling and application of the prescriptive rules should be applied until the sites have been evaluated against the cultural heritage (Chapter B:5.4 policy 3) and historic heritage (Chapter B:4.1 policy 2) criteria of the PAUP.

- d) Accuracy – Many of the sites on the overlay no longer exist. Even the most cursory spot checks of archaeological sites included in the Sites/Places of Value to Mana Whenua overlay against the Council's CHI site records quickly establishes that many of the sites have been destroyed, while others do not in fact have GPS locations but (as explained to some of our members by Council heritage staff) have 'GIS calculated' locations. The latter is presumably a mapping conversion exercise which cannot be considered reliable without an accurate location in the first place. Moreover, where accurate GPS locations are available, the selection of sites on this basis fails to take account of the fact that many sites with GPS locations were recorded immediately prior to or during development and would subsequently have been destroyed. In Table 2 (appended) we list a sample of sites included in the overlay that are no longer present, do not have confirmed locations or are not Maori sites. (Note that we have only been able to check a small random sample and there will no doubt be many additional sites within the overlay that do not meet the basic criteria of being 'confirmed' sites – i.e., still present and accurately located by GPS).
- e) Mapping – The affected areas around the sites are in most cases far too large. The extents of the Sites and Places of Value to Mana Whenua have been defined by drawing an arbitrary 200m diameter circle around the centre point of all sites, and then requiring an additional 50m buffer around those circles, within which the rules are applied (i.e. a diameter of 300m, affecting an area of 7ha). Lack of evaluation of these sites means that in most cases this area is far too large, although in some cases it is too small. Most of the 3600 sites are midden, many of which are only a few metres in extent (as can be confirmed by checking the site records in the Council's CHI). This means that constraints are being imposed over an area (7ha) far in excess of what can be justified from an archaeological perspective. It means that in urban areas, dozens of properties located within 150m of a site on the overlay (which may be only a few metres in extent, or may no longer exist) will be affected. Examples are illustrated in Figure 1 and Figure 2 (appended). It also means that in the minority of cases where large sites are involved, the defined extent may not include the whole site (see Figure 4).
- f) Proportionality – The Rules are far too restrictive for sites that have not undergone any form of assessment and for large areas around them not known to contain any remains. The Rules, applying to all properties within 150m of the centre point of a site, are set out in Chapter J:5.2.1 (Activity Table) and Chapter J:5.2.2 (Development Controls). Despite the fact that no assessment has been undertaken, the rules applying to them are very similar to the rules relating to the Sites/Places of Significance to Mana Whenua and the Historic Heritage Places which have archaeological controls, both of which have been assessed under

New Zealand Archaeological Association Inc.

the relevant criteria either of the operative plans or the PAUP. Archaeological investigation is only permitted if it is non-invasive and carried out under Mana Whenua supervision (the implications of this are discussed under point 2 below). Minor works for the purpose of maintaining the identified sites/places are only permitted if they do not involve earthworks and are supervised by a Mana Whenua representative. Testing, maintenance and repair of network utility services are only permitted if they do not involve earthworks or excavations and are not for the purpose of new installations, or change the height, location or size of existing structures. Maintenance of roads, footpaths, fences, car parks, sports fields, etc, is only permitted if it does not disturb ground below sub-base level, is not for new infrastructure or installations and does not result in change to the height, location or size of existing structures. All other activities (apart from gardening or planting) are Restricted Discretionary activities requiring resource consent, and require both a cultural impact assessment and an archaeological assessment.

- g) Policy conflicts – There is a confusing overlap between the Schedule of Significant Historic Heritage Places and the overlay of Sites and Places of Value to Mana Whenua. Sites within the schedule of Significant Historic Heritage Places which are identified as being of interest to Maori are also included in the overlay of Sites/Places of Value to Mana Whenua, to which different rules apply, although nowhere in the PAUP is this clearly explained. In some cases the rules are more restrictive for the Sites/Places of Value to Mana Whenua than they are for scheduled sites which have been assessed using criteria set out in the PAUP or operative plans. The scheduled Historic Heritage Places have (in most cases) a clearly defined Extent of Place, but because of the excessive buffers applied to most Sites/Places of Value to Mana Whenua, the area affected by the latter may be considerably larger than the defined Extent of Place of the Historic Heritage Place (or 50m buffer if undefined). An example is provided in Figure 3 (appended) relating to Pukekiwiriki Pa in Hunua, where the scheduled Historic Heritage Place and the Site/Place of Value to Mana Whenua refer to the same site, but the defined Extent of Place is significantly exceeded by the area defined in the Sites/Places of Value to Mana Whenua overlay (and required additional 50m buffer).
- h) Burden – The potential costs to landowners and land managers are much higher than is necessary. The rules impose considerable constraints and potential costs on landowners that in our opinion cannot be justified on archaeological grounds in most cases. Archaeological assessments cost several hundred dollars or more, and while these are necessary in close proximity to recorded sites, they will largely be unnecessary within the full extents of the affected areas (7ha) for the reasons set out above (and demonstrated in Figure 1 and Figure 2, appended). The same would apply to cultural impact assessments that are triggered by archaeological sites ('Archaeology of Maori Origin'). We note that while the PAUP states a single cultural impact assessment is required, in practice several may be needed. Current Council best practice is to advise landowners to contact all potentially affected iwi (between 10 and 14 groups for most districts based on the Council's list) and obtain cultural impact assessments from those who wish to provide one. We suggest that more detailed guidance on the iwi most closely affected should be provided by Council to applicants.
- i) Duplication of process – It is already illegal to damage an archaeological site without consent from the NZHPT under the HPA. The HPA provides for Maori consultation where sites of interest to Maori are affected, and Maori approval for any archaeological investigations carried out for research purposes. Therefore, while archaeological and cultural impact

New Zealand Archaeological Association Inc.

assessment as part of RMA processes are important and should be provided for in the PAUP, the rules relating to ground disturbance and archaeological investigation are unnecessary and will result in excessive duplication of process between the RMA and the HPA (see further under Point 4 below).

NZAA supports the objectives and policies set out in Ch. B:5.4 (Protection of Mana Whenua Culture and Heritage). However we believe that operationalising them in the rules in relation to unassessed sites and places is misconceived. To achieve the objectives and policies we believe requires a greater involvement by Mana Whenua at a higher level, in heritage planning and in state of the environment monitoring of heritage. We agree that a precautionary approach to subdivision, development and use should be taken in the vicinity of existing archaeological sites, involving both cultural and archaeological impact assessments, but we consider that the objectives can best be achieved through a non-statutory alert layer based on the Council's CHI and GIS viewer. Where works are proposed in the near vicinity (50m rather than 150m from the central point) of recorded Maori archaeological sites, these should be checked against the CHI records, and where the site still exists or may exist, the Council should request that both an archaeological and a cultural impact assessment are provided in order to assess the application. There is already reference to the use of the CHI in the PAUP (Ch. B:4.1) We note that when the Draft PAUP was released for feedback it included a non-statutory alert layer rather than the Sites and Places of Value to Mana Whenua overlay.

We support the inclusion of additional sites in the schedule of Sites and Places of Significance to Mana Whenua that have been evaluated by Mana Whenua and which meet the criteria in the PAUP (Ch. B:5.4 policy 3). And where scheduled Historic Heritage Places are also, or include, Sites/Places of Value to Mana Whenua, we support a holistic/integrated approach to their management as envisaged in the Regional Policy Statement (Ch.B:4.1 policy 1), recognising and providing for both archaeological and cultural values.

We Submit:

1. That the Sites and Places of Value to Mana Whenua Overlay and its associated rules should be dropped from the PAUP and replaced by a non-statutory alert layer based on the Council's CHI and GIS. This layer should include recorded archaeological sites, whether of Maori cultural association or not (see Point 3 below). This could either be based on location points shown on the PAUP planning maps, similar to the non-statutory alert layer in the Draft PAUP previously released for feedback, or it could sit outside the plan, using the GIS and CHI. The latter option would be preferable as it would ensure that newly recorded sites on the CHI could be included without the requirement for a plan change. The alert layer should be used to trigger requests for archaeological and cultural impact assessments. We note that the use of the CHI and Council GIS as an alert layer for archaeological sites is referred to as a non-regulatory method for protecting historic heritage in the Regional Policy Statement (Chapter B:4.1).
2. That a full process of consultation with all the Mana Whenua groups in the Auckland region should be undertaken to identify sites of high cultural significance to them, and those sites that merit scheduling under the PAUP criteria (set out in Ch. B:5.4 policy 3) should be added to the schedules via a future plan change. These significant cultural sites and places should

New Zealand Archaeological Association Inc.

- not be restricted to archaeological sites but should include other places that are culturally significant to Mana Whenua, such wahi tapu which have no archaeological remains, sacred springs and other natural features of cultural significance. 240
3. That if the Sites and Places of Value to Mana Whenua overlay is retained it should be reduced to include only those sites that are located within the extent of scheduled Historic Heritage Places, as these have been evaluated and are already subject to rules. However, the arbitrary 200m diameter circles should be removed in favour of central point data.
 4. That an integrated/holistic approach should be taken to the management of scheduled Historic Heritage Places which contain sites/places of value to Mana Whenua. [This would require the use of consistent terminology (rather than the present variation between places of 'importance' or 'value'); the use of the defined Extent of Place (rather than buffer circles) to trigger cultural impact assessment requirements; and clear cross reference between the scheduled Historic Heritage Place and any Sites/Places of Value or Significance to Mana Whenua contained within it.] A consistent set of rules should be applied to scheduled Historic Heritage Places, with additional provisions (where these are also places of value or significance to Mana Whenua) for cultural impact assessment and cultural monitoring of any activities identified as affecting the cultural values of the place. 241
 5. That if our submission is not accepted and sites outside the scheduled Historic Heritage Places are retained within the overlay, the overlay should be culled to exclude all sites that no longer exist and all sites that do not have accurate GPS locations. It should be based on the selection of individual sites with potentially moderate to high cultural heritage and archaeological significance, based on a review of the site information for individual sites by the relevant Mana Whenua groups, assisted by the Council's archaeological specialists. The rules affecting these sites should require only that an archaeological and a cultural impact assessment are provided for activities involving earthworks on or within reasonable proximity to a recorded site (50m from the recorded central point), and the arbitrary 200m diameter buffer circles should be removed.
 6. That the Council provides much clearer guidance to resource consent applicants on the appropriate Mana Whenua groups to be consulted. 242

Point of clarification:

We would like to clarify a statement by Auckland Council relating to the size of the buffers around archaeological sites in the PAUP, which incorrectly implicates the NZAA in the decision-making process. This statement occurs in an Auckland Council draft memo dated 14 November 2013 and titled 'Mana Whenua Cultural Heritage Package', which was provided to us as part of the Council's response to our official information request (see footnote 1). The draft memo states that the decision regarding buffers around sites was made partly on the basis of "*informal guidance from the NZAA to apply a 100m buffer*". We wish to make it clear that the NZAA has not been consulted on the appropriate size of buffers for the purpose of statutory protection of sites, and has not provided guidance, informal or otherwise, on the matter. We can only assume that the memo is referring to the standard disclaimer that we issue when providing site information from our site recording scheme, to the effect that the recorded locations of sites may vary by up to 100m. This disclaimer is necessary because many of the sites recorded decades ago were not accurately located. However, it does not apply to sites accurately recorded using GPS, and therefore should not apply to the

New Zealand Archaeological Association Inc.

Sites/Places of Value to Mana Whenua overlay, in which the intention is to include only sites that are 'confirmed' through accurate geo-spatial co-ordinates (although see Table 2, appended).

2. PROVISIONS RELATING TO ARCHAEOLOGICAL SURVEY AND INVESTIGATION

We are concerned about the rules relating to archaeological investigation within the PAUP, which are impractical, which undermine the ability of archaeologists to identify and protect unrecorded archaeology surrounding recorded sites (contrary to the principle of a precautionary approach) and which will also result in duplication of process with the HPA (for which see Point 4).

There is a very necessary distinction between archaeological 'investigation' for the purpose of assessing effects on subsurface archaeology (i.e., minor testing that may identify remains for protection), and larger scale archaeological investigation for mitigation or research purposes. This distinction does not appear to have been made in the PAUP.

The rules in the PAUP restrict permitted 'archaeological investigation', which applies to all subsurface investigation involving ground disturbance apart from the use of a steel probe no more than 10mm in diameter (Ch. J:2.1, 5.1.1, 5.2.1). Development controls require that archaeological investigations 'must use non-intrusive geophysical survey techniques' and must be 'undertaken under the supervision of a mandated Mana Whenua representative' (Ch. J:5.1.2, 5.2.2.). Where cultural impact assessments are required, these must include an archaeological assessment.

These rules apply not just within the Extent of Place of scheduled Historic Heritage Places with archaeological values, and within scheduled Sites and Places of Significance to Mana Whenua, but also on or within 50m of the 3600 unscheduled Sites and Places of Value to Mana Whenua which, as already noted, generally includes a much larger area than is warranted from an archaeological perspective.

There are several issues of concern:

- a) Effective assessments of effects on archaeology will not be possible in many cases without a consent. Where sites are already recorded or visible on the ground surface there is no need to carry out subsurface testing. However, most archaeology is subsurface, and identification of unrecorded sites that are not visible often requires the excavation of small spade test pits (c.250mm x 250mm) to examine the soil profile and to distinguish natural from archaeological features and deposits. Once sites are identified in this way, they can be defined and avoided, or alternatively it can be confirmed that no sites are likely to be present in a proposed development area. If resource consent is required for subsurface testing where sites are not apparent, it will inhibit the identification of sites early on in the development process, and increase the risk of adverse effects from inappropriate subdivision, use and development. It is unlikely that consents would be sought for routine archaeological assessments, and assessment of effects would have to rely on surface visibility and probing (which can generally only confirm the presence of subsurface shell – which could be of archaeological, natural or of other origin). Without adequate subsurface testing more sites would be discovered only during development, when it is generally too late to protect them. Furthermore, the requirement for geophysical survey demonstrates a

New Zealand Archaeological Association Inc.

lack of understanding of what these methods can achieve – only in exceptional circumstances can archaeological features be confirmed by geophysical survey alone. In most cases subsurface anomalies detected through geophysical survey must be tested through excavation to establish whether or not they are of archaeological origin – which will not be possible under the rules without consent. Geophysical survey may or may not be helpful in any given situation and decisions on whether to use it should be based on the advice of a professional archaeologist. The rules relating to archaeological investigation are therefore counter-productive, are unnecessarily costly and will prevent rather than assist the identification of unrecorded archaeological sites for protection through RMA processes.

Note: Geophysical methods used in conjunction with subsurface testing are a valuable tool in archaeology – our opposition to them appearing in the plan is not because they are not valuable, but because it is not the place of an RMA plan to determine when they should be used – that is the role of a professional archaeologist using experience and judgement as to their efficacy (there are several methods) and their appropriateness to the particular situation and to the information needed and achievable.

- b) The rules relating to archaeological investigation cut across the provisions of the HPA. The HPA has an Authority process for archaeological investigation, and the NZHPT frequently requires limited subsurface investigation to assess the effects of a proposal on archaeological values where sites are suspected to be present. Under the PAUP a consent will be required before this can be undertaken, resulting in duplication of process (point 4 below) and additional costs and delays to applicants. This may be appropriate in the case of sites identified for protection in the PAUP schedules, following a formal assessment using PAUP or operative plan criteria, but in our opinion should not be applied to the rest of the 3600 Sites and Places of Value to Mana Whenua and the large buffer areas around them, that have not undergone any evaluation.
- c) The requirement for archaeological investigations on/in the vicinity of Sites/Places of Value or Significance to Mana Whenua to be supervised by a mandated Mana Whenua representative is unnecessary, impractical and will add to delays and costs. This applies to ‘non-invasive archaeological investigation’ (Ch. J:5.1.2.2 and J: 5.2.22), and therefore applies to archaeological surveys undertaken to assess effects. Assessments and surveys may well be carried out with Mana Whenua representatives present and often are, but to make this compulsory rather than encouraged is excessively prescriptive and demonstrates a lack of good faith towards professional archaeologists – we note that there is no similar provision for supervision of other resource management specialists in situations where cultural impact assessments are required. Archaeological and cultural impact assessments require different expertise, and it is unclear why supervision of archaeological assessment would be required, especially as the rules do not permit ground disturbance. It is also impractical – professional archaeologists and Mana Whenua representatives invariably have heavy workloads and the logistics of arranging that both are present at the same time is likely to cause frequent and quite unnecessary delays during the preparation of land use consent applications.
- d) The requirement for a cultural impact assessments to include an archaeological assessment (Ch. G:2.7.4) is impractical and unnecessary. Archaeological assessments should be prepared by independent experts who are qualified archaeologists, and should not be seen as part of a cultural impact assessment, any more than a cultural impact assessment should be seen as part of an archaeological assessment. Both are required when an archaeological

New Zealand Archaeological Association Inc.

- site is of Maori cultural association. Archaeological assessments undertaken for a project do not just assess archaeological sites relating to Maori occupation, but must also assess sites of other cultural association (mainly early European) and therefore would often not fit easily as part of a cultural impact assessment. Some archaeological assessments for large projects are substantial documents that could not practically be incorporated into a cultural impact assessment. In addition the PAUP requirement raises the prospect of several archaeological assessments being carried out for inclusion in cultural impact assessments prepared by different iwi for the same project, potentially adding significantly to costs.
- e) If an archaeological assessment is required to be part of a cultural impact assessment, contestability will be affected as the cultural impact assessment must be prepared by a person nominated by Mana Whenua (Ch.G:2.7.4 – 7g in combination with 5). As noted under d), an archaeological assessment should be prepared by an independent expert who is a qualified archaeologist, while there is no requirement that the ‘person or entity nominated by the iwi authority’ should be an appropriately qualified archaeologist. It should be noted that archaeological assessments are generally prepared to serve both RMA and HPA processes, and the NZHPT requires that any archaeological assessment submitted in support of an authority application is written by a suitably qualified archaeologist. This should also be a requirement of the Council, to ensure a sound basis for assessing consent applications. In addition, it should be a basic principle that the landowner or land manager commissioning an assessment for resource consent application purposes – whether by an archaeologist or another expert – should be free to make a selection based on cost and professional suitability. Furthermore, where multiple iwi are involved in preparing cultural impact assessments for a particular project, the prospect of conflicting nominations by different iwi is raised, which may create problems for applicants. The requirement also creates an inherent conflict of interest between the stakeholder and service provider roles.

We Submit:

1. The rules relating to archaeological investigation should either be removed or should apply only to scheduled Historic Heritage Places with archaeological values and scheduled Sites and Places of Significance to Mana Whenua, and should be amended in accordance with our suggestions in Table 1. If applied to sites outside scheduled Historic Heritage Places this would result in excessive duplication of HPA process and archaeological survey for the purpose of assessing effects would be hampered.
2. If the rules relating to archaeological investigation are retained, they should be amended to permit spade test pits (up to 250mmx250mm in size); the requirement to undertake geophysical survey should be removed; and it should be clarified that permitted investigations for assessment purposes must not include any investigations where archaeology is evident or known to be present (as proposed in Table 1).
3. The requirement that a non-invasive archaeological investigation must be supervised by a Mana Whenua representative should be removed.
4. The requirement that a cultural impact assessment should include an archaeological assessment should be removed in favour of a requirement for cross-reference to an archaeological assessment.

New Zealand Archaeological Association Inc.

3. LACK OF PROVISION RELATING TO HISTORIC PERIOD (NON-MAORI) ARCHAEOLOGICAL SITES

While the Regional Policy Statement and Regional and District Policy and Objectives (Parts 1 and 2) include general policy relating to protecting historic heritage, we note a number of issues relating to wording and definitions, and to the lack of consistency in policy relating to archaeological sites depending on whether they are or are not of significance or value to Maori.

It should be noted that approximately 20% of the recorded sites in the Auckland region are not of Maori cultural association, and the percentage will be much higher in urban areas where occupation dates back to the 19th century. However, there is no specific requirement for an archaeological assessment in the PAUP apart from within cultural impact assessments relating to Maori heritage. This leaves non-Maori archaeology unprovided for unless it is a scheduled Historic Heritage Place, when a heritage impact assessment is required. This is inconsistent with the Regional Policy Statement (Chapter B:4, Policy 9), which requires a precautionary approach to subdivision, use or development relating to unidentified or insufficiently understood historic heritage values, and does not make a distinction between Maori and non-Maori historic heritage.

We Submit:

1. That all archaeological sites are of importance regardless of cultural association and should be treated in the same way throughout the Plan, with an additional requirement for cultural impact assessment where Maori heritage is involved.
2. That a non-statutory alert layer based on the Council's GIS and CHI should be used to trigger an archaeological assessment where activities are proposed that may affect the sites. Such assessments should be carried out in relation to all archaeological sites recorded in the CHI, whether of Maori or non-Maori cultural association, provided the CHI records indicate that the site is or may still be present. A cultural impact assessment should also be required if the site is of Maori cultural association. This would ensure that a precautionary approach is taken to the protection of early European as well as Maori archaeological sites.

New Zealand Archaeological Association Inc.

4. DUPLICATION OF PROCESSES UNDER THE PAUP AND THE HISTORIC PLACES ACT 1993

One of our primary concerns is that while one of the stated purposes of the recent review of the RMA and HPA by central government was to avoid duplication of process, the rules relating to the scheduled Historic Heritage Places and Sites/Places of Significance to Mana Whenua which are archaeological sites, and in particular the Sites/Places of Value to Mana Whenua, would greatly increase duplication of processes between the RMA and HPA.

It is Government's stated intention, and a key aim of the Heritage New Zealand Pouhere Taonga (HNZPT) Bill, to improve the alignment of RMA and HPA (HNZPT) processes. This is best accomplished at a local government level by having a single process that identifies all constraints on a consenting issue at the outset. Such an approach will integrate HPA (HNZPT) processes into the wider consenting process, avoid duplication of process and minimise delays and compliance costs.

Unless archaeological sites of both Maori and non-Maori cultural association are identified early in the consenting process there is a danger that HPA processes will end up running in a separate, duplicated process. The precautionary approach recommended under Point 3 above, where a non-statutory alert layer based on the Council's CHI is used to require archaeological assessments, and additional cultural impact assessments in the case of Maori archaeological sites, would ensure the closest possible alignment of RMA and HPA processes. This would also depend on an adequate notification system, under which NZHPT was informed of proposed activities with the potential to impact on archaeological sites.

Under the HPA (and HNZPT Bill) it is unlawful to modify recorded or unrecorded archaeological sites, including by archaeological investigation, except under Authority from the NZHPT. This applies also to any sites exposed during development. It is therefore unnecessary for the PAUP to include rules relating to archaeological investigation (as noted under Point 3 above), or to earthworks affecting areas in the general vicinity of recorded but unscheduled archaeological sites, as this would involve considerable and unnecessary duplication. While some duplication may be appropriate in the case of sites that have been assessed against the relevant criteria and scheduled by Council for protection, it is not justified in the case of unassessed sites or in buffer areas around recorded sites where no archaeology is known to be present.

The rules relating to archaeological investigation would also impede the implementation of the HPA, as any investigation authorised by the NZHPT for exploratory or mitigation purposes within 150m of any of the 3,600 recorded sites included on the Sites and Places of Value to Mana Whenua overlay would also require a resource consent.

We Submit:

1. That archaeological assessments in relation to both Maori and non-Maori archaeological sites should be integrated into the planning process at an early stage.
2. That rules relating to archaeological investigation and modification of archaeological sites, except within scheduled of Historic Heritage Places and Sites/Places of Significance to Mana Whenua, should be dropped to ensure that in other cases only a single process applies.
3. That a robust process of early notification to NZHPT where archaeological sites may potentially be affected by proposed activities is established and implemented by the Council.

New Zealand Archaeological Association Inc.

5. ACCIDENTAL DISCOVERY PROTOCOLS

NZAA supports the concept of Accidental Discovery Protocols (ADPs). However, those set out in the PAUP (Ch. G.2.2.5) are overly prescriptive and detailed and appear to be ultra vires in terms of other legislation (the Protected Objects Act 1975 relating to Maori artefacts, and the HPA relating to archaeology generally).

We Submit:

1. That the ADPs should be simplified, and should require mainly that work in the vicinity of archaeological discoveries must cease while the relevant statutory authorities are contacted. Decisions would then be made on a case by case basis, in consultation with Mana Whenua where Maori archaeological sites are involved. (See our proposed amendments in Table 1).

6. SCHEDULES OF HISTORIC HERITAGE PLACES, HISTORIC HERITAGE AREAS AND SITES AND PLACES OF SIGNIFICANCE TO MANA WHENUA

NZAA strongly supports the scheduling of historic heritage places of significance to the wider community and to Mana Whenua in the Proposed Auckland Unitary Plan (PAUP), based on detailed evaluation using appropriate statutory criteria, and the protection of these places through appropriate rules. We note that the schedules (Appendices 9.1 and 4.1) are largely derived from the operative plans, using variable criteria.

We Recommend:

1. That an ongoing assessment and review process is applied to the schedules to add more places and areas of historic heritage and cultural significance, and to reassess existing scheduled items against the criteria of the Proposed Auckland Unitary Plan (PAUP) to ensure the robustness and consistency of the schedules.

1244

New Zealand Archaeological Association Inc.

7. PROTECTION OF VOLCANIC CONE VIEWSHAFTS

Almost all of Auckland's volcanic cones have archaeological remains and in many cases the Maori terracing on the cones is visible from a distance. The visibility of the cones and their archaeological component is a very important aspect of Auckland's cultural and landscape heritage and deserves the greatest support.

NZAA strongly supports:

- Protected viewshafts;
- Building and structure intrusions into viewshafts being a non-complying activity; and
- Notification of non-complying applications.

In respect of the Height Sensitive Areas NZAA supports:

- Treating buildings and structures on residential zoned properties bordering cones that exceed the average boundary level, as non-complying.
- The submission of the Volcanic Cones Protection Society on other aspects relating to volcanic cone viewshafts.

245

New Zealand Archaeological Association Inc.

8. SECTION 32 REPORT

NZAA has concerns regarding the adequacy of the Section 32 Report as it relates to historic and cultural heritage. The Historic Heritage evaluation (2.13) focuses solely on the new evaluation criteria for scheduled historic heritage places. It does not address the full range of new historic heritage objectives, policies and rules that have been given legal effect. The Mana Whenua Cultural Heritage evaluation (2.15) is not a balanced and evidence-based evaluation of the mana whenua objectives, policies and rules relating to historic heritage that have been given legal effect. In our opinion neither section fulfils Council's obligation to prepare an evaluation in accordance with Section 32 of the RMA and its obligation to have particular regard to such an evaluation prepared in accordance with Section 32 of the RMA (Section 74, RMA). Furthermore, we note that Appendix 3.15, which should include a methodology for evaluating cultural heritage significance (equivalent to Appendix 3.13, methodology for evaluating historic heritage significance), has not been included.

We would query the statement in 1.1 of the Historic Heritage evaluation – “*Council policy is to schedule places that have mana whenua values only as sites or places of significance to mana whenua*”. This is not feasible where scheduled Historic Heritage Places have other values in addition to Mana Whenua values and we note that it has not been applied in those cases (approximately 600 of the scheduled Historic Heritage Places are or include sites/places of value or significance to Mana Whenua). An integrated/holistic approach to the management of these places is required, consistent with the Regional Policy Statement (Ch.B:4.1 policy 1).

We are also particularly concerned by the restricted definition of ‘Archaeological site’ in Appendix 3.13, which includes the definition of an archaeological site in the HNZPT Bill. This defines an archaeological site as a pre-1900 site, or post-1900 if a formal declaration relating to the site has been made by the NZHPT. We consider that one of the strengths of the RMA (in terms of archaeological site protection) has always been that the Act does not define the date of archaeological sites. There are many significant early 20th century archaeological sites meriting protection, such as industrial heritage sites or World War II sites, and a number of these are included in the schedule of Significant Historic Heritage Places. We note that declaration of post-1900 sites by the NZHPT cannot be relied on, as the NZHPT does not have a consistent process for identifying post-1900 sites and declaring them to be legally protected archeological sites under the HPA. The PAUP is prepared under the RMA and should not restrict the power of Council to protect archaeological sites by limiting its definition to those protected under the HPA. Council has an important role in protecting archaeology that falls outside the provisions of the HPA. We note that legal protection under the HPA formerly applied to all sites over 100 years old, and as time passes the pre-1900 date will become increasingly inadequate.

We Submit:

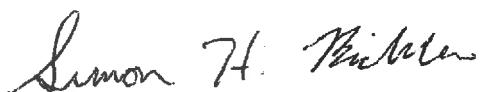
1. That a full evaluation of historic heritage provisions should be undertaken in the Section 32 report and amendments made to the provisions if necessary. This should have been made publicly available at the time of notification and so should be treated as urgent.
2. That a full evaluation of the Mana Whenua provisions (as they relate to historic heritage) should be undertaken in the Section 32 report and amendments made to the provisions if necessary. In particular this should adequately address options, costs, benefits, efficiency

New Zealand Archaeological Association Inc.

and effectiveness of the provisions, particularly in relation to the Sites/Places of Value to Mana Whenua overlay.

3. That the Section 32 report should provide for an integrated/holistic approach to the management of scheduled sites and places that have multiple values (including Mana Whenua values), in accordance with Regional Policy Statement policy (Ch.B:4.1 policy 1).
4. That the definition of 'Archaeological site' in Appendix 3.13 should not be restricted to the definition used in the HNZPT Bill, but should include sites of later date that have not been formally declared to be sites by the NZHPT.
5. That the missing Appendix 3.15, which should address the methodology for evaluating cultural heritage significance, should be included in the Section 32 report.

We would like to be heard in support of our submission.



Simon H. Bickler, PhD
President,
New Zealand Archaeological Association

New Zealand Archaeological Association Inc.

Table 1. Detailed submission

Chapter, Paragraph	Supported/Opposed/Amendment Sought	Explanation
Part 1 – Introduction and Strategic Direction		
Ch. B:2.5 Rural and coastal towns and villages	Policy 1.k.i and ii – Supported	<ul style="list-style-type: none"> Provision for avoidance of identified sites, places and areas of significant ecological or heritage values or of significance to Mana Whenua is important when developing rural and coastal towns and serviced villages.
Ch. B:2.6 Public open space and recreation facilities	[Objectives 2 and 5 – Supported] [Policies 3, 7, 10,11, 12 and 14 – Supported]	<ul style="list-style-type: none"> Many parks and reserves spaces offer important opportunities to protect historic heritage, interpret it and make it accessible to the public.
Ch. B:4.1 Historic Heritage	Objectives 1 and 2 – Supported Policies 1-12 – Supported Methods – Supported in part. Amendment sought:	<p>"Advocacy, education and information provision</p> <ul style="list-style-type: none"> Cultural Heritage Inventory (CHI) linked to the Council GIS GIS-based archaeological alert layers identifying areas where a recorded archaeological site is present or where there is a high likelihood of unrecorded or unidentified sites being present Land and project information memoranda (LIMs and PIMs) where historic heritage is confirmed Advice notes on resource consents Technical advice." <p>We note that the RPS makes specific provision for the use of the CHI/Council GIS as a non-regulatory archaeological alert layer for potential archaeological impacts, and we support this approach.</p> <p>However, this method refers to unrecorded and unidentified sites, and there is insufficient provision for the identification and protection of recorded but unscheduled archaeological sites of both Maori and non-Maori cultural association. This can be provided for through the same Non-Regulatory Methods, as proposed.</p> <p>The CHI is an important resource and contains detailed information about recorded archaeological sites, including their extent and whether they are still present or likely to have been destroyed.</p> <ul style="list-style-type: none"> Sites should only be included on LIMs and PIMs where their presence is confirmed both by accurate location and on the bases of specific site information held in the CHI.

New Zealand Archaeological Association Inc.

Chapter, Paragraph	Supported/Opposed/Amendment Sought	Explanation
Ch. B:4.2 Special character	<u>Objectives</u> and <u>Policies</u> and <u>Methods</u> Supported	<ul style="list-style-type: none"> We support the identification and preservation of Auckland's special character areas, including further assessment of pre-1944 buildings where demolition is proposed.
Ch. B: 4.3.3 Trees and vegetation	<u>Objectives</u> and <u>Policies</u> and <u>Methods</u> Supported	<ul style="list-style-type: none"> We support the identification and protection of trees and vegetation that contribute to Auckland's cultural and natural heritage and to the character and amenity of neighbourhoods.
Ch.B:4.3.5 The Waitakere Ranges Heritage Area	<u>Objectives 1-9 – Supported</u> <u>Policies 1-8 – Supported in part.</u> Amendment sought: [“4. Manage activities to minimise their adverse effects on water quality, soil, native vegetation and fauna habitats, mauri of the waterway, tāiāpure or mahinga mātaītai, and on historic and cultural heritage.”] [5. Require the type and density of settlements to avoid degrading the wilderness character of natural landscape features, or adversely affecting historic and cultural heritage. ...] [8. Adopt a precautionary approach when considering proposals that threaten serious or irreversible damage to a historic heritage feature.”]	<p><u>Policies 4, 5 and 8</u></p> <ul style="list-style-type: none"> The Waitakere Ranges include historic and cultural features that require protection, as recognised in the preamble and objectives. However, there is no policy relating to historic heritage protection.
Ch.B:5 Addressing issues of significance to Mana Whenua	B:5.1 Objectives 1-4 and Policies 1-9 Supported B:5.2 Objectives 1-7 and Policies 1-7 Supported	<ul style="list-style-type: none"> NZAA supports recognition of and provision for the principles of the Treaty of Waitangi within the PAUP, and recognition of Mana Whenua values through integrating matauranga and tikanga in the sustainable management of Auckland's natural and physical resources.
Ch. B:5.4 Protection of Policies 1-16 – Supported	<u>Objectives 1-5 - Supported</u> <u>Policies 1-16 – Supported</u>	<p><u>Methods and Explanation</u></p> <ul style="list-style-type: none"> NZAA submits that Regulatory methods should only apply

19

3370

27/70

New Zealand Archaeological Association Inc.

Chapter, Paragraph	Supported/Opposed/Amendment Sought	Explanation
Mana Whenua culture and heritage	<p>Methods – Supported in part. Amendment sought:</p> <p><i>"Regulatory Unitary Plan."</i></p> <ul style="list-style-type: none"> • Overlay objectives, policies and rules for sites and places of significance to Mana Whenua and for sites and places of value to Mana Whenua historic heritage places that are of value to Mana Whenua. • General Provisions for Mana Whenua Cultural Heritage: Accidental Discovery Protocols and Information Requirements." <p>The following Non-Regulatory method should be added:</p> <p><i>"Use of GIS-based archaeological alert layers linked to the CHI identifying areas where a recorded archaeological site is present or where there is a high likelihood of unrecorded or unidentified sites being present."</i></p> <p>Explanation – Supported in part. Amendment sought:</p> <p><i>"The approach to Mana Whenua cultural heritage addresses the multiple levels of Mana Whenua cultural heritage, incorporates the provisions of Policy 2 of the NZCPS and applies a precautionary approach where information is lacking but protection is may be warranted. Sites and places where the significance has been identified are protected through the Sites and Places of Significance to Mana Whenua overlay and the schedule of Significant Historic Heritage Places that are of value or significance to Mana Whenua. Protection is also provided to sites and places where the presence of Mana Whenua cultural heritage has been confirmed and where Mana Whenua values exist through the Sites and Places of Value to Mana Whenua"</i></p>	<p>to places that have already been scheduled following evaluation using district plan, RPS or PAUP criteria – i.e. the schedule of Sites/Places of Significance to Mana Whenua and the schedule of Significant Historic Heritage Places, many of which are identified as being of importance [value] or significance to mana whenua. All other sites and places included in the existing overlay of Sites/Places of Value to Mana Whenua should be removed from the overlay and should not be subject to rules for reasons set out in Part 1 of our submission, and in particular: lack of any review of the reliability of the data; inclusion of many destroyed sites which are not 'confirmed'; limited heritage significance of many of the sites; arbitrary extents that in most cases considerably exceed the actual extent of the site by several hectares; lack of any significance evaluation by mana whenua; consequent imposition of costs and restrictions that in many cases cannot be justified on the basis of the archaeology that has triggered them; and excessive duplication of HPA processes.</p> <ul style="list-style-type: none"> • Instead, provision should be made for assessing the sites excluded from the overlay through a non-statutory alert layer based on the Council's CHI and GIS, for the reasons set out under Section 1 of our submission (above). Requirements relating to them should be restricted in the first instance to a cultural impact assessment and an archaeological assessment, which can be achieved through non-statutory methods. • The GIS based archaeological alert layer should be used in conjunction with the information in the CHI to trigger requirements for a cultural impact assessment, as

#3370

20

22/70

New Zealand Archaeological Association Inc.

Chapter, Paragraph	Supported/Opposed/Amendment Sought	Explanation
	<p>every. These values of unscheduled sites and places where the significance has not yet been assessed in detail also need to be recognised and provided for, but their significance has not yet been assessed in detail. Cultural landscape assessments are required for areas subject to structure planning to build the knowledge base and to identify additional sites that warrant protection. Cultural impact assessments are required for resource consent applications where Mana Whenua values are affected including archaeology of Māori origin identified through a GIS based archaeological alert layer linked to the CHI where current information confirms the location. Accidental discovery protocols based on Mana Whenua values are provided for the unexpected discovery of archaeology or artifacts of Māori origin.</p> <p>... <i>The use of a range of tools to identify unscheduled sites and places of potential significance to Mana Whenua where the locations have been confirmed and areas where there is a high potential for accidental discovery, is consistent with Policy 2 of the NZCPS."</i></p>	<ul style="list-style-type: none"> Where activities that do not require consent have the potential to affect sites of value to mana whenua, the archaeological provisions of the HPA would provide initial protection. Under the HPA any decision to allow modification of sites would be based on both archaeological assessment and consultation with mana whenua, and this process does not need to be duplicated in the PAUP.
Ch.B.7 Sustainably managing our coastal environment	<p><u>B:7.1 Objective 1 and Policies 1 and 6 – Supported</u> <u>B:7.2 Policy 5 and e – Supported</u> <u>B:7.4 Objectives 3, 5 and Policies 4, 6, 7, 9-13 – Supported</u> <u>B:7.4 Methods – Supported in part. Amendment sought:</u></p> <p><i>"Auckland-wide objectives, policies and rules for historic heritage, Māori cultural heritage, natural resources and general [supply missing word]"</i></p>	<p style="text-align: right;">26 27 28 29 30</p> <p><u>Methods</u></p> <ul style="list-style-type: none"> NZAA supports the need to ensure that subdivision, use, development and public access in the coastal environment, including the Hauraki Gulf Islands, are appropriately located, and take account of historic heritage values. <p><u>• The Hauraki Gulf Islands contain historic heritage sites of all periods, associated with both Maori and early European settlement. The objectives, and policies should be relevant to historic heritage generally as well as Maori</u></p>

New Zealand Archaeological Association Inc.

Chapter, Paragraph	Supported/Opposed/Amendment Sought	Explanation
Ch. B.10 Methods	Supported in part. Amendment sought: The Table of methods should include: 1. the use of a non-statutory archaeological alert layer based on the council's CHI and GIS 2. Reference to interagency agreements.	<p>cultural heritage.</p> <ul style="list-style-type: none"> The CHI/GIS are an important resource for identifying potential effects on archaeology, both Māori and non-Māori, and should be used as a non-statutory alert layer. An interagency agreement with the NZHPT is important to ensure that duplication of process between the Unitary Plan and HPA are minimised, and that archaeological processes under the HPA are triggered through identification of effects in resource consent processes.
Ch. C:1.1 Infrastructure	Policies 4 and 12 - Supported	<p>33</p> <ul style="list-style-type: none"> NZAA supports the need to take effects on scheduled historic heritage into account in infrastructure planning.
Ch. C:2 Mana Whenua	Supported in part. Amendment sought: The need to provide for historic heritage values should be included in the objectives and policies relating to both Māori land and Treaty settlement land.	<p>34</p> <ul style="list-style-type: none"> Both Māori land and Treaty settlement land may contain scheduled historic heritage of Māori and/or other cultural association. However, while there is reference to the protection of natural heritage values there is no equivalent provision for scheduled historic heritage.
Ch. C:3 Historic Heritage	Background → Supported Objective 1 → Supported Policies 1-4 → Supported	<p>35</p> <p>36</p> <p>37</p> <p>38</p> <p>Background</p> <ul style="list-style-type: none"> NZAA strongly agrees that a "precautionary approach is particularly important in relation to archaeological sites", and that "identifying potential adverse effects on archaeological sites as part of the resource consent process provides an opportunity for effects on significant sites to be avoided, allows places of Māori interest or significance and the interested party status of the NZHPT to be identified at an early stage, and for RMA and HPA consent processes, requirements and timeframes to be aligned." <p>Objectives and policies</p> <ul style="list-style-type: none"> We support the protection of significant historic heritage

#3370

32

New Zealand Archaeological Association Inc.

Chapter, Paragraph	Supported/Opposed/Amendment Sought	Explanation
Ch. C:5.2 Earthworks	Objective 1 – Supported Policy 4 – Supported	that is not scheduled through assessments of effects. <ul style="list-style-type: none"> We support the objective of undertaking earthworks in a manner that protects the environment, and policy relating to the protection of cultural heritage.
Ch. C:5.4 Mineral extraction from land	Policy 3 c vi - Supported	Policy 3 c vi - Supported <ul style="list-style-type: none"> We support the use of measures to protect the values of identified heritage or archaeological sites, etc.
Ch. C:5.14 Lakes, rivers, streams and wetland management	Policy 5 – Supported	Policy 5 – Supported <ul style="list-style-type: none"> We support the protection of archaeological and cultural heritage.
Ch. C: 6 Subdivision	Objective 2, 6, 11 – Supported Policy 5 – Supported in part. Amendment sought:	Policy 5 – Supported in part. Amendment sought: <p>Policy 5: "Require subdivisions to be designed to minimise effects on historic heritage and respond to and retain scheduled features, such as archaeological sites and historic heritage places."</p> <p>Policy 20c – Supported. Policy 30 – Supported in part. Amendment sought</p> <p><i>"... An appropriate receiver area should: ... g. protect or enhance historic heritage, including archaeological sites and cultural resources."</i></p> <p>Policy 36 – Supported Policy 38 b iv – Supported Policy 39 b – Supported</p>

New Zealand Archaeological Association Inc.

Chapter, Paragraph	Supported/Opposed/Amendment Sought	Explanation
Ch. C:7.6 Temporary Activities	<u>Objective 2 – Supported</u> Policies 1e, 8a, 9b – <u>Supported</u>	<ul style="list-style-type: none"> We support objectives and policies for the protection of historic heritage values from temporary activities.
Ch. C:7.6 Vehicles on Beaches	<u>Objective 1 – Supported</u> Policy 2 – <u>Supported</u> Policy 3 – <u>Supported</u> in part. Amendment sought: “3. Limit the areas where recreational vehicles have access, and manage vehicle use to avoid and where practicable minimise: ... e. damage to historic heritage ... g. damage to scheduled sites and places of significance for Mana Whenua, including identified wāhi tapu h. damage to scheduled significant historic heritage places”	<ul style="list-style-type: none"> We support objectives and policies for the protection of historic heritage values from vehicle use on beaches. <p><u>Policy 3</u></p> <ul style="list-style-type: none"> In policy 3 it is appropriate to minimise damage to historic heritage generally, but there should also be specific reference to scheduled historic heritage places, in the same way that there is specific reference to scheduled sites and places of significance to mana whenua. There are scheduled historic heritage places in the coastal environment and extending across beaches that are of early European origin
Ch. D Zone Objectives and policies and Conservation Zone	D: 2.1 Objective 1 – <u>Supported</u> D: 2.2 Objective 2 – <u>Supported</u> D: 2.3 Policy 7 - <u>Supported</u> D: 2.3 Policy 10 – <u>Supported</u> in part. Amendment sought: “10. Require development of public open space for new or existing indoor and outdoor organised sport, active recreation and community activities to: ... b. avoid adverse effects on <u>historic heritage and Mana Whenua cultural heritage</u> c. reflect Mana Whenua values through the integration of Mātauranga and tikanga.”	<p><u>Policy 10</u></p> <ul style="list-style-type: none"> NZAA supports policies and objectives aimed at the protection of historic heritage values and special character within the various zones. However, we note that inconsistent terminology is used across the zones. <p><u>Policy 10</u></p> <ul style="list-style-type: none"> Development of new public open space should avoid adverse effects on historic heritage generally, not just on Mana Whenua cultural heritage.
	D: 2.4 Policies 2, 6, 7, 8 – <u>Supported</u> D: 2.5 Policies 2, 3 – <u>Supported</u>	<p><u>52</u> <u>53</u> <u>54</u> <u>55</u> <u>56</u> <u>57</u></p> <p><u>58</u> <u>59</u></p>

New Zealand Archaeological Association Inc.

Chapter, Paragraph	Supported/Opposed/Amendment Sought	Explanation
	<u>D:3.2 Policies 9, 12,13, 14 – Supported]</u> <u>D:5.1.1 Objectives 1, 3 and Policy 1e – Supported]</u> <u>D:5.1.2 Policy 4b – Supported]</u> <u>D:5.1.3 Policy 5e – Supported]</u> <u>D:5.1.4 Objective 2 and Policies 3 and 4f – Supported]</u> <u>D:5.1.5 Policy 5e – Supported]</u> <u>D:5.1.6 Policy 3h – Supported]</u> <u>D:5.1.7 Objective 4 and Policy 7h – Supported]</u> <u>D:5.1.14 Policy 4e – Supported]</u> <u>D:5.1.15 Objective 3 and Policy 7h – Supported]</u> <u>D:5.2 Policy 5 – Supported]</u> <u>D:5.3 Policies 1d and 8e – Supported]</u> <u>D:5.6 Policy 3c, 6c, 9 – Supported]</u> <u>D:6.6 Objectives 2, 3 and Policy 1d – Supported]</u> <u>D:8.2 Policy 3d – Supported]</u>	<p style="text-align: right;"># 3370 71</p>
Ch. E:2 Historic Heritage	<p><u>Overlay description – Supported in part. Amendment sought:</u></p> <p>“ ... <i>Each historic heritage place has been assigned a category with associated controls on protection, development, demolition and use. Controls on places subject to the overlay may differ from the underlying zone. A historic heritage place may include one or more buildings, structures, archaeological sites or other features and a defined area surrounding them.</i></p> <p>... <i>Historic places and areas that are archaeological sites; or include archaeological sites or features that contribute to the significance of the scheduled place, are identified in the heritage schedule. These are subject to additional controls on land disturbance and other activities that have the potential to adversely affect archaeological sites. In addition to the requirements of the Unitary Plan, the Historic Places Act 1993</i></p>	<p><u>Background</u></p> <ul style="list-style-type: none"> The overlap between the Schedule of Significant Historic Heritage Places and the overlay of Sites and Places of Value to Mana Whenua is confusing and is not explained either in this section or in Ch. E:5.2. This is inconsistent with RPS policy (Ch.B:4.1 policy 1 – holistic approach) and could hamper integrated management of historic heritage places. An explanation/cross reference are therefore proposed. The overlay of Sites and Places of Value to Mana Whenua is deeply flawed and should be removed from the PAUP for reasons set out in Section 1 of our submission and under Ch. B:5.4 above. Sites within that overlay that are, or are located within, scheduled Historic Heritage places are identified within Appendix 9.1 and listed individually in Appendix 4.2. Objectives and policies set out within Ch.E.5 (Mana Whenua) should relate only to those sites

New Zealand Archaeological Association Inc.

Chapter, Paragraph	Supported/Opposed/Amendment Sought	Explanation
	<p><i>requires an applicant to obtain an authority from the New Zealand Historic Places Trust to destroy, damage or modify any archaeological site meeting the criteria set out in that act, whether or not it is recorded or scheduled.</i></p> <p><i>Historic heritage places that are also sites and places of value or significance to Mana Whenua are identified in the heritage schedule and are additionally subject to the objectives and policies in the Mana Whenua overlay. There are additional requirements relating to cultural impact assessment and cultural monitoring.</i></p> <p>...</p>	<ul style="list-style-type: none"> The same terminology for the same sites should be used to avoid confusion ("Places of value or significance to Mana Whenua" in Appendix 9.1, rather than "Places of Maori interest or significance"). There is already a defined Extent of Place for scheduled Historic Heritage Places, which should be the basis for all consequent Rules. This would remove the current confusion and inconsistency created by setting different (completely arbitrary) boundaries around individual Maori archaeological sites which are, or which are within, scheduled Historic Heritage Places. One set of consistent Rules should apply to all scheduled Historic Heritage Places, but with additional cultural impact and monitoring requirements where scheduled places are also of value or significance to mana whenua. This would be more consistent with RPS policy (Ch.B:4.1 policy 1 – holistic approach). <p><u>Objectives and Policies</u></p> <ul style="list-style-type: none"> We support the proposed objectives and policies aimed at maintaining and enhancing the heritage values of scheduled places while providing for appropriate use.
Ch. E:3.1 Business and residential special	<p>Objectives and policies – Supported in part. Amendment sought:</p> <p>[Special character areas should also be identified and protected in rural, coastal and other zones, not just business and</p>	<p>80 81</p> <p>82 83 84</p> <p># 3370</p> <ul style="list-style-type: none"> [We support the proposed objectives and policies for the retention and management of special character areas.] However, special character should also be recognised and provided for in other zones.

New Zealand Archaeological Association Inc.

Chapter, Paragraph	Supported/Opposed/Amendment Sought	Explanation
character areas	residential zones.]	
Ch. E:3.2 Pre-1944 Building Demolition Control	[Objectives] and [policies] Supported	<ul style="list-style-type: none"> We support the precautionary approach towards pre-1944 buildings embodied in the objectives and policies. We note that many pre-1944 buildings are of pre-1900 date and have archaeological value.
Ch. E:4 Built Environment	E:4.1 Objective 1 and [Policy 1 – Supported] E:4.6 Objective 1 and Policies 1, 2, 3 – Supported in part. Amendment sought:	<ul style="list-style-type: none"> We support the projection of significant views to and from the Auckland Museum and the protection of local public views. Objective 1 does not make sense Significant local views may include views of historic as well as natural features <p>[“Objectives 1. Views to locally significant <u>features</u><u>viewshafts</u> are protected.”]</p> <p>[1. Identify significant local public viewshafts using the following criteria: a. the extent to which the public viewshaft contributes to the aesthetic value or visual legibility of the wider natural <u>or</u> historic heritage landscape b. the community association with, or public appreciation of, the values of the viewshaft c. the visual coherence, unity or integrity of the viewshaft and its view d. the potential value of the viewshaft for public education, including known historic associations in relation to the site where the viewshaft originates.]</p> <p>[2. Manage development on sites within the viewshafts to avoid adverse physical and visual effects on the viewshaft including adverse cumulative effects on the viewshaft. 3. Require public access to be maintained to the viewing point where the viewshaft originates.”]</p>
Ch. E:5.1 Sites	Overlay description – Supported in part. Amendment sought:	Overlay description

85
86
87
88
89
90
91

#3370

New Zealand Archaeological Association Inc.

Chapter, Paragraph	Supported/Opposed/Amendment Sought	Explanation
and Places of Significance to Mana Whenua	<p><i>"The Sites and Places of Significance to Mana Whenua overlay identifies sites and places that have been scheduled and protected for their significance to Mana Whenua. Some of these are also scheduled historic heritage places, or are located within them and are additionally subject to the objectives and policies for historic heritage places. Where there is sensitive information regarding the significance of the sites and places special protocols agreed with Mana Whenua will outline the management of this information."</i></p> <p>[Objective 1 – Supported] [Policies 1-7 – Supported in part. Amendment sought:]</p> <p>“2. Require subdivision, use and development to: ... h.avoid: i. excavation or earthworks near a scheduled site or place of significance to Mana Whenua where this adversely affects cultural values. ii.the use of scheduled sites and places of significance to Mana Whenua for infrastructure where this adversely affects cultural values.”]</p>	<p>• Some though not all of the Sites and Places of Significance to Mana Whenua are also included in the schedule of Historic Heritage Places, but this is not explained. This is inconsistent with RPS policy (Ch.B:4.1 policy 1 – holistic approach) and hampers integrated management. An explanation/cross reference is therefore proposed.</p> <p>Policy 2</p> <ul style="list-style-type: none"> • Policy 2 h is unrealistic, as none of the extents of the Sites of Significance to Mana Whenua are defined, making it difficult to avoid earthworks ‘near’ a site. In addition some of the sites in Appendix 4.1 are sites of former settlement without known physical remains in high use areas such as the Auckland CBD, where it would be impossible to avoid earthworks for infrastructure and other purposes. The policy needs to be qualified in terms of whether it has any effects on cultural values (based on case by case cultural impact assessment by mana whenua).
Ch. E:5.2 Sites and Places of Value to Mana Whenua – Supported in part and Places of Value to Mana Whenua	<p>Amendment sought:</p> <p>Sites/Places of Value to Mana Whenua that are subject to rules should consist only of those sites that are, or are within, the c.600 scheduled Historic Heritage Places that are also identified as ‘Places of Maori interest or significance’ (Appendix 9.1). The importance [i.e.value] or significance to Mana Whenua.</p>	<p>• NZAA submits that Regulatory methods should only apply to places that have already been scheduled following evaluation using district plan, RPS or PAUP criteria – i.e. those within the schedule of Sites/Places of Significance to Mana Whenua and the schedule of Significant Historic Heritage Places which are identified as being of importance [i.e.value] or significance to Mana Whenua.</p>

New Zealand Archaeological Association Inc.

Chapter, Paragraph	Supported/Opposed/Amendment Sought	Explanation
	<p>defined Extent of Place should apply as a trigger for the rules to avoid confusion. Individual sites can be shown as point data within the defined Extent of Place.</p> <p>We seek the following Amendments:</p> <p>"Overlay description</p> <p><u>The schedule of Significant Historic Places includes many that are also places of value to Mana Whenua. These are identified in the heritage schedule (Appendix 9.1) and listed in Appendix 4.2. The Sites and Places of Value to Mana Whenua, everyday-identifies-sites-and-places-where-the-presence-of-Mana-Whenua-cultural-heritage-has-been-confirmed-but-their-significance-has-not-yet-been-assessed-in-detail. These They may include sites and places identified within the New Zealand Historic Places Trust register. These sites and places are protected as they are of Māori origin and may contain Mana Whenua values which must be recognised and provided for, although some of these places have not yet been assessed in detail from a cultural perspective. Where there is sensitive information regarding the cultural values of the sites and places, special protocols agreed with Mana Whenua will outline the management of this information.</u></p> <p><u>Mana Whenua are aware of many other sites and places that may be equally or more significant, and acknowledge there may be shared interests over scheduled locations. It is intended to identify further sites and places nominated by Mana Whenua through future plan changes including those identified through other legislation.</u></p> <p>Objective</p>	<p>All other sites and places included in the existing overlay of Sites/Places of Value to Mana Whenua should be removed from the overlay and should not be subject to rules for reasons set out in Part 1 of our submission, and in particular: lack of any review of the reliability of the data; inclusion of many destroyed sites which are not 'confirmed'; limited heritage significance of many of the sites; arbitrary extents that in most cases considerably exceed the actual extent of the site (by several hectares); lack of any significance evaluation by mana whenua; consequent imposition of costs and restrictions that in many cases cannot be justified on the basis of the archaeology that has triggered them; and excessive duplication of HPA processes.</p> <ul style="list-style-type: none"> • Sites within the overlay that are also scheduled Historic Heritage Places, or located within scheduled Historic Heritage Places, should be identified within Appendix 9.1 and listed in Appendix 4.2. • The presence of places of value to Mana Whenua within the schedule of Significant Historic Heritage Places needs to be highlighted. • There is already a defined Extent of Place for scheduled Historic Heritage Places, which should be the basis for all consequent rules including any relating to mana whenua. This would remove the current confusion and inconsistency created by setting different (completely arbitrary) boundaries around Māori archaeological sites which are, or which are within, scheduled Historic Heritage Places (see example in Figure 4, appended). • One set of consistent Rules should apply to all scheduled Historic Heritage Places, but with additional cultural

New Zealand Archaeological Association Inc.

Chapter, Paragraph	Supported/Opposed/Amendment Sought	Explanation
	<p>[1. <i>The tangible and intangible values of sites and places of value to Mana Whenua are protected and enhanced.</i>]</p> <p>Policies</p> <p>[1. <i>Require a cultural impact assessment for activities likely to cause disturbance to or have effects on where the location of sites and scheduled historic heritage places that are of value to Mana Whenua have been confirmed and where existing information indicates a likelihood of their disturbance or effects on their values.</i>]</p> <p>[2. <i>Avoid adverse effects on the values of sites and historic heritage places of value to Mana Whenua.</i>]</p> <p>[3. <i>Require subdivision, use, development and modification and earthworks to:</i></p> <ul style="list-style-type: none"> a. <i>avoid adverse effects on the values and associations of Mana Whenua with their sites and places of value</i> b. <i>incorporate mātauranga, tikanga and Mana Whenua values</i> c. <i>incorporate the outcomes articulated by Mana Whenua through consultation, within cultural impact assessments and within iwi planning documents.</i>"] 	<p>impact and monitoring requirements, where scheduled places are also of value or significance to mana whenua. Policy in this section should relate to these additional requirements.</p> <ul style="list-style-type: none"> • The remaining sites in the existing overlay which have not yet been evaluated (all of which are archaeological sites) should be managed through a non-statutory archaeological alert layer based on the GIS and CHI. This is provided for in the precautionary approach set out in Ch. C:3 (Historic Heritage). The information in the CHI and the Council's GIS should be used to trigger a requirement for both a cultural impact assessment and an archaeological assessment when any proposed activities have the potential to affect a Maori archaeological site.
Ch. E:6.1 Notable Trees	<p>[Objectives] and [Policies] Supported</p>	<p>• We support the identification and protection of trees and vegetation that contribute to Auckland's cultural and natural heritage and to the character and amenity of neighbourhoods.</p>
Part 3 – Regional and District Rules		
Ch. G:2.5 Accidental Discovery Protocols	<p>Supported in part. Amendment sought.</p> <p>"Historic heritage</p> <p>1. In the event of an accidental discovery of archaeological</p>	<p>• NZAA supports the concept of ADPs, but these must not be overly prescriptive and should not be ultra vires in terms of other legislation. The plan sets out the general duty to comply in Ch. G:1.1, but aspects of these ADPs do</p>

New Zealand Archaeological Association Inc.

Chapter, Paragraph	Supported/Opposed/Amendment Sought	Explanation
	<p><i>material, the site owner or the site manager must take the following steps:</i></p> <p><i>a. Work must cease immediately in the immediate vicinity of the material discovered at that place.</i></p> <p><i>b. The contractor must shut down all machinery in the immediate vicinity, secure the area and advise the site manager.</i></p> <p><i>c. The site manager must notify the council's heritage manager and the New Zealand Historic Places Trust Regional archaeologist. If necessary, a resource consent must be obtained.</i></p> <p><i>d. If the site is of Māori origin the site manager must notify the appropriate iwi groups to determine what further actions are appropriate to safeguard the site or its contents, and to arrange a site inspection.</i></p> <p><i>e. If skeletal remains are uncovered the site manager shall also advise the police.</i></p> <p><i>f. Works affecting the archaeological site must not resume until the New Zealand Historic Places Trust and the council gives approval for work to continue (following consultation with Mana Whenua where Maori cultural heritage is involved).</i></p>	<ul style="list-style-type: none"> • There is repetition and inconsistency between the Historic Heritage (which includes Maori archaeological sites) and Mana Whenua protocols. Repetition and inconsistencies should be removed to avoid confusion and for greater consistency with RPS policy (Ch. B:4.1 policy 1 – holistic approach). <p><u>1a, 1b</u></p> <ul style="list-style-type: none"> • Archaeological remains may be limited in extent, and it would be unnecessary to shut down all work on a large development site. <p><u>1c</u></p> <ul style="list-style-type: none"> • Resource consent requirements to modify sites accidentally discovered are not appropriate as this will duplicate HPA processes, and consent will already have been issued. <p><u>1d</u></p> <ul style="list-style-type: none"> • Addition proposed to incorporate 2d. <p><u>1e</u></p> <ul style="list-style-type: none"> • It should be clarified that the police must be advised in addition to those referred to in 1c and d. <p><u>1f</u></p> <ul style="list-style-type: none"> • 2b envisages that the council will also be involved in approval for work to continue, and will consult with Mana Whenua before giving approval when Maori sites are involved. This practice is also followed by the NZHPT. However, we are unsure whether or not approval by NZHPT under the HPA is ultra vires? If it is this point can be recast in a similar way to 2i.
	<p><i>2. If the discovery relates to et-ē-my-time-during-site-works, potential koiwi, archaeology or artefacts of Māori origin are discovered, then all site-works, including earth-moving machinery must stop and the following additional protocols will be incidental-discovery-protocol-must-be-followed:</i></p> <p><i>a. The site owner or the site manager must immediately advise the council, and the katiaki and kaumātua of the relevant Mana Whenua and New Zealand Historic Places Trust.</i></p> <p><i>b. The site owner or the site manager must secure the site until</i></p>	<p><u>103</u></p> <p><u>104</u></p> <ul style="list-style-type: none"> • This repeats some of what has already been set out under <p><u>2</u></p> <ul style="list-style-type: none"> • This repeats some of what has already been set out under

New Zealand Archaeological Association Inc.

Chapter, Paragraph	Supported/Opposed/Amendment Sought	Explanation
	<p>Approval to proceed with work has been granted by the council in consultation with Mana Whenua.</p> <p>c. Further work in the immediate vicinity of at the discovery site must be suspended for long enough to allow Mana Whenua wish to carry out their procedures and tikanga for the site and the nature of the discovery, should they so wish.</p> <p>d. The site owner or the site manager must immediately arrange a site inspection by Mana Whenua and their advisers and the New Zealand Historic Places Trust.</p> <p>e. The site owner or the site manager must ensure that representatives are available to guide these parties through the site.</p> <p>f. The site inspection will determine whether the discovery is likely to be extensive and whether a thorough site investigation is required.</p> <p>g. Mana Whenua will determine the tikanga for appropriate preservation, management and handling of the koiwi, archaeology or artefacts of Māori origin that are uncovered, which may include removal of the koiwi, archaeology or artefacts of Māori origin from the site by Mana Whenua or preservation within the site.</p> <p>h. Preservation of the koiwi, archaeology or artefacts of Māori origin that are uncovered may require amendments to the site works to avoid adverse effects on sites of significance to Mana Whenua and Māori values.</p> <p>i. Work at the site must not commence until approval has been granted by the council in consultation with Mana Whenua and the New Zealand Historic Places Trust.</p> <p>3. Where koiwi, archaeology or artefacts of Māori origin are recovered during site works, the council will work with Mana Whenua to record the following information that will contribute</p>	<p>1a-d, but is partly inconsistent with it. It omits the requirement to contact police in the case of koiwi, and requires council in addition to NZHPT approval. Repetition and inconsistencies should be removed to avoid confusion.</p> <ul style="list-style-type: none"> The ADPs relating to Mana Whenua heritage in part contravene the statutory requirements of the HPA and Protected Objects Act 1975. Removal of artefacts or archaeology, sampling of sites for carbon dating, and recording involving site modification cannot be carried out unless in accordance with an authority from NZHPT. The ownership and custody of Māori artefacts is governed by the Protected Objects Act 1975, requiring notification to the Ministry for Culture & Heritage, and consultation between the Ministry (not the Council) and the relevant Mana Whenua groups to determine ownership and custody <p>2e</p> <ul style="list-style-type: none"> This is already implied by 2d, and is now provided for by changes proposed to 1d. <p>2f</p> <ul style="list-style-type: none"> Whether a site investigation is required is a legal decision made by the NZHPT under the HPA. The process involves consultation with Mana Whenua and so does not need to be provided for here. <p>2g</p> <ul style="list-style-type: none"> Removal of koiwi, archaeology and artefacts are governed by the Historic Places Act 1993, and in addition the removal of artefacts is subject to the Protected Objects Act 1975. The second part is therefore ultra vires and should be deleted.

#3370

105

32

34/70

New Zealand Archaeological Association Inc.

Chapter, Paragraph	Supported/Opposed/Amendment Sought	Explanation
105 Paragraph 4. A development that does not comply with the above accidental discovery protocol is a discretionary activity."	<p>to Mana Whenua knowledge of their cultural heritage:</p> <p>a. site location</p> <p>b. details of content</p> <p>c. carbon dating.</p> <p>Note: a subheading should be added before point 4 as it applies to the ADPs as a whole, not just to Mana Whenua cultural heritage.</p>	<p>3</p> <ul style="list-style-type: none"> Recording details of content and taking samples for carbon dating are governed by the HPA 1993, and cannot be carried out without an authority from the NZHPT. This therefore ultra vires. In addition, if the NZHPT requires recording and radiocarbon dating of any archaeological remains, this will be a cost to the developer and ideally should not fall on ratepayers.
106 Ch. G:2.7.1 General Information Requirements	<p>Supported in part. Amendment sought:</p> <p>"Information requirements for resource consent and subdivision consent applications adjacent to scheduled historic heritage places and sites and places of significance to Mana Whenua."</p> <p>2. The following information must be provided, to the council as part of any application for the following:</p> <p>a. a heritage impact assessment for any discretionary or non complying resource consent or subdivision consent application on land or affecting water adjacent to a scheduled historic heritage place. This should include an archaeological assessment where the place is or includes an archaeological site.</p> <p>b. a cultural impact assessment for any restricted discretionary, discretionary or non-complying resource consent application on land or affecting water adjacent to a scheduled historic heritage place where it is also a place of value or significance to Mana Whenua archaeology of Maori origin.</p> <p>...</p>	<p>4k</p> <ul style="list-style-type: none"> Applications adjacent to scheduled historic heritage places Specific provision should be also made for cultural impact assessment relating to the schedule of Sites/Places of Significance to mana whenua. Specific reference to the need for an archaeological assessment in the case of archaeological sites (whether of Maori or non-Maori cultural association) must be made. An archaeological assessment is not part of an cultural impact assessment for reasons set out in Section 2d of our submission, and should be specifically provided for. This is consistent with the reference to heritage/archaeological value assessments in 26j (specialist reports).

#3370

New Zealand Archaeological Association Inc.

Chapter, Paragraph	Supported/Opposed/Amendment Sought	Explanation
	<p>Existing site plan</p> <p>...</p> <p><i>4.k. location of any known sites or areas of significance to Mana Whenua that are on council records, in the Unitary Plan or on the NZAA or NZHPT records, or that are made known to the applicant during any consultation process which may have been undertaken</i></p> <p><i>4.l. location and extent of any archaeological sites that are on council records or on the NZAA or NZHPT records, or that are made known to the applicant during the assessment process any consultation process which may have been undertaken or historic heritage place."</i></p>	<ul style="list-style-type: none"> As above. Also, new sites may be identified during the assessment process which need to be taken into consideration. <p style="text-align: right;">108</p>
Ch. G.2.7.4 Cultural impact assessment	<p>General provisions - Information requirements for cultural impact assessments - Supported in part. Amendment sought:</p> <p>"1. A cultural impact assessment will be required for all applications requiring a resource consent under:</p> <p>a. the <i>Sites and Places of Significance to Mana Whenua overlay</i></p> <p>b. the <i>Significant Historic Heritage Places overlay where these are also places of value</i> sites and places of value to Mana Whenua</p> <p>2. A cultural impact assessment will be required for all applications requiring a resource consent within:</p> <p>...</p> <p>c. a place of <u>value</u> or <u>significance to Mana Whenua Maori</u> identified in the schedule of significant historic heritage places</p>	<p><u>1b</u></p> <ul style="list-style-type: none"> NZAA has proposed the removal of the Sites and Places of Value to Mana Whenua overlay for reasons set out in Section 1 of our submission and under Ch: B:5.4 above. <p><u>2c</u></p> <ul style="list-style-type: none"> NZAA has proposed that Places of Maori interest or significance in Appendix 9.1 are referred to instead as Places of value or significance to Mana Whenua, for reasons set out Point 1 of our submission (submission point 4) and under Ch: E:2. A cultural impact assessment by Mana Whenua should be provided for any scheduled historic heritage place identified as having Maori sites within it, to ensure a holistic/integrated management approach consistent with RPS policy (Ch. B:4.1 policy 1). <p><u>7g</u></p> <ul style="list-style-type: none"> Archaeological assessments should be prepared by independent experts who are qualified archaeologists, and <p style="text-align: right;">109</p> <p style="text-align: right;">110</p>

New Zealand Archaeological Association Inc.

Chapter, Paragraph	Supported/Opposed/Amendment Sought	Explanation
	<p>...</p> <p>7. Where a cultural impact assessment is required the following information should be included (in such detail as corresponds with the scale and significance of the effects that the activity may have on Mana Whenua values):</p> <p>...</p> <p>g. reference to an archaeological assessment if the site has archaeological value.</p> <p>...</p> <p>9. Where cultural information within a cultural impact assessment has been identified by Mana Whenua as sensitive information, the protocols for the use of the information contained within the report must be followed."</p>	<p>should not be seen as part of a cultural impact assessment, any more than a cultural impact assessment should be seen as part of an archaeological assessment. Both are required when a site is of Maori cultural association.</p> <p>Archaeological assessments undertaken for a project do not just assess the archaeological values of Maori sites but must also assess sites of other cultural association (mainly early European) and therefore would often not fit easily as part of a cultural impact assessment. Some archaeological assessments for large projects are substantial documents that could not practically be incorporated into a cultural impact assessment. In addition the PAUP requirement raises the prospect of several archaeological assessments being carried out for inclusion in cultural impact assessments prepared by different iwi for the same project, potentially adding significantly to costs.</p> <p>In addition, the effect of 7g in combination with 5 is to require that an archaeological assessment, as part of the CIA, is "prepared by an iwi authority or a person or entity nominated by the iwi authority". This is inappropriate from the perspectives of (a) professional skills, (b) the need for independent expert opinion, (c) contestability and (d) conflict of interest between stakeholder and service provider roles. Reference to an archaeological assessment should be sufficient.</p>
		<p>9. <u>Information</u> needs to be qualified by 'cultural', or this may have too broad an application. For example information about archaeological sites is available within the public domain on the NZAA database, is also publicly</p>

New Zealand Archaeological Association Inc.

Chapter, Paragraph	Supported/Opposed/Amendment Sought	Explanation
Ch. G:2.7.8 Historic Heritage	<p>General provisions - Information requirements for historic heritage – Supported in part. Amendment sought:</p> <p>"1. An application for resource consent or subdivision consent for a scheduled historic heritage place must be accompanied by a heritage impact assessment which must include all the following:</p> <p>...</p> <p>c. a description of the proposal, including:</p> <p>ii. the extent of any proposed modifications to the place, including any:</p> <ul style="list-style-type: none"> • modification of archaeological sites, including any proposed investigations" 	<p>available on the CHI, and could not be made subject to protocols.</p> <p><u>1 c ii</u></p> <ul style="list-style-type: none"> • Archaeological investigations on scheduled places would usually be carried out in mitigation for unavoidable modification. It is primarily the modification which should be described in the heritage assessment. Any investigations would require an authority under the HPA and could not be authorised solely by resource consent. It would be better to refer to proposed investigations.
Ch. H.2.1.1 Maori land Activity table	<p>Auckland-wide rules – Mana Whenua – Maori land - activity table – Supported in Part. Amendment sought:</p> <p>The following clarification should be added before the activity table:</p> <p>"Any overlay rules are additional rules that must be complied with."</p>	<p>There may be scheduled sites of either Maori or non-Maori cultural association on Maori land, rules for which would apply. The proposed statement is similar to statements in other sections clarifying the rule hierarchy.</p> <p><u>114</u></p>
Ch. H:2.2.1 Treaty settlement land Activity table	<p>Auckland-wide rules – Mana Whenua – Treaty settlement land – activity table - Supported in Part. Amendment sought:</p> <p>The following clarification should be added before the activity table:</p> <p>"Any overlay rules are additional rules that must be complied with."</p>	<p>There may be scheduled sites of either Maori or non-Maori cultural association on Maori land, rules for which would apply. The proposed statement is similar to statements in other sections clarifying the rule hierarchy.</p> <p><u>115</u></p>

New Zealand Archaeological Association Inc.

Chapter, Paragraph	Supported/Opposed/Amendment Sought	Explanation
Ch.H.4.2.1 Earthworks Activity table	<u>with.</u>	
Ch.H.4.2.12 Earthworks – Permitted activities - General controls	10 and 11 – Supported	<ul style="list-style-type: none"> • NZAA supports restrictions on earthworks that may affect scheduled Historic Heritage Places of Sites of Significance to Mana Whenua. • NZAA supports restrictions on earthworks within 20m of scheduled Historic Heritage Places, and the use of ADPs - subject to the changes proposed under Ch.G.2.2.5.
Ch.H4.3 Assessment – Restricted discretionary activities (earthworks)	3.1 Matters of discretion - 1 n, 2b, 3c – Supported 3.2 Assessment criteria - 1m iii –v – Supported	<ul style="list-style-type: none"> • NZAA supports the inclusion of ‘potential effects on natural and historic heritage’ and places of significance to Mana Whenua under matters of discretion. • NZAA supports the inclusion of maintenance and protection provisions for sites of geological and archaeological significance, scheduled historic heritage and sites of significance to Mana Whenua under assessment criteria.
Ch. H:5.2.3.1 Residential zones	Subdivision – Controls for activities in particular zones –Residential zones 2 c v - Supported	<ul style="list-style-type: none"> • NZAA supports controls ensuring the avoidance of scheduled historic and cultural heritage.
Ch. H:5.2.3.2 Business zones	Subdivision – Controls for activities in particular zones –Business zones 3 a v - Supported	<ul style="list-style-type: none"> • NZAA supports controls ensuring the avoidance of scheduled historic and cultural heritage.
Ch. H:5.2.3.3 Rural zones	Subdivision – Controls for activities in particular zones –Rural zones Supported in part. Amendment sought: A new control should be added relating to Protection and	<ul style="list-style-type: none"> • Scheduled historic heritage places, including sites of significance or value to Mana Whenua, may be present in rural areas proposed for subdivision.

39/70

#3370

New Zealand Archaeological Association Inc.

Chapter, Paragraph	Supported/Opposed/Amendment Sought	Explanation
	enhancement of historic heritage values, similar to that for ecological values: "Protection and enhancement of historic heritage values: <u>All subdivision plans must demonstrate that any scheduled historic heritage places or sites and places of significance to Mana Whenua can be avoided."</u>	122
Ch. H:5.3 Assessment – Controlled activities	Subdivision – Assessment – Controlled activities Table 11 (6) and Table 12 (6) Supported	123 124
Ch. H:5.4 Assessment – Restricted discretionary activities	Subdivision – Assessment – Restricted discretionary activities Table 13 (11 and 12) - Supported	125
Ch. H:5.5 Special information requirements	Subdivision – Special information requirements Table 15 – Design Statements – Supported in part. Amendment sought: 2a - Neighbourhood analysis of the Natural and cultural environment should also be required for residential zone subdivisions of 1-4 sites, as well as for larger subdivisions Table 16 - Design Statements - Supported	126
Ch.I:1.1 Residential zones	Ch. I:1.12 Special information requirements - Table 9 2 a – Design statement requirements - Supported	127
Ch.I:2 Public open space	Ch. I:2.1 Activity table – Supported	128 129 #3370 Ch.I:2.5 Table 5 • Historic heritage, including archaeological sites, may be

New Zealand Archaeological Association Inc.

Chapter, Paragraph	Supported/Opposed/Amendment Sought	Explanation
zones	<p>Ch. I:2.4.1 Assessment – Restricted discretionary activities – Matters of discretion – 1e, 2e, 6d, 7c – Supported</p> <p>Ch.I:2.4.2 Assessment – Restricted discretionary activities – Assessment criteria – 1e – Supported</p> <p>Ch.I:2.5 Special information requirements – Table 5 – Supported in Part.</p> <p>Amendment sought:</p> <p>Neighbourhood analysis of the natural and cultural environment should also be required for vehicle parking and associated vehicle access.</p>	130
Ch.I:3 Business zones	<p>Ch.I:3.10 Special information requirements – Table 8 - Supported in Part. Amendment sought:</p> <p>Neighbourhood analysis of the natural and cultural environment should also be required for vehicle parking and associated vehicle access.</p>	131
Ch. I:4 City centre zone	<p>Ch. I:4.9 Special information requirements – Table 9 - Supported in Part. Amendment sought:</p> <p>Neighbourhood analysis of the natural and cultural environment should also be required for vehicle parking and associated vehicle access.</p>	132
Ch. I:6 Coastal - General Coastal Marine zone	<p>Ch. I:6.1 Activity tables – provisions relating to Historic Heritage (HH) overlay – Supported in part. Amendment sought:</p> <p><i>"Ch. I:6.1.9 Use and activities (s. 12(3) RMA) and associated occupation of the common marine and coastal area (s. 12(2))</i></p> <p><i>The status of 'archaeological investigations' in the HH overlay should be changed from Permitted to 'Refer HH activity tables'.</i></p>	<p>Ch. I:6.1.9</p> <ul style="list-style-type: none"> Cross reference to the overlay rules is preferable to repetition, and is consistent with the activity table in Ch. I:6.1.10. <p>Ch.I:6.2.21</p> <ul style="list-style-type: none"> * Archaeological investigation is a specific activity addressed in the historic heritage overlay rules and does not need to

New Zealand Archaeological Association Inc.

Chapter, Paragraph	Supported/Opposed/Amendment Sought	Explanation
	<p>If this change is not accepted, the rules relating to archaeological investigation should be changed to reflect the changes we have proposed in Historic Heritage Activity Table 2 (Ch. J:2.1)."</p> <p>Note: the abbreviations used for the scheduled historic places overlay varies in ch. I:6.1 (HH or SHHP), and neither abbreviation is included in Definitions (Part 4).</p> <p>Ch.I:6.2.21 Land and water use controls – Archaeological investigation – Oppose</p> <ol style="list-style-type: none"> 1. This subsection is unnecessary, as any archaeological investigations within the historic heritage overlay should be addressed in the overlay rules. 2. If this change is not accepted, the wording relating to archaeological investigation should be changed to reflect the changes we have proposed to the rules in Historic Heritage Activity Table 2 (Ch. J:2.1). <p>Ch. I:6.5.1 Assessment – Restricted discretionary activities and development control infringements – Matters of discretion – Supported in part. Amendment sought:</p> <p>"1. General - all activities: ... f.effets on Mana Whenua values g.effets on historic heritage "</p>	<p>be duplicated here. Ch. I:6.5.1</p> <ul style="list-style-type: none"> • Unscheduled archaeological sites may extent into the CMA and may be affected by proposed activities. • See proposed changes to rules for 'archaeological investigation', and reasons, under Ch. J:2.1 below. <p>136</p> <p>137</p> <p>138</p> <p>139</p>
Ch. I:21	Ch. I:21.6 Special information requirements – 2a – Supported in part.	<ul style="list-style-type: none"> • Historic heritage, including archaeological sites, may be

New Zealand Archaeological Association Inc.

Chapter, Paragraph	Supported/Opposed/Amendment Sought	Explanation					
Special Purpose – Retirement Village zone	Amendment sought: 2a - Neighbourhood analysis of the natural and cultural environment should also be required for 1-8 dwelling units and associated facilities, as well as for larger developments.	present even within smaller development areas, and if so this needs to be addressed in the analysis. 140					
Ch. J:2.1 Historic Heritage Activity Tables	Preamble – Supported in part. Amendment sought: Add the following explanation to the preamble: <i>"Where the scheduled historic heritage place is also, or contains, a place of value or significance to Mana Whenua, additional rules apply."</i> Activity Table 1 – Supported in part. Amendment sought: <table border="1"> <tr> <td>Identification, directional and safety signs</td> <td>P</td> <td>P</td> <td>P</td> <td>P</td> </tr> </table>	Identification, directional and safety signs	P	P	P	P	Preamble <ul style="list-style-type: none"> The overlap between the Schedule of Significant Historic Heritage Places and the overlay of Sites/Places of Value to Mana Whenua is potentially confusing and is not explained. Consistent rules should apply to all scheduled Historic Heritage Places, but with additional cultural impact and monitoring requirements where scheduled places are also of value or significance to mana whenua. This would be more consistent with RPS policy (Ch.B:4.1 policy 1 – holistic approach). An explanation/cross reference is therefore necessary. 141
Identification, directional and safety signs	P	P	P	P			
	 Activity Table 1 – Supported in part. Amendment sought: <table border="1"> <tr> <td>Identification, directional and safety signs</td> <td>P</td> <td>P</td> <td>P</td> <td>P</td> </tr> </table>	Identification, directional and safety signs	P	P	P	P	 Table 1 <ul style="list-style-type: none"> Directional signs are often necessary in the more extensive historic heritage places and should be permitted. It is unclear why new underground network utilities are a Permitted activity while upgrading and replacement are Discretionary and Controlled. The impact of the former on heritage values may be equivalent to or greater than the latter and should have the same activity status. Alternatively, all could be Permitted subject to new development controls requiring avoidance of effects on archaeological and cultural heritage. 143
Identification, directional and safety signs	P	P	P	P			
		 Table 1 <ul style="list-style-type: none"> No provision has been made for routine maintenance of gardens and grounds, which would therefore be a Non-Complying activity requiring resource consent. This should 144					
	 Add "Maintenance of grounds, including gardening' as a Permitted activity.	 145					
		 146					

New Zealand Archaeological Association Inc.

Chapter, Paragraph	Supported/Opposed/Amendment Sought	Explanation
	Activity Table 2 Additional management controls for archaeological sites or features – Supported in part. Amendment sought:	<p>Table 2</p> <ul style="list-style-type: none"> The distinction between archaeological 'investigation' for be a Permitted activity.
	<u>Minor archaeological investigation for effects assessment purposes that does not involve land disturbance, except for the temporary insertion of a probe or peg not exceeding a diameter of 10mm</u>	<p>147</p> <ul style="list-style-type: none"> The distinction between archaeological 'investigation' for the purpose of assessing effects on subsurface archaeology (i.e. minor testing to identify remains for protection), and larger scale investigation for mitigation or research purposes, has not been understood in the PAUP, but is a necessary distinction. Effective assessment may require minor spade testing in addition to probing to confirm effects in areas where no archaeological remains are known to be present, but neither would be required where archaeological remains are evident. As currently provided for, a resource consent would be required to undertake an assessment of effects involving minor subsurface testing. Reliance on probing and visual identification could result in modification of features/deposits as they would not be discovered until works were underway. See section 2a of our submission.
	<u>Archaeological investigation not otherwise provided for as a permitted activity</u>	<p>148</p> <ul style="list-style-type: none"> For archaeological investigation the permitted activity should be restricted to areas where archaeology is <u>not</u> known to be present, as proposed in the additional Development controls suggested (below).
	<u>Removal of trees greater than 3m in height or greater than 300mm girth where archaeological controls apply</u>	<p>149</p> <ul style="list-style-type: none"> CMA – insert the word 'additional' in front of controls. We have argued above that it is unnecessary to include rules and controls relating to archaeological investigation in Ch.1:6.1, as it would be simpler to cross refer to this section.
	<u>Forestry</u>	<p>150</p>
	<u>Conservation planting</u>	<p>151</p>
	<u>Other earthworks</u>	<p>152</p>
	<u>Activities in the Coastal Marine Area</u>	<p>Table 3</p> <ul style="list-style-type: none"> No provision has been made for routine maintenance of surrounds, gardens and grounds within a heritage area, which would therefore be a Non-Complying activity

New Zealand Archaeological Association Inc.

Chapter, Paragraph	Supported/Opposed/Amendment Sought	Explanation
	<p>Activity Table 3 - Historic heritage areas – Supported in part.</p> <p>Amendment sought:</p> <p>Add '<u>Maintenance of grounds, including gardening</u>' as a Permitted activity.</p>	<p>requiring resource consent. This should be a Permitted activity.</p>
Ch. J:2.2 Historic Heritage – Development controls	<p>Ch. J:2.2.1 Maintenance and repair – Supported in part. Amendment sought:</p> <p>"<i>1. The maintenance and repair of buildings and structures identified in the schedule of historic heritage places (excluding features identified in the exclusions column) must:</i></p> <p><i>a. not result in a change to the existing surface treatment of fabric. In particular, no painting of any previously unpainted surface or rendering of any previously un-rendered surface is allowed</i></p> <p><i>b. not involve abrasive or high-pressure cleaning, such as sand or water-blasting</i></p> <p><i>c. not involve the use of scaffolding affixed to the building or structure</i></p> <p><i>d. not result in a change to the design, texture, or form of the fabric</i></p> <p><i>e. not result in a change to the extent, floor levels, location of internal walls, form, proportion and scale of the building or structure</i></p> <p><i>f. use the same materials as that of the existing original or significant fabric, but where this is not possible, the closest</i></p>	<p>Maintenance and repair</p> <ul style="list-style-type: none"> 1h needs clarification, as gardening and routine grounds maintenance do involve some ground disturbance, but this is unlikely to impact on archaeology and should not require consent. 1h could alternatively be changed to 'where archaeological features are present' rather than 'where archaeological controls apply' – because some of the scheduled places that contain archaeology are extensive and much of the area may not contain any archaeological remains. <p>Identification signs</p> <ul style="list-style-type: none"> 1b - Limiting signs to two is unrealistic and inappropriate for many of the larger historic heritage places, which may contain numerous heritage features spread over a large area. For these places several interpretation and information signs will be required. We note that Sign usage is changing – they can consist of as little as a QR code to take visitors carrying smart device to on-line information. They are of minimal impact. 1e should be changed to 'where archaeological features are present' rather than 'where archaeological controls apply' – because some of the scheduled places that contain archaeology are extensive and much of the area

153

154

3370

New Zealand Archaeological Association Inc.

Chapter, Paragraph	Supported/Opposed/Amendment Sought	Explanation
	<p><i>equivalent must be used.</i></p> <p><i>g. use methods which result in the same or similar finish or outcome to that of the original or significant fabric</i></p> <p><i>h. not involve disturbance of land, except for routine grounds maintenance including gardening, or the foreshore or seabed where archaeological controls apply. [or not involve disturbance of land or the foreshore or seabed where archaeological features are present controls apply.]</i></p> <p>Ch. J:2.2 – Development – modifications – Supported</p> <p>Ch. J:2.3 – Identification signs – Supported in part. Amendment sought:</p> <p><i>"1. Identification signs within a scheduled historic heritage place must not:</i></p> <p><i>a. be attached, painted, fixed, or projected on to the exterior of any scheduled building, object, feature, or structure</i></p> <p><i>b. exceed two signs per site: where the heritage place contains a single heritage building or feature, or two signs per heritage building or feature where the heritage place contains multiple buildings and features. For the purposes of calculating compliance with this rule, only one side of double sided signs will be taken into account. If a sign has more than two sides, then all of the faces of the sign will be taken into account</i></p> <p><i>c. exceed 0.5m² per sign</i></p> <p><i>d. be flashing, illuminated or variable</i></p> <p><i>e. involve disturbance of land or the foreshore or seabed to</i></p>	<p>154</p> <p>may not contain any archaeological features. Interpretation signs should be permitted near archaeological features where there will be no effects on archaeology.</p> <p><u>Additional controls relating to Archaeological Investigation for assessment purposes</u></p> <ul style="list-style-type: none"> Controls should be included in this section to clarify the limited extent of permitted testing, and that this should only be undertaken where archaeological remains are not evident. The proposed controls have been adapted from those in the Mana Whenua section. They should not include reference to geophysical survey, currently included as a requirement under Mana Whenua development controls. It would be costly to make geophysical survey compulsory for archaeological assessments and geophysical survey without subsurface testing to confirm the origin of detected anomalies is of little if any assistance to archaeological assessment. The requirement demonstrates a lack of understanding of what geophysical methods can achieve. See Section 2a of our submission. <p>155</p> <p>156</p>

New Zealand Archaeological Association Inc.

Chapter, Paragraph	Supported/Opposed/Amendment Sought	Explanation
	<p>construct the sign where archaeological features are present controls apply.</p> <p>2. Identification signs must only be for the purposes of:</p> <ul style="list-style-type: none"> a. setting out information relating directly to the onsite activities or uses or b. aiding traffic or maritime safety or navigation or providing information for public health and safety requirements c. interpretive material on the heritage values of the place." <p>Ch. J:2.4 Forestry – Supported</p>	<p>156</p> <p>157</p> <p>158</p> <p>159</p>
Ch. J:2.3	<p>An additional subsection should be added relating to development controls for Archaeological investigations for assessment purposes:</p> <p>"2.2.6 Minor archaeological investigation for effects assessment purposes</p> <p>1. Minor archaeological investigation for effects assessment purposes must:</p> <ul style="list-style-type: none"> a. be undertaken only in areas where archaeological remains are not evident or known to be present. b. be restricted to minor subsurface testing involving a probe no greater than 10mm in diameter and/or a spade hole no greater than 250x250mm in size." <p>Supported</p>	<p>160</p>
Ch. J:2.3 Assessment – Controlled Activities	<ul style="list-style-type: none"> • We support the proposed matters of control and discretion and assessment criteria relating to historic heritage. 	<p>47/70</p>

New Zealand Archaeological Association Inc.

Chapter, Paragraph	Supported/Opposed/Amendment Sought	Explanation
Ch. J:2.4 – Assessment Restricted discretionary activities	Supported	<ul style="list-style-type: none"> We support the proposed matters of control and discretion and assessment criteria relating to historic heritage.
Ch. J:2.5 Special information requirements	Supported in part. Amendment sought: "1. An application for resource consent or subdivision consent for a scheduled historic heritage place must be accompanied by a heritage impact assessment which must include all the following: ... c. a description of the proposal, including: ... ii. the extent of any proposed modifications to the place, including any: •archaeological modification, including any proposed investigations"	<p><u>1 c.ii</u></p> <ul style="list-style-type: none"> Archaeological investigations on scheduled places would usually be carried out in mitigation for unavoidable modification. It is primarily the modification which should be described in the heritage assessment. Any investigations would require an authority under the HPA and could not be authorised solely by resource consent. It would be better to refer to proposed investigations.
Ch.J:3 Special Character	Supported	<p><u>163</u></p> <ul style="list-style-type: none"> We support the rules relating to special character, including those relating to pre-1944 building demolition control. Many pre-1944 buildings pre-date 1900 and have associated archaeological values which should be taken into account in consent decisions
Ch.J:4 Built Environment	Supported	<p><u>164</u></p> <ul style="list-style-type: none"> We support the rules relating to the built environment, and in particular those relating to the Auckland War Memorial Museum viewshaft and local public views.
Ch. J:5.1.1 Sites and	Ch.J:5.1.1 Activity table – Supported in part. Amendment sought:	<p><u>165</u></p> <ul style="list-style-type: none"> Activity table - preamble There is some overlap between the Schedule of Significant

New Zealand Archaeological Association Inc.

Chapter, Paragraph	Supported/Opposed/Amendment Sought	Explanation
Places of Significance to Mana Whenua – Activity Table	<p>Add the following explanation to the preamble:</p> <p><u>"Some of these sites and places are also scheduled historic heritage places to which additional rules apply."</u></p> <p><u>Minor archaeological investigations that do not involve ground disturbance for effects assessment purposes that does not involve land disturbance, except for the temporary insertion of a probe or peg not exceeding a diameter of 10mm</u></p> <p><u>Archaeological investigations not otherwise provided for as a permitted activity</u></p> <p><u>Minor work for the purpose of preserving or maintaining scheduled sites and places of significance</u></p> <p><u>Earthworks for interments in a burial ground, cemetery or urupa on or within 50m of a scheduled site or place of significance to Mana Whenua</u></p> <p><u>Testing, maintenance and repair of network utility services on or within 50m of a scheduled site or place of significance to Mana Whenua</u></p>	<p>Historic Heritage Places and the schedule of Sites and Places of Significance to Mana Whenua which is potentially confusing and is not explained. An explanation/cross reference is therefore necessary, consistent with RPS policy (Ch.B:4.1 policy 1 – holistic approach).</p> <p><u>Activity table</u></p> <ul style="list-style-type: none"> • Archaeological investigation changes to achieve consistency with Activity Table in Ch. J:2.1, Table 2 and associated development controls, as proposed by NZAA. The distinction between archaeological 'investigation' for the purpose of assessing effects on subsurface archaeology (i.e. minor testing to identify remains for protection), and larger scale investigation for mitigation or research purposes, has not been understood in the PAUP, but is important. Effective assessment may require minor spade testing in addition to probing to confirm effects in areas where no archaeological remains are known to be present, but neither would be required where archaeological remains are evident. As currently provided for, a resource consent would be required to undertake such an assessment of effects. Reliance on probing and visual identification could result in modification of features/deposits as they would not be discovered until works were underway. See section 2a of our submission. • <u>Sites identified as exceptions in the schedule to the overlay</u>. There seems to be some confusion regarding sites which are identified in Appendix 4.1 as exceptions to the rules. The sites identified as exceptions are all intensively used areas of the CBD that were locations of Maori occupation/significance in the past, but which have been

#3370

New Zealand Archaeological Association Inc.

Chapter, Paragraph	Supported/Opposed/Amendment Sought	Explanation
	<p>Construction, replacement or upgrading of network utility services, on or within 50m of a scheduled site or place of significance to Mana Whenua, <u>except where identified as a site exception in the schedule to the overlay</u></p> <p>Maintenance of any roading or footpath construction not disturbing ground below sub-base on or within 50m of a scheduled site or place of significance to Mana Whenua</p>	<p>RD P</p> <p>destroyed by development. It is unclear why the rules restrict activities such as roading construction and network utility works in these highly developed areas, but not in relation to the other sites (not identified as exceptions) where there are known or likely physical remains that could be impacted. We suspect that an error may have been made and the wording should be 'Except where identified as a site exception'.</p>
		<p>Roading or footpath construction or replacement on or within 50m of a scheduled site or place of significance to Mana Whenua, <u>except where identified as a site exception in the schedule to the overlay</u></p>
	<p>New buildings, alterations and additions to buildings on or within 50m of a scheduled site or place of significance to Mana Whenua</p> <p>Earthworks on or within 50m of a scheduled site or place of significance to Mana Whenua</p>	<p>RD D</p>

#3370

New Zealand Archaeological Association Inc.

Chapter, Paragraph	Supported/Opposed/Amendment Sought	Explanation
	Temporary activities on or within 50m of a scheduled site or place of significance to Mana Whenua that has been identified as a site exception in Appendix 4.1 which involves either of the following:-	RD
	<ul style="list-style-type: none"> • ground disturbance where the activity is proposed on unsealed areas • toilets (including portaloos) or changing facilities 	RD
	Any change of use within a scheduled site or place of significance to Mana Whenua	NC
	Earthworks on or within 50m of a scheduled site or place of significance to Mana Whenua that will result in the total or substantial destruction of the identified values associated with the site or place	Subdivision
	Subdivision of a site that contains a scheduled site or place of significance to Mana Whenua	D
Ch. J.5.1.2 Sites and Places of Significance to Mana Whenua –	<p>[2.1 Accidental discovery protocols – Supported, subject to the changes proposed under Ch. G.2.2.5]</p> <p>2.2 Archaeological investigations that do not involve ground disturbance – Supported in part. Amendment sought:</p> <p>"2.1 <u>Minor archaeological investigations for assessment</u></p>	<p>Archaeological investigations</p> <ul style="list-style-type: none"> • We have proposed changes to the permitted activity to clarify that it should be for assessment purposes and not undertaken where archaeology is known to be present – for reasons explained in Ch. J:2.1 and Ch.J:5.1.1. • It is pointless and would be costly to make geophysical

New Zealand Archaeological Association Inc.

Chapter, Paragraph	Supported/Opposed/Amendment Sought	Explanation
Development controls	<p><u>purposes that do not involve ground disturbance</u></p> <p>1. <u>Minor archaeological investigations for assessment purposes that do not involve ground disturbance must:</u></p> <ul style="list-style-type: none"> a. <u>be undertaken only in areas where archaeological remains are not evident or known to be present.</u> b. <u>be restricted to minor subsurface testing involving a probe no greater than 10mm in diameter and/or a spade hole no greater than 250x250mm in size.</u> <p>a-use non-invasive geophysical surveying techniques</p> <p>b-be undertaken under the supervision of a mandated Mana Whenua representative. [If this is not accepted, the works <u>in the presence of</u> should be substituted for '<u>under the supervision of</u>']</p>	<p>survey compulsory for archaeological assessments. This requirement demonstrates a lack of understanding of what geophysical methods can achieve and should be removed, for reasons set out in Section 2a of our submission. Geophysical survey without subsurface testing to confirm the origin of detected anomalies is of little if any assistance to archaeological assessment.</p> <ul style="list-style-type: none"> • Controls relating to the supervision of a Mana Whenua archaeology are not appropriate for reasons set out in Part 2c of our submission – overly prescriptive, costs, logistics, purpose unclear, and the word supervision not applicable. The requirement for both archaeological and cultural impact assessment should be sufficient and may well result in joint assessments. Archaeological and cultural impact assessments require different expertise, and the word 'supervision' is inappropriate.
2.3 – Minor work for the purpose of preserving or maintaining scheduled sites and places of significance – Supported in part.	<p>Amendment sought:</p> <p>"1. <u>Minor works for the purpose of maintaining scheduled sites and places of significance to Mana Whenua must:</u></p> <ul style="list-style-type: none"> a. <u>be undertaken under the supervision of a mandated Mana Whenua representative [with the exception of the routine maintenance of grounds, including gardening]</u> b. <u>not involve any excavation or earthworks."</u> <p>2.4 – Testing, maintenance and repair of network utility services –</p>	<p><u>Minor work</u></p> <ul style="list-style-type: none"> • Unless this is qualified, the implication is that routine maintenance such as gardening and lawn mowing would require the presence of a mandated Mana Whenua representative. <p><u>Network utility services</u></p> <ul style="list-style-type: none"> • Excavation or earthworks for testing, maintenance and repair of existing services are often necessary and should be permitted within areas that have already been disturbed during installation of the services.

3370

New Zealand Archaeological Association Inc.

Chapter, Paragraph	Supported/Opposed/Amendment Sought	Explanation
	<p>Supported in part. Amendment sought:</p> <p>"1. Testing, maintenance and repair of network utility services must:</p> <ul style="list-style-type: none"> a. not involve any excavation or earthworks <u>outside the area of existing trenching</u> b. not be for the purpose of new installations c. not result in any change to the height, location or size of existing network utility structures." 	182
Ch. J:5.1.3 Sites and Places of Significance to Mana Whenua – Assessment – Restricted discretionary activities	<p>Matters of discretion and Assessment criteria - Supported</p> <ul style="list-style-type: none"> • We support the proposed matters of discretion and assessment criteria 	183
Ch. J:5.2 Sites and Places of Value to Mana Whenua	<p>Opposed. Amendment sought:</p> <ol style="list-style-type: none"> 1. This section should be restricted to sites within the c.600 scheduled Historic Heritage Places that have been evaluated using operative plan or PAUP criteria and that are identified in the schedule (Appendix 9.1) as having value to Mana Whenua. 2. Consideration should be given to dropping this section and integrating the rules with the rules relating to scheduled 	#3370 184 185 71

New Zealand Archaeological Association Inc.

Chapter, Paragraph	Supported/Opposed/Amendment Sought	Explanation
	<p>historic heritage places (Ch. J:2).</p> <p>3. The extent of place that triggers the rules should be that defined for the scheduled Historic Heritage Place. Individual sites of value to Mana Whenua within scheduled Extents of Place could be identified by point data on the overlay. The existing arbitrary buffer circles currently shown around them should be dropped, and the Maps should be improved so that individual sites within a property boundary can be identified.</p> <p>4. Appendix 4.2 should be culled of all sites and places except the sites located within scheduled Historic Heritage Places.</p> <p>5. A single set of consistent rules should be applied to scheduled Historic Heritage Places, including appropriate rules relating to cultural impact assessment and cultural monitoring where the scheduled Historic Heritage Places are of value to Mana Whenua.</p> <p>If this submission is rejected, and sites and places outside the Extent of Place of scheduled Historic Heritage Places are included in the Sites and Places of Value to Mana Whenua overlay, we seek the following Amendments :</p> <ol style="list-style-type: none"> 1. Sites in the overlay that no longer exist, and are therefore no longer 'Archaeology of Maori origin', should be removed. 2. All existing sites in the overlay that do not have accurate GPS locations (i.e., those with GIS 'calculated' rather than surveyed locations) should be removed. 	<p>justified on the basis of the archaeology that has triggered them; and excessive duplication of HPA processes.</p> <ul style="list-style-type: none"> The rules should relate only to those sites that are, or are located within, scheduled Historic Heritage Places that have already been evaluated for scheduling purposes. Sites within the overlay that are also scheduled Historic Heritage Places, or located within scheduled Historic Heritage Places, are identified within Appendix 9.1 and individually listed in Appendix 4.2. As there are often several individual sites within a scheduled historic heritage place, they could be retained within Appendix 4.2. There is already a defined Extent of Place for most scheduled Historic Heritage Places, which should be the basis for all consequent rules. This would remove the current confusion and inconsistency created by setting different (completely arbitrary) boundaries around Maori archaeological sites which are, or which are within, scheduled Historic Heritage Places (see Figure 4, appended, for example). The locations of individual sites within these Extents of Place could be shown as point data linked to Appendix 4.2, but the Map overlays must be improved so that individual sites within a property are identifiable. One set of consistent Rules should apply to all scheduled Historic Heritage Places, but with additional cultural impact and monitoring requirements, where scheduled places are also of value to mana whenua. Ideally the rules would all be within the same part of the plan (Ch. J:2) to allow a holistic, integrated and multi-disciplinary approach to their management consistent with RPS policy (Ch.B:4.1 policy 1).

New Zealand Archaeological Association Inc.

Chapter, Paragraph	Supported/Opposed/Amendment Sought	Explanation
	<p>3. [All sites that are unlikely to meet the cultural heritage criteria for scheduling under Ch. B:5.4 Policy 3 (i.e., small midden with no associated settlement remains) should be removed.]</p> <p>4. [The arbitrary 200m diameter buffers should be removed and only centre point data included (similar to the Sites of Significance to Mana Whenua overlay).]</p> <p>5. [The only rule that should be applied to sites outside the extent of scheduled Historic Heritage Places should be that relating to earthworks within the actual extent of the sites if known, or within 50m of the sites as shown by point data if their extents are not known]</p>	<ul style="list-style-type: none"> • [The remaining sites in the existing overlay which have not yet been evaluated (all of which are archaeological sites) should be removed from the overlay and should be managed through a non-statutory archaeological alert layer based on the GIS and CHI. This is provided for in the precautionary approach set out in Ch. C:3 (Historic Heritage).] The information in the CHI and the Council's GIS should be used to trigger a requirement for both a cultural impact assessment when any proposed activities have the potential to affect a Maori archaeological site, and an archaeological assessment. • Where sites may be affected by activities that do not require consent, the archaeological provisions of the HPA should be relied on. These require archaeological assessment and Maori consultation as the basis for any decisions to modify sites, and should not be duplicated under the PAUP.
Ch. J:5.2.1 Sites and Places of Value to Mana Whenua – Activity table	<p>Supported in part, subject to the rules being restricted to sites within scheduled historic heritage places. Amendment sought:</p> <p><i>"The following table specifies the status of activities in all zones involving scheduled historic heritage places that are sites and places of value to Mana Whenua. Appendix 9.1 4-3 Table of significant historic heritage places sites and places of value to Mana Whenua identifies sites and places where this section applies. Appendix 4.2 Table of sites and places of value to Mana Whenua lists the individual sites located within significant historic heritage places. A place site may contain more than one of the listed activity categories."</i></p>	<p>Preamble</p> <ul style="list-style-type: none"> • The scheduled Historic Heritage Places that are, or contain, sites of value to Mana Whenua are identified in Appendix 4.2. The individual sites are listed in Appendix 4.2. • <u>Activity table</u> • <u>Archaeological investigation</u> - changes to achieve consistency with Activity Table in Ch. J:2.1, Table 2, including changes proposed by NZAA. The distinction between archaeological 'investigation' for the purpose of assessing effects on subsurface archaeology (i.e. minor testing to identify remains for protection), and larger scale investigation for mitigation or research purposes, has not been understood in the PAUP, but is important. Effective

New Zealand Archaeological Association Inc.

Chapter, Paragraph	Supported/Opposed/Amendment Sought	Activity status	Explanation
	Activity		
	Development		
	Minor archaeological investigations for effects assessment purposes that do not involve ground disturbance on or within 50 metres of a site or place of value to Mana Whenua.	P	
	Minor work for the purpose of preserving or maintaining sites and places of value to Mana Whenua	P	
	Earthworks for interments in a burial ground, cemetery or urupa on or within 50m of a site or place of value to Mana Whenua	P	
	Testing, maintenance and repair of network utility services on or within 50m of a site or place of value to Mana Whenua	P	
	Maintenance of any roading or footpath construction not disturbing ground below sub-base on or within 50m of a site or place of value to Mana Whenua	P	

192

194

3370

54

56
70

New Zealand Archaeological Association Inc.

Chapter, Paragraph	Supported/Opposed/Amendment Sought	Explanation
	Maintenance of grounds, including gardening, earthworks associated with gardening and planting on or within 50 metres of a site or place of value to Mana Whenua.	P
	Maintenance and repair of fences, driveways, tracks, car parking areas and sportsfields on or within 50 metres of a site or place of value to Mana Whenua.	P
Ch. J:5.2.2	Earthworks on or within 50m of a site or place of value to Mana Whenua	RD

If this submission is declined, and sites and places outside the Extent of Place of scheduled Historic Heritage Places are included in the Sites and Places of Value to Mana Whenua overlay, we seek the following Amendment :

- All rules relating to scheduled Historic Heritage Places that are of value to Mana Whenua should be relocated to Ch. J:2.1 and integrated with the rules applying to historic heritage generally.
- The only rule retained in relation to unscheduled sites should be the final rule relating to earthworks, and the 50m should apply to the centre point of the site.
- The arbitrary 200m diameter buffer circles around sites should be removed.

2.1 Accidental discovery protocols – Supported subject to the changes

Archaeological investigations

7196

#3370

New Zealand Archaeological Association Inc.

Chapter, Paragraph	Supported/Opposed/Amendment Sought	Explanation
Development controls	<p>proposed under Ch. G.2.2.5]</p> <p>2.2 Archaeological investigations that do not involve ground disturbance – Supported in part, subject to the rules being restricted to sites within scheduled historic heritage places. Amendment sought:</p> <p><i>"2.1 Minor archaeological investigations for effects assessment purposes that do not involve ground disturbance must:</i></p> <ol style="list-style-type: none"> <i>1. Minor archaeological investigations for effects assessment purposes that do not involve ground disturbance must:</i> <i>a. be undertaken only in areas where archaeological remains are not evident or known to be present.</i> <i>b. be restricted to minor subsurface testing involving a probe no greater than 10mm in diameter or a spade hole no greater than 250x250mm in size.</i> <p><i>& use non-intrusive geophysical surveying techniques</i></p> <p><i>b. be undertaken under the supervision of a mandated Mana Whenua representative." [If this is not accepted, the works '<u>in the presence of</u>' should be substituted for '<u>under the supervision of</u>']</i></p> <p>2.3 – Minor work for the purpose of preserving or maintaining sites and places of value – Supported in part, subject to the rules being restricted to sites within scheduled historic heritage places.</p> <p>Amendment sought:</p> <p><i>"1. Minor works for the purpose of maintaining sites and places of value to Mana Whenua must:</i></p> <ol style="list-style-type: none"> <i>a. be undertaken under the supervision of a mandated Mana</i> 	<p>196</p> <ul style="list-style-type: none"> We have proposed changes to the permitted activity to clarify that it should be for assessment purposes and not undertaken where archaeology is known to be present – for reasons explained in Ch.J:5.1.1. It is pointless and would be costly to make geophysical survey compulsory for archaeological assessments. This requirement demonstrates a lack of understanding of what geophysical methods can achieve and should be removed, for reasons set out in Section 2a of our submission. Geophysical survey without subsurface testing to confirm the origin of detected anomalies is of little if any assistance to archaeological assessment and may be misleading. Controls relating to the supervision of a Mana Whenua representative during assessments relating to Maori archaeology are not appropriate for reasons set out in Part 2c of our submission – overly prescriptive, costs, logistics, purpose unclear, and the word supervision not applicable. The requirement for both archaeological and cultural impact assessment should be sufficient and may well result in joint assessments. Archaeological and cultural impact assessments require different expertise, and the word 'supervision' is inappropriate. <p>Minor work</p> <ul style="list-style-type: none"> Unless this is qualified, the implication is that routine maintenance such as gardening and lawn mowing would require the presence of a mandated Mana Whenua representative. <p>Network utility services</p> <ul style="list-style-type: none"> Excavation or earthworks for testing, maintenance and repair of existing services are often necessary and should <p>197</p> <p>198</p> <p>56</p>

New Zealand Archaeological Association Inc.

Chapter, Paragraph	Supported/Opposed/Amendment Sought	Explanation
	<p>Whenua representative, except for routine maintenance of grounds, including gardening</p> <p>b. not involve any excavation or earthworks."</p>	<p>be permitted within areas that have already been disturbed during installation of the services.</p> <p>Maintenance and repair of fences etc</p> <ul style="list-style-type: none"> • 'Height' would only apply to fences, and there seems no reason to require consent for any changes in height.
	<p>2.4 – Testing, maintenance and repair of network utility services – Supported in part, subject to the rules being restricted to sites within scheduled historic heritage places. Amendment sought:</p> <p>"1. Testing, maintenance and repair of network utility services must:</p> <p>a. not involve any excavation or earthworks outside the area of existing trenching</p> <p>b. not be for the purpose of new installations</p> <p>c. not result in any change to the height, location or size of existing network utility structures."</p>	<p>2.5 - Maintenance of any roading or footpath construction not disturbing below sub-base – Supported, subject to the rules being restricted to sites within scheduled historic heritage places.</p> <p>Amendment sought:</p> <p>"1. Maintenance and repair of fences, driveways, tracks, car parking areas and sports fields must:</p> <p>a. limit any excavation or earthworks to sub-base level</p> <p>b. not be for the purpose of new installations</p>
		<p>200</p> <p>201</p>

New Zealand Archaeological Association Inc.

Chapter, Paragraph	Supported/Opposed/Amendment Sought	Explanation
	c. not result in any change to the height, location or size of existing structures"	
Ch. J:5.2.3 Sites and Places of Value to Mana Whenua – Assessment – Restricted discretionary activities	Matters of discretion and Assessment criteria – Supported in part, subject to the rule being restricted to sites within scheduled historic heritage places . Amendment sought: "1. Earthworks on or within 50m of a site or place of significance value to Mana Whenua"	<ul style="list-style-type: none"> We support the proposed matters of discretion and assessment criteria, but the word 'significance' should be 'value' in this section
Ch. J:6.3 Volcanic Viewshafts and Height-sensitive areas	Supported	<ul style="list-style-type: none"> NZAA strongly supports the protection of viewshafts, building and structure intrusions into them being a non-complying activity and non-complying applications having to be notified. We also support treating buildings and structures on residential zoned properties bordering cones that exceed the average boundary level, as non-complying.
Part 4 - Definitions		
Abbreviations and acronyms	Amendment sought: HH – Historic Heritage] SSMW – Sites of Significance to Mana Whenua] NZAA – New Zealand Archaeological Association [if changes proposed change to Ch. G:2.7.1 are accepted]	<ul style="list-style-type: none"> The first two abbreviations are used in some of the activity tables and should be explained.
Part 5 – Appendices		
Appendix 4.1	Supported in part. Amendment sought:	<ul style="list-style-type: none"> The extents of the Sites of Significance are not defined, but further information will be available in the CHI and (if

New Zealand Archaeological Association Inc.

Chapter, Paragraph	Supported/Opposed/Amendment Sought	Explanation
	<ol style="list-style-type: none"> 1. Where sites of significance are also recorded archaeological sites, the NZAA site record number should be included in the list, as in Appendix 4.2. 2. The CHI numbers of these sites should also be listed. 3. Where sites of significance are also included in the schedule of historic heritage places this should be identified by the ID number. 	<p style="text-align: center;">207</p> <ul style="list-style-type: none"> • archaeologcal) NZAA records which will assist in defining the site and determining assessment requirements. Cross reference to these records should therefore be made. Cross reference between Appendix 4.1 and 9.1 where scheduling overlaps will assist a holistic/integrated management approach.
Appendix 4.2	Supported in part. Amendment sought: <ol style="list-style-type: none"> 1. All sites and places of value to Mana Whenua that are not located within scheduled historic heritage places should be removed from the list. 2. Another column should be added identifying the ID number of the Historic Heritage Place within which the sites are located. 	<ul style="list-style-type: none"> • Rules should only be applied to sites that are within scheduled historic heritage places that have been evaluated under the relevant criteria, for reasons set out under All other sites should be managed through a non-statutory archaeological alert layer.
Appendix 9.1	Supported in part. Amendment sought: <p>The final column in the schedule should be amended to:</p> <p><u>"Place of Mana Interest or Significance or Value to Mana Whenua"</u></p>	<p style="text-align: center;">208</p> <ul style="list-style-type: none"> • The scheduled Extents of Place include some scheduled Sites/Places of Significance to Mana Whenua and many sites identified in the Sites/Places of Value to Mana Whenua overlay. The terminology used is inconsistent and should be changed to reflect that used in the Mana Whenua overlay and to trigger the appropriate Mana Whenua rules.
Overlays	Supported in part. Amendment sought: <ol style="list-style-type: none"> 1. The Sites and Places of Value to Mana Whenua overlay should be amended to exclude all sites that are not located 	<p style="text-align: center;">209</p> <ul style="list-style-type: none"> • Reasons for removing all except sites within scheduled historic heritage places are given in ... • Reasons for removing the arbitrary buffer areas are given
Maps		

New Zealand Archaeological Association Inc.

Chapter, Paragraph	Supported/Opposed/Amendment Sought	Explanation
	<p>within scheduled historic heritage places.</p> <p>2. The arbitrary 200m diameter buffers around the sites should be removed, retaining only the central point.</p> <p>3. The digital maps should be improved so that individual historic heritage places and sites and places of significance or value to Mana Whenua within a single property can be identified by ID number.¹</p> <p>4. Consideration could be given to including all archaeological sites (both Maori and non-Maori) recorded on the CHI on the maps as a non-statutory alert layer. Alternatively, the alert layer could sit apart from the PAUP using the Council's GIS and CHI as a general planning tool.</p>	<p>in ... Where several sites are contained within one location, the use of overlapping circles add confusion (see Figure 4, appended). It would be better to rely on the defined Extent of Place of the Significant Historic Heritage Place to trigger the rules relating to these sites.</p> <ul style="list-style-type: none"> At present if there are several individual sites within a single property, it is not possible to click on a site to identify which it is. It is necessary to examine either the CHI or the NZAA database to determine which site is which – a time-consuming process. Inclusion of all recorded sites as a visible archaeological alert layer would assist in identifying assessment requirements and in site protection. Alternatively, the GIS and CHI could be used as a resource sitting outside the PAUP – this would have the advantage that newly recorded sites could be taken into consideration without the need for a plan change.
Section 32 Report		
2.13 Historic Heritage	Supported in part. Amendment sought:	<ul style="list-style-type: none"> This focuses solely on the new evaluation criteria for scheduled historic heritage places. It does not address the full range of new historic heritage objectives, policies and rules that have been given legal effect. This does not fulfil Council's obligation to prepare an evaluation in accordance with Section 32 of the RMA and its obligation to have particular regard to such an evaluation prepared in accordance with Section 32 of the RMA (Section 74, RMA)
2.15 Mana Whenua	Supported in part (Sites/Places of Significance to Mana Whenua). Opposed (Sites/Places of Value to Mana Whenua). Amendment sought:	<ul style="list-style-type: none"> This is not a balanced and evidence-based evaluation of the Mana Whenua objectives, policies and rules that have

210

211

212 #3370

New Zealand Archaeological Association Inc.

Chapter, Paragraph	Supported/Opposed/Amendment Sought	Explanation
Cultural Heritage	<p>A full evaluation of Mana Whenua provisions (as they relate to heritage) should be undertaken in the Section 32 report and amendments made to the provisions if necessary. In particular it should include an adequate and accurate evaluation of the options, costs, benefits, efficiency and effectiveness of the provisions, particularly in relation to the sites/places of value to Mana Whenua overlay. The conclusion that Alternative 1 is the preferred alternative should be re-examined, as the following conclusions made in the report relating to Alternative 1 cannot be substantiated by the evidence provided (as demonstrated in our submission):</p> <ul style="list-style-type: none"> ○ Is the most robust framework; ○ Is informed by robust data; ○ Focuses council and Mana Whenua resources (time, staff, financial) on one main approach. ○ Reduces the likelihood of delays and additional costs to subdivision, use and development that can occur when uncovering archaeology of Maori origin. ○ Enables alignment of RMA and HPA processes to avoid NZHPT being involved too late in the planning process to be effective, e.g. having to approve an application to modify an archaeology site because resource consent has already been granted. 	<p>been given legal effect. It does not fulfil Council's obligation to prepare an evaluation in accordance with Section 32 of the RMA and its obligation to have particular regard to such an evaluation prepared in accordance with Section 32 of the RMA (Section 74, RMA).</p> <ul style="list-style-type: none"> ● The current evaluation does not adequately address all of the options, costs, benefits, efficiency and effectiveness of the provisions, particularly in relation to the sites/places of value to Mana Whenua overlay, and reaches conclusions that cannot be substantiated. <p style="text-align: right;">212</p>
3.13 Methodology for Evaluating Historic Heritage	<p>Supported in part. Amendment sought:</p> <p>The Definition of Archaeological Site should be amended so that it is not restricted to the legal definition of protected sites under the HPA:</p> <p>"Archaeological site: Any place, including any building or</p>	<ul style="list-style-type: none"> ● One of the strengths of the RMA in protecting archaeology has always been that the Act does <u>not</u> define the date of archaeological sites. There are many significant early 20th century archaeological sites meriting protection, such as industrial heritage sites or World War II sites, and a number of these are included in the schedule of Significant Historic Heritage Places. We note that gazettal of post-

3370
63/70

New Zealand Archaeological Association Inc.

Chapter, Paragraph	Supported/Opposed/Amendment Sought	Explanation
	<p>structure (or part of a building or structure), that is or may be able, through investigation by archaeological methods, to provide evidence relating to the history of New Zealand.</p> <p>Archaeological sites associated with pre-1900 human activity, the sites of shipwrecks that occurred before 1900, and any site for which a declaration has been made under [Sec 40(1)(b) of the HNZPT Bill or] Sec 9(2) of the Historic Places Act 1993 are protected under the provisions of that Act. Under the RMA archaeological sites are not defined by date and may include sites post-dating 1900 that have archaeological value.”</p> <p>Or</p> <p><u>“Archaeological site: Any place, including any building or structure (or part of a building or structure), that is or may be able, through investigation by archaeological methods, to provide evidence relating to the history of New Zealand.</u></p> <p><u>Archaeological sites associated with pre-1900 human activity, the sites of shipwrecks that occurred before 1900, and any site for which a declaration has been made under [Sec 40(1)(b) of the HNZPT Bill or] Sec 9(2) of the Historic Places Act 1993 are protected under the provisions of that Act. Under the RMA archaeological sites are not defined by date and may include sites post-dating 1900 that have archaeological value.”</u></p>	<p>1900 sites by the NZHPT cannot be relied on, as the NZHPT does not have a consistent process for identifying and gazetting significant post-1900 sites.</p> <ul style="list-style-type: none"> The PAUP is prepared under the RMA and should not restrict the power of Council to protect archaeological sites by limiting its definition to sites protected under the HPA. Council has an important role in protecting archaeology that falls outside the provisions of the HPA. We note that legal protection under the HPA formerly applied to all sites over 100 years old, and as time passes the pre-1900 date will become increasingly inadequate. <p>213</p>
3.15	<p>Amendment sought:</p> <p>The methodology for evaluating cultural heritage is missing and should be provided.</p>	<p>214</p> <ul style="list-style-type: none"> The appendices jump from 3.14 to 3.16, omitting 3.15. It is assumed that a methodology for evaluating cultural heritage, paralleling 3.13 for historic heritage, was intended under this appendix number, but has been omitted. It is important that a methodology is provided.

New Zealand Archaeological Association Inc.

Table 2. Examples of Sites/Places of Value to Mana Whenua listed in Appendix 4.2 which are no longer present, or do not have 'confirmed' locations (i.e. not recorded by GPS) or are not Maori sites.

Note that these 32 places are in no way a complete list, but the result of a brief random check of a few sections of PAUP Appendix 4.2 against the information for those sites contained in the Council's CHI. The first 5 columns are from Appendix 4.2, the final column has been added

ID	CHI	NZAA	Type	Location	Information from CHI Records
ID 898	6120	R11/1256	Archaeology of Maori origin	R11 5.1 Grammer School Takapuna Devonport Ward	Midden. Location and survival not known.
ID 1067	6845	R11/529	Archaeology of Maori origin	R11 3.1 Balmain Road Kauri Point (inland) Birkenhead Onehunga Ward	Reported pa. No visible features. Modified land. Recorded from historical information [i.e. exact location not known]
ID 1276	7480	R10/672	Archaeology of Maori origin	R10 3.3 Okura River East Coast Bays Ward	Pits. Found not to be an archaeological site when tested
ID 1277	7481	R10/675	Archaeology of Maori origin	R10 3.3 Okura River Silverdale East Coast Bays Ward	Pits. Tested and found to be probably tree throws, not archaeological
ID 1751	10314	R10/779	Archaeology of Maori origin	Maire Road Orewa River Estuary Orewa Rodney	Midden. Largely or completely destroyed by house and road construction
ID 2040	11543	R11/1105	Archaeology of Maori origin	Westney Road Pukaki Creek Mangere	Midden. Site was destroyed by pipeline construction
ID 2042	11545	R11/1386	Archaeology of Maori origin	Maungamaungaroa Creek mouth Sommerville Road Sandspit Road Howick	Midden. Excavated. Now totally destroyed
ID 2043	11547	R11/1511	Archaeology of Maori origin	Wharau Pakuranga Creek East Tamaki	Midden. Site no longer exists
ID 2044	11548	R11/1512	Archaeology of Maori origin	Wharau Pakuranga Creek East Tamaki	Midden. Site no longer exists
ID 2045	11549	R11/1517	Archaeology of Maori origin	Te Wharau Pakuranga Creek East Tamaki Auckland	Midden, stone alignments. Excavated. Now totally destroyed
ID 2046	11550	R11/1590	Archaeology of Maori origin	Crooks Road East Tamaki	Middens, stone mounds, stone pile. Now completely destroyed
ID 2047	11551	R11/1591	Archaeology of Maori origin	Crooks Road East Tamaki	Midden. Now totally destroyed
ID 2048	11556	R11/574	Archaeology of Maori origin	Kohuora Papatoetoe	Possible terraces. Not visited since 1974 [i.e. no GPS locations, not a confirmed site]
ID 2056	11566	R11/648	Archaeology of Maori origin	246 & Reserve: 282 Portage Road Crater Hill Papatoetoe	Lava cave and midden, partly damaged, recorded 1974 [i.e. no GPS location, not a confirmed site]. Authority granted 1978
ID 2057	11567	R11/674	Archaeology of Maori origin	Crater Hill Papatoetoe Self's Crater	Rock shelter, recorded 1974, authority subsequently issued [i.e. no GPS location, not a 'confirmed' site]
ID 2059	11569	R11/1513	Archaeology of Maori origin	Wharau Pakuranga Creek East Tamaki	Stone alignment. Site no longer exists
ID 2063	11573	R11/1302	Archaeology of Maori origin	Harris Road East Tamaki	Stone wall, stone mounds. Excavated and destroyed by development

New Zealand Archaeological Association Inc.

ID	CHI	NZAA	Type	Location	Information from CHI Records
ID 2064	11574	R11/1393	Archaeology of Maori origin	Cryers Road East Tamaki	Stone wall, totally destroyed
ID 2065	11575	R11/626	Archaeology of Maori origin	Crater Hill Papatoetoe Self's Crater	Old soil. Authority issued 1978
ID 2066	11576	R11/1123	Archaeology of Maori origin	Ambury Regional Park? Mangere	Stone heap. A natural formation. Totally destroyed
ID 2067	11577	R11/1187	Archaeology of Maori origin	Wiri Station Road Wiri Manurewa	Stonework. Totally destroyed
ID 2068	11578	R11/1301	Archaeology of Maori origin	Harris Road East Tamaki	Stone mounds, stone walls. Totally destroyed
ID 2069	11579	R11/1662	Archaeology of Maori origin	Crooks Road East Tamaki	Stone mounds, partly damaged. Last recorded 1988 [i.e. no GPS location, not a confirmed site]
ID 2071	11583	R11/1519	Archaeology of Maori origin	Neales Road and Cryers Road East Tamaki	Stonework, midden. Now totally destroyed
ID 2075	11589	R11/654	Archaeology of Maori origin	Crater Hill Papatoetoe Self's Crater	Thought to be pits, terraces, midden – investigated but no evidence of Maori occupation. Destroyed by Papatoetoe bypass.
ID 2076	11590	R11/609	Archaeology of Maori origin	Waokauri Creek Pukaki Creek Papatoetoe	Midden, terrace. Now totally destroyed
ID 2077	11591	R11/629	Archaeology of Maori origin	Crater Hill Papatoetoe Self's Crater	Four terraces, recorded 1974 [i.e. no GPS location, not confirmed]. Authority granted 1978
ID 2078	11592	R11/639	Archaeology of Maori origin	Crater Hill Papatoetoe Self's Crater	Terraces recorded in 1974, not revisited [i.e. no GPS location, not confirmed]. Authority granted 1978
ID 2079	11593	R11/640	Archaeology of Maori origin	Crater Hill Papatoetoe Self's Crater	Midden, platforms – recorded in 1974 [i.e. no GPS location, not confirmed]. Authority granted 1978
ID 2080	11594	R11/1392	Archaeology of Maori origin	Pakuranga Creek East Tamaki	Terraces/midden, springs present. recorded in 1986, not revisited [i.e. no GPS location, not confirmed].
ID 2081	11595	R11/1516	Archaeology of Maori origin	Wharau Pakuranga Creek East Tamaki Auckland	Midden/terrace. Rescue excavation, now totally destroyed
ID 3580	19791	R11/2705	Archaeology of Maori origin	Winscombe Street Seacliffe Avenue Belmont	Bank and ditch. Not related to Maori occupation, but early farming. Identified from 1882 plan, no remains so far identified

New Zealand Archaeological Association Inc.

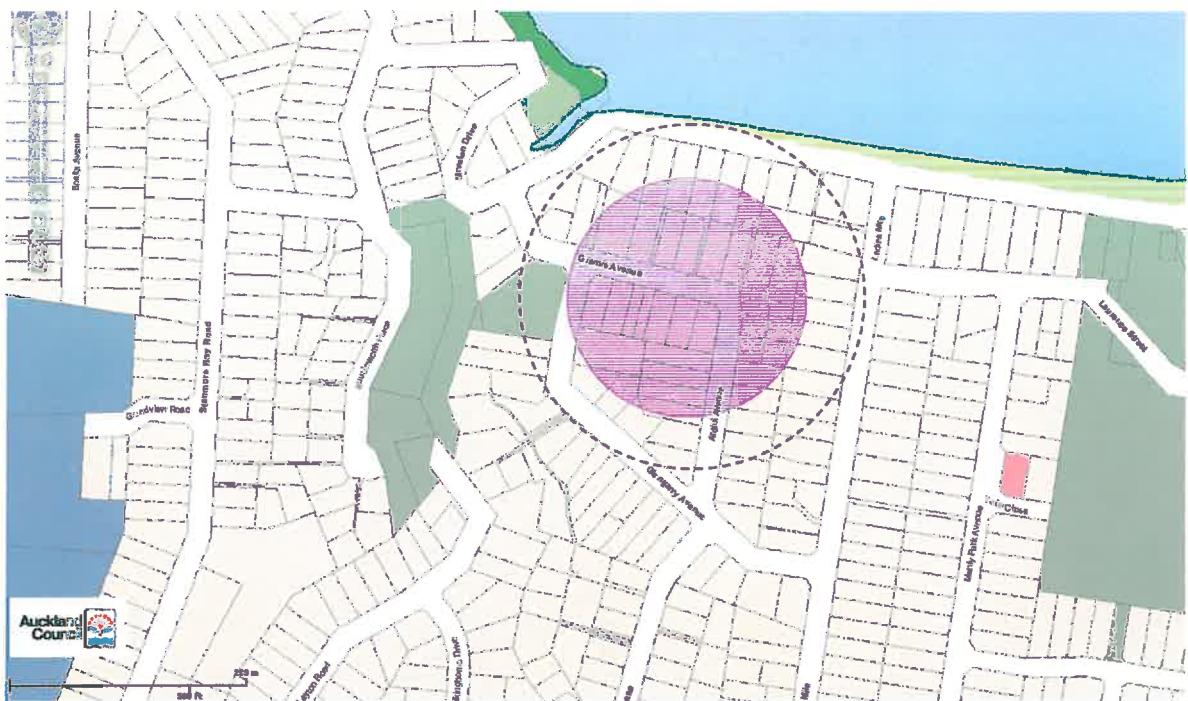


Figure 1. An existing midden in the Whangaparaoa Peninsula (Appendix 9.2, ID 2199, CHI 12356, R10/1018). The CHI describes the midden as a single lens of shell midden visible (in 1999) in a drain cutting for 1.2m and mostly destroyed when the drain was cut. The inclusion of this midden in the Sites/Places of Value to Mana Whenua overlay imposes rules on an area of 7ha and affects c.58 properties

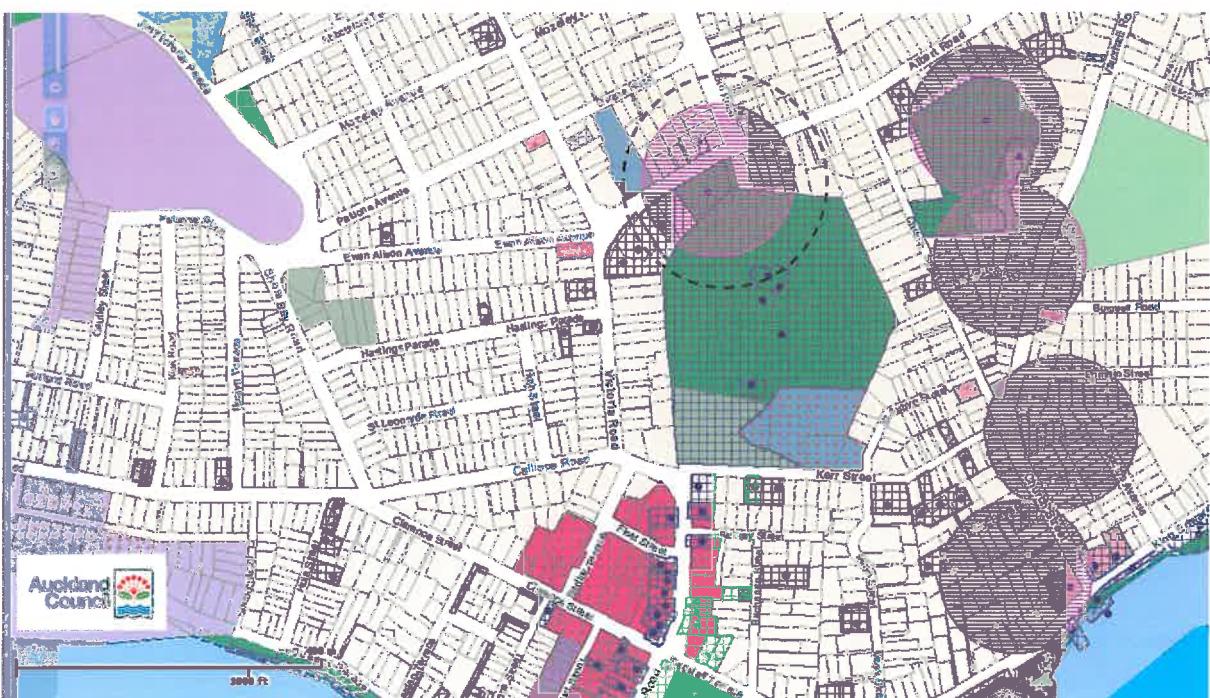


Figure 2. St Pauls Presbyterian Church Graveyard, 100A Victoria Road, Devonport, is identified as a Site/Place of Value to Mana Whenua (ID 3298). According to the CHI this is Patuone's grave (CHI 18533), located within the graveyard and maintained by the government. It is unclear what the justification is for imposing rules and restrictions on the numerous properties within a 7ha area around the grave site, as there is no possibility of any related archaeology and the cultural values would apply only to the grave itself

New Zealand Archaeological Association Inc.

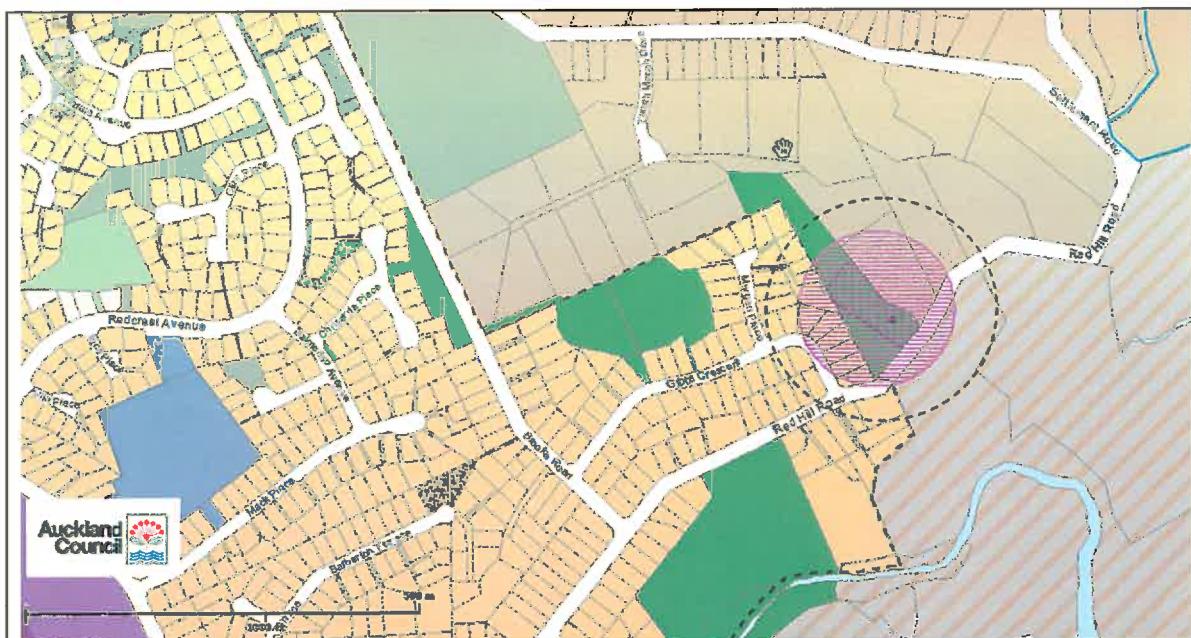


Figure 3. Pukekwhiri Pa, which is both a scheduled Historic Heritage Place (ID 652) and a Site/Place of Value to Mana Whenua (ID 1070). Although the Extent of Place has been defined, the arbitrary buffer zone (purple circle) and additional 50m buffer (dashed line, added) considerably extend the area affected by the PAUP rules

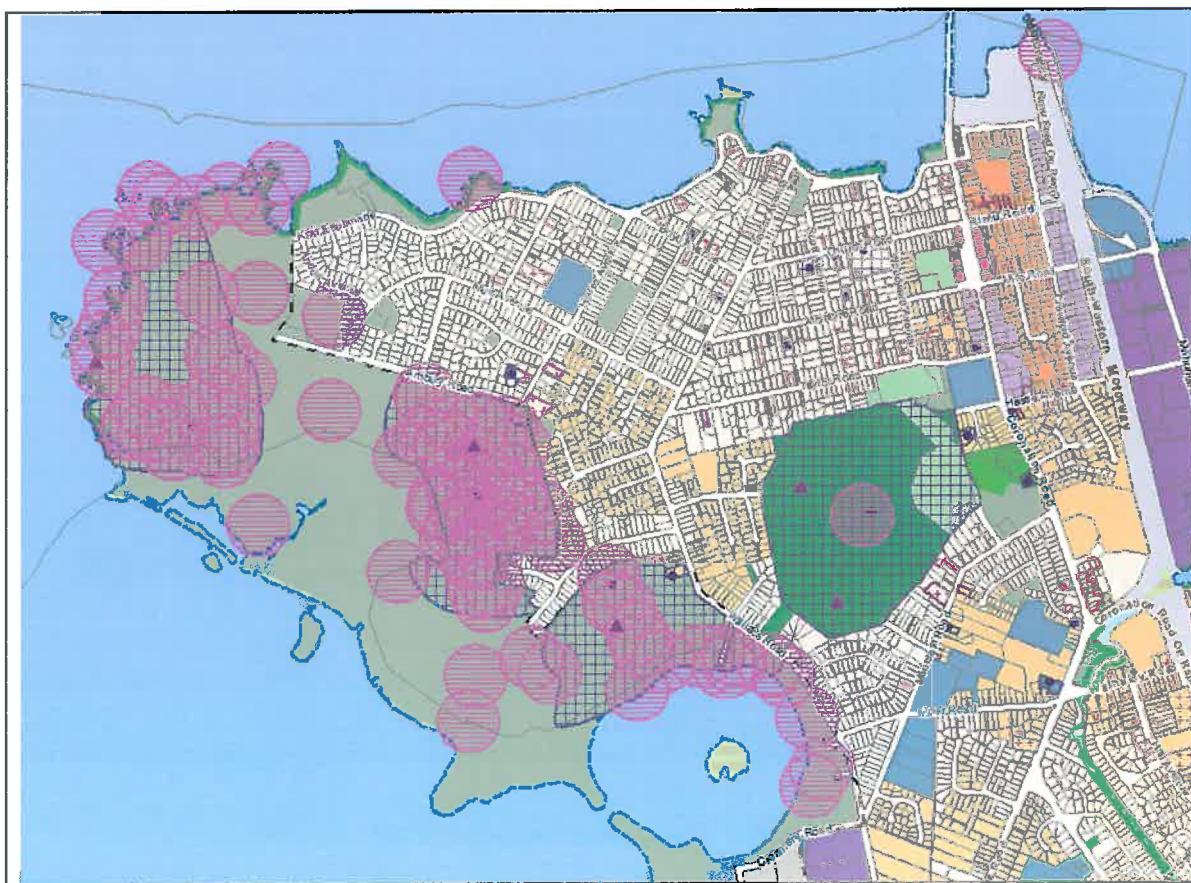


Figure 4.

Showing Ambury Park to the west, where densely overlapping circles indicating Sites/Places of Value to Mana Whenua create visual confusion. The individual sites within the Park cannot be identified by their ID numbers on the planning maps, and cannot therefore be cross-referenced to Appendix 4.2 or easily cross-referenced to the CHI. Most are

New Zealand Archaeological Association Inc.

contained within the defined Extents of Place (purple hatching) of the scheduled Historic Heritage Places ID 1272, 1273 and 1274.

Mangere Mountain is the scheduled Historic Heritage Place (ID 1275) to the east of Ambury Park, which is also both a Site/ Place of Significance to Mana Whenua (ID 30) and a Site/Place of Value to Mana Whenua (ID 2072), with different rules applying in each case. Note that although the entire Extent of Place at Mangere Mountain (shown by purple hatching) would be considered of value to Mana Whenua, the extent of the Site/Place of Value to Mana Whenua shown on the map (purple circle) is much smaller.

It would be more practical to remove the purple circles and include only point data within the defined Extents of Place, and to use the Extents of Place to trigger a consistent set of rules which incorporate a requirement for cultural impact assessment when the place is of value or significance to Mana Whenua

New Zealand Archaeological Association Inc.

Archaeological Site Databases

Site Recording Scheme (SRS)

Character: Inventory

Run by: NZAA (NZHPT and DOC have major roles under NZAA, in its operation)

Scope: National

Statutory: No

Sites Included: Archaeological sites of any age. Sites must have existed at some time and have had observed physical evidence. Destroyed sites remain in the scheme. There is no significance test. Sites may also be of significance to Maori (and other cultural groups) but the scheme does not record sites which are of cultural significance but have no archaeological expression. Information on cultural significance is minimal, if present at all and may consist of no more than a site name.

Precision of Location: Varies greatly, from sites where the perimeter has been defined by GPS to those where there is a point location only determined by map inspection from the early years of the scheme. It is in respect of the latter particularly that NZAA has a cautionary note on the accuracy of locations and the unknown extent of the site.

Availability: Via internet or data subscription (archsite.org.nz)

Cultural Heritage Inventory (CHI)

Character: Inventory

Run by: Auckland Council

Scope: Auckland Council area

Statutory: No

Sites Included:

- Archaeological sites of any age – ex NZAA, shared by agreement with NZAA
- Cultural sites of significance to Maori and others that are not archaeological sites
- Other heritage locations (e.g. buildings, trees, reported sites)

The CHI has references to documents relating to sites. It can include more cultural significance information on archaeological sites than was transferred from the SRS.

Precision of Location: - See SRS for archaeological sites

Availability: Via internet or data subscription

Historic Places Trust Register

Character: Inventory – some additional statutory protection

Run by: Historic Places Trust

Scope: National

Statutory: Yes

Sites Covered: Historic places and wahi tapu including archaeological sites of any age that have met the Trust's requirements of significance and materiality. However very few archaeological sites are scheduled for Auckland.

Precision of Location: Good

Availability: From NZHPT – some sites and information is online.

NZ Historic Places Trust HPA Protection of Archaeological Sites

Character: Not an inventory – statutory protection

Run by: Historic Places Trust

Scope: National

Statutory: Yes

Sites Covered: All archaeological sites dating to earlier than 1900AD, and some later sites if declared by gazette notice to be an archaeological site. All sites, recorded or not, are protected from damage, destruction or unauthorised excavation. The application of the Act is highly dependent on the SRS. In Auckland the CHI is of significant assistance.

Precision of Location: - See SRS for archaeological sites

Availability: NZHPT retains records of authorities and copies of reports on investigation, which are available on request.