

Proposed Plan Change 116

Amendments to Schedule 14 Historic
Heritage Schedule – deletion and/or
amendment of four archaeological places.

**SECTION 32
EVALUATION REPORT**

30 April 2025

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1 Scope and purpose of this report

This report is prepared by Auckland Council (**Council**) to fulfil the statutory requirements of section 32 of the Resource Management Act 1991 (**RMA** or **the Act**) for proposed Plan Change 116 (**PPC116**) to the Auckland Unitary Plan (Operative in Part) 2016 (**AUP**).

Section 32 of the Act requires that before adopting any objective, policy, and rule or other method, a local authority shall have regard to the extent to which each objective is the most appropriate way to achieve the purpose of the Act, and whether the policies and rules or other methods are the most appropriate way of achieving the objectives. A report must be prepared summarising the evaluation and giving reasons for the evaluation.

In accordance with section 32(6) of the Act and for the purposes of this report:

- the 'proposal' means PPC116
- the 'objectives' means the purpose of PPC116, and
- the 'provisions' means the policies and rules or other methods that implement or give effect to the objectives of the proposal, in this case the AUP Schedule 14.1 Schedule of Historic Heritage (**Schedule 14.1**).

This section 32 evaluation must examine the extent to which the objectives of PPC116 are the most appropriate way to achieve the purpose of the Act. The objective of PPC116, or the purpose of the proposed plan change, is to amend Schedule 14.1 of the AUP and the planning maps for four scheduled historic heritage places to ensure their management aligns with their identified values. The four places subject to PPC116 were primarily scheduled for their archaeological values; three are proposed to be deleted from Schedule 14.1 and one is proposed to be amended. The deletion or amendment of any other scheduled historic heritage places has not been considered as part of PPC116. Future evaluation or review of other historic heritage places against the AUP policy approach may result in other places being the subject of plan changes to add, amend or remove those places from Schedule 14.1.

PPC116 is a change to the district plan section of the AUP for three historic heritage places and a change to the Regional Coastal Policy section of the AUP for one place (that is within the coastal marine area).

The AUP contains existing objectives, policies, and rules for the purpose of managing historic heritage places.¹ PPC116 does not change any of these provisions. The AUP policy approach remains unchanged, and this report will not evaluate it in any more detail. This evaluation report relates only to the deletion of three historic heritage places and amendment of one historic heritage place identified in Schedule 14.1 within the existing policy framework.

This section 32 evaluation will continue to be refined in relation to any consultation that occurs, and in relation to any new information that may arise, including through submissions on PPC116 and during hearings.

¹ B5 Ngā rawa tuku iho me te āhua - Historic heritage and special character and D17 Historic Heritage Overlay

2 Background and issues

2.1 Background to AUP historic heritage schedule

Schedule 14.1 of the AUP contains approximately 2,300 scheduled historic heritage places. Of those places, nearly 700 are archaeological sites or include features associated with archaeological values. Most of these archaeological sites and features are of Māori origin.²

Almost all the historic heritage places identified in Schedule 14.1 that are archaeological sites were first included in a historic heritage schedule in one of Auckland's legacy regional or district plans and "rolled over" into the Proposed Auckland Unitary Plan (**PAUP**) in 2014.³ The four archaeological sites that are the subject of PPC116 are within the boundary of the former North Shore City Council (**NSCC**).

Legacy district and regional plans included 16 historic heritage schedules that contained 1,800 historic heritage places. The amalgamation of these places into a single historic heritage schedule for the PAUP was undertaken in 2012 by qualified Council staff and external planning and heritage consultants. The amalgamation process involved several steps to produce a single heritage schedule, including a site visit to view each place from the public realm, where possible. Site visits were used to confirm whether places still existed and whether location information was correct, as well as assisting to consistently identify historic heritage values.

Many scheduled archaeological sites were unable to be visited during the preparation of the PAUP due to accessibility issues (e.g., they were on private land and/or in difficult-to-access locations) that could not be resolved during the time available. This resulted in some inaccuracies in the AUP, including archaeological places being identified in the AUP without a full understanding of their historic heritage values and/or being identified in the planning maps with no spatial extent (mapped with a dot only).

The four archaeological sites that are the subject of this proposed plan change were not visited and an individual evaluation report was not prepared when they were rolled over into the PAUP historic heritage schedule.

Issue: the AUP identification of these four places, both in their values and/or location, is inaccurate.

2.2 Identification and evaluation of historic heritage values

The AUP Regional Policy Statement (**RPS**) outlines the process to identify and evaluation historic heritage values.⁴ Evaluation criteria are set out (historical, social, Mana Whenua, knowledge, technology, physical attributes, aesthetic, and context⁵) and thresholds are specified:

- (a) *the place has considerable or outstanding value in relation to one or more of the evaluation criteria in Policy B5.2.2 (1); and*

² Of the 788 historic heritage places identified in Schedule 14.1 that are archaeological sites, around 550 of them are of Māori origin.

³ Only one historic heritage place that is an archaeological site has been added to Schedule 14.1 since the AUP was made operative in part in 2016.

⁴ AUP Chapter B5

⁵ RPS Policy B5.2.2(1)

(b) the place has considerable or outstanding overall significance to the locality or greater geographic area⁶.

The Council's Methodology for Evaluating Historic Heritage Significance (**Methodology**)⁷ guides the process of evaluating the significance of historic heritage places against the AUP criteria to determine if a place meets the thresholds for inclusion in Schedule 14.1. The Methodology sits outside the AUP and provides context and guidance on the use of the AUP RPS provisions for identifying and evaluation historic heritage (however, the AUP policy approach is of primary relevance).

It is important that the identified heritage values and management information⁸ for each place in Schedule 14.1 is correct and robust within the context of the AUP criteria and thresholds for the identification and evaluation of historic heritage places. Work is underway to review all historic heritage places identified in Schedule 14.1, including archaeological sites, to confirm their historic heritage values and to confirm each place meets the criteria and thresholds for scheduling set out in the AUP. This work is ongoing and is expected to take several years. The findings of these reviews will be the subject of future plan changes and/or form part of the future review of the AUP.

Not all historic heritage places, including the 700 archaeological places, can be reviewed at the same time, so places are being prioritised where any of these factors apply:

- where the New Zealand Archaeological Association (**NZAA**)⁹ site record and Tūtangi Ora O Ngā Mana Kōrero (Historic Heritage Information)¹⁰ hold information to show the place has been destroyed and/or where it could not be relocated/no tangible evidence has been found;
- the NZAA site record contains minimal records/little or no description; and/or
- an archaeological authority from Heritage New Zealand Pouhere Taonga (**Heritage NZ**) has been issued to destroy the site.¹¹

The NZAA records for four archaeological sites that are the subject of this proposed plan change include information that the sites have been destroyed and/or could not be relocated.

⁶ RPS Policy B5.2.2(3)

⁷ August 2020, Version 2

⁸ 'Management information' refers to the identification and management of a place in the AUP. It relates to the name of the place, address, legal description, category of scheduling, primary features, heritage values, extent of place, whether the place is subject to additional rules for archaeology, and whether the place is of interest to Māori.

⁹ The NZAA is a non-statutory body representing professional and amateur archaeologists in New Zealand. In 1957, the NZAA established the national Site Recording Scheme (**SRS**) to encourage the recording of information about archaeological sites. The SRS, originally paper-based but now digital (hosted through ArchSite), includes a record for each of the four places subject to this proposed plan change.

¹⁰ <https://www.aucklandcouncil.govt.nz/arts-culture-heritage/heritage/Pages/search-cultural-heritage-inventory.aspx>

¹¹ Such an authority is issued by Heritage NZ under the Heritage New Zealand Pouhere Taonga Act 2014.

Issue: the identified historic heritage values and management of these four places is not correct and robust within the context of the AUP criteria and thresholds for the identification and evaluation of historic heritage places.

2.3 Consideration of Mana Whenua values

The four historic heritage places included in PPC116 are recorded by the NZAA as being archaeological sites of Māori origin. They are also identified as a 'Place of Māori Interest or Significance' in Schedule 14.1. Chapter D17 of the AUP explains that scheduled historic heritage places and places identified as being a place of value or significance or value to Mana Whenua may overlap and, in these instances, the provisions of Chapter D21 Sites and Places of Significance to Mana Whenua Overlay also apply.¹²

One of the evaluation criteria in the RPS is (c) Mana Whenua:

*(c) The place has a strong or special association with, or is held in high esteem by, Mana Whenua for its symbolic, spiritual, commemorative, traditional or other cultural value.*¹³

Auckland Council takes the approach that Mana Whenua values associated with scheduled historic heritage places are for Mana Whenua to determine. Accordingly, engagement with Mana Whenua has been undertaken to understand the Mana Whenua value of the four places in PPC116 (refer to section 4, consultation and engagement section below).

There are alternative methods other than Schedule 14.1 for identifying Mana Whenua heritage values. The Council's Māori Cultural Heritage Programme (**MCHP**) aims to improve the identification, mapping and protection of Māori cultural heritage in Tāmaki Makaurau and to hold information on sites and places of cultural and historic heritage that are important to Mana Whenua.¹⁴ The Māori Heritage Alert Layer (**MHAL**) is part of the MCHP. The MHAL is a non-statutory tool that identifies Māori cultural heritage (being place-based heritage of Māori origin or value consisting of sites, structures and landscapes) within the Auckland region. The MHAL has three aims:

- the proactive identification and baselining of Māori Heritage within the Auckland Council jurisdiction (required by AUP B6.5.1)
- to provide information about the management outcomes sought for identified Māori Heritage and act as a trigger for resource management processes (e.g. Treaty Principles, Part II RMA, precautionary principle)
- to act as a repository for (public) knowledge regarding Auckland's Māori Heritage and a way to co-ordinate monitoring of individual Māori Heritage assets and the collective state of the Māori Heritage Environment.

Issue: scheduling places of Māori origin within Schedule 14.1 is not the only method to identify and manage Mana Whenua heritage values.

¹² AUP D17.1 Background

¹³ AUP B5.2.2(1)(c)

¹⁴ <https://www.aucklandcouncil.govt.nz/arts-culture-heritage/heritage/Pages/maori-cultural-heritage-programme.aspx>

2.4 Integrity

Concerns have been raised about the integrity and historic heritage values of the four places that are the subject of PPC116. The four archaeological sites, which are recorded as being located on land in private ownership, have been subject to enquiries from landowners concerning the integrity of the sites and their historic heritage values. Some enquiries date as far back as 2007.¹⁵

A review of the North Shore City Council District Plan (**NSCCDP**) scheduling information for the four historic heritage places in PPC116 revealed a lack of robust information to verify the values of the places and/or their continued existence. For two of the places, ID 00713 and ID 00720, the original archaeological site records (upon which the NSCC scheduling was based on) is based on reported information rather than evidence (i.e., recorded place names in the area) and did not identify any physical evidence for a pā or settlement in the recorded location. These two places have also been subject to extensive residential development. For the other two places, one is a midden and area of cultivation (ID 00739) that was recorded and archaeologically excavated in 1974, which resulted in the physical destruction of archaeological evidence within the site. This was confirmed by a 2016 site visit, which reported no archaeological evidence within the site. The other is a midden recorded in a cliff edge location that has been subject to slips and erosion (ID 00800).

Issue: concerns about the integrity of the four places subject to PPC116 have been raised for some time.

3 Outline of the proposed plan change

PPC116 proposes to amend Schedule 14.1 and the AUP maps (**GeoMaps**) for four historic heritage places identified in Schedule 14.1. The four historic heritage places are identified in Schedule 14.1 as:

- ID 00713 Pā site R10_3, 159 and 161 Attwood Road, Paremoremo
- ID 00720 Settlement site R11_50, Tauhinui Historical Reserve, 9 Te Kawau Pass, Greenhithe
- ID 00739 Midden/findspot/cultivation R11_203, 181 Vauxhall Road, Narrow Neck
- ID 00800 Midden R11_970, 31A Norwood Road, Bayswater.

As part of PPC116, each of the four places has been reviewed to identify its historic heritage values and determine whether its overall value meets the AUP criteria and thresholds for scheduling.¹⁶ Each place was the subject of a site visit. The re-evaluation of each place is set out in a report that includes the scheduling information, a historical summary, an archaeological summary (including physical description), and analysis against the relevant RPS criteria and thresholds. The report for each place provides recommendations for the amendments necessary to refine the management of the place based on its identified heritage values, including the deletion of the place, if appropriate.

¹⁵ Council records show correspondence between landowners and Council in relation to ID 00713 in 2013; ID 00720 in 2013; ID 00739 in 2016 and 2019, with records mentioning communication with the legacy council in 2007; and ID 00800 in 2020.

¹⁶ AUP B5.2.2(1)

PPC116 implements the recommendations arising from the reviews. The changes proposed are to Chapter L Schedules, Schedule 14.1 and to the Historic Heritage Overlay Extent of Place (**extent of place**) or Historic Heritage Overlay Place shown in GeoMaps. PPC116 proposes to delete three historic heritage places from Schedule 14.1 and GeoMaps and amend one place. The proposed plan change documents for PPC116 are:

- proposed amendments to Schedule 14.1 (**Attachment A**), and
- proposed amendments to the GeoMaps (**Attachment B**).

The re-evaluation reports for the four historic heritage places in PPC116 do not form part of the proposed plan change. However, these reports are included as **Attachment C**.

4 Reasons for the proposed plan change

An evaluation under section 32 of the Act must examine the extent to which the objectives of PPC116 are the most appropriate way to achieve the purpose of the Act.¹⁷ The objective of PPC116, or the purpose of the proposed plan change, is to amend Schedule 14.1 of the AUP and the planning maps for four scheduled historic heritage places to ensure their management aligns with their identified values.

The proposed plan change will assist the Council to carry out its functions in order to achieve the purpose of the Act, being to promote the sustainable management of natural and physical resources.

Built heritage and character is an issue of regional significance in the RPS. Chapter B5.1 of the RPS states following issues:

(1) Auckland's distinctive historic heritage is integral to the region's identity and important for economic, social, and cultural well-being.

(2) Historic heritage needs active stewardship to protect it from inappropriate subdivision, use and development.

Historic heritage helps people to understand and appreciate their history, culture and identity. The recognition, protection, conservation, and appropriate management of historic heritage places will help current and future generations appreciate what these places mean to the development of the region. Historic heritage places are a finite resource that cannot be duplicated or replaced.

The AUP contains objectives, policies and rules to protect Auckland's significant historic heritage from inappropriate subdivision, use and development. The provisions also enable historic heritage places to be used appropriately.

The approach of the Unitary Plan is to recognise the significance of historic heritage places by identifying them in Schedule 14.1 and the planning maps and applying the provisions of the Historic Heritage Overlay to achieve the protection and management of these places.

Historic heritage places are identified and evaluated against eight criteria identified in the Regional Policy Statement (RPS) section of the AUP: historical, social, Mana Whenua,

¹⁷ RMA s32(1)(a)

knowledge, technology, physical attributes, aesthetic and context. The RPS directs that a historic heritage place may be included in the AUP if it has:

- considerable or outstanding value in relation to one or more of the RPS evaluation criteria, and
- considerable or outstanding overall significance to the locality or greater geographic area.

Significant historic heritage places are identified in the AUP historic heritage schedule (Schedule 14.1 Schedule of Historic Heritage). The location and spatial extent (where identified) of each place is shown in the AUP maps by the Historic Heritage Overlay Extent of Place¹⁸, (**EOP** or **extent of place**, shown spatially as purple cross-hatching) or by the Historic Heritage Overlay Place (shown as a purple dot, where no spatial extent has been identified).

The Historic Heritage Overlay is a management approach where activities anticipated to have a greater effect on the values of a historic heritage place in Schedule 14.1 are subject to more rigorous management. The identification of the category, primary feature(s), heritage values, exclusions, and an extent of place for each significant historic heritage place is the basis of this management approach, as it ensures the management of a historic heritage place is specific to the values and significance of each place.

The provisions of the Historic Heritage Overlay manage the protection, maintenance, modification, relocation, and use and development of the historic heritage places included in Schedule 14.1. The inclusion of historic heritage places in Schedule 14.1 means activities involving demolition and destruction, relocation, modification, and new buildings and structure may require a resource consent beyond that already required by Unitary Plan provisions of the underlying zoning of a property.

The provisions in the Unitary Plan rely on the information in Schedule 14.1 and the planning maps for each place being accurate, complete and up to date. Inaccurate and incomplete information may result in a lack of protection for significant historic heritage or unnecessary costs being imposed on landowners and/or Council. It is reasonable to expect that the information held by Council on places may increase or change over time. PPC116 responds to these changes in information and understanding.

The amendments in PPC116 will enable the provisions of the Unitary Plan to apply appropriately to the historic heritage places included in the plan change, based on their values. The amendments will also ensure that places in Schedule 14.1 that do not meet the Unitary Plan criteria and thresholds for inclusion are not subject to the provisions of the Historic Heritage Overlay. PPC116 is considered to be the most appropriate way to achieve the purpose of the Act, as outlined in the analysis below.

¹⁸ The extent of place illustrates the area that contains the historic heritage values identified for the place (AUP B5.2.2(2) and D17.1).

4.1 Evaluation of options

In the preparation of PPC116, five options were identified. The options are listed below and evaluated in the following table under section 32(2) of the Act.

Option 1 – do nothing/retain the status quo.

Option 2 – delete three historic heritage places and amend one historic heritage places from the AUP historic heritage schedule as part of the AUP review.

Option 3 – delete three historic heritage places and amend one historic heritage places from the AUP historic heritage schedule as a plan change to the AUP.

Option 4 – manage historic heritage places that have Mana Whenua values through another method (e.g., the Council's MHAL and/or Schedule 12 of the AUP).

Option 5 – a combination of the above approaches.

Options	Efficiency and effectiveness of provisions in achieving the objectives ¹⁹	Benefits	Costs
Option 1 – Do nothing/ retain status quo	<p>Not efficient or effective as it does not address the resource management issues that have been identified.</p> <p>Under this option, three scheduled historic heritage places that do not meet the AUP criteria and thresholds for scheduling would continue to be identified and managed under the AUP. The fourth place would continue to be identified in both Schedule 14.1 and the planning maps incorrectly.</p>	Council will not need to progress a plan change, which will save time and money.	<p>Potential cost to Council to provide advice to landowners and process consents under the Historic Heritage Overlay for their properties when it is known the three historic heritage places do not meet the AUP thresholds for scheduling.</p> <p>Cost to landowners because their land would remain subject to the Historic Heritage Overlay, even when it has been established that the three historic heritage places do not have enough value to be scheduled under the AUP.</p> <p>Potential cost to council to provide advice to landowners when the one historic heritage place has been identified by incorrect information and mapped in the wrong location.</p> <p>Cost to landowners because their land would be subject to the Historic Heritage Overlay that is mapped in the wrong location and identified by incorrect information.</p> <p>Reputational cost to Council, as the lack of robustness and known errors in Schedule 14.1 will not be addressed.</p>
Option 2 – Amend one place and delete the other three places as part of the AUP review	This option is not efficient or effective as it does not address the resource management issues identified in a timely manner. This option will only be effective when it takes effect (i.e., during review of the AUP, which is not expected to be notified until around 2028 or 2029). Until the AUP is reviewed, this option is not efficient as it does not address the resource management issue that have been identified.	This option will result in the deletion of the three historic heritage places from the AUP and the appropriate management of the other place eventually. However, that benefit is some years off; there is no benefit in the short term.	<p>Potential cost to Council to provide advice to landowners and process consents under the Historic Heritage Overlay for their properties when it is known the three historic heritage places do not meet the AUP thresholds for scheduling.</p> <p>Cost to landowners because their land would remain subject to the Historic Heritage Overlay, even when it has been established that the three historic heritage places do not have enough value to be scheduled under the AUP.</p> <p>Potential cost to council to provide advice to landowners when the one historic heritage place has been identified by incorrect information and mapped in the wrong location.</p> <p>Cost to landowners because their land would be subject to the Historic Heritage Overlay that is mapped in the wrong location and identified by incorrect information.</p> <p>Reputational cost to Council, as the lack of robustness and known errors in Schedule 14.1 will not be addressed.</p>
Option 3 – Plan change	<p>This option is effective as it addresses the resource management issues identified.</p> <p>This option is efficient as the issues will be addressed in a timely manner.</p>	<p>Benefit to landowners, as the Historic Heritage Overlay will no longer apply to their land, or it will apply appropriately (in accordance with the identified values of the place). Unnecessary consenting activity will not be required where heritage values are not sufficient.</p> <p>Benefit to Council, as there would be no need to provide advice to landowners about the historic heritage place on their land, nor process resource consents in relation to the Historic Heritage Overlay, because the historic heritage schedule is robust and based on correct information.</p>	<p>There will be a cost to Council to prepare and progress a plan change. The main cost of preparing plan changes to AUP is internal staff time but there are also costs for public notification and holding a hearing (if required).</p> <p>Cost to landowners and other stakeholders to engage in the plan change process.</p>
Option 4 – Manage Mana Whenua values through another method (e.g., Schedule 12, MHAL)	<p>Schedule 12 is an appropriate and effective method of identifying sites and places of value to Mana Whenua and this method is identified in partnership between Council and Mana Whenua.</p> <p>The MHAL is an effective option for identifying a site or place with value to Mana Whenua, but it is a non-statutory option. The MHAL is an internal tool available to Council staff, which provides information about Māori heritage values or korero (a story) that are associated with a particular site or area. Each site identified in the MHAL has an information sheet with management aspirations from the iwi. The identification of a site or place on the MHAL may result in a recommendation from Council for a resource</p>	<p>Benefit to iwi authorities, as Mana Whenua values, where they have been identified, will be recognised by adding them to the MHAL and sites and places can be considered for inclusion in Schedule 12.</p> <p>Benefit to iwi authorities as the non-statutory process to identify a place on the MHAL is less time consuming and costly in comparison to adding a place to an AUP schedule.</p> <p>Benefit to all people of Auckland because places with historic heritage values are being recognised and protected appropriately.</p>	<p>There will be costs to Council to undertake the work required to identify and add a place to the MHAL. These costs relate to internal staff time.</p> <p>There will be a cost to Council to prepare and progress a plan change if one is required to add new sites and places to Schedule 12. The main cost of preparing plan changes to the AUP is internal staff time but there are also costs for public notification and holding a hearing (if needed).</p> <p>Cost to Mana Whenua, landowners and other stakeholders to engage in a plan change process to add places to the AUP Schedule 12.</p>

¹⁹ RMA s32(1)(b)(ii)

Options	Efficiency and effectiveness of provisions in achieving the objectives ¹⁹	Benefits	Costs
	consent applicant to engage with Mana Whenua, depending on the type of development proposed.		
Option 5 – Combination of plan change and the recognition and management of Mana Whenua values <i>Preferred option</i>	<p>A plan change to delete three places and amend one place in Schedule 14.1 and a separate process to identify Mana Whenua values will ensure any Mana Whenua values are appropriately identified and managed.</p> <p>This option may be effective but requires an additional plan change process (i.e., an amendment to Schedule 12), so is not guaranteed.</p>	<p>Benefit to landowners, as the Historic Heritage Overlay will no longer apply to their land, or it will apply appropriately (in accordance with the identified values of the place). Unnecessary consenting activity will not be required where heritage values are not sufficient.</p> <p>Benefit to Council, as there would be no need to provide advice to landowners about the historic heritage place on their land, nor process resource consents in relation to the Historic Heritage Overlay, unless the values of a place are sufficient.</p> <p>May be benefit to iwi authorities, as Mana Whenua values, where they have been identified, may be recognised by adding them to the MHAL and/or can be considered for inclusion in Schedule 12.</p> <p>Benefit to all people of Auckland because places with historic heritage values are being recognised and protected appropriately.</p>	<p>Cost to Council to progress a plan change. The main cost of preparing plan changes to AUP is internal staff time but there are also costs for public notification and holding a hearing (if needed).</p> <p>Costs to Council to implement any protection and management of Mana Whenua values e.g., by adding places to the MHAL and/or including sites or places in a future plan change to add them to Schedule 12.</p> <p>Cost to Mana Whenua, landowners and other stakeholders to engage in a Schedule 12 plan change process.</p>

4.2 Risk of acting or not acting

Section 32(2)(c) of the Act requires this evaluation to assess the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions. There is sufficient information about the historic heritage places included in PPC116 for the plan change to proceed. Each historic heritage place included in the proposed plan change has been subject to a review to identify its heritage values and determine whether it meets the criteria and thresholds for scheduling set out in the RPS.

Consultation with Mana Whenua has been undertaken to ascertain any Mana Whenua values associated with the four places that are the subject of PPC116.

4.3 Preferred option

The preferred option to address the resource management issues identified is Option 5. This option incorporates the notification of a plan change now alongside the recognition of sites and places of value to Mana Whenua in the MHAL (as a separate, non-statutory process) and the potential for sites and values of significance to Mana Whenua to be nominated for inclusion in Schedule 12.

4.4 Reasons for the preferred option

The AUP sets out criteria and thresholds that significant historic heritage places need to meet to be included in Schedule 14.1 and subject to the Historic Heritage Overlay. One scheduled archaeological site has been identified as needing to be amended to correct its information and mapping. Not amending this place in the AUP is not the most efficient and effective way to manage this place, its heritage values, and the land on which it is located in.

Three scheduled archaeological sites have been identified as not meeting the criteria and thresholds. Retaining these places in the AUP is not the most efficient and effective way to manage these places and the land on which they are located on, nor the best way to recognise any Mana Whenua values that the sites contain.

The amendment of a historic heritage place that does meet the criteria and thresholds in the RPS for scheduling is appropriate as this place does contain significant historic heritage value to be managed by the objectives, policies and rules in the AUP.

The deletion of historic heritage places that do not meet the criteria and thresholds in the RPS for scheduling is appropriate as these places do not contain significant historic heritage value to be managed by the objectives, policies and rules in the AUP.

The understanding of the Mana Whenua values associated with the four archaeological sites and appropriate recognition of these values, either statutory (addition to Schedule 12) or non-statutory (identification in the MHAL) is an appropriate method of managing Mana Whenua values, where they are identified by Mana Whenua.

If these amendments are not undertaken, the management of the historic heritage places in PPC116 will not be appropriate to their heritage values. Therefore, the 'do nothing' approach is not considered to be an appropriate option.

The evaluation of options shows that the preferred option for meeting the objectives of the proposal, and the most efficient and effective option, is the option that combines a plan change with another method:

- a plan change to amend Schedule 14.1 and the AUP maps to delete the three historic heritage places and amend one historic heritage place, and
- a process to investigate statutory and non-statutory methods of managing Mana Whenua historic heritage values, via the addition of places to the MHAL and/or the consideration of sites or places for inclusion in Schedule 12.

In accordance with section 32(1)(a) of the Act, the objectives of the proposal are the most appropriate way to achieve the purpose of the Act.

5 Statutory evaluation under the Act

5.1 Overall broad judgement against Part 2 of the Act

The purpose of the Act is to promote the sustainable management of natural and physical resources, as defined in section 5(2) of the Act. Part 2 matters in the Act relevant to significant historic heritage as provided for in the AUP include:

- Section 6(f) the protection of historic heritage from inappropriate subdivision, use and development.

Sections 7 and 8 of the Act are also relevant to historic heritage:

- section 7(aa) the ethic of stewardship,
- section 7(c) the maintenance and enhancement of amenity values,
- section 7(f) the maintenance and enhancement of the quality of the environment,
- section 7(g) any finite characteristics of natural and physical resources, and
- section 8 the principles of the Treaty of Waitangi (Te Tiriti o Waitangi).

PPC116 is consistent with Part 2 of the Act, and with the purpose of the Act. The proposed plan change proposes to amend Schedule 14.1 to delete three historic heritage places and amend one historic heritage places so that the places are protected and managed in accordance with their historic heritage values. This will result in the appropriate level of protection for these places from inappropriate subdivision, use and development.

5.2 Other relevant sections of the RMA

5.2.1 Section 31

Section 31 of the Act outlines the functions of territorial authorities under the Act. Of relevance is section 31(1)(a):

(1) Every territorial authority shall have the following functions for the purpose of giving effect to this Act in its district:

- (a) the establishment, implementation, and review of objectives, policies, and methods to achieve integrated management of the effects of the use, development, or protection of land and associated natural and physical resources of the district.*

It is considered that PPC116 assists the Council to carry out its functions as set out in section 31(1)(a) of the Act. The proposed changes, which will ensure historic heritage places are

managed in accordance with their historic heritage values, will assist the Council to achieve integrated management of the effects of the use, development, or protection of land and associated natural and physical resources of the district.

Of the historic heritage places proposed to be amended through PPC116, the one is located within the coastal marine area (**CMA**), being ID 00800 Midden R11_970 at 31A Norwood Road, Bayswater. The midden does not have an extent of place defined in the AUP maps, it is identified by a 'dot' but was originally recorded in a coastal cliff at the edge of 31A Norwood Road, Bayswater.²⁰

5.2.2 Section 66

Section 66(2) of the Act sets out the matters a regional council shall have regard to when preparing or changing its regional plan.²¹ The relevant matters include any proposed RPS, the crown's interests in the coastal marine area, management plans and strategies prepared under other Acts, and relevant entries on the New Zealand Heritage List/Rārangī Kōrero (**NZHL/RK**), to the extent that their content has a bearing on resource management issues of the region. The regional council must take into account any relevant planning document recognised by an iwi authority.²² The regional council must recognise and provide for the matters in a planning document prepared by a customary marine title group, to the extent that they relate to the relevant customary title area; and take into account the matters in that document, to the extent that they relate to a part of the common marine and coastal area outside the customary marine title area of the relevant group.²³ A regional council must not have regard to trade competition or the effects of trade competition.²⁴ These matters, as relevant, are discussed in the following sections.

5.2.3 Section 74

Section 74(2) of the Act sets out the matters a territorial authority shall have regard to when preparing or changing its district plan. The relevant matters include any proposed RPS, proposed regional plan, management plans and strategies prepared under other Acts, and relevant entries on the NZHL/RK, to the extent that their content has a bearing on resource management issues of the district. The territorial authority must take into account any relevant planning document recognised by an iwi authority, to the extent that its content has a bearing on the resource management issues of the district²⁵. A territorial authority must not have regard to trade competition, or the effects of trade competition.²⁶ These matters, as relevant, are discussed in the following sections.

5.2.4 Section 77

Section 77I of the Act sets out when a Tier 1 urban environment (Auckland Council is a Tier 1 urban environment) may make the Medium Density Residential Standards (**MDRS**) and the relevant building height or density requirements under the National Policy Statement on

²⁰ New Zealand Archaeological Association record number (NZAA) site record number R11_970.

²¹ This includes the Regional Coastal Plan under chapter F of the AUP

²² RMA s66(2A)(a)

²³ RMA s66(2A)(b)

²⁴ RMA s66(3)

²⁵ RMA s74(2A)

²⁶ RMA s74(3)

Urban Development (**NPS-UD**) Policy 3 less enabling of development within a relevant residential zone to accommodate qualifying matters that are present. Section 77O sets out the equivalent provisions for an urban non-residential zone.

Sections 77I(a) and 77O(a) of the Act set out the qualifying matters that apply to the MDRS and Policy 3. These qualifying matters include 'a matter of national importance that decision makers are required to recognise and provide for under section 6 of the Act'. The protection of historic heritage from inappropriate subdivision, use and development is a matter of national importance under section 6(f) of the Act and is identified as a qualifying matter in Plan Change 78: Intensification (PC78) to the Unitary Plan, which is the plan change that implements section 77 of the RMA.

The area of land proposed to be subject to the Historic Heritage Overlay is smaller than in the operative AUP, with three of the places proposed to be deleted and one place proposed to have its extent spatially identified. For ID 00720, the historic heritage place proposed to be amended, the extent of place is proposed to apply to an area of approximately 83m² (37m² within private land at 11 Te Kawau Pass and 46m² being in the adjacent Council-owned reserve). This is significantly less area than what is currently managed under the Historic Heritage Overlay, as the operative Unitary Plan identifies ID 00720 without an extent of place (with a dot only). Where the extent of place column in Schedule 14.1 is annotated with a # and no geographic extent of place has been mapped, the overlay rules apply to all land or water within 50m of the feature annotated with #.²⁷ The area of a circle with a radius of 50m is approximately 7,800m². The operative scheduling of ID 00720 therefore currently impacts a large part of 11 Te Kawau Pass.

Policy 3 and the MDRS are not proposed to be made less enabling by the amendment of historic heritage as a qualifying matter.

6 National and local planning context

6.1 National Policy Statements

National policy statements are instruments issued under section 52(2) of the Act and state objectives and policies for matters of national significance. The AUP is required to give effect to any national policy statement²⁸. There are currently eight national policy statements in force.²⁹ Those relevant to the proposed plan change are discussed below.

6.1.1 New Zealand Coastal Policy Statement (NZCPS)

Objective 6 of the NZCPS is relevant to historic heritage. This objective seeks to enable people and communities to provide for their social, economic and cultural wellbeing and their health and safety, through subdivision, use and development, recognising that historic heritage in the coastal environment is extensive but not fully known, and is vulnerable to loss or damage from

²⁷ AUP Chapter D17

²⁸ RMA s67(3)(a) and s75(3)(a)

²⁹ NPS on Electricity Transmission 2008; New Zealand Coastal Policy Statement 2010; NPS on Renewable Electricity Generation 2011; NPS on Freshwater Management 2020; NPS on Urban Development 2020; NPS for Highly Productive Land 2022; NPS for Indigenous Biodiversity 2023; NPS for Greenhouse Gases from Industrial Process Heat 2023.

inappropriate subdivision, use and development. Policies in the NZCPS relate to historic heritage in the coastal environment. Policy 17 seeks to identify and protect historic heritage in the coastal environment from inappropriate subdivision, use and development.

PPC116 gives effect to the NZCPS as it uses up-to-date information to understand the historic heritage values of ID 00800, which enables the heritage values of the place (or lack thereof) to be identified and the place to be appropriately protected (or in this case, not protected under Schedule 14.1).

6.1.2 National Policy Statement on Urban Development (NPS-UD)

The NPS-UD applies to all local authorities that have all or part of an urban environment within their district or region and the planning decisions by any local authority that affect an urban environment. Auckland is identified as a Tier 1 urban environment in the NPS-UD. The NPS-UD recognises the national significance of:

- having well-functioning urban environments that enable all people and communities to provide for their social, economic, and cultural wellbeing, and for their health and safety, now and into the future,³⁰ and
- providing sufficient development capacity to meet the different needs of people and communities.³¹

Specific policies in the NPS UD direct Council, as a Tier 1 local authority, to change the AUP to enable intensification (building heights and density) in specific locations (including the City Centre zone, Metropolitan Centre zones and near Rapid Transit Network stops). Council notified Plan Change 78: Intensification to the AUP in August 2022 to enable the required changes.

The Environment Court³² has ruled that in relation to plan changes being considered ahead of implementing intensification policies, effect is only required to be given to those Objectives and Policies in the NPS UD that are “planning decisions” (being objectives 2, 5, and 7, and Policies 1 and 6 of the NPS UD).

The four historic heritage places that are included in PPC116 are already identified in Schedule 14 by name, location, and shown spatially on the planning maps. Three are proposed to be deleted and the proposed amendment of the fourth place means the Historic Heritage Overlay applies to a smaller area of land. The proposed amendment of these places does not affect the ability of the AUP to give effect to Objectives 2, 5, and 7, and Policies 1 and 6 in the NPS UD.

³⁰ NPS-UD Objective 1 and Policy 1.

³¹ NPS-UD Policy 2.

³² Eden – Epsom Residential Protection Society Inc v Auckland Council [2021] NZEnvC 82

6.2 National Environmental Standards

There are currently ten National Environmental Standards (**NES**) in force as regulations³³, but none of these are relevant to the management and protection of historic heritage or this proposed plan change.

6.3 National Planning Standards

The key purpose of the National Planning Standards (**Standards**) is to improve consistency in plan and policy statement structure, format and content so they are easier to prepare, understand, compare, and comply with.

The first set of Standards came into force on 3 May 2019. Unitary councils have ten years to adopt the Standards, unless a full plan review is undertaken within this time (in this case the new plan must meet the Standards when it is notified for submissions).

The historic heritage provisions of the AUP already significantly conform to the Standards, except some minor differences relating to standard formatting. The deletion and/or amendment of four historic heritage places as proposed by PPC116 is not considered to impact the implementation of the Standards.

6.4 Other Acts

6.4.1 Heritage New Zealand Pouhere Taonga Act 2014

Heritage NZ is the principal agency operating under the Heritage New Zealand Pouhere Taonga Act 2014 (**HNZPTA**). The purpose of the NZNPTA is to promote the identification, protection, preservation, and conservation of the historical and cultural heritage of New Zealand. Heritage NZ maintains the NZHL/RK³⁴ for the purposes of providing information to the public and landowners, and to promote and assist in the protection of these places. The NZHL/RK is primarily an advocacy tool and the inclusion of a place on the NZHL/RK does not in itself protect the place.

Protection of some heritage places is also achieved through the regulatory provisions of the HNZPTA. Part 3 of the HNZPTA requires any person wishing to undertake work that may damage, modify or destroy an archaeological site to obtain an authority from Heritage NZ for that work.

None of the places proposed to be amended in PPC116 are included in the NZHL/RK. As archaeological sites, the provisions of the HNZPTA apply to the place. These provisions do not allow the modification or destruction of an archaeological site without prior authority granted under the HNZPT Act. The amendment of the four places as proposed by PPC116 does not impact on how the HNZPTA applies to archaeological sites.

³³ NES for Commercial Forestry 2023; NES for Greenhouse Gas Emissions from Industrial Process Heat 2023; NES for Storing Tyres Outdoors 2021; NES for Freshwater 2020; NES for Marine Aquaculture 2020; NES for Telecommunication Facilities 2016; NES for Assessing and Managing Contaminants in Soil to Protect Human Health 2011; NES for Electricity Transmission Activities 2009; NES for Sources of Human Drinking Water 2007; NES for Air Quality 2004.

³⁴ The NZHL/RK includes historic places, historic areas, waahi tapu and waahi tapu areas

6.4.2 Hauraki Gulf Marine Park Act 2000

The Hauraki Gulf Marine Park Act 2000 (**HGMPA**) was established to promote the integrated management and the protection and enhancement of the Hauraki Gulf, its islands, and its catchments. To achieve the purpose of the HGMPA, all persons exercising powers or carrying out functions for the Hauraki Gulf under any Act specified in Schedule 1 must, in addition to any other requirement specified in those Acts for the exercise of that power or the carrying out of that function, have particular regard to the provisions of sections 7 and 8.

The Hauraki Gulf Marine Park includes all the coast and CMA from Mangawhai in the north and to an area beyond the Auckland region in the south. The catchment area of the park extends inland to the first ridgeline. All four historic heritage places proposed to be deleted and/or amended in PPC116 are therefore within the park's boundaries.

Section 7 of the HGMPA recognises the national significance of the Hauraki Gulf. Section 8 of the HGMPA seeks to protect and enhance the Hauraki Gulf's resources, including its historic resources.

The deletion and/or amendment of four historic heritage places within the Hauraki Gulf Island Marine Park in PPC116 has particular regard to sections 7 and 8 of the HGMPA. The proposed plan change aims to amend these places in a manner that will result in their protection being appropriate to their values.

5.6.3 Reserves Act 1997

The purpose of the Reserves Act is for the Department of Conservation (**DOC**) or local authorities (where DOC has delegated responsibility), to administer land for its preservation and management for the benefit and enjoyment of the public. These areas of reserve land possess various values and features, including those that are historic in nature.

The amendment of ID 00720 will identify its spatial location, which is proposed to be partially within the Taihinui Historical Reserve. The reserve is managed by Council. The reserve is named for the pā site that is located within it (Schedule 14.1 ID 00754 Tauhinu pa site/midden R11_285, which is to the east of ID 00720). The proposed plan change supports the historic value of the reserve by more accurately identifying the historic values and location of ID 00720 that, along with the pā site/midden, illustrates the historic Māori settlement of this part of Greenhithe.

6.5 Auckland Plan 2050

The Auckland Plan includes the following direction 'Ensure Auckland's natural environment and cultural heritage is valued and cared for'³⁵. The Auckland Plan states that opportunities to protect and enhance these values (including cultural heritage values) must be actively sought through short and long-term decisions.

PPC116 proposes to delete three places and amend one place in the AUP historic heritage schedule. The proposed amendments will improve the accuracy and robustness of Schedule 14.1, which will assist to ensure that Auckland's cultural heritage is valued and cared for.

³⁵ Auckland Plan, Direction 1

6.6 Auckland Unitary Plan

When preparing or changing a district plan, Council must give effect to any RPS and have regard to any proposed RPS³⁶. The RPS identifies issues of regional significance, including historic heritage.

6.6.1 Chapter B5 Ngā rawa tuku iho me te āhua - Historic heritage and special character

Chapter B5 contains two objectives³⁷ for historic heritage:

- (1) *Significant historic heritage places are identified and protected from inappropriate subdivision, use and development.*
- (2) *Significant historic heritage places are used appropriately and their protection, management and conservation are encouraged, including retention, maintenance and adaptation.*

These objectives are supported by policies B5.2.2 (1) to (9).

Policy B5.2.2(1) directs how to identify and evaluate a place with historic heritage value and sets out eight criteria to be considered. Policy B5.2.2(3) enables a place with historic heritage value to be included in Schedule 14.1 if it has considerable or outstanding value in relation to one or more of the evaluation criteria and the place has considerable or outstanding overall significance to the locality or a greater geographic area. Each historic heritage place that is the subject of PPC116 has been evaluated according to the RPS criteria and a recommendation has been made as to whether they meet the thresholds set out in Policy B5.2.2(3).

6.6.2 Chapter B6 Mana Whenua

This chapter of the RPS contains issues of significance to Māori and iwi authorities in the Auckland region, including the protection of Mana Whenua cultural heritage. Relevant objectives³⁸ relating to this issue include:

- (1) *The tangible and intangible values of Mana Whenua cultural heritage are identified, protected and enhanced.*
- (2) *The relationship of Mana Whenua and their cultural heritage is provided for.*
- (4) *The knowledge base of Mana Whenua cultural heritage in Auckland continues to be developed, primarily through partnerships between Mana Whenua and the Auckland Council, giving priority to areas where there is a higher level of threat to the loss or degradation of Mana Whenua cultural heritage.*

The four historic heritage places that are the subject of PPC116 were first recorded (by the NZAA) as archaeological sites of Māori origin. They may have value to Mana Whenua, regardless of whether there is physical evidence of the place remaining. Engagement with Mana Whenua has been undertaken to identify any Mana Whenua values and discuss how to recognise them, if appropriate (refer to section 4 consultation and engagement above).

³⁶ RMA s74(2)(a)(i) and s75(3)(c)

³⁷ B5.2.1

³⁸ B6.5.1

There are several ways that values held by iwi relating to historic heritage may be reflected in the AUP. If a place has at least considerable Mana Whenua values in accordance with policy B5.2.2(1)(c), it may be identified in Schedule 14.1 (shown by the addition of this criterion in the 'Heritage Values' column). Schedule 14.1 also contains a column to identify whether a place is of Māori interest or significance. In addition, or alternatively, historic heritage places may be scheduled and protected for their significance to Mana Whenua in Schedule 12 Sites and Places of Significance to Mana Whenua Schedule in the AUP. There are also non-statutory options, for example a place may be added to the MHAL.

Council's Māori Cultural Heritage team, through the MCHP, are working with iwi authorities on the nomination of places to Schedule 12. Two plan changes to the AUP³⁹ have proposed the addition of sites to Schedule 12.

ID 00720 Settlement site R11_50 (proposed to be known as Tauhinu Peak/lookout) is within an area nominated by iwi to be included in Schedule 12 (via the Council's MCHP). The nomination area is understood to relate to the nearby pā site⁴⁰ and other areas of associated settlement and use. The nomination of this area may result in it being identified in Schedule 12; the nomination is subject to a separate process and as it progresses may also require a plan change to the AUP.

6.6.3 Chapter B8 Toitū te taiwhenua – Coastal environment

This chapter contains objectives and policies relating to the natural character of the coastal environment; subdivision, use and development of the coastal environment; public access and open space; and managing the Hauraki Gulf.

As already outlined, one historic heritage place in PPC116 is in the CMA⁴¹, with other places in the proposed plan change are located within the wider coastal environment. The purpose of the proposed plan change aligns with Chapter B8 as it seeks to correctly identify the significance and historic heritage values of these places and therefore assist in ensuring any subdivision, use and development of historic heritage places is appropriate to each place.

Overall, PPC116 gives effect to the RPS as the proposed plan change amends Schedule 14.1 to reflect the identified values and significance of each place, including Mana Whenua values. The amendment of the AUP to reflect the evaluation of these places will enable the historic heritage places to be protected and managed by a method appropriate to their values.

7 Consultation and engagement

In accordance with clause 3 of Schedule 1 of the Act, during the preparation of a proposed policy statement or plan, the local authority concerned shall consult —

- a) the Minister for the Environment; and*

³⁹ PC22: Additions to Schedule 12 Sites and Places of Significance to Mana Whenua, Schedule 6 Outstanding Natural Features Overlay, Schedule 14.1 Schedule of Historic Heritage (operative on 11 March 2022) and PC 102: Sites and Places of Significance to Mana Whenua Tranche 2a (notified 23 May 2024).

⁴⁰ NZAA R11_285

⁴¹ ID 00800 Midden R11_970, 31A Norwood Road, Bayswater

- b) those other Ministers of the Crown who may be affected by the policy statement or plan; and*
- c) local authorities who may be so affected; and*
- d) the tangata whenua of the area who may be so affected, through iwi authorities; and*
- e) any customary marine title group in the area.*

A local authority may consult anyone else during the preparation of a proposed policy statement or plan.

7.1 Consultation with iwi authorities

In accordance with clause 3B of Schedule 1 of the Act, for the purposes of clause 3(1)(d), a local authority is to be treated as having consulted with iwi authorities in relation to those whose details are entered in the record kept under section 35A, if the local authority—

- (a) considers ways in which it may foster the development of their capacity to respond to an invitation to consult; and*
- (b) establishes and maintains processes to provide opportunities for those iwi authorities to consult it; and*
- (c) consults with those iwi authorities; and*
- (d) enables those iwi authorities to identify resource management issues of concern to them; and*
- (e) indicates how those issues have been or are to be addressed.*

In addition to the above, the following sections also relate to iwi authorities:

Section 32(4A):

If the proposal is a proposed policy statement, plan, or change prepared in accordance with any of the processes provided for in Schedule 1, the evaluation report must—

- (a) summarise all advice concerning the proposal received from iwi authorities under the relevant provisions of Schedule 1; and*
- (b) summarise the response to the advice, including any provisions of the proposal that are intended to give effect to the advice.*

Schedule 1:

4A Further pre-notification requirements concerning iwi authorities

- (1) Before notifying a proposed policy statement or plan, a local authority must—*
 - (a) provide a copy of the relevant draft proposed policy statement or plan to the iwi authorities consulted under clause 3(1)(d); and*
 - (b) have particular regard to any advice received on a draft proposed policy statement or plan from those iwi authorities.*
- (2) When a local authority provides a copy of the relevant draft proposed policy statement or plan in accordance with subclause (1), it must allow adequate time and opportunity for the iwi authorities to consider the draft and provide advice on it.*

Pre-notification consultation

Auckland Council recognises 19 iwi authorities in Tāmaki Makaurau and each authority has their rohe identified and mapped in the AUP planning maps.⁴²

To introduce the overview of the Council's planned review of scheduled historic heritage places, including archaeological sites, Council officers presented to the Mana Whenua Māori Cultural Heritage governance hui.⁴³ On 2 August 2024, a letter was sent to the iwi authorities whose rohe includes the areas where the four scheduled places are located that are in PPC116. The letter informed the iwi authorities about the review of these four places, provided information about the proposed changes (including the draft re-evaluation reports⁴⁴) and invited the iwi authorities to hui to discuss the proposal. The correspondence to iwi authorities also gave iwi authorities the option to opt out of the engagement process or defer (for some or all the historic heritage places) to another iwi.

No response was initially received from some iwi authorities. Where this was the case, two further emails were sent and, where a response had still not been received, a follow-up phone call was made. For those iwi authorities who did not respond to the invitation to engage on this matter, a follow-up email was sent to communicate that Auckland Council took the lack of response to mean they were not interested in engaging on this project. This email noted that the iwi authority would continue to be consulted on this matter under the First Schedule of the RMA and would be able to provide feedback on PPC116 prior to notification and/or to make a submission on the plan change, should they wish.

Of the 13 iwi authorities that were engaged with, 11 responded.

The table included in **Attachment D** summarises the feedback from iwi authorities.

7.2 RMA Schedule 1 consultation

First Schedule consultation

In accordance with Schedule 1 clause 4A, copies of the draft proposed plan change, and draft section 32 report were sent to all iwi authorities of the Auckland region on 8 April 2025. Iwi authorities were invited to provide comment or feedback.

No responses have been received to date.

Minister for the Environment, Minister of Conservation and Department of Conservation

Emails and/or letters were sent on 8 April 2025 to the Minister for the Environment, Minister of Conservation and the Department of Conservation's Auckland office to inform the organisations about the proposed plan change and to advise them it may affect them. The

⁴² AUP GeoMaps, Tangata Whenua layer, which includes information about Mana Whenua Areas of Interest.

⁴³ This hui took place in May 2024.

⁴⁴ Draft re-evaluation reports for the places relevant to the rohe boundary of each iwi authority were attached to the initial engagement email. Reports were also attached to any hui meeting invitation and discussed with iwi representatives. Reports were updated to incorporate any feedback received through hui or written correspondence.

correspondence outlined the proposed plan change and provided a link for further information. A reply from DOC acknowledged receipt of the email. An email dated 6 May 2025 from Graeme Silver, Senior National RM Advisor, advised that the letter to the Minister of Conservation had been referred to DOC for consideration and reply. The email stated that DOC had reviewed the proposed plan change and its consistency with the New Zealand Coastal Policy Statement and potential interactions with Public Conservation Land and that DOC has no concerns with the draft plan change and no comments.

Heritage New Zealand Pouhere Taonga

Heritage Unit staff met with staff from Heritage NZ on 11 September 2024 to outline the work to review the four historic heritage places that are the subject of PPC116 and future work to review other scheduled archaeological places. Following the meeting, the draft review reports for all places subject to PPC116 were shared with Heritage NZ staff.⁴⁵ No formal feedback was received.

Heritage NZ was advised on 8 April 2025 via email about the draft plan change. An email from Heritage NZ dated 3 June 2025 advised that they had no concerns about the proposal to delete three historic heritage places and change the identification of ID 00720, as proposed.

7.3 Stakeholder engagement

Landowners and occupiers

Council staff have responded to enquiries from the landowners of the four historic heritage places subject to PPC116 since 2013. In 2024, landowners were informed that the four places were being reviewed. Landowners (and occupiers, where relevant) were contacted so that site visits could be organised, and these visits occurred in September and December 2024. Where landowners were present for site visits, further information was provided to them about the review of the historic heritage places and the proposed plan change. Representatives from Te Kawerau ā Maki attended the site visit for ID 00720 at 11 Te Kawau Pass.

Following site visits and the completion of draft review reports for each historic heritage place in PPC116, the reports were sent to relevant landowners for their feedback. Discussions were held with Mr Terry Randell, the owner of 11 Te Kawau Pass, Greenhithe, where ID 00720 Tauhinu Peak/lookout is located at a meeting with him and his neighbour, the owner of 9 Te Kawau Pass, on 31 March 2025.

Mr Randell communicated his opposition to the draft plan change, objecting to the identification of the Historic Heritage Overlay Extent of Place on his property with two concerns:

- why the historic heritage place that was identified on the Taihinui Historical Reserve adjacent to his property under the legacy North Shore City District Plan was then moved onto his property by the PAUP without any clear reasons.

⁴⁵ An email was sent with the four review reports on 17/10/2024.

- that the identification of his property by address and location in the AUP historic heritage schedule and maps may lead to members of the public wishing to access the property to view the historic heritage place.

Mr Randell has communicated his concerns to the Upper Harbour Local Board, attending their business meetings in March and April 2025.

The effect of the proposed scheduling on Mr Randell's property is outlined in Section 8.

Local Boards

ID 00739 and ID 00800 are located within the Devonport-Takapuna Local Board area. ID 00713 and ID 00720 are located within the Upper Harbour Local Board area.

Members of the Upper Harbour and Devonport-Takapuna local boards were informed of the review of the four places in a memo sent in April 2024. An email to update the boards on progress was sent in August 2024 (Upper Harbour) and September 2024 (Devonport-Takapuna).

Decision makers on plan changes to the AUP must consider local board views on the plan change if the relevant local boards choose to provide their views. After the plan change has been notified and submissions have closed, the views of the Devonport-Takapuna and Upper Harbour local boards will be formally sought through their business meetings. If a local board passes a resolution and provides its views, those views will be included in the hearing report prepared under section 42A of the RMA. Local board members can attend the plan change hearing and speak to their views if the board's formal views have been provided.

The views of the Devonport-Takapuna and Upper Harbour local boards were sought at their business meetings in March and April 2025, respectively.

Devonport-Takapuna Local Board resolved to support the notification of a draft plan change to delete the two historic heritage places in their area.⁴⁶

Upper Harbour Local Board (UHLB) provided the following views on the draft plan change:⁴⁷

- i) acknowledge the feedback from Te Kawerau a Maki in relation to the Te Kawau Pass proposal on the mana whenua value as a historic lookout and communication point.
- ii) acknowledge the concerns raised by the private property owner at 11 Te Kawau Pass in relation to the Te Kawau Pass proposal.
- iii) acknowledge that over time there has been errors in the historic heritage schedule and associated mapping including mapping moving from the Taihinui Historical Reserve onto the adjacent property at Te Kawau Pass noting there is no record to indicate why there was a change in location.
- iv) request the following amendment to the proposed plan change to Amendment to Schedule 14 Historic Heritage Schedule:
 - (a) delete the Historic Heritage Overlay Place (dot) from 11 Te Kawau Pass, and

⁴⁶ Resolution DT/2025/33, made at the business meeting held on 18 March 2025.

⁴⁷ Resolution UH/2025/41 made at the business meeting held on 24 April 2025.

- (b) apply the Historic Heritage Overlay Extent of Place onto the Taihinui Historical Reserve, not on the private landowners property at 11 Te Kawau Pass.
- v) request staff include material provided to the local board at the 24 April 2025 business meeting by the private property owner at Te Kawau Pass as part of the Policy and Planning Committee report on this matter.
- vi) support the proposal at 159 and 161 Attwood Road, Paremoremo to delete place from schedule 14 and planning maps.

Taking the UHLB views into account, there are two main options for notifying the plan change in relation to ID 00720:

Options	Pros and cons
Notify a plan change as proposed by the Upper Harbour Local Board	<ul style="list-style-type: none"> Addresses the existing issues in the AUP historic heritage schedule and maps for this place but will not fully identify the historic heritage values of the place, as outlined in Attachment D. Addresses the private property concerns raised by the landowner. Is not supported by council's historic heritage expert.
Notify the plan change as proposed by Council staff	<ul style="list-style-type: none"> Addresses the existing issues in the AUP historic heritage schedule and maps for this place and will fully identify the historic heritage values of the place, as outlined in Attachment D. Does not address concerns raised by the landowner. Is supported by council's historic heritage expert.

Both options provide the opportunity to address the inaccuracies and incomplete information the AUP for ID 00720 at 11 Te Kawau Pass, through notification of the plan change and the seeking of submissions. Neither option will address the concerns of the UHLB and the landowner while fully recognising the identified historic heritage values of the place (as articulated in Attachment D). The option proposed by the UHLB is not supported by a historic heritage specialist.

This plan change is Council-initiated, and the proposed amendment to ID 00720 is supported by a relevant subject matter expert, in this case a historic heritage specialist.

If a plan change is notified, the landowner will be able to make a submission and present their concerns directly to an independent hearings panel, who will make a decision on the plan change on behalf of council.

If a plan change is notified, the relevant local boards will have another opportunity to provide their views. After the plan change has been notified and submissions have closed, the views of the Devonport-Takapuna and Upper Harbour local boards will be sought. If a local board passes a resolution and provides its views, those views will be included in the hearing report prepared under section 42A of the RMA.

Local board members can attend a plan change hearing and speak to their views if the board's formal views have been provided by resolution of the whole board.

Auckland Council elected members

Ward Councillors for Devonport-Takapuna were informed of the review of the historic heritage places and the potential for a plan change on 1 May 2024. Ward Councillors for Upper Harbour were advised of the review of historic heritage places in Upper Harbour on 3 September 2024.

A report to the May 2025 Policy and Planning Committee meeting sought approval to notify a plan change to delete three historic heritage places and amend one historic heritage place in Schedule 14 of the AUP. This approval was granted (Resolution PEPCC/2025/49).

Auckland Council group

None of the historic heritage places that are included in PPC116 are within land owned or managed by Auckland Council or the wider Council group.⁴⁸

8 Evaluation of provisions

8.1 Overview of amendments proposed

PPC116 deletes three historic heritage places that are already identified in the AUP (ID 00713, ID 00739 and ID 00800) and amends the management of one place (ID 00720). Amendments are proposed to:

- delete ID 00713, ID 00739 and ID 00800 from Schedule 14.1 and to remove the Historic Heritage Overlay Place or Historic Heritage Overlay Extent of Place associated with these places from the AUP maps; and
- amend Schedule 14.1 and the AUP maps for ID 00720 so that the information reflects the values and location of the place.

As outlined in section 4, the thresholds for including a place in Schedule 14.1 are identified in B5.2.2(3) of the RPS and require each place to have at least considerable value in relation to one or more of the evaluation criteria in B5.2.2(1) and be of at least considerable overall significance to its locality or beyond. For three of the four historic heritage places that were reviewed as part of PPC116, the review of the place has determined the place did not meet the RPS criteria and thresholds for scheduling. The review reports are included in **Attachment C**.

8.2 Effect of scheduling

The identification of a historic heritage place in Schedule 14.1 means the provisions of the Unitary Plan Historic Heritage Overlay apply to that place. The identification of an extent of place, primary feature and exclusions is the basis of this management approach, ensuring the management of a historic heritage place is specific to its features, and therefore to the values and significance of that place.

The intent of the Unitary Plan is to ensure that unnecessary consent activity is not generated, while protecting historic heritage places from inappropriate subdivision, use and development. The scheduling of historic heritage places is a method by which more than

⁴⁸ The address for ID 00720 Settlement site_R11_50 includes the Taihinui Historical Reserve in the verified location information, but the place is not located within this reserve (it is recorded on private land).

minor works to a scheduled place will require resource consent. The requirement for consent ensures that the heritage values and significance of a place will be considered by both landowners and decision makers.

8.3 Reasonable use

The historic heritage place proposed to be retained and amended in PPC116 (ID 00720) has been evaluated as having sufficient historic heritage value and significance to warrant ongoing protection and appropriate management under the Unitary Plan. The place is proposed to be identified for its historic, Mana Whenua and context values as a strategic lookout and communication point associated with Māori settlement of the area.

The property at 11 Te Kawau Pass is a site of 1.2622 hectares and is zoned in the Unitary Plan as Residential – Large Lot Zone. As proposed, the scheduling of ID 00720 will apply the Historic Heritage Overlay to a total area of around 83m², with 37m² being on private land at 11 Te Kawau Pass and 46m² being within the adjacent Council-owned Taihinui Historical Reserve. The proposed extent of place is applied to the high point, based on land contours.

The majority of the historic heritage places in the region are in private ownership. The scheduling of a historic heritage place in the Unitary Plan imposes restrictions on the use of the land. These restrictions can cause tension between the need to protect significant historic heritage and the public benefits of this, and the ability of landowners, both private and public, to use their land.

The Act recognises that a rule or other provision can have an effect on how landowners use their land. Section 85 of the Act allows landowners to challenge a provision on the basis that it would render the land incapable of reasonable use⁴⁹ and that it would place an unfair or unreasonable burden on the landowner.⁵⁰ Section 85 states that ‘reasonable use:

*includes the use or potential use of land for any activity whose actual or potential effects on any aspect of the environment or any person other than the applicant would not be significant.*⁵¹

The Unitary Plan provisions seek to recognise and provide for the reasonable use of historic heritage places. As discussed above, a flexible management regime is used, based on the values and significance of the place, and whether the proposed use and/or development will assist with the ongoing management and protection of the place. Policies in Chapter D17 also support the use and development of scheduled historic heritage places, where it does not detract from the heritage values of the place and will not have significant adverse effects.⁵²

PPC116 proposed to amend ID 00720 so that the Historic Heritage Overlay applies to an area of landscaped gardens (on 11 Te Kawau Pass) and a bush/forest area in the adjacent reserve. The rules in Chapter D17 provide for the maintenance and repair of scheduled historic heritage places is a permitted activity (subject to standards). Rule A7 provides for the

⁴⁹ RMA s85(2)

⁵⁰ RMA s85(3)

⁵¹ RMA s85(6)

⁵² AUP Policies D17.3(3) and D17.3(4)

maintenance and repair of features including gardens, lawns, garden amenities, driveways, parking areas (including the planting of vegetation) as a permitted activity. Rule A9B provides for tree and vegetation removal, trimming and alteration (except for any tree or other planting specifically identified in Schedule 14.1) as a permitted activity. PPC116 does not propose to identify any tree or plantings in Schedule 14.1 for ID 00720.

The proposed extent of place includes a LINZ trig station and aircraft navigation beacon for Whenuapai Air Base; these are proposed to be identified as exclusions within Schedule 14.1. As identified exclusions, the demolition, relocation or modification of these features would be a permitted activity.

PPC116 does not proposed to apply the additional rules for archaeological controls and features to ID 00720, so the activities that manage ground disturbance in Table D17.4.2 will not apply.

The Residential – Large Lot Zone provides for large lot residential development on the periphery of urban areas. Within this zone, more than one dwelling per site requires consent as a discretionary activity and minor dwellings are a restricted discretionary activity. 11 Te Kawau Pass currently contains a single residential dwelling. Accessory buildings and additions to an existing dwelling are permitted activities, but these are subject to standards including H1.6.5 Yards, which requires a side yard of 6m. The proposed EOP is within the 6m side yard of the property, so the construction of accessory buildings in this area would require resource consent under the Large Lot Zone.

PC78 identifies much of 11 Te Kawau Pass as a qualifying matter for Coastal Erosion, including the area proposed by PPC116 to contain the Historic Heritage Overlay. The Unitary Plan requires resource consent for all buildings or structures on land in the coastal erosion hazard area (except new structures and buildings ancillary to farming).

The question of reasonable use and how the Unitary Plan allows for effective and efficient use of a place needs to be carefully considered. In this case, the identification of the discrete extent of place for ID 00720 in conjunction with the permissive rules for garden maintenance and the Unitary Plan relating to the underlying zone and natural hazards mean the proposed scheduling will not have a significant impact in terms of how the property can be used.

9 Conclusion

PPC116 seeks to amend Schedule 14.1 and GeoMaps to delete three historic heritage places from the Historic Heritage Overlay and to amend one so that it is managed according to its identified historic heritage values. The amendments enable the provisions of the Historic Heritage Overlay to apply appropriately to these historic heritage places. The amendments are effective and efficient and will ensure that:

- the three places proposed to be deleted are not subject to management under the AUP for their historic heritage values, and
- the place proposed to be amended is properly identified and therefore will be managed according to its historic heritage values and can be used appropriately.

The main conclusions of the evaluation under Part 2 and Section 32 of the Act are summarised below:

- PPC116 is consistent with the purpose of sustainable management in Section 5 of the Act and the principles within Sections 6, 7, and 8 of the Act, and within Part 2 of the Act.
- PPC116 assists the Council in carrying out its functions set out in Sections 30 and 31 of the Act.
- Pursuant to Section 75(3)(c) of the Act, PPC116 is consistent with the objectives and policies of the Auckland Regional Policy Statement.
- The evaluation undertaken in accordance with Section 32 concluded:
 - The use of the existing objectives of the AUP would be the most appropriate way to achieve the purpose of the Act.
 - The deletion of three historic heritage places and amendment of one historic heritage place that are identified in Schedule 14.1 is the most appropriate means of achieving the objectives identified in this report.