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Auckland Plan

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The Unitary Plan process that has been running in Auckland for some years now was triggered by the creation of Auckland Council from a number of territorial councils and the Auckland Regional Council. This generated the need to replace their RMA plans. When the process started few spoke of a housing crisis in Auckland but that has overshadowed the completion of the plan.

The Auckland Independent Hearings Panel has now reported back on the Unitary Plan and has recommended some significant changes from the notified version. The proposed and recommended versions can be found at <http://unitaryplan.aucklandcouncil.govt.nz/>. Auckland Council has a month to consider the recommendations and to notify the Decision version.

Large parts of the plan relating to heritage matters were rewritten. The panel rejected a proposal to widen the archaeological sites definition to include more recent sites (which was supported by NZAA) and went back to the HNZPT Act definition. Broadly they have reduced duplication with the HNZPT Act processes, but have accepted that some duplication is necessary in the case of scheduled archaeological sites, modification of which will require both a resource consent and an authority. The recommended version includes more guidance regarding HNZPT requirements, and identifies Heritage NZ as an affected party in relation to historic heritage.

The panel removed all general objectives and policies relating to unscheduled historic heritage (which NZAA had supported). They considered that if the Council wished to protect historic sites they should go through the formal process of identifying, evaluating and scheduling them. They did, however, retain an improved version of the accidental discovery protocols (under 'Natural Resources', 'land disturbance') and stated in their report to Council that they considered these and the provisions of the HNZPT Act to be sufficient to provide for the unforeseen. We note that the normal assessment requirements under the RMA will continue to provide the opportunity to identify effects on archaeology.

In terms of mana whenua cultural heritage, the panel declined to allow cultural landscapes any expression on the grounds that the Plan did not include any specific examples, had no methodology for defining and

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evaluating them and it was unclear what rules might be imposed once landscapes were identified.

The panel also declined to retain a requirement for Cultural Impact Assessment reports that was in the plan originally, as this was considered overly prescriptive and best dealt with through the normal effects assessment requirements of the RMA. The requirement had been opposed by some iwi.

There were originally two mana whenua schedules –

Sites and Places of Significance to Mana Whenua

Sites and Places of Value to Mana Whenua

The former included archaeological sites and more traditional sites derived from the schedules in the legacy plans. The latter consisted of previously unscheduled Maori archaeological sites from the NZAA and Council databases that had a GPS or ‘GIS calculated’ location. NZAA had criticised the “Value” list because it misinterpreted site record data, had not been developed by a site evaluation process, included numerous destroyed sites, excluded numerous more significant sites, and had placed onerous restrictions on overly wide areas around places with only point identification. The Council had started a process to correct these problems but to no avail. The commissioners kept the “Significance” list but dropped the “Value” list entirely, on the basis that the sites had not been through a formal process of identification and evaluation. There are specific archaeological provisions relating to investigation and assessment for sites on the “Significance” list that are also archaeological sites.

Fewer viewshafts to volcanic cones were deleted than were first feared, but none added. NZAA supported retention of these. The process was such that it was only ever likely to result in reductions and it was dominated by those with the resources and expertise to participate.

Interim protections that had been proposed for pre- 1944 houses (requiring a heritage assessment prior to demolition) were removed.

Broadly the commissioners showed support for traditional RMA schedules of heritage sites. The conventional list in the plan which includes many archaeological sites – typically pa – has survived virtually intact, and is a great improvement on the disparate lists in the legacy plans of the old councils. There are specific rules for archaeological sites or features which are (or which are located within) scheduled historic heritage places, as in the original version, though some aspects relating to investigation and assessment have been improved (as submitted by NZAA).

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The considerable increase in areas scheduled for urban development will inevitably have some effects on archaeological sites, but much of the existing pressure from rural residential development is arguably more destructive and this will continue.

It was at first considered that the plan as proposed might be a model for heritage provisions in RMA plans in other parts of the country. As it has emerged, its use as a model would not be a radical change. The radical changes that the Auckland Council had sought to introduce were in many cases ill-considered and were likely to spark resistance for the wider community, and did.

NOTES FOR CONTRIBUTORS

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