

The Proposed Auckland Unitary Plan (notified 30 September 2013)

Proposed track changes for council's closing statement 22 July 2015

Note:

- **Council's proposed** changes are shown in ~~strikethrough~~ and underline.
- Black text changes record amendments proposed in Primary Evidence (either pre or post mediation)
- **Green text** changes record amendments proposed and agreed to in mediation
- **Red text** changes record amendments proposed in rebuttal evidence
- **Yellow highlighted text** changes record amendments that are considered to be outside the scope of submissions.
- **Blue text** changes record amendments proposed post hearing (e.g. right of reply)
- **Consequential amendments are highlighted** grey highlight.

PART 3 - REGIONAL AND DISTRICT RULES»

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Chapter G: General provisions

1.X Accidental discovery protocols

This process applies to accidental discovery during land disturbance in Chapter H4.2, and disturbance in the General Coastal Marine zone in Chapter I6. For accidental discovery of contaminated land or landfill material refer to Chapter H4.5 Contaminated Land.

For the avoidance of doubt, the protocol set out below applies only where the site or project is not already operating under:

- a. an archaeological authority issued by Heritage NZ, or;
- b. an accidental discovery protocol imposed as a resource consent condition that addresses historic heritage and Māori cultural heritage effects, or;
- c. an accidental discovery protocol certified by council and endorsed by Mana Whenua and Heritage NZ.

In the event of an accidental discovery of an archaeological site, archaeological material, artefacts or potential human remains (kōiwi), the project manager or representative shall ensure that the following steps are taken:

- Cease work:
Within 10 metres of any part of the discovery, all earth disturbing machinery must immediately shut down and earth moving work must cease. The immediate vicinity of the discovery must be secured to restrict access and ensure remains and/or cultural material remains *in situ* (undisturbed); and
- Inform:
The following parties are to be immediately informed of the discovery:
 - a. the council's heritage manager; and
 - b. the Heritage New Zealand Auckland manager; and
 - c. the NZ Police if the discovery is of potential human remains; and
 - d. the appropriate Mana Whenua representatives (the council can assist in contacting Mana Whenua representatives).

Comment [c1]: Consequential change from Ms Perwick's evidence to Topic 004

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3. Inspect site:

A site inspection for the purpose of initial assessment and response is to be arranged in consultation with the council, and all parties that have expressed an interest to attend will be invited. A minimum of 24 hours notice will be given. Mana Whenua may decide whether they wish to attend the initial site inspection, based on the information available at this stage.

The NZ Police are required to investigate human remains to determine whether they are those of a missing person or are a crime scene. The remainder of this process (with the exception of tikanga) will not apply until the Police confirm that they have no further interest.

4. Tikanga:

From the time of the first site inspection Mana Whenua will have an opportunity to commence with tikanga as required.

5. Assessment and response

Following site inspection and consultation between all parties, the council and Heritage NZ will determine the statutory requirements and Mana Whenua will identify the cultural requirements. Any recommended revisions to the spatial area within which work must cease shall be identified at the time of site inspection.

Mana Whenua may undertake a preliminary assessment of the Māori cultural values associated with the discovery to determine whether it is likely to be extensive, whether a more detailed site assessment is required, and whether restricted access should be maintained for an extended period pending such assessment.

6. Recommence work:

Earth moving work and other activities within the area of the discovery must not recommence until:

- a. Heritage New Zealand has confirmed that an archaeological authority has been approved for the work, or that none is required; and
- b. any required notification under the Protected Objects Act 1975 has been made to the Ministry for Culture and Heritage; and
- c. where the site is of Māori origin and an authority is not required the council will confirm in consultation with Mana Whenua that:
 - i. any kōiwi have either been retained in situ or removed in accordance with the appropriate tikanga; and
 - ii. any agreed revisions to the planned works have been made in order to address adverse effects on Māori cultural values.

d. the council has confirmed that there are no requirements in the case of archaeological sites that are not of Maori origin and are not covered by Heritage New Zealand Pouhere Taonga Act 2014

Notes:

- If the proposal is amended in order to avoid further disturbance this may give rise to additional consent requirements or require a variation to an existing consent.
- The council may undertake further assessment of the site outside the accidental discovery

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process to determine, in consultation with Mana Whenua for sites of Māori origin. An appropriate management response to the discovery may include recording and/or protecting the site by inclusion in the Mana Whenua overlays or historic heritage overlays pursuant to a plan change process.

2.5 Accidental discovery protocols

Historic heritage

1. In the event of an accidental discovery of archaeological material, the site owner or the site manager must take the following steps:
 - a. Work must cease immediately at that place.
 - b. The contractor must shut down all machinery, secure the area and advise the site manager.
 - 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.
 - 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.
 - e. If skeletal remains are uncovered the site manager shall advise the police.
 - f. Works affecting the archaeological site must not resume until the New Zealand Historic Places Trust gives approval for work to continue.

Mana Whenua cultural heritage

2. If, at any 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 accidental discovery protocol must be followed:
 - a. The site owner or the site manager must immediately advise the council, and the kaitiaki and kaumatua of the relevant Mana Whenua and New Zealand Historic Places Trust.
 - b. The site owner or the site manager must secure the site until approval to proceed with work has been granted by the council in consultation with Mana Whenua.
 - c. Further work at the site must be suspended, should Mana Whenua wish to carry out their procedures and tikanga for the site and the nature of the discovery.
 - d. The site owner or the site manager must immediately arrange a site inspection by Mana Whenua and their advisors and the New Zealand Historic Places.
 - e. The site owner or the site manager must ensure that representatives are available to guide those parties through the site.
 - f. The site inspection will determine whether the discovery is likely to be extensive and whether a thorough site investigation is required.
 - 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.
 - 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 Maori values.
 - i. Work at the site must not recommence until approval has been granted by the council in

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~~consultation with Mana Whenua and the New Zealand Historic Places Trust.~~

- ~~3. Where kōiwi, archaeology or artefacts of Māori origin are uncovered during site works, the council will work with Mana Whenua to record the following information that will contribute to Mana Whenua knowledge of their cultural heritage:~~
- ~~a. site location~~
 - ~~b. details of content~~
 - ~~c. carbon dating.~~
- ~~4. A development that does not comply with the above accidental discovery protocol is a discretionary activity.~~

~~Contaminated land~~

- ~~5. Where contaminated land or landfill material is encountered during the course of works and disturbance of that contaminated land or landfill material is not expressly allowed as a permitted activity in the Unitary Plan, land use consent or designation, the site owner or site manager must take the following steps:-~~
- ~~a. the works must cease and immediate measures must be implemented to protect the health and safety of people and the environment~~
 - ~~b. inform the council immediately~~
 - ~~c. the works must not recommence until the Unitary Plan requirements are met or relevant resource consents are obtained, or in the case of a designation, the potential adverse environmental effect is mitigated or avoided.~~

Consequential amendments

Chapter I.6 General Coastal Marine Zone

3.1 General controls - all permitted activities

- X. The accidental discovery protocol outlined in clause 1.X of the General provisions in Chapter G must be implemented if, during disturbance of the coastal marine area an archaeological site, archaeological material, artefacts or potential human remains (kōiwi) are uncovered.