



9 March 2023

File ref: KDC PPC 82

Kaipara District Council,
Private Bag 1001,
Dargaville 0340

Submission 18

planchanges@kaipara.govt.nz

Dear Sir/Madam

SUBMISSION OF HERITAGE NEW ZEALAND POUHERE TAONGA TO PROPOSED PLAN CHANGE 82 (PRIVATE): MOONLIGHTS HEIGHTS

To: Kaipara District Council
Name of submitter: Heritage New Zealand Pouhere Taonga

- 1. This is a submission on the following proposed change to the Kaipara District Plan (Operative) (the proposal):**
- Proposed Private Plan Change 82, from Moonlight Heights Limited, to rezone 39.2 hectares of land at 163 Awakino Road, Dargaville from the existing Rural Zone to the Residential Zone with a precinct (proposed to be named: Awakino Precinct) to protect ecological features, promote high quality urban design, provide open space and connectivity.
- Heritage New Zealand could not gain an advantage in trade competition through this submission.**
- Heritage New Zealand Pouhere Taonga (HNZPT) is an autonomous Crown Entity with statutory responsibility under the Heritage New Zealand Pouhere Taonga Act 2014 (HNZPTA) for the identification, protection, preservation, and conservation of New Zealand's historical and cultural heritage. Heritage New Zealand is New Zealand's lead agency for heritage protection.
- The specific provisions of the proposal that Heritage New Zealand's submission relates to are:**
- The lack of relevant archaeological assessment of the area proposed to be rezoned.
- Heritage New Zealand's submission is:**
- HNZPT does not object to the purpose of PC82 to re-zone the identified 39.2 hectares of land at 163 Awakino Road, Dargaville to the Residential Zone with the proposed Awakino Precinct.
- HNZPT's submission relates to the inadequate assessment of historic heritage of the areas proposed to be rezoned for Residential zone.

18.1



10. Historic heritage is a matter of national importance under Section 6(f) of the Resource Management Act 1991 (the RMA). The definition of historic heritage under Part 2 of the RMA includes archaeology. Therefore, effects on archaeological sites must be taken into account when assessing Proposed Private Plan Change 82 – Moonlight Heights. 18.2
11. The HNZPTA provides protection for all archaeological sites, whether recorded or not. It is unlawful to modify or destroy an archaeological site without the prior authority of HNZPT. By careful project design, it is frequently possible to avoid any such modification. However, where avoidance of an archaeological site is not possible, an Archaeological Authority will be required. An Archaeological Authority is also required if there is reasonable cause to suspect that an archaeological site may be modified or destroyed. All applications for Archaeological Authorities must be made to HNZPT. 18.3
12. The outcome of the rezoning, from Rural to Residential, will require significance earthworks of those areas for the urbanisation of this area.
13. Section 8.11 of the Assessment of Environmental Effects for PC82 it is stated that the area over which the plan change is proposed does not contain “any known historic heritage features or areas of significance to Māori or archaeological sites” (page 45). With reliance on the accidental discovery protocol if any unknown, subsurface archaeology is unearthed during future development of the area under the proposed residential zoning provisions. 18.4
14. Without an archaeological assessment of the plan change area undertaken by a qualified archaeologist it is difficult for the effects of the rezoning of the area to be determined. In HNZPT’s opinion and contrary to what is stated in Section 8.11, presently it is unknown if there will be no effects on archaeology.
15. **The reasons for Heritage New Zealand’s position are as follows:**
- It is important to have assessed, prior to the progression of PPC82, if the land within the PPC 82 area has the potential for there to be unearth unrecorded archaeology. Therefore, an archaeological site assessment, by qualified archaeologist is required of the entire PC82 area, and those findings discussed with HNZPT to determine whether an archaeological authority would need to be obtained.
 - The re-zoning will enable the urbanisation of land within the PC82 area which has the potential to damage or destroy unrecorded archaeology. Therefore, an archaeological site assessment by a qualified archaeologist should be conducted.
 - HNZPT does not concur that an Accidental Discovery Protocol (ADP) is sufficient or appropriate in this instance to address the identified potential for subsurface archaeology. 18.5
 - HNZPT notes, however, if, the archaeological assessment determines that there would be a low probability of archaeological potential, any such discoveries would be “accidental” or unexpected and reliance on the accidental discovery protocol rules would apply.
 - HNZPT notes the Cultural Impact Assessment (CIA) undertaken by Te Roroa Commercial Development Ltd on behalf of Te Roroa Whatu Ora and Manawhenua Trusts



(TRWO&MWT). In particular, the statement: "The land on which the Moonlight Heights Limited proposed development is significant due to its place within this landscape, as well as the proximity to the aforementioned areas" (paragraph 7.7, page 19).

18.6

- HNZPT wishes it noted, and concurs with the statement by TRWO&MWT, the CIA does not negate the need for an archaeological assessment to determine whether there is the potential for archaeological materials.
- The development of any part or portion on land within the PPC 82 area that involves earthworks has the potential to damage or destroy unrecorded archaeology. As noted earlier, all archaeology whether recorded or not is protected under the HNZPTA.

16. **Heritage New Zealand seeks the following decision from the local authority:**

17. Opposes the proposed private plan change PP82 as notified.

Yours sincerely

pp for Sherry Reynolds
Director Northern Region

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