

WAINUI, AUCKLAND, MILLDALE DEVELOPMENT, AUCKLAND – WASTEWATER TREATMENT PLANT: FAST TRACK ARCHAEOLOGICAL ASSESSMENT

Prepared for Fulton Hogan Land Development Ltd

February 2025



By

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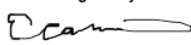
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STATEMENT OF QUALIFICATIONS AND EXPERIENCE

I am a co-director at Clough & Associates. Clough & Associates is a heritage consultancy specialising in archaeological and historic heritage assessment and management. I hold a Master of Science Degree in Environmental Archaeology and Palaeoeconomy from the University of Sheffield which I completed in 1991. I am also a member of the New Zealand Archaeological Association (NZAA).

I have 27 years of professional experience in the heritage consultancy field. My experience includes archaeological research, survey, excavation, analysis and report preparation, initially in Asia and have worked full time in New Zealand carrying out assessments of effects for development and infrastructure projects since 2014. I have been involved in the Milldale development project since 2016.

I confirm that, in my capacity as the author of this report, I have read and abide by the Environment Court of New Zealand's Code of Conduct for Expert Witnesses Practice Note 2023.

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Ellen Cameron

February 2025

INTRODUCTION

Project Background

Fulton Hogan Land Development Ltd (FHLd) is seeking approval to authorise the construction and operation of a Wastewater Treatment Plant (WWTP) on Lysnar Road, Wainui. The key elements of the proposal include:

- Site compound;
- Wastewater Treatment Plant;
- Site Establishment;
- Ownership & Operation; and
- Duration & Disestablishment.

A full description of the project is provided in the application AEE.

The Wastewater Treatment Plan site (the Site) is located within Lot 4 DP 353309 which has a total area of 10.45 ha (see Figure 1). The Site is on the northern side of Lysnar Road, Wainui and is located directly adjacent to the Milldale development and just outside the Wainui Precinct. The parent site is characterised by undeveloped rural land that has historically been used for farming. The topography of the parent site generally slopes from north-west to south-east and has two stands of poplar trees. There is an unnamed tributary of the Waterloo stream that bisects the southern portion of the site.

The area subject to the works and enhancement planting covers a total land area of approximately 1.21 ha and has been positioned in the southern corner of the parent site, directly adjacent to Lysnar Road as illustrated in Figure 2 and Figure 3 below. The works site is generally flat and has been utilised as a construction compound supporting the delivery of ongoing delivery of the Milldale development. A full description of the Site and surrounds is provided in the application AEE.

A wastewater pipe alignment has previously been constructed to service the Milldale development and an archaeological assessment was prepared in advance of these works (Cameron and Phear 2019). The 2019 report included the background and history of the general area, and also included a survey on parts of the property containing the proposed WWTP site and that information has been used to inform this report.

Purpose of this Report

This report has been commissioned by FHLd to establish whether the proposed development of the WWTP is likely to impact on archaeological values and is designed to be read in conjunction with the above mentioned 2019 archaeological assessment. This report has been prepared in support of the application by Fulton Hogan Land Development (FHLd) for a resource consent to the Environmental Protection Authority (EPA) under the Fast-Track Approvals Act 2024 (FTAA). Resource consent is required for the construction and operation of a Wastewater Treatment Plant (WWTP) involving earthworks, wastewater

discharges and vegetation removal. Recommendations are made in accordance with statutory requirements.

Methodology

The New Zealand Archaeological Association's (NZAA) site record database (ArchSite), Auckland Council's Cultural Heritage Inventory (CHI), Auckland Unitary Plan Operative in Part (AUP OP) schedules and the Heritage New Zealand Pouhere Taonga (Heritage NZ) New Zealand Heritage List/Rārangī Kōrero were searched to determine whether any archaeological sites had been recorded on or in the immediate vicinity of the proposed WWTP site. Literature and archaeological reports relevant to the area were consulted (see Bibliography). Early survey plans were checked for information relating to past use of the property.

The part of the proposed WWTP site which was not previously surveyed, was visited on 6 November 2024. The ground surface was examined for evidence of former occupation (in the form of shell midden, depressions, terracing or other unusual formations within the landscape relating to Māori settlement, or indications of 19th century European settlement remains). Exposed and disturbed soils were examined where encountered and limited subsurface testing with a probe and spade was undertaken to gather any evidence of earlier modification and an understanding of the local stratigraphy. Photographs were taken to record the topography and features of interest. As the southeastern section of the Site had been previously surveyed (Cameron and Phear 2019) it was not resurveyed, however, the results of that survey are included in this report for reference. It is also noted that area previously surveyed has been modified through construction works that took place after the 2019 survey.



Figure 1. Upper map showing the location of the proposed WWTP site in the Greater Auckland Area and lower inset showing the property containing the proposed WWTP site (location indicated by white arrows) (source: Auckland Council Geomaps)

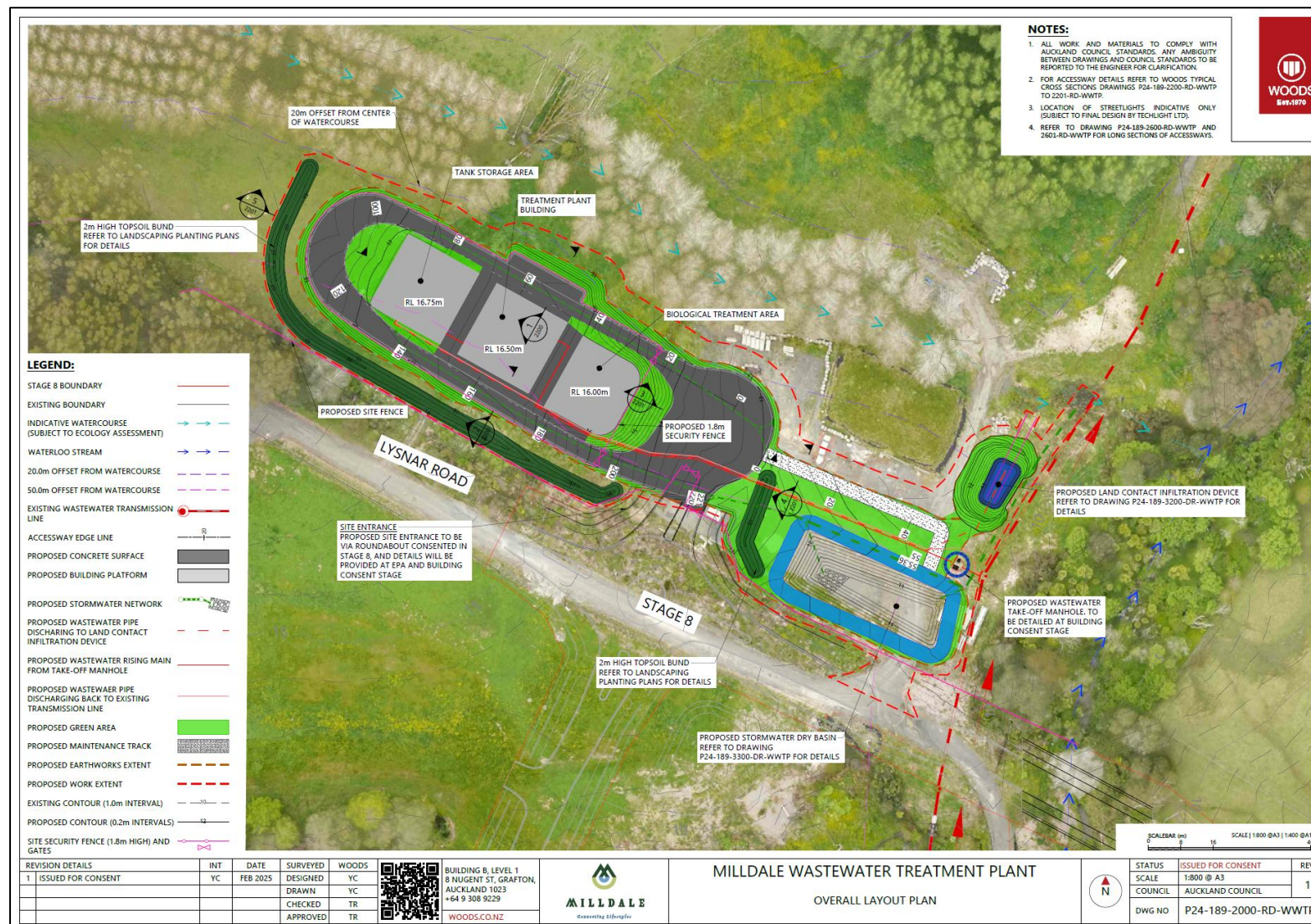


Figure 2. Plan showing the location of the proposed WWTP and associated features (source: Woods)

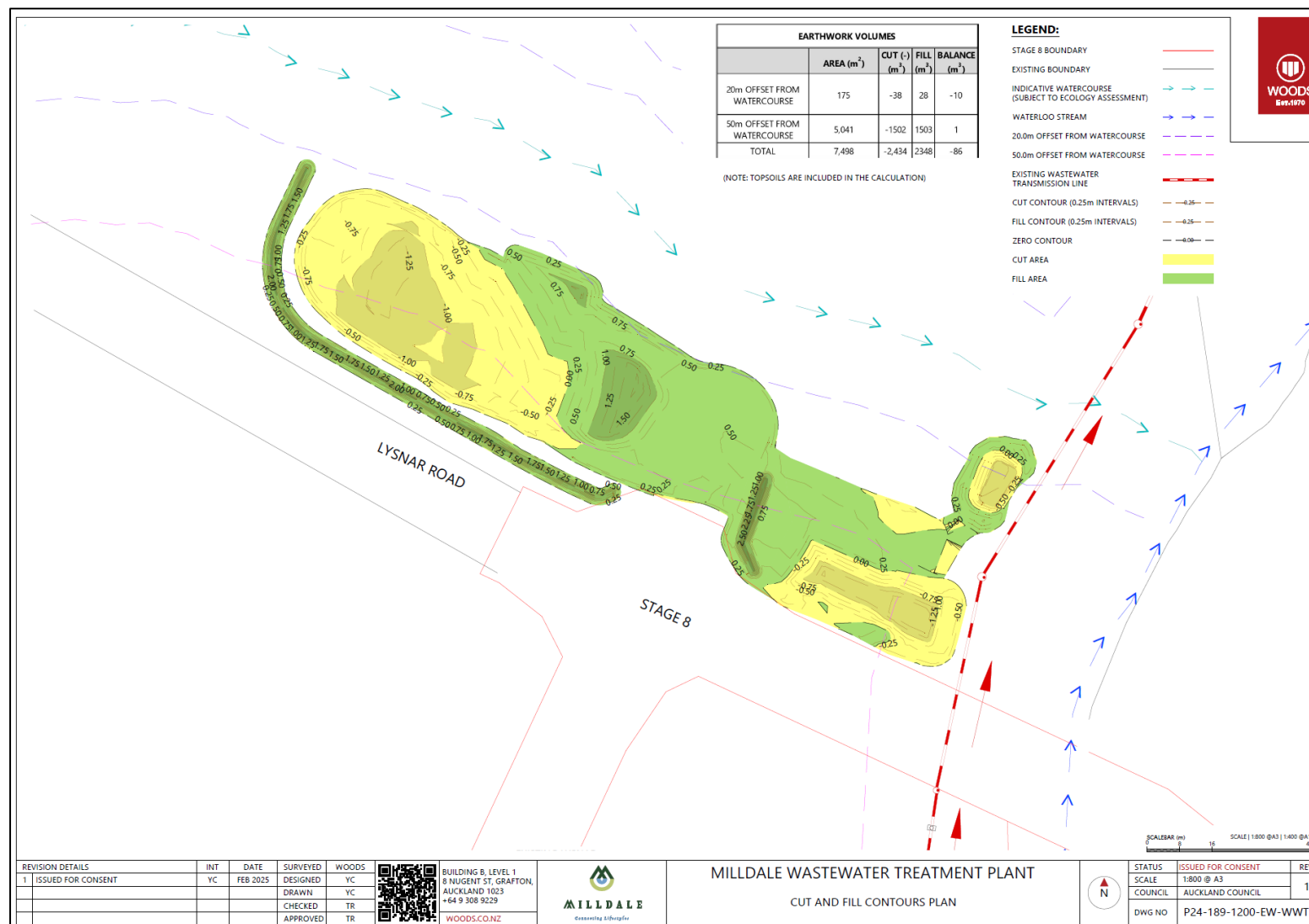


Figure 3. Earthworks plan for the proposed development (source: Woods)

HISTORICAL BACKGROUND

Māori Settlement¹

Campbell and Clough (2003), Judge and Clough (2005), and Mosen et al. (2000) have each synthesised the pre- and post-European contact histories of the wider Hibiscus Coast area. These accounts in turn draw upon earlier work by Turton (1877-78), Murdoch (1991) and Grover (1996). Murdoch (1991:32–34) compiled the traditional history of the Whangaparāoa from various sources and much of this is relevant to the Ōrewa and Silverdale area. The area's Māori history is shown to be complex, reflecting both the mobile nature of Māori settlement and political changes through time.

The eastern part of the site is in close proximity to Waterloo Creek which feeds into the Ōrewa River where a known canoe portage trail followed the river inland, heading past Wainui and joining the Waitoki Stream before merging with the Kaukapakapa River and reaching the Kaipara Harbour (see Waitangi Tribunal 2006: 17). The presence of this trail, which allowed good east to west transport, could have contributed to historical use of the area.

At the time of European contact in the 1820s several interrelated hapū known as Ngāriki lived in the area between Takapuna and Mahurangi, part of the wider Te Kawerau/Ngāti Rongo group with links throughout the greater Auckland area and beyond. The residents of Whangaparāoa were known as Ngāti Kahu, whose identity had emerged in the 1600s. Various migrations associated with the great voyaging canoes into this area had taken place from the late 1400s, including Ngāti Tāhuhu and the descendants of Tainui, who became Ngāti Tai and occupied Whangaparāoa (Campbell and Clough 2003:5).

In 1821 the area was attacked by musket-armed Ngāpuhi under Hongi Hika (Murdoch 1991). Following this attack, the area was left largely deserted, being used primarily as a hunting and resource collection area (Grover 1996). The area was repopulated from about 1836, and it was later sold as part of the 1841 Mahurangi Purchase (Turton 1877-78).

The Mahurangi Purchase took place on 13 April 1841 and was the first large tract of land in the area to be acquired by the Crown. This included the Mahurangi and Omaha Block (Deed No. 192) comprising 100,000 acres, 'more or less', with boundaries stretching from Takapuna in the south to Te Arai Point in the north (Locker 2001: 64). During the 1840s numerous claims were made on land included in the 1841 purchase and the government attempted somewhat unsuccessfully to settle the ownership disputes throughout the 1840s. Parts of the area remained occupied by Māori until the final settlement of claims against the Mahurangi Purchase in 1853, when they were resettled on Native Reserves to the north, between Puhoi and Tāwharanui (Bedford and Felgate 1994: 2).

¹ While the section on Māori settlement is based on reliable documentary sources, this information should not be viewed as complete or without other context. There are a large number of iwi historically associated with the Auckland region and many other histories known to tangata whenua.

European Settlement

Following the final settlement of claims against the Mahurangi Purchase in 1853, surveying and land sales in the district increased with most of the land in the area initially harvested for timber before being converted into farming blocks. In general, the land was not considered to be of good quality.

The closest town to the proposed WWTP site is Silverdale, which has a European settlement history dating back to the 1840s, when it consisted primarily of temporary camps set up for work gangs exploiting the surrounding area for sources of timber and firewood to supply the growing settlement at Auckland and also for collection of kauri gum (Grover 1996). Early private land purchases by Europeans from Ngāti Whātua and Ngāti Paoa chiefs occurred as early as 1839 but were disallowed by the government in 1848 on the grounds that the land was government owned (Campbell et al. 2013: 7). The early settlers who had purchased the land were now awarded smaller blocks. After the Crown purchase of land in the area the settlement, which was referred to as 'The Wade' up until 1911 when the name was changed to Silverdale, began to grow, with 200-300 settlers living in the area of the Weiti River by 1853 (Grover 1996). The settlement continued to expand during the 1850s as the town grew into a thriving commercial centre based on the timber industry.

After the land had been cleared through timber harvests the lots were converted to farming land. Much of the area, however, was not particularly suited for growing wheat or similar crops. This is highlighted in an article published in *New Zealand Herald* (3 April 1889) which states:

‘The poverty of the Wade lands and their unsuitability for cultivation had become quite proverbial and to mention ‘the Wade’ or Wainui to a would-be cultivator of the soil was quite enough to make his blood run cold at the thought of anyone attempting to make a living off such sterile land.’

However, it was also noted in the same article that in the early days of the settlement wheat had been grown by the settlers and almost every pioneering homestead contained a hand wheat-mill for making bread; but by 1889, this was considered a thing of the past and no longer occurring in the district. Instead, the suitability of the land for fruit orchards was highlighted and it was noted that a number of apple varieties were doing particularly well, along with plums and pears to a lesser degree (ibid.).

HISTORICAL SURVEY

Information from Early Maps and Plans and Archival Research

The proposed WWTP site is located in what was the Pukekohe block which is shown along with adjacent blocks and land claims on a survey plan from the 1860s on Figure 4. The plan shows that the property containing the proposed WWTP site is located in Allotment 199. The plan does not have any indication of ownership of the allotment. Another early plan (possibly dating to 1895) in Figure 5 shows a subdivision to the east of the proposed WWTP site. As can be seen in the recent plans in Figure 6, subdivision of Allotment 199 occurred in 1990 and 2005. A land title search indicates that Allotment 199 was granted to Thomas Hobson in 1867 and remained in the Hobson family until it was sold in 1910 (Table 1). After this sale the land changed hands a number of times during the first half of the 20th century.

Table 1. Property details for Allotment 199 Parish of Waiwera

Instrument	Party 1	Party 2	Date Recorded	Where Recorded
Crown Grant 196E, 198, 199	Crown	Thomas Hobson	27 December 1867	9BG/233
Probate	Thomas Hobson Dec'd		3 February 1891	R176/532
Conveyance	Hobson (estate)	Hobson	22 February 1892	R176/533
Conveyance	Hobson	Brunton & ano.	12 March 1910	R176/535
Conveyance 198, 199	Brunton	Maddison	30 March 1912	R193/521
Conveyance	Maddison	Weir	11 February 1914	R229/206
Conveyance	Weir	Merton	3 March 1921	R350/197
Conveyance	Merton	Weir	16 October 1925	R467/611
Conveyance	Weir	White & ano.	29 September 1930	R536/413
Conveyance ER	White & ano.	Southern	29 June 1931	R570/505
Variation	Southern	Weir	29 June 1931	R570/506
Probate	Weir Dec'd		9 May 1933	R593/112
Cert. Admin.	E M Weir Dec'd		31 July 1936	R593/112
Variation	Southern	Public Trustee	8 June 1937	R596/67
Title Issued			28 January 1941	NA764/76

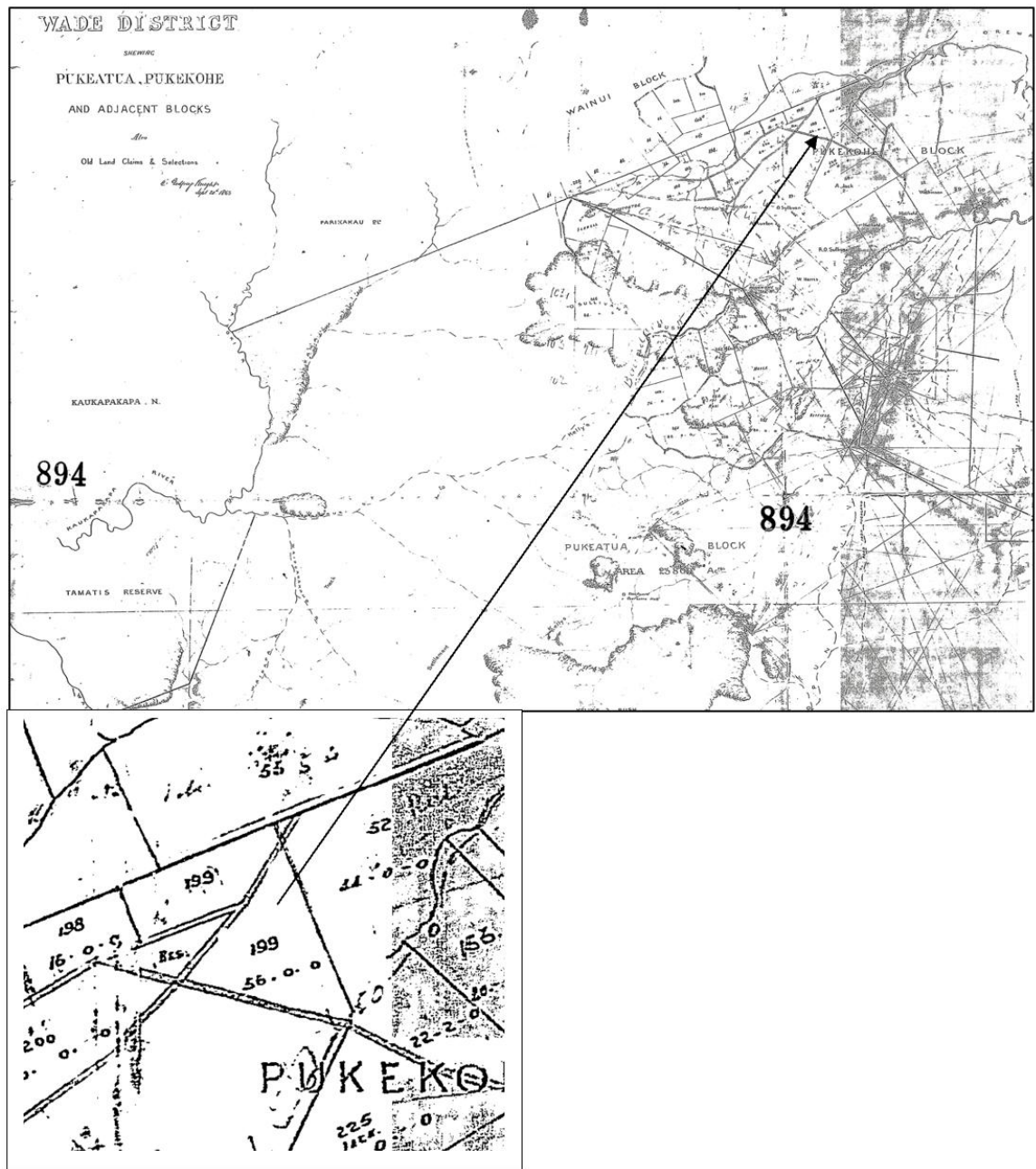


Figure 4. AK SO 894 (186?) with the proposed WWTP site located in Allotment 199, shown in detail in lower inset (source: Quickmap)

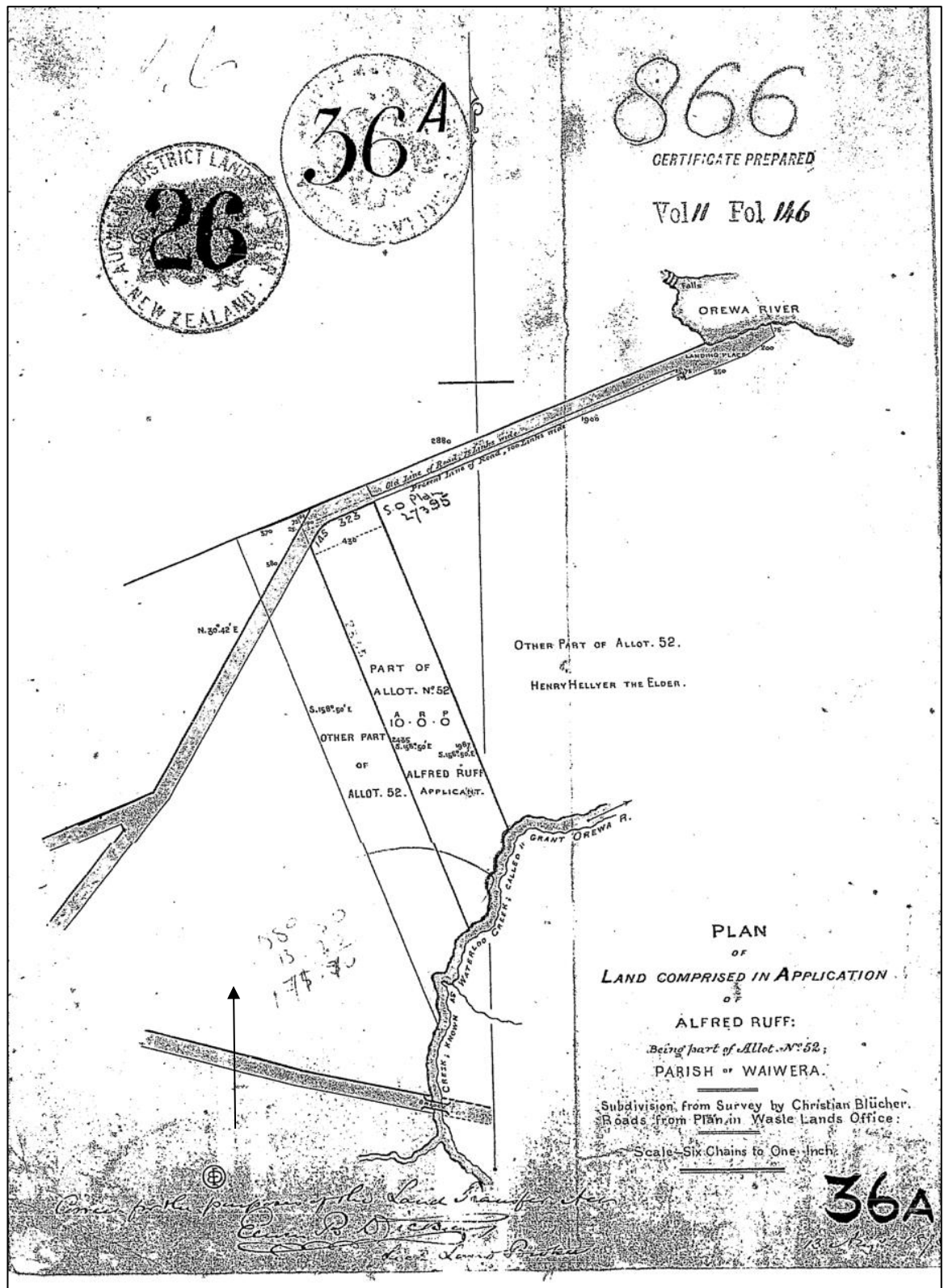


Figure 5. AK 36A (possible date 1895 – writing unclear) showing subdivision of part of Allotment 52 with the name Alfred Ruff annotated, which lies to the east of Allot 199 indicated by arrow (source: Quickmap)

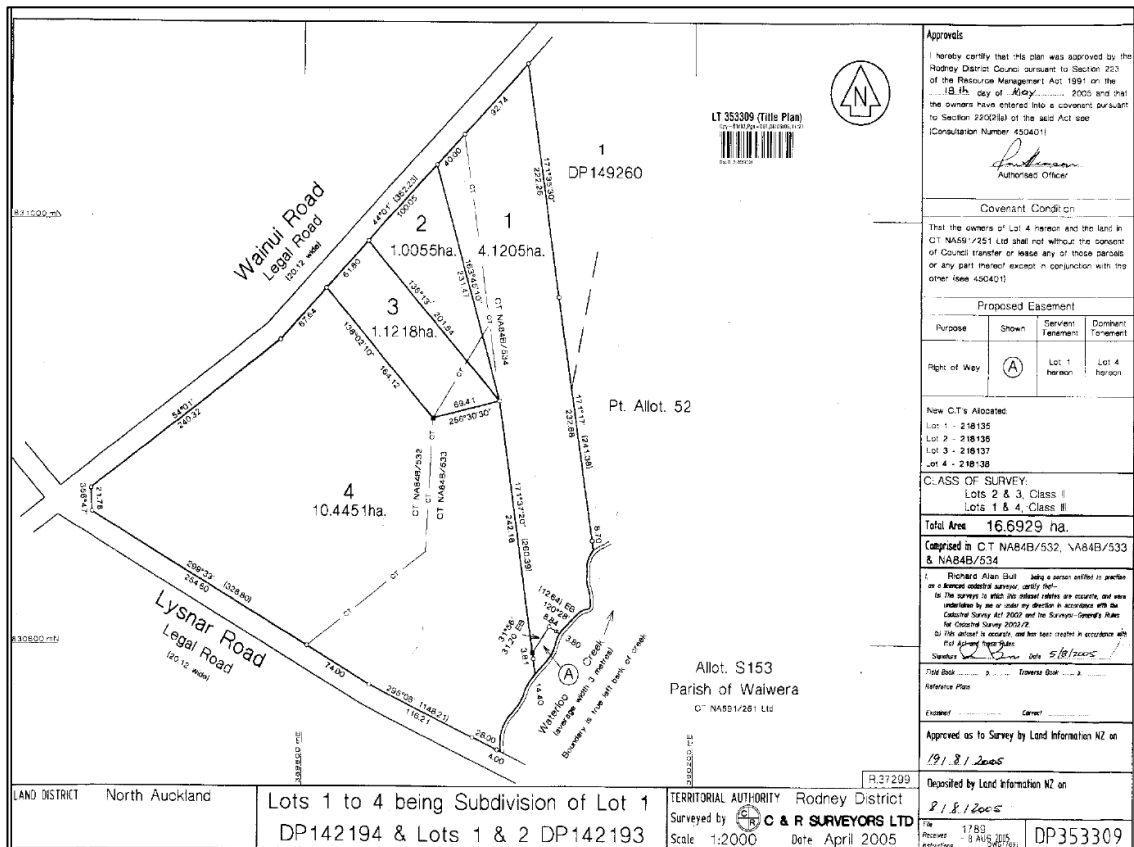
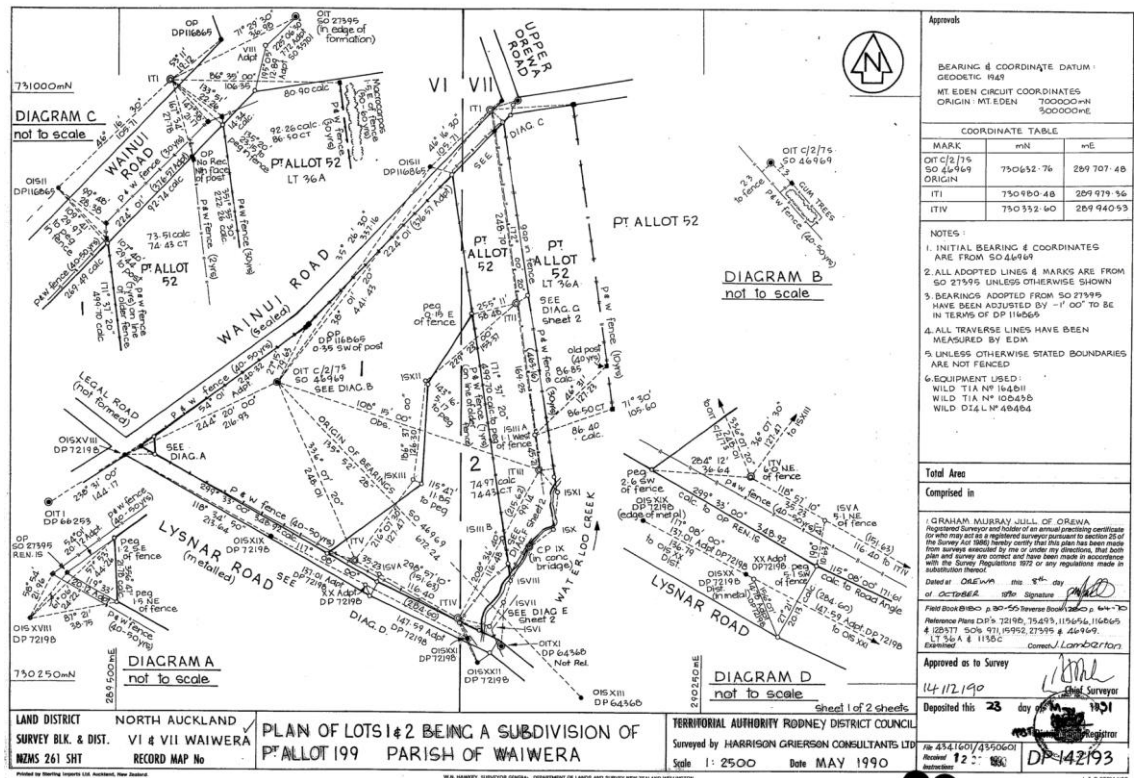


Figure 6. Upper plan AK DP 142193 dated 1990 showing the subdivision of Allotment 199; and lower AK DP 353309 dated 2005 showing the subdivision that created Lot 4 DP 353309 (source Quickmap)

ARCHAEOLOGICAL BACKGROUND

The majority of archaeological sites in the Wainui/Silverdale area were recorded in 1994 as part of a survey conducted for the Rodney District Council to determine the archaeological potential of urban expansion areas around Ōrewa (Bedford and Felgate 1994). The remainder were recorded during assessments for various residential and commercial developments. As can be seen on the map in Figure 7, the majority of the sites are located along the edges of major waterways. There have been suggestions that the imbalance is caused by a bias in field survey locations (as most are located in development sites along the coast). However, early European accounts of the inland area describe it as heavily wooded and unlikely to have been utilised apart from for hunting and resource collection (Campbell et al. 2013). Two sites have been recorded in the general vicinity of the property containing the proposed WWTP site (within c.1000m), with the closest being R10/1452 c.700m to the west (Figure 8). It consists of a section of drystone wall, the date of which has not been determined. The site is also recorded on the Auckland CHI (CHI: 22301). The only other archaeological site in the general vicinity is located along the Ōrewa River, c.1000m to the northeast. This is R10/1571 which is the location of an area of cuts into exposed bedrock and believed to be associated with a dam that powered a flax mill. The cuts are described as being rectangular in shape and located either side of the stream measuring c.50cm in width and being 50cm deep. The length could not be determined as the cuts extended into the centre of the stream. The mill itself would have been located to the south of the dam, most likely in the landing reserve. There are no other historic heritage sites recorded in the general area. Summary details of the sites described above are provided in Table 2 and locations are shown in Figure 8.

Based on the historical research for this assessment, the property containing the proposed WWTP and the surrounding allotments were granted to European settlers in the mid-19th century. However, apart from the drystone wall (R10/1452) located c.700m to the west and the features associated with flax milling (R10/1571) located c.1000m to the northeast, there is no evidence of archaeological sites associated with European settlement in proximity to the proposed WWTP site. As well, the potential for the presence of archaeological sites associated with Māori occupation and settlement are considered to be low as the proposed WWTP site is situated somewhat inland and not in close proximity to any navigable waterways, where such sites are usually located.

Table 2. Summary details of the archaeological sites and historic heritage sites referred to in this report

NZAA Ref	CHI Ref	Site Type	Description	NZTM Easting	NZTM Northing
R10/1452	22301	Agricultural Pastoral	Drystone wall of indeterminate age.	1746982	5947515
R10/1571	-----	Flax Milling	Cuts in bedrock interpreted as location of a dam for a flax mill which would have been located further downstream.	1748278	5948534

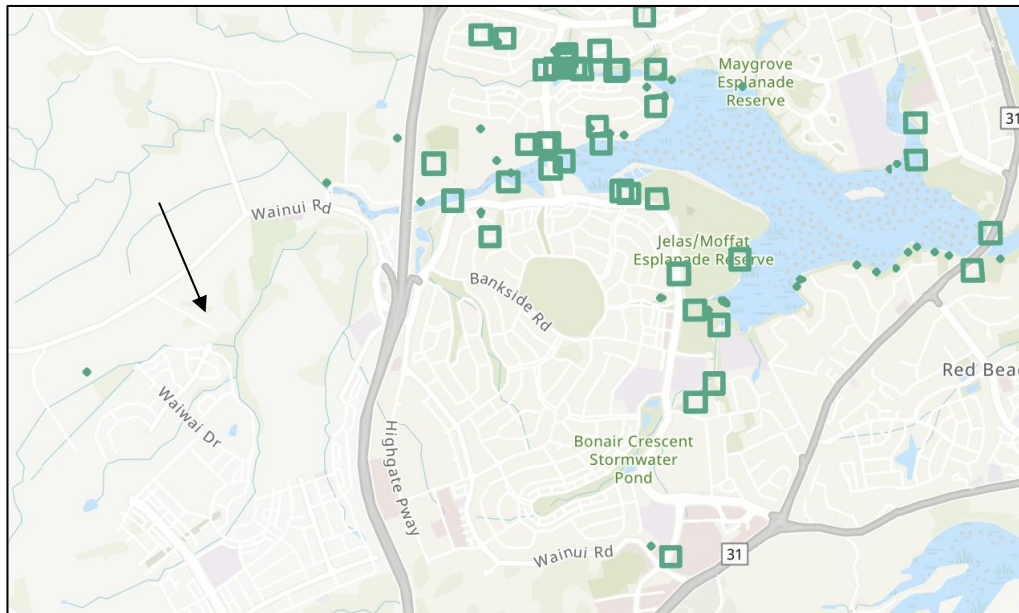


Figure 7. Map of the broader region with proposed WWTP site indicated by black arrow, showing that the majority of archaeological sites (green symbols) have been recorded along major waterways (source: NZAA Website)



Figure 8. Aerial map showing the location of recorded archaeological sites within c.1000m of the proposed WWTP site, which is indicated by the white arrow (source: NZAA Website)

PHYSICAL ENVIRONMENT

Topography, Vegetation and Modifications

The property containing the proposed WWTP site slopes down from Wainui Road in a southeasterly direction towards Waterloo Creek, which makes up part of the southern boundary of the property. The proposed development is situated in the southern part of the property and borders Lysnar Road with a stand of trees to the northeast, which are situated along an overland flow path as can be seen in Figure 9. The land in this area slopes down quite gently from c.20m to 15m asl. As can be seen in the 1944 topographical map in Figure 10, the property containing the proposed WWTP site was marked as being covered by scrub at that time and the aerial photograph in Figure 11 confirms that the property containing the proposed WWTP was indeed scrub covered in 1940. As can be seen in the aerial photograph in Figure 12, dated 1961, the scrub had been cleared and the property was now mostly grass covered. The aerial photograph from 1996 in Figure 13 shows that the overland flow path to the north of the proposed WWTP site appears to have had some channelling works done and the 2010 aerial photograph (also in Figure 13) shows that the stand of trees had now been planted around the overland flow path. The above-mentioned aerial photographs do not show any major modifications to the property containing the proposed WWTP site; however, a more recent aerial photograph dated 2022 (in Figure 14), shows that the southeastern part of the proposed WWTP site has been modified through construction related activities.

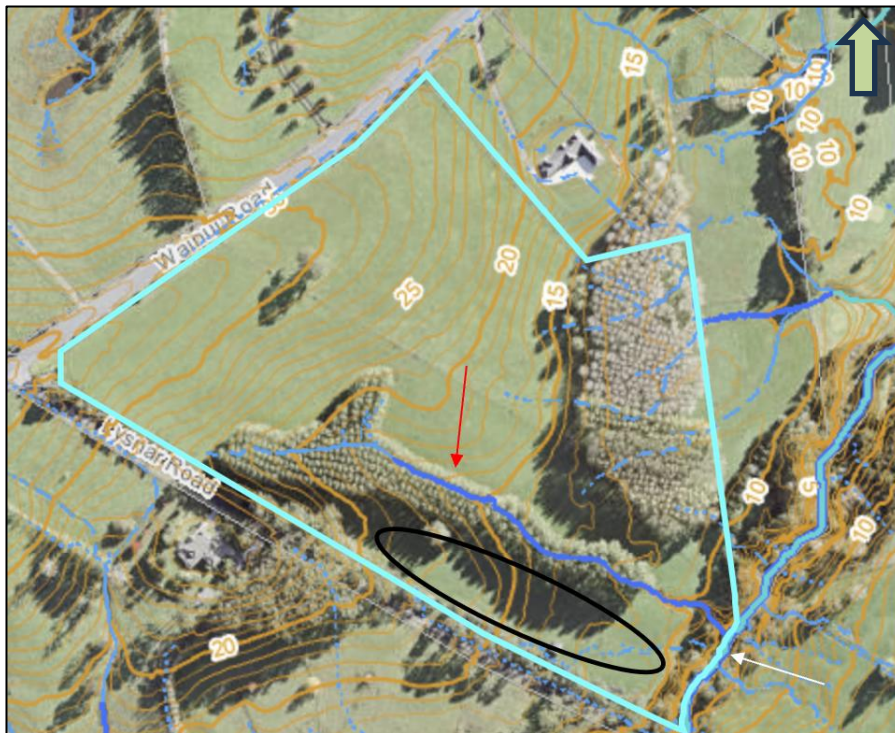


Figure 9. Aerial photograph of the property containing the proposed WWTP site outlined in turquoise showing waterways, with Waterloo Creek indicated by white arrow and an overland flow path to the north indicated by red arrow; the general location of the proposed WWTP site is circled in black (source: Auckland Council GeoMaps)

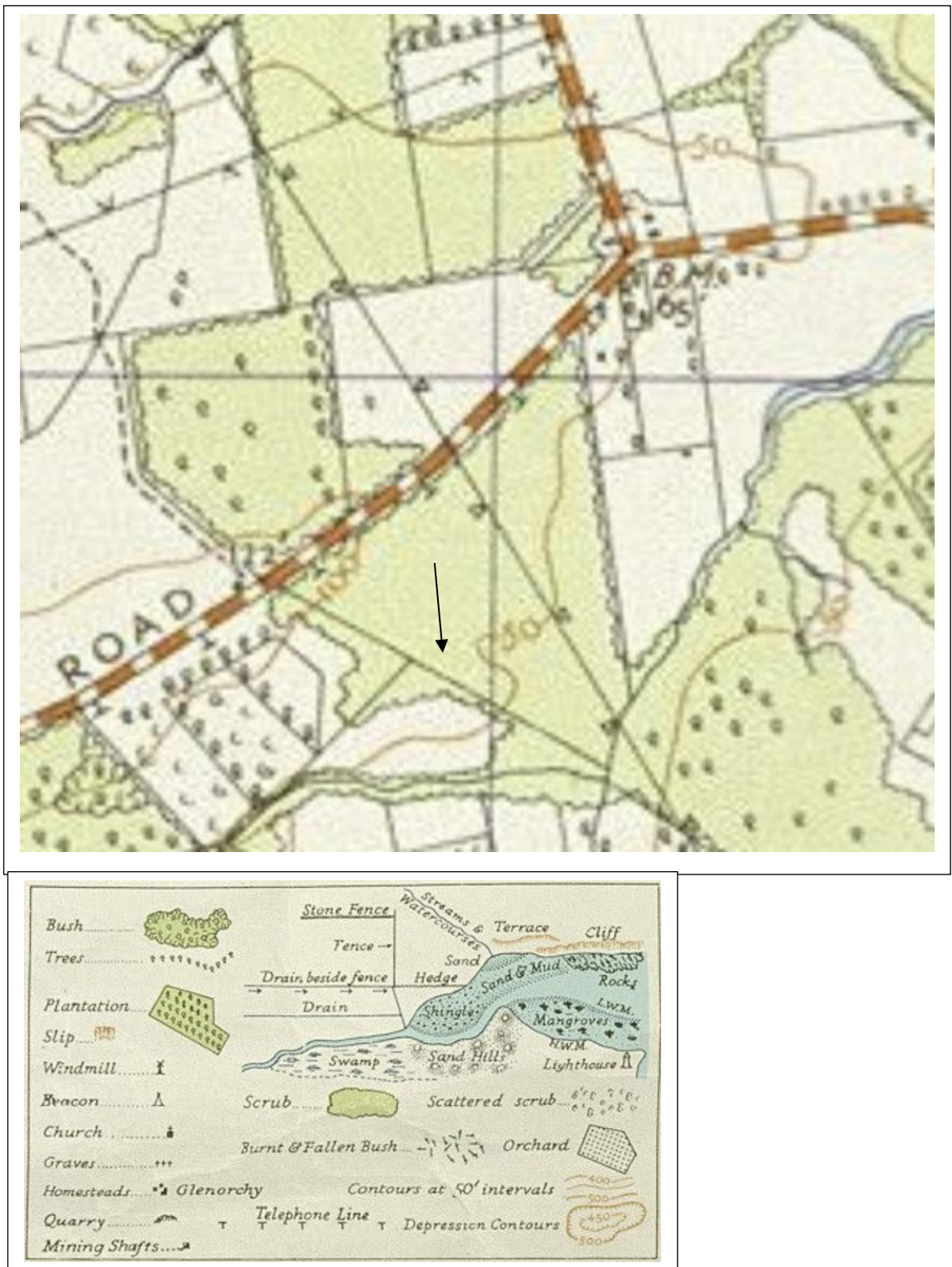


Figure 10. Cropped 1:25 000 scale map dated 1944 with the approximate location of the proposed WWTP site indicated by arrow (source: Auckland Libraries Heritage Collections Map 2262)



Figure 11. Aerial photograph dated 1940 (Crown 143 84 29) showing the property containing the proposed WWTP site outlined in turquoise with approximate location of the proposed WWTP site circled in black (sourced from: <http://retrolens.nz> and licensed by LINZ CC-BY 3.0)



Figure 12. Aerial photographs dated 1961 (Crown 1370 C 1) with property containing the proposed WWTP site outlined in turquoise and with approximate location of the proposed WWTP site circled in black (sourced from: <http://retrolens.nz> and licensed by LINZ CC-BY 3.0)



Figure 13. Upper aerial photograph dated 1996 and lower aerial photograph dated 2010 with the approximate location of the proposed WWTP site circled in black (source: Auckland Council GeoMaps)



Figure 14. Aerial photograph dated 2022 showing modifications from construction activities associated with previous wastewater infrastructure works (source: Google Earth)

FIELD ASSESSMENT

A survey of areas that had not been previously surveyed was undertaken on 6 November 2024. The area in the vicinity of Waterloo Creek that had been included in a survey of proposed wastewater infrastructure in 2019 (Cameron and Phear 2019) and was not resurveyed. It should be noted that the previously surveyed area was observed to have been modified by construction activities that had taken place after the 2019 survey and the results from that survey are provided below for reference only.

2024 Survey Results

The survey area was walked over, visually scanned and probed and two test pits (c.25cm x 25cm) were undertaken (Figure 15). The ground in the area was quite dry and the ground was difficult to penetrate with the probe. The probing, where possible, did not identify any changes in subsurface consistency that would indicate the presence of archaeological features such as pits or shell midden.

The first test pit was located at coordinates E1747625 N5947792 +-4m in a paddock with thick grass cover (-). The test pit showed a yellowish-brown silt topsoil from 0-8cm below surface (bs) with a mixed light yellowish brown silty clay from 8-14cm (bs) where a yellowish-orange silty clay layer was identified. There were no inclusions in the test pit. The second test pit (TP2) was located at coordinates E1747606 N5947819 +-4m in a paddock with short grass (Figure 17). This test pit showed a yellowish-brown silt topsoil from 0-8cm (bs) over a disturbed subsoil showing a mix of yellowish-brown silt and yellowish-orange clay from 8-17cm (bs) where a yellowish-orange clay layer was encountered. Both of the test pits showed some signs of previous disturbance, most likely from ploughing.

No archaeological features or deposits were identified during the survey.

2019 Survey Results

The area covered by this survey included the southeastern part of the proposed WWTP site near Waterloo Creek. In 2019, the area was found to be situated in a grassed paddock which was in use as a deer farm. A deep gully associated with the overland flow path was noted. The area along Waterloo Creek was noticeably boggy and contained a mixture of exotic and native tree species. A photograph of the area taken during the 2019 survey is shown in Figure 18.

No archaeological deposits or features were identified in this area during the survey and, as noted, the area was subsequently modified by construction activities relating to the wastewater pipeline.



Figure 15. Aerial plan showing the locations of the two test pits undertaken during the survey with the area tested during the 2019 survey indicated by black arrows (source: Auckland Council GeoMaps)



Figure 16. Photograph showing the general location of test pit (T1), looking north with detail of test pit in inset



Figure 17. Photograph showing the general location of test pit (T2), looking east with line of planted trees in the background and with detail of test pit in inset



Figure 18. Photograph from the 2019 survey taken from the overland flow path gully prior to construction works, looking west

DISCUSSION AND CONCLUSIONS

Summary of Results

No archaeological sites have been previously recorded within or in close proximity to the proposed WWTP site and none were identified during the survey for this assessment. The historical research undertaken for this assessment indicates that although the property containing the proposed WWTP site was granted to European settlers in the mid-19th century, there is no evidence that it was in use for anything other than general agricultural purposes up to the modern day. As well, the potential for the presence of unidentified archaeological sites associated with Māori occupation and settlement is considered to be low as the property is situated somewhat inland and not in close proximity to any navigable waterways, where such sites are most often located.

Māori Cultural Values

This is an assessment of effects on archaeological values and does not include an assessment of effects on Māori cultural values. Such assessments should only be made by the tangata whenua. Māori cultural concerns may encompass a wider range of values than those associated with archaeological sites. The historical association of the general area with the tangata whenua is evident from the recorded sites, traditional histories and known Māori place names.

Survey Limitations

It should be noted that archaeological survey techniques (based on visual inspection and minor sub-surface testing) cannot necessarily identify all sub-surface archaeological features, or detect wahi tapu and other sites of traditional significance to Māori, especially where these have no physical remains.

Archaeological Value and Significance

The archaeological value of sites relates mainly to their information potential, that is, the extent to which they can provide evidence relating to local, regional and national history using archaeological investigation techniques, and the research questions to which the site could contribute. The surviving extent, complexity and condition of sites are the main factors in their ability to provide information through archaeological investigation. For example, generally pā are more complex sites and have higher information potential than small midden (unless of early date). Archaeological value also includes contextual (heritage landscape) value. Archaeological sites may also have other historic heritage values including historical, architectural, technological, cultural, aesthetic, scientific, social, spiritual, traditional and amenity values.

The proposed WWTP site has no known archaeological values as no sites have previously been recorded on the property and none were identified during field survey.

Effects of the Proposal

The proposed development will have no known effects on archaeological values as no archaeological sites have been identified within the proposed works area or on any other parts of the property containing proposed WWTP site. It is noted, however, that in any area where archaeological sites have been recorded in the general vicinity it is possible that unrecorded subsurface remains may be exposed during development. While it is considered unlikely in this situation, as the proposed works are located some distance from the coast and any navigable waterways where the majority of archaeological sites associated with Māori occupation are located and there is no evidence of early European usage apart from general agricultural activities, the possibility is provided for under the AUP OP Accidental Discovery Rule (E12.6.1).

Fast Track Approvals Act 2024

Under the Act in Section 42C (1), an authorised person for a listed project or a referred project may lodge with the EPA. Under section 42 (3) (a) the applicant must be eligible to apply for any corresponding approval under a specified Act. A substantive application may seek: under Section 42(4)(a) a resource consent that would otherwise be applied for under the Resource Management Act 1991 and section 42(4)(d) a designation or an alteration to an existing designation for which a notice of requirement would otherwise be lodged under the Resource Management Act 1991. As well, under Section 42 subsection (4) (i) an archaeological authority described in section 44(a) or (b) of the Heritage New Zealand Pouhere Taonga Act 2014 that would otherwise be applied for under that Act- but as stated in section 42 subsection (9) (a) may be made only if the application also seeks an approval described in subsection 4 (a) or (d); it may also include an application under clause 7 of Schedule 8 application for approval of person to carry out activity subsection 9 (b).

Schedule 8 section 4 (1) states that the panel when considering an application for an archaeological authority, the panel must take into account

- (a) The purpose of this Act; and
- (b) The matters set out in section 59 (1) (a) and (5) of the HNZPT Act; and
- (c) The matters set out in section 47 (10) (a)(ii) and 5 of the HNZPT Act; and
- (d) A relevant statement of the general policy confirmed or adopted under the HNZPT Act.

Schedule 8 section 9 states that an authority granted under this Act-

- (a) Has the same force and effect as if it were granted under section 48 of the HNZPT Act; and
- (b) For the purposes of the HNZPT Act, must be treated as if it were an authority granted under that Act.

The purpose and principles of the RMA in relation to historic heritage are discussed below. Regional, district and local plans contain sections that help to identify, protect and manage archaeological and other historic heritage sites. The plans are prepared under the provisions of the RMA. The Auckland Unitary Plan (OP) is relevant to the proposed activity. There

are no scheduled historic heritage sites included on the AUP (OP) on the property containing the proposed WWTP site.

This assessment has established that the proposed activity will have no effect on any known archaeological remains, and has little potential to affect unrecorded subsurface remains. If resource consent is granted, consent conditions relating to archaeological monitoring or protection would therefore not be required. However, if suspected archaeological remains are exposed during subdivision development works, the Accidental Discovery Rule (E12.6.1) set out in the AUP OP must be complied with. Under the Accidental Discovery Rule works must cease within 20m of the discovery and the Council, Heritage NZ, Mana Whenua and (in the case of human remains) NZ Police must be informed. The Rule would no longer apply in respect to archaeological sites if an Authority was in place. It is therefore recommended that if Fast Track consent is granted, it includes a condition requiring that if any archaeological sites encountered, works should cease in the immediate vicinity and the Accidental Discovery Rule should be implemented – unless an archaeological authority has been issued as part of the consent.

An archaeological Authority granted under the FTAA has the same force and effect as an Authority granted under the Heritage New Zealand Pouhere Taonga Act 2014 and for purposes of the HNZPTA, must be treated as if it were an authority under that Act (Schedule 7 Section 12A (a) and (b)). See below for the definition of an archaeological site under the HNZPTA, and the situations where Authorities are required to be in place.

Resource Management Act 1991

Section 6 of the RMA recognises as matters of national importance: ‘the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga’ (S6(e)); and ‘the protection of historic heritage from inappropriate subdivision, use, and development’ (S6(f)).

All persons exercising functions and powers under the RMA are required under Section 6 to recognise and provide for these matters of national importance when ‘managing the use, development and protection of natural and physical resources’. There is a duty to avoid, remedy, or mitigate any adverse effects on the environment arising from an activity (S17), including historic heritage.

Historic heritage is defined (S2) as ‘those natural and physical resources that contribute to an understanding and appreciation of New Zealand’s history and cultures, deriving from any of the following qualities: (i) archaeological; (ii) architectural; (iii) cultural; (iv) historic; (v) scientific; (vi) technological’. Historic heritage includes: ‘(i) historic sites, structures, places, and areas; (ii) archaeological sites; (iii) sites of significance to Māori, including wahi tapu; (iv) surroundings associated with the natural and physical resources’.

Heritage New Zealand Pouhere Taonga Act 2014

In addition to any requirements under the RMA, the HNZPTA protects all archaeological sites whether recorded or not, and they may not be damaged or destroyed unless an Authority to modify an archaeological site has been issued by Heritage NZ (Section 42).

An archaeological site is defined by the HNZPTA Section 6 as follows:

‘archaeological site means, subject to section 42(3), –

(a) any place in New Zealand, including any building or structure (or part of a building or structure) that –

(i) was associated with human activity that occurred before 1900 or is the site of the wreck of any vessel where the wreck occurred before 1900; and

(ii) provides or may provide, through investigation by archaeological methods, evidence relating to the history of New Zealand; and

(b) includes a site for which a declaration is made under section 43(1)’²

Authorities to modify archaeological sites can be applied for either in respect to archaeological sites within a specified area of land (Section 44(a)), or to modify a specific archaeological site where the effects will be no more than minor (Section 44(b)), or for the purpose of conducting a scientific investigation (Section 44(c)). Applications that relate to sites of Māori interest require consultation with (and in the case of scientific investigations the consent of) the appropriate iwi or hapu and are subject to the recommendations of the Māori Heritage Council of Heritage NZ. In addition, an application may be made to carry out an exploratory investigation of any site or locality under Section 56, to confirm the presence, extent and nature of a site or suspected site.

An archaeological authority would not be required for the proposed activity as no sites have been identified within the proposed WWTP site and the potential for unidentified sites to be present is low.

However, if an archaeological site were to be exposed, it would be subject to the provisions of the HNZPTA unless an authority had already been issued under the FTAA consent. It is noted that the wastewater treatment project covered in this assessment will be submitted as part of the Fast Track application along with Stages 10-13 of the Milldale development which will require an authority to modify to be issued under the FTAA. To avoid any delays should unidentified subsurface features be exposed by the proposed works, consideration could be given to including the proposed WWTP site in the authority, to cover all works undertaken for this project, as a precaution. This should be obtained before any earthworks are carried out. The conditions of the authority are likely to include archaeological monitoring of preliminary earthworks, and procedures for recording any archaeological evidence before it is modified or destroyed. This approach would have the advantage of allowing any archaeology uncovered during the development of the property to be dealt with immediately, avoiding delays while an Authority is applied for and processed.

Conclusions

No archaeological sites have been recorded previously within property containing the proposed WWTP, and only two sites have been recorded in the general vicinity (within c.1000m). These are a drystone wall located c.700m to the west and features associated

² Under Section 42(3) an Authority is not required to permit work on a pre-1900 building unless the building is to be demolished. Under Section 43(1) a place post-dating 1900 (including the site of a wreck that occurred after 1900) that could provide ‘significant evidence relating to the historical and cultural heritage of New Zealand’ can be declared by Heritage NZ to be an archaeological site.

with a flax mill c.1000m to the northeast. No archaeological sites were identified during the survey for this assessment, and part of the site has already been subject to earthworks.

Historical research has indicated that the proposed WWTP site is situated in an allotment that was granted to early European settlers in the mid-19th century; however, there was no evidence that the land was used for anything other than general agricultural purposes in the past. As well, the potential for archaeological sites associated with Māori occupation and settlement is considered low, as the majority of recorded sites are located along the coast or alongside navigable waterways, some distance from the proposed works.

An authority is therefore not required. However, if previously unidentified archaeological remains are exposed by earthworks, they would have statutory protection under the HNZPTA and can only be modified under an authority issued under the HNZPTA, or under an authority issued under the proposed Fast Track Approvals Act that would replace and have the same effect as an Authority under the HNZPTA.

RECOMMENDATIONS

- There should be no constraints on the proposed development of the proposed WWTP on archaeological grounds, since no archaeological sites are known to be present and it is considered unlikely that any will be exposed during development.
- If no Authority has been included in the FTAA consent and subsurface archaeological evidence should be unearthed during construction (e.g. intact shell midden, hangi, storage pits relating to Māori occupation, or cobbled floors, brick or stone foundation, and rubbish pits relating to 19th century European occupation), or if human remains should be discovered, the Accidental Discovery Rule (section E.12.6.1 of the AUP OP) must be followed. This requires that work ceases within 20m of the discovery and that the Auckland Council, Heritage NZ, Mana Whenua (if the site relates to Māori settlement and (in the case of human remains) the NZ Police are notified. The site cannot then be modified until an Authority has been obtained (*note this is a legal requirement*)
- Alternatively, the Authority for Milldale Stages 10 to 13, to be applied for under the FTAA, could include the proposed WWTP site as a precaution to avoid potential delays if archaeological sites are found once construction is under way.
- Since archaeological survey cannot always detect sites of traditional significance to Māori, such as wāhi tapu, the tangata whenua should be consulted regarding the possible existence of such sites in the proposed WWTP site.

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