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Urban & Environmental

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Milldale, Wainui

Fast-track Approvals Act 2024 Substantive Application

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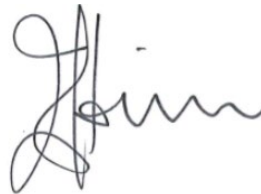
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1.0 Introduction

This archaeological authority application has been prepared in conjunction with the substantive application to the Environmental Protection Authority (**EPA**) to authorise Stages 10-13 and Stage 4C of the Milldale development, together with a supporting temporary wastewater treatment plant (**WWTP**).

As a Listed Project in Schedule 2, this Application has been made in accordance with s42 of the FTAA and approval is sought for:

- An Archaeological Authority that would otherwise be applied for under the Heritage New Zealand Pouhere Taonga Act (**HNZPT Act**).

The proposal requires a General Authority to remove a recorded archaeological site (NZAA Site Number – R10/1452) consisting of a drystone wall. Additionally, in the event any unrecorded archaeological features are uncovered during the earthworks phase of the development, the authority has been sought to apply to the full Site extent of Milldale Stages 10 – 13, Stage 4C and WWTP.

The application also seeks the approval of a person nominated to undertake the activity under the Archaeological Authority. In this case, the Project Archaeologist is proposed to be Ellen Cameron of Clough & Associates.

The information provided in this application meets the detailed information and assessment requirements of clause 2 and clause 7 of Schedule 8 of the FTAA.

It is intended that this report is read in conjunction with the Overview Report (**Volume 1**).

1.1 Purpose of the Report

This archaeological authority application is provided in accordance with the requirements of clause 43(3)(i) of the FTAA.

The information required for an application for archaeological authority is set out clause 2(1) – (3) of Schedule 8.

As set out within clause 2(2) of Schedule 8 of the FTAA, if the substantive application includes the information required by subclause (1) for the purpose of the resource consent application, the substantive application may –

- (a) include the same information for the purposes of this clause; but*
- (b) must ensure that all of the information required by subclause (1) is provided.*

In accordance with clause 2(2) of Schedule 8, the following subclause (1) information requirements have already been met within the Overview Report and subsequent volumes of the Application:

- (a) a legal description of the land or, if one is not available, a description that is sufficient to identify the land to which the application relates; and*
- (b) the name of the owner of the relevant land, if the applicant is not the owner of the land; and*
- (c) proof of consent, if the owner has consented to the proposed activity; and*

(d) confirmation that the application complies with section 46(2)(a), (b), and (d).

For this reason, they are not repeated here.

An FTAA checklist, which confirms that this application meets the requirements for approvals as set out in clause 2 of Schedule 8 is included as **Appendix 5A**.

In summary, this application relates to a Listed Project, provides all information required under clause 2(1) – (3) of Schedule 8 in relation to the Heritage New Zealand Pouhere Taonga Act (HNZPT) Act.

2.0 Archaeological Site Description

This section is provided in accordance with subclause 2(1)(e) of Schedule 8 of the FTAA.

An Archaeological Assessment has been prepared by Clough & Associates, included in **Appendix 5B**. The Archaeological Assessment covers the Substantive Application site, encompassing Milldale Stages 10 – 13, Stage 4C, and the WWTP, subject to the Records of Title (ROT) set out in Table 1 and copies of which are attached to the Overview Report (**Volume 1**).

A description of the Archaeological Site to which this application relates is provided in the following sections.

Table 1: Application Site Details

Address	Legal Description	Size Area
Stage 4C		
21 Karapapa Road, Wainui, Auckland	Lot 9001 DP 586972 (1112048)	6.7489 ha
Stage 10-13		
507 Wainui Road, 525 Wainui Road, 131 Argent Lane, and 16 Lysnar Road.	Lot 9006 DP 602895 (1187464)	28.4085 ha
168 Argent Lane	Lot 1 DP 147739 (NA88A/16)	1.7895 ha
n/a	Lot 3 DP 151229 (NA90A/713)	6.4280 ha
167 Argent Lane	Lot 2 DP 147739 (NA88A/17)	2.4565 ha
n/a	Lot 2 DP 488814 (701832)	13.3000 ha
n/a	Lot 3 DP 488814 (701833)	25.3000 ha
107 Cemetery Road	Lot 1 DP 488814 (701831)	3.6336 ha
Temporary Wastewater Treatment Plant		
n/a	Lot 4 DP 353309 (218138)	10.4451 ha
Total site area:		98.5101

2.1 R10/1452 – Drystone Wall

As set out within the report, the Site is subject to the following recorded archaeological site within Stage 11 of the development area:

- NZAA Site Number R10/1452 – Drystone wall of indeterminate age

The archaeological site consists of an irregular drystone wall associated with the previous agricultural pasture use of the site. Whilst the date of construction has not been established based on the research carried out by Clough & Associates, a pre-1900 date for the wall has been considered possible.

The wall has a northwest-southeast orientation and is approximately 20m long and 1m high. The wall is collapsing at its northern end.

The location of the drystone wall in reference to the development area is shown within the Existing Features Plans included below in **Figure 1**. Images of the drystone wall are shown below in **Figures 2 and 3** below.

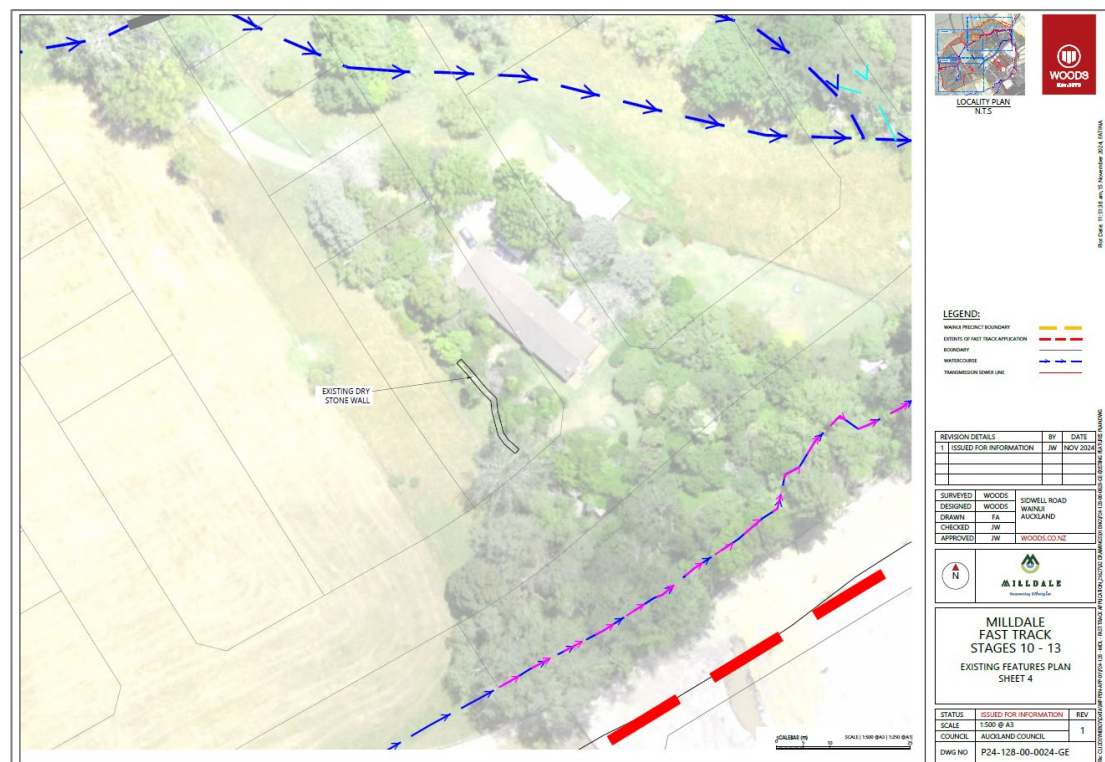


Figure 1: Existing Features Plan – Stone Wall Location in Stage 10: Source: Appendix 5B.



Figure 2: Recorded Archaeological Site R10/1452. Source: Appendix 5B.



Figure 3: Recorded Archaeological Site R10/1452. Source: Appendix 5B.

2.2 Wider Stages 10 – 13, 4C and WWTP Works Area

Within the wider Stages 10 – 13, 4C and WWTP work areas, no other archaeological features have been identified within the Site by Clough & Associates, including along the edges of streams. It is considered that the potential for any unrecorded features to be uncovered during earthworks is low.

It is noted that during site investigations by Clough & Associates, there was one area that was considered to have archaeological potential based on the previous investigations and research. The area within Stage 11 was identified as a flattened area on a low ridge to the northwest of the recorded site. However, further on-site investigations confirmed that there is no evidence of any archaeological remains within this area.

3.0 Proposal

This section is provided in accordance with clauses 2(1)(f) and 2(1)(g) of Schedule 8 of the FTAA.

An Archaeological Authority granted under the FTAA has the same force and effect as an Authority granted under the HNZPT Act and, for purposes of the HNZPT Act, must be treated as if it were an authority under that Act (Schedule 8 Section 9 (a) and (b)).

A description of the activity for which the authority is sought is provided within the Overview Report and subsequent volumes of the application. Overall, the activity relates to works associated with Milldale Stages 10 – 13, Stage 4C and the WWTP.

In short, the archaeological site (R10/1452) described above is located within the Stage 11 development area. Due to the earthworks required to achieve suitable ground contour to facilitate residential development and associated infrastructure, it is not practical to preserve the wall in situ.

While the wider development site is considered to have a low potential for containing archaeological remains, it is noted 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. Therefore, the authority has been extended to encompass the entire development site covering Stages 10 – 13, Stage 4C and the WWTP site.

In summary, the proposal seeks:

- An Archaeological Authority to destroy the wall under section 42(3)(i) of the FTAA. No Archaeological Authorities have been granted for the Site in the past.
- An Archaeological Authority for earthworks across Stages 10 – 13, Stage 4C and the WWTP development areas under section 42(3)(i) of the FTAA in the event that any unrecorded archaeological sites are uncovered during the proposed earthworks.
- Approval for a Project Archaeologist to oversee the works under the Archaeological Authority.

Details of how the archaeological works will be carried out, the proposed project archaeologist, and the proposed conditions of the authority are provided below.

3.1 Archaeological Management Plan

In support of the Archaeological Authority, Clough & Associates have prepared an Archaeological Management Plan (**AMP**), which is included in **Appendix 5C**.

The AMP includes a recording strategy for the R10/1452 – Drystone wall, along with the procedures to be followed during earthworks and for recording any archaeological evidence before it is modified or destroyed. It also provides protocols for the exposure of archaeological remains, including koiwi tangata (human remains) or taonga (Māori artefacts).

The archaeological monitoring will occur during earthworks within the vicinity of the recorded site and potential site, as shown in **Figure 6**. Monitoring will also be carried out during earthworks relating to Stages 10 – 13, 4C and the WWTP as identified in the AMP.

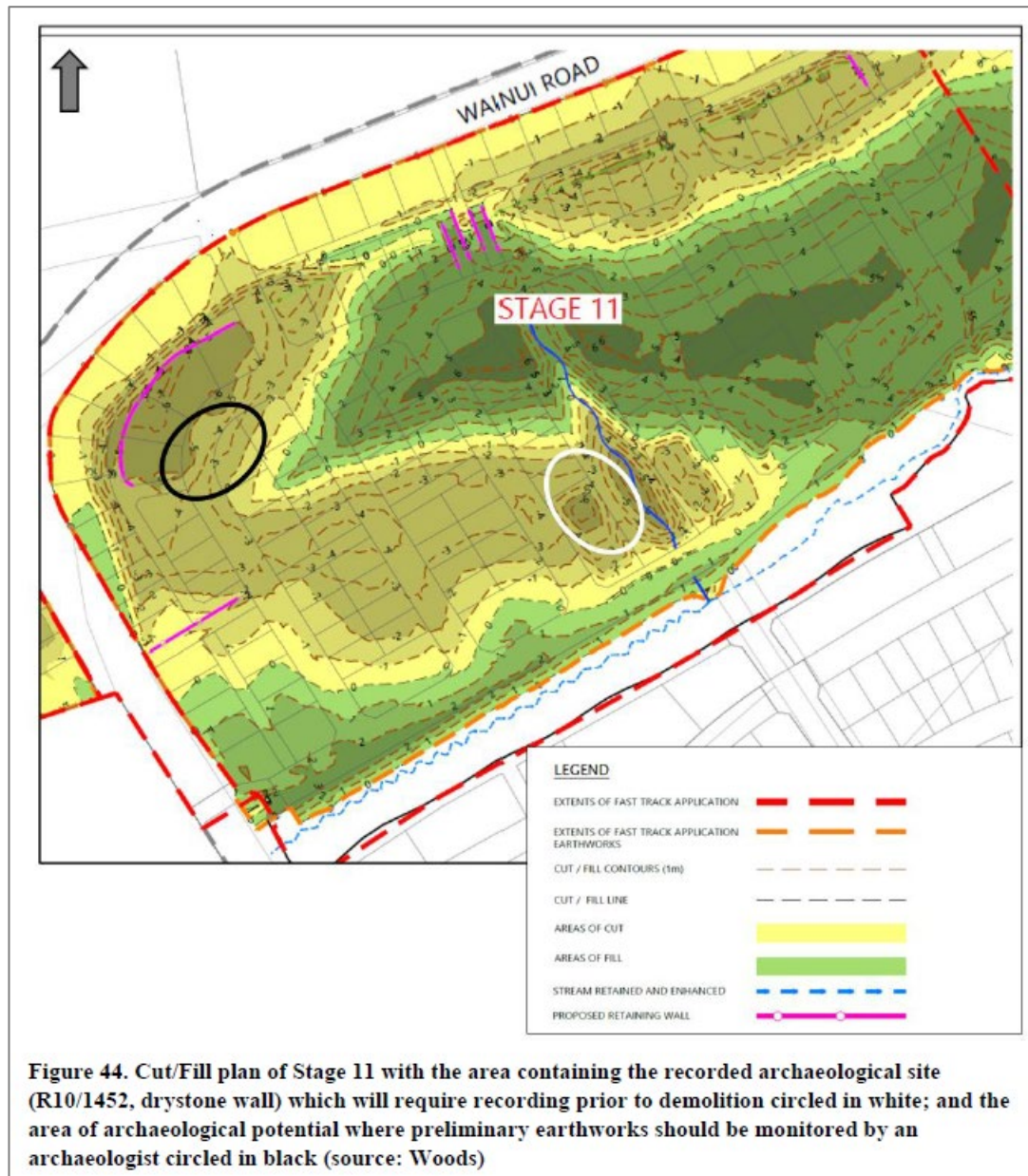


Figure 1: Stage 11 earthworks cut/fill plan detailing the extent of archaeological monitoring during the earthworks phase for the recorded site (white) and the potential site (black). Source: Appendix 5C.

3.2 Project Archaeologist

In accordance with clause 7 of Schedule 8 of the FTAA, a substantive application that seeks an archaeological authority may include an application for approval of any person nominated to undertake an activity under the authority.

The application also seeks approval of a person nominated to undertake the activity under the Authority. In this case, the proposed Project Archaeologist is proposed to be Ellen Cameron of Clough & Associates.

A statement has been provided by Ellen Cameron of Clough & Associates and is included in **Appendix 5D**. The statement is made in support of this Archaeological Authority which sets out

relevant contact information along with a statement of skills and competency in being the Project Archaeologist.

3.3 Proposed Conditions of Archaeological Authority

This section of the application is provided in accordance with clause 5 of Schedule 8 of the FTAA, that conditions be imposed on the Archaeological Authority.

The proposed Archaeological Authority Conditions are included in **Volume 6**. The conditions have been imposed to ensure that all works are carried out conforming to accepted archaeological practices and require:

- **Contractor Briefing:** All contractors working within the area to which the authority applies are to be briefed by the approved Archaeologist prior to the commencement of any works.
- **Notification to Heritage New Zealand Pouhere Taonga:** Prior to and following any archaeological works being undertaken, Heritage New Zealand Pouhere Taonga (HNZPT) will be notified.
- **Compliance with Archaeological Management Plan:** All works must be carried out in accordance with the AMP, prepared for the Authority by Clough & Associates (refer **Appendix 5C**).
- **Earthworks Monitoring:** All earthworks affecting archaeological sites must be monitored by the project archaeologist (or their appointee)
- **Investigation of Archaeological Evidence:** Any archaeological evidence found must be investigated, recorded, and analysed according to current archaeological practices.
- **Mana Whenua:** Access will be made available to the site for mana whenua to undertake tikinga, within site safety requirements. Mana Whenua will be notified prior to the commencement and completion of works across the site.
- **Kōiwi:** If any Kōiwi (human remains) are found, works will be stopped, and relevant agencies and mana whenua notified.
- **Taonga or Māori Artefacts:** If any Taonga or Māori Artefacts are found, mana whenua will be notified.
- **Reporting:** Following the completion of works, reporting will be submitted to HNZPT and mana whenua, which will follow the Archaeological Report Guideline (AGS12 2023). Any updated or new site records will be submitted to the NZAA Site Recording Scheme.

4.0 Archaeological Assessment

This section is provided in accordance with subclauses 2(1)(h)(i) and 2(1)(h)(ii) of Schedule 8 of the FTAA, and those matters contained in Clause 4 of Schedule 8.

4.1 Archaeological Values

In relation to archaeological site R10/1452, Clough & Associates conclude the following:

Overall, site R10/1452 is considered to have little archaeological or other historic heritage value based on the criteria discussed. It does not have any known historical associations and there is little information potential associated with the wall, as building techniques of drystone walls are well understood

Based on the limited archaeological value of the site, and that it is not practical to preserve the wall, it is considered preservation by record is appropriate. Prior to demolition, the site will be recorded by the Project Archaeologist.

Archaeological monitoring will occur during earthworks within the vicinity of the recorded site and potential site, as shown in **Figure 6**. Archaeological monitoring will ensure that any potential archaeological remains / evidence can be investigated, and the extent of the site recorded in detail.

Consistent with the recommendations of Heritage New Zealand outlined in Section 5 of the report below, an AMP including the recording strategy for the wall has been prepared by Clough & Associates (**Appendix 5C**). Adherence to the AMP during works will be a condition of the Archaeological Authority as set out in section 3.3 above and included in the conditions in **Volume 6**. Undertaking the works in accordance with the AMP is considered to sufficiently mitigate adverse effects on archaeological values at the time of construction.

The potential for any unrecorded archaeological sites to be covered by earthworks proposed across Stages 10 – 13, Stage 4C, and the WWTP site is considered to be low. However, including these within the extent of the Authority will ensure that there are agreed protocols across the contractor, project archaeologist, HNZPT and mana whenua in the event that any unrecorded sites are uncovered.

Based on the above assessment and conclusions of the Archaeological Assessment included in **Appendix 5B**, the potential adverse effects on archaeological values are considered to be less than minor and overall acceptable given the nature of the recorded archaeological site and archaeological monitoring and recording proposed.

4.2 Mana Whenua Values

Clough & Associates have concluded that the presence of archaeological sites associated with Māori occupation and settlement is considered to be low as the properties are situated somewhat inland and not in close proximity to any navigable waterways.

Consultation has been undertaken with the relevant iwi authorities who have historic and territorial rights in Tāmaki Makaurau, Auckland. A summary of the consultation is included in the Overview Report and **Appendix 1G** of that report. In summary, representatives of Ngati Manuhiri Settlement Trust and Te Kawerau Iwi Settlement Trust stated that their interest in the project was related to the temporary WWTP. No concerns have been raised regarding the archaeological values of the site.

The Applicant is committed to working with the iwi authorities constructively and will continue to meet with its representatives to discuss the lodged application and recommended conditions.

5.0 HNZPT Act

This section has been provided in accordance with subclauses 4(1) and 4(2) of Schedule 8.

The proposal is considered to accord with the purpose and principles of the HNZPT Act as follows.

5.1 Section 59(1)(a)

- Section 59(a)(i): The Archaeological Assessment identifies that the archaeological values of the site are low in the sense that the recorded features within the site are not significant features. In short, the archaeological site described above is located within the Stage 11 development area. On this basis, it is not practical to preserve the wall in situ.
- Section 59(1)(a)(ii): The authority to modify or destroy will have conditions relating to appropriate procedures in the event that additional archaeological sites are encountered during works. In any case, the Archaeological Assessment provided by Clough Associates and assessment considers that it is unlikely that any complex sites are located in the subject site and that any adverse effects on archaeological values resulting from the proposed development are likely to be less than minor subject to the implementation of the recommendations provided. As such, it is considered that the proposal will be consistent with the purpose and principles of the HNZPT Act.
- Section 59(1)(a)(iii): The archaeological site has low archaeological value and is located within the development area. As described above, it is not practical to preserve the wall in situ.
- Section 59(1)(iv): There are no statutory acknowledgement areas applying to the site.
- Section 59(1)(vi): the applicant has engaged with the relevant iwi authorities who have historic and territorial rights in Tāmaki Makaurau, Auckland. Representatives of Ngati Manuhiri Settlement Trust and Te Kawerau Iwi Settlement Trust stated that their interest in the project was related to the temporary WWTP. No concerns have been raised regarding the archaeological values of the site. Both iwi authorities have recommended accidental discovery protocols form a condition of consent. Accidental discovery protocols have been adopted within the AMP.

5.2 Section 47(a)(ii) and (5): Effects

An assessment of effects has been undertaken in section 4 of this AEE. In summary, the potential adverse effects on archaeological values are considered to be less than minor and overall acceptable given the nature of the recorded archaeological site and archaeological monitoring and recording proposed.

5.3 Relevant Statements of General Policy Confirmed or Adopted

The statement identified as relevant to Milldale is 'The Administration of the Archaeological Provisions'. It is considered that the Archaeological Assessment provided by Clough Associates has provided information and assessment which accords with the general policy, and that appropriate consultation with relevant iwi authorities and HNZPT has been undertaken. Given this, it is considered that the proposal is in accordance with this statement of general policy.

6.0 Consultation

This section has been provided in accordance with subclause 2(1)(i)(i) and 2(1)(i)(ii).

A summary of consultation is included within the Overview Report and **Appendix 1G** of that report. In summary:

- As set out in section 4.2, the applicant has engaged with the relevant iwi authorities who have historic and territorial rights in Tāmaki Makaurau, Auckland. Representatives of Ngāti Manuhiri Settlement Trust and Te Kawerau Iwi Settlement Trust stated that their interest in the project related to the temporary WWTP. No concerns have been raised regarding the archaeological values of the site.
- The applicant undertook consultation with the relevant Administering Agencies, which in this case includes Heritage New Zealand Pouhere Taonga (HNZPT). Consultation with Heritage New Zealand occurred in December 2024-January 2025. HNZPT have advised in writing that the project is uncomplicated from an archaeological perspective and recommended the preparation of a recording strategy to accompany the Archaeological Management Plan. Following meeting, an AMP and recording strategy was prepared. Adherence to the AMP is proffered as a condition of consent of this Archaeological Authority.

The feedback received to date has been provided to the project team and has been used to inform the development. This feedback will continue to feed into the detailed design as the project proceeds towards physical delivery.

7.0 Summary

In summary, an Archaeological Authority is sought to destroy the recorded archaeological site contained within the Stage 11 development area. An Archaeological Authority is also sought in relation to earthworks across the Stages 10 – 13, Stage 4C and WWTP development areas to avoid any potential delays during the earthworks phase. Based on the above report, it is considered that:

- All information required under clause 2(1) – (3) of Schedule 8 has been provided;
- A Project Archaeologist has been identified under clause 7 of Schedule 8;
- Appropriate consultation and engagement has been undertaken with Mana Whenua and HNZPT; and
- Having considered the actual and potential effects, the proposal will generate less than minor effects on the historic values of the environment.

It is therefore concluded that the proposal satisfies all matters the EPA is required to assess, and that Archaeological Authority can be granted under the FTAA.