

Form 5

Submission on notified proposal for policy statement or plan, change or variation.

Clause 6 of Schedule 1, Resource Management Act 1991

This is a submission on a private plan change.

Please complete this form if you wish to make a submission to The Rise private plan change.

Private plan change number: PPC83 | Private plan change name: The Rise Limited

Submissions must be received by 5pm on Wednesday 23 August 2023.

Overview of the Private Plan Change Proposal

The purpose of the private plan change is to rezone an area north of Mangawhai to a Residential Zone. The key features of the plan change are:

- Rezone 56.9ha of land at Cove Road and Mangawhai Heads Road from Rural Zone to Residential Zone, including consequential amendments to the Operative Kaipara District Plan Maps;
- The creation of a Precinct over top of the Residentially Zoned land with core provisions that protect ecological features and
- Apply any necessary consequential amendments to the KDP provisions.

You can read the Private Plan Change application documentation on the [Kaipara District Council website](#).

- **PRIVACY ACT NOTE:** Please note that all information provided in your submission is considered public under the Local Government Official Information and Meetings Act 1987 and may be published to progress the process for the private plan change and may be made publicly available.

You can make a submission on more than one provision using this form.

Each textbox can take up to 4000 characters. If your submission has more than 4000 characters, there is an option at the bottom of this page to upload your submission as a document.

- Please provide your details *

1A

Your first and last names	Heritage New Zealand Pouhere Taonga
Postal address	PO Box 0245, Kerikeri, 0230
Contact phone	0276840833
Email address for correspondence	amorris@heritage.org.nz

- Please select your preferred method of contact *

1B

- Email
- Postal

- Do you have an agent who is acting on your behalf? *

1C

- Yes
- No

- If you have any attachments that relate directly to your submission on PPC83, you can upload the file/s
1E here

- [PPC83 - The Rise Ltd - HNZPT Submission 23 August 2023.pdf](#)

- If you are a person who could gain an advantage in trade competition through making a submission on PPC83 you may only make a submission if you are directly affected by an effect of PPC83 that:

1. adversely affects the environment, and
2. does not relate to trade competition or the effects of trade competition.

Clause 6(4) of Part 1 of Schedule 1 of the Resource Management Act 1991.

- Trade competition and adverse effects - select one: *

2A

- I could gain an advantage in trade competition through this submission
- I could not gain an advantage in trade competition through this submission

- Would you like to present your submission in person at a hearing? *

2C

- Yes
- No

- If others make a similar submission, will you consider presenting a joint case with them at the
2D hearing? *

- Yes
- No

- Please submit on ONE provision at a time. You can submit on further provisions in this form.

- **The specific provision of the proposal that your submission relates to:**

3A

(For example - Zoning)

please see attached document.

- Do you support or oppose the provision stated above?

3B

- Support
- Oppose

- What decision are you seeking from Council?

3C

- Retain
- Amend
- Add
- Delete

- Your reasons.

3D

Please see attached document.

**Example -
supports
the growth
of
Mangawhai**

3E Do you want to make a submission on another provision? Add another submission point
 I'm finished

- Thank you for your submission, it has been forwarded to the District Planning Team who will contact you if any further information is required.

A copy of your responses will be emailed to you shortly so that you can save a copy for your files.

If you have any queries at all please email the District Planning
Team: districtplanreview@kaipara.govt.nz or phone 0800 727 059

- [PublicVoice](#)



23 August 2023

File ref: KDC PPC 83

Kaipara District Council,
Private Bag 1001,
Dargaville 0340

planchanges@kaipara.govt.nz

Dear Sir/Madam

**SUBMISSION OF HERITAGE NEW ZEALAND POUHERE TAONGA TO PROPOSED PLAN CHANGE 83
(PRIVATE): THE RISE LIMITED, COVE ROAD, MANGAWHAI**

To: Kaipara District Council

Name of submitter: Heritage New Zealand Pouhere Taonga

This is a submission on the following proposed change to the Kaipara District Plan (Operative) (the proposal):

1. Proposed Private Plan Change 83, from The Rise Limited, to rezone 56.9 hectares of land at Cove Road and Mangawhai Heads Road, Mangawhai from Rural Zone to Residential Zone, with a precinct (proposed to be named: Cove Road North 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.

2. 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:

3. The lack of relevant archaeological assessment of the area proposed to be rezoned.

Heritage New Zealand's submission is:

4. HNZPT does not object to the purpose of PC83 to re-zone the identified 56.9 hectares of land to the Residential Zone, with a specific precinct, under the Operative Kaipara District Plan.
5. HNZPT's submission relates to the inadequate archaeological assessment of the areas proposed to be rezoned for Residential zone.
6. 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, the identification of archaeological sites and effects must be informed by appropriately qualified archaeological assessment and considered when assessing Proposed Private Plan Change 83 – The Rise Limited.

7. The outcome of the rezoning, from Rural to Residential, will require substantial earthworks for the urbanisation of this area. These earthworks, including revegetation, landscaping and remediation of wetlands and coastal /stream margins, could damage or destroy archaeological sites.
8. The HNZPTA 2014 provides protection for all pre 1900 archaeological sites, whether recorded or not and irrespective of their being scheduled in the District Plan or resource or building consent having been obtained. It is unlawful to modify or destroy an archaeological site without the prior authority of HNZPT. By careful and informed 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 unrecorded archaeological sites may exist and be modified or destroyed by works. All applications for Archaeological Authorities must be made to HNZPT.
9. Section 8.11 of the Assessment of Environmental Effects for PC83 states 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 49). The purpose of an archaeological assessment is for qualified archaeological field survey and to identify and avoid damage to any archaeological sites (whether recorded or not) and in doing so, to inform the development of proposal. 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 this could lead to delays.
10. Without undertaking an archaeological assessment prepared by a suitably qualified archaeologist, it is not possible to determine the potential for effects on archaeological sites resulting from the rezoning of this area from rural to urban, a large portion of which is currently in pasture. In HNZPT’s opinion and contrary to what is stated in Section 8.11, presently it is unknown if there will be effects on archaeological sites, an Accidental Discovery protocol is not a mechanism for the appropriate management of archaeological sites. The HNZPTA 2014 is a separate statutory process provided for under a different legislation.

The reasons for Heritage New Zealand’s position are as follows:

11. HNZPT does not concur that an Accidental Discovery Protocol (ADP) is sufficient or appropriate in this instance to address the identification of the potential for effects on unrecorded archaeological sites. While the NZAA ArchSite database does not currently identify any recorded archaeological within the PPC28 area, noting the area is largely in pasture, this is most likely reflective of a lack of systematic field survey having been undertaken, as opposed the absence of archaeological evidence.
12. The intent of the proposed re-zoning is for the urbanisation of the land within the PC83 area. Without understanding the presence/absence of archaeological sites within the area there is the potential to unearth, damage or destroy unrecorded archaeological sites during works. Therefore, an archaeological assessment should be prepared by an appropriately qualified and experienced



archaeological practitioner and the findings incorporated into the plan framework for the plan change.

13. HNZPT notes, however, if, the qualified archaeological assessment determines that there would be a low probability of archaeological potential, any such discoveries would be unexpected and reliance on an accidental discovery protocol would appropriately apply.
14. HNZPT notes the Cultural Effects Assessment (CEA) undertaken by Environs Te Uri o Hau (Environs Holdings Limited) on behalf of Te Uri o Hau Settlement Trust. In particular, the statement: "The potential for unknown shell deposits to be uncovered during earthworks is a distinct possibility" (paragraph 10.3, page 23) and would appear to support HNZPT's rationalisation for an archaeological assessment, and appropriate mitigation to be incorporated into the plan change's planning framework.

Heritage New Zealand seeks the following decision from the local authority:

15. Accept the proposed plan change Private Plan Change 83 with amendments as required to protect archaeology following the completion of an archaeological assessment by a suitably qualified archaeologist.

Heritage New Zealand wishes to be heard in support of our submission.

If others make a similar submission, I will consider presenting a joint case with them at a hearing.

Yours sincerely

BHParslow

Director Northern Region

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Kerikeri, O230