

Auckland Unitary Plan Operative in part

PROPOSED PLAN CHANGE 106

Filming on Sites and Places of Significance to Mana Whenua

Public notification: 26 September 2024

Close of submissions: 24 October 2024

This is a council initiated plan change

Explanatory note – not part of proposed plan change

The proposed plan change seeks to enable temporary filming activities as a permitted activity on Sites and Places of Significance to Mana Whenua, subject to compliance with standards to protect and enhance the cultural values of these sites.

Plan change provisions

Note:

Amendments proposed by this plan change to the Auckland Unitary Plan are underlined for new text and ~~striketrough~~ where existing text is proposed to be deleted. The use of Indicates that there is more text, but it is not being changed. These are used when the whole provisions if too long to be included.

Plan Change 106

Proposed amendments to Chapter D21 Sites and Places of Significance to Mana Whenua Overlay

Notes:

1. New text is shown as underlined and deleted text as ~~striketrough~~.
2. Some existing text is shown to place the changes in context.

D21. Sites and Places of Significance to Mana Whenua Overlay

D21.1. Background

The Sites and Places of Significance to Mana Whenua Overlay applies to sites and places that have been scheduled and protected for their significance to Mana Whenua. A schedule of the sites and places of significance is provided in Schedule 12 Sites and Places of Significance to Mana Whenua Schedule. Sensitive information regarding the significance of the sites and places to Mana Whenua may be subject to special protocols.

Sites and places of significance to Mana Whenua have tangible and intangible cultural values in association with historic events, occupation and cultural activities. Mana Whenua values are not necessarily associated with archaeology, particularly within the highly modified urban landscape where the tangible values may have been destroyed or significantly modified.

Mana Whenua are aware of many other sites and places that may be equally or more significant, and acknowledge there may be shared interests over scheduled locations. It is intended to identify further sites and places nominated by Mana Whenua through future plan changes including those identified through other legislation.

Some sites and places of significance to Mana Whenua may also be scheduled as historic heritage. These sites and places are identified in Schedule 14 Historic Heritage Schedule, Statements and Maps.

[new text to be inserted]

D21.2. Objective [rcp/dp]

- (1) The tangible and intangible values of scheduled sites and places of significance to Mana Whenua are protected and enhanced.
- (2) Scheduled sites and places of significance to Mana Whenua are protected from inappropriate subdivision, use and development, including inappropriate modification, demolition or destruction.

D21.3. Policies [rcp/dp]

- (1) Avoid the physical destruction in whole or in part of sites and places of significance during earthworks.
- (2) Avoid significant adverse effects on the values and associations of Mana Whenua with sites and places of significance to them.
- (3) Require subdivision, use and development, where adverse effects on sites and places of significance cannot practicably be avoided, to remedy or mitigate those adverse effects by:

- (a) enhancing the values of the scheduled site or place of significance and the relationship of Mana Whenua with their tāonga, commensurate with the scale and nature of the proposal;
 - (b) incorporating mātauranga, tikanga and Mana Whenua values, including spiritual values;
 - (c) recognising and providing for the outcomes articulated by Mana Whenua through an assessment of environmental effects with Mana Whenua and within iwi planning documents;
 - (d) demonstrating consideration of practicable alternative methods, locations or designs that would avoid or reduce the impact on the values of scheduled sites and places of significance to Mana Whenua; and
 - (e) demonstrating consideration of practical mechanisms to maintain or enhance the ability to access and use the scheduled site or feature for karakia, monitoring, customary purposes and ahikā roa by Mana Whenua.
- (4) Reflect within the development the relationship of the scheduled site or place of significance within the context of the wider local history and whakapapa.
- (5) Recognise that some activities may have such significant adverse effects on Mana Whenua values that they are culturally inappropriate when considering the nature of the scheduled site or place of significance and associated values.
- (6) Manage the adverse effects of subdivision where scheduled sites and places of significance to Mana Whenua are split into multiple land parcels.
- (7) Provide incentives to encourage the protection and enhancement of scheduled sites and places of significance to Mana Whenua.
- (8) Recognise that the intangible values of sites or places of significance can be protected and enhanced even where the site or place has been significantly modified or destroyed.
- (9) Enable existing network utilities and electricity generation facilities on sites and places of significance including:
- (a) use and operation; and
 - (b) minor upgrading, maintenance and repair in a manner that avoids, where practicable, or otherwise remedies or mitigates adverse effects on cultural values.

- (10) Avoid where practicable the use of scheduled sites and places of significance to Mana Whenua for new infrastructure where this affects cultural values.
- (11) Require an assessment of environmental effects where proposed works may have adverse effects on the values associated with sites or places of significance to Mana Whenua.

D21.4. Activity table [rcp/dp]

Table D21.4.1 Activity table specifies the activity status of land use and development pursuant to section 9(3) of the Resource Management Act 1991, subdivision pursuant to section 11 of the Resource Management Act 1991 and works, occupation or activity in the coastal marine area pursuant to sections 12(1), 12(2) or 12(3) of the Resource Management Act 1991.

Schedule 12 Sites and Places of Significance to Mana Whenua Schedule identifies sites and places where this section applies. Schedule 12 Sites and Places of Significance to Mana Whenua Schedule also identifies sites and places of significance that have intangible values associated with historic events, occupation and cultural activities that do not necessarily contain archaeology, where the site exception rule applies.

Table D21.4.1 Activity table [rcp/dp]

Activity		Activity status
Development		
(A1)	Non-invasive archaeological survey	P
(A2)	Minor work for the purpose of preserving or maintaining scheduled sites and places of significance to Mana Whenua	P
(A3)	Temporary activities	RD
<u>(A3A)</u>	<u>Temporary activities for filming in public places for up to 30 days that comply with Standard D21.6.4</u>	<u>P</u>
(A4)	Disturbance in the coastal marine area	D
(A5)	New buildings and structures	D
(A6)	Alterations and additions to existing buildings where the building footprint is increased	D
[new text to be inserted]	[new text to be inserted]	[new text to be inserted]
[new text to be inserted]	[new text to be inserted]	[new text to be inserted]
Land Disturbance		

PC 78 (see [Modifications](#))

Refer to the rules in E11 Land disturbance – Regional (this includes Standard E11.6.1 Accidental discovery rule) and E12 Land disturbance – District (this includes Standard E12.6.1 Accidental discovery rule)		
Infrastructure		
Refer to the rules in E26 Infrastructure		
Subdivision		
(A7)	Subdivision that results in a site or place of significance to Mana Whenua extending across multiple lots	D

D21.5. Notification

- (1) Any application for resource consent for an activity listed in Table D21.4.1 Activity table above will be subject to the normal tests for notification under the relevant sections of the Resource Management Act 1991.
- (2) When deciding who is an affected person in relation to any activity for the purposes of section 95E of the Resource Management Act 1991 the Council will give specific consideration to those persons listed in Rule [C1.13\(4\)](#).

D21.6. Standards

All activities listed as a permitted activity in Table D21.4.1 Activity table must comply with the following permitted activity standards.

D21.6.1. Accidental discovery rules

- (1) Refer to the Accidental discovery rules in:
 - (a) [E11 Land disturbance – Regional](#) - [Standard E11.6.1 Accidental discovery rule](#)); and
 - (b) [E12 Land disturbance – District](#) - [Standard E12.6.1 Accidental discovery rule](#).

D21.6.2. Non-invasive archaeological survey

- (1) Minor earthworks or disturbance of the coastal marine area to define the location or extent of archaeological sites of features:
 - (a) must not be undertaken in areas where archaeological remains are evident, or known to be present. If during the investigation archaeological material is encountered, that material must not be disturbed or removed;
 - (b) must conform to accepted archaeological practice;
 - (c) must be undertaken with a probe not exceeding a diameter of 10mm, or a spade. Mechanical tools must not be used;

- (d) spade holes must not exceed 250mm x 250mm in size;
- (e) after completion of works, the ground must be reinstated to at least to the condition existing prior to any works starting; and
- (f) must be undertaken in the presence of a mandated Mana Whenua representative unless confirmed by Mana Whenua in writing that this is not required.

D21.6.3. Minor work for the purpose of preserving or maintaining scheduled sites and places of significance to Mana Whenua

- (1) Minor works for the purpose of maintaining scheduled sites and places of significance to Mana Whenua must be undertaken in the presence of a mandated Mana Whenua representative (except for routine maintenance of grounds, including gardening, buildings and structures) unless confirmed by Mana Whenua in writing that this is not required.

D21.6.4 Temporary activities for filming in public places for up to 30 days

(1) Any temporary activity for filming in a public place must:

- (a) be no more than 30 days;
- (b) not involve any land disturbance;
- (c) be in accordance with a site plan and special conditions approved under an Auckland Council Film Permit to:
 - i. confirm that Mana Whenua have been consulted on the filming activity, including with regard to any Treaty Settlements that relate to the site;
 - ii. be consistent with any relevant iwi film protocol, iwi planning document, or cultural impact assessment prepared for the filming activity;
 - iii. maintain access for customary activities throughout filming; and
 - iv. apply tikanga as informed by Mana Whenua.

D21.7. Assessment – controlled activities

There are no controlled activities in this section.

D21.8. Assessment – restricted discretionary activities

D21.8.1. Matters of discretion

The Council will restrict its discretion to all of the following matters when assessing a restricted discretionary resource consent application:

- (1) the effects of the proposal on the values and associations of Mana Whenua with the site or place, including effects on the context of the local history and whakapapa.
- (2) the nature, location, design and extent of the proposal.
- (3) the purpose and necessity for the works and any alternatives considered.
- (4) the provisions of any relevant iwi planning document.

D21.8.2. Assessment criteria

The Council will consider the relevant assessment criteria for restricted discretionary activities from the list below:

- (1) Policies D21.3(1), D21.3(2) and D21.3(3).
- (2) the extent to which the proposal:
 - (a) provides for the relationship of the site or place with Mana Whenua in the context of local history and whakapapa, if appropriate, through:
 - (i) the design and location of proposed structures;
 - (ii) landscaping and vegetation including removal and replanting; and
 - (iii) landform and modification.
 - (b) recognises the benefits derived from the upgrading of existing infrastructure to the community and the functional and operational needs of the network.
 - (c) considers the appropriate location of temporary activities to avoid, remedy or mitigate adverse effects on values and associations of Mana Whenua with the site or place.

D21.9. Special information requirements

There are no special information requirements in this section.