

DRAFT

PROPOSED DEVELOPMENT AT 6-10 THE STRAND AND 21, 31 AND 33-45 HURSTMERE ROAD, TAKAPUNA, AUCKLAND: ARCHAEOLOGICAL ASSESSMENT

Prepared for HND TS Limited, HND CB Limited and HND MK Limited



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INTRODUCTION

Project Background

HND TS Limited, HND CB Limited and HND MK Limited are planning a multi-use development in Takapuna (Figure 1, Figure 2) at the following properties:

6-10 The Strand (Lot 12 DP 4872, Pt Lot 15 DP 4872, Lot 13 DP 4872, Lot 14 DP 4872, Pt Lot 16 DP 4872, Pt Lot 16 DP 4872)

21 Hurstmere Road (Lot 1 DP 208645)

31 Hurstmere Road (Pt Lot 4 DP 4872)

33-45 Hurstmere Road (Pt Lot 4 DP 4872, Lot 5 DP 4872, Pt Lot 4 DP 4872)

The land is zoned Business – Metropolitan Centre Zone. It is bounded by Hurstmere Road to the west, The Strand and properties along The Strand to the south, Channel View Road to the east, and a public park and private car park to the north (Figure 2). The proposed development will comprise two multi-storey apartment blocks with some retail and restaurant provision at ground and subground level, and an atrium link between Hurstmere Road and The Strand. There will be four basement levels at 6-10 The Strand and two basement levels on Hurstmere Road. A ground floor plan is shown in Figure 3.

An archaeological assessment was commissioned by Civix on behalf of HND TS Limited, HND CB Limited and HND MK Limited to establish whether the proposed development is likely to impact on archaeological values. This report has been prepared as part of the required assessment of effects accompanying a resource consent application under the Resource Management Act 1991 (RMA) or COVID-19 Recovery (Fast-track Consenting) Act 2020 and to identify any requirements under the Heritage New Zealand Pouhere Taonga Act 2014 (HNZPTA). 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 2016 (AUP OP) schedules and the Heritage New Zealand Pouhere Taonga (Heritage NZ) New Zealand Heritage List/Rārangī Kōrero were searched for information on archaeological or other historic heritage sites recorded on or in the immediate vicinity of the properties. Literature and archaeological reports relevant to the area were consulted (see Bibliography). Early survey plans and aerial photographs were checked for information relating to past use of the properties, and archival research was carried out to establish their history.

A brief visual inspection of the properties was conducted on 27 June 2021. Archaeological sites beneath modern buildings and sealed surfaces in urban environments can rarely be identified prior to being exposed in the course of redevelopment work, and the approach to archaeological assessment is therefore to identify historically recorded activities and assess the potential for archaeological evidence to have survived on the basis of later modifications to the site.

Figure 1. General location

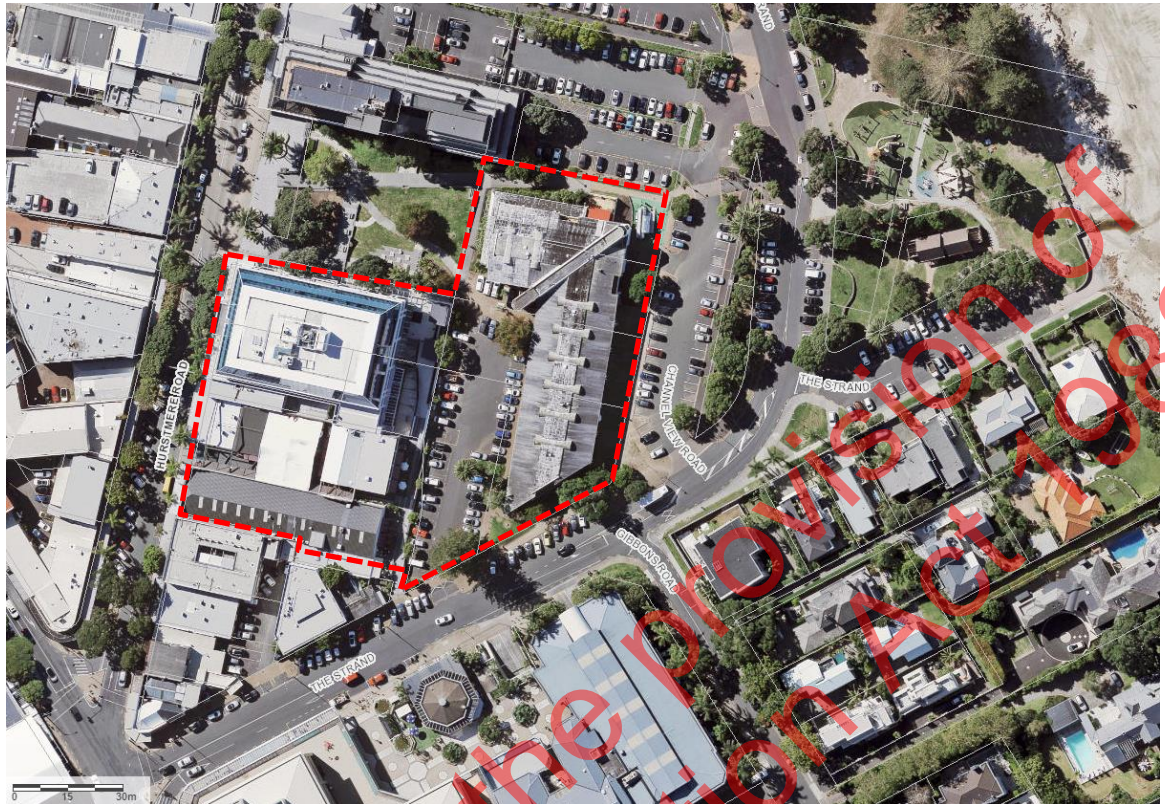


Figure 2. Aerial view of proposed development site (outlined in red) (source: Auckland Council Geomaps)

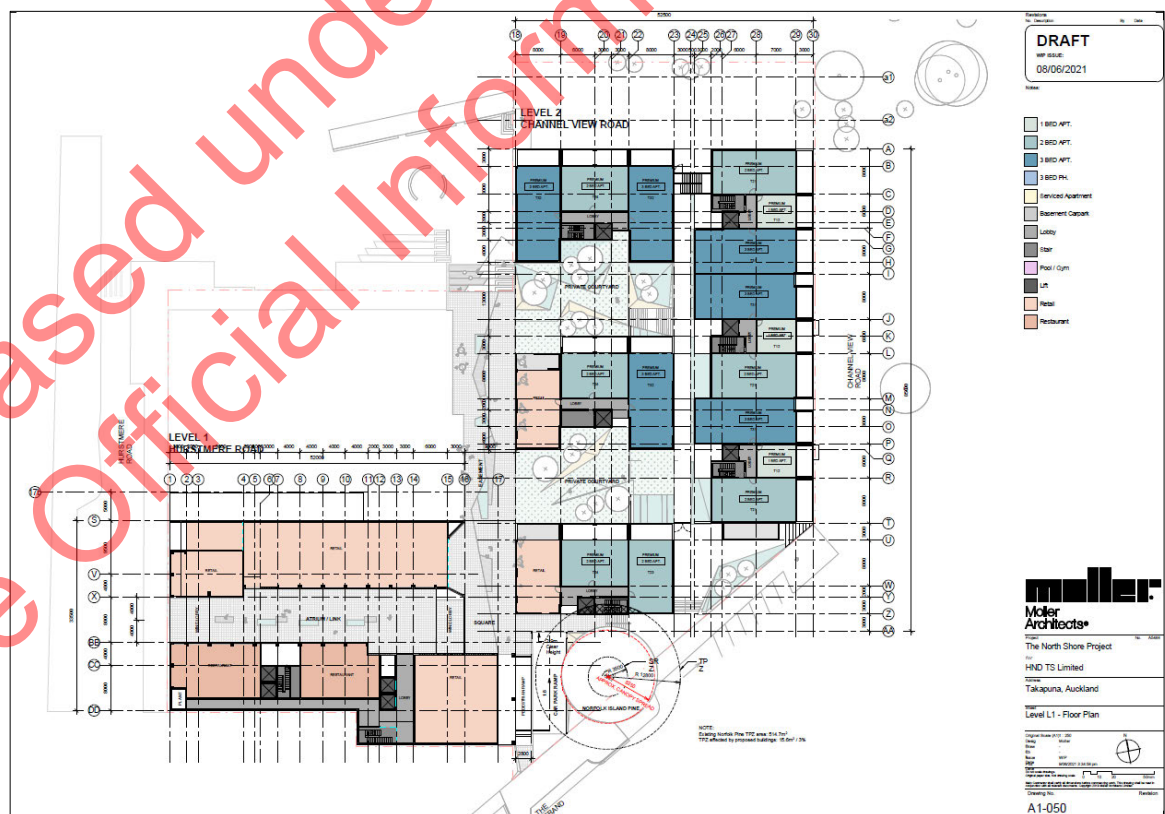


Figure 3. Proposed ground level floor plan

HISTORICAL BACKGROUND¹

Maori Settlement²

Maori settlement of the North Shore dates back c.800 years to the arrival of Polynesian ancestors. Oral traditions record the landing of the Tainui canoe at Te Kau Kapua (Torpedo Bay) and subsequent settlements focussed in the coastal areas where there was easy access to seafood, inland forest resources and canoe transport (Moon 2007; Auckland Council 2011: 9). Soils were generally too heavy for cultivation apart from at what are now Takapuna and Devonport.

The North Shore has associations with a number of iwi and many inter-tribal struggles and external battles took place, with strategic headlands fortified as pa from c.1500 AD onwards, including Northcote Point (Te Onewa), Kauri Point (Te Mataarae a Mana) and at Castor Bay (Rohopara Pa) (Auckland Council 2011: 19). It is reported that a major battle was fought at Milford, where many of the North Shore Maori were killed, their bodies buried in the sand dunes at Milford (Hutchinson et al. 1973). The 1920s saw the North Shore and Tamaki isthmus depopulated as a result of raids by Ngapuhi, armed with muskets, though people returned when it was safe to do so (McClure 2010; Stone 2001). By 1830 remnants of Ngai Tai had returned to live around the shores of the Takapuna Tuff Crater Lagoon and the greater Shoal Bay area (McGowan 1993).

A number of Maori place names are recorded for the Takapuna and surrounding areas (see Figure 4). The area that is now known as Takapuna Beach was called Waiwharariki, literally translated as 'water mat'. The northern end of Takapuna Beach was named Te Urutapu in reference to a sacred burial place located in this area. Lake Pupuke was known as Pupukemoana and Spray Creek at Milford was named Wairau. Milford Beach was also known as Onemaewao ('the fairy's beach'). (Hutchinson et al. 1973; Simmons 1987; Kelly and Surridge 1990).

Mahurangi Purchase

On 13 April 1841 the Mahurangi Purchase was made between the Crown and chiefs of Ngati Paoa, Ngati Maru, Ngatimatera, and Ngatiwhanaunga (Turton 1877: Mahurangi District, Deed 192). This area encompassed the land from the north side of the Waitemata Harbour north to Te Arai (with two exemptions). Subsequent settlements were made with other iwi relating to their interests in the area, including Ngati Whatua, Te Kawerau, and Ngai Tai and Ngati Paoa, the process not being completed until 1854.

Development of Takapuna

The Takapuna area was surveyed by Allan O'Neill and John Logan Campbell in 1843. The area included the land from Devonport all the way north to Milford. By 1844 the survey maps were completed and farm lots were ready for sale (Figure 5). A large block of land comprising Lots 29-32 covering an area of 110 acres was granted to prominent Ngapuhi

¹ The information on Maori and early European settlement has been adapted from Judge 2011 and Auckland Council 2011.

² While 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 and place names known to tangata whenua.

chief Patuone by Governor George Grey in the 1840s (Figure 5). Although the beach was then known as Waiwharariki, locals came to know it as Patuone's Beach (Figure 6). Patuone lived there for a quarter of a century. Upon his death in 1872 he was buried within the Holy Trinity Church Cemetery at Devonport (Kalaugher 1926).

The shores of Lake Pupuke and the land around Northcote Road were the first areas to be taken up by the European settlers (Mackay and Ross n.d). The land was, however, still sparsely populated as can be seen from a lithograph drawn in 1862 showing the Hurstmere Road and Lake Pupuke area from Black Rock (Figure 7). By the late 19th century, farm sections of land were taken up from Old Lake Road in what is now Narrowneck to Milford (Mackay and Ross n.d.).

From early on in the period of European settlement, Takapuna was called 'Lake Takapuna' and mostly referred to simply as 'the Lake'. The pioneer settlers took up all the land from Barry's Point all around the Lake. The majority of these were businessmen from Auckland or English, Scottish and Irish farmers.

The early industries of the greater Takapuna area comprised predominantly kauri gum digging and farming. Many of the Maori from the Shoal Bay area took to gum digging during the early period of European settlement at the gum field over the Wairau Creek. Often, blocks of land would be purchased, cleared of manuka scrub then ploughed for kauri gum, which would pay for seed and manure for the establishment of orchards (Mackay and Ross n.d.).

One of the first farms to be established was by William Hurst. Hurst's farm covered the narrow strip of land from the eastern side of Lake Pupuke to the sea. Hurst also established an orchard on the seaward side of the property and planted many trees including a pair of oaks that now mark the entrance to Minnehaha Street, but which originally were planted to frame the entrance to the Hurst Homestead (still located on what is now Hurstmere Road, opposite the entrance to Minnehaha Street). Hurst also planted a row of pine trees along the road that dissected his estate, then known as The Drive – now known as Hurstmere Road (Anderson 1977). Hurst's farm was subdivided in 1887.

During the mid-late 19th century two dairy farms – one at Crown Hill and another at Archers Road – established a town milk supply through Takapuna and Devonport (Mackay and Ross n.d.). A brickyard was also established by a Mr Menary during the mid-19th century at the back of Smith's bush and later moved to a location close to the present day Hauraki School. The brickyard supplied bricks locally and also shipped to Auckland. Subsequently brickyards were started at Stanley Point and Devonport (Mackay and Ross n.d.).

By the late 19th century, the Takapuna area had grown substantially and the beach foreshore at both Takapuna and Milford had superseded the Lake to become the main attraction for visitors from Auckland (Bartlett 2001). Day trippers visited the beaches for picnics and relaxed sightseeing excursions. In response to growing demand, the Devonport Ferry Company began weekend excursions to Takapuna. Provisions for landing the ferry at Takapuna Beach began with the construction of a landing stage on the rocks with railway iron piles. This structure proved unsatisfactory and the Harbour Board was persuaded to build a wharf at the end of what is now The Promenade (where the existing boat ramp is now located). The wharf proved particularly popular until the arrival of the steam trams which superseded the ferry excursions – leading eventually to the dismantling of the Takapuna Wharf (Mackay and Ross n.d.).

With the popularity of Takapuna Beach growing, a local man, Paul Hansen, enlarged his beachside home located on the corner of Hurstmere Road and The Promenade to accommodate guests (c.1909). The newly established guest house was named Mon Desir. Mon Desir proved to be a popular destination and after World War I, the hotel was again enlarged and a beer garden was added (Bartlett 2001).



Figure 4. From Map of Tamaki Makaurau (Kelly and Surridge 1990), showing Maori place names

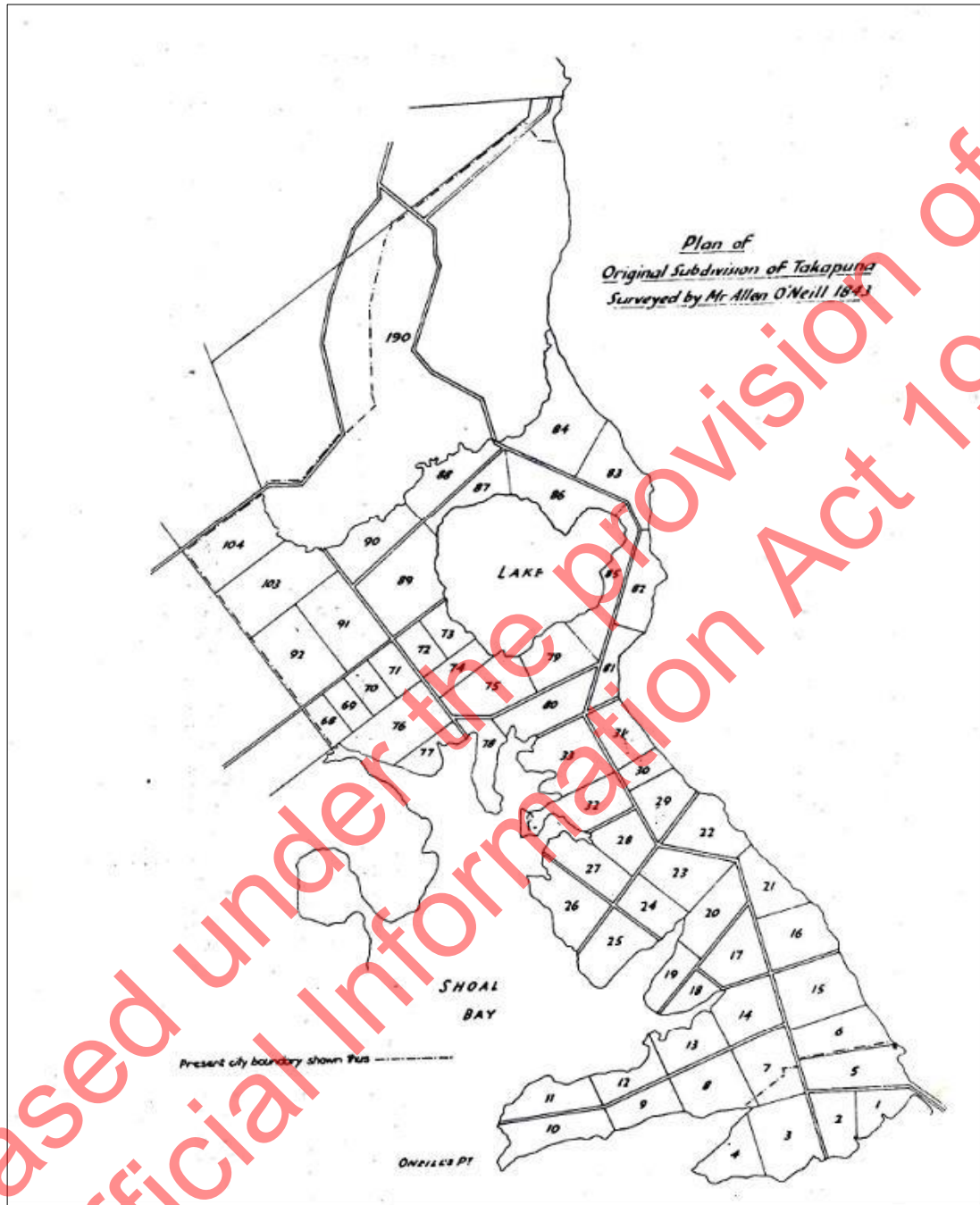


Figure 5. Map of the original allotment subdivision by Mr Allan O'Neill and (Sir) John Logan Campbell 1844 (Bartlett 2001)



Figure 6. 'Two sketches by Mrs Charles Abraham forming a semi-circle from Takapuna Beach near Patuone's House, showing Rangitoto, Browns Island and Waiheke Island and Patuone's Beach' (Auckland Libraries Heritage Collections, C108-13)



Figure 7. 'The Hurstmere Road and Lake Pupuke area looking from Black Rock as it was in 1862' (Stack 1863; Hutchinson et al. 1973)

Land History of Project Area

The properties now identified as 6-10 The Strand and 21, 31 and 33-45 Hurstmere Road were originally part of Section 81, Parish of Takapuna (see Figure 5) granted by the Crown to William Smellie Grahame on 1 February 1845 (CG 3G/613, Archives NZ). Grahame, a prolific speculator during Auckland's early years, was unlikely to have occupied or utilised the land. Grahame sold Sections 81, 82 and 85 to William Carruth and John Carruth, settlers, on 30 November 1849 for the sum of £427 (DR 2D/1236, Archives NZ). The Carruths thereby owned the easternmost portion of land stretching from north of Lake Pupuke south to the southern end of Hurstmere Road. The Carruths also owned 110 acres between Lake Pupuke and the head of Shoal Bay, which they put up for sale as their partnership was to dissolve (*Daily Southern Cross*, 29 July 1851:2). It was not possible to identify the location of any residence they may have built. On 10 October 1851 William conveyed his share of the property to John Carruth.

On 20 December 1853 John Carruth Leased Sections 79, 81 and 85 to Daniel William Connell and Robert Lawton Eames for a term of five years from 1 February 1854 at the annual rent of £150. There were a number of conditions in the terms of lease; not to lop, top or cut down bushes/shrubs around farmhouse, or cut down pohutukawas or any other timber except that required for fencing or repairs, or for firewood, not to grow two successive crops of the same grain on the same piece of land, no more than three crops of any kind before laying down in grass, 80 acres to be left in grass (DR 1D/762, Archives NZ).

Connell and Eames assigned the remaining years of their Lease to William Connell and Richard Ridings on 19 May 1855 for the sum of £400 (DR 5D/602, Archives NZ). John Carruth conveyed the property (six sections) to Connell and Ridings on 14 July 1856 for the sum of £2544 (DR 6D/97, Archives NZ). Connell died in 1859 and Ridings eventually sold the land to William Aitken on 15 April 1863 for the sum of £4500 (DR 16D/92, Archives NZ).

Aitken had earlier drawn up plans to subdivide and put up for sale a large number of allotments suitable for a villa. The subject property was located within Part Lots 2, 3 and 4, Section 1 with an area of bush depicted on Lots 2 and 4 (Figure 8, Figure 9).

Lots 1, 2 and 3 were purchased from William Aitken by William Robinson, timber merchant on 2 April 1868 for the sum of £260 15s 6p (DR 20D/672, Archives NZ). Robinson purchased Lot 4 from Aitken on 16 February 1886 for the sum of £160 (DR R17/555, Archives NZ). It is likely that Lot 4 had remained largely in open grassland and bush up to this point. No information regarding William Robinson in Auckland could be located. William Robinson died in 1888 and his probate was entered on 11 June 1888 (DI 13A/455, Archives NZ). The land was willed to John William Robinson and a Mr Raynes was subsequently appointed to assist the estate (DR R29/657, Archives NZ), replaced in 1900 by Frederick Clement Knight (DR R70/247, Archives NZ). In 1909 John Robinson, chemist, and Frederick Knight, saddler, were issued Certificate of Title NA160/180, LINZ). Knight appears to have no direct occupation of the property, having his saddlery business in Parnell (*Auckland Star*, 13 October 1900 and *Auckland Star*, 16 June 1916). Robinson, a chemist, also operated a store in Parnell (*Auckland Star*, 15 July 1903).

In 1910 portions were transferred to the Crown for the formation of the curvature on The Strand and the formation of Channel View Road (NA160/180, LINZ). The remaining land was subdivided into 22 allotments with lots 2-5 and 12-16 being within the subject property footprint (see Table 1, Figure 10) and it was likely at this time that much of the previously unoccupied land was built upon. DP 20819 dated 1927 shows a wooden stables erected on Lot 2 (Figure 11), however this building appears to have been demolished by 1940. An aerial photograph dated 1940 (Figure 12) shows Lots 2, 3 and 5 occupied by residential dwellings with Lot 4 remaining vacant. Lots 12 to 16 each have a residential dwelling erected thereon.

Information from Early Maps and Plans

None of the early survey plans reviewed show any structures within the project area prior to 1927. DP 468 dated 1886 (Figure 9) shows Lots 1-4 in ownership of Robinson but does not depict any structures. DP 4666 dated 1909 (not shown) for Robinson and Knight depicts the four lots prior to sale, again showing no structures erected. DP 4872 dated 1909 (Figure 10) shows the subdivision of Lots 1-4 prior to sales in 1910. DP 20819 dated 1927 (Figure 11) shows a wooden stables erected on Lot 2 and wooden shops on Lot 1 at the corner of Hurstmere Road and The Strand, probably erected by R. & W. Hellaby (NA160/180, LINZ). DP 118529 dated 1987, DP 121844 dated 1987, DP158274 dated 1993, and DP 160230 dated 1994 (not shown) do not depict any structures.

SO 36387 dated 1952 (not shown) focuses on lots to the north of the subject property but noted S.F. Barton as owner of Lot 5. SO 42487 dated 1960 (not shown) shows the reserve to the north of the subject property and an area set aside for a women's restroom. SO 47142 dated 1971 (not shown) depicts the Lots and notes owners of several of the lots but does not specifically depict structures.



Figure 8. Takapuna Villa Sites for Positive Sale. 1863. Auckland Libraries, Map 4131

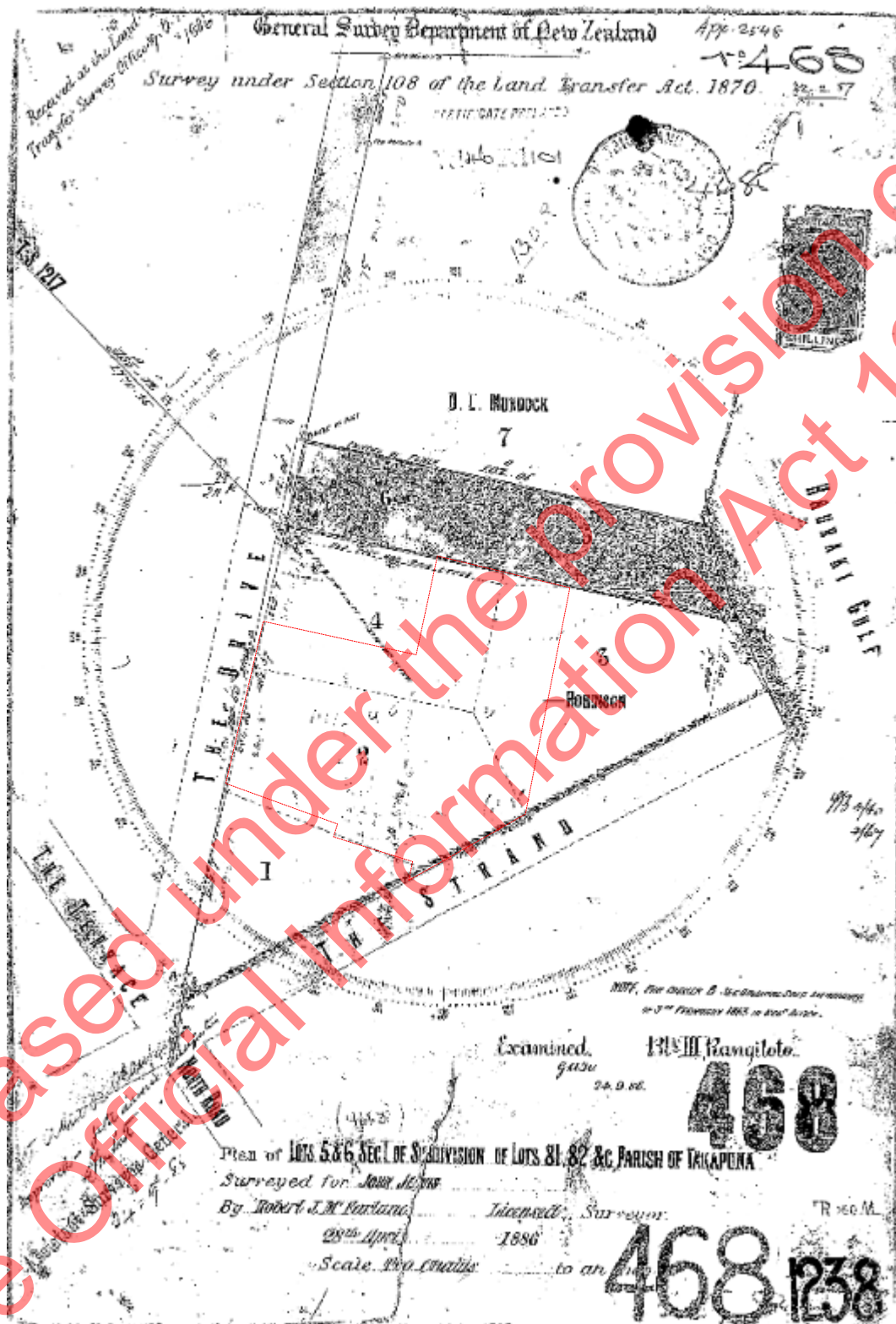
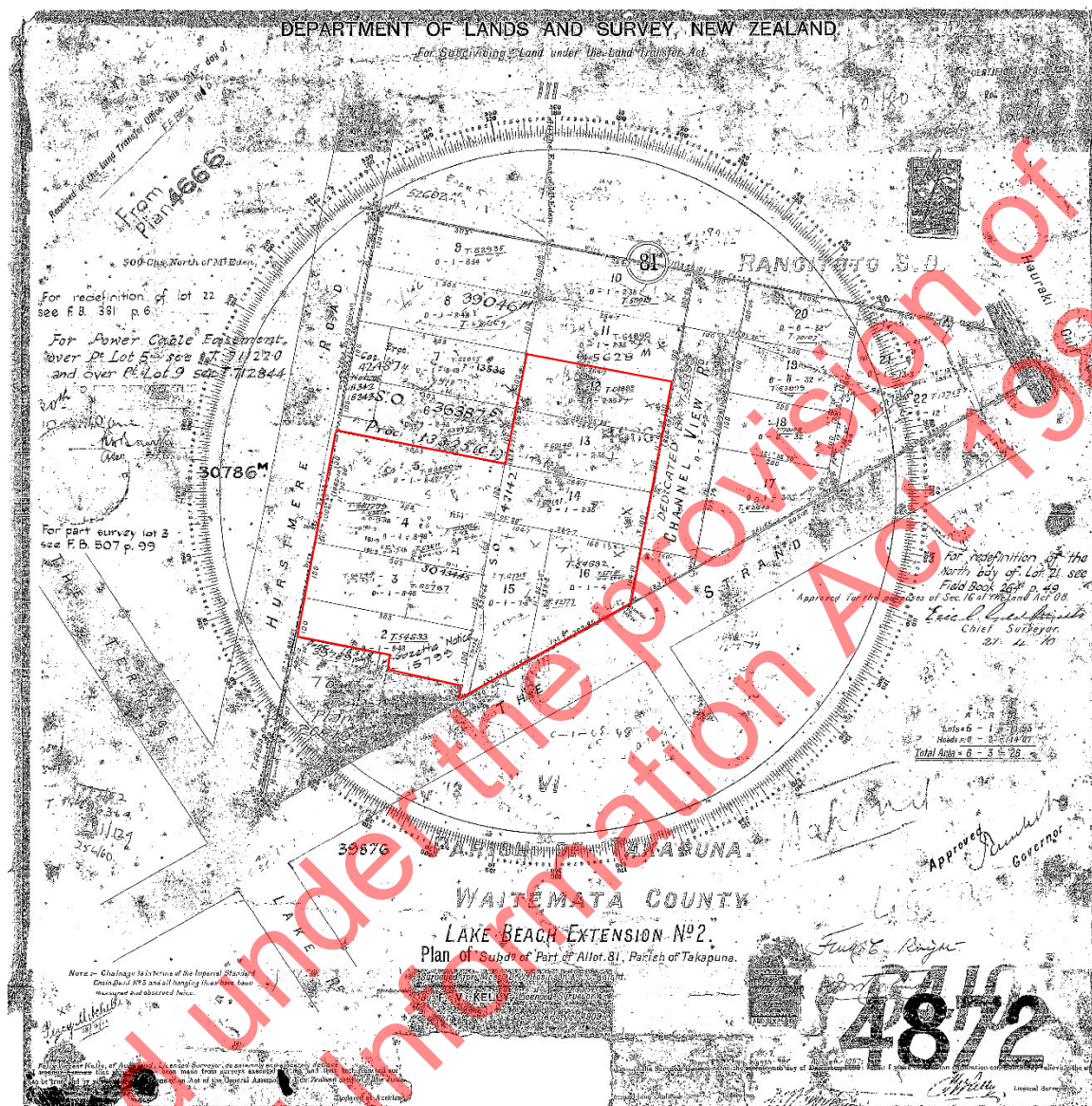


Figure 9. DP 468 dated 1886, 'Lots 5 & 6 Sec 1 of Subdivision of Lots 81, 82 & c Parish of Takapuna' (source: Quickmaps)



Land Information New Zealand, Custom Software Limited, Date Scanned 2002, Last modified February 2002, Plan is probably current as at 27/06/2019

Figure 10. DP 4872 I dated 1909 showing subdivision with subject property outlined in red

Table 1. Purchasers of subdivided lots related to subject property, 1910-1912

Lot No.	Purchaser	Date
2	David Lusby	18 June 1910
3	David Lusby	9 May 1912
4 (part)	David Roberts	17 January 1912
4 (part)	John Pears(?)	17 January 1912
5	Jane Hannah Harris	22 December 1911
12	James Wilkes	25 March 1912
13	Mary Helena Robinson	15 October 1912

Lot No.	Purchaser	Date
14	Mary Helena Robinson	15 October 1912
15	Mary McLaughlin	22 July 1912
16	Mary Elizabeth Davison	18 June 1910



Land Information New Zealand, Custom Software Limited, Date Scanned 2002, Last modified February 2002, Plan is probably current as at 27/06/2019

Figure 11. DP 20819 dated 1927 showing wooden stables on Lot 2 (arrowed). Source: Quickmaps

Information from Early Aerials

The earliest aerial photograph examined, dated 22 April 1940 (Figure 12), shows all of the lots fronting Channel View Road occupied by residential dwellings. Lots 2 (formerly occupied by a stable), 3 and 5 fronting Hurstmere Road are similarly occupied by dwellings, with Lot 4 appearing to be vacant with a large tree at the centre.

By 1959 (Figure 13), while there had been no change on the Channel View Road frontage, the Hurstmere Road frontage had changed significantly, with residential dwellings removed and replaced by larger commercial premises. By 1996 (Figure 14) the residential dwellings on Channel View Road had been demolished and replaced by the much larger Colmar Brunton House (now the Trade Window Building), and the building coverage within the project area similar to today (Figure 2).



Figure 12. Enlarged section of aerial photograph dated 22 April 1940 with subject property bounded in red. Source: Retrolens SN143-92-33 LINZCC-BY 3.0



Figure 13. Aerial photograph dated 1959. Source: Geomaps

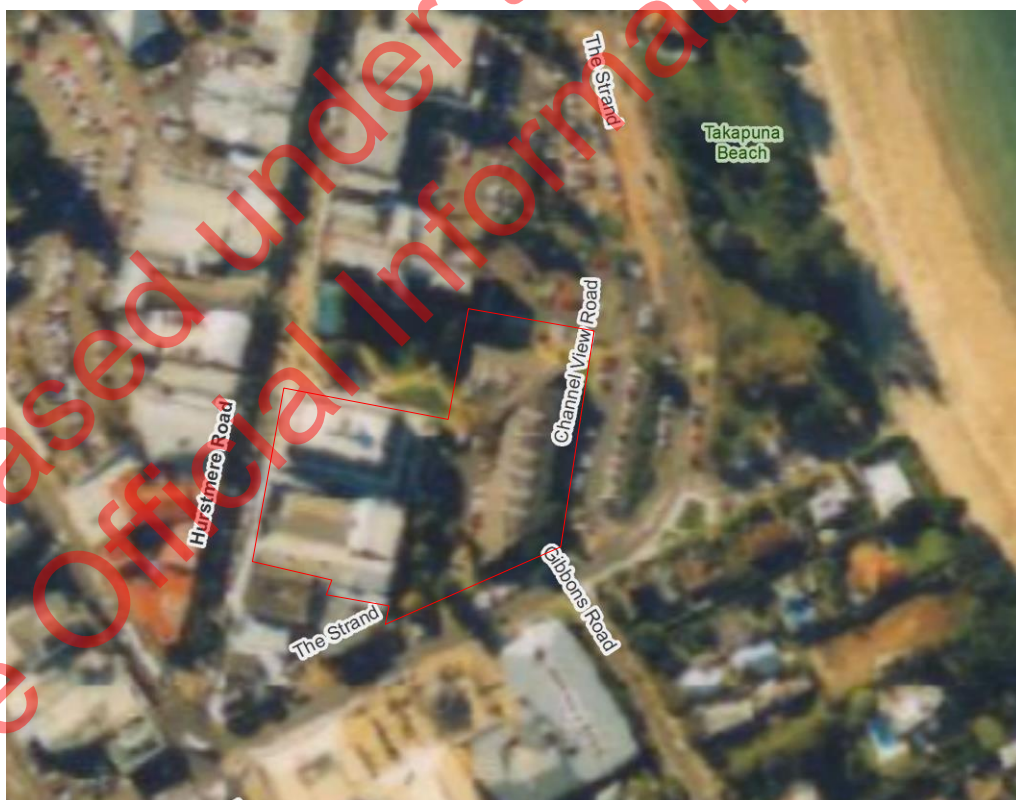


Figure 14. Aerial photograph dated 1996. Source: Geomaps

ARCHAEOLOGICAL BACKGROUND

There are only three recorded archaeological or other historic heritage sites within 100m of the project area (Figure 15).

The first is a scheduled historic building immediately adjacent to the proposed development site – the former Takapuna Library at 2 The Strand. It is scheduled under Category B (AUP OP Schedule 14.1 ID 1089) for its Historical, Social, Physical attributes and Aesthetic values. The second is the Borough Council Chambers at 464 Lake Road/1-7 The Strand, recorded in the CHI (ref. 3000) but not scheduled on the AUP OP. The third is a reported site at the corner of Lake Road and Hurstmere Road (CHI 18703), known as Halls Corner, where the original Lake General Store and Bakery was opened in 1896.

No additional archaeological sites are recorded in the NZAA ArchSite database in the near vicinity of the project area.

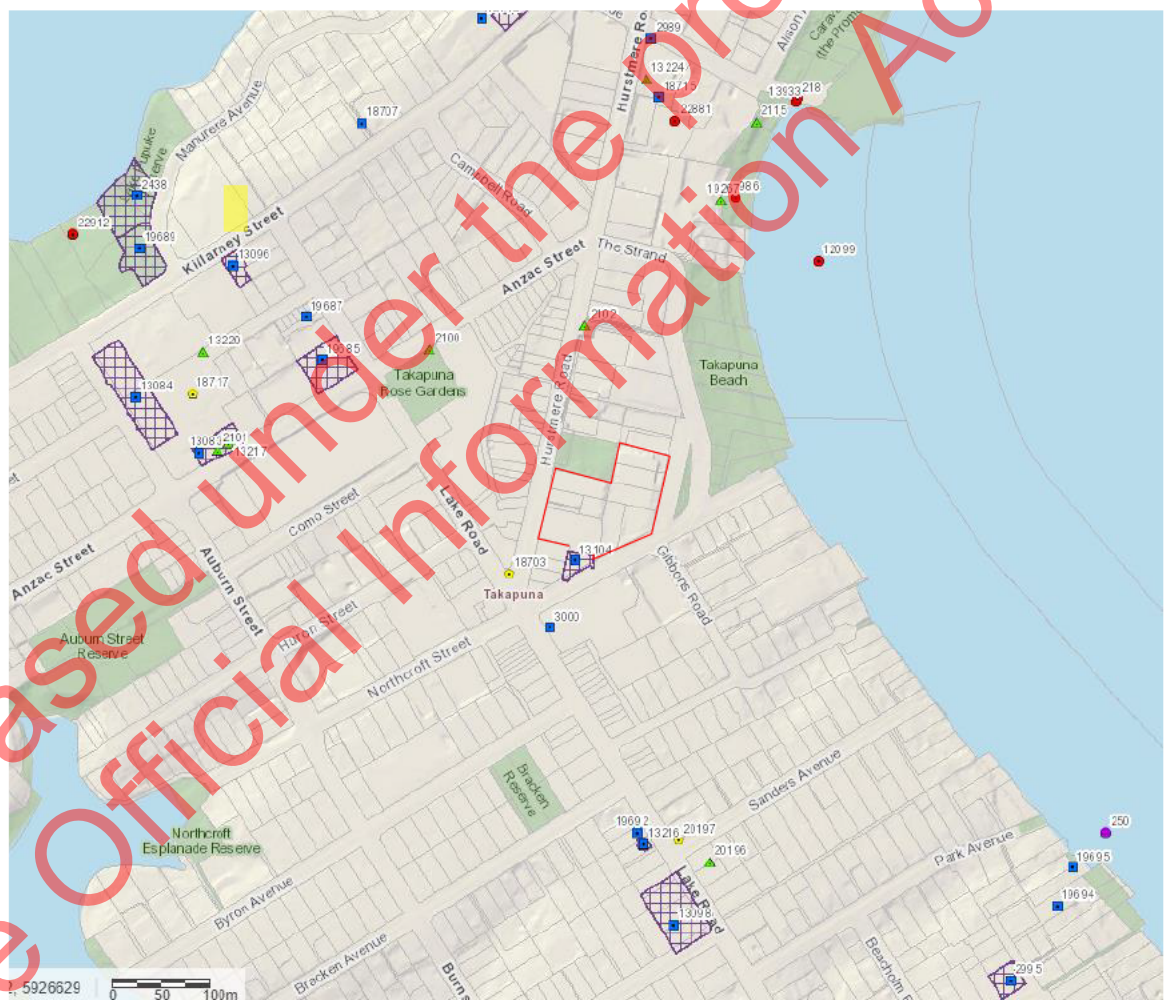


Figure 15. Recorded historic heritage sites on the Auckland Council CHI and AUP (OP) historic heritage overlay (source: Auckland Council Geomaps). Purple hatching = scheduled historic heritage sites. Red dots = archaeological sites, blue squares = historic buildings/structures, purple dots = maritime sites, green triangles = heritage trees and yellow symbols = reported sites

SITE INSPECTION

A brief visit was made to the proposed development site on 27 June 2021. The site is highly modified, almost entirely covered by buildings, carpark and access ways, with small areas of lawn. The Trade Window Building at 6-10 The Strand extends almost the full length of the project area along Channel View Road and has a large carpark to the west (Figure 16–Figure 18). The Hurstmere Road frontage is fully developed with 20th century buildings housing shops and office space, and the project area extends from the ASB bank on the corner at 33-45 Hurstmere Road at the northern end of the project area to the McKenzies building housing Lululemon at 21 Hurstmere Road at the southern end (Figure 19–Figure 21). There is a public reserve (Hurstmere Green) at 47 Hurstmere Road (Figure 21), and within the project area pedestrian paths lead from the reserve through to Channel View Road and to The Strand, and there is also a covered pedestrian walkway leading from Hurstmere Road along the northern side of the McKenzies building to an accessway to the car parking area behind the Trade Window Building (Figure 22–Figure 23).

The scheduled former public library building at 2 The Strand is shown in Figure 24 and carries a plaque stating: ‘Takapuna Public Library/This stone was laid by/His Worship the Mayor/ D.R. Sheath Esq./September 6th 1955’ (Figure 25).



Figure 16. Southern end of Trade Window Building, looking west from Channel View Road



Figure 17. Northern end of Trade Window Building, looking west from Channel View Road



Figure 18. Carpark at rear (west) of Trade Window Building, looking north



Figure 19. Hurstmere Road frontage with extent of buildings within the project area indicated by red arrows, looking south. The ASB Bank is at 33-45 Hurstmere Road (the northernmost building in the project area on the Hurstmere Road frontage)

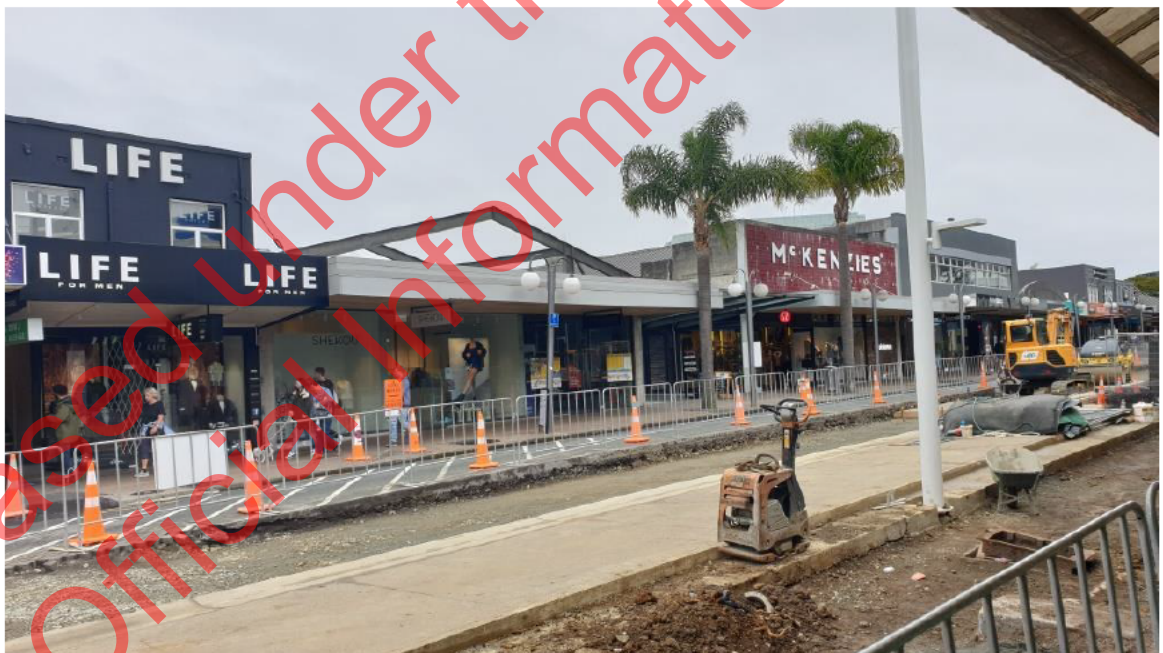


Figure 20. Southern end of project area on Hurstmere Road, looking south. The McKenzies Building at 21 Hurstmere Road is the southernmost building in the project area on this frontage



Figure 21. Looking south towards the ASB Bank at 33-45 Hurstmere Road, with the Hurstmere Green reserve adjacent



Figure 22. Looking north along pedestrian way behind the McKenzies building (the carpark to the rear of the Trade Window Building is behind the wall and trees at the right)



Figure 23. Looking north along pedestrian way behind the McKenzies building, with the opening to the covered way to Hurstmere Road on the left and path to carpark on the right



Figure 24. Looking north towards the scheduled building (former Takapuna Library) at 2 The Strand

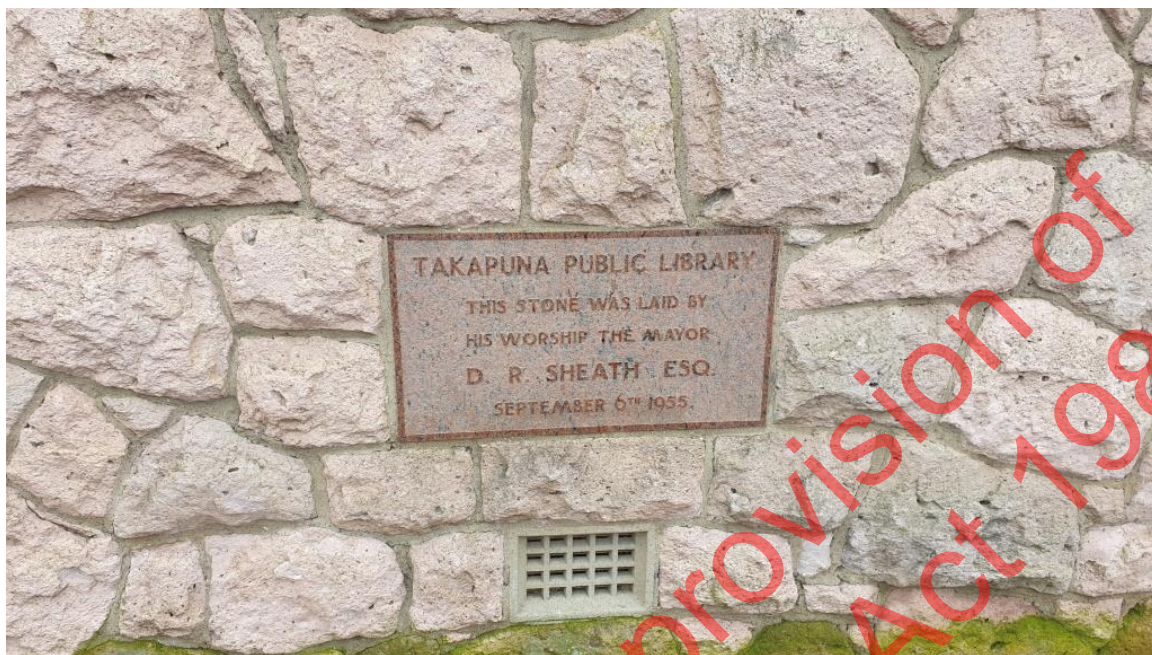


Figure 25. Plaque on the scheduled Takapuna Library Building (former)

DISCUSSION AND CONCLUSIONS

Summary of Results

There are no recorded archaeological sites within the Project area, which has been extensively modified during the 20th century. This would have removed any pre-European archaeological sites that may once have been present. Historic research in the history of ownership and subdivision of the project area was carried out, but no pre-1900 buildings or structures were identified and the land may have remained undeveloped into the early 20th century. Early European archaeological sites are therefore not expected to be present. However, if pre-1900 buildings were present but not recorded on historic survey plans, they would have been modified or destroyed by 20th century development.

There is a scheduled heritage building immediately adjacent to the project area at 2 The Strand (the former Takapuna Public Library).

Maori Cultural Values

This is an assessment of effects on archaeological values and does not include an assessment of effects on Maori cultural values. Such assessments should only be made by the tangata whenua. Maori 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 Maori place names.

Survey Limitations

No subsurface testing was carried out. Archaeological sites beneath modern buildings and sealed surfaces in urban environments (as in the project area) can rarely be identified prior to being exposed in the course of redevelopment work, and the approach to archaeological assessment is therefore to identify historically recorded activities and assess the potential for archaeological evidence to have survived on the basis of later modifications to the site.

Archaeological Value and Significance

The project area has no known archaeological value or significance. No sites have previously been recorded within its boundaries and if any were once present they are unlikely to have survived the extensive 20th century development across the properties.

Effects of the Proposal

The proposed development involves two basement levels beneath the building fronting Hurstmere Road and four beneath the building at 6-10 The Strand, with building coverage extending over the entire site with the exception of north-south and east-west pedestrian walkways (Figure 3). The proposed development will not affect any known archaeological sites relating to Maori or early European settlement and is very unlikely to affect unrecorded subsurface archaeological remains.

However, the possibility that such remains may be present cannot be completely excluded. This possibility is provided for under the AUP OP Accidental Discovery Rule (E12.6.1).

The proposed development will not affect the scheduled former Takapuna Library building at 2 The Strand, apart from increasing the height of the surrounding buildings.

Resource Management Act 1991 Requirements

Section 6 of the RMA recognises as matters of national importance: ‘the relationship of Maori 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 Maori, including wahi tapu; (iv) surroundings associated with the natural and physical resources’.

Regional, district and local plans contain sections that help to identify, protect and manage archaeological and other heritage sites. The plans are prepared under the provisions of the RMA. The Auckland Unitary Plan Operative in Part 2016 (AUP OP) is relevant to the proposed activity.

There are no scheduled historic heritage sites located within the project area, although there is a scheduled building immediately adjacent at 2 The Strand. 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 from Heritage NZ was in place.

Heritage New Zealand Pouhere Taonga Act 2014 Requirements

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)³

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 Maori 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 Maori 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 will not be required for the proposed development as no known sites will be affected, and it is unlikely that any undetected sites are present. However, should any sites be exposed during development the provisions of the HNZPTA must be complied with.

COVID-19 Recovery (Fast-track Consenting) Act 2020

A referral for a fast-track consent is being sought from the Ministry for the Environment. If approved, the applicant will be eligible to apply to the Environmental Protection Authority for a fast-track consent. An expert consenting panel ('the ECP') would then consider the application, including whether it complies with the provisions of the Auckland Unitary Plan. The ECP must invite comments on the application from Auckland Council and relevant iwi authorities as well as Heritage New Zealand Pouhere Taonga.

The Act does not remove the requirement to obtain an Authority under the HNZPTA to modify an archaeological site, or to comply with the AUP OP Accidental Discovery Rule once works are under way.

Conclusions

The proposed development site at 6-10 The Strand and 21-45 Hurstmere Road does not contain any known archaeological sites or scheduled buildings. Due to the extensive 20th century development that has occurred the potential for unrecorded subsurface remains relating to Maori settlement is very low. Nor are any pre-1900 early European buildings known to have occupied the properties. No specific resource or fast track consent conditions relating to archaeology, or an archaeological authority under the HNZPTA, are

³ 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.

therefore required. The very low possibility that archaeological remains may be exposed by future development is provided for under the AUP OP Accidental Discovery Rule (E12.6.1).

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RECOMMENDATIONS

- There should be no constraints on the proposed development 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 subsurface archaeological evidence should be unearthed during construction (e.g. intact shell midden, hangi, storage pits relating to Maori 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 and (in the case of human remains) the NZ Police are notified. The relevant authorities will then determine the actions required.

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Certificate of Title

NA160/180

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Deposited Plans

DP 468; DP 4666; DP 4872; DP 20819; DP 118529; DP 121844; DP158274; DP 160230

Survey Ordinance Plans

SO 36387; SO 42487; SO 47142

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