

<p style="text-align: center;">Wellington City District Plan – Omnibus Plan Change</p> <p style="text-align: center;">SCHED4 - Scheduled Archaeological Sites – DP Ref 2: Miramar Tunnels</p>
<p>Scope of Proposed Change</p> <p>To amend the DP Ref 2: <i>Miramar Tunnels</i> in SCHED4 – Scheduled Archaeological Sites to clarify in the schedule that there are two tunnels and where these archaeological sites are located.</p>
<p>Background</p> <p>DP Ref 2: <i>Miramar Tunnels</i> has been included in SCHED4 – Scheduled Archaeological Sites of the 2024 District Plan, with the following details provided in the schedule</p> <ul style="list-style-type: none"> • Address: <i>Shelly Bay Road, Moa Point Road</i> • Name: <i>Miramar Tunnels</i> • Legal description: <i>Road reserve</i> • Protection required: <i>First drains (or tunnels) (1849) in road reserve, Shelly Bay Road.</i> <i>2. Second drain (after first in 1849) along Moa Point Road, in base of headland opposite sculpture of piled rocks. Also in road reserve.</i> • Link: <i>Easting 175 1664 Northing 542 4785 and 54247776</i> • HNZPT # Not listed • NZAA Ref #: <i>R27/461</i> <p><i>Miramar Tunnels</i> were notified and proceeded through the Proposed District Plan (PDP) hearings in SCHED4 – Scheduled Archaeological Sites, based on the <i>Archaeological Site Evaluation of Burnham Water Drainage Tunnel, Shelly Bay Road</i>, prepared by Capital Heritage Limited and Subsurface Limited on behalf of the Council (dated August 2020).</p> <p>The evaluation report explains that the <i>Burnham Water Drainage Tunnel 1847</i> and the <i>Burnham Water Drainage Tunnel 1858</i> are the same tunnel, although it was largely modified after the 1855 earthquake, and further enlarged later. These are the <i>first drains</i> in Schedule 4.</p> <p>The description of the <i>second drain (after first in 1849)</i> in the schedule suggests that it could be the <i>Burnham Water Drainage Tunnel 1858</i>, but it is another site: it is located <i>along Moa Point Road, in base of headland opposite sculpture of piled rocks</i>, which is more than 3km away, and it is also recorded in the Archaeological Site Recording Scheme (ArchSite) under ref: NZAA R27/460.</p> <p>NZAA R27/460 is not <i>on road reserve</i> as mentioned in the legal description column of the schedule, but it is located at 69 Moa Point Road. Consequently, the <i>second drain</i> is not identified as a Scheduled Archaeological Site on the online View Map when searching 69 Moa Point Road.</p> <p>Ultimately, and since the nature and location of the second drain is unclear in the District Plan's schedule, resource consent applicants are unable to assess the effects of their proposal on the <i>second drain</i>, which can generate costs and delays in the consenting process.</p>

Because this issue has already occurred, the Council's Resource Consent Team has requested that DP Ref 2: *Miramar Tunnels* is amended in SCHED4 – Scheduled Archaeological Sites.

Regulatory Framework

Section 6(f) of the Resource Management Act 1991 (RMA) requires councils to protect historic heritage from inappropriate subdivision, use, and development as a matter of national importance. This includes scheduled archaeological sites.

Likewise Objective 15 of the Regional Policy Statement for the Wellington Region 2013 (RPS) requires that "*Historic heritage is identified and protected from inappropriate modification, use and development*".

2024 District Plan Provisions

The following 2024 District Plan *Historic Heritage and Sites and Areas of Significance to Māori* strategic direction objectives apply:

Strategic objectives	
HHSASM-O1	Significant buildings, structures, areas, and sites that exemplify Wellington's historical and cultural values are identified, recognised and protected.
HHSASM-O2	Built heritage is resilient and has a sustainable long term use while ensuring heritage and cultural values are recognised and maintained.

DP Ref 2: *Miramar Tunnels* has been included in SCHED4 – Scheduled Archaeological Sites. As such, some specific provisions apply to the sites (*first drains*, and *second drain*), in particular those found in the Historic Heritage and the Earthworks chapters.

Within the Historic Heritage chapter, policies HH-P18 to HH-P22 and rules HH-R24 to HH-R26 are specific to scheduled archaeological sites.

Heritage New Zealand Pouhere Taonga

Both sites are recorded in ArchSite and are protected under the Heritage New Zealand Pouhere Taonga Act 2014. As such, an archaeological authority is required before either of the sites can be modified (or destructed).

Assessment of Options

Relevant options

For the purposes of the evaluation, the following options have been considered:

- **Option 1:** Retain the status quo, with DP Ref 2: *Miramar Tunnels* in SCHED4 – Scheduled Archaeological Sites as-is;
- **Option 2:** Amend DP Ref 2: *Miramar Tunnels* in SCHED4 – Scheduled Archaeological Sites; and change the specifications for the *second drain*.
- **Option 3:** Remove the *second drain* from DP Ref 2: *Miramar Tunnels* in SCHED4 – Scheduled Archaeological Sites; amend and rename DP Ref 2: *Burnham Water Drainage Tunnel(s)*; and include a new item in SCHED4 under DP Ref 4: *Moa Point Tunnel*.

Options 2 and 3 also require that the online ePlan map is amended accordingly.

Cost/benefit assessment

Option 1: Status Quo - Retain DP Ref 2: *Miramar Tunnels* in SCHED4 – Scheduled Archaeological Sites as-is

Retaining the status quo will continue to result in potential delays and additional resource consent processing fees associated with the requirement to provide additional information with an application, when in fact this may not be necessary. This is because works in the location of *drain 1* will trigger information requirements relating to *drain 2*, when there is no physical proximity between the two sites. This is at the applicant's expense.

The site at 69 Moa Point Road is not specified in the schedule, and it is not identified in the online ePlan map as Scheduled Archaeological Site. As such, the requirement for a resource consent to modify the site could be omitted (unintentionally), illegal works could be undertaken, and heritage values could be altered or lost. If this were to occur, the Council would have failed to meet its legal obligations to protect historic heritage.

The status quo is at no financial cost for the Council, but it will not minimise the risk of damage or loss of historic heritage, which represents a social and cultural cost. The recognition and protection of historic heritage ensures that present and future generations can enjoy, learn, and benefit from the identified buildings, structures, areas, and sites.

This option has no economic benefit; it does not minimise any risks; and it does not resolve a known issue.

Option 2: Amend DP Ref 2: *Miramar Tunnels* in SCHED4 – Scheduled Archaeological Sites and change the specifications for the *second drain*

There is enough information to locate and change the description of the *second drain* in the schedule and ePlan mapping, so that this option could be implemented at limited cost for the Council.

This option will not change any of the current provisions of the District Plan applying to the archaeological site (in that this is already included in the schedule, albeit incorrectly identified), and it will also ensure that the protection of *second drain* is not missed by applicants or by the Council when preparing and assessing resource consent applications, so that heritage values will be protected more efficiently.

If an application is lodged that affects one of the drains, an assessment of the effects of the proposal on the *second drain*, more than 3km away, will still be required. However, it would be a straightforward exercise of stating that this drain is not affected by the proposal, with negligible cost to the applicant.

Option 3: Remove the *second drain* from DP Ref 2: *Miramar Tunnels* in SCHED4 – Scheduled Archaeological Sites; amend and rename DP Ref 2: *Burnham Water Drainage Tunnel(s)*; and include a new item in SCHED4 under DP Ref 4: *Moa Point Tunnel*

Heritage listings can comprise several items, in particular when considered individually, each item does not meet the threshold for scheduling but would do so as a group.

The two drains have been listed together, based on the evidence available at the time the District Plan was notified, and no submissions were made during the hearing process that they should be listed individually.

Further investigation would be required to assess whether the two drains can be listed individually, so that Option 3 can be implemented. There is currently no budget allocated towards further evaluation of the drains.

This option might remain a viable option in a future review of the schedules, or when there is a budget to do so. Since they are currently listed, the heritage provisions will still apply on the two drains under the District Plan, so that they are protected.

Efficiency and effectiveness

Option 2 is the most effective method of achieving the requirements of the higher order planning direction, namely section 6(f) of the RMA and objective 15 of the RPS, as well as the strategic direction of the 2024 District Plan. This option is efficient in that it will correct an unintended error in the Plan with no additional costs to the Council or landowners/developers.

While Option 3 also achieves the requirements of the RMA, RPS and 2024 District Plan, this option will incur costs to the Council associated with further investigative works.

Overall evaluation

Overall, retaining the status quo is not recommended as this will not resolve the issue. Both Option 2 and Option 3 will resolve the issue, however Option 2 is the most effective and efficient method and is the recommended option.

Risk of acting/not acting

There is sufficient information to analyse the appropriateness of acting or not acting.

The risk of not acting is that the issue will not be resolved. This is likely to create ongoing issues for both landowners/developers and the Council.

Resolving the issue through the changes recommended at Option 2 will alleviate this risk, ensuring the effective implementation of the District Plan.

Consultation

Preliminary consultation with advisors from the Council's Heritage and Resource Consents Teams, and Heritage New Zealand Pouhere Taonga, has been held.

Feedback received to date is detailed in the table below:

Heritage New Zealand Pouhere Taonga	Supports the recommended option in principle.
Heritage Team	Supports the recommended option.

Recommended Option

Following the assessment above, Option 2 is the recommended option.

Recommended Changes

1. Amend the description of Miramar Tunnels (Ref 2)

DP Ref #	Address	Name	Legal Descriptions
2	<u>1. Shelly Bay Road and 13 Ropa Lane</u> <u>2. 69 Moa Point Road</u>	Miramar Tunnels	<u>1. Road reserve, LOT 2 DP 43969 SEC 86 WATTS PENINSULA</u> <u>2. GAZ 90/144 SEC 1 (AREA A) SO 35818 SEC3 (AREA C) SO 35088</u>

Protection required	Values	Link	HNZPT #	NZAA Ref #
<u>1. Burnham Water Drainage Tunnel(s), Shelly Bay Road</u> <u>2. Moa Point Tunnel, Moa Point Road</u> First drains (or tunnels) (1849) in road reserve, Shelly Bay Road. 2. Second drain (after first in 1849) along Moa Point Road, in base of headland opposite sculpture of piled rocks. Also in road reserve.	A, B, C, E, F	1. Easting 175 1664 Northing 542 4785 and 54247776 - NZTM E 175 1658, N 542 4772 <u>2. NZTM E 175 1660, N 542 1714</u>	Not listed	<u>1. R27/461</u> <u>2. R27/460</u>

2. Amend the ePlan mapping by adding a 'dot' on the site at 69 Moa Point Road, Miramar denoting that a scheduled archaeological site is present there.



Consequential Amendments

No consequential amendments are required.