



Guide B

Application for an exploratory archaeological authority

This guide details the information you need to supply when completing each section of Form B.

FAQs

Have I picked the correct form?

Form B is the correct form for you if either of the following applies:

1. you need to determine whether an archaeological site is present in the area in which you wish to carry out an activity
2. an archaeological site is known to be present, but you need to know more about where its boundaries are and what kind of site it is.

What happens once we receive your application?

We'll let you know whether your application has been accepted or not within five working days from the date we received it. If it's not accepted, we'll return your application along with a letter explaining the reasons.

If accepted, we'll let you know whether your application has been granted within the following 10 working days.

How does this guide work?

Each section corresponds to the same section in Form B. The sections that haven't been included in this guide have been left out because there was no additional information to share.

If you have any questions, feel free to contact the Heritage New Zealand Pouhere Taonga office located in the region in which the activity you are applying for is located (see contact details at the end of this guide).

DOCUMENTS NEEDED TO COMPLETE (AND ACCOMPANY) THIS APPLICATION:

- **NZAA site record forms**
 - Must be provided for any recorded site that may be affected by your proposed works.
 - This information can be provided by your project archaeologist or via www.archsite.org.nz.

SECTION 1: APPLICATION DETAILS

1.1. Applicant's contact details

Once your application has been processed, it will be issued in the name you write here. This means that this person or organisation will hold the legal responsibility for complying with any conditions issued. The applicant can be a person's name or an organisation's name. If you put an organisation's name you will also need to write the name of the person from that organisation who we can contact. More than one party can apply for an authority.

1.2. Authorised agent details

This section will only be relevant in situations where a person has been nominated by the applicant to act on their behalf, or a person who can legally act on your behalf (e.g. power of attorney). We will use the authorised agent as the first point of contact, unless someone else is specified in 1.3. The authority will still be issued in the applicant's name.

1.3. First point of contact details

If you do not wish to be the first point of contact, you can choose another party. For example, it could be your project archaeologist. The authority decision will be emailed to both addresses listed in 1.1 and 1.3, but if we have a question we'll call or email the person in 1.3 first.

1.4. Location details

This section is where you provide the details of the location of the activity for which you are applying: the address (or location if no street address exists), the legal description (which you can obtain from either the local authority, rating information or LIM report), and the local authority that covers this location (e.g. Dunedin City Council).

SECTION 2: ARCHAEOLOGICAL DETAILS

2.1. Details of recorded archaeological sites to be affected

If your proposed activity may affect a known archaeological site, this site should be recorded in the New Zealand Archaeological Association's (NZAA) site recording scheme. This section of the form is where you include the information about this site (or sites). This information can be provided by your project archaeologist or the relevant NZAA site record.

Note that buildings and structures constructed before 1900 are included in the Act's definition of an archaeological site. The definitions are:

- A building is defined as a structure that is temporary or permanent, moveable or not, fixed to land and intended for occupation by people, animals, machinery or chattel.
- A structure is defined as a thing made by people, moveable or not, fixed to the land, and includes equipment or machinery.

2.3. Note that under section 56(6)(b) of the Heritage New Zealand Pouhere Taonga Act 2014 it is a legal requirement to return the location of your activity as nearly as possible back to its former state, unless agreed otherwise by the owner/occupier.

2.5 Does the land lie within a statutory acknowledgement area or customary marine title?

The locations of statutory areas¹ are shown on Survey Office (SO) plans and copies are held by the relevant local authorities and are also available at LINZ (see their website for further information).

Where a customary marine title² exists, this information will be captured on the land title which can be obtained from LINZ (see their website for further information).

2.6 Do any of the following relate to this area?

- To find out whether the property under application is subject to **reserve status** or **scheduled in the District Plan**, contact your local Council office
- To find out whether the property under application is subject to a **heritage covenant** or **heritage order**, check the land title
- To find out whether the property under application is an entry on the New Zealand Heritage List/Rāangi Kōrero, check our website www.heritage.org.nz/the-list or contact the Heritage New Zealand Pouhere Taonga office located in the region in which the activity you are applying for is located (see contact details at the end of this guide)

SECTION 3: CONSULTATION

3.2 Consultation with tangata whenua or Māori

This section is relevant if your proposed works will affect a site of interest to Māori.

Consultation with tangata whenua or Māori is not required under the Act for an exploratory authority application, but Heritage New Zealand Pouhere Taonga encourages consultation as best practice approach.

Many general authorities will be issued with a condition that requires a final report. If the site of proposed works is of interest to Māori or Māori, iwi/hapū should be given an opportunity to discuss the contents of the final report (that will become publicly accessible on the Heritage New Zealand Pouhere Taonga Digital Library).

3.3 Consultation with any other person likely to be affected (where relevant)

Examples of other parties that might be affected include heritage groups, community groups, local residents or businesses. It's important to keep in mind that even though these parties might be affected by your activity, they may not be eligible to appeal the authority decision.

Only 'directly affected parties' can appeal, which have been defined by the Environment Court as:

- any person with a proprietary interest in the land
- the applicant for the authority that is the subject of the appeal
- tangata whenua or Māori who are linked to the site through their ancestry
- other persons without a proprietary interest in the land, such as children and grandchildren being directly affected by a proposal to dig up a grandparents grave

¹ Statutory acknowledgements are statements in Treaty of Waitangi settlements between the Crown and tangata whenua. A statutory acknowledgement is a way for the Crown to formally acknowledge the statements made by iwi of the particular cultural, spiritual, historical and traditional association of the iwi within the statutory area. Statutory acknowledgements are only given over Crown-owned land. Unless they relate to bodies of water, in which case the acknowledgement applies to the whole lake, river or wetland, except any part of the bed not in Crown ownership or control.

² Customary marine title is defined in the Marine and Coastal Area (Takutai Moana) Act 2011 as 'customary interests' established by an applicant group and recognised by either a customary marine title order or an agreement. Customary marine title exists in a specified area of the common marine and coastal area if the applicant group holds the specified area in accordance with tikanga, and has exclusively used and occupied it from 1840 to the present day or received it, at any time after 1840, through a customary transfer. There are only a small number of customary marine titles currently in existence in New Zealand.

SECTION 4: LANDOWNER CONSULTATION AND CONSENT

Only complete 4.1-4.3 if the applicant does not own some or all of the land where works are proposed to take place.

Landowner consent is needed for all types of archaeological authorities (except for emergency applications made under subpart 3). Landowner consultation and consent doesn't have to be provided with the application, however it must be provided to us before you can start work. Consent from the occupier must also be obtained when the occupier is different from the land owner (e.g. rental tenants).

If your activity is on land owned by more than one person, consent and consultation is required from every landowner. For each landowner, their relevant individual legal descriptions must be provided (i.e. we need to know who owns what land when multiple landowners are involved). If there are many landowners, we ask applicants to submit landowner details using the format of the table below. Submitting landowner details using this table means you do not need to also complete sections 4.1 and 4.2. However, each landowner will still need to complete 4.4 or provide a letter or email of consent as outlined below.

If the landowner is not the applicant, it is OK if the landowner (and/or land occupier, if relevant) isn't able to sign the application form. In these cases, a letter or email from them is acceptable, however make sure it makes specific reference to the authority application, to your activity and their approval for it to go ahead on their land.

Postal Address	Appellation	Landowner (and authorised agent, if relevant)	Landowner email	Consent provided?
123 Street, City	Lot 1 DP 1000	Firstname Lastname	example@email.com	Y

4.4 Consent of landowner or authorized agent / occupier

Three statements are made above the signature, the third of which refers to the land owner's legal responsibilities concerning any archaeological material found on their land. Archaeological material includes any material removed from an archaeological site. This can mean artefacts, faunal material, botanical material and environmental material. The conditions provided in an archaeological authority may require that analysis be undertaken on any archaeological material found. Once analysis is completed the long term management and final repository of the material must be considered

When considering ownership, archaeological material can be classed as either:

- taonga tūturu:
 1. once found, the Crown assumes ownership
 2. taonga tūturu are defined in the Protected Objects Act 1975 as any artefact removed from an archaeological site that:
 - a) relates to Māori culture, history, or society, and;
 - b) was or appears to have been manufactured or modified in New Zealand by Māori, or brought into New Zealand by Māori, or used by Māori, and;
 - c) is more than 50 years old
 3. the legislation relating to taonga tūturu is managed by the Ministry for Culture and Heritage. For further information please visit the Ministry's website at <http://www.mch.govt.nz/nz-identity-heritage/protected-objects>
- other material (not taonga tūturu):
 1. property of the land owner at the time the material was recovered
 2. this includes any artefacts that don't fall within the definition of taonga tūturu, as well as faunal material, botanical material and environmental material

FORM E: APPLICATION FOR APPROVAL OF ARCHAEOLOGIST

It is not essential that Form E is completed along with your application for an archaeological authority. Your authority can be issued without having an approved person on board. However, the majority of authorities have conditions that require the input of an approved person.

The application for an s45 person has a 10-working day processing time (if received separately to Form A) and a 15-day appeal period (or 18 days if any parties are alerted by post rather than email) during which no works can be carried out. Therefore, it is a good idea to submit Form E at the same time as Form A so you only have one processing time and one appeal period to factor into your work schedule.

SECTION 1: DETAILS OF NOMINATED PERSON

These are the details of the consultant who has been contracted to carry out any archaeological work required. A list of available archaeological consultants can be found at nzarchaeology.org. Inclusion on this list does not necessarily mean that we approve them for your activity. We consider each application on an individual case by case basis, taking into account the person under application (their skills, experience and access to appropriate cultural support) and the activity that is proposed. Be aware that some projects may require specialist skills (for example archaeological buildings recording) so it is wise to ensure that the person you choose has the right skills for the job.

Refer to our s45 guideline (see heritage.org.nz/resources/archaeology-resources) for more information on what is considered during this approval process.

CONTACT DETAILS

Region	Use the following contact details for general correspondence:	Submitting your application Please do not email it
Northland	09 407 0470 ArchaeologistNA@heritage.org.nz	Submit your application and any related documents via our website: <ul style="list-style-type: none">• Go to www.heritage.org.nz• Go to the archaeological authorities page• In the yellow section, select the kind of application you are making• Click <i>Submit application</i>• Complete the popup form, and load your application and any accompanying documents when prompted• Check the Privacy box and click <i>Next</i>• An email will confirm submission including the authority application number.
Auckland, Hauraki, Thames-Coromandel	09 307 9923 ArchaeologistMN@heritage.org.nz	
Bay of Plenty, Waikato, Gisborne	07 577 4535 ArchaeologistLN@heritage.org.nz	
Taranaki, Manawatū-Wanganui, Tasman, Nelson, Marlborough	04 494 8323 Archaeologist1CR@heritage.org.nz	
Chatham Islands, Hawkes Bay, Wellington	04 494 8324 Archaeologist2CR@heritage.org.nz	
West Coast, Canterbury	03 363 1884 ArchaeologistCW@heritage.org.nz	
Otago, Southland	03 470 2364 ArchaeologistOS@heritage.org.nz	