



Guide A

Application for a general or minor effects archaeological authority under section 44 of the Heritage New Zealand Pouhere Taonga Act 2014

How does this guide work?

This guide has been put together to help you complete an application for a general or minor effects archaeological authority. Each section corresponds to the same section in Form A, detailing what information you need and how to provide it. 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).

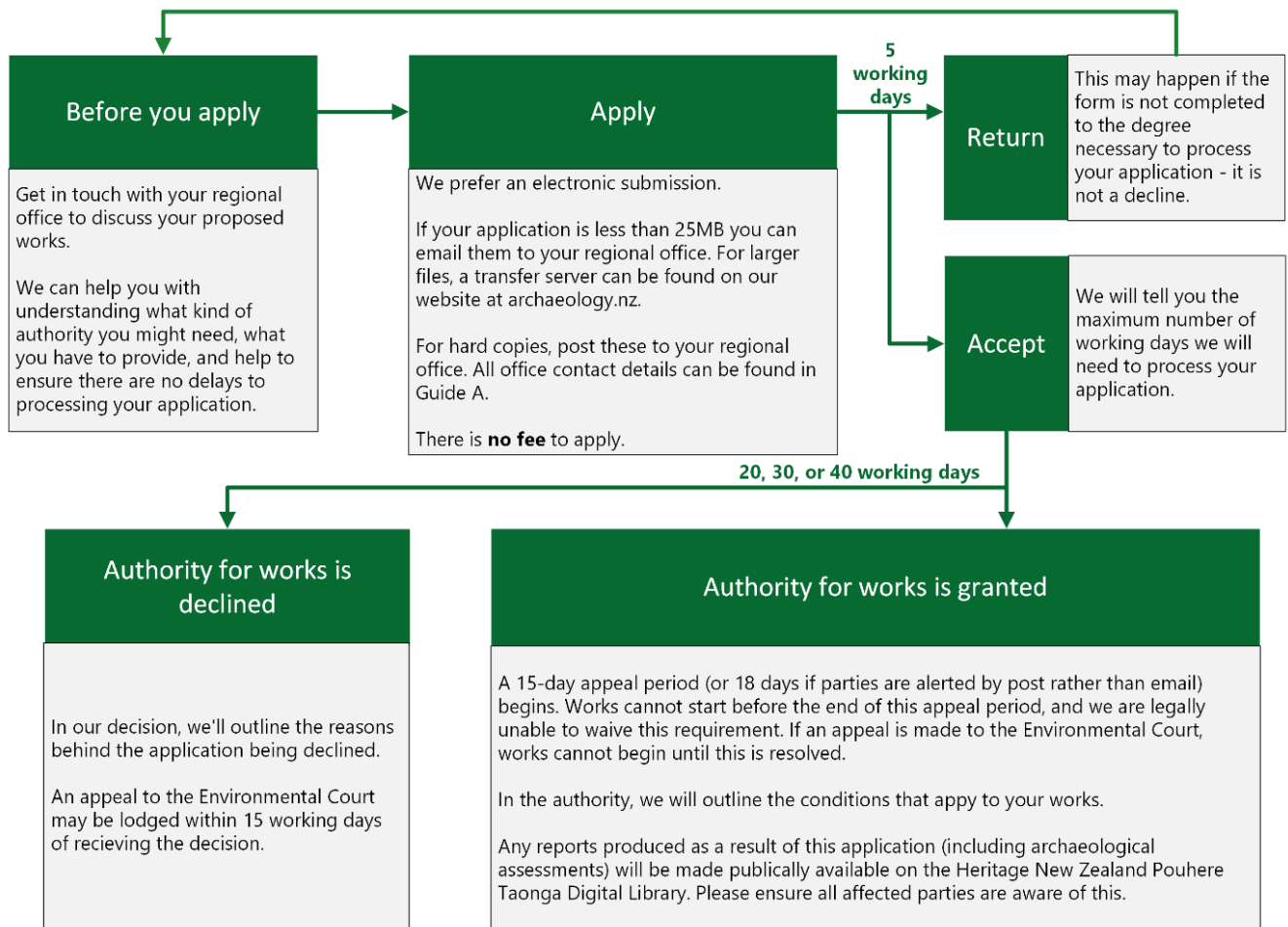
Have I picked the correct form?

Form A is the correct form for you if you can answer yes to any of the following:

1. is there the chance that your proposed activity may affect an archaeological site?
 - a. includes modification OR destruction of the site
 - b. includes part of OR all of the site
 - c. the site does not need to have been recorded or entered on the New Zealand Heritage List / Rārangi Kōrero
2. do you think that the effect on the site's values will be no more than minor?
 - a. your project archaeologist or a Heritage New Zealand Pouhere Taonga archaeologist can advise on this question
 - b. in these cases the archaeological site must be recorded (i.e. the site must be known to be present not just suspected, and it must have been recorded in the national inventory of archaeological sites, i.e. the New Zealand Archaeological Association's site recording scheme).

We strongly encourage you to get in touch with your local Heritage New Zealand Pouhere Taonga office to discuss your proposed works, and we can advise you on if you need an authority, what kind of authority you will need, and what must be provided with it.

What happens next?



DOCUMENTS NEEDED TO COMPLETE (AND PROVIDE ALONGSIDE) THIS APPLICATION

An archaeological assessment report

- **This is required for a general application, not a minor effects application**
 - For more information on what should be included in the archaeological assessment report, refer to our guideline for writing archaeological assessments, and the associated template at heritage.org.nz/resources/archaeology-resources
- **NZAA site record forms**
 - Must be provided for any recorded site that may be affected by your proposed works. This is regardless of whether your application is for a general or minor effects authority.
 - This information can be provided by your project archaeologist or via www.archsite.org.nz.
- **A research strategy**
 - This is relevant when your activity will impact on a site where “significant information in relation to the historical and cultural heritage of New Zealand” could be uncovered (Section 52(2) of the Act). Your project archaeologist is best placed to make this decision. Refer to our guideline for writing research strategies (see heritage.org.nz/resources/archaeology-resources) for more information on what to include.
- **A site instruction or management plan (may be required)**
 - The majority of authority applications should include either a site instruction or a management plan, depending on the scale of works. The purpose of the site instruction or management plan is to provide a set of clear instructions (with regard to archaeology) for all on-site staff to follow.

- Your project archaeologist can advise if these documents will be needed as part of your application. If in doubt you can check with 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). As a rough indication:
- **No need for site instruction or management plan:**
 - Activities that cover a very small area, are simple in nature and/or involve only one or two different parties to carry out the work. For example, the installation of an in-ground water tank which will require the excavation of a 2mx2mx5m hole, which is undertaken by one contractor.
- **Requires site instruction (which must be kept on site during works and made available to all onsite staff):**
 - Activities that are moderately complex or cover a middling area of land or involve several different parties to carry out the work. For example, the creation of a residential dwelling including the installation of services and the creation of a driveway, which will involve a fair amount of earthworks across the moderately-sized property and involve 3 different contracting firms to complete.
 - A site instruction might contain the following:
 - areas where the archaeologist must be present
 - on-site briefing by project archaeologist for contractors about the archaeological work required and how to identify archaeological sites during works
 - the responsibilities of contractors with regard to notification of the discovery of archaeological evidence
 - emergency contact details for project archaeologist, Heritage New Zealand Pouhere Taonga Regional Archaeologist and Māori or Moriori
- **Requires management plan (must be kept on site during works and made available to all on-site staff)**
 - Activities that are complex or cover a large area or involve many different parties to carry out the work. For example, the creation of a new motorway or a 30-lot subdivision.
 - The demolition of a pre-1900 building.
 - A management plan might contain the following:
 - methods to protect any archaeological sites or features
 - procedures for any archaeological investigation or recording of archaeological information
 - the role, responsibility and level of authority of the approved archaeologist
 - timeframes for archaeological work
 - protocols for the unexpected discovery of archaeological material
 - on-site briefing by project archaeologist for contractors about the archaeological work required and how to identify archaeological sites during works
 - the responsibilities of contractors with regard to notification of the discovery of archaeological evidence
 - requirements for stand down periods to enable archaeological work
 - mechanisms for dispute resolution, and
 - emergency contact details for the project archaeologist, Heritage New Zealand Pouhere Taonga Regional Archaeologist and Māori or Moriori.

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. Application type

Your project archaeologist or a Heritage New Zealand Pouhere Taonga archaeologist can advise on whether your proposed works will need a general authority application, or whether you may apply for a minor effects authority.

1.5. 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: LANDOWNER IS APPLICANT: CONSENT

Only complete this section if the applicant owns the land where works are proposed to take place.

Once you complete section 2, please skip section 3 (unless there are also other landowners alongside the applicant). The applicant must provide their signature here as well as in section 7.

SECTION 3: LANDOWNER IS APPLICANT: CONSULTATION AND CONSENT

Only complete this section 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.

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 3.1 and 3.2. However, each landowner will still need to complete 3.4 or provide a letter or email of consent as outlined below.

If the landowner is not the applicant, it is OK if the landowner 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

3.4 Consent of landowner or authorised agent

Three statements are made above the signature, the third of which refers to the landowner'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

- defined in the Protected Objects Act 1975 as any artefact removed from an archaeological site that relates to Māori culture, history, or society, **and** 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** is more than 50 years old.
- once found, the Crown assumes ownership
- 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 (i.e. not taonga tūturu):

- this is property of the land owner at the time the material was recovered
- this includes any artefacts that don't fall within the definition of taonga tūturu, as well as faunal material, botanical material and environmental material

SECTION 4: ARCHAEOLOGICAL DETAILS

4.1 Details of archaeological site 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.

4.4 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).

4.5 Heritage New Zealand encourages avoiding or protecting the archaeological site as a first option

The purpose of the Heritage New Zealand Pouhere Taonga Act 2014 is “to promote the identification, protection, preservation and conservation of the historical and cultural heritage of New Zealand”. We therefore need to know what you have done to explore alternative plans in order to avoid or protect the site.

If avoidance or protection isn't possible, we need to know what you have done to lessen the impact of the activity on the site. An example of this could be redirecting a roadway to avoid impact to the site, or leaving a reserve contribution encompassing the site in order to protect it long term, or ensuring that your house is built on pole foundations instead of a concrete slab in order to minimise damage to the site. Offsetting of impacts can also relate to the values of the archaeological site, for example the erection of a pou or interpretation panel to provide information and recognition of the site.

4.6 Are there any historic heritage values (other than archaeological or Māori or Moriori) affected by the proposed activity?

The Act (section 46) requires that alongside archaeological and Māori or Moriori values, other values of the archaeological site and the effect of the proposed activity on those values are also considered. These values could include historical, architectural, technological, cultural (other than Māori or Moriori cultural values which are considered in another part of the application), aesthetic, scientific, social, spiritual, and traditional. All that is needed here is a brief indication of which other values will be affected. The detail of these values should be included in accompanying documentation where relevant.

4.7 Do any of the following apply 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/Rārangi 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)

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 5: CONSULTATION

This section addresses the requirement under the Heritage New Zealand Pouhere Taonga Act 2014 (section 46) to consult with tangata whenua or Moriori and any other person that might be affected which must be included. Details must be provided if consultation with any of these parties has not occurred.

5.2 Consultation with tangata whenua or Moriori

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

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 Moriori, 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).

5.3 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 Moriori 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

SECTION 6: MĀORI OR MORIORI VALUES

If your application is for a minor effects authority, you do not need to complete this section.

In addition to the consultation details provided earlier in the application, you also need to provide an assessment of the Māori or Moriori values of the archaeological site and the effect of your activity on those values. This information may take the form of a values statement or an assessment provided by Māori or Moriori. It must be appropriate to the scale and significance of the proposed activity and the impact on the site and can include information prepared for an associated resource consent if it addresses Māori or Moriori cultural values. Please note whether the archaeological assessment has been shared with Māori or Moriori. It is highly recommended that you do this to make sure all information has been shared with and understood by all parties.

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	