



HERITAGE NEW ZEALAND
POUHERE TAONGA



STATEMENT OF GENERAL POLICY

THE ADMINISTRATION OF THE ARCHAEOLOGICAL PROVISIONS
UNDER THE HERITAGE NEW ZEALAND POUHERE TAONGA ACT 2014

29 October 2015

ABOUT HERITAGE NEW ZEALAND POUHERE TAONGA

Heritage New Zealand Pouhere Taonga (HNZPT) is an autonomous crown entity established by the Heritage New Zealand Pouhere Taonga Act 2014 (HNZPTA). Our role, as defined by the HNZPTA, is 'to promote the identification, protection, preservation and conservation of the historical and cultural heritage of New Zealand'. HNZPT is New Zealand's leading national heritage agency and is seen by the public as the guardian of this country's national historic heritage.

HNZPT IS governed by a Board that, while taking into account government priorities and desired outcomes, is responsible for the organisation's strategic direction. The Māori Heritage Council has specific statutory functions under the HNZPTA relating to the promotion and conservation of many aspects of Māori heritage. The Council works closely with the Board and advises the Board on matters of interest to Māori and on undertaking its work in a culturally appropriate manner.

The national office in Wellington provides key service, support and policy functions, and a Māori Heritage team operates throughout the management and organisational structure. There are regional and area offices located in Auckland, Wellington, Christchurch, Kerikeri, Tauranga and Dunedin and the Heritage Destinations Team manages 48 historic properties around the country, 15 of which are staffed.

The work of HNZPT focuses on:

- Identifying and recording information on historical and cultural heritage, through assessments and entering significant heritage onto the New Zealand Heritage List/ Rārangī Kōrero or identifying National Historic Landmarks/Ngā Manawhenua o Aotearoa me ōna Kōrero Tūturu.
- Promoting the conservation of significant historical and cultural heritage, through advice, capacity building, advocacy, regulation, ownership of selected properties, and providing targeted incentive funding.
- Engaging with the heritage owners, iwi and hapū, heritage professionals, the public, councils and government on heritage matters. ■

STATEMENTS OF GENERAL POLICY

To provide leadership and direction in key areas of work, HNZPT has produced statements of general policy for five key activities, as required by section 17 of the HNZPTA. This policy covers the administration of the archaeological provisions.

THE OTHER STATEMENTS of general policy cover:

- The statutory role of advocacy
- The management and use of historic places owned or controlled or vested in HNZPT
- The administration of the New Zealand Heritage List/Rārangī Kōrero
- The administration of the National Historic Landmarks List/Ngā Manawhenua o Aotearoa me ōna Kōrero Tūturu.

The HNZPTA requires that HNZPT consults on the draft policies by making them publicly available and inviting public comments. The draft policies were publicly notified on 3 February 2015 and submissions closed on 17 April 2015. HNZPT has considered all submissions received on the draft policies. This policy was approved by the Māori Heritage Council and the HNZPT Board on 29 October 2015. Each statement of general policy must be reviewed within 10 years of adoption. ■

STATEMENT OF GENERAL POLICY:

THE ADMINISTRATION OF THE ARCHAEOLOGICAL PROVISIONS UNDER THE HERITAGE NEW ZEALAND POUHERE TAONGA ACT 2014

INTRODUCTION	3
The importance of archaeological sites	3
Purpose of policy	3
LEGISLATIVE CONTEXT	4
INTERPRETATION	5
OBJECTIVES AND POLICIES	6
Purpose and principles	6
Sites of interest to Māori	7
Working with those directly affected	9
Access to information	10
Archaeological research	11
Kōiwi tangata	12
Recovery of archaeological material and taonga tūturu	13
Relationship with Resource Management Act 1991	14
Processing of archaeological authority applications	15
Approval of person to undertake archaeological work	18
Compliance	19
GLOSSARY	20

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COVER: Rock art at Te Manunui (Frenchman's Gully), South Canterbury.
IMAGE: HERITAGE NEW ZEALAND

INTRODUCTION

THE IMPORTANCE OF ARCHAEOLOGICAL SITES

NEW ZEALAND has distinctive historical and cultural heritage which we value because these places tell us about our past as a country. The knowledge we get from an understanding of this shapes our understanding of New Zealand. Historical and cultural heritage is associated with identity, mana and cultural wellbeing and relates not only to the physical places, but also the knowledge and stories of those places held by people today.

Historic and cultural heritage enables people to make connections between the past and the present. **Archaeological sites** have a special heritage character as they represent our history written in the land and Heritage New Zealand Pouhere Taonga (HNZPT) works to avoid **modification to archaeological sites** and protection for these sites where possible. The archaeological provisions acknowledge that **archaeological sites** are non-renewable. HNZPT will seek the recovery of information where protection and avoidance is not possible to achieve and will work to ensure there are appropriate systems in place for any archaeological material recovered as part of this process.

Many **archaeological sites** are **sites of interest to Māori**. The Māori Heritage Council of HNZPT uses the term “tapuwae” to symbolise the Māori heritage footprints in the landscape. Tapuwae means sacred footprint, and also communicates the idea that we can look back to where we have been as we move forward, taking more steps. Recognising the **wāhi tapu** values of **sites of interest to Māori** acknowledges the special status of Māori in the **archaeological authority** process.

In addition to **sites of interest to Māori archaeological sites** also relate to the early European contact and settlement of New Zealand and can include for example goldmining and whaling sites. Also the remains left by early settlers can tell us much about their life through the historic material left behind which also forms part of the archaeological record.

Archaeological sites contain information about our past that may only be available through archaeological research studying the physical evidence of past human activity. The discipline of archaeology, like that of history, is concerned with investigating, analysing and describing the past. Archaeological research in New Zealand continues to contribute nationally and internationally significant knowledge spanning a wide range of topics, such as migration and settlement, environmental interactions, and the formation and development of aspects of New Zealand society and industry. Much remains to be learnt and **archaeological sites** are often the only physical record of this human activity.

The archaeological provisions of the HNZPTA recognise that **archaeological sites** are historical and cultural heritage places and that **archaeological sites** can be an important source of information about the past. HNZPT recognises the value of working collaboratively with national and international groups to achieve heritage protection outcomes for all parties in respect of New Zealand’s historical and cultural heritage.

PURPOSE OF THE POLICY

The purpose of this policy is to outline the approach HNZPT will take when undertaking the **archaeological authority** process. More detailed information on process and procedure can be found in HNZPT’s forms and guidelines. ■

LEGISLATIVE CONTEXT

This general policy has been prepared under section 17 of the HNZPTA to provide policy for the administration of **archaeological sites** under subparts 2 and 3 of Part 3 and subpart 2 of Part 4.

THIS POLICY is intended to be consistent with legislation in force at the time of writing. HNZPT will review and amend this policy when necessary, and at least every ten years, to adapt to changes in legislation and policy and in accordance with increased knowledge.

The HNZPTA provides for the identification, protection, preservation, and conservation of the historical and cultural heritage of New Zealand. It requires that modification or destruction needs an **archaeological authority** and sets out penalties for the unauthorised modification or destruction of **archaeological sites**. It outlines the regulatory function for HNZPT to control activities that may modify or destroy **archaeological sites**, including archaeological research investigations. It is based on the presumption that sites are avoided in the first instance. However it also requires HNZPT to manage activities affecting sites in such a way as to balance the benefits of land use and the interests of landowners, with the safeguarding of archaeological heritage.

To recognise and respect the Crown's responsibility to give effect to the Treaty of Waitangi, the HNZPTA contains specific provisions relating to the functions, powers and delegations of the Māori Heritage Council and processes relating to the **archaeological authority** process, including:

- information requirements for applications
- determining applications relating to **sites of interest to Māori** including emergency authorities

- notification of decisions
- recommendations for exploratory authorities affecting **sites of interest to Māori**
- having regard to any statutory acknowledgment
- taking steps to prevent activities affecting **archaeological sites** from continuing without an authority, and
- appeal rights.

HNZPT has special obligations under additional statutes in relation to its administration of the archaeological provisions. These include the Marine and Coastal Area (Takutai Moana) Act 2011, and provisions for specific areas of statutory acknowledgement in settlement statutes. The HNZPTA also complements the Resource Management Act 1991 (RMA) and the Protected Objects Act 1975.

The Protected Objects Act 1975 is administered by the Ministry for Culture and Heritage which regulates:

- the export of protected New Zealand objects
- the illegal export and import of protected New Zealand and foreign objects; and
- the sale, trade and ownership of **taonga tūturu**, including what to do if you find a taonga or Māori artefact.

Cultural items derived from an **archaeological site** may include **taonga tūturu** and may be regulated by the Protected Objects Act. ■

INTERPRETATION

This statement of general policy contains an introductory section which is followed by objectives, being the outcomes we are seeking, and policies that will achieve those objectives. Individual statements in the policy should not be considered in isolation but in the context of the policy as a whole.

THIS POLICY is subservient to the HNZPTA.

In this policy the term 'HNZPT' refers to the organisation generally and includes the HNZPT Board and the Māori Heritage Council. The Board and the Council are identified specifically where relevant. The term 'iwi and hapū' is considered to include reference with respect to the Chatham Islands to 'imi' - the tribal grouping of Moriori.

A Glossary can be found at the back of this policy. Terms in bold text have the meaning as set out in the Glossary.

In this policy statement the numbering and order of objectives and policies is solely for convenience and is not to be interpreted as an indication of relative importance. ■

PURPOSE AND PRINCIPLES

The purpose of the HNZPTA is to promote the identification, protection, preservation and conservation of the historical and cultural heritage of this country. **Archaeological sites** form an important part of the historical and cultural heritage of New Zealand.

OBJECTIVE 1: **Archaeological sites** are identified, protected, preserved and conserved.

POLICIES:

- 1.1 HNZPT promotes the identification, protection, preservation, and conservation of the historical and cultural heritage of New Zealand in carrying out its regulatory functions for **archaeological sites**.
- 1.2 HNZPT recognises the principle that **archaeological sites** have lasting value in their own right and provide evidence of the origins of New Zealand's distinct society.
- 1.3 HNZPT will develop effective and culturally sensitive ways of communicating, sharing information and expertise, and fostering effective working relationships with organisations and individuals involved in historical and cultural heritage.
- 1.4 HNZPT will work collaboratively with central government agencies, local authorities, corporations, societies, iwi and hapū, and individuals engaged with New Zealand's historical and cultural heritage including **archaeological sites**.
- 1.5 HNZPT promotes the identification, protection and conservation of nationally significant post-1900 sites of cultural, historic and archaeological significance in New Zealand through the declaration process.
- 1.6 HNZPT takes into account all relevant cultural values, knowledge and disciplines, as part of the **archaeological authority** process.
- 1.7 Prior to submitting an **archaeological authority** application, HNZPT expects applicants to have explored practical alternatives to avoid or limit the modification or destruction of **archaeological sites**.
- 1.8 HNZPT encourages New Zealand's historical and cultural heritage to be researched, documented and recorded in a culturally appropriate manner as part of the **archaeological authority** process.
- 1.9 The **archaeological authority** process recognises the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, **wāhi tūpuna**, **wāhi tapu**, and other taonga where known.
- 1.10 When processing **archaeological authorities** HNZPT will take into account the significance of any places, including their **historical and cultural values**, which are identified as a National Historic Landmark/ Ngā Manawhenua o Aotearoa me ōna Kōrero Tūturu, on the New Zealand Heritage List/Rārangi Kōrero or covered by heritage covenants or heritage orders.

SITES OF INTEREST TO MĀORI

In carrying out its regulatory functions relating to **archaeological sites**, HNZPT recognises that many **archaeological sites**, as defined in the HNZPTA, are **sites of interest to Māori**.

A **site of interest to Māori** must also meet the definition of an archaeological site to be considered under the archaeological provisions of the HNZPTA.

These sites give meaning to the history, traditions, culture, and identity of whānau, hapū and iwi. They are taonga to be maintained and cared for under the obligations that stem from **kaitiakitanga**, or Māori cultural guardianship. The histories and events which occurred at places of heritage significance are, in a sense, embedded in those places and in relationships with them. Māori heritage relates not only to the physical places, but also to the knowledge and stories of those places.

It is important, therefore, that Māori cultural values are taken into account when making determinations on **archaeological authority** applications which include a **site of interest to Māori**.

OBJECTIVE 2: Māori cultural values are respected and taken into account.

POLICIES:

Māori cultural values

- 2.1** HNZPT will ensure Māori cultural values associated with **archaeological sites of interest to Māori** are considered alongside archaeological and other relevant values when **archaeological authority** decisions are being made, where information about those values has been provided with the application.
- 2.2** HNZPT encourages iwi and hapū to engage in the **archaeological authority** process so that their cultural values can be considered in the determination.
- 2.3** In advance of an **authority** application, HNZPT encourages applicants and iwi and hapū to formalise protocols on agreed cultural processes for **archaeological authorities** which relate to **sites of interest to Māori**, so long as the legal requirements of the HNZPTA are met.

Consultation

- 2.4** HNZPT promotes early involvement of iwi and hapū in proposals relating to **archaeological sites** to enable improved outcomes for avoidance and reduce the negative effects on **sites of interest to Māori**.
- 2.5** HNZPT encourages early and meaningful engagement between applicants for **archaeological authorities** and iwi and hapū.
- 2.6** HNZPT requires advice about whether consultation with **mana whenua** iwi and hapū as well as any other iwi and hapū who have an historical association with particular **archaeological sites** has been undertaken. Evidence of that consultation and the views expressed must be provided. When evidence is provided that consultation was not possible this will be taken into account.

Relationships

- 2.7 HNZPT strives to maintain positive relationships with iwi, hapū and whānau, as appropriate, in its administration of the archaeological provisions, to act reasonably, honourably and in good faith, and to make informed decisions.
- 2.8 Where appropriate, HNZPT encourages collaboration between Māori and archaeologists to create research alignment of interest to both parties.

WORKING WITH THOSE DIRECTLY AFFECTED

In carrying out its regulatory functions relating to **archaeological sites**, HNZPT recognises the interests of landowners, applicants, iwi and hapū, and those persons directly affected through a process which provides clear communication and justifiable outcomes.

Under the HNZPTA, unlike the RMA, those who are considered directly affected is very limited. For example this does not include neighbours.

OBJECTIVE 3: The interests of landowners, applicants, iwi and hapū, and those directly affected are considered when making a determination.

POLICIES:

- 3.1** HNZPT takes into consideration the interests of applicants, landowners, iwi and hapū and those directly affected while achieving outcomes for the protection of **archaeological sites**.
- 3.3** When considering an application for an **archaeological authority** HNZPT takes into account the extent to which protection of the **archaeological site** limits the potential future use of the site in so far as those limits are identified in the application.
- 3.4** HNZPT makes decisions on **archaeological authority** applications according to statutory timeframes and communicates the reasons for decisions clearly to the applicant, landowner, iwi and hapū for a **site of interest to Māori**, the local authority and the chief executive of the Ministry for Culture and Heritage or the nearest public museum, and anyone who may be directly affected.

ACCESS TO INFORMATION

The New Zealand Archaeological Association (NZAA) Site Recording Scheme is a collection of **archaeological site** information, including records for some sites that post-date 1900 and so are not covered in the definition of an **archaeological site** under the HNZPTA unless a declaration has been made by HNZPT.

The national inventory of **archaeological sites** includes **recorded archaeological sites** in the NZAA Site Recording Scheme that are earlier than 1900, or post 1900 where a declaration has been made under the HNZPTA.

Some sites, for example, may also be entered on the New Zealand Heritage List/Rārangi Kōrero, scheduled on district plans or included in iwi management plans. The New Zealand Heritage List/ Rārangi Kōrero is a national list of places and areas of significant **heritage value**.

Information retrieved from **archaeological sites** due to the grant of an **archaeological authority** may be the only information remaining about that place in the future and therefore, unless sensitive, HNZPT will make it publicly available for everyone who may in the future have an interest in it. NZAA Site Records must be updated following **archaeological work** to ensure they contain the most recent information, and archaeological reports will be made available via the HNZPT Archaeological Reports Digital Library.

OBJECTIVE 4: Any decision that affects an **archaeological site** is informed by all available information.

POLICIES:

- 4.1 HNZPT recognises the NZAA Site Recording Scheme as the national inventory of **archaeological sites**.
- 4.2 HNZPT supports the operation of the NZAA Site Recording Scheme through partnership with the NZAA and the Department of Conservation.
- 4.3 HNZPT encourages **archaeological site** recording and research in New Zealand and may support and participate in these activities.
- 4.4 HNZPT actively works with the archaeological community to ensure any reports generated as part of an **archaeological authority** are completed.
- 4.5 HNZPT recognises the value of information produced by **archaeological work** and will make archaeological reports available online unless sensitive.
- 4.6 HNZPT manages sensitive information by appropriate processes.
- 4.7 HNZPT will take every available opportunity to advise landowners of **recorded archaeological sites** on their property and provide information on their management.

ARCHAEOLOGICAL RESEARCH

HNZPT recognises the value of archaeological research in the identification, understanding, protection and conservation of the historical and cultural heritage of New Zealand.

Archaeological research includes a range of activities such as archival research, survey, assessment, excavation, analysis, laboratory work and literature review. The results of archaeological research should be published as widely as possible.

Archaeological research can result from **archaeological authorities** relating to land use activities, scientific or exploratory **authorities** and authorities relating to rescue archaeology where a site is being lost due to natural processes.

OBJECTIVE 5: Historical and cultural heritage knowledge is gained through archaeological research.

POLICIES:

- 5.1 HNZPT encourages **archaeological site** recording and research in New Zealand outside of the **archaeological authority** process, and may support and participate in these activities.
- 5.2 HNZPT promotes and encourages the research, documentation, publication and recording of sites as part of the **archaeological authority** process in conjunction with iwi and hapū for **sites of interest to Māori**.
- 5.3 HNZPT recognises that knowledge about **archaeological sites** and archaeological methods will change over time.
- 5.4 HNZPT will collaborate with other organisations to achieve appropriate management and interpretation of **archaeological sites**.
- 5.5 HNZPT will develop national and regional research frameworks, with other interested parties, to evaluate proposed **archaeological work** and to focus any research required as a condition of an **archaeological authority** towards specific questions relating to New Zealand's past. These will be regularly revised to reflect changes in our understanding of both New Zealand's archaeology and archaeological methods.
- 5.6 HNZPT may require an **investigation under section 52(2)** of the HNZPTA as a condition of an **archaeological authority**, where it is satisfied the investigation is likely to provide significant information in relation to the historical and cultural heritage of New Zealand.
- 5.7 **Investigation by archaeological techniques** through the **archaeological authority** process should not disturb any more archaeological evidence than is necessary to meet the objectives of the investigation. The investigation should leave some archaeological material undisturbed unless the site is to be fully destroyed by development or natural processes.

KŌIWI TANGATA (HUMAN SKELETAL REMAINS)

Kōiwi tangata (human skeletal remains of any race) may be unexpectedly uncovered during earthworks, as a result of natural processes such as coastal erosion or as part of the archaeological authority process.

Unexpected finds of kōiwi tangata are most often of Māori origin (kōiwi tangata Māori). Kōiwi tangata are of special significance to all descendant groups and HNZPT will work closely with them to ensure appropriate processes are followed. The place of interment may also be significant and should be respected.

Other legislation which must also be considered when kōiwi tangata are uncovered includes the Coroners Act 2006, the Burial and Cremation Act 1964, the Protected Objects Act 1975 and Te Ture Whenua Māori Act 1993.

OBJECTIVE 6: Kōiwi tangata are treated in a sensitive and culturally respectful manner.

POLICIES:

- 6.1 HNZPT recognises the need for urgency when kōiwi tangata are discovered.
- 6.2 HNZPT notifies iwi and hapū when discovery of kōiwi tangata Māori are reported.
- 6.3 HNZPT recognises the role iwi and hapū must have in decisions relating to the treatment of kōiwi tangata Māori.
- 6.4 HNZPT encourages iwi and hapū to consider protocols for when more than one burial or a urupā is identified.
- 6.5 HNZPT supports tikanga Māori protocols advised by iwi and hapū in all cases when kōiwi tangata Māori are identified.
- 6.6 Kōiwi tangata will not be held at any HNZPT office or property.
- 6.7 HNZPT will engage in processes relating to kōiwi tangata in accordance with the requirements of other relevant legislation.
- 6.8 HNZPT encourages dialogue with the Ministry for Culture and Heritage and iwi and hapū, prior to undertaking archaeological work to develop processes for the management of taonga tūturu when located with kōiwi tangata Māori.
- 6.9 HNZPT will work closely with applicants, landowners, iwi and hapū, to develop appropriate management processes when archaeological work may affect known kōiwi tangata as part of the archaeological authority process.

RECOVERY OF ARCHAEOLOGICAL MATERIAL AND TAONGA TŪTURU

A possible outcome of the **archaeological authority** process is the recovery of a range of archaeological material which can be analysed to provide information about the people who created the site, where they were getting resources from and how they were using them, where they came from and how they lived.

HNZPT recognises that when a site is modified or destroyed the production of archaeological knowledge through **investigation by archaeological methods** reduces the impact of the loss of the physical **archaeological site** and the associated archaeological values. Site modification or destruction, where a significant part of the physical material of the site is lost, may result in the loss of **historical and cultural heritage values** that cannot be reduced by the production of archaeological information.

Māori objects that may be removed from **archaeological sites** for safekeeping or further analysis in the course of authorised **archaeological work** may be **taonga tūturu** which are subject to the Projected Objects Act 1975 administered by the Ministry for Cultural and Heritage. Archaeological material that is not **taonga tūturu** is the property of the landowner.

OBJECTIVE 7: Information relating to the historical and cultural heritage of New Zealand is recovered where protection of **archaeological sites** cannot be achieved.

POLICIES:

- 7.1 HNZPT encourages the retention of in-situ archaeological deposits where practicable.
- 7.2 HNZPT makes information available for landowners regarding the ownership of archaeological material recovered as part of the grant of an **archaeological authority**.
- 7.3 HNZPT encourages **archaeological authority** holders and archaeologists to work with iwi and hapū to develop appropriate processes for the retention or disposal of archaeological material that is not **taonga tūturu** following **archaeological investigation** and reporting.
- 7.4 HNZPT encourages the **archaeological authority** holder to make provision for the long-term curation of any material recovered and to provide evidence of any such agreement as part of the **archaeological authority** application.
- 7.5 HNZPT encourages archaeologists to work with the Ministry for Culture and Heritage, iwi and hapū, applicants, and landowners to develop appropriate processes, prior to and during analysis, for the storage of material uncovered as part of an **archaeological authority**.
- 7.6 HNZPT works with the Ministry for Culture and Heritage to support the processes in the Protected Objects Act 1975.
- 7.7 HNZPT encourages iwi and hapū, applicants and archaeological consultants to promote knowledge recovered from archaeological research and as part of the **archaeological authority** process through such avenues as public talks and publications, archaeological seminars, and papers where appropriate.

RELATIONSHIP WITH RESOURCE MANAGEMENT ACT 1991

HNZPT recognises that an intent of the legislation is to streamline processes between the Resource Management Act 1991 (RMA) and the HNZPTA.

Because the RMA regulates the use, development, and protection of natural and physical resources, including **historic heritage**, the opportunity arises to align processes in relation to the protection and **modification of archaeological sites** under the HNZPTA.

The granting of a resource consent that will modify or destroy any **archaeological site** does not replace the need for an **archaeological authority** under the HNZPTA.

This policy should be read in conjunction with the General Statement of Policy: Heritage New Zealand Pouhere Taonga's Statutory Role in Advocacy.

OBJECTIVE 8: Processes under the RMA and HNZPTA are aligned wherever possible.

POLICIES:

- 8.1** HNZPT facilitates cooperation and efficiencies between the resource consent and **archaeological authority** processes. The assessment accompanying applications for an **archaeological authority** may be the same as that provided for a planning application, including post-1900 information, so long as it meets all requirements under the HNZPTA.
- 8.2** Consultation details and cultural impact assessments accompanying applications for an **archaeological authority** may be the same as that provided for a planning application so long as they meet all requirements under the HNZPTA.
- 8.3** HNZPT will work with local government for alignment of the RMA and HNZPTA through agreed processes relating to the protection and management of **archaeological sites**.
- 8.4** HNZPT encourages early engagement of all parties to ensure efficient timeframes, shared site visits, consultation, and the use of existing assessments where sufficient information is supplied.
- 8.5** HNZPT establishes working relationships with local government to encourage consistency so that when a resource consent is issued that will modify or destroy an **archaeological site** the consent holder is informed that an **archaeological authority** may also be required under the HNZPTA.
- 8.6** HNZPT will encourage local authorities to inform landowners, through consenting processes, of the provisions of the HNZPTA **archaeological authority** requirements.

PROCESSING OF ARCHAEOLOGICAL AUTHORITY APPLICATIONS

Archaeological sites in New Zealand reflect the diversity of cultures associated with our country and the **archaeological authority** process contributes to our understanding of our distinctive history.

UNDER THE HNZPTA there are four types of archaeological authority:

- General authority. This **archaeological authority** is for any activity that will or may modify or destroy an **archaeological site**. Advice is required as to whether consultation with iwi has occurred for a **site of interest to Māori**.
 - If the proposed activity will have only a minor effect on the archaeological values of a site, it may be considered through the minor effects process whereby no archaeological assessment is required to be submitted with the application. The minor effects process can only be used where there is a **recorded archaeological site**, and sufficient information is available about the values of the **site**, and the impact of the work being undertaken to ascertain the impact will be no more than minor.
- Scientific authority: This **archaeological authority** is to conduct a scientific investigation for research purposes. This type of authority does not apply to landuse activities. Iwi consent is required for an application relating to a **site of interest to Māori**.
- Exploratory authority. This **archaeological authority** is to ascertain the nature and extent of a site in order to inform the possibility of avoidance or research opportunities during further work. Advice is required as to whether consultation with iwi has occurred for a **site of interest to Māori**.
- Emergency authority. This **archaeological authority** is for an activity that will or may modify or destroy an **archaeological site** in an area where an emergency has been declared under the Civil Defence Emergency Act 2002.

With regard to buildings, an **archaeological authority** is required for a building constructed before 1900 that meets the definition of an **archaeological site** that will be demolished at one point in time or in stages over a period of time.

Structures are human made things, fixed to land that may be able to be moved. **Structures** which meet the definition of an **archaeological site** will require an **archaeological authority** before being modified or destroyed.

HNZPT weighs up all the relevant matters including the historical and cultural heritage value of the site, the landowner's interests and the interests of those directly affected in deciding whether to grant an **archaeological authority** to modify or destroy the whole or any part of an **archaeological site or sites**.

Any determination by HNZPT can be amended by court order on appeal although there is provision for a review of conditions at any time.

Further detailed guidance is provided on particular aspects of the archaeological provisions of the HNZPTA in the HNZPT *Archaeological Guidelines* series on the HNZPT website www.heritage.org.nz.

OBJECTIVE 9: The **archaeological authority** process achieves avoidance and protection of archaeological sites where possible.

POLICIES:

- 9.1 HNZPT encourages applicants, landowners and archaeologists to engage in discussions with HNZPT and iwi and hapū at an early stage when planning projects to protect and avoid **archaeological sites** where practicable.
- 9.2 To make informed and effective decisions HNZPT requires a sufficient level of information about the **historical and cultural heritage values** of the **archaeological site** and the effect of the proposed work on them.
- 9.3 HNZPT shares information regarding the **archaeological authority** process under the HNZPTA with territorial authorities.
- 9.4 HNZPT evaluates the effects on historical and cultural heritage through the **archaeological authority** process on a case-by-case basis but does not support the building of **structures** on outstanding **archaeological sites**, including pā, other than in exceptional circumstances.
- 9.5 For the purpose of the **archaeological authority** process HNZPT considers:
 - (i) a **building** to be a **structure** that was fully enclosed and was intended for occupation.
 - (ii) equipment and machinery no longer housed or attached to a **structure** are not considered to fall within the definition of a **structure**.
 - (iii) demolition to be the destruction of the whole of the **building** through removal of pre-1900 elements by one or a series of related actions causing such modification that they no longer exist in their context and as an integrated whole.

OBJECTIVE 10: The **archaeological authority** process achieves minimum impact on **archaeological sites** where avoidance is not possible.

POLICIES:

- 10.1 HNZPT expects that where destruction or **modification of archaeological sites** is unavoidable measures will be taken so that any activity undertaken will minimise the impact on the **archaeological site** as far as practicable.
- 10.2 HNZPT encourages applicants, landowners and archaeologists to engage in discussions with HNZPT and iwi and hapū at an early stage when planning projects to minimise effects on **archaeological sites** where possible.
- 10.3 HNZPT ensures that the proposed modification or destruction of the site is assessed and measures are taken to reduce the known impacts on archaeological, **cultural and heritage values**. Measures should also be taken to minimise the alteration or loss of the remaining parts of the **archaeological site** in so far as is reasonably practicable.
- 10.4 HNZPT can impose conditions on an **archaeological authority** that reduce the negative impacts on the **archaeological site** including the production of reports, interpretation material and other related measures.

OBJECTIVE 11: Decisions on **archaeological authority** applications are consistent with HNZPT's responsibilities to provide justifiable outcomes.

POLICIES:

- 11.1** HNZPT makes decisions on **archaeological authority** applications according to statutory timeframes and communicates the reasons for these decisions clearly to landowners, applicants, iwi and hapū for a **site of interest to Māori**, and any other person directly affected.
- 11.2** Any conditions required by an **archaeological authority** are proportionate to the effects on the **historical and cultural heritage values** as well as the potential information of the **archaeological site** that will be modified or destroyed.

APPROVAL OF PERSON TO UNDERTAKE THE ARCHAEOLOGICAL WORK

Under the HNZPTA, HNZPT is required to grant approval for the person who will undertake the **archaeological work** associated with any **archaeological authority**. A person can be approved to carry out **archaeological work** under an **authority** only if HNZPT is satisfied that the person has sufficient skill, competency and access to appropriate institutional and professional support.

In the case of a **site of interest to Māori** they must also be able to recognise and respect Māori values and have access to cultural support. This should not be considered a power of veto by iwi and hapū.

There is a contractual relationship between the **authority** holder and the **approved person** where the **authority** holder is responsible for compliance with the **authority** conditions and the **approved person** is responsible, on behalf of the **authority** holder, for the **archaeological work** undertaken as part of the **authority**.

OBJECTIVE 12: **Archaeological work** meets accepted archaeological practice standards.

POLICIES:

- 12.1** HNZPT requires evidence of skill, competency and access to professional and institutional support before approving a person to carry out the **archaeological work** required as a condition of an **archaeological authority**.
- 12.2** HNZPT will seek evidence from iwi and hapū that the **approved person** recognises and respects Māori values and has access to appropriate cultural support for **sites of interest to Māori**.
- 12.3** HNZPT takes into account compliance with previous **archaeological authority** conditions, including the production of archaeological reports, in its determination on whether to approve a person for particular **archaeological work**.
- 12.4** HNZPT expects the **approved person** to involve iwi and hapū in the **archaeological authority** process, the **archaeological work** and reporting requirements associated with an **authority** which relates to a **site of interest to Māori**.

COMPLIANCE

The purpose of enforcement of the statutory offence provisions of the HNZPTA is to ensure, as far as practicable, that intentional destruction or modification of **archaeological sites** without an **archaeological authority** is avoided and that there is compliance with the conditions of **archaeological authorities**.

Where there is clear evidence that an offence against the HNZPTA has been committed, potential responses by HNZPT should be considered, ranging from discussion with the alleged offender to prosecution, taking into account the particular relevant circumstances, HNZPT's Prosecution Enforcement Policy (2013) and the Solicitor-General's Prosecution Guidelines.

OBJECTIVE 13: Administration of the statutory provisions achieves maximum compliance.

POLICIES:

- 13.1** HNZPT's response to non-compliance will be consistent, transparent and sensitive to the interests about the parties involved.
- 13.2** HNZPT investigates all instances of site damage that they are informed about and will act in accordance with the provisions of the HNZPTA and the HNZPT Prosecution Enforcement Policy.
- 13.3** HNZPT undertakes a compliance monitoring programme to evaluate whether the **archaeological authority** conditions have been complied with and to inform future decisions relating to that site.
- 13.4** In instances where HNZPT becomes aware of non-compliance with **archaeological authority** conditions or the approval of the person to undertake the **archaeological work**, HNZPT will investigate the circumstances surrounding the matter, and will act in accordance with its powers under the HNZPTA.

GLOSSARY

Where the definition is derived from a statute, the relevant section in HNZPTA or other Act is given in brackets. Users are advised to check the most recent versions of these definitions in the relevant legislation in case there have been any amendments since the publication of this policy.

Approved person	Approved person means a person approved by HNZPT to carry out archaeological work required as a condition of an archaeological authority [See HNZPTA section 45 for full definition].
Archaeological authority (authority)	An archaeological authority is a legal document, made under the HNZPTA, to enable any activity affecting an archaeological site to be undertaken.
Archaeological site	Archaeological site means <ul style="list-style-type: none"> (a) any place in New Zealand, including any building or structure (or part of a building or structure), that <ul style="list-style-type: none"> (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) [HNZPTA section 6].
Archaeological work	Archaeological work means any activity undertaken using archaeological methods required as a condition of an archaeological authority made under the HNZPTA.
Building	A building is a structure that is temporary or permanent, whether movable or not, and which is fixed to land and intended for occupation by any person, animal, machinery, or chattel [HNZPTA section 6].
Heritage values or historical and cultural heritage values	Heritage values include aesthetic, archaeological, architectural, cultural, historical, scientific, social, spiritual, technological and traditional values. [HNZPTA section 66(1)].

Historic heritage	<p>Historic heritage means:</p> <ul style="list-style-type: none"> (a) 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: <ul style="list-style-type: none"> (i) archaeological (ii) architectural (iii) cultural (iv) historic (v) scientific (vi) technological; and (b) includes— <ul style="list-style-type: none"> (i) historic sites, structures, places, and areas; and (ii) archaeological sites; and (iii) sites of significance to Māori, including wāhi tapu [wāhi tūpuna and wāhi tapu areas]; and (iv) surroundings associated with the natural and physical resources [RMA Part 1 (2)].
Investigation by archaeological methods	<p>Investigation by archaeological methods means techniques used in the course of archaeological study to record, describe and investigate archaeological sites, such as manual and electronic surveys, visual inspections, site survey, mapping, surface collection, probing, augering, cleaning down existing exposed sections, test pitting, trenching, excavation and the removal of physical fabric and samples for laboratory analysis, post-excavation analysis and report writing.</p>
Investigation under section 52(2) of the HNZPTA	<p>Investigation under section 52(2) of the HNZPTA means a detailed and substantial archaeological excavation using archaeological methods relating to specific research questions which will provide significant information in relation to the historical and cultural heritage of New Zealand.</p>
Kaitiakitanga	<p>Kaitiakitanga means the exercise of guardianship by the tangata whenua of an area in accordance with tikanga Māori in relation to natural and physical resources; and includes the ethic of stewardship [Resource Management Act 1991 Pt 1 (2)].</p>
Kōiwi tangata	<p>Kōiwi tangata means human skeletal remains.</p>
Kōiwi tangata Māori	<p>Kōiwi tangata Māori means skeletal remains of Māori origin.</p>
Modification of an archaeological site	<p>Modification of an archaeological site means any disturbance that will come into contact with any part of the archaeological site and cause changes to its form, arrangement or composition and includes damage.</p> <p>Modification could include:</p> <ul style="list-style-type: none"> ■ alteration to the ground contour caused by the addition or removal of material ■ underwater activities such as dredging, or deposition of material ■ earthworks ■ trenching ■ road and track construction ■ quarrying.

Mana whenua	Mana whenua means customary authority exercised by an iwi or hapū, in an identified area [RMA 1991 Part 1 (2)].
Recorded archaeological site	Recorded , in relation to an archaeological site , means an archaeological site whose location is recorded on a database identified by Heritage New Zealand Pouhere Taonga as the national inventory of archaeological sites [HNZPTA section 6].
Site of interest to Māori	Site of interest to Māori means an archaeological site or other place in which an iwi or a hapū has, or at any time has had, an interest [HNZPTA section 6].
Structure	Structure (a) means a thing made by people, whether movable or not, and fixed to the land; and (b) includes equipment or machinery [HNZPTA section 6].
Taonga tūturu	A taonga tūturu is an object that: a. relates to Māori culture, history or society; and b. was, or appears to have been: i) manufactured or modified in New Zealand by Māori; ii) brought into New Zealand by Māori; or iii) used by Māori; and c. is more than 50 years old [Protected Objects Act section 2].
Wāhi tapu	A wāhi tapu is a place sacred to Māori in the traditional, spiritual, religious, ritual, or mythological sense [HNZPTA section 6].
Wāhi tapu area	A wāhi tapu area is land that contains one or more wāhi tapu [HNZPTA section 6].
Wāhi tūpuna	A wāhi tūpuna is a place important to Māori for its ancestral significance and associated cultural and traditional values, and a reference to wāhi tūpuna includes a reference, as the context requires, to- (a) wāhi tūpuna (b) wāhi tūpuna (c) wāhi tūpuna [HNZPTA section 6].

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