

APP2 – Heritage New Zealand Pouhere Taonga Accidental Discovery Protocol

Under the Heritage New Zealand Pouhere Taonga Act (2014) (HNZPT Act) an archaeological site is defined as any place in New Zealand that was associated with human activity that occurred before 1900 and provides or may provide, through investigation by archaeological methods, evidence relating to the history of New Zealand. For pre-contact Māori sites this evidence may in the form of bones, shells, charcoal, stones etc. In later sites of European/Chinese origin, artefacts such as bottle glass, crockery etc may be found, or evidence of old foundations, wells, drains or similar structures.

Pre-1900 buildings are also considered archaeological sites. Burials/kōiwi tākata may be found from any historic period.

Under the HNZPT Act it is unlawful for any person to modify or destroy, or cause to be modified or destroyed, the whole or any part of an archaeological site without the prior authority of Heritage New Zealand. The purpose of the archaeological authority process under the HNZPT Act is to manage the information recovery process during the process of modifying an archaeological site. If you wish to do any work that may affect an archaeological site you must obtain an authority from Heritage New Zealand before you begin. This is the case regardless of whether the land on which the site is located is designated, or the activity is permitted under the District or Regional Plan, and is irrespective of whether a resource or building consent has been granted. The HNZPT Act provides for substantial penalties for unauthorised destruction or modification.

If you discover an unrecorded archaeological site (for example, when undertaking earthworks) you must stop any work that could affect the site and follow the process below:

1. Work must cease immediately at that place and within 20m around the site.
2. The contractor must shut down all machinery, secure the area, and advise the site manager.
3. The site manager must secure the site and notify the Heritage New Zealand Regional Archaeologist. Further assessment by an archaeologist may be required.
4. If the site is of Māori origin, the site manager must notify the Heritage New Zealand Regional Archaeologist and the appropriate iwi groups or kaitiaki representative of the discovery and ensure site access to enable appropriate cultural procedures and tikanga to be undertaken, as long as all statutory requirements under legislation are met (HNZPT Act, Projected Objects Act 1975).
5. If human remains (kōiwi tākata) are uncovered the site manager must advise the Heritage New Zealand Regional Archaeologist, NZ Police and the appropriate iwi groups or kaitiaki representative and the above process under 4 must apply. Remains are not to be moved until such time as iwi and Heritage New Zealand have responded.
6. Works affecting the archaeological site and any human remains (kōiwi tākata) must not resume until Heritage New Zealand gives written approval for work to continue. Further assessment by an archaeologist may be required.

7. Where iwi so request, any information recorded as the result of the find such as description of location and content, is to be provided for their records.
8. Heritage New Zealand will determine if an archaeological authority under the Heritage New Zealand Pouhere Taonga Act 2014 is required for works to continue.

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