



## COMPLYING WITH AN ARCHAEOLOGICAL AUTHORITY

### FOR INFORMATION ABOUT ARCHAEOLOGICAL SITES

For enquiries about archaeological sites and applications to damage, destroy or investigate sites contact the Regional Archaeologist in your nearest New Zealand Historic Places Trust office:

- ▶ **Northland Area Office, Kerikeri** (Northland)  
PO Box 836, Kerikeri 0245  
PH: 09 407 4443
- ▶ **Northern Regional Office, Auckland** (Auckland, Hauraki, Thames/Coromandel)  
Private Box 105-291, Auckland 1143  
PH: 09 307 8896
- ▶ **Lower Northern Area Office, Tauranga** (Bay of Plenty, Gisborne, Waikato, Taupo)  
PO Box 13339, Tauranga 3141  
PH: 07 578 1219
- ▶ **Central Regional Office, Wellington** (Lower North Island, Nelson/Tasman, Marlborough)  
PO Box 19173, Wellington 6149  
PH: 04 801 5088
- ▶ **Southern Regional Office, Christchurch** (Canterbury/West Coast)  
PO Box 4403, Christchurch 8140  
PH: 03 365 2897
- ▶ **Otago/Southland Area Office, Dunedin** (Otago, Southland)  
PO Box 5467, Dunedin 9058  
PH: 03 477 9871
- ▶ **The Senior Archaeologist**  
New Zealand Historic Places Trust  
PO Box 2629, Wellington 6140  
Email: [archaeology@historic.org.nz](mailto:archaeology@historic.org.nz)  
PH: 04 472 4341

For further information about the New Zealand Archaeological Association database of archaeological sites, a list of consultant archaeologists, and guidelines, visit their website [www.nzarchaeology.org](http://www.nzarchaeology.org)



### NOW YOU'VE GOT YOUR AUTHORITY – WHAT NEXT?

You have received an archaeological authority from the New Zealand Historic Places Trust (NZHPT) because you are planning work that may affect an archaeological site. The NZHPT wants to see the best outcome for the archaeological sites involved and to help ensure that your project runs smoothly. Answers to commonly asked questions regarding compliance with the authority are provided here. If you have other questions, please call the Regional Archaeologist in the NZHPT office nearest you.

### WHY COMPLY?

Archaeological sites are an irreplaceable part of our heritage and, although our history is short, it is rich, varied and unique, and belongs to all New Zealanders. What we discover from archaeological sites helps us to better understand our past and to learn from it. By complying with your authority conditions you help to add to our knowledge, and help us to preserve our heritage for the future.

The NZHPT takes compliance seriously and the *Historic Places Act 1993* (HPA) has strong provisions for non-compliance with authority conditions. Under s100 of the HPA, it is a criminal offence to breach the conditions of an authority, and you could be penalised with a fine of up to \$40,000.

above: *Kiddy-Kiddy* [Kerikeri], 1827?, Earle, Augustus (National Library of Australia, NLA.PIC-AN2838558)  
front cover background: Remains of old goldminers town at Logantown, Bendigo, Arno Gasteiger

front cover left: Ginger beer bottle, circa 1900  
front cover right: *Tāhei*, necklace, circa 1150, associated iwi, Hokonui Rūnanga (Southland Museum)



### CHECK LIST FOR STARTING WORK

- ▶ Read your authority and make sure you understand all the conditions.
- ▶ Contact your approved archaeologist and organise a start date.
- ▶ Check if the conditions ask for a research strategy to be prepared. If so, get this approved in writing by the NZHPT.
- ▶ Where appropriate, contact the iwi/hapu named in the authority to organise the protocols agreed on.
- ▶ Wait the 15 working-day stand down period before starting work.
- ▶ Advise the Regional Archaeologist when work will start by phone, email or by correspondence.
- ▶ If your plans change, contact the Regional Archaeologist to discuss how this might affect your authority.

### CHECK LIST FOR FINISHING WORK

- ▶ Advise the Regional Archaeologist when work is finished.
- ▶ Ensure your approved archaeologist submits the updated site record forms to the New Zealand Archaeological Association Site Recording Scheme.
- ▶ Ensure your approved archaeologist submits their report(s) to the NZHPT within the required timeframe(s).

Remember that we are here to help. If you have any questions please contact the Senior Archaeologist or your Regional Archaeologist.

### READ YOUR AUTHORITY CONDITIONS CAREFULLY

When authorities are granted they contain a list of conditions which must be followed. Make sure you understand what the conditions mean - if you have any questions contact the Regional Archaeologist. Their contact details will be printed on the authority decision. You can also talk through the conditions with your s17 approved archaeologist.

### S17 APPROVED ARCHAEOLOGIST

The archaeological conditions of the authority must be carried out by an archaeologist approved in writing by the NZHPT (under s17 of the HPA) before work starts. Check the authority decision to ensure that your nominated archaeologist has been approved. Archaeologists employed by the NZHPT are not able to do the work for you because this would be a conflict of interest.

If you change your archaeologist, you must have the new person approved by the NZHPT by writing to the Senior Archaeologist. Do not start work until you have received a letter from the Senior Archaeologist approving the new archaeologist (see [www.historic.org.nz](http://www.historic.org.nz) for *Guidelines for s17 Approval*).

### REVIEW OF CONDITIONS

#### *(s16 New Zealand Historic Places Act 1993)*

Authority holders may apply to the NZHPT to change or cancel any of the authority conditions. Application is made by writing to the Senior Archaeologist, National Office, NZHPT. There is no application form for initiating a review of conditions. You must state the details of the authority, the area of land involved, the conditions opposed and the reasons for the application for a review. The NZHPT will consider the documentation and provide a written response.

### 15 WORKING DAYS STAND DOWN PERIOD

You may not start work under your authority until you have waited 15 working days from the time you receive it, or until any appeal that has been lodged is resolved. The appeal period is set out in s20A of the HPA, which means the NZHPT does not have the discretion to waive it.

*above left:* Archaeological survey of Otumoaetai Pā, Tauranga, Arno Gasteiger

*above right:* Historic bottles and pieces of ceramic excavated from an 1860s military site in the Wharepai Domain, Tauranga, R Darmody (NZHPT)



### APPEALING THE DECISION

The HPA allows any person directly affected by a decision to appeal it to the Environment Court. In the past, the Court has taken a narrow interpretation of people “directly affected”, but noted that it relates to the particular circumstances of each case. It does not include strong feelings or personal attachment to an area, or living or working close by. Appeals can be made by any person with a proprietary interest in the land, the applicant for the authority, or tangata whenua. There are other special circumstances where the views of people without a proprietary interest in the land will be considered based on the evidence of the case.

Appeals are made in writing, stating the reasons, the relief sought and any matters referred to in s20 of the HPA. The appeal must be lodged with the Environment Court and served on the NZHPT within 15 working days of receipt of the authority decision. If your authority is appealed, you must be served with the appeal notice within five working days of it being lodged with the Court (see [www.justice.govt.nz/environment/home.asp](http://www.justice.govt.nz/environment/home.asp)).

### MINISTRY FOR CULTURE AND HERITAGE

The NZHPT is required to send a copy of the authority decision to the Ministry for Culture and Heritage. This is to ensure that any artefacts recovered from the excavation are handled under the provisions of the *Protected Objects Act 1975*. The Ministry for Culture and Heritage will send you a letter outlining your responsibilities (see [www.mch.govt.nz/protected-objects/index.html](http://www.mch.govt.nz/protected-objects/index.html)).

### SITE SECURITY

Consider the security of the site from trespassers and whether this is likely to be an issue on your property. Historic sites in urban environments are more likely to be the target of vandals, particularly if there is potential for them to contain valuable artefacts.

### RESEARCH STRATEGY

Some authorities will have a condition requiring a research strategy to be approved by the NZHPT prior to work commencing. Research strategies must follow accepted archaeological practice. Prepared by your approved archaeologist, they contain the excavation objectives, how the excavation will be carried out and by whom (see [www.historic.org.nz](http://www.historic.org.nz) for *Guidelines for Research Strategies*). The research strategy can be prepared within the 15 working day stand down period.

### TIMING IS EVERYTHING

Allow plenty of time to schedule the work that your approved archaeologist will undertake. For bigger projects this is particularly important because the approved archaeologist may need to organise a team of field workers to help with the investigation. Archaeologists normally work on a number of projects at one time across the country, so ensuring that resources are in place well in advance will help avoid delays to your plans.

### NZHPT SITE VISIT

The Regional Archaeologist may organise a site visit while the archaeological investigation is being undertaken to ensure that the conditions of the authority are being met. If there are any issues with compliance, the Regional Archaeologist will contact the authority holder to discuss them.

### REPORTING

At the end of the archaeological work a report must be prepared by your archaeologist. A condition on the authority decision will outline to whom the report must be sent. The **authority holder is responsible** for ensuring the archaeologist completes the report within the stipulated timeframe. The NZHPT will write to you to acknowledge receipt of the report.

### WHEN PLANS CHANGE

Check with the Regional Archaeologist if your plans substantially change, to ensure you are still covered by the existing authority. Please advise the Regional Archaeologist if you change your plans to avoid the archaeological sites.

### WHEN WORK IS DELAYED

If work associated with the authority has not started within six months of it being granted, please contact the Regional Archaeologist so that they can update their compliance records.

### WHEN TIME RUNS OUT

Authorities expire and can not be automatically renewed. Most authorities are valid for five years from the date of issue, unless there is a condition that specifies a particular timeframe. Check the authority decision to see how long the authority is valid. If work has not yet started, the authority holder may write to the Regional Archaeologist stating this and requesting a new authority. If work has started, you should provide an up-to-date summary of what has been done, including any archaeological information. The NZHPT will advise you whether this letter is sufficient or whether a new archaeological authority application will be required.

### SELLING THE PROPERTY

Unlike resource consents, an authority cannot be transferred with the sale of a property. Authorities can be used only by the authority holder named on the decision. If the property is sold, but the archaeological work is not completed, a new application can be made by writing to the NZHPT explaining the situation.