



Guide C

Application for a scientific archaeological authority

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

FAQ's

Have I picked the correct form?

Form C is the correct form for you if you need to carry out a scientific investigation of an archaeological site. For example, an archaeological excavation carried out by a University for research purposes.

You have not picked the correct form if the activity you plan to carry out is associated with anything other than research (e.g. constructing a road, building a house etc).

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 20 to 40 working days. The time varies depending on the complexity of the application and/or the impact of the proposed investigation on Maori or Moriori (Chatham Islands) values. This time frame will be stated in the acceptance letter.

How does this guide work?

Each section corresponds to the same section in Form C. 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 investigation you are applying for is located (see contact details at the end of guides A and B).

SECTION 1: APPLICATION DETAILS

1.1 Applicant's contact details

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

1.3 Location details

This section is where you provide the details of the location of the investigation 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).

1.4 Details of archaeological site to be investigated

The archaeological site subject to this scientific investigation 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. To get a copy of a site record, go to www.archsite.org.nz.

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

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.

The locations of statutory areas 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).

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

1.8 Do any of the following apply to this area? NZ Heritage List/Rarangi Korero entry (previously the NZ Historic Places Trust Register), covenant or Heritage Order, scheduled on district plan, reserve status or other

You can find out whether your investigation is being carried out on land relevant to any of the above listed items, by checking the following sources:

- to find out whether the property under application is an entry on the NZ Heritage List/Rarangi Korero, check our website www.heritage.org.nz or contact the Heritage New Zealand Pouhere Taonga office located in the region in which the investigation you are applying for is located (see contact details at the end of this guide)
- 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 scheduled in the District plan, contact your local Council office
- to find out whether the property under application is subject to reserve status, contact your local Council office.

1.10 Are there any historic heritage values (other than archaeological), affected by the proposed investigation?

The Act (section 46) requires that not only are archaeological and Maori (or Moriori for Chatham Islands) values considered, but also *“other values of the archaeological site in the detail that is appropriate to the scale and significance of the proposed activity and the proposed modification or destruction of the archaeological site; and the effect of the proposed activity on those values”*.

These values could include historical, architectural, technological, cultural (other than Maori 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 will be included by your project archaeologist in their archaeological assessment report.

1.11 An archaeological assessment report must accompany this application. This report must include the relevant New Zealand Archaeological Association site record forms

The Act (Section 46) lists the following as information that needs to be provided as part of your application: a description of the archaeological site, a description of the investigation you want to undertake, and an assessment of the archaeological (and other) values of the site and the effect of your investigation on these values. This information is best provided in the form of an archaeological assessment report written by your project archaeologist.

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 (see www.heritage.org.nz).

1.12 A research strategy must accompany this application

This section is relevant when your investigation 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 www.heritage.org.nz) for more information on what it is to include.

SECTION 2: CONSULTATION

2.2 Consultation with tangata whenua or Moriori (Chatham Islands)

This section addresses the requirement to consult with tangata whenua (or Moriori if your investigation is taking place on the Chatham Islands).

2.3 Consultation with land owner (if not the applicant)

As above, this section addresses consultation, but this time with the land owner. If the land owner is the same as the person or organisation applying for the authority, this section doesn't need to be filled in.

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

As with the last two sections, this addresses consultation. 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 investigation, they may not be eligible to appeal the authority decision. Once an authority is issued, a 15 working day appeal period begins (plus three working days if the authority is posted to any party), during which work cannot start.

So who can appeal? 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 (Chatham Islands) who are linked to the site through their ancestry, or*
- *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 3: CONSENT OF LAND OWNER

Land owner consent is needed for all types of archaeological authorities (except for emergency applications made under subpart 3). If your investigation is situated on land owned by more than one party, consent is required from all parties before work can begin. This consent doesn't have to be provided with the application however it must be provided to us before you can start work.

It is ok if the land owner isn't able to sign the application form. In these cases, a letter or email from them will be fine, however make sure it makes specific reference to the authority application, to your investigation and their approval for it to go ahead on their land.

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 tuturu:
 - 1) once found, the Crown assumes ownership
 - 2) taonga tuturu are defined in the Protected Objects Act 1975 as any artefact removed from an archaeological site that:
 - a) relates to Maori culture, history, or society, and;
 - b) was or appears to have been manufactured or modified in New Zealand by Maori, or brought into New Zealand by Maori, or used by Maori, and;
 - c) is more than 50 years old
 - 3) the legislation relating to taonga tuturu 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 tuturu):
 - 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 tuturu, as well as faunal material, botanical material and environmental material.

Note that an authorised agent is a person who can legally act on your behalf for example power of attorney.

SECTION 4: CONSENT OF IWI OR HAPU, OR MORIORI (CHATHAM ISLANDS)

Iwi or hapu or Moriori (Chatham Islands) consent is mandatory for this type of authority where sites of interest to Maori or Moriori (Chatham Islands) are to be affected.

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. As this approval has a 15 working day (plus three working days if the authority is posted to any party) appeal period during which no works can be carried out, it is prudent to cover off your nominated person approval at the same time as your authority so you only have one appeal period to manage and less delays to factor into your work schedule.

Section 1: Details of nominated person

These are the details of your nominated person, in other words the consultant who has been contracted to carry out any archaeological work required. A list of available archaeological consultants can be found at www.archaeology.nz. Inclusion on this list does not necessarily mean that we approve them for your activity. We consider each application to approve a person 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 www.heritage.org.nz) for more information on what is considered during this approval process.