



HERITAGE NEW ZEALAND
POUHERE TAONGA

General Policy on the Administration of
the Archaeological Provisions under the
Heritage New Zealand Pouhere Taonga
Act 2014

Summary of Submissions
7 Dec 2015

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Public consultation process

The Heritage New Zealand Pouhere Taonga Act 2014 (HNZPTA) requires that Heritage New Zealand Pouhere Taonga (HNZPT) consult on five draft statements of general policy by making them publicly available and inviting public comments [HNZPTA section 17]. These comments must be considered before adopting the draft as a statement of general policy. The draft policies were notified on 3 February 2015 and public submissions closed on 17 April 2015. The final policies will be available from heritage.org.nz no later than 20 November 2015.

This document summarises submissions, and HNZPT responses to suggestions by submitters, on the administration of the archaeological provisions under the HNZPTA.

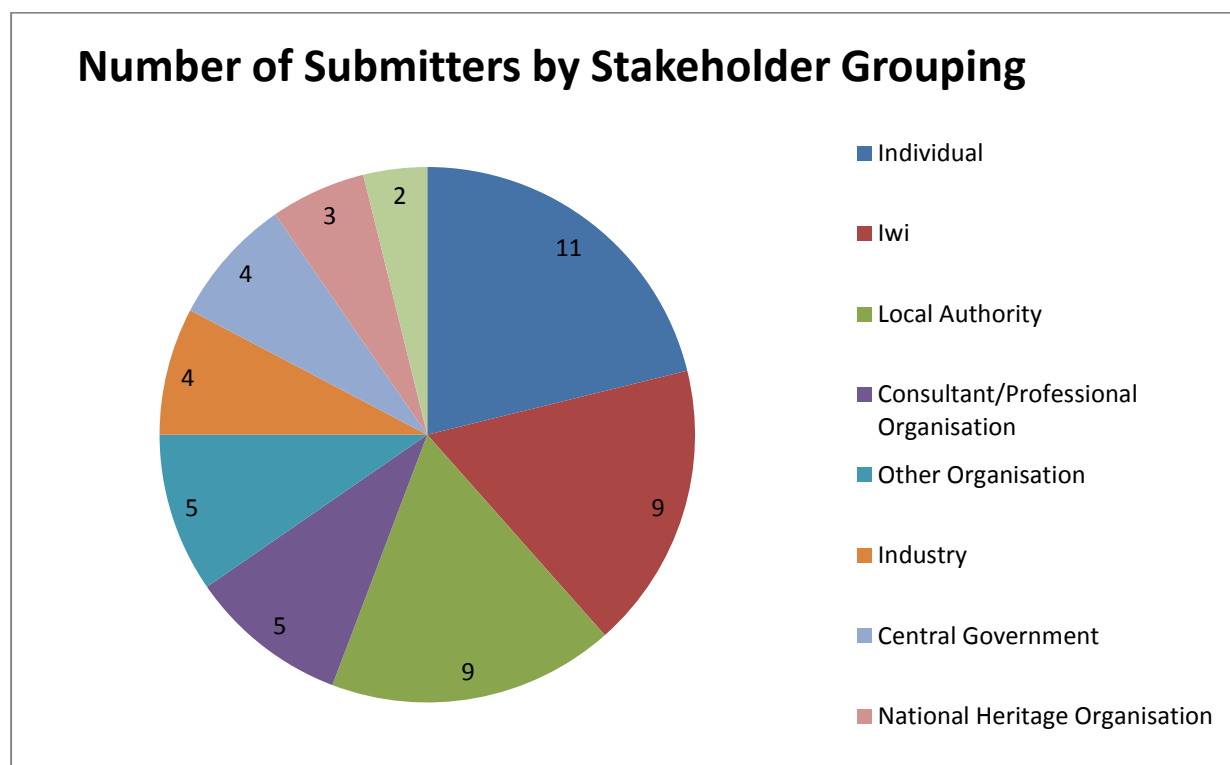
The other four statements of general policy consulted on address:

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

Summary of submissions overview

Submissions by Stakeholder

There were **52** out of a total of **71** submissions referred to, or made comment on, the Draft Policy on the Administration of the Archaeological Provisions under the HNZPTA.



Submissions by Objective

There were about 496 submission points specifically relating to the objectives and policies. Of these, 66% were in regard to changes in grammar, changes for clarification or specific support for a policy or objective. These are summarised in the table below:

Objective / Policy	Total	%
General Comments	23	5%
Introduction/Glossary	63	13%
Objective 1	50	10%
Objective 2	47	10%
Objective 3	39	8%
Objective 4	42	9%
Objective 5	38	8%
Objective 6	28	6%
Objective 7	14	3%
Objective 8	30	6%
Objective 9	39	8%
Objective 10	18	4%
Objective 11	10	2%
Objective 12	22	5%
Objective 13	14	3%
Total Submissions	477	100%

Out of the 52 separate submitters, **29 (56%) specifically commented giving general support**. The majority of submitters went on to comment or further submit on particular policies or objectives within the document. There were two submissions expressing general opposition to government policy as all sites should be protected.

The highest level of support for the objectives was for Objective 6 -Koiwi tangata with 60% of submissions in complete support of the specific policies associated with this objective.

There were a total of 11 submissions using the same information which has influenced the weighting relating to themes.

Key Themes

Some of the general themes identified across all the policies such as the need for guidelines and resourcing had a specific focus in the submissions relating to this policy.

Guidelines

A number of submitters requested the development of guidelines to clarify how HNZPT will implement the policy, and request that the policy refer to the current guidelines. This is referred to in the final paragraph of the introduction to Objective 9.

Resourcing

A number of submissions focussed on the need for resourcing iwi to be involved in the archaeological authority process. Another resourcing theme was the need for government resourcing for the maintenance of, and to enable access to, Archsite.

Other themes specifically concerning this policy were:

- to strengthening terminology relating to cultural values
- the role of iwi in the archaeological authority process.
- clarification of the terminology of mitigation and offsetting.
- The development and management of research
- Making information publically available.

Summary of submission points

Note the following abbreviations are used in these tables:

Heritage New Zealand Pouhere Taonga (HNZPT)

Ministry for Culture and Heritage (MCH)

New Zealand Archaeological Association (NZAA)

Heritage New Zealand Pouhere Taonga Act 2014 (HNZPTA)

Resource Management Act 1991 (RMA)

General comments

Policy no.	Support/ amend	Submission Point	Relief Sought	HNZPT response	Revision to Policy
entire document	Add		Insert provision recognising that private owners should only operate within available resources. References Objective 13.	Authority provisions are a legal requirement. Covered with 11.2	No change
entire document	Add		Recognise imbalance between resources and responsibilities.	Authority provisions are a legal requirement. Covered with 11.2	No change
entire document			Add in as per properties 4.1 policy that supports development of historic places by private owners.	Authority provisions are legal requirement. Covered with 11.2	No change
entire document	Add		Recognise beneficial to facilitate sustainable use into introduction, objective 6 and policies 6.2, 6.4	Not part of this policy.	No change
General	Accept with changes	Requires reference to archaeological guidelines.		See Legislative context.	No change
General		It is unclear whether archaeological values sit within Māori cultural values or vice versa.		Agree	Rewritten to make better links.

					(Intro,9,10,11)
General		A Cultural Impact Assessment including methods of engagement will be processed so that Māori cultural values can be considered in the determination of all archaeological authorities.		See 2.1	No change
General		The policies relating to the administration of archaeological provisions and statutory advocacy should be reviewed so that they integrate. The statutory advocacy policies under the Objectives (12) Promoting heritage protection in planning processes and (13) Promoting heritage protection in consenting processes refer to inter alia encouraging and promoting applicants and territorial authorities to avoid modification or destruction through design. There is no policy in the archaeological set about how the application, assessment and decision making on authorities leads to ensuring that RMA and HNZPTA Authority processes produces the best outcomes.		Covered in statutory advocacy policy. Not for authority process.	No change
Glossary	Accept with changes	A definition of 'structure' would be useful as the authority requirements are different for buildings and structures	Add definition.	Agree	Rewritten to clarify.
Glossary	Accept with changes	Under 'Modifications to an archaeological site' - inclusions should be made regarding works which also have the potential to modify sites and are sometimes overlooked	Include 'infrastructure' under point 4, and add 'conservation/repair works'	Agree	Reworded to focus on methods not purpose.
Glossary	Accept with changes	Make historic heritage definition consistent with RMA		The RMA definition is in glossary.	No change
Glossary	Accept with	Investigation by archaeological methods	consider updating	Guidelines will be developed.	No change

	changes				
Glossary		Why is s52 included?		Specific type of investigation identified in HNZPTA. Not a type of authority.	No change
Glossary		Add definition of national inventory		See section 4 Access to information.	No change
Glossary		Does site of interest to Māori mean the same as Proposed Auckland Unitary Plan		No this policy relates to HNZPTA	No change
Glossary	Accept with changes	The definition of "Demolition" is not supported by the HNZPTA, where demolition is clearly meant to mean total demolition, not partial demolition. "Pre-1900 elements no longer exist in their context and as an integrated whole" could imply the removal of a single brick.		Agree	Rewritten to clarify.
Glossary	Accept with changes	Definition of modification of an archaeological site - present definition excludes cabling that is not directly related to telephone cables	Modify to "trenching for underground utilities including but not limited to telephone, fibre optic cables, power, water and waste."	Agree	Reworded to focus on methods not purpose.
Glossary	Accept with changes	As this is crucial to the recognition of an archaeological site under the HNZPTA, it would be appropriate for a much more developed statement to be presented on what HNZ considers constitutes evidence and how that is recognised through archaeological method. That would provide a more meaningful context for the list of techniques and tasks given to date.		Archaeological site is defined in the HNZPTA.	No change
Glossary	Accept with changes	Have same definition as HNZPTA	Remove...with a roof...		Rewritten to clarify.
Glossary	Accept	Definition inconsistent with HNZPTA	remove...pre 1900 elements and in		Rewritten to

	with changes		their context etc.		clarify.
Glossary	Accept with changes	Defining modification to include building demolition is confusing	Remove from definition of modification -alteration to the ground, deposition of material, demolition of building	Agree	Rewritten to clarify.
Interpretation	Accept with changes	The statement “In this General Policy the term ‘Heritage New Zealand’ refers to the organisation Heritage New Zealand Pouhere Taonga generally and includes the Heritage New Zealand Pouhere Taonga Board and the Māori Heritage Council” is an important definition and should come earlier in the document.		The following other amendments, the full name for the organisation and the abbreviation HNZPT is mentioned in the inside cover and in the introduction.	No change
Interpretation		It is not at all clear to what “iwi and hapu” refers: all Maori; legally constituted collective entities; genealogically constituted collective entities? Iwi and hapu should be defined along the lines of “those Māori groups that have a physical or historic relationship with the heritage place, or are descendants of those that had such a relationship, or who have a kaitiaki relationship with the heritage place.”		Discussed. No definition in HNZPTA.	No change
Introduction	Accept with changes	Final sentence of paragraph 3 reads as though all arch sites are wahi tapu, which is not consistent with the definition in the HNZPTA and the glossary	Recast/clarify the sentence	Agree	Rewritten to clarify.
Introduction		Amend the last two paragraphs to read:	Archaeological sites have a special heritage character as they represent our history written in the land and Heritage New Zealand works to achieve avoidance and protection for these sites where reasonably practicable. The archaeological	Accept in part	Change possible to practicable.

			provisions acknowledge that archaeological sites are non-renewable and HNZPT will seek the recovery of information and will work to ensure there are appropriate systems in place for anything recovered as part of this process.		
Introduction	Accept with changes	What is meant by “Heritage places” In paragraph 2? Are these different from archaeological sites? If so, should they be discussed under a policy on Archaeological Provisions?		Agree	Rewritten to clarify.
Introduction	Accept with changes	The clause “appropriate systems in place for anything recovered as part of this process” at the end of paragraph 3 makes no sense:		Agree	Rewritten to clarify.
Introduction	Accept with changes	While Heritage may help to foster 'identity, mana and cultural well being', it does not follow that this is 'integral' for every New Zealander. 'Knowledge' and 'stories' may not provide reliable evidence		Not agree	No change
Introduction	Accept with changes	change heading	Why archaeological sites are relevant and what they can tell us.	Agree in part	Rewritten to clarify.
Introduction	Accept with changes	Rather than -are integral to, change to can be associated with	Heritage places can be associated with ...	Agree	Rewritten to clarify.
Introduction	Accept with changes	Amendments reflect the reality that historic heritage does not always enrich people’s lives.	Historic heritage (remove enriches peoples everyday lives and) enables people to make connections between...	Agree	Rewritten to clarify.
Introduction	Accept with	Amendments reflect that not all heritage is fragile and non renewable.	Historic heritage is a legacy that we safeguard...	Agree in part	Rewritten to clarify.

	changes				
Introduction	Accept with changes	...and heritage New Zealand works to achieve protection...		Avoidance part of the HNZPTA	Rewritten to clarify.
Legislative Context	Accept with changes	Third sentence of paragraph 3 does not make sense	Change to "It <i>contains</i> the ..." or clarify if 'continues' was the intended word	Agree	Rewritten to clarify.
Legislative Context	Accept with changes	Submit in support of the MHC and their roles and functions, however the current membership does not include a Waikato Tainui representative, and many projects of national significance are occurring in the Waikato region	Appointing a member of the Waikato Tainui to the MHC would "offer a level of assurance"	Appointments to MHC are a Ministerial appointment. HNZPT can raise this issue with Minister.	No change
Legislative Context	Accept with changes	Having a presumption of avoidance leads to poor quality decision-making that does not focus on the actual merits of the application at hand and tends to create a confrontational relationship between HNZPT and those applying for archaeological authorities.	Section 2 of this document should be amended to delete the sentence "It is based on the presumption that sites are avoided in the first instance.	The purpose and principles of the HNZPTA clearly imply avoidance in the first instance as does 42 (1) where the HNZPTA says 'Archaeological sites not to be modified or destroyed unless...'	No change
Legislative Context	Accept with changes	para 2 add archaeological authority		Agree	Change as recommended.
Legislative context		The policy states "Under the new HNZPTA the Māori Heritage Council has decision-making powers in regard to some archaeological authority applications. Clarify.		Redrafted	Rewritten to clarify.
Legislative context	Remove	It is claimed that this draft policy covers the administration of archaeological sites under subparts 2 and 3 of Part 3 and subpart 2 of Part 4. This refers to		This is direct from the HNZPTA.	No change

		landmarks and request this be removed.			
Legislative Context	Accept with changes	The statement that the HNZPTA “continues the regulatory function for Heritage New Zealand”: is not clear what it is being continued from – the regulatory function of the former New Zealand Historic Places Trust as set up under the Historic Places Act 1993?		Agree	Rewritten to clarify.
Legislative Context	Accept with changes	Macrons should only be used when you are certain that all reo is correctly marked (here and throughout the document).		Agree	Checked document
Legislative Context	Accept with changes	In paragraph 3 the items in parentheses beginning “including” would be better as a bullet point list for clarity of understanding.		Agree	Rewritten
Legislative Context	Accept with changes	“What to do if you find a taonga” is a sudden change in emphasis to make a personal appeal to ‘me.’		Agree	Changed
Legislative Context		Reviewing and amending policy	Should be a policy that focusses on monitoring the effectiveness of this and report on it.	The policy is to be reviewed every 10 years.	No change
Whole	Accept with changes	In particular, this should result in Heritage New Zealand making an explicit statement as to how it will interpret the concept of a ‘site’ so that all stakeholders have clear expectations of what is included, how a site’s extent is to be evaluated and, also, being clear on what is not included.	Definition for site	Archaeological site defined in HNZPTA so that definition is used in policy document.	No change
Whole	Accept with changes	Discussing Māori heritage values as inclusive of, rather than different to archaeological values would encourage a shift away from dated dichotomised thinking. The museum sector made that		Agree	Rewritten to make better links

		shift some decades ago.			
Whole	Accept with changes	In several places methods of archaeological practice and recording are referred to. Flexibility in what is considered 'accepted archaeological practice' is needed to account for developments in archaeological method and theory and policy needs to be kept updated in accordance with this. We believe this should include consultation with tertiary education providers in the field of archaeology to ensure current (modern) standards are maintained.		Guidelines will be written. See Legislative context	No change
Whole	Accept with changes	Leaving material undisturbed is not inherently the best way to protect potential archaeological information.		Heritage New Zealand encourages avoidance in the first instance.	Rewritten to clarify.
Whole doc		The use of the word "avoid" has been incorrectly used throughout the policy.		See above	No change
whole doc.		References to HNZPTA should be consistent		Agree. Check to ensure consistency.	Change to ensure consistency.
		In paragraph 1, the clause "a ... range of historic and cultural heritage places" makes little sense – heritage does not have a "range."		Agree	Rewritten to clarify.
	Accept with changes	Avoidance and protection for sites" in paragraph 3 makes no sense (here and throughout the document), and needs to be clarified:	We suspect you mean "avoidance of unnecessary modification of, and protection of, sites."	Agree	Rewritten to clarify.
		Applications for authorities for archaeological sites should require applicants to state whether a site is included in the heritage schedule of any plan (including schedules of Māori cultural heritage) or is subject to		In the application form	No change

		covenants or similar legal protection instruments, and if so to identify the appropriate council as an affected party.			
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Objective 1 – Purpose and principles

Policy no.	Support	Submission Point	Relief Sought	HNZPT response	Revision to Policy
1.1	Accept with changes	It is costly to undertake projects to locate and identify sites of significance as a first step towards protection, preservation and conservation	Financial assistance would help in identifying sites, especially with contracting archaeologists	Outside role of this policy.	No change.
1.1	Accept with changes	It is appropriate that the archaeological authority process takes into account the significance of all places on the list	Edit policy	Agree.	Rewritten to clarify.
1.2	Accept with changes	Policy 1.2: should be two separate numbered points, i.e., lasting value, and provide evidence.		Wording comes from the HZNPTA	No change.
1.2	Accept with changes	The archaeological record or material remains do not have inherent or lasting value. Their value is created through information about the archaeological record or material culture in the present and assigned according to present values. This means that heritage values change through time as information changes (see Policy 5.3) and societal values change. Value is manifest through the application of archaeological methods or other method of information acquisition e.g. historical research. This relates directly the definition of an archaeological site in the HNZPTA (see above). Furthermore the archaeological record does not last	Heritage sites may indeed have other values that are long term or lasting. That may relate to their physicality. Tangible heritage may enable the archaeological aspect, but it is neither defined nor constrained by it. HNZPT statements should acknowledge that lasting value of heritage places is based on ideas other than the notion of 'archaeological value'.	Disagree. Archaeological material can have inherent cultural value beyond the specific material.	No change.

		forever if untouched			
1.3	Accept with changes	Heritage values can reside in built heritage, and buildings' archaeology is relatively new and not well understood - this needs to be included in policy 1.3 or elsewhere		See intro processing archaeological authority. Not necessary to be more specific.	No change.
1.4	Accept with changes	Policy 1.4 should relate to the consideration of alternatives and options as it applies to the preparation of applications.	HNZPT encourages applicants for archaeological authorities to consider measures to avoid or limit the modification or destruction of archaeological sites or parts of such sites, as a result of proposed activities, prior to submitting an archaeological authority application.	Agree in part.	Rewritten to clarify.
1.4	Accept with changes	Link to policy 7.5, amend 1.4 to enable off setting of adverse effects where modification or destruction of archaeological sites cannot be avoided and no other practicable mitigation option exists (undertaken in consultation with HNZPT and iwi)	Amend policy	Agree	Rewritten to clarify.
1.4	Accept with changes	this policy is unclear and implies that work which modifies or causes destruction of the site may be undertaken prior to Heritage New Zealand approval.	Reword.	Agree	Rewritten to clarify.
1.4	Accept with changes	However it is appropriate that the policy be strengthened by "requiring" applicants to avoid or limit the modification or destruction of archaeological sites of interest to Maori	HNZPT requires	Can't require but should all be weighed up in making a decision.	No change.
1.4	Support		Support	Noted/Retain	Noted/Retain

1.5	Accept with changes	Support the intent, but question whether 'cultural appropriateness' refers to the research and documentation, or only the recording of history.	Clarify this point, preferably in favour of unfettered research and documentation of history	Agree	Rewritten to clarify.
1.5	Accept with changes	Fully researched, documented and recorded' is ambiguous and requires some standardisation.		Agree	Rewritten to clarify.
1.5	Accept with changes	Full research, documentation and recording of heritage as part of archaeological authorities should include funded cultural assessment by tangata whenua	Include this requirement in policies	Part of cultural impact assessment provided by applicant	No change.
1.5	Accept with changes	However, it is appropriate that the policy be strengthened by "requiring" New Zealand's cultural and historical heritage to be fully researched, documented and recorded where culturally appropriate as part of the archaeological authority process. This is vital in terms of ensuring that decision-making about whether to grant or decline an authority is fully informed. Where an authority is granted, the research and documentation is equally (if not more) important as the knowledge gained compensates in part, for the loss or partial loss of the archaeological site concerned. We have on-going concerns about the incomplete documentation and reporting for some archaeological authorities following the completion of fieldwork.	HNZPT requires New Zealand's cultural and historical heritage to be fully researched, documented and recorded where culturally appropriate as part of the archaeological authority process.	Can't require but should all be weighed up in making a decision.	No change.
1.5	Accept with changes	Where appropriate. Delete culturally	Culture may only be one aspect of why it is or is not appropriate.	Agree	Rewritten to clarify.
1.6	Accept with changes	The Policy is weak and does not provide a lot of guidance in terms of the role of iwi	The archaeological authority process recognises the	Covered in 2.1	No change.

		in the archaeological authority process.	relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wāhi tūpuna, wāhi tapu, and other taonga where known. This process must include provision for assessment of Māori cultural values which is undertaken with Heritage New Zealand Pouhere Taonga and an approved iwi/hapū representative		
1.6	Accept with changes	Clarify how 'recognise' will be put into effect, especially in relation to decision making		Guidelines	No change.
1.7	Accept with changes	This policy should include a clause requiring cultural sensitivity, due to the issues regarding iwi consultation and archaeological work on areas of tension	Change to "... and expertise, <i>in a manner that is culturally sensitive, whilst...</i> "	Agree	Rewritten to clarify.
1.7	Accept with changes	This policy should include a clause requiring cultural sensitivity, due to the issues regarding iwi consultation and archaeological work on areas of tension	Also recommend the development of a strategy to allow tangata whenua to reconnect with wahi tapu	Not part of policy. Consider for Statutory Advocacy policy and NZ Heritage List.	No change.
1.8	Accept with changes	Land owners are not identified within the list of parties and should be treated as a priority. Policy 1.8 should also identify that HNZ will work collaboratively with land owners as a priority in respect to the archaeological authority process. It should also record that such collaboration shall be applicable to the cultural values of the place.	As applicable to the cultural values of the place, Heritage New Zealand will work collaboratively with land owners, central government agencies, local authorities, corporations, societies, tangata whenua, and individuals working in respect of New Zealand's historical and cultural heritage as part of the	Agree in part.	Rewritten to clarify.

			archaeological authority process.”		
1.8	support		support	Noted/Retain	Noted/Retain
1.8	Accept with changes	Policy 1.8: use either “tangata whenua” or “iwi and hapu”, but not both, be consistent. “In respect of” makes no sense.		Agree	Rewritten to clarify.
1.9	Accept with changes	Expand to identify criteria or circumstances in which the 'declaration' process will be applied		Not part of policy. May develop guidelines to assist with this.	No change.
1.9	Accept with changes	To ensure that policies are consistent with the wording in the HNZPTA (section 43) and to not narrow the focus of identification and protection to post-1900 sites the wording of the provision is proposed to be wider in scope.		Accept in part	Rewritten to clarify.
1.9	Accept with changes	Policy 1.9: post-1900 sites worthy of identification, protection and conservation should be able to be regionally or locally significant, not just nationally significant.		The intent for this level of protection is that it will be of national significance.	No change.
1.1 and 1.3	Accept with changes	There is considerable disjuncture between information and knowledge about an ‘archaeological site’ and the physical remains themselves that can currently be observed by archaeologists, or that were observed in the past by archaeologists. The definition of the ‘archaeological site’ assumes it is the physical location of remains only. Again this is limited by observation rather than the scope of information that may potentially be secured		Archaeological site is defined in the HNZPTA.	No change.
1.10.	Accept with changes		Should have policy taking into account the List in	agree	Rewritten to clarify.

			separate policy.		
1.10	Accept with changes	Policy 1.10: should include the values and significance of places that are identified in the New Zealand Heritage List, otherwise this policy is too subjective and open to interpretation.		agree	Rewritten to clarify.
1.7, 1.8	Support	Support the ethic established that HNZPT will work collaboratively with local authorities and others		Noted/Retain	Noted/Retain
New policy			HNZPT will encourage central government and local government to role model the protection and avoidance ...	HNZPTA applies equally to all parties.	No change.
Obj 1	Accept with changes	Objective 1 should be aligned with the purpose of the HNZPTA which is to “promote” the identification, protection, preservation, and conservation of the historic and cultural heritage of New Zealand.	“Heritage New Zealand promotes the identification, protection, preservation and conservation of archaeological sites.”	Covered in 1.1.	No change.
Obj 1	Accept with changes	Archaeological sites are identified, protected, preserved, and conserved. Suggested rewording “New Zealand’s cultural and historic heritage is identified, protected, preserved, and conserved.”	This object needs clarification as it relates to most of the document. The objective conflates the statutory requirement to promote the identification, protection, preservation and conservation of the historical and cultural heritage of New Zealand with the identification, protection, preservation and conservation of archaeological sites. This further conflates archaeological sites and the	HNZPT supports avoidance in the first instance.	No change.

			information that can be retrieved from them. In many cases it is the information that is most important from an archaeological perspective, not the physical integrity of the deposit.		
Obj 1	Accept with changes	Māori heritage values shall be recognised and provided for		See Objective 2	No change.
Obj 1	Accept with changes	Auckland Airport considers that this Objective sets a high standard that may not always be achievable	Objective 1: Archaeological sites are identified, protected, preserved and conserved where practicable .	The Objective as it stands defines the goal for HNZPT.	No change.

Objective 2- Māori heritage values

Policy no.	Support	Submission Point	Relief Sought	HNZPT response	Revision to Policy
2.1	Accept with changes	This is not provided for in the HNZPTA so the wording 'ensure' should be amended to 'encourage' to recognise that HNZPT does not have statutory power to ensure such a consideration	HNZPT will <u>encourage</u> traditional knowledge associated with archaeological sites to be considered alongside archaeological and heritage assessments when archaeological authority decisions are being made, where it has been provided for in the application.	Requirement in HZNPTA. Ensure is appropriate.	No change.
2.1	Accept with changes	HNZPT should ensure that tangata whenua have the opportunity, time and resources to provide traditional	Clarify this in the policy	Part of cultural impact assessment provided by applicant	No change

		knowledge			
2.1	Accept with changes	Not clear enough that traditional knowledge is of equal value.	Set out more clearly that traditional knowledge will be included in the assessment of any site application with which Māori have a relationship.	Rewritten.	Rewritten to clarify.
2.1	Accept with changes	Traditional knowledge” to be amended to “Māori cultural values” In this policy. “Traditional knowledge” implies the transmission of customs or beliefs from generation to generation whereas “Māori cultural values” is a broader term encompassing values associated with place, regardless of whether they are founded in tradition	HNZPT will ensure traditional knowledge Māori cultural values associated with archaeological sites (in the form of Cultural Impact Assessments, transcripts of oral interviews or other statements of Māori cultural values as deemed appropriate by iwi/hapu) are considered alongside archaeological and heritage assessments when archaeological authority decisions are made, where it has been provided with the application. That all relevant provisions of the draft statutory policies be amended by deleting reference to “traditional knowledge” and replacing it with “Māori cultural values”.	Agree	Rewritten to clarify.
2.1	Accept with changes	Mana whenua views should have a more clearly articulated role in decision-making in relation to properties within their rohe	Amend to 'HNZPT <i>must</i> ensure...'	Will ensure is appropriate.	No change.
2.2	Accept with changes	The 'encouraging' of iwi and hapu to engage in the process may require financial assistance	Provide for this in the policy	Part of cultural impact assessment provided by applicant	No change

2.2	Accept with changes		Make resources available so iwi and hapu can be engaged effectively	Not included in this policy and beyond the resources of this organisation.	No change.
2.4	Accept with changes	Issue with term offset.	Change and review use throughout document.	Agree	Rewritten to clarify.
2.4	Accept with changes	The HNZPTA does not specify what a 'Māori heritage value' is in the interpretation section. Greater specificity would benefit this policy, particularly because of the intentions of the policy is to "offset" any negative effects on 'Māori heritage values'.		Māori heritage values relate to sites of interest to Māori which is defined in the glossary.	No change.
2.4	Accept with changes	While we agree that early involvement by iwi and hapu is appropriate, it does not consider that specifically referencing avoidance and offsetting is appropriate. There may be situations where such outcomes are not practicable and potential outcomes should be left open to being determined in the particular circumstances	HNZPT promotes early involvement of iwi and hapū in projects and proposals relating to archaeological sites to enable appropriate outcomes for addressing effects on Māori heritage values.	This is the aim of HNZPT.	No change.
2.4	Support	It is important to promote the early involvement of iwi and hapu in projects and proposals		Noted/Retain	Noted/Retain
2.4	Accept with changes		How does offsetting relate to mitigation?	Clarified use of offsetting and rewritten.	Rewritten to clarify.
2.4	Support			Noted/Retain	Noted/Retain
2.5	Accept with changes	Policies 2.5 and 2.6 should address the relevant sections of the HNZPTA more clearly.		Agree.	Rewritten to clarify.
2.5	Accept with changes	We agree that encouraging early and meaningful consultation is appropriate, it considers that evidence should only be	HNZPT encourages early and meaningful consultation between applicants for	Agree. 2.5 and 2.6 have been clarified.	Rewritten to clarify.

		required where consultation has actually occurred.	archaeological authorities, and their advisors and iwi and hapū, and requires evidence of the views expressed by iwi and hapū during consultation to be provided where consultation has occurred and such evidence exists.		
2.6	Accept with changes	it is not always easy for applicants to determine who affected iwi and hapu are, especially if there have been historical changes	Provide and maintain a list of appropriate iwi and hapu contacts	Not part of policy but HNZPT currently does do this.	No change.
2.6	Accept with changes	This statement needs to be more flexible as it currently reads a binding requirement regardless of nature of the historical association, and without temporal or spatial boundaries. At the least we suggest a wording change to the effect of 'iwi and hapū who have a historical association and are likely to wish to express a view.'		Agree.	Rewritten to clarify.
2.6	Support	Consultation needs to be done in a careful manner			
2.8	Accept with changes	While research is mentioned, collaboration towards care of places, care of objects, interpretation and the dissemination of information is not discussed. Given the policy statement is proactive, these wider outcomes might be appropriately acknowledged.		Agree. Have clarified some of policies in section 5.	Rewritten to clarify.
2.8	Accept with changes	This statement entrenches a dichotomy between 'Māori' and 'archaeologists' where the language implies the archaeologists stand as representatives for a community (read Pakeha),		Agree. HNZPT fully supports working together to develop research projects.	Rewritten to clarify.

		promoting particular interests of that community. The language might better recognise collaboration among Māori and other/wider communities. Archaeologists are practitioners in the service of all.			
2.8	Support	Support the facilitation, it would help if there were more incentives (including scholarships) for Māori to train as archaeologists		Noted/Retain	Noted/Retain
2.2,2.3	Accept with changes	This policy “encourages” iwi and hapū to engage in the authority process however, this policy would benefit from strengthening and qualification. If HNZPT wants iwi and hapū to engage with the authority process in a meaningful way, it needs to actively encourage such engagement through mechanisms such as wānanga and the development of guidelines and templates. While the Māori Heritage Team at HNZPT already provides some such services, it would be helpful to include reference to these in the policy document to emphasise the importance and prioritisation of this work.	HNZPT actively encourages iwi and hapū to engage in the archaeological authority process so that their cultural values can be considered in the determination. This includes initiatives such as the running of wānanga, development of guidelines, templates and other resources to facilitate iwi and hapū engagement and understanding of the archaeological authority process.	This is not part of policy but HNZPT supports concept and will look at options to implement.	Rewritten to clarify.
2.4,2.5	Accept with changes		Repeat and should be reworded as one policy.	Clarified and rewritten.	Rewritten to clarify.
2.5,2.6	Accept with changes	This policy seems to be a repetition of Policy 2.5 and it seems unnecessary to have both policies. If HNZPT believes that there are elements in 2.6 which are not in 2.5, the policies should be amalgamated rather than having two policies which require consultation with iwi and hapu.		They are different policies and have been clarified.	Rewritten to clarify.
Objective	Accept with	As far as a site is concerned what will		Archaeological site is	No change.

2.	changes	provide the spatial definition? Is it the area that is covered by traditional knowledge about an archaeological site, or only the area covered by a physical archaeological deposit? To what extent do the traditional values of a place have to relate to specific archaeological evidence? HNZ should make a clear statement on this issue so that all stakeholders have common and informed expectations.		defined in the HNZPTA. Clarification added to introduction.	
Objective 2.	Accept with changes		Change to inform decision making	Objective larger than just determination but have clarified in the introduction.	Rewritten to clarify.
Objective 2.			The views and values of Māori will inform decision making, rather than just being taken into account.	Objective larger than just determination but have clarified in the introduction.	Rewritten to clarify.
Para 2 and 3		Paragraphs 2 and 3 of the preamble to this section imply that only Māori heritage has a particular set of qualities. However, these qualities apply to all heritage by definition and to imply that they do not attach to Pākehā, Chinese, Dalmatian, etc., heritage is to debase these other heritages and cultures. These non-Māori cultural values should be acknowledged in the General Policy		This section is about sites of interest to Maori. Clarified in introduction to 9.	Rewritten to clarify.
	Accept with changes	Paragraph two last sentence - acknowledge that tangata whenua connect to wāhi tapu on many levels	Change to "...the physical <i>and metaphysical</i> spaces, but also..."	HNZPTA only applied to physical archaeological evidence.	No change.
	Support	Expects HNZPT to work closely with iwi and hapu and take into account stories in		See 2.1	

		determination.			
	Accept with changes	The values of iwi and hapu are important in the determination of archaeological authorities.	Amend the policy to state "that in making a determination HNZPT must have regard" to the values of iwi and hapu	Clarified in introduction.	Rewritten.
	Accept with changes	Support the promotion of early involvement of iwi and hapu in work relating to archaeological sites, and the requirement that applicants for archaeological authorities undergo consultation with iwi and hapu	Develop a framework detailing the level of consultation required	Not part of policy but will be considered as part of guideline.	No change.
	Support	Support the promotion of early involvement of iwi and hapu in projects, and the improvement of outcomes re. avoidance and offsetting negative effects on Māori heritage values		Noted/Retain	Noted/Retain

Objective 3 – Working with affected parties

Policy no.	Support	Submission Point	Relief Sought	HNZPT response	Revision to Policy
3	Accept with changes	Mana whenua views should have a more clearly articulated role in decision-making in relation to properties within their rohe	Add "The interests of affected parties... making a determination, <i>always giving particular regard to the views of landowners and of iwi/hapu.</i>	Agree in part.	Rewritten to clarify.
3.1	Accept with changes	3.1 and 3.2 say the same thing but conflate the "authority process" (in 3.1) with "HNZ" (3.2).		Agree	Rewritten to clarify.
3.1	Accept with changes	The requested amendment better reflects the provisions of the HNZPTA.	Add directly affected	Agree	Rewritten to clarify.

3.2	Accept with changes	Policy 3.2 is phrased as an objective and not a policy. It needs to be reworded.		Agree	Rewritten to clarify.
3.2	Accept with changes	To strengthen the recognition of private property rights HNZPT should be required to take into consideration these rights when balancing them against the protection of archaeological sites.	HNZPT will to take into consideration the interests of applicants, landowners and affected parties whilst achieving outcomes for the protection of archaeological sites	Agree with concept.	Rewritten to clarify.
3.2	Accept with changes	Moreover, the consideration of the future use of the site should be broader than what has been identified in the application as the application could be from a third party and not the land owner.	Reword policy	No. HNZPT seeks information in the application about limits to potential future use and will consider it when it is provided. Must have landowner consent for application to be considered.	No change.
3.2	Accept with changes	The requested amendment better reflects the provisions of the HNZPTA.	HNZPT WILL ...parties THAT ARE DIRECTLY AFFECTED.	Agree	Rewritten to clarify.
3.3		"I define a pre-European site of significance to Te Iwi Māori such as either a lake, river, stream, sea and any other tributary deemed taonga of vital importance, for conserving and protection against commercial gain or otherwise in perpetuity."		Only those that meet definition of an archaeological site in the HNZPTA.	No change.
3.3	Accept with changes	The reference in Policy 3.3 to "considering an application" is vague. An application for what? The policy should be explicit in this respect.		Agree	Rewritten to clarify.
3.3	Accept with changes	To strengthen the recognition of private property rights HNZPT should be required to take into consideration these rights when balancing them against the	When considering an application HNZPT <u>will consider</u> takes into account the extent to which	HNZPT seeks information in the application about limits to potential	No change.

		protection of archaeological sites.	protection of archaeological site limits the potential future use of the site <u>when considering an authority application</u> . in so far as those limits are identified in the application.	future use and will consider it when it is provided.	
3.3	Accept with changes	The HNZPTA requires HNZPT to consider whether the protection of an archaeological site may prevent or restrict current of future use... rather than 'take into account limits that may be identified in the application.	Reword policy	HNZPT seeks information in the application about limits to potential future use and will consider it when it is provided.	No change.
3.3	Accept with changes	. The concept of “potential future use” is problematic and needs to be defined, as it does not specify what “use” means and in what context. Likewise does the second use of the word “site” in the sentence mean the archaeological site, or the landowner’s property?		This is a requirement in the HNZPTA. See section 59 (1)(a).	No change.
3.3	Accept with changes	Required to take into account not just what is identified in application	Remove...in so far as etc	HNZPT seeks information in the application about limits to potential future use and will consider it when it is provided.	No change.
3.4	Accept with changes	Support the consistent referencing of 'landowners, applicants and affected parties', however this policy only refers to communicating reasons for decisions to "all affected parties", which could exclude landowners and applicants	For consistency, this should be clarified to "landowners, applicants and all affected parties"	Agree	Rewritten to clarify
3.4	Accept with changes	This is just a statement of the statutory requirements under which HNZ operates;		HNZPT makes a commitment to	No change.

		it is not clear why this should be stated as “policy”.		meeting these requirements.	
3.1, 3.2, 3.3, 3.4	Support	Support the inclusion of the interests of the landowners, applicants and affected parties to be considered when making a determination and the consideration on how any determination may limit the potential future use of a site		Noted/Retain	Noted/Retain
Objective 3	Accept with changes	The requested amendment better reflects the provisions of the HNZPTA.	Add directly affected	agree	Rewritten to clarify.
Objective 3 and policies 1-4	Support			Noted/Retain	Noted/Retain
	Support	Support the objective and related policies		Noted/Retain	Noted/Retain
	Support	Note that the balance between the interests of land owners, applicants and affected parties is critical to the protection of historical and cultural sites, and this balance must be achieved in a way that does not compromise or put at risk these sites		Noted/Retain	Noted/Retain
	Accept with changes	It would be best practice for HNZ to provide early guidance on any significant issues as they are identified, so that those issues can be resolved promptly.	HNZPT makes decisions on authority applications according to statutory timeframes and communicates the reasons for decisions clearly to all affected parties, and where reasonably practical, will provide early guidance on concerns arising during the processing of an archaeological authority application”	See 9.1. HNZPT encourages pre application discussions.	No change.

		All sites should not be damaged and protected in perpetuity		The HNZPTA includes a process for modification or destruction of archaeological sites.	No change.
	Accept with changes	Need recognition of Compensation Certificates as mark of ownership	Add policy "HNZPT recognises that a registered Compensation Certificate pursuant to the Public Works Act 1981 is evidence that beneficial ownership of the land has passed to the Crown and the Crown is to be treated as the Owner for the purposes of s46 (2)(a), (b),(c) and (h) and s54(3) of the HNZPTA."	Not part of policy. There are a number of situations which will be clarified in guidelines.	No change.
	Accept with changes	The term "affected parties" is not defined. The Environment Court decision on the Inner City Bypass was very explicit about who could claim to be an affected party. This should be carried over to the new HNZPTA and this Policy, otherwise almost anyone might claim to be an affected party.		Agree	Rewritten to clarify.
	Support	Strongly supported as it recognises the interests of landowners, applicants and affected parties in the Authority process		Noted/Retain	Noted/Retain
	Accept with changes	Add provision recognising legitimacy and significance of Māori knowledge and research		covered in 2.1	No change.
	Accept with changes	It would be helpful to articulate the general nature of factors on which HNZPT bases its determination as to which parties are deemed 'affected'	Clarify policy	Agree. Clarified in introduction.	Rewritten to clarify.

Objective 4 – Access to information

Policy no.	Support	Submission Point	Relief Sought	HNZPT response	Revision to Policy
4.1	Accept with changes	As the face of New Zealand archaeological data, this data management system should be proactive in bringing information to all groups of the community. Significant developments have been made in data acquisition and management. The policy statement should state how HNZPT will ensure data standards and management practices are aligned with these new developments. This includes the collation of a variety of data sources including archaeological data, data from iwi, and data from landowners. We see the potential for archaeological advocacy through data accessibility utilizing recent developments in big data sharing and public engagement.		Not part of policy. Data managed by NZAA. HNZPT working with NZAA to develop options and will raise issue with them.	No change.
4.1	Accept with changes	It is difficult and expensive to contract archaeologists to have sites recorded	HNZPT should consider ways to aid hapu with this, such as financial assistance and advice	Not part of policy but HNZPT supports the concept and will consider how it can be enacted.	No change.
4.2	Accept with changes	There are difficulties with accessing the NZAA site recording scheme online which need to be addressed	Perhaps HNZPT could assist NZAA to improve access to their database	Not part of policy. Data managed by NZAA. HNZPT working with NZAA to develop options and will raise issue with them.	No change.

4.3	Accept with changes	It should be clear what assistance is available to hapu	HNZPT should consider ways to aid hapu with this, such as financial assistance and advice	Not part of policy but HNZPT supports the concept and will consider how it can be enacted.	No change.
4.4	Accept with changes	Reports generated as part of an archaeological authority should be provided to the hapu		Currently happening as a requirement of conditions	No change.
4.4	Accept with changes	Non completion of reports a major issue and need clarity. Needs to recognise circumstances beyond control of archaeologist may make it unreasonable for them to continue involvement.		Not policy but will be addressed in guidelines.	No change.
4.5	Accept with changes	HPT Digital Library is of enormous value but is difficult to use because: a) cannot be searched like database for words or phrases, b) relies on perusal of titles, difficult given volume of reports, and c) is not fully accessible online such as Academia.edu etc.	Make the digital library fully searchable, with enhanced indexing, and with individual reports available for download	Not for policy but agree and HNZPT is looking at options around this issue.	No change.
4.5	Accept with changes	In Policy 4.5, which reports will be made publicly available? Does this include assessment reports prepared for authority applications? These also hold valuable information, which may not necessarily be included in a final report.	Agree.	Not for policy and under consideration currently.	No change.
4.5		Implies that arch reports will be available on the web - they often contain information that is not appropriate for broad dissemination, and there are no guidelines as to what information will be considered sensitive and not published	More dialogue is required with the industry and iwi to develop this policy and more investigation taken to ensure that copyright is not breached	They are currently available through the digital library. Agree guidelines should be developed.	No change.
4.5	Accept with changes	Some sites are sensitive in nature and in these cases the reports must not be made publically available	Modify the policy to address this	Covered in 4.6	No change.

4.6	Accept with changes	In Policies 4.5 and 4.6, who determines what constitutes “sensitive” information? Some Māori may consider all archaeological information to be sensitive, whereas archaeology and the information it uncovers should be considered a public good based on sound science.		Some reports are sensitive and will be treated as such on a case by case basis.	No change.
4.6	Accept with changes	No indication as to what 'appropriate processes' are	Clarify through discussion with industry and iwi	Agreed. That is currently the case.	No change.
4.6	Accept with changes	The processes to manage sensitive information need to be in accordance with the wishes of the tangata whenua	Guidelines required	Not part of policy but guidelines will be considered.	No change.
4.6	Accept with changes		Add process will be determined in association with iwi and hapu.	Processes are determined on a case by case basis.	No change.
4.6	Accept with changes	The policy refers to the appropriate management of sensitive information. Where Māori information is concerned it is important that the wishes of iwi and hapū regarding the public release or otherwise of that information is taken into account.	HNZPT manages sensitive information by appropriate processes. Where sensitive information about Māori sites is concerned, consultation with iwi and hapū will be undertaken prior to any information being publically released – particularly where images or discussion of kōiwi tangata are concerned.	This is considered on a case by case basis depending on the issue.	No change.
4.1 - 4.6	Accept with changes	Policy indicates that NZAA etc. information will be available online free of charge - in which case they support this policy	If the information is not going to be available online free of charge they question the purpose of the policies	General location information is available through ArchSite.	No change.
4.1, 4.2, 4.3	Accept with changes	NZAA site recording scheme is relied on by HNZPT and is used to carry out a legislative purpose	HNZPT/government should contribute to the running costs, suggests \$25-30,000 a year	Not for policy. HNZPT is working with NZAA to develop funding options.	No change.

4.1,4.6	Accept with changes	NZAA scheme publically funded so should be available at no cost		NZAA scheme managed by NZAA and not publically funded.	No change.
4.1-4.6	Accept with changes	The successful operation of the archaeological provisions of the HNZPTA is dependent upon the NZAA data and is only as reliable as that data in terms of triggering HNZPT requirements. While the policies in this section refer to HNZPT 'recognition' and 'support' for NZAA they do not go far enough in terms of ensuring the security and quality of the data.	That the policies be amended to provide that HNZPT will as a priority fund extensive upgrades to the NZAA data to better define the location extent and nature of recorded sites including their values to iwi and hapū. That the policies be amended to ensure the security and quality of the data recognised by HNZPT as the "national inventory of archaeological sites."	Data managed by NZAA. HNZPT working with NZAA to develop options and will raise issue with them.	No change.
		Objective states 'publically available information', but in the experience of the submitter with our property the information is open to question and not publically available.	Information should be up to date	Covered in Objective 4.	No.
	Accept with changes	First sentence in paragraph one is incorrect as some post-1900 sites in the NZAA database have been declared to be arch sites by HNZPT	Change to add "...unless a declaration has been made by HNZPT."	Agreed	Rewritten to clarify.
	Accept with changes	Paragraph 3 line 3 is incorrect	Should read "... Zealand will make it publically available..."	agreed	Rewritten to clarify.
	Support			Noted/Retain	Noted/Retain
	Accept with changes	There are issues with identifying NZAA sites due to issues with transitions to GIS positioning. This requires the use of buffer zones to cover the likely area, which has created difficulties.	Give priority (with NZAA) to improving the accuracy of GIS references for archaeological sites	Not for policy as it is NZAA data. However HNZPT is working with NZAA to improve this.	No change.

	Accept with changes	Support the intent, but question the use of 'thorough' knowledge in the objective - sometimes information about a site may be lost to history, or there may be conflicting views of events and significance	Replace the work thorough with something such as 'sufficient' to indicate that knowledge needs to indicate protection is justified	Agree	Rewritten to clarify.
	Accept with changes		Review objective to remove the constraint that all information used to assess the protection of archaeological sites needs to be publically available	Agree	Rewritten to clarify.
	Accept with changes	We understand that there are costs involved in maintaining such a database. It is believed that this information is of significant national importance. It is considered that this requires both national interest and support, given that it shows taonga and cultural values. If it was funded by the government this information could be available to everyone. Falling short of a national focus to support the resourcing of the database, we would further support the transfer of this asset to HNZPTA in order for greater access to archaeological information.		Not part of policy. Data managed by NZAA. HNZPT working with NZAA to develop options and will raise issue with them.	No change.

Objective 5- Archaeological research

Policy no.	Support	Submission Point	Relief Sought	HNZPT response	Revision to Policy
5.3	Accept with changes	Elaborate on policy	Change to "HNZPT recognises that knowledge about archaeological sites will change over time and strives to keep records updated."	No we do not hold records. Site records are held in the NZAA Site recording scheme available online at ArchSite	No change.
5.3	Accept with changes	This policy needs to be taken into consideration when granting approval to damage/destroy site - more knowledge could be obtained in the future	Add this to the policy	See 9.2	No change.
5.4	Oppose	Do not support development of restrictive research strategies.		Research strategies will not be restrictive.	No change.
5.4	Support	Support the development of research frameworks at regional level		Noted/Retain	Noted/Retain
5.4			Amend so that regional frameworks with iwi, regional authorities and practitioners	Will be developed with a range of parties.	No change.
5.5	Accept with changes	Support the recognition of the value of arch research as part of authority. However, as HNZPT does not discuss conditions in advance with applicants, the requirement for an investigation could result in unanticipated and potentially unnecessary conditions. Draft conditions should be provided if requested	Add new policy under objective 11, as follows: "If requested as part of an application, or by the landowner, any conditions required by an authority shall be provided to enable comments from the applicant or landowner regarding the appropriateness of any proposed condition prior to	Covered by pre application discussions. See 9.1.	No change.

			the issuing of the final decision."		
5.5		In former act there was a distinction between information and 'significant' information. The RMA also has particular use of this term, so check whether needed here, or whether another sentence is required for ordinary info and significant info		Agree clarification is required.	Rewritten to clarify.
5.5	Accept with changes	Clarify where this came from. Link to section in Act (s52(2))		Agree.	Rewritten to clarify.
5.5	Accept with changes	To strengthen the analysis that HNZPT undertakes before an investigation is required stronger language should be included in the policy.	HNZPT may require an investigation as a condition of an authority where <u>if it is satisfied</u> the investigation is likely to provide significant information in relation to the historical and cultural heritage of New Zealand	Agree	Rewritten to clarify.
5.5	Accept with changes	Auckland Airport considers that requiring an investigation as a condition of an authority should only occur where that is appropriate, for example where it does not place an overly onerous obligation on a landowner out of proportion with the authority sought.	HNZPT may require an investigation as a condition of an authority, where the investigation is likely to provide significant information in relation to the historical and cultural heritage of New Zealand and where it is considered appropriate in the circumstances.	Agree in part.	Rewritten to clarify.
5.5	Accept with changes	Should take into account significant regional knowledge, not just national.		Significant information is a requirement of HNZPTA section 52(2).	No change.
5.5	Accept with changes	Need to better reflect the HNZPTA	Add in an authority, IF SATISFIED ON REASONABLE GROUNDS THAT...	Agree	Rewritten to clarify.

5.6		Surely this is a requirement of all excavations, why single out 'scientific'		Agree	Rewritten to clarify.
5.6	Accept with changes	Hapu should be consulted and their views considered in regards to acceptable levels of disturbance in scientific investigations	Add this clause	Iwi consent is required for scientific authorities. See clarification under 9.	No change.
5.6			Should be amended to acknowledge that invasive archaeological investigation is a destructive and non-repeatable process, and that particularly significant sites may be subject to cumulative effects from multiple investigations. The policy should represent a stronger commitment to the sustainable management of sites that are subject to cumulative archaeological investigation. The current wording '...should leave some archaeological material undisturbed...' is weak and open to broad interpretation.	Agree.	Rewritten to clarify.
5.1, 5.2		See comments by this submitter on 4.1 and 4.3 (assistance with site research)		Not part of policy but agree should be considered how to achieve.	No change.
5.1-5.6	new	Archaeology impacts the lives of Māori communities yet often iwi/hapu have little input to archaeological research, and its results remain inaccessible. Research more often than not, benefits the scholars who conduct it but does	HNZPT will require any archaeologist or academic institution applying to undertake scientific and/or exploratory archaeological activities involve and engage	Iwi consent required for scientific authorities. See clarification in section 9.	Rewritten to clarify.

		nothing for Maori. Archaeologists engage with Māori as required by law and sometimes for public education purposes however these relationships rarely (if ever) involve equal partnerships or substantive power sharing.	with Iwi/hapū to participate in designing research questions that may then be investigated in partnership with archaeologists		
Add			Recognition of role of HNZPT to support archaeological research by providing training and upskilling iwi.	Not part of policy but agree should be considered how to achieve.	No change.
Intro	Accept with changes		Add development into final sentence.	Land use activities covers development.	No change.
	Accept with changes	HNZPT is not taking a leading role in archaeological/heritage research, does not publish as the NZHPT once did, and lacks staff with experience in excavating, reporting and publishing on large scale arch excavations	Establish a research office with 2-4 fully funded positions to produce academic work for journals and regular book publications. Also suggests publication of a regular monograph series	Agree but not funded to achieve however working on reinstating regular publications through occasional series. Strengthened policy 5.2.	Rewritten to clarify.
	Accept with changes	Paragraph 1 line 5 - 'exploratory' is the word used in the HNZPTA, so it should be used.	Change to "scientific or <i>exploratory</i> authorities"	Agree	Rewritten to clarify.
	Accept with changes	Last sentence in paragraph one implies that an authority is not required for proposed rescue archaeology on sites being lost due to natural processes	Change to "... and <i>authorities relating to rescue archaeology</i> ..."	Agree	Rewritten to clarify.
	Support	Support the objective and related policies		Noted/Retain	Noted/Retain
	Accept with changes	While scientific knowledge is important, it should be balanced by the knowledge that mana whenua can offer	Add a policy to encourage archaeologists to consult with mana whenua when compiling information to be submitted for site recording	Agree	Rewritten to clarify.
	support	We believe that the development of such frameworks may be useful. However,		Noted/Retain	Noted/Retain

		their development needs to be inclusive of the wider research community, including iwi.			
	Accept with changes	The archaeological record is dynamic. Large scale post depositional processes may be identified in some instances, but not all can be predicted. Small scale processes may not be identified but have an impact on the archaeological record. The notion that if the archaeological record is left alone, it will be preserved indefinitely is flawed and presumes a pristine record and preservation conditions.		agree	Rewritten to clarify.

Objective 6 – Koiwi tangata

Policy no.	Support	Submission Point	Relief Sought	HNZPT response	Revision to Policy
6	Support	The place of interment (e.g. burial or cave) is also significant, in addition to material and other remains associated with koiwi tangata. The wider archaeological context provides critical information, and therefore the integrity of the locality associated with koiwi as a whole needs to be respected		Agree	Rewritten to clarify.
6.1	Accept with changes		What is meant by urgency?	That the koiwi tangata should be handled in a timely and culturally appropriate manner.	No change.
6.2	Accept with changes	needs to be strengthened	HNZPT will notify vs informs iwi and hapū when discovery of koiwi tangata of Māori	Agree	Rewritten to clarify.

			origin are reported.		
6.2	Accept with changes	Amend '... discovery of koiwi tangata are reported.'		For koiwi tangata Maori.	Rewritten to clarify.
6.3	Accept with changes	Clarify how 'recognise' will be put into effect, especially in relation to decision making		Will be clarified in koiwi guidelines.	Rewritten to clarify.
6.5	Accept with changes	Should be changed as material can be found in unexpected places and may need to be temporarily housed on site	Change to add "except under exceptional circumstances"	It is the view of Heritage New Zealand that koiwi should not be housed ever.	No change
6.6	Accept with changes	HNZPT may not be managing the koiwi themselves, but rather the processes relating to what is done with them	Change to "... will manage <i>processes relating to koiwi</i> ..."	Agree	Rewritten to clarify.
6.7	Accept with changes	Dialogue should also occur with hapu	Add this	Agree	Rewritten to clarify.
6.7	Accept with changes	Mana whenua views should have a more clearly articulated role in decision-making in relation to properties within their rohe	Add HNZPT 'encourages dialogue <i>with mana whenua</i> and with the Ministry...'	Agree	Rewritten to clarify.
6.8	Accept with changes	Policy is Impractical		Should be part of Artefact Management plan.	No change
add		We understand that there is a general principle that burials should not be unnecessarily disturbed. If that is a position of HNZ, then a similar kind of statement of principle would seem appropriate.		See 6.4.	No change.
All	Support			Noted/Retain	Noted/Retain
Intro	Accept with changes	This section implies that only skeletal material of interest is Māori in origin. Pre 1900 European, Chinese etc.. Remains are also protected by HNZPTA and have significance to descendant groups.		Agree	Rewritten to clarify.
New		HNZPT will prepare, and update as necessary, guidelines to assist		Guidelines are not part of the policy and will	No change.

		archaeological consultants, land owners, iwi and other interested parties in the appropriate handing/treatment of koiwi and the relevant legislation		be developed separately.	
New		Add new policy for where discovery is not unexpected.	HNZPT will work closely with applicants, landowners, iwi and hapu to develop appropriate management processes when archaeological work may affect koiwi tangata.	Agree	New policy. See 6.8
	Support	Support the objective and related policies		Noted/Retain	Noted/Retain
	Support	Support the objective, whereby HNZPT will ensure koiwi tangata are treated in a sensitive and culturally respectful manner. Expect that they will be included in decision making regarding koiwi within their area of interest, and will be involved in developments of protocols and re-interment		See 6.3	
	Accept with changes	Clarify point	Ament first sentence of section to read "... as a result of natural processes such as coastal erosion, archaeological work or general earth disturbance from construction."	Have rewritten to clarify.	Rewritten to clarify.

Objective 7- Recovery of archaeological material and taonga tuturu

Policy no.	Support	Submission Point	Relief Sought	HNZPT response	Revision to Policy
7.1	Accept with changes	Landowners and authority holders should be consulted as the people	Add "and landowners/authority	Agree	Rewritten to clarify.

		paying for the archaeological work	holders" after iwi and hapu		
7.2	Accept with changes	Wording is unclear. Also not a requirement of Protected Objects Act that the authority holder provides for long-term curation, this is the responsibility of museums/MCH	Clarify policy	Agree	Rewritten to clarify.
7.4	Accept with changes	Landowner is not always the owner of the archaeological material	Change to "... Regarding <i>the</i> ownership..."	Agree	Rewritten to clarify.
7.4	Accept with changes	Landowners do not own the archaeological material recovered	Modify to read "the" ownership, not 'their'	Landowners own material which is not taonga tuturu but agree with recommended change.	Rewritten to clarify.
7.5	Accept with changes	As noted above, offsetting has specific meaning under RMA planning documents, mitigating is more appropriate here	Change to "... consider options for <i>mitigating</i> the negative..."	As discussed above.	Rewritten to clarify. Shifted to 10.4.
7.5	Support	Support the objective and related policies, in particular 7.5, "in encouraging authority holders to consider options for offsetting the negative impacts"		Noted/Retain	Noted/Retain
7.5	Accept with changes	Policy 7.5 makes no sense and should either be rewritten or deleted.		agree	Rewritten to clarify. Shifted to 10.4.
7.5	Accept with changes	Support the use of the word encourage. Policy should be withdrawn until more clarity can be provided as to the general nature, type and extent of offsets		HNZPT has a role in reducing the negative impacts on archaeological sites and this section has been rewritten to clarify.	Rewritten to clarify. Shifted to 10.4.
7.5	Remove	The HNZPTA does not require HNZPT to encourage authority holders to offset the potentially negative effects of the granting of	Remove	HNZPT has a role in reducing the negative impacts on archaeological sites and this section has been rewritten to clarify.	Rewritten to clarify. Shifted to 10.4.

		an archaeological authority. Section 46 of the HNZPTA outlines the information that must be provided with the application of an authority and it does not mention the necessity of describe what types of offsetting will be undertaken.			
7.5	Accept with changes	HNZPT needs to provide advice as to options and ensure dialogue with hapu	Modify policy	This is currently the case.	Rewritten to clarify.
7.5			Consider how offsetting fits with mitigation.	Agree	Rewritten to clarify. Shifted to 10.4.
7.6		The retention and disposal of archaeological material needs to be discussed, since museums won't take things in the main, what are consultants to do with the material?		Not part of policy but HNZPT recognises the issue and will work with the archaeological community to identify solutions.	No change.
7.6	Accept with changes	Would welcome a guidance sheet on the retention/disposal of material		HNZPT has information on its Guidelines web page outlining processes for managing archaeological material. http://www.heritage.org.nz/protecting-heritage/archaeology/archaeological-guidelines-and-templates	No change.
7.6	Accept with changes	Hapu need to be consulted		Agree	
7.1, 7.2, 7.3	Accept with changes	The application for ownership on taonga is long - it would be advantageous to develop a process prior to analysis so that the appropriate owner is clearly identified and they receive the taonga	Develop this process, also provide advice and funding so that hapu can curate their taonga	Not for this policy. Part of Protected Objects Act but will inform MCH of your submission.	No change.

Intro	Accept with changes	For the sake of clarity there needs to be further comment here that the Protected Objects Act only applies to Māori artefacts, and that European artefacts are the property of the landowner and not subject to the Protected Objects Act.		Agree. Clarified in introduction.	Rewritten to clarify.
Intro		The idea of 'offsetting' has been used throughout this policy but we do not consider it has been sufficiently defined for Housing New Zealand (or others) to understand the type and level of offsetting that may be appropriate. We believe it is outside the scope of what is required by the HNZPTA.		HNZPT has a role in reducing the negative impacts on archaeological values. Section has been rewritten to clarify.	Rewritten to clarify.
New		HNZPT will prepare, and update as necessary, guidelines to assist archaeological consultants, land owners, iwi and other interested parties in the appropriate handing/treatment of archaeological material and taonga tuturu and the relevant legislation.		Guidelines are not part of the policy and will be developed separately.	No change.
New		HNZPT endorses the long-term storage of archaeological material in central places, in which all the materials and taonga tuturu from a site is kept together, to enable future comparison and research.		Not part of policy but HNZPT recognises the issue and will work with the archaeological community to identify solutions.	No change.
New		HNZPT encourages applicants and archaeological consultants to promote knowledge recovered		Agree	Added new policy.

		from archaeological research and as part of landuse authorities through such avenues as public talks and publications, archaeological seminars and papers.			
Objective	Accept with changes		Add in cannot REASONABLY be achieved.	No. It is the goal to HNZPT to achieve protection where possible.	No change.
	Accept with changes	Paragraph 2 line 2 - offsets has specific meaning in RMA planning documents, and mitigate would be more appropriate	Replace 'offsets' with 'mitigates'	Agree with concept but mitigate also has particular RMA meaning.	Rewritten to clarify.
	Accept with changes	Paragraph 2 line 5 - archaeological values are also historic heritage values, and adding 'wider' emphasises the distinction between this point and the previous sentence	Change to "... Māori and wider historic..."	Agree	Rewritten to clarify.
	Support			Noted/Retain	Noted/Retain
		Consider separating out Taonga Tuturu from other archaeological material.		HNZPT has considered this option and believes that all information relating to recovery of archaeological material should be together. Re ordered objectives for better clarification.	Reordered to clarify.
	Accept with changes	Rewrite second introductory paragraph to acknowledge that the loss due to modification or destruction of a site can never be offset		Rewritten to clarify intent.	Rewritten to clarify.
	Accept with changes	Amend third paragraph to the effect that HNZPT will support mana whenua involvement in decisions about taonga tuturu		Not for policy. MCH manages Protected Objects Act. Will inform them of your submission.	No change.

Objective 8 – Relationship with Resource Management Act 1991

Policy no.	Support	Submission Point	Relief Sought	HNZPT response	Revision to Policy
8.1	Accept with changes		Amend to say...for a Resource Management Act 1991 application...	'planning application' is considered to cover this adequately.	No change
8.2	Accept with changes	Policy needs rewording for clarification	Change to "... HNZPT will work with local government to achieve alignment of the RMA and HNZPTA <i>through agreed processes relating to the protection and management of archaeological sites.</i> "	Agree	Rewritten to clarify.
8.2	Accept with changes	While this policy allows for an agreement to be made, it does not take into consideration ongoing monitoring and review.	Change to "... HNZPT will <i>establish a working relationship with local government...</i> "	'Work with' adequately reflects our intent.	No change.
8.2	Accept with changes		Amend sentence to "HNZPT will work with local government to achieve agreed processes for the alignment of the district plans and HNZPTA."	Alignment is broader than just District Plans.	No change.
8.2	Accept with changes	HNZPT should encourage local government to accept submissions to protect sites on a more regular basis		HNZPT cannot make policy for another organisation.	No change.
8.2	Accept with changes	HNZPT should work with local government to achieve agreed processes for alignment of HNZPTA 2014 with both the RMA and individual plans implemented by individual local authorities		Alignment with the RMA process is the aim of HNZPT.	No change.

8.3	Accept with changes	Objective 8 should actively seek to avoid duplication between processes under the RMA and HNZPTA, rather than simply seek alignment. This will assist all parties with ensuring efficient use of resources.	"HNZPT collaborates with parties to ensure efficient time frames, share site visits, consultation, and use existing assessments where sufficient information is supplied."	Agree in part.	Rewritten to clarify.
8.3	Accept with changes	In Policy 8.3, the requirement for "early engagement" should be with whom/what? Then there should be "time frames", for what? This policy makes no sense.		Agree	Rewritten to clarify.
8.3		HNZPT should ensure applicants are informed as to the correct hapu authority to consult		HNZPT currently does this when requested.	No change.
8.4	Accept with changes	This is more a statement of legal position than a policy. Policy should be to ensure the consent holder knows about HNZPTA requirements	Change to "HNZPT will work with local government to ensure that when a resource consent is issued that will modify or destroy an archaeological site, the consent holder is informed that an archaeological authority will also be required under the HNZPTA."	Agree	New policy added.
8.4	Accept with changes	Policy 8.4 is worded as an objective.		Agree. Added to introduction.	Rewritten to clarify.
8.4	Delete	The legal relationship between resource consents and archaeological authorities has not been analysed in the HNZPTA making this policy an additional power and potentially a statement of law.	Remove	HNZPTA applies for any work which will destroy or modify an archaeological site. Clarified in introduction.	Rewritten to clarify.
8.4			Simply states the obvious, that having a resource consent does not replace the	Can't make policy for other legislation.	Rewritten to clarify.

			need for an authority. The reciprocal scenario of having an authority not negating the need for resource consent should also be addressed. That is, it should be acknowledged that obtaining an archaeological authority does not give the holder the right to undertake an activity requiring resource consent under a rule in a regional or district plan (for example to modify a scheduled archaeological site).		
8.4	Accept with changes	Objective 8 should be reworded to "processes under the RMA and HNZPTA are aligned, where necessary"		It is the aim of HNZPT to align processes where possible.	No change.
8.4	Accept with changes	Policy 8.4 is not a policy rather a statement of fact	Delete	Agree. Added to objective 8 Introduction.	Rewritten to clarify.
New			A policy should follow the recognition stated in the statutory advocacy section that the RMA provides the key protection mechanism; and state that when an application for an authority is being sought ahead of related RMA applications (which will consider the design and layout of an application including the potential to avoid destruction or reduce the	The criteria for determination under the HNZPTA require HNZPT to consider a range of criteria including landowner interests which may involve having a resource consent.	No change.

			amount of modification under the RMA), that matter will be taken into account in making decisions on Authority applications. Such a policy would also complement Statutory Advocacy Policy 14.5 concerning closely aligning the HNZPTA and RMA consenting requirements		
Objective 8	Accept with changes	Objective 8 should actively seek to avoid duplication between processes under the RMA and HNZPTA, rather than simply seek alignment. This will assist all parties with ensuring efficient use of resources.	Processes under the RMA and HNZPTA are aligned, and duplication avoided, wherever possible."	If processes are aligned then duplication is avoided.	No change.
Objective 8		This section needs to be much fuller, there are many inconsistencies between how the two acts are processed, including the list of values, the date of archaeological sites, terminology of reports, accidental discovery protocols etc. It may be necessary to develop some guidelines around this.		Not part of policy but agree that guidelines are required.	No change.
Objective 8 and policies	Support			Noted/Retain	Noted/Retain
	Accept with changes	Paragraph 2 - clarify the overlap between RMA and NZHPTA	Change to "... protection of natural and physical resources, <i>including historic heritage</i> , the..."	Agree	Rewritten to clarify.
	Support	Support the objective and related policies, especially 8.3 and 8.4		Noted/Retain	Noted/Retain
	Accept with changes	Remove the term new legislation as this could in the future lead to confusion regarding the new RMA	Clarify sentence	agreed	Rewritten to clarify.

		See the policy as silent on the issue of identification and management of archaeological sites through RMA planning documents and this could use some clarity		Not under this policy. Part of statutory advocacy policy.	No change.
	Support	Support the alignment of HNZPTA and RMA wherever possible, especially where it can improve collaboration between agencies in order to deliver better outcomes in protecting NZ's historic heritage		Noted/Retain	Noted/Retain
	Accept with changes	Support the greater alignment with RMA processes and procedures, but suggest promotion of better alignment between RMA processes and HNZ policies re identifying affected parties	Develop an additional policy encouraging this under 'working with affected parties'	Can't make policy for other legislation. Have clarified role of those directly affected in section 3.	No change.
	Support	Strongly support objective regarding the alignment of RMA and HNZPTA		Noted/Retain	Noted/Retain
	new		A new policy should be introduced that recognizes and promotes inclusion of archaeological sites in plan schedules as the appropriate mechanism for achieving the long term sustainable management of significant archaeological sites.	Not this policy but in statutory advocacy policy.	No change.
	Accept with changes	Objective 8 gives an opportunity to align the consenting roles of local government/RMA and HNZPT - HNZPT should help prepare district plan provisions to achieve effective and efficient protection of sites. The emphasis of district plans should be on complementing what is in the HNZPTA rather than duplicating it	Add new objective and policy to this effect	This is not for the archaeology policy. It is covered by the statutory advocacy policy.	No change.

Objective 9 – Processing of authority applications

Policy no.	Support	Submission Point	Relief Sought	HNZPT response	Revision to Policy
9.1	Accept with changes	Amend to be consistent with the policy	HNZPT encourages applicants, landowners and archaeologists to engage in discussions with HNZPT at an early stage when planning projects in order to identify options for protecting or avoiding archaeological sites where reasonably practicable.	It is the aim of HNZPT to achieve avoidance and protection.	No change.
9.1		HNZPT should advise applicants etc as to the correct hapu authority to engage with		This is currently the case when requested.	No change.
9.1	Accept with changes	Mana whenua views should have a more clearly articulated role in decision-making in relation to properties within their rohe	Add HNZPT 'encourages... to engage in discussions with HNZPT <i>and with mana whenua</i> at an early stage...'	agree	Rewritten for clarification.
9.1	Accept with changes		Change possible to practicable	agree	Rewritten to clarify.
9.2	Accept with changes	Concerns regarding the large amount of analysis to be provided in arch assessments in support of authority applications	Amend policy to allow for recognition of the need for assessment to be commensurate with the significance of the archaeological site, the project cost and the effects.	Covered by minor effects process and 9.2.	No change.
9.2		Where HNZ requires a sufficient level of information about the range of archaeological and heritage values of sites, needs to be clarified to also include		Agree.	Rewritten to clarify.

		the values that Māori associate with the sites.			
9.3		Refers to sharing information regarding the archaeological authority process under the HNZPTA with territorial authorities but does not state how this will be achieved. As a contribution to the objective of facilitating cooperation with territorial authorities, HNZ could furnish on a regular basis applications for authorities and decisions on authorities. The benefit of applications being supplied to territorial authorities in a timely manner is that it assists with the intent of Policy 8.1 to facilitate cooperation and efficiencies between the resource consent and archaeological authority processes.		Required by HNZPTA so already happens	No
9.4	Accept with changes	Pa is referred to but not defined	Provide definition of pa in the glossary for clarity	Too many variations – dictionary meaning used.	No change.
9.4		What about other important sites.		Agree	Rewritten to clarify.
9.4	Accept with changes	Statement is emphatic and does not take into account exceptional circumstances such as existing extensive damage or iwi undertaking culturally appropriate work	Amend to read "...but does not <i>generally</i> support the..."	Agree	Rewritten to clarify.
9.4	Accept with changes	Protecting a pa is not expressly included in the HNZPTA and does not need to be expressly provided for in the policy when the intention of the policy is to evaluate the effects on a case by case basis.	HNZPT evaluates the effects on heritage through the authority process on a case by case basis. but does not support the building of structures on pa.	HNZPT does consider authorities on a case by case basis but does not support the building of structures on pa. This policy has been rewritten to clarify.	Rewritten to clarify.
9.4	Accept with changes	The policy regarding pa needs qualification, perhaps noting it as a		Rewritten to clarify.	Rewritten to clarify.

		general principle in cases when the proposed structure is not related to the heritage values of a pa.			
9.4	Accept with changes	HNZPT will ensure that no archaeological authority applications will be granted on Pa sites.		All applications are considered on a case by case basis.	Rewritten to clarify.
9.4	Support	Support avoidance of building on pa (be aware that hapu kaumatua define pa as the entire hill on which the arch features are situated)		Noted/Retain	Noted/Retain
9.4		Notes that HNZ will evaluate the effects on a case-by-case basis, but categorically withholds support for the building of structures on pa. This can pose an issue for Māori, since in some situations they may wish to build structures on pa for cultural purposes. This should be acknowledged in the policy.		Not for policy. Case by case basis but policy rewritten for clarification.	Rewritten for clarification.
9.4	Accept with changes	The Policy should be amended so it is more flexible and enables such uses if they are approved by iwi/hapū.	HNZPT evaluates the effects on heritage through the authority process on a case by case basis but does not support the building of structures on pa unless approved in writing by iwi/hapu	Case by case basis. But rewritten for clarity.	Rewritten for clarification.
9.4	Support	Support the objective and related policies, especially 9.4, "does not support the building of structures on pa"		Noted/Retain	Noted/Retain
Intro	Accept with changes	The policy appears to limit the purposes for which an exploratory authority may be sought. Section 56 of the HNZPTA leaves it to the applicant to justify the purpose and the policy should not restrict options in that regard.	This authority is to ascertain the nature and extent of a site.	Part of the role of an exploratory authority is to inform the possibility of avoidance.	No change.

Intro		What about health and safety: sewage leak, erosion etc.		Emergency authority is a specific type in the new legislation which relates only to when a civil defence emergency has been declared.	No change.
Intro		Doesn't moving off its original site also require an authority or was that under the old legislation?		The current HNZPTA does not require an authority for relocation.	No change.
Intro	Accept with changes	Need to clarify minor effects		Clarified introduction to this objective.	Rewrite to clarify
Intro	Accept with changes	It is understood, from the presentations made by HNZPT staff during the kaitiaki hui that HNZPT requirements are: applicants for a scientific authority to obtain iwi consent, applicants for an exploratory authority to consult with iwi. It is appropriate that the policy be amended to reflect the above requirements in order to provide certainty for all persons [i.e., applicants, iwi and hapū and HNZPT].	HNZPT shall require applicants for a scientific authority to obtain iwi consent. HNZPT shall require applicants for an exploratory authority to consult with iwi.	Agree in part.	Rewritten for clarification.
Intro			The explanation for the Processing of Authority Applications (page18) refers to minor effects and the minor effects process. Some policy guidance and/or definition should be provided around what constitutes a minor effect and consider the benefits of aligning it to the RMA meaning.	Different to RMA.	No change.

Intro	Accept with changes	better reflect the HNZPTA	amen para 3 ascertain...WHETHER THE SITE IS AN ARCHAEOLOGICAL SITE, AND IF SO, ...	Covered by nature of site.	No change
Intro	Accept with changes	better reflect the HNZPTA	With regard to buildings, an archaeological authority is not required to permit work on a pre 1900 building that meets the definition on an archaeological site unless the work will result in the demolition of the whole building. There must be an evidential basis to establish that a building will be demolished..	All decisions are based on evidence.	No change.
Intro	Accept with changes	better reflect the HNZPTA	Except by court order ON APPEAL. THERE IS A PROVISION FOR A HOLDER OF AN AUTHORITY TO APPLY FOR A REVIEW OF CONDITIONS AT ANY TIME.	Agree	Rewritten to clarify.
Objective 9		This policy is incompatible with the purpose for which most archaeological authorities are obtained.	The authority process achieves an assessment of options to avoid and protect archaeological sites where reasonably practicable.	It is the aim of HNZPT to achieve avoidance and protection.	No change.
Objective 9		The authority process should aim to achieve best outcome for the protection of New Zealand's historical and cultural heritage (see objective 1 above). It may be that avoidance and protection achieves this in some circumstances, but why should it be the underlying philosophy? See comments regarding 1.2 and 5.6 above.		The view of HNZPT is that avoidance and protection should be achieved where possible.	No change.

Objective 9	Accept with changes	We consider that this Objective sets too high a high threshold that may not always be achievable in the particular circumstances. The Objective should be amended to recognise that while avoidance and protection may be possible it may not be practicable	The authority process achieves avoidance and protection of archaeological sites where practicable.	It is the aim of HNZPT to achieve avoidance and protection where possible.	No change.
Objective 9	Accept with changes		Change possible to REASONABLY PRACTICABLE.	The aim is where possible.	No change.
	Support	Support the objective and related policies, especially 9.4, "does not support the building of structures on pa"		Noted/Retain	Noted/Retain
	Accept with changes	Paragraph 2 refers to "Structures". This is not defined in the General Policy. For clarity there should be a definition.		Agree	Definition added to glossary.
	Accept with changes	Who are "those directly affected", as referred to in paragraph 3? The Environment Court was explicit in relation to this. Does that definition also apply here?		Clarified in section 3.	No change.
	Accept with changes	In Policy 9.2, how is "a sufficient level of information" measured? This needs to be made clear in guidelines.		Sufficient is on a case by case basis.	No change.
		The requirements of other legislation eg. Building Act need to be balanced against heritage objectives with regards to applications from local authorities for public works.	Add statement such as "HNZPT also recognises and takes into account that the need for local authorities to provide essential cost-effective infrastructure under legislation such as the Local Government Act 2002, the Public Works Act 1981 and the Building Act 2004 may need to be balanced against the need to preserve places of heritage value.	The HNZPTA requires HNZPT to consider a number of factors in its determination.	No change.

	Accept with changes	Make it clear that an archaeological authority is only required for building work when a building is to be wholly demolished		Covered by rewrite of demolition definition	No further change.
	Accept with changes	Need to make it clear that the HNZPTA includes provision for HNZPT decisions to be amended by court order or appeal, rather than imply that decisions cannot be changed.		Agree	Rewritten to clarify.
	Accept with changes	Clarify to ensure clear authority only required when building is wholly demolished.		Covered by rewrite of demolition definition	No further change.
	Accept with changes	Change title to "Processing Archaeological Applications"		Agreed in part.	Rewritten to clarify.
		HNZPT should take into account the view of hapu in whether minor effects process is appropriate		Iwi still involved in minor effects process.	Rewritten to clarify.
		General	There is an expectation that HNZPT will provide resourcing so iwi can be involved in process.	This is a cost to the applicant.	No change.

Objective 10 - Processing of authority applications

Policy no.	Support	Submission Point	Relief Sought	HNZPT response	Revision to Policy
10.1	Accept with changes	Policy 10.1 is based on an incorrect presumption of avoidance	HNZPT expects that applications to modify sites should assess options to minimise the extent of modification.	The aim of HNZPT is to achieve avoidance in the first instance.	Rewritten to clarify.
10.1	Accept with changes	Policy should be more positive in its language	Change to "HNZPT will require that where modification of sites is	Agree with concept. Rewritten.	Rewritten to clarify.

			unavoidable that it will be minimised."		
10.1	Accept with changes		Add as far as practicable.	Agree	Rewritten to clarify.
10.2	Accept with changes	Change to indicate that arch sites may not be known at the time a project is planned.	Change to "minimise effects on <i>known</i> archaeological sites...", if intent is to include known and unknown sites then change to "... when planning projects <i>or as soon as an archaeological site has been identified</i> in order..."	The possibility of locating unrecorded sites is part of the authority process and should be identified early in the process.	No change
10.2	Delete	This is an unnecessary policy as it has already been stated in 9.1		Has a different aim to 9.1. This is about minimising effects.	No change.
10.2	Support with changes		HNZPT encourages applicants, landowners and archaeologists to engage in discussions with HNZPT at an early stage when planning projects in order to minimise effects on archaeological sites where practicable	Agree	Rewritten to clarify.
10.2	Accept with changes	Mana whenua views should have a more clearly articulated role in decision-making in relation to properties within their rohe	Add HNZPT 'encourages... to engage in discussions with HNZPT <i>and with mana whenua</i> at an early stage...'	Consultation encouraged with iwi and hapu which includes manawhenua	No change.
10.3	Accept with changes	This policy should have greater alignment with the principles (section 4) of the HNZPTA which include the concept of the "least possible alteration or loss" of heritage value.	HNZPT ensures that the proposed modification or destruction of the site is assessed, reasonable measures taken to offset the known impacts on archaeological, Māori heritage or other heritage values, and reasonable	Agree in part	Rewritten to clarify.

			measures are taken to minimise the alteration or loss of the remaining parts of any remaining parts of the archaeological site in so far as is reasonably practicable. "		
10.3	Accept with changes	Appears to be heading down similar route to RMA in implying mitigation is required, this is not the case in HNZPTA	Clarify that any offset must be related to the significance of the site	Reconsidered use of offset and mitigation.	Rewritten to clarify.
10.3	Accept with changes	Therefore, there is no legal obligation for HNZPT to ensure that measures have been taken to offset the impacts on archaeological, Māori heritage or other heritage values, and any remaining parts of the site are avoided.	HNZPT ensures that the proposed modification or destruction of the site is assessed. measures taken to offset the known impacts on archaeological, Māori heritage or other heritage values, and any remaining parts of the site are avoided.	Disagree. HNZPT can impose conditions to reduce the effects of the work on the archaeological values.	No change
10.3	Support with changes	We are unclear what is intended by this policy and considers amendments are required to clarify its intent. It also appears that it could be intended to require offsetting of all modification or destruction which is not supported. This may not be possible, practicable or appropriate in all cases and this should be recognised within the policy framework.	Not support offsetting	Have considered the use of offsetting and mitigation and rewritten policies.	Rewritten to clarify
10.3	Support with changes	Hapu should be involved in the discussions regarding these measures		See 2.4	no change
10.3	Accept with changes	HNZPT ensures that the proposed modification or destruction of the site is assessed, measures taken to offset the known impacts on archaeological, Māori heritage or other heritage values, and	Change sites are avoided to minimise	Aim to avoid further damage or modification of the remaining parts of the site. Rewritten to	Rewritten to clarify

		any remaining parts of the site are minimised.		clarify.	
New		Recognise that external factors may give rise to circumstances in which demolition is appropriate or the only available option (eg. arson)	Add new policy: Demolition of a building damaged or destroyed by an armed conflict, natural or non-natural disaster may be acceptable in some circumstances.	In this case modification of the site is unavoidable – covered by objective 10 and its policies. Case by case approach is used.	No change
Objective 10.	Accept with changes	Objective 10 should be better aligned with the section 4 (principles) and section 42 (archaeological sites) of the HNZPTA. The use of “minimum impact on archaeological sites” seems to imply a different type of preservation than that provided for under the HNZPTA.	“The authority process takes measures to identify and promote the least possible alteration or loss of archaeological sites”	This is the aim of HNZPT.	No change
Objective 10.	Support with changes	We consider that this Objective and Policy sets too high a threshold that may not always be achievable in the particular circumstances. The Objective and Policy should be amended to recognise this.	The authority achieves minimum impact on archaeological sites where avoidance is not practicable.	The aim of HNZPT is to achieve this where possible.	No change.
Objective 10.	Accept with changes		Change possible to practicable	The aim of HNZPT is to achieve this where possible.	no change.
	Support with changes	Support the objective and related policies, emphasis should be placed on avoidance of effects on sites	Clearly state that the primary position of HNZPT is to <i>avoid</i> any development which will damage/destroy sites	Covered in 9.1	No change

Objective 11 - Processing of authority applications

Policy no.	Support	Submission Point	Relief Sought	HNZPT response	Revision to Policy
11.1	Accept with changes	Support in part policy 11.1, however for consistency throughout document, as mentioned regarding 3.4, communication should also include landowners and applicants	Change to "... clearly to all <i>landowners, applicants and affected parties.</i> "	Agree	Rewritten to clarify.
11.1	Accept with changes	As with 3.4 this is just a statement of the statutory requirements under which HNZ works, and it is not clear why this should be stated as "policy".		HNZPT is confirming it will undertake this as required by HNZPTA.	No change.
11.2	Accept with changes	This policy should be about the level of effects. High requirements should not be imposed on works with minor or positive effects	Change to "... are proportionate to <i>the effects</i> on historical..."	Agree	Rewritten to clarify.
11.2	Accept with changes	This is a very significant statement. It merits further development as to how this will be evaluated. For example, in determining what is proportionate in relation to a 'site', how will the wider context be clarified and interpreted? It could be made clear for community interests to what extent archaeologists carrying out the assessment for applicants and providing that information to HNZ are responsible for clarifying the 'values' (to which conditions are proportionate) or whether these will be identified independently by HNZ itself. If so, what transparent assessment framework will be used?		See HNZPT assessment template. Appeal court (Environment Court) ultimate body to ensure transparency.	No change.

11.2	Support	Support the considering of historical and cultural values in addition to archaeological values		Noted/Retain	Noted/Retain
11.2	Accept with changes	The Objectives and Policy lack clear guidance and criteria for the determination of which archaeological authorities relate to sites of interest to Māori, and in turn referred to the Māori Heritage Council.	That the Objectives and Policies be amended to provide clear guidance and assessment criteria about how it is determined which archaeological authorities relate to sites of interest to Māori.	Definition from HNZPTA.	No change.
11.2	Accept with changes		Will be modified or destroyed TAKING INTO ACCOUNT THE HERITAGE VALUES OF THE SITE AS A WHOLE, INCLUDING THOSE HERITAGE VALUES THAT WILL NOT BE AFFECTED.	Conditions will reflect what is being modified or destroyed. Already considered in application as part of historic heritage values.	No change.
11.1, 11.2	Support	Strongly supported		Noted/Retain	Noted/Retain
Add			There should be a policy that gives clear guidance on when archaeological authority should be declined. For example, is it when the destruction or modification of significant values can be avoided by redesign of the proposal that impacts on them?	Must be decided case by case on the facts provided.	No change.

Objective 12 – The approved archaeologist

Policy no.	Support	Submission Point	Relief Sought	HNZPT response	Revision to Policy
12.1	accept with changes	Hapu may also have a view on archaeological competency of archaeologist.		HNZPT takes note of all views.	No change.
12.1	Accept with changes	Add that students working with archaeologists must be supervised	Add ".. If students are involved in a project, evidence must be provided that they will be working at all times under the direct supervision of an approved archaeologist."	Not for policy but will consider for guidelines.	No change.
12.2	Accept with changes	Policy should recognise that there are situations where an archaeologist can provide competencies in other ways, see feedback on s45 guidelines	Change to "... iwi and hapu (<i>and other relevant sources where applicable</i>) that the..."	Can provide to iwi but iwi need to tell us if person meets 45 (b).	No change.
12.2		If the policy relates to the assessment of applications under section 45, then the policy is problematic because it goes beyond the requirements of that section and requires iwi and hapu to provide a level (and type) of information that they typically do not know and cannot be expected to provide (or may choose not to provide if they have not given support to an application). This is problematic because we have been informed that HNZ are not only seeking this information, but are requiring it to be provided in order to grant applications.	When assessing applications that relate to sites of interest to Maori, HNZPT will seek evidence from the archaeologist that the archaeologist recognises and respects Māori values and has access to appropriate cultural support. Where appropriate, additional information may be sought from relevant iwi or hapu though there is no obligation for them to provide any information sought."	Can provide to iwi but iwi need to tell us if person meets 45 (b).	No change.

12.2		HNZPT cannot abrogate its responsibilities to a third party, and there needs to be a clear and transparent understanding as to how HNZPT will seek and assess the evidence referred to.	Withdraw policy 12.2 and rely on the provisions of s45(2)	Iwi need to tell us if person meets 45 (b).	No change.
12.2		This policy puts the onus on iwi and hapū to evaluate the cultural competency of archaeologists. This is unfair on iwi and hapū, and the policy does not provide any clear process for such evaluation. This exposes iwi and hapū to accusations of undue bias and favouritism. It is not at all hard to imagine that if a commercial livelihood is potentially impacted (e.g. an archaeological contract to a developer is lost due to comments made by a hapū) it may potentially expose a hapū to defamation proceedings.		Process is being developed.	No change.
12.2	Support	Support this policy, hapu may require remuneration to be able to provide cultural support		Noted/Retain	Noted/Retain
12.2			This is just a restatement of what the HNZPTA says The Guideline (page5) sets out in which ways Policy 12.2 is to be met for example : • Archaeological assessments (e.g. were iwi/hapu involved in site visits and the archaeologist has made the report available and met to explain the archaeology if necessary)	Details are specified in guidelines.	No change.
12.2	Accept with changes	Policy as worded does not allow authority holder to provide evidence of 2b for archaeologist.	Removed from iwi and hapu	Iwi need to tell us if person meets 45 (b).	No change.

12.3	Accept with changes	HNZPT should also take into account previous work and conduct with hapu		Agree. Outlined in guidelines.s45b2	No change.
12.4			HNZPT encourages the approved archaeologist to involve iwi and hapū in the authority process, and the archaeological work associated with an authority <u>and inform them of the results of any investigation/excavation.</u>	This is can be undertaken by the archaeologist or the authority holder.	Rewritten to clarify.
12.4	Accept with changes	Should do more than just encourage, should insist	Change policy wording	Agree in part.	Rewritten to clarify
12.4	Accept with changes	Mana whenua views should have a more clearly articulated role in decision-making in relation to properties within their rohe	Add HNZPT 'encourages... to engage in discussions with HNZPT <i>and with mana whenua</i> at an early stage...'	Not appropriate for 12.4 – see 10.2	No change.
12.1, 12.3, 12.4	Support	Strongly supported		Noted/Retain	Noted/Retain
12.2, 12.4			The relationship between 12.2 and 12.4 is not clear. If policy 12.2 is met when policy 12.4 is not necessary since it would be implicit in 12.2.	They are different.	No change.
12.2,12.4	Accept with changes	Additionally, the availability of “cultural support” to an archaeologist would appear to presuppose a relationship between the archaeologist and iwi/hapū however policy 12.4 only “encourages” rather than requires the archaeologist to involve iwi and hapū in the authority process. Non-engagement with iwi/hapū as part of the authority process on the part of the archaeologist contradicts the concept of recognition and respect for	HNZPT requires the approved archaeologist to actively engage with iwi and hapū in the authority process and the archaeological work associated with an authority, which relates to a site of interest to Māori.	Cannot require but can expect.	Rewritten to clarify

		Māori values and may preclude the availability of cultural support			
new		A new policy should be included under objective 12 for HNZ to establish a centralised database of approved archaeologists in order to improve the transparency of which archaeologists are approved by HNZ.	HNZPT will establish and maintain a centralised database of approved archaeologists and relevant fields of specialty”	Section 45 approval is on a case by case basis.	No change.
new		In some instances the archaeologist who undertakes most or all of the fieldwork may be an associate or employee of the approved archaeologist, in which case they should also be involved in this process.		Not for policy. Good point which will be clarified in guidelines.	No change.
Whole			Approval of an archaeologist must include an approval process recognised and supported by iwi.	Agree. No veto but developing process for approval.	No change.
	Support	Support the objective and related policies, especially 12.2 - arch work with iwi should be done in a culturally sensitive manner. Comment that it is difficult to build a valued relationship if the archaeologist is paid by the developer.		Noted/Retain	Noted/Retain
	Support	Not sure how to word this, but I think something should be in here as some times the person that the iwi encounters in the field may not be the approved archaeologist		Will be clarified in guidelines.	No change
	Support with changes	This section should reference the existing guidelines.		See last para section 2.	No change
	Support with changes	How will accepted archaeological standards be defined and measured? We HNZPT be developing specific guidelines?		Guidelines will be developed.	No change

	Support with changes	In Policy 12.2 it should be made explicitly clear that iwi/hapu have no power of veto		Agree	Rewritten to clarify
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Objective 13- Compliance

Policy no.	Support	Submission Point	Relief Sought	HNZPT response	Revision to Policy
13.1		Iwi should be informed of non-compliance in their rohe.		HNZPT is unable to discuss potential prosecutions until they are fully investigated.	No change
13.2	Accept with changes	Unclear what "prosecution enforcement policy" is - if Solicitor-General's guidelines then use this term, if internal policy then identify	Clarify point	Available on website.	Used full name in policy.
13.2	Accept with changes	With regard to Policy 13.2, is HNZPT's prosecution enforcement policy publicly available?		Available on website.	Used full name in policy.
13.2	Accept with changes	Reference is made to the 'prosecution enforcement policy' - if this is to be referred to it needs to be publically available	Make this policy public	Available on website.	Used full name in policy.
13.2	Accept with changes	Unclear what "prosecution enforcement policy" is - if Solicitor-General's guidelines then use this term, if internal policy then identify	Clarify point	Available on website.	Used full name in policy.
13.2	Accept with changes	The entirety of the HNZPTA must be adhered to.	Add in PROVISIONS AND THE	Not agree.	Rewritten to clarify.
13.3	Accept with changes	Further clarity is needed to define the content of the compliance monitoring programme so that property owners know how HNZPT is monitoring sites.		Policy 13.3 sufficiently defines our internal programme.	No change

13.4	Accept with changes	The effect of non-compliance on hapu values should be discussed and taken into account when prosecuting		All relevant matters are taken into account as outlined in 13.1	No change
All	Support			Noted/Retain	Noted/Retain
New			In the event of a successful prosecution involving damage or modification to an archaeological site/s of significance to Maori, HNZPT will engage Iwi/hapu to ensure that the settlement reflects appropriate recognition for the harm caused to that specific Māori heritage site and its whakapapa/cultural history.	The District Court makes the decision on the penalty not HNZPT	No change
	Accept with changes	Support objective 13 and the related policies, however the wording does not actively and strongly discourage non-compliance or breach of conditions. The fine should be relative to the development, perhaps a % of the total value	Emphasise point	Covered in 13.2. HNZPT does not have control over the percentage of fine allocation.	No change
	Accept with changes	This section incorrectly presumes that avoidance is the starting point. The statutory framework allows intentional destruction or modification where an appropriate authority has been obtained.	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 appropriate authority is avoided and that there is compliance with the conditions of archaeological authorities.	Agree	Rewritten to clarify.