



Guide B

Application for an exploratory archaeological authority

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

FAQ's

Have I picked the correct form?

Form B is the correct form for you if either of the following applies:

1. you need to determine whether an archaeological site is present in the area in which you wish to carry out an activity
2. an archaeological site is known to be present, but you need to know more about where it's boundaries are and what kind of site it is.

What happens once we receive your application?

We'll let you know whether your application has been accepted or not within five working days from the date we received it. If it's not accepted, we'll return your application along with a letter explaining the reasons.

If accepted, we'll let you know whether your application has been granted within the following 10 working days.

How does this guide work?

Each section corresponds to the same section in Form B. The sections that haven't been included in this guide have been left out because there was no additional information to share.

If you have any questions, feel free to contact the Heritage New Zealand Pouhere Taonga office located in the region in which the activity you are applying for is located (see contact details at the end of this guide).

SECTION 1: APPLICATION DETAILS

1.1 Applicant's contact details

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

1.3 Location details

This section is where you provide the details of the location of the activity for which you are applying: the address (or location if no street address exists), the legal description (which you can obtain from either the local authority, rating information or LIM report), and the local authority that covers this location (e.g. Dunedin City Council).

1.4 Details of archaeological site to be affected

If your proposed activity may affect a known archaeological site, this site should be recorded in the New Zealand Archaeological Association's (NZAA) site recording scheme. This section of the form is where you include the information about this site (or sites). This information can be provided by your project archaeologist or the relevant NZAA site record.

To get a copy of a site record, go to www.archsite.org.nz.

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

Statutory acknowledgements are statements in Treaty of Waitangi settlements between the Crown and tangata whenua. A statutory acknowledgement is a way for the Crown to formally acknowledge the statements made by iwi of the particular cultural, spiritual, historical and traditional association of the iwi within the statutory area.

Statutory acknowledgements are only given over Crown-owned land. Unless they relate to bodies of water, in which case the acknowledgement applies to the whole lake, river or wetland, except any part of the bed not in Crown ownership or control.

The locations of statutory areas are shown on Survey Office (SO) plans and copies are held by the relevant local authorities and are also available at LINZ (see their website for further information).

Customary marine title is defined in the Marine and Coastal Area (Takutai Moana) Act 2011 as 'customary interests' established by an applicant group and recognised by either a customary marine title order or an agreement. Customary marine title exists in a specified area of the common marine and coastal area if the applicant group holds the specified area in accordance with tikanga, and has exclusively used and occupied it from 1840 to the present day or received it, at any time after 1840, through a customary transfer.

There are only a small number of customary marine titles currently in existence in New Zealand. Where one exists, this information will be captured on the land title which can be obtained from LINZ (see their website for further information).

1.7 Description of proposed activity

This list of examples covers the main types of activity for which exploratory applications are received. It provides us with a short description of the activity, which is then expanded on in Section 1.8.

1.8 Note that under section 56(6)(b) it is a legal requirement to return the location of your activity as nearly as possible back to its former state, unless agreed otherwise by the owner/occupier.

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

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

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

SECTION 2: CONSULTATION

This section addresses the requirement to consult with tangata whenua or Moriori (Chatham Islands), land owners and any other person that might be affected.

The Heritage New Zealand Pouhere Taonga Act 2014 (section 46) states that authority applications must include:

- *“the name of the owner of the relevant land, if the applicant is not the owner of the land; and*
- *proof of consent, if the owner has consented to the proposed activity; and*
- *a statement as to whether consultation with tangata whenua, the owner of the relevant land (if the applicant is not the owner), or any other person likely to be affected –*
 - *has taken place, with details of the consultation, including the names of the parties and the tenor of the views expressed; or*
 - *has not taken place, with the reasons why consultation has not occurred”.*

2.2 Consultation with land owner (if not the applicant)

This section addresses the requirement to obtain land owner consultation. If the land owner is the same as the person or organisation applying for the authority, this section doesn't need to be filled in.

2.3 Consultation with any other person likely to be affected, where relevant, including tangata whenua or Moriori (Chatham Islands)

As above, this section addresses the requirement to consult with tangata whenua (or Moriori if your activity is taking place on the Chatham Islands), or any other person likely to be affected.

Examples of other parties that might be affected include heritage groups, community groups, local residents or businesses. It's important to keep in mind that even though these parties might be affected by your activity, they may not be eligible to appeal the authority decision. Once an authority is issued, a 15 working day appeal period begins (plus three working days if the authority is posted to any party), during which work cannot start.

So who can appeal? Only 'directly affected parties' can appeal, which have been defined by the Environment Court as:

- *“any person with a proprietary interest in the land,*
- *the applicant for the authority that is the subject of the appeal,*
- *tangata whenua or Moriori (Chatham Islands) who are linked to the site through their ancestry, or*
- *other persons without a proprietary interest in the land such as children and grandchildren being directly affected by a proposal to dig up a grandparents grave”.*

Consultation with tangata whenua or Moriori (Chatham Islands) is not required under the Act for an exploratory authority application, but Heritage New Zealand Pouhere Taonga encourages consultation as best practice approach.

SECTION 3: CONSENT OF LAND OWNER / OCCUPIER

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

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

Three statements are made above the signature, the third of which refers to the land owner's legal responsibilities concerning any archaeological material found on their land. Archaeological material includes any material removed from an archaeological site. This can mean artefacts, faunal material, botanical material and environmental material. The conditions provided in an archaeological authority may require that analysis be undertaken on any archaeological material found. Once analysis is completed the long term management and final repository of the material must be considered

When considering ownership, archaeological material can be classed as either:

- taonga tuturu:
 - 1) once found, the Crown assumes ownership
 - 2) taonga tuturu are defined in the Protected Objects Act 1975 as any artefact removed from an archaeological site that:
 - a) relates to Maori culture, history, or society, and;
 - b) was or appears to have been manufactured or modified in New Zealand by Maori, or brought into New Zealand by Maori, or used by Maori, and;
 - c) is more than 50 years old
 - 3) the legislation relating to taonga tuturu is managed by the Ministry for Culture and Heritage. For further information please visit the Ministry's website at <http://www.mch.govt.nz/nz-identity-heritage/protected-objects>
- other material (not taonga tuturu):
 - 1) property of the land owner at the time the material was recovered
 - 2) this includes any artefacts that don't fall within the definition of taonga tuturu, as well as faunal material, botanical material and environmental material.

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

FORM E: APPLICATION FOR APPROVAL (OR CHANGE) OF A PERSON TO UNDERTAKE AN ACTIVITY UNDER THE AUTHORITY

It is not essential that Form E is completed along with your application for an archaeological authority. Your authority can be issued without having an approved person on board. However the majority of authorities have conditions that require the input of an approved person. As this approval has a 15 working day (plus three working days if the authority is posted to any party) appeal period during which no works can be carried out, it is prudent to cover off your nominated person approval at the same time as your authority so you only have one appeal period to manage and less delays to factor into your work schedule.

Section 1: Details of nominated person

These are the details of your nominated person, in other words the consultant who has been contracted to carry out any archaeological work required. A list of available archaeological consultants can be found at www.archaeology.nz. Inclusion on this list does not necessarily mean that we approve them for your activity. We consider each application to approve a person on an individual case by case basis, taking into account the person under application (their skills, experience and access to appropriate cultural support) and the activity that is proposed. Be aware that some projects may require specialist skills (for example archaeological buildings recording) so it is wise to ensure that the person you choose has the right skills for the job.

Refer to our s45 guideline (see www.heritage.org.nz) for more information on what is considered during this approval process.

CONTACT DETAILS

This office covers the following areas:

Far North, Kaipara, Whangarei

Level 1, 62 Kerikeri Road, Kerikeri 0245

PO Box 836, Kerikeri 0245

Phone (09) 407 0470, Fax (09) 407 3454

Archaeological authority application forms are to be sent to: applicationNA@heritage.org.nz

Archaeologist contact details:

Phone: (09) 407 0473

Email: ArchaeologistNA@heritage.org.nz

This office covers the following areas:

Auckland, Hauraki, Thames Coromandel

Level 2, Premier Buildings,

2 Durham Street East, Auckland 1143

PO Box 105-291, Auckland 1143

Phone (09) 307 9920, Fax (09) 303 4428

Archaeological authority application forms are to be sent to: applicationMN@heritage.org.nz

Archaeologist contact details:

Phone: (09) 307 9923, 027 292 1445,

Email: ArchaeologistMN@heritage.org.nz;

OR Phone: (09) 307 9924

Email: AsstArchaeologistMN@heritage.org.nz

This office covers the following areas:

Bay of Plenty, Gisborne, Hamilton, Kawerau, Matamata-Piako, Opotiki, Otorohanga, Rotorua, South Waikato, Taupo, Tauranga, Waikato, Waipa, Waitomo, Western Bay of Plenty, Whakatane

Level 1, 28 Wharf Street, Tauranga 3141

PO Box 13339, Tauranga 3141

Phone (07) 577 4530, Fax (07) 578 1141

Archaeological authority application forms are to be sent to: applicationLN@heritage.org.nz

Archaeologist contact details:

Phone: (07) 577 4535, 027 292 1588

Email: ArchaeologistLN@heritage.org.nz;

OR Phone: (07) 577 4534

Email: AsstArchaeologistLN@heritage.org.nz

This office covers the following areas:

1) Chatham Islands, Horowhenua, Kapiti Coast, Manawatu, New Plymouth, Palmerston North, Porirua, Rangitikei, Ruapehu, South Taranaki, Stratford, Wanganui, Wellington;

2) Carterton, Central Hawkes Bay, Hastings, Hutt, Marlborough, Masterton, Napier, Nelson, South Wairarapa, Tararua, Tasman, Upper Hutt, Wairoa

Level 7, Alan Burns House, 69-71 Boulcott Street, Wellington 6011.

PO Box 2629, Wellington 6140

Phone (04) 494 8320, Fax (04) 802 5180

Archaeological authority application forms are to be sent to:

1) applicationCW@heritage.org.nz or

2) applicationCE@heritage.org.nz

Archaeologist contact details:

1) Phone: (04) 494 8324, 027 293 7163

Email: Archaeologist2CR@heritage.org.nz

2) Phone: (04) 494 8323, 027 217 8903,

Email: Archaeologist1CR@heritage.org.nz

This office covers the following areas:

Ashburton, Buller, Christchurch, Grey, Hurunui, Kaikoura, Mackenzie, Selwyn, Timaru, Waimakariri, Waimate, Westland

64 Gloucester Street, Christchurch 8013; PO Box 4403, Christchurch 8140; Phone (03) 363 1880, Fax (03) 374 2433

Archaeological authority application forms are to be sent to: applicationSR@heritage.org.nz

Archaeologist contact details:

Phone: (03) 363 1884, 027 688 9741

Email: ArchaeologistCW@heritage.org.nz;

OR Phone: (03) 363 1893

Email: AsstArchaeologistCW@heritage.org.nz

This office covers the following areas:

Central Otago, Clutha, Dunedin, Gore, Invercargill, Queenstown-Lakes, Southland, Waitaki

Level 4, 109 Princes Street, Dunedin 9058

PO Box 5467, Dunedin 9058

Phone (03) 477 9871, Fax (03) 477 3893

Archaeological authority application forms are to be sent to: applicationOS@heritage.org.nz

Archaeologist contact details:

Phone: (03) 470 2364, 027 240 8715

Email: ArchaeologistOS@heritage.org.nz