



Date 3/22/2021

COVID-19 Fast-track consenting: Heritage New Zealand Pouhere Taonga advice on draft conditions

Application name	Molesworth Street Office development
EPA reference	FTC000021
Applicant/s	Prime Property Group Limited
Comments due by	3 November 2021

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Discussion

1. The applicant has commissioned an archaeological assessment that recommends that the applicant apply for an archaeological authority prior to starting any work. As we recommended in our comments on the application, it is in the applicant's best interests to apply for an archaeological authority before work commences to avoid any delays to the project from the discovery of archaeological material.
2. The applicant has signalled an intention to apply for an authority and commissioned an archaeological management plan. Heritage New Zealand will follow this up with the applicant.
3. The accidental discovery protocol condition:
 - should therefore only apply to areas of the site (if any) not included within the archaeological authority

- as proposed in the draft conditions is deficient: it does not reflect the requirements of the Heritage New Zealand Pouhere Taonga Act
 - puts the applicant at risk of breaching the HNZPT Act.
4. If there are areas not covered by an authority, the standard Heritage New Zealand accidental discovery protocol may be used, applicable only to these areas.
5. The second advice note is redundant as the applicant has indicated an intention to apply for a general authority. It should be replaced with a standard general statement on the requirements of the HNZPT Act

Recommendations on draft conditions

Draft condition number	Discussion	Change requested
Condition 15 and advice note	<p>The applicant has indicated an intention to apply for an archaeological authority. Therefore:</p> <ul style="list-style-type: none"> • Any accidental discovery protocol should only apply to areas of the site not covered by an archaeological authority <p>It is also critical that those undertaking the works understand their responsibilities under the Heritage New Zealand Pouhere Taonga Act.</p>	<p>Delete condition 15 and replace with the following condition and advice note:</p> <p>Archaeological conditions</p> <p>(a) This condition applies only to any areas of the site not covered by an archaeological authority. In the event that an unidentified archaeological site is located during works, the following applies:</p> <ol style="list-style-type: none"> 1. Work shall cease immediately at that place and within 20m around the site. 2. The contractor must shut down all machinery, secure the area, and advise the Site Manager. 3. The Site Manager shall secure the site and notify the Heritage New Zealand Regional Archaeologist. Further assessment by an archaeologist may be required. 4 If the site is of Maori origin, the Site Manager shall notify the Heritage New Zealand Regional Archaeologist and the appropriate iwi groups or kaitiaki representative of the discovery and ensure site access to enable appropriate cultural procedures and tikanga to be undertaken, as long as all statutory requirements under legislation are met (<i>Heritage New Zealand Pouhere Taonga Act, Protected Objects Act</i>). 5. If human remains (koiwi tangata) are uncovered the Site Manager shall advise the Heritage New Zealand Regional Archaeologist, NZ Police and the appropriate iwi groups or kaitiaki representative and the above process under 4 shall apply. Remains are not to be moved until such time as iwi and Heritage New Zealand have responded.

		<p>6. Works affecting the archaeological site and any human remains (koiwi tangata) shall not resume until Heritage New Zealand gives written approval for work to continue. Further assessment by an archaeologist may be required.</p> <p>7. Where iwi so request, any information recorded as the result of the find such as a description of location and content, is to be provided for their records.</p> <p>8. Heritage New Zealand will determine if an archaeological authority under the <i>Heritage New Zealand Pouhere Taonga Act 2014</i> is required for works to continue.</p> <p>(b) The consent holder will ensure that contractor/s are briefed on and have access to the archaeological authority and these conditions on-site, and follow appropriate procedures should archaeological material, or suspected archaeological material, be uncovered as part of the works.</p> <p>Advice Note:</p> <p><i>All archaeological sites are protected under the Heritage New Zealand Pouhere Taonga Act 2014. An archaeological site is defined as a place associated with pre-1900 human activity, where there may be evidence relating to the history of New Zealand. This includes pre-1900 sites associated with Māori and non-Māori activity.</i></p> <p><i>The Heritage New Zealand Pouhere Taonga Act 2014 makes it unlawful to modify, damage or destroy any archaeological site, where an archaeological assessment has indicated potential for archaeological material and whether the site is recorded or not. Application must be made to Heritage New Zealand Pouhere Taonga for an Authority to modify, damage or destroy an archaeological site. The Act provides for substantial penalties for unauthorised destruction or modification.</i></p>
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