



Date: 18/05/22

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

Application name	Whakatāne Commercial Boat Harbour
EPA reference	FTC000036
Applicant/s	Whakatāne District Council; and Te Rāhui Lands Trust; and Te Rūnanga o Ngāti Awa; and Ngāti Awa Group Holdings Limited; and Te Rāhui Herenga Waka Whakatāne Limited; and Provincial Growth Fund Limited.
Comments due by	20/05/22

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Discussion

Thank you for the opportunity to comment on the draft conditions for the resource consent application for the Whakatāne Commercial Boat Harbour. Heritage New Zealand Pouhere Taonga has previously assessed the application, with input from specialist regional heritage staff, including those with Māori heritage expertise.

HNZPT sought:

- the addition of an Accidental Discovery (ADP) into the suite of conditions
- confirmation from iwi/hapū that matters raised in the Cultural Impact Assessment have been adequately addressed through the proposed conditions.

We are pleased that the draft conditions include an ADP at section 1.3.3 – Accidental Discovery Protocol – Archaeological. However, the wording we provided for this condition has been truncated

and, in our view, is now unclear. For the reasons outlined below, HNZPT seeks the inclusion of the full wording we provided.

HNZPT anticipates that consultation with iwi/hapū will occur through the consultation process on the proposed conditions.

Recommendations on draft conditions

Draft condition number	Discussion	Change requested
1.3.3.2 - <i>Accidental Discovery Protocol – Archaeological</i>	<p>The draft conditions include two accidental discovery protocols, Cultural and Archaeological. This discussion focusses on the Accidental Discovery Protocol – Archaeological, quoted below.</p> <p><i>“Accidental Discovery Protocol – Archaeological</i></p> <p><i>In the event that an unidentified archaeological site (as defined by s.6 of the Heritage New Zealand Pouhere Taonga Act 2014) is located during works, the following applies:</i></p> <ol style="list-style-type: none"> <i>a. Work shall cease immediately within 20 metres of the archaeological site.</i> <i>b. The contractor must shut down all machinery, secure the area, and advise the Site Manager.</i> <i>c. The Site Manager shall notify the appropriate Iwi/hapu, District Council and the Heritage New Zealand Regional Archaeologist. Further assessment by an archaeologist may be required.</i> <i>d. 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</i> 	<p>That the Accidental Discovery Protocol set out below is included in the draft conditions (underlined):</p> <p><u>In the event that an unidentified archaeological site is located during works, the following applies:</u></p> <ol style="list-style-type: none"> <u>a) Work shall cease immediately within 20 metres of the archaeological site.</u> <u>b) The contractor must shut down all machinery, secure the area, and advise the Site Manager.</u> <u>c) The Site Manager shall notify (insert Iwi/hapu as applicable), Council and the Heritage New Zealand Regional Archaeologist. Further assessment by an archaeologist may be required.</u> <u>d) 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 (Heritage New Zealand Pouhere Taonga Act (2014), Protected Objects Act (1975).</u> <u>e) If human remains (kōiwi 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 d) shall apply. Remains</u>

	<p><i>cultural procedures and tikanga to be undertaken, as long as all statutory requirements under legislation are met (Heritage New Zealand Pouhere Taonga Act (2014), Protected Objects Act (1975). In that event, condition 1.3.3.1 may also apply.”</i></p> <p>HNZPT continues to seek the inclusion of the full version of the ADP we provided including clauses (e), (f) and (g). This will provide clearer and more explicit direction and advice to the reader.</p> <p>HNZPT is the regulatory authority for archaeology, which includes kōiwi tangata. Kōiwi tangata may be part of an archaeological site.</p> <p>It is important to include all the wording we provided as there may be instances where, in the event of an accidental discovery, an authority from HNZPT is required. Only HNZPT can determine the need for an authority.</p> <p>HNZPT acknowledges that HNZPT’s regulatory role is referred to in section (d) with the words “as long as all statutory requirements under legislation are met (Heritage New Zealand Pouhere Taonga Act (2014)”. However, on its own, this phrase is not explicit or clear enough.</p> <p>In addition to including all the wording we have suggested, cross referencing to the Cultural Protocol (1.3.3.1) would be helpful. This cross reference could state that the two protocols (1.3.3.1 and 1.3.3.2) are to be read together.</p>	<p><u>are not to be moved until such time as iwi and Heritage New Zealand have responded.</u></p> <p><u>f) Works affecting the archaeological site and any human remains (kōiwi tangata) shall not resume until Heritage New Zealand gives written approval for work to continue. Further assessment by an archaeologist may be required.</u></p> <p><u>g) 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.</u></p>
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