

# 15. Historic Heritage and Tree Protection

## 15.1 Introduction

Historic heritage includes those natural or human made features of the landscape which combine to give people a sense of place, belonging and innate worth in relation to the passing of time.

To Maori, whose history in Kaikoura reaches back for many hundreds of years, these features may be whakapapa (geneological links to ancestral personalities who are as real today as ever). To move, degrade or destroy such a feature is the same as offering insult to the mana (dignity) of the ancestor concerned. Such features are thus said to have a wairua (spiritual quality) which cannot be negotiated.

The Kaikoura District has a great deal of Maori and European history, of special significance to both Maori and residents of Kaikoura. Many places, archaeological sites, buildings, features and trees within the District have historical, cultural, spiritual, scientific or other special significance to both groups as well as to visitors. Sites of historical and cultural value are also becoming increasingly important as tourism in the District grows, bringing with it the advantage of commercial support for enhancement of the historical environment.

Most people wish to retain the heritage of the past, not only for themselves but also for those generations yet to come. Conservation of historic resources is one of the duties of stewardship which the Council and Maori accept as being essential in the District.

Archaeological studies have revealed a little of the Maori and early European settlement patterns and culture. However, much more remains to be researched and recorded.

Historic heritage contributes to environmental quality and is valued for many reasons, including:

- scientific or technical significance such as the application of a science or technology
- aesthetic significance such as the artistic or craftsmanship values
- cultural, spiritual or social significance
- physical context e.g. design and materials
- providing a sense of place
- providing a pleasant environment
- providing a record of human activity
- contributing to the character
- providing interest for visitors

Historic trees may have association with the history of the District, as well as adding to the amenity values.

There are many almost forgotten sites around the district that go to make up the fabric of the historical heritage of Kaikoura. These sites include sawmills, lime quarries, lime kilns, a very early dairy factory on Tulloch Mains 1885, wool wash, wool scours, fellmongery, boiling down works, and fish processing works, to mention a few. On what was once the Warder and Tyler Runs (now Clarence Reserve) is a cluster of early station buildings, cob homestead, musterer's huts, rabbitier's

huts, and a beech pole framed woolshed. Other stations on the Clarence River such as Coverham, Bluff and The Muzzle also featured prominently in the early pioneering of the District.

Archaeological sites and areas in the Kaikoura District relate to Maori and European historic occupation and land use. Sites of Maori origin include pa sites, village sites, terraces, pits, middens and ovens. Historic sites include evidence of whaling stations, early European settlement and farming practices.

Trees are also an important component of the District's landscape. Trees or groups of trees may require protection for a variety of reasons including their:

- historical or cultural value - e.g. for their association with an important event or person or having spiritual significance to Te Runanga o Ngai Tahu or other communities.
- scientific value - e.g. rare or unusual trees
- landmark value - e.g. trees which are recognised community focal points
- amenity value - i.e. trees which contribute to the amenity of an area.

Under the Resource Management Act the District Council is required to recognise and provide for the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga (section 6(e)), and to have particular regard to recognition and protection of the heritage values of sites, buildings, places or areas (section 7(e)). In addition the Council is required to make provision in the District Plan relating to the protection of natural, physical, and cultural heritage sites and values, including landscape, land forms, historic places and waahi tapu (Second Schedule, Part II, clause 2(c)).

The Ngai Tahu Claims Settlement Act 1998 also recognises the relationship between Ngai Tahu and the environment. The Act uses a special instrument known as "Statutory Acknowledgements". A Statutory Acknowledgement is an acknowledgement by the Crown of a statement of Te Runanga o Ngai Tahu's particular cultural, spiritual, historical and traditional association with a specified area. There are two such areas in the Kaikoura District: Mt Uwerau and Lake Rotorua. Recognition of these two areas as Statutory Acknowledgements sets in place a process which must be followed for any resource consent applications which may affect these areas. Put simply, Statutory Acknowledgements alert Te Runanga o Ngai Tahu to activities which may have an effect on Mt Uwerau or Lake Rotorua. The Act sets out a consultation procedure which the Council must follow.

The Historic Places Act 1993 also gives the NZ Historic Places Trust (NZHPT) a role in the identification, protection, preservation and conservation of historic and cultural heritage. Under this Act, the NZHPT is required to keep a register of historic places, historic areas and waahi tapu as an information source and to assist these areas to be protected under the Resource Management Act 1991. In addition, the Historic Places Act currently protects all archaeological sites and areas. An authority is required from the NZHPT if there is reasonable cause to suspect that a site may be modified, damaged or destroyed in the course of any activity. An authority is required whether or not the site is recorded or unrecorded, and regardless of whether resource consent has been granted or the activity is permitted under the District Plan.

## 15.2 Issue 1 - Historic Heritage

Historic heritage has value to the District and may be lost or adversely affected by development, land use changes, lack of maintenance, fire, or vandalism.

### 15.2.1 Objective 1

To promote the conservation and preservation of the District's historic heritage, including: historic buildings, places and sites, waahi tapu and archaeological sites.

### 15.2.2 Policies

1. To give suitable protection to heritage value of buildings, places, sites and areas, in consultation with the New Zealand Historic Places Trust, Te Runanga o Ngai Tahu, the Department of Conservation, the Kaikoura Historical Society, and the local community.
2. To increase people's awareness of historic heritage values of the District by including an inventory in the Plan of significant historic heritage including heritage buildings, objects, places, and waahi tapu and archaeological sites.
3. To encourage the use of protected buildings, sites and features in the District, while ensuring that their valued historic features are not altered or destroyed.
4. To ensure that all development and building proposals in the vicinity of sites recorded by the New Zealand Archaeological Association does not adversely affect those sites, unless appropriate authorisations have been obtained from Kaikoura District Council and New Zealand Historic Places Trust and to advise Te Runanga o Ngai Tahu and the NZHPT of any development proposals relating to those sites.
5. To forward to Te Runanga o Ngai Tahu, summaries of any resource consent applications for any activity within, adjacent to, or impacting directly on Mt Uwerau or Lake Rotorua.
6. To have due regard to the Statutory Acknowledgments of Mt Uwerau or Lake Rotorua in deciding whether Te Runanga o Ngai Tahu is an affected party in respect of any resource consent applications for activities within, adjacent to, or impacting directly on Mt Uwerau or Lake Rotorua.
7. To develop in conjunction with Te Runanga o Ngai Tahu, a protocol for consultation in respect of resource consent applications.
8. To recognise that heritage values may include historic, scientific, technological, aesthetic, cultural, spiritual, social, contextual and archaeological values.
9. To ensure that any potential adverse effects on heritage values are taken into account in assessing applications.
10. To encourage active public participation in the promotion, protection and preservation of heritage and cultural values throughout the district.

### 15.2.3 Implementation Methods

1. The inclusion of an inventory of the District's historic heritage in the District Plan including heritage buildings, objects, places, waahi tapu and archaeological sites and areas. The inventory shall be updated from time to time by reference to New Zealand Archaeological Association Site recording scheme and the New Zealand Historic Places Trust.
2. The application of rules in the District Plan to control activities considered to adversely affect the District's historic buildings, sites and areas.
3. Protection of waahi tapu and waahi taonga areas and sites through resource consent and plan change procedures. To notify NZHPT, Te Runanga o Ngai Tahu, and Te Runanga o Kaikoura, of any proposals located on sites that contain recognised archaeological sites.
4. To consider waiving application fees for resource consents concerning the enhancement of a scheduled heritage item.

5. To place conditions on subdivision consents, protecting any historic heritage with value to the community.
6. To use 'heritage orders' where appropriate to ensure the protection of any scheduled heritage item which is under threat of demolition, removal or adverse major modification.
7. To meet the requirements of the Ngai Tahu Claims Settlement Act 1998 in respect of the two Statutory Acknowledgements in the District.
8. Identification of Mt Uwerau and Lake Rotorua in the Planning Maps as Statutory Acknowledgements.
9. Through the Council's annual planning process to educate and inform people of the importance of heritage resources and their contribution to their social, cultural and environmental welfare.
10. Through the Council's annual planning process to promote public awareness of the importance of heritage resources, through the provision of information and advice on the location of historic sites and their relationship with local history.

Methods may include:

- a. Provision of plaques for specific buildings or sites, describing the historic significance of a particular item or place.
  - b. Provision of a voluntary register of heritage buildings and sites within the District, that is maintained and updated by Council and available for public inspection.
  - c. Written material or visual displays of the importance of heritage to increase awareness, in the form of pamphlets or display boards in community centres or libraries.
11. To consider exempting sites of historic buildings listed in Appendix C and archaeological sites listed in Appendix E from the standards for minimum allotment size of the applicable zone.
  12. The identification of heritage items on all new property files.
  13. The identification of archaeological areas on the planning maps as areas that contain a number of individually important archaeological sites.

### **Explanation and Reasons**

As part of the Council's obligation to have regard to the recognition and protection of heritage resources, the Plan addresses the protection of heritage values, and specifically the protection of those heritage buildings, places and sites, waahi tapu, archaeological sites and other features that are considered to be significant and worthy of protection in the public interest. Consultation will not only enable the identification of these features but also enable the priorities for protection to be determined.

Establishing an inventory of heritage resources for the District is considered to be an effective method of increasing people's awareness of the value of the District's heritage resources.

By encouraging the use of protected buildings, sites and features for existing and future activities the Council envisages these resources performing a useful role in the community, rather than becoming unused and falling into disrepair. Conservation of these sites and buildings enhances the District's character.

Council has an obligation under the Ngai Tahu Claims Settlement Act 1998 to notify Te Runanga o Ngai Tahu of any resource consent applications which may affect Mt Uwerau or Lake Rotorua.

## 15.3 Issue 2 - Trees

Notable trees within the District have value to the community. They may be lost or adversely affected by development, land use changes, inappropriate alterations, fire, or vandalism.

### 15.3.1 Objective 2

To protect and preserve the District's notable trees.

### 15.3.2 Policies

1. To protect particularly notable individual trees and groups of trees and recognise them as an important element in maintaining and enhancing the environment of the District.
2. To increase people's awareness of the importance of notable trees of the District by including an inventory in the Plan of these trees.

### 15.3.3 Implementation Methods

1. The inclusion of an inventory of the District's notable trees as a schedule of protected trees in the District Plan.
2. The application of rules in the District Plan to control activities considered to adversely affect the District's trees.
3. To consider waiving or reducing financial contributions towards public open space and recreation associated with subdivision proposals which incorporate statutory protection of scheduled trees.
4. Where appropriate, to place conditions on subdivision and land use consents affecting any protected trees.
5. Through the Council's annual planning process to promote public awareness of the importance of protected trees, through the provision of information and advice.

Methods may include:

- a. Provision of plaques for specific trees.
- b. Provision of a voluntary register of protected trees within the District, that is maintained and updated by Council and available for public inspection.

#### **Explanation and Reasons**

Trees in the District can be identified as having special significance if they have one or more of the following values:

Botanical/Ecological Value - such as age, rarity of species in the area, District, Region or throughout New Zealand, provision of a habitat for a rare species of flora or fauna or part of a unique ecosystem.

Visual Amenity Value - such as contribution to the landscape, size of the tree or canopy spread, pattern of planting or value for shade or beautification of an area or neighbourhood.

Cultural/Heritage Value - such as commemorating a special occasion, planted by a noted person or having spiritual significance to Ngai Tahu or other communities in the District.

Other Values - a tree may have a value which does not fall within the above criteria but which warrants protection as damage to or removal of that tree would have a significant adverse effect on the environment (including people and communities).

Protected Trees, recorded in Appendix D of the Plan, are those trees having outstanding value in one or more of the above-noted categories.

Removing or damaging the trees listed in Appendix D may result in an adverse effect on the natural environment; and/or amenity values; and/or the community. That effect is significant enough to warrant formal protection through the standards set in Section 15.5 to 15.8 Heritage Rules.

## 15.4 Anticipated Environmental Results

1. The preservation of a representative range of resources possessing heritage and cultural values of importance to present and future generations of the District's residents and visitors.
2. The active and productive use of heritage buildings and sites, whilst ensuring the protection of the heritage values of these buildings and sites.
3. Enhanced public awareness of the historic heritage and protected trees in the district and the importance of heritage values and trees to the environment.

# Heritage Rules

These rules shall apply across all the zones of the District.

## 15.5 Status of Heritage Features

All heritage features known to the Council to be worthy of protection are listed in Appendices C, D and E, are part of the Heritage Rules, and have been identified on the Planning Maps by a special notation.

The heritage features include historic buildings, objects and properties, places of special interest, archaeological sites and areas, waahi tapu, and protected trees. All features have been categorised as follows:

### Class A Historic Buildings:

These items warrant permanent preservation because their significance to the District and to New Zealand as a whole. Class A includes all places of historical or cultural significance included in Categories I and II of the New Zealand Historic Places Trust (NZHPT) Register.

### Class B Historic Buildings:

Preservation of these heritage items is important but not as significant as Class A items. Class B includes places of local historic or cultural significance.

### Archaeological Sites:

Individual sites recorded by the NZ Archaeological Association which warrant consideration in the event of any proposed development in order to avoid, remedy or mitigate adverse effects on the site's particular values.

## Archaeological Areas

Areas that contain a number of individually important archaeological sites which warrant consideration in the event of any proposed development in order to avoid, remedy or mitigate adverse effects on the site's particular values.

## Historic Areas:

Historic Areas adopted from the NZ Historic Places Trust register which warrant consideration in the event of any proposed development in order to avoid, remedy or mitigate adverse effects on the site's particular values.

## Waahi Tapu Sites and Areas:

All waahi tapu listed within the NZ Historic Places Trust Register, or specifically identified by Te Runanga o Ngai Tahu.

## Protected Trees:

Trees or groups of trees having either outstanding cultural and/or heritage values, botanical values or high visual amenity values.

# 15.6 Historic Buildings

## 15.6.1 Permitted Activities

Modification of, or addition to, any historic building identified in Appendix C is a permitted activity which may be undertaken without resource consent, provided that such modification or addition complies with the following conditions:

- a.** the work is confined to restoration, redecoration, or general maintenance of the original character, fabric, or detailing of the heritage building, place or object and;
- b.** the work retains or reinstates the original design and/or colour scheme of the building or structure, except that this does not apply to interior redecoration where the original design or colour has already been modified and;
- c.** the work is undertaken using materials that are the same or similar to those materials originally used and;
- d.** the work will not detract from the character and appearance of the heritage building, place or object.

## 15.6.2 Controlled Activities - Class B Historic Buildings

Modification of, or addition to, any Class B historic building listed in Appendix C which does not comply with conditions in rule 15.6.1 is a controlled activity with Council's control limited to:

- i.** the nature of the proposed work
- ii.** design of the proposed modifications
- iii.** materials to be used
- iv.** effects on the character and appearance of the building
- v.** effects on heritage values

### 15.6.3 Discretionary Activities

#### a. **Class A Historic Buildings**

Modification of, or addition to, any Class A historic building listed in Appendix C which does not comply with conditions in rule 15.6.1 is a restricted discretionary activity with Council's discretion limited to:

- i. the nature of the proposed work
- ii. design of the proposed modifications
- iii. materials to be used
- iv. effects on the character and appearance of the building
- v. effects on heritage values

#### b. **Class B Historic Buildings**

The relocation, removal or demolition of all or part of any Class B historic building listed in Appendix C is an unrestricted discretionary activity.

### 15.6.4 Non-complying Activity

#### a. **Class A Historic Building**

The relocation, removal or demolition of all or part of any Class A historic building listed in Appendix C is a non-complying activity.

## 15.7 Protected Trees (Appendix D)

Any of the following activities relating to a protected tree or group of trees listed in Appendix D shall be an **unrestricted discretionary** activity:

- i. removal of any protected tree other than any dead tree or any tree that is endangering people or property.; or
- ii. pruning at a height greater than one-third the total height of the tree, and/or any branches greater than 50mm diameter below this level; or
- iii. the construction of any building or laying of new overhead or underground services within the drip line of any protected tree, whether on the site or not; or
- iv. paving or storing of vehicles within the drip line of any protected tree; or
- v. the addition or excavation of soil in a way that alters soil levels by more than 75mm within the drip line of any protected tree; or
- vi. discharge or dispersal of any toxic substance within the drip line of any protected tree.

**Note:** For the purpose of this rule, "drip line" means the outer-most edge of the canopy or branches projected down to the ground.

## 15.8 Archaeological Sites, Archaeological Areas, Historic Areas and Waahi Tapu (Appendix E.)

**Table 15.8.1 Activity Status**

Status	Activity	Conditions
Permitted	a. Any earthworks, other than earthworks in or within 20m	Any earthworks in a. must comply with the Accidental

Status	Activity	Conditions
	<p>of an archaeological site, historic area or waahi tapu listed in Appendix E, or within an archaeological area.</p> <p><b>b.</b> Any earthworks within an archaeological area shown on the planning maps as surrounding an archaeological site.</p>	<p>Discovery Protocol (15.8.3., except in the Kaikoura Peninsula Tourism Zone and the Ocean Ridge Comprehensive Living Zone where earthworks must comply with Accidental Discovery Protocol 15.8.4.</p> <p>Any earthworks within an archaeological area in b. shall not exceed 500mm in depth or cumulatively 100m<sup>2</sup> per site except that earthworks may exceed these limits provided that the Site Management Protocol 15.8.2. shall be followed.</p>
Controlled	<p>Any earthworks within the parking area locations shown on the Outline Development Plan in Appendix O (Kaikoura Peninsula Tourism Zone. and any earthworks associated with the construction of the primary or secondary vehicle accesses with the Kaikoura Peninsula Tourism Zone.</p>	<p>Council's control is restricted to the effects on historic, archaeological or cultural values, including the imposition of conditions that require an Archaeological Accidental Discovery Protocol, contained in 15.8.4, being complied with, and a condition on the requirement for archaeological supervisions during site disturbance.</p>
Discretionary (restricted)	<p><b>a.</b></p> <p><b>i.</b> Any earthworks within 20m of or;</p> <p><b>ii.</b> Any modification, damage, destruction or disturbance to;</p> <p>any archaeological site, historic area or waahi tapu listed in Appendix E, except in the parking area locations shown on the Outline Development Plan in Appendix O, and within a primary or secondary vehicle access with the Kaikoura Peninsula Tourism Zone (refer to controlled activity rule.</p> <p><b>b.</b> Any earthworks within an archaeological area shown on the planning maps which exceed 500mm in depth or cumulatively 100m<sup>2</sup> in area per site and which do not follow the Site Management Protocol 15.8.2, except in the building platform or parking area locations shown on the Outline Development Plan in Appendix O and within a primary or secondary vehicle access with the Kaikoura Peninsula Tourism Zone refer to controlled activity rule.</p> <p><b>c.</b> Any earthworks resulting in the accidental discovery of artefacts or human remains</p>	<p>Council's discretion is restricted to effects on any heritage, archaeological or cultural values of the site.</p>

Status	Activity	Conditions
	<p>and the Accidental Discovery Protocol (15.8.3. and (15.8.4. is not complied with except in the building platform and parking area locations shown on the Outline Development Plan in Appendix O, and within a primary or secondary vehicle access with the Kaikoura Peninsula Tourism Zone refer to controlled activity rule.</p> <p><b>d.</b> Any earthworks within the Building Platform Location Areas shown in the Outline Development Plan in Appendix O (KPTZ).</p>	

### 15.8.2 Site Management Protocol: Archaeological Sites, Archaeological Areas, Historic Areas or waahi tapu

- i.** The consent holder or proponent shall engage an appropriately qualified archaeologist to monitor the progress of all excavation and to advise on methods to be undertaken to ensure that adverse effects on archaeological values are avoided, remedied or mitigated.

This condition shall not apply with respect to works undertaken in an Archaeological Area, however, before any works commence in an Archaeological Area, the NZ Historic Places Trust and Te Runanga o Kaikoura shall first be consulted and their views obtained. It is highly probable that an Archaeological Area contains unrecorded archaeological material that may be disturbed by earthmoving works.

- ii.** For any burial sites and waahi tapu, Te Runanga o Kaikoura Runanga shall be entitled to have a representative during construction and excavation of the site to act as adviser to the developer on identification or protection of the site.
- iii.** The consent holder or proponent shall provide Te Runanga o Ngai Tahu and Te Runanga o Kaikoura the following information no less than 25 working days prior to any excavation:
  - a schedule of the dates of all significant excavation events, their sequence and duration;
  - a summary of all measures being undertaken to ensure that adverse effects on archaeological values are avoided, remedied or mitigated
- iv.** The consent holder or proponent shall invite Te Runanga o Ngai Tahu and Te Runanga o Kaikoura to attend any episode of monitoring or earthmoving activity.
- v.** The consent holder or proponent shall consult with Te Runanga o Ngai Tahu and Te Runanga o Kaikoura to determine if there are any matters of protocol which they wish to undertake in relation to any excavation.
- vi.** The consent holder or proponent shall provide Te Runanga o Ngai Tahu and Te Runanga o Kaikoura a copy of all archaeological monitoring and investigation reports which are required by the conditions of consent with an invitation to respond, comment or meet to discuss any of the results.
- vii.** The consent holder or proponent shall notify the Council of all information provided to Te Runanga o Ngai Tahu and Te Runanga o Kaikoura and any responses received.

**Note:** Prior to any development being undertaken within an archaeological site or waahi tapu identified in Appendix E, the consent holder or proponent shall ensure that all appropriate authorities required in accordance with sections 11 and 12 of the Historic Places Act 1993, or its subsequent replacement, have been obtained.

### 15.8.3 Accidental Discovery Protocol: Archaeological Sites, Archaeological Areas, Historic Areas or waahi tapu

This rule does not apply to the Kaikoura Peninsula Tourism Zone and the Ocean Ridge Comprehensive Living Zone

Where, during earthworks on any site, any archaeological feature, artefact or human remains are accidentally discovered or are suspected to have been discovered, the following protocol shall apply:

- i. Immediately that it becomes apparent that a suspected archaeological site, burial site, waahi tapu or waahi taonga site has been uncovered, all excavation shall cease.

In cases other than suspected human remains

- ii. The contractor must shut down all machinery immediately, secure the area and advise the consent holder or proponent. and Kaikoura District Council of the occurrence.
- iii. The consent holder or proponent. must notify the NZ Historic Places Trust so that the appropriate consent procedure can be initiated.
- iv. The consent holder or proponent. must consult with a representative of the Te Runanga o Kaikoura to determine what further actions are appropriate to safeguard the site of its contents.

Where human remains are suspected

- v. The contractor must take steps immediately to secure the area in a way which ensures human remains are not further disturbed. The contractor shall advise the consent holder or proponent. of the steps taken.
- vi. The contractor shall notify the Police of the suspected human remains as soon as practicably possible after the remains have been disturbed. The consent holder or proponent. shall notify Te Runanga o Kaikoura and NZ Historic Places Trust within 12 hours of the suspected human remains being disturbed, or otherwise as soon as practically possible.
- vii. Excavation of the site shall not resume until the Police, NZ Historic Places Trust and the relevant Kaumatua have each given the necessary approvals for excavation to proceed.

**Note:** If any land use activity (such as earthworks, fencing or landscaping. is likely to modify, damage or destroy any archaeological site (whether recorded or unrecorded., an "authority" (consent. from the NZ Historic Places Trust must also be obtained for the work to lawfully proceed.

### 15.8.4 Accidental Site Discovery Protocol for the Kaikoura Peninsula Tourism Zone and the Ocean Ridge Comprehensive Living Zone

#### **Purpose**

The purpose of this protocol is:

- To manage and protect the integrity of "known" and "unknown" archaeological sites from damage and loss.
- To maximise the opportunity to retrieve physical and archaeological evidence from disturbed sites. In cases where sites clearly are unable to be retained intact, the orderly and systematic removal of archaeological evidence and information is of the utmost importance.

- Koiwi Tāngata (human skeletal remains. are from time to time unearthed through a range of causes, man made and natural. The dignified and appropriate cultural management of such sites and remains is of vital importance.
- To obtain quality information on the lives, activities, food, resource use, trails and camp sites of Ngāi Tahu ancestors from archaeological sites. Early detection and assessment is dependent on early intervention to manage retrieval of such information.
- To obtain quality historic information on the lives of people, their activities, resource use and structures.
- To provide the conditions to be imposed on any earthworks consent within the Kaikoura Peninsula Tourism Zone and the Ocean Ridge Comprehensive Living Zone.

### Definition

“Archaeological site” means any place in New Zealand that —

- a. Either —
  - i. Was associated with human activity that occurred before 1900; or
  - ii. Is the site of the wreck of any vessel where that wreck occurred before 1900; and
- b. is or may be able through investigation by archaeological methods to provide evidence relating to the history of New Zealand” Historic Places Act 1993

### Process

The developer shall consult with Te Runanga o Ngai Tahu and Te Runanga o Kaikoura to determine, in accordance with Tikanga Maori, if there are any matters of protocol which tangata whenua wish to undertake in relation to the commencement of any development works, significant events or the commissioning of the completed works.

**In the event of any discovery of suspected cultural remains (e.g. shells, charcoal or charcoal-stained soil, fire-fractured stone, or bones. the developer, or workman/contractor representing the developer, shall take the following action:\**

1. Cease all works immediately.
2. Advise the site supervisor of a find.
3. The site supervisor shall contact an appointed archaeologist to advise on the significance of the find.
4. If the find is of potential significance to Ngāi Tahu, “contact” person(s. from Te Rūnanga o Kaikōura must be advised.
5. The NZ Historic Places Trust must be advised in all cases (note that it is an offence under section 99 of the Historic Places Act 1993 to modify, damage or destroy an archaeological site without the prior authority of the New Zealand Historic Places Trust..

### In cases of wāhi taonga and wāhi tapu

- The nominated representative(s. of Te Rūnanga o Kaikōura will be consulted by the archaeologist and site supervisor to determine what further actions are appropriate to avoid, reduce, remedy or mitigate any damage to archaeological sites.
- The developer shall consult with Te Rūnanga o Kaikōura on any matters of protocol which they may wish to undertake in relation to the find and prior to the commencement of any investigation.

- The developer shall consult with NZ The Historic Places Trust for advice of any requirements under the Historic Places Act.

#### **In cases of suspected koiwi Tāngata**

- The site supervisor shall take steps to immediately stop work, shut down all machinery or activity, secure the area to ensure that the remains are not touched and then notify the police and the nominated representative(s) of Te Rūnanga o Kaikōura.
- The developer shall consult with The Historic Places Trust for advice of any requirements under the Historic Places Act.
- The site supervisor must ensure that staff are available to meet and guide Police (note that the Coroners Act applies), Kaumatua and Historic Places staff to the site and to assist with any requests made. The area shall be marked off and if the remains are of Māori origin, Kaumatua will decide what will happen to the remains and advise the Police and other parties of their decision.
- Work may only recommence in the area with the approval of the Police, Kaumatua and the NZ Historic Places Trust.

#### **In all other cases**

- The archaeologist and site supervisor to determine what further actions are appropriate to avoid, reduce, remedy or mitigate any damage to archaeological sites.
- The NZ Historic Places Trust shall be consulted for advice of any requirements under the Historic Places Act.

#### **Responsibilities of the Developer**

1. To require all staff/contractors involved in drilling, earthmoving or mining operations to undertake a training session on the recognition of archaeological sites, waahi tapu, waahi taonga, urupa or koiwi tangata. Te Runanga o Kaikoura and Te Runanga o Ngai Tahu will be contracted to provide appropriate training to such staff.
2. To implement internal management protocols to ensure staff are aware of the requirement to monitor operations in a way that allows the identification of archaeological sites including waahi tapu, waahi taonga, urupa or historic (European) cultural sites.
3. To implement a reporting procedure in the event of a “find” of any archaeological materials described in the Process above.
4. To ensure that the developer will meet all statutory obligations under the Historic Places Act 1993 and comply with all conditions of resource consent as they relate to matters of archaeological significance.
5. To provide a copy of the work plan no less than 25 working days prior to any earth-moving works to Te Rūnanga o Kaikōura and the NZ Historic Places Trust setting out:
  - A schedule of the dates of all significant earthmoving events, their sequence and duration; and,
  - A summary of all measures being undertaken to ensure that adverse effects on archaeological values are avoided, remedied or mitigated.
6. To invite Te Runanga o Kaikoura and Te Runanga o Ngai Tahu to attend any episode of archaeological, monitoring or earthmoving activity.

7. To provide Te Runanga o Kaikoura and Te Runanga o Ngai Tahu and the NZ Historic Places Trust with a copy of all archaeological monitoring and investigation results with an invitation to respond, comment or meet to discuss any results.
8. The developer shall notify the District Council of all information provided to Te Runanga o Kaikoura and Te Runanga o Ngai Tahu and any responses received. If appropriate, the District Council, with the agreement of the developer and Te Runanga o Kaikoura and Te Runanga o Ngai Tahu shall convene meetings/hui should any of the information or issues require further discussion.
9. To appoint an archaeologist(s. approved by Te Runanga o Kaikoura to be available during all earthworks and excavations to act as an advisor on identification or protection of wahi tapu, wahi taonga, urupā or historic cultural sites. This person(s. to be on-site as required by conditions of resource consent or as required in the event of a discovery.

**Note:** Responsibilities of Te Runanga o Kaikoura

1. To inform the developer of the position of any known sites prior to earth disturbance.
2. To inform the developer in accordance with tikanga Māori, if there are any matters of protocol which Tāngata whenua wish to undertake in relation to the commencement of work or significant events.
3. To provide a list of contact persons and phone, fax and mobile numbers to the developer.
4. To adopt a policy of guaranteeing response to notification of a “suspected site find” within a 24 hour time frame;
  - a. this will consist of contacting appropriate people and organisations depending on the nature of the “find”;
  - b. arranging a time for inspecting the site;
  - c. co-ordination of the appropriate action to remove or otherwise any archaeological material from the site.