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CULTURAL ADVICE REPORT

J5835 – 150 Buckleys Road (RC235464)

To: Selwyn District Council

Contact: Richard Bigsby

1.0 Mana Whenua Statement

Ngāi Tahu are tangata whenua of the Canterbury region and hold ancestral and contemporary relationships with Canterbury. The contemporary structure of Ngāi Tahu is set down through the Te Rūnanga o Ngāi Tahu Act 1996 (TRoNT Act). The TRoNT Act and Ngāi Tahu Claims Settlement Act (NTCSA) 1998 sets the requirements for recognition of tangata whenua in Canterbury.

The Te Rūnanga o Ngāi Tahu Act 1996 and the NTCSA 1998 gives recognition to the status of Papatipu Rūnanga as kaitiaki and mana whenua of the natural resources within their takiwā boundaries. Each Papatipu Rūnanga has their own respective takiwā, and each is responsible for protecting the tribal interests in their respective takiwā, not only on their own behalf of their own hapū, but again on behalf of the entire tribe.

The following Rūnanga hold mana whenua over the project's location, as it is within their takiwā:

- Te Taumutu Rūnanga

2.0 Summary of Proposal

KeaX Limited has applied for resource consent from Selwyn District Council (RC235464) to construct a new solar array (solar farm) on approx. 111 ha.

The activity status is considered discretionary under the Operative Selwyn District Plan, relating to rules 1.7.1.2, 3.15.4, and 5.1.3.

3.0 Consultation Methodology

Mahaanui Kurataiao Limited review the application documents and undertake an assessment of the application against the Mahaanui Iwi Management Plan.

A briefing report is prepared for Kaitiaki representatives who have been mandated by the Papatipu Rūnanga they represent to speak on behalf of hapū on environmental issues.

A Mahaanui Kurataiao Limited staff member meets with Kaitiaki representatives to discuss the application and Kaitiaki provide feedback based on Mātauranga Māori.

The Cultural Advice Report is provided to outline the relevant policies in the Mahaanui Iwi Management Plan and the feedback provided by Kaitiaki representatives.

The relevant policies and Kaitiaki feedback for this application are provided in the following sections of this report.

4.0 Mahaanui Iwi Management Plan 2013

The Mahaanui Iwi Management Plan (IMP) is a written expression of kaitiakitanga, setting out how to achieve the protection of natural and physical resources according to Ngāi Tahu values, knowledge, and practices. The plan has the mandate of the six Papatipu Rūnanga, and is endorsed by Te Rūnanga o Ngāi Tahu, as the iwi authority.

Natural resources – water (waterways, waipuna (springs), groundwater, wetlands); mahinga kai; indigenous flora and fauna; cultural landscapes and land - are taonga to mana whenua and they have concerns for activities potentially adversely affecting these taonga. These taonga are integral to the cultural identity of ngā rūnanga mana whenua and they have a kaitiaki responsibility to protect them. The policies for protection of taonga that are of high cultural significance to ngā rūnanga mana whenua are articulated in the IMP.

The policies in this plan reflect what Papatipu Rūnanga support, require, encourage, or actions to be taken with regard to resolving issues of significance in a manner consistent with the protection and enhancement of Ngāi Tahu values, and achieving the objectives set out in the plan.

The relevant Policies of the IMP to this proposal have been identified as:

5.1 KAITIAKITANGA

TE TIRITI O WAITANGI

K2.3 In giving effect to Te Tiriti, government agencies and local authorities must recognise and provide for kaitiakitanga and rangatiratanga. As the tāngata whenua who hold manawhenua, Ngāi Tahu interests in resource management extend beyond stakeholder or community interests.

Comment: *Kaitiakitanga is fundamental to the relationship between Ngāi Tahu and the environment. It is the intergenerational responsibility and right of tāngata whenua to take care of the environment and resources upon which we depend. The responsibility of kaitiakitanga is twofold: first, there is the ultimate aim of protecting mauri; and second, there is the duty to pass the environment to future generations in a state that is as good as, or better than, the current state.*

5.3 WAI MĀORI

CHANGING THE WAY WATER IS VALUED

WM2.2 To require that water is recognised as essential to all life and is respected for its taonga value ahead of all other values.

WATER QUALITY

WM6.2 To require that water quality in the takiwā is of a standard that protects and provides for the relationship of Ngāi Tahu to freshwater. This means that:

(a) The protection of the eco-cultural system (see Box - Eco-cultural systems) is the priority, and land or resource use, or land use change, cannot impact on that system; and

(c) Ngāi Tahu and the wider community can engage with waterways for cultural and social well-being; and

(d) Ngāi Tahu and the wider community can participate in mahinga kai/food gathering activities without risks to human health.

Discharges

WM6.8 To continue to oppose the discharge of contaminants to water, and to land where contaminants may enter water.

WM6.11 Consented discharge to land activities must be subject to appropriate consent conditions to protect ground and surface water, including but not limited to:

(a) Application rates that avoid over saturation and nutrient loading;

(b) Set backs or buffers from waterways, wetlands and springs;

(c) Use of native plant species to absorb and filter contaminants; including riparian and wetland establishment and the use of planted swales; and

(d) Monitoring requirements to enable assessment of the effects of the activity.

ACTIVITIES IN THE BEDS AND MARGINS OF RIVERS AND LAKES

Riparian areas

WM12.2 To require the protection and restoration of native riparian vegetation along waterways and lakes in the takiwā as a matter of priority, and to ensure that this can occur as a permitted activity.

Rural activities along and in the beds and margins of rivers

WM12.14 To protect the beds and margins of foothill, lowland, and coastal waterways from effects associated with rural land use by requiring a 20 metre buffer or set back area from the waterway, or whatever distance is appropriate to ensure:

(a) Capture of run-off and protection of water quality;

(b) Protection of eco-cultural attributes such as mahinga kai; and

(c) Prevention of stock access to waterways.

WM12.15 Recognising that a 5 metre well-planted buffer along a healthy stream may be as effective as a 20 metre buffer along a degraded waterway, the appropriate size of buffers or set back areas along waterways as per Policy WM12.14 should be based on an assessment of:

(a) The nature of the adjacent land use and therefore risk to waterway health;

(b) The existing state of cultural health of the waterway; and

(c) The existing pressures on the waterway.

DRAIN MANAGEMENT

WM14.1 To require that drains are managed as natural waterways and are subject to the same policies, objectives, rules and methods that protect Ngāi Tahu values associated with freshwater, including:

(a) Inclusion of drains within catchment management plans and farm management plans;

(b) Riparian margins are protected and planted;

(c) Stock access is prohibited;

(d) Maintenance methods are appropriate to maintaining riparian edges and fish passage; and

(e) Drain cleaning requires a resource consent.

Comment: *Wai is a significant cultural resource, connecting Ngāi Tahu to the landscape and culture and traditions of the tūpuna. Wai is a taonga, and a life giver of all things. The protection and enhancement of wai is, therefore, of utmost importance to tāngata whenua. The health and mauri of the wai must be prioritised, giving effect to Te Mana o Te Wai – the fundamental concept in the National Policy Statement for Freshwater Management 2020.*

5.4 PAPATŪĀNUKU

STORMWATER

P6.1 To require on-site solutions to stormwater management in all new urban, commercial, industrial and rural developments (zero stormwater discharge off site) based on a multi tiered approach to stormwater management:

(a) Education - engaging greater general public awareness of stormwater and its interaction with the natural environment, encouraging them to take steps to protect their local environment and perhaps re-use stormwater where appropriate;

(b) Reducing volume entering system - implementing measures that reduce the volume of stormwater requiring treatment (e.g. rainwater collection tanks);

(c) Reduce contaminants and sediments entering system - maximising opportunities to reduce contaminants entering stormwater e.g. oil collection pits in carparks, education of residents, treat the water, methods to improve quality; and

(d) Discharge to land based methods, including swales, stormwater basins, retention basins, and constructed wetponds and wetlands (environmental infrastructure), using appropriate native plant species, recognising the ability of particular species to absorb water and filter waste.

P6.2 To oppose the use of existing natural waterways and wetlands, and drains, for the treatment and discharge of stormwater in both urban and rural environments.

DISCHARGE TO LAND

P8.1 To require that discharge to land activities in the takiwā:

(a) Are appropriate to the soil type and slope, and the assimilative capacity of the land on which the discharge activity occurs;

(b) Avoid over-saturation and therefore the contamination of soil, and/or run off and leaching; and

(c) Are accompanied by regular testing and monitoring of one or all of the following: soil, foliage, groundwater and surface water in the area.

SOIL CONSERVATION

P9.3 To protect the land from induced soil erosion as a result of unsustainable land use and development.

EARTHWORKS

Indigenous vegetation

P11.8 To require the planting of indigenous vegetation as an appropriate mitigation measure for adverse impacts that may be associated earthworks activity.

Erosion and sediment control

P11.9 To require stringent and enforceable controls on land use and earthworks activities as part of the resource consent process, to protect waterways and waterbodies from sedimentation, including but not limited to:

(a) The use of buffer zones;

(b) Minimising the extent of land cleared and left bare at any given time; and

(c) Capture of run-off, and sediment control.

VEGETATION BURNING AND CLEARANCE

P12.5 To require the use of appropriately sized and generous buffers to protect waterways from the vegetation clearance activities.

ENERGY

P17.5 To support in principle the use of wind and solar energy generation in the region (see Section 5.7, Issue TAW1).

Comment: *Papatūānuku is the birthplace of all things of the world and the place to which they return. The protection of the mauri of Papatūānuku, and the enhancement of mauri where it has been degraded, is therefore of upmost importance to Ngāi Tahu. Development activities can compromise the mauri of the land and the life it supports if not managed appropriately. Development activities must adhere to waterway setback rules, implement low impact, innovative, and sustainable solutions to water issues including stormwater management.*

5.5 TĀNE MAHUTA

INDIGENOUS BIODIVERSITY

Integrating indigenous biodiversity into the landscape

TM2.8 To require the integration of robust biodiversity objectives in urban, rural land use and planning, including but not limited to:

(a) Indigenous species in shelter belts on farms;

(b) Use of indigenous plantings as buffers around activities such as silage pits, effluent ponds, oxidation ponds, and industrial sites; and

(d) Establishment of planted indigenous riparian margins along waterways.

Comment: *Ngāi Tahu has a particular interest in indigenous biodiversity, both for its inherent value on the landscape and the ecosystem services it provides, and with regard to mahinga kai. Indigenous flora and fauna have sustained tāngata whenua for hundreds of years, providing food, fibre, building materials, fuel, medicine and other necessities. The relationship between tāngata whenua and indigenous biodiversity has evolved over centuries of close interaction and is an important part of Ngāi Tahu culture and identity.*

5.8 NGĀ TŪTOHU WHENUA

WĀHI TAPU ME WĀHI TAONGA

CL3.1 All taonga within the takiwā of Ngāi Tahu, accidental discovery or otherwise, belong to the Papatipu Rūnanga/ Te Rūnanga o Ngāi Tahu.

Protecting wāhi tapu and wāhi taonga

CL3.8 To require, where a proposal is assessed by tāngata whenua as having the potential to affect wāhi tapu or wāhi taonga, one or more of the following:

(a) Low risk to sites:

(i) Accidental discovery protocol (ADP) - See Appendix 1.

(b) High risk to sites:

(i) Cultural Impact Assessment (CIA);

(ii) Site visit;

(iii) Archaeological assessment, by a person nominated by the Papatipu Rūnanga;

(iv) Cultural monitoring to oversee excavation activity, record sites or information that may be revealed, and direct tikanga for handling cultural materials;

(v) Inductions for contractors undertaking earthworks;

(vi) Accidental discovery protocol agreements (ADP); and/or

(vii) Archaeological Authority from the New Zealand Historic Places Trust.

CL3.9 To support a range of methods to protect sites identified as wāhi tapu and wāhi taonga, including but not limited to:

(a) Registration with Historic Places Trust as wāhi tapu or wāhi tapu area;

(b) Covenants (e.g. heritage, open space);

(c) Heritage orders;

(d) Designation as Historic Reserve or local purpose reserve, under the Reserves Act 1977;

(e) Tribally developed ‘hot zones’, Heritage Risk Models or Heritage Alert Layers to protect wāhi tapu, wāhi taonga and archaeological sites; and

(f) Methods to protect and restore cultural landscapes, as per Policy CL1.7.

Comment: *Wāhi tapu and wāhi taonga are sites and places that are culturally and spiritually significant to tāngata whenua history and identity. These include sites such as urupā, pā, midden, umu, urupā, tauranga waka, and places where taonga have been found.*

6.11 TE WAIHORA

CULTURAL HEALTH OF TE WAIHORA

TW4.1 To require that the management of land and water in the Te Waihora catchment recognises and provides for the relationship between catchment land use, tributary flow, drain management, water quality, the coastal environment and the cultural health of Te Waihora.

CULTURAL HEALTH OF LOWLAND WATERWAYS AND GROUNDWATER

TW7.1 To require that the restoration of water quality in lowland streams is addressed as a matter of priority in the takiwā, to enable Ngāi Tahu and the wider community to fish, swim and engage with our waterways as we once did.

Comments: *Te Waihora is a tribal taonga representing a major mahinga kai and an important source of mana. For the last 160 years, management of the lake and its catchment has reflected farming and settlement values, at the expense of Ngāi Tahu values. The effect of intensive land use on the lake, waterways and groundwater in the catchment is a key concern for tāngata whenua. A focus on Te Waihora is the means to 'drive change from the bottom up'. Resolving the issues required to restore the cultural health of Te Waihora will ultimately restore the cultural health of the wider catchment.*

4.1 Guidance to Avoid, Remedy, or Mitigate any Effects on Cultural Values

The above policies from the Mahaanui IMP provide a framework for assessing the potential adverse effects of the proposed activity on cultural values and provide guidance on how these effects can best be avoided, mitigated, and/or remedied.

As per Section 5.4 in the Mahaanui IMP, earthwork is a significant issue as they can have adverse impacts on the environment through erosion and sedimentation and can damage or destroy Māori artefacts or wāhi taonga. Policy P11.9 states that stringent and enforceable controls must be in place for land use and earthwork activities to protect waterways and waterbodies from sedimentation. All erosion and sediment controls installed must be constructed, inspected, and maintained in accordance with Environment Canterbury's *Erosion and Sediment Control Toolbox*. These measures must ensure the protection of nearby water bodies such as the water races along the property boundary on Branch Drain Road and Buckleys Road. Where measures prove to be inadequate, works must cease until appropriate and effective measures are in place.

Any activity that involves land disturbance has the potential to uncover or damage previously unrecorded Māori artefacts or taonga. To ensure the protection of taonga and Māori archaeological sites, an Accidental Discovery Protocol (Appendix 1) must be in place during all earthwork activities. This protocol outlines the procedures to be followed if culturally sensitive material is uncovered.

Wāhi tapu and wāhi taonga are sites and places that are culturally and spiritually significant to tāngata whenua history and identity, and include sites such as urupā, pā, midden, umu, urupā, tauranga waka, and places where taonga have been found. Mana whenua have the right to identify any site as a wāhi tapu or wāhi taonga, and have the discretion as to how these sites are protected, including the right to identify sites that must be protected from development. Therefore, the proposed fencing of the 50 m buffer zone surrounding the protected wāhi taonga site must be established and maintained. Any form of ground disturbance must not take place within this buffer zone for the protection of wāhi taonga values.

The decline in water quality in the takiwā because of the continuing practice of using water as a receiving environment for the discharge of contaminants and waste, and unsustainable rural and urban land use is one of the most significant natural resource issues for tāngata whenua. To protect water quality, measures must be in place to ensure oil spills, or any other hazardous substances are avoided. This includes avoiding refuelling machineries in areas where spills may enter surface water.

Drains are a common feature across Ngā Pākihi Whakatekateka o Waitaha, given that much of the land in lower catchment areas was originally swamp. An extensive network of drains provides flood protection for settlement and land use. Some of these drains are modified natural waterways, and many connect or empty into existing waterways and waterbodies. For this reason drain management is an important kaupapa for tāngata whenua. While drains may not be highly valued in the wider community, drains that function as mahinga kai habitat and where mahinga kai resources are gathered may be identified as wāhi taonga by Ngāi Tahu. The Applicant is therefore required to plant and maintain a riparian buffer of indigenous vegetation on-site to mitigate the impacts of earthworks and on-going operations for the protection of the water races. The riparian buffer must be densely planted as an erosion and sediment control measure for both construction and operational phases. Additionally, earthworks must not occur within 10 m of the water races (at a minimum) that runs adjacent to the Branch Drain Road and Buckleys Road boundaries. Further, overland flow must be directed away from water races.

Indigenous biodiversity, and landscapes and ecosystems that support it, is a fundamental part of the culture, identity and heritage of Ngāi Tahu. Planting of indigenous species provides a range of benefits such as the sequestation of carbon and the binding of soil – all of which support a healthy environment. The Applicant must therefore replace fast-growing exotic plantings with indigenous eco-sourced plants over time. Existing indigenous vegetation onsite must also not be cleared to the greatest practical extent. If indigenous plant(s) must be cleared, the Applicant must replace one with two indigenous plants via transplantation (or other methods) at or around the site as an environmental offset measure. Kaitiaki also support the recommendations made in the Ecological Impact Assessment for the protection of indigenous species.

To avoid the loss of chemicals from the solar panels over time, the Applicant must undertake 6 monthly checks (at a minimum) on the panels for any signs of damage that could allow leakage of internal chemicals. Contaminated material can have adverse effects on the environment through leaching of contaminants into groundwater and surrounding surface waters and can have impacts on Ngāi Tahu cultural associations (especially as this site contains wāhi taonga).

Land use and development activities in the takiwā must be managed in way that works with the land and not against it. Papatūānuku sustains the people, and the people must in turn ensure their actions

do not compromise the life supporting capacity of the environment. The cultural, social and economic wellbeing of people and communities is dependent on a healthy and resilient environment. Soil is a fundamental resource, and together with air and water, is the basis on which life depends. Land use, subdivision and development activities must have appropriate controls to avoid over-saturation, contamination, and erosion of soils. Therefore, Consent Conditions 10, 12, and 14 to 16 have been provided.

The practice of discharging sewage into waterways and the marine environment is highly offensive for tāngata whenua, as these areas are, or are connected to, mahinga kai or food gathering areas. Therefore, the effluent tank proposed onsite must be located away from permanent or temporary surface water flow paths and must be located where they will not be inundated by stormwater.

Stormwater runoff from urban, industrial and rural environments can have significant effects on water quality and waterway health. Improving stormwater management requires on site, land-based solutions to stormwater disposal, alongside initiatives to reduce the presence of sediments and contaminants in stormwater, and reducing the volume of stormwater requiring treatment. Low impact development and low impact urban design are fundamental features of sustainable stormwater management. Aligning stormwater treatment and disposal with best practice methods will have an overall benefit to water quality. Just because a waterway is degraded does not mean it is acceptable to use it for the disposal and treatment of stormwater. Therefore, all hard areas must have an appropriate mechanism in place to capture heavy metals.

5.0 Rūnanga – Affected Party or Not

The Kaitiaki representatives of Te Taumutu Rūnanga have reviewed this application and provided the consent conditions and advice notes outlined in Section 6.0 to align this proposal more closely with the provisions in the Mahaanui IMP. If the consent conditions are provided for, the Rūnanga will not consider themselves to be an adversely affected party.

6.0 Consent Conditions

If a resource consent is granted, the following conditions are recommended to mitigate the effects of this proposed activity on mana whenua values:

1. All erosion and sediment control measures installed must be constructed, inspected, and maintained in accordance with Environment Canterbury's *Erosion and Sediment Control Toolbox* for Canterbury.
    a. If the erosion and sediment controls prove to be inadequate, works must cease until appropriate and effective measures are in place.
2. An Accidental Discovery Protocol must be in place for the entirety of works and all contractors made familiar with this protocol as per policy CL3.8 in the MIMP.
3. All practicable measures must be taken to avoid spills of fuel or any other hazardous substances within the site. These measures shall include:

a. Refuelling of machinery and vehicles must not occur within 20 metres of:
    i. Open excavations; or
    ii. Surface water bodies.
b. Storing fuel securely or removing fuel from site overnight.
c. A spill kit must be kept on site that is capable of absorbing the quantity of oil and petroleum products that may be spilt on site at any one time, remains on site at all times.
d. In the event of a spill of fuel or any other hazardous substance, the spill must be cleaned up as soon as practicable, the area must be inspected and cleaned, and measures taken to prevent a recurrence.

4. The Applicant is required to plant and maintain a riparian buffer of indigenous vegetation on-site to mitigate the impacts of earthworks and on-going operations.
5. The Applicant must replace fast-growing exotic plantings with indigenous eco-sourced plants over time.
6. The riparian buffer must be densely planted as an erosion and sediment control measure for both construction and operational phases.
    a. The Applicant must use indigenous eco-sourced plants to the greatest practical extent.
7. The proposed fencing of the 50 m buffer zone surrounding the protected Wāhi Taonga site must be established and maintained. Any form of ground disturbance must not take place within this buffer zone for the protection of Wāhi Taonga values.
8. Earthworks must not occur within 10 m of the water races (at a minimum) that runs adjacent to the Branch Drain Road and Buckleys Road boundaries.
9. Existing indigenous vegetation onsite must not be cleared to the greatest practical extent. If indigenous plant(s) must be cleared, the Applicant must replace one with two indigenous plants via transplantation (or other methods) at or around the site as an environmental offset measure.
10. During works, the consent holder must adopt the best practicable options to:
    a. Minimise soil disturbance and prevent soil erosion.
    b. Avoiding placing cut or cleared vegetation, debris, or excavated material in a position such that it may enter surface water.
11. To avoid the loss of chemicals from the solar panels over time, the Applicant must undertake 6 monthly checks (at a minimum) on the panels for any signs of damage that could allow leakage of internal chemicals.
12. Regular inspection and maintenance of land for erosion must be undertaken. Where land appears to be eroding, repair must be undertaken.
    a. This must include regular monitoring and maintaining healthy groundcover.
13. Overland flow must be directed away from water races.
14. The area of land left bare at any time during construction and operational phases must be kept to a minimum to reduce erosion, minimise stormwater run-off and protect waterways from sedimentation.

a. The sowing of shade-tolerant grass variants can be considered if shading from solar panels is a concern.

15. Periodic inspection of the drip line of solar panels (particularly after a period of wet weather or in the event of a significant snow melt), must be undertaken to check for signs of soil erosion, and where necessary repair or install a protection layer.
16. The bottom edge of the solar panels must be kept to less than 3m above the ground surface to avoid erosion of soil under the drip line of the panel, or alternatively reinforcing the ground to protect soil beneath the drip line from erosion.
17. The effluent tank proposed onsite must be located away from permanent or temporary surface water flow paths and must be located where they will not be inundated by stormwater.
18. All hard areas must have an appropriate mechanism in place to capture heavy metals.

The following advice notes must be included in final decision:

19. Kaitiaki support the recommendations made in the Ecological Impact Assessment for the protection of indigenous species, including:
    a. Where internal shelterbelts are to be cleared, this should occur outside of the main bird breeding season (September – January) to avoid any risk of impacts to nesting protected indigenous birds.

    b. Construction of solar panel arrays should occur outside of the main bird breeding season (September – January), to avoid adverse effects to breeding indigenous birds in general, but particularly because there is some chance that an At Risk species (e.g., South Island pied oystercatcher, SIPO) may breed in pasture areas of the site.

On behalf of Mahaanui Kurataiao Ltd, this report has been prepared by Irene Setiawan | Mahaanui Kurataiao Ltd Environmental Advisor, and peer reviewed by Megan Hickey | Mahaanui Kurataiao Ltd Senior Environmental Advisor.

Date: 14th September 2023

Appendix 1: Accidental Discover Protocol (ADP)

PRIOR TO COMMENCEMENT OF ANY WORKS, A COPY OF THIS ADP SHOULD BE MADE AVAILABLE TO ALL CONTRACTORS WORKING ON SITE.

Purpose

This Accidental Discovery Protocol (ADP) sets out the procedures that must be followed in the event that taonga (Māori artefacts), burial sites/kōiwi (human remains), or Māori archaeological sites are accidentally discovered. The Protocol is provided by Te Taumutu Rūnanga. Te Taumutu Rūnanga are the representative body of the tangata whenua who hold mana whenua in the proposed area.

Background

Land use activities involving earthworks have the potential to disturb material of cultural significance to tangata whenua. In all cases such material will be a taonga, and in some cases such material will also be tapu. Accidental discoveries may be indicators of additional sites in the area. They require appropriate care and protection, including being retrieved and handled with the correct Māori tikanga (protocol).

Under the *Heritage New Zealand Pouhere Taonga Act 2014*, an archaeological site is defined as any place associated with pre-1900 human activity, where there is material evidence relating to the history of New Zealand. It is unlawful for any person to destroy, damage or modify the whole or any part of an archaeological site (known or unknown) without the prior authority of the Heritage New Zealand Pouhere Taonga (HNZPT). This is the case regardless of the legal status of the land on which the site is located, whether the activity is permitted under the District or Regional Plan or whether a resource or building consent has been granted. The HNZPT is the statutory authority for archaeology in New Zealand.

Note that this ADP does not fulfil legal obligations under the Heritage New Zealand Pouhere Taonga Act 2014 regarding non-Māori archaeology. Please contact the HNZPT for further advice.

Immediately following the discovery of material suspected to be a taonga, kōiwi or Māori archaeological site, the following steps shall be taken:

1. All work on the site will cease immediately.
2. Immediate steps will be taken to secure the site to ensure the archaeological material is not further disturbed.
3. The contractor/works supervisor/owner will notify the Kaitiaki Rūnanga and the Area Archaeologist of the HNZPT. In the case of kōiwi (human remains), the New Zealand Police must be notified.
4. The Kaitiaki Rūnanga and HNZPT will jointly appoint/advise a qualified archaeologist who will confirm the nature of the accidentally discovered material.

5. If the material is confirmed as being archaeological, the contractor/works supervisor/owner will ensure that an archaeological assessment is carried out by a qualified archaeologist, and if appropriate, an archaeological authority is obtained from HNZPT before work resumes (as per the *Heritage New Zealand Pouhere Taonga Act 2014*).

6. The contractor/works supervisor/owner will also consult the Kaitiaki Rūnanga on any matters of tikanga (protocol) that are required in relation to the discovery and prior to the commencement of any investigation.

7. If kōiwi (human remains) are uncovered, in addition to the steps above, the area must be treated with utmost discretion and respect, and the kōiwi dealt with according to both law and tikanga, as guided by the Kaitiaki Rūnanga.

8. Works in the site area shall not recommence until authorised by the Kaitiaki Rūnanga, the HNZPT (and the NZ Police in the case of kōiwi) and any other authority with statutory responsibility, to ensure that all statutory and cultural requirements have been met.

9. All parties will work towards work recommencing in the shortest possible time frame while ensuring that any archaeological sites discovered are protected until as much information as practicable is gained and a decision regarding their appropriate management is made, including obtaining an archaeological authority under the *Heritage New Zealand Pouhere Taonga Act 2014* if necessary. Appropriate management may include recording or removal of archaeological material.

10. Although bound to uphold the requirements of the Protected Objects Act 1975, the contractor/works supervisor/owner recognises the relationship between Ngāi Tahu whānui, including its Kaitiaki Rūnanga, and any taonga (Māori artefacts) that may be discovered.

IN DOUBT, STOP AND ASK; TAKE A PHOTO AND SEND IT TO THE HNZPT ARCHAEOLOGIST

Contact Details

HNZPT Archaeologist: (03) 357 9615 archaeologistcw@historic.org.nz

HNZPT Southern Regional Office (03) 357 9629 infosouthern@historic.org.nz

HNZPT Māori Heritage Advisor (03) 357 9620 mhadvisorcw@historic.org.nz

Kaitiaki Rūnanga:

Te Taumutu Rūnanga: 03 371 2660, taumutu@ngaitahu.iwi.nz