

Attachment ROR.5 Heritage Rules KDC and FNDC District Plan Extracts

Far North District Council – Operative District Plan:

Chapter 12 Natural and Physical Resources, Section 12.5, Permitted Activities Rule:

12.5.6.1.3 REGISTERED ARCHAEOLOGICAL SITES

Activities involving the alteration of land, including building, excavation, filling, planting of trees and disturbance of ground, shall not disturb, modify, damage or destroy a registered archaeological site (as listed in **Appendix 1G** and shown on the **Resource Maps**), unless an Authority to Destroy, Damage or Modify an Archaeological Site has been issued by the New Zealand Historic Places Trust.

For the purpose of this rule a registered archaeological site is one that is included on the New Zealand Historic Places Register pursuant to the Historic Places Act 1993.

Where an application is required because of non-compliance with this rule, the New Zealand Historic Places Trust, Department of Conservation and where appropriate, the tangata whenua for whom the archaeological site has significance, shall be considered an affected party.

Kaipara District Council – Operative District Plan:

Chapter 17 Historic Heritage.

No rules specifically relate to registered or unregistered archeological sites.

Rules 17.10.1, 17.10.1A, 17.10.1B and 17.10.2 apply to listed heritage features of sites of significance to Maori, and include compliance with the following protocol as a permitted activity.

17.9 Protocols for Works in the Vicinity of Heritage Features

The Site Management Protocol provides guidance on how works should be undertaken when there are known heritage features in the vicinity. The Accidental Discovery Protocol provides guidance on the appropriate steps to be taken should any archaeological features be uncovered during the course of works. The Accidental Discovery protocol provides a clear process to be followed which will enable the on-going protection and enhancement of heritage features within the District.

17.9.1 Site Management Protocol

- a) 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.
- b) For any burial sites and waahi tapu, iwi 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.
- c) The Consent holder or proponent shall provide iwi 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; and
 - A summary of all measures being undertaken to ensure that adverse effects on archaeological values are avoided, remedied or mitigated.
- d) The Consent holder or proponent shall invite iwi to attend any episode of monitoring or earthmoving activity.
- e) The Consent holder or proponent shall consult with iwi to determine if there are any matters of protocol or ceremonies which they wish to undertake in relation to any excavation.
- f) The Consent holder or proponent shall provide iwi with 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.
- g) The Consent holder or proponent shall notify the Council of all information provided to iwi and any responses received.

Note 1: Prior to any development being undertaken within an identified archaeological site or waahi tapu, the Consent holder or proponent shall ensure that all appropriate authorities required in accordance with the Historic Places Act 1993 have been obtained.

17.9.2 Accidental Discovery Protocol: Archaeological Sites

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:

- a) Immediately when 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:

- b) The contractor must shut down all machinery immediately, secure the area and advise the Consent holder or proponent and Kaipara District Council of the occurrence.
- c) The Consent holder or proponent must notify the New Zealand Historic Places Trust so that the appropriate Consent Procedure can be initiated.
- d) The Consent holder or proponent must consult with an iwi representative to determine what further actions are appropriate to safeguard the site.

Where human remains are suspected

- e) 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.
- f) 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 iwi and New Zealand Historic Places Trust within 12 hours of the suspected human remains being disturbed, or otherwise as soon as practically possible.
- g) Excavation of the site shall not resume until the Police, New Zealand Historic Places Trust and the relevant Kaumatua have each given the necessary approvals for excavation to proceed.

Note 1: 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 New Zealand Historic Places Trust must also be obtained for the work to lawfully proceed.