

## APPENDIX I

# Accidental Discovery Protocol



Te Runanga o NGAI TAHU



## Accidental Discovery Protocol for Transit New Zealand Regions 11 (Canterbury) and 12 (West Coast)

This protocol recognises the importance of archaeological sites to both New Zealand, as set out in the *Historic Places Act* 1993, and to Ngāi Tahu, who consider that the study and analysis of such sites furthers the academic understanding of their tupuna and their world. Through scientific study, the Tribe learns more about their tupuna, and therefore, learns more about themselves. It also recognises the importance of maintaining the safety and efficiency of the State highway network to the community and the need to promote this work while minimising delays, which have both safety and cost implications, when works are being undertaken.

In the event of an “accidental discovery” of archaeological matter, including human remains, the following steps shall be taken:

1. All work within 100m<sup>1</sup> of the site<sup>2</sup> will cease immediately.
2. The plant operator will shut down all construction equipment and activity and advise the construction supervisor for the project site<sup>3</sup>.
3. The construction supervisor will take immediate steps to secure the site to ensure the archaeological matter remains undisturbed and the site is safe in terms of health and safety requirements. Work may continue outside of the site area.

(Note: Should further sites be found outside the 100m protection zone around the original discovery then Transit will adopt a precautionary approach and halt all work on the project site until consultation with the NZ Historic Places Trust (the Trust) and kaitiaki Papatipu Rūnanga has occurred. Transit will only qualify this approach when the project site is very large, eg the 10 km length of the proposed southern motorway. Where work may be being undertaken up to a kilometre or more apart then work will only halt in that part of the project site where the discoveries have occurred.)

4. The site construction supervisor will notify the consultant who in turn will contact the Project Manager at Transit New Zealand. In the event of the Project Manager being unavailable the matter will be reported to the Regional Manager.
5. Transit New Zealand will ensure that the matter is reported to the Regional Archaeologist at the Trust, the kaitiaki Papatipu Rūnanga and to any required statutory agencies<sup>4</sup> if this has not already occurred.
6. Transit New Zealand will ensure that a qualified archaeologist is appointed to ensure all archaeological matter is dealt with appropriately.
7. In the event that the accidentally discovered material is confirmed as being archaeological, under the terms of the *Historic Places Act*, then Transit shall ensure that

<sup>1</sup> This is consistent with the NZAA site protection requirements

<sup>2</sup> The immediate area or location where the material, artefacts or human remains (without being exclusive) have been discovered.

<sup>3</sup> The project site is the area of the total project as defined in the Transit New Zealand contract documents.

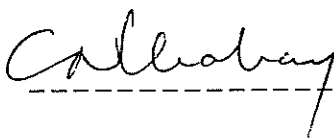
<sup>4</sup> For example, the New Zealand Police in the event that human remains are found.


an archaeological assessment is carried out by the archaeologist, and if appropriate, an archaeological authority is obtained from the Trust before work resumes.

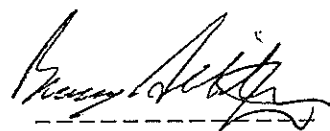
8. In the event of the material being of Maori origin Transit will ensure that the kaitiaki Papatipu Rūnanga is contacted in order that appropriate cultural processes are implemented to remedy or mitigate any damage to the site.
9. Any and all visits to the project site must be cleared by Transit New Zealand who will obtain and maintain a list of authorised personnel and advise the consultant and contractor accordingly. Under law, Transit is charged with the overall safe management of the site, including the health and safety of all persons visiting the site. To meet this requirement and also to protect the integrity of the accidental discovery, Transit considers it important that all visits to the project site are recorded, cleared and visitors inducted into the site.
10. Transit will ensure that representatives of the consultant and the contractor, as appropriate, shall be available to meet and guide representatives of the Trust and kaitiaki Papatipu Rūnanga, and any other party with statutory responsibilities, to the site.
11. Works in the site area shall not recommence until authorised by Transit New Zealand after consultation with the Trust, kaitiaki Papatipu Rūnanga, the NZ Police (and any other authority with statutory responsibility) to ensure that all statutory and cultural requirements have been met.
12. All parties will work towards work recommencing in the shortest possible timeframe 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 if necessary. Appropriate management could include recording or removal of archaeological material.
13. Although Transit is bound to uphold the requirements of the *Antiquities Act*, it recognises the relationship between Ngāi Tahu Whanui, including its kaitiaki Papatipu Rūnanga, and any Maori artefacts that may be discovered.

  
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Date: 18.8.03