



MEMORANDUM OF UNDERSTANDING

between Waka Kotahi NZ Transport Agency
and Heritage New Zealand Pouhere Taonga



Waka Kotahi NZ Transport Agency
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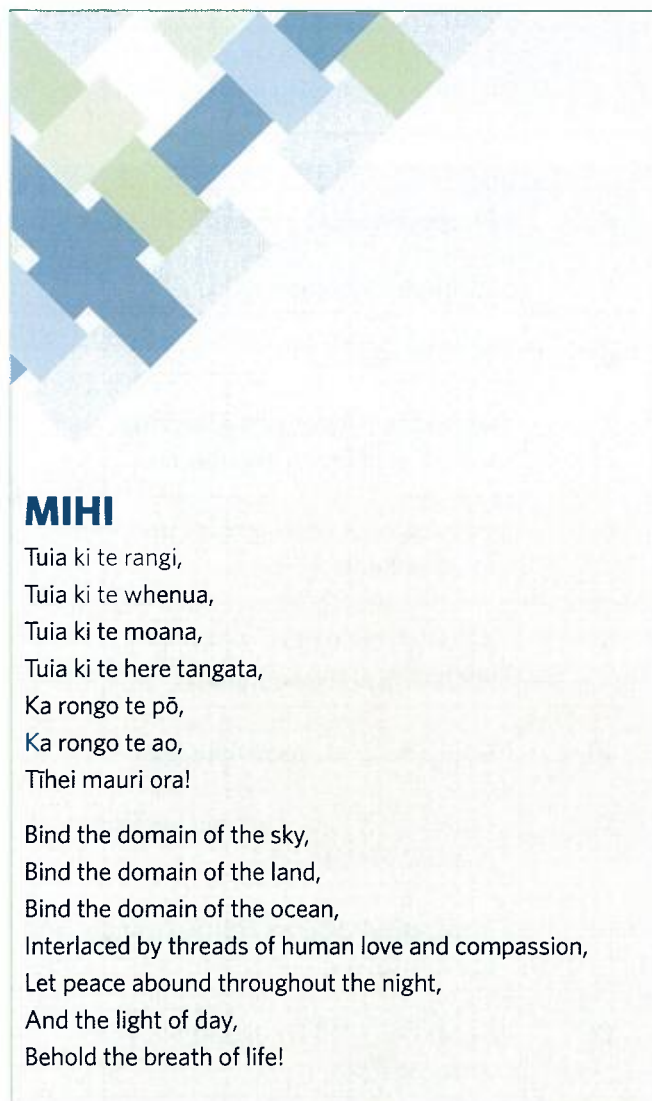
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MIHI

Tuia ki te rangi,
 Tuia ki te whenua,
 Tuia ki te moana,
 Tuia ki te here tangata,
 Ka rongō te pō,
 Ka rongō te ao,
 Tihei mauri ora!

Bind the domain of the sky,
 Bind the domain of the land,
 Bind the domain of the ocean,
 Interlaced by threads of human love and compassion,
 Let peace abound throughout the night,
 And the light of day,
 Behold the breath of life!

Ko koe ki tēnā, ko ahau ki tēnei kīwai o te kete,

You carry that handle, I will carry this handle and together we will carry the woven basket.

The above whakataukī is the proverb that informs the intention of *Te Ara Kotahi – our Māori Strategy* and is articulated as the vision within the strategy.

It refers to the notion of Waka Kotahi working together in partnership with Māori to succeed for a better Aotearoa, New Zealand.

This proverb also talks to a reciprocal relationship between two partners and can be applied to the intent of the MoU between Waka Kotahi and Heritage New Zealand.

1. PARTIES

- i. Heritage New Zealand Pouhere Taonga (HNZPT), a Crown entity established under the Heritage New Zealand Pouhere Taonga Act 2014, and formally recognised as the government's lead agency on cultural and historic heritage.
- ii. Waka Kotahi NZ Transport Agency a Crown entity, established on 1 August 2008 by section 93 of the Land Transport Management Act 2003 to operate and manage the state highway network.

The governing legislation and roles of both organisations are described in section 7 and appendix 1.

2. INTRODUCTION

The term cultural and historic heritage describes the range of place-based heritage. It has the meaning defined in section 2 of the Resource Management Act 1991 and includes:

- i. historic buildings and structures
- ii. archaeological sites
- iii. places of significance to Māori including wāhi tapu (sacred places and features such as trees, springs, rivers or mountains which were associated with historical or cultural activities or events but which may have no known physical remains of those activities or events)
- iv. the surroundings of buildings, sites and places.

The use of the term cultural heritage is interchangeable with historic heritage in this document.

New Zealanders' appreciation of historic heritage continues to evolve. In addition to places of significance to Māori, archaeological sites and buildings that are traditionally understood to have heritage values, there is now recognition of industrial and more recent structures, clusters of places linking a broader story, and places that reflect the lives of more recent migrant groups. Opportunities for heritage regeneration and adaptive reuse continue to support sustainability and resource efficiency objectives, regional tourism and economic growth.

3. BACKGROUND

The parties have a long standing relationship that reflects a shared interest in the economic, social, cultural and environmental wellbeing of New Zealanders. A memorandum of understanding (MoU) was first established in 2007 between the predecessor organisations Transit and NZ Historic Places Trust (NZHPT) to foster a closer working relationship where operational matters and interests overlapped.

Since 2007 there have been changes in the management of the transport network and the historic heritage environment. From 2009 a significantly larger investment in new roads and upgrades to the existing network has increased the scale and variety of transport projects including multi-modal and cycleways. A 2012 revision of the MoU reflected the strong positive working relationship that has been fostered within both organisations and the increasing number of partnership activities.

The introduction of new legislation for Heritage New Zealand in 2014 and accompanying policy development provided a further catalyst for revisions to this MoU. Waka Kotahi has further developed MoUs with other agencies such as the Department of Conservation and there is a desire to improve the consistency.

This document provides a framework for the two organisations to continue to work together effectively. It reflects the increased understanding and common ground between the protection of historic heritage and the operation of an integrated transport system.

4. INTENT

The intent of this MoU is to:

- i. facilitate, support and enhance the working relationship between Waka Kotahi and HNZPT at a national, regional and local level
- ii. ensure that the roles and responsibilities of the respective organisations are well understood so that policies, programmes and agreements can be better aligned for the benefit of both organisations
- iii. further develop the working relationship through opportunities for joint initiatives that will benefit both organisations in the delivery of strategic functions or operational services.

5. SCOPE

This MoU covers:

- i. areas of common interest and opportunities relating to the management of historic heritage and the transport system
- ii. national, regional and area office links to maintain regular communication at each level
- iii. protocols for managing interconnected work programmes.

This MoU is not intended to be, and is not, legally binding on the organisations. Nothing within this agreement affects the statutory functions, duties or responsibilities of either organisation.

This MoU does not commit either organisation to the allocation of additional funds or other resources to support its delivery.

6. GOALS

To continuously build on the positive working relationship both organisations agree to:

- i. plan, facilitate, design, invest in and manage the transport network and system in a way that minimises adverse effects on significant historic and cultural heritage resources and assets
- ii. maximise the opportunity to protect and conserve historic heritage values when acquiring, holding and divesting assets and land
- iii. maximise opportunities where the functions of Waka Kotahi can support the objectives of heritage conservation of Crown-owned heritage places
- iv. ensure safe and efficient access from state highways to Crown-owned heritage places
- v. minimise conflicts between the transport system and the protection of heritage values.

7. STATUTORY OBLIGATIONS

The functions of Waka Kotahi include the promotion of an affordable, integrated, safe, responsive and sustainable land transport system. It is also required to manage the state highway network, including planning, funding, design, supervision, construction, and maintenance and operations in accordance with the Land Transport Management Act 2003 (LTMA) and the Government Roding Powers Act 1989 (GRPA).

The approach of Waka Kotahi to heritage conservation within the transport system is underpinned by *Z19 State Highway environmental and social responsibility (ESR) standard*. The ESR standard gives effect to legal requirements (including the archaeological provisions of the HNZPT Act); and policies, plans, standards, specifications and guidelines. Standards must be achieved and are contractually binding. Z19 includes a series of tasks to be completed at different phases of transport system delivery work. It is expected that these tasks will be reflected in contract documentation and that project managers and maintenance contract managers will ensure all tasks are completed, and that environmental and social matters are considered early and consistently in a transport network project.

The functions of HNZPT include the regulation of archaeological sites, identifying heritage and maintaining the New Zealand Heritage List Rārangī Kōrero, management of heritage properties and advocating for the protection and conservation of New Zealand's historic heritage.

8. NGĀ MĀTĀPONO/PRINCIPLES

Huna kore – we value a no surprises approach and information flows both ways.

Whakapono – we act in good faith with integrity and honesty.

Manaakitanga – exercise care and the work we do should be mana enhancing and supportive

Whanaungatanga – we foster meaningful and enduring relationships based on good faith, mutual respect, understanding and trust.

Rangatiratanga – we recognise, respect and provide for the individual autonomy and authority of Māori within transport projects. Waka Kotahi and HNZPT will also respect each other as partners, and value each other's aspirations, positions, roles and expertise.

Auahatanga – we will focus on creativity and innovation to achieve better outcomes.

9. AGREED WAY OF WORKING

It is recognised that there is potential for overlap between the protection of historic and cultural heritage and the operation of the transport system, and that this must be managed appropriately.

Both organisations agree to:

- i. engage early
- ii. meet regularly through area, regional and national meetings
- iii. promote integrated and cooperative working relationships
- iv. consult over the development of projects, proposals, strategies and initiatives that may affect the interests of the other
- v. identify interests/concerns/expectations and costs early and thoroughly
- vi. when differences arise establish a process and timelines to better understand each other's views
- vii. use problem solving to consider, investigate and resolve issues respectfully and professionally
- viii. recognise and respect the statutory roles and objectives of the other party
- ix. share expertise on policy and processes for historic and cultural heritage management and the transport system
- x. monitor the effectiveness of the relationship and act to enhance it

10. PUBLICITY & COMMUNICATION

Keeping each other informed is essential. Both organisations will work closely together on media/publicity items of mutual interest. On occasions one will determine to take the lead.

No surprises means letting each other know before making any statements to the public or the media that may affect the other organisation.

Where information provided by either organisation is confidential, it will not be disclosed to a third party

In the case of a reply to an Official Information Act 1982 (OIA) request that would include information shared by the other organisation (whether in confidence or not), the organisation responding to the OIA will discuss and seek agreement from the other organisation about handling this request

11. TERM

This MoU supersedes the existing agreement between Waka Kotahi and HNZPT, and will be implemented from the date of signing.

This understanding shall continue unless terminated in agreement by one or both organisations. Termination requires three months' notice from either Chief Executive, in writing, to the other organisation's Chief Executive.

12. AMENDMENTS

Either organisation can request amendments to this MoU. Any agreed amendments will be in writing and attached to this MoU or in a replacement MoU. All amendments will be recorded in appendix 6.

13. REVIEW

The terms and operation of this MoU will be reviewed as set out under 15.1 Liaison structure, and no less than once every five years.

14. COSTS

Unless otherwise agreed, each organisation will be responsible for their own costs associated with this MoU.

15. IMPLEMENTATION

15.1 LIAISON STRUCTURE

The MoU relationship structure between the HNZPT and Waka Kotahi is attached as appendix 2. The purpose of appendix 2 is to aid understanding of the organisations and map the key relationships to facilitate communication between appropriate officers at both the senior management and operational levels. The MoU will be implemented by liaison between the officers of each organisation in accordance with this structure.

Appendix 2a identifies the relationship leads and the newly formed MoU Relationship Team.

Appendix 2b is a map that shows the offices of HNZPT and Waka Kotahi and the regional boundaries for HNZPT.

The newly formed MoU Relationship Team will have appropriate delegated authority to make decisions relevant to the implementation of this MoU.

15.2 LIAISON MEETINGS

A two tier meeting structure provides for both a strategic and operational focus. See appendix 2c.

16. UNRESOLVED MATTERS

It is intended that most matters can be resolved at a local operational level using the principles of engagement and agreed approaches. Where a difference of opinion cannot be resolved at an operational level then:

- i. the matter shall be elevated to the MoU relationship leads for both organisations
- ii. if the MoU relationship leads are unable to resolve the matter within a reasonable period as agreed by both organisations, the matter will be elevated to the CEs
- iii. there may be issues that cannot be agreed at chief executive level. In such instances where either of the parties are discharging their statutory obligations, it is recognised that the differences may be resolved through the appropriate statutory processes.

17. SPECIFIC PROTOCOLS & GUIDELINES

- i. A series of specific protocols and guidelines relevant to this MoU is set out under appendix 3.
- ii. Waka Kotahi and the HNZPT will scope the development and implementation of further protocols and guidelines to assist each other.
- iii. Additionally from time to time the MoU relationship team may prepare protocols to guide the relationship. Once developed these agreed protocols will be appended to this MoU.

18. DELEGATIONS

Decisions made during the implementation of this MoU will be consistent with the delegations within each organisation.

19. SIGNING

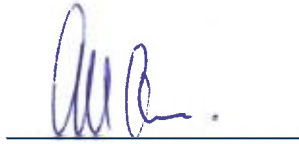
Signed on behalf of their respective organisations



Nicole Rosie

Chief Executive
Waka Kotahi
NZ Transport Agency

Date 2/11/20



Andrew Coleman

Chief Executive
Heritage New Zealand
Pouhere Taonga

Date 2 November 2020

APPENDIX 1: ROLES AND GOVERNING LEGISLATION OF EACH ORGANISATION

WAKA KOTAHI NZ TRANSPORT AGENCY

Waka Kotahi is a Crown entity, established on 1 August 2008 by Section 93 of the Land Transport Management Act 2003. Its predecessor organisation was Transit NZ

Its statutory objective is: to contribute to an effective, efficient, and safe land transport system in the public interest (Section 3, Land Transport Management Amendment Act 2013).

The functions of Waka Kotahi include the promotion of an affordable, integrated, safe, responsive and sustainable land transport system. It is also required to manage the state highway network including planning, funding, design, supervision, construction and maintenance and operations in accordance with the Land Transport Management Amendment Act 2013 and the Government Rounding Powers Act 1989 (GRPA).

One of the operating principles for Waka Kotahi is: To exhibit a sense of social and environmental responsibility (section 96 (1) (a) Land Transport Management Act 2003).

The social and environmental responsibility policy of Waka Kotahi is: We promote an accessible and safe transport system that contributes positively to New Zealand's economic, social and environmental welfare, and we are committed to acting in an environmentally and socially responsible manner. We are committed to: protecting and enhancing the natural, cultural and built environment, enhancing the quality of life for New Zealanders by improving community liveability including land transport safety, taking appropriate account of the principles of the Treaty of Waitangi, providing meaningful and transparent engagement with stakeholders, customers and the general public and providing customer focused services that are fair, trusted and efficient. Note this is an abridged version of the Environmental and Social Policy. For the full version please refer to <http://www.nzta.govt.nz/resources/environmental-and-social-responsibility-manual/docs/environmental-and-socialresponsibility-policy.pdf>.

Waka Kotahi manages a portfolio of land, buildings and structures that have been acquired for the delivery of regionally and nationally significant transport projects. The management and disposal of property that becomes surplus to the requirements of Waka Kotahi requires consultation with the HNZPT.

HERITAGE NEW ZEALAND POUHERE TAONGA

Heritage New Zealand (previously the New Zealand Historic Places Trust) is an autonomous Crown Entity under the Crown Entities Act 2004. It is supported by the Government and funded via Vote Arts, Culture and Heritage through the Ministry for Culture and Heritage. Its work, powers and functions are prescribed by the Heritage New Zealand Pouhere Taonga Act 2014.

Heritage New Zealand is the lead national historic heritage agency. The agency operates in an environment marked by a growing interest in heritage, recognition of its social, cultural, environmental and economic benefits to our country, and awareness of its importance to national identity.

It is currently governed by a Board of Trustees, assisted by a Māori Heritage Council. The national office is in Wellington, with regional and area offices in Kerikeri, Auckland, Tauranga, Wellington, Christchurch and Dunedin, and a portfolio of 44 historic properties around the country.

The functions of Heritage New Zealand include the administering the archaeological provisions of the HNZPT Act, administering the New Zealand Heritage List/Rārangi Kōrero of historic places, historic areas, wāhi tāpu, wāhi tūpuna and wāhi tapu areas, management of historic properties, heritage orders, heritage covenants and heritage advocacy under the Heritage New Zealand Pouhere Taonga Act 2014 and the Resource Management Act 1991 (RMA).

Most protective mechanisms for land-based historic heritage are administered by local authorities through their District Plan policies and heritage listings under the Resource Management Act 1991, although Heritage New Zealand retains regulatory responsibilities regarding archaeological sites.

APPENDIX 2A: MoU RELATIONSHIP MANAGEMENT

REPRESENTATIVES OF WAKA KOTAHI AND HNZPT

Each party has a relationship lead whose responsibility is to meet biannually to discuss the overall relationship between the two parties at a strategic level. The representatives are to be at the executive level and at the time of signing this MoU are:

WAKA KOTAHI

Andrew Thackwray
Senior Manager
Project Delivery
Transport Services

HERITAGE NEW ZEALAND POUHERE TAONGA

Nicola Jackson
Deputy Chief Executive
Operations

MOU RELATIONSHIP TEAM

The Relationship Team is responsible for implementing, maintaining and reviewing the MoU. Members of the Relationship Team will meet at least six-monthly to discuss the MoU, issues raised and agree a joint approach to any system improvements.

The representatives of the Relationship Team are those in the roles listed below. The current holders of those roles are listed as at the date and at the time of signing this MoU are:

WAKA KOTAHI

Nicholas Manukau - Senior Manager Māori, Tumuaki
Jenni Fitzgerald - Manager Consents and Approvals
Julian Rattray - National Manager Property Disposal
Ann Neill - Principal Environmental Specialist - Heritage

HNZPT

Te Kenehi Teira - Deputy Chief Executive - Māori Heritage/Kaihautū
Peter Richardson - Director Policy
Barbara Rouse - Manager Statutory Advocacy
Vanessa Tanner - Manager Archaeology

APPENDIX 2B: WAKA KOTAHI AND HNZPT OFFICE LOCATIONS AND HNZPT REGIONAL BOUNDARIES



APPENDIX 2C: LIAISON MEETINGS

Our relationship relies on our communication being timely, with the right information and people. Our meeting structure reflects multiple layers of information flows, design, processes, engagement, people and relationships. The current holders of these roles are listed at the date the MoU was signed.

WHAT	WHY	WAKA KOTAHI	HERITAGE NZ
Strategic and relationship Meet 1 to 2x/year	Strategic system design, delivery and policy	Andy Thackwray, Senior Manager, Project Delivery Nicholas Manukau, Senior Manager, Māori	Nicola Jackson, Deputy Chief Executive – Operations Te Kenehi Teira, Deputy Chief Executive Māori Heritage/ Kaihautū
	Strategic regional relationships	Steve Mutton, Director Regional Relationships (upper North Island) Emma Speight, Director Regional Relationships (lower North Island) Jim Harland, Director Regional Relationships (South Island)	Sherry Reynolds, Regional Director – Northern Jamie Jacobs, Regional Director – Central Sheila Watson, Regional Director – Southern Vanessa Tanner, Manager Archaeology
Property disposal Meet 1x/yr	Annual property disposal work programme, heritage land and buildings for protection.	Regional Property Managers Environment Specialist Heritage	Area Managers Manager Statutory Advocacy Regional CLD Heritage Advisers
Operational project overview Meet 2 to 4x/yr	Regional liaison & risks/ opportunities in current work programmes.	Regional Principal Planners Pou Ārahi Engagement and Partnerships Manager Environment Specialist Heritage	Area Managers Planners Regional Archaeologists Heritage Advisers Pou Ārahi
Project specific Meet early in project and as required during project planning, consenting and delivery	Establish project specific risks and opportunities where heritage management and monitoring required	Project Managers and teams Environment Specialist Heritage Consenting and Approvals Planner	Area Managers and teams as required

APPENDIX 3: WAKA KOTAHI PROTOCOLS AND GUIDELINES RELEVANT TO THIS MoU

- i. Te Ara Kotahi: our Māori Strategy and Action Plan, with accompanying Hononga ki te iwi: guideline for engagement with Māori, Waka Kotahi, 2020.
- ii. Toitū te Taiao: our Sustainability Action Plan, Waka Kotahi, 2020.
- iii. Historic heritage impact assessment guide for state highway projects, Waka Kotahi, 2015.
www.nzta.govt.nz/resources/guide-to-assessing-cultural-heritage-effects
- iv. The archaeological accidental discovery protocol Z/22 has recently been revised and is now known as Minimum standard P45 – Accidental archaeological discovery specification, Waka Kotahi, 2018.
www.nzta.govt.nz/assets/resources/state-highway-professional-services-contract-proforma-manual/standards/docs/p45-accidental-archaeological-discovery-specification-august-2018.pdf
P45 is referenced within state highway professional services contract proforma manual (SM030) and state highway construction contract proforma manual (SM031).
- v. Environmental and Social Responsibility Screen, Waka Kotahi. Under review 2020.
- vi. Maphub – the Waka Kotahi geospatial data warehouse for early project constraint mapping. Updated and enlarged in 2016, it now contains the NZ Heritage List, NZAA site recording scheme and Ministry for Culture & Heritage Monuments & Memorials database.
- vii. Canterbury West Coast Cultural Heritage Risk Map. Developed jointly by Waka Kotahi (Christchurch office) with Heritage NZ (Southern Region).
- viii. Guidelines for road signage for historic sites and heritage trails are included within the *Manual of traffic signs and markings: Section 9 Tourist signs*.
- ix. Understanding the social and economic value of historic heritage in transport projects. A research project completed in 2016.
- x. Historic heritage asset management guide (under development). A guide for Waka Kotahi staff and contractors managing the whole of life maintenance and renewals of heritage assets on the transport network. This guide will include work to update Waka Kotahi heritage inventory, template for conservation management plans, and policy approaches to heritage, levels of service, valuation of heritage assets, depreciation etc.

APPENDIX 4: SHARED PROTOCOLS AND GUIDELINES

The following protocols and guidelines are proposed for joint development:

- i. Disposal of surplus Crown land assets and land with heritage values.
- ii. Resource consent and RMA processes, territorial authority plan changes.
- iii. Waka Kotahi procurement processes.
What participation in tender interactives and other procurement processes means.
- iv. Corridor asset management plans – infographics of historic and cultural heritage places along the transport corridors.
- v. Management of archaeological materials recovered from projects.
Guidelines on extent of sampling, storage, further analysis materials handling and disposal post- project, materials ownership, scholarship opportunities.
- vi. Spatial GIS tool mapping heritage along state highway corridor.
- vii. E-learning tool on heritage and archaeology for Waka Kotahi staff, contractors and consultants.
- viii. Guideline and toolbox for iwi-led design in transport projects.

APPENDIX 5: WIDER OPPORTUNITIES TO WORK TOGETHER

The following is a starting point for examples of ways to work together:

- i. Open days during project construction.
An opportunity to do a show and tell at historic building or archaeological sites.
- ii. Site induction and materials for contractors and consultants.
- iii. Contractor/consultant briefings.
- iv. Research projects, including climate change mitigation and adaptation, sustainability and resource efficiency.
- v. Interpretation and landscape design incorporating opportunities for cultural narrative, cultural harvest and artworks to strengthen place making function of heritage for education and tourism.
- vi. Post project artefact analysis and scholarships.

APPENDIX 6: DOCUMENT MANAGEMENT

1. PURPOSE

This management plan outlines the updating procedures and contact points for the document.

2. DOCUMENT INFORMATION

Document name	Memorandum of Understanding between Waka Kotahi NZ Transport Agency and Heritage New Zealand Pouhere Taonga
Document number	
Document availability	This document is located in electronic form on the Waka Kotahi website at www.nzta.govt.nz
Document owner	Environmental Specialist - Historic and Cultural Heritage
Document sponsor	Brett Gliddon

3. AMENDMENTS AND REVIEW STRATEGY

All corrective action/improvement requests (CAIRs) suggesting changes will be acknowledged by the document owner.

	Comments	Frequency
Amendments (minor revisions)	Updates incorporated immediately they occur.	As required
Review (major revisions)	Amendments fundamentally changing the content or structure of the document will be incorporated as soon as practicable. They may require coordinating with the review team timetable.	Five yearly
Notification	All users that have registered their interest by email to environment@nzta.govt.nz will be advised by email of amendments and updates.	Immediately

4. OTHER INFORMATION

(At document owner's discretion)

There will be occasions, depending on the subject matter, when amendments will need to be worked through by the review team before the amendment is actioned. This may cause some variations to the above noted timeframes.

Amendment number	Description of change	Effective date	Updated by
1.	Rename NZHPT and HPA following legislation change May 2014. Name changes replaced throughout document. Update name change for NZTA's P & I group.	March 2015	Ann Neill
2.	Align contents with DOC MoU.	September 2016 (draft)	Working group: Ann Neill Pam Bain Geraldine Baumann Michelle McCormack Prudence Williams Mark Mulholland

3.	Finalise revised MoU following organisational changes within both Waka Kotahi and HNZPT. Intent to streamline relationship mapping and meeting structure.	December 2018	Working group: Ann Neill Malcolm Watson
4.	Update MoU following further organisational changes and to reflect new Waka Kotahi strategic frameworks of Te Ara Kotahi and Toitū.	July 2020	Working group: Nicholas Manukau Paora Puru Mita Harris Vanessa Tanner Ann Neill



If you have further queries, call our contact centre on 0800 699 000 or write to us:

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