

## Report / Decision on a Non-notified Resource Consent Application

(Sections 94D, 104 and 104C)

**Application Number:** RMA 92014756  
**Applicant:** The Roman Catholic Bishop of the Diocese of Christchurch  
**Site address:** 136 Barbadoes Street  
**Legal Description:** Lot 3 DP 50663  
**City Plan Zoning:** Cultural 1  
**Activity Status:** Restricted Discretionary

**Description of Application:** To construct two burial vaults in the floor of a Group 1 heritage building.

### Introduction

The applicants propose to construct two burial vaults in the floor of Roman Catholic Cathedral located at 136 Barbadoes Street. The proposed burial vaults will be located adjacent to the existing burial vault for Bishop Joyce constructed in 1964 and located on the north side of the Nave in 'The Cathedral Lady Chapel'.

The Cathedral, which is also identified as the Cathedral of the Blessed Sacrament is a Group 1 listed heritage building in the City Plan and is registered as Category I by the NZ Historic Places Trust.

A detailed description of the construction methodology can be found in the application documentation submitted in association with the proposal. Two pre-application meetings were held inside the Cathedral on 12 December 2008 and 13 March 2009, to discuss the proposed methodology. Both meetings were attended by myself, the Council appointed Heritage expert, Jenny May and New Zealand Historic Places Trust representatives.

### Planning Framework

The City Plan became operative in part on the 21<sup>st</sup> of November 2005. All rules applicable to this application are operative and therefore assessment is only required under the City Plan.

The site is zoned Cultural 1 (Central City Heritage Precincts) under the City Plan and the proposal is to be assessed as a restricted discretionary activity. The Plan anticipates this zone will seek to recognise the heritage significance and character of these sites, and their use principally for a range of cultural, educational, spiritual, recreational and business activities, enhancing both the urban fabric and the city's cultural development.

The listing of heritage buildings as 'Group 1' is to ensure the protection of heritage items which are of international or national significance, the protection of which is considered essential.

This proposal fails to comply with the following provisions of the City Plan:

- Development Standard 10-1.3.1 Group 1 and Group 2 Buildings, places and objects: This rule specifies that any alteration to a Group 1 or 2 heritage building and setting shall be a discretionary activity, with the exercise of the Council's discretion limited to matters concerning the heritage values of the building.
- *The proposal will result in internal alterations to a group 1 heritage building.*

### The existing environment

The building to which the proposal relates is known as the 'Cathedral of the Blessed Sacrament.' The Cathedral was constructed by a Christchurch firm between 1899-1905, using Oamaru and Mt Somers stone.

The original fabric of the building was completed in 1905 and The Lady Chapel re-ordered to its present arrangement in 1975. A stained glass window was designed by Philip Truettum as a backdrop for the freestanding icon of Our Lady of Perpetual Succour, and installed in 1986-1987.

**Does the City Plan expressly provide for non-notification of the application [Sections 93(1)(a) and 94D] ?**

As a restricted discretionary activity, Section 94D of the RMA enables an application to be processed without public notification and without the need to serve the application in any person where a rule in a Plan provides for this. In this case, clause 10-1.2.11 of the City Plan provides that any application for internal alterations to a Group 1 heritage buildings shall be non-notified and will not require the written consent of affected persons. Council does however, has a responsibility to consult with the New Zealand Historic Places Trust (here after referred to as the Trust) in respect to any consent required under Clause 10-1.2.11.

A copy of the application as lodged has been circulated to the Trust for comment, and a response email was received on 14 September 2009. In that email the Trust confirms it has concerns with relation to the following works:

1. Separation of new concrete floor from the existing perimeter walls: suggest plastic interlayer between concrete edge and wall.
2. The two northern corners of the proposed vaults appear to almost touch the existing wall base thickening. This may imply that on excavation, that some existing corner foundation may need to be removed to enable the new blockwork corners. The Engineer should be asked to clarify and comment on this possibility.
3. Tiling: The Lady Chapel floor existing and completed tiling plan showing all tile sizes needs to be drawn on plan to understand exactly what the tiling changes and new pattern will be.
4. Dust extraction: the removal of the existing ventilator needs to be described as to method of removal and reinstallation.

Having reviewed the Trusts comments, Councils Heritage expert Ms May, has verbally confirmed that these concerns are best addressed by way of advice notes to the applicant.

**Notwithstanding the above, has the applicant requested that the application be publicly notified or do any special circumstances exist in relation to this application which would lead you to conclude that the application should be notified? If the answer is yes, why? [Section 94C]**

No.

**When considering an application for resource consent the consent authority shall have regard to Section 104 (1) of the Resource Management Act 1991.**

**What are the actual and potential effects on the environment of allowing the activity?**

As a restricted discretionary activity the Council's assessment of the effects of this proposal is limited to matters relating to heritage values.

Heritage Values

The building is listed as a heritage building of significance in the City Plan (Group 1). It is also registered as a Category 1 building under the Historic Places Act 1993. The City Plan requires that any alteration to a Group 1 heritage building shall be a restricted discretionary activity. The reason for this rule is to protect buildings identified as having heritage significance for the City.

The relevant assessment matters are contained in Clause 10-1.4.1 and require consideration of:

- (a) Any immediate or cumulative effects of alteration of the listed building, place or object on the range, number, and quality of heritage features in the vicinity and the city as a whole.
- (b) The relative impact on the city's heritage values of alteration of the listed item, with regard to the reasons for listing (as contained in the criteria in the Statement of Objectives and Policies) and in particular the historic/social, cultural/spiritual, and architectural/artistic criteria; and the registration (if applicable) under the NZ Historic Places Act 1993.
- (c) The extent to which alterations have an irreversible effect on heritage form or heritage features of the building, place or object.
- (d) Whether any irreversible effects of alterations would cause a significant loss of heritage fabric or form.

- (e) Whether heritage items will be conserved to the fullest extent practicable under options available for alterations of listed items, including the nature of work proposed and the type of materials.
- (f) Whether alterations proposed will maintain or enhance the integrity of the original heritage items and design.
- (g) Whether an alteration, if not in sympathy with the heritage items or form, is clearly distinguishable from the original as new work.
- (h) Whether any proposals are likely to affect matters of cultural or spiritual significance to Tangata Whenua, the adequacy of any consultation undertaken and the response to that consultation.
- (i) Whether recognised heritage research and conservation advice has been obtained from the New Zealand Historic Places Trust or any other professionally recognised party in heritage conservation; any conservation plan and/or heritage inventory; and the conservation principles contained within the ICOMOS New Zealand Charter for the conservation of places of cultural or heritage value.
- (j) The ability of the applicant to economically develop the site without demolition, alteration or removal of the protected building, place, object or heritage feature, with regard to opportunities otherwise permitted on the site.
- (k) Whether the retention of the heritage features or form of the protected building, place or object causes significant additional costs, or reduction in its range of potential uses.
- (l) The availability and suitability of incentives or other options, including the weight given to development or community standards when considering a resource consent, where the retention of a protected building, place or object would be secured by the applicant's proposal.
- (m) The importance of, and the cost of, upgrading the building to current seismic standards and for adequate fire protection where this is required; and the effect of such work on the heritage fabric of the building.

Jenny May, a consultant heritage adviser with Heritage Management Services Limited, has been engaged by Christchurch City Council to review the application and give consideration to the above assessment criteria. A full copy of her report is attached as **Appendix 1**. However, in summary Ms May has noted that:

*"The effect of the proposal cannot be deemed more than minor and the proposal is reversible without any adverse effect to existing fabric. The proposed work essentially affects the sub-structure and part of the ordering of the floor space of the Lady Chapel. The insertion of the vaults will be undertaken in a manner that will maintain the integrity of the original space.*

*"The proposed work and the materials used will be identifiable as new work given its specific nature and will be well recorded as such.*

*"The heritage item with respect to the flooring and substructure will be conserved to the fullest extent practicable under options available for alterations of listed items, including the nature of work proposed and the type of materials proposed for the work. With respect to the nature of the work all original fabric will be well protected by the proposed TPP measures placed around the area affected by the proposal."*

Given the above, and on balance, Ms May considers that the effects on the heritage values of the proposed work are not more than minor. As such Ms May recommends that approval be given to undertake the proposed alterations subject to the imposition of a number of conditions. These conditions relate to: the updating of Council records, adherence to the Temporary Protection Plan (TPP) and accidental discovery protocol, and the recording of all original heritage fabric removed and unable to be reinstated. The final wording of these conditions has been finalised with the agreement of Ms May and the applicant, who has confirmed that they willing to accept them.

I concur with Ms May's assessments that the proposal will not have an irreversible effect on the heritage form and fabric of the building and that any adverse effects of the proposal will be no more than minor. In this respect, I note that Clause 10-1.2.11(a) of the City Plan provides that any application for internal alterations to a Group 1 heritage building shall be non-notified and will not require the written consent of affected persons. I am also satisfied that the Trust concerns can best be addressed by way of additional advice notes.

**How do any relevant objectives, policies, rules or other provisions of the City Plan relate to the proposal?**

The assessment earlier in this report demonstrated that the proposal will not compromise the site's heritage values and any adverse effects of the proposal will be no more than minor. Accordingly, I do not consider that the proposal will compromise the outcomes sought by the relevant objectives and policies of the City Plan.

**Are there any other matters which are relevant and reasonably necessary to determine the application (including Part II matters)?**

The proposal is considered to be consistent with Part II matters in that the proposal will maintain the amenity of the surrounding environment, in accordance with Section 7c and 7f of the Resource Management Act 1991. The proposal also recognises and provides for the protection of historic heritage, in accordance with section 6f (matters of national importance).

**Are there any matters that have arisen in the assessment of this application that would indicate the application should have been publicly notified.**

No

**Recommendations:**

- (a) That the application be processed on a **non-notified** basis in accordance with Section 94D of the Resource Management Act 1991.
- (b) That for the above reasons the application **be granted** pursuant to Sections 104, 104C and 108 of the Resource Management Act 1991, subject to the following conditions:
  1. The development shall proceed in accordance with the information submitted with the application and the plans entered into Council records as RMA92014756/1 to 6.
  2. That a photographic record of the affected areas as per the matters outlined in Vol. 3, Section 10 of the City Plan, matter 1.3.5, Photographic records (Group 1-4 heritage items) shall be undertaken prior to commencement of any work and following the completion of the alterations to the listed building.
  3. That the photographic records required by condition 2 shall be provided to the Principal Advisor, Urban Design and Heritage, Christchurch City Council (or their nominee), in accordance with the following:
    - a) That the photographic records undertaken prior to the commencement of any work to the listed building shall be provided to Council seven days preceding any works being undertaken on the site.
    - b) That the photographic records required to be undertaken following completion of the alterations to the listed building shall be lodged with Council within 3 months of the work being completed.
  4. That any original materials removed and unable to be reinstated shall be recorded, stored on the site and the details supplied to the Heritage Team of the Council for their records within three months of the completion of the project.
  5. The temporary protection plan detailed on the plans lodged and entered into Council records as RMA92014756/3 and 4, shall be followed by all trades people working on the site to ensure that damage is restricted as far as practicable.
  6. The applicant shall follow the Accidental Discovery Protocol attached as **Appendix 2** to this report.
  7. Should any archaeological material or sites be discovered during the course of work on the site, the work in that area of the site shall stop immediately and the New Zealand Historic Places Trust archaeologist contacted immediately.

**Advice Notes:**

1. The Council will require payment of its administrative charges in relation to monitoring, as authorised by the provisions of section 36 of the Resource Management Act 1991. At present the monitoring charges include:
  - (i) A monitoring fee of \$100.00 to cover the cost of setting up a monitoring programme and carrying out a site inspection to ensure compliance with the conditions of this consent; and
  - (ii) Time charged at an hourly rate where additional monitoring is required.

2. The applicant is advised to liaise with the nominee of the Principal Advisor, Urban Design and Heritage (or their nominee), if further clarification is required in respect of satisfying conditions 2 to 8 and advice notes 2 to 8. I note that the current contact for such advice is Jenny May. Ms May can be contacted on (03) 379 9608.
3. With relation to condition 3, I note that the current Principal Advisor, Urban Design and Heritage, Christchurch City Council is Neil Carrie. Mr Carrie can be contacted on (03) 941 8643.
4. In respect of Condition 7, I note that the current New Zealand Historic Places Trust Archaeologist is Bridget Mosley. Ms Mosley's contact details and job title are as follow: Archaeologist (Canterbury & West Coast), NZ Historic Places Trust, PO Box 4403, Christchurch 8140 Telephone 03 365 0805, Office 03 365 2897, Fax 03 374 2433, bmosley@historic.org.nz
5. The applicant shall cease work if there are any changes proposed to the submitted information and approved plans, if there are any significant changes to the proposed tiling pattern or if the removal and reinstallation of the proposed ventilator effects any change to heritage fabric, even on a temporary basis. Sufficient notice of any changes must be submitted to and approved by the nominee of the Principal Advisor, Urban Design and Heritage, Christchurch City Council, before further work shall be undertaken, to ensure that the proposed amendments can be considered within the scope of this consent, or whether a new resource consent will be required.
6. All work to be undertaken on the replacement and repair of original fabric should be undertaken by tradesmen experienced in working with these materials and heritage fabric. The New Zealand Historic Places Trust has recommended that a plastic interlayer be placed between the new concrete floor and the existing perimeter walls to create adequate separation. They also note that the two northern corners of the proposed vaults appear to almost touch the existing wall base thickening, and that some existing corner foundation may need to be removed to enable the new block work corners. Given this fact, you may be required to make changes to the submitted plans. Should this be the case, please contact the nominee of the Principal Advisor, Urban Design and Heritage, Christchurch City Council, before further work shall be undertaken, to ensure that the proposed amendments can be considered within the scope of this consent, or whether a new resource consent will be required.
7. That all work shall be undertaken in accordance with the Conservation Plans and the conservation principles contained within the ICOMOS New Zealand Charter for the conservation of places of cultural or heritage value.
8. This site is an archaeological site as specified in the Historic Places Act 1993. An archaeological site is any place in New Zealand that was associated with human activity that occurred before 1900, and is or may be able through investigation by archaeological methods to provide evidence relating to the history of New Zealand. Sections 10 to 20 of the Historic Places Act apply, and any destruction, damage, or modification of any part of the site must first be authorised by the Historic Places Trust. It is my understanding that the Historic Places Trust have provide confirmation to you that they do not consider a formal Archaeological approval is necessary in this instance, provided that an Accidental Discovery Protocol has been put in place, and all excavation works are carried out under the direct supervision of an Archaeologist.
9. Please note that the Burial and Cremation Act 1964, which is administered by the Transport and Greenspace Manager of Christchurch City Council, is another piece of legislation that is relevant in this instance. Section 47 of the Burial and Cremation Act specifies that:
  - “(1) Notwithstanding anything in this Act, any body may be buried in any private burial place (not being a private burial ground) used for burials before the date of the commencement of this Act; but no such burial shall be made without the previous sanction of a District Court Judge, or, if within a city or part of the district of a territorial authority which was formerly a city or borough or part of a city or borough, without the additional sanction of the mayor or 2 members of the governing body of the territorial authority.*
  - (2) Every sanction so given shall be in writing, and shall disclose the name of the person to be buried, the supposed cause of death, and the place of proposed burial.*
  - (3) Such sanction shall not be refused in any case provided for by this section unless the District Court Judge, or the mayor or members of the governing body, as the case may be, are of opinion that such burial would be prejudicial to public health or decency.”*

In accordance with the above requirements, approval under the Burial and Cremation Act 1964 can only be obtained from the Transport and Greenspace Team, after the death of the Bishop.

10. This resource consent has been processed under the Resource Management Act 1991 and relates to planning matters only. You will also need to comply with the requirements of the Building Act 1994. Please contact a Building Consent Officer (941-8999) for advice on the building consent process.

**Reported and Recommended by:** Kate Askew, Senior Planner  
**Date:** 22 September 2009

<b>Decision</b>
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That the above recommendation be adopted for the reasons outlined in the report.

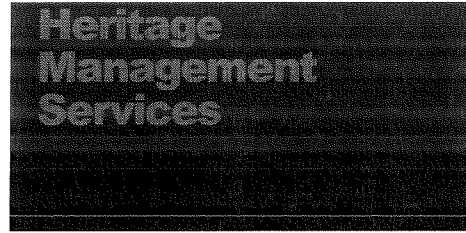
**Resource Management Officer Sub-Committee:**

Name: Lianne McCae  
Position: Senior Planner  
Signature: *Lianne McCae*  
Date: 28th September 2009

Clare Fewell  
Senior Planner  
*Clare Fewell*

**Appendix 1: Heritage Assessment**

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## Memorandum

**To:** Kate Askew  
**From:** Jenny May  
**cc:** Ceciel DelaRue, Neil Carrie, Christchurch City Council  
**Date:** 18 September 2009

**Re: Application for Land Use Consent  
Cathedral of the Blessed Sacrament  
136 Barbadoes Street  
Christchurch**

**RMA 92014756**

### Heritage Assessment

#### **1. Introduction:**

- 1.1.** The application proposes to undertake alterations to the Cathedral of the Blessed Sacrament, Barbadoes Street. The buildings are listed in Group 1. Group 1 listed heritage items include buildings, places and objects of international or national significance, the protection of which is considered essential.
- 1.2.** The heritage matters of the application are considered under Rule 1.3.1(a) Development standard  
*Any alteration or removal of a Group 1 or Group 2 building, place or object, or the erection of any additional building(s) on a site containing a Group 1 or Group 2 building, place or object, shall be a discretionary activity, with the exercise of the Council's discretion limited to matters concerning the heritage values of the protected building, place or object.*
- 1.3.** The Cathedral of the Blessed Sacrament is registered by the New Zealand Historic Places Trust Pouhere Taonga (NZHPT) as a Category 1 Historic Place.
- 1.4.** Dave Margetts, heritage adviser for the Southern Regional office of the NZHPT has been consulted with under the requirements of 1.2.11(b) S.10, Vol



3 of the City Plan respect to the proposal and has also been party to the pre-application discussion. Dave has provided the following comments:

- *The initial proposal has been consulted with NZHPT in regard to architectural and archaeological aspects. Temporary protection has been detailed on drawing sheets 3 and 4 and archaeology is covered at clause 1.10 "Archaeological material". This is essentially an Accidental Discovery Protocol (ADP). Also the "Excavation" clause notes that the excavation will be carried out under the direction of an Archaeologist.*
- *Separation of new concrete floor from the existing perimeter walls: suggest plastic interlayer between concrete edge and wall.*
- *The two northern corners of the proposed vaults appear to almost touch the existing wall base thickening. This may imply that on excavation that some existing corner foundation may need to be removed to enable the new block work corners. The Engineer should be asked to clarify and comment on this possibility.*
- *Tiling: The Lady Chapel floor existing and completed tiling plan showing all tile sizes needs to be drawn on plan to understand exactly what the tiling changes and new pattern will be.*
- *Dust extraction: the removal of the existing ventilator needs to be described as to method of removal and reinstallation.*

**1.5.** The work outlined the application proposes ground works and discussion with respect to archaeological matters has been undertaken with the NZHPT. All work is to take regard of the matters contained in the NZHPT Accidental Discovery Protocol Statement attached as App. 1 to this assessment.

**1.6.** I am familiar with the site having made a number of site visits overtime including a site visit with the NZHPT, CCC planner and applicant and their architect.

## **2.0. History overview:**

**2.1** The Cathedral of the Blessed Sacrament was erected on land granted to the Catholic Diocese in 1860 by the Canterbury Provincial Council. It was built in 1905 to a basilican plan and designed by the architect F W Petre (1847 – 1918) – the Cathedral replaced the Gothic style timber pro-Cathedral of 1864 designed by B W Mountfort (1825 – 1898).

**2.2.** The Cathedral exterior is considered to be one of the complete and consistent of Petre's churches. The apsidal eastern end is crowned by a magnificent dome which is perhaps the climax of both the interior and exterior. Internally the dome rests on four massive piers - the weight of the dome is transmitted to the piers by the connecting arches. The nave features double height Corinthian and Ionic columns down each side. The side aisles are detailed with pilasters and contain a series of subsidiary chapels. The Cathedral's principal construction materials are poured concrete, stone and steel with prefabricated embossed zinc panels on the doors and lining the ceilings.

- 2.3. The Lady Chapel, the area affected by the proposal was re-ordered in 1975. In 1986-87 a stained glass window was designed by artist Philip Trusttum and installed.

### 3. Discussion:

- 3.1. The application proposes to make alteration to the Lady Chapel to provide two burial vaults within the floor and substructure place.
- 3.2. The insertion of the two burial vaults will effect little change to the Lady Chapel – the principal effect will be a greater area of Carrara marble flooring which will serve as the lids to the vaults and later contain inscriptions relating to the Bishops buried there.
- 3.3. While the building is post 1900 it is on a site where pre 1900 human activity is well recorded thus the potential for accidental discovery of earlier material exists. This issue has been discussed with the NZHPT.
- 3.4. A TPP was requested as part of the application and this has been provided within the text of the submitted plans.
- 3.5. A detailed specification of works has also been provided with the application outlining the methodology for the work.

### 4. City Plan Assessment matters:

4.1. I have considered the application under the following City Plan assessment matters as outlined in Vol.3, Section 10, 1.4.1, *Assessment Matters – demolition, removal or alteration of any protected buildings, places or objects.*

#### 4.2.

*(c) The extent to which alterations have an irreversible effect on heritage form or heritage feature of the building, place or object; and*

*(f) Whether alterations proposed will maintain or enhance the integrity of the original heritage items and design.*

The effect of the proposal cannot be deemed more than minor and the proposal is reversible without any adverse effect to existing fabric. The proposed work essentially affects the sub-structure and part of the ordering of the floor space of the Lady Chapel. The insertion of the vaults will be undertaken in a manner that will maintain the integrity of the original space.

#### 4.3.

*(h) Whether an alteration, if not in sympathy with the heritage items or form is clearly distinguishable from the original as new work.*

The proposed work and the materials used will be identifiable as new work given its specific nature and will be well recorded as such.

## 4.4.

- (a) *Whether heritage items will be conserved to the fullest extent practicable under options available for alterations of listed items, including the nature of work proposed and the type of materials; and*
- (b) *Whether alterations proposed will maintain or enhance the integrity of the original heritage items and design.*

The heritage item with respect to the flooring and substructure will be conserved to the fullest extent practicable under options available for alterations of listed items, including the nature of work proposed and the type of materials proposed for the work. With respect to the nature of the work all original fabric will be well protected by the proposed TPP measures placed around the area affected by the proposal.

## 4.5.

- (i) *Whether recognised heritage research and conservation advice has been obtained from the New Zealand Historic Places Trust or any other professionally recognised party in heritage conservation; any conservation plan and /or heritage inventory; and the conservation principles contained within the ICOMOS New Zealand Charter for the conservation of places of cultural or heritage value.*

The Council and HPT have been involved in pre-application meetings and discussion through the Resource Consent process.

## 5. Conclusion:

5.1. With regard to the matters discussed above I am of the opinion that the effects on the heritage fabric and values of the Cathedral of the Blessed Sacrament through the proposed alterations are not more than minor. I recommend that approval be given to undertake the work as outlined in the application dated 9 September 2009 with the following conditions:

- That a photographic record of the affected areas as per the matters outlined in Vol. 3, Section 10, matter 1.3.5, *Photographic records (Group 1-4 heritage items)* be undertaken prior to commencement of any work and following the completion of the work and that this be lodged with the Heritage Team of the Council for their records within three months of the completion of the project;
- That should any material be discovered during the excavation in the substructure area the requirements of the NZHPT ADP (App1) be followed;
- That any original material removed and unable to be reinstated be recorded stored on site and the details supplied to the Heritage Team of the Council for their records within three months of the completion of the project.

## 5.2. Advice notices:

- That all work will be undertaken in accordance with the Conservation Plans and the conservation principles contained within the ICOMOS New Zealand Charter for the conservation of places of cultural or heritage value.
- All work to be undertaken on the replacement and repair of original fabric shall be undertaken by tradesmen experienced in working with these materials and with heritage fabric.
- That the applicant take regard of the NZHPT comments with regard to:
  - *Dust extraction: the removal of the existing ventilator needs to be described as to method of removal and reinstallation.*
- The applicant shall not commence work or shall cease work if there are any changes proposed to the submitted and approved plans. Sufficient notice must be given of this to allow any changes to be discussed and agreed upon between the Council and applicant before further work is undertaken.

## Appendix 1



### ACCIDENTAL DISCOVERY PROTOCOLS (ADPs) for ARCHAEOLOGY

Under the Historic Places Act 1993 (the Act) 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. For sites solely of Maori origin, this evidence may be in the form of accumulations of shell, bone, charcoal, burnt stones, etc. In later sites, artefacts such as bottles or broken glass, ceramics, metal, etc. may be found or evidence of old foundations, wells, drains, tailings, races or other structures. Human remains / koiwi tangata may date to any historic period. It is unlawful for any person to destroy, damage or modify the whole or any part of an archaeological site without the prior authority of the New Zealand Historic Places Trust. 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 Act provides for substantial penalties for unauthorised damage or destruction.

- A. Prior to commencement of any works, it is the responsibility of the developer (or land owner) to:
- • provide to the Regional Archaeologist of the NZ Historic Places Trust (NZHPT) information
  - clearly outlining the location and extent of works and contact details for the site manager;
  - • provide a copy of these ADPs and contact details for the Regional Archaeologist of the
  - NZHPT to the site manager, who will ensure all contractors working on site are briefed
  - about the appearance of archaeological remains and the protocols that apply should
  - archaeological remains be located;
  - • inform the Regional Archaeologist of the NZHPT of the start date of any works. This is to
  - ensure that if any archaeological material is located, decisions may be made in good time.
- B. In the event of an 'accidental discovery' of archaeological remains, the following steps shall be taken:

1. All activity affecting the immediate area will cease and the Regional Archaeologist of the NZHPT will be notified without delay.
2. The site will be secured to ensure that archaeological remains are not further disturbed.
3. Works affecting archaeological remains will not recommence until either:
  - a. the Regional Archaeologist of the NZHPT has confirmed in writing that the archaeological provisions of the Historic Places Act 1993 do not apply;
  - b. or the requirements of the archaeological provisions of the Historic Places Act 1993 have been met and, if required, an archaeological authority has been granted by the NZHPT.
4. If human remains / koiwi tangata are located, in addition to steps 1 to 3 above, the Runanga representative for the area and the New Zealand Police must be contacted.

**C. Once works are completed, if no archaeological remains have been located, the developer / landowner should confirm this in writing to the Regional Archaeologist of the NZHPT.**

Contact details for the NZHPT Southern Regional Office archaeologist (Canterbury / West Coast):

- Email: [archaeologistcw@historic.org.nz](mailto:archaeologistcw@historic.org.nz) Phone: 03 365 2897 or 365 0805  
Fax: 03 374 2433

**New Zealand Historic Places Trust / Pouhere Taonga**  
Gough House, 90 Hereford Street / PO Box 4403, Christchurch 8140

- [www.historic.org.nz](http://www.historic.org.nz)

*Appendix 2: Accidental Discovery Protocol*



## ACCIDENTAL DISCOVERY PROTOCOLS (ADPs) for ARCHAEOLOGY

Under the *Historic Places Act 1993* (the Act) 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. For sites solely of Maori origin, this evidence may be in the form of accumulations of shell, bone, charcoal, burnt stones, etc. In later sites, artefacts such as bottles or broken glass, ceramics, metal, etc. may be found or evidence of old foundations, wells, drains, tailings, races or other structures. Human remains / koiwi tangata may date to any historic period.

It is unlawful for any person to destroy, damage or modify the whole or any part of an archaeological site without the prior authority of the New Zealand Historic Places Trust. 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 Act provides for substantial penalties for unauthorised damage or destruction.

Prior to commencement of any works, it is the responsibility of the developer (or land owner) to:

- provide to the Regional Archaeologist of the NZ Historic Places Trust (NZHPT) information clearly outlining the location and extent of works and contact details for the site manager;
- provide a copy of these ADPs and contact details for the Regional Archaeologist of the NZHPT to the site manager, who will ensure all contractors working on site are briefed about the appearance of archaeological remains and the protocols that apply should archaeological remains be located;
- inform the Regional Archaeologist of the NZHPT of the start date of any works. This is to ensure that if any archaeological material is located, decisions may be made in good time.

In the event of an 'accidental discovery' of archaeological remains, the following steps will be taken:

1. All activity affecting the immediate area will cease and the Regional Archaeologist of the NZHPT will be notified without delay.
2. The site will be secured to ensure that archaeological remains are not further disturbed.
3. Works affecting archaeological remains will not recommence until either:
  - a. the Regional Archaeologist of the NZHPT has confirmed in writing that the archaeological provisions of the *Historic Places Act 1993* do not apply;
  - b. or the requirements of the archaeological provisions of the *Historic Places Act 1993* have been met and, if required, an archaeological authority has been granted by the NZHPT.
4. If human remains / koiwi tangata are located, in addition to steps 1 to 3 above, the Runanga representative for the area and the New Zealand Police must be contacted.

**Once works are completed, if no archaeological remains have been located, the developer / land owner should confirm this in writing to the Regional Archaeologist of the NZHPT.**

As of March 2007, contact details for the Regional Archaeologist for Canterbury / West Coast are:

NZHPT Southern Regional Office	Phone: 03 365 2897	Fax: 03 374 2433
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