



25 October 2023

File ref: 2024/149
11013-006

Tēnā koe Ayesha Hussain

**APPLICATION FOR ARCHAEOLOGICAL AUTHORITY UNDER HERITAGE NEW ZEALAND
POUHERE TAONGA ACT 2014: Authority no. 2024/149: R11/1936, R11/2017 and possible
subsurface archaeological sites to be determined.**

Thank you for your application for an archaeological authority which has been granted and is attached.

In considering this application, Heritage New Zealand Pouhere Taonga notes that Watercare Services wish to carry out earthworks for the construction of access shafts, laydown areas and a bored tunnel at 34 and 36-38 Greys Avenue, 329 Queen Street, and the legal road reserves of Queen St, Victoria St West and Wellesley St West, Auckland. This activity may affect recorded and unrecorded archaeological sites. Site R11/2017 relates to early masonry and ceramic drains and deposits containing European artefacts within and above the original Waihorotiu Stream course that runs through Myers Park. This site may extend into the Greys Avenue carpark, also part of the project area. Although the site has been damaged in the past, its remnants may still possess archaeological values. Site R11/1936 was recorded based on historic records which state that 19th century businesses were once located in the western half of the Greys Avenue. Whether any subsurface archaeological evidence relating to the businesses/buildings still exists is unknown, but if they do, there is still the potential they might be disturbed by these works.

The area is of significance to Ngāti Maru, Te Ākitai Waiohū, Ngāti Whanaunga, Te Runanga o Ngāti, Te Patukirikiri and Ngāti Whātua Ōrākei and we appreciate the consultation you have undertaken.

Please inform tangata whenua, the s45 approved person and Heritage New Zealand Pouhere Taonga of start and finish dates for the work.

In accordance with section 51 of the Heritage New Zealand Pouhere Taonga Act, we have notified relevant parties of this decision. An appeal period from receipt of decision by all parties applies. Therefore, this authority may not be exercised during the appeal period of 15 working days, or until any appeal that has been lodged is resolved.

This authority may not be exercised until landowner consent is received by Heritage New Zealand Pouhere Taonga for all land affected by this authority.

If you have any queries, please direct your response in the first instance to:

Greg Walter
Senior Archaeologist/Tuakana Poutairangahia
Heritage New Zealand Pouhere Taonga, Auckland Office

P O Box 105-291, Auckland 1143

Phone (09) 307 9924 Email ArchaeologistMN2@heritage.org.nz

Nāku noa, nā

A handwritten signature in blue ink, appearing to read 'Kiri Sharpe', with a stylized flourish at the end.

PP: Kiri Sharpe

Vanessa Tanner

Manager Archaeology, Heritage New Zealand Pouhere Taonga



HERITAGE NEW ZEALAND
POUHERE TAONGA

AUTHORITY

Heritage New Zealand Pouhere Taonga Act 2014

AUTHORITY NO: 2024/149

FILE REF: 11013-006

DETERMINATION DATE: 25 October 2023

EXPIRY DATE: 25 October 2028

AUTHORITY HOLDER: Watercare Services Limited

ARCHAEOLOGICAL SITES: R11/1936, R11/2017 and possible subsurface archaeological sites to be determined

LOCATION: 34 and 36-38 Greys Avenue, 329 Queen Street, and legal road reserves of Queen St, Victoria St West and Wellesley St West

SECTION 45 APPROVED PERSON: Glen Farley

LANDOWNER CONSENT: To be provided

This authority may not be exercised during the appeal period of 15 working days, or until any appeal that has been lodged is resolved.

This decision does not ascribe mana whenua status.

This authority may not be exercised until landowner consent is received by Heritage New Zealand Pouhere Taonga for all land affected by this authority.

DETERMINATION

Heritage New Zealand Pouhere Taonga grants an authority pursuant to section 48 of the Heritage New Zealand Pouhere Taonga Act 2014 in respect of the archaeological sites described above, within the area specified as Pt Lot 2 DP 81645, Lot 1 DP 81645, Lot 1 DP 94687, Pt Allot 55 Sec 29 Auckland City, PT ALLT 6 SECT 29 Auckland City, PT ALLT 7 SECT 29 Auckland City and legal road reserves of Queen St, Victoria St West and Wellesley St West to Watercare Services Limited for the proposal to carry out earthworks for the construction of access shafts, laydown areas and a bored tunnel at 34 and 36-38 Greys Avenue, 329 Queen Street, and legal road reserves of Queen St, Victoria St West and Wellesley St West, Auckland, subject to the following conditions:

CONDITIONS OF AUTHORITY

1. The authority holder must ensure that all contractors working on the project are briefed on site by the s45 approved person, who may appoint a person to carry out the briefing on their behalf, prior to any works commencing on the possibility of encountering archaeological evidence, how to identify possible archaeological sites during works, the archaeological work required by the conditions of this authority, and contractors' responsibilities with regard to notification of the discovery of archaeological evidence to ensure that the authority conditions are complied with.
2. Prior to the start of any on-site archaeological work, the authority holder must ensure that Heritage New Zealand Pouhere Taonga is advised of the date when work will begin. This advice must be provided at least 2 working days before work starts. The authority holder must also ensure that Heritage New Zealand Pouhere Taonga is advised of the completion of the on-site archaeological work, within 5 working days of completion.
3. The authority must be exercised in accordance with the management plan (Macready and Farley, August 2023; Archaeological Management Plan: Queen Street Wastewater Diversion Part 3) attached to the authority application. Any changes to the plan require the prior written agreement of Heritage New Zealand Pouhere Taonga.
4. Any earthworks that may affect any archaeological sites must be monitored by the s45 approved person who may appoint a person to carry out the monitoring on their behalf.
5. Any archaeological evidence encountered during the exercise of this authority must be investigated, recorded and analysed in accordance with current archaeological practice.
6. As no tikanga between the authority holder and Ngāti Maru, Te Ākitai Waiohū, Ngāti Whanaunga, Te Runanga o Ngāti, Te Patukirikiri and Ngāti Whātua Ōrākei were provided with the authority application, the following shall apply:
 - a) Access for Ngāti Maru, Te Ākitai Waiohū, Ngāti Whanaunga, Te Runanga o Ngāti, Te Patukirikiri and Ngāti Whātua Ōrākei shall be enabled in order to undertake tikanga consistent with any requirements of site safety.
 - b) Ngāti Maru, Te Ākitai Waiohū, Ngāti Whanaunga, Te Runanga o Ngāti, Te Patukirikiri and Ngāti Whātua Ōrākei shall be informed 48 hours before the start and finish of the archaeological work.
 - c) If any kōiwi (human remains) are encountered, all work should cease within 10 metres of the discovery. The Heritage New Zealand Pouhere Taonga Senior Archaeologist, New Zealand Police and Ngāti Maru, Te Ākitai Waiohū, Ngāti Whanaunga, Te Runanga o Ngāti, Te Patukirikiri and Ngāti Whātua Ōrākei must be advised immediately in accordance with Guidelines for Kōiwi Tangata/Human Remains (AGS8 2010) and no further work in the area may take place until future actions have been agreed by all parties.
 - d) Ngāti Maru, Te Ākitai Waiohū, Ngāti Whanaunga, Te Runanga o Ngāti, Te Patukirikiri and Ngāti Whātua Ōrākei shall be informed if any possible taonga or Māori/Moriori artefacts are identified to enable appropriate tikanga to be undertaken, so long as all statutory requirements under the Heritage New Zealand Pouhere Taonga Act 2014 and the Protected Objects Act 1975 are met.
 - e) Ngāti Maru, Te Ākitai Waiohū, Ngāti Whanaunga, Te Runanga o Ngāti, Te Patukirikiri and Ngāti Whātua Ōrākei shall be provided with a copy of any reports completed as a result of the archaeological work associated with this authority

and be given an opportunity to discuss it with the s45 approved person if required.

7. That within 20 working days of the completion of the on-site archaeological work associated with this authority, the authority holder shall ensure that:
 - a) An interim report following the Archaeological Report Guideline (AGS12 2023) is submitted to the Heritage New Zealand Pouhere Taonga Senior Archaeologist for inclusion in the Heritage New Zealand Pouhere Taonga Archaeological Reports Digital Library.
 - b) Site record forms are updated or submitted to the NZAA Site Recording Scheme.
8. That within 12 months of the completion of the on-site archaeological work, the authority holder shall ensure that a final report, completed following the Archaeological Report Guideline (AGS12 2023), is submitted to the Heritage New Zealand Pouhere Taonga Senior Archaeologist for inclusion in the Heritage New Zealand Pouhere Taonga Archaeological Reports Digital Library.
 - a) One hard copy and one digital copy of the final report are to be sent to the Heritage New Zealand Pouhere Taonga Senior Archaeologist.
 - b) Digital copies of the final report must also be sent to: the NZAA Central Filekeeper, Auckland Museum, Auckland Council CHI, Ngāti Maru, Te Ākitai Waiohū, Ngāti Whanaunga, Te Runanga o Ngāti, Te Patukirikiri and Ngāti Whātua Ōrākei.

Signed for and on behalf of Heritage New Zealand Pouhere Taonga,



Claire Craig
Deputy Chief Executive Policy, Strategy and Corporate Services
Heritage New Zealand Pouhere Taonga
PO Box 2629
WELLINGTON 6140

Date: 25 October 2023

ADVICE NOTES

Contact details for Heritage New Zealand Pouhere Taonga Senior Archaeologist

Greg Walter
Senior Archaeologist/Tuakana Poutairangahia
Heritage New Zealand Pouhere Taonga, Auckland Office
P O Box 105-291, Auckland 1143

Phone (09) 307 9924 Email ArchaeologistMN2@heritage.org.nz

Current Archaeological Practice

Current archaeological practice may include, but is not limited to, the production of maps/ plans/ measured drawings of site location and extent; excavation, section and artefact drawings; sampling, identification and analysis of faunal and floral remains and modified soils; radiocarbon dating of samples; the management of taonga tūturu and archaeological material; the completion of a final report and the updating of existing (or creation of new) site record forms to submit to the NZAA Site Recording Scheme.

Reporting Conditions

Reports required by authority conditions are to be prepared following the Archaeological Report Guideline (reference [AGS12 2023](#)).

Heritage New Zealand Pouhere Taonga supports transparent reporting processes. It therefore is expected that all relevant directly affected parties have reviewed the report in question, are happy with its contents, and understand that it will be made publicly available via the Heritage New Zealand Pouhere Taonga Archaeological Reports Digital Library.

Heritage New Zealand Pouhere Taonga has the right to make available any report produced under an authority where the distribution of the report is for the purpose of providing archaeological information about the place in question for research or educational purposes.

Rights of Appeal

An appeal to the Environment Court may be made by any directly affected person against any decision or condition. The notice of appeal should state the reasons for the appeal and the relief sought and any matters referred to in section 58 of the Heritage New Zealand Pouhere Taonga Act 2014. The notice of appeal must be lodged with the Environment Court and served on Heritage New Zealand Pouhere Taonga within 15 working days of receiving the determination and served on the applicant or owner within five working days of lodging the appeal.

Review of Conditions

The holder of an authority may apply to Heritage New Zealand Pouhere Taonga for the change or cancellation of any condition of the authority. Heritage New Zealand Pouhere Taonga may also initiate a review of all or any conditions of an authority.

Non-compliance with conditions

Note that failure to comply with any of the conditions of this authority is a criminal offence and is liable to a penalty of up to \$120,000 (Heritage New Zealand Pouhere Taonga Act 2014, section 88).

Costs

The authority holder shall meet all costs incurred during the exercise of this authority. This includes all on-site work, post fieldwork analysis, radiocarbon dates, specialist analysis and preparation of interim and final reports.

Guideline Series

Guidelines referred to in this document are available on the Heritage New Zealand Pouhere Taonga website: archaeology.nz

The Protected Objects Act 1975

The Ministry for Culture and Heritage (“the Ministry”) administers the Protected Objects Act 1975 which regulates the sale, trade and ownership of taonga tūturu.

If a taonga tūturu is found during the course of an archaeological authority, the Ministry or the nearest public museum must be notified of the find within 28 days of the completion of the field work.

Breaches of this requirement are an offence and may result in a fine of up to \$10,000 for each taonga tūturu for an individual, and of up to \$20,000 for a body corporate.

For further information please visit the Ministry’s website at <http://www.mch.govt.nz/nz-identity-heritage/protected-objects>.

Landowner Requirements

If you are the owner of the land to which this authority relates, you are required to advise any successor in title that this authority applies in relation to the land. This will ensure that any new owner is made aware of their responsibility in regard to the Heritage New Zealand Pouhere Taonga Act 2014.



HERITAGE NEW ZEALAND
POUHERE TAONGA

SECTION 45 APPROVED PERSON

Heritage New Zealand Pouhere Taonga Act 2014

AUTHORITY NO: 2024/149

FILE REF: 11013-006

APPROVAL DATE: 25 October 2023

This approval may not be exercised during the appeal period of 15 working days, or until any appeal that has been lodged is resolved.

APPROVAL

Pursuant to section 45 of the Act, **Glen Farley**, is approved by Heritage New Zealand Pouhere Taonga to carry out any archaeological work required as a condition of authority 2024/149, and to compile and submit a report on the work done. Glen Farley will hold responsibility for the current archaeological practice in respect of the archaeological authority for which this approval is given.

Signed for and on behalf of Heritage New Zealand Pouhere Taonga,

Claire Craig
Deputy Chief Executive Policy, Strategy and Corporate Services
Heritage New Zealand Pouhere Taonga
PO Box 2629
WELLINGTON 6140

Date: 25 October 2023