



# P45 Heritage specification for land transport infrastructure

10 April 2024

Version 2

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# 1 Purpose and scope

The purpose of this specification is to give effect to the NZ Transport Agency Waka Kotahi (NZTA) Huia Kaimanawa – Heritage Policy for Land Transport Infrastructure, which sets out how we will manage, protect and conserve heritage.

This specification sets out the requirements for management of heritage throughout the project life cycle, which can be categorised into the following phases: assessment, planning, design and pre-implementation; construction; and maintenance and operations, including emergency works. It also sets the requirements for heritage asset management.

These requirements are structured in six parts:

- Part 1 General and preliminary requirements
- Part 2 Assessment, planning, design and pre-implementation
- Part 3 Construction
- Part 4 Maintenance and operations
- Part 5 Emergency works
- Part 6 Heritage asset management.

The Supplier shall recognise and provide for the Principal's intent to protect and conserve heritage places, and to acknowledge the special relationship of Māori and Moriori regarding their land, water, sites, wāhi tapu and other taonga. This includes the identification and management of risks to heritage sites due to climate change (including projected ongoing sea-level rise and extreme weather events).

## 2 Definitions

**Archaeological site:** has the same meaning as defined in the Heritage New Zealand Pouhere Taonga Act 2014 (HNZPTA): any place in New Zealand, including any building or structure (or part of a building or structure), that was associated with human activity that occurred before 1900 or is the site of the wreck of any vessel where the wreck occurred before 1900; and provides or may provide, through investigation by archaeological methods, evidence relating to the history of New Zealand; and includes a site for which a declaration is made under section 43 of the Act.

**Benefits and costs:** includes benefits and costs of any kind, whether monetary or non-monetary.

**Best practice:** a method that has been recognised by the industry to be superior to other methods, or a procedure of activity that has produced outstanding results in one situation and could be adapted to improve effectiveness, efficiency and/or innovation in other situations.

**Conservation:** all the processes of understanding and caring for a place to safeguard its heritage value.<sup>1</sup>

**Cultural heritage value:** means possessing aesthetic, archaeological, architectural, commemorative, functional, historical, landscape, monumental, scientific, social, spiritual, symbolic, technological, traditional, or other tangible or intangible values, associated with human activity.<sup>2</sup>

**Emergency works:** works that respond to damage or deficiencies caused by defined, out of the ordinary, natural events.

**Heritage place:** a place with cultural heritage value.

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<sup>1</sup> Based on the ICOMOS New Zealand Charter 2010 definition of conservation.

<sup>2</sup> Based on the ICOMOS New Zealand Charter 2010 definition of cultural heritage value.

**Historic heritage:** has the same meaning as in the Resource Management Act 1991: those natural and physical resources that contribute to an understanding and appreciation of New Zealand's history and cultures, deriving from any of the following qualities: archaeological, architectural, cultural, historic, scientific and technological, and includes historic sites, structures, places and areas, and archaeological sites and sites of significance to Māori (and Moriori) including wāhi tapu; and surroundings associated with the natural and physical resources.

**Intangible value:** the abstract heritage value of the meanings or associations of a place, including commemorative, historical, social, spiritual, symbolic, or traditional values.

**Memorials and monuments:** an object to honour a person, event or place, which can include mahi toi (artworks), kōhatu (rocks), sculptures, statues, cairns, plaques, trees, and benches.

**Notable plantings or trees:** in the context of heritage, is a tree or group of trees that is regarded as being of special importance, such as trees that commemorate important events or people, or that have age and/or character traits, or gardens with recognition for their historic, cultural or genetic significance.

**Principal:** has the same meaning as Client or Principal as named in the Conditions of Contract.

**Property:** land and any building or structure, or anything fixed to the land.

**Setting:** means the area around and/or adjacent to a heritage place that is integral to its function, meaning and relationships, and to the understanding and appreciation of the place's cultural heritage value.<sup>3</sup>

**Sites of Māori and Moriori significance:** all places of Māori and Moriori origin, as well as later places of significance, as decided by iwi/imi/hapū.

**Stewardship:** all active planning and management of medium- and long-term interests.

**Supplier:** Has the same meaning as Consultant or Principal as named in the Conditions of Contract.

**Tangible value:** the physically observable heritage value of a place, including archaeological, architectural, landscape, monumental scientific, or technological values.

### 3 Reference documents

This specification shall be read in conjunction with the following reference documents:

- [Environmental and Social Responsibility Policy](#)
- [Huia Kaimanawa – Heritage Policy for Land Transport Infrastructure](#)
- [Z/19 Taumata Taiao – Environmental and Sustainability Standard](#)
- [Environmental screen](#)
- [Heritage guidelines](#) – under development
- [Te Ara Kotahi – Our Māori Strategy](#)
- [Hononga ki te Iwi – Our Māori Engagement Framework](#)
- Ministry for Culture and Heritage [Policy for Government Management of Cultural Heritage](#)

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<sup>3</sup> Based on the ICOMOS New Zealand Charter 2010 definition of setting.

## Part 1 General and preliminary requirements

The Supplier shall plan, design, construct and maintain with the aim to avoid effects or minimise effects on heritage places/areas.

The Supplier shall confirm that all relevant statutory approvals are in place prior to construction, maintenance and/or any activities affecting heritage sites and either notify the Principal of any gaps or omissions or seek departures.

The Supplier shall immediately advise the Principal in the event of potential or actual non-compliance.

### 1.1 Suitably qualified person requirements

The Supplier shall engage appropriately qualified people including (but not limited to) cultural specialists/advisors/monitors nominated by iwi/imi and hapū, archaeologists, built heritage and conservation professionals, arborists (for heritage trees), and tradespeople to conduct the work required by this specification.

The qualification requirements for lead specialists are:

- Archaeology:
  - master's (or higher degree) in archaeology
  - meets section 45 criteria under the HNZPTA and/or has been approved by Heritage New Zealand Pouhere Taonga (HNZPT) as a section 45 approved person
  - specialist archaeological skills as appropriate to the project (for example historic, industrial, buildings or Māori/Moriori archaeology)
  - familiarity with the archaeology and history of the area where the transport project is being delivered
  - positive track record of working with mana whenua in the area of the transport project and maintenance and operation contract, and experience working with cultural monitors.
- Built heritage:
  - degree or a recognised post-graduate qualification or equivalent experience in a field related to heritage conservation or management, and who is a recognised built heritage practitioner.
- All lead specialists working with heritage:
  - at least eight years of relevant experience in New Zealand
  - membership or preferably chartered/certified status with a relevant professional body
  - experience on NZTA projects/activities of a comparable scale/scope.

### 1.2 Cultural advisors/monitors

The Supplier shall engage the cultural advisor/monitor nominated by iwi/imi/hapū and agree with iwi/imi/hapū the general roles and responsibilities of cultural advisors/monitors involved in the works.

The Supplier shall allow adequate time for involvement of cultural advisors/monitors to provide kaitiakitanga for the whenua and for the people connected to the whenua, and to deliver on consent and archaeological authority conditions.

The Supplier's project archaeologist shall work alongside the cultural advisor/monitor in a complementary manner. The project archaeologist and the cultural advisor/monitor role are separate roles, and not interchangeable.

### 1.3. Engagement

The Supplier shall support the Principal's memoranda of understanding (MoUs), existing relationships and engagement on heritage matters related to the contract with the following parties:

- iwi/imi
- Heritage NZ Pouhere Taonga (HNZPT)
- Department of Conservation (DoC) (if applicable)
- local authorities (regional and territorial authorities)
- the local community
- any other relevant party identified by the Principal.

### 1.4 Heritage accidental discovery protocols

The Supplier shall ensure that accidental discovery protocols (ADPs) are only used for the circumstances defined in 1.4 section A for any earthworks including preliminary investigations as part of planning, construction, asset management, and maintenance and operations phases.

#### A. When to use an accidental discovery protocol

The Supplier shall prepare and use an ADP when one or more of the following specific circumstances are met:

1. When a heritage screen has shown that the potential for heritage to be affected by works is low.<sup>4</sup>
2. As a condition of a Resource Management Act 1991 (RMA) designation or resource consent. An ADP may be required as part of designation or consent conditions under the RMA.<sup>5</sup> This does not preclude the requirement to obtain an archaeological authority from HNZPT. Where an archaeological authority is granted by HNZPT this supersedes an ADP.
3. In emergency situations, such as those outlined in section 5.1, where a limited heritage screen has been applied.

#### B. Developing an accidental discovery protocol

The Supplier shall develop a project or works-specific ADP in conjunction with iwi/imi, hapū or their representatives and the project archaeologist.

As a minimum the ADP shall include:

- a method to implement a stop works notice and secure the area (of an appropriate size around the discovery)
- who to notify of a discovery to agree on next steps, including project archaeologist, cultural monitors/iwi representatives, the Principal, HNZPT, councils, NZ Police and a Coroner (if kōiwi/human remains are found)
- an agreed management approach with iwi/imi/hapū that is respectful and sensitive to mātauranga Māori and Moriori, tikanga, kawa and sovereignty of information on ancestral sites if there is potential for sites of significance to Māori and Moriori and/or potential for kōiwi/human remains, including confirming the nature of the find

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<sup>4</sup> It is noted that most of New Zealand has not been systematically assessed for archaeological sites. The screening process does, however, consider a core database of relevant data and includes consideration of potential heritage sites.

<sup>5</sup> In the Auckland region the Accidental Discovery Rule is applicable and does not need to be conditioned.

- a method for securing, storing and inventorying taonga tūturu that is consistent with the Protected Objects Act 1975 and respectful of mandated iwi/imi/hapū
- a notification method for the recommencement of works once a discovery has been assessed by the appropriately qualified people and iwi/imi/hapū, and advice sought from the relevant regulatory authorities.

In the Auckland region, works must also comply with the Accidental Discovery Rule E12.6 and E11.6 in the Auckland Unitary Plan.

In reflection of an existing memorandum of understanding between the Principal and Te Rūnanga o Ngāi Tahu, where Māori heritage sites such as nohoanga, kainga, wāhi tapu areas, wāhi taonga (artifacts) and wāhi tupuna (urupa and kōiwi) are found within the Canterbury and West Coast regions, the Accidental Discovery Protocol (2003) applies.

A flow chart example for an ADP is included in Appendix 1 and further examples of ADPs are provided in the NZTA's *Heritage guidelines*.

## Part 2 Assessment, planning, design and pre-implementation

### 2.1 Heritage assessment process

The Supplier shall undertake heritage assessments in general accordance with the NZTA Z/19 Taumata Taiao – Environmental and Sustainability Standard, environmental screen, Heritage Policy and *Heritage guidelines*.

#### A. Heritage screening

The Supplier shall review relevant data sources to identify historic heritage and risk locations that could potentially be unrecorded heritage, as well as recorded/formally recognised heritage places and areas.

The required outcomes of heritage screening are to identify:

- known heritage places/sensitive areas
- potential heritage places/sensitive sites that are not already listed or recorded
- potential effects – risks, opportunities, and the need for further technical assessment
- potential statutory requirements
- if an accidental discovery protocol (ADP) is appropriate
- engagement and consultation requirements.

If the outcome identifies low risk to heritage places/sensitive areas, and no statutory approvals are required for heritage, the Supplier shall develop and implement accidental discovery protocols to ensure appropriate procedures are in place should heritage be encountered during works (see section 1.4).

#### B. Technical assessments

If the heritage screening determines that **heritage may be affected** by the proposed works or activities (directly or indirectly), the Supplier shall:

- engage an appropriately qualified heritage practitioner(s) to prepare a technical assessment to meet RMA and/or any non-statutory processes for the types of heritage likely to be affected, using the scope defined in the NZTA *Heritage guidelines*
- ensure that the assessment(s) consider(s) the significance of the heritage place/sensitive area, the risks to heritage of the works proposed, including early works such as geotechnical

and site preparation, and the risks posed by climate change/extreme weather events and other natural hazards

- summarise requirements for statutory approvals, any further technical assessments (including geotechnical investigations or exploratory or scientific archaeological authorities) and conservation/management plans
- recommend measures to avoid, remedy or mitigate effects on heritage, which shall be guided by existing or new conservation management plans and heritage best practice
- consider measures to achieve positive heritage outcomes by protecting and conserving heritage places/sensitive areas, including adaptive reuse, future ownership/kaititaki and revocation
- provide recommendations on management and maintenance of heritage assets during the construction phase to inform cost estimates and project/works budgets
- consider recommendations for conservation/adaptive reuse/long-term management of heritage places and heritage artefacts/materials following project completion
- identify opportunities to contribute to meeting heritage credit requirements for projects undertaking a sustainability rating (if required)
- identify any requirements for a heritage management plan (HMP) as a subplan of the environmental management plan (EMP) for construction or for a heritage asset management plan for management and ongoing maintenance requirements of heritage assets
- on completion of the technical assessment, update heritage records held by the Principal, including providing information and spatial maps for data management to update the heritage inventory and heritage GIS systems.

## Part 3 Construction

### 3.1 Heritage management plan

Where there are heritage places/areas affected by the works, the Supplier shall produce an HMP as a subplan of the EMP that is consistent with the NZTA Heritage Policy, *Heritage guidelines*, legal requirements and any previous HMPs developed for the project.

A heritage management plan shall include:

- a full list of all known and potential heritage places/sensitive sites (including post-1900 heritage sites with their respective addresses), that will be affected by the construction/maintenance activities (directly or indirectly)
- information on statutory requirements under the RMA, Building Act 2004 and HNZPTA, including stand-down periods under an archaeological authority
- reference to any existing conservation management plans
- contact details for relevant stakeholders, including HNZPT, iwi/imi/hapū, councils and DoC
- contact details, roles and responsibilities of suitably qualified heritage professionals/workers, including cultural advisors/monitors
- training requirements
- operating procedures and mitigation measures
- provision for heritage site protection during construction (such as fencing off areas/built structures and minimising vibration)
- onsite and on-call monitoring requirements
- provision for secure storage and curation of objects and artefacts/taonga tūturu
- discovery and incident management protocols

- conditions for relocation and reinstatement of heritage structures/buildings where appropriate, and methods to investigate and record heritage places that are relocated or demolished because of project works
- consideration of disposal of surplus land/buildings including revocation, appropriate survey extent to reflect associated heritage features, future ownership and land use, and long-term heritage protection.

### 3.2 Implementation of a heritage management plan

The Supplier shall:

- revise and update the HMP to reflect any changes to planned works, design or delivery, including additional areas of investigation or survey, designation/consenting and archaeological authority requirements
- implement the HMP as prepared, unless departures are approved by the Principal and notified to HNZPT, iwi/imi/hapū and the relevant territorial authority
- ensure the project suitably qualified heritage professionals and cultural advisor/monitor(s) provide an induction at the project contract works commencement
- record and report any heritage discoveries, incidents and ongoing compliance with the conditions of the HMP and any designation/consents and/or conditions of an archaeological authority.

### 3.3 Heritage close-out report for handover

The Supplier shall submit a heritage close-out report at the completion of construction works as a handover to the Principal. This is to be prepared by a suitably qualified heritage professional along with all heritage outputs (assessments, site records, reports, GIS data, management plans etc). The purpose of the close-out report is to provide information on archaeological and built heritage features and places within the project and to facilitate the management of heritage in future network maintenance, corridor improvement works and surplus land disposal. The report shall be consistent with the NZTA Heritage Policy and *Heritage guidelines*.

A heritage close-out report shall include:

- project description
- overview of project works
- list of sensitive heritage places, features and zones within the project footprint including NZAA ArchSite reference number(s) and listed/scheduled references for historic heritage/wāhi tapu sites and areas, sites of significance to Māori and Moriori etc
- full descriptions and documentation of any new heritage sites/features
- reference to consents, permits and HMPs relating to heritage and any updates to these during construction
- explanation of how heritage affected by the project has been avoided, or mitigated, protected
- any new information obtained during the project that enhances understanding of the heritage place
- any changes in design during the construction phase that impacted on heritage outcomes and what remedial measures were taken to mitigate the changes
- any repairs and maintenance that have been completed or are still outstanding consistent with a conservation plan if available
- recommendation(s) for ongoing or future management of the heritage places/structures/areas
- any updates to an existing heritage asset management or conservation plan
- ongoing commitments to landowners with respect to heritage
- broader outcomes achieved through conservation of heritage.

Further details on the closeout handover report requirements are available from the Principal.

## Part 4 Maintenance

At the start of the maintenance and operation contract the Supplier shall:

- carry out a heritage screen to inform an EMP
- prepare and implement an ADP for earthworks where the risk of encountering heritage has been assessed by an appropriately qualified heritage professional as being low (see section 1.4)
- where there are known or potential heritage places/areas, prepare and implement an HMP according to the requirements for an HMP (see 3.1)
- for each programme of works and project, consider if works can be carried out under an ADP (see 1.4.)
- record and report any heritage discoveries, incidents and ongoing compliance with the conditions of the HMP and any designation/consents and conditions of an archaeological authority

## Part 5 Emergency works

### 5.1 Response phase and transition to recovery phase

The procedures applicable for emergency works within an area under a national or local state of emergency are specified.<sup>6</sup> For response to emergency works such as slip/landslide clearance or responding to natural disasters/extreme weather events, the Supplier shall undertake the following heritage screening procedures to identify any heritage requirements:

- Use an accidental discovery protocol (see section 1.4) on initial response activities.
- If a historic heritage site has been impacted, record the origin and destination of spoil.
- Seek advice from HNZPT to confirm if an authority is required if archaeological sites/listed sites have been adversely affected and/or have the potential to be adversely affected by the works.
- If an authority is required in an area where a national or local state of emergency has been declared, the emergency provisions (under section 60 of the HNZPTA) provide a streamlined archaeological authority process whereby:
  - emergency authority applications must be processed by HNZPT within three days, or five days for sites of interest to Māori and Moriori
  - there is a reduced appeal period – 14 days (two weeks) as opposed to 15 working days (three weeks) under general authorities
  - an emergency authority may be applied for up to 12 months after the state of emergency has been terminated or the transition period has been terminated.

### 5.2 Recovery phase

The recovery phase generally involves geotechnical investigations, detailed engineering assessments and design works before a permanent solution can be implemented. This may start during the response and transition to recovery phases. The Supplier shall:

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<sup>6</sup> Under the Civil Defence Emergency Management Act 2002.

- apply the heritage screening and technical assessment process as described in 2.1 sections A and B
- meet qualification requirements as set out in 1.1
- engage with cultural advisor(s) to assess impacts
- seek advice from HNZPT if archaeological sites/listed sites have been adversely affected/have the potential to be adversely affected – HNZPT will advise any further requirements for technical assessments and if an authority is required
- if the assessment shows low risk to heritage/sensitive places, and no statutory approvals are required, implement an accidental discovery protocol as set out in section 1.4
- for works that affect places that are scheduled as heritage places under the RMA, the Supplier shall seek advice on consenting requirements from the relevant territorial authority – this is likely to apply to sites and areas of significance to Māori and Moriori, heritage buildings, structures, objects and areas, notable trees, and any archaeological sites that are scheduled in the relevant district or regional plans
- for heritage structures/buildings that are affected, the Supplier shall also seek consenting advice from the relevant local authority and comply with requirements under the Building Act – particularly section 6 and subpart 6B for dangerous and insanitary buildings and for special provisions that modify the RMA for buildings affected by an emergency.

## Part 6 Management of heritage assets

### 6.1 Property acquisition

When planning for the acquisition of property prior to or as part of the consenting process, the Supplier shall:

- carry out a heritage screen to identify places, areas, and risk locations where there are known heritage values, as well as areas for potential unrecorded heritage places to be encountered as outlined in 2.1
- support the Principal's relationship with Māori and Moriori and consult with Māori and Moriori and other communities where places have cultural and/or ancestral value
- meet the requirements of the NZTA Heritage Policy and *Heritage guidelines*
- ensure an appropriately qualified heritage practitioner provides information updates for the Principal's heritage records, including the heritage inventory and heritage GIS systems.

### 6.2 Asset management and maintenance

The Supplier shall manage and maintain heritage places owned or held by the Principal, whether active or inactive, and including structures and sites, to give effect to the Ministry of Culture and Heritage *Policy for Government Management of Cultural Heritage Places (2022)*. This sets out several requirements including:

- partner and consult with Māori and Moriori and other communities where places have ancestral value
- monitor heritage asset condition regularly
- plan for all maintenance and repairs of heritage properties to meet recognised standards such as the ICOMOS New Zealand Charter 2010
- prepare, maintain or update heritage asset management and conservation plans for places to inform works
- seek specialist advice from HNZPT, local authorities and heritage professionals
- engage appropriately qualified people to carry out works
- consider heritage values including places that have potential for heritage:
  - understand the extent, history, use and fabric of heritage places and assess significance

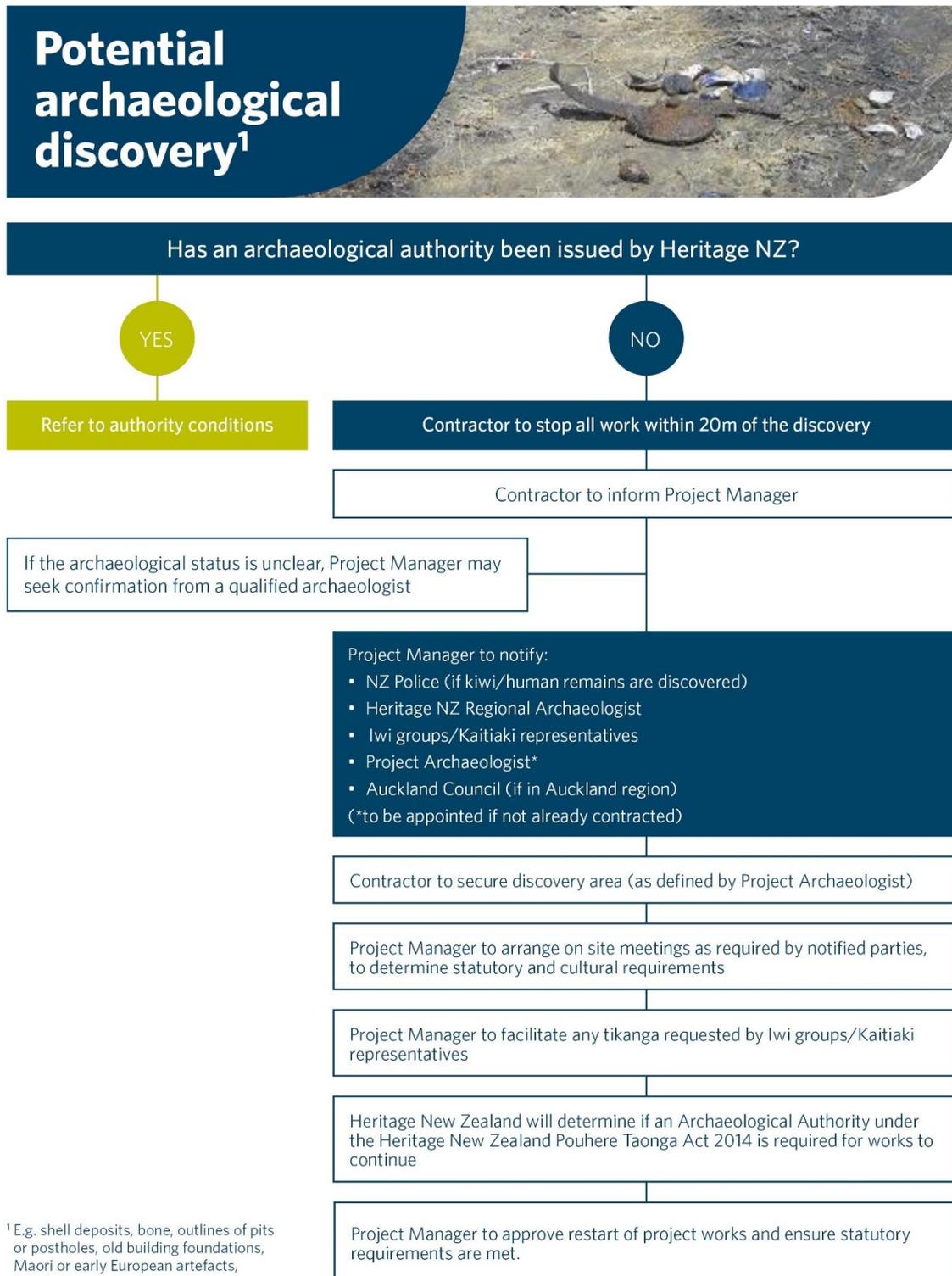
- formally protect values
- seek opportunities to promote and celebrate heritage values
- ensure unused/inactive heritage assets are secured from physical damage and their values safeguarded
- provide information updates for the Principal's heritage records, heritage inventory and heritage GIS systems as required.

### **6.3 Property disposal**

The Supplier shall provide heritage information to enable the Principal to use during its interaction with HNZPT in the Crown land disposal process. The heritage information shall include:

- pre- and post-project heritage reports
- heritage management plans
- GIS map identifying all known heritage places and areas
- consultation with Māori and Moriori and other communities where appropriate
- outcomes affecting heritage places/areas delivered as part of the project
- recommendations for appropriate formal heritage protection mechanisms
- consideration of viable and cost-effective heritage reuse options.

# Appendix 1: Archaeological discovery procedure (ADP) flow chart example



<sup>1</sup> E.g. shell deposits, bone, outlines of pits or postholes, old building foundations, Maori or early European artefacts, burials/human remains