

PART K: AUTHORITIES THAT WOULD OTHERWISE BE APPLIED FOR UNDER THE HERITAGE NEW ZEALAND POUHERE TAONGA ACT 2014

[1] In considering whether to grant an archaeological authority that would otherwise be applied for under the Heritage New Zealand Pouhere Taonga Act 2014 (HNZPT Act) we must apply clauses 4 and 5 Schedule 8 to the FTAA.

[2] For present purposes, it is clause 4 that is primarily important. It provides:

4 Criteria for assessment of application for archaeological authority

(1) For the purposes of section 81, when considering an application for an archaeological authority, including conditions in accordance with clause 5, the panel must take into account, giving the greatest weight to paragraph (a),—

- (a) the purpose of this Act; and
- (b) the matters set out in section 59(1)(a) of the HNZPT Act; and
- (c) the matters set out in section 47(1)(a)(ii) and (5) of the HNZPT Act; and
- (d) a relevant statement of general policy confirmed or adopted under the HNZPT Act.

(2) For the purposes of subclause (1), the provisions of the HNZPT Act referred to in that subclause must be read with all necessary modifications, including that a reference to Heritage New Zealand Pouhere Taonga must be read as a reference to the panel.

[3] OGNZL provided the Schedule 8 (Clause 2) information for archaeological authorities in section 8.10.1 of application document A11.

[4] The Panel must undertake an assessment of the effects of the WNP on the values of the archaeological sites. We undertook that assessment in section E18 of this Decision where we were guided by the comments received from the Ministry for Culture and Heritage and Heritage New Zealand Pouhere Taonga. Having done so we found it appropriate to grant the Archaeological Authority subject to conditions that were sought by HNZPT and agreed to by OGNZL. These are set out in Appendix H to this Decision.