Version
as at 24 December 2024

Heritage New Zealand Pouhere Taonga Act 2014

Public Act	2014 No 26
Date of assent	19 May 2014
Commencement	see section 2

Contents

		Page
1	Title	6
2	Commencement	6
	Part 1 **Preliminary provisions**	
3	Purpose	6
4	Principles	6
5	What this Act does	7
6	Interpretation	7
7	Treaty of Waitangi (Te Tiriti o Waitangi)	12
8	Act binds the Crown	13
	Part 2 **Heritage New Zealand Pouhere Taonga and Māori Heritage Council**	
	Subpart 1—Heritage New Zealand Pouhere Taonga	
	Establishment of governance body	
9	Heritage New Zealand Pouhere Taonga	13

Note

The Parliamentary Counsel Office has made editorial and format changes to this version using the powers under subpart 2 of Part 3 of the Legislation Act 2019.

Note 4 at the end of this version provides a list of the amendments included in it.

This Act is administered by the Ministry for Culture and Heritage.

10 Governing body of Heritage New Zealand Pouhere Taonga 14
11 Power of Minister to appoint special adviser to Board 14
12 Status of special adviser 14

Functions and powers

13 Functions of Heritage New Zealand Pouhere Taonga 15
14 Powers of Heritage New Zealand Pouhere Taonga 16
15 Rights of entry onto land 17

General policy requirements

16 Statements of general policy 18
17 Procedures for adopting policy statements 19
18 Amendments to general policy statements 20
19 Conservation plans 20
20 Duty to act consistently with general policy and plans 20

Procedural matters for Heritage New Zealand Pouhere Taonga

21 Delegations 21
22 Delegations to Māori Heritage Council 21
23 Rules 22

Names protected

24 Protection of names 22

Taxation

25 Exemption from taxation 23

Subpart 2—Māori Heritage Council

26 Māori Heritage Council continued 23

Functions and powers

27 Functions of Māori Heritage Council 24
28 Powers of Māori Heritage Council 25

Governance provisions

29 Deputy chairperson of Council 25
30 Resignation or removal from office 26
31 Leave of absence 26
32 Co-opted members 26
33 Extraordinary vacancies 26
34 Powers of Council not affected by vacancies 26
35 Meetings of Council 26
36 Chairperson of Board entitled to attend meetings of Council 27
37 Proceedings not affected by certain irregularities 27
38 Application of Crown Entities Act 2004 to Council 28

Part 3
Protection of places and areas of historical and cultural value

Subpart 1—Heritage covenants

39 Heritage covenants 28
40 Effect of heritage covenant 29
41 Registrar-General of Land must register instruments 29

Subpart 2—Archaeological sites

Overarching protection for archaeological sites

42 Archaeological sites not to be modified or destroyed 30
43 Declaration of archaeological site 30

Applications

44 Applications for authorities 31
45 Application for approval of person to carry out activity 31
46 Information that must be provided with application for authority 32
47 Processing of applications for authorities 33

Determination of applications for authorities

48 Determination 34
49 Factors relevant to making determination 34
50 Time within which applications to be determined 35
51 Notification of determination 35

Conditions

52 Imposition of conditions on authorities 36
53 Review of conditions of authority 36

Consequences of grant of authority

54 Commencement and duration of authorities 38
55 Effect of grant of authority by Heritage New Zealand Pouhere Taonga 38

Exploratory investigations

56 Exploratory investigation of site or locality 39
57 Powers and duties of Heritage New Zealand Pouhere Taonga if no authority held for activity 40

Appeal provisions

58 Rights of appeal 41
59 Decision on appeal 42

Subpart 3—Emergency authorities

60 Purpose and application of subpart 43
61 Application for emergency authority 43
62 Determination of applications 44
63 Condition requiring investigation 45

64 Appeal rights 46

Part 4
Recognition of places of historical, cultural, and ancestral significance

Subpart 1—Provisions relating to New Zealand Heritage List/Rārangi Kōrero

New Zealand Heritage List/Rārangi Kōrero continued and maintained

65 New Zealand Heritage List/Rārangi Kōrero 46

Criteria for inclusion on New Zealand Heritage List/Rārangi Kōrero

66 Criteria 47

Provisions relating to historic places, historic areas, wāhi tūpuna, wāhi tapu, or wāhi tapu areas

67 Applications relating to historic places or historic areas 48
68 Applications relating to wāhi tūpuna, wāhi tapu, or wāhi tapu areas 49
69 Procedure to determine applications 51

Assessors

70 Independent assessors to be appointed 52
71 Appointments 52

General provisions relating to New Zealand Heritage List/Rārangi Kōrero

72 Entries may be included on New Zealand Heritage List/Rārangi Kōrero by agreement 52
73 When entry on New Zealand Heritage List/Rārangi Kōrero takes effect 53

Effect of certain entries on New Zealand Heritage List/Rārangi Kōrero

74 When local authorities must have particular regard to recommendations 53
75 Proposals affecting wāhi tapu areas entered on New Zealand Heritage List/Rārangi Kōrero 54

Further requirements relating to New Zealand Heritage List/Rārangi Kōrero

76 Information to be supplied to territorial authorities 54
77 Availability of New Zealand Heritage List/Rārangi Kōrero 55
78 Review, variation, or removal of entries on New Zealand Heritage List/Rārangi Kōrero 55
79 Removal of entries on New Zealand Heritage List/Rārangi Kōrero in cases of destruction or demolition 57

Subpart 2—National Historic Landmarks/Ngā Manawhenua o Aotearoa me ōna Kōrero Tūturu

80 Interpretation 57
81 National Historic Landmarks/Ngā Manawhenua o Aotearoa me ōna Kōrero Tūturu to be established 57
82 How places may be included on Landmarks list 58
83 Review of Landmarks list by Minister 59
84 Owner may seek review 59

Part 5
Offences and penalties, transitional provisions, and miscellaneous matters

Subpart 1—Offences and penalties

85 Offence of intentionally modifying or destroying property of Heritage New Zealand Pouhere Taonga 60
86 Offence of modifying or destroying land subject to heritage covenant 60
87 Offence of modifying or destroying archaeological site 61
88 Offence of breaching conditions of authority 61
89 Offence of refusing access, etc 61
90 Other offences 62

Liability of principal

91 Liability of principal for acts of agents 63

Remedies

92 Enforcement 64
93 Proceedings 65
94 Strict liability and defences 66
95 Offender to give name and address 66
96 Limitation period for filing charging document 67

Subpart 2—Miscellaneous matters

Transfer of land, or contributions, to Heritage New Zealand Pouhere Taonga

97 Contributions to funds of Heritage New Zealand Pouhere Taonga 67
98 Local authorities may transfer land to Heritage New Zealand Pouhere Taonga 68

Regulations

99 Regulations 68

Savings and transitional provisions

100 References to Trust 69
101 Expiry of term of office 69
102 Branch committees dissolved 69

103 General transitional provision 70

Notices

104 Giving of notices 70

Repeal, revocation, and consequential amendments

105 Repeal 71
106 Revocation 71
107 Consequential amendments 71

Schedule 72
Enactments consequentially amended

The Parliament of New Zealand enacts as follows:

1 Title

This Act is the Heritage New Zealand Pouhere Taonga Act 2014.

2 Commencement

This Act comes into force on the day after the date on which it receives the Royal assent.

Part 1
Preliminary provisions

3 Purpose

The purpose of this Act is to promote the identification, protection, preservation, and conservation of the historical and cultural heritage of New Zealand.

4 Principles

All persons performing functions and exercising powers under this Act must recognise—

(a) the principle that historic places have lasting value in their own right and provide evidence of the origins of New Zealand's distinct society; and

(b) the principle that the identification, protection, preservation, and conservation of New Zealand's historical and cultural heritage should—

(i) take account of all relevant cultural values, knowledge, and disciplines; and

(ii) take account of material of cultural heritage value and involve the least possible alteration or loss of it; and

(iii) safeguard the options of present and future generations; and

(iv) be fully researched, documented, and recorded, where culturally appropriate; and

(c) the principle that there is value in central government agencies, local authorities, corporations, societies, tangata whenua, and individuals working collaboratively in respect of New Zealand's historical and cultural heritage; and

(d) the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wāhi tūpuna, wāhi tapu, and other taonga.

5 What this Act does

(1) This section is a guide to the overall scheme and effect of this Act, but does not affect the interpretation or application of the other provisions of the Act.

(2) This Act—

(a) repeals the Historic Places Act 1993; and

(b) continues the body known as the New Zealand Historic Places Trust (Pouhere Taonga) under the name Heritage New Zealand Pouhere Taonga; and

(c) continues the Māori Heritage Council; and

(d) continues to provide for heritage covenants; and

(e) continues to prohibit the modification or destruction of an archaeological site unless an authority for the modification or destruction is obtained from Heritage New Zealand Pouhere Taonga under this Act; and

(f) provides for an appropriate response about heritage matters in the event of a national or local emergency being declared, or notice of a national or local transition period being given, under the Civil Defence Emergency Management Act 2002; and

(g) continues the system for a list (formerly the Register), to be known as the New Zealand Heritage List/Rārangi Kōrero, comprising historic places, historic areas, wāhi tapu, and wāhi tapu areas, and also to include wāhi tūpuna, as a means for recognising heritage values; and

(h) provides for the establishment and maintenance of a list to be known as the National Historic Landmarks/Ngā Manawhenua o Aotearoa me ōna Kōrero Tūturu; and

(i) includes sanctions for breaches of this Act; and

(j) sets out certain administrative and transitional matters, including the dissolution of branch committees.

Section 5(2)(f): amended, at 9.59 pm on 29 November 2016, by section 42 of the Civil Defence Emergency Management Amendment Act 2016 (2016 No 88).

6 Interpretation

In this Act, unless the context otherwise requires,—

archaeological site means, subject to section 42(3),—

(a) any place in New Zealand, including any building or structure (or part of a building or structure), that—

(i) 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

(ii) provides or may provide, through investigation by archaeological methods, evidence relating to the history of New Zealand; and

(b) includes a site for which a declaration is made under section 43(1)

authority means an authority granted by Heritage New Zealand Pouhere Taonga under section 48, 56, or 62 to undertake an activity that will or may modify or destroy 1 or more archaeological sites

Board means the members of the governing body of Heritage New Zealand Pouhere Taonga

building means a structure that is temporary or permanent, whether movable or not, and which is fixed to land and intended for occupation by any person, animal, machinery, or chattel

chief executive means the chief executive of the department that, with the authority of the Prime Minister, is for the time being responsible for the administration of this Act

common marine and coastal area has the meaning given in section 9(1) of the Marine and Coastal Area (Takutai Moana) Act 2011

conservation includes the processes of preserving, maintaining, and restoring historic places and historic areas so as to safeguard their historical and cultural values

contact details means,—

(a) in relation to an individual, the full street address where the individual usually lives or where that individual can be contacted; and

(b) in relation to a body corporate or unincorporate, the full street address of the body's place of business or head office; and

(c) in every case, an email address or a telephone number

customary marine title has the meaning given in section 9(1) of the Marine and Coastal Area (Takutai Moana) Act 2011

customary marine title area has the meaning given in section 9(1) of the Marine and Coastal Area (Takutai Moana) Act 2011

department means the department of State that, with the authority of the Prime Minister, is for the time being responsible for the administration of this Act

emergency authority means an authority granted by Heritage New Zealand Pouhere Taonga under subpart 3 of Part 3

Environment Court as the meaning given in section 2(1) of the Resource Management Act 1991

exploratory investigation means a physically invasive investigation of any site or locality for exploratory purposes so as to determine whether the site or locality is an archaeological site, and, if so, the nature and extent of the archaeological site

financial year means the 12 months ending on the close of 30 June or any other date determined for Heritage New Zealand Pouhere Taonga by the Minister of Finance

Heritage New Zealand Pouhere Taonga means the Crown entity established by section 9

heritage order has the meaning given in section 187 of the Resource Management Act 1991

heritage protection authority has the meaning given in section 187 of the Resource Management Act 1991

historic area means an area of land that—

(a) contains an inter-related group of historic places; and

(b) forms part of the historical and cultural heritage of New Zealand; and

(c) lies within the territorial limits of New Zealand

historic place—

(a) means any of the following that forms a part of the historical and cultural heritage of New Zealand and that lies within the territorial limits of New Zealand:

  (i) land, including an archaeological site or part of an archaeological site:

  (ii) a building or structure (or part of a building or structure):

  (iii) any combination of land, buildings, structures, or associated buildings or structures (or parts of buildings, structures, or associated buildings or structures); and

(b) includes any thing that is in or fixed to land described in paragraph (a)

land includes—

(a) land covered by water; and

(b) the airspace above land

local authority has the meaning given in section 5(1) of the Local Government Act 2002

Māori Heritage Council and **Council** mean the Māori Heritage Council continued by section 26

Māori land has the meaning given to Maori land in section 4 of Te Ture Whenua Maori Act 1993

Minister means the Minister who, with the authority of the Prime Minister, is for the time being responsible for the administration of this Act

modify, in relation to an archaeological site, includes to damage the site

National Historic Landmarks/Ngā Manawhenua o Aotearoa me ōna Kōrero Tūturu and **Landmarks list** mean the list established under section 81

New Zealand Heritage List/Rārangi Kōrero means the New Zealand Heritage List/Rārangi Kōrero continued under section 65

notice means a written notice to which, if the case requires, section 104 applies

occupier means the person who has, or appears to have, control of any land, building, or structure

owner means—

(a) the owner of the fee simple estate in the relevant land; or

(b) if there is no title to the land,—

  (i) the person in whom the land is vested; or

  (ii) the person who has responsibility under any enactment for the land

person includes the Crown, a corporation sole, and a body of persons, whether corporate or unincorporate

planning document has the meaning given in section 9(1) of the Marine and Coastal Area (Takutai Moana) Act 2011

protected customary right has the meaning given in section 9(1) of the Marine and Coastal Area (Takutai Moana) Act 2011

public notice means a notice published—

(a) in 1 or more newspapers circulating in the area where the relevant historic place, historic area, wāhi tūpuna, wāhi tapu, or wāhi tapu area is located; or

(b) on an Internet site that is maintained by Heritage New Zealand Pouhere Taonga and to which the public has free access

recorded, in relation to an archaeological site, means an archaeological site whose location is recorded on a database identified by Heritage New Zealand Pouhere Taonga as the national inventory of archaeological sites

regional council has the meaning given in section 5(1) of the Local Government Act 2002

registered interest—

(a) means an estate or interest in land registered under the Land Transfer Act 2017; and

(b) includes a mortgage or charge registered under that Act

scientific investigation means a physically invasive investigation of any archaeological site undertaken for research purposes, so as to obtain information relating to the history of New Zealand

site of interest to Māori means an archaeological site or other place in which an iwi or a hapū has, or at any time has had, an interest

statutory acknowledgement means a statutory acknowledgement made by the Crown under an Act specified in Schedule 11 of the Resource Management Act 1991

structure—

(a) means a thing made by people, whether movable or not, and fixed to the land; and

(b) includes equipment or machinery

tangata whenua means, in relation to a particular place or area, the iwi or hapū that holds, or at any time has held, mana whenua in relation to that place or area

territorial authority has the meaning given in section 5(1) of the Local Government Act 2002

wāhi tapu means a place sacred to Māori in the traditional, spiritual, religious, ritual, or mythological sense

wāhi tapu area means land that contains 1 or more wāhi tapu

wāhi tūpuna means a place important to Māori for its ancestral significance and associated cultural and traditional values, and a reference to wāhi tūpuna includes a reference, as the context requires, to—

(a) wāhi tīpuna:

(b) wāhi tupuna:

(c) wāhi tipuna

working day means any day except—

(a) a Saturday, a Sunday, Waitangi Day, Good Friday, Easter Monday, Anzac Day, the Sovereign's birthday, Te Rā Aro ki a Matariki/Matariki Observance Day, and Labour Day:

(b) if Waitangi Day or Anzac Day falls on a Saturday or Sunday, the following Monday:

(c) a day in the period commencing with 20 December in any year and ending with 10 January in the following year.

Section 6 **Environment Court**: replaced, on 23 December 2023, by section 6 of the Resource Management (Natural and Built Environment and Spatial Planning Repeal and Interim Fast-track Consenting) Act 2023 (2023 No 68).

Section 6 **heritage order**: inserted, on 23 December 2023, by section 6 of the Resource Management (Natural and Built Environment and Spatial Planning Repeal and Interim Fast-track Consenting) Act 2023 (2023 No 68).

Section 6 **heritage order**: repealed, on 24 August 2023, by section 805(1) of the Natural and Built Environment Act 2023 (2023 No 46).

Section 6 **heritage protection authority**: amended, on 23 December 2023, by section 6 of the Resource Management (Natural and Built Environment and Spatial Planning Repeal and Interim Fast-track Consenting) Act 2023 (2023 No 68).

Section 6 **heritage protection order**: repealed, on 23 December 2023, by section 6 of the Resource Management (Natural and Built Environment and Spatial Planning Repeal and Interim Fast-track Consenting) Act 2023 (2023 No 68).

Section 6 **heritage protection order**: inserted, on 24 August 2023, by section 805(1) of the Natural and Built Environment Act 2023 (2023 No 46).

Section 6 **registered interest** paragraph (a): amended, on 12 November 2018, by section 250 of the Land Transfer Act 2017 (2017 No 30).

Section 6 **statutory acknowledgement**: amended, on 23 December 2023, by section 6 of the Resource Management (Natural and Built Environment and Spatial Planning Repeal and Interim Fast-track Consenting) Act 2023 (2023 No 68).

Section 6 **working day** paragraph (a): replaced, on 12 April 2022, by wehenga 7 o Te Ture mō te Hararei Tūmatanui o te Kāhui o Matariki 2022/section 7 of the Te Kāhui o Matariki Public Holiday Act 2022 (2022 No 14).

7 Treaty of Waitangi (Te Tiriti o Waitangi)

In order to recognise and respect the Crown's responsibility to give effect to the Treaty of Waitangi (Te Tiriti o Waitangi), this Act provides,—

(a) in section 10, for the appointment, in consultation with the Minister of Māori Affairs, of at least 3 members of the Board of Heritage New Zealand Pouhere Taonga who are qualified for appointment having regard to their knowledge of te ao Māori and tikanga Māori; and

(b) in sections 13 and 14, that Heritage New Zealand Pouhere Taonga—

  (i) has functions that relate to wāhi tūpuna, wāhi tapu, and wāhi tapu areas; and

  (ii) has the powers to carry out those functions, including the power to be a heritage protection authority under Part 8 of the Resource Management Act 1991; and

(c) in section 22, that Heritage New Zealand Pouhere Taonga has the power to delegate functions and powers to the Māori Heritage Council continued by section 26; and

(d) in sections 27 and 28, for the functions and powers of that Council to ensure the appropriate protection of wāhi tūpuna, wāhi tapu, wāhi tapu areas, historic places, and historic areas of interest to Māori; and

(e) in section 39, for the power of Heritage New Zealand Pouhere Taonga to enter into heritage covenants over wāhi tūpuna, wāhi tapu, and wāhi tapu areas; and

(f) in sections 46, 49, 51, 56, 57, 62, 64, and 67, for the measures that are appropriate to support processes and decisions relating to sites that are of interest to Māori or to places on Māori land; and

(g) in sections 66, 68, 69, 70, 72, and 78, for a power for the Council to enter, or to determine applications to enter, wāhi tūpuna, wāhi tapu, and wāhi tapu areas on the New Zealand Heritage List/Rārangi Kōrero, and to review or remove such entries; and

(h) in section 74, a power for the Council to make recommendations to relevant local authorities in respect of wāhi tapu areas entered on the New Zealand Heritage List/Rārangi Kōrero under Part 4 and a duty on local authorities to have particular regard to such recommendations; and

(i) in sections 75 and 82, requirements that the Council (and in section 82, the Minister of Māori Affairs) be consulted in certain circumstances relating to the New Zealand Heritage List/Rārangi Kōrero and the Landmarks list respectively.

Section 7(b)(ii): amended, on 23 December 2023, by section 6 of the Resource Management (Natural and Built Environment and Spatial Planning Repeal and Interim Fast-track Consenting) Act 2023 (2023 No 68).

8 Act binds the Crown

This Act binds the Crown.

Part 2
Heritage New Zealand Pouhere Taonga and Māori Heritage Council

Subpart 1—Heritage New Zealand Pouhere Taonga

Establishment of governance body

9 Heritage New Zealand Pouhere Taonga

(1) This section establishes Heritage New Zealand Pouhere Taonga.

(2) Heritage New Zealand Pouhere Taonga is the same body corporate as the New Zealand Historic Places Trust (Pouhere Taonga) continued under section 38(1) of the Historic Places Act 1993.

(3) Heritage New Zealand Pouhere Taonga is a Crown entity for the purposes of section 7 of the Crown Entities Act 2004.

(4) The Crown Entities Act 2004 applies to Heritage New Zealand Pouhere Taonga except to the extent that this Act expressly provides otherwise.

10 Governing body of Heritage New Zealand Pouhere Taonga

(1) The governing body of Heritage New Zealand Pouhere Taonga is the Board, which comprises 8 persons appointed by the Minister, 1 of whom is to be appointed as the chairperson of the Board.

(2) The persons appointed must, collectively, have the appropriate skills, knowledge, or cultural background to assist Heritage New Zealand Pouhere Taonga to perform its functions.

(3) At least 3 persons must be appointed who, in the opinion of the Minister (after consulting the Minister of Māori Affairs), are qualified for appointment having regard to their knowledge of te ao Māori (Māori world view) and tikanga Māori (Māori protocol and culture).

(4) The appointments must be made in accordance with the Crown Entities Act 2004.

11 Power of Minister to appoint special adviser to Board

(1) The Minister may appoint the chief executive as a special adviser to the Board.

(2) The purpose of the appointment is to facilitate the exchange of information between the Minister and the Board on matters of Government policy relevant to the Board in performing its functions and exercising its powers under this Act.

(3) The special adviser must not give directions or seek to influence decisions of the Board.

12 Status of special adviser

(1) The special adviser appointed under section 11 is not a member of the Board, but may attend the meetings of the Board.

(2) The special adviser may also attend meetings of any committees of the Board, but is not a member of a committee.

(3) For the purposes of subsections (1) and (2), the special adviser must be given—

(a) reasonable notice of the time and place of every meeting of the Board and of its committees; and

(b) any written material or documents that relate to matters to be considered at a meeting.

(4) The notices and material or documents required by subsection (3) must be provided to the special adviser,—

(a) in the case of meetings of the Board, by the chairperson or deputy chairperson (if there is one), or the member or members calling the meeting; and

(b) in the case of meetings of a committee, by the member or members calling the meeting.

Functions and powers

13 Functions of Heritage New Zealand Pouhere Taonga

(1) In order to achieve the purpose of this Act, the functions of Heritage New Zealand Pouhere Taonga are—

(a) to identify, record, investigate, assess, list, protect, and conserve historic places, historic areas, wāhi tūpuna, wāhi tapu, and wāhi tapu areas or enter such places and areas on the New Zealand Heritage List/Rārangi Kōrero, or to assist in doing those things, keeping permanent records of that work, and providing support for persons with a legal or equitable interest in such places and areas:

(b) to continue and maintain the New Zealand Heritage List/Rārangi Kōrero:

(c) to advocate the conservation and protection of historic places, historic areas, wāhi tūpuna, wāhi tapu, and wāhi tapu areas:

(d) to foster public interest and involvement in historic places and historic areas and in identifying, recording, investigating, assessing, protecting, and conserving them, maintaining the New Zealand Heritage List/Rārangi Kōrero, and entering such places on that list:

(e) to issue authorities in accordance with this Act:

(f) to manage, administer, and control historic places, buildings, and other property owned or controlled by Heritage New Zealand Pouhere Taonga or vested in it to ensure their protection, preservation, and conservation:

(g) in the event of a national or local emergency or a national or local transition period (under the Civil Defence Emergency Management Act 2002), to provide advice on heritage matters:

(h) to establish and maintain a list of places of outstanding national heritage value, to be called the National Historic Landmarks/Ngā Manawhenua o Aotearoa me ōna Kōrero Tūturu:

(i) to act as a heritage protection authority under Part 8 of the Resource Management Act 1991 for the purposes of protecting—

(i) the whole or part of a historic place, historic area, wāhi tūpuna, wāhi tapu, or wāhi tapu area; and

(ii) land surrounding the historic place, historic area, wāhi tūpuna, wāhi tapu, or wāhi tapu area that is reasonably necessary to ensure the protection and reasonable enjoyment of the historic place, historic area, wāhi tūpuna, wāhi tapu, or wāhi tapu area.

(2) In performing its function under subsection (1)(c), Heritage New Zealand Pouhere Taonga must recognise the interests of an owner, as far as those interests are known, in a particular historic place, historic area, wāhi tūpuna, wāhi tapu, or wāhi tapu area.

(3) The Minister must not give directions to Heritage New Zealand Pouhere Taonga that concern heritage matters relating to particular historic places, historic areas, wāhi tūpuna, wāhi tapu, or wāhi tapu areas.

(4) However, subsection (3) does not apply to the powers of the Minister under subpart 2 of Part 4 (which provides for the creation and maintenance of the Landmarks list).

Section 13(1)(g): amended, at 9.59 pm on 29 November 2016, by section 42 of the Civil Defence Emergency Management Amendment Act 2016 (2016 No 88).

Section 13(1)(i): amended, on 23 December 2023, by section 6 of the Resource Management (Natural and Built Environment and Spatial Planning Repeal and Interim Fast-track Consenting) Act 2023 (2023 No 68).

14 Powers of Heritage New Zealand Pouhere Taonga

(1) Heritage New Zealand Pouhere Taonga has the powers necessary to—

(a) advocate its interests at any public forum or in any planning process in which it has standing under an Act:

(b) identify, record, investigate, assess, protect, enter on the New Zealand Heritage List/Rārangi Kōrero, and conserve historic places, historic areas, wāhi tūpuna, wāhi tapu, or wāhi tapu areas, or assist any person or organisation to do 1 or more of those things:

(c) acquire, restore, conserve, and manage historic places and historic areas, or assist any person or organisation to do 1 or more of those things:

(d) assist any person or organisation to acquire, restore, conserve, or manage any wāhi tūpuna, wāhi tapu, or wāhi tapu area:

(e) erect suitable signs and notices on historic places and historic areas, subject to the consent of the owner first being obtained, in the case of any historic place or historic area not owned or controlled by Heritage New Zealand Pouhere Taonga or vested in it:

(f) enter into agreements with local authorities, corporations, societies, individuals, or other controlling bodies for the management, maintenance, and preservation of any historic place or historic area or, where appropriate, wāhi tūpuna, wāhi tapu, or wāhi tapu area:

(g) in relation to any land or buildings owned or controlled by Heritage New Zealand Pouhere Taonga or vested in it, make them accessible to the public, charge fees for admission, lease or let them, or use them for any suitable purpose:

(h) promote or supervise the investigation of a historic place or historic area or, where appropriate, of a wāhi tūpuna, wāhi tapu, or wāhi tapu area:

(i) provide information relating to a historic place or historic area or, where appropriate, to a wāhi tūpuna, wāhi tapu, or wāhi tapu area:

(j) charge for services provided by Heritage New Zealand Pouhere Taonga under this Act, including—

(i) processing applications received by Heritage New Zealand Pouhere Taonga:

(ii) carrying out investigations:

(iii) producing, acquiring, and marketing products:

(iv) providing information:

(k) in accordance with any regulations made under section 99, discount administrative charges imposed under paragraph (j)(i) and (ii), if Heritage New Zealand Pouhere Taonga does not process an application within the time prescribed by this Act:

(l) take appropriate enforcement or restraining action under subpart 1 of Part 5:

(m) carry out the functions and perform the duties conferred or imposed on it by this Act or under any other enactment.

(2) In exercising its power under subsection (1)(a), Heritage New Zealand Pouhere Taonga must recognise the interests of an owner, as far as those interests are known, in a particular historic place, historic area, wāhi tūpuna, wāhi tapu, or wāhi tapu area.

(3) Nothing in this Act requires Heritage New Zealand Pouhere Taonga to negotiate or agree with any person to acquire any land or interest in land.

(4) No interest in land may be regarded as having been taken or injuriously affected and no compensation is payable by reason only of any provision of this Act.

15 Rights of entry onto land

(1) Any employee of, or person authorised by, Heritage New Zealand Pouhere Taonga may enter onto any land, with any assistance reasonably necessary (such as persons, vehicles, machinery, or equipment), for the purposes of—

(a) carrying out an investigation under section 57 to determine whether there is an archaeological site on the land and whether an authority is necessary:

(b) obtaining information as to the significance of an archaeological site so as to decide whether to impose a condition on an authority under section 52:

(c) locating, recording, or inspecting any historic place for the purposes of Part 3 or Part 4.

(2) The owner, occupier, or applicant must not obstruct any investigation, locating, recording, or inspection of, or the obtaining of information about, a historic place undertaken under subsection (1).

(3) If an application is granted under section 48(1) subject to a condition of the kind referred to in section 52, an employee of Heritage New Zealand Pouhere

Taonga or a person authorised by Heritage New Zealand Pouhere Taonga may enter onto the land to assess the site, with any assistance reasonably necessary, and the owner, occupier, or applicant must not obstruct that assessment.

(4) The power conferred by subsections (1) and (3) includes a power to locate, record, or inspect any historic place and to do everything reasonably necessary for the exercise of that power, including affixing any pegs, marks, or poles to the place or taking samples of materials associated with the place.

(5) The power to enter onto land conferred by subsection (1) or (3) is subject to the following conditions:

(a) entry onto the land must be made only by an employee of Heritage New Zealand Pouhere Taonga or a person authorised by Heritage New Zealand Pouhere Taonga in writing:

(b) reasonable notice of the intention to enter must be given:

(c) entry may only be made at reasonable times:

(d) the person entering must carry and produce evidence of his or her authority and identity on initial entry (and subsequently if required):

(e) if the owner or occupier is not present at the time of entry, the person exercising the power of entry must leave advice of the entry in a place where it can easily be seen by the owner or occupier.

(6) This section does not authorise an employee of Heritage New Zealand Pouhere Taonga or a person authorised by Heritage New Zealand Pouhere Taonga to enter any dwelling, except on the authority of a warrant issued by a District Court Judge.

(7) If the Judge is satisfied on oath that it is reasonably necessary that the dwelling be entered, the Judge may issue a warrant to the employee of Heritage New Zealand Pouhere Taonga or a person authorised for the purpose by Heritage New Zealand Pouhere Taonga.

(8) A warrant issued under subsection (7) must expire no later than the date that is 14 days after it is issued.

(9) In this section, **applicant** means a person who has applied for an authority under section 44, 56, or 61 in respect of the relevant site.

General policy requirements

16 Statements of general policy

(1) As soon as is reasonably practicable after the commencement of this Act, Heritage New Zealand Pouhere Taonga must confirm the statements of general policy adopted by the New Zealand Historic Places Trust under section 57 of the Historic Places Act 1993 before the commencement of this Act for the management, administration, control, and use of the historic places owned or controlled by, or vested in, Heritage New Zealand Pouhere Taonga.

(2) Not later than 18 months after the commencement of this Act, Heritage New Zealand Pouhere Taonga must consult on and adopt 1 or more statements of general policy for each of the matters listed in section 17(1)(b).

(3) In the case of the requirement under subsection (1) to confirm the adoption of existing statements of general policy relating to historic places, Heritage New Zealand Pouhere Taonga may—

(a) by resolution adopt the statements as the general policy statements of Heritage New Zealand Pouhere Taonga and must comply with section 17(4); or

(b) propose any amendments that it considers necessary or desirable to any part of a statement, in compliance with the provisions of section 17, unless Heritage New Zealand Pouhere Taonga resolves on reasonable grounds that those procedures need not be followed.

(4) In the case of a statement of general policy required under subsection (2), Heritage New Zealand Pouhere Taonga must comply with section 17.

(5) In this section and section 17, **historic place** includes any chattel or object or class of chattel or object entered in the New Zealand Heritage List/Rārangi Kōrero for that place.

17 Procedures for adopting policy statements

(1) A statement of general policy prepared by Heritage New Zealand Pouhere Taonga after the commencement of this Act must—

(a) be prepared in draft form; and

(b) state the general policy—

(i) for the administration of archaeological sites under subparts 2 and 3 of Part 3 and subpart 2 of Part 4; and

(ii) for the historic places owned or controlled by, or vested in, Heritage New Zealand Pouhere Taonga; and

(iii) for the administration of the New Zealand Heritage List/Rārangi Kōrero; and

(iv) for the administration of the Landmarks list; and

(v) for the statutory role of advocacy conferred on Heritage New Zealand Pouhere Taonga by section 13(1)(c) and on the Council by section 27(1)(i).

(2) Before adopting a statement, Heritage New Zealand Pouhere Taonga must—

(a) give public notice of the availability of the draft statement for public inspection; and

(b) invite persons and organisations to lodge written comments on the draft statement with Heritage New Zealand Pouhere Taonga before a date

specified in the public notice, which must not be less than 40 working days after the date of publication of the notice; and

(c) make the draft statement available for public inspection free of charge during usual business hours at the principal office of Heritage New Zealand Pouhere Taonga in Wellington and at its regional offices and on its Internet site; and

(d) submit the draft statement to the Minister.

(3) Heritage New Zealand Pouhere Taonga must consider any comments received and review the draft statement before adopting it as a statement of general policy.

(4) A statement must, while it is current, be available for public inspection free of charge during usual business hours at the principal office of Heritage New Zealand Pouhere Taonga in Wellington and at its regional offices and on its Internet site.

(5) Each statement of general policy adopted by Heritage New Zealand Pouhere Taonga must be reviewed by Heritage New Zealand Pouhere Taonga not later than 10 years after its adoption, in accordance with subsections (1) to (4).

18 Amendments to general policy statements

(1) Heritage New Zealand Pouhere Taonga may amend a statement of general policy adopted under section 17 as necessary to adapt the statement to changing circumstance or in accordance with increased knowledge.

(2) If a statement of general policy is amended, section 17(2) and (3) apply, unless the Board resolves on reasonable grounds that those provisions need not be followed.

19 Conservation plans

(1) Heritage New Zealand Pouhere Taonga may, if it considers it appropriate to do so, adopt a conservation plan for any historic place owned or controlled by Heritage New Zealand Pouhere Taonga or vested in it.

(2) Sections 17 and 18 apply, with the necessary modifications, to conservation plans.

20 Duty to act consistently with general policy and plans

(1) Heritage New Zealand Pouhere Taonga must not act inconsistently with a statement of general policy adopted under section 17 or a conservation plan adopted under section 19 unless the Board resolves on reasonable grounds that an action may be taken that is inconsistent with a statement of general policy or a conservation plan.

(2) No person may require Heritage New Zealand Pouhere Taonga to implement a statement of general policy or a conservation plan.

(3) Failure by Heritage New Zealand Pouhere Taonga to comply with a statement of general policy or a conservation plan does not affect the validity or enforceability of a deed, contract, agreement, right, authority, or obligation entered into, obtained, granted, or incurred by Heritage New Zealand Pouhere Taonga.

(4) In this section, a reference to Heritage New Zealand Pouhere Taonga includes the Māori Heritage Council.

Procedural matters for Heritage New Zealand Pouhere Taonga

21 Delegations

Despite section 73 of the Crown Entities Act 2004, the Board must not delegate the power to—

(a) enter into a heritage covenant under section 39:

(b) declare an archaeological site under section 43(1):

(c) grant an authority under section 48, if the costs of an investigation or scientific investigation are likely to exceed $100,000:

(d) confirm entries on the New Zealand Heritage List/Rārangi Kōrero under section 73(1)(a):

(e) vary an entry on, or remove an entry from, the New Zealand Heritage List/Rārangi Kōrero under section 78:

(f) acquire or dispose of real property:

(g) borrow money:

(h) adopt any statement of general policy under section 17:

(i) adopt a conservation plan under section 19:

(j) give notice to a territorial authority of a requirement for a heritage order under Part 8 of the Resource Management Act 1991, unless the delegation is one that must be jointly exercised by any 2 of the following persons:

(i) the chairperson:

(ii) 1 Board member:

(iii) the chief executive of Heritage New Zealand Pouhere Taonga.

Section 21(j): amended, on 23 December 2023, by section 6 of the Resource Management (Natural and Built Environment and Spatial Planning Repeal and Interim Fast-track Consenting) Act 2023 (2023 No 68).

22 Delegations to Māori Heritage Council

(1) The Board may, in writing, delegate to the Council any of its functions and powers other than those set out in section 21.

(2) Clause 14(1)(b) of Schedule 5 of the Crown Entities Act 2004 does not limit subsection (1).

(3) Subject to any general or special directions given by the Board, the Council may carry out the functions and exercise the powers delegated under subsection (1) in the same manner and with the same effect as if they had been conferred on the Council directly by this Act and not by delegation.

(4) The Council may delegate a function or power delegated under this section, but only—

(a) with the prior written consent of the Board; and

(b) subject to the same restrictions, and with the same effect, as if the subdelegate were the delegate.

(5) If the Council purports to act in accordance with a delegation under this section, the Council—

(a) is, in the absence of proof to the contrary, presumed to be acting in accordance with the terms of the delegation; and

(b) must, if reasonably requested to do so, produce evidence of its authority to act in accordance with the delegation.

(6) A delegation under this section is revocable at will and does not prevent the Board from carrying out a function or exercising a power.

23 Rules

The Board may, by resolution, make rules that are not incompatible with this Act, the Crown Entities Act 2004, or the Fast-track Approvals Act 2024 for the following purposes:

(a) regulating the proceedings of the Board and the Council:

(b) providing for the custody of the property of Heritage New Zealand Pouhere Taonga and the use of its common seal:

(c) other purposes that Heritage New Zealand Pouhere Taonga considers necessary or expedient for properly carrying out its functions and exercising its powers, including in relation to the Council.

Section 23: amended, on 24 December 2024, by section 121 of the Fast-track Approvals Act 2024 (2024 No 56).

Names protected

24 Protection of names

(1) No body may be incorporated or registered under any other enactment or in any other manner under any of the following names:

(a) Heritage New Zealand Pouhere Taonga, Heritage NZ, or Heritage New Zealand:

(b) Historic Places Trust, New Zealand Historic Places Trust, NZHPT, or New Zealand Historic Places Trust (Pouhere Taonga):

(c) Pouhere Taonga:

(d) Māori Heritage Council:

(e) any other name that so resembles a name listed in this subsection as to be likely to mislead a person.

(2) No person or body other than Heritage New Zealand Pouhere Taonga may, either alone or with another person or body, operate or carry on activities under a name listed or described in subsection (1).

(3) Subsections (1) and (2) do not apply to a body that, immediately before the commencement of this Act, included a name listed in subsection (1)(a) to (e).

Taxation

25 Exemption from taxation

The income of Heritage New Zealand Pouhere Taonga is exempt from income tax.

Subpart 2—Māori Heritage Council

26 Māori Heritage Council continued

(1) This section continues the Māori Heritage Council established by section 84 of the Historic Places Act 1993.

(2) The Council consists of 8 persons appointed by the Minister as follows:

(a) 4 members of the Board, at least 3 of whom must be persons appointed under section 10(3); and

(b) 4 persons appointed by the Minister, after consultation with the Minister of Māori Affairs and the Board, who—

(i) are Māori; and

(ii) collectively have the skills, knowledge, or cultural background appropriate to the functions and powers of the Council.

(3) The Minister must, after consultation with the Minister of Māori Affairs, appoint a member of the Council to be the chairperson of the Council.

(4) The chairperson of the Council, if that person is not also a member of the Board, is entitled—

(a) to attend and speak at meetings of the Board, but is not entitled to vote; and

(b) to receive notice in writing of—

(i) every meeting of the Board; and

(ii) the business to be transacted at each meeting.

(5) A member of the Council—

(a) holds office for a term of not more than 3 years; and

(b) may be reappointed; and

(c) continues in office until that person's successor comes into office, unless the member—

(i) vacates or is removed from office; or

(ii) ceases to be a member of the Board, in the case of a member appointed under subsection (2)(a).

Functions and powers

27 Functions of Māori Heritage Council

(1) The Council has the following functions:

(a) to ensure that, in the protection of wāhi tūpuna, wāhi tapu, wāhi tapu areas, and other historic places and historic areas of interest to Māori, Heritage New Zealand Pouhere Taonga meets the needs of Māori in a culturally sensitive manner:

(b) to develop Māori programmes for the identification and conservation of wāhi tūpuna, wāhi tapu, wāhi tapu areas, and historic places and historic areas of interest to Māori, and to inform the Board of all activities, needs, and developments relating to Māori interests in such areas and places:

(c) to assist Heritage New Zealand Pouhere Taonga to develop and reflect a bicultural view in the exercise of its powers and functions:

(d) to develop its own iwi and other consultative and reporting processes and to recommend such processes for adoption by the Board and staff of Heritage New Zealand Pouhere Taonga when dealing with matters of interest to Māori:

(e) to make recommendations to Heritage New Zealand Pouhere Taonga on applications referred by Heritage New Zealand Pouhere Taonga under section 49(1)(a) that relate to sites of interest to Māori:

(f) to consider and determine suitable applications to enter wāhi tūpuna, wāhi tapu, and wāhi tapu areas on the New Zealand Heritage List/Rārangi Kōrero:

(g) to propose historic places and historic areas of interest to Māori to be entered on the New Zealand Heritage List/Rārangi Kōrero:

(h) to make recommendations to Heritage New Zealand Pouhere Taonga on applications for resource consents referred by Heritage New Zealand Pouhere Taonga under section 75:

(i) to advocate the interests of Heritage New Zealand Pouhere Taonga and the Council so far as they relate to matters of Māori heritage at any public or Māori forum:

(j) to perform the functions delegated to the Council by the Board:

(k) to perform the other functions imposed on the Council by this Act or any other Act.

(2) In performing its functions under subsection (1)(i), the Council must recognise the interests of an owner, as far as those interests are known, in a particular historic place, historic area, wāhi tūpuna, wāhi tapu, or wāhi tapu area.

28 Powers of Māori Heritage Council

(1) The Council has the powers that are reasonably necessary or expedient to enable it to carry out its functions.

(2) Without limiting the generality of subsection (1), the Council may,—

(a) as the Council considers appropriate, appoint committees with members who may be, but are not necessarily, members of the Council:

(b) delegate any functions of the Council under this Act to the chairperson, deputy chairperson, or to any committee of the Council, or the chief executive of Heritage New Zealand Pouhere Taonga.

Governance provisions

29 Deputy chairperson of Council

(1) The Council must elect 1 of its members to be the deputy chairperson as follows:

(a) at the first meeting of the Council after the commencement of this Act; and

(b) at the first meeting of the Council held after the 30th day of June in each year; and

(c) at the first meeting of the Council held after a vacancy has arisen in the office of the deputy chairperson.

(2) The deputy chairperson holds office while he or she continues to be a member of the Council until a successor is appointed in accordance with subsection (1), and may be reappointed.

(3) The deputy chairperson must perform all of the functions and duties and exercise all of the powers of the chairperson,—

(a) with the consent of the chairperson, at any time during the temporary absence of the chairperson; or

(b) without that consent, at any time while the chairperson is temporarily incapacitated or prevented by illness or other cause from performing the functions and duties of his or her office; or

(c) while there is any vacancy in the office of chairperson.

30 Resignation or removal from office

(1) Any member of the Council may resign from office at any time by notice to the Minister.

(2) Any member may be removed from office at any time by the Minister if that member is unable to perform the functions of the office, is bankrupt, neglects his or her duty, is guilty of misconduct (if proved to the satisfaction of the Minister), or is convicted of an offence relating to historic places.

31 Leave of absence

(1) The Council may give leave of absence to any member.

(2) A member is deemed to have vacated office if he or she is absent from 3 consecutive meetings of the Council without its leave.

32 Co-opted members

(1) Subject to subsection (2), where leave of absence has been given to any member, the Council may co-opt a person to be a co-opted member of the Council.

(2) In the case of a Council member appointed under section 26(2)(a), any co-opted Board member during that leave of absence also becomes a co-opted member of the Council for the period of absence.

(3) The term of office of a member co-opted under subsection (1) or (2) ceases when—

(a) the leave of absence of the original member expires; or

(b) that member vacates, or is removed from, office.

33 Extraordinary vacancies

(1) The vacancy that occurs if a member dies, resigns from office, or is removed from office by the Minister is an extraordinary vacancy.

(2) An extraordinary vacancy must be filled in the same manner as that of the person whose office has become vacant.

(3) A person who fills an extraordinary vacancy holds office for the remainder of the term for which his or her predecessor was to hold office.

34 Powers of Council not affected by vacancies

The powers of the Council are not affected by any vacancy in the membership of the Council.

35 Meetings of Council

(1) The chairperson of the Council must preside at all meetings of the Council at which he or she is present.

(2) If both the chairperson and the deputy chairperson are absent from any meeting, the members present must all appoint one of their number to be the chairperson of that meeting.

(3) Meetings of the Council are to be held at the times and places that the Council or its chairperson appoints.

(4) Subject to subsection (5), the chairperson—

(a) may at any time call a special meeting of the Council; and

(b) must call a special meeting of the Council whenever requested to do so in writing by 2 or more members of the Council.

(5) Each member for the time being in New Zealand must be given not less than 5 working days' notice of every special meeting and of the business to be transacted at that meeting, and no business other than that specified in the notice may be transacted at that meeting.

(6) At all meetings of the Council, 4 members, of whom 2 must be members of the Board, constitute a quorum.

(7) The decision of the Council on any matter is determined by a majority of the valid votes recorded on the matter.

(8) At any meeting of the Council, the person for the time being acting as the chairperson has a deliberative vote and, in the case of an equality of votes, also has a casting vote.

(9) If a meeting is not convened, a resolution signed or assented to in writing by all members (whether sent by post, registered post, personal delivery, or electronic transmission) is as valid and effectual as if it had been passed at a meeting of the Council duly called and constituted.

(10) A resolution may consist of several documents containing the same resolution, each signed or assented to in writing by 1 or more members.

(11) Subject to this Act and the rules of Heritage New Zealand Pouhere Taonga made under section 23, the Council may regulate its own procedure.

36 Chairperson of Board entitled to attend meetings of Council

(1) Notice in writing of every meeting of the Council and of the business proposed to be transacted at that meeting must be given to the chairperson of the Board.

(2) The chairperson or, in his or her absence, the deputy chairperson of the Board (if any), if that person is not also a member of the Council, is entitled—

(a) to attend and speak at meetings of the Council, but is not entitled to vote; and

(b) to receive notice in writing of—

(i) every meeting of the Council; and

(ii) the business to be transacted at each meeting.

37 Proceedings not affected by certain irregularities

The acts and proceedings of the Council, or of any person acting as a member of the Council, are not invalidated—

(a) by a vacancy in the membership of the Council at the time of the act or proceeding; or

(b) because of the subsequent discovery that there was some defect in the appointment of any person so acting or that he or she was ineligible, or had ceased, to be a member.

38 Application of Crown Entities Act 2004 to Council

(1) The following provisions of the Crown Entities Act 2004 apply to each member of the Council who is not a member of the Board as if those members were a committee of Heritage New Zealand Pouhere Taonga appointed under clause 14 of Schedule 5 of the Crown Entities Act 2004:

(a) sections 43, 57, and 77, and sections 120 to 126 (which relate to immunities and indemnities); and

(b) sections 135, 152(1)(e) and (f), 152(2), 189, and 190 (which provide for the status of members as officials and for disclosure and transitional arrangements); and

(c) section 48 (which relates to the payment of the expenses of members).

(2) Sections 62 to 72 of the Crown Entities Act 2004 (which relate to conflict of interest, disclosure, and protection of third-party interests) apply to each member of the Council who is not a member of the Board as if the member were a member of the Board.

Part 3
Protection of places and areas of historical and cultural value

Subpart 1—Heritage covenants

39 Heritage covenants

(1) Heritage New Zealand Pouhere Taonga may enter into a heritage covenant with the owner of a historic place, historic area, wāhi tūpuna, wāhi tapu, or wāhi tapu area to provide for the protection, conservation, and maintenance of the place, area, wāhi tūpuna, wāhi tapu, or wāhi tapu area.

(2) A heritage covenant may—

(a) include the terms and conditions that the parties think fit, including provision for public access:

(b) state that it has effect in perpetuity or for any specified term, or may be expressed to terminate on the happening of a specific event or events:

(c) be varied or cancelled by agreement between the parties.

(3) Before a heritage covenant may be entered into, consent is required from—

(a) the owner of the land; and

(b) any other person having a registered interest in the land.

(4) Sections 316 to 318 of the Property Law Act 2007 (which enable the cancellation or modification of easements and covenants by court order) do not apply to a heritage covenant entered into under this section in accordance with this Act.

(5) In this section, **land**—

(a) means the land to which a heritage covenant relates; and

(b) includes, in the case of a building or structure that is the subject of the covenant, the land on which the building or structure is located.

40 Effect of heritage covenant

(1) A heritage covenant has effect according to its terms but is subject to this Act.

(2) To avoid doubt,—

(a) entering into a heritage covenant does not prevent Heritage New Zealand Pouhere Taonga from exercising any powers under this Act or the Resource Management Act 1991 in relation to the historic place, historic area, wāhi tūpuna, wāhi tapu, or wāhi tapu area to which the covenant relates; and

(b) a heritage covenant does not permit a person to carry out an action contrary to this Act.

Section 40(2)(a): amended, on 23 December 2023, by section 6 of the Resource Management (Natural and Built Environment and Spatial Planning Repeal and Interim Fast-track Consenting) Act 2023 (2023 No 68).

41 Registrar-General of Land must register instruments

(1) A heritage covenant—

(a) is an instrument that creates an interest in land within the meaning of section 51 of the Land Transfer Act 2017; and

(b) may be registered accordingly; and

(c) when registered under the Land Transfer Act 2017,—

(i) runs with the land; and

(ii) binds all subsequent owners of the land.

(2) If a heritage covenant applies to land that comprises part of the land in a record of title, the Registrar-General of Land may require the deposit of a plan in accordance with section 224 of the Land Transfer Act 2017.

(3) If a provision of a heritage covenant registered under the Land Transfer Act 2017 is varied or cancelled by agreement under section 39(2)(c), or has expired, the Registrar-General of Land must make an entry in the register noting that the heritage covenant has been varied or cancelled or has expired.

(4) As the case may require, the provisions of the covenant—

(a) take effect as varied; or

(b) cease to have effect.

Section 41(1)(a): amended, on 12 November 2018, by section 250 of the Land Transfer Act 2017 (2017 No 30).

Section 41(1)(c): amended, on 12 November 2018, by section 250 of the Land Transfer Act 2017 (2017 No 30).

Section 41(2): amended, on 12 November 2018, by section 250 of the Land Transfer Act 2017 (2017 No 30).

Section 41(3): amended, on 12 November 2018, by section 250 of the Land Transfer Act 2017 (2017 No 30).

Subpart 2—Archaeological sites

Overarching protection for archaeological sites

42 Archaeological sites not to be modified or destroyed

(1) Unless an authority is granted under section 48, 56(1)(b), or 62 in respect of an archaeological site, no person may modify or destroy, or cause to be modified or destroyed, the whole or any part of that site if that person knows, or ought reasonably to have suspected, that the site is an archaeological site.

(2) Subsection (1) applies whether or not an archaeological site is a recorded archaeological site or is entered on—

(a) the New Zealand Heritage List/Rārangi Kōrero under subpart 1 of Part 4; or

(b) the Landmarks list made under subpart 2 of Part 4.

(3) Despite subsection (1), an authority is not required to permit work on a building that is an archaeological site unless the work will result in the demolition of the whole of the building.

43 Declaration of archaeological site

(1) Heritage New Zealand Pouhere Taonga may, on reasonable grounds, declare any place to be an archaeological site if the place—

(a) was associated with human activity in or after 1900 or is the site of the wreck of any vessel where that wreck occurred in or after 1900; and

(b) provides, or may be able to provide, through investigation by archaeological methods, significant evidence relating to the historical and cultural heritage of New Zealand.

(2) A declaration under subsection (1) must be made—

(a) by notice in the *Gazette*; and

(b) by public notice.

(3) As soon as practicable after a declaration is made, Heritage New Zealand Pouhere Taonga must give a notice setting out the terms of the declaration—

(a) to the affected owner (and the occupier, if different from the owner); and

(b) to every other person with a registered interest in the site; and

(c) to the relevant local authorities; and

(d) to the appropriate iwi or hapū.

Applications

44 Applications for authorities

The following applications may be made by any person to Heritage New Zealand Pouhere Taonga:

(a) an application for an authority to undertake an activity that will or may modify or destroy the whole or any part of any archaeological site or sites within a specified area of land, whether or not a site is a recorded archaeological site or is entered on the New Zealand Heritage List/Rārangi Kōrero or on the Landmarks list:

(b) an application for an authority to undertake an activity that will or may modify or destroy a recorded archaeological site or sites, if the effects of that activity on a site or sites will be no more than minor, as assessed in accordance with section 47(5):

(c) an application for an authority to conduct a scientific investigation of an archaeological site or sites within a specified area of land, whether or not a site is a recorded archaeological site or is entered on the New Zealand Heritage List/Rārangi Kōrero or on the Landmarks list.

45 Application for approval of person to carry out activity

(1) At any time before an activity in relation to an archaeological site is carried out under an authority, the person applying for the authority (or the holder of an authority) must apply to Heritage New Zealand Pouhere Taonga for approval of any person nominated to undertake the activity under an authority.

(2) A person must not be approved to carry out an activity under subsection (1) unless Heritage New Zealand Pouhere Taonga is satisfied that the person—

(a) has sufficient skill and competency, is fully capable of ensuring that the proposed activity is carried out to the satisfaction of Heritage New Zealand Pouhere Taonga, and has access to appropriate institutional and professional support and resources; and

(b) in the case of a site of interest to Māori—

(i) has the requisite competencies for recognising and respecting Māori values; and

(ii) has access to appropriate cultural support.

(3) If it is necessary at any time, and for any reason, to replace the person approved to carry out an activity under an authority, the holder of the authority

must, by written application to Heritage New Zealand Pouhere Taonga, seek approval for another nominated person to carry out that activity.

(4) Heritage New Zealand Pouhere Taonga must—

(a) determine an application under subsection (1) or (3) in accordance with this section not later than 10 working days after receiving it; and

(b) notify the applicant, and any other person directly affected, of the determination as soon as practicable.

(5) Despite subsection (4)(a), if an application for approval under this section is made concurrently with an application under section 44, the determination and notification of both applications must be made within the relevant time period specified in section 50.

46 Information that must be provided with application for authority

(1) Every application for an authority made under section 44 must be made in writing to Heritage New Zealand Pouhere Taonga in the form and manner prescribed by regulations made under this Act or as may be approved for the purpose by Heritage New Zealand Pouhere Taonga.

(2) An application must include the following information:

(a) a legal description of the land or, if one is not available, a description that is sufficient to identify the land to which the application relates; and

(b) the name of the owner of the relevant land, if the applicant is not the owner of the land; and

(c) proof of consent, if the owner has consented to the proposed activity; and

(d) a description of each archaeological site to which the application relates and the location of each site; and

(e) a description of the activity for which the authority is sought; and

(f) a description of how the proposed activity will modify or destroy each archaeological site; and

(g) except in the case of an application made under section 44(b), an assessment of—

(i) the archaeological, Māori, and other relevant values of the archaeological site in the detail that is appropriate to the scale and significance of the proposed activity and the proposed modification or destruction of the archaeological site; and

(ii) the effect of the proposed activity on those values; and

(h) a statement as to whether consultation with tangata whenua, the owner of the relevant land (if the applicant is not the owner), or any other person likely to be affected—

(i) has taken place, with details of the consultation, including the names of the parties and the tenor of the views expressed; or

(ii) has not taken place, with the reasons why consultation has not occurred.

(3) The application may (but need not) include an application required by section 45.

(4) Before applying under section 44(c) to conduct a scientific investigation of a site of interest to Māori, the applicant must—

(a) have the consent of the appropriate iwi or hapū; and

(b) provide evidence of that consent in the information given under subsection (2).

(5) An applicant who provides the information required under subsection (2) for the purposes of a resource consent application or notice of requirement for a designation under the Resource Management Act 1991 (the **planning application**)—

(a) may provide the same information to Heritage New Zealand Pouhere Taonga as that provided for the planning application under the Resource Management Act 1991; but

(b) must ensure that all of the information required by subsection (2) is also provided.

Section 46(5): amended, on 23 December 2023, by section 6 of the Resource Management (Natural and Built Environment and Spatial Planning Repeal and Interim Fast-track Consenting) Act 2023 (2023 No 68).

Section 46(5)(a): amended, on 23 December 2023, by section 6 of the Resource Management (Natural and Built Environment and Spatial Planning Repeal and Interim Fast-track Consenting) Act 2023 (2023 No 68).

47 Processing of applications for authorities

(1) Not later than 5 working days after receiving an application under section 44, Heritage New Zealand Pouhere Taonga must, if it is satisfied that the application includes all of the information required by section 46,—

(a) determine,—

(i) in the case of an application for an authority made under section 44(a) or (c), whether the assessment required by section 46(2)(g) is adequate:

(ii) in the case of an application for an authority made under section 44(b), whether the effects of the proposed activity are, or are likely to be, no more than minor, assessed in accordance with subsection (5); and

(b) if Heritage New Zealand Pouhere Taonga is satisfied that the application meets the relevant requirements under this subsection, it must—

(i) accept the application; and

(ii) advise the applicant of the latest date by which, in accordance with section 50, notice will be given of the decision on the application.

(2) In the case of an application to which subsection (1)(a)(ii) applies, ensure that an assessment required by section 46(2)(g) is undertaken by or on behalf of Heritage New Zealand Pouhere Taonga in relation to the archaeological site.

(3) If Heritage New Zealand Pouhere Taonga determines that an application does not meet the relevant requirements under subsection (1), it must, within the time specified in that subsection,—

(a) return the application to the applicant, giving written reasons why the application has been returned; and

(b) advise the applicant by notice of what further information is required before the application is able to be accepted.

(4) For the purposes of making a decision under this section, an application that is returned under subsection (3) and submitted with further information must be treated by Heritage New Zealand Pouhere Taonga as a new application.

(5) In the case of an application made under section 44(b), without limiting the matters that Heritage New Zealand Pouhere Taonga may have regard to for the purpose of determining whether an application meets the requirements of subsection (1)(a)(ii) of this section, it must have regard to—

(a) the significance of a site or sites in relation to evidence of the historical and cultural heritage of New Zealand; and

(b) the extent to which the proposed activity will modify or destroy the site or sites.

Determination of applications for authorities

48 Determination

(1) In determining an application made under section 44, Heritage New Zealand Pouhere Taonga may—

(a) grant an authority, in whole or in part, subject to any conditions it sees fit, including conditions that may be imposed under section 52; or

(b) refuse to grant an authority.

(2) Heritage New Zealand Pouhere Taonga must make its determination in accordance with the requirements of sections 49 to 52.

49 Factors relevant to making determination

(1) Before determining an application under section 48, Heritage New Zealand Pouhere Taonga must take the following steps, to the extent that they are relevant to the application being considered:

(a) unless the Board has delegated to the Council under section 22 the power to make determinations in relation to sites of interest to Māori, it must refer to the Council any application that relates to a site of interest to Māori for recommendations that the Council thinks appropriate; and

(b) in the case of an application that relates to a customary marine title area in respect of which a planning document has been lodged with Heritage New Zealand Pouhere Taonga under section 86(1)(b) of the Marine and Coastal Area (Takutai Moana) Act 2011, it must comply with section 89(a) of that Act.

(2) In making a determination, Heritage New Zealand Pouhere Taonga must have regard to the matters set out in section 59(1)(a) (the matters to which the Environment Court must have regard when determining an appeal).

(3) If Heritage New Zealand Pouhere Taonga refers an application to the Council for a recommendation under subsection (1)(a), the Council may consult as it thinks appropriate.

50 Time within which applications to be determined

(1) Heritage New Zealand Pouhere Taonga must make its determination under section 48 (including for any approval required under section 45) and give notice of that determination not later than—

(a) 20 working days after the date on which an application is accepted under section 47(1)(b); or

(b) 30 working days after the date on which an application is accepted under section 47(1)(b), if Heritage New Zealand Pouhere Taonga has decided that it is necessary for it to undertake its own assessment of the Māori values associated with the site to which the application relates; or

(c) 40 working days after the date on which an application is accepted under section 47(1)(b) in any case where, in the opinion of Heritage New Zealand Pouhere Taonga, the complexity of the matter, as established by the assessment required by section 46(2)(g), requires that additional time.

(2) An application under section 44(b) (including for an approval required under section 45) must be determined and notice given of the determination not later than 20 working days after it is accepted under section 47(1)(b)(i).

51 Notification of determination

(1) After determining an application under section 48 or 56, Heritage New Zealand Pouhere Taonga must give notice of its decision to—

(a) the applicant; and

(b) the owner of the relevant land, if the applicant is not the owner; and

(c) the local authorities that have jurisdiction in the relevant area, except a local authority that is the applicant; and

(d) in the case of a site of interest to Māori, the appropriate iwi or hapū; and

(e) the chief executive or the nearest public museum; and

(f) any other person with a right of appeal under section 58.

(2) In this section, **public museum** has the meaning given in section 2(1) of the Protected Objects Act 1975.

Conditions

52 Imposition of conditions on authorities

(1) An authority granted under section 48 may include any conditions, including conditions that—

(a) the consent of the land owner and the holder of any specified registered interest must be obtained before the holder of an authority may enter the relevant site or undertake any activity under that authority; and

(b) the site must be returned as nearly as possible to its former state (unless otherwise agreed between the owner of the land on which the site is located and Heritage New Zealand Pouhere Taonga); and

(c) any activity undertaken at the site under the authority must conform to accepted archaeological practice; and

(d) Heritage New Zealand Pouhere Taonga, or the person approved under section 45 to carry out an activity, must provide a report as soon as practicable after its completion to—

(i) the holder of the authority; and

(ii) the owner of the archaeological site concerned, if different from the holder; and

(iii) Heritage New Zealand Pouhere Taonga, unless Heritage New Zealand Pouhere Taonga prepared the report.

(2) Heritage New Zealand Pouhere Taonga may impose a condition requiring an investigation, but only if is satisfied on reasonable grounds that the investigation is likely to provide significant information in relation to the historical and cultural heritage of New Zealand.

53 Review of conditions of authority

(1) At any time while an authority that is subject to conditions imposed under section 52 is current,—

(a) the holder of the authority may apply to Heritage New Zealand Pouhere Taonga for a change to, or cancellation of, any of the conditions imposed on the authority; or

(b) Heritage New Zealand Pouhere Taonga may initiate a review of the conditions of the authority.

(2) The holder of an authority must ensure that all activities being carried out under the authority, or such work as is specified by Heritage New Zealand Pouhere Taonga, is ceased immediately if, as appropriate,—

(a) an application is made under subsection (1)(a); or

(b) Heritage New Zealand Pouhere Taonga gives notice under subsection (6)(a) of its intention to initiate a review.

(3) An application under subsection (1)(a) must include—

(a) the details of the authority and the area of land to which it applies; and

(b) the conditions in respect of which a change or cancellation is sought; and

(c) the reasons for the application.

(4) Not later than 5 working days after the application under subsection (1)(a) is received, Heritage New Zealand Pouhere Taonga must—

(a) determine whether it meets the requirements of subsection (3); and

(b) give notice to the applicant of that determination and return the application to the applicant, with written reasons, if the application does not meet the requirements.

(5) If the application meets the requirements, Heritage New Zealand Pouhere Taonga must, within 20 working days after receiving the application,—

(a) consider and determine the application as if it were an application for an authority; and

(b) give notice to the applicant, with written reasons, of its determination.

(6) If Heritage New Zealand Pouhere Taonga initiates a review under subsection (1)(b), the following provisions apply:

(a) Heritage New Zealand Pouhere Taonga must give notice to the holder of the authority that it will initiate a review, stating—

(i) which conditions are to be reviewed; and

(ii) the reasons for the review; and

(b) the holder may, not later than 20 working days after the date of the notice given under paragraph (a), provide a written submission to Heritage New Zealand Pouhere Taonga on the proposed review of the conditions of the authority; and

(c) Heritage New Zealand Pouhere Taonga must—

(i) consider any submissions received under paragraph (b) before making its determination; and

(ii) not later than 20 working days after the last date for providing a submission under that paragraph, determine the review and give notice of its determination to the holder.

(7) Sections 48 and 52 apply to a determination made under subsection (5) or (6), with any necessary modifications.

(8) In determining a review under subsection (6)(c), Heritage New Zealand Pouhere Taonga may—

(a) change or cancel any conditions:

(b) make no change to the conditions.

Consequences of grant of authority

54 Commencement and duration of authorities

(1) An authority granted under section 48 or 56 commences when—

(a) the time for lodging an appeal under section 58 expires and—

(i) no appeals have been lodged; or

(ii) any appeals have been withdrawn; or

(b) the Environment Court determines any appeals.

(2) Subsection (1) applies subject to a later date being specified—

(a) in the authority; or

(b) by the Environment Court.

(3) If an authority is granted before the land owner's consent to a proposed activity has been obtained, the authority does not commence until the consent of the owner has been obtained and notified to Heritage New Zealand Pouhere Taonga.

(4) An authority is current—

(a) for a period not exceeding 35 years, as specified in the authority; or

(b) if no period is specified, for a period of 5 years from the date that the authority commences, which must not be more than 30 years after the authority is granted.

(5) On the applicable date, the authority expires.

55 Effect of grant of authority by Heritage New Zealand Pouhere Taonga

(1) An authority, for the time that it is current,—

(a) runs with the land to which it applies; and

(b) is not affected by any change in the ownership of the land or in the lease or licence under which the land is held.

(2) The owner of land over which a current authority applies must, before any change of ownership,—

(a) give notice to Heritage New Zealand Pouhere Taonga of that change; and

(b) advise the successor in title—

(i) that an authority applies in relation to the land; and

(ii) of the conditions of the authority; and

(iii) of the terms of any consent of the owner.

Exploratory investigations

56 Exploratory investigation of site or locality

(1) Heritage New Zealand Pouhere Taonga may, as far as it is consistent with the purpose of this Act,—

(a) carry out an exploratory investigation of any site or locality:

(b) authorise in writing persons who apply to carry out an exploratory investigation of any site or locality, subject to the conditions it thinks fit.

(2) An application made under subsection (1)(b) need include only the information required by section 46(2)(a) to (e) and (h).

(3) In considering an application under subsection (1)(b), Heritage New Zealand Pouhere Taonga must—

(a) refer to the Council any application that relates to a site of interest to Māori for a recommendation that the Council thinks appropriate (unless there has been a delegation to the Council under section 22); and

(b) take into account—

(i) the nature and purpose of the proposed exploratory investigation; and

(ii) whether the person has adequate skills to carry out that investigation; and

(iii) whether the person has appropriate access to institutional and professional support and resources; and

(c) have regard to any statutory acknowledgement in respect of an archaeological site to which the application relates; and

(d) comply with section 89(a) of the Marine and Coastal Area (Takutai Moana) Act 2011, if an application relates to a customary marine title area in respect of which a planning document has been lodged with Heritage New Zealand Pouhere Taonga under section 86(1)(b) of that Act.

(4) In considering an application referred to it under subsection (3)(a), the Council may consult as it thinks appropriate.

(5) Not later than 10 working days after receiving an application under subsection (1)(b), Heritage New Zealand Pouhere Taonga must—

(a) determine whether to consent to or decline the application and give notice of the determination; and

(b) approve the person who is to carry out the exploratory investigation and give notice of that approval to—

(i) the applicant; and

(ii) any other person directly affected.

(6) An exploratory investigation carried out under this section is subject to the following conditions:

(a) no investigation may be carried out without the consent of the owner (and of the occupier if different from the owner) of the site or locality that is to be investigated; and

(b) the site or locality must be returned as nearly as possible to its former state (unless otherwise agreed with the owner (and the occupier, if any) of the land on which the site is located); and

(c) any activity undertaken at the site must conform to accepted archaeological practice; and

(d) any other conditions that Heritage New Zealand Pouhere Taonga thinks fit.

(7) Notice of a determination must be given in accordance with section 51.

57 Powers and duties of Heritage New Zealand Pouhere Taonga if no authority held for activity

(1) Subsection (2) applies if—

(a) an activity is being carried out, or there is reason to suspect it is to be carried out, at any site or locality; and

(b) no authority is held or has been applied for in respect of that site or locality; and

(c) Heritage New Zealand Pouhere Taonga has reasonable cause to suspect that—

(i) the site or locality is, or may be, or may include an archaeological site; and

(ii) the activity will modify or destroy the site.

(2) Heritage New Zealand Pouhere Taonga may—

(a) enter the site or locality in accordance with section 15; and

(b) carry out an exploratory investigation of the site or locality to ascertain whether an authority is required for the activity referred to in subsection (1)(a); and

(c) if the site or locality proves to be, or to include, an archaeological site, recover the cost of the exploratory investigation from the owner or occupier of the land or the person carrying out the activity without an authority, as the case may be.

(3) If an exploratory investigation establishes that a site or locality is, or includes, an archaeological site and that the proposed activity will modify or destroy the site or locality, Heritage New Zealand Pouhere Taonga must take reasonable steps to prevent—

(a) the activity from continuing; and

(b) the resumption of the activity until an application has been lodged, and an authority granted, to carry out the activity.

Appeal provisions

58 Rights of appeal

(1) Any person who is directly affected by the exercise of a power referred to in subsection (2) may appeal against that decision by notice of appeal to the Environment Court.

(2) A right of appeal applies to the exercise of the power conferred by—

(a) section 43(1) (a power to make a declaration):

(b) section 45 (a power to approve a person to carry out an activity under an authority):

(c) section 48 (a power to determine an application for an authority):

(d) section 52(2) (a power to require an investigation as a condition of an authority):

(e) section 53 (a power to review conditions):

(f) section 54(4)(a) (a power to specify the duration of an authority):

(g) section 56 (a power to conduct an exploratory investigation of a site or locality):

(h) section 57(2) (a power of entry, a power to carry out an exploratory investigation, and a power to recover the cost of an exploratory investigation).

(3) The notice of appeal must—

(a) state the reasons for the appeal and the relief sought; and

(b) state any matters that are prescribed in regulations made under the Resource Management Act 1991 for appeals under section 120 of that Act; and

(c) not later than 15 working days after notice is given of the decision being appealed against,—

(i) be lodged with the Environment Court; and

(ii) be served on Heritage New Zealand Pouhere Taonga; and

(d) not later than 5 working days after the notice of appeal is lodged with the Environment Court, be served, as relevant, on the applicant and owner (if different from the applicant) to whom the appeal relates.

(4) Subject to this section and section 59, an appeal must be heard and determined by the Environment Court in the manner provided for by or under the Resource Management Act 1991.

Section 58(3)(b): replaced, on 23 December 2023, by section 6 of the Resource Management (Natural and Built Environment and Spatial Planning Repeal and Interim Fast-track Consenting) Act 2023 (2023 No 68).

Section 58(4): amended, on 23 December 2023, by section 6 of the Resource Management (Natural and Built Environment and Spatial Planning Repeal and Interim Fast-track Consenting) Act 2023 (2023 No 68).

59 Decision on appeal

(1) In determining an appeal made under section 58, the Environment Court—

(a) must, in respect of a decision made on an application made under section 44, have regard to any matter it considers appropriate, including—

(i) the historical and cultural heritage value of the archaeological site and any other factors justifying the protection of the site:

(ii) the purpose and principles of this Act:

(iii) the extent to which protection of the archaeological site prevents or restricts the existing or reasonable future use of the site for any lawful purpose:

(iv) the interests of any person directly affected by the decision of Heritage New Zealand Pouhere Taonga:

(v) a statutory acknowledgement that relates to the archaeological site or sites concerned:

(vi) the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wāhi tūpuna, wāhi tapu, and other taonga; and

(b) may confirm or reverse the decision appealed against or modify the decision in the manner that the Environment Court thinks fit.

(2) Subsection (1) does not limit the powers of the Environment Court under the Resource Management Act 1991.

(3) For the purposes of subsection (1)(a)(v), if the Environment Court has regard to a statutory acknowledgement, it must do so in accordance with the provisions of the relevant Act.

(4) If the decision appealed against relates to a customary marine title area in respect of which a planning document has been lodged with Heritage New Zealand Pouhere Taonga under section 86(1)(b) of the Marine and Coastal Area (Takutai Moana) Act 2011, the Environment Court must comply with section 89(b) of that Act.

(5) Nothing in this section limits or affects the power of Heritage New Zealand Pouhere Taonga to issue a requirement for a heritage order under the Resource Management Act 1991.

Section 59(2): amended, on 23 December 2023, by section 6 of the Resource Management (Natural and Built Environment and Spatial Planning Repeal and Interim Fast-track Consenting) Act 2023 (2023 No 68).

Section 59(5): amended, on 23 December 2023, by section 6 of the Resource Management (Natural and Built Environment and Spatial Planning Repeal and Interim Fast-track Consenting) Act 2023 (2023 No 68).

Subpart 3—Emergency authorities

60 Purpose and application of subpart

(1) This subpart provides a process for obtaining an emergency authority to undertake an activity that will or may modify or destroy an archaeological site or sites located in an area or a district over which a state of emergency is declared, or a transition period is notified, under the Civil Defence Emergency Management Act 2002.

(2) Unless otherwise expressly provided for, this subpart applies instead of subpart 2 if an emergency authority is sought and granted within 12 months after the state of emergency is terminated under section 72, or the transition period is terminated under section 94E, of the Civil Defence Emergency Management Act 2002, or such further time as is reasonably necessary in the circumstances.

Section 60(1): amended, at 9.59 pm on 29 November 2016, by section 42 of the Civil Defence Emergency Management Amendment Act 2016 (2016 No 88).

Section 60(2): amended, at 9.59 pm on 29 November 2016, by section 42 of the Civil Defence Emergency Management Amendment Act 2016 (2016 No 88).

61 Application for emergency authority

(1) Any person may apply to Heritage New Zealand Pouhere Taonga for an emergency authority to undertake an activity that will or may modify or destroy an archaeological site or sites if, after a state of emergency has been declared or a transition period has been notified, it appears that it may be necessary to undertake an activity that will or may modify or destroy a site or sites.

(2) An application for an emergency authority must—

(a) be made in the form and manner prescribed by regulations made under this Act or as may be approved for the purpose by Heritage New Zealand Pouhere Taonga; and

(b) include the information—

(i) required by section 46(2); or

(ii) that Heritage New Zealand Pouhere Taonga thinks appropriate in the circumstances.

(3) Before Heritage New Zealand Pouhere Taonga grants an emergency authority, it must be satisfied that any person who is to carry out an activity under the emergency authority, if granted, meets the requirements of section 45(2).

(4) After having regard to all the circumstances, Heritage New Zealand Pouhere Taonga, if it thinks that it is not necessary to use its emergency powers under this subpart, may decline to consider an application under this subpart, giving reasons for doing so, but determine it under subpart 2.

Section 61(1): amended, at 9.59 pm on 29 November 2016, by section 42 of the Civil Defence Emergency Management Amendment Act 2016 (2016 No 88).

62 Determination of applications

(1) Heritage New Zealand Pouhere Taonga may—

(a) grant an emergency authority in whole or in part, with or without conditions; or

(b) refuse to grant an emergency authority, giving reasons for doing so.

(2) In determining an application for an emergency authority, Heritage New Zealand Pouhere Taonga must have regard to—

(a) the purpose of this subpart; and

(b) the need to protect public health and safety; and

(c) to the extent that they are relevant, the matters referred to in section 47(1)(a); and

(d) all of the matters set out in section 59(1)(a) (the matters to which the Environment Court must have regard when determining an appeal); and

(e) the views of the owner of the land, to the extent that they can reasonably be ascertained.

(3) If an application made under this subpart relates to a site of interest to Māori,—

(a) Heritage New Zealand Pouhere Taonga must refer the application to the Council (unless there has been a delegation to the Council under section 22); and

(b) the Council may consult as it thinks appropriate, but must make any recommendations to Heritage New Zealand Pouhere Taonga not later than 3 days after the matter is referred to the Council.

(4) In the case of an application that relates to a customary marine title area in respect of which a planning document has been lodged with Heritage New Zealand Pouhere Taonga under section 86(1)(b) of the Marine and Coastal Area (Takutai Moana) Act 2011, Heritage New Zealand Pouhere Taonga must comply with section 89(a) of that Act.

(5) Heritage New Zealand Pouhere Taonga must determine an application—

(a) not later than 5 days after the application is received, in the case of an application that relates to a site of interest to Māori; or

(b) not later than 3 days after the application is received, in any other case.

(6) As soon as practicable after making its determination, Heritage New Zealand Pouhere Taonga must give notice of that determination, with reasons, to—

(a) the applicant; and

(b) the owner of the relevant land, if the applicant is not the owner; and

(c) the local authorities that have jurisdiction in the relevant area, except a local authority that is the applicant; and

(d) in the case of a site of interest to Māori, the appropriate iwi or hapū; and

(e) the chief executive.

(7) If Heritage New Zealand Pouhere Taonga is unable to contact the owner of the relevant land through publicly available records within the time permitted by this section to obtain consent to carry out an activity, the lack of consent does not invalidate the determination of Heritage New Zealand Pouhere Taonga.

63 Condition requiring investigation

(1) If Heritage New Zealand Pouhere Taonga is satisfied on reasonable grounds that an investigation ought to be carried out on a site for which an emergency authority is sought, an emergency authority may be granted subject to a condition requiring such an investigation.

(2) If subsection (1) applies, the investigation must be completed and a report issued,—

(a) in the case of an archaeological site that is above ground level, not later than 14 days after the date that the emergency authority is issued; and

(b) for any other archaeological site, within the time specified in the authority.

(3) If a condition of the kind referred to in subsection (1) is imposed, the emergency authority may be exercised only to the extent that it does not interfere with the investigation until—

(a) Heritage New Zealand Pouhere Taonga has been notified that the investigation has been completed; and

(b) one of the following applies:

(i) Heritage New Zealand Pouhere Taonga confirms that the emergency authority may be exercised; or

(ii) 7 days have elapsed after the date on which notice was given under paragraph (a) and Heritage New Zealand Pouhere Taonga has not notified the applicant that the emergency authority must not be exercised.

(4) To avoid doubt, Heritage New Zealand Pouhere Taonga is not responsible for undertaking any investigation that may be required under subsection (1).

64 Appeal rights

(1) There is a right of appeal to the Environment Court against a decision of Heritage New Zealand Pouhere Taonga made under section 62 for—

(a) an applicant whose application under section 61 is declined in whole or in part; and

(b) the appropriate iwi or hapū, in the case of a matter of culture or tradition associated with a site of interest to Māori.

(2) A notice of appeal must—

(a) set out the matters required by section 58(3)(a) and (b); and

(b) be lodged with the Environment Court not later than 14 days after notice of the decision is given under section 62(6); and

(c) be served as required by section 58(3)(c) and (d), but not later than 3 days after being lodged with the Environment Court.

(3) The provisions of section 59 apply, with the necessary modifications, to an appeal under this section.

Part 4
Recognition of places of historical, cultural, and ancestral significance

Subpart 1—Provisions relating to New Zealand Heritage List/Rārangi Kōrero

New Zealand Heritage List/Rārangi Kōrero continued and maintained

65 New Zealand Heritage List/Rārangi Kōrero

(1) Heritage New Zealand Pouhere Taonga must continue and maintain the New Zealand Heritage List/Rārangi Kōrero, which is the same as the register established under section 22 of the Historic Places Act 1993.

(2) All entries on that register immediately before the commencement of this section are deemed to be entries on the New Zealand Heritage List/Rārangi Kōrero.

(3) The purposes of the New Zealand Heritage List/Rārangi Kōrero are—

(a) to inform members of the public about historic places, historic areas, wāhi tūpuna, wāhi tapu, and wāhi tapu areas:

(b) to notify the owners of historic places, historic areas, wāhi tūpuna, wāhi tapu, and wāhi tapu areas, as needed, for the purposes of this Act:

(c) to be a source of information about historic places, historic areas, wāhi tūpuna, wāhi tapu, and wāhi tapu areas for the purposes of the Resource Management Act 1991.

(4) The New Zealand Heritage List/Rārangi Kōrero must—

(a) separately identify historic places as—

(i) Category 1: places of special or outstanding historical or cultural heritage significance or value; or

(ii) Category 2: places of historical or cultural heritage significance or value; and

(b) separately identify historic areas, wāhi tūpuna, wāhi tapu, and wāhi tapu areas.

(5) The inclusion in, or removal from, the New Zealand Heritage List/Rārangi Kōrero of details of historic places, historic areas, wāhi tūpuna, wāhi tapu, and wāhi tapu areas must be carried out in accordance with this subpart.

(6) An entry in the New Zealand Heritage List/Rārangi Kōrero relating to a historic place may include any chattel or object or class of chattels or objects that are—

(a) situated in or on that place; and

(b) considered by Heritage New Zealand Pouhere Taonga to contribute to the significance of that place; and

(c) proposed by Heritage New Zealand Pouhere Taonga for inclusion on the New Zealand Heritage List/Rārangi Kōrero.

Section 65(3)(c): amended, on 23 December 2023, by section 6 of the Resource Management (Natural and Built Environment and Spatial Planning Repeal and Interim Fast-track Consenting) Act 2023 (2023 No 68).

Criteria for inclusion on New Zealand Heritage List/Rārangi Kōrero

66 Criteria

(1) Heritage New Zealand Pouhere Taonga may enter any historic place or historic area in the New Zealand Heritage List/Rārangi Kōrero if it is satisfied that the place or area has aesthetic, archaeological, architectural, cultural, historical, scientific, social, spiritual, technological, or traditional significance or value.

(2) Heritage New Zealand Pouhere Taonga may assign the status of Category 1 or Category 2 to any historic place, having regard to the nature of the places to which those categories may be assigned (as described in section 65(4)(a)).

(3) Heritage New Zealand Pouhere Taonga may assign a status under subsection (2) only if it is satisfied that the place has significance or value in relation to 1 or more of the following criteria:

(a) the extent to which the place reflects important or representative aspects of New Zealand history:

(b) the association of the place with events, persons, or ideas of importance in New Zealand history:

(c) the potential of the place to provide knowledge of New Zealand history:

(d) the importance of the place to tangata whenua:

(e) the community association with, or public esteem for, the place:

(f) the potential of the place for public education:

(g) the technical accomplishment, value, or design of the place:

(h) the symbolic or commemorative value of the place:

(i) the importance of identifying historic places known to date from an early period of New Zealand settlement:

(j) the importance of identifying rare types of historic places:

(k) the extent to which the place forms part of a wider historical and cultural area.

(4) Additional criteria may be prescribed in regulations made under this Act for the purpose of assigning Category 1 or Category 2 status to a historic place, provided they are not inconsistent with the criteria set out in subsection (3).

(5) The Council may enter any wāhi tūpuna on the New Zealand Heritage List/Rārangi Kōrero if it is satisfied that the wāhi tūpuna—

(a) has strong traditional associations with 1 or more ancestors significant to an iwi or a hapū; and

(b) is integral to the identity or cultural well-being of the iwi or hapū; and

(c) is a distinct and cohesive place or area.

(6) Additional criteria may be prescribed in regulations made under this Act for entering historic places or historic areas of interest to Māori, wāhi tūpuna, wāhi tapu, or wāhi tapu areas on the New Zealand Heritage List/Rārangi Kōrero, provided they are not inconsistent with the criteria set out in subsection (3) or (5) or in regulations made under subsection (4).

Provisions relating to historic places, historic areas, wāhi tūpuna, wāhi tapu, or wāhi tapu areas

67 Applications relating to historic places or historic areas

(1) Heritage New Zealand Pouhere Taonga or any other person may apply to Heritage New Zealand Pouhere Taonga to enter a historic place or historic area on the New Zealand Heritage List/Rārangi Kōrero.

(2) An application—

(a) must include a legal description or, if one is not available, must describe the historic place or historic area to which the application relates sufficiently to identify it; and

(b) in the case of an application relating to a historic place, may state a proposed category.

(3) Heritage New Zealand Pouhere Taonga must decline an application if, after having regard to the matters it is required to consider under section 66, it considers that the application lacks sufficient merit.

(4) If Heritage New Zealand Pouhere Taonga is satisfied that an application is supported by sufficient evidence, it must proceed to determine the application by—

(a) publicly notifying the application; and

(b) giving notice of the application to—

(i) every person that—

(A) is an owner of the historic place, historic area, or part of the place or area; or

(B) has a registered interest in the historic place, historic area, or part of the place or area; and

(ii) the local authorities that have jurisdiction in the relevant area.

(5) However, Heritage New Zealand Pouhere Taonga is not required to give notice under subsection (4)(b)(i) if Heritage New Zealand Pouhere Taonga—

(a) does not know the person, or cannot identify the person from publicly available records; or

(b) does not know the person's contact details and cannot identify them from publicly available records.

(6) If the owner of a historic place, historic area, or part of a place or area receives a notice under subsection (4)(b)(i)(A), the owner must give notice of the application to any occupier of the place or area or part of it.

(7) The failure of an owner to notify an occupier under subsection (6) does not invalidate an entry on the New Zealand Heritage List/Rārangi Kōrero.

(8) If an application relates to a historic place, historic area, or part of a place or area on Māori land,—

(a) Heritage New Zealand Pouhere Taonga must give notice of the application to the appropriate Registrar of the Māori Land Court; and

(b) the court must record the effect of the application on the court record.

(9) If an application relates to a historic place or historic area in the common marine and coastal area, Heritage New Zealand Pouhere Taonga must give notice of the application to the holders of any customary marine title or protected customary right applying in the same location.

68 Applications relating to wāhi tūpuna, wāhi tapu, or wāhi tapu areas

(1) Any person may apply to the Council to enter a wāhi tūpuna, wāhi tapu, or wāhi tapu area on the New Zealand Heritage List/Rārangi Kōrero.

(2) An application must—

(a) include a legal description or, if one is not available, describe the land on which the wāhi tūpuna, wāhi tapu, or wāhi tapu area is located sufficiently to identify it; and

(b) for a wāhi tūpuna or wāhi tapu, specify the general nature of the wāhi tūpuna or wāhi tapu; and

(c) for a wāhi tapu area, specify the general nature of the wāhi tapu included in the area.

(3) The Council must decline an application—

(a) if it considers, in the case of a wāhi tūpuna, that it lacks sufficient merit, having regard to the criteria set out in section 66(5), for an application relating to a wāhi tūpuna; or

(b) in the case of a wāhi tapu or wāhi tapu area, if it is not satisfied that the place or area is a wāhi tapu or wāhi tapu area within the meaning of this Act or that the place or area contains wāhi tapu.

(4) If the Council is satisfied that an application is supported by sufficient evidence, the Council must proceed to determine the application by—

(a) publicly notifying the application; and

(b) giving notice of the application to—

(i) every person that—

(A) is the owner of the land on which the wāhi tūpuna, wāhi tapu, or wāhi tapu area or part of the wāhi tūpuna, wāhi tapu, or wāhi tapu area is located; or

(B) has a registered interest in the land on which the wāhi tūpuna, wāhi tapu, or wāhi tapu area or part of the wāhi tūpuna, wāhi tapu, or wāhi tapu area is located; and

(ii) the appropriate iwi or hapū; and

(iii) the local authorities that have jurisdiction in the relevant area.

(5) However, the Council is not required to give notice under subsection (4)(b)(i) if the Council—

(a) does not know the person, or cannot identify the person from publicly available records; or

(b) does not know the person's contact details and cannot identify them from publicly available records.

(6) If an owner of land on which a wāhi tūpuna, wāhi tapu, or wāhi tapu area is located receives a notice under subsection (4)(b)(i)(A), the owner must give notice of the application to any occupier of the place.

(7) The failure of an owner to notify an occupier under subsection (6) does not invalidate an entry on the New Zealand Heritage List/Rārangi Kōrero.

(8) If an application relates to a wāhi tūpuna, wāhi tapu, or wāhi tapu area on Māori land,—

(a) the Council must give notice of the application to the appropriate Registrar of the Māori Land Court; and

(b) the court must record the effect of the application on the court record.

(9) If an application relates to a wāhi tūpuna, wāhi tapu, or wāhi tapu area in the common marine and coastal area, the Council must give notice of the application to the holders of any customary marine title or protected customary right applying in the same location.

69 Procedure to determine applications

(1) Any person may make a written submission on an application publicly notified under section 67(4) or 68(4), including any of the following:

(a) the owner of the whole or a part of the historic place or historic area, or of the land on which the wāhi tūpuna, wāhi tapu, or wāhi tapu area is located:

(b) an occupier of the whole or a part of the historic place or historic area, or of the land on which the wāhi tūpuna, wāhi tapu, or wāhi tapu area is located:

(c) a person with a registered interest in the whole or a part of the historic place or historic area, or of the land on which the wāhi tūpuna, wāhi tapu, or wāhi tapu area is located:

(d) any body corporate engaged in, or having as one of its objects, the protection of New Zealand's historical and cultural heritage:

(e) the appropriate iwi or hapū:

(f) the local authorities that have jurisdiction in the relevant area.

(2) Any submissions must be made to Heritage New Zealand Pouhere Taonga or the Council, as appropriate, not later than—

(a) 20 working days after the public notification of the application; or

(b) any longer period specified by Heritage New Zealand Pouhere Taonga or the Council in a particular case, but not longer than 40 working days after the public notification.

(3) The Council may make any inquiries that it sees fit before deciding whether to enter a wāhi tūpuna, wāhi tapu, or wāhi tapu area on the New Zealand Heritage List/Rārangi Kōrero.

(4) If Heritage New Zealand Pouhere Taonga considers that a historic place or historic area proposed for inclusion on the New Zealand Heritage List/Rārangi Kōrero is a site of interest to Māori, it must refer the application to the Council for its recommendation as to whether the historic place or area should be entered on the New Zealand Heritage List/Rārangi Kōrero.

(5) Before making a decision under this section,—

(a) Heritage New Zealand Pouhere Taonga or the Council, as appropriate, must take all submissions into account; and

(b) for an application relating to a historic place, Heritage New Zealand Pouhere Taonga may—

(i) reconsider the category proposed for the place concerned; and

(ii) if it considers it appropriate to do so, alter the category proposed for the historic place.

Assessors

70 Independent assessors to be appointed

(1) Heritage New Zealand Pouhere Taonga or the Council, as appropriate, must appoint 1 or more independent expert assessors to make recommendations to Heritage New Zealand Pouhere Taonga or the Council, as appropriate, if Heritage New Zealand Pouhere Taonga or the Council is the applicant under section 67 or 68.

(2) Heritage New Zealand Pouhere Taonga or the Council, as appropriate, must have regard to the recommendations of the assessor.

(3) If Heritage New Zealand Pouhere Taonga does not accept a recommendation, it must provide reasons to the assessors and submitters.

71 Appointments

(1) Before making an appointment under section 70, Heritage New Zealand Pouhere Taonga or the Council, as appropriate, must be satisfied that the person to be appointed is recognised by his or her peers as an expert in a field relevant to the matters for which recommendations are required.

(2) An assessor is not liable for advice or recommendations given in good faith under section 70.

General provisions relating to New Zealand Heritage List/Rārangi Kōrero

72 Entries may be included on New Zealand Heritage List/Rārangi Kōrero by agreement

Despite sections 67(4) and 68(4), Heritage New Zealand Pouhere Taonga may enter the relevant historic place, historic area, wāhi tūpuna, wāhi tapu, or wāhi tapu area on the New Zealand Heritage List/Rārangi Kōrero without giving public notice if—

(a) Heritage New Zealand Pouhere Taonga or the Council, as appropriate, receives an application under section 67 or 68; and

(b) all of the persons who have the right to be notified under section 67(4)(b)(i) or 68(4)(b)(i) and (ii) have given their written approval to the proposal in the application.

73 When entry on New Zealand Heritage List/Rārangi Kōrero takes effect

(1) As soon as is reasonably practicable after making a decision under section 69 or receiving written approval under section 72(b), Heritage New Zealand Pouhere Taonga or the Council, as appropriate, must—

(a) publicly notify the entry of a historic place, historic area, wāhi tūpuna, wāhi tapu, or wāhi tapu area on the New Zealand Heritage List/Rārangi Kōrero; and

(b) notify the entry to the persons with a right to be notified under section 67(4)(b) or 68(4)(b), specifying the date when the entry takes effect (which must not be earlier than the date that is 10 working days after the date of the notice); and

(c) notify the Māori Land Court if the entry on the New Zealand Heritage List/Rārangi Kōrero relates to Māori land; and

(d) notify the holders of any customary marine title or protected customary right applying in the same location that a historic place, historic area, wāhi tūpuna, wāhi tapu, or wāhi tapu area has been entered on the New Zealand Heritage List/Rārangi Kōrero.

(2) The entry of a historic place, historic area, wāhi tūpuna, wāhi tapu, or wāhi tapu area on the New Zealand Heritage List/Rārangi Kōrero takes effect on the date specified in the notices given under subsection (1)(b).

Effect of certain entries on New Zealand Heritage List/Rārangi Kōrero

74 When local authorities must have particular regard to recommendations

(1) In respect of a historic area entered on the New Zealand Heritage List/Rārangi Kōrero, Heritage New Zealand Pouhere Taonga may make recommendations to the local authorities that have jurisdiction in the area where the historic area is located as to the appropriate measures that those local authorities should take to assist in the conservation and protection of the historic area.

(2) In respect of a wāhi tapu area entered on the New Zealand Heritage List/Rārangi Kōrero, the Council may make recommendations to the local authorities that have jurisdiction in the relevant area as to the appropriate measures that those local authorities should take to assist in the conservation and protection of the wāhi tapu area.

(3) Local authorities must have particular regard to a recommendation received under subsection (1) or (2) from Heritage New Zealand Pouhere Taonga or the Council, as appropriate.

(4) In making a recommendation under subsection (1) or (2), Heritage New Zealand Pouhere Taonga or the Council, as appropriate, must recognise the interests of an owner, as far as they are known, in a historic area or wāhi tapu area.

75 Proposals affecting wāhi tapu areas entered on New Zealand Heritage List/Rārangi Kōrero

(1) Subsection (2) applies if Heritage New Zealand Pouhere Taonga—

(a) is advised by a local authority that it has received an application for a resource consent in respect of a wāhi tapu area entered on the New Zealand Heritage List/Rārangi Kōrero; or

(b) is considering an application affecting a wāhi tapu area that is made under—

(i) section 44 (applications for authorities); or

(ii) section 56(1)(b) (applications for authorities to carry out exploratory investigations); or

(c) proposes to take any action in respect of a wāhi tapu area.

(2) Before Heritage New Zealand Pouhere Taonga takes any action in respect of the application, it must—

(a) refer the matter to the Council; and

(b) consult, as the case may require,—

(i) the local authorities that have jurisdiction in the relevant area:

(ii) the applicant for the resource consent:

(iii) the person who applied under section 68(1) for the wāhi tapu area to be entered on the New Zealand Heritage List/Rārangi Kōrero:

(iv) the appropriate iwi or hapū.

(3) Not later than 15 working days after receiving a reference from Heritage New Zealand Pouhere Taonga under subsection (2)(a), the Council must advise Heritage New Zealand Pouhere Taonga of any comment or recommendation it wishes to make on an application referred to it under this section.

Further requirements relating to New Zealand Heritage List/Rārangi Kōrero

76 Information to be supplied to territorial authorities

(1) Heritage New Zealand Pouhere Taonga must maintain, and supply—

(a) to the appropriate local authorities, a list of—

(i) the historic places, historic areas, wāhi tūpuna, wāhi tapu, and wāhi tapu areas entered on the New Zealand Heritage List/Rārangi Kōrero that are located in the area of jurisdiction of each local authority; and

(ii) the heritage covenants that have effect in the area of jurisdiction of each local authority; and

(b) to the appropriate territorial authorities, the details about the places or areas entered on the New Zealand Heritage List/Rārangi Kōrero or the heritage covenants for inclusion in—

(i) any land information memoranda issued by the territorial authority under section 44A of the Local Government Official Information and Meetings Act 1987; and

(ii) any project information memoranda issued by the territorial authority under section 34 of the Building Act 2004.

(2) Each local authority must make the lists and details supplied under subsection (1) available for public inspection during its usual business hours.

(3) Subsection (4) applies if a notice is given to a territorial authority under section 67(4)(b)(ii), 68(4)(b)(iii), 73(1)(b), 78(9), or 79(b) in relation to a historic place, historic area, wāhi tūpuna, wāhi tapu, or wāhi tapu area, or on a review of an entry on the New Zealand Heritage List/Rārangi Kōrero.

(4) For the purposes of section 34(4)(b) of the Building Act 2004 and section 44A(2)(g) of the Local Government Official Information and Meetings Act 1987, a notice referred to in subsection (3) is deemed to be information notified under this Act to a territorial authority by a statutory organisation with the power to classify land or buildings for any purpose.

77 Availability of New Zealand Heritage List/Rārangi Kōrero

The New Zealand Heritage List/Rārangi Kōrero must be available for public inspection—

(a) on the Internet site of Heritage New Zealand Pouhere Taonga; and

(b) during usual business hours, at the principal office of Heritage New Zealand Pouhere Taonga in Wellington and at its regional offices.

78 Review, variation, or removal of entries on New Zealand Heritage List/ Rārangi Kōrero

(1) Heritage New Zealand Pouhere Taonga (in the case of a historic place or historic area) or the Council (in the case of a wāhi tūpuna, wāhi tapu or wāhi tapu area) may, at any time, review an entry on the New Zealand Heritage List/ Rārangi Kōrero relating to a historic place, historic area, wāhi tūpuna, wāhi tapu, or wāhi tapu area.

(2) Any person may apply to—

(a) Heritage New Zealand Pouhere Taonga for a review of the entry of a historic place or historic area on the New Zealand Heritage List/Rārangi Kōrero:

(b) the Council for a review of the entry of a wāhi tūpuna, wāhi tapu, or wāhi tapu area on the New Zealand Heritage List/Rārangi Kōrero.

(3) However, no person may apply for a review of an entry on the New Zealand Heritage List/Rārangi Kōrero earlier than whichever is the later of the following dates:

(a) 3 years after the date when the entry was made on the New Zealand Heritage List/Rārangi Kōrero:

(b) 3 years after the date of the last review of that entry.

(4) Heritage New Zealand Pouhere Taonga or the Council, as appropriate, may reject an application for a review in whole or in part, but only on the grounds that—

(a) the application does not disclose sufficient grounds to justify a review; or

(b) the substance of the application or part of it has been considered by Heritage New Zealand Pouhere Taonga or the Council within the preceding 3 years.

(5) An application for review must be made in the form and manner prescribed by regulations made under this Act or as approved by Heritage New Zealand Pouhere Taonga for the purpose.

(6) A decision on an application for review of an entry must be made by Heritage New Zealand Pouhere Taonga or the Council, as appropriate, not later than 12 months after the date of its receipt by Heritage New Zealand Pouhere Taonga or the Council.

(7) If Heritage New Zealand Pouhere Taonga or the Council decides to review an entry on the New Zealand Heritage List/Rārangi Kōrero, whether on its own initiative or as a result of an application, Heritage New Zealand Pouhere Taonga or the Council, as appropriate, must conduct the review in the same manner as if it were a proposal to make an entry on the New Zealand Heritage List/Rārangi Kōrero under this subpart.

(8) When a review is completed, Heritage New Zealand Pouhere Taonga or the Council, as appropriate, may—

(a) vary the entry on the New Zealand Heritage List/Rārangi Kōrero; or

(b) remove the entry from the New Zealand Heritage List/Rārangi Kōrero; or

(c) confirm the entry; or

(d) in the case of a historic place, change or confirm the category assigned to the historic place.

(9) Heritage New Zealand Pouhere Taonga or the Council, as appropriate, must give notice to the applicant of a decision made under this section and the reasons for the decision.

79 Removal of entries on New Zealand Heritage List/Rārangi Kōrero in cases of destruction or demolition

If a historic place, historic area, wāhi tūpuna, wāhi tapu, or wāhi tapu area is destroyed or demolished, Heritage New Zealand Pouhere Taonga or the Council, as appropriate,—

(a) may, after making any inquiries that it sees fit, remove the entry of that historic place, historic area, wāhi tūpuna, wāhi tapu, or wāhi tapu area from the New Zealand Heritage List/Rārangi Kōrero; and

(b) must, as soon as practicable after removing that entry, give notice of its removal in writing to the local authorities that have jurisdiction in the relevant area.

Subpart 2—National Historic Landmarks/Ngā Manawhenua o Aotearoa me ōna Kōrero Tūturu

80 Interpretation

In this subpart, **place**—

(a) means a historic place, historic area, wāhi tūpuna, wāhi tapu, or wāhi tapu area that is entered on the New Zealand Heritage List/Rārangi Kōrero; and

(b) may include an area that includes 1 or more such places.

81 National Historic Landmarks/Ngā Manawhenua o Aotearoa me ōna Kōrero Tūturu to be established

(1) Heritage New Zealand Pouhere Taonga must establish and maintain a list of places of outstanding national heritage value, to be called the National Historic Landmarks/Ngā Manawhenua o Aotearoa me ōna Kōrero Tūturu.

(2) The purpose of the Landmarks list is to promote—

(a) an appreciation of the places of greatest heritage value to the people of New Zealand; and

(b) the conservation of such places, including their protection from natural disasters, to the greatest extent practicable.

(3) A place must not be included on the Landmarks list unless it is of outstanding national heritage value, having regard to 1 or more of the following:

(a) the outstanding historical significance of the place in relation to people, events, or ideas of the past:

(b) the outstanding physical significance of the place in relation to its archaeological, architectural, design, or technological qualities:

(c) the outstanding cultural significance of the place to tangata whenua or other communities in relation to its social, spiritual, traditional, or ancestral associations.

(4) A place must not be included on the Landmarks list unless there is strong evidence of broad national and community support for its inclusion.

(5) The Landmarks list must be available for public inspection on the Internet site of Heritage New Zealand Pouhere Taonga.

(6) The inclusion of a place on the Landmarks list must be noted in the entry for that place on the New Zealand Heritage List/Rārangi Kōrero.

82 How places may be included on Landmarks list

(1) The Minister may determine that a place is of outstanding national heritage value and is to be included on the Landmarks list.

(2) Before the Minister may make a determination under subsection (1),—

(a) Heritage New Zealand Pouhere Taonga must recommend to the Minister, after consultation with the Council where that is appropriate, that a place—

(i) is of outstanding national heritage value; and

(ii) ought to be included on the Landmarks list; and

(b) the Minister must consult the Minister of Māori Affairs and any other Minister that the Minister considers appropriate.

(3) Before Heritage New Zealand Pouhere Taonga may make a recommendation to the Minister, it must—

(a) invite public submissions on a proposal to include a specified place on the Landmarks list; and

(b) have regard to any submissions received.

(4) Heritage New Zealand Pouhere Taonga must not propose that a place be included on the Landmarks list unless it is satisfied that—

(a) the place is subject to appropriate legal protection; and

(b) the owner and every person with a registered interest in the place have given consent to the inclusion of the place on the Landmarks list; and

(c) the owner has prepared an appropriate risk management plan approved for the purpose by Heritage New Zealand Pouhere Taonga.

(5) The plan required by subsection (4)(c) must include details to establish—

(a) how the effects on the place of natural disasters are to be mitigated; and

(b) that the place will be managed to the highest practicable standard of care.

(6) Nothing in this subpart affects the responsibilities of the owner of a place included on the Landmarks list.

83 Review of Landmarks list by Minister

(1) The Minister may, from time to time, initiate a review of the places on the Landmarks list and may—

(a) add a place to the Landmarks list:

(b) remove a place from the Landmarks list:

(c) modify the extent of a place that is on the Landmarks list:

(d) make no change to the Landmarks list.

(2) Before the Minister may conduct a review,—

(a) Heritage New Zealand Pouhere Taonga must provide a recommendation to the Minister for the purpose of a review under subsection (1); and

(b) the Minister must consult the Minister of Māori Affairs and any other Minister that the Minister considers appropriate.

(3) Before Heritage New Zealand Pouhere Taonga may make a recommendation, it must—

(a) invite public submissions on the review proposal; and

(b) have regard to any submissions received.

(4) As soon as is reasonably practicable after the Minister has completed a review under subsection (1), Heritage New Zealand Pouhere Taonga must give public notice on its Internet site of the outcome of the review.

84 Owner may seek review

(1) The owner of a place included on the Landmarks list, or a person with a registered interest in such a place, may apply in writing to the Minister, in the form and manner approved for the purpose by the Minister, requesting that a review be conducted in relation to the inclusion of that place on the Landmarks list.

(2) Heritage New Zealand Pouhere Taonga must, not later than 12 months after the date that the request was received by the Minister,—

(a) conduct and complete the review; and

(b) provide a recommendation to the Minister.

(3) After considering the recommendation of Heritage New Zealand Pouhere Taonga, the Minister must consult the Minister of Māori Affairs and any other Minister that the Minister considers appropriate.

(4) After considering the recommendation given under subsection (2)(b), the Minister may reject the application in whole or in part.

(5) The Minister must advise the owner of the place, and any person with a registered interest in it, of the outcome of the review.

Part 5
Offences and penalties, transitional provisions, and miscellaneous matters

Subpart 1—Offences and penalties

85 Offence of intentionally modifying or destroying property of Heritage New Zealand Pouhere Taonga

(1) Every person commits an offence who, intentionally and without the authority of Heritage New Zealand Pouhere Taonga or any person or body authorised by Heritage New Zealand Pouhere Taonga to do so,—

(a) modifies or destroys a historic place, historic area, property, or thing that is vested in Heritage New Zealand Pouhere Taonga and managed by it; or

(b) causes the place, area, property, thing, or associated land to be modified or destroyed.

(2) Every person who commits an offence under subsection (1) is liable, on conviction, to a fine not exceeding,—

(a) in the case of an action that amounts to destruction,—

(i) $150,000 in the case of a natural person:

(ii) $300,000 in the case of a person other than a natural person; and

(b) in the case of an action that amounts to modification,—

(i) $60,000 in the case of a natural person:

(ii) $120,000, in the case of a person other than a natural person.

86 Offence of modifying or destroying land subject to heritage covenant

(1) Every person commits an offence in respect of a historic place, historic area, wāhi tūpuna, wāhi tapu, or wāhi tapu area that is protected by a heritage covenant if the person—

(a) knows, or ought reasonably to have suspected, that the place, area, wāhi tūpuna, wāhi tapu, or wāhi tapu area is protected by a heritage covenant; and

(b) breaches the terms of the heritage covenant; and

(c) intentionally modifies or destroys the historic place, historic area, wāhi tūpuna, wāhi tapu, or wāhi tapu area or intentionally causes it to be modified or destroyed.

(2) Every person who commits an offence under subsection (1) is liable, on conviction, to a fine not exceeding,—

(a) in the case of an action that amounts to destruction,—

(i) $150,000 in the case of a natural person:

(ii) $300,000 in the case of a person other than a natural person; and

(b) in the case of an action that amounts to modification,—

(i) $60,000 in the case of a natural person:

(ii) $120,000 in the case of a person other than a natural person.

87 Offence of modifying or destroying archaeological site

(1) If an authority is required in respect of an archaeological site, every person commits an offence in respect of that site if the person, without the authority of Heritage New Zealand Pouhere Taonga or of any person authorised by Heritage New Zealand Pouhere Taonga,—

(a) knows, or ought reasonably to have suspected, that the site is an archaeological site; and

(b) modifies or destroys the archaeological site or causes it to be modified or destroyed.

(2) Every person who commits an offence under subsection (1) is liable, on conviction, to a fine not exceeding,—

(a) in the case of an action that amounts to destruction,—

(i) $150,000 in the case of a natural person:

(ii) $300,000 in the case of a person other than a natural person; and

(b) in the case of an action that amounts to modification,—

(i) $60,000 in the case of a natural person:

(ii) $120,000 in the case of a person other than a natural person.

88 Offence of breaching conditions of authority

(1) Every person commits an offence who contravenes or fails to comply with any condition imposed by or under section 48(1)(a), 52, 56(1), or 62(1)(a).

(2) Every person who commits an offence under subsection (1) is liable, on conviction, to a fine not exceeding—

(a) $60,000 in the case of a natural person:

(b) $120,000 in the case of a person other than a natural person.

89 Offence of refusing access, etc

(1) Every person commits an offence who—

(a) refuses to let a person authorised by or under section 15 have access to an archaeological site or a historic place for a purpose referred to in that section; or

(b) obstructs any person who is—

(i) exercising any power referred to in section 15(3); or

(ii) carrying out an investigation in relation to a condition imposed under section 52(2); or

(iii) carrying out an investigation under section 56 or 57.

(2) Every person who commits an offence under subsection (1) is liable, on conviction, to a fine not exceeding—

(a) $3,750 in the case of a natural person:

(b) $7,500 in the case of a person other than a natural person.

90 Other offences

(1) Every person commits an offence in respect of land or a place vested in, or under the control of, Heritage New Zealand Pouhere Taonga if the person, without the authority of Heritage New Zealand Pouhere Taonga or of a person or body authorised by Heritage New Zealand Pouhere Taonga for the purpose,—

(a) enters land or a historic place when he or she knows, or ought reasonably to have suspected, that the land or historic place is vested in, or is under the control of, Heritage New Zealand Pouhere Taonga; or

(b) takes any animal or vehicle onto land when he or she knows, or ought reasonably to have suspected, that the land is vested in, or is under the control of, Heritage New Zealand Pouhere Taonga; or

(c) lights a fire on land when he or she knows, or ought reasonably to have suspected, that the land is vested in, or is under the control of, Heritage New Zealand Pouhere Taonga; or

(d) lights a fire or causes or permits a fire to be lit on any land (other than land vested in, or under the control of, Heritage New Zealand Pouhere Taonga),—

(i) when he or she knows, or ought reasonably to have suspected, that the fire is likely to spread into property vested in or under the control of Heritage New Zealand Pouhere Taonga; and

(ii) the fire spreads into and damages or destroys that property; or

(e) unlawfully alters, obliterates, defaces, pulls up, removes, or destroys any boundary mark, plaque, sign, or poster on any land when he or she knows, or ought reasonably to have suspected, that the land is vested in, or is under the control of, Heritage New Zealand Pouhere Taonga; or

(f) takes or removes, or causes to be taken or removed, any property or thing from any land or building vested in, or under the control of, Heritage New Zealand Pouhere Taonga when he or she knows, or ought reasonably to have suspected, that the land or building is vested in, or is under the control of, Heritage New Zealand Pouhere Taonga; or

(g) receives any property or thing vested in, or under the control of, Heritage New Zealand Pouhere Taonga when he or she knows, or ought reason-

ably to have suspected, that the property or thing has been removed unlawfully from land or a building vested in, or under the control of, Heritage New Zealand Pouhere Taonga; or

(h) alters, obliterates, defaces, pulls up, removes, or destroys any plaque or sign supplied and erected by Heritage New Zealand Pouhere Taonga on any land or building (other than land or a building vested in, or under the control of, Heritage New Zealand Pouhere Taonga), without first obtaining the consent of the owner of the land or building.

(2) Every person who fails to comply with the requirements of section 55(2) commits an offence.

(3) Every person who contravenes, or permits a contravention of, an order made under section 92 commits an offence.

(4) Every person who commits an offence under subsection (1), (2), or (3) is liable, on conviction, to a fine not exceeding—

(a) $3,750 in the case of a natural person:

(b) $7,500 in the case of a person other than a natural person.

Liability of principal

91 Liability of principal for acts of agents

(1) Subsection (2) applies if an offence is committed against this Act by person A acting as the agent (including any contractor) or employee of person B.

(2) Person B is, without prejudice to the liability of person A, liable under this Act in the same manner and to the same extent as if person B had personally committed the offence.

(3) It is a good defence to proceedings brought under subsection (1) if—

(a) the defendant proves,—

(i) in the case of a natural person (including a partner in a firm),—

(A) that he or she did not know, and could not reasonably be expected to have known, that the offence was to be or was being committed; or

(B) that he or she took all reasonable steps to prevent the commission of the offence; or

(ii) in the case of a person other than a natural person,—

(A) that neither the directors (if any) nor any person involved in the management of the defendant knew, or could reasonably be expected to have known, that the offence was to be or was being committed; or

(B) that the defendant took all reasonable steps to prevent the commission of the offence; and

(b) the defendant proves that the defendant took all reasonable steps to remedy any effects of the act or omission giving rise to the offence.

(4) If a person other than a natural person is convicted of an offence against this Act, a director of the defendant (if any) or a person involved in the management of the defendant is guilty of the same offence if it is proved—

(a) that the act or omission constituting the offence took place with his or her authority, permission, or consent; and

(b) that he or she knew, or could reasonably be expected to have known, that the offence was to be or was being committed and failed to take all reasonable steps to prevent or stop it.

Remedies

92 Enforcement

(1) Heritage New Zealand Pouhere Taonga may apply to the Environment Court for an order prohibiting any person from taking any action or omitting to act—

(a) if that action or omission would be likely to be an offence or a breach of a duty or obligation under this Act; and

(b) either—

(i) that person has threatened to commit, or is already committing, the offence or breach; or

(ii) Heritage New Zealand Pouhere Taonga has reasonable cause to believe that such an offence or breach is likely to occur.

(2) An application under subsection (1) is to be treated as if it were an application for an enforcement order under section 314 of the Resource Management Act 1991, and sections 315(1) to (3), 317, 318, 320, and 321 of that Act apply to an application, except as those provisions are modified by this section or section 93.

(3) After considering an application made under subsection (1), the Environment Court may—

(a) make an order; or

(b) refuse the application.

(4) An order may be granted under this section—

(a) on the terms and conditions that the Environment Court thinks fit; and

(b) despite anything in any enactment other than Part 12 of the Resource Management Act 1991; and

(c) whether or not proceedings in relation to the breach or offence have been commenced; and

(d) even if a person is convicted of the breach or offence,—

(i) in substitution for, or in addition to, any other penalty; or

(ii) in subsequent proceedings.

(5) An interim order may be made by an Environment Judge under this section as if the order were made under section 320 of the Resource Management Act 1991.

(6) An interim order made under subsection (5) remains in force until—

(a) an application for an order made under subsection (1) is determined under this section; or

(b) the interim order is changed, cancelled, or confirmed by an Environment Judge as if section 320(5) of the Resource Management Act 1991 applied; or

(c) the interim order is cancelled by the Environment Court as if section 321 of the Resource Management Act 1991 applied.

(7) Despite anything in Part 11 of the Resource Management Act 1991, the Environment Court does not have the jurisdiction to make orders for costs under this section.

Section 92(2): replaced, on 23 December 2023, by section 6 of the Resource Management (Natural and Built Environment and Spatial Planning Repeal and Interim Fast-track Consenting) Act 2023 (2023 No 68).

Section 92(4)(b): amended, on 23 December 2023, by section 6 of the Resource Management (Natural and Built Environment and Spatial Planning Repeal and Interim Fast-track Consenting) Act 2023 (2023 No 68).

Section 92(5): amended, on 23 December 2023, by section 6 of the Resource Management (Natural and Built Environment and Spatial Planning Repeal and Interim Fast-track Consenting) Act 2023 (2023 No 68).

Section 92(6)(b): amended, on 23 December 2023, by section 6 of the Resource Management (Natural and Built Environment and Spatial Planning Repeal and Interim Fast-track Consenting) Act 2023 (2023 No 68).

Section 92(6)(c): amended, on 23 December 2023, by section 6 of the Resource Management (Natural and Built Environment and Spatial Planning Repeal and Interim Fast-track Consenting) Act 2023 (2023 No 68).

Section 92(7): amended, on 23 December 2023, by section 6 of the Resource Management (Natural and Built Environment and Spatial Planning Repeal and Interim Fast-track Consenting) Act 2023 (2023 No 68).

93 Proceedings

(1) Proceedings under sections 85 to 90 (which relate to offences) must be heard—

(a) in the District Court; and

(b) except where otherwise directed by the Chief District Court Judge, by a District Court Judge who is an Environment Judge.

(2) Proceedings under section 92 (other than those under section 92(6)) must be heard by an Environment Judge sitting alone or by the Environment Court.

(3) Proceedings under section 92(6) (which relates to interim orders) must be heard by an Environment Judge sitting alone.

94 Strict liability and defences

(1) In a prosecution for an offence against section 87 or 88, it is not necessary to prove that the defendant intended to commit the offence.

(2) Subject to subsection (3), it is a defence to a prosecution of the kind referred to in subsection (1) if—

(a) the defendant proves that—

(i) the action or event was necessary for the purposes of saving or protecting life or preventing serious damage to property or any historic place, wāhi tūpuna, or wāhi tapu; and

(ii) the conduct of the defendant was reasonable in the circumstances; and

(iii) the effects of the action or event were adequately mitigated or remedied by the defendant after it occurred; or

(b) the action or event to which the prosecution relates was because of an event beyond the control of the defendant, including natural disaster, mechanical failure, or sabotage, and in each case—

(i) the action or event could not reasonably have been foreseen or been provided against by the defendant; and

(ii) the effects of the action or event were adequately mitigated or remedied by the defendant after it occurred.

(3) Except with the leave of the court, subsection (2) does not apply unless, within 7 days after the service of the summons or within further time allowed by the court, the defendant delivers to the prosecutor a notice—

(a) stating that he or she intends to rely on subsection (2); and

(b) specifying the facts that support his or her reliance on that subsection.

95 Offender to give name and address

(1) If a person is found offending against this Act, an individual referred to in subsection (2) may require the person offending to stop offending immediately and give his or her name and address.

(2) The individuals are—

(a) a constable:

(b) a named officer or an employee of Heritage New Zealand Pouhere Taonga:

(c) a person authorised in writing for the purpose by Heritage New Zealand Pouhere Taonga:

(d) any employee of the department who is authorised in writing for the purpose by the chief executive.

(3) The person offending commits an offence if, when requested, he or she—

(a) fails to give his or her name or address; or

(b) gives a false name or address; or

(c) wilfully continues offending.

(4) Every person who commits an offence against this section is liable, on conviction, to a fine not exceeding $2,000.

96 Limitation period for filing charging document

(1) Despite anything to the contrary in section 25 of the Criminal Procedure Act 2011, the limitation period in respect of offences against sections 89 and 90 of this Act ends on the day that is 12 months after the date on which the commission of the offence was known, or should have been known, to Heritage New Zealand Pouhere Taonga.

(2) To avoid doubt, subsection (1) does not limit the time for filing a charging document under any of sections 85 to 88.

Subpart 2—Miscellaneous matters

Transfer of land, or contributions, to Heritage New Zealand Pouhere Taonga

97 Contributions to funds of Heritage New Zealand Pouhere Taonga

(1) For the purpose of providing funds for the exercise of the functions of Heritage New Zealand Pouhere Taonga,—

(a) a local authority or public body may, out of its general fund or account, make any contributions to Heritage New Zealand Pouhere Taonga that it thinks fit:

(b) a university may, with the consent of the Minister of Education, make any contributions to Heritage New Zealand Pouhere Taonga that it thinks fit.

(2) In this section, **public body** means—

(a) a Minister of the Crown:

(b) a public service agency as defined in section 5 of the Public Service Act 2020:

(c) a Crown entity described in section 7 of the Crown Entities Act 2004 and any other entity declared to be a Crown entity for the purposes of that section:

(d) the Armed Forces as defined in section 2(1) of the Defence Act 1990.

Section 97(2)(b): replaced, on 7 August 2020, by section 135 of the Public Service Act 2020 (2020 No 40).

98 Local authorities may transfer land to Heritage New Zealand Pouhere Taonga

(1) Despite anything in any enactment (other than the Public Works Act 1981), any local authority may transfer any land (other than a public reserve within the meaning of the Reserves Act 1977) to Heritage New Zealand Pouhere Taonga.

(2) Heritage New Zealand Pouhere Taonga may accept that land and hold it for the purposes of this Act.

Regulations

99 Regulations

(1) The Governor-General may, by Order in Council made on the recommendation of the Minister, make regulations for all or any of the following purposes:

(a) prescribing—

(i) offences for the contravention of, or non-compliance with, any regulations made under this Act; and

(ii) fines not exceeding $5,000 in respect of those offences:

(b) prescribing—

(i) the form or content of applications, notices, or any other documentation or information as may be required under this Act; and

(ii) the manner in which such documentation is to be provided:

(c) prescribing administrative charges for the matters set out in section 14(1)(j)(i) and (ii):

(d) providing for discounts on administrative charges imposed under section 14(1)(k) if and when Heritage New Zealand Pouhere Taonga is responsible for an application for an authority not being dealt with in accordance with the time limits prescribed by or under this Act:

(e) prescribing time limits for actions to be taken or decisions to be made that are not otherwise provided for in this Act:

(f) prescribing criteria for the purposes of section 66(4) and (6):

(g) providing for such other matters as may be contemplated by or necessary for giving full effect to this Act and its administration.

(2) Regulations under this section are secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Legislation Act 2019 requirements for secondary legislation made under this section		
Publication	PCO must publish it on the legislation website and notify it in the *Gazette*	LA19 s 69(1)(c)
Presentation	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 99(2): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Savings and transitional provisions

100 References to Trust

(1) On and from the commencement of this Act, a reference to the New Zealand Historic Places Trust (express or implied) in any enactment, or in any instrument, register, agreement, deed, lease, application, notice, or other document in force immediately before the commencement of this Act, must, unless the context requires otherwise, be read as a reference to Heritage New Zealand Pouhere Taonga.

(2) The Registrar-General and other persons with responsibility for keeping records or registers are not obliged, solely because of any provision in this Act, to change a name in those records or registers or in any document.

101 Expiry of term of office

(1) On and from the commencement of this Act, the term of office expires—

(a) for every member of the New Zealand Historic Places Board of Trustees—

(i) elected or appointed under section 42 of the Historic Places Act 1993; and

(ii) holding office immediately before the commencement of this Act; and

(b) for every member of the Council who held office immediately before the commencement of this Act.

(2) No person who is or has been a member of the Council is entitled to compensation as a result of the expiry of that person's term of office under this section.

102 Branch committees dissolved

(1) On and from the commencement of this Act,—

(a) the branch committees established under rules made under section 60 of the Historic Places Act 1993 (the **Committees**) and existing immediately before the commencement of this Act are dissolved; and

(b) the term of office of every member of those Committees expires; and

(c) any property, information, and other assets of the Committees vest in Heritage New Zealand Pouhere Taonga under this Act; and

(d) any money payable to or by the Committees under the Historic Places Act 1993 becomes payable to or by Heritage New Zealand Pouhere Taonga under this Act; and

(e) the obligations, liabilities, contracts, rights, entitlements, and authorities of the Committees are transferred to Heritage New Zealand Pouhere Taonga under this Act.

(2) Heritage New Zealand Pouhere Taonga, for a period of up to 12 months after the commencement of this Act, must take reasonable and practicable steps to support independent heritage groups set up to replace the Committees.

103 General transitional provision

(1) This section applies to—

(a) all matters to which the Historic Places Act 1993 applied that were, immediately before the commencement of this Act, commenced but not completed under that Act; and

(b) proceedings commenced under the Historic Places Act 1993 before the commencement of this Act, but not finally determined or withdrawn before that date.

(2) Those matters or proceedings are to be continued and completed by Heritage New Zealand Pouhere Taonga under the Historic Places Act 1993 as if it had not been repealed.

(3) The Canterbury Earthquake (Historic Places Act) Order 2011 continues to apply as if the Historic Places Act 1993 had not been repealed.

Notices

104 Giving of notices

(1) If a notice or other document is to be given to a person under this Act, it must be given in writing—

(a) by personal service; or

(b) by post addressed to the person at the person's usual or last-known place of business or residence; or

(c) by service on the person's lawyer or another person authorised to act on behalf of that person; or

(d) by electronic transmission to the person or that person's lawyer or another person authorised to act on behalf of that person, including transmission by whatever electronic means is considered appropriate, such as by fax, electronic mail, or electronic data transfer.

(2) In the absence of proof to the contrary, a notice or document—

(a) sent by post is deemed to have been received at the time at which it would have been delivered in the ordinary course of post; or

(b) sent by electronic means is deemed to have been received at the time at which it enters the information system of the recipient or otherwise comes to the attention of the person to whom it is addressed.

Repeal, revocation, and consequential amendments

105 Repeal

The Historic Places Act 1993 (1993 No 38) is repealed.

106 Revocation

The Historic Places Trust Elections Regulations 1993 (SR 1993/302) are revoked.

107 Consequential amendments

The enactments specified in the Schedule are consequentially amended in the manner set out in that schedule.

Schedule
Enactments consequentially amended

s 107

Part 1
Amendments to Acts

Affiliate Te Arawa Iwi and Hapu Claims Settlement Act 2008 (2008 No 98)

Definition of **Historic Places Trust** in section 10: repeal.

Section 10: insert in its appropriate alphabetical order:

> **Heritage New Zealand Pouhere Taonga** means the Crown entity established by section 9 of the Heritage New Zealand Pouhere Taonga Act 2014

Section 28(1)(a): omit "the Historic Places Trust" and substitute "Heritage New Zealand Pouhere Taonga".

Section 31: repeal and substitute:

> **31 Heritage New Zealand Pouhere Taonga and Environment Court to have regard to statutory acknowledgement**
>
> (1) If, on or after the effective date, an application is made under section 44, 56, or 61 of the Heritage New Zealand Pouhere Taonga Act 2014 for an authority to undertake an activity that will or may modify or destroy an archaeological site within a statutory area,—
>
> (a) Heritage New Zealand Pouhere Taonga, in exercising its powers under section 48, 56, or 62 of that Act in relation to the application, must have regard to the statutory acknowledgement relating to the statutory area; and
>
> (b) the Environment Court, in determining under section 59(1) or 64(1) of that Act any appeal against a decision of Heritage New Zealand Pouhere Taonga in relation to the application, must have regard to the statutory acknowledgement relating to the statutory area, including in making a determination as to whether the trustees are persons directly affected by the decision.
>
> (2) In this section, **archaeological site** has the meaning given in section 6 of the Heritage New Zealand Pouhere Taonga Act 2014.

Section 34(1): omit "the Historic Places Trust" and substitute "Heritage New Zealand Pouhere Taonga".

Section 34(2)(c): repeal and substitute:

> (c) Heritage New Zealand Pouhere Taonga:

Section 135(1)(a): repeal and substitute:

Affiliate Te Arawa Iwi and Hapu Claims Settlement Act 2008 (2008 No 98)—*continued*

(a) is entered at any time on the New Zealand Heritage List/Rārangi Kōrero; and

Section 135(2): omit "**registered place**" and substitute "**New Zealand Heritage List/Rārangi Kōrero**".

Section 135(2): omit "section 2 of the Historic Places Act 1993" and substitute "section 6 of the Heritage New Zealand Pouhere Taonga Act 2014".

Banks Peninsula District Council (Rates Validation, Empowering, and Trust Removal) Act 1994 (1994 No 2 (L))

Section 12(6): omit "the New Zealand Historic Places Trust (Pouhere Taonga)" and substitute "Heritage New Zealand Pouhere Taonga".

Building Act 2004 (2004 No 72)

Section 35(1)(f): omit "the New Zealand Historic Places Trust" and substitute "Heritage New Zealand Pouhere Taonga".

Heading to section 39: omit "**New Zealand Historic Places Trust**" and substitute "**Heritage New Zealand Pouhere Taonga**".

Section 39(1)(a): omit "registered".

Section 39(1)(a): insert "that has been entered on the New Zealand Heritage List/Rārangi Kōrero" after "wāhi tapu area".

Section 39(1)(b) and (2): omit "the New Zealand Historic Places Trust" and substitute in each case "Heritage New Zealand Pouhere Taonga".

Section 51(1)(ba): omit "the New Zealand Historic Places Trust" and substitute "Heritage New Zealand Pouhere Taonga".

Section 125(2)(f): omit "the New Zealand Historic Places Trust" and substitute "Heritage New Zealand Pouhere Taonga".

Section 155(2)(f): omit "the New Zealand Historic Places Trust" and substitute "Heritage New Zealand Pouhere Taonga".

Building Amendment Act 2012 (2012 No 23)

Section 17: new section 52B(1)(c): omit "the New Zealand Historic Places Trust" and substitute "Heritage New Zealand Pouhere Taonga".

Burial and Cremation Act 1964 (1964 No 75)

Section 45(2A): omit "the New Zealand Historic Places Trust" and substitute "Heritage New Zealand Pouhere Taonga".

Canterbury Earthquake Recovery Act 2011 (2011 No 12)

Section 71(3)(h): omit "Historic Places Act 1993" and substitute "Heritage New Zealand Pouhere Taonga Act 2014".

Central North Island Forests Land Collective Settlement Act 2008 (2008 No 99)

Clause 2(5) of Schedule 2: omit "the Historic Places Trust" and substitute "Heritage New Zealand Pouhere Taonga".

Christchurch City Council (Robert McDougall Gallery) Land Act 2003 (2003 No 4 (L))

Section 9: omit "Historic Places Act 1993" and substitute "Heritage New Zealand Pouhere Taonga Act 2014".

Conservation Act 1987 (1987 No 65)

Definition of **historic resource** in section 2(1): omit "Historic Places Act 1993" and substitute "Heritage New Zealand Pouhere Taonga Act 2014".

Section 23(1)(d): omit "section 6 of the Historic Places Act 1993" and substitute "section 39 of the Heritage New Zealand Pouhere Taonga Act 2014".

Section 65(7)(b): repeal.

Crown Entities Act 2004 (2004 No 115)

Item relating to the New Zealand Historic Places Trust (Pouhere Taonga) in Part 2 of Schedule 1: omit.

Part 2 of Schedule 1: insert in its appropriate alphabetical order:

Name	Exemption from acquisition of securities, borrowing, guarantee, and derivative rules				Exemption from section 165 (net surplus payable to Crown)
	s 161	s 162	s 163	s 164	
Heritage New Zealand Pouhere Taonga					✓

Crown Pastoral Land Act 1998 (1998 No 65)

Paragraph (b) of the definition of **protective mechanism** in section 2: omit "section 6 of the Historic Places Act 1993" and substitute "section 39 of the Heritage New Zealand Pouhere Taonga Act 2014".

Section 40(5): omit "section 6 of the Historic Places Act 1993" and substitute "section 39 of the Heritage New Zealand Pouhere Taonga Act 2014".

Section 40(5): omit "the New Zealand Historic Places Trust" and substitute "Heritage New Zealand Pouhere Taonga".

Section 80(6): omit "section 6 of the Historic Places Act 1993" and substitute "section 39 of the Heritage New Zealand Pouhere Taonga Act 2014".

Section 80(6)(b): omit "the New Zealand Historic Places Trust" and substitute "Heritage New Zealand Pouhere Taonga".

Environment Act 1986 (1986 No 127)

Item relating to the Historic Places Act 1980 in the Schedule: omit.

Environment Act 1986 (1986 No 127)—*continued*

Schedule: insert in its appropriate alphabetical order "Heritage New Zealand Pouhere Taonga Act 2014".

Estate and Gift Duties Act 1968 (1968 No 35)

Section 73(2)(a): repeal and substitute:

(a) any gift to Heritage New Zealand Pouhere Taonga for the purposes of the Heritage New Zealand Pouhere Taonga Act 2014:

Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012 (2012 No 72)

Section 4(1), definition of **wāhi tapu**, omit "section 2 of the Historic Places Act 1993" and substitute "section 6 of the Heritage New Zealand Pouhere Taonga Act 2014".

Fiordland (Te Moana o Atawhenua) Marine Management Act 2005 (2005 No 36)

Item relating to section 20.1 of the Southland Regional Coastal Plan in Schedule 12: omit "the Historic Places Trust" and substitute "Heritage New Zealand Pouhere Taonga".

Hauraki Gulf Marine Park Act 2000 (2000 No 1)

Section 35(2)(c): omit "section 6 of the Historic Places Act 1993" and substitute "section 39 of the Heritage New Zealand Pouhere Taonga Act 2014".

Item relating to the Historic Places Act 1993 in Schedule 1: omit.

Schedule 1: insert in its appropriate alphabetical order "Heritage New Zealand Pouhere Taonga Act 2014".

Local Government (Rating) Act 2002 (2002 No 6)

Clause 5(a) of Schedule 1: repeal and substitute:

(a) Heritage New Zealand Pouhere Taonga:

Maraeroa A and B Blocks Claims Settlement Act 2012 (2012 No 52)

Definition of **Historic Places Trust** in section 10: repeal.

Section 10: insert in its appropriate alphabetical order:

Heritage New Zealand Pouhere Taonga means the Crown entity established by section 9 of the Heritage New Zealand Pouhere Taonga Act 2014

Section 24(1)(a): omit "the Historic Places Trust" and substitute "Heritage New Zealand Pouhere Taonga".

Section 27: repeal and substitute:

Maraeroa A and B Blocks Claims Settlement Act 2012 (2012 No 52)—*continued*

27 Heritage New Zealand Pouhere Taonga and Environment Court to have regard to statutory acknowledgement

(1) If, on or after the effective date, an application is made under section 44, 56, or 61 of the Heritage New Zealand Pouhere Taonga Act 2014 for an authority to undertake an activity that will or may modify or destroy an archaeological site within a statutory area,—

(a) Heritage New Zealand Pouhere Taonga, in exercising its powers under section 48, 56, or 62 of that Act in relation to the application, must have regard to the statutory acknowledgement relating to the statutory area; and

(b) the Environment Court, in determining under section 59(1) or 64(1) of that Act any appeal against a decision of Heritage New Zealand Pouhere Taonga in relation to the application, must have regard to the statutory acknowledgement relating to the statutory area, including in making a determination as to whether the trustees are persons directly affected by the decision.

(2) In this section, **archaeological site** has the meaning given in section 6 of the Heritage New Zealand Pouhere Taonga Act 2014.

Section 30(c): omit "the Historic Places Trust" and substitute "Heritage New Zealand Pouhere Taonga".

Section 74(a): omit "section 2 of the Historic Places Act 1993" and substitute "section 6 of the Heritage New Zealand Pouhere Taonga Act 2014".

Section 74(b): repeal and substitute:

(b) is, at any time, entered on the New Zealand Heritage List/Rārangi Kōrero (as defined in section 6 of that Act).

Marine and Coastal Area (Takutai Moana) Act 2011 (2011 No 3)

Section 9: definition of **wāhi tapu** and **wāhi tapu area**: omit "section 2 of the Historic Places Act 1993" and substitute "section 6 of the Heritage New Zealand Pouhere Taonga Act 2014".

Section 81(3): repeal and substitute:

(3) Despite subsection (2), the offence provisions of the Heritage New Zealand Pouhere Taonga Act 2014 apply if a wāhi tapu or wāhi tapu area subject to a wāhi tapu protection right is protected by a heritage covenant under section 39 of that Act.

Section 85(5)(b): omit "the Historic Places Act 1993" and substitute "the Heritage New Zealand Pouhere Taonga Act 2014".

Heading to section 89: omit "**New Zealand Historic Places Trust**" and substitute "**Heritage New Zealand Pouhere Taonga**".

Marine and Coastal Area (Takutai Moana) Act 2011 (2011 No 3)—*continued*

Section 89: omit "the New Zealand Historic Places Trust (the **Trust**)" and substitute "Heritage New Zealand Pouhere Taonga".

Section 89(a): omit "the Trust" in each place where it appears and substitute in each case "Heritage New Zealand Pouhere Taonga".

Section 89(a): omit "section 14 of the Historic Places Act 1993" and substitute "section 44 of the Heritage New Zealand Pouhere Taonga Act 2014".

Section 89(a): omit ", damage,".

Section 89(b): omit "section 20" and substitute "section 58".

Section 89(b): omit "the Trust" and substitute "Heritage New Zealand Pouhere Taonga".

Section 110(3)(b)(ii): omit "the New Zealand Historic Places Trust" and substitute "Heritage New Zealand Pouhere Taonga".

Mauao Historic Reserve Vesting Act 2008 (2008 No 31)

Section 5(1)(c): omit "Historic Places Act 1993" and substitute "Heritage New Zealand Pouhere Taonga Act 2014".

Maungaharuru-Tangitū Hapū Claims Settlement Act 2014 (2014 No 12)

Definition of **Historic Places Trust** in section 11: repeal.

Section 11: insert in its appropriate alphabetical order:

> **Heritage New Zealand Pouhere Taonga** means the Crown entity established by section 9 of the Heritage New Zealand Pouhere Taonga Act 2014

Section 39(a): omit "the Historic Places Trust" and substitute "Heritage New Zealand Pouhere Taonga".

Section 42: repeal and substitute:

42 Heritage New Zealand Pouhere Taonga and Environment Court to have regard to statutory acknowledgement

(1) If, on or after the effective date, an application is made under section 44, 56, or 61 of the Heritage New Zealand Pouhere Taonga Act 2014 for an authority to undertake an activity that will or may modify or destroy an archaeological site within a statutory area,—

(a) Heritage New Zealand Pouhere Taonga, in exercising its powers under section 48, 56, or 62 of that Act in relation to the application, must have regard to the statutory acknowledgement relating to the statutory area; and

(b) the Environment Court, in determining under section 59(1) or 64(1) of that Act any appeal against a decision of Heritage New Zealand Pouhere Taonga in relation to the application, must have regard to the statutory acknowledgement relating to the statutory area, including in making a

Maungaharuru-Tangitū Hapū Claims Settlement Act 2014 (2014 No 12)—*continued*

determination as to whether the trustees are persons directly affected by the decision.

(2) In this section, **archaeological site** has the meaning given in section 6 of the Heritage New Zealand Pouhere Taonga Act 2014.

Section 45(1)(c): repeal and substitute:

(c) Heritage New Zealand Pouhere Taonga; or

Paragraphs (a) and (b) of the definition of **protected site** in section 108: repeal and substitute:

(a) is a wāhi tapu or wāhi tapu area within the meaning of section 6 of the Heritage New Zealand Pouhere Taonga Act 2014; and

(b) is, at any time, entered on the New Zealand Heritage List/Rārangi Kōrero as defined in section 6 of that Act

Methodist Church Withells Road Cemetery Empowering Act 1981 (1981 No 1 (P))

Section 3(1): omit "Historic Places Act 1980" and substitute "Heritage New Zealand Pouhere Taonga Act 2014".

National Parks Act 1980 (1980 No 66)

Section 77: omit "Historic Places Act 1993" and substitute "Heritage New Zealand Pouhere Taonga Act 2014".

National War Memorial Park (Pukeahu) Empowering Act 2012 (2012 No 76)

Section 25(2)(b): omit "the Historic Places Act 1993" and substitute "the Heritage New Zealand Pouhere Taonga Act 2014".

Section 37(2)(d): omit "New Zealand Historic Places Trust (Pouhere Taonga)" and substitute "Heritage New Zealand Pouhere Taonga".

Ngaa Rauru Kiitahi Claims Settlement Act 2005 (2005 No 84)

Definition of **archaeological site** in section 12: omit "section 2 of the Historic Places Act 1993" and substitute "section 6 of the Heritage New Zealand Pouhere Taonga Act 2014".

Definition of **Historic Places Trust** in section 12: repeal.

Section 12: insert in its appropriate alphabetical order:

Heritage New Zealand Pouhere Taonga means the Crown entity established by section 9 of the Heritage New Zealand Pouhere Taonga Act 2014

Section 41(1)(a): omit "the Historic Places Trust" and substitute "Heritage New Zealand Pouhere Taonga".

Section 44: repeal and substitute:

Ngaa Rauru Kiitahi Claims Settlement Act 2005 (2005 No 84)—*continued*

44 Heritage New Zealand Pouhere Taonga and Environment Court to have regard to statutory acknowledgements

If, on or after the effective date, an application is made under section 44, 56, or 61 of the Heritage New Zealand Pouhere Taonga Act 2014 for an authority to undertake an activity that will or may modify or destroy an archaeological site within a statutory area,—

(a) Heritage New Zealand Pouhere Taonga, in exercising its powers under section 48, 56, or 62 of that Act in relation to the application, must have regard to the statutory acknowledgement relating to the statutory area; and

(b) the Environment Court, in determining under section 59(1) or 64(1) of that Act any appeal against a decision of Heritage New Zealand Pouhere Taonga in relation to the application, must have regard to the statutory acknowledgement relating to the statutory area, including in making a determination as to whether the governance entity is a person directly affected by the decision.

Section 47(1): omit "the Historic Places Trust" and substitute "Heritage New Zealand Pouhere Taonga".

Section 47(2)(c): repeal and substitute:

(c) Heritage New Zealand Pouhere Taonga:

Ngāi Tahu Claims Settlement Act 1998 (1998 No 97)

Section 8: insert in its appropriate alphabetical order:

Heritage New Zealand Pouhere Taonga means the Crown entity established by section 9 of the Heritage New Zealand Pouhere Taonga Act 2014

Section 151(2): omit "the Historic Places Trust" and substitute "Heritage New Zealand Pouhere Taonga".

Section 152(2): omit "the Historic Places Trust" and substitute "Heritage New Zealand Pouhere Taonga".

Section 210: repeal and substitute:

210 Heritage New Zealand Pouhere Taonga and Environment Court to have regard to statutory acknowledgements

(1) If, on or after the effective date, an application is made under section 44, 56, or 61 of the Heritage New Zealand Pouhere Taonga Act 2014 for an authority to undertake an activity that will or may modify or destroy an archaeological site within a statutory area,—

(a) Heritage New Zealand Pouhere Taonga, in exercising its powers under section 48, 56, or 62 of that Act in relation to the application, must have

Ngāi Tahu Claims Settlement Act 1998 (1998 No 97)—*continued*

regard to the statutory acknowledgement relating to the statutory area; and

(b) the Environment Court, in determining under section 59(1) or 64(1) of that Act any appeal against a decision of Heritage New Zealand Pouhere Taonga in relation to the application, must have regard to the statutory acknowledgement relating to the statutory area, including in making a determination as to whether Te Rūnanga o Ngāi Tahu is a person directly affected by the decision.

(2) In this section, **archaeological site** has the meaning given in section 6 of the Heritage New Zealand Pouhere Taonga Act 2014.

Section 211(1) and (2): omit "the Historic Places Trust" and substitute in each case "Heritage New Zealand Pouhere Taonga".

Section 215(b): omit "the Historic Places Trust" and substitute "Heritage New Zealand Pouhere Taonga".

Paragraph (b) under the heading "**Purposes of statutory acknowledgement**" in Schedules 14 to 77, 100 to 104, and 108: omit "the Historic Places Trust" and substitute "Heritage New Zealand Pouhere Taonga".

Ngai Tāmanuhiri Claims Settlement Act 2012 (2012 No 55)

Definition of **Historic Places Trust** in section 10: repeal.

Section 10: insert in its appropriate alphabetical order:

Heritage New Zealand Pouhere Taonga means the Crown entity established by section 9 of the Heritage New Zealand Pouhere Taonga Act 2014

Section 29(1)(a): omit "the Historic Places Trust" and substitute "Heritage New Zealand Pouhere Taonga".

Section 32: repeal and substitute:

32 Heritage New Zealand Pouhere Taonga and Environment Court to have regard to statutory acknowledgement

(1) If, on or after the effective date, an application is made under section 44, 56, or 61 of the Heritage New Zealand Pouhere Taonga Act 2014 for an authority to undertake an activity that will or may modify or destroy an archaeological site within a statutory area,—

(a) Heritage New Zealand Pouhere Taonga, in exercising its powers under section 48, 56, or 62 of that Act in relation to the application, must have regard to the statutory acknowledgement relating to the statutory area; and

(b) the Environment Court, in determining under section 59(1) or 64(1) of that Act any appeal against a decision of Heritage New Zealand Pouhere Taonga in relation to the application, must have regard to the statutory

Ngai Tāmanuhiri Claims Settlement Act 2012 (2012 No 55)—*continued*

acknowledgement relating to the statutory area, including in making a determination as to whether the trustees are persons directly affected by the decision.

(2) In this section, **archaeological site** has the meaning given in section 6 of the Heritage New Zealand Pouhere Taonga Act 2014.

Section 35(1)(c): omit "the Historic Places Trust" and substitute "Heritage New Zealand Pouhere Taonga".

Section 82(a): omit "section 2 of the Historic Places Act 1993" and substitute "section 6 of the Heritage New Zealand Pouhere Taonga Act 2014".

Section 82(b): repeal and substitute:

(b) is, at any time, entered on the New Zealand Heritage List/Rārangi Kōrero (as defined in section 6 of that Act).

Ngāti Apa ki te Rā Tō, Ngāti Kuia, and Rangitāne o Wairau Claims Settlement Act 2014 (2014 No 19)

Definition of **Historic Places Trust** in section 18(1): repeal.

Section 18(1): insert in its appropriate alphabetical order:

Heritage New Zealand Pouhere Taonga means the Crown entity established by section 9 of the Heritage New Zealand Pouhere Taonga Act 2014

Section 39(a): omit "the Historic Places Trust" and substitute "Heritage New Zealand Pouhere Taonga".

Section 42: repeal and substitute:

42 Heritage New Zealand Pouhere Taonga and Environment Court to have regard to statutory acknowledgement

(1) If, on or after the effective date, an application is made under section 44, 56, or 61 of the Heritage New Zealand Pouhere Taonga Act 2014 for an authority to undertake an activity that will or may modify or destroy an archaeological site within a statutory area,—

(a) Heritage New Zealand Pouhere Taonga, in exercising its powers under section 48, 56, or 62 of that Act in relation to the application, must have regard to the statutory acknowledgement relating to the statutory area; and

(b) the Environment Court, in determining under section 59(1) or 64(1) of that Act any appeal against a decision of Heritage New Zealand Pouhere Taonga in relation to the application, must have regard to the statutory acknowledgement relating to the statutory area, including in making a determination as to whether the trustees are persons directly affected by the decision.

Ngāti Apa ki te Rā Tō, Ngāti Kuia, and Rangitāne o Wairau Claims Settlement Act 2014 (2014 No 19)—*continued*

(2) In this section, **archaeological site** has the meaning given in section 6 of the Heritage New Zealand Pouhere Taonga Act 2014.

Section 45(1): omit "the Historic Places Trust" and substitute "Heritage New Zealand Pouhere Taonga".

Section 45(2)(d): repeal and substitute:

(d) Heritage New Zealand Pouhere Taonga:

Section 46(2) and (3): omit "the Historic Places Trust" and substitute "Heritage New Zealand Pouhere Taonga".

Section 125(4)(b): omit "section 2 of the Historic Places Act 1993" and substitute "section 6 of the Heritage New Zealand Pouhere Taonga Act 2014".

Section 132(3)(b): omit "section 2 of the Historic Places Act 1993" and substitute "section 6 of the Heritage New Zealand Pouhere Taonga Act 2014".

Paragraphs (a) and (b) of the definition of **protected site** in section 157(1): repeal and substitute:

(a) is a wāhi tapu or wāhi tapu area within the meaning of section 6 of the Heritage New Zealand Pouhere Taonga Act 2014; and

(b) is, at any time, entered on the New Zealand Heritage List/Rārangi Kōrero as defined in section 6 of that Act.

Section 157(2): repeal.

Ngāti Apa (North Island) Claims Settlement Act 2010 (2010 No 129)

Definition of **Historic Places Trust** in section 10: repeal.

Section 10: insert in its appropriate alphabetical order:

Heritage New Zealand Pouhere Taonga means the Crown entity established by section 9 of the Heritage New Zealand Pouhere Taonga Act 2014

Section 28(1)(a): omit "the Historic Places Trust" and substitute "Heritage New Zealand Pouhere Taonga".

Section 31: repeal and substitute:

31 Heritage New Zealand Pouhere Taonga and Environment Court to have regard to statutory acknowledgement

(1) If, on or after the effective date, an application is made under section 44, 56, or 61 of the Heritage New Zealand Pouhere Taonga Act 2014 for an authority to undertake an activity that will or may modify or destroy an archaeological site within a statutory area,—

(a) Heritage New Zealand Pouhere Taonga, in exercising its powers under section 48, 56, or 62 of that Act in relation to the application, must have

Ngāti Apa (North Island) Claims Settlement Act 2010 (2010 No 129)—*continued*

regard to the statutory acknowledgement relating to the statutory area; and

(b) the Environment Court, in determining under section 59(1) or 64(1) of that Act any appeal against a decision of Heritage New Zealand Pouhere Taonga in relation to the application, must have regard to the statutory acknowledgement relating to the statutory area, including in making a determination as to whether the trustees are persons directly affected by the decision.

(2) In this section, **archaeological site** has the meaning given in section 6 of the Heritage New Zealand Pouhere Taonga Act 2014.

Section 34(1): omit "the Historic Places Trust" and substitute "Heritage New Zealand Pouhere Taonga".

Section 34(2)(d): repeal and substitute:

(d) Heritage New Zealand Pouhere Taonga:

Section 35(2): omit "the Historic Places Trust" and substitute "Heritage New Zealand Pouhere Taonga".

Section 83(a): repeal and substitute:

(a) is, at any time, entered on the New Zealand Heritage List/Rārangi Kōrero (as defined in section 6 of the Heritage New Zealand Pouhere Taonga Act 2014); and

Section 83(b): omit "section 2" and substitute "section 6".

Ngāti Awa Claims Settlement Act 2005 (2005 No 28)

Definition of **archaeological site** in section 12: omit "section 2 of the Historic Places Act 1993" and substitute "section 6 of the Heritage New Zealand Pouhere Taonga Act 2014".

Definition of **Historic Places Trust** in section 12: repeal.

Section 12: insert in its appropriate alphabetical order:

Heritage New Zealand Pouhere Taonga means the Crown entity established by section 9 of the Heritage New Zealand Pouhere Taonga Act 2014

Section 41(1)(a): omit "the Historic Places Trust" and substitute "Heritage New Zealand Pouhere Taonga".

Section 44: repeal and substitute:

44 Heritage New Zealand Pouhere Taonga and Environment Court to have regard to statutory acknowledgements

If, on or after the effective date, an application is made under section 44, 56, or 61 of the Heritage New Zealand Pouhere Taonga Act 2014 for an authority to

Ngāti Awa Claims Settlement Act 2005 (2005 No 28)—*continued*

undertake an activity that will or may modify or destroy an archaeological site within a statutory area,—

(a) Heritage New Zealand Pouhere Taonga, in exercising its powers under section 48, 56, or 62 of that Act in relation to the application, must have regard to the statutory acknowledgement relating to the statutory area; and

(b) the Environment Court, in determining under section 59(1) or 64(1) of that Act any appeal against a decision of Heritage New Zealand Pouhere Taonga in relation to the application, must have regard to the statutory acknowledgement relating to the statutory area, including in making a determination as to whether the Ngāti Awa governance entity is a person directly affected by the decision.

Section 47(1): omit "the Historic Places Trust" and substitute "Heritage New Zealand Pouhere Taonga".

Section 47(2)(c): repeal and substitute:

(c) Heritage New Zealand Pouhere Taonga:

Paragraph (b)(i) of the definition of **protected site** in section 139: repeal and substitute:

(i) is, at any time, entered on the New Zealand Heritage List/Rārangi Kōrero (as defined in section 6 of the Heritage New Zealand Pouhere Taonga Act 2014); and

Paragraph (a) under the heading "Purposes of statutory acknowledgement" in Schedules 4 to 14: omit "the New Zealand Historic Places Trust" and substitute "Heritage New Zealand Pouhere Taonga".

Ngāti Kōata, Ngāti Rārua, Ngāti Tama ki Te Tau Ihu, and Te Ātiawa o Te Waka-a-Māui Claims Settlement Act 2014 (2014 No 20)

Definition of **Historic Places Trust** in section 21(1): repeal.

Section 21(1): insert in its appropriate alphabetical order:

Heritage New Zealand Pouhere Taonga means the Crown entity established by section 9 of the Heritage New Zealand Pouhere Taonga Act 2014

Section 42(a): omit "the Historic Places Trust" and substitute "Heritage New Zealand Pouhere Taonga".

Section 45: repeal and substitute:

45 Heritage New Zealand Pouhere Taonga and Environment Court to have regard to statutory acknowledgement

(1) If, on or after the effective date, an application is made under section 44, 56, or 61 of the Heritage New Zealand Pouhere Taonga Act 2014 for an authority to

Ngāti Kōata, Ngāti Rārua, Ngāti Tama ki Te Tau Ihu, and Te Ātiawa o Te Waka-a-Māui Claims Settlement Act 2014 (2014 No 20)—*continued*

undertake an activity that will or may modify or destroy an archaeological site within a statutory area,—

(a) Heritage New Zealand Pouhere Taonga, in exercising its powers under section 48, 56, or 62 of that Act in relation to the application, must have regard to the statutory acknowledgement relating to the statutory area; and

(b) the Environment Court, in determining under section 59(1) or 64(1) of that Act any appeal against a decision of Heritage New Zealand Pouhere Taonga in relation to the application, must have regard to the statutory acknowledgement relating to the statutory area, including in making a determination as to whether the trustees are persons directly affected by the decision.

(2) In this section, **archaeological site** has the meaning given in section 6 of the Heritage New Zealand Pouhere Taonga Act 2014.

Section 48(1): omit "the Historic Places Trust" and substitute "Heritage New Zealand Pouhere Taonga".

Section 48(2)(d): repeal and substitute:

(d) Heritage New Zealand Pouhere Taonga:

Section 49(2) and (3): omit "the Historic Places Trust" and substitute "Heritage New Zealand Pouhere Taonga".

Section 149(3)(b): omit "section 2 of the Historic Places Act 1993" and substitute "section 6 of the Heritage New Zealand Pouhere Taonga Act 2014".

Paragraphs (a) and (b) of the definition of **protected site** in section 177(1): repeal and substitute:

(a) is a wāhi tapu or wāhi tapu area within the meaning of section 6 of the Heritage New Zealand Pouhere Taonga Act 2014; and

(b) is, at any time, entered on the New Zealand Heritage List/Rārangi Kōrero as defined in section 6 of that Act.

Section 177(2): repeal.

Ngāti Mākino Claims Settlement Act 2012 (2012 No 53)

Definition of **Historic Places Trust** in section 8: repeal.

Section 8: insert in its appropriate alphabetical order:

Heritage New Zealand Pouhere Taonga means the Crown entity established by section 9 of the Heritage New Zealand Pouhere Taonga Act 2014

Section 24(1)(a): omit "the Historic Places Trust" and substitute "Heritage New Zealand Pouhere Taonga".

Section 27: repeal and substitute:

Ngāti Mākino Claims Settlement Act 2012 (2012 No 53)—*continued*

27 Heritage New Zealand Pouhere Taonga and Environment Court to have regard to statutory acknowledgement

(1) If, on or after the effective date, an application is made under section 44, 56, or 61 of the Heritage New Zealand Pouhere Taonga Act 2014 for an authority to undertake an activity that will or may modify or destroy an archaeological site within a statutory area,—

(a) Heritage New Zealand Pouhere Taonga, in exercising its powers under section 48, 56, or 62 of that Act in relation to the application, must have regard to the statutory acknowledgement relating to the statutory area; and

(b) the Environment Court, in determining under section 59(1) or 64(1) of that Act any appeal against a decision of Heritage New Zealand Pouhere Taonga in relation to the application, must have regard to the statutory acknowledgement relating to the statutory area, including in making a determination as to whether the trustees are persons directly affected by the decision.

(2) In this section, **archaeological site** has the meaning given in section 6 of the Heritage New Zealand Pouhere Taonga Act 2014.

Section 30(1): omit "the Historic Places Trust" and substitute "Heritage New Zealand Pouhere Taonga".

Section 30(2)(d): repeal and substitute:

(d) Heritage New Zealand Pouhere Taonga:

Section 31(2) and (3): omit "the Historic Places Trust" and substitute "Heritage New Zealand Pouhere Taonga".

Section 91(a): omit "section 2 of the Historic Places Act 1993" and substitute "section 6 of the Heritage New Zealand Pouhere Taonga Act 2014".

Section 91(b): repeal and substitute:

(b) is, at any time, entered on the New Zealand Heritage List/Rārangi Kōrero (as defined in section 6 of that Act).

Ngāti Manawa Claims Settlement Act 2012 (2012 No 27)

Section 10: insert in its appropriate alphabetical order:

Heritage New Zealand Pouhere Taonga means the Crown entity established by section 9 of the Heritage New Zealand Pouhere Taonga Act 2014

Section 42(1)(a): omit "the Historic Places Trust" and substitute "Heritage New Zealand Pouhere Taonga".

Section 45: repeal and substitute:

Ngāti Manawa Claims Settlement Act 2012 (2012 No 27)—*continued*

45 Heritage New Zealand Pouhere Taonga and Environment Court to have regard to statutory acknowledgement

(1) If, on or after the effective date, an application is made under section 44, 56, or 61 of the Heritage New Zealand Pouhere Taonga Act 2014 for an authority to undertake an activity that will or may modify or destroy an archaeological site within a statutory area,—

(a) Heritage New Zealand Pouhere Taonga, in exercising its powers under section 48, 56, or 62 of that Act in relation to the application, must have regard to the statutory acknowledgement relating to the statutory area; and

(b) the Environment Court, in determining under section 59(1) or 64(1) of that Act any appeal against a decision of Heritage New Zealand Pouhere Taonga in relation to the application, must have regard to the statutory acknowledgement relating to the statutory area, including in making a determination as to whether the trustees are persons directly affected by the decision.

(2) In this section, **archaeological site** has the meaning given in section 6 of the Heritage New Zealand Pouhere Taonga Act 2014.

Section 48(1): omit "the Historic Places Trust" and substitute "Heritage New Zealand Pouhere Taonga".

Section 48(2)(d): repeal and substitute:

(d) Heritage New Zealand Pouhere Taonga:

Ngāti Manuhiri Claims Settlement Act 2012 (2012 No 90)

Definition of **Historic Places Trust** in section 11: repeal.

Section 11: insert in its appropriate alphabetical order:

Heritage New Zealand Pouhere Taonga means the Crown entity established by section 9 of the Heritage New Zealand Pouhere Taonga Act 2014

Section 28(a): omit "the Historic Places Trust" and substitute "Heritage New Zealand Pouhere Taonga".

Section 31: repeal and substitute:

31 Heritage New Zealand Pouhere Taonga and Environment Court to have regard to statutory acknowledgement

(1) If, on or after the effective date, an application is made under section 44, 56, or 61 of the Heritage New Zealand Pouhere Taonga Act 2014 for an authority to undertake an activity that will or may modify or destroy an archaeological site within a statutory area,—

(a) Heritage New Zealand Pouhere Taonga, in exercising its powers under section 48, 56, or 62 of that Act in relation to the application, must have

Ngāti Manuhiri Claims Settlement Act 2012 (2012 No 90)—*continued*

regard to the statutory acknowledgement relating to the statutory area; and

(b) the Environment Court, in determining under section 59(1) or 64(1) of that Act any appeal against a decision of Heritage New Zealand Pouhere Taonga in relation to the application, must have regard to the statutory acknowledgement relating to the statutory area, including in making a determination as to whether the trustees are persons directly affected by the decision.

(2) In this section, **archaeological site** has the meaning given in section 6 of the Heritage New Zealand Pouhere Taonga Act 2014.

Section 34(1): omit "the Historic Places Trust" and substitute "Heritage New Zealand Pouhere Taonga".

Section 34(2)(d): repeal and substitute:

(d) Heritage New Zealand Pouhere Taonga:

Section 100(e): omit "section 2 of the Historic Places Act 1993" and substitute "section 6 of the Heritage New Zealand Pouhere Taonga Act 2014".

Section 107(1)(a) and (b): repeal and substitute:

(a) a wāhi tapu or wāhi tapu area; and

(b) a place that is entered on the New Zealand Heritage List/Rārangi Kōrero.

Section 107(2): repeal and substitute:

(2) In subsection (1), **wāhi tapu** and **wāhi tapu area** have the meanings given in section 6 of the Heritage New Zealand Pouhere Taonga Act 2014.

Ngāti Mutunga Claims Settlement Act 2006 (2006 No 61)

Definition of **archaeological site** in section 12: omit "section 2 of the Historic Places Act 1993" and substitute "section 6 of the Heritage New Zealand Pouhere Taonga Act 2014".

Definition of **Historic Places Trust** in section 12: repeal.

Section 12: insert in its appropriate alphabetical order:

Heritage New Zealand Pouhere Taonga means the Crown entity established by section 9 of the Heritage New Zealand Pouhere Taonga Act 2014

Section 49(1)(a): omit "the Historic Places Trust" and substitute "Heritage New Zealand Pouhere Taonga".

Section 52: repeal and substitute:

52 Heritage New Zealand Pouhere Taonga and Environment Court to have regard to statutory acknowledgements

If, on or after the effective date, an application is made under section 44, 56, or 61 of the Heritage New Zealand Pouhere Taonga Act 2014 for an authority to

Ngāti Mutunga Claims Settlement Act 2006 (2006 No 61)—*continued*

undertake an activity that will or may modify or destroy an archaeological site within a statutory area,—

(a) Heritage New Zealand Pouhere Taonga, in exercising its powers under section 48, 56, or 62 of that Act in relation to the application, must have regard to the statutory acknowledgement relating to the statutory area; and

(b) the Environment Court, in determining under section 59(1) or 64(1) of that Act any appeal against a decision of Heritage New Zealand Pouhere Taonga in relation to the application, must have regard to the statutory acknowledgement relating to the statutory area, including in making a determination as to whether the trustees are persons directly affected by the decision.

Section 55(1): omit "the Historic Places Trust" and substitute "Heritage New Zealand Pouhere Taonga".

Section 55(2)(d): repeal and substitute:

(d) Heritage New Zealand Pouhere Taonga:

Section 24(5) of the Reserves Act 1977 set out in Schedule 5: omit "the New Zealand Historic Places Trust" and substitute "Heritage New Zealand Pouhere Taonga".

Ngāti Pāhauwera Treaty Claims Settlement Act 2012 (2012 No 30)

Definition of **Historic Places Trust** in section 11: repeal.

Section 11: insert in its appropriate alphabetical order:

Heritage New Zealand Pouhere Taonga means the Crown entity established by section 9 of the Heritage New Zealand Pouhere Taonga Act 2014

Section 68(1)(a): omit "the Historic Places Trust" and substitute "Heritage New Zealand Pouhere Taonga".

Section 71: repeal and substitute:

71 Heritage New Zealand Pouhere Taonga and Environment Court to have regard to statutory acknowledgement

(1) If, on or after the effective date, an application is made under section 44, 56, or 61 of the Heritage New Zealand Pouhere Taonga Act 2014 for an authority to undertake an activity that will or may modify or destroy an archaeological site within a statutory area,—

(a) Heritage New Zealand Pouhere Taonga, in exercising its powers under section 48, 56, or 62 of that Act in relation to the application, must have regard to the statutory acknowledgement relating to the statutory area; and

(b) the Environment Court, in determining under section 59(1) or 64(1) of that Act any appeal against a decision of Heritage New Zealand Pouhere

Ngāti Pāhauwera Treaty Claims Settlement Act 2012 (2012 No 30)—*continued*

Taonga in relation to the application, must have regard to the statutory acknowledgement relating to the statutory area, including in making a determination as to whether the trustees are persons directly affected by the decision.

(2) In this section, **archaeological site** has the meaning given in section 6 of the Heritage New Zealand Pouhere Taonga Act 2014.

Section 74(1): omit "the Historic Places Trust" and substitute "Heritage New Zealand Pouhere Taonga".

Section 74(2)(d): repeal and substitute:

(d) Heritage New Zealand Pouhere Taonga:

Section 75(2): omit "the Historic Places Trust" and substitute "Heritage New Zealand Pouhere Taonga".

Section 91(a): omit "section 2 of the Historic Places Act 1993" and substitute "section 6 of the Heritage New Zealand Pouhere Taonga Act 2014".

Section 91(b): repeal and substitute:

(b) is, at any time, entered on the New Zealand Heritage List/Rārangi Kōrero (as defined in section 6 of that Act).

Ngati Porou Claims Settlement Act 2012 (2012 No 31)

Definition of **Historic Places Trust** in section 10: repeal.

Section 10: insert in its appropriate alphabetical order:

Heritage New Zealand Pouhere Taonga means the Crown entity established by section 9 of the Heritage New Zealand Pouhere Taonga Act 2014

Section 46(1)(a): omit "the Historic Places Trust" and substitute "Heritage New Zealand Pouhere Taonga".

Section 49: repeal and substitute:

49 Heritage New Zealand Pouhere Taonga and Environment Court to have regard to statutory acknowledgement

(1) If, on or after the effective date, an application is made under section 44, 56, or 61 of the Heritage New Zealand Pouhere Taonga Act 2014 for an authority to undertake an activity that will or may modify or destroy an archaeological site within a statutory area,—

(a) Heritage New Zealand Pouhere Taonga, in exercising its powers under section 48, 56, or 62 of that Act in relation to the application, must have regard to the statutory acknowledgement relating to the statutory area; and

(b) the Environment Court, in determining under section 59(1) or 64(1) of that Act any appeal against a decision of Heritage New Zealand Pouhere

Ngati Porou Claims Settlement Act 2012 (2012 No 31)—*continued*

Taonga in relation to the application, must have regard to the statutory acknowledgement relating to the statutory area, including in making a determination as to whether the trustees are persons directly affected by the decision.

(2) In this section, **archaeological site** has the meaning given in section 6 of the Heritage New Zealand Pouhere Taonga Act 2014.

Section 52(1)(c): omit "the Historic Places Trust" and substitute "Heritage New Zealand Pouhere Taonga".

Section 94(a): omit "section 2 of the Historic Places Act 1993" and substitute "section 6 of the Heritage New Zealand Pouhere Taonga Act 2014".

Section 94(b): repeal and substitute:

(b) is, at any time, entered on the New Zealand Heritage List/Rārangi Kōrero (as defined in section 6 of that Act).

Ngāti Rangiteaorere Claims Settlement Act 2014 (2014 No 13)

Definition of **Historic Places Trust** in section 13: repeal.

Section 13: insert in its appropriate alphabetical order:

Heritage New Zealand Pouhere Taonga means the Crown entity established by section 9 of the Heritage New Zealand Pouhere Taonga Act 2014

Section 32(a): omit "the Historic Places Trust" and substitute "Heritage New Zealand Pouhere Taonga".

Section 35: repeal and substitute:

35 Heritage New Zealand Pouhere Taonga and Environment Court to have regard to statutory acknowledgement

(1) If, on or after the effective date, an application is made under section 44, 56, or 61 of the Heritage New Zealand Pouhere Taonga Act 2014 for an authority to undertake an activity that will or may modify or destroy an archaeological site within a statutory area,—

(a) Heritage New Zealand Pouhere Taonga, in exercising its powers under section 48, 56, or 62 of that Act in relation to the application, must have regard to the statutory acknowledgement relating to the statutory area; and

(b) the Environment Court, in determining under section 59(1) or 64(1) of that Act any appeal against a decision of Heritage New Zealand Pouhere Taonga in relation to the application, must have regard to the statutory acknowledgement relating to the statutory area, including in making a determination as to whether the trustees are persons directly affected by the decision.

Ngāti Rangiteaorere Claims Settlement Act 2014 (2014 No 13)—*continued*

(2) In this section, **archaeological site** has the meaning given in section 6 of the Heritage New Zealand Pouhere Taonga Act 2014.

Section 38(1)(c): repeal and substitute:

(c) Heritage New Zealand Pouhere Taonga; or

Ngāti Rangiwewehi Claims Settlement Act 2014 (2014 No 14)

Definition of **Historic Places Trust** in section 13: repeal.

Section 13: insert in its appropriate alphabetical order:

Heritage New Zealand Pouhere Taonga means the Crown entity established by section 9 of the Heritage New Zealand Pouhere Taonga Act 2014

Section 35(a): omit "the Historic Places Trust" and substitute "Heritage New Zealand Pouhere Taonga".

Section 38: repeal and substitute:

38 Heritage New Zealand Pouhere Taonga and Environment Court to have regard to statutory acknowledgement

(1) If, on or after the effective date, an application is made under section 44, 56, or 61 of the Heritage New Zealand Pouhere Taonga Act 2014 for an authority to undertake an activity that will or may modify or destroy an archaeological site within a statutory area,—

(a) Heritage New Zealand Pouhere Taonga, in exercising its powers under section 48, 56, or 62 of that Act in relation to the application, must have regard to the statutory acknowledgement relating to the statutory area; and

(b) the Environment Court, in determining under section 59(1) or 64(1) of that Act any appeal against a decision of Heritage New Zealand Pouhere Taonga in relation to the application, must have regard to the statutory acknowledgement relating to the statutory area, including in making a determination as to whether the trustees are persons directly affected by the decision.

(2) In this section, **archaeological site** has the meaning given in section 6 of the Heritage New Zealand Pouhere Taonga Act 2014.

Section 41(1)(c): repeal and substitute:

(c) Heritage New Zealand Pouhere Taonga; or

Paragraphs (a) and (b) of the definition of **protected site** in section 92: repeal and substitute:

(a) is a wāhi tapu or wāhi tapu area within the meaning of section 6 of the Heritage New Zealand Pouhere Taonga Act 2014; and

Ngāti Rangiwewehi Claims Settlement Act 2014 (2014 No 14)—*continued*

(b) is, at any time, entered on the New Zealand Heritage List/Rārangi Kōrero as defined in section 6 of that Act

Ngati Ruanui Claims Settlement Act 2003 (2003 No 20)

Definition of **archaeological site** in section 12: omit "section 2 of the Historic Places Act 1993" and substitute "section 6 of the Heritage New Zealand Pouhere Taonga Act 2014".

Section 12: insert in its appropriate alphabetical order:

Heritage New Zealand Pouhere Taonga means the Crown entity established by section 9 of the Heritage New Zealand Pouhere Taonga Act 2014

Section 89(1)(a): omit "the New Zealand Historic Places Trust" and substitute "Heritage New Zealand Pouhere Taonga".

Section 92: repeal and substitute:

92 Heritage New Zealand Pouhere Taonga and Environment Court to have regard to statutory acknowledgements

If, on or after the effective date, an application is made under section 44, 56, or 61 of the Heritage New Zealand Pouhere Taonga Act 2014 for an authority to undertake an activity that will or may modify or destroy an archaeological site within a statutory area,—

(a) Heritage New Zealand Pouhere Taonga, in exercising its powers under section 48, 56, or 62 of that Act in relation to the application, must have regard to the statutory acknowledgement relating to the statutory area; and

(b) the Environment Court, in determining under section 59(1) or 64(1) of that Act any appeal against a decision of Heritage New Zealand Pouhere Taonga in relation to the application, must have regard to the statutory acknowledgement relating to the statutory area, including in making a determination as to whether the governance entity is a person directly affected by the decision.

Section 95(1): omit "the New Zealand Historic Places Trust" and substitute "Heritage New Zealand Pouhere Taonga".

Section 95(2)(c): repeal and substitute:

(c) Heritage New Zealand Pouhere Taonga:

Paragraph (a) under the heading "*Purposes of statutory acknowledgement*" in Schedules 5 to 9: omit "the New Zealand Historic Places Trust" and substitute "Heritage New Zealand Pouhere Taonga".

Ngati Tama Claims Settlement Act 2003 (2003 No 126)

Definition of **archaeological site** in section 9: omit "section 2 of the Historic Places Act 1993" and substitute "section 6 of the Heritage New Zealand Pouhere Taonga Act 2014".

Definition of **Historic Places Trust** in section 9: repeal.

Section 9: insert in its appropriate alphabetical order:

> **Heritage New Zealand Pouhere Taonga** means the Crown entity established by section 9 of the Heritage New Zealand Pouhere Taonga Act 2014

Section 54(1)(a): omit "the Historic Places Trust" and substitute "Heritage New Zealand Pouhere Taonga".

Section 57: repeal and substitute:

> **57 Heritage New Zealand Pouhere Taonga and Environment Court to have regard to statutory acknowledgements**
>
> If, on or after the effective date, an application is made under section 44, 56, or 61 of the Heritage New Zealand Pouhere Taonga Act 2014 for an authority to undertake an activity that will or may modify or destroy an archaeological site within a statutory area,—
>
> (a) Heritage New Zealand Pouhere Taonga, in exercising its powers under section 48, 56, or 62 of that Act in relation to the application, must have regard to the statutory acknowledgement relating to the statutory area; and
>
> (b) the Environment Court, in determining under section 59(1) or 64(1) of that Act any appeal against a decision of Heritage New Zealand Pouhere Taonga in relation to the application, must have regard to the statutory acknowledgement relating to the statutory area, including in making a determination as to whether the governance entity is a person directly affected by the decision.

Section 60(1): omit "the Historic Places Trust" and substitute "Heritage New Zealand Pouhere Taonga".

Section 60(2)(c): repeal and substitute:

> (c) Heritage New Zealand Pouhere Taonga:

Paragraph (a) under the heading "*Purposes of statutory acknowledgement*" in Schedules 3 to 14: omit "the Historic Places Trust" and substitute in each case "Heritage New Zealand Pouhere Taonga".

Ngati Toa Rangatira Claims Settlement Act 2014 (2014 No 17)

Definition of **Historic Places Trust** in section 12(1): repeal.

Section 12: insert in its appropriate alphabetical order:

Ngati Toa Rangatira Claims Settlement Act 2014 (2014 No 17)—*continued*

Heritage New Zealand Pouhere Taonga means the Crown entity established by section 9 of the Heritage New Zealand Pouhere Taonga Act 2014

Section 26(a): omit "the Historic Places Trust" and substitute "Heritage New Zealand Pouhere Taonga".

Section 29: repeal and substitute:

29 Heritage New Zealand Pouhere Taonga and Environment Court to have regard to statutory acknowledgement

(1) If, on or after the effective date, an application is made under section 44, 56, or 61 of the Heritage New Zealand Pouhere Taonga Act 2014 for an authority to undertake an activity that will or may modify or destroy an archaeological site within a statutory area,—

(a) Heritage New Zealand Pouhere Taonga, in exercising its powers under section 48, 56, or 62 of that Act in relation to the application, must have regard to the statutory acknowledgement relating to the statutory area; and

(b) the Environment Court, in determining under section 59(1) or 64(1) of that Act any appeal against a decision of Heritage New Zealand Pouhere Taonga in relation to the application, must have regard to the statutory acknowledgement relating to the statutory area, including in making a determination as to whether the trustees are persons directly affected by the decision.

(2) In this section, **archaeological site** has the meaning given in section 6 of the Heritage New Zealand Pouhere Taonga Act 2014.

Section 32(1): omit "the Historic Places Trust" and substitute "Heritage New Zealand Pouhere Taonga".

Section 33(2) and (3): omit "the Historic Places Trust" in both places and substitute "Heritage New Zealand Pouhere Taonga".

Paragraphs (a) and (b) of the definition of **protected site** in section 179(1): repeal and substitute:

(a) is a wāhi tapu or wāhi tapu area within the meaning of section 6 of the Heritage New Zealand Pouhere Taonga Act 2014; and

(b) is, at any time, entered on the New Zealand Heritage List/Rārangi Kōrero as defined in section 6 of that Act.

Section 179(2): repeal.

Ngāti Tuwharetoa (Bay of Plenty) Claims Settlement Act 2005 (2005 No 72)

Definition of **archaeological site** in section 12: omit "section 2 of the Historic Places Act 1993" and substitute "section 6 of the Heritage New Zealand Pouhere Taonga Act 2014".

Ngāti Tuwharetoa (Bay of Plenty) Claims Settlement Act 2005 (2005 No 72)—*continued*

Definition of **Historic Places Trust** in section 12: repeal.

Section 12: insert in its appropriate alphabetical order:

> **Heritage New Zealand Pouhere Taonga** means the Crown entity established by section 9 of the Heritage New Zealand Pouhere Taonga Act 2014

Section 38(1)(a): omit "the Historic Places Trust" and substitute "Heritage New Zealand Pouhere Taonga".

Section 41: repeal and substitute:

> **41 Heritage New Zealand Pouhere Taonga and Environment Court to have regard to statutory acknowledgements**
>
> If, on or after the effective date, an application is made under section 44, 56, or 61 of the Heritage New Zealand Pouhere Taonga Act 2014 for an authority to undertake an activity that will or may modify or destroy an archaeological site within a statutory area,—
>
> (a) Heritage New Zealand Pouhere Taonga, in exercising its powers under section 48, 56, or 62 of that Act in relation to the application, must have regard to the statutory acknowledgement relating to the statutory area; and
>
> (b) the Environment Court, in determining under section 59(1) or 64(1) of that Act any appeal against a decision of Heritage New Zealand Pouhere Taonga in relation to the application, must have regard to the statutory acknowledgement relating to the statutory area, including in making a determination as to whether the governance entity is a person directly affected by the decision.

Section 44(1): omit "the Historic Places Trust" and substitute "Heritage New Zealand Pouhere Taonga".

Section 44(2)(c): repeal and substitute:

> (c) Heritage New Zealand Pouhere Taonga:

Section 125(3)(a): omit "Historic Places Act 1993" and substitute "Heritage New Zealand Pouhere Taonga Act 2014".

Paragraph (a) under the heading "Purposes of statutory acknowledgement" in Schedules 4 to 8: omit "the New Zealand Historic Places Trust" and substitute in each case "Heritage New Zealand Pouhere Taonga".

Ngati Tuwharetoa, Raukawa, and Te Arawa River Iwi Waikato River Act 2010 (2010 No 119)

Section 18(7)(e): omit "Historic Places Act 1993" and substitute "Heritage New Zealand Pouhere Taonga Act 2014".

Ngāti Whare Claims Settlement Act 2012 (2012 No 28)

Definition of **Historic Places Trust** in section 10: repeal.

Section 10: insert in its appropriate alphabetical order:

> **Heritage New Zealand Pouhere Taonga** means the Crown entity established by section 9 of the Heritage New Zealand Pouhere Taonga Act 2014

Section 50(1)(a): omit "the Historic Places Trust" and substitute "Heritage New Zealand Pouhere Taonga".

Section 53: repeal and substitute:

53 Heritage New Zealand Pouhere Taonga and Environment Court to have regard to statutory acknowledgement

(1) If, on or after the effective date, an application is made under section 44, 56, or 61 of the Heritage New Zealand Pouhere Taonga Act 2014 for an authority to undertake an activity that will or may modify or destroy an archaeological site within a statutory area,—

(a) Heritage New Zealand Pouhere Taonga, in exercising its powers under section 48, 56, or 62 of that Act in relation to the application, must have regard to the statutory acknowledgement relating to the statutory area; and

(b) the Environment Court, in determining under section 59(1) or 64(1) of that Act any appeal against a decision of Heritage New Zealand Pouhere Taonga in relation to the application, must have regard to the statutory acknowledgement relating to the statutory area, including in making a determination as to whether the trustees are persons directly affected by the decision.

(2) In this section, **archaeological site** has the meaning given in section 6 of the Heritage New Zealand Pouhere Taonga Act 2014.

Section 56(1): omit "the Historic Places Trust" and substitute "Heritage New Zealand Pouhere Taonga".

Section 56(2)(d): repeal and substitute:

> (d) Heritage New Zealand Pouhere Taonga:

Ngāti Whātua o Kaipara Claims Settlement Act 2013 (2013 No 37)

Definition of **Historic Places Trust** in section 11: repeal.

Section 11: insert in its appropriate alphabetical order:

> **Heritage New Zealand Pouhere Taonga** means the Crown entity established by section 9 of the Heritage New Zealand Pouhere Taonga Act 2014

Section 61(a): omit "the Historic Places Trust" and substitute "Heritage New Zealand Pouhere Taonga".

Section 64: repeal and substitute:

Ngāti Whātua o Kaipara Claims Settlement Act 2013 (2013 No 37)—*continued*

64 Heritage New Zealand Pouhere Taonga and Environment Court to have regard to statutory acknowledgement

(1) If, on or after the effective date, an application is made under section 44, 56, or 61 of the Heritage New Zealand Pouhere Taonga Act 2014 for an authority to undertake an activity that will or may modify or destroy an archaeological site within a statutory area,—

(a) Heritage New Zealand Pouhere Taonga, in exercising its powers under section 48, 56, or 62 of that Act in relation to the application, must have regard to the statutory acknowledgement relating to the statutory area; and

(b) the Environment Court, in determining under section 59(1) or 64(1) of that Act any appeal against a decision of Heritage New Zealand Pouhere Taonga in relation to the application, must have regard to the statutory acknowledgement relating to the statutory area, including in making a determination as to whether the trustees are persons directly affected by the decision.

(2) In this section, **archaeological site** has the meaning given in section 6 of the Heritage New Zealand Pouhere Taonga Act 2014.

Section 67(1)(c): repeal and substitute:

(c) Heritage New Zealand Pouhere Taonga; or

Paragraph (a) of the definition of **protected site** in section 91: omit "section 2 of the Historic Places Act 1993" and substitute "section 6 of the Heritage New Zealand Pouhere Taonga Act 2014".

Paragraph (b) of the definition of **protected site** in section 91: repeal and substitute:

(b) is, at any time, entered on the New Zealand Heritage List/Rārangi Kōrero, as defined in section 6 of that Act

Ngāti Whatua Ōrākei Claims Settlement Act 2012 (2012 No 91)

Definition of **Historic Places Trust** in section 10: repeal.

Section 10: insert in its appropriate alphabetical order:

Heritage New Zealand Pouhere Taonga means the Crown entity established by section 9 of the Heritage New Zealand Pouhere Taonga Act 2014

Section 30(1)(a): omit "the Historic Places Trust" and substitute "Heritage New Zealand Pouhere Taonga".

Section 33: repeal and substitute:

Ngāti Whatua Ōrākei Claims Settlement Act 2012 (2012 No 91)—*continued*

33 Heritage New Zealand Pouhere Taonga and Environment Court to have regard to statutory acknowledgement

(1) If, on or after the effective date, an application is made under section 44, 56, or 61 of the Heritage New Zealand Pouhere Taonga Act 2014 for an authority to undertake an activity that will or may modify or destroy an archaeological site within a statutory area,—

(a) Heritage New Zealand Pouhere Taonga, in exercising its powers under section 48, 56, or 62 of that Act in relation to the application, must have regard to the statutory acknowledgement relating to the statutory area; and

(b) the Environment Court, in determining under section 59(1) or 64(1) of that Act any appeal against a decision of Heritage New Zealand Pouhere Taonga in relation to the application, must have regard to the statutory acknowledgement relating to the statutory area, including in making a determination as to whether the trustees are persons directly affected by the decision.

(2) In this section, **archaeological site** has the meaning given in section 6 of the Heritage New Zealand Pouhere Taonga Act 2014.

Section 36(1): omit "the Historic Places Trust" and substitute "Heritage New Zealand Pouhere Taonga".

Section 36(2)(d): repeal and substitute:

(d) Heritage New Zealand Pouhere Taonga:

Ombudsmen Act 1975 (1975 No 9)

Item relating to the New Zealand Historic Places Trust (Pouhere Taonga) in Part 2 of Schedule 1: omit.

Part 2 of Schedule 1: insert in its appropriate alphabetical order "Heritage New Zealand Pouhere Taonga".

Overseas Investment Act 2005 (2005 No 82)

Section 17(2)(d)(ii): omit "registration" and substitute "the entry on the New Zealand Heritage List/Rārangi Kōrero".

Section 17(2)(d)(ii): omit "Historic Places Act 1993" and substitute "Heritage New Zealand Pouhere Taonga Act 2014".

Table 1 in Part 1 of Schedule 1: omit "the Historic Places Trust under the Historic Places Act 1993" and substitute "Heritage New Zealand Pouhere Taonga under the Heritage New Zealand Pouhere Taonga Act 2014".

Table 1 in Part 1 of Schedule 1: omit "registered" and substitute "entered on the New Zealand Heritage List/Rārangi Kōrero".

Overseas Investment Act 2005 (2005 No 82)—*continued*

Table 1 in Part 1 of Schedule 1: omit "or proposal for registration under the Historic Places Act 1993" and substitute "that is notified under section 67(4) or 68(4) of the Heritage New Zealand Pouhere Taonga Act 2014".

Table 2 in Part 1 of Schedule 1: omit "the Historic Places Trust under the Historic Places Act 1993" and substitute "Heritage New Zealand Pouhere Taonga under the Heritage New Zealand Pouhere Taonga Act 2014".

Table 2 in Part 1 of Schedule 1: omit "registered" and substitute "entered on the New Zealand Heritage List/Rārangi Kōrero".

Table 2 in Part 1 of Schedule 1: omit "or proposal for registration under the Historic Places Act 1993" and substitute "that is notified under section 67(4) or 68(4) of the Heritage New Zealand Pouhere Taonga Act 2014".

Porirua City Council (Pauatahanui Burial Ground) Act 2007 (2007 No 1 (L))

Section 12(4): omit "the New Zealand Historic Places Trust" and substitute "Heritage New Zealand Pouhere Taonga".

Port Nicholson Block (Taranaki Whānui ki Te Upoko o Te Ika) Claims Settlement Act 2009 (2009 No 26)

Definition of **Historic Places Trust** in section 7: repeal.

Section 7: insert in its appropriate alphabetical order:

> **Heritage New Zealand Pouhere Taonga** means the Crown entity established by section 9 of the Heritage New Zealand Pouhere Taonga Act 2014

Section 24(1)(a): omit "the Historic Places Trust" and substitute "Heritage New Zealand Pouhere Taonga".

Section 27: repeal and substitute:

27 Heritage New Zealand Pouhere Taonga and Environment Court to have regard to statutory acknowledgement

(1) If, on or after the effective date, an application is made under section 44, 56, or 61 of the Heritage New Zealand Pouhere Taonga Act 2014 for an authority to undertake an activity that will or may modify or destroy an archaeological site within a statutory area,—

(a) Heritage New Zealand Pouhere Taonga, in exercising its powers under section 48, 56, or 62 of that Act in relation to the application, must have regard to the statutory acknowledgement relating to the statutory area; and

(b) the Environment Court, in determining under section 59(1) or 64(1) of that Act any appeal against a decision of Heritage New Zealand Pouhere Taonga in relation to the application, must have regard to the statutory acknowledgement relating to the statutory area, including in making a

Port Nicholson Block (Taranaki Whānui ki Te Upoko o Te Ika) Claims Settlement Act 2009 (2009 No 26)—*continued*

determination as to whether the trustees are persons directly affected by the decision.

(2) In this section, **archaeological site** has the meaning given in section 6 of the Heritage New Zealand Pouhere Taonga Act 2014.

Section 30(1): omit "the Historic Places Trust" and substitute "Heritage New Zealand Pouhere Taonga".

Section 30(2)(c): repeal and substitute:

(c) Heritage New Zealand Pouhere Taonga:

Pouakani Claims Settlement Act 2000 (2000 No 90)

Section 9: insert in its appropriate alphabetical order:

Heritage New Zealand Pouhere Taonga has the meaning given in section 6 of the Heritage New Zealand Pouhere Taonga Act 2014

Section 36(b): omit "the Historic Places Trust" and substitute "Heritage New Zealand Pouhere Taonga".

Section 40: repeal and substitute:

40 Heritage New Zealand Pouhere Taonga and Environment Court to have regard to statutory acknowledgement

(1) If, on or after the effective date, an application is made under section 44, 56, or 61 of the Heritage New Zealand Pouhere Taonga Act 2014 for an authority to undertake an activity that will or may modify or destroy an archaeological site within a statutory area,—

(a) Heritage New Zealand Pouhere Taonga, in exercising its powers under section 48, 56, or 62 of that Act in relation to the application, must have regard to the statutory acknowledgement relating to the statutory area; and

(b) the Environment Court, in determining under section 59(1) or 64(1) of that Act any appeal against a decision of Heritage New Zealand Pouhere Taonga in relation to the application, must have regard to the statutory acknowledgement relating to the Crown-owned area of Titiraupenga, including in making a determination as to whether the Pouakani governance entity is a person directly affected by the decision.

(2) In this section, **archaeological site** has the meaning given in section 6 of the Heritage New Zealand Pouhere Taonga Act 2014.

Section 41(1): omit "the Historic Places Trust" and substitute "Heritage New Zealand Pouhere Taonga".

Section 41(2)(c): repeal and substitute:

Pouakani Claims Settlement Act 2000 (2000 No 90)—*continued*

(c) Heritage New Zealand Pouhere Taonga; and

Paragraph (b) under the heading "Purposes of statutory acknowledgement" in Schedule 3: omit "the Historic Places Trust" and substitute "Heritage New Zealand Pouhere Taonga".

Protected Objects Act 1975 (1975 No 41)

Section 11(3): omit "the New Zealand Historic Places Trust under section 44 of the Historic Places Act 1980" and substitute "Heritage New Zealand Pouhere Taonga under section 48 of the Heritage New Zealand Pouhere Taonga Act 2014".

Section 14(2)(b): omit "Historic Places Act 1980" and substitute "Heritage New Zealand Pouhere Taonga Act 2014".

Section 14(5): omit "Historic Places Act 1980" and substitute "Heritage New Zealand Pouhere Taonga Act 2014".

Section 15(5)(a): omit "Historic Places Act 1980" and substitute "Heritage New Zealand Pouhere Taonga Act 2014".

Clause 6 of Schedule 4: omit "Historic Places Act 1993" and substitute "Heritage New Zealand Pouhere Taonga Act 2014".

Public Audit Act 2001 (2001 No 10)

Schedule 2: omit "New Zealand Historic Places Trust".

Schedule 2: insert in its appropriate alphabetical order "Heritage New Zealand Pouhere Taonga".

Raukawa Claims Settlement Act 2014 (2014 No 7)

Definition of **Historic Places Trust** in section 12: repeal.

Section 12: insert in its appropriate alphabetical order:

> **Heritage New Zealand Pouhere Taonga** means the Crown entity established by section 9 of the Heritage New Zealand Pouhere Taonga Act 2014

Section 23(a): omit "the Historic Places Trust" and substitute "Heritage New Zealand Pouhere Taonga".

Section 26: repeal and substitute:

26 Heritage New Zealand Pouhere Taonga and Environment Court to have regard to statutory acknowledgement

(1) If, on or after the effective date, an application is made under section 44, 56, or 61 of the Heritage New Zealand Pouhere Taonga Act 2014 for an authority to undertake an activity that will or may modify or destroy an archaeological site within a statutory area,—

(a) Heritage New Zealand Pouhere Taonga, in exercising its powers under section 48, 56, or 62 of that Act in relation to the application, must have

Raukawa Claims Settlement Act 2014 (2014 No 7)—*continued*

regard to the statutory acknowledgement relating to the statutory area; and

(b) the Environment Court, in determining under section 59(1) or 64(1) of that Act any appeal against a decision of Heritage New Zealand Pouhere Taonga in relation to the application, must have regard to the statutory acknowledgement relating to the statutory area, including in making a determination as to whether the trustees are persons directly affected by the decision.

(2) In this section, **archaeological site** has the meaning given in section 6 of the Heritage New Zealand Pouhere Taonga Act 2014.

Section 29(1)(c): repeal and substitute:

(c) Heritage New Zealand Pouhere Taonga; or

Paragraph (a) of the definition of **protected site** in section 86: omit "section 2 of the Historic Places Act 1993" and substitute "section 6 of the Heritage New Zealand Pouhere Taonga Act 2014".

Paragraph (b) of the definition of **protected site** in section 86: repeal and substitute:

(b) is, at any time, entered on the New Zealand Heritage List/Rārangi Kōrero, as defined in section 6 of that Act

Reserves Act 1977 (1977 No 66)

Definition of **New Zealand Historic Places Trust** in section 2(1): repeal.

Section 2(1): insert in its appropriate alphabetical order:

Heritage New Zealand Pouhere Taonga means the Crown entity established by section 9 of the Heritage New Zealand Pouhere Taonga Act 2014

Section 4(1): omit "Historic Places Act 1993" and substitute "Heritage New Zealand Pouhere Taonga Act 2014".

Section 13(4): omit "the New Zealand Historic Places Trust" and substitute "Heritage New Zealand Pouhere Taonga".

Section 17(2)(b): omit "Historic Places Act 1993" and substitute "Heritage New Zealand Pouhere Taonga Act 2014".

Section 18(2): omit "Historic Places Act 1993" and substitute "Heritage New Zealand Pouhere Taonga Act 2014".

Section 19(2)(d): omit "Historic Places Act 1993" and substitute "Heritage New Zealand Pouhere Taonga Act 2014".

Section 19(3)(d): omit "Historic Places Act 1993" and substitute "Heritage New Zealand Pouhere Taonga Act 2014".

Section 20(2)(d): omit "Historic Places Act 1993" and substitute "Heritage New Zealand Pouhere Taonga Act 2014".

Reserves Act 1977 (1977 No 66)—*continued*

Section 21(2)(c): omit "Historic Places Act 1993" and substitute "Heritage New Zealand Pouhere Taonga Act 2014".

Section 22(4)(a): omit "Historic Places Act 1993" and substitute "Heritage New Zealand Pouhere Taonga Act 2014".

Section 23(2)(a): omit "Historic Places Act 1993" and substitute "Heritage New Zealand Pouhere Taonga Act 2014".

Section 24(5): omit "the New Zealand Historic Places Trust" and substitute "Heritage New Zealand Pouhere Taonga".

Section 78(2)(b): omit "the New Zealand Historic Places Trust" and substitute "Heritage New Zealand Pouhere Taonga".

Section 78(2)(b): omit "Historic Places Act 1993" and substitute "Heritage New Zealand Pouhere Taonga Act 2014".

Resource Management Act 1991 (1991 No 69)

Section 11(1)(cc): omit "the New Zealand Historic Places Trust" and substitute "Heritage New Zealand Pouhere Taonga".

Section 11(1)(cc): omit "Historic Places Act 1993" and substitute "Heritage New Zealand Pouhere Taonga Act 2014".

Section 61(2)(a)(iia): omit "in the Historic Places Register" and substitute "on the New Zealand Heritage List/Rārangi Kōrero required by the Heritage New Zealand Pouhere Taonga Act 2014".

Section 66(2)(c)(iia): omit "in the Historic Places Register" and substitute "on the New Zealand Heritage List/Rārangi Kōrero required by the Heritage New Zealand Pouhere Taonga Act 2014".

Section 74(2)(b)(iia): omit "in the Historic Places Register" and substitute "on the New Zealand Heritage List/Rārangi Kōrero required by the Heritage New Zealand Pouhere Taonga Act 2014".

Section 87B(4): repeal.

Paragraph (c) of the definition of **heritage protection authority** in section 187: repeal and substitute:

> (c) Heritage New Zealand Pouhere Taonga, in so far as it carries out its functions under section 13(1)(i) of the Heritage New Zealand Pouhere Taonga Act 2014:

Riccarton Bush Act 1914 (1914 No 15 (L))

Section 26(2)(c): repeal and substitute:

> (c) Heritage New Zealand Pouhere Taonga.

Rongowhakaata Claims Settlement Act 2012 (2012 No 54)

Definition of **Historic Places Trust** in section 12: repeal.

Section 12: insert in its appropriate alphabetical order:

> **Heritage New Zealand Pouhere Taonga** means the Crown entity established by section 9 of the Heritage New Zealand Pouhere Taonga Act 2014

Section 32(1)(a): omit "the Historic Places Trust" and substitute "Heritage New Zealand Pouhere Taonga".

Section 35: repeal and substitute:

35 Heritage New Zealand Pouhere Taonga and Environment Court to have regard to statutory acknowledgement

(1) If, on or after the effective date, an application is made under section 44, 56, or 61 of the Heritage New Zealand Pouhere Taonga Act 2014 for an authority to undertake an activity that will or may modify or destroy an archaeological site within a statutory area,—

(a) Heritage New Zealand Pouhere Taonga, in exercising its powers under section 48, 56, or 62 of that Act in relation to the application, must have regard to the statutory acknowledgement relating to the statutory area; and

(b) the Environment Court, in determining under section 59(1) or 64(1) of that Act any appeal against a decision of Heritage New Zealand Pouhere Taonga in relation to the application, must have regard to the statutory acknowledgement relating to the statutory area, including in making a determination as to whether the trustees are persons directly affected by the decision.

(2) In this section, **archaeological site** has the meaning given in section 6 of the Heritage New Zealand Pouhere Taonga Act 2014.

Section 38(1)(c): omit "the Historic Places Trust" and substitute "Heritage New Zealand Pouhere Taonga".

Tapuika Claims Settlement Act 2014 (2014 No 15)

Definition of **Historic Places Trust** in section 12: repeal.

Section 12: insert in its appropriate alphabetical order:

> **Heritage New Zealand Pouhere Taonga** means the Crown entity established by section 9 of the Heritage New Zealand Pouhere Taonga Act 2014

Section 34(a): omit "the Historic Places Trust" and substitute "Heritage New Zealand Pouhere Taonga".

Section 37: repeal and substitute:

Tapuika Claims Settlement Act 2014 (2014 No 15)—*continued*

37 Heritage New Zealand Pouhere Taonga and Environment Court to have regard to statutory acknowledgement

(1) If, on or after the effective date, an application is made under section 44, 56, or 61 of the Heritage New Zealand Pouhere Taonga Act 2014 for an authority to undertake an activity that will or may modify or destroy an archaeological site within a statutory area,—

(a) Heritage New Zealand Pouhere Taonga, in exercising its powers under section 48, 56, or 62 of that Act in relation to the application, must have regard to the statutory acknowledgement relating to the statutory area; and

(b) the Environment Court, in determining under section 59(1) or 64(1) of that Act any appeal against a decision of Heritage New Zealand Pouhere Taonga in relation to the application, must have regard to the statutory acknowledgement relating to the statutory area, including in making a determination as to whether the trustees are persons directly affected by the decision.

(2) In this section, **archaeological site** has the meaning given in section 6 of the Heritage New Zealand Pouhere Taonga Act 2014.

Section 40(1)(c): repeal and substitute:

(c) Heritage New Zealand Pouhere Taonga; or

Paragraphs (a) and (b) of the definition of **protected site** in section 133: repeal and substitute:

(a) is a wāhi tapu or wāhi tapu area within the meaning of section 6 of the Heritage New Zealand Pouhere Taonga Act 2014; and

(b) is, at any time, entered on the New Zealand Heritage List/Rārangi Kōrero as defined in section 6 of that Act

Te Arawa Lakes Settlement Act 2006 (2006 No 43)

Definition of **Historic Places Trust** in section 11: repeal.

Section 11: insert in its appropriate alphabetical order:

Heritage New Zealand Pouhere Taonga means the Crown entity established by section 9 of the Heritage New Zealand Pouhere Taonga Act 2014

Section 18(2): omit "Historic Places Act 1993" and substitute "Heritage New Zealand Pouhere Taonga Act 2014".

Section 61(1)(a): omit "the Historic Places Trust" and substitute "Heritage New Zealand Pouhere Taonga".

Section 64: repeal and substitute:

Te Arawa Lakes Settlement Act 2006 (2006 No 43)—*continued*

64 Heritage New Zealand Pouhere Taonga and Environment Court to have regard to statutory acknowledgement

(1) If, on or after the effective date, an application is made under section 44, 56, or 61 of the Heritage New Zealand Pouhere Taonga Act 2014 for an authority to undertake an activity that will or may modify or destroy an archaeological site within a statutory area,—

(a) Heritage New Zealand Pouhere Taonga, in exercising its powers under section 48, 56, or 62 of that Act in relation to the application, must have regard to the statutory acknowledgement relating to the statutory area; and

(b) the Environment Court, in determining under section 59(1) or 64(1) of that Act any appeal against a decision of Heritage New Zealand Pouhere Taonga in relation to the application, must have regard to the statutory acknowledgement relating to the statutory area, including in making a determination as to whether the Trustees of the Lake Te Arawa Lakes Trust are persons directly affected by the decision.

(2) In this section, **archaeological site** has the meaning given in section 6 of the Heritage New Zealand Pouhere Taonga Act 2014.

Section 67(1): omit "the Historic Places Trust" and substitute "Heritage New Zealand Pouhere Taonga".

Section 67(2)(c): repeal and substitute:

(c) Heritage New Zealand Pouhere Taonga:

Te Roroa Claims Settlement Act 2008 (2008 No 100)

Definition of **Historic Places Trust** in section 10: repeal.

Section 10: insert in its appropriate alphabetical order:

Heritage New Zealand Pouhere Taonga means the Crown entity established by section 9 of the Heritage New Zealand Pouhere Taonga Act 2014

Section 69(1)(a): omit "the Historic Places Trust" and substitute "Heritage New Zealand Pouhere Taonga".

Section 72: repeal and substitute:

72 Heritage New Zealand Pouhere Taonga and Environment Court to have regard to statutory acknowledgements

(1) If, on or after the effective date, an application is made under section 44, 56, or 61 of the Heritage New Zealand Pouhere Taonga Act 2014 for an authority to undertake an activity that will or may modify or destroy an archaeological site within a statutory area,—

(a) Heritage New Zealand Pouhere Taonga, in exercising its powers under section 48, 56, or 62 of that Act in relation to the application, must have

Te Roroa Claims Settlement Act 2008 (2008 No 100)—*continued*

regard to the statutory acknowledgement relating to the statutory area; and

(b) the Environment Court, in determining under section 59(1) or 64(1) of that Act any appeal against a decision of Heritage New Zealand Pouhere Taonga in relation to the application, must have regard to the statutory acknowledgement relating to the statutory area, including in making a determination as to whether the trustees of the Manawhenua Trust are persons directly affected by the decision.

(2) In this section, **archaeological site** has the meaning given in section 6 of the Heritage New Zealand Pouhere Taonga Act 2014.

Section 75(1): omit "the Historic Places Trust" and substitute "Heritage New Zealand Pouhere Taonga".

Section 75(2)(c): repeal and substitute:

(c) Heritage New Zealand Pouhere Taonga:

Te Uri o Hau Claims Settlement Act 2002 (2002 No 36)

Definition of **archaeological site** in section 57(1): omit "section 2 of the Historic Places Act 1993" and substitute "section 6 of the Heritage New Zealand Pouhere Taonga Act 2014".

Section 57(1): insert in its appropriate alphabetical order:

Heritage New Zealand Pouhere Taonga has the meaning given in section 6 of the Heritage New Zealand Pouhere Taonga Act 2014

Section 58(1)(b): omit "the Historic Places Trust" and substitute "Heritage New Zealand Pouhere Taonga".

Section 62: repeal and substitute:

62 Heritage New Zealand Pouhere Taonga and Environment Court to have regard to statutory acknowledgements

If, on or after the effective date, an application is made under section 44, 56, or 61 of the Heritage New Zealand Pouhere Taonga Act 2014 for an authority to undertake an activity that will or may modify or destroy an archaeological site within a statutory area,—

(a) Heritage New Zealand Pouhere Taonga, in exercising its powers under section 48, 56, or 62 of that Act in relation to the application, must have regard to the statutory acknowledgement relating to the statutory area; and

(b) the Environment Court, in determining under section 59(1) or 64(1) of that Act any appeal against a decision of Heritage New Zealand Pouhere Taonga in relation to the application, must have regard to the statutory acknowledgement relating to the statutory area, including in making a

Te Uri o Hau Claims Settlement Act 2002 (2002 No 36)—*continued*

determination as to whether the Te Uri o Hau governance entity is a person directly affected by the decision.

Section 65(1): omit "the Historic Places Trust" and substitute "Heritage New Zealand Pouhere Taonga".

Section 65(2)(c): repeal and substitute:

(c) Heritage New Zealand Pouhere Taonga:

Paragraph (b) under the heading "*Purposes of statutory acknowledgement*" in Schedules 5 to 10: omit "the Historic Places Trust" and substitute "Heritage New Zealand Pouhere Taonga".

Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010 (2010 No 24)

Section 17(7)(e): repeal and substitute:

(e) Heritage New Zealand Pouhere Taonga Act 2014:

Waitaha Claims Settlement Act 2013 (2013 No 38)

Definition of **Historic Places Trust** in section 9: repeal.

Section 9: insert in its appropriate alphabetical order:

Heritage New Zealand Pouhere Taonga means the Crown entity established by section 9 of the Heritage New Zealand Pouhere Taonga Act 2014

Section 27(a): omit "the Historic Places Trust" and substitute "Heritage New Zealand Pouhere Taonga".

Section 30: repeal and substitute:

30 Heritage New Zealand Pouhere Taonga and Environment Court to have regard to statutory acknowledgement

(1) If, on or after the effective date, an application is made under section 44, 56, or 61 of the Heritage New Zealand Pouhere Taonga Act 2014 for an authority to undertake an activity that will or may modify or destroy an archaeological site within a statutory area,—

(a) Heritage New Zealand Pouhere Taonga, in exercising its powers under section 48, 56, or 62 of that Act in relation to the application, must have regard to the statutory acknowledgement relating to the statutory area; and

(b) the Environment Court, in determining under section 59(1) or 64(1) of that Act any appeal against a decision of Heritage New Zealand Pouhere Taonga in relation to the application, must have regard to the statutory acknowledgement relating to the statutory area, including in making a determination as to whether the trustees are persons directly affected by the decision.

Waitaha Claims Settlement Act 2013 (2013 No 38)—*continued*

(2) In this section, **archaeological site** has the meaning given in section 6 of the Heritage New Zealand Pouhere Taonga Act 2014.

Section 33(1): omit "the Historic Places Trust" and substitute "Heritage New Zealand Pouhere Taonga".

Section 33(2)(d): repeal and substitute:

(d) Heritage New Zealand Pouhere Taonga:

Section 34(2) and (3): omit "the Historic Places Trust" and substitute "Heritage New Zealand Pouhere Taonga".

Waitakere Ranges Heritage Area Act 2008 (2008 No 1 (L))

Schedule 3: omit "Historic Places Act 1993" and substitute "Heritage New Zealand Pouhere Taonga Act 2014".

Wellington Harbour Board and Wellington City Council Vesting and Empowering Act 1987 (1987 No 5 (L))

Section 18(1)(d): repeal and substitute:

(d) the Heritage New Zealand Pouhere Taonga Act 2014:

Part 2
Amendments to regulations

Canterbury Earthquake (Resource Management Act Port of Lyttelton Recovery) Order 2011 (SR 2011/148)

Clause 8(3)(c): revoke and substitute:

(c) Heritage New Zealand Pouhere Taonga; and

Māori Land Court Fees Regulations 2013 (SR 2013/219)

Item 23(g) in Part 12 of the Schedule: omit "Historic Places Act 1993" and substitute "Heritage New Zealand Pouhere Taonga Act 2014".

Resource Management (Forms, Fees, and Procedure) Regulations 2003 (SR 2003/153)

Regulation 10(2)(g): omit "the New Zealand Historic Places Trust" and substitute "Heritage New Zealand Pouhere Taonga".

Regulation 10(2)(g)(ii): insert "wāhi tūpuna," after "historic area,".

Regulation 10(2)(g)(ii): omit "registered under the Historic Places Act 1993" and substitute "entered on the New Zealand Heritage List/Rārangi Kōrero under the Heritage New Zealand Pouhere Taonga Act 2014".

Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009 (SR 2009/397)

Regulation 33(8): omit "Historic Places Act 1993" and substitute "Heritage New Zealand Pouhere Taonga Act 2014".

Notes

1 General

This is a consolidation of the Heritage New Zealand Pouhere Taonga Act 2014 that incorporates the amendments made to the legislation so that it shows the law as at its stated date.

2 Legal status

A consolidation is taken to correctly state, as at its stated date, the law enacted or made by the legislation consolidated and by the amendments. This presumption applies unless the contrary is shown.

Section 78 of the Legislation Act 2019 provides that this consolidation, published as an electronic version, is an official version. A printed version of legislation that is produced directly from this official electronic version is also an official version.

3 Editorial and format changes

The Parliamentary Counsel Office makes editorial and format changes to consolidations using the powers under subpart 2 of Part 3 of the Legislation Act 2019. See also PCO editorial conventions for consolidations.

4 Amendments incorporated in this consolidation

Fast-track Approvals Act 2024 (2024 No 56): section 121

Resource Management (Natural and Built Environment and Spatial Planning Repeal and Interim Fast-track Consenting) Act 2023 (2023 No 68): section 6

Natural and Built Environment Act 2023 (2023 No 46): section 805(1)

Te Ture mō te Hararei Tūmatanui o te Kāhui o Matariki 2022/Te Kāhui o Matariki Public Holiday Act 2022 (2022 No 14): wehenga 7/section 7

Secondary Legislation Act 2021 (2021 No 7): section 3

Public Service Act 2020 (2020 No 40): section 135

Land Transfer Act 2017 (2017 No 30): section 250

Civil Defence Emergency Management Amendment Act 2016 (2016 No 88): section 42

Wellington, New Zealand:
Published under the authority of the New Zealand Government—2025