NEW ZEALAND
ARCHAEOLOGICAL
ASSOCIATION

ARCHAEOLOGY IN NEW ZEALAND

ARCHAEOLOGICAL RESOURCE MANAGEMENT IN NORTH TARANAKI DURING THE PERIOD OF THE NATIONAL DEVELOPMENT ACT

Tony Walton
Department of Conservation
Wellington

In New Zealand in recent years there has been growing concern to preserve places of historical and cultural significance, particularly places of emotional or spiritual significance to Maori communities. Until recently such concerns had little recognition in law, and were often treated as being of little importance. Since 1975, however, there have been apparently strong provisions in the Historic Places Act protecting archaeological sites, and the Historic Places Trust has come under pressure to change the way it was interpreting, and administering, these provisions in order to meet the wider concerns of the Maori community. Some archaeologists have argued that the provisions of the Act should be administered to accommodate these concerns, while others have argued that this was either not possible or not desirable. The 1980 revision of the Historic Places Act which provided some very limited protection for "traditional sites" did not entirely remove this pressure because the new provisions were widely seen as unsatisfactory. This paper discusses the administration of the archaeological and traditional sites provisions in the context of the planning for the big energy projects in North Taranaki in the early 1980s.

It has always been easier to get legislation enacted than it has to get the staff and resources to make it effective. The Historic Places Trust has major responsibilities but minimal resources, and this is reflected in the policy and programmes that it is able to put into place. A recent review of the Trust (Daniels, Knox, and White n.d.) has argued that the Archaeology Section must move away from reactive, "fire brigade", work and concentrate on producing plans for the future protection and management of archaeological sites. Critics of the report noted that fire brigade activities arose from statutory responsibilities and that the Archaeology Section was no more prone to fire brigade activity than any other part of the Trust. The weaknesses in the Trust's administration of the archaeological provisions, they argued, arose from a lack of staff and resources. A particular problem pinpointed was the

lack of archaeologists based in the regions.

In the early 1980s two large energy projects were under way in North Taranaki (Fig. 1). Rapid changes were also occuring as a result of a shift from pastoral farming to horticulture, usually involving re-making the landscape. The Taranaki Museum recognised that any enquiry from a local farmer, for example, that could not be dealt with almost immediately simply ensured that future possible enquiries did not eventuate (Lambert 1982:50) and that this was an impossible standard for the Trust to achieve while working from a Wellington base. The big energy projects themselves had an impact that extended far beyond their site boundaries as off-site services were upgraded and new pipelines constructed. This resulted in archaeological expertise being required, often at very short notice, for site inspections. There were also Maori concerns about the potential impact of the projects on traditionally important places. The Trust was not well-placed to respond to these events and much of the work fell by default to local organisations, notably the Taranaki Museum and the Regional Committee of the Historic Places Trust.

Archaeological and traditional significance

The Town and Country Planning Act 1977 Section 3(1)(g) gives some recognition to Maori concerns by making the relationship of Maori people with their ancestral land a matter of national importance. However, in a series of cases between 1978 and 1986 the Planning Tribunal held that land which has passed into occupation and ownership of people who are not Maori did not qualify as ancestral land, and this interpretation severely restricted the application of that section of the Act (O'Keefe 1985). The High Court has recently ruled that the Planning Tribunal was wrong in law to restrict the meaning of ancestral land to areas owned by Maori people (Palmer 1987).

The Planning Tribunal has made it clear that it sees its primary role as one of protecting the rights of the private owner against undue restrictions on property use. In Quilter v Mangonui County Council 1978 the Planning Tribunal noted that it must be demonstrated that limitations on the use and development of land are for the general benefit of the community as a whole (even though in particular cases they are of direct benefit to a smaller number of people). It found it a "startling proposition" that section 3(1)(g) should be used to prevent non-Maoris from using their land in a manner which would offend Maori sensibilities (O'Keefe 1985:20). It has proved equally unsympathetic to efforts to preserve historic buildings (Boast 1983; Davidson 1982). The Tribunal, and the courts, have tended to be sympathetic to

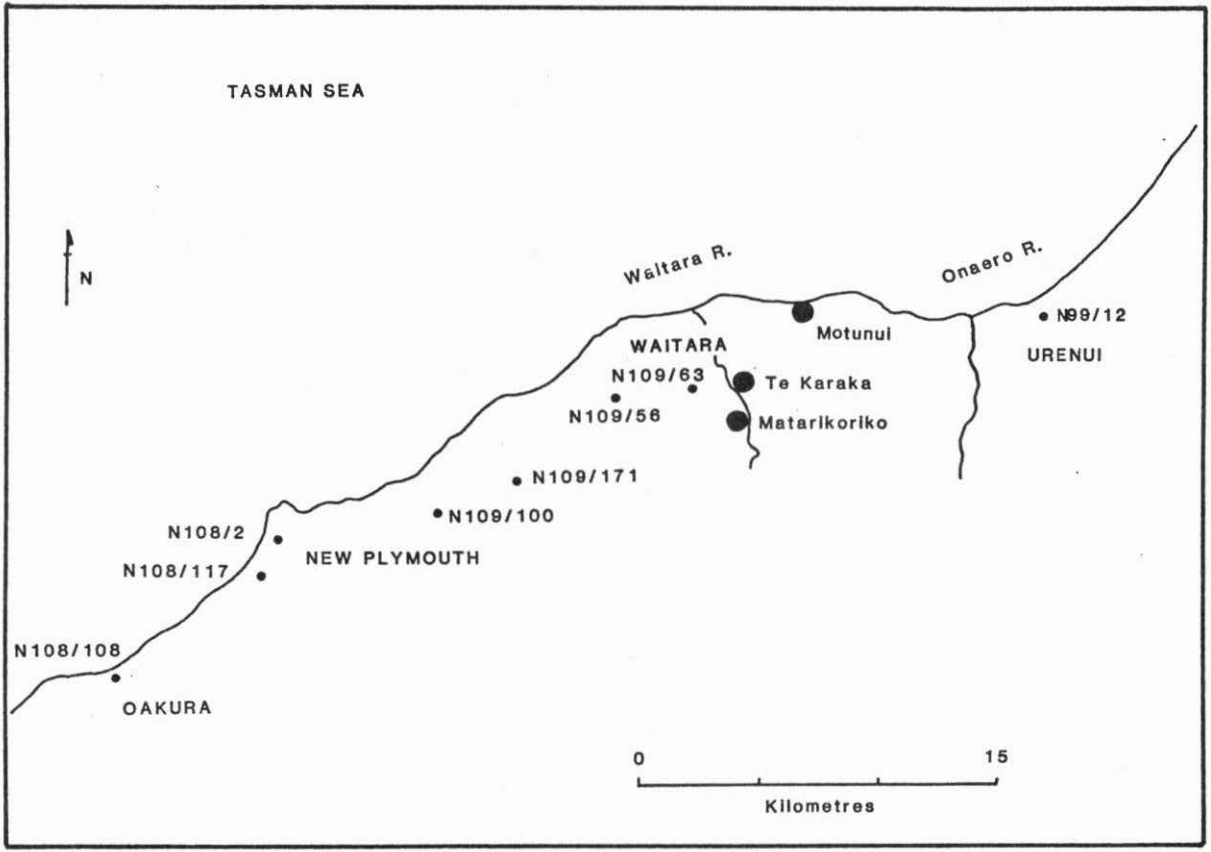

FIGURE 1. Places and sites mentioned in text.

the individual property owner and his or her aspirations.

Conservationists argue that the present planning system is loaded in favour of development, and that the Tribunal is reluctant to prevent a development even when the weight of the evidence for doing so is considerable (for a recent example of this type of criticism see Bellingham and Taylor 1986). However, it is not easy to suggest what would constitute a balanced approach.

Many sites of traditional significance also fall under the protective umbrella of the archaeological provisions of the Historic Places Act. However, applications to modify or destroy archaeological sites are decided primarily on the archaeological significance of the sites. Traditional evidence may be taken into account, but the emphasis is on the archaeological evidence, and its scientific importance. Archaeologists may run the risk of being seen as just another part of an "unsympathetic majority culture", but the wording of the Act requires that the main concern must be with the archaeological, and not the traditional, significance of sites. Rowland's (1984:52) comment that "a statement of significance that satisfies all interest groups may be unrealistic if not impossible" is relevant in this context. The emphasis on scientific values is simply a recognition of the strength of this approach, for legislative purposes, if for nothing else. This is not to deny its limitations. It is to insist, however, that the limitations are less than those of alternative approaches.

As a matter of policy, the Trust also takes into account the effect of its decision on the applicant. Authorities have been issued for modification of important archaeological sites because refusal of the authority would have had an unacceptably serious economic effect on the applicant. The legislation makes no mention of compensation, but in administering the legislation the Trust has to have a policy that addressses this issue. The Trust's decision is not final: it is subject to a right of appeal to a Minister of the Crown. The serious economic consequences of Trust decisions have figured prominently in appeals, and appeals have been upheld on these grounds. The strong ethic of private property rights restricts the options open to the Trust in administering the archaeological provisions of the Act.

In 1980 when the big energy projects were still in their early planning stages the Trust was still working with the Historic Places Act 1954 and amendments. The 1975 Amendment had strong provisions protecting archaeological sites. These provisions were incorporated in the Historic Places Act 1980, along with new provisions on traditional sites. A

traditional site is now defined as "a place or site that is important by reason of its historical significance or spiritual or emotional association with the Maori people or to any group or section thereof". Boast (1983:322-3) comments that the procedures for recognising and protecting traditional sites "can hardly be said to rank among the most effective of statutory regimes. It is a string merely of interlocking vague contingencies ....It is a procedure which can be fairly characterised as highly non-committal." The Trust regards the provisions as a significant recognition of Maori values, but unsatisfactory as they stand.

Recently, the Waitangi Tribunal has expressed its views on the subject. The Tribunal notes that "bluntly put, there is one standard for sites of significance to New Zealanders as a whole, and another lesser standard for sites of significance to Maori people" (Waitangi Tribunal 1985:84). This conclusion was reached because the the Tribunal considered that the protection offered traditional sites was less than that offered to other types of historic places. Worse, even when these other types of historic place were of Maori origin, as many archaeological sites are, they are still judged in terms of Pakeha values. While not without some substance, this sort of complaint assumes that an approach has merit just because it represents a Maori (or Pakeha) point of view. The Waitangi Tribunal needed to judge the different views on their merits, but this it did not attempt. Many concerns are not easily translated into legislation.

Unfortunately, it is far from clear precisely what it is that the traditional site provisions are seeking to protect. The definition is so broad and all-encompassing that it is open to many different interpretations. Natural features such as mountains and rivers often have spiritual and emotional associations. However, it is difficult to gain any effective protection for such features as what constitutes a threat to the integrity of the values concerned is as subjective as the values themselves. These are not problems that arise from the particular definition in the Act but are part of the fuzziness of the whole notion of traditional sites, and spiritual and emotional associations. The Trust has tended towards a two pronged approach to administering the traditional site provisions. Places may be declared traditional sites as a recognition of Maori values, but without any further action being taken. This is a largely symbolic action, but may not be completely without effect as it brings the values out into the open where they can be discussed, and taken into account. For some sites, however, further protection may be sought through an agreement with the land owner or through listing in the district scheme. As in any case where restrictions are put on land use, the area

concerned needs to be clearly defined.

The National Development Act

The National Development Act 1979 (recently repealed) was intended to ensure that major industrial developments considered to be essential in the national interest were not subject to the time-consuming delays that could arise if planning and other statutory consents were dealt with in the usual, piecemeal, way. The Act had a reputation as a juggernaut designed to brush aside the safeguards of the ordinary planning process (Palmer 1982).

Under the National Development Act, the applicant had to produce an Environmental Impact Report (EIR) which was then subject to an audit by the Commissioner for the Environment. Consents required under various Acts, such as the Historic Places Act, were the subject of reports by the relevant body to the Planning Tribunal which held a public inquiry into the proposals. The Tribunal considered the evidence and produced its own recommendations to the Minister of National Development who duly promulgated an Order in Council to give effect to the recommendations.

Criticisms of the big energy projects were attended by many complaints about this new "fast-track" planning process. Some of the criticism considerably exaggerated the efficacy of the safeguards of the ordinary planning process. If anything, the interpretation of the provisions of the Act by the courts has further helped to open up the planning process to public involvement (Palmer 1982). The Trust also found that it was brought into the planning for major developments at an earlier stage in the process than usual, and this made it easier to provide for the protection of any archaeological sites that might have otherwise been affected.

People objecting to the big developments on grounds of loss of historic sites generally lacked an overall picture of site damage and loss against which to compare the impact of the projects. There had been a number of cases of unauthorised damage to local sites and it was damage to a pa (N109/12) near Urenui that resulted, in 1979, in the very first conviction for damage to an archaeological site. Consideration was given to prosecutions in two other cases of unauthorised damage to pa (N108/108 and N109/100) in subdivisions in Oakura and New Plymouth. A third pa (N108/2) was destroyed in a subdivision in New Plymouth in the early 1980s. There were, presumably, other cases that did not come to the Trust's attention. Trust concern about the threats to sites arising from other developments within the region were reported in the newspapers, but the media interest was in the arguments over the big projects. The Taranaki Museum, with

some financial assistance from the Trust, organised a site survey of the area between the Waitara and Onaero Rivers in the summer of 1980-81 (Day and Stevenson 1981). The Trust was already assisting a three season programme of survey and mapping of sites south of New Plymouth (Prickett 1980, 1982, 1983). In addition, the Trust financed a survey of the area between New Plymouth and Waitara (Wallace and others 1981).

Prickett's work has resulted in a thorough analysis of the nature and extent of site damage in one part of Taranaki (Prickett 1985). Similar results were evident in an area studied by Adds (1984). Such studies have underlined the extent of the damage that is occurring from small scale projects by individuals on their own land. More intensive land use, particularly horticultural development, accentuates the problem. Small developers are often simply not in a position to avoid sites, whereas big developers can often do so if they are aware of their presence early enough in the planning.

The Methanol Plant at Matarikoriko in the Waitara Valley

In May 1980 the Trust was approached to survey the site of a proposed Methanol plant in the Waitara valley. The fieldwork and the report were completed by the end of the month. (The archaeological results of the survey and subsequent work are described in Walton (1984)). An EIR was issued, and the procedures of the National Development Act were invoked, in August the same year. However, the authority required to destroy N109/143 (borrow pits/made soils) was not sought under the terms of the National Development Act. The procedures of the Historic Places Act were followed and an authority to destroy N109/143 was duly issued early in April 1981 (HP 12/15/22).

The historical significance of the plant site was addressed in a number of submissions to the Commission for the Environment which was responsible for the audit of the EIR. The EIR had reported the findings of the archaeological survey that the pa sites above the river valley were not threatened by the proposed construction on the river terraces below. The borrow pits/made soils were not seen by the Trust as being of sufficient importance to warrant denying use of the river terraces. There was some criticism of this view from conservationists. One submission to the Commission for the Environment noted the numbers of sites in the general area, the finding of artefacts in the general area, and the presence of the borrow pits/made soils, to argue the likelihood that there had been occupation on the river terraces and that there was a duty on the developers not to disturb the area. However, there was no specific evidence for this occupation, and no specific location was mentioned.

The idea of preventing a land use because of a possibility of there being archaeological evidence present was to become a more important issue in the second big energy project.

The Gas to Gasoline Plant, Motunui

The Trust involvement with the Motunui development began in early July 1980 with a request from planning consultants for preliminary information on archaeological sites in seven areas being considered for a large development. Once the site was selected the Trust, at the request of the planning consultants, undertook a detailed ground survey in December of the same year.

Four people spent five days on the survey of the proposed plant site (Fig. 2). Six pa sites had previously been recorded in the Site Recording Scheme and, apart from one that could not be relocated, these were visited and re-recorded (Table 1). Four other sites were recorded, and four findspots listed but not entered in the Site Recording Scheme.

During the site survey a wooden bowl was found amongst spoil from a drain in a tributary of the Waipapa stream. The bowl was carved with metal tools and is presumably late 19th century in date (R Fyfe: pers.comm.). Over the years there have been numerous finds of wooden artefacts in swamps in the Waitara area. The artefacts include elaborately carved epa and pare, together with ko and other implements (Duff 1961; NZAA Site Record N99/23; Houston 1958, 1959a, 1959b, 1960). Near the Motunui site itself, a carved epa has been found in a tributary of the Waipapa stream (Houston 1960), and the Ortiz carvings (Cater 1982) came from a tributary of the same stream. A collection of wooden artefacts, including ko and bowls, was found some years ago in Parahaki Stream near N99/116 and N99/117 (Puketapu pa).

The developers failed to detect any Maori concerns about the Motunui site during the early stages of their investigation, perhaps because the community was largely uninformed about what was being planned, and the discussions about the ramifications of the project had hardly begun. The Ngati Rahiri hapu (part of Te Atiawa) as a whole only became aware of what was planned at a late stage, after the Motunui site had been chosen, and after some members of the hapu had already signed options for the purchase of their land. The Trust, partly because of remoteness from the scene, also had difficulty picking up Maori concerns and responding to them.

Ngati Rahiri considered the Motunui area to be their turangawaewae and felt the proximity of the plant to their urupa was undesirable: the hapu did not want "a belching

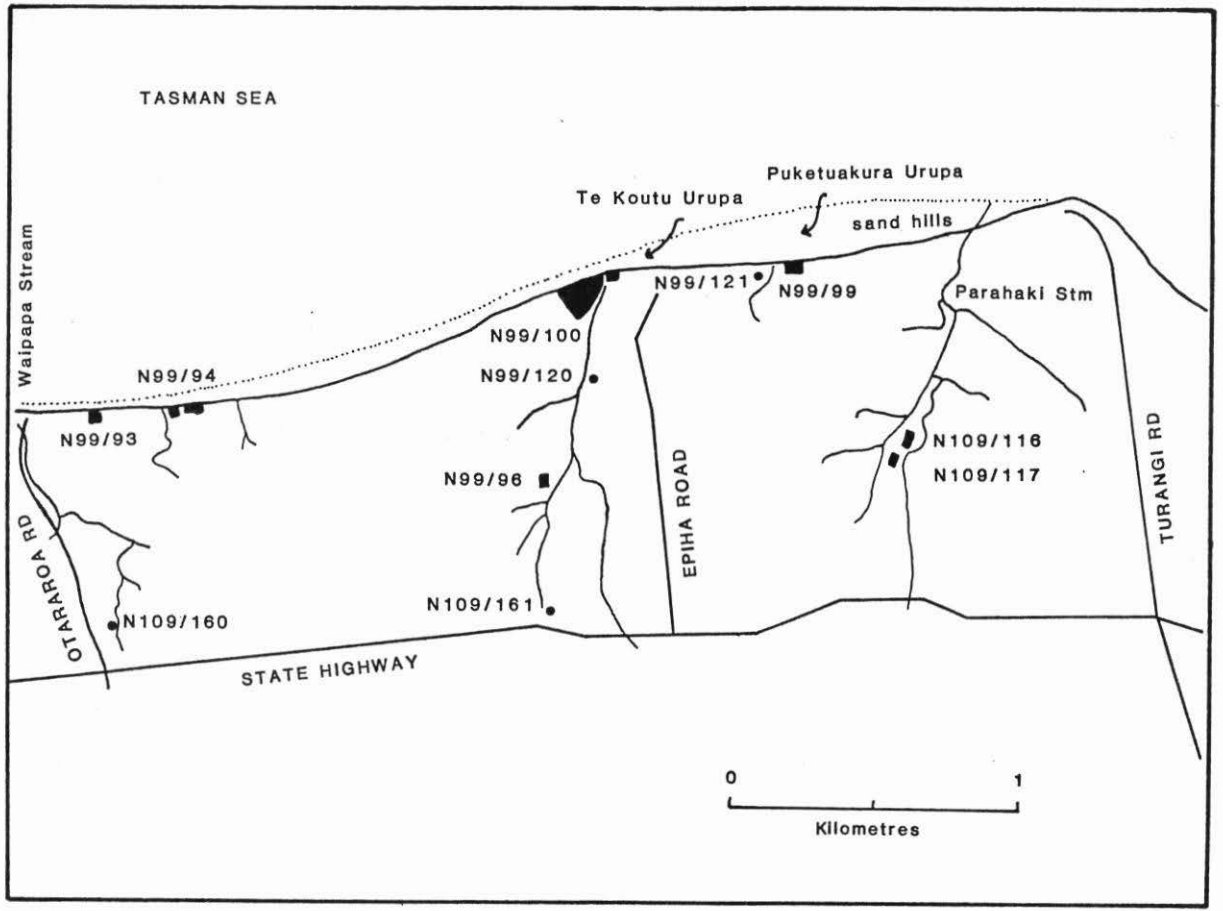

FIGURE 2. Archaeological sites at Motunui.

noisy smoking plant next door when a tangi is being held". There was concern over possible interference with "Unmarked Urupas, Old Pa Sites, hidden taonga". The submissions stressed that "when you interfere with the resting places of our ancestors, you tear the heart and soul" (HP 12/15/23). The major concern, however, was over the potential impact of the discharge of treated wastes on to or near traditional fishing grounds.

The developers readily agreed to exclude known pa and urupa from the area under development. Much of the interest, therefore, centred on the other archaeological remains. Most of the land in the Motunui area has been ploughed on numerous occasions and, apart from the pa, there was little surface evidence of occupation. What scattered evidence of occupation there was, however, was regarded as indicative of what was probably intact below the plough zone. Some people opposed to the development regarded this as a reason for treating the whole area as having archaeological values, and vetoing its use for the plant. The extent and significance of any archaeological evidence was, however, little more than an informed guess and the Trust felt that the only reasonable course was to monitor the earthmoving and document whatever was uncovered rather than insist that the whole site was inviolate. The archaeological monitoring during the earthmoving stages of the plant construction produced only scattered evidence of occupation (Day and Adds 1982). As the work on the plant neared completion in 1985 some wooden artefacts (such as ko) were found, and were recovered by Taranaki Museum staff.

The problem for the Trust over the Motunui case was that while it had powers to deal with significant tangible evidence it had none that could allow it to act on the emotional significance of the Motunui area to Ngati Rahiri. Ngati Rahiri argued at the hearings that the Motunui area was of such traditional and historical significance that the proposed use of the site was unacceptable. It was argued that another, not so sensitive, site should have been chosen. Much argument centred on the possibility of unknown urupa and taonga being uncovered. However, in the case of both burials and wooden artefacts the developers were being expected to meet a standard of care that was asked of no-one else. For most sites the project even held out the prospect of better management. Te Taniwha pa, for example, had had its defences levelled for farming purposes and, at a later stage, a house had been built on the site. N99/94 (pa/urupa) was being ploughed, and planted in oats, annually. Damage was occurring to sites in the normal course of events.

The Planning Tribunal determined that the procedures of the Historic Places Act protected legitimate Maori interests

(Palmer 1982:27). Certainly, no pa or urupa were disturbed as a result of the development. This did not meet concerns about the spiritual and emotional associations of the Motunui area for Ngati Rahiri. There is, however, no obvious way of weighing such intangible values against what are often presented as the hard economic realities.

Metal Quarrying at Te Karaka

The first use of the traditional site provisions in the 1980 Act arose from proposed quarrying for road metal. The numerous small lahar hills dotting parts of the Taranaki countryside are potential sources of road metal. However, numbers of these hills are the sites of pa. When some possible quarry sites were identified in the Waipapa/Karaka Roads area just south of Waitara a survey was done by R. Fyfe (1980) of the Taranaki Museum. The proposed quarrying would have destroyed two small hills (Purimu and Purupu) near Te Karaka pa (N109/150). Another hill had been considered for quarrying but was put aside because it was the site of Otehetehe pa (N109/130).

Purimu (N109/152) and Purupu (N109/151) were originally recorded as archaeological sites, but their significance lay in their role in the events of 1858 when Wiremu Kingi beseiged Ihaia Kirikumara's pa Te Karaka (Fig. 3). The fighting in the Puketapu feud, of which this was one episode, arose from attempts, led by Wiremu Kingi, to prevent some sections of Te Atiawa from selling land. Ihaia's hapu was Otaraua and his allies included Ngati Rahiri and others. His supporters took up positions on the small hills around Te Karaka including Pukerito, Purimu, Purupu, and Otehetehe. Ihaia's withdrawal was negotiated, and Te Karaka was destroyed. There are now no surface remains at the location to mark the site of Te Karaka. Ihaia supported the government against Wiremu Kingi when the First Taranaki War broke out in 1860. He died in 1873 and was buried on Pukerito. The hill was quarried away in the 1930s after his remains had been removed to a another urupa nearby (HP 8/43/1).

Submissions made to the Trust by members of Otaraua hapu stressed that "this is a very important part of our history but words and writings alone cannot express our great feelings, spirit, love and sadness that we have for our Pas, our People, our Urupas, our Land, for out of these comes the very essences of life and death" (HP 8/43/1).

Otaraua wanted the Trust to protect the sites using the strong archaeological provisions of the Historic Places Act but there was no evidence of any archaeological remains at N109/151 and N109/152, and if there had been the Trust would

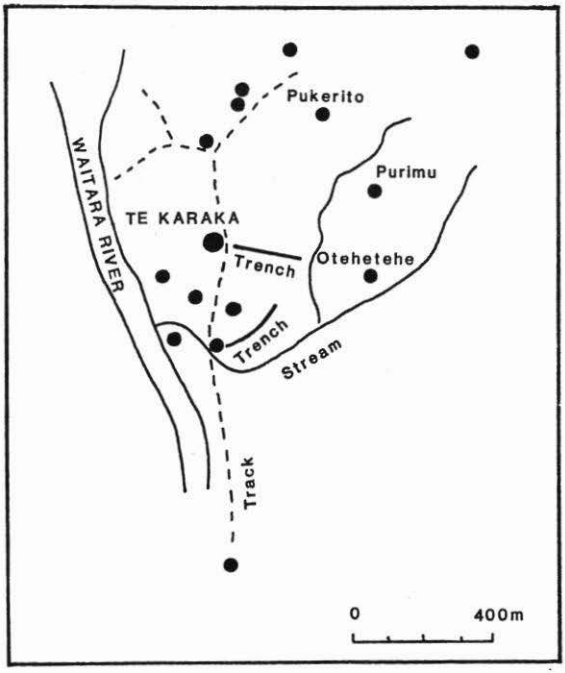

FIGURE 3. Drawn from a contemporary plan: "Waitara District, showing pas in the occupation of Ihaia and his allies, also Wiremu Kingi". Complier unknown. Manuscript map with John White papers, Alexander Turnbull Library. Purupu is not shown, but lies between Purimu and Otehetehe.

TABLE 1: Archaeological sites at Motunui

Site Number	Site Type	Grid reference
N99/93	Pa	838005
N99/94	Pa	841005
N99/95 *	Pa	850007
N99/96	Pa	854002
N99/99	Pa	863009
N99/100	Pa (Te Taniwha pa)	856008
N99/120	Oven	856005
N99/121	Pit/oven	862009
N109/160	Oven	838997
N109/161	Midden	854997
Findspot	Stone sinker	863008
Findspot	Obsidian	839005
Findspot	Wooden bowl	838997
Findspot	Clay pipe stem	863008

* site not relocated

still have needed to convince itself that these remains were significant enough to justify refusing the authority. The Trust offered to undertake an exploratory investigation to assess the archaeological significance of the hills but this was refused as being inconsistent with the traditional values. As a result, the Trust had to fall back on the new traditional sites provisions of the Act.

The case for declaring the hills traditional sites rested in large part on the historical significance of the events of 1858. However, subsequent events were also important in explaining the significance attached to the hills. Particularly significant was the fate of Pukerito. In the 1930s a quarry had encroached on the Pukerito urupa. The remains were then removed for re-burial in a nearby urupa and the hill had then been completely quarried away. The renewed quarrying of metal from the edge of the old Pukerito quarry pit, the proposals to quarry further hills, and recent damage to the other urupa in the immediate area, revived the issues. Pukerimu and Purupu were duly declared traditional sites and this was the first such declaration under the 1980 Act. Representations were made to the local authority concerning the preservation of the hills and to date no quarrying has occurred.

Puketakauere and Mahoetahi

One major roading project arising from the Motunui project was the re-routing of the State Highway to by-pass Waitara (HP 12/2/0/6). A survey of the area affected by the proposed by-pass was done by R. Fyfe (1981). The plans called for a borrow area which included the area around Puketakauere pa (N109/63) where a defeat had been inflicted on the Imperial forces in 1860 during the First Taranaki War (Prickett 1984). Fyfe recommended that the borrow be taken from elsewhere, and the Trust supported this view. The decision to look elsewhere for borrow was no sooner made however, than another threat to both Puketakauere pa and battlefield emerged from the owners' plans to develop the land for horticulture. The pa, but not the battlefield, was eventually purchased jointly by the Trust and the Department of Lands and Survey as an Historic Reserve.

Few sites become reserves. The lack of funds for purchase severely restricts the options open to the Trust for dealing with most cases. A small block of land near New Plymouth, for example, was intended for a horticultural development but proved to be substantially made up of the site of a large pa (N109/171). Refusal of an authority would have had unacceptable economic consequences for the applicant and the Trust had no money to purchase the site. Reluctantly the authority was issued.

More intensive land use also caused difficulties with the Mahoetahi Historic Reserve (HP 12/2/0/6). The reserve marks the site of an engagement in 1860 during the First Taranaki War, and is also the site of an earlier pa. The Reserve consisted of two small pieces of land, both urupa, on top of the hill together with a right of way across the paddock. Few of the surface archaeological features lay within the reserve, which had been established at a time when more intensive land use had been inconceivable. The use of the surrounding land for maize growing rendered the existing Reserve inadequate. An additional piece of land was duly purchased to add to the Reserve. Even so features outside the enlarged reserve are now subject to regular ploughing and will eventually be obliterated. Again the result was less than satisfactory in archaeological terms but a better result could only have been achieved by imposing an unacceptable cost on the land owner, or the Trust. Some information was recovered by an archaeologist present during one ploughing, and it is important that where sites cannot be saved that the option to recover information is retained as this provides some compensation for the loss of the site.

Discussion

There are many different kinds of significance. Bowdler (1981, 1985) has argued that archaeologists must be concerned with archaeological (which is to say, scientific) significance. Obviously this does not mean that this is the only assessment of significance that needs to be made. Spiritual or emotional significance for Maori people must be sufficient in itself to warrant a place with this status receiving recognition. The Historic Places Act 1980 deals with these different criteria for assessing significance by separating traditional values from archaeological values. Objections have centred not on the principle of dealing with these separately but on the fact that the traditional sites provisions are very weak compared to the archaeological provisions.

The traditional sites provisions are far from satisfactory. The definition of a traditional site is extremely loose and this would make it difficult to strengthen the provisions without clarifying the definition of a traditional site. The varying interpretations of the term "ancestral land" is an indication of the problems created by vaguely defined terms in legislation. This example also illustrates the way legislation is interpreted within an existing framework, and is made to conform to the existing body of law and legal practice. The same constraint applies to the interpretation of the archaeological, and other, provisions of the Historic Places Act. Whatever the Act might appear to say, it is subject to interpretation

within a framework with well established attitudes about the priority of property rights. Even allowing for this, however, it is indisputable that the Trust does often display the sort of timidity that is so often associated with quangos.

The implication of the recognition in law of the Treaty of Waitangi may change many of the assumptions built into the present planning and legal systems (Kenderdine 1985a, 1985b) but this is likely to be a gradual process and the outcome is unpredictable.

Most of the strengths and weaknesses of the National Development Act were also those of the ordinary planning system. The Taranaki experience demonstrated that even projects subject to the full planning process could not be dealt with very effectively from Wellington. If the handling of projects subject to the full planning process is unsatisfactory, the handling of the many small scale projects not subject to planning approval must be worse. Deliberate or unintentional damage to sites is unlikely from projects subject to planning approval but is probably reasonably frequent in casual, small scale, everyday activities. An effective programme of site management requires the presence of a regional archaeologist. No policy, no matter how well thought out, is effective in the absence of regional staff to implement it, and this is an on-going, time consuming, activity because it involves dealing with individuals, commercial concerns, government departments, and tribal authorities, amongst others.

While wide consultation is the goal, it is seldom possible to contact everyone who would wished to be consulted over a decision. Even with more staff and resources, consultation will have to be selective. Consultation, however, often raises expectations that cannot be met. As already noted, the options available to the Trust are often severely restricted by a lack of funds to pay compensation when a decision imposes an unreasonable burden on a developer. It is not within the Trust's powers to do many of the things people suggest it should do. Consultation also needs to be done quickly as the Trust is always under pressure to consider issues and make decisions as soon as possible so as not to inconvenience or delay development work, whether large or small in scale. This pressure is not unreasonable given the scope of the archaeological provisions, and the Trust has endeavoured to meet the developers' timetables in making decisions.

The Historic Places Trust cannot be for or against any development as such. There was a great deal of misunderstanding about the attitude taken by the Trust over the Motunui development. Some of the conservation groups

involved had not confronted the issue of protection of historic places before and lacked background information about the range of development pressures on sites. They tended to assume that the big energy developments posed an unprecedented threat to sites and that all sites were important and had to be preserved. Some, perhaps many, people saw the archaeological provisions as a means of preventing a development that they opposed on other grounds.

Maori concerns represented a particular problem. The Trust's emphasis on tangible remains at specific locations was not understood and was probably seen by many as missing the point. The Trust can only deal with recognisable archaeological remains at a specific location. There is little that can be done to protect remains that may not exist, or cannot be tied to a specific location. The Trust, in administering its Act, must make its own decisions on the merits of the evidence, in accordance with the principles of administrative law.

Conclusions

No statement of significance can satisfy all interest groups and the separation of archaeological and traditional values in the Historic Places Act is a means of ensuring both sets of values are recognised. The traditional site provisions, however, need to be clarified, and strengthened.

The legal framework in which archaeological and traditional values are weighed up has a presumption in favour of property rights. This constrains the options available to the Trust in administering the provisions of the Historic Places Act. Limited resources are also a major constraint.

An archaeologist working from Central Office cannot deal with archaeological matters in a region as effectively as someone who is based in the region. Regional archaeologists are essential to an effective programme of archaeological resource management.

Postscript

This essay was substantially written by early 1987 as the planning for a new Department of Conservation was going on. Now that the Historic Places Trust is serviced by a Department with a regional organisation some of the problems discussed here have been alleviated. However, the advent of the new Department has not resulted in an increase in staff in spite of increased responsibilities arising from the provisions of the Conservation Act 1987. At the moment there are two regional archaeologists (with a third, resulting from

the regionalisation of a Central Office position, on the way), but most regions will still have to be covered by the very small group of 4 at Central Office.

Acknowledgements

This is a revised version of a paper presented at the 57th ANZAAS Congress, Townsville, 1987. For detailed comments on structure and contents thanks to Roger Fyfe, Kevin Jones, and Jim McKinlay. The paper is a response to some discussion at a seminar on Archaeology and the Law (Auckland, 1986) organised by the Institute of New Zealand Archaeologists.

References

New Zealand Historic Places Trust files

HP 8/43/1 Traditional Sites: Purimu & Purupu, Waitara, Taranaki.
HP 12/2/0/6 Site Protection: Taranaki.
HP 12/15/22 Site Investigation: Alberta/Petrocorp Methanol Plant, Waitara.
HP 12/15/23 Site Investigation: Mobil Oil Industrial Developments, Taranaki.

Adds, P. 1984. Archaeological Resource Management In North Taranaki. Unpublished M.A. Thesis, University of Auckland.

Bellingham, M. and G. Taylor 1986. Saving the coast. Planning Quarterly 84:5-9.

Boast, R.P. 1983. The Law Relating To Archaeological Sites, Historic Places And Buildings In New Zealand. Unpublished LLM Thesis, Victoria University of Wellington.

Bowdler, S. 1981. Unconsidered trifles? Cultural resource management, environmental impact statements and archaeological research in New South Wales. Australian Archaeology 12:123-133.

----- 1985. Reconciling archaeological and Aboriginal interests in the protection of sites. Anthropological Forum 5 (3):403-413.

Cater, R. 1982. The Taranaki Panels - a case study in the recovery of cultural heritage. AGMANZ News 13 (4):16-19.

Daniels, J.R.S., G. Knox and A. White n.d. Review of the

New Zealand Historic Places Trust. Report of Working Party.

Davidson, P. 1982. The Historic Places Act 1980 - preservation or progress? N.Z. Law Journal 1982:358-359.

Day, K. and P. Adds 1982. Motunui monitoring programme. Unpublished report.

Day, K. and M. Stevenson 1981. Waitara River - Onaero River Site Survey 1980-1981. Unpublished report.

Duff, R. 1961. The Waitara Swamp search. Records of the Canterbury Museum 7 (4):303-326.

Fyfe, R. 1980. Report on the archaeological sites in the Waipapa/Karaka road area. Unpublished report held on file HP 12/2/0/6 Pt2.

----- 1981. Archaeological Survey, Waitara Bypass State Highway 3. Unpublished report held on file HP 12/15/23.

Houston, J. 1958. A Taranaki epa. Jnl Polyn. Soc. 67:166.

----- 1959a. Another Taranaki epa. Jnl Polyn. Soc. 68:141-142.

----- 1959b. A Taranaki lintel. Jnl Polyn. Soc. 68:239-240.

----- 1960. Still another Taranaki epa. Jnl Polyn. Soc. 69:283-284.

Kenderdine, S. 1985a. Statutory separateness (1): Maaori issues in the planning process and the social responsibility of industry. N.Z. Law Review August 1985:249-259.

----- 1985b. Statutory separateness (2): The Treaty of Waitangi Act 1975 and the planning process. N.Z. Law Review September 1985:230-306.

Lambert, R. 1982. Effect of the major development projects of Taranaki on historic sites and places. In The Trust In The Eighties:48-50. N.Z. Historic Places Trust, Wellington.

O'Keefe, J. 1985. A Maori cultural and traditional dimension in land planning law. Planning Quarterly 77:19-22.

Palmer, K.A. 1982. The National Development Act 1979: a lawyer's assessment. Planning Quarterly 68:24-28.

----- 1987. Casebook: Maori ancestral land recognition - the Habgood case. Planning Quarterly 86:35-6.

Prickett, N. 1980. Maori fortifications of the Omata and Oakura districts, Taranaki. Rec.Auck.Inst.Mus. 17:1-48.

----- 1982. Maori fortifications of the Tataraimaka district, Taranaki. Rec.Auck.Inst.Mus. 19:1-52.

----- 1983. Maori fortifications of the Okato district, Taranaki. Rec.Auck.Inst.Mus. 20:1-39.

----- 1984. Puketakauere. Historic Places In New Zealand 4:10-12.

----- 1985. "Site damage and destruction in a rural New Zealand landscape", N.Z. Journal of Archaeology 7:61-76.

Rowland, M.J. 1984. Clean up your own backyard first! Problems and complexities in archaeological resource management - Stradbroke and Moreton Islands. In Coleman, R.J., J. Covacevich and P. Davie (Eds), Focus On Stradbroke:44-53. Brisbane, Boolarong Publications.

Waitangi Tribunal 1985. Finding Of The Waitangi Tribunal On The Manukau Claim. Wellington, Government Printer.

Wallace, R.T., A. Howard, J. Van der Sluys and K. Tawhio 1981. North Taranaki site survey. Unpublished report.

Walton, A. 1984. Made soils in the Waitara river valley, Taranaki. N.Z.A.A. Newsletter 27:56-63.