



NEW ZEALAND
ARCHAEOLOGICAL
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NEW ZEALAND ARCHAEOLOGICAL ASSOCIATION NEWSLETTER



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RECOMMENDATIONS FOR THE PROTECTION OF
SITES OF ARCHAEOLOGICAL INTEREST

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INTRODUCTION

For almost ten years the New Zealand Archaeological Association has been attempting to formulate proposals for the protection of archaeological sites. The first concrete recommendations put forward in 1962-63 were discussed by a number of interested parties, but no effective action resulted.

Three different approaches were followed. Changes to existing legislation were suggested, aimed at providing permanent protection for archaeological sites, especially those situated on existing reserves and domains. To aid these changes, a system of classifying sites was adopted whereby the protection accorded a site depended upon its category, which in turn depended on its archaeological importance. Finally, the Government was asked, through the New Zealand Historic Places Trust, to employ an archaeologist to carry out salvage work on sites which would be destroyed by Government activities.

The legislative proposals lapsed however, due to difficulties in finalising the system of site categories, the site scheduling became bogged down in the definition of its terminology, and the approaches to Government for an archaeologist had no success.

In retrospect, there seem to be a number of reasons why the recommendations were not carried out. There appears to have been a lack of conscious co-ordination between the proposals for legislative changes and the need for a Government archaeologist. The archaeologist was envisaged purely as a salvage archaeologist, and the arguments in favour of his employment were not related to the proposed changes in the legislation. Consequently, the Archaeological Association was approaching Government on two fronts with no obvious connection between them. Furthermore, the relationship between the legislative proposals

and site scheduling was over-emphasized. The basis for the legislative changes was not reached over the definition of terminology, and while this was thrashed out, the legislative proposals lapsed without recognizing that:

- (1) with little modification the changes in legislation could be recommended independent of the site classification,
- (2) the classification itself was unsuitable, since it implied the complete physical protection of a site, a situation not possible under New Zealand law, and
- (3) it imposed a system of classification in terms of present archaeological problems which, in ten years, may be vastly different.

Finally, the Archaeological Association was working in a largely hostile environment. It by no means had public sympathy behind it, and in the case of some local authorities and Government departments the Archaeological Association was directly opposed to their plans, with as they saw it, very little justification.

The Council of the Archaeological Association recognized the need for a fresh approach to the problem of site protection. Since 1966, a new set of proposals have been worked out based on a number of principles which recognize that complete physical protection of a site is impossible. Any protection other than that which already exists must be proposed within the framework of the right of the Crown to change the status of reserves, and to take land under the Public Works Act 1928. Where a site is threatened, therefore, it is the information contained in the site which is considered to be important, not the site as a physical entity, and when deciding what action to take, each site should be considered on its merits at the time it is threatened, thereby recognizing that the importance of a site may change with time. In the case of legislation, the protection afforded by existing legislation should be fully utilized wherever possible, but where further legislation is felt necessary, it should be concerned at this stage primarily with lands administered by Crown or Public Authorities. Finally, as a general principle, in its land management policies, the Government should be encouraged to take into account the need to conserve as many sites on public land as possible.

The proposals which resulted were sent to the Minister of Lands on

Subsequently a deputation from the Archaeological Association met with the Minister of Lands to discuss the proposals. The texts of the proposals and of the Minister's reply (in quotes), received by letter dated 20 November 1969, are set out below.

The Minister's response to these proposals was most encouraging, and it is clear that they are broadly acceptable to the Government. The developments which will result from subsequent discussions will be of considerable importance to the future of New Zealand archaeology.

PROPOSALS FOR THE CONSERVATION OF NEW ZEALAND'S PREHISTORIC SITES ON PUBLIC LAND

Introduction

The prehistoric Maori of New Zealand has left behind him occupation sites of all types, ranging from huge fortified pa to small cooking sites. Many of these sites are important for an understanding of the largely unknown prehistory of this country. Some, indeed, may be vitally important.

The importance of these sites stems from two main reasons:

- (a) They may be impressive, attractive, or unique items in themselves. In other words, true field monuments, such as One Tree Hill or Mount Maungamui.
- (b) They may contain valuable archaeological information.

Many important sites fall into both categories, and it will be readily seen that even what is, on the surface, the least impressive of sites, can contain information of the greatest importance under the ground.

In recent years there has been considerable investigation of, and research into New Zealand prehistory. Many sites have been located, recorded and described, and the scientific excavation of some sites has yielded new and important findings. Much, however, remains to be done.

As the problems to be solved emerge in a clearer light, archaeologists are becoming increasingly aware that the development of New Zealand and the resultant destruction of prehistoric sites, is steadily narrowing the range and number of such sites. In some areas time is running out. It was estimated in 1962 that, of all the sites

in the important Auckland Isthmus area (66 in all), 89% had been completely destroyed, and certain types of site had, over the whole of the greater Auckland area, completely disappeared by this time. This is hardly to be wondered at, as public works of all kinds, and urban development schemes are proceeding everywhere in New Zealand.

These threats to our archaeological heritage pose their problems. First, the problem of trying to salvage what information can be saved from sites threatened with destruction. Until now this has been done by universities, museums, and amateur societies, usually with no official backing. The second problem, an equally pressing one, is to find a means of conserving a sufficient number of sites for future research. The importance of doing this is that scientific techniques are continually developing. Those available in the future, many of which we cannot envisage today, may help to solve problems at present insoluble, and throw an entirely different light on our present knowledge. Our concern for the advancement of archaeological science will avail us little, however, if in the future most of our prehistoric sites are damaged or destroyed.

We do not seek to stop any of the desirable and necessary development referred to above. Instead, these proposals are aimed at providing for what we believe to be the reasonable demands of prehistoric research, in a way which should prove adaptable to present practices. We say this bearing in mind several lessons of experience.

- (a) In some cases if the mere existence of a site had been known, arrangements could have been altered to avoid it. These proposals provide machinery to make the knowledge accumulated by the New Zealand Archaeological Association available to public authorities.
- (b) If adequate notice that sites were to be destroyed had been given, salvage work could have been done.
- (c) Although the State and individual local authorities have been generous in financially assisting salvage operations in a few cases, there is no general recognition of the principle so common in other countries that the authority responsible for the destruction of a site should assist in the salvage of information from it.

As well as these points, which relate to the problem of salvage, there is the wider problem of protection for many sites in different forms of public ownership. While public ownership appears to

superficially offer protection to such sites, it in fact does not.

Part V of the Reserves and Domains Act 1953 makes provision for the setting aside as Historic Reserves, sites of archaeological interest. However, there are many archaeological sites to be found on land administered under other parts of the Reserves and Domains Act 1953 and also the Land Act 1948. In addition, reserves which are set aside under section 29 of the Counties Amendment Act 1961 and Sections 351 A and 351 C of the Municipal Corporations Act 1954, upon the subdivision of land, may have sites of archaeological interest situated upon them.

Of the abovementioned Acts, none provides protection for the particular type of remains found in archaeological sites. Under each Act, authority exists for the modification of the ground surface, and wherever this has happened in the past, and archaeological sites have been affected, they have invariably been badly disturbed or destroyed.

As well as reserves, other types of public land are subject to management policies which at present do not provide sufficient protection for sites. The New Zealand Archaeological Association records indicate that many sites are on such land.

Most of the information contained in an archaeological site lies entirely beneath the ground level, and as a result, all archaeological sites are potentially threatened by any form of earthwork or modification to the ground surface.

We do not wish to propose any measures which will conflict with the purposes for which land is held by the Crown or Local Authorities. Our proposal is that where archaeological sites are located on public land, the management policies for that land should be adapted, where possible, to give maximum protection for these sites without frustrating the main purposes for which the land is held.

This need not involve the conferring of reserve status on such sites. Management policies which took account of those sites existing on the land, provided they were adequately recorded first, would be sufficient. This, by way of example, has already been done by the Forest Service, who, in the case of an important prehistoric argillite quarry near Nelson, fenced it off from adjacent plantings. An example of conservation measure which could be adapted to protect archaeological sites, related to the provision of conservation strips along the banks of streams on some land development projects.

In fulfilling the twin aims of conservation and salvage, detailed

policies would need to be worked out for negotiating with land managing departments and local authorities. These would necessarily vary from case to case and would have to take into account local conditions. These land managing departments, particularly the Department of Lands and Survey, could play a major part in conserving our archaeological heritage and assisting research. The first need is a national survey to correlate known archaeological sites with land ownership details, and to determine what conservation measures are possible, in much the same way as the coastal reserves survey. This task, together with the necessary negotiation with local authorities and Government Departments, is a major undertaking. It calls for action within the Government machinery, specifically the appointment of an Archaeologist as a first step. (We make more detailed submissions on this later.) This is again an opportunity for the Department of Lands and Survey to take the lead. We believe that the time has come for the Government to act, in conjunction with this Association, to institute a national policy of conserving prehistoric sites on public land. For its part, the Association would gladly make available all its records and knowledge.

Recommendations: Conservation

1. A national survey along the lines of the coastal reserves survey, to establish the status of all public land containing sites.

"A survey such as this would tie in with the recommendations of the National Development Conference which seeks increased activity in the field of planning and resource assessment. I am happy to support this idea but it must be appreciated that a great deal of additional work is involved and my Department must have access to adequate qualified people to do the job properly. In this respect the Department would have to work closely with members of your Association, as well as the N.Z. Historic Places Trust, and I will comment further on this later."

2. The formulation of policies to conserve sites, and to salvage information from those which must be destroyed, bearing in mind the research needs of the future.

"My Department is already following the policy of conserving sites of archaeological importance but the lack of an archaeologist on its staff, and indeed the shortage of archaeologists in New Zealand generally, has limited the practical application of this policy. If a survey as

suggested was to be carried out and this revealed the existence of a significant prehistoric site on land controlled by the Crown, existing policy would dictate the formal reservation of the land for an appropriate purpose to make it subject to Part V of the Reserves and Domains Act 1953. Section 63 of the Act sets out quite clearly the types of places and objects than can be protected, and the following sections down to 69 the powers that the Minister may exercise either for complete protection, or to authorise excavations and other activities by scientific organisations. I think the legal position is very clear, and sufficiently flexible to cover both conservation of historic sites and, where necessary, the salvaging of information from sites that must, for one reason or another, be destroyed."

3. Negotiations with departments and public authorities to give effect to such policies.

"If the whole concept of increased activity in the archaeological field is to be accepted, this would be automatic and my Department would see such negotiations and discussions as part of its functions."

4. Where a site has a particular scenic, educational or monumental value, it is recommended that Sections 66 and 68 of the Reserves and Domains Act 1953 relating to the marking and protection of Historic Places and to the management of Historic Reserves be implemented and extended to archaeological sites with outstanding field remains, on any land administered under the Reserves and Domains Act 1953.

"This is a reasonable request and would be done even under existing policy. The fact that more sites have not been brought under the provisions of Part V of the Reserves and Domains Act 1953, and Sections 66-68 applied would be because of the lack of archaeological expertise and research available to my Department and the controlling bodies."

These proposals, and the following ones on salvage, are new but modest in scope, and do not interfere with the rights of owners on private land. Public authorities, particularly those holding reserve lands in trust for the community, are, however, in a different position from private landowners.

Recommendations: Salvage

It is to the modification of archaeological remains on existing reserves and incidental losses caused through public works carried out by the Crown and Local Authorities that these next proposals are directed, and their purpose generally is to safeguard the information contained in an archaeological site by ensuring its recovery before the site is destroyed.

The proposals are intended:

1. To provide financial or other aid where necessary in order to investigate and/or excavate such sites.

"My Department is always willing to consider the possibility of making a grant for important excavations on land which is subject to the Reserves and Domains Act 1953 and, depending on what is involved, this would also apply to Crown Land subject to the Land Act 1948. Normally, however, this type of assistance is the responsibility of the Historic Places Trust or the public construction agencies such as Ministry of Works which has financed excavation work in connection with the Tongariro Power Scheme and the Kapuni Pipeline. In many cases, also, investigations and excavations could be carried out entirely within the resources of the Dominion Museum or other interested organisations."

2. To provide sufficient notification of surface alteration or destruction of a site by the body administering a reserve or land, to allow a proper archaeological investigation if necessary.

Therefore it is proposed:

I. Reserves and Domains Act 1953

(a) That Section 67 Part V relating to Excavation and Scientific Investigations be applicable to archaeological sites on all land administered under the Reserves and Domains Act 1953.

"I think it would be too restrictive to make every archaeological site subject to Section 67 without consideration of the type of public reserve involved. Only significant sites should qualify, but this demands the survey mentioned earlier to assess what are significant sites before applying an historic reservation to them and making them subject to Section 67."

(b) That all known archaeological sites existing on land administered under the Reserves and Domains Act 1953 be subject to a restriction that twelve months' notice be given before any surface modifications can take place to such a site.

"If all significant sites were to be made subject to Part V of the Act such a provision would probably not be necessary. This assumes completion of the survey, and as this will take time, some warning or advice to an administering body about the presence of sites of possible significance would be effective in discouraging development that might interfere with the sites."

(c) That Section 20 Reserves and Domains Act 1953 be strengthened, so that notification of the revocation of a reserve is given twelve months in advance, where such reserves have archaeological remains situated on them.

"This would be extremely difficult to implement as in most cases revocations are dealt with, and necessarily so, in well under twelve months. However, if all significant sites were reserved and made subject to Part V of the Act, very adequate reasons would have to be put forward before I would be prepared to remove them from the protective provisions of the Act. In the event of such action being thought justified, it could be made subject to safeguards such as recording etc. by your Association, the N.Z. Historic Places Trust, or other approved organisations."

II. Land Act 1948

(d) That all known archaeological sites existing on unalienated land administered under the Land Act 1948 be automatically subject to the provisions relating to surface modification, suggested above for land administered under the Reserves and Domains Act 1953.

"If your society would supply a list of significant sites on unalienated Crown Land, then I would be prepared to consider the reservation of these for historic purposes and make them subject to Part V of the Reserves and Domains Act 1953."

(e) That when this land is sold, the site be declared an Historic Reserve subject to Part V Reserves and Domains Act 1953, or that notification be given of the intent to sell.

"It would not be possible to sell land that is subject to a reservation or restriction as an historic site. Significant sites would not be sold, but would be reserved and made subject to Part V of the Reserves and Domains Act 1953. However, if there were any less significant sites on land to be sold then your Association, the Dominion Museum, or other approved organisations could be given the opportunity to carry out excavations for recording, etc. before the sale is effected."

III. Counties Amendment Act 1961, and Municipal Corporations Act 1954

(f) That all known archaeological sites on land to be set aside as reserve under Sections 28 and 29 Counties Amendment Act 1961 and Section 351 Municipal Corporations Act 1954 be automatically subject to the provisions relating to surface modification, suggested above.

"I do not think this is really necessary, particularly if local authorities are made aware of the historic significance of any reserves under their control. In the case of a reserve (other than one for historic purposes) having a site of major significance arrangements could be made, with the co-operation of the local authority in whom it is vested, to recommend a change of purpose and bring the reserve within the sphere and protection of Part V of the Reserves and Domains Act 1953. I would be prepared to consider such an application and authorise the change of purpose if the circumstances showed this to be desirable."

(g) That Section 67 Reserves and Domains Act 1953 be applicable to reserves set aside under the Counties Amendment Act 1961, and the Municipal Corporations Act 1954.

"My comments under recommendation (f) immediately above, are applicable here."

The main aim of these recommendations is to provide sufficient notifications that a site is likely to be destroyed. However, it must be emphasised that a general policy of conservation is infinitely more desirable than salvage.

Proposal for an Archaeologist with Dept Lands and Survey

If the above proposals are acceptable, putting them into effect would, as already pointed out, call for the appointment of an Archaeologist. The Department of Lands and Survey is thought to be the most suitable as the

emphasis on conservation is closely allied with the ideals of the Nature Conservation Council, which is serviced by the Department of Lands and Survey.

The functions of such an archaeologist may be summarized as follows:

- (i) Co-ordination of data concerning archaeological sites and records over the whole of New Zealand with respect to the Crown Lands and Reserves and Domains, etc.
- (ii) To act in an advisory capacity for the administering of the relevant acts with regard to archaeological and technical details.
- (iii) Negotiations towards achieving conservation policies mentioned above.
- (iv) To arrange salvage ventures where necessary under Section 67 of the Reserves and Domains Act 1953.
- (v) Policy making, for example with regard to sites on freehold land or sites on land administered under acts other than those mentioned above.
- (vi) To encourage research, education and publicity.
- (vii) To examine the technical implications of legislation which may affect archaeological sites.

"Quite apart from the help it would give in implementing the recommendations of the National Development Conference, my Department could without a doubt make good use of the services of a staff archaeologist because of its management responsibilities for a great deal of land with archaeological significance, e.g. Ruapekapeka Pa, Te Pahi, etc. As you know the first archaeologist to be taken into the Public Service was recently appointed to the staff of the Internal Affairs Dept on the staff of the New Zealand Historic Places Trust. My department hopes to be able to make use of this man's services, and in time this will indicate if and when an archaeologist on the staff of the Lands and Survey Department would be justified."

"The existing legislation and the policy being followed at the present time does, I feel, provide sufficient scope and flexibility for the protection of sites having archaeological

or historic significance. However, I agree there needs to be an awareness by all concerned that these areas are part of New Zealand's history, and once destroyed or damaged they will be lost for all time. There also needs to be close liaison and co-operation between the N.Z. Historic Places Trust, your Association, and officers of my Department."

"The Department is very willing to co-operate in this way and appreciates the offer by your Association to nominate accredited people to act as honorary advisers to the Department. I would request now that you supply me with a list of significant sites in each land district that the Association would like to see protected, and I will arrange for the Commissioners of Crown Lands to note these on the record plans for their respective districts. (The boundaries of the twelve Land Districts are shown on the attached plans.) There will then be a permanent record of these sites, and as time permits they will be investigated for reservation, etc. Would you also please nominate a representative from your Headquarters with whom the Director-General of Lands can keep in touch, and if possible local representatives to maintain liaison at district level with the commissioners at Auckland, Hamilton, Gisborne, Napier, New Plymouth, Wellington, Blenheim, Nelson, Christchurch, Hokitika, Dunedin and Invercargill."

"When this information is received I will pass it on to the Director-General of Lands and ask him to initiate the liaison between the Department and your Association, both at Head Office and District Office level. I would reiterate that my Department is already following a policy of conserving sites of archaeological importance and I hope that this new liaison will be a means of giving greater effect to the policy."

A P P E N D I X

SECTIONS OF ACTS QUOTED

Reserves and Domains Act 1953

- Section 20. Revocation of vesting of public reserves.
- Section 66. Minister may mark and protect historic places, etc.
- Section 67. Excavations and scientific investigations.
- Section 68. Minister may manage and preserve historic reserves.

Counties Amendment Act 1961

Section 28. Reserves for public purposes.

Section 29. Reserves along seashore and banks of lakes, rivers, etc.

Municipal Corporations Act 1954

Section 351. Restrictions on subdivision of land.