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**Submission to the Environment Committee Komiti Whiriwhiri Take Taiao
Inquiry into seabed mining in New Zealand**

14 October 2023

Introduction

ICOMOS is a non-governmental international organisation dedicated to the conservation of the world's monuments and sites. Founded in 1965, the organisation is a principal advisor to UNESCO and includes over 10,000 members in 132 countries and territories.

ICOMOS Aotearoa New Zealand (ICOMOS NZ) is an incorporated society whose members include architects, engineers, heritage advisers, experts in Te Ao Māori, historians, archaeologists, lawyers, and planners.

The [ICOMOS New Zealand Charter for the Conservation of Places of Cultural Heritage Value](#) is the benchmark for conservation standards and practice in Aotearoa New Zealand. The heritage conservation principles outlined in the Charter are based on a fundamental respect for significant heritage fabric and the intangible values of heritage places.

Submission

ICOMOS NZ welcomes the opportunity to submit on the *Inquiry into Seabed Mining in New Zealand*.

New Zealand retains a unique assemblage of places of cultural heritage value relating to its indigenous and more recent peoples. New Zealand shares a responsibility with the rest of humanity to safeguard its cultural heritage places for present and future generations.

Seabed mining has the potential to impact New Zealand's marine and coastal environment, which is an area rich in heritage places and sites, many of which are significant to Māori, iwi, and hapū. These sites and features are located both in deep water and are also in abundance on the coastal edge.

ArchSite (NZ Archaeological Association's database) contains a record of known archaeological sites including shipwrecks, navigational aids, ship building yards, and food gathering areas such as fishtraps. Sites in the coastal marine area are made vulnerable by their location – being underwater diminishes their visibility; increases their vulnerability to disturbance; and increases the risk of adverse effects to these finite resources.

Many other heritage and archaeological sites have not yet been recorded, and all are vulnerable to damage and loss by seabed mining unless:

- Careful research of potential seabed mining sites is carried out;
- Heritage values are recognised and protected in consents for seabed mining; and
- Effective compliance monitoring is undertaken during mining operations.

This is particularly important at shipwreck sites where seabed mining may disturb human remains. We have included a list of some examples from the Te Ara website to an appendix to this submission to demonstrate the extent of this issue).

Legislation

To assist the inquiry, we note the following legislation with relevant heritage provisions, including the:

- Heritage New Zealand Pouhere Taonga Act 2014. Noting an archaeological site is defined as any building or structure associated with pre-1900 human activity, including “the wreck of any vessel where the wreck occurred before 1900:”
- Marine and Coastal Area (Takutai Moana) Act 2011 which includes the rights of customary marine title groups.
- Requirements of the Conservation Act 1987, National Parks Act 1980, Reserves Act 1977, and Wildlife Act 1953.
- Matters of national importance in the RMA, particularly section 6e, f and g:
 - (e) the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga:*
 - (f) the protection of historic heritage from inappropriate subdivision, use, and development:*
 - (g) the protection of protected customary rights:*
- System outcomes of the Natural and Built Environment Act 2023 which include the protection and restoration of cultural heritage and the:
 - ...relationship of iwi and hapū, and the exercise of their kawa, tikanga Māori (including kaitiakitanga), and mātauranga Māori in respect of their ancestral lands, water, sites, wāhi tapu, wāhi tūpuna, and other taonga.*

Recommendations

We ask the inquiry to consider the following points:

- The connection between iwi and hapū to their significant places, and their rights to exercise kawa and tikanga Māori.
- The significance and abundance of heritage within the coastal marine area and the duty to protect these places.

- The vulnerability of heritage places within the coastal marine area.
- The need to protect human remains at shipwreck sites.
- The importance of the consenting process for seabed mining, which should include:
 - Research to identify heritage and other significant values of proposed sites;
 - The protection of heritage values at each site; and
 - Effective monitoring to ensure compliance with consent conditions.

Thank you again for the opportunity to submit on the *Inquiry into Seabed Mining in New Zealand* and we look forward to reading the outcomes of the inquiry.

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Appendix: Examples of shipwreck sites that include human remains.

HMS Orpheus

The greatest wreck in New Zealand waters was that of HMS Orpheus on 7 February 1863 at the Manukau Bar, Auckland. Bringing naval stores across from Sydney, the captain entered the wrong channel when approaching the harbour. The ship stuck fast on a sandbar, and breaking waves destroyed her. Of the 259 naval officers and men aboard, 189 died, including the captain.

Fiery Star

On 19 April 1865 a cargo of wool on the Fiery Star caught fire. The clipper was 240 kilometers north-west of the Chatham Islands, enroute to London from Brisbane. After four days, the captain and 77 passengers took to lifeboats. They were never seen again. The chief officer and 17 crew members battled the fire on board for almost three weeks, until they were rescued 24 kilometers from the Coromandel coast. Half an hour later, the ship sank.

General Grant

On 14 May 1866 the General Grant, sailing from Melbourne to London, hit cliffs on the west coast of the main island in the Auckland Islands and sank. Of the 83 people on board, only 15 survived. After nine months on Auckland Island, four members of the crew set out in a small boat for Bluff – a 290-mile journey – to get help, but they were never seen again. Another person died on the island. The 10 remaining castaways were rescued by the brig Amherst after having survived 18 months on the subantarctic islands.

Tararua

The second greatest maritime tragedy in New Zealand waters occurred on 29–30 April 1881, when the steamer Tararua struck a reef at Waipapa Point, Southland, about a kilometer from shore. The ship was sailing from Port Chalmers to Melbourne. In all, 131 passengers and crew died, including 12 women and 14 children. Most were washed overboard and drowned while the rescuers were held back by high seas.

Source: Gerard Hutching, 'Shipwrecks', Te Ara - the Encyclopedia of New Zealand, <http://www.TeAra.govt.nz/en/shipwrecks> (accessed 14 October 2023). Story by Gerard Hutching, published 12 Jun 2006