
MINUTE OF THE PANEL CONVENER
Request for Section 51 report for Milldale [FTAA-2503-1038]

(14 May 2025)

[1] This Minute directs the EPA to obtain advice and a report from Heritage New Zealand Pouhere Taonga and the Māori Heritage Council pursuant to s 51 of the Fast-track Approvals Act 2024 ('the Act'). Associate convener Helen Atkins is assigned to this project, but at her request I am making directions on the obtaining of a report pursuant.

[2] Fulton Hogan Land Development Ltd has applied for resource consent and an archaeological authority to develop and authorise Stages 10-13 and Stage 4C of the Milldale development, together with a supporting temporary wastewater treatment plant. Collectively Stages 10-13 and Stage 4C will provide capacity for approximately 1,155 detached and terraced dwellings and supporting commercial services.

[3] As a listed project, the Applicant seeks an Archaeological Authority that would otherwise be applied for under the Heritage New Zealand Pouhere Taonga Act (HNZPT Act). Specifically,

- (a) an Archaeological Authority to destroy the wall under section 42(3)(i) of the Act;
- (b) an Archaeological Authority for earthworks across Stages 10 – 13, Stage 4C and the WWTP development areas under section 42(3)(i) of the Act in the event that any unrecorded archaeological sites are uncovered during the proposed earthworks; and
- (c) approval for a Project Archaeologist to oversee the works under the Archaeological Authority.

[4] I have reviewed:

- (a) Volume 1: Overview Report and Appendix 1G.8: Heritage New Zealand Pouhere Taonga Correspondence;
- (b) Volume 5: Archaeological Authority; and
- (c) Appendix 6: Fast-track conditions of consent.

[5] Pursuant to s 51(1) of the Act, Heritage New Zealand Pouhere Taonga and the Māori Heritage Council are to:

- (a) file a report advising how the weighting of matters set out in Schedule 8, Clause 4 of the Act is to be approached, having regard to relevant senior court decisions.

[6] Pursuant to s 51(2)(d) of the Act, Heritage New Zealand Pouhere Taonga and the Māori Heritage Council are to:

- (a) file a report giving their recommendation either to grant, subject to conditions, or decline the approval; and
- (b) advise whether they disagree with or wish to expand upon the expert report and planning assessment lodged in support of the archaeological approval, they are to file a report accordingly.

[7] For the avoidance of doubt, Heritage New Zealand Pouhere Taonga and the Māori Heritage Council:

- (a) may confirm and append advise previously given in response to a panel convener's directions under s 51(1) on another project; and
- (b) do not need to provide an assessment of the approval pursuant to

s 51(2)(c) if they concur with the expert and planning assessments filed by the applicant.

[8] If Heritage New Zealand Pouhere Taonga and the Māori Heritage Council wish to respond to the draft conditions, including the Archaeological Management Plan prepared by Clough and Associates and attached to the application and labelled Appendix 5C, they may do so by suggesting amendments (if any).

[9] Any advice or report received will be provided by the EPA to persons listed in s 51(5).

[10] Finally, it will assist the panel convener if Heritage New Zealand Pouhere Taonga and the Māori Heritage Council are in a position to indicate their views on the application at the convener's conference.

A handwritten signature in cursive script, appearing to read 'Jane'.

Jane Borthwick

Panel convener for the purpose of the Fast-track Approvals Act 2024