



Section 51(2)(d) Fast-track Approvals Act 2014 Report

Downtown Carpark Site Development, FTAA-2512-1158

Heritage New Zealand Pouhere Taonga (HNZPT) recommends:

- That the archaeological authority is **granted**, subject to conditions, under the Fast-track Approvals Act 2024 (FTA Act).
- That, if the authorities are granted, Ellen Cameron is **approved** as the approved person to carry out the archaeological work under the authority.

Introduction

1. On 12 January 2026, Precinct Properties New Zealand Limited (the Applicant) lodged a substantive application for Downtown Carpark Site Development (the Project) with the Environmental Protection Agency (EPA). On 2 February 2026 the substantive application was deemed complete and complied with section 46(2) of the FTA Act. It was deemed to not have any competing applications or existing resource consents under section 47 of the FTA Act on 17 February 2026.
2. As a part of the application, the Applicant has applied for an archaeological authority. HNZPT is the administering agency for the Heritage New Zealand Pouhere Taonga Act 2014 (HNZPT Act) under the FTA Act.
3. On 17 February 2026 the Panel Convener issued a Minute directing the EPA to obtain a report prepared by Heritage New Zealand Pouhere Taonga and the Māori Heritage Council, in accordance with section 51(2)(d) of the Act (February Minute).
4. This report is due 22 April 2026.

Purpose of the Report

5. The specific directions of the Panel Convener in the February Minute were:
6. *The panel convener also directs the EPA to obtain advice HNZPT and the MHC on the following:*
 - (a) *How the weighting of matters set out in the relevant schedules should be approached, having regard to applicable statutory provisions and relevant senior court decisions (s51(1)).*
 - (b) *If HNZPT / MHC agrees or disagrees with, or wishes to amplify, the expert and planning assessments lodged in support of the application, they must file a report in accordance with the relevant schedule (s51(2)(c) or s51(2)(d)).*
 - (c) *NZHPT / MHC may confirm and append advice, including legal advice, previously given in response to directions under section 51 on another project and do not need to provide an assessment if they concur with the applicant's assessments.*
 - (d) *NZHPT / MHC are to respond to the draft conditions, including any management plans attached to the application, recommending tracked changes (if any).*

7. This Report addresses these matters and makes a recommendation to the Panel regarding the archaeological authority application as part of the Project.

The Project

8. The Project includes the demolition of the existing car park building together with the pedestrian bridge over Lower Hobson Street and the vehicle ramp connecting to Fanshawe Street and the development of the site for a mixed-use precinct formed of two towers and associated podiums and a third podium building underlaid by four levels of shared basement space.

Documentation received and reviewed

9. This recommendation is based on HNZPT's review of the following documents:
 - Barker & Associates Limited (2025) Downtown Carpark Site Development: Fast-track Approvals Act Substantive application, 2 Lower Hobson Street, Auckland CBD. Assessment of Environmental Effects and Statutory Analysis
 - Clough & Associates (2025) Downtown Carpark Site Development, Auckland: Fast Track Archaeological Assessment (the Assessment)
 - Clough & Associates (2025) Archaeological Management Plan: Downtown Carpark Site Development, Auckland Fast Track (the Management Plan)



Heritage New Zealand Pouhere Taonga Assessment

Matters in clause 3, Schedule 8

10. HNZPT recommends that an archaeological authority be **granted with conditions**, attached as **Appendix A**.

Weighting of clause 4, Schedule 8 matters

11. HNZPT has provided advice on this to the Panel in the Delmore application, a copy of that advice is appended to this Report as **Appendix B**. In short, the greatest weight is given to (a) the purpose of the FTA Act; in respect of the matters set out in section 59(1)(a) of the HNZPTA, it is an overall assessment, rather than a hierarchy of matters for consideration.

Review of Technical Reports

12. HNZPT agrees with Clough & Associates (2025) assessment, in particular:
- There is one recorded archaeological site within the project area, R11/3458 (possible subsurface remains of the first Auckland Graving Dock);
 - There is potential for additional archaeological features and material to be encountered during the proposed works;
 - The proposed works will destroy the recorded archaeological site with the project footprint, and there is potential that other sites may be modified or destroyed during the proposed works;
 - Mitigation for any archaeological features or sites can be achieved through archaeological monitoring and recording.

The Draft Archaeological Management Plan (AMP)

13. HNZPT has reviewed the archaeological management plan provided with the application, considers it appropriate and approves it. This is reflected in the recommended condition 2, which references the AMP prepared by Clough & Associates titled “*Archaeological Management Plan: Downtown Carpark Site Development, Auckland Fast Track*” dated October 2025.

Recommendation

14. HNZPT has considered the application against the criteria set out in clause 4, Schedule 8, summarised as follows:

Section 59(1)(a) HNZPTA

15. The granting of an archaeological authority for this application would be consistent with the matters set out in section 59(1)(a) of the HNZPTA:
16. There is no evidence to suggest that the historical and cultural heritage value of the recorded and any potential subsurface archaeological sites justifies their protection. The application states this area does not fall under any Statutory Acknowledgement Area and the Applicant has undertaken consultation with iwi/hapū, who have not expressed opposition to the application proposal.

17. HNZPT considers that the conditions, with the suggested amendments, for the Authority will work with any fast-track approval for the land use activity to effectively manage the identification and recovery of archaeological information within the application site.

Section 47(1)(a)(ii) and (5) HNZPTA

18. Section 47(1)(a)(ii) and (5) only apply for an authority application made pursuant to section 44(b) of the HNZPTA – a minor effects authority. This is not a minor effects application, and therefore these sections are not relevant.

Relevant Statement of General Policy

19. The relevant Statement of General Policy is the Tauākī Mātai Whaipara Archaeology Statement included in He Tauākī Kaupapahere Whānui Statements of General Policy dated October 2025.
20. The proposal is consistent with the objectives and policies of this Statement, particularly with regard to the early, ongoing and meaningful involvement of hapū and iwi (Policy 2.1)

Any amendments considered necessary to conditions

21. The Applicant provided asset of archaeological conditions with the application. HNZPT has considered the Applicant's proposed conditions against the conditions listed in Schedule 8, clause 5(1) of the FTA Act, and the standard conditions that HNZPT imposes on authorities granted under the HNZPTA. HNZPT has made some amendments to these conditions to reflect:
- An amendment to legal descriptions based on the description for the project area as described on page 2 of the Archaeological Assessment, being: *The legal descriptions of the properties are Lot 9 DP 60151, Lot 7 DP 77037, Lot 1 DP 78340, Lot 5 DP 63972, Lot 1 DP 183125 and the road reserves of Customs Street West, Lower Hobson Street, Sturdee Street and Fanshawe Street (also shown in Figure 1)*
 - Inclusion of Figure 1 as a schedule to the archaeological authority to show the area of the authority
 - A condition requiring landowner consent for the road reserve parcels owned by Auckland Council
 - Completed the "place holder for iwi information" conditions – see conditions 5 and 6
 - Added a final report condition
 - Set the duration of the authority to six years based on references to works over 5.5 years in the application documents.
22. These conditions are presented in **Appendix A** and converted into HNZPT's standard authority format.

Section 45 HNZPTA Approved person

23. HNZPT considers that Ellen Cameron has the appropriate qualifications and sufficient skill and competency to undertake the work required if the authorities are granted and has access to appropriate institutional and professional support.

Signed for and on behalf of Heritage New Zealand Pouhere Taonga,



Dean Whiting

Chief Executive

Heritage New Zealand Pouhere Taonga

PO Box 2629

WELLINGTON 6140

Date: 22 April 2026

	The Authority Holder may update the AMP by submitting the amended AMP in writing to HNZPT for its written approval.
3	Landowner Consent The Authority Holder must provide HNZPT with the written consent of all landowners of the land subject to this Authority prior to any archaeological works commencing.
4	Site Briefing The Authority Holder must ensure that all contractors working on the project are briefed on site by the section 45 approved person (who may appoint a person to carry out the briefing on their behalf) prior to any archaeological works commencing. The briefing must include the possibility of encountering archaeological evidence, how to identify possible archaeological sites, the archaeological work required by the conditions of this Authority, and contractors' responsibilities with regard to discovering archaeological evidence.
During Works	
5	Tikanga In addition to tikanga Māori protocols agreed between the Authority Holder and Ngāti Whātua Ōrākei, Te Ākitai Waiohū and Ngaati te Ata, the following shall apply: a) access for Ngāti Whātua Ōrākei, Te Ākitai Waiohū and Ngāti te Ata to any archaeological site encountered in order to undertake tikanga subject to any health and safety requirements. b) If any possible taonga or Māori artefacts are encountered, Ngāti Whātua Ōrākei, Te Ākitai Waiohū and Ngāti te Ata shall be informed to enable appropriate tikanga to be undertaken, so long as all statutory requirements under the Heritage New Zealand Pouhere Taonga Act 2014 and the Protected Objects Act 1975 are met. c) If any archaeological site is encountered and works modifying or destroying the archaeological site are undertaken, Ngāti Whātua Ōrākei, Te Ākitai Waiohū and Ngāti te Ata shall be provided with a copy of any reports completed and be given an opportunity to discuss it with the Project Archaeologist if required.
6	Kōiwi Discovery If any kōiwi (human remains) are encountered, all works must cease within 20 metres of the discovery. HNZPT, New Zealand Police, and Ngāti Whātua Ōrākei, Te Ākitai Waiohū and Ngaati te Ata must be advised immediately. Any steps following must be undertaken in accordance with Guidelines for Kōiwi Tangata/Human Remains (AGS8 2014) and no further work in the area may take place until future actions have been agreed by all parties.
7	Monitoring Any earthworks that may affect an archaeological site must be monitored by the section 45 approved person, who may appoint a person to carry out the monitoring on their behalf in accordance with accepted archaeological practice and the AMP.
8	Investigation

	Any archaeological evidence encountered during the exercise of this Authority must be investigated, recorded and analysed in accordance with accepted archaeological practice
After Works	
9	Work Completion Notification The Authority Holder shall advise HNZPT of the completion of archaeological works within five working days of completion.
10	Completion of Archaeological Siteworks Within 20 working days of the completion of on-site archaeological work associated with this Authority, the Authority Holder shall ensure that: (a) An interim report, to the satisfaction of HNZPT, following the Archaeological Report Guideline (AGS12 2023) is submitted to HNZPT for inclusion in the HNZPT Archaeological Reports Digital Library. (b) Site records are updated or submitted to the NZAA Site Recording Scheme.
11	Archaeological Records Within 12 months of the completion of the on-site archaeological work, the Authority Holder shall ensure that a final report, completed following the Archaeological Report Guideline (AGS12 2023), is emailed to HNZPT for inclusion in HNZPT's Archaeological Reports Digital Library, and to Ngāti Whātua Ōrākei, Te Ākitai Waiohūa and Ngaati te Ata. A copy must also be provided to the NZAA Central Filekeeper.

Schedule A

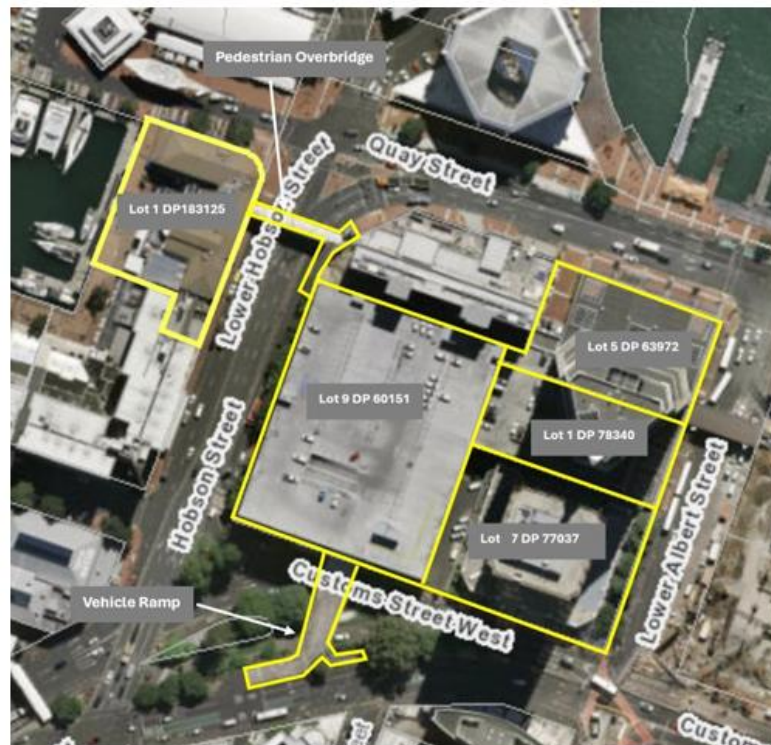


Diagram showing the detail of the properties in the Project Area and pedestrian overbridge and vehicle ramp which are subject to this Authority.



Appendix B: Weighting of matters set out in Schedule 8, Clause 4 of the FTA Act

Re: Delmore [FTAA-2502-1015] Request for advice dated 11 April 2025

24. You have asked Heritage New Zealand Pouhere Taonga (Heritage New Zealand) for advice regarding the following:

- i. the weighting of matters outlined in Schedule 8, clause 4 of the Fast Track Approvals Act 2024 (FTA Act), having regard to senior court decisions; and
- ii. agreement or otherwise in respect of the statutory summary provided by Barker & Associates Ltd (Barker Report).

Weighting of matters outlined in Schedule 8, Clause 4 of the FTA Act

1. Schedule 8, clause 4 states:

For the purposes of [section 81](#), when considering an application for an archaeological authority, including conditions in accordance with [clause 5](#), the panel must take into account, giving the greatest weight to paragraph (a),—
(a) the purpose of this Act; and
(b) the matters set out in [section 59\(1\)\(a\)](#) of the HNZPT Act¹; and
(c) the matters set out in [section 47\(1\)\(a\)\(ii\) and \(5\)](#) of the HNZPT Act; and
(d) a relevant statement of general policy confirmed or adopted under the HNZPT Act.

25. The wording of the clause itself makes it clear that the Panel gives the greatest weight is given to (a) the purpose of the FTA Act. Of the other matters:

Section 59 matters

26. There is no hierarchy between the matters set out in section 59(1)(a), rather it is an overall assessment. This is evident in the assessment carried out by Heritage New Zealand that will be provided to the Panel with a recommendation.

Section 47(1)(a)(ii) and (5)

27. These sections only apply for an authority application made pursuant to section 44(b) of the HNZPTA – a minor effects authority.

28. The Delmore application is not for an authority pursuant to section 44(b), so the matters in Schedule 8, clause 4(c) are not relevant considerations for this application.

Statement of General Policy

29. The relevant Statement of General Policy is *The Administration of the Archaeological Provisions under the Heritage New Zealand Pouhere Taonga Act 2014*, dated 29 October 2015.

¹ Heritage New Zealand Pouhere Taonga Act 2014

30. Note, this is currently under review and we anticipate a new Statement of General Policy will be in place from October 2025.

Statutory Summary in Barker Report

31. We have reviewed section 13.3² and section 14.5³ of the Barker Report that set out the statutory requirements in relation to an approval under the HNZPT Act.
32. Section 13.3 sets out relevant information in relation to obtaining an approval pursuant to the HNZPT Act. We agree with the description of clauses 3, 4, and 5 of the FTA Act.
2. Section 14.5 uses subheadings to assess the matters set out in Schedule 8, clause 4 of the FTA Act that the Panel is to have regard to.
33. We agree that the matters listed are those contained in Schedule 8, clause 4. Of these, sections 47(a)(ii) and (5) HNZPT Act are not relevant considerations for this matter, as this is not an application made pursuant to section 44(b) HNZPT Act – minor works authority.
3. The s51 Report prepared by Heritage New Zealand will comment on each of these sections and give an assessment of same before reaching an overall recommendation for the authority application.

² Titled “Approvals Relating to HNZPT 2014 – Schedule 8”

³ Titled “Heritage Authority Approval Sought: Sections 59(1)(a) and 47(1)(a)(ii) and (5) of the HNZPT and Relevant Statement of General Policy”