

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

1. 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

2. 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.

3. 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

4. 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)

5. These sections only apply for an authority application made pursuant to section 44(b) of the HNZPTA – a minor effects authority.
6. 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.

¹ Heritage New Zealand Pouhere Taonga Act 2014

Statement of General Policy

7. 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.
8. 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

9. 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.
10. 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.
11. 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.
12. 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.
13. 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”