
MINUTE OF THE PANEL CONVENER

Request for Section 51 report for Waihi North [FTAA-2504-1046] Archaeological Authority under the Heritage New Zealand Pouhere Taonga Act 2014 (26 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 Jennifer Caldwell is assigned to this application. However, as she is currently on leave, I will manage the project until her return in June.

[2] Because the Waihi North Project (WNP) will affect several recorded archaeological sites OceanaGold (New Zealand) Ltd has applied for an archaeological authority.

[3] I have reviewed:

- (a) A.07. Section 4: Approvals Required at [4.6]
- (b) A.11. Section 8: Fast-track Approvals Act 2024 requirements at [8.10]
- (c) B.49 Assessment of Heritage and Archaeological Effects (Clough 25);
- (d) D.05 Archaeological Authority Proposed Conditions;
- (e) H.08 Archaeological Management Plan; and
- (f) J.12 Legal descriptions for the Archaeological Authority.

[4] A listed project, the Applicant seeks an Archaeological Authority that would otherwise be applied for under the Heritage New Zealand Pouhere Taonga Act 2014 (HNZPT Act). This includes:

- (a) approval for a Project Archaeologist to oversee the works under the Archaeological Authority.
- (b) from the A.07 Substantive Application Report – Approvals Required (A.07), an archaeological authority pursuant to s 42 (4)(i) of the Act. Section 42(4)(i) enables an archaeological authority described in s 44 (a) or (b) of the HNZPT Act to be sought.¹
- (c) The applicant has clarified that the authority sought is pursuant to s 44(a) of the HNZPT Act, being an authority to undertake an activity that will or may modify or destroy the whole or any part of any archaeological site or sites within a specified area of land.² This reflects the fact that there are known and recorded sites that may be modified or destroyed (the D.05 features), as well as the potential for unknown or unrecorded sites to be modified or destroyed. The proposed conditions of consent (D.05), describe the archaeological authority in terms of s 44 (a) of the HNZPT Act.³
- (d) archaeological investigation and recording of archaeological remains affected and uncovered during earthworks.⁴
- (e) the authority is to apply to the entirety of the proposed WNP work areas, with the exception of the proposed works within Area 4 (which comprises the Services Trench and does not form part of this application), and Area 2 (for which an application for an Authority has already been granted by HNZPT (reference number 2025/359)).⁵
- (f) the known heritage features are:⁶
 - (i) The Waihi North Project will have known effects on:

¹ A.07. Section 4: Approvals Required at [4.1, 4.6].

² Email from the applicant's agent, Polly Smith, to the EPA dated 22 May 2025.

³ D.05 Archaeological Authority Proposed Conditions.

⁴ A.11. Section 8: Fast-track Approvals Act 2024 requirements.

⁵ A.07 Substantive Application Report – Approvals Required at [4.6].

⁶ Email from the applicant's agent, Polly Smith, to the EPA dated 22 May 2025, and D.05 Archaeological Authority Proposed Conditions.

- T13/821 – Gladstone gold mining complex;
 - T13/820 – Winner Hill gold mining complex - partial removal; and
 - T13/817 – Lower Level Water Race - partial removal.
- (ii) Works will take place in proximity to:
- T12/681– The Royal Standard Battery and Gold Mining Area; and
 - T12/1290 – The Royal Standard Gold Mining Tramway.

Section 45 HNZPT Act approval

[5] I note the applicant’s advice that no approval under s 45 is sought; Kim Tatton (named in the proposed consent conditions) has approval.⁷

[6] If that is not the case, or there is any uncertainty about the matter, the applicant is to lodge an application within **5 working days**.

Section 51 directions

[7] 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.

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

⁷ Phone conversation with the applicant’s agent, John Kyle, and the EPA on 26 May 2025.

- (a) file a report giving their recommendation either to grant, subject to conditions, or decline the approvals sought; 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.

[9] 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.

[10] Heritage New Zealand Pouhere Taonga and the Māori Heritage Council are to respond to the draft conditions, including the Archaeological Management Plan attached to the application and labelled H.08, recommending track-changed amendments (if any).

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

[12] Finally, it will assist the panel convener if Heritage New Zealand Pouhere Taonga and the Māori Heritage Council were in a position to indicate their views on the application at the convener's conference tentatively scheduled for **11 June 2025**.


Jane Borthwick

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