



Section 51(2)(d) Fast-track Approvals Act 2024 Report

Bendigo-Ophir Gold Project, FTAA-2507-1089

Heritage New Zealand Pouhere Taonga (HNZPT) recommends:

- That the archaeological authority is **declined** under the Fast-track Approvals Act 2024 (FTA Act).

Introduction

1. On 31 October 2025, Matakanui Gold Limited (the Applicant) lodged a substantive application for Bendigo-Ophir Gold Project (the Project) with the Environmental Protection Agency (EPA). On 21 November 2025 the substantive application was deemed complete and compliant 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 5 December 2025.
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 8 December 2025 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 (December Minute).
4. This Report is due 25 March 2026.

Scope of the Report

5. This Report responds to the specific directions in the December Minute and also provides an assessment of the clause 4 Schedule 8 matters that the Panel must take into account when considering an archaeological authority.
6. As such, the Report has been split into two sections:
 1. Response to December Minute
 2. HNZPT Clause 4 Assessment

The Project

7. This application relates to the establishment of a new gold mining operation within the Bendigo and Ardgour Stations, in the Dunstan Mountains, 20 km north of Cromwell. It involves extensive earthworks with a full description of works described in *A.10 - Section 3 Project Description* of the substantive application.
8. The Project involves mining four gold deposits Rise and Shine (RAS), Come in Time (CIT), Srex (SRX) and Srex East (SRE) through open pit methods at each of the gold deposits as well as underground mining at RAS to access deeper gold deposits.

Documentation received and reviewed

9. This recommendation is based on HNZPT's review of the following documents provided by the Applicant:

- A.02B - Legal Overview
- A.05 - Acronyms and Glossary
- A.08 - Section 1 Introduction
- A.09A - Section 2 Existing Environment
- A.10 - Section 3 Project Description
- A.12 - Section 5 Consultation
- A.13 - Section 6 Assessment of Effects
- A.14- Section 7 Management and Monitoring of Actual and Potential Environmental Effects
- A.15 - Section 8 Fast Track Approvals Act 2024 Requirements
- B.34A - New Zealand Heritage Properties Ltd- Heritage Assessment (NZHP 2025a) (10 March 2026) (Woods Assessment)
- B.34B - New Zealand Heritage Properties Ltd- Heritage Assessment (NZHP 2025a) (10 March 2026)
- B.35 - New Zealand Heritage Properties Limited- Magazine and Emulsion Take Memorandum (NZHP 2025b)
- B.36 - New Zealand Heritage Properties Limited – Construction Camp Heritage Assessment (NZHP 2025c)
- B.37 - New Zealand Heritage Properties Limited - Ardour Rise Realignment Memorandum (NZHP 2025d)
- B.38 - New Zealand Heritage Properties Limited - Come in Time Track Memorandum (NZHP 2025e)
- C.03 - BOGP Consent Area (10 March 2026)
- C.22 - Ardour Rise and Chorus Fibre Cable Alignment (10 March 2026)
- C.24- Proposed Concession Overview (10 March 2026)
- D.05- Archaeological Authority Conditions- Clean (10 March 2026)
- D.05- Archaeological Authority Conditions- Track Changes (10 March 2026)
- B.39 - Rob Greenaway & Associates Recreation Assessment (Greenway 2025)
- G.15 - Engineered Landform Management Plan
- G.16 - Tailings Management Plan
- G.19 - Noise and Management Plan
- G.22 - Archaeological and Heritage Management Plan
- J.01- Land Use Consent Application for Activities on Ardour Terrace
- J.02 – Land Use Consent Application for Construction of Ardour Rise
- K.06 – Marshall Day Acoustics- BOGP Blasting Vibration Effects on Heritage Structures (10 March 2026)
- K.07 – New Zealand Heritage Properties Limited- CV for Dr Naomi Woods (10 March 2026)

Part 1: HNZPT response to December Minute

10. The directions of the Panel Convener in the December Minute are:

- (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 either agency **does not agree with, or wishes to amplify,** the expert and planning assessments lodged in support of the application, it must file a report in accordance with the relevant schedule (s51(2)(c) or s51(2)(d)).*
- (c) Each agency may confirm and append advice previously given in response to directions under section 51 on another project and does not need to provide an assessment if it concurs with the applicant's assessments.*
- (d) Each agency is to respond to the draft conditions, including any management plans attached to the application, recommending tracked changes (if any).*

11. These are responded to in turn:

Weighting of clause 4, Schedule 8 matters

12. 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 A**. In short, the greatest weight is given to (a) the purpose of the FTA Act and 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

13. HNZPT has reviewed the Woods assessment and **disagrees** with the fundamental approach taken in the assessment, specifically that the author has evaluated each individual site discretely, rather than recognising them as part of archaeological complexes (collections of sites that represent interconnected and ongoing gold mining activities) that form an archaeological landscape.
14. Although they are recorded as individual archaeological sites in the NZAA site recording scheme, previous assessments and surveys recognise that the high value and importance of the sites lie in the close association they have with other sites within the landscape, and the intactness of the landscape as a whole.
15. The survival of these interconnected archaeological sites provides important contextual and interpretive values that enables the historic landscape to be understood as a functioning mining landscape rather than as isolated individual sites. The mining landscape is continuous, and sites are best understood in their relationships to each other as part of mining operations or mining communities, and to the other collections of sites across Bendigo.
16. HNZPT also **disagrees** with the conclusions reached within the Woods assessment, that an archaeological authority could be granted to allow for the modification and destruction of the sites within the application area. As Dr Woods has taken a site-based approach in her

assessment, HNZPT considers that this understates the archaeological significance of the area and the following assessment of effects and mitigation are therefore flawed.

17. Due to this disagreement, Part 2 of this Report sets out an assessment of the clause 4 Schedule 8 considerations for the Panel.

Draft Conditions and Archaeological and Heritage Management Plan (AMP)

18. HNZPT considers that an AMP is essential to ensure mitigation of any adverse effects should the authority be granted.
19. However, in this instance HNZPT does not consider that an authority can be granted and as such, there are no mitigation measures or conditions that can be imposed to sufficiently compensate for the modification or destruction of the 28 archaeological sites that contribute to a significant archaeological landscape.

Part 2: HNZPT Clause 4 Assessment

20. Pursuant to clause 3 Schedule 8 of the FTA, HNZPT recommends that the application for an archaeological authority be **declined**.

Legal Framework

21. The matters for the Panel to take into account when considering an application for an archaeological authority are set out in clause 4 Schedule 8 of the FTA Act, as follows:
- (a) *the purpose of this Act; and*
 - (b) *the matters set out in section 59(1)(a) of the HNZPT Act; 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*
22. Of these considerations, the greatest weight is given to (a). It is outside of the role of HNZPT to provide an opinion on this matter, so this Report will use the matters listed in (b)-(d) above as the framework for this Report.
23. The sections below provide a summary of the complete internal assessment undertaken for this application. This internal assessment is appended as **Appendix A**.

Clause 4(b) - Matters set out in Section 59(1)(a) HNZPTA

24. The granting of an archaeological authority for this application would be **inconsistent** with the matters set out in section 59(1)(a) of the HNZPTA. Section 59(1)(a) is set out in full:
- (1) *In determining an appeal made under [section 58](#), the Environment Court—*
- (a) must, in respect of a decision made on an application made under [section 44](#), have regard to any matter it considers appropriate, including—*
 - (i) the historical and cultural heritage value of the archaeological site and any other factors justifying the protection of the site:*
 - (ii) the purpose and principles of this Act:*
 - (iii) the extent to which protection of the archaeological site prevents or restricts the existing or reasonable future use of the site for any lawful purpose:*
 - (iv) the interests of any person directly affected by the decision of Heritage New Zealand Pouhere Taonga:*
 - (v) a statutory acknowledgement that relates to the archaeological site or sites concerned:*
 - (vi) the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wāhi tūpuna, wāhi tapu, and other taonga; and*

Historical and Cultural Heritage Values Justifying Protection

25. The continued use, within the Woods assessment, of a methodology at odds with that used to assess the values of this landscape and these sites previously has resulted in an assessment that is incompatible with previous assessments of the landscape, in particular those assessments that underlie the Bendigo Conservation Covenant and the Bendigo Quartz Reefs

Historic Area. HNZPT considers that to evaluate each discrete archaeological site without recognising it as part of a complex and an archaeological landscape has resulted in an assessment that inadequately identifies and considers the extremely high values and importance of the sites.

26. The historical and cultural heritage values at Bendigo are unique and justify the protection of the site. The intensive landscaping, machinery, and human effort involved in the alluvial mining at the Rise and Shine and Come-in-Time site complexes in particular have created a landscape of extraordinary historic value that evidences the full span of gold mining history in Bendigo. It is a key archaeological landscape able to provide a tangible and meaningful connection to New Zealand gold mining history. The proposed works will result in the destruction of the most significant archaeological features within this landscape and destroy the extremely high values of an intact and interpretable mining landscape.

The Purpose and Principles of the HNZPTA

27. The purpose of the Act is to promote the identification, protection, preservation and conservation of the historical and cultural heritage of New Zealand.
28. The relevant principles of the Act can be summarised as:
 - a. Historic places have lasting value in their own right.
 - b. Identification, protection, preservation, and conservation of New Zealand's historical and cultural heritage should: take account of all relevant values, involve the least possible alteration or loss of it, and safeguard the options of present and future generations.
29. As set out above, the archaeological values within the Project Area are sufficiently high to justify protection, as sites contribute greatly to both the Bendigo Quartz Mining Historic Area as well as the Bendigo Covenant. The values assessments behind both point to features, in particular the Rise and Shine and the Come in Time complexes, that contribute heavily to the values of the landscape for which these places are recognised.
30. There has been no effort by the applicant to reduce the effects on the significant features of this landscape to result in the least possible alteration or loss. The gold deposits identified for gold extraction under the current authority application are the same as those historically targeted, which have formed the archaeological sites within this landscape. The archaeological complexes with the highest values (Rise and Shine and Come in Time) will be destroyed. HNZPT has taken account of the unique cultural heritage values and consider that the proposed works do not involve the least possible alteration or loss of it.
31. The underlying principle of the Bendigo Conservation Covenant and the Bendigo Quartz Reefs Historic Area are to safeguard these places of importance for present and future generations. Granting an archaeological authority would not recognise this principle or enable the Department of Conservation to carry out its responsibilities and requirements under the registered covenant. We consider that the loss of the archaeological sites within the Project Area will greatly diminish the ability of present and future generations to understand and appreciate New Zealand's mining history.

32. HNZPT considers that the proposed mitigations set out in draft conditions are insufficient to mitigate the loss of this valuable landscape for future New Zealanders, and therefore cannot consider the Applicant's proposed conditions. HNZPT considers that as the site values have not been appropriately assessed, the identified adverse effects have not been appropriately identified, and the proposed mitigation measures via conditions requiring archaeological investigations, monitoring, and recording, are far from adequate.

The Extent to which Protection of the Archaeological Site Prevents or Restricts the Existing or Reasonable Future use of the Site

33. Active management of the Bendigo Conservation Covenant currently works alongside the farming activities that take place on the land. The site is, and can continue to be, used for tourist activities. Protection of the archaeological sites does not prevent the existing use of the land, nor does it inhibit practical use of the land.

The Interests of any Person Directly Affected by the Decision

34. The Department of Conservation (DOC) is the covenantee pursuant to the Bendigo Conservation Covenant and as such is considered a directly affected party. HNZPT has had regard to their interests, in considering the historic values of the land as referred to in 'The rich fields of Bendigo' by Jill Hamel in its recommended decision.

35. In taking applicant's interest into account, it is considered that declining this authority will greatly impact the proposed Project. While these interests have been considered, it is recommended that the authority be declined on the basis that that the protection of very significant archaeological values should take primacy. The applicant has the option to continue to work with HNZPT and DOC to propose a project with a footprint of the least possible alteration or loss to high-value archaeological complexes, and therefore significantly less impact on the significant features at Bendigo.

Clause 4(c) Section 47(1)(a)(ii) and (5) HNZPTA

36. 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 HNZPT does not consider these sections relevant to the assessment.

Clause 4(d) - Relevant Statement of General Policy

37. The relevant Statements of General Policy are Tauāki Mātai Whaipara, Archaeology Statement and Taiākī Hapahapai, Advocacy Statement included in He Tauāki Kaupapahere Whānui, Statements of General Policy dated October 2025.

38. The proposal is **inconsistent** with the objectives and policies of the Statement of General Policy, particularly with regard to:

- a. Policy 2.25: Heritage New Zealand Pouhere Taonga does not support damage to significant archaeological sites, including urupā and pā, other than in exceptional circumstances, including the enhancement or protection of cultural heritage values.
- b. Policy 2.23a: Heritage New Zealand Pouhere Taonga promotes the preservation of the archaeological heritage of New Zealand by exploring practical alternatives to avoid or

limit the modification and destruction of archaeological sites, and advocating for the retention of in situ archaeological deposits, where practicable.

- c. Policy 1.14: Heritage New Zealand Pouhere Taonga recognises and advocates for the conservation of cultural heritage in all its forms, including the historic character of landscapes, townscapes, suburbs, precincts and streetscapes, and the settings that contribute context and meaning to cultural heritage.
- d. Policy 1.31: Heritage New Zealand Pouhere Taonga opposes the demolition or destruction of significant cultural heritage unless there are exceptional circumstances, including those in which the cultural heritage poses a serious risk to safety and interim protection works would not sufficiently reduce risks.

Section 45 HNZPTA Approved person

- 39. Included with the archaeological authority application is an application nominating Dr Naomi Woods to undertake an activity under the authority.
- 40. Pursuant to clause 7 Schedule 8, HNZPT is to provide a recommendation in relation to this application. The considerations for making this recommendation are the same as those expressed in section 45 of the HNZPTA, (hence why it is often referred to as s45 approved person).
- 41. As HNZPT disagrees with the Woods assessment and recommends decline of the archaeological authority application, it cannot recommend that the s45 criteria are satisfied. Therefore, HNZPT **does not recommend** Dr Woods as the approved person.

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



Dean Whiting

Chief Executive

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