



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

### North West Rapid Transit, FTAA-2511-1146

#### Heritage New Zealand Pouhere Taonga (HNZPT) recommends:

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

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#### Introduction

3. On 15 December 2025, New Zealand Transport Agency Waka Kotahi (the Applicant) lodged a substantive application for North West Rapid Transit (the Project) with the Environmental Protection Agency (EPA). On 18 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 4 March 2026.
4. As a part of the application, the Applicant has applied for two archaeological authorities. HNZPT is the administering agency for the Heritage New Zealand Pouhere Taonga Act 2014 (HNZPT Act) under the FTA Act.
5. On 4 March 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 FTA Act (March Minute).
6. This report is due 12 May 2026.

#### Purpose of the Report

7. The specific directions of the Panel Convener in the March Minute were:
8. *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)).*
9. *If HNZPT and MHC do not agree with, or wish 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)).*
10. *HNZPT and 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.*
11. *HNZPT and MHC are to respond to the draft conditions, including any management plans attached to the application, recommending tracked changes (if any).*

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

### The Project

13. The Project involves the construction, operation and maintenance of new bus rapid transit (BRT) facilities alongside State Highway 16 (SH16) from the Brigham Creek Road/SH16 intersection through to Ian McKinnon Drive in the Auckland City Centre and includes seven rapid transit stations and one Park and Ride facility at Brigham Creek Rarawaru. The Project also includes connections to the local bus and road network.
14. The Applicant is seeking two authorities to cover the separate project areas which will be referred to as Authority 1 (Brigham Creek to Te Atatu/Whau River - West) and Authority 2 (Waterview to Ian McKinnon Drive - East).

### Documentation received and reviewed

15. This recommendation is based on HNZPT's review of the following documents:
16. Te Ara Hauāuru Northwest Rapid Transit Part 2: The Project
17. Te Ara Hauāuru Northwest Rapid Transit Part 5: Heritage New Zealand Pouhere Taonga – Archaeological Authorities
18. Letter of support from Te Kawerau ā Maki
19. Te Ākitai Waiohua Cultural Values Assessment

### **Heritage New Zealand Pouhere Taonga Assessment**

#### Matters in clause 3, Schedule 8

20. HNZPT recommends that two archaeological authorities be **granted with conditions**, attached as **Appendix A and B**.

#### Weighting of clause 4, Schedule 8 matters

21. 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 C**. 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

22. HNZPT agrees with the archaeological assessment prepared for the Project by Arden Cruickshank (Appendix A of Te Ara Hauāuru Northwest Rapid Transit Part 5: Heritage New Zealand Pouhere Taonga – Archaeological Authorities), in particular:
  - There are two recorded archaeological midden sites (R11/2832 and R11/3567) within the project area;
  - There is potential for additional archaeological sites and material to be encountered during the proposed works;

- The proposed works will modify or destroy the recorded archaeological sites, and there is potential that other sites may be modified or destroyed during the proposed works;
23. Mitigation takes the form of archaeological monitoring in areas of high archaeological risk as will be outlined in the Archaeological Management Plan, with archaeological investigation, sampling, and recording of archaeological sites encountered during works in accordance with accepted archaeological practice.

*The Archaeological Management Plan (AMP)*

24. A management plan is essential to manage the activities pursuant to an archaeological authority, as it outlines procedures for identifying, protecting, managing, and recording archaeological sites during the course of the authority. The information and protocols set out in the management plan assist with ensuring that the modification or destruction of any archaeological sites is carried out in a way that ensures the sites are respected and the information that they contain is recorded in an appropriate manner. As such, every authority must have an appropriate management plan that sets out all of this information, and that plan must be certified by HNZPT prior to any works commencing.
25. The Applicant has provided a draft AMP and HNZPT has provided feedback in relation to this AMP. HNZPT will continue to work with the Applicant to approve this AMP prior to any archaeological works being undertaken.
26. In the event that the AMP is approved prior to the granting of the authorities, then HNZPT will recommend to the Panel rewording of condition 2 to reflect this.

**Recommendation**

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

Section 59(1)(a) HNZPTA

28. 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:
29. 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.
30. The application states this area does fall under two Statutory Acknowledgement Areas and the Applicant has undertaken consultation with hapū, who have not expressed opposition to the application proposal.
31. HNZPT considers that the conditions, with the suggested amendments, for the Authority will work activity to effectively manage the identification and recovery of archaeological information within the application site.

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

32. 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

33. 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.
34. The proposal is consistent with the objectives and policies of the Statement of General Policy, particularly with regard to:
- Policy 2.7: HNZPT promotes avoidance of damage and modification of archaeological sites. The Applicant has proposed works that avoid recorded archaeological sites R11/1724 and R11/3567, as described in the application.
  - Policy 2.3: HNZPT promotes early, ongoing, and meaningful involvement of hapū and iwi in proposals affecting Māori heritage places that are archaeological in nature. HNZPT notes that Te Kawerau ā Maki and Te Ākitai Waiohua were appointed to the Project Steering Committee and the regular Iwi Working Group meetings for the Project.
  - Policy 2.34: HNZPT requires archaeological authority holders to involve hapū and iwi in the authority process and activities fulfilling the authority conditions, including archaeological excavation and reporting, for an authority that relates to a site of interest to Māori. This requirement will be fulfilled by compliance with the authority conditions as discussed below.

Any amendments considered necessary to conditions

35. The Applicant provided draft conditions as a part of its application. HNZPT has reviewed these conditions and has made some tracked changes, attached as **Appendix A** and **B**.
36. In summary, the changes are:
37. Change in format to reflect how they will be presented if granted through the HNZPT Authority portal – ordered as before, during, and after works;
38. Grouping of conditions 1-5 together as condition 2 “Archaeological Management Plan”;
39. Removal of “Accidental” for any Discovery Protocols, as an Accidental Discovery Protocol only applies to areas outside of the archaeological authority;
40. Change to refer to “approved” plan, rather than “certified”;
41. Grouping of 10, 12, and 13 as condition 4 “Tikanga”;
42. New conditions added for landowner consent, annual reporting (due to the 25 year duration), and work completion notification;
43. Minor corrections to refer to defined terms consistently – s45 Approved Person, archaeological works, HNZPT;
44. Minor correction to remove reference to HNZPT Senior Archaeologist.
45. HNZPT recommends that these conditions be imposed in order to ensure that the archaeological works:
- are undertaken in a culturally appropriate way; and
  - mitigate any adverse effects on the adversely affected archaeological values; and

- will allow for any information collected to be recorded in a report and accessible to other archaeologists and interested persons; and
- can be monitored and measured to ensure compliance.

**Section 45 HNZPTA Approved person**

46. HNZPT considers that Arden Cruickshank 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,**



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Date: 12 May 2026