

To: Expert Panel – Bendigo-Ophir Gold Project  
From: Fast-track Team, Heritage New Zealand Pouhere Taonga  
Date: 7 September 2026  
Subject: **FTAA-2507-1089: Response to Minute 48**

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- 1 Minute 48 of the Expert Panel for the Bendigo-Ophir Gold Project (BOGP) invited the parties to respond to the Applicant's draft conditions and the Archaeological and Heritage Management Plan (AHMP) circulated on 28 August 2026.
- 2 This memorandum sets out a summary of Heritage New Zealand's response to these directions.
- 3 In summary, Heritage New Zealand:
  - a) Retains its position that the archaeological authority should not be granted;
  - b) Does not consider that the condition set provided by the Applicant is proportionate to the significant level of destruction and loss of archaeological sites that will occur if the BOGP is implemented;
  - c) Does not consider it is the role of the Expert Panel to certify the AHMP; and
  - d) Does not consider that in its current form, the AHMP is capable of certification.

#### **Conditions**

- 4 Heritage New Zealand provided comment to the Applicant regarding its proposed condition set, including explanation and a proposed set of conditions that it considers appropriate in the event the authority application is granted.
- 5 In response to those comments the Applicant has provided an updated set of archaeological authority conditions, Attachment 3 titled *D05 Archaeological Authority and Conditions (28 August 2026)*. Heritage New Zealand has reviewed these conditions.
- 6 To assist the Panel, attached at **Appendix A** is a table with the Applicant's conditions and Heritage New Zealand's comments. In the event that the Panel is minded to grant the archaeological authority then Heritage New Zealand continues to recommend the condition set it provided to the Applicant, as appended to its response to Minute 47 as Attachment 3B – HNZPT Recommended Conditions.

- 7 If granted, the archaeological authority will be entered into HNZPT's Authority Portal and this is the format that these conditions are presented in.

### **Archaeological Management Plan**

- 8 Heritage New Zealand was not aware that the Applicant would be seeking certification by the Panel of its AHMP until it was filed on 28 August 2026. All discussions with the Applicant in August were about the draft conditions, rather than the AHMP – although Heritage New Zealand was clear that as drafted, we did not consider it could be certified.
- 9 An Archaeological Management Plan outlines the procedures to be followed during archaeological investigation, recording and monitoring of earthworks and procedures for recording any archaeological evidence before it is destroyed or modified. It also guides how other parties, such as the applicant and contractors must interact with recorded or potential archaeological sites to ensure compliance with the conditions of the archaeological authority.

### Is it appropriate for the Panel to certify Management Plans?

- 10 There is no provision within the Fast-track Approvals Act 2024 that provides for an Expert Panel to certify a management plan, and this matter has been addressed in three released decisions under the Fast-track Approvals Act 2024.<sup>1</sup> In each of these decisions, the Panel determined that it was inappropriate for it to certify management plans.
- 11 The Applicant for the Southland Wind Project sought for the Panel to certify two management plans, the Lizard Management Plan and Terrestrial Invertebrate Management Plan. The Panel commented:<sup>2</sup>

We found that to be a reasonably novel approach and one that the Panel did not consider to be appropriate. We prefer the more orthodox approach whereby those two management plans are submitted to the relevant council for certification. We take that view because the councils can draw on appropriate specialist expertise (whether it be inhouse, contracted, or in this case more likely in reliance on the Independent Reviewer as provided for in Condition MP4) to determine if each management plan is 'fit for purpose'.

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<sup>1</sup> Record of Decisions of the Expert Panel on the Waihi North Project (FTAA-2504-1046) (18 December 2025); Record of Decisions of the Expert Panel on the Waitaha Hydro Scheme (FTAA-2505-1069) (17 April 2026); and Record of Decisions of the Expert Panel on the Southland Wind Farm (FTAA-2508-1095) (2 April 2026).

<sup>2</sup> Record of Decisions of the Expert Panel on the Southland Wind Farm (FTAA-2508-1095) (2 April 2026) at [84].

- 12 The Panel came to the same conclusion in the decision on the Waihi North Project where the Applicant sought for the Panel to certify several management plans.<sup>3</sup>
- 13 In addition, the decisions on the Waihi North and Southland Wind Farms projects noted that requiring the relevant authority to certify management plans was consistent with any recertification process, whereby the management plan was subject to rectification by the relevant authority.<sup>4</sup>
- 14 The Applicant in the Waitaha Hydro Scheme Project sought for the Panel to certify several management plans, including some management plans that addressed both RMA and wildlife effects.<sup>5</sup> Failing this, the Applicant sought for the relevant council to certify the management plans, without separate "dual" certification by the Department of Conservation (**DOC**).<sup>6</sup> The Panel concluded that it was not the appropriate entity to certify the management plan for the following reasons:<sup>7</sup>
- a. the recent changes to conditions are likely to necessitate updates to a number of the management plans
  - b. it is important for DOC to be able to provide comment on relevant (updated) management plans prior to them being certified
  - c. some information will not be provided until the detailed design stage and this will affect relevant management plans (in particular the FEMP)
  - d. the nature of the certification role relies on the certifier holding technical expertise in the relevant areas; and
  - e. the RMA regulatory monitoring, compliance and enforcement role of the respective councils.
- 15 Therefore, it follows that Heritage New Zealand Pouhere Taonga, as the administering agency for the Heritage New Zealand Pouhere Taonga Act 2014 is the appropriate entity to certify any management plan submitted pursuant to its requirements.

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<sup>3</sup> Record of Decisions of the Expert Panel on the Waihi North Project (FTAA-2504-1046) (18 December 2025) at [9].

<sup>4</sup> Record of Decisions of the Expert Panel on the Waihi North Project (FTAA-2504-1046) (18 December 2025) at [9]; and Record of Decisions of the Expert Panel on the Southland Wind Farm (FTAA-2508-1095) (2 April 2026) at [85].

<sup>5</sup> Record of Decisions of the Expert Panel on the Waitaha Hydro Scheme (FTAA-2505-1069) (17 April 2026) at [1157].

<sup>6</sup> At [1157].

<sup>7</sup> At [1166].

### Is the AHMP capable of certification?

16 Heritage New Zealand has not completed a comprehensive review of the AHMP, due to time constraints. However, to assist the Panel in understanding Heritage New Zealand's view of why the AHMP is not capable of certification in its current form, we provide the following high-level comments:

- The AHMP does not adequately enable the management of archaeological work. The AHMP references the requirements for protection and avoidance, vegetation clearance, investigation and an on-call protocol. There is no explicit information that sets out where the different types of works must take place across the DDF. Ordinarily an AMP would set out zones on a map appended to the AMP to clarify where these actions should take place.
- The AHMP does not set out a research strategy instead it sets out a series of broad questions without an outline of the approaches, methods and techniques for information gathering to address these questions, as set out HNZPT's Research Strategies for Archaeological Authority applications.
- Methods to avoid and protect have not been set out in the AHMP for all the archaeological sites listed the applicants proposed condition 11.
- The AHMP has not been updated to reflect the outcome of technical conferencing (Joint Witness Statement: Heritage dated 28 May 2026) during which all experts agreed that the heritage values of the site complexes (as opposed to the individual sites) should be given the greatest weighting. The revised AHMP (dated 28 August 2026) continues to put primacy on the investigation of the individual site.
- The AHMP does not set out the process for the archaeological archive if Cromwell Museum does not wish to hold it, nor does it set out the process for storage and re-use of materials recovered from the structures and buildings post- recording. This should be set out in a fabric and materials plan agreed with DOC.

### **Further information**

17 Heritage New Zealand notes the task before the Panel in relation to determining whether to grant or decline the archaeological authority (and other approvals sought) in relation to the BOGP. If there is any further explanation or information that would assist the Panel, then we will endeavour to provide that in a timely fashion.



## Appendix A

| Applicants Condition (28 August 2026)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | HNZPT comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
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| <p><b>Location:</b></p> <p>This approval applies to the location of activities shown in <b>Attachment 1</b> comprising parts of Bendigo Station and Ardgour Station in the Dunstan Mountains of Central Otago and includes:</p> <p>The areas within which mining operations will occur including open pits, an underground mine, a tailings storage facility, engineered landforms, processing plant, haul roads and supporting / ancillary activities and infrastructure;</p> <p>Two bores on the Bendigo Terrace and associated pipelines for the supply of fresh water; and</p> <p>An upgrade to the intersection of SH8 and Ardgour Road.</p> | <p><b>Location:</b></p> <p>Legal descriptions of all parcels – TBC by Applicant</p> <p>to the extent they are within the Project Area shown in <b>Attachment 1</b>.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| <p><b>Section 45 Approved Person:</b></p> <p>Naomi Woods</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | <p><b>Section 45 Approved Person:</b></p> <p>As demonstrated in Dr Woods' CV, she has sufficient skill and competency based on her adherence to accepted archaeological practice, including in gold fields archaeology. Following conversations with a gold field archaeology specialist, HNZPT is satisfied that Dr Woods has access to appropriate professional support.</p> <p>However, HNZPT has reservations as to whether she is 'fully capable of ensuring that the proposed activity is carried out to the satisfaction of Heritage New Zealand Pouhere Taonga'. HNZPT's recommended conditions require a detailed investigation guided by an archaeological investigation and research strategy. Dr Woods has not included any examples in her CV demonstrating design and completion of a detailed archaeological</p> |

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|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | <p>investigation of the nature required.</p> <p>Although we have had some positive discussion with Dr Woods regarding the requirements for a research strategy, the research questions posed as a part of the AHMP do not reflect those discussions or the approach required for such an important archaeological landscape and site complexes.</p> <p>Replace with: To be approved pursuant to section 45 of the Heritage New Zealand Pouhere Taonga Act 2014.</p> |
| <p><b>Landowner Consent:</b></p> <p>Landowner consent has been provided from the owners of Bendigo Station and Ardgour Station and Central Otago District Council.</p> <p><i>[MGL has been engaging with the Department of Conservation throughout the development of the BOGP Substantive Application. Whilst formal consent has not yet been provided for those areas of the project located on land administered by the Department of Conservation, detailed information of the proposed activities has been provided as part of the ongoing engagement that MGL has undertaken. MGL will work with the Department of Conservation to obtain its consent following lodgement of the Substantive Application.]</i></p> | <p><b>Landowner Consent:</b></p> <p>To be provided.</p> <p>It is not appropriate to include explanation as to MGL's engagement. Either consent has been provided or it has not – in this case it has not, so a condition must be included to require this.</p> <p>See HNZPT recommended condition 2.</p>                                                                                                                                                            |
| <p><b>Determination:</b></p> <p>The FTAA Expert Consenting Panel grants an archaeological authority pursuant to section 81 of the Fast Track Approvals Act 2024 and section 48 of the Heritage New Zealand Pouhere Taonga Act 2014 in respect of the archaeological sites described above, within the areas specified in the location above, to Matakanui Gold Limited for earthworks associated with establishing, operating, and remediating an open pit and underground gold</p>                                                                                                                                                                                                                                      | <p><b>Determination:</b></p> <p>Agree with this determination if the Panel is minded to grant the authority.</p>                                                                                                                                                                                                                                                                                                                                                    |

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| mine in the Bendigo-Ophir Gold Project (archaeological works), subject to the following conditions:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| The authority holder must ensure that all contractors working on the project that may encounter archaeological evidence are briefed on site by the s45 approved person, who may appoint a person to carry out the briefing on their behalf, prior to any works commencing on the possibility of encountering archaeological evidence, how to identify possible archaeological sites during works, the archaeological work required by the conditions of this authority, and contractors' responsibilities with regard to notification of the discovery of archaeological evidence to ensure that the authority conditions are complied with. | <p>Agree this condition would be appropriate if the Authority is granted.</p> <p>See HNZPT recommended condition 6.</p>                                                                                                                                                                                                                                                                                                                        |
| Prior to the start of any on-site archaeological work, the authority holder must ensure that Heritage New Zealand Pouhere Taonga is advised of the date when work will begin. This advice must be provided at least 2 working days before work starts.                                                                                                                                                                                                                                                                                                                                                                                       | <p>Agree this condition would be appropriate if the Authority is granted.</p> <p>See HNZPT recommended condition 1.</p>                                                                                                                                                                                                                                                                                                                        |
| The authority holder must ensure that Heritage New Zealand Pouhere Taonga is advised of the completion of the on-site archaeological work, within 5 working days of completion.                                                                                                                                                                                                                                                                                                                                                                                                                                                              | <p>Agree this condition would be appropriate if the Authority is granted.</p> <p>See HNZPT recommended condition 15.</p>                                                                                                                                                                                                                                                                                                                       |
| <p>The authority must be exercised in accordance with the "Bendigo-Ophir Gold Project – An Archaeological and Heritage Management Plan" prepared by New Zealand Heritage Properties Ltd dated 27 August 2026. Any changes to the plan require the prior written agreement of Heritage New Zealand Pouhere Taonga.</p> <p>This approval applies to the location of activities shown in Attachment 1. If development plans are altered from those reviewed for the heritage assessment undertaken for the project (Bendigo-Ophir Gold Project, A</p>                                                                                           | <p>HNZPT does not agree that the Archaeological and Heritage Management Plan (AHMP) prepared by New Zealand Heritage Properties dated 27 August 2026 can be certified.</p> <p>There is an outstanding issue of the design and phasing of an archaeological investigation of the archaeological complexes/sites that will be destroyed as a result of the BOGP.</p> <p>The AHMP does not adequately enable the management of archaeological</p> |

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| <p>Heritage Assessment, New Zealand Heritage Properties Ltd, February 2026), then HNZPT and NZHP must be alerted, as any changes may alter the assessment of effects or invalidate the authority.</p>                                                                                                                                                                                                                                                                    | <p>work due to missing key components.</p> <p>The research strategy included in the AHMP does not adhere to HNZPT's guidelines for what should be included in a research strategy and importantly does not set out the methods, approaches and techniques for information gathering to answer these questions.</p> <p>HNZPT recommends that the management plan and research strategy are two separate documents as this reflects the different roles of the documents. The research strategy sets out the technical details of the archaeological investigation and the methods through which the archaeologists will gather the information to answer the research questions. The archaeological management plan sets out how archaeology should be managed to ensure compliance with the archaeological authority informing those working on the development site. Separation of these documents ensures simplicity in how the management plan functions and enables a more technically detailed method to be established in the research strategy.</p> <p>See HNZPT recommended condition 5.</p> |
| <p>Any earthworks that may affect any archaeological sites must be monitored by the s45-approved person who may appoint a person to carry out the monitoring on their behalf.</p>                                                                                                                                                                                                                                                                                        | <p>Agree this condition would be appropriate if the Authority is granted. See HNZPT recommended condition 12.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| <p>Any archaeological evidence encountered during the exercise of this authority must be investigated, recorded and analysed in accordance with current archaeological practice, the AHMP (which includes the research strategy).</p> <p>Recording of Water Races: The affected portions of the Rise and Shine (G41/584) and Come-in-Time (G41/586) water races are to be recorded to a Level I standard as defined in HNZPT's guide, Investigation and Recording of</p> | <p>HNZPT is encouraged to see the increase in recording levels and agrees that this condition would be appropriate if the Authority is granted, with a small amendment to "accepted" archaeological practice, rather than current.</p> <p>See HNZPT recommended condition 13.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |

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| <p>Buildings and Standing Structures (HNZPT, 2018), and the full extent of each race digitally mapped. Affected portions of water race G41/6, G41/790 and G41/792 and any other identified water races are to be recorded to a Level III standard. Details of the recommended recording are provided in the certified Archaeological and Heritage Management Plan.</p> <p>Recording of Stone Huts and Dams: The stone huts (G41/265, G41/266, G41/267, G41/273, G41/606) and dam (G41/269) are to be recorded to a Level I standard as defined in HNZPT's guide, Investigation and Recording of Buildings and Standing Structures (HNZPT, 2018). Hut sites G41/678 and G41/801 are to be recorded to a Level II standard as defined in HNZPT's guide, Investigation and Recording of Buildings and Standing Structures (HNZPT, 2018). Details of the recommended recording are provided in the certified Archaeological and Heritage Management Plan.</p> <p>Recording of Stone Culverts and Revetments: The stone culverts and revetments (G41/589 and G41/782) are to be recorded to a Level II standard as defined in HNZPT's guide, Investigation and Recording of Buildings and Standing Structures (HNZPT, 2018). Details of the recommended recording are provided in the certified Archaeological and Heritage Management Plan.</p> |  |
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| <p>In addition to any tikanga agreed between the authority holder and takata whenua via Aukaha (on behalf of kā rūnaka) provided with the authority application, the following shall apply:</p> <ul style="list-style-type: none"> <li>a. Access for takata whenua via Aukaha shall be enabled in accordance with any site safety requirements, in order to undertake tikanga.</li> <li>b. takata whenua via Aukaha shall be informed 5 days before the start and finish of the archaeological work.</li> <li>c. If any kōiwi (human remains) all work must stop within 20m of the find. NZHP will assist the authority holder in contacting all affected parties as soon as practicable, including takata whenua via Aukaha, HNZPT, and the police. The Ngāi Tahu policy for kōiwi takata shall also be followed (Te Rūnanga o Ngāi Tahu, 2019).</li> <li>d. If archaeological material of Māori origin is discovered at any stage, all work must stop within 20m of the find. NZHP will assist the authority holder in contacting all relevant parties including takata whenua via Aukaha and HNZPT and in accordance with the AMP. Any taoka tūturu are prima facie the property of the Crown who will be notified of the find. Taoka tūturu will be registered with the Ministry for Culture and Heritage. NZHP, in collaboration with manawhenua, shall notify the Ministry of Culture Heritage and establish the most appropriate temporary storage, management and care for taoka tūturu, until such time as traditional or actual ownership is determined, with an appropriate institution or kaitiaki.</li> </ul> | <p>Agree a condition regarding tikanga is appropriate if the Authority is granted. Some parts of this proposed condition are represented in other conditions – see HNZPT recommended conditions as follows:</p> <p>recommended condition 10</p> <p>recommended conditions 1, 15.</p> <p>recommended condition 11.</p> <p>recommended condition 10.</p> |
| <p>The authority holder must submit an annual report to Heritage New Zealand Pouhere Taonga describing the activities that have occurred in the previous 12 months pursuant to this authority including the extent of monitoring (including an annual inspection of all heritage features within 20 m of the DDF</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | <p>Agree this condition would be appropriate if the Authority is granted, with some amendment to provide for updating of Site Record Forms.</p> <p>See HNZPT recommended condition 14.</p>                                                                                                                                                             |

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| will be undertaken for life of mine), supervision, recording and actions undertaken.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                    |
| The authority holder must submit a report on the results of the archaeological investigations to date every 5 years from the issue date of this authority, completed following the Archaeological Report Guideline (AGS12 2023), is submitted to the Heritage New Zealand Pouhere Taonga Senior Archaeologist for inclusion in the Heritage New Zealand Pouhere Taonga Archaeological Reports Digital Library, to the Cromwell Museum and the NZAA Central Filekeeper.                                                                                                                                                                                                                                                                                          | <p>There is no requirement in the Archaeological Report Guideline (AGS12 2023) that provides for a report as described here and as such we do not consider it would be appropriate to include in the HNZPT Archaeological Reports Digital Library.</p> <p>HNZPT recommends a report is completed following an archaeological investigation, see HNZPT recommended condition 8.</p> |
| <p>That 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 submitted to the Heritage New Zealand Pouhere Taonga Senior Archaeologist for inclusion in the Heritage New Zealand Pouhere Taonga Archaeological Reports Digital Library, to the Cromwell Museum and the NZAA Central Filekeeper, including:</p> <p>One hard copy and one digital copy of the final report are to be sent to Heritage New Zealand Pouhere Taonga.</p> <p>Digital copies of the final report must also be sent to the NZAA Central Filekeeper, Central Otago District Council, Cromwell Museum and takata whenua via Aukaha.</p> | <p>Agree this condition would be appropriate if the Authority is granted, with some amendment to provide for updating of Site Record Forms.</p> <p>See HNZPT recommended condition 17.</p>                                                                                                                                                                                         |
| <p>The following sites must be protected from modification and destruction using the specific protection measures set out in the AMP:</p> <p>a. Rabbiter's Hut (G41/4)</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Agree that is appropriate to provide protection for recorded archaeological sites, see HNZPT recommended condition 8.                                                                                                                                                                                                                                                              |

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| <ul style="list-style-type: none"> <li>b. Stockyards (G41/5)</li> <li>c. Hut site (G41/257)</li> <li>d. Rise and Shine water race (G41/584), Come-in-Time water race (G41/586) and water races (G41/790 and G41/792) where they intersect the boundary shown in Attachment 1.</li> </ul>                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| <p>Artefacts: All archaeological and twentieth century artefacts collected during the proposed works should be retained and offered to the Cromwell Museum.</p>                                                                                                                                                                                                                            | <p>Agree that is appropriate for the Authority Holder to develop a plan to curate the archaeological archive and implement this plan if the Authority is granted. This is in line with Policy 2.36 of the Statements of General Policy, and this should be included in the AMP, rather than an authority condition. Note this, may require a funding plan or agreement with the museum in order to house the archive as well as a plan for the archaeological archive if the Cromwell Museum does not wish to hold it.</p> <p>There has been a very successful initiative in Kaikoura, “the Whare Taonga”, (based at Takahanga Marae) where artefacts encountered during the NCTIR earthquake recovery works are recorded, displayed, and cared for in purpose-built spaces.</p> |
| <p>Stone from the stone huts, dam, culverts and revetments should be offered to the Department of Conservation for re-use in repurposing or repairing archaeological sites or heritage features in the surrounding landscape. Prior to their re-use, all stone should be kept in a secure storage location, with material from each site stored discretely to preserve the provenance.</p> | <p>As above – this is to be encouraged, and should be included in the AMP, rather than an authority condition. This should include setting out a fabric and materials plan agreed with DOC.</p> <p>In line with the intent of these conditions, HNZPT considers that it would be a huge public benefit and positive archaeological outcome to install interpretation panels post remediation of some of the archaeological sites, in order to tell the story of the archaeological landscape.</p>                                                                                                                                                                                                                                                                                |