BEFORE THE PANEL CONVENER

Application: FTAA-2608-1288

IN THE MATTER of the Fast-track Approvals Act 2024 (FTAA)

AND

IN THE MATTER of an Application by Oceana Gold (New Zealand) Limited under section 42 of the FTAA for the Macraes Phase Four (MP4) project

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MEMORANDUM OF HERITAGE NEW ZEALAND POUHERE TAONGA IN RESPONSE TO MINUTE 3 OF THE PANEL CONVENER

4 November 2026

Heritage New Zealand Pouhere Taonga
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[redacted]

HERITAGE NEW ZEALAND
POUHERE TAONGA

Introduction

1 This memorandum is filed on behalf of Heritage New Zealand Pouhere Taonga (Heritage New Zealand) in response to Minute 3 of the Panel Convener dated 27 October 2026 (Minute) in respect of the Macraes Phase Four (MP4) project (the Project).

2 The Minute refers to an upcoming conference to gather participant views that will inform decisions of the Convener regarding the appointment of panel members, and the timing of the panel decision.

3 This memorandum addresses the matters and questions identified within the Minute relevant to the archaeological authority application to assist with making those decisions.

Approvals sought

4 The approvals being sought for this Project that require consideration and recommendation of Heritage New Zealand are:

a) Six individual archaeological authorities, which would otherwise be applied for under the Heritage New Zealand Pouhere Taonga Act 2014 (section 42(4)(i)); and

b) approval for a person to undertake the activity pursuant to each archaeological authority (section 42(9)(b)).

Timeframe for a Decision

5 In its Memorandum dated 4 November 2026, Oceana Gold (New Zealand) Limited (the Applicant) has proposed a 100 working day timeframe. This timeframe will commence following receipt of invited comments being received, pursuant to section 53. Prior to these comments being received, administering agencies, the

Department of Conservation and Heritage New Zealand, must provide a written report pursuant to section 51.

6 As set out in clause 3 of Schedule 8, Heritage New Zealand's section 51 Report may recommend:

(a) that an archaeological authority be granted with conditions, including any conditions imposed in accordance with clause 5 or section 84; or

(b) that the approval be declined.

Does Heritage New Zealand have sufficient information to prepare its section 51 Report?

7 The substantive application was lodged on 9 September 2026 and was deemed complete on 30 September 2026. This decision was made despite Heritage New Zealand providing detailed reasoning as to why it did not consider that the application for an archaeological authority was complete.

8 In its section 46 completeness response dated 17 September 2026, Heritage New Zealand specifically identified the following reasons why it did not consider the application to be complete:[1]

(a) While there is a description and location for each recorded archaeological site to which the application relates included in the archaeological assessment (as required in Schedule 8 Clause 2 (1)(e) of the FTAA), the description of the Chinese Miner's Camp (I41/50) is lacking a clear understanding of the extent of the site. This impacts the ability to assess how the proposed activity will modify or destroy this site and the effect it will have on the values of

[1] Heritage New Zealand Pouhere Taonga s46 completeness assessment at [7-10]

I41/50 (as required in Schedule 8 Clause 2(1)(g) and (h) of the FTAA).

(b) HNZPT recommended during consultation prior to lodgement, and remains of the opinion that, consideration should be given to other methodologies to inform the understanding of the Chinese Miner's Camp (I41/50) including a small-scale exploratory excavation to better identify and assess the impacts of the proposed works.

(c) There is an assessment of the archaeological, Māori, and other relevant values of the archaeological sites included in the application, however this is not in the detail appropriate to the proposed modification and destruction of archaeological sites as required in Schedule 8 Clause 2(1)(h) of the FTAA.

9 Although conversations are ongoing in this space, the information described above has not yet been provided and Heritage New Zealand remains of the view that the application is incomplete; and as such it is not able to complete its section 51 Report (or subsequent comments pursuant to section 53).

10 In order to address [8] (a) and (b) above, Heritage New Zealand has consistently advised that the Applicant needs to apply for an exploratory authority pursuant to section 56(1)(b) of the Heritage New Zealand Pouhere Taonga Act 2014, outside of the Fast-track process, complete the investigation under that authority, and provide a final report in sufficient detail to allow Heritage New Zealand to understand both the extent of the site and any effects that the MP4 proposal will generate on that site. The exploratory authority will allow the Applicant and Heritage New Zealand to understand whether the Project works will intrude into the extent of the Chinese Miner's Camp.

11 In the event that the works will impact the Chinese Miner's Camp, then it may well be that a research strategy specific to the Camp is required to be prepared prior to its modification.

12 In order to address the shortfall described in [8] (c) the Applicant will need to provide updated assessments in sufficient detail to allow Heritage New Zealand to fully understand both the archaeological values of the sites and the effects that modification or destruction will generate on same. This has a flow on effect as the values and effects must be fully realised in order for the Applicant to prepare an Archaeological Management Plan that is proportionate those values affected. This will also inform the research strategy required for this level of loss.

13 Until this is completed, Heritage New Zealand will not be able to make an informed recommendation to assist the Panel, nor can it consider any Archaeological Management Plan or Research Strategy associated with the archaeological works for certification. It also follows, that until the archaeological values, and effects on those values, are identified and understood, then appropriate conditions are unable to be finalised.

Exploratory Authority

14 Heritage New Zealand understands that an application for an exploratory authority is currently being prepared with the intention of lodging it this week. Depending on the start date of the exploratory works, the investigation and report *may* be able to be completed and provided to Heritage New Zealand prior to the due date for the section 51 Report.

15 However, at this point we do not have an application before us, and we can only speculate as to whether or not the resulting assessment and report would be available in time to assist Heritage New Zealand in preparing its recommendation and report.

16 Realistically, it would seem that even if a report were able to be completed it would not be provided until the new year, which severely impacts the time available for assessment and consideration by Heritage New Zealand in order to meet the reporting deadline, which is currently proposed as 20 January 2027.

17 As such, the start date for the Panel of 2 December 2026 and inviting comments on 16 December 2026, will place unrealistic and unachievable demands on Heritage New Zealand's technical staff to complete a section 51 Report that will be of any assistance to the Panel.

Management Plans

18 The Applicant has advised of its intention to have the Panel certify a number of Management Plans, including Archaeology and Heritage Management Plans.[2] Heritage New Zealand understands there are six Archaeological Management Plans, one prepared for each authority application.

19 An Archaeological Management Plan does not exist in a vacuum, rather it relies on a fulsome assessment and appropriate conditions that are proportionate and respond to the values identified through the assessment.

20 Informed by the assessments undertaken, an Archaeological Management Plan then 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

21 As identified above, the assessments supporting the authority application are not sufficient in order to inform an Archaeological Management Plan in an appropriate and effective manner as there are too many unknown factors. Until the steps described in [8] are complete, Heritage New Zealand will not be in a position to recommend certification of any of the six management plans.

22 Notwithstanding this, Heritage New Zealand may recommend a condition set that provides for future certification of Archaeological

[2] Memorandum of the Applicant, dated 9 September 2026 at [66].

Management Plans, as long as the objectives and required information are described in the conditions themselves.

23 This has been employed successfully on many occasions with previous Fast-track applications, where Heritage New Zealand has not been in a position to recommend to the Panel that a plan is capable of certification. To date, there has not been an Archaeological Management Plan that has been certified by a Panel without the prior recommendation of Heritage New Zealand, and nor would it be appropriate to do so.

24 Heritage New Zealand has the requisite technical expertise in order to assess and certify the appropriateness of any Archaeological Management Plan, and further it would undertake the re-certification process were any changes to the certified Archaeological Management Plan required.

Is 100 working days an appropriate timeframe?

25 Heritage New Zealand offers comment only in relation to the time required of the Panel to consider the archaeological authority approvals, and it recognises that more time may be appropriate for the other approvals sought as part of the Project.

26 Notwithstanding that there is insufficient information to complete the section 51 Report at present – were the Applicant to provide the information identified above to enable the section 51 Report to be completed – then Heritage New Zealand considers that 100 working days would be sufficient for the Panel to consider its recommendation and the Applicant's documentation in order to make a determination on the archaeological authorities.

Potential steps in the Panel's decision-making process

27 The Minute sets out a number of questions for participants to address. Noting that not all questions are relevant to the archaeological authority applications, Heritage New Zealand provides the following responses to assist:

Does the project comprise essentially three separate projects brought together in a single application?

28 Heritage New Zealand agrees that there are three mining areas that make up the Project, however at this point it is not clear whether the authority application areas fit discretely into one mining area, or whether they will relate to more than one of the mining areas.

29 Apart from understanding the inter-relatedness of the Project as a whole, the number of mining areas or projects does not materially affect Heritage New Zealand's assessment of the archaeological authority applications.

Should the environmental effects of each individual mine or each Mining Area be assessed separately, before assessing the cumulative effects of the combined activities for which approvals are sought?

30 In relation to the archaeological authority applications, then each application will be assessed on its merits, with the effects assessed on the archaeological values and sites contained within that application.

31 As a part of this exercise, the technical experts will also be considering the effects across the entire Project area as that is how the Archaeological Assessment has been prepared, in order to provide full context to the sites and landscape impacted. As such, there has to be a consideration of the cumulative effects arising through the granting of six archaeological authorities, however we recognise that the Applicant could have applied for the works as one singular archaeological authority.

Management Plans

32 The Minute requests that we set out the process for certifying management plans.

33 The usual process that Heritage New Zealand undertakes to consider an Archaeological Management Plan with the aim of certification:

(a) Applicant submits an application for an archaeological authority, including an archaeological assessment and draft Archaeological Management Plan.

(b) The application is considered for completeness in accordance with the requirements of the Heritage New Zealand Pouhere Taonga Act 2014 by qualified archaeologist and Pouarahi.

(c) Provided all information is included, in-house experts review the assessment to understand the project site, archaeological sites and values, cultural sites and values, proposal for modification and/or destruction, loss of those values, effects of that loss. Consideration is also given to the need for a research and mitigation strategy and whether elements should and have been incorporated into the Archaeological Management Plan.

(d) Using this assessment, the draft Archaeological Management Plan is reviewed in order to identify that all relevant matters are included in appropriate detail and responded to, including methods of mitigation, levels of recording of information where a site is to be modified or destroyed, any investigation required prior to the modification, and the archaeological methodology that will be used in order to ensure that as much knowledge and information is retained from any modified sites. This is also considered against the draft condition set prepared for the application.

(e) Each section is assessed for its appropriateness in response to the matters considered in (c) and (d) and notes are made, where relevant.

(f) Feedback is provided directly to the archaeological consultant who has prepared the draft Archaeological Management Plan. This generally results in email correspondence, phone calls, and/or teams meetings. This will may also require a site visit.

(g) Where the feedback and amendments result in an Archaeological Management Plan that is considered appropriate then that is referred to by name and version in the archaeological authority conditions requiring compliance with the Archaeological Management Plan for the duration of the Authority.

(h) Where the draft Archaeological Management Plan is not considered appropriate, has not been finalised prior to the granting of the authority, or was not included with the authority application then a condition is included to set out the expectations of what is to be included in an Archaeological Management Plan that must be provided to Heritage New Zealand and certified prior to the authority being exercised.

(i) Any changes to the Archaeological Management Plan must also be submitted and certified by Heritage New Zealand.

Other Matters

Information Gaps

34 This memo has already set out the information gaps in respect of the archaeological authority applications. Heritage New Zealand has been consistent in pointing out the gaps and how the Applicant should respond to these identified information gaps.

35 As previously explained, it is imperative that these matters are addressed prior to the Panel being set up, or there is a serious risk that Heritage New Zealand cannot complete its section 51 Report,

or at best, it prepares a substandard report that offers little to no assistance to the Panel. Further with continued information gaps it means that review of the six Archaeological Management Plans and drafting of appropriate conditions will also be delayed.

36 There has only been one other Fast-track application where Heritage New Zealand has raised concern with the level and sufficiency of information provided – the Bendigo-Ophir Gold Project. Based on this experience, which I would liken to flying a plane whilst still attempting to attach the wings, Heritage New Zealand strongly requests that the setting up of the Panel is undertaken after, at least, the information set out in [8](a)-(c) has been provided to Heritage New Zealand to assist in meeting its timeframes set by the FTAA. This is because, once the Panel is appointed, and the process is in motion, there is no ability for Heritage New Zealand to request an extension to the statutory timeframes in the instance that this information is not received with sufficient time to digest prior.

Engagement by the Applicant

37 The Applicant and its consultants have engaged both pre and post lodgement. Whilst this has been appreciated, it still has not resulted in complete information being provided.

38 Heritage New Zealand can confirm that it has been advised of the imminent application for an exploratory archaeological authority under the Heritage New Zealand Pouhere Taonga Act 2014. This is a positive step that has been advanced through ongoing engagement between the Applicant and Heritage New Zealand.

39 Heritage New Zealand also understands that the Applicant has suggested workshops may be appropriate in respect of advancing the Archaeological Management Plans. Notwithstanding that there is still outstanding information that would need to be provided prior to any workshop, Heritage New Zealand confirms its willingness to engage directly with both the Applicant and Panel where required.

Experts engaged on the Project

40 The following in-house experts are engaged in the Project:

(a) Emma Clifford, Manager Archaeology;

(b) Huia Pacey, Pouārahi; and

(c) Mel Russell, Chief Legal Advisor.

Processes agreed with the Applicant to reduce issues

41 Heritage New Zealand has provided extensive feedback to the Applicant and is satisfied that the Applicant understands what is required in order to assist Heritage New Zealand with undertaking its functions under the FTAA. Further, there is now, a well-established relationship between the parties with open and ongoing dialogue ensuring that the request for further information is understood and that that information will be provided.

42 Whilst this is encouraging now, it is also somewhat frustrating as the lack of information was highlighted during pre-application review of the draft archaeological assessment as well as early in the process at the stage of considering completeness – where Heritage New Zealand was very clear that the application was not complete. The decision to disregard that advice, and deem the application complete anyway, has placed serious pressure on Heritage New Zealand and will continue to do so under the tight timeframes under the FTAA.

Changes made or underway following lodgement

43 As described in [14] – [17] and [36], the Applicant has responded to feedback by Heritage New Zealand and is proposing to apply for an exploratory archaeological authority pursuant to section 56(1)(b) of the Heritage New Zealand Pouhere Taonga Act 2014.

Complexity of the archaeological authority applications

44 Heritage New Zealand considers that the application is of medium complexity. There is nothing novel or legally complex, however until the exploratory work is carried out there is technical complexity to completing the section 51 report.

Drafting proposed consent conditions

45 In their current state, the Archaeological Management Plans and proposed conditions are not accepted by Heritage New Zealand.

46 Work and discussions are ongoing between the parties in order to present an agreed set of conditions to the Panel, and at least a condition that provides for future certification of the Archaeological Management Plans.

47 Heritage New Zealand understands and appreciates the wish of the Applicant to present complete and final Archaeological Management Plans to the Panel and it has described the pathway for this to occur – however, as already stated, this is reliant on further information being provided.

Efficient process to assist Panel

48 Heritage New Zealand anticipates that the current issues with the authority applications are capable of resolution between the parties, before the Panel turns its mind to making a decision. However, this can only be achieved if the commencement of the Panel is delayed until the new year, after the requested information has been received by Heritage New Zealand.

49 If the Panel commence prior to the exploratory works and report and additional assessment information described in [8] is provided – then Heritage New Zealand will only be able to produce a substandard report and recommendation based on incomplete information.

50 This will not assist the Panel in making its decision, rather it will present unanswered technical questions requiring ongoing RFIs from the Panel to assist in its understanding.

Availability of counsel and experts during the summer holidays,

51 In respect of the summer holidays Heritage New Zealand advises that counsel and experts are unavailable:

23 December 2026 – 8 January 2027

27 January – 1 February 2027

8 February 2027 – 11 February 2027



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Pouhere Taonga