

Before the Waikato Regional
and Hauraki District Council

Under the Resource Management Act 1991

In the matter of An application for resource consents to extend the Waihi
Gold Mine via underground and open pit mining methods
(Project Martha)

Legal Submissions of Heritage New Zealand Pouhere Taonga (Tabled)
15 November 2018

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1. These legal submissions are made on behalf of Heritage New Zealand Pouhere Taonga in relation to an application for resource consents to extend the Waihi Gold Mine via underground and open pit mining methods (Project Martha).

Introduction

2. Heritage New Zealand Pouhere Taonga (Heritage New Zealand) is an autonomous Crown Entity with statutory responsibilities under the Heritage New Zealand Pouhere Taonga Act 2014 (HNZPTA) for the identification, protection, preservation and conservation of New Zealand's historical and cultural heritage. Heritage New Zealand is New Zealand's lead agency for heritage protection.
3. Under section 87 of the Heritage New Zealand Pouhere Taonga Act 2014 it is unlawful to modify or destroy an archaeological site without an archaeological authority from Heritage New Zealand. An archaeological site is defined as:

any place in New Zealand, including any building or structure (or part of a building or structure), that –

- (i) Was associated with human activity that occurred before 1900 or is the site of the wreck of any vessel where the wreck occurred before 1900; and*
- (ii) Provides or may provide, through investigation by archaeological methods, evidence relating to the history of New Zealand.*

Heritage New Zealand submission

4. Oceana Gold (New Zealand) Limited (the applicant) has undertaken an archaeological assessment as part of this process which appropriately identifies and addresses the potential effects of the proposal on recorded and unrecorded archaeology within the project extents. The applicant was also involved in discussions with Heritage New Zealand prior to the lodging of the current application.
5. The applicant has specified both in the application documents and in discussions with Heritage New Zealand that the archaeological authorities required for the project will be obtained from Heritage New Zealand.
6. Whilst an authority will be applied for in areas of known or reasonably suspected archaeological potential, there remains the possibility for unknown archaeological sites to exist within the proposed extent of works.
7. As such, Heritage New Zealand lodged a submission in relation to Project Martha seeking that if resource consent is granted that a suitable accidental discovery protocol for areas not subject to an archaeological authority be included as a consent condition and an advice note included outlining the requirements relating to under the HNZPTA.

8. The consent conditions affixed to the section 42A reports of Hauraki District Council and Waikato Regional Council included an accidental discovery protocol and advice note, but these had not yet been incorporated into the conditions collated in Appendix E.
9. Councils circulated a new version of amalgamated and amended conditions at the beginning of the hearing. These were provided to Heritage New Zealand by Mr Steve Rice. These amended consent conditions do now include the conditions and advice note sought by Heritage New Zealand.
10. The outstanding points of Heritage New Zealand's submission have therefore been addressed by the amended conditions. As such, Heritage New Zealand supports the conditions provided by Council and would ask that these conditions as they relate to heritage, accidental discovery and heritage advice notes be adopted in the conditions of any granted consent/s.

Dated this 14th day of November 2018



Rebecca Vertongen
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Heritage New Zealand Pouhere Taonga