

**Before the Independent Hearing Panel**

**In the Matter** of the Resource Management Act 1991 (**RMA**)

**And**

**In the Matter** of an application to the Central Otago District Council and Otago Regional Council for resource consent to establish and operate a gold mining activity at 1346 – 1536 Teviot Road, Millers Flat

**Reference** RC230325 (Central Otago District Council)  
RM23.819 (Otago Regional Council)

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**Supplementary Statement of Victoria Ross on behalf Hawkeswood Mining Limited**

**(Archaeology)**

**Dated 25 June 2024**

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## Introduction

1. My full name is Victoria Ross, and I provide this supplementary statement in relation to the Hawkeswood Mining Limited (**HML**) proposal at Millers Flat. This statement responds to archaeological matters raised by the commissioners during the hearing.
2. My qualifications and expertise are provided within my brief of evidence in-chief dated 29 April 2024. I also reaffirm that I have read and agree to and abide by the Environment Court's Code of Conduct for Expert Witnesses as specified in the Environment Court's Practice Note 2023.

## Archaeological Management Plan (AMP)

3. An AMP has been created for the Hawkeswood Mine project, under Archaeological Authority 2024/438. This has been reviewed and approved by Heritage New Zealand Pouhere Taonga (HNZPT, approved 31 May 2024). I have attached a copy of the approval from HNZPT to this statement as **Appendix A**. The AMP is document 2.9 in the supplementary document package.

## Accidental Discovery Protocols vs On-Call Protocols

4. The Commissioners have requested further information on the difference between the On-call protocols (**OCP**) referenced in the Archaeological Report and the Accidental Discovery Protocols (**ADP**) proposed in the Council's draft conditions.
5. In my experience, an ADP is used where an archaeological authority is not in place and can be specified by HNZPT or in resource consent conditions. An OCP is used when the works are occurring under an archaeological authority. As noted on HNZPT's ADP (attached), the ADP is no longer relevant once an authority has been granted. I therefore do not consider the HNZPT version of an ADP to be relevant to the HML proposal.
6. The CODC's s 42A report includes two recommended conditions relating to an ADP, 50a and 50b. I provide a comparison between the requirements of these conditions and the requirements of the Archaeological Authority, Archaeological Management Plan and the OCP that forms part of the requirements of these documents in the below paragraphs.

7. CODC condition 50a discusses discovery of kōiwi, wāhi taoka, wāhi tapu or other Māori artefacts:
  - a. The condition requires that the Consent Authority, Tangata whenua and HNZPT must be notified, as well as police if kōiwi are discovered. **This agrees with the OCP, with the exception of the inclusion of the consent authority.**
  - b. The condition requires work to stop within the immediate vicinity of the discovery to allow a site inspection by HNZPT and the appropriate rūnanga and their advisors, who must determine whether the discovery is likely to be extensive, if a thorough site investigation is required, and whether an Archaeological Authority is required. **This agrees with the AMP and OCP, including that all parties must be notified, and that should Māori archaeology of any kind be encountered, a new authority may be required. This last point is made explicit in the archaeological assessment, Archaeological Authority conditions and AMP, but is not explicit in the OCP as the OCP operates for works within an authority.**
8. CODC condition 50b addresses the discovery of any feature or archaeological material that predates 1900, or heritage material, or disturbance to a previously unidentified archaeological or heritage site and requires that the consent holder must without delay stop work within the immediate vicinity of the discovery or disturbance; notify all parties, apply for an archaeological authority if appropriate, and arrange for an archaeologist to undertake a survey. **This differs from the OCP, as an archaeological authority is already in place. Should a site be encountered while an archaeologist is not on site, the site must halt works and inform the archaeologist, who will attend site to record the archaeology, as well as notify site management. If the site is deemed to be of potential high significance, there are specific requirements for notification to be made to all parties (HNZPT, appropriate rūnanga and the client), and works may be halted for the application of a new archaeological authority, or for site avoidance.**
9. The core difference between the ADP and OCP for this proposal is that works on standard European archaeological sites – that being non-Māori, not of high significance – are able to continue once an archaeologist is present, as an archaeological authority is in place.

The authority conditions dictate that notifications are made to certain parties prior to works starting, meaning that the discovery of archaeology, unless Māori or significant in other ways, does not require new notifications.

10. In my opinion, the only requirement that is represented in the CODC s 42A report ADP conditions, that is otherwise not addressed or superseded by the HNZPT Archaeological Authority and AMP (incorporating an OCP), is that CODC should be notified of any discoveries that are not within the scope of the Archaeological Authority. All other requirements in conditions 50a and 50b in the CODC s42A report are either represented in the Archaeological Authority and/or AMP or are superseded by requirements in the same documents. The CODC AMP conditions have greater relevance to activities where an Archaeological Authority is not in place and the nature and significance of potential archaeology is completely unknown. That is not the case for this HML proposal.

### **Comments and Recommendations for Consent Conditions**

11. I recommend that the resource consent conditions include the following requirements:
  - a. The resource consent must be conducted in accordance with the conditions of Archaeological Authority 2024/438, and with the AMP.
  - b. The salvage and display of the artefacts currently scattered across site, as well as any other artefactual remains that are appropriate to display.
  - c. The erection of interpretation signs along the cycleway during the rehabilitation phase.
12. The latter two requirements help provide positive impact for the information and amenity values of the archaeological sites, by bringing the former features of the site back into the public eye.
13. I have reviewed the updated proposed consent conditions, prepared by Anita Collie and dated 24 June 2024. I agree with the conditions relating to the archaeological requirements of the site (Conditions 25, 26 and 27), and support their inclusion within the

final consent conditions. These conditions adequately reflect my recommendations as expressed in this statement.

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**Victoria Ross**

Dated 25 June 2024

Appendices

[A] Archaeological Authority 2024/438

[B] Approval of Archaeological Management Plan by Heritage New Zealand Pouhere Taonga