

4 December 2025

Fast-track Approvals Act 2024
Environmental Protection Authority

Ph

Waihi North Daft Conditions

Part A [2] (c) Area 3 Comprising the Wharekirauponga Access Tunnel

[9] (h) Approvals relating to access arrangements that would otherwise be applied for under the Crown Minerals Act – Part H

OceanaGold (New Zealand) Limited

Re: Proposed activities beneath our land - Notice of formal dispute regarding reliance on Section 57 Crown Minerals Act 1991.

Dear Panel Members

We are the registered owners of SA726/4, SA392/274, SA49C/920, 721116, 273578, in relation to OceanaGold's stated intention to undertake drilling and blasting (underground tunnelling) beneath our property. OceanaGold claims that such activities are exempt from access-arrangement requirements under Section 57 of the Crown Minerals Act 1991.

After reviewing information provided for the Waihi North Project to date regarding the interconnecting access tunnel, we hereby give formal notice that we dispute OceanaGold's reliance on Section 57 CMA 1991. The assertion that the proposed tunnelling activities are below the surface and therefore do not require an access arrangement is not accepted.

OceanaGold's activities will cause some surface effects and prejudice our current and future use and enjoyment of our land, including but not limited to groundwater depletion (drawdown and interference) removal of privately owned minerals, impacts on livestock health and wellbeing, impacts on farming operations from vibration and noise transmission, long-term prejudice to development potential and land stability, depreciation of property values, insurance liability issues.

For these reasons the proposed activities do not meet the exemption threshold in Section 57, and OceanaGold must therefore obtain an access arrangement under Section 60 CMA 1991 before any entry, occupation, or mining- related activity occurs.

We request complete technical detail of the proposed tunnelling activities to properly assess impacts, please provide within 10 working days the tunnel location and depth.

Failure to supply adequate details will be cited in any legal proceedings as evidence that your reliance on Section 57 is unsupported.

If OceanaGold maintains that Section 57 applies, despite the concerns above, please be advised that we intend to seek a judicial declaration under Section 58 CMA that, the proposed activities constitute "entry on or in land, and OceanaGold must therefore obtain an access arrangement under Section 60 CMA 1991.

An application to the District Court is being prepared and will be filed if necessary. No consent is granted or implied until an access arrangement is agreed, no consent is given to OceanaGold to enter, occupy, disturb, or interfere with the land or any strata beneath it. Any attempt to proceed without an access arrangement will be treated as unauthorized entry and met immediate legal action.

Please respond to this letter within 10 working days confirming whether OceanaGold continues to assert Section 57 applies, whether OceanaGold agrees to negotiate an access arrangement under Section 60, whether OceanaGold will provide the full technical detail requested above.

Failure to respond will be recorded as non-engagement.

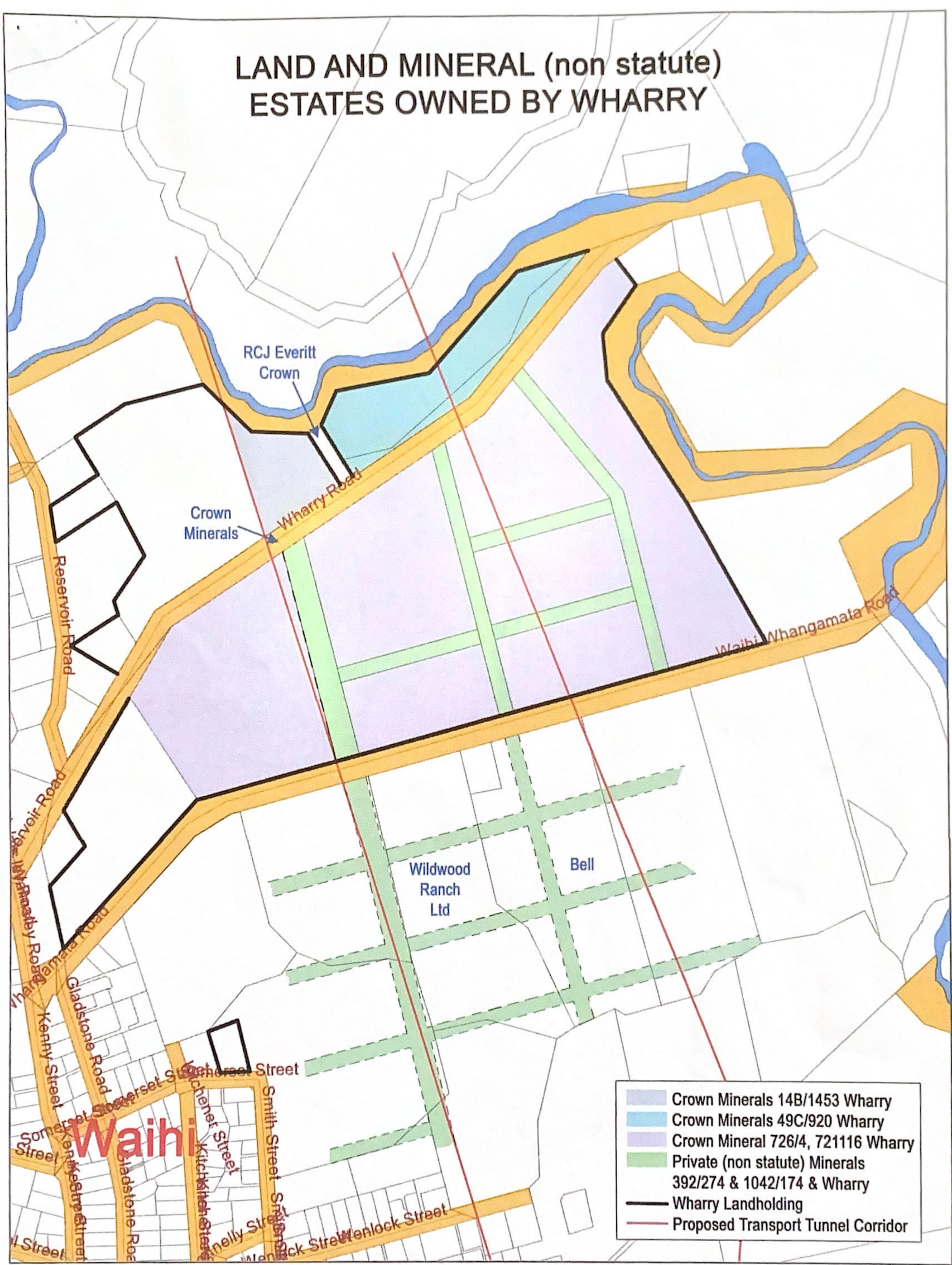
Yours sincerely,

A large black rectangular redaction box covering the signature area.

Registered Proprietor – SA726/4, SA392/274, SA49C/920 721116, 273578.

WHARRY LAND AND MINERAL INVESTIGATION

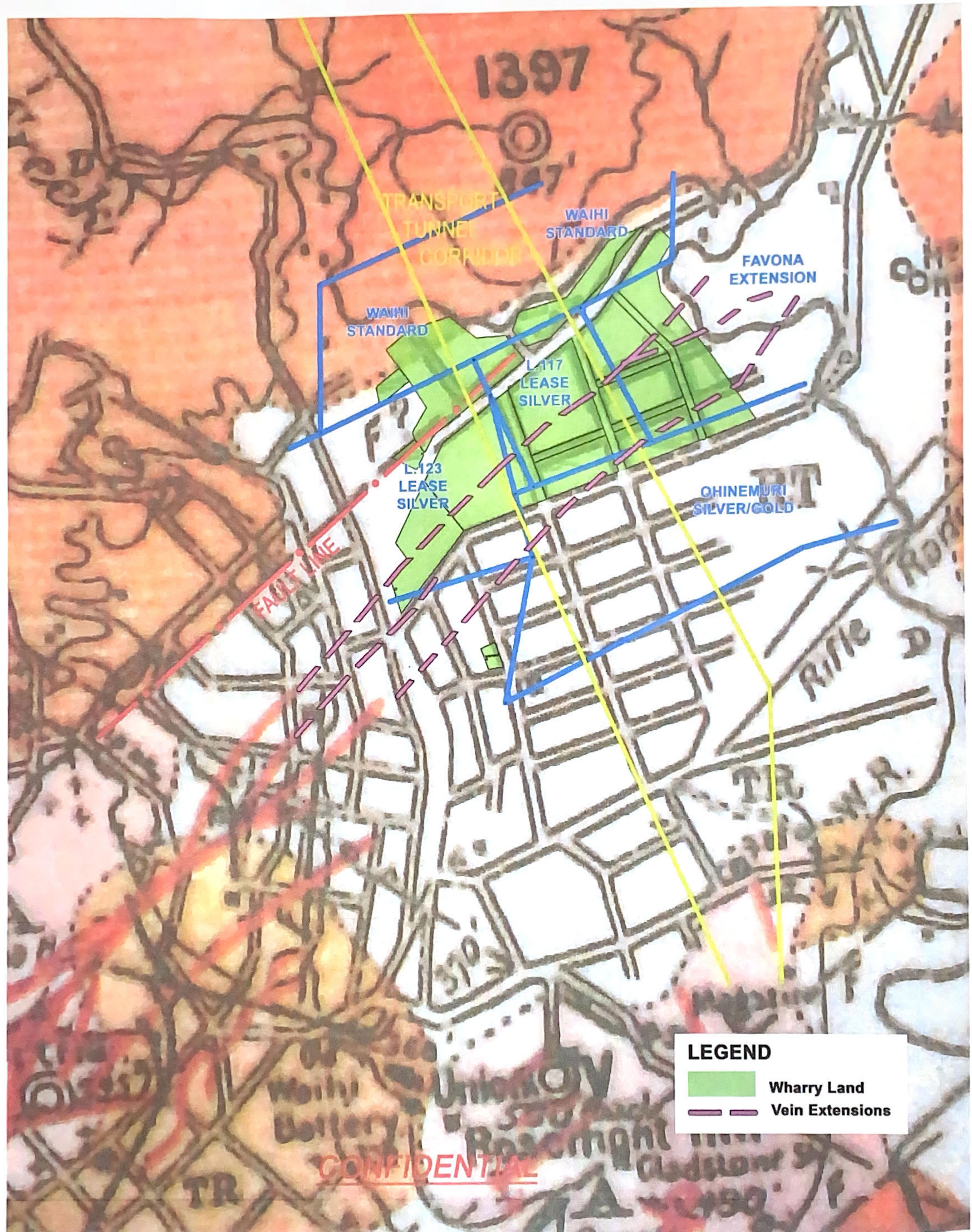
LAND AND MINERAL (non statute) ESTATES OWNED BY WHARRY



Graham Cullen
Crown Accredited Supplier
Land and Minerals

Scale 1 : 6400
0 100 200 300 400 500 600 m

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Historic Mining Map - Wharry Property - 1920's

Prepared by
G.E. Cullen
October 2022
LMS 1813



Lyfestyle Research Ltd

The people with answers on the earth

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Our Ref: LMS 1812

Re: NON-STATUTE MINERAL OWNERSHIP FOR LAND ON CT 392/274, WAIHI.

Waihi Borough was constituted in 1902.

Local Authority spent Public Monies on the ex subject streets, maintained and were used as a Public Highway and deemed to have ownership pursuant to early Municipal Corporation Act.

- A Public Notice Meeting dated 24th Day March 1921 streets were stopped in Waihi Borough vide
S181 and S182 MC Act 1908
S47 MC Amended Act 1913
By special Council Order.
- Stopped streets transferred to A H Clark, Transfer 177808 for the consideration of 7 pounds 1 shilling 9 pence, CT 392/274 issued on 17th April 1924 (SO 22222 – 1921)

The Land and Non Statute Mineral Estates vested in Waihi Borough Council originally as streets who then stopped the streets and transferred both estates into private ownership in 1924, and lie presently in the ownership of AR and RA Wharry, 23 Wharry Road, Waihi 3610.


G E CULLEN
Crown Accredited Mineral Researcher

21 / 1 /2022



Lyfestyle Research Ltd

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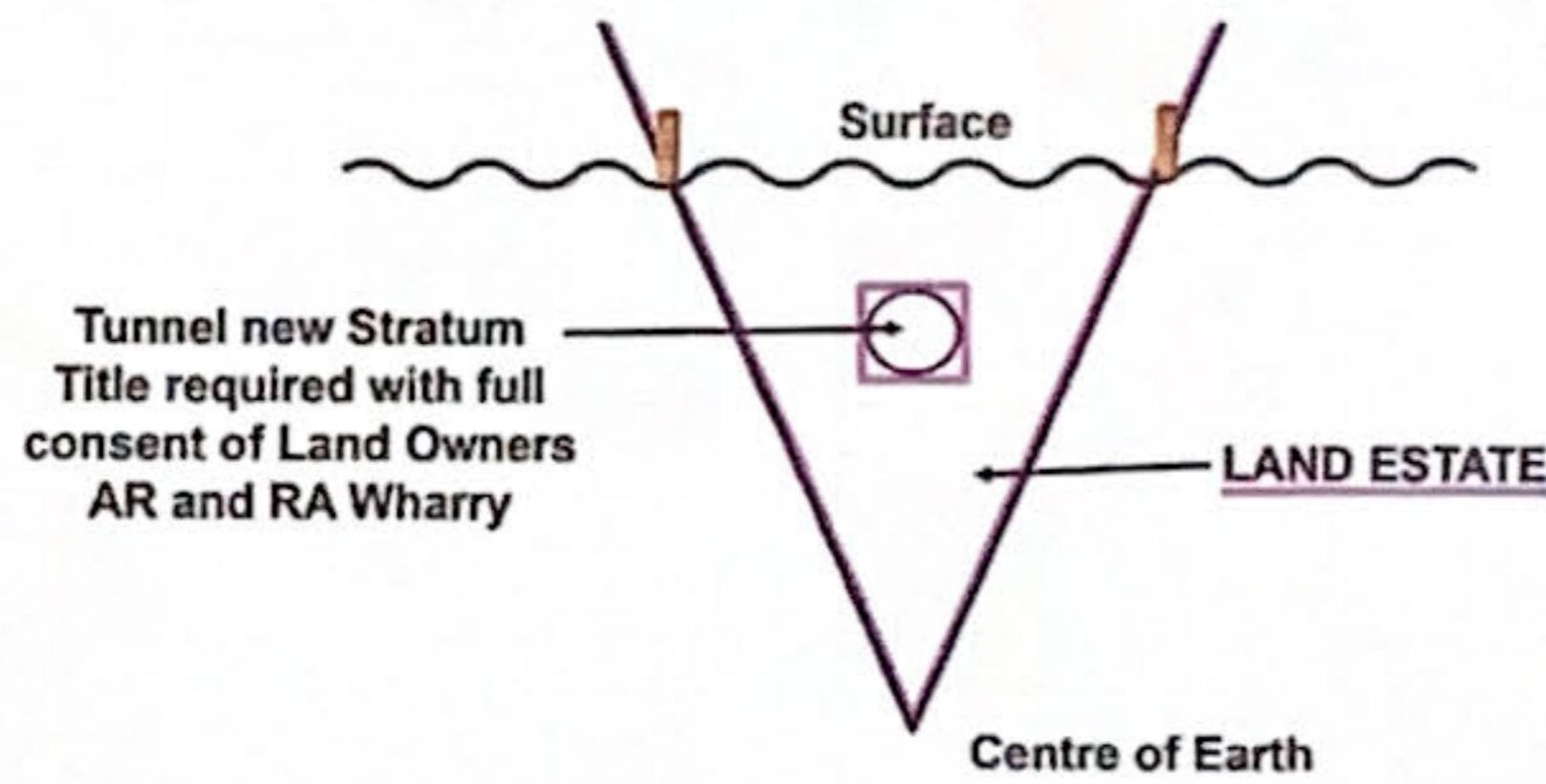
Email: cull@lyfestyle.co.nz
Website: www.lyfestyle.co.nz

Our Ref: LMS 1813

LAND ESTATES RTs SA 392/274 and SA 726/4 REPORT WAIHI – Andrew Wharry, Client.

Definition of Land Estates

Includes all soil subsoil and air space below the surface down to the centre of the earth and air space to the heavens above the surface.



For a tunnel to put through the Land Estate you need to create a separate stratum estate for the occupied air space by way of a stratum title or a stratum instrument title. This can be done by way of the Land Transfer Act or Proclamation, both would require your full consent as Land Owner, so you can veto any future action.

In this particular circumstance as Mining is not occurring the Mineral Ownership is not an issue.

Note my comments are relevant to both RT SA 392/274 Private Non Statue Minerals and RT SA 726/4 Crown Minerals.

Hope this helps, I do not see you have any problems if you stick to common land laws protocol.

NB In the past I have prepared stratum survey plans for elevated bridges and subterranean tunnels, what seems complicated is easily resolved.


G E CULLEN
Crown Accredited Mineral Researcher

2 / 2 /2022

ACCESS TO LAND

Crown Minerals Act 1991

Section 47

Permit does not give right of access to land except for a *Minimum impact activity.

Minimum impact activity is basically entering on property with spade to take soil surface samples, no excavation or drilling, 10 days prior notification required if forced.

All other activities written authorisation required.

If you do not wish to entertain Gold Mining be emphatically clear and not enter in any communication or correspondence as you are entitled to or set conditions etc.

LAND DEFINITION ESTATES – WHARRYS

RTs 392/274, 726/4, 1042/174, 49C/920, 273578, 721116

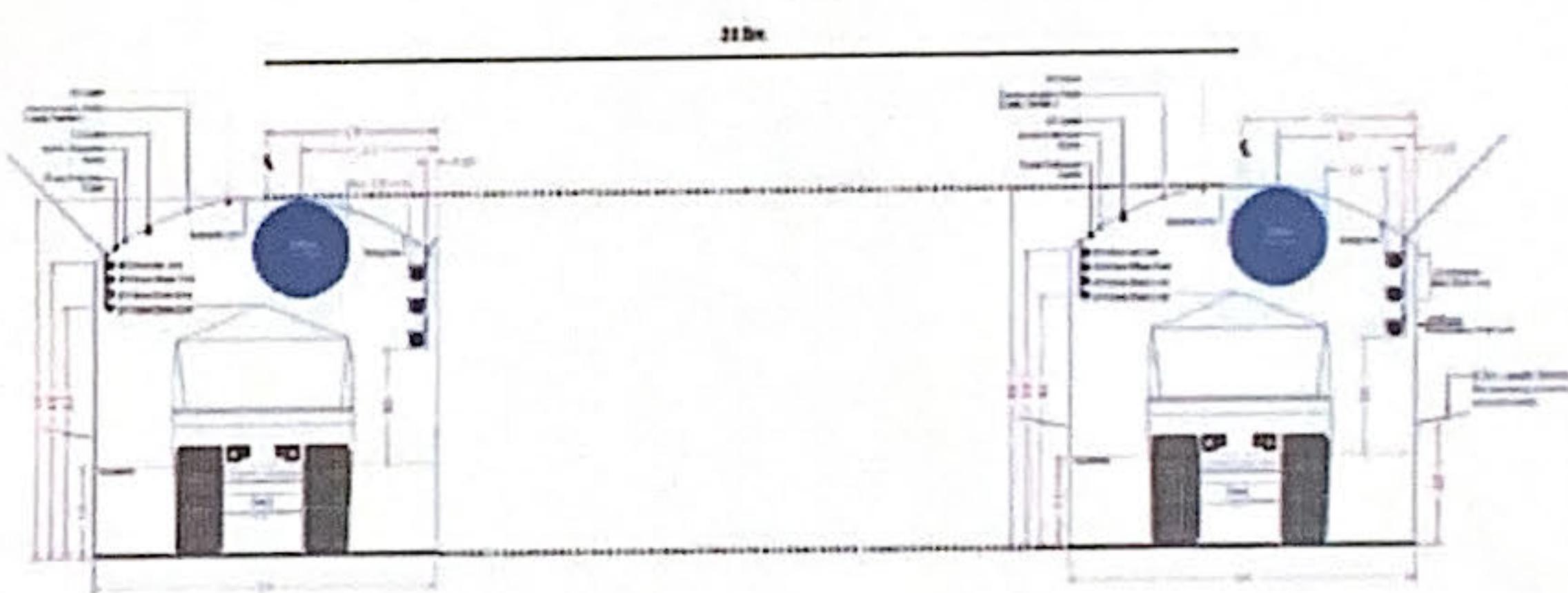
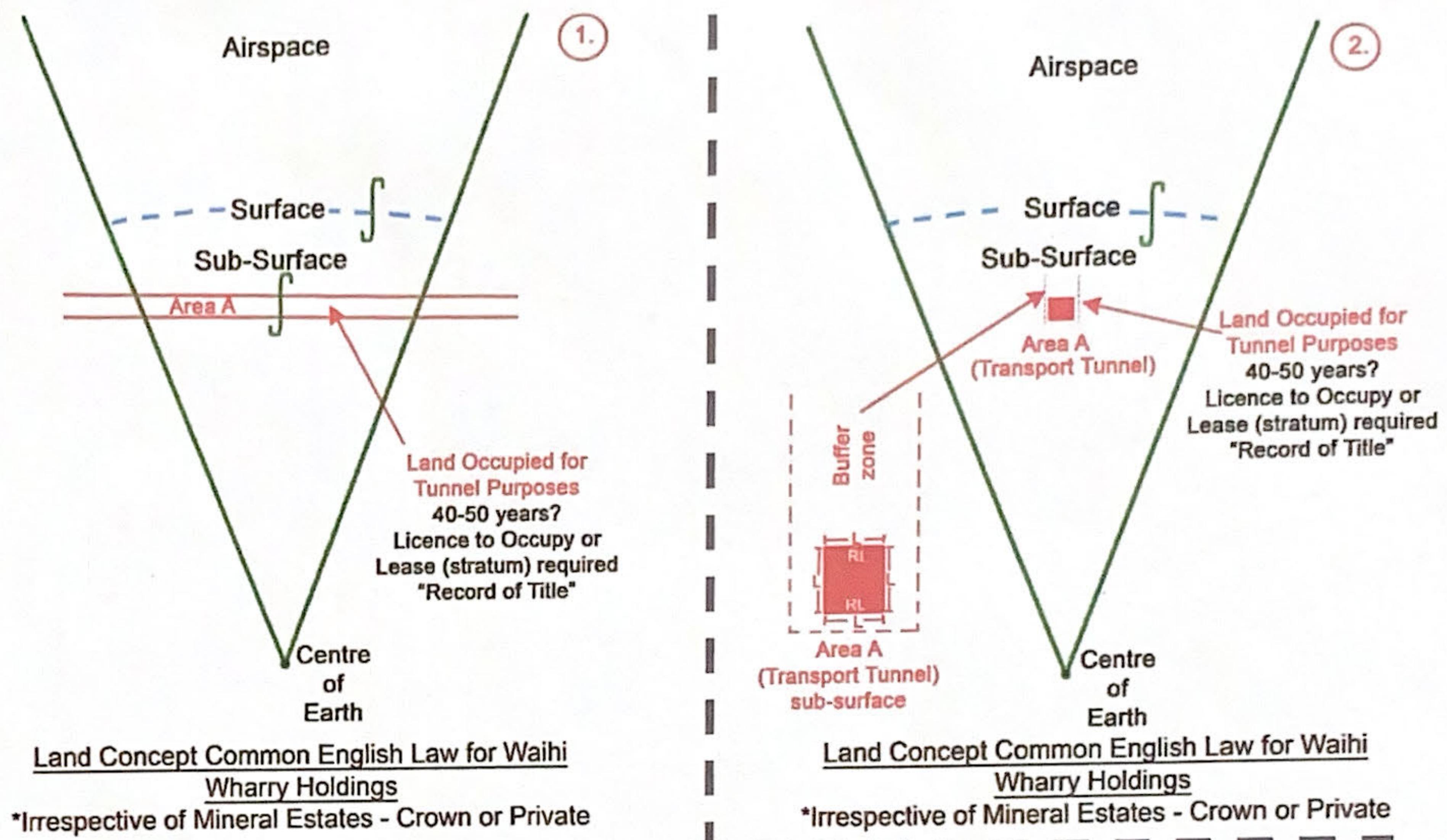


Figure 7: Conceptual layout section of twin tunnel option (after Mitchell Daysh 2022).

Definition of Land Estates – Common English Law

Includes all soil subsoil, subsurface and air space below the surface down to the centre of the earth and air space to the heavens above the surface.

For a significant Transport Tunnel to be put through the "Land Estate" you need to create a separate stratum estate for the occupied space by way of a stratum title or a stratum instrument of title eg Licence to Occupy, Lease or Title.

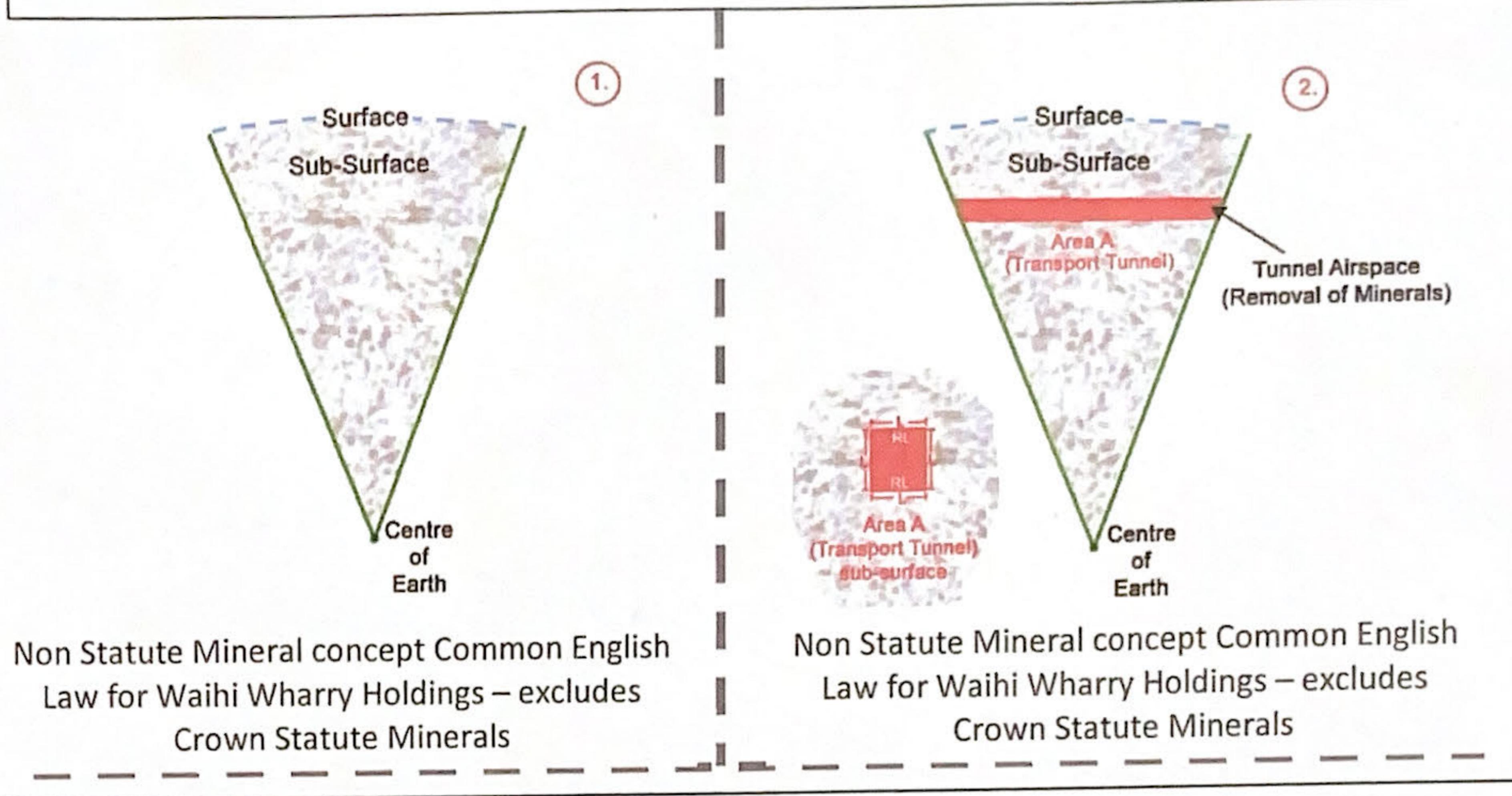
This can be done by way of the Land Transfer Act or Proclamation which would require full consent of landowner.

Precedent would be stratum survey plans and subsequent actions for elevated road bridges (airspace) and large subterranean road tunnels (subsurface).

Prepared by Graham Cullen
 Crown Accredited Supplier
 Land and Minerals

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NON STATUTE (PRIVATE) MINERAL DEFINITION ESTATE RTs SA392/274, and SA1042/174 - WHARRY



Definition of Mineral Estates in Crown Minerals Act 1991

"Mineral" means a naturally occurring inorganic substance beneath or at the surface of the earth, whether or not under water; and includes all metallic minerals, non-metallic minerals, fuel minerals, precious stones, industrial rocks and building stones, and a prescribed substance within the meaning of the Atomic Energy Act 1945:

NON STATUTE MINERAL OWNERSHIP CONTAINED WITHIN RTs SA392/274 and SA1042/174 – AUTHORITY – WHARRY

Originally Local Authority spent Public Monies on the ex subject streets, maintained and were used as a Public Highway and deemed to have ownership pursuant to early Municipal Corporation Act.

- A Public Notice Meeting dated 24th March 1921 streets were stopped in Waihi Borough vide S181 and S182 MC Act 1908
- S47 MC Amended Act 1913
- by Council Order.
- Stopped streets transferred to AH Clark, Transfer 177808 for the consideration of 7 pounds, 1 shilling, 9 pence, CT SA392/274 issued on 17th April 1924 (SO 22222 – 1921).
- The Land and Non Statute Mineral Estates vested in Waihi Borough Council originally as streets who then stopped the streets and transferred both estates into private ownership in 1924 and lie presently in the ownership of AR and RA Wharry.

As the registered owners also own the fee simple land estate and private minerals an access arrangement is required with the Wharry's to mine Statute Minerals over their property (S.47.06 CM Act 1991).

Prepared by Graham Cullen
Crown Accredited Supplier
Land and Minerals

/ / 2022

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From: Graham Cullen cull@lyfestyle.co.nz
Subject: Re Oceana Gold Ltd Tunnels
Date: 6/09/2022 at 1:59:13 PM
To: andrew wharry arwharry@hotmail.com

Hi Andrew,

Re Oceana Gold Ltd Tunnels

A search enquiry into Mineral ownership for Title 721116 shows part being Private Minerals (ex-Road) belonging to yourself (see attached plan).

As landowner a subsurface tunnel will cause a "loss" of land and requires your consent. (Gold and Silver Mineral Estate not an issue).

I can prepare a report to go to MBIE (Crown Minerals) against their MP and for tabling at any future hearing for you if required. Don't think much of other parties' legal advice. They need a Stratum instrument title or Stratum Easement for this type of activity it's ancillary to main core mining area.

Hope this helps.

Regards Graham

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Mineral Ownership of Lot 3 DP 493861