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## PART A

OceanaGold (New Zealand) Limited  
Waihi North Project

**SUBSTANTIVE APPLICATION  
REPORT**

8 April 2025

The Chief Executive  
Environmental Protection Authority  
Stewart Dawson's Corner  
366 Lambton Quay  
Wellington 6011

Dear Dr Freeth

**RE: Fast-track Approvals Act 2024 – Oceana Gold (New Zealand) Limited – Substantive Application for the Waihi North Project**

Please find attached a substantive application from Oceana Gold (New Zealand) Limited (**OceanaGold**), the authorised person for the Waihi North Project. The Waihi North Project is listed in Schedule 2 of the Fast-track Approvals Act 2024 (**Act**). OceanaGold seeks all necessary approvals for the construction, operation, maintenance, and ultimately the closure of the Waihi North Project. Approvals to the Waihi North Project involves the development of the Wharekirauponga ore deposit, located beneath the Coromandel Forest Park, together with associated infrastructure and mining activities, and a significant biodiversity enhancement project.

The lodgement of this application is a relodgement of the application that was previously made on 4 March 2025. The application made on 4 March was deemed incomplete because “The information to satisfy the requirements of clause 2(1)(h) of Schedule 8 of the Act in respect of the archaeological authority is not provided in sufficient detail to satisfy the purpose for which it is required, in that the applicant has not provided an assessment of Māori values of the archaeological sites, and the effect of the proposed activity on those values”.

In light of the above, the application has been amended. OceanaGold has consulted further with Heritage New Zealand Pouhere Taonga (**HNZPT**) to ensure that the additional information provided is appropriate for the requirements of assessing the proposed Archaeological Authority, at least insofar as HNZPT is concerned. We have been advised that the amended application meets their requirements for completeness.

Since the previous lodgement the following matters have been updated:

- The Assessment of Historic Heritage and Archaeological Effects prepared by Clough & Associates Limited and the Substantive Application Report prepared by Mitchell Daysh Limited now provides an “assessment of Māori values of the archaeological sites, and the effect of the proposed activity on those values”;
- The Assessment of Historic Heritage and Archaeological Effects now provides additional information relating to the nature of the proposed earthworks of the project and associated impacts on archaeological sites. These updates have been made in direct response to matters raised by HNZPT as part of the further consultation undertaken;
- The Substantive Application Report now reflects that an Archaeological Authority application for works at the proposed Willows Surface Facility Area, which was being processed at the time of previous lodgement, has been granted (reference number 2025/359); and
- The Substantive Application Report expressly confirms that no non-mining activities are being applied for on land identified as ineligible land in Schedule 4 of the Fast-track Approvals Act 2024.

For ease of locating the changes outlined above, Table 1 provided in **Appendix A** to this letter identifies the location of the changes within the application documents, as well as providing a brief summary of what the changes relate to.

Other than the changes outlined above, the content of the application remains as it was when lodged on 4 March 2025.

In discussions following your letter of 28 March 2025 notifying us of the EPA's decision on the initial lodgement of the application, you indicated that in addressing the issue raised in the letter, the EPA will only revisit the concern regarding the archaeological authority and it is unnecessary to revisit the application in its entirety. Thank you for that indication.

Consistent with the direction in s10 of the Act to take all practicable steps to use timely and efficient processes, we request that the check for competing applications and existing resource consents under s47 could be commenced immediately on the re-filing of our application. As the further information sought in our re-filed application does not relate to the resource consent and nor will it impact on competing applications, the EPA has all the information it requires to complete this process.

We would be grateful if this could be assessed at the same time as the information relating to the amended archaeological authority is considered, so the next stage of the Fast-track process can promptly commence.

As we noted in our original lodgement, as a result of the complexities of the application, the lodged supporting application documentation (i.e. the Substantive Report, the technical assessments, the proposed consent conditions, the management plans) is extensive, and OceanaGold acknowledges that appropriate timeframes will be required by the appointed expert panel to work through this. OceanaGold's counsel has previously, separately written to the panel convenor about this, and a copy of that letter is attached to this letter as **Appendix B**.

OceanaGold has uploaded the application documentation to the [fasttrack.govt.nz](https://fasttrack.govt.nz) portal. Due to file size restrictions, many of the lodged documents have had to be split. It is recognised that the process to recombine all of these documents for sharing with the various parties involved with the processing of this application will be time and resource consuming. As such, please find at the link below a document folder that contains complete (non-split) versions of the lodged documents in clearly identified and easy to navigate folders.

[Oceana Gold \(New Zealand\) Limited - Waihi North Project - April 2025](#)

Password: WaihiNorthApril2025

It would be appreciated if the invoice for the application can please be addressed to OceanaGold New Zealand Limited care of Mitchell Daysh Limited.

OceanaGold has been advised that if an applicant is to relodge an application under the Fast-track Approvals Act 2024, it can file a request for the application levy to be waived by the EPA. Recognising that updates made to the relodged application are confined to those matters outlined earlier in this letter, and that the remainder of the application has not been altered, it is requested that the application levy is waived and the previously levy paid is applied to this application. The previous application was deemed to be 'incomplete' following the 20 day review process, with no further processing costs or time being incurred post this period. A panel has yet to be appointed. As such it would be fair and reasonable for the previously paid levy to be applied to this relodged application. OceanaGold would appreciate the EPAs consideration of waiving the levy for the relodged application.

Please do not hesitate to contact us if we can provide any further assistance as the EPA works through the statutory steps that have been assigned to it.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Alison Paul', with a stylized, cursive script.

Alison Paul  
Senior Vice President NZ Legal and Public Affairs  
OceanaGold (New Zealand) Limited

E: [Alison.Paul@oceanagold.com](mailto:Alison.Paul@oceanagold.com)

## APPENDIX A: TABLE 1 – LOCATION AND BRIEF SUMMARY OF UPDATES MADE TO APPLICATION DOCUMENTS

Section with Change		Content of Change
<b>Updates relating to the provision of an assessment of Māori values of the archaeological sites, and the effect of the proposed activity on those values</b>		
<i>Substantive Application Report</i>		
Environmental Setting – Section 3.11		Additional text reflecting that there are no known pre-European Māori sites within the project footprint
Assessment of Effects – Section 6.15		Additional text reflecting that there are no known pre-European Māori sites within the project footprint, additional text reflecting the proposed protocols to be followed in the event that sites and or features of Māori origin / pre-1900 are identified, additional detail of the heritage / archaeological features of the proposed multi-criteria analysis for site selection of pump sites and ventilation sites, additional detail of expected pre-European Māori activities within the project area, the provision of a high-level summary of Māori values identified within CIAs, and additional details of the effects management procedures proposed within the Archaeological Management Plan
Management and Monitoring – Section 7.2		<p>Additional text under the Cultural Matters heading of Table 7-1 directing the reader to additional mitigation and protocols covered later in the table under the Heritage heading.</p> <p>Additional text under the Heritage heading of Table 7-1 providing additional details / coverage of the effects management procedures proposed within the Archaeological Management Plan</p>
<i>Assessment of Historic Heritage and Archaeological Effects</i>		
Executive Summary – Wharekirauponga Mining Area		Additional text detailing how the location of proposed work sites are to be determined in accordance with a multi-criteria analysis site selection protocol
Executive Summary – Māori Cultural Values		Additional text reflecting that consideration and acknowledgement of Māori values identified within CIAs has been given, additional text reflecting the expected use of the project area pre-1900

Historical Background	Additional text reflecting the expected use of the project area pre-1900
Wharekirauponga Underground Mine (WUG)	Additional text to detail the nature of the works proposed within Area 1 / the Wharekirauponga Mining Area, additional text to detail the proposed multi-criteria analysis site selection protocol and how it will take into account heritage and archaeological features, additional text acknowledging that the Archaeological Management Plan will include protocols for the exposure of archaeological remains including remains of Māori origin, koiwi tangata or taonga
GOP	Additional text acknowledging that the Archaeological Management Plan will include protocols for the exposure of archaeological remains including remains of Māori origin, koiwi tangata or taonga
TSF3	Additional text acknowledging that the Archaeological Management Plan will include protocols for the exposure of archaeological remains including remains of Māori origin, koiwi tangata or taonga
NRS	Additional text acknowledging that the Archaeological Management Plan will include protocols for the exposure of archaeological remains including remains of Māori origin, koiwi tangata or taonga
Summary of Results	Additional text reflecting that there are no known pre-European Māori sites within the project footprint, additional text reflecting that consideration and acknowledgement of Māori values identified within CIAs has been given, additional text reflecting the expected use of the project area pre-1900
Statutory Considerations – Waikato Regional Plan	Additional text relating to known Māori history in the area and the expected use of the project area pre-1900
Heritage New Zealand Pouhere Taonga Act 2014	Additional text reflecting that no archeological features of Māori origin have been identified
Conclusion	Additional text to acknowledge the proposed multi-criteria analysis site selection protocol seeks to avoid heritage and archaeological features and sites of significance to iwi
<b>Updates relating to the provision of additional information relating to the nature of the proposed earthworks of the project and associated impacts on archaeological sites</b>	
<i>Assessment of Historic Heritage and Archaeological Effects</i>	

Summary of Historic Heritage Requirements under the RMA	Additional text relating to potential impacts on the scheduled Heritage Area – Royal Standard Battery
Assessment of Historic Heritage Effects and Mitigation – Wharekirauponga Underground Mine (WUG)	Additional text relating to the nature of the proposed works / disturbance, associated impact on archaeological sites, associated mitigation measures, and positive effects relating to investigation and recording to be undertaken
Assessment of Historic Heritage Effects and Mitigation – GOP	Additional text relating to the nature of the proposed works / disturbance, associated impact on archaeological sites, associated mitigation measures
Assessment of Historic Heritage Effects and Mitigation – TSF3	Additional text relating to the nature of the proposed works / disturbance, associated impact on archaeological sites, and associated mitigation measures
Assessment of Historic Heritage Effects and Mitigation – NRS	Additional text relating to the nature of the proposed works / disturbance, associated impact on archaeological sites, and associated mitigation measures
<b>Updates relating to the status of Archaeological Authority 2025/359, which has been granted since the previous lodgement of the Waihi North Project application</b>	
<i>Substantive Application Report</i>	
Approvals Required – Section 4.6	Update to reflect that an application for an Archaeological Authority from HNZPT which was being processed at the time of previous lodgement has now been granted (2025/359)
Consultation – Section 5.2.6	Update to reflect that an application for an Archaeological Authority from HNZPT which was being processed at the time of previous lodgement has now been granted (2025/359)
Assessment of Effects – Section 6.15	Update to reflect that an application for an Archaeological Authority from HNZPT which was being processed at the time of previous lodgement has now been granted (2025/359)
Management and Monitoring – Section 7.2	Additional text under the Heritage heading of Table 7-1 reflecting that an application for an Archaeological Authority from HNZPT which was being processed at the time of previous lodgement has now been granted (2025/359)

<b>Updates relating to clarification that no non-mining activities are being applied for on land identified as ineligible land in Schedule 4 of the Fast-track Approvals Act 2024</b>	
<i>Substantive Application Report</i>	
Project Description – Section 2.14	Additional text clarifying that no non-mining activities are being applied for on land identified as ineligible land in Schedule 4 of the Act
Project Description – Section 3.18.2	Additional text clarifying that no non-mining activities are being applied for on land identified as ineligible land in Schedule 4 of the Act, and the process that will be undertaken should it be determined that activities may be proposed on such land in the future
Approvals Required – Section 4.2.3	Removal of text which incorrectly made reference to approvals required as part of this application in relation to the Waihi North Biodiversity Project (noting that confirmation of the approvals required for the Waihi North Biodiversity Project will not be confirmed until a later date when the design of the Biodiversity Project has been completed)
Approvals Required – Section 4.4	Additional text clarifying that proposed activities will not include works within any areas listed in Schedule 4 of the Act
Approvals Required – Section 4.5	Additional text clarifying that proposed activities will not include works within any areas listed in Schedule 4 of the Act
Statutory Assessment – Section 8.6	Additional text clarifying that no non-mining activities are being applied for on land identified as ineligible land in Schedule 4 of the Act, and the process that will be undertaken should it be determined that activities may be proposed on such land in the future



27 February 2025

Judge Jane Borthwick  
Fast-track Panel Convener  
Rātā Chambers  
Christchurch

jane.borthwick@ratachambers.com

Dear Jane

**Fast-track Approvals Act Application – Waihi North Project**

*Introduction*

- 1 I act for Oceana Gold (New Zealand) Limited (**OceanaGold**). Pursuant to Schedule 2 of the Fast-track Approvals Act 2024 (**Act**) OceanaGold is the authorised person in relation to the Waihi North Project (**WNP**)<sup>1</sup>.
- 2 OceanaGold intends to lodge its substantive application for approvals required for the WNP with the EPA on or about 4 March 2025 and expects the application will be forwarded to you in your capacity as panel convener, once the EPA has done its completeness check under section 46 of the Act.
- 3 The WNP is a large and complex mining proposal to extend OceanaGold's existing mining operations at Waihi. The WNP requires a large number of approvals under the Act including resource consents, access arrangements under the Crown Minerals Act, a concession under the Conservation Act, and approvals under the Wildlife Act, Heritage New Zealand Pouhere Taonga Act, and Freshwater Fisheries Regulations.
- 4 The application documents are expected to comprise something in the order of 11,000 pages, including an AEE and supporting technical reports, proposed conditions, management plans, and related material.
- 5 My purpose in writing to you is to provide information to assist you in the discharge of your functions as panel convener under the Act. In particular I am conscious of your role in appointing an appropriate panel to consider and determine the application under section 50, and your discretionary power to set a timeframe within which the panel must issue its decision documents pursuant to section 79(2).
- 6 This letter has been reviewed by, and is copied to the relevant representatives of the local authorities within whose areas the primary WNP activities are proposed – the Waikato Regional Council and Hauraki District Council (**Councils**). OceanaGold has consulted with the Councils around the process requirements of the Act and how they might apply to the WNP.

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<sup>1</sup> The listing of the Waihi North Project can be found in Schedule 2 of the Act, pages 113-114

### *Timeframe for panel decisions*

- 7 I note that pursuant to section 79(1)(b) the default time limit for a panel to issue final decision documents is 30 working days from the date the panel specifies comments on the application must be received. That date must be 20 working days after the invitation to provide comments is given<sup>2</sup>. In turn, the invitation to provide comments must be made no later than 10 working days after the panel is appointed.
- 8 In order to get to final decisions on the substantive application for the WNP the appointed panel will need to:
- (a) Consider the application documents
  - (b) Consider the section 18 report<sup>3</sup>
  - (c) Consider the reports you are required to direct the EPA to obtain from DOC, and Heritage New Zealand pursuant to section 51
  - (d) Consider comments made from invited parties
  - (e) Consider any responses to those comments from the applicant
  - (f) Decide whether it will seek further information pursuant to section 67, and consider any such information provided
  - (g) Decide whether it needs to have a 'hearing', determine the nature of that hearing, give notice in accordance with section 57(3) and (4), and conduct the hearing process
  - (h) Prepare draft conditions and draft decision documents and provide these to the participants inviting comments on the draft conditions<sup>4</sup>
  - (i) Provide the applicant an opportunity to comment on the other participants' comments on the panel's draft conditions<sup>5</sup>
  - (j) Complete final deliberations, and prepare and issue final decision documents, incorporating final conditions.<sup>6</sup>

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<sup>2</sup> Section 54(1)

<sup>3</sup> Required pursuant to section 49 in relation to a listed project

<sup>4</sup> Section 70(1) and (2)

<sup>5</sup> Section 70(4)

<sup>6</sup> Section 87

- 9 In my opinion it is unrealistic to expect a panel to be able to complete the above tasks within the 60 working days default time limit specified in the Act<sup>7</sup> in relation to the WNP because of the project's scale and complexity.
- 10 OceanaGold has consulted with the Councils on this issue, and the Councils agree that the default timeframe in the Act is not realistic for the WNP. In this regard I note that the Councils have a detailed understanding of the WNP. In June 2022 applications under the RMA were lodged with the Councils for resource consents for the WNP. That application has been subject to detailed evaluation by both Councils and their technical experts leading to requests for further information covering a wide range of topics. That application has not been notified and will be withdrawn when the substantive fast-track application is accepted as complete<sup>8</sup>. The application OceanaGold will make under the Act is for substantially the same project as was applied for under the RMA in 2022, and addresses the matters raised by the Councils in their section 92 RMA requests. Technical reports responding to most of those requests have already been provided to and reviewed by the Councils and their experts. I expect that the formal comments the Councils will make on the application will be well-informed, backed by expert technical evaluation where appropriate, and very helpful to the panel. The fact that the Councils have had the opportunity to have their experts independently evaluate many aspects of the WNP, and will be able to provide informed comments is likely to obviate the need for the panel to commission additional expert advice on many topics.
- 11 I note that in relation to the setting of a different timeframe for the panel to complete its work you are required to consult with the relevant administering agencies<sup>9</sup> (in this case MBIE<sup>10</sup>, DOC<sup>11</sup>, the Ministry of Culture and Heritage<sup>12</sup>, and Heritage New Zealand Pouhere Taonga<sup>13</sup>) but there is no statutory obligation to consult with the parties that are likely to have the greatest understanding of the extent and complexity of the entire application - the applicant and Councils.
- 12 After consulting with Councils OceanaGold respectfully suggests that giving the panel an additional 30 – 45 working days to issue its decisions (i.e., decisions must be issued within 60 – 75 working days after the date specified for receiving comments under section 53) would seem appropriate. This would strike a better balance between the Act's procedural principles which emphasise the importance of prompt and timely actions<sup>14</sup>, and the need to provide adequate time for the panel to ensure that any approvals it grants are subject to appropriate and workable

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<sup>7</sup> 10 working days from panel appointment until invitations to provide comments must be issued (s53(1)) + 20 working days for comments (s54(1)) + 30 working days to issue decisions (s79(1)(b)) = 60 working days

<sup>8</sup> Section 94

<sup>9</sup> Section 79(2)(c)

<sup>10</sup> Administering agency for the Crown Minerals Act

<sup>11</sup> Administering agency for the Conservation and Wildlife Acts, and in relation to the Crown Minerals Act pursuant to section 4(1)(b)(iii)(A) of the Act

<sup>12</sup> Administering agency for the Heritage New Zealand Pouhere Taonga Act

<sup>13</sup> Pursuant to section 4(1)(b)(i) of the Act

<sup>14</sup> Section 10

conditions that will achieve their intended outcome while facilitating the delivery of projects in accordance with the Act's purpose<sup>15</sup>.

- 13 In proposing such a timeframe for your consideration OceanaGold and the Councils have assumed that the panel will adopt collaborative workshopping aimed to facilitate resolution of any issues around the most appropriate conditions to attach to the various approvals rather than a more traditional formal 'hearing' processes. While it is a matter for the panel to set its own processes, it is OceanaGold's view that in the WNP context a traditional 'hearing' approach seems poorly-suited to the Act's requirements and expected outcomes. It was certainly my experience under the previous COVID-19 fast-track legislation that adopting a rigid and formal approach to engaging with the participants during the limited time available did not assist a panel to understand the details of a novel project nor to arrive at the best possible set of conditions to attach to the approvals being sought.
- 14 OceanaGold has consulted with MBIE and DOC in relation to the question of an appropriate timeframe for the panel to complete its work but has not had any indication of their respective positions other than an initial acknowledgement that the default decision-making timeframe will not be adequate and that the suggested timeframe set out above appears aligned with their thinking.

#### *Panel appointment*

- 15 I note that the Act specifies no timeframe within which you must appoint a panel under section 50, subject to the general procedural principles in section 10. While I understand the practical reasons for this, OceanaGold hopes that by providing early notice of its pending application progress on identifying appropriate panel members and confirming their availability can begin ahead of the application being lodged and accepted as complete by the EPA, with a view to the panel being appointed in April.
- 16 I understand the Councils are advancing their consideration of a suitable nominee for appointment to the panel<sup>16</sup>. I understand the Councils have approached Mr Rob van Voorthuysen who has indicated his availability for appointment on the basis that a panel appointment occurs in April<sup>17</sup> and the panel has an extended timeframe to complete its work generally as described above. This would align well with Mr Voorthuysen's other commitments. As you will be aware Mr van Voorthuysen is a vastly experienced planning Commissioner. He holds the MFE "Making Good Decisions" certificate with Chair endorsement and has knowledge of relevant and comparable complex mining developments<sup>18</sup>. It is the view of the Councils that Mr van Voorthuysen would be a suitable person to chair the panel.
- 17 OceanaGold and the Councils' view is that in addition to an appropriately qualified and experienced chairperson, and the mandatory requirement that the panel have at least 1 member

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<sup>15</sup> Section 3

<sup>16</sup> Schedule 3, clause 3(3)

<sup>17</sup> Noting that the appointment of the panel effectively starts the clock with mandatory timeframes set out for invitations to provide comments and receipt of those comments, followed by the default 30 working days to issue decisions or such longer period as you may set under section 79. Mr van Voorthuysen has indicated good availability from July to undertake substantive consideration of the application, and this aligns well with a panel appointment in April, and completion of the necessary reports and written comment processes that will precede substantive consideration by the panel

<sup>18</sup> Schedule 3, clause 4(1)

with an understanding of te ao Māori and Māori development<sup>19</sup> the panel should also include individuals with knowledge and experience in civil (or mine) engineering and large scale biodiversity management associated with development projects (planting, pest control, and management of freshwater values).

18 Regardless of the makeup of the panel, the scale and complexity of the WNP are such that an early opportunity for the applicant to meet with the panel to provide an overview of the project and to answer any initial questions the panel may have would be valuable.

19 I am happy to discuss any matters raised in this letter with you.

Yours faithfully



**Stephen Christensen**

Project Barrister

P 027 448 2325

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Cc Waikato Regional Council – Sheryl Roa

Hauraki District Council – Leigh Robcke and Andrew Green (counsel)

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<sup>19</sup> Schedule 3, clause 7(1)(b)