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Fast Track Panel

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Tēnā koutou

**Proposed Consent for Waihi North Project – Comments on Decision and Draft Conditions**

1. We write on behalf of our client, Ngāti Tara Tokanui Trust who represent the people of Ngāti Tara Tokanui/Ngāti Koi (NTTNK) in relation to OceanaGold's Fast Track Proposal for the Waihi North Project (the Application).
2. This letter responds to the request of the Panel inviting comments on its draft decision (Decision) and consent conditions in relation to the Application.

**Fundamental Objection and Disappointment**

3. NTTNK expresses utter disappointment with both documents. The draft decision and conditions not only fail to uphold the distinct status and voice of NTTNK as tangata whenua, but also actively dilute it. They represent a systemic failure by disregarding NTTNK rights and obligations at tikanga, Te Tiriti o Waitangi and the existing Partnership Agreements obligations with OceanaGold.
4. NTTNK strongly opposes the Application and draft documents in their current form. They seek that the Panel give proper and substantive regard to the extensive evidence and kōrero already provided by NTTNK, and ensure their distinct interests are properly recognised, actively protected and provided for in the Decision and conditions of consent, should the Application proceed.
5. NTTNK do not intend to repeat the detailed reasoning already expressed through previous correspondence and at hui. However, they wish to take this opportunity to reiterate the fundamental elements underpinning their position.

**NTTNK Position**

6. NTTNK's position has been clearly articulated and is not intended to exclude or silence other iwi voices.
7. The Panel's Draft Decision fails to have proper regard to whakapapa, rangatiratanga, and the legal recognition of NTTNK's unique and distinct mana whenua interests. NTTNK have actively engaged in good faith, providing extensive input, including sharing precious kōrero tuku iho as taonga to assist the Panel's decision making.
8. The draft Decision and conditions perpetuate invisibility of NTTNK through the alarming lack of reference not just to them, but Māori and iwi in general. Further, they demonstrably fail to give proper regard to and actively protect NTTNK's enduring relationship and intrinsic connection to Waihi, as their tupuna. This omission fundamentally undermines Treaty settlement obligations, including NTTNK ability to exercise their kaitiakitanga and rangatiratanga.

## Panel Draft Decision

9. Without repeating all outcomes sought by NTTNK (as detailed in their Submission), NTTNK reiterate that:

- (a) NTTNK are the tangata whenua within Waihi and maintain a deep whakapapa relationship founded on mana and kaitiakitanga that has existed since time immemorial.<sup>1</sup>
- (b) NTTNK is a member of the Hauraki Collective and will receive collective redress through the Pare Hauraki Collective Redress Deed.
- (c) On 29 June 2011, the Crown recognised the mandate of the NTTNK negotiators to pursue a comprehensive settlement of the historical Treaty claims. On 22 July 2011, the mandated negotiators and the Crown entered an agreement-in-principle equivalent. On 1 June 2017, NTTNK and the Crown initialled a Deed of Settlement which is now in its final stages at the Third reading. NTTNK are confident the Deed will pass with its current terms.
- (d) NTTNK Deed of Settlement formally acknowledges their mana whenua and their unique relationship, including:
- (e) Statutory Acknowledgement of the Ngāti Koi Domain, home of Ngāmarama settlements for a millennium, is now buried. Urupā, wāhi tapu, pā kāinga, and mahinga kai sites have been obliterated or severely degraded as a result of environmental degradation, severing cultural whakapapa connection preventing kaitiakitanga (stewardship) to care for this land.<sup>2</sup>
- (f) Return of Motukehu in Fee Simple under the Ngāti Tara Tokanui Treaty settlement negotiations. In practical terms, this restricts the use and control of the Domain by NTTNK. Restrictions include impacts on ceremonies, restoration, and risks contamination (dust, water runoff – subsidence). For example, the repo and wetland face irreversible loss due to environmental degradation.<sup>3</sup>
- (g) Acknowledgements of association with Ruahorehore, Waione Awa, Motukehu, the bend in the Ohinemuri. These sites are now altered. Ruahorehore, once a sacred stream, has been repurposed to divert 'vagrant' streamlets for TS3 stability. Its failure could trigger catastrophic dam collapse. Motukehu (225m) will be dwarfed by tailings dams, forever recontextualised by industrialisation.<sup>4</sup>

## Fundamental Flaws in Draft Conditions

### *IAG as a fundamentally flawed framework*

10. The Iwi Advisory Group (**IAG**) is a fundamentally flawed framework. As the Decision notes, the IAG has caused widespread frustration for Iwi/Hapū who desire meaningful and ongoing consultation. It operates as a default engagement mechanism that silences the distinct interests, rights and kaitiakitanga responsibilities of NTTNK.

### *Partnership Engagement Group is a vague, underdeveloped and unworkable model*

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<sup>1</sup> Ngāti Tara Tokanui Fast Track Comments dated 25 August 2025 at [1].

<sup>2</sup> Ngāti Tara Tokanui Fast Track Comments dated 25 August 2025 at 5(a).

<sup>3</sup> Ngāti Tara Tokanui Fast Track Comments dated 25 August 2025 at 5(b).

<sup>4</sup> Ngāti Tara Tokanui Fast Track Comments dated 25 August 2025 at 5(c).

11. The Partnership Engagement Group (**PEG**) is a vague, underdeveloped and unworkable model. It lacks clarity and certainty required to address NTTNK concerns. The Conditions stipulate that the consent of all IAG members is needed to establish a PEG, which is practically problematic given the current inadequacies of the IAG and will be difficult to achieve in practice. Its formation hinges on the consensus of a dysfunctional IAG, making it practically unachievable and provides no certainty or clarity on how NTTNK's unique rights and obligations will be acknowledged, balanced or given effect.

#### *Failure in upholding Rangatiratanga and a Genuine Partnership*

12. Rangatiratanga ensures that mana whenua have a meaningful role in decision-making processes that affect their whenua and taonga. Upholding rangatiratanga is essential not only for honouring Te Tiriti obligations, but also for ensuring that the unique relationships, responsibilities, and rights of mana whenua are respected and provided for.
13. While the conditions anticipate the ability of Iwi to have distinct relationships with the Consent Holder, it is unclear what this means practically given the IAG (or PEG) role in the input and consultation for various management and technical plans. Any management plans for the project require NTTNK direct involvement outside of any IAG or PEG framework. An independent facilitator is simply not appropriate or sufficient in addressing the deep-seated flaws inherent in the IAG.

#### **Required path forward and non-negotiable elements**

14. The future engagement and consent processes must move beyond the limitations of the 2013 Environment Court framework which resulted in the IAG construct.
15. Any grant of consent must be conditional upon a fundamentally restructured engagement and management framework, including:
  - (a) The formal recognition and establishment of a direct, tiered partnership mechanism between NTTNK and the Consent Holder, separate from and operating in parallel to any collective forum.
  - (b) The codification of this partnership in a publicly notified NTTNK OG Management Plan, as discussed in recent hui. This plan would detail high-level activities, monitoring protocols, and joint governance, and would be a condition of consent, auditable and enforceable by the consent authority.
  - (c) Explicit clauses guaranteeing NTTNK decision-making roles (not just input) in the development, approval, and monitoring of all management plans, cultural impact assessments, and environmental protection measures within their rohe.
  - (d) Clear and enforceable accountability mechanisms to the consent authority (WRC) to ensure these distinct partnership obligations are met.

#### **Concluding remarks**

16. NTTNK stands firm in its opposition to the Application under the proposed conditions which demand the attention of the Panel and the need for remedy and mitigation. Should these issues not be addressed, the Panel should decline to accept the Application.
17. NTTNK call on the Panel to honour its Te Tiriti obligations and the principles of natural justice. The decision must be reconsidered, and the conditions must be radically strengthened to actively protect, recognise, and provide for the kaitiakitanga and rangatiratanga of NTTNK. Their voice, status, and responsibilities cannot be relegated to a generic advisory group.

18. NTTNK expect a substantive response and the opportunity to discuss these critical matters further before any final determination is made.

Ngā mihi



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