

## Ngāti Pū Template: Response to Fast Track Draft Decisions & Conditions

### Your Comment on the Waihi North draft conditions

Please include all the contact details listed below with your comments and indicate whether you can receive further communications from us by email to [Substantive@fasttrack.govt.nz](mailto:Substantive@fasttrack.govt.nz).

• Contact Details		
Please ensure that you have authority to comment on the application on behalf of those named on this form.		
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## **Preamble and Position**

Ngāti Pū submits under section 70 of the Fast-track Approvals Act 2024 (FTAA) and requests that the Expert Panel decline all approvals for the Waihi North Project (WNP). Our stance is pro-taiao: the proposed activities present unacceptable and irreversible cultural and environmental harm to Wharekirauponga, associated wai and whenua, underground hydrological systems, and taonga species, which are not avoided nor adequately mitigated or offset under the current draft conditions.

Critically, the Panel has actively undermined the ability of Ngāti Pū to prepare this submission. Following the substantive questions meeting held on 5 November 2025, Ngāti Pū was assured that minutes and formal responses would be provided. Despite follow-up requests, the Panel's responses were only issued on Friday, 28 November 2025. This constitutes a clear and material breach of procedural fairness, as the truncated timeframe of just five days before the deadline of 4 December failed to allow for meaningful consultation. Consultation has been a tick box exercise.

## **Ngāti Pū Mana Whenua and Procedural Failures**

Ngāti Pū holds distinct mana whenua authority through whakapapa and Māori Freehold Land ownership, independent of the Pare Hauraki Collective Redress Deed. Failure to recognise this breaches Te Tiriti o Waitangi (Article 2) and FTAA s43(1)(b). Moreover, delayed responses and the absence of meaningful engagement constitute breaches of natural justice and FTAA s18, undermining the integrity of the Panel's assessment of effects and consultation.

Ngāti Pū holds the mana and responsibility for the protection of the land, and this submission demands that the Expert Panel respects the distinct mana whenua authority of Ngāti Pū in its final determination.

## **Governance Imbalance and Absence of Iwi Voice**

The draft decision and associated commentary emphasise the partnership between OceanaGold and District Councils, yet fail to embed iwi authority and voice in governance structures. This imbalance breaches Te Tiriti o Waitangi (Article 2) and section 43(1)(b) of the Fast-track Approvals Act 2024, which

require active protection of tino rangatiratanga and meaningful participation.

Ngāti Pū demands inclusion in co-governance mechanisms and binding powers equal to or greater than those afforded to councils. Without these, iwi input risks being tokenistic, undermining natural justice and the principles of partnership.

Judicial precedent, including *Trans-Tasman Resources Ltd v Taranaki-Manawatu Conservation Board* (2020), confirms that cultural values and mana whenua rights can outweigh economic benefits. The current governance model prioritizes corporate and local government interests over tikanga and kaitiakitanga, which is inconsistent with statutory and Treaty obligations.

## **Primary Relief**

Decline all approvals under FTAA s42(4) and s85(1)(b) given the significant and uncertain adverse effects on taiao and tikanga.

The Panel's approach to the Tailings Storage Facility (TSF3) is inadequate. The threat of a catastrophic release of cyanide and heavy metal-laden waste into the environment is a sufficiently significant adverse effect that demands the project's rejection under FTA Act section 85(1)(b). The Panel has failed to impose conditions that adequately manage this risk, as required by FTA Act section 83, and its responses show an unwillingness to guarantee perpetual accountability.

The mining of the Wharekirauponga ore deposit constitutes an irreversible violation of the mauri (life force) of the land, a taonga requiring protection under Te Tiriti o Waitangi (Article 2) and RMA Section 6(e). The alleged economic benefits are temporary and do not compensate for the permanent spiritual, cultural, and environmental damage inflicted.

## **Overarching Legal & Process Points**

- FTAA weighting does not override environmental limits: it is lawful to decline where adverse effects are significant and uncertain.
- Uncertainty and unlawful delegation: essential protections are deferred to future management plans; safeguards must be embedded as hard, measurable conditions now.
- Scope and scale: the underground mine, TSF3, Northern Rock Stack, and processing upgrades extend mine life and cumulative impacts to at least 2040; offsets cannot neutralise permanent geological disturbance nor cultural harm.

## **Non-negotiable Amendments to Draft Conditions (if approvals granted)**

- Remove provisions allowing unilateral variations by the Consent Holder or Councils.
- Establish an Ngāti Pū-led Kaitiaki Panel with binding certification powers, independent auditing, and public reporting.
- Hard, measurable limits (vibration, dewatering, hydrology, fisheries) with automatic cease-work triggers and transparent telemetry.
- Prohibition zones within conservation land and sensitive cultural landscapes, including areas of frog habitat and wāhi tapu.
- Perpetual accountability: rehabilitation bonds calibrated to worst-case risk and maintained until verified ecological recovery.

## **Conclusion and Requested Outcomes**

Primary relief: Decline all approvals under FTAA s42(4) and s85(1)(b). Additional Reason for Relief: The governance imbalance—where OceanaGold and District Councils dominate decision-making—must be corrected by embedding iwi authority. Failure to do so breaches Te Tiriti and FTAA obligations and justifies declining all approvals or imposing binding co-governance conditions. Alternative relief: If any approvals are granted, adopt all non-negotiable conditions set out above to ensure robust protection mechanisms for taiao and Ngāti Pū, give effect to kaitiakitanga and tikanga, and uphold Te Tiriti obligations.