



NGĀTI POROU KI HAURAKI

**Ngāti Porou ki Hauraki**

[www.npkhrunanga.com](http://www.npkhrunanga.com)

# Ngāti Porou ki Hauraki Comments on Waihī North FTAA Application

FTAA-2501-1046 Due: 25.08.25

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# 1.0 Executive Summary

1. Ngāti Porou ki Hauraki (NPkH) is opposed to the Waihi North Fast-Track Approvals Act application from Oceana Gold New Zealand Ltd (OGNZL) and we think there are compelling reasons why the Panel should decline the approvals sought.

## **Ineligible and incompatible activities**

2. The panel is required to decline an application if it is for an ineligible activity. It is unclear from the maps provided whether the application is in fact ineligible as it may be restricted by Section 61(1A) of the Crown Minerals Act 1991 (Crown Minerals Act) or within an area for which a permit cannot be granted under that Act.
3. The panel must decline an application for an access arrangement if giving effect to an access arrangement or variation would result in conferral of an interest in land that is incompatible with an existing interest in land. The project is completely incompatible with our interests in the land the project will be situated on, and with our interests in land that is adjacent to or will be affected by the project (including land we currently own and land that will be transferred to us when our Treaty settlement is completed).

## **Potential significant adverse effects and overstated claimed benefits**

4. The project will potentially have significant adverse cultural, environmental, economic and social impacts on us, te taiao, and the local community. The supposed regional and national benefits appear overstated – and to the extent they do eventuate, will primarily flow overseas.

## **Information gaps and procedural flaws**

5. There have been significant process flaws that mean the application material does not reflect our cultural values and does not assess the effects or impacts of the projects on us. Importantly, we as an iwi authority and mana whenua have not been consulted or engaged with at all for this specific project under the Fast-track Approvals Act 2024 (FTAA). Previous engagement under a different legislative regime and for a different purpose cannot be used as a substitute for engagement on the current proposal. We have been incorrectly not identified as an iwi authority and not notified of the application, nor were we invited to the convenor's conference.
  6. This lack of engagement and the other significant process flaws means:
    - 6.1. The project has not appropriately or meaningfully considered or accounted for NPkH values, interests, culture, world view or the impacts on these matters.
    - 6.2. The application lacks an integrated assessment of cumulative effects. By addressing impacts in isolation, it fails to provide a comprehensive picture of the overall and long-term implications, specifically in terms of water and vegetation loss. Presenting the effects in isolation is inconsistent with a Māori worldview that recognises the interconnectedness of land, water, and life. Without a holistic overview, it is not possible to understand the true extent of the impact.
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- 6.3. The effects assessment adopts a technical lens that presumes certain impacts – such as the loss of minor hydrological features – are negligible. However, this overlooks the cultural significance of these features, particularly where they contribute to the mauri of the landscape or support taonga species. What is described as a minor impact may in fact be culturally unacceptable.
  - 6.4. There is much uncertainty relating to the environmental effects of the activities, which will be left to monitoring and compliance, for example, the dewatering effects associated with the Wharekirauponga underground mine (WUG) will not be known until activities commence.
  - 6.5. No noise or vibration studies have been conducted from our Mataora block which is adjacent to the subject site. The cumulative effects of noise or vibration are concerning particularly given the construction phase of the proposal is stated to last up to 13 years.
  7. In addition, the application has not adequately demonstrated what benefits have been realised locally from existing operations. Nor have they addressed the impact of the proposal on the housing and economy in Waihi.
  8. These flaws mean that, in our view, the application should never have been assessed as complete as it did not comply with the requirements of the FTAA, and the assessment of environment effects and technical reports provided by the applicant cannot be relied upon as accurate nor as being reflective of an assessment of cultural impacts.
  9. Given the above, we consider the application must be declined.
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## 2.0 Introduction

10. This document sets out the comments of NPkH on OGNZL's application called 'Waihi North Project' under the FTAA. NPkH were invited to comment under s.53 of the FTAA by the appointed Expert Panel through Minute 1 issued on 28 July 2025.
11. The comments of NPkH cover specific matters of concern to us including the access arrangements, the adverse cultural effects, adverse effects on Water, adverse effects from Noise and Vibration, adverse effects on Taonga Species, Wāhi Tapu and the economic and social impacts. We also cover our concerns with the application assessments. We go on to outline why the adverse effects are sufficiently significant to be out of proportion to the project's supposed regional or national benefits and why we seek for the application to be declined. We also provide some commentary on additional assessments and conditions we would like to see in the proposal if contrary to our submission the Panel considered it appropriate to grant the application.
12. Appendix 1 provides a summary of our connection to the area and our background as an iwi authority and mana whenua of Hauraki. Appendix 2 provides a summary of our experience with the applicant and this FTAA process.

## 3.0 Assessment

### 3.1 Procedural Concerns

#### **Lack of consultation by OGNZL**

13. NPkH has not been engaged with by OGNZL in relation to this project under the FTAA.
  14. Any feedback by NPkH on previous applications or processes related to OGNZL activities cannot be used as a substitute for engagement on the current proposal. Reliance cannot be placed on previous cultural input (to the extent there was any) given the change in legislative framework and changes to the application material. In any event, there has been no substantive consultation since December 2022 when NPkH terminated their relationship with OGNZL due to a lack of direct engagement and transparency from OGNZL (as noted in Appendix 2 to these comments).
  15. This has resulted in:
    - 15.1. NPkH not being invited to any hui or other form of engagement regarding the current proposal and FTAA application;
    - 15.2. NPkH have not been given an opportunity to provide a CIA on this proposal, which they wish to do; and
    - 15.3. OGNZL not complying with the commitment in s.11(1) of the FTAA which requires that:
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*11(1) Before lodging a referral application, the applicant must consult any relevant iwi authorities, hapū, and Treaty settlement entities.*

16. OGNZL seek to justify their lack of engagement on their mistaken belief that “Ngāti Porou ki Hauraki’s formal interests do not include the area of the WNP”.<sup>1</sup> This is incorrect as demonstrated by the information regarding NPkH’s interests and rohe set out in Appendix 2.

#### **Failure of FTAA process to recognise NPkH as relevant iwi**

17. In addition, NPkH has not been identified as a relevant iwi and Te Rūnanga o Ngāti Porou ki Hauraki (NPkH’s mandated representative body) has (incorrectly) not been identified as an iwi authority or a treaty settlement entity by the Ministry for the Environment in its s.18 report to the Panel, and in the request to provide comments on this application.
18. However, NPkH are a relevant iwi authority under (s.11(1)(b)) being part of the 12 Iwi of Hauraki that make up the Pare Hauraki Collective. NPkH also have a signed Agreement in Principle (AIP) with the Crown (as noted in Appendix 2). Under s.18(2(d) of the FTAA the Ministry was required to include in its report any recognised negotiation mandates or current negotiations that relate to the project area.
19. This error has resulted in:
- 19.1. the Environmental Protection Authority’s completeness report failing to recognise that NPkH had not been consulted and no cultural impact assessment has been provided;
  - 19.2. NPkH not being notified of the application and not being invited to the Panel Convenor’s conference;
  - 19.3. NPkH receiving an invitation to comment from the Panel on the basis of an ‘other’ interested party, not as tangata whenua holding mana whenua in the area.

## **3.2 Assessment Approach**

20. We have serious concerns about the assessment approach and the significant gaps in OGNZL’s application. These concerns are discussed in more detail below but include:
- 20.1. OGNZL have not explained how the proposal is consistent with Treaty Settlements or Deeds, specifically against the Pare Hauraki Collective deed.
  - 20.2. OGNZL have not sufficiently demonstrated that the project does not involve any ineligible activities as per s.43(1)(c), including meeting s.61(1A) of the Crown Minerals Act, or meets the criteria in meet the criteria in cls.7(2) or 8(2) of Schedule 11 of the FTAA.
  - 20.3. There are significant gaps in the Assessment of Environmental Effects (AEE) meaning the application does not include all the information required under cls.5 to 9 of Schedule 5 of the FTAA.
21. We also tautoko the concerns raised by the Department of Conservation (DOC) at the Panel convenor

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<sup>1</sup> OGNZL Application, Consultation and Engagement report, at 5.3.7.

conference on 11 June 2025<sup>2</sup> who stated the complexity of the application is not just about the volume of approvals and potential conditions but also about the novel approaches to mining in an area where that mining has not been happening. We have significant concerns about the proposed activities and the uncertainties involved in the assessment of effects given these novel approaches. We question the basis on which the level of effects have been assessed by OGNZL and their experts as 'low' when the use of such novel approaches in a new area means there is a high degree of uncertainty around the resultant level the effects. As a result, a precautionary approach should be applied.

## 3.2 Ineligible and Incompatible Activities

22. The Panel must decline an approval if "the approval is for an ineligible activity" (s.85(1)(b)). The Panel must also decline a Crown Minerals Act access arrangement if the approval "must be declined under cl.7(2) or 8(2) of Schedule 11" (s.85(1)(g)).
23. The Panel may decline an approval if they form the view that there are 1 or more adverse impacts in relation to the approval and those impacts are "sufficiently significant to be out of proportion to the project's regional or national benefits" after taking account of any conditions or modifications (s.85(3)).
24. An ineligible activity includes an activity that would require an access arrangement under s.61 or 61B of the Crown Minerals Act that could not be granted an access arrangement because of section 61(1A) of that Act or would occur in an area for which a permit cannot be granted under that Act.
25. Whilst the AEE states that the application is not restricted by s.61(1A) of the Crown Minerals Act and nor is it within an area for which a permit cannot be granted under that Act,<sup>3</sup> this is not entirely clear from the maps provided with the application. We recommend the Panel inquire into this to make sure the project is not in fact ineligible.
26. The project also must be declined if it doesn't meet the criteria in cls.7(2) or 8(2) of Schedule 11 of the FTAA. Under cls.7 (2)(b) and 8 (2)(b) the Panel must decline the approval if "giving effect to the access arrangement or variation to the access arrangement would result in the conferral of an interest in land that is incompatible with an existing interest in land".
27. As is discussed throughout these written comments, and as we have brought to the attention of OGNZL on numerous occasions, the Waihi North project is fundamentally incompatible with the interests of NPkH, including our interests in ancestral whenua the project is the proposed to access, occupy and mine and our interests in land (including land we own currently and land we will own following our Treaty settlement) that is adjacent to or will be impacted by the project. Therefore, the project must be declined on this basis.
28. Additionally, the Panel should decline the access arrangement approvals, and as is argued below, the project as a whole, on the basis that the adverse impacts that would occur to the taiao and the

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<sup>2</sup> <https://www.fasttrack.govt.nz/projects/waihi-north/conferences,-workshops-and-hearings> , around the 30 min mark

<sup>3</sup> See section 8.6 of the application, pg.11 of [https://www.fasttrack.govt.nz/\\_data/assets/pdf\\_file/0014/4073/A.11-Substantive-Application-Report-Fast-track-Approvals-Act-2024-Requirements.pdf](https://www.fasttrack.govt.nz/_data/assets/pdf_file/0014/4073/A.11-Substantive-Application-Report-Fast-track-Approvals-Act-2024-Requirements.pdf)

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economic, social and cultural wellbeing of NPkH completely outweigh any supposed regional or national benefits, , with the majority of the benefits being profits for overseas based shareholders of OceanaGold (of which OGNZL is a wholly-owned subsidiary).

### 3.3 Adverse Effects

29. Under the FTAA, a substantive application must comply with the requirements that apply to the approvals sought (as stated in s.43(1)(e)(ii)) and must be specified in sufficient detail to satisfy the purpose for which it is required (as stated in s.44). The information required in a consent application, AEE and application under freshwater fisheries is detailed in Schedule 5 of the FTAA ss.5-9. The AEE provided by OGNZL has significant gaps. Due to the limited time available to comment (due to the lack of consultation, as discussed in Appendix 2), we have focused on key issues, but we expect that there are more issues than those identified below. We recommend that the panel make a careful assessment of the application against all the requirements of the FTAA, so that all of the gaps are appropriately identified and weighed in the Panel's decision.

#### 3.3.1 Cultural effects

30. We are concerned that the volume of western and technical assessments from the applicant is not balanced with mātauranga or cultural values assessments. There is no evidence of meaningful measures of our values, or use of mātauranga Māori tools. We are also concerned that any CIAs provided, and previous engagement was done under a different legislative framework and prior to the finalisation of this proposal and thus cannot be relied upon as acceptable engagement. NPkH are aware of only three CIA's being provided according to page 513 of the AEE – none of which involved NPkH.
31. As acknowledged by OGNZL in the AEE, only iwi have the ability to determine how the project affects their respective interests. OGNZL have not engaged with NPkH to seek information about how the project affects NPkH and therefore have not considered any cultural effects on NPkH.
32. Until a cultural impacts assessment (CIA) is undertaken by NPkH and taken into account by the panel, the cultural effects assessment for this project must be considered incomplete.
33. There is insufficient time for a CIA to be commissioned and undertaken within the timeframe allocated to comments. However, if agreement were reached on commissioning a CIA, it would not take long to complete (potentially no more than 10 working days). To allow time for agreement to be reached on commissioning a CIA, for the CIA to be undertaken, and for OGNZL to consider the CIA, we suggest that OGNZL suspend their application. Without a CIA from NPkH the application is incomplete and should be refused.

#### 3.3.2 Wai Effects

34. The mauri of water is a taonga in its own right. Where the mauri of water is diminished so too is the wellbeing of our people, ecosystems and whakapapa. Any modification, discharge or take must be carefully assessed for its effect on that mauri. We are concerned that dewatering or contamination,
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especially in tributaries of Ohinemuri River which commences from puna on NPkH whenua and is joined by other tributaries into the Karangahake catchment, have not been adequately assessed. The proposal risks degrading freshwater values and traditional uses (including kai gathering), not adhering to tikanga and impacting connection to tīpuna.

35. NPkH is concerned with the framing of the proposal which dismisses our worldview and tikanga. Wai is not just a resource but a living entity, a taonga and a part of our whakapapa. The health of wai is intrinsically linked to the health of our people. These connections establish our duty of care, our responsibility as kaitiaki over every stream, puna, wetland and river within our rohe. NPkH has a specific connection to many of the awa within the project site, including Ohinemuri River which begins in the hills at the western boundary of the Mataora block. The source of that river is impacted by this proposal.

**General concerns:**

36. We are concerned that we have not been given the opportunity to adequately assess the effects of the proposal on our wai. Particularly given the large number of technical reports, jargon, and lack of time to input into this process. The application includes eight management plans relating to water and around 13 technical reports informing the AEE. None of the application material incorporates our cultural assessment, and thus our views as mana whenua has not been considered or engaged with meaningfully or appropriately by the applicant.
37. We are concerned that the assessment of the water-related effects within in the AEE is unclear and lacks sufficient contextualisation. NPkH holds particular concerns around the potential dewatering effects on Ohinemuri River and the potential impact on our puna. Our puna is a taonga, holding deep spiritual, cultural, and practical significance, acting as a source of fresh water, food, and medicinal resources. It is difficult to interpret the location and extent of the relevant catchments as there is insufficient information to understand the interconnections between different parts of the freshwater system. The absence of catchment mapping makes it impossible to assess how effects on one part of a stream may influence downstream environments or the wider catchment. This fragmented approach to assessing water impacts is inconsistent with our worldview, which recognises the holistic and interconnectedness of wai. Without clear mapping and contextual analysis, the report fails to demonstrate how the mauri of the water body will be protected or restored, our how our relationships to freshwater taonga will be recognised and provided for as required by s.6(e) of the RMA (which is a matter the Panel must consider under cl.17 (1)(b) of Schedule 5 of the FTAA).
38. The AEE notes that natural and clean water will be diverted away from areas disturbed by mining activities, where practicable, in order to reduce the volumes of water affected by activities. We believe a CIA would be needed here to investigate the values of any stream diversions. We are also concerned with the potential mixing of catchments and water when it is funnelled across collection facilities and treatment areas.
39. In terms of the relevance of assessing our concerns via reasons for consent, it should be noted that under the Waikato Regional Plan, OGNZL is seeking 85 separate consents relating to water (water
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permits, discharge permits, land use consents), and under the National Environmental Standards for Freshwater (NES-FW) they are seeking 11 different consents. We seek that the Panel gives full and proper consideration to Part 2 of the RMA as required by cl.17(1)(b) of Schedule 5 of the FTAA.

**Specific concerns by location:**

40. Area 1 –

- 40.1. We question the validity of the conclusion that the potential dewatering effects associated with the WUG dual tunnel construction on streams and springs is considered to be less than minor in the AEE when no further evidence is provided in this section.
- 40.2. The AEE states that the dewatering effects associated with the WUG, specifically the link between deep, shallow and surface waters, will not be known until the activities commence. NPkH is concerned about this uncertainty given the WUG is the key activity and purpose of the project. Further to this, the AEE does not outline what contingency is in place if the effects are found to be substantial.
- 40.3. The Mean Annual Low Flow (MALF) effects on Wharekirauponga sub-catchment (figure 6-8 of the AEE) does not show where the map area is in relation to the wider environment nor the project footprint.
- 40.4. Similarly, the eight wetlands identified as having a higher susceptibility to effects if there is a linkage between deep and shallow groundwater systems from is identified as a list and map (figure 6-10). This is difficult to read and provides no greater context to orientate the view to the wider environment, catchments or project footprint. It is not possible to determine how the potential impacts on these wetlands may result in cultural or environmental harm when no further context is provided in the AEE.
- 40.5. The AEE states that the wetland extents are not anticipated to change even if lowering of shallow groundwater levels were to occur. To demonstrate the effects are acceptable the AEE states “the soil saturation is expected to remain high enough for the wetlands to still be considered wetlands under the wetland criteria”. NPkH finds this assertion troubling as it infers that meeting the minimum criteria of being a wetland is an adequate result. We believe further information should be sought to determine the health and function of the wetland as well as a mauri and cultural values associated with it and mitigations should be applied to retain and enhance this.

41. Area 5 –

- 41.1. In regard to changes to the Ohinemuri River water quality being measured against existing receiving water quality criteria, we seek that the panel look carefully into the potential environmental outcomes when measuring against these criteria and seek outcomes that positively impact the Ohinemuri River. In other words, an outcome that goes above retaining and aims to enhance the current state of the river. This would better promote sustainable management and more appropriately recognise and provide for NPkH’s relationship with the river.
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42. Water Treatment Plant –

Similar to the above, the AEE states that there is no evidence that the OGNZL activities have caused any detrimental effects to the ecological value of the Ohinemuri River. The absence of evidence is not evidence of a lack of effects – particularly where, as here, OGNZL has previously been subject to limited monitoring and reporting requirements. We request the panel investigate this claim in the context of the river’s quality historically including in the 1950’s when it was described as ‘essentially a dead river’.<sup>4</sup>

43. Willows SFA –

43.1. We are concerned with the cultural effects on wetlands in the project area, particularly the Willows Road Farm wetland which contains two mature Swamp Maire trees which are classified as ‘Threatened – Nationally Critical’.

43.2. We are concerned that some seepage from the Willows Rock Stack (WRS) will be allowed to enter the Mataura Stream. We believe no seepage should be allowed to occur given the cumulative effects of the entire project. All potential mitigations should be in place, and avoidance should be prioritised in all circumstances.

43.3. The AEE states that on remediation of the site ‘it is expected that the natural flow pathways will be restored’. We seek that the restoration of natural flow pathways is a requirement, rather than expectation and should be woven into the conditions and closure plan of the project.

### 3.3.3 Noise and vibration

44. Excessive noise and vibration have a cumulative effect on both people, place and te taiao. From a cultural perspective we have concerns about the project’s effects relating to noise and vibration.

*Note: Ecological effects from noise and vibration are included in this section although the effects would also fall under the taonga species section of this report.*

**Construction noise:**

45. We note that the assessment of any construction phase activities should be viewed in the context of the below chart, in that construction of at least some of the project activities are expected to last for 13 years, which is more than half the life of the project, meaning the adverse effects relating to the construction phase are in effect experienced for a significant period of time, comparable to that of the

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<sup>4</sup> [Waihi North Project: Freshwater Ecological Assessment](#) (section 3.1.3).

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operational aspects.

Table 2-1: Anticipated Sequencing of the Waihi North Project Activities

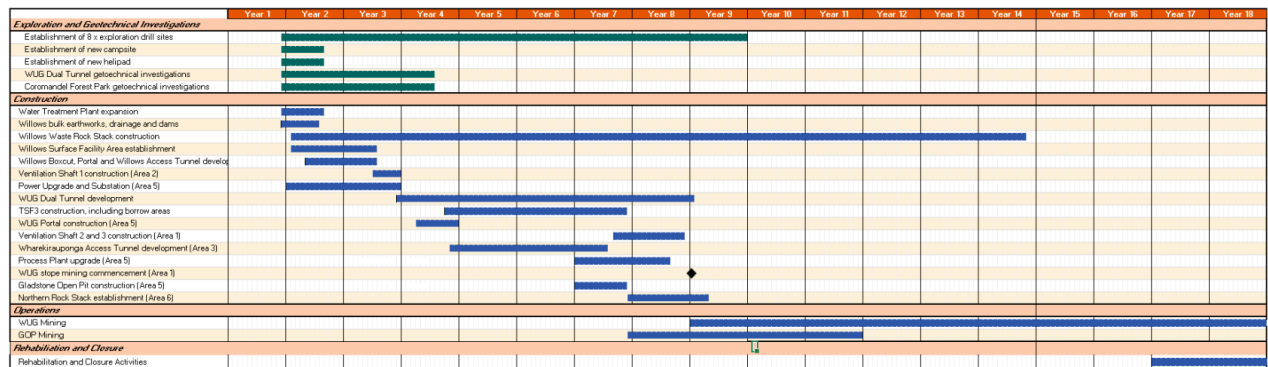


Figure 1 Table showing length of construction period of activity (Table 2-1 of substantive application documents)

46. The AEE states, "The results of the noise modelling demonstrated that construction noise levels will be compliant with NZS6803:1999 in almost all circumstances".
47. In circumstances where noise will not be compliant, i.e. over 50dB, effects are proposed to be mitigated by the Construction Noise Management Plan (CNMP) or Operational Noise Management Plan (ONMP). NPKH is concerned with the over-reliance of the application on management plans given the lack of input from mana whenua, the lack of a requirement for consultation with mana whenua regarding any variations to the management plans and because the parameters for these plans as set out in the proposed conditions documents are weak.
48. We would like to see a strengthening in the directive for OGNZL to come up with best practice methods for monitoring and reporting on noise. Inclusion of mana whenua into this process and reassessment by experts should be incorporated into the parameters of the conditions. Reliance on temporary relocation of building occupants is not acceptable as mitigation. No whānau should have to resort to leaving their home to deal with the noise and vibration of highly profitable mining operations.

#### Operational Noise:

49. Noise limits for the operational aspects of the proposal are as below:

The noise level arising from activities authorised by this consent must not exceed the limits specified below when measured at or within the boundary of any residentially zoned site or the notional boundary of any occupied dwelling in the Rural Zone:

0700 – 2200, Monday to Saturday	50 dB LAeq
All other times	40 dB LAeq
2200 – 0700 (the following day)	70 dB LA <sub>Fmax</sub>

Figure 2 Noise limits from AEE

50. The limits for 0700-2200 Monday to Sunday and all other times are measured by dB LAeq being the equivalent sound level or averages received sound energy over time. Additionally, noise between 2200-0700 are further limited by 70dB L<sub>Amax</sub> being the loudest single moment in a sound event. We are concerned that using dB LAeq instead of L<sub>Amax</sub> can underplay the real effects of noise in this case.

L<sub>A</sub>max is more relevant for sudden vibration or startling intrusions especially in rural and culturally sensitive areas. L<sub>A</sub>eq smooths out loud intrusive noise. Cultural (and amenity) values associated with the tranquil and mauri rich landscape could be severely impacted by a single loud noise. The L<sub>A</sub>eq metric does not reflect this. It is better suited to industrial or urban settings where background noise is constant. Waihi is a rural township and although it may have some level of urban ambient noise, consideration should be given to the peaceful and rural outskirt setting of the project location.

51. We seek that the management plan assessments and limits include a L<sub>A</sub>max analysis and limit for all time periods not just overnight, particularly given the timeframes for this consent and consistent noise effects it will inflict on the community.
  52. Additionally, the L<sub>A</sub>max should be reduced back to the limits within the District Plan being 65 dB L<sub>A</sub>max. The applicant contends that the plan limits are unusually strict. We disagree that the 65 dB L<sub>A</sub>max is unusually strict given the Western Bay of Plenty District Plan also has an L<sub>A</sub>max of 65 dB during evenings and public holidays. Even if the limits were to be unusually strict, this would not in and of itself be an acceptable reason to raise the maximum from what is required in the plan, particularly given the wide reaching and lengthy effects of the proposal and its location in rural areas.
  53. NPkH has had to deal with adverse noise effects on our Mataora block from current OGNZL operations. The noise from the mine is effectively funnelled across to our land (approximate area identified in figure 3 below) due to inadequate previous assessments. We would like the panel to address these concerns when they review the application material. NPkH has major concerns in regards to the noise pollution and hazards and the adverse impacts on nearby residential and ecological zones. The development of a papakainga community at Mataora is currently underway. This development will foster a strong sense of community, connection to ancestral lands, and improve living standards. However, noise pollution from
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OGNZL activities will impact and undermining the community's overall harmony and quality of life.

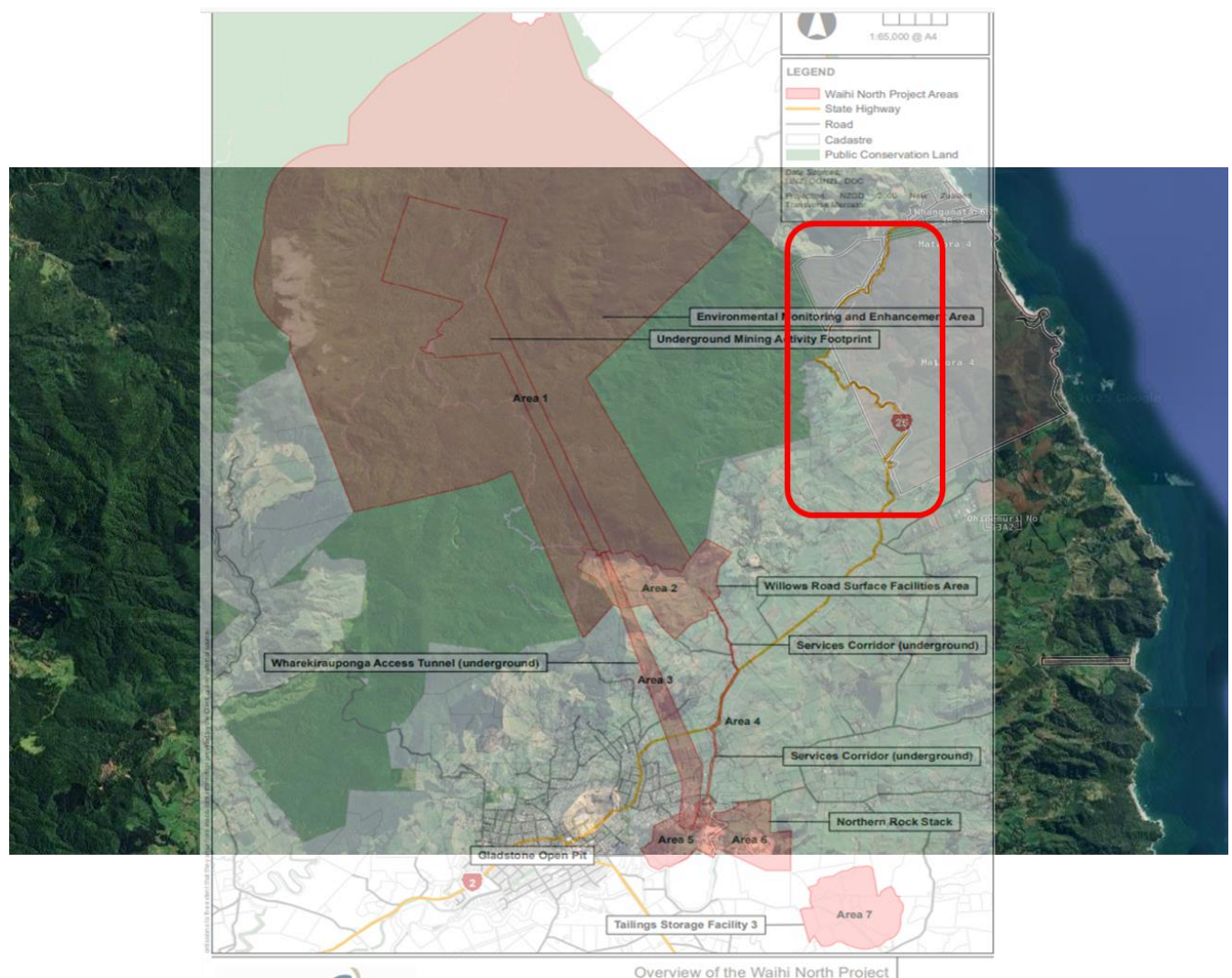


Figure 3 Map showing Mataora block against project areas with noise affected area outlined in red

#### **Helicopter noise:**

54. Helicopter operations will increase as a result of the proposal.
55. The AEE and Noise Effects Assessment conclude that due to the short duration and infrequent events, noise from helicopters shall be insignificant. It goes on to say that helicopter operations should be flown to avoid residential areas and operate in a manner in accordance with the “Fly Neighbourly” guide by Helicopter Association International.
56. We would like to see anticipated flight routes, recommended flight path limits, no-go zones and for the 2 landings per operator per day at any one site be limited to any operator to ensure no ‘double dipping’ of operations in one day.

#### **Noise effects on fauna:**

57. The project area is home to taonga species such as Kurī Peke (Archey’s) and Pepeketua (Hochstetter’s) Frogs, Tui, Korimako (Bellbird), Ruru (Morepork), Tirairaka (fantail), putangitangi (paradise duck) and

mammals like pekapeka-tou-roa (long tailed bat), which are closely linked to our identity and responsibilities under kaitiakitanga. The displacement and potential distress of taonga species through noise effects is unacceptable without iwi-led mitigation. Fauna responses to elevated noise include behavioural change, physiological change, reduced activity, elevated stress and impacts on breeding success. NPKH are concerned that the anticipated effects of drilling noise will likely overlap the same frequency as forest bird vocalisation across a 500m radius from the drilling site. Notwithstanding that there will be many drilling sites as operations move across the project areas. The masking will be greatest for Tūi, Ruru (Morepork) and Korimako (Bellbird). We are very concerned that the AEE states there is significantly less bird vocalisations near existing sites and seek that the panel considers the cumulative effects of noise on our taonga species.

**Specific concerns by area:**

58. Area 1 – The AEE states that helicopter activity and noise will be unnoticeable given the already noisy activities within the forest area generated by this project. We are concerned that the effects of noise are being negated by an already high level of impact, particularly given the area of effect is across 400 hectares. Although the AEE describes this as localised, we see it as a vast area of predominantly untouched whenua. In terms of continuous noise, the ventilation raises will create localised surface noise at 40-45dB which the AEE describes as just above ambient noise. We are concerned that using ambient noise level as a point of reference is misleading given the maximum equivalent noise limit through the night for residential sites is 40 dB LAeq and the potential spread of ventilation raises across the footprint of Area 1. We would like to understand if the effect of multiple ventilation raises across the footprint would result in a more audible effect that may adversely affect taonga species.
  59. Area 2 and 5 – The AEE finds that given the effects are within ‘low value’ areas with higher quality areas untouched and available nearby, that the likelihood of adverse effects is considered to be very low. We request that further investigation is undertaken to justify why particular areas are deemed as lower in value and if these areas contain cultural values relating to taonga species and landscape that have not been considered.
  60. Area 6 – As informed by the AEE, this area contains high value avifauna including the threatened Wewea (NZ Dabchick), Pāpango (NZ Scaup), Tūturiwhatu (threatened Northern New Zealand Dotterel) – , and at-risk Pīhoihoi (New Zealand Pipit), which occupy habitats at distances of between 300m and 1000m from blasting. We recommend that further investigation is undertaken to understand if the distance between site works from avifauna habitats adequately mitigate the noise effects on birds and what potential impacts on birds’ behaviour there may be, particularly species which are threatened and require lack of disturbance to breed.
  61. Area 7 – Avifauna are expected to reinhabit Tailing Storage Facility (TSF) 1A, 2 and 3 once construction noise has been completed. TSF’s are where the residual materials from processing mined ore including metals and chemicals are contained. Similar to the above, concerns lies with the proximity of these works to key taonga species habitats.
  62. Vibration – The AEE concludes that the blasting for the WUG will have no effect on the amenity of residents and will be limited to avoid adverse effects on Archey Frogs at the Gladstone Open Pit site (Area 5). The AEE does not go on to mention what mitigation is in place for Archey’s Frogs. “Very little is
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known about the effects of substrate vibrations on frogs, but it has been suggested that vibrations from underground blasting could disrupt frog behaviour and contribute to egg clutch abandonment (van Winkel, 2022).<sup>5</sup> Given the At risk – Declining status of the frogs in New Zealand, we consider there is insufficient assessment provided to ensure that adverse effects on Archey's Frogs will in fact be avoided.

#### **Conclusion:**

63. The AEE states, "Overall, Marshall Day (2025) considers that construction and operational noise generated by the WNP can be effectively managed via the implementation of comprehensive CNMPs and ONMPs. If the noise limits set out in the proposed conditions are met, then noise effects as a result of the WNP will be acceptable."
64. This conclusion provides no certainty to mana whenua that effects will be acceptable, particularly given no draft construction noise management or operational noise management plans have been provided, the parameters proposed in the conditions are not sufficiently directive, and NPkH has not been given the opportunity to provide their values.

### **3.3.4 Wāhi Tapu**

65. We have not had the opportunity to provide our values or identify the archaeological sites or features of significance to address this topic. The AEE states that there are no known pre-European Māori sites within the footprint of the proposed WNP works but there are historical associations in the general area including middens, pits, terraces and pā. The assertion that there are no specific archaeological features of particular significance to iwi identified in the project area is incorrect given that we have not been engaged on this matter.
66. Ngāti Porou in the Hauraki claim direct descent from Toi by way of our Ancestor Paikea who made landfall at Te Ahuahu (Mercury Island). From the time of Paikea up until today our bloodlines have continued by way of trade, assistance and inter-marriage within the Hauraki whānau and on our Hauraki whenua.
67. The Mataora block was gifted to NPkH by the Ngāti Tamatera chief, Paora Te Putu in about 1850, and we have been in occupation ever since. Mataora provided a safe and consecrated place for our people and the hills which enclosed it from behind contained tihi (hilltops) which provided strategic vantage points across our land and moana as well as the gateway to Ohinemuri, Hauraki and the Waikato lands beyond. Because of this deep and ongoing connection, we hold many associations and connections to the project area which have not been explored or understood by the applicant.
68. We are concerned about general archaeological authority being sought that does not reflect or protect the potential high value historical associations and wāhi tapu located in the area. These are taonga that should be approached with a nuanced and planned approach.
69. It is not clear what investigations, if any, have been undertaken to determine if there may be any wāhi tapu in the project area. The archaeological report does not speak to cultural values or wāhi tapu that

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<sup>5</sup> [B.41-Lloyds-Archeys-Frog-Population.pdf](#)



are not presently recognised archaeological sites. There appears to be no information in the application addressing such matters. Reliance solely on accidental discovery protocol is not acceptable given the blasting and other techniques proposed and given OGNZL has a history of cutting out mana whenua from the engagement process. Much like the generally accepted intangible heritage site of Gettysberg, significant national heritage is not always archaeological.

70. The AEE acknowledges the customary resources within the project area. We would like to understand more about how mana whenua connection to these resources is proposed to be protected and maintained by the applicant during their activities to create the mine. As stated, many times throughout this report, we have not been given the opportunity to provide our opinion and experience on this matter.

### 3.3.5 Taonga Species

71. Taonga species are of critical cultural and ecological importance to NPkH. They represent ancestral connections, responsibilities of kaitiakitanga, and the intergenerational transmission of knowledge. These include native bird species such as the tūi who are valued for their roles in the ecosystem and cultural symbolism, reflecting our deep connection between our land, native flora and fauna, and our heritage in the Mataora region
72. We are concerned that the effects of the proposal on taonga species have not been adequately identified or assessed, particularly in relation to habitat loss, displacement or downstream impacts. While some fauna have been identified there is insufficient recognition of the cultural significance of taonga species and the obligations under Te Tiriti o Waitangi. The protection of taonga species is a core responsibility under the principle of kaitiakitanga and any threat to the habitat, health or abundance of these species is a matter of deep concern for mana whenua.
73. We set out our concerns regarding noise and vibration impacts on taonga species in the noise section above.
74. In our AIP part 6 subpoint e – we note our concern for the protection of rongoā traditional harvesting areas within and adjacent to our Mataora block. The Pare Hauraki Collective redress document notes the importance of the broadleaf and podocarp forests including minor, tawa and karaka whose fruit was harvested and sets out a programme for a cultural natural resource partnership. It also records that the rohe was abundant in bird life with many wetland species and migratory waders. The wetlands and rivers were full of tuna and fish and provided a source of berries, and medicinal and textile flora. The rivers and water bodies gave access to great stands of kahikatea and kauri. We are concerned with the protection of taonga native species such as frogs, lizards, bats, birds, invertebrates and native trees which all form part of our ancestral whakapapa.
75. We have concerns regarding the total area of vegetation loss and aquatic habitat (stream) loss and its effects on fragmentation of habitats. The scale of loss is not clear through the piecemeal assessments of the AEE.

#### **Specific concerns by area:**

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76. Area 1 –

- 76.1. NPKH are very concerned about the potential impacts on Kurī Peke (Archey's) and Pepeketua (Hochstetter's) Frogs which are at-risk – declining and globally critically endangered, and at risk – declining, respectively. We are also concerned that the effects of lighting on fauna is assessed as moderate even with mitigation in place.
- 76.2. 39 natural inland wetlands are identified within the Area of Investigation as being at the greatest risk of impact and are of high ecological value. These wetlands are swamp habitats. We are concerned with the statement in the AEE that there is uncertainty as to whether adverse effects will occur.

77. Area 2 –

- 77.1. The potential for injury or mortality to native freshwater fauna during construction of instream activities is of concern to us given the application proposes salvage and relocation, the methods of which have not been culturally assessed or prepared with tikanga in mind. We would like to see a mātauranga Māori methodology or framework considered here.

78. Area 5 –

- 78.1. The loss of 1.4ha of 'moderate value planted and remnant indigenous vegetation and habitat' in conjunction with the 5.1ha of pine plantation, equalling 5% of available local regenerating native vegetation habitats within the Waihi ecological district being removed is a significant proportion of habitat and we disagree with the applicant's characterisation that this results in a low overall magnitude of effect. Loss of vegetation not only reduces overall biodiversity and ecosystem function but undermines the broader efforts to restore ecological resilience in the region. Furthermore, from a cultural perspective, this vegetation represents more than habitat – it is part of the living whakapapa of the whenua embodying mauri and supporting the interconnected health of land, water and people. The clearance of any proportion of vegetation especially indigenous is a significant adverse effect and must be treated as such in both the ecological and cultural assessments.
  - 78.2. The above assessment is also important not only for the taonga fauna but also the copper skink which is recognised in the AEE as being of high ecological value and which will be subject to 6.5 ha of habitat removal in this area.
  - 78.3. The MCI and QMCI biological indices around the Water Treatment Plant show poor-fair scores for water and habitat quality both before and after establishment of the plant discharge. NPKH are concerned that there has been no increase to the quality of water here which may be representative of mitigation work being the bare minimum, only addressing the effects of the current operation and not seeking to enhance the environment. We oppose the proposal that future water quality criterion should be on this basis of bare minimum.
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79. Area 6 –

- 79.1. We are specifically concerned with the effects of habitat fragmentation on birds as a result of the loss of 8.1 hectares of native bush reducing the ability for birds to disperse across the landscape for food, shelter and breeding. We do not agree with the AEE's assertion that the effect of this displacement is minor due to the 'poor quality' of the habitat.

### 3.3.6 Economic and social

80. Our experience of the economic and social impacts of mining in Waihi is adverse with increasing socio-economic disparities and poverty, especially in areas like Waihi, Te Aroha, and Thames. Current statistics highlight ongoing socioeconomic struggles in these regions—such as higher-than-average unemployment rates and limited access to essential services.
81. When the Martha Pit mine construction started in 1987, this was in the context of extreme levels of unemployment in the area, due to recent closures of local business including the dairy factory and the Pye electronics factory, which put pressure on the local community including NPkH to see the mine as positive with potential economic benefits and job opportunities. NPkH initially confirmed the mine's positive impact but later raised concerns about environmental and social issues. While some local residents secured employment from the mine, only a small portion of the jobs were allocated to locals, a situation that has persisted over time, leading to ongoing community dissatisfaction and calls for greater local employment participation. However, only a small portion of the mine jobs went to locals<sup>6</sup>. Oceana Gold says the Waihi North Project would extend operations for another decade or so providing several hundred new jobs and boosting the local economy yet poverty in Waihi and surrounding regions remains a concern, influenced by factors such as limited employment opportunities, economic shifts in the mining industry, and access to affordable housing and services. Residents still face financial hardship, particularly those without stable employment or facing barriers to accessing healthcare and social support. Rural and semi-rural areas experience even higher poverty rates due to fewer economic opportunities and infrastructure challenges
82. NPkH has not benefited economically, socially or culturally from the mine or Oceana Gold's operations in Waihi primarily due to insufficient engagement and consultation regarding environmental and socio economic impacts that affect our communities. These factors have led to marginalization and have not provided direct or meaningful benefits from the mining activities, despite Oceana Gold's claim of economic contribution to the region.
83. The economic information provided states that the Waihi North Project will receive \$895m of foreign direct investment and deliver revenue of at least \$5.2b from gold and silver exports, but will only contribute a total of \$1,970m to the national economy over the 18 years of the project – which suggests that over 67% of the economic benefits of this project will go offshore (as OceanaGold, the parent company for OGNZL, is corporation listed on the Toronto stock exchange and primarily owned by overseas stockholders). This is troubling, especially considering the adverse effects of the project

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<sup>6</sup> Taylor, B. & A. (1998). Working Paper 9: Waihi. In 'Resource community formation & change: compendium of community case studies'. Taylor Baines & Associates. Accessed online: [https://www.tba.co.nz/projects/frstproject\\_tbsx0001.html](https://www.tba.co.nz/projects/frstproject_tbsx0001.html)

(discussed above), the reliance of the application on the claimed economic benefits, and the purpose of the FTAA being to facilitate the delivery of infrastructure and development projects with significant regional or national benefit. If most of the benefits of the project are heading overseas, rather than accruing to the region or nation then this project must be assessed in this light.

84. A key concern of NPkH is the effect on housing availability and affordability in the local area. The application states that in 2023 the mine employed 357 employees and 129 on-site contractors, and that the project will require a further 197 employees and 223 on-site contractors. Both the economic report and the social impact assessment state that housing shortages are a concern in the area.
  85. Housing affordability and availability in Waihi and the surrounding region, remain pressing issues, characterized by limited supply and rising prices driven by increased demand, due to an influx of migrants. Locals experience significant challenges for low to moderate income residents to access suitable and affordable housing, with many relying on rental markets that are increasingly competitive and expensive. This has led to housing insecurity and a shortage of affordable options, impacting community stability and economic development.
  86. In the application, OGNZL mentions their “community and social investment” programmes. None of these have benefited NPkH. The proposed development will likely elevate housing costs, making rental and ownership options less affordable for local residents and whanau, potentially displacing long-standing community members, thereby undermining the area's social fabric. The region is Haukainga to NPkH and relies on affordable housing, economic opportunities and sustainability for its community and whanau to continue to live and work in the region for generations to come.
  87. The questions that we encourage the panel to ask are:
    - 87.1. How many current employees were recruited locally – i.e. lived in the local area before being employed by OGNZL? How many of the proposed new employees and contractors will be employed from people living in the local area?
      - 87.1.1. If employees and contractors are not from the local area, region or perhaps even not from New Zealand (if OGNZL has to source international skillsets), then the benefits will not be accruing to people in the local area, region and/or nationally
    - 87.2. If (as set out in the application) the average annual income for mine employees is over \$100k, compared to the average annual income in the Hauraki District of \$55k and in the local area of \$31k, what are the likely effects on availability and affordability of housing in the local area?
    - 87.3. How is OGNZL intending to mitigate these impacts on local residents? Both in the short term and long term (i.e. short-term availability, and long-term increases in housing costs which is likely to put housing out of reach of those not employed by the mine?).
    - 87.4. The social impact assessment recommends mitigation of increased housing demand by requiring general labour to be employed by the local area, but notes that there will still be adverse effects on housing availability throughout the duration of the WNP operation. How is OGNZL intending to mitigate these effects? Will housing be built by OGNZL?
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- 87.5. How will the proposed mitigations (including providing information to employees about housing in the wider area) potentially adversely impact the surrounding towns – which also have housing shortages?
- 87.6. Have the recent changes (significant reductions) to Kāinga Ora's housing development programme been considered?
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# 4.0 Recommendations

## 4.1 Decline the Application

88. The FTAA requires the Panel to decline an application if one of the matters in s.85(1) apply. We consider that to date there is insufficient information for the Panel to be satisfied that the activity is not restricted by s.61 (1A) of the Crown Minerals Act and nor is it within an area for which a permit cannot be granted under that Act.
89. Furthermore, we argue the approval must be declined as it doesn't meet the criteria in cls.7(2) or 8(2) of Schedule 11 of the FTAA, which require the Panel to decline the approval if "giving effect to the access arrangement or variation to the access arrangement would result in the conferral of an interest in land that is incompatible with an existing interest in land".
90. As is discussed throughout these written comments, the Waihi North project is fundamentally incompatible with the interests of NPkH, including our interests in:
- 90.1. ancestral whenua the project is the proposed to access, occupy and mine;
  - 90.2. land (including land we own currently and land we will own following our Treaty settlement) that is adjacent to or will be impacted by the project.
91. In addition, the Panel has a discretion to decline the application under the FTAA s.85(3), where there are 1 or more adverse impacts which are "sufficiently significant to be out of proportion to the project's regional or national benefits" after taking account of any conditions or modifications.

We identify in these written comments that there are very significant adverse impacts that would arise from this project, including cultural effects, effects on wai, noise and vibration, wāhi tapu, taonga species [and adverse economic, social and cultural impacts] on NPkH. We also have identified that the supposed regional and national economic/social benefits of the project are very much overstated and are unlikely to actually benefit NPkH, the Waihi community, nor the people in the region or wider New Zealand. The primary beneficiaries of the project will be the overseas based shareholders of Oceana Gold and any jobs created are likely to be for workers brought in from outside the region or possibly even from outside New Zealand. Whilst the gold plundered from our lands will bring wealth – it won't flow to NPkH, and the vast majority of it won't flow either to the region or New Zealand.

92. Therefore, considering the procedural flaws, the significant gaps in the application, the lack of consideration of cultural impacts and the uncertainties in the assessment of effects including on taonga species, there is the very real potential that the project will result in significant adverse effects. This taken together with the likely overstatement of the regional and national benefits, and the lack of any demonstrated benefits to NPkH as mana whenua, we consider the Panel should exercise its discretion to
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decline the approvals sought.

## 4.2 Required Mitigation if Approved

93. If the Panel is unable or does not agree to decline the application, then the deficiencies in the AEE and technical reports need to be addressed before any approvals are granted and additional mitigation will be required to address the issues that have been raised by NPkH.
94. This is particularly the case because one of the proposed conditions (C27) states: “The activities authorised by this consent must be undertaken in accordance with the information contained in the AEE and supporting technical documents submitted by OceanaGold New Zealand Limited (“the Consent Holder”) to the Environmental Protection Authority (“EPA”) in support of its application for authorisation of the Waihi North Project under the Fast-track Approvals Act 2024 (“Act”)”.
95. This condition is meaningless or at the very least is compromised if the AEE and technical reports do not contain the correct or necessary information, such as the cultural impacts on NPkH and related mitigations.

### 4.2.1 No cultural mitigations are provided for

96. Although Section 7 of the Substantive Application Report claims to include cultural mitigation, the fact is that as no engagement has happened with NPkH the proposed mitigations cannot be applied to the cultural effects on NPkH.
97. If a CIA is commissioned from NPkH, then this could create the opportunities to discuss potential cultural mitigations. We suggest that OGNZL suspend their application until a CIA has been completed and considered by them. Without a CIA it should be considered that the application is incomplete and should be refused.

### 4.2.2 Other mitigation

98. The impact of this proposal is far reaching and given the number of consents required, it can be surmised that there are to be many incremental impacts across a variety of spheres including noise, water, taonga species. Because of this, avoidance should be prioritised. For example:
  - 98.1. Where seepage is predicted to occur into our awa, although minor, should be completely avoided so that no seepage occurs.
  - 98.2. Where noise shall likely exceed the district plan limits, activities should be altered to ensure there is no infringement of the standards.
99. This is particularly crucial given many of the values of which the “less than minor” or “low adverse effect” are based on are against western indicators. This approach is presumptive that technical

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<sup>7</sup> [https://www.fasttrack.govt.nz/\\_data/assets/pdf\\_file/0012/4170/D.02-Hauraki-District-Council-and-Waikato-Regional-Council-Combined-Proposed-Conditions.pdf](https://www.fasttrack.govt.nz/_data/assets/pdf_file/0012/4170/D.02-Hauraki-District-Council-and-Waikato-Regional-Council-Combined-Proposed-Conditions.pdf)

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opinions are the only ones that matter.

### 4.2.3 Condition examples

100. We note that applicants for other FTAA projects have worked with iwi to provide for cultural mitigation conditions for the Panel to consider. However, OGNZL has not done this with NPkH and there are currently no conditions provided that would mitigate the concerns of NPkH or that would provide for the involvement of NPkH. For example, whilst OGNZL has suggested a condition for establishing an Iwi Advisory Group, NPkH is not listed as one of the groups who would be invited to be a part of that group.
101. NPkH intend to participate in all parts of the FTAA process, including providing comments on draft conditions under section 70. For the Panel's information though, a high-level indication of the types of conditions which could, subject the outcomes of a CIA, potentially provide some mitigation are included below.
  - 101.1. NPkH have meaningful input into the development, implementation and any variations to future management plans.
  - 101.2. NPkH are funded to undertake cultural and environmental monitoring and to participate in ecological monitoring.
  - 101.3. OGNZL conditions and assessments are framed at a holistic and catchment level and enable the application of a diversity of knowledge and inclusive values resulting in an integrated approach.
  - 101.4. Community investment to benefit NPkH.
102. It is NPkH's expectation and experience that many other applications that have worked with mana whenua have provided cultural mitigation conditions for the panel to consider. In this case, there are no cultural mitigation conditions provided which consider NPkH.
103. Regarding the Crown Minerals Act access approval being sought, if the Panel was of a mind to grant the access arrangement approval, which we do not recommend, then there must be stringent conditions applied,<sup>8</sup> including:
  - 103.1. provisions in condition 3 requiring just and fair compensation to NPkH for the adverse economic, social and cultural impacts on our land and people, and a contribution to our marae development
  - 103.2. the 'protection of the environment' conditions in condition 26 should also include:
    - 103.2.1. protection for puna, groundwater and the streams and tributaries affected by the project, avoiding any adverse effects and with no reduction in water quality,

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<sup>8</sup> [https://www.fasttrack.govt.nz/\\_data/assets/pdf\\_file/0019/4177/D.09-Wharekirauponga-Access-Arrangement-Proposed-Conditions.pdf](https://www.fasttrack.govt.nz/_data/assets/pdf_file/0019/4177/D.09-Wharekirauponga-Access-Arrangement-Proposed-Conditions.pdf), see conditions 3, 26 and 30

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103.2.2. restoration required for any adverse impacts that occur in the places where they occur, not just in other areas nearby, and

103.2.3. a condition that provides for strict enforcement of the protection of the environment conditions if they are not upheld.

103.3. in the monitoring conditions 30 and 31, include also NPkH as being able to enter in or on to the land at any time to inspect the works and monitor the impacts occurring from a cultural and mātauranga perspective.

104. We reiterate we do not think the application should be approved and strongly recommend that it be declined. We also note that we do not think that the conditions above would fully mitigate the impacts on NPkH. However, they would be better than what is currently on the table from the applicant – which is nothing.

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# Appendix 1 – Ngāti Porou Ki Hauraki

## connections to the area

Ngāti Porou ki Hauraki have a profound connection to Hauraki and the area that surrounds the location of the Waihi North Project. Our ancestral ties and cultural heritage in the region is well documented.

### Whakapapa

Ngāti Porou ki Hauraki, in accordance with our traditions and tikanga, trace our origins to the beginning of time when Māui Tikitiki-a-Taranga fished up Te Ika a Māui (North Island) from the depths of the Sea. Tradition states that when Māui fished up the Island, his waka Nukutaimemeha was cradled on the top of our Ancestral Mountain called Hikurangi, where it still rests today in Te Roto o Hinetakawhiti.

Ngāti Porou ki Hauraki are the descendants of a number of illustrious Tīpuna including Māui Tikitiki-a-Taranga; Toi Kai-Rakau, or Toi, a Tīpuna from whom many Hauraki iwi descend; Rauru Nui a Toi, who connects us to the descendants of Awanuiārangi and across to the Tai Hauāuru; and Paikea Ariki Moana, who travelled here in the wake of Te Tai Whakamate-a-Ruatapu.

Toi Kai-Rakau, also known as Toi-Te-Huatahi, is widely acknowledged as being an ancestor of great significance for many tribes across the country, including Hauraki.

Uepōhatu, a descendant of Toi-Kai-Rakau, came to populate the area at the base of Mt Hikurangi reaching Eastward to the Coast at Tuparoa. At one time Ngāti Uepōhatu territory stretched from Tuparoa in the South to the mouth of the Waiapu River, pressure from kinfolk Hapū reduced Ngāti Uepōhatu land holdings from Hikurangi to Tuparoa.

Ngāti Porou ki Hauraki bloodlines by way of intermarriage link strongly to the Ariki lines of Te Arawa, Nukutere, Mātaatua, Tainui, Tākitimu and Horouta bloodstocks.

Ngāti Porou in the Hauraki also claim direct descent from Toi by way of our Ancestor Paikea-Ariki-Moana. After making landfall at Te Ahuahu (Mercury Island), Paikea married Te-A-Huru-Mowairaka, the grand-daughter of Toi, at Harataunga.

Paikea proceeded to take a number of wives thereafter and his progeny attest to his productivity finally taking Huturangi. The marriage to Huturangi begat Porourangi and Tahu Potiki. Porourangi begat Hau and his influence extended as far as Whitianga in the Hauraki.

From the time of Paikea up until today our bloodlines have continued by way of trade, assistance and inter-marriage within the Hauraki whānau and on our Hauraki whenua.

### Representation

Ngāti Porou Ki Hauraki are represented by the following organisations:

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1. *Te Rūnanga o Ngāti Porou ki Hauraki* - the charitable trust and previous constitution of NPkH iwi.
2. *Rūnanga ō Ngāti Porou Ki Hauraki Incorporated* – the entity with the mandate to negotiate with the Crown
3. *Ngāti Porou ki Hauraki Rūnanga Trust* - the PSGE and private legal trust to manage the redress and assets from settlement established in 2022 through election and subsequent ratification
4. *Hauraki Māori Trust Board* – the PSGE of the Pare Hauraki Collective.

## Pare Hauraki Collective

In 2009, the 12 Iwi of Hauraki formed the Pare Hauraki Collective for the purpose of negotiating a Treaty settlement. The areas of interest of the Iwi of Hauraki extend from the Mahurangi coast in the north to the western Bay of Plenty and include the islands of the Hauraki Gulf/Tikapa Moana. The Pare Hauraki Collective Redress Deed was signed on 2 August 2018. The Iwi of Hauraki will also have their own iwi-specific Treaty settlements.

Under the Pare Hauraki Collective Redress is a Conservation Framework with DOC. The Conservation Framework aims to establish an effective partnership that recognises both the mana whenua and kaitiakitanga responsibilities of the Iwi of Hauraki and enhances the conservation of natural resources and historical and cultural heritage in its rohe. The Conservation Framework co-governance and co-management provisions include the development of a conservation management plan and strategy, a decision-making framework and a DOC Relationship Agreement.



Figure 1 Pare Hauraki Collective Conservation Area (Source: [Whakatau.govt.nz](http://Whakatau.govt.nz))

## Ngāti Porou ki Hauraki Agreement in Principle

The iwi is in the process of finalising a Treaty Settlement with the Crown, having secured an Agreement in Principle (AIP). This settlement acknowledges our historical grievances and aims to restore our rights and interests in our traditional territories.

Ngāti Porou ki Hauraki's Mataroa rohe extends and includes Otonga Point to Homunga on the coast, encapsulating both sides of State Highway 25. The exclusive area of interest is included below. Notably, it encompasses the beginning of the Ohinemuri River.

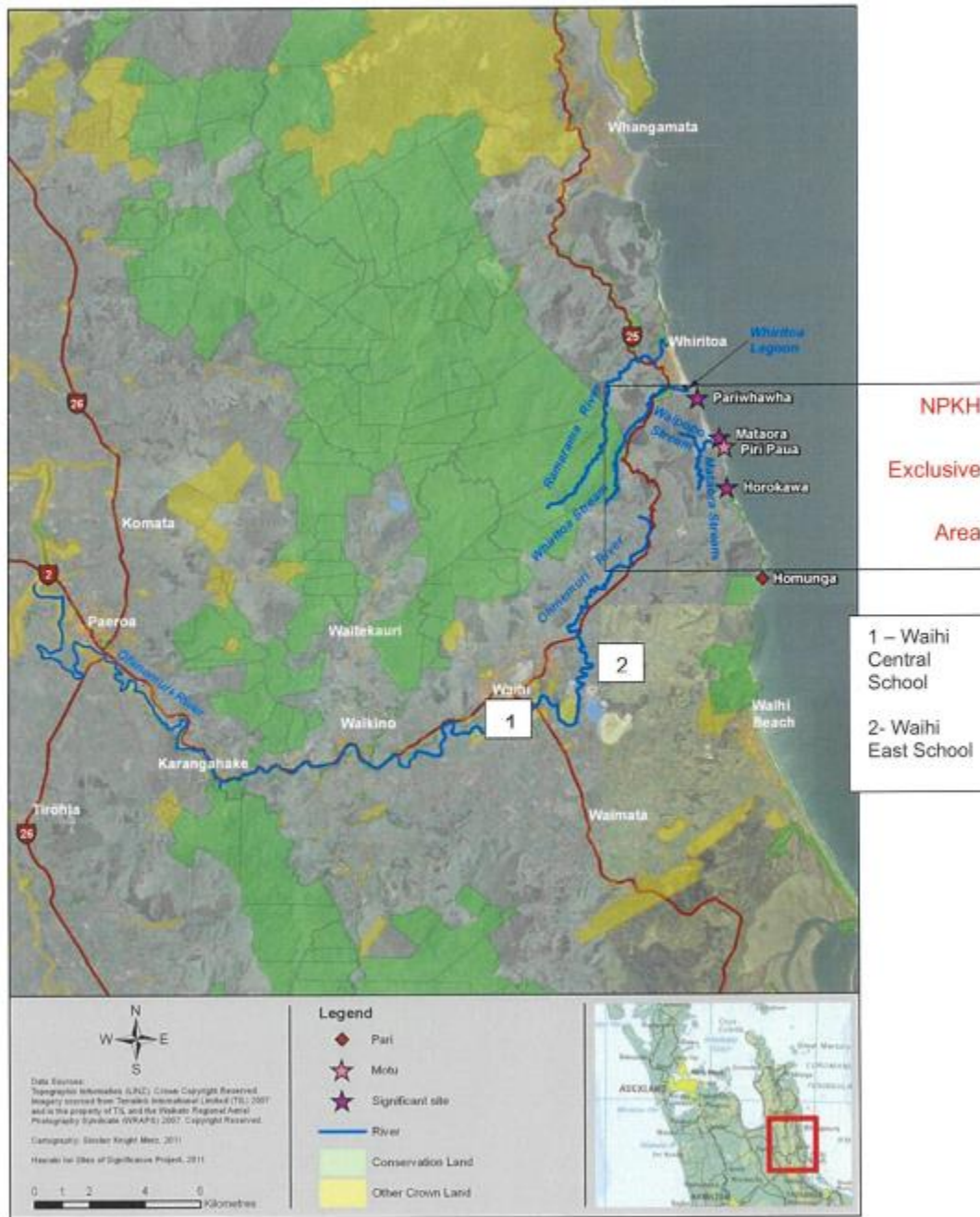


Figure 2 Ngāti Porou ki Hauraki Redress Map A

Ngāti Porou ki Hauraki under the AIP are set to buy Waihi Central Primary School, which is adjacent to OGNZL's Waihi Martha Mineral Mine, and Waihi East Primary School.



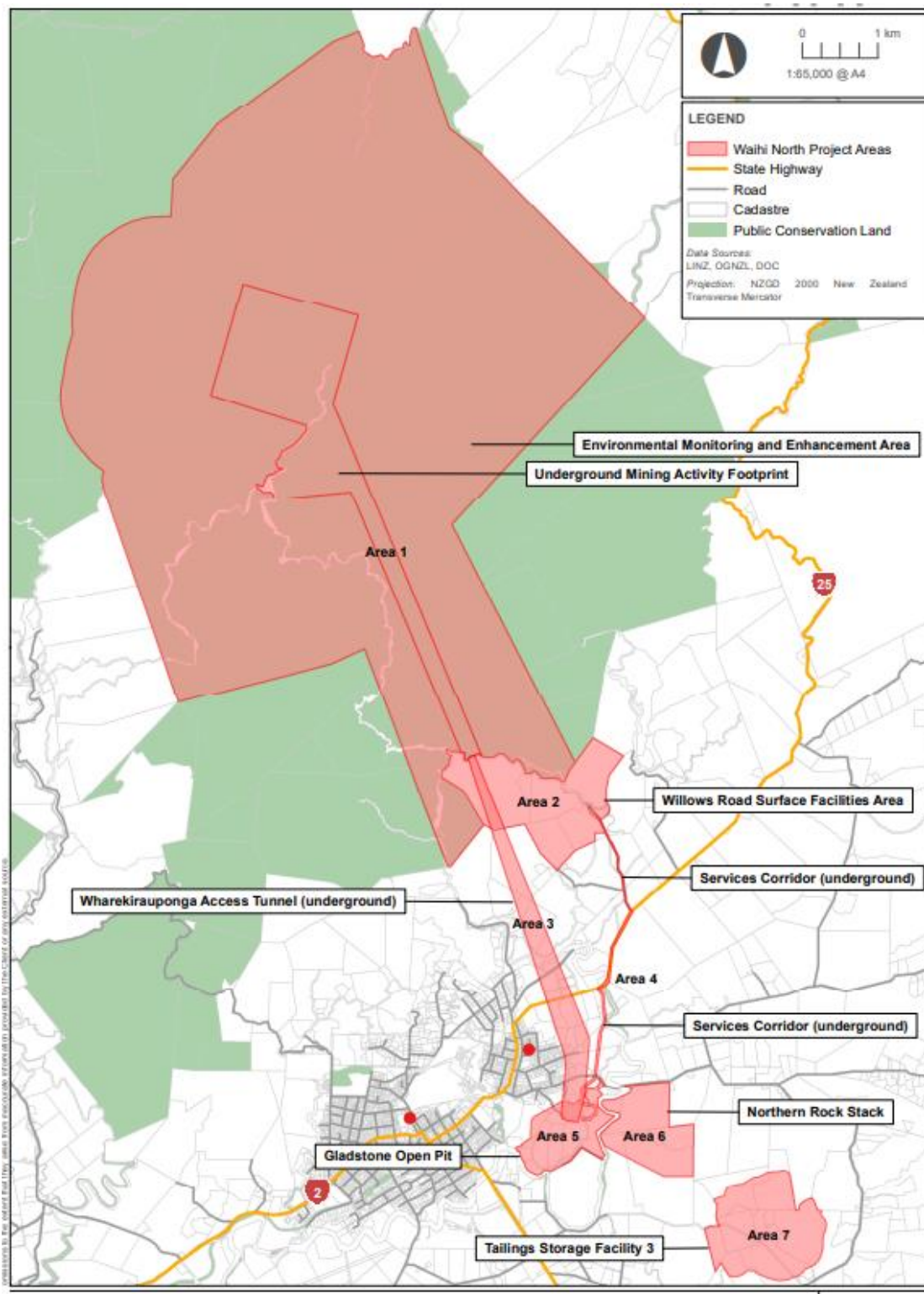


Figure 3 Map of project areas with Primary Schools marked with red dot

Further to the above, Ngāti Porou ki Hauraki our AIP also addresses the following:

- Gold Claim. Mining licenses
- Timber Claims. Cutting rights and timber licenses
- Land Alienation

- Loss of land for public roads (Heretaunga and Mataora)
- Introduced pests and weeds

The AIP recognises that Ngāti Porou ki Hauraki seek to negotiate cultural redress over a number of sites including Coromandel Forest Park at Whiritoa.



Figure 4 Ngāti Porou ki Hauraki Redress Map B



## Mataora

Mataora is the closest marae to the proposal site. Taimoana Turoa, of Tamatera, writes:<sup>9</sup>

*“The Mataora block was gifted to a section of Ngāti Porou of Te Tai Rāwhiti (East Coast) by the Ngāti Tamatera chief, Paora Te Putu in about 1850 .... And they have been in occupation ever since.”*

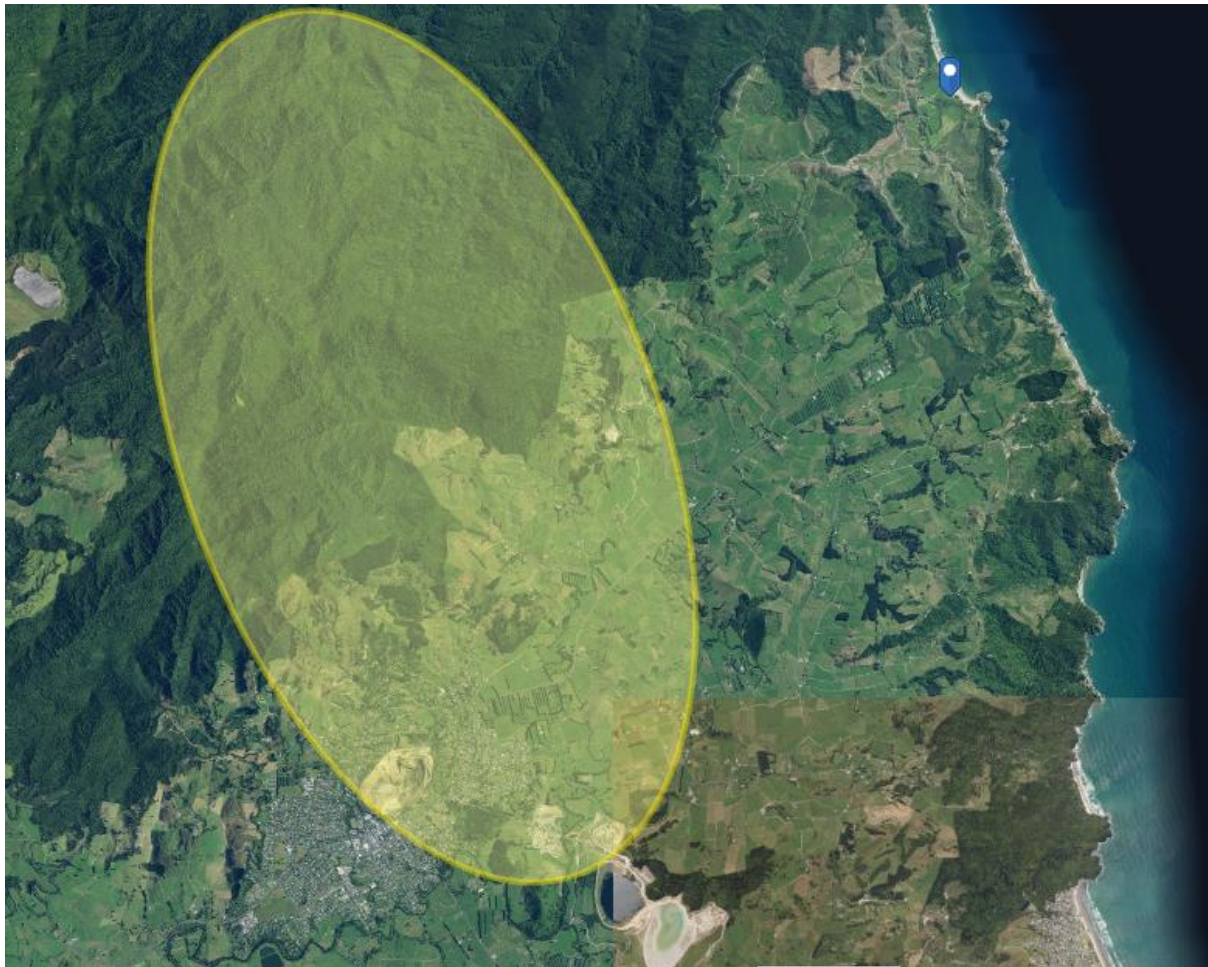


Figure 5 Aerial map identifying Mataora Marae (blue marker) in relation to project site (yellow) areas

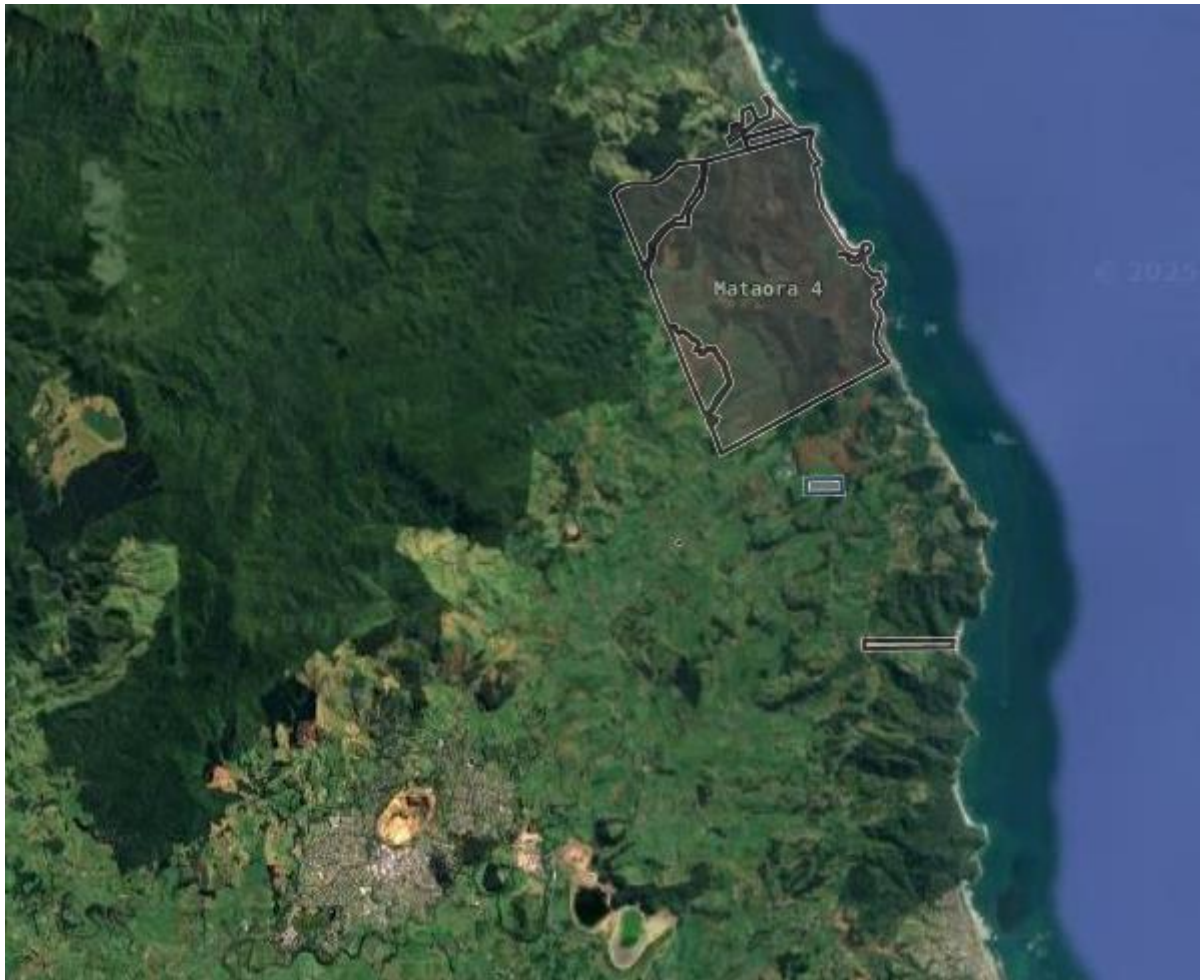
## Māori Land

Ngāti Porou ki Hauraki exercise mana moana over Tai Moana (the coast) and mana whenua over the Ngahere Kai (forest kai) in Wharekirauponga. We also hold freehold titles in Mataora which span some 1,140 hectares and are adjacent to the DOC land that the application is proposed on.

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<sup>9</sup> Taimoana Turoa, *Te Takoto O Te Whenua o Hauraki*, Auckland: Reed, 2000, pp. 107-08.





*Figure 6 Aerial Map showing Mataora block - Māori Freehold Land (Source: Māori Land Court Map)*

# Appendix 2 – Engagement history

## Engagement History

### Previous engagement

NPKH has had some engagement over the last several years with OGNZL, of which, portions are outlined in the application documents including A.08. Section 5, and the Part F documents.

The below table outlines a description of NPKH's experience of engagement with OGNZL. Some details relate to other applications including Plan Change 6 for the Hauraki District Plan. The table demonstrates the lack of meaningful or adequate engagement from OGNZL who have repeatedly ignored our attempts to remain informed and aware of the many consent processes being undertaken.

*Table 1 Engagement timeline OGNZL and NPKH*

Date	Description of engagement or process
<b>Mid-2021</b>	Memorandum of Understanding (MoU) signed between NPKH and OGNZL.
<b>21 September 2021</b>	OGNZL supplies Hauraki District Council (HDC) with a draft application for the proposed plan change.
<b>19 October 2021</b>	HDC responds to the above with review and feedback to OGNZL.
<b>March 2022</b>	Matapihi Ltd (consultant) provide engagement support on behalf of NPKH.
<b>March 2022</b>	Matapihi seeks full transparency relating to expert reports, AEEs and updates on projects sought by OGNZL. NPKH are aware that Wharekirauponga – Waihi North Project is proposed and specifically ask for a draft AEE on 5 March 2022.
<b>Aug 2021 – Sept 2022</b>	Regular fortnightly meetings between Matapihi and OGNZL representatives occur until lodgement of Wharekirauponga resource consent application with HDC. Agreement that engagement should continue until requests for further information under s.92 (RFIs) are processed.
<b>22 April 2022</b>	OGNZL proposed plan change application to HDC mooted (not a formal application).
<b>4 May 2022</b>	HDC responds to the above with review and feedback and RFIs (these are supplied on 4 May 2023 and amended application, and reports are supplied on 17 October 2023).
<b>May 2022</b>	John Tamihere reminds OGNZL of the MoU and requests the supply of expert reports from OGNZL to Matapihi.
<b>8 May 2022</b>	Matapihi remind OGNZL of request for draft AEE and other reports via email.
<b>23 June 2022</b>	OGNZL formally lodge resource consent application with HDC for Wharekirauponga – Waihi North Project.
<b>27 June 2022</b>	HDC accept application for processing.
<b>June 2022</b>	NPKH receive final AEE and are made aware of proposed private plan change for the Martha Open Pit Project (PPC6). This had not previously been an identified topic of engagement.
<b>14 July 2022</b>	John Tamihere reminds OGNZL that no formal engagement has been undertaken with NPKH on PPC6.
<b>August 2022</b>	Matapihi engage with OGNZL on the Wharekirauponga consent and other requests including PPC6.
<b>19 August 2022</b>	Section 92 RFI's sent to OGNZL.
<b>31 August 2022</b>	Matapihi advised of RFI's by OGNZL.
<b>19 September 2022</b>	Matapihi brief NPKH via engagement update document and provide advice acknowledging the unresponsiveness from OGNZL which has impacted the preparation of a Cultural Impact Assessment (CIA). Matapihi note that considerable work is required to continue negotiations on Wharekirauponga. NPKH is encouraged

Date	Description of engagement or process
	by Matapihi to consider how engagement should proceed being either limited to Wharekirauponga, extended to all consent activities, or to remove from engagement. The brief provides draft findings for the CIA on Wharekirauponga.
<b>7 October 2022</b>	NPKH request further information OGNZL on the (then) RMA proposal for Waihi North to inform the preparation of a CIA
<b>December 2022</b>	NPKH advise that Te Runanga o Ngāti Porou ki Hauraki formally resolve to terminate the MoU with OGNZL citing a lack of direct engagement and transparency as the reasoning.
<b>25 October 2023</b>	PPC6 accepted by HDC for processing.
<b>15 February 2024</b>	PPC6 publicly notified.
<b>28 March 2024</b>	NPKH made submission on PPC6.
<b>27 March 2025</b>	The Hearing Panel recommends adopting PPC6.
<b>1 April 2025</b>	NPKH received notice of the decision on PPC6.
<b>23 May 2025</b>	NPKH filed late appeal of PPC6 and application for waiver.

## FTAA application

### FTAA engagement process

- NPKH have not been engaged in the FTAA process by OGNZL.
- NPKH have (incorrectly) not been identified as an iwi authority or a treaty settlement entity in the request to provide comments on this application.
- NPKH have not been invited to any hui or other form of engagement regarding the current proposal and FTAA application.
- NPKH have not been given an opportunity to provide a CIA on this proposal, which they wish to do.
- NPKH have not been considered in the Environmental Protection Authority completeness report.