

UNDER the Fast-track Approvals Act 2024 (**Act**)

IN THE MATTER an application for approvals for the Waihi North
Project (**WNP**) – a listed project described in
Schedule 2 of the Act

BY **OCEANA GOLD (NEW ZEALAND) LIMITED**
Applicant

**APPLICANT'S RESPONSE TO FURTHER COMMENTS:
MEMORANDUM OF COUNSEL
FOR OCEANA GOLD (NEW ZEALAND) LIMITED**

10 September 2025

Counsel acting:
Stephen Christensen
Project Barrister

[REDACTED]
[REDACTED]

MAY IT PLEASE THE PANEL

Introduction

1. Minute 3 of the Panel dated 5 September 2025 records that the Panel has opted to consider¹ some late comments from invited parties and a comment from an uninvited party.² Minute 3 also records that due to an administrative error some documents forming part of the comments on the application by invited party Coromandel Watchdog of Hauraki were not supplied to the applicant until 1 September 2025.
2. At paragraph [18] of Minute 3 the Panel directs that the applicant may provide a response to the specific matters addressed in the Minute by 10 September 2025.

Comments of Dr Meade

3. The major points raised in the memorandum of Dr Richard Meade on behalf of Coromandel Watchdog of Hauraki are already addressed in the 1 September 2025 evidence of Mr Shamubeel Eaquad and some further points are addressed in Mr Eaquad's 10 September 2025 statement filed herewith. Dr Meade raises two matters that I respond to in the following paragraphs.
4. First, at paragraphs 52 and 82.2 Dr Meade appears to assert that the only relevant national and regional benefits of a project considered under the Act are the timing benefits that are achieved by the execution of a project sooner than would be the case if the project was otherwise approved under normal processes and then executed. That is not correct. One only needs to look as far as section 22 of the Act which addresses the criteria for referral of projects to understand that the overall benefits of a project are what must be considered, with the potential timing of those benefits (i.e., potentially

¹ Section 81(6) of the Act.

² The Panel says that it is able to consider comments from uninvited parties pursuant to the broad power to regulate its own procedure set out in clause 10(1) of Schedule 3 of the Act.

able to be realised sooner if a proposal is considered under the Act rather than under normal processes) only relevant to the Minister's decision as to whether or not a project should be referred.

5. Once seized of a substantive application, section 81(4) is clear that in taking the purpose of the Act into account a panel must consider the extent of a project's regional or national benefits. The section does not suggest that a panel's consideration of benefits should be constrained to assumed timing benefits only. In any event, such a proposition would involve a panel speculating about when a project would receive approvals under normal processes.
6. Further, the incoherence of Dr Meade's proposition becomes evident if one considers what would happen if a proposal involved activities that were prohibited under the Resource Management Act 1991 (**RMA**). In such a case, approvals could be granted under the Act³ but could not be granted under the RMA. On Dr Meade's analysis, all the national and regional benefits of such a proposal would need to be considered, without timing implications, by a panel. By contrast, a nationally significant public infrastructure project that would gain consents under the RMA, but which can be accelerated by 12 months via having approvals granted under the Act, only has benefits that 'count' related to the time savings that are achieved, according to Dr Meade's analysis. I submit that is not how the Act is to be applied.
7. Second, at paragraph 59.1 Dr Meade asserts that over a long enough time horizon the probability of a catastrophic failure event occurring may rise to become a certainty. That is like saying that if we wait long enough the earth will be hit by a large enough meteor to cause a mass extinction event. In a planning sense such a comment is, respectfully, unhelpful and is not the basis upon which any engineered structures are designed and managed – not just in the mining sector, but in all manner of construction. Instead, when designing structures engineers are informed by the credible stresses and

³ Section 42(5)(a).

environmental conditions a structure may be subjected to and the consequences should a structure fail. More information on the processes engaged in designing structures appropriately are found in the application documents should the panel be minded to look more deeply at this issue.⁴

Further evidence on behalf of the applicant

8. In accordance with the direction at paragraph [18] of Minute 3, the applicant files herewith a table of response and statements of evidence from the following witnesses:
 - a. Shamubeel Eaqub;
 - b. Phil Stevenson;
 - c. Ian Boothroyd; and
 - d. Kyle Welten.

Dated 10 September 2025



Stephen Christensen

Counsel for Oceana Gold (New Zealand) Limited

⁴ See for example Report B.01 Tailings Storage and Rock Disposal Volume 1 Natural Hazards and Options Assessment Technical Report, Engineering Geology Ltd.