

BEFORE THE EXPERT CONSENTING PANEL

I MUA I TE PAEWHIRI WHAKAWĀ WHAKAAETANGA-Ā-RAWA

UNDER

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

KEI RARO I TE MANA O

IN THE MATTER OF

an application for approvals under the FTAA

I TE TAKE O

for the Waihi North project to expand the existing mining operations including establishing a new open pit and underground mines and extending the life of the mine

AFFIDAVIT OF JOHN HENRY TAMIHERE | HE KŌRERO TAURANGI

NĀ JOHN TAMIHERE

AFFIRMED

25th of August 2025 | Te

o Ākuhata 2025



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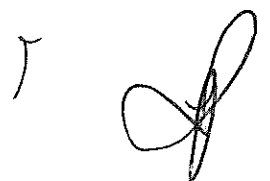
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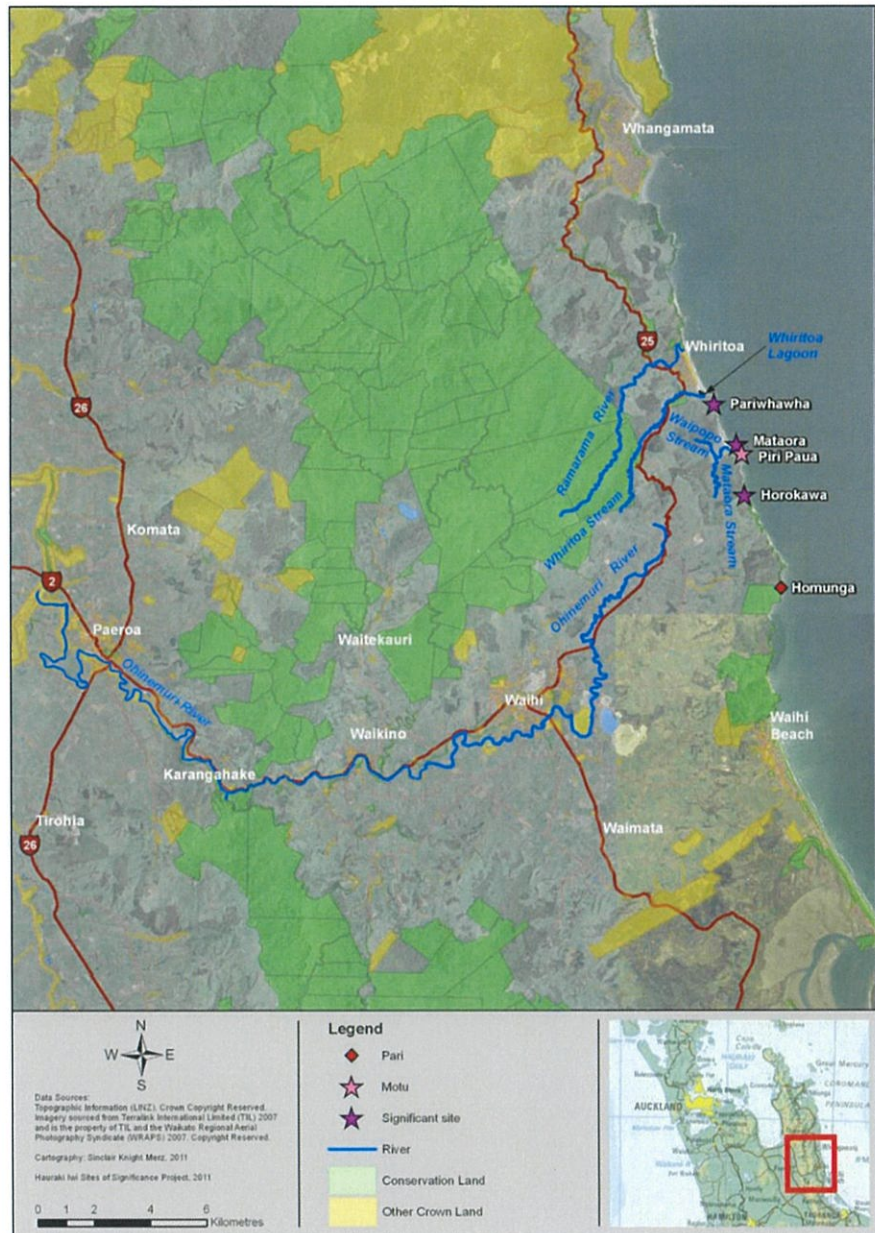
I, **JOHN HENRY TAMIHERE**, Chair of Te Rūnanga o Ngāti Porou ki Hauraki do solemnly and sincerely declare and affirm that:

1. My full name is John Henry Tamihere.
2. I am Ngāti Porou ki Hauraki (**NPkH**).
3. I am the current Chair of Te Rūnanga o Ngāti Porou ki Hauraki (**Te Rūnanga**), the President of Te Pāti Māori and a former member and Minister of Parliament.
4. I hold degrees in both arts and law.
5. I am providing this affidavit to assist the expert consenting panel to understand the concerns NPkH has about the impacts the Waihi North project (**Project**) by Oceana Gold (New Zealand) Ltd (**Oceana Gold**) will have on us.
6. I am authorised to give this affidavit on behalf of Te Rūnanga.

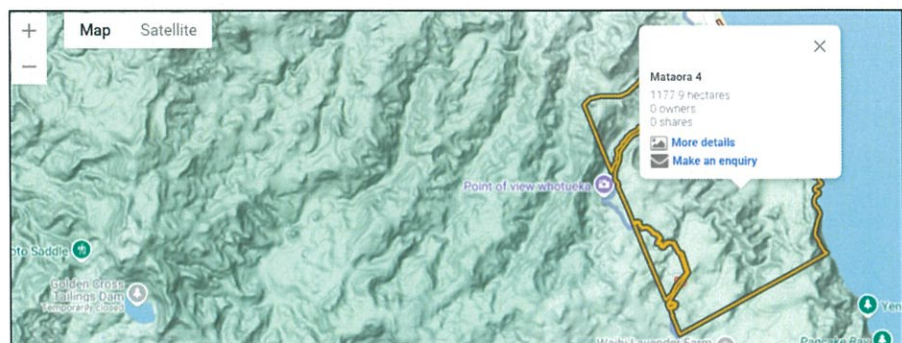
NPKH MANA WHENUA MATERIALLY AFFECTED BY PROJECT

7. We are materially affected by this Project.
8. Mataora, our rohe extends and includes exclusively from Otonga Point to Homunga in terms of coastal markers. Our Māori freehold land title takes in whenua on both sides of State Highway 25, running parallel with those coastal markers. Our iwi reach is not locked into our Freehold Estates but was and is still asserted in regard to our Tai Moana and Ngahere Kai in Wharekirauponga. In other words, our traditional rights to fish and hunt are widely accepted because we just have.
9. Below is a map showing the part of our rohe and our awa which are relevant to and will be affected by the Oceana Gold Waihi North Project.





10. Our Māori freehold title, is the largest in the Waihi District, being some 1,140 hectares at Mataora. A map showing the location of Mataora is below.



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11. We own our estuary and our foreshore 20m into the highwater mark, care of title inclusion as to the estuary and by way of Māori reservation description in our Gazette Notice as to the foreshore. I oversaw these transactions.
12. Our Mataora land is also adjacent to the Conservation land that Oceana Gold wants to mine as part of their Waihī North Fast Track project.



13. Our Iwi have the only mana whenua marae south of the Karangahake Gorge and Whangamatā, Paikea Moana Ariki.
14. We are recognised as one of the 12 iwi of Hauraki in the Hauraki Māori Trust Board Act 1988.
15. We are a member of the Hauraki Collective and have signed the collective agreement in principle (**AIP**) and are recognised as an iwi of Hauraki in the current Pare Hauraki Collective Redress Bill.
16. We are also recognised as an iwi in Hauraki under the Māori Fisheries Act 2004, Te Ture mō Te Reo Māori 2016, and the Electoral (Iwi organisation and other Māori Organisation) Regulations 2018.
17. We also have our own AIP with the Crown. A copy of this is attached as "**Exhibit A**" to this affidavit.

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18. While we have not yet settled our Treaty claim, we have letters of offer from the Crown, which include the two Waihi schools, the Waihi District Court plus other things. A copy of one of these letters is attached as "**Exhibit B**" to this affidavit.
19. Te Rūnanga is our iwi authority and mandated representative body for our iwi. We have carried out our mandate hui and our Rūnanga is now the agreed PSGE for our settlement in the Hauraki. The mandate was achieved 4 November 2022 and I attach the acknowledgement of mandate as "**Exhibit C**".

PROCEDURAL FLAWS


20. Despite our status as mana whenua we have not been recognised or consulted with as mana whenua during this process.
21. The s.18 Report prepared by the Ministry was incorrect as it failed to recognise us as mana whenua and did not recognise our AIP.
22. Under Section 29 of the Fast Track Approvals Act, the authorised person for a project must consult with the persons and groups referred to in Section 11 of that Act - which includes any relevant Iwi Authorities and Treaty Settlement Entities.
23. The result of predetermining that Ngāti Porou ki Hauraki, without any consultation, does not hold mana whenua, beggars' belief. It has led to us not being included in the Panel Convenors conference and to this application being accepted for processing despite the lack of consultation with us.
24. Our case for this is fully expressed in our correspondence dated 9 April 2025 directed to Judge Jane Borthwick, Panel Convenor for the Fast Track Process, and in our follow up letter of 18 July 2025 to the expert consenting panel. A copy of this correspondence is attached as "**Exhibit D**".

LACK OF CONSULTATION

25. It is fair to say that in early 2022 when the Waihi North Project was being consulted on, under the RMA, we were invited to participate in a cultural impact assessment. A copy of this correspondence is attached

as “**Exhibit E**”. It soon became apparent to me that this was deemed to be a tick box exercise on the part of Oceana Gold. In effect, all iwi were corralled into the one corral and treated as if we were either all the same or alternatively had competing interests to which Oceana Gold could then state this was an iwi Māori problem rather than an Oceana Gold problem. This was not a good faith consultation. While we received a small amount of funding for initial engagement we did not receive any funding to enable us to complete and conclude a cultural impact assessment. The evidence for these assertions is outlined in my attachments marked as “**Exhibit F**”. As a result, we terminated our MOU with OGNZL.

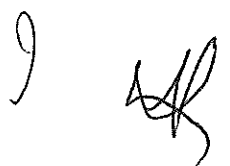
26. No Oceana Gold staff or experts have visited Mataora physically, nor have they undertaken any surveys or assessments on any impacts at Mataora. This is despite Oceana Gold having earlier flown over Mataora with me, so I could point out to them the proximity of their mining operation with the adjacent land blocks owned by us. They were left in no doubt at that time, in March 2021, as to the proximity and adverse impact possibilities of the Waihi North applications.
27. It is a fact that we have had no contact or consultation either directly or indirectly with Oceana Gold since the termination of our MOU and ceasing work on our cultural impact assessment occurred in late 2022.
28. Oceana Gold, despite knowing of our mana whenua status, the proximity of our whenua, the size of it, the number of puna and awa that emanate from the Conservation estate they seek to mine, that impacts on our whenua, have not sought to understand the cultural impacts the Project will have on us.
29. It is our view that Oceana Gold, given the material impact the operation will have on us, must ensure that a full NPkH cultural impact assessment is completed in order to inform the Fast Track Approvals Act process. They are aware of our view. Their former RMA application was fully aware of this and now they have endeavoured to subvert these processes by nailing their flag to new fast track opportunities.
30. Oceana Gold cannot be granted any consents until such time as this cultural impact assessment is provided so that the impacts can be

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assessed and it can be determined whether it is possible to mitigate adverse effects on NPKH. We will only be prepared to do a cultural impact assessment commissioned by Oceana Gold on the basis of us still working as a voluntary Rūnanga awaiting re-engagement with the Crown in terms of its settlement in the Hauraki rohe. We would need two weeks of concentrated effort to turn around our cultural impact assessment, funded either by the Fast Track panel or by Oceana Gold.

FURTHER CONCERNS

31. In support of the requirement for a full cultural impact assessment I make the following point, the Waihi North application from Oceana Gold applies to land known ancestrally as Te Whare ki Rauponga. A literal translation would be the House of Productivity or the House of Wellness. Our people, because of proximity, foraged in the ngahere here, fished the awa and hunted the native pigeon, etc. More importantly to NPKH, Te Whare Ki Rauponga is also the name of one of our great Houses of Learning. Te Whare Ki Rauponga is deemed to be a place where we safely recite our genealogical repositories. In that sense Te Whare Ki Rauponga is one of our most sacred areas upon which we conduct our tikanga. This is why a cultural impact assessment becomes essential.
32. We have deep concerns about the potential effects of the Waihi North Project on our settlement at Mataora, our rivers, our aquifers, our puna not to mention increased hazards by traffic, traffic noise, constant mining noise. The noise from State Highway 25 reverberates down into our beach as it is. Noise from a mine on a 25-year permit, unmitigated, will be intolerable.
33. Much is made about the economic benefits that will flow to NPKH and the District in general. With respect, if its present operation is anything to go by our young people have to leave the District for employment. The amount of poverty in Waihi township, Whangamatā, Paeroa and Ngātea is significant. What does that poverty look like? We are told one third of the Hauraki District Council ratepayer base does not pay its rates. We know that if our young people do not move out of Waihi, they will be another benefit statistic and our young people having to exit the district speaks margins about the supposed economic miracle that



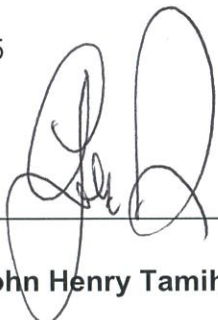
Oceana Gold has delivered to our people. Greater automation of the industry will continue to impact on labour requirements over time.

34. Finally, we are deeply concerned with the familial close association and relationships built up over time as between Hauraki District Council officials and Oceana Gold executives. These relationships have gone on for nearly 30 years as between key employees in Oceana Gold and key employees at Hauraki District Council. I attach as evidence for this marked as “**Exhibit G**” an Affidavit provided by the Hauraki District Council Chief Planner Ms van Steenberghe supporting Oceana Gold in objecting to a five day out of time application by NPkH to have its objections under the RMA vented. There was no need for Hauraki District Council to take a position of active opposition in this proceeding. I also attach a copy of the Environment Court’s Judgement marked as “**Exhibit H**” which has given us the chance to be heard.


AFFIRMED at Henderson

This 25th day of August | Ākuhata 2025

Before me:



John Henry Tamihere



Christopher Robert Darrow

Solicitor of the High Court | ~~Court Registrar~~