
MINUTE OF THE PANEL CONVENER

Request for Section 51 report for Waihi North [FTAA-2504-1046]

Approvals under Freshwater Fisheries Regulations 1983

(26 May 2025)

[1] Pursuant to section 51 of the Fast-Track Approvals Act 2024 (“the Act”), this Minute directs the EPA to obtain advice and a report from the Director-General of Conservation.

[2] Note: Associate Convener Jennifer Caldwell is assigned to this matter; however, as she is currently on leave, I will manage the project until her return in June.

[3] I have read the following documents:

- (a) A.07. Section 4: Approvals required at [4.7]
- (b) A.08. Section 5: Consultation and engagement at [5.2.5]
- (c) A.11. Section 8: Fast-track Approvals Act 2024 Requirements at [8.11]
- (d) D.06. Freshwater Fisheries Dispensation Proposed Conditions

[4] Pursuant to s 42(4)(j), the applicant, OceanaGold (New Zealand) Ltd, seeks the following complex freshwater activity approvals

- (a) A dispensation under Regulation 43 (damming or diverting a watercourse) of the Freshwater Fisheries Regulations for:
 - (i) The Northern Uphill Diversion Drain; being a diversion of watercourse TB1 around the Northern Rock Stack; and
 - (ii) The Southern Uphill Diversion Drain; being a diversion of the Ruahorehore Stream around Tailings Storage Facility 3.

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- (b) Approvals in respect of complex freshwater fisheries activities in relation to Regulation 42 (culverts and fords).¹

[5] Pursuant to section 51(1) of the Act, the Director-General of Conservation is to file a report advising how the weighting of matters set out in Schedule 9, clause 4 of the Act should be approached, with regard to relevant senior court decisions.

[6] Pursuant to section 51(2)(c) of the Act, if the Director-General of Conservation does not agree with, or wish to expand upon, the expert and planning assessment lodged in support of the access arrangement, they must file a report in accordance with Schedule 9, clause 4.

[7] For the avoidance of doubt, the Director-General of Conservation:

- (a) may confirm and append advice previously given in response to a panel convener's directions under s 51(1) on another project; and
- (b) does not need to provide an assessment of the approval pursuant to s 51(2)(c) if they concur with the expert and planning assessments filed by the applicant.

[8] It does not appear that the applicant has proposed conditions. The applicant and the Director-General of Conservation are to confer and propose conditions. If they cannot agree on the wording of the conditions, the Director-General of Conservation shall lodge draft conditions together with this report.

[9] Any advice or report received will be provided by the EPA to the persons listed in section 51(5).

¹ A.07. section 4: Approvals required at [4.7]

[10] Finally, it would assist the panel convener if the Director-General of Conservation is able to indicate their views on the application at the convener's conference, tentatively scheduled for **11 June 2025**.

 Jane Borthwick

Panel convener for the purpose of the Fast-track Approvals Act 2024