



22 April 2025

██████████  
██████████ Fast-track Applications  
Te Kawanatanga o Aotearoa  
New Zealand Government  
Via email

Dear ██████████

**FAST-TRACK APPROVALS ACT 2024 – WAIHI NORTH PROJECT –  
THAMES-COROMANDEL DISTRICT COUNCIL SECTION 46 CONSULTATION**

Thank you for the opportunity to provide comment on the substantive application lodged by Oceana Gold Limited. I have reviewed the application documentation, in particular noting the those documents which have changed from the initial application that was lodged and considered sections 42 and 43 of the Fast-track Approvals Act 2024 as requested. It is my view that the documentation regarding RMA approvals is generally adequate, however I have noted that there are some deficiencies in the following areas of the application relating to district plan interpretation and activity status. Please note that the comments I have provided are only in the context of the monitoring activities occurring within the Thames-Coromandel District, not the substantive application.

It is my view that the assessment against the District Plan Operative in Part is not correct for the activity and associated activity status and would fall as a mining activity and therefore under Section 37 of the district plan the mining activity would be a non-complying activity. The application rules assessment has assessed the relevant rules under the Section 42 Conservation Zone rules and the Section 29 Biodiversity rules. I do not consider that this is the correct approach to assessing the proposal against the district plan. Whilst these activities when assessed as standalone activities could be considered to be scientific equipment, navigational aid activity, public amenity and indigenous vegetation clearance activities, these activities are part of the overall mining activity for the Waihi North project.

The District Plan has a hierarchical structure and activities are set out as rules within zones, or grouped within district wide activities or specifically referred to within overlays used to identify the special values of the district and special purpose provisions. In this instance the definition of mining is structured to capture all components of a mining activity, in particular, the activities which would be occurring on the subject sites being the piezometers that will be drilled using a portable drilling rig and the associated vegetation removal. The Mining and Underground Mining definitions are set out below:

***Mining** means to take, win, or extract, by means of earthworks, a mineral existing in its natural state in land but does not include prospecting, exploration, mineral processing or waste rock/tailings storage. To 'mine' has a corresponding meaning. In the Plan, 'mining' is separated into 'surface mining', 'underground mining' and 'quarrying'.*

*Mining includes, but is not limited to:  
Transportation of soil, rock or minerals to and from the site;*

- Removal and replacement of overburden;
- Temporary stacking, deposition or storage of soil, rock, or minerals;
- Construction, maintenance, and operation of any buildings, structures, land improvements, and any machinery and equipment, related to this activity such as drilling rigs and temporary accommodation;
- Earthworks, including tracking;
- Dewatering;
- Vegetation removal.

*Underground Mining means mining that occurs underground, utilising shafts, adits, tunnelling and other recognised underground mining techniques, methods and equipment, and also includes:*

- Surface disturbance associated with underground mining;
- Backfilling of the void with waste rock and aggregate;
- Emergency exits and ventilation shafts;
- Temporary stockpiles of material to be used as road base, backfill or ore pads;
- Water treatment facilities.

*It also includes associated activities as listed in the Plan definition of 'Mining'.*

The guidance in Section 1 of the District Plan sets out how to use the plan. This section of the plan states that if the proposed activity is associated with any of the district wide activities, you must consider the District-Wide rules. This approach is reinforced by the definition of Underground Mining, which states that it also includes associated activities as listed in the Plan definition of Mining. The district plan has a specific district-wide section for mining in Section 37. The activity that is proposed to occur within the TCDC district, whilst only for monitoring and restoration, is associated with the underground mining activity that is proposed within the adjacent Hauraki District. It is accepted that the underground mining activity is not occurring in the TCDC District, however based on the plan logic it is my view that this would be the activity that the monitoring is associated with as defined within the mining definitions of the district plan.

Overall, it is considered that the proposal would be a non-complying activity pursuant to Section 37 rule 4.4 as the activity is within an overlay and takes on the activity status in Rule 8 Table 1A.

### **Specific questions relating to this application in accordance with section 30 of the Act**

I can confirm that the written notice prepared by the Council dated 3<sup>rd</sup> March 2025 remains accurate and final at the time of receiving this letter.

If you have any questions about the content contained in this letter, please do not hesitate to contact me on [REDACTED]

Yours faithfully



**Tamil Dyer**  
**Acting Group Manager Regulatory & Planning**  
**THAMES-COROMANDEL DISTRICT COUNCIL**