



File Ref: FTAA-2504-1043

22 April 2025

[REDACTED]  
Fast-track Applications  
Environmental Protection Authority  
By email: [REDACTED]  
Uploaded to Fast-track Portal

Tēnā koe Alex

### **Completeness assessment for substantive application – the Waihi North Project**

I refer to your letter of 11 April 2025 to the Chief Executive, Ministry of Business, Innovation and Employment (MBIE), seeking MBIE's view on the completeness of the following substantive application made under the Fast-track Approvals Act 2024 (the Act):

- *REQ001250D9G8: substantive application for access arrangements for the Waihi North Project (the application) lodged by Oceana Gold (New Zealand) Limited ("Oceana Gold") under section 42(4)(l) of the Act.*

I note that, on 28 March 2025, the initial substantive application for the Waihi North Project was returned to Oceana Gold following the Environmental Protection Authority's (EPA's) decision that it did not comply with the requirements of section 46(2) of the Act.

Oceana Gold has now resubmitted its substantive application having taken actions that, in its view, addresses the issues identified by the EPA. Oceana Gold confirms the documents supporting its resubmitted application are identical to what it filed with its original application, except for the following:

*1. Assessment of Historic Heritage and Archaeological Effects (Attachment B.49 of the application):*

*a. now provides an "assessment of Māori values of the archaeological sites, and the effect of the proposed activity on those values"*

*b. now provides additional information relating to the nature of the proposed earthworks of the project and associated impacts on archaeological sites.*

*2. The Substantive Application Report (Attachments A.04 – A.12 of the application):*

*a. now provides an "assessment of Māori values of the archaeological sites, and the effect of the proposed activity on those values"*

*b. now reflects that an Archaeological Authority application for works at the proposed Willows Surface Facility Area, which was being processed at the time of previous lodgement, has been granted (reference number 2025/359)*

*c. confirms that no non-mining activities are being applied for on land identified as ineligible land in Schedule 4 of the Fast-track Approvals Act 2024.*

## **Conclusion**

Given the resubmitted application has not changed in respect of the material MBIE has been asked to consider, our view remains that it can be considered complete and our conclusions and responses are unchanged from the feedback we provided on the initial submission.

For ease of reference, we attach this feedback in the Appendix.

Nāku noa, nā



John Buick-Constable  
**National Manager, Petroleum & Minerals**  
Resource Markets Branch

## **Appendix – Responses to questions for completeness check of substantive application – the Waihi North Project (as provided on 18 March)**

### **Responses to questions**

Responses to each of the specific questions raised in your letter are set out below.

We are not aware of any other provisions of the Act, beyond those set out in this letter, that would be relevant to the completeness check for the application.

#### **1) Does the application meet the requirements of section 42 of the Act?**

In our view, the application meets the requirements of section 42 of the Act.

Pursuant to section 42(4)(l) of the Act, Oceana Gold is seeking, among other approvals, both an initial access arrangement and a variation to an existing access arrangement that would otherwise be applied for under section 61 of the Crown Minerals Act 1991 (CMA).

Pursuant to section 42(10)(a) of the Act, Oceana Gold is eligible to apply for the access arrangements under the Act because it is the holder of Minerals Mining Permits (MPs) 41808 (Favona) and 60541 (Wharekirauponga), issued under the CMA, which both lie within the Waihi North Project area.

#### **2) Does the application meet the requirements of section 43 of the Act?**

In our view, the information provided by Oceana Gold in the application and supporting documents satisfies the requirements of section 43(3)(l) of the Act.

We considered whether there might be an issue with the inclusion of land that is part of a local purpose reserve under section 23 of the Reserves Act 1977. Some reserve land is vested to councils and therefore not considered Crown land under the CMA. The land in question is shown in Fig 8-8, page 679 of document A.11, approximately in the area denoted by points 13 to 16.

However, the Department of Conservation (DOC) has confirmed to us that the reserve in question is Crown land it administers and therefore there is no ineligibility issue under the Act or the CMA.

#### **3) Is the information provided in sufficient detail to satisfy the purpose for which it is required in accordance with section 44 of the Act?**

In our view, the information provides sufficient detail to satisfy the purpose for which it is required.

However, the EPA should also consider the views of DOC in relation to the requirements of section 44 of the Act as the land over which the access arrangements are being sought is administered by DOC. The Director-General of Conservation would therefore be a relevant “administering agency” for these approvals (see section 4 of the Act) and required to provide a report under section 51(1)(b) of the Act advising the panel in relation to the criteria to be considered under clause 7 of Schedule 11 of the Act.

**4) If the approval application is under section 42(10) of the Act, is the applicant a holder of the requisite permit?**

Yes, Oceana Gold holds two mining permits within the Waihi North Project: MP 41808 (Favona) and MP 60541 (Wharekirauponga). Copies of the permits have been provided with the application (File E.03).

**5) Does the applicant hold exploration permits or existing privileges that apply to the minerals deposits that approval is sought for, and when does that permit, or privilege expire?**

In our view, this question is not relevant to the completeness check of the application and would only be relevant if Oceana Gold were also applying for a mining permit under section 42(4)(n) of the Act.

**6) Confirm the project site in relation to this application, as shown in Figure 2-1, page 36 of document A.05 – Substantive Application Report – Project Description, is within the area covered by that permit or privilege.**

We confirm that the project site shown in Figure 2-1 falls within MP 41808 (Favona) and MP 60541 (Wharekirauponga) held by Oceana Gold.

**7) Confirm that granting the approval would not be prevented by any of sections 25(6) and (7) and 30(8) of the CMA if the approval were applied for under the CMA.**

In our view, this request is not relevant to the completeness check of the application and would only be relevant if Oceana Gold were also applying for a mining permit under section 42(4)(n) of the Act.