

BEFORE THE ENVIRONMENT COURT
AT AUCKLAND

ENV-2025-AKL-000121

I MUA I TE KŌTI TAIAO O AOTEAROA
KI TĀMAKI MAKĀURAU

IN THE MATTER of the Resource Management Act 1991 (RMA)

AND

IN THE MATTER an application for waiver under s.281 of the RMA to file a late appeal under cl.15 of Schedule 1 of the RMA in relation to Hauraki District Council's decision on Proposed Plan Change 6 – Extension of Martha Mineral Zone

BETWEEN TE RŪNANGA O NGĀTI POROU KI HAURAKI
INCORPORATED

Applicant

AND HAURAKI DISTRICT COUNCIL

Respondent

AND OCEANA GOLD (NEW ZEALAND) LIMITED

Private Plan Change Applicant

AFFIDAVIT OF MARINA VAN STEENBERGEN ON BEHALF OF HAURAKI
DISTRICT COUNCIL

SWORN:
AFFIRMED.

26 June 2025

This is the Exhibit marked "G" referred to in the
attached affidavit sworn this day 25th day of

August

2025 before me;

.....
Deputy Registrar/ Solicitor

Andrew Green
Partner
green@brookfields.co.nz
Telephone No. 09 979 2172
P O Box 240
DX CP24134
AUCKLAND

BROOKFIELDS
LAWYERS

Mrs AS
I, **MARINA VAN STEENBERGEN**, of Paeroa, District Planner, swear: *solemnly and sincerely affirm*

1. INTRODUCTION

- 1.1 My full name is Marina van Steenberg.
- 1.2 I have been employed at Hauraki District Council (**Council**) and its predecessors for 41 years.
- 1.3 I currently hold the position of District Planner.
- 1.4 As part of my role, I oversee all First Schedule RMA processes, including requests for private plan changes under Part 2 of that Schedule.
- 1.5 I am familiar with Private Proposed Plan Change 6 (**PPC6**), initiated by OceanaGold (New Zealand) Limited, which sought to extend the Martha Mineral Zone in Waihi.

2. SCOPE OF THIS AFFIDAVIT

- 2.1 This affidavit is provided in response to an application for waiver under section 281 of the RMA to allow the late filing of an appeal against the Council's decision on PPC6.
- 2.2 It sets out the process undertaken by Council to notify affected parties in accordance with the RMA.

3. LEGISLATIVE CONTEXT – IWI ENGAGEMENT REQUIREMENTS

- 3.1 Section 35A(2) of the RMA requires local authorities to maintain and use records of iwi authorities in their region, including reference to the Crown's Te Kāhui Māngai (**TKM**) directory when processing private plan change requests.

4. IDENTIFYING RELEVANT IWI AUTHORITIES

- 4.1 As part of the Council's statutory obligations, we undertook a structured and robust process to identify relevant iwi authorities for the purposes of PPC6.
- 4.2 This process included:
 - (a) Initial reliance on section 35A(2) of the RMA and the TKM register to compile a list of iwi authorities with interests in the Hauraki District and, more specifically, the Waihi area.

Mrs AS

- (b) Internal consultation with the Council's Iwi Liaison Manager, to review and refine the information from TKM. The reasons for this included:
 - (i) Ensuring that iwi authorities with mana whenua in the PPC6 area were not inadvertently excluded; and
 - (ii) Avoiding unintended offence to mana whenua by notifying iwi who did not hold mana whenua status in the area.

4.3 Following that internal review, iwi authorities were categorised into two groups:

- (a) Mana whenua iwi authorities directly affected by PPC6, which were identified as:
 - (i) Ngāti Hako
 - (ii) Ngāti Tamaterā
 - (iii) Ngāti Tara Tokanui
- (b) Other iwi authorities with interests in the broader Waihi area, identified via the TKM register as having a potential but less direct interest. These were:
 - (i) Ngāti Maru
 - (ii) Ngāti Rāhiri Tumutumu
 - (iii) Ngāti Whanaunga
 - (iv) Ngāti Porou ki Hauraki
 - (v) Ngāi Tai ki Tāmaki

5. S18 FAST-TRACK APPROVALS ACT DETERMINATION

5.1 In addition to the Council's internal process for identifying relevant iwi authorities, I am aware that the Ministry for the Environment (**MfE**), acting under section 18 of the Fast-track Approvals Act 2024 (**FtAA**), made a formal determination in respect of the Waihi North Project area. The Waihi North Project site is located in Hauraki District, but outside the urban area of Waihi to which PPC6 applied.

Ms B

- 5.2 In a report from MfE to the Panel Convenor for the Waihi North Project, dated 4 June 2025, it was determined that Ngāti Porou ki Harataunga ki Mataora (NPKH) did not meet the criteria for mana whenua status in relation to that Project. The determination was made pursuant to section 18 of the FtAA and was based on an assessment of whakapapa, tikanga, and other information submitted during the fast-track application process.
- 5.3 While the fast-track consenting process operates under a separate legislative framework from the RMA, the section 18 determination provides an independent, recent Government view on the status of iwi in the Waihi area.
- 5.4 In my view, the outcome of that process supports the Council's earlier classification of NPKH as a potentially interested iwi, rather than one with mana whenua in the area directly affected by PPC6.

6. CONSULTATION AND NOTIFICATION STEPS

- 6.1 Council staff sent letters to directly affected iwi authorities (as per paragraph 4.3(a)) in advance of public notification of PPC6 and invited comment/hui regarding the possible appointment of a commissioner to the Hearing Panel with an understanding of tikanga Māori. Two hui were subsequently held and as a result Council resolved to appoint a commissioner (Shadrach Rolleston) with specific expertise and background in Te āo Māori.
- 6.2 PPC6 was publicly notified on 13 February 2024, in accordance with clause 5 of Schedule 1 to the RMA. Notification letters were sent to all the iwi authorities listed above (in paragraph 4.3, both (a) and (b)). Although the letters were differentiated by classification (statutory versus potentially interested), both groups received the same material:
- (a) A copy of the public notice
 - (b) A summary document outlining PPC6
 - (c) A location map
 - (d) A web address for full PPC6 documentation
- 6.3 The submission period closed on 28 March 2024. Council received a submission from Ngāti Porou ki Hauraki Runanga dated 28 March 2024. A copy is attached to the Notice of Appeal.

MJS

7. DECISION-MAKING PROCESS

- 7.1 Following the close of submissions, a hearing on PPC6 was held before a panel of independent commissioners in December 2024 and February 2025.
- 7.2 The hearing panel considered all submissions, expert evidence, and relevant RMA provisions.
- 7.3 A decision approving PPC6 (with modifications) was issued on 27 March 2025 and was served on all submitters in accordance with clause 10(4) of Schedule 1 of the RMA. Public notice of the Council decision was given on 1 April 2025.
- 7.4 The appeal period (30 working days after the decision) expired on 16 May 2025.
- 7.5 The decision-making process was conducted in accordance with the statutory requirements under the RMA, and provided a fair and transparent opportunity for participation by all submitters and interested parties.

8. CONCLUSION

- 8.1 The Council undertook a deliberate and considered process to identify and engage with iwi authorities in accordance with its obligations under the RMA.
- 8.2 The mana whenua iwi authorities listed in paragraph 4.3 (a) above were contacted prior to notification and invited to comment/hui on the possible appointment of a commissioner with an understanding of tikanga Māori.
- 8.3 Both mana whenua and potentially interested iwi (as listed in paragraph 4.3 (a) and (b) above) were contacted at the time of notification, and all received the same level of information and invitation to submit.
- 8.4 In my opinion, the consultation and notification process for PPC6 was fair, robust, and fully compliant with the RMA.
- 8.5 I respectfully consider that the iwi engagement process provided a reasonable opportunity for participation, and that the application for waiver should be considered in light of these facts.

Mos

M/S

AFFIRMED

SWORN at Paeroa
this 2th day of June 2025
before me:



)
)
)


MARINA VAN STEENBERGEN

A Solicitor of the High Court of New Zealand

Suzanne Patricia Coffey
Barrister & Solicitor
PAEROA