

Under the **FAST-TRACK APPROVALS ACT 2024**

In the matter of an application for approvals by Matakanui Gold Limited to establish, operate, rehabilitate and ultimately close an open pit and underground gold mining operation known as the Bendigo-Ophir Gold Project

**JOINT MEMORANDUM OF COUNSEL FOR OTAGO REGIONAL COUNCIL
AND CENTRAL OTAGO DISTRICT COUNCIL
REGARDING PROPOSED MATAKINUI TRUST**

26 August 2026

MAY IT PLEASE THE PANEL:

1. This memorandum of counsel for Otago Regional Council (**ORC**) and Central Otago District Council (**CODC**) relates to information provided by the applicant on 22 July 2026, in response to questions 12 to 16 of the Panel's RFI 11, regarding the proposed Matakini Trust.¹
2. At paragraph [8] of minute 44 dated 10 August 2026, the Panel noted that:

"(...) because the relevant material has come in by way of response to an RFI there is no statutory right for s51 parties and s53 invitees to comment (see FTAA s 67(5). However, if experts for these parties and invitees were to take significant issue with the budgetary provisions, it is likely that the Panel would want the benefit of their opinion and issue a request under that section."
3. The Councils' expert advisor, Mr Steve McInerney of Damwatch, has considered the information provided by the applicant (including the commercially sensitive information redacted from the publicly available version). Mr McInerney has carried out modelling and prepared a memorandum assessing the adequacy of the applicant's proposal in this regard.
4. Counsel consider that the Panel would gain significant assistance from Mr McInerney's memorandum and respectfully ask that the Panel issue a request under section 67(5) of the Fast-track Approvals Act 2024 to receive the memorandum accordingly.
5. Counsel have Mr McInerney's completed memorandum to hand so can provide it promptly on request (ie within 1 business day), together with a version that redacts commercially sensitive information (in line with minute 44).

¹ https://www.fasttrack.govt.nz/_data/assets/pdf_file/0016/31246/RFI-11-Q12-Q16-Bonding-Redacted.pdf

6. In making this request, counsel note that minute 46 of the Panel dated 19 August 2026 provides the Councils with a general ability to comment (by 7 September) on the material filed by the applicant on 17 August 2026.
7. This memorandum is therefore filed out of an abundance of caution, due to the information regarding the proposed Matakinui Trust having been provided earlier by the applicant (on 22 July). If the Panel considers that Mr McInerney's memorandum can instead be provided pursuant to minute 46, counsel would be happy to oblige.

Dated this 26th day of August 2026



Dave Randal
Counsel for Otago Regional Council



Jayne Macdonald
Counsel for Central Otago District Council