

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

**MEMORANDUM OF COUNSEL FOR OTAGO REGIONAL COUNCIL
REGARDING SPRING ANNUALS SURVEY**

10 August 2026

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MAY IT PLEASE THE PANEL:

Introduction and request for leave

1. This memorandum of counsel for Otago Regional Council (**ORC**) respectfully seeks leave for the Expert Panel (**Panel**) to receive comments provided by ORC's expert advisor, Ms Trudy Anderson, on the 2025 Spring Annuals Survey (**Survey**) submitted by the applicant.
2. Minute 40 of the Panel dated 8 July 2026 recorded receipt of the Survey and directed any parties who wished to comment on it to seek leave,¹ with the Panel expressing its preference for comments to be submitted "*(...) earlier than or by the recommencement date*".²
3. Ms Anderson has reviewed the Survey on ORC's behalf and provided feedback that ORC wishes to be available to the Panel. Given the succinct nature of that feedback (and in the interests of timeliness) the feedback is set out below, within this memorandum. As such, leave is respectfully sought that the Panel receive and consider this memorandum and the feedback contained therein.

Comments on Survey

4. As the Panel noted at [10] of Minute 40, the Survey results indicate that the population and distribution of the four spring annuals species (**Species**) surveyed are likely to be greater than indicated in initial surveys provided by the applicant.
5. Importantly, this includes within the Project's direct disturbance footprint (**DDF**), which had the highest concentration of Species of all the areas surveyed; the Survey records that the highest concentrations of *Ceratocephalus pungens* (Threatened – Nationally Critical), *Myosurus minimus* (At Risk – Declining), and *Myosotis brevis* (Threatened – Nationally Vulnerable) were located within the DDF.³
6. Additionally, the Survey identified that all Species were present within the early disturbance CIT Open Pit Area (in particular, large numbers of *Myosotis brevis*).

¹ At [9] of the Minute.

² Ibid.

³ pp 9, 13, and 17 of the Survey.

7. Large areas of the DDF are yet to be surveyed. Based on the Survey results, Ms Anderson considers it highly likely that unsurveyed areas of the DDF contain significant populations of the Species (including in environments outside of cushionfields), reinforcing that the DDF is a “*hot spot*” for these Species.
8. In light of these findings, Ms Anderson considers that the impacts of the Project on the Species will not be predominantly limited to the proposed CIT Open Pit Area. Self-evidently, the applicant's proposal to exclude the CIT Open Pit Area from open-cast mining unless it is demonstrated that populations within that footprint represent less than 1% of the known populations within the Dunstan Ecological District will not assist to address the project's effects on the Species elsewhere.
9. As such, Ms Anderson considers the Survey indicates that the impact of the Project on the Species is likely to have been underestimated by the applicant's experts. Further Spring surveys would be required of the entire DDF, prior to any disturbance activities, to understand the full extent of the effects of the Project.
10. ORC has considered whether there are any practicable consent conditions that could substantially reduce these effects while enabling the proposed mining activities to proceed. To date it has not been able to identify any such conditions.

Dated this 10th day of August 2026



Dave Randal
Counsel for Otago Regional Council