

BEFORE THE PANEL CONVENER

Under the Fast-track Approvals Act
2024

In the matter of an application by
Matakanui Gold Limited
for approvals for the
Bendigo-Ophir Gold
Project

Application No. FTAA-2507-1089

**Response of Central Otago District Council to Minute of the
Panel Convenor dated 18 December 2025**

Bendigo-Ophir Gold Project

16 January 2026

MACTODD LAWYERS

Barristers, Solicitors, Notaries

Level 2, Remarkables House

26 Hawthorne Drive, Frankton

Queenstown 9300

P O Box 653, DX ZP95001, Queenstown 9348

Telephone: [REDACTED]

Solicitor Acting: Jayne Macdonald

Email: [REDACTED]

MAY IT PLEASE THE PANEL CONVENER

1. This memorandum is provided on behalf of Central Otago District Council (CODC) in response to the Panel Convener's Minute dated 18 December 2025 (**Minute**) in respect of the Santana Minerals application for the Bendigo-Ophir Gold Project. It addresses the matters set out in Schedules 1 and 2 of the Minute, insofar as they relate to CODC's functions and interests.
2. Mactodd Lawyers has been instructed to assist CODC in respect of the application. CODC's comments are intended to assist the Panel Convener in determining an appropriate decision timeframe and panel composition, and to identify at an early stage the likely issues from a district planning perspective.
3. CODC understands that the conference on 21 January 2026 is intended to gather participant views on:
 - a. the appointment of panel members; and
 - b. the timing of the panel decision,

and to record processes that may assist in narrowing or resolving issues arising from the substantive application.

Schedule 1 of the Minute – Participants' estimated timeframe

4. CODC does not have a prescriptive timetable to propose for every step in Schedule 1. However, CODC is firmly of the view that, given the scale and complexity of the proposal and the current state of engagement between the applicant and other participants, a significantly extended decision timeframe is required to ensure a robust process and outcome.
5. CODC supports the indication in the Minute that a longer timeframe may be appropriate and specifically supports a decision timeframe in the order of a minimum of **120 working days** (rather than 30 working days) from panel commencement. In CODC's view this is necessary to:

- a. allow adequate time for:
 - i. any requests for further information and responses;
 - ii. expert conferencing and/or mediation on key technical issues;
 - iii. careful drafting, review and refinement of conditions, including conditions that rely on management plans; and
 - iv. the statutory steps involving draft conditions and Ministerial comment; and
 - b. mitigate the risk that compressed timeframes could compromise decision quality or expose the decision to unnecessary challenge.
6. CODC notes the following factors relevant to timeframe:
- a. The application and supporting information run to in excess of 9,000 pages, including no fewer than 44 technical reports and 23 management plans. This alone creates a substantial task of review, evaluation and synthesis for the Panel and participants.
 - b. CODC will be required to continue engaging external planning and technical experts to advise on the application, and to participate in any conferencing or hearing processes. Coordinating those inputs within a short timeframe will be challenging and may not be achievable without compromising the quality of advice provided to the Panel.
 - c. At this stage there is no clear, shared articulation of issues that are agreed versus those that remain in dispute, given the limited nature of pre-lodgement engagement (discussed further below). Additional time will be needed early in the process to define issues, identify areas of agreement, and focus the Panel's attention on the truly contentious matters.

7. Overall, CODC considers that an indicative minimum 120-working-day decision timeframe is realistic and necessary in this case, and would better “facilitate effective process” in the manner envisaged by the Minute.

Schedule 2 of the Minute – Matters to consider when preparing for conference

Approvals

8. CODC understands that the application seeks all necessary district-level approvals for the proposal that would otherwise be required under the Central Otago District Plan, and that these have been “bundled” so that the overall activity status is discretionary. CODC’s preliminary review indicates that the application has identified the relevant consents required under the CODC plan, although that remains subject to detailed review through the substantive process.
9. The site is located within the Rural Resource Area of the District Plan and is subject to the Dunstan Mountains Outstanding Natural Landscape (ONL) overlay and the Bendigo Terrace Significant Amenity Landscape (SAL) overlay. These plan provisions give rise to particular expectations as to the protection of landscape values and management of effects, including the appropriateness of large-scale mineral extraction within an ONL and SAL context.
10. The application documentation acknowledges and relies upon these plan provisions. CODC expects that they will be central to the Panel’s assessment under the FTAA.

Complexity

11. CODC agrees that the Bendigo-Ophir proposal is **complex** in legal, evidential and factual terms as further discussed below.

(a) Legal complexity

12. CODC's current view is that, while the proposal raises important questions of statutory interpretation and application, it may not involve "novel" law in the sense of untested statutory provisions, except to note the FTAA is now legislation, and this is the first Substantive Application that CODC is involved in the processing of under the FTAA. However, there are legal complexities that warrant careful consideration, including:

- a. The interface between the FTAA and the existing RMA-based District Plan framework, particularly in relation to activities in an ONL/SAL setting; and
- b. The approach to conditions, including bonding and reliance on multiple management plans, to ensure that they are certain, enforceable and effective in controlling effects over the life of the project and into the rehabilitation phase.

(b) Evidentiary complexity

13. The application involves a large volume of technical material, including at least 44 technical reports across disciplines such as landscape, ecology, hydrology, geotechnical engineering, transport, noise and vibration, heritage and archaeology, economics, closure and rehabilitation.

14. A further layer of complexity arises from 23 management plans that are relied upon both as part of the proposal and as proposed conditions of consent. CODC is particularly concerned that the conditions framework clearly defines:

- a. The relationship between the consent conditions and the various management plans;
- b. The process and criteria for certifying and updating management plans over time; and
- c. How compliance will be monitored and enforced in practice.

15. The breadth and depth of technical evidence, and the interplay between technical reports and management plans, will require careful management to ensure the Panel has a coherent evidentiary picture on which to base its decision.

(c) Factual complexity

16. Factual complexity arises from both the volume of information and the specialised subject matter. The proposal involves large-scale mineral extraction and associated infrastructure in a sensitive landscape and ecological setting, with potential effects on:

- a. landscape and natural character;
- b. indigenous vegetation and fauna (including lizards);
- c. surface water and groundwater;
- d. transport networks;
- e. historic heritage and archaeology;
- f. noise and lighting; and
- g. the local and regional economy.

17. Many of these matters involve technical assessments and modelling over long time horizons, including in relation to tailings storage, engineered landforms, rehabilitation trajectories and residual risk. This inherently increases factual and evidentiary complexity.

18. The limited opportunities to date for joint expert engagement (discussed below) mean that areas of agreement and disagreement have not yet been fully scoped or narrowed, adding to the factual complexity that the Panel will inherit at the outset of its process.

Issues – including consultation and engagement

(a) Level of pre-lodgement engagement

19. One of CODC's key concerns, which it wishes to emphasise at this stage in the process, is the limited and fragmented nature of pre-lodgement engagement.

20. Attachment 1 to this memorandum (Appendix 1 – *Santana Engagement – Timeline of Engagement*) sets out a chronology of interactions between CODC and the applicant during the pre-lodgement phase. In summary:

- a. CODC received presentations and high-level updates, but requests for copies of presentation materials and for early access to draft technical documents were not always met.
- b. CODC repeatedly sought a description of the proposal, a draft application and/or draft Assessment of Environmental Effects (AEE), and key technical reports, in order to brief and engage its own experts, and to facilitate meaningful pre-lodgement discussions with the applicant's experts.
- c. There were delays in providing information, associated with the applicant's requirement for non-disclosure agreements and confirmation of expert names before release of technical reports.
- d. Technical documents were released progressively over a period of months and, even then, represented only a subset of the documents ultimately lodged with the substantive application.
- e. On several occasions CODC requested further information necessary to understand the proposal and facilitate discussion between experts. The information provided by the applicant only partially addressed the matters raised.

- f. CODC requested that its experts be able to meet or visit the site with the applicant's corresponding experts present, to enable a constructive exchange of views. Those requests could not be accommodated in some instances.

21. These matters were recorded in CODC's section 46 completeness check report, which noted:

"While consultation has occurred, there has been very limited opportunity for an exchange of views between CODC experts and the applicant's experts to determine areas of agreement or disagreement. Site visits for CODC experts were undertaken as the technical documents were made available and requests to have MGL experts on site during CODC expert site visits were unable to be accommodated by the applicant.

The draft technical reports circulated by the applicant as part of the pre-lodgement consultation were received over several months, but were significantly fewer than the range and scope of the documents that have been submitted with the substantive application.

On three separate occasions, CODC requested further information necessary to understand the proposal and facilitate discussion between experts. The information provided as part of the applicant's response to those requests only partially addressed the matters raised by CODC. Critically, CODC made multiple unsuccessful requests to be given the opportunity to review the draft Assessment of Environmental Effects (AEE). The full description of the proposal, and the AEE with proposed supporting conditions were not provided prior to lodgement of the substantive application."

22. CODC considers that the overall pattern of engagement has limited the extent to which issues could be identified, tested and narrowed prior to lodgement. This reinforces CODC's view that:

- a. The Panel Convenor should adopt a longer decision timeframe (as noted above); and

- b. Structured expert conferencing and clear pre-hearing processes will be essential to efficiently define and resolve issues once the FTAA panel process is underway.

(b) Issues from CODC's perspective

23. CODC has engaged the following consultants to undertake peer reviews:

- (a) Brown NZ Limited – landscape
- (b) Abley Limited – traffic/transport
- (c) Pederson Read - Lighting
- (d) Mike Harding – Terrestrial Vegetation and Ecosystems
- (e) Dam Watch – Bond
- (f) Savvy Consulting – Economics
- (g) Origin Heritage – Heritage
- (h) Styles Group – Noise

24. As discussed above, where technical reports have been released prior to lodgement, they have been reviewed by CODC's experts and those reviews and/or requests for further information shared with the applicant.

25. CODC generally agrees with the key issues identified in the application documentation. From CODC's perspective, the principal issues relevant to its functions include (without limitation):

- a. **Landscape and natural character** – impacts on the Dunstan Mountains ONL and Bendigo Terrace SAL, including the appropriateness of the proposed landform changes, visibility of mining activities and associated infrastructure, and the adequacy and feasibility of mitigation and rehabilitation measures.
- b. **Ecology** – effects on indigenous vegetation and habitats, including alpine and cushionfield communities, lizard populations and other fauna, and the robustness of proposed mitigation, offsetting and/or

compensation. Adequacy of survey and assessment information, and robustness and practicality of pest management plans.

- c. **Transport** – effects on the local and wider transport network (including safety, capacity upgrading and maintenance of local roads), construction and operational traffic management, and the adequacy of proposed transport-related conditions and management plans and suitability of the proposed Ardgour Rise corridor.
- d. **Heritage and archaeology** – potential adverse effects on historic heritage and archaeological values within and around the site, including the adequacy of survey information (survey coverage and description of sites), spatial data, and proposed avoidance, mitigation and management responses. The approach to the assessment of heritage values and “significance” is considered to be flawed and assessment of effects on heritage values incomplete with at least 13 sites not assessed at all. Adequacy of heritage recommendations.
- e. **Noise and lighting** – construction and operational noise and vibration, and lighting effects and the adequacy of conditions to satisfactorily mitigate the same, including on rural amenity and landscape values.
- f. **Economics** – the robustness of the economic assessment, including the treatment of local and regional economic effects, quantification of direct employment impacts, GDP impacts and impacts on the housing market, Tarras (social and economic), tourism impacts and wine industry impact and economic impacts when mining coming to an end; and overall, the balance between positive economic benefits and residual adverse environmental effects.
- g. **Site rehabilitation and bond** – the long-term rehabilitation outcomes, the design and stability of engineered landforms and tailings storage, and the structure and sufficiency of any proposed financial assurance or bond to secure rehabilitation and management of residual risks.

Sufficiency of information to provide a qualitative means of assessing compliance throughout the project.

26. CODC expects that many of these issues will lend themselves to targeted expert conferencing and, where appropriate, joint witness statements to assist the Panel to focus on the matters that remain genuinely in dispute.

(c) Previous applications and overlapping statutory processes

27. CODC is not aware of any prior resource consent applications lodged with it for this specific Bendigo-Ophir proposal that would bear directly on the present application.
28. CODC is not presently aware of any other statutory processes that will necessarily coincide with the key FTAA timeframes. However, given existing workloads, any compressed timetable would place pressure on CODC's ability to engage experts and respond meaningfully within short comment periods. This supports CODC's view that a longer decision timeframe is required.
29. CODC notes the proposal to close a part of Thomson Gorge Road (which the mine footprint encroaches upon) is subject to a statutory road closure process that has not yet been completed. That process will need to be completed, and a new replacement section of road constructed prior to consents granted under the FTAA commencing.

4. Mātauranga Māori and tikanga

30. CODC acknowledges that iwi authorities and Treaty settlement entities identified in Schedule 3 of the Minute are best placed to address the relevance of mātauranga Māori and tikanga to this application, and the processes and time required for the Panel to receive assistance on those matters.
31. CODC has ongoing working relationships with the rūnanga listed in Schedule 3 and will support, and where appropriate respond to, any processes that the

Panel puts in place to ensure their perspectives are appropriately incorporated into the decision-making process.

5. Panel membership

32. CODC considers that, at a minimum, a **four-member panel** is appropriate for this application, given:

- a. The scale and complexity of the proposal;
- b. The breadth of technical disciplines involved;
- c. The ONL/SAL context and associated landscape and ecological issues; and
- d. The need for robust consideration of conditions, including management plans and bonding.

33. CODC considers that the panel as a whole should collectively have:

- a. Strong expertise in planning, including at least one member who is familiar with the operation of the Central Otago District Plan and who has experience consenting large and complex projects in the region;
- b. Recognised expertise in landscape architecture, with experience in outstanding natural landscapes and large-scale mining or infrastructure projects including their rehabilitation;
- c. Expertise in ecology, relevant to alpine environments and indigenous biodiversity;
- d. Expertise in historic heritage/archaeology; and

- e. Experience with conditions and environmental management frameworks, including the use of management plans and financial assurance mechanisms such as bonds.

34. For CODC's part, it would particularly welcome the appointment of a senior planner with making Good Decisions Chair accreditation, and infrastructure and large-project consenting experience, and who has knowledge and experience of its district plan.

6. Procedural requirements

35. CODC is willing to engage directly with the Panel, the applicant and other participants as necessary to assist the efficient progress of the application, including through:

- a. Attendance at briefings, meetings and case management conferences;
- b. Participation in expert conferencing and, where appropriate, mediation on discrete issues (for example, conditions and management plan frameworks); and
- c. Participation in any hearing process that the Panel considers necessary to test disputed factual or opinion evidence, conditions or legal issues.

36. CODC expects that expert conferencing will be particularly valuable in the areas identified in paragraph 23 above, and suggests that topic-based conferencing (for example, landscape/visual, ecology, transport, heritage, noise/amenity, economics and conditions/bonding) could assist in narrowing issues and focusing any hearing process.

37. CODC is also open to the Panel directing the preparation of joint witness statements and/or conferencing on draft conditions and management plans at an appropriate stage in the process.

38. **Appendix 1 – Santana Engagement: Timeline of Engagement** is attached to this memorandum and is referred to in paragraphs 19–22 above.

39. Attending for CODC at the Convenors Conference will be:

- Jayne Macdonald – Counsel for CODC.
- CODC Planning Managers – Ann Rodgers and Fiona Garrett.
- Consultant Planner – Kirstyn Royce.

Dated: 16 January 2026



Jayne Macdonald

Counsel for Central Otago District Council

Attachment 1
Santana Engagement – Timeline of Engagement

- 02/04/2025 - Meeting to discuss early works consents proposed (non-FastTrack). Slide show and verbal update given by Santana on progress with the FT consent – Santana advised that lodgement of substantive estimated end of April. Table of documents currently being prepared and the stage they were at shown on slide. Request to provide Power Point to CODC declined.
- 08/04/2025 (LV- Santana) – email confirming discussion at meeting of 02/04/2025 and requesting a date for receipt of technical reports and the opportunity to get engaged Council experts on-site.
- 29/04/2025 (MA) – Santana advised lodgement of substantive moved to June – Council checked with technical experts and had to replace landscape expert who had other commitments and could no longer provide advice, given delays in progressing application.
- 29/04/2025 (MA) – advised that Santana in process of finalising technical reports that are being reviewed by senior management to be released from 1 May in the following order:
 - Ground Water
 - Transport
 - Air quality
 - Heritage
 - TSF, Engineered landform design
 - Surface water
 - Geotech
 - Geochem
 - Landscape
 - Ecology
- 20/05/2025 (LV) – Email to Santana reminding them that Council has not been provided a description of the proposal, a draft application, a draft AEE, or any technical supporting documents. Also advised that in the absence of any information about the project CODC is unable to consult meaningfully.
- 27/05/2025 – Meeting with Santana to discuss when we might receive information on the proposal.
- 28/05/2025 – Following meeting shared Folders set up by Santana in anticipation of release of the application documents.
- 05/06/2025 (LV) – confirmation sought that technical reports can be shared with our consultants and that Santana agree to Council invoicing costs directly to Santana – confirmed same day (MA), advising no objection in principle.
- 10/06/2025 Confirmation that actual and reasonable costs will be able to be recovered. Working through the Non-Disclosure Agreement (NDA) required by Santana to enable release of and access to documents for Council and its technical experts.

- 23/06/2025 (MA) – Santana requesting NDA to include names of consultant companies before the documents can be released to consultants to them for review. CODC also seeking confirmation that Bond, Heritage, Noise, Lighting and Traffic reporting is now complete so we can circulate to experts - no response received.
- 24/06/2025 (AR - MA) email requesting timeframe for receipt of AEE, Landscape ecology and social impact reports. Would like to get experts out on site but need reports before that can occur.
- 27/06/2025 – (PC) Noise, and Vibration Management, Recreation and Closure reports added to SharePoint.
- 01/07/2025 (AR – MA) When will AEE, Landscape and remaining ecology be available? Can we have at least an overview of the proposal to enable an understanding of the project?
- 01/07/2025 (MA) Santana advised Landscape report by the end of this week. Ecology is a bit further away.
- 01/07/2025 (DA) Non-disclosure agreement signed by Council to enable access for technical experts.
- 02/07/2025 (PC) Traffic Management Plan – Construction added to SharePoint.
- 16/07/2025 (PC) Sanatana advised Landscape, Natural Character & Visual Assessment, and Landscape Visual Simulations added to SharePoint.
- 17/07/2025 (AR) request that Santana Landscape expert would be on-site during site visit – was advised Santana not able to accommodate.
- 18/07/2025 (AR) Initial comments from lighting expert received identifying significant gaps in information provided – forwarded to Santana with a suggestion that Councils lighting expert could contact Santana’s expert to discuss directly.
- 21/07/2025 (AR) Site visits requested for Council experts 24th and 31st July (assuming all reports would be received prior to site visits).
- 21/07/2025 (MA) Site Visits would need to be Monday 28th and Thursday 31st to fit in with Santana schedules.
- 22/07/2025 (CL) Unable to do site visit on 24th.
- 22/07/2025 (AR) To Santana – when can we expect the remaining reports.
- 22/07/2025 (AR) Site visits confirmed 28th & 31st July for Transport & Heritage and Noise & Light respectively. Landscape – 6th August along with Ecology (tentative if reports are received).
- 22/07/2025 (AR) to (CL) verbal request seeking confirmation when the remaining reports and AEE would be available, and potential timing for the lodgement of the substantive application. CL advised lodgement end of August at the earliest. Requested confirmation of timing of receipt of documents so that we can plan workloads as was to be June, then July etc. Timeframes keep moving.
- 24/07/2025 Santana (MA) seeking confirmation that Councils ecologist will be attending 6th August site visits. Council (AR) advises ecology will attend provided they have the reports prior with a couple of days to consider.
- 1/08/2025 (PC) new reports added to SharePoint (Geotech – ESC Report and Management Plan; Landscape – Mitigation and Closure Plan; Air Quality

Management Plan); and Applied Research Plan for rehabilitation and expansion of cushionfield.

- 04/08/2025 (AR) Reminder that following site visit Heritage Expert requested spatial data which was indicated to be available at site visit to assist with location of heritage items, but had not been received.
- 04/08/2025 (CL) Santana advised they had contacted heritage expert and they are away until 6th August.
- 04/08/2025 (AR) Preference that the Heritage spatial data be received ASAP to enable Councils technical expert to consider, noting that the information is available.
- 04/08/2025 (CL) Santana provided some Heritage information.
- 05/08/2025 (AR) the Heritage information provided was not what they were looking for – (MA showed us on-site what they had and agreed could be provided).
- 06/08/2025 – Site Visit Landscape (not ecology as technical reports not received)
- 13/08/2025 (AR) Email outlining initial comments and further information requirements from Council experts (lighting, heritage, ecology, landscape rehabilitation, economic, transport and bond) before they can complete a full assessment including all wanting access to the AEE. Suggestion by CODC that we get the experts together to establish areas of agreement or disagreement.
- 18/08/2025 Vegetation Ecology report received still awaiting lizard report.
- 19/08 (AR) request for AEE and description of the proposal, when would they be available – CODC doesn't yet have enough information to be able to be able to consider areas of agreement or disagreement – no response received.
- 20/08/2025 (PC) Lizard Report Received.
- 22/08/2025 (CL) Draft Project Description provided by Santana.
- 26/08/2025 CODC heritage expert still waiting for spatial data - if they have to re-create will require considerable additional hours and incur additional costs.
- 27/08/2025 (CL) Site visit for CODC ecologist following receipt of ecology report.
- 01/09/2025 (PC) updated addendum to Economic impacts report added to SharePoint.
- 04/09/2025 (KR) further information request made (in addition to that of 13/08/25) as a result of additional technical feedback received from CODC's experts. Still no draft AEE provided.
- 18/09/2025 (KR) clarification sought on aspects of additional/updated economic information provided by Santana.
- 03/10/2025 (KR) further information requested
- 09/10/2025 Santana response to request for further/clarification of economic information.
- 30/10/2024 Santana response to prior requests for additional information.

Notes:

AR = Ann Rodgers, CODC

LV = Louise van der Voort, CODC

KR = Kirstyn Royce, CODC

MA = Mary Askey, Santana

DA = Duncan Anderson, CODC

CL = Cheryl Lowe, Santana

PC = Polly Clague, Santana