BEFORE THE PANEL CONVENER **FTAA-2608-1288**

UNDER THE Fast Track Approvals Act 2024

AND

IN THE MATTER OF an application by Oceana Gold (New Zealand) Limited

MEMORANDUM ON BEHALF OF WAITAKI DISTRICT COUNCIL AND DUNEDIN CITY COUNCIL FOR THE PANEL CONVENER CONFERENCE ON 9 NOVEMBER 2026

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Introduction

1 This memorandum is in response to Minute 3 from the Panel Convener.

2 The Convener's requests are addressed in the sequence set out in the minute.

3 WDC and DCC (the **Councils**) have had the benefit of reviewing a draft of the memorandum filed by Otago Regional Council (**ORC**) and agree with its content. The Councils have endeavoured not to be unduly repetitive of the comments in the ORC memorandum.

4 Specifically, the Councils agree with the time frame in the ORC memorandum as set out in Appendix A of the ORC memorandum.

5 Helpfully, the Applicant has provided a draft of its proposed timeline.

[11] Participants are asked to address the following questions:

(a) does the project comprise essentially three separate projects brought together in a single application?

(b) is there a logical sequence to deciding for assessing and deciding the mine extensions? For example, should the panel first consider the approvals sought for the Central Mining Area (Innes Mine and the underground mine), then followed by those for the Coronation Mining Area and Golden Bar Mining Area?

(c) should the environmental effects of each individual mine or each Mining Area be assessed separately, before assessing the cumulative effects of the combined activities for which approvals are sought?

(d) what alternative approaches to assessing the environmental effects would assist the panel, and what implications would those approaches have for the timeframe?

6 The four areas for the application are distinct geographically, and geotechnical and other assessments are required to be considered separately for each mine component. This increases the volume/number of discrete assessments required, and therefore the likely time required when

compared to a proposal comprising only one large pit. This affects estimates of required time, and potential for unique complexities to arise with assessment of each mine component.

7 An example is the Central Mining Area, which is a more highly modified environment, with less ecological values than either Golden Bar, or the Coronation Mining areas, but is in proximity to residential receivers, and key public roads.

8 The Councils consider that there is no obvious sequence that should be adopted by a panel as being more efficient for assessing and deciding the mine extension areas.

9 The mine is operated as one large site, and mining starts and stops in pits according to ore quality and operational mine needs. It is not expected that each area will be mined and completed once mining starts in an area. No part of the Macraes Mine can operate as a separate component. All ore mined must be hauled to and processed in the processing plant located in the central mining area

10 Many systems in the wider mine support all the mined areas: Trucks and loaders are used across the site, depending on where mining is happening. Haul roads leading to the process plant are used for all mined areas; similarly, all processed tailings are deposited in the current tailings repository. Water is pumped/recycled around the site in an integrated Mine Water Management System.

11 Offsetting and compensation with the creation of ecologically enhanced areas are not directed at any one site as a hectare lost/hectare enhanced calculation.

12 Therefore, the operations and effects of mining must also be considered across the wider mine, while considering the specific issues for each mining area.

13 In other words, each mining area/ mine component, and its effects require individual assessment, however this is merely part of the required larger task including cumulative effects assessments, and taking account of the overall effects, risks, and benefits of the whole project that cannot be appreciated without considering the project in its entirety.

[13] Participants are asked to identify the steps the panel may need to take to assess the relationship between the existing and proposed consents, including any proposed surrender, variation or mechanism for resolving inconsistent conditions, and the implications for the decision timeframe.

14 The underlying consents cause added complexity for each mine component being assessed as all components of the proposal's mining activities are subject to one or more unique existing conditions, ongoing requirements, and in some cases outstanding mitigation actions. Forming an adequate understanding of these matters, and how a new approval of this scale should be integrated with the existing consents is a complex undertaking, but critical to the decision process.

15 Part F of the application documents sets out the existing conditions that are affected by the MP4 application. MP3 was the last wider mine expansion, and the conditions from the consents issued then have been carried through to later consents that have issued, such as Deepdell and Coronation. This results in a process once per year when an Annual Project and Rehabilitation Report is submitted to the Councils for the entire Macraes operation. From that report bonds are recalculated annually. We expect this process to continue.

16 MP4 conditions update many of the existing conditions, especially in the areas of bonding, capitalisation funds and offsetting.

17 It would be appropriate for the Panel to have sufficient knowledge of the existing site and its history, to understand the documents in Part F of the application.

18 The time implication is that the Panel will need to understand the existing consents and their conditions, and how they are proposed to be dealt with in the present application, as summarised in Part F of the application.

[14] The applicant proposes that 11 of the 28 draft management plans be certified by the panel. To inform the decision timeframe and identify any need for special advisers, the local authorities and administering agencies are to outline their usual processes for certifying management plans. Assume that I am not familiar with your processes. With reference to the 11 management plans in question, please address: the usual certification process, including

any direct engagement with the applicant and coordination between local authorities or administering agencies;

(a) the subject-matter expertise required to review the plans;

(b) whether, and if so why, the proposed consent conditions need to be

(c) finalised before the management plans are reviewed;

(d) the time required to complete the process; and

(e) any other matter relevant to the certification process.

19 The management plans vary in their content. Usual practice at WDC and DCC is to send a management plan to a person that has the expertise required for the content of the plan.

20 This could be an expert staff member at the Council or an external expert depending on the expertise required.

21 Once feedback is obtained from the expert, if any changes are required to the management plan this is sent to the consent holder, and dialogue continues until agreement is reached.

22 A person with appropriate delegations will then certify the management plan.

23 Typically, this would take up to 20 working days, sometimes longer if complexity is greater than normal or differences arise. Depending on the expertise of Panel members, it is likely that for some management plans external expertise will be required.

24 As the Panel experts will know about the Fast Track time frames, 10-20 working days should be allowed for each management plan that requires external expertise, allowing for dialogue if any changes are needed. But certifying 11 management plans concurrently would be challenging for the Panel.

25 Importantly, conditions of approval must be finalised, before any management plans are certified. It is the conditions that must specify what management plans must include, and the outcomes they must achieve.

26 In its draft timeline the Applicant proposes Panel-led workshopping on management plans based on a preliminary working set of draft conditions which set out the objective and minimum content of management plans. The release of a complete set of consent conditions and Panel-led workshop on those conditions comes subsequently. This puts the cart before horse.

27 The Councils agree that if the management plans are to be certified workshopping on those plans is sensible. Allowing time to do so may reduce the time required to certify the plans when there are final conditions of approval. But workshopping on conditions of approval must precede workshopping on management plans required under those conditions.

28 However, certification of management plans can only occur when there are final conditions against which the plans can be assessed.

29 If the final position is little changed from that workshopped, then that may be achievable within 20 working days.

[18] At the conference participants are invited to:

(a) identify any information gaps in the application and whether these should be resolved prior to setting up the panel;

30 Jointly with ORC the Councils have sent the Applicant requests for information (the **RFIs**) on:

(a) planning;

(b) landscape;

(c) geotech and hazards;

(d) terrestrial ecology;

(e) water;

(f) air quality;

(g) economics; and

(h) contaminated site areas

[18] …

(b) comment on the extent of engagement by the applicant both before and following lodgement of the application;

31 The applicant provided site visits, draft technical reports and draft conditions earlier this year, inviting Council technical advisers on a site visit, and to comment on those reports. In addition, there were regular video meetings. Following lodgement there have been two video meetings to discuss water and ecology issue, and one meeting to discuss process issues.

[18] …

(c) the applicant aside, identify in-house experts and external consultants engaged on this project;

32 WDC, ORC and DCC jointly engaged

(a) Glen Davis and Trudy Anderson at e3 Scientific on Ecology

(b) Natalie Hampton on Economics

(c) Philip Blakely at Blakely Wallace on Landscape Issues

(d) Colin Macdiarmid at Geosolve on Structural Issues

33 WDC and DCC jointly engaged

(a) Greg Kitto at Pederson Read on lighting issues

(b) Jamie Exeter at Styles Group on Noise

(c) Simon Beardmore at e3 Scientific – Contaminated Site Issues

34 WDC in house advisers

(a) Mark Smith – Heritage

(b) Rodger McGaw – Roading

35 DCC adviser to WDC, and DCC

(a) Peter Woods – Hazardous Substances

36 WDC advisers

(a) Marian Weaver - Planner

37 DCC advisers

(a) Reese Martin - Roading and transportation

(b) Luke McKinlay – Landscape[1]

(c) Phil Petersen – Planner

[18] ***…***

(d) Where there is a difference of opinion between the applicant and any other participant, identify:

(i) the principal issues in contention; and

(ii) those issues capable of resolution through conditions of approval.

38 Differences include issues in connection with ecology, contaminated site assessment and management, landscape and post closure management of mine monitoring and ecological enhancement areas.

39 *Contaminated Sites:* The issue is about the areas of the mine that are considered for inclusion as HAIL sites under the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011.

40 *Ecology:* There are outstanding issues relating to the effects on lizards and wetlands, and post closure endurance of Ecological Enhancement Areas. The Councils are concerned with the lack of Applicant-proposed conditions for lizard management actions and outcomes.

41 *Landscape:* There is disagreement between experts about the rating of the extent of effects for landscape.

[1] To date has been providing internal DCC advice supplementary to the primary external landscape adviser (Philip Blakely).

42 *Post Closure Issues:* There are new conditions proposed for after the mine closes, for:

(a) the ongoing monitoring within the mine area that will be required (seepage, receiving streams, groundwater, stability). The proposal is to set up a trust that will have funding for carrying out those functions. The proposed conditions in the application are not acceptable to the Councils.

(b) Ecological Enhancement areas. Work to maintain these areas will be provided up to 2050. There is a new condition to transfer these sites to Iwi, but no details of how that is to be done, nor any funding proposed. There is disagreement about whether offset areas should be in perpetuity or only endure to 2050. Additionally, consent conditions cannot compel a third party such as Iwi to manage these areas post 2050.

43 *Conditions and management plans:* There are issues as to condition drafting and the interface with management plans. Management plans are accepted as appropriate in principle, however they should be limited to management, with the outcomes which the plans must achieve being explicit in the conditions of approval. It is not therefore accepted by the Councils that it is appropriate or possible to confirm the detail of the management plans until the conditions requiring those plans are finalised.

44 In their comments under section 53, the Councils will be seeking changes to conditions to address issues which may be capable of resolution by amended conditions of approval.

[18] ***…***

(e) record processes agreed with the applicant to narrow or reduce any issues relevant to the application and the decision that the panel is required to make;

45 The Applicant has agreed to receive the Councils RFIs, and replies are expected mid-November, for the Councils to consider before being invited to comment under section 53.

46 This may narrow or reduce outstanding issues.

[18] …

(f) Identify any changes made, or currently underway, to the application since lodgement, whether as a result of engagement with participants or other work undertaken by the applicant, including any new or supplementary reports and draft conditions;

47 The Councils are awaiting replies to their RFIs. This may result in updated reports and conditions, or addenda to them.

[18] …

(g) describe the complexity of this application;

48 This is a complex application involving multiple sites within the mine. The Panel members will need to consider the existing mine, and the proposed MP4. The application interacts with approximately 30 existing WDC and DCC land use consents. The application includes

(a) 18 introductory documents including the AEE,

(b) 52 technical reports with 32 appendices,

(c) management plans and other documents.

(d) 89 pages of Introductory definitions and Common Conditions

(e) pages of WDC/DCC conditions

(f) 136 pages of Otago Regional Council conditions

(g) 62 pages of figures, tables and maps for the conditions.

[18] …

(h) state whether the drafting of proposed consent conditions (including any draft management plan filed) is accepted; and

49 Draft conditions and 28 management plans have been lodged. There are changes to conditions and management plans that have been identified in the RFIs and others raised with the Applicant pre-application. The Applicant's response to the RFI is awaited.

[18] …

> ***(i) propose efficient processes to enable the panel to understand, resolve or narrow the scope of any likely issues and indicate how these processes may be accounted for under the decision timeframe.***

50 The responses to the RFIs will inform the Councils' section 53 comments. Outstanding issues will be identified. The Panel may then require further steps to resolve or narrow the scope of issues, such as Panel-led workshops. The time frame proposed by ORC (and agreed by the Councils) allows for this.

51 However, the likely timing of Panel appointment and section 52A notification of the date it commences work, creates a significant problem for the Councils' section 53 comments.

52 Based on the nominal date in Schedule 2 of Minute 3, the 20 working day period for comment would run from 16 December 2026 until 3 February 2027.

53 During that period the Councils' subject matter experts have fixed leave commitments from dates throughout December 2026 with restart dates from mid to the end of January 2027, detailed in Appendix A.

54 The Councils' experts have been reviewing the Applicant's draft and final application documents, in addition to other commitments, sometimes on short time frames, and have had heavy workloads for many months, often deferring personal commitments till the year end. Consequently, many now require leave during the summer period to adequately manage personal needs.

55 If Panel appointment results in a commencement date on or near to 2 December 2026, for some subject matters, the Councils will have severely limited expert support when preparing comment under section 53.

56 For this reason, the Councils agree with ORC's request that consideration is given to delaying panel commencement to 18 January 2027 and hence delaying the invitation to provide section 53 comments until 1 February 2027

57 Alternatively, the impact outlined above can be considered in assessing the time frame to be set under section 79.

58 The unavailability of experts may mean that the Councils' section 53 comments do not assist the panel to understand, resolve or narrow the scope of issues as much as may otherwise have been the case.

59 This may result in subsequent steps requiring more time.

Counsel and expert availability, conference attendance and application correspondence

60 The dates on which the Council's experts and counsel are unavailable during the summer holidays are set out in Schedule A.

61 The Council attendees at the Panel Convener Conference on 9 November 2026 will be:

(a) DCC Planner: Phil Petersen, Phil.Petersen@dcc.govt.nz

(b) WDC Consultant Planner: Marian Weaver, marian@mweaver.co.nz

(c) Counsel for both DCC and WDC: Simon Anderson, Simon.Anderson@rossdowling.co.nz and Thea Sefton, Thea.Sefton@rossdowling.co.nz

62 Please include the four people named above in the Group Email List.



S J Anderson
Counsel for Waitaki District Council and Dunedin City Council
4 November 2026

SCHEDULE A – COUNCIL EXPERT AND COUNSEL UNAVAILABILITY DATES

Simon Beardmore	24 Dec – 22 Jan
Trudy Anderson	23 Dec- 5 Jan 21 – 29 Jan, 5-8 Feb
Colin Macdiarmid	21 Dec – 11 Jan
Glen Davis	22 Dec – 22 Jan
Natalie Hampton	16 Dec – 8 Jan, 13 Jan
Philip Blakely	1 Dec – 31 Jan
Jamie Exeter	14 Dec- 11 Jan
Greg Kitto	21 Dec – 13 Jan 1 to 8 Feb
Reese Martin	21 Dec -11 Jan 1-8 Feb
Luke McKinlay	24 Dec-22 Jan 8 Feb to 12 Feb
Peter Woods	12 Dec- 18 Jan
Rodger McGaw	24 Dec- 11 Jan
Mark Smith	24 Dec-19 Jan
Marian Weaver	22 Dec- 5 Jan
Phil Petersen	15 Dec to 30 Jan (available for one week during this period, dates TBC)
Simon Anderson	5 Dec to 5 Jan