

16 January 2026

Jane Borthwick
Panel convener for the purpose of the Fast-track Approvals Act 2024 (FTAA)

Tēnā koe Jane,

MINUTE OF THE PANEL CONVENER

Convener's Conference - Bendigo-Ophir Gold Project [FTAA-2507-1089] (18 December 2025)

Thank you for your minute dated 18 December 2025 regrading Matakanui Gold Limited's application for the Bendigo-Ophir Gold Project.

Otago Regional Council can confirm that representatives Shay McDonald (Principal Consents Planner), Jenny Ross (Team Leader Consents), and Counsel David Randal of Buddle Findlay will be attending the convener's conference on **21 January 2026**.

Please see below Otago Regional Council's memorandum in response to the minute referenced above, including specific responses regarding the two schedules: 'Participants' estimated timeframe' and 'Matters to consider when preparing for conference'.

Otago Regional Council trust this information will assist the panel convener regarding the decisions under schedule 3 and section 79 of the FTAA.

Please advise if you need any further clarification on any matters raised in this response.

We look forward to working with you at the convener's conference.

Nāku iti noa, nā



Alexandra King
Manager Consents and Environmental Delivery Data & Systems

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 FOR OTAGO REGIONAL COUNCIL
REGARDING MATTERS FOR DISCUSSION AT
PANEL CONVENER'S CONFERENCE**

Introduction

1. This memorandum for Otago Regional Council (**ORC**) responds to the Minute of the Panel Convener dated 18 December 2025 helping to inform the decisions to be made in setting up the panel to consider this application.
2. In summary, ORC considers that:
 - (a) The application is substantial in scale and is technically complex;
 - (b) There are a likely to be a relatively large number of principal issues in contention;
 - (c) The conditions, as drafted, are not accepted by ORC; and
 - (d) ORC considers that a timeframe of no less than 140 working days (following receipt of invited comments) is required for the panel to make and issue a decision.

Number and range of approvals sought

3. ORC agrees with Matakanui Gold Limited (**the applicant**) that regional resource consents under the following plans and national environmental standards are required:
 - (a) The Regional Plan: Water for Otago (**RPW**)
 - (b) The Regional Plan: Air for Otago (**RPA**)
 - (c) The Regional Plan: Waste for Otago (**RPWaste**)
 - (d) The Resource Management (National Environmental Standards for Freshwater) Regulations 2020 (**NES-F**)
4. ORC agrees with the rule assessment provided in sections 2-5 of application report H.01, subject to the below qualifications:
 - (a) The applicant has identified a variety of activities requiring s15 discharge permits under the chapter 12.B rules of the RPW. ORC advises that the discharge of waste rock (a contaminant) to land and / or water for the construction of engineered landforms (**ELFs**), Shepherds tailings storage facility (**TSF**), and waste rock stockpiles is an activity that requires resource consent as a discretionary activity under rule 12.B.4.1. This is in addition to the ongoing passive seepage discharges of contaminants to land or water from the base and toe of

these features, and the discharge of any surface runoff water (including sediment-laden water) from these features that the applicant has explicitly listed in its rule assessment.

- (b) The drilling of land associated with the development of the underground mine declines and drives requires resource consent under RPW restricted discretionary activity rule 14.2.3.1.
 - (c) The contaminants discharged to air from the extraction and processing of minerals, and from the crushing and screening of aggregate, will include PM₁₀. There is a specific rule for PM₁₀ discharges in the RPA, being discretionary rule 16.3.15.5. This rule applies in addition to the other rules correctly identified by the applicant.
 - (d) Clarification is required from the Applicant as to whether a restricted discretionary resource consent is required under the Resource Management (National Environmental Standards for Greenhouse Gas Emissions from Industrial Process Heat) Regulations 2023 associated with the gold smelting furnace. This is because it is unclear if the furnace will be diesel or electric powered.
 - (e) Based on pre-lodgement correspondence, ORC understands that the only proposed abstraction of surface water from natural surface waterbodies on site will be from coffer dams in Shepherds Creek or via indirect stream depletion associated with groundwater inflows into open pits and underground workings (i.e. where the taking of groundwater depletes a connected surface waterbody). Therefore, ORC assumes that RPW rule 12.1.5.1 referenced by the applicant is intended to apply only to the taking and use of surface water from artificial waterbodies on site, such as sumps, silt ponds, and the TSF. ORC would agree with this assessment.
 - (f) ORC is not able to conclusively determine whether all resource consents necessary to construct and operate the proposed active water treatment plant(s) have been applied for, as no specific design has been put forth for any plant.
5. ORC agrees that in respect of approvals sought in relation to regional council functions under the RMA, the overall activity status is discretionary.

Extent of engagement with the applicant

6. Prior to lodgement of the substantive application, meaningful engagement on the proposal was limited. While a limited number of technical reports were made available, ORC was not provided with any version of the assessment of environmental effects.¹ Consequently, ORC was not able to understand the full extent of the proposal or its potential environmental effects, nor was it able to provide any meaningful feedback to the applicant on the proposal. ORC acknowledges that the applicant was readily contactable and willingly accommodated site visits for ORC staff and its technical consultants during this time.
7. The first time that ORC was provided with the full application was on 4 November 2025 when the EPA provided access to these documents via the fast-track portal.
8. Following lodgement of the substantive application, communication between ORC and the applicant has been open and helpful. Nonetheless, the limited pre-lodgement engagement and the compressed timeframes provided for by the FTAA have hindered ORC's ability to undertake a comprehensive and holistic assessment of the application material, which is complex and substantial in scale.
9. ORC and its technical consultants have now undertaken reviews of the application material with a view to identifying key issues. Several requests for information have subsequently been prepared and sent to the applicant, and it is likely that meetings between ORC and applicant subject matter experts will occur prior to the applicant providing their responses to the information requests.² This is discussed further in paragraph 44 (along with a potential process for providing the panel with updated information arising from ORC's questions and the applicant's responses, as necessary).

Complexity

10. Legal complexity
 - (a) ORC considers that, for this application, issues of legal complexity (as relevant to its regional consenting functions) are likely to be of lessor significance than issues of evidentiary or factual complexity and should

¹ ORC was provided with reports pertaining to many different subject matters, e.g. ecology, water, geotechnical; however, there was no technical discipline for which the full suite of technical reports necessary to understand the application or its effects was provided.

² Where peer-reviews identified issues, the Applicant requested that ORC prepare written questions for it to respond to.

not substantially influence the timeframe that the Panel Convener will set for the Expert Panel.

- (b) Nonetheless, one legal issue for the panel to consider that is unique to the Otago Region is that RMA section 127B limits the duration of new water permits to take and use of water to six years. This overrides any provision in the RPW that applies to the duration of a water permit authorising the taking or use of water. In this case, the applicant has applied for a 35-year term for water permits to take and use surface water and groundwater and has explained their reasoning for this in application reports A.02 and A.15. ORC agrees that the panel could validly form the view that a consent duration exceeding six years is appropriate.

11. Evidentiary complexity

- (a) The application exceeds 9,000 pages of information and on this basis alone ORC considers that this constitutes significant evidentiary complexity.
- (b) The application traverses a wide range of technical disciplines, and a large number of approvals are required from multiple regulatory agencies.
- (c) The application reports appear to have been prepared at different times, and a number of reports do not appear to have been updated to reflect the final proposal as lodged.
- (d) Preparation of consent conditions for a proposal of this nature, scale, and complexity requires careful consideration to ensure that conditions:
 - (i) are sufficiently prescriptive as to be enforceable and adequately constrain effects; and
 - (ii) provide sufficient day-to-day flexibility to reflect the on-site realities of a large-scale mining operation; and
 - (iii) are workable and do not unduly constrain the mining activities with repeated need for additional regulatory approvals, such as RMA s127 variations.

- (e) Conflicting expert opinions are possible, although these conflicts may be substantially resolved or reduced through requests for information and / or expert conferencing.
- (f) Technical assessments have dependencies. This is of particular importance in the groundwater, surface water, and aquatic ecological effects assessments, as these are informed by and reliant on predictions of models. The accuracy of these assessments depends on the accuracy of the model predictions. If the models are found to be inaccurate, based on inappropriate assumptions, or are inherently uncertain then the dependent assessments may require updating, or limited weight may be afforded to them.

12. Factual complexity

- (a) Some matters fall within the jurisdiction of multiple regulatory agencies. For example, there are shared responsibilities in the indigenous biodiversity space between ORC, Central Otago District Council (**CODC**), and Department of Conservation (**DoC**). Further, both ORC and CODC have interests and responsibilities in relation to the management of landscape effects.
- (b) Overlapping responsibilities, if well managed, may result in a more robust interrogation of the application material due to increased scrutiny and involvement of multiple independent expert consultants. However, overlapping areas of responsibility may introduce complexity to the preparation and application of consent conditions.

Principal issues in contention / disputed matters

13. ORC has engaged the following consultants to undertake peer-reviews of the technical information provided in the application:
- (a) GeoSolve Limited – geotechnical engineering, river engineering, natural hazards, erosion and sediment control;
 - (b) E3 Scientific Limited – terrestrial ecology (lizards, avifauna, invertebrates, vegetation), wetlands, water modelling, geochemistry, groundwater;
 - (c) Torlesse Environmental Limited – surface water quality, aquatic ecology;

- (d) SLR Consulting New Zealand Limited – air quality, landscape;
 - (e) Damwatch Engineering Limited – bond;
 - (f) Sense Partners Limited – economics.
14. Each reviewer has prepared a report detailing areas of agreement, disagreement, and key issues. ORC has proactively shared these reviews with the applicant, CODC, DoC, Aukaha on behalf of mana whenua, and Otago Fish and Game Council.³
15. Following receipt of the peer reviews, ORC has issued the applicant a total of seven requests for information, with each request addressing a particular subject matter. These requests – prepared at the request of the applicant – were sent to the applicant in late December 2025 and early January 2026. This is discussed further in paragraph 44.
16. ORC has not sought to independently review any of the reports relating to the following technical areas because they do not relate to ORC’s functions and are therefore matters better assessed by others:
- (a) Heritage
 - (b) Transport and traffic
 - (c) Noise and vibration
 - (d) Lighting
 - (e) Recreation
17. Cultural effects have not been assessed by ORC because:
- (a) It is for mana whenua to determine how a proposal impacts on their cultural values; and
 - (b) There is no cultural impact assessment provided with the application.
18. In due course ORC will be able to assist the panel by providing commentary on the regional planning context applicable to any views that may be expressed by mana whenua.

³ Section 53(m)(iii) states that parties listed in clause 44 of Schedule 6 must be invited to provide written comments. This includes Otago Fish and Game Council.

19. All consultants engaged by ORC, except for the economist, have undertaken a site visit and ORC thanks the applicant for enabling these.
20. Peer-reviews to date have focussed on identification of key issues and uncertainties in the application. The below should be read as an indicative, rather than exhaustive, list of key issues in areas of relevance to ORC. None of the points below represent the final position of ORC on any matter.
21. Engineering and natural hazards
 - (a) If the Rise and Shine (**RAS**) pit is mined to its full proposed depth, it may not be possible to achieve an appropriate long-term factor of safety on all areas of adjacent land accessible to the public (noting this is based on preliminary modelling).
 - (b) Stability of Come In Time (**CIT**), SRX, and SRE pits have not been assessed; hence, risk to land stability outside the site (associated with the mining of these pits) has not been addressed.
 - (c) Absence of a management plan for RAS, CIT, SRX, and SRE open pits.
 - (d) Report B.28 recommendations for pre-mining investigation and operational monitoring are not included in proposed consent conditions.
 - (e) The potential external (surface level) effects of the RAS underground mine have not been assessed.
 - (f) There is a lack of detail on the proposed management of landslide risk within the TSF impoundment area.
 - (g) There is design information missing in relation to the proposed Shepherds Creek diversion channel.
 - (h) Missing assessment of flood-carrying capacity of proposed Shepherds Creek diversion channel and potential flood hazard impact for downstream receptors.
 - (i) Predicted 50–60-year period before the RAS underground / pit connects to the surface water environment is likely to have a wide margin of error. It is unclear if this has been taken into account in the timeframe predictions or in any decision making that has relied on these predictions.

- (j) The Shepherds Silt Pond appears to be incorrectly classified as a low PIC dam, instead of medium PIC.
- (k) Sediment management devices and infrastructure are not sized to accommodate an appropriately large storm event.
- (l) ORC considers that these are matters that require the panel to have or obtain specialist knowledge in geotechnical engineering or, more generally, mine engineering, with particular experience in construction and operational phase engineering practices. This recognises the fundamental importance of the construction methodology, particularly in relation to the ELF's and the TSF, in determining the long-term water quantity and quality effects of the proposal.
- (m) ORC considers that the panel will need to allocate substantial time to evaluating these matters.

22. Water modelling (quality and quantity) and groundwater effects

- (a) Inconsistency between different technical reports. For example, water balance calculations indicate that achieving site water deficit requires reuse of water make (mine-impacted water) for dust suppression, whereas water quality load monitoring appears to rely on bore water from the Bendigo Aquifer to be used for dust suppression to maintain water quality below proposed compliance limits.
- (b) The ability to treat mine impacted water relies on there being adequate time between operations commencing and a mine water surplus occurring. Without further uncertainty analysis or modelling, it is not clear that this can be achieved. If mine water surplus occurs before water treatment plants are in place, offsite water quality impacts would occur.
- (c) Derivation of the source term for mine-impacted water requires more justification or uncertainty analysis.
- (d) The water management plan lacks timeframes for implementation or certainty around adaptive management processes.
- (e) The stream depleting effects of RAS underground have not been assessed.

- (f) Stream depletion effects may be underestimated due to assumptions in modelling.
- (g) Groundwater contaminant modelling has not been undertaken. The application assumes that all seepage from ELFs and the TSF will be collected; however, based on the demonstrated migration of contaminants through groundwater at the Macraes Mine (an analogue site) this is unlikely to be realistic.
- (h) As a consequence of the assumption in (g), impacts on the downgradient / downstream groundwater and surface water receiving environments have not been assessed. If this assumption is not valid, offsite water quality effects may result.
- (i) The modelling of engineered landforms uses a net percolation rate of 20% which is at the lower end of the values predicted in the net percolation report (Report B.06C, Appendix K). This is significant as engineered landforms are expected to have the largest potential adverse effect on water quality and the percolation rate has the largest effect on contaminant mobilisation. If the percolation rate is higher water quality impacts will be higher. Uncertainty analysis should be undertaken to determine the effects of higher net percolation and higher rainfall in conjunction with lower evaporation.
- (j) Assessments are based on fairly limited ground investigations and groundwater monitoring. No data was collected within the veneer aquifer. No monitoring wells were established outside of proposed pit areas. No investigations were conducted around proposed mine waste storage facilities (ELFs and TSF). No measurements of aquifer storage values. No measurements in the shallower more weathered TZ-3.
- (k) Lack of clarity around how the RAS pit will be connected to the RAS underground and how, once filled, these would ultimately discharge to the surface environment.
- (l) The aquifer testing undertaken on the Bendigo Aquifer bore does not meet ORC standard aquifer testing requirements. Impacts on neighbouring wells may be underestimated. It is noted that aquifer testing to accord with the ORC guidelines would require a resource consent (s14 water permit).

- (m) For the benefit of the panel, ORC notes that the proposed flow augmentation (introduction of water from another source) of Shepherds Creek and Rise and Shine Creek is to occur upstream of mining activities in those catchments. This is because the surface water resource within the Lindis River Catchment and the Bendigo Catchment, in which these rivers flow and in which project activities will occur, is fully allocated. It is a prohibited activity to apply to take and use primary allocation in a fully allocated catchment under the RPW. By delivering water to these rivers prior to any abstraction occurring as a result of mining activities, the need for primary allocation is avoided, and the take and use activity has a restricted discretionary status. Hence, if the consents sought were to be granted, they could be fully exercised without reliance on the expiration of any existing water permit.⁴
- (n) ORC considers that these are matters that require the panel to have or obtain specialist knowledge in hydrological and hydrogeological disciplines, including water modelling. ORC considers that the panel will need to allocate substantial time to considering these matters.

23. Water quality and aquatic ecology

- (a) The proposed mining activity is expected to cause minor degradation in water quality during the operational phase and significant changes post-closure without treatment. Active and passive water treatment will be essential to prevent significant toxicity effects and nutrient-driven algal blooms post-closure.
- (b) The proposed numerical surface water compliance limits allow for contaminant concentrations far beyond what the proposed activity as described in the application is expected to generate. Full implementation of these limits would result in the degradation of water quality such that more than minor or significant adverse effects on aquatic life could occur. Of particular concern are the proposed ammoniacal nitrogen and nitrate-nitrogen limits. These limits exceed the saturation threshold for periphyton, meaning that if the consent conditions were fully implemented periphyton growth would not be limited in any way by nitrogen availability.

⁴ Relevant to ORC's assessment under s30 and the Minister's decision under s47 in relation to existing consents.

- (c) Further explanation of how the proposed toxicant limits for contaminants other than nitrogen are intended to be applied (medians or maximums) is needed. If applied as medians, they are likely at least three times higher than what modelling suggests is necessary.
- (d) The appropriateness of setting surface water compliance limits that exceed the corresponding drinking water standard for groundwater needs further justification. This is because any impacted site surface waters would directly recharge the groundwater aquifers from which groundwater may subsequently be abstracted for drinking water.
- (e) Sensitivity analysis should be undertaken to understand the potential adverse effects of uncaptured mine seepage waters on the downgradient freshwater environment i.e. how much uncaptured seepage (as a percentage of total seepage) emanating from mining features would result in a measurable adverse effect on water quality within downgradient / downstream freshwater receiving environment.
- (f) Hydrology in both Shepherds and Rise and Shine Creeks is expected to change significantly post closure with baseflows increasing in both creeks, representing a departure from current natural state. Changes in Shepherds Creek would be more significant due to the larger amount of stream diversion / reclamation and increased water quality impacts.
- (g) Post-mining, Shepherds Creek will have different flows, water quality and habitat. As a result, the ecology of the stream could be substantially different than what has been observed in the existing creek. Based on available modelling, there is no evidence to suggest that habitat quality or macroinvertebrate health will be worse than current conditions when measured using traditional indices; in fact, they may improve. However, because these improvements will result from artificially increased baseflows rather than a return to natural conditions, it is uncertain whether they can be considered a positive ecological effect.
- (h) There is a lack of certainty (locations, frequencies, protocols) in the proposed consent conditions around the aquatic ecological monitoring to be undertaken during the term of the consent.
- (i) The following information is available across the application documents:

- The state of the waterways impacted by proposal;
- The effects of the proposal on stream length;
- The required actions to mitigate the effects of reclamation;
- The effects of the proposal on stream hydrology; and
- The effects of the proposal on stream water quality.

However, there is no synthesis document summarising the overall effects of the activity on stream values once all adverse effects are realised and mitigations are deployed. This has hindered the ability of Torlesse Environmental Limited to undertake a peer review, as there is no opinion from the applicant's ecologist to agree or disagree with.

- (j) The surface water quality and aquatic ecological effects assessment assume that the applicant's modelling of the water quality and hydrological effects of the proposed activity are accurate, and that the proposed compliance site locations are placed to capture the full extent of these effects. If these factors do not hold, this assessment will likely change. Key issues as outlined in paragraph 22 introduce uncertainty into this assessment.
- (k) ORC considers that these are matters that require the panel to have or obtain specialist knowledge in water quality and aquatic ecology disciplines. ORC considers that the panel may need to allocate substantial time to working through these matters. If the existing uncertainties in the water modelling and groundwater effects assessments are resolved, the assessment of surface water and aquatic ecological effects may be simplified.

24. Wetlands

- (a) Direct and indirect impacts of the proposal will result in the loss of 3.45 hectares (**ha**) of high and moderate value wetlands within the direct disturbance footprint and the dewatering drawdown zone.
- (b) It is unclear as to how effects on wetlands within the dewatering drawdown zone have been assessed or how any effects are proposed to be managed.

- (c) The hydrology of wetlands across the site has not been well described to understand their catchments and dynamics of their loss (or the potential hydrological impacts of the anticipated increase in baseflows post-mining).
- (d) The proposed establishment of 7.5 hectares of new wetlands is relied on in the ecological mitigation / offsetting / compensation package to demonstrate the acceptability of the proposal (in relation to wetlands). However, the establishment of wetlands is a very complex process, and insufficient detail has been provided to give confidence that wetlands can be successfully established at the site.
- (e) The application does not contain a wetland management plan.
- (f) ORC considers that these matters will require the panel to have or obtain specialist knowledge in wetland assessments and wetland creation. ORC considers that the panel may need to allocate substantial time to these matters, in combination with time spent on other terrestrial ecological impacts and the effects management package proposed by the applicant.

25. Terrestrial ecology

- (a) ORC generally agrees with the description in the Ecological Effects Assessment (Report B.08) of the direct and indirect effects of the proposal, being:

Potential direct effects of the BOGP include the direct loss of habitat and the associated loss of flora and fauna due to mine construction. Potential indirect effects include fragmentation of habitat and reduced ecological connectivity, loss of altitudinal sequences; and wetland dewatering and degradation resulting from surface water diversion, groundwater drawdown within the dewatering drawdown zone, and reduced water quality.

- (b) Peer-review has identified some inconsistencies (between application reports) in the ecological values assigned to certain features and has highlighted a number of areas where clarification or further explanation would assist in understanding conclusions and recommendations made throughout Report B.08. It would be helpful to have these matters resolved. ORC has requested further information from the applicant in respect of these matters.

- (c) The potential effects on terrestrial ecology / indigenous biodiversity are significantly adverse. The applicant contends that the extensive effects management package includes actions that have a likely or certain beneficial outcome for indigenous biodiversity and that it is confident that an ecological gain will be created and sustained. However, the applicant also acknowledges that there are some impacts of the project that cannot be avoided, and for which no similar or equivalent or commensurate actions can be assured to deliver like-for-like benefits, and which, under good ecological practice, should not be impacted due to their irreplaceability and vulnerability.
- (d) A lot of the proposed mitigation, offsetting, and compensation measures are experimental, and rely on rehabilitation in a difficult environment where restoration processes have not been well established. Further, they rely on natural regeneration or are subject to further research for which results are unknown.
- (e) The various ecological management plans lack detail and certainty, do not clearly replicate the broad objectives of the Ecological Effects Assessment (Report B.08), lack quantifiable / measurable outcomes, are often experimental in nature or rely on research that has not yet been done, and do not contain adequate corrective actions or contingency plans if the proposed rehabilitation actions are not successful.
- (f) ORC considers that the panel will require significant time to interrogate the proposed effects management package and consider how certainty of outcome may be achieved. ORC considers that this will require the panel to have or obtain specialist knowledge in ecological impact assessments and the implementation of biodiversity offsetting and compensation activities.
- (g) ORC acknowledges shared regulatory responsibilities with CODC and DoC in respect of indigenous biodiversity. This overlap should be taken into account by the panel in their consideration of these matters.

26. Air quality

- (a) The key issues are generation of dust, which may contain arsenic, and the discharge of gaseous contaminants from the processing plant.

- (b) A qualitative assessment of dust effects has been undertaken by the applicant. Peer-review indicates that a quantitative assessment would be more appropriate and more consistent with the *Good Practice Guide for Assessing Discharges to Air from Industry*.
- (c) The qualitative assessment applies an inappropriately high wind speed to its assessment, which has the potential effect of underestimating the frequency of dust impacts on sensitive receptors.
- (d) There is no assessment of construction-phase dust effects.
- (e) There is no assessment of the potential air quality effects of the concrete batching plant, or the cement paste plant.
- (f) There is no assessment of 'upset conditions' in the context of discharges of gaseous contaminants from the gold processing plant. Upset conditions are conditions that deviate from standard or steady-state operating conditions, such as those which occur under fault conditions at the plant or as a result of ineffective application of mitigation measures.
- (g) Neither the proposed consent conditions nor the proposed Air Quality Management Plan require any receiving environment monitoring for gaseous contaminants that may be discharged from the processing plant, presumably on the basis that external (to the site) effects have been assessed in Report B.33 as being negligible. ORC notes that this assessment relies heavily on mitigation measures which are not explicitly described in consent conditions. Given this, the complex valley terrain, and the absence of assessment of upset conditions, ORC does not consider the effects of this discharge will be appropriately managed or monitored at this time.
- (h) More generally, the proposed consent conditions do not contain adequate monitoring requirements for dust or gaseous contaminants.
- (i) ORC considers that the panel will need to allocate some time to specifically consider the potential adverse air quality effects of the proposal. Further information or additional reporting may necessary. Ultimately, ORC expects that potential air quality effects are likely to be manageable with diligent application of mitigation measures and suitably robust consent conditions.

27. Landscape

- (a) In general, the existing landscape has been described in sufficient detail, objective interpretation of landscape values has been provided, landscape effects have been assessed over an appropriate timescale with effects allocated to logical time periods. Nonetheless, there are several material omissions which are set out below.
- (b) A degree of effect for each of the various elements with the proposed development area has been assigned. This is considered necessary and appropriate; however, an overall degree of the effect for the site in its entirety has not been provided, and this is considered to be an omission. The combined effect of the various elements on the site will have an adverse landscape effect that is greater than the sum of its parts.
- (c) Associative effects may be understated. It is currently possible to generally experience the topography of the site as experienced by iwi in pre-European times and as experienced by European settlers on first discovering gold. The visceral and historic connection of walking the exact same place as previous generations will be permanently lost due to the industrial extent of modification proposed to the site landscape, even with the proposed restoration of public access following closure of the mine.
- (d) Lasting high adverse effects to the site landscape will result from the RAS Pit, despite proposed site-wide remediation and revegetation. Peer-review suggests that protection of Outstanding Natural Landscapes, such as the Dunstan Mountains, may require additional offsetting. For example, an offsite area of revegetation at least equivalent to the 65 ha RAS pit area may be warranted.
- (e) Clarification is sought as to how the colours of the exposed faces of the pits, engineered landforms, and stockpiles presented in the landscape visual simulations have been determined.
- (f) Insofar as it is possible to do so for this large-scale and complex project, ORC's assessment of landscape impacts is limited to those landscape effects that may result from activities requiring regional resource consents. Additional landscape effects of relevance are likely to be identified by CODC.

- (g) ORC considers that the panel will need to allocate some time to specifically consider the potential landscape effects of the proposal. Further information or additional reporting may necessary. The views of CODC should be taken into account in respect of panel composition and timeframes.

28. Bond

- (a) The rehabilitation bond conditions proposed by the applicant set out a process that is similar to that used for the OceanaGold (New Zealand) Limited Macraes Gold Mine, with that bond being in favour of ORC, Dunedin City Council, and Waitaki District Council.
- (b) ORC agrees that a rehabilitation bond is required and agrees that the bond quantum should be recalculated annually.
- (c) Peer-review of the Bond Introduction Report (B.44 of application) by Damwatch Engineering Limited has identified a number of risks for ORC to consider in relation to the setting of the bond quantum. These risks generally increase throughout the operational life of the mine.
- (d) ORC intends to consider these risks and recommend changes to the applicant's proposed consent conditions as part of its future comments as a s53(2) party. It is expected that any changes would be relatively minor i.e. would not constitute a wholesale change to methodology or process outlined in the currently proposed conditions.
- (e) ORC does not anticipate that the panel's consideration of the rehabilitation bond conditions will contribute significantly to the decision timeframes.

29. Economics

- (a) The applicant has undertaken an economic impacts assessment, which is an appropriate methodology to determine the economic benefits of the proposal. A cost-benefit analysis has not been undertaken; however, assessment of the adverse effects of the proposal can be done separately. Positive and adverse effects need not be encompassed within a single evaluation tool provided by the applicant.
- (b) The total economic benefits associated with the mine are likely to be overstated because of the use of Gross Domestic Product as a metric

versus Gross National Income, and because the assessment includes indirect effects that are uncertain and induced effects that rely on a series of behavioural assumptions about how markets might use resources. However:

- (i) The type of economic benefits asserted in the report – including economic activity, jobs, and taxation revenue – are reasonable;
 - (ii) Direct benefits comprise over 80% of total impacts; and
 - (iii) Even if quantified estimates of indirect and induced benefits were set aside, it is reasonable to conclude that the direct benefits are regionally and nationally significant.
- (c) On this basis, ORC has not interrogated the economic benefits further.
- (d) The panel may wish to receive other advice and reports in relation to economic benefits to inform its decision in relation to s85(3). This should be factored into the decision on the timeframe to be set for the panel. ORC is not sure how much time the panel will require for consideration of economic matters.

30. General issues

- (a) The applicant proposes significant reliance on management plans to manage the mining operation and to achieve acceptable environmental outcomes.
- (b) These plans do not appear to fully give effect to the many recommendations made by the applicant's consultants. Further, these plans often refer to unspecified 'adaptive management' provisions that will be relied upon to address any unanticipated adverse effects that may manifest as mining progresses.
- (c) Successful implementation of adaptive management processes requires certainty that issues can be managed if they arise. This requires identification of likely issues, as well as potential remedial or corrective actions that can be implemented should these issues arise. It also requires appropriate thresholds to be established to ensure that problems can be identified, and remedial or corrective actions can be implemented before adverse effects are manifested in the environment, and certainly before those effects become permanent or irreversible.

- (d) ORC is concerned that the management plans simply refer to 'adaptive management' without any specific details about how this will actually occur. The nature of the potential adverse effects of this project are not unique in the mining sector; information should be available to the applicant that would enable more certainty in the implementation of adaptive management processes.
- (e) ORC considers that the panel will need to carefully balance the flexibility enabled by management plans and as-yet unspecified adaptive management processes with the certainty provided by detailed consent conditions.
- (f) ORC anticipates that the panel will need to spend substantial time on these critical matters. However, no specialist knowledge for the panel over and above the expertise outlined earlier in paragraphs 21-29 is likely to be necessary.

Draft conditions, management plans and acceptability

- 31. ORC accepts the general layout of the conditions as proposed by the applicant i.e. separation of general and specific conditions, and the distinction between conditions to be administered by both ORC and CODC, or by each council separately.
- 32. The use of management plans to achieve specific outcomes detailed in consent conditions is appropriate (subject to the concerns outlined in paragraph 30) and consistent with other large-scale and complex projects that ORC has experience with, including the OceanaGold Macraes Mine. However, as described earlier in this memorandum, at this time, ORC is of the view that the management plans as written do not consistently replicate the objectives of the relevant technical assessments, often lack quantifiable / measurable outcomes, in some cases are experimental in nature or rely on research that has not yet been done, and generally do not contain adequate corrective actions or contingency plans or sufficient detail about the adaptive management processes that will be relied on.
- 33. ORC does not consider that the management plans should be certified by the panel. Rather, it is appropriate that management plans be certified by ORC (or CODC, as necessary) prior to the commencement of the relevant activity. This is consistent with standard Council practice, and ORC can engage

appropriate specialist expertise to determine whether each management plan satisfies the requirements of the relevant consent conditions.

34. ORC will propose a general condition that sets out the process to be followed for the certification of management plans as part of its future comments as a s53(2) party.
35. ORC considers that the proposed consent conditions do not adequately capture critical requirements for ongoing monitoring and investigations, nor do they secure the implementation of key mitigation measures necessary to constrain adverse effects.
36. Accordingly, ORC does not accept the consent conditions as they are currently drafted.
37. ORC intends to provide a suite of recommended changes to the applicant's proposed consent conditions alongside its future comments as a s53(2) party. ORC considers that the panel will nonetheless require significant time to consider and construct appropriate consent conditions.

Mātauranga Māori and tikanga

38. ORC will take direction from iwi authorities, treaty settlement entities, and / or the panel regarding mātauranga Māori and tikanga. As noted earlier, ORC will be able to assist the panel by providing commentary on the regional planning context applicable to any views that may be expressed by mana whenua.

Panel membership

39. From the perspective of ORC, the essential skills and knowledge necessary for the panel are:
 - (a) Planning and legal, ideally with te ao Māori expertise.
 - (b) Hydrogeology, hydrology, and geochemistry including modelling.
 - (c) Water quality with expertise in aquatic ecology.
 - (d) Terrestrial ecology (including wetlands) with particular expertise in large-scale biodiversity offsetting and compensation proposals and salvage / relocation / regeneration of flora and fauna.

- (e) Engineering – geotechnical engineering and / or mine-specific engineering with experience in mine construction, operation, and closure.
40. Expertise that would be desirable to have on the panel, but which ORC considers could alternatively be commissioned in the form of reports and advice to the panel includes:
- (i) Te ao Māori (if not covered already)
 - (ii) Landscape
 - (iii) Economics
 - (iv) Air quality
 - (v) Heritage
41. FTAA Schedule 3 clause 7 provides that the Panel Convener may appoint more than four panel members in certain circumstances.
42. In this case, ORC considers that appointment of more than four panel members is warranted and is likely essential to ensure that the panel collectively has the necessary knowledge and experience to make a decision on this application.
43. Council is not aware of any conflicts of interest relevant to appointment of panel members, but notes that a perceived conflict of interest may arise if a person employed by any of the consultant companies utilised by the applicant, ORC, or CODC were to be appointed to the panel.

Procedural requirements and proposed processes

44. Processes to reduce or resolve issues that have been undertaken by ORC to date include:
- (a) As noted above, ORC has engaged a number of consultants to peer-review various technical elements of the application. These consultants have produced reports identifying areas of agreement, disagreement, key issues, and further information that should be provided.
 - (b) These reviews have been shared with the applicant, CODC, DoC, Otago Fish and Game Council, and Aukaha on behalf of mana whenua.

- (c) ORC has prepared and issued to the applicant seven requests for information. For clarity, each request for information deals with a separate subject matter, and there has not been a series of seven back and forth questions and responses.
- (d) ORC understands that the applicant is not obligated to respond to these requests for information, but that they do in good faith intend to provide written responses. ORC has asked for these responses to be provided no later than 30 January 2026.
- (e) A series of meetings between ORC and the applicant (and relevant experts for each) are planned to discuss the requests for information and applicant's intended responses. The first occurred on 13 January 2026, with the next two both scheduled for January 20, 2026.⁵ Further meetings are likely to be scheduled.
- (f) ORC respectfully requests that sufficient time is provided between the conclusion of the Convener Conference and the Expert Panel commencement date to enable the applicant to respond to the requests for information, and for ORC to obtain updated peer-review reports that take into account any updated information. ORC expects that this may reduce some of the existing uncertainty that has been identified and potentially reduce the number of issues that need to be considered by the panel.
- (g) Assuming that the applicant provides all information that it intends to provide by 30 January, the proposed panel commencement date and date by which comments would be invited would appear to provide ORC with sufficient time to obtain updated peer-review reports.
- (h) ORC intends to attach its existing peer-review reports, the requests for information, any responses from the applicant, and any subsequent peer-review reports to its future comments made under s53. Alternatively, the applicant may elect / be directed to upload its responses to ORC's requests for information to EPA portal so that this additional information is available to other participants.

⁵ First meeting between applicant with EGL and ORC with GeoSolve Ltd. Second meeting between applicant with various water experts and ORC with e3 Scientific. Third meeting between applicant and various terrestrial ecologists and ORC with e3 Scientific.

- (i) ORC has been meeting on a semi-regular basis with CODC and DoC to discuss issues in areas where there are overlapping interests.
45. ORC is willing to participate in any briefings, conferencing, wānanga, or mediation with the applicant or any other participant as requested or directed by the panel.
- (a) Following closure of the s53 comments period ORC suggests that expert conferencing could be helpful to resolve any differences in expert opinion.
 - (b) Conferencing on matters relating to water modelling and geochemistry matters should occur in advance of any conferencing in relation to surface water quality or aquatic ecology effects. This is because the latter assessments are dependent on the outcomes of the former.
 - (c) The timing of any conferencing on other subject matters should be dictated by expert availability and panel preferences.
 - (d) Known limits on the availability of relevant ORC personnel and its technical consultants are provided below:

Expertise	Dates unavailable
ORC Planner	20 April – 3 May
River engineer	13 April – 1 Jun
Water modelling, geochemistry, groundwater	3 -19 April (approx. dates)
Geotechnical engineer	Three weeks in August / September (with limited availability)
Air quality	9-13 March and 4-8 May

46. Requirement for hearings
- (a) ORC will participate in any hearing as directed by the panel; however, expert conferencing on specific issues may be an efficient way to narrow or resolve differences of opinion and therefore reduce the matters in dispute, which may avoid the need for a hearing.
47. Recommended procedural steps to narrow issues quickly:
- (a) Site visit for panel members;

- (b) Scoping meeting for panel with applicant and known s53 participants prior to inviting comments;
- (c) Minute from the panel setting out any specific issues or topics it would like ORC, or any other participant, to address in invited comments.

Timeframes / other information

- 48. Following receipt of invited comments, ORC considers that a timeframe of no less than 140 working days is required for the panel to make and issue a decision.
- 49. The majority of this time is allocated to “*any other procedural steps, evaluation and decision writing*”. This is the period of time where the panel will need to consider whether further information is required of the applicant or any other participant, and to direct any processes – such as expert conferencing – be undertaken to narrow or resolve issues. Given the broad range of subject matters needing consideration, and taking into account challenges in scheduling such processes, ORC considers that 80 working days is a reasonable period of time for this step.
- 50. Please refer to the table in Schedule 1 for a more detailed breakdown of timeframes.

Administrative and contact details

- 51. Please direct all correspondence relating to this application to:
 - (a) Shay McDonald: shay.mcdonald@orc.govt.nz
 - (b) ORC Fast Track team: consent.fasttrack@orc.govt.nz
 - (c) David Randal: david.randal@buddlefindlay.com

16 January 2026



Shay McDonald
Principal Consents Planner

Schedule 1: Participants' estimated timeframe

ORC's suggested timeframes are in red font.

Task	Working days	Date
Panel commencement	N/A	11 February 2026
Invite comment from relevant parties	10 W/D later	25 February 2026
Comments close (ss 53 & 54)	20 W/D later	25 March 2026 Note: Otago Anniversary Day 23 March
Comments close for applicants (s 55)	5 W/D later	
Any other procedural steps, evaluation and decision writing	80 working days	
Draft decision is to approve		
Draft decision and conditions to Ministers (s 72)	ORC does not have a view on this timeframe	
Response from Ministers. (s 72)	10 W/D later	
Applicant response to Ministers comments (if any)	ORC does not have a view on this timeframe	
Draft conditions and decision to participants (s 70(1))	ORC does not have a view on this timeframe	
Participant comments on draft conditions (s70(2))	15 working days	
Applicant response to participants on conditions (s 70(4))	5 W/D later	
If not agreed, procedural step in relation to draft conditions.	15 working days	
Evaluate and finalise decision	10 working days	
Decision release	ORC does not have a view on this timeframe	