

BEFORE THE EXPERT PANEL

IN THE MATTER of the Fast-track Approvals Act 2024 (**FTAA**)

AND

IN THE MATTER of an application by Matakanui Gold Limited under section 42 of the FTAA for the Bendigo-Ophir Gold Project

APPLICATION NO. FTAA-2507-1089

Memorandum for Director-General of Conservation
re Concurrent Hearing
– requesting a separate hearing for Dr Mandy Tocher
Dated 4 June 2026

Barrister instructed: Dean van Mierlo; dean@environmentalbarister.co.nz

Pene Williams Senior Solicitor Rōia Matua Department of Conservation Te Papa Atawhai PO Box 5244 Dunedin 9054 Phone: [REDACTED] Email: [REDACTED]	Marie Payne Fast-Track Programme Lead Department of Conservation Te Papa Atawhai PO Box 10420 Wellington 6140 Phone: [REDACTED] Email: [REDACTED]
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May it please the Expert Panel (Panel),

The following matters are submitted on behalf of the Director-General of Conservation (DG):

1. Minute 30¹ sets out the dates for concurrent (hot tub) hearings in the weeks beginning 8 and 15 June.
2. The ecology hearing is scheduled for 12 June 2026.
3. Dr Mandy Tocher, the herpetologist who provided an expert statement² to support the Department of Conservation's s51 reports and s53 comments, is still overseas and returning to New Zealand on 13 June 2026. As she will be in transit, Dr Tocher is unable to attend the ecology hearing (online or in person) on 12 June 2026.
4. In Minute 30 the Panel indicated there were some days within the two-week hearing period which did not have hearings scheduled, these include 19 June.
5. Dr Tocher's evidence is important to the matters the Panel must determine, including the wildlife approval sought by the Applicant. As previously stated, the scale of the potential impact on lizards arising from this application is unprecedented.
6. On the expert evidence provided by the Applicant and other invited parties it seems there are differences of opinion about the scale of the proposed Project's impact on lizards, and how best to address this, which I anticipate the Panel may wish to test with Dr Tocher.
7. Accordingly, I respectfully request the Panel consider holding a separate hearing for Dr Tocher on 19 June 2026 to allow her to answer any questions the Panel may have, and to be available for cross-examination.
8. Thank you for your consideration of this request.



Pene Williams

Counsel for the Director-General

¹ Minute 30 of the Panel dated 27 May 2026

² https://www.fasttrack.govt.nz/_data/assets/pdf_file/0016/22921/Appendix-C-Expert-Statement-Lizards-BOGP-Dr-M-Tocher.pdf