

Before an Expert Consenting Panel

Under the

Fast-track Approvals Act 2024

And

In the Matter of

an application for approvals by
Matakanui Gold Limited to establish,
operate, rehabilitate and ultimately
close an open pit and underground
gold mining operation known as the
Bendigo-Ophir Gold Project

**Memorandum of Counsel on behalf of
Matakanui Gold Limited regarding
Convener Conference**

Dated: 16 January 2026

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MAY IT PLEASE THE PANEL CONVENER

1. This memorandum is filed by Counsel for Matakanui Gold Limited (**MGL**) in accordance with the Panel Convener's direction in the Minute of the Panel Convener dated 18 December 2025. This is filed in advance of the Convener's conference that is scheduled for 21 January 2026.
2. This memorandum addresses the matters MGL has been asked to respond to as the Applicant for the Bendigo-Ophir Gold Project (**Project**) under the Fast-track Approvals Act 2024 (**FTA**) in preparation for the Convener Conference.
3. This memorandum also addresses the Royal assent of the Fast-track Approvals Amendment Act 2025 (**Amendment Act**) since MGL's correspondence with the Panel Convener on 12 December 2025.

Confirmation of Attendees

4. The following attendees will be present at the Convener's conference on behalf of MGL:
 - (a) Damian Spring (MGL representative – CEO Santana Minerals and MGL);
 - (b) Cheryl Low (MGL representative – Environment Manager MGL);
 - (c) Joshua Leckie (Legal Counsel - Lane Neave);
 - (d) Laura Brown (Legal Counsel - Lane Neave);
 - (e) Mark Chrisp (Planning - Mitchell Daysh); and
 - (f) Nicolai Berry (Planning - Mitchell Daysh).

Fast-track Approvals Amendment Act 2025

5. At the time of MGL's response to the Panel Convener on 12 December 2025 there was uncertainty on the applicable provisions of the FTA while the Fast-track Amendment Bill progressed through Parliament. The Amendment Act received Royal assent on 16 December 2025, and it is now clear which amendments, and transitional provisions, apply to the Project.¹

¹ Fast-track Approvals Amendment Act 2025, Section 2, Section 51 and Schedule 1, Part 2.

6. Specifically, the Amendment Act decision making timeframes do not come into force until 31 March 2026 and do not apply to the Project.² The applicable framework is:³
- (a) a timeframe set by the Panel Convener that is considered appropriate having regard to the scale, nature, and complexity of the approvals sought in consultation with the administering agencies; or
 - (b) if no timeframe is set, within 30 working days after the date specified for receiving comments.
7. In our memorandum dated 12 December 2025 MGL requested a 30 working day decision making timetable. Having carefully considered and reflected on the Panel Convener's Minute dated 18 December 2025, MGL now request an extended decision timeframe of 60 working days. The reasons for this are described further below.

Approvals Sought

8. MGL is applying for the following approvals under the FTA:⁴
- (a) resource consents that would otherwise be applied for under the Resource Management Act 1991 (**RMA**) (**RMA Approvals**);
 - (b) concessions that would otherwise be applied for under the Conservation Act 1987 (**Conservation Act**);
 - (c) a partial uplifting of a conservation covenant that would otherwise be applied for under the Reserves Act 1977 (**Reserves Act**);
 - (d) an authority that would otherwise be applied for under the Wildlife Act 1953 (**Wildlife Act**);
 - (e) an authority that would otherwise be applied for under the Heritage New Zealand Pouhere Taonga Act 2014 (**HNZPT Act**); and
 - (f) an approval (in the form of a dispensation) that would otherwise be applied for under the Freshwater Fisheries Regulations 1983 (**Fisheries Regulations**).

² Fast-track Approvals Amendment Act 2025, Section 2.

³ Fast-track Approvals Act 2024, Section 79.

⁴ Panel Convener Minute 3, 18 December 2025, Schedule 2.

Engagement

Pre-Lodgement

9. The approach and extent of MGL's pre-lodgement consultation and engagement is outlined in Section 5 of the substantive application⁵ and the Engagement Report lodged with the substantive application.⁶ MGL has extensively engaged and consulted with relevant administering authorities, iwi, key stakeholders and the community and continues to do so.
10. Section 29 of the FTA required MGL to undertake pre-lodgement engagement and consultation with the following local and administering authorities and hapū:
 - (a) Central Otago District Council (**CODC**);
 - (b) Otago Regional Council (**ORC**);
 - (c) Department of Conservation (**DOC**);
 - (d) the Ministry for Culture and Heritage and Heritage New Zealand Pouhere Taonga (**HNZPT**);
 - (e) the Ministry for the Environment (**MFE**); and
 - (f) Kā Rūnaka.⁷
11. The extent of pre-lodgement engagement and consultation with the above parties is outlined below. In summary:
 - (a) Since 2017, MGL has engaged in regular meetings with CODC. These have included discussion of resource consent applications, reporting for exploration activities, project overview briefings, project updates, site visits and roading options. Through these discussions CODC identified key matters of interest including the capacity to review technical documentation within the FTA timeframes. MGL has addressed this by ensuring technical documents have been made available for CODC's review as soon as practicable. In addition to regular meetings with CODC, the following engagement activities were completed with CODC:
 - (i) presentation at a formal CODC meeting;

⁵ [Section 5.](#)

⁶ [F.16-Bendigo-Ophir-Gold-Project-Pre-Application-Engagement-Report.pdf](#)

⁷ The collective name for the four Papatipu Rūnaka that represent the relevant Otago Kāi Tahu hapū for the Project – being Te Rūnanga o Moeraki, Kāti Huirapa Rūnaka ki Puketeraki, Te Rūnanga o Ōtākou and Hokonui Rūnanga.

- (ii) a rules assessment workshop; and
 - (iii) extensive discussions on early works and exploration activities.
- (b) Engagement with ORC began in 2023. To date, MGL has undertaken 13 meetings, 7 site visits and multiple technical demonstrations with ORC. ORC also raised concerns on the timeframes for review of technical documentation under the FTA. In response MGL proactively shared technical reports with ORC as they were finalised, enabling early peer review and informed input ahead of formal lodgement.
- (c) MGL has been regularly meeting with DOC since 2017 to discuss project updates, activity onsite and regulatory matters. MGL has also met with DOC, in their role on behalf of the Minister for Conservation, in relation to the partial uplift of the Bendigo Conservation Covenant.⁸ This engagement has followed previous engagement with DOC on an earlier amendment to the same covenant. DOC representatives, including an ecologist visited the Project Site to monitor exploration disturbance and rehabilitation efforts. Pre-lodgement meetings have been carried out with DOC and in August 2025 MGL provided the working draft project description approvals sought and rules assessment to DOC. In September 2025 DOC provided MGL with feedback on the proposed concessions and conditions and a meeting in October 2025 was held to address this feedback.
- (d) MGL has built a long standing and constructive relationship with HNZPT through years of collaboration on exploration activities, drilling applications and project plans. Given the presence of numerous heritage sites linked to the region's mining legacy, engagement has included multiple meetings and a dedicated site visit to review heritage within the Project Site footprint, assess disturbance and rehabilitation, and outline the scope of the Project. In response to MGL's formal written notification of its intention to lodge the substantive application for the Project, HNZPT confirmed that a pre-lodgement briefing with the Ministry for Culture and Heritage was not required.
- (e) MGL provided formal written notification to MFE in May 2025 of its intention to lodge the substantive application for the Project and offered to facilitate a pre-lodgement briefing with MFE to outline the project scope, key environmental considerations and the approvals being sought.

⁸ Bendigo Conservation Covenant, 18 August 2000, clauses 11 and 12.

- (f) MGL has been in ongoing engagement and hui with Ka Rūnaka including on both the Project and consent conditions which includes information sharing to respond to feedback from Ka Rūnaka. This process remains ongoing at the time of drafting this memorandum.

Post-Lodgement

12. Following lodgement of the substantive application on 31 October 2025, MGL has continued to engage and consult with CODC, ORC, DOC, HNZPT and Kā Rūnaka⁹ with the overarching objective to minimise outstanding contentious matters prior to Expert Panel commencement.
13. Peer reviews of MGL technical assessments have been received from ORC and CODC. MGL and its consultants are underway with preparing responses to points of further clarification raised in the peer reviews and are providing these responses to ORC and CODC as they are prepared.
14. DOC has provided its advice to the Environmental Protection Authority (**EPA**) on the completeness of MGL's substantive application. MGL and its consultants are preparing responses to necessary aspects of DOC's completeness advice, noting MGL has provided preliminary responses to DOC on 23 December 2025 and further workshops/meetings are proposed to be held with DOC in the coming weeks with the purpose of clarifying aspects of the application and resolving any areas of disagreement prior to the establishment of the Expert Panel.
15. Overall, MGL is seeking to proactively address and minimise issues relevant to the application and the Expert Panel's decision-making process.

Matters Raised During Consultation

Pre-Lodgement

16. The matters raised during pre-lodgement consultation and engagement are set out in the Engagement Report lodged with the substantive application.¹⁰ MGL has endeavoured to incorporate this feedback and find resolution where practicable.
17. The key matters raised by local and administering authorities during pre-lodgement consultation relate to:

⁹ The collective name for the four Papatipu Rūnaka that represent the relevant Ōtago Kāi Tahu hapū for the Project – being Te Rūnanga o Moeraki, Kāti Huirapa Rūnaka ki Puketeraki, Te Rūnanga o Ōtākou and Hokonui Rūnanga.

¹⁰ [F.16-Bendigo-Ophir-Gold-Project-Pre-Application-Engagement-Report.pdf](#)

- (a) Regional housing pressures:
 - (i) In response MGL is proposing to provide short-term accommodation for the construction workforce during the initial years of the Project to assist with easing demand on the regional housing market. MGL is also proposing to provide transport options to enable commuting from a wider geographical area to distribute accommodation options more broadly across the region.
- (b) The capacity to review technical documentation within the FTA timeframes:
 - (i) To address this MGL proactively shared technical reports with ORC and CODC as they were finalised, enabling early peer review and informed input ahead of formal lodgement. Some draft documents (including the main substantive application report) were not circulated early as they were being refined on a daily basis, and the early circulation of documents to regulators and administering agencies needed to be balanced against potential inefficiency and confusion regarding the proposal and key conclusions.
- (c) The importance of community engagement:
 - (i) MGL undertook a proactive engagement programme with key stakeholders and the community. This included 56 community drop-in sessions, presentations to over 25 local organisations and businesses, the establishment of a community liaison group and operating a community inbox and engagement phone number. The key matters raised in engagement with the community and MGL's responses/solutions are discussed in detail in Section 7 of the Engagement Report and Section 5.8 of the substantive application report. The key themes of matters raised broadly relate to ecology, water quality, heritage, recreation, property values, the tailings storage facility, landscape impacts and impacts on tourism and winegrowers.

Post Lodgement

- 18. As discussed at paragraph 14 above, MGL has received DOC's completeness advice and peer reviews from ORC and CODC, and is underway with preparing responses.

19. MGL is responding to the key matters raised in DOC's completeness advice including:
 - (a) the level of detail provided in the assessment of effects and methods to manage effects for the concession approvals;
 - (b) consistency of information on activities and species in the wildlife approvals; and
 - (c) determination of the freshwater values and species present based on the information provided and identified in the substantive application.
20. Key matters raised through CODC and ORC's peer reviews relate to the matters set out below and will be responded to by MGL and/or its consultants as soon as possible:
 - (a) water quality and proposed limits;
 - (b) terrestrial and aquatic ecology;
 - (c) wording of conditions;
 - (d) stability of the pits and underground mine;
 - (e) bond calculations;
 - (f) landscape, natural character and visual effects;
 - (g) air quality;
 - (h) groundwater connectivity, quantity and monitoring; and
 - (i) planning matters.

Requests for Information under the Resource Management Act 1991

21. The substantive application for the Project does not relate to an activity previously lodged with CODC or ORC where requests for further information under Section 92 of the RMA were lodged.

Complexity

22. The scale and nature of the Project necessitated a substantial volume of application documents and technical assessment to ensure a complete and robust application.

23. MGL acknowledges that the application documents are extensive and technical in nature, however the material is extensive because it addresses effects comprehensively and transparently and introduces measures to address these effects. All assessments follow well established methodologies and statutory frameworks under the relevant specified Acts. We do not consider that the Project presents any legal, evidential or factual issues that are particularly complex or novel.
24. The comprehensive approach to the application ensures the effects of the Project are understood and comprehensive measures have been proposed to address these effects.

Legal Complexity

25. Consistent with the intent and purpose of the FTA, MGL's application seeks the necessary suite of approvals under multiple specified Acts to establish, operate and progressively rehabilitate the Project. Rehabilitation will be supported by a comprehensive offsetting and compensation package of ecological restoration and habitat enhancement programmes across 2,219 hectares which will be protected by covenants in perpetuity, along with an up to \$5 million Project Biodiversity and Heritage Enhancement Fund proposal.
26. The legal overview lodged with the substantive application addresses the legal assessment criteria for each of the approvals sought.¹¹ While the FTA approval process is relatively new, other than the partial uplift of a conservation covenant, this application does not introduce any novel or untested legal issues under the relevant specified Acts. The novel component is merely that these approvals can now be considered collectively in a single application under the FTA.
27. It is relevant that all proposed mining activities are located on privately owned land.

Evidentiary Complexity

28. The technical assessments and reports lodged in support of the Project have been prepared by leading specialists in their respective fields, each with extensive experience of delivering projects of this scale and complexity.
29. The nature of the Project has necessitated supporting evidentiary reports which include some assessments of a scientific and technical nature. However, none of the issues raised are novel evidential issues in the mining context.

¹¹ Legal Overview on behalf of Matakanui Gold Limited, 31 October 2025 at [57] – [93].

30. We anticipate that the Expert Panel's key evidential determinations will likely relate to conflicting expert opinion and positions on:
- (a) Water management and water quality. We expect that the evidential determinations will relate to the appropriateness of:
 - (i) proposed limits and contaminant concentrations;
 - (ii) the proposed management of mine impacted water during the operational, active closure and post-closure stages; and
 - (iii) the potential impacts of the tailings storage facility and engineered landforms on water resources and quality.
 - (b) Residual terrestrial ecology effects. We anticipate that there may be conflicting expert opinion and positions on the appropriateness of the proposed offsetting and compensation package. In particular, evidential determination may be required to determine whether the ecological benefits balance ecological impacts.
 - (c) Aquatic ecology effects on streams, wetlands and fish populations. An evidential determination will likely be required on whether the methodology used to conclude the absence of fish within the Project Site is robust and appropriate.
 - (d) Landscape and visual effects on the Dunstan Mountains, which are identified as an Outstanding Natural Landscape in the Central Otago District Plan. Evidential determinations may relate to conflicting expert opinions and positions on the level of overall landscape effect and measures proposed to address residual adverse effects.
31. Ensuring that the Panel is comprised of the necessary expertise will enable the technical evidence lodged to be processed efficiently and inform robust decision-making. The significant level of detail provided has been included to assist in providing the necessary background and information to assist the Panel in undertaking an efficient review and well-informed decision-making process.

Factual Complexity

32. As noted above, the application material includes expert opinion in specialised fields. All methodologies underpinning the technical assessments align with established standards, accepted practices and legally tested in the relevant fields and it is acknowledged that the assessment will likely necessitate analysis in relation to technical, scientific or highly specialised subject matters.

33. The expertise sought in the Panel membership, addressed below, will assist in the understanding of any particularly technical material.
34. MGL is willing to assist the Panel and/or its advisors in any way necessary as it reviews the application.

Key Issues

35. MGL anticipates that the following matters are likely to be central to the Expert Panel's consideration of the Project:
 - (a) Appropriate management of potential adverse effects on water quality (including from mine-impacted waters) and quantity.
 - (b) Appropriate management of adverse effects on terrestrial ecology (flora and fauna) including consideration of offsetting and compensation measures proposed by MGL to respond to residual effects.
 - (c) The ecological and heritage benefits secured by the Biodiversity and Heritage Enhancement Fund proposed by MGL.
 - (d) The role and weighting of planning documents relevant to the Expert Panel's decision in the context of the FTA.
 - (e) The management of adverse effects on aquatic ecology (stream extents and wetlands) including consideration of the measures proposed by MGL to avoid, remedy and mitigate these effects.
 - (f) The maintenance of public access to areas where access may be affected by the Project.
 - (g) Matters arising from discovery and management of any historical sites in the Project area.
 - (h) Cultural matters arising from mineral extraction and the appropriate management of effects that are relevant to cultural values.
 - (i) The management of landscape and visual effects including measures proposed by MGL to address these effects.
 - (j) The mitigation of dust effects to ensure the amenity of immediately surrounding properties.

Proposed Conditions and Management Plans

36. The substantive application includes a complete suite of:
 - (a) proposed conditions for all approvals sought;¹² and
 - (b) management plans which are sought to be certified by the Expert Panel.
37. The conditions lodged with the substantive application have been structured in a similar way to other extractive industry RMA projects, other FTA projects, and in particular, the Waihi North project. The content of the conditions is informed by technical expertise and are based on established practices from existing mineral extraction consents in New Zealand.
38. The conditions lodged with the substantive application propose a separate set of conditions for each approval type. This is intended to enable each administering agency to work off a single condition set covering relevant matters to that approval. The proposed resource consent conditions are structured so that a separate set of conditions can be used by each Council, with a combined set (referred to as the common conditions) covering matters which apply to both CODC and ORC. This approach:
 - (a) Avoids duplication of conditions across approvals by providing a common condition set for ORC and CODC consents.
 - (b) Ensures conditions are certain and enforceable and are not more onerous than necessary to address the effects for which they are imposed.
 - (c) Provides for robust monitoring, reporting and adaptive management approaches with clear triggers for identified actions if anticipated effects are exceeded. This ensures any residual uncertainty is appropriately addressed.

Panel membership

39. To ensure appointment of Panel members with the necessary expertise, MGL acknowledges that it may be appropriate to exceed the limit of four Panel members in this instance.¹³ This would be consistent with other mineral extraction applications considered under the FTA.¹⁴

¹² [Approval conditions.](#)

¹³ Fast-track Approvals Act 2024, Schedule 3, Clause 3(7)(e).

¹⁴ For example, the Taranaki VTM Project and the Waihi North Project.

40. Counsel respectfully submits that in addition to a Panel member with understanding of te ao Māori and Māori development, the Panel Convenor convene a panel comprised of persons with the following expertise, knowledge and experience:
- (a) a senior RMA lawyer or retired Judge with experience in large-scale mining projects would be beneficial as chair;
 - (b) an experienced planner with experience in large-scale mineral extraction projects;
 - (c) an experienced professional (for example an engineer or geologist) with exposure to mining and experience in mine engineering, mine design, stability and seismic considerations, ore body understanding, tailings management, pit design and stability and operational feasibility and hydrology and water management at mining operations; and
 - (d) an ecologist with experience in large-scale mining projects on terrestrial, fauna, freshwater and riparian ecology, offsetting and compensation measures and adaptive management matters.

Procedural Requirements

41. MGL is available to engage directly with the Panel to advance progress of the application efficiently. MGL suggests that the Panel undertake a site visit as early as possible for context and will work with the Panel to facilitate this.

Timeframe and Panel Processes

42. MGL's estimated timeframe is set out in **Appendix 1** to this memorandum.
43. In our 12 December 2025 memorandum, MGL sought a 30 working day decision timeframe. As discussed above, having considered and reflected on the Panel Convener's Minute dated 18 December 2025, MGL now request an extended decision timeframe of 60 working days.
44. While Counsel acknowledges this remains an efficient timeframe, it will ensure the procedural steps outlined below including potential conferencing and facilitated mediation can take place while ensuring the legislative purpose and core intent of the FTA - being the efficient facilitation of regionally and/or nationally significant projects – is given due consideration.
45. MGL's intention is that providing responses to requests for further information to DOC, ORC and CODC prior to the Expert Panel commencing will reduce the number of contentious matters requiring the Panel's determination.

46. The FTA provides an opportunity to move beyond traditional hearings and allows parties to adopt practical and innovative solutions to resolve issues, clarify matters and narrow the scope of any contentious points. Should the Expert Panel consider it necessary, the following processes would assist in understanding, addressing or reducing any remaining contentious matters:
- (a) engagement of a technical adviser to prepare advice and/or reports to assist the Expert Panel in respect of matters the Panel considers necessary;¹⁵
 - (b) scheduling of an issues conference to identify and refine any disputed facts, opinions or legal matters;¹⁶
 - (c) expert conferencing of relevant experts to resolve or refine any contentious matters;¹⁷ and
 - (d) the parties participate in facilitated mediation on identified matters to reach agreement on these matters.¹⁸
47. The above processes represent the most efficient way of achieving the procedural principles in the FTA as they promote efficiency and collaboration while streamlining the decision-making process.¹⁹

Conclusion

48. MGL respectfully requests referral of the Project to a Panel in accordance with the matters set out above.
49. MGL is committed to ensuring an effective conference by providing any necessary information and expert input to ensure a constructive process.

Dated 16 January 2026



Joshua Leckie / Sarah Anderton / Mia Turner
Counsel for the Applicant

¹⁵ Panel Conveners' Practice and Procedure Guidance, 22 July 2025 at [14].

¹⁶ Panel Conveners' Practice and Procedure Guidance, 22 July 2025 at [13.12].

¹⁷ Panel Conveners' Practice and Procedure Guidance, 22 July 2025 at [15].

¹⁸ Panel Conveners' Practice and Procedure Guidance, 22 July 2025 at [16].

¹⁹ Fast-track Approvals Act 2024, Section 10.

Appendix 1

Estimated timeframe

Estimated timeframe – 60 day decision making timeframe

Step	Working Days – Panel Convenor	Date (indicative)
1. Panel commencement	N/A	11 February 2026 (<i>nominal</i>)
2. Invite comment from relevant parties by	10 working days after Step 1 (Set timeframe)	25 February 2026
3. Comments close (ss 53 & 54).	20 working days after Step 2 (Set timeframe)	25 March 2026
4. Comments close for applicant (s 55).	5 working days after Step 3 (Set timeframe)	1 April 2026
5A. Expert conferencing, mediation or other processes to resolve any matters of contention.¹	12 working days after Step 4 (Not a set timeframe)	21 April 2026
5B. Any other procedural steps, evaluation and decision writing.	5 working days after Step 5A (Not a set timeframe)	29 April 2026
Draft decision is to approve		
6. Draft decision and conditions to Ministers (s 72).	5 working days after Step 5B (Not a set timeframe)	6 May 2026
7. Response from Ministers (s 72).	10 working days after Step 6 (Set timeframe)	20 May 2026
8. Applicant response to Ministers comments (if any).	10 working days after Step 7 (Not a set timeframe)	4 June 2026
9. Draft conditions and decision to participants (s 70(1)).	3 working days after Step 6 (Not a set timeframe)	11 May 2026
10. Participant comments on draft conditions (s70(2)).	10 working days after Step 9 (Not a set timeframe)	25 May 2026
11. Applicant response to participants on conditions (s 70(4)).	5 working days after Step 10 (Set timeframe)	2 June 2026
12. If not agreed, procedural step (including any expert conferencing, conditions workshops or mediation) in relation to draft conditions.²	10 working days after Step 11 (Not a set timeframe)	16 June 2026

¹ Fast-Track Approvals Act 2024, Panel Conveners' Practice and Procedure Guidance, 22 July 2025, ss 2.3, 6.6(e), 13.2, 15 and 16.

² Fast-Track Approvals Act 2024, Panel Conveners' Practice and Procedure Guidance, 22 July 2025, s 19.2(d).

13. Evaluate and finalise decision.	5 working days after Step 12 (Not a set timeframe)	23 June 2026
14. Decision release (s 79(1)(b)).	60 working days after the date specified for receiving comments under s 53 (Not a set timeframe)	23 June 2026