

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 OF COUNSEL FOR OTAGO REGIONAL COUNCIL  
REGARDING PANEL QUESTION ON TE TANGI A TE MANU**

16 June 2026

---

**BUDDLE FINDLAY**

Barristers and Solicitors  
Wellington

Solicitor Acting: **Dave Randal**  
Email: david.randal@buddlefindlay.com  
Tel 64 4 462 0450 Fax 64 4 499 4141 PO Box 2694 DX SP20201 Wellington 6011

## **MAY IT PLEASE THE PANEL:**

### **Introduction**

1. This memorandum of counsel for Otago Regional Council (**ORC**) responds to a question asked by Commissioner Sweetman at the landscape hearing on 9 June 2026. Commissioner Sweetman asked whether Te Tangi a te Manu (**TTaTM**) had been considered as part of the proposed Otago Regional Policy Statement (**pORPS**) process, and in particular in the formulation of the Appendix (**APP9**<sup>1</sup>) which sets out the identification criteria for outstanding natural features and landscapes.
2. The landscape witnesses were not in a position to answer that question at the time. ORC has since investigated the matter and this memorandum provides the answer.
3. Counsel acknowledges that parties are not ordinarily expected to volunteer information to the Panel outside a formal process. ORC nonetheless offers this information in case it assists the Panel. Should the Panel consider the information relevant to its deliberations and if the Panel considers it to be the appropriate procedure, ORC would be pleased to provide it formally in response to a request by the Panel for further information under section 67 of the Fast-track Approvals Act 2024.

### **Consideration of TTaTM through the pORPS**

4. The pORPS was notified on 26 June 2021. TTaTM was not published until July 2022. Accordingly, APP9 as originally notified was not formulated by reference to TTaTM.
5. Because TTaTM was published before the non-freshwater hearings concluded, some participants in that process sought that APP9 be updated to reflect TTaTM, as current best-practice guidance for landscape assessment.
6. Through the course of the hearings, the ORC section 42A report writer recommended that APP9 be amended to reflect TTaTM in full.
7. In its report,<sup>2</sup> the Non-Freshwater Hearings Panel recommended that APP9 be deleted and that identification of outstanding and highly valued natural

---

<sup>1</sup> The relevant appendix is numbered Appendix 11 (not 9) in the current appeals version of the pORPS: <https://www.orc.govt.nz/media/kignswwh/clean-appeals-version-porps-21-14-may-2026.pdf>

<sup>2</sup> Proposed Otago Regional Policy Statement 2021: Report and recommendations of the Non-Freshwater and Freshwater Hearings Panels to the Otago Regional Council, March 2024.

features and landscapes in Otago be undertaken through direct reference to the full TTaTM document. Correspondingly, the Panel recommended that Policy NFL-P1 be amended to refer to TTaTM rather than to APP9.

8. ORC accepted that recommendation, and the Decisions Version of the pORPS (March 2024) reflected it accordingly.
9. Several appeals were filed in the Environment Court in relation to the NFL – Natural Features and Landscapes chapter of the pORPS, including in relation to NFL-P1 and APP9.
10. By consent order dated 9 December 2025,<sup>3</sup> the Environment Court resolved the relevant appeal points. In summary, the parties agreed on the following in relation to APP9 and NFL-P1:
  - (a) APP9 was reinstated, with identification criteria for outstanding and highly valued natural features and landscapes set out in that Appendix; and
  - (b) NFL-P1 was amended to refer to APP9 and to MW-M1(5), rather than directly to TTaTM.
11. The agreed removal of the direct reference to TTaTM was for two principal reasons, as explained in the consent order:
  - (a) First, the parties agreed that it was more appropriate to include high-level identification criteria in APP9 and to allow those to be applied using best practice (including TTaTM) rather than to embed a specific version of the guidelines in the pORPS.
  - (b) Second, the Cain Whānau considered TTaTM was not an appropriate guideline for recognising or providing for landscape values or other matters of importance to Kāi Tahu. A cross-reference to MW-M1(5) was included to require that Kāi Tahu methodologies be employed in relevant situations.
12. The net result is that the pORPS, as amended through the appeals process, does not directly refer to TTaTM, but contains identification criteria in APP9

---

<sup>3</sup> *Real Group Limited v Otago Regional Council* [2025] NZEnvC 397; available here: [consent order](#).

that may be applied having regard to best practice guidance (which currently includes TTaTM).

**Dated** this 16<sup>th</sup> day of June 2026



---

**Dave Randal**  
Counsel for Otago Regional Council