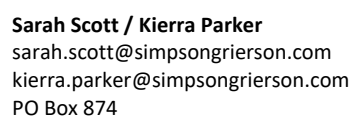


FTAA-2604-1207

By **Southern Link Property Limited**

8 September 2026



MAY IT PLEASE THE PANEL

1. This memorandum is filed on behalf of the applicant, Southern Link Property Limited (**SLPL**), in response to the Notice of Hearing dated 4 September (**Notice**) and the directions contained within the Notice.
2. It addresses the following:
 - (a) SLPL seeks changes to the timetabling directions issued in the Notice in respect of the Freshwater Hearing;
 - (b) Whether it is necessary for Roger Oakley to attend the Freshwater Hearing, given the limited scope of his evidence; and
 - (c) Late s 53 comment from Mr and Mrs Stewart.

Change to Panel's directions for Freshwater Hearing

3. The current directions in the Notice are summarised below in chronological order, with different colours used for different topics, to assist to understand SLPL's request.

Date / time	Topic / deadline
Tues 8 Sept	Transport - JWS due
Wed 9 Sept – 5pm	Te Rūnanga o Ōtākou S7 legal subs due
Thur 10 Sept	Noise - JWS due
Thur 10 Sept	SLPL summary expert statements for Freshwater hearing
Fri 11 Sept – 5pm	SLPL S7 reply legal subs due
Mon 14 Sept – 12pm	SLPL / all Parties' Freshwater hearing opening statement / legal subs – “as to the outstanding issues related to effects”
Mon 14 Sept – 12pm	Parties' summary expert statements for Freshwater hearing
Mon 14 Sept – 9.30am	Transport - Hearing (online)
Mon 14 Sept – 2.30pm	Noise - Hearing (online)
Tue 15 Sept – 9.00am	Freshwater / Silverstream Hearing (in person) including legal submissions on s 7 of the FTAA if required.
Fri 18 Sept	SLPL to file updated conditions
Tue 22 Sept	Conditions Hearing (online)

4. As can be seen in the table, SLPL's legal submissions for the Freshwater Hearing are due at the exact same time as the other parties' summary expert statements.
5. This means that SLPL will need to prepare and lodge legal submissions in advance of knowing the other parties' final expert positions in respect of, both:
 - (a) SLPL's s 55 position on freshwater issues; and
 - (b) Any updated position from SLPL responding to the Panel's Minute 9.
6. This raises significant natural justice issues for SLPL in the current hearings process, if the FTAA commenters are given an opportunity to file updated evidence beyond that which is already before the Panel, yet SLPL cannot seek advice from its experts on that updated position, and prepare and file legal submissions that addresses any updated evidence / position.
7. This is emphasised by the fact that Te Runanga o Ōtākou did not file any expert reports authored by, for example, an engineer or ecologist, with their s 53.¹ As far as SLPL are aware (and they are paying their costs), Te Runanga o Ōtākou did not engage either of these types of experts for the purposes of preparing the Treaty Impact Assessment.² Despite good progress being made towards an agreed position with Te Runanga o Ōtākou (noting SLPL has not been sent or copied into the Ōtākou update to the Panel required by 5pm on Friday 4 September), conceivably the Panel's directions allow for new evidence to be lodged at the same time as SLPL needs to file its legal submission.
8. Also relevant to the request to change the timetable is that Otago Regional Council (**ORC**) gave an indication at the Procedural Conference that SLPL's s 55 position on Freshwater matters appeared positive in terms of addressing

1 Whereas for the Bendigo-Ophir Gold Project in Central Otago, Kā Rūnaka filed five statements of evidence with their s 53 comment which formed the foundational evidence for their position in subsequent hearings.

2 The TIA was authored by Gail Tipa. Dr Alayna Rā provided input on landscape.

outstanding issues and had requested its experts to confirm its advice in writing, yet at the time of filing this memorandum, ORC has not been able to provide SLPL with an update on its expert's positions on SLPL's s55 response in respect of Freshwater matters.³

9. A meeting is scheduled with ORC experts tomorrow, on Wednesday 9 September (Fish and Game and Te Runanga o Ōtākou have also been invited). SLPL hope to receive feedback from ORC before that meeting, but if not, presumably that will occur at that meeting. For that reason, bringing the filing of SLPL's expert summaries forward, cannot practically work given the meeting with ORC is not until Wednesday. Separate discussions with Te Runanga o Ōtākou and Fish and Game continue.
10. To resolve this, SLPL respectfully seeks the following amendments to the current directions:
 - (a) the summary expert statements for the invited participants (other than SLPL) for the Freshwater hearing are due on **Friday 11 September at 4pm**; and
 - (b) any statements or legal submissions for the Freshwater hearing are due on **Monday 14 September at 4pm** (instead of at 12pm).
11. Even with the requested changes to the timetable, SLPL will only have the expert's summaries statements in hand for 8.5 working hours before its legal submissions are due, of which for a few of those hours, counsel and SLPL as client will be in the Transport Hearing.
12. In respect of all directions contained in the Notice of Hearing, SLPL also respectfully requests that the other parties serve any material they lodge with the EPA on SLPL. This can be sent to counsel at sarah.scott@simpsongrrierson.com.

3 With the exception of feedback on Groundwater.

Roger Oakley

13. The Notice directs that Roger Oakley (for SLPL) prepare a summary statement and attend the Freshwater Hearing. Mr Oakley's evidence is focused only on wastewater and water supply, and has no relevance to the Freshwater / Silverstream topic of the hearing. SLPL understands there is no disagreement with DCC in respect of the matters covered in his evidence. SLPL respectfully requests that the Panel reconsider whether Mr Oakley is required at the hearing, given the cost to SLPL if it is not actually necessary for him to be there.

Late s 53 comment from Mr and Mrs Stewart

14. This was due at 5pm Monday 7 September. Nothing has been served on SLPL or forwarded by the EPA to SLPL.

Dated: 8 September 2026



S J Scott
Counsel for Southern Link Property Limited