**BEFORE THE PANEL CONVENER**

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

**AND**

**IN THE MATTER** of an application by Oceana Gold NZ Ltd under section 42 of the FTAA for the Macraes Phase Four mine expansion project.

**APPLICATION NO.** FTAA-2608-1288

---

**Memorandum for the Director-General of Conservation**

**Re Minute 3 of the Panel Convener and for Panel Convener's Conference**

4 November 2026

---


| | |
|---|---|
| Pene Williams<br>Senior Solicitor Rōia Matua<br>DOC Te Papa Atawhai<br>PO Box 10420<br>Wellington 6140<br>Email: [redacted]<br><br>Barrister Instructed: Dean van Mierlo | Amy Robinson<br>Project Lead<br>DOC Te Papa Atawhai<br>PO Box 10420<br>Wellington 6140<br>Email: [redacted] |

**MAY IT PLEASE THE PANEL CONVENER**

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

**Introduction**

1. This memorandum responds to Minute 3 of the Panel Convener[1] (the Minute) in respect of the Macraes Phase Four application (MP4, the Project) and the further directions received on 28 October 2026.

2. The Department of Conservation (DOC) is the relevant administering agency in respect of:
   a) an application for a wildlife approval – lizards
   b) an application for complex freshwater fisheries approval – dams, culverts and reclamation

3. This memorandum addresses the specific matters raised in the Minute and the directions to inform the Panel Convener's decisions on:
   a) Appointment of expert panel members, and
   b) The timing of the expert panel decision

**The DG considers a timeframe greater than 90 working days is appropriate**

4. Based on our experience in other large scale and complex fast-track projects, the DG considers 140 working days to be an appropriate processing timeframe for this project. That is the amount of time which was allocated to the Bendigo-Ophir mine project which the DG regards as an appropriate benchmark.[2]

5. The Project is complex because the application covers multiple developments and needs to integrate with existing operations and consents. MP4 is intended to include all activities up to and including closure of the mine and is very comprehensive. Further, if management plans are to be approved by the Panel within the process, as sought by Oceana Gold (New Zealand)

[1] MINUTE 3 OF THE PANEL CONVENER dated 27 October 2026.
[2] Noting that at the applicant's request the Bendigo project has had suspensions (during which the EPA, Panel, applicant, administering agencies, and parties have continued to do work) which have added an additional 45 working days to the original timeframe.

Limited (the Applicant, OGL) this will require additional time for agencies and others to work through.

**Potential steps in the Panel's decision-making process**

6. The DG understands OGL has proposed a process that includes a series of facilitated conferencing sessions and workshops on technical matters, management plans and conditions. DOC is supportive of the intent of this approach and notes that bringing the experts together can be an efficient way of narrowing down any areas of potential disagreement.

*The DG considers the Project involves interlinked parts and is best assessed collectively rather than separately*

7. In response to the question "does the project comprise essentially three separate projects brought together in a single application?", while parts of the project may appear geographically distinct, the DG considers these three elements are interlinked and a continuation of the greater Macraes Mine project which has been underway since the mid-1990s. This is shown through the Project (inter alia) including aspects which already hold resource consents – Coal Creek and Camp Creek Dams – which seek freshwater approvals through the Fast-track Approvals Act 2024 (FTAA) and are interlinked with the mine extensions now sought.

8. Previously, consents (and other approvals) have been sought separately which has resulted in overlapping and, at times, inconsistent and piecemeal consents and approvals, with very complex mitigation and compensation measures to address significant adverse effects of the mine on the environment. This approach has made it more difficult for regulators (including DOC) to monitor existing overlapping approvals which, in part, resulted in a high degree of compliance concerns with OGL.

9. The DG has previously advocated for OGL to prepare e.g. a long-term lizard management strategy to support successive applications for wildlife approvals and overall lizard management at Macraes Mine, consistent with the purpose of the Wildlife Act 1953.

10. The DG's preference is for the application to be processed and assessed collectively as one project, rather than separated into stages. This should provide for better integration and management of approvals, including to allow the environmental outcomes to be monitored to ensure compliance and success.

11. This is also consistent with OGL's approach, which assesses and proposes to address significant environmental effects in the round, rather than separated out for each part of the Project.

**Existing and proposed consent framework**

12. The DG respectfully submits that OGL, as the applicant, should provide an overview of existing and proposed consents and any consequential changes required to current consents and their conditions.

13. Similar issues arise with existing wildlife approvals held by OGL and its consultants. It would be helpful if OGL also provided analysis of these existing approvals, as part of its overview, and how these interact with the new wildlife approvals sought, including impacts on or changes required to existing wildlife management plans.

14. The DG agrees this context, of existing approvals with inconsistent conditions that need to be integrated with the new approvals sought and inconsistencies resolved, is another reason for providing an extended timeframe for the Expert Panel, once appointed, to make its decisions.

**Management plan and certification processes**

15. The DG's process for "business as usual" (BAU) wildlife approval applications is to confirm a wildlife management plan as part of the wildlife approval and require consistency with any concurrent resource consents. DOC's BAU wildlife approval process restricts the term of approvals to five years or less, with any amendment to a management plan (e.g. if required by a recertification for a resource consent) dealt with as a formal variation to the wildlife approval.

16. Standard process for a wildlife approval would require engagement with Iwi as well as with the applicant, and where concurrent consents are sought from local authorities then DOC may also liaise with them.

17. DOC would seek technical advice from a relevant expert to review a management plan. For this application the DG says the technical expertise required includes herpetology, avifauna, invertebrates, terrestrial flora, freshwater ecology, pest management, and offsetting.

18. DOC's current target is to process 95% of BAU applications for wildlife approvals within six months.[3] There is no target for timeframes to process variations to existing wildlife approvals.

19. Under the FTAA, OGL is seeking wildlife approvals with extended terms to align with resource consents sought, as well as seeking the Panel to certify 11 management plans out of a total of 28 sought.

*The DG seeks dual certification of management plans where DOC is also an administering agency*

20. Consistent with other FT processes, e.g. Waihi North, the DG seeks a dual certification process where the management plan relates to an approval where DOC is the relevant administering agency – here the wildlife approvals and complex freshwater fisheries activities approvals. The DG seeks to be consulted on management plans which relate to matters of concern for the DG, but where DOC is not the administering agency.

21. It is difficult to confirm and certify management plans prior to conditions being finalised, as it is DOC's experience that the management plans are informed by and implement consent conditions which set the objectives and standards to be met. Accordingly, the DG considers it likely to be difficult for the Panel to certify management plans contemporaneously with finalisation of consent conditions.

[3] How long it takes to process an application: Permissions – DOC website

22. Here, where any management plans are intended to last for the term of resource consents sought, it is inevitable that variations will be required, especially if adaptive management is used to address adverse effects on the environment, including wildlife and aquatic species. This means processes for re-certification of management plans are also required, with dual certification sought where DOC is an administering agency.

23. If OGL continues to seek the Panel certify management plans as part of overall approvals, this would likely require the Panel to work at a faster pace to finalise conditions to allow the parties time to review and provide comments, with a subsequent process to develop and finalise management plans to implement the finalised conditions. This would be complex and difficult for the Panel to achieve, even in an extended decision-making timeframe.

**Other matters**

24. The DG understand the Councils (Otago Regional Council, Dunedin City Council and Waitaki District Council) have made further information requests relating to this project covering:
    a) terrestrial and wetland ecology values, residual effects analysis, lizard management and monitoring plan, etc.
    b) planning matters, including reliance on existing consents for Camp Creek and Coal Creek Dams, wetland restoration, how the bond and trust will work, ecological enhancement areas
    c) water – surface water quality and aquatic ecology

25. The responses to these information requests will also assist the experts supporting the DG in the FT process. At this relatively early stage, the DG's experts have not identified any other substantive information gaps.

26. OGL has engaged substantively and pro-actively with the DG on this application and the previous resource consent application process, with several site visits. Formal pre-lodgement engagement on the FT application commenced in March 2026, with regular meetings between OGL and the DOC project lead, and OGL sharing numerous assessments and draft reports with

DOC seeking feedback prior to lodging the substantive application. Post lodgement this positive engagement has continued with OGL holding further workshops and providing project overviews.

27. The in-house experts and external consultants engaged by the DG on this project are set out in Appendix 1 to this Memo.

28. The DG's experts are still working through the material provided by OGL, noting further information has been requested, and they have yet to identify any principal issues in contention. The DG's prior experience with OGL is that issues have generally been capable of resolution through conditions. This has included previous joint expert conferencing and conditions workshops to resolve differences.

29. Any formal processes to narrow or reduce issues are yet to be agreed with OGL. The DG's experts have provided feedback on draft assessments and reports, and they are willing to continue to engage "expert to expert" with the applicant's experts and those of other agencies and parties.

30. At this time, the DG considers it too early to say whether the drafting or proposed consent conditions, including draft management plans, is acceptable.

31. The DG supports joint expert conferencing and conditions workshops, especially where facilitated, which would enable the Panel to understand, resolve or narrow the scope of likely issues. I submit the timeframe the DG proposes (140 days) is sufficient to allow for these types of processes to occur.

**Response to further directions issued 28 October 2026**

32. Please include the following person and email addresses on the group email list:

    - Amy Robinson, Project Lead – amrobinson@doc.govt.nz
    - fast-track@doc.govt.nz

33. The table in Appendix 1 listing the in-house experts and external consultants the DG has engaged on this project, includes their availability between 11 January to 15 February 2027.

34. For completeness, I note this time period includes three statutory holidays – 25 January (Wellington Anniversary Day), 1 February (Auckland/ Northland/ Nelson Anniversary Day) and 8 February (Mondayised Waitangi Day).

**Expertise on Panel and Panel numbers**

35. Key matters to be addressed in this application include the effects on absolutely protected wildlife, freshwater fisheries and on ecological matters to be dealt with as part of the proposed resource consents.

36. The DG considers it is desirable the Panel Convener appoints a Panel that includes relevant ecological expertise. The DG submits having a Panel member with an understanding of effects of the Project on wildlife and biodiversity values would be highly desirable to assess the Wildlife Act, Freshwater Fisheries, and ecological aspects of the RMA consents associated with this project. The DG acknowledges the Panel will be assisted by the advice and reports from the DG and Councils, as well as any invited parties, and the Panel can commission its own advice if necessary.

37. The DG considers the complexity of this Project supports appointing more than the default number of panel members.

**Conclusion**

38. The DG's representatives will be happy to elaborate further on any of the above points at the conference on Monday 9 November 2026. The DG confirms willingness to engage directly with the applicant and Panel as necessary to advance the progress of the application.



Pene Williams

Counsel for the Director-General of Conservation

**Appendix 1:**

| Role | Name | Organisation | Availability |
|---|---|---|---|
| Project lead | Amy Robinson | EIS | Available |
| Legal Counsel | Pene Williams | DOC | Available 14 January onwards |
| Legal Counsel | Dean van Mierlo | Barrister | Available 18 January onwards |
| RMA Planner | Murray Brass | DOC | Not available 2-5 Feb |
| Permissions Advisor | Darcy Liddell | DOC | Not available 21-22 Jan and 1-5 Feb |
| Freshwater | Dean Olsen | Freestone Freshwater | Available |
| Lizards | Jacqui Wairepo | Kukuwai Consulting | Available 18 Jan to 5 Feb |
| Flora | Mike Harding | Independent | Available 1-15 February |
| Avifauna | Rogan Colbourne | DOC | Available |
| Offsetting | Fleur Maseyk | Catalyst Group | Not available 25 January |
| Invertebrates | Corinne Watts | Independent | Available |
| Pest management | Thomas Emmitt | DOC | Not available 25 Jan-5 Feb |

*Please note some DOC staff may have weather dependent field work during this period.