

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  
SEEKING LEAVE TO CROSS-EXAMINE AT ECOLOGY HEARING**

9 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:**

1. Counsel for Otago Regional Council (**ORC**) seeks leave from the Expert Panel under section 58(1)(e) of the Fast-track Approvals Act 2024 to cross-examine witnesses at the concurrent ecology hearing on 12 June 2026.
2. Counsel acknowledges Minute 33 of the Panel, allowing parties wishing to cross-examine on ecology to provide their topics by 9am on 12 June 2026. While counsel is nonetheless filing this memorandum early, expert conferencing scheduled for 10 and 11 June 2026 may obviate the need for questions from counsel on some of the topics listed below (as may questions by members of the Panel at the hearing on 12 June 2026) or conversely may give rise to additional topics for questioning.
3. Counsel is also cognisant of the Panel's direction in Minute 30 that any cross-examination should be focused and efficient. Accordingly, counsel only seeks leave to cross-examine witnesses for the Applicant where there are outstanding areas of disagreement that relate to matters within ORC's regulatory responsibility and expertise.
4. Accordingly, counsel respectfully seeks leave from the Panel to cross-examine the following witnesses on the following topics:
  - (a) Keith Barber (Invertebrates):
    - (i) magnitude of residual effects for specific invertebrate species; and
    - (ii) achievability of the Invertebrate Management Plan.
  - (b) Jeroen Lurling and Dr Matt Baber (Avifauna):
    - (i) magnitude of residual effects on avifauna in light of indirect effects and landscape scale analysis;
    - (ii) adequacy of the compensation package for avifauna; and
    - (iii) overall net outcome for avifauna.
  - (c) Dr Matt Baber, Emeritus Prof David Norton, Zac Milner, Dr Robyn Simcock (Terrestrial vegetation):
    - (i) feasibility of creating a viable swamp marsh wetland complex within the Direct Disturbance Footprint;

- (ii) level of risk of failure for offset restoration and habitat enhancement; and
- (iii) clarity of performance measures for management plans.

**Dated** this 9<sup>th</sup> day of June 2026



---

**Dave Randal**  
Counsel for Otago Regional Council