

**BEFORE THE RPS HEARINGS PANEL**

**IN THE MATTER** of the Resource Management Act 1991

**AND**

**IN THE MATTER** of submissions on the Proposed Otago Regional Policy Statement 2021 (excluding parts determined to be a freshwater planning instrument)

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**MEMORANDUM SEEKING DIRECTIONS ON BEHALF OF OCEANA  
GOLD (NEW ZEALAND) LIMITED**

**Dated 17 October 2022**

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**MAY IT PLEASE THE COMMISSIONERS:**

- 1 This Memorandum is filed on behalf of Oceana Gold (New Zealand) Limited (**OGNZL**). OGNZL seeks a direction that the evidence timetable be extended to account for the Otago Regional Council (**ORC**) filing its supplementary evidence late.

**Background**

- 2 In the Hearing Panel’s Minute of 3 October 2022 the following timetable was set out<sup>1</sup>:
  - a. Council s42A Report available on ORC website - Friday 7 October 2022
  - b. All evidence in chief including expert evidence received by ORC - Friday 11 November 2022
  - c. Evidence in chief available on ORC website - Friday 18 November 2022
  - d. Any Rebuttal evidence received by ORC - Friday 9 December 2022
  - e. Rebuttal evidence available on ORC website - Friday 16 December 2022
- 3 As a section 42A report had already been published in May 2022, OGNZL assumed the section 42A report would be an update of the May version, plus any supplementary evidence of ORC staff and experts. ORC appears to have agreed with this and its website said on 7 October 2022<sup>2</sup>, under the heading “Summary of process”:

3 October 2022	Hearing Panel issues Minute 1
7 October 2022	Council releases, on its website, updated s42A Report and supplementary evidence.

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<sup>1</sup> Hearings Panel Minute of 3 October 2022 at paragraph 10.

<sup>2</sup> <https://www.orc.govt.nz/plans-policies-reports/regional-plans-and-policies/otago-regional-policy-statements/proposed-otago-regional-policy-statement-2021-non-freshwater-parts>

- 4 The ORC website has since been changed to remove the reference to “*and supplementary evidence*”.
- 5 Had ORC’s supplementary evidence been received on 7 October as anticipated, parties would have had 5 weeks to prepare and lodge evidence in chief by 11 November.
- 6 OGNZL became aware on 13 October that some supplementary evidence had been uploaded on behalf of ORC to its website. OGNZL has undertaken a brief review of the supplementary evidence and in OGNZL’s opinion there has been little movement on key issues of interest to it. There have however been a number of matters raised in the supplementary evidence which OGNZL experts will need to respond to. ORC has also said that it will provide further supplementary evidence in relation to the National Policy Statement for Highly Productive Land (**NPS-HPL**) by 21 October 2022. The NPS-HPL contains provisions that directly address the locational and functional needs of extractives in a similar way to the provisions that are anticipated in the impending National Policy Statement for Indigenous Biodiversity which the ORC has refused to acknowledge in the PORPS. The provision of evidence by ORC on the NPS-HPL on 21 October will only allow parties 3 weeks to prepare and lodge evidence in chief by 11 November.

### **Direction Sought**

- 7 OGNZL seeks a direction that the timetable for filing evidence in chief be extended to preserve a similar length of time for submitters to respond to matters raised by ORC, as had been intended by the Hearings Panel and indicated by ORC on its website. To ensure that all evidence can be lodged and uploaded before Christmas, the time available for the remaining evidence exchanges needs to be reduced slightly (e.g. for evidence in chief from 7 weeks to 4.5 weeks, for rebuttal evidence from 3 weeks to 2 weeks). The amended timetable OGNZL suggests is:
  - a. ORC’s supplementary evidence on NPS- HPL available on ORC website Friday 21 October 2022

- b. All evidence in chief including expert evidence received by ORC by Wednesday 23 November 2022
  - c. Evidence in chief available on ORC website by Wednesday 30 November 2022
  - d. Any Rebuttal evidence received by ORC by Wednesday 14 December 2022
  - e. Rebuttal evidence available on ORC website by the end of Monday 19 December 2022
- 8 OGNZL has not had time to consult with other submitters about the directions sought in this Memorandum, but notes that other submitters may agree.

Dated this 17<sup>th</sup> day of October 2022



S Christensen/J St John

Counsel for Oceana Gold (New Zealand) Limited