

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)

**MEMORANDUM ON BEHALF OF OCEANA GOLD (NEW ZEALAND)
LIMITED CONCERNING MINUTE 10**

Dated 16 March 2023

Solicitor acting:

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MAY IT PLEASE THE COMMISSIONERS:

1. This Memorandum is filed in response to the advice contained in Minute 10 that the Panel intends to engage Mr Constantine to provide it with technical planning assistance.
2. Paragraph 7 of the memorandum contains a material inaccuracy in that Mr Constantine was an active participant in at least some the pre-hearing meetings that were held after the closing of submissions and participated in those meetings as a representative of the ORC.
3. Counsel is surprised this was not disclosed to the Panel as I submit it is a material consideration that goes to the suitability of his proposed appointment.
4. In the circumstances, if the Panel elects to engage Mr Constantine as proposed it will be taking on some procedural risk, and will need to exercise extreme care and provide transparency for submitters in how his advice is sought and used to avoid any perception that the Panel has been improperly influenced.

Dated 16 March 2023



S Christensen/J St John

Counsel for Oceana Gold (New Zealand) Limited