

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**

Dated 31 March 2023

Solicitor acting:

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MAY IT PLEASE THE COMMISSIONERS:

1. This Memorandum is filed on behalf of Oceana Gold (New Zealand) Limited (**OGNZL**).
2. In its Fifth Minute the Hearings Panel directed Ms Boyd and other section 42A report writers to reconsider whether to advance potential amendments to the PORPS to address effects arising from a potential consenting pathway for mineral extraction activities¹. That evidence was filed on 24 February 2023.
3. OGNZL was then given an opportunity to respond by 31 March 2023². Claire Hunter has prepared evidence in response and that is enclosed with this Memorandum.
4. As Ms Hunter points out in her evidence, some of the matters addressed in the ORC evidence and Ms Hunter's response will be able to be dealt with in the course of the Panel hearing those parts of the PORPS which are still to be heard. However, there are other parts of the PORPS where submissions have already been heard, and for which the Panel has not yet set out a process or schedule for submitters to respond to any re-drafting.³ This includes:
 - a. SRMR - the new SRMR issue statement in relation to regionally significant industries or activities which was formulated through caucusing in accordance with Minute 6 is with ORC for its consideration.;
 - b. AIR – the drafting of AIR-P4 is being refined by ORC.

¹ Minute 5 dated 27 January 2023 at paragraph 2(iii).

² Minute 5 dated 27 January 2023 at paragraph 3(iv).

³ For example it is noted that in Minute 7, the rewrite of Ch 15 issues is to be made by the end of March and then interested submitters have until 5 pm on 21 April to respond.

5. ORC has not yet provided any indication of its preferred wording of the provisions. Counsel do not understand what process the ORC is following in considering these matters but we note that OGNZL's planner is happy to work alongside ORC's planners if this would assist.
6. As well as being given an opportunity to comment on the specific re-drafting of the new SRMR issue statement and AIR-P4, OGNZL seeks an opportunity to make submissions at the conclusion of the hearing of submissions (before the ORC's closing submissions) on the overall outcome for mining and the Macraes Mine in particular. This will allow OGNZL to take into account all of the amendments which have been made throughout the hearing. We submit that while it may not be usual for submitters to have a further opportunity to address the Panel the following circumstances mean it is appropriate in this instance:
 - a. The notified PORPS is clearly deficient in recognising and making provision for the regionally and nationally significant Macraes Mine;
 - b. The ORC made a deliberate choice through the pre-hearing processes not to address the deficiency despite OGNZL making it clear to the ORC in its submission dated 3 September 2021 that there was a problem that needed to be fixed;
 - c. It is of fundamental importance to the ongoing ability of the Macraes Mine to make the regionally and nationally significant contributions it makes that the provisions of the PORPS address the locational and functional needs of Macraes Mine;
 - d. It is reasonable that OGNZL have an opportunity to address the revisions ORC will propose to address this deficiency when they are able to be considered as a whole and in the context of the entire PORPS.
7. Therefore OGNZL seeks a direction that:

- a. A timetable be put in place for submitters to respond to the ORC's re-drafting of a new SRMR issue statement relating to regionally significant industries and activities, and AIR-P4; and
- b. That OGNZL be given an opportunity to make submissions at the conclusion of the hearing of submissions, before ORC's closing.

Dated this 31st day of March 2023

A handwritten signature in black ink, appearing to read 'S Christensen' or 'J St John', written in a cursive style.

S Christensen/J St John

Counsel for Oceana Gold (New Zealand) Limited