

Memorandum

To: The Expert Panel

From: Mark Chrisp and Nicolai Berry, Mitchell Daysh (on behalf of Matakanui Gold Limited)

Date: 22 June 2026

Re: Bendigo-Ophir Gold Project Fast-track Application – Updated Proposed Conditions and Management Plans Covering Memorandum

INTRODUCTION

In accordance with Paragraph 4 of Minute 26 of the Expert Panel (dated 19 May 2026), the proposed approvals conditions and management plans for the Bendigo-Ophir Gold Project (“**BOGP**”) have been updated. This has occurred as a result of:

- > Issues raised during the workshops held with the relevant administering agencies in February and March 2026;
- > The evidence of parties making comments through the section 53 invitation to comments (noting that no updates to management plans were provided as part of MGL’s response to comments on 17 April 2026);
- > Reviewing all Joint Witness Statements (“**JWS**”) from the expert conferencing undertaken throughout May and June 2026 to identify where amendments / new conditions and management plans were discussed and agreed between the relevant experts; and
- > The scope and content of conditions and management plans being discussed at the Concurrent Expert Witness Hearings in June 2026.¹

The updated conditions and management plans have been uploaded to the EPA Portal alongside this covering memorandum.

The following sections set out an overview of the key changes to conditions and the suggested way forward in relation to the proposed workshopping on conditions and management plans.

¹ Acknowledging that not all discussed changes to conditions and management plans have been fully captured and / or addressed due to the lack of clarity and / or specificity as to the issue or the solution proposed.

KEY MATTERS TO NOTE

The following sets out those changes to the proposed consent conditions that may be of particular interest to the Panel:

In *D.01 – Central Otago District Council Land Use Consent and Conditions (22 June 2026)*:

- > Any land disturbance associated with exploration activities within the BOGP Consent Area (outside the Direct Disturbance Footprint (“**DDF**”)) has been limited to no more than three hectares;
- > The noise, vibration and blasting conditions have been amended considerably by the relevant noise and vibration experts - including in relation to blasting vibration in relation to heritage sites and features - with general agreement reached between the experts for the majority of conditions;²
- > The transportation conditions have been updated to reflect the full agreement reached with NZTA / Waka Kotahi in relation to the wording of the consent conditions that relate to its interests (i.e. the use and upgrade of the intersection of State Highway 8 and Ardgour Road);
- > Standards have been proposed in relation to the design and construction of Ardgour Rise set out in the report “*Road Alignment Assessment - Ardgour Rise Alignment – May 2026*” prepared by Landpro (provided as part of MGL’s response to Expert Panel RFI#9) which are intended to achieve a like-for like replacement of Thomson Gorge Road. A new condition has also been proposed requiring a subdivision consent application and subsequent vesting of Ardgour Rise in Central Otago District Council (“**CODC**”) as fee simple title (subject to CODC granting the subdivision consent); and
- > The contaminated land conditions have been amended to require the completion of a Detailed Site Investigation (“**DSI**”) in relation to relevant parts of the DDF.

In *D.02 - Otago Regional Council Consents and Conditions (22 June 2026)* the key amendments to conditions relate to:

- > Further details regarding the commissioning, construction, operation and ongoing monitoring of the proposed Active Water Treatment Plant and Passive Water Treatment Systems. This includes thresholds in the surface water performance monitoring conditions which require the Consent Holder to construct and commission the water treatment plant if levels of sulfate recorded at compliance monitoring locations exceed 50% of the applicable

² In accordance with Paragraph 4 of Minute 30 of the Expert Panel, the noise and vibration experts have identified amendments to conditions and management plans to the extent they can be agreed. Where conditions have not been agreed, a comment box has been provided setting out the differences in conditions sought. A copy of the agreed version of conditions provided by the noise and vibration experts can be provided to the Expert Panel if requested.



compliance limit on three occasions within 12 months, including at least one exceedance of the limit, where attributable to site activities and not resolved by adaptive management processes.

In D.03 - Schedule One - Common Conditions for Central Otago District Council and Otago Regional Council Consents (22 June 2026), the key amendments to conditions relate to:

- > The establishment and operation of a Community Liaison Group;
- > The establishment and operation of a Peer Review Panel in relation to geochemistry and mine-impacted waters, hydrogeology, ecology, and rehabilitation;³
- > The establishment and operation of the proposed Matakinui Trust to address the post closure management of the site;
- > Amendments to ALL management plan certification conditions to confirm MGL is seeking for the management plans to be certified by CODC and / or ORC (not the Expert Panel); and
- > Provision for the Joint Steering Group (formerly Iwi Advisory Group) to provide input into the review of any management plans and any proposed changes to consent conditions.

In D.04 - Schedule Two - General Conditions for Otago Regional Council Consents (22 June 2026), the key amendments to conditions relate to:

- > New surface water and groundwater compliance parameters and limits;
- > A revised sediment quality monitoring regime, including concentrations limits for the discharge of total suspended solids from sediment retention devices;
- > Continuous water monitoring for water level and electrical conductivity at the proposed groundwater monitoring locations;
- > The commissioning and review of a site-wide transient Water and Load Balance Model;
- > Undertaking further studies to confirm the Rise and Shine swamp / marsh wetland hydrological function, wetland sensitivity to drawdown, and likely performance of flow augmentation in mitigating potential drawdown impacts on these wetlands;
- > A revised aquatic ecological monitoring regime; and
- > Amended air quality monitoring conditions that reflect the recommended changes agreed by the air quality experts in the Air Quality JWS (dated 22 May 2026).

³ It is also noted that, in addition to the Peer Review Panel, Common Condition C131 allows CODC and Otago Regional Council (“**ORC**”) to charge the Consent Holder for the reasonable costs associated with any technical experts the Councils need to engage to assist with the review of documentation (including certification, annual work programmes, annual monitoring and compliance reports and management plans) or to provide technical advice in relation to resource management issues associated with the operation of the BOGP.

SUGGESTED WAY FORWARD

As a result of the above, we (Mitchell Daysh, MGL, and the relevant technical experts) have undertaken our best endeavours to update the conditions and management plans to address the various issues with the conditions and management plans identified to date. That said, it is acknowledged that the conditions and the management plans will benefit from further workshopping.

Paragraph 24 of the Planning #1 JWS states:

24. All experts support the Panel's foreshadowing of workshopping in relation to conditions and management plans (Minute 26 at paragraph [3]) and are of the opinion that this should occur.

We recommend that workshopping in relation to the conditions and management plans occur. We purposely use the term 'workshopping' rather than 'expert conferencing' because such an exercise necessarily needs client and multidisciplinary technical input.

In terms of timing, we suggest that:

1. Following the circulation of the updated management plans and conditions on 22 June 2026 (in accordance with Minute 26), the regulators and other parties be given a period of about two weeks to review the documents and be ready to participate in workshops to identify and constructively address any remaining issues of concern.
2. MGL or Chancery Green (as determined by the Expert Panel) then convenes a series of workshops in relation to the management plans and conditions from Tuesday 7 July 2026 onwards with a view to these workshops being completed by the end of July 2026 or thereabouts.

The workshops would likely be held in person in Cromwell with the ability for parties and/or their experts to participate remotely via MS Teams. Some of the workshops (e.g. in relation to ORC matters) could be held in Dunedin.

Following the process outlined above, it is proposed that MGL provides a 'post-workshopping' version of the management plans and conditions to the Expert Panel (noting any aspects of remaining disagreement). This would include a reformatting of the conditions which would sort out condition numbering and be presented as a clean copy with points of disagreement being recorded in comment boxes.

The process and timeline outlined above will be addressed in a legal memorandum from MGL seeking directions from the Expert Panel.

