

## Memorandum

To: BOGP Expert Panel

From: Mark Chrisp and Nicolai Berry, Mitchell Daysh Ltd, on behalf of Matakanui Gold Ltd

Date: 14 September 2026

Re: BOGP Conditions

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### 1. INTRODUCTION

The BOGP Expert Panel's Minutes 46, 47 and 48 invited the parties to provide any response (by 7 September 2026) to Matakanui Gold Limited's (**MGL**) evidence that was filed between 12 and 17 June 2026, MGL's response to RFI 11 filed on (and to some extent before) 17 August 2026, and the proposed approvals and conditions (including the Archaeological and Heritage Management Plan) filed by MGL on 28 August 2026 (the latter following a series of four workshops and other actions undertaken by MGL during July and August 2026).

In accordance with the above, feedback was received from Otago Regional Council (**ORC**), Central Otago District Council (**CODC**), Department of Conservation (**DOC**), Heritage New Zealand Pouhere Taonga (**HNZPT**), Kā Rūnaka, Sustainable Tarras, Environmental Defence Society, New Zealand Fish and Game Council and Otago Fish and Game Council and surrounding landowners.

As a result of the responses received from the parties, further amendments have been made to the proposed resource consents and conditions (D.01, D.02, D.03 and D.04) within the administrative jurisdictions of ORC and CODC. Changes have also been made to the conditions of the concessions (D.06 – D.10) within the administrative jurisdiction of DOC.

For reasons explained later in this memo, no further changes have been made to the Archaeological Authority (D.05) within the administrative jurisdiction of HNZPT and the Wildlife Authority (D.11) within the administrative jurisdiction of DOC.

The base documents (to which further amendments have been made) are the clean versions of the resource consent conditions (D.01, D.02, D.03 and D.04) and the track changed versions of the other documents (D.05 – D.11) dated 28 August 2026.

Attached to this memo is:

- > **Attachment 1** - A track changed version of the proposed approvals and conditions dated 14 September 2026. This version enables the Expert Panel to readily see the additional changes that have been made to the proposed approvals and conditions since the 28 August 2026 version.
- > **Attachment 2** - A clean version of the proposed approvals and conditions dated 14 September 2026 (having accepted all the tracked changes in the track changed version of the conditions presented in Attachment 1). This is the version of the conditions which MGL invites that Expert Panel to adopt (subject to any further amendments the Expert Panel considers necessary and appropriate) for the purposes of any consents that may be granted.

In addition to the more recent changes shown in track changes (in Attachment 1), a range of formatting and minor changes have been made to both the tracked and clean versions of conditions without being shown as track changes (in Attachments 1 and 2). This includes revised condition and sub-clause numbering, updates to the abbreviations table, improved consistency of how terms are used and abbreviated throughout the conditions, and formatting and style amendments to the tables attached to D.03 - CODC and ORC Common Conditions.

The track changed version of the proposed conditions (in Attachment 1), includes various comment boxes which identify where conditions have been amended in response to one or more parties requested changes (either in full or in part) or where requested changes have not been accepted and brief explaining why. The comment boxes do not provide a complete record of the changes requested by other parties but rather focus on the key substantive changes proposed.

The comment boxes recording key points of disagreement between MGL and one or more parties from the condition workshops held in July and August 2026 have also been retained to the extent that they remain as points of disagreement for ease of reference for the Expert Panel.

In addition to the above, this memo briefly discusses in more detail several aspects of the changes that have been made to the proposed approvals and conditions (or where changes sought by the parties have not been made) where we think that an explanation will be of assistance to the Expert Panel, as follows:

- > A number of roading related conditions (including responding to matters raised in the Expert Panel's Minute 51):
- > The conditions relating to the capture and management of mine circuit water; and
- > A brief update in relation to the Archaeological Authority, DOC Concessions, Wildlife Permit and the management plans.

In a more general sense (and also being a reason for not accepting some of the changes to the conditions sought by the parties), we have been guided by section 83 of the Fast-track Approvals Act 2024 which requires that conditions must be no more onerous than necessary.

## **2. PROPOSED APPROVALS AND CONDITIONS**

### **2.1 D.01 CODC LANDUSE CONSENT**

#### **Timing of Roothing Upgrades and Design of Ardgour Rise**

Up until CODC's feedback on 7 September 2026, there were two key outstanding issues in relation to roading as follows:

- > CODC sought that all roading upgrades were completed prior to any mining activities commencing; and
- > The design parameters for Ardgour Rise were not agreed.

The first of these two issues now appears to be resolved. CODC's feedback on the relevant conditions appears to accept the timeframes for roading upgrades proposed by MGL provided they include all certification requirements within those timeframes. MGL accepts that position but notes that CODC is a key party in relation to the certification requirements and MGL has no control over, and has concerns in relation to, the timeframes associated with CODC's actions as part of that process.

MGL provided CODC with a proposed detailed design for the upgrade of Thomson Gorge Road (between Ardgour Road and the proposed Ardgour Rise) on 14 August 2025 and, at CODC's request, resubmitted on 3 November 2025. Despite following up on numerous occasions, MGL has been unable to obtain any feedback or approval from CODC who have advised they wish to wait until approvals are granted to progress the matter.

In relation to the second issue noted above, there now appears to be a high level of agreement between the roading engineers in relation to the design of Ardgour Rise (see Attachment 4 of the feedback provided by CODC). To the extent there are any remaining issues to be resolved, they appear to be relatively minor matters of detailed design which can and must be resolved as part of the detailed design, independent design safety audit, and engineering approval by CODC (all of which are required by the proposed conditions of consent – see Condition 70 in D.01).

MGL confirms that, as part of any Landuse Consent granted by the Expert Panel within the administrative jurisdiction of CODC, it seeks approval of the alignment and design of Ardgour Rise as set out in the plans presented as Attachment 6 of CODC's feedback and as assessed in the report "Ardgour Rise Road Safety Review" dated 30 July 2026 prepared by Stantec New Zealand (provided by MGL on 28 August 2026).

#### **Vesting Ardgour Rise in CODC**

CODC has consistently held the position that any replacement of Thomson Gorge Road (in this case Ardgour Rise) should be vested in CODC as a road in fee simple title. DOC has also advised

MGL that the same outcome should apply to the section of Ardgour Rise that passes through the Ardgour Conservation Area (on the basis that DOC considers an easement or right of way over Public Conservation Land (**PCL**) to be inappropriate). MGL has agreed with those requests and has advanced the proposed Ardgour Rise on that basis (see Condition 71 in D.01).

The Expert Panel's Minute 51 notes the issues raised by DOC in relation to risk of Condition 71 (previously Condition 69 as referred to in Minute 51) not being able to be complied with due to any transfer of Crown land to CODC triggering rights of first refusal (RFR) under Part 9 of the Ngāi Tahu Claims Settlement Act 1998. To address this situation, MGL proposes to revert to the original 30-year term for the two concessions that relate to the Ardgour Conservation Area (i.e. part of Ardgour Rise and the fibre optic cable).

A key consequence of the above, is that the condition proposed by CODC requiring MGL to vest Ardgour Rise in CODC prior to the stopping of part of Thomson Gorge Road has not been accepted by MGL. What is important is that the public are able use an alternative road to provide access, not who owns it. MGL therefore proposes to construct Ardgour Rise and then open it to the public following the certification by CODC that the road has been constructed to the required standard including independent pre and post construction safety audits (see Condition 70 in D.01). MGL will maintain operational responsibility (including maintenance) of Ardgour Rise until such a time as the road is vested in CODC.

#### **State Highway 8 / Ardgour Road Intersection**

Minute 51 also raises a similar issue in relation to the proposed upgrade of the State Highway 8 (**SH8**) / Ardgour Road intersection. There is a mismatch between the existing alignment of SH8 and the designation relating to SH8 (i.e. the road is partially located on PCL beyond the designation). This is a historical situation which needs to be resolved by the New Zealand Transport Agency (**NZTA**) in conjunction with DOC irrespective of any upgrade of the SH8 / Ardgour intersection. Furthermore, MGL has no ability (nor responsibility) to resolve this historical situation. To the extent that MGL secures a concession from DOC in relation to the upgrade of the SH8 / Ardgour intersection, at least that part of the roading configuration will have been legalised (in conjunction with the Land Use Consent within CODC's administrative jurisdiction authorising the land use).

As above in relation to Ardgour Rise, MGL proposes to revert to the original 30-year term for the two concessions that relate to the upgrading of the SH8 / Ardgour intersection. That period of time should be sufficient for NZTA to resolve the current issue.

## **2.2 D.04 SCHEDULE TWO – ORC GENERAL CONDITIONS**

The most significant aspect of the changes to the ORC General Conditions relates to the capture of mine circuit water seepage which have been amended in response to suggestions made by ORC.

The conditions under the heading “Water Management” and a new heading of “Mine Circuit Water Seepage Management” have been significantly added to and strengthened. This includes:

- > An overarching requirement that no untreated mine circuit water<sup>1</sup> can leave the Project Site via surface water or groundwater without first being treated by the Active Water Treatment Plant or Passive Water Treatment System (allowing for captured seepage to be returned to the TSF);
- > A requirement to develop a robust process to manage any mine circuit water seepage that bypasses any Mine Waste Storage Facility (including the setting of appropriate triggers and responses) that must be included in the Water Management Plan and certified by ORC; and
- > A requirement for additional seepage collection systems to be established at appropriate location(s) in lower Shepherds Valley and Rise and Shine Valley that will be able to intercept and capture all mine circuit water seepage (in the event that seepage continues to bypass the primary seepage collection system and secondary seepage interception measures).

The combination of existing seepage management conditions and the new conditions outlined above will ensure that there is no credible scenario for detectable mine circuit water seepage to leave the Project Site untreated.

## **2.3 ARCHAEOLOGICAL AUTHORITY**

In its feedback provided on 7 September 2026, HNZPT provided the same feedback in relation to the 22 June 2026 version of the conditions. To the extent that feedback was accepted by MGL, it was reflected in the 28 August 2026 version of the conditions. On that basis, no additional changes have been made to the conditions of the Archaeological Authority.

## **2.4 DOC CONCESSIONS**

As part of its feedback provided on 7 September 2026, DOC provided edits to the wording of the concession conditions. All of DOC’s edits to the conditions have been accepted except in one

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<sup>1</sup> “Mine circuit water” is a component of mine-impacted water which is defined in the Schedule One Common Conditions that apply to both Central Otago District Council and Otago Regional Council. It includes ELF seepage, TSF seepage and decant water, pit water, run-off / seepage from arsenic-rich soil stockpiles, underground water and water from the Processing Plant and Infrastructure Area.

instance. MGL has deleted a condition that requires authorisation for earthworks where it forms an integral part of the concession activity.

## **2.5 WILDLIFE AUTHORITY**

In our memo dated 28 August 2026, we stated:

*“At this point in time, MGL is not aware any points of dispute in relation to the conditions associated with the Wildlife Authority. If DOC identifies any issues of concern with aspects of the Wildlife Permit as part of its feedback on 7 September 2026, MGL will seek to resolve those concerns by way of discussions and/or correspondence with DOC. MGL’s final position on the Wildlife Permit (hopefully reflecting full agreement with DOC) will be presented on 14 September 2026.”*

DOC has not provided any further feedback on the basis that (as we understand it) DOC does not support the proposed lizard management regime. On that basis, no additional changes have been made to the conditions of the Wildlife Authority.

## **3. MANAGEMENT PLANS**

For the reasons set out in Section 4 of our memo dated 28 August 2026, further updates to the management plans have not been undertaken since the 22 June 2026 versions (except in relation to the Archaeological and Heritage Management Plan which was provided to the Expert Panel on 28 August 2026). The management plans will be updated at a later date to reflect the final version of the consent conditions following the release of any decision by the Expert Panel to grant the consents sought by MGL. The management plans will then be provided to the various consent authorities for certification that they are in accordance with the relevant conditions of consent.

For the purposes of its deliberations and decision-making, the Expert Panel is invited to consider the 22 June 2026 versions of the management plans which provide a comprehensive understanding of the nature, scope, content and level of detail proposed to be presented in the management plans.

## **4. CLOSING**

MGL and its consultants trust that the attached versions of the conditions will be of assistance to the Expert Panel for the purposes of its deliberations and decision-making. We note that the parties will have further opportunities to provide additional feedback on the conditions by way of legal submissions on 21 September 2026 and when the Expert Panel issues its draft decision later this year (assuming a decision to grant the consents sought by MGL).

## **ATTACHMENTS:**

**Attachment 1 Track Changed Version of the Proposed Approvals and Conditions**

**Attachment 2 Clean Version of the Proposed Approvals and Conditions**

**Attachment 1      Track Changed Version of the Proposed  
Approvals and Conditions**

## **Attachment 2    Clean Version of the Proposed Approvals and Conditions**