

**BEFORE THE EXPERT CONSENTING PANEL APPOINTED BY
THE ENVIRONMENTAL PROTECTION AUTHORITY**

UNDER the Fast-track Approvals Act 2024 (the
FTAA)

IN THE MATTER of Matakanui Gold Limited for approvals
associated with the Bendigo-Ophir Gold
Project [**FTAA-2507-1089**]

**MEMORANDUM OF COUNSEL FOR CENTRAL OTAGO
DISTRICT COUNCIL – RESPONSE TO RFI 11**

Dated 7 September 2026

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May it please the Panel

1. This memorandum is filed on behalf of Central Otago District Council (CODC) in accordance with paragraph [5(i)] of the Panel's Minute 48. It provides CODC's response to material filed by Matakanui Gold Limited (MGL) in response to Request for Further Information 11 (RFI 11), and to the updated conditions circulated on 28 August 2026.

2. The following material is filed with this memorandum:

(a) ***Bendigo Ophir Gold Project - RFI 11 Question 11 Ecology Measures of Success for Rehabilitation of Cushionfields and Spring Annuals***, high-level feedback to CODC from Mike Harding dated 25 August 2026 (Attachment 1);

(b) ***Bendigo Ophir Gold Project - RFI 11 Question 11b Ecology - Spring Annuals - Compensation Measures***, high-level feedback to CODC from Mike Harding dated 1 September 2026 (Attachment 2);

(c) CODC's comments on the Social Impact Assessment and Just Add Lime addendum (Attachment 3);

(d) ***Bendigo-Ophir Gold Project Ardgour Rise Alternative Alignment - Road Design Safety Assessment Review Technical Note*** prepared by Abley Limited dated 26 August 2026, including the appended review by Meyer Cruden Engineering Limited dated 21 August 2026 (Attachment 4);

(e) the Ardgour Rise Road Safety Review - Alternate Alignment Safety Review prepared by Stantec New Zealand dated 30 July 2026 (Attachment 5);

(f) the plan set entitled BOGP Ardgour Rise Rev 5 260729 provided to CODC on 31 July 2026 (Attachment 6);

(g) Bendigo-Ophir Gold Mine Conservation Covenant Revocation Memo - Landscape Effects prepared by Stephen Brown of Brown NZ Ltd dated 7 September 2026 (Attachment 7); and

(h) CODC's comments on the proposed Central Otago District Council land use consent conditions updated 28 August 2026 (Attachment 8).

3. Mr Harding identifies continuing limitations in the baseline information and proposed success criteria for cushionfields and spring annuals. In summary, his advice is that the present criteria depend upon incomplete survey and mapping information, include outcomes that may not be capable of reliable measurement, and do not yet provide a sufficiently certain or enforceable basis for the proposed conditions. He also considers that reliance upon the possible future acquisition and protection of replacement habitat is uncertain, and that suitable habitat should instead be secured before the activity commences.
4. CODC's comments on the social impact material identify gaps arising from the limited baseline and scope of the assessments, including at the individual and household level, in relation to vulnerable or sensitive populations, and in the absence of a completed implementation plan and funding commitments for the proposed Social Investment Strategy.
5. Mr Brown's review addresses Questions 18 and 19 of RFI 11. In relation to the proposed partial revocation of the Bendigo Conservation Covenant, he considers that the revocation area forms an integral and inseparable part of the wider Dunstan Mountains ONL and the Bendigo goldfields heritage landscape. His conclusion is that the revocation would give rise to landscape effects of regional significance and, in relation to the associative values of the Bendigo goldfields landscape, effects likely to be of national significance. In relation to the revised Ardgour Rise alignment, Mr Brown largely agrees with Mr Girvan's assessment and considers the road effects to be moderate, but secondary to the more substantial landscape modification associated with the adjoining mine.

Ardgour Rise - Version 5 alignment

6. The proposed Ardgour Rise route is intended to replace part of Thomson Gorge Road and ultimately be vested in CODC as public road. CODC was provided with the Version 5 alignment and supporting technical information on 31 July 2026 for review. Version 5 is longer and follows a materially different alignment from the earlier iterations.
7. CODC's transport, civil and geotechnical reviewers consider Version 5 to be an improvement from a road-user and safety perspective, particularly because the length

and frequency of the steeper grades have been reduced. Their support is nevertheless subject to the qualifications and further work identified in the Abley and Meyer Cruden reviews, including in relation to the remaining extended steep section, passing opportunities, edge protection, pavement materials, maintenance implications, detailed geotechnical investigation, construction specifications and further safety auditing.

8. MGL's response to Question 19 of RFI 11 included an amended alignment plan and landscape, desktop ecological and heritage assessments. The ecological assessment describes the alignment assessed as the 'final designed construction footprint'. It also records that the revised and earlier engineered footprints overlap by only approximately 4.28 ha (about 34% of the revised 12.48 ha footprint), and that the revised footprint must be incorporated into the relevant impact calculations, management-plan trigger areas and residual-effects accounting.
9. However, CODC has not identified, in the material filed with the Panel, the complete Version 5 plan set provided to it or an express amendment to the application confirming that Version 5 is now the alignment for which approval is sought. The Stantec safety review (prepared for MGL) was filed on 28 August 2026, but that does not of itself remove the present uncertainty as to the drawings which define the proposal.
10. Given the successive design iterations and the material differences between them, the approved alignment must be identified with certainty. If MGL intends Version 5 to form part of the proposal, CODC respectfully suggests that MGL should confirm that position in its reply on 14 September 2026, file the complete Version 5 plan set, and identify all consequential amendments required to the application documents, effects assessments, management plans and conditions.
11. For completeness, CODC's review of Version 5 should not be treated as unconditional acceptance of the alignment, confirmation that all design matters have been resolved, or agreement to accept vesting of the road. Those matters remain subject to the recommendations in the attached reviews, satisfactory detailed design and engineering approval, and resolution of the legalisation and vesting matters addressed below.

Legalisation and vesting

12. Part of the proposed Ardgour Rise route traverses land administered by the Department of Conservation. Although CODC understands that progress has been made in relation to DOC concessions and access arrangements, CODC is not aware that the separate process by which this part of the route is to be legalised as road and vested in CODC has been agreed or resolved. A concession or easement does not, without more, achieve legalisation and vesting as public road.
13. MGL should therefore identify the proposed legal mechanism and timing for legalisation and vesting. The conditions should ensure that those steps, together with construction of a compliant replacement route, are completed before the relevant part of Thomson Gorge Road is stopped or public access becomes dependent upon the replacement route.

Updated conditions

14. CODC has undertaken a limited further review of the conditions circulated on 28 August 2026. Its condition-specific comments are recorded in the marked-up set filed as Attachment 8.

Conclusion

15. CODC respectfully requests that the Panel take the attached material and the matters recorded above into account when considering MGL's response to RFI 11 and the final form of the proposal and conditions.



Jayne Macdonald
Counsel for Central Otago District Council
7 September 2026

