

BEFORE THE EXPERT PANEL

FTAA-2507-1089

**UNDER
IN THE MATTER**

Fast-track Approvals Act 2024
of the Bendigo-Ophir Gold Project

**MEMORANDUM OF COUNSEL (RESPONSE TO FURTHER INFORMATION
PROVIDED IN RELATION TO RFI 11 AND MINUTE 40 AND APPLICANT'S
DRAFT CONDITIONS)**

Dated 7 September 2026

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TO THE EXPERT PANEL

1. The purpose of this memorandum is to provide an overview of the material provided on behalf of Sustainable Tarras in response to:
 - a. The information provided by Matakanui Gold Limited (**MGL**) in response to Request for Information (**RFI**) 11.
 - b. The information provided by MGL in response to Minute 40.
 - c. The draft conditions that MGL filed and circulated on 28 August 2026.

RFI 11

2. Below we have listed the statements of evidence provided on behalf of Sustainable Tarras; what question of RFI 11 or Minute 40 information it relates to; and a very brief overview of what is addressed in the evidence:
 - a. Statement of Matt Sole (Heritage)
 - i. Responds to RFI Question 10 information - relates to the lack of an archaeological survey or heritage impact assessment of the newly proposed Battery Hill Sanctuary, the importance of heritage features in the Sanctuary area, and the importance of Battery Hill as a significant landmark.
 - b. Statement of Dr Geoff Rogers (Ecology)
 - i. Responds to RFI Questions 10 and 11 information - addresses issues with the proposed measures of success for rehabilitation of cushionfields and spring annuals and effects on lizards.
 - ii. Also responds to Minute 40 information (2025 Spring Annual Report) – addresses the shortcomings of the survey work and destruction of significant spring annual populations.
 - c. Statement of Suze Keith on behalf of Sustainable Tarras (Social Impacts)
 - i. Responds to RFI Questions 21 and 22 information
 - ii. This reviews the social impact assessment; the social impact assessment addendum and the community and stakeholder engagement update report and explains the flaws.
 - d. Statement of Steven Emerman (Geotech)

- i. Responds to Minute 40 information - relates to Factors of Safety and the Applicant's experience, and the Applicant's response to the proposed draft geotechnical consent conditions.
- e. Statement of Dr Alexander McAlpine (Geology)
 - i. Responds to Minute 40 information
 - ii. Relates to further geotechnical data collection and analyses being required before the BOGP will reach Feasibility Stage, in particular geotechnical and hydrogeologic modelling.
- 3. Sustainable Tarras has already filed statements by Dr Richard Meade in response to RFI 11 questions 13, 14, 25, 26, and 28 and by Mr Edward Miller in response to RFI 11 questions 25, 26 and 29 (regarding economics and bond / Trust matters). Sustainable Tarras also relies on the responses to RFI 11 questions provided by the landscape architects in the Joint Witness Statement dated 19 August 2026

Draft Conditions

- 4. As requested by MGL, Sustainable Tarras has provided its comments on conditions in the form of tracked changes to the clean version of the draft conditions provided by MGL along with comment boxes with brief explanations of the changes. More detailed explanations can be found in the expert evidence of Sustainable Tarras (both the original briefs and the briefs now provided) and in Sustainable Tarras' original comments. The following condition sets are provided:
 - a. D.01 – CODC Land Use Consent and Conditions
 - b. D.03 - Schedule One – Common Conditions to the CODC and ORC Consents
 - c. D.04 – Schedule Two – General Conditions for ORC Consents
- 5. These comments are provided **without prejudice** to Sustainable Tarras' position that very significant adverse impacts would result from the BOGP that outweigh any potential benefits, and as such the approvals should be declined.
- 6. It is important to note that Sustainable Tarras has commented on those condition sets to the extent that it can within the time available, and has not had time to comment on other condition sets (such as for the wildlife permit, archaeological authority and concessions).
- 7. A summary of the key topics covered by changes in each condition set is set out below:
 - a. CODC Land Use Consent and Conditions

- i. Scope and location of mining activities (including identifying some activities as being out of scope)
 - ii. Blasting and vibration
 - iii. Lighting and dark-sky protection
 - iv. Heritage and archaeology, including issues regarding lack of assessment of impacts on heritage
 - v. Transportation
 - vi. Term and lapse
- b. Schedule One – Common Conditions to the CODC and ORC Consents
 - i. Changes to enhance the community's role post-consenting, including the addition of a requirement for a Tarras-Bendigo Community Development Plan
 - ii. Management plan conditions (including objectives and trigger conditions)
 - iii. Ecological conditions
 - iv. Battery Hill Sanctuary (not within scope or its effects assessed)
 - v. Mine rehabilitation and closure
 - vi. The bond conditions
 - vii. The Matakinui Trust conditions
- c. Schedule Two – General Conditions for ORC Consents
 - i. Erosion and sediment control measures, including climate change considerations.
 - ii. Geotechnical stability
 - iii. Air Quality Management Plan; and dust deposition monitoring.

PCE report on international practices in long-term mine rehabilitation funding and stewardship

- 8. Sustainable Tarras understands that the Parliamentary Commissioner for the Environment (**PCE**) will be releasing a report on Wednesday 9 September that includes an international review of mining rehabilitation funding and bonding, how low-probability but high-consequence events (e.g. catastrophic tailings dam failure) are managed, and who assumes responsibility for site stewardship post-closure. Given the centrality

of those matters to the issues before the Panel, Sustainable Tarras respectfully requests that the Panel:

- a. Requests a copy of that report from the PCE.
- b. Alternatively, grants Sustainable Tarras leave to be able to submit the report itself.

7 September 2026

A handwritten signature in black ink, appearing to read 'Sally Gepp', written in a cursive style.

Sally Gepp KC
Counsel for Sustainable Tarras Inc