

Before an Expert Consenting Panel

Under the

Fast-track Approvals Act 2024

And

In the Matter of

an application for approvals by
Matakanui Gold Limited to establish,
operate, rehabilitate and ultimately
close an open pit and underground
gold mining operation known as the
Bendigo-Ophir Gold Project

Memorandum of Counsel on behalf of Matakanui Gold Limited - Response to Minute 56

Dated: 13 October 2026

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MAY IT PLEASE THE EXPERT PANEL

1. This Memorandum of Counsel is filed on behalf of Matakanui Gold Limited (**Matakanui Gold**) in response to Minute 56 of the Expert Panel. Minute 56 addressed the alternative public vehicle access proposed by Matakanui Gold in response to Minute 54 (**New Alternative Route**) and invited comments from other parties by 9 October 2026.¹ Matakanui Gold was invited to provide a response to those comments by 13 October 2026.
2. Comments on the New Alternative Route have been received from Central Otago District Council (**CODC**), Environmental Defence Society Inc (**EDS**), the Department of Conservation (**DOC**) and Sustainable Tarras. Matakanui Gold's response to those comments is set out below.
3. In summary we submit that the access proposal, comprising Ardgour Rise as the primary public vehicle access route and the New Alternative Route as a contingency if required, together with the associated suite of conditions, provides the Panel with absolute certainty that public vehicle access across the Dunstan Mountains will remain available at all times. This is the situation regardless of whether either route is ultimately vested in CODC as:
 - (a) Thomson Gorge Road cannot be closed until Ardgour Rise has been constructed to agreed design and safety standards ensuring no interruption to public access.²
 - (b) If Ardgour Rise has not vested in CODC within 25 years, the New Alternative Route must be made available for public vehicle access prior to the expiry of the Ardgour Rise concession, which is proposed to have a term of 30 years.³
 - (c) If the requirement for the New Alternative Route is triggered, Matakanui Gold must pursue vesting of the New Alternative Route in CODC.⁴
 - (d) Until the time the New Alternative Route is vested in CODC, or if the New Alternative Route is not vested in CODC, it must still be maintained and managed in perpetuity by the Consent Holder or Matakanui Trust ensuring ongoing public vehicle access.⁵

¹ Minute 56 of the Expert Panel at [2] – [3].

² D.01 - CODC Land Use Consent and Conditions (2 October 2026) at Condition 69.

³ D.01 - CODC Land Use Consent and Conditions (2 October 2026) at Condition 71A.

⁴ D.01 - CODC Land Use Consent and Conditions (2 October 2026) at Condition 71B.

⁵ D.03 - Schedule One - Common Conditions to the CODC and ORC Consents (28 September 2026) at Condition 134, Condition 152(2) and Condition 153.

VESTING OF ARDGOUR RISE BEFORE ROAD STOPPING

4. CODC's position is that the replacement route for Thomson Gorge Road must be constructed, certified, legally available for public use and vested in CODC as a road before Thomson Gorge Road is closed to the public.⁶
5. We agree that as required by the proposed conditions the replacement route for Thomson Gorge Road must be constructed and available for public use prior to Thomson Gorge Road being closed. The proposed consent conditions expressly require that outcome.⁷
6. However, CODC's response that the replacement route must be vested in CODC before Thomson Gorge Road is closed is inconsistent with the Deed as to Road Stopping and Alternative Route (**Deed**) that has been entered into by Matakanui Gold and CODC. For the avoidance of doubt reference to 'Alternative Route' in the title of the Deed refers to the alternative route associated with the stopping of Thomson Gorge Road and not to the New Alternative Route that is the subject of this response.
7. Our previous legal submissions address the Deed which covers the stopping and sale of the roads required for the Project.⁸ The Deed includes the following key provisions:
 - (a) A requirement for Matakanui Gold to construct at its cost an alternative route (referred to as **Ardgour Rise**) to Thomson Gorge Road so public access to the Dunstan Mountains is maintained.
 - (b) Matakanui Gold will begin constructing Ardgour Rise as soon as resource consent is obtained.
 - (c) Matakanui Gold must construct and complete Ardgour Rise ready for use by the public no later than the time at which the roads have been stopped.
 - (d) As soon as Ardgour Rise is ready for use by the public it will be subdivided and vest in CODC "in the usual way".
8. The Deed does not require Ardgour Rise to be vested in CODC before Thomson Gorge Road is stopped or before it is available for public use. The Deed instead requires that the alternative route is constructed, completed and legally available for public use before the stopping of Thomson Gorge Road, with vesting to follow.

⁶ Memorandum of Counsel for Central Otago District Council, 9 October 2026 at [4].

⁷ D.01 - CODC Land Use Consent and Conditions (2 October 2026) at Condition 69.

⁸ Legal Submissions on behalf of Matakanui Gold Limited in Response to Comments Received, 17 April 2026 at [168] – [171].

9. This is the approach reflected in the conditions proposed by Matakanui Gold which relevantly require:
 - (a) The construction of Ardgour Rise prior to the closure of Thomson Gorge Road to the public.⁹
 - (b) Certification by CODC following the completion of construction that Ardgour Rise has been constructed in accordance with the approved design.¹⁰
 - (c) Within six months of construction being completed lodgement of a subdivision consent with CODC.¹¹
 - (d) If subdivision consent is granted and any other necessary approvals are obtained, vest Ardgour Rise in CODC.¹²
 - (e) If vesting is not completed within 25 years following the commencement of the consents the requirement to construct the New Alternative Route is triggered.¹³
10. This provides certainty that the closure of Thomson Gorge Road will not occur until replacement access is constructed in accordance with the approved design. The legally enforceable consent conditions then require the subsequent vesting option.
11. In response to CODC's feedback Matakanui Gold proposes amendments to the conditions to clarify that Matakanui Gold will maintain operational responsibility (including undertaking any necessary maintenance for the road) until the vesting of Ardgour Rise has occurred, which ensures that the road will be maintained to a suitable standard for public use at all times.¹⁴

CERTAINTY OF PUBLIC ACCESS

12. The responses from EDS¹⁵, Sustainable Tarras¹⁶ and CODC¹⁷ consider that the New Alternative Route does not provide certainty that there will be long term public vehicle access to the Dunstan Mountains as it is not certain that:¹⁸
 - (a) CODC will consent to the vesting of the New Alternative Route as public road; or

⁹ D.01 - CODC Land Use Consent and Conditions (2 October 2026) at Condition 69.

¹⁰ D.01 - CODC Land Use Consent and Conditions (2 October 2026) at Condition 70(3)(b).

¹¹ D.01 - CODC Land Use Consent and Conditions (2 October 2026) at Condition 71(1).

¹² D.01 - CODC Land Use Consent and Conditions (2 October 2026) at Condition 71(2).

¹³ D.01 - CODC Land Use Consent and Conditions (2 October 2026) at Condition 71A.

¹⁴ D.01 - CODC Land Use Consent and Conditions (13 October 2026) at Condition 71(3).

¹⁵ Memorandum of Counsel for Environmental Defence Society Inc, 9 October 2026 at [8] – [9].

¹⁶ Memorandum of Counsel for Sustainable Tarras, 12 October 2026 at [16].

¹⁷ Memorandum of Counsel for Central Otago District Council, 9 October 2026 at [7] – [8].

¹⁸ Memorandum of Counsel for Environmental Defence Society Inc, 9 October 2026 at [9].

- (b) any third party approvals (if necessary) will be granted.
13. We disagree with these responses. As set out in Matakanui Gold's response to Minute 54 the New Alternative Route provides a certain and deliverable alternative option for public vehicle access in the event the vesting of Ardgour Rise is not achieved within 25 years following the commencement of consents.¹⁹
14. The access proposal comprising Ardgour Rise as the primary public vehicle access route and the New Alternative Route as a contingency if required, provides the Panel with certainty that public vehicle access will remain available regardless of whether either route is ultimately vested. The proposal secures long term vehicle access to the Dunstan Mountains as:
- (a) Thomson Gorge Road cannot be closed until Ardgour Rise has been constructed to agreed design and safety standards,²⁰ ensuring that there is no interruption to public access when Thomson Gorge Road is closed.
 - (b) Matakanui Gold agrees with CODC that vesting of Ardgour Rise is the preferred outcome. Although no absolute guarantee can be given that the vesting process, including any rights of first refusal processes, will be completed within the 30 year concession term for the section of Ardgour Rise that traverses the Ardgour Conservation Area, there is a reasonable expectation and desire to conclude those processes within that time frame.
 - (c) If the vesting of Ardgour Rise has not been completed within 25 years following the commencement of the consents, the New Alternative Route must be made available for public vehicle access.²¹
 - (d) If the requirement for the New Alternative Route is triggered, within six months of the completion of construction the Consent Holder must apply for subdivision consent. Provided the subdivision consent is granted and any other necessary approvals have been obtained (if any) the New Alternative Route will be vested in CODC.²²
 - (e) Until the time the New Alternative Route is vested in CODC, or if the New Alternative Route is not vested in CODC, public vehicle access will continue to be provided, and the road will be managed and maintained in perpetuity

¹⁹ Memorandum of Counsel on behalf of Matakanui Gold Limited, Response to Minute 54, 2 October 2026 at [38].

²⁰ D.01 - CODC Land Use Consent and Conditions (2 October 2026) at Condition 69.

²¹ D.01 - CODC Land Use Consent and Conditions (2 October 2026) at Condition 71A.

²² D.01 - CODC Land Use Consent and Conditions (2 October 2026) at Condition 71B.

by the Consent Holder or Matakanui Trust in accordance with the consent conditions.²³

- (f) In terms of ensuring delivery of a certain public vehicle access, in our submission while vesting remains the preferred option, the certainty as to outcome is the retention of public vehicle access to a suitable standard, not the vesting process itself.
- 15. The above measures are secured by legally enforceable consent conditions and provide certainty that there will be no gap in public vehicle access to the Dunstan Mountains regardless of the outcome of vesting processes. Targeted amendments to the conditions are proposed in response to CODC's feedback and are addressed in paragraph 51 below.
- 16. EDS' response states that third party approvals have not been obtained, there is no certainty that they will be and that these are adverse impacts that must be considered under Section 85(3).²⁴ We consider EDS' response conflates vesting with the provision of public vehicle access and for the reasons set out below we disagree with EDS' response.
- 17. As the Panel emphasised in Minute 54 the key consideration is whether there is long term certainty of vehicle access. The access proposal comprising Ardgour Rise as the primary public vehicle access route and the New Alternative Route as a contingency if required achieves that outcome. While vesting remains the preferred outcome the continuation of public vehicle access is not dependent on it. The proposed conditions provide certainty that public access will continue, whether this is through Ardgour Rise or the New Alternative Route.
- 18. The Panel is entitled to rely on the proposed conditions to manage the effects of the Project and the Fast-track Approvals Act 2024 (**FTA**) explicitly states that when undertaking a Section 85(3) proportionality assessment the Panel must take into account any conditions to avoid, remedy, mitigate, offset or compensate for adverse impacts.²⁵

SPECIFICATIONS OF THE NEW ALTERNATIVE ROUTE

- 19. The responses advocate that the design, specifications and gradients of the New Alternative Route have not been assessed and no safety assessment has been

²³ D.03 - Schedule One - Common Conditions to the CODC and ORC Consents (28 September 2026) at Condition 134, Condition 152(2) and Condition 153 and D.01 - CODC Land Use Consent and Conditions (2 October 2026) at Condition 71B. Advice Note.

²⁴ Memorandum of Counsel for Environmental Defence Society Inc, 9 October 2026 at [19].

²⁵ Fast-track Approvals Act 2024, Section 85(3)(b)(ii).

undertaken.²⁶ Sustainable Tarras and EDS also raise that the New Alternative Route is not a “like for like” with Thomson Gorge Road.²⁷

20. An exact like for like replacement is not realistic. As set out by CODC’s transport advisor Abley, Thomson Gorge Road was formed over 100 years ago and does not necessarily represent an acceptable standard on which to base the design of a new alternative route.²⁸ As a result any new route will inevitably differ from Thomson Gorge Road.
21. Given this, the appropriate design standards for a replacement route for Thomson Gorge Road have been the subject of engagement and conferencing between the transport experts, the outcome of which has resulted in a design framework and approval process for Ardgour Rise which is reflected in the proposed consent conditions.²⁹
22. New Conditions 71A and 71B apply the same design standards (to the extent practicable having regard to the characteristics of each route) and approvals process to the New Alternative Route that has been accepted by CODC as appropriate for Ardgour Rise and relevantly require that:³⁰
 - (a) The design meets the relevant design criteria in the Australian Road Research Board Unsealed Roads Best Practice Guide standards.
 - (b) The design has maximum gradients of 12.5% and cross falls and drainage in accordance with the latest CODC standards.
 - (c) The design is subject to an independent design safety audit and post-construction safety audit.
 - (d) The final design drawings are subject to CODC engineering approval.
23. Sustainable Tarras’ response appears to incorrectly assume that if the need for it is triggered, the New Alternative Route would remain in its haul road form.³¹ That is not the proposal, and as required by D.01 Condition 71A(2), if the New Alternative

²⁶ Memorandum of Counsel for Sustainable Tarras, 12 October 2026 at [7] – [10], Abley BOGP Transportation Conditions Letter (9 October 2026), Memorandum of Counsel for Central Otago District Council, 9 October 2026 at [11], Memorandum of Counsel for Environmental Defence Society Inc, 9 October 2026 at [17].

²⁷ Memorandum of Counsel for Sustainable Tarras, 12 October 2026 at [7] and Memorandum of Counsel for Environmental Defence Society Inc, 9 October 2026 at [15] – [19].

²⁸ Transportation Review, Abley, 20 March 2026 referring to Meyer Cruden Assessment dated 20 March 2026.

²⁹ D.01 - CODC Land Use Consent and Conditions (2 October 2026) at Conditions 69 – 71.

³⁰ D.01 - CODC Land Use Consent and Conditions (2 October 2026) at Condition 71A and Condition 71B.

³¹ Memorandum of Counsel for Sustainable Tarras, 12 October 2026 at [7] – [9].

Route is triggered it will be upgraded to meet the above specifications and subject to CODC engineering approval.³²

24. The key consideration is not whether the New Alternative Route replicates Thomson Gorge Road but whether it is capable of providing safe and effective long term public access to the Dunstan Mountains in a way that fits within the broader closure rehabilitation requirements.
25. The proposed conditions ensure this by requiring the New Alternative Route to be designed in accordance with specified standards, independently safety audited and ultimately signed off by CODC. This ensures that public access will be maintained through a route that is fit for purpose.

ASSESSMENT OF EFFECTS

26. The parties' responses state that the effects of the New Alternative Route have not been considered or assessed.³³
27. We disagree. The New Alternative Route is located within areas that are already proposed to be disturbed as part of the Project and the effects of those disturbances (including ecological, landscape and heritage impacts) have been considered and assessed in the substantive application before the Panel.
28. The physical footprint of the New Alternative Route is not new, and it is already identified in the Landscape Closure Plan as a 4WD track. The proposal upgrades that route so that it can provide public vehicle access to the Dunstan Mountains. It does not involve disturbance of previously unaffected land or result in effects of a different nature or scale from those already assessed. Instead, it builds on and enhances closure infrastructure that was already identified in the substantive application.
29. In this context we submit the Panel can rely on the existing effects assessment and proposed conditions. The existing effects assessments address the effects of the disturbance while the proposed conditions provide assurance that the final design and construction of the route will meet specified standards that have been tested through expert conferencing and will be subject to CODC engineering approval. Together these measures provide comfort that the New Alternative Route will be fit for its intended public access purpose.

³² D.01 - CODC Land Use Consent and Conditions (2 October 2026) at Condition 71A(2).

³³ Memorandum of Counsel for Sustainable Tarras, 12 October 2026 at [11] – [13], Memorandum of Counsel for Central Otago District Council, 9 October 2026 at [13], Memorandum of Counsel for Environmental Defence Society Inc, 9 October 2026 at [17] and Department of Conservation Response to Minute 56, 9 October 2026 at 3.

30. EDS' response states that the New Alternative Route is located in, or adjacent to, the working areas of the mine.³⁴ If the New Alternative Route was required it would not be implemented until 25 years following the commencement of consents, which will be after the cessation of active mining. At this time the Project Site would be in active closure, and no mining operations would be taking place. Given this the New Alternative Route would not be operating alongside active mining activities.

Rehabilitation of Ardgour Rise and the State Highway 8 and Ardgour Road Intersection Upgrades

31. The response from DOC raises that:³⁵
- (a) If the New Alternative Route is required, Ardgour Rise may need to be removed and that the effects of rehabilitating the concession land are not known.
 - (b) If the State Highway 8 and Ardgour Road intersection upgrades (**SH8 Upgrade**) have not been vested in NZTA and CODC respectively at the end of the concession term, there could be a scenario where the improvements are removed and the road returned to its existing configuration.
32. As set out in the substantive application, the Ardgour Rise alignment within the Ardgour Conservation Area is largely located within an existing easement that provides for 4WD vehicle access across the conservation area.³⁶ As such, the Ardgour Rise road is located within an already disturbed area.
33. Regardless, the existing conditions for the Ardgour Rise and SH8 Upgrade Concessions relevantly require:
- (a) That if written notice is received from DOC any specified structures or other improvements in the concession area must be removed. The removal must occur within the timeframe specified by DOC and the Concessionaire must make good any damage, leave the concession land and other public conservation land affected by the removal in clean and tidy condition and replant the land with indigenous vegetation of a similar abundance and diversity as at the commencement of the concession term.³⁷

³⁴ Memorandum of Counsel for Environmental Defence Society Inc, 9 October 2026 at [17].

³⁵ Department of Conservation Response to Minute 56, 9 October 2026 at 9.

³⁶ A.09 - Section 2 - Existing Environment, A.15 - Section 8 - Fast-Track Approvals Act 2024 Requirements and B.39-Rob-Greenaway and Associates Recreation Assessment Greenway 2025 at [6.2].

³⁷ D.06A - Ardgour Rise Road - Easement (28 September 2026) at 15.03, D.07A - SH8 Intersection - NZTA - Easement (2 October 2026) at 15.3 and D.07B - SH8 Intersection - CODC - Easement (2 October 2026) at 15.3.

- (b) For Ardgour Rise, if no application for a replacement concession has been lodged more than nine months prior to the concession expiry date the Concessionaire must begin removal of the road and remediation of the concession land. This must be completed to the satisfaction of DOC no later than six months after the concession expires.³⁸
34. The above conditions are standard provisions included on DOC concessions to provide for the removal of infrastructure and rehabilitation of the relevant land. Relevantly these conditions were imposed before the New Alternative Route was proposed and expressly contemplated the potential removal of Ardgour Rise and remediation of the concession land if appropriate arrangements for the management of the road had not been reached at the expiry of the concession.
35. There is no basis to conclude that the potential removal of Ardgour Rise would give rise to unknown effects as this outcome has been expressly anticipated through the concession framework. Any removal and rehabilitation works would be undertaken in accordance with the concession conditions and subject to DOC oversight and approval.

Increased Crown Liability

36. DOC's response considers that secondary effects from the 30 year concession terms for Ardgour Rise and the SH8 Upgrades such as increased Crown risk and liability should be considered as the secondary effects would not arise if it were not for the proposed activity.³⁹
37. We disagree that the proposed concession term results in increased risk or liability for the Crown as:
- (a) The conditions of the Ardgour Rise Concession require Matakanui Gold at its cost to maintain Ardgour Rise and the concession land for the duration of the concession.⁴⁰
 - (b) The conditions of the SH8 Upgrade Concessions require Matakanui Gold at its cost to maintain the upgrades and concession land for the duration of the concession.⁴¹
 - (c) If vesting does not occur and removal of Ardgour Rise and rehabilitation of the land is required this must be done at Matakanui Gold's cost.⁴²

³⁸ D.06A - Ardgour Rise Road - Easement (28 September 2026) at 41 and 43.

³⁹ Department of Conservation Response to Minute 56, 9 October 2026 at 9.

⁴⁰ D.06A - Ardgour Rise Road - Easement (28 September 2026) at 8.2.

⁴¹ D.07A - SH8 Intersection - NZTA - Easement (2 October 2026) at 8.2 and D.07B - SH8 Intersection - CODC - Easement (2 October 2026) at 8.2.

⁴² D.06A - Ardgour Rise Road - Easement (28 September 2026) at 15.03, 41 and 43.

- (d) The conditions of the SH8 Upgrade and Ardgour Rise Concessions require a bond to be held by DOC which must among other things provide for the estimated costs of rehabilitating the concession land.⁴³

OTHER MATTERS

Feasibility of the New Alternative Route

38. Sustainable Tarras state that the feasibility of the New Alternative Route is undermined on the basis that mining activities may extend beyond the Project Site.⁴⁴
39. We disagree. The Panel's role is to assess the application before it, not to consider implications or effects of hypothetical future scenarios that do not form part of the proposed Project.⁴⁵ The scope of the Project before the Panel for consideration is defined by the application. Any future proposal to undertake activities beyond what is set out in the application before the Panel, including any necessary variations to the approvals currently sought, would require separate assessment and approval through the relevant statutory processes.
40. The feasibility and appropriateness of the New Alternative Route must therefore be assessed by reference to the Project as proposed and defined in the application before the Panel, rather than by reference to speculative future activities that are not before the Panel for consideration.

Paper Road

41. Sustainable Tarras' response states that part of the New Alternative Route aligns with the paper road that runs alongside Shepherds Creek and that while Matakanui Gold has an access agreement with CODC for the operational period of the mine, long term authorisation of access to the paper road is unclear.⁴⁶
42. It is incorrect that long term authorisation of access to the paper road is unclear. As set out in our Legal Submissions dated 17 April 2026 Matakanui Gold and CODC have entered into a Deed that provides for the stopping and sale of the roads required for the Project.
43. The Deed relevantly provides that CODC will sell the fee simple title in the paper road to Matakanui Gold.⁴⁷

⁴³ D.07A - SH8 Intersection - NZTA - Easement (2 October 2026) at 8 and 13, D.07B - SH8 Intersection - CODC - Easement (2 October 2026) at 8 and 13, and D.06A - Ardgour Rise Road - Easement (28 September 2026) at 3 and 8.

⁴⁴ Memorandum of Counsel for Sustainable Tarras, 12 October 2026 at [18].

⁴⁵ *Auckland City Council v Auckland Regional Council* [1999] NZRMA 145.

⁴⁶ Memorandum of Counsel for Sustainable Tarras, 12 October 2026 at [15].

⁴⁷ Legal Submissions on behalf of Matakanui Gold Limited, 17 April 2026 at [168] – [169].

Landscape Closure Plan

44. Sustainable Tarras has noted that the Landscape Closure Plan appended to Matakanui Gold's response to Minute 54 is outdated and does not show the Battery Hill Sanctuary.⁴⁸
45. It is acknowledged that the version of the Landscape Closure Plan attached to the response to Minute 54 has been superseded. The Landscape Closure Plan accompanying the 14 September 2026 version of the proposed conditions (D.03 - Schedule One - Common Conditions to CODC and ORC Consents) had been updated to include the Battery Hill Sanctuary.
46. The updated version of the Landscape Closure Plan as filed on 14 September 2026 (and included in the subsequent conditions updates provided on 28 September and 2 October 2026) is attached as **Appendix 1**.

Central Otago District Council – Transfer of Ardgour Rise Concession

47. CODC's response states that it does not agree to become the concession holder for Ardgour Rise.⁴⁹

It is not proposed that the Ardgour Rise concession would transfer to CODC at any stage, if vesting has not occurred by Year 25 the New Alternative Route will be constructed and the Ardgour Rise concession will expire at Year 30.

COME IN TIME BATTERY TRACK CONCESSION

48. DOC's response provides feedback on the Come In Time (CIT) battery track concession as proposed in Matakanui Gold's response to Minute 54.⁵⁰
49. In response to DOC's feedback we refer to and rely on the submissions set out in paragraphs 23 -31 of Matakanui Gold's Minute 54 response which we do not repeat here.

⁴⁸ Memorandum of Counsel for Sustainable Tarras, 12 October 2026 at [10].

⁴⁹ Memorandum of Counsel for Central Otago District Council, 9 October 2026 at [4].

⁵⁰ Department of Conservation Response to Minute 56, 9 October 2026 11 – 15.

CONDITIONS

50. CODC's response seeks amendments to the transportation conditions in D.01 CODC Land Use Consent and Conditions.⁵¹ Matakanui Gold has considered these proposed amendments and provides the following response:

- (a) The amendments sought to Condition 66 have not been included. The text relating to CODC obtaining necessary third party landowner approvals was included in response to Request for Information 11 to reflect that the existing Ardgour Road alignment on the inside of two curves is located on private land and Matakanui Gold has no ability to undertake works on private land. CODC as the road controlling authority has the responsibility and ability to obtain these third party landowner approvals. The reference to "within 12 months of the commencement of consents or within 12 months of CODC obtaining any necessary third party approvals, whichever is the later" does not require the upgrades to be deferred until the expiry of the 12 month period. If the necessary landowner approvals are obtained earlier, the upgrades can be undertaken before that date.
- (b) Condition 71 has been amended in response to the feedback from CODC, to make the intention explicit that until such time as Ardgour Rise is vested in CODC (or the New Alternative Route is triggered) that Matakanui Gold maintains operational and maintenance responsibility for Ardgour Rise.
- (c) For the reasons discussed at paragraphs 4 - 11 above, Condition 71 has not been amended to require the vesting of Ardgour Rise in CODC prior to the stopping of Thomson Gorge Road.
- (d) Condition 71A has been amended to clarify that:
 - (i) In addition to the existing requirement to provide the New Alternative Route if the vesting of Ardgour Rise in CODC has not been completed within 25 years following the commencement of consents, the New Alternative Route must also be implemented in the event the Ardgour Rise concession is surrendered, cancelled or terminated; and
 - (ii) that if the requirement is triggered, the New Alternative Route must be approved, constructed and available for public use on either:

⁵¹ Memorandum of Counsel for Central Otago District Council, 9 October 2026 at [18] – [22].

- (A) within 30 years following the commencement of the consents (to align with the expiry date of the Ardgour Rise concession); or
 - (B) if Condition 71A(1)(b) is triggered, no later than the date on which the Ardgour Rise concession ceases to provide the legal authority for public vehicle access or within a period agreed in writing by CODC.
- (e) Condition 71B has been amended to make the intention explicit that until such time as the New Alternative Route is vested in CODC that Matakanui Gold maintains operational and maintenance responsibility for the New Alternative Route.

51. The D.01 CODC Land Use Consent and Conditions have been updated to incorporate the changes described above and are provided with this memorandum.

Dated 13 October 2026



Joshua Leckie / Mia Turner
Counsel for Matakanui Gold Limited

Appendix 1

SITE WORKER CAMP
Remove infrastructure and rehabilitate landcover for rural activity as ploughable pasture.

TOPSOIL STOCKPILE
To be redistributed into lower Shepherds Creek and land returned to agricultural activity as ploughable pasture.

SHEPHERDS CREEK WETLAND
LOWER SHEPHERDS WETLAND
0.5ha wetland.

PEST EXCLUSION AREA
Habitat for native lizards.

COME IN TIME PIT
Pit filled to resemble original form and landcover rehabilitated to depleted mixed herbfield and grassland for ecological outcomes.

COME IN TIME BATTERY
W-ELF
Landcover rehabilitated to depleted mixed herbfield and grassland.

BENDIGO HISTORIC RESERVE

RISE AND SHINE CREEK
Maintain creek along bench of RAS.

THOMSON GORGE ROAD
Reconnect heritage route for walking access on bench of RAS with localised fencing.
Viewing opportunities with interpretation.

PEST EXCLUSION AREA
Habitat for native lizards.

RASE AND SHINE CREEK
Partial rehabilitation of pit. Shallow off benches and supply root zone to support native dominant scrubland in parts of pit floor that are above lake level.

SREX ELF
ELF rehabilitated for native dominant tussockland and scrubland.

MAGAZINE, EMULSION AND QUARRY
Rehabilitated to appropriate rural activities.
Road retained for light farm vehicle use.

PROCESS PLANT
Remove infrastructure and establish constructed wetland. Shallow-off batters to reintegrate within valley landform and support larger shrubs and trees.

WATER TREATMENT FACILITY
Constructed wetland and water treatment plant for water quality.

MINE REGENERATION ZONE
Progressive rehabilitation by enrichment and thickening of grey shrubland and tussock areas to connect Ardour Conservation Reserve and Sanctuary.

PORTALS AND ACCESS ROAD
Filled to resemble existing landform and rehabilitated to mixed native scrubland for ecological outcomes.
Seepage from RAS pit lake to Shepherds Creek.

SHEPHERDS CREEK FILL

ARDGOUR STATION

RISE AND SHINE PIT
20m of brown rock fill to where benches intersect with natural ground around the pit rim for Lizard habitat. Proposed pit lake to a maximum RL of +490m where seepage into portal will occur.
Remaining visible benching to be sacrificed.

SEEPAGE COLLECTION SUMP AND SILT POND

ELF
Capped and rehabilitated for ecological outcomes. Create a mosaic of diverse shrubland and some tussock. Rock for lizard habitat.

TSF OUTLET/ CASCADE
Outlet/ cascade to maintain TSF wetland.

TSF WETLAND
6ha wetland.
(2ha with 500mm depth of water + 4ha with ephemeral water.)

ELF DAM CREST
Cover dam crest and remove linear form.

TSF
Capped to enable rehabilitation for ecological outcomes. Gentle swales and humps to create distinctly wet and dry areas. Rock for lizard habitat.

NORTHERN DIVERSION CHANNEL
Channels broken at valleys to allow water flow onto rehab surface.

ARDGOUR CONSERVATION RESERVE

BENDIGO STATION

LEGEND

- ① **SOIL STOCKPILE**
Remove stockpiles and reinstate original land form. Landcover to support ecological outcomes.
- ② **HAUL ROADS**
Shallow-off batters and form wedge of soil/ rock to support rehabilitation. Remaining high cut faces will remain as stable rock.
- ③ **THOMSON GORGE ROAD CLOSURE**
Car parking with walking access where shown on plan.
- Existing Thomson Gorge Road retained
- Upgraded and realigned Ardour Rise Road
- Existing 4WD tracks
- Upgraded / new 4WD tracks
- Recreation route for walking access
- Outstanding Natural Landscape (ONL)
- Existing waterways
- Permanent clean water diversion channel
- Permanent diverted mine water channel
- Known springs/ seepages
- Site boundary

BOFFA MISKELL

BENDIGO-OPHIR MINE

Date: 14 September 2026

Plan prepared for Santana Minerals by Boffa Miskell Limited

Project Manager: Rhys.Girvan@boffamiskell.co.nz | Drawn: EWO | Checked: RGJ

0 50 300m
1:8,000 @ A0
1:16,000 @ A2

Date: 14 September 2026

