

**Before the Expert Panel appointed
under the Fast-track Approvals Act 2024**

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

**Supplementary Evidence of
David Andrew Norton, Ian Kenneth
Grant Boothroyd and Rhys James
Girvan on behalf of Matakanui Gold
Limited in response to RFI 11, Question
18**

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INTRODUCTION

1. This is a joint statement that has been prepared by David Norton, Ian Boothroyd and Rhys Girvan. David Norton coordinated the preparation of this evidence statement, and all authors have read the whole statement and concur with the findings in their areas of expertise as indicated below.

Qualifications and Experience

2. Our qualifications and experience have been described in our earlier Statements of Evidence prepared for the Fast-track Approvals Act 2024 (**FTA**) Panel as part of the application by Matakanui Gold Limited (**MGL**).

REQUEST FOR FURTHER INFORMATION

3. This statement is given as part of MGL's response to RFI 11 from the FTA Panel dated 25 June 2026, specifically Question 18:

Question 18:

Please provide assessments by the ecological and landscape experts addressing whether the revocation of the covenant will compromise values of regional, national or international significance.

4. Although this is not an Environment Court proceeding, we confirm that we have complied with the Code of Conduct for Expert Witnesses in the Environment Court Practice Note 2023. This statement is within our areas of expertise, and we have not omitted to consider material facts known to us that might alter or detract from the opinions we express.

Context of the Bendigo Conservation Covenant

5. The Bendigo Conservation Covenant (**Bendigo Conservation Covenant**) was established as part of the tenure review of the Bendigo Pastoral Lease undertaken in the 1990s, although the Bendigo Conservation Covenant itself was not formally registered until August 2000.
 6. As a result of tenure review, parts of the property with high conservation values were restored to full Crown ownership and management as part of the public conservation estate (e.g. the Bendigo Scenic Reserve), some parts were freeholded with no encumbrances on the title, and another part was freeholded with the Bendigo Conservation Covenant registered on the title.
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7. The Bendigo Conservation Covenant was formally registered on 18 August 2000 between the Landholders¹ and the Minister of Conservation to protect ecological, landscape and historic values within the covenanted area, although these values were not considered to be of sufficient significance to be included within the public conservation estate.
8. The Bendigo Conservation Covenant was established with the following conservation objectives:²
 - (a) Protecting and enhancing the natural character of the land with particular regard to the natural functioning of ecosystems and to the native flora and fauna in their diverse communities and dynamic inter-relationships with their earth substrate and watercourses and the atmosphere.
 - (b) Protecting the land as an area representative of a significant part of the ecological character of the Dunstan Ecological District as referred to in the draft survey report of the Protected Natural Areas Programme (**PNAP**) for the Lindis, Pisa and Dunstan Ecological Distracts dated February 1987.
 - (c) Maintaining the landscape values of the land as referred to in the “Application for Exchange of Property Rights” submitted to the Commissioner for Crown Lands.
 - (d) Maintaining the historic values of the land referred to in “The rich fields of Bendigo” by Jill Hamel February 1993.
9. The following sub-paragraphs provide a brief update on the area of the Bendigo Conservation Covenant as there is some variation in the figures that have been used in different statements of evidence. The areas referred to below are mapped in Figure 1:
 - (a) The Bendigo Conservation Covenant agreement lists the original Bendigo Conservation Covenant area as 7,963 hectares (**ha**) but the actual area is 7,759 ha based on current GIS mapping as explained in Para 18 of the Statement of Evidence of Rhys Girvan.³
 - (b) 749 ha of the Bendigo Conservation Covenant was revoked in 2001 to establish vineyards. That then leaves a current (2026) Bendigo Conservation Covenant area of 7,010 ha.

¹ John Charles Perriam and Heather Lorna Perriam.

² Clause C (i) – (iv) of the Bendigo Conservation Covenant.

³ Supplementary Evidence of Rhys James Girvan on behalf of Matakanui Gold Limited in response to Minute 35 of the Expert Panel (17 July 2026).

- (c) Of this 7,010 ha, MGL are proposing that 804 ha is revoked to enable the establishment of the Bendigo-Ophir Gold Project (**BOGP or Project**).
10. The area of the Bendigo Conservation Covenant (804 ha) that MGL propose to revoke comprises approximately 11.5% of the current (2026) Bendigo Conservation Covenant area. However, of the 804 ha, slightly less than one third (approximately 252 ha) will be impacted by mining operations. The remaining area is part of the proposed ecological restoration and habitat enhancement areas (including Mine Regeneration Zones (**MRZ-B**) and the Bendigo Sanctuary) and will be managed for biodiversity conservation under the Landscape and Ecological Rehabilitation Management Plan (**LERMP**, G.07A and G.07BA of the Substantive Application) and the Matakanaui Sanctuary Management Plan (**MSMP**, G.09 of the Substantive Application). Accordingly, the actual area of the Bendigo Conservation Covenant that will be directly impacted by mining operations is approximately 3.6% of the total Bendigo Conservation Covenant area.

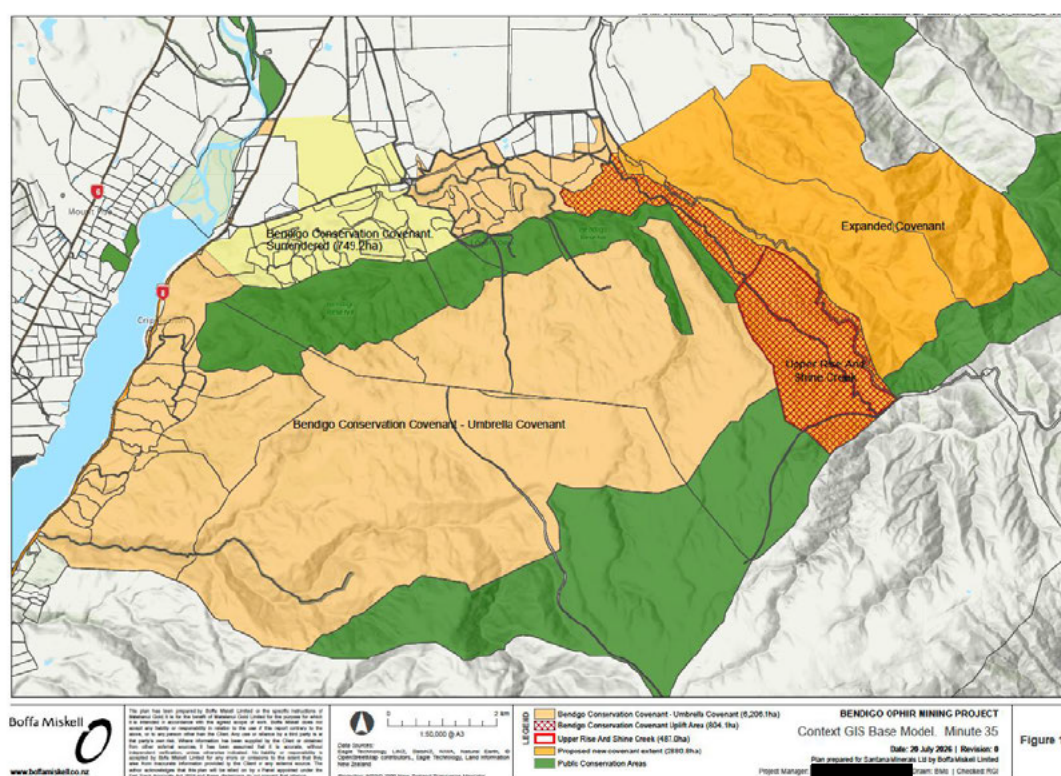


Figure 1. Bendigo Conservation Covenant and adjacent areas (public conservation land managed by the Department of Conservation is shaded green). Figure 1 of Graphic Supplement appended to Supplementary Statement of Rhys Girvan dated 17 July 2026.

11. The only exception to the above relates to proposed exploration drilling activities within the broader BOGP Consent Area (but outside the Direct Disturbance Footprint (**DDF**)). While exploration drilling is proposed within the part of the Bendigo

Conservation Covenant area that MGL propose to revoke, we understand only a cumulative total of three hectares (3 ha) of land disturbance associated with exploration drilling is proposed outside the DDF (including any access requirements) and this is included in proposed consent conditions.

Landscape Matters

12. This section has been prepared by Rhys Girvan.

Landscape Context and Significance

13. The landscape values of Bendigo Station within the Bendigo Conservation Covenant were previously considered through the tenure-review process. As part of that process, Upper Rise and Shine Creek was specifically identified as a priority area for landscape protection and made subject to additional location-specific provisions. Other land was transferred into direct Crown protection, particularly where substantial heritage and ecological values that also contribute to landscape values are evident, including the Bendigo Scenic Reserve, Bendigo Historic Reserve and Bendigo Conservation Area.
14. Since the Substantive Application was lodged in October 2025, I have examined the character and values of the proposed Bendigo Conservation Covenant revocation area in greater detail in my response to Minute 35, dated 17 July 2026. This does not alter my previously recorded ratings for the central western Dunstan Mountains and the wider Dunstan Mountains Outstanding Natural Landscape (**ONL**). At this finer scale, the character of the revocation area is understood in relation to the specific enclosing upper valley setting in this location, including Upper Rise and Shine Creek, Thomsons Saddle, Battery Hill and adjoining upper catchment slopes. In this context, the key landscape values arise from the close interaction between the schist geology, fault structure, folded and incised landform, dryland vegetation, watercourses, seepages, wetlands, historic gold mining fabric, access and recreation, alongside the perceptual qualities of an open, sparse and perceived undeveloped high-country setting.
15. The Landscape Joint Witness Statement (**JWS**)⁴ also records the agreed recognition of mana whenua values associated with this landscape and accepts the mana whenua position that the physical and perceptual effects would be unavoidable and significant, including the destructive effect on the Wāhi Tupuna in perpetuity. I do not revisit or qualify that evidence.

⁴ Joint Witness Statement dated 18, 27 and 28 May 2026 and the reconvened Joint Witness Statement dated 8 June 2026.

16. From a landscape perspective, the proposed revocation area lies within the Dunstan Mountains ONL mapped in the Central Otago District Plan (**CODP**). That mapping confirms the landscape's outstanding values for district-plan purposes (CODP, Schedule 19.6.2). I am not aware of any separately adopted region-wide assessment that identifies the Dunstan Mountains as an outstanding landscape at the regional scale. Although Section 6(b) of the Resource Management Act 1991 (**RMA**) makes the protection of outstanding natural landscapes from inappropriate subdivision, use, and development a matter of national importance, it does not follow that the mapped ONL, or every attribute or component within it, is itself of regional or national significance.
17. The Otago Regional Council previously commissioned *Investigation into Otago's Natural Character, Landscape and Significant Natural Areas* (Boffa Miskell, 1998). The purpose of this study specifically included identifying and evaluating Outstanding Natural Features and Landscapes that are Regionally Significant. The study divided Otago into 31 landscape character areas and selected 12 outstanding landscapes of regional significance which did not include the Dunstan Mountains. While this was a provisional desktop investigation, it is nevertheless useful as a previous region-wide comparative assessment which reviewed the specific context of the Dunstan Mountains in terms of qualifying as outstanding at this regional scale. I do not treat the omission of the Dunstan Mountains from that investigation as determinative, but regard it as relevant, albeit limited, historical comparative context.
18. By comparison, Ms Gilbert's Landscape Effects Review⁵ concludes that the Project would compromise landscape values of regional significance. Her conclusion rests in part on her opinion that the district-plan ONL would also qualify as outstanding at the regional scale. It also reflects her assessment of the Project's effects across the relevant landscape, her consideration of the criteria in the Proposed Otago Regional Policy Statement 2021 (**PORPS**) (Proposed at the time of Ms Gilbert's review), and her experience of Outstanding Natural Features / Landscape assessments at district and regional scales. However, the PORPS does not itself identify or map ONLs at the regional scale. Rather, it provides a regionally consistent framework for identifying and managing ONLs, with territorial authorities directed to include ONL maps and statements of their identified values in district plans.
19. Even if the wider Dunstan Mountains ONL is assumed to be outstanding at the regional scale, that status does not itself establish that the Project would compromise the values for which the landscape is assessed as outstanding. Separately, and consistently with the Landscape JWS's,⁶ I accept that the Bendigo area is a heritage landscape of national and regional significance, and this is

⁵ Bridget Gilbert, Section 53 comments prepared on behalf of Sustainable Tarras dated, April 2026

⁶ Joint Witness Statement dated 18,27 and 28 May 2026 at [25(c)(iv)].

connected to parts of the land proposed to be revoked from the Bendigo Conservation Covenant. The remaining question from my landscape perspective is whether adverse landscape effects within the land subject to revocation from the Bendigo Conservation Covenant would materially compromise the integrity, continuity or legibility through which landscape values are expressed at the regional or national scale.

20. The values relevant to this assessment within the wider Dunstan Mountains ONL include the regionally significant Dunstan Mountains summit tors and biotite-bearing schist near Haehaeata, the nationally significant Bendigo Goldfield geosite and the internationally significant Nine Mile Landslide evident from Cromwell Gorge. Neither the summit tors and schist nor the Nine Mile Landslide has a direct spatial relationship with the land subject to revocation. The Bendigo Goldfield geosite is described as lying west of Thomson Gorge Road and mapped beyond the Project Site. Separately, the connected Bendigo gold-mining heritage landscape has a direct spatial and associative relationship with the land subject to revocation.
21. There are two overlapping forms of recognition relevant in terms of this heritage landscape dimension. First, the New Zealand Geopreservation Inventory which identifies the Bendigo Goldfield as nationally significant.⁷ Secondly, the Heritage JWS which confirms that parts of the revocation area contribute to heritage values which have high or very high significance in the New Zealand context and would have local, regional and national impacts on heritage values.⁸ This later recognition draws on Hamel's previous identification of Rise and Shine Creek as one of several important areas of historic value within Bendigo Station and documents this connected mining fabric.⁹ These forms of recognition overlap, but their boundaries and bases of significance are not identical.
22. The Landscape JWS records that Ms Steven, Ms Gilbert, Dr Rā, Mr Brown and Mr Parker consider that the historic heritage features on the Project Site are a substantial part of a nationally significant historic heritage landscape.¹⁰ I acknowledge that view. Drawing on the specialist heritage evidence, I accept that the revocation area contains important heritage fabric and forms part of the connected Bendigo gold-mining heritage landscape, contributing to its continuity, legibility and understanding. For the purpose of my landscape assessment, however, I have not identified the revocation area as a separately defined landscape of regional or national significance. Rather I consider it an important component of

⁷ [MAIN Trust Maps](#).

⁸ Joint Statement of Expert Witnesses, 28 May 2026.

⁹ Hamel (1993) *The Rich Fields of Bendigo*.

¹⁰ Joint Witness Statement dated 18,27 and 28 May 2026 at [32] – [33].

the wider Bendigo gold-mining heritage landscape, which is recognised as having regional and national significance.

23. At the relevant landscape scale, the national significance of the wider heritage context is expressed through a connected and layered historic landscape. This includes more substantial, intact and publicly accessible concentrations of mining and settlement remains within the Bendigo Historic Reserve, together with a wider network of tracks, water races, dams, batteries, workings and occupation sites extending through the Bendigo Quartz Reefs Historic Area, including Come-in-Time, and into Rise and Shine Creek towards Thomsons Saddle. These overlapping forms of recognition help explain the contribution of the Project Site, but these do not have identical boundaries or establish that every component possesses the same degree or scale of significance in landscape terms.
24. In summary, in relation to the landscape matters I assess independently within my area of expertise, I do not consider that the land subject to revocation to constitute a separate landscape of regional, national or international significance. Beyond this, I acknowledge that a contributory component could still be sufficiently important that its alteration would compromise values expressed across a wider landscape. I therefore consider below whether the partial revocation would materially compromise the integrity, continuity or legibility of those wider values at the relevant scales.

Effects on Landscape Values at the Relevant Scales

25. It is accepted that the proposed mining activity would result in significant adverse effects on identified landscape values within the land subject to revocation (predominantly the DDF). These would include substantial modification of the existing landform, loss or alteration of natural and historic landscape features, and disruption of the continuity, legibility and experience of Rise and Shine Creek. Some of those effects, including the loss of important heritage fabric, would be permanent, and rehabilitation would not return the Project Site to its pre-mining condition. The finer-scale ratings set out below result from my supplementary assessment prepared in response to Minute 35, dated 17 July 2026. They supplement the broader scale ratings recorded in the Landscape JWS's and do not represent agreed ratings of the landscape experts.
 26. Within Upper Rise and Shine Creek, adverse landscape effects are assessed as High during operation and Moderate–High at closure. Although rehabilitation within the MRZ, progressive rehabilitation of other disturbed landforms and the cessation of mining activity would materially reduce those effects, these measures would not recreate all the existing relationships between valley form, water, vegetation, historic fabric and access. Within that overall closure judgement, some High adverse effects
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would endure where permanent landform, hydrological, historic, access or associative relationships are lost or materially altered.

27. Across the Bendigo Conservation Covenant revocation area as a whole, the nature of adverse effects would be variable. Substantial direct landscape change would occur where major Project components are located within the DDF. Outside the DDF, the principal consequence would be the removal of the existing Bendigo Conservation Covenant protection, together with associated perceptual and relational effects, rather than direct physical disturbance (with exception to the relatively small land disturbance proposed outside the DDF associated with exploration drilling). Taking account of the concentration and magnitude of change, adverse landscape effects across the Bendigo Conservation Covenant revocation area as a whole are also assessed as High during operation, reducing to Moderate–High at closure.
 28. In landscape terms, the Project would remove or alter historic features that contribute to associative values and materially diminish their continuity and legibility within the directly affected parts of Rise and Shine Creek. I do not consider the retention of heritage elsewhere as compensating for that loss. At the wider landscape scale, however, the connected Bendigo gold-mining heritage landscape would remain legible, principally through the substantial concentrations within the Bendigo Historic Reserve, retained parts of the Bendigo Quartz Reefs Historic Area and wider historic network outside the DDF following which access is reinstated at project closure. In my assessment, that interruption would diminish, but not compromise, the national-scale landscape expression of that wider heritage landscape.
 29. At the scale of the broader existing Bendigo Conservation Covenant, adverse landscape effects are assessed as Moderate–High during operation and Moderate at closure. These lower ratings reflect the retention of substantial related values across the wider Bendigo Conservation Covenant and adjoining conservation land, together with the cessation of operational mining activity and the establishment of rehabilitation, access reinstatement, heritage measures, expanded covenant protection and long-term management at closure, assuming those measures are secured and successfully implemented. These different ratings do not treat the retention of values elsewhere as compensating for their loss within the land subject to revocation. They reflect the different questions arising at each scale: the magnitude of landscape change; the consequence of that change in the context of the relevant landscape values; and whether it would compromise the integrity, continuity or legibility of values expressed at those relevant scales.
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30. Overall, partial revocation and the associated mining activity are considered to cause substantial and permanent adverse landscape effects concentrated within the Bendigo Conservation Covenant revocation area. In this directly affected geographical context, the proposal would materially diminish the local expression of landscape values.
31. Notwithstanding these significant local adverse effects, I do not consider that the partial revocation of the Bendigo Conservation Covenant would compromise landscape values recognised as significant at the regional, national or international scales. In landscape terms, the wider patterns, relationships and concentrations through which relevant landscape values are expressed would remain sufficiently intact and legible across the broader Bendigo Conservation Covenant, connected Bendigo gold-mining heritage landscape and Dunstan Mountains ONL.

Landscape Conclusion

32. The partial revocation would enable mining activities that would substantially and permanently alter part of the revocation area. Some location-specific physical, associative and perceptual attributes would be lost, and the continuity, legibility and experience of part of the affected landscape would be diminished. These changes would result in significant local landscape effects, such that part of the directly affected central-western Dunstan Mountains would be unlikely to retain sufficient attributes to be understood as part of the wider ONL during mining operations. Although the revocation area of the Bendigo Conservation Covenant contributes to some values recognised beyond the local scale, I consider the Project would diminish, but not compromise, the expression of those values at the regional, national or international scale.
 33. In relation to the wider Dunstan Mountains landscape, I have not identified a sufficient comparative basis for concluding that the mine-affected expression of those values is independently significant at the regional scale. Even if the wider Dunstan Mountains ONL is assumed to be outstanding at that scale, the proposal would locally disrupt the transition between the northern and southern Dunstan landforms. In my assessment, however, it would not alter the broader mountain sequence to the extent that its overall coherence or legibility would be compromised, or it would be no longer recognised as an ONL. At closure, rehabilitation would assist in reintegrating the Bendigo Conservation Covenant revocation area with its surroundings. Accordingly, I consider that it may then again be understood as part of the wider ONL, notwithstanding the substantial residual local effects that would remain.
 34. At the regional and national scales, the revocation area contributes to the setting, continuity, legibility and experience of the connected Bendigo gold-mining heritage
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landscape. That contribution would be substantially diminished, and only limited heritage fabric would remain within the affected parts of Rise and Shine Creek. Nevertheless, the wider heritage landscape would continue to be expressed through the substantial, intact and publicly accessible concentrations of mining and settlement remains within the Bendigo Historic Reserve, together with the extensive retained historic network outside the DDF. Its continuity and legibility would therefore be diminished locally, but I do not consider its landscape expression would be compromised at either the regional or national scale.

35. At the international scale, the Nine Mile Landslide lies outside the revocation area, and the proposal would not materially alter the attributes or landscape expression supporting its international significance.
36. I therefore consider that, while the partial revocation would enable mining activities that would result in significant adverse landscape effects within the land subject to revocation, those effects would not materially compromise the integrity, continuity or legibility of the wider landscape values recognised as having regional, national or international significance. This conclusion is confined to the landscape matters within my expertise and does not address or qualify the specialist evidence concerning effects on *mana whenua*, heritage or ecological values.

TERRESTRIAL ECOLOGY

37. This section has been prepared by Emeritus Professor David Norton.
38. Both the *Vegetation Values Assessment* report prepared by RMA Ecology (B.13A of the Substantive Application) and the Statement of Evidence of Zac Milner¹¹ provide detailed descriptions of terrestrial vegetation associated with the application by MGL. These descriptions were based on vegetation sampling and mapping within a 5,386 ha Ecological Study Area (**ESA**) which surrounded the DDF. The DDF comprises a smaller area (610 ha) that is to be directly impacted by mine development. The spatial extent of the ESA was consistent across all the ecological values reports (vegetation, wetlands, birds, lizards) prepared by RMA Ecology. The extent of the ESA was developed to allow for ecological investigations to extend beyond the DDF and in doing so aid understanding of the wider landscape and the relative value of features within the DDF. However, the ESA only covered a proportion of the 7,010 ha Bendigo Conservation Covenant as the Bendigo Conservation Covenant in its entirety was not the focus of assessments at this time. The ESA did, however, include all the area of the Bendigo Conservation Covenant that is proposed for revocation.

¹¹ Statement of Evidence of Zachary Milner, 17 April 2026.

39. Because of this, no terrestrial ecology information was collected from that part of the Bendigo Conservation Covenant lying southwest of the ESA. The only information that I am aware of being available is very limited, comprising some brief comments in the unpublished report *Application for Exchange of Property Rights* submitted to the Commissioner of Crown Lands (dated 1 September 1993). In this report, the values that are present in the area that now comprises the Bendigo Conservation Covenant are described as “*The Mid-altitude zone is dominated by sparse hard and silver tussock and has been extensively oversown and topdressed. Within this zone scattered clumps of kanuka occur along with matagouri. Also present are blue tussock, Bromus tectorum, a variety of pasture grasses and some clover. This zone provides important pasturage for Bendigo Station.*”
40. In addition, the PNAP report for the Lindis Pisa and Dunstan Ecological Districts (published as a draft report in February 1987 and then as a final report in November 1994) provides high level descriptions of the vegetation within the 88,500 ha ecological district, some of which will apply to the Bendigo Conservation Covenant.
41. None of the area that lies within the Bendigo Conservation Covenant was included as Recommended Areas for Protection (**RAPs**) in the PNAP report. Areas on Bendigo Station that were identified as RAPs are not directly comparable with the Bendigo Conservation Covenant area as they were located in different parts of the landscape and at different elevations.
42. The Bendigo Station tenure review occurred before it was known that spring annuals were present within what became the Bendigo Conservation Covenant area. Further, in the PNAP report there is only one mention of the presence of spring annuals in the Dunstan Ecological District. This comprised the listing of *Myosurus minimus* ssp *novae-zelandiae* as one of ten threatened species in the district. However, *Myosurus minimus* ssp *novae-zelandiae* is not listed in any of the descriptions of RAPs on Bendigo Station.
43. In the PNAP report, four areas were identified as RAPs on Bendigo Station. RAPs are regarded as “*the best natural areas that collectively represent the range of the district’s natural ecological diversity (that is not already protected or inadequately protected).*”¹²
44. These four areas comprised:
- (a) B6 Bendigo Creek – mixed shrubland in the steeply incised lower part of this creek.
 - (b) B7 Chinamans Creek – a small catchment comprising kanuka shrubland.

¹² Page 1, Survey Report for the PNAP – Lindis/Pisa/Dunstan Ecological Districts.

- (c) A3 Pigeon Creek – a small catchment comprising craggy topography and supporting kānuka shrubland and some areas of scab weed.
 - (d) A4 Bendigo Tops – cushion-herbfields on the crest of the Dunstan Mountains (>1300 m elevation).
45. The values of these RAP areas were clearly seen as higher than those within the area that became the Bendigo Conservation Covenant as the RAP areas together with adjacent areas, were transferred to full Crown ownership and management as the Bendigo Scenic Reserve (B7 and A3), Bendigo Historic Reserve (B6) and Bendigo Conservation Area (A4). This transfer indicates that these areas were regarded as being nationally significant.
46. The Bendigo Conservation Covenant allowed the landowner to continue to graze the land (with no restriction on stock type, stocking rate or stocking pattern) and placed only minimal management obligations on the part of the landowner, primarily to keep the area free of “*gorse, broom, sweetbriar and all other noxious plants*” and “*rabbits and vermin*”. None of these were designed to specifically protect/enhance values such as spring annuals.
47. So, considering these points, I consider that the land within the conservation Bendigo Conservation Covenant was considered **at the time it was established** as being of lower significance than the areas that were transferred to the public conservation estate (as described in the paragraphs above).
48. I note that one of the objectives of the Bendigo Conservation Covenant was: “*Protecting the land as an area representative of a significant part of the ecological character of the Dunstan Ecological District*”. Based on this and the point made above, I therefore conclude that values within the Bendigo Conservation Covenant at that time it was established were seen as regionally significant, rather than as nationally or internationally significant.
49. But as we now know, the Bendigo Conservation Covenant contains significant populations of nationally threatened spring annuals (amongst other values) and at least for the part of the Bendigo Conservation Covenant containing these species, the values must now be of national and international significance (as has been highlighted in the evidence presented to the FTA Panel). Significant impacts on these spring annual species will compromise terrestrial ecological values of national and international significance, especially for *Ceratocephala pungens* and *Myosotis brevis*, as a substantial proportion of the known global population of these species occur in the DDF (as highlighted in Tables 1 and 2 of the Statement of Evidence of Zac Milner 17 April 2026).
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50. I do note that a condition has been proposed that the Come in Time deposit will not be mined unless further populations of nationally threatened spring annuals are found elsewhere or if propagation and establishment of sufficient additional plants is successful. This condition will reduce impacts on these species.

FRESHWATER ECOLOGY

51. This section has been prepared by Dr Ian Boothroyd.

Freshwater Ecology Context and Significance

52. Here I draw on the findings of the PNAP report as context for freshwater ecology, and which is largely contained within my Statement of Evidence (dated 17 April 2026) in response to the Request for Information from the Expert Panel received on 1 April 2026. The PNAP is largely a categorisation of geo-morphological and terrestrial ecological features in the landscape. Despite recommended areas for protection often occurring within or across freshwater watercourses, or in some instances named after the Creek they may be associated with, the PNAP report does not list or comment on freshwater species or ecosystems.
53. The PNAP report does not identify any areas specifically for freshwater protection. While it refers to watercourse catchments more broadly in reference to terrestrial ecosystems, it does not refer to specific in-stream freshwater species or communities in the way it does for terrestrial ecosystems and vegetation.
54. As noted in Paragraph 43 above, the PNAP report identifies the following areas for protection in the vicinity of the proposed BOGP including:
- (a) Dunstan A3: Pigeon Creek – a small catchment within a distinct area of craggy topography. The stream follows a fault and joint controlled course through schist. The valley is alternately broad and open, with a narrow gorge.
 - (b) Dunstan B6: Bendigo Creek – the lower reaches of Bendigo Creek are sharply incised into the southern Dunstan Mountains with valley sides with steep rubbly derivative slopes with only limited areas of outcropping rock.
 - (c) Dunstan B7: Chinamans Creek – Although some way from the BOGP site, this proposed PNA encompasses a small catchment on the NW slopes of an area of outstanding craggy topography in the northern Bendigo land system. The creek follows an erratic fault and joint controlled course through steeply dipping schist.
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55. I have drawn on these examples as they demonstrate that the broader area contains several recommended areas for protection that, at the time of the PNAP, hold better ecological representation than the Bendigo Conservation Covenant in question (which was not recommended to be a RAP).
56. The remaining freshwater areas outside of the RAPs, including the Project Site, and the Bendigo Conservation Covenant area, are not recommended for protection in the PNAP. Without appropriate protections these freshwater areas outside of RAPs, and including those that have not received formal protection, may be subject to modification through intensification of land use practices.

Watercourses of the Covenant

57. Catchments within the Project Site footprint have relatively small surface water features, which drain to either Bendigo Creek or the Lindis River. Shepherds Creek is representative of a low gradient Dunstan Mountains perennial small stream. The upper reaches of Shepherd Creek have moderate to high ecological value and no detected presence of fish, while downstream of the gorge section ecological values are moderate. This is due to increasing habitat modification with various impacts including water abstraction, channel modifications (e.g., the Shepherds Creek pond), crack willow, and stock impacts evident.¹³
58. The Rise and Shine Creek catchment has a range of ephemeral, intermittent and perennial streams that support a fauna of high to low ecological value. Ecological surveys of these streams found no benthic invertebrate species that are classified as threatened and no kōura (freshwater crayfish) or kākahi (freshwater mussel) were detected.¹⁴
59. Accordingly, there are no features or biota within the freshwater ecosystems that suggest that they are of regional, national or international significance.

Water Quality

60. The potential benefits of the purpose of the Bendigo Conservation Covenant lies with the ability for the provisions to influence water quality and ecological functioning of the downslope watercourses. I note that the Bendigo Conservation Covenant provides that landowners may continue to graze the land to an extent consistent with the objectives of the deed (and will maintain fences and gates to ensure proper grazing control). No specific provisions are provided for fencing or excluding stock from watercourses. This suggests to me that the Bendigo Conservation Covenant

¹³ Water Ways (2025). Bendigo Ophir Gold Project: Assessment of Effects on Aquatic Habitat. Report prepared by Water Ways Consulting, June 2025.

¹⁴ Water Ways (2025). Bendigo Ophir Gold Project: Assessment of Effects on Aquatic Habitat. Report prepared by Water Ways Consulting, June 2025.

was not principally intended to protect watercourses and accordingly, the provisions of the Bendigo Conservation Covenant do not necessarily protect the watercourses. Given this sediment, nutrients and microbial contaminants will continue to be transported to the watercourses. Nevertheless, the Bendigo Conservation Covenant objective for “*dynamic inter-relationships (of the land) with their earth substrate and water courses...*” is met.

Partial Revocation of the Covenant

61. The partial revocation of the Bendigo Conservation Covenant is proposed to be accompanied by enhanced rehabilitation and land management measures (e.g., exclusion of stock, replanting and pest management) as part of effects management measures to address mining activities. These measures will be secured in perpetuity through a new covenant and would provide a greater long-term protection for the watercourses and water quality, notably in the headwaters of Shepherds Creek and Rise and Shine Creek. than those provided by the present Bendigo Conservation Covenant.
62. Mining activities enabled by the partial revocation of the Bendigo Conservation Covenant are expected to be managed through setting instream protective limits on potential contaminants to prevent adverse effects in the receiving aquatic environments.

Conclusion: Freshwater Ecology

63. The revocation of part of the Bendigo Conservation Covenant will not be detrimental to freshwater resources and their values within the Lindis, Pisa and Dunstan Ecological Districts. The Bendigo Conservation Covenant area in its entirety is not a proposed RAP.
 64. In my opinion, the effects management and proposed rehabilitation of the hillslopes, removal of grazing, and enhancement of freshwater areas resulting from the BOGP will improve freshwater ecosystems and their values and will not diminish the ability to have ‘regard to the natural functioning of ecosystems and to the native flora and fauna in their diverse communities and dynamic inter-relationships with their earth substrate and water courses and the atmosphere...’. which would be less likely to occur in the absence of protective freshwater measures and other interventions despite the objectives of the Bendigo Conservation Covenant.
 65. Accordingly, in my opinion, the revocation of the Bendigo Conservation Covenant will not compromise any aquatic ecological values of regional, national or international significance.
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CONCLUSIONS

66. In terms of the impact of partial Bendigo Conservation Covenant revocation, it is our opinion with regard to our areas of expertise that this will not affect the values of the other parts of the Bendigo Conservation Covenant as described in the Bendigo Conservation Covenant agreement.
67. Taken together and considering the partial revocation in the context of the mining activities it would enable, the consequences differ between the values addressed. The Project would result in significant and partly permanent landscape effects within the directly affected land, but would not compromise landscape values recognised at regional, national or international scales.
68. The impacts of partial Bendigo Conservation Covenant revocation on the nationally threatened spring annual populations within areas subject to mining activities will be significant at a national and international scale as described in the evidence of various experts on behalf of MGL. However, the Project will not affect terrestrial ecological values across the rest of the Bendigo Conservation Covenant which, as far as we are aware, are regionally significant.
69. Freshwater values within the affected catchments have not been identified as significant at regional, national or international scales, and the proposed effects management and rehabilitation measures are expected to maintain or improve freshwater ecological functioning.

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