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

Under	the Fast-track Approvals Act 2024 (**Act**)
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

Statement of Evidence of **Mark Bulpitt Chrisp** on behalf of **Matakanui Gold Limited** in response to Section 53 Feedback

Planning

Dated: 17 April 2026

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INTRODUCTION

1. My name is Mark Bulpitt Chrisp.

2. I am a Partner and a Principal Environmental Planner in the Hamilton Office of Mitchell Daysh Ltd. I have a Master of Social Sciences degree in Resources and Environmental Planning from the University of Waikato (conferred in 1990) and have more than 36 years' experience as a Resource Management Planning Consultant.

3. I am a member of the New Zealand Planning Institute, the New Zealand Geothermal Association, and the Resource Management Law Association.

4. I am a Certified Commissioner under the Ministry for the Environment's 'Making Good Decisions' course.

5. I have appeared as an Expert Planning Witness in numerous Council and Environment Court hearings, as well as several Boards of Inquiry.

6. Of relevance to the current application, I have extensive experience in the preparation of resource consent applications for mineral extraction activities.

7. This statement is given as part of Matakanui Gold Limited's (**MGL**) response to comments on the Bendigo-Ophir Gold Project (**BOGP**) made under Section 53 of the Fast-track Approvals Act 2024 (**FTA**). This statement responds to specific comments raised by the following parties in their written comments on the application:

   (a) Department of Conservation (**DOC**) - Section 51 Reports and Section 53 Comment Reports.

   (b) Otago Regional Council (**ORC**).

   (c) Central Otago District Council (**CODC**).

   (d) Environmental Defence Society Incorporated (**EDS**).

   (e) Fish and Game New Zealand (**Fish and Game**).

   (f) Royal Forest and Bird Protection Society of New Zealand Incorporated (**Forest and Bird**).

   (g) Sustainable Tarras.

(h) A limited number of owners and occupiers of affected land or adjacent land.

8. I was responsible for the preparation of the Substantive Application Report which was submitted to the Environmental Protection Authority (**EPA**) on 31 October 2025. The Substantive Application Report is located in Part A of the Substantive Application and is comprised of the following ten parts:

(a) A.08 Section 1 – Introduction.

(b) A.09 Section 2 – Existing Environment.

(c) A.10 Section 3 – Project Description.

(d) A.11 Section 4 – Approvals Sought.

(e) A.12 Section 5 – Consultation and Engagement.

(f) A.13 Section 6 – Assessment of Environmental Effects.

(g) A.14 Section 7 – Management and Monitoring of Actual and Potential Environmental Effects.

(h) A.15 Section 8 – Fast-Track Approvals Act 2024 Requirements.

(i) A.16 Section 9 – Conclusion.

9. I was also responsible for the preparation of the proposed approvals and various condition sets that are sought to be approved under the Fast-Track Approvals Act 2024 (**the Act**). These relate to:

(a) A land use consent and associated conditions that would typically be sought from CODC.

(b) Regional consents and conditions that would typically be sought from ORC.

(c) An archaeological authority and conditions that would typically be sought from Heritage New Zealand Pouhere Taonga (**HNZPT**).

(d) Seven concessions and a Wildlife Act authority, and associated conditions, that would typically be sought from DOC.

10. These documents are located in Part D of the Substantive Application and are set out as follows:

    (a) D.01 Central Otago District Council Land Use Consent and Conditions.

    (b) D.02 Otago Regional Council Consents and Conditions.

    (c) D.03 Schedule One – Central Otago District Council and Otago Regional Council Common Conditions.

    (d) D.04 Schedule Two – General Conditions for Otago Regional Council Resource Consents.

    (e) D.05 Archaeological Authority and Conditions (10 March 2026).

    (f) D.06A Concession and Conditions for Ardgour Rise – Access Track (10 March 2026).

    (g) D.06B Concession and Conditions for Ardgour Rise – Fibre Optic Cable (10 March 2026).

    (h) D.07A Concession and Conditions for State Highway 8 (**SH8**) and Ardgour Road Intersection (NZTA) (10 March 2026).

    (i) D.07B Concession and Conditions for SH8 and Ardgour Road Intersection (CODC) (10 March 2026).

    (j) D.08 Concession and Conditions for Access Route to CIT Battery (10 March 2026).

    (k) D.09 Concession and Conditions for Willow Management (10 March 2026).

    (l) D.10 Concession and Conditions for Monitoring and Access (10 March 2026.

    (m) D.11 Wildlife Act Authority and Conditions.

11. This statement of evidence provides a high-level response to the following key matters on a thematic basis, rather than covering each point raised in the written comments:

    (a) Approvals required under the Resource Management Act 1991 (**RMA**).

    (b) Approvals required under the Conservation Act 1987 (**Conservation Act**).

(c) Approvals required under the Reserves Act 1977 (**Reserves Act**) in relation to the proposed partial revocation of the Bendigo Conservation Covenant.

(d) Planning instruments under the RMA.

(e) Part 2 of the RMA.

(f) Section 107 of the RMA.

(g) Consideration of alternatives.

(h) Planning documents under the Conservation Act.

(i) Duration of consent sought.

(j) BOGP Biodiversity and Heritage Enhancement Fund.

(k) Absence of technical assessments.

(l) Conditions.

(m) Management Plans.

12. I have prepared this statement in the limited time available for MGL to respond to comments under the Act. Consequentially, it is necessarily at a higher level. If the Panel requires elaboration on any of the matters raised in this statement, I am available to provide further information on request.

13. Although this is not an Environment Court proceeding my confirmation of compliance with the Code of Conduct for Expert Witnesses in the Environment Court Practice Note 2023 is included in Substantive Application Document A0.2B.

RESPONSE TO COMMENTS

14. The following sections provide responses to comments relating to the themes outlined above.

Approvals Required Under the Resource Management Act 1991 (RMA)

15. The following parties have commented on the proposed resource consents that are required for the Bendigo-Ophir Gold Project (**BOGP**) under the RMA:

(a) ORC; and

(b) Sustainable Tarras.

16. In summary, the ORC has identified a small number of activities that have been described throughout the Substantive Application but have not been 'matched' to a rule in a plan or national environmental standard. This includes the specific inclusion of several small-scale, ancillary activities within existing rules already identified as being triggered in the Substantive Application (document *H.01 - RMA Rules Assessment*) and the identification of two new rule triggers under the Regional Plan: Air for Otago (**Otago Air Plan**).

17. I accept these amendments to the *H.01 – RMA Rules Assessment* of the Substantive Application. Importantly, I note (and the ORC acknowledges) that:

    (a) the Substantive Application seeks all necessary land use consents, discharge permits and water permits (as approvals sought under the RMA) to authorise all activities associated with the construction, operation, maintenance and rehabilitation and closure of the BOGP; and

    (b) for the two new rule triggers identified by ORC under the Otago Air Plan, the Substantive Application has described and assessed the effects of these activities, and this constitutes 'applying for' a resource consent for that activity even if it has not been specifically identified a rule for that activity in the *H.01 - RMA Rules Assessment*.

18. The Planning Issues Statement submitted by Sustainable Tarras makes several comments in relation to resource consent requirements under the Central Otago District Plan (**District Plan**). These relate to construction and operational noise and blasting noise and vibration limits,[1] lighting standards,[2] and communications towers.[3]

19. With respect to noise and vibration limits, the memorandum submitted to the EPA on 10 March 2026, titled *Summary of Amendments to the Bendigo-Ophir Gold Project Fast-track Application*, confirms that several additional rules are triggered for construction and operation noise and blasting, giving rise to the need for a land use consent in relation to noise and vibration activities under the District Plan. This is due to the adoption of recommendations in the latest best-practice standards (instead of outdated standards referred to in the District Plan) in the proposed consent conditions. In summary, while the conditions refer to the latest best practice standards that technically allow minor exceedances of the permitted standards in the District Plan, the assessment undertaken by Marshall Day Acoustics demonstrates that Project will comfortably comply with the limits for construction and operational noise in the District Plan.

[1] Paragraph 36 of Planning Issues Statement, Sylvia Allan, Sustainable Tarras.
[2] Paragraph 37 of Planning Issues Statement, Sylvia Allan, Sustainable Tarras.
[3] Paragraph 38 of Planning Issues Statement, Sylvia Allan, Sustainable Tarras.

20. With respect to the assertion that Standard 4.7.6.A.(O) Exterior Lighting in Rural Resource Area (5) in the District Plan has been overlooked, this standard is not relevant to the BOGP as the Project is not located within Rural Resource Area (5) – which is a sub-area of the Rural Resource Area in close proximity to the Cromwell urban centre.

21. While the Planning Issue Statement acknowledges that approvals for the proposed communications tower on Bendigo Station will be sought separately to the Substantive Application (i.e. outside the fast-track process), I disagree that the effects of the tower should be considered as part of the Substantive Application simply because it forms part of the broader project. The Expert Panel should only be considering the effects of activities for which approvals are being sought for in the Substantive Application, with any activities to be consented separately from the fast-track process under a different legislative regime falling outside of the scope of the Expert Panel's decision making.

Approvals required under the Conservation Act 1987

Concessions

Scope of Concessions

22. Sustainable Tarras and EDS have raised concerns around the scope of the proposed concessions, including that the Panel has no jurisdiction to grant approval for land outside Bendigo or Ardgour Stations as they are outside the scope of the approximate geographical location stated in Schedule 2 of the Act. The legal submission in Part A of this response package addresses this point further. However, I note that Schedule 2 clearly states this is an 'approximate' geographical location, and it is entirely reasonable to assume that ancillary and supporting activities for the BOGP may be located a) within public conservation land immediately adjoining these private stations where necessary, or b) at a key state highway intersection that provides access to the Project Site, particularly where this involves safety improvements.

23. Sustainable Tarras has also commented that MGL seeks concessions (easements) in favour of third parties which is not a concession that can be sought under the Act. These comments relate to the Ardgour Rise and SH8 Intersection Concession Areas originally applied for in the Substantive Application lodged with the EPA on 31 October 2025.

24. Through subsequent engagement with DOC in response to further information requests, and as confirmed in the updated documentation and covering memorandum provided to the EPA on 10 March 2026, MGL has amended these concessions to optimise the concession activity locations and ensure they can be transferred to the relevant parties following the fast-track process. This has resulted in the following amendments that are reflected in the updated documentation:

    (a) The Ardgour Rise Concession Application has been split into two separate applications – one for the access track to form part of the Ardgour Rise and one for the relocated fibre optic cable owned by Chorus that will be co-located in the road reserve for Ardgour Rise (both to the extent they are located in the Ardgour Conservation Area); and

    (b) The SH8 / Ardgour Road Intersection Upgrade Concession Application has been split into two separate applications – to reflect that the intersection falls within the jurisdiction two road controlling authorities (the New Zealand Transport Agency/Waka Kotahi (**NZTA**) and CODC) - and ultimately enable the transfer of each concession for their portion of the intersection.

25. MGL has confirmed that all concessions sought through the Substantive Application will be in its own name and subsequently transferred to the relevant parties outside, and subsequent to, the fast-track process once the physical works associated with each concession have been completed by MGL (at its cost). For the Panel's consideration importantly MGL will hold the concessions in its own name until that occurs.

26. DOC has provided comments on the suite of concessions sought by MGL that are required under the Conservation Act predominantly by way of its Section 51 Concessions Report. Comments related to concessions in the Section 53 Report are limited to the Come-in-Time Access Track Concession and the preference for land for roading to be vested to the relevant road controlling authority rather than being authorised by way of easements over public conservation land.

27. MGL is seeking a total of seven concessions to authorise non-mining activities occurring on public conservation land across the Ardgour Conservation Area, Bendigo Historic Reserve and Ardgour Road / Lindis River and Lower Lindis Conservation Areas as follows:

(a) Ardgour Rise Concession (Access Track).

(b) Ardgour Rise Concession (Fibre Optic Cable).

(c) SH8 Intersection Concession (NZTA).

(d) SH8 Intersection Concession (CODC).

(e) Come-in-Time Battery Access Track.

(f) Willow Management Concession.

(g) Monitoring and Access Concession.

28. The following paragraphs provide a response to the key issues raised by DOC in relation to concessions across the Section 51 and 53 Reports.

Ardgour Rise and SH8 Intersection Concessions

29. With respect to the preference for vesting land for local road purposes to the relevant road controlling authority instead of an easement, DOC has indicated support for granting a short-term easement (by way of concession) to facilitate the Ardgour Rise Concessions (Access Track and Fibre Optic Cable) and SH8 Intersection Concessions (NZTA and CODC) and enable the necessary land transfers to CODC and NZTA outside the fast-track process.

30. In response, MGL agrees to subdivide and vest the section of Ardgour Rise within Ardgour Station to CODC as fee simple title following the construction of the road to a standard approved by CODC's roading engineers. MGL also agrees to advance a subdivision consent application to enable the creation of fee simple title and subsequent vesting of the section of Ardgour Rise that passes through the Ardgour Conservation Area in line with the preference stated by DOC (discussed above). All associated costs will be borne by MGL. While anticipated now, that process would ultimately occur outside the FTA process in the future. I have therefore amended documents *D.06A – Concession and Conditions for Ardgour Rise – Access Track (10 March 2026)* and *D.06B – Concession and Conditions for Ardgour Rise – Fibre Optic Cable (10 March 2026)* to reduce the easement term from 30 years to 5 years to enable the works and subsequent vesting to take place.

31. The situation in relation to the SH8 intersection will require actions on the part of DOC and NZTA to resolve a historical mismatch in relation to the existing physical location of State Highway 8 and the land that is designated as State Highway. Specifically, the current alignment of SH8 in the vicinity of the Lindis River is not within the designation and is instead located on DOC land.

Nevertheless, the intention is to transfer the concession for the SH8 intersection within NZTA's road controlling functions to NZTA. It is expected that the historical issue noted above will ultimately be resolved by DOC and NZTA (noting that this is a matter that is beyond the control or responsibility of MGL).

Come-in-Time Concession

32. DOC has raised concerns from a recreation values perspective in the Section 51 Concession Report regarding the proposed alternative walking access to the historic Come-in-Time Battery. In summary, while DOC supports maintaining public access to the battery, they do not support the replacement of the existing short walking access from Thomsons Gorge Road with a longer backcountry marked route through the Bendigo Historic Reserve.

33. The concession application in *D.08 Concession and Conditions for Access Route to CIT Battery* provided to the EPA on 10 March 2026 was amended to state that the replacement walking track to the Come-in-Time Battery will be via the new marked route shown in plan attached to the application or "*via an alternative route within the Bendigo Historic Reserve agreed with the Department of Conservation*". I also note that Condition 2 of the concession application requires MGL to submit plans of the proposed walking route to DOC for certification prior to the commencement of the route being marked. In summary, if the concession is granted, this means the final route can be located anywhere within the Bendigo Historic Reserve, and MGL must reach agreement with DOC on the final or amended alignment before the existing walking track from Thomson Gorge Road can be closed for the duration of mining operations. This could involve the longer route as originally prosed by MGL being initially established (as a guaranteed outcome) and then replaced with a shorter route once that has been determined and agreed.

Willow Management and Water Monitoring and Access Concessions

34. DOC's Section 51 Concession Report considers these concessions can be managed through appropriate conditions. My comments on DOC's proposed amendments to these concession conditions are provided later in this statement of evidence.

Wildlife Permits

35. DOC's Section 51 Wildlife Approval Report provides comment on wildlife approvals sought in relation to the proposed concessions on public conservation land. I confirm that a wildlife approval is only sought for Ardgour Rise Concession Area as it is located within the Direct Disturbance Footprint (**DDF**) for the Project Site.[4] Wildlife approvals are not sought for the other concession areas for the following reasons:

    (a) For the SH8 Intersection Concessions, the majority of construction works will be undertaken within the existing road reserve. The concession footprint has also been reduced following discussions with DOC to remove the proposed construction laydown area on the western side of SH8. This will ensure recreational access to the Lindis River is maintained throughout the estimated three months required to upgrade the intersection. The only area outside the road reserve to be disturbed is the existing laydown area / gravel dump on the eastern side of SH8 north of Ardgour Road, which is highly modified, already used as laydown area and has very little in the way of any ecological value.

    (b) For the Come-in-Time and Monitoring and Access Concessions, these approvals authorise small scale and low-impact activities. The formation of the alternative marked route to the Come-in-Time Battery will involve minimal land disturbance with any required vegetation clearance to be undertaken with hand tools only. The establishment of the groundwater monitoring bore will have minimal impact on ecological values as it will only occupy a footprint of approximately 6 x 4 m.

    (c) For the Willow Management Concession, conditions are proposed which require MGL to submit a proposed willow management methodology to DOC for certification prior to the commencement of any willow management activities. If a wildlife approval is identified as being required through this process, an application can be made at that time.

[4] Refer to *D.06A - Concession and Conditions for Ardgour Rise - Access Track (10 March 2026)* and *D.06B - Concession and Conditions for Ardgour Rise - Fibre Optic Cable (10 March 2026)*.

Approvals Required Under the Reserves Act 1977 in Relation to the Proposed Partial Uplift of the Bendigo Conservation Covenant

36. Several parties have commented on the proposed amendment / revocation of the Bendigo Conservation Covenant (**the Covenant**) under the Reserves Act 1977 to remove it from applying to land parcels within areas of Bendigo Station impacted by the BOGP. These parties include DOC, EDS, Fish and Game, Forest and Bird, the Otago Conservation Board and Sustainable Tarras.

37. These parties oppose the proposed partial revocation of the Covenant on the basis that it is inconsistent with the purpose and intent of the covenant and would result in the permanent loss of regionally, nationally, and in some cases, internationally significant conservation values. My response is provided as follows.

38. While I consider the proposal to uplift part of the Covenant from applying to certain land parcels can be considered an 'amendment' to the overall Covenant, I acknowledge that what is proposed can more accurately be referred to as a partial 'revocation' of the Covenant.

39. The Substantive Application and various supporting technical assessments (including those relating to terrestrial and aquatic ecology, natural character and landscape, and historic heritage values) acknowledge that there will be an unavoidable loss of some of these values protected by the Covenant on the part of the covenanted area located within the DDF. This is due to the proposed mining operations.

40. However, the proposed partial revocation of the Covenant is necessary to enable the mining of the nationally significant gold deposits associated with the BOGP, and in turn, to realise the resulting significant regional and national benefits (being the aspect of the BOGP that greatest weight is to be given in accordance with Schedule 6, clause 45(1) of the FTA). These regional and national benefits are presented in *B.01 – Benje Patterson (People and Places) - Economic Impacts of the Bendigo-Ophir Gold Project* and are discussed throughout the Substantive Application. As such, they are not repeated in this evidence. While approval for the prospecting or mining for minerals on the land subject to the Covenant could theoretically be undertaken with prior approval from the Minister of Conservation (if the covenant was not partial revoked), there is no guarantee that this approval would be provided.

41. Paragraphs 14-20 of the '*Evidence of David Norton (Terrestrial Ecology) on behalf of Matakanui Gold Limited in response to expert panel further information request received on 1 April 2026'* discuss the processes and assessments that were undertaken in establishing the existing Covenant.

It is pertinent to note that during the tenure review of Bendigo Station undertaken in the 1990s, the parts of the property where high ecological values were identified were created as public conservation land. The values protected by the Covenant were not considered to be of sufficient significance to be included within the public conservation estate.

42. The proposed partial revocation of the Covenant must also be considered in its broader spatial and ecological context. The Covenant currently applies to approximately 7,962 hectares of land. MGL proposes to revoke the Covenant from an approximately 888-hectare area that is demarcated by the cadastral boundaries of the affected properties.[5] This uplift area represents approximately 11% of the total Covenant area.

43. Furthermore, the effects associated with the proposed uplift are not uniform across the 888-hectare area. As discussed above, it is only the part of the covenanted area located within the DDF where unavoidable loss of values protected by the Covenant (due to mining operations) are expected to occur. The portion of the propose uplift area located with the DDF covers an area of approximately 252 hectares which represents approximately 28% of uplift area. When considered in the context of the total area protected by the Bendigo Conservation Covenant, this equates to a loss of protected values across approximately 3% of the overall Covenant area.

44. In addition, while the balance of land within the proposed uplift area located outside the DDF will not remain protected by the Covenant during mining operations, it will not be subject to any mining activities and will instead only contain low-impact ancillary and supporting activities for the BOGP. This includes limited exploration, monitoring and compliance activities and restoration and enhancement activities (such as vegetation planting and pest control) as part of proposed offset and compensation measures. These activities will have no greater impact on the values the Covenant seeks to protect than the current farming activities occurring on the land. The area will also be subject to the stringent proposed consent conditions that require rehabilitation, offsetting and compensation actions to be undertaken in accordance with the various management plans forming part of the Substantive Application. This will ensure that the values of the Covenant will continue to be protected in this area.

45. As discussed throughout the Substantive Application, following the completion of mining activities, MGL proposes to create a much larger covenanted area that will be protected in perpetuity with obligations remaining to ensure positive effects are enduring.

[5] Refer to the plan provided in *C.14 Bendigo Conservation Covenant – Uplift Area*.

This will cover the full extent of the approximately 888 hectares of the Covenant uplift area and protect more than 1,200 hectares of additional land within the ecological rehabilitation and enhancement areas.[6] This new covenanted area is required by Condition 122 in *D.01 CODC Land Use Consent and Conditions* and requires that the environmental outcomes to be achieved in the ecological rehabilitation and enhancement areas are maintained in perpetuity. In response to comments received, this condition has been updated to include further details as to the outcomes and values that are to be protected by the proposed new covenant and ongoing obligations on the landowner. Refer to paragraphs 93-99 in this statement of evidence and the updated land use conditions provided as **Appendix A** to this statement.

46. The proposed partial revocation of the Covenant therefore does not warrant the imposition of conditions requiring the management of other land,[7] as MGL is proposing to establish a covenant in perpetuity over a substantially larger area of land compared to that which is currently protected by the Bendigo Conservation Covenant as it relates to the BOGP Consent Area.

47. CODC and DOC have both indicated they do not support being the beneficiary of any new substitute covenant. It is my opinion that the covenant should be in favour of CODC as the relevant territorial authority (as proposed by MGL). This is no different to Consent Notices being imposed on titles under s.221 of the RMA where there are obligations on a landowner of an enduring nature.

48. The evidence of Dr Naomi Woods concludes that the proposed Covenant uplift will only impact a small part of this area (restricted to the Rise and Shine Valley) and will not reduce the Historic Area's significance to the extent it no longer can be considered regionally significant.

49. To conclude, while a partial revocation of the Covenant will result in adverse effects to some of the values protected by the Covenant within the DDF, this area is a small part of the wider Covenant area, and these values will continue to be protected across the remaining 97% of the current Bendigo Conservation Covenant area. I therefore agree with MGL's independent technical experts (namely terrestrial ecologist David Norton and archaeologist Dr Naomi Woods) that it is reasonable to expect the overall representativeness of the Covenant will be maintained.

[6] Which includes the Mine Regeneration Zones (**MRZ**), Ardgour Restoration Area (**ARA**) and Bendigo and Ardgour Sanctuaries. Refer to plan *C.23 Ecological Rehabilitation and Enhancement Area*.
[7] In accordance with Clause 46(1) of Schedule 6 of the Act.

Planning Instruments under the Resource Management Act 1991

50. The following parties have provided general comments or their own assessments of the BOGP against the relevant objectives and policies of RMA statutory planning documents:

    (a) DOC;

    (b) ORC;

    (c) CODC;

    (d) EDS;

    (e) Fish and Game;

    (f) Sustainable Tarras; and

    (g) Peter Rough (an owner or occupier of impacted land that has provided an Expert Landscape Statement).

51. With respect to national policy statements and national environmental standards, the key focus of comments relates to the objectives and policies of the Resource Management (National Environmental Standards for Freshwater) Regulations 2020 (**NES Freshwater**), the National Policy Statement for Freshwater Management 2020 (**NPS-FM**) and the National Policy Statement for Indigenous Biodiversity 2023 (**NPS-IB**).[8] In summary, the parties variously consider that the BOGP is contrary to number of directive avoidance policies in relation to:

    (a) The requirement to achieve a no net loss in indigenous biodiversity, by not being able to fully apply the effects management hierarchy regarding offsetting and compensation principles in the NPS-IB; and

    (b) The requirement to achieve no further loss of extent of natural inland wetlands, by not being able to fully comply with the effects management hierarchy regarding offsetting and compensation principles in the NPS-FM.

52. The comments also relate to several other provisions in these planning documents including provisions relating to taking a precautionary approach and active involvement of mana whenua in freshwater management.

[8] Amendments to these planning instruments came into effect on 15 January 2025 as part of a broader package of amendments to provide for more consistent and enabling regulation and management of mining and quarrying activities. An updated assessment of these documents is provided in the planning statement of evidence in response to the Panel further information request, dated 17 April 2026.

53. With respect to regional and district plan provisions, the key focus of comments relates to objectives and policies in the Proposed Otago Regional Policy Statement 2021 (**Proposed RPS**) for outstanding natural features and landscapes, and the Central Otago District Plan (**District Plan**) in relation to the Dunstan Mountains Outstanding Natural Landscape (**ONL**). In summary, the comments generally consider the BOGP is inconsistent with the provisions that seeks to protect ONL's from adverse effects of use and development.

54. A comprehensive assessment of the BOGP against all the relevant statutory planning documents, including an assessment against all relevant ONL-related policy,[9] has been provided in the Substantive Application. I disagree with many of the assessments and conclusions made by these parties at this preliminary stage, and consider that when taking into account the range of measures proposed to manage adverse effects (that have been reflected in the proposed consent conditions), the BOGP generally achieves consistency with many of the provisions in the relevant statutory planning documents.

55. In particular, I consider that the values of the overall Dunstan Mountains ONL will be protected from adverse effects resulting from the BOGP considering the assessment provided in *B.19 Boffa Miskell - Landscape, Natural Character and Visual Effects Assessment (Boffa Miskell 2025)*. In short, while the Project will inevitably result in adverse landscape effects associated with mining operations, these effects will be well-contained within the Shepherds Valley and Rise and Shine Valley and the broader Dunstan Mountains. The various open pit mines and modified landforms have been developed and amended to respond to the underlying landscape context and values, and landscape and visual effects will dissipate as progressive rehabilitation is undertaken throughout the life of the mine.

56. I do, however, acknowledge that any large and complex open pit mining project such as the BOGP cannot be expected to achieve full consistency with each and every provision of these planning instruments. As a result, there will inevitably be some tension between the BOGP and some of the more directive avoidance provisions. This is particularly the case when applying the effects management hierarchy for the NPS-IB where, in some cases, not all residual adverse effects on cushionfield habitat and several associated species can be offset or compensated for.

[9] Refer to Section 8.73 (pages 401-496) of *A15 Section 8 – Fast-Track Approvals Act 2024 Requirements*.

There is also some uncertainty regarding ensuring there is no net loss in the extent of natural inland wetlands due potential drawdown effects surrounding mine features (noting a range of measures are proposed including augmentation of flows, performance monitoring and further studies to understand potential effects on hillside seepage and gully fen wetlands and how much water may be required for mitigation).

57. To the extent there will be some residual adverse environmental effects, the proposed BOGP Biodiversity and Heritage Enhancement Fund (now proposed to be administered by a Committee to the established by MGL) is intended to be form of off-site mitigation that seeks to enhance biodiversity and heritage values elsewhere in the Dunstan Ecological District / Central Otago.

58. The assessment of these matters in relation to the relevant legal tests under the Act is discussed in the Legal Submissions responding to comments provided in **Part A** to this response package.

59. In summary, I note that if the BOGP was being considered under the more traditional decision-making framework of the RMA, any potential inconsistencies with strongly worded avoidance provisions in national policy statements may result in impediments for granting resource consent. This is not the case for the decision-making under the FTA. Section 85(4) of the FTA explicitly states that when considering whether to decline an approval, "*a panel may not form the view that an adverse impact meets the threshold in subsection (3)(b) solely on the basis that the adverse impact is inconsistent with or contrary to a provision of a specified Act or any other document that a panel must take into account or otherwise consider in complying with section 81(2).*"

60. In my view, the inclusion of Section 85(4) means that inconsistency with provisions of statutory planning documents, such as directive avoidance policies in the NPS-IB and NPS-FM, is not a 'fatal flaw' or reason to decline an application under the FTA. I understand this approach has been taken in recent fast-track decision including for the Waihi North and Southland Windfarm applications.

Part 2 of the Resource Management Act 1991

61. Several parties have commented that the BOGP is inconsistent with the purpose of the RMA and some of the relevant matters in sections 6 and 7 of the RMA. These parties include the DOC, Fish and Game, EDS and Sustainable Tarras.

62. While the comments vary between parties, the comments generally relate to the following relevant matters of national importance under Section 6 of the RMA: Section 6(a) - the preservation of the natural character of wetlands, rivers and their margins, and the protection of them from inappropriate use and development;

    (a) Section 6(b) - the protection of outstanding natural features and landscapes from inappropriate use and development; and

    (b) Section 6(c) - the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna.

63. The Substantive Application provides an assessment of the BOGP against Part 2 of the RMA.[10] In summary, this assessment concluded that the Project would promote the sustainable management of natural and physical resources in accordance with sections 5, 6 and 7 of the RMA on the whole. It does, however, acknowledge there is some tension between the BOGP and aspects of section 6(c) of the RMA.

64. Mining projects of the scale and complexity of the BOGP will inevitably involve adverse effects that will be either contrary to some provisions in statutory planning documents or with some matters identified in sections 6 and 7 of the RMA. This is to be expected, and provisions that predominantly relate to protecting or preserving environmental or amenity-related values must be weighed and balanced against other more enabling provisions and matters in sections 6 and 7 of the RMA, including the efficient use and development of natural and physical resources.

65. That said, I disagree with many of the assertions that the Project is fundamentally or materially inconsistent with sections 6 and 7 RMA. These matters of national significance must be assessed after the implementation of all proposed measures to manage adverse effects (i.e. the implementation of all avoidance, minimisation, rehabilitation, offset and compensation measures recommended across the full suite of technical assessments that are reflected in the proposed consent conditions). In this regard, and based on the technical assessments that have been commissioned as part of the Substantive Application, I consider that the BOGP will largely protect the natural character of wetlands, rivers and their margins and the outstanding natural landscape of the Dunstan Mountains, predominantly through proposed landscape and ecological remediation measures and the implementation of rehabilitated stream diversions and riparian restoration measures.

66. Regardless, and as outlined in paragraph 60 above, inconsistency with one or more provisions of a statutory planning document is not, of itself, a basis to decline the BOGP in accordance with Section 85(4) of the FTA.

[10] Section 8.7.2 of *A15 Section 8 – Fast-Track Approvals Act 2024 Requirements*.

67. Section 85(4) of the FTA explicitly states that a decision-maker must not decline an application solely on the basis that a project is inconsistent with a provision in a relevant plan or policy statement. Sections 5, 6 and 7 of the RMA contain matters which the Panel is to weigh up when making a decision under Section 81 of the FTA. However, that assessment must also be undertaken in light of the purpose of the FTA and the regional or national benefits of a project – which for the BOGP have been demonstrated to be substantial.

Section 107 of the Resource Management Act 1991

68. The following parties have commented that they consider the discharges associated with the BOGP are likely to result in significant adverse effects on aquatic life (or there is not sufficient evidence that the discharges will *not* have significant adverse effects on aquatic life):

    (a) ORC;

    (b) Fish and Game;

    (c) Sustainable Tarras; and

    (d) EDS.

69. As outlined in the Substantive Application, the technical assessment *B.17 - Water Ways Consulting - Assessment of Effects on Aquatic Habitat (Waterways 2025)* concludes that no fish species were detected in the watercourses associated with the BOGP and there are several barriers to upstream fish passage into the Project Site. As such, aquatic life in the watercourses associated with the BOGP is limited to macroinvertebrate communities.

70. A range of measures are proposed to manage potential adverse effects from the discharge of contaminants into the Rise and Shine and Shepherds Creek catchments. This includes Engineered Landforms (**ELFs**) being carefully designed and constructed to minimise neutral metalliferous drainage and seepage from ELFs and the Tailing Storage Facility (**TSF**) being captured and reused within the water management system during operations. During closure, any seepage of mine-impacted water will be captured and conveyed to an active water treatment plant and passive treatment system before it is discharged to the receiving water. These treatment systems will likely remain in place for decades and MGL, as the Consent Holder, will have the sole responsibility to operate and maintain the systems for the duration of consents. In this regard, it is important to note that MGL will be obliged (by law) to apply for new resource consents if discharges (beyond permitted activity limits) continue beyond the 35-year term of the consents currently being sought under the FTA (if granted).

71. The proposed water quality compliance limits are also central to managing potential effects on aquatic life. These limits are set out *B.07 Greg Ryder Consulting - Recommended Water Quality Compliance Limits for the BOGP (Ryder 2025)* for an extensive suite of parameters that must be achieved at monitoring sites downstream of the Project Site. These compliance limits are included in the proposed consent conditions, and the strict adherence to these limits will ensure that the quality of water leaving the Project Site is maintained and there are therefore no adverse effects on aquatic life in the downstream Clutha River / Mata-au or Lake Dunstan. Several parties have questioned whether the proposed limits for specific parameters are set to the right 'protection level'. Greg Ryder has addressed these concerns in his statement of evidence in response to both the Panel further information request received on 1 April 2026 and the comments received under Section 53 of the Act received on 10 April 2026.

72. Taking into account both the limited range of aquatic life present in the watercourses associated with the BOGP and the proposed measures to manage the potential discharge of contaminants into the receiving environment recommended by MGLs independent technical experts, the discharges from the BOGP will not result in significant adverse effects on aquatic life and the restrictions of section 107 of the RMA are not invoked.

Assessment of Alternatives

73. The following parties have commented on the lack of an assessment of underground mining as an alternative to open pit mining:

    (a) CODC; and

    (b) Sustainable Tarras.

74. The Substantive Application provides an assessment of functional need in the context of the NES Freshwater, NPS-FM and NPS-IB. This assesses a range of relevant factors to show why elements of the proposed mining related infrastructure can only occur where they are planned to occur. This includes the location of the orebody, with the Substantive Application highlighting that for the open pit mines, there is no other way to access the identified gold deposits due to their locations at or near the surface. The Rise and Shine Open Pit also provides sufficient material for the Shepherds ELF which in turn buttresses the upstream Tailings Storage Facility. Decisions regarding whether to adopt open pit or underground mining methods is discussed in more detail in the evidence of Damian Spring for MGL.

Planning Documents under the Conservation Act 1987

75. Several parties have commented that the BOGP will have a range of adverse effects (relating to reduced access to historic heritage features, mana whenua values and associations, landscape values and indigenous biodiversity values including lizards) that are inconsistent with the provisions of the Otago Conservation Management Strategy 2016 (**Otago CMS**). These parties include:

    (a) DOC (via their Section 51 Concession and Conservation Covenant Reports);

    (b) Otago Conservation Board; and

    (c) EDS.

76. In accordance with Clause 3 of Schedule 6 of the Act, the Substantive Application includes an assessment of the proposed concession activities against the Otago CMS.[11] This assessment is only required in relation to activities for which a concession application is sought – not the BOGP as a whole. As described earlier in this statement, the activities for which concessions are sought relate to the establishment of Ardgour Rise and the realigned Chorus fibre optic cable (for the section that traverses Ardgour Conservation Area), the SH8 and Ardgour Road intersection upgrade, a replacement walking route to the Come-in-Time Battery, willow management activities in the Bendigo and Clearwater Creeks and proposed surface water and groundwater monitoring bores in the vicinity of Bendigo Creek.

77. With the exception to the Ardgour Rise Concession, these activities on public conservation land will not involve considerable land disturbance and vegetation removal or notable adverse effects on broader historic heritage values. I also note that the Ardgour Rise footprint is included in the DDF for the Project Site and the residual effects on indigenous biodiversity values (including lizards) that cannot be avoided, remedied or mitigated are addressed through the broader proposed offset and compensation measures for the BOGP.

78. The assessment provided within the Substantive Application concludes that the concession activities proposed on public conservation land are generally consistent with the Otago CMS. However, in my view, there is often an inherent tension between a conservation management strategy that has a clear conservation focus and mining-related activities.

[11] Section 8.8.3 of *A15 Section 8 – Fast-Track Approvals Act 2024 Requirements*.

The extraction of minerals such as gold has a functional need to occur where the resource is located, and these locations often contain notable environmental values. As such, the regionally and nationally significant economic and social benefits associated with gold mining projects like the BOGP cannot be realised without some form of inconsistency with conservation directives in statutory planning instruments.

79. As discussed earlier in my evidence and in the legal submissions for MGL responding to comments, inconsistency with one or more provisions of a statutory planning document is not, of itself, a basis to decline the application in accordance with Section 85(4) of the Act. This includes the Otago CMS. Instead, while the Panel must 'take into account' any relevant provision of Otago CMS, the Panel must give the greatest weighting to the purpose of the Act - being the facilitation of projects with significant regional or national benefits – which the BOGP has been demonstrated to achieve.

Duration of Consents Sought

80. The following parties have made comments on either duration of consents sought and / or the specific duration of water permits in Otago in light of the recent amendments to Section 127B of the RMA:

(a) ORC;[12]

(b) EDS;[13] and

(c) Sustainable Tarras.[14]

81. In summary, the Substantive Application seeks a consent term of 35 years for all necessary consents for the BOGP within the administrative jurisdiction of ORC.[15] This includes relevant water permits to take and use groundwater from the Bendigo Aquifer for water supply to support mining operations and other ancillary purposes. Despite the recent inclusion of Section 127B in the RMA and Policy 10A.2.2 of the Regional Plan: Water for Otago (**Regional Water Plan**), which seek to limit the duration of any new water permits in Otago granted under the Regional Water Plan to not exceed six years, the assessment considered the Panel is not precluded from granting the approvals sought under the Act for a period longer than six years.

[12] Paragraphs 954-959 of the ORC Section 53 Report.
[13] Paragraphs 267-273 of the EDS Legal Submission.
[14] Paragraph 22 of the Sustainable Tarras Planning Issues Statement.
[15] Section 4.2.2 (pages 235-237) of *A11 Section 4 – Approvals Sought of the Substantive Application*.

EDS and Sustainable Tarras disagree and consider that Section 127B of the RMA imposes a clear statutory limit on the duration of new water permits in Otago, such that any consent to take and use water must not exceed six years, and that this equally applies to water permits granted under the FTA.

82. However, ORC states it has not identified any effects-management reason for why a water permit to take and use water from the Bendigo Aquifer should be limited to six years. Taking into account the proposed consent conditions, ORC considers there will be no significant adverse effects on any other water users, the allocation sought is well within the available allocation for a groundwater resource and acknowledge a secure source of water is critical to service the mine (and manage other potential adverse effects arising from dust generation). ORC also acknowledges that the decision-making criteria for the Panel under the Act is different to the RMA, noting there is no requirement to 'apply' section 127B of the RMA. The Panel must instead 'take into account' this section whilst giving the greatest weight to the purpose of the Act.

83. The ORC position aligns with my assessment in the Substantive Application, and as they would typically be the decision-maker of any proposed new water permits under the RMA, I concur with ORC and give greater weight to this assessment over comments made my other parties outlined above. I understand this point will be addressed further in legal submission for MGL.

BOGP Biodiversity and Heritage Enhancement Fund

84. The following parties have comments on the proposed BOGP Biodiversity and Heritage Enhancement Fund (**BOGP Fund**):

    (a) DOC;

    (b) ORC; and

    (c) Sustainable Tarras.

85. The key concerns raised in comments generally assert that the BOGP Fund is not outcome-based or properly costed, is disproportionate to the scale of biodiversity and heritage loss and provides little confidence in achieving meaningful or lasting outcomes, with biodiversity projects often requiring long-term or in-perpetuity funding to be successful. DOC has also advised (in one of the workshops held in February 2026) that any money paid to DOC is likely to end up in Wellington and not necessarily spent locally within Central Otago.

86. MGL has acknowledged these concerns and now proposes a different approach. Specifically, this involves:

(a) An increase in the annual funding from $500,000 +GST to $1,000,000 +GST for every year in which gold is produced (up to a maximum of 10 years); and

(b) The establishment of the BOGP Biodiversity and Heritage Enhancement Committee (**BOGP BHEC**) by MGL rather than paying money to DOC to fund projects. A proposed consent condition has been proposed which sets out the formation and composition of the BOGP BHEC, its purpose, funding and annual reporting requirements.[16]

Absence of Technical Assessments

87. The Planning Issues Statement submitted by Sustainable Tarras raised a critique of the Substantive Application on the basis that it did not include an assessment of the risks of the storage and use of Hazardous Substances or an independent Social Impact Assessment.[17]

88. Section 3.14 of *A.10 Section 3 – Project Description* provides an overview of the types and volumes of hazardous substances proposed, the locations they will be stored and used and a summary of the key measures that will be employed to securely store the substances. In addition, the procedures for the storage, use, handling and disposal of hazardous substances associated with the BOGP, as well as the mitigation measures to be implemented, are set out in Part G of the Substantive Application in the *G.21 Hazardous Substances Management Plan*.

89. The Hazardous Substances Management Plan outlines the procedures for the storage, use, handling and disposal of hazardous substances associated with the BOGP, as well as the mitigation measures to be implemented. This includes storage of fuels in secure tanks with secondary containment, segregation of incompatible substances and bunding of storage areas. Importantly, the management plan confirms that all hazardous substances will be managed in accordance with relevant New Zealand Standards and Codes of Practice, including the Hazardous Substances and New Organisms Act 1996, the Health and Safety at Work Act 2015, and associated regulations. These requirements reflect well-established, best-practice industry standards and provide an appropriate framework for managing any potential risks associated with hazardous substances.

[16] See amended Condition C46 in D.03 – Schedule One – Central Otago District Council and Otago Regional Council Common Conditions.
[17] Paragraphs 7-13 and 18-19 of the Planning Issues Statement, Sustainable Tarras.

90. In relation to concerns that a Social Impact Assessment was not provided as part of the Substantive Application, I note that many of the socioeconomic flowon effects associated with the BOGP are addressed in the economic assessment in Part B of the Substantive Application, *B.01 – Benje Patterson (People and Places)- Economic Impacts of the Bendigo-Ophir Gold Project*.

91. This assessment considers a range of direct and indirect economic effects arising from the BOGP that also have an impact on social wellbeing (e.g. employment). In addition, potential social effects of the Project, both positive and negative, have been well understood as a result of the extensive consultation and engagement undertaken by MGL with the local community and stakeholders as documented in *F.16 – Bendigo-Ophir Gold Project Pre-Application Engagement Report* forming part of the Substantive Application. Based on the above, I do not consider it necessary to prepare a Social Impact Assessment for the BOGP.

Conditions

92. The proposed approval conditions for the BOGP are provided in Part D of the Substantive Application. As part of the further information provided to the Panel on 10 March 2026, some minor amendments were made to some of the concessions sought within the jurisdiction of DOC to optimise the concession activity locations and ensure they can be transferred to the relevant parties following the FTA process. Changes were also made (and in one instance proposed in a covering memo) to the proposed conditions of the various consents sought for the BOGP. The versions of the consent and concession conditions dated 10 March 2026 (and other unamended consents and conditions in Part D of the Substantive Application dated 31 October 2025) are the starting point for further amendments proposed by various parties as part of their comments and MGL's response to those comments.

93. Using the above as the starting point / base documents, a new version of the complete set of consents sought for the BOGP and the associated conditions for each consent is provided as **Attachment A** to this statement of evidence (i.e. a complete update of the documents in Part D of the Substantive Application dated 17 April 2026) but which for ease of reference is presented as **Part 4** of MGL's Comments Response Package.

94. Where technical experts for MGL have recommended additional or amended consent conditions in response to comments in their evidence, I have sought to include those amendments in the updated suite of conditions on a 'best endeavours' basis in the time available. To the extent that any recommended conditions have not been reflected in the updated suite of conditions, that situation can be remedied as part of the anticipated conditions workshops.

95. I have reviewed the comments and amendments made by various commenters on the proposed approval conditions which predominantly relate to the consent and concession conditions.

96. Numerous parties have provided generalised comment and critique of the proposed approval conditions and associated management plans. I acknowledge receipt of these comments, however, where comments are expressed at a high level and do not identify specific alternative conditions or amendments for consideration, it is difficult to provide a substantive response within the compressed timeframes available. In my view, the upcoming expert conferencing (scheduled to occur throughout much of May 2026) and anticipated subsequent conditions workshops will provide a more appropriate forum to explore these matters in detail with the experts including those representing the relevant administering agencies and regulators.

97. Instead, I have focussed on specific suggestions and amendments to consent and concession conditions largely provided by ORC for the proposed regional consent conditions and DOC for the proposed concession conditions.

98. Where I agree with the comments or suggested amendments, I have included them in the updated set of conditions presented in **Part 4** of MGL's Comment Response Package.

ORC Suggested Conditions

99. I have accepted the vast majority of changes proposed to conditions by ORC (including on the advice of MGL's technical experts as discussed in their evidence). The key aspects of the amendments to the conditions proposed by ORC which have not been accepted, and the reasons why they have not been accepted, are:

    (a) Certification of Management Plans – ORC has proposed changes to all of the conditions relating to the certification of management plans whereby they would be certified by ORC <u>after</u> any consents being granted by the Expert Panel under the FTA. These changes have been rejected on the basis that MGL seeks that the management plans that have been prepared (and form part of the documentation supporting the application for the BOGP under the FTA) be certified by the expert Panel as part of the current FTA process. The reasons in support of this position are:

    (b) MGL wishes to commence mining operations as soon as any consents under the FTA are granted by the Expert Panel. MGL does not want to have a further delay before mining can commence with an associated very uncertain outcome both in terms of timing and substance (including

opportunities for regulators to relitigate any aspects of the Expert Panel's decision they are not happy with via changes to the management plans).

(c) One of the key benefits of the FTA process (that makes it fast, or at least faster) is that it is a 'one-stop shop' approach to consenting. This includes the ability to have management plans certified as part of the FTA process.

(d) On the basis that the Expert Panel releases a decision at the end of October 2026 (and assuming approval), if MGL then lodges the management plans for certification in the first week of November 2026 it is realistic to expect that it could take months for certification to occur extending well into 2027 (particularly with Christmas and the summer holiday period intervening).

(e) The workshops that have been held and Section 53 comments received have been helpful in identifying aspects of the management plans that need to be amended. The anticipated expert caucusing sessions are likely to illicit further amendments that can or should be made to the management plans. The expert caucusing will provide a more thorough and robust process compared to leaving the finalisation of the management plans to after the FTA process. Therefore, by the end of May 2026, all parties including notably the regulatory agencies should have a clear (and hopefully agreed) understanding as to what changes need to be made to the management plans to ensure they are fit for purpose. That leaves a period of five months until the Expert Panel is to release its decision. That is ample time to the management plans to be finalised and ready for certification well in advance of the Expert Panel releasing its decision.

(f) Delayed Commencement of Mining Activities – ORC has proposed words at the start of conditions along the lines of "Within X months prior to the commencement of the activities, the Consent Holder must ..." (or words to similar effect). Amendments to conditions that seek to create stay of proceeding until documents or management plans undergo a certification process is opposed as MGL is seeking for the management plans to be certified by the Panel as part of the FTA process.

(g) Bond – ORC proposed a number of changes to the bond conditions. Some of these changes have been accepted and others have not. The changes that have been made to the bond conditions have been made with the input from Malcolm Lane and the matters addressed in his evidence.

DOC Suggested Conditions

100. I have inserted all of the conditions that DOC has proposed in relation to the various concessions but am of the view that they need to be the subject of further discussions with DOC (at the anticipated Conditions Workshops) to make sure they are appropriate and fit for purpose. The inclusion of these conditions moves the concessions closer to a final form but does not necessarily represent confirmed agreement as to all aspects the detail at this stage in the process.

101. With respect to the DOC suggested amendments to conditions in relation to the Wildlife Authority, I have accepted most of the changes proposed. On the advice of Keith Barber, I have not accepted the following conditions proposed by DOC in relation to D.11 - Wildlife Act Authority and Conditions:

(a) Condition 1 – the requirement to name all handlers individually on the permit in advance or varying the permit each time personnel change is unworkable and could lead to significant delays in undertaking lizard handling.

(b) Condition 4 – Avoiding high value microhabitats is at odds with the consent which seeks to remove all habitat within the DDF.

(c) Condition 5(a) – the requirement for a predator management regime is accepted but for that regime to include mice is not feasible due to the size of pest-proof enclosure required.

CODC Conditions

102. CODC has provided proposed conditions, or changes to conditions, in relation to heritage, lighting and transportation, which are briefly discussed as follows:

(a) Two of the five proposed conditions in relation to heritage have been accepted (relating to offering any artifacts found to the Cromwell Museum and requiring the final report on the heritage investigations to be made public). Based on the advice of Dr Naomi Woods, the other three suggested conditions are considered unnecessary as the outcomes sought will form part of the Archaeological Heritage Management Plan required by other conditions.

(b) All of the suggested conditions in relation to lighting have been accepted except for one subclause seeking to limit works to daylight hours where appropriate.

(c) All of the suggested conditions in relation to transportation have been accepted.

Management Plans

103. With respect to management plans, several parties have commented that they disagree with the request in the Substantive Application for the Panel to approve the management plans as part of the FTA process. This includes DOC, ORC, EDS and Sustainable Tarras.

104. I disagree and consider certification of management plans by the Panel to be an appropriate approach. As discussed above, the FTA is expressly intended to operate as a streamlined, efficient, one-stop approvals process, departing from the more sequential consenting framework typically experienced in the decision-making process under the RMA. Based on my experience with other complex, largescale resource consent applications, post approval certification or approval processes for management plans can often result in lengthy delays to the commencement of projects.

105. However, as further discussed in the legal submissions, MGL will not be providing updated management plans during this comment response period, having regard to the volume of material already before the Panel. Furthermore, and similar to the approach to conditions outlined above, I do not consider that approval of management plans is a matter that requires determination at this stage of the process. Recent workshops held by MGL with relevant administering agencies and consent authorities have been highly effective in identifying key issues and opportunities to strengthen both the conditions and associated provisions of the management plans. In my view, the forthcoming expert conferencing in May 2026 will provide a further opportunity to resolve matters of detail and improve the robustness of the management plans. On that basis, I recommend that updated management plans are issued to the Panel following the completion of expert conferencing, and that the Panel give consideration to the approval of those plans at that time.

106. The Panel has communicated that its decision on the BOGP will be issued on 29 October 2026. This therefore provides approximately five months following the completion of expert conferencing until the Panel must make a decision as to whether they certify these management plans. Once the management plans have been updated following expert conferencing, the Panel may wish to invite the regulators (i.e. DOC, HNZPT, ORC and CODC) to participate in a concurrent, nonbinding review process. This would enable regulators to assess whether the management plans are capable of approval as drafted, or to identify any final matters requiring amendment by MGL and its independent technical experts prior to the Panel certification.

107. This process (or something similar) would enable the relevant regulators to have sufficient input into the management plan certification process whilst also avoiding unnecessary and potentially lengthy delays in certifying management plans following any decision to grant approvals for the BOGP. This is particularly the case when multiple regulators have expressed a desire to approve the various management plans which, if accepted by the Panel, brings with it a risk of disagreement between the regulators as to the appropriate final form of the management plans and no specified or certain pathway for resolution of such disputes. The process I am suggesting would enable the Expert Panel to avoid these types of issues and delays arising (as intended by the FTA).

Longevity of Actions, Responsibilities and Outcomes in Perpetuity

108. An issue that has been raised by a number of parties is a concern about the level of certainty associated with the achievement of the environmental outcomes in the long term and in perpetuity.

109. To address this issue, changes have been made to various consent conditions to provide a greater level of certainty by making sure that obligations are clearly stated in the conditions (which also translate into other legal mechanisms such as the bond and the proposed new covenant). Specifically, I have amended the conditions in *D.01 - Schedule One – Common Conditions for DODC and ORC Consents* so that:

(a) The Mine Closure Plan is to be prepared within six months of the commencement of the consents and must be updated every three years and is to be certified by CODC and ORC (previously this was to occur once within 12 months prior to the cessation of mining operations).

(b) The Mine Closure Plan must include “closure implementation, including ongoing responsibilities (including financial responsibility) for the environmental outcomes required to be maintained beyond the term of the consents, [such that it] enables the relinquishment of tenure and associated obligations held by MGL”.

(c) One of the explicit purposes of the bond is to “secure the completion of rehabilitation and closure in accordance with the conditions of the consents and in accordance with any Mine Closure Plan”.

(d) The condition requiring the proposed new covenant now sets out specifically what the covenant must provide for in terms of environmental outcomes in perpetuity.

110. It is my opinion that the combination of these interrelated conditions and obligations on MGL (and any future land owner as a result of the proposed new covenant) should provide assurance to the Expert Panel and the community that actions to delivery the anticipated positive ecological effects will be deliverable including after closure - with the bond being the “worst case scenario” backstop.

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Mark Bulpitt Chrisp

17 April 2026

Attachment A – Updated Consents and Conditions

See **Part 4** of MGL's Comments Response Package