

PART H: RESOURCE CONSENTS SOUGHT UNDER THE FAST-TRACK APPROVALS ACT 2024

In respect of the resource consents sought under the Resource Management Act 1991 (“**RMA**”) through the fast-track application, the establishment, operation and rehabilitation and closure of the Bendigo-Ophir Gold Project (“**BOGP**”) must be considered against the rules and regulations of the following statutory planning documents:

- > Central Otago District Plan (“**District Plan**”);
- > Regional Plan: Water for Otago (“**Regional Water Plan**”);
- > Regional Plan: Air for Otago (“**Regional Air Plan**”);
- > Regional Plan: Waste for Otago (“**Regional Waste Plan**”);
- > Resource Management (National Environmental Standards for Freshwater) Regulations 2020 (“**NES Freshwater**”); and
- > Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 (“**NESCS**”).

The tables in the following sections set out approvals related to district and regional consents under the RMA, together with those activities that are identified as permitted activities – as determined by the rules and standards of the District Plan, various regional plans administered by the Otago Regional Council, the NES Freshwater and the NESCS.

A summary of the overall status of the proposed BOGP under the RMA is presented at the end of this analysis.

1. CENTRAL OTAGO DISTRICT PLAN

The BOGP is located within the Rural Resource Area of the District Plan. The project site is also located within the Dunstan Mountains which are identified as an Outstanding Natural Landscape, with a small part of the project site on the Bendigo / Ardgour terrace identified as a Significant Amenity Landscape. The zoning and key overlays that apply to the project site are illustrated in Figure 1 below.

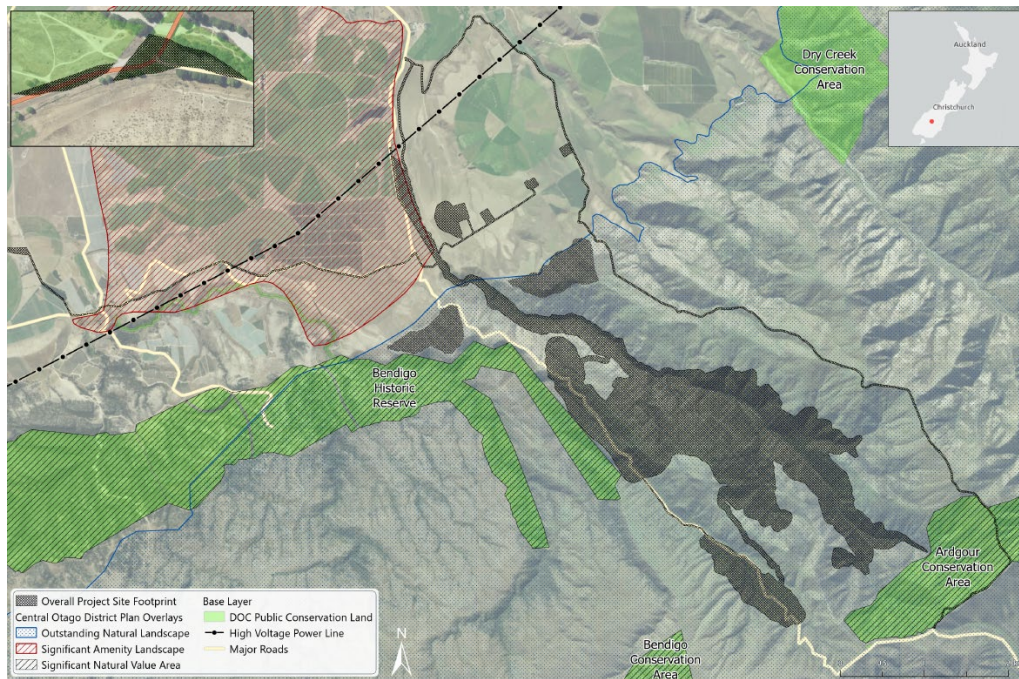


Figure 1: Project Site Zoning and Overlays in the District Plan

The following provides an analysis of the relevant rules and permitted activity standards in the District Plan relating to the activities associated with the BOGP. This covers the following sections of the District Plan:

- > Section 4 – Rural Resource Area;
- > Light Chapter¹;
- > Section 12 - District Wide Rules and Performance Standards;
- > Section 13 – Infrastructure, Energy and Utilities;
- > Section 14 – Heritage Buildings, Places, Sites, Objects and Trees; and
- > Section 15 – Financial Contributions.

¹ Note: this chapter has been inserted into the District Plan without a section number.

1.1 SECTION 4 – RURAL RESOURCE AREA

1.1.1 Rural Resource Area Rules

Rule 4.7.1 relates to permitted activities and states:

(i) Compliance with Standards

*Any activity that is not listed as either a controlled, discretionary (restricted), discretionary, non-complying activity or prohibited activity and that complies with the rules and standards set out in Sections 12 to 15 of this Plan, and the standards set out in section 4.7.6 is a **permitted activity**.*

Rule 4.7.3 provides for activities that fail to comply with various standards as restricted discretionary activities. Rule 4.7.3 is set out in full below with the standards that are relevant to the BOGP shown in red (after which an analysis of those rules is presented in the following tables):

(i) Breach of Standards

Any activity that fails to comply with the following rules:

4.7.2.i.d Separation Distances

4.7.2.ii.a.ii Separation Distances for Dwellings

4.7.2.vii Accommodation Facilities

4.7.6.A Bulk and Location Requirements - a, b, e, f, h, i k and n

4.7.6.C Tree Planting

4.7.6.F Storage

4.7.6.H Signs

*is a **discretionary (restricted) activity**.*

Council shall restrict the exercise of its discretion to the following matters:

1. The effect on the safe and efficient operation of the roading network or airport.
2. The effect on the health and safety of people and communities.
3. The effect on the amenity values of neighbouring properties.
4. The effect on landscape values.

(ii) Any activity that fails to comply with Rule 4.7.6A Bulk and Location g is a discretionary (restricted) activity.

Council shall restrict the exercise of its discretion to the effect on the following matters:

1. Provision to avoid or mitigate the risk of injury and/or property damage.
2. The maintenance of electrical safety distances.

3. Allowance for access for maintenance and inspection of transmission lines.

(iii) Any activity that does not comply with Rule 4.7.6.D Visual Effects of Buildings is a discretionary (restricted) activity.

Council shall restrict the exercise of its discretion to the following matters:

1. Whether or not the building or structure can be appropriately screened from public view by topographical features, appropriate planting or other screening having regard to the open space, landscape, natural character and amenity values of the rural environment.
2. Whether the building or structure will breach the form of or be visually prominent in public view on any skyline or terrace edge.
3. The colour scheme for the building or structure which should in general be darker than the background in which it is set.

(iv) Any activity that fails to comply with Rule 4.7.6.E Noise is a discretionary (restricted) activity.

Council shall restrict the exercise of its discretion to the effects of noise on amenity values of the neighbourhood, particularly on the amenity values of adjoining properties.

(v) Any activity that fails to comply with Rule 4.7.6.G Provision of Services is a discretionary (restricted) activity.

Council shall restrict the exercise of its discretion to the following matters:

1. The effect on the quality and quantity of water.
2. The safe and efficient operation of the roading network.
3. The sustainable management of public utility resources.
4. The health and safety of people and communities.

(vi) Any activity that fails to comply with the following Rules; 4.7.6.I Riparian Margins or Rule 4.7.6.J Earthworks for Access Tracks & Extractive Activity a. Tracks is a discretionary (restricted) activity.

Council shall restrict the exercise of its discretion to the following matters, where applicable:

1. The effect on water quality and quantity.
2. The intrinsic values of riparian and aquatic ecosystems.
3. The habitat of native fish species, trout and salmon.
4. Indigenous vegetation and habitats of indigenous wildlife and statutorily managed sports fish and game.
5. The effects on bank and slope stability.
6. The location and timing of construction, design and density of earthworks.

7. *The re-establishment of an appropriate vegetation cover.*
8. *The disposal and stabilisation of waste material and fill.*
9. *The impact on landscape values.*
10. *The effect on heritage sites, including archaeological sites.*
11. *The effect on sites of cultural value to Kai Tahu ki Otago.*

In addition, Rule 4.7.4 provides for activities that fail to comply with other standards as discretionary activities. Rule 4.7.4 is set out in full below with the standards that are relevant to the BOGP shown in red:

(i) Breach of Standards

- | | |
|----------------|--|
| 4.7.2.i | <i>Residential Activities b, c, e and f</i> |
| 4.7.2.ia | <i>Residential Activities in Rural Resource Area (3) a, b, c, d, e and f</i> |
| 4.7.2.ib.a | <i>Residential Activities in Rural Resource Area (5)</i> |
| 4.7.2.ib.b | <i>Residential Activities within Building Platforms in Rural Resource Area (5)</i> |
| 4.7.2.ib.c | <i>Site Coverage in Rural Lifestyle Production Area in Rural Resource Area (5)</i> |
| 4.7.2.ib.e | <i>Landscaping Plan in Rural Resource Area (5)</i> |
| 4.7.2.ii.a.vii | <i>Building Platforms within Rural Resource Area (5)</i> |
| 4.7.2.vi | <i>Outstanding Natural Landscapes, and Land in the Upper Manorburn/Lake Onslow Landscape Management Area</i> |
| 4.7.2.vii.b | <i>Accommodation Facilities</i> |
| 4.7.3.vii.b-d | <i>Residential Activity, Residential Building Platform & Accommodation Facilities</i> |
| 4.7.6.A | <i>Bulk and Location Requirements c and d</i> |
| 4.7.6.B | <i>Traffic Generation and Characteristics of Activities</i> |
| 4.7.6.J | <i>Earthworks for Access Tracks & Extractive Activity b Extraction and Displacement Activities</i> |
| 4.7.6.K | <i>Areas of Significant Indigenous Vegetation, Habitats of Indigenous Fauna and Wetlands</i> |
| 4.7.6.L | <i>Outstanding Landscapes, Land Over 900 m and Land in the Upper Manorburn/Lake Onslow Landscape Management Area</i> |

is a **discretionary activity**.

(ii) Noxious Effects

Any activity that:

- a. *uses, stores or generates quantities of hazardous substances that exceeds the limits specified in Schedule 19.14, OR*
 - b. *requires a licence as an offensive trade within the meaning of the Third Schedule of the Health Act 1956, OR*
 - c. *provides less than 120% spill containment where hazardous substances are stored within 50 m of any surface water body and within the Ettrick or Roxburgh groundwater protection zones as defined by the Regional Plan: Water,*
- Is a **discretionary activity**.*

An assessment of the activities associated with the proposed BOGP against the standards outlined in Rules 4.7.3 and 4.7.4(i) highlighted in red above is provided in Table 1 below.

However, in respect of Rule 4.7.4(ii) - which relates to noxious effects – the BOGP includes the use and storage of explosives and hazardous substances associated with gold processing activities that exceed the limits specified in Schedule 19.14 of the District Plan. As such, consent for the use and storage of hazardous substances in the Rural Resource Area is required as a **discretionary activity**.

In addition, with respect to Rule 4.7.3.vii.b – which relates to residential activities – the BOGP includes temporary construction worker accommodation that involves more than one residential activity on a certificate of title. As such, consent is required for a residential activity as a **discretionary activity**.²

It is also noted that Rule 4.7.5(ii) – which relates to waste disposal and hazardous substances on land subject to hazards – is not relevant for the BOGP as there are no identified or mapped hazard areas within the project site.

1.1.2 Rural Resource Area Standards

Rule 4.7.6 of the Rural Resource Area Chapter of the District Plan sets out the standards which specifically relate to activities which occur within the Rural Resource Area. Table 1 below provides an assessment of BOGP against these standards.

Table 1: Assessment of Rural Resource Area Standards of the Central Otago District Plan

² The proposed temporary workers accommodation is considered consistent with the definition of ‘residential activity’ as occupants will utilise the building as living accommodation, and the definition of ‘dwellings’ and ‘seasonal workers accommodation’ are not considered applicable due to the nature of occupation and use.

Standard	Compliance
A. Bulk and Location Requirements Buildings and any area used for storage purposes (including the stockpiling of materials) that is not enclosed or partly enclosed by a building shall be located to conform with the following standards. a. <i>[not applicable]</i> b. <i>[not applicable]</i> c. Water bodies - No building shall be located within 20 m of the bank of: > any stream or river > any wetland identified in Schedule 19.6.1 > any lake (excluding irrigation dams within a farm property) 0.5 hectares or greater in area d. <i>[not applicable]</i> e. <i>[not applicable]</i> f. Height – the maximum building height for other buildings (not dwellings) is 6 m in an Outstanding Natural Landscape and 10 m in Other Rural Landscapes. g. Transmission Lines - Separation from high voltage transmission lines that are part of the transmission network shall be in accordance with Rule 12.7.8. h. Road Intersections - No structure (excluding post and wire fences), building or stockpile of materials shall be sited in that triangle of land formed by the straight line between two points measured 15 m in each direction from the intersection point of the legal road boundaries. i. <i>[not applicable]</i> ... p. <i>[not applicable]</i>	> Clause c: No – the BOGP involves the reclamation of watercourses to establish mining operations. It is conservatively assumed that buildings within the project site will be located within 20 m from watercourses and / or wetlands. > Clause f: No – Most of the project site is located within an Outstanding Natural Landscape Overlay and the processing plant and other associated infrastructure and facilities will be greater than 6 m in height. > Clause g: Yes – No buildings or structures, earthworks or subdivision is proposed to be undertaken within proximity to the high voltage transmission line that runs to the north of the project site (noting that the proposed pipeline to convey water from the Bendigo Aquifer bore to the project site crosses beneath this transmission line at one point). > Clause h: Yes – No structures, buildings or stockpiles will be sited within this area between roads.
B. Traffic Generation and Characteristics of Activities a. <i>[not applicable]</i>	> Clause b(i): No – The proposed mining operations will engage up to 485 employees at peak processing. While the terms

Standard	Compliance
b. (i) No more than 3 persons shall be engaged in any activity of a commercial, industrial or manufacturing nature except in areas identified as “Rural Residential” on the planning maps. For the purpose of this rule, farming, horticulture, viticulture, network utilities and forestry activities are excluded from an activity of a commercial, industrial or manufacturing nature. (ii) Within areas identified as “Rural Residential” on the planning maps no person shall be engaged in any activity of a commercial, industrial or manufacturing nature. For the purpose of this rule, farming, horticulture, viticulture, network utilities and forestry activities are excluded from an activity of a commercial, industrial or manufacturing nature. c. <i>[not applicable]</i>	commercial, industrial and manufacturing are not defined in the District Plan, the plain definition of ‘industry’ in the Oxford Dictionary is <i>“economic activity concerned with the processing of raw materials and manufacture of goods in factories”</i> which clearly includes mining operations.
C. Tree Planting a. <i>[not applicable]</i> ... f. <i>[not applicable]</i>	> Not applicable.
D. Visual Effect of Buildings and Structures a. All buildings including new, relocated and repainted buildings and structures,³ are subject to the following: i. Finish - All buildings shall be finished in any of the following materials: timber / composite weatherboard, plaster / adobe / rammed earth / masonry products / concrete, stone, coloured steel (excluding unpainted zincalume and unpainted corrugated iron), weathered corrugated iron and brick.	> Clause a: Yes – all buildings and structures associated with the BOGP will be finished with any of the material listed in clause a (i) and the colours and reflectivity values listed in clause a (ii) & (iii). > Clause b: Yes – The Landscape Assessment has modelled the indicative footprints of buildings within the Process Plant / Shepherds Valley Site

³ Excluding post and wire fences, bird netting and support structures, wind machines, pivot irrigators and sprinklers and other equipment and fixtures incidental to agriculture, horticulture and viticulture.

Standard	Compliance
ii. Colour (Exterior Walls, Accents and Trim) - The exterior walls, accents and trim for all buildings and structures shall be in a colour or colours selected from the following colour palette, provided that the colours of exterior walls shall be in a low sheen: Browns, greens, grey blue, greys, terracotta, tussock and dark reds provided that such colours shall have a Reflectivity Value (RV) of less than 38%. iii. Colour (Roofs) - The roofs of all buildings shall be in a low sheen in any colour that has a RV of less than 32% or shall be unpainted natural products such as timber shingles or slate. b. All buildings and structures⁴ shall not protrude onto a skyline or above a terrace edge when viewed from a public road or other public place at a distance not exceeding 2 km from the building or structure.	(which is located within a valley) and concludes these buildings and structures will not breach the skyline when viewed from Thomson Gorge Road (the nearest public road within 2 km of the site) or any other public locations within 2 km of the site.
E. Noise a. All activities shall be conducted to ensure the following noise limits are not exceeded at any point within the notional boundary⁵ of any dwelling, rest home or hospital, or at any point within any Residential Zone or any Rural Settlements Resource Area: > On any day 7:00am to 10:00pm - 55 dB > 10:00pm to 7:00am the following day - 40 dB and 70 dBA Lmax b. <i>[not applicable]</i> c. <i>[not applicable]</i>	> Yes – Marshall Day (2025) confirms that the large distances between primary noise sources and sensitive receivers, combined with the natural screening effects provided by the terrain, means that noise levels associated with the BOGP will comply with this standard at the closest residential receivers. > Refer to Part B of the application documents for further details.

⁴ Excluding post and wire fences, bird netting and support structures, wind machines, pivot irrigators and sprinklers and other equipment and fixtures incidental to agriculture, horticulture and viticulture.

⁵ “Notional boundary” is defined as a line 20 m from part of any living accommodation or the legal boundary where this is closer to the living accommodation.

Standard	Compliance
d. <i>[not applicable]</i>	
e. <i>[not applicable]</i>	
F. Storage Any area used for storage purposes⁶ that is not enclosed or partly enclosed by a covered building shall be screened from the view of any public road, reserve, other public land or any other adjacent site boundary or resource area boundary. Such screening shall be erected or planted to a suitable height and density so as to mitigate adverse visual effects and dust effects that have the potential to occur and shall not impede visibility on adjacent roads provided that no material (including waste) shall be stored, stockpiled or disposed of in a manner that attracts or significantly increases habitats for flies, rodents, vermin or insects and birds to a level that causes a nuisance to or adversely effects the adjoining property, and/or the general public.	> No – the mining operations (including open pits and topsoil stockpiles) involve large scale stockpiling of material that will be viewed from adjacent site boundaries and public land.
G. Provision of Services a. Effluent Disposal - Any site intended to accommodate a household unit or any activity that generates human effluent shall be either connected to an existing sewerage scheme at the owners cost (provided that the scheme has the capacity to accommodate the waste generated) or if such a scheme is not available the site shall be capable of effective disposal of effluent safely within the site. b. Water Supply – At the time of subdivision or prior to the issue of building consent to erect a residential building, the owner shall provide a safe and adequate water supply. This water supply shall be obtained from a source which is protected from contamination by animal sources and the normal activities that may cause contamination occurring or likely to	> Clause a: Yes - human effluent from facilities throughout the project site will be conveyed to a wastewater treatment plant for treatment and disposal in accordance with best practice. > Clause b: Yes – a safe and adequate water supply will be supplied from the Bendigo Aquifer. > Clauses c and d: N/A - access, loading and manoeuvring standards not applicable.

⁶ Including contractor yards and the stockpiling of material for a period that exceeds 6 months but excluding stock feed, stock yards and grain silos.

Standard	Compliance
occur within the catchment. The water will be of a quality which does not require any form of treatment, shall be adequate in quantity (approximately 300 litres per person per day) and where the supply is obtained outside the boundaries of the property, secured by permanent agreements and easements. The final product must meet the Ministry of Health Standards as defined in Drinking Water Standards for New Zealand 2000. c. Access, Loading and Manoeuvring - Access, loading and manoeuvring requirements shall be provided in accordance with Rule 12.7.1 and Rule 12.7.3. d. Parking - Parking shall be provided in accordance with Rule 12.7.2 and Table 12.3.	
H. Signs Signs on any site shall comply with the following standards. Signs: 1. Shall be situated on the property to which they relate provided that no more than two pre warning signs having a maximum area of 1 m each are permitted within 500 m of the site entrance. 2. Shall comprise a single sign not exceeding a total of 3 m in area. 3. Shall not obscure driver visibility to and from access ways. 4. Shall not be constructed using reflective material or flashing or animated components. 5. Shall not be illuminated. 6. Shall comply with Rule 12.7.5. v.	> No – Stantec (2025) notes transport related directional and warning signs for the project will be sited further than 500 m from the project site entrance, and may exceed 3 m in area, and are expected to include: • Fingerboard signs at the SH8 / Ardgour Road and Ardgour Road / Thomson Gorge Road intersections; • Truck warning signage on SH8 and Ardgour and Thomson Gorge Roads; and • Hazard and public safety signage on Thomson Gorge and Ardgour Station Roads.
I. Riparian Margins Within 10 m of any water body, no a) dumping of fill, spoil or any substance to waste except cleanfill, b) earthworks	> No - the BOGP will involve the reclamation of sections of several waterbodies within the project site (e.g. Shepherds

Standard	Compliance
exceeding 20 m, or c) the removal of vegetation shall occur provided that this does not apply to: (i) The removal of undesirable weeds⁷ or the removal of plants or vegetation planted for commercial purposes prior to the date of notification of this plan.⁸ (ii) Grazing of stock. (iii) Activities / works permitted by any relevant Regional Plan. (iv) Minor maintenance required for the safe and efficient operation of roads and utility networks.	Creek, Rise and Shine Creek and associated tributaries) to develop mining operations. However, it is noted that the proposed management and removal of crack willows in the Bendigo and Clearwater Creeks do not apply to this rule as they are considered undesirable weeds under the District Plan and any willow management activities will restore and rehabilitate riparian margins and not result in the placement of disturbed vegetation in the waterbodies (with dead crack willow proposed to remain alongside riparian margins).
J. Earthworks for Access Tracks and Extraction Activities a. Tracks - where earthworks are required for / in connection with the formation or construction of any road, track, landing, firebreak, fence line, or utility service line, the following design standards shall be met: (i) All formation surfaces with an inwards crossfall shall be drained by a water table; (ii) Cutoffs or culverts shall be constructed or installed so as to prevent scour, gullyng or other erosion of the formed or constructed surface and to adequately provide for fish	> Clause a: No – earthworks required to establish mine access and haul roads – including the realignment of Thomson Gorge Road (Ardgour Rise) within the project site will likely exceed the maximum cut and fill batter height of 2 m. However, it is noted that no earthworks are required for the relocation of the Come-in-Time walking route to the historic Come-in-Time Battery.

⁷ The District Plan notes that the phrase “undesirable weeds or plants” refers to plants that need to be removed but are not necessarily “noxious” in terms of other legislation (e.g. crack willow).

⁸ Provided that any adverse effects on that water body and its margin are avoided, remedied or mitigated by ensuring that 1) No disturbed vegetation, soil or debris is placed in any water body or is placed in such a position where it may enter or move into any water body, and 2) Riparian margins are restored and rehabilitated to a standard necessary to ensure that the margin remains in a stable condition.

Standard	Compliance
passage when such fish passage is appropriate and practicable; (iii) All areas of fill including any formation surface overlying fill shall be compacted; (iv) Fill batters shall be constructed and vegetated to a standard that is adequate to mitigate any adverse visual effects when viewed from any State highway and to avoid batter erosion or failure; (v) Adverse effects on any stream, river or lake or permanently wet wetland are avoided, remedied or mitigated; and (vi) Any cut or fill batter is no more than 2 m in height or depth (provided that this may be exceeded for 10% or less of the total track length to a maximum 3 m). b. Extraction and Displacement Activities - Except as provided for in 4.7.6.J.a above the extraction (including excavation and / or displacement) of material⁹ shall not exceed an area of 2,000 m² or a quantity of 3,000 m³ from any one site provided that: (i) Where the material extracted is not to be reinstated, then the permanent visual impacts of the activity shall be avoided, remedied or mitigated by the replacing of topsoil and suitable subsoil, resowing, fertilising and planting or other appropriate landscaping, or (ii) When material is extracted or displaced for mining, investigative or exploitative work, all areas disturbed shall be progressively restored or rehabilitated to a standard not less than that which previously existed, and (iii) Adverse effects on water bodies and land stability are avoided, remedied or mitigated; and	> Clause b: No – earthworks required to establish mining operations within the project site, and earthworks associated with the establishment and operation of two aggregate pits, will exceed an area of 2000 m² and a quantity of 3000 m³.

⁹ Excluding any cleanfill landfill, and farming activities such as irrigation dams and associated works, ploughing and land contouring for border dyke irrigation.

Standard	Compliance
(iv) Extraction, other than that required for land cultivation, drilling, bore construction, the erection of fences, overhead lines or foundations for buildings is no more than 1m deep or 10m in volume within the groundwater protection zones for Roxburgh and Ettrick.	
K. Areas of Significant Indigenous Vegetation, Habitats of Indigenous Fauna and Wetlands No activity shall have the effect of: a. Removing or adversely affecting indigenous vegetation; b. Adversely affecting significant habitat of indigenous fauna or statutorily managed sports fish and game; c. Draining or adversely affecting any wetland or its associated values; d. Erecting any structure (excluding fences and signs that conform with Rule 12.7.5.i.e); e. Carrying out any earthworks or cultivation of land; f. Establishing woodlots, production forestry or shelterbelts; or g. Subdivision of land (except for the creation of reserves or conservation areas), within those areas identified in Schedules 19.6.1 and 19.6A and on the planning maps and any wetlands over 800 m, unless the work or activity is consistent with the particular Act under which the land is held, or any management strategy or plan developed under that Act.	> Clauses a, b, d & e: No – RMA Ecology (2025b) states that the establishment of mining operations within the project site will involve the clearance of approximately 610 hectares of vegetation, including indigenous vegetation which support indigenous fauna, and earthworks within habitat of indigenous fauna. > Clause c: No – RMA Ecology (2025a) states the BOGP will result in the loss of approximately 3 hectares of wetlands. > Clause f: Yes – woodlots, production forestry or shelterbelts are not proposed. > Clause g: Yes – subdivision is not proposed.
KA. Clearance of Indigenous Vegetation Clearance of indigenous vegetation on land not listed for protection under Schedule 19.6.1 and subject to Rule 4.7.6.K above is a restricted discretionary activity where the vegetation: a. Comprises more than 10 hectares of snow tussock grassland (<i>Chionochloa rigida</i>), or half a hectare or more of other indigenous vegetation on one site;	> No – RMA Ecology (2025b) states that the establishment of mining operations within the project site is expected to involve the clearance of more than 0.5 hectares of indigenous vegetation not listed for protection.

Standard	Compliance
b. Involves any species listed as threatened in Schedule 19.6B, and the clearance affects a site containing any such species as identified on the planning maps; or c. Is more than 1080 m above sea level.	
This rule shall not apply to:	
(i) Clearance of indigenous trees that have been windthrown or are dead standing as a result of natural causes and have become dangerous to life or property. (ii) Clearance of indigenous vegetation on land that has been freeholded under Part 2 of the Crown Pastoral Land Act 1998. (iii) The Greenland Recommended Area for Protection on Little Valley Station apart from the land subject to Conservation Covenant No. 5013375.2 (Otago Land Registry).	
And provided that a) and c) of this rule as above shall not apply to:	
(iv) Direct drilling associated with existing pasture. (v) Clearance of matagouri.	
L. Outstanding Natural Landscapes, Outstanding Natural Features and Land in the Upper Manorburn / Lake Onslow Landscape Management Area 1. No activity shall have the effect of: a. Erecting any structure (excluding post and wire fences) or building; b. Cutting new roads, new tracks, new landings, or new utility service lines; c. Excavating material in excess of 20 m³ (volume) and / or disturbing any land 50 m² in area or greater in any one hectare in any continuous	> No - the activities associated with the BOGP will include structures and buildings (including communication towers), cutting new roads and tracks and excavating significant volumes of material within the Dunstan Mountains Outstanding Natural Landscape. > In addition, the establishment of the Ardgor and Bendigo Sanctuary Areas will involve excavation of material exceeding 20 m³ and the formation of maintenance tracks within the Dunstan

Standard	Compliance
period of 5 years but excluding cultivation of areas previously cultivated;¹⁰ or d. Establishing woodlots, production forestry or shelter belts; or e. Subdivision of land (except for the purpose of creating reserves or conservation areas), within any area identified as an outstanding natural landscape, outstanding natural feature or land in the Upper Manorburn / Lake Onslow Landscape Management Area as shown on the planning maps except as provided for by Rules 4.7.5.vi, 13.7.6 and 13.7.8.	Mountains Outstanding Natural Landscape. > However, it is noted that no earthworks or structures (except for marker poles) are required for the relocation of the Come-in-Time walking route to the historic Come-in-Time Battery which is located within the Dunstan Mountains Outstanding Natural Landscape. > It is also noted the proposed communication tower on Bendigo Station does not require consent under this rule as Bendigo Station has been freeholded under Crown Pastoral Land Act 1998 – and structures on this land are exempt from this rule.
M. Management of the Rural Resource Area in the Wooing Tree Overlay Area. <i>[Not applicable]</i>	> Not applicable.

¹⁰ For the avoidance of doubt this does not apply to the maintenance of roads, tracks, landings, fire breaks and other works.

1.2 LIGHT CHAPTER

It is understood that the Light Chapter of the District Plan only relates to the dark sky reserve which covers Naseby, and as such, the BOGP does not require any consents under the Light Chapter.

1.3 SECTION 12 – DISTRICT WIDE RULES AND STANDARDS

Tabel 2 below provides an assessment of the BOGP against the district wide rules and standards within Section 12 of the District Plan.

Table 2: Section 12 - District Wide Rules and Standards

Rule	Compliance	Activity Status
Rule 12.7.1 - Access Standards from Roads		Permitted
Access to and from roads is a permitted activity provided it is in accordance with the following standards:		
(i) Construction and Maintenance All vehicular accesses from a road shall be designed, constructed and maintained to ensure that: 1. They are able to be used in all weather conditions. 2. They have no adverse impact upon road drainage systems. 3. Stormwater and detritus (including gravel and silt) do not migrate on to the road. 4. They intersect with the property boundary within 15 degrees of a right angle.	Yes – all vehicle crossings for the project site will be constructed in accordance with the Central Otago Roading Policy dated January 2025. In addition, all accesses within the project site will be sealed for a minimum distance of 30 m from the road boundary to minimise detritus carried onto roads and any site accesses will intersect property boundaries within 15 degrees of a right angle (refer to Stantec (2025) provided in Part B of these application documents).	
(ii) Sight Distances Clear visibility along the road in both directions from intersections and vehicular access shall comply with Table 12.1.	Yes - Stantec (2025) considers this standard can be complied with as Thomson Gorge Road is generally level with a straight	

Rule	Compliance	Activity Status
[Varies for speed and road classifications – full tables not inserted here].		alignment at the location where the new site access is proposed.
(iii) Access to Rural State Highways and Arterial Roads In addition to the requirements of (i) and (ii) above design and construction of access to rural State highways and arterial roads shall comply with the following standards: (a) The access shall be sealed to the same standard as the adjacent road carriageway. (b) Where the speed limit is 100 kph, spacing between accesses shall be not less than 200 m (regardless of the side of road on which they are located), and no vehicle access shall be constructed within 100 m of road intersections AND spacing between intersections (i.e. road intersections) shall be not less than 800 m. (c) Except as provided for in (d) below, width of vehicular access ways at the property boundary are to be no greater than 6 m. (d) Heavy vehicular accesses shall be designed and constructed to: (i) A minimum width of 9 m. (ii) Carry the volume and weight of traffic likely to use the access. (iii) Ensure heavy vehicles do not have to cross the road centre line when making a left turn. (iv) Ensure the surface is constructed to the same standard as the adjacent road carriageway.		Not applicable – while the BOGP will include upgrades to the existing SH8 / Ardgour Road and Ardgour Road / Thomson Gorge Road intersections, no new accessways onto rural state highways or arterial roads are proposed.

Rule	Compliance	Activity Status
(v) Have sufficient width to accommodate the swept path of the largest vehicle anticipated to use it. (e) Driveways shall not be parallel to and level with roads within 20 m of the road reserve. (f) Figures 12.2 and 12.3 establish the minimum design standards for access determined by activity type. (g) Access to State highways shall be to Transit New Zealand design specifications.		
(iv) Access to Rural Collector Roads <i>[Not applicable]</i>	Not applicable – the BOGP does not propose any new access onto rural collector roads.	
(v) Access to Rural Local Roads In addition to the requirements of i and ii. above, design and construction of access to rural local roads shall comply with the following: (a) Access distance from any road intersection for activities that attract a low level of traffic (30 or less vehicle movements equivalent per day) shall be not less than 30 m. (b) Access distance from any road intersection for activities that attract a high level of traffic (more than 30 vehicle movements equivalent per day) shall be not less than 60 m.	Yes - the location of the proposed new site access off Thomson Gorge Road is more than 60 m from the nearest intersection.	
(vi) Access to Urban State highways and Urban Arterial Roads <i>[Not applicable]</i>	Not applicable.	



Rule	Compliance	Activity Status
(vii) Access to Urban Local Roads <i>[Not applicable]</i>	Not applicable.	
(viii) Breach of Standards Any activity that does not comply with the standards stated in Rule 12.7.1.i-vii shall be considered as a discretionary (restricted) activity.	Not applicable – all standards above are complied with.	
Rule 12.7.2 - Parking		Restricted Discretionary
(i) Every activity shall make sufficient provision for vehicular parking in accordance with Table 12.3 and the minimum dimensions stated in Figures 12.7 and 12.8. Vehicles shall not be required to undertake more than one reverse manoeuvre when manoeuvring out of any parking space to depart the site.	Not applicable – mining operations are not listed as an activity with parking requirements in Table 12.3.	
(ii) Construction of parking areas to accommodate in excess of 3 car spaces including vehicle access and turning spaces, shall be constructed in accordance with the following standards: a. Parking areas shall be formed and sealed or otherwise constructed, so as not to create a dust nuisance or permit vehicles to carry deleterious materials such as mud, stone, chip or gravel onto the road or footpath. b. Stormwater originating from the parking areas shall be disposed of to an approved outfall either within the confines of the site or by pipe (of adequate diameter given the size of the parking area), to a road channel or stormwater drain.	No – while Stantec (2025) confirms all parking will meet the dimensional requirements for parking bay and aisle sizes, the parking areas throughout the BOGP will not be sealed or formally marked due to its rural location. However, the parking will not contribute to any dust or lighting effects on neighbouring properties or the transfer of aggregates onto the public road because of the distance	

Rule	Compliance	Activity Status
c. Traffic safety is to be ensured by: 1. Vehicles using the parking area being prevented from entering or leaving the site except by the vehicle access and crossing provided. 2. The parking area and turning spaces shall be laid out with sufficient manoeuvring space so that access can be obtained to the required parking space without the necessity for reversing onto or off the site. 3. Any part of the parking area which cannot be used for the parking shall be landscaped. d. Privacy of neighbours is to be protected by ensuring that where the parking area adjoins a residential property, a solid fence, no less than 1.5 metres in height, shall be erected and maintained by the developing owner provided that the height of the fence shall be reduced at access points to enable adequate visibility on adjoining roads. e. Queuing space is to be provided within the site for vehicles entering or leaving a private or public carpark on the following basis: 1. No less than 6 metres length in both directions for carparks of 20-100 car capacity. 2. No less than 15 metres length in both directions for carparks of greater than 100 car capacity. f. Any lighting associated with the parking area shall be directed to avoid adverse effects on adjoining properties or roads.	between any parking area and the public road. In addition: > All vehicle crossings will be provided in accordance with best practice guidelines i.e. GD05; > The parking areas will not adjoin any residential property or adjacent boundaries; and > Stantec (2025) notes the size of the site will ensure that any queuing space requirements can be met.	

Rule	Compliance	Activity Status
g. All areas of carparking in excess of 100 m shall provide a strip of not less than 1.5 metres in width adjacent to any boundary that is not built up to except where a solid fence has been erected. h. The strip referred to in g. shall not be paved and shall create the opportunity for landscaping to provide visual enhancement or screening. Landscaping shall not all times.		
(iii) Breach of Standard Any activity that does not comply with the standards stated in Rules 12.7.2.i and ii, and Table 12.3, will be considered as a discretionary (restricted) activity.	No – not all the parking standards in Rule 12.7.2.(ii) will be met. As such, consent is required as a Restricted Discretionary Activity under Rule 12.7.2(iii).	
Rule 12.7.4 - Noise		Permitted
(i) Measurement and Assessment of Noise Except where expressly provided elsewhere in this Plan, noise shall be measured in accordance with the provisions of NZS 6801:1991 Measurement of Sound and assessed in accordance with the provisions of NZS 6802:1991 Assessment of Environmental Sound. For the purposes of this Plan the following additional provisions shall limit the application of NZS 6802:1991. (a) Adjustments for special audible characteristics, if present, as provided for in clause 4.3 and 4.4 of the Standard, shall apply and will have the effect of imposing a numerical noise limit 5 dB more stringent than those L10 numerical limits stated in the plan.	Yes – While Marshall Day (2025) has not assessed noise for the BOGP in accordance with the noise standards listed in this rule (as they are outdated and have been superseded by new current best-practice standards) compliance with this rule is considered to be achieved as Marshall Day (2025) has used the following new standards: > NZS 6801:2008 Acoustics – Measurement of environmental sound; and	

Rule	Compliance	Activity Status
(b) Where measured noise levels are averaged as provided for in Clause 4.5 of the Standard, the L10 value shall be determined by an energy average (inverse logarithmic mean) of any four L10 measurement sample time intervals on the same day. Sample time intervals must include the sound of interest. The total measurement period should be representative of any variations in the character and range of sound levels for the noise of interest during any period of concern. Such a period may relate to a specific time of day when a noise is alleged to be a problem, or to a particular type of noise source. The total time interval over which measurements for the purpose of determining an average sound level are made shall not exceed four consecutive hours in any 24 hour period including night-time. (c) Measurement time intervals as provided for in Clause 5.1 of the Standard shall be limited to 10-15 minutes excluding pause times. For steady noise received at a particular location, a period of two hours will usually be adequate if compliance monitoring is the purpose. Where the noise of interest is cyclic or occurs for time intervals less than 15 minutes in duration, the sample intervals may be less than 10-15 minutes excluding pause times and an average level shall be determined by the method described in b. but at least ten events should be measured.	> NZS 6802:2008 Acoustics - Environmental Noise.	
(ii) Construction Noise Construction noise which is ancillary to the principal use of the site shall not exceed the recommended limits in and shall be measured and assessed in accordance with the provisions of NZS 6803P:1984 The Measurement and Assessment of Noise from Construction, Maintenance, and Demolition Work. Discretionary adjustments provided in Clause 6.1 shall be mandatory within the district.	Yes – While Marshall Day (2025) has not assessed construction noise for the BOGP in accordance with the standard listed in this rule (as it is outdated and has been superseded by new best-practice standards) compliance with this rule is considered to be achieved as Marshall Day (2025) has used the following new standard:	

Rule	Compliance	Activity Status
Construction noise is permitted to occur only between the hours of 7:00am and 6:00pm within an urban area (as defined in Chapter 18). Any activity that does not comply with this rule shall be considered as a discretionary (restricted) activity.	> NZS 6803: 1999 Acoustics - Construction Noise. Marshall Day (2025) confirms that all construction activities are predicted to comfortably comply with the applicable noise limits in NZS 6803: 1999 Acoustics - Construction Noise. In addition, no construction noise will occur in an urban area.	
(iii) Exemptions Noise limits in any part of the plan shall not apply: (i) In any area to activities of a limited duration necessary for the production (but not processing) of primary products. (ii) In any part of the district where the noise source is a warning device used by emergency services. (iii) In any Residential Zone to activities of a normal domestic nature including recreational activities, such as sporting events, that do not involve powered motorsport, powered aviation, gunfire or amplified music. (iv) Where a carnival, show, display, field-day or exhibition with a duration less than five days occurs no more than four times in any period of a year. (v) To other temporary activities.	Exemptions not applicable.	

Rule	Compliance	Activity Status
(vi) To temporary military training activities provided the following rules are complied with: (vii) Temporary military training activity shall be conducted so as to ensure the following noise limits in Table 12.1A below are not exceeded at any point within the notional boundary of any dwelling, residential institution, or educational facility within the district. <i>[Table 12.1A not inserted]</i>		
(iv) Blasting (a) Vibration from any site due to blasting shall not exceed a peak particle velocity of 5mm/sec measured in the frequency range 3-12 Hz measured at any point within the notional boundary of any dwelling, residential institution or educational facility. (b) Airblast overpressure from blasting on any land or in water shall not exceed a peak sound pressure level of 115 dBC measured at any point within the notional boundary of any dwelling, residential institution or educational facility.	Yes – Marshall Day (2025) has confirmed that any blasting associated with the BOGP will comfortably comply with these limits given the large separation distances between the project site and any sensitive receivers.	
Rule 12.7.5 - Signs		Permitted
(i) Permitted Signs Throughout the District The following signs are a permitted activity throughout the District and are not subject to Rule 12.7.5.v (Standards and Conditions). a. <i>[not applicable].</i> b. <i>[not applicable].</i>	Yes - the proposed BOGP will include signage warning the public the that the project site is a restricted area and provide warning to the public of the risks associated with the operational mining area.	

Rule	Compliance	Activity Status
c. <i>[not applicable]</i> .		
d. Any sign erected to display public safety information or to warn the public of the existence of a hazard provided the sign is no larger than is necessary to adequately convey such information.		
e. <i>[not applicable]</i> .		
f. <i>[not applicable]</i> .		
g. <i>[not applicable]</i> .		
h. <i>[not applicable]</i> .		
(ii) “Welcome” Signs <i>[not applicable]</i> .	Not applicable.	
(iii) Hoardings <i>[not applicable]</i> .	Not applicable.	
(iv) Signs on Vehicles <i>[not applicable]</i> .	Not applicable.	
(v) Standards and Conditions (a) Message clarity - the message on all signs must be clear, concise and of a clear lettering style. Clarity of the sign message is directly related to the speed limit of the adjacent road.	Yes - any signage associated with the proposed BOGP which provides directions to the project site entrance or warns the public of hazards and risks with the	

Rule	Compliance	Activity Status
(b) Similarity to Traffic Signs - signs shall not be designed so as to imitate the colour and shape of recognised traffic signs. (c) Signs Affecting Traffic Safety - signs shall not be located where they are likely to distract drivers in a situation where road conditions demand full and uninterrupted driver concentration and in particular: - They shall not be located where they may obstruct driver visibility, along the road, intersections or accesses. - They shall be located approximately at a right angle to the road. - They shall be as close as practicable to the access point of the land to which the sign relates.	operational mine will meet these standards and conditions.	
Rule 12.7.6 - Light Spill		Permitted
(i) Light Spill Standard No activities shall result in greater than 10 lux spill (horizontal and vertical) of light onto any adjoining property or road, measured at the boundary of a road or the notional boundary of a neighbouring property, provided that this rule shall not apply to headlights of moving vehicles or vehicles that are stationary for less than 5 minutes or to street lighting. The amount of light that may be spilled onto a neighbouring property may be increased by not more than 100%, in cases where the activity on that neighbouring property is not residential.	Yes – Cosgroves (2025) – a copy of which is provided in Part B to these application documents – has confirmed the BOGP will comply with this standard as the majority of mining operations are sufficiently set back from roads and adjoining properties.	

Rule	Compliance	Activity Status
(ii) Breach of Standard Any activity which does not comply with this rule shall be a discretionary (restricted) activity. <u>Matters of discretion:</u> > The effects on amenity values of the neighbourhood; and > The safe and efficient operation of adjoining roads.	Not applicable – the proposed BOGP will meet the standard in Rule 12.7.6.(i).	
Rule 12.7.8 – Transmission Lines		
(i) No building shall be erected within 12 m from the centreline and 12 m from the outer edge of the support structure of a high voltage transmission line that is part of the transmission network and is designed to operate at or over 110kV provided that this rule does not apply to <i>[various exceptions listed out- not applicable]</i>. (ii) <i>[not applicable – relates to Akarua Winery complex]</i>. (iii) <i>[not applicable – relates to residential building, educational facility, rest home or hospital]</i>. (iv) <i>[not applicable – relates to earthworks within proximity to high voltage transmission line]</i>. (v) <i>[not applicable – relates to subdivision with proximity to high voltage transmission line]</i>.	Not applicable - no buildings or structures, earthworks or subdivision is proposed to be undertaken within proximity to the high voltage transmission line that runs to the north of the project site (noting that the proposed pipeline to convey water from the Bendigo Aquifer bore to the project site crosses underneath this transmission line at one point).	Not applicable.

1.4 SECTION 13 – INFRASTRUCTURE, ENERGY AND UTILITIES

1.4.1 Infrastructure, Energy and Utilities Rules

Table 3 below provides an assessment of BOGP against the rules of the Infrastructure, Energy and Utilities Chapter under the District Plan.

Table 3: Section 13 – Infrastructure, Energy and Utilities

Rule	Activity Status	Comment
13.7.2 - Transportation Routes		
Rule 13.7.2 (i) – Existing Roads The construction, upgrading or realignment of roads within road reserves is a permitted activity except where the status of the road is changed to state highway or to a heavy traffic bypass in which case these activities become discretionary activities.	Permitted	Part of the proposed upgrades to Thomson Gorge Road will be located within the existing road corridor.
Rule 13.7.2 (ii) – Encroachment beyond an Existing Road Reserve The physical encroachment of a road due to upgrading, shape correction, or minor realignment works for the purpose of improving safety and efficiency of the road outside the existing road reserve boundary, provided that: (a) The area of land no longer required for road is rehabilitated for productive uses or is landscaped. (b) Any areas of soil, indigenous vegetation, riparian vegetation and margins disturbed by the construction work are	Restricted Discretionary <u>Matters of discretion:</u> > Effects of noise, vibration, dust, light spill and glare on affected people communities; > Effects on the safe and efficient operation of existing utilities; > Effects on permitted activities on adjacent land;	A 3.5 km length of Thomson Gorge Road, between Ardgour Road and Shepherds Creek Valley, is proposed to be widened and sealed to provide a 6.5 m wide sealed carriageway. There are multiple locations where the formed alignment of Thomson Gorge Road does not follow the legal road alignment. As noted in Stantec (2025), due to the existing alignment part of these widening works will occur outside the existing road reserve

Rule	Activity Status	Comment
reinstated to a standard no less than that which existed prior to the work taking place. (c) The safe and efficient operation of existing utilities is not adversely affected. (d) Stormwater control is integrated with the existing catchments and stormwater drainage system. (e) No heritage precincts identified on the planning maps, site of any heritage item listed in Schedule 19.4 or site of heritage value are affected. (f) No sites of cultural importance to Kai Tahu ki Otago are affected. Where these conditions cannot be met such activities shall be considered as discretionary (restricted) activities.	> The impact on water bodies, indigenous vegetation, habitats of indigenous wildlife and statutorily managed sports fish and game; > Visual impacts, and the techniques used to mitigate these; > The likelihood of material damage by erosion, subsidence, slippage or inundation; > The impact of the chosen route on energy consumption; > Alternative techniques and / or routes to mitigate any adverse effects; > The construction standards proposed relative to the potential vehicle movements; > The impact on any heritage site or precinct; and > The impact on sites of cultural importance to Kai Tahu ki Otago.	boundary and there is no stormwater drainage system to integrate with.
Rule 13.7.2 (iii) – New Roads	Discretionary	The realignment of Thomson Gorge Road (referred to as Ardgour Rise) and the



Rule	Activity Status	Comment
The construction of a road not aligned with a legal road, (except as part of a subdivision) is a discretionary activity.		construction of a new road from Thomson Gorge Road through the “neck” of the Lower Shepherds Valley gorge into the process plant area will trigger this rule.
13.7.6 – Buildings Ancillary to or Associated with Utilities		
Rule 13.7.6 Except as provided for in Rule 13.7.14, buildings used for or in association with network utility activities including the transmission network are permitted activities provided that: (a) The building does not exceed 20 m² in gross floor area and / or 4 m in height. (b) The finish of the building shall be consistent with the surrounding environment. (c) This rule does not apply to heritage precincts, outstanding natural landscapes, outstanding natural features and land in the Upper Manorburn/Lake Onslow Landscape Management Area or areas of significant indigenous vegetation and habitats of indigenous fauna as identified in Schedule 19.6.1 and on the planning maps.	Permitted	A booster pump station is proposed at Matilda Rise (to assist with the conveyance of water from the Bendigo Aquifer to the Ardour Terrace Site) and a transformer is proposed to be established at the Ardour Terrace Site. Both buildings will be located outside the Outstanding Natural Landscape overlay, be finished to be consistent with the surrounding environment and be less than 20 m² in area and 4 m in height. In addition, the proposed water supply for the BOGP can be considered as ‘distribution’ in accordance with section 166 of the RMA as the water take will supplement several other adjoining landowners existing water takes (i.e. the water is not just for the BOGP).
13.7.7 – Operation, Maintenance, Repair, Upgrading and Removal of Network Utilities		

Rule	Activity Status	Comment
Rule 13.7.7 (i) The operation, maintenance, repair, replacement, reconstruction and upgrading of network utilities including the transmission network (including existing network utilities and earthworks to maintain the utility's function) is a permitted activity.	Permitted	The electricity supply for the project involves the installation of a new 66 kV overhead powerline from the Upper Clutha Network – via the Lindis Crossing Substation – along the existing road reserve of Ardgour and Thomson Gorge Roads to a single 66 / 11 kV transformer located at the Ardgour Terrace Site.
13.7.9 – Underground Utilities		
Rule 13.7.9 All underground or inground network utilities (except as provided for in Rule 13.7.2) including ancillary pump stations and water supply intakes are permitted activities provided that the relevant standards set out in Rule 13.7.15 are complied with.	Permitted	The wider project site and process plant site will be connected by multiple 11 kV underground networks. As shown in Table 4 below, any underground utilities associated with the BOGP will comply with the relevant standards.
13.7.10 – Electricity Reticulation		
Rule 13.7.10 (i) – Electricity Lines New overhead lines for the conveyance of electricity, and new support structures not exceeding 15 m in height are permitted activities in the Rural and Industrial Resource Areas, and restricted discretionary activities in all other Resource Areas or Zones of the District, provided that this does not apply to overhead lines and support structures reticulating land within new subdivisions and:	Permitted	The proposed new 66 kV overhead transmission line which will bring power to the project site from the Upper Clutha Network / Lindis Crossing Substation will be 12 m in height, with the section of transmission line running through the Lower Shepherds gorge to the processing plant (located within the Dunstan Mountains

Rule	Activity Status	Comment
> Outstanding natural landscapes, outstanding natural features and land in the Upper Manorburn/Lake Onslow Landscape Management Area as identified on the planning maps; > Areas of significant indigenous vegetation, habitats of indigenous fauna and wetlands identified in Schedule 19.6.1 and the planning maps; > Heritage precincts as identified on the planning maps; > High voltage transmission lines designed to operate at or over 110kv that are to be located within 32 m of a building or structure (excluding fences) occupied by people or animals. The 32 m distance shall be calculated horizontally each side of the outside line of the proposed high voltage transmission line; > Those serving residential activity on sites within the Rural Resource Area; and > That all possum guards are of non-reflective colours and/or material.		Outstanding Natural Landscape) proposed to be underground. In addition, the proposed new overhead transmission lines will not operate at or above 110 kV or run through any: > Areas of identified significant indigenous vegetation, habitats of indigenous fauna and wetlands; > Identified heritage precincts; or > Residential activities within the Rural Resource Area.
Rule 13.7.11 (ii) – Support Structures Exceeding 15 Metres in Height New pylons, poles and other support structures exceeding 15 m in height together with associated lines, ancillary structures and	Not applicable.	The proposed new overhead transmission lines will be around 12 m in height (and therefore not exceed 15 m in height).

Rule	Activity Status	Comment
telecommunication facilities for the purpose of transmitting electricity are discretionary activities.		
13.7.14 - Substations		
Rule 13.7.14 (i) Distribution substations up to 36kV are permitted activities provided that: (a) This does not apply to areas identified as heritage precincts identified on the planning maps, or the site of any heritage item listed in Schedule 19.4, outstanding natural landscapes, outstanding natural features and land in the Upper Manorburn / Lake Onslow Landscape Management Area, and areas of significant indigenous vegetation, habitats of significant indigenous vegetation and wetlands identified in Schedule 19.6.1 and on the planning maps. (b) The relevant standards set out in Rule 13.7.15 are complied with.	Not applicable.	Refer to Rule 13.7.14 (ii) below.
Rule 13.7.14 (ii) Substations not provided for in i. above are discretionary activities .	Discretionary	The proposed transformer located at the Ardgour Terrace Site will exceed the permitted activity limit of 36 kV in Rule 13.7.14 (i) above at it will transform voltage from 66 kV to 11 kV.

1.4.2 Utilities Standards

Within the Utilities Chapter of the District Plan, Rule 13.7.16 states that:

*Unless otherwise stated, any activity that fails to comply with the standards set out in Rule 13.7.15, and any utility activity not specifically referred to in Section 13 of this Plan shall be a **discretionary activity**.*

Table 4 below therefore provides an assessment of proposed BOGP against the standards set out in Rule 13.7.15 of the Utilities Chapter.

Table 4: Assessment of Utilities Standards of the Central Otago District Plan

Standard	Compliance
(a) Ground Disturbance (i) Where the construction, maintenance, relocation or removal of a utility involves disturbance to the ground, at the completion of the work the ground shall be reinstated to a condition of a similar or improved standard to that which existed prior to commencement of the work. Reinstatement shall ensure any slumped areas are restored to the ground level that existed before the ground was disturbed. (ii) <i>[not applicable]</i>	Yes – any existing utilities that may require removal will be located outside of the mining operations area and will therefore be reinstated to the standard which existed prior to works.
(b) Parking Parking shall be provided on the following basis: (i) Where sites are unstaffed no parking shall be required. (ii) Where sites are staffed, parking (in accordance with the standards set out in Rule 12.7.2) shall be provided on the basis of one space per person normally working at the site.	Yes – this standard only relates utilities, and any utilities provided as part of the BOGP will be unstaffed.
(c) Radio Frequency Radiation All facilities and utilities shall comply with the relevant provisions of New Zealand Standard NZS 2772.1 (1999) (Radio Frequency Fields) Part 1: Maximum Exposure Levels 3kHz – 30 GHz as measured in accordance with the applicable Interim Australia New Zealand Standard principles and methods of measurement at points where	Yes – the BOGP will comply with any applicable best practise New Zealand Standards for radio frequency fields.

Standard	Compliance
the public has access and NZS 6609 : Part 2: 1990 (Radio Frequency radiation Part II: Principles and Methods of Measurement 100kHz – 300 GHz).	
(d) Stormwater Control All drainage from substation sites, (other than roof water) shall be directed through a staged interceptor or other system designed to remove as far as practicable petroleum products, dirt and grit from the stormwater.	Not applicable – While consent is required for the proposed transformer as a discretionary activity, the transformer will direct drainage through a staged interceptor to treat stormwater.
(e) Noise Rule 12.7.4 and the standards of the relevant Resource Areas or Zones shall apply to noise.	Yes – as set out in Tables 1 and 2 above, Marshall Day (2025) has confirmed that the BOGP will comply with the relevant noise standards for the Rural Resource Area and the district-wide rules for noise in Rule 12.7.4.
(f) As Built Plans Four copies of “As Built” plans of all infrastructure in the urban area are to be supplied to Council.	Yes - not applicable as the BOGP is not located in an urban area.
(g) General Standards No building shall be constructed, and/or left unfinished and/or clad in any protective material or cover which could reflect sufficient light to detract from the amenities of the neighbourhood, cause significant discomfort to residents in the locality or detract from traffic safety. Rule 12.7.6 Light spill and Rules 14.7.1 to 14.7.4 Heritage shall apply.	Yes - general standards regarding light spill and amenity impacts will be met.
(h) Construction Standards <i>[not applicable as relates to subdivision consent process]</i>	Not applicable.
(i) Separation Distances Oxidation ponds or sewerage treatment facilities with the capacity of serving the equivalent of 100 or more people shall locate no closer than 150 m from any residential building or 300 m from any urban area.	Not applicable – the project site is located further than 150 m from any residential building and further than 300 m from any urban area.

1.5 SECTION 14 – HERITAGE BUILDINGS, PLACES, SITES, OBJECTS AND TREES

The rules in Section 14 of the District Plan relate to heritage buildings, places and objects, notable trees, historic reserves, archaeological sites and wāhi tapu. The BOGP project site does not contain any of these features, and as such, this section is not applicable.

In particular, the project site does not contain any heritage buildings, places, sites, objects or notable trees listed in Schedule 19.4 of the District Plan.

1.6 SECTION 15 – FINANCIAL CONTRIBUTIONS

The rules in Section 15 of the District Plan relate to financial contributions. While financial contributions can be required as a condition of a land use consent, they do not require any consents in and of themselves, and as such, this section is not applicable for the purposes of this rules assessment.

1.7 CENTRAL OTAGO DISTRICT PLAN SUMMARY

Based on the analysis set out above, the following resource consents are required under the District Plan:

- > A land use consent as a **restricted discretionary activity** for the establishment of mining operations within the project site that do not comply with the relevant standards in the Rural Resource Area of the District Plan, including:
 - > The construction of buildings that do not comply with the relevant building height standards in an outstanding natural landscape;¹¹
 - > The stockpiling of ore and topsoil that do not comply with the storage standards;¹²
 - > The establishment of signs that do not comply with the sign standards;¹³
 - > The construction of buildings and structures that do not comply with the visual effect standards;¹⁴
 - > Earthworks and vegetation clearance within the riparian margins of water bodies;¹⁵ and

¹¹ District Plan - Rule 4.7.3(i).

¹² District Plan - Rule 4.7.3(i).

¹³ District Plan - Rule 4.7.3(i).

¹⁴ District Plan - Rule 4.7.3(iii).

¹⁵ District Plan - Rule 4.7.3 (vi)

- > Earthworks to establish mine access and haul roads within the project site;¹⁶
- > A land use consent as a **discretionary activity** for activities associated with the establishment of mining operations at the project site that do not comply with the relevant standards in the Rural Resource Area of the District Plan, including:
 - > The establishment of buildings within 20 m of the bank of a stream;¹⁷
 - > Mineral extraction activities, including:
 - > The extraction of material that exceeds the permitted areas and volumes;
 - > The removal of indigenous vegetation; and
 - > The establishment of new buildings and structures, cutting of haul roads and tracks and the excavation of material associated with mining operations with an outstanding natural landscape overlay;¹⁸ and
 - > Traffic generation associated with more than three persons engaged in an industrial activity.¹⁹
- > A land use consent as a **discretionary activity** for the use and storage of explosives and hazardous substances associated with gold processing activities that exceed the permitted limits in the Rural Resource Area;²⁰
- > A land use consent as a **discretionary activity** for the establishment of temporary construction workers accommodation that involves more than one residential activity on a certificate of title;²¹
- > A land use consent as a **restricted discretionary activity** for the construction of parking areas that do not meet the permitted standards;²²
- > A land use consent as a **restricted discretionary activity** for the upgrade of a road that encroaches beyond the existing road reserve (the upgrade of Thomson Gorge Road);²³

¹⁶ District Plan - Rule 4.7.3 (vi).

¹⁷ District Plan - Rule 4.7.4 (i).

¹⁸ District Plan - Rule 4.7.4(i).

¹⁹ District Plan – Rule 4.7.4(i).

²⁰ District Plan – Rule 4.7.4 (ii).

²¹ District Plan – Rule 4.7.3 (vii)(b).

²² District Plan – Rule 12.7.2 (ii).

²³ District Plan - Rule 13.7.2 (ii).

- > A land use consent as a **discretionary activity** for the construction of a road not aligned with a legal road (the extension and realignment of Thomson Gorge Road);²⁴ and
- > A land use consent as a **discretionary activity** for a new transformer that exceeds the permitted limit of 36 kV.²⁵

Applying the bundling principle, the overall activity status of the BOGP under the District Plan is a **discretionary activity**.

²⁴ District Plan - Rule 13.7.2 (iii).

²⁵ District Plan - Rule 13.7.14 (ii).



2. REGIONAL PLAN: WATER FOR OTAGO

The following Tables 5 to 7 provide an analysis of the relevant rules in the Regional Water Plan relating to the activities associated with the proposed BOGP. This covers the following sections of the Regional Water Plan:

- > Chapter 12 – Water Take, Use and Management;
- > Chapter 13 – Land Use on Lake or River Beds or Regionally Significant Wetlands; and
- > Chapter 14 – Land Use other than in Lakes or River Beds.

Table 5: Chapter 12 – Rules: Water Take, Use and Management

Rule	Activity Status	Comment
12.0 – Applications for taking water		
Rule 12.0.1.1 To take water within primary allocation in a catchment where Policy 6.4.2(b) applies, by a person who does not hold the existing consent to take that water, is a prohibited activity.	Not applicable	The proposed surface water takes associated within mining operations within the Project Site will not cause the primary allocation of the relevant catchment to exceed any surface water limits due to the proposed augmentation of flows proposed in Shepherds Creek and Rise and Shine Creek.
Rule 12.0.1.2 To take water as primary allocation where that take would cause the primary allocation of a catchment to exceed the relevant limit in Policy 6.4.2, is a prohibited activity.	Not applicable	As above, the proposed surface water takes associated within mining operations within the Project Site will not cause the primary allocation of the relevant catchment to exceed any surface water limits due to the proposed augmentation of flows proposed in Shepherds Creek and Rise and Shine Creek.
12.1 – The taking and use of surface water		
Rule 12.1.4.1 The taking and use of surface water from any lake or river which has already been delivered to that lake or river for the purpose of this subsequent taking.	Restricted Discretionary	This rule is relevant to the taking of surface water from Shepherds Creek and any depletion of surface water within Shepherds Creek and Rise and Shine Creek as a result of mining

Rule	Activity Status	Comment
		activities and the proposed augmentation of flows in those creeks.
Rule 12.1.5.1 The take and use of surface water not provided for by other rules.	Discretionary	The BOGP will involve the take and use of surface water from watercourses throughout the project site during the construction and operation of the mining operations. This take and diversion does not meet any of the permitted, controlled, restricted discretionary, non-complying or prohibited rules and therefore consent is required under this ‘catch all’ rule.
12.2 – The taking and use of groundwater		
Rule 12.2.3.2A Except as provided for by 12.0.1.3, 12.2.1A.3 and 12.2.3.1A, the taking and use of groundwater is a restricted discretionary activity, if: (a) The volume sought is within: (i) The maximum allocation limit identified in Schedule 4A; or (ii) 50% of the mean annual recharge calculated under Schedule 4D, for any aquifer not identified in Schedule 4A; or	Restricted Discretionary <u>Matters of discretion:</u> > The maximum allocation limit for the aquifer; > The assessed maximum annual take for the aquifer; > The mean annual recharge of the aquifer; > The effect of the take on the hydrodynamic properties of the	The proposed groundwater take is from the Bendigo Aquifer which is identified in Schedule 4A. Kōmanawa (2025a) has confirmed that: > The proposed take will fall within the bands of sustainable allocation limits for the Bendigo Aquifer or likely future limits for the Clutha River / Mata-Au; and > There is adequate natural water to be allocated to the proposed water take within allocation limits specified for the Bendigo Aquifer and the Clutha River / Mata Au in terms of projected surface water depletion.

Rule	Activity Status	Comment
(iii) That volume specified in an existing resource consent where the assessed maximum annual take of the aquifer exceeds its maximum allocation limit; and (b) It is subject to any aquifer restriction identified in Schedule 4B; and (c) Where the rate of surface water depletion is greater than 51 l/s, as calculated using Schedule 5A: (i) Primary surface water allocation is available; and (ii) For the Waitaki catchment, allocation to activities set out in Table 12.1.4.2 is available.	aquifer and the vulnerability of the aquifer to compaction; > Whether any part of the take would constitute allocation from any connected perennial surface water body, and the availability of that allocation; > The rate, volume, timing and frequency of groundwater to be taken and used; > The proposed methods of take, delivery and application of the groundwater taken; > The source of groundwater available to be taken; > The location of the use of the groundwater, when it will be taken out of a local catchment; > In the case of takes from an aquifer identified in Schedule 4B, the restrictions for the aquifer (as identified in that schedule) to be applied to the take of groundwater, if consent is granted;	The proposed take and use of groundwater from the Bendigo Aquifer will be used for various purposes, including supplying water to support all mining construction, operation, maintenance and ancillary activities (including ecological rehabilitation and enhancement) and for augmenting flows within Shepherds Creek, Rise and Shine Creek and natural inland wetlands.

Rule	Activity Status	Comment
	> The consent being exercised or suspended in accordance with any Council approved rationing regime; > Any adverse effect on the existing quality of groundwater in the aquifer; > Any irreversible or long-term degradation of soils arising from the use of water for irrigation; > Any actual or potential effects on any surface water body; > Any adverse effect on the habitat of any indigenous freshwater fish species that are listed in Schedule 1AA; > Any effect on any Regionally Significant Wetland or on a regionally significant wetland value; > Any financial contribution for regionally significant wetland values or Regionally Significant Wetlands that are adversely affected; > Any adverse effect on any lawful take of water, if consent is granted,	

Rule	Activity Status	Comment
	including potential bore interference;	
	> Whether the taking of water under a water permit should be restricted to allow the exercise of another water permit;	
	> Any arrangement for cooperation with other takers or users;	
	> Any water storage facility available for the groundwater taken, and its capacity;	
	> The duration of the resource consent;	
	> The information, monitoring and metering requirements;	
	> Any bond;	
	> The review of conditions of the resource consent; and	
	> For resource consents in the Waitaki catchment the matters in (i) to (xxi) above, as well as matters in Policies 6.6A.1 to 6.6A.6.	

Rule	Activity Status	Comment
Rule 12.2.4.1(i) Except as provided for by Rules 12.2.1.1 to 12.2.3.5 the taking and use of groundwater is a discretionary activity.	Discretionary	The BOGP will require the take and use of groundwater associated with mining operations across the project site, which includes general dewatering activities and the establishment of the RAS, CIT, SRX and SRE Open Pits and the RAS Underground.
12.3 – The damming or diversion of water		
Rule 12.3.4.1(i) The damming or diversion of water outside the Waitaki catchment not provided for by other rules.	Discretionary	The BOGP will involve the permanent diversion of sections of Shepherds Creek, Rise and Shine Creek and Jean Creek (and associated tributaries) into stream diversions and dirty water diversion channels throughout the project site which do not meet any of the permitted, restricted discretionary, non-complying or prohibited rules and therefore consent is required under this ‘catch all’ rule. In particular, the diversion of water will not meet the permitted activity conditions in Rule 12.3.2.1 as the catchment sizes upstream of diversions will exceed 50 hectares in area in places, may convey water from one watercourse to another watercourse and may damage flora and fauna.

Rule	Activity Status	Comment
12.B - Discharge of hazardous substances, hazardous wastes, specified contaminants, and stormwater; and discharges from industrial or trade premises and consented dams		
Rule 12.B.1.2 Except as provided for by Rule 12.B.1.1, the land-based discharge of any pesticide onto land is a permitted activity, providing: (a) The pesticide is authorised for use in New Zealand and is used in accordance with the authorisation; and (b) The discharge is carried out in accordance with any manufacturers' directions; and (c) The discharge is for the purpose of controlling animals, plants or other organisms and does not exceed the quantity, concentration or rate required for that purpose; and (d) There is no direct discharge of the pesticide to water in any water body, drain, water race or the coastal marine area; and (e) There is no damage to fauna, or New Zealand native flora, in or on any Regionally Significant Wetland.	Permitted	The land-based discharge of vertebrate toxic agents (pindone) across the project site will be undertaken in accordance with these permitted activity standards. Refer to the Mammalian Pest Management Plan provided as Part G to these application documents for further details. It is noted that the discharge of brodifacoum and sodium fluoroacetate (1080) inside the Ardgour and Bendigo Sanctuary Areas will be undertaken in accordance with the Resource Management (Exemption) Regulations 2017 and no consents are required.
Rule 12.B.1.4 Except as provided for by Rule 12.B.1.3, the aerial discharge of any pesticide onto land in circumstances where it, or any	Permitted	The aerial discharge of vertebrate toxic agents (pindone) across the project site will be undertaken in accordance with these permitted

Rule	Activity Status	Comment
contaminant associated with its breakdown, may enter water, is a permitted activity, providing: (a) The pesticide is authorised for use in New Zealand and is used in accordance with the authorisation; and (b) The discharge is carried out in accordance with any manufacturers' directions, by a person who holds a GROWSAFE Pilots Chemical Rating certificate; and (c) The discharge is for the purpose of controlling animals, plants or other organisms and does not exceed the quantity, concentration or rate required for that purpose; and (d) All reasonable measures are taken to prevent any discharge of the pesticide within 20 metres of water in any water body, drain or water race, or of the coastal marine area; and (e) There is no damage to fauna, or New Zealand native flora, in or on any Regionally Significant Wetland.		activity standards. Refer to the Mammalian Pest Management Plan provided as Part G to these application documents for further details. It is noted that the discharge of brodifacoum and sodium fluoroacetate (1080) inside the Ardour and Bendigo Sanctuary Areas will be undertaken in accordance with the Resource Management (Exemption) Regulations 2017 and no consents are required.
Rule 12.B.1.8 The discharge of stormwater from a reticulated stormwater system to water, or onto or into land in circumstances where it may enter water, provided that: (a) Where the system is lawfully installed, or extended, after 28 February 1998:	Permitted	Stormwater is defined in the Regional Water Plan as “<i>the water running off from any impervious surface such as roads, carparks, roofs, and sealed runways</i>”. This rule is relevant for roofs and potentially small, impervious car parking areas within the

Rule	Activity Status	Comment
(i) The discharge is not to any Regionally Significant Wetland; and (ii) Provision is made for the interception and removal of any contaminant which would give rise to the effects identified in Condition (d) of this rule;		project site associated with offices and administration buildings and vehicle servicing and repair areas. These areas will contain a reticulated stormwater system, and these standards will be complied with.
(b) The discharge does not contain any human sewage; (c) The discharge does not cause flooding of any other person's property, erosion, land instability, sedimentation or property damage; (d) The stormwater discharged, after reasonable mixing, does not give rise to all or any of the following effects in the receiving water: (i) The production of any conspicuous oil or grease films, scums or foams, or floatable or suspended materials; (ii) Any conspicuous change in the colour or visual clarity; (iii) Any emission of objectionable odour; (iv) The rendering of fresh water unsuitable for consumption by farm animals; or (v) Any significant adverse effects on aquatic life.		

Rule	Activity Status	Comment
Rule 12.B.1.9 The discharge of stormwater from any road not connected to a reticulated stormwater system to water, or onto or into land, provided that: (a) The discharge does not cause flooding of any other person's property, erosion, land instability, sedimentation or property damage; and (b) Where the road is subject to works, provision is made for the interception of any contaminant to avoid, after reasonable mixing, the following effects in the receiving water: (i) The production of any conspicuous oil or grease films, scums or foams, or floatable or suspended materials; (ii) Any conspicuous change in the colour or visual clarity; (iii) Any emission of objectionable odour; (iv) The rendering of fresh water unsuitable for consumption by farm animals; or (v) Any significant adverse effects on aquatic life.	Permitted	Stormwater is defined in the Regional Water Plan as “<i>the water running off from any impervious surface such as roads, carparks, roofs, and sealed runways</i>”. This rule is relevant for the length of Thomson Gorge Road between Ardgour Road and the proposed new site access road that is proposed to be widened and sealed following the establishment of mining operations. Refer to EGL (2025g) and the Erosion and Sediment Control Management Plan for further details on the types of best practise erosion and control measures that will be employed for the BOGP.
Rule 12.B.4.1	Discretionary	The BOGP will involve the discharge of water and contaminants onto land where the water and contaminants may enter water from various

Rule	Activity Status	Comment
The discharge of water (excluding stormwater) or any contaminant from an industrial or trade premises or a consented dam to water or to land is a discretionary activity, unless it is Permitted by a rule 12.B.1.6, 12.B.1.7, 12.B.1.10 or 12.B.1.11.		mining related activities. These include, but are not necessarily limited to: > Topsoil and waste rock stockpiles; > Tailing storage facility; > Various engineered landforms; > The Shepherds Service Corridor; > Haul roads; > Erosion and sediment control structures (such as sediment retention ponds); and > Aggregate pits. In accordance with the definition of “industrial or trade premises” and “industrial or trade process” all parts of the project site associated with mineral extraction activities (including pits, tailings storage facilities, engineered landforms, processing plant and site access / haul roads) are trade or industrial premises and fall to be considered under this rule. However, it is noted that all surface water runoff from within the processing plant and ROM pad area will be fully recycled and reused, with no discharges of water or contaminants onto land or water proposed.

Rule	Activity Status	Comment
Rule 12.B.4.3 The discharge of water or any contaminant covered in section 12.B.1 or 12.B.2, to water or onto or into land in circumstances which may result in that water or contaminant entering water, is a discretionary activity, unless it is: (a) Permitted by a rule in 12.B.1; or (b) Provided for by a rule in 12.B.2, 12.B.3, 12.B.4.1 or 12.B.4.2.	Discretionary	The BOGP will involve a range of discharges of water and contaminants into water throughout the project site. These discharges include: > Discharges into Shepherds Creek and Rise and Shine Creek for the purpose of augmenting flows; > Discharges from the SRX Open Pit and Western ELF into Rise and Shine Creek; > Discharges from the Shepherds Silt Pond into Shepherds Creek (in the form of Shepherds Stream Diversion); and > Discharges of treated mine water from the water treatment plant (or passive treatment system) to Shepherds Creek during mine closure.
12.C – Other Discharges		
Rule 12.C.1.1 The discharge of water or any contaminant to water, or onto or into land in circumstances which may result in a contaminant entering water, is a permitted activity, providing:	Permitted	The BOGP will involve the discharge of water and contaminants to land where it may enter water from parts of the project site which are not considered “industrial or trade premises” under the Regional Water Plan (covered by Rule 12.B.4.3 above), such as the administration

Rule	Activity Status	Comment
(a) The discharge does not result in flooding, erosion, land instability or property damage; and (b) There is no discharge of water from one catchment to water in another catchment; and (c) The discharge does not change the water level range or hydrological function of any Regionally Significant Wetland; and (d) When the discharge, including any discharge from a drain or water race, enters water in any lake, river, wetland or the coastal marine area; the discharge: (i) Does not result in 1) a conspicuous change in colour or visual clarity; or 2) a noticeable increase in local sedimentation in the receiving water (refer to Figure 5); and (ii) Does not have floatable or suspended organic materials; and (iii) Does not have an odour, oil or grease film, scum or foam; and (e) When the discharge enters water in any drain that goes to a lake, river, wetland, or the coastal marine area, the discharge (i) Does not result in 1) a conspicuous change in colour or visual clarity; or 2) a noticeable increase in		offices and other supporting activities located on the Ardgour Terrace Site. These discharges will meet the permitted activity standards of Rule 12.C.1.1 as: > The discharge will not result in flooding, erosion, land instability or property damage; > The discharge will not discharge water between catchments; > The discharge will not impact any Regionally Significant Wetlands; and > The discharge will not result in a conspicuous change of colour or visual clarity, a noticeable increase in local sedimentation, have floatable or suspended organic materials or odour, oil, grease film, scum or foam. In addition, any discharges associated with the BOGP will not be via a drain or water race under clauses (e) or (f).

Rule	Activity Status	Comment
local sedimentation, in the lake, river, wetland or the coastal marine area (refer to Figure 6); and (ii) Does not result in the production of conspicuous floatable or suspended organic materials in the drain at the first of 1) the downstream boundary of the landholding where the discharge occurs; or 2) immediately before the drain enters a river, lake, wetland or the coastal marine area; and (iii) Does not have an odour, oil or grease film, scum or foam; and (f) When the discharge enters water in any water race that goes to a lake, river, wetland, or the coastal marine area, the discharge: (i) Does not result in 1) a conspicuous change in colour or visual clarity; or 2) a noticeable increase in local sedimentation, in the water race (refer to Figure 7); and (ii) Does not result in the production of conspicuous floatable or suspended organic materials in the race at the first of 1) the downstream boundary of the landholding where the discharge occurs; or 2) immediately before the race enters a river, lake, wetland or the coastal marine area; and		

Rule	Activity Status	Comment
(iii) Does not have an odour, oil or grease film, scum or foam.		

Table 6: Chapter 13 – Rules: Land Use on Lake or River Beds or Regionally Significant Wetlands

Rule	Activity Status	Comment
13.1 – The use of a structure		
Rule 13.1.1.1 The use of any structure that is fixed in, on, under, or over the bed of any lake or river, or any Regionally Significant Wetland, is a permitted activity, providing: (a) The structure is lawfully established; and (b) In the case of a change in use, the effects of the new use of the structure are the same or similar in character, intensity and scale as the preceding use; and (c) Measures are taken to avoid animal waste entering the lake, river or Regionally Significant Wetland; and (d) The structure is maintained in good repair.	Permitted	The BOGP will involve the installation of four culverts in the beds of Shepherds Creek and Rise and Shine Creek within the project site. The locations of these culverts are shown on maps provided within the substantive application. These structures will meet the permitted activity conditions as they will be lawfully established (consent is sought for the placement of the structures under Rule 13.2.3.1 below), animal waste will not enter the watercourses, and the structure will be maintained in good repair. For completeness, it is noted that various other culverts will be installed throughout the project site as part of site-specific erosion and sediment control measures however these will not be in the beds of any permanent or intermittent watercourses.
13.2 – The erection or placement of a structure		

Rule	Activity Status	Comment
Rule 13.2.3.1 The erection or placement of any structure fixed in, on, under or over the bed of any lake or river, or any Regionally Significant Wetland.	Discretionary	The BOGP will involve the installation of four culverts in the beds of Shepherds Creek and Rise and Shine Creek within the project site that do not comply with the permitted activity rules in Rule 13.2.1 or restricted discretionary rules Rule 13.2.2. The locations of these culverts are shown on maps provided within the substantive application. For completeness, Rules 13.2.1 and 13.2.2 do not cover culverts or structures associated with the BOGP (as they relate to fences, pipes, lines, cables, structures for damming water, flow recording devices, outfall or intake structures, maimai, whitebait stands, eel traps, single span bridges, boardwalks and crossings or floating booms).
13.5 – Alteration of the bed of a lake or river, or of a Regionally Significant Wetland		
Rule 13.5.3.1 The alteration of the bed of any lake or river not provided for by other rules.	Discretionary	The BOGP will involve the reclamation and associated disturbance of several watercourses within the project site to develop mining operations. This includes approximately 10,099 m of perennial stream length loss in the Shepherd Creek and Rise

Rule	Activity Status	Comment
		and Shine Creek catchments. Refer to Waterways (2025) for further details.
13.6 – The introduction or planting of vegetation		
Rule 13.6.2.1 The introduction or planting of any plant to or on the bed of any lake or river for the purpose of remedying or mitigating the adverse effects of flooding, erosion, or non-point source discharge of contaminants, or to restore or enhance habitat, provided that: (a) Crack Willow <i>Salix fragilis</i> or Grey Willow <i>Salix cinerea</i> is not introduced to an area where it does not currently exist; (b) The plant is not any pest plant listed in the Pest Management Strategy for Otago 2009; (c) All reasonable steps are taken to minimise the release of sediment to the lake or river during the introduction or planting, and there is no conspicuous change in the colour or visual clarity of the water body beyond a distance of 100 m downstream of the introduction or planting; (d) The introduction or planting does not cause any flooding or erosion; and (e) The site is left tidy following the introduction or planting.	Permitted	The proposed site rehabilitation works will include planting within various watercourses throughout the project site to restore or enhance habitat that will not include crack or grey willow (or any other pest plants) and will meet the standards regarding sedimentation and flooding and erosion. As noted above, MGL is proposing to manage crack willow out of areas of Bendigo and Clearwater Creeks.

Table 7: Chapter 14 – Rules: Land Use other than in Lake or River Beds

Rule	Activity Status	Comment
14.1 – Bore construction		
Rule 14.1.1.1 The excavation, drilling or other disturbance of land, other than in the bed of any lake or river, for the purpose of creating a bore.	Controlled	While Matakanui Gold Limited hold an existing consent for the construction of abstraction bores at the Bendigo Aquifer (refer to Land Use Consent RM24.272.01), the BOGP will involve the drilling of an addition production bore at the Bendigo Aquifer within close proximity to the consented bores.
14.2 - Drilling		
Rule 14.2.1 The drilling of land, other than for the purpose of creating a bore, and other than on the bed of any lake or river, is a permitted activity providing: (a) The drilling does not occur on land over an aquifer identified in the C-series maps; and (b) The hole is filled or sealed on completion of the work so that contaminants are prevented from entering the hole at any level.	Permitted	The BOGP will involve further exploration and resource drilling across the identified gold deposits within the project site. Drilling will also be undertaken within the ELFs and other mine components for the installation of instrumentation and monitoring equipment (such as lysimeters and oxygen probes). This drilling will not occur over an aquifer identified in the C-series maps and any drill holes will be filled or sealed on completion of works.

Rule	Activity Status	Comment
Rule 14.2.2.1 The drilling of land over an aquifer identified in the C-series maps, other than for the purpose of creating a bore and other than on the bed of any lake or river.	Controlled <u>Matters of control:</u> > The potential for contamination of groundwater; > The location of the drilling; > The planned depth of the drilling; > The management of the drill hole on completion; > The method of drilling; > The duration of the resource consent; > The information and monitoring requirements; > Any bond; and > The review of conditions of the resource consent.	The BOGP will involve drilling associated with monitoring bores / piezometers (that do not meet the definition of a bore as they are not for the purposes of taking water) over the Bendigo Aquifer which is identified in Map C6 of Section C: Aquifers, Groundwater Zones and Groundwater Protection Zones.
Rule 14.2.3.1 Except as provided by Rules 14.2.1.1 and 14.2.2.1, the drilling of land, other than for the purpose of creating a bore and other than on the bed of any lake or river, is a restricted discretionary activity.	Restricted discretionary <u>Matters of discretion:</u> > The potential for contamination of groundwater; > The location of the drilling;	The BOGP will involve drilling associated with dewatering of groundwater (including in open pits) and blasting activities which will not meet the permitted activity conditions in Rule 14.2.1.1, as while it will not be over an aquifer identified in the C-series maps, the holes will

Rule	Activity Status	Comment
	> The planned depth of the drilling; > The management of the drill hole on completion; > The method of drilling; > The duration of the resource consent; > The information and monitoring requirements; > Any bond; and > The review of conditions of the resource consent.	not be able to be filled or sealed on completion of the work (so that contaminants are prevented from entering the hole at any level) as the drilling hole will be destroyed via blasting or used for continuous dewatering during mining operations.

3. REGIONAL PLAN: AIR FOR OTAGO

Table 8 provides an analysis of the relevant rules and in the Regional Air Plan relating to the activities associated with the BOGP. Part 4 of the Regional Air Plan contains the rules which are relevant to the project.

Table 8: Rule Assessment for Regional Air Plan

Rule	Activity Status	Comment
Section 16.3.4 - Products of combustion from fuel burning equipment		
Rule 16.3.4.2 - Discharges from fuel burning equipment in Air Zone 3 The discharge into air of products of combustion arising from fuel burning equipment (excluding domestic heating appliances) located on a site in Air Zone 3 which does not exceed a heat generation capacity of 5MW (from single activities or a combination of activities located on one site) providing: (a) In the case of equipment installed after 28 February 1998, any chimney complies with Schedule 6 (“Determination of Chimney Heights”); (b) No material specified in Rule 16.3.3.1 is burnt; and (c) Any discharge of smoke, odour, particulate matter or gases is not noxious, dangerous, offensive or objectionable at or beyond the boundary of the property.	Permitted	The project site is not located within any airsheds identified in Air Zone 1 and 2, and is therefore located in Air Zone 3, which covers the remainder of the Otago Region. MGL are planning to install portable generator sets for a range of activities to support mining operations at the project, with a cumulative total of no greater than 5MW of generated output power. The generators will not involve the burning of materials and will not result in any noxious, dangerous, offensive or objectionable discharges. In addition, the gold furnace at the processing plant will be diesel powered and will not exceed a heat generation capacity of 5MW.
Rule 16.3.4.3 - Other discharges of the products of combustion from fuel burning equipment – discretionary activity Except as provided for by Rule 16.3.4.1 or 16.3.4.2, the discharge into air of products of combustion from fuel burning equipment is a discretionary activity.	Not applicable	All discharges from fuel burning equipment within the project site are a permitted activity under Rule 16.3.4.2.



Rule	Activity Status	Comment
Section 16.3.5 – Discharges from industrial or trade processes		
Rule 16.3.5.2 - Discharges from the sorting, crushing, screening, conveying and storage of powdered or bulk products The discharge of contaminants into air from the sorting, crushing, screening, storage and conveying (including loading and unloading) of fertilisers, grains, berries, coal, coke, wood chips, sawdust, wood shavings, bark, sand, aggregates, and other powdered and bulk products whether in dry or liquid form, where: The total capacity of outside storage of bulk materials is less than 1,000 m³ if located on a site in Air Zone 1 or 2; and The crushing and screening of bulk materials is at a rate less than 100 tonnes an hour; is a permitted activity, providing any discharge of odour, or particulate matter is not offensive or objectionable at or beyond the boundary of the property.	Not applicable	Two aggregate pits are proposed as part of the BOGP, and when in use, the mobile crushing and screening plant is anticipated to process over 100 tonnes of aggregate per hour (approximately 150 tonnes per hour at peak use).
Rule 16.3.5.3 - Discharges from mineral extraction and processing The discharge of contaminants into air from: (1) The extraction of minerals from the surface or from an open pit at a rate less than 20,000 m³ per month and 100,000 m³ per year; or (2) The crushing and screening of minerals at a rate less than 200 tonnes an hour; or	Not applicable	The discharge of contaminants into air from mineral extraction activities at the RAS, CIT, SRX and SRE Open Pits will exceed a rate of 20,000 m ³ per month and 100,000 m ³ per year.



Rule	Activity Status	Comment
(3) The drying or heating of minerals from single activities or a combination of activities on one site with equipment that has a heat generation capacity of less than 500 kW; or (4) The making of refractory, bricks or ceramic products at a rate less than 200 kg/hr of products; is a permitted activity, providing: ...		
Rule 16.3.5.7 – Discharges from petroleum and hydrocarbon processes The discharge of contaminants into air from: 1. The handling and purification by distillation of dry cleaning substances at retail outlets; 2. The handling and storage of hydrocarbons at service stations, bulk terminals and other facilities concerned with marketing and delivery of fuels and lubricants; 3. Processes not listed above that involve the handling and processing of hydrocarbons where the discharge from single activities or a combination of activities located on one site is less than 1 kg/hr of hazardous air contaminants, excluding Category A, B1 and B2 carcinogens as identified in Schedule 3; or 4. Processes not listed above that involve the handling and processing of hydrocarbons where the discharge from single activities or a combination of activities located on one site is less	Permitted	Any discharges of hydrocarbons associated with the refuelling and maintenance of trucks and machinery within the project site are expected to comply with standards (3) and (4).



Rule	Activity Status	Comment
than 0.01 kg/hr of Category A, B1 and B2 carcinogens as identified in Schedule 3; Provided that: > In the case of equipment installed after 28 February 1998, any chimney complies with Schedule 6 (“Determination of Chimney Heights”); and > Any discharge of odour or gases is not noxious, dangerous, offensive or objectionable at or beyond the boundary of the property.		
Rule 16.3.5.9 – Other discharges from industrial or trade processes The discharge of contaminants into air from industrial or trade processes that are not provided for under the other rules in section 16.3 of the Regional Air Plan.	Discretionary	The BOGP will not meet the permitted standards for the discharge of contaminants into air from crushing and screening of aggregates in Rule 16.3.5.2 or mineral extraction and processing activities in Rule 16.3.5.3 above, as: > The crushing and screening of aggregates at the two proposed aggregate pits is anticipated to exceed 100 tonnes of aggregate per hour; and > The extraction of minerals from the RAS, CIT, SRX and SRE Open Pits will exceed a rate of 20,000 m³ per month and 100,000 m³ per year.



Rule	Activity Status	Comment
Section 16.3.9 – Agrichemical application		
Rule 16.3.9.2 - Discharges from agrichemical application on production land and industrial or trade premises The discharge of any agrichemical into air using aerial or ground based application methods: (1) On production land; or (2) On roadsides adjoining production land when applied by the adjacent landowner or his / her employee; or (3) On industrial or trade premises; is a permitted activity, providing: (a) The agrichemical and any associated additive are authorised for use in New Zealand and are used in accordance with the authorisation; and (b) The discharge is carried out in accordance with the manufacturer's directions; and (c) The discharge does not exceed the quantity, concentration or rate required for the intended purpose; and (d) The application does not result in any ambient concentrations of contaminants at or beyond the boundary of the property that have noxious or dangerous effects.	Permitted	The discharge of vertebrate toxic agents (pindone) across the project site will be undertaken in accordance with these permitted activity standards. Refer to the Mammalian Pest Management Plan provided as Part G to these application documents for further details. It is noted that the discharge of brodifacoum and sodium fluoroacetate (1080) inside the Ardgour and Bendigo Sanctuary Areas will be undertaken in accordance with the Resource Management (Exemption) Regulations 2017 and no consents are required
Section 16.3.10 – Water vapour, heat and energy		



Rule	Activity Status	Comment
Rule 16.3.10.1 – Discharges of steam or water vapour Except as provided for by the Rules in section 16.3.1 to 16.3.9, the discharge of condensed water vapour, including steam, into air provided that: (a) Any plume does not impair visibility on any road or in any aircraft flight path; (b) There is no drift of a noxious, dangerous, offensive or objectionable plume beyond the boundary of the property; and (c) There is no venting of steam or water directly above footpaths or onto or over other properties.	Permitted	Any discharges of steam to air from the processing plant will meet these conditions due to the rural and isolated location of the project site.
Rule 16.3.10.2 - Discharges of energy, including heat Except as provided for by the Rules in section 16.3.1 to 16.3.9, the discharge into air of: (a) Air heated above ambient temperature, including but not limited to heated air from heat exchangers, and air used for the purpose of cooling plant and equipment; (b) Energy from sources of electromagnetic radiation, including radio and television transmitters and other telecommunications facilities, cell phones, and generators; or (c) Heat generated by transmission lines and ancillary equipment.	Permitted	Any discharges of heat and energy to air from the processing plant, transformer or any other activities within the project site will fall to be considered under this rule.
Section 16.3.13 – General Permitted Activities		



Rule	Activity Status	Comment
Rule 16.3.13.1 – Discharges from miscellaneous activities The discharge of contaminants into air from: 1. Vehicle engine maintenance and servicing; 2. Building and construction activities, including road construction and maintenance, but excluding the remediation of asphalt surfaces (seal burning); 3. Any outdoor general engineering activity; 4. Using a smoke tracer to test underground drains or sewers; 5. Fertiliser application; 6. The engine exhaust of any motor vehicle, train or aircraft on an industrial or trade premises; or 7. Any smokeless heater frost-fighting device not using waste oil; Provided any discharge of smoke, odour, particulate matter or gas is not noxious, dangerous, offensive or objectionable at or beyond the boundary of the property.	Permitted	The establishment and ongoing operation and maintenance of mining operations within the project site will include the discharge of contaminants into air from vehicles, vehicle servicing workshops, construction activities etc. Any discharges of contaminants will not be noxious, dangerous, offensive or objectionable at or beyond the boundary of the project site, particularly given the rural location and substantial setbacks of the processing plant area and workshops from neighbouring properties.



4. REGIONAL PLAN: WASTE FOR OTAGO

The following table provides an analysis of the relevant rules in the Regional Waste Plan relating to the activities associated with the BOGP. This covers the following sections of the Regional Waste Plan:

- > Chapter 5 – Contaminated Sites;
- > Chapter 6 – Hazardous Substances and Hazardous Wastes; and
- > Chapter 7 – Landfills.

Table 9: Rule Assessment for Regional Waste Plan

Rule	Activity Status	Comment
Chapter 5 – Contaminated Sites		
Rule 5.6.1 – Hazardous wastes at contaminated sites 1. The disturbance of land; 2. The discharge of hazardous waste into water; 3. The discharge of hazardous waste onto or into land in circumstances that may result in that hazardous waste (or any other hazardous waste emanating as a result of natural processes from that hazardous waste) entering water; 4. The deposit of any hazardous waste, in, on or under land; or 5. The discharge of hazardous waste into air at or from a contaminated site.	Not applicable	While parts of the project site contain naturally elevated arsenic levels (which will be disturbed by mining operations) the project site is not considered to be a contaminated site as defined in the Regional Waste Plan as the contaminants do not occur above background levels. Further details on these naturally elevated arsenic levels and how they will be managed is provided in Geocontam Risk Management (2025), a copy of which is provided in Part B of these application documents.
Chapter 6 – Hazardous Substances and Hazardous Wastes		
Rule 6.6.1 - Operation of facilities for the treatment or disposal of hazardous wastes (discretionary activity) 1. The discharge of any contaminant into or on to land; 2. The discharge of any contaminant into water; 3. The discharge of any contaminant into air; or 4. The discharge of water into water,	Discretionary	The discharge of tailings to land at the TSF will include the discharge of contaminants into land or water as a result of the treatment and disposal of hazardous waste.

Rule	Activity Status	Comment
In the course of, or as a result of, the treatment or disposal of hazardous wastes.		
Chapter 7 - Landfills		
7.6.10 – Green waste landfills (permitted activity) 1. The discharge of any contaminant into or onto land; 2. The discharge of any contaminant or water into water; or 3. The discharge of any contaminant to air, when occurring as a result of any green waste landfill is a permitted activity, provided that: (a) Only green waste is disposed of at the green waste landfill; (b) Any excavation is dug in a manner to avoid groundwater seepage into the pit; (c) It is not dug within 100 m, horizontally, of a well used to provide water for domestic purposes or drinking water for livestock; (d) Any leachate produced from the green waste landfill does not enter any water body; (e) The green waste landfill is not positioned within 50 m, horizontally, of any river, lake, stream, pond, wetland or mean high water springs; (f) The green waste landfill does not cause a nuisance and is not noxious, dangerous, offensive, or objectionable beyond the boundaries of the property.	Not applicable	The topsoil stockpiles proposed to be located throughout the project site meet the definition of green waste in the Regional Waste Plan as follows: <i>“vegetative material which may include soil that is attached to plant roots and is free of hazardous substances and wastes.”</i> However, the topsoil stockpiles are not considered to be green waste landfills as they are temporary stockpiles for material to be reused and will not involve excavation and burial of material.



5. RESOURCE MANAGEMENT (NATIONAL ENVIRONMENTAL STANDARDS FOR FRESHWATER) REGULATION 2020

The following table provides an analysis of the relevant rules in the NES Freshwater relating to the activities associated with the BOGP. The relevant regulations that relate to freshwater (including natural inland wetlands, the reclamation of any streams or the placement of culverts in a stream) are covered in Part 3 of the NES Freshwater.

Table 10: Rule Assessment for the NES Freshwater

Regulation	Activity Status	Comment
Part 3: Subpart 1 – Natural inland wetlands		
Regulation 38 (1) & (2) Vegetation clearance, earthworks or land disturbance within, or within a 10 m setback from, a natural inland wetland for the purpose of natural inland wetland restoration.	Permitted	Alliance Ecology (2025) states that native enrichment planting and weed control will be provided across approximately 2,191 hectares of land covering the Ardgour Restoration Area, the Bendigo and Ardgour Sanctuary Areas and the Mine Regeneration Zones. Some of this planting and weed control may occur within or adjacent to wetlands. This can be undertaken as a permitted activity.
Regulation 45D (1) Vegetation clearance within, or within a 10 m setback from, a natural inland wetland for the purpose of the extraction of minerals and ancillary activities.	Discretionary	The vegetation clearance within the project site to establish mining operations will result in approximately 3.13 hectares of natural inland wetland loss. Refer to RMA Ecology (2025a) for further details, a copy of which is provided in Part B to these application documents.
Regulation 45D (2) Earthworks or land disturbance within, or within a 10 m setback from, a natural inland wetland for the purpose of the extraction of minerals and ancillary activities.	Discretionary	The earthworks within the project site to establish mining operations, including both excavations and infilling through deposition of overburden, waste rock and tailings, will result

Regulation	Activity Status	Comment
		in approximately 3.13 hectares of natural inland wetland loss (refer to RMA Ecology (2025a)).
Regulation 45D (3) Earthworks or land disturbance outside a 10 m, but within a 100 m, setback from a natural inland wetland that is (i) for the purpose of the extraction of minerals and ancillary activities and (ii) that results, or is likely to result, in the complete or partial drainage of all or part of the wetland.	Discretionary	The mining operations within the project site (including open pit mining, processing plant area and various haul roads) will intercept and divert surface flows within the Shepherds Creek and Rise and Shine Creek catchments. This may result in the complete or partial drainage or dewatering of wetlands within the project site, particularly the network of large swamps and marshes on the Rise and Shine Valley floor (Refer to RMA Ecology (2025a) for further details).
Regulation 45D (4) The taking, use, damming, or diversion of water within, or within a 100 m setback from, a natural inland wetland that is (i) for the purpose of the extraction of minerals and ancillary activities, (ii) there is a hydrological connection between the taking, use, damming, or diversion and the wetland and (iii) the taking, use, damming, or diversion will change, or is likely to change, the water level range or hydrological function of the wetland.	Discretionary	The mining operations within the project site (including open pit mining, processing plant area and various haul roads) will intercept and divert surface flows within the Shepherds Creek and Rise and Shine Creek catchments. This may result in the complete or partial drainage or dewatering of wetlands within the project site, particularly the network of large swamps and marshes on the Rise and Shine Valley floor (Refer to RMA Ecology (2025a)).



Regulation	Activity Status	Comment
Regulation 45D (5) The discharge of water into water within, or within a 100 m setback from, a natural inland wetland that is (i) for the purpose of the extraction of minerals and ancillary activities, (ii) there is a hydrological connection between the discharge and the wetland, (iii) the discharge will enter the wetland and (iv) the discharge will change, or is likely to change, the water level range or hydrological function of the wetland.	Discretionary	The mining operations (including open pits, haul roads, ELFs and haul roads) may result in the discharge of water, sediment or contaminants into water within a 100 m setback from natural inland wetlands that may enter wetlands and change the hydrological function of the wetlands.
Part 3: Subpart 2 – Reclamation of rivers		
Regulation 57 Reclamation of the bed of any river is a discretionary activity.	Discretionary	The establishment of mining operations in the project site will include the reclamation and realignment of several watercourses, including sections of Rise and Shine Creek, Shepherds Creek and Jean Creek, and any other unnamed or ephemeral streams. In addition, multiple clean and dirty water diversion channels will be established around the project site for erosion and sediment control purposes. Some may intercept watercourses.
Part 3: Subpart 3 – Passage of fish affected by structures		
Regulation 70	Not applicable	As the design of the four culverts proposed to be installed in the beds of Shepherds Creek and Rise and Shine Creek are not confirmed, it is



Regulation	Activity Status	Comment
The placement, use, alteration, extension, or reconstruction of a culvert in, on, over, or under the bed of any river or connected area that complies with the following conditions: > The culvert must provide for the same passage of fish upstream and downstream as would exist without the culvert, except as required to carry out the works to place, alter, extend, or reconstruct the culvert; > The culvert must be laid parallel to the slope of the bed of the river or connected area; > The mean cross-sectional water velocity in the culvert must be no greater than that in all immediately adjoining river reaches; > The culvert's width where it intersects with the bed of the river or connected area (s) and the width of the bed at that location (w), both measured in metres, must compare as follows: • where $w \leq 3$, $s \geq 1.3 \times w$; • where $w > 3$, $s \geq (1.2 \times w) + 0.6$; and > The culvert must be open-bottomed, or its invert must be placed so that at least 25% of the culvert's diameter is below the level of the bed; > the bed substrate must be present over the full length of the culvert and stable at the flow rate at or below which the water flows for 80% of the time; and > The culvert provides for continuity of geomorphic processes (such as the movement of sediment and debris).		conservatively assumed that culverts placed in the beds of watercourses for crossings (where the watercourses are not fully reclaimed) will not be able to meet all the permitted conditions in Regulation 70. However, the watercourses within the project site have been confirmed to not provide habitat for any fish species (as there is no above ground stream connection between the Lindis and Clutha / Mata-Au Rivers) and any culverts or structures will not affect fish passage. Refer to Waterways (2025), a copy of which is provided in Part B of these application documents.



Regulation	Activity Status	Comment
Regulation 71 The placement, use, alteration, extension, or reconstruction of a culvert in, on, over, or under the bed of a river that does not comply with any of the conditions in regulation 70(2).	Discretionary	As above, a range of culverts will be required to be placed within watercourses within the project site. While the watercourses within the project site have been confirmed to not provide habitat for any fish species and no fish have been detected, MGL understands that ORC interpret this regulation to apply to all watercourses regardless of whether the watercourse contains fish. Consent for these culverts are therefore sought.



6. RESOURCE MANAGEMENT (NATIONAL ENVIRONMENTAL STANDARD FOR ASSESSING AND MANAGING CONTAMINANTS IN SOIL TO PROTECT HUMAN HEALTH) REGULATIONS 2011

Table 11 provides an analysis of the relevant rules in the NESCS relating to the activities associated with the BOGP. It is noted that mineral extraction and mining industries – including exposure of faces or release of groundwater containing hazardous contaminants, or the storage of hazardous wastes including waste dumps or dam tailings - is listed on the Hazardous Activities and Industries List (“**HAIL**”) and falls to be considered under the NESCS.

Table 11: Rules Assessment for the NESCS

Regulation	Activity Status	Comment
Regulation 10(1) 1) This regulation applies to an activity described in any of regulation 5(2) to (6) on a piece of land described in regulation 5(7) or (8) that is not a permitted activity or a controlled activity. 2) The activity is a restricted discretionary activity while the following requirements are met: (a) a detailed site investigation of the piece of land must exist; (b) the report on the detailed site investigation must state that the soil contamination exceeds the applicable standard in regulation 7; (c) the consent authority must have the report; and (d) conditions arising from the application of subclause (3), if there are any, must be complied with.	Restricted Discretionary <u>Matters of discretion:</u> > The adequacy of the detailed site investigation, including site sampling, laboratory analysis, risk assessment; > The suitability of the piece of land for the proposed activity, given the amount and kind of soil contamination; > The approach to the remediation or ongoing management of the piece of land, including: (i) the remediation or management methods to address the risk posed by the contaminants to human health, (ii) the timing of the remediation, (iii) the standard of the remediation on completion, (iv) the mitigation methods to address the risk posed by the contaminants to human health and (v) the mitigation measures for the piece of land; > The adequacy of the site management plan or the site validation report or both, as applicable; > The transport, disposal, and tracking of soil and other materials taken away in the course of the activity; > The requirement for and conditions of a financial bond; > The timing and nature of condition reviews; and > The duration of the resource consent.	Geocontam Risk Management (2025) indicates arsenic concentrations within the project site are above industrial land use human health protection criteria in shallow soils, predominantly within historic mining areas.

7. SUMMARY OF RESOURCE CONSENT REQUIREMENTS

A summary of the resource consents required for the BOGP under each of the relevant statutory planning documents is provided in the following sections.

7.1 CENTRAL OTAGO DISTRICT PLAN

Based on the analysis set out in Section 1 of this rules assessment, the following resource consents are required under the District Plan:

- > A land use consent as a **restricted discretionary activity** for the establishment of mining operations within the project site that do not comply with the relevant standards in the Rural Resource Area of the District Plan, including:
 - > The construction of buildings that do not comply with the relevant building height standards in an outstanding natural landscape;
 - > The stockpiling of ore and topsoil that do not comply with the storage standards;
 - > The establishment of signs that do not comply with the sign standards;
 - > The construction of buildings and structures that do not comply with the visual effect standards;
 - > Earthworks and vegetation clearance within the riparian margins of water bodies; and
 - > Earthworks to establish mine access and haul roads within the project site.
- > A land use consent as a **discretionary activity** for activities associated with the establishment of mining operations at the project site that do not comply with the relevant standards in the Rural Resource Area of the District Plan, including:
 - > The establishment of buildings within 20 m of the bank of a stream;
 - > Mineral extraction activities, including:
 - > The extraction of material that exceeds the permitted areas and volumes;
 - > The removal of indigenous vegetation; and
 - > The establishment of new buildings and structures, cutting of haul roads and tracks and the excavation of material associated with mining operations with an outstanding natural landscape overlay.
 - > Traffic generation associated with more than three persons engaged in an industrial activity.

- > A land use consent as a **discretionary activity** for the use and storage of explosives and hazardous substances associated with gold processing activities that exceed the permitted limits in the Rural Resource Area;
- > A land use consent as a **discretionary activity** for the establishment of temporary construction workers accommodation that involves more than one residential activity on a certificate of title;
- > A land use consent as a **restricted discretionary activity** for the construction of parking areas that do not meet the permitted standards;
- > A land use consent as a **restricted discretionary activity** for the upgrade of a road that encroaches beyond the existing road reserve (the upgrade of Thomson Gorge Road);
- > A land use consent as a **discretionary activity** for the construction of a road not aligned with a legal road (the extension and realignment of Thomson Gorge Road); and
- > A land use consent as a **discretionary activity** for a new transformer that exceeds the permitted limit of 36 kV.

In summary, the overall activity status for the establishment of the BOGP under the District Plan is a **discretionary activity**.

7.2 REGIONAL PLAN: WATER FOR OTAGO

Based on the analysis set out in Section 2 of this rules assessment, the following resource consents are required under the Regional Water Plan:

- > A water permit as a **restricted discretionary activity** for the take and use of groundwater from the Bendigo Aquifer for water supply to support mining operations add other ancillary purposes (including the augmentation of surface flows in Shepherds Creek and the supplementation of wetlands);
- > A water permit as a **discretionary activity** for the take and use of groundwater associated with dewatering, the establishment of the RAS, CIT, SRX and SRE Open Pits and the RAS Underground for use in mining operations throughout the project site;
- > A water permit as a **discretionary activity** for the damming, diversion, take and use of surface water within the Shepherds Creek and Rise and Shine Creek (Bendigo) catchments during construction activities and mining operations within project site;
- > A water permit as a **discretionary activity** for the permanent diversion of sections of Shepherds Creek, Rise and Shine Creek and Jean Creek (and associated tributaries) into stream diversions and dirty water diversion channels throughout the project site;
- > A discharge permit as a **discretionary activity** for the:

- > Discharge of water (taken from the Bendigo Aquifer) into Shepherds Creek and Rise and Shine Creek for the purpose of augmenting flows;
- > Discharge of water and contaminants from the SRX Open Pit and Western ELF into Rise and Shine Creek within the project site;
- > Discharge of water and contaminants from the Shepherds Silt Pond to Shepherds Creek (in the form of the Shepherds Stream Diversion);
- > Discharge of water and contaminants from various activities to land where contaminants may enter water. These activities include from topsoil and waste rock stockpiles, TSF, various ELFs, the Shepherds Service Corridor, haul roads, erosion and sediment control structures (such as sediment retention ponds) located throughout the project site²⁶ and aggregate pits; and
- > Discharge of treated mine water from the water treatment plant (or passive treatment system) within the project site to Shepherds Creek during mine closure;
- > A land use consent as a **discretionary activity** to install structures (including culverts, flow control devices and coffer dams) in the beds of Shepherds Creek and Rise and Shine Creek within the project site;
- > A land use consent as a **discretionary activity** to alter / reclaim and disturb sections of the Shepherds Creek, Rise and Shine Creek and Jean Creek (and associated tributaries) within the project site to develop mining operations;
- > A land use consent as a **controlled activity** for the drilling of land over the Bendigo Aquifer associated with the establishment of a groundwater production bore and monitoring bores / piezometers; and
- > A land use consent as a **restricted discretionary activity** for the drilling of land within the project site associated with dewatering of groundwater and blasting activities;

In summary, the overall activity status for the establishment of the BOGP under the Regional Water Plan is a **discretionary activity**.

7.3 REGIONAL PLAN: AIR FOR OTAGO

Based on the analysis set out Section 3 of this rules assessment, the following resource consents are required under the Regional Air Plan:

²⁶ These erosion and sediment control structures will be finalised through the development of various Site-Specific Erosion and Sediment Control Plans for each of the working areas within the project site as set out in the Erosion and Sediment Control Technical Report and Management Plan prepared by EGL.

- > A discharge permit as a **discretionary activity** for the discharge of contaminants to air from the crushing and screening of aggregates at the two proposed aggregate pits; and
- > A discharge permit as a **discretionary activity** for the discharge of contaminants to air from the extraction and processing of mineral materials associated with the mining operations and ancillary activities at the project site.

The overall activity status for the establishment of the BOGP under the Regional Air Plan is a **discretionary activity**.

7.4 REGIONAL PLAN: WASTE FOR OTAGO

Based on the analysis set out Section 4 of this rules assessment, the following resource consents are required under the Regional Waste Plan:

- > A discharge permit as a **discretionary activity** for the discharge of contaminants into or onto land, into water or into air associated with the discharge of tailings into the TSF.

The overall activity status for the establishment of the BOGP under the Regional Waste Plan is a **discretionary activity**.

7.5 RESOURCE MANAGEMENT (NATIONAL ENVIRONMENTAL STANDARDS FOR FRESHWATER) REGULATION 2020

Based on the analysis set out in Section 5 of this rules assessment, the following resource consents are required under the NES Freshwater:

- > A land use consent as a **discretionary activity** for vegetation clearance and earthworks (for the purpose of the extraction of minerals and ancillary activities) within 10 m of natural inland wetlands;
- > A land use consent as a **discretionary activity** for earthworks and land disturbance (for the purpose of the extraction of minerals and ancillary activities) within 100 m of natural inland wetlands that is likely to result in the complete or partial drainage of all or part of the wetland;
- > A discharge permit and water permit as a **discretionary activity** for the diversion and discharge of water (for the purpose of the extraction of minerals and ancillary activities) within 100 m of natural inland wetlands;
- > A land use consent as a **discretionary activity** for the reclamation of the bed of a watercourse; and

- > A land use consent as a **discretionary activity** for the placement and use of culverts on the bed of Shepherds Creek and Rise and Shine Creek that do not comply with the permitted conditions.

The overall activity status for the establishment of the BOGP under the NES Freshwater is a **discretionary activity**.

7.6 RESOURCE MANAGEMENT (NATIONAL ENVIRONMENTAL STANDARD FOR ASSESSING AND MANAGING CONTAMINANTS IN SOIL TO PROTECT HUMAN HEALTH) REGULATIONS 2011

Based on the analysis set out in Section 6 of this rules assessment, the following resource consents are required under the NESCS:

- > A land use consent as a **restricted discretionary activity** for soil disturbance in accordance with regulation 10 of the NESCS.

7.7 OVERALL ACTIVITY STATUS

The overall activity status for the establishment of the BOGP is a **discretionary activity**.