

March 2026

Bendigo-Ophir Gold Project – DOC section 51 covering report

FTAA-2507-1089 – Department of Conservation



Department of
Conservation
Te Papa Atawhai

**Te Kāwanatanga
o Aotearoa**
New Zealand Government

Purpose

1. This report serves as a covering report across the four section 51 reports provided by DOC.
2. Although not specifically requested, this report is intended to:
 - a) Set out the structure of the provision of DOC's section 51 reports
 - b) Address common issues across the reports
 - c) Create efficiencies for the panel in their assessment of DOC's advice
 - d) Provide expert statements from both internal and external advisors that has informed DOC's advice to the panel.
3. It is recommended that this report is read prior to the individual section 51 reports set out below.

Background

Project Overview

4. On 31 October 2025, Matakanui Gold Limited (MGL/the applicant) lodged a substantive application with the Environmental Protection Authority (EPA) for the Bendigo-Ophir Gold Project (BOGP/the project). On 21 November 2025, the EPA determined that the application complied with the requirements of section 46(2) of the Fast-track Approvals Act 2024 (FTAA/the Act).
5. The project relates to the construction, operation, maintenance and eventual closure of an open pit and underground gold mine with the purpose of mining four identified gold deposits¹. The project site is located on Ardgour and Bendigo Stations in the Dunstan Mountains, 20 km northeast of Cromwell in Central Otago.
6. For efficiency DOC refers to the application overview provided by the applicant in Sections 1.2 and 1.3 of the Document A.08² from the lodged substantive application documents.

DOC's advice

7. The project specifically seeks approvals whereby DOC is an administrating agency to/for:
 - a) Partially revoke a conservation covenant which is in favour of the Minister of Conservation
 - b) Wildlife approvals – Lizards and avifauna
 - c) Concession approvals - for seven activities across five locations on public conservation land – these activities are largely proposed to mitigate the effects of the project.
 - d) Complex freshwater fisheries approvals - for dispensation to provide fish passage structures relating to a diversion and culvert.

¹ Rise and Shine (RAS), Come-in-Time (CIT), SRX (Srex) and SRE (Srex East)

² [Report with Sections](#)

8. DOC will also be providing comments on commentary on broader conservation and resource consent considerations under section 53.

Project timeline

9. On 5 December 2025, the EPA confirmed that there were no competing applications or existing resource consents for the same activity in accordance with section 47 of the Act. In its response to the EPA on completeness, DOC provided its view that there were several information gaps and that the application was not complete. EPA acknowledged in their completeness decision that some aspects of the application information was ‘borderline’.

10. The EPA’s correspondence of 8 December 2025 requested advice from the Director-General of Conservation (D-G) under section 51 of the Act in relation to the approvals sought.

11. The Department of Conservation (DOC) has prepared and provided four reports in response to this request as below:

- I. Concessions - s51 report in relation to an approval as described in section 42(4)(e)
- II. Conservation Covenant – S51 report in relation to an approval described in section 42(4)(g)
- III. Wildlife Approvals – s51 report in relation an approval described in section 42(4)(h)
- IV. Complex Freshwater Fisheries Approvals -s51 report in relation to an approval described in section 42(4)(j)

12. These reports were submitted to the panel via the EPA portal. A summary of the approvals sought in each report is provided in Table 1 below:

Table 1: DOC Approvals Sought- Overview

Report Reference	Number of activities for which approval is Sought	Overview
Concessions S51(2)(a)	Approval for 7 concession activities	<p>The concession for activities on PCL is positioned as mitigations for the effects of the broader BOGP. They are listed as and briefly described as below.</p> <ul style="list-style-type: none"> I. Ardgour Rise Access Track To provide public access due to the closure of Thomsons George Road (related to mining operations) II. Ardgour Rise Fibre Optic Cable To relocate existing Fibre Optic Cable from Thomsons Gorge Road to new access track as per (I) III. State Highway 8 and Ardgour Road Intersection (NZTA) To upgrade intersection which will likely see a higher volume of traffic associated with mining operations (partially State Highway) IV. State Highway 8 and Ardgour Road Intersection (CODC)

		<p>To upgrade intersection which will likely see a higher volume of traffic associated with mining operations (partially local road)</p> <p>V. Access Route to CIT Battery</p> <p>To provide an alternative route to an existing heritage feature given the closure of the existing access/local road due to mining operations.</p> <p>VI. Willow Management</p> <p>To remove crack willows from the Bendigo Stream as part of a wider effects management strategy.</p> <p>VII. Monitoring and Access</p> <p>To enable compliance with proposed resource consents conditions around water quality.</p>
Wildlife Section 51(2)(c)	1 Approval relating to 2 species	<p>The applicant has applied for approval to:</p> <p>I. Catch, salvage and relocate native lizard species (this includes holding/markings)</p> <p>II. Disturb injure or kill avifauna and lizard species</p> <p>III. To undertake works affecting the habitat of lizard and avifauna species.</p>
Complex Freshwater Fisheries approvals S51(2)(e)	2 Approvals for dispensation	<p>The applicant has applied for dispensation to the requirement to provide fish passage facilities in relation to:</p> <p>I. Proposed diversions (for the area described as the Shepherds CWDC³), various clean water channels within the Shepherds and Rise and Shine Creek Catchments.</p> <p>II. Proposed Culvert in the bed of Rise and Shine Creek.</p>
Covenant Revocation S51(2)(b)	1 Approval	<p>The applicant has applied to revoke an area of the existing covenant across areas relating to the BOGP.</p>

13. DOC has also prepared a report (the weighting report), on behalf of the Director-General, advising how the weighting of relevant matters should be approached (requested in Minute 1 of 24 September 2025 for each approval). This report is provided in Appendix J.

14. Additionally, DOC has also provided legal submissions in relation to the covenant approval (attached to relevant section 51 report). These have been provided noting that this is the first proposal of its kind relating to a conservation covenant under the Act.

15. DOC has sought input from a range of technical experts to inform the preparation of the conservation approval reports. This expert advice will also inform DOC's comments to be provided under section 53.

³ being the realignment of Shepherds Creek around the Shepherds Service Corridor and Processing Plant Area within the Shepherds Valley Site;

General comments

16. While DOC has been reviewing information and drafting reports since the request was received for section 51 reports, engagement with the applicant has been ongoing and DOC has tried to address pertinent issues in each of the individual reports as appropriate.
17. DOC has also worked at pace to review updated application documents provided by the applicant on the 10th of March 2025, noting this was 10 days before DOC's section 51 reports were due to the Panel. DOC notes the applicant also provided further updated documents on 19 March 2026 in response to the Panel's Minute of that date requesting further information. DOC has not considered the further information provided on 19 March 2026.

Structure of section 51 reports

18. As above the section 51 reports are intended to be read in conjunction with this report.
19. The structure of DOC's section 51 reports and the associated attachments is set out in Table 2 below:

Table 2: DOC Advice – Structure and relevant attachments

DOC Advice	Appendices - submitted with Section 51 reports	Related expert statement – Submitted as Appendix of DOC Covering Report
Complex Freshwater Fisheries Approvals - Section 51 Report	None	Appendix A - Statement Dr Nicholas Dunn Appendix B - Statement Dr M Richardson
Conservation Covenant – Section 51 Report	Appendix A – Detailed Effects Assessment Appendix B – Conditions related to covenant amendment Appendix C – Legal Submissions Appendix D – Application for exchange of property right Appendix E – Rich fields of Bendigo Jill Hamel	Appendices C- G - statements
Concessions - Section 51 Report	Appendix A - Section 78 conditions Appendix B – Detailed Assessment of Otago CMS	Appendices C-G - statements

	Appendix C – Concessions conditions track changes and comments	
Wildlife Approvals – Section 51 Report	Appendix A - Wildlife Conditions Appendix B – Detailed Assessment of Otago CMS Appendix C - IUCN Red List	Appendix C – Statement Dr M Toucher Appendix D - Statement R Colbourne

Engagement with the Applicant

20. The applicant-initiated engagement with DOC in February 2025. However, the applicant did not provide any detailed information relating to the application until June 2025.
21. DOC was not provided with a full suite of application documents until October 31st 2025, the date the application was submitted to the EPA.
22. While several reports and assessments were provided prior to lodgement they were provided intermittently and substantive information relating to conservation values (e.g. ecological reports and management plans) and full details of the application (e.g. full project description) were not provided until much later in the process, as above many not prior to lodgement.
23. Whilst DOC acknowledges the complexities of orchestrating an application of this size and scale, DOC's view is that the provision of this information earlier in the process would have enabled a further narrowing of issues prior to lodgement.
24. The applicant did host a series of workshops relating to concessions and biodiversity in September/October 2025. Whilst DOC advisors attended and shared feedback on the information provided there were limited details available to fully identify and address issues (e.g. provisions in relation to management plans and conditions and effects management). Several issues raised in these workshops, and subsequently, are still unresolved.
25. DOC provided written feedback to the applicant on a biodiversity, heritage, concessions
26. Engagement with the applicant has been ongoing post lodgement as we have worked to narrow issues.
27. Further workshops and site visits were hosted by the applicant in February 2026, following the Panel Convener's Conference. These workshops and site visits enabled positive discussion around several issues and opportunities relating to the project. It is acknowledged that the applicant has amended aspects of the application to positively reflect these discussions however it is DOC's view a number of key issues remain in contention.

28. It is noted that despite a willingness for a site visit to commence earlier in the process (once information had been shared to support), they were only facilitated by the applicant in February 2026. Prior to this some of DOC's advisors had visited the site but this was largely limited to areas which were publicly accessible. The timeframes involved with site visits while preparing advice to the panel has presented challenges in terms of availability and timeframes.
29. DOC is committed to ongoing engagement to further work through key issues with the applicant and to support the panel.

Overarching points of issue

General

30. A number of assessments lack specific information to represent and inform a full assessment of effects. This includes but is not limited to:
- I. Heritage Assessment
 - II. Vegetation and habitat Assessments
 - III. Ecological Assessments – particularly in relation to Lizards/invertebrates
31. The lack of information as above has also subsequently made it challenging to assess appropriate measures to manage effects both in relation to both what the applicant has proposed and what alternative opportunities there may be.
32. In relation to proposed effects management mitigation, it is DOC's view that the current proposal relies heavily on experimental/unproven and not fully detailed methods to address significant effects. Risk around these approaches is not adequately accounted for in the application.
33. The scale and significance of the proposed compensation to address residual effects is not reflective of the scale of impacts and largely not outcomes focused e.g. the proposed 'Biodiversity and Heritage Enhancement Fund'
34. Commentary on issues is continued below under relevant headings.

Concessions

35. Longer term provisions to transfer roading infrastructure to appropriate agencies (CODC and NZTA)
36. New public access to the Come in Time Battery – DOC does not support the current proposal
37. Lack of effects information to fully inform conditions

Covenant

38. While DOC does not support the revocation of the covenant should the proposal proceed DOC's view is that:
- I. Any revocation should be limited to areas related to direct disturbance to facilitate this project. Based on the information provided a revocation beyond this area is not required to fully facilitate

the project. DOC discussed this issue with the applicant and while they were open to considering this proposal the application remains unchanged to date.

- II. Positive obligations (conditions) in relation to the proposed revocation are appropriate and should be included (e.g. direct compensation). DOC has discussed this with the applicant and no further amendments to the proposal have been made to date.
- III. Further information is needed to better understand effects (particularly in relation to vegetation, lizards, habitat, invertebrates) and therefore inform a more appropriate effects management response.

Wildlife Approvals

- 39. DOC's view is that both the Avifauna Management Plan and Lizard Management Plan require revisions but the issues around the wildlife approval for lizards are the most substantial.
- 40. Information and data provided in the application on lizards is inaccurate which undermines the approval sought, effects assessment, and proposed effects management. While the applicant has acknowledged these issues and held a dedicated workshop on this topic (13 March 2026) where a 'fix' was proposed, application information and data issues have not yet been resolved.
- 41. Given the large impact on lizard species and the significant residual effects (approximately 80% mortality) DOC considers these effects should be directly addressed to ensure relative and appropriate outcomes for lizard species.

Structure of Management Plans and approach to Conditions

- 42. DOC understands that the applicant has proposed that 21 of 22 management plans are certified as part of the Fast-track approvals process.
- 43. DOC's view is that a number of these management plans require significant work. This has in part been acknowledged by the applicant during consultation.
- 44. While DOC acknowledges the complex nature of the approvals sought and their interrelatedness, the current proposal is concerning as a change to one management plan will then potentially have a 'knock on effect'.
- 45. The current proposal does not specifically link management plans to the appropriate approvals e.g. the wildlife approval references the Lizard and Avifauna Management Plans which then references a suite of 7 related management plans where amendments are governed by resource consent conditions but there is no assurance to ensure that any changes are subsequently reflected or considered in relation to the Lizard or Avifauna Management plans in the Wildlife Approval.
- 46. DOC's view is that the management plans should directly relate to approvals and their associated conditions. Additionally, that DOC is involved in the certification of management plans directly related to DOC administered approvals.

47. Where management plans do not directly relate to DOC approvals but to conservation matters DOC's view is that they should be consulted in relation to certification and proposed changes.
48. DOC's view is that conditions should clearly set out objectives which the management plans are seeking to achieve. Conditions currently proposed by the applicant do not reflect this approach.
49. Whilst DOC has provided information and commentary on conditions as part of its advice in s51 reports related to each approval. DOC's view is that with uncertainty around many issues which need further information to resolve this commentary is limited.
50. DOC will provide the Panel with further advice and information as requested and when requested under section 70 of the Act.

Treaty of Waitangi obligations and considerations

Treaty of Waitangi settlement obligations

51. Section 7 of the Act requires all persons performing and exercising functions, powers, and duties under the Act to act in a manner consistent with obligations arising under existing Treaty settlements.
52. The Ministry for the Environment (MfE) provided a report which sets out the section 18 matters it considered relevant to the application. DOC provided some direct commentary to MfE on these matters and agrees that the Treaty settlement relevant to this application the Ngāi Tahu Claims Settlement Act 1998.
53. The Treaty settlement requires DOC to manage historic resources on lands that are significant to Ngāi Tahu, which includes wāhi tapu, wāhi taonga and places of historic significance. Several taonga species are potentially present and affected by the project, including native lizards and birds.
54. DOC is engaging with manu whenua and will provide further feedback as appropriate as part of our section 53 comments and as relevant to any further request for information or advice the panel may make. DOC also notes that Iwi are invited to provide section 53 comments and may wish to raise issues directly. This is at the discretion of Iwi.

Treaty of Waitangi principles

55. DOC has sought to prepare its conservation approval reports in a manner that as far as possible gives effect to the principles of the Treaty of Waitangi,⁴ in accordance with DOC's obligation under section 4 of the Conservation Act.
56. DOC considers that the Treaty Principles most applicable to the application are:
 - **Partnership – mutual good faith and reasonableness** - The Crown and Māori must act towards each other reasonably and in good faith. These mutual duties of reasonableness and good faith describe the nature of the relationship between the Crown and Māori. They are the core of what has been described as the Treaty partnership.

⁴ See [Principles of the Treaty of Waitangi and DOC: Apply for permits](#)

- **Informed decision-making** - Both the Crown and Māori need to be well informed of the other's interests and views. Consultation is a means to achieve informed decision-making.
- **Active protection** - The Crown must actively protect Māori interests retained under the Treaty as part of the promises made in the Treaty for the right to govern. This includes the promise to protect tino rangatiratanga and taonga. Active protection requires informed decision-making and judgement as to what is reasonable in the circumstances.
- **Redress and reconciliation** – The Treaty relationship should include processes to address differences of view between the Crown and Māori. The Crown must preserve capacity to provide redress for proven grievances from not upholding the promises made in the Treaty. Māori and the Crown should demonstrate reconciliation as grievances are addressed.

57. To ensure that these principles have informed DOC's response to this application, DOC has:

- Engaged with Treaty partners on the application and will continue to do so. We note this has occurred within the context of the fast-track process with prescribed timeframes, and where the applicant has an obligation to consult and Treaty partners have a right to be invited to comment. The scope of engagement also recognised DOC's role to provide reports and comments on the application, and not in its usual role as decision-maker.
- In accordance with Settlements (eg taonga species), identified for the Panel any relevant information from Protocols or relationship agreements prepared. DOC has reflected specific considerations in each of its reports and will continue to do so the section 53 comments.
- Prepared its advice with active protection in mind to support conservation outcomes within the Fast-track context.

Table 2: Māori entities DOC sent application notification to

Māori Entities
Te rūnanga o Ōtākou
Te rūnanga o Moeraki
Kati Huirapa ki Puketeraki
Hokonui rūnanga
Te Rūnanga o Ngāi Tahu

1. Appendices

Expert Statements

Appendix A Expert Statement Freshwater Fisheries -BOGP Dr NR Dunn

Appendix B Expert Statement Freshwater Fisheries – BOGP Dr M Richarson

Appendix C Expert Statement - Lizards BOGP Dr M Tocher

Appendix D Expert Statement - Avifauna BOGP R Colbourne

Appendix E Expert Statement Invertebrates BOGP W Chinn

Appendix F Expert Statement Recreation and Visitor BOGP M Embleton Muir

Appendix G Expert Statement Vegetation and Flora M Crowe

Appendix H Expert Statement Heritage DOC Dr M Schmidt

Appendix I Attachments to Heritage Statement

Appendix J Weighting of relevant matters to be taken into account