APPLICANT RESPONSES TO RELEVANT COMMENTS FROM ADMINISTERING AUTHORITIES AND RELEVANT LOCAL AUTHORITIES ON THE BENDIGO-OPHIR GOLD PROJECT

This document contains the key comments from the following parties:

> Department of Conservation (noting they are not an administering authority);

> Heritage New Zealand Pouhere Taonga;

> Otago Regional Council;

> Central Otago District Council; and

> New Zealand Conservation Authority.

Comments from Department of Conservation

Comment Number	Comment	Applicant Technical Input	Where Addressed in the Application Documents	Response
1	Severe and Irreversible Biodiversity Impacts The project would cause significant adverse and permanent effects on nationally important dryland ecosystems, which are already among New Zealand's most threatened and least protected. Impacts include the loss of ecologically significant indigenous vegetation qualifying as a matter of national importance under section 6(c) RMA.	Terrestrial Ecology Rehabilitation	**Substantive FTA Application:** B.08A - Alliance Ecology Consulting - Assessment of Ecological Effects (Alliance 2025) REDACTED **Response Evidence:** Evidence of Dr Matt Baber	The Assessment of Ecological Effects recognises that the project will cause significant adverse effects however a comprehensive ecological assessment has been conducted conservatively and precautionarily, and that the proposed effects management package - comprising avoidance measures, an ecological rehabilitation programme, a 2,219 ha offset and compensation programme, an applied research programme, and proposed additional measures including habitat acquisition and a $10 million conservation funding commitment - represents a substantial response that will achieve net gains for many species and habitats.
2	Threatened and Nationally Critical Flora The project would destroy large populations of threatened plants, including: > *Myosotis brevis* (Threatened – Nationally Vulnerable). > *Ceratocephala pungens* (Threatened – Nationally Critical), representing one of the largest remaining strongholds of a species one step from extinction. The DG considers the risk of species-level extinction real and unacceptable.	Terrestrial Ecology Rehabilitation	**Substantive FTA Application:** B.08A - Alliance Ecology Consulting - Assessment of Ecological Effects (Alliance 2025) REDACTED B.13A - RMA Ecology - Vegetation Values Assessment (RMA Ecology 2025b) REDACTED **Response Evidence:** Evidence of Dr Matt Baber Evidence of Zac Milner Evidence of Dr Robyn Simcock	See response 1.
3	Unprecedented Impacts on Native Lizards	Terrestrial Ecology	**Substantive FTA Application:**	The impacts on the nationally and regionally *At Risk* Kawarau gecko and southern grass skink have been assessed as *High*, with a predicted *net loss* outcome (high magnitude) after all proposed effects management measures have been taken into

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	Estimated impacts to 500,000–750,000 indigenous lizards, with ~80% expected mortality. Affected species include Kawarau gecko and southern grass skink, both already declining. The scale of impact is described as unprecedented, with risks of local or national extinction. Lizard salvage, mitigation, and compensation proposals are considered fundamentally inadequate. See (also) DOC's Section 51 Report in relation to the Wildlife Approval sought.		B.08A - Alliance Ecology Consulting - Assessment of Ecological Effects (Alliance 2025) REDACTED B.15A - RMA Ecology - Lizard Values Assessment (RMA Ecology 2025d) REDACTED **Response Evidence:** Evidence of Dr Matt Baber Evidence of Dr Graham Ussher	account. We consider this to be a significant issue and acknowledge its importance. That said, it is incorrect to state that this magnitude of loss is unprecedented. There is clear precedent for impacts of equal or greater scale. For example, historical mining activities at Macraes Gold Mine and Stockton Coal Mine have resulted in more substantial effects, either in terms of the number of individuals affected and/or the conservation status of the species involved, including impacts on nationally threatened lizard species. Notwithstanding the significance of the effects on lizards, it is also incorrect to infer that the proposal poses a risk of local or national extinction. Such assertions appear to be based on incorrect or unsubstantiated assumptions presented by ecological experts in their Section 53 response, particularly in relation to the proportional scale of effects and the anticipated outcomes of ecological rehabilitation.
4	<u>Destruction of Nationally Significant Heritage</u> The project would destroy or damage numerous nationally significant archaeological and historic gold-mining sites, particularly within the Rise and Shine Creek area. DOC finds the heritage assessment: > Incomplete and methodologically flawed. > Inconsistent with recognised heritage principles (e.g., ICOMOS NZ Charter). Proposed mitigation and compensation are not commensurate with the scale of loss.	Heritage	**Substantive FTA Application:** B.34B - New Zealand Heritage Properties Limited - Heritage Assessment (NZHP 2025a) (2 Parts) (10 March 2026) **Response Evidence:** Evidence of Dr Naomi Woods	The methods used at all stages of the Heritage Assessment are well established and have been used by myself and NZHP for many years on a wide variety of sites and landscapes, including gold mining landscapes in Otago and the West Coast. To reduce subjectivity when assessing heritage values, it is imperative that all sites and landscapes are assessed consistently and using clearly defined parameters, as has been done here. Section 10.3.4 of the Heritage Assessment provides suggestions of appropriate project-based mitigation for the uplift of the Covenant, which align with Dr Schmidt's suggestions in his S51 report.
5	<u>Undermining of the Bendigo Conservation Covenant</u> The proposal involves partial revocation of a covenant established to protect biodiversity, heritage, landscape, and public access values in perpetuity. The DG is concerned this would remove a key protective mechanism and enable cumulative and ongoing degradation of protected values. Proposed alternative protections (future covenants, restoration areas) are uncertain, delayed, and weaker than existing protections. See the Legal Submissions from Pene Williams (Appendix C of DOC's Section 51 Report). See DOC's Section 51 Report in relation to the Conservation Covenant.	Legal Planning	**Substantive FTA Application:** A.02B - Legal Overview, 31 October 2025 at [84] **Response Evidence:** Legal Submissions, 17 April 2026 at 'Partial Revocation of the Conservation Covenant'	The area proposed for partial revocation will not compromise conservation values as it represents 11% of the total conservation covenant area of 7,962 ha. Approximately 3% of the partial revocation falls within the DDF and the balance will be subject to ancillary activities. The replacement covenant adds over 1,200 hectares and requires active, ongoing ecological management.

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6	Adverse Effects on Outstanding Natural Landscape and Natural Character High adverse effects on an Outstanding Natural Landscape (including reference to the recreational and heritage landscape values protected by the Bendigo Covenant).	Landscape and Visual Recreation Heritage	**Substantive FTA Application:** B.19 - Boffa Miskell - Landscape, Natural Character and Visual Effects Assessment (Boffa Miskell 2025) (2 Parts)	The Landscape Assessment recognises that the Project will result in high adverse landscape effects in parts of the Site. However, those effects are assessed as localised and do not equate to the same level of effect on the wider Dunstan Mountains ONL, where overall landscape effects are assessed as moderate during operation and reducing to low-moderate at closure. In natural character terms, effects are assessed as no greater than moderate-high for Shepherds Creek and moderate for Rise and Shine Creek. While the proposal will affect some heritage landscape elements and part of the Bendigo Conservation Covenant extent, the evidence is that the retained covenant land and wider ONL will continue to maintain the representative landform, vegetation pattern, public access and broader historic associations for which protection was sought. Reinstatement of pedestrian access through Thomsons Saddle and Rise and Shine Creek at closure, together with progressive rehabilitation, is also relevant in that regard.
7	Recreation and Public Access Loss Long-term or permanent loss of established public access routes and visitor experiences, including to key heritage sites. Proposed alternatives are not like-for-like and do not meet DOC recreation and visitor safety expectations.	Recreation	**Response Evidence:** Evidence of Rob Greenaway	MGL's proposal to establish a walking track from the Bendigo Historic Reserve to the Come-in-Time battery will provide a visitor experience that better showcases the range of heritage mining features and complexes and their interconnect nature than the present main access. This goes some way to offset the loss of access to sites in the Rise and Shine Valley. It is recommended that public access to the surviving Rise and Shine Valley sites be reinstated following mine closure.
8	Deficient Mitigation, Offsetting, and Compensation Mitigation measures are constrained by poor baseline data and rely heavily on: Unproven or experimental restoration methods. Management of existing threats rather than delivering additional, enduring gains. Offsetting and compensation do not meet best-practice principles (including those in the NPS for Indigenous Biodiversity). The effects management package is inadequate. See the Statement of Evidence of Justyna Giejsztowt and her report "Santana Bendigo-Ophir Gold Mine Compensation and Offsetting Assessment" (appendices A and AA of the DOC Comments).	Terrestrial Ecology	**Substantive FTA Application:** B.08A - Alliance Ecology Consulting - Assessment of Ecological Effects (Alliance 2025) REDACTED – Sections 2.3.4.1, 8.2.2 and Table 20 G.06 - Terrestrial Invertebrate Management Plan – Sections 3.3 & 6 **Response Evidence:** Evidence of Keith Barber - Paragraphs15(d) & 16(c) Evidence of Emeritus Professor David Norton	Invertebrate salvage and translocation are experimental — the Terrestrial Invertebrate Management Plan and AEE are explicit about this and place no weight on successful outcomes. The key point is that the material will otherwise be destroyed. Attempting relocation carries no downside: failure changes nothing; partial success is a net gain. Uncertainty is a reason for transparency, not abandonment, which the AEE provides that transparency. Mitigation measures are based on comprehensive data, and where data limitations or constraints exist, these are explicitly acknowledged. Where biodiversity offsetting or compensation principles are not met—or where proposed measures rely on unproven or experimental restoration approaches –this is clearly identified and reflected in the assessment of residual effects. This is also captured in the stated biodiversity outcomes, which range from *net gain* to *uncertain* to *net loss* (including very high magnitude effects), and include instances where biodiversity offsetting or compensation principles are considered unlikely to be achieved. In some cases, this extends to situations approaching or exceeding the limits to offsetting or compensation. Management proposed in Ardgour Restoration Area Management Plan will deliver enduring gains and is based on proven restoration methods.
9	BOGP Biodiversity and Heritage Enhancement Fund	Planning	**Response Evidence:**	MGL acknowledges the concerns raised by parties and now proposes:

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	The proposed Biodiversity and Heritage Fund: > Is not outcome-based or properly costed. > Is disproportionate to the scale of biodiversity and heritage loss. > Provides little confidence it will achieve meaningful or lasting outcomes.		Evidence of Mark Chrisp	> an increase in the annual funding from $500,000 +GST to $1,000,000 +GST for every year in which gold is produced (up to a maximum of 10 years); and > a different approach to establish a committee to oversee this fund as opposed to providing funds to the Department of Conservation (on the basis that DOC has expressed an unwillingness to receive the fund).
10	Unacceptable Residual Effects Residual effects identified include: > Net loss of nationally significant ecosystems and species. > Large-scale wildlife mortality. > Irreversible heritage and landscape loss. Long-term degradation of conservation and recreation values. The DG concludes that "no net loss" outcomes are not realistically achievable.	Terrestrial Ecology Rehabilitation Heritage Landscape Recreation	**Substantive FTA Application:** B.08A - Alliance Ecology Consulting - Assessment of Ecological Effects (Alliance 2025) REDACTED **Response Evidence:** Evidence of Kieth Barber – Paragraph 15(h)	The Level of residual effects and stated outcomes after all effects management measures have been considered is set out in B.08A and there are significant impacts on some biodiversity values including those that are unlikely to meet the limits to offsetting/compensation principle.
11	<u>Management Plans and Consent Conditions Are Not Fit for Purpose</u> Proposed management plans are: > Draft, highly interdependent, and lack clear objectives and performance standards. > Deferred until post-approval, shifting substantive decision-making away from the Panel. DOC does **n**ot support Panel certification of management plans at this stage. Conditions lack enforceability, robust adaptive management triggers, and long-term governance and funding certainty. See the Legal Memorandum from Dean van Mierlo regarding Management Plan Conditions (Appendix B of DOC's Comments).	Legal Planning	**Substantive FTA Application:** Part D - Proposed Approvals and Conditions Part G – Management Plans **Response Evidence:** Evidence of Mark Chrisp	The amendment(s) to conditions sought by DOC in relation to this matter have been largely accepted and reflected in the updated conditions dated 17 April 2026 presented as Part 4 of the Response Package.
12	<u>Cultural Values and Iwi Engagement</u> DOC notes concerns raised by iwi regarding insufficient involvement in key discussions and workshops. Cultural values are not adequately assessed or integrated into effects management.	MGL Planning	**Substantive FTA Application:** D.03 – Conditions C23-27 **Response Evidence:** Evidence of Damian Spring	MGL considers that Kā Rūnaka is best to undertake an assessment of their cultural associations and connections with a site or area and it would not be appropriate for the authors of technical reports to speak to this connection (noting it is also not a matter within their professional expertise in most cases). This is specifically why a Cultural Impact Assessment ("CIA") was commissioned so that those cultural connections can be articulated by those most familiar with said connections, and MGL considers that the CIA fulfils this brief. Furthermore, ongoing engagement and the establishment of the JSG provides MGL the opportunity to understand integrate Kā Rūnaka views and input on the constitution and implementation of management plans and other documents

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				required by BOGP consent conditions, including when such plans are updated or new activities are undertaken, and to inform refinement of mitigation measures, where appropriate. Consent conditions that provided for Tangata Whenua involvement have been revised to reflect the formation of the Joint Steering Group as agreed in principle between MGL and Kā Rūnaka. Refer to Conditions C23-27 in D.03 – Schedule One – Central Otago District Council and Otago Regional Council Common Conditions for further details.
13	Concession Applications DOC has raised a concern about the proposed alternative access to the CIT Battery. DOC considers that land for roading (and the fibre optic cable) should be vested in the relevant road controlling authority rather than being authorised by way of easements over PCL. See DOC's Section 51 Reports in relation to Concessions.	Planning	**Substantive FTA Application:** A.11 Section 4 – Approvals Sought D.08 – Concession and Conditions for Access Route to Come-in-Time Battery D.06A & B– Concession and Conditions for Ardgour Rise – Access Track and Fibre Optic Cable **Response Evidence:** Evidence of Mark Chrisp	These issues have been addressed by way of changes to the proposed concession applications and conditions attached to those concessions – refer to the amended concession applications provided in Part 4 of this Comment Response Package.

Comments from Heritage New Zealand Pouhere Taonga

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1	Unacceptable loss of a highly significant historic landscape HNZPT emphasises that the Bendigo Quartz Reefs Historic Area is an intact, interconnected historic mining landscape of national importance. It represents the full history of quartz and alluvial gold mining in Otago from the 1860s to the 1930s and has recognised historical, technological, archaeological, and aesthetic values. HNZPT considers the Project would: > Destroy all sites associated with the Rise and Shine Claim;	Heritage	**Substantive FTA Application:** B.34B - New Zealand Heritage Properties Limited - Heritage Assessment (NZHP 2025a) (2 Parts) (10 March 2026) **Response Evidence:** Evidence of Dr Naomi Woods	The Heritage Assessment outlines these impacts as stated by HNZPT. Section 10.3.3 outlines proposed measures for extracting as much information as possible from these sites and site complexes prior to and during their destruction/modification, with further detail provided in the draft Archaeological and Heritage Management Plan. This recording process will allow for the information and material from the sites to be used to best effect for public education and interpretation. It is difficult at this stage to identify how best to present this data to the public, but Section 10.3.5 provides potential outlets that should be explored during and following the mine's use-life. The works will not destroy all sites associated with the Rise and Shine Claim and will avoid impacts to the highest value components of the Come-in-Time workings. When the Bendigo Heritage Landscape (comprising the Bendigo

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	> Modify and damage sites within the Come in Time Battery complex; > Undermine the continuity and integrity of the historic landscape, which is central to its heritage value; and Overall, HNZPT considers these impacts to be severe and permanent, fundamentally compromising the heritage significance of the area.			Historic Reserve, Bendigo Quartz Reefs Historic Area and the Bendigo Conservation Covenant) is considered as a whole, the proposal does not compromise the landscape's overall level of values or significance.
2	<u>Inadequate and misleading heritage assessment</u> HNZPT strongly disagrees with the Applicant's Heritage Assessment, stating that it: > Underestimates the existing heritage values of the project area; > Fails to understand the interconnected nature of the mining sites as a unified landscape; and > Incorrectly concludes that impacts on the wider historic area and conservation covenant would be only "moderate" HNZPT argues that treating sites individually, rather than as part of a continuous historic system, leads to a serious understatement of adverse effects.	Heritage	**Substantive FTA Application:** B.34B - New Zealand Heritage Properties Limited - Heritage Assessment (NZHP 2025a) (2 Parts) (10 March 2026) - Section 9 **Response Evidence:** Evidence of Dr Naomi Woods	The methods used at all stages of the Heritage Assessment are well established and have been used by myself and NZHP for many years on a wide variety of sites and landscapes, including gold mining landscapes in Otago and the West Coast. To reduce subjectivity when assessing heritage values, it is imperative that all sites and landscapes are assessed consistently and using clearly defined parameters, as has been done here. HNZPT has accepted these methods for years, including as part of a successful application for an archaeological authority to destroy and modify sites in the part of the BOGP disturbance footprint with the highest heritage values (the Rise and Shine Creek workings). The report clearly highlights the interconnected nature of the landscape, as developed and agreed with HNZPT.
3	<u>Recommendation to decline the archaeological authority</u> HNZPT recommends that the archaeological authority be declined, as the Project is inconsistent with: > The purpose and requirements of the Heritage New Zealand Pouhere Taonga Act 2014; and > HNZPT's Statements of General Policy. Because of this recommendation, HNZPT also does not support approval of the nominated archaeologist to undertake works under the authority.	Heritage	**Substantive FTA Application:** B34.B - New Zealand Heritage Properties Limited - Heritage Assessment (NZHP 2025a) (2 Parts) (10 March 2026) **Response Evidence:** Evidence of Dr Naomi Woods	While the purpose of the Heritage New Zealand Pouhere Taonga Act is to promote the identification, protection, preservation, and conservation of the historical and cultural heritage of New Zealand, the Act provides a mechanism to lawfully modify or destroy of archaeological sites. NZHP agrees with HNZPT that the BOGP will have a major adverse effect on archaeology and heritage values, and only support the application for an authority subject to sufficient mitigation as outlined in the Heritage Assessment B.34B. NZHP believe the current application for an archaeological authority meets Section 2 of Schedule 8 Approvals Relating to HNZPTA 2014. NZHP has considered the proposal against HNZPT's Statements of General Policy, in particular those highlighted as most relevant by HNZPT, and found that it is consistent with these as far as is practicable.
4	<u>Opposition to partial revocation of the conservation covenant</u> HNZPT opposes the proposed partial revocation of the conservation covenant protecting the area, noting that:	Heritage Recreation	**Substantive FTA Application:** B.34B - New Zealand Heritage Properties Limited - Heritage Assessment (NZHP 2025a) (2 Parts) (10 March 2026)	The Heritage Assessment clearly states that the proposal contravenes the heritage provisions of the Bendigo Conservation Covenant. However, proposed mitigation relating to the Come-in-Time battery and associated access track are

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	> The covenant exists to protect high heritage values in perpetuity; > It safeguards the Rise and Shine mining landscape as a connected, publicly accessible heritage system; and > Partial revocation would lead to permanent loss of heritage values of regional and national significance. HNZPT considers that the effects of revocation have been significantly underestimated and that reducing covenant protection exposes heritage values to irreversible damage.		**Response Evidence:** Evidence of Dr Naomi Woods	more aligned with the heritage principles than the current arrangement of this key feature of the Bendigo mining landscape.
5	Noise and vibration risks not adequately addressed HNZPT notes that blasting vibrations from mining activities are likely to: > Affect nearby heritage structures; and > Cause additional impacts beyond the immediate project footprint. Although a preliminary vibration assessment exists, its recommendations (such as dilapidation surveys, test blasts, and blast optimisation) were not incorporated into the Heritage Assessment, raising concern about unassessed secondary impacts.	Acoustics Heritage	**Substantive FTA Application:** B.34B - New Zealand Heritage Properties Limited - Heritage Assessment (NZHP 2025a) (2 Parts) (10 March 2026) - Section 10 K.06 Marshall Day Acoustics – BOGP Blasting Vibration Effects on Heritage Structures (10 March 2026) **Response Evidence:** Evidence of Dr Naomi Woods	References to measures put in place to limit vibrations are presented in Section 10.3.2 of the Heritage Assessment, and a confirmed process for protecting sites close to but outside of the BOGP footprint will be included into the finalised Archaeological and Heritage Management Plan. MGL remains committed to protecting the sites outside the BOGP footprint wherever possible.

Comments from Otago Regional Council

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1	45 — ORC queried the extent to which critical recommendations from the POBA pit stability report would be implemented, as no consent conditions had been proposed in relation to open pit mining. While the application contains 23 management plans, not one is dedicated to the proposed open pit mining. ORC considered this an important omission.	Geotechnical	**Substantive FTA Application:** B.28 - Peter O'Bryan & Associates - Geotechnical Assessment - Open Pit and Underground Mining -Rise and Shine Deposit (POB 2025) - Section 8.4.2 **Response Evidence:** Evidence of Peter O'Bryan	A generic GCMP can readily be compiled for review. The body of the document would follow the content list as provided in Appendix 01 (Appendix A). A single Open Pit GCMP can incorporate all operating areas, with inclusion of general geological and geotechnical backgrounds/ variations for each deposit. A separate Underground GCMP will be developed. At this stage several components of each GCMP would remain generic as: > Open pit and underground designs are not finalised. > Monitoring and data acquisition methods can be referred to only generally, yet in the GCMP-proper these must be detailed, as must TARPs. > Mining contracts have not been awarded hence specific personnel and standard operating procedures cannot be listed. > Information from advanced assessment is required but not yet available, including further open pit slope analysis and numerical modelling assessment of proposed underground mining and potential for subsidence in response to underground mining. > Site geotechnical training procedures are yet to be decided/ defined. Underground backfilling procedures are to be included in the UG GCMP; however, it is expected that a stand-alone Backfill Management Plan will also be compiled.
2	50 — ORC considers that development and implementation of Ground Control Management Plans (GCMP) is an appropriate means to manage operational stability risks of open pit mining. The GCMP should be prepared by a suitably qualified and experienced geotechnical engineer and provided to ORC for certification; recommended consent conditions are in Appendix 4.	Geotechnical Planning	**Substantive FTA Application:** B.28 - Peter O'Bryan & Associates - Geotechnical Assessment - Open Pit and Underground Mining -Rise and Shine Deposit (POB 2025) - Section 8.4.2 **Response Evidence:** Evidence of Peter O'Bryan Evidence of Mark Chrisp	The GCMPs, pre-requisites for both open pit and underground mining will be finalised well in advance of commencement of mining. The amendment(s) to conditions sought by ORC in relation to this matter have been largely accepted and reflected in the updated conditions dated 17 April 2026 presented as Part 4 of the Response Package.
3	55 — ORC has recommended a consent condition (in Appendix 4) to ensure that the RAS GCMP applies to the Come In Time, SRX, and SRX East satellite pits, or that separate GCMP addressing the same key matters are provided.	Geotechnical Planning	**Substantive FTA Application:** B.28 - Peter O'Bryan & Associates - Geotechnical Assessment - Open Pit and Underground Mining -Rise and Shine Deposit (POB 2025) - Section 8.4.2 **Response Evidence:**	A single Open Pit GCMP can incorporate all operating areas, with inclusion of general geological and geotechnical backgrounds/ variations for each deposit The amendment(s) to conditions sought by ORC in relation to this matter have been largely accepted and reflected in the updated conditions dated 17 April 2026 presented as Part 4 of the Response Package.

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			Evidence of Peter O'Bryan Evidence of Mark Chrisp	
4	60 — Although POBA notes a 40 m exclusion zone as an approximation, ORC considers it necessary and appropriate from a geotechnical perspective to determine the exact width of the post-mining exclusion zone through geotechnical assessment following completion of mining, and recommends consent conditions to this effect.	Geotechnical Planning	**Substantive FTA Application:** B.28 - Peter O'Bryan & Associates - Geotechnical Assessment - Open Pit and Underground Mining -Rise and Shine Deposit (POB 2025) - Section 8.4.2 **Response Evidence:** Evidence of Peter O'Bryan Evidence of Mark Chrisp	As part of the assessment for more specific definition of abandonment barrier positioning exposed rock mass conditions and stability performance will be monitored. Behaviour of the upper walls of the open pits will inform appropriate design of pit access prevention landforms. The amendment(s) to conditions sought by ORC in relation to this matter have been largely accepted and reflected in the updated conditions dated 17 April 2026 presented as Part 4 of the Response Package.
5	63 — Preliminary information would indicate that any instability in the CIT, SRX, or SRE pits is not expected to result in destabilisation of adjacent Public Conservation Land; however, ORC recommends that this be confirmed by detailed assessment.	Geotechnical	**Substantive FTA Application:** B.28 - Peter O'Bryan & Associates - Geotechnical Assessment - Open Pit and Underground Mining -Rise and Shine Deposit (POB 2025) - Section 8.4.2 **Response Evidence:** Evidence of Peter O'Bryan	The planned SRX and SRE pits are remote (by greater than 1 km) from the DOC protected area. The separation between the sector of the CIT pit closest to the DOC area is greater that 175 m at which point the pit wall is entirely within more competent TZ4 rocks. The angle between the toe of the 70 m high wall and the DOC boundary is 8°. West of this point the separation between the CIT pit crest and DOC boundary increases and the wall remains in TZ4. The highest CIT southwestern wall plus natural slope height is approximately 150m (120 m wall and 30 m natural slope). The crest of the natural ridge is approximately 70 m from the DOC boundary. The pit crest is 245 m from the boundary. Failure of the natural slope is the only means by which the DOC boundary could be breached at this position. The pit cannot influence this portion of the natural slope.
6	64 — ORC recommends consent conditions requiring: (a) a minimum Factor of Safety of 1.5 under static loading for all ground beyond the project site; and (b) prior to excavation of any open pit, a geotechnical assessment by a suitably qualified engineer to model potential failure surfaces, assess FoS for land outside the site boundary, and identify any mitigation or monitoring necessary.	Geotechnical Planning	**Substantive FTA Application:** B.28 - Peter O'Bryan & Associates - Geotechnical Assessment - Open Pit and Underground Mining -Rise and Shine Deposit (POB 2025) - Section 8.4.2 **Response Evidence:** Evidence of Peter O'Bryan Evidence of Mark Chrisp	The boundary of the project site is remote from all open pit excavations, except where the southeastern sector of the Rise and Shine open pit is locally approximately 70 m from the DOC boundary. West of this point the separation is typically greater than 100 m. The assessment presented in Appendix 07 demonstrates that this zone has a minimum FOS greater than 1.5. This assessment is to be reviewed as pit design is finalised and the structural and geotechnical interpretations of the area are refined. No changes to the conditions have been made in response to this comment.
7	65 — ORC suggests the practicalities of maintaining a post-closure exclusion barrier in perpetuity should be considered, possibly managed via a condition placed on the enduring CODC	Geotechnical Planning	**Substantive FTA Application:** B.28 - Peter O'Bryan & Associates - Geotechnical Assessment - Open Pit and	Fabricated barriers such as fences will not be retained in perpetuity without a maintenance schedule.

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	land use consent or via a covenant on the relevant title(s) in favour of CODC. ORC invites the Applicant to address this in its s55 response.		Underground Mining -Rise and Shine Deposit (POB 2025) - Section 8.4.2 **Response Evidence:** Evidence of Peter O'Bryan Evidence of Mark Chrisp	Perpetual post-closure exclusion barriers/ abandonment barriers could comprise bunds built using fresh, free-draining waste rock. Bunds would be of appropriate height and shape, for example, at least 2 to 3 m high with a base of 5 to 7 m. Higher bunds may be necessary if/ where vehicle access is possible. Rock bund construction, by necessity requires major land disturbance for haulage access. Fence construction can be managed with only minor disturbance to the setting. A wall comprising fresh rock-filled gabion baskets may be used in critical areas. No changes to the conditions have been made in response to this comment.
8	97 — ORC recommends a consent condition requiring an Operations, Surveillance and Maintenance Manual for the TSF to be prepared by a suitably qualified engineer in accordance with the NZDSG, peer-reviewed by an independent engineer appointed in consultation with ORC, and submitted to Council no less than one month prior to commencing construction of the TSF. Requirements for annual reviews and provision of information required by the OSM Manual should be included.	Geotechnical Tailings Storage Planning	**Response Evidence:** Evidence of Trevor Matuschka Evidence of Mark Chrisp	No changes to the conditions have been made in response to this comment.
9	101 — On the advice of GeoSolve, the landslide-investigation condition recommended by EGL (set out in para 100) should be extended to the site as a whole, on the basis that landslides may interact with other site infrastructure.	Geotechnical Planning	**Response Evidence:** Evidence of Mark Chrisp	Important that all latent landslides within the Project area are examined. Procedures for assessment of potentials for instability related to natural slopes and / or latent landslides are to be included in the Open Pit Ground Control Management Plan (GCMP). The amendment(s) to conditions sought by ORC in relation to this matter have been largely accepted and reflected in the updated conditions dated 17 April 2026 presented as Part 4 of the Response Package.
10	117 — GeoSolve has reviewed EGL's assessment and do not agree that the Shepherds silt pond is a low Potential Impact Classification (PIC) dam; GeoSolve state based on current information the PIC should be medium or high based on population at risk and potential loss of life for the Sunny Day Breach Scenario.	Geotechnical Erosion and Sediment Control Engineered Landforms	**Response Evidence:** Evidence of Eric Torvelainen - Paragraph 33	The whole process of classification of large dams, PIC assessment, and dam design is addressed by Building Act (2004) and Building (Dam Safety) Regulations 2022. This item can be managed through the building consent process.
11	128 — While possibly acceptable from a geotechnical perspective, ORC considers deferring an assessment of potential environmental effects of underground mining-induced subsidence until after consents to be poor process. ORC requested a preliminary assessment of potential surface-level effects including potential for subsidence to adversely affect land stability, watercourses, or mine infrastructure.	Geotechnical	**Substantive FTA Application:** B.28 - Peter O'Bryan & Associates - Geotechnical Assessment - Open Pit and Underground Mining -Rise and Shine Deposit (POB 2025) **Response Evidence:** Evidence of Peter O'Bryan	A preliminary assessment of potential for surface subsidence in the area overlying planned underground mining is presented in Appendix 10 Peter O'Bryan & Assoc memorandum 24053D *Subsidence Potential, Underground Mining*. Appendix 10 notes: Further investigation and analysis, including in situ stress measurement and numerical modelling of mining sequences are required to refine this preliminary assessment. Modelling is critical to improving prediction of overbreak extent and assessment of potential for surface subsidence.

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12	133 — GeoSolve recommends a consent condition requiring preparation of a Subsidence Assessment Report prior to the commencement of any underground mining activities.	Geotechnical Planning	**Substantive FTA Application:** B.28 - Peter O'Bryan & Associates - Geotechnical Assessment - Open Pit and Underground Mining -Rise and Shine Deposit (POB 2025) **Response Evidence:** Evidence of Peter O'Bryan Evidence of Mark Chrisp	Appendix 10 Peter O'Bryan & Assoc memorandum 24053D *Subsidence Potential, Underground Mining* notes that: Further investigation and analysis, including in situ stress measurement and numerical modelling of mining sequences are required to refine this preliminary assessment. Modelling is critical to improving prediction of overbreak extent and assessment of potential for surface subsidence. The amendment(s) to conditions sought by ORC in relation to this matter have been largely accepted and reflected in the updated conditions dated 17 April 2026 presented as Part 4 of the Response Package.
13	150 — The application contains a thorough design report for the Rise and Shine Diversion Channel, but equivalent information is not provided for other diversion channels or sediment management devices.	Erosion and Sediment Control Engineered Landforms Geotechnical	**Response Evidence:** Evidence of Eric Torvelainen - Attachment 1	A letter with preliminary design sizing and details has been provided for the other diversion channels onsite. This includes preliminary channel details, lengths, gradients, alignments, construction considerations, summary of hydraulic calculation results. The letter recommends detailed design documentation is prepared for each diversion.
14	154 — On the advice of GeoSolve, ORC recommends that the riprap-lined option for the Rise and Shine diversion channel is progressed in preference to the concrete-lined channel, as this is likely to reduce (but not eliminate) post-closure monitoring and maintenance requirements.	Erosion and Sediment Control Engineered Landforms Geotechnical	N/A	This is noted and can be addressed in detailed design.
15	155 — Due to relatively conservative hydrological calculations appearing to balance out relatively un-conservative hydraulic calculations, ORC recommends that a smaller Rise and Shine diversion channel is not implemented at detailed design.	Erosion and Sediment Control Engineered Landforms Geotechnical	N/A	This is noted and can be addressed in detailed design.
16	163 — ORC invites the Applicant to provide in its s55 response, for every diversion channel (except the Rise and Shine Diversion Channel) in Shepherds or Rise and Shine catchments onsite for two years or more: channel design details, engineering drawings, channel lengths/gradients/alignments, construction methodology, erosion control/armouring details, and hydraulics/flood design calculations to support channel sizing.	Erosion and Sediment Control Engineered Landforms Geotechnical	**Response Evidence:** Evidence of Eric Torvelainen - Attachment 1	A letter with preliminary design sizing and details has been provided for the other diversion channels onsite. This includes preliminary channel details, lengths, gradients, alignments, construction considerations, summary of hydraulic calculation results. The letter recommends detailed design documentation is prepared for each diversion.
17	163 — ORC invites the Applicant to provide justification for the rainfall event used in the design of each sediment management device (sediment retention pond, silt pond, sump) in Shepherds or Rise and Shine Creek catchments that will be onsite for two years or more.	Erosion and Sediment Control Engineered Landforms Geotechnical	**Response Evidence:** Evidence of Eric Torvelainen - Paragraphs 9 to 16	It was agreed to increase the Shepherds Silt Pond sediment retention design criteria to a 1 in 20-year event, for all storm durations as it is operational for the 14 year life of mine. This was increased from 1 in 10 year. The Western ELF Silt Pond remains at 1 in 10-year event, for all storm durations, as it is only required for approximately 2 years.
18	163 — For every diversion channel and sediment management device where the selected design size allows for uncontrolled	Erosion and Sediment Control	**Response Evidence:**	The situation for each diversion channel was review in the evidence. The design level for the SRX ELF Dirty Water Diversion Channel was increased from 1 in 10 year to a 1 in 50-year basis.

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	overtopping during a storm event, ORC requests an assessment of the frequency of overtopping and potential adverse effects (and mitigation) in relation to: erosion and scour; aggradation and reduction in channel capacity; channel re-routing; and potential for seepage to daylight downslope when channels are cut into rock fill with consequential scour/erosion/instability.	Engineered Landforms Geotechnical	Evidence of Eric Torvelainen - Paragraph 17 to 28 and Attachment 1	The North ELF Diversion Channel was raised from 1 in 10 year to 1 in 20 year basis based on the review.
19	163 — For every temporary diversion channel, ORC requests consideration of the consequences of disestablishing the diversions — for example, the potential consequences of introducing variable gully flows to the flat artificial surface of the TSF.	Erosion and Sediment Control Engineered Landforms Geotechnical	**Response Evidence:** Evidence of Eric Torvelainen - Paragraph 29	The tailings closure capping can be effectively capped and closed in a way that can mitigate variable flows from gullies and rerouting risks.
20	163 — ORC requests a figure or figures that clearly identify a single name for each diversion channel or sediment retention device and use those names consistently, because the application documents produced by different authors are internally inconsistent in their naming of channels throughout the site.	Erosion and Sediment Control Engineered Landforms Geotechnical	**Response Evidence:** Evidence of Eric Torvelainen - Attachment 1	Figure 2 and 3 in Attachment 1 utilises the naming on Project Map C.36.
21	166 — ORC's current position (based on GeoSolve advice) is that any erosion and sediment control measure existing for the operational life of the mine should be sized to a 20-year ARI (5% AEP) storm unless appropriate scour mitigation cannot be established downslope in which case a 50-year ARI (2% AEP) is appropriate; and any permanent erosion and sediment control measure should be designed to a 100-year ARI (1% AEP) storm.	Erosion and Sediment Control Engineered Landforms Geotechnical	**Response Evidence:** Evidence of Eric Torvelainen - Paragraph 30	The updated design levels for diversion channels and silt ponds bring the diversions and Shepherds Silt Ponds into alignment with ORCs position.
22	168 — Given the amount of information outstanding, ORC reserves its position on consent conditions but considers the conditions currently proposed by the Applicant for diversion channels entirely inadequate. Excepting Condition 31 in D.04, the conditions do not address any aspect of any diversion channel design, construction, operation, or maintenance, and no consideration is given to the different functions of permanent diversion channels across mining phases.	Erosion and Sediment Control Engineered Landforms Geotechnical Planning	**Substantive FTA Application:** G.14 - Erosion and Sediment Control Management Plan **Response Evidence:** Evidence of Eric Torvelainen Evidence of Mark Chrisp	This requirement is set out in the G.14 Erosion and Sediment Control Management Plan. The management plans will not be updated as part of this comment response package and will instead be updated following expert conferencing. If ORC considers the revised design level requirements should be included in the proposed consent conditions this can be discussed further in the anticipated conditions workshops. Any other requirements can also be discussed. The amendment(s) to conditions sought by ORC in relation to this matter have been reviewed and reflected in the updated conditions dated 17 April 2026 presented as Part 4 of the Response Package.
23	189 — ORC recommends some modifications to the Applicant's proposed consent conditions to more comprehensively require oxygen-ingress controls (tip-height limits, truck compaction,	Environmental Chemistry and Water Planning	**Substantive FTA Application:** G.15 - Engineered Landform Management Plan	The key design objective of ELF construction is to prevent high advective airflow rates into the core of the ELF where higher-risk materials are placed.

Comment Number	Comment	Applicant Technical Input	Where Addressed in the Application Documents	Response
	layer thickness, and outlet design) to be implemented and has included these as tracked changes in Document D.04.		**Response Evidence:** Evidence of Dr Paul Weber Evidence of Mark Chrisp	The proposed measure of success is < 5% oxygen within ~20 horizontal metres of the ELF batter slope (the key zone for advective airflow) with a clear oxygen diffusion profile (i.e., no significant spikes in oxygen concentration at depth due to advective airflow). Further discussion is provided in the Evidence of Dr Paul Weber and consideration of the proposed consent condition for the Shepherds ELF (NEW 21) and the Western ELF (NEW 23). The amendment(s) to conditions sought by ORC in relation to this matter have been largely accepted and reflected in the updated conditions dated 17 April 2026 presented as Part 4 of the Response Package.
24	190 — ORC considers that the ELFMP uses inappropriately non-committal language which undersells the importance of specific construction methodologies and performance monitoring activities and does not allow for clear and non-negotiable outcomes to be set in relation to oxygen ingress.	Environmental Chemistry and Water	**Substantive FTA Application:** G.15 - Engineered Landform Management Plan **Response Evidence:** Evidence of Dr Paul Weber	Design objectives have been clarified in the G.15 ELF Management Plan and in the evidence of Dr Paul Weber. An appropriate consent condition would be to develop a standard operating procedure within 12 months to achieve the ELF design objectives (described above in comment number 23) that should include performance monitoring and trigger action response plans.
25	191 — ORC recommends that a performance standard for oxygen ingress be included within consent conditions, requiring that oxygen is reduced to <5% within a maximum of 20 m (horizontally) inwards from the surface of the ELF, and that oxygen profiles demonstrate diffusion-controlled ingress.	Environmental Chemistry and Water Planning	**Substantive FTA Application:** G.15 - Engineered Landform Management Plan **Response Evidence:** Evidence of Dr Paul Weber Evidence of Mark Chrisp	The key design objective of ELF construction is to prevent high advective airflow rates into the core of the ELF where higher-risk materials are placed. The proposed measure of success is < 5% oxygen within ~20 horizontal metres of the ELF batter slope (the key zone for advective airflow) with a clear oxygen diffusion profile (i.e., no significant spikes in oxygen concentration at depth due to advective airflow). The amendment(s) to conditions sought by ORC in relation to this matter have been largely accepted and reflected in the updated conditions dated 17 April 2026 presented as Part 4 of the Response Package.
26	197 — Based on the information provided, ORC does not consider MWM's assumption of 20% net percolation for rehabilitated ELFs to be conservative. No evidence has been provided to demonstrate that a 20% net percolation is achievable with the specific rock and soils available on this site.	Environmental Chemistry and Water	**Substantive FTA Application:** B.06 – Mine Waste Management Limited - Mine Impacted Water Overview Report (MWM 2025) - Appendix – N.	The 20% net percolation (NP) rate is based on data available from Macraes. These data were referenced in the B.06C MWM Water and Load Balance report. BOGP will undertake field trials to confirm the NP for the BOGP. This is covered in a new proposed consent condition NEW 20 (D.04 - Schedule Two - General Conditions for ORC Consents (17 April 2026)). If NP rates were higher this would mean a longer active treatment phase.
27	200 — ORC recommends that ELF cover system trials be explicitly required by conditions (to the extent they cannot be conducted sooner) and that commencement of these trials be time-bound — not left to the discretion of the consent holder through terms like 'as soon as possible/practicable'. A suggested framework is provided in Appendix 4.	Environmental Chemistry and Water	**Substantive FTA Application:** G.15 - Engineered Landform Management Plan **Response Evidence:** Evidence of Dr Paul Weber	Field trials are recommended as a mitigation measure in the G.15 ELF Management Plan (Table 6 – Risk ELF06) to confirm net percolation rates. ORC propose a new consent condition NEW 20 (D.04 - Schedule Two - General Conditions for ORC Consents (17 April 2026)) to ensure these trials are undertaken.

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			Evidence of Mark Chrisp	The amendment(s) to conditions sought by ORC in relation to this matter have been accepted and reflected in the updated conditions dated 17 April 2026 presented as Part 4 of the Response Package.
28	212 — The quarterly groundwater performance monitoring programme described in the Water Management Plan is not included within the Applicant's proposed consent conditions. It is ORC's preference that performance monitoring requirements are specified in consent conditions to reflect the critical role they play in the effects management process.	Planning	**Response Evidence:** Evidence of Mark Chrisp	The amendment(s) to conditions sought by ORC in relation to this matter have been accepted and reflected in the updated conditions dated 17 April 2026 presented as Part 4 of the Response Package.
29	213 — ORC recommends that the proposed nested piezometer 'fence' site in Shepherds valley downstream of SC01 be added to the groundwater performance monitoring in the WMP and also secured by consent conditions.	Surface and Groundwater Planning	**Response Evidence:** Evidence of Jens Rekker	An alluvium – weathered rock depth borehole fence at SC-01 monitoring site. It has been presented to ORC following a workshop with experts and reviewers on 24-25 February 2026. ORC have indicated support for the bedrock gap drilling fence and nested piezometers for alluvium and weather schist rock those groundwater transmission properties may permit underflow of the SC-01 surface water monitoring site. Drilling of five hole would be followed by hydrogeological characterisation, installation of monitoring bore(s) and assessment of underflow rates. Should assessment indicate the need, cutoff drains keyed into competent rock cutoff drains keyed into competent rock can be installed to the existing ground level and combined with interception galleries to intercept and remove MIW -affected groundwater to the mine water circuit during operations, or water treatment during active closure.
30	216 — ORC recommends that a consent condition capture the Applicant's commitment to commission contaminant transport modelling studies to support detailed design of the ELFs and TSF, validate predicted contaminant transport times, and ensure the most appropriate seepage collection elements are installed.	Planning Hydrogeology	**Response Evidence:** Evidence of Ryan Burgess Evidence of Mark Chrisp	MGL agree to this consent condition (D.04 condition NEW 6B). I note that the results of early modelling studies are provided in Appendix A of the evidence of Ryan Burgess. The amendment(s) to conditions sought by ORC in relation to this matter have been largely accepted and reflected in the updated conditions dated 17 April 2026 presented as Part 4 of the Response Package.
31	223 — The importance of the proposed active water treatment should not be underestimated; the Applicant's modelling confirms that appropriate water quality outcomes cannot be achieved without treatment. ORC considers that the order-of-magnitude study in B.41 provides little certainty that water quality objectives can be achieved in practice.	Environmental Chemistry and Water	**Response Evidence:** Evidence of Dr Paul Weber.	Further examples of active and passive water treatment in New Zealand are provided in the evidence of Paul Weber (Appendix A). This demonstrates that the treatment of MIW is understood and technologies are available.
32	225 — ORC has not identified in the Applicant's proposed consent conditions any condition that requires testing or trials, nor any conditions applying to the detailed design, construction, operation, performance monitoring, or ongoing maintenance of the active Water Treatment Plant. ORC considers this a significant omission and has suggested a framework of	Environmental Chemistry and Water Water Treatment Planning	**Response Evidence:** Evidence of Dr Paul Weber – Paragraphs 13-16 Evidence of Gary Smith. Evidence of Mark Chrisp	ORC proposed new consent condition in Appendix 02 to address the required monitoring: > NEW 6 – Accepted: The evidence of Paul Weber provides some clarifications on timeframes. > NEW 7 – Accepted: This condition relates to the time needed by ORC to review the design (3 months). Time has been added to the WTP Gantt chart to allow for this review period.

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	conditions in Appendix 2, including requirements for bench trials, pilot trials, and operational trials.			> NEW 8 – This condition requires the WTP to be ready 12 months before it is needed. Noting the need for the WTP and triggers to construct the plant are clarified in Evidence of Paul Weber for the Panel RFI (Paragraph 13 – 16). This should be reflected in the consent condition. > NEW 9 – Accepted > NEW 10 – This is addressed by the Evidence of Gary Smith Online (Realtime) monitoring of pH, Turbidity and EC of treated water will be included the WTP instrumentation. These will be calibrated daily by WTP operations staff. Weekly water quality testing of all compliance parameters will be carried out at the discharge point to the WTP treated water pond. > NEW 11 - This is addressed by the Evidence of Gary Smith. An Operations and Maintenance manual will be developed for the WTP this will include. > Alarms response procedures > Maintenance Schedules > Sampling Requirements > Calibration > Performance testing requirements > Manufacturers data and manuals > MSDS information > HSNO Requirements These conditions are discussed in the evidence of Paul Weber as required. The amendment(s) to conditions sought by ORC in relation to this matter have been partially accepted and reflected in the updated conditions dated 17 April 2026 presented as Part 4 of the Response Package.
33	231 — ORC is not sure if the potential passive water treatment system described by MWM is proposed for SRX or for the eventual transition from active water treatment to passive treatment in the Shepherds Valley, or both.	Environmental Chemistry and Water Planning	**Substantive FTA Application:** B.06C - Mine Waste Management Limited - Mine Impacted Water Overview Report – Appendix I to O	Partial passive treatment of the average flow (8 L/s) from SRX Pit is proposed. This is provided in the Water and Load Balance Model.
34	232 — ORC recommends the Panel give consideration to setting a performance standard in consent conditions that the ELFs must be constructed and designed to achieve a net percolation of <20%, and that water treatment trials commence as soon as possible following commencement of mining.	Environmental Chemistry and Water Planning	**Response Evidence:** Evidence of Dr Paul Weber.	The model is based on a net percolation rate of 20%. A higher NP rate would extend the duration that active treatment is required. A trial is proposed to validate NP.

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				At the completion of the trial the Consent Holder must report on results. Any difference in NP compared to the model results of 20% must be managed by an adaptive management process. This may be a longer treatment period. Water treatment trials are proposed one year after Tailings production commences as discussed in the evidence of Dr Paul Weber. The amendment(s) to conditions sought by ORC in relation to this matter have been accepted and reflected in the updated conditions dated 17 April 2026 presented as Part 4 of the Response Package.
35	232 — ORC would be concerned if large-scale mining could commence pursuant to the approvals without more certainty on the performance of ELF cover with respect to net percolation and the feasibility of the proposed water treatment.	Environmental Chemistry and Water Planning	**Substantive FTA Application:** B.06C - Mine Waste Management Limited - Mine Impacted Water Overview Report – Appendix I to O - Appendix N and Appendix M **Response Evidence:** Evidence of Dr Paul Weber	Further examples of active and passive water treatment in New Zealand are provided in the evidence of Paul Weber (Appendix A). This demonstrates that the treatment of MIW is understood and technologies are available. A higher NP rate would mean the active water treatment phase would be longer before the transition to passive treatment.
36	245 — Hydro Geochem Group in Application Report B.43 states that MWM estimated groundwater inflows to the RAS underground workings would be approximately 10 L/s. ORC is unable to reconcile this figure with the MWM report referenced by HGG. In KSL B.03 it is estimated that 30 L/s of active pumping would be required; it is not clear if this is operational pumping or a prediction of inflows.	Hydrogeology Surface and Groundwater	**Substantive FTA Application:** B.03 - Kōmanawa Solutions Limited - Groundwater Existing Environment and Effects Assessment (Kōmanawa 2025b) **Response Evidence:** Evidence of Ryan Burgess Evidence of Jens Rekker	The use of the Goodman et al. 1965 equation to estimate tunnel groundwater inflows is widely known to significantly overestimate groundwater inflow. As such, the estimate of 30 L/s was scaled down based on literature to 9 L/s. B.43 rounded that value up to 'approximately 10 L/s' for the purposes of flow augmentation. KSL included the use of the Goodman et al. 1965 analytical equation with reported 29 or 30 L/s maximum workings groundwater inflow rate as a means of scoping the water take consent envelope. The use of the Goodman et al. 1965 equation for the RAS underground workings had a different context to that considered in B.06, Appendix N.
37	261 — Report B.42 assumes that swamp and marsh, hillslope, and gully fen wetlands could be impacted by drawdown. Augmentation water is proposed for swamp/marsh wetlands, but no mitigation is proposed for hillslope or gully fen wetlands. Performance monitoring is recommended to establish whether there is a reduction in groundwater levels affecting wetland extent or values.	Hydrogeology	**Response Evidence:** Evidence of Ryan Burgess	The performance monitoring should be undertaken, as recommended in B.42 and included in G.01.
38	281 — ORC supports the Applicant's proposal to commission a site-wide transient water balance model but also recommends that this water balance modelling, and the reconciliation of effects, be undertaken for each mine stage to ensure site water balance is well understood and water deficit is maintained.	Hydrogeology	**Response Evidence:** Evidence of Ryan Burgess	The site-wide transient water balance model is currently underway and included as D.04 condition NEW 6A.I support the recommendation to update this model regularly to keep it current as mine plans and water management evolve over time.

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39	286 — The application states that the maximum instantaneous rate of take from the production bores must not exceed 110 L/s, but does not specify a daily, monthly, or annual volume of water that is sought.	Planning MGL	**Response Evidence:** Evidence of Damian Spring – Paragraph 100	The maximum is 110 L/s, so that the maximum volumes per day, month, or year are a simple extrapolation of that flow rate over that period of time. Maximum daily and monthly volumes of water abstraction are 9,504 m^3 and 294,624 m^3 respectively. Estimated annual volumes are provided in comment 41 below.
40	288 — The application does not provide clear justification for the rate of water sought to be abstracted from the Bendigo Aquifer, and the numbers stated in A.10 do not align with water requirements for dust suppression as calculated by PDP in the Air Quality Report. No explanation of how these numbers were derived could be identified by ORC.	MGL	**Response Evidence:** Evidence of Damian Spring – paragraph 101.	MGL acknowledge discrepancy between volumes of water required for dust suppression presented by MGL in A .10 and PDP in B.33.
41	291 — ORC invites the Applicant to provide: a) anticipated daily volume of water required for different project stages with supporting calculations; b) confirmation of frequency of abstraction; c) anticipated seasonal or other variation; d) confirmation of water storage facilities; and e) (e) whether it is feasible for consent conditions to provide for a staged reduction in abstraction rate as mining progresses.	MGL	**Response Evidence:** Evidence of Damian Spring – Paragraph Damian Spring 102	MGL have estimated annual water demand from the Bendigo Aquifer for the BOGP, accounting for water requirements for dust suppression, augmentation, and the process plant. Annual water demand calculation results are summarised as follows: > Start at 1.2 Mm^3 (38 L/s on average) in Year 1 for construction and dust suppression. > Peak in Year 2 at 2.5 Mm^3 (79 L/s) to service the process plant for 6 months before the TSF decant is operational. > Drop to 1.8 Mm^3 (57 L/s) in Year 3 through Year 6 when the decant is operational and RAS Pit is the sole production source. > Increase to 2.2 Mm^3 (70 L/s) from year 7 through to Year 14 to service RAS underground. Although the average peak is ~80 L/s in Year 2, in this year the peak monthly water demand was estimated be ~285,000 m^3 (~110 L/s) over a 6-month period while the process plant is commissioned (but the TSF pond decant is not operational). Preliminary modelling estimates a seasonal reduction of approximately 25,000 m^3 (~10 L/s) per month in winter (Jun – Sep) compared to summer months (Oct – May). Reduction in water volumes associated with dust suppression during winter is partially offset by increased stream augmentation volumes over the same period. There is 30,000 m^3 water storage capacity available in the Shepherds Silt Pond. MGL do not consider it feasible for consent conditions to provide for a staged reduction in abstraction rates as mining progresses. Water demand estimates will be refined with the proposed transient site wide water.
42	295 — ORC's confidence in the drawdown assessment on nearby bores is somewhat tempered by the fact that aquifer testing was not consistent with ORC's recommended aquifer testing guidelines.	Groundwater	**Substantive FTA Application:** B.02 - Kōmanawa Solutions Limited Bendigo Groundwater Bore Take Effects Assessment (Kōmanawa 2025a). **Response Evidence:**	It is acknowledged that aquifer testing did not conform with ORC's aquifer testing guidelines. However, the guidelines are advisory rather than regulatory and the ORC reviewer acknowledged that the analysed groundwater parameters for transmissivity specific yield and well screen coefficients were appropriately determined.

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			Evidence of Jens Rekker	MGL have offered to institute post-approval commissioning aquifer testing of the MGL bore field with a view to supporting investigations into bore water reliability in bores surrounding the bore field. Based on the results of reliability investigations, possible remedial actions to mitigate the effects of drawdown from whatever causative source would be discussed with the owners of surrounding bores.
43	299 — ORC recommends that the stepwise drawdown-response condition include an additional requirement that the Consent Holder must consult the affected bore owner and implement the most practicable and effective remedial option, taking into account the preferences of the bore owner.	Groundwater Planning	**Substantive FTA Application:** B.02 - Kōmanawa Solutions Limited - Bendigo Groundwater Bore Take Effects Assessment (Kōmanawa 2025a) **Response Evidence:** Evidence of Mark Chrisp Evidence of Jens Rekker	Based on the results of reliability investigations, possible remedial actions to mitigate the effects of drawdown from whatever causative source would be discussed with the owners of surrounding bores. Among the remedial actions considered and consult with bore owners may include bore alteration, re-drilling or the provision of an alternative water supply. The amendment(s) to conditions sought by ORC in relation to this matter have been accepted and reflected in the updated conditions dated 17 April 2026 presented as Part 4 of the Response Package.
44	301 — The only residual concern ORC has in respect of the Bendigo Aquifer groundwater take is the efficiency of the proposed use; clarification from the Applicant may assist in resolving this matter.	MGL Planning	**Response Evidence:** Evidence of Damian Spring – Paragraph 103	Given ORC considers the effects from use of water will be low and acceptable, MGL through the water management plan will ensure water take efficiently used. The pumping of water is a cost, therefore MGL will be financially incentivised to do this.
45	304 — ORC recommends inclusion of consent conditions relating to detection of, and responses to, seepage bypassing primary collection systems.	Planning	**Response Evidence:** Evidence of Jens Rekker Evidence of Mark Chrisp	The amendment(s) to conditions sought by ORC in relation to this matter have been largely accepted and reflected in the updated conditions dated 17 April 2026 presented as Part 4 of the Response Package.
46	308 — It is ORC's preference that groundwater performance monitoring requirements are specified in consent conditions to reflect the critical role they play in the effects management process.	Hydrogeology Planning	**Response Evidence:** Evidence of Ryan Burgess Evidence of Mark Chrisp	Groundwater performance monitoring requirements are specified in consent conditions to maintain consistency with surface water performance monitoring also being included in consent conditions. The amendment(s) to conditions sought by ORC in relation to this matter have been largely accepted and reflected in the updated conditions dated 17 April 2026 presented as Part 4 of the Response Package.
47	322 — The Applicant has proposed surface water compliance limits that allow for increases in contaminant concentrations far beyond what the proposed activities are expected to generate. The opinion of Dr Greer is that full implementation of these limits would degrade water quality to the extent that there would be a risk of significant adverse effects on aquatic life.	Ecotoxicology Planning	**Substantive FTA Application:** B.07 - Greg Ryder Consulting - Recommended Water Quality Compliance Limits for the Bendigo Ophir Gold Project (Ryder 2025) **Response Evidence:** Evidence of Greg Ryder	This comment fails to note the additional comments of Dr Greer that the proposed implementation of ANZG limits are "*arguably comparable in protectiveness against chronic toxicity effects as to applying the 95% species protection DGVs*". Consequently, there will not be risk of significant adverse effects to aquatic life.

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48	323 — Setting water quality limits substantially higher than necessary to undertake the proposed activity creates unnecessary risk of adverse effects and would not incentivise the Applicant to achieve a better water quality outcome, even where modelling indicates this is possible.	Ecotoxicology Planning	**Substantive FTA Application:** B.07 - Greg Ryder Consulting - Recommended Water Quality Compliance Limits for the Bendigo Ophir Gold Project (Ryder 2025) **Response Evidence:** Evidence of Greg Ryder	There is almost always a need to set compliance limits higher than baseline values, in order to avoid the risk of 'false' exceedances. These exceedances can occasionally result from issues with sampling methodology, one-off events (e.g., high rain events) that have no long-term environmental implications, laboratory testing issues, or 'natural' variations in background concentrations.
49	326 — The primary risk stems from the increase of nitrate-nitrogen and ammoniacal nitrogen allowed for by the proposed limits: median limits are approximately 30 times higher than the current state, approximately 10 times higher than MWM modelling indicates is necessary for Shepherds Creek, and for Rise and Shine Creek the proposed limits are approximately 88 times higher than the predicted average concentration after cessation of mining.	Ecotoxicology Planning	**Substantive FTA Application:** B.07 - Greg Ryder Consulting - Recommended Water Quality Compliance Limits for the Bendigo Ophir Gold Project (Ryder 2025) **Response Evidence:** Evidence of Greg Ryder	The proposed ammonia and nitrate limits are to protect against toxicity effects with 95% level of species protection, they are not intended to manage for nuisance periphyton growths. Macroinvertebrate community health indices can be assessed as a surrogate for nutrient enrichment, as proposed in the G.13 Freshwater Ecological Management and Monitoring Plan.
50	328 — Dr Greer recommends that nitrate-nitrogen and ammoniacal nitrogen limits align with the modelled outcomes presented by MWM in Report B.06C Appendix N, with an appropriate buffer to account for model uncertainty. ORC supports this approach.	Ecotoxicology Greg Ryder Environmental Chemistry and Water Planning	**Substantive FTA Application:** B.07 - Greg Ryder Consulting - Recommended Water Quality Compliance Limits for the Bendigo Ophir Gold Project (Ryder 2025) **Response Evidence:** Evidence of Greg Ryder	The proposed ammonia and nitrate limits in B.07 should be used until modelled outcomes can be validated. The model will be validated from field trials to determine net percolation rates and performance monitoring data.
51	330 — Dr Greer does not agree that Shepherds and Rise and Shine Creeks should be classified as highly disturbed systems. Instead, he considers them slightly to moderately disturbed, meaning good practice would be to adopt the ANZG 95% species protection DGVs as the default, or to derive site-specific guideline values.	Ecotoxicology	**Substantive FTA Application:** B.07 - Greg Ryder Consulting - Recommended Water Quality Compliance Limits for the Bendigo Ophir Gold Project (Ryder 2025) **Response Evidence:** Evidence of Greg Ryder	Some contaminants already exceed the ANZG (2018) DGV for 95 % level of species protection in some samples from the proposed Rise and Shine Creek monitoring site (RS03). The Shepherds Creek monitoring site (SC01) appears to exhibit consistently elevated pH (median of >8.1) and elevated nitrate and turbidity levels on occasions. Also, some reaches have been realigned, subject to stock trampling and defecation, lack of riparian cover, willow encroachment and water abstraction.
52	332 — Provided the final conditions formalise the toxicant limits as absolute maximums and include clear ecological trigger mechanisms requiring management responses to address water quality issues, the highly-disturbed/slightly-disturbed classification dispute can be considered resolved from ORC's perspective.	Planning	**Response Evidence:** Evidence of Mark Chrisp	The amendment(s) to conditions sought by ORC in relation to this matter have been largely accepted and reflected in the updated conditions dated 17 April 2026 presented as Part 4 of the Response Package.

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53	335 — It is not clear whether the Applicant considers that 0.01 mg/L arsenic is achievable at the Shepherds Creek compliance location SC01, nor whether the Applicant has interrogated existing groundwater quality data to understand whether current groundwater quality meets the NZ Drinking Water Standards.	Ecotoxicology Planning	N/A	MGL does not currently test groundwater at this location. We do however take monthly surface water samples from SC01 (which in the application is a surface water compliance monitoring site) but these are not assessed against the NZ Drinking Water Standards, as it is not used as a potable water source. Monthly records since Sept 2022 through to March 2026 have an average concentration of 0.00285 mg/L and a maximum concentration of 0.0068 mg/L (which occurred in December 2025). Consequently, 0.01 mg/L is achievable at SC01.
54	337 — ORC recommends that the lower groundwater Maximum Acceptable Value applies to the surface water compliance locations, except for arsenic at RS03 where the 0.042 mg/L ecological guideline could apply.	Ecotoxicology Planning	N/A	Noted.
55	339 — Having the turbidity limit only apply to baseflow conditions does not control sediment inputs during rainfall events when sediment ponds are operating. It allows conspicuous changes in visual clarity when the discharge is operating and poses a compliance risk to the Applicant, as by the time the proposed limit is exceeded the discharge would have occurred and cannot be prevented.	Ecotoxicology Planning	**Response Evidence:** Evidence of Mark Chrisp	Following a workshop consultation with ORC, amendments have been made to proposed conditions relating to turbidity limits from controlled stormwater outfalls, including to receiving water turbidity, and these are reflected in the revised proposed conditions provided in Part 4 of this response package.
56	340 — An end-of-pipe total suspended solids (TSS) limit, paired with a narrative instream limit, is a better approach to managing sediment pond discharges on the site than the turbidity limit proposed in consent conditions.	Ecotoxicology Geotechnical, Erosion and Sediment Control and Engineered Landforms Planning	**Response Evidence:** Evidence of Mark Chrisp Evidence of Eric Torvelainen - Paragraph 32	The amendment(s) to conditions sought by ORC in relation to this matter have been accepted and reflected in the updated conditions dated 17 April 2026 presented as Part 4 of the Response Package.
57	343 — Dr Greer recommends the G.14 Erosion and Sediment Control Management Plan include development of site-specific relationships between turbidity and TSS, enabling real-time turbidity data to trigger management responses when TSS concentrations are likely to approach the compliance limit; formal compliance would then be confirmed through TSS sampling.	Geotechnical, Erosion and Sediment Control and Engineered Landforms Planning	**Response Evidence:** Evidence of Mark Chrisp	The amendment(s) to conditions sought by ORC in relation to this matter have been accepted and reflected in the updated conditions dated 17 April 2026 presented as Part 4 of the Response Package.
58	345 — The proposed RS03 compliance site on Rise and Shine Creek is located downstream of the confluence with Clearwater Creek, which introduces diluting flows. This is an issue because RS03 is sited to identify potential water quality effects associated with all mining activities in the Rise and Shine catchment; if diluting waters are introduced upstream of some contaminant sources, impacts may be less detectable.	Ecotoxicology	N/A	Regardless of any potential dilution, any changes in water quality parameters over time will be picked up via the compliance and performance monitoring programmes.

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59	347 — A solution to the RS03 dilution issue could be to include an additional surface water monitoring location in Rise and Shine Creek immediately upstream of its confluence with Clearwater Creek, to enable concentrations above and below the confluence to be determined. If this cannot be done, ORC considers an explanation should be provided as to how effects could be detected and ascribed to a particular mining component using only RS03 data.	Ecotoxicology	N/A	As noted above, any changes (trends) in water quality contaminants over time at RS03 must be due to mine operations upstream, in which case performance monitoring would identify the cause.
60	348 — The RS03 matter remains unresolved; ORC invites the Applicant to provide further discussion in their s55 response to s53 comments.	Surface and Groundwater Hydrogeology	**Response Evidence:** Evidence of Ryan Burgess Evidence of Jens Rekker – Appendix 2	Response provided by HGG in Water workshop tasks.pdf. on 19 March 2026. In addition, I recommend an additional surface water performance monitoring site be included on Rise and Shine Creek as a solution to this issue. The logical sites would be RS02 which has a reasonable baseline water quality dataset and has flow gauging installed too, which is beneficial for understanding contaminant loads. Appendix 2 to Jens Rekker's statement of evidence with responses to to invited comments details the locations, rationale, analytes and frequency of sampling for surface water monitoring sites on the Lindis River and Bendigo Creek.
61	349 — Neither the application nor the initial responses to ORC's requests sufficiently acknowledged or discussed the potential implications of uncaptured seepage for surface water, including the Lindis River, which is sustained by groundwater discharge from the Lindis Alluvial Aquifer. As the Ardgour Valley and Lindis Alluvial Ribbon aquifers are hydraulically connected, there is a plausible pathway by which untreated seepage could ultimately enter the Lindis River.	Surface and Groundwater Hydrogeology	**Response Evidence:** Evidence of Ryan Burgess Evidence of Jens Rekker – Appendix 1	This statement seems at odds with Paragraphs 217 and 353 of ORC s53 Comments (dated 10 April 2026), which conclude that with appropriate monitoring, consent conditions in place, and conventional engineering control options available as contingencies, the risk of seepage bypass is low. I draw the same conclusion. The implications of seepage of Shepherds Creek and Bendigo Creek waters into their respective receptor aquifer is acknowledged. In order to provide a failsafe against very low risk of uncaptured groundwater entering the Shepherds Creek alluvium at SC-01, a stepwise procedure of drilling across the bedrock gap at SC-01. Appendix 1 to Jens Rekker's statement of evidence with responses to to invited comments details the locations, drilling targets, conversion of drill holes to sampling bores, hydrogeological characterisation and further recommendations for seepage control, including long-term monitoring.
62	352 — In Appendix 19, MGL has committed to including a consent condition requiring installation of secondary/contingency seepage interception measures if monitoring identifies higher than expected contaminant levels. This will require appropriate trigger levels; ORC has suggested a framework for these conditions in Appendix 4.	Surface and Groundwater Hydrogeology	**Response Evidence:** Evidence of Ryan Burgess Evidence of Jens Rekker Evidence of Mark Chrisp	This statement is acknowledged. Conditions 29 and 30 of D.04 are proposed to meet this commitment. This requirement for appropriate trigger levels is acknowledged. The amendment(s) to conditions sought by ORC in relation to this matter have been partially accepted and reflected in the updated conditions dated 17 April 2026 presented as Part 4 of the Response Package.
63	356 — In the Lindis River, no impacts from mining are anticipated under normal conditions. ORC suggests monitoring results should be interrogated with a focus on identifying a	Hydrogeology	**Response Evidence:** Evidence of Ryan Burgess	If surface and groundwater quality at SC01 and RS03 are maintained below proposed compliance limits, impacts to the Lindis River are not likely to occur. Monitoring of the Lindis River is proposed to confirm this expectation. 'Fingerprinting' is difficult without empirical

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	contamination 'fingerprint' which, if present, would be indicative of mine-impacted water. Management actions including inspection of seepage collection infrastructure should be clearly identified in the Water Management Plan and in consent conditions.			seepage water quality data. As such, I recommend ‘fingerprinting’ be determined once measured BOGP seepage water quality data are available to determine reliable ‘fingerprints’. The amendment(s) to conditions sought by ORC in relation to this matter have been accepted and reflected in the updated conditions dated 17 April 2026 presented as Part 4 of the Response Package.
64	358 — ORC supports the additional monitoring proposed by the Applicant in the Lindis River and Bendigo Creek and recommends that this additional monitoring is captured in consent conditions and in the Water Management Plan.	Surface and Groundwater Hydrogeology Planning	**Response Evidence:** Evidence of Ryan Burgess Evidence by Jens Rekker Evidence of Mark Chrisp	This statement is acknowledged. Although impacts to the Lindis River and Bendigo Creek are not anticipated, the proposed additional monitoring on these waterways will provide empirical evidence to help reassure any concerned parties. This requirement for additional monitoring is acknowledged. The amendment(s) to conditions sought by ORC in relation to this matter have been accepted and reflected in the updated conditions dated 17 April 2026 presented as Part 4 of the Response Package.
65	360 — For some parameters — boron, iron, manganese, molybdenum, and uranium — the water quality compliance standards proposed are higher than the ANZECC (2000) irrigation guidelines for long term use. Use of water where contaminants exceed long-term irrigation guidelines causes build-up of contaminants in surface soil and uptake of unacceptable concentrations in crops.	Ecotoxicology	N/A	Noted.
66	361 — Other parameters expected to be elevated in mine impacted waters — chloride, sodium, and electrical conductivity — are not currently proposed to be monitored; elevated salt concentrations could cause soil structure degradation and foliar injury if used on crops.	Ecotoxicology	N/A	Chloride, sodium, and electrical conductivity are monitored.
67	362 — ORC invites the Applicant to address irrigation water standards in its s55 response, specifically considering: whether short or long-term irrigation guidelines are most applicable; whether surface vs groundwater irrigators could be impacted differently; whether the water treatment plant could produce water satisfying irrigation standards; whether existing stream water quality complies with irrigation guidelines; whether monitoring for sodium/chloride/EC is warranted; and whether proposed surface and groundwater limits remain appropriate.	Ecotoxicology	N/A	Water quality contaminants at SC01 and RS03 comply with ANZECC (2000) long-term irrigation standards. Chloride, sodium and electrical conductivity are monitored.
68	366 — For surface water, the Applicant's proposed limits (ANZG 2018 90% DGV as absolute maximums) are acceptable with modifications: nitrate and ammoniacal nitrogen should be lower and align with modelled predictions with an appropriate buffer;	Ecotoxicology	**Substantive FTA Application:** B.07 - Greg Ryder Consulting - Recommended Water Quality Compliance	See response to comment #50.

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	antimony, molybdenum, and sulphate should match the groundwater MAV; arsenic should match the groundwater MAV in Shepherds Creek but remain as 90% DGV for Rise and Shine Creek; and irrigation standards should be considered with further information.		Limits for the Bendigo Ophir Gold Project (Ryder 2025) **Response Evidence:** Evidence of Greg Ryder	
69	373 — The proposed compliance limits for nitrate-nitrogen and ammoniacal nitrogen are inappropriately high, being set 10-88 times higher than modelling would suggest is necessary after treatment. These limits exceed the saturation threshold for periphyton which means that, if fully implemented, periphyton growth would not be limited in any way by nitrogen availability.	Ecotoxicology	**Substantive FTA Application:** B.07 - Greg Ryder Consulting - Recommended Water Quality Compliance Limits for the Bendigo Ophir Gold Project (Ryder 2025) **Response Evidence:** Evidence of Greg Ryder	See response to comment #49.
70	375 — As advised by Dr Greer, ORC recommends that nitrate-nitrogen and ammoniacal nitrogen limits are set to align with modelled water quality outcomes predicted in Report B.06C Appendix N, with an appropriate buffer for uncertainty.	Environmental Chemistry and Water Ecotoxicology Planning	**Substantive FTA Application:** B.07 - Greg Ryder Consulting - Recommended Water Quality Compliance Limits for the Bendigo Ophir Gold Project (Ryder 2025) **Response Evidence:** Evidence of Greg Ryder	See response to comment #50.
71	376 — Reduced nitrogen limits should be coupled with long-term periphyton monitoring and modelling, with clear triggers for additional management actions if the revised compliance standards are ultimately found not to be protective against nuisance blooms. ORC suggests a monitoring and response framework in Appendix 4.	Ecotoxicology Planning	**Substantive FTA Application:** B.07 - Greg Ryder Consulting - Recommended Water Quality Compliance Limits for the Bendigo Ophir Gold Project (Ryder 2025) **Response Evidence:** Evidence of Greg Ryder	See response to comment #49.
72	378 — If more appropriate nitrogen-related limits are not imposed, ORC remains of the view that the proposal is likely to result in nuisance periphyton growth and associated significant adverse effects on aquatic life, undermining the ecological benefits anticipated from the proposed stream diversion and enhancement works.	Ecotoxicology Planning	**Substantive FTA Application:** B.07 - Greg Ryder Consulting - Recommended Water Quality Compliance Limits for the Bendigo Ophir Gold Project (Ryder 2025) **Response Evidence:** Evidence of Greg Ryder	See response to comment #49.

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73	380 — Dr Greer advises that the hydrological changes predicted for both Rise and Shine Creek and Shepherds Creek could increase the risk of peak periphyton biomass even if nutrient concentrations do not increase. Significantly higher base flows without a corresponding increase in flood flows are expected to increase the return period of bed-mobilising events.	Surface and Groundwater Planning	**Substantive FTA Application:** B.04 Kōmanawa Solutions Limited Surface Water and Catchment Existing Environment Effects Assessment (Kōmanawa 2025c).	Indeed, the hydrological characteristics of Shepherds Creek and Rise and Shine Creek would move from a range-front creek towards a partially spring fed creek. Throughout the mine life, the creek systems will remain susceptible to accumulating rainfall and downpours that would spike creek flow rates with bed scouring and erosion arising.
74	382 — Dr Greer recommends annual sediment sampling at surface water compliance sites with comparison of results to the ANZG (2018) Guideline Value-High thresholds as management triggers rather than compliance standards, and ORC invites the Applicant to consider this recommendation and respond via its s55 response.	Ecotoxicology Environmental Chemistry and Water Planning	**Response Evidence:** Evidence of Greg Ryder	Noted
75	397 — ORC considers that the wording of proposed Condition 22 in D.04 is not strong enough to achieve any certainty of outcome for stream diversion, rehabilitation and enhancement, using phrases such as 'as much as practicable', 'preferably', 'as much as possible', 'should', etc.	Aquatic Ecology Planning	**Response Evidence:** Evidence of Mark Chrisp	The amendment(s) to conditions sought by ORC in relation to this matter have been largely accepted and reflected in the updated conditions dated 17 April 2026 presented as Part 4 of the Response Package.
76	398 — Dr Greer has recommended changes to proposed Condition 22 in D.04 to include a requirement that the permanent diversion channels achieve a higher Stream Ecological Value (SEV) score than the reaches that they intend to replace. ORC accepts this recommendation.	Planning	**Response Evidence:** Evidence of Mark Chrisp	The amendment(s) to conditions sought by ORC in relation to this matter have been largely accepted and reflected in the updated conditions dated 17 April 2026 presented as Part 4 of the Response Package.
77	399 — ORC invites the Applicant to address the use of the Stream Ecological Value (SEV) methodology in their s55 response, as this proposal was discussed at the water workshop where the Applicant seemed amenable but has not confirmed acceptance.	MGL	**Response Evidence:** Additional assessment provided in Part 5	Following this suggestion, MGL commissioned BioResearches to undertake a Stream Ecological Evaluation Assessment (refer to Part 5 of the Comment Response Package) of both Shepherds Creek and Rise and Shine Creek. The onsite surveys were undertaken on March 30 and 31. The report has been provided in Part 5 (additional documentation) of this response package as document Part 5 – Stream Ecological Values Assessment.
78	402 — A notable deficiency of the application is that it does not contain an assessment of the overall effects of the mining activities on stream values after all predicted water quality, hydrology, and habitat changes are realised and all proposed mitigation measures are implemented — of particular importance for Shepherds Creek where the largest changes are expected.	Aquatic Ecology	**Response Evidence:** Evidence of Ian Boothroyd	Noted.
79	404 — None of the four aquatic ecology reports discuss the effects on aquatic ecology from the discharge of treated mine impacted waters after closure, nor does any report describe	Aquatic Ecology	**Response Evidence:** Evidence of Ian Boothroyd	Noted.

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	what the new Shepherds Creek will actually look like once the predicted changes are realised.			
80	409 — The application does not propose any ecological monitoring to identify any adverse effects that might arise as a consequence of the discharge of treated seepage water from the site following cessation of active mining — this is a deficiency in the application.	Planning	**Response Evidence:** Evidence of Mark Chrisp	The amendment(s) to conditions sought by ORC in relation to this matter have been largely accepted and reflected in the updated conditions dated 17 April 2026 presented as Part 4 of the Response Package.
81	411 — Dr Greer has suggested a monitoring and response framework for an annual macroinvertebrate and periphyton monitoring programme, which ORC has tentatively included as a recommended consent condition in Appendix 4. ORC invites the Applicant to indicate their in-principle agreement in their s55 response.	Planning	**Response Evidence:** Evidence of Mark Chrisp	The amendment(s) to conditions sought by ORC in relation to this matter have been largely accepted and reflected in the updated conditions dated 17 April 2026 presented as Part 4 of the Response Package.
82	414 — If the conditions recommended by ORC are not imposed — in particular the substantially reduced nitrate-nitrogen and ammoniacal nitrogen compliance limits — ORC considers there is potential for significant degradation of plant and macroinvertebrate communities associated with nuisance periphyton growth.	Ecotoxicology Planning	**Response Evidence:** Evidence of Mark Chrisp	The amendment(s) to conditions sought by ORC in relation to this matter have been largely accepted and reflected in the updated conditions dated 17 April 2026 presented as Part 4 of the Response Package.
83	420 — ORC does not consider that the ecological 'buffer zone' (as described in para 419) is a true buffer zone; rather, it is a contingency zone that is delineated to accommodate minor deviations from the preliminary design, and the Applicant's proposed consent conditions specifically allow habitat clearance to occur within this buffer zone (see also para 421).	Terrestrial Ecology	**Substantive FTA Application:** B.08A - Alliance Ecology Consulting - Assessment of Ecological Effects (Alliance 2025) REDACTED **Response Evidence:** Evidence of Dr Matt Baber	Agreed. It is a contingency zone as some of it will serve as contingency if habitat clearance exceeds the current design. While the assessment of effects included the contingency zone in the assessment of the project, it is MGL's intention to minimise encroachments into the contingency area through careful design and strict controls.
84	424 - mining within the CIT Open Pit is proposed to proceed only if populations of these threatened spring annuals within the CIT Open Pit footprint are less than 1% of the known populations within the Dunstan Ecological District. At para 425, no explanation for this 1% threshold is provided in any application report.	Terrestrial Ecology	**Substantive FTA Application:** B.08A - Alliance Ecology Consulting - Assessment of Ecological Effects (Alliance 2025) REDACTED	The intent is to ensure that the proportional effects associated with mining of the CIT do not materially exacerbate the risk of local extinction of any nationally *Threatened* spring annual species present within the CIT pit. It is assumed that, if it can be demonstrated that the CIT pit supports less than 1% of the population within the Ecological District, then either rehabilitation and/or conservation measures will have proven effective, and/or additional populations will have been identified outside the project footprint. In such circumstances, the overall extinction risk would have significantly diminished.

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85	456 — There is disagreement between e3 and the Applicant's ecologists about the assigned values; e3 considers that the ecological value of mixed tussock shrubland/exotic grassland should be high instead of moderate, and mixed scrubland should be high instead of moderate.	Terrestrial Ecology	**Substantive FTA Application:** B.08A - Alliance Ecology Consulting - Assessment of Ecological Effects (Alliance 2025) REDACTED **Response Evidence:** Evidence of Dr Matt Baber	Agreed that there is disagreement. I stand by my position for reasons set out in my evidence
86	459 — ORC notes that the Applicant has continued with additional baseline vegetation surveys in and around the site after lodgement. It has been suggested that this additional survey effort may have identified additional populations of notable plants and plant species not previously recorded at the site, introducing some doubt as to the appropriateness of the vegetation assessment in the application.	Terrestrial Ecology Rehabilitation	**Substantive FTA Application:** B.08A - Alliance Ecology Consulting - Assessment of Ecological Effects (Alliance 2025) REDACTED B.13A - RMA Ecology - Vegetation Values Assessment (RMA Ecology 2025b) REDACTED **Response Evidence:** Evidence of Zac Milner	An additional survey for spring annuals was undertaken in spring 2025 to address some of the knowledge gaps acknowledged in the B.13A Vegetation Values Assessment. The results show that there is a much larger population of all spring annuals within the Ecological Study Area and nearby that had previously been detected. The results also indicate that the proportion of spring annuals within the Come In Time Pit and the Direct Disturbance Footprint more generally may be larger than had previously been indicated by the 2024 survey.
87	467 — Based on e3 advice, ORC has reservations as to whether the rehabilitation outcomes set out in Condition C39 of D.03 are achievable. Rehabilitation of dryland vegetation at this scale is essentially experimental; particular concerns are held about non-shrub species, and about the feasibility of salvaging and storing up to 25,000 tussocks for later reuse in mined areas.	Rehabilitation	**Substantive FTA Application:** G.07A - Landscape and Ecological Rehabilitation Management Plan - Sections 4 and 10.1 and Appendix B B.16 - Manaaki Whenua Landcare Research - Applied Research Plan for Conservation Management, Rehabilitation and Expansion of Cushionfield (Landcare 2025) **Response Evidence:** Evidence of Dr Robyn Simcock	Agree that the is a lack of precedents and that the rehabilitation is technically challenging however the LERMP has identified the specific biophysical challenges (sections 4 and 10.1 and Appendix B) and has been intentionally developed to meet those challenges for most dominant species (including tussock) and vegetation associations in ways few large NZ mines have been able to deliver because large volumes of rehabilitation resources (soils, root zone, rock) will be salvaged and used to create deep, drought-resilient root zones. The site is wrapped with Mine Regeneration Zones managed with destocking, enrichment planting, weed and pest control to maintain a flow of propagules into mined areas from early in mine life through the long term. This supplements adaptive planting and translocations (which can be called experimental) but reflect standard methods applied at large scale that can be intensified where outcomes do not meet specified rehabilitation outcomes. This rehabilitation approach is costly and required over long term, however, MGL has agreed to the approach.
88	470 — Even if the Applicant's offsetting and compensation package was delivered in full and achieved all its goals, there would remain a significant number of ecological values that will experience a net loss — including *Myosotis brevis*, *Ceratocephala pungens*, 22 other threatened or at-risk native plants, native-dominated tussockland, and mixed depleted herbfield.	Terrestrial Ecology	**Substantive FTA Application:** B.08A - Alliance Ecology Consulting - Assessment of Ecological Effects (Alliance 2025) REDACTED **Response Evidence:** Evidence of Dr Matt Baber	This is correct – there are habitats and species for which net loss outcomes are expected and these range from 'Low' to Very High magnitude.
89	471 — Even if the mining of CIT pit did not go ahead, there would remain a significant loss in indigenous biodiversity with respect	Terrestrial Ecology	**Substantive FTA Application:**	It is correct to state that, even if the CIT proposal did not proceed, there would still be a significant loss of indigenous biodiversity.

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	to vegetation, and this loss is likely greater than the application suggests.		B.08A - Alliance Ecology Consulting - Assessment of Ecological Effects (Alliance 2025) REDACTED **Response Evidence:** Evidence of Dr Matt Baber	However, we do not agree that the scale of loss is necessarily likely to be greater than that presented in the application. Specifically: **(1)** our assessment is based on expected rather than overly optimistic outcomes, noting that *net loss* has been assumed for a number of ecological values; **(2)** it is equally reasonable to assume that, for some values, the potential benefits associated with the proposed effects management may in fact be underestimated; and **(3)** any stated *net gain* or *net positive* outcomes will be subject to verification and compliance through consent conditions. Where outcomes are not tracking as expected, adaptive management and/or contingency measures will be implemented.
90	474 — ORC recommends that the Panel consider requesting further information from the Applicant to reduce uncertainty in the effects assessment: (a) any reliable additional baseline vegetation survey data; (b) an updated tracked-change version of Report B.08 if above is available; (c) quantitative net gain/net loss assessment for vegetation communities and habitats; and (d) discussion on the national context for cushionfields and associated spring annual species.	Terrestrial Ecology Rehabilitation	**Substantive FTA Application:** B.08A - Alliance Ecology Consulting - Assessment of Ecological Effects (Alliance 2025) REDACTED B.13A - RMA Ecology - Vegetation Values Assessment (RMA Ecology 2025b) REDACTED **Response Evidence:** Evidence of Zac Milner Evidence of Dr Matt Baber	Any request for further information is at the panels discretion and we are available upon request. Regarding point (a) this new information is provided in the evidence of Mr Milner in his statement of evidence Regarding Point (b) this action would be redundant per the above Regarding point (c) this information is available in the Appendix of B.08 in the form of an offsetting and compensation report prepared by RMA ecology Regarding point (d) we agree – this is substantive and challenging issue that remains unresolved.
91	475 — ORC seeks opportunity to review and provide additional comment in respect of any additional baseline vegetation data or related materials the Applicant provides.	Terrestrial Ecology Rehabilitation	**Substantive FTA Application:** B.08A - Alliance Ecology Consulting - Assessment of Ecological Effects (Alliance 2025) REDACTED B.13A - RMA Ecology - Vegetation Values Assessment (RMA Ecology 2025b) REDACTED **Response Evidence:** Evidence of Zac Milner	MGL agrees.
92	481 — E3 has identified issues suggesting wetland values may be underestimated, including: (a) uncertainty about classification of two onsite ponds; (b) wetland surveys done outside springtime may have missed season-dependent species; (c) no invertebrate surveys in wetlands;	Terrestrial Ecology	**Substantive FTA Application:** B.17- Water Ways Consulting - Assessment of Effects on Aquatic Habitat (Waterways 2025) – Sections 3.4 and 4.2 B.11A - Habitat NZ - Terrestrial Invertebrate Survey (Habitat NZ 2025c) REDACTED **Response Evidence:**	a) We confirm the two onsite ponds are artificially constructed for specific purposes and are not natural inland wetlands. Images are available on request. b) It is possible that not all wetland flora species present were detected due to the large spatial area and temporal variation in flowering. We are confident the majority of species were detected, due to survey effort, survey timing and the cumulative species curve levelling off. c) Wetland habitats were not excluded from sampling. Manual searching was conducted within wetland areas during high-Manual Invertebrate searches and targeted monitoring sites were positioned in or adjacent to wetland margins, placing these habitats within the effective

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	(d) wetland values may be underestimated (seepage wetlands are an Endangered Naturally Uncommon Ecosystem); and (e) no proportional loss percentage is presented for wetlands.		Evidence of Jeroen Lurling, Evidence of Matt Baber Evidence of Keith Barber	sampling catchment of pitfall and light trap arrays. The detection of wetland-adapted moth species in light trap results provides direct evidence that wetland-associated invertebrates were captured by the programme. In addition, aquatic invertebrate surveys were conducted in and around wetlands by Waterways Consulting [B.17]. Taken together, these surveys demonstrate that wetland invertebrate values were characterised to a level appropriate to inform B.08. (e) proportional loss percentage has not been calculated, as determining proportional loss for small wetlands requires detailed field delineation within the wider area. However, it is evident that the proportional loss is moderate at a local scale, and considerably smaller when considered in the context of the wider landscape and Ecological District.
93	485 — The establishment of wetlands is viewed as a very complex process; there is little detail to show this has been taken into account or to provide confidence it can be achieved on this site. The Applicant's responses to RFIs included photographs but no reporting of successful examples, and none for Central Otago.	MGL Terrestrial Ecology Rehabilitation	N/A	Agree that detail design is needed. However, the feasibility of the process has been discussed with MGL, hydrologists, engineers. establishment of the wetlands primarily requires suitable hydrology (controlled by volume and frequency of water flows in and losses through the wetland base, as well as horizontally and through evapotranspiration), soils (impacting water storage and permeability hence losses horizontally and through the base), suitable underlying materials and suitable plant materials. The location for each wetland has been selected as hydrologically suitable (i.e. receiving controlled seasonal inflow and with ability to control surface outflow. Engineers have confirmed each wetland base has very low permeability; this will be tested before soils and plants are established. Delivery of suitable hydrology will be iterative as inflow and outflows can be controlled to deliver agreed outcomes. Wetlands created in the first two years of mine life will be constructed from intact soils savaged as sods of direct transfer with live attached plants (a practice most likely to retain suitable soil characteristics). Wetlands created at end of mine life will use stockpiled soils (from wetlands and other areas) and be planted with nursery-grown plants propagated seedlings plants from divisions.
94	486 — ORC considers that the Applicant's claim that there is no residual effect (and ultimately a net gain) for swamp/marsh wetlands within the DDF is poorly supported by the available information and unlikely to be achieved.	Terrestrial Ecology	**Substantive FTA Application:** B.08A - Alliance Ecology Consulting - Assessment of Ecological Effects (Alliance 2025) REDACTED G.07A - Landscape and Ecological Rehabilitation Management Plan	We do not agree with this comment, given the proposed consent conditions and biodiversity outcome monitoring framework. These include clear provisions for identifying and responding to non-compliance or failing to meet stated outcomes. In addition, the anticipated quality and quantity of created wetlands are expected to appropriately address, and in some respects exceed, those affected by the proposal.
95	488 — No remediation is proposed for seepage and gully fen wetlands; a moderate overall level of adverse effect is assigned by the Applicant, but based on the potential underestimation of seepage wetland values ORC considers this level of effect to be too low.	Terrestrial Ecology	**Substantive FTA Application:** B.08A - Alliance Ecology Consulting - Assessment of Ecological Effects (Alliance 2025) REDACTED	We do not agree with this comment. The 0.19 ha of seepage wetlands and 0.84 ha of gully wetlands are heavily modified and predominantly exotic-dominated. In our assessment, the scale of loss, the proportional loss relative to availability, and the quality of the affected habitat do not justify an effects rating greater of than *moderate*.

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96	492 — ORC recommends that the Panel carefully consider the likelihood that swamp/marsh wetlands can be successfully created and sustained within the site, and request any information necessary to form a definitive position (for example, evidence of successful establishment in similar settings). The Panel may also consider whether uncertainty warrants further information on available offsetting and compensation measures for swamp/marsh wetlands.	Terrestrial Ecology Rehabilitation	**Substantive FTA Application:** B.08A - Alliance Ecology Consulting - Assessment of Ecological Effects (Alliance 2025) REDACTED G.07A - Landscape and Ecological Rehabilitation Management Plan **Response Evidence:** Evidence of Dr Simcock	Detail on the creation and maintenance of the swamp/marsh wetlands are set out in the Landscape and Ecological Rehabilitation Plan – further information requests or otherwise are at the Panel's discretion and we will be available on request.
97	493 — The assumed net loss of 0.84 ha of gully fen wetland and 0.19 ha seepage wetland is notable given NZ has already lost over 90% of its wetlands, and hill seepage wetlands are an Endangered Naturally Uncommon Ecosystem with unique landform and hydrology that cannot be replicated. This is a residual loss that the Panel will need to weight against positive effects.	Terrestrial Ecology	**Substantive FTA Application:** B.08A - Alliance Ecology Consulting - Assessment of Ecological Effects (Alliance 2025) REDACTED	We acknowledge this point; however, we note that many of these wetlands are likely to be anthropogenically induced, primarily through historic gold mining activities and, in some cases, cattle pugging (particularly in seepage and gully wetlands). As such, these wetlands fall outside estimates of proportional loss of natural wetlands in New Zealand.
98	502 — The Avifauna Management Plan cross-referencing creates a loop: the AMP refers to the Habitat Impact Management Plan for protocols to minimise effects outside the disturbance footprint, but the HIMP does not appear to contain any such information and every reference to avifauna within the HIMP simply refers back to the AMP.	Terrestrial Ecology	**Substantive FTA Application:** G.04 - Avifauna Management Plan	This error will need to be addressed in an updated Avifauna Management Plan, to be progressed through future consent condition and management plan workshops with all relevant parties.
99	503 — As an overarching comment, the avifauna plans outline reasonable effects management measures but do not provide the necessary detail to understand how any of these actions would actually be implemented.	Terrestrial Ecology	**Substantive FTA Application:** G.04 - Avifauna Management Plan **Response Evidence:** Evidence of Dr Matt Baber	We agree and this will need to be addressed in an updated Avifauna Management Plan, to be progressed through future consent condition and management plan workshops with all relevant parties.
100	505 — ORC considers the most significant risk to birds is likely to be disturbance of nests during habitat clearance. Advice from e3 is that undertaking pre-clearance bird-nest surveys five working days ahead of vegetation clearance is too long, and surveys should occur no more than 72 hours prior to clearance.	Terrestrial Ecology	**Substantive FTA Application:** G.04 - Avifauna Management Plan **Response Evidence:** Evidence of Dr Matt Baber	We agree that 72 hours would reduce the likelihood of harm to birds that establish a nest immediately prior to habitat clearance. This change would require updates to consent conditions
101	506 — For each relevant bird species the pre-clearance survey timeframe should be supported by recommendations from a suitably qualified ornithologist/avifauna specialist, and any timeframe should be measured in hours rather than working	Terrestrial Ecology	**Substantive FTA Application:** G.04 - Avifauna Management Plan **Response Evidence:**	Within any given day, the timing and methodology for nesting bird surveys should be determined at the discretion of a suitably qualified ornithologist, with the objective of maximising the likelihood of detecting nesting birds where present. Survey timing will necessarily vary between species and across the nesting season. Accordingly, it is not practicable to prescribe fixed survey times within consent conditions or management plans.

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	days, as a working day is an artificial construct that has no relevance to bird nesting behaviours.		Evidence of Dr Matt Baber	
102	508 — ORC recommends that the Avifauna Management Plan and any plan it references be updated to describe effects management measures that will be implemented to address each of the potential effects, in such detail that a reader could understand what needs to be done, when, how, and who needs to do it.	Terrestrial Ecology Planning	**Substantive FTA Application:** G.04 - Avifauna Management Plan **Response Evidence:** Evidence of Dr Matt Baber	We agree that further detail is warranted and this will need to be addressed in an updated Avifauna Management Plan.
103	515 — e3 considers that the lizard survey methodology was not sufficient to conclusively exclude the presence of some species that would be notable, for example Lake's skink and Mokopirirakau 'Roys Peak' / Orange-spotted gecko.	Terrestrial Ecology	**Substantive FTA Application:** B.15A - RMA Ecology - Lizard Values Assessment (RMA Ecology 2025d) REDACTED B.08A - Alliance Ecology Consulting - Assessment of Ecological Effects (Alliance 2025) REDACTED **Response Evidence:** Evidence of Dr Matt Baber Evidence of Dr Graham Ussher	We agree that the presence of these species cannot be definitively ruled out, regardless of the extent of survey effort undertaken. However, we consider their presence to be highly unlikely, based on the extensive survey work completed as part of the assessment of effects, and the absence of any additional species records from further surveys undertaken through the Baseline Biodiversity Outcome Monitoring Programme. This includes surveys conducted at 280 locations across the 2,219 ha offset and compensation sites surrounding the Direct Disturbance Footprint (DDF). Further detail is provided in the evidence of Dr Matt Baber and Dr Graham Ussher.
104	516 — ORC recommends that the Lizard Management Plan include contingency planning and salvage methodology that target possible additional lizard species and their habitats, including 'stop work' protocols if these species are found.	Terrestrial Ecology	**Substantive FTA Application:** G.05A - Lizard Management Plan REDACTED **Response Evidence:** Evidence of Dr Matt Baber	We agree that contingency measures and adaptive management measures be developed that are triggered in the event that additional species are found and that this includes localised and temporary stop works measures. However, we do not agree that additional targeted surveys should be undertaken (e.g. arboreal gecko surveys) based on the extremely low probability that arboreal geckos, i.e., jewelled gecko are present.
105	519 — ORC has low confidence in the lizard population estimates because of deficiencies in survey coverage, insufficient explanation of how survey data informed the population estimates, and complications introduced by the presence of a local McCann's colour morph — suggesting total lizard numbers may be underestimated and relative proportion of each species within the total may be inaccurate.	Terrestrial Ecology	**Substantive FTA Application:** B.15A - RMA Ecology - Lizard Values Assessment (RMA Ecology 2025d) REDACTED B.08A - Alliance Ecology Consulting - Assessment of Ecological Effects (Alliance 2025) REDACTED **Response Evidence:** Evidence of Dr Graham Ussher	We agree that contingency and adaptive management measures should be developed and implemented, and to be triggered if additional lizard species are detected. This should include provision for localised and temporary stop-work measures. However, we do not agree that additional targeted surveys (e.g., arboreal surveys for jewelled gecko) are warranted, given the extremely low likelihood of this or other species being present.
106	528 — The possibility that the release of 102,000 salvaged lizards into an area already occupied by other lizards could have	Terrestrial Ecology	**Substantive FTA Application:**	This has been addressed to the degree possible via releasing in the 1,263 ha Ardgour Restoration Area as stated in the Lizard Management Plan. This equates to a release at a

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	adverse effects on the existing populations has not been discussed by the Applicant.		B.08A - Alliance Ecology Consulting - Assessment of Ecological Effects (Alliance 2025) REDACTED G.05A - Lizard Management Plan REDACTED **Response Evidence:** Evidence of Dr Matt Baber Evidence of Dr Graham Ussher	density of 80 lizards per ha or 1 lizard every 125m2, which I consider to be low relative to coarse density estimates. That said, I can't rule out that resident lizards won't be impacted via inter or intra-specific competition and we prefer a more outcomes focused approach with a higher certainty that salvaged lizards will survive and resident lizards won't be impacted.
107	529 — The proposed mining activities will likely result in the mortality of hundreds of thousands of lizards. The s51(2)(c) wildlife approval report prepared by DoC states that this scale of loss is unprecedented; ORC is not aware of any evidence to the contrary.	Terrestrial Ecology	**Substantive FTA Application:** B.08A - Alliance Ecology Consulting - Assessment of Ecological Effects (Alliance 2025) REDACTED G.05A - Lizard Management Plan REDACTED **Response Evidence:** Evidence of Dr Matt Baber Evidence of Dr Graham Ussher	The impacts on the nationally and regionally At Risk Kawarau gecko and southern grass skink have been assessed as High, with a predicted net loss outcome (high magnitude) after all proposed effects management measures have been taken into account. We consider this to be a significant issue and acknowledge its importance. That said, it is incorrect to state that this magnitude of loss is unprecedented. There is clear precedent for impacts of equal or greater scale. For example, historical mining activities at Macraes Gold Mine and Stockton Coal Mine have resulted in more substantial effects, either in terms of the number of individuals affected and/or the conservation status of the species involved, including impacts on nationally threatened lizard species. Notwithstanding the significance of the effects on lizards, it is also incorrect to infer that the proposal poses a risk of local or national extinction. Such assertions appear to be based on incorrect or unsubstantiated assumptions presented by ecological experts in their Section 53 response, particularly in relation to the proportional scale of effects and the anticipated outcomes of ecological rehabilitation.
108	531 — ORC notes that no attempt has been made by the Applicant to quantify the 'significant reduction in severity' for lizards to justify the assigned moderate magnitude of effect.	Terrestrial Ecology)	**Substantive FTA Application:** B.08A - Alliance Ecology Consulting - Assessment of Ecological Effects (Alliance 2025) REDACTED **Response Evidence:** Evidence of Dr Matt Baber Evidence of Dr Graham Ussher	We have assessed the net loss outcome for Kawarau gecko and Southern Grass skink after consideration of ecological rehabilitation and compensation to be a net loss (High magnitude)
109	532 — ORC does not agree with the magnitude of effect assigned to Kawarau gecko and considers that it materially underestimates the significance of the impacts at the local, regional, and potentially national scale.	Terrestrial Ecology	**Substantive FTA Application:** B.08A - Alliance Ecology Consulting - Assessment of Ecological Effects (Alliance 2025) REDACTED **Response Evidence:** Evidence of Dr Matt Baber	We have assessed the overall outcome for Kawarau gecko and southern grass skink—after accounting for ecological rehabilitation and compensation—as a *net loss* (high magnitude). This represents a significant residual effect. We consider this assessment appropriate

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			Evidence of Dr Graham Ussher	
110	535 — In workshops the Applicant indicated that compensation may provide approximately 20% redress for effects on lizards. ORC has not been provided with any written confirmation of this 'claw back' of effects and thus places very little weight on this number.	Terrestrial Ecology	**Substantive FTA Application:** B.08A - Alliance Ecology Consulting - Assessment of Ecological Effects (Alliance 2025) REDACTED **Response Evidence:** Evidence of Dr Graham Ussher	This is set out in the Biodiversity Offset Accounting Report prepared by RMA Ecology, which is appended to B.08A More broadly, we consider this reservation to be based on unsupported assumptions advanced by Dr Tocher, which are addressed in the evidence of Dr Baber and Dr Ussher.
111	539 — Consent conditions go so far as to require net-gain for Otago skink, Grand skink, and Jewelled gecko, despite the absence of any significant discussion, implementation plan, or relevant Wildlife Approvals. ORC considers the consent condition unachievable and places no weight on the net gain claim for these three endangered lizard species.	Terrestrial Ecology Planning	**Substantive FTA Application:** B.08A - Alliance Ecology Consulting - Assessment of Ecological Effects (Alliance 2025) REDACTED	Agree – we cannot with certainty state that we will achieve net gain because the translocation of threatened lizards will require third party approval from DOC/iwi and others via a translocation application process. No changes to the conditions have been made in response to this comment.
112	541 — ORC recommends that: (a) the Applicant provide any available data or assessment providing more certainty in lizard population numbers and undertake compensation modelling; (b) the Panel consider whether there are any other mechanisms within the scope of the application that could better manage effects on lizards, including financial compensation with ecological focus for lizards elsewhere; and (c) if none, the loss of up to 7% of national habitat for Kawarau gecko is an effect of potentially national significance.	Terrestrial Ecology	**Substantive FTA Application:** B.08A - Alliance Ecology Consulting - Assessment of Ecological Effects (Alliance 2025) REDACTED B.13A - RMA Ecology - Vegetation Values Assessment (RMA Ecology 2025b) REDACTED **Response Evidence:** Evidence of Dr Matt Baber Evidence of Dr Graham Ussher	Regarding (a): Population numbers have been derived from catch effort per area across the 79 manual search sites, and extrapolated coarsely across lizard habitats types to give a coarse estimated population range. The estimate is not derived from modelling or any other formal estimation process – hence the range in potential numbers on the site is broad - from the low 100,000s through to 750,000 as cited by DOC. Offset models have be prepared for Kawarau gecko and McCann's skink, and the results of those – plus the models – are reported in the Biodiversity Offset Modelling report appended to the Assessment of Ecological Effects Regarding (b): Agree that better mechanisms for managing effects on lizards include financial compensation. Regarding (c): As stated, the level of residual effects on Kawarau gecko are considered to be *high*, with a net loss outcome (high magnitude) after all effects management measures have been considered. Dr Tocher's estimate of up to 7% loss is considered inaccurate. Based on the available evidence, the proportional loss of Kawarau gecko is estimated to be in the order of approximately 0.1%. A loss of 7% would imply that the total distributional range of Kawarau gecko is approximately double the size of the Ecological Study Area (5,386 ha). This is not supported by current knowledge of the species' distribution.
113	546 — ORC considers the magnitude of effect is too low for three invertebrate species: > Meterana exquisite ('low' not supported as colonisation of created habitat is not guaranteed);	Terrestrial Ecology	**Substantive FTA Application:** B0.8A - Alliance Ecology Consulting - Assessment of Ecological Effects (Alliance 2025) REDACTED - Table 10	B.08 used actual population sizes, distributions, life-history traits, and NZTCS threat rankings, and applied them to IANZ assessment guidelines. Where data gaps existed, the relevant taxonomic expert was consulted to ensure calculations reflected the best available knowledge. The assessment reflects what the evidence supports.

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	> Ichneutica sistens ('low' not supported as numbers may represent an important stronghold and no effects management is proposed); and > Asaphodes recta ('low' is too low as it is uncommon and no effects management is proposed).		**Response Evidence:** Evidence of Keith Barber - Paragraph - 16(i)(ii)	
114	550 — E3 has identified numerous deficiencies in the Terrestrial Invertebrate Management Plan, which collectively suggest that it is unlikely that invertebrate values will benefit from the proposed management package.	Terrestrial Ecology	**Substantive FTA Application:** B.11A - Habitat NZ - Terrestrial Invertebrate Survey (Habitat NZ 2025c) REDACTED - Section 3 Methodology **Response Evidence:** Evidence of Keith Barber – Paragraphs 16 (a)(i)	E3 did raise specific methodological questions in the review; however, these questions were discussed and methodology used was accepted through written correspondence in January 2026 and at the applicant workshop in February 2026. While we agree there will be a net loss of invertebrate values under the proposed package, we do not accept that invertebrate values will receive no benefit from the proposed management measures.
115	551 — ORC considers that the Applicant's 'uncertain' outcome classification for invertebrates is not a conservative assessment; if residual adverse effects are very high and no known method is known to benefit that species, a net loss should be assumed.	Terrestrial Ecology	**Substantive FTA Application:** B.08A Alliance Ecology Consulting - Assessment of Ecological Effects (Alliance 2025) REDACTED Section 8.4, Table 26 **Response Evidence:** Evidence of Keith Barber 16(i)(iv)	The "uncertain" classification is maintained to be correct. For invertebrates specifically, the uncertainty is evidentiary, not practical as the current state of knowledge for these species does not allow outcomes to be demonstrated in advance. Assuming all uncertain outcomes as net loss would be equally unprovable and would misrepresent the potentially genuine ecological gains the compensation package is designed to deliver.
116	552 — For the four newly identified invertebrate species (weevil and ground beetles) there can't be any existing knowledge to draw on to inform a suitable offset or compensatory action; ORC considers that anything other than a net loss assumption in this scenario is not appropriate.	Terrestrial Ecology	**Substantive FTA Application:** B.08A Alliance Ecology Consulting - Assessment of Ecological Effects (Alliance 2025) REDACTED Section 8.4, Table 26 **Response Evidence:** Evidence of Keith Barber – Paragraphs 16(i)(iv)	While we agree there will be a net loss of invertebrate values under the proposed package, we do not accept that invertebrate values will receive no benefit from the proposed management measures. Since neither new ground beetle species was detected in the DDF, their vulnerability and the significance of any impact is reduced compared to new species of *Harpalus* and *Inophloeus*. While presence in the DDF cannot be ruled out and both species are data deficient, these limitations are already reflected in the uncertain outcome recorded in the AEE. On the available data, an uncertain outcome is more defensible than a conclusion of net loss.
117	553 — The B.08 'limits to offsetting and compensation' assessment covers *Harpalus* new sp. and *Inophloeus* new sp. but does not explain why the other two new ground beetle species were excluded from this assessment.	Terrestrial Ecology	**Substantive FTA Application:** B.11A - 4 Results, B.08 - Table 10(pg. 76), Table 20 (pg. 130-131)	Since both new species of ground beetles were not found in the DDF, their vulnerability and the significance of the impact is reduced compared to new species of *Harpalus* and *Inophloeus*. While presence in the DDF cannot be ruled out and both species are data deficient, these limitations are represented in the uncertain outcome in the AEE.
118	561 — The majority of ecological management plans refer to adaptive management measures or contingency measures, but it is not abundantly clear what these measures might be or how they would be implemented. An example is the proposed salvage, storage, and translocation of 25,000 tussocks — ORC is	Terrestrial Ecology Rehabilitation	**Substantive FTA Application:** G.02 - Ecological Management Plan Framework G.03 - Habitat Impact Management Plan	There are numerous potential adaptive management and contingency measures that could be implemented, and the appropriate response will depend on the outcomes of biodiversity monitoring – specifically, what is tracking below expected outcomes, to what extent, and for what reasons. Given the plethora of scenarios, it is not practicable to prescribe responses for all possible scenarios in advance. However, with respect to tussocks, a range of increasingly

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	not aware of any 'back-up plan' if the process partially or completely fails.		G.04 - Avifauna Management Plan G.05A - Lizard Management Plan REDACTED G.06 - Terrestrial Invertebrate Management Plan G.07A - Landscape and Ecological Rehabilitation Management Plan G.07B - Landscape and Ecological Rehabilitation Management Plan – Appendices G.08 - Ardgour Restoration Area Management Plan G.09 - Matakanui Sanctuary Management Plan G.10 - Mammalian Pest Management Plan G.11 - Biosecurity and Plant Pest Management Plan G.12 - Biodiversity Outcome Monitoring Plan **Response Evidence:** Evidence of Emeritus Professor David Norton Evidence of Dr Matt Baber Evidence of Dr Graham Ussher Evidence of Dr Robyn Simcock	intensive options is available to deliver the number of tussocks specified as tussocks are salvaged over at least 3 years. The large Ardgour Terraces stockpile provides for 10s of thousands of tussocks to be intensively managed if needed as this site has water, shelter and ready access to facilitate mulching or other treatments. The rehabilitation of the Western ELF in year 2 provides for large transplanting trials alongside trials of nursery-grown seedlings (the tussock species are generally quick to grow to a plantable size using divisions or seed) to refine establishment methods before large areas of rehabilitation are ready to receive planted or transplanted tussock. In addition, more tussocks will be salvaged than the 25,000 to provide a buffer. That said, we agree that indicative examples of adaptive management and contingency measures should be provided (in management plans), and that further development of the decision-making framework is required. This is best progressed through consent condition and management plan workshops, with input from suitably qualified experts representing the relevant parties. While set within 35-year outcomes, the ARAMP is structured around 5-year goals. This is to allow for the results of outcome monitoring, photo-monitoring and monitoring of management actions to enable review of management actions which can then be adapted to insure they will deliver the intended 35-year outcomes.
119	562 — Given the scale of this proposal, and that adverse ecological impacts will occur well in advance of any indication of success of offsetting/compensation actions, ORC considers that adaptive management measures need further work before they can be relied on.	Terrestrial Ecology Rehabilitation	**Substantive FTA Application:** G.02 - Ecological Management Plan Framework G.03 - Habitat Impact Management Plan G.04 - Avifauna Management Plan G.05A - Lizard Management Plan REDACTED G.06 - Terrestrial Invertebrate Management Plan G.07A - Landscape and Ecological Rehabilitation Management Plan	Generally agreed noting the points above, noting that applied research early in mine life combined with adaptive management and targeted monitoring has been shown to be successful at other mines and large infrastructure sites. The use of monitoring results to guide adaptative management is also normal for restoration projects in New Zealand similar to what is being proposed for the Ardgour Restoration Area.

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			G.07B - Landscape and Ecological Rehabilitation Management Plan – Appendices G.08 - Ardgour Restoration Area Management Plan G.09 - Matakanui Sanctuary Management Plan G.10 - Mammalian Pest Management Plan G.11 - Biosecurity and Plant Pest Management Plan G.12 - Biodiversity Outcome Monitoring Plan **Response Evidence:** Evidence of Emeritus Professor David Norton Evidence of Dr Matt Baber Evidence of Dr Robyn Simcock	
120	564 — Even if the proposed offsetting and compensation package delivered fully on all outcomes, the proposal would still result in a significant net loss of indigenous biodiversity for several habitats and numerous species. No attempt has been made to quantify this loss; ORC recommends a quantification exercise be undertaken to assist the Panel.	Terrestrial Ecology	**Substantive FTA Application:** B.08A - Alliance Ecology Consulting - Assessment of Ecological Effects (Alliance 2025) REDACTED **Response Evidence:** Evidence of Dr Matt Baber	Further resolution on the degree or significance of net loss would assist the panel and experts from invited parties. The loss is quantified within the magnitude of effects assessment in terms of the extent of habitat or population loss and the proportional loss expected to occur. Where *net loss* outcomes are anticipated, these are not expressed quantitatively but are instead categorised according to the expected magnitude of residual loss after all effects management measures have been considered (i.e., *very low, low, moderate, high,* or *very high*). The methodology used, and the assessment of net loss magnitude for each species, are set out in the evidence of Dr Baber.
121	565 — The application does not explain why, for species not at 'limits to offsetting' or 'limits to compensation', no further attempt to compensate for adverse effects is proposed. E3 suggests establishing a non-wasting endowment fund, which could address long-term funding barriers and provide a source of funds for ecological benefits elsewhere in the ecological district.	MGL	**Substantive FTA Application:** B.08A - Alliance Ecology Consulting - Assessment of Ecological Effects (Alliance 2025) REDACTED **Response Evidence:** Evidence of Damian Spring – Paragraph 102	Changes have been made to various consent conditions to provide a greater level of certainty of delivering on those outcomes and their funding by making sure that obligations are clearly stated in the conditions (which also translate into other legal mechanisms such as the bond and the proposed new covenant). Refer Conditions in D.01 - Schedule One – Common Conditions for DODC and ORC Consents.
122	*Intentionally left blank*			

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123	569 — ORC recommends the Panel focus on identifying any areas where the adverse ecological effects can be reduced further, or where new/alternative offsetting or compensation measures can be developed.	MGL	**Substantive FTA Application:** B.08A - Alliance Ecology Consulting - Assessment of Ecological Effects (Alliance 2025) REDACTED	MGL's application and this response demonstrates a wide range of measures of avoidance, mitigation offsetting and compensation of ecological effects enshrined in consent conditions and management plans to be certified by the Council, including adaptive management to enable new or alternate measures to be adopted.
124	582 — The natural character assessment assumes that the ecological rehabilitation programme within the DDF will be successful. ORC is not sure to what degree the natural character effects described in Report B.19 rely on the successful establishment of wetlands, and anticipates that natural character effects would be higher (more adverse) if the wetlands are not successfully established.	Landscape and Visual	**Substantive FTA Application:** B.19 - Boffa Miskell - Landscape, Natural Character and Visual Effects Assessment (Boffa Miskell 2025) (2 Parts) G.07A – Landscape and Ecological Rehabilitation Management Plan.	The Assessment does not treat natural character effects as independent of rehabilitation outcomes. In relation to Shepherds Creek, it expressly identifies that the reduction in effects at closure depends in part on capping and rehabilitation of the TSF, removal of the process plant, and establishment of the constructed wetlands, while also recognising that the creek itself will remain channelised in perpetuity. On that basis, it is fair to say that if the wetlands were not successfully established, the anticipated reduction in natural character effects at closure would be less than assessed. However, the evidence also records that rehabilitation has not been treated as merely aspirational, and that the assessment considers the trajectory of effects over time within an already modified catchment rather than assuming immediate or perfect restoration.
125	589 — The moderate-high degree of landscape effect assigned to haul roads during start-up and mining activity may be an underestimation, as the extent of the landscape modification for the construction of the roads is not known with certainty. The haul roads will interrupt the coherence of the landscape and facilitate transient effects of large mining trucks otherwise absent from the Dunstan Mountains ONL.	Landscape and Visual	**Substantive FTA Application:** B.19 - Boffa Miskell - Landscape, Natural Character and Visual Effects Assessment (Boffa Miskell 2025) (2 Parts) **Response Evidence:** Evidence of Rhys Girvan.	It is not accepted that the haul road effects were overlooked or materially understated, as B.19 expressly identifies that the proposed haul roads are a different order of modification from existing tracks, will interrupt the overall coherence of the landscape and intactness of the underlying landform, and will facilitate transient effects of large mining trucks otherwise absent from the Site and wider ONL. The remaining issue is a relatively narrow one about the extent of construction detail presently fixed, with the response evidence recording that Mr Parker was otherwise generally in agreement with the element-by-element ratings, subject only to the qualification that haul road effects could be greater depending on final detail and construction extent.
126	592 — ORC considers that the combined effect of the various elements on site is likely to have a degree of effect that is greater than the sum of its parts, particularly during the main operational period. The site will not function as a series of discrete project components; rather, the interstitial spaces will be affected by noise, dust, movement of vehicles and people, and other operational actions.	Landscape and Visual	N/A	The Assessment does not treat the proposal as a series of isolated components or overlook combined operational effects across the Site. The evidence also states that the combined influence of pits, haul roads, process plant, TSF and progressive rehabilitation was assessed across the relevant stages of mining, and that the conclusion of moderate adverse broad-scale landscape effects during operation reflects that combined judgment rather than an assessment of individual elements and operational actions in isolation.
127	596 — ORC considers that the visceral and historic connection of walking in the exact same place as previous generations of New Zealanders will be lost, and this is a permanent effect; a low level of adverse effect is considered more appropriate (not neutral as the Applicant suggests). This is an important effect on the basis of its permanence more so than its scale.	Landscape and Visual	N/A	The Assessment does not treat this access effect as a permanent loss of the historic connection through the Site. It expressly acknowledges that realignment of Thomson Gorge Road will modify the established experience and associations of travelling through this lowered pass during mining operations. However, it also records that access to the Come in Time Battery and Thomsons Saddle will be maintained, that Thomson Gorge Road will be reopened as a recreation track post-mining, and that access through the Dunstan Mountains will be maintained for 4WD access and reinstated for recreational purposes at closure. On that basis, I do not agree that the effect is best characterised as permanently lost, although I accept the existing experience of moving through Rise and Shine Valley in its current form will

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				be altered and not all adverse associative effects are eliminated as part of the basis for overall low-moderate adverse landscape effects on the ONL.
128	599 — As there are no practicable measures to reduce residual effects, offsetting or compensation should be considered. At para 600, Mr Parker suggested an appropriate offset could comprise the covenanting and revegetation of an offsite area equivalent to the size of the RAS Pit (approximately 65 ha). This area should be as close to the site as possible, and the revegetation programme should be developed by landscape architects and ecologists.	Landscape and Visual	**Substantive FTA Application:** B.19 - Boffa Miskell - Landscape, Natural Character and Visual Effects Assessment (Boffa Miskell 2025) (2 Parts) G.07A – Landscape and Ecological Rehabilitation Management Plan. **Response Evidence:** Evidence of Rhys Girvan.	It is not accepted that off-site offsetting or compensation necessarily follows, as the lodged material records that residual high effects remain localised to parts of the Site while overall effects on the wider Dunstan Mountains ONL are assessed as moderate during operation and low-moderate at closure.
129	603 — While the ecological offsetting and compensation proposal could have positive effects for landscape values, none of the management plans include specific landscape objectives or goals, nor are any consent conditions proposed to this effect. In noting that the proposed offsetting and compensation measures are considered wholly inadequate to address the ecological effects of the proposal, ORC does not consider that an acceptable landscape offset would be delivered by the existing ecological effects management package.	Landscape and Visual Terrestrial Ecology Planning	**Substantive FTA Application:** D.03 – Schedule One - Central Otago District Council and Otago Regional Council Common Conditions G.07A – Landscape and Ecological Rehabilitation Management Plan **Response Evidence:** Evidence of Rhys Girvan.	It is not accepted that the management framework lacks specific landscape objectives or consent conditions, as the proposed common conditions expressly require implementation of the LERMP and identify overarching landscape objectives directed to reintegrating the modified mined landscape into the Dunstan Mountains ONL, protecting skyline and backdrop integrity, responding to heritage and cultural values, and reinstating public access. It is, however, accepted that the ecological offsetting and compensation package should not simply be assumed to constitute an acceptable landscape offset without a clear consideration of landscape effects.
130	605 — If not adequately offset, ORC considers that the residual high adverse landscape effects need to be considered in the overall balancing of adverse effects with the benefits of regional and national significance.	Landscape and Visual	**Substantive FTA Application:** B.19 - Boffa Miskell - Landscape, Natural Character and Visual Effects Assessment (Boffa Miskell 2025) (2 Parts) **Response Evidence:** Evidence of Rhys Girvan.	It is accepted that any residual high adverse landscape effects that remain after mitigation are relevant to the overall balancing exercise. However, the lodged material records that those high effects are localised to parts of the Site, while effects on the wider Dunstan Mountains ONL are assessed as moderate during operation and low-moderate at closure. It is accepted the weight to be given to those residual effects in the final balance is ultimately a matter for the Panel.
131	607 — In relation to landscape effects, three significant issues remain unresolved: (a) the level of adverse effect for haul roads during the mining phase (ORC considers high and adverse rather than moderate-high); (b) whether to assign an overall degree of effect at the site level (ORC considers yes, high and adverse);	Landscape and Visual	N/A	Remaining matters are considered to be comparatively narrow and they do not displace the broader expert agreement on the key landscape, natural character and visual findings.

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	(c) the extent to which associative landscape effects reduce following closure (ORC considers low and adverse, not neutral); and (d) whether offsetting is appropriate to redress high residual adverse effects.			
132	625 — Evaporation from the tailings beach surface could lead to the TSF becoming a source of dust, contrary to Report B.33's statement that continuous delivery of tailings slurry keeps the surface damp and the operational TSF does not discharge dust.	Air Quality	**Substantive FTA Application:** B33 - Pattle Delamore Partners - Assessment of Environmental Effects from the Discharge of Contaminants into Air (PDP 2025) - Section 5.7 G23 - Air Quality Management Plan -Section 5.3.2 **Response Evidence:** Panel RFI evidence – Paragraphs 37 to 40 Evidence of Jeff Bluett - Paragraph 18	Acknowledge this risk. Additional monitoring and mitigation measures to mitigate the risk have been proposed.
133	626 — ORC recommends that provision be made for dampening of the tailings beach, for example via a sprinkler system, to prevent the tailings beach becoming a source of dust.	Air Quality Geotechnical, Erosion and Sediment Control and Engineered Landforms	**Substantive FTA Application:** B33 - Pattle Delamore Partners - Assessment of Environmental Effects from the Discharge of Contaminants into Air (PDP 2025) - Section 5.7 G23 - Air Quality Management Plan -Section 5.3.2 **Response Evidence:** Panel RFI evidence – Paragraphs 37 to 40 Evidence of Jeff Bluett - Paragraph 18	Acknowledge this risk. Additional monitoring and mitigation measures to mitigate the risk have been proposed.
134	634 — Beyond identifying sensitive receptors, no discussion is provided on the methodology used to identify them. Multiple dwellings clearly visible on google maps (e.g., 58 Thomson Gorge Road, the Ardgour Strawbale B&B at 60 Thomson Gorge Road) have not been identified in Report B.33 (Figure 32 or Table 33), and 'Shed 2' appears to actually be a dwelling at 69 Thomson Gorge Road.	Air Quality	**Substantive FTA Application:** B33 - Pattle Delamore Partners - Assessment of Environmental Effects from the Discharge of Contaminants into Air (PDP 2025) - Section 8.4 **Response Evidence:** Evidence of Jeff Bluett - Paragraph 33	The omission of the two dwellings noted by ORC is acknowledged but this is assessed as immaterial to the conclusions that have reached given their distance from any dust sources and their proximity to other dwellings that were considered in the assessment.

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135	635 — Sheds 2, Sheds 3, and Dwelling 1, which are identified in Figure 32, are not included in Table 33. It would be helpful if any grouping of similar receptors could be clarified and the individual receptors in each group identified.	Air Quality	**Substantive FTA Application:** B33 - Pattle Delamore Partners - Assessment of Environmental Effects from the Discharge of Contaminants into Air (PDP 2025) - Section 8.4 **Response Evidence:** Evidence of Jeff Bluett - Paragraph 33	This is considered immaterial to the conclusions reached given their distance from any dust sources and their proximity to other dwellings that were considered in the assessment.
136	646 — The air quality conclusion relies heavily on diligent implementation of mitigation measures described throughout Report B.33 and the AQMP. While the mitigation measures are best located within the AQMP, ORC considers that the outcomes to be achieved by those mitigation measures should be conditioned; ORC recommends new conditions in Appendix 4, including compliance monitoring recommendations.	Air Quality Planning	**Substantive FTA Application:** B33 - Pattle Delamore Partners - Assessment of Environmental Effects from the Discharge of Contaminants into Air (PDP 2025) - Section 14 G23 - Air Quality Management Plan **Response Evidence:** Evidence of Jeff Bluett - Paragraphs 72 to 74 Evidence of Mark Chrisp	The amendment(s) to conditions sought by ORC in relation to this matter have been partially accepted and reflected in the updated conditions dated 17 April 2026 presented as Part 4 of the Response Package.
137	647 — ORC recommends a preliminary consent condition in Appendix 4 to secure the monitoring of airborne arsenic that has been volunteered by the Applicant, and invites the Applicant to consider the wording proposed and respond in its s55 response.	Air Quality Planning	**PDP Substantive FTA Application:** B33 - Pattle Delamore Partners - Assessment of Environmental Effects from the Discharge of Contaminants into Air (PDP 2025) - Section 14 **PDP Response Evidence:** Evidence of Jeff Bluett - Paragraph 72 to 74 Evidence of Mark Chrisp	The amendment(s) to conditions sought by ORC in relation to this matter have been partially accepted and reflected in the updated conditions dated 17 April 2026 presented as Part 4 of the Response Package.
138	649 — ORC recommends that the Applicant consider clarifying via its s55 response: (a) the methodology used to identify sensitive receptors, including why some dwellings are not specifically identified and whether any grouping has occurred; and (b) confirmation that a sprinkler system or other dust suppression method is available at the TSF should it be at risk of becoming a source of dust.	Air Quality	**Substantive FTA Application:** B33 - Pattle Delamore Partners - Assessment of Environmental Effects from the Discharge of Contaminants into Air (PDP 2025) - Section 8.4 **Response Evidence:** Evidence of Jeff Bluett - Paragraph 33 **Substantive FTA Application:** B33 - Pattle Delamore Partners - Assessment of Environmental Effects from	(a) The omission of the two dwellings noted by ORC is acknowledged but this is immaterial to the conclusions reached given their distance from any dust sources and their proximity to other dwellings that were considered in the assessment. (b) Acknowledge this risk. Additional monitoring and mitigation measures to mitigate the risk is proposed.

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			the Discharge of Contaminants into Air (PDP 2025) – Section 5.7 and 5.3.2 **Response Evidence:** Evidence of Jeff Bluett - Paragraphs 37 – 40 (Panel RFI Evidence) Evidence of Jeff Bluett	
139	661 — The total economic benefits associated with the mine are likely to be overstated because of the use of GDP as a metric versus Gross National Income (GNI), which records changes in the income of New Zealand residents and is closer to the intent of benefits.	Economics	**Response Evidence:** Evidence of Benje Patterson - Paragraphs 37 and 38	Estimation of GNP for the BOGP was possible because of the following assumptions could be made about labour and capital resources: > 97% of labour market resources will be resident of New Zealand (based on MGL's recent survey in paragraph 46 showing 3% of interested mine employees would need visa sponsorship). > As at 31 March 2026, 39.1% of SML's shares were New Zealand owned according to data provided by MGL. Using the assumptions above regarding the residency of labour market resources and shareholders, I estimate that the average direct GDP effects of the BOGP of $360 million a year quoted on Page 7 of the BPL report, are equivalent to average direct GNP effects of the BOGP of $230 million a year. It is worth noting that these estimates are conservative against current gold prices (over 50% above the assumption from the BPL modelling).
140	662 — The assessment of future national benefits should be discounted to reflect a preference for outcomes today rather than in the future; at the highest rate of 8%, discounting reduces GDP benefits by a little under 50%.	Economics	**Response Evidence:** Evidence of Benje Patterson - Paragraph 55	the $5.8 billion of cumulative direct GDP (2025 pricing) generated in Inland Otago quoted on page 6 of the BPL report is equal to an NPV of the direct GDP of $3.1 billion after discounting using the Treasury's real 8% discount rate
141	664 — Based on Dr Lees' advice, ORC recommends that the Panel consider the quantified direct benefits after discounting, note that there may be some indirect effects, but set aside the quantified estimates of both induced and indirect effects. Direct benefits comprise over 80% of the total impacts.	Economics	**Response Evidence:** Evidence of Benje Patterson - Paragraph 66	On the issue of indirect activity: > Agree there is significant uncertainty regarding the scale of additional indirect activity, partly because of conceptual differences in estimation techniques and partly because of uncertainty regarding the extent to which suppliers to the mine can respond to additional demand in the local area. It was because of these uncertainties that I adopted a much more conservative position than other studies. > Noting uncertainties surrounding quantifying the indirect effects, that the best position for the Panel to take would be to primarily focus its benefits assessment on the direct economic activity of the Project. Within this position, I would recommend that the Panel acknowledge there will undoubtedly be additional indirect economic activity stimulated above and beyond the direct activities of the Project, but that the precise quantification of these additional benefits is very uncertain and will be difficult to resolve between experts.
142	682 — ORC recommends changes to the rehabilitation bond conditions:	Legal Planning	**Response Evidence:** Evidence of Mark Chrisp	At (a), confirmation of bond in advance of the commencement of consent gives rise to unreasonable delays the project start, potentially for months, awaiting Council review and

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	(a) the bond must be provided prior to first exercise of the consent, not within 12 months of commencement; (b) the bond must be sufficient to enable any adverse effect (authorised or not) to be avoided, minimised, remedied, offset, or compensated; (c) conditions must address adverse effects becoming apparent after surrender/expiry of consent; (d) conditions must list all management plans to be taken into account in calculating the bond (not only ecological); (e) the bond must remain in place for 20 years after expiry/surrender; and (f) the bond should provide for councils to purchase Industrial and Special Risk Insurance and Public Liability Insurance.			approval. The initial site works (roads, building platforms etc.) are similar in nature and scale to subdivision development works. The proposed condition amendment aligns with the wording applied to other mining projects, most if not all of which were already operating prior to the grant of this condition, so could continue operating before starting a newly consented project. At (f) , this is an old condition applied at Waihi that doesn't achieve its original objective. Special Risk policies apply only to the first party, i.e. effects that arise on the mine site. The bond covers potential effects both on and off site primarily through the risk component but may also provide for insurance premiums where relevant and cost-effective, e.g. for public liability insurance. The amendment(s) to conditions sought by ORC in relation to this matter have been largely accepted and reflected in the updated conditions dated 17 April 2026 presented as Part 4 of the Response Package.
143	683 — ORC suggests a conference, or similar, in relation to the bond would be helpful to ensure that each party is on the same page with respect to the bond conditions and the process that will need to be followed to develop the bond agreement itself.	MGL	N/A	Agreed
144	696 — ORC considers that the Applicant has significantly overstated the project's anticipated ecological benefits to terrestrial and wetland biodiversity within the Dunstan Ecological District. A net gain outcome may be achievable for a small number of habitats or species, but this is in the context of significant and likely permanent and irreversible loss outcomes for a much larger number of habitats and species, including some that are irreplaceable or highly vulnerable.	Terrestrial Ecology Rehabilitation	**Substantive FTA Application:** B.08A - Alliance Ecology Consulting - Assessment of Ecological Effects (Alliance 2025) REDACTED **Response Evidence:** Evidence of Dr Matt Baber Evidence of Dr Graham Ussher Evidence of Dr Robyn Simcock Evidence of Emeritus Professor David Norton	The position that anticipated ecological benefits have been significantly overstated is not accepted.
145	700 — ORC is not aware of any evidence that the gold produced by the BOGP would directly benefit the New Zealand renewable energy or transport sectors, nor any evidence that the gold would be used to manufacture devices or technology within New Zealand, or for the direct benefit of New Zealand.	Economic	Panel RFI Evidence of Benje Patterson	All gold assumed to be exported.
146	701 — ORC does not agree that community benefits such as partnerships and sponsorships to enable community events, and	Economic Planning	N/A	No changes to the conditions have been made in response to this comment.

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	scholarships for tertiary or trade study, are a benefit of the BOGP as these outcomes are not secured by consent conditions.			
147	715 — ORC concludes that there are no regionally or nationally significant environmental effects [sic] of the BOGP (should read environmental *benefits*). At para 716, ORC does not consider that the proposed Biodiversity and Heritage Enhancement Fund constitutes a benefit of regional or national significance, because: > a consent condition cannot bind DoC; > it is more appropriate to treat the fund as a non-targeted financial contribution; > $500,000/year for ten years is a relatively small amount; and > biodiversity projects often require long-term or in-perpetuity funding.	Planning	N/A	MGL acknowledges the concerns raised by parties and now proposes: > An increase in the annual funding from $500,000 +GST to $1,000,000 +GST for every year in which gold is produced (up to a maximum of 10 years); and > An different approach to establish a committee to oversee this fund as opposed to providing funds to the Department of Conservation (on the basis that DOC has expressed an unwillingness to receive the fund).
148	731 — Given the scale and the permanence of the changes from natural conditions (Shepherds Creek shifting from hill-fed to spring-fed hydrology), ORC considers the proposal is inconsistent with NPS-FM Policy 1. This is an area of disagreement with the Applicant.	Planning	N/A	It is considered that when taking into account the range of measures proposed to manage adverse effects (that have been reflected in the proposed consent conditions), the BOGP generally achieves consistency with many of the provisions in the relevant statutory planning documents. Notwithstanding, it is acknowledged that any large and complex open pit mining project such as the BOGP cannot be expected to achieve full consistency with each and every provision of these planning instruments. As a result, there will inevitably be some tension between the BOGP and some of the more directive avoidance provisions. However, if the BOGP was being considered under the more traditional decision-making framework of the RMA, any potential inconsistencies with strong avoidance provisions in national policy statements may result in impediments for granting resource consent. This is not the case for the decision-making under the FTA.
149	732 — Kāi Tahu has advised that they have not had active involvement in this process, but they wish to do so; the proposal is therefore inconsistent with NPS-FM Policy 2 (active tangata whenua involvement). This is an area of disagreement with the Applicant.	MGL	**Response Evidence:** Evidence of Damian Spring – Paragraphs 22-79	The Applicant's evidence shows multi-year engagement with Kā Rūnaka through site visits, provision of draft and final technical material, structured consultation channels, and ongoing opportunities for input. It also documents that cultural and ecological effects on taoka species are explicitly addressed through avoidance, rehabilitation, and compensatory measures embedded in the project design and management plans, recognising Kā Rūnaka's rangatirataka over the takiwā. Furthermore, ongoing engagement and the establishment of the JSG provides MGL the opportunity to understand integrate Kā Rūnaka views and input on the constitution and implementation of management plans and other documents required by BOGP consent conditions, including when such plans are updated or new activities are undertaken, and to inform refinement of mitigation measures, where appropriate.

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150	734 — The proposal is not consistent with NPS-FM Policy 6 because there will be a net loss in gully fen and hill seepage wetlands extent and values, and there is significant uncertainty as to the likelihood of net gain outcomes for swamp/marsh wetlands.	Planning	N/A	It is considered that when taking into account the range of measures proposed to manage adverse effects (that have been reflected in the proposed consent conditions), the BOGP generally achieves consistency with many of the provisions in the relevant statutory planning documents. Notwithstanding, it is acknowledged that any large and complex open pit mining project such as the BOGP cannot be expected to achieve full consistency with each and every provision of these planning instruments. As a result, there will inevitably be some tension between the BOGP and some of the more directive avoidance provisions. However, if the BOGP was being considered under the more traditional decision-making framework of the RMA, any potential inconsistencies with strong avoidance provisions in national policy statements may result in impediments for granting resource consent. This is not the case for the decision-making under the FTA.
151	736 — The Applicant has not provided an efficiency assessment to support the proposed rate of groundwater abstraction from the Bendigo bore field. ORC does not have sufficient information to determine whether the proposal is consistent with NPS-FM Policy 11.	Planning	N/A	It is considered that when taking into account the range of measures proposed to manage adverse effects (that have been reflected in the proposed consent conditions), the BOGP generally achieves consistency with many of the provisions in the relevant statutory planning documents. Notwithstanding, it is acknowledged that any large and complex open pit mining project such as the BOGP cannot be expected to achieve full consistency with each and every provision of these planning instruments. As a result, there will inevitably be some tension between the BOGP and some of the more directive avoidance provisions. However, if the BOGP was being considered under the more traditional decision-making framework of the RMA, any potential inconsistencies with strong avoidance provisions in national policy statements may result in impediments for granting resource consent. This is not the case for the decision-making under the FTA.
152	743 — ORC does not see any evidence in the application that the NPS-IB decision-making principles have been recognised, let alone given effect to, and therefore considers the proposal to be inconsistent with NPS-IB Policy 1.	Terrestrial Ecology Planning	N/A	It is considered that when taking into account the range of measures proposed to manage adverse effects (that have been reflected in the proposed consent conditions), the BOGP generally achieves consistency with many of the provisions in the relevant statutory planning documents. Notwithstanding, it is acknowledged that any large and complex open pit mining project such as the BOGP cannot be expected to achieve full consistency with each and every provision of these planning instruments. As a result, there will inevitably be some tension between the BOGP and some of the more directive avoidance provisions. However, if the BOGP was being considered under the more traditional decision-making framework of the RMA, any potential inconsistencies with strong avoidance provisions in national policy statements may result in impediments for granting resource consent. This is not the case for the decision-making under the FTA.
153	745 — In light of the substantial net loss of indigenous biodiversity that would result from this proposal, for which no further attempt to redress effects through compensation has been made, ORC considers that the proposal has not adopted a precautionary approach and is inconsistent with NPS-IB Policy 3.	Terrestrial Ecology Planning	N/A	It is considered that when taking into account the range of measures proposed to manage adverse effects (that have been reflected in the proposed consent conditions), the BOGP generally achieves consistency with many of the provisions in the relevant statutory planning documents. Notwithstanding, it is acknowledged that any large and complex open pit mining project such as the BOGP cannot be expected to achieve full consistency with each and every provision of these planning instruments. As a result, there will inevitably be some tension between the BOGP and some of the more directive avoidance provisions. However, if the

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				BOGP was being considered under the more traditional decision-making framework of the RMA, any potential inconsistencies with strong avoidance provisions in national policy statements may result in impediments for granting resource consent. This is not the case for the decision-making under the FTA.
154	747 — For a number of species, compensation for significant adverse effects could be provided in accordance with the NPS-IB principles (including financial compensation) but no such measures are proposed. For a small number of species adherence to offsetting/compensation principles is not possible and the activities should be avoided — the Applicant does not propose to avoid them, so the proposal is inconsistent with Policy 8.	Terrestrial Ecology Planning	N/A	Agree. However, it is considered that when taking into account the range of measures proposed to manage adverse effects (that have been reflected in the proposed consent conditions), the BOGP generally achieves consistency with many of the provisions in the relevant statutory planning documents. Notwithstanding, it is acknowledged that any large and complex open pit mining project such as the BOGP cannot be expected to achieve full consistency with each and every provision of these planning instruments. As a result, there will inevitably be some tension between the BOGP and some of the more directive avoidance provisions. However, if the BOGP was being considered under the more traditional decision-making framework of the RMA, any potential inconsistencies with strong avoidance provisions in national policy statements may result in impediments for granting resource consent. This is not the case for the decision-making under the FTA.
155	768 — ORC has not located within the application materials any evidence to suggest that climate change over the next 100 years has been considered (relevant to NPS-NH Policy 6).	Planning Terrestrial Ecology	**Substantive FTA Application:** B.06 -Mine Waste Management Limited - Mine Impacted Water Overview Report (MWM 2025) B.21 -Engineering Geology Limited - Shepherds Tailings Storage Facility Technical Report (EGL 2025b) G.08 - Ardgour Restoration Area Management Plan **Response Evidence:** Evidence of Emeritus Professor David Norton	Climate change has been directly considered in the ARAMP (see evidence of David Norton) Climate change has also been considered in the Geotechnical (e.g. TSF) and Geochemistry Technical Reports (e.g. water quality modelling).
156	782 — In relation to NES-F Regulation 45D and based on currently available information, ORC has a low level of confidence that the proposed swamp/marsh wetland remediation will be successful. Unless further evidence can be provided, ORC considers that offsetting and then compensation would need to be considered; the Applicant has not done this so the requirements of the effects management hierarchy are not met.	Rehabilitation Terrestrial Ecology Planning	**Substantive FTA Application:** G. 07A - Landscape and Ecological Rehabilitation Management Plan G.07B - Landscape and Ecological Rehabilitation Management Plan	This position is not accepted.
157	784 — No offsetting or compensation measures are proposed for hill seepages or gully fen wetlands; hence the effects	Terrestrial Ecology	**Substantive FTA Application:**	It is not demonstrably possible to offset or appropriately compensate for hill seepages or gully fen wetlands as this would require hydrology to be recreated and or biodiversity improvements

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	management hierarchy is not appropriately applied by the Applicant.	Planning	B.08A - Alliance Ecology Consulting - Assessment of Ecological Effects (Alliance 2025) REDACTED	in existing wetlands outside the footprint that may negatively impact on hydrology/wetland inducement (e.g. livestock exclusion). If the BOGP was being considered under the more traditional decision-making framework of the RMA, any potential inconsistencies relevant policy and objectives may result in impediments for granting resource consent. This is not the case for the decision-making under the FTA.
158	786 — ORC recommends that the Panel seek further information from the Applicant in relation to the likely success of swamp/marsh wetland remediation and further information as to possible offsetting or compensation actions for hill seepage and gully fen wetlands.	Terrestrial Ecology Rehabiliation Planning	**Substantive FTA Application:** B.08A - Alliance Ecology Consulting - Assessment of Ecological Effects (Alliance 2025) REDACTED G. 07A - Landscape and Ecological Rehabilitation Management Plan G.07B - Landscape and Ecological Rehabilitation Management Plan	At Panel's discretion.
159	794 — The Applicant has not proposed the consent conditions required by NES-FW Regulation 69 (monitoring and maintenance of culverts), apparently on the basis that fish passage is not required since there are no fish. ORC considers that the wording of Regulation 69 does not provide for any discretion on the part of the consent authority.	Planning	**Response Evidence:** Evidence of Mark Chrisp	If the BOGP was being considered under the more traditional decision-making framework of the RMA, any potential inconsistencies relevant requirements may result in impediments for granting resource consent. This is not the case for the decision-making under the FTA. The amendment(s) to conditions sought by ORC in relation to this matter have been accepted and reflected in the updated conditions dated 17 April 2026 presented as Part 4 of the Response Package.
160	832 — The proposal is inconsistent with pORPS 2021 land-and-freshwater wetland provisions on the basis that there will be a net loss in wetland extent and values for gully fen and seepage wetlands, and there is substantial uncertainty as to the likely success of creating new swamp/marsh wetland habitat within the DDF.	Planning	N/A	Disagree, however, it is noted that if the BOGP was being considered under the more traditional decision-making framework of the RMA, any potential inconsistencies relevant policy and objectives may result in impediments for granting resource consent. This is not the case for the decision-making under the FTA.
161	855 — With reference to RPW chapter 7, it is noted that the application includes substantial discussion of measures to avoid TSF failure or overtopping but does not speak to remedial measures on the basis that failure or overtopping is expected not to occur — noting that RPW requires the holder of a dam consent to completely remedy any adverse effect of failure or overtopping.	Planning	N/A	Disagree. It is not necessary to undertake this assessment. No consent is sought for discharges via overtopping or failure. To provide such an assessment would be akin to assessing the effects of an unforeseen spill event.
162	862 — Policy 10A.2.2 of the RPW restricts the duration of any new resource consent to take and use fresh water to six years. This application seeks 35 years for the abstraction of	Planning	N/A	There are no effects-management reason for why a water permit to take and use water should be limited to six years. Taking into account the proposed consent conditions, it is considered there will be no significant adverse effects on any other water users, the allocation sought is

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	groundwater from the Bendigo aquifer, which is contrary to this policy.			well within the available allocation for a groundwater resource and acknowledge a secure source of water is critical to service the mine (and manage other potential adverse effects arising from dust generation). In addition, the decision-making criteria for the Panel under the Act is different to the RMA, noting there is no requirement to 'apply' section 127B of the RMA. The Panel must instead 'take into account' this section whilst giving the greatest weight to the purpose of the Act.
163	871 — With reference to the Kāi Tahu Ki Otago Natural Resource Management Plan 2005, the application does not contain any assessment of the potential adverse effects on Kāi Tahu values, beliefs, or enduring relationship with whenua and wai māori.	Planning MGL	**Response Evidence:** Evidence of Mark Chrisp Evidence of Damian Spring – Paragraphs 22-79	MGL considers that Kā Rūnaka is best to undertake an assessment of their cultural associations and connections with a site or area and it would not be appropriate for the authors of technical reports to speak to this connection (noting it is also not a matter within their professional expertise in most cases). This is specifically why a Cultural Impact Assessment ("CIA") was commissioned so that those cultural connections can be articulated by those most familiar with said connections, and MGL considers that the CIA fulfils this brief. Furthermore, ongoing engagement and the establishment of the JSG provides MGL the opportunity to understand integrate Kā Rūnaka views and input on the constitution and implementation of management plans and other documents required by BOGP consent conditions, including when such plans are updated or new activities are undertaken, and to inform refinement of mitigation measures, where appropriate. Consent conditions that provided for Tangata Whenua involvement have been revised to reflect the formation of the Joint Steering Group as agreed in principle between MGL and Kā Rūnaka. Refer to Conditions C23-27 in D.03 – Schedule One – Central Otago District Council and Otago Regional Council Common Conditions for further details.
164	882 — ORC's preliminary review of the management plans has raised significant concerns in relation to the adequacy of the management plans as currently drafted. These concerns have been communicated to the Applicant via information requests, peer-review reports, and at workshops.	Planning	N/A	The forthcoming expert conferencing in May 2026 will provide a further opportunity to resolve matters of detail and improve the robustness of the management plans. On that basis, it is recommended that updated management plans are issued to the Panel following the completion of expert conferencing, and that the Panel give consideration to the approval of those plans at that time.
165	884 — ORC considers that the management plans describe activities in inappropriately general terms, as if they are providing only a summary of what needs to be done, rather than a comprehensive series of required actions.	Planning	N/A	The forthcoming expert conferencing in May 2026 will provide a further opportunity to resolve matters of detail and improve the robustness of the management plans. On that basis, it is recommended that updated management plans are issued to the Panel following the completion of expert conferencing, and that the Panel give consideration to the approval of those plans at that time.
166	889 — The majority of critical ELF design criteria are only listed in the ELFMP and are not replicated in consent conditions, meaning these criteria could be changed without the need for an application under s127 of the RMA, despite their critical role in ensuring adverse effects do not deviate from those assessed.	Geotechnical, Erosion and Sediment Control and Engineered Landforms Environmental Chemistry and Water Planning	N/A	The forthcoming expert conferencing in May 2026 will provide a further opportunity to resolve matters of detail and improve the robustness of the management plans. On that basis, it is recommended that updated management plans are issued to the Panel following the completion of expert conferencing, and that the Panel give consideration to the approval of those plans at that time.

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167	891 — No consent condition proposed by the Applicant sets any numerical compliance limit for any contaminant discharged to air. This means the consent holder could alter or remove any performance monitoring trigger level in the AQMP without applying to change consent conditions under s127, and this condition appears to set up future delegated decision making that is unlawful.	Air Quality Planning	**Substantive FTA Application:** B.33 - Pattle Delamore Partners - Assessment of Environmental Effects from the Discharge of Contaminants into Air (PDP 2025) - Section 14 **PDP Response Evidence:** Evidence of Jeff Bluett - Paragraphs 72 - 74	The amendment(s) to conditions sought by ORC in relation to this matter have been largely accepted and reflected in the updated conditions dated 17 April 2026 presented as Part 4 of the Response Package.
168	892 — Management plan flexibility should be constrained to accommodating new or improved mitigation measures to manage effects already assessed, and it should not extend to enabling changes to fundamental design criteria or protective environmental limits.	Planning	N/A	The forthcoming expert conferencing in May 2026 will provide a further opportunity to resolve matters of detail and improve the robustness of the management plans. On that basis, it is recommended that updated management plans are issued to the Panel following the completion of expert conferencing, and that the Panel give consideration to the approval of those plans at that time.
169	893 — ORC is particularly concerned about the complex interactions between management plans, particularly in the ecological space. At para 894, ORC notes that as currently drafted the ecological management plans present a complex network of actions that would appear to be almost impossible for operational staff (or council officers) to unravel and implement to achieve the intended ecological outcomes.	Terrestrial Ecology Planning	**Substantive FTA Application:** Part G - All management plans	The purpose of the Ecological Management Plan framework is to overview the management plans and how they work together and under which the specific management plans sit. Agree that further work is needed to make more cohesive.
170	897 — ORC recommends that: (a) ecological management plan conditions (all except LERMP) be moved from D.01 CODC land use consent to D.03 because adverse ecological effects arise from activities that require regional council resource consents; and (b) a consent condition should specify what the certification process entails.	Planning	**Response Evidence:** Evidence of Mark Chrisp	The amendment(s) to conditions sought by ORC in relation to this matter have been largely accepted and reflected in the updated conditions dated 17 April 2026 presented as Part 4 of the Response Package.
171	898 — While ORC is comfortable in principle with the use of management plans to ensure compliance with outcomes in consent conditions, it does not consider that the management plans are currently fit for purpose. Consequently ORC does not consider it appropriate that these plans are certified as part of this fast-track application process.	Planning MGL	N/A	Refinement of the management plans will occur through expert conferencing, and updated versions will be provided to the expert panel for certification. MGL agree to workshopping the management plans with the relevant parties e.g. CODC, ORC, DOC, Heritage NZ, Kā Rūnaka, prior to or part of expert conferencing.
172	902 — ORC considers that substantial work is required on consent conditions and that the process of improving conditions could well benefit from the involvement of regulatory authorities who would be responsible for enforcing those conditions.	Planning	N/A	Refinement of the consent conditions will occur through this comment response process and subsequent expert conferencing and updated versions will be provided to the expert panel for consideration. MGL are open workshopping these conditions with regulatory agencies.

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173	909 — With reference to ORC's Strategic Directions, ORC recommends that the Panel take account of the concerns expressed by Kā Rūnaka and provide for their participation in this process, to the extent and in the manner that Kā Rūnaka consider appropriate.	Planning MGL	N/A	The Applicant's evidence shows multi-year engagement with Kā Rūnaka through site visits, provision of draft and final technical material, structured consultation channels, and ongoing opportunities for input. It also documents that cultural and ecological effects on taoka species are explicitly addressed through avoidance, rehabilitation, and compensatory measures embedded in the project design and management plans, recognising Kā Rūnaka's rangatirataka over the takiwā. Furthermore, ongoing engagement and the establishment of the JSG provides MGL the opportunity to understand integrate Kā Rūnaka views and input on the constitution and implementation of management plans and other documents required by BOGP consent conditions, including when such plans are updated or new activities are undertaken, and to inform refinement of mitigation measures, where appropriate.
174	914 — ORC recommends that the Panel considers carefully any views that may be expressed (through invited comments) by the community, and that the Applicant provide proportional and genuine responses to these views via their s55 response.	Planning MGL	N/A	MGL acknowledges ORC's recommendation. MGL will carefully consider any views expressed by the community through the invited comments process and will provide proportional, respectful, and genuine responses to those views in its section 55 response, clearly outlining how relevant matters have been considered and, where appropriate, addressed within the proposal.
175	928 — The application does not support the goals set out in ORC's draft Biodiversity Strategy and hence does not align with the 'Environment' focus of the overarching Strategic Directions.	Terrestrial Ecology Planning	**Substantive FTA Application:** B.08A - Alliance Ecology Consulting - Assessment of Ecological Effects (Alliance 2025) REDACTED	Agreed in part but not in instances where net gain or net positive outcomes are expected. We also note that this is not a statutory document
176	953 — With reference to RMA s107 restrictions, ORC notes that if the nitrogen-related limits are not reduced as recommended in Section C.6.7.2, ORC considers that it is likely that the application would result in significant adverse effects on aquatic life.	Ecotoxicology Planning Legal	**Response Evidence:** Mark Chrisp Evidence Legal Submissions, 17 April 2026 at 'Aquatic Ecology'	Disagree. Taking into account both the limited range of aquatic life present in the watercourses associated with the BOGP and the proposed measures to manage the potential discharge of contaminants into the receiving environment recommended by MGLs independent technical experts, the discharges from the BOGP will not result in significant adverse effects on aquatic life and the restrictions of Section 107 of the RMA do not apply. Section 107 is not engaged.
177	956 — ORC considers that two activities do not require consent durations of 35 years: (a) the discharge permit for contaminants to air from the gold processing plant — 15 years likely more appropriate; and (b) land use consents for earthworks and vegetation clearance in and within 10 m and 100 m setbacks of natural inland wetlands — 15 years likely more appropriate.	Planning MGL	N/A	A consent term of 35 years for all necessary consents for the BOGP within the administrative jurisdiction of ORC. 35 years is appropriate considering the large-scale investment and the consent holder's need for ongoing certainty and there are no effects-management reason for truncating the durations on consents for these activities.
178	961 — ORC understands that Kā Rūnaka have signalled that granting the approvals sought may be in breach of Treaty settlements and therefore in breach of s7. This is an important	MGL	**Substantive FTA Application:** A.15 - Section 8 – Fast-track Approvals Act 2024 Requirements	The BOGP is consistent with relevant Treaty settlement obligations and is consistent with section 7 FTA.

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	matter for the Panel to contemplate because, if correct, approvals must be declined.		**Response Evidence:** Legal Submissions, 17 April at 'Treaty Settlement Obligations' Evidence of Damian Spring – Paragraphs 22-24	
179	**Appendix 1** Review of Approvals Sought ORC has identified a small number of activities that have been described throughout the application, but which have not been 'matched' to a rule in a plan or national environmental standard. Two scenarios are noted: 1. No rule identified at all – ORC accepts that where the Applicant has described and assessed the effects of an activity in any of the application documents this constitutes 'applying for' a resource consent for that activity, even if it is has not specifically identified a rule for that activity (ref report H.01). 2. Most relevant rule selected, others missed – due to the multiplicity of rules in the regional plans, there is in some instances more than one rule that applies to an activity. In these situations, the Applicant has generally identified the most applicable rule, and ORC has added in other rules that it considers to be relevant	Planning	**Substantive FTA Application:** A.11 - Section 4 – Approvals Sought	This is acknowledged. Importantly, it is noted that: > the Substantive Application seeks all necessary land use consents, discharge permits and water permits (as approvals sought under the Act) to authorise all activities associated with the construction, operation, maintenance and rehabilitation and closure of the BOGP; and > for the two new rule triggers identified by ORC under the Otago Air Plan, the Substantive Application has described and assessed the effects of these activities, and this constitutes 'applying for' a resource consent for that activity even if it has not been specifically identified a rule for that activity in the *H.01 - RMA Rules Assessment*.
180	**Appendix 2** ORC recommended conditions, changes to D.02 **Appendix 3** ORC recommended conditions, changes to D.03 **Appendix 4** ORC recommended conditions, changes to D.04	Planning	**Response Evidence:** Part 4 of the Response Package.	Refer to Part 4 of the comments response package.
181	**Appendix 34** Geotech – Review of RFI Responses (Rev 1) (GeoSolve) GeoSolve considers the RFI responses materially address most of the geotechnical concerns raised in its December 2025 report. Remaining concerns relate to: > Landslide consent conditions should apply to the entire site, not just the TSF > Add GeoSolve's previously suggested consent conditions requiring: › A minimum FoS of 1.5 on land outside the site boundary.	Geotechnical Planning	**Substantive FTA Application:** B.28 - Peter O'Bryan & Associates - Geotechnical Assessment - Open Pit and Underground Mining -Rise and Shine Deposit (POB 2025) **Response Evidence:** Evidence of Mark Chrisp	Geohazard identification and management will aim to ensure that all slope failure risks, including latent landslides, are identified, avoided, mitigated, or monitored. Stability conditions of land outside and immediately adjacent to the site boundary will be assessed. It is noted that some natural slopes may have FOS less than 1.5. Geotechnical monitoring of excavated and constructed structures, and where necessary, natural earthen features, will be of appropriate type and number and maintained at data collecting, analysis and reporting frequencies required for ongoing safe operation and access. Post-closure exclusion zones will be based on NZ statutory requirements where available. Initial estimates of positioning of barriers can be delineated by Western Australian generic guidelines, with confirmation/ amendment of positioning based on assessment of actual ground/ excavation exposures.

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	> Detailed geotechnical assessments and monitoring. > Clearly defined post-closure exclusion zones and public safety measures. Recommends specific condition requiring Subsidence Assessment Report before underground mining begins			As noted at Item 12, three-dimensional numerical modelling of surface subsidence will be performed in advance of development of underground access. Further details of planned mining and information on ground stress need to be obtained before analyses can be undertaken. The amendment(s) to conditions sought by ORC in relation to this matter have been largely accepted and reflected in the updated conditions dated 17 April 2026 presented as Part 4 of the Response Package.
182	**Appendix 37** Surface Water and River Engineering Memo March 2026 (GeoSolve) GeoSolve concludes that while some matters (e.g. peak flood attenuation, revised pit-lake filling timelines) are now agreed, critical surface water risks remain unresolved. Key matters not fully resolved: > Incomplete assessment of Shepherds Creek and SREX diversions > Unresolved overtopping risk and consequence assessment > Design storm standards for diversion channels > Sediment retention devices – frequency and consequences of spilling > Shepherds Silt Pond – PIC uncertainty > TSF cap and interaction with natural gullies Over-reliance on future management plans and vague consent wording / need for stronger, more prescriptive consent conditions.	Geotechnical Planning	**Response Evidence:** Evidence of Mark Chrisp Evidence of Eric Torvelainen - Attachment 1	The amendment(s) to conditions sought by ORC in relation to this matter have been largely accepted and reflected in the updated conditions dated 17 April 2026 presented as Part 4 of the Response Package. A letter with preliminary design sizing and details has been provided for the other diversion channels onsite. This includes preliminary channel details, lengths, gradients, alignments, construction considerations, summary of hydraulic calculation results. The letter recommends detailed design documentation is prepared for each diversion.
183	**Appendix 38** Surface Water Modelling, Groundwater and Geochemistry (e3) E3 notes material uncertainty around: > Volumes and quality of water requiring treatment. > Whether treatment systems can consistently meet limits for decades. The reviewer concludes that stronger, clearer, and more enforceable consent conditions are required to manage these uncertainties and protect downstream receptors. Key concerns relate to:	Environmental Chemistry and Water Hydrogeology Groundwater Planning	**Substantive FTA Application:** G.01 Water Management Plan **Response Evidence:** Evidence of Ryan Burgess Evidence of Dr Paul Weber Evidence of Jens Rekker Evidence of Mark Chrisp	HGG (focused on 'remaining issues', Section 8.4, in e3 review document): > **Further details on groundwater monitoring were requested:** General locations for groundwater monitoring were provided in G.01. Full details (e.g., nominal depths, screen targets, etc.) will be provided in an updated Water Management Plan, to be refined through expert conferencing and updated versions provided to the expert panel for certification. > **Comparison of the pit lake discharge volumes with the expected contribution from the RAS underground workings.** The contribution of groundwater inflow from underground workings on portal discharge is considered to be low. In the event it is higher than expected, this can be managed by an increase in water treatment capacity.

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	> Incomplete understanding of existing groundwater and wetland systems > Uncertainty around groundwater take from the Bendigo Aquifer > Groundwater modelling limitations and assumptions > Risks to wetlands from drawdown and flow changes > Significant WQ risks from mine materials > High uncertainty in water balance and seepage modelling > Engineered landforms and tailings risks > Potential impacts on the Ardgour and Lindis Alluvial Aquifers > Irrigation WQ not adequately considered Weaknesses in consent conditions and management plans			> **Clarification of how water discharging from the RAS Underground portal will be managed post-closure:** Portal discharge will be collected and conveyed via pipe or open channel to the treatment (active and passive) location, along with other mine impacted water (e.g., ELF/TSF seepage). MWM: > **Soil Management Plan:** The Soil Management Plan will be updated in accordance with the recommendations provided by E3 Scientific. This will be provided to the ORC for certification. > **Net Percolation Rate:** Consent conditions are drafted to ensure field trials will be undertaken to determine the Net Percolation Rate. > E3 Scientific requests that NP results are used to update the Water and Load Balance Model (WLBM) on an annual basis. The WLBM will be maintained a live operating model for the BOGP. Hydro Geochem Group is building a site wide transient operational water model for the Operational Phase of the project. Solutes could be added to this model to understand management requirements. Refer to *D.04 – NEW 6A*. > **Pit Water for Dust Suppression:** The operational water balance model can be updated to include solutes to develop performance limits for the use of pit water for dust suppression. This was recommended by E3 Scientific. This could be a consent condition. > **Paste Backfill:** E3 Scientific recommends a monitoring program be developed to understand the risks for paste backfill. A consent condition should be developed to ensure this plan is developed and is certified by the ORC prior to paste backfill occurring. Other > Water quantity that requires treatment in the closure phases is driven by net percolation (NP) rates and water management. Field trials are proposed (first few years), once materials are available, to validate NP. This will be used to inform treatment capacity and treatment requirements. > Water Treatment of MIW is a common engineering control in the mining industry. Water treatability studies will be undertaken once suitable site-specific water quality is available. KSL has addressed the following issues: *Uncertainty around groundwater take from the Bendigo Aquifer* > Jens Rekker's response to panel RFI No. 7 (paragraphs 7 – 15) dealt with the appropriateness of the use of constant head boundary cells to simulate Shepherds and Clearwater creeks within schist groundwater system models of RAS, CIT and SRX pit dewatering. *Groundwater modelling limitations and assumptions*

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				> Jens Rekker's response to EDS's invited comments (paragraphs 184 – 195) dealt with comments about model domain size, model no-flow boundaries, the setting of creeks as source/snk model boundaries, the appropriate use of homogenous or anisotropic groundwater parameter conditions within the models, the use of steady state model versus transient model, the non-use of flux targets, and potential bias in calibration residuals. *Potential impacts on the Ardgour and Lindis Alluvial Aquifers* > Jens Rekker's response to panel RFI No. 8 (paragraphs 18 – 72) provided information and developed high-level assessments of mine-related potential contaminants moving through creek and alluvial groundwater systems, particularly sulphate in surface water and groundwater in the Lindis catchment. > These responses stressed that downstream aquifers were or profoundly affected by mean annual mass loads that the spiky peaks of surface water concentrations. The importance and influence of long-term mean mass loads derive from the ability of alluvium with high permeability and dispersive characteristics. Accordingly, in both the operational and post-mining mine life phases, the estimated groundwater concentrations of dissolved sulphate were shown to significantly buffered and more representative of mean annual influent concentrations. > At the conclusion of Jens Rekker's response to panel RFI No. 8, it was estimated that during operations the groundwater sulphate entering the outer edge of the Ardgour Aquifer will be between 30 and 40 mg/L, while the post-closure groundwater sulphate concentrations impinging on the Ardgour aquifer will be approximately 130 mg/L. *Irrigation WQ not adequately considered* > The suitability in terms of clogging of spray emitter, sodicity, plant toxicity, plant imbalances etc, of waters used for irrigation were considered alongside the compliance limits of surface water at SC-01. > The Tarras Farm Pastoral Ltd irrigation take on Shepherds Creek immediately downstream of SC-01 would draw approximately half of the Creek's flow downstream of SC-01. The amendment(s) to conditions sought by ORC in relation to this matter have been largely accepted and reflected in the updated conditions dated 17 April 2026 presented as Part 4 of the Response Package.
184	**Appendix 40** Update to technical review on freshwater matters March 2026 (Torlesse Environmental) Primary unresolved matter relates to nutrient management, particularly nitrogen. Other concerns relate to:	Hydrogeology Groundwater Planning	**Substantive FTA Application:** G.01 Water Management Plan **Response Evidence:** Evidence of Ryan Burgess	Remaining issues in Table 1 of Torlesse document: > Appropriateness of RS03 as a compliance monitoring site. Refer response to RFI#60. The amendment(s) to conditions sought by ORC in relation to this matter have been largely accepted and reflected in the updated conditions dated 17 April 2026 presented as Part 4 of the Response Package.

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	> Nitrate and ammoniacal nitrogen limits remain too high > Effects assessment still lacks a robust, evidence-based synthesis > Stream diversion conditions still provide insufficient certainty > Inadequate ecological monitoring for treated seepage discharges > Compliance monitoring location for Rise and Shine Creek may be inadequate > Sediment toxicity risks are not managed > Turbidity and sediment discharge controls – partly resolved Seepage escape risk – low, but requires conditions		Evidence of Mark Chrisp	Seepage escape risk: > Torlesse Environmental notes the risk as low but requiring of conditions codifying controls or monitoring. > Jens Rekker's response to panel RFI No. 8 (paragraphs 18 – 72) provided information and developed high-level assessments of mine-related potential contaminants seeping from the creek and alluvial groundwater systems in surface water and groundwater in the Lindis catchment. > These responses stressed that downstream aquifers were or profoundly affected by mean annual mass loads that the spiky peaks of surface water concentrations. The importance and influence of long-term mean mass loads derives from the ability of alluvium with high permeability and dispersive characteristics. Accordingly in both the operational and post-mining mine life phases, the estimated groundwater concentrations of dissolved potential contaminants was shown to significantly buffered and more representative of mean annual influent concentrations. The WMP contains measures requiring groundwater monitoring at the Shepherds Creek alluvium at monitoring bore MW-101, and also Bendigo Aquifer at the 'Base Bore'. These requirements could be codified in proposed conditions of consent.
185	**Appendix 41** Technical review Terrestrial Ecology (e3) E3 concludes that the project will result in a significant and permanent Net Loss of terrestrial ecological values, including threatened species and habitats, which have not been fully avoided, mitigated, offset, or compensated. Many proposed mitigation measures are experimental, poorly quantified, or insufficiently detailed, leading to a high risk of failure. Key concerns relate to: > Significant net loss of ecological values > Incomplete and inconsistent ecological data > Wetland impacts poorly addressed > Lizards – high risk, poor mitigation > Avifauna impacts underestimated > Invertebrates face uncertain or likely net loss > Management Plans lack detail, targets, and coherence > Over-reliance on experimental mitigation Governance and condition framework is weak	Terrestrial Ecology Planning	**Substantive FTA Application:** B.08A - Alliance Ecology Consulting - Assessment of Ecological Effects (Alliance 2025) REDACTED B.11A - Habitat NZ - Terrestrial Invertebrate Survey (Habitat NZ 2025c) REDACTED - Sections 3 Methodology, 4 Results and Appendix 2 **Response Evidence:** Evidence of David Norton Evidence of Keith Barber – Paragraphs 15(h), 16(a)(iii)(B) and Appendix 1 Evidence of Dr Matt Baber Evidence of Mark Chrisp	Agreed except in relation to concerns that ecological data is inconsistent and incomplete, wetland impacts are poorly addressed and avifauna impacts are underestimated Expert workshops have been proposed to specifically address management plan issues. For invertebrates, the apparent discrepancy resulted from unclear terminology around species counts, not a difference in findings. Surveys recorded 425 RTUs across all taxonomic levels — species, genus, family, and order — of which 251 were identified to species level. Where species-level identification was not achievable, taxa were recorded as a single indeterminate entry at the highest achievable taxonomic resolution. Although using different terminology, we have arrived at the same count as reviewers. As RTU terminology was not used in the original report, supplementary figures have been provided for clarity. The full dataset has been reviewed and the findings and conclusions remain sound. It is agreed that invertebrates face uncertain or likely net losses. This is characteristic of invertebrate survey work in New Zealand, where a large proportion of taxa remain undescribed or unnamed. The amendment(s) to conditions sought by ORC in relation to this matter have been largely accepted and reflected in the updated conditions dated 17 April 2026 presented as Part 4 of the Response Package.

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186	**Appendix 44** Landscape Architecture Review – Site Visit March 2025 (SLR) Confirming agreement with the degrees of visual effects as assessed by the applicant.	Landscape	**Substantive FTA Application:** B.19 – Boffa Miskell - Landscape, Natural Character and Visual Effects Assessment (Boffa Miskell 2025) (2 Parts) B.19B – Boffa Miskell – Landscape Visual Simulations (4 Parts) **Response Evidence:** Evidence of Rhys Girvan.	It is accepted that ORC's landscape review ultimately confirms agreement with the degrees of visual effects.
187	**Appendix 47** Air Quality Assessment Review March 2026 (SLR) SLR confirms that all ORC information requests have now been addressed. Remaining issues relate to: > Documentation clarity, and > Providing assurance to the community, rather than unmitigated environmental risk. SLR concludes that, with the updated AQA, AQMP, and additional monitoring commitments, no material risk of adverse air quality effects remains from the operation of the Bendigo-Ophir Gold Project.	Air Quality	**Response Evidence:** Evidence of Jeff Bluett and the following appendices: > Appendix A - ORC MEMORANDUM: Bendigo-Ophir Gold Project Air Quality Assessment Addendum: Visual Dust Monitoring and Instrumental Arsenic Dust Monitoring. 17 March 2026. > Appendix B - UPDATED Air Quality Management Plan: Bendigo Ophir Gold Project. 16 April 2026.	The remaining ORC issues have been resolved as detail in Appendix A.
188	**Appendix 48** Economics Peer Review November 2025 (Sense Partners) **NB: this report represents an early review of the subject matter** Sense Partners concludes that the methodology is acceptable under the FTAA; however economic benefits are likely overstated, especially: > Indirect and induced effects, > Undiscounted future benefits, > GDP vs GNI framing. Direct economic benefits are real, material, and significant. Key elements: > Economic benefits are likely overstated > Indirect and induced effects are not reliable	Economics Planning	**Response Evidence:** Evidence of Benje Patterson	Patterson is of the opinion given these uncertainties surrounding quantifying the indirect effects, that the best position for the Panel to take would be to primarily focus its benefits assessment on the direct economic activity of the Project. Within this position, I would recommend that the Panel acknowledge there will undoubtedly be additional indirect economic activity stimulated above and beyond the direct activities of the Project, but that the precise quantification of these additional benefits is very uncertain and will be difficult to resolve between experts. The $5.8 billion of cumulative direct GDP (2025 pricing) generated in Inland Otago quoted on page 6 of the BPL report is equal to an NPV of the direct GDP of $3.1 billion after discounting using the Treasury's real 8% discount rate. Patterson estimates that the average direct GDP effects of the BOGP of $360 million a year quoted on Page 7 of the BPL report, are equivalent to average direct GNP effects of the BOGP of $230 million a year. It is worth noting that these estimates are conservative against current gold prices (which are currently over 50% above the assumption from the BPL modelling). The benefits of foreign shareholders in SML should not be completely discounted even though they technically do not fall within the definition of GNP. The 60.9% foreign shareholders in SML at present have invested a significant amount of money in the project, and without that

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	> Failure to discount future benefits > Uncertainty around key parameters (e.g. multipliers, productivity parameters) > Methodology is permissible but narrow > "Significant National or Regional Benefits" Is undefined > Direct benefits are the only robust component Economic benefits do not address adverse effects			investment there would be little chance of the project progressing. The exploration and consenting phase of the project, coupled with the development of the mining infrastructure, are the riskiest phases of the Project from an investment perspective. In February and March 2026 alone, SML raised more than AUD$130 million cash from share issuances. It is this very investment that is necessary to unlock the benefits from the $230 million pa of GNP which will accrue to New Zealand residents.
189	**Appendix 49** Assessment against Land Transport Management Act Reviewers identify no notable effects of the Project on existing public transport services in the region, including exempt services delivered by commercial operators.	Transportation	N/A	Agree that public transport services do not service the area so there will be negligible change to demand to existing services. Traffic operational effects on SH8 are low as changes in traffic volume due to the project are low in comparison to existing traffic volumes.
190	**Appendix 51** Review of Bond December 2025 (DamWatch Engineering) **NB: this report represents an early review of the subject matter** Damwatch concludes that the scope of closure works in the Bond Introduction is generally appropriate. However, key cost and risk components are underestimated or missing, particularly: > Long-term maintenance, > Dam safety compliance, > Risk costs, > Monitoring and earthworks. Main concerns raised: > Post-closure maintenance period is too short > Risk costs are not explicitly included > Dam safety compliance costs are missing > Earthworks unit rates may be underestimated > Environmental programme costs lack detail > Groundwater and water quality monitoring Is under-costed	Legal	**Substantive FTA Application:** B.44 - Lane Associates Limited – Bond Introduction (Lane Associates 2025)	The bond report that accompanied the application provided an overview of the bond process and example of its outcomes. It was not a definitive, complete assessment of the bond, which cannot be completed until the consent conditions are finalised and a detailed mine plan available. The items listed will be assessed when undertaking the detailed bond assessment.

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	> Discounting assumptions are unclear > Closure programme and early closure timing not addressed > High reliance on assumptions about Council capability Contingency and estimating basis are insufficiently transparent			

Comments from Central Otago District Council

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1	Compensation for “Naturally Uncommon" Land Environments The "naturally uncommon" land environments, such as moraine (glacial deposits), which carry a threat status of nationally vulnerable. These ecosystems are adapted to extreme climate conditions and are distinctive to the region. Because these biological values are considered "irreplaceable" or "vulnerable," it is not possible to fully compensate for their loss. Refer to Statement of Evidence of Michael Harding Terrestrial Ecology (Appendix C of the CODC Comments).	Terrestrial Ecology Rehabilitation	N/A	Most of this area is mapped as lying on the lower (flat slopes) where the admin area is to be located. This area has been substantially modified by other land uses.
2	Significant Gaps and Incomplete Surveys Without this data, the true magnitude of the project's effects cannot be accurately determined. Recommendation that there be no mining the Come In Time (CIT) pit until further research or surveys can prove that the impact on "nationally critical" spring annuals would be less than 1% of the known regional population. Refer to Statement of Evidence of Michael Harding Terrestrial Ecology (Appendix C of the CODC Comments).	Terrestrial Ecology Rehabilitation	**Response Evidence:** Evidence of Zac Milner Evidence of Dr Robyn Simcock Evidence of Dr Matt Baber	An additional survey for spring annuals was undertaken in spring 2025, and a non-vascular plant survey was undertaken in summer 2026 to address some of the knowledge gaps acknowledged in the B.13 Vegetation Values Assessment. The spring annual survey results show that there is a much larger population of all spring annual species within the Ecological Study Area and nearby than had previously been detected. The non-vascular plant survey found forty-three species of native moss, 22 species of native liverwort, one species of native hornwort, and 32 species of native lichen across the ESA. Of these, two had a conservation status of At Risk – Declining, eight had a conservation status of At Risk – Naturally Uncommon, and two had a conservation status of Data Deficient. It is agreed that this information should be made available to the invited parties. It is agreed that disturbance in the Come in Time Pit should be avoided until further research or surveys can prove that the impact on "nationally critical" spring annuals would be less than 1% of the known regional population. This is built into consent conditions.
3	Standard Ecological Assessment Guidelines The use of standard ecological assessment guidelines (EIANZ) tends to fragment and average ecological values can lower the perceived magnitude of the mining's effects on the area's overall ecological integrity. Refer to Statement of Evidence of Michael Harding Terrestrial Ecology (Appendix C of the CODC Comments).	Terrestrial Ecology	**Substantive FTA Application:** B.08A - Alliance Ecology Consulting - Assessment of Ecological Effects (Alliance 2025) REDACTED **Response Evidence:** Evidence of Dr Matt Baber	Disagree with this as set out in the evidence.
4	Experimental and Uncertain Cushionfields and Spring Annual Rehabilitation There is currently no demonstrated research proving that these specific rare plants can be successfully rehabilitated or that their	Terrestrial Ecology Rehabilitation	**Substantive FTA Application:** B.08 - Alliance Ecology Consulting - Assessment of Ecological Effects (Alliance 2025)	Agree. An additional survey for spring annuals was undertaken in spring 2025 to address some of the knowledge gaps acknowledged in the B.13A Vegetation Values Assessment. The results show that there is a much larger population of all spring annuals within the Ecological Study Area and nearby that had previously been detected. The extent of the survey was restricted by lambing which restricted access to areas of suitable potential habitat. Further surveys are

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	habitat can be replicated once destroyed. Critical research intended to inform the rehabilitation design was scheduled for 2025 and 2026, but its execution remains unconfirmed, raising questions about the viability of the project's long-term recovery. Refer to Statement of Evidence of Michael Harding Terrestrial Ecology (Appendix C of the CODC Comments).		B.16 - Manaaki Whenua Landcare Research - Applied Research Plan for Conservation Management, Rehabilitation and Expansion of Cushionfield (Landcare 2025)	scheduled into the future and land access arrangements are being put in place to facilitate an expanded survey area.
5	Underground Mining Consideration Underground mining could potentially result in substantially smaller footprint and cause less terrestrial ecological damage. A formal assessment of underground mining as an alternative to open-pit mining is desirable. Refer to Statement of Evidence of Michael Harding Terrestrial Ecology (Appendix C of the CODC Comments).	MGL	**Response Evidence:** Evidence of Damian Spring – Paragraph 81	International mining standards through bodies such as the AusIMM impose engineering and economic evaluation standards on mining professionals in the evaluation and design of a proposed mine including JORC 2012. These standards require a balance of risks around economic, environmental, and health & safety elements, among others. Open pit mining has positive attributes for mineral recovery and reduced health & safety risks, while underground mining has reduced mineral recovery and increased health & safety risks. The numerous mine optimisation studies completed on the Bendigo Ophir Gold Mine, that have considered all aspects, and have been informed by evaluation by both internal & external experts, arrived at the projects proposed combination of initial open pit and future underground components, making use of the topography and geology to shield the majority of the landform change from general view. The completed and rehabilitated mine will provide interest to future tourists as historic mining areas do today.
6	Lack of Focus on Spring Annuals The sanctuaries are focused on lizard protection rather than the preservation of spring annual flora, are costly to maintain and will require guaranteed long-term funding to remain effective. Refer to Statement of Evidence of Michael Harding Terrestrial Ecology (Appendix C of the CODC Comments).	MGL	**Substantive FTA Application:** A.13 - Section 6 – Assessment of Environmental Effects G.07A - Landscape and Ecological Rehabilitation Management Plan G.08 - Ardgour Restoration Area Management Plan G.09 - Matakanui Sanctuary Management Plan **Response Evidence:** Evidence of Malcolm Lane	The sanctuaries aim to protect a range of flora and fauna including lizards, invertebrates and vegetation assemblages. There is a longer-term aspiration for the sanctuaries to accommodate locally extirpated lizard species which will require 100% effective mammalian pest elimination. Substantial resources are being applied to understanding the population size, extent, and establishment requirements and persistence of spring annuals through the ARP and ARAMP. Consent conditions manage potential disturbance of spring annuals within the CIT pit footprint. As the Consent Holder, MGL will be solely responsible for the development, operation and maintenance of the proposed ecological rehabilitation and enhancement areas- which includes the Mine Regeneration Zones, Ardgour Restoration Area and the Bendigo and Ardgour Sanctuaries - for the duration of the consents sought and for any future consents required in the future. These areas will also be protected in perpetuity by a new covenant(s) which will provide legal protection and ongoing obligations in perpetuity in relation to the environment outcomes to be achieved in the ecological rehabilitation and enhancement areas. They will also be captured by the activities provided for in the Bond. Changes have been made to various consent conditions to provide a greater level of certainty of delivering on those outcomes and their funding by making sure that obligations are clearly stated in the conditions (which also translate into other legal mechanisms such as the bond and the proposed new covenant). Refer Conditions in *D.01 - Schedule One – Common Conditions* for DODC and ORC Consents.

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7	Natural Recovery vs. Intervention in the Ardgour Restoration Area Woody vegetation is already recovering naturally at Ardgour Station. While the proposed management (pest control, cattle removal, etc.) would secure this recovery, the benefits are overstated because the landscape is not in the "state of decline" assumed by the applicant. Refer to Statement of Evidence of Michael Harding Terrestrial Ecology (Appendix C of the CODC Comments).	Terrestrial Ecology	**Substantive FTA Application:** B.08A - Alliance Ecology Consulting - Assessment of Ecological Effects (Alliance 2025) REDACTED G.08 - Ardgour Restoration Area Management Plan **Response Evidence:** Evidence of Emeritus Professor David Norton	Disagree: Shrubland has expanded either because of removal of farming inputs (e.g in the Bendigo Scenic Reserve or Dry Creek Conservation Area) or changes in farm management practices (e.g. no burning or herbicide application). In the latter case, the expansion of native woody vegetation (especially 'grey scrub') is often facilitated by a history of aerial fertiliser application increasing soil fertility. However, these novel native woody communities are usually dominated by a subset of relatively common native woody species (in the study area primarily kānuka, matagouri, mingimingi and scented tree daisy) and lack elements that might be considered typical of pre-human woody vegetation (e.g. kōwhai or thin-bark tōtara) as seed sources are scarce or more often, absent. In addition, plant community structures are simple, with most areas lacking lianes. Ongoing herbivory by both domestic livestock and feral ungulates, possums and lagomorphs (rabbits and hares) also limit the ability of any palatable species to establish and allow for succession to a more species and structurally diverse state in these woody communities.
8	Inadequacy for Spring Annuals in the Ardgour Restoration Area The ARA is considered suboptimal habitat for spring annual species due to its altitude and previous modifications. Refer to Statement of Evidence of Michael Harding Terrestrial Ecology (Appendix C of the CODC Comments).	MGL	N/A	The suitability of the ARA for spring annual species is still to be confirmed. Due to access constraints due to lambing in 2025 the spring survey was unable to access some areas of cushionfield on Ardgour Station. This will not be a constraint in 2026 when this survey will be undertaken again. Significant new populations of spring annuals were found in the 2025 spring annual survey.
9	Limited Scope in Ardgour Restoration Area The current management plans for the ARA do "little to enhance or increase the extent" of cushionfield habitats. The ARA will not adequately address the loss of vegetation and habitat within the DDF. Refer to Statement of Evidence of Michael Harding Terrestrial Ecology (Appendix C of the CODC Comments).	Terrestrial Ecology MGL	**Substantive FTA Application:** G.08 - Ardgour Restoration Area Management Plan B16 -Manaaki Whenua Landcare Research - Applied Research Plan for Conservation Management, Rehabilitation and Expansion of Cushionfield (Landcare 2025) **Response Evidence:** Evidence of Emeritus Professor David Norton	The ARAMP explains that cushionfield management is dependent on the outcomes of the Applied Research Plan. The ARP is an important step to understanding spring annuals, both where they are currently present and the conditions for their establishment and maintenance to support conservation and expansion. This research on nationally threatened species will not occur in the absence of the project.
10	Mapping Inaccuracies in Ardgour Restoration Area Vegetation mapping for the ARA was simplified and inaccurate, such as grouping "native dominant scrubland" into "mixed scrubland," which makes it difficult to accurately analyse restoration outcomes. Refer to Statement of Evidence of Michael Harding Terrestrial Ecology (Appendix C of the CODC Comments).	Terrestrial Ecology	**Substantive FTA Application:** G.08 - Ardgour Restoration Area Management Plan **Response Evidence:** Evidence of Emeritus Professor David Norton	Acknowledged that this occurred in one instance that we saw on the field trip with agency terrestrial ecologist's following workshops.

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11	Resourcing for Restoration Work The application is unclear about resourcing or who will be responsible for the on-going work in the sanctuaries and restoration area identified to mitigate effects of mining activity.	MGL Planning	**Response Evidence:** Evidence of Damian Spring – Paragraph 102 Evidence of Mark Chrisp	As the Consent Holder, MGL will be solely responsible for the development, operation and maintenance of the proposed ecological rehabilitation and enhancement areas- which includes the Mine Regeneration Zones, Ardgour Restoration Area and the Bendigo and Ardgour Sanctuaries - for the duration of the consents sought and for any future consents required in the future. These areas are detailed in G.07A&B Landscape and Ecological Rehabilitation Management Plan, G.08 Ardgour Restoration Area Management Plan and G.09 Matakanui Sanctuary Management Plan and shown in the plan C.23 Ecological Rehabilitation and Enhancement Area. These areas will also be protected in perpetuity by a new covenant(s) which will provide legal protection and ongoing obligations in perpetuity in relation to the environment outcomes to be achieved in the ecological rehabilitation and enhancement areas. They will also be captured by the activities provided for in the Bond. Changes have been made to various consent conditions to provide a greater level of certainty of delivering on those outcomes and their funding by making sure that obligations are clearly stated in the conditions (which also translate into other legal mechanisms such as the bond and the proposed new covenant). Refer Conditions in D.01 - Schedule One – Common Conditions for DODC and ORC Consents.
12	Insufficient Offsetting The proposed offsets is insufficient for the unique dryland ecosystem and recommends off-site protection and management of high-quality cushionfield habitat elsewhere in the Dunstan Ecological District to address the loss of spring annual habitat. Refer to Statement of Evidence of Michael Harding Terrestrial Ecology (Appendix C of the CODC Comments).	Terrestrial Ecology Rehabilitation MGL	**Substantive FTA Application:** B.08A - Alliance Ecology Consulting - Assessment of Ecological Effects (Alliance 2025) REDACTED	Agree. Offsite protection and management of cushionfield is one mechanism to address the loss of spring annual habitat resulting from the project. Upcoming spring surveys will assist in expanding and consolidating knowledge of the aerial extent and population sizes of spring annuals in the region. The 2025 spring survey (unpublished report) found significant new populations on the parts of Ardgour Station that were able to be accessed and on Bendigo Station amongst the vineyards. The 2026 survey will be able to access to additional areas of potential habitat on Adgour Station.
13	Long-term Funding Establishing a "non-wasting endowment fund" to provide for the permanent management and protection of these areas. Refer to Statement of Evidence of Michael Harding Terrestrial Ecology (Appendix C of the CODC Comments).	Legal	N/A	The bond will provide for sufficient funding for establishing and maintaining all environmental and offset programmes for the period required under conditions of consent.
14	Independent oversight Forming a Biodiversity Advisory Group composed of technical experts to monitor compliance and review annual reports, rather than relying solely on the consent holder's data. Refer to Statement of Evidence of Michael Harding Terrestrial Ecology (Appendix C of the CODC Comments).	Dr Matt Baber - Alliance Ecology MDL	**Substantive FTA Application:** B.08A - Alliance Ecology Consulting - Assessment of Ecological Effects (Alliance 2025) REDACTED G.12 - Biodiversity Outcome Monitoring Plan	A Biodiversity Advisory Board is not proposed. Condition C63 of the *D.03 – Schedule One – Common Conditions for CODC and ORC Consents* which enables both Central Otago District Council and Otago Regional Council to charge MGL for all reasonable costs associated with any technical experts that the Councils need to engage to assist with the review of documentation or provide technical advice. This can include for the relevant monitoring and compliance reports relating to indigenous biodiversity and terrestrial ecology values.

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15	Protective Covenant In an effort to support legal and financial security of the Covenant, Mr Harding recommends that a protective covenant be registered on the property title within 12 months of exercising the consent, and that the scope of the covenant be extended to protect all parts of the Consent Area and all indigenous biodiversity values present, not just the specific areas designated for restoration or offsetting. Refer to Statement of Evidence of Michael Harding Terrestrial Ecology (Appendix C of the CODC Comments).	MGL Planning	**Substantive FTA Application:** Evidence of Damian Spring – Paragraph 102 Evidence of Mark Chrisp	Changes have been made to various consent conditions to provide a greater level of certainty of delivering on those outcomes and their funding by making sure that obligations are clearly stated in the conditions (which also translate into other legal mechanisms such as the bond and the proposed new covenant). Refer Conditions in *D.01 - Schedule One – Common Conditions for DODC and ORC Consents*.
16	Cohesive Heritage Values The area holds collectively high heritage values, but the applicant's assessment focuses on individual archaeological sites rather than the collective value of the heritage landscape. See Statement of Evidence of Christopher Gregg Jennings (Appendix B to the CODC comments).	Heritage	**Substantive FTA Application:** B.34B - New Zealand Heritage Properties Limited - Heritage Assessment (NZHP 2025a) (2 Parts) (10 March 2026) **Response Evidence:** Evidence of Dr Naomi Woods	The heritage sites and site complexes have been considered as interconnected systems within a larger heritage landscape. Assessments of archaeological values of recorded components of each site complex is presented to inform recording requirements and heritage management.
17	Blasting Vibration Risks to Heritage Features A 500-meter buffer zone around the proposed mine pits could potentially destabilize or damage additional heritage features. 23 specific sites within this buffer zone were not assessed for vibration impacts. See Statement of Evidence of Christopher Gregg Jennings (Appendix B to the CODC comments).	Heritage	**Substantive FTA Application:** B.34B - New Zealand Heritage Properties Limited - Heritage Assessment (NZHP 2025a) (2 Parts) (10 March 2026) G.22 - Archaeological and Heritage Management Plan **Response Evidence:** Evidence of Dr Naomi Woods	MGL and NZHP are committed to protecting sites outside the DDF during the operational life of the mine. Methods for protection of these sites will be confirmed and included int he finalised Archaeological and Heritage Management Plan.
18	Deficiencies in Surveys and Assessments The archaeological surveys are outdated (some over six years old) and incomplete, with numerous sites identified only through LiDAR and not physically inspected. This has led to a diminished perceived significance of the heritage landscape. See Statement of Evidence of Christopher Gregg Jennings (Appendix B to the CODC comments).	Heritage	**Substantive FTA Application:** B.34B New Zealand Heritage Properties Limited - Heritage Assessment (NZHP 2025a) (2 Parts) (10 March 2026) - Chapter 7 **Response Evidence:** Evidence of Dr Naomi Woods	NZHP has developed what we consider to be best practice survey methodologies. As stated in Section 7 of B.34B, our continued engagement with MGL to ensure heritage sites have been avoided wherever possible during the prospecting, exploration and drilling phases of the BOGP have allowed us to monitor the condition of previously surveyed sites and all remain as described at the time of their initial systematic survey by NZHP.
19	Flawed Significance Heritage Assessment	Heritage	**Substantive FTA Application:**	The methods used at all stages of the Heritage Assessment are well established and have been used for many years on a wide variety of sites and landscapes, including gold mining

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	The applicant's assessment uses an unattainable threshold for heritage significance, requiring international or World Heritage status for a "Very High" significance rating, which undervalues local heritage sites. See Statement of Evidence of Christopher Gregg Jennings (Appendix B to the CODC comments).		B.34B New Zealand Heritage Properties Limited - Heritage Assessment (NZHP 2025a) (2 Parts) (10 March 2026) **Response Evidence:** Evidence of Dr Naomi Woods	landscapes in Otago and the West Coast. To reduce subjectivity when assessing heritage values, it is imperative that all sites and landscapes are assessed consistently and using clearly defined parameters, as has been done here.
20	Irreparable Loss of Historical Narrative The destruction of the Rise and Shine workings will remove the physical representation of the area's earliest mining history, undermining the historical narrative of the Bendigo Quartz Reefs Historic Area. See Statement of Evidence of Christopher Gregg Jennings (Appendix B to the CODC comments).	Heritage	**Substantive FTA Application:** B.34B New Zealand Heritage Properties Limited - Heritage Assessment (NZHP 2025a) (2 Parts) (10 March 2026) **Response Evidence:** Evidence of Dr Naomi Woods	NZHP's heritage assessment identifies the Rise and Shine workings as an area of high heritage value and clearly considers the effects of its modification as proposed by the BOGP.
21	Preservation Plans Current preservation plans focus on protecting sites that do not interfere with the mine design, which are considered "easy wins" and insufficient.	Heritage	**Substantive FTA Application:** B.34B - New Zealand Heritage Properties Limited - Heritage Assessment (NZHP 2025a) (2 Parts) (10 March 2026) **Response Evidence:** Evidence of Dr Naomi Woods	As stated in Section 10.3.1 of the heritage assessment, those components of the mine that are not dependent on the location of ore bodies (i.e.. pits) have been located in areas where they will have the lowest impact on heritage values and sites. Measures to protect and/or reduce impacts on heritage sites within the project footprint and vicinity are outlined in Section 10.3.2.
22	Strengthen Heritage Consent Conditions: > Update the Archaeological and Heritage Management Plan (AHMP) and conduct new field surveys to address outdated and incomplete information. > Identify and assess all sites within the 500-meter buffer zone for potential blasting vibration impacts. > Implement a research-led design to systematically investigate and document archaeological sites before destruction. > Provide funding to the Cromwell Museum for cataloguing, storing, and displaying artifacts. > Publish archaeological findings in accessible formats for public dissemination. > Physically protect sites meant to be avoided with semi-permanent fencing to prevent accidental destruction.	Heritage Planning	**Substantive FTA Application:** B.34B - New Zealand Heritage Properties Limited - Heritage Assessment (NZHP 2025a) (2 Parts) (10 March 2026) G.22 - Archaeological and Heritage Management Plan **Response Evidence:** Evidence of Dr Naomi Woods Evidence of Mark Chrisp	The current Archaeological and Heritage Management is in draft form and will be updated following confirmation of consent and archaeological authority conditions, as is standard practice. A research strategy will be required as part of this. Additional field surveys are unlikely to further our understanding of the heritage landscape or its values. The amendment(s) to conditions sought by CODC in relation to this matter have been partially accepted and reflected in the updated conditions dated 17 April 2026 presented as Part 4 of the Response Package.

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23	Outstanding Natural Landscape (ONL) Impact The proposed mine is located within the Dunstan Mountains, an ONL, and the scale of the open-cast pits and engineered landforms will significantly impact the naturalness, cohesion, and aesthetic appeal of the landscape. > Consider the long-term implications of the project on the ONL status of the Dunstan Mountains. See Bendigo-Ophir Gold Project Preliminary Assessment of Landscape Effects Peer Review (Appendix A to CODC Comments).	Landscape	**Substantive FTA Application:** B.19 - Boffa Miskell - Landscape, Natural Character and Visual Effects Assessment (Boffa Miskell 2025) (2 Parts) **Response Evidence:** Evidence of Rhys Girvan.	It is accepted that the proposed pits and engineered landforms would create substantial localised adverse effects on naturalness, cohesion and aesthetic appeal within part of the Dunstan Mountains ONL. However, the more appropriate conclusion is that this amounts to a significant localised interruption, not a loss of the wider ONL's status, because the broader mountain framework, skyline and overall legibility remain; that is also the more reliable reading of Mr Brown's review when read as a whole.
24	Severing the ONL The mining activity will effectively "cut the ONL in two," eroding the integrity and natural continuum of the Dunstan Range for decades. See Bendigo-Ophir Gold Project Preliminary Assessment of Landscape Effects Peer Review (Appendix A to CODC Comments).	Landscape	**Substantive FTA Application:** B.19 - Boffa Miskell - Landscape, Natural Character and Visual Effects Assessment (Boffa Miskell 2025) (2 Parts) **Response Evidence:** Evidence of Rhys Girvan.	Mr Brown's review raises the concern that the proposal could conceivably leave the ONL "cut in two" around the Site for a significant period, but that needs to be read alongside both his acknowledgment that the wider Dunstan Range remains sufficiently natural and cohesive to retain its ONL status and the Assessment's conclusion that the broader mountain framework, skyline and legibility remain. In my opinion, the more appropriate characterisation is a substantial but localised interruption during the operational period, rather than severance of the wider ONL as a whole.
25	Natural Character Effects The project will cause moderate to high impacts on the natural character of Shepherds Creek and Rise and Shine Creek, affecting geomorphology, hydrology, and vegetation. See Bendigo-Ophir Gold Project Preliminary Assessment of Landscape Effects Peer Review (Appendix A to CODC Comments).	Landscape	**Substantive FTA Application:** B.19 - Boffa Miskell - Landscape, Natural Character and Visual Effects Assessment (Boffa Miskell 2025) (2 Parts) **Response Evidence:** Evidence of Rhys Girvan.	The Assessment concludes that effects peak at **moderate-high** for Shepherds Creek and **moderate** for Rise and Shine Creek, and Mr Brown's peer review expressly records that he is comfortable with that assessment; the evidence also notes that these are already modified catchments rather than pristine natural systems.
26	Cultural and Historical Significance The landscape has a cultural veneer due to its historical association with gold mining and mana whenua connections, including traditional travel routes and resource-gathering sites. See Bendigo-Ophir Gold Project Preliminary Assessment of Landscape Effects Peer Review (Appendix A to CODC Comments).	Landscape	**Substantive FTA Application:** B.19 - Boffa Miskell - Landscape, Natural Character and Visual Effects Assessment (Boffa Miskell 2025) (2 Parts) **Response Evidence:** Evidence of Rhys Girvan.	It is agreed that the Dunstan Mountains carry important associative values arising from intertwined mana whenua, gold mining, farming and recreation histories, including traditional travel routes and mahika kai associations. Those values are expressly identified in both the Assessment and Mr Brown's review; the issue in dispute is not whether they exist, but the extent to which the proposal alters them at the scale of the wider landscape.
27	Lighting Impacts Artificial lighting from the mine will disrupt the area's valued "dark sky" qualities, with lighting from pits, engineered landforms, and other	Electrical	**Substantive FTA Application:**	Commentary regarding compliance with Dark Sky requirements 'as far as reasonably practicable' is included on the basis that Dark Sky requirements are not part of the current District Plan for the project area, however a number of mitigating factors are proposed which would significantly reduce the adverse effects of exterior lighting when compared to a 'typical'

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	facilities creating glare and reducing the aesthetic appeal of the landscape. > Implement stricter controls on lighting to preserve the dark sky qualities of the landscape. > Mitigate night-time impacts by controlling headlight wash and mobile lighting. See Bendigo-Ophir Gold Project Preliminary Assessment of Landscape Effects Peer Review (Appendix A to CODC Comments).		B.31 - Cosgroves Limited Exterior Lighting Report (Rev E, Sep 2025) - Section 4, 6, 8.1 and 8.2	mining operation, such as the use of zero-uplight luminaires and 3000K light sources and lighting controls to avoid unnecessary night-time lighting. The commentary and proposed mitigation measures are intended to set out a framework to reduce adverse effects but it is acknowledged that further calculations and modelling are needed to quantify expected upward light spill and sky glow. More specific details and compliance criteria may be suitable as part of final resource consent conditions.
28	<u>Experimental Restoration Concerns</u> The proposed rehabilitation of cushionfields is considered experimental and untested, raising doubts about the long-term recovery of the site's natural character. > Address the experimental nature of the restoration plan and ensure its viability. See Bendigo-Ophir Gold Project Preliminary Assessment of Landscape Effects Peer Review (Appendix A to CODC Comments).	Landscape	**Substantive FTA Application:** B.16 – Applied Research Plan for Conservation Management, Rehabilitation and Expansion of Cushionfield (Landcare 2025) G.07A – Landscape and Ecological Rehabilitation Management Plan D.01 – CODC Land Use Consent and Conditions.	It is accepted that cushionfield rehabilitation is experimental and not yet proven, with both the peer review and B.16 recording that there is little existing experience, that outcomes are presently uncertain, and that further applied research is needed to test viability. However, the proposal does not simply assume success, as it relies on a 7-year Applied Research Plan, staged trials, monitoring, adaptive management, and implementation controls linking later disturbance to demonstrated outcomes.
29	<u>Associative Landscape Values</u> The applicant's assessment lacks a thorough exploration of associative values, such as the area's sense of place, identity, and its impact on local branding (e.g., Bendigo's wine terroir). > Conduct a more rigorous assessment of associative landscape values, including perceptual and experiential effects. See Bendigo-Ophir Gold Project Preliminary Assessment of Landscape Effects Peer Review (Appendix A to CODC Comments).	Landscape	**Substantive FTA Application:** B.19 – Boffa Miskell - Landscape, Natural Character and Visual Effects Assessment (Boffa Miskell 2025) (2 Parts) B.39 – Rob Greenaway & Associates - Recreation Assessment (Greenaway 2025) **Response Evidence:** Evidence of Rhys Girvan.	It is not accepted that the assessment lacks sufficient information to address the nature of landscape effects, including associative dimensions. What remains in issue is more the way those associative, perceptual and experiential effects are expressed and weighted in the assessment, rather than any complete absence of the necessary information.
30	<u>Consistency with Landscape Statutory Instruments</u> The project's effects on the Dunstan Range are "inconsistent with various statutory instruments"—including the Resource Management Act and the Central Otago District Plan—designed to protect ONLs. > Reassess the project's compliance with statutory instruments protecting ONLs.	Landscape Planning	**Substantive FTA Application:** B.19 – Boffa Miskell - Landscape, Natural Character and Visual Effects Assessment (Boffa Miskell 2025) (2 Parts) G.07A – Landscape and Ecological Rehabilitation Management Plan	It is not accepted that the proposal is fundamentally inconsistent with the statutory instruments protecting the Dunstan Mountains ONL. The lodged material recognises the relevant ONL protections and assesses the proposal against them, while the real point of difference identified in the peer review and response evidence is the degree of change to ONL values, and the weight that should be given to that in the overall planning judgment, rather than any failure to engage with the statutory framework itself.

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	See Bendigo-Ophir Gold Project Preliminary Assessment of Landscape Effects Peer Review (Appendix A to CODC Comments).		D.03 – Schedule One - Central Otago District Council and Otago Regional Council Common Conditions. **Response Evidence:** Evidence of Rhys Girvan.	
31	Closure of Thomsons Gorge Road The project proposes closing a portion of Thomsons Gorge Road and constructing a replacement road, Ardgour Rise. However, the proposed road design features extreme gradients (up to 25%) that are not acceptable to the Central Otago District Council (CODC) standards.	MGL Transport	**Substantive FTA Application:** B.30 - Stantec - Integrated Transport Assessment (Stantec 2025) - Section 6.7 **Response Evidence:** Evidence of Andrew Metherell Evidence of Damian Spring – Paragraph 88-92	CODC and MGL agree that the proposed Ardgour Rise Road fulfils the need for the replacement and alternate route for the partial closure of Thomsons Gorge Road. The parties agree to vest Ardgour Rise in Council as fee simple land. DOC in their s53 written comments considers that land for roading should be vested in the relevant road controlling authority rather than being authorised by way of easements over public conservation land. Recognising the challenges of this high-country environment, as CODC has for the existing Thomson Gorge Rd, MGL has engaged early and frequently with CODC to resolve any engineering standards specified by CODC and work towards a solution as best as can be possible. An updated design was provided to CODC 12th November 2025 that meets the gradient specified by CODC for a like replacement of Thomsons Gorge Road and all gradients are under 20%. CODC have advised in writing that they will not review the design until after FTA is approved. MGL expect these matters would be resolved in expert conferencing.
32	Ardgour Rise Road Design Issues The proposed Ardgour Rise Road has sections with gradients of 17.1% and 18.7%, exceeding the maximum allowable limit of 12.5%. Extensive earthworks and switchbacks may be required to meet standards.	Transport	**Substantive FTA Application:** B.30 - Stantec - Integrated Transport Assessment (Stantec 2025) - Section 6.7 **Response Evidence:** Evidence of Andrew Metherell	Refer to comment 31. The ARRB Unsealed Roads Manual and other guidance referenced by Abley provide a useful framework for design in mountainous terrain. Given the road's unique characteristics, Mr Metherell recommends detailed design is be supported by clear design statements addressing applicable guidance, any departures, comparison with Thomson Gorge Road geometry, and how road safety measures are incorporated.
33	Land Tenure Challenges A 1.3 km section of the proposed Ardgour Rise alignment passes through Department of Conservation (DOC) land. CODC requires the road to be vested as a public road, but it is unclear if this can be achieved instead of just an easement.	MGL Planning Legal	**Response Evidence:** Evidence of Mark Chrisp Legal Submissions, 17 April 2026 at 'Legal Test for Concession'	DOC have submitted their preference is that the land required for local road purposes is owned by CODC as the road controlling authority. MGL has agreed to subdivide and vest the relevant sections of road in CODC following construction. MGL seeks approval for a short-term easement concession to facilitate the Ardgour Rise concessions and enable the necessary land transfer outside of the FTA process.
34	Safety Concerns on Ardgour Road Ardgour Road, the primary access route to the site, is too narrow (5.5m wide) to safely accommodate the expected increase in traffic, particularly heavy vehicles.	Transport	**Substantive FTA Application:** B.30 - Stantec - Integrated Transport Assessment (Stantec 2025) - Section 6.3	Mr Metherell has recommended mitigation based on effects of the project, applying a safety management lens to the solution. Proportionate consent conditions for Ardgour Road should focus on targeted safety treatments, active speed and traffic management during construction, and a pavement management approach that monitors and responds to project

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	Recommendations: > Widen Ardgour Road to a minimum of 6.0m with additional metalled shoulders. > Implement a temporary 60km/h speed limit during construction and consider a permanent reduction to 80km/h post-construction. > Conduct a curve advisory speed assessment and install necessary signage or markings. > Implement more frequent pavement monitoring and rehabilitation		**Response Evidence:** Evidence of Andrew Metherell	impacts rather than upfront full reconstruction. These measures should be integrated through a Project Traffic Management Plan and supported by a developer agreement to address any brought-forward rehabilitation needs.
35	Intersection Safety Issues The intersection of State Highway 8 and Ardgour Road is unsafe for increased traffic due to restricted sightlines and the lack of auxiliary turning lanes. Upgrades, including a right-turn bay and a change from "Give Way" to "Stop" control, are recommended.	Transport	**Substantive FTA Application:** B.30 - Stantec - Integrated Transport Assessment (Stantec 2025) - Section 4.4 **Response Evidence:** Evidence of Andrew Metherell	The general scope of mitigation works has been agreed with NZTA as set out in the Integrated Transport Assessment and focuses on accommodating a right turn bay from SH8 and consequential improvements. Changes in the type of traffic control are a matter to be addressed through detailed design as there are clear processes involved.
36	Come in Time Battery Walking Track Replacement The existing 270m easy walking track will be replaced with a 4.3km track that traverses challenging terrain with significant altitude fluctuations. The replacement track does not meet the standards of the original and may be difficult for users.	Recreation	**Response Evidence:** Evidence of Rob Greenaway	MGL's proposal to establish a walking track from the Bendigo Historic Reserve to the Come-in-Time battery will provide a visitor experience that better showcases the range of heritage mining features and complexes and their interconnect nature than the present main access. This goes some way to offset the loss of access to sites in the Rise and Shine Valley. It is recommended that public access to the surviving Rise and Shine Valley sites be reinstated following mine closure.
37	Temporary Economic Benefits The mine is expected to provide significant regional economic benefits, including sustaining a highly paid workforce and contributing to regional GDP growth. However, these benefits are temporary and tied to the operational lifespan of the mine. See Brief of Evidence of Natalie Hampson (Appendix E to CODC Comments).	Economic	**Response Evidence:** Evidence of Benje Patterson	Benefits are tied to the 14 years of operational mining, the total NPV of these direct GDP effects using the Treasury's 8% discount rate would be $3.1 billion.
38	Diversification of Economy The project offers marginal diversification benefits to the already diverse Central Otago economy, establishing an industrial mining sector that could improve resilience against global economic shocks.	Economic	**Response Evidence:** Evidence of Benje Patterson	The increase to mining from the BOGP would establish scale in a new high-value adding industry, which could support resilience through economic diversification away from existing industry. The benefits of the economy diversification from the Project into a new high-value industry was identified by both CODC and the Queenstown Business Chamber of Commerce in their comments.

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	See Brief of Evidence of Natalie Hampson (Appendix E to CODC Comments).			
39	<u>Unquantified costs</u> Unquantified costs (though most assessed as minor and manageable) on: > Tourism and Brand Impacts > Housing and Social Infrastructure > Non-Market Values See Brief of Evidence of Natalie Hampson (Appendix E to CODC Comments).	Economic	**Response Evidence:** Evidence of Benje Patterson	The economic activity directly generated by the BOGP ($360 million per year) is large compared with existing viticulture and tourism activity that occurs on land directly adjoining the Project Site. Baseline economic activity in the viticulture sector in the immediate vicinity of the Project Site is currently estimated at $9 million to $10 million of GDP a year, while visitor activity occurring in areas directly adjoining the mine is estimated to support the generation of about $5.8 million a year of tourism GDP No other costs, related to potential environmental and wellbeing effects were quantified in the BPL report in monetary terms. From an economics perspective, costs related to these non-economic effects can't all be estimated in a way that allows for consistent comparisons with the economic benefits. These non-economic effects rely on intangible factors that do not all readily have market values and so such monetisation would introduce errors and lead to an inconsistent comparison between the economic benefits and these types of other potential effects. Although environmental effects are not anticipated if the Project is operating within the conditions of its approvals, further comments related to environmental risks are outside of my area of expertise and are addressed in other evidence.
40	<u>Economic Assessment Methodological Flaws</u> > Lack of Net Present Value (NPV) Reporting > No Gold Price Sensitivity analysis was provided to account for fluctuations in gold prices. > Misclassification of Impacts (Direct GDP) > Employment Uncertainty See Brief of Evidence of Natalie Hampson (Appendix E to CODC Comments).	Economic	**Response Evidence:** Evidence of Benje Patterson	Estimate that the $5.8 billion of cumulative direct GDP (based on 2025 gold pricing which is significantly lower than the current price of gold) generated in Inland Otago quoted on page 6 of the BPL report is equal to an NPV of the direct GDP of $3.1 billion after discounting using the Treasury's real 8% discount rate. Two further scenarios have been developed: (a) A high scenario (USD4,707) to reflect current pricing that is 50% above the base case. Current spot prices are at least 50% higher than the gold price assumed in the BPL report (USD3,138), with data from the World Gold Council showing that spot prices over the 7 days to 7 April 2026 were in the USD$4,600/oz to USD$4,800/oz range and peaked at over USD$5,000/oz on average through January 2026. (b) A low scenario (USD2,220) to reflect average gold prices over the previous 3 to 5 years. Santana spot price in its modelling USD 2,220 is similar to the 3-year average rates to June 2025 (USD2,260) and the 5-year average rate to June 2025 (in inflation adjusted terms which was USD2,090 (source Macrotrends). GDP under the high and low scenarios would average $587 million and $241 million a year respectively, compared to the BPL report estimate of $360 million of direct GDP. It is agreed that there is significant uncertainty regarding the scale of additional indirect activity, partly because of conceptual differences in estimation techniques and partly because of uncertainty regarding the extent to which suppliers to the mine can respond to additional demand in the local area. It was because of these uncertainties that a conservative

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				position was adopted compared to another relevant study in Otago for Macraes Mine in 2024 by Mike Copeland. Given these uncertainties surrounding quantifying the indirect effects, the best position for the Panel to take would be to primarily focus its benefits assessment on the direct economic activity of the Project. Within this position, it is recommended that the Panel acknowledge there will undoubtedly be additional indirect economic activity stimulated above and beyond the direct activities of the Project, but that the precise quantification of these additional benefits is very uncertain and will be difficult to resolve between experts.
41	Inadequate Noise Guidelines The applicant's use of World Health Organization (WHO) guidelines for noise assessment is deemed inappropriate for the rural setting, as these guidelines are designed for high-transport-noise environments. See Styles Group FTAA-2507-1089 BOGP Review of Noise Effects (Appendix F to CODC Comments).	Acoustics	**Substantive FTA Application:** B.29 - Marshall Day Acoustics - Assessment of Noise and Vibration Effects (Marshall Day 2025) – Sections 4.5 and 10	The concern that WHO is 'deemed inappropriate' is not relevant. The Noise Report places primary emphasis on compliance with the CODC permitted activity standards, rather than relying on WHO guideline values when setting the proposed noise criteria. In other words, WHO guidance, has no direct influence on the proposed noise limits or the assessment of noise effects.
42	Discrepancy in Noise Levels The applicant predicts minimal noise effects but proposes higher noise limits (55dB LAeq during the day and 40dB LAeq at night), which would be dominant and significantly above the ambient sound environment for most neighbors. > Set operational noise limits consistent with predicted levels rather than the higher limits proposed. See Styles Group FTAA-2507-1089 BOGP Review of Noise Effects (Appendix F to CODC Comments).	Acoustics	**Substantive FTA Application:** B.29 - Marshall Day Acoustics - Assessment of Noise and Vibration Effects (Marshall Day 2025) – Sections 4.5 and 10	The assertion in this comment is incorrect. The Noise Report explicitly addresses both the potential adverse effects associated with the proposed noise limits and the substantially lower noise levels that are predicted to be experienced at nearby dwellings as a result of the BOGP
43	Blasting Vibration Limits The applicant requests a blasting vibration limit of 10mm/s PPV for 5% of blasts, which is double the District Plan standard of 5mm/s PPV. The necessity for this higher limit has not been justified, nor has the applicant assessed how these levels would be perceived by neighbors. > Provide justification for the higher blasting vibration limit and assess its impact on neighbors. See Styles Group FTAA-2507-1089 BOGP Review of Noise Effects (Appendix F to CODC Comments).	Acoustics	**Substantive FTA Application:** B.29 - Marshall Day Acoustics - Assessment of Noise and Vibration Effects (Marshall Day 2025) – Section 8	The proposed blasting vibration limit represents the current industry best practice update to replace the outdated CODP Rule 12.7.4.iv. The proposed rule will not result in any material difference in overall vibration effect for local residents. In practical terms, blasting-related vibration is expected to be imperceptible to most residents for most of the time, owing to the large separation distances involved.
44	Date-Stamp Noise Compliance	Acoustics	N/A	The proposal to apply noise limits at existing dwellings is entirely appropriate in this instance and will not result in an unduly disadvantaged noise environment at potential future dwellings.

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	The applicant proposes a condition limiting noise compliance to dwellings existing at the time of consent, which would authorize non-compliance for future dwellings. This is inconsistent with the District Plan and could negatively impact future developments. > Reject the proposed "date-stamp" condition for noise compliance or require detailed noise level contours for all stages of mining and rehabilitation. See Styles Group FTAA-2507-1089 BOGP Review of Noise Effects (Appendix F to CODC Comments).			Any future location where a dwelling could feasibly be built will experience a noise environment that complies with the District Plan permitted activity standards. The principle of applying noise limits at dwellings that exist at that the time a consent is granted is common practice in New Zealand and clearly referenced in the applicable noise standard – NZS 6802:2008.
45	Traffic Noise Concerns Noise levels of approximately 60dB LAeq(1hr) from project-related truck traffic are predicted for 213 Ardgour Road, which is considered potentially unreasonable for a rural dwelling. Further mitigation measures are recommended. > Implement additional mitigation measures to reduce truck noise impacts on affected properties, particularly at 213 Ardgour Road. See Styles Group FTAA-2507-1089 BOGP Review of Noise Effects (Appendix F to CODC Comments).	Acoustics	**Substantive FTA Application:** B.29 - Marshall Day Acoustics - Assessment of Noise and Vibration Effects (Marshall Day 2025) – Section 7	Given the relatively short 2 to 3 month duration that peak construction traffic will generate this level, I do not agree that noise effects would be unreasonable. Normal residential activities could occur without interference, even with windows ajar for ventilation.
46	Misclassification of Environmental Zone for Light The applicant classified the site as Environmental Zone A2 (low district brightness), but the reviewer suggests it should be Zone A1 (Dark) due to its remote location and natural darkness. Zone A1 requires stricter limits, such as a maximum Upward Light Ratio (ULR) of 0.00. > Reclassify the site to Environmental Zone A1 (Dark) and enforce stricter lighting limits. See Assessment of Cosgroves Resource Consent Issue Exterior Lighting Report (Appendix G of CODC Comments).	Electrical	**Substantive FTA Application:** B.31 – Cosgroves Limited - Exterior Lighting Report (Rev E, Sep 2025) - Section 8.3	The classification of Environmental Zone as per AS/NZS 4282 is somewhat subjective particularly between category A1 and A2. It is intended to mitigate adverse effects of exterior lighting as far as practicable including upward lighting, but it is noted that these requirements and mitigations are over and above the requirements of the current District Plan. Once full detailed design and lighting modelling/calculations have been completed, results can be assessed against criteria for AS/NZS 4282 Environmental Zones.
47	Deferred Lighting Modelling Detailed lighting modelling has not been completed and is only described as an "intended methodology," with compliance deferred to the detailed design stage. See Assessment of Cosgroves Resource Consent Issue Exterior Lighting Report (Appendix G of CODC Comments).	Electrical	N/A	This statement is valid. It is intended that detailed lighting calculations and modelling are to be completed to demonstrate compliance with District Plan spill lighting limits and any other agreed consent conditions, before any installations are present on site.

Comment Number	Comment	Applicant Technical Input	Where Addressed in the Application Documents	Response
48	Lack of Enforceable Lighting Mitigation Measures Many proposed mitigation measures are not secured through enforceable provisions in the applicant's consent conditions, including formal requirements for neighbor consultation and independent verification. > Develop a formal Lighting Management Plan (LMP) to govern all fixed, mobile, and vehicle lighting, adopting a "start dark, add light only where needed" approach. > Ensure independent verification of the final lighting design by a qualified lighting engineer. > Conduct compliance monitoring of light levels, spill, and glare within six months of commissioning permanent lighting. See Assessment of Cosgroves Resource Consent Issue Exterior Lighting Report (Appendix G of CODC Comments).	Electrical	**Substantive FTA Application:** B.31 – Cosgroves Limited - Exterior Lighting Report (Rev E, Sep 2025) - Section 6	This statement is valid. It is intended that detailed lighting calculations and modelling are to be completed to demonstrate compliance with District Plan spill lighting limits and any other agreed consent conditions, before any installations are present on site. A formal Lighting Management Plan is a suitable means of managing/governing lighting installations. The general philosophy/approach of "start dark, add light only where needed" is suitable and commentary within the Exterior Lighting Report regarding avoiding unnecessary night-time lighting via lighting controls aligns with this. The report in Appendix G of CODC comments proposes a number of consent conditions which would assist in developing and implementing a Lighting Management Plan.
49	Visibility and Nuisance While major plant areas are shielded by hills, camp and office areas on flat ground will be visible to local properties, potentially causing nuisance or glare. > Use specific hardware and installation standards, such as flat-glass luminaires with zero upward light and warm-colored LEDs (≤3000K). > Implement operational controls, including automated timers, motion sensors, and dimming to reduce light when areas are unoccupied. > Engage with potentially affected neighbors before construction and establish a formal process to address complaints. See Assessment of Cosgroves Resource Consent Issue Exterior Lighting Report (Appendix G of CODC Comments).	Electrical	**Substantive FTA Application:** B.31 – Cosgroves Limited - Exterior Lighting Report (Rev E, Sep 2025) - Section 6.2	These mitigation measures are already proposed and in general lighting associated with ‘Ardgour Terraces’ (camp and office) buildings will not be operating for most hours of darkness (typically only late afternoon/evening and early morning).
50	Lighting Ecological Risks Vehicle lights and mobile rigs could disturb native fauna, altering their behavior, increasing predation risk, or causing habitat avoidance. > Align all lighting with the National Light Pollution Guidelines for Wildlife (2023) to minimize ecological impact. See Assessment of Cosgroves Resource Consent Issue Exterior Lighting Report (Appendix G of CODC Comments).	Electrical	**Substantive FTA Application:** B.31 – Cosgroves Limited - Exterior Lighting Report (Rev E, Sep 2025) - Section 5	The Exterior Lighting Report includes considerations regarding Ecological Risks, with regards to placement/aiming of exterior lighting. Further investigation and assessment would be needed to determine whether it is achievable for all lighting to align with the ‘National Light Pollution Guidelines for Wildlife (2023)’.

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51	Insufficient Bond Quantitative Criteria The bond proposal lacks measurable criteria, making it difficult to accurately assess compliance or determine the precise bond value for different project stages. Replace qualitative descriptions with specific quantitative definitions for material quantities, compliance criteria, and operational. Refer Review of Proposed Method for Mine Closure and Restoration Bond (Appendix H of CODC Comments).	Legal	N/A	The bond assessment will be based on detailed annual mine plans. The assessment is typically refreshed each year rather than undertaken for the life of mine. This enables the bond value to account for incremental amendments such as changes to the mine plan, the progress of the works and inflation effects on costs.
52	Inadequate Maintenance Period The proposed five-year maintenance period following restoration is considered too short, especially for monitoring the long-term performance and stability of the Tailings Storage Facility (TSF). A 20-year maintenance period is recommended, consistent with other gold mines in the region. Refer Review of Proposed Method for Mine Closure and Restoration Bond (Appendix H of CODC Comments).	Legal	N/A	The maintenance period costed into the bond will need to reflect the actual time required to complete all closure and maintenance works up to the time when the site can be considered closed. This could vary with project progress. It may be little more than three to five years to cover revegetation for the first year's bond if the works during that time is limited to site establishment – roading, soils stripping, water diversions, preliminary earthworks for the process plant etc. Once major excavation works start this period is expected to lengthen to cover completion of the closure works and an appropriate period of monitoring to ensure that those works achieve the closure criteria. Once tailings storage starts, engineering assessments of the embankment will be required to meet the applicable standard, which are expected continue beyond the maintenance period.
53	Unrealistic Resource Assumptions for Bond The bond calculation assumes the mining company's own plant and labor will be available for closure, which is unrealistic if the bond is called. Alternative contracting arrangements would likely require higher unit rates for earthworks. Use commercial unit rates for bond calculations instead of the mining company's internal costs. Refer Review of Proposed Method for Mine Closure and Restoration Bond (Appendix H of CODC Comments).	Legal	N/A	Bond assessments are based on standard contract rates, not on mining rates. The fundamental principle behind the need for a bond is that the mining company does not or cannot complete the site closure works. The bond assumes that the work is undertaken by contractor(s) engaged by the Councils.
54	Financial Discrepancies relating to Bond Several financial inconsistencies were identified, including: > Groundwater monitoring costs potentially underestimated by two to three times. > Machinery rates inconsistencies, with smaller equipment rated higher than larger equipment. > Omission of dam safety compliance costs, which are necessary for the high-impact TSF.	Legal	N/A	The bond report that accompanied the application (B.44) provided an overview of the bond process and example of its outcomes. It was not a definitive, complete assessment of the bond, which cannot be completed until the consent conditions are finalised and a detailed mine plan available. The items listed will be assessed when undertaking the detailed bond assessment.

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	Update outdated reports and costs immediately to reflect the expanded scope of work and include explicit costs for dam safety compliance and revise groundwater monitoring costs. Refer Review of Proposed Method for Mine Closure and Restoration Bond (Appendix H of CODC Comments).			
55	Risk Management Concerns relating to Bond The project's risk register identifies 22 closure risks, including 13 significant risks classified as involving "unacceptable major disruption." These risks are not allocated to specific owners, and the effectiveness of mitigation controls is unclear. > Apply a 15% allowance for design, contract, environmental, and operational risks to the Year 1 bond. > Conduct joint reviews of the risk register and associated costs every two to three years Refer Review of Proposed Method for Mine Closure and Restoration Bond (Appendix H of CODC Comments).	Legal	N/A	A detailed quantitative risk assessment will be undertaken as part of the detailed bond assessment to provide an appropriate risk cost for inclusion in the bond quantum.
56	Bond Implementation Implement the bond as a single project managed jointly by the Otago Regional Council, Central Otago District Council, and the Department of Conservation. Refer Review of Proposed Method for Mine Closure and Restoration Bond (Appendix H of CODC Comments).	Legal	N/A	This is in line with what is proposed.

Comments from New Zealand Conservation Authority

Comment Number	Comment	Applicant Technical Input	Where Addressed in the Application Documents	Response
1	<u>Failure to uphold a perpetually protected conservation covenant</u> The project would require partial revocation of a conservation covenant intended to apply in perpetuity. In this respect, NZCA stresses the covenant was created through a deliberate Crown process to protect nationally and regionally significant ecological, landscape, cultural, and historic heritage values. NZCA is concerned that: > Any reduction in covenant protection is inappropriate, unjustified, and contrary to its permanent purpose, especially where values have become more important over time; and Fragmentation of the covenant landscape would undermine its integrity and long-term protections.	Heritage	**Substantive FTA Application:** B.34B - New Zealand Heritage Properties Limited - Heritage Assessment (NZHP 2025a) (2 Parts) (10 March 2026) **Response Evidence:** Dr Naomi Woods	The Heritage Assessment clearly states that the proposal contravenes the heritage provisions of the Bendigo Conservation Covenant. However, proposed mitigation relating to the Come-in-Time battery and associated access track are more aligned with the heritage principles than the current arrangement of this key feature of the Bendigo heritage landscape.
2	<u>Inconsistency with Treaty of Waitangi obligations</u> NZCA is concerned the proposal does not adequately give effect to section 4 of the Conservation Act, which requires active protection and partnership with Ngāi Tahu. Cultural values, mātauranga Māori, and relationships with whenua, waterways, mahika kai, taonga species, and wāhi tupuna are not sufficiently embedded in mitigation or rehabilitation planning. Decisions are being contemplated with incomplete information, which NZCA considers inconsistent with informed decision making obligations under Te Tiriti.	MGL Legal Planning	**Response Evidence:** Evidence of Damian Spring Legal Submissions, 17 April 2026 at 'Treaty Settlement Obligations'	The Applicant's evidence shows multi-year engagement with Kā Rūnaka through site visits, provision of draft and final technical material, structured consultation channels, and ongoing opportunities for input. It also documents that cultural and ecological effects on taoka species are explicitly addressed through avoidance, rehabilitation, and compensatory measures embedded in the project design and management plans, recognising Kā Rūnaka's rangatirataka over the takiwā. Furthermore, ongoing engagement and the establishment of the JSG provides MGL the opportunity to understand integrate Kā Rūnaka views and input on the constitution and implementation of management plans and other documents required by BOGP consent conditions, including when such plans are updated or new activities are undertaken, and to inform refinement of mitigation measures, where appropriate. The BOGP is consistent with all relevant Treaty settlement obligations under the Ngai Tahu Claims Settlement Act and is therefore consistent with section 7 FTA.
3	<u>Severe and uncertain impacts on indigenous wildlife</u> NZCA considers the project poses major risks to indigenous wildlife, particularly lizard species protected under the Wildlife Act. In this respect, NZCA highlights: > Impacts on high value Central Otago dryland ecosystems;	Terrestrial Ecology	**Substantive FTA Application:** B.08A - Alliance Ecology Consulting - Assessment of Ecological Effects (Alliance 2025) REDACTED - Sections - 2.3, 4.1, 8.2.2, Table 20 G.06 - Terrestrial Invertebrate Management Plan – Section 3.3 and 6	It is agreed that there are major impacts on lizards but the statement that there will be a potential loss of around 7% is incorrect – the proportional loss will be around 0.1% prior to rehabilitation. It is not agreed that lizard surveys are incomplete. It is agreed that invertebrates are poorly characterised. This is the reality of invertebrate surveys in NZ, where a large proportion of taxa remain undescribed or unnamed. Salvage methods for many NZ invertebrates are often experimental, as are many invertebrate conservation efforts. G.06 and B.08 are explicit about this uncertainty and place no weight on successful outcomes. Should these methods fail, the magnitude of

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	> Potential loss of around 7% of the national habitat of the Kawerau skink; and > Estimated mortality of hundreds of thousands of lizards. NZCA also considers: > wildlife surveys are incomplete (see below for more detail). > impacts on invertebrates are poorly understood; and > large-scale translocation and habitat reconstruction are unproven at this scale. Blanket authorisation for accidental killing of protected species is considered by NZCA to be unacceptable under wildlife legislation.		B.11A- Habitat NZ - Terrestrial Invertebrate Survey (Habitat NZ 2025c) REDACTED – Sections 3.5.1 **Response Evidence:** Evidence of Keith Barber – Paragraphs 15(d) and 16(c)	effects described in B.08 is unchanged and no additional risk is introduced - salvaged individuals would otherwise be destroyed. Successful salvage would add to the described benefits and provide a basis for future invertebrate salvage and relocation operations.
4	<u>NZCA considers lizard surveys are incomplete.</u> More particularly: > Survey coverage is incomplete across the covenant area, meaning not all areas proposed for disturbance have been adequately surveyed for lizards. > NZCA notes that some lizard populations likely extend beyond the areas that have been surveyed, creating uncertainty about the true scale of impact. > There is insufficient certainty that rarer or higher-value species are absent from unsurveyed areas. In particular, NZCA highlights uncertainty around the potential presence and extent of Lake's skink, a species of very high conservation significance.	Terrestrial Ecology	**Response Evidence:** Dr Graham Ussher	We disagree. Please refer to Dr Ussher's Statement of Evidence where these points are covered in detail.
5	<u>NZCA considers invertebrate surveys are incomplete.</u> More particularly: > NZCA states that indigenous invertebrate communities are likely to be affected by habitat disturbance but are poorly characterised in the application. > Surveys do not adequately describe: › Species presence and distribution › Population significance	Terrestrial Ecology	**Substantive FTA Application:** B.11A - Habitat NZ - Terrestrial Invertebrate Survey (Habitat NZ 2025c) REDACTED B.08A - Alliance Ecology Consulting - Assessment of Ecological Effects (Alliance 2025) REDACTED - Sections 2.2.8, 2.3, 2.4 **Response Evidence:** Evidence of Keith Barber – Paragraphs 15(h), 16(i)(ii), 16(a)(iii)(B)	NZCA's comments focused on covenant areas where invertebrates may be affected by habitat disturbance. While invertebrates were not specifically assessed for covenant uplift impacts, the area of concern falls within the original ESA boundary, where effects were assessed using population sizes, life history traits, and NZTCS threat rankings. Where data gaps existed, relevant taxonomic experts were consulted. The adequacy of the Terrestrial Invertebrate Survey [B.11A] was not disputed by most reviewers. Mr Patrick, Forest & Bird's technical expert and arguably the most qualified person in New Zealand to assess an invertebrate survey in Central Otago, described it as "well done overall."

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	◦ Ecological roles within dryland ecosystems NZCA emphasises that invertebrates are integral to dryland ecosystem function and closely associated with lizard habitat, yet this linkage has not been properly assessed.			The role of invertebrates in dryland ecosystem function is acknowledged, but the survey was designed to evaluate invertebrate values in their own right and should be judged on that basis. Given inherent knowledge gaps, the assessment and management plans focus on notable species rather than total taxon counts — these are the outcomes that carry the greatest conservation significance.
6	<u>Permanent harm to a nationally significant heritage landscape</u> NZCA notes that the Bendigo area is recognised as an interconnected historic mining landscape, not a collection of individual sites. Accordingly: > NZCA rejects the applicant's approach of assessing sites in isolation, noting this: ◦ Undermines accepted archaeological practice; and ◦ Diminishes the proven national significance of the goldfields heritage. NZCA considers the proposal would destroy key archaeological features, fragment site relationships, and permanently sever landscape context, effects that cannot be meaningfully mitigated or reversed.	Heritage	**Substantive FTA Application:** B.34B - New Zealand Heritage Properties Limited - Heritage Assessment (NZHP 2025a) (2 Parts) (10 March 2026) **Response Evidence:** Evidence of Dr Naomi Woods	The report clearly highlights the interconnected nature of the landscape, as developed and agreed with HNZPT. It is noted that these comments are drawn directly from DOC's s51 report that incorrectly state the sites were not considered as interconnected landscapes. Section 10.3.3 outlines proposed measures for extracting as much information as possible from these sites and site complexes prior to and during their destruction/modification, with further detail provided in the draft Archaeological and Heritage management Plan. This recording process will allow for the information and material from the sites to be used to best effect for public education and interpretation. It is difficult at this stage to identify how best to present this data to the public, but Section 10.3.5 provides potential outlets that should be explored during and following the mine's use-life.