BENDIGO-OPHIR GOLD PROJECT

To: Bendigo-Ophir Gold Project Panel
Via: Environmental Protection Authority: bendigoftaa@fasttrack.govt.nz; substantive@fasttrack.govt.nz; contact@fasttrack.govt.nz and delivered in person to Stewart Dawson's Corner, 366 Lambton Quay, Wellington.

Sustainable Tarras Comments on the Bendigo-Ophir Gold Project

Statement of Suze Keith, Rob van der Mark, and Duncan Kenderdine on behalf of Sustainable Tarras Inc

Date: 9 April 2026

Contents

Introduction

1. Sustainable Tarras Inc is a local community group established in 2020 with the objective *"to engage with residents of Central Otago and wider New Zealand on sustainability issues affecting our region, to inform and stimulate discussion and represent significant public interests affecting sustainability in the Upper Clutha region".* We thank the Panel for the invitation to comment as a Section 53 party of the Fast Track Approvals Act.

2. Our local community members have expertise in several key areas, including industrial modern gold mining (executive management and operational), geology, engineering, legal, infrastructure, ecology, archeology, landscape, investor relations and community engagement. Our members have a high degree of local knowledge and site familiarity, many of them having raised their families close to the site, and many having spent considerable time in the project area for family recreational activity.

3. Since considering and informing the wider community of the Santana Minerals plans for their Bendigo Ophir project, over 7,750 supporters have connected and engaged extensively with us on social media channels,[1] with some 9,264 people signed up to our opt-in list confirming their opposition to this project.[2] Based on a detailed analysis of those who have signed up in opposition,[3] 30.7% are currently living in the wider Central Otago area, 64.9% in the South Island and all but around 6.5% live in New Zealand. The

[1] Our social media outreach has resulted in 3,010,291 page views or plays across Facebook, Instagram and YouTube in the last 90 days alone - as at 19:20 on 8th April 2026.
[2] This opt-in list requires a valid email address to ensure no duplicates and is hosted on a cloud-based professional membership list platform, set up and maintained by a communications professional. Number accurate as at 19:20 on 8th April 2026.
[3] Survey developed by a communications professional, conducted between 5th and 8th April 2026; analysis based on 1,298 respondents as at 19:20 on 8th April 2026.

list comprises people with a wide range of employment types and roles, with 25.3% working in the tourism industry, 23.9% managing employees or contractors, 46.7% owning or managing a business and 28.6% working in multiple jobs. They have confirmed that they are concerned about a range of issues, with the top three being the issue of toxic tailings, damage to the Central Otago landscape and environmental issues - all at above 96%. Over 90% are "extremely concerned" about the fast-track proposal overall.

4. Tarras comprises the communities of Bendigo, Ardgour and Lindis Valley - communities centered around the Tarras Village. Its total population in the 2023 Census was 606 but has likely grown considerably since. In our Central Otago District Council Community Plan the vision for Tarras is captured by the following statement: *"Tarras is a strong, thriving community that is a great place to live, work and visit, set in an outstanding environment."* This vision is supported by a number of value statements which articulate the areas of focus for the community as follows:

    4.1. The stunning Tarras environment is maintained and enhanced for future generations.
    4.2. Tarras continues to be a strong, thriving community that looks out for each other.
    4.3. The community spaces and places of Tarras are celebrated, well known and well used, with new opportunities explored and fostered.
    4.4. The economic vitality of Tarras is strong, built on great farming, quality produce and products, with a vibrant country village.
    4.5. Core infrastructure, including land use planning frameworks, meets the current and future needs of Tarras.
    4.6. The Tarras community feels heard and is heard on things that matter to them.

5. We have met and continue to meet with community members, councillors, council staff, key stakeholders, MPs, and Matakanui Gold Ltd (MGL) and adjacent landowners, to better understand the MGL proposal and its implications.

6. This part of the Sustainable Tarras submission is written by Suze Keith, Rob van der Mark and Duncan Kenderdine, all committee members of Sustainable Tarras Inc. We are providing this statement as part of the comments submitted by Sustainable Tarras Inc on the Bendigo-Ophir Gold Project (BOGP).

7. Suze Keith is a senior climate change advisor for Greater Wellington Regional Council and has a Post Graduate Diploma in Environmental Studies. Rob van der Mark has a degree in Biochemistry and Cell Biology and had an international career in the

pharmaceutical and medical device industry before returning to Central Otago to own and operate a small vineyard some 10km from the mine site. Duncan Kenderdine has a degree in Architecture and has worked in social and economic infrastructure design, consenting, and construction for 30 years. Suze and Duncan have family connections to the Clutha Mata Au area dating back to the 1950s, currently own property in Tarras and have family living there also.

8. These comments are in support of our primary submission and our expert reports. They cover a number of key areas across the Bendigo Ophir Gold Project Application and are grouped as such. **To assist the panel, we have attempted as best as we can in these comments not to duplicate comments made by our experts, and to outline additional comments only that may not be explicitly covered in our expert evidence.**

9. We have read as many of the application documents that time has allowed us. These include:

A.02B Legal Overview
A.10 Section 3 Project Description
A.13- Section 6 Assessment of Environmental Effects (PDF, 923 KB)
B.01 Benje Patterson (People and Places)- Economic Impacts of the Bendigo-Ophir Gold Project (Benje Patterson 2025) (PDF, 894 KB)
B.06 Mine Waste Management Limited Mine Impacted Water Overview Report (MWM 2025) (PDF, 1 MB)
B.07 Greg Ryder Consulting Recommended Water Quality Compliance Limits for the Bendigo Ophir Gold Project (Ryder 2025) (PDF, 10 MB)
B.19 Boffa Miskell Landscape, Natural Character and Visual Effects Assessment Parts 1, 2 and B19 A and B Landscape Graphic Supplement and Visual Simulations Parts 1-4
B.21 Tailings Storage Facility Technical Report
B.28 Peter O'Bryan & Associates Geotechnical Assessment Open Pit and Underground Mining - Rise and Shine Deposit (POB 2025) (PDF, 14 MB)
B.29 Marshall Day Acoustics - Assessment of Noise and Vibration Effects (Marshall Day 2025) (PDF, 2 MB)
B.30 Stantec Integrated Transport Assessment (PDF, 27 MB)
B.31 Cosgroves Limited Exterior Lighting Report (Cosgroves 2025) (PDF, 27 MB)
B.33 Bendigo Ophir Gold Project Assessment of Environmental Effects from the Discharge of Contaminants into Air (PDF, 20 MB)
B.39 Rob Greenaway & Associates Recreation Assessment (Greenway 2025) (PDF, 38 MB)
B.40 Mine Closure Management Plan (please note that this report is missing appendices D, E, F)

B.44 Bond Introduction
D.03 Schedule One Central Otago District Council and Otago Regional Council Common Conditions
D.08 - Concession and Conditions for Access Route to CIT Battery - Track Changes (10 March 2026)
D.09 - Concession and Conditions for Willow Management - Track Changes (10 March 2026) (PDF, 307 KB)
F.16 Bendigo Ophir Gold Project Pre Application Engagement Report (PDF, 6 MB
G.02 Ecological Management Plan
G.07A & G.07B Landscape and Ecological Rehabilitation Management Plan
G.09 Matakanui Management Sanctuary Plan
G.16 Tailings Management Plan
K.01 - Kōmanawa Solutions Limited - Post Closure Impacts on the Ardgour Aquifer dated February 2025 (10 March 2026)

10. We also note the Panel's "Request for Further Information to Matakanui Gold Limited - 1 April 2026" and have similar interest in the answers to many of the requests made in that RFI.

Challenge of this mine proposal

11. Sustainable Tarras submits that the challenge with this project application can be broadly summarised as follows:

    11.1. It would be the largest development project in Central Otago since the Clyde dam project. Its adverse impacts are overwhelming, and economic benefits minimal.

    11.2. The long term risks, restoration and maintenance requirements, and liability responsibilities are significant.

    11.3. Broad social licence from the nearby community and beyond is lacking, and the need for it poorly acknowledged and facilitated by the applicant.

    11.4. The New Zealand legislative and regulatory framework specific to large open pit gold mines lags that in other mining jurisdictions.

    11.5. The applicant is a new exploratory miner that has never built or operated a mine before, with an already checkered compliance history.

    11.6. The application has significant data gaps further increasing the risk to approve within a time constrained Fast Track Approvals Act process.

12. In conclusion, Sustainable Tarras submits that the project's adverse impacts and risks to the environment, existing community and New Zealand's brand image clearly and comprehensively outweigh the economic benefits suggested. Below follow our comments in support of our primary submission and our expert reports.

Economics

13. For reasons outlined in Dr Bertram, Mr Miller and Dr Meade's expert reports, we are concerned that the applicant's economic analysis overstates the benefits and underestimates negative economic impacts.

14. The following points are also relevant to the assessment of benefits and costs:

    14.1. Information made publicly available by the Overseas Investment Office details the subsidiary companies that have been set up for reasons that are not entirely clear[4]. We are concerned that this is done to separate the P&L side of the business from the liability side, with the objective of reducing any liability claims or restoration cost blowouts, etc.

    14.2. Events over the past month have clearly demonstrated not only the downward volatility of the global gold price, but also the dramatic reliance of New Zealand on overseas provisioning of diesel. Diesel, at an expected estimated use in the mine of around 40,000 litres per day, (together with labour) is a major cost driver in the economic viability of the mine, and therefore directly affects mine profitability, corporate taxes to be paid, and together with the gold price significantly influences long term economic viability of MGL. The economic analysis provided (B.01) does not provide detail on the major cost drivers to MGL (both labour and diesel costs) and as a result it is therefore very difficult to accurately assess profitability and corporate tax contributions. In addition, the analysis relies entirely upon data provided by the applicant in the absence of any real world benchmarking of this data (particularly on the OpEx side).

    14.3. Uptake of mining automation technology in the Asia Pacific region is projected to achieve immense growth in the upcoming years.[5] Replacing human effort with

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4 https://www.linz.govt.nz/system/files/2026-02/DOIA%2026-148%20Batch2-%20FLA%20Exemption%20ap%20and%20Feasibility_Redacted.pdf, pg 25

5 https://www.businesswire.com/news/home/20220729005174/en/Global-Mining-Automation-Market-2022-to-2027---Featuring-Caterpillar-Komatsu-and-Hexagon-Among-Others---ResearchAndMarkets.com

technology and automation in the operation of equipment can achieve a major reduction in the cost of the mining process. It is anticipated that labour substitution will cause a reduction in labour demand, decrease mining wages, and to generate less wealth in mining regions.[6] There is no mention made or considerations provided on how this accelerating industry trend will affect the cost benefit equation for the BOGP.

14.4. Dore gold bar production by MGL as the local entity is an intermediate product, ie. may not be sold by MGL at the level of the international gold price. Dore bars are an impure product also containing silver and small quantities of other metals. The international gold price may therefore not be the relevant price to determine royalties to be paid by MGL, instead the more relevant price is the impure dore price.

14.5. Furthermore, it is possible that dore bars will be sold at a considerably lower "transfer price" to a Santana Australian entity, who will on-sell these dore bars to the Perth Mint for further purification at their smelter. The transfer pricing arrangement that would be entered into between MGL gold and the Australian based legal entity has the potential to significantly affect the New Zealand net sales price that determines the amount of royalties as well as corporate tax to be paid in New Zealand.

15. Payment of Royalties and corporate tax is directly linked to quantities of gold processed. What monitoring mechanism will be put in place to guarantee MGL will report the entire quantity of gold processed?

16. In terms of economic dis-benefits, we attach to these comments a record of a meeting held by Business South on 29 May 2025, that discussed the concerns to local existing businesses (Appendix A). We also attach a letter from local Bendigo winegrowers dating November 2025 outlining their concerns (Appendix B). In addition, we understand the Central Otago Winegrowers Association submission covers likely brand perception impacts, so will defer to their comments on this topic.

Tailings Storage Facility considerations

6 https://www.sciencedirect.com/science/article/abs/pii/S2214790X21000046#:~:text=The%20rise%20of%20automation%20and%20robots%20are,likely%20to%20exacerbate%20in%20the%20coming%20future.

17. Drains are proposed for the tailings storage facility (TSF) and waste rock dumps to prevent seepage of potential contaminants of concern (PCOC) into the subsoils and ultimately waterways and aquifers. Gypsum formation (as a result of sulphate seepage in high calcium carbonate containing soils to which yet more lime is added) that blocks these drains over time is a well documented problem however, including at Macraes [7]. Whilst mention is made in the application of the likelihood of this happening (B.33 …"drainage pipes may block…"), the probability, consequences and mitigations with regard to resultant long term post closure PCOC seepage when this will happen is not elaborated upon.

18. First pit excavation, TSF build, waste rock dump buttress build, and TSF filling must be staged carefully to provide for safe storage of tailings from the onset and throughout mine operations[8]. This requires sufficient material to construct the engineered land form (ELF) and a schedule that ensures the ELF is raised in sequence with the TSF. No specific numerical breakdown of how much waste rock of each type is required for each of the stages and timing relative to ore processing and volumes and height of tailings production relative to the structural integrity of each stage of the dam and buttress build appear to be provided in the application. Instead the application refers to broad statements like "The TSF will be constructed in lifts corresponding to projected tailings deposition volumes. Early lifts provide capacity for initial plant production, and subsequent lifts are added as ore extraction progresses." We would expect detailed engineering calculations regarding amounts of specific materials to ensure that this part of the mine operations remain safe at all stages of building the dam and filling it. This is particularly relevant as the applicant is driven to achieve earliest possible ore processing from a high concentration gold deposit in the first stage of the Rise and Shine pit excavation. It is stated in a recent Santana announcement that "The early stages of the RAS open pit have been designed to minimise initial waste movement prior to first ore"[9]. Within this context it is worth noting that report B.21 paragraph 11.10 states that "EGL estimates the starter embankment construction will take approximately 12-18 months to complete." It is also not clear how much ELF buttressing will be in place at that point in time. Detailed specifications for each of the stages of the entire tailings dam building and filling process ought to be available in the tailings management plan now as part of the approvals process, rather than being made available as an "update where required"

[7] https://www.tandfonline.com/doi/full/10.1080/00288306.2017.1307231#d1e715

[8] B.21-Engineering-Geology-Limited-Shepherds-Tailings-Storage-Facility-Technical-Report-EGL-2025b_Redacted.pdf

[9] https://app.sharelinktechnologies.com/announcement-preview/asx/289a89bfedc29afba750f6d8008f465f, pg5

post approval [10] and the application approval being fully reliant on the applicant's appropriate execution.

Arsenic

19. Estimates from published academic research of soils and past mining activities in the Rise and Shine and Come In Time areas document unusually large quantities of arsenic in the ore body and waste rock (approx 10,000ppm across multiple samples taken in the mine area) [11] [12]. These arsenic concentrations are some of the highest seen in the global gold mining world. As also mentioned in our expert reports, we are concerned that the application does not cover the likely quantities and concentrations of arsenic to be released in tailings, waste rock dumps and dust. The effects of natural hazards and climate change impacts (e.g. rainfall & earthquakes) on the safety of this arsenic to remain contained are not well outlined. An additional issue not explicitly covered in our expert reports is that in the application, the long term stability of arsenic and likely eventual mobilisation appears heavily dependent on modelling, carbonate buffering and passive long term management assumptions, each of which provide a major challenge to successful implementation. To make interpretation even more difficult, there appears to be no single application document that explicitly covers the long term fate of arsenic, with vague comments throughout multiple reports.

Dust

20. We note Dr Lottermoser's general comments[13] on dust. Based on our local knowledge and the B33 report, we would add that local conditions mean the effects of dust and in particular their high arsenic content are hugely underestimated in the application, and certainly not less than minor. Locals term the local wind the "(Matakanui) Freight train"[14] and it presents regularly, particularly during spring. Our local knowledge of the wind strength and direction within the gorge is not fully reflected in the application, nor the pre application correspondence we have seen from the Otago Regional Council air quality expert (via Local Government Official Information and Meetings Act request).

21. We do not believe Lake Clearview (located on the distant valley floor) wind direction and strength data provides a good representation of wind conditions at the location of the

[10] G.16-Tailings-Management-Plan.pdf
[11] https://www.tandfonline.com/doi/abs/10.1080/00288300709509822
[12] https://www.tandfonline.com/doi/abs/10.1080/00288306.2006.9515179
[13] Dr Lottermoser, Section 2.3 Choice of Dust Suppression Technique
[14] https://www.odt.co.nz/opinion/yes-all-glistens-not-always-gold

tailings dam, the haul roads nor the waste rock dumps within the Shepherds Creek valley throughout the 12 months of the year. We are astonished that report B33 does not cover the windiest spring months of October to January. From our own local observations we also note strong differences between years, i.e. most years we have almost daily strong Spring winds, with occasional years of relative reprieve. (For an alternative modelling data source for these windiest months in particular we would refer to data from windy.com for the Thomson saddle[15]). We are also not convinced that the wind metering equipment locations at CIT and particularly SRX locations present an accurate picture of conditions at key dust generating locations in and around the structures in the Southeastern part of the Shepherds Creek valley. Please note that CIT and SRX metering locations are on Thomson Gorge road itself and in a generally less windy location than the middle and upper Shepherds Creek which generates the bulk of the prevailing wind and dust (from haul roads, main ELF and TSF). We are surprised to not see wind direction, strength and dust monitoring in these areas and particularly at the Thomson saddle at the location of the extension of the main branch of the Shepherds Creek, just above the TSF. It is in this location where winds are strongest and the dust plume in the prevailing wind direction will carry farthest. The Ardgour flats dust monitoring location is also very suboptimally located as it sits in the wind shadow of the gorge; a location on the flats further to the South towards Matilda Rise is much more appropriate in its ability to measure dust emanating from the gorge in Southeasterly winds.

22. We are also concerned that air quality experts may not fully consider the different constitution of rock mining dust (milled and generated by blasting and haul roads) to dust generated by non-mining activity. We see little reference to PM2.5 particles in the application (although Respirable Crystalline Silica -RCS- is mentioned but not specifically reflected in the management plan), despite silica dust being a key feature and associated health hazard in overseas gold mines[16]. In addition, there is no consideration of the high arsenic exposure to pasture stock in the dust affected grazing zones towards the Southeast (eg. Matakanui station, etc); it is noted that arsenic is highly toxic to grazing stock[17].

23. Our own local residents who have worked at Macraes and large Australian metal mines consider the assumption by the applicant that dust will be contained within 300m and within the valley and mine impact area to be a gross underestimation, and in sharp

[15] https://www.meteoblue.com/en/weather/historyclimate/climatemodelled/thomsons-saddle_new-zealand_2181198

[16] https://www.msha.gov/regulations/rulemaking/silica

[17] https://www.sciencedirect.com/science/article/abs/pii/S0147651317305274

contrast to their decades of in field experience. Their experiences are echoed by observations at Macraes with dust plumes up to 1km noted at that site.[18] We believe the funneling effects of the Shepherds creek valley and the alignment with the prevailing wind directions will likely create significantly longer dust travelling distances. Only cursory mention is made in the PDP report (B.33) of topography-related exacerbation of dust travel distances through the predominant wind directions aligned Shepherds Creek valley, but the amplifying effects of this topography effect are not quantified.

24. Of note also is the BOGP's immediate neighboring proximity to conservation reserves (ie. Ardgour Conservation Area) that will inevitably be affected by dust. No assessment of dust impact on flora and fauna within these reserves or indeed the wider valley appears to have been conducted.

25. We attach pictures taken on 28 Aug 2025 of a dust event at Macraes (Appendix C) as an illustration of what we can expect on a semi-frequent basis despite dust suppression technology. These pictures were posted on Facebook by someone passing by Macraes in August 2025 and show various structures, including open pit, haul roads, tailings dam, and fixed dust suppression systems (that failed to have any noticeable impact). Whilst Macraes is located in an isolated area, the BOGP and dust plumes emanating from it will be highly visible, impact the local community, and affect how the area is perceived by visiting tourists.

26. Details on sources of dust with specific relevance to the BOGP (open pit blasting, ROM pad, haul roads, TSF) appear to only be superficially covered. Whilst haul roads are considered a major driver of dust generation, the area, size and duration of construction (and therefore without vegetative cover) of the ELFs and their likelihood to generate dust in high wind conditions appears significantly underestimated in report B.33.

27. See also paragraph 29 and 33 below for air discharges relating to both cyanide destruction plant and dore gold smelting furnace.

Cyanide considerations

28. The application does not include detail on the chemical processes and design of the processing plant (only general overviews are provided - eg. report B.33) with detailed plans presumably to be applied for under a separate land use and/or building consent later). Therefore the risks and impacts of cyanide on the environment, community and

[18] https://www.otago.ac.nz/geology/research/environmental-geology/mine-rehabilitation/macraes-restoration

workforce are virtually impossible to determine. From Pre Feasibility Study documentation as well as a recent MGL video however, we understand the daily cyanide quantities consumed and required to be replenished to be up to around 2000kg[19]. Each of the six CIL cyanide tanks are mentioned to hold approx 1100m3 of solution each, which would correspond to an approx tank size of 12-15m in diameter and 8-10m height. Despite these significant quantities and tank sizes there is no mention in the application about the risks associated with this storage and use and risk to both environment, workers and community (eg. AF8 or flood/landslide risk).

29. In addition, whilst there is superficial mention of a cyanide destruction process, there is no detail on the amounts of cyanide converted into ammonia, how much ammonia will be dispelled via air (there is mention of a "stack" associated with the cyanide destruction facility), and the impacts to the environment, workforce and community of such ammonia air discharge in a narrowly contained valley. In fact, the air quality report completely fails to report on the major component of ammonia production, i.e. that produced as a product of the cyanide destruction facility (which has been omitted entirely as an air discharge source), and only refers to ammonia released by the electrowinning cells as part of the gold recovery facility[20]. The application also fails to explicitly evaluate the risk of a catastrophic cyanide tank failure (no modelled disaster scenarios provided on this risk) and the valley in effect becoming a restricted or confined space for workers.

30. As mentioned also by our experts, the applicant has been unwilling to commit to the International Cyanide Code which regulates the safe transport, storage and use of cyanide in gold mines, and is the "gold standard" for safe gold mining management of cyanide in gold mines[21].

Other PCOCs

31. Independent soil sample analyses (published academic papers[22] [23]) document a variety of metals and heavy metals in the soil and rock. The application does not detail the fate

[19] Santana Minerals Facebook page video on cyanide, March 2026, mentions 400g of cyanide used per ton of ore processing.

[20] B.33-Bendigo-Ophir-Gold-Project_-Assessment-of-Environmental-Effects-from-the-Discharge-of-Contaminants-into-Air_Redacted.pdf, pp. 22, 54

[21] https://cyanidecode.org/

[22] https://www.tandfonline.com/doi/abs/10.1080/00288300709509822

[23] https://www.tandfonline.com/doi/abs/10.1080/00288306.2006.9515179

of these metals and their impact and the environmental and workers' risks they may represent.

32. Whilst expert reports cover PCOCs, there appears no reference anywhere to what happens with the dross and slag byproducts from the furnace that smelts the gold into dore bars. This dross contains high concentrations of heavy metals and will have to be discarded somehow. There is no detail on this environmental discharge anywhere in the application.

33. The application has only scant mention of air discharges from the dore gold smelting furnace (B.33 para 6.1). Discharges appear to consist mainly of SiO2 (silicon dioxide) and metals, and these are to be scrubbed before discharge via 15m chimney stacks, but details on how much will be released via air and presumably onto land and their impacts are unknown. If these discharges are minimal why is a 15m stack required?

Aquifers and waterways

34. Sustainable Tarras holds significant concerns about pollution of aquifers and waterways, including the Bendigo Aquifer, which we understand is being covered in expert evidence from other commenters. In particular, we note there is little mention of potential connectivity to the Bendigo aquifer system, or potential polluting effects from the Rise and Shine creek and Bendigo creek on the Bendigo aquifer. The highly relevant "Bendigo and Tarras Groundwater Allocation Study 2010[24] may also further assist the panel in this matter if not already mentioned in expert reports.

Heritage destruction and roading related issues

35. In the applicant's B.34 Assessment, the authors' note that when "considered as a whole, the proposed works will have a major adverse impact on the heritage values of the BOGP project area."

36. Dr Schmidt and Matt Sole make comments on the flawed and incomplete methodology adopted by the applicant. Both experts note the importance of the heritage values taken as a whole across the landscape, rather than a feature by feature approach, and that this is recognised in the Conservation Covenant.

[24] https://www.orc.govt.nz/media/3807/bendigo-tarras-groundwater-allocation-study-2010-web.pdf

37. The Shepherds Creek paper road area holds significant heritage value. We believe most of this value will be lost, and indeed some is already destroyed by the applicant in their current exploration of the area (Appendix D).

38. The required Thomson Gorge Road stoppage will make access to the current DOC CIT stamper battery site unmanageable for most. The current 150m access from the carpark may become an approximately 8-10km round trip walk through challenging gradients and highly weather exposed terrain. There are many long heritage walks already available at and from the Bendigo Historic Reserve. This particular stamper battery site is one of few that allows a short and accessible walk from a nearby carpark to a key heritage site, and is well used by visitors. Whilst the change in accessibility is covered somewhat in B.39, what appears not covered is that open pit blasting will happen several days a week to daily as opposed to "periodically". This blasting activity will presumably require closure of the track for a significant part of the day before the blasting takes place, as well as require guaranteed no public access to the track for that period of time. In essence it means track access will be lost apart from small periods of time, likely later in the day. It also means there is risk that some members of the public may not adhere to track closures and put themselves at significant risk from blast activity (the proposed Audited Safety Plan in D.08 "not being required" seems therefore inappropriate). As such the amenity value of this site and the surrounding heritage features will be largely lost to the community and visiting tourists. And whilst access may be restored upon mine closure and completion of a rehabilitation plan (B.39), this will be well into the future.

39. Mr Sole notes that the impacts on the stamper battery itself could be considerable, noting "the Come in Time ore crushing and battery ore supply embankment are unstable with sections subsiding and there is evidence of adit wall rock fretting potentially from the projects drilling and heavy machinery movements and road earthworks. The adit in the past could be accessed to the NE end shaft outlet but has since been backfilled."[25]

40. In terms of mitigations, Mr Sole comments that the "mitigation appears rather to have been directed by the applicant's mining intentions" and "with no real attempt at project redesign for protection and preservation of significant heritage systems and sites[26].

41. The applicant has proposed $500,000 per annum for up to 10 years (and conditional on gold being produced) as a compensation fund for biodiversity and heritage loss. Dr

[25] Statement of Matthew Sole (Archaeology and Heritage), para 53-54
[26] Statement of Matthew Sole (Archaeology and Heritage), para 51-52

Schmidt, in the DOC Section 51 Report, Appendix H notes that the restoration of the Lindis Hotel ruins is likely to cost $430,000, and advises that "fund is disproportionate to the scale of effects on historic heritage that would be lost at the BOGP site."[27]

42. We further note the statements of Jonathan Kennett and Peter Martineau regarding the impact of traffic on the roading network, the proposed new Ardgour Rise and impact on cycle tourism.

Noise, traffic and rural character change

43. The local community is highly concerned about noise and vibration impacts on their businesses and lifestyles. The current very low baseline levels of noise are a key feature of the area and contribute hugely to the reason why people choose to live here and the local events venue business (The Canyon, a nearby affected venue that hosts weddings, etc) as well as Air BnB businesses. From the application it is very difficult to get an accurate assessment of these impacts and their sources and how they will affect the community.

44. With regard to property values, several property owners on Thomson Gorge Road have had their properties on the market for a considerable time and are unanimous in prospective buyer feedback being negative about the mine's impact, and their inability to sell their properties. They are highly concerned about their property value being negatively affected by the mine.

45. The local community has expressed considerable concern about the change in rural character of the area with the establishment of a workers camp in the valley that will change the social fabric of the area considerably. To minimise these effects they ask that all accommodation is to take place in housing provided by the applicant, rather than temporary caravans and tents. The nearby orchard accommodation facilities on Matilda Rise are a good example of how inappropriate the expansion of temporary accommodation facilities in a rural resource area can become over time.

Landscape

46. In assessing landscape effects, we would expect an applicant's landscape architect to go to some effort to engage with local landowners to understand their local perspectives

[27] DOC Section 51 Report, Appendix H, statement of Dr Schmidt, para 51

on landscape values, informed by predicted day and night time impacts of the project. There have not been any discernible efforts made by Boffa Miskell (BM) or MGL to engage the local community specifically on detailed landscape impacts or to understand the local value of the affected landscapes.

47. We are also puzzled as to why a report written in 2024[28] was not released to provide context to the community at the time of the Application in November 2025, but only some 4.5 months later. A cursory reading of the survey mentioned in James Higham's evidence, some of the points raised in the Tarras Community Plan, or the survey work conducted by CODC (also referenced in James Higham's evidence) would indicate the significance of landscape to the community.

48. We read with interest MGL's report on lighting[29] and whilst this sets out to provide "expert advice on the effects of exterior lighting", it does not include an impact analysis of these effects, eg. visualisations during darkness hours. These effects are described in the evidence of Marc Simpson in some detail, and are supplemented with additional photos in Appendix E. Needless to say the impact on observers of a small sample of external lighting was stark, and the scale of negative impact then indicated by Professor Brian Boyle on Dark Skies is highly concerning.

49. Included in Appendix E are some photos outlining the view of this small sample set from some 15 kms away from the Come in Time site, in Queensberry. A large number of properties in the wider area will be highly impacted by the external lighting effects of the proposed mine. The mine will also be highly visible in dark conditions by transiting visitors and flights arriving into Queenstown from the north.

Electrical Charges

50. Members of the wider community have experienced challenges with the electricity network and have been faced with rapidly increasing line charges[30]. The extension to the network will attract recovery on the increased "Regulated Asset Base" and hence increased charges will be spread amongst the community, unless MGL lines are ringfenced for capital and operating costs. There is also concern that usage in the order

[28] K.02 - Boffa Miskell - Assessment of Dunstan Mountains Outstanding Natural Landscape dated May 2024 (10 March 2026)

[29] B.31 Cosgroves Limited Exterior Lighting Report

[30] https://www.rnz.co.nz/news/business/439590/otago-electrity-line-charges-to-increase-over-60-percent-in-five-years

of 14-18MW, a similar order to Macraes Mine, will have a net negative impact on the wider community and lead to further network disruption. Options of turning off the mine suggested by the applicant[31] are not in their proposed conditions set.

Sustainable Tarras engagement with the applicant

51. Members of Sustainable Tarras have initiated meetings and correspondence with MGL's chief executive officer since January 2022. We have visited Santana's drop in sessions, attended a number of their presentations to business groups and met with staff including chief executive, Damian Spring, approximately 15 times up until January 2025.

From the early days of the project being announced, we have conducted a range of activities to increase community awareness. We have hosted site visits for numerous interested stakeholders, media and groups and have spent time driving and walking the public access routes through and around the area. Our social media outreach has resulted in 3,010,291 page views or plays across Facebook, Instagram and YouTube in the last 90 days alone.

You might be interested in these two videos portraying different insights into the impact the mine will have:

- Sam Neill - https://youtu.be/UNung9Gw5MQ?si=8dYu3F3JUO__nPFf
- The tailings dam visual - https://www.youtube.com/watch?v=kPu2hW34DeU&t=3s

We have held four very well attended public meetings, one each in Bendigo, Dunedin, Cromwell and Wānaka (all mid-2025), and have met frequently with Tarras community members, particularly the residents of Thomson Gorge Road.

During this time we have built up a list of questions the community sought to have answered, so we could better understand the implications of the proposal for the local community.

When answers to these were not forthcoming, we undertook a series of Official Information Act and Local Government Official Information & Meetings Act requests and were able to increase our understanding of the project through these, in particular their mining permit application to the Ministry of Business Innovation & Employment. We were able to access some of the draft reports Santana had provided to the Otago

[31] Santana Minerals Limited, February 9th, Facebook post.

Regional Council and Department of Conservation which added to our understanding. Their public reports to the Australian Stock Exchange have also been useful.

Below is a record of the formal requests (that remain unanswered to date) that we made to MGL for information which they had publicly reported to the ASX had been completed.

- 25 October 2024 - baseline technical reports
- 21 March 2025 - mining permit application and technical reports
- 8 June 2025 – requested answers to our 54 questions document[32]
- 13 June 2025 – technical reports
- 2 July 2025 - Assessment of Environmental Effects and technical reports
- 11 July 2025 – repeated request for answers to our 55 questions; plus an explanation why the refusal to release the finalised reports
- 27 August 2025 – repeated request for answers to our 55 questions, a copy of the rehabilitation plan discussed in the media, and provision of the evidence that we have been misrepresenting or misconstruing the mine as Damian Spring told the media. These requests remain unanswered.

In March 2025, we organised a meeting with MGL's chief executive officer. He requested that we provide a list of questions ahead of time so he could prepare. These were:

- An update on the MGL substantive submission and information for adjacent Tarras/Bendigo families or businesses who may wish to be heard by the Panel.
- Recent ORC, QLDC and CODC discussions on hypothecation of potential Tarras community funds and Central Government Royalties for regional deal purposes.
- Tailings - the approach in the current approved version of MGL's Mine HSE Management plan for Tailings and any changes and improvements to that approved plan proposed as part of the fast track submission.

52. MGL responded saying they were not in a position to answer these questions, and so postponed the meeting. No new meeting was rescheduled, at which point we acknowledged that the applicant was not prepared to answer our questions and no meetings have been held since.

[32] Full copy of the letter on our website here: https://sustainabletarras.wordpress.com/wp-content/uploads/2025/07/santana-mining-permit-application-feb-2025-sustainable-tarras-questions.pdf

MGL's engagement with the Tarras community

53. MGL's public engagement in Tarras in 2024 consisted of "drop in sessions", prior to research and details about the project being developed. There was significantly less investment in engagement in 2025, with a significant drop off in the last 9 months of 2025 with only three 60 minute sessions.

    The applicant submits that they completed a total of 18 engagements with the Tarras community, and that each engagement was scheduled for 60 minutes at the Tarras Community Hall.

    Members of Sustainable Tarras attended these sessions, however the material provided and the staff running the events failed to answer our questions.

    After an absence for several months, engagement at Tarras was restarted on 10 November 2025, with two additional sessions held 26 January and 2 March 2026. MGL closed off future Tarras engagement with a Facebook post on 6 March 2026, despite ongoing engagement in other parts of the district. For the adjacent community to have no engagement offered during this crucial and stressful period of the proposed mine is concerning.

54. Late in 2025, MGL set up a Community Liaison Group (CLG) that has a charter entirely controlled by the applicant. Whilst Sustainable Tarras was invited, the charter we were asked to sign was not acceptable to us (Appendix F for invite, charter and Sustainable Tarras decline reason letter). The CLG membership currently comprises two MGL members, two Otago Goldfield Heritage Trust committee members that have received a $60,000 MGL sponsorship, a local farmer, a local community member, a CODC councillor, and the chair of the Central Otago Winegrowers Association. In March 2026 the local Tarras community member resigned from the group, making a public statement stating "I've asked a lot of questions of Santana, and not really got many satisfactory answers, even though I was on the Community Liaison Group." In addition he stated the group is "just window dressing" and "a box ticking exercise by Santana so it can claim it has done community consultation[33]."

55. Some 25 most affected local residents attended an MGL drop in session during late 2025 and followed up their concerns in a letter to Santana. This letter and the CEO's

[33] https://www.thepost.co.nz/nz-news/360966448/dial-it-back-expert-urges-santana-stop-confrontation-over-controversial-gold-mine?

response are attached in Appendix G. One major concern that locals have is the effect of the mine on their property value. Of note is that Oceana Gold offered the Waihi community an agreement regarding the underwrite for affected properties by the mining company if owners wish to sell and are unable to, or their property value drops considerably.[34] A suggestion by one of the local residents to a senior MGL employee to adopt this was not met with positive engagement.

Character of the applicant

56. Whilst a "good character" assessment is not a formal evaluation criterion under the Fast Track Approvals Act, we believe it has strong relevance to proposing and formalising consent conditions and management plans. As such we submit here relevant background.

57. By the date of this submission, the applicant has been found in breach of the Central Otago District Plan twice (formal warning issued 25 June 2025,[35] abatement notice issued March 2026 (Appendix H)), in breach of the Overseas Investment Act once[36], with an investigation into a potential second breach ongoing [37], and we believe has been in breach of the Crown Minerals Act over conducting more than "minimal impact activity" in the project area without a formal Access Arrangement with CODC. We believe that the destruction of heritage features in the project area would put MGL in breach of the New Zealand Heritage Act. Both latter alleged breaches have been notified to relevant authorities without any resolution to date (Appendix I).

58. In addition, upon our repeated questioning, the applicant has been unwilling to outline the involvement (or lack thereof) of its CEO in multiple significant consent breaches that occurred while he was in his previous position with Bathurst Resources (as General Manager Domestic Operations and Resource Development from 2017-2022), in particular his involvement at the Canterbury Coalgate mine. This project breached

[34] https://www.waihigold.co.nz/uploads/documents/community/property-policy-june2025-4inhouse-print.pdf?

[35] https://centralapp.nz/NewsStory/bendigo-mining-company-breaches-district-plan/687f24a7fdaea9002eb54f77

[36] https://www.linz.govt.nz/sites/default/files/2025-11/2023-04-24%20-%20Assessment%20Report%20-%20Santana%20Minerals%20-%20Redacted.pdf

[37] https://www.linz.govt.nz/resources/oia-release/santana-minerals-limited-acquisition-matakanui-gold-limited-ardgour-station-bendigo-station-overseas

consent conditions dozens of times, mined five times the consented amount of coal, and is still in legal dispute over mine restoration with the local district council.[38] [39]

New Zealand's regulatory environment relevant to this proposal

59. In parallel to this government's drive to establish new mines via the FTAA process, our current regulatory environment has not kept pace with overseas jurisdictions where modern gold mines have been operating in much larger numbers, for a much longer period, and where mining disasters have occurred more frequently. Our regulatory framework for large open cast gold mines is lagging, and importantly our local councils often lack skills and expertise relative to regulators in more mature mining jurisdictions overseas. We are therefore very dependent on any mining company's good intentions, which - in the absence of a better regulatory framework - is a potential recipe for future disaster. Whilst Oceana Gold has had its share of consent breaches, it appears a lot more mature in its approach to regulation than the BOGP applicant. A simple example of this is Oceana Gold's request for a 112 day evaluation period for its Waihi North fast track project, and its delaying of its Macraes extension fast track application as it felt underprepared. MGL's original request for Bendigo was for a 30 day Panel decision period.

60. Our lagging regulatory framework for gold mines is particularly concerning as it pertains to TSF design. Global TSF experts are on record stating that it is not if but when gold mine tailings dams will fail if there is no perpetual oversight.[40] Whilst global TSF standards exist, concern is expressed by global experts that mining companies (and often regulatory agencies) will use outdated international standards, use only portions of those standards that suit them, or pick and choose which standard suits a particular purpose. It is critical that this part of the evaluation is conducted with extreme care, and that global best practice is sought and considered from independent experts with international best practice expertise.

61. New Zealand has very few metal mine tailings dam experts, and most work almost exclusively for industry. As a result, few independent New Zealand experts exist, as there is little financial incentive here for such work, with virtually all work being industry

38 https://www.stuff.co.nz/environment/119004185/mining-company-bathurst-coal-fined-18k-for-discharge-in-vulnerable-environment

39 https://www.stuff.co.nz/business/industries/124207148/onerous-legal-burdens-force-closure-of-canterbury-mine-that-has-taken-more-coal-than-allowed

40 https://www.waterpowermagazine.com/analysis/safety-first-for-zero-failures-10582471/?cf-view

commissioned. As such, an independent assessment of their work with New Zealand experts is hard to commission for a small community organisation like ours. We would strongly urge the Panel and CODC/ORC to ensure this part of the fast track application receives the utmost independent expert scrutiny, not only as part of the later building consent process (and proposed under NZSOLD guidelines), but as part of this assessment. Ideally overseas experts are engaged from jurisdictions with a broader range of experience to provide more comparators for the Panel's decision. One small but key example of the need for this early independent expertise to be sought now can be found under B.21 paragraph 8.1 where the applicant's expert defers the requirement for key rock shear strength parameters relevant to long term tailings dam stability to the building consent process. It is inappropriate in our view for a fast track process to approve the land use for a tailings dam that does not have all critical design aspects (based on critical design parameters) finalised.

62. The location of the processing plant, ROM pad, haul roads and open pits all within a confined narrow steep gorge raises particular questions for workers' health and safety. We understand workers safety considerations would fall under the Health and Safety at Work Act (2015), the relevant Mining and Quarrying Operations Regulations (2016) and Work Act Associated Regulations (2017). Similarly, detailed design considerations would fall under the Building Act. Nevertheless, a Fast Track approval may give rise to design limitations and other considerations that may affect optimal design choices and assurance of workers' health and safety. We note that processing plant design details are largely absent in the application. What we do know however is that the narrowness and steepness of the gorge in that location will likely have an impact on the design and possibly workers health and safety. Likewise adherence or optimal Fire Services provisioning under Fire and Emergency legislation may be affected by the Panel's decisions.

63. Arsenic dust concentrations in and around the plant, cyanide safety, ammonia discharge and general effects of extreme wind and temperatures appear not to be detailed in the application but may carry implications for approval conditions. Of note also is the narrow access path past the processing plant which is contained within a 130m valley width. Plant fire risk considerations appear absent in the application. For all of these reasons we would suggest the Panel seek comments from WorkSafe and Fire and Emergency New Zealand.

Community expectations and alignment with Santana stated ambitions

64. If the Panel sees fit to approve the application, we would suggest, given the scale and duration of the proposed mine and its adjacency to the Tarras community, that the Panel consider a suite of consent conditions, including a community agreement developed in partnership with representatives of the Tarras Community, prior to the commencement of construction.

65. Such conditions would seek to ensure that the concerns of the community are fully understood by the applicant and appropriate measures to address these concerns are undertaken. We expect that this would help give the Panel confidence that long-term relationships between the project and the affected community can be managed in a structured and durable way.

66. We understand that such agreements are between mining companies and communities have been common in New Zealand and internationally since the 1990s, and are now a mandatory feature of planning legislation in Australia[41].

67. To assist the Panel with what such an agreement could include, we offer some suggestions below.

68. MGL have expressed their intentions to operate a 'world class'[42] and 'environmentally sustainable' mine with 'environmental net benefits'[43], and refer to international guidelines and standards relevant to the rehabilitation and closure at BOGP[44]. These standards include the International Council of Mining and Metals' Global Industry Standard on Tailings Management and Integrated Mine Closure: Good Practice Guide, and the International Committee of Large Dams Standards.

69. We have used these standards to consider whether the substantive application seeks to meet these standards, and by doing so, whether it addresses our community concerns. Where there is no clear evidence that the standards have been met, we have made a recommendation.

70. To keep this task manageable, we have restricted our focus to the particular **Standard Application Areas** listed below with a stronger emphasis on the closure and post closure phases as a way of identifying what needs to be in place before construction begins that will protect the community and the environment in the long term:

[41] For example, Victoria Community Engagement Guidelines for Mining and Mineral Exploration - Resources Victoria.
[42] https://www.santanaminerals.com/home-1-1; Queensland: Community benefit agreement | Planning; New South Wales: Code of practice for community consultation | NSW Resources
[43] https://www.santanaminerals.com/environment
[44] B.40 Mine Closure Management Plan, p. 26

70.1. Governance

70.2. Bonds and liability financing

70.3. Community development agreement and funding

71. Tables 1-3 below outline the global standard expectation, whether this is clearly documented in the substantive application, and if not, how it could be met via the community agreement or, if more appropriate, in other consent conditions. They are categorised by the three areas listed above.

72. All four stages of the development need to be considered - being construction, operation, closure and post-closure, and given the permanence of the TSF, some would need to be 'in perpetuity' arrangements.

Standard Application Area 1: Governance

Table 1 – Governance

Global standard expectation[45]	MGL Application	Recommendation
1.1 Board-level oversight for tailings safety to community	A senior-level executive within the owning or operating organisation who holds ultimate accountability for the safety of the TSF. (G.16, p.10)	Company board formally responsible for tailings risk reporting to community at an agreed frequency including post closure
1.2 Independent technical advisory group	An external expert independent of the design and operation team, responsible for providing unbiased, expert review and oversight.	Requirement for external experts to approve mine design *and* advise the community throughout the 4 phases
1.3 Publicly available data is recommended to build trust	Monitoring mentioned but no public disclosure	Unfettered access to data in real time on a community-owned dashboard / website, including dust, noise, vibration, wind, water (quality & quantity), seismicity, traffic,

[45] https://blog.gistm.net/blog/a2-15-principios-gistm-guia-pratico/

Global standard expectation[45]	MGL Application	Recommendation
		including videos for continuous monitoring and reporting systems
1.4 Emergency preparedness with communities	Limited evidence in application material	Evacuation planning and community engagement developed with the community
1.5 Independent conformance audits	Mixed conditions to be monitored between CODC and ORC	Regular third-party audits against the consent standards. Recommend that regular audits are undertaken by suitably qualified and experienced persons who are appointed by the Councils and funded by the consent holder.
1.6 Closure and post-closure responsibility	Closure discussed but long-term liability framework unclear	Long-term stewardship – in perpetuity community governance and financing structure established now, not left to be developed at mine closure

Standard Application Area 2: Bonds and liability financing

73. It is unfortunate that the BOGP proposal is being considered ahead of both the Ministry of Business, Innovation and Employment's review of New Zealand's royalty regime[46] and the Parliamentary Commissioner for the Environment's investigations to better understand how certain environmental risks are currently managed as part of mining approvals processes, and how this compares with approaches in other jurisdictions. The main environmental risks of interest for the investigation are acid mine drainage and tailings spills/leachates[47].

74. The Parliamentary Commissioner's last investigation into the long term effects of tailings dams was undertaken in 1997. According to the Global Tailings Dam Portal, New

[46] https://www.nzpam.govt.nz/about/news/upcoming-review-of-new-zealands-royalty-regime-for-minerals
[47] https://www.gets.govt.nz/PCE/ExternalTenderDetails.htm?id=33163599

Zealand has only 12 tailings dams[48], and most of these are small compared to the proposed BOGP TSF.

75. It is widely acknowledged by global mining experts that New Zealand mining bonds are set based on "likely" rehabilitation costs, rather than worst case failure scenarios, as is routinely done in Australian states, Canada and USA, and are often an order of magnitude less than the global norm. As a result, bonds for mines in NZ routinely fall short of incurred costs with resultant impacts on local communities and taxpayers[49].

76. This, combined with the small size of this sector, MGL's lack of mining experience post the exploration stage (as described in Dr Bertram's evidence), and CODC and ORC's relatively limited experience, concerns Sustainable Tarras. We submit that the Panel needs to consider these elements should it progress to setting the bond and liability conditions.

77. The Central Otago District Council and Otago Regional Council Common Conditions (D.03, C55) outline the bond requirements. The Lane Associates Bond Introduction Report (B.44), provides an introduction to the methodology to be used in assessing the level of bond needed.

Given the full bond assessment has yet to be undertaken, we provide some observations below, categorised as:

A. Bond Coverage / Scope
B. Bond Duration
C. Bond Quantum

A. Bond Coverage / Scope

78. The scope of the bond introduction report includes closure works, which are identified as follows (B.44, p.7):
    - Demolition and removal of plant and buildings
    - Recontouring and covering unfinished landforms
    - Rehabilitation of remaining areas of mine disturbance
    - Aftercare

    Whilst not mentioned in the list above, the report also includes the establishment of the fenced ecological areas.

[48] https://tailing.grida.no/map/data/
[49] https://newsroom.co.nz/2020/09/29/why-the-mikonui-mine-was-under-bonded/?utm_source=chatgpt.com

79. Whilst the bond report notes that it should cover 'the costs of uncompleted and offsetting and compensatory environmental commitments' (B.44, p.8), activities excluded from the report are the 2,219 hectare Mine Regeneration Zone and Ardgour Restoration Area which are proposed to be permanent (A.02B, para 84(e)).

80. The Ecological Management Plan Framework (G.02, p.8) states that 'the overarching objective and intended biodiversity outcome for addressing residual effects is to achieve, where possible, demonstrable benefits to indigenous terrestrial and wetland biodiversity that outweigh impacts within 35 years of granting of approvals. This will include ecological restoration and habitat enhancement across 2,219 ha of habitat in the landscape surrounding the mine footprint'.

81. The Landscape and Ecological Management Plan (G.07A, p.36), notes the principle that 'ecological criteria will be met within 20 years of initial revegetation treatment, that self-sustaining native ecosystems will be established over most of the site (nearly all shrubland, tussock and taramea ecosystem) not requiring grazing by sheep, and that minimal ongoing (i.e. in perpetuity) intervention is required'. These interventions will include 'removal of tall trees from the TSF and most ELFs in perpetuity, maintenance of fire buffers, and exclusion of cattle. Ongoing pest plant and mammalian pest management is required to maintain 'closure' ecological values'.

82. It appears that the proposed bond methodology only covers rehabilitation works, and as such excludes activities outside of the DDF thereby omitting the majority of the offsetting activities. It is important that these works are included when the bond is negotiated. Further, Dr Rogers disagrees with MGL's assessment of the effort required to achieve self-sustaining native ecosystems: it appears that significant, long-term management will be required. The bond should be based on a realistic worst-case scenario for offsetting costs.

83. The bond report notes that a bond may include a liability component, but that a risk assessment had not been undertaken at the time of writing the report (B.44, p.8) and so couldn't be included in the scope of the report. Regardless, it appears that there is no methodology proposed to calculate this which seems to be a significant oversight.

84. There are many examples of environmental damage from catastrophic events where the companies were under-insured or not insured at all. One example of an event in recent times was the failure of Canada's Mount Polley Tailings dam in 2014. This is instructive with two thirds of the cost being uninsured. It was the Mount Polley event that prompted the establishment of the Global Industry Standard on Tailings

Management[50]. Tailings dam seepage events that may affect waterways and aquifer water quality also need to be considered and not only mitigated but remediated via bond provisioning. We suggest that the Panel should ensure adequate environmental insurances on the international market are in place, or an equivalent bond provided.

85. MGL provides little insight into the protections to the community should a chronic or catastrophic event occur at any stage of the development, and with any element (e.g. ELFs, TSF, open pits, cyanide tanks, processing plant etc).

B. Bond Duration

86. The bond report assesses an 11 year duration, which is insufficient for activities which are 14 years (operations), 35 years (ecological activities), more than 50 years (Mine Impacted Water Treatment) and in perpetuity (tailings storage facility, mammalian and pest plant management). Although there is reference in the Year 3 sum, of allowances for the maintenance costs of the fenced areas for 30 years. Clarification of the methodology to assess an in perpetuity bond arrangement, which allows for the significant uncertainty involved in this calculation, seems essential information for the Panel.

87. The aftercare period noted in the report ends when the mine related structures are confirmed to be geotechnically stable, revegetation is self-sustaining and water treatment is no longer required or can be provided by passive treatment systems (B.44, p.7). The closure conditions (parameters to be met) should be specified now, not at the time of closure,and the bond methodology should reflect those closure conditions particularly in light of the evidence of Dr Webster Brown that passive management of the site is questionable. Dr Webster Brown also notes that the mine-impacted water treatment plant is 'anticipated to operate for 20 years, and possibly up to 50 years after the mine closure, depending on how waste flows and quality change with time. She also mentions the in perpetuity risk of the two pit lakes.

88. As mentioned above, it is noted that cattle will need to be excluded from mined areas and that the prevention of the establishment of tall trees in the tailings storage facility and engineered landforms will need to be undertaken in perpetuity. Also mentioned is the need for 'ongoing pest plant and mammalian pest management to maintain 'closure' ecological values'. (G.07A, p.30).

[50] https://www.icmm.com/en-gb/research/innovation/2016/tailings-report.

89. MGL's Legal Overview (A.02B, p.55) notes that 'the benefits and outcomes of the offsetting and compensation will be actively maintained for 35 years (plant pest and pest control) and protected in perpetuity through covenanting in accordance with the CODC conditions of consent'. It is through active predator and pest plant control that the offsetting outcomes will be actively maintained, not through a covenant.

90. These activities will only be achieved with multi-decadal funding sources and governance arrangements, the costs for which must be covered by the bonds.

C. Bond Quantum

91. In addition to the limited nature of the report (only 11 years of activity are calculated), the calculations on the bond introduction report lack sufficient detail in order to test their accuracy. There appears to be no contingency fund calculated or percentage proposed, which also needs to be agreed.

92. The applicant infers that farming income from the remaining land will cover the costs of the restoration and ecological enhancements (B.44, p.15), however we would suggest that the costs be included and given visibility in the bond, given the importance that the offsetting activities are delivered as described.

93. We also note that in the Mine Closure Plan there are numerous closure knowledge gaps (B.40, p.68-72), all of which are required to be funded. It is unclear as to whether the bond calculations include the cost of research. Dr Rogers' assessment of the ecological restoration and enhancement plans suggests that there will need to be significant reassessment of the feasibility of the plans, which implies additional cost.

94. The applicant plans to relinquish its tenure and associated obligations under the consent conditions (D.03, p.27 Combined Conditions C48.j). This raises questions about who is left with the responsibility for the tailings storage facility and other permanent features' long-term liability.

95. Acknowledging that the Lane Bond Introduction Report is just that - an introduction - we note that it calculates a maximum of $28 million, considerably less than those calculated

for Waihi and Macraes mines [51] [52], which in turn are considerably less than Australian gold mine projects, for example, those in Victoria,[53] and elsewhere[54].

96. We argue that liabilities for any release of pollutants into the atmosphere, waterways and soils at any time into the future must be borne by the applicant, irrespective of the trigger of such a release. For example, whilst an actual earthquake may be deemed an Act of God, the resultant pollutants release, and workplace safety impacts, would be entirely predictable as an outcome of such an event (as discussed in the New Zealand Dam Safety Guidelines). That liability must be adequately covered by the applicant via a perpetual bond underwritten with a guarantee regardless of the entity legally responsible for the site.

97. Below there is more detail considering the sufficiency of the applicant's bond approach, but as an overarching comment, it appears that the bond and liability assessment methodology needs significantly more work, potentially splitting the arrangements into DDF rehabilitation; long-term environmental effects; funding for governance structures and liability insurance requirements.

Table 2 - Bonds and liability financing

[51] https://www.waitaki.govt.nz/files/assets/public/v/1/files/agendas-and-minutes/2022/09/220220905-attachment-1-wcb-meeting-agenda-5-september-2022-oceanagold-presentation.pdf

[52] https://www.waihigold.co.nz/uploads/documents/updates/2025/oceanagold-waihi-update-4-september-2025.pdf

[53] https://www.goldfields.com/reports/annual-report-2022/mine-closure.php

[54] https://www.energyres.com.au/uploads/2024-ERA-Annual-Report.pdf
https://thenightly.com.au/business/mining/rio-tinto-steadfast-on-aboriginal-ties-as-argyle-diamond-mine-closure-costs-balloon-nearly-50-per-cent--c-14315064
https://www.riotinto.com/en/operations/anz/western-australia/argyle
https://australiainstitute.org.au/wp-content/uploads/2020/12/TAI-2016-Wilpinjong-submission-FINAL.pdf

Global standard expectation[55]	Application	Recommendation
2.1 Bond covers 100% of closure, post-closure and worst-case third-party costs.	Bond includes rehabilitation of Direct Disturbance Footprint and construction of fenced ecological areas for 11 years lodged with CODC/ORC/DOC (see comment below)	Ensure bond or environmental insurance is sufficient to cover all the costs required to meet the Mine Closure Plan, including knowledge gaps. Expand to include Mine Regeneration Zone and Ardgour Restoration Area in perpetuity with preferred independent authority. Ensure third-party costs are covered should MGL close.
2.2 Includes contingency of 10-20% for uncertainty and failure scenarios	No clear identification of failure modes nor contingency amounts in annual calculations	Contingency of expressed as a percentage added per annum in perpetuity
2.3 Worst case / catastrophic / chronic failure coverage	No clear liability funds or insurance	Full assessment completed for worst case failure and lodgement of insurance finance with independent authority
2.4 Review regularly – 3-5 years	Bond reviewed annually	Bond reviewed annually
2.5 Closure planning integration	Mine Closure Plan includes DDF, but not the ecological areas (B.40, p.12) Mine closure plan has vague closure criteria especially for contaminants	Fenced ecological areas, Mine Regeneration Zone and Ardgour Restoration Areas and any other works need to be included in the Mine Closure Plans with corresponding bond conditions imposed Closure parameters need to be clear and certain, with bond

[55] World Bank Group (2021) *Mine Closure: A Toolbox for Governments;* Intergovernmental Forum on Mining, Minerals, Metals and Sustainable Development (2023) *Mining Policy Framework – Financial Assurance Guidance;* International Council on Mining and Metals (2019) *Integrated Mine Closure Good Practice Guide*

Global standard expectation[55]	Application	Recommendation
		aligned with those parameters, especially for contaminants
2.6 Post Closure duration	Bond allows for 11 years; aftercare period unclear - appears to be 'a few years to a decade' (B.44, p.7)	Post closure needs to meet at least the 35 year consent for ecological activities; Mine Impacted Water Treatment Plant 50 years plus many decades of passive treatment (system still requires maintenance) and Tailings Storage Facility, pit lakes and mammalian and pest plant control requires in perpetuity management / ownership
2.7 Third party execution costs	Unclear	Bond needs a contingency amount to cover third party costs should MGL fold
2.8 Aftercare / mine closure arrangements	Unclear	Ahead of any construction works, the community must be involved in deciding when the aftercare / mine closure is complete, ensuring that risks are fully understood by both the applicant and community, and mitigation and offsetting activities have appropriate funding and governance structures to achieve the agreed outcomes

Standard Application Area 3: Community development agreement and funding

98. During the four stages of the BOGP, it is inevitable that the Bendigo/Tarras community will be impacted - both negatively and positively.

99. A commonly used method for addressing the adverse impacts is through the development of a community agreement. Best practice community agreements, such as in Queensland, see a social impact assessment being undertaken by the proponent and a community development agreement (CDA) being negotiated with the community and local government[56].

100. We suggest that the Panel considers a CDA as a consent condition, which would include arrangements such as:
    a. The establishment of a funded independent community group
    b. An independent technical advisory group which both informs and represents community interests
    c. Unfettered public access to realtime data
    d. Grievance processes
    e. Funding for the Tarras community.

101. MGL undertook a social impact assessment with consultancy GHD in 2024. Members of Sustainable Tarras contributed to the assessment and were told that the assessment was completed in 2025. When we requested a copy of the report, this was declined. MGL has also refused to share the report and it has not been submitted as part of the substantive application. We note that in the Mine Closure Plan there is reference to a social impact assessment being still under development, (B.40, p.13) and a second reference to a complete social impact scoping report (B.40, p.27). That is not accurate: the Social Impact Assessment has been submitted to MGL by its consultant (Appendix K).

102. Ms Sylvia Allan comments[57] that the absence of a social impact assessment that it "is not possible to draw accurate conclusions in terms of s 104 and s5 of the RMA" and considers "it unlikely that the Panel will be able to adequately undertake its responsibilities under s 81, clause 17 of Sch 5, and s s87(2)(a)(iii) and (iv) (principal issues in contention and main findings) without the additional information that a SIA would provide". For the local community, it means there is no formal, independent, baseline for MGL to then be able to offer suitable mitigations.

[56] https://www.planning.qld.gov.au/planning-framework/community-benefit
[57] Sylvia Allan, 9-13

103. We would further suggest that there is significant omission in the Panel's understanding of the social impacts of the BOGP on Tarras residents and further afield, and that this needs to be completed before all consent conditions relating to the mitigation of adverse effects on the community are finalised.

104. It is also evident that a Tarras community agreement has not been developed as part of the application.

105. New Zealand has examples of community agreements, one of which is the Oceana Gold Waihi property policy which covers the following impacts:

a. Breakage or damage by mining operations on private property is remediated
b. Loss of value from properties adjacent to mine impacts is topped-up
c. Ex-gratia payments are made to adjacent properties impacted by mine operations or logistics[58].

106. To further complicate things, MGL has agreed a "fee for use" of public land within the mine site, an annual payment of $1.25M with Central Otago District Council while the mine is producing gold[59]. As the agreement requires that CODC will not request other community payments, this prevents CODC from assisting in the negotiation of a community agreement, should the Panel request this be undertaken.

107. We also note that the applicant has offered the Department of Conservation a $500,000 per annum fund, while gold is being produced and up to a maximum of 10 years. This has had no Tarras community input that we are aware of.

108. The table below makes some suggestions as to what would be contained in such a community agreement. It has not been informed by the Social Impact Assessment (which has been withheld from us) or developed in consultation with the Tarras community, and as such should only be treated as a guide. Without such arrangements however, we cannot see how adverse effects on the community will be effectively identified and mitigated.

[58] https://www.waihigold.co.nz/uploads/documents/community/property-policy-june2025-4inhouse-print.pdf?_cchid=8c47716f4c3fd6f807c716a62277644b

[59] https://crux.org.nz/crux-news/codc-grants-bendigo-mine-access-for-1-25-million-a-year

Table 3: Community development agreement and funding

Global standard expectation	Application	Recommendation
3.1 A binding Community Development Agreement (CDA) tied to consent conditions	No Community Agreement	A binding community agreement is agreed prior to the construction phase of the mine
3.2 Joint governance body with community power	No mention of a community governance body	In addition to the independent technical advisory group, a Tarras community group is established
3.3 Free, Prior and Informed Consent - ability for affected groups (especially iwi) to influence or withhold consent	Limited informed engagement with affected parties completed to date.	Include consent conditions which give the affected community the power to influence or withhold consent.
3.4 Transparent, formula-based, long-term revenue sharing	No funding offered to Tarras community	A funding agreement is established with the Tarras community
3.5 Community-led monitoring and independent audits	No community agreement included	Described in Table 1
3.6 Social protection	No Social Impact Assessment provided, so no protections offered	Consent conditions developed with the community to address social issues arising from the operation e.g. deflated house sales/values; funding for reticulated water supply (flagged in B.03), mine impacted reduced business income insured etc. with funding attached
3.7 Closure & post-closure agreements community designed	No discussions with the community apparent in application. It appears the Mine Closure Plan (B.40,	As above, the closure and post-closure management plan needs to be fully detailed, funded and agreed by the

Global standard expectation	Application	Recommendation
	p.34) has been developed without community input.	community prior to construction starting.
3.8 Independent grievance mechanism	No grievance mechanism	An independent, accessible and binding process to be established
3.9 Transparency and trust	No process provided	The above suggestions need to be fully scoped and developed with a broad cross-section of the Tarras community to ensure trust is built between the applicant and the neighbouring community and there is accessible and transparent exchange between the two. Independent mediation for such a process would likely be required.

Appendices

Appendix A - Business South transcript 29 May 2025
Appendix B - Bendigo Winegrowers Letter to EPA 13th November 2025
Appendix C - Macraes 28 Aug 2025 - 1
Appendix C - Macraes 28 Aug 2025 - 2
Appendix C - Macraes 28 Aug 2025 - 3
Appendix C - Macraes 28 Aug 2025 - 4
Appendix C - Macraes 28 Aug 2025 - 5
Appendix D - Kopuwai complaint - heritage features destruction
Appendix E - Night Time lighting
Appendix F - 1. Invite to MGL Community Liaison Group
Appendix F - 2. Charter of Understanding MGL Community Liaison Group
Appendix F - 3. ST decline letter
Appendix G - 1. Concerns from Tarras residents at Santana Drop-in 10 Nov 25
Appendix G - 2. Santana Minerals letter of response to Tarras residents
Appendix H - CODC comms tower Abatement Notice
Appendix I - Alleged Heritage Act breach correspondence
Appendix J - CODC-MGL Memorandum of Understanding signed
Appendix K - Social Impact Assessment correspondence

Expert statements and reports	
Legal Comments	
	Sally Gepp KC & Julian Miles KC
Economics	
1	Geoff Bertram
2	Richard Meade
3	Ed Miller
4	James Harris
Tourism	
5	James Higham
Cycling recreation	
6	Jonathan Kennett
Seismology	
7	Alex McAlpine
Waste rock	
8	Steve Emerman
Tailings management and TSF	
9	Bernd Lottermoser
Transport	
10	Peter Martineau
Terrestrial Ecology	
11	Geoffrey Rogers
Landscape and natural character	
12	Bridget Gilbert
Heritage	
13	Matt Sole
Lighting	
14	Marc Simpson
Dark Skies	
15	Brian Boyle
Planning	
16	Sylvia Allan
Non-expert statements	
17	Sustainable Tarras Comments
18	Bev Batchelor
19	Andrew Klahn
20	Suze Keith
21	Gregory O'Brien