

## APPLICANT RESPONSES TO RELEVANT COMMENTS FROM RELEVANT IWI AUTHORITIES AND TREATY SETTLEMENT ENTITIES ON THE BENDIGO-OPHIR GOLD PROJECT

This document contains the key comments from the following parties collectively referred 'Kā Rūnaka':

- > Te Rūnanga o Ngāi Tahu;
- > Te Runanga o Waihao;
- > Te Rūnanga o Moeraki;
- > Kāti Huirapa Rūnaka ki Puketeraki;
- > Te Rūnanga o Ōtākou;
- > Hokonui Rūnanga;
- > Waihōpai Rūnaka;
- > Te Rūnanga o Awarua; and
- > Te Rūnanga o Ōraka-Aparima.

### Comments from Kā Rūnaka

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1	The threat of further harm to these species such as karearea and pihoihoi therefore carries a dual risk, the increased likelihood of losing these taoka from the landscape entirely, and the erosion of the mātauraka and cultural identity inextricably bound up with them. [JW19]	Terrestrial Ecology	<b>Substantive FTA Application:</b>  B.08A - Alliance Ecology Consulting - Assessment of Ecological Effects (Alliance 2025) REDACTED  G.04 - Avifauna Management Plan	Harm to nesting birds, eggs, and chicks will be avoided, habitat will be ecologically rehabilitated within the DDF, and net positive ecological outcomes will be achieved through reduced predation by introduced mammalian predators across the 2,219 ha of land earmarked for compensation. These species will not be lost from the landscape as a result of this project.
2	Subsequently many unlisted species hold deep cultural importance to mana whenua through whakapapa and enduring connection to te taiao. The absence of these species from the settlement schedule does not diminish their cultural significance, and their potential loss must be understood in that context. [JW20]	Legal	<b>Response Evidence:</b>  Legal Submissions, 17 April 2026 at 'Treaty Settlement Obligations' and 'Cultural Effects'	There are no taoka species obligations under the Ngai Tahu Claims Settlement Act that apply to MGL or the Panel.  The appropriate place to recognise cultural significance of plant species is through involvement of Ka Runaka in management plans.
3	The proposed methodology of toe-clipping to monitor translocated populations is unacceptable. [JW22]	Terrestrial Ecology	<b>Substantive FTA Application:</b>  B.08A - Alliance Ecology Consulting - Assessment of Ecological Effects (Alliance 2025) REDACTED	While this will enable determination of the success (or otherwise) of salvage and relocations, we acknowledge that this is a sensitive issue and this will not proceed if Iwi do not wish.
4	The scale of lizard salvage proposed is, in practical terms, an almost insurmountable undertaking. Using the population estimates and the best catch rates recorded in comparable	Terrestrial Ecology	<b>Substantive FTA Application:</b>	The current approach aims to meet wildlife requirements to the degree possible but we consider much better outcomes could be achieved through a focus on effects management with highly certain outcomes, for instance



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	Central Otago salvage operations, meeting the proposed salvage targets would require years of continuous fieldwork. This is further constrained by seasonal and temperature limitations. [JW23]		B.08A - Alliance Ecology Consulting - Assessment of Ecological Effects (Alliance 2025) REDACTED	smaller scale salvage operations focused on relocating the At Risk Kawarau gecko into the Pest Exclusion fences, and/or creating a lizard compensation fund to address urgently needed conservation of critically threatened species locally for which there is currently no government or public funding available.
5	The Applicant has not provided a comprehensive assessment of effects significance, and may have underestimated lizard population sizes or, more alarmingly, omitted the presence of potentially rarer species entirely. This places further doubt on the proposed salvage and rehabilitation measures. [JW24]	Terrestrial Ecology	<p><b>Substantive FTA Application:</b></p> <p>B.08A - Alliance Ecology Consulting - Assessment of Ecological Effects (Alliance 2025) REDACTED</p> <p>B.15A - RMA Ecology - Lizard Values Assessment (RMA Ecology 2025d) REDACTED</p> <p><b>Response Evidence:</b></p> <p>Evidence of Dr Matt Baber</p> <p>Evidence of Dr Graham Ussher</p>	<p>We do not agree with this position. We maintain that the surveys undertaken and the assessment of effects are comprehensive, appropriate, and accurate. Our assessment concluded that the project will result in a high level of residual effects on the nationally At Risk Kawarau gecko and southern grass skink, and that, even after accounting for proposed compensation measures, a high-magnitude net loss outcome is expected.</p> <p>While the presence of low numbers of more threatened species cannot be entirely ruled out, we consider this highly unlikely based on the survey work undertaken to inform the assessment of effects. This conclusion is further supported by an additional 280 person-hours of manual lizard searching completed as part of the 2026 baseline biodiversity outcome monitoring across the 2,219 ha proposed compensation area. This area provides higher-quality habitat for more threatened species than that present within the DDF.</p> <p>Additionally with the level of effort applied to salvaging in the unlikely event that additional species are present extra effort will be applied to salvage as many as possible.</p> <p>Additionally, we consider that the evidence provided by experts from invited parties contains a number of invalid assumptions and inaccuracies, which further supports our position.</p>
7	The specific ecological debt created by removing breeding populations of declining species remains unaddressed. [JW26]	Terrestrial Ecology	<p><b>Substantive FTA Application:</b></p> <p>B.08A - Alliance Ecology Consulting - Assessment of Ecological Effects (Alliance 2025) REDACTED</p> <p>G.05A - Lizard Management Plan REDACTED</p>	Acknowledged.
8	The absence of mātauraka Māori from survey methodology, rehabilitation plans, and offset design not only compromises the cultural integrity of the offset but potentially undermines its effectiveness, overlooking cultural management techniques that could meaningfully enhance restoration success. [JW27]	Terrestrial Ecology Planning	<p><b>Substantive FTA Application:</b></p> <p>B.08A - Alliance Ecology Consulting - Assessment of Ecological Effects (Alliance 2025) REDACTED</p>	B.08 <i>Assessment of Ecological Effects: Terrestrial Ecology</i> , recognises that the proposal does not meet the NPSIB limits to offsetting and compensation principles in this regard.
9	The absence of detail around long-term management of regeneration and sanctuary areas further creates considerable uncertainty about the lasting success of rehabilitation and offset actions, particularly following closure of the mine. [JW28]	Terrestrial Ecology	N/A	Further detail and clarity around long-term management of rehabilitation and offset/compensation sites would provide further assurance that stated outcomes will be achieved or can be adaptively managed. We consider this best addressed and refined through further workshops with a focus on consent conditioning and management plans

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10	Shared governance structures should be established that include rūnaka across all phases of offset planning, implementation, site management, monitoring, and adaptive management throughout the 35-year period. This should be supported by dedicated resources and funding for Kāi Tahu involvement, including participation in monitoring, species protection, and pest control programmes that support taoka species recovery in the sanctuary areas. [JW31]	Planning MGL	<b>Substantive FTA Application:</b>  D.03 - Schedule One - Central Otago District Council and Otago Regional Council Common Conditions  <b>Response Evidence:</b>  Evidence of Damian Spring	MGL has agreed in principle to a Joint Steering Group (JSG) proposed by Kā Rūnaka to provide a structured forum for engagement and input.  Conditions C23 to C27 provided for the establishment of an Iwi Advisory Group. These conditions have been modified to reflect the current agreed terms of the JSG.
11	The applicant should work with rūnaka through a series of wānaka, where rūnaka representatives and applicant representatives can meet kanohi-ki-te-kanohi (faceto face) to discuss hopes, goals, and expectations for the offset programme. These wānaka should be convened at key stages throughout the 35-year period, including prior to implementation, at agreed monitoring intervals, and in response to adaptive management decisions, to ensure rūnaka remain active and informed participants rather than passive recipients of information. [JW32]	Planning MGL	<b>Response Evidence:</b>  Evidence of Damian Spring	MGL agrees with Kā Rūnaka that a series of wānaka would support the progress and success of the project for both parties and is a key function of the Joint Steering Group (JSG) for engagement and input.
12	Technical reports should be revised to incorporate mātauraka Māori and reflect the ongoing and significant connection of mana whenua to the project location, including Indigenous knowledge that informs understanding of the site and its species. [JW33]	Planning	N/A	The authors of technical reports are not considered best placed to provide this cultural lens to their assessments. It was partly for this reason a CIA was commissioned.
13	Meaningful collaboration with rūnaka should be embedded in the offset design itself, with mana whenua participating in the design, oversight, and monitoring of all proposed mitigation and offset measures.	Planning MGL	<b>Substantive FTA Application:</b>  D.03 - Schedule One - Central Otago District Council and Otago Regional Council Common Conditions	MGL agrees this is worthy and is a key function of the JSG to provide Kā Rūnaka with the opportunity to provide input on the 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.
14	Rehabilitation goals should be embedded in consent conditions as fixed, enforceable outcomes that cannot be amended without the agreement of rūnaka. [JW34]	Planning MGL	N/A	MGL cannot agree to this right of veto from Kā Rūnaka. Consent conditions are developed, agreed, granted, enacted and enforced by a range of multiple inputs primarily by the Applicant but also local authorities, government agencies, adjacent landowners, interest groups, the community and mana whenua. As asserted by Kā Rūnaka, they have a position of enhanced participation that MGL recognises in many forms but particularly the establishment of the JSG, where such rehabilitation goals that may need amendment in consent conditions are discussed. Final authority must remain with the relevant regulator
15	Kā Rūnaka require engagement with the Applicant that follows the effects management hierarchy, prioritising first the avoidance and minimisation of harm to Kārara populations, and only	Planning	<b>Substantive FTA Application:</b>	The conditions set out in Part D.03 (including the requirement for the establishment of an iwi Advisory Group) provide opportunities for detailed protocols to be established with rūnaka to ensure appropriate tikaka is



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	<p>subsequently addressing how any unavoidable loss will be offset in a manner that upholds the mana of Kāi Tahu. This hierarchy should be applied in genuine collaboration with rūnaka, not as a procedural exercise, and rūnaka must be satisfied that all reasonable avoidance and minimisation measures have been exhausted before offset measures are relied upon. [JW35]</p> <p>Prior to any works commencing, detailed protocols should be established with rūnaka to ensure that in the event of injury or mortality of any native kārara or manu species, appropriate tikaka is followed and rūnaka can fulfil their active role as kaitiaki for those species. This includes the appropriate storage and return of any remains to rūnaka for burial in accordance with tikaka Māori. [JW36]</p>		D.03 - Schedule One - Central Otago District Council and Otago Regional Council Common Conditions	<p>followed in the event of injury or mortality any native kārara or manu species, and rūnaka can fulfil their active role as kaitiaki for those species.</p> <p>Furthermore, MGL has also agreed in principle to a Joint Steering Group (JSG) proposed by Kā Rūnaka to provide a structured forum for further engagement and input.</p> <p>MGL agrees that a strong working relationship between MGL and Kā Rūnaka moving forward will be important to the project.</p>
16	<p>Intergenerational funding and maintenance arrangements should be secured to ensure that long-term offset measures remain effective beyond the operational life of the mine and the formal 35- year offset period. These arrangements should provide certainty of resourcing for the ongoing management of taoka species, pest management and control, and habitat maintenance in sanctuary and regeneration areas, with funding mechanisms established prior to consent being granted and rūnaka having meaningful input into how those funds are administered and allocated over time. [JW37] [MD9] [MP21]</p>	<p>Planning</p> <p>MGL</p>	<p><b>Substantive FTA Application:</b></p> <p>G.07A - Landscape and Ecological Rehabilitation Management Plan</p> <p>G.07B - Landscape and Ecological Rehabilitation Management Plan – Appendices</p> <p>G.08 - Ardgour Restoration Area Management Plan</p> <p>G.09 - Matakanui Sanctuary Management Plan</p>	<p>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&amp;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.</p> <p>These areas will also be protected in perpetuity by a new covenant 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 rehabilitation bond.</p> <p>If MGL transfers the resource consents that contain the covenanted ecological rehabilitation and enhancement obligations (that contain the sanctuaries) in the future, all maintenance responsibilities required under the covenant will fall with the future consent holder in perpetuity, including bonding requirements and a requirement to maintain the environmental outcomes that have been achieved.</p>
17	<p>The failure to meaningfully engage Kā Rūnaka throughout this process, and the significant impacts on taoka species proposed by this project, represent a direct challenge to the exercise of rakatirataka. The authority of Kā Rūnaka over the takiwā has not been recognised in this process, and the proposed project would proceed in a manner that fundamentally undermines Kā Rūnaka's ability to fulfil important obligations to this landscape and its species. [JW41]</p>	MGL	<p><b>Response Evidence:</b></p> <p>Evidence of Damian Spring</p>	<p>The 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.</p>

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18	Kā Rūnaka ecology experts were not invited to participate in these processes and have not been provided with a full record of the engagement that occurred. Kā Rūnaka ecologists could have provided important feedback and mātauraka, the absence of which has limited the cultural robustness of the assessments and proposals put forward. [JW43] [MD7 & 30, 88]	Planning MGL	N/A	Kā Rūnaka Technical Advisors were invited to the Biodiversity and Offsetting workshop, and the Lizard workshop with ORC, DOC and CODC. However, they were unable to meet due to prior commitments.  Specific workshops were held on-line between MGL and Kā Rūnaka experts regarding:  a) Landscape on 3 March 2026 b) Socio-economic on 10 March 2026 c) Post-closure geochemistry  MGL agrees that a strong working relationship between MGL and Kā Rūnaka moving forward will be important to the project.
19	Key components of the applicant's ecological effects assessment and management package remain incomplete, and the absence of mātauraka Māori from survey methodology, offset design, and rehabilitation planning represents a fundamental failure to recognise and provide for the role of mana whenua as kaitiaki. The proposed mitigation measures cannot redress the loss of wāhi tūpuna, or the significant loss of Kārara populations. A decision ready package would require, at minimum:  > Genuine incorporation of mātauraka Māori into technical reports and offset design;  > Collaboration with rūnaka as kaitiaki across all phases of implementation;  > Rehabilitation goals embedded as enforceable consent conditions; and  > Intergenerational funding arrangements secured beyond the formal 35-year offset period and the operational life of the mine [JW46]	Planning Legal	<b>Substantive FTA Application:</b>  Legal overview at [44]-[49]  <b>Response Evidence:</b>  Statement of Evidence of Damian Spring  Legal Submissions, 17 April 2026 at 'Cultural Effects'	MGL has made genuine efforts to consult with Ka Rūnaka. The authors of technical reports are not considered best placed to provide this cultural lens to their assessments. It was partly for this reason a CIA was commissioned.  The conditions set out in Part D.03 (including the requirement for the establishment of an iwi Advisory Group) provide opportunities for rūnaka involvement in all implementation phases.  Furthermore, MGL has agreed in principle to a Joint Steering Group (JSG) proposed by Kā Rūnaka to provide a structured forum for engagement and input.  MGL agrees that a strong working relationship between MGL and Kā Rūnaka moving forward will be important to the project
20	Further engagement must include direct input into management and monitoring plans, mitigation measures, and adaptive management frameworks, alongside dedicated resourcing for mana whenua involvement in environmental management and monitoring throughout the life of the project and beyond.[JW48]	Planning MGL	<b>Response Evidence:</b>  Statement of Evidence of Mark Chrisp	MGL has agreed in principle to a Joint Steering Group (JSG) proposed by Kā Rūnaka to provide a structured forum for engagement and input.  Conditions C23 to C27 will be modified to reflect the agreed terms of the JSG.
21	The proposal would result in the loss of approximately 10 km of perennial stream habitat. While diversion channels and proposed conditions may mitigate some functional impacts, they cannot replace the loss of natural stream systems. Additional long-term monitoring, nutrient controls, and ecological performance	Aquatic Ecology	<b>Response Evidence:</b>  Statement of Evidence of Ian Boothroyd  B.18 Boffa Miskell - Assessment of Freshwater Ecological Effects (Boffa Miskell 2025a)	The BOGP will result in impacts to approximately 10km of perennial stream, which MGL proposes to address through 9.5 km of created Shepherds Creek diversion, 1.6 km of Rise and Shine Creek, and 6.7 km of willow management compensation.



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	triggers are required, along with more substantial offsetting. [MD3, MD40-49 and MD61-67]			B.18 concludes this achieves no net loss, however, it is acknowledged that offsetting principles "cannot be fully satisfied due to lag time from full loss to full gain in values".
22	<p>As suggested by Greer (2026, s3.3), there is merit in using the Stream Ecological Valuation (SEV) to ensure that the diversion channels provide a higher level of functional health than the streams they are replacing.</p> <p>The use of this approach and the suggested additional conditions for condition 22 (Schedule Two – General Conditions for Otago Regional Council Resource Consents) is likely to mitigate some of the effect of the proposed diversion on stream habitat over the active life of the mine, and the net improvement in habitat will contribute towards offsetting the mortality of instream biota caused by the diversion. [MD42-44]</p>	MGL	<p><b>Response Evidence:</b></p> <p>Part 5 of the Response Package</p>	Following this suggestion, MGL commissioned Bioresarches to undertake a SEV 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.
23	Greer (2026) also notes the risks associated with the use of single nutrient limits for controlling periphyton growth (s3.1.1) and recommends that the Applicant includes nitrate and ammonia limits alongside the existing phosphorus limits to reduce the risk of nuisance periphyton growth. It has also been recommended that long-term periphyton monitoring is undertaken to assess the effectiveness of the proposed nutrient limits. [MD45]	Aquatic Ecology	<p><b>Response Evidence:</b></p> <p>Statement of Evidence of Ian Boothroyd</p> <p>B.18 Boffa Miskell - Assessment of Freshwater Ecological Effects (Boffa Miskell 2025a)</p> <p>B.07 Greg Ryder Consulting</p> <p>Recommended Water Quality Compliance Limits for the Bendigo Ophir Gold Project (Ryder 2025)</p>	<p>The proposed compliance limits include both nitrate-nitrogen (&lt;2.4 mg/L annual median, &lt;3.5 mg/L annual 95th percentile) and ammoniacal-nitrogen (≤0.24 mg/L annual median, &lt;0.4 mg/L annual 95th percentile) alongside phosphorus-related parameters for surface waters. These limits are set for toxicity protection rather than specifically for periphyton growth control.</p> <p>MGL commissioned Bioresarches to undertake a SEV 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.</p>
24	In earlier discussions between Kā Rūnaka technical advisors and the Applicant, it was suggested that an appropriate offsetting activity for effects on aquatic ecosystems would be the creation of one or more non-migratory galaxias reserves in tributaries adjacent to the DDF, as well as in Shepherds Creek and Rise and Shine Creek. [MD63-66]	MGL	N/A	MGL are do not consider that there is appropriate locations for a non-migratory galaxias reserve whilst the mine is operational.
25	Terrestrial ecosystems are highly modified but still support significant indigenous biodiversity, including numerous threatened and at-risk plant species. However, substantial gaps and errors in vegetation and flora surveys undermine confidence in the assessment of effects and the design of mitigation measures. [MD4 and MD29]	Terrestrial Ecology	<p><b>Response Evidence:</b></p> <p>Evidence of Dr Matt Baber</p> <p>Evidence of Dr Graham Ussher</p>	<p>We agree with the first sentence as set out in B.08A and have acknowledged data gaps and limitations in B.08A and B.13A.</p> <p>However, we maintain that the terrestrial vegetation and threatened plant surveys undertaken and the assessment of effects are comprehensive, appropriate, and accurate. Where there are information gaps or uncertainties these are acknowledged and addressed via conservatism, for example our assessment of effects on spring annuals assumed a Very High level of</p>

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				Residual Effect that could not be demonstrably offset or compensated for and was unlikely to meet the limits to offsetting/compensation principle.  Additionally, we consider that the evidence provided by experts from invited parties contains a number of invalid assumptions and inaccuracies, which further supports our position.
26	<p>Lizard populations represent a critical ecological issue. Three native species are present, including the At Risk–Declining Kawarau gecko and Southern grass skink. Significant deficiencies in baseline surveys - such as species misidentification, incomplete spatial coverage, and lack of targeted surveys - create major uncertainty. The proposal would result in a nationally significant loss of Kawarau gecko habitat (approximately 7% of total habitat), and current mitigation measures are inadequate. The Lizard Management Plan is currently not fit for purpose, and proposed salvage and translocation efforts are likely to be logistically challenging, time-constrained, and insufficient to address impacts.</p> <p>[MD5, MD36, MD50-57 and MD68-84, 89]</p>	Terrestrial Ecology	<p><b>Response Evidence:</b></p> <p>Evidence of Dr Matt Baber</p> <p>Evidence of Dr Graham Ussher</p>	<p>It is agreed that impacts on lizard populations remain a significant issue that is not adequately resolved.</p> <p>We maintain that lizard surveys and lizard assessment of effects are comprehensive, appropriate, and accurate. Where there are information gaps or uncertainties these are acknowledged and addressed via conservatism.</p> <p>Additionally, we consider that the evidence provided by experts from invited parties contains a number of invalid assumptions and inaccuracies, which further supports our position.</p> <p>These points are detailed in the evidence of Dr Matt Baber (assessment of effects and effects management) and Dr Graham Ussher (Lizard values assessment)</p>
27	<p>Evidence provided by Tocker (2026) Teele (2026) identifies fundamental and compounding deficiencies in the baseline lizard survey and data. These deficiencies include.</p> <p>a) Systematic misidentification between southern grass skink and McCann’s skink in the initial survey, with the remedy offered by the Applicant not being made available in time to inform submissions. This misidentification has multiple downstream implications, including</p> <p>i. Unreliable population estimates for grass skinks.</p> <p>ii. Compromised mitigation and salvage design due to misestimation of population size and location.</p> <p>b) Incomplete spatial coverage of lizard and lizard habitat surveys leading to several gaps including wetlands, predator-controlled release areas, concession areas, etc.</p> <p>c) No map of lizard detections to understand lizard distribution, survey coverage, and habitat associations.</p>	Terrestrial Ecology	<p><b>Response Evidence:</b></p> <p>Evidence of Dr Matt Baber</p> <p>Evidence of Dr Graham Ussher</p>	<p>We do not agree that any of these issues are material, as set out in the evidence of Dr Matt Baber and Dr Graham Ussher.</p> <p>First, any perceived deficiencies do not influence our overall assessment of effects on lizards. We have assessed the project as resulting in a ‘High’ level of residual effects on Kawarau gecko and southern grass skink, both of which are classified as nationally and regionally At Risk – declining.</p> <p>Second, we consider the assertion that there are notable deficiencies to be unfounded, for the reasons outlined in the evidence of Dr Graham Ussher.</p>

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	<p>d) Survey effort is not comprehensive across the project footprint or associated activity areas, resulting in information gaps.</p> <p>e) No targeted surveys for rarer species such as jewelled gecko or Lake's skink. [MD36]</p>			
28	<p>Specifically, the following issues would need to be addressed.</p> <p>(a) It is unlikely that the creation of new rock habitat for Kawarau geckos will be an effective mitigation for the destruction of habitat within the DDF, and available habitat will be a significant limiting factor for translocation of Kawarau geckos.</p> <p>(b) It is unclear that the receiving environment of the predator-controlled reserves has the carrying capacity to sustain a translocation of this magnitude, nor is there any evidence from the literature to suggest that this form of translocation will be successful. [MD78]</p>	Terrestrial Ecology	<p><b>Response Evidence:</b></p> <p>Evidence of Dr Matt Baber</p> <p>Evidence of Dr Graham Ussher</p>	<p>At (a), Kawarau gecko is a smaller species and, compared to kōrero gecko, occupies a much wider range of habitats, including all habitat types present on site (even exotic pasture). In contrast, kōrero gecko at Macraes, and at another site in southeast Otago, is largely restricted to rocky tors or dense boulderfields.</p> <p>At (b), ecological rehabilitation efforts at Macraes have been primarily focused on agricultural rehabilitation rather than ecological rehabilitation as is proposed for MGL and as outlined in the LERMP. As such, considerably more effort will go into the provision of suitable habitat for lizards.</p> <p>A range of experimental rock stacks are present on site at Macraes, and kōrero gecko have been detected within these structures. The proposed rehabilitation design within the DDF will draw on and model these features as set out in the Landscape and Ecological Rehabilitation Plan</p>
29	<p>Pest management, particularly mouse control, is identified as acritical risk to the success of lizard mitigation. Without effective eradication <b>prior to translocation</b>, predation pressure will likely compromise outcomes. [MD6, MD58-60 and MD85-86]</p>	Terrestrial Ecology	<p><b>Substantive FTA Application:</b></p> <p>G.09 - Matakanui Sanctuary Management Plan</p> <p>G.10 - Mammalian Pest Management Plan</p> <p><b>Response Evidence:</b></p> <p>Evidence of Keith Barber – Paragraph 16(l)</p>	<p>Mouse control can be successfully applied at small sites, though is not practical at a landscape scale. Predator fenced areas provide the most robust situation to manage mouse densities for conservation benefit.</p> <p>We agree that mammalian pest eradication is the only way of ensuring the best possible outcomes for lizards, including for salvaged species that are relocated to another site. However, pest control in combination with habitat enhancement – for example through changes to grazing regimes – can also provide substantial benefits to lizard populations.</p>
30	<p>The pest control plan indicates that mice are to be managed within fenced reserves using an initial aerial toxin application a follow up bait station network with a 25m X 25m grid (Barber et al, 2025).</p> <p>It is crucial to the success of the planned fenced sanctuaries that mouse eradication is achieved before translocation of salvaged lizards can occur, both to reduce direct lizard mortality, increase the lizard carrying capacity of the release site, and reduce completion for the limited habitat within the reserve.</p> <p>[MD59,60]</p>	Terrestrial Ecology	<p><b>Substantive FTA Application:</b></p> <p>G.09 - Matakanui Sanctuary Management Plan</p>	<p>We agree but also note that no lizards are proposed to be released into the sanctuary areas.</p>

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31	Using catch rate assumptions, it would be expected that salvaging 102,000 lizards as proposed in the CODC conditions would require 193 days of continuous work for a team of 10 ecologists, which would need to be broken up over at least 2-3 years due to likely seasonal and temperature restrictions, This estimate is not provided to cast doubt on the validity of the proposed CODC conditions, but rather set clear expectations around the effort and time required to implement mitigation at this scale and ensure that sufficient time (4-6 years) is allowed for pest control and salvage before translocation occurs into fenced sanctuaries. [MD74]	Terrestrial Ecology	<b>Substantive FTA Application:</b> G.08 - Ardour Restoration Area Management Plan	It will be a much lower quantum of effort than this because efforts will be targeted to sites with much higher capture rates than the representative average. Nevertheless, the proposed level of effort is substantive.  Relocation of salvaged lizards into the Sanctuaries is not proposed – relocation is proposed into the 1,123 ha Ardour Restoration Area
32	While recommended conditions from the Otago Regional Council, Central Otago District Council, and expert reviewers would improve the proposal, they do not fully address the scale of residual effects. Significant additional offsets, improved baseline information, and strengthened management frameworks are required. [MD8, MD81-82, MD86 and MD91-93]	Planning	<b>Response Evidence:</b> Part 4 of the Response Package	Response to comments local authorities have made on conditions are set out in Part 4 of the comments response package.
33	When measured against industry best practice assessment of mining proposals, the Assessments do not meet expectations for cumulative effects analysis; do not explicitly assess many of the primary visual drivers identified as critical in mining assessment; rely on design intent rather than tested or demonstrable visual outcomes; and omit key analytical tools that are explicitly recommended in industry. As a result, the Assessments cannot be relied upon as a complete or robust assessment of mining-related landscape and visual effects relative to internationally recognised best-practice guidance for extractive industries. [AR16]	Landscape	<b>Substantive FTA Application:</b> B.19 – Boffa Miskell - Landscape, Natural Character and Visual Effects Assessment (Boffa Miskell 2025) (2 Parts) B.19A – Landscape Graphic Supplement B.19B – Landscape Visual Simulations (4 Parts) B.31 – Cosgroves Limited - Exterior Lighting Report (Cosgroves 2025) G.07A – Landscape and Ecological Rehabilitation Management Plan	It is not accepted that the lodged landscape material cannot be relied upon as a complete or robust assessment. The Assessment expressly analyses the principal mine components and sources of change, including cumulative effects, maximum heights and extents. It has relied upon accurate 3D modelling, fieldwork, representative viewpoints, NZILA-compliant visual simulations, lighting, and rehabilitation and closure scenarios for combined mine elements and builds upon considerable experience assessing quarry and mining activity throughout Aotearoa New Zealand.
34	As set out in TTatM, landscape is perceived and experienced as a unified phenomenon, where the integrated whole is greater than the sum of its parts. Landscapes comprise networks of places and connections that are understood as parts of a whole and which consist of physical, associative, and perceptual attributes in combination. TTatM acknowledges that assessment of landscape character and values entails both reductive analysis of its parts and synthesis to interpret how the parts come together as character and value. [AR17]	Landscape	<b>Substantive FTA Application:</b> B.19 – Boffa Miskell - Landscape, Natural Character and Visual Effects Assessment (Boffa Miskell 2025) (2 Parts)	It is not accepted that the landscape assessment fragments the proposal into isolated parts without proper synthesis. Consistent with TTatM, the lodged material identifies the physical, associative and perceptual attributes of the Dunstan Mountains landscape and then brings those dimensions together to define landscape values and assess the proposal as an integrated whole, including the combined effects of pits, haul roads, plant, TSF, rehabilitation and closure over time; the real disagreement is with the evaluative conclusions reached, not the absence of an integrated landscape method.
35	Where Te Ao Māori is not embedded as a core methodological foundation, the assessment cannot be said to comply with TTatM.	Landscape	<b>Substantive FTA Application:</b>	It is not accepted that the landscape assessment wholly failed to engage with TTatM or omitted Māori associations altogether, as the lodged material



Comment Number	Comment	Applicant Technical Input	Where Addressed in the Application Documents	Response
	<p>If such an omission occurs, an assessment therefore fails to meet the principles of partnership, protection, and participation required under Te Tiriti o Waitangi. It is my view that this omission has occurred in the preparation of the Assessments for this Application, which represents a material methodological deficiency, resulting in a systemic under-representation of landscape values and effects as they are properly understood in Aotearoa. [AR18]</p> <p>This is evidenced by the cursory treatment of established ara tawhito, traditional pathways, used by tipuna to raverse between the East coast of Otago and the inland lakes (Section 6 of Cultural Impact Assessment, Aukaha, 19/11/2025). These wāhi tipuna, as significant ancestral landscapes dating back several hundred years, are acknowledged only in passing and do not appear to have informed the evaluation of effects. The omission of consideration for the destruction of these ara tawhito represents a fundamental abdication of Te Tiriti assessment obligations.</p>	Legal	<p>K.02 – Boffa Miskell - Assessment of Dunstan Mountains Outstanding Natural Landscape dated May 2024 (10 March 2026);</p> <p>B.19 – Boffa Miskell - Landscape, Natural Character and Visual Effects Assessment (Boffa Miskell 2025) (2 Parts)</p> <p>G.07A – Landscape and Ecological Rehabilitation Management Plan</p> <p><b>Response Evidence:</b></p> <p>Evidence of Benje Patterson</p> <p>Legal Submissions, 17 April 2026 at ‘Inadequacy of Landscape Assessment’</p>	<p>expressly identifies tangata whenua associations, including the Rise and Shine valley as a traditional travel route, records that available cultural values material informed the assessment where available, and recognises that engagement was ongoing. It is accepted, however, that the assessment was not intended to speak on behalf of mana whenua, and that the weight to be given to ara tawhito, wāhi tipuna and wider Te Ao Māori values is properly informed by the Cultural Impact Assessment and mana whenua evidence.</p> <p>TTatM requires a partnership model incorporating both western views and Te Ao Māori, rather than one in which Te Ao Māori is determinative in every assessment.</p>
36	<p>The Landscape, Natural Character and Visual Effects (LNCVE) and Dunstan Mountains Outstanding Natural Landscape (ONL) Assessments are materially deficient and cannot be relied upon for decision-making regarding this Application. Although they claim alignment with Te Tangi a te Manu Aotearoa Landscape Assessment Guidelines (TTatM), they do not apply its foundational bicultural methodology or Aotearoa specific lens, resulting in Te Ao Māori being treated as peripheral rather than determinative of landscape character, values, and effects. [AR29]</p>	Landscape	N/A	<p>It is not accepted that the LNCVE and 2024 ONL assessments are incapable of informing decision-making, as they adopt TTatM’s physical, associative and perceptual framework, identify mana whenua and tangata whenua associations, and record that available cultural values material was drawn on where available and that engagement was ongoing.</p>
37	<p>The Assessments are compounded by an inadequate application of established mining assessment practice, where key drivers of landscape and visual effects are insufficiently interrogated and effects are systematically understated. [AR30]</p>	Landscape	<p><b>Substantive FTA Application:</b></p> <p>B.19 – Boffa Miskell - Landscape, Natural Character and Visual Effects Assessment (Boffa Miskell 2025) (2 Parts)</p> <p>B.19A – Landscape Graphic Supplement</p> <p>B.19B – Landscape Visual Simulations (4 Parts)</p> <p>B.31 – Cosgroves Limited - Exterior Lighting Report (Cosgroves 2025)</p> <p>G.07A – Landscape and Ecological Rehabilitation Management Plan</p>	<p>Refer response to 33 above.</p>
38	<p>The Assessments further fail to evaluate landscape as an integrated whole, neglecting Associative, Perceptual, cumulative, and consequential effects and the relationships between them,</p>	Landscape	<p><b>Substantive FTA Application:</b></p>	<p>Refer to response 34 above.</p>



Comment Number	Comment	Applicant Technical Input	Where Addressed in the Application Documents	Response
	and inaccurately defining ara tawhito as Associative rather than as the intersection between overlapping Physical and Perceptual dimensions of landscape. [AR31]		B.19 – Boffa Miskell - Landscape, Natural Character and Visual Effects Assessment (Boffa Miskell 2025) (2 Parts)	
39	These deficiencies amount to a material failure to recognise and provide for mana whenua rights and interests, including the significance of ancestral landscapes and pathways, and result in a systemic under representation of effects contrary to both TTatM and Te Tiriti o Waitangi. [AR32]	Legal	<b>Response Evidence:</b> Legal Submissions, 17 April 2026 at ‘Inadequacy of Landscape Assessment’	TTatM requires a partnership model incorporating both western views and Te Ao Māori, rather than one in which Te Ao Māori is determinative in every assessment. The landscape assessment is consistent with TTatM.
40	The Bendigo Ophir Gold Mine proposal, as presently presented to the Panel, is not appropriate to be granted consent. The proposal would result in high adverse landscape and natural character effects within and upon the Dunstan Mountains Outstanding Natural Landscape, including substantial and enduring modification to the Rise and Shine Creek and Shepherds Creek catchments and associated tributaries, and a sustained degradation of natural character from high to low. Those effects are not temporary or readily reversible; the evidence before me indicates that the modification will remain legible in landform and landscape pattern beyond the operational period, with rehabilitation outcomes untested, unverified, and materially uncertain. [AR33]	Landscape and Visual	<b>Substantive FTA Application:</b> B.19 – Landscape, Natural Character and Visual Effects Assessment; G.07A – Landscape and Ecological Rehabilitation Management Plan; D.03 – Schedule One - Central Otago District Council and Otago Regional Council Common Conditions.	It is accepted that the proposal gives rise to high adverse landscape effects within parts of the Site, substantial and enduring modification to the Shepherds Creek and Rise and Shine Creek catchments, and permanent legible change for some mine landforms, with any uncertainty of rehabilitation outcomes managed through proposed consent conditions. It is not accepted, however, that the lodged material supports a conclusion of overall high adverse effects on the Dunstan Mountains ONL, or a sustained degradation of natural character from high to low, as the Assessment concludes overall ONL effects are moderate during operation reducing to low-moderate at closure. Natural character effects similarly reduce from moderate to low in Shepherds Creek and from low-moderate to low in Rise and Shine Creek. Importantly, the LERMP identifies meaningful rehabilitation benefits, while recognising that there is no single historic “pre-degradation state” to which the Site can simply be returned. Rather, rehabilitation is directed toward establishing a stable, resilient and increasingly naturalised landform and vegetation mosaic that integrates the mining activity into the Dunstan Mountains landscape over time.
41	These effects go beyond physical change to constitute an enduring disruption to whakapapa-based relationships with whenua, wai, and the interconnected system of wāhi tipuna and ara tawhito that anchor identity, mobility, and tikaka across this landscape. The permanent alteration of historic landform and waterways represents a severance of lived connection that cannot be restored through rehabilitation, planting, or design intent alone. In this context, whenua is not a passive receiving environment but an ancestor, and the magnitude of modification proposed exceeds what can be reconciled with the ongoing exercise of kaitiakitaka . [AR34]	Legal	<b>Substantive FTA Application:</b> A.13 Section 6 – Assessment of Environmental Effects <b>Response Evidence:</b> Legal Submissions , 17 April 2026 at ‘Cultural Effects’	MGL cannot speak for Ka Rūnaka on cultural impacts but has made genuine efforts to consult with Ka Rūnaka. The technical experts have done their best with the information provided by Ka Rūnaka to respond to triggers of cultural concerns. MGL remains open to ongoing feedback from Ka Rūnaka.
42	The Applicant’s landscape assessments are materially deficient, failing to apply TTatM’s foundational bicultural methodology, failing to embed Te Ao Māori as a determinative lens, and failing to recognise landscape as a relational, lived, and inherited whole,	Legal	<b>Substantive FTA Application:</b>	TTatM requires a partnership model incorporating both western views and Te Ao Maori, rather than one in which Te Ao Maori is determinative in every assessment. The landscape assessment is consistent with TTatM.



Comment Number	Comment	Applicant Technical Input	Where Addressed in the Application Documents	Response
	the Panel does not, in my opinion, have an adequate evidential basis to understand the true scale and significance of effects on mana whenua values. The under-assessment of physical, associative, perceptual, cumulative, and consequential effects, particularly in relation to wāhi tipuna and ara tawhito, results in effects being materially understated and mischaracterised. [AR35]		B.19 - Boffa Miskell - Landscape, Natural Character and Visual Effects Assessment (Boffa Miskell 2025) (2 Parts)  <b>Response Evidence:</b>  Legal Submissions, 17 April 2026 at 'Inadequacy of Landscape Assessment'	MGL remains open to discussions with Ka Rūnaka on how to address cultural impacts.
43	The level of information available that is pertinent to underground mining is insufficient to adequately evaluate the associated impacts. More work is required to determine the impact of underground mining on surface subsidence and the associated impacts on the ground and surface water hydrology. It is unlikely that the underground mining will have any significant impact on biodiversity within the mine footprint, beyond that associated with surface mining. However, depending on the duration of the underground mining activities, which in turn are dependent on further exploration work and the associated economic evaluation, the surface impacts may extend beyond the current proposed timeframe and area. There is no allowance for this extended impact set out in the documentation that has been seen. [MP18]	Geotechnical	<b>Substantive FTA Application:</b>  B.28 - Peter O'Bryan & Associates - Geotechnical Assessment - Open Pit and Underground Mining -Rise and Shine Deposit (POB 2025) - Appendix 10	Preliminary assessment of potential for surface subsidence in response to underground mining indicates that surface settlement would be limited. Predicted average settlement based on application of conservative methods and conservative input data is approximately 0.2 m.  Further analysis is proposed once detailed mining plans have been settled and data regarding in situ rock stress are available. Analyses will use three-dimensional computer modelling following the proposed sequential underground extraction and backfilling.
44	Post closure resources to ensure ongoing grazing of CIT cushion fields post mining are not identified in the application [MP22]	Planning	<b>Substantive FTA Application:</b>  D.01 - CODC Land Use Consent and Conditions	MGL proposes post closure grazing of CIT cushion field as confirmed in the conditions provided as Part 4 of the comments response package (Refer Condition 122 of D.01)
45	It is acknowledged by the Applicant that the "collecting, collating and reporting" of rehabilitation data is fundamental as there is "limited precedent for rehabilitation in this dryland environment". This statement highlights the uncertainty in the proposed rehabilitation outcomes that underwrite the overall biodiversity management philosophy. Given sufficient time and resources, most rehabilitation issues may be resolved, and adaptive management is proposed as part of the rehabilitation management. However, this approach does not give confidence that the Applicant has adequate knowledge of the requirements to achieve the desired outcome. Given the "novelty" of the project, this uncertainty is accepted but it is associated with increased risk of not achieving the outcome. This uncertainty should be reflected in provision of funding to cover a period post closure. [MP23]	Planning  Legal	<b>Substantive FTA Application:</b>  B.19 - Boffa Miskell - Landscape, Natural Character and Visual Effects Assessment (Boffa Miskell 2025) (2 Parts)  <b>Response Evidence:</b>  Legal Submissions, 17 April 2026 at 'Adaptive Management'	The BOGP meets the key requirements for reliance on adaptive management approach as set out by the Supreme Court. There is a high degree of baseline information about the receiving environment and there is sufficient certainty regarding environmental risk.
46	The Application makes little reference to the techniques to be employed for the restoration of "ecological areas" but refers to	Rehabilitation	<b>Substantive FTA Application:</b>	Disagree: Detailed discussion of restoration techniques and approaches for the Ardour Restoration Area are provided in the ARAMP.

Comment Number	Comment	Applicant Technical Input	Where Addressed in the Application Documents	Response
	<p>trials to be undertaken concurrent with mining operations. The absence of established methodologies for the rehabilitation of those areas that are not for “pastoralism” is of concern. As with other areas of post mine closure management, it is presumed that methodologies will be developed to deliver the outcomes stipulated in consents. The degree of this uncertainty over rehabilitation methodology is such that I consider the Panel should withhold consent until further work is conducted to enable more detailed rehabilitation methodologies to be trialled and proven. [MP25]</p>	Terrestrial Ecology	<p>G.07A - Landscape and Ecological Rehabilitation Management Plan</p> <p>G.07B - Landscape and Ecological Rehabilitation Management Plan – Appendices</p> <p>G.08 - Ardour Restoration Area Management Plan</p> <p><b>Response Evidence:</b></p> <p>Evidence of Dr Robyn Simcock</p> <p>Evidence of Emeritus Professor David Norton</p>	<p>The rehabilitation will be 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 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</p>
47	<p>By advocating for the adoption of standards derived from the ANZG and Drinking Water Standards for water quality at closure, the Applicant is accepting some degree of risk given the absence of a full data set reflecting baseline water quality.</p> <p>Should water treatment costs be greater than anticipated, this risk will be borne by the Applicant during operations however the costs will potentially transfer to a third party following mine closure, if treatment is required to continue. [MP28]</p>	<p>Ecotoxicology</p> <p>MGL</p>	N/A	<p>MGL accept this level of risk and are of the opinion that achieving the ANZG and Drinking Water Standards is achievable with the water treatment technologies available today. Testing and modelling on the detailed design of treatment will commence as soon as water from BOGP is available.</p> <p>As the Consent Holder, MGL will be solely responsible for the construction, operation, maintenance and eventual decommissioning of the active Water Treatment Plant (WTP) and passive treatment system (PTS) for the duration of the consents sought and for any future consents required in the future. If MGL seeks to sell the land that contains the WTP and PTS in the future, all maintenance responsibilities will fall with the future landowner up until the time that the WTP and PTS no longer require resource consents to operate or are no longer required.</p>
48	<p>As part of the disturbance associated with the development and operation of the mine, a number of springs (waiora) that are located within the footprint will be disturbed or lost. MGL state that the primary mitigation will be avoidance, but where this is not possible, the restoration of any spring affected after mining is finished will be undertaken. This will include the restoration of flora and of flows. Given the primary cultural value associated with springs, is the pristine nature of the associated water, there is no explanation how this will be achieved or indication of its likely success. [MP29]</p>	<p>Freshwater Ecology</p> <p>Mine Closure</p>	<p><b>Response Evidence:</b></p> <p>Statement of Evidence of Ian Boothroyd</p> <p>B.18 Boffa Miskell - Assessment of Freshwater Ecological Effects (Boffa Miskell 2025a)</p> <p>B.40 Mine Closure Management Mine Closure Plan (MCM 2025)</p>	<p>The Mine Closure Plan (B.40) lists restoration of groundwater and surface water connections as a "future work focus area" requiring further study.</p>
49	<p>The evidence to support a lower National Standard is ambivalent, but it is considered that this presents an opportunity for the Applicant to take a precautionary approach and undertake to reduce nitrate concentrations below the current National Standards. Certainly, baseline nitrate concentrations observed in</p>	Ecotoxicology	N/A	<p>Maintain that the current MAV value for nitrate (11.3 mg/L) is maintained as a compliance limit for groundwater, however, recommend a review is required if the monitoring programme finds any groundwater contaminant exceeds 50 % of its MAV value.</p>

Comment Number	Comment	Applicant Technical Input	Where Addressed in the Application Documents	Response
	the surface and ground water are lower than the current National Standard [MP30]			
50	In the event average dissolved iron levels in the surface water exceed baseline concentrations by 20% then it will trigger a requirement for a “literature review”. This control provides no absolute limit to dissolved iron in surface water, albeit predicted concentrations are below ANZEC water quality guidelines. It is considered that, in addition to the trigger for the literature review, the creation of an absolute upper limit for dissolved iron in surface water is required. [MP31]	Ecotoxicology	<b>Response Evidence:</b> Evidence of Greg Ryder	The proposed review would inform whether there have been any revisions of guidelines relevant to iron that indicate that adverse effects on surface water biota are occurring.  The proposed consent conditions include a groundwater compliance limit for iron (0.34 mg/L).
51	Further information should be sought of the applicant to understand the restoration of the existing freshwater springs within the mine footprint. As it stands there is no evidence provided as to how the restoration will be achieved and the loss of some or all of the springs post mining seems inevitable. [MP32]	Freshwater Ecology Wetlands Mine Closure	<b>Response Evidence:</b> Statement of Evidence of Ian Boothroyd  B.18 Boffa Miskell - Assessment of Freshwater Ecological Effects (Boffa Miskell 2025a)  B.40 Mine Closure Management Mine Closure Plan (MCM 2025)	The Mine Closure Plan (B.40) lists restoration of groundwater and surface water connections as a "future work focus area" requiring further study.
52	There is no mention of a stormwater / spillage containment plan, but this should be mandatory even though mention is made of the adoption of “industry best practice changes over time”. Conditions requiring the Applicant to adhere to established standards, such as the International Cyanide Management Code, should be attached to any consent granted. [MP33]	MGL	N/A	Supply from ORICA for manufacturing and transportation of NaCN to site is certified under the International Cyanide Management Code (ICMC). Orica was one of the original signatories to the ICMC and the Yarwun, Gladstone, manufacturing facility is certified as are the supply and transfer stations. Site designs are compliant with the ICMC including – secure onsite storage (secured, ventilation and HCN monitoring, spill containment and segregation with pH control chemicals (lime) stored adjacent), operations including tailings and water (online continuous monitoring and control of pH and cyanide addition, cyanide detoxification of process tailings to discharge limits safe for wildlife and the environment, full recycle of TSF decant and any seepage water back to the process plant), worker safety and training (monitoring and emergency response).
53	The Applicant acknowledges a post closure period is required to manage these residual impacts, however it is assumed these will cease to exist at a point in time when the closure criteria have been met. For some of these impacts, there will be a long-term commitment required to ensure the closure criteria continue to be met. The Application is silent on how these issues will be managed where an intergenerational impact exists. Conventionally, a bond is put in place to secure the actions required to meet closure and post closure standards in the event of default by the consent holder. Once closure conditions have been met, the bond is normally relinquished. Where ongoing	Planning MGL	N/A	As the Consent Holder, MGL will be solely responsible for the construction, operation, maintenance and eventual decommissioning of the active Water Treatment Plant (WTP) and passive treatment system (PTS) for the duration of the consents sought and for any future consents required in the future.  A new consent condition is proposed to confirm that the Consent Holder is solely responsible for all ongoing maintenance of the WTP and PTS and this responsibility cannot be transferred to any other person without written approval of Otago Regional Council.  Ecological areas - Sanctuaries/ARA/MRZ

Comment Number	Comment	Applicant Technical Input	Where Addressed in the Application Documents	Response
	management is required to ensure compliance with the closure standards an alternative mechanism is required. For mana whenua, who hold kaitiaki status over the project area, this ongoing management is critical to ensure there is no degradation of environmental values and that where gains have been achieved, then these are maintained. Kā Rūnaka submits that as mana whenua, they have responsibilities in this area that are required to be discharged, and that some form of financial indemnification is required to enable them to meet this commitment. [MP40. Also MP20, MP21, MP24 MP34, MP35, MP39, MP36 and MP38]			<p>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&amp;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.</p> <p>These areas will also be protected in perpetuity by a new covenant 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 rehabilitation bond.</p> <p>If MGL transfers the resource consents that contain the covenanted ecological rehabilitation and enhancement obligations (that contain the sanctuaries) in the future, all maintenance responsibilities required under the covenant will fall with the future consent holder in perpetuity, including bonding requirements and a requirement to maintain the environmental outcomes that have been achieved.</p>
54	The Application acknowledges that there are data deficiencies in some areas, principally associated with baseline water quality, post closure management of mine impacted water and rehabilitation. These deficiencies may lead to inappropriate standards being established for the closure of the mine which will need review as further information becomes available. Alternatively, the Application may be declined pending the provision of further information. The Application makes reference to post closure management of impacts arising from the mining activity but makes no reference as to how these long term, potentially intergenerational commitments are to be managed. This uncertainty also provides grounds for the decline of the Consents until such time as further, more detailed information as to how the management of the post closure, long term mine site will be achieved and funded. [MP41. Also, MP18, MP19 and MP20]	<p>Planning</p> <p>Legal</p> <p>MGL</p>	<p><b>Response Evidence:</b></p> <p>Legal Submissions, 17 April 2026 at 'Adequacy of Information'</p>	<p>Data acquisition continues now and into the future including during operations, active mine closure, post-closure and ultimately due to the commitment to retain ecological values in perpetuity. The technical experts recognise the level of data and made their conclusions clearly with that in mind. This does not form the basis for a decline but rather recognises that data acquisition continues, models are calibrated and refined, and management of the effects are adapted as needed.</p> <p>The baseline monitoring and assessments of receiving environment are adequate and provide a robust foundation to assess the effects of the BOGP.</p>
55	The fragile and unique landscapes subject to the mining proposals will suffer irreversible impacts due to the nature and scale of earth displacement and intergenerational duration of the impacts, and risk from catastrophic failure of storage dam / settling pond facilities required to mitigate effects. [EE74]	<p>Legal</p> <p>MGL</p>	<p><b>Response Evidence:</b></p> <p>Legal submissions, 17 April 2026 at 'Cultural Effects'</p>	<p>MGL cannot speak for Ka Rūnaka on cultural impacts but has made genuine efforts to consult with Ka Rūnaka. The technical experts have done their best with the information provided by Ka Rūnaka to respond to triggers of cultural concerns. MGL remains open to ongoing feedback from Ka Rūnaka.</p>

Comment Number	Comment	Applicant Technical Input	Where Addressed in the Application Documents	Response
56	At that hui, I also discussed the dangers of taking water from one catchment and putting it into another. The water in one catchment will have different properties, both tikaka and ecological, to water in a different catchment. Cross-mixing changes the characteristics of the water and alters the mauri of the receiving catchment. That practice was, and remains, a big issue in terms of the ongoing deterioration of our waters. [EE91]	MGL	N/A	All water used by the mine is taken from the Clutha -Mata Au catchment and returned to the same catchment unless it leaves as evaporation.
57	We have a duty when exercising our rakatirataka to provide for future generations in a way that does not encumber kā uri with irreversible environmental damage in the name of short term gain for shareholders whose negative environmental legacy and risks will long outlast the life of the mining activity and accountability of the mining interests involved. [EE100]	Legal MGL	<b>Response Evidence:</b> Legal submissions, 17 April 2026 at 'Treaty Settlement Obligations'	The requirement to recognise rakatirataka is not a relevant Treaty settlement obligation. Nonetheless, the genuine efforts of MGL to consult with Ka Rūnaka on the BOGP has provided Ka Rūnaka with opportunity to uphold rakatirataka. MGL also remains open to further discussion with Ka Rūnaka, providing further opportunity for Ka Rūnaka rakatirataka to be upheld.
58	In the case of the MGL fast track process, the access Kāi Tahu/ runaka people have had to critical information has been constrained by the limited timeframes to fully comprehend the potential effects proposed gold mining activity. [EE103]	MGL	<b>Response Evidence:</b> Evidence of Damian Spring	MGL acknowledges this comment and has consistently engaged with Kā Rūnaka and their experts to ensure information was provided at the earliest opportunity. This is outlined in the Statement of Evidence.
59	This practical impediment was compounded by limited, or in some cases no, access for runaka representatives to technical workshops and information shared between the applicants, Otago Regional Council, and Te Papa Atawhai. [EE104]	MGL	<b>Response Evidence:</b> Evidence of Damian Spring	Kā Rūnaka Technical Advisors were invited to the Biodiversity and Offsetting workshop, and the Lizard workshop with ORC, DOC and CODC. However, they were unable to meet due to prior commitments.  Specific workshops were held on-line between MGL and Kā Rūnaka experts regarding:  a) Landscape on 3 March 2026 b) Socio-economic on 10 March 2026 c) Post-closure geochemistry  MGL agrees that a strong working relationship between MGL and Kā Rūnaka moving forward will be important to the project.
60	In addition, on the due date for submissions, 10 April, a number of technical reports prepared by the applicant were not made available to Kā Rūnaka for assessment. [EE105]	MGL	<b>Response Evidence:</b> Evidence of Damian Spring	The Applicant is not aware of any technical reports that were outstanding and not available to Kā Rūnaka on 10 April 2026, nor any request of the same.
61	The points of concern raised above have made the task difficult for Kā Rūnaka to complete the task of assessing the effects of the proposed mining activity on the lands, waters, habitat of the site and downuonction [sic] values. [EE106]	MGL	<b>Response Evidence:</b> Evidence of Damian Spring	MGL acknowledges this comment but has consistently engaged with Kā Rūnaka and their experts to ensure information was provided at the earliest opportunity. This is outlined in the Statement of Evidence.
62	What can be stated is that the MGL reports and material that our people have been able to review and assess indicate a lack of	MGL	N/A	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



Comment Number	Comment	Applicant Technical Input	Where Addressed in the Application Documents	Response
	attention or awareness to the values and interests of Kāi Tahu, and as a result a reliance on assumptions rather than reflecting an iwi lens. [EE107]			<p>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.</p> <p>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.</p> <p>Consent conditions X &amp; Y 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.</p>
63	Of significant concern also is the lack of detailed standards based on known data sets to ensure continued mitigation and remediation measures continue post closure of the project. This is an intergenerational risk, that could impact on Kāi Tahu / runaka down the track, well after the proponents have moved on. [EE108]	MGL	N/A	<p>MGL is not aware of a lack of detailed standards. Technical reports, assessments and statements of evidence demonstrate a wide-ranging and detailed body of work to understand the effects of the mine and work through the hierarchy of effects management, and adaptive management.</p> <p>mine closure plans including ongoing responsibilities (including financial responsibility) for the environmental outcomes required to be maintained beyond the term of the consents.</p> <p>More particularly, through the combination of the Mine Closure Plan (condition C115 of D.03) the Bond (condition C119 of D.03) and the proposed new covenant ((condition C122 of D.03) which will cover all ecological restoration and enhancement areas across 2,219 hectares of land) will work together to ensure sufficient an Post-closure and intergenerational risk is address through the proposed conditions that addresses the content of any certified d long-lasting protection of the quality of the environment.</p>
64	The project lacks a strategy that enables continued engagement for runaka to exercise their mana whenua responsibilities to maintain connected to their wahi tipuna for the life and beyond of the project. [EE109]	MGL Planning	<b>Response Evidence:</b> Evidence of Mark Chrisp	MGL has agreed in principle to a Joint Steering Group (JSG) proposed by Kā Rūnaka to provide a structured forum for engagement and input. This is captured in conditions X and Y
65	The evidence in our view points strongly to a decline by you, the panel of experts, hearing this Fast-track proposal, on the basis of incomplete preparation of evidence that addresses fully the multiple issues identified in our respective reports to the deficiencies of this proposed mining activity. [EE110]	Legal MGL	<b>Response Evidence:</b> Legal Submissions, 17 April 2026 at ‘Adequacy of Information’	<p>The Applicant is confident the process the Panel has implemented will address the multiple issues raised in these written comments by way of conditions that MGL have proposed or develop in expert conferencing. This inevitably will enable the Panel to full consider the purpose of the Act.</p> <p>Adequate information has been provided in order to assess the effects of the BOGP.</p>

Comment Number	Comment	Applicant Technical Input	Where Addressed in the Application Documents	Response
66	The gold would remain in the ground, the landscape, water and habitat, and ecosystems will remain as they are, and any future applications would be on notice to aspire to higher standard of engagement, environmental husbandry and the interest of future generations who will be custodians of the residual effects of any mining activity. [EE111]	Legal MGL	<b>Response Evidence:</b> Legal Submissions, 17 April 2026 at 'Adequacy of Information'	Adequate information has been provided in order to assess the effects of the BOGP.
67	Of great concern is the proposal, as it stands at this point, has had a reductive impact on the relationship and functional role of kaitiakitaka as we would normally exercise on a proposed plan, policy or development of any reasonable scale, the magnitude of the MGL proposal has huge significance in that respect. [EE112]	Legal MGL	<b>Response Evidence:</b> Legal Submissions, 17 April 2026 at 'Cultural Effects'	MGL cannot speak for Ka Rūnaka on cultural impacts but has made genuine efforts to consult with Ka Rūnaka. The technical experts have done their best with the information provided by Ka Rūnaka to respond to triggers of cultural concerns. MGL remains open to ongoing feedback from Ka Rūnaka.
68	The alienation effect on our connection to whenua, wai, me kā taoka impacts now, but sends a strong signal that this will be characterised during the mine's operation if granted, and post the closure of the mine, an intergenerational harm, an issue that drove the case Kāi Tahu took to the Waitangi Tribunal and resulted in the Ngāi Tahu Claims Settlement Act [EE113]	Legal MGL	<b>Response Evidence:</b> Legal Submissions, 17 April 2026 at 'Cultural Effects'	MGL cannot speak for Ka Rūnaka on cultural impacts but has made genuine efforts to consult with Ka Rūnaka. The technical experts have done their best with the information provided by Ka Rūnaka to respond to triggers of cultural concerns. MGL remains open to ongoing feedback from Ka Rūnaka.
69	The Ngāi Tahu Claims Settlement Act 1998 elevates the importance of taoka species at a time of general decline of most indigenous species, but it was not an exhaustive list, and species were not "deliberately" excluded as in lizards. [EE114]	Legal MGL	<b>Response Evidence:</b> Legal Submissions, 17 April 2026 at 'Treaty Settlement Obligations'	There are no Treaty settlement obligations relating to taoka species that apply to MGL or the Panel.
70	If the mine is granted resource consent it will impact negatively on our rakatirataka. Many landscape scale values have been lost or compromised in the Central Otago region, prior to the NTCS Act. [EE115]	Legal MGL	<b>Response Evidence:</b> Legal Submissions, 17 April 2026 at 'Treaty Settlement Obligations'	The language used in the Settlement Act regarding rakatirataka does not impose operative duties or actions. In any event, the extensive efforts to engage with Ka Rūnaka is demonstrative of MGL's recognition of Ka Rūnaka rakatirataka over the project area
71	Points in opposition to the Bill were presented to the Environment Select Committee on behalf of Te Rūnaka Otakou Limited. [EE116]	Legal MGL	N/A	No response - opposition to the FTA Bill not relevant to decision-making.
72	Section 4 of the Conservation Act states "This Act shall so be interpreted and administered as to give effect to the principles of the Treaty of Waitangi. [EE119]  Section 4 responsibilities should not be read down, or reduced, but remain an important duty to uphold and give effect to the principles of the Treaty of Waitangi. [EE121]	Legal MGL	<b>Response Evidence:</b> Legal Submissions, 17 April 2026 at 'Treaty Settlement Obligations'	The FTA does not incorporate Section 4 of the Conservation Act. Section 7 of the FTA requires all persons performing and exercising functions, powers and duties under the FTA to act in a manner consistent with obligations arising under relevant Treaty settlements, not the Treaty of Waitangi.
73	Tēnā koutou koutou katoa, to the Panel, in respect of your important role and expertise, and in order that you receive our submissions in a setting and venue that reflects and amplifies the	Legal MGL	N/A	No response needed - panel discretion for hearing location



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	voice of mana whenua, we invite you to hear our submissions and legal evidence at one of our mana whenua marae. The context of a marae setting and the tikaka that applies to such an occasion we believe is a legitimate part of the process of conveying mana whenua values, beliefs in the exercise of our rakatirataka. [EE p30]			
74	<p>The overall approach is described in Tutohi 9 “Recommended approach to address impacts on cultural values”. This should be read together with:</p> <ul style="list-style-type: none"> <li>&gt; Appendix 8, which sets out specific concerns and measures requested by the reference group; and</li> <li>&gt; Appendix 9, which sets out additional actions suggested by Beca to manage risks, and matters identified in the Beca report where further study or clarification is required to understand the risks.</li> </ul> <p>The specific measures in Appendix 8 and Appendix 9 should be regarded as a starting point for further engagement with Matakanui rather than a comprehensive set of measures that would address all the impacts of the Bendigo-Ophir Gold Project. [CIA p59]</p>	<p>Planning</p> <p>Legal</p> <p>MGL</p>	<p><b>Response Evidence:</b></p> <p>Legal Submissions, 17 April 2026 at ‘Cultural Effects’</p>	<p>MGL remains open to ongoing engagement with Ka Rūnaka.</p>
75	<p>Conclusion 1: Kā Rūnaka have identified some uncertainties and inadequacies in the technical reports that will need to be addressed in order to ensure the mine operation does not endanger the quality of the environment or the health of native species and of people.</p> <p>There is also a need for intergenerational funding and maintenance arrangements to be put in place to ensure that the quality of the environment is maintained beyond the life of the mine. [CIA p61]</p>	<p>Planning</p> <p>MGL</p>	<p><b>Response Evidence:</b></p> <p>Part 4 of the Comments Response Package.</p>	<p>It is considered that the technical assessments on actual and potential adverse effects on the environment and people have been prepared to a standard consistent with the nature and scale of the proposal .</p> <p>Combination of the Mine Closure Plan (condition C115 of D.03) the Bond (condition C119 of D.03) and the proposed new covenant ((condition C122 of D.03) which will cover all ecological restoration and enhancement areas across 2,219 hectares of land) will work together to ensure sufficient and long-lasting protection of the quality of the environment.</p> <p>The outcomes sought to be protected by the covenant will need to be done so in perpetuity.</p> <p>The requirements for these mechanisms are set out in the conditions provided in Part 4 of the comments response package.</p> <p>Further information is provided on the matter of post-closure protections in his evidence Part 2 of the comments response package.</p>
76	<p>Conclusion 2: The technical assessments undertaken by the applicant do not adequately recognise the living associations of Kāi Tahu with the environment of the mine site, and proposed mitigation measures cannot redress the loss of wāhi tūpuna and</p>	<p>Planning</p> <p>Legal</p> <p>MGL</p>	<p><b>Response Evidence:</b></p> <p>Legal Submissions, 17 April 2026 at ‘Cultural Effects’</p>	<p>It is not for MGL, but for Ka Rūnaka, to speak to cultural effects. MGL remains open to ongoing dialogue with Ka Rūnaka to address cultural effects.</p>

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	wai māori values, or the significant loss of mokomoko. Kā Rūnaka seek further engagement with the applicant to determine how this loss can be appropriately offset or compensated. [CIA p62]			
77	<p>Conclusion 3: Kā Rūnaka seek the opportunity for input into management and monitoring plans and into design of mitigation measures and adaptive management frameworks to ensure rehabilitation goals are achieved.</p> <p>Kā Rūnaka also seek provision for mana whenua involvement in rehabilitation activities, environmental management and monitoring, including resourcing to enable this involvement [CIA p61]</p>	<p>Planning</p> <p>MGL</p>	N/A	<p>Refinement of the management plans will occur through expert conferencing, and updated versions will be provided to the expert panel for certification.</p> <p>MGL are open workshopping the management plans with the relevant parties e.g. CODC, ORC, DOC, Heritage NZ, Kā Rūnaka, prior to expert conferencing.</p>
78	Appendix 8: Specific concerns identified by Kā Rūnaka through review of technical reports [CIA p87]	<p>Planning</p> <p>Legal</p> <p>MGL</p>	<p><b>Response Evidence:</b></p> <p>Legal Submissions, 17 April 2026 at 'Cultural Effects'</p>	It is not for MGL, but for Ka Rūnaka, to speak to cultural effects. MGL remains open to ongoing dialogue with Ka Rūnaka to address cultural effects.
79	Appendix 9: Beca review – suggested actions and further clarifications for risk management. [CIA p103]	MGL	<p><b>Response Evidence:</b></p> <p>Legal Submissions, 17 April 2026 at 'Cultural Effects'</p>	It is not for MGL, but for Ka Rūnaka, to speak to cultural effects. MGL remains open to ongoing dialogue with Ka Rūnaka to address cultural effects.
80	Counsel submit that consent cannot be granted, due to the Application being inconsistent with obligations arising under the Ngāi Tahu Treaty Settlement Act and settlement provisions. That inconsistency prevents consent being granted in this case under the Fast-track Approvals Act 2024, section 7. [LS2, LS12-22]	Legal	<p><b>Response Evidence:</b></p> <p>Legal Submissions, 17 April 2026 at 'Treaty Settlement Obligations'</p>	The Settlement Act does not impose any specific obligations that apply to MGL or to the Panel in decision-making.
81	Even if the Panel were to decide there was no inconsistency with Treaty settlement obligations arising from the Application, ... it is submitted that the adverse landscape, ecological, water quality and cultural effects of the proposed Santana gold mine are individually adverse and cumulatively even more adverse. These adverse effects are long term – extending well beyond the cessation of mining activity. Consequently, consents cannot be granted for the current Application regardless of any claimed short term national or regional economic benefits. [LS3]	Legal	<p><b>Response Evidence:</b></p> <p>Legal Submissions, 17 April 2026 at 'Cultural Effects'</p>	It is not for MGL, but for Ka Rūnaka, to speak to cultural effects. MGL technical experts have done their best to manage effects in the absence from further information from Ka Rūnaka. MGL remains open to ongoing dialogue with Ka Rūnaka to address cultural effects.
82	Had the Applicant consulted more competently with Kā Rūnaka (and other parties with concerns), and undertaken more thorough technical investigations, different outcomes on a range of issues might readily have been secured. Such outcomes might well have resolved or settled the fundamental environmental concerns of other parties to these proceedings. However, in its current state,	Legal	<p><b>Response Evidence:</b></p> <p>Legal Submissions, 17 April 2026, at 'Consultation with Ka Rūnaka'</p>	MGL has actively engaged with Ka Rūnaka and continues to do so.

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	with the approach taken by the Applicant to Kā Rūnaka's involvement, to conditions, to long-term effects, to mitigation, to cultural effects, and to uncertainty, it is submitted the current Application is incapable of securing consent. [LS4]			
83	The Proposal as it stands includes a myriad of uncertainties regarding landscape, ecology, and water quality – including potential impacts lasting well beyond the life of the proposed mining with no clarity or certainty as to how such future long-term effects can be mitigated or avoided. Proposed bonds to cover the remedying of long-term issues such as the tailings dam safety and performance will not provide the financial means to protect the long term health of the environment. [LS7]	Legal	<b>Response Evidence:</b> Legal Submissions, 17 April 2026 at 'Role and Quantum of the Bond'	The bond provides certainty and security that closure and rehabilitation will occur as required by the conditions of consent
84	DOC's view is legally flawed in this respect as it does not properly recognise, and therefore properly provide for, section 4 of the Conservation Act. Specifically absent from this assessment is assessment of Ngāi Tahu's interests in active development and economic opportunities, as the principles of rakatirataka and active protection include economic development. Such an absence renders the assessment deficient in terms of s4 of the Conservation Act. [LS33]	Legal	N/A	No legal response – relates to DOC obligations
85	The FTAA requires that if a hearing is held a panel must recognise tikaka Māori where appropriate.43 Mr Ellison extends an invitation to the Panel to attend the marae, and states that the context of a marae setting and the tikaka that applies is a legitimate part of the process of conveying mana whenua values and beliefs in the exercise of their rakatirataka. [LS35]	Legal	N/A	No legal response – subject to Panel discretion on hearing location

