

Submission to the Fast Track Expert Consenting Panel
Re: Bendigo-Ophir Gold Project (FTAA 2024)
On behalf of Folding Hill Vineyard (Kerruish Family)

Executive Summary

The Kerruish family has tried to engage with the Bendigo-Ophir Gold Project application as closely as possible, given our role as directly affected landowners and proximity to the proposed mine site. While the applicant did release supporting evidence at the time of lodgement, the project has been under development for approximately five years and no evidence was provided prior to submission, despite repeated requests from the community.

All members of our family reside on-site in various capacities and are directly and continuously engaged in the full-time management and operation of Folding Hill Vineyard. As a family-run enterprise, our livelihoods and daily lives are intrinsically tied to this land.

Notwithstanding this, the sheer volume and complexity of the application - exceeding 9,400 pages - creates a significant and unreasonable barrier to fully identifying and assessing all relevant issues.

As noted by Ian Taylor in relation to applications of this scale: the timeframe required to become familiar with an application of this size and complexity is significant.

This submission therefore focuses on matters that we have been able to review and observe firsthand, supported by independent, verifiable evidence. This includes:

- **Satellite imagery (Google Earth)** showing instances of activity exceeding consented limits, including vehicle numbers above permitted thresholds
- **Published reporting from the Otago Daily Times**, documenting compliance concerns and industrial-scale activity in a rural zone
- **Direct observational evidence of site operations**, including dust, vehicle movements, and night-time floodlighting creating light spill as well as clean up operations before a notified site inspection
- **Documented deficiencies in stakeholder notification**, including misaddressed correspondence and last-minute statutory notifications

Given these constraints and observations, the evidence presented focuses on material issues that can be independently verified and demonstrates that the proposal carries substantive environmental, social, and economic risks.

1. Standing as a Directly Affected Party

This submission is made by the Kerruish family, owners of Folding Hill Vineyard in Bendigo, Central Otago. All six members of our immediate family reside on the property in various capacities, making the potential impacts of the proposed mine immediate and personal.

The property has been owned and developed by our family for 25 years, with commercial wine production spanning 18 vintages. The vineyard is located approximately six kilometers from the proposed mine site and approximately 600 metres from a proposed groundwater extraction bore.

Given:

- the proximity of the proposed mining and groundwater extraction activities, to our family home
- the reliance of our vineyard on the same aquifer system, and
- the scale and permanence of our capital investment,

We are directly affected by the proposed development.

2. Intergenerational Investment and Economic Context

Folding Hill Vineyard is a long-term, family-owned agricultural enterprise developed over 25 years. Total capital investment is now very significant, in the order of multi-millions. This includes significant investment in the past six months to develop an onsite winery.

The applicant has frequently publicised the amount of capital expenditure incurred to date, but it is unclear whether this figure forms part of any statutory justification. In any case, the expenditure is modest in comparison to the long-term, intergenerational investment required to establish and operate a premium vineyard.

By contrast, the Kerruish family's investment is:

- long-term, land-based, and intergenerational
- reliant on environmental stability and resource certainty
- embedded in a productive enterprise that generates ongoing economic and social value

Folding Hill comprises four and a half hectares of vineyard (eight hectares of land total), typical of the scale at which much of Central Otago's premium wine industry operates. The Panel should consider the relative significance of the applicant's expenditure in context, particularly given the potential for long-term environmental, social, and economic impacts on existing landholders and regional industries.

Based on our own operating experience, vineyard expenditure is at minimum, \$20,000 per hectare per annum, and it is reasonable to expect that other vineyards in the area incur costs within a comparable range.

Applying this estimate across approximately 500 hectares of vineyard plantings in Bendigo (noting that the precise extent of plantings is difficult to quantify), this equates to an annual viticultural expenditure in the order of \$10 million. The Central Otago Winegrowers Association (COWA) has provided similar estimates of planted area.

This level of ongoing operational spend represents a substantial and sustained economic contribution to the local and regional economy from viticulture in Bendigo alone. This calculation does not include the further economic benefits generated through tourism, the broader wine trade, and associated activities, including the significant excise duties paid by these wine producers, which contribute directly to government revenue.

Our son, Matthew Kerruish, is currently training as a viticulturist and winemaker with the intention of returning to Folding Hill and assuming operational responsibility, establishing a credible intergenerational transition.

3. Economic Displacement and Regional Impact

Central Otago supports an established economy based on:

- premium wine production,
- tourism, and
- high-value agriculture

These industries are renewable, long-term, and dependent on environmental integrity. The Kerruish family's investment represents over 25 years of sustained capital and labour.

The proposed mine is a finite extractive activity with a limited operational life but potential for permanent environmental and landscape effects.

Approving such an activity in close proximity to established, long-term agricultural investment creates a structural imbalance between:

- enduring land-based value; and
- short-term resource extraction

There is a clear risk of economic displacement, where short-term extractive activity introduces long-term risks to existing industries.

4. Procedural Integrity and Notification Deficiency

The integrity of the Fast-track process depends on accurate identification and notification of affected parties.

In this instance, formal correspondence inviting submission by our family was addressed to a company entity (Knox Estate) - (Figure 1.1) that:

- was amalgamated nine years ago (Figure 1.2); and
- no longer exists as a legal entity

This is a matter of record.

This error raises material concerns regarding:

- the accuracy of the identification of affected parties
- the reliability of underlying property and ownership data
- whether all directly affected stakeholders have been properly notified

Such an error, at a fundamental level of the process, calls into question the robustness of more complex technical assessments contained within the application.

5. Groundwater and Aquifer Risk

The proposed groundwater extraction bore is located approximately 600 metres from the bore supplying Folding Hill Vineyard.

Aquifers in Central Otago are characterised by fractured schist geology, which is:

- heterogeneous in structure,
- difficult to model accurately, and
- subject to variable flow behaviour

Sustained extraction at the scale proposed introduces identifiable risks of:

- drawdown effects,
- bore interference, and
- long-term alteration of aquifer dynamics

Folding Hill currently benefits from high-quality water with nil detectable arsenic content. A water sample from our bore is already included within the Central Otago Winegrowers Association (COWA) submission. To avoid unnecessary duplication of evidence before the Panel, we have not resubmitted this material as part of our comment but refer the panel to COWA's comment for this relevant detail. This is contrary to public claims made by the applicant regarding water quality in the Bendigo/Mine area. Any reduction in water availability or changes to its chemical

composition would have direct and material impacts on vineyard operations, winery production and the health and wellbeing of our family.

Water security is a critical production input and a fundamental aspect of our residential and agricultural operations.

6. Landscape Sensitivity and Scale of Development

The Bendigo landscape is a defining component of the Central Otago environment and underpins both viticulture and tourism.

Modern open-cast mining involves:

- large-scale excavation,
- waste rock emplacement,
- haul roads, and
- continuous heavy industrial activity

These effects are long-duration and, in many cases, irreversible. They are fundamentally inconsistent with the existing land use pattern of high-value agriculture and landscape-based tourism.

7. Risks to the Central Otago Wine Industry

The Central Otago wine industry derives value from its association with environmental quality and landscape integrity.

Established risks associated with mining activity include:

- dust deposition affecting vine physiology and fruit quality
- disruption from heavy vehicle movements
- reputational effects arising from proximity to large-scale industrial activity

These risks are recognised within viticultural and export market contexts and are not speculative. We recognise COWA will be submitting evidence to this effect and wish to make it known our views are aligned with those presented by this organisation.

We submit that Bendigo is a premium viticultural subregion within Central Otago, with wines achieving established international recognition and increasing economic value as the region and the vineyards mature.

In comparable regions such as Burgundy, where the Climats are protected as a UNESCO World Heritage Site, and Napa Valley, robust regulatory frameworks strictly limit or preclude mining and similar extractive activities within or adjacent to premium viticultural land. These controls are not incidental; they are fundamental to protecting environmental integrity, safeguarding communities, and preserving the cultural heritage and historic landscapes that define those regions and sustain their global standing.

Bendigo similarly embodies both a recognised mining heritage and a now-established premium winegrowing landscape. The proposed project would not only risk irreversible loss of elements of that historic environment, but would directly threaten the environmental, productive, and reputational values that have since emerged and now underpin the region's identity and economic future.

Within the Fast Track Approvals Act framework, these effects are significant and cannot be regarded as peripheral. The introduction of industrial-scale mining into this context represents a direct conflict with existing land use and a material risk to heritage values, environmental quality, and community wellbeing.

Given this, the proposed project would fundamentally compromise the protection of Bendigo's viticultural and historic values. Any approval would set a precedent allowing industrial-scale activity to override established environmental, cultural, and economic interests, contrary to the intent of the Act and the safeguards it provides for existing land uses and heritage landscapes.

8. Compliance Record and Evidence Base

Concerns regarding the applicant's operational compliance are supported by multiple forms of evidence, including documentary material, third-party reporting, and direct observation.

8.1 Documentary Evidence

The following material will be provided in support of this submission:

- **Time-series satellite imagery (Google Earth)** (Figure 2) demonstrating instances of activity exceeding consented limits, including vehicle numbers above permitted thresholds
- **Published reporting from the Otago Daily Times** (Figure 3), documenting compliance concerns and industrial-scale activity in a rural zone
- **Timestamped photographic evidence** (Figure 4), taken by members of our family, which records the cleanup activities undertaken by Santana subsequent to being notified of an impending inspection

8.2 Observational Evidence and Site Inspections

As neighbouring landowners, we have directly observed site activity over an extended period. Observations include:

- Vehicle numbers regularly exceeding consented limits
- Dust generation from vehicle movements
- Use of floodlighting to enable night-time operational activity
- Cleanup activities subsequent to notification of inspection by CODC

When the applicant was notified of a forthcoming site inspection, there was a marked increase in site activity in the days immediately preceding the inspection, including last-minute truck movements (Figure 4) clearing equipment and materials from the site.

Despite this reactive site activity, the applicant **remained in breach of consent conditions**, demonstrating that superficial mitigation did not resolve underlying compliance issues.

8.3 Direct Engagement with the Applicant

We have raised concerns directly with the applicant regarding operational effects:

- The issue of night lighting and light spill was communicated to the company
- We were advised that the matter would be addressed
- No sustained or effective mitigation was subsequently observed

At the time, we were not aware of the full extent of consent non-compliance. Had this been known, the matter would have been formally escalated to the relevant regulatory authority.

8.4 Communication and Conduct

Engagement with directly affected parties has been limited.

- No proactive consultation has been undertaken with us as neighbouring landowners
- Communication has been confined to statutory minimum requirements
- Notification of roadworks on Bendigo Loop Road was provided at the latest permissible timeframe

This pattern indicates a reliance on minimum compliance, rather than genuine good-faith engagement.

While we acknowledge that Santana has, in some instances, engaged with the wider community, particularly within Tarras and Cromwell, we consider that engagement with those most directly and adversely affected has been inadequate.

Meaningful engagement with immediately affected parties is a fundamental component of establishing and maintaining a social licence to operate, particularly for a project of this scale. We are concerned that Santana's approach has prioritised broader, higher-visibility engagement over substantive, good-faith engagement with those most closely impacted. This deficiency is significant and weighs against the appropriateness of the proposal in its current form.

8.5 Relevance to the Current Application

The evidence demonstrates:

- Repeated exceedance of consent conditions
- Reactive rather than proactive operational behaviour
- Minimal engagement with affected stakeholders

This is directly relevant to:

- the credibility of proposed mitigation measures
 - the applicant's ability to comply with future consent conditions
 - the effectiveness of monitoring and enforcement mechanisms
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9. Broader Employment and Community Impacts

In addition to direct effects on landowners, the proposed mine would impact contracted viticulture operations, which are not recognised as directly affected parties because they do not own adjacent land.

Folding Hill engages the services of a professional viticulture company, which manages approximately 50 hectares of vineyards in the Bendigo area. This company directly employs a minimum of 40 staff at any one time, including a significant number of Recognised Seasonal Employer (RSE) workers from Vanuatu.

Employment through the RSE program supports the livelihoods of these workers and their families. Potential loss of vineyard management work due to disruption from mining activity would therefore have material consequences for local employment and the broader social community, including:

- Reduction in income for permanent and seasonal staff
- Displacement of RSE workers, whose employment supports families and communities overseas
- Potential cascading effects on regional labour markets and associated services

These potential impacts are directly attributable to the proposed mining activity if it should disrupt vineyard management in the area. We submit that the Panel should explicitly include these considerations in their assessment of cumulative economic and social risks.

10. Understanding Scale of Effects

The scale of modern open-cast mining can be difficult to fully appreciate from technical documentation alone. We acknowledge the panel has already completed a site visit to the proposed mine location and surrounding area.

We respectfully suggest that, if the Panel considers it appropriate within process, a site visit to comparable operation within Otago may assist in understanding the physical extent, duration and landscape transformation associated with developments of this nature.

Such context is directly relevant to assessing the magnitude and permanence of the effects described in the submission.

11. Conclusion

The Kerruish family has invested significant capital over 25 years in developing a sustainable, intergenerational vineyard business in Bendigo.

This investment is directly exposed to risks arising from:

- large-scale open-cast mining in close proximity,
- groundwater extraction from a shared aquifer,
- demonstrated compliance concerns, and
- procedural deficiencies in the application process

The evidence presented - including satellite imagery, third-party reporting, direct observation, and photographic evidence of reactive site activity - raises material concerns regarding both the substance of the proposal and the applicant's capacity to operate within regulatory limits.

While this submission focuses on the direct effects on Folding Hill, those effects arise within a broader landscape of established agricultural land use, including contracted viticulture operations and associated employment, where multiple neighbouring properties, local workers and seasonal workers are exposed to comparable risks. The Panel should therefore consider the cumulative implications for surrounding properties, the regional workforce, and the wider community when assessing the overall impact of the proposal.

Given the scale, permanence, and uncertainty of the potential effects, the proposal is not suited to fast-track approval and warrants full scrutiny through standard planning processes.

For these reasons, the Kerruish family respectfully submits that the Bendigo-Ophir Gold Project should not be approved under the Fast-track Approvals Act.

