Applicant Responses to Relevant Comments from Environmental Groups on the Bendigo-Ophir Gold Project

This document contains the key comments from the following parties:

- New Zealand Fish and Game Council;
- New Zealand Game Animal Council;
- Otago Conservation Board;
- Royal Forest and Bird Protection Society of New Zealand;
- Sustainable Tarras; and
- Environmental Defence Society Incorporated.

Comments from New Zealand Fish and Game Council

Comment Number	Comment	Applicant Technical Input	Where Addressed in the Application Documents	Response
1	Fish & Game's (**F&G**) comments focus on the project's effects and risks, in the short, medium and long-term on freshwater quality, aquatic ecology and the sports fish and game resource. F&G is impartial regarding the activity of mining itself.	N/A	N/A	N/A
2	The Project has not adequately assessed the receiving environment, which is a critical first step in assessing environmental effects.	Planning	**Substantive FTA Application:** A.09 - Section 2 – Existing Environment	Disagree. Document *A.9 / Section 2 Existing Environment* provides a thorough description of the existing environment and provides an appropriate baseline for assessing effects supported by relevant technical reports that provide further existing environment details. In particular, section 2.13 provides a summary of the existing water course and associated aquatic fauna of the project site and immediate surrounds. Also, section 2.14 provides adequate baseline for existing water quality.
3	The Project relies very heavily on water quality limits to ensure appropriate environmental outcomes, yet the proposed limits are not based on accurate analysis of the site's waterbodies and ignore wider receiving environments.	Ecotoxicology	**Substantive FTA Application:** B.06 - Mine Waste Management Limited - Mine Impacted Water Overview Report (MWM 2025) B.06A - Mine Waste Management Limited - Mine Impacted Water Overview Report – Appendix B to G **Response Evidence:** Evidence of Dr Greg Ryder - Paragraphs 15-32	GR: MWM has prepared a memorandum that tabulates the modelled annual contaminant loads exported from the mine site for the next 199 years. Using the worst-case year, these have been used to estimate their concentration if they reached the Lindis River and the Clutha River / Mata-Au under median and mean annual low flow conditions. This assessment shows that contaminant contributions that may enter these rivers under even low flow conditions are unlikely to threaten ANZG (2018) DVGs for 95% or even 99% level of species protection.
4	There are uncertainties which compound the risks from those poorly derived limits, including missing compliance and performance monitoring sites, unvalidated modelling of contaminant movement through waterbodies, and assumptions about contaminant capture and treatment that are not borne out by other application materials.	Environmental Chemistry / Water Hydrogeology Water Treatment Groundwater	**Substantive FTA Application:** B.06 - Mine Waste Management Limited - Mine Impacted Water Overview Report (MWM 2025) **Response Evidence:** Evidence of Ryan Burgess Evidence of Dr Paul Weber – Appendix A Evidence of Gary Smith	HGG: With the combination of the BOGP hydrogeological setting, proposed forward works, proposed seepage collection systems, performance monitoring, contingency measures available, the residual risk of unacceptable offsite MWSF seepage migration seepage is low. Any uncertainty in seepage containment can be manged appropriately through performance monitoring and contingency seepage interception systems. MWM: > Compliance and performance monitoring site are provided in the G01 Water Management Plan. > Treatment processes are understood for mine impacted waters. Further studies are required as explained in the MWM MIW Overview Report – Appendix M. > Further supporting studies and water treatment systems in New Zealand have been provided in the evidence of Paul Weber PFL:

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				> Comments on performance of proposed active water treatment have been provided in evidence of Gary Smith
5	The Project is situated upstream of waterbodies that have good water quality and significant freshwater values, both in terms of their instream values (trout fishery, indigenous fish) and human use values (irrigation, frost control, drinking water). The applicant has not assessed the Project's impacts on those values.	Aquatic Ecology Ecotoxicology	**Response Evidence:** Evidence of Dr Greg Ryder - Paragraphs 15-32. Evidence of Dr Ian Boothroyd	Groundwater for drinking water purposes is protected by adopting the NZ drinking water standards for potable water as compliance limits. The risk of water quality affecting fish communities is low given the absence of fish in local streams and the available dilution of water closer to the Lindis and Clutha rivers, as noted above. All see response to comment #3.
6	The Project has overlooked critical impacts including the potential for bioaccumulation of contaminants in trout (or other fish) and game birds which may be harvested and eaten by people.	Ecotoxicology Planning	**Response Evidence:** Evidence of Dr Greg Ryder - Paragraph 32.	MGL has committed to undertaking additional monitoring in the wider environment (Bendigo Creek, Lindis River), as a part of defining baseline conditions.
7	As proposed, the Project will have significant adverse effects on aquatic life, contrary to s 107 RMA.	Planning Aquatic Ecology	**Response Evidence:** Evidence of Dr Ian Boothroyd	Disagree. Taking into account both the limited range of aquatic life present in the watercourses associated with the BOGP and the proposed measures to manage the potential discharge of contaminants into the receiving environment recommended by MGLs independent technical experts, the discharges from the BOGP will not result in significant adverse effects on aquatic life and the restrictions of Section 107 of the RMA do not apply
8	The applicant has not put forward appropriate controls for management of the long-term risk of Tailings Storage Facility (TSF) failure.	Geotechnical and Tailings Storage Mine Closure	**Substantive FTA Application:** B.40 - Mine Closure Management – Mine Closure Plan (MCM 2025) - Section 13 **Response Evidence:** Evidence of Dr Trevor Matuschka - Paragraphs 17-20	EGL - The proposed TSF will provide a very safe and robust tailings storage solution for both operation and post closure of the site. This is because the TSF embankment is constructed principally from rockfill and buttressed by the Shepherds ELF which is comprised of a very large volume of rock fill. There are no credible failure modes that could lead to a mass release of tailings associated with earthquake and flood hazards. The TSF design criteria are based on extreme flood and earthquake load conditions. The TSF design flood is based on a 72-hour Probable Maximum Precipitation (PMP) event which is 703 mm. This is greater than the average annual rainfall depth of 550 mm. The TSF seismic design condition is based on earthquake ground shaking with an average return period of 10,000 years. Estimates of seismic hazard are based on the latest New Zealand National Seismic Hazard Model (2022) and includes rupture of the Alpine Fault and large magnitude faults near to the BOGP. The flood and seismic design criteria are consistent with international dam industry practice for high consequence dams. The TSF design will be independently peer reviewed as part of the Building Consents approval process for the tailings dam. During operation and post closure the tailings dam will be subject to regular dam safety reviews. These include intermediate (annual) dam safety reviews and independent comprehensive dam safety reviews every five years. They are standard industry practice; recommended by the New Zealand Dam Safety Guidelines and required by the Building (Dam Safety) Regulations 2022. CD: The final design for the TSF post operations is yet to be prepared, which is appropriate for this stage of planning. The Mine Closure Plan includes a commitment in the Future

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				Work Focus Areas to complete a further body of technical studies for the TSF which will then inform the final closure design.
9	Completion criteria that enable mine closure and relinquishment of the applicant's responsibilities are entirely inadequate and vague.	Planning Legal Mine Closure	**Substantive FTA Application:** Mine Closure Management – Mine Closure Plan (MCM 2025) - Section 8 and 14 **Response Evidence:** Evidence of Chantelle Dodge Legal Submissions, 17 April 2026 at 'Closure and Post Closure'	Closure completion criteria are deliberately and necessarily considered preliminary at the project planning and approvals stage while baseline and impact technical investigations are initiated and ongoing. This does not indicate that stringent standards for closure will not be met, in fact it indicates the opposite – that planning for the end of the mine life and beyond is being incorporated from the beginning of planning, at the time in which the highest level of project optionality exists. These criteria continue to be refined during the planning and operational phases of mining, based on new technical information, changes to stakeholder expectations, evolving industry standards and changes in risk profiles. Ideally closure criteria are SMART, that is specific, measurable, achievable, relevant and time-bound. All criteria are expected to be refined in each successive Mine Closure Plan update and the final criteria will be agreed with relevant Regulators and Stakeholders prior to the end of operations. The mine closure conditions are legally enforceable and sufficiently certain in terms of the parameters for the mine closure conditions.
10	Bond and insurance provisions are inadequate or lacking.	Planning Legal Bonding	**Substantive FTA Application:** B.44 - Lane Associates Limited – Bond Introduction (Lane Associates 2025) **Response Evidence:** Legal Submissions, 17 April 2026 at 'Role and Quantum of the Bond' and 'Insurance'	The report on bonding that is part of the application provides an example of the process only. Once a confirmed mine plan for the first year of site works is available, and the requirements of granted consent conditions known, a full assessment will be undertaken to determine the site remediation costs in detail. This detailed assessment will determine the bond quantum for the first year. The process is expected to be repeated annually. Condition C55 has been updated to make it clear that the bond must be sufficient to cover the costs of fulfilling obligations under management plans. The proposed bond will maintain the environmental gains made through the implementation of the offsetting and compensation package in perpetuity. Insurance such as public liability insurance will be taken out and annual premium will be included in the derivation of the bond quantum.
11	The Project is contrary to national RMA freshwater policy, the Otago Sports Fish and Game Management Plan and the proposed Bendigo Reserve Management Plan, and contrary to ss 5, 6 and 7 RMA.	Planning -	N/A	It is considered that when taking into account the range of measures proposed to manage adverse effects (that have been reflected in the proposed consent conditions), the BOGP generally achieves consistency with many of the provisions in the relevant statutory planning documents and management plans. Notwithstanding, it is acknowledged that any large and complex open pit mining project such as the BOGP may not achieve full consistency with each and every provision of these planning instruments. As a result, there will inevitably be some tension between the BOGP and some of the relevant policies. However, any potential inconsistencies are not fatal for decision-making under the FTA. The Substantive Application provides an assessment of the BOGP against Part 2 of the RMA. In summary, this assessment concluded that the Project would promote the sustainable management of natural and physical resources in accordance with sections 5,

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				6 and 7 of the RMA on the whole. It does, however, acknowledge there is some tension between the BOGP and aspects of section 6(c) of the RMA. Notwithstanding, it must be recognised that mining projects of the scale and complexity of the BOGP will inevitably involve adverse effects that will be either contrary to some provisions in statutory planning documents or with some matters identified in sections 6 and 7 of the RMA. This is to be expected, and these provisions must be considered in light of the statutory weighting exercise set out in the FTA.
12	Partial revocation of the Conservation Covenant will enable effects that are inconsistent with protection of the natural character of the land including the relationship between the land and watercourses and the natural functioning of ecosystems, contrary to s 45(1)(b) of Sch 6 FTAA	Planning Landscape and Visual Terrestrial Ecology	**Substantive FTA Application:** A.15 - Section 8 – Fast-track Approvals Act 2024 Requirements – Section 8.9 **Response Evidence:** Evidence of Mark Chrisp	The proposed partial revocation of the Covenant is necessary to enable the mining of the nationally significant gold deposits associated with the BOGP, and in turn, to realise the resulting significant regional and national benefits. The proposed partial revocation of the Covenant must also be considered in its broader spatial and ecological context. The Covenant currently applies to approximately 7,962 hectares of land within the Otago Land District. MGL proposes to revoke the Covenant from an approximately 888-hectare area that is demarcated by the cadastral boundaries of the affected properties.[1] This uplift area represents approximately 11% of the total Covenant area. In addition, while the balance of land within the proposed uplift area located outside the DDF will not remain protected by the Covenant during mining operations, it will not be subject to any mining activities and will instead only contain low-impact ancillary and supporting activities for the BOGP.
13	Partial revocation of the Conservation Covenant may result in effects on trout spawning or cause contaminant toxicity and bioaccumulation in trout and ecological damage to their habitats sufficient to impact the nationally significant trout fishery of the Clutha Mata-au River and Te Wairere Lake Dunstan, contrary to cl 45(1)(c) of Sch 6 FTAA.	Planning Ecotoxicology Groundwater	See response to comments #3 and #6.	See response to comments #3 and #6.
14	Fish & Game considers that there are adverse impacts that are out of proportion to the Project's benefits, so that the Panel should decline the Project under s 85(3) FTAA.	Planning Legal	**Response Evidence:** Legal Submissions, 17 April 2026 at 'Discretion to Decline Approvals'	Disagree. While MGL recognises that these concerns are genuinely held, the comment does not include any specific assessment or evidence on which to provide a considered response. Accordingly, MGL considers there is no technical or evidential basis to respond further. The threshold in section 85(3) is deliberately high and requires a Panel to apply a strong presumption in favor of enabling beneficial projects

[1] Refer to the plan provided in *C.14 Bendigo Conservation Covenant – Uplift Area*.

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15	Fish & Game has outlined potential improvements to water quality limits, compliance and performance monitoring, completion criteria and bond and insurance provisions, should the Panel consider that it can grant the approvals.	Bonding Ecotoxicology MGL Environmental Chemistry / Water	**Response Evidence:** Paragraph 37 in Evidence of Dr Greg Ryder.	Re bonds and insurance, these are addressed in other responses. MWM notes that performance monitoring is explained in the G.01 Water Management Plan. If improvements to this monitoring program are suggested to manage risks, then they should be considered. GR: I have recommended that an additional condition relating to groundwater monitoring be included, whereby if the concentration for a particular contaminant exceeds 50 % of the MAV value, that triggers an investigation response and an increase in the monitoring frequency.
16	Existing water quality within the Project site is described by the applicant as having "impacted" water quality. This description is based on results from a single sampling occasion, which is not reliable as an indicator of water quality condition – but in any event, the sampling results and subsequent monitoring of the Project site showed generally very good water quality, not impacted water quality.	Environmental Chemistry / Water Ecotoxicology	**Response Evidence:** Paragraph 38 in Evidence of Greg Ryder	MWM notes: > The Rise and Shine Creek contains several historic mining related features including stamper batteries and mullock piles. > Historic mine related residues (tailings and waste) may have been transported away from these sites. > Baseline studies are recommended to confirm the sediment quality within the Rise and Shine Creek and the Shepherds Creek drainage system (including the ephemeral stretches of the creek bed) to understand historic mining effects and hence any future effects. > Further discussion is provided in the EDS Response 20. > Poor water quality was identified in the Rise and Shine Creek area as per B.06A MIW Overview Report – Appendix D. GR: Some contaminants already exceed the ANZG (2018) DGV for 95 % samples at the proposed Rise and Shine Creek monitoring site.
17	Categorisation of the site's water quality as "impacted" has had significant ramifications for the applicant's proposed water quality limits, and the entire approach to managing effects on waterbodies.	Ecotoxicology Environmental Chemistry / Water	**Response Evidence:** Evidence of Greg Ryder - Paragraph 38	MWM notes there are legacy effects associated with historic mining activities that should be considered. GR: Some contaminants already exceed the ANZG (2018) DGV for 95 % samples at the proposed Rise and Shine Creek monitoring site. The Shepherds Creek monitoring site (SC01) appears to exhibit consistently elevated pH (median of >8.1) and elevated nitrate and turbidity levels on occasions.
18	Existing water quality in much of the receiving environment is not described in the application documents. Ms McArthur has drawn on Otago Regional Council (ORC) water quality reporting to advise that: a. The Lindis River (Ardgour Road monitoring site), Mata-au Clutha River (Luggate Bridge monitoring site) and Te Wairere Lake Dunstan have very good water quality, high clarity and low nutrient concentrations.	Ecotoxicology	**Response Evidence:** Evidence of Greg Ryder - Paragraphs 15-32	There is a very low risk of the water quality status of Lindis River, Clutha River / Mata-Au and Lake Dunstan being adversely affected by mine contaminants.

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	b. Bendigo Aquifer also has good existing water quality. c. No groundwater data is available for the Ardgour Aquifer.			
19	The provision of a minimum flow in the lower river from October 2026 is expected to reduce the impacts of abstraction in the Lindis River and improve fishery and angling amenity values. When considering the Project's effects, it is relevant to consider the future environment as modified by the full implementation of those consents (a less impacted river with improved fishery and angling amenity values). The addition of contaminants from the Bendigo-Ophir Gold Project (BOGP) to the lower Lindis may create multiple stressor impacts (cumulative effects).	Ecotoxicology Environmental Chemistry / Water Groundwater	**Response Evidence:** Evidence of Paul Weber Evidence of Greg Ryder - Paragraphs 15-32	MWM notes that solute loads have been assessed for the BOGP. This is provided in the evidence of Paul Weber (Appendix F). Simple numerical analysis for maximum annual load (using sulfate as an example) divided by median flow indicates that sulfate will increase by: > 0.03 mg/L in the Clutha River. > 1.7 mg/L in the Lindis River. Noting these data are for median flow as context and do not consider the effect during drier periods (e.g., mean annual low flow periods). A similar exercise using mean annual low flow conditions indicates that sulfate will increase by: > 0.072 mg/L in the Clutha River. > 28.4 mg/L in the Lindis River. These concentrations are well below potentially toxic concentrations.
20	Macroinvertebrate community health was assessed in Bendigo Creek and described as fair to good by Allibone. The macroinvertebrate values in the wider receiving environment are not described in the application materials (including no assessment of rare or threatened macroinvertebrates). Based on ORC data, macroinvertebrates are in fair to good condition at the Lindis at Ardgour Road site but at times poor, most likely due to drying.	Aquatic Ecology	**Response Evidence:**	MGL commissioned Bioresearches 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.
21	Fish in the wider receiving environment are not described in the application materials. Mr Trotter observes that in favourable flow conditions the lower Lindis River, downstream of the crossing, supports some large longfin tuna (eels) and the occasional galaxiid fish.	Aquatic Ecology	**Substantive FTA Application:** B.17 Water Ways Consulting - Assessment of Effects on Aquatic Habitat (Waterways 2025)	No fish were found in the streams in the project footprint. Both the Bendigo Creek and Shepherds Creek disappear into the alluvium soon at the toe of the mountains, and are generally not connected to the Lindis River or Clutha- Mata-au. B.17 records trout and some galaxiids in the lower reaches of Bendigo Creek outside the project footprint
22	Groundwater ecosystems (stygofauna and biofilms) in receiving groundwater are not described in the application materials. Water from the Project's receiving environment is relied on for human uses including drinking water, irrigation and frost protection.	MGL	N/A	MGL acknowledges that groundwater ecosystems, including stygofauna and biofilms, are not explicitly described in the FTA application. Given that the project involves mining activities with potential interaction with groundwater, and that the receiving groundwater supports human uses including drinking water, irrigation and frost protection, groundwater protection is a critical consideration.

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				The assessment has focused on avoiding adverse changes to groundwater quality and hydraulic conditions through mine design, water management controls and monitoring. These measures are intended to ensure that discharges or seepage do not result in contaminant concentrations or flow changes that could adversely affect groundwater-dependent ecosystems or existing users. On this basis, and with the implementation of proposed mitigation and monitoring, adverse effects on groundwater ecosystems and human uses are not anticipated.
23	Information required by section 43 must be specified in sufficient detail to satisfy the purpose for which it is required. The applicant's information does not meet that threshold.	Planning Legal	**Response Evidence:** Legal Submissions, 17 April 2026 at 'Adequacy of Information'	Disagree. Section 8 of the Substantive Application provides a complete set of each FTAA requirement (including Section 43) and reports the extent to which the application complies with each. This assessment confirms the application complies with all FTAA information requirements. In addition, it is noted that the application was accepted by the EPA for processing following their own independent checks against s43. There is sufficient information before the Panel to assess the effects of the BOGP.
24	The application and supporting documents assess the project site itself. The application documents have not assessed the current state or values of receiving waters beyond the site. This has substantive implications: a. The applicant has not established a proper foundation for assessing the impacts of the project on these values and waterbodies. b. A robust evaluation of the wider receiving environment has not been undertaken. c. As a result, the proposed limits, modelling assumptions, and assessments of effect are incomplete and do not provide a reliable basis for managing risks to downstream receiving environments.	Planning Aquatic Ecology Groundwater Ecotoxicology	**Response Evidence:** Evidence of Dr Ian Boothroyd	Disagree. Document *A.9 / Section 2 Existing Environment* provides a thorough description of the existing environment and provides an appropriate baseline for assessing effects supported by relevant technical reports that provide further existing environment details. In particular, section 2.13 provides a summary of the existing water course and associated aquatic fauna of the project site and immediate surrounds. Also, section 2.14 provides adequate baseline for existing water quality.
25	*I & P Farming Limited v Hawke's Bay Regional Council* provides a recent example of the Environment Court's assessment of the adequacy of an applicant's assessment of the receiving environment and environmental impacts. Very similar inadequacies arise in the BOGP application.	Legal	**Response Evidence:** Legal Submissions, 17 April 2026 at 'Adequacy of Baseline Information'	Not relevant – the evidence of Dr Baber, Dr Ussher, Mr Milner and Mr Lurling confirms the baseline assessments undertaken included detailed investigations, consistent with best-practice methodologies.
26	While s 104(6) does not provide a standalone ground for declining an application under the FTAA, it is clearly a matter that the Panel can and should place weight on as an adverse impact under s 85(3) FTAA.	Legal	**Response Evidence:** Legal Submissions, 17 April 2026 at 'Adequacy of Information'	The application contains sufficient information to assess the effects of the BOGP.

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27	The applicant's proposed water quality limits will not manage these adverse effects. Robust assessment of the effects of discharge contaminant concentrations must consider the existing background conditions of the receiving environment. The applicant has not done this.	Ecotoxicology Environmental Chemistry / Water	**Response Evidence:** Evidence of Paul Weber – Appendix F.	MWM has provided a simple numerical analysis of the magnitude of effects on water quality in the evidence of Paul Weber. See response 19 above.
28	The proposed water quality limits serve multiple compliance and monitoring purposes for water management across the project, including identifying when significant adverse effects on aquatic life may arise, defining treatment system design, treatment duration, informing adaptive management and more. If they are not set at the right level, or if non-compliance is not picked up, or if non-compliance is picked up but cannot be remedied effectively, the environment will be significantly impacted.	Ecotoxicology Environmental Chemistry / Water Water Treatment	**Response Evidence:** Evidence of Gary Smith	MWM notes: > that a comprehensive monitoring program is proposed that includes leading and lagging performance indicators to enact adaptive management processes. > This performance monitoring program (leading and lagging) is contained in the G.15 ELF Management Plan and the G.01 Water Management Plan. PFL: > Comments on performance of proposed active water treatment have been provided in evidence of Gary Smith
29	Water quality compliance limits are set at 'site exit points', purportedly to manage adverse effects from contaminants leaving the site. Surface and subsurface flows from the project discharge into a wider receiving environment that has not been thoroughly considered with some receiving environments completely overlooked.	Ecotoxicology Groundwater Planning	N/A	Disagree. Proposed water quality compliance limits have been carefully considered to ensure appropriate management of adverse effects from contaminants leaving the site. The comment does not include any specific assessment or evidence on which to provide a considered response. Accordingly, MGL considers there is no technical or evidential basis to respond further.
30	The proposed limits allow for contaminant concentrations that, if fully implemented, would degrade water quality to the extent that there would be a risk of more than minor to significant adverse effects on aquatic life for surface waters within the site and for waterbodies in the wider receiving environment.	Ecotoxicology Environmental Chemistry / Water Aquatic Ecology	**Response Evidence:** Evidence of Paul Weber – Appendix F. Evidence of Greg Ryder - Paragraphs 15-32	MWM notes that solute loads have been assessed for the BOGP. This is provided in the evidence of Paul Weber that has been provided to the panel. Simple numerical analysis for maximum annual load (using sulfate as an example) divided by median flow indicates that sulfate will increase by: > 0.03 mg/L in the Clutha River. > 1.7 mg/L in the Lindis River. Noting these data are for median flow as context and do not consider the effect during drier periods (e.g., mean annual low flow periods). A similar exercise using mean annual low flow conditions indicates that sulfate will increase by: > 0.072 mg/L in the Clutha River. > 28.4 mg/L in the Lindis River. These concentrations are well below potentially toxic levels.
31	The proposal, if discharging at the limit set out in the application will increase pollution of the existing environment, degrading water quality from what is	Ecotoxicology Environmental Chemistry / Water	**Response Evidence:** Evidence of Paul Weber – Appendix F.	See response 30 above

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	generally a good state. This adds cumulative contamination impacts to waterbodies that generally have good water quality but are at times stressed by over-allocation (excessive water extraction).	Groundwater		
32	Separate limits are set for surface and groundwater bodies, which do not protect the more sensitive systems, given the high degree of hydrological connectivity. Any limit should apply to both ground and surface waters to ensure the most sensitive system is protected.	Ecotoxicology Environmental Chemistry / Water Groundwater	**Substantive FTA Application:** N/A **Response Evidence:** N/A	MWM notes that ORC have raised the same issue. See that response.
33	The limits have been set at 90% species protection – the level recommended for "highly disturbed" systems - based on an inaccurate depiction of the condition of streams within the Project site that is not even supported by the applicant's own sampling and analysis.	Ecotoxicology Environmental Chemistry / Water Aquatic Ecology	**Substantive FTA Application:** B.06A - Mine Waste Management Limited - Mine Impacted Water Overview Report – Appendix B to G **Response Evidence:** Evidence of Dr Ian Boothroyd	The baseline water quality report (MWM) notes that for surface waters: > Shepherds Creek catchment is elevated in copper (Cu). > Bendigo Creek catchment is elevated in arsenic (As), cobalt (Co), Cu, and iron (Fe).
34	The "site exit point" limits operate as de facto limits for the wider receiving environment, without analysis of the receiving environment water quality; freshwater values; or recognition of ground and surface water interconnection, on the assumption that these limits plus dilution within receiving waterbodies will be suitable to protect the receiving environment beyond the site.	Ecotoxicology Environmental Chemistry / Water Groundwater	**Response Evidence:** Evidence of Greg Ryder - Paragraphs 15-32	Disagree. Proposed water quality compliance limits have been carefully considered to ensure appropriate management of adverse effects from contaminants leaving the site. MWM notes that solute loads have been assessed for the BOGP. This is provided in the evidence of Paul Weber that has been provided to the panel. Simple numerical analysis for maximum annual load (using sulfate as an example) divided by median flow indicates that sulfate will increase by: > 0.03 mg/L in the Clutha River. > 1.7 mg/L in the Lindis River. Noting these data are for median flow as context and do not consider the effect during drier periods (e.g., mean annual low flow periods). A similar exercise using mean annual low flow conditions indicates that sulfate will increase by: > 0.072 mg/L in the Clutha River. > 28.4 mg/L in the Lindis River. These concentrations are well below potentially toxic levels.
35	Given existing good water quality and the interconnected nature of surface and groundwater of the site and the wider receiving environment, and the fisheries, ecological and cultural values of that receiving environment Ms McArthur recommends a 95% species protection level	Ecotoxicology Groundwater	**Response Evidence:** Evidence of Greg Ryder - Paragraph 49	Disagree. No aquatic species of high conservation value or threatened status are present in Rise and Shine Creek and Shepherds Creek. Proposed water quality compliance limits have been carefully considered to ensure appropriate management of adverse effects from contaminants leaving the site.

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	(consistent with a slightly to moderately disturbed ecosystem) as a minimum.			
36	The applicant's proposed nitrate-nitrogen and ammoniacal nitrogen compliance limits are based on national bottom lines for nitrate and ammoniacal nitrogen toxicity attributes from the NPSFM (2020). The NPSFM (2020) recognises that more stringent limits are required to manage trophic state. Dr Ryder's single nutrient limitation concept approach has been discredited by published scientific opinion and has been rejected in freshwater planning.	Ecotoxicology Environmental Chemistry / Water	**Response Evidence:** Evidence of Greg Ryder - Paragraphs 16 and 50	The proposed nitrate and ammoniacal nitrogen limits are not national bottom lines and are within their respective B band attribute states in the NPSFM (2020). Indicative performance targets for invertebrate communities set out in Table 4 of the Freshwater Ecology Management and Monitoring Plan provide a practical trigger for managing the localised effects of bioavailable nutrients. For context, MWM notes that the mine circuit water that will be elevated in nitrogenous compounds will not be discharged until after the Operational Phase of the mine when treatment systems will be established for such constituents.
37	Ms McArthur describes nitrogen limits recommended in scientific literature of between 0.2 and 1.0 mg/L, with 0.4 mg/L being broadly consistent with existing macroinvertebrate community health in the lower Lindis River (although still a substantial increase in nutrient concentrations) and 0.231 mg/L from Otago-based studies for periphyton outcomes.	Ecotoxicology	**Response Evidence:** Evidence of Greg Ryder - Paragraph 29	Modelled increases of nitrate concentration in the lower Lindis River under mean annual low flow conditions are less than 0.231 mg/L.
38	The applicant is proposing nitrogenous compliance limits that are significantly higher (2.4 mg/L) than published recommendations and current nitrogen concentrations. The magnitude of the difference between published recommendations/current state and the compliance limits in the application increases the likelihood that significant adverse effects on aquatic life, ecosystem health and other freshwater values will occur.	Ecotoxicology	**Response Evidence:** Evidence of Greg Ryder	The recommended compliance limits for ammonia and nitrate toxicity at the proposed compliance monitoring sites of SC01 and RC03 are broadly consistent with ANZG default guidelines, and the MWM modelling of solute loads for the BOGP indicates these contaminants are not an issue in wider receiving water environments.
39	Ms McArthur also recommends: a. A dissolved oxygen limit consistent with B Band NPSFM (2020) to ensure any stress on aquatic life from discharges are occasional and minor. b. Limits to protect the receiving environment from the toxic effects of petroleum hydrocarbons (TPH). c. Alignment of groundwater and surface water limits (rather than separate limits proposed in Ryder (2025)). d. Monitoring of bioaccumulation of toxic metals in fish.	Ecotoxicology Environmental Chemistry / Water Water Treatment	**Substantive FTA Application:** G.01 - Water Management Plan	MWM notes: > Combined surface and groundwater limits were proposed by ORC. > Continuous performance monitoring is proposed at key mine domains to understand trends in water quality as explained in the G.01 Water Management Plan. Automated alarms could be added. PFL: > EC monitors at WTP will be alarmed (response to f. only)

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	e. Chemical oxygen demand (COD) be added to the monitoring regime alongside CBOD5. f. In situ loggers proposed for performance monitoring of electrical conductivity should be alarmed with automated messaging to the appropriate site manager to enable a rapid response to contamination events.			
40	RS03 monitoring site is positioned below the confluence with Clearwater Creek and does not allow for an understanding of surface water quality leaving the site via Rise and Shine Creek.	Hydrogeology	**Response Evidence:** Evidence of Ryan Burgess	Refer to response to Comment #60 from ORC.
41	*Comment row intentionally left blank.*			
42	Ms McArthur recommends: > Additional monitoring sites are needed to assess potential effects on downstream receiving environments. > Increased frequency of performance monitoring.	MGL Aquatic Ecology Planning	**Substantive FTA Application:** G.01 - Water Management Plan G.10- Mammalian Pest Management Plan G.11 - Biosecurity and Plant Pest Management Plan G.12 - Biodiversity Outcome Monitoring Plan G.13 - Freshwater Ecology Management and Monitoring Plan **Response Evidence:** Evidence of Dr Ian Boothroyd	MGL has proposed comprehensive biological and water monitoring across the project throughout operations and closure. The Water Management Plan layouts the requirements for monitoring surface flows and groundwater and includes compliance criteria for water quality at the downstream boundaries of the project. Flow and electrical conductivity (an indicator of changing quality) will be measured continuously. Quality will be sampled monthly. The WMP also describes the locations for performance monitoring sites inside the project boundary that will act as early warning indicators of changes in water quality or flows which may affect downstream receiving environments. Sampling for quality in surface waters will be monthly and quarterly in groundwater. Data from performance monitoring sites will direct management actions to ensure compliance is maintained at the boundary. The WMP also includes groundwater monitoring in the Ardgour Aquifer downstream of the site. The Freshwater Management Plan lays out the monitoring parameters and frequency for stream diversions and riparian planting. The Biodiversity Outcome Management Plan lays out the flora and fauna biodiversity targets for the rehabilitation and ecological uplift areas including wetland, and monitoring and reporting requirements to track progress against the targets. Annual reporting will include recommendations for adaptive management if progress against targets is not being achieved. The Biosecurity Pest Plant Management Plan and Mammalian Pest Management Plan also lay out monitoring and reporting requirements to ensure control of pests is being achieved.
43	Because the assessment of the wider receiving environment and the freshwater values of that environment has been inadequate, the compliance monitoring regime is likewise inadequate to determine whether water quality limits are being complied with, or whether a management response is required to mitigate wider receiving environment effects that arise over time.	Planning	**Substantive FTA Application:** A.09 - Section 2 – Existing Environment	Disagree. Document *A.9 / Section 2 Existing Environment* provides a thorough description of the existing environment and provides an appropriate baseline for assessing effects supported by relevant technical reports that provide further existing environment details. In particular, section 2.13 provides a summary of the existing water course and associated aquatic

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				fauna of the project site and immediate surrounds. Also, section 2.14 provides adequate baseline for existing water quality and freshwater values.
44	Ms McArthur advises that reducing the range of contaminants or the frequency of performance monitoring in the water management plan over time increases the risk of not catching critical problems quickly.	Planning Legal Ecotoxicology Environmental Chemistry / Water Water Treatment	**Substantive FTA Application:** G.01 - Water Management Plan	MWM notes: > Section 7.4.1 of the G.01 Water Management Plan notes that "that performance monitoring will reduce over time, following an annual review period". > Any request to reduce the range of contaminants or decrease performance monitoring frequency would be based on a robust dataset once mining operations have ceased (i.e., a stable geochemical environment). > Monitoring would be supported by strong relationships to continuous monitoring data (e.g., electrical conductivity) to provide ongoing confidence in water quality trends. > Any decrease in performance monitoring requirements would require approval by the ORC. > It is proposed that in the Closure Phase after earthworks have ceased that the frequency of performance monitoring will reduce with a risk-based approach taken. This may require 2 years of stable water quality trends (in line with the ANZG (2018) timeframe requirements to develop baseline water quality databases at the start of a project).
45	The correlation between the performance monitoring and compliance monitoring sites is also an important consideration with respect to whether it is environmentally precautionary or safe to downscale the performance monitoring programme.	MGL Environmental Chemistry / Water	**Substantive FTA Application:** G.01 - Water Management Plan	MWM notes that performance monitoring sites are leading performance indicators to inform effects at the compliance monitoring locations. Trends would be validated against compliance monitoring results.
46	The applicant's understanding of the movement of water and contaminants through surface and groundwater systems is inadequate to predict potential effects.	Hydrogeology Groundwater	**Response Evidence:** Evidence of Ryan Burgess	HGG: With the combination of the BOGP hydrogeological setting, proposed forward works, proposed seepage collection systems, performance monitoring, contingency measures available, the residual risk of unacceptable offsite MWSF seepage migration seepage is low. Any uncertainty in seepage containment can be manged appropriately through performance monitoring and contingency seepage interception systems.
47	The Lindis River at Ardgour Road ORC state of the environment monitoring site is within the area likely to be most affected by the plume of contaminants in groundwater emanating from Shepherds Creek. The future environment as modified by the full implementation of resource consents granted subject to minimum flow requirements coming into force in October 2026 should be considered. The addition of contaminants from the BOGP to the lower Lindis will create multiple stressor impacts (cumulative	Ecotoxicology Environmental Chemistry / Water Groundwater Aquatic Ecology	**Response Evidence:** Evidence of Paul Weber – Appendix F. Evidence of Dr Ian Boothroyd Evidence of Greg Ryder	MWM notes a high-level assessment of loads to the Lindis River and the Clutha River has been undertaken. See response to Comment 19.

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	effects). These contaminants should be assessed as discharging to an important fishery with a reasonable minimum flow and improved fishery and angling amenity values.			
48	The conclusion that impacts on the Ardgour Aquifer will be "less than minor" is unsupported for the following reasons: a. Modelling focuses only on sulphate transport; impacts from other contaminants in the Lindis–Ardgour system have not been assessed. b. No validation of the solute transport modelling has been provided. c. The assessment assumes all seepage is captured and treated, which is unrealistic even when treatment systems are fully operational. d. Post-closure leaching from engineered landforms could lead to downstream accumulation of solutes in groundwater. e. Operational storm events may release large solute loads, particularly as routine active treatment during operations is not proposed. f. Intense rainfall that overwhelms sediment ponds is unlikely to receive adequate settling or treatment.	Hydrogeology Groundwater Mine Closure	**Response Evidence:** Evidence of Ryan Burgess	With the combination of the BOGP hydrogeological setting, proposed forward works, proposed seepage collection systems, performance monitoring, contingency measures available, the residual risk of unacceptable offsite MWSF seepage migration seepage is low. Any uncertainty in seepage containment can be managed appropriately through performance monitoring and contingency seepage interception systems.
49	*Comment row intentionally left blank*			
50	*Comment row intentionally left blank*			
51	Avoiding downstream effects on Bendigo Creek and Aquifer relies on the proposed water quality limits being adequately protective (which they are not), and future treatment systems being effective at achieving the limits (which is highly uncertain). Without more protective limits that are consistently met, water quality in the Bendigo Creek and Aquifer are likely to be significantly degraded.	Ecotoxicology Environmental Chemistry / Water Water Treatment Groundwater Aquatic Ecology	**Response Evidence:** Evidence of Paul Weber – Appendix F. Evidence of Greg Ryder	PFL: Comments on performance of proposed active water treatment have been provided in evidence of Gary Smith. GR: Proposed compliance limits for groundwater are based largely on NZ drinking water standards for potable water supply.
52	Toxicants, metals and metalloids that are absent from or lack compliance limits in the application. This includes TPH, which is not considered at all; iron, manganese,	Environmental Chemistry / Water	**Substantive FTA Application:** G.01 - Water Management Plan	The geoenvironmental hazard assessment suggests selenium and mercury are low. Performance monitoring of seepage from the TSF and ELF could be undertaken to validate the assumption that they are not elevated.

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	hydrogen sulfide, mercury and selenium, none of which have proposed compliance limits; and arsenic, the concentrations of which are likely to be significantly underpredicted.			Hydrogen sulfide (HS) could be an issue if reducing conditions occur. As noted in the G.01 Water Management Plan, secondary contaminants from passive treatment could include HS^-. Iron and manganese are covered in the proposed compliance monitoring program and this is explained in the G.01 Water Management Plan.
53	Limits are specified only for soluble contaminants (metals) and do not account for total metals, which will be transported in mass loads and adsorbed to sediments.	Ecotoxicology Environmental Chemistry / Water	Refer Environmental Defence Society comments (20 and 21)	The transport of trace metals associated with sediment are discussed in the response to Environmental Defence Society comments (20 and 21). Surface compliance limits for metals in surface waters are mostly soluble (dissolved) forms as per ANZG (2018) guidelines, apart from Antinomy. Groundwater compliance limits for metals are for total metals, as per the drinking water standards.
54	*Comment intentionally left blank*			
55	There is a high degree of uncertainty as to whether active or passive treatment systems will significantly reduce nitrate and ammoniacal nitrogen concentrations in mine-impacted water prior to discharge to the wider receiving environment. This is the case even with the applicant's proposed (permissive) limits and becomes even more uncertain if appropriately stringent limits are set.	Environmental Chemistry / Water Water Treatment	**Response Evidence:** Evidence of Paul Weber (Appendix A) Evidence of Gary Smith	PFL: Comments on performance of proposed active water treatment have been provided in evidence of Gary Smith. MWM Notes: > Passive treatment to remove nitrate is a well-established process in the agricultural industry (e.g., https://flrc.massey.ac.nz/workshops/20/Manuscripts/Paper_Burbery_1_2020.pdf > The process of passive treatment to reduce sulfate from mine impacted water first requires the removal of nitrate. Numerous studies have been undertaken on this matter, and further examples are provided in the evidence of Paul Weber – Appendix A).
56	Not all seepage of mine impacted waters will be captured - some will enter the environment untreated.	Hydrogeology Groundwater	**Response Evidence:** Evidence of Ryan Burgess	HGG: With the combination of the BOGP hydrogeological setting, proposed forward works, proposed seepage collection systems, performance monitoring, contingency measures available, the residual risk of unacceptable offsite MWSF seepage migration seepage is low. Any uncertainty in seepage containment can be manged appropriately through performance monitoring and contingency seepage interception systems. Refer to response to EDS comment #12 for seepage collection matters.
57	Insufficient consideration has been given to how mass loads and pulses of contaminants in mine drainage will be affected by climate change projections, including predicted increases in rainfall intensity.	Hydrogeology Groundwater	**Response Evidence:** Evidence of Ryan Burgess	HGG: The closure water and load balance model used a stochastically generated daily rainfall and potential evapotranspiration (PET) timeseries over a 200-year period. Climate Change was applied as factors to rainfall and PET for the SSP2-4.5 projected for the 2028-2099 period, as described on page 31 of MWM (2025). With this factor, daily rainfall was intensified in the modelling.
58	MGL acknowledges that some seepage from the TSF and ELFs will bypass capture, but says that any seepage into the underlying groundwater will be minor. This assumes the applicant will be able to identify when an	Hydrogeology Groundwater	**Response Evidence:** Evidence of Ryan Burgess	HGG: Refer to response to EDS comment #12 for seepage collection matters. D.04 condition 30 is proposed to develop trigger levels at which implementation of contingency seepage interception systems may occur (it is noted other remedial actions

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	"inadequate" volume of seepage is being captured (triggering installation of a secondary system). MGL has not established what adequate or inadequate levels of capture are in this context.			may be more appropriate). I recommend triggers be a combination of measured solute concentration levels and qualitative trend analysis.
59	MGL has not assessed the effects on groundwater and downstream surface water of discharging the uncaptured and untreated portion of seepage, and places high reliance on water quality limits to mitigate adverse effects. There is insufficient information about ground conditions and groundwater movement, and over-reliance on modelling in the detailed design stage, which again defers a critical issue to the post-consent stage.	Hydrogeology Groundwater	**Response Evidence:** Evidence of Ryan Burgess	HGG: Appendix A in my Evidence provides a quantitative assessment of seepage capture/bypass from the proposed MWSF seepage collection systems. Findings suggests proposed seepage collection systems will collect high proportions of seepage (i.e., 90% or higher) for the Shepherds ELF, TSF, Western ELF, and Srex ELF. Collection may not be as high for the Shepherds Creek Valley Fill, but performance monitoring and industry standard contingency measures are available to manage seepage of this feature. IIn my opinion, with recommendations for forward works, any uncertainty in seepage containment can be manged appropriately through performance monitoring and contingency seepage interception systems.
60	The information before the Panel does not establish that the condition requiring "no migration of untreated seepage beyond the boundary of the site" recommended by ORC's Dr Greer is achievable or able to be effectively monitored and enforced.	Hydrogeology Groundwater	**Response Evidence:** Evidence of Ryan Burgess	HGG: The Water Management Plan (G.01) defines a carefully considered set of ground and surface water performance monitoring locations. They include locations immediately downstream and between contaminant sources and potential receptors. These will be able to effectively monitor for bypass of untreated seepage past seepage collection systems. Contingency measures have been identified (HGG, 2026) to improve seepage collection should they be required.
61	The condition requiring "no migration of untreated seepage beyond the boundary of the site" recommended by ORC's Dr Greer is also incompatible with MGL's long-term leachate management approach, which assumes no treatment (and therefore that untreated seepage meeting the RMA definition of "contaminant" will migrate beyond the site) following cessation of active and passive treatment.	Planning	N/A	Disagree. No changes to the conditions have been made in response to this comment.
62	Post-active treatment, MGL proposes a further "many decades" of passive treatment but has not provided any information about what the PTS will entail. Once the PTS eventually ceases to provide treatment, there is no further capture or treatment; seepage passes directly through groundwater toward the Lindis, with travel times of 10–60 years from the ELF toe and a further 3–20 year flushing period once contamination inflow ceases. There is no modelling of what contaminant concentrations will look like at that point in the Lindis or downstream water bodies.	Mine Closure Ecotoxicology Environmental Chemistry / Water	**Substantive FTA Application:** B.06C - Mine Waste Management Limited - Mine Impacted Water Overview Report – Appendix I to O **Response Evidence:** Evidence of Greg Ryder Paragraphs 15-32	MWM notes that details on the passive water treatment are provided in the Water Treatment Study. Further trials are required to confirm the exact system that is required. This is best undertaken on representative water quality. See response to comment 34.

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63	The closure completion criteria may allow seepage capture and treatment to cease once groundwater limits are met, without requiring compliance with the more protective surface water limits — meaning untreated seepage could flow past the ELF toe and into the Ardgour Aquifer and Lindis River system.	Mine Closure Environmental Chemistry / Water Groundwater	**Substantive FTA Application:** B.40 - Mine Closure Management – Mine Closure Plan (MCM 2025)	MWM: Water treatment systems will be developed to ensure water quality objectives are achieved. MCM note that the Mine Closure Plan has adopted the operational water quality limits for both surface and groundwater, noting that these will be refined as operations progress.
64	The Applicant's approach to 'adaptive management' is inconsistent with the requirements for adaptive management outlined by the Supreme Court.	Legal Planning	**Response Evidence:** Evidence of Mark Chrisp Legal Submissions, 17 April 2026 at 'Adaptive Management'	Disagree. The circumstances where the use of adaptive management is proposed is considered appropriate and aligned with relevant case law and recognised resource management practice. The comment does not include any specific assessment or evidence on which to provide any further considered responses. The BOGP meets the key requirements for reliance on an adaptive management approach as set out by the Supreme Court
65	It is not clear what the effects of the discharge of contaminants from the site may be on macroinvertebrate communities in the lower Lindis River or Bendigo Creek.	Ecotoxicology	**Response Evidence:** Evidence of Greg Ryder	See response to comment 34.
66	Adverse effects on macroinvertebrates impact higher up the food chain as sources of food for trout and other fish are diminished.	Aquatic Ecology	**Response Evidence:**	MGL commissioned Bioresearches 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.
67	To maintain a 'good' state of macroinvertebrate community health in the lower Lindis River and Bendigo Creek requires a more precautionary approach to understanding and managing the concentrations and loads of contaminants entering those aquatic ecosystems.	Aquatic Ecology	**Response Evidence:**	See above response, comment 66.
68	In a statement for the Environmental Defence Society, Dr Morgan raises concerns about the significant impacts of the BOGP on wetlands e.g., from the SREX pit and loss of wetlands from water table drawdown.	Groundwater Hydrogeology	**Response Evidence:** Evidence of Ryan Burgess	HGG: see response to EDS Comment #7.
69	Stygofauna and microbial biofilms in aquifers are adversely affected by elevated nitrogenous contaminants, toxicants and metals, as well as low oxygen conditions. The applicant has not assessed stygofauna impacts.	MGL	N/A	MGL acknowledges that groundwater ecosystems, including stygofauna and biofilms, are not explicitly described in the FTA application. Given that the project involves mining activities with potential interaction with groundwater, and that the receiving groundwater supports human uses including drinking water, irrigation and frost protection, groundwater protection is a critical consideration. The assessment has focused on avoiding adverse changes to groundwater quality and hydraulic conditions through mine design, water management controls and monitoring. These measures are intended to ensure that

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				discharges or seepage do not result in contaminant concentrations or flow changes that could adversely affect groundwater-dependent ecosystems or existing users. On this basis, and with the implementation of proposed mitigation and monitoring, adverse effects on groundwater ecosystems and human uses are not anticipated.
70	The applicant has not directly considered impacts on ecosystem metabolism (dissolved oxygen processing).	Ecotoxicology	N/A	Considered not to be a significant issue given observations of small streams over many years at the Macraes Gold Mine.
71	Contaminant transfer from Shepherds Creek to the lower Lindis River via Ardgour Aquifer has the potential to adversely affect trout spawning within the lower reaches of the river, and thereby potential effects on juvenile trout recruitment into Te Wairere Lake Dunstan.	Ecotoxicology Environmental Chemistry / Water	**Response Evidence:** Evidence of Paul Weber – Appendix F. Evidence of Greg Ryder - Paragraph 36	MWM: See response to comments 19 for the load assessment. The risks to trout spawning, contaminant bioaccumulation of trout and toxicity, and habitat degradation, are very low, however an extended monitoring programme is recommended to observe contaminant concentrations over time.
72	No information has been provided on risks of bioaccumulation in fish. No monitoring has been proposed to ensure that fish from any impacted downstream receiving environments are safe to eat.	Aquatic Ecology	N/A	The risks to contaminant bioaccumulation of trout are very low given significant dilution available. It would be very difficult if not impossible to identify the source of any contaminants in salmonid flesh given populations are located some distance away from the BOGP and may undertake annual migrations to waterways even further away.
73	Appropriate water quality limits and tissue sampling and analysis information around bioaccumulation in trout are lacking.	Ecotoxicology	**Substantive FTA Application:** N/A **Response Evidence:** N/A	See response above (comment 72).
74	Adverse effects on trout will also adversely affect recreational values of the trout fishery. Trout fishery and spawning values in the area around the site are high and are at risk of significant adverse effects.	MGL	**Substantive FTA Application:** B.03 - Kōmanawa Solutions Limited - Groundwater Existing Environment and Effects Assessment (Kōmanawa 2025b) B.04 - Kōmanawa Solutions Limited - Surface Water and Catchment Existing Environment and Effects Assessment (Kōmanawa 2025c) B.06 - Mine Waste Management Limited - Mine Impacted Water Overview Report (MWM 2025) B.21 - Engineering Geology Limited - Shepherds Tailings Storage Facility Technical Report (EGL 2025b) B.23 - Engineering Geology Limited - Shepherds Tailings Storage	Potential effects have been addressed in the extensive technical assessments that formed the Substantive Application to the Fast Track Process. Waste rock and tailings have the highest potential to cause the environmental effects if not properly managed. The risks have been assessed and addressed in a number of geotechnical, geochemistry, hydrology and hydrogeology reports. Ground and surface water monitoring will identify any changes to water quality or flow. Monitoring locations are selected to ensure early warning of change and confirm compliance with conditions. Strict conditions set limits to protect the environment. Monitoring and reporting data will be publicly available. Bonding ensures that funds are available for restoration, if required, at any stage of the mine life. These measures will protect the trout fishery.

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75	Mr Paragreen expressly disagrees with the assessment that Bendigo Creek does not appear to have any sports fishery value. Population contributes to wider fisheries and is managed as a contributor to the Lake Dunstan and Upper Clutha fisheries. Mr Paragreen's position is that a fishery includes the habitat that supports it extending geographically past the area where fish are caught.	MGL	**Substantive FTA Application:** B.17 Water Ways Consulting - Assessment of Effects on Aquatic Habitat (Waterways 2025)	The survey of Aquatic Habitat in Bendigo Creek found trout in the lower reaches of the creek. Mr Paragreen's position is noted.
76	Fish and macroinvertebrate effects may be significant if contaminants discharged from the BOGP reach the lower Lindis River, Bendigo Creek, and Mata-au Clutha River at concentrations set out in the compliance limits (Ryder 2025) or greater (which may be the case if seepage is not controlled effectively).	Ecotoxicology Groundwater Aquatic Ecology	**Response Evidence:** Evidence of Dr Ian Boothroyd Evidence of Greg Ryder - Paragraphs 15-32	See responses above (comments 19 and 72)
77	Effects on fish and macroinvertebrates are similar to those for trout as indigenous species are also adversely affected by nutrient enrichment, eutrophication, low dissolved oxygen, and elevated toxicants, metals and metalloids.	Ecotoxicology	Refer to response in rows 19 and 72.	Agree, however see responses above (comments 19 and 72).
78	*Comment row intentionally left blank*			
79	No water quality limits are proposed to provide protection for water abstraction for irrigation. Some published guidelines for metals are more stringent than the applicant's proposed limits.	Ecotoxicology	**Response Evidence:** Evidence of Greg Ryder	Refer to the statement of evidence of Dr Greg Ryder.
80	Potential effects on water users are largely unknown, despite high reliance on and use of these water resources.	Ecotoxicology Groundwater	**Substantive FTA Application:** B.07 - Greg Ryder Consulting - Recommended Water Quality Compliance Limits for the Bendigo Ophir Gold Project (Ryder 2025)	Proposed groundwater limits are based largely on NZ drinking water standards for potable water supply. Proposed groundwater limits meet the ANZG 2023 draft Livestock drinking water guidelines.
81	Contaminants in the TSF, ponds, wetlands and pit lakes pose a risk of contaminating waterfowl and game birds. Contaminated water from the BOGP entering and potentially settling in the Bendigo Wildlife Management Reserve also creates a similar risk of contamination in game birds residing in the reserve.	Ecotoxicology	Refer to response in rows 19 and 72	See responses above (comments 19 and 72).

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82	F&G consider it is necessary to have critical information about TSF design now in order for the Panel to be satisfied that the TSF can meet necessary standards.	Geotechnical and Tailings Storage	**Response Evidence:** Evidence of Dr Trevor Matuschka - Paragraph 46	EGL - he development of design concepts with sufficient detail to demonstrate that adverse effects can be avoided, remedied or mitigated is generally considered sufficient at the Resource Consent stage. Detailed design of the dam (e.g., stability, management of floods, durability, specifications), operational, maintenance and surveillance requirements (including performance monitoring), and emergency action plan are normally covered at the Building Consent stage. At the Building Consent stage all this work is subject to independent peer review.
83	F&G disagree that obligations in consent conditions and Mine Closure Plan in relation to the TSF can be relinquished.	Planning Legal	**Response Evidence:** Legal Submissions, 17 April 2026 at 'Closure and Post-Closure'	No changes to the conditions have been made in response to this comment. The mine closure conditions are sufficiently certain and legally enforceable.
84	F&G consider closure conditions and the Mine Closure Plan are vague and leave important parameters to be developed later.	Planning Legal Mine Closure	**Substantive FTA Application:** B.40 - Mine Closure Plan - Section 8 **Response Evidence:** Legal Submissions, 17 April 2026 at 'Closure and Post-Closure'	Closure completion criteria are necessarily preliminary at the project planning and approvals stage, as baseline and impact studies were ongoing at the time of Mine Closure Plan development. The criteria will be progressively refined throughout the planning and operational phases of mining to reflect new technical information, evolving stakeholder expectations, changes in industry standards, and updated risk profiles. This iterative process will culminate in the development of detailed, measurable (SMART) criteria, with final completion criteria to be agreed prior to closure implementation. No changes to the conditions have been made in response to this comment. The mine closure conditions are sufficiently certain and legally enforceable.
85	ORC's peer review of the TSF by GeoSolve recommends conditions which are not reflected in the applicant's proposed consent conditions.	Planning	N/A	No changes to the conditions have been made in response to this comment.
86	The applicant's proposed closure conditions demonstrate that the applicant does not have a plan for the perpetual maintenance required to maintain a minimum 1.5 FoS. This issue is to be resolved later, sometime prior to the closure stage. Fish & Game considers that approach defers a critical safety issue to a post-consent decision by ORC when it certifies the Mine Closure Plan, which is unlawful.	Mine Closure Planning Legal	**Response Evidence:** Legal Submissions, 17 April 2026 at 'Closure and Mine Closure'	MGL has acknowledged that long term retention of liability by MGL, potentially in perpetuity, may be required for specific domains at the site i.e. the TSF. The final closure design for this facility is pending an ongoing body of technical studies, as indicated in the Mine Closure Plan Future Work Focus Areas (Section 13), however the closure strategy is to rehabilitate the TSF in-situ and the associated completion criteria in relation to geotechnical stability is that '*The rehabilitation design for the Tailings Storage Facility is based on a suitable FoS*'. The TSF is designed and will be constructed in accordance with the NZ Dam Safety Guidelines 2024, and it will be buttressed by the Shepherds Creek ELF on the downstream side. No changes to the conditions have been made in response to this comment. The mine closure conditions are sufficiently certain and legally enforceable.
87	Landslide mitigation is to come at Detailed Design stage. F&G disagree that assessment of this can be deferred to later.	Geotechnical and Tailings Storage Geotechnical, Erosion and Sediment Control and Engineered Landforms Planning	**Substantive FTA Application:** B.28 Peter O'Bryan & Associates - Geotechnical Assessment - Open Pit	It is important that potential for interaction between mining excavation and latent landslides is examined. Potential for instability related to natural slopes and/ or latent landslides on the area containing the planned portals to underground access declines will be examined prior to settling on a final design for the access.

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		Legal	and Underground Mining -Rise and Shine Deposit (POB 2025) B.21 EGL Shepherds Tailings Storage Facility Technical Report **Response Evidence:** Evidence of Dr Trevor Matuschka - Paragraph 31 Legal Submissions, 17 April 2026 at 'Adaptive Management'	The planned mining sequence of the open pit mitigates against adverse interaction with latent landslides. Initial mining of the Rise and Shine open pit progresses northward from the southern crest, progressively down-dip along the Thomson Gorge Fault. The northeastern highwall on the northern flank of Shepherds Valley will be mined as a cut-back (or cuts-backK) of the northern wall, from top-down in a series of horizontal cuts. Most of the landslide features which have been identified to date are assessed as being ancient features, present as displaced masses without debris fields. This indicates the displaced masses are at rest without rapid type instability mechanisms. Landslides are a potential hazard if they are large enough to displace the contents stored by a dam. The site would have experienced multiple large magnitude earthquakes over the millions of years that the site has existed in its current form. There is no evidence that this has resulted in landslides on the sides of the valley that could displace tailings from the TSF and so this hazard is considered very low risk. No changes to the conditions have been made in response to this comment. Conditions are sufficiently certain and legally enforceable. The BOPG meets the requirements for reliance on an adaptive management approach.
88	There is no requirement for the ELF to keep pace with the TSF as it is raised. The proposition that there is "no credible risk of dam failure" relies on construction of the ELF using waste rock keeping pace with the TSF as it raises. This creates a period of ~10 years of risk during the operation phase. Information to confirm that a raise sequence that appropriately mitigates stability risks is achievable, is needed now, not post consent.	Geotechnical and Tailings Storage	**Response Evidence:** Evidence of Dr Trevor Matuschka - Paragraph 47	EGL - The timeframe for construction of the tailings dam has considered the mining schedule and the availability of materials for the different zones of the embankment. The initial stage of construction of the tailings dam will use local borrow while the pit is stripped (removal of trees and topsoil) and haul roads are developed. Although the quantity of mine waste from the RAS Pit is designed to minimise waste movement the expected minimum quantities easily exceed that required for construction of the initial tailings dam and to provide a substantial buttress. Scheduling indicates there will be sufficient waste rock from the RAS Pit to provide a buttress up to the crest of the starter dam prior to deposition of any tailings. There is sufficient waste rock to construct the buttress with a 50m wide crest and with a downstream slope of 7H:1V which is a very flat slope for rockfill. This is a substantial buttress. As mining progresses the buttress will expand significantly. It will rise substantially above the crest of the tailings dam (up to 70 m) and extend downstream of it by about 1 km.
89	There is no "end point" to responsibility for tailings dams under the NZ Dam Safety Guideline (NZDSG). Repair and maintenance obligations (and associated funding) continue, effectively in perpetuity. The minimum acceptable FoS will only be restored post-earthquake if maintenance works (of unknown and potentially prohibitive cost) are undertaken.	Geotechnical and Tailings Storage Planning	**Response Evidence:** Evidence of Dr Trevor Matuschka - Paragraphs 20 and 55	The Mine Closure Plan (condition C115 of D.03) and the Bond (condition C119 of D.03) ensure sufficient post-closure protection of the quality of the environment. EGL - The tailings dam will be designed to meet the New Zealand Dam Safety Guidelines. These guidelines are based on international best practices. For earthquakes the TSF will be designed to withstand a 1 in 10,000 year earthquake. The proposed design has the tailings contained behind a rockfill embankment that will also be buttressed by a large volume of rockfill placed in the Shepherds ELF. The proposed TSF will provide a very safe and robust tailings storage solution for both operation and post closure of the site.

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				During operation and post closure the tailings dam will be subject to regular dam safety reviews. These include intermediate (annual) dam safety reviews and independent comprehensive dam safety reviews every five years. They are standard industry practice; recommended by the New Zealand Dam Safety Guidelines and required by the Building (Dam Safety) Regulations 2022
90	The BOGP: a. Makes no provision for the ongoing costs of 5 yearly PIC reviews. b. Financial instruments for TSF do not remain in place at the end of the project; the long-term ownership and financing of maintenance costs, including post earthquake repairs necessary to restore the minimum acceptable FoS, is left unspecified. c. Planning and provision for closure is not meaningfully incorporated within the design from the start of the project.	Planning Bonding Mine Closure	**Substantive FTA Application:** B.44 - Lane Associates Limited – Bond Introduction (Lane Associates 2025)	The bond will include any required costs relating to TSF embankment inspections, which will include routine annual inspections, intermediate dam safety reviews and 5-yearly comprehensive dam safety reviews as required by the Building Act and Regulations. In relation to point c in this comment, the preparation of a Mine Closure Plan, despite the absence of NZ guidance outlining the requirements of such a plan, is evidence of the intention to ensure closure is incorporated into planning considerations from the outset. MGL acknowledges that ongoing work is required to continue to refine the environmental knowledge base that informs appropriate closure strategies and is committed to undertaking this work and revising the Mine Closure Plan on a three-yearly basis.
91	The Parliamentary Commissioner for the Environment's 1997 report on the long term management of environmental effects of tailings dams found that post closure monitoring and maintenance may need to be indefinitely ongoing, depending on the situation of the dam. Where legal mechanisms to ensure that the costs of such ongoing activities fall with the owner of the dam are not imposed, it can instead fall on the Crown.	Bonding Mine Closure	N/A	This will be provided for in the bond quanta (once TSF construction and tailings deposition starts). Refer also to Comment 86 response.
92	F&G anticipates MGL's position will be that consistency with the NZDSG will be demonstrated through detailed design and that this is not a matter for the Panel. This is inconsistent with the *Eyre* decisions of the Environment Court.	Legal	**Response Evidence:** Legal Submissions, 17 April 2026 at 'Detailed Design'	The Eyre decision involved a regulatory gap that resulted in fundamental safety questions such as seismic modelling being deferred to detailed design. In contrast, the BOGP approach is to provide all material design, safety and environmental management information upfront for certification, with only detailed design being deferred to the building consent process.
93	The draft Mine Closure Plan uses vague completion criteria that "are considered preliminary at this stage of development" and leave essential matters to be determined later.	Mine Closure Planning Legal	**Response Evidence:** Legal submissions, 17 April 2026 at 'Closure and Post-Closure'	Closure completion criteria are necessarily preliminary at the project planning and approvals stage, as baseline and impact studies were ongoing at the time of Mine Closure Plan development. The criteria will be progressively refined throughout the planning and operational phases of mining to reflect new technical information, evolving stakeholder expectations, changes in industry standards, and updated risk profiles. This iterative process will culminate in the development of detailed, measurable (SMART) criteria, with final completion criteria to be agreed prior to closure implementation.

Comment Number	Comment	Applicant Technical Input	Where Addressed in the Application Documents	Response
				The conditions relating to the mine closure plan are sufficiently certain and legally enforceable.
94	MGL's proposed bond conditions raise issues of incomplete coverage and significant uncertainty as to final quantum and scope, and would benefit from clearer prescription of minimum coverage, inclusion of risk and long-term management components, and greater certainty in the methodology for setting and reviewing the bond.	Bonding Planning	**Substantive FTA Application:** B.44 - Lane Associates Limited – Bond Introduction (Lane Associates 2025)	The bond will cover costs for closure and rehabilitation, ongoing maintenance, and risks. The quantum and its derivation will be subject to review and acceptance by the Councils.
95	The scope of the bond includes "to enable any adverse effects on the environment resulting from the Consent Holder's activities and not authorised by a resource consent to be avoided, remedied, mitigated, offset or compensated for". It is unclear whether this includes effects caused by unexpected events.	Bonding	**Substantive FTA Application:** B.44 - Lane Associates Limited – Bond Introduction (Lane Associates 2025)	The bond will include a risk cost component as required to remediate effects of unexpected events.
96	The bond assessment report accepts that a bond can include a contingent liability component but contingent liabilities have not been assessed and there is no costing given in relation to the example they provide.	Bonding	**Substantive FTA Application:** B.44 - Lane Associates Limited – Bond Introduction (Lane Associates 2025)	Until all the requirements of granted resource consents and a detailed mine plan is available these aspects cannot be finalised. They will be assessed and included as required prior to submission to the Councils for review and approval.
97	The project schedule assumed in the bond assessment has the work beginning in Y1 and going until Y11 with decommissioning. Aftercare and post-closure are listed after that without timeframes. The assumed project schedule has no water treatment nor maintenance or monitoring of ELFs and TSF, despite water treatment continuing for more than 5 decades and maintenance of the ELFs and TSF required in perpetuity.	Bonding	**Substantive FTA Application:** B.44 - Lane Associates Limited – Bond Introduction (Lane Associates 2025)	The bond report accompanying the application provided an example only. The first detailed bond will be assessed shortly after the grant of consent and is expected to include costs for a relatively short period of vegetation maintenance and water treatment. Subsequent annual updates to the bond will include costs associated with for such things as longer term water treatment, monitoring, maintenance and inspection of specific structures such as the TSF.
98	The scope section also makes clear that ongoing (perpetual) costs associated with maintaining the TSF and ELFs are not part of the bond. There is no certainty that whoever owns the land in future will be obliged to maintain the TSF and ELFs.	Bonding	**Substantive FTA Application:** B.44 - Lane Associates Limited – Bond Introduction (Lane Associates 2025)	The report acknowledges the potential need to include long-term costs in the bond. The assumption behind the bond is that responsibility for undertaking any long-term tasks falls to the Councils, which would draw from the bond to fund the work.
99	The bond does not incorporate a contingency.	Bonding	**Substantive FTA Application:** B.44 - Lane Associates Limited – Bond Introduction (Lane Associates 2025)	The application report does incorporate a contingency, e.g. Year 1 costs is Appendix A total $2.4 million without a contingency and the total reported in Table 4-1 gives $3.1 million, a contingency of 28%. Contingencies, including a risk cost to cover potentially unforeseen event occurrence, will be included in all future bonds posted with the Councils.

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100	The bond report says that it is based on "…a very broad and preliminary description provided by Matakanui." It also characterises the numbers as a 'bond example'. So, it should not be taken as very well-informed or reliable. Yet the Bond Conditions provide for a bond to be set by a suitably qualified and experienced independent assessor.	Bonding Planning	**Substantive FTA Application:** B.44 - Lane Associates Limited – Bond Introduction (Lane Associates 2025)	The application report provides an example only awaiting the details of the granted consent conditions and an updated mine plan. Malcolm Lane assisted with the development of the modern bond process in 1997 that was first applied through resource consents granted in New Zealand in 1999. He has been undertaking these assessments on many mines and other industrial applications since and has advised several Australian regulators that are seeking to introduce a similar process there.
101	The Bond Conditions also provide for the bond to be informed by "the methodology set out in the Lane Associates Report". The report does not have a methodology section so it is unclear what aspects of the report this is intended to refer to, but the Lane Associates report is not currently fit for purpose to inform a future bond assessment.	Bonding Planning	**Substantive FTA Application:** B.44 - Lane Associates Limited – Bond Introduction (Lane Associates 2025)	The bond report that was part of the application demonstrates the approach to be applied. No changes to the conditions have been made in response to this comment.
102	In addition to a bond, insurance should be required both by MGL and any future landowner following relinquishment of MGL's tenure and obligations. Consent conditions requiring insurance should require that insurance policies are entered into that fully indemnify the person responsible for the mine site and infrastructure for any effects on people and communities and on the environment, from any unanticipated events.	MGL Planning	**Substantive FTA Application:** B.44 - Lane Associates Limited – Bond Introduction (Lane Associates 2025)	Where insurance will be required, the bond will provide for the annual premiums of the relevant policies. A risk cost component of each bond quantum is proposed to cover the occurrence costs associated with risk that are either uninsurable or that attract impractically expensive premiums. No changes to the conditions have been made in response to this comment.
103	Project is contrary to NPSFM (2020) because the Project has largely disregarded the receiving environment, does not maintain water quality, does not avoid loss of wetlands and river extent, and does not protect habitats of indigenous species or trout.	Planning	**Response Evidence:** Legal Submissions, 17 April 2026 at 'Aquatic Ecology'	It is considered that when taking into account the range of measures proposed to manage adverse effects (that have been reflected in the proposed consent conditions), the BOGP generally achieves consistency with many of the provisions in the relevant statutory planning documents. Notwithstanding, it is acknowledged that any large and complex open pit mining project such as the BOGP cannot be expected to achieve full consistency with each and every provision of these planning instruments. As a result, there will inevitably be some tension between the BOGP and some of the more directive avoidance provisions. However, this is not fatal for the decision-making under the FTA. Breaches of avoidance policies in the NSP-FM is not, by itself, a reason to decline the application.
104	This Project would provide for economic outcomes at the expense of the health and wellbeing of water bodies and freshwater ecosystems, and in a manner that risks impacting on drinking water, contrary to the NPSFM (2020) objective and Policy 15.	Planning Legal	**Response Evidence:** Legal Submissions, 17 April 2026 at 'Aquatic Ecology'	Disagree. Breaches of avoidance policies in the NSP-FM (for example Policy 15) is not, by itself, a reason to decline the application.

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105	The Otago Sports Fish & Game Management Plan and the proposed Bendigo Reserve Management Plan emphasise the importance of the habitats that may be impacted by the BOGP, and are relevant to the weight that the Panel places on those impacts. For that reason, they should be considered relevant under s 104(1)(c) and should influence the Panel's assessment under s 85(3) FTAA.	Legal	**Substantive FTA Application:** A.02A - Legal Overview at [57]-[66] **Response Evidence:** Legal Submissions, 17 April 2026 at 'Weighting'	Agree that weighting direction in the FTA does not permit other statutory considerations to be set aside. However, the approach to weighting requires the Panel to weigh competing considerations under the FTA to form a view as to whether they meet its purpose.
106	Ms McArthur's evidence establishes that granting the RMA approvals would cause (or there is no information to satisfy the Panel that granting the approvals will not cause) significant adverse effects on aquatic life and therefore s107 should prevent the Panel from granting a permit to discharge contaminants.	Planning	**Substantive FTA Application:** A.15 - Section 8 – Fast-track Approvals Act 2024 Requirements	Disagree. Taking into account both the limited range of aquatic life present in the watercourses associated with the BOGP and the proposed measures to manage the potential discharge of contaminants into the receiving environment recommended by MGLs independent technical experts, the discharges from the BOGP will not result in significant adverse effects on aquatic life and the restrictions of Section 107 of the RMA do not apply
107	Fish & Game submits that the Project is inconsistent with the RMA's sustainable management purpose (s 5), fails to preserve the natural character of wetlands, and lakes and rivers and their margins (s 6(a)), and is inconsistent with the requirement to have particular regard to the following matters: a. the maintenance and enhancement of amenity values (s 7(c)) b. intrinsic values of ecosystems (s 7(d)) b. c. maintenance and enhancement of the quality of the environment (s 7(f)) c. d. the protection of the habitat of trout and salmon (s 7(h)) d. e. the effects of climate change (s 7(i))	Planning Legal	**Substantive FTA Application:** A.02A - Legal Overview at [57]-[66] **Response Evidence:** Legal Submissions, 17 April 2026 at 'Purpose of the Fast Track Approvals Act'	The Substantive Application provides an assessment of the BOGP against Part 2 of the RMA. In summary, this assessment concluded that the Project would promote the sustainable management of natural and physical resources in accordance with sections 5, 6 and 7 of the RMA on the whole. It does, however, acknowledge there is some tension between the BOGP and aspects of section 6(c) of the RMA. Notwithstanding, it must be recognised that mining projects of the scale and complexity of the BOGP will inevitably involve adverse effects that will be either contrary to some provisions in statutory planning documents or with some matters identified in sections 6 and 7 of the RMA. This is to be expected, and provisions that predominantly relate to protecting or preserving environmental or amenity-related values must be weighed and balanced against other more enabling provisions and matters in sections 6 and 7 of the RMA, including the efficient use and development of natural and physical resources. Purpose of the FTA to be given greater weight than the sustainable management purpose of the RMA.
108	Benefits of the conservation covenant include protection of water quality through retirement of hillslopes, reducing sediment, nutrient and microbial contaminant transport to waterbodies. Protection of the hillslopes from any major human impacts other than light grazing is relevant to the Covenant objectives, the first of which is protection of the natural character of the land including the relationship between the land and watercourses and the natural functioning of ecosystems.	Legal	**Response Evidence:** Legal Submissions, 17 April 2026 at 'Partial Revocation of the Conservation Covenant'	The land use conditions requiring covenanting of the proposed offsetting and compensation areas in perpetuity and exceeding the area to be removed from the existing Conservation Covenant will ensure environmental outcomes are achieved

Comment Number	Comment	Applicant Technical Input	Where Addressed in the Application Documents	Response
	Partial revocation of the Covenant would enable cumulative effects which is not consistent with the purpose of the Covenant (cl 45(1)(b) of Sch 6 FTAA)			
109	If the BOGP results in effects on trout spawning or causes directly toxic effects or the bioaccumulation of contaminants in trout, this will impact the nationally significant trout fishery of the Clutha Mata-au River and Lake Dunstan (relevant to the Panel's consideration of the partial revocation under cl 45(1)(c) of Sch 6 FTAA).	Ecotoxicology	See responses above (comments 19 and 72).	See responses above (comments 19 and 72).
110	*Intentionally left blank*.			
111	F&G recommends that the Panel seek the following further information from the applicant: a. Groundwater data for the Ardgour Valley and Bendigo Aquifer. b. Calibration/validation of modelled contaminant dispersal. c. Recommended limits to avoid bioaccumulation in trout and game birds. d. Potential measures to avoid contamination of game birds. e. Assessment of the capacity for the Project to operate in a manner consistent with the limits recommended by Ms McArthur. f. Confirmation of the actions taken to ensure risk of failures are adequately mitigated; a minimum FoS for the life of the ELFs and TSF; and arrangements to ensure the ongoing responsibilities for the ELFs and TSF will be undertaken and properly resourced. g. Confirmation of insurance arrangements and/or other financial mechanisms that will fully indemnify the person responsible for the mine site and infrastructure for any effects on people and communities and on the environment, from any unanticipated events.	Bonding Geotechnical	**Substantive FTA Application:** B.44 - Lane Associates Limited – Bond Introduction (Lane Associates 2025)	The bond outlined in the draft conditions will provide financial assurance, including insurance premiums, sufficient for the Councils to undertake the required site closure works and aftercare in the event that MGL is unable or unwilling to do so. EGL - The Building (Dam Safety) Regulations 2022 require ongoing annual dam safety reviews and compliance certificates, and 5 yearly comprehensive dam safety reviews for as long as the TSF continues to meet the definition of a large dam.

Comments from Otago Conservation Board

Comment Number	Comment	Applicant Technical Input	Where Addressed in the Application Documents	Response
1	Benefits of the project are short term and do not outweigh adverse effects.	Economics Planning	**Response Evidence:** Evidence of Benje Patterson	The benefits are tied to the 14 years of operational mining, the total NPV of these direct GDP effects using the Treasury's 8% discount rate would be $3.1 billion. The economic activity directly generated by the BOGP ($360 million per year) is also large compared with existing viticulture and tourism activity that occurs on land directly adjoining the Project Site. Baseline economic activity in the viticulture sector oin the immediate vicinity to the Project Site is currently estimated at $9 million to $10 million of GDP a year, while visitor activity occurring in areas directly adjoining the mine is estimated to support the generation of about $5.8 million a year of tourism GDP No other costs, related to potential environmental and wellbeing effects were quantified in the BPL report in monetary terms. From an economics perspective, costs related to these non-economic effects can't all be estimated in a way that allows for consistent comparisons with the economic benefits. These non-economic effects rely on intangible factors that do not all readily have market values and so such monetisation would introduce errors and lead to an inconsistent comparison between the economic benefits and these types of other potential effects. Although environmental effects are not anticipated if the Project is operating within the conditions of its approvals, further comments related to environmental risks are outside of Benje Patterson's area of expertise and are addressed in other evidence.
2	Unclear how conditions could adequately manage the risks that will persist beyond the life of the mine.	Mine Closure	**Substantive FTA Application:** B.44 - Lane Associates Limited – Bond Introduction (Lane Associates 2025) B.40 - Mine Closure Management – Mine Closure Plan (MCM 2025)	Through the combination of the Mine Closure Plan (condition C115 of D.03) and the Bond (condition C119 of D.03) work together to ensure sufficient Post-closure (long-lasting) protection of the quality of the environment.
3	Removing the conservation covenant would set a concerning precedent and render these types of covenants meaningless.	Planning	**Response Evidence:** Evidence of Mark Chrisp	The proposed partial revocation of the Covenant is necessary to enable the mining of the nationally significant gold deposits associated with the BOGP, and in turn, to realise the resulting significant regional and national benefits (being the aspect of the BOGP that greatest weight is to be given in accordance with Schedule 6, clause 45(1) of the FTA). The proposed partial revocation of the Covenant must also be considered in its broader spatial and ecological context. The Covenant currently applies to approximately 7,962 hectares of land within the Otago Land District. MGL proposes to revoke the Covenant from an approximately 888-hectare area that is demarcated by the cadastral boundaries of the affected properties.[2] This uplift area represents approximately 11% of the total Covenant area. In addition, while the balance of land within the proposed uplift area located outside the DDF will not remain protected by the Covenant during mining operations, it will not be subject to

[2] Refer to the plan provided in *C.14 Bendigo Conservation Covenant – Uplift Area*.

Comment Number	Comment	Applicant Technical Input	Where Addressed in the Application Documents	Response
				any mining activities and will instead only contain low-impact ancillary and supporting activities for the BOGP.
4	The scale of habitat clearance and disturbance proposed makes achieving no net loss of biodiversity unrealistic.	Terrestrial Ecology	N/A	This is acknowledged and accepted in regards to the NPS-IB.
5	The TSF being located in such close proximity to a wetland poses a significant risk to birdlife.	Terrestrial Ecology	N/A	The TSF includes the creation of over 6ha of wetland – we are unclear on the basis for this question.
6	The Project is inconsistent with the Otago Conservation Management Strategy in relation to avoiding adverse effects on wāhi tūpuna, cultural landscapes, and ancestral relationships.	Planning Legal	**Response Evidence:** Legal Submissions, 17 April 2026 at 'weighting'	The assessment provided within the Substantive Application concludes that the concession activities proposed on public conservation land are generally consistent with the Otago CMS. However, there is often an inherent tension between a conservation management strategy that has a clear conservation focus and mining-related activities. The extraction of minerals such as gold has a functional need to occur where the resource is located, and these locations often contain notable environmental values. As such, the regionally and nationally significant economic and social benefits associated with gold mining projects like the BOGP cannot be realised without some form of inconsistency with conservation directives in statutory planning instruments. As discussed in the legal submissions for MGL responding to comments, inconsistency with one or more provisions of a statutory planning document is not, of itself, a basis to decline the application in accordance with Section 85(4) of the Act. This includes the Otago CMS. Instead, while the Panel must 'take into account' any relevant provision of Otago CMS, the Panel must give the greatest weighting to the purpose of the Act - being the facilitation of projects with significant regional or national benefits – which the BOGP has been demonstrated to overwhelmingly achieve.
7	Any activity that compromises the integrity or setting of the Come-in-Time battery conflicts with the purpose of the conservation covenant and the Otago Conservation Management Strategy direction to protect historic values.	Planning	See response to comment 6.	See response to comment 6
8	Reduced access to heritage features is inconsistent with the Otago Conservation Management Strategy and would diminish the public's ability to experience and understand the area's natural and historic values.	Heritage Recreation Planning	**Response Evidence:** Evidence of Dr Naomi Woods	MGL's proposal to establish a walking track from the Bendigo Historic Reserve to the Come-in-Time battery will provide a visitor experience that better showcases the range of heritage mining features and complexes and their interconnect nature than the present main access. This goes some way to offset the loss of access to sites in the Rise and Shine Valley. It is recommended that public access to the surviving Rise and Shine Valley sites be reinstated following mine closure.
9	The TSF is a major concern due to the potential impact of failure and natural hazard risk.	Geotechnical and Tailings Storage Legal	**Response Evidence:** Evidence of Dr Trevor Matuschka - Paragraphs 17-20, 31-35, 55	EGL - The proposed TSF will provide a very safe and robust tailings storage solution for both operation and post closure of the site. This is because the TSF embankment is constructed principally from rockfill and is buttressed by the Shepherds ELF which is comprised of a very large volume of rockfill. The Shepherds ELF will be constructed up to the crest of the tailings starter dam prior to the commencement of deposition of tailings and will be extended

Comment Number	Comment	Applicant Technical Input	Where Addressed in the Application Documents	Response
			Legal submissions at 'Application Documents'	throughout the life of the TSF. There are no credible failure modes that could lead to a mass release of tailings associated with earthquake and flood hazards. The design will be independently peer reviewed. This is a requirement of the process for obtaining a Building Consent for the tailings dam. The ongoing safety of the TSF post closure can be assured because of the statutory requirements of the Building (Dam Safety) Regulations 2022. They require ongoing annual dam safety reviews and compliance certificates, and 5 yearly comprehensive dam safety reviews for as long as the TSF continues to meet the definition of a large dam. There is sufficient certainty that a minimum factor of safety of 1.5 can be achieved for the TSF
10	The significant adverse effects of the project are not reconcilable with the Otago Conservation Management Strategy.	Planning	See response to comment 6	See response to comment 6

Comments from Forest and Bird Protection Society of New Zealand

Comment Number	Comment	Applicant Technical Input	Where Addressed in the Application Documents	Response
1.	If approved, the project would have very significant adverse effects on the environment. The overall outcome is likely to be a net loss of indigenous biodiversity despite MGL's proposals for effects management. There will be significant adverse effects on many threatened and at-risk species of indigenous plants, invertebrates and lizards.	Terrestrial Ecology Legal Planning	**Substantive FTA Application:** B.08A - Alliance Ecology Consulting - Assessment of Ecological Effects (Alliance 2025) REDACTED **Response Evidence:** Evidence of Dr Matt Baber Legal Submissions, 17 April 2026 at 'Weighting'	Outcome status depends on biodiversity value and ranges from Net Gain to Net Loss (Very High Magnitude) as set out in the Assessment of Effects. No assessment has been made on the overall outcome as this is in part subjective and in part uncertain. It is agreed there will be significant adverse effects on many threatened and at-risk flora and fauna as set out in the assessment of effects. The weighting exercise requires a Panel to weigh competing considerations under the FTA to form a view as to whether they meet its purpose.
2.	Economic benefits have been overstated by MGL – benefits are immaterial at a national level (and modest at a regional Otago level). Disbenefits have not been accounted for and a Cost-Benefit Analysis should have been undertaken rather than an Economic Impact Assessment.	Economics Legal	**Response Evidence:** Legal Submissions, 17 April 2026 at 'Economic Assessment and Methodology'	Cost-benefit analysis is not appropriate. The proportionality assessment in the FTA specifies an assessment structure that requires a whole of economy perspective. Panel's discretion to weigh broad spectrum impacts and benefits do not align with a CBA methodology.
3.	60% of MGL's shareholders are not New Zealanders, so shareholder-related project impacts should only be counted for MGL's 40% New Zealand shareholders.	Economics	**Response Evidence:** Evidence of Benje Patterson	Estimate that the average direct GDP effects of the BOGP of $360 million a year quoted on Page 7 of the BPL report, are equivalent to average direct GNP effects of the BOGP of $230 million a year. It is worth noting that these estimates are conservative against current gold prices (which are currently over 50% above the assumption from the BPL modelling). The benefits of foreign shareholders in SML should not be completely discounted even though they technically do not fall within the definition of GNP. The 60.9% foreign shareholders in SML at present have invested a significant amount of money in the project, and without that investment there would be little chance of the project progressing. The exploration and consenting phase of the project, coupled with the development of the mining infrastructure, are the riskiest phases of the Project from an investment perspective. It is this very investment that is necessary to unlock the benefits from the $230 million pa of GNP which will accrue to New Zealand residents.
4.	The market for gold is volatile. If and when the mine experiences low gold markets which make it unprofitable, the returns to government will not be a stable revenue stream and will almost certainly be significantly less and delivered in a fluctuating fashion over those fourteen years. OceanaGold's Macraes mine paid no corporate income tax in 2021 or 2023 on gold production worth hundreds of millions of dollars proving that mineral resource companies cannot be regarded as stable sources of government revenue.	Economics	**Response Evidence:** Evidence of Benje Patteson	In 2025 OceanaGold paid almost $200m of corporate tax and royalties in New Zealand.
5.	The economic and anthropogenic value of ecosystems and ecosystem services has not been considered in this application.	Economics	**Response Evidence:** Evidence of Benje Patterson	No costs related to potential environmental and wellbeing effects were quantified in the BPL report in monetary terms. From an economics perspective, costs related to these non-economic effects can't all be estimated in a way that allows for consistent comparisons with the economic

Comment Number	Comment	Applicant Technical Input	Where Addressed in the Application Documents	Response
				benefits. These non-economic effects rely on intangible factors that do not all readily have market values and so such monetisation would introduce errors and lead to an inconsistent comparison between the economic benefits and these types of other potential effects. Although environmental effects are not anticipated if the Project is operating within the conditions of its approvals, further comments related to environmental risks are outside of Benje Patterson's area of expertise and are addressed in other evidence.
6.	The Panel should place significant weight on the terms of the Conservation Covenant and should uphold its objectives to the greatest extent possible under the FTA. Allowing covenanted values to be traded-off risks undermining public confidence in tenure review processes and conservation covenants more generally.	Legal Landscape and Amenity Terrestrial Ecology Heritage	**Substantive FTA Application:** A.02A - Legal Overview at [57]-[[66] **Response Evidence:** Evidence of Dr Naomi Woods Legal Submissions, 17 April 2026 at 'Weighting'	Establishment of a walking route from the Bendigo Historic Reserve to the Come-in-Time battery is better aligned with the heritage objectives of the Conservation Covenant than the current access from Thomsons Gorge Road. Installation of interpretation panels along this route and continued maintenance and repair of the Come-in-Time battery complex fulfil objectives of the Covenant that are not currently being upheld to their full extent. The FTA is required to give greater weight to the purpose of the FTA.
7.	If conservation covenants cannot be relied on, then the Panel can have only limited confidence in the durability of the MGL's proposed offset and compensation measures, which are also proposed to be protected in perpetuity by covenant to meet principles of offsetting and compensation.	Planning	**Response Evidence:** Evidence of Mark Chrisp	The proposed partial revocation of the existing Bendigo Conservation Covenant has been subject to a high level of scrutiny in terms of ensuring the identified historic landscape and ecological values that are protected by the covenant are not degraded as a result of the BOGP. Although the new covenant to protect proposed ecological and enhancement rehabilitation areas (as part of offsets and compensation measures) is intended to be in place in perpetuity, any future revocation of this covenant will have to go through similarly rigorous processes to ensuring the environmental outcomes protected by the covenant are maintained or enhanced to the same extent.
8.	Document F.05 (landowner approval to the proposed partial revocation of the Conservation Covenant) has not been published on the fast-track website.	Planning	N/A	Noted.
9.	For the partial revocation of the Conservation Covenant, prior approval of the Minister of Conservation was neither sought by the landowners, nor provided by the Minister, as would normally be required under clause 3.	Legal	**Response Evidence:** Legal Submissions, 17 April 2026 at 'Partial Revocation of the Conservation Covenant'	Clause 3 does not apply in this case as MGL is seeking a partial revocation of the covenant, as opposed to approval under the covenant itself.
10.	Agrees with DOC's position that MGL's proposal should be seen as an application for revocation, rather than amendment, of the Conservation Covenant. This is consistent with the common usage of these terms, and with the relevant provisions of the Reserves Act 1977. Removing the burden of the Conservation Covenant from the relevant records of title cannot accurately be described as an amendment.	Planning	**Response Evidence:** Evidence of Mark Chrisp	While it is considered the proposal to uplift part of the Covenant from applying to certain land parcels can be considered an 'amendment' to the overall Covenant, it is acknowledged that what is proposed can more accurately be referred to as a partial 'revocation' of the Covenant.
11.	MGL is not proposing to protect equivalent land outside the area of the Conservation Covenant. Furthermore, this would not be	Heritage	**Response Evidence:**	All archaeology and heritage is irreplaceable, but the proposed recording strategy ensures all information is preserved and will be accessible to the public. Comparable heritage sites for all

Comment Number	Comment	Applicant Technical Input	Where Addressed in the Application Documents	Response
	possible, considering the unique and irreplaceable nature of some of the covenanted values that would be lost.	Landscape and Visual Terrestrial Ecology	Evidence of Dr Naomi Woods	those proposed for removal will be preserved in the Covenant and Bendigo Historic Reserve areas, with additional interpretation and access provided that better reflects the relationship between site complexes and the overall heritage landscape.
12.	Agrees with DOC that MGL has failed to propose consent conditions that adequately address the proposed loss of covenanted values.	Planning Legal	**Response Evidence:** Legal Submissions, 17 April 2026 at 'Partial Revocation of the Conservation Covenant)	No changes to the conditions have been made in response to this comment. The proposed land use conditions requiring covenanting of the proposed offsetting and compensation areas in perpetuity and exceeding the area to be removed from the existing conservation covenant will ensure environmental outcomes are achieved.
13.	The highly significant covenanted values should certainly not be sacrificed for economic gains in the absence of a clear and compelling effects management strategy. No such strategy has been presented by MGL. Covenanted values are likely to be permanently lost, and the protection of equivalent land outside the area of the Conservation Covenant has not been proposed and would probably not be possible. This is the epitome of a situation in which considerations relating to clause 45(1)(b) and (c) of Schedule 6 of the FTA outweigh the economic benefits of the activity, despite the requirement to give the greatest weight to clause (a).	Landscape and Amenity Heritage Terrestrial Ecology	**Response Evidence:** Evidence of Dr Naomi Woods	The Heritage Assessment clearly states that the proposal contravenes the heritage provisions of the Bendigo Conservation Covenant. However, proposed mitigation relating to the Come-in-Time battery and associated access track are more aligned with the heritage principles than the current arrangement of this key feature of the Bendigo heritage landscape.
14.	Especially in relation to threatened and at-risk endemic species, many of the adverse effects of the project relate to values that are of regional and national significance. Adverse effects on endemic species that are already threatened with extinction are a matter of international significance.	Terrestrial Ecology	**Substantive FTA Application:** B.08A - Alliance Ecology Consulting - Assessment of Ecological Effects (Alliance 2025) REDACTED	Whether adverse effects are of international significance is dependent on the values affected, the level of residual effects on those values, whether they can be demonstrably offset or compensation for and the ecological outcome after all proposed effects management measures have been factored in.
15.	Mr Purdie for Forest & Bird was unable review details of how management, mitigation, and compensation measures would be implemented for lizards due to redactions of the Lizard Management Plan and due to time did not discuss his evidence with other ecologists. However, his key concerns are inappropriate compensation measures and potential logistical issues with compensation measures. Proposed compensation does not wholly adhere to national biodiversity compensation principles is unlikely to achieved net-positive outcomes for native lizard biodiversity.	Terrestrial Ecology	**Substantive FTA Application:** B.08A - Alliance Ecology Consulting - Assessment of Ecological Effects (Alliance 2025) REDACTED G.05A - Lizard Management Plan REDACTED **Response Evidence:** Evidence of Dr Matt Baber	We do not agree that the proposed compensation measures (pest exclusion fences) are inappropriate. In principle, I consider these to be the most appropriate form of compensation for effects on lizards, with the added benefit of facilitating the recovery of more threatened species that have been extirpated from the landscape and for which translocation into the fences is a viable option.
16.	MGL's ecologists have used appropriate methods for conducting lizard surveys. However, there are various ambiguities or inaccuracies in the assessment of lizard values such as the assumption that lizard habitat loss is temporary.	Terrestrial Ecology	**Substantive FTA Application:** B.15A - RMA Ecology - Lizard Values Assessment (RMA Ecology 2025d) REDACTED	The loss is considered to be temporary in areas of rehabilitation. Rehabilitation by its nature replaces values over the areas of impact over time, so is temporary. Pest control and restoration of surrounding mine regeneration zones will enhance habitat adjacent to rehabilitation and provide a source lizard population as rehabilitation outcomes are achieved.

Comment Number	Comment	Applicant Technical Input	Where Addressed in the Application Documents	Response
			G.07A - Landscape and Ecological Rehabilitation Management Plan	The Landscape and Ecological Rehabilitation Management Plan includes rehabilitation for lizard habitat.
17.	Due to data and reporting uncertainties in the Lizard Values Assessment, there may be limitations in the Assessment of Ecological Effects and subsequent management strategies. Regardless, significant adverse effects on lizards can be anticipated. There will be a net loss of certain lizards following offsetting and compensation and permanent damage/loss to lizard habitat.	Terrestrial Ecology	**Substantive FTA Application:** B.15 - RMA Ecology - Lizard Values Assessment (RMA Ecology 2025d) B.08A - Alliance Ecology Consulting - Assessment of Ecological Effects (Alliance 2025) REDACTED **Response Evidence:** Evidence of Dr Graham Ussher Evidence of Dr Matt Baber	We agree that a net loss of lizard populations will occur, as stated in the Assessment of Ecological Effects.
18.	The project poses a significant, potentially unprecedented, threat to native lizards and will likely accelerate New Zealand's native lizard extinction crisis.	Terrestrial Ecology	N/A	We agree that there is a high level of residual effect for two nationally and regionally At Risk (declining) species and that after compensation measures are considered a net loss (high magnitude) outcome is expected. We do not agree that this is unprecedented – Oceana Golds Macraes Flat and Mining at Stockton would have had greater impacts in terms of the number and or threat status of lizards impacted.
19.	Forest & Bird consulted lepidoptera expert Brian Patrick (who is not giving evidence). Mr Patrick considers the Assessment of Ecological Effects and Terrestrial Invertebrate Survey are done well but should have included references to his own reports and questions why the Tūhura Otago Museum collection was not considered. Mr Patrick recommends total avoidance of any natural salt pans, olearia shrubland and large schist tors to lessen effects on moths.	Terrestrial Ecology	**Substantive FTA Application:** B.11A - Habitat NZ - Terrestrial Invertebrate Survey (Habitat NZ 2025c) REDACTED - Section 3-Methodology **Response Evidence:** Evidence from Keith Barber – Paragraphs 15(b), 16(a)(ii)	Two reports from Patrick (1989) should have been included in the literature review of the Terrestrial Invertebrate Survey Report, as although the primary focus of this work is not Dustan Ecological District, this work forms part of the relevant regional baseline literature for Central Otago. This work was reviewed and its inclusion would not affect the report's findings, conclusions, or recommendations. Mr Patrick inquired about the inclusion of the Tūhura Otago Museum collection. The collection was consulted - Dr Robert Hoare used it physically to confirm specimen identifications - but it is not a practical tool for establishing historical species records from a defined locality and was not used as such.
20.	Forest & Bird consulted Francesca Cunninghame on avifauna (who is not giving evidence). Ms Cunninghame considers the Avifauna Values Assessment has been completed thoroughly but is concerned about avifauna that may be killed or displaced and the number that will have their home ranges, including nesting areas, totally destroyed. Cumulative effects as well as effects on Matuku-hūrepo Australasian Bittern and Tōrea South Island Pied Oystercatcher need to be considered.	Terrestrial Ecology	**Substantive FTA Application:** B.08A - Alliance Ecology Consulting - Assessment of Ecological Effects (Alliance 2025) REDACTED B.04 - Kōmanawa Solutions Limited - Surface Water and Catchment Existing Environment and Effects Assessment (Kōmanawa 2025c)	As set out in the Assessment of Ecological Effects we consider effects on species mentioned to be low and effects on most terrestrial species to be net positive due to the scale and type of impacts relative to expected benefits from compensation measures proposed.
21.	The project will result in severe, permanent and irreversible loss of ecologically significant dryland ecosystems, primarily through the loss of large numbers of Nationally and Regionally	Terrestrial Ecology Rehabilitation	**Substantive FTA Application:**	As set out in the Assessment of Ecological Effects:

Comment Number	Comment	Applicant Technical Input	Where Addressed in the Application Documents	Response
	Threatened and At-Risk plant species. The actual extent of native vegetation loss in general is unknown due to insufficient data provided, and the proposed effects management does little to adequately address the loss of these highly significant biodiversity values.		B.08A - Alliance Ecology Consulting - Assessment of Ecological Effects (Alliance 2025) REDACTED **Response Evidence:** Evidence of Dr Matt Baber Evidence of Dr Graham Ussher Evidence of David Norton Evidence of Dr Robyn Simcock	For mixed depleted herbfield (cushionfield and grassland), residual effects on this habitat and its associated species are assessed as 'Very High'. These residual effects are not demonstrably offset or compensated for and, accordingly, impacts on this habitat type and its associated nationally and regionally threatened spring annuals are unlikely to meet the limits to offsetting principle. For other indigenous-dominated dryland terrestrial habitat types, we expect a net gain or net positive outcomes in both extent and/or ecological value because of the ecological rehabilitation programme and the proposed 2,219 ha of compensation.
22.	Despite best efforts in maintenance and monitoring, there is still a risk of a catastrophic tailings dam failure, especially from uncontrollable events such as seismic activity and extreme weather. Failure of the tailings dam with environmental, social and financial implications have not appropriately accounted for or formed part of the Economic Impact Assessment. There is a well-documented global history of the selected type of storage facility failing, with significant environmental and human consequences.	Geotechnical and Tailings Storage	**Response Evidence:** Evidence of Dr Trevor Matuschka - Paragraphs 9, 17-20, 55	EG - I (Trevor Matuschka) have been involved in the design, construction, and operation of many TSFs in New Zealand, Australia, Asia-Pacific, South America, and Africa. They include valley and paddock styles, different types of tailings dams (downstream, centreline, and upstream constructed from natural soils, waste rock, and tailings (including filtered tailings), and different geological, seismological and meteorological conditions. The proposed tailings dam at Bendigo would be close to having the lowest likelihood of breach of all those that I have been involved with. This is because it is of downstream construction and is buttressed by the Shepherds Engineered Landform (ELF) from very early on its operation. The final ELF extends approximately 1.1 km downstream of the crest of the tailings dam and is higher than the TSF (up to 70 m higher). With a buttress this large there are no credible modes of failure, including extreme seismic or flood events, that could lead to a mass release of tailings. The ongoing safety of the TSF post closure can be assured because of the statutory requirements of the Building (Dam Safety) Regulations 2022. They require ongoing annual dam safety reviews and compliance certificates, and 5 yearly comprehensive dam safety reviews for as long as the TSF continues to meet the definition of a large dam.
23.	Adverse impacts of the project are out of proportion to its regional or national benefits, even after taking into account any conditions intended to avoid, remedy, mitigate, offset, or compensate for those adverse impacts.	Legal	**Response Evidence:** Legal Submissions, 17 April 2026 at 'Conclusion'	The evidence before the Panel does not support such a finding.

Comments from Sustainable Tarras

Comment Number	Comment	Applicant Technical Input	Where Addressed in the Application Documents	Response
1.	The economic analysis overstates the benefits and underestimates negative economic impacts. A full cost benefit analysis is required.	Economics	**Response Evidence:** Evidence of Benje Patterson	The BPL did not undertake a cost-benefit analysis. The legal submissions by Lane Neave on behalf of MGL outline the legal reasons why. From an economics perspective, while the economic benefits of the Project and the potential costs of economic effects on existing industries can consistently be estimated in a way that allows for economic impact assessments, there are other costs related to non-economic effects (such as the environment) that can't readily or accurately be monetised. Environmental effects rely on intangible factors, some of which are qualitative, that do not all have market values and attempts at monetisation would not accurately reflect the nature of the effect. As such, the use of an integrated cost-benefit analysis would lead to an inconsistent comparison between the economic benefits and these other types of effects. Furthermore, the nature of outputs from a cost-benefit analysis, which essentially summarise results into a single metric (eg. $X of benefit to every $Y of cost), would further muddy the waters by not allowing the Panel to make its own trade-offs between quantitative and qualitative factors when applying relevant FTA statutory tests.
2.	Concerns that subsidiary companies have been established to separate profits from liabilities and limit exposure to potential claims or restoration cost overruns.	MGL	N/A	As the Consent Holder, MGL will be solely responsible for the development, operation and maintenance of the proposed consents. Similarly, MGL has been granted the mineral mining permit 61326 subject to the Crown Minerals Act 1991 and all regulations made under that Act, and the conditions of the permit. MGL is an New Zealand company and was incorporated under the Companies Act 1993. There are various NZ Acts that prevents the concerns being raised here. Furthermore, consent conditions provide for the legal protection in perpetuity in relation to the environmental outcomes for the offset and compensation areas. Financial security is provided through the conditions for setting the amount for the bond and must take account for the management plans that are clear about what values need to be protected in perpetuity. These conditions have been updated to be more explicit in this regard.
3.	The economic analysis lacks detail on key cost drivers, such as diesel and labour, making it difficult to assess profitability. It also relies solely on data provided by MGL without any real-world benchmarking.	Economics	**Response Evidence:** Evidence of Benje Patterson	The PFS released by SML had a 10% cost contingency added into all scenarios.
4.	The economic analysis does not address or account for how advances in mining technology and automation can significantly reduce operating costs by substituting human effort with technology and how this may affect economic outcomes.	Economics MGL	**Response Evidence:** Evidence of Benje Patterson	MGL: Noted but MGL does not agree this is required. BP: It was shown in Table 4 of the BPL report, which relied on assessments of operational manning requirements prepared by MGL, that direct employment from operations would generally sit between 320 to 350 workers over the 14-year mining period. The MGL manning assessments were made with an understanding of the mining technologies available to them and the intended nature of operations.
5.	Dore bars may be sold at a low transfer price to a Santana Australian entity, significantly reducing New Zealand royalties and corporate tax.	Economics MGL	**Response Evidence:** Benje Patterson	MGL: NZ legislation addresses this concern including Income Tax Act 2007 and the provisions under the Crown Minerals Act 1991 to ensure the royalty due to the Crown is correctly calculated and paid. Under MEP 61326, point 10 states "The permit holder will be liable for payment of a royalty to the

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				Crown calculated in accordance with the Crown Minerals (Royalties for Minerals Other than Petroleum) Regulations 2013 and Schedule 4 of this permit.". BP: In the Sustainable Tarras Comments, it was suggested that MGL financial modelling had not adequately reflected differences between prices for impure gold doré and the refined value of pure gold. That statement is incorrect. MGL financial models in the PFS used in the economic impact assessments account for the full value of the gold as revenue at its per ounce price, and then net out the transport and refining margin as a cost that is excluded. The transport and refining margin (which accounts for cost of refining doré into pure gold bars) was assumed at $8/oz in the PFS. As such, the direct GDP estimates (and also government revenue estimates) based on MGL's PFS account for these refining and transport costs.
6.	The international gold price may not be the relevant price to determine royalties paid by MGL and the more relevant price is the impure dore price.	Economics MGL	**Response Evidence:** Evidence of Benje Patterson	MGL: Gold payments are typically set by the gold price as per the LBMA or COMEX gold markets and are based on the purity of the dore in accordance with assay practices subject to international standards. BP: In the Sustainable Tarras Comments, it was suggested that MGL financial modelling had not adequately reflected differences between prices for impure gold doré and the refined value of pure gold. That statement is incorrect. MGL financial models in the PFS used in the economic impact assessments account for the full value of the gold as revenue at its per ounce price, and then net out the transport and refining margin as a cost that is excluded. The transport and refining margin (which accounts for cost of refining doré into pure gold bars) was assumed at $8/oz in the PFS. As such, the direct GDP estimates (and also government revenue estimates) based on MGL's PFS account for these refining and transport costs.
7.	There is no mechanism proposed to guarantee MGL reports the entire quantity of gold processed.	MGL	N/A	Many aspects of NZ Legislation require MGL to properly account for the gold produced including the conditions of its mining permit issued under the Crown Minerals Act 1991 and the Income Tax Act 2007.
8.	Gypsum formation blocking TSF drains over time is a recognised issue. The application however does not address the likelihood, potential consequences or mitigation measures for long term PCOC seepage should blockages occur.	Geotechnical and Tailings Storage Environmental Chemistry and Water	**Substantive FTA Application:** B.06 - Mine Waste Management Limited - Mine Impacted Water Overview Report (MWM 2025) **Response Evidence:** Evidence of Dr Paul Weber (Paragraph 33 – 36). Evidence of Dr Trevor Matuschka - Paragraphs 42 – 45	MWM: > The source term for TSF seepage uses 954 mg/L sulfate. This is below the saturation limit of gypsum (~1,500 –1,800 mg SO^4/L), hence gypsum is unlikely to form in significant quantities. > Monitoring should be undertaken of TSF drains to confirm that scaling is not an issue from gypsum and/or other precipitates. TM: It is considered highly unlikely that the drains will block due to gypsum in the operational phase of the TSF based on experience with other projects in a similar environment. The underdrains are designed with measures to reduce the risk of blockage. There is redundancy within the drainage system. Over time the amount of seepage and contaminant level will reduce because of the cessation of the discharge of tailings to the TSF, consolidation of the tailings which results in a reduction in permeability of the tailings, the reduction in rainfall infiltration due to the closure cover, and due to dilution by groundwater from the valley sides. It is industry practice to consider the

Comment Number	Comment	Applicant Technical Input	Where Addressed in the Application Documents	Response
				scenario that drains could block when analysing seepage for operating and post closure phases. in the post closure phase blockage of the drains will not have a significant effect on seepage quantities.
9.	No numerical breakdown of waste rock volumes, staging or timing for TSF construction. Detailed engineering calculations and specifications for each stage of the TSF building and filling process ought to available in the management plan now.	Geotechnical and Tailings Storage Environmental Geochemistry / Water Planning	**Substantive FTA Application:** B.06 - Mine Waste Management Limited - Mine Impacted Water Overview Report (MWM 2025) **Response Evidence:** Evidence of Dr Trevor Matuschka - Paragraphs 47	MWM has provided a summary of the total materials quantities based on lithological units as part of the FTAA Application. It would be reasonable to include the mine schedule in the ELF Management Plan as an update. The schedule should be updated annually or in the evident of a significant change in the mine plan. TM: The timeframe for construction of the tailings dam has considered the mining schedule and the availability of materials for the different zones of the embankment. The initial stage of construction of the tailings dam will use local borrow while the pit is stripped (removal of trees and topsoil) and haul roads are developed. Although the quantity of mine waste from the RAS Pit is designed to minimise waste movement the expected minimum quantities easily exceed that required for construction of the initial tailings dam and to provide a substantial buttress. Scheduling indicates there will be sufficient waste rock from the RAS Pit to provide a buttress up to the crest of the starter dam prior to deposition of any tailings. There is sufficient waste rock to construct a substantial buttress (50m wide crest and with a downstream slope of 7H:1V). As mining progresses the buttress will expand significantly. It will rise substantially above the crest of the tailings dam (up to 70 m) and extend downstream of it by about 1 km.
10.	The project involves excessive production of waste rock.	Environmental Geochemistry / Water MGL	N/A	MWM: Mining planning is about minimising the about of waste rock that requires removal to maximise the amount of resource (i.e., gold) that will be recovered. This is undertaken by detailed mine planning.
11.	The application does not cover the likely quantities and concentrations of arsenic to be released in tailings, waste rock dumps and dust. The effects of natural hazards and climate change impacts on the safety of arsenic to remain contained are not outlined.	Environmental Geochemistry / Water Air quality	**Substantive FTA Application:** B.06 - Mine Waste Management Limited - Mine Impacted Water Overview Report (MWM 2025). B.06C - Mine Waste Management Limited - Mine Impacted Water Overview Report – Appendix I to O **Response Evidence:** Evidence of Dr Paul Weber. B33 - Pattle Delamore Partners - Assessment of Environmental Effects from the Discharge of Contaminants into Air (PDP 2025) - Sections 2.1, 3.1, 4.1.3, 7.0, 9.0 and 10.2. **AQ-Response Evidence:** Evidence of Jeff Bluett - Paragraphs 62-69	MWM: Professor Lottermoser notes in his evidence (Section 2.4) dated 18 March 2026 that there is insufficient geochemical analysis of the tailings. Information is available and is provided in the Response Evidence of Dr Paul Weber. The change in PCOC load for Shepherds Creek and Rise and Shine Creek have been provided in the evidence of Paul Weber (Appendix F). Air Quality - **I**n summary, I am confident that the actual effects from the site's emission of particles containing elevated levels of As will be definitely less than minor and most likely negligible. To demonstrate compliance with this conclusion, MGL has committed to running an As air quality monitoring programme that will establish background levels of this contaminant and ensure that the emissions from potential sources do not in reality generate any adverse effects on the receiving environment beyond the boundary of the site. The results from the arsenic monitoring programme will be reviewed by ORC and be made available to the public.

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12.	The long-term stability of arsenic and likely eventual mobilisation appears heavily dependent on modelling, carbonate buffering and passive long term management assumptions, each of which provide a major challenge to successful implementation. To make interpretation even more difficult, there appears to be no single application document that explicitly covers the long-term fate of arsenic, with vague comments throughout multiple reports	Environmental Chemistry / Water	**Substantive FTA Application:** G.15 Engineered Landform Management Plan B.06 Mine Waste Management Limited - Mine Impacted Water Overview Report (MWM 2025). **Response Evidence:** Evidence of Dr Paul Weber.	We note one document does not singularly focus on the management of arsenic. The area is naturally elevated in arsenic, and it is a significant PCOC for the BOGP along with other PCOC derived from geoenvironmental hazards Instead, this is addressed through multiple reports as provided, which address the six steps of AMD management.
13.	MGL's assessment of air quality effects is not credible. The project will have adverse air quality effects.	Air Quality	**Response Evidence:** Evidence of Jeff Bluett - Paragraph 34	I reject this suggestion and respectfully suggest that Sustainable Taras representatives read the ORC's independent reviewer report which details his positive view on the assessment's input information, assessment method and conclusions. The ORC review concludes "there is no material risk of adverse air quality effects remains from the operation of the Bendigo-Ophir Gold Project".
14.	The application underestimates the effects of dust, particularly in relation to high arsenic content.	Air Quality	**Substantive FTA Application:** B33 - Pattle Delamore Partners - Assessment of Environmental Effects from the Discharge of Contaminants into Air (PDP 2025) - Sections 2.1, 3.1, 4.1.3, 7.0, 9.0 and 10.2. **Response Evidence:** Evidence of Jeff Bluett - Paragraph 60 to 71	In summary, I am confident that the actual effects from the site's emission of particles containing elevated levels of As will be definitely less than minor and most likely negligible. To demonstrate compliance with this conclusion, MGL has committed to running an As air quality monitoring programme that will establish background levels of this contaminant and ensure that the emissions form potential sources do not in reality generate any adverse effects on the receiving environment beyond the boundary of the site. The results from the arsenic monitoring programme will be reviewed by ORC and be made available to the public.
15.	The application does not consider wind conditions during the windiest period from October to January and does not adequately assess dust generating sources of the BOGP.	Air Quality	**Substantive FTA Application:** B33 - Pattle Delamore Partners - Assessment of Environmental Effects from the Discharge of Contaminants into Air (PDP 2025) - Sections 8.2.1. **Response Evidence:** Evidence of Jeff Bluett - Paragraph 12	I am confident that the dust assessment based on February 2023 to November 2024 data is representative of wind conditions experienced over the longer period in the area and is robust.
16.	Wind metering equipment located in the following locations does not present an accurate picture of effects: - Lake Clearview. - CIT and SRX on Thomson Gorge Road. - Ardgour flats. Wind metering equipment should be located at:	Air Quality	**Substantive FTA Application:** B33 - Pattle Delamore Partners - Assessment of Environmental Effects from the Discharge of Contaminants into Air (PDP 2025) - Section 8. **Response Evidence:** Evidence of Jeff Bluett - Paragraph 13	In my opinion the current network of five wind monitors provides a high quality and robust set of wind data for the purposes of input into the dust assessment and to inform and plan dust mitigation measure. In my experience having a network of five wind monitors for an area of this size provides a rich and valuable data set which meets the current and future needs of the project. I do not see any advantages or value in either moving some of the current sites of adding new wind morning sites.

Comment Number	Comment	Applicant Technical Input	Where Addressed in the Application Documents	Response
	- Thomsons Saddle above the TSF. - On the flats further to the South towards Matilda Rise.			
17.	There is little reference to PM2.5 particles or respirable crystalline silica and no assessment of arsenic laden dust exposure to grazing stock or neighbouring conservation reserves.	Air Quality	**Substantive FTA Application:** B33 - Pattle Delamore Partners - Assessment of Environmental Effects from the Discharge of Contaminants into Air (PDP 2025) - Section 2.1. **Response Evidence:** Evidence of Jeff Bluett - Paras 25-26 & 60 to 71	Emissions of PM2.5 will be very low and have effects that are less than minor Emissions of RCS will be very low and have effects that are less than minor II am confident that the actual effects from the site's emission of particles containing elevated levels of As will be definitely less than minor and most likely negligible.
18.	The 300m dust containment contradicts local experience and observations at Macraes and does not take into account the funnelling effects of Shepherds Creek valley.	Air Quality	**Substantive FTA Application:** B33 - Pattle Delamore Partners - Assessment of Environmental Effects from the Discharge of Contaminants into Air (PDP 2025) - Section 4.2.1. **Response Evidence:** Evidence of Jeff Bluett - Para 13	In summary, there is a healthy body of data, literature and guideline to support my assumption that a 300 m buffer is a robust initial estimate of how far dust is likely to travel.
19.	There is no detail on the chemical processes and design of the processing plant, including storage of cyanide at the plant, making cyanide risks to the environment and community impossible to assess.	Air Quality MGL	**Substantive FTA Application:** B33 - Pattle Delamore Partners - Assessment of Environmental Effects from the Discharge of Contaminants into Air (PDP 2025) - Section 2.1 - Sections 2.2, 2.3, 6.1 and 12.3. **Response Evidence:** Evidence of Jeff Bluett - 44 to 48	Solid sodium cyanide is delivered in a steel isotainers with capacity of up to 28m3 (or 22t of solid sodium cyanide). At the mine site, water is circulated through the isotainer and dissolving tank – as the stream passes the briquettes they dissolve and generate sodium cyanide solution. Solid-to-Liquid System (SLS) utilises PLC/HMI with remote monitoring, pumps for dissolution & solution transfer and hardware constructed of all stainless steel. In the processing plant cyanide addition and concentration is constantly and permanently monitored with inline cyanide monitoring (i.e. cynoprobe or equivalent) in both the CIL and cyanide detoxification circuits. Further slurry pH in the processing circuit is constantly monitored via pH probes (with redundancy) and control loops to maintain slurry pH levels at 10-10.5 through the addition of lime upstream of the NaCN addition points. Fixed HCN gas monitors are installed in the process plant with set alarm and evacuation points and personal HCN monitors are used by personnel working within the circuit. **AQ** In summary, I disagree with Sustainable Taras on this issue. My opinion is that while the assessment is process based and not quantitative, the information presented in the air quality assessment is sufficiently robust and comprehensive enough to allow the Panel to make an informed decision on the potential risks and effects from the potential discharge of HCN

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20.	The application does not specify the quantity of cyanide converted to ammonia or the amount of ammonia expected to be released to air.	MGL Air Quality	**Response Evidence:** Evidence of Jeff Bluett - Paras 49 to 50	While Sustainable Tarris is correct, the assessment of the potential impacts of the discharge or NH3 into the environment is not quantitative, it is based on best practice mitigation measures and experience gained at similar sites. I will also reiterate that the ORC air quality expert reviewer did not express any concerns about the impacts of NH3 emissions. I am again confident the information presented in the air quality assessment is sufficiently robust and comprehensive enough to allow the Panel to make an informed decision on the potential risks and effects from the potential discharge of NH3 from the processing plant.
21.	The application does not assess the risk of a catastrophic cyanide tank failure or the potential for the valley to become a confined or restricted space for workers.	Air Quality MGL	**Response Evidence:** Evidence of Jeff Bluett - Para 52	MGL: All reagent storage systems are designed with secondary containment bunds that can contain 110% of the total volume of the largest storage tanks and meet the crest locus limits. The reagent bunds are separated so that different reagents cannot mix. There is separation of the reagent areas based on their compatibility (i.e. NaCN mixing and storage is adjacent to alkali not acid) . The storage and location of reagents is being designed and will be certified to meet the NZ Health and Safety at Work Regulations (Hazardous Substances) Regulations. Permanent HCN gas monitoring and alarm systems will be installed within the processing plant. All facilities are built with multiple access points for exit / evacuation. AQ: The health and safety of workers is clearly important but outside the scope of my air quality assessment. I do know however from my time spent with the plant designers, that the plant will comply with all the relevant WorkSafe requirements and do not present a confined space hazard in the unlikely event of a plant upset.
22.	MGL has not committed to adopting the International Cyanide Code.	MGL	N/A	The International Cyanide Management Code (ICMC) is a voluntary framework. As stated above, BOGP 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), and > Worker safety and training (monitoring and emergency response). BOGP will operate under strict, enforceable New Zealand legislation and regulatory standards, governed by enforceable consent conditions, national water quality standards, and real-time operational controls.
23.	The application provides insufficient detail on the nature, quantity, and environmental impacts of air emissions from the dore smelting furnace, making it unclear why a 15 m discharge stack is necessary if discharges are expected to be minimal.	Air Quality	**Substantive FTA Application:** B33 - Pattle Delamore Partners - Assessment of Environmental Effects from the Discharge of Contaminants into Air (PDP 2025) - Sections 2.2, 3.1, 4.2, 9.2 and 12.3.	The assessment I undertook is a qualitative assessment which aligns with accepted good practice when the quantity of contaminants discharged is low and the degree of risk presented by the discharge. The 15 m stack simply provides a discharge point well above the height of other nearby structures and ensures that any contaminants will be discharged into free-flowing air which provides efficient and effective dispersion.

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			Response Evidence: Evidence of Jeff Bluett - Para 53 to3 to 54.	
24.	Project has high risks of groundwater contamination.	Groundwater Hydrogeology MGL	**Substantive FTA Application:** B.06C Mine Waste Management Limited - Mine Impacted Water Overview Report – Appendix I to O - Appendix M – Water Treatment. G.01 Water Management Plan **Response Evidence:** Evidence of Ryan Burgess	HGG: In my opinion, with the combination of the BOGP hydrogeological setting, proposed forward works, proposed seepage collection systems, performance monitoring and contingency measures available, the residual risk of unacceptable offsite MWSF seepage migration is low. Refer to response to Comment #12 for further response to seepage management. MGL: Cyanide Destruction Process The INCO process (cyanide destruction process) works by using sulphur dioxide (as SMBS) and air to convert the WAD CN to cyanate which then breaks it down to carbon dioxide and ammonia (NH_3), which in water becomes ammonium (NH_4^+). The process is one of the most widely used detox methods globally and is standard practice for plants meeting strict environmental standards (such as those in the ICMC) because it is effective, reliable and well understood. Additionally, the tailings storage facility is designed recycle back to the plant. As a result, the combined effect of active detoxification and physical containment means the risk of cyanide migration to groundwater is mitigated.
25.	*Comment row intentionally left blank.*			
26.	MGL's heritage assessment is poor and Legal - Lane Neave incorrect. The project's impact on heritage is significant.	Heritage Legal	**Substantive FTA Application:** B.34B - New Zealand Heritage Properties Limited - Heritage Assessment (NZHP 2025a) (2 Parts) (10 March 2026) **Response Evidence:** Evidence of Dr Naomi Woods Legal Submissions, 17 April 2026 at 'Heritage'	The methods used at all stages of the Heritage Assessment are well established and have been used by myself and NZHP for many years on a wide variety of sites and landscapes, including gold mining landscapes in Otago and the West Coast. To reduce subjectivity when assessing heritage values, it is imperative that all sites and landscapes are assessed consistently and using clearly defined parameters, as has been done here. HNZPT has accepted these methods for years, including as part of a successful application for an archaeological authority to destroy and modify sites in the part of the BOGP disturbance footprint with the highest heritage values (the Rise and Shine Creek workings). The heritage assessments and evidence prepared is legally sound and should be preferred.
27.	The heritage assessment does not consider heritage values at a landscape scale.	Heritage	**Substantive FTA Application:** B.34B - New Zealand Heritage Properties Limited - Heritage Assessment (NZHP 2025a) (2 Parts) (10 March 2026) - Section 9 and 10 **Response Evidence:** Evidence of Dr Naomi Woods	The assessment of heritage values is structured around interconnected site complexes followed by consideration of the wider landscape.

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28.	The Shepherds Creek paper road area holds significant heritage value. Most of this value will be lost and some has already been lost during MGL's exploration.	Heritage	**Substantive FTA Application:** B.34B, Section 9.5 **Response Evidence:** Evidence of Dr Naomi Woods	When considered critically and standardised methodology is applied, the Matakanui-Bendigo Road does not, in NZHP's view, hold significant heritage value. Accusations of site damage are unfounded.
29.	Closure of Thomson Gorge Road will turn a 150m walk into an 8 – 10 km round trip and daily blasting will presumably require closure of the track to the public.	MGL Recreation	**Substantive FTA Application:** C.29 - Proposed Come-in-Time Concession	MGL has proposed a route to access to the CIT Battery during mining operations. MGL is open to pursuing alternative routes and has commenced discussions with DOC to identify potential options. Blasting will occur most days at the same time. Sections of the track and Battery when within 500m of the blast will need to be closed for a short period to ensure safety. Advisory notices can be placed at key locations to ensure walkers are aware. MGL will ensure there are no visitors at the CIT battery or on the track in the blast zone during the blast exclusion period (approximately 30 minutes) by physical inspections.
30.	The existing CIT battery ore supply embankment are unstable with sections subsiding potentially from the projects drilling, vehicle movements and road earthworks.	Heritage	**Substantive FTA Application:** B.34B - New Zealand Heritage Properties Limited - Heritage Assessment (NZHP 2025a) (2 Parts) (10 March 2026) **Response Evidence:** Evidence of Dr Naomi Woods	Subsidence fitting Mr Sole's description was noted at the time of NZHP's 2018 survey of the Come-in-Time battery and do not appear to have been worsened by MGL's activity.
31.	Heritage mitigation has been driven by mining intentions with no real attempt at project redesign for protection and preservation of heritage.	Heritage Legal	**Substantive FTA Application:** B.34B - New Zealand Heritage Properties Limited - Heritage Assessment (NZHP 2025a) (2 Parts) (10 March 2026) - Section 10.3.1, 10.3.2 **Response Evidence:** Evidence of Dr Naomi Woods Legal Submissions, 17 April 2026 at 'Heritage'	As stated in Section 10.3.1 of the heritage assessment, those components of the mine that are not dependent on the location of ore bodies (ie. pits) have been located in areas where they will have the lowest impact on heritage values and sites. Measures to protect and/or reduce impacts on heritage sites within the project footprint and vicinity are outlined in Section 10.3.2. The layout of the BOGP is the result of an iterative design process that has incorporated heritage considerations
32.	The heritage and biodiversity fund is disproportionate the scale of effects on historic heritage. For example, restoration of the Lindis Hotel ruins is likely to cost $430,000.	Heritage Legal Planning	**Substantive FTA Application:** B.34B - New Zealand Heritage Properties Limited - Heritage Assessment (NZHP 2025a) (2 Parts) (10 March 2026) **Response Evidence:**	Heritage Assessment B.34B states that appropriate project-mitigation should be agreed with Department of Conservation to offset the partial revocation of the Covenant (Section 10.3.4). MGL acknowledges the concerns raised by parties and now proposes: > an increase in the annual funding from $500,000 +GST to $1,000,000 +GST for every year in which gold is produced (up to a maximum of 10 years); and > a different approach to establish a committee to oversee this fund as opposed to providing funds to the Department of Conservation (on the basis that DOC has expressed an unwillingness to receive the fund).

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			Legal Submissions, 17 April 2026 at 'Biodiversity and Heritage Enhancement Fund'	
33.	Inadequate detail on noise and vibration impacts, their sources and how they will affect the community. Blasting will impact resident and visitor amenity.	Acoustic	**Substantive FTA Application:** B.29 - Marshall Day Acoustics - Assessment of Noise and Vibration Effects (Marshall Day 2025)	The Noise Report provides a detailed analysis of the existing and proposed noise environment at those properties where the potential adverse effects will be greatest. Predicted operational noise levels are relatively low, and noise effects will be minimal.
34.	Concerns about property value being negatively impacted by the BOGP.	Legal	**Response Evidence:** Legal Submissions, 17 April 2026 at 'Matters Not Relevant to Panel's Consideration'	Effects on property values are not a relevant to the Panel's consideration
35.	MGL's landscape assessment mispresents landscape effects. The project will destruct part of an Outstanding Natural Landscape.	Landscape and Visual	**Substantive FTA Application:** B.19 – Boffa Miskell - Landscape, Natural Character and Visual Effects Assessment (Boffa Miskell 2025) (2 Parts) K.02 – Boffa Miskell - Assessment of Dunstan Mountains Outstanding Natural Landscape dated May 2024 (10 March 2026)	It is not accepted that the landscape assessment misrepresents the effects of the proposal. It is accepted that the project would cause high adverse effects and permanent modification within part of the Site, but the lodged landscape material does not conclude that the wider Dunstan Mountains ONL would be destroyed; rather, it concludes that the enduring changes are localised and that the broader mountain framework, skyline and representative ONL values remain.
36.	The workers' camp in the valley will significantly alter the rural character and social fabric of the area. The use of purpose-built accommodation provided by MGL will minimise these effects.	Landscape and Visual Legal Planning MGL	**Response Evidence:** Legal Submissions, 17 April at 'Matters Not Relevant to Panel's Consideration'	It is accepted that the temporary workers' camp would introduce a localised change in rural character during the start-up phase, particularly for users and nearby properties along Thomson Gorge Road. It is not accepted that the camp would significantly alter the wider rural character or social fabric of the area, as the lodged landscape material rates it low-moderate adverse at start-up, low adverse during mining, neutral at closure, and the LERMP requires the temporary camp to be dismantled and returned to productive pasture during the main mining phase. The accommodation buildings permanent or temporary will need to comply to district plan requirements, the visual and social effects of the facility will be similar for a complying camp. It is accepted the camp will introduce a temporary and localised change in rural character; however, it is not accepted this change would alter the wider rural character or social fabric of the area. It is our assessment the construction and deconstruction of a permanent facility will have greater disruption to the rural character and social fabric than a relocatable camp. Discomfort on the part of individuals to the mere presence of a particular facility does not amount to an adverse effect

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37.	The landscape assessment did not engage with local landowners or incorporate community perspectives on landscape values and anticipated day and nighttime impacts of the project.	Landscape and Visual Legal Planning	**Substantive FTA Application:** B.19 – Boffa Miskell - Landscape, Natural Character and Visual Effects Assessment (Boffa Miskell 2025) (2 Parts) B.31 – Cosgroves Limited - Exterior Lighting Report (Cosgroves 2025) D.01 – CODC Land Use Consent and Conditions F.16 – Bendigo-Ophir Gold Project Pre-Application Engagement Report. **Response Evidence:** Legal Submissions, 17 April 2026 at 'Landscape'	It is accepted that the landscape assessment did not include direct visits to private properties or separate consultation with individual local landowners as part of its visual assessment method. It is not accepted, however, that community-scale amenity or day and night effects were omitted, as the assessment considered residential and private viewpoints from representative public locations and night-time effects were separately addressed through the lighting assessment and proposed lighting controls. The Landscape Assessment complies with TTatMG. While landowner views are relevant, landscape assessment required to be an independent assessment, not reflect the views of landowners.
38.	Question why the Boffa Miskell landscape report written in 2024 was not released to provide context to the community at the time of the application in November 2025 but was instead released 4.5 months later.	MGL	**Substantive FTA Application:** B.19 Boffa Miskell – Bendigo Ophir Mine, Landscape, Natural Character & Visual Effects Assessment (Boffa Miskell 2025) **Response Evidence:** K.02 Boffa Miskell – Assessment of Dunstan Mountains Natural Landscape May 2024 (10 March 2026)	MGL commissioned Boffa Miskell to understand the character and values of the Dunstan Mountains Outstanding Natural Landscape (May 2024). Boffa Miskell and MGL subsequently used this report as a reference point to inform the design, planning, management and rehabilitation of the BOGP and assess the impact of the project on the character and values of the local landscape. Boffa Miskell finalised the BOGP Landscape, Natural Character and Visual Effects Assessment on 8 August 2025 and was included in our application lodged on 3 November 2025 (B.19). In response to workshops with regulatory bodies and requests from interested parties after lodgement of the application, MGL provide the 2024 Boffa Miskell report (amongst others) as additional information to the FTA Panel on 10 March 2026 (K.02).
39.	Information on dark sky impacts is lacking. The project cannot yet demonstrate compliance with District Plan spill limits.	Landscape and Visual Lighting	**Response Evidence:** B.31 - Cosgroves Limited - Exterior Lighting Report (Cosgroves 2025) - Section 4, 6, 8.1, 8.2	The Dark Skies report/statement raises many valid considerations in relation to preserving sky darkness. However, as the Exterior Lighting Report is largely qualitative and detailed calculations have not yet been completed, this statement determines that Macraes mine in East Otago is a suitable point of reference and commentary beyond item 31 is made primarily in relation to Macraes mine. The implementation of all recommendations within the Exterior Lighting Report would notably improve (i.e. reduce) adverse lighting effects vs. a typical mining operation, such as is observed at Macraes mine, and so it may be suitable to revisit the assessment of Dark Skies impact after detailed design and full lighting modelling / calculations have been completed. Commentary regarding compliance with Dark Sky requirements 'as far as reasonably practicable' is included on the basis that Dark Sky requirements are not part of the current District Plan for the project area, however a number of mitigating factors are proposed which would significantly reduce the adverse effects of exterior lighting when compared to a 'typical' mining operation, such as the use of zero-uplight luminaires and 3000K light sources and lighting controls to avoid unnecessary night-time lighting. The commentary and proposed mitigation measures are intended to set out a framework to reduce adverse effects but it is acknowledged that further calculations and modelling

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				are needed to quantify expected upward light spill and sky glow. More specific details and compliance criteria may be suitable as part of final resource consent conditions. Similarly, commentary regarding compliance with District Plan spill lighting limits explains mitigation measures proposed for lighting placement and specification to ensure that the project complies with the 10 lux horizontal and vertical boundary spill limit, as per the District Plan. In this case, compliance is mandatory and detailed lighting calculations and modelling are to be completed to demonstrate compliance before any installations are present on site.
40.	Lighting report does not include an impact analysis of exterior lighting during darkness hours. The (Lighting) Statement of Michael Marc Simpson makes recommendations to complete full photometric modelling for all fixed and mobile lighting.	Lighting	**Substantive FTA Application:** B.31 - Cosgroves Limited - Exterior Lighting Report (Cosgroves 2025) – Section - 4, 6, 8.2, 8.3	The Exterior Lighting Report has been prepared to provide explanation and commentary regarding expected and potential adverse effects of exterior lighting and to set out a framework to mitigate these adverse effects. It is acknowledged that a full impact analysis would require further modelling and calculations to present measurable values for adverse effects such as upward and horizontal light spill, sky glow and distant observer glare. Lighting controls are also proposed to ensure that exterior lighting not directly required for active mining operations, such as lighting associated with buildings at the 'Ardgour Terraces' area, is not operating overnight. More specific details and compliance criteria may be suitable as part of final resource consent conditions. The lighting report/statement makes a series of recommendations to enable further assessment, on the basis of completing detailed design and full photometric lighting modelling / calculations. It is agreed that following these recommendations would allow a more complete and clear assessment of potential adverse effects of exterior lighting and may assist in identifying refinement of the proposed mitigation measures.
41.	The (Lighting) Statement of Michael Marc Simpson and associated photos in Appendix E outline effects of external lighting in Queensbury. The external lighting will be visible from significant distances, impact a large number of properties and be visible to transiting visitors and flights.	Lighting Landscape and Amenity	**Response Evidence:** B.31 - Cosgroves Limited - Exterior Lighting Report (Cosgroves 2025) – Section	Mr Simpson's Appendix E and the associated lighting report/statement refers to a mock-up night lighting trial which was completed to consider the possible impacts of exterior lighting. the lighting plant used, the placement and associated visibility of these within the project area may not have accurately reflected the proposed operation. The approximation for mining trucks as used for the lighting trial seems reasonable, however the placement and associated visibility of these within the project area may not accurately reflect the proposed operation. As per section 6.6 of the Exterior Lighting Report, visibility of lighting from mining trucks will be at least partially obscured via bunding to haul roads and other engineered landforms. The parameters of the trial and commentary within the report in general appear to assume that the recommendations and proposed mitigation measures described within the Cosgroves Exterior Lighting Report for fixed lighting and mobile lighting towers will not be followed, for example, > The trial used standard mobile lighting towers, with wide area flood lighting at a colour temperature of 4000-6000K. > As per section 6.5 of the Exterior Lighting Report, it is proposed that lighting towers are custom-supplied/retro-fitted with optically controlled sharp cut-off (zero-uplight) lighting to limit light spill to surrounding areas outside of active work zones. > 3000K light sources may also be used, subject to review of suitability for operational health and safety.

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				> The report (item 49) and trial suggest 150W wide area flood light fittings to simulate building and yard illumination.
				  > As per section 6.2 of the Exterior Lighting Report, fixed lighting associated with buildings is to use discrete, low-output wall mounted and bollard lighting (examples in Report Appendix A). Further, lighting controls are proposed so that this lighting is generally not operational during night-time hours (only late-afternoon/evening and early morning when buildings are occupied).
				  > Similarly to mobile lighting towers, yard/area lighting is proposed to use optically controlled sharp cut-off (zero-uplight) lighting fixtures (examples in Report Appendix A).
				> The report (item 65) notes,
				  "The claim that mobile lighting will be "aimed inward" is not a mitigation unless supported by enforceable installation standards."
				  This is a valid comment, and the intent of the Exterior Lighting Report is that an installation methodology is developed, along with the detailed design, to ensure that mitigation measures are followed on site. Specific details and compliance criteria may be suitable as part of final resource consent conditions.
				> The report (item 65) also notes,
				  "…no lighting towers are available on the market with 3000K warm white light sources, it seems unlikely that towers would be custom manufactured or retrofitted with such luminaires to achieve the above suggested approach to light pollution."
				  however the custom-supply or retro-fitting of standard lighting towers is exactly what is proposed as a key mitigation measure, because it is acknowledged that standard lighting towers would result in adverse lighting effects.
				The use of a night lighting trial is helpful to assess and observe expected adverse lighting effects, however it should be conducted to reflect the specific details of the intended installation.

42.	Extending the electricity network to supply the mine will increase costs and disruption for the wider community through higher line charges and grid strain, with insufficient safeguards to prevent these impacts being passed on to local users.	Planning MGL	Refer submission from Aurora Energy.	Please see submission from Aurora Energy: Any electricity connection or network infrastructure required specifically to supply the BOGP would be funded by the project. The BOGP would be responsible for the full cost of its electricity connection and any associated network investment required to meet its demand. This ensures that no additional costs are incurred by existing electricity consumers as a result of the project.
43.	MGL has not responded to formal information requests and has declined to answer questions put forward by Sustainable Tarras.	MGL	N/A	MGL has engaged with members of Sustainable Tarras through meetings and direct communication since September 2024. Individuals associated with Sustainable Tarras have also attended community drop-in sessions and other engagement events, where opportunities to raise questions and seek information have been available. MGL has maintained an open approach to engagement and has not declined to respond to queries raised. Where questions have been of a general nature or of wider community interest, responses have been provided through publicly available materials, including fact sheets and information videos.

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44.	MGL's community engagement in Tarras was limited, declined over time, and ultimately ceased during a critical period, leaving the directly affected community without meaningful consultation or responses to their questions.	MGL	**Substantive FTA Application:** F.16 - Bendigo-Ophir Gold Project Pre Application Engagement Report. **Response Evidence:** Evidence of Damian Spring - Appendix 4.	As of April 2026, MGL has delivered 22 community drop-in sessions at the Tarras Community Hall alone - part of a wider programme of more than 70 sessions across the region. These sessions were open, regular, well communicated and designed to allow direct access to technical experts across key topics including water, tailings, ecology, traffic, and project design.
45.	Sustainable Tarras attended community engagement sessions in Tarras, but the material provided and the staff running the events failed to answer Sustainable Tarras' questions.	MGL	N/A	It is not always clear to MGL employees attending drop in events whether a member of the public is affiliated with any particular interest group. Matters raised are always answered genuinely to the capability of the person being asked. It is normal for more senior MGL staff or specialists to be called over to assist if a question is beyond an employee's knowledge. It is a matter of perspective whether a question is answered to the satisfaction of the person asking the question.
46.	The community group liaison charter is controlled by MGL and was not acceptable to Sustainable Tarras.	MGL Planning	N/A	MGL: Please see excerpt from MGL Community Liaison Group Charter of Understanding. ***"1. Purpose*** *The Community Liaison Group (CLG) is established by Matakanui Gold Limited (MGL) to facilitate open communication, collaboration, and mutual understanding between the Bendigo-Ophir Gold Project (BOGP), community and relevant stakeholders. The CLG aims to address concerns, share information, and foster cooperative relationships to support community well-being and project success."* The Charter also states objectives and all members of the CLG have signed the Charter to acknowledge the CLG purpose. Sustainable Tarras declined to join the group, but the invitation remains open.
47.	MGL has shown little willingness to consider property value protection or sale underwriting arrangements (as OceanaGold did in Waihi) for affected residents despite community requests.	MGL Legal	**Response Evidence:** Legal Submissions, 17 April 2026 at 'Matters not Relevant to Panel Consideration'	Property values not relevant consideration
48.	Unwilling to outline involvement (or lack of involvement) of MGL CEO in the Canterbury Coal Mine consent breaches which is still in legal dispute over mine restoration.	Legal MGL	N/A	No response – not relevant to application
49.	New Zealand's regulatory framework for large open cast gold mining lags behind mature jurisdictions and local councils do not have the skills and expertise of regulators in mature mining jurisdictions. This increases reliance on mining companies' good intentions.	Planning Legal	N/A	No response – not relevant.
50.	New Zealand's lagging regulatory framework for gold mines is particularly concerning as it pertains to TSF design. Global TSF	Geotechnical and Tailings Storage	**Response Evidence:**	TM: New Zealand has statutory requirements that cover the design, construction and post construction safety of dams (Resource Management Act and Building Act which includes Building

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	experts are on record stating that it is not if but when gold mine tailings dams will fail if there is no perpetual oversight.		Evidence of Dr Trevor Matuschka - Paragraph 55	Code regulations and Dam Safety Regulations). They cover the technical and governance aspects for the complete lifecycle of a tailings dam (design, construction, operation and post closure). The New Zealand Dam Safety Guidelines (updated in 2024) are generally used to support compliance with the Building Code and cover tailings dams and reference relevant other international guideline documents published by the ICOLD, Australian National Committee on Large Dams (ANCOLD), Canadian Dam Association (CDA), and the GISTM. The GISTM was published in 2020 and was jointly authored by the International Council on Mining & Metals (ICMM), United Nations Environment Programme, and Principles for Responsible Investment (PRI). The Building (Dam Safety) Regulations 2022 apply to all existing dams and there is no time limit on their application.
51.	The proposed location of the processing plant and associated infrastructure within a narrow, steep gorge may introduce constraints on design and operational arrangements that have implications for worker health and safety, emergency access, and fire response, yet these matters including plant design details, hazardous substance management, fire risks, and environmental conditions are not fully addressed in the application. The Panel should seek comments from WorkSafe and Fire and Emergency New Zealand.	Legal	N/A	No response – compliance with Health and Safety At Work Act and other legislation not affected by FTA
52.	Information on hazardous substances is lacking to the point that it is not possible to assess whether effects will be properly managed.	Environmental Geoscience	**Substantive FTA Application:** G.21 - Hazardous Substances Environmental Management Plan	All hazardous substances management will comply with New Zealand standards as detailed in the Health and Safety at Work (Hazardous Substances)) Regulations 2017 and obtain/maintain appropriate licences for controlled substances. This will include all regulated requirements for chemicals associated with: > Labelling, signage, safety data sheets, and packaging. > Transport, primary and secondary containment, spill prevention, spill management, and spill reporting. > Duties to maintain a hazardous substances inventory, appropriately manage risks associated with hazardous substances, and review control measures. > Implementation of a training program for relevant site personnel. > Maintain an emergency response plan for unexpected releases and report unintended releases to appropriate authorities within required timeframes. A site-specific Hazardous Substances Management Plan will be developed for the site.
53.	Consent conditions include a community agreement developed in partnership with representatives of the Tarras community before construction begins, reflecting the scale, duration, and proximity of the proposed mine.	Planning MGL	N/A	This comment does not provide a specific alternative condition or amendments and as such, we have not considered this matter further due to the compressed timeframes, and no changes to the conditions have been made at this time.

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54.	Assessment of whether the application meets global standards for: > Governance. > Bonds and liability financing. > Community development agreement and funding Recommendations by Sustainable Tarras where there is no evidence that the standards have been met.	MGL Planning Legal Bonding	**Response Evidence:** Legal Submissions, 17 April 2026 at 'Role of the Bond'	MGL: MGL is currently preparing to proactively report as per the Australian Securities Exchange (ASX) Environmental Social and Governance reporting requirements (Australian Sustainability Reporting Standards (ASRS)) in 2026. MGL has not yet triggered mandatory reporting thresholds for the ASX. ML: The approach proposed for the Bendigo-Ophir project was first developed in New Zealand in 1997, at which time no equivalent process existed. That approach has set the standard for bond setting since and remains leading edge practice. The proposed bond conditions will be sufficient to ensure the environmental outcomes will be secured.
55.	MGL commissioned a social impact assessment in 2024 and received the completed report from its consultant in 2025, but has declined requests to release it or include it in the application, resulting in the Panel and community lacking an independent, transparent baseline to assess social effects or determine appropriate mitigation.	MGL	**Substantive FTA Application:** B.01 - Benje Patterson (People and Places) – Economic Impacts of the Bendigo-Ophir Gold Project (Benje Patterson 2025)	A Social Impact Assessment was not provided as part of the Substantive Application. It is noted that many of the socioeconomic flow on effects associated with the BOGP are addressed in the economic assessment in Part B of the Substantive Application, *B.01 – Benje Patterson (People and Places)-Economic Impacts of the Bendigo-Ophir Gold Project*. This assessment considers a range of direct and indirect economic effects arising from the BOGP that also have an impact on social wellbeing (e.g. employment). In addition, potential social effects of the Project, both positive and negative, have been well understood as a result of the extensive consultation and engagement undertaken by MGL with the local community and stakeholders as documented in *F.16 – Bendigo-Ophir Gold Project Pre-Application Engagement Report* forming part of the Substantive Application. Based on the above, it is not considered necessary to prepare a Social Impact Assessment for the BOGP.
56.	Claimed benefits of the project cannot be realised due to additional approvals needed under the Overseas Investment Act 2005 and Local Government Act 2002.	Legal MGL	**Response Evidence:** Legal Submissions, 17 April 2026 at 'Need for Separate Approvals'	The requirement to obtain approvals under separate legislation does not prevent the Panel from granting the FTA approvals sought within its jurisdiction
57.	The risks of establishing the TSF where consequences of failure have been modelled as high are sufficient to outweigh any benefits. The TSF is the riskiest option available. Closure criteria are vague and long-term ownership and responsibility for risks and ongoing effects of the TSF, ELFs and other infrastructure including treatment of contaminants are unspecified.	Geotechnical and Tailings Storage Planning Legal Mine Closure	**Substantive FTA Application:** B.40 - Mine Closure Plan - Section 8.3 **Response Evidence:** Evidence of Dr Trevor Matuschka Legal Submissions, 17 April 2026 at 'Closure and Post Closure'	Closure completion criteria are deliberately and necessarily considered preliminary at the project planning and approvals stage. They continue to be refined during the planning and operational phases of mining, based on new technical information, changes to stakeholder expectations, evolving industry standards and changes in risk profiles. While a range of the completion criteria apply to the TSF, in relation to TSF stability, stability criteria have been prepared to ensure that as a minimum the rehabilitation design achieves an appropriate factor of safety (Refer to 'Stability 2', as detailed in Section 8.3 of the Mine Closure Plan – Technical Report B.40). All criteria are expected to be refined in each successive Mine Closure Plan update and finalised prior to closure implementation. Matakanui Gold Ltd will hold liability for management of all areas within the defined closure boundary until it is agreed with relevant Regulators and Stakeholders that closure criteria have been appropriately demonstrated to be achieved or are on track to being achieved. I have been involved in the design, construction, and operation of many TSFs in New Zealand, Australia, Asia-Pacific, South America, and Africa. They include valley and paddock styles, different types of tailings dams (downstream, centreline, and upstream constructed from natural soils, waste rock, and tailings (including filtered tailings), and different geological, seismological and meteorological conditions. The proposed tailings dam at Bendigo would be close to having the lowest likelihood of breach of all those that I have been involved with. This is because it is of downstream construction and is buttressed by the Shepherds Engineered Landform (ELF) from very early on its

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				operation. The final ELF extends approximately 1.1 km downstream of the crest of the tailings dam and is higher than the TSF (up to 70 m higher). With a buttress this large there are no credible modes of failure, including extreme seismic events, that could lead to a mass release of tailings. The ongoing safety of the TSF post closure can be assured because of the statutory requirements of the Building (Dam Safety) Regulations 2022. They require ongoing annual dam safety reviews and compliance certificates, and 5 yearly comprehensive dam safety reviews for as long as the TSF continues to meet the definition of a large dam. Closure conditions are sufficiently certain and legally enforceable
58.	Project will result in loss of wetlands.	Terrestrial Ecology	**Substantive FTA Application:** B.08 - Alliance Ecology Consulting - Assessment of Ecological Effects (Alliance 2025)	Approximately 3.12 ha of wetland will be directly lost due to the project comprising mostly swamp/march and small amounts of fen and seepage wetland. We note that many of these wetlands are likely to be anthropogenically induced, primarily through historic gold mining activities and, in some cases, cattle pugging (particularly in seepage and gully wetlands). As such, these wetlands fall outside estimates of proportional loss of natural wetlands in New Zealand.
59.	Project will result in loss of river extent.	Aquatic Ecology - Ian Boothroyd	**Response Evidence:** Evidence of Dr Ian Boothroyd B.18 Boffa Miskell Assessment of Freshwater Ecological Effects DF, 14 MB)	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. 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".
60.	Very high significant impacts on native flora and fauna (with highly dubious restoration and offsetting proposals). Ecological restoration of the DDF is not feasible. The scale of effects on lizards is very high, significant and unprecedented.	Terrestrial Ecology	**Substantive FTA Application:** B.08 - Alliance Ecology Consulting - Assessment of Ecological Effects (Alliance 2025)	The ecological values, effects on those values, proposed effects management measures and stated outcomes once effects management has been considered are as set out in the Assessment of Ecological Effects and detailed in the various ecological effects management plans.
61.	Tourism revenue and cyclists will be impacted by the poor replacement route proposed for Thomson Gorge Road.	Economics	**Response Evidence:** Evidence of Benje Patterson	Previous research Benje Patterson prepared for Queenstown Lakes shows that about 338,000 visitors cycle, with $280 million of spending associated with visitors whose main motivation is to bike. Although Thomson Gorge Road is a highly regarded cycle journey within the cycling community (see Jonathan Kennett's evidence for Sustainable Tarras), the usage of Thomson Gorge Road is very low compared to cycling in the broader region identified above and even other backcountry cycle journeys. There are no bike counters on Thomson Gorge Road, as there are in some parts of the broader cycle trail network, but we can still form understandings from Strava, which is commonly used among cyclists to record activities. Over the past 90 days to 11 April 2026 on Strava there have been 23 riders cycling on the Strava segment covering Thomson Gorge Road ("Boundary Fence to Top"). Another backcountry ride within Inland Otago, which does have trail counters, and so can provide a point of comparison for scaling is the Coronet Loop, near Arrowtown, which had 336 riders during the same period on a Strava segment ("Picnic Rock Climb") on its backside away from busy trail heads that might inflate the data. The means based on cyclists recording their ride with Strava, the Coronet Loop shows 15 times the usage than Thomson Gorge Road. This Strava sample is only a portion of riders over the first 3 months of the year, but it can be scaled on an annual basis. The Queenstown Trails Trust Annual Report (2025) showed 3,971 uses of the Coronet Loop in 2025 – using

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				this annual benchmark combined with the Strava data from Thomson Gorge Road suggests about 272 riders on Thomson Gorge a year.
62.	The project presents significant transport safety, access, and amenity concerns. Improvements to the transport network are required if the project is approved.	Transport	**Substantive FTA Application:** B.30 - Stantec - Integrated Transport Assessment (Stantec 2025) **Response Evidence:** Evidence of Andrew Metherell	The effects on the wider transport network are low, given the low change in traffic compared to existing. Access to SH8 will be achieved safely and efficiently with an upgrade to the SH8 / Ardgour Road intersection by MGL and approved by NZ Transport Agency. Safety management measures are proposed for Ardgour Road to support changes in traffic. Thomson Gorge Road between Ardgour Road and Thomson Gorge Road will be reconstructed to provide a two-way sealed road. A replacement route to the closed section of Thomson Gorge Road will be provided, with standard commensurate with the existing road and reflective of the mountainous terrain. Management measures will control transport routes to the site, as included in the Project Traffic Management Plan.
63.	Proposed conditions and draft management plans are not capable of adequately managing effects. Closure and bond conditions, lack of conditions requiring insurance and management plan conditions are particular issues.	Planning Legal	**Response Evidence:** Legal Submissions, 17 April 2026 at 'Adaptive Management' and 'Closure Conditions'	Disagree. No changes to the conditions have been made in response to this comment. Requirements for adaptive management plans complied with. Closure conditions sufficiently certain and legally enforceable.
64.	Project will have consequential effects on people, the community and the district's social and economic wellbeing. MGL has not provided sufficient information on social impacts. MGL has not released the social impact assessment it commissioned.	Planning Legal MGL	**Response Evidence:** Legal Submissions, 17 April 2027 at 'social impact'	A Social Impact Assessment was not provided as part of the Substantive Application. It is noted that many of the socioeconomic flow on effects associated with the BOGP are addressed in the economic assessment in Part B of the Substantive Application, *B.01 – Benje Patterson (People and Places)- Economic Impacts of the Bendigo-Ophir Gold Project*. This assessment considers a range of direct and indirect economic effects arising from the BOGP that also have an impact on social wellbeing (e.g. employment). In addition, potential social effects of the Project, both positive and negative, have been well understood as a result of the extensive consultation and engagement undertaken by MGL with the local community and stakeholders as documented in *F.16 – Bendigo-Ophir Gold Project Pre-Application Engagement Report* forming part of the Substantive Application. Based on the above, it is not considered necessary to prepare a Social Impact Assessment for the BOGP The technical assessments undertaken by MGL have ensured that the social effects and benefits are well understood
65.	The application sets certain precedents and expectations – there are mining licenses in place or under consideration by NZPAM over large areas of Otago.	Legal	**Response Evidence:** Legal Submissions, 17 April 2026 at 'Precedent Effects'	Panel decisions are not binding on subsequent panels. Any decision cannot become binding precedent for any future mining applications under the FTA or the RMA
66.	The application is contrary to directive RMA policy and plan provisions and to relevant community plans.	Planning	**Substantive FTA Application:** A.15 - Section 8 – Fast-track Approvals Act 2024 Requirements	It is considered that when taking into account the range of measures proposed to manage adverse effects (that have been reflected in the proposed consent conditions), the BOGP generally achieves consistency with many of the provisions in the relevant RMA statutory planning documents. Notwithstanding, it is acknowledged that any large and complex open pit mining project such as the BOGP cannot be expected to achieve full consistency with each and every provision of these planning instruments. As a result, there will inevitably be some tension between the BOGP and some of the more directive avoidance provisions. However, if the BOGP was being considered under the more traditional decision-making framework of the RMA, any potential inconsistencies with strong

Comment Number	Comment	Applicant Technical Input	Where Addressed in the Application Documents	Response
				avoidance provisions in national policy statements may result in impediments for granting resource consent. This is not the case for the decision-making under the FTA.
67.	Section 107 of the RMA prevents a consent authority granting a discharge permit to discharge a contaminant to water or land (in circumstances where it may enter water), if the discharge would have any of the effects listed in Section 107(1)(e) – (g). There is no evidence that the project will not cause significant adverse effects on aquatic life from discharges of cyanide or arsenic.	Environmental Geoscience Ecotoxicology	See responses above (comments 19 and 72).	Disagree. Taking into account both the limited range of aquatic life present in the watercourses associated with the BOGP and the proposed measures to manage the potential discharge of contaminants into the receiving environment recommended by MGLs independent technical experts, the discharges from the BOGP will not result in significant adverse effects on aquatic life and the restrictions of Section 107 of the RMA do not apply . See responses above (comments 19 and 72).
68.	The application is contrary to Sections 6 and 7 of the RMA and to the RMA's sustainable management purpose.	Planning Legal	**Response Evidence:** Legal Submissions, 17 April 2026 at 'Weighting'	The Substantive Application provides an assessment of the BOGP against Part 2 of the RMA. In summary, this assessment concluded that the Project would promote the sustainable management of natural and physical resources in accordance with sections 5, 6 and 7 of the RMA on the whole. It does, however, acknowledge there is some tension between the BOGP and aspects of section 6(c) of the RMA. Notwithstanding, it must be recognised that mining projects of the scale and complexity of the BOGP will inevitably involve adverse effects that will be either contrary to some provisions in statutory planning documents or with some matters identified in sections 6 and 7 of the RMA. This is to be expected, and provisions that predominantly relate to protecting or preserving environmental or amenity-related values must be weighed and balanced against other more enabling provisions and matters in sections 6 and 7 of the RMA, including the efficient use and development of natural and physical resources. Weighting requires competing considerations to be made to form a view as to whether the purpose of the FTA is met.
69.	Santana has never constructed or operated a gold mine, nor a processing plant. The complexities of both the mining operation and successful effects management require more than simply an extensive suite of well-crafted and detailed conditions prepared by consultants.	MGL	**Response Evidence:** Refer to NZMC comment 1	MGL has assembled a highly experienced team who have been involved in the development and operation of mines around the world, including NZ and Australia; countries that have some of the most onerous regulations in the world. The inhouse team is supported by internationally recognised technical consultants in the fields of geotechnical engineering, geochemistry, hydrogeology, hydrology, mine planning, process engineering and construction. Environmental expertise was sourced from NZ practitioners, each highly experienced in their fields from flora and fauna through to landscape effects and rehabilitation. Indeed MGL is well aware of the complexities of operating a mine and the team is a reflection of this understanding.
70.	The Panel should place significant weight on MGL's poor compliance history.	MGL Legal	**Response Evidence:** Legal Submissions, 17 April 2026 at 'Weighting'	Weighting requires competing considerations to be made to form a view as to whether the purpose of the FTA is met.
71.	There is a statutory 6 year limit on consents to take water in the Otago region which the application does not comply with.	Planning Legal	**Response Evidence:** Legal submissions, 17 April 2026 at 'Duration of Water Permits'	There are no effects-management reason for why a water permit to take and use water should be limited to six years.

Comment Number	Comment	Applicant Technical Input	Where Addressed in the Application Documents	Response
				Taking into account the proposed consent conditions, it is considered there will be no significant adverse effects on any other water users, the allocation sought is well within the available allocation for a groundwater resource and acknowledge a secure source of water is critical to service the mine (and manage other potential adverse effects arising from dust generation). In addition, the decision-making criteria for the Panel under the Act is different to the RMA, noting there is no requirement to 'apply' section 127B of the RMA. The Panel must instead 'take into account' this section whilst giving the greatest weight to the purpose of the Act The Panel in Homestead Bay granted a duration of 35 years. While the Panel must take into account the provisions of section 127B RMA, we agree with ORC that the Panel could validly form the view that a longer duration is valid in this instance.
72.	MGL seeks concessions (easements) in favour of third parties, which is not a concession that may be sought under the FTA.	Legal	**Response Evidence:** Evidence of Mark Chrisp Legal Submissions, 17 April 2026 at 'legal test for concession'	MGL is no requesting the concessions in its own name.
73.	The partial revocation of the Conservation Covenant is fundamentally contrary to the purpose of the Conservation Covenant and will compromise regionally, nationally and internationally significant values. No weight should be placed on the proposed CODC Covenant.	Planning Landscape and Visual Heritage Terrestrial Ecology	**Response Evidence:** Evidence of Dr Naomi Woods	The Heritage Assessment clearly states that the proposal contravenes the heritage provisions of the Bendigo Conservation Covenant. However, proposed mitigation relating to the Come-in-Time battery and associated access track are more aligned with the heritage principles than the current arrangement of this key feature of the Bendigo mining landscape.
74.	The outcome of the wildlife approval is highly uncertain and therefore inconsistent with the protective purpose of the Wildlife Act 1953.	Terrestrial Ecology Legal	**Response Evidence:** Legal submissions, 17 April 2026 at 'Need for Separate Approvals'	The statutory test under s42(4)(h) requires that adverse effects be avoided, remedied, or mitigated - not that outcomes be certain. Applying a certainty standard would render virtually any large-scale ecological management programme unapprovable as residual uncertainty is inherent to ecology, especially at larger scales. The LERMP, ARAMP, and MPMP all include monitoring triggers and adaptive responses specifically designed to address this uncertainty. The counterfactual also matters. Declining approval does not remove uncertainty for these populations; however, it will remove conservation investment. The requirement for approvals to be obtained under separate legislation does not prevent the Panel from granting the FTA approvals sought
75.	The Panel has inadequate information to determine the application.	Planning Legal	**Response Evidence:** Legal submissions, 17 April 2026 at 'Adequacy of Information'	Disagree. The application comprises a voluminous amount of high quality information including (but not limited to) 54 technical reports, 36 maps, 11 sets of proposed approvals conditions and a full substantive application document that summarises the existing environment, the environmental effects associated with the proposal including all effects management initiatives as well as 22 separate monitoring and management plans. The panel has sufficient information to assess the effects of the BOGP

Comment Number	Comment	Applicant Technical Input	Where Addressed in the Application Documents	Response
76.	Adverse effects outweigh benefits. Impacts are unable to be mitigated by conditions.	Planning Legal	**Response Evidence:** Legal submissions, 17 April 2026 at 'weighting'	Disagree. The proposal meets the key FTAA decision criteria for granting the approvals sought. The Panel is required to weigh competing considerations to form a view as to whether they meet its purpose.

Comments from Environmental Defence Society Incorporated

Comment Number	Comment	Applicant Technical Input	Where Addressed in the Application Documents	Response
1	The Panel does not have jurisdiction to grant approvals for conservation concessions located on publicly owned land outside of Bendigo and Ardgour Stations	Legal	**Response Evidence:** Legal submissions, 17 April 2026 at 'Scope'	The approvals sought for land outside of the Bendigo and Ardgour Stations are within scope of the BOGP schedule 2 listing, particularly the approximate geographical location of the BOGP.
2	Project's adverse impacts are sufficiently significant to be out of proportion to the benefits for the purposes of s 85(3). Benefits are overstated and optimistic. Adverse impacts include permanent loss of irreplaceable and vulnerable nationally and regionally significant ecosystems and species, the permanent loss of nationally significant inland wetlands, the failure to protect or maintain and the loss of ONL values and long term contamination of shallow groundwater and surface water receiving environments.	Legal	**Substantive FTA Application:** A.15 Section 8 – Fast-track Approvals Act 2024 Requirements **Response Evidence:** Legal submissions, 17 April 2026 at 'weighting'	Disagree. The BOGP, has demonstrable National and Regional benefits, as discussed throughout the Substantive Application and supporting technical assessments, to the extent that it easily meets the purpose of the FTAA. In terms of the BOGP's alignment with the key FTAA decision criteria, refer to the legal submissions provide in Part A of this comments response package. The weighting exercise to be undertaken by the Panel requires competing considerations and form a view as to whether they meet the purpose of the FTA.
3	Information provided is inadequate to address the actual impacts	Planning Legal	**Substantive FTA Application:** A.15 Section 8 – Fast-track Approvals Act 2024 Requirements **Response Evidence:** Legal submissions, 17 April 2026 at 'Adequacy of Information'	Disagree. The application comprises a voluminous amount of high-quality information including that addresses the environmental effects associated with the proposal including 22 separate monitoring and management plans and 11 sets of proposed approvals conditions. The information is sufficient to assess the effects of the BOGP.
4	There are critical gaps in groundwater hydrology data, and inadequate conceptual modelling of groundwater flows leading to overall uncertainty in the assessment of groundwater effects	Groundwater	**Substantive FTA Application:** B.03 Kōmanawa Solutions Limited - Groundwater Existing Environment and Effects Assessment (Kōmanawa 2025b) B.05 Kōmanawa Solutions Limited - Groundwater Modelling Analysis for Mining Bendigo-Ophir Gold Deposit (Kōmanawa 2025d) **Response Evidence:** Evidence of Jens Rekker	Kōmanawa Solutions Limited disagree with several criticisms of the assumptions, input parameters and methodology of groundwater modelling presented by Dr Leanne Morgan (40a_Environmental Defence Society – Evidence of L Morgan EiC, 10 April 2026, paragraphs 51 to 68). MGL note the evidence of Leanne Morgan refers extensively to observed impacts to groundwater hydrology associated with mining of the Hope Downs Mine in the Pilbara region of Western Australia. The geology, topography and climate setting of the Hope Downs iron ore deposit differs significantly from the BOGP.
5	There are issues with groundwater modelling that underestimate groundwater flow to the pits, drawdown and stream depletion	Groundwater	**Substantive FTA Application:** B.03 Kōmanawa Solutions Limited - Groundwater Existing Environment and Effects Assessment (Kōmanawa 2025b) B.05 Kōmanawa Solutions Limited - Groundwater Modelling Analysis for Mining Bendigo-Ophir Gold Deposit (Kōmanawa 2025d) **Response Evidence:** Jens Rekker	Kōmanawa Solutions Limited disagree with several criticisms of the assumptions, input parameters and methodology of groundwater modelling presented by Dr Leanne Morgan (40a_Environmental Defence Society – Evidence of L Morgan EiC, 10 April 2026, paragraphs 51 to 68). MGL note the evidence of Leanne Morgan refers extensively to observed impacts to groundwater hydrology associated with mining of the Hope Downs Mine in the Pilbara region of Western Australia. The geology, topography and climate setting of the Hope Downs iron ore deposit differs significantly from the BOGP.

Comment Number	Comment	Applicant Technical Input	Where Addressed in the Application Documents	Response
6	The estimates of underground tunnel dewatering are uncertain resulting in potentially considerably more water being pumped from the tunnels, impacting groundwater levels	Groundwater	**Substantive FTA Application:** B.03 Kōmanawa Solutions Limited - Groundwater Existing Environment and Effects Assessment (Kōmanawa 2025b) B.05 Kōmanawa Solutions Limited - Groundwater Modelling Analysis for Mining Bendigo-Ophir Gold Deposit (Kōmanawa 2025d) **Response Evidence:** Jens Rekker	Noted. Refer to evidence of Jens Rekker (paragraphs 26 – 33)
7	There is uncertain use of augmentation of the Rise and Shine Creek using groundwater from the Bendigo aquifer to mitigate wetland loss	Hydrogeology	**Substantive FTA Application:** B.42 BOGP Wetland Drawdown Assessment. B.43 BOGP Flow Augmentation Strategy **Response Evidence:** Ryan Burgess	Based on available information, the planned augmentation approach holds promise in mitigating potential effects to swamp and marsh wetlands in the Rise and Shine Creek given the interpreted surface water dominated nature of these wetlands. Further studies were recommended in B.42 to confirm the augmentation approach will work as intended.
8	There is inadequate assessment of pit lake water quality and implications for future use of the site given the likely chance of contamination, including toxic levels of arsenic and nitrogen	Environmental Chemistry / Water	**Substantive FTA Application:** The modelling of the RAS Pit Lake is provided in the MWM MIW Overview Report – Appendix N **Response Evidence:** Dr Paul Webber	Due to health and safety risk of highwalls, at closure the pit voids will be designated non-use mining areas (NUMAs). Exclusion barriers will be established. Previous studies demonstrate that nitrogenous compounds degrade due to biogeochemical processes and concentrations are expected to be low following this degradation process. This is explained in the Source Term Report (B.06C MWM MIW Overview Report (Appendix I). Arsenic can be elevated in pit lakes due to lesser iron for adsorption. The potential for elevated nitrogenous compounds in pit lakes immediately following closure is acknowledged. However, these pit lakes will be designated as Non -Use Mining Areas (NUMA) at closure due to ongoing health and safety risks and will not be managed or promoted for ecological, recreational, or other beneficial use. As such, the presence of elevated nitrogen compounds and any associated algal bloom potential is confined to closed and isolated mine features. There is no reliance on these pit lakes as receiving environments, and no exposure pathway for human use (managed by exclusion barriers). Any ecological effects are limited to the internal pit lake systems. On this basis, while the water quality characteristics described by Dr Webster -Brown are recognised, they do not give rise to adverse effects beyond the mine footprint and are appropriately addressed through the proposed closure framework and ongoing monitoring rather than active remediation.
9	Potential release of a significant quantity of hydrogen sulfide, a toxic unpleasant smelling gas, as a result of almost certain thermal stratification and expected pit lake turnover	Environmental Chemistry / Water	**Substantive FTA Application:** The modelling of the RAS Pit Lake is provided in the MWM MIW Overview Report – Appendix N **Response Evidence:**	Annual thermal stratification is expected and is known to occur in pit lakes associated with orogenic gold deposits (e.g., Globe-Progress Pit Lake in Reefton). Stratification occurs in summer (warmer waters on the surface). In winter with air temperatures cooling there is gradual decline of the thermocline rather than a turnover.

Comment Number	Comment	Applicant Technical Input	Where Addressed in the Application Documents	Response
			Dr Paul Weber.	A comprehensive pit lake model will be developed that addresses the seasonal stratification and risks for the generation of secondary contaminants such as hydrogen sulfide and ammoniacal nitrogen. The requirement for a comprehensive pit lake model should be a consent condition to address the concerns of Professor Jenny Webster-Brown
10	Potential underestimation of water percolation through engineered landforms and waste piles, and its implications for predictions of mine impacted water composition	Environmental Chemistry / Water Groundwater Hydrogeology	**Substantive FTA Application:** G.06C MWM MIW Overview Report – Appendix K and Appendix N) discuss net percolation rates. **Response Evidence:** Dr Paul Weber	Field trials will be undertaken to validate the net percolation rate. This is discussed in the response to the ORC RFI on this matter in the evidence of Paul Weber. Higher net percolation would mean a longer active treatment period before transition to passive treatment. New Consent Condition NEW 20 has been proposed to ensure the cover system field trials are undertaken.
11	Seepage of mine impacted water with levels of contaminants exceeding proposed water quality compliance limits for receiving surface water and groundwater systems, enduring for over a century and resulting in a high potential for long-term contamination of shallow groundwater and surface water receiving environments	Groundwater Hydrogeology Ecotoxicology Environmental Chemistry / Water Mine Closure	**Substantive FTA Application:** Refer to Table 8 and Table 9 within the Mine Closure Plan – Technical Report B.40. **Response Evidence:** Dr Paul Weber – Appendix A Water Treatment.	While the specific contaminants of concern have not been indicated by this comment, compliance limits for surface water and groundwater have been proposed and have been incorporated into the Water Management Plan. MWM notes that a water treatment system will be developed to ensure water quality objectives proposed for the project will be met. The treatment of mine impacted water has been proven successfully internationally and within New Zealand. Seepage collection is discussed below in RFI #12. See response to Fish & Game comment #3. See responses above (comments 19 and 72).
12	Lack of impermeable liners under mining infrastructure to capture seepage into groundwater systems	Groundwater Hydrogeology Geotech / Tailings Storage	**Substantive FTA Application:** B.21 Engineering Geology Limited - Shepherds Tailings Storage Facility Technical Report (EGL 2025b). K.05 Hydro Geochem Group – BOGP MWSF Seepage Risk Assessment (10 March 2026). **Response Evidence:** Ryan Burgess Dr Trevor Matuschka	Any liner will have a finite design life, meaning they can be expected to fail at some point in time. For BOGP, management of seepage risks is proposed with primary seepage collection systems. Seepage modelling provided in Appendix A of my evidence suggests the proposes primary seepage collection systems will capture over 90% of seepage produced by most MWSFs. Contingency seepage interception systems will be implemented if primary systems do not perform as expected. TM: Liners can be constructed from low permeability compacted earthfill or be a geomembrane (often HDPE). Geomembrane liners are the most popular but there is uncertainty about their long-term durability and if they will provide containment in perpetuity. Liners are necessary where the impact of seepage can have adverse environmental impacts. Their greatest benefit is during operation when seepage is highest. Liners are not necessary where the seepage is contained by natural or design features and it is feasible to monitor and implement a seepage control system. As explained in paragraphs 10 and 37 to 40 the natural features of the site (containment by groundwater), design features, and performance monitoring and ability to implement a seepage control system means that a liner has no significant benefit for this project.

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13	Unsubstantiated methods of removing arsenic and trace metal from mine impacted waters are proposed resulting in underpredictions of arsenic concentrations and major risk of significant arsenic emission from the mining operation into the wider environment, via surface water, shallow groundwater and even wind	Water Treatment Groundwater Environmental Chemistry / Water	**Substantive FTA Application:** B.06 MWM MIW Overview Report (Appendix M) provides example of water treatment. B.41 Process Flow - BOGP Post Closure Active Water Treatment Plant Order of Magnitude Study (Process Flow 2025) **Response Evidence:** Dr Paul Weber Gary Smith	An order-of-magnitude (OoM) study was completed by Process Flow on the water treatment plant to explain the process required to remove potential constituents of concern. Further studies are planned to determine the treatment system design. The technology is available and viable. There are many examples of successful passive treatment systems in New Zealand that treat As-rich mine impacted waters (e.g., Globe-Progress Mine vertical flow reactor that treats seepage from the tailings storage facility and the waste rock stack). Reasonable treatment efficiencies are provided in the B.06C MWM MIW Overview report – Appendix M -Water Treatment Report, which need validation through field trials. A new consent condition NEW 6 (D.02 - ORC Consents and Conditions (17 April 2026)) identifies when the studies should commence. Comments on performance of proposed active water treatment have been provided in evidence of Gary Smith.
14	Significant risk of contamination of the Ardgour Aquifer from mine impacted waters	Hydrogeology	**Substantive FTA Application:** K.05 Hydro Geochem Group – BOGP MWSF Seepage Risk Assessment (10 March 2026). **Response Evidence:** Ryan Burgess	This outcome would only eventuate if MWSF seepage was not appropriately collected upstream of SC01 within the Shepherds Creek valley. Proposed seepage management and contingencies and the resulting residual risk are discussed in earlier responses.
15	No modelling of solute transport into the Bendigo Aquifer so unknown contamination risk	Hydrogeology	**Substantive FTA Application:** K.05 Hydro Geochem Group – BOGP MWSF Seepage Risk Assessment (10 March 2026). **Response Evidence:** Ryan Burgess	This outcome would only eventuate if MWSF seepage was not appropriately collected upstream of RS03 within the Clearwater Creek and Rise and Shine Creek valleys. Proposed seepage management and contingencies and the resulting residual risk are discussed in earlier response.
16	No cumulative assessment of groundwater drawdown resulting in potential underestimated drawdown and consequential impact on surface and ground water.	Groundwater	**Substantive FTA Application:** B.02 Kōmanawa Solutions Limited - Bendigo Groundwater Bore Take Effects Assessment (Kōmanawa 2025a) **Response Evidence:** Jens Rekker Ryan Burgess	Consent condition have now been included which require a pump test to determine whether there would be any drawdown or interference effects along with a set of requirements to address any drawdown. The Otago Regional Plan: Water specifies the assessment of drawdown effects on surrounding bores in Schedule 5B. Schedule 5B requires the storability and transmissivity of the aquifer to be determined for "identifying groundwater takes potentially affected by bore interference". These parameters are required for use in the Theis Equation (Theis, 1935). No other competitive drawdown requirement is indicated from ORC plans, policies, rules of guidance publications. The Schedule 5B procedure was followed in the assessment of MGL bore field drawdown effects.

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17	Significant environmental risk of relying on passive treatment of mine impacted water in the longer term	Environmental Chemistry	**Substantive FTA Application:** B.06C MWM MIW Overview Report (Appendix M) **Response Evidence:** Dr Paul Weber – Appendix A Water Treatment.	Active water treatment will continue until passive water treatment systems are confirmed as being reliable and capable of meeting long term water quality objectives. Passive water treatment trials will be undertaken during the Operational Phase of the BOGP.
18	Uncertainty about the ultimate fate of contaminated sludge and sediment from the active and passive water treatment systems	Process Flow Mine Waste Management Geocontam Risk Management	**Substantive FTA Application:** B.32 Geocontam Risk Management - Preliminary Site Investigation (GRM 2025). B.41 Process Flow - BOGP Post Closure Active Water Treatment Plant Order of Magnitude Study (Process Flow 2025) **Response Evidence:** Julie Palich Gary Smith	MIW sludge (residue of water treatment) will be disposed offsite at an appropriate landfill unless acceptable on-site options are approved. Water treatment studies may assess the benefits of sludge recycle to recirculate Al(OH)3 to continue treatment of MIW and precipitate gypsum as a by-product. Comments on performance of proposed active water treatment have been provided in evidence of Gary Smith.
19	Uncertainty about who will manage the site in the long term, including maintaining the passive water treatment system	Environmental Chemistry / Water Legal	**Substantive FTA Application:** G.01 Water Management Plan **Response Evidence:** Legal submissions, 17 April 2026 at Closure and Post Closure Mark Chrisp	Passive treatment is not a walk away solution and ongoing care and maintenance is required. The bond will provide for the costs of closure, for long-term post-closure site management, and for environmental risks, as assessed annually based on MGL's mine plan. The proposed conditions relating to the bond have been developed and are considered appropriate and adequate for achieving this purpose based on their application over the past 27 years since the modern approach to bonding was first developed. That process remains leading edge. Post closure conditions are sufficiently certain and legally enforceable. MGL has also proffered an additional consent condition to explicitly confirm responsibilities for maintaining the Water Treatment Plant and Passive Treatment System during mine closure. Refer to amended conditions in *D.02 – Otago Regional Council Consent and Conditions* presented as Part 4 of the MGL comment response package.
20	Omission from modelling predictions of trace metals being transported on suspended sediment offsite and proposed water quality monitoring of these contaminants based on untrue assumptions	Environmental Chemistry / Water	**Response Evidence:** Dr Paul Webber	Modelling by MWM was on the dissolved solute load. Modelling of total suspended solids was not undertaken. Mine circuit water, that will be elevated in suspended solids and trace metals (e.g., arsenic) that may be adsorbed to these solids will not be discharged from the BOGP without treatment. The treatment process is designed to remove solids as a sludge. Monitoring is required for total and dissolved metals in the WTP discharge to confirm these risks are managed. This monitoring is explained in the new proposed consent condition NEW 10 (*D.02 - ORC Consents and Conditions (17 April 2026)*).

Comment Number	Comment	Applicant Technical Input	Where Addressed in the Application Documents	Response
				MGL have developed the Erosion and Sediment Control Management Plan to minimise the loss of sediment from site. A baseline study will be undertaken of soil/sediment within stream beds to quantify the amounts of trace metals within the existing drainage path. Regular monitoring will be undertaken to assess whether there is any mobilisation of trace metals from the BOGP. This monitoring program needs to address the accumulation of metals due to the adsorption of dissolved trace metals such arsenic to sediment. This monitoring is proposed as a new consent condition NEW 8 (D.04 - Schedule Two - General Conditions for ORC Consents (17 April 2026)). An adaptive management process will be developed if trace metals are elevated above the baseline conditions.
21	Deficient water quality limits that would not prevent contaminants, particularly arsenic, moving offsite while bound to suspended solids or the contamination of downstream stream and possibly lake sediments.	Ecotoxicology Environmental Chemistry / Water	**Substantive FTA Application:** B.07 Greg Ryder Consulting - Recommended Water Quality Compliance Limits for the Bendigo Ophir Gold Project (Ryder 2025) **Response Evidence:** Dr Paul Weber	Compliance limits are set for total antimony (Sb) - surface water and total iron (Fe) - groundwater. The monitoring program proposed for RFI #20 could address the risks for the mobilisation of sediment (with adsorbed trace metals). Limits for total arsenic could also be established. MGL proposes this could be discussed further with relevant parties at expert conferring scheduled through May.
22	Permanent loss of approximately 600ha of ecologically significant habitats and multiple threatened and at-risk taxa across all major taxonomic guilds, including cushionfield species such as *ceratocephala pungens, myosotis brevis* and associated herbfield assemblages and native-dominant shrubland and tussock species such as *aciphylla spp* (taramea), *celmisia spp*.	Terrestrial Ecology Rehabilitation	**Substantive FTA Application:** B.08A **Response Evidence:** Dr Baber and Dr Simcock	The ecological values, effects on those values, proposed effects management measures and stated outcomes once effects management has been considered are as set out in the Assessment of Ecological Effects and detailed in the various ecological effects management plans.
23	Very high level of effect for most indigenous ecosystems affected by the Project	Terrestrial Ecology Rehabilitation Legal	**Substantive FTA Application:** B.08A Alliance Ecology Consulting - Assessment of Ecological Effects (Alliance 2025) REDACTED **Response Evidence:** Dr Baber Legal submissions, 17 April 2026 at Residual Effects Management – Offsetting and Compensation	The level of effect for some but not most ecosystems affected by the project is assessed as very high as set out in the Assessment of Ecological Effects
24	Breach of directive avoidance policies in the NPS-IB requiring no overall loss in indigenous biodiversity, including breach of offsetting and compensation principles	Planning Terrestrial Ecology RMA Ecology	**Substantive FTA Application:** A.15 Section 8 – Fast Track Approvals Act 2024 Requirements	The Project does not meet some of the offsetting and compensation principles in the NPSIB as identified in the assessment of ecological effects. It is considered that when taking into account the range of measures proposed to manage adverse effects (that have been reflected in the proposed consent

Comment Number	Comment	Applicant Technical Input	Where Addressed in the Application Documents	Response
		Legal	B.08 Alliance Ecology Consulting - Assessment of Ecological Effects (Alliance 2025) REDACTED **Response Evidence:** Dr Baber Legal submissions, 17 April 2026 at Residual Effects Management – Offsetting and Compensation	conditions), the BOGP generally achieves consistency with many of the provisions in the relevant statutory planning documents. Notwithstanding, it is acknowledged that any large and complex open pit mining project such as the BOGP cannot be expected to achieve full consistency with each and every provision of these planning instruments. As a result, there will inevitably be some tension between the BOGP and some of the more directive avoidance provisions. However, this is not fatal for the decision-making under the FTA. The inability to meet limits and principles in the NPS-IB must not preclude approval under the FTA.
25	Speculative, research-dependent, or geographically disconnected restoration or rehabilitation mitigation unlikely to replicate the intrinsic composition, structure, ecological functions or resilience of the ecosystems lost	Terrestrial Ecology Rehabilitation	**Substantive FTA Application:** Lodged Documents B.08, G.07, G.07A, G.08, G.09, G.10, G.11 **Response Evidence:** Dr Baber, Dr Ussher, Dr Norton, Dr Simcock and Keith Barber	Agreed with respect to rehabilitation though the intent is to replicate this to the extent possible. We disagree that restoration is not geographically disconnected as it is adjacent and surrounding the DDF and it is expected to facilitate and improve ecological integrity and sequencing across the landscape surrounding the DDF
26	Unknown and unassessed impacts on non-vascular plants	Terrestrial Ecology RMA Ecology	**Response Evidence:** Evidence of Mr Milner	A separate non-vascular plant survey has been undertaken by Wildlands Consultants and I understand this will be provided to the panel and invited parties. The results were: Forty-three species of native moss, 22 species of native liverwort, one species of native hornwort, and 32 species of native lichen were recorded across the ESA. Of these, two had a conservation status of At Risk – Declining, eight had a conservation status of At Risk – Naturally Uncommon, and two had a conservation status of Data Deficient.
27	Most likely permanent loss of wetlands from water table drawdown	Terrestrial Ecology Aquatic Ecology	**Substantive FTA Application:** B.08A Alliance Ecology Consulting - Assessment of Ecological Effects (Alliance 2025) REDACTED	Agreed as stated in in B.08A Alliance Ecology Consulting - Assessment of Ecological Effects (Alliance 2025) REDACTED
28	Breach of directive avoidance policies in the NPS-FM requiring no further loss of extent of natural inland wetlands, including breach of offsetting and compensation principles	Legal Planning Aquatic Ecology	**Response Evidence:** Legal Submissions, 17 April 2026 at 'Aquatic Ecology' Mark Chrisp	It is considered that when taking into account the range of measures proposed to manage adverse effects (that have been reflected in the proposed consent conditions), the BOGP generally achieves consistency with many of the provisions in the relevant statutory planning documents. Notwithstanding, it is acknowledged that any large and complex open pit mining project such as the BOGP cannot be expected to achieve full consistency with each and every provision of these planning instruments. As a result, there will inevitably be some tension between the BOGP and some of the more directive avoidance provisions. However, this is not fatal under the FTA.

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				Breach of an avoidance policy in the NPS-FM is not, by itself, a reason to decline the application
29	Failure to adopt the precautionary principle for indigenous biodiversity, as a mandatory relevant consideration	Terrestrial Ecology	**Response Evidence:** N/A	Agree in that there are moderate or higher levels of residual effects on indigenous biodiversity and net loss outcomes for a number of these values as set out in the assessment of ecological effects
30	Information gaps and insufficient landscape assessment contributing to incomplete evaluation process and under assessment of adverse effects in scope and magnitude, including overly narrow identification of landscape context, omission of relevant information and assessment relating to historic heritage, the Otago Conservation Management Strategy and the Tarras Community Plan and incomplete identification of viewing locations and viewing audiences	Landscape and Visual	**Substantive FTA Application:** B.19 – Landscape, Natural Character and Visual Effects Assessment K.02 – Boffa Miskell - Assessment of Dunstan Mountains Outstanding Natural Landscape dated May 2024; B.19A – Landscape Graphic Supplement. **Response Evidence:** Rhys Girvan	It is not accepted that information gaps in the landscape assessment materially undermine the evaluation process or mean adverse effects were understated. The lodged material identifies the Dunstan Mountains ONL and broader Central Otago context, includes heritage, conservation and skyline analysis, and uses ZTV analysis and representative viewpoints to identify relevant viewing locations and audiences; while documents such as the Otago Conservation Management Strategy and the Tarras Community Plan may provide additional planning context, their omission from the landscape report does not, of itself, show that the principal landscape drivers and effects were not adequately assessed.
31	Information gaps in relation to understanding of the site and its values, including the omission of information on heritage and ecology, key viewing locations from public conservation areas and easements and public places within the Site	Landscape and Visual	**Substantive FTA Application:** K.02 – Boffa Miskell - Assessment of Dunstan Mountains Outstanding Natural Landscape dated May 2024; B.19 – Landscape, Natural Character and Visual Effects Assessment; B.19A – Landscape Graphic Supplement; B.34 – New Zealand Heritage Properties Limited - Heritage Assessment B.08–B.18 – ecological technical reports.	It is not accepted that there were material information gaps in understanding the Site and its values. The lodged material includes analysis of landform, hydrology, land cover, heritage, conservation areas, cultural associations, skylines and views, and identifies views from public conservation areas and surrounding public locations through fieldwork, ZTV analysis and representative viewpoints; while not every public place within the Site was assessed separately, the principal public locations and audiences were identified and assessed.
32	Significant adverse effects on Matakanui Dunstan Mountains ONL such that part of the ONL will not maintain its outstanding landscape character during mining operations and will not regain outstanding nature unless and until revegetation successfully occurs, which could be decades	Landscape and Visual	**Substantive FTA Application:** B.19 – Landscape, Natural Character and Visual Effects Assessment; G.07A – Landscape and Ecological Rehabilitation Management Plan;	It is not accepted that part of the Dunstan Mountains ONL ceases to maintain its outstanding landscape character during mining operations or only regains that character if revegetation is later successful. It is accepted that some localised effects are high and that rehabilitation and revegetation will take time and involve uncertainty, but the lodged material concludes that at the scale of the wider ONL the broader mountain framework, skyline and legibility remain during operations, with overall effects assessed as moderate adverse reducing to low-moderate at closure.
33	Persistent adverse effects on the Matakanui Dunstan Mountains ONL post-closure from discordant man-made landforms and permanent loss of heritage and recreation values	Landscape and Visual Recreation Heritage	**Substantive FTA Application:** B.19 – Landscape, Natural Character and Visual Effects Assessment;	It is accepted that some post-closure landforms will remain modified and that some specific heritage landscape elements within the Site will be lost. It is not accepted, however, that post-closure conditions would result in permanent loss of the wider heritage and recreation values of the Matakanui Dunstan Mountains ONL, as the lodged material concludes the broader landscape remains coherent and legible

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				overall and provides for reinstated recreational access through Thomsons Saddle and Rise and Shine Creek at closure.
34	Significant adverse effects on overall landscape character, including as a result of overt development, adverse effects on visual coherence, intactness and legibility and loss of heritage features, mature kowhai trees and cushionfield	Landscape and Visual Terrestrial Ecology	**Substantive FTA Application:** B.19 – Landscape, Natural Character and Visual Effects Assessment; B.19B – Landscape Visual Simulations.	It is accepted that the proposal would cause significant adverse effects on landscape character within parts of the Site, including adverse effects on visual coherence, intactness and legibility, and that some heritage elements and indigenous vegetation values, including cushionfield and some kōwhai values within the disturbance footprint, would be affected. It is not accepted, however, that those localised effects translate to significant adverse effects on the overall landscape character of the wider Dunstan Mountains ONL, as the lodged landscape material concludes that the broader mountain framework, skyline and representative values remain.
35	Significant adverse effects on visual amenity during mining operations, remaining moderate-high due to persistent discordancy of large man-made landforms	Landscape and Visual	**Substantive FTA Application:** B.19 – Landscape, Natural Character and Visual Effects Assessment; B.19B – Landscape Visual Simulations.	It is not accepted that there are any significant visual effects in the terms asserted. The lodged assessment identifies visual effects from public viewpoints, roads, highways and conservation areas as no greater than moderate adverse during mining, with the highest visual effects confined to some private viewpoints and dwellings where effects range up to moderate-high adverse during mining and reduce at closure.
36	Significant adverse effects on amenity aspects of dark sky, natural quiet and tranquility from some locations	Landscape and Visual	**Substantive FTA Application:** B.19 – Landscape, Natural Character and Visual Effects Assessment; B.31 – Exterior Lighting Report;	It is accepted that dark sky, natural quiet and tranquillity are relevant amenity attributes and that, from some locations, operational effects on those qualities will be material. It is not accepted, however, that those effects are appropriately characterised as significant across the receiving environment, as the lodged material records that they are not uniform and that lighting, noise and related amenity effects are to be materially constrained through siting, design and operational controls.
37	Adverse effects on visual amenity dependent on unproven success of revegetation	Rehabilitation Landscape and Visual	**Substantive FTA Application:** B.19 – Landscape, Natural Character and Visual Effects Assessment; B.16 – Applied Research Plan for Conservation Management, Rehabilitation and Expansion of Cushionfield; G.07A – Landscape and Ecological Rehabilitation Management Plan; D.03 – Schedule One - Central Otago District Council and Otago Regional Council Common Conditions. **Response Evidence:** Rhys Girvan	It is accepted that some reduction in visual amenity effects at closure depends in part on successful rehabilitation and revegetation, and that this carries some uncertainty in the Central Otago environment. It is not accepted, however, that the visual amenity assessment depends wholly on unproven revegetation success, as the lodged material also relies on landform siting, topographic containment, removal of temporary infrastructure and other closure measures, within a staged and adaptive rehabilitation framework.
38	Permanent adverse effects ranging from moderate to very high (significant) on backcountry character, depending on location	Landscape and Visual	**Substantive FTA Application:**	It is not accepted that permanent adverse effects on backcountry character range from moderate to very high depending on location. The lodged landscape material identifies visual effects from conservation areas and backcountry locations as no

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			B.19 – Landscape, Natural Character and Visual Effects Assessment. **Response Evidence:** Rhys Girvan	greater than very low to low-moderate adverse, with views generally constrained by intervening landform and distance; while some enduring modification remains within the Site, that does not translate to very high effects on the wider backcountry environment.
39	Moderate adverse effects on the values and character of the Significant Amenity Landscape (Bendigo Terrace) during mining activity	Landscape and Visual	**Substantive FTA Application:** B.19 – Landscape, Natural Character and Visual Effects Assessment **Response Evidence:** Rhys Girvan	It is accepted that the temporary terrace facilities give rise to more direct and localised effects within the Bendigo Terrace amenity landscape context, but those effects are assessed as low-moderate adverse during construction, reducing to low adverse once established and during operation/completion at the broader SAL scale. That is because the development is confined to a limited part of the inner terrace edge, remains visually contained against the Dunstan foothills, does not materially disrupt the broader legibility and working rural character of the terrace landform, and temporary accommodation elements are removed once mining is operational.
40	Significant adverse effects on natural character of rivers and wetlands during mining and, in some cases, permanently	Landscape and Visual	**Substantive FTA Application:** B.19 – Landscape, Natural Character and Visual Effects Assessment **Response Evidence:** Rhys Girvan	It is accepted that the proposal gives rise to adverse natural character effects on the creek systems and their margins during mining, and that some residual effects remain permanent, particularly in Shepherds Creek where channelisation and major landform change occur. It is not accepted, however, that the lodged landscape material assesses those effects as significant across rivers and wetlands generally, with B.19 concluding that natural character effects peak at moderate-high adverse for Shepherds Creek and moderate adverse for Rise and Shine Creek.
41	The project is contrary to s 6 RMA to recognise and provide for the protection of outstanding natural landscape and preservation of the natural character of rivers and wetlands and their margins from inappropriate development	Landscape and Visual	**Substantive FTA Application:** B.19 – Landscape, Natural Character and Visual Effects Assessment **Response Evidence:** Rhys Girvan	It is not accepted that the project is shown by the landscape material to be contrary to s 6 of the RMA. The lodged assessment expressly addresses both s 6(a) and s 6(b), and concludes that natural character effects are not high across the affected creek systems while effects on the wider Dunstan Mountains ONL remain moderate during operation and reduce at closure; whether that amounts to inconsistency with s 6 is ultimately a matter for the planning evidence and the Panel.
42	The project is contrary to the provisions of the operative Otago Regional Policy Statement requiring the outstanding nature of the Matakanui Dunstan Mountains ONL to be maintained	Planning	**Substantive FTA Application:** A.15 Section 8 – Fast-track Approvals Act 2024 Requirements **Response Evidence:** Rhys Girvan	It is considered that when taking into account the range of measures proposed to manage adverse effects (that have been reflected in the proposed consent conditions), the BOGP generally achieves consistency with many of the provisions in the relevant statutory planning documents. Notwithstanding, it is acknowledged that any large and complex open pit mining project such as the BOGP cannot be expected to achieve full consistency with each and every provision of these planning instruments. As a result, there will inevitably be some tension between the BOGP and some of the more directive avoidance provisions. However, if the BOGP was being considered under the more traditional decision-making framework of the RMA, any potential inconsistencies with strong avoidance provisions in national policy statements may result in impediments for granting resource consent. This is not the case for the decision-making under the FTA.

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43	Breach of scope of Schedule 2 listed project description. An activity is not subsidiary if it involves additional approvals required under different legislation and a different schedule to the FTAA (such as Sch 6 in respect of concessions required under the Conservation Act). It is also not subsidiary where it is outside the scope of the approximate geographical location of a listed project such as public conservation land that does not form part of the privately owned Ardgour and Bendigo Stations. The Panel has no jurisdiction to grant approval for land outside Bendigo or Ardgour Station as they are outside the scope of the approximate geographical location stated in Schedule 2. Concessions sought for public conservation land are outside the Panel's jurisdiction.	Legal	**Response Evidence:** Legal submissions, 17 April 2026 at Scope	The BOGP is within scope of the original application. The approvals sought for land outside of Bendigo and Ardgour Stations are within the scope of the BOGP, particularly the approximate geographic description in Schedule 2
44	Breach of s 127B of the RMA as a result of seeking consent duration longer than 6 years for water takes	Legal	**Response Evidence:** Legal submissions, 17 April 2026 at 'Duration of Water Permits'	With reference to the Homestead Bay decision, we agree with ORC that the Panel can validly form the view that a longer duration is appropriate for the BOGP.
45	Several information gaps across multiple topics such that the magnitude of adverse impact and benefits cannot be confidently assessed and may therefore be materially greater (for adverse impacts) and less (for benefits) than asserted, including economics, groundwater, geochemistry, terrestrial ecology and landscape.	Planning	**Response Evidence:** N/A	It is not accepted that there were material information gaps. The application comprises a voluminous amount of high quality information including (but not limited to) 54 technical reports, 36 maps, 11 sets of proposed approvals conditions and a full substantive application document that summarises the existing environment, the environmental effects associated with the proposal including all effects management initiatives as well as 22 separate monitoring and management plans.
46	Inadequate and insufficient bond and no public indemnity insurance necessary to manage the site long-term and address any unanticipated events	Bonding	**Substantive FTA Application:** B.44 Lane Associates Limited – Bond Introduction (Lane Associates 2025) **Response Evidence:** Malcolm Lane	The bond quanta will include the annual costs of public indemnity insurance premiums and is anticipated to require a risk cost component to cover the remediation of risk events that are uninsurable and that may exist over the long term.
47	Key economic considerations cannot be properly interrogated due to lack of raw calculations being provided	Economics	**Substantive FTA Application:** B.01 Benje Patterson (People and Places) – Economic Impacts of the Bendigo-Ophir Gold Project (Benje Patterson 2025) **Response Evidence:** N/A	The BPL report clearly and specifically outlines the assumptions used at all times. As part of reviewing and critiquing the methods used in the BPL report, several of the other commentors (e.g. CODC, ORC, Sustainable Tarras) were able to form their own estimates of various economic metrics which closely replicated the outputs of the BPL report when similar assumptions were used. In several cases these commentors then applied their own assumptions to specifically quantify where differences in results might emerge, e.g. with different gold prices and discount rates, and multiplier ratios for indirect effects.

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48	A cost benefit analysis has not been undertaken so net benefits cannot be determined	Economics	**Substantive FTA Application:** B.01 Benje Patterson (People and Places) – Economic Impacts of the Bendigo-Ophir Gold Project (Benje Patterson 2025) **Response Evidence:** Evidence of Benje Patterson	The BPL did not undertake a cost-benefit analysis. The legal submissions by Lane Neave on behalf of MGL outline the legal reasons why. From an economics perspective, while the economic benefits of the Project and the potential costs of economic effects on existing industries can consistently be estimated in a way that allows for economic impact assessments, there are other costs related to non-economic effects (such as the environment) that can't readily or accurately be monetised. Environmental effects rely on intangible factors, some of which are qualitative, that do not all have market values and attempts at monetisation would not accurately reflect the nature of the effect. As such, the use of an integrated cost-benefit analysis would lead to an inconsistent comparison between the economic benefits and these other types of effects. Furthermore, the nature of outputs from a cost-benefit analysis, which essentially summarise results into a single metric (e.g. $X of benefit to every $Y of cost), would further muddy the waters by not allowing the Panel to make its own trade-offs between quantitative and qualitative factors when applying relevant FTA statutory tests
49	The economic figures are not discounted by 8% as required by Treasury, which brings the gross domestic product impact down from $5.8m to $3.3m	Economics	**Substantive FTA Application:** B.01 Benje Patterson (People and Places) – Economic Impacts of the Bendigo-Ophir Gold Project (Benje Patterson 2025) **Response Evidence:** Evidence of Benje Patterson	I estimate that the $5.8 billion of cumulative direct GDP (based on 2025 gold pricing which is significantly lower than the current price of gold) generated in Inland Otago quoted on page 6 of the BPL report is equal to an NPV of the direct GDP of $3.1 billion after discounting using the Treasury's real 8% discount rate. This estimate is consistent with other experts. Experts for ORC, Environmental Defence Society, and Sustainable Tarras all arrived at an NPV of $3.3 billion, while Natalie Hampson for CODC estimate a NPV of $3.1 billion. The reason for my estimate and Ms Hampson's being lower is that our figures have conservatively been estimated under the assumption that income is recorded at the end of each year, while the other experts have chosen to discount income under the assumption it is recorded at the start of each year
50	The method of understanding economic impacts is inappropriate because there is no spare productive capacity within Central Otago	Economics	**Substantive FTA Application:** B.01 Benje Patterson (People and Places) – Economic Impacts of the Bendigo-Ophir Gold Project (Benje Patterson 2025) **Response Evidence:** Evidence of Benje Patterson	the Inland Otago economy has a long-term track record of progressively scaling its workforce capacity to respond to demand. For example, Infometrics Regional Economic Profiles show that over the 10 years to 2025, employment growth averaged 4%pa at an average of around 1,600 new jobs each year (16,048 in total over the decade). By comparison employment growth averaged 1.9%pa nationally over the same period
51	Information on the value of impacts on central Otago District, Queenstown-Lakes District and Otago Region is lacking	Economics	**Substantive FTA Application:** B.01 Benje Patterson (People and Places) – Economic Impacts of the Bendigo-Ophir Gold Project (Benje Patterson 2025) **Response Evidence:** Evidence of Benje Patterson	An estimated range of potential direct economic risk from the Project to the wine industry immediately adjacent to the mine ranges from $0 to $10 million per annum of GDP, with a midpoint risk of approximately $5 million. The lower end of this range would be a scenario where none of vineyards surrounding the mine ceased operations or had material operational effects, while the upper end of this range would be a scenario where all vineyards on land immediately adjacent to the mine ceased operations. The scenario of all vineyards ceasing operations is a

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				conservative, worst-case scenario that is not anticipated if the BOGP is operating within the conditions of its approvals. an estimated range of the potential direct economic risk to tourism activity that occurs immediately adjacent to the mine ranges from $0 to $5.6 million per annum of tourism GDP, with a midpoint risk of approximately $2.8 million. At the lower end of this range, the assumption is that there are at least as many people attracted to visit the area by the mine as those who might be put off, while the upper end of the range makes the assumption that zero visitors will visit the area surrounding the mine. These compare to the Project's estimated direct GDP contribution of $360 million per annum in the BPL report (and $587 million direct GDP contribution from the Project if recent gold spot prices were used).
52	The geographic designations inflate the size of the supposed economic base and downplay the potential economic disruption from the BOGP	Economics	**Substantive FTA Application:** B.01 Benje Patterson (People and Places) – Economic Impacts of the Bendigo-Ophir Gold Project (Benje Patterson 2025) **Response Evidence:** Evidence of Benje Patterson	The use of Inland Otago as a labour market catchment is consistent with the geographies used in the Otago Regional Workforce Plan (2022)[1] that was developed by the former Otago Skills Regional Leadership Group (RSLG) supported by MBIE. The RSLG identified that territorial boundaries were not reflective of labour market catchments in Otago and it was better to consider labour market outcomes and skills needs within Inland Otago across an area that integrated Queenstown Lakes and Inland Otago. The New Zealand Government has more recently in 2025 acknowledged the economic integration of the Inland Otago area, with the combined Queenstown Lakes and Central Otago area having been identified to jointly enter into regional deal negotiations. The Regional Deals Strategic Framework requires geographies to support priority objectives for building economic growth with jobs being listed as one of the key outcomes.
53	Negative regional impacts could be roughly the same magnitude as the benefits because most of the economic benefits go elsewhere, while most of the costs are localised	Economics	**Substantive FTA Application:** B.01 Benje Patterson (People and Places) – Economic Impacts of the Bendigo-Ophir Gold Project (Benje Patterson 2025) **Response Evidence:** Evidence of Benje Patterson	The midpoint risk to viticulture was estimated at $5 million of GDP a year, while the midpoint risk to tourism was estimated at $2.8 million of GDP a year. GNP from the BOGP ($230m a year) was estimated at 64% of direct GDP ($360m a year). In contrast, we do not know how much of the benefits of viticulture and tourism remain in New Zealand as we have no evidence on the residences of shareholders and workers. Research for CODC released in 2024, based on surveys of Central Otago vineyards showed that three quarters (74.5%) were temporary overseas workers (backpackers and RSE staff). As a point of comparison, MGL's survey of people who have expressed an interest in working at the mine shows just 3% of workers would require visa sponsorship to take up roles at the mine.

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54	There is a 1 percent overstatement of the total contribution to the government as a result of 'double-counting' ACC and salary / PAYE	Economics	**Substantive FTA Application:** B.01 Benje Patterson (People and Places) – Economic Impacts of the Bendigo-Ophir Gold Project (Benje Patterson 2025) **Response Evidence:** Evidence of Benje Patterson	Bill Kaye-Black for Environmental Defence Society suggests ACC tax payments should be considered different from normal taxation because theoretically they would simply compensate for economic loss if someone was hurt. He argues it is not a general tax transfer rather something that is independent of government to offset economic loss that exactly match the transfer. He suggests this would be no more than $19.4 million across the life of the project. This is fair and I note that against the $1.82 billion of government revenue this would amount to minor rounding
55	Figures are based on best case scenarios and do not include a sensitivity analysis. This could bring the national contribution down from $2.8 billion to $0.5 billion based on reasonable assumptions or counterfactual, for example if the price of gold drops	Economics	**Substantive FTA Application:** B.01 Benje Patterson (People and Places) – Economic Impacts of the Bendigo-Ophir Gold Project (Benje Patterson 2025) **Response Evidence:** Evidence of Benje Patterson	two further scenarios have been developed: A) A high scenario (USD4,707) to reflect current pricing that is 50% above the base case. Current spot prices are at least 50% higher than the gold price assumed in the BPL report (USD3,138), with data from the World Gold Council showing that spot prices over the 7 days to 7 April 2026 were in the USD$4,600/oz to USD$4,800/oz range and peaked at over USD$5,000/oz on average through January 2026. B) A low scenario (USD2,220) to reflect average gold prices over the previous 3 to 5 years. Santana spot price in its modelling USD 2,220 is similar to the 3-year average rates to June 2025 (USD2,260) and the 5-year average rate to June 2025 (in inflation adjusted terms which was USD2,090 (source Macrotrends). The NPV of the GDP effects under the base case in the BPL report is $3.1 billion. In the high scenario, which reflects current gold prices the NPV of the direct GDP would be $5.0 billion, while under the low scenario which reflects the historical average from the 3-5 years before the PFS, the NPV of the direct GDP would be $2.1 billion
56	There is no attempt at assigning economic values to the many environmental, amenity, social and heritage impacts	Economics	**Substantive FTA Application:** B.01 Benje Patterson (People and Places) – Economic Impacts of the Bendigo-Ophir Gold Project (Benje Patterson 2025) **Response Evidence:** Evidence of Benje Patterson	No other costs, related to potential environmental and wellbeing effects were quantified in the BPL report in monetary terms. From an economics perspective, costs related to these non-economic effects can't all be estimated in a way that allows for consistent comparisons with the economic benefits. These non-economic effects rely on intangible factors that do not all readily have market values and so such monetisation would introduce errors and lead to an inconsistent comparison between the economic benefits and these types of other potential effects. Although environmental effects are not anticipated if the Project is operating within the conditions of its approvals, further comments related to environmental risks are addressed in other evidence
57	The national adverse impacts could be enough to outweigh national economic impacts if some assumptions about mine performance are too optimistic	Economics	**Substantive FTA Application:** B.01 Benje Patterson (People and Places) – Economic Impacts of the Bendigo-Ophir Gold Project (Benje Patterson 2025) **Response Evidence:**	There was an additional 10% cost contingency built into all financial modelling by SML that was also reflected in the direct GDP NPVs estiamted by Benje Patterson. The NPVs of direct project GDP are large, and could withstand differences in gold recovery compared to anticipated. The Panel RFIs requested sensitivity analysis related to different gold recovery scenarios which was reflected in the reponses to the Panel.

Comment Number	Comment	Applicant Technical Input	Where Addressed in the Application Documents	Response
			Evidence of Benje Patterson	The NPV of the GDP effects under the base case in the BPL report is $3.1 billion. In the high scenario, which reflects current gold prices the NPV of the direct GDP would be $5.0 billion, while under the low scenario which reflects the historical average from the 3-5 years before the PFS, the NPV of the direct GDP would be $2.1 billion.
58	Post-operational phases are not costed meaning the total cost of the project might be significantly underestimated	Economics	**Substantive FTA Application:** B.01 Benje Patterson (People and Places) – Economic Impacts of the Bendigo-Ophir Gold Project (Benje Patterson 2025) **Response Evidence:** Evidence of Benje Patterson	conceptually from an economics perspective post-closure spending would represent economic activity to undertake the work, albeit this would be offset by the opportunity cost of what those resources could otherwise have been used for. The Panel's RFI 69 also asked for more information about closure costs, but from a commercial perspective related to MGL's own finances and is addressed in the Statement of Evidence of Damian Spring
59	Adverse impacts of the conservation covenant revocation are sufficiently significant to be out of proportion to the Project's overstated benefits and should be declined under s 85(3).	Planning	**Substantive FTA Application:** B.01 Benje Patterson (People and Places) – Economic Impacts of the Bendigo-Ophir Gold Project (Benje Patterson 2025) **Response Evidence:** Mark Chrisp	Disagree. The proposed partial revocation of the Covenant must be considered in its broader spatial and ecological context. The Covenant currently applies to approximately 7,962 hectares of land. MGL proposes to revoke the Covenant from an approximately 888-hectare area that is demarcated by the cadastral boundaries of the affected properties.[3] This uplift area represents approximately 11% of the total Covenant area. Furthermore, the effects associated with the proposed uplift are not uniform across the 888-hectare area. The portion of the propose uplift area located with the DDF covers an area of approximately 252 hectares which represents approximately 28% of uplift area. When considered in the context of the total area protected by the Bendigo Conservation Covenant, this equates to a loss of protected values across approximately 3% of the overall Covenant area. In addition, while the balance of land within the proposed uplift area located outside the DDF will not remain protected by the Covenant during mining operations, it will not be subject to any mining activities and will instead only contain low-impact ancillary and supporting activities for the BOGP. The area will also be subject to the stringent proposed consent conditions that require rehabilitation, offsetting and compensation actions to be undertaken in accordance with the various management plans forming part of the Substantive Application. This will ensure that the values of the Covenant will continue to be protected in this area. As discussed throughout the Substantive Application, following the completion of mining activities, MGL proposes to create a much larger covenanted area that will be protected in perpetuity with obligations remaining to ensure positive effects are enduring. This will cover the full extent of the approximately 888 hectares of the Covenant uplift area and protect more than 1,200 hectares of additional land within the ecological rehabilitation and enhancement areas. This new covenanted area is

[3] Refer to the plan provided in *C.14 Bendigo Conservation Covenant – Uplift Area*.

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				required by Condition 122 in *D.01 CODC Land Use Consent and Conditions* and requires that the environmental outcomes to be achieved in the ecological rehabilitation and enhancement areas are maintained in perpetuity.
60	There is a legitimate expectation that Tenure Review outcomes will endure permanently as quid pro quo for freehold land ownership. Revoking a conservation covenant established under Tenure Review would set an adverse precedent for the High Country.	Legal	**Response Evidence:** Legal submissions, 17 April 2026 at Partial Revocation of Covenant	Panel decisions are not binding. Each FTA application to remove or amend a conservation covenant must be considered on its own merits and decisions under the FTA cannot be held as precedents under other legislation.
61	Revocation of the covenant is inappropriate given the very high conservation values (heritage, ecological and landscape) of the land concerned. There is also a risk of extinction of nationally critical *ceratocephala pungens* and the 7% loss of Kawarau Gecko's national habitat pushing it, and several other threatened species closer to extinction.	Planning Legal Terrestrial Ecology	**Response Evidence:** Mark Chrisp Legal submissions, 17 April 2026 at Partial Revocation of Covenant	Disagree. See response to comment 59. The land use consent conditions requiring covenanting of the proposed offsetting and compensation areas in perpetuity and exceeding the area to be removed from the existing conservation covenant will ensure environmental outcomes.
62	Inadequate assessment of the actual loss of flora, wetlands, lizards, invertebrates and other nationally and regionally important indigenous biodiversity means that the loss is unknown and potentially significantly understated	Terrestrial Ecology	**Substantive FTA Application:** B.08A Alliance Ecology Consulting - Assessment of Ecological Effects (Alliance 2025) REDACTED **Response Evidence:** Dr Baber	I do not agree with this statement for reasons set out in my evidence.
63	No conditions are proposed for the conservation covenant and the proposed replacement covenant is fanciful and inadequate	Planning Legal	**Response Evidence:** Mark Chrisp Legal Submissions, 17 April 2026 'Partial Revocation of Conservation Covenant'	New condition 122 of D.01 addresses the covenant requirements. The land use consent conditions requiring covenanting of the proposed offsetting and compensation areas in perpetuity and exceeding the area to be removed from the existing conservation covenant will ensure environmental outcomes.
64	EDS's economic evidence is that the Project's benefits are overstated	Economics	**Substantive FTA Application:** B.01 Benje Patterson (People and Places) – Economic Impacts of the Bendigo-Ophir Gold Project (Benje Patterson 2025) **Response Evidence:** Evidence of Benje Patterson	GNP has also been calculated which shows $230m pa of GNP out of the $360m of GDP. This shows that almost two thirds of project benefits would accrue to New Zealand shareholders and New Zealand residents.
65	The wildlife approval to catch, salvage and relocate native lizard species is highly uncertain.	Terrestrial Ecology	**Substantive FTA Application:** B.08A Alliance Ecology Consulting - Assessment of Ecological Effects (Alliance 2025) REDACTED **Response Evidence:** Matt Baber	All activities sought to be authorised by Wildlife Permit will be undertaken in accordance with a suite of appropriate management plans

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66	The Panel Convenor Guidance recommends that applicants lodge separate technical and assessment reports in respect of each type of approval. The applicant has not done that. As a result, for approvals sought for the conservation covenant revocation, there is a lack of detailed analysis of how the proposal will impact and compromise the values relating to the covenant and it is unclear which aspects of the offsetting/compensation package are intended to address impacts on the conservation values of the land affected by the covenant revocation.	Planning	**Response Evidence:** N/A	The Panel Convenor Guidance was considered, however, the Substantive Application package was instead framed in a similar form to various other previously lodged FTAA applications to minimse the volume (i.e. number) of reports provided to the Panel. The application comprises a voluminous amount of high quality information including that addresses the environmental effects associated with the proposal including 22 separate monitoring and management plans and 11 sets of proposed approvals conditions. It is not accepted that there is a lack of information regarding how effects will be managed.
67	The purpose of the FTAA is merely procedural not substantive meaning that the purpose does not provide a direction as to the substantive outcome of an application. The purpose does nothing more than create an easier process.	Legal	**Response Evidence:** Legal Submissions, 17 April 2026 at 'Purpose of the Fast Track Approvals Act'	EDS' interpretation of this framework is incorrect. While we agree that ensuring timely and efficient process is one part of facilitating projects, the purpose of the FTA has other significant deliverables as well.
68	Section 85(4) has no bearing on the Panel's weighting exercise under clause 17 of Schedule 5. The decision making process in Schedule 5 takes place prior to the s 85(3) assessment. Section 85(4) is focused on the s 85(3) threshold. It provides direction as to how a policy bottom line should be treated in the context of s 85(3). Reading clause 17(3) and (4) of Sch 5 and s 85(4) together conflates the separate and distinct weighting and proportionality assessments.	Legal	**Response Evidence:** Legal Submissions, 17 April 2026 at 'Section 85(4)'	Any inconsistency with provisions of policy and planning documents prepared under the RMA, while a relevant aspect of the panel's assessment, cannot of itself meet the statutory threshold in section 85(3).
69	The requirement to apply the greatest weight to the purpose of the FTAA does not apply to s 85(1), (2) or (3). Thus if granting an approval would breach s 7 of the FTAA then the approval must be declined under s 85(1)(b). The proportionality assessment under s 85(3) does not anticipate that the greatest weight will be placed on the purpose of the FTAA. EDS disagrees with Waihi North "akin to the overall judgment" approach.	Legal	**Response Evidence:** Legal Submissions, 17 April 2026 at 'weighting'	Agree, however submit that section 85(1)(b) does not apply to the Panel's decision making as the BOGP is consistent with section 7 FTA
70	EDS disagrees with Waihi North Panel that there are no bottom lines of the kind applied in King Salmon in in the FTAA. Bottom line provisions just need a policy "friend" in order to reach the s 85(3) threshold.	Legal	**Response Evidence:** Legal Submissions, 17 April 2026 at Section 85	Agree with approach in Waihi North
71	The economic information provided cannot be properly interrogated and tested as it relies on commercial information set out in the Applicant's Pre-Feasibility Study	Economic	**Response Evidence:** N/A	The BPL report clearly and specifically outlines the assumptions used at all times. As part of reviewing and critiquing the methods used in the BPL report, several of the other commentors (e.g. CODC, ORC, Sustainable Tarras) were able to form their own

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	released to the ASX on 1 July 2025 which is not before the Panel. This means that the following cannot be calculated: The expenses associated with the project that would contribute to its economic impact, the profit calculations which affect the calculations of contributions to the Government and GDP, the assumptions regarding direct economic impact, in particular the local economic impact in comparison to national-level multipliers, the assumptions regarding indirect and induced impacts, especially local multipliers compared to national ones. The flow on economic impacts are unclear and one can only make assumptions or rely on promises about where the impact will be received (local, regional, national or international).			estimates of various economic metrics which closely replicated the outputs of the BPL report when similar assumptions were used. In several cases these commentors then applied their own assumptions to specifically quantify where differences in results might emerge, e.g. with different gold prices and discount rates, and multiplier ratios for indirect effects. The PFS was referenced within the report and is publicly available for download.
72	Regional displacement impacts have not been fully assessed. The cost of displaced workers (moving from current employment to the mine) has largely been ignored in the Applicant's economic analysis.	Economic	**Substantive FTA Application:** B.01 Benje Patterson (People and Places) – Economic Impacts of the Bendigo-Ophir Gold Project (Benje Patterson 2025) **Response Evidence:** Evidence of Benje Patterson	the Inland Otago economy has a long-term track record of progressively scaling its workforce capacity to respond to demand. For example, Infometrics Regional Economic Profiles show that over the 10 years to 2025, employment growth averaged 4%pa at an average of around 1,600 new jobs each year (16,048 in total over the decade). By comparison employment growth averaged 1.9%pa nationally over the same period.
73	The multiplier analysis technique used is a poor choice for analysing the economic impacts of the Project because it does not include displacement effects or competition for economic resources.	Economic	**Substantive FTA Application:** B.01 Benje Patterson (People and Places) – Economic Impacts of the Bendigo-Ophir Gold Project (Benje Patterson 2025) **Response Evidence:** Evidence of Benje Patterson	General equilibrium models are theoretically elegant as they can allow for some of the risks of multipliers overstating benefits to be minimised by allowing prices to adjust. But these models still rely on empirical relationships that are not necessarily well-tested in a small area when it comes to precisely understanding what capabilities, access to capital, and risk tolerances businesses in the local area will have to a very large new industry. In other words, while theoretically useful, a general equilibrium model is not necessarily going to lead to more reliable results than simply taking a conservative approach with regards to how indirect effects are measured and interpreted. The Waihi North Decision Report noted that general equilibrium modelling would be time-consuming and expensive. Ultimately, the Decision Report suggested that risks of displacing resources (e.g. labour resources for the mine cannibalising other industries) could be considered in other ways. In the Inland Otago context these risks of mine employment cannibalising other industries over the long-term are discussed in light of rapid employment growth and population, which highlights that Inland Otago has a strong track record of attracting workers across its labour market catchment.
74	The geographical designation used for the economic analysis masks impacts on labour and housing shortages.	Economic	**Substantive FTA Application:**	The use of Inland Otago as a labour market catchment is consistent with the geographies used in the Otago Regional Workforce Plan (2022)[1] that was developed

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	The analysis inflates the size of the supposed economic base and downplays the potential economic disruption.		B.01 Benje Patterson (People and Places) – Economic Impacts of the Bendigo-Ophir Gold Project (Benje Patterson 2025) **Response Evidence:** Evidence of Benje Patterson	by the former Otago Skills Regional Leadership Group (RSLG) supported by MBIE. The RSLG identified that territorial boundaries were not reflective of labour market catchments in Otago and it was better to consider labour market outcomes and skills needs within Inland Otago across an area that integrated Queenstown Lakes and Inland Otago. The New Zealand Government has more recently in 2025 acknowledged the economic integration of the Inland Otago area, with the combined Queenstown Lakes and Central Otago area having been identified to jointly enter into regional deal negotiations.[2] The Regional Deals Strategic Framework[3] requires geographies to support priority objectives for building economic growth with jobs being listed as one of the key outcomes.
75	The regional economic impacts are overstated. The mine might generate billions of dollars in local production, but it would not generate that same level of local income. Royalties and taxes go to the Government and net profits mostly flow out of the district.	Economic	**Substantive FTA Application:** B.01 Benje Patterson (People and Places) – Economic Impacts of the Bendigo-Ophir Gold Project (Benje Patterson 2025) **Response Evidence:** Benje Patterson	GNP has also been calculated which shows $230m pa of GNP out of the $360m of GDP. THis shows that almost two thirds of project benefits would accrue to New Zealand shareholders and New Zealand residents. It is not possible to regionalise these GNP calculations further to exclude the benefits of the BOGP that accrue to New Zealand shareholders outside Otago. Shareholder data is not available in that format and even if it could be made available, institutional investment by funds (e.g. KiwiSaver) would inhibit interpretations of the locations of fund members. Related concerns that all tax revenue to the New Zealand Government simply accrue to Wellington ignores the return of these resources to regions through government spending. Shamubeel Eaaqub recently in his role as Chief Economist at Simplicity calculated in early April 2026 using Treasury, Departmental annual reports, and Stats NZ data that the Otago Region currently receives a net fiscal transfer of $1,035 per capita from central government – i.e. there is $1,035 spent per capita more on each Otago resident than government receives from Otago in tax
76	An assessment of the possible local economic benefits suggests they are less than $570m in total (undiscounted) and risk analysis using the Applicant's data suggests that the profit from the Project could amount to $500m in total (undiscounted).	Economic	**Substantive FTA Application:** B.01 Benje Patterson (People and Places) – Economic Impacts of the Bendigo-Ophir Gold Project (Benje Patterson 2025) **Response Evidence:** Benje Patterson	This would be inconsistent with the almost $800m of wages (before tax) to local residents, and the fact that the $1.8 billion of government revenue returns in the form of local services. See answers to point 75 above as well.
77	At the regional level, the net economic benefit may not be significant or could be negative, because most of the costs are localised while most of the benefits accrue outside the regional, and the regional economic displacement has not been considered and is likely to be material.	Economic	**Substantive FTA Application:** B.01 Benje Patterson (People and Places) – Economic Impacts of the Bendigo-Ophir Gold Project (Benje Patterson 2025) **Response Evidence:** Evidence of Benje Patterson	The midpoint risks to the viticulture and tourism sectors are estimated at $5m pa of GDP and $2.8m of GDP respectively. The GNP contributions of these sectors will be lower but we do not know about the shareholdings of businesses. We know that there will be 351 direct employees alone earning $140,000pa, and cumulatively across the project this will equate to almost $800m of wages (before tax). Government revenue returns in the form of local services.

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78	Non-market values are not accounted for and, based on the evidence available, are significant. The national adverse impacts could be enough to outweigh national economic impacts if some assumptions about mine performance are too optimistic.	Economic	**Substantive FTA Application:** B.01 Benje Patterson (People and Places) – Economic Impacts of the Bendigo-Ophir Gold Project (Benje Patterson 2025) **Response Evidence:** Evidence of Benje Patterson	No costs related to potential environmental and wellbeing effects were quantified in the BPL report in monetary terms. The reasons why this was not done are outlined in the legal submissions for the Applicant by Lane Neave. From an economics perspective, costs related to these non-economic effects can't all be estimated in a way that allows for consistent comparisons with the economic benefits. These non-economic effects rely on intangible factors that do not all readily have market values and so such monetisation would introduce errors and lead to an inconsistent comparison between the economic benefits and these types of other potential effects. Although environmental effects are not anticipated if the Project is operating within the conditions of its approvals, further comments related to environmental risks are addressed in other evidence.
79	At the national level, the economic value of unconsidered costs, such as biodiversity loss and lost amenity value, may be large enough to outweigh gross economic benefits.	Economic	**Substantive FTA Application:** B.01 Benje Patterson (People and Places) – Economic Impacts of the Bendigo-Ophir Gold Project (Benje Patterson 2025) **Response Evidence:** Evidence of Benje Patterson	No costs related to potential environmental and wellbeing effects were quantified in the BPL report in monetary terms. The reasons why this was not done are outlined in the legal submissions for the Applicant by Lane Neave. From an economics perspective, costs related to these non-economic effects can't all be estimated in a way that allows for consistent comparisons with the economic benefits. These non-economic effects rely on intangible factors that do not all readily have market values and so such monetisation would introduce errors and lead to an inconsistent comparison between the economic benefits and these types of other potential effects. Although environmental effects are not anticipated if the Project is operating within the conditions of its approvals, further comments related to environmental risks are addressed in other evidence.
80	The economic analysis uses upper limits on what can be expected, consistently taking a best-case scenario.	Economic	**Substantive FTA Application:** B.01 Benje Patterson (People and Places) – Economic Impacts of the Bendigo-Ophir Gold Project (Benje Patterson 2025) **Response Evidence:** Evidence of Benje Patterson	To reflect uncertainty two further scenarios have been developed: A) A high scenario (USD4,707) to reflect current pricing that is 50% above the base case. Current spot prices are at least 50% higher than the gold price assumed in the BPL report (USD3,138), with data from the World Gold Council showing that spot prices over the 7 days to 7 April 2026 were in the USD$4,600/oz to USD$4,800/oz range and peaked at over USD$5,000/oz on average through January 2026. B) A low scenario (USD2,220) to reflect average gold prices over the previous 3 to 5 years. Santana spot price in its modelling USD 2,220 is similar to the 3-year average rates to June 2025 (USD2,260) and the 5-year average rate to June 2025 (in inflation adjusted terms which was USD2,090 (source Macrotrends). GDP under the high and low scenarios would average $587 million and $241 million a year respectively, compared to the BPL report estimate of $360 million of direct GDP.
81	The economic analysis does not factor in wind-down costs or post-operational costs associated with long-term maintenance of the site.	Economic	**Substantive FTA Application:**	The Environmental Defence Society (Bill Kaye-Blake report) noted that post-closure costs from an economics perspective have not been counted. This is true, but conceptually from an economics perspective post-closure spending would represent economic activity to undertake the work, albeit this would be offset by the

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			B.01 Benje Patterson (People and Places) – Economic Impacts of the Bendigo-Ophir Gold Project (Benje Patterson 2025) **Response Evidence:** Evidence of Benje Patterson	opportunity cost of what those resources could otherwise have been used for. The Panel's RFI 69 also asked for more information about closure costs, but from a commercial perspective related to MGL's own finances and is addressed in the Statement of Evidence of Damian Spring .
82	Avoidance, not an effects management approach is required under the NPS-IB. Alternatively, if straight avoidance is not required, the effects management hierarchy must be applied. This means that if compensation is not appropriate, the activity itself must be avoided altogether.	Terrestrial Ecology Planning Legal	**Substantive FTA Application:** B.08A Alliance Ecology Consulting - Assessment of Ecological Effects (Alliance 2025) REDACTED A.15 Section 8 – Fast-track Approvals Act 2024 Requirements **Response Evidence:** Evidence of Dr Baber Evidence of Mark Chrisp Legal Submissions, 17 April 2026 at Residual Effects Management	Agree that this principle is not met for some values as set out in the assessment of ecological effects report. Notwithstanding, it is considered that when taking into account the range of measures proposed to manage adverse effects (that have been reflected in the proposed consent conditions), the BOGP generally achieves consistency with many of the provisions in the NPS-IB. However, it is acknowledged that any large and complex open pit mining project such as the BOGP cannot be expected to achieve full consistency with each and every provision of these planning instruments. As a result, there will inevitably be some tension between the BOGP and some of the more directive avoidance provisions. It is noted that if the BOGP was being considered under the more traditional decision-making framework of the RMA, any potential inconsistencies with strong avoidance provisions in national policy statements may result in impediments for granting resource consent. This is not the case for the decision-making under the FTA. Inability to meet limits and principles in the NPS-IB must not preclude approval under the FTA.
83	The limits to offsetting and compensation in the NPS-IB must be applied	Terrestrial Ecology - Alliance Ecology – Matt Baber Planning - Mark Chrisp Legal - Lane Neave	**Substantive FTA Application:** B.08A Alliance Ecology Consulting - Assessment of Ecological Effects (Alliance 2025) REDACTED A.15 Section 8 – Fast-track Approvals Act 2024 Requirements **Response Evidence:** Evidence of Mark Chrisp Legal Submissions, 17 April 2026 at Residual Effects Management	See response to comment 82. Inability to meet limits and principles in the NPS-IB must not preclude approval under the FTA.
84	The NPS requires that a precautionary approach must be adopted when considering proposed activities where the effects on indigenous biodiversity are unknown, uncertain or little understood but those effects could cause significant or irreversible damage to indigenous biodiversity.	Terrestrial Ecology Planning Legal	**Substantive FTA Application:** B.08A Alliance Ecology Consulting - Assessment of Ecological Effects (Alliance 2025) REDACTED A.15 Section 8 – Fast-track Approvals Act 2024 Requirements **Response Evidence:**	See response to comment 82. Inability to meet limits and principles in the NPS-IB must not preclude approval under the FTA.

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			Evidence of Mark Chrisp Legal Submissions, 17 April 2026 at Residual Effects Management	
85	The avoidance of wetlands, not an effects management approach, is required under the NPS-FM. Alternatively, if offsetting and compensation are not appropriate for aquatic biodiversity, the activity itself must be avoided.	Planning Aquatic Ecology Legal	**Substantive FTA Application:** A.15 Section 8 – Fast-track Approvals Act 2024 Requirements **Response Evidence:** Evidence of Mark Chrisp Legal Submissions, 17 April 2026 at Residual Effects Management	See response to comment 82. Inability to meet limits and principles in NPS-IB must not preclude approval under the FTA.
86	Rehabilitation outcomes for species, designed to remedy adverse effects, are subject to time lags and natural variability with an inherent degree of uncertainty. While the Applicant expects half of the Threatened and At Risk flora species can be rehabilitated within 35 years, rehabilitation of the other half is either uncertain (5 species) or not possible (20 species)	Rehabilitation Terrestrial Ecology	**Substantive FTA Application:** B.08A Alliance Ecology Consulting - Assessment of Ecological Effects (Alliance 2025) REDACTED G.07A Landscape and Ecological Rehabilitation Management Plan G.07B Landscape and Ecological Rehabilitation Management Plan – Appendices **Response Evidence:** Dr Baber and Dr Simcock	Acknowledged as set out in the assessment of ecological effects report.
87	For the majority of notable flora species that cannot be remedied, the magnitude of the residual effects remains moderate to very high.	Rehabilitation Terrestrial Ecology	**Substantive FTA Application:** B.08A Alliance Ecology Consulting - Assessment of Ecological Effects (Alliance 2025) REDACTED G.07A Landscape and Ecological Rehabilitation Management Plan G.07B Landscape and Ecological Rehabilitation Management Plan – Appendices **Response Evidence:** Dr Baber	Agreed as set out in the assessment of ecological effects report.
88	The magnitude of residual effects on birds, lizards and invertebrates ranges from negligible to very high with half of all invertebrate species being affected to a 'moderate' to 'very high' level, although the analysis signals significant uncertainty around this assessment.	Rehabilitation Terrestrial Ecology Terrestrial Ecology	**Substantive FTA Application:** B.08A Alliance Ecology Consulting - Assessment of Ecological Effects (Alliance 2025) REDACTED **Response Evidence:** Dr Baber	Agreed as set out in the assessment of ecological effects report.

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89	There are only four ecological values for which offsetting is appropriate and offsetting is not appropriate for the majority of ecological values affected, particularly because net gain outcomes could not be achieved with any certainty.	Terrestrial Ecology Terrestrial Ecology	**Substantive FTA Application:** B.08A Alliance Ecology Consulting - Assessment of Ecological Effects (Alliance 2025) REDACTED **Response Evidence:** Dr Baber and Dr Ussher	We do not agree with that position. We remain confident in our assessment of ecological effects on the impacted biodiversity values, and in our evaluation of the stated outcomes, whether these are characterised as net gain, net positive, uncertain, or net loss (ranging from negligible to very high magnitude).
90	Where compensation measures have been applied to the ecological values that could not be offset, they could not be modelled due to uncertainty of outcomes	Terrestrial Ecology	**Substantive FTA Application:** B.08A Alliance Ecology Consulting - Assessment of Ecological Effects (Alliance 2025) REDACTED **Response Evidence:** Dr Baber	Generally, we agree, but not in all instances. For example, we are confident that there will be net positive outcomes for terrestrial bird species, based on the type and quantum of impacts relative to the well-established positive response of bird populations to reduced predation from introduced mammals across the proposed rehabilitation and compensation sites. However, as offset accounting models were not applied, these outcomes cannot formally be described as an offset.
91	Irrespective of all management measures, including offsetting and compensation, there will be net losses experienced by four of eleven vegetation/habitat types, 24 of 40 plant species which were assessed as having moderate or higher residual effects and three lizard species. There is too much uncertainty to assess whether any invertebrate species will experience net gains or losses.	Terrestrial Ecology	**Substantive FTA Application:** B.08A Alliance Ecology Consulting - Assessment of Ecological Effects (Alliance 2025) REDACTED B.15A RMA Ecology - Lizard Values Assessment (RMA Ecology 2025d) REDACTED	Agreed as set out in the assessment of ecological effects report.
92	It is unclear how Table 26 relates to Table 29 of the AEE	Terrestrial Ecology	**Substantive FTA Application:** B.08A Alliance Ecology Consulting - Assessment of Ecological Effects (Alliance 2025) REDACTED	Table 26 sets out the expected biodiversity outcomes across all habitat types and notable species. In contrast, Table 29 presents a limits-to-offsetting/compensation assessment for those irreplaceable or vulnerable values where the project is anticipated to result in significant adverse effects that cannot be demonstrably offset or compensated for.
93	The AEE appears to attempt to 'balance' the ecological effects. There is nothing in the NPS-IB or NPS-FM that suggests it is appropriate to "balance" ecological effects – they are to be avoided, remedied, mitigated, offset or compensated. Where they are not, they must be avoided.	Terrestrial Ecology - Alliance Ecology - Dr Matt Baber Terrestrial Ecology - RMA Ecology – Graham Ussher Planning - Mark Chrisp Legal - Lane Neave	**Substantive FTA Application:** B.08A Alliance Ecology Consulting - Assessment of Ecological Effects (Alliance 2025) REDACTED A.15 Section 8 – Fast-track Approvals Act 2024 Requirements **Response Evidence:** Evidence of Mark Chrisp	We disagree with the contention that the Assessment of Ecological Effects seeks to balance effects. No such balancing exercise was undertaken, and this is clearly articulated in multiple statements within both the Executive Summary and the conclusion. See response to comment 82 on avoidance matters.
94	The ecological assessment does not provide a reliable or transparent evaluation of the ecological consequences of the proposal and ecological effects may be even more significant than assessed by the Applicant.	Terrestrial Ecology	**Substantive FTA Application:** B.08A Alliance Ecology Consulting - Assessment of Ecological Effects (Alliance 2025) REDACTED **Response Evidence:** Dr Baber	We disagree with this position. The assessment of ecological effects provides a transparent and objective assessment of the ecological consequences of the proposal in relation to impacted biodiversity values and acknowledges limitations and uncertainties.

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95	There is no comprehensive assessment of non-vascular plants or comprehensive survey of riparian margins and the spring annual surveys do not show geographic extent of survey coverage.	Terrestrial Ecology Rehabilitation	**Substantive FTA Application:** B.13A RMA Ecology - Vegetation Values Assessment (RMA Ecology 2025b) REDACTED **Response Evidence:** Evidence of Mr Milner	A separate non-vascular plant survey has been undertaken by Wildlands Consultants and I understand this will be provided to the panel and invited parties. The results were: Forty-three species of native moss, 22 species of native liverwort, one species of native hornwort, and 32 species of native lichen were recorded across the ESA. Of these, two had a conservation status of At Risk – Declining, eight had a conservation status of At Risk – Naturally Uncommon, and two had a conservation status of Data Deficient. Riparian margins were included in the targeted survey for vascular plants. The extent of the 2024 spring annual survey is shown in Figure 21 of the B.13A Vegetation Values Assessment. The extent of the 2025 spring annual survey is shown in Appendix 1 of the evidence of Mr Milner.
96	The ecological values of the site are likely to be understated using the EcIAG appraoch, which breaks down significant sites into individual attributes, re-scores those against non-statutory criteria and then combines those individual scores again into an average score	Terrestrial Ecology	**Substantive FTA Application:** B.08A Alliance Ecology Consulting - Assessment of Ecological Effects (Alliance 2025) REDACTED **Response Evidence:** Dr Baber	I disagree. An ecological significance assessment has been undertaken, and the entire site has been assessed as ecologically significant. Furthermore, the EcIAG approach represents the most transparent, standardised, systematic, and fit-for-purpose method currently available for assessing ecological effects. This is elaborated on in my statement of evidence.
97	The magnitude of ecological effects are downgraded using the EcIAG approach, particularly as a result of considering factors that might remedy or mitigate those effects before quantifying the effect itself – which effectively represents double counting of mitigation measures and is also an issue where mitigation is uncertain, delayed or will not result in an equivalent ecosystem.	Terrestrial Ecology	**Substantive FTA Application:** B.08A Alliance Ecology Consulting - Assessment of Ecological Effects (Alliance 2025) REDACTED **Response Evidence:** Dr Baber	I disagree and do not understand how this constitutes double counting when impacts without effects avoidance, minimisation or remediation measures are not what is proposed.
98	There is an assumption that offsetting or compensation is feasible when those effects exceed the limits to offsetting and compensation and should therefore be seen as residual effects that must be avoided.	Terrestrial Ecology	**Substantive FTA Application:** B.08A Alliance Ecology Consulting - Assessment of Ecological Effects (Alliance 2025) REDACTED	I do not understand this statement. I clearly state that instances of exceeding limits to offsetting occurs when offsets or compensation cannot be demonstrably achieved. Following the logic of this comment – a limits to offsetting exceedance could occur when net gain outcomes can be clearly demonstrated. I do not agree with this.
99	The Panel cannot be confident that the Applicant has accurately quantified the significant adverse effects that remain after all measures have been applied to avoid, remedy, mitigate, offset or compensate for those effects. The full extent of loss cannot be accurately totalled.	Terrestrial Ecology	**Substantive FTA Application:** B.08A Alliance Ecology Consulting - Assessment of Ecological Effects (Alliance 2025) REDACTED	That is for the panel to make that assessment. I stand by my assessment of ecological effects noting that the assessment is based on the best available information
100	Offsetting and compensation has been conflated by the Applicant. It is not clear what effects are being offset and what are being compensated for, and the effects	Terrestrial Ecology	**Substantive FTA Application:**	This is not correct. As clearly stated in both the Assessment of Ecological Effects and the Biodiversity Offset Memo in the appendix, offsets involve the application of a disaggregated Biodiversity Offset Accounting Model (BOAM) based on quantitative

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	management hierarchy has not been clearly applied in a step-wise manner.		B.08A Alliance Ecology Consulting - Assessment of Ecological Effects (Alliance 2025) REDACTED **Response Evidence:** Dr Baber	data, whereas compensation relates to conservation actions that do not involve the application of a BOAM.
101	There is a great deal of uncertainty around the outcomes that can be achieved by the offsetting/compensation package, which relies on assumptions as to gains that can be achieved and future research – where the ability to restore ecosystems (such as the dryland ecosystems) is unproven and uncertain.	Terrestrial Ecology	**Substantive FTA Application:** B.08A Alliance Ecology Consulting - Assessment of Ecological Effects (Alliance 2025) REDACTED **Response Evidence:** Dr Baber	Agreed for some but not all biodiversity outcomes and this uncertainty is acknowledged where applicable.
102	It is unclear how the proposed financial contribution to DOC is to be treated in the context of the NPS-IB and the Panel's overall decision-making function. On the one hand, the AEE notes that it is not part of the biodiversity and compensation package and on the other, it is referred to as justification for meeting Appendix 4 compensation principles.	Planning	**Response Evidence:** Evidence of Mark Chrisp	As set out in the Substantive Application, MGL is proposing the BOGP Biodiversity and Heritage Enhancement Fund. The Substantive Application confirms that this does not form part of the compensating and offsetting measures under the NPS-IB and instead is an additional measure to address residual adverse effects on cushionfield habitat and other Threatened or At-risk species. MGL acknowledges the concerns raised by parties and now proposes: > an increase in the annual funding from $500,000 +GST to $1,000,000 +GST for every year in which gold is produced (up to a maximum of 10 years); and > a different approach to establish a committee to oversee this fund as opposed to providing funds to the Department of Conservation (on the basis that DOC has expressed an unwillingness to receive the fund).
103	The financial contribution to DOC is not compensation that can be relied upon in the context of meeting the requirements of the NPS-IB, largely due to the inadequate levels of uncertainty, acknowledged by the Applicant, as to the type, quantum and location of benefits that might arise. At best it can be considered as a positive effect of the project.	Planning	**Response Evidence:** Mark Chrisp	Refer to comment 102.
104	The CIT pit should not be mined at all in light of the national significance of the cushionfield habitat, the significance of the material effects on it, and the inability to address those effects. If mined, then this should not occur without independent review of research and findings.	Rehabilitation - Dr Robyn Simcock Terrestrial Ecology - Alliance Ecology - Dr Matt Baber Terrestrial Ecology - RMA Ecology – Graham Ussher	N/A	Agreed.
105	The conditions do not contain sufficiently detailed and appropriate requirements to meet specified ecological outcomes. Eg. Condition 102 requires the Biodiversity	Planning	**Substantive FTA Application:**	Agreed – further work is needed to provide assurance that stated outcomes will be verified.

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	Outcome Monitoring Plan to include “limits and standards” set out in that condition, but the condition contains “targets” rather than limits or standards. The condition also sets out biodiversity outcomes that are “sought” rather than required and only requires the consent holder to use “best endeavours” to enhance native biodiversity.		B.08A Alliance Ecology Consulting - Assessment of Ecological Effects (Alliance 2025) REDACTED G.12 Biodiversity Outcome Monitoring Plan	
106	An ecological expert panel should be established to advise the councils on ecological management plans, outcomes and ongoing review of management plans and conditions.	Planning	N/A	Preference remains for Management Plans to be certified by the Expert Panel, noting post-approval certification processes for management plans can lead to lengthy delays.
107	The project is required to avoid net loss of indigenous biodiversity because it does not have national or regional benefits or, in the alternative, it does not comply with the offsetting or compensation principles of the NPS-IB and must be avoided for failure to comply with the effect management hierarchy. It does not take a precautionary approach and is therefore inconsistent with or contrary to the NPS-IB.	Planning	**Substantive FTA Application:** A.15 Section 8 – Fast-track Approvals Act 2024 Requirements **Response Evidence:** Mark Chrisp	See response to comment 82.
108	The application suggests that ecological effects are “balanced” and the principles of the NPS-IB are “generally met” but this is not what the FTAA requires.	Legal	**Response Evidence:** Legal Submissions, 17 April 2026 at Residual Effects Management	Inability to meet limits and principles in the NPS-IB must not preclude approval under the FTA
109	There are potential impacts on existing consent holders to continue to access water from bores and contamination of groundwater and surface water (including the Lindis River and potentially even the Mata au Clutha River) with contaminants such as arsenic, sulfate and trace metals	Groundwater Hydrogeology	**Substantive FTA Application:** K.05 Hydro Geochem Group – BOGP MWSF Seepage Risk Assessment (10 March 2026). **Response Evidence:** Evidence of Ryan Burgess	This statement is acknowledged. There are many mitigations and engineering controls are proposed to reduce the residual risk of these potential impacts eventuating. Seepage risks are discussed in earlier comment responses.
110	The technical information provided is characterised by insufficient information and data. This includes low confidence modelling, considerable uncertainty that the extensive water issues can be appropriately managed to avoid potentially significant, long-term and irreversible effects on groundwater and surface water hydrology and water quality in both aquifers and surface water.	Groundwater Environmental Chemistry / Water	**Substantive FTA Application:** B.06 Mine Waste Management Limited - Mine Impacted Water Overview Report (MWM 2025) **Response Evidence:** Evidence of Dr Paul Weber Evidence of Jens Rekker	Detailed studies have been undertaken to identify the geoenvironmental hazards and the potential constituents of concern (sulfate, nitrogenous compounds, metals, metalloids) that may be present in mine impacted waters. A Water and Load Balance Model has been developed to understand the risks for the BOGP and estimate water quality over time, which has necessitated engineering controls to mitigate these effects (Engineered Landforms, water management, control and treatment). Further detailed studies are proposed as part of the detailed design to improve the modelling process including:

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				> The development of a transient site wide water and load balance model. > Field trials to validate net percolation rates. > Trials to validate the water treatment plant performance. Komanawa Solutions Limited disagree with several criticisms of the assumptions, input parameters and methodology of groundwater modelling presented by Dr Leanne Morgan (40a_Environmental Defence Society – Evidence of L Morgan EiC, 10 April 2026, paragraphs 51 to 68). MGL note the evidence of Leanne Morgan refers extensively to observed impacts to groundwater hydrology associated with mining of the Hope Downs Mine in the Pilbara region of Western Australia. The geology, topography and climate setting of the Hope Downs iron ore deposit differs significantly from the BOGP.
111	Relevance/application of s 107 RMA and s 127B RMA under the FTAA	Legal	**Response Evidence:** Legal Submissions, 17 April 2026 at Duration of Water Permits	Section 107 not applicable. Section 127B – While the Panel is not bound by the Homestead Bay decision, we agree with ORC that the Panel could validly form the view that a longer duration is appropriate in this instance.
112	There has been limited hydrological data collection, there is no robust conceptual model of groundwater flows near the pits and mine waste storage facilities and cumulative effects of drawdown from dewatering are not assessed and information relating to surface water/groundwater connection and transport of seepage is lacking.	Hydrogeology Groundwater	**Substantive FTA Application:** B.42 Hydro Geochem Group - BOGP Wetland Drawdown Assessment (HGG 2025a) B.05 Kōmanawa Solutions Limited - Groundwater Modelling Analysis for Mining Bendigo-Ophir Gold Deposit (Kōmanawa 2025d) **Response Evidence:** Evidence of Ryan Burgess	See response to #4 as this is effectively the same issue.
113	There are high levels of uncertainty in conceptualisation of groundwater flows, surface water / groundwater interaction and solute transport at the site, such that planning for monitoring and mitigation of effects is also uncertain	Hydrogeology Groundwater	**Substantive FTA Application:** B.42 Hydro Geochem Group - BOGP Wetland Drawdown Assessment (HGG 2025a) B.05 Kōmanawa Solutions Limited - Groundwater Modelling Analysis for Mining Bendigo-Ophir Gold Deposit (Kōmanawa 2025d) **Response Evidence:** Evidence of Ryan Burgess	HGG: refer to response to Comment #12 for response to seepage management and proposed hydrogeological investigations.
114	The limited availability of data limits the reliability of the numerical groundwater model that assesses flow to mining pits, drawdown from pit dewatering and stream depletion	Groundwater	**Substantive FTA Application:**	KSL: A steady state (equilibrium model approach was used as it was assessed that transient modelling as suggested by EDS was not required to obtain conservative

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	and the steady-state modelling approach has prevented the assessment of changes in groundwater levels and stream depletion over time.		B.05 Kōmanawa Solutions Limited - Groundwater Modelling Analysis for Mining Bendigo-Ophir Gold Deposit (Kōmanawa 2025d) **Response Evidence:** Jens Rekker	assessments of pit dewatering rates, associated drawdown or surface water depletion.
115	Limited data means the numerical groundwater model is a Class 1 low confidence model (normally used for low-risk developments) according to indicators from the Australian Groundwater Modelling Guidelines.	Groundwater	**Substantive FTA Application:** B.05 Kōmanawa Solutions Limited - Groundwater Modelling Analysis for Mining Bendigo-Ophir Gold Deposit (Kōmanawa 2025d) **Response Evidence:** Evidence of Jens Rekker	Komanawa Solutions Limited disagree with several criticisms of the assumptions, input parameters and methodology of groundwater modelling presented by Dr Leanne Morgan (40a_Environmental Defence Society – Evidence of L Morgan EiC, 10 April 2026, paragraphs 51 to 68). MGL note the evidence of Leanne Morgan refers extensively to observed impacts to groundwater hydrology associated with mining of the Hope Downs Mine in the Pilbara region of Western Australia. The geology, topography and climate setting of the Hope Downs iron ore deposit differs significantly from the BOGP.
116	There has been no assessment of hydrogeology in the vicinity of the wetlands, including those assessed as being of high value, and mitigations proposed are uncertain.	Hydrogeology	**Substantive FTA Application:** B.42 Hydro Geochem Group - BOGP Wetland Drawdown Assessment (HGG 2025a) **Response Evidence:** Evidence of Ryan Burgess	HGG: see response to Comment #7.
117	Significant limitations in modelling mean that a credible prediction of pit lake water quality has not been undertaken – water quality is likely incorrectly predicted and underestimated.	Environmental Chemistry / Water	**Substantive FTA Application:** B.06C MWM MIW Overview Report (Appendix N – water and load balance model).	A water and Load balance model has been developed using GoldSim for the BOGP that integrates the pit lake mine domains into the overall water balance model. The report provides transient water quality of the pit lake over the model period. A detailed transient water balance model is being developed for the BOGP Operational Phase to support detailed design. It is recommended this model can be used to develop a water and load balance model to support operational readiness for water management (e.g., treatment). The model should include sensitivity modelling and would form the basis for future modelling of effects into the closure phases
118	There is minimal information relating to shallow hydrogeology at the site and limited assessment of seepage risk - those assessments are inappropriately proposed to be deferred to after mining commences	Hydrogeology	**Substantive FTA Application:** B.42 Hydro Geochem Group - BOGP Wetland Drawdown Assessment (HGG 2025a) **Response Evidence:** Evidence of Ryan Burgess	Refer to response to Comment #12. Additional hydrogeological characterisation will be completed as part of the performance groundwater monitoring installation program, including the development of a detailed conceptual model that ties all hydrogeology aspects together. To provide further confidence to decision makers, I recommend the proposed studies be included as a consent condition.
119	Testing of effects of the bore water take does not meet the minimum requirements required by ORC or test for cumulative drawdown effects	Groundwater	**Substantive FTA Application:**	KSL: Step drawdown and constant rate testing of the test production bore at the MGL bore field was undertake. Parameters of transmissivity and well screen hydraulics were obtained from the step drawdown test data. Independently determined parameters of transmissivity and storativity (specific yield) were obtained from the

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			B.02 - Kōmanawa Solutions Limited Bendigo Groundwater Bore Take Effects Assessment (Kōmanawa 2025a). **Response Evidence:** Evidence of Jens Rekker	constant rate test. The hydrology – hydrogeology reviewer for ORC indicated that the determination of these parameters was correct. The purpose of the aquifer testing in Otago is to determine groundwater parameters as accurately as possible. Since this objective was found to have been met, any departure from several conflicting versions of the aquifer test guidelines is immaterial to subsequent effects assessments.
120	The information and mitigation provided falls well below the level of information and mitigation available for the Waihi Martha and Waihi North mines and a similar level of information is required.	Groundwater Environmental Chemistry / Water	N/A	MWM notes: > Waihi / Waihi North builds on from the knowledge of an operating mine with many decades of operational knowledge. With a greenfield operation such as the BOGP, the task is more difficult due to a lack of operational data and models need to understand risks for key geoenvironmental hazards. > To address these uncertainties further work is planned in the detailed design phase including: › Transient water and load balance modelling › Field trials to validate net percolation rates. › Water treatability trials to validate the performance of the water treatment plant. › This information will be used to inform adaptive management processes and any additional controls that may be required.
121	*Comment row intentionally left blank.*			
122	It is likely that the impact on wetlands will be irreversible and result in their permanent loss	Hydrogeology	**Response Evidence:** Evidence of Ryan Burgess	HGG: see response to Comment #7.
123	There is a risk that dewatering will change groundwater levels and flow patterns such that contaminated groundwater will flow away from planned interception	Hydrogeology	**Response Evidence:** Evidence of Ryan Burgess	HGG: the conceptualisation used for drawdown by Dr Morgan is not appropriate for the hydrogeological setting at BOGP. In my opinion, the risk is low. To provide further confidence to decision makers, I recommend this risk be evaluated with a site wide numerical 3D groundwater flow model is developed to refine understanding of this risk
124	Potential for groundwater contamination in all receiving environments has not been assessed appropriately	Groundwater - Jens Rekker	N/A	KSL: Noted.
125	Predictions of arsenic adsorption in the seepage systems of the TSF and ELFs are unrealistic and incorrect, such that there is a major risk of significant arsenic emission into the wider environment, via surface water, shallow groundwater and wind	Groundwater - Jens Rekker Environmental Chemistry / Water - Dr Paul Weber Air Quality - Jeff Bluett	**Response Evidence:** Evidence of Jeff Bluett - Paras 60 to 71	MWM: The source terms are based on metallurgical test work data (supernatant) and empirical data from a comparable operating TSF. In summary, I am confident that the actual effects from the site's emission of particles containing elevated levels of As will be definitely less than minor and most likely negligible. To demonstrate compliance with this conclusion, MGL has

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				committed to running an As air quality monitoring programme that will establish background levels of this contaminant and ensure that the emissions form potential sources do not in reality generate any adverse effects on the receiving environment beyond the boundary of the site. The results from the arsenic monitoring programme will be reviewed by ORC and be made available to the public.
126	Contaminants leaving the mine site bound to suspend sediments would be uncontrolled and undetected by compliance monitoring	Groundwater - Jens Rekker Environmental Chemistry / Water Ecotoxicology	**Substantive FTA Application:** N/A **Response Evidence:** Evidence of Mr Jens Rekker Dr Paul Weber	MWM: This has been discussed as Response to Comment #20 of the EDS RFI. KSL: Contaminants leaving the mine site bound to suspended sediments and entering groundwater such as for the totality of flow in the Shepherds Creek and Bendigo Creek would be subject to the filtration effects of granular media and thus be bounded to soil or aquifer matrix particles.
127	If unrecovered seepage of contaminants flow into Shepherds Creek and the Ardgour Aquifer, it is very likely to adversely impact groundwater users and the Lindis River.	Groundwater - Jens Rekker Hydrogeology Aquatic Ecology	**Substantive FTA Application:** N/A **Response Evidence:** Evidence of Ryan Burgess	HGG: This risk would only eventuate if MWSF seepage was not appropriately collected upstream of SC01 within the Shepherds Creek valley. 78. In my opinion, with the combination of the BOGP hydrogeological setting, proposed forward works, proposed seepage collection systems, performance monitoring, contingency measures available, the risk of unacceptable offsite MWSF seepage migration seepage is low. See response to Comment #14 for further details
128	Seepage through the base of the tailings storage facility, ELFs and waste rock stacks is likely, given that there are no liners proposed and the potential for contamination of shallow groundwater and spring-fed streams is high. Both seepage from the ELFs and water in the pit lakes are predicted to have higher contaminant concentrations that the water quality compliance limits for surface water and groundwater for a range of contaminants, including arsenic, iron and nitrate and, for some contaminants, will remain above those limits for over 100 years.	Hydrogeology Trevor Matuschka (EGL)	**Response Evidence:** Evidence of Ryan Burgess Evidence of Dr Trevor Matuschka	HGG: see response to Comment #12. TM: See response to Comment #12. In addition, I consider there are several factors that provide confidence that seepage from the TSF can be managed. They include a combination of natural features of the site and design features that limit the direction and quantity of seepage from the TSF. Seepage from the TSF is hydraulically contained by the groundwater levels in the hill slopes to the north, south and east of the TSF. This is because the groundwater levels are above the level of the tailings. The only direction seepage from the TSF can flow is to the west down the valley. Any seepage not collected could flow downstream to the west but the artesian conditions in the valley floor will result in some seepage discharging into the surface water beneath the Shepherds ELF where it will be collected and directed to the Seepage Collection Sump. The narrow width of the valley means it will be relatively easy to monitor seepage in the bedrock and implement a seepage control system. This will include wells to monitor any changes in groundwater quality and if necessary, the construction of barriers to seepage (e.g., grout curtain, seepage cutoff wall) or seepage interception and recovery (e.g., seepage interception drains, or seepage recovery wells). I note that seepage from the TSF will reduce significantly post-closure. This occurs for different reasons. Firstly, following cessation of tailings deposition there is a significant reduction in the quantity of water being deposited and the area of ponded water will reduce. This has a direct influence on the seepage from the tailings. Secondly, closure works will involve reshaping and capping the surface and

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				formation of a wetland. The area of ponded water will be much smaller than the pond during operation of the TSF. The closure works will reduce the amount of rainfall infiltration into the tailings and result in a reduction in seepage from the tailings. Thirdly, the tailings will continue to consolidate for a period of many years post-closure. Consolidation is a process that involves pore water being squeezed out from the voids in a soil under a sustained loading. The tailings will become denser with lower permeability which results in a reduction in seepage, and a gain in strength of the tailings. Also, over time I would expect there to be a reduction in the degree of saturation due to drain down of the upper parts of the tailings and desiccation (drying) of the tailings at shallow depth which will result in further increase in strength of the tailings.
129	Reliance on passive treatment in the longer term poses a significant environmental risk. There needs to be clarity around ongoing responsibility for maintenance of water treatment systems and addressing any environmental issues that may arise if the passive system does not perform effectively.	Mine closure - Chantelle Dodge Planning - Mark Chrisp	**Substantive FTA Application:** N/A **Response Evidence:** Evidence of Mark Chrisp in response to RFI	Proposed conditions relating to bonds ensure all estimated costs associated with rehabilitation and closure are provided for, including requirement for long-term maintenance activities and the eventual closure of the passive treatment plants.
130	An adaptive management approach is not appropriate for water management at this site. Due to uncertainties around percolation rates through waste piles, poor water quality predicted for seepage, long lag times and likely permanency of effects.	Legal	**Substantive FTA Application:** N/A **Response Evidence:** Legal Submissions, 17 April 2026 at Adaptive Management	The circumstances where the use of adaptive management is proposed is considered appropriate and aligned with relevant case law and recognised resource management practice. The comment does not include any specific assessment or evidence on which to provide any further considered responses. The BOGP meets the key requirements for reliance on an adaptive management approach as set out by the Supreme Court.
131	The potential for contamination of groundwater and surface water with contaminants such as arsenic, in a manner that is long-term and irreversible, is high	Ecotoxicology - Greg Ryder Groundwater - Jens Rekker	**Substantive FTA Application:** N/A **Response Evidence:** Evidence of Ryan Burgess	HGG: see response to Comment #12. GR: see my response to F&G comment #3. See responses above (comments 19 and 72).
132	The potential for effects on the ability of existing consent holders to continue to take groundwater is high	Groundwater - Jens Rekker	**Substantive FTA Application:** B.02 Komanawa Solution, groundwater Take Effects. B.03 Komanawa Solutions, Groundwater Existing Environmental and Effects **Response Evidence:** Evidence of Jens Rekker	Down gradient groundwater users will be able to continue their lawful use of groundwater without encumbrance from changes to groundwater level or groundwater quality.
133	The potential for complete drainage and loss of high value wetlands is high	Groundwater - Jens Rekker Hydrogeology	**Substantive FTA Application:** N/A	HGG: see response to Comment #7.

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			Response Evidence: Ryan Burgess	
134	Inadequacy of information is a reason for declining consent under s 104(6) of the RMA, which is an adverse impact the Panel must take into account	Legal - Lane Neave	**Substantive FTA Application:** N/A **Response Evidence:** Legal Submissions, 17 April 2026 at 'Adequacy of Information'	There is sufficient information for the Panel to assess the effects of the BOGP.
135	Section 107 precludes consents from being granted where a discharge would render freshwater unsuitable for the consumption by farm animals or significant adverse effects on aquatic life, which is an adverse impact the Panel must take into account	Legal	**Substantive FTA Application:** N/A **Response Evidence:** Legal Submissions, 17 April 2026 at 'Aquatic Ecology'	Section 107 is not engaged.
136	Liners should be recommended	Trevor Matuschka (EGL)	N/A	TM: See response to Comment #12.
137	Measures must be put in place to provide for long term water management, taking into account Prof Webster-Brown's evidence that passive treatment of seepage is not reliable	Mine Waste Management (Paul Weber)	N/A	MWM Note: > Passive treatment is reliable and there are many examples in New Zealand and operationally. This is explained in the evidence of Paul Weber (Appendix A). > The transition from active to passive treatment is estimated at 50 years. The point of transition will be driven by water quality, water quantity, and the performance of the passive treatment system. > Financial measures may be required to manage the ongoing cost of water management and treatment.
138	The landscape assessment has significant information gaps, including inadequate identification and recognition of landscape values and their significance, and insufficient consideration of visibility of the mine that has led to an underestimation of effects. Effects on landscape and amenity values are understated.	Landscape and Amenity - Rhys Girvan	**Substantive FTA Application:** K.02 – Boffa Miskell - Assessment of Dunstan Mountains Outstanding Natural Landscape dated May 2024; B.19 – Landscape, Natural Character and Visual Effects Assessment; B.19A – Landscape Graphic Supplement; B.19B – Landscape Visual Simulations.	It is not accepted that the landscape assessment has significant information gaps or that effects on landscape and amenity values are understated. The lodged material identifies the relevant landscape values through the 2024 ONL study and the later Assessment, and considers visibility through ZTV modelling, site analysis, representative viewpoints and visual simulations in line with best practice, so the real difference is one of evaluative judgment and weighting rather than absence of key information.
139	The landscape assessment is too narrowly focused and lacks consideration of the Dunstan Mountains as part of the broader landscape context, including the wider mountain ranges of Central Otago, the wider Bendigo-Tarras basin	Landscape and Amenity - Rhys Girvan	**Substantive FTA Application:** K.02 – Boffa Miskell - Assessment of Dunstan Mountains Outstanding Natural Landscape dated May 2024; B.19 – Landscape, Natural Character and Visual Effects Assessment.	It is not accepted that the landscape assessment is too narrowly focused or fails to consider the broader landscape context. The lodged material assesses the Dunstan Mountains in the context of the wider Upper Clutha and Manuherikia landscapes, the broader Bendigo-Tarras basin setting, and the terrace landscapes to the west, so the

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	landscape and the SAL (highly valued landscape) of the Bendigo Terrace			issue is not absence of broader context but disagreement with the conclusions reached as to the scale and degree of effects within that context.
140	The landscape assessment contains an insufficient level of information about the biophysical, perceptual and associative values associated with the site and broader landscape, particularly for the scale, complexity and magnitude of effect of the Project.	Landscape and Amenity - Rhys Girvan	**Substantive FTA Application:** K.02 – Boffa Miskell - Assessment of Dunstan Mountains Outstanding Natural Landscape dated May 2024; B.19 – Landscape, Natural Character and Visual Effects Assessment; B.19A – Landscape Graphic Supplement.	It is not accepted that the landscape assessment contains an insufficient level of information about the biophysical, perceptual and associative values of the Site and broader landscape. The lodged material expressly identifies and analyses those dimensions through the 2024 ONL study and the later Assessment, including landform, geology, hydrology, land cover, skyline, views, heritage, cultural associations and broader landscape context, so the real difference is evaluative judgment about the weight and consequence of those values rather than absence of the underlying information.
141	The landscape assessment lacks consideration of existing heritage elements on the site and their significance as part of a heritage landscape of national significance, including the impact of removal of historic heritage features	Landscape and Amenity - Rhys Girvan	**Substantive FTA Application:** K.02 – Boffa Miskell - Assessment of Dunstan Mountains Outstanding Natural Landscape dated May 2024; B.19 – Landscape, Natural Character and Visual Effects Assessment; B.34 – New Zealand Heritage Properties Limited - Heritage Assessment. **Response Evidence:** Evidence of Rhys Girvan	It is not accepted that existing key heritage elements or their significance were omitted from the landscape assessment. The lodged material identifies Thomsons Gorge Road, Bendigo Historic Reserve, historic gold mining remnants and other heritage sites as part of the landscape framework, and accepts that some specific heritage features within the Site would be lost, but does not conclude that the wider heritage landscape values of Bendigo are lost overall.
142	The landscape assessment does not adequately assess the effects on valued attributes of dark sky, natural and rural levels of quiet and tranquillity and on the sense of remoteness and backcountry experience	Landscape and Amenity - Rhys Girvan	**Substantive FTA Application:** B.19 – Landscape, Natural Character and Visual Effects Assessment; B.31 – Exterior Lighting Report; D.01 – CODC Land Use Consent and Conditions; B.39 – Recreation Assessment.	It is not accepted that the assessments failed to address dark sky, natural and rural quiet, tranquillity, remoteness and backcountry experience. Those attributes are recognised as relevant amenity and backcountry values, visibility from conservation and recreational areas was assessed, and night-time effects were separately addressed through the lighting report and proposed conditions; while some locations will experience material amenity change, those effects are not uniform across the receiving environment or of the blanket significance asserted.
143	The landscape assessment does not adequately assess the effects of closing the two public roads and uplifting the Bendigo covenant, both in terms of removing existing protection of values and affecting existing opportunities to appreciate those values via public access	Landscape and Amenity Recreation	**Substantive FTA Application:** B.19 – Landscape, Natural Character and Visual Effects Assessment; B.39 – Recreation Assessment; D.03 – Schedule One - Central Otago District Council and Otago Regional Council Common Conditions.	It is not accepted that the effects of road closure, access change and partial covenant uplift were not adequately assessed. The lodged landscape and recreation material expressly addresses closure of Thomson Gorge Road, alternative access via Ardgour Rise, continued access to the Ardgour and Bendigo conservation areas, alternative access to the Come in Time Battery, and reinstated public access at closure, with the recreation assessment concluding that, with mitigation, there would be no significant adverse effects on recreation opportunities and values during construction and operation.
144	The landscape assessment relies heavily upon reestablishing native plant communities and ecological enhancements to mitigate landscape effects, when the	Landscape and Amenity	**Substantive FTA Application:**	It is accepted that re-establishing native plant communities and ecological enhancement measures involves genuine uncertainty, particularly in Central Otago conditions, and that ongoing management will be required over a long period. It is not

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	feasibility and efficiency of these measures (including ongoing management) is uncertain		B.19 – Landscape, Natural Character and Visual Effects Assessment; G.07A – Landscape and Ecological Rehabilitation Management Plan; B.16 – Applied Research Plan for Conservation Management, Rehabilitation and Expansion of Cushionfield; D.03 – Schedule One - Central Otago District Council and Otago Regional Council Common Conditions.	accepted, however, that the landscape assessment relies on those measures alone, as the lodged material also relies on landform design, topographic containment, staged rehabilitation, monitoring, adaptive management and the Applied Research Plan, rather than assuming successful revegetation from the outset.
145	The landscape assessment lacks consideration of documents relevant to landscape values, including the Otago Conservation Management Strategy and the Tarras Community Plan 2023	Landscape and Amenity	**Substantive FTA Application:** B.19 – Landscape, Natural Character and Visual Effects Assessment	It is not accepted that the absence of express reference to those documents in the landscape assessment, of itself, demonstrates a material gap in the assessment of landscape values. Neither document displaces the need to assess the actual nature, scale, extent and visibility of the proposed change in the receiving landscape.
146	The values of the Matakanui Dunstan Mountains ONL would not be maintained during mining operations so it would no longer be outstanding during that period and would be significantly compromised post-mining and would not be protected from the adverse effects of inappropriate development	Landscape and Amenity	**Substantive FTA Application:** B.19 – Landscape, Natural Character and Visual Effects Assessment; K.02 – Boffa Miskell - Assessment of Dunstan Mountains Outstanding Natural Landscape dated May 2024	It is not accepted that the Matakanui Dunstan Mountains ONL would cease to be outstanding during mining operations or be significantly compromised post-mining. While high adverse effects and permanent legible change are accepted within parts of the Site, the lodged landscape material concludes that the broader mountain framework, skyline, openness and legibility of the Dunstan Mountains remain, with overall effects on the wider ONL assessed as moderate adverse during operation reducing to low-moderate adverse at closure.
147	Policy 5.4.8 of the ORPS contemplates the location of mining activities in an ONL only where adverse effects on the ONL values are managed in order to maintain the outstanding nature of the ONL. This policy is directive and constitutes a bottom line.	Landscape and Amenity Planning	**Substantive FTA Application:** Evidence of Rhys Girvan Planning evidence of Mark Chrisp	It is not accepted that Policy 5.4.8 of the ORPS operates on the landscape material alone, as a dispositive bottom line requiring refusal. The assessment recognises that Policy 5.4.8 is engaged because the resource occurs within the ONL, and approaches the proposal on the basis that adverse effects must be avoided, remedied or mitigated as necessary to maintain identified values; whether that policy is ultimately directive in the way asserted, and whether the proposal satisfies it, is a matter for the planning evidence and the Panel.
148	The project would have significant adverse effects on landscape character, which would be overwhelming with respect to experiences in close proximity because of the nature and degree of change to the landscape	Landscape and Amenity	**Response Evidence:** Evidence of Rhys Girvan	It is not accepted that the project would have overwhelming adverse effects on landscape character. It is accepted that some localised effects are high and that rehabilitation and revegetation will take time and involve uncertainty, but the lodged material concludes that at the scale of the wider ONL the broader mountain framework, skyline and legibility remain during operations, with overall effects assessed as moderate adverse reducing to low-moderate at closure.
149	The amenity of the rural landscape would not be maintained, including the visual amenity conferred by the existing Bendigo-Tarras Basin context landscape and attributes of natural dark, rural peace and quiet and backcountry qualities. There would be high adverse effects	Landscape and Amenity Planning	**Substantive FTA Application:** B.19 – Landscape, Natural Character and Visual Effects Assessment B.31 – Exterior Lighting Report	It is accepted that natural dark, rural quiet, tranquillity and backcountry qualities are relevant amenity attributes, and that from some locations those qualities will be materially affected during mine operations. It is not accepted, however, that the amenity of the wider rural landscape or Bendigo-Tarras Basin would not be maintained, or that high adverse effects on dark, quiet and tranquillity apply

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	(significant) on natural dark quiet and tranquillity during mine operations from some locations.		D.01 – CODC Land Use Consent and Conditions.	generally, as the lodged material and response evidence identify those effects as more localised and variable, with lighting effects subject to specific design and operational controls. Appropriate conditions have been proposed in relation to the management of lighting.
150	The existing backcountry character would be permanently adversely affected to from a moderate to high degree (significant), depending on location and existing access would be irreversibly altered.	Landscape and Amenity	**Substantive FTA Application:** B.19 – Landscape, Natural Character and Visual Effects Assessment.	It is not accepted that existing backcountry character would be permanently adversely affected to a moderate to high degree, or that access would be irreversibly altered. The lodged landscape material identifies effects on users of public conservation and recreational areas as no greater than low-moderate adverse during mining and lower at closure, while access through the Dunstan Mountains is maintained in modified form during operations and reinstated for recreational purposes at closure.
151	The loss of historical heritage and uplift of the Bendigo Covenant area with the removal of protection for significant landscape, heritage and recreational values, represent very high (significant) adverse effects.	Landscape and Amenity Heritage Recreation Terrestrial Ecology	**Substantive FTA Application:** B.34A – New Zealand Heritage Properties Ltd Heritage Assessment; B.19 – Landscape, Natural Character and Visual Effects Assessment; B.39 – Recreation Assessment; E.04–E.05 – Bendigo Conservation Covenant and variation; D.03 – Schedule One - Central Otago District Council and Otago Regional Council Common Conditions. **Response Evidence:** Evidence of Dr Naomi Woods Evidence of Rhys Girvan.	The Heritage Assessment clearly states that the proposal contravenes the heritage provisions of the Bendigo Conservation Covenant. However, proposed mitigation relating to the Come-in-Time battery and associated access track are more aligned with the heritage principles than the current arrangement of this key feature of the Bendigo mining landscape. It is not accepted that the loss of historic heritage and partial uplift of the Bendigo Covenant area gives rise to very high adverse effects overall. It is accepted that some specific heritage features and part of the protected covenant extent would be lost, but the lodged heritage, landscape and recreation material records that the areas of highest heritage value lie outside the project footprint, that the wider covenant and ONL values remain, and that recreational access is maintained in modified form during operations and reinstated at closure.
152	Visual / amenity effects - Ms Steven considers that the visual assessment is deficient because it lacks adequate consideration of relevant viewing points and viewing audiences, including public conservation areas, public access tracks with direct views of the site and from the air (for example, during tourist flights).	Landscape and Amenity – Rhys Girvan	**Response Evidence:** B.19 – Landscape, Natural Character and Visual Effects Assessment B.19A – Landscape Graphic Supplement B.19B – Landscape Visual Simulations	It is not accepted that the visual assessment is deficient for lack of relevant viewing points and audiences. The lodged material uses desktop visibility analysis, fieldwork, representative public viewpoints and visual simulations accepted as best practice, and the response evidence records that while additional views may be available from easements, conservation areas, river margins and places within the Site, those additional locations do not materially alter the overall visual findings. Ms Steven also accepts that the visibility analysis captures the full range of relevant viewpoints. The assessment is directed to representative public land-based audiences rather than every conceivable perspective, including views from the air such as tourist flights.
153	Visual / amenity effects - Applicant also fails to consider views from within the site, including Thomson Gorge Road,	Landscape and Amenity – Rhys Girvan	**Substantive FTA Application:**	It is not accepted that views from within the Site, including Thomson Gorge Road, were not considered. The lodged material expressly identifies Thomson Gorge Road

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	which would remain partly open to provide access to the conservation areas.		B.19 – Landscape, Natural Character and Visual Effects Assessment D.01 – CODC Land Use Consent and Conditions D.03 – Schedule One - Central Otago District Council and Otago Regional Council Common Conditions.	as part of the Site landscape values and public access context, assesses views from Thomson Gorge Road as a representative public viewpoint, and provides for continued public access to the conservation areas via Ardgour Rise during operations with recreational access through Thomsons Saddle and Rise and Shine Creek reinstated at closure.
154	Visual / amenity effects – Applicant's inadequacies result in underestimating visibility of the project and its visual effects.	Landscape and Amenity – Rhys Girvan	**Substantive FTA Application:** B.19 – Landscape, Natural Character and Visual Effects Assessment B.19A – Landscape Graphic Supplement B.19B – Landscape Visual Simulations	It is not accepted that the assessment materially underestimates visibility or visual effects. The lodged material uses ZTV analysis, fieldwork, representative viewpoints and visual simulations, and the response evidence records that while some additional viewpoints may exist, those do not materially alter the overall visual findings or the assessed degrees of visual effect.
155	Visual / amenity effects - Once the wider landscape values and additional viewpoints are taken into account, Ms Steven considers that, from most viewpoints, visual effects would be at least moderate to high (significant) and closer views would be very high (significant), if not overwhelming.	Landscape and Amenity – Rhys Girvan	**Substantive FTA Application:** B.19 – Landscape, Natural Character and Visual Effects Assessment; B.19A – Landscape Graphic Supplement; B.19B – Landscape Visual Simulations. **Response Evidence:** N/A	It is not accepted that, once wider values and additional viewpoints are considered, most viewpoints would experience moderate-high to very high visual effects. The lodged material and response evidence maintain that additional viewpoints do not materially alter the overall visual findings, with the highest visual effects confined to some private dwellings and closer private viewpoints, while effects from public roads, conservation areas and other broader public viewpoints are generally no greater than moderate adverse.
156	Visual / amenity effects - While some rehabilitation measures (such as removal of buildings) will reduce or remove adverse effects, the man-made landforms would likely remain permanently incongruous or discordant due to the scale of change to the natural landform, and reduction in effects anticipated from ecological rehabilitation are uncertain, given the unknown of feasibility of those measures.	Rehabilitation – Dr Robyn Simcock Landscape and Amenity – Rhys Girvan	**Substantive FTA Application:** B.19 – Landscape, Natural Character and Visual Effects Assessment; G.07A – Landscape and Ecological Rehabilitation Management Plan; B.16 – Applied Research Plan for Conservation Management, Rehabilitation and Expansion of Cushionfield.	It is accepted that removal of buildings and other temporary elements will reduce some adverse effects, but that certain man-made landforms will remain as permanent modified features and that ecological rehabilitation carries genuine uncertainty as to timing and outcome. It is not accepted, however, that post-closure visual and amenity effects should therefore be treated as wholly unresolved or uniformly high, as the lodged material concludes that rehabilitation, landform integration and removal of temporary infrastructure will still provide meaningful reduction in effects over time.
157	Visual / amenity effects - The visual representations of the Project do not appear to adequately reflect what the mine will look like in real life.	Landscape and Amenity – Rhys Girvan	**Substantive FTA Application:** B.19 – Landscape, Natural Character and Visual Effects Assessment B.19B – Landscape Visual Simulations.	It is not accepted that the visual representations are inadequate simply because they do not replicate a full real-life viewing experience. The lodged material explains that the simulations were prepared as representative aids from selected viewpoints in accordance with NZILA best practice to provide an accurate understanding of likely visual change, including Mr Brown's review which acknowledges that the visual simulations accord with NZILA Best Practice Guide 10.2; the real issue is how that visual material is interpreted alongside field observation and broader viewing experience, not that the simulations are methodologically deficient.

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158	Visual / amenity effects - might be decades before the proposed rehabilitation is sufficiently effective in absorbing certain elements into the landscape. The open pit elements will never be absorbed.	Rehabilitation – Dr Robyn Simcock Landscape and Amenity – Rhys Girvan	**Substantive FTA Application:** 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 some rehabilitation outcomes may take decades to establish and that open pit elements, particularly the Rise and Shine and SRX pits, will remain legible modified features at closure. It is not accepted, however, that this means rehabilitation provides no meaningful reduction in visual and amenity effects, as the lodged material distinguishes between landforms that remain open and those subject to shaping, revegetation and removal of infrastructure, and concludes that overall ONL effects still reduce over time as rehabilitation becomes established and mining activity is progressively integrated into the wider landscape.
159	Natural character - Ms Stevens disagrees to some extent with assessment of natural character. She considers: a. Adverse effects on the natural character of Shepherds Creek during operation will be very high (significant) due to the complete erasure and relocation of natural streams and wetlands in man made channels. b. Effects on the natural character of creeks under the tailings storage facility and the Western ELF will be overwhelmingly adverse (significant), as they would no longer exist	Landscape and Amenity – Rhys Girvan	**Substantive FTA Application:** B.19 – Landscape, Natural Character and Visual Effects Assessment B.18 – Assessment of Freshwater Ecological Effects G.07A – Landscape and Ecological Rehabilitation Management Plan.	It is not accepted that the proposal gives rise to very high or “overwhelming” natural character effects in the terms asserted. While substantial stream loss, diversion and modification are accepted, that position is consistent with the freshwater ecology assessment, which also recognises those direct effects but concludes they are managed through diversion, rehabilitation and enhancement so that stream connectivity is maintained and the overall aquatic ecological outcome is one of no net loss with enhanced benefit, rather than an overwhelming loss of natural character across the affected catchments.
160	Natural Character - It will be important to ensure appropriate conditions that guarantee the restoration and survival of riparian planting around Shepherds Creek.	Rehabilitation – Dr Robyn Simcock Landscape and Amenity – Rhys Girvan	**Substantive FTA Application:** B.18 – Assessment of Freshwater Ecological Effects D.04 – Schedule Two General Conditions for Otago Regional Council Resource Consents G.07A – Landscape and Ecological Rehabilitation Management Plan.	It is accepted that appropriate conditions are important to secure restoration and ongoing survival of riparian planting around Shepherds Creek. It is not accepted that this is left unsecured in principle, as the proposed conditions require a freshwater effects management and monitoring plan addressing riparian zones, require stream diversion design to provide for riparian planting, and require annual reporting on riparian planting and related works.
161	Natural Character - Adverse effects will be moderate (more than minor) during operation. Ms Stevens generally agrees with this assessment, but considers there will be some localised sections such as the permanent diversion around the Rise and Shine open pit that have a high degree of adverse effect (significant).	Landscape and Amenity – Rhys Girvan	**Substantive FTA Application:** B.19 – Landscape, Natural Character and Visual Effects Assessment B.18 – Assessment of Freshwater Ecological Effects G.07A – Landscape and Ecological Rehabilitation Management Plan.	It is accepted that, while the overall operational natural character effects on Rise and Shine Creek are assessed as moderate adverse, some localised reaches associated with permanent diversion around the Rise and Shine open pit may experience a greater degree of effect than that catchment-wide rating suggests. It is not accepted, however, that this alters the overall assessment outcome, which remains moderate adverse at the catchment scale and is reinforced by the freshwater ecology assessment, which recognises those direct effects but manages them through diversion design, rehabilitation and compensation.
162	Panel’s consideration of landscape evidence - EDS submits that the information provided by the Applicant in relation to landscape effects is inadequate and represents, at best, only a partial assessment of effects on the landscape. Information gaps, an overly narrow focus and a lack of	Landscape and Amenity – Rhys Girvan	**Substantive FTA Application:** K.02 – Boffa Miskell - Assessment of Dunstan Mountains Outstanding Natural Landscape dated May 2024	It is not accepted that the applicant’s landscape material is merely partial or inadequate, or that it significantly understates effects through a narrow or incomplete understanding of the broader landscape. The lodged material expressly addresses the biophysical, perceptual and associative dimensions of the Dunstan Mountains landscape through the 2024 ONL study and the later Assessment, so the

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	comprehensive analysis and understanding of the broader landscape has resulted in a significant understatement of effects. Compare this to Ms Stevens who addresses the full range of biophysical, perceptual and associative elements present in the broader landscape.		B.19 – Landscape, Natural Character and Visual Effects Assessment	real point of difference with Ms Stevens is one of evaluative weighting and judgment rather than absence of the relevant landscape information.
163	Panel's consideration of landscape evidence - Applicant's landscape assessment significantly underestimates the effects of the Project on the Matakanui Dunstan Mountains ONL.	Landscape and Amenity – Rhys Girvan	N/A	It is not accepted that the applicant's landscape assessment significantly underestimates effects on the Matakanui Dunstan Mountains ONL. The lodged material accepts high adverse effects within parts of the Site, but concludes that effects on the wider ONL remain moderate adverse during operation and reduce to low-moderate adverse at closure, because the broader mountain framework and backdrop, skyline and legibility of the range remain; importantly, the essential reasons for which the Dunstan Mountains were identified and protected as an ONL in statutory terms also remain, including its role as a memorable mountain backdrop, the extensive summit plateau, and the distinctive rock tors visible on the skyline.
165	Inadequate information and uncertainty - When uncertainty of impacts exists, and when those adverse impacts are potentially material or significant, the NPS-IB and regional planning provisions require that a precautionary approach be taken.	Legal – Lane Neave	**Response Evidence:** Legal Submissions, 17 April 2026 at Adequacy of Information'	There is sufficient information before the panel to assess the effects of the BOGP.
166	Inadequate information and uncertainty - There is an extensive amount of inadequacy of information and, consequently, uncertainty of adverse impacts, across the Application. The same applies to the Project's benefits. Failure to provide this information hinders the Panel's ability to assess the actual and potential effects on the environment of allowing the activity under each Specified Act, and the Project's adverse impacts or benefits under section 81 and 85(3) FTAA.	Legal – Lane Neave	**Response Evidence:** Legal Submissions, 17 April 2026 at Adequacy of Information'	There is sufficient information before the panel to assess the effects of the BOGP.
167	Adaptive Management – does not cure deficiencies in information – refer *King Salmon*. The overall question is whether any adaptive management regime can be considered consistent with a precautionary approach. EDS submits that the precautionary principle required to be applied by national policy direction and regional planning instruments is engaged by the Project	Legal – Lane Neave	**Response Evidence:** Legal Submissions, 17 April 2026 at Adaptive Management	Adaptive management is an established tool in resource management. The BOGP adaptive management approach complies with the Supreme Court guidance.

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	Risks are too great. There is not an adequate evidential foundation to have reasonable assurance that an adaptive management approach will achieve its goals of sufficiently reducing uncertainty and adequately managing any remaining risk.			
168	Inadequate information and uncertainty - For hydrology (including geochemistry) and terrestrial ecology matters, the inadequacies of information result in a cascade of uncertainties, where each uncertainty compounds in a snowball effect, resulting in the Panel being unable to properly quantify the Project's adverse impacts.	Hydrogeology – Ryan Burgess Groundwater – Jens Rekker Environmental Chemistry / Water – Dr Paul Weber Terrestrial Ecology – Dr Matt Baber and RMA Ecology.	**Response Evidence:** Evidence of Ryan Burgess	HGG: see responses to Comment #7 and #12. MWM note > With a greenfield operation such as the BOGP, there are uncertainties and robust performance monitoring is needed together with defined response plans > Further work is planned in the detailed design phase including: › Transient water and load balance modelling › Field trials to validate net percolation rates. › Water treatability trials to validate the performance of the water treatment plant. This information will be used to inform adaptive management processes and any additional controls that may be required.
169	Inadequate information and uncertainty - also evidenced in the economic assessment, which consistently adopts a 'best case' scenario and other configurations to oversell the economic benefits of the Project.	Economic – Benji Patterson	**Response Evidence:** Evidence Statement for Benji Patterson	Two further scenarios have been developed: A high scenario (USD4,707) to reflect current pricing that is 50% above the base case. Current spot prices are at least 50% higher than the gold price assumed in the BPL report (USD3,138), with data from the World Gold Council showing that spot prices over the 7 days to 7 April 2026 were in the USD$4,600/oz to USD$4,800/oz range and peaked at over USD$5,000/oz on average through January 2026. A low scenario (USD2,220) to reflect average gold prices over the previous 3 to 5 years. Santana spot price in its modelling USD 2,220 is similar to the 3-year average rates to June 2025 (USD2,260) and the 5-year average rate to June 2025 (in inflation adjusted terms which was USD2,090 (source Macrotrends). The NPV of the GDP effects under the base case in the BPL report is $3.1 billion. In the high scenario, which reflects current gold prices the NPV of the direct GDP would be $5.0 billion, while under the low scenario which reflects the historical average from the 3-5 years before the PFS, the NPV of the direct GDP would be $2.1 billion
170	Inadequate information and uncertainty - no certainty in the Application as to mine life, let alone how the site will be maintained and managed in the long-term. Unresolved questions about who is left with the responsibility for the tailings storage facility and ELFs in the long-term. This is particularly concerning given that mine water seepage through these structures will remain above the proposed water quality limits for over 100 years for	Mine Closure Bonding Planning Legal	**Response Evidence:** Legal Submissions, 17 April 2026 at Closure and Post-Closure	The expectation is that MGL will develop a mechanism for the long-term management of the closed site through the post-closure term, which potentially may be required in perpetuity. The bond will provide for the costs of closure, for long-term, post-closure site management, and environmental risks. See response to comment 129 regarding provision of bonds. Closure conditions are sufficiently certain and enforceable.

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	some contaminants and that reliance on passive treatment in the longer term “Post Closure” phase poses a significant environmental risk.			
171	Inadequate information and uncertainty - who will retain responsibility for the replacement conservation covenant and roads.	MGL	**Response Evidence:** Damian Statement – Panel RFI	As the Consent Holder, MGL will be solely responsible for the development, operation and maintenance of the proposed ecological rehabilitation and enhancement areas that includes the Mine Regeneration Zones, Ardgour Restoration Area and the Bendigo and Ardgour Sanctuaries - for the duration of the consents sought and for any future consents required in the future. These areas are detailed in G.07A&B Landscape and Ecological Rehabilitation Management Plan, G.08 Ardgour Restoration Area Management Plan and G.09 Matakanui Sanctuary Management Plan and shown in the plan C.23 Ecological Rehabilitation and Enhancement Area. These areas will also be protected in perpetuity by a new covenant(s) which will provide legal protection 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. If MGL seeks to assign any of the consents or responsibilities under the covenant(s) to a third party, approval must be sought by the relevant authority. To this end, new consent conditions are proposed to confirm that the Consent Holder is solely responsible for: 1. all ongoing operation of the WTP and PTS and this responsibility cannot be transferred to any other person without written approval of Otago Regional Council. 2. all ongoing maintenance for ecological enhancement and this responsibility cannot be transferred to any other person without written approval of Central Otago District Council 3. all conditions under a covenant to and this responsibility cannot be transferred to any other person without written approval of the covenantee in gross. Ardgour Rise, the track replacing Thomson Gorge Road over the Dunstan Mountains, will be vested with the CODC.
172	Management Plan Conditions - The Applicant has requested that the Panel approve its management plans as part of the FTAA process. EDS opposes that request, the Applicant’s management plans should be independently reviewed and certified by the Councils or DOC, as relevant. Other FTAA Panels have rejected applicant requests to approve management plans, as has the Environment Court. (See case law references in text).	Legal – Lane Neave Planning – Mark Chrisp	**Response Evidence:** Evidence of Mark Chrisp Legal submissions, 17 April 2026	No changes to the conditions have been made in response to this comment. Will be peer reviewed through expert conferencing. Some conditions also require peer review.

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173	Resource consent approval duration - The Applicant is seeking approval for water takes for a duration of 35 years, contrary to section 127B of Resource Management - 127B Duration of new water permits under Regional Plan: Water for Otago must not exceed 6 years. Section 127B is a relevant consideration for the Panel under clause 17(1)(b) of Schedule 5 and constitutes an environmental bottom-line that the Project, insofar as it seeks a consent duration of longer than 6 years, will breach. It is therefore an adverse impact for the purposes of section 85(3) assessment.	Legal – Lane Neave	**Response Evidence:** Legal Submissions, 17 April 2026 at Duration of Water Permits	While the Panel must take into account section 127B, we agree with ORC that the Panel could validly form the view that a longer duration is appropriate in this instance
174	Resource consent approval duration - The Homestead Bay FTAA Panel has addressed Policy 10A.2.2 and sec on 127B in the context of the FTAA292 concluding that a 35 year consent is appropriate due to the scale of the project, the investment required and the certainty of providing for critical infrastructure necessary for the housing development. EDS submits decision should not be followed.	Legal – Lane Neave	**Response Evidence:** Legal Submissions, 17 April 2026 at Duration of Water Permits	While the Panel is not bound by the Homestead Bay decision, we consider the Panel should find their decision persuasive.
175	Bond Conditions - Uncertainties associated with long term management of the site and compliance with consent conditions is a serious concern. There are significant risks associated with ongoing contamination and ineffective ecological mitigation. The Applicant's proposed bond does not remedy these issues.	Bonding – Malcolm Lane	N/A	The bond will provide for the costs of closure, for long-term, post-closure site management, and environmental risks. No changes to the conditions have been made in response to this comment.
176	Bond Conditions - It is likely to be insufficient due to inadequately characterised risks (including not factoring in low risk-high probability events), unallocated 'risk owners' and reliance on unproven rehabilitation techniques.	Bonding – Malcolm Lane Planning – Mark Chrisp	**Response Evidence:** Evidence of Mark Chrisp	The bond will provide for the costs of closure, for long-term, post-closure site management, and environmental risks. The conditions relating to the bond have been considered appropriate and adequate for achieving this purpose for the past 27 years since the modern approach to bonding was first developed. That process remains leading edge. No changes to the conditions have been made in response to this comment.
177	Bond Conditions - It does not cover the full 'life' of the mine, which is permanent for the tailings dam, ELFs and ecological rehabilitation, and effectively permanent for potential surface and groundwater contamination from mine water seepage.	Bonding – Malcolm Lane Planning – Mark Chrisp	**Response Evidence:** Evidence of Mark Chrisp	The bond will provide for the costs of closure, for long-term, post-closure site management, and environmental risks beyond the life-of-mine. No changes to the conditions have been made in response to this comment.
178	Roading - The Applicant asserts it has now secured necessary roading arrangements outside of the FTAA	Legal – Lane Neave	N/A	Noted.

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	process. EDS reserves its position on other legal remedies to address this.	MGL		
179	Roading - Without seeking road access arrangements under the FTAA (i.e., approvals described in section 42(4)(l) of the FTAA), the Application's proposed activities on public roads cannot be approved via the FTAA process. Further, the Project requires the closure or stoppage of a paper road. As noted, this must be undertaken outside of the FTAA process, in accordance with the Local Government Act 1974.	MGL	N/A	MGL and CODC (as controlling authority) have entered into an Access Arrangement under the Crown Minerals Act 1991. As landowner, CODC has agreed to MGL to allow exploration and mining subject to any relevant RMA consents.
180	Roading - EDS understands that the Applicant has applied for resource consent to establish alternative road access for Ardgour Rise. An urgent request has been made to CODC for disclosure of this application, which has not been provided as at the date of these comments. EDS reserves its position on whether section 40 of the FTAA prevails over the parallel RMA application made to CODC (the RMA being a 'specified Act' under section 40). Counsel will update the Panel on this as soon as further information is to hand.	MGL	N/A	As noted in the FTA substantial application, the application to CODC was withdrawn and is now being considered in full under this application.
181	Conservation Covenant Applicant has not done an assessment of the conservation values of the land affected or how the Project comprises them. No rebuttal to DOC's report and evidence. Panel can therefore treat DOC's reports as uncontested.	Planning - Mark Chrisp Landscape and Amenity - Rhys Girvan Heritage – Dr Naomi Woods Terrestrial Ecology - Alliance Ecology - Dr Matt Baber	**Substantive FTA Application:** B.34A New Zealand Heritage Properties Limited - Heritage Assessment (NZHP 2025a) (2 Parts) (10 March 2026) **Response Evidence:** Evidence of Dr Naomi Woods Evidence of Mark Chrisp	The Substantive Application and associated supporting documents have assessed the conservation values, and acknowledge the loss of some of the values protected by the Covenant within the DDF. However, these occur within an area that represents approximately 3% of the overall covenant area. a much larger covenanted area is proposed by MGL. In addition, the Heritage Assessment clearly states that the proposal contravenes the heritage provisions of the Bendigo Conservation Covenant. However, proposed mitigation relating to the Come-in-Time Battery and associated access track are more aligned with the heritage principles than the current arrangement of this key feature of the Bendigo mining landscape.
182	No conditions proposed for conservation covenant: a. The broader 'offsetting and compensation' package is not targeted to mitigating adverse impacts on the conservation covenant's values. b. The proposed replacement covenant is fanciful and inadequate. c. No equivalent land outside the area of the covenant is proposed to be protected.	Legal – Lane Neave Planning – Mark Chrisp	**Response Evidence:** Evidence of Mark Chrisp Legal Submissions, 17 April 2026 at 'Partial Revocation of Conservation Covenant'	No changes to the conditions have been made in response to this comment. The land use conditions requiring covenanting of the proposed offsetting and compensation areas in perpetuity and exceeding the area to be removed from the conservation covenant will secure environmental outcomes.

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183	Wildlife Act There are significant uncertainties associated with the feasibility of the Applicant's proposed catch, salvage and relocation approach the magnitude of effect on lizard populations of regional and national significance. These uncertainties should be of key concern to the Panel when considering the Applicant's wildlife approval.	Terrestrial Ecology – Dr Matt Baber, RMA Ecology Legal – Lane Neave	**Substantive FTA Application:** B.08A **Response Evidence:** G.05A Legal Submissions, 17 April 2026 at 'Need for Separate Approvals'	We agree that there are significant uncertainties and better outcomes for lizards can be achieved relative to what is currently proposed. The requirement for approvals to be obtained under separate legislation does not prevent the Panel from granting the approvals under FTA.
184	See EDS Appendix B for EDS rebuttal points to Applicant's legal overview.	Legal – Lane Neave	**Response Evidence:** Legal Submissions, 17 April 2026	Response throughout legal submissions dated 17 April 2026