

8. FAST-TRACK APPROVALS ACT 2024 REQUIREMENTS

8.1 OVERVIEW

In assessing applications, panels are required to give the greatest weight to the purpose of the Act, which is “*to facilitate the delivery of infrastructure and development projects with significant regional or national benefits*”. Section 81(4) of the Act states that, when taking into account the purpose of the Act, the panel must consider the extent of the project’s regional or national benefits. The Act introduces a consenting and permitting regime that consolidates and adjusts several existing regulatory statutes and regulations to enable the proponents of projects with significant regional or national benefits to go through one process to obtain the necessary approvals for the project. Where a substantive application is made, the approval process set out in the Act applies instead of the processes provided for under other legislation.⁷⁰

The Act introduces a system that puts in place a single assessment framework for addressing various consenting and permitting obligations relevant to a given project. This includes the resource consent requirements under the RMA (addressed in Section 4 of this report) as well as approvals required under the following relevant legislation for the BOGP:

- > The Conservation Act 1987;
- > The Reserves Act 1977;
- > The Wildlife Act 1953;
- > The HNZPT Act 2014; and
- > The Fisheries Regulations 1983.

As discussed earlier in this report, the BOGP is a listed project in Schedule 2 of the Act and is eligible to lodge a substantive application directly to the EPA without Ministerial referral.

8.2 PRELIMINARY STEPS FOR LISTED PROJECTS

Section 29 of the Act sets out the pre-lodgement requirements before a substantive application can be lodged for a listed project. This sub-section of the report summarises the steps that have been undertaken by MGL to comply with the Section 29 requirements:

⁷⁰ Section 40 of the Act.



- > MGL has consulted with the persons and groups referred to in Section 11 of the Act⁷¹ including the CODC, ORC, the Department of Conservation,⁷² HNZPT,⁷³ Ministry for the Environment,⁷⁴ Te Rūnaka o Moeraki, Kāti Huirapa Rūnaka ki Puketeraki, Te Runaka o Ōtākou and Hokonui Rūnanga (referred to as the Kā Rūnaka whose takiwā includes the Project Site), as set out in Section 5 of this report;⁷⁵ and
- > This substantive application does not seek any access arrangements that would otherwise be applied for under the Crown Minerals Act.⁷⁶

8.3 PRELIMINARY STEP FOR APPLICATION FOR RESOURCE CONSENT

As required by Section 30 (2) of the Act, MGL has notified the CODC and the ORC in writing of the BOGP. **Part F** to these application documents contains the response from the consent authorities that addresses the matters set out in Sections 30 (3) to (6) of the Act.

8.4 REQUIREMENTS FOR A SUBSTANTIVE APPLICATION

Section 43 of the Act sets out that a substantive application:

- > **Must be lodged in the form and manner approved by the EPA:**
 - > For completeness, it is noted that this report has been prepared to be consistent with this requirement.
- > **Must explain how the project is consistent with the purpose of the Act:**
 - > Addressed in Sections 1.4 and 8.5 of this report.
- > **Must demonstrate that the project does not involve any ineligible activities:**
 - > Addressed in Section 8.6 of this report.
- > **For a listed project, must contain the information listed in Section 13 (4)⁷⁷ of the Act (noting that this section of the Act addresses the requirements for referral**

⁷¹ This section is titled consultation requirements for *referral applications*, however Section 29 of the Act (which deals with listed projects) cross references back to this section.

⁷² Administering agency in respect of the Conservation Act (concession), Fisheries Regulations and Wildlife Act (wildlife approval).

⁷³ Administering agency for the HNZPT Act (archaeological authority).

⁷⁴ Administering agency for the RMA.

⁷⁵ Section 29 (1)(a) of the Act.

⁷⁶ Section 29 (1)(b) of the Act.

⁷⁷ Other than Section 13 (4)(b), (f)(ii) and (iii) and (g) of the Act.



applications – however, substantive applications for listed projects must include this information), including:

- > **A description of the project and the activities it involves:**
 - > Addressed in Section 3 of this report.⁷⁸
- > **Information to demonstrate that the project does not involve any ineligible activities:**
 - > Addressed in Section 8.6 of this report.⁷⁹
- > **A description or map of the whole project area that identifies its boundaries:**
 - > Addressed in Sections 1 and 3 of this report and the various project overview and landownership maps provided as **Part C** to these application documents.⁸⁰
- > **The anticipated commencement and completion dates for construction activities:**
 - > Addressed throughout the project description in Section 3 and in the indicative project timeline in Section 3.23 of this report.⁸¹
- > **A statement of whether the project is planned to proceed in stages:**
 - > Addressed in Section 3.23 of this report.⁸²
- > **A description of the anticipated and known adverse effects of the project on the environment:**
 - > Addressed in Section 6 of this report.⁸³
- > **A statement of any activities involved in the project that are prohibited activities under the RMA:**
 - > Addressed in Section 4.2.2 of this report.⁸⁴
- > **A list of the persons and groups MGL considers are likely to be affected by the BOGP, and details of any consultation undertaken:**

⁷⁸ Section 13 (4)(a) of the Act.

⁷⁹ Section 13 (4)(c) of the Act.

⁸⁰ Section 13 (4)(d) of the Act.

⁸¹ Section 13 (4)(e) of the Act.

⁸² Section 13 (4)(f) of the Act.

⁸³ Section 13 (4)(h) of the Act.

⁸⁴ Section 13 (4)(i) of the Act.



- > Addressed in Section 5 of this report.⁸⁵
- > **A list of any Treaty settlements that apply to the project area, and a summary of the relevant principles and provisions in those settlements:**
 - > Addressed in Section 8.7.3.17 of this report.⁸⁶
- > **Information identifying the parcels of Māori land, marae, and identified wāhi tapu within the project area:**
 - > Addressed in Section 2.7 of this report.⁸⁷
- > **A description of the applicant's legal interest (if any) in the land on which the project will occur, including a statement of how that affects the applicant's ability to undertake the work:⁸⁸**
 - > As discussed in Section 2.4.1 of this report, the Project Site is primarily located on Ardgour and Bendigo Stations. However, aspects of the BOGP are also proposed to occupy the following land:
 - > A section of road reserve along Thomson Gorge Road and Matilda Rise, and an undeveloped paper road which runs through the lower Shepherds Valley, that is administered by CODC; and
 - > A small part of Matakanui Station that is leasehold land administered by LINZ.
 - > MGL has access agreements with the landowners of Ardgour and Bendigo Stations which provide written agreement for MGL to undertake all necessary activities and obtain all necessary approvals for the BOGP on their land. In addition, MGL has entered into a binding agreement to acquire the Ardgour Station land which is directly impacted by the BOGP. Copies of these access agreements and the Ardgour Station acquisition announcement are provided as **Part F** to these application documents.
 - > MGL does, or will, hold legal rights (access arrangements, easements, licences to occupy, consents or concessions) from the Department of Conservation and CODC in relation to any works proposed on land administered by these parties. Copies of affected party approvals are provided as **Part F** to these application documents from:

⁸⁵ Section 13 (4)(j) & (k) of the Act.

⁸⁶ Section 13 (4)(l) of the Act.

⁸⁷ Section 13 (4)(o) of the Act.

⁸⁸ Section 13 (4)(s) of the Act.



- > Bendigo Station;
- > Ardgour Station;
- > Matakanui Station; and
- > CODC.
- > **An outline of the types of consents, certificates, designations, concessions, and other legal authorisations (other than contractual authorisations or the proposed approvals) that the applicant considers are needed to authorise the project, including any that the applicant considers may be needed by someone other than the applicant.⁸⁹**
 - > The RMA authorisations (including non-Fast track) that MGL is applying for to authorise the BOGP are described in Section 4.2 of this report;
 - > The Conservation Act authorisations that MGL is applying for to authorise the BOGP are described in Section 4.3 of this report;
 - > The Reserves Act authorisations that MGL is applying for to authorise the BOGP are described in Section 4.4 of this report;
 - > The Wildlife Act authorisations that MGL is applying for to authorise the BOGP are described in Section 4.5 of this report;
 - > The HNZPT Act authorisations that MGL is applying for to authorise the BOGP are described in Section 4.6 of this report; and
 - > The Fisheries Regulations authorisations that MGL is applying for to authorise the BOGP are described in Section 4.7 of this report.
- > **Information as to whether any activities that are involved in the project, or are substantially the same as those involved in the project, have been the subject of an application or a decision under a specified Act and –**
 - > **if an application has been made, details of the application:**
 - > **if a decision has been made, the outcome of the decision and reasons for it:⁹⁰**
 - > With respect to the early works applications, these matters are addressed in Sections 1.2, 3.4 and 4.2 of this report. As noted throughout this report, the

⁸⁹ Section 13 (4)(t) of the Act.

⁹⁰ Section 13 (4)(u) of the Act.



early works applications will be withdrawn within five working days of confirmation from the EPA that the substantive application is complete and within scope. As described in Section 3.16.1 of this report, MGL has obtained Land Use Consents from the CODC which authorise the drilling of groundwater bores within the Bendigo Aquifer that will be utilised to supply water to the Project Site. No other activities associated with the BOGP have been the subject of an application or decision under any other specified Act.

> **A description of whether and how the project would be affected by climate change and natural hazards:⁹¹**

- > MGL's projects are designed to a number of regulatory standards including the New Zealand Society on Large Dams standards and therefore incorporate seismic and climate-based design considerations. Further assessment of geotechnical effects and site-specific seismic hazards for the BOGP are provided in Section 6.10 of this report and EGL (2025a) in **Part B** of these application documents.
- > In addition, the mining operations area of the Project Site (where the TSF, ELF, open pits and associated processing plant and infrastructure are all located) is not subject to any hazard areas identified within the District Plan.

> **A summary of compliance or enforcement actions (if any), and the outcome of those actions, taken against the applicant:⁹²**

- > There have not been any compliance or enforcement actions taken against MGL and no company director, trustee, partner, or anyone else involved with the application has been convicted of any offence, and no current criminal charges are pending under the following statutes covered in the Act that are relevant to this application – being the Conservation Act, Reserves Act, Wildlife Act, HNZPT Act and Freshwater Fisheries Regulations.
- > There has been one compliance action taken against MGL under the RMA. In May 2025 the CODC identified that MGL were not maintaining proper photo records as required under the relevant conditions for two resource consents that MGL held.⁹³ These consents authorised the construction of temporary access tracks (and associated earthworks and potential indigenous vegetation

⁹¹ Section 13 (4)(v) of the Act.

⁹² Section 13 (4)(x) of the Act.

⁹³ RC210507 and RC210308.



clearance) within the Dunstan Mountains ONL to enable mineral exploration activities.

- > The CODC recorded these breaches of conditions in the compliance history for the resource consents however did not pursue any enforcement action. MGL has sought to remedy this non-compliance through improved internal permit management processes.
- > **If the proposed approvals include:**
 - > **A resource consent, the information specified in clause 2 of Schedule 5 – an assessment of the project against any relevant national policy statements, any relevant national environmental standards, and confirmation whether there are any existing resource consents for the same activity:**⁹⁴
 - > An assessment of the BOGP against the applicable provisions of national policy statements and national environmental standards is contained in Section 8.7.3 of this report.
 - > MGL confirms there are no existing resource consents for the same activity as being sought in this substantive application. This is also confirmed in the letters from the CODC and ORC contained in **Part F** to these application documents.
 - > **A concession, the information specified in clause 2 of Schedule 6 – which is whether the proposed concession includes a lease.**
 - > The concessions sought as part of the BOGP are not for a lease.⁹⁵
 - > **A standard or complex freshwater fisheries activity approval, the information specified in clause 2 of Schedule 9 – information as to whether:**
 - > **An in-stream structure is proposed (including formal notification of any dam or diversion structure) and the extent to which this may impede fish passage; and**
 - > **Whether any fish salvage activities or other complex freshwater fisheries activities are proposed.**⁹⁶
 - > These matters are address in Section 3 of this report which provides a comprehensive description of the BOGP, Section 4.7 which sets out the

⁹⁴ Section 13 (4)(y)(i) of the Act.

⁹⁵ Section 13 (4)(y)(iv) of the Act.

⁹⁶ Section 13 (4)(y)(vi) of the Act.



approvals required and are being sought by MGL under the Act, and Section 8.12 which provides an assessment of the project against the relevant information requirements specified in clause 2 of Schedule 9 of the Act.

- > **Must, for resource consents, include the information required by clauses 5 to 9 of Schedule 5 of the Act.⁹⁷**
- > **Must, for concessions, include the information required by clause 3 of Schedule 6 of the Act.⁹⁸**
- > **Must, for an amendment to or revocation of a conservation covenant, include the information required in clause 42 of Schedule 6 of the Act.⁹⁹**
- > **Must, for wildlife approvals, include the information required by clause 2 of Schedule 7 of the Act.¹⁰⁰**
- > **Must, for archaeological authorities, include the information required by clause 2 of Schedule 8 of the Act.¹⁰¹**
- > **Must, for a complex freshwater fisheries activity approval, include the information required by clause 3 of Schedule 9 of the Act.¹⁰²**

The following sections of this report address the information requirements of the Act listed above.

8.5 THE BENDIGO-OPHIR GOLD PROJECT AND THE PURPOSE OF THE ACT

Section 3 of the Act sets out the purpose of the Act:

The purpose of this Act is to facilitate the delivery of infrastructure and development projects with significant regional or national benefits.

Sections 1.4, 3.1 and 6.2 of this report describe the anticipated significant regional and national economic benefits that the BOGP presents, as summarised below:

- > The BOGP will generate a significant contribution to the GDP of Central Otago and New Zealand, with the project projected to generate a cumulative total of approximately \$5.8 billion dollars of GDP over the course of the mine life;

⁹⁷ Section 43 (3)(a) of the Act.

⁹⁸ Section 43 (3)(e) of the Act.

⁹⁹ Section 43 (3)(g) of the Act.

¹⁰⁰ Section 43 (3)(h) of the Act.

¹⁰¹ Section 43 (3)(i) of the Act.

¹⁰² Section 43 (3)(j) of the Act.



- > The BOGP will generate a total of \$1.8 billion dollars of revenue for the New Zealand Government via royalties, corporate taxes, PAYE and ACC payments;
- > The BOGP will generate substantial foreign investment through approximately \$533 million dollars of capital investment;
- > The BOGP will support a wide range of highly paid jobs, with the BOGP expected to add an average of 351 new jobs - peaking at 506 when capital investment and operations are both being undertaken – and potentially add 463 additional indirect jobs created amongst suppliers and those providing goods and services to meet the needs of mine workers; and
- > The BOGP will produce 1.25 million ounces of gold over a mine life of approximately 14 years.

In addition, the BOGP is already generating substantial positive economic benefits for the local and regional economy through spending over \$23 million dollars over the last 12 months in the New Zealand economy and directly employing 28 full-time staff that work locally in Cromwell and / or out of site offices in the field.

As part of the approach to managing the actual and potential effects of this proposal through the effects management hierarchy, there will also be ecological restoration and habitat enhancement measures that result in demonstrable benefits to indigenous terrestrial and wetland biodiversity. While noting there will be residual effects on cushionfield habitat (and a small number of plant species and invertebrates) that cannot be demonstrably offset or compensated for, MGL has sought to design the project to ensure positive effects on ecological and habitat values in those areas affected by the project to the extent practicable. This includes addressing:

- > The loss of approximately 3.1 hectares of wetland habitat through the re-establishment of over 7.5 hectares of indigenous swamp / marsh wetland communities (comprising at least 2 hectares of swamp wetlands, 4 hectares of marshlands and three smaller swamp / marsh wetland communities of 0.4 to 0.5 hectares each). In addition, MGL proposes to undertake measures to mitigate potential groundwater drawdown effects on the Rise and Shine swamp and marsh wetlands by augmenting the Rise and Shine Creek and associated wetlands with groundwater sourced from the Bendigo Aquifer;
- > The unavoidable reclamation of approximately 8,770 m of stream extent in the Shepherds Creek catchment and approximately 1,483 m of stream extent in the Rise and Shine Creek catchment through the creation of some 9,558 m of rehabilitated stream diversion for Shepherds Creek, 1,196 m of enhancement for Shepherds Creek, and 1,600 m of rehabilitated stream diversion for Rise and Shine Creek.



To address time lags in functional restoration of diversions, MGL is also proposing to undertake willow management and riparian vegetation enhancement activities along approximately 6,700 m of the Bendigo and Clearwater Creeks (located within the Bendigo Historic Reserve);

- > The residual adverse effects on terrestrial and wetland which have been assessed as moderate or greater through offsetting and compensation measures which include ecological restoration and habitat enhancement across 2,219 hectares of habitat in the landscape surrounding the DDF. This area will be protected in perpetuity through covenants and will include:
 - > The 889 hectare MRZ adjacent to the DDF – which involves native enrichment planting, livestock management, mammalian pest control and ecological weed control;
 - > The 1,263 hectare Ardgour Restoration Area adjacent to the DDF – which involves native enrichment planting, livestock management, mammalian pest control, weed control and habitat enhancement within Ardgour Station currently used for grazing; and
 - > The establishment of the Ardgour Sanctuary (38 hectares) and Bendigo Sanctuary (29 hectares) to provide a combined approximately 67 hectares of predator-exclusion fenced areas. Within these areas, measures include construction of predator-exclusion fences, eradication of mammalian predators, browser management, ecological weed control, deployment of salvaged rock habitat, native revegetation and enrichment planting and translocation of locally extirpated (extinct) Threatened or At-Risk species.

Overall, it is considered that the project is entirely consistent with the purpose of the Act.

8.6 INELIGIBLE ACTIVITIES

Section 5 of the Act addresses ineligible activities which cannot be authorised under the Act. In this respect, the BOGP:

- > Is not located on identified Māori land;¹⁰³
- > Is not located in a customary marine title area;¹⁰⁴

¹⁰³ Section 5 (1)(a) of the Act.

¹⁰⁴ Section 5 (1)(b) of the Act.



- > Is not located in a protected customary rights area;¹⁰⁵
- > Is not located on Māori customary land or land set apart as a Māori reservation;¹⁰⁶
- > Does not require an access arrangement under Section 61 of the Crown Minerals Act through this substantive application, as a separate application for the necessary mining permits has already been submitted under the Crown Minerals Act. For clarification, no access arrangements are nor will be sought under the Crown Minerals Act in respect of Crown land or land in the common marine and coastal area;¹⁰⁷
- > Is not an activity occurring on land listed in Schedule 4. For clarification, it is an activity located (partly) on land held, managed and administered under the Conservation Act. Offsetting and compensation and monitoring and access activities are proposed to be undertaken on Ardgour Conservation Area and Bendigo Historic Reserve, including the establishment of Ardgour Rise, the relocated walking route to the Come-in-Time Battery and willow management activities. However, the relevant land is not listed in Schedule 4 as while these conservation areas are administered under the Conservation Act, they are not declared as wilderness or sanctuary areas;¹⁰⁸
- > Is not located within a national reserve;¹⁰⁹ and
- > Is not an activity located on a reserve held under the Reserves Act that is vested in someone other than the Crown or a local authority or managed by someone other than the Department of Conservation or a local authority.¹¹⁰

This substantive application is, therefore, not for an ineligible activity.

Schedule 4 of the Act identifies land on which non-mining activities are ineligible and cannot be authorised by the Act. No non-mining activities are being applied for on Schedule 4 ineligible land as part of this substantive application.

¹⁰⁵ Section 5 (1)(c) of the Act.

¹⁰⁶ Section 5 (1)(d) of the Act.

¹⁰⁷ Section 5 (1)(f) of the Act.

¹⁰⁸ Section 5 (1)(h) of the Act.

¹⁰⁹ Section 5 (1)(i) of the Act.

¹¹⁰ Section 5 (1)(j) & (k) of the Act.



8.7 APPROVALS RELATING TO THE RESOURCE MANAGEMENT ACT 1991

8.7.1 Introduction

Schedule 5 of the Act sets out the information requirements for a substantive application for approvals required under the RMA. This includes:

- > **A description of the proposed activity, including a description and map of the proposed location:**
 - > This is addressed in Section 3 of this report.
- > **Confirmation that the application complies with Section 46 (2)(a), (b), and (d) of the Act:**

In accordance with Section 46 of the Act,¹¹¹ this substantive application for the BOGP:

- > Has been developed to adhere to the requirements of Section 42 of the Act;¹¹²
- > Includes all the information listed in Section 43 of the Act, and is specified in sufficient detail to satisfy the purpose for which it is required in accordance with Section 44 of the Act;
- > Is for a listed project;¹¹³ and
- > MGL will pay the application fee upon the receipt of an invoice from the EPA for the processing of this substantive application.¹¹⁴
- > **The full name and address of each owner of the site and of land adjacent to the site, and each occupier of the site and of land adjacent to the site whom the applicant is unable to identify after reasonable inquiry:**
 - > This is addressed in **Part I** of these application documents.
- > **A description of any other activities that are part of the proposal to which the consent application relates:**
 - > Section 3 of this report contains a detailed description of all aspects of the BOGP, which includes discussion on the early works components of the project that are also subject to a separate resource consent process with the CODC.

¹¹¹ Section 46 of the Act sets out the steps by the EPA after the substantive application is lodged.

¹¹² Section 46 (2)(a)(i) & (ii) of the Act.

¹¹³ Section 46 (2)(b) of the Act.

¹¹⁴ Section 46 (2)(d) of the Act.



- > **A description of any other resource consents, notices of requirement for designations, or alterations to designations required for the project to which the consent application relates:**
 - > This information is addressed in Section 2.2 (existing authorisations and approvals) and Section 4.2.1 (relationship with existing consents) of this report. Copies of the existing approvals and authorisations held by MGL that apply to the Project Site are provided in **Part E** of these application documents.
- > **An assessment of the activity against Sections 5, 6 and 7 of the RMA;**
 - > An assessment of the project against the purpose and principles of the RMA is set out in Section 8.7.2 of this report.
- > **An assessment of the activity against any relevant provisions of the following documents:**
 - > **A national environmental standard;**
 - > **Other regulations made under the RMA;**
 - > **A national policy statement;**
 - > **A regional policy statement or proposed regional policy statement;**
 - > **A plan or proposed plan; and**
 - > **Iwi management plans.**
 - > The project is assessed against the provisions of these documents later in Section 8.7.3 of this report.
- > **Information about Treaty settlements that apply in the area covered by the consent application:**
 - > Information about applicable Treaty settlements is included in Section 8.7.3.17 of this report.
- > **A list of any relevant customary marine title groups, protected customary rights groups, or applicants under the Marine and Coastal Area (Takutai Moana) Act 2011:**
 - > Not applicable.
- > **The conditions that the applicant proposes:**
 - > A suite of proposed conditions is included in **Part D** to these application documents.
- > **A copy of the notice required under Section 30 of the Act:**



- > A copy of the letters from the CODC and ORC are included in **Part F** to these application documents.
- > **An assessment of the activity's effects on the environment:**
 - > Section 6 of this report, and the technical assessments provided in **Part B** of these application documents, provide a comprehensive assessment of the BOGP's effects on the environment.
- > **If a permitted activity is part of the proposal to which the consent application relates, a description that demonstrates that the activity complies with the requirements, conditions, and permissions for the permitted activity (so that a resource consent is not required for that activity under the RMA):**
 - > A detailed rules assessment for approvals required under the RMA, which includes an assessment of all the relevant permitted activities, is provided in **Part H** to these application documents.

The following sections of this report address the relevant statutory planning matters required to be addressed by the provisions of Schedule 5 of the Act.

8.7.2 Part 2 of the Resource Management Act 1991

Clause 5 (1)(g) of Schedule 5 of the Act requires an assessment of the project against sections 5, 6 and 7 of the RMA.

It is important that while promoting sustainable management is the purpose and focus of sections 5, 6 and 7 of the RMA, that is not the purpose of the Act, and sustainable management considerations must be given less weight in the panel's overall evaluation than facilitating the delivery of infrastructure and development projects with significant regional or national benefits.¹¹⁵

The purpose of the RMA is to promote the sustainable management of natural and physical resources. In this regard, The BOGP will enable the social and economic wellbeing of Central Otago District and the wider Otago Region through the provision of substantial employment, and the generation of significant benefits to the local, regional and national economy. This is discussed further in Sections 1.4, 3.1 and 6.2 of this report.

¹¹⁵ Schedule 5, Clause 17 of the Act.



When considering the environmental mitigations and substantial offsetting and compensation proposed as part of the project in its entirety, the BOGP will safeguard the life-supporting capacity of air, water, soil and ecosystems.

The avoidance, remediation or mitigation of adverse effects does not require that there be no residual effects on the environment. Instead, section 5(2)(c) of the RMA contemplates adverse effects, the acceptability of which depend on and need to be assessed in the context of each application. As noted throughout this report, despite substantial measures being proposed to address the ecological effects of the BOGP, residual effects on cushionfield habitat and associated species cannot be entirely addressed, noting the BOGP Biodiversity Fund is proposed to assist in addressing adverse effects on cushionfields. Sections 6 and 7 of this report provide details on the measures proposed by MGL to avoid, remedy or mitigate the actual and potential effects of the project on the environment and to manage effects on the wellbeing of people in accordance with section 5 of the RMA.

With respect to the relevant matters in sections 6 and 7 of the RMA, the following points are pertinent:

- > Section 6(e), section 7(a) and (aa) of the RMA are all relevant to the BOGP, which require the recognition of the relationship Māori have with their ancestral lands, water, sites, wahi tapu and other taonga, as well as having regard to kaitiakitanga. Section 5.3 of this report documents the consultation undertaken by MGL to understand the impacts of the project on these matters. Section 6.3 provides an assessment of cultural effects, as well as documenting the measures proposed by MGL to recognise the relationship iwi have to the area within which the BOGP is proposed;
- > The BOGP is not “inappropriate” in the context of section 6(a) or (b) of the RMA and the various project elements have been designed to preserve the natural character of the wetlands, rivers (i.e. creeks) and their margins and protect the outstanding natural landscape of the Dunstan Mountains. As noted throughout this report, in many instances these values are preserved through landscape and ecological remediation measures set out in the LERMP and the implementation of rehabilitated stream diversions;
- > The careful management of effects associated with the BOGP, including comprehensive offsetting and compensation measures that seek to achieve a positive net gain for ecological values to the extent practicable, will ensure that most areas of significant indigenous vegetation and significant habitats of indigenous fauna are protected in accordance with section 6(c). However, when considering the species-by-species analysis that has been undertaken, and despite significant restoration efforts that include measures to avoid or minimise effects to the extent practicable (e.g. the



Cushionfield ARP), net loss outcomes for cushionfield habitat and associated species which are significant indigenous vegetation and habitats of indigenous fauna are expected. In addition to the offsetting and compensation measures noted above, MGL proposes the BOGP Biodiversity Fund – which will provide regular funding to the Department of Conservation during gold production years to support the protection and enhancement of cushionfield habitat (or other Threatened or At-Risk species or ecosystems) within the Dunstan Ecological District and is intended to achieve additional positive ecological outcomes for the district;

- > The surface water bodies within the Project Site (i.e. permanent, intermittent and ephemeral creeks) are located on privately-owned station land and have little value or suitability for public access. While access to these creeks will be appropriately restricted for health and safety purposes (as they are located within the proposed mining operations areas) the BOGP will not create any additional constraints on public access to the surface water bodies within the Project Site (section 6(d));
- > The BOGP will not adversely affect any scheduled sites of historic heritage in the District Plan. While the BOGP will affect several previously recorded and newly identified historic heritage and archaeological sites, measures are proposed by MGL to remedy or mitigate adverse effects – noting that the areas of highest heritage value in both the Bendigo Conservation Covenant Area and Bendigo Quartz Reef Historic Area will not be impacted by the project (section 6(f));
- > Particular consideration has been given to the management of significant risks from natural hazards in the technical assessments commissioned by MGL, and it is considered that there are appropriate factors of safety in the design of the various elements of the project, particularly for the TSF and various ELF's (section 6(h));
- > The amenity values of areas adjacent to the BOGP will be maintained by the imposition of appropriate controls and limits on noise, vibration, lighting and dust from mining (and associated processing) activities. In addition, the landscape and ecological rehabilitation activities undertaken across all available areas of the DDF (including extensive terrestrial and riparian planting and the creation of wetlands) will contribute to the maintenance of amenity values (section 7(c));
- > In terms of efficient use of natural resources, the proposed water take for the project will provide for the needs of Otago's primary industry through supplying a critical source of clean water for mineral extraction and processing activities that will generate substantial regional and national economic benefits. The water take is calculated so that no more water is taken than required for the project and any effects on existing groundwater takes and other water users will be less than minor. The BOGP will utilise



the Shepherds Silt Pond and other storage tanks and recycled water as it becomes available, lowering the water demand as the project continues until it is substantially reduced (section 7(b));

- > Based on the conclusions outlined in Sections 6.7 and 6.8 of this report, it is considered that particular regard has been given to the intrinsic values of ecosystems and to the maintenance and enhancement of the quality of the environment (sections 7(d), (f) and (g));
- > Potential effects on ecosystems, including terrestrial, wetland and aquatic ecology, are described in Sections 6.7 and 6.8 of this report (section 7(d) and (g));
- > While populations of trout have been identified in Bendigo Creek (outside of the Project Site and downstream of Rise and Shine Creek), natural barriers to upstream fish passage are present and no fish species have been detected in the watercourses within the Project Site. As such, the BOGP will not impact any trout or salmon habitat (section 7(h)); and
- > The effects of climate change have been considered throughout this report and in the various technical reports to the extent necessary, noting that electricity is proposed to be brought to the Project Site to provide power for processing plant and supporting infrastructure (section 7(i)).

While under the Act, section 8 of the RMA need not be addressed in this section, for completeness it is noted that MGL is not a “person exercising functions and powers under the RMA” for the purpose of BOGP. That said, MGL is undertaking engagement with mana whenua in good faith and in a manner that reflects the scale and significance of the proposal. This work is and will continue to be ongoing throughout the life of the BOGP.

Overall, and based on the technical assessments that have been commissioned by MGL, it is considered that the BOGP will promote the sustainable management of natural and physical resources in accordance with sections 5, 6 and 7 of the RMA. As set out above, while there is some tension between the BOGP and aspects of section 6(c) of the RMA, the proposal can be regarded as consistent with these sections of the RMA on the whole.

8.7.3 Relevant Planning Documents

8.7.3.1 Overview

Clauses 5 (1)(h) and 5 (2) of Schedule 5 of the Act require an assessment of the BOGP against the relevant RMA planning documents.



An assessment of the project against these documents must include an assessment of the BOGP against any relevant objectives and policies (with the rules addressed in Section 4 of this report). The relevant statutory planning documents are considered to be:

- > Resource Management (National Environmental Standards for Freshwater) Regulations 2020 (“**NES Freshwater**”);
- > Resource Management (National Environmental Standards for Air Quality) Regulations 2011 (“**NES Air**”);
- > Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 (“**NES Soil**”);
- > Resource Management (National Environmental Standards for Sources of Human Drinking Water) Regulations 2007 (“**NES Drinking Water**”);
- > Resource Management (Measurement and Reporting Water Takes) Amendments Regulations 2020 (“**Water Management Regulations**”);
- > National Policy Statement for Freshwater Management 2020 (“**NPSFM**”);
- > National Policy Statement for Indigenous Biodiversity 2023 (“**NPSIB**”);
- > National Policy Statement for Highly Productive Land 2022 (“**NPSHPL**”);
- > Otago Regional Policy Statement 2019 (“**RPS**”);
- > Proposed Otago Regional Policy Statement 2021 (“**Proposed RPS**”);
- > Regional Plan: Water for Otago (“**Otago Water Plan**”);
- > Regional Plan: Air for Otago (“**Otago Air Plan**”);
- > Regional Plan: Waste for Otago (“**Otago Waste Plan**”);
- > Central Otago District Plan (“**District Plan**”); and
- > Kāi Tahu Ki Otago Natural Resource Management Plan 2005 (“**NRMP**”).

Each of these policy statements and plans are considered further in the following sub-sections. As a preliminary point, it is noted that these documents have been prepared giving consideration to the sustainable management purpose of the RMA, they do not directly inform the purpose of the Act. While the panel is required to consider these documents in their decision-making, the greatest weight is to be given to the purpose of the Act.

In general, the objectives and policies in this section are summarised and footnoted, with provisions that are particularly relevant to the BOGP set out in full and more detailed analysis presented. It is also noted that a full list of the objectives and policies considered relevant to the project is provided in **Part H** of these application documents for ease of reference.



For completeness, the following statutory planning documents are not considered relevant to the BOGP for the following reasons:

- > National Policy Statement for Greenhouse Gas Emissions from Industrial Process Heat 2023 (“**NPSGHG**”) is not relevant as the BOGP does not involve the emission of greenhouse gases from heat devices. As discussed in Section 3 of this report, the gold smelting furnace at the processing plant will be electric powered and the generators used throughout the Project Site will be for the purpose of generating electricity;
- > Resource Management (National Environmental Standards for Greenhouse Gas Emissions from Industrial Process Heat) Regulations 2023 is not relevant as the BOGP will not involve the emission of greenhouse gases from heat devices as discussed above; and
- > Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009 (“**NES Electricity Transmission**”) is not relevant as any works undertaken to existing high voltage electricity transmission lines will be consented and managed by Aurora Energy through a separate consent application outside of the fast-track process.

8.7.3.2 National Environmental Standards for Freshwater

The NES Freshwater came into effect on 3 September 2020 and was most recently amended in January 2023. The NES Freshwater sets requirements for carrying out certain activities that pose risks to freshwater and freshwater ecosystems, including (as relevant to the BOGP), activities within or adjacent to wetlands, reclamation of rivers, and activities that could affect fish passage (noting that the watercourses within the Project Site do not contain any fish species). The requirements in the NES Freshwater operate as rules.

As described in Section 4 of this report, various activities associated with the BOGP are subject to the provisions of the NES Freshwater (in respect of the provisions relating to the extraction of minerals and ancillary activities) and may only be undertaken if a resource consent is obtained to authorise those activities. A resource consent must not be granted unless the consent authority has:

- > Satisfied itself that the extraction of the minerals will provide significant national or regional benefits; and
- > Satisfied itself that there is a functional need for the extraction of minerals and ancillary activities in that location; and



- > Applied the effects management hierarchy.¹¹⁶

In respect of these matters:

- > Sections 1.4, 3.1 and 6.2 of this report describe the significant national and regional benefits of the BOGP;
- > The functional need for the extraction of minerals and ancillary activities to occur in the specific locations applied for in this application are addressed later in this report – in Section 8.7.3.7 in respect of Policy 7 of the NPSFM. In summary, MGL has undertaken detailed options analysis work for each component of the BOGP that impacts waterbodies and, for a variety of reasons, has concluded that there is a functional need for those activities to occur in the specified locations. Aspects like location of the orebody, proximity to mining infrastructure, geotechnical considerations and land ownership are all relevant in this respect; and
- > The effects management hierarchy has been applied in a manner consistent with the requirements of the NES Freshwater and NPSFM. This is summarised in Sections 6.7 and 6.8 of this report, with further detail in Alliance Ecology (2025) for wetlands and Boffa Miskell (2025a) for stream reclamation and loss. With the measures proposed as part of the BOGP, there will be no net loss and an enhanced benefit for aquatic ecology values (while allowing for mineral extraction activities to occur which have significant national and regional benefits).

The requirements of the NES Freshwater, and the associated effects of the proposed reclamation and loss of watercourses, impacts on wetlands and establishment of culverts are summarised in Sections 6.7 and 6.8 of this report, and considered in detail in Alliance Ecology (2025) and Boffa Miskell (2025a) which sets out how the effects of the BOGP on wetland habitat and aquatic ecological values are proposed to be mitigated, remedied, compensated or offset in accordance with the effects management hierarchy.

With respect to the installation of culverts, as discussed in Section 3.17.3 of this report, MGL proposes to install a culvert in the bed of Rise and Shine Creek in the vicinity of the SRX Open Pit. Because the specific location, size and design of this culvert cannot be determined until detailed design, the placement and use of the culvert in this creek cannot be demonstrated to meet the permitted conditions for culverts in the NES Freshwater and consent is therefore required under Regulation 71 of the NES Freshwater. In response, MGL has proffered a condition that the relevant information requirements for culverts set out in Regulation 63(3) of the NES Freshwater must be provided to the Otago Regional Council

¹¹⁶ NES Freshwater – Regulation 45D (6).



following the culvert installation to demonstrate that baseline flows can continue to be provided (noting fish passage is not a relevant consideration as no fish have been identified within the Project Site).

8.7.3.3 National Environmental Standards for Air Quality

The NES Air came into effect in June 2011 and sets the standards to guarantee a minimal level of health protection for all New Zealanders. The NES Air specifies ambient air quality standards for a number of contaminants for the protection of public health – including fine particulates (PM₁₀), sulphur dioxide (SO₂), carbon monoxide (CO) and nitrogen dioxide (NO₂). It applies where people are likely to be exposed for periods commensurate with the relevant assessment averaging period. The NES Air also includes concentration limits and the specified number of occasions that those concentration limits may be exceeded within any year.

The standards specified in the NES Air, along with the Air Quality Guidelines in the Regional Air Plan, are considered in Section 6.18 of this report and PDP (2025). In summary, the concentrations of PM₁₀, SO₂, CO and NO₂ associated with any air discharges from the BOGP are expected to remain within the relevant standards.

As such, the NES Air is not an impediment to the granting of the air Discharge Permits required for the BOGP.

8.7.3.4 National Environmental Standard for Assessing and Managing Contaminants in Soil

The NES Soil came into effect in January 2012. It outlines the standards relating to the disturbance of soil at sites that are potentially contaminated. The NES Soil ensures that land affected by contaminants in soil is appropriately identified and assessed before it is developed, and if necessary, the land is remediated or the contaminants contained to make the land safe for human use.

Mining industries are included on the HAIL. The Project Site also contains areas with arsenic concentrations above industrial land use human health protection criteria in shallow soils, predominantly within historic mining areas. Accordingly, the NES Soil is relevant with respect to soil disturbance activities occurring in and around these areas of known contamination.

Once established and operating, almost all the BOGP elements will also be considered a HAIL activity by virtue of their use for mining purposes (HAIL Activity E7: Mining Industries). The NES Soil is therefore relevant with respect to the implementation of the Mine Closure Plan (provided in **Part B**) and the LERMP (provided in **Part G**), which provides the framework for rehabilitation activities and the transition to a post-mining land use of predominantly



ecological conservation, with a return to pastoral sheep grazing land limited to that required to support ecological values (particularly cushionfield areas). In accordance with the Mine Closure Plan, any contamination generated by the mining operation within the Project Site can be appropriately remedied or managed.

A Soil Management Plan (provided in **Part B**) was prepared to define the risks, control strategies and management responsibilities associated with arsenic impacted soils within the Project Site, including delineation, segregation and careful management of arsenic-rich soils which occur naturally in the Rise and Shine Valley.

The requirements of the NES Soil and the associated effects associated with contaminated land are discussed further in Section 6.14 of this report.

8.7.3.5 National Environmental Standards for Sources of Human Drinking Water

The NES Drinking Water came into effect in June 2008. It sets requirements for the protection of sources of human drinking water from contamination. A human drinking water source is a natural water body that is used to supply a community with drinking water.

The NES Drinking Water applies to resource consent applications for activities located upstream of an abstraction point of a registered drinking water supply. No registered drinking water supplies have been identified within close proximity to the BOGP, or from the Bendigo Aquifer where water supply for the project is proposed to be taken. It is also acknowledged that there are likely downstream water takes from Lake Dunstan (that may include community water supplies). However, compliance with the proposed water quality limits set out in Ryder (2025) will ensure that there is no adverse effect on the water quality of the downstream Clutha River / Mata-au or Lake Dunstan. As such, the NES Drinking Water has not been assessed further.

8.7.3.6 Resource Management (Measurement and Reporting Water Takes) Amendments Regulations 2020

The proposed take and use of groundwater from the dedicated borefield at the Bendigo Aquifer will be up to 110 l/s at peak water consumption. As this proposed take will exceed five litres / second it is therefore subject to water metering in accordance with the Water Measurement Regulations.

The proposed conditions (provided in **Part D**) reflect this required metering.



8.7.3.7 National Policy Statement for Freshwater Management

The NPSFM came into effect on 3 September 2020 and provides direction on how freshwater (including groundwater)¹¹⁷ should be managed under the RMA. The objective of the NPSFM is to ensure that natural and physical resources are managed in a way that prioritises:

- > Firstly, the health and wellbeing of waterbodies and freshwater ecosystems;
- > Secondly, the health needs of people; and
- > Then the ability of people and communities to provide for their social, economic, and cultural wellbeing.

Central to the NPSFM is the concept of Te Mana o Te Wai, which is described as:

“a concept that refers to the fundamental importance of water and recognises that protecting the health of freshwater protects the health and well-being of the wider environment. It protects the mauri of the wai. Te Mana o te Wai is about restoring and preserving the balance between the water, the wider environment, and the community.”

Te Mana o Te Wai encompasses six principles relating to the roles of tangata whenua and other New Zealanders, these are:

- > **Mana whakahaere:** the power, authority, and obligations of tangata whenua to make decisions that maintain, protect, and sustain the health and wellbeing of, and their relationship with, freshwater;
- > **Kaitiakitanga:** the obligation of tangata whenua to preserve, restore, enhance, and sustainably use freshwater for the benefit of present and future generations;
- > **Manaakitanga:** the process by which tangata whenua show respect, generosity, and care for freshwater and for others;
- > **Governance:** the responsibility of those with authority for making decisions about freshwater to do so in a way that prioritises the health and wellbeing of freshwater now and into the future;
- > **Care and respect:** the responsibility of all New Zealanders to care for freshwater in providing for the health of the nation; and
- > **Stewardship:** the obligation of all New Zealanders to manage freshwater in a way that ensures it sustains present and future generations.

¹¹⁷ NPSFM - Clause 1.5(1).



In respect of the NPSFM policies, those of most relevance to this application are discussed in detail below.

Section 5 of this report documents the extensive engagement undertaken by MGL within mana whenua to understand the cultural impacts of the project. This engagement has been undertaken in a manner designed to be consistent with the principles of mana whakahaere, kaitiakitanga and manaakitanga. Section 6.3 of this report provides an assessment of cultural effects associated with the BOGP, as well as documenting the measures proposed by MGL to recognise the relationship iwi have to the area within which the BOGP is proposed.

Policies 1 and 2

Policy 1 of the NPSFM seeks to ensure that freshwater is managed in a way that gives effect to Te Mana o te Wai. Policy 2 seeks to ensure that tangata whenua are actively involved in freshwater management and Māori freshwater values are identified and provided for.

In accordance with Te Mana o te Wai, the activities proposed as part of the BOGP have been carefully identified and assessed to ensure that the health of freshwater and the wider environment is prioritised and protected, as summarised below:

- > Alternative siting and design options for various components of the BOGP were considered by MGL, as described in the assessment below against Policy 7 of the NPSFM. It was determined that the numerous overlapping technical and operational characteristics that have a bearing on the siting of many these features demonstrate a functional need to occupy their proposed locations;
- > Clean water will be diverted away from areas disturbed by mining activities wherever practicable (including through temporary clean water diversion channels and permanent rehabilitated stream diversions) to reduce the volumes of water affected by mining activities;
- > All stormwater generated by the site will be redirected to various silt and sediment retention ponds for settling and treatment prior to discharge in accordance with the Erosion and Sediment Control Management Plan, with the detail to be determined in Site-Specific ESCP's for each of the main working areas with the Project Site;
- > Water from disturbed areas (both surface runoff and groundwater seepage) will be directed to appropriate collection facilities, including the Shepherds Silt Pond and Shepherds Seepage Collection Sump. Seepage water will be limited for use at the processing plant or returned to the TSF and will not be discharged to any watercourses. For surface runoff, site specific sediment and erosion controls will be implemented to



ensure water discharges will be suitable without further treatment and any discharges of sediment are minimised;

- > Kōmanawa (2025b) concludes the proposed groundwater take from the Bendigo Aquifer will be sustainable and adverse effects on lawfully established groundwater users will be less than minor;
- > To remedy the loss and associated effects of approximately 3.1 hectares of wetland habitat within the Project Site, MGL proposes to re-establish indigenous swamp / marsh wetland communities over 7.5 hectares which will further enhance ecosystem health; and
- > As part of the measures being employed by MGL to avoid, remedy, mitigate, offset or compensate for the loss and associated effects of some 10 km of perennial stream loss within the Project Site, MGL will establish rehabilitated stream diversions and undertake willow management activities and native riparian plantings in Bendigo and Clearwater Creeks to ensure there is no net loss in stream extent and freshwater values are protected.

As demonstrated in Section 6 of this report, the various activities undertaken in association with the BOGP will protect the health and wellbeing of water bodies and freshwater ecosystems, the health needs of people, thus the ability of people and communities to provide for their social, economic and cultural wellbeing, now and into the future.

MGL continues to work with mana whenua regarding activities occurring as part of the BOGP. Through this consultation process, the ways in which the project protects the mauri of the wai and restores and preserves the balance between water, the environment and community, will be established.

Policy 3

Policy 3 of the NPSFM requires that freshwater is managed in an integrated way that considers the effects of the use of land and development of land on a whole of catchment basis, including the effects on the receiving environments.

While this policy is focused on actions to be undertaken by regional councils, it is noted that the technical assessments commissioned by MGL have considered the actual and potential effects of the project on land and freshwater resources in an integrated manner. This includes considering the potential effects of the BOGP at both a localised scale and project wide scale, as set out in Section 6 of this report.

While the NPSFM defines freshwater as including groundwater, there are no direct references to groundwater or groundwater management within the policies of the NPSFM.



Notwithstanding this, the cumulative effects of the BOGP with respect to freshwater matters (including groundwater) have been assessed in detail by Kōmanawa (2025a, 2025b and 2025c) with respect to surface and groundwater quality and quantity, and by Waterways (2025) and Boffa Miskell (2025a) with respect to aquatic ecology. Overall, integrated management of freshwater is therefore at the centre of MGL’s management approach.

Policy 5

Policy 5 of the NPSFM relates to the National Objectives Framework (“**NOF**”) and ensuring the health and wellbeing of degraded water bodies and freshwater ecosystems is improved, and that where water is not degraded it is maintained or improved (if the community chooses).

The NOF directs how councils must set objectives, policies, and rules about freshwater in their regional plans. They must do this by establishing freshwater management units across their regions and identifying the values that communities hold for the water in those areas. Councils are required to maintain or improve water quality within their region.

Subpart 2 of the NPSFM sets out the approach regional councils must follow in setting freshwater objectives, attributes and limits for individual water bodies. The NPSFM requires that regional councils must consider freshwater values and how they should apply to local or regional circumstances. Appendix 1A of the NPSFM sets out compulsory national values, while other values to be considered are set out in Appendix 1B.

There are four compulsory national values, being ecosystem health, human contact, Threatened species and Mahika kai.

Appendix 2 of the NPSFM sets out the attribute tables that are applicable to a waterbody and are related to the compulsory national values of ecosystem health and human contact.

The ORC has identified FMUs in the Regional Water Plan, however a plan change has yet to be undertaken that implements the NOF by identifying water quality targets and timeframes for their implementation.¹¹⁸

It is also noted that the Resource Management (Freshwater and Other Matters) Amendment Act 2024 inserted provisions into the RMA that requires regional councils to not publicly notify a freshwater planning instrument (i.e. amendment to a regional plan to give effect to the NPSFM) until a new NPSFM is published to replace the current NPSFM 2020), or until 31

¹¹⁸ Noting this was included in the draft Land and Water Regional Plan which was originally scheduled to be considered for notification in October 2024, which has since been paused while a new national framework on freshwater management is being developed by the New Zealand Government.



December 2025. As the ORC is yet to notify provisions that implement the NOF there are no requirements for the BOGP to be assessed against in that regard.

Policy 6

Policy 6 of the NPSFM seeks to ensure that there is no loss to the extent of natural inland wetlands and that their values are protected. Policy 6 also promotes the restoration of natural inland wetlands.

RMA Ecology (2025a) has identified 94 natural inland wetlands located within the DDF for the BOGP that cover a total area of approximately 3.12 hectares. As set out in Section 6.7 of this report, after the implementation of measures to avoid adverse effects on wetlands to the extent practicable (for example Rise and Shine Creek wetlands), the unavoidable direct loss of this wetland habitat as a result of the project will be remedied through the creation of approximately 7.5 hectares of indigenous swamp / marsh wetland habitat throughout the DDF. Overall, this new wetland habitat will result in a net gain in wetland extent and condition in the DDF. However, while these measures will improve the overall ecological integrity of wetlands within the DDF, there is potential for drawdown effects surrounding the mine features and outside of the DDF on hillslope seepage wetlands, gully fen wetlands and swamp and marsh wetlands. MGL proposes augmenting the Rise and Shine Creek and associated wetlands with groundwater sourced from the Bendigo Aquifer to mitigate potential drawdown impacts to the Rise and Shine swamp and marsh wetlands. MGL also proposes to undertake groundwater and surface performance monitoring to confirm the hydrological function of the swamp and marsh wetlands are maintained. MGL will undertake further studies prior to mining development to further understand potential effects on hillslope seepage and gully fen wetlands and how much water (if any) is required for mitigation.

Policy 7

Policy 7 of NPSFM seeks to ensure the loss of river extent and values is avoided to the extent practicable. This is supported by clause 3.24 of the NPSFM which requires regional councils to include a new policy in their regional plans which guides how this policy will be implemented at a regional level. Collectively, these provisions direct that river loss should be avoided, unless:

- > There is functional need to locate the activity in that location and in a way that causes loss of river extent and values; and
- > If a functional need exists, the effects of the activity are managed in accordance with the effects management hierarchy described in the NPSFM. Specifically, the hierarchy requires:



- > Adverse effects are avoided where practicable;
- > Where adverse effects cannot be avoided, they are minimised where practicable;
- > Where adverse effects cannot be minimised, they are remedied where practicable;
- > Where more than minor residual effects cannot be avoided, minimised or remedied, aquatic offsetting is provided where possible;
- > If aquatic offsetting of more than minor residual effects is not possible, aquatic compensation is provided; and
- > If aquatic compensation is not appropriate, the activity itself is avoided.

When implementing and evaluating an application against the effects management hierarchy, clause 3.24(3) of the NPSFM directs that the hierarchy be applied to any loss of extent or values associated with (but not limited to) ecosystem health, indigenous biodiversity, hydrological functioning, Māori freshwater values and amenity.

In respect to the “*functional need*” to locate the components of the BOGP in locations that result in a loss of river extent and values, or affect biodiversity, mining can only occur where the gold is located. In that respect, there is a functional need to locate the mine (both extractive activities and certain associated activities) where the resource occurs.

Furthermore, the open pit mines will deliver recovered ore material to the processing plant at an expected rate of 1.2 million tonnes per year (expandable to 1.8 million tonnes when the RAS Underground is brought into production alongside open pit mines). The tailings generated from the processing plant will be pumped to the TSF, which has a maximum potential storage capacity of 22.6 million tonnes. Mine development to enable the extraction of ore will also produce significant quantities of surplus rock that requires storage in ELF's during operation and in closure. As such, the ability to provide sufficient tailings and rock storage is fundamental to the feasibility of the BOGP.

To be able to mine the orebody, and achieve the required tailings and rock storage, the BOGP includes the following integral components within the Project Site:

- > The establishment, operation and eventual closure of the RAS, CIT, SRX and SRE Open Pits and the RAS Underground Mine;
- > The establishment of a TSF within the upper Shepherds Creek catchment;
- > The establishment of three ELF's to permanently store overburden waste rock material from the open pits and underground mine – being the Shepherds ELF, Western ELF and SRX ELF – located within the Shepherds and Rise and Shine Creek catchments; and
- > Various temporary rock and topsoil stockpiles.



The proposed mining components described above involve the unavoidable reduction in the extent of watercourses in several locations within the Shepherds and Rise and Shine Creek catchments. As assessed in Waterways (2025) and Boffa Miskell (2025a), the BOGP will result in a net loss / reclamation of approximately 10,099 m of perennial stream. In particular, approximately 7,140 m of perennial stream in Shepherds Creek and Rise and Shine Creek will be lost due to the establishment of the proposed TSF, Shepherds ELF and the RAS and SRX Open Pits, while an additional approximately 2,090 m of perennial stream in Shepherds Creek will be realigned to form the Shepherds Service Corridor which accommodates the processing plant and associated infrastructure.

The lengths of stream loss with the Shepherds and Rise and Shine Creek catchments are illustrated within Section 6.2 of Waterways (2025), with the length of Shepherds Creek to be realigned shown in Figure 8-1 below.

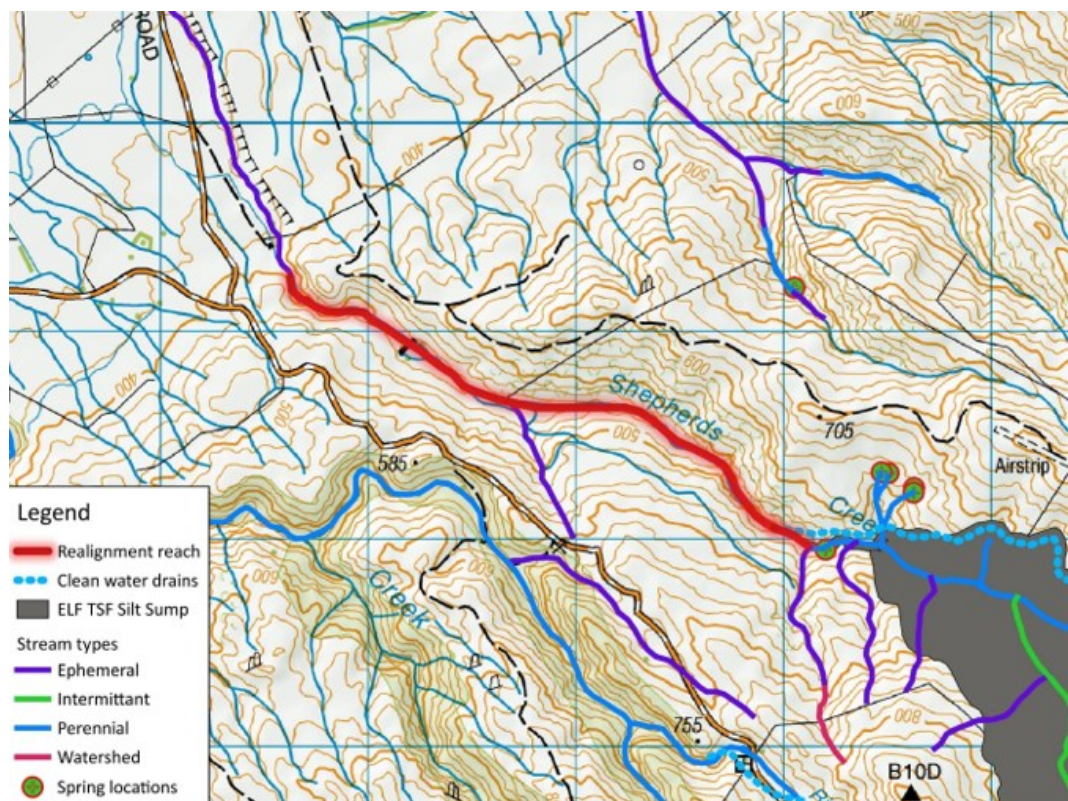


Figure 8-1: Section of Shepherds Creek to be Realigned

In assessing the functional need for the proposed features to be in the environments in which they are identified, MGL has considered a range of factors including:

- > **Location of the orebody:** Mining can only occur where there is an economically recoverable orebody (in other words, the mine must be located where the natural resource occurs). For example, in respect of the open pit mines, there is no viable other



way to access the identified RAS, CIT, SRX, SRE deposits (other than open pit mining) that avoids reclaiming areas of the Shepherds and Rise and Shine Creeks and associated tributaries due to their locations at the surface. The RAS Open Pit also provides sufficient materials for the Shepherds ELF which in turn buttresses the upstream TSF. Similarly, in respect of the RAS Underground, the orebody trends in a down plunge to the north / northeast and beneath the RAS Open Pit, and while the Bendigo area is a low rainfall area and groundwater is not expected to be an issue, dewatering is required as a core part of underground mining;

- > **Land ownership and control:** BOGP components can only be located on land which MGL owns or on land which the company has entered into access agreements with the relevant landowners (i.e. Bendigo and Ardour Stations) to enable mining activities. To manage amenity impacts, it is also preferable for infrastructure associated with the BOGP to be located away from key public viewing areas and sensitive land uses (i.e. located within the Shepherds Valley rather than the Bendigo / Ardour terraces) where feasible and practicable;
- > **Scale:** BOGP components must be at sufficient scale to accommodate the required volumes of material meaning that scaling down the mine component to avoid sensitive areas (in this case watercourses) is impractical while still retaining adequate storage space;
- > **Material movement costs:** BOGP components must be located close to the places from which the material they are constructed from is sourced. Moving large volumes of material significant distances is economically inefficient and gives rise to additional and unnecessary effects (including amenity effects, effects on the transportation network, air discharge effects and carbon emissions). Many of the BOGP mine components therefore need to be located within the Shepherds and Rise and Shine Valleys and within close proximity to one another (e.g. the processing plant and TSF with respect to the conveyance of tailings and recycled process water);
- > **Geotechnical and hydrogeological considerations:** BOGP components must be located on suitable foundations to manage stability, groundwater;
- > **Water management:** Potentially affected surface and groundwater resources must be capable of management. This includes ensuring there is an ability and space to construct water management infrastructure (such as silt ponds, seepage collection sumps and diversion channels to capture and convey runoff throughout the catchments), whilst maintaining suitable separation distances from sensitive and rare vegetation areas (such as cushionfields and herbfields) including within parts of the CIT Open Pit (until the outcomes of the Cushionfield ARP are known). In addition, the



location of key mine components within the Shepherds and Rise and Shine Valleys will ensure they are sited on schist bedrock which has very low permeability. This will enable any potential effects on groundwater quality to be better managed; and

- > **Construction efficiency:** The use of existing landforms and contours (such as gullies) can significantly reduce the scale and volume of materials needed to construct storage impoundments, impacting the feasibility of construction using available volumes of rock and clay, time and cost to construct and emissions produced in the process.

MGL has considered a range of alternative options in selecting the preferred project components, and the arrangement of components within the Project Site, to avoid or minimise adverse environmental effects. Examples include:

- > Locating the majority of mine infrastructure (including the processing plant and TSF) within the Shepherds Valley or the Ardgour terrace, instead of the Rise and Shine Valley, to minimise disturbance impacts to wetlands and soils with naturally elevated arsenic levels within the Rise and Shine Valley;
- > Delay the mining of the CIT Open Pit until the outcomes of the Cushionfield ARP are known, and changing locations of ore and topsoil stockpiles within the Project Site, to avoid adverse effects on rare cushionfield and herbfield communities;
- > The reclamation of Shepherds Creek (to form the Shepherds Service Corridor) and the location of the processing plant have been carefully designed to reduce cut requirements (and associated effects on rare cushionfield vegetation communities both during mine operations and in close and rehabilitation) by locating key facilities and infrastructure on the flatter surfaces within the catchment;
- > The haul road layout and topsoil stockpile locations have been carefully designed to reduce the mine footprint and associated effects on rare cushionfield vegetation communities;
- > Changes to the RAS Open Pit design to have a smaller footprint to reduce visual effects (including effects to the visually prominent Battery Hill);
- > Amendments to the Ardgour Rise alignment to avoid identified habitat for a Threatened (Nationally Critical) moth species and reduce potential visual effects; and
- > The water pipeline and proposed powerline alignments have been selected to follow existing road corridors or easements within Bendigo Station land to minimise potential effects on adjoining landowners.

MGL has also considered the possible alternative options in selecting the preferred location for rock storage. MWM (2025) presents options considered for the proposed location of the Shepherds ELF as part of its optioneering studies for the placement of waste rock, which identified that the placement of the ELF within the Upper Shepherds Creek and Jean Creek was the preferred option. EGL (2025e) also presents an options assessment identifying two options for diversion channels around the RAS Open Pit, noting the open channel option is being progressed in this substantive application.

As a functional need exists to reclaim these surface water bodies (as described above), the effects of the BOGP therefore need to be managed in accordance with the effects management hierarchy described in the NPSFM. As detailed throughout this report, and in the supporting technical assessments, a range of avoidance, minimisation, remediation and offsetting measures proposed by MGL ensure that the activities are consistent with the outcomes sought by Policy 7.

Boffa Miskell (2025a) has applied the effects management hierarchy to manage effects associated with the unavoidable loss of perennial and intermittent stream lengths in Shepherds Creek and Rise and Shine Creek associated with the BOGP. In summary, while creek loss will be minimised as much as possible, the rehabilitated diversions and enhancements of existing sections of Shepherds and Rise and Shine Creeks will suitably remedy the reclamation of these watercourses. In addition, because of a potential time lag between the loss of sections of stream and the creation new stream diversions, additional compensation is proposed through the enhancement of some 6.7 km of Bendigo and Clearwater Creeks by way of the management of crack willow trees and riparian margin enhancement activities. Boffa Miskell (2025a) concludes that these measures will ensure there is no net loss of watercourse extent and value as a result of the BOGP, and enhanced benefit for aquatic ecological values is achieved. As there are no more than minor residual effects outstanding following implementation of the effects management hierarchy, the avoidance of the relevant activities within each area is not required.

Policy 8

Protecting the significant values of outstanding waterbodies is the focus of Policy 8 of the NPSFM.

As identified in Section 2.13 of this report, there are four watercourses (and their associated tributaries) potentially affected by mining activities as part of the BOGP, including Shepherds, Rise and Shine, Bendigo and Clearwater Creeks, however none of these are identified as outstanding waterbodies.

The BOGP therefore achieves the directives of Policy 8 of the NPSFM.



Policies 9 and 10

Protection of habitats of indigenous freshwater species, and trout and salmon, is the focus of Policies 9 and 10 respectively. As noted in Section 2.13 of this report, the watercourses within the Project Site do not provide habitat for any fish species and have variable qualities of macroinvertebrate communities. However, Bendigo Creek downstream of the Project Site contains populations of kōaro and brown trout. Despite the lack of habitat for indigenous freshwater species, measures are proposed throughout all elements of the BOGP which will ensure that downstream habitats of indigenous freshwater species and trout are protected. Such measures include:

- > The design of the Shepherds and Rise and Shine Creek stream diversions to mimic the hydrology and instream habitat of the existing watercourses. This includes achieving instream habitat complexity through the establishment of natural features (such as runs, riffles and small and large pools) and the provision of riparian vegetation to enhance the aquatic ecosystem habitat;
- > The implementation of comprehensive erosion and sediment control measures (to be determined by Site-Specific ESCP's) to ensure that sedimentation and turbidity issues do not arise in any downstream waterbodies where indigenous freshwater species and trout could be present;
- > The implementation of willow management and riparian margin enhancement activities along Bendigo and Clearwater Creeks which provide substantial benefit to the aquatic ecological values of these watercourses; and
- > Maintaining water quality standards in the Shepherds Creek due to discharges from the WTP or PTS during mine closure.

With the above measures in place, the habitat of indigenous freshwater species and trout will be protected throughout the BOGP.

Policy 11

- > The efficient use of freshwater, the phasing out of existing over-allocation and the avoidance of future over-allocation is the focus of Policy 11 of the NPSFM.
- > Kōmanawa (2025a) has confirmed there is sufficient groundwater available within the Bendigo Aquifer for the proposed take of groundwater, and that this groundwater take will not contribute to overallocation.
- > Furthermore, groundwater taken from the Bendigo Aquifer will be used to augment flows in Shepherds Creek and Rise and Shine Creek at locations downstream of the Project Site. This will avoid any future over-allocation by ensuring existing permit holders are



able to access their full consented surface water allocations throughout the life of the BOGP.

Policy 12

- > Policy 12 of the NPSFM sets a national target for increasing proportions of rivers (and lakes) that are suitable for primary contact to at least 80% by 2030 and 90% no later than 2040. MGL recognises that to restore and preserve the balance between water, the wider environment and the community (in accordance with Te Mana o te Wai), there is a reasonable expectation that some catchment-wide water quality improvements are likely to be required overtime. The watercourses within the Project Site are relatively small and drain to either the Bendigo Creek or Lindis River. In both cases, surface flows typically don't make it all the way to surface waters further downstream. Regardless, the adherence to water quality compliance limits in Ryder (2025) for an extensive suite of parameters will ensure that the quality of water leaving the Project Site is maintained.
- > As such, the activities occurring as part of the BOGP will not impede the ORC's ability to achieve the directives of Policy 12 of the NPSFM.

Policy 13

- > The focus of Policy 13 of the NPSFM is to ensure that the condition of waterbodies and freshwater ecosystems is systematically monitored over time, and action is taken where freshwater is degraded, and to reverse deteriorating trends.
- > MGL is proposing, as part of the proposed conditions (refer to **Part D** of these application documents), to undertake monitoring of the Rise and Shine, Shepherds and Clearwater Creeks and the Bendigo Aquifer, with regular reporting to the ORC proposed.

Policy 15

- > Enabling communities to provide for their social, economic and cultural wellbeing, in a manner that is consistent with the NPSFM, is the focus of Policy 15.
- > The BOGP will make a significant contribution towards the social and economic wellbeing of the community through employment and stimulation of the local, regional and national economy. The project is expected to directly add \$360 million of GDP to the New Zealand economy per year across the approximately 14 year mine life – peaking at over \$535 million of GDP in year 5 of mine life – and will support an average of 351 FTE jobs per year with a peak of 463 jobs when both open pit and underground mining operate in parallel. These economic and employment opportunities are dependent on MGL being able to utilise the water resources with the Shepherds Creek and Rise and Shine (Bendigo) Creek catchments.



- > As described in the preceding sections, the BOGP is being undertaken in a manner that is consistent with the relevant policy directives of the NPSFM. Accordingly, the BOGP achieves the balance sought from Policy 15, and enables the community to continue to provide for its social and economic wellbeing in a manner that is consistent with the NPSFM.

8.7.3.8 National Policy Statement for Indigenous Biodiversity

The NPSIB came into effect in August 2023 and was amended in 2024. It provides direction to councils to protect, maintain and restore indigenous biodiversity requiring at least no further reduction nationally. The scope of the NPSIB is limited to terrestrial ecosystems (and some aspects of wetlands) and applies across all land types in New Zealand – on private and public land.¹¹⁹

Central to the NPSIB is its objective:

- (1) *The objective of this National Policy Statement is:*
 - (a) *to maintain indigenous biodiversity across Aotearoa New Zealand so that there is at least no overall loss in indigenous biodiversity after the commencement date; and*
 - (b) *To achieve this:*
 - (i) *through recognising the mana of tangata whenua as kaitiaki of indigenous biodiversity; and*
 - (ii) *by recognising people and communities, including landowners, as stewards of indigenous biodiversity; and*
 - (iii) *by protecting and restoring indigenous biodiversity as necessary to achieve the overall maintenance of indigenous biodiversity; and*
 - (iv) *while providing for the social, economic, and cultural wellbeing of people and communities now and into the future.*

To achieve this objective the NPSIB contains several policies of relevance to the BOGP to achieve this objective. An assessment of the project against these policies is detailed below.

¹¹⁹ It is noted that the Resource Management (Freshwater and Other Matters) Amendment Act 2024 inserted a new section into the RMA that suspended certain provisions of the NPSIB for a 3-year period (Section 78 of the RMA). The suspended provisions relate to the identification of new areas of significant indigenous vegetation and significant habitats of indigenous fauna. These provisions are not relevant to this application as Significant Natural Value Areas have already been identified by CODC and are mapped in the District Plan, and so are ‘NPSIB SNAs’ in accordance with the definition of SNA in the NPSIB (being already mapped in a District Plan at the commencement of the NPSIB).



Policies 1 and 2

Policy 1 seeks to manage indigenous biodiversity in a way that gives effect to the decision-making principles and takes into account the principles of the Treaty of Waitangi.

Policy 2 seeks for tangata whenua to exercise kaitiakitanga for indigenous biodiversity in their rohe, including through:

- > Managing indigenous biodiversity on their land;
- > Identifying and protecting indigenous species, populations and ecosystems that are taonga; and
- > Actively participating in other decision-making about indigenous biodiversity.
- > The principles of the Treaty of Waitangi referred to in Policy 1 are centred around partnership, participation, and protection, which align with the goals of Policy 2.
- > As detailed throughout this report, MGL respects the traditions and cultures of local mana whenua and recognises the unique relationship that Māori have with their ancestral land, water, sites, wāhi tapu and other taonga, including indigenous biodiversity.
- > The BOGP sits within the takiwā of five Papatipu rūnaka of Kāi Tahu - being Te Rūnaka o Moeraki, Kāti Huirapa Rūnaka ki Puketeraki, Te Rūnaka o Ōtākou and Hokonui Rūnanga (collectively referred to as the Kā Rūnaka for the project). As detailed in Section 5 of this report, MGL has been undertaking ongoing engagement with the Kā Rūnaka since 2017 to discuss their concerns and aspirations for the BOGP. This includes the preparation of a CVS in 2018 to inform the development of the project and a CIA that, at the time of preparing this Substantive Application was presented as draft and unendorsed, and sets out to:
 - > Provide mana whenua with an overview of the project and environmental context.
 - > Enable Aukaha (on behalf of the Papatipu Rūnaka and associated whānau and rūpū of the Otago Region) to assess the key information from the application and the proposed restoration or remediation plans and to provide technical advice to inform assessment of the project by mana whenua.
 - > Identify mana whenua associations, history, and values associated with the area.
 - > Identify key issues and cultural impacts of the project.
 - > Provide recommendations to address the effects and cultural impacts of the project, where that is possible. The recommendations will support mana whenua engagement with Matakanui on the project, including in relation to indigenous biodiversity.



Policies 3 and 7

Policy 3 of the NPSIB seeks to adopt a precautionary approach when considering adverse effects on indigenous biodiversity.

Policy 7 of the NPSIB seeks to protect SNAs by avoiding or managing adverse effects from new use and development on these areas with significant biodiversity values.

- > Further to Policy 7, Clause 3.11 of the NPSIB requires that adverse effects on SNAs associated with mineral extraction be managed by applying the effects management hierarchy, if there is a functional or operational need for the development to be in that particular location and there are no practicable alternative locations for the activity. For completeness, Clause 3.11 is set out below:

3.11 Exceptions to clause 3.10(2)

- (1) Clause 3.10(2) [which requires effects to be avoided] does not apply, and any adverse effects on an SNA of a new subdivision, use or development must be managed in accordance with clause 3.10(3) and (4), if:*
 - (a) The new subdivision, use or development is require for the purposes of any of the following:*
 - (i) ...*
 - (ii) Mineral extraction that provides significant national public benefit that could not otherwise be achieved using resources within New Zealand; and*
 - ...*
 - (b) There is a functional need or operational need for the new subdivision, use or development to be in that particular location; and*
 - (c) There are no practicable alternative locations for the new subdivision use or development.*

The functional need of the BOGP more broadly is addressed earlier in this report, in Section 8.7.3.7, in respect of the analysis of the project against the NPSFM. The analysis of functional or operational need in respect of the NPSIB is limited to SNA areas. As discussed in Section 2.6 of this report, the BOGP intersects with two conservation areas that are identified as SNA / SNVs in the District Plan – being the Bendigo Historic Reserve and the Ardour Conservation Area.

No mining activities are proposed to occur within any of these areas. The activities MGL seek to undertake within the Bendigo Historic Reserve are limited to the proposed replacement walking route to the historic Come-in-Time Battery, the management of crack willows and riparian restoration activities and the establishment and use of monitoring



bores. These activities are permitted under the District Plan and will not have any adverse effects on indigenous biodiversity values in the Bendigo Historic Reserve.

The only activity MGL proposes to undertake in the Ardgour Conservation Area is the establishment of Ardgour Rise. This proposed new 4WD access road will be largely located within an existing easement that provides for vehicle access and will provide a better quality of vehicle access to that which currently exists. As above, these works will not have any adverse effects on indigenous biodiversity values in the Ardgour Conservation Area.

MGL is seeking concessions from the Department of Conservation for each of these activities. Refer to Section 8.8 of this report for further details.

Policy 8

Policy 8 of the NPSIB seeks to recognise and provide for the importance of maintaining indigenous biodiversity outside of SNAs.

Further to Policy 8, the NPSIB requires that adverse effects on indigenous biodiversity which is not protected by an SNA be managed by applying the effects management hierarchy where those effects are significant.

Despite the vast majority of the Project Site not being protected by an SNA, Alliance Ecology (2025) has concluded that the entire DDF (and surrounding Ecological Study Area) satisfies the criteria for recognition as significant indigenous vegetation or significant habitats of indigenous fauna under Appendix 1 of the NPSIB, Schedule 4 of the RPS and Appendix 2 of the Proposed RPS. This has informed MGL's approach to managing effects on indigenous biodiversity values.

As outlined in Alliance Ecology (2025), the BOGP will have a range of potential adverse effects including the loss of habitat and the associated loss of flora and fauna due to mine construction and operation. In response, and as summarised below, MGL has applied the effects management hierarchy to address the ecological effects of the BOGP.

A range of measures have been adopted to avoid, minimise or mitigate adverse effects, which include, but are not limited to:

- > Realigning Ardgour Rise to avoid identified habitat for a Threatened (Nationally Critical) moth species;
- > Delaying mining of the CIT Open Pit to markedly reduce effects on Threatened (Nationally Critical and Nationally Vulnerable) cushionfield vegetation communities which are found at high densities in this location until a net increase in these plants relate to net loss can be demonstrated through the Cushionfield ARP;



- > Designing and refining various mine components (including open pits, haul roads and other infrastructure) to minimise footprints;
- > Positioning and refining topsoil stockpiles and mine infrastructure away cushionfields and other high-value habitats where possible;
- > Avoiding adverse effects on Rise and Shine Creek wetlands to the extent possible;
- > Avoiding habitat clearance near nesting birds until chicks have fledged;
- > The salvage and relocation of notable plants, invertebrates, lizards, and habitat features (e.g. wood, weathered rock) where possible, with many habitat features stored in stockpiles for later use in rehabilitation; and
- > The adherence to a range of management plans provided as part of this application (the habitat impact, lizard, avifauna and terrestrial invertebrate management plans) to guide the implementation of these measures set out above.

Ecological rehabilitation measures are then proposed to remedy the direct loss (and associated effects) of up to 607 hectares of terrestrial habitat and approximately 3.1 hectares of wetland habitat within all available areas within the DDF (totalling approximately 480 hectares). These measures include, but are not limited to:

- > The re-establishment of four key indigenous terrestrial vegetation communities (totalling 473 hectares);
- > The re-establishment of indigenous swamp / marsh wetland communities (over 7.5 hectares);
- > The deployment of rocky outcrop / scattered rock complexes to provide high-value habitat for various lizard, invertebrate and plant species;
- > Ecological enhancements of habitat in the adjacent MRZs; and
- > The adherence to the LERMP to guide the implementation of these measures.

MGL then proposes to offset and compensate for residual adverse effects on terrestrial and wetland ecological values which have been assessed as moderate or greater. Ecological restoration and habitat enhancement across 2,219 hectares of habitat in the landscape surrounding the DDF is proposed to support a large-scale transition from exotic-dominated to native-dominated ecosystems. This includes:

- > The 889 hectare MRZ surrounding the DDF – which involves native enrichment planting, livestock management, mammalian pest control and ecological weed control;



- > The 1,237 hectare Ardour Restoration Area (located on Ardour Station land to the northeast of the Project Site that is currently used for grazing) - which involves livestock management, track establishment and management, restoration planting, mammalian pest control, pest plant control, habitat enhancement (for lizards and some species of invertebrates and Threatened plants) and fire management. Lizards and invertebrates salvaged prior to clearance activities within the site will also be relocated to this area;
- > The establishment, operation and maintenance of two predator-proof sanctuaries within the Project Site - being the 38 hectare Ardour Sanctuary Area and the 29 hectare Bendigo Sanctuary Area – which will include the eradication of mammalian predators, management of browsers, ecological weed control, lizard habitat enhancement, native revegetation and enrichment planting and translocation of locally extirpated (extinct) Threatened or At-Risk flora and fauna species; and
- > The adherence to the LERMP, Ardour Restoration Area Management Plan and Santana Sanctuary Management Plan to guide the implementation of these measures.

As demonstrated above, while MGL has made substantial efforts to manage effects on indigenous biodiversity through the application of the effects management hierarchy, residual effects on cushionfield habitat and several associated species cannot be offset or compensated for (despite extensive efforts). In response, and in addition to the offsetting and compensation package, MGL is proposing the BOGP Biodiversity Fund as a further measure to assist in addressing adverse effects on cushionfield habitat and associated Threatened and At-Risk species within the wider Dunstan Ecological District.

For all other biodiversity values, positive indigenous biodiversity outcomes will be achieved outside of the SNAs such that the ecosystems' health, life supporting capacities, and ongoing functioning is provided for. This conclusion is reinforced by the fact that indigenous biodiversity values are generally in decline within the Project Site and surrounding landscape due to ongoing habitat loss and degradation and will continue to decline without the proposed ecological measures outlined above.

Policy 10

Policy 10 of the NPSIB seeks to recognise and provide for activities that contribute to New Zealand's social, economic, cultural, and environmental wellbeing.

Section 6.2 of this report provides an assessment of the economic effects of the project as a whole and how it will support the economic wellbeing of the community. MGL continues to work with mana whenua regarding cultural effects and how the project can best provide for cultural wellbeing.



As set out above, and in Section 6.7 of this report, substantial measures are proposed to address the ecological effects of the BOGP and to reinstate key terrestrial vegetation communities and habitat features at scale. This includes a range of environmental mitigation, offsetting, and compensation provisions that will support the environmental wellbeing (including indigenous biodiversity) of the Central Otago District.

Policies 13 and 14

Policy 13 of the NPSIB seeks to promote and provide for restoration of indigenous biodiversity.

Policy 14 of the NPSIB seeks to promote increased indigenous vegetation cover in both urban and non-urban environments.

The environmental mitigation, remediation, offsetting, and compensation measures proposed as part of the BOGP will positively contribute to the restoration of indigenous biodiversity and an increase in indigenous vegetation cover in the Project Site and surrounding landscape. This includes extensive efforts to enhance native woody vegetation within the 889 hectare MRZ surrounding the DDF and the 1,263 hectare Ardour Restoration Area which will collectively aim to reverse the ongoing decline of native habitat and foster a large-scale transition from exotic dominated to native-dominated ecosystems. The establishment of the two sanctuary areas will also provide the opportunity to protect and improved depleted cushionfield and grassland habitat and enable the translocation of Threatened flora and fauna into a predator-free environment. These measures will provide for the restoration of a broad range of indigenous biodiversity values, particularly when compared to the current decline in these values that will continue to occur within intervention.

In addition, the BOGP Biodiversity Fund will assist in achieving the overall objective of the NPSIB.

8.7.3.9 National Policy Statement for Highly Productive Land

The NPSHPL came into effect on 17 October 2022, with the single overarching objective being to ensure that highly productive land is protected for use in land-based primary production, both now and for future generations.

Highly productive land means land that has been mapped in accordance with criteria set out in the NPSHPL. However, until a regional policy statement containing maps of highly productive land in the region is operative, each relevant territorial authority must treat as highly productive land any land that is:



- > Zoned general rural or rural production; and
- > LUC 1, 2 or 3 land (as mapped in the New Zealand Land Resource Inventory).

Land identified for future urban development, or subject to a notified plan change to rezone it from general rural or rural production to urban or rural lifestyle, is not highly productive land (irrespective of LUC).

As discussed in Section 2.6 of this report, various components of the BOGP within the Ardour Terrace Site (including the general administration area, temporary construction workers accommodation, contractor laydown areas, topsoil stockpiles and aggregate pits) are located within areas of highly productive land identified as LUC 3.¹²⁰

Policy 8 of the NPSHPL requires highly productive land to be protected from inappropriate use and development

Clause 3.9(2)(j)(iii) of the NPSHPL sets out that the use and development of highly productive land for mineral extraction (where it provides a significant national benefit that could not otherwise be achieved using resources within New Zealand) is not inappropriate, and in turn, not an activity to be ‘avoided’ where there is a functional or operational need for the mineral extraction activities to be located on highly productive land.

It has been assessed that the proposed activities have a functional and / or operational need to be partially located on highly productive land – primarily due to land ownership (being located on Ardour Station where MGL has access agreements for the use of land with the station owners) and the need to be located on suitably flat terrain in close proximity to the identified gold deposits and associated to mining infrastructure.

The analysis in Section 8.7.3.7 of this report (in respect of the NPSFM) is considered equally applicable to the analysis required by the NPSHPL. In summary, MGL has assessed alternative options for many of the BOGP components and, for the reasons already addressed in this report, the layout of the BOGP reflects the outcomes of the various options assessments that have been undertaken.

Furthermore, an assessment of the significant national public benefit provided by the BOGP is provided in Benje Patterson (2025), a copy of which is also provided in **Part B** of these application documents.

¹²⁰ Noting the New Zealand Government has proposed to remove LUC Class 3 land from the protections of the NPSHPL as part of its reforms to the RMA.



The BOGP is considered to have a functional and operational need to be partially located on highly productive land, and the project is therefore not inconsistent with the direction of the NPSHPL.

Moreover, and as discussed in Section 3 of this report, once mining operations cease the supporting activities located on the Ardour Terrace Site will be disestablished and any impacted land returned to its pre-existing agricultural land use. Any foundations and impervious surfaces will be excavated and removed, and the stored topsoil re-established on the site. The soils will then be cultivated, fertilised and returned to non-native pasture with temporary irrigation to ensure soils are rehabilitated for agricultural purposes.

8.7.3.10 Otago Regional Policy Statement 2019

The RPS became fully operative on 4 March 2024. The RPS provides high level direction for resource management in Otago and contains objectives, policies and methods to achieve integrated management of natural and physical resources. The regional plans administered by the ORC and the District Plan administered by the CODC must give effect to it.

The objectives and policies are set out in Part B of the RPS and cover a broad range of topics that are potentially relevant to the BOGP. The key topics of relevance are discussed in the following sub-sections.

As noted, the full suite of objectives and policies of the RPS that are considered relevant to the BOGP are set out in **Part H** of this application for ease of reference.

Chapter 1 – Resource Management in Otago is Integrated

The key objectives and policies relating to integrated resource management in the RPS seek to achieve:

- > The sustainable and resilient use of natural and physical resources to promote economic, social, and cultural wellbeing for people and communities;¹²¹ and
- > The integrated management of natural and physical resources to support the wellbeing of people and communities.¹²²

Policy 1.1.2 also has a particular focus on providing for social and cultural wellbeing and health and safety when using and developing natural and physical resources. This is by (amongst other things) recognising and providing for Kāi Tahu values, taking into account the

¹²¹ RPS – Objective 1.1 and Policy 1.1.1.

¹²² RPS – Objective 1.2 and Policy 1.2.1.



diverse needs of people and communities, and promoting the reasonable use of resources for human wellbeing.

The technical assessments commissioned by MGL have considered the actual and potential effects of the BOGP on land and freshwater resources in an integrated manner. This includes consideration of the effects of the BOGP at both a localised, area-specific scale and a project-wide (including catchment wide) scale. MGL has also taken care to ensure the technical assessments that inform this application have been shared between the relevant experts to ensure the effects management hierarchy has been applied (particularly with respect to freshwater and ecological matters) and the effects of various activities are appropriately managed at the point of origin where practicable to do so.

In addition, the BOGP promotes the economic and social wellbeing of people and communities, as the mining operations will facilitate significant economic benefits to communities within the Central Otago District and wider Inland Otago Region. As discussed throughout this report, the project is expected to directly add \$360 million of GDP to the New Zealand economy per year, equating to approximately 5.4% of the current Inland Otago economy. The BOGP will also support an average of 351 FTE staff per year (peaking at 463 jobs when both open pit and underground mining operate in parallel) who will be located within the Queenstown, Wānaka, Cromwell and Alexandra areas, and has the potential to generate a further 463 or more indirect jobs through the need to provide goods and services to meet the needs of the workforce.

In addition to this, Kāi Tahu values have been provided for through the consultation and engagement undertaken by MGL as part of the project, where Kā Rūnaka through Aukaha, have had the opportunity to comment on the proposal and provide a CIA. Add any further comments on how consultation will be ongoing.

MGL has actively engaged with Kā Rūnaka from the inception of the project and discussions remain ongoing on matters of cultural participation, acknowledgement, consultation and some commercial in nature. There is high-level agreement in principle around matters of partnership to deliver on a vision of abundance and to address (from a Kā Rūnaka perspective) mitigation of the environmental, cultural and socio-economic effects, and compensation for any residual cultural effects.

MGL will continue work with Kā Rūnaka in good faith to ensure that the BOGP is developed and managed in a manner that is sensitive to the cultural requirements of the mana whenua.

Chapter 2 – Kāi Tahu Values and Interests are Recognised and Kaitiakitaka is Expressed

The key objectives and policies in this chapter of the RPS seek to:



- > Take into account the principles of Te Tiriti o Waitangi in resource management processes and decisions;¹²³
- > Recognise and provide for Kāi Tahu cultural values, interests and customary resources and manage the natural environment to support Kāi Tahu wellbeing;¹²⁴ and
- > Recognise and provide for the protection of wāhi tupuna by avoiding significant adverse effects and avoiding, remedying or mitigating other adverse effects.¹²⁵

MGL has engaged with Aukaha throughout the development of the BOGP to understand their key values and associations with respect to the Project Site and surrounds. This has included commissioning the preparation of a CVS in 2018 which identified that whilst the Bendigo area has a rich cultural history, there are no parcels of Māori land, marae or identified wāhi tapu within the Project Site. As the project has progressed, MGL has offered support and resourcing to mana whenua to enable them to prepare a CIA for the project, which outlines the engagement undertaken, identifies values associated with the BOGP and any mitigation required to protect cultural values for the duration of the works and the rehabilitation. This process is considered to take into account the principles of Te Tiriti o Waitangi with respect to partnership and participation and provide for Kāi Tahu cultural values.

MGL recognises that only mana whenua can speak to what they consider is the relevance of these provisions to the BOGP. However, Section 5.3 of this report outlines the consultation undertaken by MGL with mana whenua to understand the cultural impacts of the project. This engagement has been undertaken in a manner designed to be consistent with these provisions of the RPS. Section 6.3 of this report provides an assessment of cultural effects, as well as documents the measures proposed by MGL to recognise the relationship mana whenua have to the area within which the BOGP is proposed.

Chapter 3 – Otago has High Quality Natural Resources and Ecosystems

Objective 3.1 of the RPS seeks to recognise and maintain the values (including intrinsic values) of ecosystems and natural resources and enhance these values where degraded.

¹²³ RPS – Objective 2.1.

¹²⁴ RPS – Objective 2.2 and Policy 2.2.1.

¹²⁵ RPS – Policy 2.2.2.



The objective is supported by a number of policies of relevance to the BOGP, which seek to:

- > Safeguard the life-supporting capacity of freshwater to maintain good water quality (or enhance degraded water quality);¹²⁶
- > Maintain ecosystem health and indigenous habitats and maintain (or enhance) natural functions of freshwater bodies;¹²⁷
- > Manage the beds or rivers, lakes, wetlands and their margins and riparian vegetation to maintain or enhance various environmental aspects (including water quality, bank stability, ecosystem health and biodiversity, natural functions and amenity) whilst also controlling the adverse effects of pest species and natural hazards;¹²⁸
- > Manage the allocation and use of freshwater by recognising and providing for the social and economic benefits of sustainable water use, avoiding over-allocation resulting from water takes, and ensuring the efficient allocation and use of water;¹²⁹
- > Manage water shortages by encouraging land management practices to capture water, coordinate and ration the take and use of water, and provide for water storage;¹³⁰
- > Maintain good ambient air quality that supports human health (or enhance air quality where it has been degraded) and manage air quality to maintain or enhance amenity values;¹³¹
- > Recognise the values of natural features and landscapes;¹³² and
- > Safeguard the life-supporting capacity of soil and maintain or enhance as far as practicable soil values (or otherwise minimise adverse effects on soils), while recognising that infrastructure development may result in the loss of soil values.¹³³

With respect to water quality, MWM (2025) has determined that water quality within Shepherds, Rise and Shine, Bendigo and Clearwater Creeks contain elevated levels of heavy metals due to previous mining activities or natural baseline conditions. Ryder (2025) also considers that the freshwater environment and ecological values within the Project Site are relatively low.

¹²⁶ RPS – Policy 3.1.1.

¹²⁷ RPS – Policy 3.1.1.

¹²⁸ RPS – Policy 3.1.2.

¹²⁹ RPS – Policy 3.1.3.

¹³⁰ RPS – Policy 3.1.4.

¹³¹ RPS – Policy 3.1.6.

¹³² RPS – Policy 3.1.11.

¹³³ RPS – Policy 3.1.7.



Regardless, a range of measures are proposed to ensure the life-supporting capacity of these creeks is maintained during mine operation. This includes ELF's being carefully designed and constructed to minimise NMD, seepage from ELF's and the TSF captured and reused within the water management system and the implementation of a range of water quality compliance limits recommended in Ryder (2025). During the active closure phase, a WTP and / or PTS will treat any seepage from the ELF's. These measures will ensure water quality in receiving waters is maintained during both operations and closure.

As discussed in Section 8.7.3.7 of this report, mining operations within the Project Site will involve the unavoidable reclamation of sections of the Shepherds Creek and Rise and Shine Creek. However, the BOGP will safeguard the life supporting capacity of these watercourses and associated tributaries within these catchments through the formation of various stream diversions that will be designed to replicate the existing creeks, including mimicking the width and length, hydrology, natural meandering and aquatic habitat of the existing Shepherds and Rise and Shine Creeks, whilst also providing enhanced riparian vegetation (Boffa Miskell (2025a)).

In addition, while the BOGP will result in the removal of 3.1 hectares of wetland extent within the DDF (and associated effects on ecosystem health and indigenous habitats) the creation of 7.5 hectares of new swamp / marsh wetland will more than double existing wetland habitat and enhance the ecological integrity and natural functions of wetlands within the DDF. While there is potential for drawdown effects surrounding the mine features and outside of the DDF (on hillslope seepage wetlands, gully fen wetlands and swamp and marsh wetlands), the proposed augmentation of the Rise and Shine Creek and associated wetlands with groundwater sourced from the Bendigo Aquifer will mitigate potential drawdown impacts to the Rise and Shine swamp and marsh wetlands. Additionally, the proposed groundwater and surface performance monitoring will confirm the hydrological function of the swamp and marsh wetlands are maintained. The ecological mitigation planting set out in the LERMP and the willow management activities within the Bendigo and Clearwater Creeks will also ensure the natural character of stream margins within the Project Site will be maintained and enhanced.

MGL will manage and control the spread of pest species through the implementation of extensive weed and pest controls as part of the proposed offsetting and compensation measures (including establishing two predator-proof fenced sanctuaries) within the wider BOGP Consent Area surrounding the DDF.

With respect to water allocation and supply, the proposed take from the Bendigo Aquifer has been assessed in Kōmanawa (2025a), which concludes that the proposed abstraction rates are sustainable and will not contribute to any over-allocation.



As discussed in Section 3.16 of this report, MGL will also implement a range of measures to store and reuse water, including water storage tanks, and the reuse of supernatant and seepage water from the TSF for use at processing plant. The proposed augmentation of flows in Shepherds Creek and Rise and Shine Creek upstream of the Project Site will also appropriately address any reduced flows in these creeks as a result of BOGP. This will avoid any over-allocation and will ensure all existing permit holders can continue to access their full consented surface water allocations through the life of the BOGP in an efficient manner.

MGL will ensure that ambient air quality is maintained throughout the establishment, operational and eventual closure of the BOGP. Potential effects on air quality are addressed in Section 6.16 of this report. Overall, it is considered that the implementation of the Air Quality Management Plan to manage and monitor the discharge of contaminants to air at the Project Site (such as hydrogen, ammonia, combustion products from machines and vehicles, and dust) will maintain ambient air quality and suitably protect human health and amenity values.

With respect to natural features and landscapes values, the BOGP is located within the Dunstan Mountains ONL, and as such, MGL has commissioned Boffa Miskell to undertake an assessment of the landscape, natural character and visual effects associated with the project. In summary, while the proposed mining activities will inevitably result in significant landscape effects during operations, the various mine components have been carefully sited to reduce broader scale significant landscape effects. In addition, any effects on the ONL during the rehabilitation and closure phases will be appropriately managed through the LERMP which sets out extensive measures to facilitate a rehabilitated mined landscape within the Dunstan Mountains ONL. Despite unavoidable landscape effects associated with mining, the values of the broader Dunstan Mountains ONL will be appropriately provided for during both mine operations and closure.

The inherent nature of mining means the establishment of key mine components and associated infrastructure will result in the loss of soil values within the Shepherds and Rise and Shine Creek catchments and the adjoining Ardgour / Bendigo terraces. However, as assessed in Section 8.7.3.9 for the NPSHPL, following the completion of the mining, all supporting activities and infrastructure located on the Ardgour Terrace Site will be disestablished and any impacted land returned to its pre-existing highly productive soils.¹³⁴

¹³⁴ Noting the Project Site is located on highly productive land identified as LUC Class 3 and the New Zealand Government is currently considering the removal of LUC Class 3 land from the protections of the NPSHPL as part of its reforms to the RMA.



In addition, the LERMP outlines extensive soil rehabilitation and ecological uplift measures that will be undertaken during rehabilitation of the Project Site that will safeguard the life supporting capacity of soils. This includes the immediate re-use of non-stockpiled soils wherever possible and the use of stockpiled soils to rehabilitate landforms, create root zones and form wetlands habitats.

Further to the above, Policy 3.1.9 of the RPS seeks to manage ecosystems and indigenous biological diversity in terrestrial and freshwater environments to:

- > Maintain or enhance ecosystem health and indigenous biological diversity, including habitats of indigenous fauna (and biological diversity where the presence of exotic flora and fauna supports indigenous biological diversity);
- > Maintain or enhance as far as practicable areas of predominantly indigenous vegetation and areas buffering or linking ecosystems; and
- > Recognise and provide for hydrological services, including the services provided by tall tussock grassland, and natural resources and processes that support indigenous biological diversity.

Policy 3.1.13 also seeks to encourage, facilitate and support activities that contribute to the resilience and enhancement of the natural environment, including by protecting or restoring habitat for indigenous species and controlling pest species.

Alliance Ecology (2025) concludes that with the measures to avoid, minimise / mitigate and remedy adverse effects, and then offset and compensate for residual adverse effects that are assessed as moderate or greater, net positive outcomes for indigenous biodiversity values are anticipated for most 'very high' or 'high' value ecosystems, including native tussockland and native scrubland, herbfields and swamp / marsh wetlands. In particular:

- > Remediation measures will include the re-establishment of 222 hectares of native tussockland and the re-establishment of over 7.5 hectares of indigenous swamp / marsh wetland communities will provide net benefits to hydrological processes within the DDF;
- > Mitigation of potential drawdown effects on Rise and Shine swamp and marsh wetlands by augmentation with groundwater sourced from the Bendigo Aquifer alongside groundwater and surface water performance monitoring to confirm the hydrological functions are maintained. MGL will undertake further studies prior to mining development to further understand potential effects on hillslope seepage and gully fen wetlands and how much water (if any) is required for mitigation;

- > The proposed restoration and enhancement activities within the surrounding MRZs seek to specifically enable buffering and linkages between ecosystems within the DDF and Ardgour Restoration Area; and
- > MGL are particularly focussed on controlling pests with mammalian pest and weed control in the MRZs, Ardgour Restoration Area and the Ardgour and Bendigo Sanctuaries.

The enhancement of these ecosystems and habitats will support improved outcomes for a range of indigenous biodiversity values and contribute to the resilience and enhancement of indigenous species within the DDF and surrounding landscape. This is particularly when taking into account that biodiversity values are generally in decline in the Project Site due to ongoing habitat loss and degradation, and most native species will continue to decline without interventions as part of the BOGP. The only exception is cushionfield habitat (and associated species), noting several measures are proposed to assist in managing effects, including the delaying of mining of identified areas in the CIT Open Pit as informed by the Cushionfield ARP and the BOGP Biodiversity Fund to support the protection and enhancement of cushionfield habitat in the broader Dunstan Ecological District.

The BOGP is therefore consistent with both Policy 3.1.9 and 3.1.13.

Objective 3.2 of the RPS relates to the identification and protection of significant and highly-valued natural resources, or the enhancement of these resources where degraded. The objective is supported by a number of policies of relevance to the BOGP, which seek to

- > Identify, protect and enhance areas of significant indigenous vegetation and significant habitats of indigenous fauna - by maintaining the values that contribute to the area or habitat being significant, and avoiding, remedying or mitigating other adverse effects;¹³⁵
- > Identify, protect, enhance or restore outstanding natural landscapes - by maintaining the values that contribute to the landscape being outstanding, and avoiding, remedying or mitigating other adverse effects;¹³⁶
- > Identify the significant values of wetlands and protect the function and values of wetlands - by maintaining the significant values of wetlands and avoiding, remedying or mitigating other adverse effects;¹³⁷ and

¹³⁵ RPS – Policies 3.2.1 & 3.2.2.

¹³⁶ RPS – Policies 3.2.3 & 3.2.4.

¹³⁷ RPS – Policies 3.2.15 & 3.2.16.



- > Identify areas of significant soil and maintain the values that make the soil significant.¹³⁸

Several of these policies also seek to encourage the enhancement of these natural resources and control the adverse effects of pest species.

As noted in Section 8.7.3.8, Alliance Ecology (2025) identifies the entire Project Site (and surrounding Ecological Study Area) is considered significant indigenous vegetation or significant habitats of indigenous fauna under Schedule 4 of the RPS. As such, substantial measures are proposed to address the ecological effects of the BOGP and maintain and enhance significant indigenous vegetation and habitats for indigenous fauna. These are outlined throughout this report and in summary include:

- > Various measures to avoid, minimise or mitigate adverse effects within the DDF. This involves minimising the infrastructure footprint, locating stockpile sites and certain infrastructure away from high value habitat (e.g. cushionfields), salvaging and relocating notable plants, invertebrates, lizards and habitat features and delaying the mining of the CIT Open Pit – which contains high densities of several Nationally Critical and Nationally Vulnerable plant species – until the Cushionfield ARP can demonstrate a net increase in these plants relative to loss;
- > Rehabilitation measures be undertaken across all available areas within the DDF (approximately 480 hectares). This includes the re-establishment of indigenous terrestrial vegetation communities and indigenous swamp / marsh wetland communities and the deployment of high-value habitat for lizards and Threatened and At-Risk invertebrates; and
- > Extensive offsetting and compensation activities to manage residual effects on terrestrial and wetland ecology values, including the restoration and enhancement of some 2,219 hectares of habitat surrounding the DDF. This includes the MRZs, Ardgour Restoration Area and the Ardgour and Bendigo Sanctuary Areas.

While Alliance Ecology (2025) concludes that residual effects on cushionfield habitat and associated species cannot be demonstrably offset or compensated for, the proposed BOGP Biodiversity Fund will seek to address adverse effects on through providing funds to the Department of Conservation to maintain and enhance cushionfield habitat within the wider Dunstan Ecological District. The proposed ecological measures above will overall maintain and enhance significant indigenous biodiversity values, particularly when compared to the current highly modified environment that is expected to continue to decline without intervention.

¹³⁸ RPS – Policies 3.2.17 & 3.2.18.



In addition, the proposed offset and compensation measures proposed by MGL include extensive weed and animal pest control and animal pest exclusion through the establishment of the Ardgour and Bendigo Sanctuary Areas. Further details are provided in the Santana Sanctuary and Mammalian Pest Management Plans (provided in **Part G** of this application).

With respect to the identification, protection and enhancement of outstanding natural landscapes, the assessment provided earlier in this section regarding the Dunstan Mountains ONL is considered to equally apply.

With respect to the identification and protection of wetlands, there are no regionally significant wetlands located within the Project Site under the Regional Water Plan. RMA Ecology (2025a) has identified a total of 3.1 hectares of wetlands within the DDF ranging from moderate value (seepage and fens) to high value (swamps / marshes). The creation of 7.5 hectares of new high value swamp / marsh wetland habitat within the DDF will maintain and enhance the overall values and functions of wetlands within the DDF. While there is potential for drawdown effects on wetlands surrounding the mine features and outside of the DDF, the proposed augmentation of the Rise and Shine Creek and associated wetlands with groundwater sourced from the Bendigo Aquifer will mitigate potential drawdown impacts to the Rise and Shine swamp and marsh wetlands. Additionally, the proposed groundwater and surface performance monitoring will confirm the hydrological function of the swamp and marsh wetlands are maintained.

While no significant soil values have been identified within the Shepherds and Rise and Shine Valleys, much of the Bendigo / Ardgour terraces which contain supporting infrastructure for the BOGP are identified as LUC Class 3 highly productive land in accordance with the NPSHPL. As discussed in Section 8.7.3.9, these activities have a functional and operational need to be located on highly productive land, and once mining operations cease, will be disestablished with the site rehabilitated and returned to highly productive land. As noted earlier, the New Zealand Government is currently considering the removal of LUC Class 3 land from the protections of the NPSHPL as part of its reforms to the RMA. As such, the long-term soil values will be maintained.

Policies 3.2.13 and 3.2.14 of the RPS relate to outstanding freshwater bodies and seek to identify and protect outstanding freshwater bodies. No outstanding freshwater bodies have been identified within the Project Site or surrounding area.

Chapter 4 – Communities in Otago are Resilient, Safe and Healthy

With respect to natural hazards, the key provisions of the RPS seek to minimise natural hazard risk to people, communities, property and other aspects of the environment – by



avoiding activities that result in significant risk from natural hazards and enabling activities that result in no or low residual risk.¹³⁹

The BOGP has been designed with natural hazards front of mind, with MGL understanding the importance of the project not increasing the risk of natural hazards to the community and surrounding properties. While mining does not itself represent a natural hazard, mining activities can exacerbate natural hazards. To minimise this risk, a site-specific seismic hazard assessment has been provided in EGL (2025a) which confirmed that while there are no known active faults within the Project Site, several active faults are identified within proximity to the Project Site. Given the potential for seismic activity to occur, consideration of a 1 in 10,000 AEP earthquake has been included in the design of key project infrastructure. Additional mitigation measures include construction management and ongoing performance monitoring of these components as provided for in the Engineered Landform, Pond and Reservoir and Tailings Management Plans prepared by EGL. MGL will also implement the Shepherds TSF EAP (an internal operating document) at the Project Site to monitor potential damage caused by seismic activity, and implement appropriate response measures to protect life, property and the environment in the highly unlikely event of a dam safety emergency related to the TSF.

The construction of the key mining infrastructure to withstand a 1 in 10,000 AEP earthquake and the implementation of the associated construction and monitoring measures will suitably minimise any risk to people, communities, property and the environment from the BOGP in the event of seismic activity.

With respect to contaminated land and hazardous substances, the key relevant provisions of the RPS seek to:

- > Ensure hazardous substances, contaminated land and waste materials do not harm human health or the environment;¹⁴⁰
- > Manage the use, storage and disposal of hazardous substances;¹⁴¹
- > Manage the storage, treatment and disposal of waste materials;¹⁴² and

¹³⁹ RPS – Objective 4.1 and Policy 4.1.6.

¹⁴⁰ RPS – Objective 4.6.

¹⁴¹ RPS – Policy 4.6.2.

¹⁴² RPS – Policy 4.6.8.



- > Avoid the creation of new contaminated land, and where not practicable, minimise adverse effects on the environment.¹⁴³

As set out in Section 3.14 of this report, the BOGP will involve the use, storage and disposal of various hazardous substances across the Project Site. These hazardous substances will be managed in accordance with the Hazardous Substances Management Plan provided as part of this application. In summary:

- > All hazardous substances will be managed and stored in approved bunded containment in accordance with the relevant New Zealand Standards and Codes of Practice and the HSNO Act and Regulations; and
- > All emulsion explosives and detonator boosters will be stored, secured and separated in approved storage facilities in accordance with the Health & Safety at Work (Hazardous Substances) Regulations 2017.

The implementation and adherence to the Hazardous Substances Management Plan and standards and regulations outlined above will ensure hazardous substances do not harm human health or the environment.

With regard to contaminated land, MGL commissioned Geocontam Risk Management to undertake a PSI to assess the current and potential future adverse effects of contaminated land from the establishment of the BOGP. This assessment identified that various mine components (including the open pits, underground workings, ELFs, TSF, processing plant, ROM pad, topsoil stockpiles, vehicle washdown and refuelling facilities, explosives magazine and emulsions facilities, and mining fleet workshops) have the potential to release contaminants if not appropriately managed. MGL will undertake a detailed evaluation of the soil dataset in the Rise and Shine Valley to inform risk assessment of disturbance of soil with elevated arsenic and potentially cadmium. MGL will implement and adhere to the Soil Management Plan (provided in **Part G**) and other associated management plans¹⁴⁴ to minimise any adverse effects to human health and the environment as a result of the BOGP. This includes the removal, segregation and careful management of arsenic-rich soils that are naturally occurring in the Rise and Shine Valley.

¹⁴³ RPS – Policy 4.6.9.

¹⁴⁴ Including the Tailings Management Plan and Water Management Plan.



Chapter 5 – People are Able to Use and Enjoy Otago’s Natural and Built Environment

Chapter 5 enables the use of the natural and physical environment for enjoyment and economic use, while ensuring that resources are sustainably managed for conflicting or incompatible uses.

With respect to public access, the relevant objectives and policies in the RPS direct that public access to the natural environment – and where possible areas of cultural or historic significance - be maintained or enhanced, unless it is necessary to restrict access for public health and safety, to protect sensitive natural areas or habitats, or identified sites and values with historic heritage or cultural significance.¹⁴⁵

With respect to historic heritage, the relevant objectives and policies seek to recognise historic heritage resources (which including gold and other mining systems and settlements) and protect and enhance places and areas of historic heritage.¹⁴⁶

As noted, the mining operations within the Project Site will result in the closure of part of Thomson Gorge Road which provides access to the Bendigo Historic Reserve. While much of the Project Site is located on the privately-owned Ardgour and Bendigo Stations – and access will be suitably restricted for safety purposes - the BOGP will maintain access to the publicly accessible conservation areas and reserves that surrounding the Project Site through:

- > The formation of Ardgour Rise as an alternative to Thomson Gorge Road, which will continue to provide access to the Ardgour and Bendigo Conservation Areas (and provide a viewing area and educational information on the BOGP); and
- > The provision of a replacement walking route to the Come-in-Time Battery within the Bendigo Historic Reserve accessed via Blue Mines Road.

Following the completion of mining operations, public access will be enhanced by the provision of a recreational walking route with proximity to the existing Thomson Gorge Road alignment, which will provide viewing opportunities of the RAS pit lake (refer to the Landscape Closure Plan in the LERMP provided in **Part G** of these application documents).

Objective 5.3 of the RPS seeks to ensure that sufficient land is managed and protected for economic production, with its associated policies seeking to:

¹⁴⁵ RPS – Objective 5.1 and Policy 5.1.1.

¹⁴⁶ RPS – Objective 5.2 and Policy 5.2.3.



- > Manage activities in rural areas to support the regional economy and communities, including by providing for mineral exploration, extraction and processing;¹⁴⁷ and
- > Recognise the functional needs of mineral exploration, extraction and processing activities to locate where the resource exists.¹⁴⁸

The BOGP is proposed to be located within a rural area, and as outlined throughout this report, will substantially support the economy and communities of Inland Otago through the extraction and processing of gold. Over the approximately 14 year mine life, the BOGP will generate a total of approximately \$5.3 billion of GDP, directly contribute approximately \$373 million of GDP to the economy (equating to 6.5% of the current Inland Otago economy) and peak at over \$600 million of GDP when open pit and underground mining occur in parallel. This is a significant increase on the approximately \$33,400 of GDP per year that would be generated by agricultural activities within the same Project Site area.

In accordance with Policy 5.3.4 above, there is also a clear functional need for the BOGP to occur within its proposed location as this is where the gold resource is located (refer to Section 8.7.3.7 of this report for further assessment on functional need).

Objective 5.4 of the RPS relates to minimising the adverse effects of using and enjoying Otago's natural and physical resources, with its associated policies directing that:

- > A precautionary approach be applied where the adverse effects of activities are uncertain or not able to be determined;¹⁴⁹
- > The adverse effects of pest species are controlled, their spread is reduced, and their removal and destruction are enabled;¹⁵⁰ and
- > The use of indigenous biological diversity offsetting and biological diversity compensation is considered for a range of circumstances.¹⁵¹

As outlined in the preceding sections, MGL proposes to undertake extensive offsetting and compensation for residual effects on indigenous biodiversity values that cannot be avoided, minimised / mitigated or remedied. These measures are described throughout this report and in detail in Alliance Ecology (2025).

¹⁴⁷ RPS – Policy 5.3.1.

¹⁴⁸ RPS – Policy 5.3.4.

¹⁴⁹ RPS – Policy 5.4.3.

¹⁵⁰ RPS – Policy 5.4.5.

¹⁵¹ RPS – Policies 5.4.6 & 5.4.6A.



While residual effects on cushionfield habitat and associated species cannot be offset or compensated for under the NPSIB, several measures are proposed to assist in address effects including the BOGP Biodiversity Fund with the primary goal to protect and enhance cushionfield habitat in the wider landscape, and the delaying of mining the CIT Open Pit - which contains high densities of the ‘Nationally Critical’ *Ceratocephala pungens* and ‘Nationally Vulnerable’ *Myosotis brevis* species – until a net increase in these species relative to loss can be demonstrated in accordance with the Cushionfield ARP.

MGL acknowledges there is little existing research, knowledge or experience of management actions that have achieved cushionfield rehabilitation. As such, the implementation of the Cushionfield ARP represents a precautionary approach.

MGL will also dedicate significant efforts to pest control. Extensive mammalian pest and weed control is proposed in the MRZs and Ardgour Restoration Area adjacent to the DDF, while the Ardgour and Bendigo Sanctuaries will provide approximately 67 hectares of predator-proof habitat (which will involve the eradication of all mammalian pests within these areas) and browsing pressure management.

Policy 5.4.8 of the RPS specifically relates to managing adverse effects from the exploration, extraction and processing of minerals and states:

Policy 5.4.8 Adverse effects from mineral and petroleum exploration, extraction and processing

Manage adverse effects from the exploration, extraction and processing of minerals and petroleum, by:

- a) *Giving preference to avoiding their location in all of the following:*
 - i. *Areas of significant indigenous vegetation and significant habitats of indigenous fauna in the coastal environment;*
 - ii. *Outstanding natural character in the coastal environment;*
 - iii. *Outstanding natural features and natural landscapes, including seascapes, in the coastal environment;*
 - iv. *Areas of significant indigenous vegetation and significant habitats of indigenous fauna beyond the coastal environment;*
 - v. *Outstanding natural character in areas beyond the coastal environment;*
 - vi. *Outstanding natural features and landscapes beyond the coastal environment;*
 - vii. *Outstanding water bodies or wetlands;*
 - viii. *Places or areas containing historic heritage of regional or national significance;*



- ix. *Areas subject to significant natural hazard risk;*
- b) *Where it is not practicable to avoid locating in the areas listed in a) above because of the functional needs of that activity:*
 - i. *Avoid adverse effects on the values that contribute to the significant or outstanding nature of a) i-iii;*
 - ii. *Avoid, remedy or mitigate, as necessary, adverse effects on values in order to maintain the outstanding or significant nature of a) iv-viii;*
 - iii. *Consider first biological diversity offsetting, and then biological diversity compensation, if adverse effects described in b) ii. on indigenous biological diversity cannot be practicably remedied or mitigated;*
 - iv. *Minimise any increase in natural hazard risk through mitigation measures;*
 - v. *Consider environmental compensation if adverse effects described in b) ii, other than on indigenous biological diversity, cannot practically be avoided, remedied or mitigated;*
- ba) *Avoid significant adverse effects on natural character in all other areas of the coastal environment;*
- c) *Avoiding adverse effects on the health and safety of the community;*
- d) *Avoiding, remedying, or mitigating adverse effects on other values including highly valued natural features, landscapes and seascapes in order to maintain their high values;*
- e) *Considering biological diversity offsetting or compensating for residual adverse effects on other values;*
- f) *Reducing unavoidable adverse effects by:*
 - i. *Staging development for longer term activities; and*
 - ii. *Progressively rehabilitating the site, where possible;*
- g) *Applying a precautionary approach (including adaptive management where appropriate) to assessing the effects of the activity, where there is scientific uncertainty, and potentially significant or irreversible adverse effects.*

Chapter 5 of the RPS explicitly states that where there is a conflict, Policy 5.4.8 prevails over the policies under Objective 3.2 (except for Policy 3.2.12), Policy 4.3.1 and Policy 5.2.3. However, for completeness, a detailed assessment against the policies associated with Objective 3.2 of the RPS have been included within the assessment provided in the subsequent sections.

With respect to Clauses (a)(i-ix) of Policy 5.4.8, the Project Site includes:

- > Areas of significant indigenous vegetation and significant habitats of indigenous fauna (including native dominant scrubland and mixed depleted herbfield) located outside the coastal environment – with the entire DDF meeting the criteria for recognition as



significant indigenous vegetation or significant habitats of indigenous fauna under Schedule 4 of the RPS; and

- > Outstanding Natural Landscapes (the Dunstan Mountains ONL).

As demonstrated in Section 8.7.3.7 of this report, the BOGP has a functional need to be located where the gold resource is present. While MGL has undertaken a range of measures to avoid effects on ecological and landscape values wherever possible, it is not practicable to avoid locating in the aforementioned areas in their entirety.

As such, in accordance with Clause b(ii), MGL has sought to remedy and mitigate / minimise adverse effects on these areas. This has included measures such as delaying the mining of identified parts of the CIT Open Pit to markedly reduce effects on Nationally Critical and Nationally Vulnerable cushionfields and spring annuals, the positioning of topsoil stockpiles and mine infrastructure away from high-value habitats (where possible), the salvaging and relocating of notable flora and fauna species and extensive rehabilitation of indigenous terrestrial vegetation and wetland communities across available areas of the Project Site.

In accordance with Clause b(iii), where matters cannot be remedied or mitigated, offsetting (and then compensation where offsetting is not feasible or practicable) has been proposed to address residual effects on terrestrial and wetland ecology values. This includes undertaking ecological rehabilitation and habitat enhancement across approximately 2,219 hectares of habitat in the landscape surrounding the mine footprint to reintroduce native species and support long-term biodiversity outcomes (including measures such as extensive weed and pest control, pest exclusion, habitat enhancement and browsing pressure management).

Regarding Clause b(iv), the health and safety of the community will be provided for through:

- > Constructing key mine components to withstand natural hazards such as a 1 in 10,000 AEP earthquake;
- > Undertaking mining activities in accordance with the Soil Management Plan to avoid the risk of generating new contaminating land and manage arsenic-rich soils; and
- > Maintaining existing water quality within the Shepherds, Rise and Shine, Bendigo and Clearwater Creeks through the capture and reuse of mine-impacted waters, the implementation of site-specific erosion and sediment control measures to minimise sedimentation effects and the establishment of a WTP and PTS to treat any seepage from the ELFs post closure.



Clause (g) requires a precautionary approach to the assessing of effects where there is uncertainty and potentially significant or irreversible adverse effects associated with an activity, in this regard the following is noted:

- > MGL has commissioned an extensive suite of technical reports to assess the potential adverse effects, which in most cases provides certainty to the level of effects;
- > Where adverse effects on indigenous biodiversity cannot be avoided, remedied or mitigated, MGL is proposing substantial offsetting and compensation measures to address residual effects to the extent practicable. These measures will be guided by the implementation of a suite of ecological management plans and associated monitoring and review requirements to respond to any uncertainty regarding effects; and
- > While residual effects on cushionfield habitat and a small number of species cannot be demonstrably offset or compensated for, MGL will take a precautionary approach by not mining the CIT Open Pit unless a net increase in rare and high value cushionfields and spring annual plants relative to loss can be demonstrated as informed by the Cushionfield ARP.

Overall Conclusion

It is concluded that, overall, the activities associated with the BOGP will be undertaken and managed in a way that is consistent with the objectives and policies of the RPS.

8.7.3.11 Proposed Otago Regional Policy Statement 2021

The Proposed RPS was notified in June 2021, and following a determination from the High Court, the Proposed RPS was separated into two parts – a freshwater and non-freshwater planning instrument. Otago Regional Council decisions on both the freshwater and non-freshwater planning instruments of the Proposed RPS were publicly notified on 30 March 2024. A number of appeals have been made to the High Court on the Freshwater Planning Instrument parts of the Proposed RPS and the Environment Court on the non-freshwater parts.

The relevant provisions of the Proposed RPS (both the freshwater planning instrument and non-freshwater provisions) cover a broad range of domains and topics that are relevant to this application. These domains and topics are discussed further in the sub-sections below and include mana whenua, integrated management, air, land and freshwater, ecosystems and indigenous biodiversity, hazards and risks, historical and cultural values and natural features and landscapes.



Mana Whenua

The key relevant objectives and policies of the Proposed RPS relating to mana whenua seek to give effect to the principles of Te Tiriti o Waitangi in resource management processes and decisions and manage the natural environment to support the hauora¹⁵² of Kāi Tahu.¹⁵³

The assessment in relation to Chapter 2 of the RPS is considered to equally apply to the assessment of the provisions above within the mana whenua chapter of the Proposed RPS. In summary, MGL has sought to understand the values and associations that Ka Rūnaka have with the Project Site which in turn has informed the development of the BOGP. Subsequently, MGL has undertaken regular engagement with Aukaha to understand their key values and associations with respect to the Project Site and support has been offered to enable them to prepare a CIA for the project. This process is considered to be consistent with the principles of Te Tiriti o Waitangi with respect to partnership and participation and support the hauora of Kāi Tahu / Kā Rūnaka.

Integrated Management

The key objectives and policies of the Proposed RPS for integrated management seek to:

- > Manage natural and physical resources in a way that achieves healthy, resilient and safeguarded natural systems and supports the wellbeing of present and future generations, embracing ki uta ki tai;¹⁵⁴
- > Ensure communities provide for their social, economic and cultural wellbeing in ways that support or restore environmental integrity, form, functioning and resilience;¹⁵⁵
- > Recognise and provide for Kāi Tahu's relationship with natural resources by enabling mana whenua to exercise rakatirataka and kaitiakitaka, and facilitating active participation of mana whenua in resource management decision-making;¹⁵⁶
- > Manage the use and development of interconnected natural and physical resources where it extends beyond the immediate area of interest and impacts another part of the environment;¹⁵⁷ and

¹⁵² A Māori concept of health and wellbeing encompassing physical, mental, social, and spiritual dimensions.

¹⁵³ Proposed RPS – Objective MW-O1 and Policy MW-P3.

¹⁵⁴ Proposed RPS – Objectives IM-O1 & IM-O2.

¹⁵⁵ Proposed RPS – Objective IM-O3.

¹⁵⁶ Proposed RPS – Policy IM-P3.

¹⁵⁷ Proposed RPS – Policy IM-P5.



- > Manage the impact of cumulative effects on the form, functioning and resilience of Otago's environment.¹⁵⁸

The assessment of the BOGP against the objectives and policies of the RPS with respect to integrated management, natural hazard and climate change is considered to be equally applicable to the consideration of the Proposed RPS provisions above. In summary:

- > The BOGP will provide significant economic benefits to Inland Otago which will provide for social, economic and cultural wellbeing of the community. Furthermore, the environmental effects of the project have been assessed and will be managed through the implementation of a broad suite of mitigation measures and management plans. Where residual effects on indigenous biodiversity cannot be avoided, remedied or mitigated, extensive offsetting and compensation is proposed to the extent practicable;
- > Following mine closure, remediation will be undertaken in accordance with the Mine Closure Plan and LERMP to provide for the future wellbeing of the Project Site and surrounding area. The LERMP seeks for ecological conservation activities to be the dominant post-mining land use in the Project Site, with any grazing activities limited to those required to support ecological values; and
- > MGL has consulted with mana whenua throughout the development of the BOGP, including the commissioning of a CVS to inform the development of the project, and have provided support and resourcing to enable Kā Rūnaka to prepare a CIA. While consultation is ongoing, and will continue to be undertaken, this process is considered to have enabled mana whenua to exercise rakatirataka and kaitiakitaka and provides the opportunity for active participation within the project.

Consideration of cumulative effects and interconnected environments is particularly relevant for groundwater and surface water resources and discharges to water and air. The proposed groundwater take from the Bendigo Aquifer and various proposed discharges to land and water have been comprehensively assessed within the technical reports provided in **Part B** of this application, with the following conclusions reached:

- > Water quality during the operational phase of mining will be managed through the implementation of water quality compliance limits and water management systems to collect and reuse mine-impacted water and surface runoff within mining areas (including clean water diversion channels and sediment retentions ponds);

¹⁵⁸ Proposed RPS – Policy IM-P13.



- > During the active closure phase, water quality will be managed through a WTP which will treat TSF and ELF seepage until monitoring indicates it is appropriate for a PTS to be implemented;
- > Discharges of dust and contaminants to air from the Project Site will be managed to not exceed the relevant standards and guidelines and will not result in adverse or objectionable effects within private land beyond the Project Site boundary, including adverse effects on amenity values, ecology and human health;
- > The proposed groundwater take from the Bendigo Aquifer will have a less than minor effect on other water uses and will not contribute to over-allocation; and
- > MGL will augment flows in Shepherds Creek and Rise and Shine Creek at locations downstream of the Project Site to ensure existing downstream permit holders are able to access their full consented surface water allocations throughout the life of the BOGP.

Air

The key relevant objectives and policies of the Proposed RPS seek that localised adverse effects of discharges to air do not compromise human health, amenity, mana whenua and ecosystem values, and seek to provide for discharges to air that do not adversely affect these values.¹⁵⁹ Furthermore, Policy AIR-P4 provides direction on managing adverse effects of discharges to air by seeking to:

- > Avoid noxious or dangerous effects;
- > Ensure discharges do not cause offensive or objectionable effects; and
- > Avoid, remedy or mitigate other adverse effects from discharges to air.

MGL has commissioned PDP to prepare an Air Quality Assessment which identifies the BOGP is proposed to discharge hydrogen cyanide, ammonia, combustion products from machines and vehicles, and dust. PDP (2025) identifies that the potential adverse effects of air contaminants discharged from the BOGP include amenity, ecological and health effects. In response, MGL has sought to appropriately manage any adverse discharge effects through the implementation of various mitigation measures defined in the Air Quality Management Plan (and associated conditions) to ensure discharges do not exceed the relevant standards and guidelines. As such, any discharges from the Project Site will not compromise these values.

¹⁵⁹ Proposed RPS – Objective AIR-O2 and Policies AIR-P3 & AIR-P6.



In light of the above, the BOGP will not result in any noxious, dangerous, offensive or objectionable effects on surrounding properties or ambient air quality.

Land and Freshwater

The land and freshwater chapter of the Proposed RPS is divided into several sub-sections relating to Te Mana o Te Wai, freshwater and land and soil.

Te Mana o Te Wai

The key objective within the Te Mana o Te Wai section seeks that Otago's water bodies and their health and wellbeing are protected and restored where they are degraded.¹⁶⁰ The associated policies seek to:

- > Give effect to Te Mana o Te Wai by firstly prioritising the health and wellbeing of water bodies and freshwater ecosystems, secondly the health needs of people, and thirdly the ability of people and communities to provide for their social, economic and cultural wellbeing;¹⁶¹ and
- > Recognise and give effect to Kāi Tahu rakatirataka in respect of freshwater.¹⁶²

The concept of Te Mana o Te Wai has been considered in Section 8.7.3.7 of this report, with the assessment considered to be equally applicable to these provisions. In summary, the activities proposed as part of the BOGP have been carefully identified and assessed to ensure that the health of freshwater and of the wider environment is prioritised and protected. In particular:

- > There is a functional need for the siting and design of the BOGP that has been informed by a range of factors. These include the location of the orebody, land ownership, the scale of key mine components, material movement costs, geotechnical and hydrogeological consideration and water management considerations;
- > The establishment of rehabilitated stream diversions for affected sections of Shepherds Creek and Rise and Shine Creek will protect the health and wellbeing of these watercourses. These stream diversions will ensure that freshwater is diverted away from areas disturbed by mining activities and will achieve functioning watercourses in accordance with diversion design principles set out in Boffa Miskell (2025a), the

¹⁶⁰ Proposed RPS – Objective LF-WAI-O1.

¹⁶¹ Proposed RPS – Policies LF-WAI-P1 & LF-WAI-P4.

¹⁶² Proposed RPS – Policy LF-WAI-P2.



Freshwater Ecology Management and Monitoring Plan and the Water Management Plan;
and

- > The proposed groundwater take from the Bendigo Aquifer to supply water for the BOGP has been assessed as sustainable and not contributing to over-allocation.

As demonstrated in Section 6 of this report, the various activities undertaken in association with the BOGP will protect the health and wellbeing of water bodies and freshwater ecosystems, the health needs of people, and thus the ability of people and communities to provide for their social, economic and cultural wellbeing, now and into the future.

In addition to the above, MGL continues to work with mana whenua regarding activities occurring as part of the BOGP, including regular consultation, the earlier commissioning of a CVS and more recently a CIA. Through this process, the ways in which the project gives effect to Kāi Tahu rakatirataka have, and will continue to be, established.

Freshwater

The key relevant objectives and policies within the freshwater section seek to:

- > Identify and protect the significant values of outstanding water bodies;¹⁶³
- > Protect wetlands from inappropriate use and development and promote the restoration of wetlands where they are degraded;¹⁶⁴
- > Preserve and protect the natural character of wetlands, lakes and rivers and their margins from inappropriate use and development;¹⁶⁵ and
- > Where practicable, promote the restoration of the values of lakes and rivers where the natural character or instream values of lakes and rivers or the natural character of their margins has been reduced or lost.¹⁶⁶

The assessment of the BOGP against the objectives and policies of Chapter 3 of the RPS regarding high quality natural resources and ecosystems is equally applicable to the consideration of the Proposed RPS provisions above. In summary:

- > No watercourses within the Project Site or immediate surrounds are identified as outstanding freshwater bodies. Nevertheless, water quality in watercourses associated with the BOGP will be protected through the adherence to water quality compliance

¹⁶³ Proposed RPS – Objective LF-FW-O8 and Policy LF-FW-P12.

¹⁶⁴ Proposed RPS – Objectives LF-FW-O9 & LF-FW-O10 and Policy LF-FW-P10A.

¹⁶⁵ Proposed RPS – Objective LF-FW-O10 and Policy LF-FW-P13.

¹⁶⁶ Proposed RPS – Policy LF-FW-P14.



limits set out in Ryder (2025), the design of ELF's to minimise NMD, the collection and reuse of mine-impacted waters to ensure they are not discharged to watercourses during mine operations, and the treatment of seepage via a WTP and / or PTS prior to discharge to Shepherds Creek;

- > The implementation of site-specific erosion and sediment control measures to minimise the discharge of TSS into watercourses within the project (including clean and dirty water diversion channels and sediment retention ponds); and
- > While BOGP will result in the unavoidable reclamation and modification of sections of watercourses and wetland habitat within the Project Site, many of these features are modified and degraded. Measures are proposed in Boffa Miskell (2025a), Alliance Ecology (2025) and the LERMP to remedy (and in some cases enhance) adverse effects and thereby protecting and restoring stream and wetland values within the Project Site. This includes willow management activities and riparian restoration activities along approximately 6.7 km of the Bendigo and Clearwater Creeks.

The BOGP is located within the Clutha Mata-au FMU and the Dunstan Rohe.

Objective LF-FW-O1A of the Proposed RPS sets out vision for each FMU and rohe in Otago as follows:

LF-FW-O1A – Visions set for each FMU and rohe

In each FMU and rohe in Otago and within the timeframes specified in the freshwater visions in LF-VM-O2 to LF-VM-O6:

- (a) healthy freshwater and estuarine ecosystems support healthy populations of indigenous species (including non-diadromous galaxiids and Canterbury mudfish) and mahika kai that are safe for consumption,*
- (b) the interconnection of land, freshwater (including springs, groundwater, ephemeral water bodies, wetlands, rivers, and lakes) and coastal water is recognised,*
- (c) fish passage within and between catchments is provided for except where it is desirable to prevent the passage of some fish species in order to protect desired fish species, their life stages, or their habitats,*
- (d) the form, function and character of water bodies reflects their natural characteristics and natural behaviours to the extent reasonably practicable,*
- (e) the ongoing relationship of Kāi Tahu with wāhi tūpuna, including access to and use of water bodies, is sustained,*
- (f) the health of the water supports the health of people and their connections with water bodies,*
- (g) sustainable land and water management practices:*



- (a) support food and fibre production and the continued social, economic, and cultural well-being of Otago's people and communities, and*
- (b) improve the resilience of communities to the effects of climate change, and*
- (c) ensure communities are appropriately serviced by community water supplies, and other three waters infrastructure,*
- (h) direct discharges of wastewater to water bodies are phased out to the extent reasonably practicable, and*
- (i) freshwater is managed as part of New Zealand's integrated response to climate change and renewable electricity generation activities are provided for.*

In addition to the matters set out above, Objective LF-VM-O2 sets out the specific visions for the Clutha Mata-au FMU which are sought to be achieved in the Dunstan Rohe by 2045. This vision includes:

- > Recognition the Clutha River / Mata-au is a single connected system (ki uta ki tai) and the source of the wai is pure;
- > Preference for sustainable abstraction from lakes, river main stems or groundwater over abstraction from tributaries;
- > Recognition and protection for the ongoing operation, maintenance and upgrading of the Clutha hydro-electricity generation scheme; and
- > That waterbodies support a range of outdoor recreation opportunities.
- > With respect to these FMU matters, the following points are noted:
- > While the BOGP will result in the unavoidable loss of sections of Shepherds and Rise and Shine Creeks, the proposed rehabilitated stream diversions will appropriately remedy any loss of watercourse extent and value. These diversions will be formed in accordance with the design principles set out in Boffa Miskell (2025a), the Freshwater Ecology Management and Monitoring Plan and the Water Management Plan, and will ensure that the stream diversion form, function and character reflect the original watercourses to the extent practicable;
- > The BOGP will protect the health of water bodies during mining operations through the implementation of erosion and sediment control measures (as directed by Site-Specific ESCPs) to ensure surface runoff is adequately captured and settlement of sediment occurs. In addition, the generation of mine-impacted water will be minimised through the careful design of ELFs to reduce NMD, with any seepage collected and reused as part of mine operations. During the closure phase, all water seepage from the ELFs will be treated via a WTP or PTS before being discharged into Shepherds Creek. This will



ensure freshwater quality will be suitably maintained to provide for the health of the waterbodies and people;

- > The water source to support the BOGP will be primarily groundwater via the Bendigo Aquifer, with this allocation assessed as being sustainable by Kōmanawa (2025a);
- > MGL will not discharge any wastewater to water, and holds existing consents to discharge wastewater to land at the Ardgour Terrace Site;
- > The watercourses within the Project Site do not provide any habitat for indigenous freshwater species and the provision of fish passage is not considered necessary due to the various upstream fish passage barriers in Shepherds Creek and Bendigo Creek as identified by Waterways (2025); and
- > The BOGP will not have any impacts on the Clutha hydro-electricity generation scheme or recreational activities undertaken on publicly accessible water bodies, with the creeks in the Project Site located on privately-owned station land.

Land and Soil Section

The key relevant objectives and policies within the land and soil section seek to:

- > Protect the availability and productive capacity of highly productive land for primary production and maintain general soil quality and health;¹⁶⁷
- > Provide for the ongoing use of rural areas for primary production and rural industry and not compromise the long-term viability of primary production and rural communities;¹⁶⁸
- > Minimise soil erosion and the associated risk of sedimentation in waterbodies;¹⁶⁹ and
- > Provide for public access to and along lakes and rivers by maintaining existing access and seeking opportunities for landowners to enhance public access, unless necessary to protect (amongst other things) health and safety.¹⁷⁰

The BOGP includes the establishment of general and administration infrastructure on the Bendigo / Ardgour terraces, with large parts of these terraces identified as highly productive land under the NPSHPL. As discussed in Section 8.7.3.9, while the supporting activities associated with the BOGP will reduce the availability of highly productive land for the duration of mining activities, the activities have a functional and / or operational need to be

¹⁶⁷ Proposed RPS – Objectives LF-LS-O11 & LF-LS-O12 and Policies LF-LS-P16, P17 & P19.

¹⁶⁸ Proposed RPS – Objective UFD-O4 and Policy UFD-P7.

¹⁶⁹ Proposed RPS - Policy LF-LS-P18.

¹⁷⁰ Proposed RPS – Policy LF-LS-P22.



located on highly productive land. Once mining operations cease these activities will be disestablished and any impacted land returned to its pre-existing agricultural land use to protect the long-term availability and productive capacity of the soils.

In addition, the establishment of various mine components and associated activities will result in a loss of soil values within the Shepherds and Rise and Shine Valleys (noting the land is currently highly modified and used for pastoral grazing activities). As part of rehabilitation and closure activities these soils will be restored as part of extensive ecological enhancement activities, including native planting and pest control, to safeguard the life supporting capacity of soils. Furthermore, the adherence to the Soil Management Plan will minimise the creation of any contaminated land and thereby seek to maintain soil health and quality.

The BOGP will be located on parts of Bendigo and Ardgour Stations which are currently used for primary production purposes. While the project will disrupt this land use, it has a functional need to locate where the gold resource occurs and will generate significantly greater economic returns when compared to the agricultural activities currently undertaken. More specifically, the use of land for the BOGP will directly contribute over \$360 million of GDP per year to Inland Otago, while the existing agricultural activities with the project site generate approximately \$33,400 of GDP per year.

While the watercourses within the Project Site are located on private station land and access will be suitably restricted for health and safety purposes, MGL will continue to provide for public access to the surrounding conservation areas through the formation of Ardgour Rise and the replacement walking route to the historic Come-in-Time Battery. As directed by the LERMP, public access through the Project Site will also be restored following the completion of mining via the reinstatement of pedestrian access along the existing Thomson Gorge Road alignment.

Potential discharges of sediment will be managed through various erosion and sediment control measures (including clean and dirty water diversion channels and suitably sized sediment retention ponds). Mine-impacted water during the mining operations will be managed through the careful design of ELF's to reduce NMD (including the covering of higher arsenic containing materials and minimising oxygen ingress), the capture and reuse of seepage from the ELF's and TSF and the establishment of a WTP and / or PTS to treat seepage from ELF's during mine closure. With the utilisation of the measures above, the proposed discharges associated with the BOGP will not have adverse effects that are more than minor and will generally be short-term in nature, decreasing towards the end of the mine life.



Ecosystems and Indigenous Biodiversity

The key relevant objectives of the Proposed RPS relating to ecosystems and indigenous biodiversity seek that:

- > Otago’s indigenous biodiversity is healthy and thriving and any overall decline in condition, quantity and diversity is halted;¹⁷¹
- > Restoration and enhancement activities result in an overall increase in the extent and occupancy of Otago’s indigenous biodiversity – including by restoring and enhancing habitat for indigenous species (including taoka species);¹⁷² and
- > Kāi Tahu exercise their role as kaitiaki of Otago’s indigenous biodiversity.¹⁷³

Policy ECO-P4 seeks to maintain indigenous biodiversity values by applying the effects management hierarchy for various activities that are either located in SNAs or may adversely affect indigenous species and ecosystems that are identified by mana whenua as taoka that require protection. Notably, this includes:

“the development, operation and maintenance of mineral extraction activities that provide a significant national public benefit that could not otherwise be achieved within New Zealand and that have a functional need or operational need to locate within the relevant significant natural area(s) or where they may adversely affect indigenous species or ecosystems that are taoka, and there are no practicable alternative locations.”

In addition, Policy ECO-P6 seeks to maintain indigenous biodiversity more broadly by seeking to apply the effects management hierarchy to manage significant adverse effects on indigenous biodiversity and requiring the maintenance of indigenous biodiversity for all other adverse effects.

Alliance Ecology (2025) identifies that indigenous biodiversity values within the Project Site are generally in decline due to habitat loss and degradation through various factors including stock browsing, pests and agricultural land use activities. The implementation of substantial measures to address the ecological effects of the BOGP – through remediation measures in the DDF and extensive habitat restoration and enhancement measures in the surrounding environment - seeks to halt any further expected degradation in indigenous biodiversity values and generate net positive outcomes for most high or very high value ecosystems. In particular, the Ardgour Restoration Area and MRZs will increase the extent

¹⁷¹ Proposed RPS – Objective ECO-O1.

¹⁷² Proposed RPS – Objective ECO-O2 and Policy ECO-P8.

¹⁷³ Proposed RPS – Objective ECO-O3 and Policy ECO-P1.



of indigenous biodiversity compared to the values that currently existing on Ardgour and Bendigo Stations which are predominantly used for grazing.

As noted throughout this report, Alliance Ecology (2025) has applied the effects management hierarchy to appropriately address all terrestrial and wetland biodiversity values except for cushionfields and associated species that cannot be offset or compensated for. However, MGL is proposing several measures to assist in addressing effects on cushionfields, including delaying the mining of identified parts of the CIT Open Pit to manage effects on high densities of Threatened spring annuals and the BOGP Biodiversity Fund to support the protection and enhancement of cushionfield habitat in the wider Dunstan Ecological District.

Overall, the BOGP will result in no net loss and enhanced benefit for aquatic ecological values and is not contrary to the above objectives and policies.

Energy, Infrastructure and Transport

The key relevant objectives and policies of the Proposed RPS relating to transport seek that the transport network is effective, efficient and safe, connects communities, and is resilient to natural hazards, climate change and the needs of the community.¹⁷⁴

As discussed in Stantec (2025) and Section 6.12 of this report, the adverse effects of the BOGP on the surrounding transportation network predominantly relate to increases in local road traffic during mining operations. MGL will implement a range of measures to manage these effects including safety improvements at the SH8 / Ardgour Road intersection, the upgrading of a section of Thomson Gorge Road and the establishment of Ardgour Rise to provide alternative vehicle access between Ardgour Terrace and Thomsons Saddle following the closure of a section of Thomson Gorge Road. It is noted the existing section of Thomson Gorge Road that requires closure is generally a 4WD access track that is not suitable for general vehicles and the proposed Ardgour Rise will provide a 'like-for-like' replacement. The proposed Ardgour Rise will also be accessible before the closure of Thomson Gorge Road and public access across the Dunstan Mountains will therefore be maintained at all times.

The implementation of these measures will ensure the continued safe and efficient operation of the surrounding roading network.

¹⁷⁴ Proposed RPS – Objective EIT-TRAN-O7 and Policy EIT-TRAN-P21.



The BOGP will not adversely impact the resilience of the transport network to natural hazards or climate change.

Hazards and Risks

The key relevant objectives and policies of the Proposed RPS relating to natural hazards seek that:

- > The level of risk to people, communities and property from natural hazards are maintained where they are acceptable and managed to not exceed a tolerable level;¹⁷⁵
- > Areas where natural hazards may adversely affect people, community and property are identified;¹⁷⁶ and
- > People, communities and property are prepared for and able to adapt to the effects of natural hazards, including those exacerbated by climate change.¹⁷⁷

The assessment of the BOGP against Chapter 4 of the RPS regarding natural hazards, contaminated land and hazardous substances equally applies to the consideration of the Proposed RPS provisions above.

In summary, the BOGP has been designed to ensure it does not increase natural hazard risks to surrounding properties. EGL has prepared a suite of technical reports to inform the design of key mine components and proposed mitigation measures to ensure the features are stable and safe. In particular, the BOGP will maintain natural hazard risk levels through the design of key project infrastructure to withstand a 1 in 10,000 AEP earthquake and the design of the TSF in accordance with the relevant New Zealand Dam Safety Guidelines. MGL will implement the Engineered Landform, Pond and Reservoir and Tailings Management Plans to ensure the key mine components are stable, safe and sustainable to protect people and the environment. Furthermore, in the highly unlikely event of a dam safety emergency related to the TSF, MGL will implement the Shepherds TSF EAP which is an internal operating document that outlines procedures to protect life, property and the environment.

Further to the above natural hazard assessment, the BOGP is not considered to exacerbate the effects of climate change.

¹⁷⁵ Proposed RPS – Objective HAZ-NH-O1 and Policies HAZ-NH-P2 & HAZ-NH-P5.

¹⁷⁶ Proposed RPS- Policies HAZ-NH-P1 & P2.

¹⁷⁷ Proposed RPS – Objective HAZ-NH-O2.



With respect to contaminated land, the overarching Objective HAZ-CL-O3 seeks that contaminated land and waste materials are managed to protect human health and do not harm Kāi Tahu values and the environment. The key relevant associated policies seek to:

- > Identify sites of known contaminated land and manage contaminated land as to not pose an unacceptable risk to people and the environment;¹⁷⁸ and
- > Avoid the creation of new contaminated land, and where this is not practicable, minimise adverse effects on the environment and Kāi Tahu values to the extent reasonably practicable.¹⁷⁹

The assessment of the BOGP within Chapter 4 of the RPS relating to contaminated land is equally applicable. In summary, Geocontam Risk Management (2025) has undertaken a PSI which concludes that the Project Site and surrounds contain potentially elevated concentrations of metals in the shallow soils and groundwater. The PSI also notes the proposed mine components have the potential to release contaminants if not appropriately managed. The Soil Management Plan (provided in **Part G**) will appropriately manage any potential risk to human health and the environment as a result of the BOGP, including the management of arsenic-rich soils naturally occurring in the Rise and Shine Valley. This approach seeks to minimise potential adverse effects on the environment and Kāi Tahu values.

Historical and Cultural Values

The relevant objectives and policies of the Proposed RPS relating to wāhi tūpuna seek to identify and protect wāhi tūpuna (and their associated cultural values), recognise the rakatirataka of mana whenua over wāhi tūpuna and enable mana whenua to exercise their role as kaitiaki within these areas.¹⁸⁰

We consider the assessment within Chapter 2 of the RPS equally applies to the assessment of the mana whenua provisions within this chapter of the Proposed RPS. As noted, MGL has commissioned Aukaha to prepare a CVS for the project in 2018 which identified that while the Central Otago area is identified as a wahi tūpuna area, there are no parcels of Māori land, marae, or identified wāhi tapu within the Project Site.

¹⁷⁸ Proposed RPS – Policies HAZ-CL-P13 & P14.

¹⁷⁹ Proposed RPS – Policy HAZ-CL-P15.

¹⁸⁰ Proposed RPS – Objectives HCV-WT-O1 & O2 and Policies HCV-WT-P1 – P2A.



Kā Rūnaka have also prepared a CIA for the BOGP that at the time of preparing this Substantive Application was presented as draft and unendorsed, that outlines the engagement undertaken, identifies the values associated with the BOGP and any mitigation required to protect cultural values for the duration of mining operations and into the rehabilitation and closure activities. This process is considered to enable mana whenua to exercise their role as kaitiaki.

Kā Rūnaka has made the following statements of their position on the proposed BOGP in the CIA that, at the time of preparing this Substantive Application, was presented as draft and unendorsed, and based on the four core values of mana, mauri, tapu and whakapapa, and captured during the various wānaka with whānau.

Mana

Kāi Tahu continue to practice mahika kai, despite the history of loss. We have seen a resurgence in our people re-establishing their connections to our whenua and waterways, and breathing life into long held cultural practices. It is our aspiration to re-establish habitat for taoka species and to improve water quality to support mahika kai practices. For reconnection to be successful, social and economic sustainability for whānau is also necessary as well as a healthy environment.

Mauri

The word mauri refers to the life essence found in all things, relating to its nature, appearance, and vitality. For mana whenua, the mauri of the environment is a direct reflection of the health and wellbeing of whānau and communities.

Protection of the mauri of wai māori is a significant priority for Kā Rūnaka, due to its life-giving properties and as a vital component of the living world of te taiao. The presence and health of indigenous flora and fauna is an expression of the mauri of the natural environment in an area.

Mana whenua apply the principle of utu, giving back more than is taken, as a means of protecting mauri. The right to take kai and extract resources from te taiao is balanced with the kaitiaki duty to care for, and nurture, the environment in return.

Tapu

The principle of tapu provides a guide for Kā Rūnaka to gauge the appropriateness of actions and behaviours in the context of the existing environment.

It is the position of Kāi Tahu that the Project is significantly tapu in this location, due to the location of the proposed pit lakes, waste rock storage and tailings storage in the tributaries of the Mata-au, including the diversion of Shepherds Creek to construct tailings storage.

Whakapapa

After generations of loss and disconnection from the whenua, creating opportunities to reconnect with the whenua is now more important than ever. The potential long-term



risks associated with the Project to wāhi tīpuna tīpuna, taoka species and wai māori risks undermining the efforts of whānau to restore the whenua and rekindle connections and mahika kai practices.

With respect to historic heritage, the relevant objectives and policies seek to ensure that places and areas of historic heritage are identified (includes gold and other mining systems and settlements) and protected for future generations against inappropriate use and development.¹⁸¹

MGL has commissioned NZHP to undertake an assessment of the archaeology and heritage values within and surrounding the Project Site. These assessments identify that the areas with greatest heritage values within both the Bendigo Conservation Covenant and Bendigo Quartz Reef Historic Areas are located outside of the Project Site and will remain protected, with comparable examples of all sites affected by the BOGP being found elsewhere within these areas in more accessible and visited locations. While the BOGP will result in impacts on a range previously recorded and newly identified sites, many of these sites are low value and modified. As such, the potential impacts on these sites can be managed in accordance with the Archaeological Authority from HNZPT and through the implementation of an Archaeological and Heritage Management Plan which sets out various measures for how archaeological sites will be protected or otherwise preserved.

Natural Features and Landscapes

The key relevant objectives and policies of the Proposed RPS relating to natural features and landscapes seek to identify the areas and values of outstanding natural features and landscapes and protect them from inappropriate use and development by:

- > Avoiding exceeding the landscape capacity of the natural feature or landscape;
- > Maintaining the values that contribute to the natural feature or landscape being considered outstanding, even if those values are not themselves outstanding; and
- > Avoiding, remedying or mitigating other adverse effects.¹⁸²

The assessment of the BOGP against the objectives and policies of the RPS with respect to natural features and landscapes is considered to be equally applicable to this section of the Proposed RPS. In summary, MGL has commissioned Boffa Miskell to undertake an assessment of the landscape, natural character and visual effects associated with the project, with a focus on the landscape values of the Dunstan Mountains ONL.

¹⁸¹ Proposed RPS – Objective HCV-HH-O3 and Policies HCV-HH-P3 – P5.

¹⁸² Proposed RPS – Objective NFL-O1 and Policies NFL-P1 - P2.



While the BOGP will result in unavoidable significant landscape effects during mining operations, the effects on the values of the ONL remain relatively contained within the broader Dunstan Mountains ONL and can be suitably managed through the LERP (provided in **Part G**), which seeks to recognise and protect backdrop and skyline integrity within the ONL.

Overall Conclusion

It is concluded that, overall, the activities associated with the BOGP are being undertaken and managed in a way that is consistent with the objectives and policies of the Proposed Otago RPS.

8.7.3.12 Regional Plan: Water for Otago

The Regional Water Plan became operative in January 2004 and was last updated in September 2022. The purpose of the plan is to promote the sustainable management of water resources within the Otago Region. The Regional Water Plan sets objectives, policies and methods (including rules) to address the use, development and protection of freshwater resources, including the beds and margins of waterbodies.

The objectives and policies in the Regional Water Plan cover a broad range of topics that are relevant to the BOGP. The topics of relevance are discussed in further detail below and include natural and human use values of lakes and rivers, water quantity and quality, the beds and margins of rivers and lakes, groundwater and wetlands.

Natural and Human Use Values of Lakes and Rivers

The key relevant objectives and associated policies in the Regional Water Plan seek to:

- > Maintain or enhance the identified natural and human use values of rivers;¹⁸³
- > Maintain or enhance spiritual and cultural values and uses of significance to Kāi Tahu related to lakes and rivers;¹⁸⁴
- > Maintain the heritage values associated with rivers and their margins;¹⁸⁵
- > Protect the natural character of rivers (particularly natural flow, water level and ecology) and their margins from inappropriate use or development, provide for their sustainable

¹⁸³ Regional Water Plan – Objective 5.3.1 and Policy 5.4.2.

¹⁸⁴ Regional Water Plan – Objective 5.3.2 and Policies 5.4.1 & 5.4.2.

¹⁸⁵ Regional Water Plan – Objective 5.3.7 and Policy 5.4.10.



use and development and avoid in preference to remedying adverse effects on natural character;¹⁸⁶

- > Maintain or enhance amenity values (particularly aesthetic values and recreational opportunities) and public access to rivers and their margins – with a preference to avoiding instead of remedying adverse effects on amenity values;¹⁸⁷
- > Avoid the loss of river extent or values unless there is a functional need for the activity in that location and the effects of the activity are managed by applying the effects management hierarchy;¹⁸⁸ and
- > Avoid exacerbating any natural hazard, or the creation of a new hazard, associated with rivers.¹⁸⁹
- > No water bodies with natural values (Schedule 1A), spiritual and cultural beliefs, values and uses of significance to Kāi Tahu (Schedule 1D), or heritage values are identified within the Project Site.

Regarding natural character, while BOGP will result in the unavoidable reclamation / loss of sections of Shepherds Creek, Rise and Shine Creek and wetland habitat within the Project Site, many of these features are modified and degraded. Measures are proposed in Boffa Miskell (2025a), Alliance Ecology (2025) and the LERMP to remedy adverse effects and thereby protect and restore stream and wetland values within the Project Site. These include:

- > The establishment of approximately 8,839 m of rehabilitated and enhanced stream diversions in Shepherds Creek, and approximately 1,600 m of rehabilitated stream diversions in the Rise and Shine Creek, that will be undertaken in accordance with a set of design principles to replicate existing instream habitat and provide suitable riparian vegetation; and
- > 7.5 hectares of new high-value swamp / marsh wetland habitat within the DDF.

In addition, the LERMP includes details to promote the restoration of wetlands and riparian margins within the Project Site and wider restoration and enhancement areas surrounding the DDF as part of offsetting and compensation activities.

¹⁸⁶ Regional Water Plan – Objectives 5.3.3 & 5.3.6 and Policies 5.4.2 & 5.4.8.

¹⁸⁷ Regional Water Plan – Objectives 5.3.4 & 5.3.5 and Policies 5.4.2, 5.4.6 & 5.4.9.

¹⁸⁸ Regional Water Plan – Policy 5.4.2A.

¹⁸⁹ Regional Water Plan – Objective 5.3.8.



This includes willow management activities and riparian restoration activities along approximately 6.7 km of the Bendigo and Clearwater Creeks to compensate for the reclamation of sections of creek.

With respect to amenity values, the LERMP and Boffa Miskell (2025a) set out requirements for riparian vegetation planting as part of ecological rehabilitation activities to maintain, and enhance, the amenity of riparian areas. This includes willow management activities and riparian restoration activities along approximately 6.7 km of the Bendigo and Clearwater Creeks. The BOGP will also not adversely affect recreation access to the adjoining Ardgour and Bendigo Conservation Areas or the Bendigo Historic Reserve (except for temporary and localised access restrictions to the Come-in-Time Battery during blasting activities at the CIT Open Pit).

- > Waterways (2025) identifies that no fish have been detected within the watercourses within the Project Site and several barriers to upstream and downstream fish passage currently exist. As such, the BOGP will not result in any impacts to recreational fishing and fish passage provision are not considered necessary.
- > With respect to functional need, the analysis in Section 8.7.3.7 of this report for the NPSFM is considered equally applicable to the analysis required by Policy 5.4.2A above. In summary, there is a functional need for mining activities to locate where the gold resource occurs. Alternative options have been assessed for mine component and, for the reasons already addressed in this report, the layout of the BOGP reflects the outcomes of the various options assessment that have been undertaken. The effects management hierarchy has then been applied in a manner consistent with the requirements of the NES Freshwater and NPSFM. This is addressed in Sections 6.7 and 6.8 of this report along with Alliance Ecology (2025) for wetlands and Boffa Miskell (2025a) in respect of stream reclamation and loss. Overall, with the measures proposed as part of the BOGP, there will be no net loss and enhanced benefit for aquatic ecological values (while allowing for mineral extraction activities to occur which have significant national and regional benefits).

Regarding natural hazards, potential effects from flooding, erosion, land instability and sedimentation will be avoided, remedied or mitigated during operational activities through various measures, including:

- > The design of the TSF to be a 'zero-release' facility that can manage both operational water and the expected inflows during a PMP flood event without discharge;



- > The design of the Shepherds Silt Pond to storage significant quantities of sediment and enable the controlled release of flood flows from a decant tower and auxiliary spillway; and
- > The implementation of various erosion and sediment control measures. These measures will be directed by Site-Specific ESCPs that will be developed for key earthworks or mining areas and provide detailed plans for the location and sizing of elements such as sediment retention ponds and clean and dirty water diversion channels.

Overall, the activities being undertaken will occur in a manner that generally aligns with the objectives and policies relating to natural and human use values of lakes and rivers.

Water Quantity

The relevant objectives and policies of the Regional Water Plan relating to water quantity seek to:

- > Retain flows in rivers sufficient to maintain their life-supporting capacity for aquatic ecosystems and their natural character;¹⁹⁰
- > Provide for the water needs of primary and secondary industries and maximise opportunities for diverse consumptive uses of water;¹⁹¹
- > Maintain long-term groundwater levels and water storage in aquifers;¹⁹²
- > Minimise conflict amongst water takers and avoid adverse effects on existing groundwater takes (unless approval of affected persons has been obtained);¹⁹³
- > Minimise any adverse downstream effect of managed flows;¹⁹⁴
- > Ensure the quantity of water taken is no more than required;¹⁹⁵
- > To promote and give preference (between alternative sources) to the take and use of water from the nearest practicable source;¹⁹⁶

¹⁹⁰ Regional Water Plan – Objective 6.3.1.

¹⁹¹ Regional Water Plan – Objectives 6.3.2 & 6.3.4.

¹⁹² Regional Water Plan – Objective 6.3.2A.

¹⁹³ Regional Water Plan – Objective 6.3.3 and Policy 6.4.10B.

¹⁹⁴ Regional Water Plan – Objective 6.3.6 and Policy 6.4.14.

¹⁹⁵ Regional Water Plan – Policy 6.4.0A.

¹⁹⁶ Regional Water Plan – Policy 6.4.0C.



- > Groundwater taken is allocated as surface water if it from an aquifer in Schedule 2C, within 100 m of any connected perennial surface water body, or allocated as groundwater and part surface water if the take is over 100 m for a connected perennial surface water body and depletes that water body by at least 5 litres per second (Schedule 5A);¹⁹⁷
- > The appropriate siting, construction and operation of new groundwater bores;¹⁹⁸

Kōmanawa (2025b) concludes that the proposed water take will be sustainable with less than minor effects on other groundwater users. The water bodies which may be affected by the depletion during borefield pumping are the Clutha River / Mata-Au and Lake Dunstan, however, effects on these water bodies are expected to be negligible in terms of water levels and flows. In addition, MGL will augment flows in Shepherds Creek and Rise and Shine Creek at locations upstream of the Project Site to retain existing creek flows. This will also minimise any conflict amongst water takers as the augmentation of flows will ensure existing downstream permit holders are able to access their full consented surface water allocations throughout the life of the BOGP.

The proposed water take will provide for the needs of Otago's primary industry through supplying a critical source of clean water for mineral extraction and processing activities that will generate substantial regional and national economic benefits.

The BOGP will maintain long-term groundwater levels and water storage and will not have adverse effects on existing groundwater takes as the proposed groundwater take falls within the bands of sustainable allocation for the Bendigo Aquifer and likely future limits for the Clutha River / Mata Au.

The Bendigo Aquifer is considered to be the best practicable option / nearest practicable source for a water supply for several reasons. The borefield is lawfully established and located close to the mining operations. Kōmanawa (2025b) also considers that obtaining water from surface water other than the Clutha River / Mata-Au would result in issues with limited allocation, potential instream effects and competition for water with irrigators. In addition, many of the smaller creeks and river tributaries in the district (e.g. Lindis River mainstem and tributaries, upper Thomsons Creek and Bendigo Creek) are fully allocated.

The BOGP will store water in the Shepherds Silt Pond and recycle water as it becomes available, lowering the water demand as the project continues until it is substantially reduced so that no more water is taken than required.

¹⁹⁷ Regional Water Plan – Policy 6.4.1A.

¹⁹⁸ Regional Water Plan – Policy 6.4.10C.



This includes utilising supernatant water on the TSF and rainfall within the TSF catchment to provide almost all of the water required at the processing plant.

The proposed take will be from a combination of an existing lawfully established bore and a new bore at the Bendigo Aquifer. The existing bore is suitably sited and constructed in accordance with the consent granted by the ORC and the proposed new bore will be sited, constructed and operated in the same manner.

Policy 6.4.19 of the Regional Water Plan relates to the duration of consents to take and use water, and states the following matters will be considered:

- > The duration of the purpose of use;
- > The presence of a catchment minimum flow or aquifer restriction level;
- > Climatic variability and consequent changes in local demand for water;
- > The extent to which the risk of potentially significant, adverse effects arising from the activity may be adequately managed through review conditions;
- > Conditions that allow for adaptive management of the take and use of water;
- > The value of the investment in infrastructure; and
- > Use of industry best practice.

As noted, while the proposed BOGP mine life is approximately 14 years, rehabilitation and closure activities (including the WTP and PTS) will extend for several decades. As such, a 35 year consent duration is sought for all regional consents, with a 10 year lapse period. The consent duration sought considers the large-scale and substantial investment MGL has made into the BOGP, the fact that the proposed abstraction rate from the Bendigo Aquifer is sustainable and any drawdown effects will be less than minor, and the expected decline in water demand throughout the life of the project due to the reuse of water from various sources within the Project Site, including supernatant water on the TSF and water from sediment retention ponds. Furthermore, review conditions are proposed (provided in **Part D** of these application documents) which allow for adaptive management of the proposed water take.

However, as discussed in Section 4.2.2 of this Report, Policy 10A.2.2 of the Regional Water Plan is directive and limits the duration of resource consents for new takes and / or uses of freshwater for no more than six years. Section 127B was also included in the RMA on 21 August 2025 by the Resource Management (Consenting and Other System Changes) Amendment Act 2025.



It creates a legislative limitation for the duration of water permits in Otago and states that new permits granted under the Regional Water Plan must not exceed six years.

As detailed in Section 4.2.2 of this Report, when the context necessitating Section 127B of the RMA and Policy 10A.2.2 of the Regional Water Plan are considered alongside the objectives and policies of the Regional Water Plan as a whole, it is considered that the panel is not precluded from granting the approvals sought under the Act for a period longer than six years as the proposed water permits to take and use groundwater:

- > Will not result in surface water (or groundwater treated as surface water) allocation issues;
- > Represent a scenario which the objectives and policies of the Regional Water Plan, or the events that necessitated them, did not contemplate or provide for;
- > Will not impact ORC's ability to transition to a new integrated planning framework efficiently and effectively; and
- > Need to align with the duration of other approvals sought under the Act to facilitate the delivery of the BOGP and the associated national and regional benefits.

Should a different view be taken, and adherence to Policy 10A.2.2 of the Regional Water Plan ruled by the elected Panel, then MGL will seek to renew the proposed water permits to take and use groundwater prior to expiry every 6 years.

In light of the above, the BOGP is generally consistent with outcomes sought from the objectives and policies which relate to water quantity.

Water Quality

The relevant objectives and policies of the Regional Water Plan relating to the water quality of discharges seek to:

- > Maintain water quality in rivers, wetlands and groundwater, but enhance water quality where it is degraded;¹⁹⁹
- > Avoid objectionable discharges of water or contaminants, and enable the discharge of water and contaminants to water or land where it maintains water quality and supports natural and human use values, including Kāi Tahu values;²⁰⁰

¹⁹⁹ Regional Water Plan – Objective 7.A.1.

²⁰⁰ Regional Water Plan – Objective 7.A.2 and Policy 7.B.2.



- > Allow the discharge of water and contaminants to rivers, wetlands and groundwater where a) the discharge will have minor effects, or b) the discharge is short-term and will have short-term adverse effects;²⁰¹ and
- > Remedy any adverse effects from the failure or overtopping of the dam structure for storage of contaminants, either during or after its construction.²⁰²

As noted in MWM (2025j), the water quality in Shepherds, Rise and Shine and Bendigo Creeks is degraded with a number of these watercourses containing elevated levels of heavy metals associated with previous mining activity. While the BOGP will generate elevated TSS, NMD and nitrate-rich drainage from various mine components, a range of water quality compliance limits have been adopted, as recommended by Ryder (2025), to manage mine-impacted water. These limits will be achieved through:

- > The careful design of ELFs to reduce NMD by, amongst other things, covering higher arsenic containing materials and minimising oxygen ingress;
- > The capture and reuse of seepage from the ELFs and TSF; and
- > The establishment of a WTP and / or PTS in mine closure to treat seepage from ELFs.

In addition, erosion and sediment control measures will be implemented to manage any adverse effects on water quality due to surface water runoff (including clean and dirty water diversion channels and sediment retention ponds). With the above proposed management measures in place, the discharge will not have adverse effects on the receiving environments that are more than minor and are expected to support natural and human use values, including Kāi Tahu values.

The proposed discharges and treatment options have been considered by MWM (2025) and a functional need for the siting of mine components at the proposed locations has been illustrated in Section 8.7.3.7 (with respect to the NPSFM). This assessment has been informed by a range of factors, including (but not limited to) the location of the orebody, land ownership, the scale of the mining components, material movement costs and geotechnical, hydrogeological and water management considerations.

With respect to adverse effects associated with dams, the site-specific seismic hazard assessment in EGL (2025a) has informed the design of TSF which will safely contain tailings when subject to potential extreme earthquakes and be designed to withstand a 1 in 10,000 year earthquake, including aftershocks.

²⁰¹ Regional Water Plan – Policy 7B.3.

²⁰² Regional Water Plan – Policy 7.C.11.



EGL (2025b) also notes that by locating the tailings behind the downstream rockfill embankment, which are also buttressed by the large volume of rockfill placed in the Shepherds ELF, this will remove potential failure modes which could result in the release of tailings. In addition, Lane and Associates (2025) has provided details on a rehabilitation bond that has been incorporated into the proposed conditions in the unlikely event of failure of the TSF.

In addition, Policies 7.C.2 and 7.C.3 direct that when considering resource consents to discharge contaminants to water or onto land where it may enter water, regard is had to:

- > The nature of the discharge and the sensitivity of the receiving environment;
- > The financial implications, and the effects on the environment of the proposed method of discharge when compared with alternative means;
- > The current state of technical knowledge and the likelihood that the proposed method of discharge can be successfully applied; and
- > Any relevant standards and guidelines in imposing conditions on the discharge consent.

As discussed above, the effects of the discharge on the receiving environment have been comprehensively considered in technical reports prepared for MGL, and the proposed method of discharge determined by weighing up financial and environmental aspects of the project. With the proposed management measures in place, the discharge methods proposed can be successfully applied with adverse effects that are no more than minor.

The proposed conditions have also taken into account the relevant standards and guidelines for water quality applicable for Otago.

- > When setting the duration of a new discharge permit, Policy 7.C.4 directs that the anticipated adverse effects of the discharge on any natural and human use value supported by an affected water body must be taken into account. The policy considers a duration up to 35 years is appropriate if water quality standards for values are met or a shorter duration should be considered if standards for values are not met.
- > As water quality in the watercourses associated with the BOGP will be protected through the adherence to water quality compliance limits set out in Ryder (2025) and various measures are proposed to manage any discharges of TSS or seepage, a 35 year consent duration for all Discharge Permits is considered appropriate.

Accordingly, the proposed activities for the BOGP will be undertaken in a manner that is generally consistent with the water quality objectives and policies.



Beds and Margins of Rivers and Lakes

The key relevant objectives and policies of the Regional Water Plan relating to the beds and margins of rivers and lakes seek to:

- > Maintain bed and bank stability and flood and sediment carrying capacity of rivers;²⁰³
- > Minimise reductions in water clarity caused by bed disturbance;²⁰⁴
- > Maintain the passage of fish, or improve the passage of fish by instream structures, except where it is desirable to prevent the passage of some fish species;²⁰⁵
- > Avoid changes in flow and sediment processes in water bodies where those changes will cause adverse effects on the stability and function of structures, erosion or sedimentation effects, or a reduction in flood carrying capacity for rivers;²⁰⁶
- > For unavoidable adverse effects of damming or reclamation on natural or human use values identified in Schedule 1 of the Regional Water Plan, require that these effects are remedied, mitigated or offset;²⁰⁷
- > Consider practical alternatives and only use cleanfill for the reclamation of the bed of any river;²⁰⁸
- > Have regard for spawning requirements of indigenous fauna, bed and bank stability, water quality, amenity values and water clarity and downstream users when disturbing the bed or margin of any lake or river;²⁰⁹ and
- > Promote the creation, retention and enhancement of riparian vegetation where it will maintain or enhance water quality, aquatic ecosystems, natural character, amenity and mahika kai.²¹⁰

As discussed in relation to earlier sections of the Regional Water Plan, several key mine components are designed to manage potential flooding effects. The TSF is designed to be a ‘zero-release’ facility that can manage both operational water and the expected inflows during a PMP flood event without discharge.

²⁰³ Regional Water Plan – Objective 8.3.1.

²⁰⁴ Regional Water Plan – Objective 8.3.2.

²⁰⁵ Regional Water Plan – Objective 8.3.5.

²⁰⁶ Regional Water Plan – Policy 8.4.1.

²⁰⁷ Regional Water Plan – Policy 8.4.2.

²⁰⁸ Regional Water Plan – Policies 8.8.1 and 8.8.2.

²⁰⁹ Regional Water Plan – Policy 8.6.1.

²¹⁰ Regional Water Plan – Policy 8.7.1.



Furthermore, the Shepherds Silt Pond will storage substantial quantities of sediment and enable the controlled release of flood flows from a decant tower and auxiliary spillway.

MGL will also implement various erosion and sediment control measures within the main working areas of the Project Site as directed by Site-Specific ESCPs. This includes clean water diversion channels to divert clean water from disturbed areas, dirty water diversion channels to manage water from disturbed areas and sediment retention ponds sized for 1 in 10 AEP events to allow for settlement of suspended solids. These measures will maintain the stability of the banks and beds of sections of remaining creek lengths (and the proposed rehabilitated stream diversions) and minimise any flooding, sedimentation and associated water clarity effects.

Regarding changes in stream flows, although Kōmanawa (2025c) notes that there will be a partial loss in stream flows within the Shepherds Creek and Rise and Shine Creek (and the downstream Bendigo Creek catchment), these flows will be restored to pre-mining levels (or greater) as a result of the proposed rehabilitation measures set out in the LERMP.

As discussed in Section 8.7.3.7, while there is a functional need for the BOGP and associated activities to locate where the gold resource occurs, MGL has considered practical alternatives and sought to carefully design the Shepherds Service Corridor reclamation to reduce cut requirements and effects on cushionfields.

All reclamation material will be sourced from the RAS Open Pit and will meet the definition of clean fill in the Regional Water Plan.²¹¹

The unavoidable adverse effects on the natural character of Shepherds and Rise and Shine Creek (and associated tributaries) due to the required reclamation of sections of these watercourses will be remedied by the proposed rehabilitated stream diversions in both Shepherds and Rise and Shine Creeks. Furthermore, the proposed willow management and riparian restoration activities along 6.7 km of Bendigo and Clearwater Creeks (downstream of Rise and Shine Creek) will compensate for any lag time with establishing these stream diversions and generate benefits to riparian margins and instream aquatic ecology values. In addition, the proposed loss of a total of 3.1 hectares of wetland habitat within the DDF will be remedied by the re-establishing of 7.5 hectares of high value swamp / marsh wetland habitat within the DDF.

²¹¹ Clean fill means “a natural material such as sand, gravel and rock, and such other materials as concrete, brick or demolition products that are free of soluble materials and are therefore not subject to biological or chemical breakdown” in the Regional Water Plan.



The broader offsetting and compensation measures for terrestrial and wetland biodiversity values as outlined in Alliance Ecology (2025) will also further enhance the natural character of riparian areas and wetlands within the broader BOGP Consent Area. In order to measure the success of these measures, MGL proposes monitoring of habitat and macroinvertebrates at stream channels and of riparian planting extent and condition, and as detailed in the Water Management Plan, surface water compliance monitoring comprising water quality and flow monitoring at the Shepherds, Rise and Shine and Clearwater Creeks. Any disturbance or reclamation of watercourses within the project site will not have any adverse effects on indigenous fauna spawning or impediments to fish passage as no fish have been detected within the watercourses within the Project Site.

Activities on beds and margins of lakes and rivers will therefore be undertaken in a manner that aligns with the associated objectives and policies of the Regional Water Plan.

Groundwater

The relevant groundwater objectives and policies of the Regional Water Plan seek to maintain groundwater quality and require appropriate siting, construction and operation of new groundwater bores to prevent contaminants entering aquifers.²¹²

As noted in Section 3.16 of this report, water supply for the BOGP will be from a combination of existing and new bores at an established borefield at the Bendigo Aquifer.

Kōmanawa (2025b) concludes that the proposed water take will be sustainable with less than minor effects on other groundwater users. MGL has obtained consent for the existing bore from ORC and is therefore considered to be suitably sited and constructed. The proposed new bore will also be sited and constructed in a similar manner and will be sealed before being decommissioned to ensure groundwater quality in the Bendigo Aquifer is maintained.

It is also noted that the Bendigo Aquifer is not listed in Schedule 3 or Schedule 3A of the Regional Water Plan as having particular values or uses that need to be protected, and no hazardous substances will be stored within any relevant groundwater protection zone.

Kōmanawa (2025) also concludes that the abstraction, diversion, use and return of groundwater with the proposed mitigation measures and monitoring in place will not result in unacceptable groundwater quality within the project site.

²¹² Regional Water Plan – Objective 9.3.3. and Policies 9.4.1, 9.4.14 & 9.4.17.



As such, the proposed abstraction of water from the Bendigo Aquifer for the BOGP is not considered to be overall inconsistent with the objectives and policies in the groundwater chapter of the Regional Water Plan.

Wetlands

The relevant objectives and policies of the Regional Water Plan relating to Otago's wetlands seek to maintain or enhance wetlands and their individual and collective values and recognise and sustain regionally significant wetlands.²¹³

In accordance with the direction provided from the NPSFM, the loss of natural inland wetlands is avoided, their values are protected, and their restoration is promoted, except where the loss of extent or values arises from a select few specific activities.²¹⁴

There are no listed or mapped regionally significant wetlands within the Project Site.

An assessment of the BOGP against the relevant wetland provisions in the NPSFM is provided in Section 8.7.3.7 of this report. In summary, while measures have been adopted where possible to avoid adverse effects on wetlands, RMA Ecology (2025a) has identified approximately 94 wetlands within the Project Site that cover a total of approximately 3.1 hectares that will be directly impacted by the BOGP. MGL therefore proposes to establish 7.5 hectares of indigenous swamp / marsh wetland communities which will result in a net gain in wetland extent and condition in the DDF, thereby enhancing the extent and quality of wetlands within the wider Otago Region and ensuring collective wetland values are protected and restored.

In addition, any potential drawdown effects on Rise and Shine swamp and marsh wetlands will be mitigated through augmenting the Rise and Shine Creek and associated wetlands with groundwater sourced from the Bendigo Aquifer alongside groundwater and surface water performance monitoring to confirm the hydrological function of the swamp and marsh wetlands are maintained. MGL will undertake further studies prior to mining development to further understand potential effects on hillslope seepage and gully fen wetlands and how much water (if any) is required for mitigation.

In general, the proposed activities for the BOGP are not inconsistent with the wetland objectives and policies of Regional Water Plan.

²¹³ Regional Water Plan – Objectives 10.3.1 - 10.3.2.

²¹⁴ Regional Water Plan – Policy 10.4.8.



8.7.3.13 Regional Plan: Air for Otago

The Regional Air Plan became operative in January 2003 and was last updated in September 2023 in response to the then recently enacted NPSGHG. The plan promotes the sustainable management of Otago's air resource and provides objectives, policies, rules and other methods to address air quality issues facing Otago.

Part 3 of the Regional Air Plan contains the objectives and policies, with the key relevant provisions to the BOGP seeking to:

- > Avoid adverse effects (including cumulative effects) from the discharge of contaminants to air on Kāi Tahu values, human health, cultural, heritage and amenity values, and the health and functioning of ecosystems;²¹⁵
- > Avoid adverse effects from hazardous air contaminants identified in Schedule 3 of the Regional Air Plan;²¹⁶
- > Avoid discharges to air that are noxious, dangerous, offensive or objectionable on the surrounding environment;²¹⁷ and
- > Avoid, remedy or mitigate any adverse effects of dust beyond the property boundary.²¹⁸

Policy 8.2.4 also states that when considering the duration of a Discharge Permit applicants must have regard to the mass and nature of the discharge, the nature and sensitivity of the receiving environment, and any existing discharges to air from the site.

Overall, the analysis provided for the relevant air quality provisions of the RPS is equally applicable to the provisions of the Regional Air Plan.

The activities associated with the BOGP that have the potential to generate dust will discharge particulate matter comprising coarse and fine particulate, respirable crystalline silica and fine particulate containing elevated levels of arsenic. The processing plant and underground mining vents will discharge hydrogen cyanide (listed in Schedule 3 of the Regional Air Plan), ammonia, combustion products from machines and vehicles and dust.

Dust and air discharges emanating from the Project Site will be managed so as to not result in any objectionable effects on surrounding properties or adverse effects on amenity values, human health or cultural and ecological values and not exceed the relevant standards and

²¹⁵ Regional Air Plan – Objective 6.1.2 and Policy 8.2.3.

²¹⁶ Regional Air Plan – Policy 8.2.2.

²¹⁷ Regional Air Plan – Policy 8.2.8.

²¹⁸ Regional Air Plan – Policy 10.1.1.



guidelines. MGL will implement a range of management measures which are detailed in Section 6.17 of this report, including the Air Quality Management Plan that will apply across the entire Project Site. This plan sets out requirements for dust emissions which include adequate buffer distances between earthworks and sensitive receptors, water spray for dust suppression, handling material during low wind conditions and the cleaning of roads surfaces (when practical).

The proposed conditions also set out the monitoring requirements to ascertain whether the proposed mitigation measures are effective and if compliance with the relevant standards and guidelines is being achieved.

As above, regard has been had to the nature and mass of the discharge and the sensitivity of the receiving environment, and there are no existing discharges at the Project Site. While the BOGP will have an approximately 14 year mine life, rehabilitation and closure activities will continue for several decades post mine closure, and as such, a 35 year consent duration is considered appropriate for the discharge permits sought. This consent duration also factors in the large-scale and substantial investment into the BOGP.

Taking the above into account, any discharges of dust and contaminants to air as a result of the BOGP will not be inconsistent with the objectives and policies of the Regional Air Plan.

8.7.3.14 Regional Plan: Waste for Otago

The Regional Waste Plan became operative in April 1997 and was last updated in July 2022. It guides how Otago Regional Council manage Otago's waste issues and sets policies and methods (including rules) for how specific activities should be carried out.

The relevant sections of the Regional Waste Plan for the BOGP relate to contaminated sites, hazardous substances and hazardous wastes. These topics are discussed in the sub-sections below.

Contaminated Sites

Part 5 of the Regional Waste Plan contain objectives and policies relating to contaminated sites which overall seek to avoid, remedy or mitigate the adverse effects of existing contaminated sites and avoid further site contamination.²¹⁹ As outlined throughout this report:

- > Geocontam Risk Management (2025) has completed a PSI which identifies that the Project Site and surrounding area contain potentially elevated concentrations of metals

²¹⁹ Regional Waste Plan – Objectives 5.3.1 & 5.3.2 and Policies 5.4.1 - 5.4.5.



in shallow soils and groundwater. Of particular note, elevated arsenic concentrations occur naturally in both undisturbed areas and historically mined areas. The PSI also identifies historic and proposed mining activities that meet the definition of HAIL activities;

- > Geocontam Risk Management (2025) notes that many proposed mine components have the potential to release contaminants if not appropriately managed. This includes the open pits, underground workings, ELF, TSF, processing plant and associated activities and infrastructure, topsoil stockpiles and explosives magazine and emulsion facilities;
- > All soil disturbance activities undertaken within the Project Site will be managed in accordance with the Soil Management Plan (and various other related management plans including MCM (2025) and the LERMP) which detail the approach to mine-impacted waters and the ongoing management of key mine components throughout operations and into closure. These management plans will appropriately manage any potential risks to human health and the environment, minimise the creation of further contaminated sites or otherwise ensure any contaminated sites are appropriately contained and rehabilitated; and
- > The relationship Kāi Tahu have with Otago's natural and physical resources has been provided for through the consultation MGL has and will continue to undertake with Kā Rūnaka (refer to Section 5 of this report), noting the Project Site does not contain any protected wāhi tapu and wāhi taoka as identified in the CVS prepared in 2018.

The assessment above indicates that the BOGP is not inconsistent with the contaminated sites objectives and policies with the Regional Waste Plan.

Hazardous Substances and Hazardous Wastes

Part 6 of the Regional Waste Plan contains the provisions relating to hazardous substances and hazardous wastes. The relevant objectives and associated policies seek to avoid, remedy and mitigate the risk from hazardous substances and waste to the environment and human health, including on values of importance to Kāi Tahu.²²⁰

It should be noted that in 2017, amendments to the RMA significantly refined the extent to which regional authorities can control the storage and use of hazardous substances. The Regional Waste Plan has not been updated to reflect these amendments. Notwithstanding this, in accordance with the current directives of the Regional Waste Plan:

²²⁰ Regional Waste Plan – Objectives 6.3.1 & 6.3.2 and Policy 6.4.1.



- > Land delivery of hazardous substances will be via the State Highway network, Ardgour and Thomson Gorge Roads and internal access roads within Ardgour Station and will also be in accordance with the Land Transport Rule: Dangerous Goods 2005;
- > The risks to people, property and the environment will be minimised through site and equipment design (e.g. separation distances to other explosives stores, provision of fire protection systems and certification of the explosives storage magazines) and management controls (personnel access restrictions, security monitoring, staff training and handler certification, emergency response plans) as set out in the Hazardous Substances Management Plan;
- > The risk to the environment from the spill of diesel or packaged goods will be managed through the facilities and site design (e.g. proposed spill containment measures including double skinned tanks, sealed refuelling areas, bunded storage areas and provision of water treatment for runoff arising from areas where these substances are stored or used) and operational procedures (e.g. spill response plan, unloading and safe handling procedures); and
- > The management of contaminated land is addressed in detail in Section 6.15 of this report.

Overall, the activities being undertaken as part of the BOGP will occur in a manner which ensures that the risk of adverse effects on the environment and human health associated with the transportation, storage and use of hazardous substances are appropriately managed, and where necessary, minimised.

8.7.3.15 Central Otago District Plan

The District Plan was made operative in 2008 and includes objectives, policies and methods to manage the use and development of natural and physical resources within the Central Otago District.

As noted, the BOGP is located within the Rural Resource Area under the District Plan and within the Dunstan Mountains which are identified as an ONL. Part of the Ardgour Terrace Site is also located within a Significant Amenity Landscape. The objectives and policies most relevant to the BOGP are contained in:

- > Section 3 – which contains objectives and policies which speak directly to mana whenua matters;
- > Section 4 – which contains objectives and policies for the Rural Resource Area;
- > Section 12 – which contains objectives and policies relating to district-wide activities such as noise, dust, parking and signs; and



- > Section 13 – which contains objectives and policies relating to infrastructure, energy and utilities.

The key conclusions in relation to the consistency of the BOGP with the relevant objectives and policies of the Rural Resource Area and the other relevant topics are detailed in the sub-sections below.

Section 3 – Mana Whenua

The objectives and policies in the District Plan relating to mana whenua seek to give particular regard to Kāi Tahu Ki Otago’s concept and spirit of kaitiakitanga when managing effects of use and development,²²¹ and recognise and provide for:

- > The relationship of Kāi Tahu ki Otago and their culture and traditions with their wāhi tapu and wāhi taoka, including the protection of wāhi tapu from physical disturbance and inappropriate land use activities;²²²
- > The significance of water to Kāi Tahu ki Otago’s spiritual beliefs, cultural traditions and practices;²²³ and
- > Mahika kai resources and access to mahika kai.²²⁴

MGL has been consulting with Kā Rūnaka in order to build further understanding of Kāi Tahu ki Otago’s concept and spirit of kaitiakitanga, and particularly the potential effects of the BOGP on natural and physical resources outlined above.

Kā Rūnaka has made the following statements of their position on the proposed Bendigo Ophir Gold project in the CIA that at the time of preparing this Substantive Application was presented as draft and unendorsed, based on the four core values of mana, mauri, tapu and whakapapa, and captured during the various wānaka with whānau.

Mana

Kāi Tahu continue to practice mahika kai, despite the history of loss. We have seen a resurgence in our people re-establishing their connections to our whenua and waterways, and breathing life into long held cultural practices. It is our aspiration to re-establish habitat for taoka species and to improve water quality to support mahika kai practices. For reconnection to be successful,

²²¹ District Plan – Objective 3.3.1.

²²² District Plan – Objectives 3.3.2 - 3.3.3 and Policy 3.4.2.

²²³ District Plan – Objective 3.3.4 and Policy 3.4.4.

²²⁴ District Plan – Objective 3.3.5 and Policy 3.4.5.



social and economic sustainability for whānau is also necessary as well as a healthy environment.

Mauri

The word mauri refers to the life essence found in all things, relating to its nature, appearance, and vitality. For mana whenua, the mauri of the environment is a direct reflection of the health and wellbeing of whānau and communities.

Protection of the mauri of wai māori is a significant priority for Kā Rūnaka, due to its life-giving properties and as a vital component of the living world of te taiao. The presence and health of indigenous flora and fauna is an expression of the mauri of the natural environment in an area.

Mana whenua apply the principle of utu, giving back more than is taken, as a means of protecting mauri. The right to take kai and extract resources from te taiao is balanced with the kaitiaki duty to care for, and nurture, the environment in return.

Tapu

The principle of tapu provides a guide for Kā Rūnaka to gauge the appropriateness of actions and behaviours in the context of the existing environment.

It is the position of Kāi Tahu that the Project is significantly tapu in this location, due to the location of the proposed pit lakes, waste rock storage and tailings storage in the tributaries of the Mata-au, including the diversion of Shepherds Creek to construct tailings storage.

Whakapapa

After generations of loss and disconnection from the whenua, creating opportunities to reconnect with the whenua is now more important than ever. The potential long-term risks associated with the Project to wāhi tīpuna, taoka species and wai māori risks undermining the efforts of whānau to restore the whenua and rekindle connections and mahika kai practices.

Section 4 - Rural Resource Area

The key objectives and policies for the Rural Resource Area that are relevant to the BOGP are set out and assessed in the following subsections.

Objective 4.3.1 recognises that communities need to provide for their social, economic and cultural wellbeing, and health and safety, whilst also ensuring environmental quality is maintained and enhanced.



As previously discussed, the BOGP promotes the economic and social wellbeing of people and communities and will facilitate significant economic benefits to communities within the Central Otago District and wider Inland Otago Region. The BOGP is estimated to provide an average of \$360 million of GDP per year to the New Zealand economy (approximately 5.4% of the current Inland Otago economy), employ a minimum of 351 FTE staff per year and generate a further 463 or more indirect jobs through the provision of goods and services to meet the needs of the workforce.

With respect to landscape, amenity values, recreation and public access, the key objectives and policies seek to:

- > Recognise and protect ONLs from adverse effects of inappropriate use and development;²²⁵
- > Maintain, and where practicable, enhance rural amenity values in the rural environment, and maintain the open natural character of the hills and ranges;²²⁶
- > Maintain and enhance the quality of the recreation resources, and public access to those resources;²²⁷
- > Ensure that the effects associated with some activities including (but not limited to) noise and vibration, traffic generation, storage of goods or waste products, dust or hazardous substances do not have significant adverse effects on the amenity values and privacy of neighbouring properties or the safe and efficient operation of the roading network;²²⁸
- > Ensure that activities avoid, remedy or mitigate adverse effects on the range of values and recreational opportunities available in back country and / or remote areas.²²⁹

As noted throughout this report, the BOGP is located within the Dunstan Mountains ONL. While Boffa Miskell (2025) concludes that the BOGP will inevitably result in adverse landscape effects associated with mining operations, these effects will be well-contained within the Shepherds and Rise and Shine Valley and the broader Dunstan Mountains. The various open pit mines and consequent modified landforms have been designed and amended to respond to the underlying landscape context and its identified values, which will reduce broader scale landscape effects so as not to significantly detract from the values

²²⁵ District Plan – Objective 4.3.2 and Policy 4.4.1.

²²⁶ District Plan – Objective 4.3.3 and Policy 4.4.2.

²²⁷ District Plan – Objective 4.3.4.

²²⁸ District Plan – Policy 4.4.8.

²²⁹ District Plan – Policy 4.4.14.



of the overall Dunstan Mountains ONL. In addition, Boffa Miskell (2025) notes that the landscape and visual effects of the mining activity will dissipate as progressive rehabilitation, including recontouring of pits, is undertaken throughout the life of the mine. The above, in combination with the implementation of the LERMP, will ensure that the values of the overall Dunstan Mountains ONL will be protected from adverse landscape effects of the BOGP.

In relation to rural amenity values and associated effects on neighbouring properties, the majority of mining operations will be confined within the Shepherds and Rise and Shine Valleys, and as such, any adverse visual effects from adjoining rural areas will be limited.

While the BOGP will result in increased traffic movements (particularly during construction works), MGL are proposing substantial measures to the road network connecting to SH8 to support these increased volumes. This includes the preparation of a Project Traffic Management Plan to ensure the safe and efficient movement of vehicles, pedestrians, and cyclists in and around the Project Site while minimising disruption to the surrounding community and road network. As discussed in Section 6.12 to 6.17 of this report, a suite of management plans will apply throughout the construction and operational phases of the BOGP to ensure that any noise and vibration, traffic, dust or hazardous substances related effects will be appropriately managed. Many of the proposed environmental limits are also reflected in the proposed conditions provided in **Part D** of these application documents.

These measures will ensure that any activities associated with the BOGP will not have significant adverse effects on the amenity values and privacy of neighbouring properties or the safe and efficient operation of the roading network.

With respect to the rural amenity values within the Project Site itself, MGL proposes to remedy any loss of values through progressive landscape and ecological rehabilitation undertaken in accordance with the LERMP throughout the life of the mine - including recontouring of pits and rehabilitation and re-establishment of native shrubland. Overall, these measures will seek that the mining operations will be embedded within the broader mosaic of rehabilitated native vegetation and habitats once established. In addition, the post-mining land use for the Project Site will be dominated by ecological conservation, which will improve amenity values when compared to the current agricultural and pastoral land uses present on the Bendigo and Ardour Stations.

While Greenaway (2025) notes the BOGP will result in the loss of recreational access along Thomson Gorge Road and to the Come-in-Time Battery, recreation and public access values will be maintained through the development of Ardour Rise (which includes a viewing area of the mining operations) and the replacement walking route to the battery.



In addition, pedestrian access will be restored through the Project Site following mine closure through a route broadly following the existing Thomson Gorge Road alignment. This will also provide public viewing opportunities of the RAS pit lake.

While the BOGP will have unavoidable adverse effects on back country amenity values within the Shepherds and Rise and Shine Valleys (and localised areas of the adjoining public conservation land) during mining operations, the measures set out in the Noise and Vibration and Air Quality Management Plans will seek to minimise any noise and dust effects and maintain the natural quiet in the surrounding back country area. All light generated from the Project Site will also meet the relevant permitted activity standards. Following the cessation of mining activities, the Project Site will undergo extensive rehabilitation and ecological enhancement activities in accordance with the LERMP and various other ecological management plans which will improve ecological values (such as extensive native planting and pest control) that will ultimately enhance back country amenity values.

With respect to environmental values, the objectives and policies of the Rural Resource Area of relevance to the BOGP seek to:

- > Preserve the natural character of water bodies and their margins by managing the effects of the use and development of land within and adjacent to riparian margins of water bodies;²³⁰
- > Avoid, remedy or mitigate the adverse effects of activities on soil resources;²³¹
- > Recognise and provide for the protection of areas of significant indigenous vegetation, significant habitats of indigenous fauna, significant wetlands, indigenous vegetation that supports indigenous freshwater fisheries and habitats of statutorily managed sports fish and game;²³² and
- > Encourage land use practices that avoid, remedy or mitigate weed infestation and the spread of pest plants and animals.²³³

The BOGP seeks to manage the adverse effects of land use activities adjacent to water bodies through the implementation of various erosion and sediment control measures, including clean and dirty water diversion channels to divert clean water away from disturbed areas and capture and retain dirty (i.e. sediment-laden) water from discharging into watercourses.

²³⁰ District Plan - Objectives 4.3.5 - 4.3.6 and Policy 4.4.4.

²³¹ District Plan – Policy 4.4.6.

²³² District Plan – Objective 4.3.8 and Policy 4.4.7.

²³³ District Plan – Policy 4.4.12.



As noted throughout this report, while the establishment of several mine components will result in the unavoidable loss of sections of Shepherds and Rise and Shine Creek, the proposed rehabilitated and enhanced stream diversions will remedy any loss of watercourse and riparian margin extent and will be designed in accordance with defined principles which includes comprehensive riparian planting. This includes willow management activities along 6.7 km of the Bendigo and Clearwater Creeks within the Bendigo Historic Reserve. In addition, the 3.1 hectares of wetland habitat directly impacted by the BOGP will be remedied by the re-establishment of 7.5 hectares of high value swamp / marsh wetland within the DDF. The proposed landscape and ecological rehabilitation measures guided by the LERMP and Ardour Restoration Management Plan also include the establishment of riparian planting across the DDF and surrounding landscape. The combination of these measures above will ensure that the natural character and amenities of water bodies associated with the BOGP will be maintained where possible during mine operations and enhanced into mine rehabilitation and closure.

As outlined throughout this report, the mining activities associated with the BOGP will result in unavoidable land and soil disturbance. However, the erosion and sediment controls and environmental enhancement measures outlined above - in combination with the detailed approach to carefully remove, stockpile and re-establish soils across the project site - will ensure any adverse effects on soils within the Project site are avoided, remedied or mitigated. In particular, the progressive rehabilitation outlined in the LERMP involves the re-establishment of native shrubland to remediate any soil instability or reduction in vegetation cover.

The BOGP will also minimise adverse effects on existing lawfully established groundwater users, including registered drinking water supplies.

With respect to recognising and protecting areas of significant indigenous vegetation and significant habitats of indigenous fauna, the assessment provided in Section 8.7.3.8 (for the NPSIB) is generally applicable. In summary:

- > Alliance Ecology (2025) identifies the entire DDF (and surrounding Ecological Study Area) satisfies the criteria for recognition as significant indigenous vegetation or significant habitats of indigenous fauna under Appendix 1 of the NPSIB, Schedule 4 of the RPS and Appendix 2 of the Proposed RPS;
- > Measures to avoid or minimise adverse effects on indigenous biodiversity have been undertaken as far as practicable;



- > After measures to avoid or minimise effects, remediation measures will be implemented across all available areas of the DDF and include the re-establishment of indigenous vegetation and wetland communities and ecological habitat enhancements;
- > Residual effects that are moderate or greater have been offset and compensated for across the wider landscape surrounding the DDF that will result in net gain outcomes for all very high or high value ecosystems and a range of Threatened or otherwise ecologically important species; and
- > While residual effects on cushionfield habitat and associated species cannot be demonstrably offset or compensated for, MGL are proposing several measures to assist in addressing effects on cushionfields, including delaying mining identified parts of the CIT Open Pit, the undertaking of the Cushionfield ARP and the formation of the BOGP Biodiversity Fund to assist the Department of Conservation to protect or enhance cushionfields in the wider Dunstan Ecological District.

Based on the above, the proposed ecological measures for the BOGP are considered to overall recognise and protect areas of significant indigenous vegetation and significant habitats of indigenous fauna within the Dunstan Ecological District. This is particularly considering that the existing indigenous biodiversity within the Project Site is generally in decline, and without the interventions outlined above, will continue to decline.

No significant wetlands, indigenous vegetation that supports indigenous freshwater fisheries or and habitats of statutorily managed sports fish and game are located within the Project Site.

MGL also proposes to dedicate significant efforts to mitigate the spread of mammalian pests and pest plants as part of offset and compensation measures. Extensive mammalian pest and weed control is proposed in the MRZ and Ardgour Restoration Areas adjacent to the DDF, while the Ardgour and Bendigo Sanctuary Areas will provide approximately 67 hectares of predator-proof habitat (which will involve the eradication of all mammalian pests within these areas) and browsing pressure management.

Sections 12 & 13 – District Wide Activities and Infrastructure, Energy and Utilities

The relevant objectives and policies regarding district wide activities and infrastructure, energy and utilities generally seek to:

- > Promote the safe and efficient operation of the District's roading network by avoiding, remedying or mitigating adverse effects via requiring safe and efficient access points to



the roading network and off-road loading and manoeuvring space and facilities and parking;²³⁴

- > Enable the safe and efficient operation and development of the transport network, utilities, public works whilst having regard to for amenity, heritage and landscape values, areas of significant indigenous vegetation and significant habitats of indigenous fauna, public safety and sites of importance to Kāi Tahu ki Otago;²³⁵
- > Avoid, remedy or mitigate adverse noise effects on amenity values and the health and wellbeing of people, and consider the suitability of noise in an area by having regard to various noise characteristics;²³⁶
- > Avoid, remedy or mitigate nuisance to adjoining properties from odour, dust, light spill, glare and electrical interference and the adverse effects of signs on traffic and general amenity;²³⁷
- > Recognise and protect ONLs and maintain and enhance (where practicable) rural amenity values;²³⁸ and
- > Continue to provide for lawful public access except where a restriction is necessary.²³⁹

As discussed in Stantec (2025) and Section 6.12 of this report, the adverse effects of the BOGP on the surrounding transportation network predominantly relate to localised increases in vehicle movements during construction activities and mining operations. MGL will implement a range of mitigation measures to ensure the surrounding roading network can continue to operate in a safe and efficient manner. This includes safety improvements at the SH8 / Ardgour Road intersection, the upgrading of a section of Thomson Gorge Road, and the establishment of Ardgour Rise to replace Thomson Gorge Road. All necessary loading, manoeuvring and parking requirements will be provided within the Project Site itself.

It is noted the BOGP is located within a rural area, and the key mineral extraction and processing activities are located within the confined Shepherds and Rise and Shine Valleys. As such, Marshall Day (2025) concludes that any construction, blasting or operational noise generated within the Project Site will comply with the permitted noise limits during both

²³⁴ District Plan – Objective 12.3.1 and Policy 12.4.1.

²³⁵ District Plan – Objectives 12.4.10, 13.3.1 & 13.3.2 and Policies 13.4.2 - 13.4.6.

²³⁶ District Plan – Objective 12.3.2 and Policy 12.4.2.

²³⁷ District Plan – Objectives 12.3.3 - 12.3.4 and Policies 12.4.4, 12.4.5 & 12.4.7.

²³⁸ District Plan – Objectives 13.3.4 - 13.3.5 and Policy 13.4.10.

²³⁹ District Plan – Policy 13.4.15.



daytime and night-time at the closest residential receivers on the Bendigo / Ardgour terraces. Regardless, MGL is proposing a suite of conditions to ensure adherence with best-practice noise and vibration limits and other requirements for minimising noise. MGL will also implement the Noise and Vibration Management Plan to control day-to-day noise emissions from the Project Site during the construction, operational and blasting phases. These measures will ensure that any adverse noise effects on amenity values and the health and wellbeing of the community will be appropriately managed and to acceptable standards.

The BOGP is not expected to have any adverse effects from an odour or signage perspective. Potential nuisance effects from dust will be managed through the implementation of the Air Quality Management Plan and proposed conditions. Cosgroves (2025) notes that all lighting for the BOGP can be designed to comply with the permitted light spill limits which form part of the proposed conditions. These measures will ensure any nuisance effects on adjacent properties are appropriately managed.

In relation to the transport network and proposed network utilities, while several road re-alignments are proposed (realigning part of Thomson Gorge Road back into the legal road reserve and establishing Ardgour Rise to replace part of the existing Thomson Gorge Road), these works will contribute to the maintenance of a safe and efficient road network. The proposed new substation on the Ardgour Terrace Site is located on existing agricultural land and avoids areas of high landscape and ecological values. These facilities will also be suitably fenced and contained to prevent any safety risk to the public. MGL proposes provide power throughout all areas of the Project Site within the Dunstan Mountains ONL via underground networks to manage any adverse landscape effects. In addition, while the establishment of new 66 kV overhead powerlines and extensions of existing 11 kV powerlines will be consented by Aurora Energy (and are beyond the scope of the current substantive application), these are located away from urban areas and will be co-sited within existing road reserve corridors wherever practicable as encouraged by the corresponding policies.

The effects of the on ONLs and public access is provided in the preceding subsection on Rural Resource Area.

Summary

Based on the analysis in the sub-sections above, it is considered that the activities associated with the BOGP will be managed such that the project will achieve a high level of consistency with the relevant objectives and policies of the District Plan.



8.7.3.16 Iwi Management Plans

The Kāi Tahu Ki Otago Natural Resource Management Plan 2005 (“**NRMP**”) is the only one iwi management plan applicable to the area within which the BOGP is located. The NRMP is the principal planning document for Kāi Tahu ki Otago, being the collective term used to describe the four Papatipu Rūnaka and associated whānau and rōpū of the Otago Region.

The four Papatipu Rūnaka are:

- > Te Rūnanga o Moeraki;
- > Kāti Huirapa Rūnaka ki Puketeraki;
- > Te Runanga o Ōtākou; and
- > Hokonui Rūnanga

The NRMP provides information, direction and a framework to achieve a greater understanding of the natural resource values, concerns and issues of Kāi Tahu ki Otago and provides a basis from which Kāi Tahu ki Otago participate in the management of Otago's resources.

Part 3 of the NRMP sets out the issues, objectives and policies for Kāi Tahu ki Otago for both the Otago region as a whole and the specific catchments within the Otago region.

Overall Objectives for the Otago Region

Chapter 5 outlines the issues, objectives and policies for the entire Otago region. The overall objectives in Chapter 5 are:

- > The rakātirataka and kaitiakitaka of Kāi Tahu ki Otago is recognised and supported;
- > Ki Uta Ki Tai management of natural resources is adopted within the Otago region;
- > The mana of Kāi Tahu ki Otago is upheld through the management of natural, physical and historic resources in the Otago region;
- > Kāi Tahu ki Otago have effective participation in all resource management activities within the Otago region; and
- > The respective roles and responsibilities of mana whenua within the Otago region are recognised and provided for through the other objectives and policies of the NRMP.

Chapter 5 also includes an extensive list of objectives and policies for the Otago region relating to wai māori, wāhi tapu, mahika kai and biodiversity, cultural landscapes and air and atmosphere. The key relevant objectives and policies for the proposed BOGP for each of these topics are discussed in the sub-sections below.



Wai Māori General Objectives and Policies

The key relevant objectives and associated policies relating to wai māori seek that the spiritual and cultural significance of water to Kāi Tahu ki Otago is recognised in all water management, the waters of the Otago Catchment are healthy and support Kāi Tahu ki Otago customs, and the discharge of contaminants to water is reduced.²⁴⁰

The NPS-FW assessment of policies 1 and 2, as set out earlier in Section 1.7.3.7, is also relevant in respect of the wai māori provisions within the NRMP. In the interests of brevity, these are not repeated here.

Policy 5.3.4.1 also requires an assessment of instream values for all activities affecting water.

In this regard, Alliance Ecology (2025) has assessed all indigenous biodiversity values within the Project Site including in-stream values. This assessment has observed an existing decline in these values due to habitat loss and degradation through various factors including stock access to waterways and agricultural land use activities.

Policy 5.3.4.4 seeks to protect and restore the mauri of all water.

The application directly responds to this policy through the proposed remediation measures in the DDF and extensive proposed habitat restoration and enhancement measures in the surrounding environment which will generate net positive outcomes for most high or very high value ecosystems. In particular, water bodies within the Ardgour Restoration Area and MRZs will benefit due to increasing the extent of indigenous biodiversity compared to the values that currently existing on Ardgour and Bendigo Stations currently used for grazing.

Regarding discharges and damming activities, the NRMP seeks that human effluent and contaminants to be discharged to land and all stormwater to be treated before being discharged. Kāi Tahu ki Otago also seek that all discharges are monitored on a regular basis and that they have the opportunity to input into the development of monitoring programmes.²⁴¹

Any human effluent discharges associated with the proposal will be treated using modern on-site wastewater treatment methods prior to discharging the treated wastewater to land. Elsewhere, and if desired by mana whenua, their involvement in developing and

²⁴⁰ NRMP – Objectives 5.3.3(i), 5.3.3(ii) & 5.3.3(iv) and Policy 5.3.4(2).

²⁴¹ NRMP – Policies 5.3.4.8, 5.3.4.10, 5.3.4.12, 5.3.4.13 and 5.3.4.18.



implementing monitoring activities on the site could be achieved through the existing relationship and ongoing engagement between MGL and mana whenua.

Policy 5.3.4.19 requires the preparation of a CIA for all proposals to dam a watercourse.

In this respect, as set out earlier in Section 5.3, Aukaha has provided a CIA to MGL on the project, however, at the time of preparing this Substantive Application, the CIA was draft and unendorsed. The CIA was also provided as a basis for ongoing engagement and discussion between MGL and Kāi Tahu.

Regarding water takes, the key policies seek that resource consent applications only take the amount of water actually required for the purpose specified in the application.²⁴²

In this regard, MGL has carefully assessed the volumes and rates of water required for all take proposals to maximise water use efficiency and minimise water use wastage.

Overall, it is considered that the proposal appropriately responds to relevant NRMP provisions relating to water.

Wāhi Tapu General Objectives and Policies

The key relevant objectives and policies relating to wāhi tapu seek that all wāhi tapu are protected from inappropriate activities, consultation is undertaken with Kāi Tahu ki Otago for activities that have the potential to affect wāhi tapu, a Kāi Tahu ki Otago mandated archaeologist survey an area before any earth disturbance work commences and the use of accidental discovery protocols for any earth disturbance work.²⁴³

There are no parcels of Māori land, marae, or identified wāhi tapu within the Project Site, however, MGL will undertake all earth disturbance activities in accordance with an Accidental Discovery Protocol.

Mahika Kai and Biodiversity General Objectives and Policies

The relevant objectives and policies relating to mahika kai and biodiversity generally seek that mahika kai resources are healthy and abundant, the habitats and wider needs mahika species are protected, remaining indigenous fish habitat is protected and Kāi Tahu ki Otago are involved in the management of mahika kai.²⁴⁴

²⁴² NRMP – Policy 5.3.4.22.

²⁴³ NRMP – Objectives 5.4.2(i) & 5.4.2(ii) and Policies 5.4.4.1, 5.4.4.4 & 5.4.4.5.

²⁴⁴ NRMP – Objectives 5.5.3(i) & 5.5.3(ii) and Policies 5.5.4.4 & 5.5.4.8.



Consistent with project's response to NRMP policies regarding in-stream values, where the proposed mitigation is likely to generate net positive outcomes for most high or very high value ecosystems, this mitigation is also expected to concurrently increase biodiversity and, consequentially, provide for and potentially enhance mahika kai opportunities.

Cultural Landscapes General Objectives and Policies

Objective 5.6.3(ii) of the NRMP seeks to protect significant cultural landscapes from inappropriate use and development, with the associated mining related policies seeking to:

- > Discourage mining and quarrying activities within landscapes of cultural significance or highly visible landscapes;²⁴⁵ and
- > Require all applications for mining and quarrying to include: i) site rehabilitation plans that include the planting of indigenous species and address long term concerns, ii) measures to visually screen the work site, iii) measures to prevent or reduce vibration, dust, noise, soil and water contamination, iv) the restriction of the hours during which explosives may be used; and v) measures to contain all waste discharges from the mining operation.²⁴⁶

As mentioned earlier, while the BOGP will result in unavoidable significant landscape effects during mining operations, the effects on the values of the ONL remain relatively contained within the broader Dunstan Mountains ONL and can be suitably managed through the LERMP (provided in **Part G**), which seeks to recognise and protect backdrop and skyline integrity within the ONL. MGL's proposed closure plans, including various landscape treatments and rehabilitation planting initiatives and various proposed methods for managing noise, vibration, blasting and mine wastes all align well with the NRMP's objectives and policies in respect of cultural landscapes.

With respect to earth disturbance, the relevant policies seek to require all earthworks, excavation, filling or disposal of excavated material to avoid adverse impacts on significant natural landforms and areas of indigenous vegetation and avoid, remedy or mitigate land instability and other adverse effects.²⁴⁷

²⁴⁵ NRMP – Policy 5.6.4.16.

²⁴⁶ NRMP – Policy 5.6.4.17.

²⁴⁷ NRMP – Policy 5.6.4.19.



Earth and vegetation disturbances associated with mining activities are unavoidable. MGL is however proposing various management techniques, including implementation of robust erosion and sediment control and comprehensive rehabilitation plans, to remedy and mitigate adverse effects associated with unavoidable mining related earth disturbances.

- > With respect to roading, the relevant policies seek to:
- > Require an accidental discovery protocol for all road realignments and widening;
- > Avoid sediment runoff during earthworks and road construction to avoid contamination of waterways; and
- > Require indigenous re-vegetation with locally sourced species for all disturbed areas.²⁴⁸

MGL's proposal includes appropriate management responses that fully address all these matters.

Air and Atmosphere

The key relevant objectives and policies of the NRMP relating to air and atmosphere seek that:

- > The life supporting capacity and mauri of air is maintained for future generations;²⁴⁹ and
- > Earthworks and discharges to air consider the impact of dust and contaminants on health, mahika kai, cultural landscapes, indigenous flora and fauna and wāhi tapu.
- > It is considered that MGL's proposed dust management methods will ensure air discharges are minimised to practicable levels to the extent that the life supporting capacity and mauri of air is appropriately maintained.

Clutha / Mata-au Catchments

Chapter 10 of the NRMP outlines the issues and policies specific to the Clutha Mata-au Catchment. These policies cover the topics of wai māori, wāhi tapu, and mahika kai and biodiversity, and are discussed in greater detail the sub-sections below.

²⁴⁸ NRMP – Policies 5.6.4.20 - 21.

²⁴⁹ NRMP – Objective 5.7.2(iii) and Policy 5.7.3.1.



Wai Māori

The relevant wai māori policies in the NRMP for the Clutha / Mata-au Catchment seek to:

- > Oppose the creation of new dams and address effects associated with dam management (e.g. flow issues, changes to waterway values and habitat);²⁵⁰
- > Discourage activities that increase silt loading in waterways or reaches of waterways;²⁵¹ and
- > To promote sustainable land use in the catchment.²⁵²

It is considered that these Clutha Mata-au Catchment policies are achieved by the project for the same reasons as described above in relation to the NRMP's region-wide wai māori policies.

Wāhi Tapu

The relevant wāhi tapu policies in the NRMP for the Clutha / Mata-au Catchment require that wāhi tapu sites are protected from further loss or destruction and accidental discovery protocol are adopted for any earth disturbance activities.²⁵³

As with the NRMP's region-wide wahi tapu provisions, the proposal is not likely to adversely affect any wahi tapu in the Clutha / Mata-au Catchment and an Accidental Discovery Protocol will be implemented during all physical earth disturbance works. To this extent, the proposal fully achieves these policies.

Mahika Kai and Biodiversity

The relevant mahika kai and biodiversity policies in the NRMP for the Clutha / Mata-au Catchment seek to require native fish passage past all dams and structures, support programmes and initiatives that enhance mahika kai and require co-ordinated pest management controls.²⁵⁴

It is considered the proposal will achieve these policies for the same reasons set out above in respect of the NRMP's region-wide mahika kai provisions.

²⁵⁰ NRMP – Policies 10.2.3.1 & 10.2.3.4.

²⁵¹ NRMP – Policy 10.2.3.5.

²⁵² NRMP – Policy 10.2.3.10.

²⁵³ NRMP – Policies 10.3.3.1 & 10.3.3.2.

²⁵⁴ NRMP – Policies 10.4.3.1, 10.4.3.2 & 10.4.3.7.



Overall Conclusion

Although the project involves unavoidable earth and vegetation disturbances, which result in some misalignment with the NRMP's "avoid" policy direction for earthworks and high valued landscapes, given the project achieves the majority of relevant NRMP provisions, when considered "in the round", MGL's proposal is consistent with this iwi management plan.

8.7.3.17 Treaty Settlements

Clause 5 (i) of Schedule 5 of the Act requires the applicant to include information about any Treaty settlements²⁵⁵ that apply in the area covered by the consent application, including

- > Identification of the relevant provisions in those Treaty settlements; and
- > A summary of any redress provided by those settlements that affects natural and physical resources relevant to the project or project area.

Ngāi Tahu and the Crown signed a Deed of Settlement on 21 November 1997. The Ngāi Tahu Claims Settlement Act 1998 gives effect to the Deed of Settlement.

The Ngāi Tahu settlement includes:²⁵⁶

- > An apology from the Crown, including recognition of Ngāi Tahu as "the tāngata whenua of, and as holding rangatiratanga within, the Takiwā of Ngāi Tahu Whānui.";²⁵⁷
- > Cultural redress;²⁵⁸
- > Commercial/economic redress;²⁵⁹ and
- > Non-tribal redress.²⁶⁰

To satisfy the information requirement in clause 5(1)(i) of schedule 5 of the Act, the most relevant principles and provisions in the settlement in respect of the Scheme are briefly outlined below.

²⁵⁵ Under Section 4 (Interpretation) of the Act, a treaty settlement means a Treaty Settlement Act or Treaty Settlement Deed.

²⁵⁶ The redress is summarised in section 2.3.1 of the Deed of Settlement.

²⁵⁷ Ngāi Tahu Claims Settlement Act 1998, pt 1; Deed of Settlement, section 2.1.

²⁵⁸ Ngāi Tahu Claims Settlement Act 1998, pts 11–13 and schs 9–110.; Deed of Settlement, sections 11–13.

²⁵⁹ Ngāi Tahu Claims Settlement Act 1998, pts 4–10 and schs 3–8; Deed of Settlement, sections 2.4–2.6 and 4–10.

²⁶⁰ Ngāi Tahu Claims Settlement Act 1998, pts 14–15 and schs 111–117; Deed of Settlement, sections 14–15. This redress relates to claims by individuals that were also heard by the Waitangi tribunal and are separate from the collective Ngāi Tahu claim.



These provisions fall under cultural redress and concern conservation management strategies, taonga species, recognition of mana, management input and nohoanga entitlements.

8.7.3.18 Conservation management strategies

The Treaty settlement provides redress to Ngāi Tahu relevant to conservation management strategies and plans. This redress is not directly relevant to the Scheme:

- > Te Rūnanga o Ngāi Tahu is a statutory adviser to the Minister of Conservation in respect of specific sites.²⁶¹ As a statutory adviser, Te Rūnanga o Ngāi Tahu may provide advice directly to the Minister of Conservation when they are considering any draft conservation management plan or conservation management strategy under the Conservation Act 1987 in respect of a specific site.²⁶² The Minister of Conservation must have particular regard to the advice given by Te Rūnanga o Ngāi Tahu.²⁶³ The Scheme does not involve any sites for which Te Rūnanga o Ngāi Tahu has a role as a statutory advisor.
- > The Director-General of Conservation must consult with, and have particular regard to the views of, Te Rūnanga o Ngāi Tahu in respect of the preparation of every conservation management strategy or conservation management plan that affects any of the leaseback conservation areas or the gift areas.²⁶⁴ The Scheme does not involve any of the leaseback conservation areas or the gift areas.

Conservation Management Strategy (“**Otago CMS**”) was approved by the New Zealand Conservation Authority on 2016 and partially reviewed in 2022. Te Rūnanga o Ngāi Tahu did not co-author the Otago CMS but input from them was provided to, and incorporated by, the New Zealand Conservation Authority. The New Zealand Conservation Authority includes one appointment on the nomination of Te Rūnanga o Ngāi Tahu.²⁶⁵

²⁶¹ Ngāi Tahu Claims Settlement Act 1998, s 230 and sch 79; Deed of Settlement, section 12.4.2.

²⁶² Ngāi Tahu Claims Settlement Act 1998, s 232; Deed of Settlement, section 12.4.3. Or any national park management plan under the National Parks Act 1980 or formulating written recommendations to the New Zealand Conservation Authority.

²⁶³ Ngāi Tahu Claims Settlement Act 1998, s 233; Deed of Settlement, section 12.4.4.

²⁶⁴ Ngāi Tahu Claims Settlement Act 1998, s 109; Deed of Settlement, section 10.14.8. These are High Country stations.

²⁶⁵ Ngāi Tahu Claims Settlement Act 1998, s 272; Deed of Settlement, section 12.9.1.



8.7.3.19 Taonga species

In the Treaty settlement the Crown acknowledges the cultural, spiritual, historic and/or traditional association of Ngāi Tahu with each of the taonga species,²⁶⁶ and taonga fish species.²⁶⁷ Some of the species identified within the expert terrestrial and aquatic assessments are taonga species under the settlement. The effects on taonga species and taonga fish species have been appropriately addressed as part of MGL's ecological technical and effects assessments.

The views of Ngāi Tahu on the management of taonga species are relevant to the Substantive Application process:

- > The Minister of Conservation is required to consult with, and have particular regard to, the views of Te Rūnanga o Ngāi Tahu when making policy decisions concerning the protection, management or conservation of that taonga species;²⁶⁸
- > Te Rūnanga o Ngāi Tahu is appointed as an advisory committee to provide advice to the Minister of Conservation on all matters concerning the management and conservation by the Department of Conservation of freshwater fisheries within the Ngāi Tahu Claim Area;²⁶⁹ and
- > In all matters concerning the management and conservation by the Department of Conservation of taonga fish species within the Ngāi Tahu Claim Area, the Minister of Conservation must consult with and have particular regard to the advice of that advisory committee.²⁷⁰

8.7.3.20 Recognition of mana

Ngāi Tahu's mana is recognised in the Treaty settlement through statutory acknowledgements, deeds of recognition, Tōpuni and place names. It is considered that the project will not undermine the mana of Poutini Ngāi Tahu.

A statutory acknowledgement is an acknowledgement by the Crown of Te Rūnanga o Ngāi Tahu's particular cultural, spiritual, historical, and traditional association with a site or area.²⁷¹

²⁶⁶ Ngāi Tahu Claims Settlement Act 1998, s 288; Deed of Settlement, section 12.13.2.

²⁶⁷ Ngāi Tahu Claims Settlement Act 1998, s 298; Deed of Settlement, section 12.14.2.

²⁶⁸ Ngāi Tahu Claims Settlement Act 1998, s 293; Deed of Settlement, section 12.13.7.

²⁶⁹ Deed of Settlement, section 12.14.9.

²⁷⁰ Ngāi Tahu Claims Settlement Act 1998, s 304; Deed of Settlement, sections 5.2 and 12.14.10.

²⁷¹ Ngāi Tahu Claims Settlement Act 1998, s 206.



Statutory acknowledgements recognise the mana of Ngāi Tahu over a range of sites and areas in the takiwā and have implications for processes under the RMA and the Heritage New Zealand Pouhere Taonga Act.²⁷² There are no relevant statutory acknowledgements that cover the project area.

Tōpuni provide an overlay of the cultural, spiritual, historic, and traditional association of Te Rūnanga o Ngāi Tahu, on certain areas of land managed by the Department of Conservation. The Ngāi Tahu values of the Tōpuni are a mandatory consideration in approving management policies, plans and strategies under the Conservation Act. Te Rūnanga o Ngāi Tahu must also be consulted in the preparation of those documents.²⁷³

The settlement also amended the place name of various locations in the takiwā.²⁷⁴ No names within the project area were amended.

8.7.3.21 Management input

Te Rūnanga o Ngāi Tahu has the right to nominate persons to dedicated seats on the following statutory bodies:

- > One seat on the New Zealand Conservation Authority.²⁷⁵
- > Two seats on each Conservation Board wholly within the Ngāi Tahu Takiwā.²⁷⁶

The New Zealand Conservation Authority and relevant Conservation Boards must be invited to provide written comments.²⁷⁷

There are a range of protocols that have been developed with the Department of Conservation, setting out:²⁷⁸

- > The ways in which the Department of Conservation will exercise its functions, powers and duties in relation to specified matters within the Ngāi Tahu Claim Area; and

²⁷² Ngāi Tahu Claims Settlement Act 1998, ss 207–211, 215 and 220; Deed of Settlement, section 12.2.

²⁷³ Poutini Ngāi Tahu have confirmed that there are Ngāi Tahu Claims Settlement Act 1998, ss 237–250; Deed of Settlement, section 12.5.

²⁷⁴ Ngāi Tahu Claims Settlement Act 1998, ss 269–271 and sch 96; Deed of Settlement, section 12.8 and attachment 12.146.

²⁷⁵ Ngāi Tahu Claims Settlement Act 1998, s 272; Deed of Settlement, section 12.9.1.

²⁷⁶ Ngāi Tahu Claims Settlement Act 1998, s 273; Deed of Settlement, section 12.9.2.

²⁷⁷ Fast-track Approvals Act 2024, s 53(2)(m)(iii) and sch 6, cl 5.

²⁷⁸ Ngāi Tahu Claims Settlement Act 1998, ss 281–286; Deed of Settlement, section 12.12 and attachment 12.147.



- > How the Department of Conservation will, on a continuing basis, interact with Te Rūnanga o Ngāi Tahu and provide for Te Rūnanga o Ngāi Tahu's input into its decision-making process, including in respect of freshwater fisheries and RMA involvement.

The protocols are required to be noted in conservation management strategies, conservation management plans and national park management plans affecting the Ngāi Tahu Claim Area.²⁷⁹ The Otago CMS refers to the Department of Conservation protocols in Appendix 13.

8.7.3.22 Nohoanga

The Treaty settlement provides nohoanga entitlements for the purpose of permitting members of Ngāi Tahu Whanui to temporarily occupy land close to the waterways on a non-commercial basis, so as to have access to the waterways for lawful fishing and gathering of other natural resources.²⁸⁰ It is understood that there are no other specific redress mechanisms, which would include nohoanga entitlements, that cover the project area.

8.7.4 Other Matters

Other matters considered relevant to this application are briefly discussed in turn below.

8.7.4.1 Mineral Strategy for New Zealand

New Zealand's Minerals Strategy, launched in January 2025, aims to double mineral exports to \$3 billion by 2035 by fostering responsible, sustainable development of critical minerals like lithium and rare earths to support economic growth, secure supply chains and build international partnerships. It establishes a Critical Minerals List and a delivery roadmap to guide actions, improve data, attract investment, and increase public understanding of the sector's value.

Key Components of the Strategy:

- > Critical Minerals List: Identifies minerals essential for New Zealand's economy, technological needs, clean energy transition, and international trade.
- > Delivery Roadmap: Outlines government actions and timelines to achieve the strategy's goals, including implementing preferential development pathways and reviewing the Critical Minerals List.

²⁷⁹ Ngāi Tahu Claims Settlement Act 1998, s 284; Deed of Settlement, section 12.12.6.

²⁸⁰ Ngāi Tahu Claims Settlement Act 1998, ss 255–268 and sch 95; Deed of Settlement, section 12.7.



Importantly, gold is now on the Critical Minerals List and, therefore, falls within the scope of minerals that the New Zealand Government is committed to exploring strategic pathways and wider system settings to support its development and supply.

The main rationale for New Zealand's Minerals Strategy is summarised below:

- > **Economic Benefits:** Supports high-paying jobs, regional investment, local businesses, and generates tax revenue for essential services.
- > **Modern Society:** Minerals are fundamental for everyday items, infrastructure, medical equipment, and renewable energy.
- > **Strategic Independence:** Aims to secure New Zealand's supply of vital minerals and reduce reliance on external sources.

The Strategy's key goals and objectives are:

- > **Economic Growth:** Increase the value of mineral exports to \$3 billion by 2035.
- > **Supply Chain Resilience:** Secure access to minerals essential for clean energy, technology, and international trade.
- > **Strategic Partnerships:** Build international alliances for critical minerals and foster joint trade initiatives.
- > **Investment and Modernisation:** Attract investment and modernise exploration, processing, and workforce solutions.
- > **Public Understanding:** Improve data, public awareness, and understanding of the sector's role and performance.

MGL's proposal is strongly aligned with and fully supports the key goals and objectives of the New Zealand Government's Critical Minerals Strategy and will positively contribute to the country's aim to double mineral exports to \$3 billion by 2035.

8.8 APPROVALS RELATING TO THE CONSERVATION ACT 1987

8.8.1 Concession under the Conservation Act

Schedule 6 of the Act sets out the information requirements for approvals required under the Conservation Act, with Part 1 specifically addressing concessions. Clause 3 sets out the information requirements for applications for concessions.



This includes:

> **A description of the proposed activity:**

- > This is addressed in Section 3 (project description) and Section 4 (approvals required) of this report. For completeness it is noted that concessions are required for the following activities:

Ardgour Rise Concession Area

- > A **concession** (easement in favour of CODC as a public right-of-way) for activities occurring on public conservation land within the Ardgour Conservation Area as follows:
 - > The establishment of a portion of the realigned Thomson Gorge Road – referred to as Ardgour Rise – which consists of an approximately 4 m wide 4WD gravel track and any associated vegetation clearance, earthworks and construction activities (including erosion and sediment control measures). This alignment largely follows an existing easement which provides the landowners of Ardgour Station with a right-of-way over the southern portion of the Ardgour Conservation Area. Included within the ambit of this concession is the realignment of the Chorus fibre optic cable (currently located within Thompson Gorge Road) within the Ardgour Rise alignment.
- > The Ardgour Rise Concession Area is shown in red in Figure 8-2 below.



Figure 8-2: Proposed Ardgour Rise Concession Area



SH8 Concession Area

- > A **concession** (easement in favour of NZTA and CODC) for activities occurring on public conservation land within the underlying Ardgour Road / Lindis River and Lower Lindis Conservation Areas as follows:
 - > Safety improvement upgrades at the SH8 / Ardgour Road intersection, which includes:
 - > The formation of a 3.5 m wide right turn bay on SH8;
 - > The reprofiling of the existing roadside safety barrier on Ardgour Road to follow the new road edge alignment;
 - > The widening of the SH8 road carriageway and the provision of 1.5 m wide road shoulders; and
 - > New pavement marking and give way controls;
 - > All associated construction activities including the establishment of construction laydown areas, erosion and sediment control measures, any necessary culverts and temporary traffic management measures.
- > The SH8 Concession Area is shown in black hatching in Figure 8-3 below.



Figure 8-3: Proposed SH8 Concession Area



CIT Concession Area

- > A **concession** (permit) for activities occurring on public conservation land within the Bendigo Historic Reserve as follows:
 - > The replacement of the existing walking track to the historic Come-in-Time Battery via a new marked route west of the battery location (and the corresponding closure of the existing short section of walking track between Thomson Gorge Road and the Come-in-Time Battery). This route will be comprised of marker poles and / or small-scale trail markers to guide walkers and will include the installation of a welcome / information sign at the start of the track at Blue Mines Road; and
 - > Any incidental vegetation clearance (including briar) using hand tools only to establish and maintain the route.
- > The CIT Concession Area is shown in red in Figure 8-4 below.

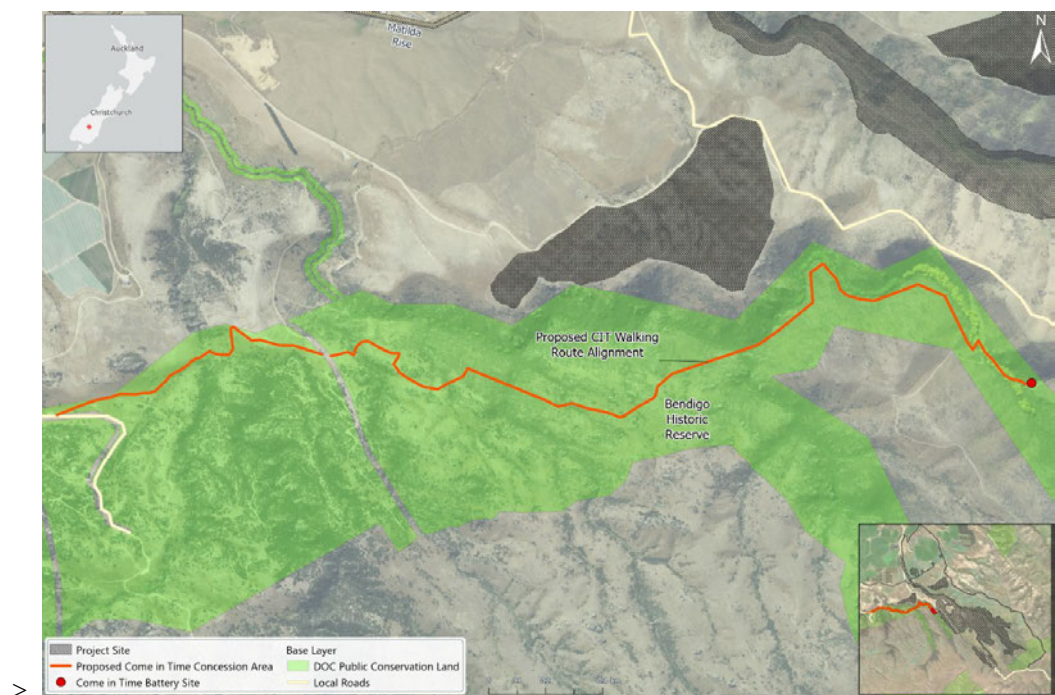


Figure 8-4: Proposed Come-in-Time Concession Area

Willow Concession Area

- > A **concession** (permit) for activities occurring on public conservation land within the Bendigo Historic Reserve as follows:
 - > The management of crack willows along Bendigo and Clearwater Creeks, which may include (with agreement of the Department of Conservation) the spot



spraying of herbicide to kill willow trees, the progressive and / or partial removal of willow trees, and the partial replacement of cover with native vegetation;

- > All necessary associated vegetation clearance and land disturbance activities (including the formation of access tracks) and replacement planting activities; and
- > Monitoring activities within the first four years of spraying crack willows to monitor any regrowth of crack willow and native scrub along riparian zone.
- > The Willow Concession Area is shown in green in Figure 8-5 below.

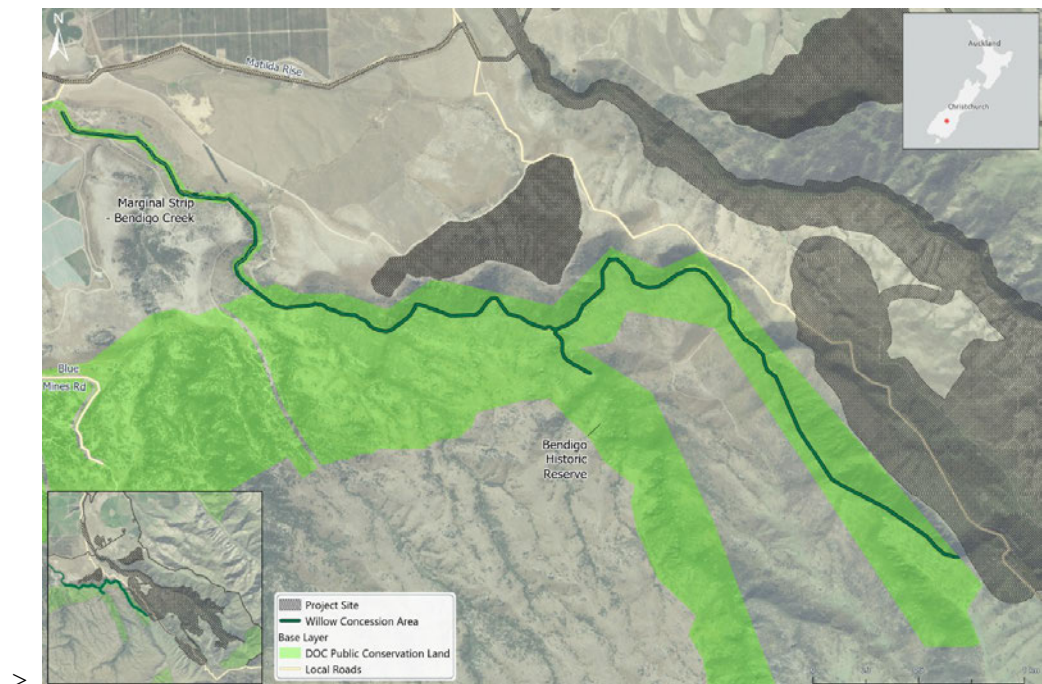


Figure 8-5: Proposed Willow Concession Area

Water Monitoring Concession Area

- > A concession (**permit**) for activities occurring on public conservation land within the Bendigo Historic Reserve as follows:
 - > The use of a surface water flow meter (RS-03) in the bed of Bendigo Creek and a groundwater monitoring bore (GW04) in the adjacent area; and
 - > The use of an existing access track off Thomson Gorge Road within the Project Site to access the bores and undertake any necessary maintenance works.
 - > The Monitoring Bore Concession Area is shown in purple in Figure 8-6 below.





Figure 8-6: Monitoring Bore Concession Area

- > The proposed conditions for these four concession areas are contained in **Part D** to these application documents.
- > **A description, maps, and GPS co-ordinates identifying the places where the proposed activity will be carried out (including the classification of those places, the ownership and management arrangements, and, if applicable, the name, of the places):**

These matters are addressed in Section 3 of this report and outlined in the concession plans provided in **Part C** to these application documents. Figures 8-7 to 8-11 below provide the co-ordinates for the five concession areas sought by MGL.

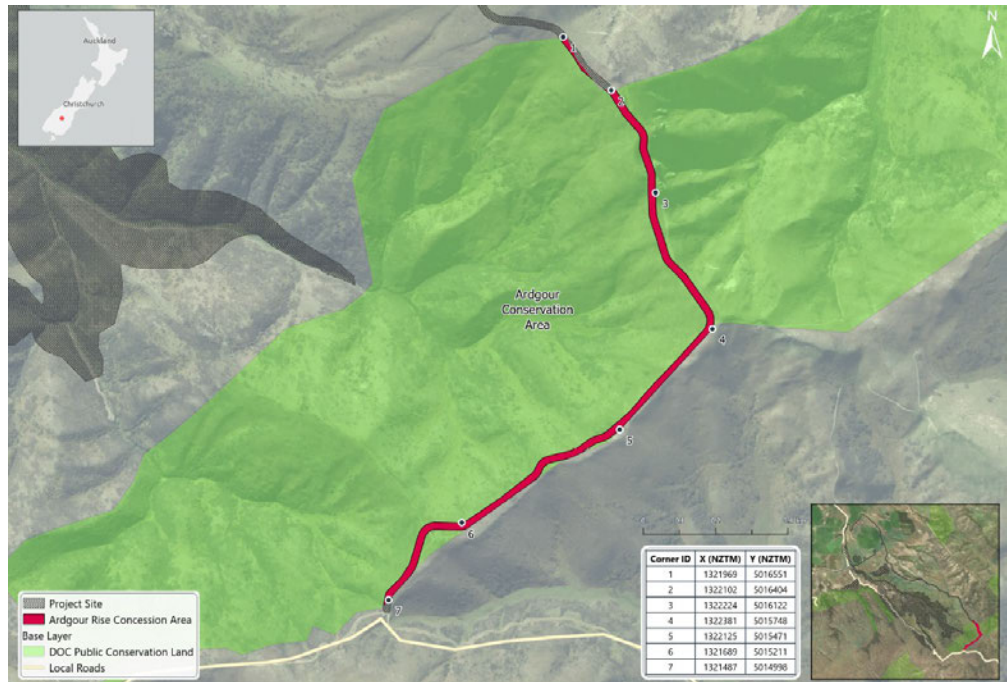


Figure 8-7: Proposed Ardour Rise Concession Area – GPS Corner Points



Figure 8-8: Proposed SH8 Intersection Concession Area – GPS Corner Points



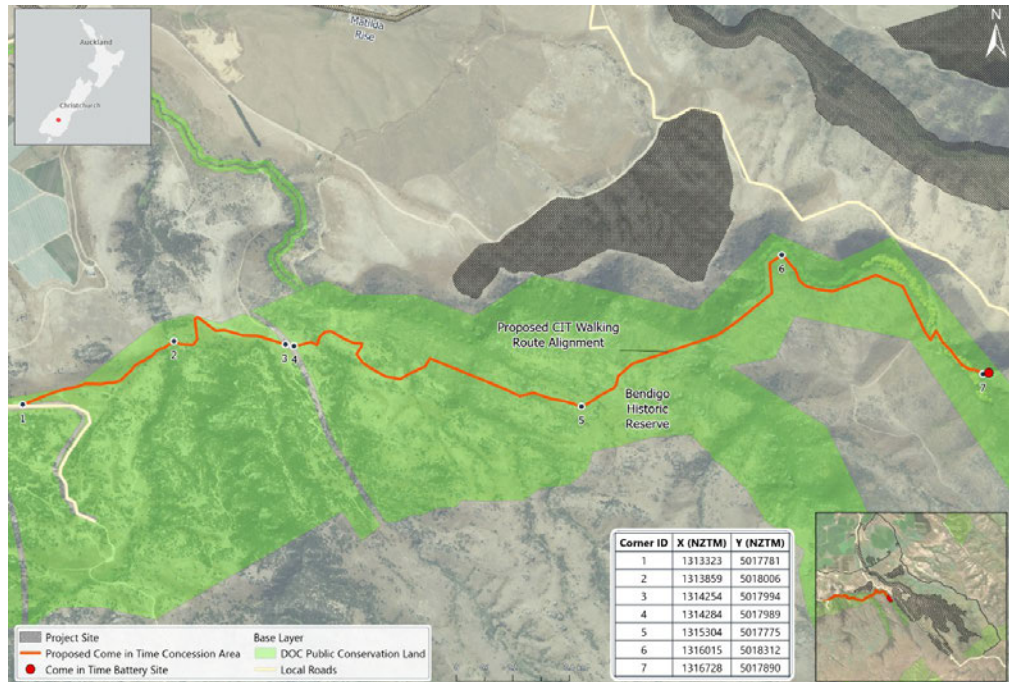


Figure 8-9: Proposed Come-in-Time Concession Area – GPS Corner Points

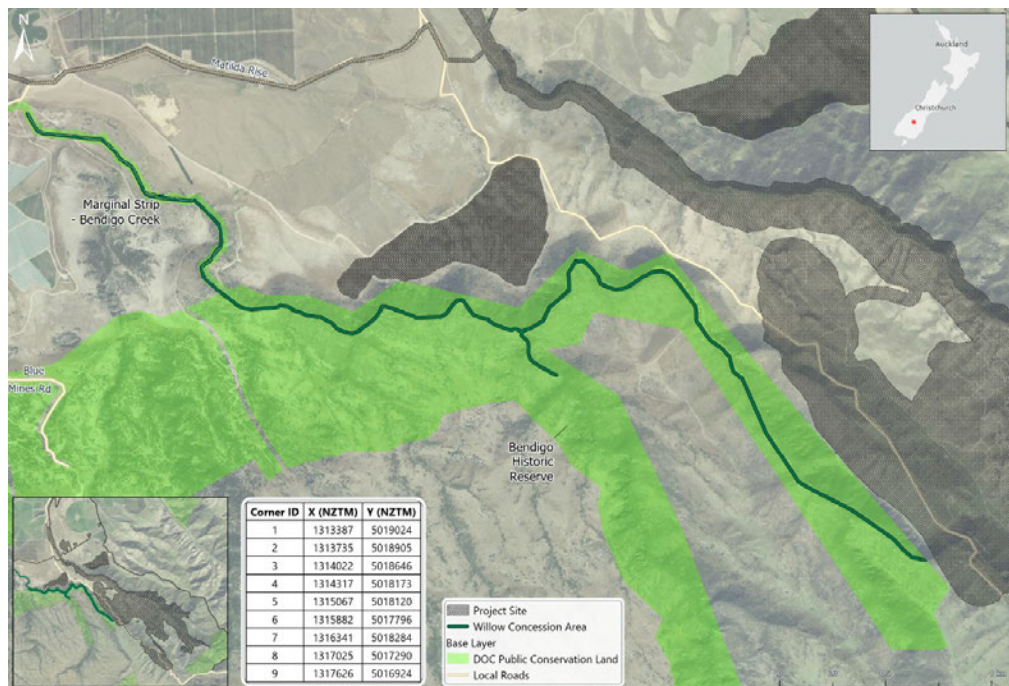


Figure 8-10: Proposed Willow Concession Area – GPS Corner Points





Figure 8-11: Proposed Monitoring Bore Concession Area – GPS Corner Points

- > **Information about whether the project could reasonably be undertaken in another location, or in another conservation area or another part of the conservation area, where the potential adverse effects will be significantly less:**
 - > With respect to the wider BOGP, these matters are addressed in Section 8.7.3.7 of this report. For completeness, while the activity (mining) must occur where the orebody is located, no mining activities are proposed to be undertaken in public conservation land managed by the Department of Conservation, with the five concession areas instead relating to ecological mitigation measures or the maintenance and / or improvement of public access and amenity within the vicinity of the Project Site.
 - > An assessment of each proposed concession area against these requirements is provided below.

Proposed Ardgour Rise Concession Area

- > As discussed in Section 3.18.3 of this report, the proposed mining operations associated with the BOGP will disrupt the current use of Thomson Gorge Road, with the western portion of Thomson Gorge Road proposed to be realigned to maintain access between the Ardgour Terrace and Thomsons Saddle via Ardgour Rise. The section of Thomson Gorge Road to be replaced is generally a 4WD access track not suitable for general vehicle.



- > Ardgour Rise will traverse the existing Ardgour Station (noting MGL have access agreements in place with the station owner) and be in the form of an approximately 4 m wide 4WD track within an existing right-of-way easement. As such, this activity will have minor, localised effects primarily related to cut and fill earthworks to form the track in an area that already provides for existing vehicle access.
- > The construction activities to establish the Ardgour Rise alignment will be undertaken in accordance with the Erosion and Sediment Control Management Plan prepared by EGL (provided in **Part G** of these application documents). This plan directs that a Site-Specific ESCP will be prepared prior to the works commencing.
- > Moreover, the wider Ardgour Rise alignment has been the subject to various amendments to avoid adverse effects on habitat for the Threatened (Nationally Critical) moth *Sporophyla oenospora* and minimise adverse visual effects within the Dunstan Mountains ONL. The alignment has also been selected to stay within the Ardgour Station land. There are no reasonably practicable alternatives for Ardgour Rise within the Ardgour Conservation Area as the alignment has been optimised to follow an existing easement for vehicle access through the conservation area.

Proposed SH8 Concession Area

- > As discussed in Section 3.18.1 of this report, access to the Project Site will initially be gained from the SH8 / Ardgour Road intersection. With respect to alternative access locations, the only other location where access could reasonably be provided is at the SH8 / Bendigo Loop Road (approximately 2.5 km south of Ardgour Road), with access to the Project Site then gained via Bendigo Loop Road and Matilda Rise. While this option does not involve the temporary occupation of part of a conservation area, this option has been discounted as it would result in greater visual effects (due to the use of Matilda Rise which has a steep gradient), a longer travel distance for vehicles and greater fuel use due to the steep gradient of Matilda Rise.
- > In addition, the occupation of part of the Ardgour Road / Lindis River and Lower Lindis Conservation Areas will be for temporary construction laydown areas to support the intersection upgrades (which will provide benefits to the transport network) and only require the use of land adjacent to the road corridor. As such, any adverse effects will be temporary and localised.

Proposed CIT Concession Area

- > As discussed in Section 3.19 of this report, the proposed mining operations associated with the BOGP will disrupt access to current walking track to the historic



Come-in-Time Battery, accessed from Thomson Gorge Road. As such, an alternative access to the battery is proposed to be provided via a new marked route accessed via Blue Mines Road.

- > There are limited (to no) adverse effects associated with the proposed works as they only relate to the establishment of small marker poles / small-scale route markers and limited vegetation clearance (by hand tools only) to establish and maintain the route. No earthworks are anticipated to be required. Furthermore, the proposed alignment is indicative only and alternative locations or alignments may be considered through ongoing consultation with the Department of Conservation.

Proposed Willow Concession Area

- > As discussed in Section 3.22 of this report, MGL is proposing to undertake crack willow management activities in the adjoining Bendigo and Clearwater Creeks. There are limited (to no) adverse effects associated with the works proposed and therefore no consideration of alternative locations is required.

Proposed Water Monitoring Concession Area

- > As discussed in MWM (2025) and the Water Management Plan, MGL is proposing to undertake extensive compliance and performance monitoring at various locations within, and downstream of, the Project Site. This is to ensure mining activities are being undertaken in accordance with the compliance limits set out in Ryder (2025). These monitoring activities need to be undertaken at locations downstream of Rise and Shine Creek (i.e. Bendigo Creek and adjoining land).
- > There are negligible adverse effects associated with the proposed works as they only relate to the installation of a flow meter in the Bendigo Creek and the installation of a groundwater monitoring bore on adjoining land. Access to these locations will be provided by an existing access track that runs through this area of the Bendigo Historic Reserve. No vegetation clearance or earthworks are anticipated.

Information about the extent to which the project is consistent with:

- > **The relevant conservation management strategy and conservation management plan:**
- > **Any conservation management strategies or conservation management plans that have been co-authored, authored, or approved by a Treaty settlement entity.**



- > The applicable conservation management strategy and conservation management plan are addressed subsequently in Sections 8.8.2 and 8.8.3 of this report.

Information about the extent to which the project is in keeping with the purposes for which the land is held, status, ownership and administration:

Proposed Ardgour Rise Concession Area

- > The land is part of the Ardgour Conservation Area, which is administered by the Department of Conservation pursuant to the provisions of the Conservation Act and is managed for conservation purposes. ‘Conservation’ means the preservation and protection of natural and historic resources for the purposes of maintaining their intrinsic values, providing for their appreciation and recreational enjoyment for the public and safeguarding the options for future generations. In this case, ‘protection’ means *“its maintenance, so far as practicable, in its current state; but includes (a) its restoration to some former state; and (b) its augmentation, enhancement or expansion.”*
- > As noted, the Ardgour Station landowners hold an existing right-of-way easement across the Ardgour Conservation Area which enables vehicle access and the proposed Ardgour Rise alignment seeks to follow this easement as much as possible. By utilising an existing easement, the Ardgour Rise Concession is not incompatible with the ‘conservation’ classification of the land.

Proposed State Highway 8 Concession Area

- > The SH8 Concession Area is located across the Ardgour Road / Lindis River and Lower Lindis Conservation Areas which is administered by the Department of Conservation pursuant to the provisions of the Conservation Act and is managed for conservation purposes.
- > The use of these conservation areas is associated with the upgrades to the SH8 / Ardgour Road intersection which is considered necessary by Stantec (2025) to appropriately manage effects of the BOGP on the transport network. The extent of conservation area required for these upgrades is either located within the existing road reserve or on highly modified adjoining land comprised of a gravel carparking / laydown area and scrub vegetation criss-crossed by 4WD access tracks. As noted, the use of this land for construction laydown areas will be temporary with land restored to existing values upon completion. As such, these works not incompatible with the ‘conservation’ classification of the land.
- > In addition, the surrounding SH8 road reserve is owned by the Crown and managed by NZTA, and the Ardgour Road reserve is owned and managed CODC. As



discussed in Section 5 of this report, NZTA has provided their written approved the proposed upgrades to the SH8 / Ardgour Road intersection.

Proposed CIT Concession Area

- > The CIT Concession Area is located within the Bendigo Historic Reserve, which is land administered by the Department of Conservation pursuant to the provisions of the Conservation Act and is managed for conservation purposes.
- > The Bendigo Historic Reserve currently contains a walking track from Thomson Gorge Road to the historic Come-in-Time Battery that will no longer be accessible once mining operations commence. The CIT Concession therefore only seeks to provide a replacement walking route to the battery with small-scale route markers (with no earthworks and minimal vegetation clearance) and as such, will preserve and protect the natural and historic resources present with the reserve. As such, the relocation of the walking route is entirely consistent with the conservation purpose for which the land is held.
- > While discrete parts of the route may need to be temporarily closed for health and safety purposes during blasting activities (i.e. access must be restricted to the Come-in-Time Battery if it is located within a 500 m setback from the blasting location), any public access restrictions will be temporary and localised.

Proposed Willow Concession Area

- > The Willow Concession Area is located within the Bendigo Historic Reserve which is land owned by the Crown and administered by the Department of Conservation. Part of the concession area along Bendigo Creek is land held as 'Marginal Strip'. Marginal strips are parcels of Crown-owned conservation area land, generally 20 m wide, that adjoin some parts of the coast, lakes larger than 8 hectares and rivers wider than 3 m. Marginal strips provide public walking access and access to the water.
- > The Willow Concession Area sought by MGL is to enable the management of pest plants such as crack willow along the Bendigo and Clearwater Creeks. The works proposed by MGL do not prevent public access and will contribute to the protection and restoration of the natural resources present with the reserve and marginal strip. The proposed willow management activities are entirely consistent with the conservation purpose for which the land is held.

Proposed Monitoring Bore Concession Area



- > The Monitoring Bore Area is located within the Bendigo Historic Reserve, which is land administered by the Department of Conservation pursuant to the provisions of the Conservation Act and is managed for conservation purposes.

A description of—

- > **The potential effects (positive and negative) of the proposed activity:**
- > **Any actions that the applicant proposes to take to avoid, remedy, mitigate, offset, or compensate for any adverse effects of the proposed activity: and**
- > **Details of the type of concession for which the applicant is applying.**
- > The effects of activities associated with the BOGP are addressed in detail in Section 6 of this report. Section 6 of this report, the accompanying technical reports, and proposed conditions address the actions MGL are proposing to manage the effects of the BOGP.
- > Furthermore, the proposed concessions seek to address potential adverse effects from mining operations associated with the BOGP, and will have several positive effects, including:
 - > The Ardgour Rise Concession Area has the sole purpose of maintaining public access between the Ardgour terrace and Thomsons Saddle through an existing easement in the Ardgour Conservation Area;
 - > The SH8 Concession Area will enable upgrades to the SH8 / Ardgour Road intersection which will improve the safety and efficiency of the surrounding transport network;
 - > The CIT Concession Area has the sole purpose of maintaining public access to the historic Come-in-Time Battery site within the Bendigo Historic Reserve;
 - > The Willow Concession Area will have positive ecological and amenity effects through the management of crack willows along Bendigo and Clearwater Creeks as part of offsetting and compensation measures to address residual ecological effects from the BOGP; and
 - > The Monitoring Bore Concession Area will have positive effects on surface and groundwater quality by enabling the monitoring of surface and groundwater quality within the Rise and Shine Creek catchment.
- > In respect to the type of concessions required, MGL is seeking the following:
 - > An easement in favour of CODC as a public right-of-way for the Ardgour Rise Concession Area;



- > An easement in favour of NZTA and CODC for the SH8 Concession Area;
- > A permit for the CIT Concession Area;
- > A permit for the Willow Concession Area; and
- > A permit for the Water Monitoring Concession Area.

A statement of—

- > **The proposed duration of the concession; and**
- > **The reasons for the proposed duration:**
 - > MGL is seeking the duration of the Ardgour Rise and SH8 Concession Areas be 30 years (the maximum duration allowable for an easement under section 17Z of the Conservation Act) as these activities will exist in perpetuity as part of the state highway and local transport networks operated and maintained by NZTA and CODC.
 - > MGL is seeking the duration of the CIT, Willow and Water Monitoring Concession Areas be 10 years (the maximum duration allowable for a permit under Section 17Z of the Conservation Act). The maximum term allowable is sought to ensure the concession term approaches the expected BOGP mine life of approximately 14 years.
- > **Relevant information relating to the applicant, including any information relevant to their ability to carry out the proposed activity (including whether the applicant or any company director, trustee, partner, or anyone else involved with the application has been convicted of any offence or has any current criminal charges pending before a court):**
 - > Information about MGL is provided in Section 1.5 of this report, with further information relating to this requirement provided in Section 8.4 of this report.
- > **If the applicant applies for a lease, a licence granting an interest in land, or an easement:**
 - > **Reasons for the request; and**
 - > **Sufficient information to satisfy the panel that it is appropriate under to grant the lease, licence, or easement (as the case may be):**
 - > As documented earlier, MGL is applying for an easement for the Ardgour Rise Concession Area (in favour of CODC as a public right-of-way) and an easement for the SH8 Concession Area (in favour of NZTA and CODC).



- > An easement has been requested for the SH8 Concession Area as the intersection upgrades will remain in perpetuity, and once constructed, the upgraded section of SH8 will be operated and maintained by NZTA as part of the state highway network, and the upgraded section of Ardgour Road will be operated and maintained by CODC as part of the local road network.
- > As discussed in Section 5 of this report, NZTA supports the proposed intersection upgrade measures and will continue to work with MGL to approve detailed designs for the proposed intersection upgrade and associated works.
- > For the Ardgour Rise Concession, an easement has been requested as the new road will remain in perpetuity. MGL proposes to vest Ardgour Rise to CODC to operate and maintain following completion of the road, however, as discussed in Section 5 of this report MGL will continue to consult with CODC on the final operational and maintenance arrangements for Ardgour Rise.
- > **Full details of any consultation undertaken with relevant iwi and with reserve owners and managers:**
 - > The consultation undertaken by MGL in respect of the BOGP – including with relevant iwi and the Department of Conservation - is addressed in Section 5 of this report.
- > **Information about financial and legal liabilities and obligations associated with the land:**
 - > For the Ardgour Rise Concession Area, as noted above, MGL proposes to vest the Ardgour Rise roadway to CODC to operate and maintain following completion.
 - > For the SH8 Concession Area, MGL is seeking an easement in favour of NZTA and CODC. As such, the portions of the upgraded intersection located within the State Highway network and Ardgour Road reserve will be vested to NZTA and CODC respectively to operate and maintain in perpetuity. The exact boundary between these two areas is proposed to be confirmed through consultation with NZTA and CODC during the fast-track process.
 - > For the CIT Concession Area, MGL will maintain the route for the duration of mine life. Following mine closure, MGL proposes to transfer the route to the Department of Conservation to operate and maintain, however MGL will continue to consult with the Department of Conservation during the fast-track process on any final arrangements.
 - > There will not be any financial and legal liabilities and obligations associated with the Willow Concession Area. As noted above, the crack willow management



activities will be undertaken initially (willows expected to die within 1 to 2 years) with any ongoing monitoring activities undertaken by MGL and expected to be completed within four years of spraying willows. MGL will not install any structures or infrastructure that will require ongoing operation or maintenance.

- > There will not be any financial and legal liabilities and obligations associated with the Monitoring Bore Concession Area. While MGL will install a flow meter in Bendigo Creek and a groundwater monitoring bore these structures will be operated and maintained by MGL and will be disestablished upon mine closure.
- > Should any further information on the financial and legal liability and obligations associated with the concession areas above be required, MGL can provide this as and if necessary.
- > **Confirmation that the applicant has written agreement from the holder of a right of first refusal or right of offer or return to waive that right for the purposes of any lease proposed in the application if—**
 - > **The proposed lease will be for a term (including any renewals) that will or is likely to be more than 50 years; and**
 - > **The granting of the lease will trigger the right of first refusal or right of offer or return.**
- > The concessions sought to enable the BOGP do not include a lease.

8.8.2 Conservation General Policy 2005

Clause 3 (1)(d)(i) of Schedule 6 (concessions) of the Act requires a substantive application to include information about the extent to which the project is consistent with a relevant policy statement, conservation management strategy and conservation management plan.

The Conservation General Policy 2005 (“**CGP**”) provides the overarching policy for the management of the conservation estate, seeking to ensure that activities undertaken on conservation land are carried out in accordance with the purpose of the land. The following analysis is applicable to all activities within this application requiring approval from the Department of Conservation (concession).

The CGP primarily sets out policies relating to the development of conservation management strategies. The most pertinent provisions for the BOGP are set out in Section 11 of the CGP, which relates to activities requiring specific authorisation. The relevant provisions include:



- > Any application for concession or other authorisation must comply with, or be consistent with, the objectives of the relevant Act, the statutory purpose for which the place is held and any conservation management strategy or plan;²⁸¹
- > Activities on conservation lands and waters should avoid, remedy or mitigate any adverse effects and maximise positive effects;²⁸²
- > All concession or authorisation holders should monitor the effects of authorised activities;²⁸³
- > Utilities (including roads) can be provided where they cannot be reasonably located outside public conservation lands, or if specifically provided for as a purpose for which the place is held;²⁸⁴ and
- > New or extended utilities (including roads) should be of a scale, design and colour that relates to, and is integrated with, the landscape.²⁸⁵

In respect to these provisions:

- > The consistency of the project in respect to the statutory purpose for which the land is held is addressed in Section 8.8.1 in respect to the concessions sought;
- > An assessment of the project against the relevant strategies or plans is addressed later in this report;
- > Section 6 of this report contains an assessment of environmental effects;
- > Section 7 of this report, and the proposed conditions provided in **Part D** to these application documents, set out the monitoring proposed as part of this project; and
- > The proposed improvements to the existing public road network and new road access are detailed in Section 3.18.1 of this application. The SH8 / Ardgour Road intersection upgrades cannot be located outside public conservation lands due to location and access requirements for the project (i.e. access to the Project Site is required from SH8 in this location due to safety reasons). The safety improvements will be of a scale, design and colour that relates to, and is integrated with, the existing roads and overall landscape.

²⁸¹ CGP – Policy 11.1 (a).

²⁸² CGP - Policy 11.1 (b).

²⁸³ CGP - Policy 11.1 (c).

²⁸⁴ CGP – Policy 11.3 (a).

²⁸⁵ CGP – Policy 11.3 (b).



8.8.3 Otago Conservation Management Strategy

The Otago CMS describes the conservation values of Otago. It establishes objectives and policies for the integrated management of natural and historic resources - including species managed by the Department of Conservation - and for recreation, tourism and other conservation purposes. The Otago CMS is relevant due to the close proximity of the Project Site to the Bendigo and Ardgour Conservation Areas and the Bendigo Historic Reserve, and because several activities and proposed mitigation measures to maintain or improve public access, amenity and ecological values are proposed within these conservation areas.

8.8.3.1 Part One

Part One of the Otago CMS focusses on all public conservation land, water and resources in Otago. As noted in Section 2.4.1 of this report, while no mining activities will be undertaken on adjoining public conservation land, however, the following activities are proposed on public conservation land to maintain and / or improve public access, amenity or ecological values within the surrounding environment:

- > The upgrade of the SH8 / Ardgour Road intersection and associated construction laydown areas on land administered by the Department of Conservation associated with the adjoining Lindis River;
- > The establishment of Ardgour Rise within an existing easement within areas of the Ardgour Conservation Area; and
- > The establishment of a replacement walking route to the Come-in-Time Battery and the undertaking of willow management activities within areas of the Bendigo Historic Reserve.

The key objectives of relevance to the above activities seek to:

- > Retain natural heritage by a) conserving threatened species, nationally iconic species and significant geological features, landforms and landscapes and b) containing or controlling pest plants and animals;²⁸⁶
- > Retain historic and cultural heritage by a) understanding the location, value, significance and condition of historic places, and b) working with Kāi Tahu and HNZPT to protect cultural sites and whenua tupuna on public conservation lands and waters from adverse effects of development;²⁸⁷ and

²⁸⁶ Otago CMS - Objectives 1.5.1.1, 1.5.1.2, 1.5.1.4, 1.5.1.7 & 1.5.1.8.

²⁸⁷ Otago CMS - Objectives 1.5.2.2, 1.5.2.10 & 1.5.2.13.



- > Retain recreational values by promoting ‘Local Treasure’ and ‘Backcountry’ destinations,²⁸⁸ recognising the historic and / or heritage valued of tracks in Otago,²⁸⁹ and providing visitors with opportunities for a positive social, physical and learning experience on public conservation lands.²⁹⁰

The works proposed in public conservation land are consistent with the key objectives in Part One of the Otago CMS for the reasons set out below.

As discussed in Section 5 of this report, MGL has consulted with the Kā Rūnaka whose takiwā include the Project Site regarding the BOGP.

Kā Rūnaka has made the following statements of their position on the proposed Bendigo Ophir Gold project in the draft CIA, as captured during the various wānaka with whānau.

Mana

Kāi Tahu continue to practice mahika kai, despite the history of loss. We have seen a resurgence in our people re-establishing their connections to our whenua and waterways, and breathing life into long held cultural practices. It is our aspiration to re-establish habitat for taoka species and to improve water quality to support mahika kai practices. For reconnection to be successful, social and economic sustainability for whānau is also necessary as well as a healthy environment.

Mauri

The word mauri refers to the life essence found in all things, relating to its nature, appearance, and vitality. For mana whenua, the mauri of the environment is a direct reflection of the health and wellbeing of whānau and communities.

Protection of the mauri of wai māori is a significant priority for Kā Rūnaka, due to its life-giving properties and as a vital component of the living world of te taiao. The presence and health of indigenous flora and fauna is an expression of the mauri of the natural environment in an area.

Mana whenua apply the principle of utu, giving back more than is taken, as a means of protecting mauri. The right to take kai and extract resources from te taiao is balanced with the kaitiaki duty to care for, and nurture, the environment in return.

²⁸⁸ Otago CMS - Objectives 1.5.3.3.

²⁸⁹ Otago CMS - Objective 1.5.3.4.

²⁹⁰ Otago CMS - Objectives 1.5.3.3 - 1.5.3.6 & 1.5.3.12.



Tapu

The principle of tapu provides a guide for Kā Rūnaka to gauge the appropriateness of actions and behaviours in the context of the existing environment

It is the position of Kāi Tahu that the Project is significantly tapu in this location, due to the location of the proposed pit lakes, waste rock storage and tailings storage in the tributaries of the Mata-au, including the diversion of Shepherds Creek to construct tailings storage.

Whakapapa

After generations of loss and disconnection from the whenua, creating opportunities to reconnect with the whenua is now more important than ever. The potential long-term risks associated with the Project to wāhi tipuna, taoka species and wai māori risks undermining the efforts of whānau to restore the whenua and rekindle connections and mahika kai practices.

Regarding Threatened species, Alliance (2025) notes that the existing indigenous biodiversity within the DDF is generally declining, and without intervention, will continue to decline. A range of measures have been proposed to conserve and protect Threatened species, including the realignment of Ardgour Rise to avoid impacting identified habitat for the Threatened (Nationally Critical) moth *Sporophyla oenospora*.

In addition, and as detailed in Alliance (2025) and Section 6.7 of this report, the restoration and enhancement programme for the BOGP will include extensive weed and pest control, including willow management within areas of the Bendigo Historic Reserve and the establishment of two dedicated pest exclusion areas (the Bendigo and Ardgour Sanctuaries) which cover a total of approximately 67 hectares. These measures will contribute to the controlling of pest species and plants and the protection of Threatened species (including cushionfield vegetation and lizard species) both within and immediately surrounding public conservation areas.

The works proposed within public conservation land are minor in nature and scale and will not impact geological features, landforms or the broader landscape. Overall, the natural heritage will be retained and generally enhanced on public conservation land.

While NZHP (2025a) identifies that the BOGP will impact historic and cultural heritage values within the Project Site and parts of the Bendigo Quartz Reefs Historic Area, the report provides an extensive understanding of historic sites within the Project Site. It also identifies the areas of highest heritage values within the Bendigo Quartz Reef Historic Area will not be impacted by the project.



In addition, MGL is applying for an Archaeological Authority from HNZPT as part of this application to ensure any modification of archaeological sites is appropriately managed. All works will be undertaken in accordance with the Archaeological and Heritage Management Plan (provided in **Part G**), which sets out how various key features and sites will be retained during site works, requirements for contractor briefings, the recording of key heritage features and sites, and monitoring undertaken by an approved person. The management plan also sets out special procedures in place if archaeology of Māori origin or Kōiwi (human remains) are discovered.

In terms of recreational values, Greenaway (2025) notes that the loss of recreational access along Thomson Gorge Road, and to the historic Come-in-Time Battery, will be mitigated through the development and maintenance of Ardgour Rise (which will include a viewing area and educational information for the public on the mining operations) and by providing an alternative walking route to the Come-in-Time Battery. Whilst outside conservation areas, recreational walking access will be restored along the section of Thomson Gorge Road that was previously lost in mine closure. These measures will ensure that public access and recreation values will be maintained throughout the mine life and into mine closure.

8.8.3.2 Part Two - Places

Part Two of the Otago CMS focusses more specifically on “Places” in Otago, with Otago divided into ten places. The BOGP is located within the “Central Otago Uplands Place” and the “Central Otago Drylands / Manuherikia Place” as shown in the Volume II Maps.²⁹¹

Central Otago Uplands Place

The Central Otago Uplands Place comprises the upland areas of Central Otago, which includes the Pisa Range, Rock and Pillar Range, Dunstan Mountains, the broad plateau of the upper Manorburn and the Kakanui Mountains to the north.

Public conservation lands and waters in this Place include conservation areas, scenic and historic reserves, a wildlife management reserve, and marginal strips. Several conservation covenants adjoin the public conservation lands and waters. The Central Otago Uplands Place is characterised by predominantly schist block mountains, rolling inter-montane tussock grassland basins, high-altitude wetlands and cushionfields, distinctive tor features and rocky dryland landscapes.

²⁹¹ Central Otago CMS – Volume II Maps 5 – 5.10.



While the Bendigo and Ardgour Conservation Areas are located within this Place, there are no priority ecosystems or other notable features identified on the Volume II Maps.

The outcome for the Central Otago Uplands Place is to retain the individual character, vast open landscapes and natural, historic, cultural, and recreational and ecosystem service values. The relevant policies for the BOGP to achieve this outcome seek to:

- > Encourage further investigation and research into poorly known indigenous species of Central Otago, such as plants, fungi and animals;²⁹² and
- > To work with HNZPT and the community to best protect a representative range of historic places that represent early exploration, gold mining and pastoral farming history.²⁹³

MGL has commissioned Habitat NZ and RMA Ecology to undertake comprehensive surveys for native bats, invertebrates, avifauna, lizards, vegetation and wetland values throughout the DDF and the wider Ecological Study Area. This has resulted in a significant increase in the understanding and knowledge of the existing baseline ecological values of the Project Site and wider Dunstan Ecological District, which includes a range of Threatened and At-Risk plant, lizard and terrestrial invertebrate species. Furthermore, the proposed Cushionfield ARP for conservation management, rehabilitation and expansion of cushionfield and taramea herbfield within the DDF will direct further research into cushionfield habitat and associated species (including spring annuals) of which little research exists.

In addition, the proposed BOGP Biodiversity Fund will provide funds to the Department of Conservation to better understand and protect cushionfield habitat or other Threatened and At-Risk species within the Dunstan Ecological District

As above, MGL is applying for an Archaeological Authority from HNZPT to authorise the modification of numerous archaeological sites as a result of the BOGP (noting many of these sites have been identified as having low value) and various other sites and features will be preserved to minimise effects on heritage within the Project Site.

Central Otago Drylands / Manuherikia Place

Central Otago Drylands / Manuherikia Place contains the lower-altitude dryland areas of Central Otago and consist of distinct landscapes and geological features, unusual and Threatened biodiversity, important historic places and a wide range of recreation

²⁹² Otago CMS – Policy 2.4.3.

²⁹³ Otago CMS - Policy 2.4.4.



opportunities. This Place is characterised by semi-natural and agricultural landscapes and wide, open spaces set amongst rolling hills and the backdrop of the Central Otago uplands. Schist rock formations (tors) often feature prominently in the landscape and can be refuges for Threatened plants and animals. While the Bendigo Historic Reserve is located within this Place, no priority ecosystems or notable features identified on the Volume II Maps.

The key outcome for the Central Otago Drylands / Manuherikia Place is for Central Otago's indigenous dryland ecosystems to be valued and better protected and understood by locals and visitors. To achieve this outcome, the key policy of relevance for the BOGP is to “*work collaboratively with others to achieve active management to protect dryland habitats,*” including indigenous riparian vegetation, habitats of Threatened indigenous plants and animals, and wetlands and their margins (as relevant to the Project Site).²⁹⁴

MGL has, and will continue to, consult with various stakeholders as part of this substantive application for the BOGP in a collaborative manner, including mana whenua, CODC, ORC, the Department of Conservation and other administering agencies (refer to Section 5 of this report for further details). This consultation has included a focus on potential effects on Threatened flora and fauna and wetlands within the Project Site and the associated effects management package.

MGL also proposes to provide a regular source of funding to the Department of Conservation through the BOGP Biodiversity Fund which will contribute to the protection of areas of this dryland habitat.

8.9 APPROVALS RELATING TO THE RESERVES ACT 1977

8.9.1 Amendment of Conservation Covenant under the Reserves Act

Sections 11, 12, 15, 16 and 18 and Part 9 SO 24641 and Lot 6 DP 517385 of the Project Site are included within the Bendigo Conservation Covenant area which was registered in August 2000. A copy of this covenant is provided in **Part E** of these application documents.

The agreement between the landholders of Bendigo Station and the Minister of Conservation dictates that the affected parcels of land must be managed with regards to a set of conservation objectives and has been entered into under Section 77 of the Reserves Act.

Section 77 of the Reserves Act provides for the Minister of Conservation to enter into conservation covenants with landowners to preserve the natural environment, landscape amenity, freshwater life, marine life habitat or historical value of the land.

²⁹⁴ Otago CMS Policy 2.6.1.



The covenant provides for this preservation to occur without the subject land becoming a reserve, with the relevant land remaining in private ownership. A conservation covenant then restricts and / or manages certain activities to ensure the values identified in a conservation covenant are preserved. The Bendigo Conservation Covenant benefits the Minister of Conservation and records agreement that the land subject to the covenant will be managed with conservation objectives protecting the natural, cultural, historical and significant values of the Bendigo area.

The Bendigo Conservation Covenant applies to a large area of land which extends significantly beyond the Project Site as shown in Figure 8-11 below.

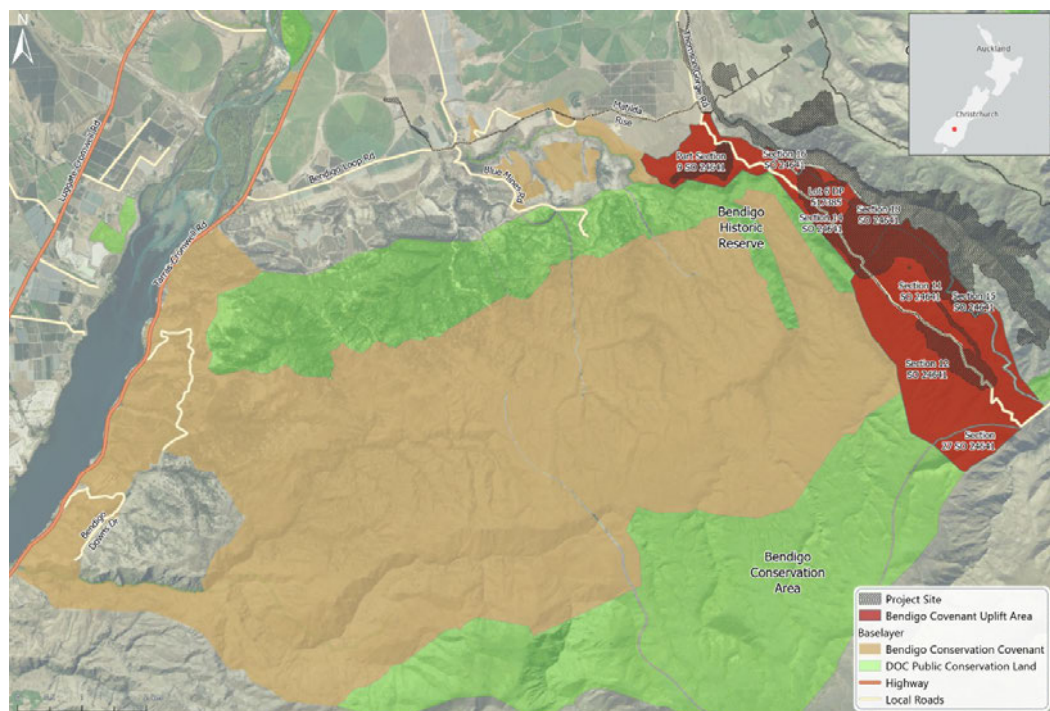


Figure 8-12: Bendigo Conservation Covenant Area

Under the terms of the covenant, the landholders are required to allow members of the public access through the land via Thomson Gorge Road. The covenant also requires that as far as is practicable the landholders keep the land free from a range of pest plants (including gorse, broom and sweetbrier), rabbits and vermin, and rubbish and other unsightly or offensive material.

The Bendigo Conservation Covenant also sets out the following in respect of the Rise and Shine Creek area:

- > That the landholders will allow the public to have access on foot at all times for the purpose of gaining access to historic mining sites;



- > Lessees and employees of the Department of Conservation may remove woody vegetation around historic sites at any time;
- > The Minister for Conservation may erect interpretation signs after consulting on the wording and position of the signs; and
- > The landholders will not use the Rise and Shine Creek area for forestry or construct tracks on it.

Pursuant to the Bendigo Conservation Covenant, the Bendigo Station landholders cannot carry out, or allow the following actions to be carried out, without prior approval from the Minister of Conservation:

- > The erection of any fence, building, structure or other improvements near historic sites on the land;
- > Cultivation earthworks or other soil disturbance near historic sites;
- > Tree planting on the land near historic sites; or
- > Prospecting or mining for minerals, coal or other deposits on or under the land.

Mineral extraction activities and associated land disturbance and structures are therefore restricted in the parts of the Project Site covered by the Bendigo Conservation Covenant. MGL therefore seeks to amend the covenant to remove reference to the legal descriptions applying to the Project Site such that it will no longer burden the relevant land. While this will revoke the covenant from the Project Site, the covenant will continue to apply to the surrounding land not directly impacted by the BOGP.

Schedule 6 of the Act sets out the information requirements for applications seeking approvals under the Reserves Act, with Part 3 specifically addressing conservation covenants. The relevant clauses in Schedule 6 are summarised as follows.

- > Clause 42 sets out the information requirements for applications for an amendment of a conservation covenant;
- > Clause 43 identifies the information to be addressed in the report prepared by the Director-General of Conservation to assist the panel;
- > Clause 44 identifies the parties that must be invited to provide written comments on a project seeking revocation or amendment of a conservation covenant. These parties are the New Zealand Conservation Authority, relevant conservation boards, the New Zealand Fish and Game Council and the Game Animal Council;
- > Clause 45 outlines the criteria for a panel's assessment of an application seeking amendment or revocation of a conservation covenant.



- > The panel must take the following into account when assessing an application, giving the greatest weight to the purpose of the Fast-track Act:
 - > The purpose of the Fast-track Act;
 - > The purpose of the covenant and the conservation values of the land concerned;
 - > Whether the amendment or revocation will compromise values of regional, national, or international significance; and
 - > If the conservation covenant under consideration was granted in favour of a local authority or other body, the panel must not grant the approval unless the approval of the local authority or other body has been obtained.
- > Clause 46 provides a panel with discretion to set conditions on the use of land if a conservation covenant is amended or revoked. Conditions may include:
 - > In the case of a revocation, protection by the applicant of equivalent land outside of the area of the covenant; and
 - > In the case of a variation, imposing a requirement on the applicant to enhance conservation values on land remaining within the covenant.

The following sections address the information requirements set out in Clause 42 that are relevant to the land parcels within the Project Site covered by the conservation covenant. The remaining relevant sections in Part 3 of Schedule 6 of the Act are then assessed, including a broad assessment of the values protected by the covenant (informed by the covenant purpose and objectives) and the extent of any values of regional, national, or international significance.

8.9.1.1 Clause 42 – Information Requirements

The information requirements for applications for an amendment of a conservation covenant set out in Clause 42 include:

- > **A general assessment of the values protected by the covenant (informed by the covenant purpose and objectives), including the extent of any values of regional, national, or international significance:**

The Bendigo Conservation Covenant records agreement between the Minister of Conservation, John Perriam and Heather Perriam (together the Landowners) that the land shown in Figure 8-10 above will be managed in accordance with the following conservation objectives. The values of the land protected by the covenant (informed by the conservation objectives) include the:



- > Protection and enhancement of natural character of the land with particular regard to the natural functioning of ecosystems and the native flora and fauna in their diverse communities and dynamic inter-relationships with their earth substate and water courses and the atmosphere;
- > Protecting the land as an area representative of a significant part of the ecological character of the Dunstan Ecological District;
- > Maintaining the landscape values of the land;
- > Maintaining the historic values of the land;
- > Keeping the land free from noxious plants, rabbits, vermin, rubbish and other unsightly material;
- > Access for members of the public through the land on the existing Thomsons Gorge Road, up to Mt Moka and the special lease area more or less along the alignment of the existing track on or about the legal road line; and
- > At all times allow the public to have foot access to the Rise and Shine Creek area for the purpose of gaining access to historic mining sites.

A summary of the key values protected by the Bendigo Conservation Covenant as identified in the various technical assessments provided in **Part B** of these application documents is provided below.

Natural Character and Landscape Values

Boffa Miskell (2025) identifies the natural character and landscape values of the Project Site and surrounding landscape.

The Project Site and surrounding landscape is located within the Dunstan Mountains ONL, which is identified in the District Plan. The Dunstan Mountains can be divided into two specific landscape character areas – the South Dunstan Mountains and the North Dunstan Mountains. Boffa Miskell (2025) characterises the landscape character of the Dunstan Mountains ONL into three overlapping physical, perceptual and associative dimensions which are set out in the Section 2.17.1.2 of this report (describing the existing environment).

Overall Boffa Miskell (2025) concludes that the Dunstan Mountains maintain a strong sense of naturalness despite being shaped by human influence over several centuries.

Ecological Values



The Ecological Regions and Districts of New Zealand 1987 report (“**Ecological Regions Report**”) prepared by Department of Conservation is referenced in the Bendigo Conservation Covenant and identifies the ecological aspects that are to be protected as an area representative of a significant part of the ecological character of the Dunstan Ecological District. The Ecological Regions Report outlines the factors that contribute to the Dunstan Ecological District across the categories of soils, vegetation and modifications, flora, birds and insects.

The ecological features of the Dunstan Ecological District that are identified in the Ecological Regions Report and protected under the Bendigo Conservation Covenant are assessed in the suite of ecological assessments provided in **Part B** of these application documents. These include:

- > The baseline ecological values for mammalian pests, native bats and invertebrates in Habitat NZ (2025a, 2025b and 2025c respectively);
- > The baseline ecological values for wetlands, vegetation, avifauna and lizards in RMA Ecology (2025a, 2025b, 2025c and 2025 respectively);
- > The overall assessment of ecological effects in Alliance Ecology (2025); and
- > The Cushionfield ARP in Landcare (2025).

In addition, a suite of ecological management plans has been prepared which provide details and methods for how actual or potential effects on these ecological values will be avoided, minimised, remedied or offset / compensated for. These include:

- > Habitat Impact Management Plan;
- > Avifauna Management Plan;
- > Lizard Management Plan;
- > Terrestrial Invertebrate Management Plan;
- > LERMP;
- > Biosecurity and Pest Plant Management Plan;
- > Santana Sanctuary Management Plan;
- > Mammalian Pest Control Management Plan;
- > Ardgour Restoration Area Management Plan;
- > Biosecurity Outcome Monitoring Plan;
- > Erosion and Sediment Control Management Plan; and



> Soil Management Plan.

The ecological values considered and assessed in Alliance Ecology (2025) have been informed by objectives of the Bendigo Conservation Covenant. The values of the Dunstan Ecological District have been affected over time by repeated burning of vegetation (both Māori and European), historic gold mining, introduced weeds and mammalian pests. Woody species have expanded within fire-protected refugia such as steep gorges, rock outcrops and screens, particularly on dissected range slopes.

An Ecological Study Area of approximately 5,386 hectares has been assessed in this report. The area is defined to extend well beyond the Project Site to provide landscape context for assessing ecological values. Alliance Ecology (2025) outlines that the Ecological Study Area includes:

- > Broadly seven vegetation communities and wetlands that support a diverse a diverse array of flora and fauna;
- > Native-dominant vegetation communities characterised by grey-scrub, kanuka, tussock, taramea and *Raoulia* (cushionfield) species;
- > A diverse assemblage of indigenous plant species including at least 58 Threatened or At-Risk vascular species;
- > Small wetland habitats including hillside seeps, gully fens and swamps / marshes;
- > Perennial, intermittent and ephemeral streams; and
- > Several nationally Threatened or At-Risk fauna, including terrestrial birds, lizards and numerous species of invertebrates (particularly moths).
- > Because of the large scale of the Ecological Study Area, it is considered to be representative of the ecological values of the landholdings that are protected in the Bendigo Conservation Covenant and that contribute to the Dunstan Ecological District. While these ecological values are present within the Project Site (and approval is sought to remove the covenant from the site) the covenant would continue to apply to the remainder of surrounding land not directly impacted by the BOGP.

Historic Values

The Bendigo Conservation Covenant requires the maintenance of the historic values of the land as referred to in Jill Hamel's 1993 publication "The Rich Fields of Bendigo".²⁹⁵

²⁹⁵ Conservation Covenant 5009824.9 at Clause C(iv).



The values identified in this publication inform the historic heritage conservation objective in the covenant and have formed part of the assessment in NZHP (2025a).

The publication suggests that consideration should be given to retaining representative sites from each era, being “*early alluvial mining, the main quartz mining period, turn of the century mining and 1930s quartz workings*” with an emphasis on “*intact, historically significant and informative sites, in good condition, still within an appropriate setting, and with a landscape*” as assessed in NZHP (2025a).

Clauses 9 (a) to (d) of the covenant identify the Rise and Shine Creek area of particular historical value due to the presence of historic mining features and imposes obligations on the Landowners to ensure public access to these historic mining sites. Clause 10 of the covenant then identifies the following historic areas outside of the Rise and Shine Creek area to be maintained:

- > Three stone buildings near Ardour Road;
- > Stone yards near Shepherds Creek;
- > The hotel foundations and environs and the bakery in the Town of Bendigo;
- > The dam and dam keeper’s hut at the head of Aurora Creek;
- > Various mining sites in Perrys Creek and the environs; and
- > Stone yards near Devils Creek.

Of these historic areas identified in Clause 10, only one of the stone buildings (Site G41/4) falls within the Project Site as noted in NZHP (2025a). The remainder of these historic areas will remain protected by the covenant.

Further to the above, NZHP (2025a) identifies that:

- > 16 previously recorded sites and ten new sites will be affected by the BOGP;
- > Nine of the previously recorded sites and eight of the newly identified sites will be destroyed by the BOGP works;
- > Two sites within the Project Site will be protected with the intention for one site (G41/4) to be adaptively re-used in the future; and
- > While a significant portion of the Matakanui-Bendigo Road will be destroyed, parts of this feature extend outside the Project Site.

NZHP (2025a) concludes that the Project Site holds aesthetic, archaeological, historical and technological values, most of which overlap with those of the Bendigo Quartz Reef



Historic Area and Bendigo Conservation Covenant Area. Overall, the Project Site is considered to have high heritage values.

> **If the application relates only to a portion of the area protected by a conservation covenant, a description of the area affected, and the values contained within it:**

As noted, the application seeks to amend the Bendigo Conservation Covenant to remove part of the covenant from applying to the Project Site. The portion of the Project Site currently protected by the Bendigo Conservation Covenant is shown in Figure 8-11 below and will include a range of mine components, including the RAS, CIT, SRX and SRE Open Pits, topsoil stockpiles, haul roads and the Western ELF.

Importantly, the Bendigo Conservation Covenant will continue to apply to the remainder of the surrounding land currently protected by the covenant.

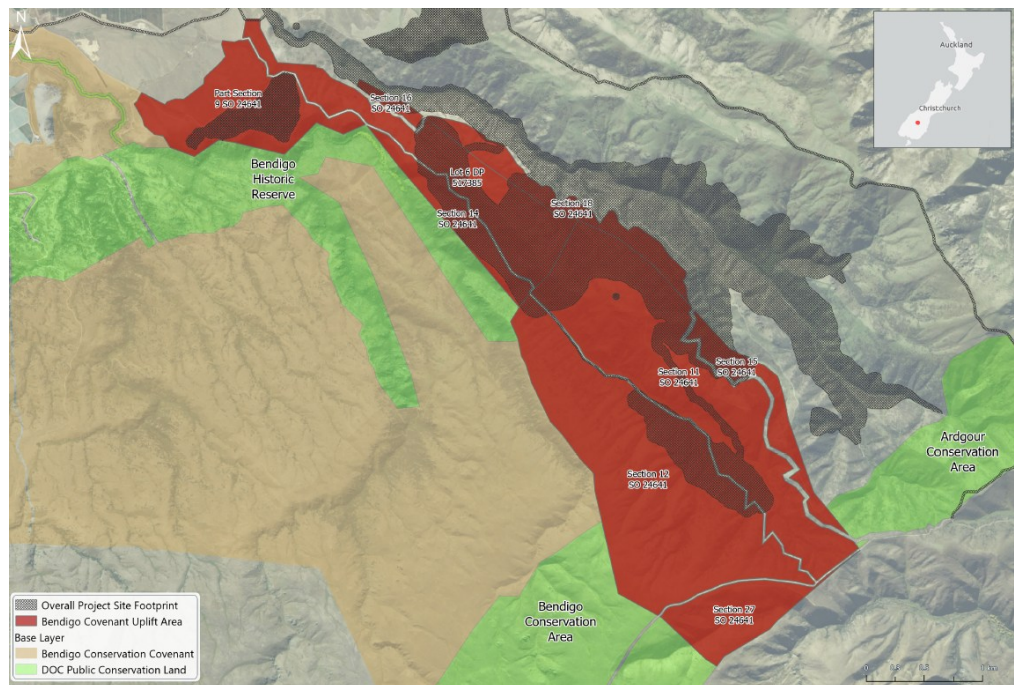


Figure 8-13: Bendigo Conservation Covenant Uplift Area

The values of the Project Site that are protected by the Bendigo Conservation Covenant are outlined below.

Natural Character and Landscape Values

The Dunstan Mountains ONL, which falls within the Project Site, is recognised for the following characteristics in the District Plan:

The mountain range forms part of the backdrop to the Manuherikia Valley to the east and the Upper Clutha Valley to the west and is a memorable feature of the Central



Otago landscape. The crest is an extensive summit plateau extending from Haehaeata / Leaning Rock northwards, distinctive rock tors are visible on the skyline.

Boffa Miskell (2025) reinforces that the Dunstan Mountains have retained a high sense of naturalness albeit entrenched in human influence over several centuries. Boffa Miskell (2025) identifies the Project Site as having the following key landscape and natural character values:

- > The landscape character is largely contained within the broader Dunstan Mountains ONL. In this context it forms a legible transition between the broad flat character of the peneplain to the south and the more defined angular ridgeline to the north. The valleys are highly expressive of their tectonic and fluvial formative processes, although the Rise and Shine Creek valley has remnant gold sluicing from the historic Bendigo goldfield. Vegetation within the valley has been modified to accommodate stock grazing, with remnant kōwhai, and matagouri found within the sheltered valleys, and tussockland and herbfield present at higher altitudes. Battery Hill is a local and legible feature at the centre of the Project Site that is visible along the broader Dunstan Mountains skyline. The visual character of the site forms part of the vast schist tor landscape interwoven with areas of pasture, tussockland, grey scrubland, kānuka forest and remnants of mining activity adjoining the Bendigo Historic Reserve.
- > The visual character forms part of the vast schist tor landscape interwoven with areas of pasture, tussockland, grey scrubland, kānuka forest and remnants of mining activity adjoining the Bendigo Historic Reserve.
- > Views of the Project site are contained to the Upper Clutha valley to the north of Lake Dunstan. In this context, views are available from several private and public viewpoints throughout the valley in proximity of Bendigo, Tarras, Lindis Crossing, Queensbury, and Mount Pisa Settlement, including SH8, SH8a and SH6. This also includes public conservation areas within the Pisa Range, and Dunstan Mountains.
- > The Project Site includes two creek catchments, namely Shepherds Creek and Rise and Shine Creek. The Shepherds Creek catchment is characterised by several ephemeral, perennial and intermittent streams in the upper catchment. The upper and lower reaches contain sand and gravels and are gentle in gradient. These reaches are separated by a narrow, rocky, gorge containing waterfalls, boulders and pools. The active bed largely follows its original course, albeit within a modified pastoral context. The Rise and Shine Creek catchment is part of the Clearwater Creek catchment and is characterised by its steep headwaters on the upper slopes of Mount Moka, its modified valley floor from historic gold mining in the valley and



the gorge downstream. The existing level of natural character of Shepherds Creek is considered moderate, while the existing level of natural character within Rise and Shine Creek is considered low moderate.

Ecological Values

A range of baseline ecological reports provided in **Part B** of this substantive application provide a comprehensive understanding of existing terrestrial and wetland ecology conditions across the DDF and the surrounding landscape (which together form the ecological survey area). While the findings are outlined in Sections 2.16 and 2.16 of this report, the ecological survey area for the BOGP displays the following ecological values:

- > Mammalian pests include feral cats, deer, goats and pigs, hares, hedgehogs, mice, mustelids, possums, rabbits and rats. There is an overall low abundance of stoats, weasels and rats;
- > There is no evidence of long-tailed or lesser short-tailed bats utilisation of the site for purposes such as resting, foraging or commuting, even during periods when high bat activity could be anticipated;
- > A total of 18 notable invertebrate species were identified, including moths, grasshoppers, beetles and weevils. Of these notable species, only one was found only in the DDF for the BOGP, being the 'At-Risk – Declining' grasshopper *Phaulacridium otagoense*;
- > Of the avifauna species present, or likely to be present, in the DDF two species are classified as having very high ecological value, four are assigned high ecological value, two are assigned moderate-high ecological value, and one species is assigned moderate ecological value. The remainder of the species are classified as having low ecological values;
- > The McCann's skink, Kawarau gecko and tussock skink are abundant across the DDF and the ecological survey area and are likely experiencing pressure from uncontrolled levels of introduced mammalian predators;
- > 148 vegetation plots were assessed to understand existing vegetation values, with seven vegetation communities identified that have the following values:
 - > Exotic plants and herbfield communities within the DDF have low ecological values and cover approximately 13% of the DDF;
 - > Mixed depleted herbfield (cushionfield) vegetation communities have very high ecological values and cover approximately 17% of the DDF;



- > Mixed tussock shrubland and grassland communities have high ecological values and cover approximately 31% of the DDF;
- > Mixed shrubland communities have high ecological values and cover approximately 20% of the DDF;
- > Native dominated tussockland has high ecological values and covers approximately 4% of the DDF;
- > Native herbfield and shrubland vegetation communities have high ecological values and cover approximately 3% of the DDF; and
- > Native dominant scrubland vegetation has very high ecological values and covers approximately 14% of the DDF.
- > The approximate 558.8 hectares of the Hilly Landscape Unit assessed in RMA Ecology (2025b) within the DDF has a very high ecological value from a vegetation value perspective.

The vegetation communities identified within the DDF are shown in Section 2.16.4 of this report and reproduced in Figure 8-12 below.

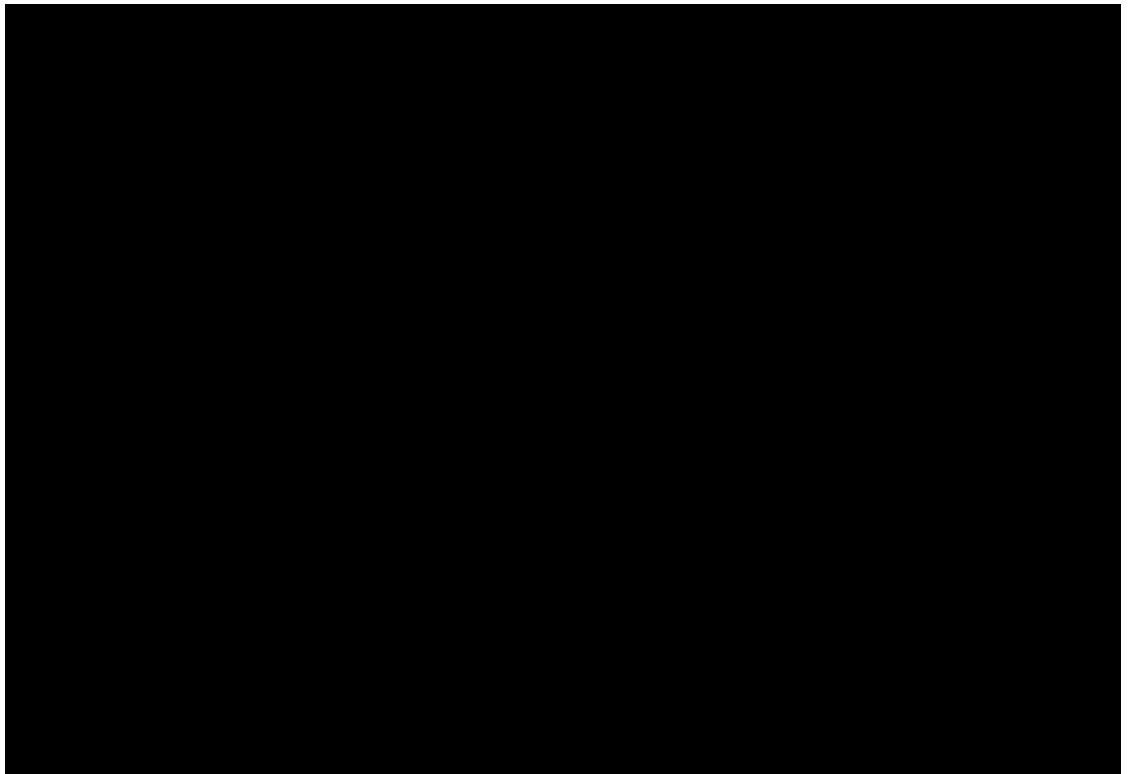


Figure 8-14: Vegetation Communities within the Direct Disturbance Footprint



Historic Values

- > NZHP (2025a, 2025b, 2025c, 2025d, and 2025e) assesses the heritage values or specific components of the Project Site as follows:
 - > There are 18 previously recorded archaeological sites within the Project Site, which is also located with a small part of the Bendigo Quartz Reefs Historic Area;
 - > Previously recorded archaeological sites are considered to range between low to medium-high heritage value;
 - > 10 new archaeological sites were identified within the Project Site, which range from historic huts, historic tracks / roads and historic mining activities and are generally considered of low heritage value. All new archaeological sites are considered to have low heritage value;
 - > NZHP (2025a) considers there is high potential for further unrecorded archaeological / heritage features to be found in the Project Site; and
 - > NZHP (2025a) considers the Project Site as a whole has high heritage values based on the range of aesthetic, archaeological, historical, and technological values, and the significance of these values.

Assessment of impacts of the project on those values and any proposed methods of addressing those impacts:

- > Section 6 of this report provides an assessment of the impacts of the BOGP on the values within the Project Site that are provided by the Bendigo Conservation Covenant. This assessment is drawn from the suite of technical assessments provided in **Part B** of these application documents. Many of these reports also provide recommendations to address the impact of the BOGP on these values, which are summarised in Section 6 and 7 of this report, and included in the proposed conditions provided in **Part D** of these application documents.
- > For completeness, the impacts on values and the proposed measures to address these impacts are described below.
- > It is also noted that while the Bendigo Conservation Covenant does not cover the entirety of the Project Site - with several key mine components including the TSF and Shepherds Services Corridor located outside the covenant area - the following assessment considers the impacts of the BOGP on the whole.
- > Overall, the suite of technical assessments concludes that the impacts of the BOGP on the values sought to be protected by the Bendigo Conservation Covenant



can be suitably managed and addressed through the proposed offsetting and compensation measures.

Natural Character and Landscape Values

At the outset, it is noted the effects of the BOGP on natural character and landscape values should be assessed in the context of the modified landscape of the underlying Bendigo and Ardgour Stations to accommodate extensive pastoral activity over the last 100 years.

The key elements of the BOGP that give rise to potential adverse landscape effects are outlined below (noting many of these effects will be prominent during mining operations but will gradually reduce as mining is completed and progressively rehabilitated):

- > RAS, CIT, SRX Open Pits, which will all endure with the exception of the CIT Pit backfill;
- > The construction of permanent landscape features such as the TSF and ELF's;
- > Construction and use of haul roads, processing plant and associated infrastructure and the temporary construction works accommodation;
- > Ardgour Rise; and
- > The rehabilitation of the CIT Open Pit.

Boffa Miskell (2025) concludes the overall effects of the BOGP in the context of the broader Dunstan Mountains ONL are moderate adverse. While the relatively localised effects within the Shepherds and Rise and Shine Creek catchments will be evident from beyond the Project Site, but the effects will not significantly detract from the values of the overall Dunstan Mountains ONL.

At a local scale, adverse landscape effects range from low to high during mining operations, with the greatest effects arising from permanent changes necessary to create the RAS Open Pit. The cumulative local scale effects of the BOGP will further modify Shepherds Valley and parts of Rise and Shine Valley but will remain integrated with the western backdrop of Dunstan Mountains.

The key elements of the BOGP which give rise to natural character effects include the:

- > The TSF, ELF's and processing plant and associated infrastructure within the Shepherds Creek catchment; and
- > The RAS, SRX and SRE Open Pits and haul roads within the Rise and Shine Creek catchment.



- > Natural character effects on Shepherds Creek are no greater than moderate-high adverse and will reduce the overall level of natural character from moderate to low. Natural character effects on Rise and Shine Creek are considered no greater than moderate adverse and will reduce the overall level of natural character from low moderate to low.
- > Visual effects from private viewpoints and residential dwellings range from very low adverse to moderate-high adverse during the height of mining activity. Greatest effects will be experienced from Ardgour Road and Bendigo terrace where the elevated topography and proximity to the Project Site will provide for views into the Shepherds and Rise and Shine valleys.
- > Visual effects from local roads and SH8 will range from low adverse to moderate adverse with the greatest effect experienced during the mining phase observed from Thomson Gorge Road as this is relocated to Ardgour Rise. These effects will reduce to neutral at closure. Within the broader context, visual effects are no greater than moderate adverse during the height of mining activity.
- > Visual effects from conservation areas will range from very low adverse to low moderate adverse. From these areas, views are largely concealed by intervening landform and otherwise seen over substantial viewing distances.

Overall, the BOGP will inevitably result in some significant adverse landscape effects during operation, albeit which remain relatively well contained within the broader Dunstan Mountains ONL. The location of the proposed open pits and consequent modified landforms have been developed in response to the underlying landscape context and its identified values and reduces the potential for any broader scale significant adverse landscape or natural character effects. Mine components have been located to reduce perceived impacts on the mountain's broader coherent back drop and skyline and includes rehabilitation of completed ELFs, stockpiles, haul roads, processing plant area and TSF as well as the proposed CIT Open Pit backfill.

However, extensive rehabilitation of native vegetation will also occur within the Shepherds and Rise and Shine Creek catchments to enhance associated landscape values. This will occur in tandem with mining operations and endure beyond closure. Boffa Miskell (2025) note that once completed, the Project Site will remain embedded within a larger mosaic of rehabilitated habitats that contributes to enhancing the landscape's broader conservation values, including maintaining enduring recreation access through Thomson Saddle and continued opportunities to observe evidence of gold mining activity. Despite the scale of the project, potential external views of mining



activity will remain relatively limited including avoiding potential significant adverse visual effects beyond the Project Site.

The conclusions in Boffa Miskell (2025) on the effects of the BOGP on natural character and landscape values are outlined below. The landscape, visual and natural character effects will be mitigated and managed by rehabilitation throughout the life of the BOGP and into mine closure. Boffa Miskell (2025) has recommended a range of rehabilitation and mitigation measures, which MGL has accepted and incorporated into the proposed conditions. This includes:

- > Locating the processing plant within the Shepherds Valley floor to minimise effects;
- > Delaying mining of the CIT Open Pit in accordance with the Cushionfield ARP;
- > Progressive capping and rehabilitation of the Shepherds ELF;
- > Progressive rehabilitation of MRZs to connect Ardgour Conservation Area;
- > Enhancement of riparian margins of clean water diversion channels and stream diversions;
- > Maintaining freshwater flows during mining operations through the construction of clean water diversion channels and stream diversions;
- > Establishment of vegetation and rock cover on topsoil stockpiles during mining operations;
- > Maintaining the visibility and integrity of Battery Hill; and
- > Implementation of the LERMP (and associated Landscape Mitigation Plan).

Ecological Character Values

- > The BOGP has been designed to avoid or minimise adverse effects on terrestrial and wetland biodiversity values to the extent practicable. However, the avoidance or minimisation of adverse effects is limited by the functional constraints of the mining operations needing to be located where the four identified gold deposit are located.
- > Potential direct effects of the BOGP include the direct loss of habitat and the associated loss of flora and fauna due to mine construction. Potential indirect effects include fragmentation of habitat and reduced ecological connectivity and wetland dewatering and degradation resulting from surface water diversion, groundwater drawdown, and reduced water quality. As previously noted, MGL is proposing a range of measures to avoid and minimise / mitigate adverse effects on ecological values. As noted throughout this report, rehabilitation will be implemented across all available areas of the DDF (approximately 480 hectares).



- > Alliance Ecology (2025) considers that following the implementation of measures to avoid, minimise / mitigate and remediate adverse effects, residual effects on terrestrial and wetland ecological values within the BOGP remain and range from very low to very high. Comprehensive offsetting and compensation is therefore proposed to address residual effects assessed as moderate or greater, which includes ecological restoration and habitat enhancement across 2,219 hectares of habitat in the landscape surrounding the mine footprint. Several of these components – including the Bendigo Sanctuary Area and a notable portion of the MRZs – are located within the area of the Bendigo Conservation Covenant proposed to be uplifted and will be covenanted in perpetuity.
- > The offsetting and compensation measures aim to reverse the ongoing decline of native habitat, supporting a large-scale transition from exotic-dominated to native-dominated ecosystems. Restoration efforts will prioritise the reinstatement of species that are rare, under-represented, or locally extirpated, as well as resilient native species capable of persisting under harsh and variable conditions. Long-term biodiversity outcomes will be supported by a combination of extensive weed and animal pest control, animal pest exclusion, habitat enhancement, and browsing pressure management, tailored to the specific requirements of each area.
- > Overall, the suite of technical assessments concludes that the impacts of the BOGP on the values sought to be protected by the Bendigo Conservation Covenant can be suitably managed and addressed through the proposed offsetting and compensation measures. These measures include ecological restoration and habitat enhancement activities that will be protected in perpetuity through covenants and are expected to deliver better outcomes to achieve the objectives of the Bendigo Conservation Covenant. This is particularly relevant as the ecological assessments for the BOGP have identified that, without intervention, most indigenous biodiversity values within the landscape will continue to decline.
- > The proposed uplift of part of the Bendigo Conservation Covenant does not warrant the imposition of conditions requiring the management of other land as MGL are proposing to establish covenants in perpetuity over more than 2,200 hectares of land that will be used for offsetting and compensation activities.

Archaeological / Historic Heritage Values

- > NZHP (2025a) concludes that the BOGP will have a major impact on heritage values in the Project Site and a moderate impact on the Bendigo Quartz Reef Historic Area. However, the areas of highest heritage values in both the Bendigo Conservation



Covenant Area and the Bendigo Quartz Reef Historic Area fall outside of the Project Site and will not be impacted by the BOGP.

- > The proposed modifications to heritage sites within the Project Site are supported on the condition the recommended mitigation measures are carried out to preserve a detailed digital record of the landscape that can be used for future public interpretation.
- > The recommended mitigation would go some way to mitigate and offset the adverse effects, reducing the overall impacts of the works.
- > A range of mitigation measures are recommended by NZHP (2025a) to reduce the overall effects of the BOGP on heritage values. These measures will be implemented in accordance with the Archaeological and Heritage Management Plan and include:
 - > Recording of any archaeological features or deposits and all structures;
 - > Photographing of five identified stone huts and stone-faced dam to produce digital 3-D models;
 - > Spatial mapping of all archaeological features and structures within the Project Site;
 - > Presence of an archaeologist during vegetation removal within proximity to archaeological sites, excavations within site extents and during recording of sites;
 - > Retention of stone from hut dam sites for future reuse;
 - > Marking the points at which identified sites enter the Project Site with semi-permanent fencing;
 - > Establishing a 5 metre buffer around Rabbiter's Hut (G41/14) prior to works commencing using semi-permanent fencing;
 - > Not undertaking works or storing topsoil within the existing fenced enclosure for Stock Yards (G41/5);
 - > Relocate public access to the Come-In-Time Battery via a new marked route, with any vegetation clearance undertaken with hand tools to avoid impacting unidentified heritage sites;
 - > Establish Ardgour Rise as an alternative to Thomson Gorge Road to a standard suitable for public access; and



- > Maintain existing recreation access to the Ardour and Bendigo Conservation Areas.
- > **Whether and to what extent the values that will be impacted by the project are found elsewhere in any part of the covenanted area that will remain subject to the covenant protection:**
 - > The Bendigo Conservation Covenant applies to a large area of land which extends significantly beyond the Project Site (as shown in Figure 8-10 above). While MGL seeks to amend the covenant to remove it from applying to the Project Site, the covenant would continue to apply to the surrounding land and the values of the surrounding land protected by the covenant will therefore remain protected.
 - > The Ecological Survey Area assessed in Alliance Ecology (2025) and the various baseline reports is approximately 5,386 hectares and extends well beyond the DDF to provide a wider context for assessing ecological values.
 - > The large scale of the Ecological Survey Area allows it to be considered representative of the ecological values of the broader landholding that is protected by the covenant and that contribute to the Dunstan Ecological District. While these ecological values are present within the Project Site (and approval is sought to revoke the covenant from the Project Site area) the covenant will continue to apply to the surrounding land not directly impacted by the BOGP. The ecological character of the wider landholding protected by the covenant is present throughout the wider area as demonstrated through the robust assessment of the Ecological Survey Area in the various ecological reports. The ecological values of the wider land area will remain subject to covenant protection.
 - > In addition, Habitat NZ (2025) identifies that the overall invertebrate community health is similar across the Project Site and the surrounding landscape, with targeted monitoring sites showing a richer and more diverse invertebrate population compared to representative survey sites.
 - > The areas of highest heritage values within the Bendigo Conservation Covenant and the Bendigo Quartz Reef Historic Areas also fall outside the Project Site and will not be impacted by the BOGP. As identified in NZHP (2025a), comparable examples of all sites affected by the BOGP can be found elsewhere in the covenant area and the Bendigo Quartz Reef Historic Area, and are generally better maintained, more accessible and visited more regularly by the public than those proposed for removal.



- > **The contact details of the owner of the burdened land or, if the covenant relates to more than 1 parcel of land, of the owner of each piece of land that will be directly affected by the proposed activity:**
 - > The ownership details are set out in **Part I** to these application documents.
- > **The written consent to the proposed amendment or revocation of each person referred to in paragraph (e) above:**
 - > The written consent to the proposed amendment of the owner of the Bendigo Station land, Bendigo Station Limited (owned by John Charles Perriam), is provided in the signed Affected Party Approval (“**APA**”) forms included in **Part F** to these application documents.
- > **If the covenant was granted in favour of a local authority or other body under section 77 of the Reserves Act 1977, the written consent of that local authority or other body:**
 - > The Bendigo Conservation Covenant was not granted in favour of any local authority or other body under Section 77 of the Reserves Act 1977.
 - > While the Bendigo Conservation Covenant was granted in favour of the Minister of Conservation, written consent is not required from the Minister of Conservation as they are not a local authority or other body.
- > **Details of the covenant, including—**
 - > **The addresses of all land subject to the covenant:**
 - > **A copy of the covenant deed and any variations.**
 - > The land subject to the Bendigo Conservation Covenant are all parcels of land situated in the Otago Land District containing:
 - > 4180 hectares more or less, being Sections 1,2,24,29,34,36 and 38 SO 24641; and
 - > 3782 hectares more or less, being Sections 3/9 inclusive 11/16 inclusive 23,27,28,37 and 39 SO 24641);
 - > A copy of the covenant deed and variations are provided in **Part E** of these application documents. The portion of land subject to the Bendigo Conservation Covenant is contained within Bendigo Station, with the relevant land legally described as:
 - > Section 11-16, 23, 27, 37, 39 Survey Office Plan 24641;



- > Section 2 Survey Office Plan 332575; and
- > Lot 6 Deposited Plan 517385.

8.9.1.2 Clause 45 - Criteria for Assessment of Application for Amendment or Revocation of Conservation Covenant

When the broad geographical area of the Bendigo Conservation Covenant is considered, the application to remove the Project Site is consistent with the assessment criteria set out Clause 45 of Schedule 6 of the Act.

Removal of the Bendigo Conservation Covenant from the Project Site will facilitate the delivery of the BOGP, a development project with significant regional and national benefits as outlined throughout this report. The terms of the Bendigo Conservation Covenant impose restrictions on mineral extraction (and associated earthworks) within parts of the Project Site. Delivery of the BOGP cannot be facilitated without removal of the covenant from the Project Site.

The removal of the Bendigo Conservation Covenant from the Project Site will also not compromise values of regional, national or international significance. The covenant applies to a large area of land which extends significantly beyond the Project Site (as shown in Figure 8-10 above). The expert and technical assessments identify that the heritage, landscape and ecological values sought to be protected in the Bendigo Conservation Covenant are present in the landholdings beyond the Project Site and would continue to be protected by Bendigo Conservation Covenant. Comprehensive mitigation, offsetting and compensation measures are proposed by MGL in the form of ecological restoration and habitat enhancement across approximately 2,219 hectares of habitat in the BOGP Area surrounding the DDF. Several of these components – including the Bendigo Sanctuary Areas and part of the MRZs – are located within the Bendigo Conservation Covenant. These offsetting and compensation activities will be secured through the proposed conditions (**Part D** of these application documents) with the land to be covenanted to ensure protection in perpetuity. This will secure enduring protection of the values sought to be protected by Bendigo Conservation Covenant.

8.10 APPROVALS RELATING TO THE WILDLIFE ACT 1953

8.10.1 Wildlife Permit

Schedule 7 (Clause 2) of the Act sets out the information requirements for wildlife approval. Applications for wildlife approval must:

- > **Specify the purpose of the proposed activity:**



- > The proposed BOGP is fully described in Section 3 of this report. Approvals are required under the Wildlife Act as follows:
- > Catch, salvage and relocate native lizard species listed in Schedule 4 prior to disturbance and vegetation clearance within the DDF at the Project Site.²⁹⁶
- > Hold wildlife for up to 12 hours for the purpose of relocation after salvage.²⁹⁷
- > Undertake biodiversity monitoring of native lizards.²⁹⁸
- > Physically mark protected lizards listed in Schedule 4 using toe clipping methodology.²⁹⁹
- > To undertake works affecting the habitat of wildlife listed in Schedule 1 and Schedule 2.³⁰⁰
- > To disturb, injure or kill the wildlife species listed in Schedule 1 and Schedule 2 when unavoidable.³⁰¹
- > Any accidental / unintentional harm to wildlife that could arise from any of the activities undertaken in relation to the Bendigo-Ophir Gold Project.³⁰²
- > **Identify the actions the applicant wishes to carry out involving protected wildlife and where they will be carried out (whether on or off public conservation land):**
 - > As discussed in Section 6 and Section 7 of this report, and in Alliance (2025)³⁰³, the Habitat Impact Management Plan (pp. 3-5), Avifauna Management Plan (pp. 7-9) and the Lizard Management Plan (pp. 4-16), MGL is proposing to carry out pre-clearance surveys and salvage of lizards (Habitat Impact Management Plan: pp. 3-5, Lizard Management Plan: pp. 9-16) in areas identified on Figure 1 and 2 of the Lizard Management Plan (pp. 20-21). Note that Figure 3 of the Lizard Management Plan (p.22) shows areas exempt from lizard pre-clearance surveys or salvage.

²⁹⁶ Alliance (2025) pp. 97 and 126-127; Habitat Impact Management Plan pp. 4-5; Lizard Management Plan pp. 10-14; Landscape and Ecological Rehabilitation Management Plan pp. 42, 43, 47, 50, 53 & Appendix pp. 49-73; Biodiversity Outcome Monitoring Plan p. 13.

²⁹⁷ Lizard Management Plan p. 14.

²⁹⁸ Lizard Management Plan pp. 8-9; Biodiversity Outcome Monitoring Plan pp. 11, 13.

²⁹⁹ Lizard Management Plan p. 13.

³⁰⁰ Alliance (2025) p. 96; Habitat Impact Management Plan pp. 3-5; Avifauna Management Plan pp. 6-8; Lizard Management Plan pp. 10-12.

³⁰¹ Lizard Management Plan p. 12

³⁰² Avifauna Management Plan pp. 8-9; Lizard Management Plan pp. 12.

³⁰³ Alliance (2025) pp. 93-98.



- > Pre-clearance surveys will be carried out for protected birds in all areas of the DDF in accordance with the methodology proposed in the Habitat Impact Management Plan (pp. 3-4) and Avifauna Management Plan (pp. 8-9). Although these surveys may disturb protected birds, nest protection protocols will be put in place to prevent harm being caused to nesting protected birds (Avifauna Management Plan: p.7) and measures to implement transmission lines and the use of underground cabling will be used where possible to minimise electrocution risk to protected birds (Avifauna Management Plan: p.7).
- > None of the activities will be carried out on Public Conservation Land.
- > **Include an assessment of the activity and its impacts against the purpose of the Wildlife Act:**

Section 3 of this report provides a description of the project, Section 6 presents an assessment of the effects of the project on biodiversity (including wildlife), and Section 7 sets out the measures proposed by MGL to manage the effects of the project on native fauna.

The Wildlife Act protects native and introduced species of mammals, birds, reptiles, and amphibians, and regulates many human interactions with these species. It establishes a tiered system of protection for different species, with some species receiving absolute protection and others receiving partial protection.

As set out throughout this report, MGL is proposing:

1. *Avoidance of Impacts on Threatened and At-Risk Species*

Wildlife Act Requirement: Section 42(4)(h) requires demonstration that adverse effects on wildlife are avoided, remedied or mitigated.

BOGP Response: The project prioritises avoidance of impacts on lizard or bird species including “Threatened” or “At-Risk” lizard or bird species where possible, through careful planning and design. Specific avoidance measures are detailed in Alliance (2025) (pp. 95-96), the Lizard Management Plan (p.10), and the Avifauna Management Plan (p. 7). Where complete avoidance is not feasible, impacts are minimised through the mitigation hierarchy as outlined in Alliance (2025) (p. 93, 137, 139 and 160).

Compliance Status: Compliant - avoidance prioritised with documented methodology.

2. *Minimisation of Impacts on Threatened and At-Risk Bird Species During Breeding Season.*

Wildlife Act Requirement: Protection of native birds during vulnerable life stages, particularly breeding periods.



BOGP Response: Pre-clearance surveys for native bird nests will be conducted prior to vegetation removal during the breeding season (September to March inclusive). This timing-based approach minimises disturbance to nesting birds and dependent young. Survey protocols and response procedures are outlined in Alliance (2025) (p. 96) and the Avifauna Management Plan (p. 8).

Compliance Status: Compliant - proactive surveys prevent harm during any breeding periods.

3. Lizard Salvage and Relocation Using Established Methodologies

Wildlife Act Requirement: Use of methods to capture and relocate protected wildlife to suitable habitat.

BOGP Response: A detailed assessment of the proposed works against the Wildlife Act Authority salvaging principles is provided in the Lizard Management Plan (pp.5-9). Lizard salvage and relocation will employ some methodologies from DOC's Inventory and Monitoring Toolbox: Herpetofauna, in order to balance salvage with the scale of the project. These techniques have been adapted within the LMP to account for BOGP-specific site conditions, to ensure that a portion of the population of each lizard species is salvaged and relocated. Detailed procedures are provided in the Lizard Management Plan (pp.10-14) and Landscape and Ecological Rehabilitation Management Plan (p. 32).

Compliance Status: Compliant - nationally recognised methodologies adapted for local conditions with transparent acknowledgment of project constraints and adoption of pragmatic "best practicable effort" approach. For practical reasons, this project does not apply the full suite of lizard salvage methods advocated in the DOC toolbox, nor will it undertake salvage for native lizards over the entire project footprint.

4. Habitat Feature Salvage and Relocation

Wildlife Act Requirement: Provision of suitable habitat for relocated wildlife species.

BOGP Response: Critical habitat features including wood and weathered boulders will be salvaged from the Direct Disturbance Footprint and relocated to receiving sites. These features will be deployed immediately to enrich contingency zones and available rehabilitation areas where proximate, or stockpiled for subsequent use in rehabilitation and offset/compensation sites. This approach maintains habitat complexity and provides refuge sites for relocated lizards (Alliance (2025), p. 97).

Ardgour Restoration Area Management Plan and Landscape and Ecological Rehabilitation Management Plan provides the critical landscape-scale habitat enhancement and protection through active management, not passive habitat provision - active predator control, vegetation enhancement, habitat feature deployment framework that makes the lizard salvage and



relocation programme compliant with Wildlife Act requirements, particularly the requirement for suitable long-term receiving sites with adequate carrying capacity.

Compliance Status: Compliant - habitat structure preservation supports wildlife relocation success in the areas where habitat structure enhancement is undertaken.

5. *Predation Pressure Reduction and Enhanced Ecological Connectivity*

Wildlife Act Requirement: Long-term protection and enhancement of wildlife populations beyond immediate mitigation.

BOGP Response: The project delivers benefits through comprehensive predator control and landscape-scale habitat enhancement. Reduced predation pressure benefits native fauna including lizards and birds, while improved ecological connectivity facilitates population movement and genetic exchange across the landscape. These outcomes are achieved through integrated management detailed in Ardgour Restoration Area Management Plan (pp. 15-16, 30, 37), Landscape and Ecological Rehabilitation Management Plan (pp. 19, 31, 37-56), and Mammalian Pest Management Plan (pp. 9-23, 43-44, 66-69).

Compliance Status: Compliant - exceeds minimum requirements through landscape-scale conservation gains.

6. *Pest Exclusion Fence Construction and Maintenance*

Wildlife Act Requirement: Protection of wildlife from introduced predators.

BOGP Response: Pest exclusion fencing will be constructed around key ecological areas and maintained for the term of consent or until mammalian pest eradication is achieved across the landscape. This infrastructure provides immediate protection for resident and translocated wildlife from introduced predators, supporting population recovery and establishment. Technical specifications and maintenance protocols are detailed in Alliance (2025) (pp. 146-147) and the Matakanui Sanctuary Management Plan (pp. 4-8, 13-14, 35-38, 39-42).

Compliance Status: Compliant - physical barriers provide proven protection from predation.

Given these measures it is considered that the handling of protected lizards (the Lizard Management Plan pp.10-14, Biodiversity Outcome Monitoring Plan p.13,), capture and relocation of protected lizards (Lizard Management Plan p.10-14, marking of lizards for monitoring (toe clipping) (Lizard Management Plan p.13), injury or death of protected lizards (Lizard Management Plan pp.12 & 15, Alliance (2025) p. 126), accidental discovery of additional protected species (Lizard Management Plan p.15-16, Avifauna Management Plan p.9), potential disturbance of protected native birds (Alliance (2025) pp. 93-95, 124-126, Avifauna Management Plan p. 7-8) and inadvertent protected bird



injury or death (Avifauna Management Plan p. 8-9) is consistent with the intent of the Wildlife Act for birds. The approach for lizards provides an effects-based balance between practicalities and a proportional response for lizards. It is considered appropriate given the conclusions and the offset and compensation proposed in RMA Ecology (2025d), though it deviates from Department of Conservation guidelines by employing a limited subset of salvage methods and restricting salvage activities to a portion of the project footprint.

- > **List protected wildlife species known or predicted to be in the area and, where possible, the numbers of wildlife present and numbers likely to be impacted:**

Lizards

Field surveys detected three native lizard species within the DDF: tussock skink, Kowarau gecko, and McCann's skink. These same species were consistently recorded across all surveyed locations in the wider landscape, including Ardour Station, Bendigo Station, Bendigo Scenic Reserve, Bendigo Historic Reserve, road margins, vineyards near Bendigo Loop Road, and land overlooking Lake Dunstan (located 10 km west). Further details are provided in RMA Ecology (2025d) (pp. 32-33), Alliance (2025) (pp. 72-73), and the Lizard Management Plan (pp. 8-9).

- > Estimated lizard populations within the DDF are (RMA Ecology (2025d) pp. 32-33):
 - > McCann's skink: low 100,000s
 - > Tussock skink: low 1,000s
 - > Kowarau gecko: high 10,000s
- > Minimum salvage targets are set at (Lizard Management Plan p. 12):
 - > 70,000 McCann's skink
 - > 2,000 Tussock skink
 - > 30,000 Kowarau gecko
- > All individuals of any additional protected lizard species encountered during salvage operations
- > The salvage programme will capture approximately 10-30% of the estimated lizard population within the DDF, rather than attempting to salvage all individuals across the entire footprint. This approach has been incorporated into the ecological effects assessment (Alliance, 2025). The inability to salvage all lizards is a primary driver for the proposed extensive pest exclusion fences as compensatory measures, as



outlined in the Matakanaui Sanctuary Management Plan and detailed in the Lizard Management Plan Section 5 (p. 12).

Birds

Protected bird species present within the DDF include New Zealand falcon (eastern form), South Island fernbird, New Zealand pipit, black shag, silvereye, South Island pied oystercatcher and tomtit (RMA Ecology, 2025c p. 40, Avifauna Management Plan pp. 5-6 and. 47).

New Zealand falcon, New Zealand pipit and silvereye may experience temporary disturbance or displacement during construction and operational activities, as detailed in the Avifauna Management Plan (pp. 6-8) and Alliance (2025) (pp. 123-124) although are likely to experience long term overall positive outcome (Alliance, 2025 p. 153). However, significant mortality is not anticipated, and mitigation measures will be implemented to avoid or minimise disturbance effects.

Estimates of impacted birds are not clear, although are likely to be 1 pair of Falcon, 5-15 pairs of New Zealand pipit and an unknown quantity of silvereye (Alliance, 2025 p. 124).

> **Outline impacts on threatened, data deficient, and at-risk wildlife species (as defined in the New Zealand Threat Classification System):**

Section 6 of this report contains an assessment of effects on the following native fauna / wildlife species.

Native bats

- > No native bats have been detected at or near the site (Habitat NZ, 2025b pp. 12-15).

Lizards

- > The three native lizard species recorded within the Bendigo-Ophir Gold Project (BOGP) area are presented in Schedule 1.

Schedule 1

Common Name	Scientific Name	NZ Threat Classification
Kawerau gecko	<i>Woodworthia Cromwell</i>	At Risk-Declining
Tussock Skink	<i>Oligosoma chionocholescens</i>	At Risk-Declining
McCann's skink	<i>Oligosoma maccanni</i>	Not Threatened



- > Two are classified as At Risk – Declining: tussock skink and Kawarau gecko. The third species, McCann's skink, is classified as Not Threatened.
- > No other native lizard species were detected despite extensive surveys using multiple methods (ACOs, pitfall trapping, Gee minnow funnel traps, manual searches, drone aerial surveys, and tor/rock area surveys) totalling approximately 620 person-hours of search effort across the Ecological Study Area and associated areas (RMA Ecology, 2025d p 32-33 and 58 and Alliance, 2025 pp. 72-73).
- > Notably, no Threatened species or cryptic large-bodied skinks (such as green skink, Otago skink, lakes skink, cryptic skink, or grand skink) or other gecko species (such as jewelled gecko) were found, despite targeted surveys of suitable habitat including regenerating scrubland, tor vegetation and valley tussock/scree areas (Alliance, 2025 pp. 72-73 and RMA Ecology, 2025d p 32-33).

Birds

Four threatened or at-risk bird species have been confirmed within the project footprint: New Zealand Falcon (Threatened- Nationally vulnerable), New Zealand pipit (At Risk – Declining), South Island Pied Oystercatcher (At Risk – Declining), and Black Shag (At Risk – Relict). An additional four Threatened or At Risk species may also occur at the site: South Island Fernbird (At Risk – Declining), Little Shag (At Risk – Relict), Black-fronted Tern (Threatened- Nationally endangered), and Black-billed Gull (At Risk – Declining) (Alliance, 2025 pp. 71-72, Avifauna Management Plan pp.5-6). The full list of birds either found or potentially in the BOGP area are listed in Schedule 2.

Schedule 2

Māori Name	Common Name	Scientific Name	NZ Threat Classification	Regional threat status
Kārearea*	New Zealand falcon – eastern form*	<i>Falco novaeseelandiae</i>	Threatened, nationally vulnerable	Threatened, regionally vulnerable
Mātātā/Kōtātā	South Island fernbird	<i>Bowdleria punctata punctata</i>	At Risk, declining	Regionally At Risk, declining
Pīhoihoi*	New Zealand pipit*	<i>Anthus novaeseelandiae novaeseelandiae</i>	At Risk, declining	Regionally not threatened



Māori Name	Common Name	Scientific Name	NZ Threat Classification	Regional threat status
Māpunga*	<i>Black shag*</i>	<i>Phalacrocorax carbo</i>	At Risk, relict	Threatened, regionally endangered
Tauhou*	<i>Silvereye*</i>	<i>Zosterops lateralis</i>	Not threatened	Regionally At Risk, declining
Miromiro*	<i>Tomtit*</i>	<i>Petroica macrocephala</i>	Not threatened	Not threatened (but locally uncommon)
Tōrea*	<i>South Island Pied Oystercatcher*</i>	<i>Haematopus finschi</i>	At Risk, declining	Threatened, regionally vulnerable
Kawau paka	<i>Little shag</i>	<i>Phalacrocorax sulcirostris</i>	At Risk, relict	At Risk, relict
Tarapiroe	<i>Black-fronted tern</i>	<i>Chlidonias albobriatus</i>	Threatened, nationally endangered	Threatened, regionally endangered
Tarāpuka	<i>Black-billed gull</i>	<i>Chroicocephalus bulleri</i>	At Risk, declining	Threatened, regionally vulnerable
Kāhu	<i>Australasian harrier*</i>	<i>Circus approximans</i>	Not threatened	Not threatened
Kuruwhengi	<i>Australasian shoveler</i>	<i>Anas rhynchotis</i>	Not threatened	Not threatened
Korimako	<i>Bellbird</i>	<i>Anthornis melanura</i>	Not threatened	Not threatened
Kakiānau	<i>Black swan</i>	<i>Cygnus atratus</i>	Not threatened	Not threatened
Riroriro	<i>Grey warbler</i>	<i>Gerygone igata</i>	Not threatened	Not threatened
Tētē-moroiti	<i>Grey teal</i>	<i>Anas gracilis</i>	Not threatened	Not threatened
	<i>Mallard x grey duck hybrid*</i>	<i>Anas platyrhynchos</i> x <i>Anas superciliosa</i>	Not threatened	Not threatened

Māori Name	Common Name	Scientific Name	NZ Threat Classification	Regional threat status
Pīwakawaka	<i>New Zealand fantail</i>	<i>Rhipidura fuliginosa</i>	Not threatened	Not threatened
Kererū	<i>New Zealand pigeon</i>	<i>Hemiphaga novaeseelandiae</i>	Not threatened	Not threatened
Pāpango	<i>New Zealand scaup</i>	<i>Aythya novaeseelandiae</i>	Not threatened	Not threatened
Pūtangitangi	<i>Paradise shelduck</i>	<i>Tadorna variegata</i>	Not threatened	Not threatened
Poaka	<i>Pied stilt</i>	<i>Himantopus leucocephalus</i>	Not threatened	Not threatened
Pūkeko	<i>Pukeko</i>	<i>Porphyrio melanotus</i>	Not threatened	Not threatened
Kōtare	<i>Kingfisher</i>	<i>Todiramphus sanctus vagans</i>	Not threatened	Not threatened
Karoro	<i>Southern black-backed gull</i>	<i>Larus dominicanus dominicanus</i>	Not threatened	Not threatened
	<i>Spur-winged plover</i>	<i>Vanellus miles novaehollandiae</i>	Not threatened	Not threatened
Warou	<i>Welcome swallow</i>	<i>Hirundo neoxena</i>	Not threatened	Not threatened
Matuku moana	<i>White-faced heron</i>	<i>Egretta novaehollandiae</i>	Not threatened	Not threatened

Invertebrates

No native invertebrates protected under the Wildlife Act 1953 have been detected at or near the site (Habitat NZ, 2025c pp. 25-38).

- > **State how the methods proposed to be used to carry out the actions the applicant wishes to carry out involving protected wildlife that will ensure that best practice standards are met:**

- > This information is contained in the Lizard Management Plan and the Avifauna Management Plan, as well as the Ecology and Landscape Management Plans contained in **Part G** of these application documents.
- > **Describe the methods to be used to safely, efficiently, and humanely catch, hold, or kill the animals and identify relevant animal ethics processes:**
 - > This information is contained in the Lizard Management Plan (pp. 10-15), as well as the Ecology and Landscape Management Plans contained in **Part G** to these application documents.
 - > Apart from authorised euthanasia of injured, diseased or suffering lizards (Lizard Management Plan p. 15) and birds (Avifauna Management Plan p. 9), all other protected wildlife deaths will be incidental (Avifauna Management Plan pp.8-9 and the Lizard Management Plan p. 15).
- > **State the location or locations in which the activity will be carried out, including a map (and GPS co-ordinates if available):**
 - > This information is contained in the Lizard Management Plan (pp. 20-22), the Matakanui Sanctuary Management Plan (p. 37), Alliance (2025) (pp. 186, 192-196), the Mammalian Pest Management Plan (p. 80-88), as well as the Ecology and Landscape Management Plans (Landscape and Ecological Rehabilitation Management Plan p. 10 and the Ardgour Restoration Area Management Plan p.14), contained in **Part G** to these application documents.
- > **State whether authorisation is sought to temporarily hold or relocate wildlife:**
 - > This information is detailed in the Lizard Management Plan (pp. 10-14), as well as the Ecology and Landscape Management Plans contained in **Part G** to these application documents. Only Lizards will be relocated. It is anticipated that, where possible, lizards will be held for no longer than four hours before being released at the relocation site (Lizard Management Plan pp. 14).
- > **List all actual and potential wildlife effects (adverse or positive) of the proposed activity, including effects on the target species, other indigenous species, and the ecosystems at the site:**
 - > Section 6.6 of this report contains a detailed description of the actual and potential effects of the project on wildlife (and their habitats).
 - > Potential effects on protected native species and their habitats are identified in Alliance (2025) (pp. 92-127, 133-138 and 141-160), including potential net gain or net loss outcomes. Potential adverse effects on protected lizards are set out in the



Lizard Management Plan (p. 9), and potential adverse effects on protected birds are set in the Avifauna Management Plan (pp. 6-7).

- > The Landscape and Ecological Rehabilitation Management Plan, Ardgour Restoration Area Management Plan, Matakanui Sanctuary Management Plan and the Mammalian Pest Management Plan each have aspects that identify or contribute to positive effects for protected lizards and protected birds at the site.
- > **Where adverse effects are identified, state what methods will be used to avoid and minimise those effects, and any offsetting or compensation proposed to address unmitigated adverse effects (including steps taken before the project begins, such as surveying, salvaging, and relocating protected wildlife):**
 - > Section 6 and Section 7 of this report, as well as the proposed conditions contained in **Part D** to these application documents, detail how MGL is proposing to manage the actual and potential effects of the project on wildlife.
 - > Details of the pre-construction survey, protection, salvage and relocation of protected native fauna are set out in the Habitat Impact Management Plan (p. 5), the Avifauna Management Plan (pp. 7-8) and the Lizard Management Plan (pp. 10-16). The Ardgour Restoration Area Management Plan (pp. 30, 37, 38, 65, 73, 87-88) sets out measures to ensure the receiving environment is appropriate for relocated individuals. The Landscape and Ecological Rehabilitation Management Plan (pp. 19, 31, 32, 37, 43, 47, 51-51, 53, 55, 62, 64, 74, 77 and 78) sets out measures to ensure habitat is suitable for populations of relocated lizards should they disperse into the area covered by this plan. The Mammalian Pest Management Plan (pp. 14, 20, 21, 23, 41, 66-68) sets out mammalian pest control measures to protect relocated lizards. The Matakanui Sanctuary Management Plan (pp. 36, 38, 40, 59) sets out the measures used to protect protected lizards relocated during sanctuary fence construction, and also how the sanctuaries offer beneficial protected lizard impacts such as population growth and potential trade-ups for critically endangered lizards.
- > **State whether the applicant or any company director, trustee, partner, or anyone else involved with the application has been convicted of any offence under the Wildlife Act:**
 - > No company director, trustee, partner, or anyone else involved with the application has been convicted of any offence under the Wildlife Act.
- > **State whether the applicant or any of the company director, trustee, partner, or anyone else involved with the application has any current criminal charges under the Wildlife Act pending before a court:**



- > The applicant, (including the company director, trustees, partners, or anyone else involved with the application) does not have any current criminal charges pending under the Wildlife Act.
- > **Provide proof and details of all consultation, including with hapū or iwi, on the application specific to wildlife impacts:**
 - > Section 5 of this report details the consultation undertaken associated with the Project.
- > **Provide any additional written expert views, advice, or opinions the applicant has obtained concerning their proposal:**

MGL has commissioned several expert reports to assess the effects of the Project and to set out measures to manage the effects on wildlife, all of which are appended to this application in **Parts B and G**, including:

 - > Alliance (2025)
 - > Habitat NZ (2025a)
 - > Habitat NZ (2025b)
 - > Habitat NZ (2025c)
 - > RMA Ecology (2025c)
 - > RMA Ecology (2025d)
 - > Ecological Management Plan Framework
 - > Habitat Impact Management Plan
 - > Avifauna Management Plan
 - > Lizard Management Plan
 - > Landscape and Ecological Rehabilitation Management Plan
 - > Ardgour Restoration Area Management Plan
 - > Matakanui Sanctuary Management Plan
 - > Mammalian Pest Management Plan
 - > Biodiversity Outcome Monitoring Plan



8.11 APPROVALS RELATING TO THE HERITAGE NEW ZEALAND POUHERE TAONGA ACT 2014

8.11.1 Archaeological Authority

Schedule 8 (Clause 2) of the Act sets out the information requirements for archaeological authorities. Applications must include the following information:

- > **A legal description of the land or, if one is not available, a description that is sufficient to identify the land to which the application relates:**
 - > This is addressed in **Part I** to these application documents.
- > **The name of the owner of the relevant land, if the applicant is not the owner of the land:**
 - > The ownership details for all land within the Project Site that is subject to the BOGP is set out in **Part I** to these application documents.
- > **Proof of consent, if the owner has consented to the proposed activity:**
 - > As noted throughout this report, MGL has obtained access agreements from the owners of Bendigo and Ardgour Stations for the BOGP (as per the redacted access agreements provided in **Part F** to the application documents). In particular, Clause 7.3 of the access agreements state that the landowners of Bendigo and Ardgour Stations agree to consent to and support MGL's applications for any consents, permits or authorisations for the project, which includes the activities associated with the BOGP that are proposed to be authorised by an Archaeological Authority.
 - > Furthermore, MGL has also obtained written approval from the owners of both stations which explicitly approve and support the granting of an Archaeological Authority under the HNZPT Act for the BOGP Area. This approval is provided in the signed Affected Party Approvals ("**APAs**") for both Bendigo and Ardgour Stations provided in **Part F** of this application.
 - > In addition to the above, CODC have provided landowner approval for the works in and around several roads, as set out in **Part F**.
 - > MGL has been engaging with the Department of Conservation since the early inception of exploration activities for the BOGP. Whilst formal consent has not yet been provided for those areas of the project located on land administered by the Department of Conservation (and will be considered during the fast-track process), the Department of Conservation has been provided sufficient information of the proposed activities as part of the ongoing engagement that MGL has undertaken



with them. MGL will work with the Department of Conservation to obtain this consent following lodgement of the substantive application.

- > **Confirmation that the application complies with Section 46(2)(a), (b) and (d) of the Act.**³⁰⁴
 - > The requirements of Section 46 of the Act are addressed earlier in Section 8.7.1 of this report.
- > **A description of each archaeological site to which the application relates and the location of each site:**
 - > This is addressed in Section 2.18 of this report, and in Sections 6, 7 and 9 of NZHP (2025a).
- > **A description of the activity for which the authority is sought:**
 - > This is addressed in Section 3 of this report, Section 9 and 10 of NZHP (2025a) and the Archaeological and Heritage Management Plan (contained in **Part G** to these application documents). As set out in Section 4.6 of this report, MGL applies for an Archaeological Authority under Section 44 of the HNZPT Act for the modification of archaeological sites, which will include archaeological investigations and recording of any archaeological remains affected and uncovered during earthworks.
- > **A description of how the proposed activity will modify or destroy each archaeological site:**
 - > These matters are addressed in Section 6.19 of this report, and in Section 10 of NZHP (2025a).
- > **Except in the case of an approval described in Section 44(b) of the HNZPT Act,**³⁰⁵ **an assessment of—**
 - > **The archaeological, Māori, and other relevant values of the archaeological site in the detail that is appropriate to the scale and significance of the proposed activity and the proposed modification or destruction of the archaeological site; and**
 - > **The effect of the proposed activity on those values:**

³⁰⁴ Section 46 of the Act addresses the EPA deciding whether a substantive application is complete and within scope.

³⁰⁵ An application for an authority to undertake an activity that will or may modify or destroy a recorded archaeological site or sites, if the effects of that activity on a site or sites will be no more than minor.



- > Section 9 of NZHP (2025a) assesses all archaeological values associated with the area within which the BOGP is located while Section 10 of NZHP (2025a) provides an assessment of the effects of the BOGP on the identified archaeological and heritage sites. An Archaeological and Heritage Management Plan (provided in **Part G** to these application documents) has also been prepared which documents the measures to be put in place to address effects on archaeological values and features.
- > **A statement as to whether consultation with tangata whenua, the owner of the relevant land (if the applicant is not the owner), or any other person likely to be affected—**
 - > **Has taken place, with details of the consultation, including the names of the parties and the tenor of the views expressed; or**
 - > **Has not taken place or been completed, with the reasons why consultation has not occurred or been completed (as applicable):**
 - > Section 5 of this report addresses the consultation and engagement undertaken by MGL in respect of the Project. This includes consultation with the Kā Rūnaka whose takiwā includes the BOGP Project Site. As stated above, MGL has obtained access agreements with the landowners of Bendigo and Ardgour Stations which provide written agreement for MGL to undertake all necessary activities and obtain all necessary approvals for the BOGP on their land, including Archaeological Authorities to modify or destroy archaeological sites or heritage features.

8.12 APPROVALS RELATING TO THE FRESHWATER FISHERIES REGULATIONS 1983

8.12.1 Complex Freshwater Fisheries Activity Approval

Schedule 9 (Clause 3) of the Act sets out the information requirements for complex freshwater fisheries activity approval. It is the diversions associated with the project that require a dispensation under Regulation 43 of the Fisheries Regulations.

Applications must include the following information:

- > **In relation to the structure and any fish facility:**
 - > **A description of the type of structure or fish facility:**
 - > **The dimensions of the structure or fish facility:**
 - > **The design of the structure or fish facility:**
 - > **The placement of the structure or fish facility:**



- > **The water flows:**
- > **The operating regime:**
 - > As discussed throughout this report, Waterways (2025) did not detect the presence of any fish species within the Shepherds or Rise and Shine Creek catchments within the Project Site and confirmed that none of the watercourses of the BOGP provide habitat for any fish species. This is due to the presence of several barriers to upstream and downstream fish passage in the Shepherds Creek catchment, which include the approximately 3 km lower ephemeral reach of Shepherds Creek which flows very infrequently, and the existing water abstraction structure within Shepherds Creek.
 - > In addition, While Waterways (2025) identified localised populations of kōaro and brown trout within the lower Bendigo Creek, located downstream of Rise and Shine Creek, an upstream waterfall between this habitat and the Project Site provides a barrier to fish passage.
 - > Because no fish species were detected within the watercourses associated with the BOGP and there are several barriers to upstream fish passage into the Project Site, there is no requirement for the various diversion channel structures and culvert(s) associated with the BOGP to include a fish facility. As noted in Section 4.7 of this report, a dispensation is therefore sought for the diversion channels.
- > **The freshwater species and values present (with particular focus on threatened, data-deficient, and at-risk species as defined in the New Zealand Threat Classification System):**
 - > Section 2.13 of this report provides an overview of the aquatic ecology values of the various watercourses and aquatic fauna within the Project Site and immediate surrounds. These matters are also addressed in Waterways (2025), a copy of which is provided in **Part B** to these application documents.
 - > As discussed above, Waterways (2025) concludes that there are no freshwater fish species present in the Shepherds and Rise and Shine Creek catchments within the Project Site. While kōaro and brown trout populations were detected for a short distance in [REDACTED], an upstream waterfall provides a barrier to fish passage, and the lower reaches of Bendigo Creek are typically dry and subject to historic modification associated with irrigation development.
 - > Waterways (2025) notes kōaro are generally classified as At-Risk – declining, however the kōaro populations in the Bendigo Creek are considered part of a stable



landlocked population (or part of a new developing population in the tributaries of Lake Dunstan).

- > **The water quality and quantity in the surrounding habitat (at the proposed structure location, upstream and downstream):**
 - > Sections 2.11, 2.13 and 2.14 of this report provides an overview of the hydrology and freshwater quality present within the key water bodies potentially impacted by the project. These matters are also addressed in Kōmanawa (2025c), Waterways (2025) and MWM (2025j), copies of which are contained in **Part B** to these application documents.
- > **How the passage of fish will be provided for or impeded:**
 - > As noted above, the passage of fish will not be impeded by any instream structures associated with the BOGP as a) there are no freshwater fish species present with the watercourses within the Project Site, and b) Waterways (2025) identifies several barriers to upstream and downstream fish passage within both Shepherds and Rise and Shine Creek catchments.

8.13 SUMMARY

The Act was established by Parliament to enable a permanent fast-track approval regime that will make it more efficient to gain authorisations for development and infrastructure projects that deliver significant regional or national benefits. The purpose of the Act – *to facilitate the delivery of infrastructure and development projects with significant regional or national benefits* – must be given greater weight than the purpose and provisions of the underlying statutes (the RMA, Conservation Act, Reserves Act, Wildlife Act and HNZPT Act).

The BOGP has demonstrable national and regional benefits, as discussed throughout this application and in the supporting technical assessments. In addition to the ecological benefits that have been built into the project as core components (including the BOGP Biodiversity Fund), there are substantial economic and social benefits, including:

- > The BOGP is expected to produce 1.25 million ounces of gold over an approximately 14 year initial mine life and generate a cumulative total of approximately \$5.8 billion dollars of GDP over the course of the mine life;³⁰⁶

³⁰⁶ Note that Benje Patterson (2025) estimates that the BOGP will generate a cumulative total of \$4.5 billion dollars of GDP over the course of the mine life based on gold prices at February 2025. The \$5.3 billion dollar figure in this report is based on updated gold prices at the time of writing in early June 2025.



- > The BOGP is expected to generate a total of \$1.8 billion dollars of revenue for the New Zealand Government and approximately \$533 million dollars of capital investment;
- > The BOGP will provide an estimated average of 351 new jobs (with a peak of 506), with 463 additional indirect jobs created amongst suppliers and those supporting the consumption of these workers; and
- > The average annual salary for workers employed within the BOGP is estimated to be approximately \$140,300 per year.

Part D of the application documentation contains a comprehensive suite of proposed conditions applicable to each of the approvals sought under the Act. These conditions have been developed to ensure the effects of the BOGP are appropriately managed on an ongoing basis, in accordance with those that would have been proposed under the underlying statutes.

Overall, the BOGP (including the proposed conditions) is entirely consistent with the purpose of the Act. The BOGP has also been developed to be consistent with the purpose of the underlying statutes due to the approach of MGL of managing the effects of the project, while enabling the nationally significant gold and deposits to be efficiently mined.

