

Response to Request for Information 12 (Ecology, Question 1 – Lizard Compensation)

Bendigo–Ophir Gold Project | FTAA-2507-1089

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1. Introduction and scope

This memorandum responds to the Panel's request for further information dated 18 September 2026 (RFI 12), Ecology Question 1 (Lizard Compensation).

The Panel's question is:

"The latest evidence presented by MGL is that the conservative lizard population increase that can be expected in the proposed 81 ha fenced sanctuaries (Bendigo and Battery Hill) will equate to approximately 13% of the number of lizards that will be killed or displaced from the 610 ha DDF (assuming an equivalent proportion of suitable habitat in each of the DDF and the fenced areas). In response to the testimony of their own experts and the experts for the commenters has MGL considered the establishment of a substantially larger, better-sized pest exclusion fenced sanctuary than has currently been proposed to more fully compensate for the effects on lizard numbers that have been acknowledged by all experts?"

We accept the premise of the question. Our memorandum of 14 September 2026 took the same position: "larger, better-sited pest-free sanctuaries would be needed to substantially reduce the level of residual effect by increasing the number and proportion of lizards that could be salvaged and the size of the resident lizard populations that would benefit from the elimination of introduced predatory mammals". That remains our opinion.

We have proposed several options for substantially larger pest exclusion fenced sanctuaries. MGL considered these options but did not develop them further for inclusion in the consent package. In the absence of an ability to provide a 'larger, better-sited pest-free sanctuary', MGL prefers to provide additional financial compensation and an additional southern grass skink salvage and relocation commitment, which we acknowledge do not address in full the Panel's concerns about the magnitude of residual effects on lizards but which, for the reasons that follow, have the potential to deliver materially greater benefits than the 81 ha network alone.

In its place, MGL commits to an additional \$10 million, being the approximate cost of establishing an approximately 140–150 ha conceptual pest exclusion fence within suitable habitat in the wider landscape, eradicating introduced mammalian pests within the fence and maintaining zero-densities of targeted mammalian pests over 30 years for the primary purpose of providing significant benefits to Central Otago lizards.

MGL also commits to an increase in the magnitude of effort applied to southern grass skink salvage and relocation via dedicated relocation site(s) encompassing approximately 5 ha of suitable wetland and riparian margin habitat within the Ardgour Restoration Area or Mine Regeneration Zone compensation sites, increasing the number of southern grass skink that can be

salvaged and relocated from approximately 800 to approximately 1,800. The site(s) will be subject to livestock exclusion, feral browser control and intensive mouse control (to below a 5 per cent tracking rate), in addition to the control of other introduced mammalian predators already proposed for those areas.

Further detail on the above is set out below.

2. Whether a substantially larger fenced sanctuary can be proffered

Previous consideration

MGL has considered a substantially larger pest exclusion fenced sanctuary at both the lower-bound scale identified by Dr Tocher (approximately 250 ha) and the scale approaching no net loss in lizard numbers (approximately 610 ha), on land it controls and in the wider landscape. During project development, larger sanctuaries and alternative locations on Bendigo and Ardgour Stations were assessed alongside large-scale salvage, predator control without exclusion, habitat enhancement, rehabilitation and investment in existing initiatives. The criteria applied to potential exclusion fence options included:

- Potential benefits for lizards affected by the Project, and potential for translocation of other threatened lizards that have been extirpated from the landscape
- Potential benefits for other ecological values, most notably plants and invertebrates
- Potential impacts on high-value habitats associated with fence construction
- Fence construction feasibility and maintenance requirements
- Pest eradication feasibility and incursion risk
- Gold sterilisation
- Land tenure
- Legal protection

That process produced the Bendigo and Ardgour network at lodgement, with Battery Hill later replacing Ardgour following feedback from other parties and ecologists. A viable option for a larger pest exclusion fence or fences that satisfied the above criteria with adequate certainty was not identified by MGL either within land currently under MGL's control or potentially suitable land within the wider landscape. Specifically:

- **Land within MGL's control.** The land MGL does control is constrained by the consented footprint, the mine plan and its sequencing, haulage and access, topography and existing infrastructure, so a larger fence there would be sub-optimal because of fence feasibility in difficult terrain, poor habitat quality, or both. Alternative sites on Bendigo and Ardgour Stations were set aside because of poor habitat suitability for lizards, uncertainty over the final mine footprint at design, accessibility and constructability of the fence, heritage, proximity to mining noise, light, dust and vibration, and the practicality of securing ownership and long-term management.
- **The wider landscape.** MGL has not identified a site that meets the criteria above. Moreover, areas of high lizard value in the Bendigo–Ophir landscape often coincide with geology indicating mineral prospectivity. Committing a much larger area to permanent pest exclusion requires MGL to weigh that against its ability to assure the Panel that the area will remain protected in the long term.

We understand that MGL's conclusion is that these factors limit the options for a lizard sanctuary to several small locations within the land it controls. We have not been party to decisions made by MGL regarding land tenure, security, viability, mineral mining opportunities or cost. Our focus has been on providing options for larger, better-sited sanctuaries that could provide opportunities to release a greater number of salvaged lizards and to reduce the overall magnitude of net loss outcomes for native lizards on the site.

3. Additional commitments

Additional compensation funding

In place of a substantially larger fenced sanctuary, we understand that MGL now commits a further \$10 million to Central Otago dryland lizard conservation, over and above the effects management package currently before the Panel.

The quantum has been derived as the approximate cost of establishing and maintaining a conceptual 140–150 ha pest exclusion fence in the wider landscape for 30 years (Table 1), noting that this is not intended to preclude consideration of other conservation actions intended to generate better outcomes for lizard species that utilise Central Otago dryland habitats.

Taken together, this payment to provide a conceptual 140–150 ha fence and the 81 ha Bendigo and Battery Hill network would bring the total area of pest exclusion fenced habitat provided or funded by MGL to approximately 221–231 ha, compared with the lower bound of approximately 250 ha identified by Dr Tocher.

We caution that a fence in the wider landscape will not necessarily contain habitat in the same proportions as the DDF, and that its contribution for Kawarau gecko and southern grass skink will depend on where it is built. However, we would expect the fence to be located in highly suitable habitat, which may also include more threatened and patchily distributed species such as Lakes skink, Otago skink or grand skink as well as more widely distributed and relatively common (albeit At Risk) species such as Kawarau gecko (or closely related species) and southern grass skink. It also cannot be ruled out that southern grass skink or Kawarau gecko salvaged from the DDF could be relocated to a pest exclusion fence funded by the \$10 million commitment if it is established within the range of these species (Section 4).

Table 1. Derivation of the \$10 million commitment

Component	Basis	Indicative amount
Fence construction	Approximately 5.25 km of pest exclusion fence enclosing approximately 140–150 ha (fence materials and construction at approximately \$600 per metre, plus design, planning, earthworks, water management and certification)	\$5 million
Initial eradication and commissioning	Eradication of introduced mammalian pests within the fenced area, surveillance and confirmation of pest-free status	\$2 million
Fence maintenance, surveillance and incursion response and habitat/weed	Approximately \$100,000 per annum over 30 years	\$3 million

Component	Basis	Indicative amount
management within the pest fence area		
Total		\$10 million

The figures in Table 1 are approximate and are offered as an indication of scale rather than as a costed design.

Additional southern grass skink salvage and relocation commitment

In addition to the funding described above, MGL will establish dedicated southern grass skink relocation site(s) encompassing approximately 5 ha of wetland/riparian margin habitat within the Ardour Restoration Area or Mine Regeneration Zone compensation sites. The site(s) will be subject to intensive mouse control in addition to the mammalian pest control measures already proposed. The purpose of this addition is to increase the number of southern grass skink that can be salvaged from the DDF and relocated from 800 (200 lizards per ha over 4 ha) to 1,800 (200 lizards per ha over 9 ha total).

Southern grass skink is the species for which the salvage and relocation programme is most constrained, because the Bendigo and Battery Hill Sanctuaries contain limited habitat suitable for it. A relocation site targeted at wetland and riparian margin habitat would go part of the way towards the improvement in the salvage and relocation programme that a larger pest exclusion fenced sanctuary would have delivered for this species. The relocation site(s) will be managed to:

- increase habitat complexity and carrying capacity via the removal of livestock and control of mammalian browsers; and
- reduce predation pressure by maintaining introduced mouse abundance below a 5 per cent tracking rate, together with control of other introduced mammalian predators.

We are clear about the limits of this option. Mouse suppression to below 5 per cent tracking is less certain than exclusion: mice cannot be removed by control alone, and holding them at low densities requires intensive, sustained control and monitoring, with contingency measures where the target is exceeded. The site(s) would therefore not give relocated skinks the level of protection that a pest exclusion fenced sanctuary would.

For it to carry weight, its performance would need to be secured by conditions, including mapping of the extent of suitable habitat, release densities justified against that extent and the density of any resident southern grass skink population, mouse and predator monitoring against the 5 per cent target, and post-release monitoring of the relocated population.

Securing the commitments

For the proffered \$10 million funding commitment to have weight, it will need to be secured by conditions, including a defined payment schedule, a governance and allocation mechanism with Department of Conservation and Otago Regional Council involvement, a requirement that the funds be applied to defined actions, financial security for the outstanding balance, and reporting.

For the proffered additional southern grass skink salvage and relocation commitment to have weight, it will also need to be secured by conditions that accord with the matters set out above.

We understand the proffered funding and requirements for the southern grass skink salvage and relocation will be reflected in the updated consent conditions in *D.03 – Schedule One – Common Conditions to the Central Otago District Council and Otago Regional Council Resource Consents* and the updated Wildlife Authority (where applicable) that will be provided to the Panel alongside MGL’s closing submissions on 28 September 2026.

4. Our expert view on the weight the Panel can place on the updated commitments

We consider it important to be clear with the Panel about what these additional commitments do and do not achieve in ecological terms.

Funding commitment

Funding is an input, not an outcome. A \$10 million commitment does not in and of itself compensate for the loss of lizards from the DDF. Its ecological value and the degree to which it counterbalances the high magnitude of net loss outcomes currently predicted depend entirely on what it is applied to, where, over what period, and with what accountability.

A funding package of \$10 million has significant potential to protect and enhance lizard species, but unless it is secured by conditions that direct it to defined outcomes for specific native lizard species, it cannot be relied upon to counterbalance the adverse effects of the Project.

That said, in our view the commitment can carry material weight in the Panel’s assessment under s85 if, and to the extent that, the following are secured through conditions:

- the permitted applications of the funding are defined and directed at the species and habitats affected, rather than to biodiversity outcomes at large;
- the actions funded are agreed with, or certified by, the Department of Conservation, and developed with Kā Rūnaka;
- the funding is durable and legally secured, with a payment schedule that does not depend on the continued financial performance of the Project, and with financial security for the outstanding balance;
- the outcomes funded are monitored against stated performance measures, with reporting to the consent authorities; and
- the funded actions are additional to, and not a substitute for, the measures already proffered within the effects management package.

Subject to those matters, and on the assumption that a material proportion of the funding is applied to additional predator-free capacity for the affected species, we consider the commitment is capable of delivering a materially greater benefit for Central Otago dryland lizards than the 81 ha network alone and has the potential to reduce the magnitude of net loss outcome considerably, although the extent of that reduction cannot be determined at this stage.

We acknowledge that the funding does not address, with certainty, the Panel’s concerns about the salvage and relocation of lizards from the DDF. A fence funded in the wider landscape will be able to receive salvaged lizards only if it is built, commissioned and confirmed pest-free before the relevant stages of vegetation clearance, and only if it contains habitat suitable for the species concerned. Neither can be guaranteed at this stage. We cannot, however, rule out that salvage and relocation into such a fence could occur. If a fence is built in the near future and is known to support Kāwarau gecko or southern grass skink, lizards salvaged from the DDF could be relocated

into it, increasing the number and proportion of lizards that can be salvaged beyond the capacity of the Bendigo and Battery Hill Sanctuaries.

Additional salvage and relocation of southern grass skink

The dedicated southern grass skink relocation site(s) respond directly, if only in part, to the Panel's concern about the number and proportion of lizards that can be salvaged from the DDF. It would increase the number of southern grass skink that can be salvaged and relocated from approximately 800 to approximately 1,800, which is the same as the initial level of effort applied to salvaging and relocation of this species into the Ardour Restoration Area. Unlike the funding commitment, this benefit does not depend on a fence that is yet to be sited and built, and it can be defined and secured by conditions now, ahead of the relevant stages of vegetation clearance. We nonetheless place less weight on it, per lizard relocated into the additional 5 ha, than on relocation into the 4 ha of pest exclusion fenced habitat. Relocated skinks will be exposed to mice held at suppressed rather than zero densities, and to other introduced predators that are controlled rather than excluded, so post-release survival and population persistence are less certain, and the benefit depends on the conditions described in Section 3 being met and monitored. On that basis, we consider the relocation site(s) a material but modest improvement to the salvage and relocation programme for southern grass skink. It does not of itself change our assessment of the residual magnitude of net loss for lizards.

Potential for wider benefit

Directing funding to a fence in the wider landscape, rather than to a fence at a site MGL could presently secure, also has a potential advantage. It allows the funding to be directed to a fence in the wider landscape that, in addition to the species affected by the Project, harbours other Threatened or At Risk Central Otago lizards that have not been detected within the DDF or its immediate surrounds. Where that is the case, the funding has the potential to deliver a better overall outcome for Central Otago's lizard fauna than a fence confined to the affected species. That benefit would be in addition to, not in place of, benefits for the affected species, and in our view, allocation should continue to give priority to sites supporting Kawarau gecko and southern grass skink, consistent with the like-for-like principle.

For the avoidance of doubt, our assessment of the residual magnitude of net loss for lizards is unchanged by these commitments as they presently stand. We assessed that magnitude as High, at the lower end of that category, diminishing in the long term as lizard habitat is reinstated within the ecological rehabilitation areas and as longer-term compensation actions take effect. Until the applications of this additional \$10 million funding are defined and secured, there is no basis on which we could revise that assessment.

5. Conclusion

MGL has considered the establishment of a substantially larger pest exclusion fenced sanctuary, as the Panel has asked, but has concluded that it is not able to proffer one.

MGL instead commits an additional \$10 million, derived as the approximate cost of establishing, and maintaining for 30 years, an approximately 140–150 ha conceptual pest exclusion fence in the wider landscape. MGL also commits to dedicated southern grass skink relocation site(s) totalling approximately 5 ha, increasing the number of southern grass skink to be salvaged and relocated from approximately 800 to approximately 1,800.

We support the funding commitment. We consider it capable of delivering materially greater benefit for the affected species than the proposed 81 ha network alone, provided its permitted applications are defined, directed at the species and habitats affected, agreed with the Department of Conservation, legally secured and monitored. We also support the additional southern grass skink commitment, which we consider a material but modest improvement to the salvage and relocation programme for that species, provided it is secured by conditions as set out in Section 3.

Our assessment of the residual magnitude of net loss for native lizards as High is unchanged, because there is insufficient information to determine whether the funding and associated conservation actions will reduce the magnitude of net loss for affected species and/or counterbalance the net loss through benefits to other species. Further to this, we acknowledge that the funding commitment does not address the Panel's concerns about salvage and relocation with certainty.

We do note, however, that salvage and relocation of impacted southern grass skink and Kowarau gecko into a funded fence cannot be ruled out if one is built in the near future and the selected site is known to support Kowarau gecko or southern grass skink. The funding could materially benefit other Threatened or At Risk Central Otago lizards not detected within the DDF or its immediate surrounds. In that sense, it has the potential to provide greater benefits than a comparably sized fence at a site MGL can presently secure.

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