

Applications for complex freshwater fisheries approvals

Clause 3 of Schedule 9 outlines the information required in an application for complex freshwater fisheries activity approval. Note that due to section 13(4)(y)(vi), and Schedule 5 clause 9, this information is also required for resource consent applications that include standard freshwater fisheries activities.

Approvals sought

Activities applied for (in A.11 – Section 4) – Approvals Sought (in the applicant’s words) include:

- A **dispensation** under Regulation 43 (damming or diverting a watercourse) of the Freshwater Fisheries Regulations for:
 - The Shepherds CWDC - being the realignment of Shepherds Creek around the Shepherds Service Corridor and Processing Plant Area within the Shepherds Valley Site;
 - Various clean water diversion channels with the Shepherds Creek catchment - being the diversions of the Shepherds Creek and associated tributaries around the TSF, Shepherds ELF and other mine components; and
 - Various clean water diversion channels within the Rise and Shine Creek catchment - being diversions of the Rise and Shine Creek and associated tributaries around the SRX ELF, SRX Open Pit and RAS Open Pit.
- **Approvals** in respect of complex freshwater fisheries activities in relation to Regulation 42 (culverts).

Background Context

The applicant has outlined that their assessments conclude that there are no native fish species present in the waterways relating to the approvals sought, and that this is why the information provided in relation to the approvals is limited. Whilst this does provide a rationale for the provision of limited information, DOC has been unable to locate information in the application which confirms the absence of native fish in the relevant waterways. Without the provision of such information, it is unlikely DOC could provide a sufficient

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s51 report which would inform a panel’s assessment of the relevant criteria, in relation to the freshwater fisheries approvals and dispensation sought.

DOC’s experts have reviewed the Water Ways Consulting 2025 Bendigo Ophir Gold Project; Assessment of Effects on Aquatic Habitat (Document B.17). In addition, DOC requested the E3 Scientific 2023 Report (referenced) from the applicant on the 29/10/2025 to include survey data across the wider catchment and better understand the freshwater values potentially impacted. No response was received, and the E3 Scientific 2023 report is not included in the lodged application documents.

If there are no native fish present, and this assessment has been determined via robust surveys in catchments of appropriate scale, then that in principle may support the proposal for dispensation and no fish passage provision. DOC is also aware that the presence of fish is one element of consideration for these types of approval, with wider freshwater values and river connectivity also being relevant.

Table 4.0 Assessment of Information Requirements Schedule 9 Clause 3

Relevant section	Is the information present? Y/N	Application document reference	Is the information provided in sufficient detail? Y/N	Comment
Clause 3 of Schedule 9 for listed and referred projects				
(a) in relation to the structure and any fish facility:				
(i) a description of the type of structure or fish facility:	<u>Diversions</u> Yes <u>Culverts</u> No	A.11 (pg 20) and A.15 (pg 171) G.13 (pg 25)	<u>Diversions</u> Yes <u>Culverts</u> No	<u>Diversions</u> Information present and sufficient <u>Culverts</u> Information not provided No detailed information provided around proposed culvert(s). It is

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				noted by the applicant that this detail is anticipated as part of the detailed design phase and therefore has not been provided at this point in the process.
(ii) the dimensions of the structure or fish facility:	<p><u>Diversion</u> Yes</p> <p><u>Culvert</u> No</p>	A.15 (pgs 171-172) G.13	<p><u>Diversion</u> No</p> <p><u>Culvert</u> No</p>	<p><u>Diversion</u> Information present Although specific detail is not provided (e.g. bespoke design) design principles are provided which reflect on dimensions.</p> <p><u>Culvert</u> Information not provided No specific information is provided in relation to the culvert(s) which as noted above is not intended to facilitate fish passage and is anticipated to be designed post approval.</p>
(iii) the design of the structure or fish facility:	<p><u>Diversion</u> Yes</p> <p><u>Culvert</u> No</p>	A.15 (pgs 171-172) G.13	<p><u>Diversion</u> No</p> <p><u>Culvert</u> No</p>	<p><u>Diversion</u> Information present Although specific detail is not provided (e.g. bespoke design) design principles are provided which reflect on dimensions.</p> <p><u>Culvert</u> Information not provided</p>

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				No specific information is provided in relation to the culvert(s) which as noted above is not intended to facilitate fish passage and is anticipated to be designed post approval.
(iv) the placement of the structure or fish facility:	<u>Diversion</u> Yes <u>Culvert</u> No	A.15 (pgs 171-172)	<u>Diversion</u> No <u>Culvert</u> No	<u>Diversion</u> Information present <u>All</u> The partial provision of this information will make it difficult inform a future assessment of the application.
(v) the water flows:	<u>Diversion</u> Yes <u>Culvert</u> Yes	A.15 (pgs 171-172)	<u>Diversion</u> No <u>Culvert</u> No	Information present The partial provision of this information will make it difficult inform a future assessment of the application.
(vi) the operating regime:	Yes	A.15 (pg 172)	Yes	Information present and sufficient
(b) 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):	<u>Diversion</u> Yes <u>Culvert</u> Yes	A.09 (pg 50) B.17	<u>Diversion</u> No <u>Culvert</u> No	Information present As per the background summary provided on pg 1 of this document DOC is unable to determine the freshwater values and species present based on the current

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				information which has been provided/identified as part of the application.
(c) the water quality and quantity in the surrounding habitat (at the proposed structure location, upstream and downstream):	<p><u>Diversion</u> Yes</p> <p><u>Culvert</u> Yes</p>	<p>A.15 A.09 (pg 50) B.04 B.17</p>	<p><u>Diversion</u> No</p> <p><u>Culvert</u> No</p>	<p>Information present As above, MWM (2025j) was referenced in A.15 but unable to locate document as part of the application.</p>
(d) how the passage of fish will be provided for or impeded.	<p><u>Diversion</u> Yes</p> <p><u>Culvert</u> Yes</p>	<p>A.11 (pg 20) A.15 (pg 173) G.13 (pg 11)</p>	<p><u>Diversion</u> No</p> <p><u>Culvert</u> No</p>	<p>All As above</p>