

Before the Fast-track Panel

Under: The Fast-track Approvals Act 2024
In the matter of: FTAA-2507-1089 – Bendigo-Ophir Gold Project

Statement of advice Meg Embleton-Muir
Visitor advice / recreation effects
Senior Visitor Advisor, Department of Conservation
20 March 2026



Department of
Conservation
Te Papa Atawhai

**Te Kāwanatanga
o Aotearoa**
New Zealand Government

Executive Summary

1. My advice addresses the following issues:
 - i. Effects of the proposal on recreation within public conservation land.

Introduction

2. My full name is Meg Embleton-Muir.

Instruction

3. I have been instructed to provide expert advice on behalf of the Department of Conservation (DOC) on the Bendigo Ophir Gold Project Fast-track application.

Qualification and Experience

4. I employed as the Senior Visitor Advisor supporting DOC's Southern South Island operations region. This is a national team role supporting Regional Operations to apply national direction and policies in the planning and delivery of work on the ground. My advice helps Regional Operations determine where they should be investing in management of recreation experiences and assets on public conservation land.
5. I have five years' experience in this role and have advised on visitor and recreation aspects of major projects across the region including the Milford Opportunities Project, capital and opex planning, DOC's Southern South Island Flood Recovery Programme and the development of a Subantarctic Islands visitor effects management plan.
6. My role in this process is to advise on effects of the proposed activity on access to, and use of, public conservation land for recreation purposes. I have not provided comment on the recreation values and activities located off public conservation land (such as four-wheel driving or horse-riding) other than where they relate to accessing public conservation land.

Code of conduct

7. Whilst it is acknowledged this is not an Environment Court Proceeding, I confirm that I have read the Code of Conduct for expert witnesses contained in the Environment Court Practice Note 2023. I have complied with the Code of Conduct, insofar as it might apply to a non-Environment Court process, in the preparation of this advice. Unless I state otherwise, this advice is within my area of expertise, and I have not omitted to consider material facts known to me that might alter or detract from the opinions I express.

Material Considered

8. In preparing this advice I have reviewed:
 - i. A.09 – Bendigo Ophir Gold Project - Substantive Application; section 2.23 Public Access and Recreation (pages 126 – 128).
 - ii. B.39 – Recreation assessment report provided by the applicant, prepared by Rob Greenaway & Associates dated June 2025
 - iii. B.19 – Landscape, natural character and visual effects assessment report provided by the applicant, prepared by Boffa Miskell dated October 2025

- iv. B.29 – Noise and vibration effects assessment report provided by the applicant, prepared by Marshall Day Acoustics September 2025
- v. Updated documents provided by the applicant, post-lodgement:
 - a. Summary of Amendments to Application 10 March 2026
 - b. D.08 – Concession and Condition for Access Route to CIT Battery 10 March 2026
 - c. C.27 – Proposed State Highway 8 Concession 10 March 2026
- 9. I have undertaken two site visits in October 2025 and March 2026 focused on the locations of greatest relevance to DOC-provided recreation opportunities affected by the proposed project. My site visits included the conservation areas and marginal strip associated with the proposed Lindis state highway intersection upgrade; car parks and walking tracks in the Bendigo Historic Reserve, the lower section of Thomson Gorge Road, and the Come in Time Battery track.
- 10. Due to time constraints, I have not undertaken site visits to the Bendigo Scenic Reserve, Ardgour Conservation Area, Bendigo Conservation Area or Neinei i Kura Conservation Area.

Scope of advice and expert opinion

- 11. My expert advice will address the following matters:
 - i. Adequacy of the applicant's assessment of values, noting any values not identified
 - ii. Adequacy of the applicant's assessment of effects, noting any effects not adequately addressed
 - iii. Adequacy of applicant's proposed mitigation measures
 - iv. Any alternative mitigation measures, and/or the expert's preference for mitigation measures
 - v. Comments on conditions.

Recreation values

Values identified

- 12. The application as lodged adequately identifies the recreation values on public conservation land likely to be affected by the proposed project, with one exception relating to freedom camping, fishing access and boat launching the parcels of conservation land proposed for the State Highway 8 / Ardgour Road intersection upgrade. These have since been addressed in revised application material which removes the areas, where these activities take place, from the application.

Effects identified

- 13. The applicant's assessment of effects on recreation values on public conservation land is adequate in part, however there are some gaps that require further consideration by the applicant and / or the panel. These are outlined across each section following below.

Noise and vibration – information gaps for walkers and hunters

14. The noise and vibration assessment's consideration of effects on recreation users is limited to users on Thomson Gorge Road including cyclists and four-wheel drivers. It does not adequately address quieter, slower, longer-duration recreation users on adjoining public conservation land.
15. Missing recreation effects include walkers in Bendigo Historic Reserve, who may spend more time in affected areas and generate little self-noise; and hunters in Ardgour Conservation Area, who generally value natural quiet, may undertake multi-hour or multi-day trips, and may experience changes to hunting quality if animal presence/behaviour shifts.
16. The proposed Ardgour Rise road would also introduce public vehicle movements through the Ardgour Conservation Area hunting block; traffic noise effects on hunters have not been considered by the applicant as an effect on recreation values.

Section 51 – concessions

Come in Time Battery – inadequate replacement experience proposed

17. DOC's primary concern with the proposed activity from a recreation values perspective is the closure of the existing short (10–15 minute) walking access from Thomson Gorge Road to the Come in Time Battery.
18. The proposed alternative is a longer backcountry poled route through Bendigo Historic Reserve, described as ~2 hours return walk. This is not considered a comparable substitute for the current frontcountry short-walk experience. In addition, a backcountry experience would be inconsistent with the reserve's frontcountry visitor zone settings under the Otago Conservation Management Strategy and raises visitor safety risks around inexperienced users, wayfinding, proximity to mining hazards. Disestablishment costs and/or long-term ownership and maintenance (beyond 30 years) is not addressed in the proposed concession.
19. DOC seeks a revised access solution for the Come in Time Battery track that (i) is located off public conservation land as far as practicable, (ii) more closely replicates the current short-walk experience in time, distance, and standard, (iii) is appropriate for frontcountry users, and (iv) is owned/managed/maintained by the applicant (not DOC) for the operational period, with enduring public access secured through appropriate legal instruments.
20. Reinstatement and long-term maintenance of the existing public access via the rehabilitated Thomson Gorge Road at mine closure also needs to be secured via any approval conditions, noting these are located off public conservation land.

Enduring public access and asset responsibility for roads and tracks

21. Several mitigations rely on new or altered roads/tracks (e.g. Thomson Gorge Road replacement via Ardgour Rise; alternative Come in Time access; reinstatement of routes at closure). These require clear legal mechanisms to secure public access over time.

22. DOC position in the assessment: DOC is not seeking to take ownership, management, or maintenance responsibility for new visitor assets created by third parties (consistent with the Future Visitor Network approach and affordability of the national network).
23. The applicant should specify the legal instruments and long-term arrangements that will (i) secure enduring public access for the relevant routes and (ii) ensure DOC is not encumbered with short- or long-term asset ownership/maintenance obligations, including at mine closure when reinstatement of Thomson Gorge Road access is proposed.

Section 51 – covenant

Mt Moka and the “special lease area” (Clause 5)

24. The covenant provides for public access along the formed Thomson Gorge Road and also from Thomson Gorge Road up to Mt Moka and the special lease area (Bendigo Conservation Area) more or less along the existing track alignment (Clause 5). The proposal affects these access rights. While an alternative road is proposed to mitigate loss of access along Thomson Gorge Road, there is no clear alternative proposed to maintain the covenant-provided public access to Mt Moka and the special lease area.
25. Conditions are required to retain the access provision by reducing the scale of covenant revocation or establishing an alternative enduring access mechanism that provides for this public access in the approval and associated instruments.

Rise and Shine Creek historic mining sites (Clause 9(a))

26. The proposal would result in complete loss of public foot access to historic mining sites in the Rise and Shine Creek area for up to ~15 years, and potentially beyond, depending on post-mining arrangements.
27. Given the loss of this recreation opportunity, compensation measures that provide alternative public access to historic mining sites of comparable or greater nature or significance are required, along with provisions to ensure enduring public access is re-established to remaining heritage values in the Rise and Shine Creek area wherever possible.

Section 53 – resource consent comments

Visitor safety and public exclusion during reserve closures

28. The proposal anticipates temporary closures of access/areas when blasting is within 500m of the Bendigo Historic Reserve, but the detail of how visitor safety will be managed and how disruption to public access will be minimised is not clear.
29. If blasting and associated closures are to occur frequently (e.g. daily during the middle of the day) this may unreasonably reduce public access to parts of the reserve during periods of likely use.
30. The applicant will need to develop jointly workable visitor safety measures and reserve closure protocols (including signage, exclusion zones, communications, and decision-

making responsibilities) that meet DOC's statutory requirements for reserve closure and DOC's duties under the Health and Safety at Work Act.

31. Approval conditions will be required to control the frequency and duration of reserve closures and protect access at peak times. This could include restrictions on blasting closures on weekends and public holidays, and/or limits on number of blasts per week, and/or times of day.

Conclusion

32. DOC recommends the applicant is requested to:
 - Provide a revised mitigation proposal relating to the Come in Time Battery that is:
 - Located off public conservation land as far as possible,
 - More closely replicates the current short 10–15-minute walk experience,
 - Suitable for frontcountry users as required under the CMS,
 - Owned/managed by the applicant until the proposed reinstatement of the existing access via Thomson Gorge Road at mine closure is in effect, which will require enduring arrangements for road maintenance and public access secured via appropriate legal instruments.
 - Work with DOC to develop appropriate visitor safety measures and clear protocols for any reserve closures when blasting is within 500m of the Bendigo Historic Reserve, which will need to be included in the conditions of any approval.
 - Outline an approach for reserve closures related to blasting work that prevent frequent or ongoing closure of the reserve to the public that unreasonably impinge on public access. For example, limiting the number of blasts permitted per week and/or stipulating days and times when blasting is not permitted (i.e. during weekends and public holidays) to preserve access when the public are most likely to be present.
 - Provide detail about the noise and vibration effects on walkers in Bendigo Historic Reserve and Hunters in Ardgour Conservation Area and outline appropriate mitigation measures for these effects.
 - Outline how it will secure legal public access for new and existing roads and tracks, without encumbering DOC with short- or long-term ownership, management or maintenance. This includes the proposed reinstatement of the short walking access to the Come in Time Battery Track from Thomson Gorge Road at completion of mining.
 - Outline how it will retain public access provided under the conservation covenant to Mt Moka and the special lease area (Bendigo Conservation Area) provided for in Clause 5 of the covenant, either by reducing the scale of the proposed revocation of the covenant, or secured via a new and enduring access provision.
 - Outline compensation measures to address the complete loss of public access to historic mining sites in the Rise and Shine Creek area for up to 15 years.

