

BEFORE THE EXPERT PANEL

IN THE MATTER	of the Fast-track Approvals Act 2024 (FTAA)
AND	
IN THE MATTER	of an application for approvals under the FTAA for the Bendigo-Ophir Gold Project FTAA-2507-1089

**MEMORANDUM OF COUNSEL FOR ENVIRONMENTAL DEFENCE SOCIETY INC SEEKING
LEAVE TO FILE FURTHER EVIDENCE**

18 September 2026

Environmental Defence Society Inc
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Introduction

1. This memorandum is filed by the Environmental Defence Society Inc. (**EDS**) in relation to the Applicant's response to comments received by the parties on the RFI 11 responses.
2. The Applicant's response to comments received by the parties (filed on 14 September 2026) included a memorandum from Ryan Burgess (Hydro Geochem Group) dated 14 September 2026.
3. In that memorandum, Mr Burgess addressed the natural flow of groundwater in relation to seepage, and undertook calculations from which he estimated that seepage would exceed natural groundwater flow by over an order of magnitude. These calculations are used to support his conclusion that most unrecovered seepage would report to SC01, the surface water compliance site at the downstream end of the Shepherds Creek valley, rather than pass beneath it.
4. Dr Morgan has identified a material error in Mr Burgess' calculations which, once corrected, do not support the conclusions drawn.
5. This is an issue central to the Panel's consideration of the potential adverse effects of the proposal - which may be significant and irreversible – in relation to which the Panel requires the best evidence available. This is reflected in RFI 12, issued today, in which the Panel notes that uncertainties and concerns about uncaptured seepage "are of sufficient magnitude that they are appropriately carried forward to its s85(3) assessment as matters that weigh against the approval".
6. EDS respectfully submits that the Panel would be best assisted by a brief further statement from Dr Morgan addressing the error in calculations and explaining the impact on his conclusion that most unrecovered seepage would report to SC01, where it could be detected and intercepted.
7. EDS therefore requests leave to file a further supplementary statement from Dr Morgan on this narrow point, which is attached to this memorandum.
8. EDS is grateful to the Panel for its consideration of these matters.

Dated this 18 September 2026

Rob Enright/ Jen Vella