

Department of Conservation advice for EPA compliance assessment

Overview

Project name	Bendigo-Ophir Gold Project
Project applicant	Matakanui Gold Limited
EPA unique ref. no	FTAA-2507-1089
EPA Request Number	REQ002285Q8V8
Conservation approvals sought	<ul style="list-style-type: none">- Concession(s)- Wildlife approval(s)- Conservation covenant amendment- Complex freshwater fisheries approval(s)
EPA request summary	<i>To inform the EPA's completeness assessment of the application, could you please let us know, in your view, whether the documentation provided by the EPA, via the portal, regarding the above approvals as provided by the applicant meet the requirements of sections 42 and 43 of the Act and is provided in sufficient detail to satisfy the purpose for which it is required in accordance with section 44 of the Act</i>
Date received	4 November 2025
Date due to EPA	13 November 2025

The purpose of this document is to provide advice to assist the EPA in making its decision whether the application lodged by Matakanui Gold Limited on complies with the requirements of section 46(2) of the Act.

The advice covers compliance with the following:

- Information requirements for relevant approvals
- Consultation requirements

The advice also includes further observations of relevance to further processing of the application, for example where further information could be needed for a decision by the panel.

DOC understands that this document will be passed on to the applicant, the Panel Convener and the Panel.

Compliance with information requirements

In summary, DOC's advice is that the application *does not meet the requirements of sections 42, 43, and 44 of the Act*.

DOC has provided key considerations in relation to where information has been assessed as not present and/or not sufficient or undetermined as below. Whilst DOC's view is that the information to meet requirements is in some cases is not present in the application DOC acknowledges:

- The applicant has provided a rationale for not meeting the information requirements in relation to activities for Freshwater Fisheries approvals.
- The implications around the absence of some of this information may be minor and further information could be provided as part of the process.
- The scale of the application's 191 documents may mean that some of the information is present but has been unable to be identified by DOC in the timeframe provided for DOC's response to EPA's request.
- Some of the information gaps identified by DOC may impede its ability to give advice to the panel, if this information is not identified or provided as part of the application during the process.

DOC has provided a detailed assessment of the information requirements for each of the conservation approvals sought as appended to this document.

DOC's assessment is broken down by approval type, and a table in each appendix provides commentary on whether the information provided satisfies the requirements set out in the relevant schedules of the Act.

In relation to the detail/further information identified as required, DOC will be limited in its ability to provide comprehensive s51 reports which address the relevant matters set out in each of the schedules. Subsequently this may limit the panel's assessment against the relevant criteria as again required under the Act and the relevant schedules.

Summary of feedback on information requirements

Concessions

- The applicant has applied for five concessions.
- Details of compliance with information requirements are set out in Tables 1.1-1.5 (Appendix 1.1-1.5).
- Where information has not been identified as present, it predominately relates to lack of detail around the proposed activity.
- Where issues have been identified in relation to the sufficiency of information it largely relates to:
 - Assessment of effects for each proposed concession activity, which does not appear to have specifically been undertaken in relation to each concession sought, rather relates more broadly to the activities proposed.
 - As assessments of effects are limited, consequently methods proposed to manage effects are also limited.
 - Whilst not a specific information requirement (although may be considered in relation to Schedule 6 clause 3(l)), DOC has been unable to identify where in the application documents the applicant has assessed any potential existing concessionaires who may have an interest in the land, or if there are none. Nor has DOC been able to identify whether wildlife approvals have been sought for proposed concession activities involving disturbance to public conservation land.

Conservation covenant amendment

- The applicant has applied to amend an existing covenant across the project site.
- Details of compliance with information requirements is set out in Table 2 (Appendix 2).
- DOC considers the required information is present and sufficient, although notes there has been no assessment of the impacts of the project informed by the covenant objectives.

Wildlife approval(s)

- The applicant has applied for a wildlife approval relating to different species covering a range of activities.
- Details of compliance with information requirements is set out in Table 3 (Appendix 3).
- The activities proposed and species proposed vary between documents.
- DOC was unable to determine if all information requirements had been met and has identified some information gaps.
- It is considered that the assessment of effects as required by Schedule 7 Clause 2 (j) is limited and does not list 'all' effects as required.

Complex freshwater fisheries approvals

- The applicant has applied for a dispensation and approvals relating to freshwater fisheries. These relate to diversions and a culvert.
- Details of compliance with information requirements are set out in Table 4 (Appendix 4).
- Whilst details about the structure and design of diversions and culverts as required by Schedule 9 clause 3 are not provided, the applicant provides a rationale for this.
- This identifies that a dispensation from fish passage requirements is sought due to an absence of fish and that design will be undertaken during detailed design phase post approval.
- Whilst DOC acknowledges this approach in principle, DOC considers it cannot be satisfied as to the absence of native fish on the strength of the information in the application documents. We note other information was referenced (but not provided) - further evidence is required to confirm the appropriateness of the approach.

Consultation

Section 43(2) provides that a substantive application for a listed project must contain the information required by, inter alia, section 13(4)(k). This requires a summary of the consultation undertaken [with administering agencies – here, DOC] and how the consultation has informed the project.

In relation to that summary provided in application document A.12 – *Section 5 – Consultation and Engagement* DOC notes:

- Although assessments in relation to the application were provided from June onwards, many relevant assessments were only provided more recently and information detailing the specific approvals sought was only provided in relation to some of the conservation approvals. This limited DOC's ability to provide feedback.

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- Where feedback has been provided on issues such as heritage and concessions, it does not appear to have been considered/reflected in the proposed application.
- No further workshops have been scheduled, DOC supports further engagement to work through issues particularly those identified in this response.
- No site visits have been facilitated to date, although the Applicant has agreed to facilitate DOC's heritage advisors on a visit to the project site next week.

Other observations

Concessions

- A number of the concession activities proposed may be better managed through a different type of concession approval than what has been applied for. This can likely be discussed through the process.
- DOC's interpretation of the FTAA is that only the 'authorised person', in this application Matakanui Gold Limited, is eligible to apply and be granted approvals for concessions under the FTAA. It is noted the applicant has included New Zealand Transport Agency (NZTA) and Central Otago District Council (CODC) as proposed concession holders. Whilst an approval may be able to be transferred to these parties post decision, DOC notes that this will need to occur outside the FTAA.
- DOC has also been unable to locate in the application documents where 'approval' has been provided by NZTA/CODC for concessions proposed in their favour.

Conservation covenant amendment

- Whilst the applicant has provided assessments around the values contained in the existing covenant, the assessment of the proposal on the heritage, biodiversity, landscape and recreation and freshwater values protected by the covenant is limited.
- The applicant seeks to remove the covenant including across an area which is proposed to be protected through a future covenant. This could potentially result in a period where the area is not subject to any protection which seems inefficient.

Wildlife

- It is noted the applicant advised during consultation that wildlife approvals would include activities on Public Conservation Land (PCL). However, it is stated in the application document that no wildlife approvals are required on PCL. Protected wildlife may also be present on PCL and approvals could be required to facilitate the activities proposed (e.g. activities proposed as part of the concessions sought).

Further questions

DOC encourages further discussion on any of the above as appropriate and is happy to meet and discuss with the EPA if this will help further inform a completeness decision.

Please contact me if you have any questions or wish to discuss further.

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Jenni Fitzgerald

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Regulatory Systems Performance – Department of Conservation



Appendices

Appendix 1.1 -. Application for a concession – Ardgour Rise – completeness assessment

Appendix 1.2 - Application for a concession – Come-in-Time – Completeness assessment

Appendix 1.3 - Application for a concession – State Highway 8 – Completeness assessment

Appendix 1.4 - Application for water monitoring concession completeness assessment

Appendix 1.5 - Application for willow concession completeness assessment

Appendix 2 - Applications for amending or revoking conservation covenants

Appendix 3 - Applications for wildlife approvals all species

Appendix 4 - Applications for complex freshwater fisheries approvals completeness assessment

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