

**BEFORE THE EXPERT PANEL APPOINTED UNDER THE FAST-TRACK APPROVALS  
ACT 2024**

**BENDIGO-OPHIR GOLD PROJECT**

**FTAA-2507-1089**

**CENTRAL OTAGO DISTRICT COUNCIL**

**Overview and Summary Paper for Hearing**

29 April 2026

**1. Purpose of this paper**

This paper is provided by Central Otago District Council (CODC) to assist the Panel ahead of CODC's oral presentation at the hearing. It is intended as an overview only. CODC will speak to and elaborate on these matters at the hearing proper.

CODC does not seek to repeat its written comments, expert reviews, or the applicant's response material. The Panel will have read those materials. The purpose of this paper is to identify, at a high level, the matters that remain most material to the Panel's assessment, to the certainty of the proposal, and to the workability of any conditions that may ultimately be considered.

CODC has already filed its proposed agenda/topics for expert conferencing. This paper therefore does not repeat those topics. Rather, it summarises the CODC's position on the key areas of evidence and the issues that CODC considers remain live following the applicant's reply material.

References to individual experts in this paper are to the evidence or review material filed by CODC and the applicant. This paper is not intended to substitute for that material.

**2. CODC's role and overall position**

CODC approaches this proposal in its capacity as territorial authority for the district, with a focus on the matters that fall within its responsibilities and expertise.

The Council recognises that the proposal is significant. It also recognises that there will be a range of views within the community about the project, including views about the economic opportunities it may provide and views about the potential effects it may generate.

CODC's role in this process is not to speak for every individual view in the district. Its role is to assist the Panel by identifying district-level issues that require careful consideration. Those include infrastructure, public access, local road safety, landscape and amenity values, heritage, ecological matters where they intersect with district responsibilities, and the practicality and enforceability of any conditions.

The Council accepts that the project may generate economic benefits. At the same time, CODC's comments identify that a number of the potential adverse effects may be long-term, difficult to reverse, or dependent on future management, rehabilitation, offsetting or bonding arrangements.

A primary concern for CODC's is practicability: whether the proposal is sufficiently certain in its key assumptions, and whether any conditions could be framed in a way that is clear, enforceable and workable over the life of the project and beyond.

CODC does not suggest that every technical issue needs to be finally resolved at this hearing. Many matters will appropriately be tested and refined through expert conferencing. However, some matters require early clarity because they set the framework for that later process, including design criteria, legal mechanisms, management-plan architecture, certification processes and long-term responsibility.

### **3. Summary of key issues**

Against that background, CODC identifies the following key issues for the Panel's attention. They are not an exhaustive restatement of CODC's comments. They are the matters that, in CODC's view, remain most important to the structure of the assessment and the conditionability of the proposal.

#### **3.1 Transport, Ardgour Rise and public access**

Transport and public access remain among the clearest examples of issues where early clarity is needed. The project depends on the closure of part of Thomsons Gorge Road and the provision of an alternative public access route by way of Ardgour Rise. That is not simply a later engineering matter. It goes to whether the project can be implemented in a way that provides a safe, lawful, continuous and enduring replacement for an existing public road connection.

CODC acknowledges that there has been helpful movement in the applicant's reply material. MGL now appears to accept, in principle, that the relevant sections of Ardgour Rise should ultimately be vested in CODC as road, with a short-term concession or easement operating as a transitional mechanism to enable construction and subsequent vesting. CODC welcomes that clarification.<sup>1</sup>

However, the issue is narrowed rather than eliminated. The subdivision and vesting process is still described as occurring outside the fast-track process and in the future. The Panel therefore needs to be satisfied that any conditions provide a sufficiently certain and enforceable pathway to construction, certification, legal availability and vesting. CODC would not wish to see a short-term easement become the practical long-term substitute for a vested public road, nor any closure of Thomsons Gorge Road before the replacement route is properly available.

A separate and important issue is the applicable design standard. CODC accepts that final engineering design may come later. It does not accept that the fundamental design criteria can be left open. The proposed route is not merely a farm track or private access; it is intended to replace an existing public road connection. Given Ardgour Rise is to be vested in Council and relied on as public road, the applicable standard should be clear in the conditions.

CODC's transport advice identifies that the indicative Ardgour Rise alignment includes gradients materially above Council standards, including sections identified at 17.1% and 18.7%, against a 12.5% maximum grade for the relevant standard. CODC is not seeking a state highway standard for a high-country road. It is seeking an appropriate, resilient, public-road standard from the outset, with any departures expressly identified, justified and certified.

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<sup>1</sup> It is also important to record that CODC will not be constructing Ardgour Rise. It will be the responsibility of applicant to construct the alternative route

CODC also remains concerned that a “like-for-like” framing is not an adequate benchmark for a new replacement route. The existing Thomsons Gorge Road may explain current use patterns, but it does not by itself set an acceptable standard for a new route that is to be formed, relied upon and vested as public road.

The timing of delivery remains important. CODC’s position is that there should be no gap in public access. Ardgour Rise must be constructed, certified and legally available before any corresponding section of Thomsons Gorge Road is closed.

There are also live issues about Ardgour Road, the SH8/Ardgour Road intersection, route discipline, staff transport, school bus and stock-movement safety, pavement monitoring, and replacement public access to the Come-in-Time Battery. Some of those matters appear capable of resolution through conditions and traffic management controls. The key point for CODC is that the Project Traffic Management Plan should not be used to defer fundamental questions that should be fixed by consent conditions.

### **3.2 Landscape**

Landscape is an area where there remains a focused but important expert difference. The issue is not whether adverse landscape effects arise. The issue is the scale, significance and consequence of those effects, particularly for the Dunstan Mountains Outstanding Natural Landscape (ONL), associative and sense-of-place values, night-time effects, and the extent to which rehabilitation can be relied upon to reduce effects over time.

CODC understands the applicant’s position to be that the more serious effects are substantially localised to the site and its immediate surrounds, and that the wider Dunstan Mountains ONL will remain legible and coherent. Mr Brown’s concern is that the affected area is not peripheral: it is a central and visible part of the Dunstan Range, and the proposal would materially affect the naturalness, cohesion, aesthetic appeal and public face of that landscape.

CODC considers the Panel should be cautious about treating visual effects as a separate or lesser amenity issue. Views from roads, settlements, reserves and wider catchments are part of how landscape values are experienced. They inform the public perception of the physical, perceptual and associative values of the Dunstan Mountains ONL.

Associative values are also important. The project may affect not only landform and vegetation, but the way this part of Central Otago is experienced through its historic mining landscape, public access routes, recreation areas, high-country character, dark skies, and relationship with the Bendigo-Tarras locality.

The operational period also matters. Even if some effects reduce over time, the open-cast mining period is not incidental. It includes pits, engineered landforms, haul roads, stockpiles, lighting and associated movement over a material period. CODC considers the Panel should assess whether those effects are properly characterised as localised and transitional, or whether they significantly affect the values of the Dunstan Mountains ONL for a substantial period.

Rehabilitation is relevant, but it should not be assumed to cure the issue. There is acknowledged uncertainty in achieving dryland rehabilitation outcomes, including cushionfield and herbfield restoration. CODC’s concern is the level of confidence the Panel can place on the proposed

rehabilitation trajectory, the specificity of the required landscape outcomes, and the consequences if those outcomes are not achieved.

Lighting also has a landscape dimension. The concern is not simply light spill at a boundary. It is the effect of lighting on the night-time character of an otherwise dark rural and mountain landscape, including mobile lighting, vehicle lighting and operational exceptions.

### **3.3 Terrestrial ecology**

Terrestrial ecology is an area where the applicant's reply material appears to narrow some matters while also confirming the seriousness of others. There is now a significant measure of agreement that the Direct Disturbance Footprint (**DDF**) is ecologically significant, that some values will suffer high or very high residual effects, and that some vulnerable or irreplaceable values cannot be demonstrably offset or compensated.

The key ecological issue is cushionfield and spring annual habitat. CODC understands the applicant's ecology evidence to accept that residual effects on depleted herbfield/cushionfield and associated nationally threatened spring annuals are very high, and that this remains one of the most significant unresolved ecological issues. Mr Harding's evidence is that the DDF includes the national stronghold of *Ceratocephala pungens* and that the proposed compensation package will not adequately address the loss of that habitat.

CODC's concern is not simply that ecological effects exist. It is that some of the affected values are vulnerable, irreplaceable, and not capable of being fully offset or compensated. Where that is so, the Panel will need to consider carefully what follows from that acknowledged loss, including whether all practicable avoidance and minimisation options have been adequately assessed.

There are also information-base issues. CODC accepts that the applicant has undertaken a substantial amount of ecological work. However, Mr Harding identifies continuing gaps, particularly for spring annuals and non-vascular flora. The applicant's reply material also appears to accept that further spring annual survey work remains to be completed in some areas.

A further issue is the reliability of proposed rehabilitation and compensation outcomes. CODC does not dismiss the scale of the proposed restoration effort. The concern is that some of the most important affected values, particularly cushionfields and spring annual species, are difficult to recreate and the success of restoration is uncertain.

There appears to be useful convergence on some governance matters. Mr Harding recommends certification of management plans, independent biodiversity oversight, covenanting and long-term funding. The applicant's reply material appears to support a Biodiversity Advisory Group and a financial mechanism for in-perpetuity management of the Ardgour Restoration Area. CODC considers those matters should be treated as essential elements of any consent framework, not optional refinements.

In terms of on-going responsibility for maintenance of sanctuary and restoration areas, an assumption that the CODC would take over responsibility was raised at one of the post-lodgment workshops and during the associated site visit. This had not been discussed with CODC directly prior to lodgment and has not been discussed since. Of particular concern is the potential costs for ratepayers in relation to on-going resourcing, responsibility and liability. CODC is not prepared to be a 'beneficiary' of the covenant on the sanctuary and restoration areas.

### **3.4 Historic heritage**

Heritage is another area where the applicant's reply material narrows some matters but leaves important issues unresolved. CODC understands Dr Woods' reply evidence to accept that the project will have a major adverse effect on archaeology and heritage values, that all sites within the DDF will be destroyed, and that high heritage value components of the Rise and Shine Creek and wider Bendigo heritage landscape will be lost.

CODC's concern is not simply whether archaeological recording can occur. The issue is whether the Panel has a complete and appropriately scaled assessment of the heritage landscape effects, including the Bendigo Station Conservation Covenant, the Bendigo Quartz Reefs Historic Area, the Rise and Shine workings, the Come-in-Time Battery complex, and sites outside the direct footprint that may be affected by blasting or vibration.

Mr Jennings' concern is that the proposal affects more than isolated archaeological features. The Rise and Shine workings form part of a wider Bendigo mining landscape and part of the historic sequence for which the area is recognised. The applicant says the wider landscape remains legible and regionally significant. CODC considers the Panel should carefully assess the significance of the loss of an important physical part of that historic sequence.

The Bendigo Station Conservation Covenant is also important. CODC's concern is that the Covenant is not simply a procedural obstacle to be removed. It is part of the existing protection framework for the heritage landscape. The Panel should have a clear understanding of what heritage values the Covenant protects, what is lost by its uplift, what protections remain, and what conditions are required to replace or mitigate that loss of protection.

CODC also remains concerned about survey completeness and the protection of sites outside the direct works area. Mr Jennings identifies sites that were not found, were LiDAR-only, or were not adequately described. He also identifies heritage features within a blasting influence area, including dry-laid stonework, revetted structures and the Come-in-Time Battery complex. Once works commence, deficiencies in baseline information cannot realistically be corrected.

If important sites are to be lost, CODC considers the investigation should be structured, systematic and research-led. A general obligation to comply with an Archaeological and Heritage Management Plan is unlikely to be sufficient on its own. Conditions should secure survey, investigation, vibration protection, recording, interpretation, public dissemination and public access outcomes with sufficient certainty.

### **3.5 Bonding, closure and long-term responsibility**

Bonding is not an area where CODC rejects the applicant's methodology outright. Damwatch accepts that the Lane Associates methodology is a recognised approach used for mining bonds. The live issue is whether the conditions, inputs, timing and assumptions are sufficiently robust to ensure that the bond will actually protect the Councils, any relevant public estate, and the public if the consent holder cannot complete closure and rehabilitation.

The issue is not whether bonding can be dealt with later as an annual accounting exercise. The issue is what must be secured in the conditions now, so that each bond can be set on a reliable, quantitative and conservative basis.

Mr Lane's reply evidence emphasises that the original bond report was not intended to specify a definitive bond quantum, and that the first formal bond assessment would be undertaken after consent conditions are known and based on the latest mine plan. CODC understands that point. However, it reinforces rather than removes the need for robust conditions now.

Damwatch's concern is that the present material does not yet provide sufficient quantitative information to develop a reliable bond value for any stage of the project. The conditions need to require the necessary information to be provided in a form that can be reviewed and tested. That includes the extent of works, material quantities, closure quantities, restoration quantities, commercial rates, monitoring obligations, risk assessment and programme of work.

Timing is also important. CODC's concern is that a bond must be in place before material exposure is created. If the first bond follows commencement, the conditions need to ensure that there is no period during which site disturbance or liability exists without adequate financial security.

The bond should also be priced for the real default scenario. If the bond is called, the Councils may not have access to the consent holder's plant, labour, materials, systems or efficiencies. Unless those resources are legally secured, CODC considers that bond costing should assume that the Councils must engage external contractors at commercial rates.

Other key matters include the treatment of P50/P80 assumptions, contingency, risk allowances, discounting, the risk register, monitoring costs, environmental programmes, and long-term aftercare. Tailings storage facility and dam safety obligations are particularly important because of their long-tail nature. CODC considers those obligations need to be expressly and quantitatively captured in the bond framework.

### **3.6 Economics**

CODC does not dispute that the project is likely to generate significant economic activity for Inland Otago and the wider Otago region. Ms Hampson accepts that, notwithstanding limitations in the applicant's economic assessment, the project is likely to deliver significant net regional economic benefits, including a large industrial activity, a highly paid workforce, local and regional spending, and some diversification of the regional economy. Ms Hampson does not consider the proposal to have significant national economic benefits.

The issues for CODC are not whether economic benefits exist. They plainly do. The issues are how those benefits should be described, how much confidence the Panel can place on particular quantified figures, and whether the conditions and supporting information are adequate to manage associated pressures, particularly around workforce, housing, procurement and local effects.

The applicant's reply evidence appears to have narrowed some of Ms Hampson's concerns. Mr Patterson has provided sensitivity analysis for gold prices, net present value calculations, a gross national product estimate, and further responses on indirect effects, tourism, viticulture, housing and labour supply. That is helpful.

However, CODC considers that some matters remain relevant to the weight, precision and framing of the economic evidence. The Panel should distinguish direct operational GDP from wider modelled impacts, GDP from GNP, economic activity from economic wellbeing, and undiscounted cumulative totals from NPV figures.

There appears to be substantial convergence that indirect and induced effects are real, but difficult to quantify with precision. CODC considers that the Panel should place primary weight on direct economic benefits and treat the indirect and induced figures as indicative only.

Housing and workforce effects are also relevant. CODC does not suggest that housing effects are fatal to the proposal. The evidence appears broadly aligned that operational housing demand can likely be absorbed across Inland Otago. The more practical issue is the construction period and the need to secure worker accommodation, staff transport and any adaptive response if actual demand requires it.

Localised economic effects on viticulture, tourism and the Central Otago visitor proposition remain relevant to the Panel's overall assessment. CODC does not currently have evidence that those effects would outweigh regional economic benefits. However, they are localised effects that may not be fully captured by regional GDP comparisons.

The applicant's response resolves some technical uncertainties and supports several of Ms Hampson's conclusions, particularly around the scale and nature of economic benefits. However, material disagreements remain regarding labour displacement, tourism and wine sector risks, national significance, and the robustness of the modelling framework.

### **3.7 Noise and vibration**

Noise and vibration is best characterised as a condition-calibration issue, rather than a fundamental merits issue. Mr Styles (for CODC) accepts that the noise modelling has generally been undertaken appropriately using recognised software and appropriate prediction procedures, and that the model inputs appear to have been robustly calculated. He also accepts that several rule-infringement matters have now been properly recognised.

The remaining issues concern whether the proposed conditions accurately reflect the effects that have been assessed, whether they appropriately protect existing and future rural amenity, and whether vibration and traffic-noise effects are sufficiently justified and managed.

One issue is the proposed "date-stamp" approach, under which noise limits would apply only at dwellings existing when consent is granted. Mr Styles' concern is that this would effectively freeze the receiving environment and exclude future lawfully established dwellings from the protection of consented noise limits. Mr Farren says that approach is common and that predicted levels at likely future dwelling locations would be acceptable. CODC considers the Panel should be satisfied that the effect of that approach on neighbouring land has been adequately assessed.

A second issue is the gap between predicted operational noise levels and authorised limits. CODC accepts that predicted operational noise levels are often well below the proposed limits. But the conditions would authorise noise up to those limits. The question is whether the consent should adopt the upper limits, or whether conditions should better reflect the much lower levels relied on in the assessment, with appropriate operational headroom.

Blasting vibration is also important. The proposed condition would allow up to 10 mm/s PPV for a proportion of blasts, which is twice the District Plan permitted activity limit. CODC's concern is not that blasting cannot occur. The issue is whether the need for that higher allowance, its likely frequency, and its amenity effects have been clearly explained and controlled.

Blasting also overlaps with heritage. Mr Farren accepts that blasting near unreinforced masonry heritage structures will need specific management, including condition surveys, test blasts and blast design optimisation. CODC considers those measures should be secured expressly and integrated with the heritage condition framework.

Truck noise on public roads, particularly at 213 Ardgour Road, remains a practical issue. Mr Styles considers the predicted level has the potential to be unreasonable. Mr Farren considers the effect moderate at most and limited in duration. CODC considers the Panel should be satisfied that practicable mitigation and communication measures are secured through the traffic and noise management framework.

### **3.8 Lighting**

Lighting is one of the more resolved technical matters, provided the recommended condition amendments are adopted. Pedersen Read concludes that the updated lighting report has substantively addressed the issues identified at pre-lodgement stage, and that residual lighting effects are expected to be less than minor to minor if the recommended conditions are imposed.

The qualification is important. Detailed photometric modelling has not yet been undertaken. Mr White accepts that the Exterior Lighting Report presents a design framework and principles, rather than completed modelling, and that modelling will occur during detailed design. CODC accepts that approach only if the conditions clearly secure the mitigation relied upon in the assessment.

The main residual matter is condition security. The applicable AS/NZS 4282 environmental zone should be confirmed before final design. CODC's reviewer considers that the site could reasonably be treated as A1, given its dark, remote setting, while the applicant adopted A2. The applicant appears to accept a condition pathway under which CODC confirms the applicable environmental zone before detailed design.

The conditions should also require detailed modelling, independent review, certification and post-installation verification. They should secure a Lighting Management Plan that applies not only to permanent building and plant lighting, but also to mobile lighting towers, vehicle lighting, task lighting, safety beacons and temporary construction lighting where practicable.

CODC does not frame lighting as a formal dark-sky reserve issue. The practical point is that the site presently has no artificial lighting and sits within a valued low-light rural and mountain setting. For this reason, the conditions need to secure zero upward light, warm colour temperature, reduced intensity, adaptive controls, shielding, and limits on unnecessary night lighting.

Lighting also intersects with ecology. Conditions should require lighting to be designed consistently with the National Light Pollution Guidelines for Wildlife where practicable, particularly through warm colour temperature, minimised blue light, directional control, and avoiding unnecessary overnight lighting. Neighbour engagement and a clear complaints and response process should also be secured.

## **4. Overarching themes**

Across these topics, CODC identifies four overarching themes.

- First, certainty. The Panel does not need final design for every element, but it does need sufficient certainty about the assumptions on which the proposal is assessed. This is particularly important for Ardgour Rise, replacement public access, management plans, bonding, rehabilitation and long-term obligations.
- Secondly, conditionability. Many of CODC's concerns are not objections to the concept of management plans or later detailed design. They are concerns that the conditions must state the required outcomes, minimum standards, review processes, certification requirements, monitoring obligations and consequences of non-compliance with sufficient clarity.
- Thirdly, irreversible or difficult-to-remedy effects. Ecology, heritage and landscape raise issues where later recording, rehabilitation, offsetting or compensation may not fully remedy or mitigate the effect. CODC asks the Panel to exercise caution about leaving core questions to post-consent refinement where the values affected may be vulnerable, irreplaceable or long-term.
- Fourthly, practical implementation. CODC's focus is on what will happen if the project is approved: who is responsible, what standard applies, when works must occur, how compliance is verified, how long obligations endure, and what happens if outcomes are not achieved.