

## 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

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Department of  
Conservation  
*Te Papa Atawhai*

**Te Kāwanatanga  
o Aotearoa**  
New Zealand Government

## **Executive Summary**

1. The Conservation Covenant is the overarching protection mechanism for the heritage values and the heritage landscape at Bendigo and the applicant has failed to take into account the history and purpose of the covenant.
2. In my opinion, while the applicant's heritage assessment provides an idea of the loss, which is extensive, it does not provide a comprehensive illustration of the sites that will be destroyed due to various issues with the assessment.
3. The applicant's assessment attempts to recognise the heritage landscape values, however the assessment of values is flawed and does not adequately assess the values being lost.
4. The methodologies and criteria applied by the applicant are not consistently applied and/or are not appropriate for the context (e.g. New Zealand / Otago goldfields).
5. The applicant's assessment fails to take into account existing evidence and/or previous assessments of the heritage values within the covenant.
6. The assessment poorly presents the true nature and extent of the heritage sites particularly through a lack of good clear photography.
7. The applicant's survey work and the reporting of the heritage surveys have notable deficiencies in extent, thoroughness, and recording (especially photography and drawings). Because of this, the heritage assessment does not depict the heritage values faithfully.

## **Introduction**

1. My name is Dr Matthew Schmidt.
2. I am providing expert advice on behalf of the Department of Conservation (DOC) on the Bendigo-Ophir Gold Project (BOGP) Fast-track application. My advice specifically relates to the application for fast-track consent and may be used to inform section 51 and section 53 comments.

## **Qualification and Experience**

3. I am employed by the Department of Conservation Te Papa Atawhai (DOC) as the Senior Heritage Advisor Kaitohu Matua Taonga Tuku Iho for the Southern South Island Region based in the Dunedin office. I have worked for DOC since February 2020 providing advice on all matters relating to the management of heritage sites from all cultures (predominately Māori, Pākehā & Chinese sites). In addition, I provide advice and guidance on: heritage conservation projects; management of heritage in World Heritage Sites in the Southern South Island Region; archaeological authority applications to Heritage New Zealand Pouhere Taonga (HNZPT); resource consent applications; Crown Pastoral Land Act 1998 (CPLA) applications; concessions and permissions applications where heritage is concerned; the development of visitor experiences where heritage maybe affected; and the management of heritage fabric. I work closely with Iwi, other Government agencies, NGOs, heritage/community groups and sponsors of heritage related projects.
4. I have previously worked as an archaeological consultant both in the North and South Islands beginning in 1994. I was the Senior Archaeologist at Heritage New Zealand Pouhere Taonga from 2006 to 2020.
5. I hold a PhD from the University of Waikato (1998) specialising in the radiocarbon dating of New Zealand archaeological sites, a Master of Arts (1st Class Honours in Anthropology) from the University of Auckland and a Bachelor of Arts (1990) from the University of Otago. I have worked in cultural heritage for 38 years and have surveyed, excavated and managed a variety of Māori, Pākehā and Chinese cultural heritage sites around New Zealand. I have been the New Zealand International Correspondent on cultural heritage for the Asia-Pacific Office of UNESCO since 2008. In 2009, I project managed the development and launch of ArchSite, the New Zealand Archaeological Association Online Site Recording Scheme.
6. In 2016 I received the Groube Fieldwork Award from the New Zealand Archaeological Association (NZAA) and in 2024 the Public Archaeology Award also from the NZAA. I have been a past President of the NZAA and on its Council. I was also previously the

President of the Otago Anthropological Association and Chair of the Auckland Archaeological Society. I am a member of the NZAA and in 2025 became an Honorary Member of the Otago Goldfields Heritage Trust.

7. Over the years I have presented evidence related to heritage matters at hearings for resource consents, the Environment Court and the District Court.
8. I have published papers on archaeology and heritage management including a book on the radiocarbon dating of New Zealand prehistory using marine shell in 2000, a paper on the commencement of Māori pā building in New Zealand (1996) and a paper on the first identification of moa living on Rakiura/Stewart Island when Polynesians/Māori first arrived (2022). The focus of my publications in the last 18 years has been on the management of heritage sites and places through the UNESCO International Correspondent publications. UNESCO's cultural heritage publications focus on best practice heritage management which crucially provide current views and methods on the management of heritage.
9. I have an extensive knowledge of the archaeology/heritage of Otago having surveyed this whenua/landscape as a consultant undertaking heritage assessments for private individuals and companies, for Government departments, for Iwi and as part of my work as the Senior Archaeologist for Heritage New Zealand Pouhere Taonga and now for DOC. I was involved in the Tenure Review programme out of which many new heritage sites were recorded and conservation covenants were developed to protect at-risk heritage values in the long term. I hence specialise and have an intimate knowledge of goldfields and the pastoral archaeology of Otago.
10. I have been visiting the Bendigo area since the early 1980s and so have a thorough knowledge of the changes to this landscape since this time. I have undertaken two heritage conservation projects at Bendigo alongside other partners to preserve the Bendigo Bakery and the Come-In-Time Battery.
11. I have a thorough knowledge of the proposed BOGP area. In addition to site visits outlined below, I also undertook condition assessments of key heritage sites in the Bendigo Historic Reserve in June 2025.

### **Code of conduct**

12. 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 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**

13. In preparing this advice I have reviewed the following documents:
  - i. Revised B.34A. New Zealand Heritage Properties Ltd - Heritage Assessment (NZHP 2025a) and Revised B.34B Heritage Assessment (NZHP 2025b) for the BOGP – dated 23 February 2026
  - ii. Original B.34 New Zealand Heritage Properties Ltd - Heritage Assessment Parts 1 and 2 – dated 11 April 2025
  - iii. G.22 Archaeological and Heritage Management Plan – dated 10 September 2025
  - iv. Bendigo Conservation Covenant.
  - v. New Zealand Heritage List / Rārangī Kōrero - Report for a Historic Area Bendigo Quartz Reefs Historic Area, Otago (List No. 9097).
  - vi. Carpenter, Lloyd. 'A 35 year endeavour: Bendigo's Rise and Shine sluicing syndicate', Australasian Historical Archaeology, 30, 2012.
  - vii. Carpenter, Lloyd. 'Rich in Myth, Gold and Narrative: Aspects of the Central Otago Gold Rush, 1862-2012.' PhD Thesis, University of Canterbury. 2013.
  - viii. Hamel, Jill. 1993. The Rich Fields of Bendigo. Report for the Department of Conservation.
  - ix. ICOMOS New Zealand Charter 2010.
  - x. Stephenson, Janet, Heather Bauchop and Peter Petchey. 2004. Bannockburn Heritage Landscape Study. Science for Conservation 244. Department of Conservation.
14. I have undertaken site visits on 13 December 2023, 16 to 19 November 2025 and 16 & 17 February 2026. In the past I have travelled through the area along Thomson Gorge Road and visited heritage sites along the way. I also undertook Tenure Review heritage survey work on the neighbouring Matakanui Station in 2011.

### **Scope of advice and expert opinion**

15. My expert advice will address the following matters:
  - i. The effects of the BOGP on known heritage values
  - ii. Review of the Heritage Assessments for the BOGP
  - iii. The history, meaning and purpose of the Conservation Covenant regarding the heritage values and the heritage landscape

- iv. Expert knowledge of goldfields archaeology in the advising of the Conservation Covenant & Heritage New Zealand Pouhere Taonga (HNZPT) Historic Area
- v. Consideration of the ICOMOS New Zealand Charter 2010 for the Conservation of Places of Cultural Heritage Value
- vi. The Assessment of Heritage Values in the BOGP area
- vii. The BOGP Heritage Assessment methodology, presentation of data and lack of context
- viii. Impacts on Heritage, Compensation & Offsetting (Mitigation).

**The effects of the BOGP on known heritage values**

- 16. The applicant's Revised B.34 Heritage Assessment (Rev B.34 Assessment) provides data on the heritage values identified within the Bendigo Conservation Covenant through past archaeological work and then recorded by the heritage consultants contracted for the BOGP. These values will not be described in detail here as, subject to the feedback provided below, the heritage data captured in assessment suffices in capturing the key heritage landscape values present and at risk.
- 17. The Rev B.34 Assessment clearly indicates which known heritage sites in the Bendigo Conservation Covenant area will be destroyed or partially destroyed due to the mining proposal as summarised in Table 11.1 on Page 175 of the assessment. Here it is noted that of the 17 heritage sites that will be affected, 13 will be destroyed. These sites consist of gold sluicings, water races, stamper battery remains, mullock heaps, mine adits and drives, pastoral features, huts, a reservoir and a road.
- 18. The main impact is in the Rise & Shine Creek area where 10 sites will be destroyed, and one partially removed. The remaining sites relate to the Come-In-Time area of gold mining. Most of the sites to be destroyed are therefore within the landscape which is the primary focus of the heritage landscape values of Bendigo Conservation Covenant. There is no clear mapping in the assessment of which heritage sites will be affected other than Figure 6-1 on page 42 which is of inadequate scale to understand.
- 19. While the Rev B.34 Assessment provides an idea of the loss, which is extensive, it does not provide a comprehensive illustration of the sites that will be destroyed due to various issues with the assessment discussed below.

**Review of the Heritage Assessments for the BOGP**

- 20. The original B.34 New Zealand Heritage Properties Heritage Assessment Parts 1 and 2 (Original Assessment) for the project was reviewed by me and independent archaeologist Dr Neville Ritchie. This review included three days of fieldwork, with me surveying key heritage locations at Bendigo to be affected by the mining proposal in

the Covenant area, particularly in the Rise & Shine Creek, and sites on the boundary of the affected areas.

21. Dr Ritchie's conclusions and recommendations from his review of the Original Assessment are provided in Appendix 1, The key issues identified with the Original Assessment by Dr Ritchie and me, as well as issues with the subsequent Rev B Assessment reviewed by me, are discussed below.
22. The proposed B.22 Archaeological and Heritage Management Plan is not reviewed in detail here as much of the content of the plan is a repeat of the recommendations in the Original Assessment. In addition, the management plan relies on the Original Assessment, which is not adequate, which means the management plan is also inadequate.

**The history, meaning, and purpose of the Conservation Covenant regarding heritage values and the heritage landscape**

23. The Conservation Covenant is the overarching protection mechanism for the heritage values and the heritage landscape at Bendigo. Hence, it is the key driver for the management of the heritage present irrespective of the protection of archaeological sites under the Heritage New Zealand Pouhere Taonga Act 2014 (HNZPTA) and the Resource Management Act 1991 (RMA).
24. The Covenant preserves historic values of the Bendigo gold mining landscape as a place of national significance to the history of mining in New Zealand. This is because the Covenant ensures the sequence of sluicing and hard rock mining heritage at Bendigo which stems from the Bendigo Historic Reserve all the way up through the Rise & Shine Creek area is preserved. The tangible remains present, alongside Dr Lloyd Carpenter's detailed social history of Bendigo (the intangible component of the history of Bendigo), means we have a rare continuous insight into the history of a sluicing, then hard rock gold mining community that lived at Bendigo from the 1860s through to the Depression. The additional benefit of the Covenant alongside the Bendigo Historic Reserve is that members of the public can access this history all the way from the Reserve and up to Thomsons Gorge saddle.
25. The Original Assessment and Rev B.34 Assessment from the outset fail to adequately recognise this and the purpose of the Covenant. As such, the approach to evaluating the heritage values present is not adequate. The assessment is primarily focused on the archaeological provisions of the HNZPTA which relates to the protection of archaeological sites, not the management of heritage resources and values.
26. Because the Conservation Covenant is essentially ignored, the assessment is compromised. On reading the assessment it is clear it is directed towards providing a

'menu' of how to apply for an Archaeological Authority under the HNZPTA to modify or destroy archaeological sites in the project area. This approach puts at risk any post-1900 heritage values as they have no protection under the HNZPTA.

27. How the Conservation Covenant came about is a crucial aspect that the assessment should have considered. The Conservation Covenant was an outcome of Tenure Review where, after various resources were evaluated on the pastoral lease, the Crown then negotiated with the lessee about what land could become freehold, what land would be retained for conservation purposes and would be protected through a Conservation Covenant. The resulting Conservation Covenant identified locations where heritage values were of such importance that they should be protected, and where various farming practices could continue with the public gaining access to interact and appreciate those heritage places.
28. The heritage assessment fails to appreciate that identification of the historically significant heritage sites had already been undertaken by experienced goldfields archaeologists or take into account that work in considering whether the heritage values present warrant continued protection under the Covenant.

#### **Expert knowledge of goldfields archaeology in the advising of the Conservation Covenant & HNZPT Historic Area**

29. Six highly experienced archaeologists who specialised in goldfields archaeology advised on the nature and extent of the Conservation Covenant (2000) and the HNZPT Historic Area (2015). These were Chris Jacomb, Sheridan Easdale, Dr Jill Hamel (who authored *The Archaeology of Otago* 2001), Dr Reg Nichol, Les Wright, and Dr Matthew Schmidt. This does not appear to have been considered relevant by the applicant's heritage advisors and is not recognised in either of the BOGP heritage assessments.
30. I consider that the failure to recognise and consider the previous and available assessments and findings demonstrates a significant flaw in the applicant's assessments as this is clearly relevant evidence that should have been taken into account.
31. In my experience, following best practice heritage assessment process, experienced heritage professionals are consulted when undertaking an assessment of an area where past heritage assessment work has already been undertaken and where those heritage professionals have more experience in a particular field of archaeology. In addition, the parties who would be affected by an assessment should always be consulted initially particularly when they have experts in that field of archaeology.

32. DOC was not consulted in the development and writing of either version of the heritage assessments nor of the Archaeological and Heritage Management Plan.
33. I provided advice to the applicant on the relevant heritage issues at an initial workshop in September/October 2025 as well as providing feedback in written form in October 2025. The key issues I identified were not addressed in the substantive application lodged. The only post-lodgement consultation specific to heritage was a brief meeting with the BOGP heritage consultants on 10 February 2026 and the Santana-hosted workshop on 16 February 2026. The issues identified in this statement were raised during these sessions (as well as in the earlier feedback); however, the Rev B Assessment fails to adequately address them.

### **The ICOMOS New Zealand Charter 2010 for the Conservation of Places of Cultural Heritage Value**

34. Neither the original assessment nor the Rev B.34 Assessment refers to the ICOMOS New Zealand Charter 2010 (Appendix 2). This charter is the backbone of heritage conservation and management in New Zealand and “sets out the principles to guide the **conservation of places of cultural heritage value** in New Zealand”, which includes cultural landscapes. It provides a fundamental approach to considering heritage values overall, with key conservation principles applicable to the heritage in the Bendigo Conservation Covenant.
35. The Charter explains best practice conservation process and practice (crucial when discussing heritage significance, compensation and offsetting, see below) and provides definitions of various cultural heritage terms etc. Of relevance to the Bendigo Conservation Covenant are the following definitions:
  - **Authenticity** means the credibility or truthfulness of the surviving evidence and knowledge of the cultural heritage value of a place. Relevant evidence includes form and design, substance, and fabric, technology and craftsmanship, location and surroundings, context and setting, use and function, traditions, spiritual essence, and sense of place, and includes tangible and intangible values. Assessment of authenticity is based on identification and analysis of relevant evidence and knowledge, and respect for its cultural context.
  - **Cultural heritage significance** means the cultural heritage value of a place relative to other similar or comparable places, recognising the particular cultural context of the place.
  - **Cultural heritage value/s** means possessing aesthetic, archaeological, architectural, commemorative, functional, historical, landscape, monumental, scientific, social, spiritual, symbolic, technological, traditional, or other tangible or intangible values, associated with human activity.
  - **Cultural landscapes** means an area possessing cultural heritage value arising from the relationships between people and the environment. Cultural landscapes may have been designed, such as gardens, or may have evolved from human

*settlement and land use over time, resulting in a diversity of distinctive landscapes in different areas. Associative cultural landscapes, such as sacred mountains, may lack tangible cultural elements but may have strong intangible cultural or spiritual associations.*

36. DOC is a corporate member of ICOMOS New Zealand.

**The Assessment of Heritage Values within the BOGP area**

37. The Rev B.34 Assessment is confusing as two systems of assessing the significance of the heritage sites in the project area are used (section 3.3 pp 12-15):
- a. The Listing criteria from HNZPT's *Significance Assessment Guidelines* (2019) which are used to determine the significance of a site, place or area no matter what age it is (see Appendix 3), and
  - b. The Archaeological and other values criteria from HNZPT's *Writing Archaeological Assessments* (2019) guidelines which are limited to pre-1900 heritage sites and are used in the writing of an archaeological assessment when applying for an Archaeological Authority to modify or destroy an archaeological site (see Appendix 4 pages 9 & 10).
38. In summary, the *HNZPT Listing criteria* considers the heritage significance of a place based on its aesthetic, archaeological, cultural, historical, scientific, social, spiritual, technological and traditional significance (note the overlap with the ICOMOS 'cultural heritage value/s' definition above). A heritage place may exhibit all or only a few of these values, but the HNZPT listing criteria is a holistic system that considers both tangible and intangible heritage values that can be applied to a single site or a landscape. Age is not an issue, and archaeological significance is included. This system is commonly used by heritage professionals, and is the approach that DOC expects to be used on public conservation lands (PCL) and in locations where Conservation Covenants protecting heritage values are present. This was the criteria applied by HNZPT to identify and support the Bendigo Historic Area which lies in the Conservation Covenant.
39. The *Archaeological and other values criteria* look at the condition, rarity, context, information potential, amenity value, and cultural associations as part of assessing archaeological values of a site. However, as can be seen from the HNZPT Listing criteria, considering the archaeological values is only one part of the picture when comprehensively evaluating the heritage significance/value of a site, site complex, or heritage landscape.
40. In my opinion, one assessment system should have been used, and the HNZPT Listing criteria is the more appropriate system in this context.

41. The Rev B.34 Assessment clusters related sites into six heritage complexes and applies the HNZ Listing criteria to assess the significance of these complexes. However, to assess the significance of each site within these complexes, the HNZ Listing criteria and the Archaeological and other values criteria are then applied depending on the age of the site. For example, in the Rise and Shine Workings heritage area, the HNZ Listing criteria is applied, but then an Archaeological Value criterion is applied to each individual site as they predate 1900. For the Come-In-Time Area, the HNZ Listing criteria is applied to the heritage area landscape values and to each individual heritage site as each site has elements that are early 20<sup>th</sup> century.
42. We therefore have two very different assessment systems at work, and as such it is exceedingly difficult to compare the significance of the individual sites present and the overall significance of the heritage landscape in the covenant area. The Rev B.34 Assessment acknowledges this as it notes at page 143 that:

*“Due to the complex and multi-layered nature of the landscape, many of the sites within the project area are difficult to attribute to a specific time period or phase of mining; however, all have the potential to relate to pre-1900 activity, or include features that relate to earlier phases of mining in the case of those sites known to have been active during the twentieth century (for example G41/277) and as such all are considered potentially archaeological until investigations prove otherwise.”*

43. On my assessment, Site G41/277 *Rise and Shine Mine & Battery* has numerous tangible features dating from the 19<sup>th</sup> and 20<sup>th</sup> centuries and an associated known history and as such is a good example of the layered history of mining at Bendigo. Given this, it should not be only assessed on its archaeological values.
44. Table 11.1 on Page 175 (Rev B.34 Assessment) which summarises the data on sites being affected by the project only refers to the values being affected as “Archaeological” even though 20<sup>th</sup> century heritage sites will be affected.
45. The application of the HNZPT Listing criteria to the six heritage complexes in the assessments results in the two most important of the five that lie in the Conservation Covenant area (the Rise and Shine Workings and the Come-In-Time Workings) being given a heritage value of High. This outcome supports the protection of the heritage values in the Covenant as determined back in 2000.
46. The Applicant’s heritage advisors apply criteria to set significance levels set out in “Levels of overall heritage value for individual sites”/ Level of Significance (Rev B.34 Assessment, Table 3-2, page 14). These significance levels have not been tested to

determine if they adequately apply to Otago goldfields heritage sites or cultural heritage sites in Otago in general.

47. The levels used are based on cultural heritage sites encountered during roading and bridge work in the United Kingdom which are vastly different from cultural heritage sites found in New Zealand (See Appendix 5).
48. Applying these UK derived significance levels in New Zealand is too challenging and unrealistic. For example, to meet a level of Very High requires heritage sites to potentially display strong and significant links to international events etc. or be of international importance displaying exceptional integrity or exceptional rarity, which is simply inappropriate in a New Zealand context. To have a 'High' level of significance a heritage site must either be listed with HNZPT, scheduled in a District Plan or have exceptional values on a national scale. Whether a heritage site is Listed with HNZPT depends on whether someone nominates it and often heritage sites move onto a District Plan Schedule through the HNZPT List.
49. More realistic levels of significance would be to have heritage sites that are regionally significant as having 'High' value and those of national significance as 'Very High.' A site to be of international significance is too high a bar to meet in New Zealand heritage and such a site would be exceptional anyway. Doing away with using Local, Regional or National significance in the criteria also dilutes the recognition of regionally significant heritage places and those sites recognised under Section 6f as being sites that are a matter of national importance.
50. Overall, although there have been amendments to the Rev B.34 Assessment, with an attempt to recognise the heritage landscape values, the assessment of values is flawed and does not adequately assess the values being lost.
51. In Appendix 6 I have provided an example of assessing the heritage values in the Bendigo Conservation Covenant area where I have applied the HNZPT Listing Assessment Criteria. Here, a landscape approach is taken as that aligns with the purpose of the Covenant, (i.e. to protect the heritage landscape values and all heritage sites no matter what their 'level' of various significance, condition etc). The outcome is the same as in the Rev B Assessment for the Rise and Shine Workings and the Come-In-Time Workings i.e. the heritage values here are High. In my assessment, I recommend avoidance as the best practice approach to conserve the heritage values.

#### **The Heritage Assessment methodology, presentation of data and context**

52. There are aspects of the Rev B.34 Assessment that do not provide confidence that the assessment was thorough and current. For example, most of the fieldwork in the affected locations was undertaken in 2018 with some additional site visits in 2021 (see

Figure 7-1, page 70), and the landscape and possibly the condition of the heritage sites may have changed since this time. The assessment notes that there were a number of sites that were obscured by vegetation at the time making them difficult to assess. I also observed this during three days of fieldwork in the Rise & Shine Creek and Come-In-Time areas in November 2025.

53. In order to adequately assess heritage proposed to be destroyed in a Conservation Covenant area, sites should be cleared of intrusive vegetation where practical to thoroughly assess all the values of the site (which is permitted under the covenant). For example, I undertook such work on hut site G41/267 alongside Neville Ritchie in November 2025 to reveal more noteworthy features of the hut not presented in the heritage assessment, and which showed it had one of the two gabled walls still present, its side walls and artefacts nearby. No photograph of this hut is shown in the Rev B.34 Assessment (see Appendix 7).
54. There is no current photograph of road site G41/589 as it was not visited during the 2018 fieldwork or at any time. Dr Ritchie and I visited this site, cleared the vegetation, and revealed a significant and well preserved revetted road (see Appendix 7). Heritage sites bounding the project area and within the Covenant or Bendigo Historic Reserve should have been assessed as they form part of the interconnected history of mining at Bendigo. To be able to inform on overall impacts where heritage sites could be cut in half, for example, a better understanding of this effect would have been gained through a wider assessment envelope.
55. The Rev B.34 Assessment poorly presents the true nature and extent of the heritage sites particularly through a lack of good clear photography. For example, the very large and highly significant double stone terraced reservoir site G41/269 *Rise & Shine Dam* is depicted by only two photographs in the assessment (pages 100 & 101) with these photographs taken from a distance, one in 2017 and the other in 2018 (see Appendix 7). This huge and complex structure is a rare type for the Otago goldfields and has a known and detailed history.
56. Site G41/277 *Rise and Shine Mine & Battery* is a large complex site with many features relating to hard rock mining dating from the late 19<sup>th</sup> and early 20<sup>th</sup> centuries on top of and surrounded by earlier 19<sup>th</sup> century sluicing. It has mine drives, adits, mullock heaps, stamper battery foundations remains, and features relating to the later pastoral history present such as old dog kennels and yards (see page 103 in the heritage assessment and Appendix 7). Only four photographs are used to aid in describing this site and these do not depict the key features.

57. Heritage sites were also not recorded or missed from the 2018 foot survey. Examples are included in Appendix 7, including two hut sites recorded by archaeologist Matt Sole, Dr Ritchie and me in November 2025 which were easily identified near Thomsons Gorge road as part of Rise & Shine gold workings site G41/264. Other archaeological features were recorded by us above and to the west of site G41/264 which related to the water supply system for the Rise & Shine workings. The heritage assessment survey and resulting map of the heritage sites in the Rise & Shine Creek does not clearly show the water systems which were integral to the resulting gold mining features seen from Thomson Gorge Road today. ArchSite, the NZAA online Site Recording Scheme, also does not show the nature and extent of the Rise & Shine workings' water supply system. This was brought to the attention of the heritage consultants on two occasions in 2025 and 2026.
58. The applicant's survey work and the reporting of the heritage surveys have notable deficiencies in extent, thoroughness, and recording (especially photography and drawings). Because of this, the Rev B.34 Assessment does not depict the heritage values faithfully.
59. The Rev B.34 Assessment does not provide context of how the nature and extent of goldfields heritage in Otago has changed over time. Sections 6.3, 6.4 and 6.5 consider *The Wider Archaeological and Heritage Context, Mining Sites in the Heritage Record* and *Historic-Domestic Sites in the Heritage Record*. A disingenuous picture is painted of the nature of goldfields sites in Otago today and how extensive investigations of these sites have been. I acknowledge there has been comprehensive recording of sites and many archaeological investigations over the years, however, these have been primarily driven by the destruction of Central Otago's and Queenstown Lakes heritage since the 1970s and are not a complete or full assessment of changes to Otago goldfields' heritage.
60. The Clutha Archaeological Project (directed by Dr Ritchie) was motivated by the destruction of heritage sites by Lake Dunstan and potential future hydroelectric projects. Since the creation of Lake Dunstan, which destroyed many Pākehā, Chinese and Māori heritage sites, numerous goldfields sites have been destroyed by mining, farming, subdivisions, modern roading/infrastructure projects, the expansions of towns, irrigation projects etc. This loss was anticipated by the early goldfields archaeologists such as Dr Neville Ritchie and Dr Jill Hamel, hence why the Goldfields Park Reserves were created and Conservation Covenants produced to protect these values through the Protected Natural Areas Programme and then Tenure Review. Today, very few complete goldfields areas remain outside of DOC managed land and pastoral leases where Conservation Covenants protect these values.

61. The applicant's assessment does not illustrate or acknowledge how the preservation of Otago Goldfields history has changed over the decades and how Bendigo is placed today in terms of the remaining tangible and intangible history.

### **Impacts on Heritage, Compensation & Offsetting (Mitigation)**

62. On page 166 of the Rev B.34 Assessment, the authors' note that when *"considered as a whole, the proposed works will have a major adverse impact on the heritage values of the BOGP project area."* Irrespective of the site-by-site description, analysis, valuation using two types of criteria etc., this statement is key in describing what the outcomes of the BOGP project will be on the heritage values with the Bendigo Conservation Covenant.
63. The heritage assessment wrongly proposes that even after destruction of the heritage sites in the proposed covenant revocation area, the overall heritage values will remain high (see below from page 167, bold added). But on the previous page the heritage assessment has already recognised that works will have a major adverse impact on the heritage values of the BOGP project area. In addition, the assessment implies that remaining sites are adequately protected through the HNZPTA which is not a heritage management tool. The HNZPTA only protects archaeological sites, not post-1900 heritage, and anyone can apply for an Archaeological Authority to destroy the remaining archaeological sites if the covenant is revoked.

*"Parts of the project area also fall under the Bendigo Conservation Covenant. The core objectives and relevant conditions of the Covenant with regards to heritage are outlined in Section 6.2. The proposed works within the Rise and Shine Creek area do not align with these objectives or conditions, as they will modify the landscape values as well as negatively impacting the historic values of ten sites identified by Hamel's (1993) report upon which the Covenant draws, as well as having a negative impact on the wider historic landscape. The uplift of the proposed portion of the Covenant will see the loss of the additional legal protection for 12 recorded heritage sites in addition to those impacted by the BOGP disturbance footprint (...); however, all will remain protected under the HNZPTA 2014. **Overall, the proposed works and Covenant uplift will have a moderate adverse effect on the heritage values of the Bendigo Conservation Covenant area, but, as with the Historic Area, the overall values of the Covenant will remain high.**"*

64. To mitigate or compensate for the loss of heritage, the Rev B.34 Assessment proposes avoiding sites that will not be destroyed, recording of sites before they are destroyed, working to a Heritage Management plan which sets out how sites will be recorded etc before and during destruction and an on-call protocol in case of random heritage finds etc. These are not compensation measures; they are standard requirements which would be set out under an Archaeological Authority or imposed as conditions through the RMA process.

65. In Rev B.34 Assessment in Section 10.3.4 (Investment in Other Heritage Sites) and Section 11 (Conclusions & Recommendations) it is proposed that work could be done killing willows up Clearwater Creek in the Bendigo Historic Reserve, project-based mitigation should be considered such as repair of the retaining wall at the Come-In-time Battery in the Bendigo Historic Reserve (in conjunction with a local Trust – and without acknowledging authorisations from both DOC and NZHPT would be required), and a new track for public access formed to the Come-In-time Battery. The advice also recommends that the artefacts recovered from the destruction of the heritage sites be offered to the Cromwell Museum as well as stone be retained from destroyed heritage sites such as from the huts and large reservoir/dam site G41/269, and installation of post-mining interpretation.
66. The proposed measures mentioned above are not of a relative scale to the major loss of heritage values that will occur at Bendigo should the BOGP go ahead.
67. Any compensation for heritage loss must be project focused and based on agreed and deliverable outcomes where the New Zealand ICOMOS Charter 2010 provides the foundation for conservation. In my experience, heritage conservation only succeeds where there are known and targeted outcomes and this is generally how such projects are funded internationally. I consider this is best practice. Proposals developed without consultation with the key affected party or parties is a major flaw in the assessment, which in this case is DOC on behalf of the MOC.
68. In Appendix 8, I have provided guidance on what in my opinion should be considered best practice in heritage when developing a compensation or offsetting package for a project like the BOGP. From a heritage perspective there is information to inform a realistic cost for offsetting the losses of heritage sites/values and the cultural heritage landscape at Bendigo based on existing DOC heritage conservation projects.
69. The applicant has proposed \$500,000 per annum for up to 10 years (and conditional on gold being produced) as a compensation fund for biodiversity and heritage loss. The fund is described as *“intended to make a significant contribution to safeguarding historic heritage, conservation management and recovery of indigenous biodiversity more broadly within the Dunstan Ecological District”*<sup>1</sup>.
70. In my opinion the fund is disproportionate to the scale of effects on historic heritage that would be lost at the BOGP site, as well as insufficient to realise the “significant contribution” this is intended to achieve for historic heritage, let alone the other values it proposes to “safeguard”.

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<sup>1</sup> Substantive application document A.02B

71. The conservation work being undertaken on the Lindis Hotel ruin is a good and current example of how much costly the conservation of a significant heritage ruin is. Works to date include: compiling a Conservation Plan and Stonework Plan, obtaining heritage engineering advice, designing a protective roof and obtaining a resource consent and building consent for the structure, and conservation stonework which has cost ca. \$200k. To build the protective roof over the ruin will cost a further ca. \$230k (labour and materials). The total to protect the Lindis Hotel ruin will be ca. \$430k.
72. Below are key considerations with regard to developing a compensation or offsetting package where heritage values are compromised, informed by the New Zealand ICOMOS Charter 2010 and my own experience with partaking in or managing heritage conservation projects over the years.
- a. Compensation must understand what heritage loss means & reflect the heritage values being lost.
  - b. Compensation needs to be project-based with known outcomes.
  - c. Compensation for heritage values lost is not just about the tangible remains being lost, it must also reflect the intangible values lost and collectively what these values represent.
  - d. Compensation for heritage lost should ideally be local but should not be restricted by artificial boundaries (e.g. local authorities).
  - e. Locations of project-based compensation must have long term legal protection of the heritage being conserved.
  - f. Decisions on what heritage to conserve as part of a compensation 'package' should be informed by advice from heritage professionals who specialise in the type of heritage being lost rather than being based on convenience or cost
  - g. Any heritage compensation project must be undertaken by experts in their fields.
73. Of note here is that the entities affected by the loss of heritage values must be at the centre of any discussions on compensation, be informed by professional heritage advice with the relevant experience in the heritage values being lost and play a direct role in the project-based conservation outcomes.

### **Conclusions**

74. The Bendigo Conservation Covenant is not given due consideration in the Rev B.34 Assessment. The Covenant is approached as an obstacle rather than as a core protection mechanism for the heritage values which are proposed to be affected by the BOGP.

75. The HNZPT Bendigo Historic Area is not given due consideration in the Rev B.34 Assessment for its recognition of the heritage values at Bendigo which support the Bendigo Conservation Covenant.
76. The Rev B.34 Assessment does not acknowledge the heritage expertise and evidence relied on in the establishment of the Covenant in 2000 and the registered Historic Area in 2015.
77. The Rev B.34 Assessment does not adequately present the true heritage values in and around the BOGP area nor does it give weight to the nationally significant heritage landscape being affected by the project. Descriptions of heritage sites are poor with photographic presentations and maps undervaluing the heritage present.
78. The assessment criteria used to evaluate the values in the BOGP area are confusing, inconsistent and do not take into consideration the values being protected under the Bendigo Conservation Covenant nor ICOMOS New Zealand Charter 2010.
79. The assessment of significant heritage values in the Rev B.34 Assessment appears to be directed more to obtaining an Archaeological Authority in expectation of the revocation of the Bendigo Conservation Covenant rather than to independently assessing the value of heritage present.
80. Proposed compensation and offsetting is non-existent, with an absence of a formalised approach to compensation where no effort has been made to discuss options with the Minister of Conservation as the Bendigo Conservation Covenant holder or DOC.