

4. APPROVALS SOUGHT UNDER THE FAST-TRACK APPROVALS ACT

4.1 OVERVIEW

The purpose of the Act is to facilitate the delivery of infrastructure and development projects with significant regional or national benefits. Based on the information contained in Section 3 of this report, MGL requires (and is seeking) the following approvals for the BOGP under Section 42 of the Act in order to facilitate delivery of the BOGP as a project with significant regional and national benefits:

- > Resource consents (district and regional) that would otherwise be applied for under the RMA (section 42 (4)(a) of the Act);
- > Concessions that would otherwise be applied for under the Conservation Act (section 42 (4)(e) of the Act);
- > An amendment of a conservation covenant that would otherwise be applied for under the Reserves Act (section 42 (4)(g) of the Act);
- > Wildlife approvals that would otherwise be authorities applied for under the Wildlife Act (section 42 (4)(h) of the Act);
- > An Archaeological Authority that would otherwise be applied for under HNZPT Act (section 42 (4)(i) of the Act); and
- > Approvals / dispensations that would otherwise be applied for under regulation 42 or 43 of the Fisheries Regulations (section 42 (4)(j) of the Act).

Further details of the specific approvals required are outlined in the following sections.

4.2 RESOURCE MANAGEMENT ACT 1991

4.2.1 Relationship with Existing Consents

Clause 5 (1)(f) of Schedule 5 of the Act requires a substantive application under the Act to include a description of other resource consents for the project to which the application relates.

MGL holds several resource consents which authorise previous mineral exploration activities and other relevant activities, including the construction of groundwater bores at Bendigo Aquifer, the installation of several culverts on Ardgour Terrace and the disposal of wastewater to land. A full list of existing relevant consents held by MGL that relate to the Project Site is presented in Section 2.2 of this report, with copies provided in **Part E** of these application documents.



As noted throughout this application, MGL has also submitted two resource consent applications⁵⁵ to CODC prior to this substantive application which applies for a Land Use Consent for the early works components of the project (refer to **Part J** of these application documents). These activities are outlined in Section 3.4 and include various activities within the Ardgour Terrace Site and earthworks for the realignment of a section of Thomson Gorge Road (Ardgour Rise).

For clarity, the activities of the BOGP which are covered by the early works application (listed above) are also sought to be authorised through this substantive application. As required by section 94 of the Act, if that early works consent application has not been granted by the date of lodgement, the early works application will be withdrawn once MGL is notified by the EPA that this substantive application has been accepted.

4.2.2 Required Approvals

As required by clause 5 (3)(a) and (b) of Schedule 5 of the Act, a detailed assessment of the approvals required under the RMA, and a detailed analysis of the applicable rules (including identification of those activities which are classified as permitted activities in the relevant statutory planning documents), is attached as **Part H** to this application.

A summary of the approvals sought for the BOGP is provided in the following sections. The specific wording of each consent sought (along with proposed conditions) is presented in **Part D** of this application.

The BOGP does not involve any activities that would be prohibited activities under the RMA.

To secure the facilitation and delivery of the BOGP, MGL is seeking a consent term of 35 years for all necessary resource consents for the BOGP within the administrative jurisdiction of ORC. As discussed below, this includes the relevant water permits to:

- > Take and use groundwater from the Bendigo Aquifer for water supply to support mining operations and other ancillary purposes (including the augmentation of surface flows in Shepherds Creek, Rise and Shine Creek and the supplementation of wetlands); and
- > Take and use groundwater associated with dewatering, the establishment of the RAS, CIT, SRX and SRE Open Pits and the RAS Underground and for use in mining operations throughout the Project Site.

⁵⁵ Resource Consent Number RC250126.



It is noted that Policy 10A.2.2 of the Regional Water Plan is directive and limits the duration of resource consents for new takes and / or uses of freshwater for no more than six years (except for existing hydro-electricity generation activities).

In addition, Section 127B was included in the RMA on 21 August 2025 by the Resource Management (Consenting and Other System Changes) Amendment Act 2025. Section 127B creates a legislative limitation for the duration of water permits in Otago and states that new permits granted under the Regional Water Plan must not exceed six years.

However, when the context necessitating Section 127B of the RMA and Policy 10A.2.2 of the Regional Water Plan are considered alongside the objectives and policies of the Regional Water Plan as a whole, it is considered that the panel is not precluded from granting the approvals sought under the Act for a period longer than six years. This is because:

- > The six-year duration was intended to be a temporary measure to manage water allocation and provide a framework for the assessment of take and use applications for water in the transition period while a new Regional Water Plan was prepared (which would be operative by 31 December 2025). It was intended to enable ORC to transition to a new integrated planning framework efficiently and effectively by limiting the number of long-term permits operating under an outgoing planning framework. The six-year duration was intended to discourage further investment to respond to an imminent change in policy setting. However, the prevention of notification of freshwater planning instruments in 2024 by the Resource Management (Freshwater and Other Matters) Amendment Act necessitated the inclusion of Section 127B in the RMA as ORC had existing permit holders with short duration permits that would expire before a new framework was in place;
- > The intention and context behind the six-year duration to discourage investment is directly contrary to the purpose of the Act, which the greatest weight must be given to;
- > Section 127B is contained in Part 6 of the RMA and is a relevant consideration to the Panel's decision making. However, in the context of the Act, while Section 127B is still a relevant consideration, Clause 17(4) of Schedule 5 directs that the RMA provisions need to be subject to the weighting exercise; and
- > This requires the panel to consider the RMA provisions, including Section 127B on an individual basis, prior to standing back and conducting an overall weighting exercise in accordance with the legislative direction of the Act. Under the Act's weighting test, the panel has the ability to determine that the benefits of facilitating delivery of the BOGP outweigh the inconsistency with the six-year duration of water permits in the RMA.



In summary, the proposed water permits to take and use groundwater:

- > Will not result in surface water (or groundwater treated as surface water) allocation issues;
- > Are a unique scenario which the objectives and policies of the Regional Water Plan, or the events that necessitated them, did not contemplate or provide for;
- > Will not impact ORC's ability to transition to a new integrated planning framework efficiently and effectively; and
- > Need to align with the duration of other approvals sought under the Act to facilitate the delivery of the BOGP and the associated national and regional benefits.

For these reasons, the panel is not precluded from granting the approvals sought under the Act for a period longer than six years.

4.2.3 Central Otago District Plan

MGL seeks to obtain a Land Use Consent to authorise all activities requiring a resource consent under the District Plan associated with the construction, operation, maintenance and rehabilitation and closure of the BOGP.

This includes the activities listed below which are located within the Rural Resource Area of the District Plan and subject to the Dunstan Mountains ONL and Bendigo Terrace Significant Amenity Landscape overlays.

The detailed rules assessment (provided as **Part H**) provides an analysis of the relevant rules and permitted activity standards in the District Plan relating to the BOGP, and covers the following sections:

- > Section 4 – Rural Resource Area;
- > Light Chapter;⁵⁶
- > Section 12 - District Wide Rules and Performance Standards;
- > Section 13 – Infrastructure, Energy and Utilities;
- > Section 14 – Heritage Buildings, Places, Sites, Objects and Trees; and
- > Section 15 – Financial Contributions.

⁵⁶ Note: this chapter has been inserted into the District Plan without a section number.



The most restrictive activity status is **discretionary**. Under the “bundling” principle this is taken to be the overall activity status for the Land Use Consent required under the District Plan.

In summary, the following activities require a Land Use Consent under the District Plan:

- > The establishment of mining operations within the Project Site that do not comply with the relevant standards in the Rural Resource Area of the District Plan, including:
 - > The construction of buildings that do not comply with the relevant building height standards in an ONL with respect to bulk and location;
 - > The stockpiling of ore and topsoil that do not comply with the storage standards;
 - > The establishment of signs that do not comply with the sign standards;
 - > The construction of buildings and structures that do not comply with the visual effect standards;
 - > Earthworks and vegetation clearance within the riparian margins of water bodies;
 - > Earthworks to establish mine access and haul roads; and
 - > Earthworks to establish and operate two aggregate pits within the Project Site;
- > The establishment of buildings within 20 m of the bank of a stream;
- > Mineral extraction activities, including:
 - > The extraction of material that exceeds the permitted areas and volumes;
 - > The removal of indigenous vegetation;
 - > The establishment of new buildings and structures, cutting of haul roads and tracks, and the excavation of material associated with mining operations within an ONL; and
 - > Traffic generation associated with more than three persons engaged in an ‘industrial’ activity;
- > The storage and use of explosives and hazardous substances associated with gold processing activities that exceed the permitted limits in the Rural Resource Area;
- > The establishment of temporary construction workers accommodation that involves more than one residential activity on a Record of Title;
- > The construction of parking areas that do not meet the permitted parking standards;
- > The upgrade of a road that encroaches beyond the existing road reserve (the relocation of part of Thomson Gorge Road);



- > The construction of a road not aligned with a legal road (the realignment of Thomson Gorge Road to form Ardour Rise); and
- > The establishment of a new transformer that exceeds the permitted limit of 36 kV.

4.2.4 Regional Plan: Water for Otago

MGL seeks to obtain all necessary Land Use Consents, Discharge Permits, and Water Permits under the Regional Water Plan to authorise activities associated with the construction, operation, maintenance and rehabilitation and closure of the BOGP, as outlined below.

The detailed rules assessment (provided as **Part H**) provides an analysis of the relevant rules and permitted activity standards in the Regional Water Plan relating to the BOGP, and covers the following chapters:

- > Chapter 12 - Water Take, Use and Management;
- > Chapter 13 - Land Use on Lake or River Beds or Regionally Significant Wetlands; and
- > Chapter 14 - Land Use other than in Lakes or River Beds.

The most restrictive activity status is **discretionary**. Under the “bundling” principle this is taken to be the overall activity status for the approvals required under the Regional Water Plan.

In summary, the following activities require consents under the Regional Water Plan:

- > A Water Permit for the take and use of groundwater from the Bendigo Aquifer for the purposes of supplying water to support all mining construction, operation, maintenance and ancillary activities (including ecological rehabilitation and enhancement) and for augmenting flows within Shepherds Creek, Rise and Shine Creek and natural inland wetlands;
- > A Water Permit for the take and use of groundwater associated with dewatering, the establishment of the RAS, CIT, SRX and SRE Open Pits and the RAS Underground and for use in mining operations throughout the Project Site;
- > A Land Use Consent to alter / reclaim and disturb sections of the Shepherds Creek, Rise and Shine Creek and Jean Creek (and associated tributaries) within the Project Site to develop mining operations;
- > A Water Permit for the damming, diversion, take and use of surface water within the Shepherds Creek and Rise and Shine Creek (Bendigo) catchments during construction activities and mining operations within Project Site;



- > A Water Permit for the permanent diversion of sections of Shepherds Creek, Rise and Shine Creek and Jean Creek (and associated tributaries) into stream diversions and dirty water diversion channels throughout the Project Site;
- > A Discharge Permit to:
 - > Discharge water (taken from the Bendigo Aquifer) into Shepherds Creek and Rise and Shine Creek for the purpose of augmenting flows;
 - > Discharge water and contaminants from the SRX Open Pit and Western ELF into Rise and Shine Creek within the Project Site;
 - > Discharge water and contaminants from the Shepherds Silt Pond to Shepherds Creek (in the form of the Shepherds CWDC);
 - > Discharge water and contaminants from various activities to land where contaminants may enter water. These activities include from topsoil and waste rock stockpiles, TSF, various ELFs, the Shepherds Service Corridor, haul roads, erosion and sediment control structures (such as sediment retention ponds) located throughout the Project Site⁵⁷ and the two aggregate pits;
 - > Discharge treated mine water from the water treatment plant (or passive treatment system) within the Project Site to Shepherds Creek during mine closure;
- > A Land Use Consent to install structures (including a culvert, flow control devices and coffer dams) in the beds of Shepherds Creek and Rise and Shine Creek within the Project Site;
- > A Land Use Consent for the drilling of land over the Bendigo Aquifer associated with the establishment of a groundwater production bore and monitoring bores / piezometers; and
- > A Land Use Consent for the drilling of land within the Project Site associated with the dewatering of groundwater and blasting activities.

4.2.5 Regional Plan: Air for Otago

MGL seeks to obtain all necessary Discharge Permits under the Regional Air Plan to authorise activities associated with the construction, operation, maintenance and rehabilitation and closure of the BOGP, as outlined below.

⁵⁷ These erosion and sediment control structures will be finalised through the development of various Site-Specific Erosion and Sediment Control Plans for each of the working areas within the Project Site as set out in the Erosion and Sediment Control Technical Report and Management Plan prepared by EGL.



The detailed rules assessment (provided as **Part H**) provides an analysis of the relevant rules and permitted activity standards in the Regional Air Plan relating to the BOGP. Part 4 of the Regional Air Plan contains the rules which are relevant to the project.

The most restrictive activity status is **discretionary**. Under the “bundling” principle this is taken to be the overall activity status for the approvals required under the Regional Air Plan.

In summary, the following activities require Discharge Permits under the Regional Air Plan:

- > The discharge of contaminants to air from the crushing and screening of aggregates at the two proposed aggregate pits; and
- > The discharge of contaminants to air from the extraction and processing of mineral materials associated with mining operations and ancillary activities at the Project Site.

4.2.6 Regional Plan: Waste for Otago

MGL seeks to obtain all necessary Land Use Consents and Discharge Permits under the Regional Waste Plan to authorise activities associated with the construction, operation, maintenance and rehabilitation and closure of the BOGP, as outlined below.

The detailed rules assessment (provided as **Part H**) provides an analysis of the relevant rules and permitted activity standards in the Regional Waste Plan relating to the BOGP, and covers the following chapters:

- > Chapter 5 – Contaminated Sites;
- > Chapter 6 – Hazardous Substances and Hazardous Wastes; and
- > Chapter 7 – Landfills.

The most restrictive activity status is **discretionary**. Under the “bundling” principle this is taken to be the overall activity status for the approvals required under the Regional Waste Plan.

Overall, the following activities require a Discharge Permit under the Regional Waste Plan:

- > The discharge of contaminants into or onto land, into water or into air associated with the discharge of tailings into the TSF.

4.2.7 Resource Management (National Environmental Standards for Freshwater) Regulations 2020

The National Environmental Standards for Freshwater 2020 (“**NES Freshwater**”) contains standards that regulate activities that pose risks to the health of freshwater and freshwater ecosystems.



The detailed rules assessment (provided as **Part H**) provides an analysis of the relevant rules in the NES Freshwater relating to activities associated with the BOGP. The relevant regulations that relate to freshwater (including natural inland wetlands, the reclamation of any streams or the placement of culverts in a stream) are covered in Part 3 of the NES Freshwater.

All activities under the NES Freshwater are **discretionary** activities. The following activities require approval under the NES Freshwater:

Land Use Consents for:

- > Vegetation clearance and land disturbance activities (for the purpose of the extraction of minerals and ancillary activities) that will result in approximately 3.12 hectares of natural inland wetland loss within the Rise and Shine and Shepherds Creek catchments;
- > Earthworks and land disturbance activities (for the purpose of the extraction of minerals and ancillary activities) within 100 m of natural inland wetlands that may result in the complete or partial drainage of all or part of wetlands within the Rise and Shine and Shepherds Creek catchments;
- > The disturbance and reclamation of the beds of various watercourses and associated tributaries and wetlands within the Rise and Shine and Shepherds Creek catchments to establish mining operations for the BOGP; and
- > The placement and use of a culvert within Rise and Shine Creek.

A Discharge and Water Permit to:

- > Dam and divert surface flows within the Rise and Shine and Shepherds Creek catchments around construction and mining areas using clean water diversion channels which may result in the complete or partial drainage of natural inland wetlands within the DDF and surrounding area; and
- > Discharge water and contaminants within a 100 m setback from natural inland wetlands for the purpose of extraction of minerals, where the discharges may enter the wetlands and change the water level range or hydrological function of the wetland.

4.2.8 Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011

The regulations of the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health 2011 (“**NESCS**”) apply if any activity or industry described in the Hazardous Activities and Industries List (“**HAIL**”) is undertaken, has been undertaken, or more likely than not, is being or has been undertaken on the land.



It is noted that mineral extraction and mining industries – including exposure of faces or release of groundwater containing hazardous contaminants, or the storage of hazardous wastes including waste dumps or dam tailings - is listed on the HAIL and falls to be considered under the NESCS.

Arsenic concentrations have been detected above industrial land use human health protection criteria in shallow soils within the Project Site, predominantly within historic mining areas, and as such, a land use consent is required for soil disturbance in accordance with regulation 10 of the NESCS.

4.3 CONSERVATION ACT 1987

Approvals required for the BOGP that would otherwise be required under the Conservation Act include the following five concessions:

- > Ardgour Rise Concession Area;
- > SH8 Concession Area;
- > Come-in-Time Concession Area;
- > Willow Concession Area; and
- > Water Monitoring Concession Area.

The approvals are set out below, with further detail on each concession against the relevant information requirements in Clause 3 of Schedule 6 of the Act provided in Section 8.8 of this report.

4.3.1 Ardgour Rise Concession Area

A **concession** (easement in favour of CODC as a public right-of-way) for activities occurring on public conservation land within the Ardgour Conservation Area as follows:

- > The establishment and maintenance of a portion of the realigned Thomson Gorge Road (i.e. Ardgour Rise) (largely within an existing easement providing for access) which consists of an approximately 4 m wide 4WD gravel track and any associated vegetation clearance, earthworks and construction activities (including erosion and sediment control measures). Included within the ambit of this concession is the realignment of the Chorus fibre optic cable (currently located within Thompson Gorge Road) within the Ardgour Rise alignment.

The Ardgour Rise Concession Area is illustrated in Figure 4-1 below.



Figure 4-1: Ardgour Rise Concession Area

4.3.2 SH8 Concession Area

A **concession** (easement in favour of NZTA and CODC) for activities occurring on public conservation land within the underlying Ardgour Road / Lindis River and Lower Lindis Conservation Areas as follows:

- > Safety improvement upgrades within the existing road reserve at the SH8 / Ardgour Road intersection, which includes:
 - > The formation of a 3.5 m wide right turn bay on SH8;
 - > The reprofiling of the existing roadside safety barrier on Ardgour Road to follow the new road edge alignment;
 - > The widening of the SH8 road carriageway and provision of 1.5 m wide road shoulders; and
 - > New pavement marking and give way controls; and
- > All associated construction activities including the establishment of construction laydown areas, erosion and sediment control measures, any necessary culverts and temporary traffic management measures.

The SH8 Concession Area is illustrated in Figure 4-2 below.





Figure 4-2: SH8 Concession Area

4.3.3 Come-In-Time Concession Area

A **concession** (permit) for activities occurring on public conservation land within the Bendigo Historic Reserve as follows:

- > The replacement of the existing walking track to the Come-in-Time Battery via a new marked route west of the battery location (and corresponding closure of the existing short walking track between Thomson Gorge Road and the battery). This route will be comprised of marker poles and / or small-scale trail markers to guide walkers and will include the installation of a welcome / information sign at the start of the track at Blue Mines Road; and
- > Any incidental vegetation clearance (including briar) using hand tools only to enable the route.

The Come-in-Time (“**CIT**”) Concession Area is illustrated in Figure 4-3 below.



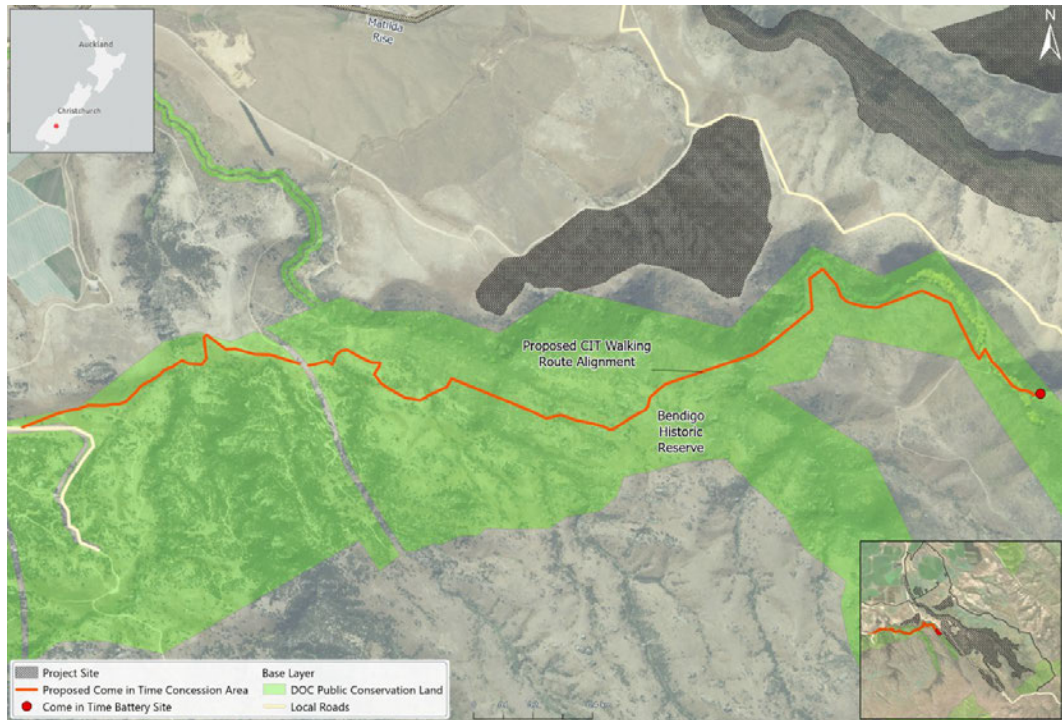


Figure 4-3: Come-in-Time Concession Area

4.3.4 Willow Concession Area

A **concession** (permit) for activities occurring on public conservation land within the Bendigo Historic Reserve as follows:

- > The management of crack willows along the Bendigo and Clearwater Creeks, which will include (with agreement of the Department of Conservation) the spraying of herbicide to kill willow trees, the progressive and / or partial removal of willow trees, and the partial replacement of cover with native vegetation;
- > All necessary associated vegetation clearance and land disturbance activities (including the formation of access tracks) and replacement planting activities; and
- > Monitoring activities within the first four years of spraying crack willows to monitor any regrowth of crack willow and native scrub along riparian zone.

The Willow Concession Area is illustrated in Figure 4-4 below.

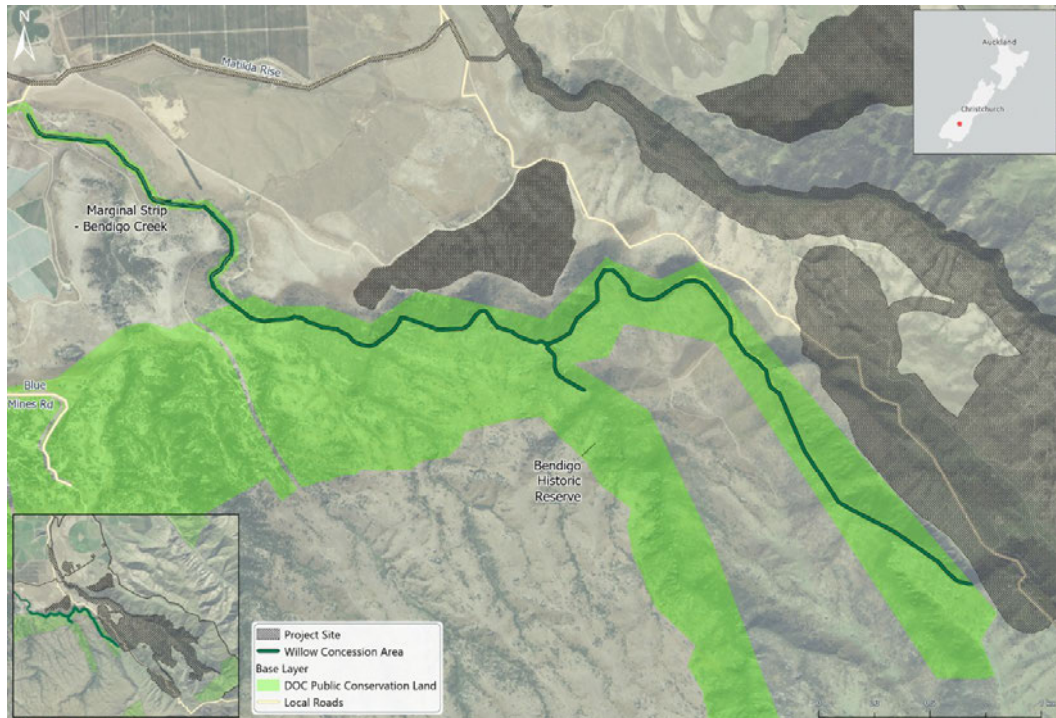


Figure 4-4: Willow Concession Area

4.3.5 Water Monitoring Concession Area

A **concession** (permit) for activities occurring on public conservation land within the Bendigo Historic Reserve as follows:

- > The establishment and use of a surface water flow meter (RS-03) in the bed of Bendigo Creek and the establishment and use (including drilling) of a groundwater monitoring bore (GW04) on adjacent land; and
- > The use of an existing access track from Thomson Gorge Road within the Project Site to access the water monitoring infrastructure described above and undertake any necessary maintenance works.

The Monitoring Bore Concession Area is illustrated in Figure 4-5 below.



Figure 4-5: Water Monitoring Concession Area

4.4 RESERVES ACT 1977

Approvals required for the BOGP that would otherwise be required under the Reserves Act relate to the amendment of an existing conservation covenant that applies to part of the Project Site. MGL seeks to amend the Bendigo Conservation Covenant (a copy is provided in **Part E**) to remove it from applying to land parcels within areas of Bendigo Station impacted by the BOGP. The covenant would continue to apply to the surrounding land.

The area of the Bendigo Conservation Covenant proposed to be uplifted from parts of Bendigo Station is shown in red in Figure 4-6 below.



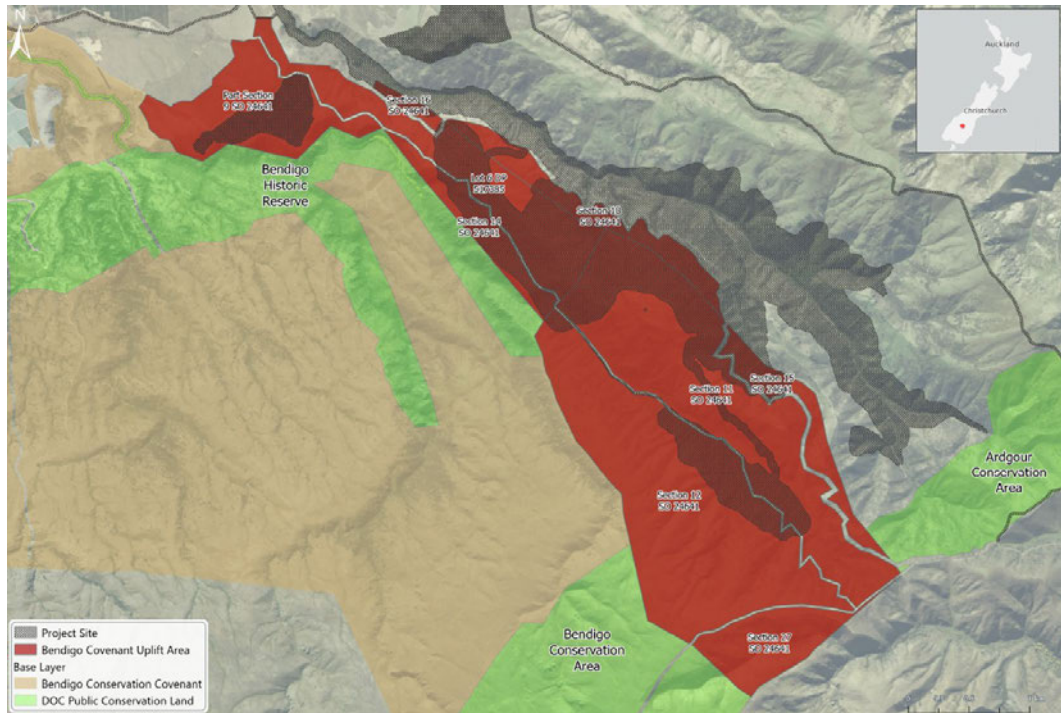


Figure 4-6: Proposed Bendigo Conservation Covenant Uplift Area

4.5 WILDLIFE ACT 1953

Approvals required for the BOGP that would otherwise be required under the Wildlife Act is a Wildlife Approval which covers the following activities within the Project Site:

- > **Wildlife Approval to:**
 - > To catch, salvage and relocate native lizard species listed in Schedule 1 prior to habitat disturbance at the BOGP site;
 - > To catch native lizards for the purposes of monitoring at the BOGP site and surrounding restoration and rehabilitation areas;
 - > Toe clip protected lizards listed in Schedule 1;
 - > To disturb, injure, or kill protected wildlife, including lizards listed in Schedule 1, birds listed in Schedule 2, and any other protected native species that may occur on site; and
 - > Undertake works affecting the habitat of lizards listed in Schedule 1, birds listed in Schedule 2, and any other protected native species that may occur on site.



Schedule 1

Common Name	Scientific Name	NZ Threat Classification
Kawerau gecko	<i>Woodworthia Cromwell</i>	At Risk-Declining
Tussock Skink	<i>Oligosoma chionochloescens</i>	At Risk-Declining
McCann's skink	<i>Oligosoma maccanni</i>	Not Threatened

Schedule 2

Māori Name	Common Name	Scientific Name	NZ Threat Classification	Regional threat status
Kārearea*	New Zealand falcon – eastern form*	<i>Falco novaeseelandiae</i>	Threatened, nationally vulnerable	Threatened, regionally vulnerable
Mātātā/Kōtātā	South Island fernbird	<i>Bowdleria punctata punctata</i>	At Risk, declining	Regionally At Risk, declining
Pīhoihoi*	New Zealand pipit*	<i>Anthus novaeseelandiae novaeseelandiae</i>	At Risk, declining	Regionally not threatened
Māpunga*	Black shag*	<i>Phalacrocorax carbo</i>	At Risk, relict	Threatened, regionally endangered
Tauhou*	Silverye*	<i>Zosterops lateralis</i>	Not threatened	Regionally At Risk, declining
Miromiro*	Tomtit*	<i>Petroica macrocephala</i>	Not threatened	Not threatened (but locally uncommon)
Tōrea*	South Island Pied Oystercatcher*	<i>Haematopus finschi</i>	At Risk, declining	Threatened, regionally vulnerable
Kawau paka	Little shag	<i>Phalacrocorax sulcirostris</i>	At Risk, relict	At Risk, relict
Tarapiroe	Black-fronted tern	<i>Chlidonias albobristatus</i>	Threatened, nationally endangered	Threatened, regionally endangered
Tarāpuka	Black-billed gull	<i>Chroicocephalus bulleri</i>	At Risk, declining	Threatened, regionally vulnerable



Māori Name	Common Name	Scientific Name	NZ Threat Classification	Regional threat status
Kāhu	<i>Australasian harrier*</i>	<i>Circus approximans</i>	Not threatened	Not threatened
Kuruwhengi	<i>Australasian shoveler</i>	<i>Anas rhynchos</i>	Not threatened	Not threatened
Korimako	<i>Bellbird</i>	<i>Anthornis melanura</i>	Not threatened	Not threatened
Kakiānau	<i>Black swan</i>	<i>Cygnus atratus</i>	Not threatened	Not threatened
Riroriro	<i>Grey warbler</i>	<i>Gerygone igata</i>	Not threatened	Not threatened
Tētē-moroiti	<i>Grey teal</i>	<i>Anas gracilis</i>	Not threatened	Not threatened
	<i>Mallard x grey duck hybrid*</i>	<i>Anas platyrhynchos x Anas superciliosa</i>	Not threatened	Not threatened
Piwakawaka	<i>New Zealand fantail</i>	<i>Rhipidura fuliginosa</i>	Not threatened	Not threatened
Kererū	<i>New Zealand pigeon</i>	<i>Hemiphaga novaeseelandiae</i>	Not threatened	Not threatened
Pāpango	<i>New Zealand scaup</i>	<i>Aythya novaeseelandiae</i>	Not threatened	Not threatened
Pūtangitangi	<i>Paradise shelduck</i>	<i>Tadorna variegata</i>	Not threatened	Not threatened
Poaka	<i>Pied stilt</i>	<i>Himantopus leucocephalus</i>	Not threatened	Not threatened
Pūkeko	<i>Pukeko</i>	<i>Porphyrio melanotus</i>	Not threatened	Not threatened
Kōtare	<i>Kingfisher</i>	<i>Todiramphus sanctus vagans</i>	Not threatened	Not threatened
Karoro	<i>Southern black-backed gull</i>	<i>Larus dominicanus dominicanus</i>	Not threatened	Not threatened
	<i>Spur-winged plover</i>	<i>Vanellus miles novaehollandiae</i>	Not threatened	Not threatened
Warou	<i>Welcome swallow</i>	<i>Hirundo neoxena</i>	Not threatened	Not threatened
Matuku moana	<i>White-faced heron</i>	<i>Egretta novaehollandiae</i>	Not threatened	Not threatened



4.6 HERITAGE NEW ZEALAND POUHERE TAONGA ACT 2014

Approvals that would otherwise be required under the HNZPT Act will be required because:

- > The BOGP will involve activities that will modify the whole or part of a number of listed heritage sites (with effects ranging from major to minor), including:
 - > G41/251 – Come-in-Time Battery – partial removal;
 - > G41/264 – Rise and Shine Gold Workings – full removal;
 - > G41/269 – Rise and Shine Dam – full removal;
 - > G41/277 – Rise and Shine Mine and Batter – full removal;
 - > G41/584 - Rise and Shine Water Race – partial removal;
 - > G41/586 – Come-in-Time Water Race – partial removal;
 - > G41/782 – Matakanui-Bendigo Road – full removal; and
 - > Various other unnamed sites that relate to historic gold mining, domestic and transport and communication activities;⁵⁸
- > Two listed heritage sites within the Project Site will be protected and adaptively re-used in the future (Site G41/4 – Rabbiter’s Hut and Site G41/5 which relates to the Morven Hills Station); and
- > Potential exists for additional mining, pastoral and transport / communication features to be encountered throughout the Project Site, along with a low risk of encountering sites relating the mana whenua use of a tradition travel route over Dunstan Mountains.

While NZHP (2025a) has identified ten new archaeological sites within the Project Site that will be affected by the BOGP, MGL acknowledges that there is a potential for further (yet unidentified) heritage and / or archaeological values to be discovered as the proposed BOGP progresses.

As direct effects associated with the proposed BOGP works are anticipated to range from major to minor – noting most sites that are impacted to a major degree have low heritage values (as detailed further in Section 6.21 of this report), an **Authority** is required, along with an Archaeological and Heritage Management Plan which outlines the procedures to be followed with regard to archaeology. A copy of this management plan is provided as **Part G** to these application documents.

⁵⁸ G41/6, G41/256, G41/265, G41/266, G41/267, G41/273, G41/589, G41/604, G41/605, G41/606, G41/658, G41/783, G41/784, G41/785, G41/786, G41/787, G41/788, G41/789, G41/790.



MGL proposes for the Authority to be applicable to the entirety of the Project Site.

4.7 FRESHWATER FISHERIES REGULATIONS 1983

Approvals required for the BOGP that would otherwise be required under the Freshwater Fisheries Regulations are:

- > A **dispensation** under Regulation 43 (damming or diverting a watercourse) of the Freshwater Fisheries Regulations for:
 - > The Shepherds CWDC - being the realignment of Shepherds Creek around the Shepherds Service Corridor and Processing Plant Area within the Shepherds Valley Site;
 - > Various clean water diversion channels⁵⁹ with the Shepherds Creek catchment - being the diversions of the Shepherds Creek and associated tributaries around the TSF, Shepherds ELF and other mine components; and
 - > Various clean water diversion channels⁶⁰ within the Rise and Shine Creek catchment - being diversions of the Rise and Shine Creek and associated tributaries around the SRX ELF, SRX Open Pit and RAS Open Pit.
- > **Approvals** in respect of complex freshwater fisheries activities⁶¹ in relation to Regulation 42 (culverts).

It is noted that Waterways (2025) confirms no watercourses within the Project Site provide habitat for any fish species. This is due to the presence of several barriers to upstream and downstream fish passage in the Shepherds Creek catchment, which include the approximately 3 km lower ephemeral reach of Shepherds Creek which flows very infrequently and the existing water abstraction structure within Shepherds Creek.

⁵⁹ The northern, central and southern diversion channels - refer to figures in section 3.22.2 of this report.

⁶⁰ The eastern, western and central SRX diversion channels and Rise and Shine Creek diversion channel - refer to figures in section 3.22.2 of this report).

⁶¹ Under section 4 (interpretation) of the Act a complex freshwater fisheries activity means an activity that includes construction of any of the following:

- (a) a culvert or ford that permanently blocks fish passage;
- (b) a permanent dam or diversion structure;
- (c) works—
 - (i) that require disturbance to a water body, including diversions, in-stream operations, and removal of gravel, that persists for more than 3 months; or
 - ...
 - (iv) that require repeated disturbance to a water body and are temporary works for which there is a period of 6 months or less between each period of work.



In addition, while Waterways (2025) identified localised populations of kōaro and brown trout within the lower Bendigo Creek – [REDACTED] between this habitat and the Project Site provides a barrier to fish passage.

Considering the above, it is considered that there is no requirement for these the various diversion structures and culverts to include a fish facility, and a dispensation is sought accordingly.

However, as discussed in Section 3.17 of this report, MGL proposes to install a culvert in the bed of Rise and Shine Creek within the Project Site. Because the specific location, size and design of this culvert cannot be determined until detailed design, the placement and use of the culvert in this creek cannot be demonstrated to meet the permitted conditions for culverts in the NES Freshwater and consent is therefore required. While fish passage has been demonstrated above to not be a relevant consideration (due to the absence of any fish), detailed culvert design (in accordance with the relevant information requirements in the NES Freshwater) will be provided following the installation of the culvert to ensure baseline flows can continue to be provided.

It is noted that approvals in respect of standard freshwater fisheries activities are included in consideration of the relevant approvals relating to RMA consents for structures in the beds of lakes / rivers (RMA section 13) and damming and diversion of water (RMA section 14).

