Before an Expert Panel

Under	the Fast-track Approvals Act 2024
And	
In the Matter of	an application for approvals by Matakanui Gold Limited to establish, operate, rehabilitate and ultimately close an open pit and underground gold mining operation known as the Bendigo-Ophir Gold Project

Legal Overview on behalf of **Matakanui Gold Limited**

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INTRODUCTION

1. Matakanui Gold Limited (**MGL**) seeks approvals under the Fast-track Approvals Act 2024 (**FTA**) to establish, operate, rehabilitate and ultimately close an open pit and underground gold mining operation known as the Bendigo-Ophir Gold Project (**BOGP**). The BOGP was listed in Schedule 2 of the FTA on the basis that it would deliver significant regional and national benefits.

2. The mining operations and ancillary activities are proposed to occur within a 568-hectare area identified on the plan included as **Appendix 1** (**Project Site**). However, the area in relation to which consents are sought covers a broader 2,800 hectares which includes offsetting and compensation activities and supporting infrastructure (**BOGP Consent Area**). A plan identifying the BOGP Consent Area is included in **Appendix 2**.

3. The total gold resource within the Project Site is the largest new gold discovery in New Zealand in over four decades[1] and is estimated to consist of 2.3 million ounces of gold. The extraction of 1.25 million ounces of the gold resource is proposed to take place over a 14 year mine life, resulting in significant regional and national benefits for New Zealanders.

4. The BOGP is projected to generate a cumulative total of approximately $5.8 billion dollars of GDP over the course of the mine life, contributing to addressing the current decline in GDP.[2] The BOGP will contribute approximately $1.8 billion to New Zealand Government revenue (at a gold price of $5,445 per ounce),[3] directly add an average of $360 million of GDP per year between 2025-2036, and be a significant source of foreign investment to New Zealand in the construction phase.[4] It is expected to directly provide 351 jobs per year[5] and create over 463 indirect jobs across suppliers and service providers as a result of the demand arising from BOGP employees.[6]

5. Regional benefits will include MGL's commitment to investing in the local community through partnerships and sponsorships including with the 2026 World Gold Panning Championship in Cromwell, the Central Otago Football League and

[1] Substantive Application Report, Section 1 Introduction.
[2] Rationale, Socio-Economic Baseline Assessment at [4.3].
[3] Substantive Application Report, Section 3 Project Description. At the equivalent gold price of USD $3,138 per ounce.
[4] Substantive Application Report, Section 3 Project Description.
[5] Substantive Application Report, Section 3 Project Description
[6] Benje Patterson (People and Places) – Economic Impacts of the Bendigo-Ophir Gold Project (Benje Patterson 2025) at Table 10.

the Light Up Cromwell community event, and through providing scholarships for tertiary and trade study.[7]

6. The Project Site is located within two remote valleys and therefore has limited landscape and visual amenity impacts. The current environment within the BOGP Consent Area has been extensively modified by human activities. Indigenous biodiversity in the current landscape is in decline, driven by habitat loss and degradation from stock browsing, and the increase in invasive non-native plants, browsers, grazers and predators. Without intervention, native species will continue to decline, and several species are likely to become locally extinct over time.[8]

7. The freshwater environment is similarly already impacted by elevated levels of metals which reflect both historic mining activities and higher natural occurrence.

8. Despite the remote, human-influenced and declining setting, like any large scale and complex mineral extraction project, the BOGP will give rise to a range of environmental effects. These include impacts on the ecological environments through the removal of vegetation and habitats, and additional impacts on already impacted freshwater quality. A comprehensive application of the effects management hierarchy, supported by highly qualified technical experts, is proposed to address those impacts.

9. To address ecological effects, MGL will progressively rehabilitate the Project Site and provide a comprehensive offsetting and compensation package of ecological restoration and habitat enhancement programmes spanning 2,219 hectares. This includes 889 hectares of native planting and pest control within the Mine Regeneration Zones (**MRZ**) surrounding the direct disturbance footprint (**DDF**), 1,263 hectares of native enrichment planting, livestock management, mammalian pest control and plant pest control within the Ardgour Restoration Area (**ARA**), and two new pest-exclusion fenced areas being a 38 hectare Ardgour Sanctuary and a 29 hectare Bendigo Sanctuary (together, **Matakanui Sanctuary**). Overall, the package of actions will provide broad, long-lasting benefits that balance most ecological impacts.[9]

10. In addition to the offsetting and compensation package, MGL will establish a $5 million biodiversity and heritage enhancement fund over ten years to support the Department of Conservation (**DOC**) to protect and enhance cushionfield habitat or other threatened or at-risk species or ecosystems and enhance heritage values within Central Otago. The fund is intended to make a significant contribution to

[7] Substantive Application Report, Section 6 Assessment of Environmental Effects.
[8] Alliance Ecology Consulting - Assessment of Ecological Effects (Alliance 2025).
[9] Alliance Ecology Consulting - Assessment of Ecological Effects (Alliance 2025).

safeguarding historic heritage, conservation management and recovery of indigenous biodiversity more broadly within the Dunstan Ecological District.

11. In relation to freshwater management, the Project Site is located in one of the driest areas in Otago.[10] The average rainfall at the BOGP is approximately 30mm per month and rivers and creeks in the Bendigo area have low runoff rates due to the shadowing of rainfall from the surrounding mountain ranges.[11] Water management will ensure that minimum flow rates in creeks will be maintained throughout mining operations. As necessary to achieve minimum flow rates, MGL will augment flows at Shepherds Creek and Rise and Shine Creek by pumping water into those creeks above MGL's abstraction point at the Project Site. By the post-closure period runoff flow rates into the creek network will increase above that of the pre-mining state.[12]

12. From the start of activities on the Project Site, clean and mine-impacted waters will be collected and separated with only clean water being discharged into the surrounding water network. Mine impacted water will be reused for mining operations within the Project Site. Water quality criteria will be required to be met, and proactive monitoring is required by the consent conditions throughout the mining phases to ensure that the risks associated with mine impacted waters are appropriately managed. Active water treatment through a water treatment plant will be implemented during BOGP's closure phase, until a passive system is established and can reliably meet compliance limits.

13. These measures to address ecological and freshwater effects are key to managing the potential impacts of the BOGP. With these measures in place, the BOGP meets the FTA criteria as it will result in the delivery of a project with significant national and regional benefits, while appropriately addressing potential impacts in a manner consistent with the FTA legal framework.

[10] Kōmanawa Solutions Limited - Surface Water and Catchment Existing Environment and Effects Assessment (Kōmanawa (2025c) at [2.5].
[11] Substantive Application Report, Section 2 Introduction.
[12] Substantive Application Report, Section 2 Introduction

THE BENDIGO-OPHIR GOLD PROJECT

14. The BOGP comprises of a new gold mine, ancillary facilities, and environmental mitigation, offsetting and compensation measures in the Dunstan Mountains of Central Otago.

15. The Project Site as shown in **Appendix 1** is broadly located within two incised valleys – Shepherds Valley and Rise and Shine Valley. The 568 hectare Project Site includes the area within which the mining operations[13] and ancillary activities will occur. The Project Site also includes the borefield and associated pipelines on Bendigo Terraces, the upgrade to the intersection of State Highway 8 and Ardgour Road and the construction of Ardgour Rise. The ecological assessments in the substantive application use the term direct disturbance footprint (**DDF**) which includes the Project Site and buffers which range from 0 – 10 metres for different components of the BOGP.

16. The BOGP Consent Area shown in **Appendix 2** covers 2,800 hectares and includes all BOGP related activities including concession areas. Mining activities will only occur within the Project Site depicted in black hatching. The remaining areas of the BOGP Consent Area include mitigation, offsetting and compensation activities and supporting infrastructure.

17. The Shepherds Valley and Rise and Shine Valley are currently used for sheep and cattle pastoral farming and have a rich history of historic gold mining activities dating back to the mid-1860s. Historic mining activity is evident across the BOGP Consent Area through heritage sites and infrastructure associated with historic mining activities such as stamper batteries, mining shafts and elevated arsenic concentrations in shallow soils within historic mining areas.[14]

18. The BOGP is located adjacent to conservation land administered by DOC. No mining will take place on conservation land. The only activities proposed on conservation land are to maintain and/or improve public access, amenity, or ecological values in the surrounding environment (including water monitoring).

19. Broadly, the key elements of the BOGP are:

    (a) Staged open pit mining of four defined gold deposits, Rise and Shine (**RAS**), Come in Time (**CIT**), Srex (**SRX**) and Srex East (**SRE**). The open pit lifespan of the BOGP is expected to be approximately 14 years.[15]

[13] Including open pits, an underground mine, the Tailings Storage Facility, Engineered Landforms, processing plant, haul roads and supporting/ancillary activities and infrastructure.
[14] Geocontam Risk Management - Preliminary Site Investigation (GRM 2025) at page 43.
[15] Substantive Application Report, Section 3 Project Description.

(b) Underground mining at RAS to access the deeper gold deposit beneath the RAS Pit.

(c) A new carbon-in-leach (**CIL**) processing plant at the Shepherds Valley site.

(d) A tailings storage facility (**TSF**), an engineered containment structure to store mineral waste (tailings[16]) that remains after ore is processed to extract gold.

(e) Water management sumps, silt ponds and clean water diversion channels.

(f) Construction of engineered landforms (**ELF**) to permanently store waste rock material to ensure long-term seismic stability and minimise adverse effects on water quality at Shepherds Creek (**Shepherds ELF**), northwest of the RAS Pit (**Western ELF**) and adjacent to the SRX Pit (**Srex ELF**).

(g) Operational ancillary infrastructure and facilities at the Shepherds Valley site including temporary facilities such as portacoms, two warehouses for storage, temporary vehicle workshops, fuel storage and refuelling facility, cement paste plant, mobile concrete batching plant to create shotcrete, power reticulation, wastewater treatment, potable water treatment and storage, and telecommunications.

(h) Non-operational infrastructure at the Ardgour Terrace site including an administration building, security and medical facilities, a geology complex,[17] waste management areas, contractor laydown yards, a high voltage substation, temporary construction workers accommodation, and caravan park.

(i) Environmental mitigation, offsetting and compensation measures including rehabilitation, ecological sanctuaries and ecological restoration and habitat enhancement programmes.

[16] Crushed rock, water and chemicals.
[17] Including a core storage area, offices and laboratory.

APPROVALS REQUIRED

20. MGL is applying for the following approvals under the FTA:

    (a) resource consents that would otherwise be applied for under the Resource Management Act 1991 (**RMA**) (**RMA Approvals**);

    (b) concessions that would otherwise be applied for under the Conservation Act 1987 (**Conservation Act**);

    (c) a partial uplifting of a conservation covenant that would otherwise be applied for under the Reserves Act 1977 (**Reserves Act**);

    (d) authorities that would otherwise be applied for under the Wildlife Act 1953 (**Wildlife Act**);

    (e) an authority that would otherwise be applied for under the Heritage New Zealand Pouhere Taonga Act 2014 (**HNZPT Act**); and

    (f) approvals that would otherwise be applied for under the Freshwater Fisheries Regulations 1983 (**Fisheries Regulations**).

21. On 19 March 2025, MGL submitted minerals mining permit application 61326 to New Zealand Petroleum and Minerals which is progressing separately under the Crown Minerals Act 1991.

22. With the exception of the mining permit, the approvals sought in the FTA application cover all requirements for the construction, operation, maintenance, rehabilitation and closure of the BOGP.[18]

BENEFITS OF THE BENDIGO-OPHIR GOLD PROJECT

23. The development of the BOGP is already generating significant national and regional economic benefits showcasing the projects value even in the exploration and development stage. These include that:

    (a) MGL's direct spend within New Zealand from August 2024 to August 2025 was $23.6 million;

    (b) MGL currently has 28 direct employees working from its Cromwell and site offices, or in field activities; and

[18] Substantive Application Report, Section 1 Introduction.

(c) MGL's main contractor Alton Drilling currently has between 16-30 direct employees, depending on the number of drill rigs deployed and roster patterns utilised.

24. The economic report prepared by Mr Patterson assesses the economic impacts of the BOGP and confirms that the BOGP will realise significant economic benefits through foreign investment, exports, employment opportunities, and contributions to the Central Otago economy. The BOGP will:

(a) Have an anticipated annual gold production rate of 125,000 ounces with a mine revenue of approximately $5.8 billion over 14 years.[19] This calculation is based on a gold price in June 2025 of USD$3,138 per ounce at a NZD:USD exchange rate of 0.58. The gold price has since risen at the time of these legal submissions to USD $3,930.36.

(b) Provide significant employment opportunities. 351 jobs per year are anticipated with a peak of 506 jobs as capital investment ramps up to construct mine infrastructure and processing capacity.[20] For each worker directly employed at BOGP there is the potential for a further 1.3 jobs to be created through the multiplier effect by providing goods and services to meet the needs of the workforce.[21] This is estimated as an average 257 jobs created amongst suppliers and up to 206 jobs supporting consumption of BOGP workers.[22]

(c) Contribute approximately $1 million of GDP per worker which is 7.7 times the current average productivity across Inland Otago.[23]

(d) Be a catalyst for infrastructure growth regionally.[24]

(e) Be a significant source of foreign investment to New Zealand in the construction phase.[25]

(f) Contribute significantly to New Zealand Government revenue through royalites, corporate tax, and PAYE in the order of $1.8 billion at an estimated gold price of USD$3,138 per ounce at a NZD:USD exchange

[19] Benje Patterson (People and Places) – Economic Impacts of the Bendigo-Ophir Gold Project (Benje Patterson 2025) at page 2.
[20] Above at [5.1] and [6.3].
[21] Above at [6.4].
[22] Above at [6.4].
[23] Above at [6.5].
[24] Above at [2.1].
[25] Substantive Application Report, Section 3 Project Description.

rate of 0.58.[26] As noted above, this will now be higher given the rising gold price.

(g) Directly add an average of $360 million of GDP per year with cumulative GDP effects totalling approximately $5.8 billion.[27] The annual average GDP contribution of the BOGP is estimated to equate to 5.4% of the current size of the Inland Otago economy.[28] At its peak, the BOGP's direct GDP effects would be equivalent to 8.1% of Inland Otago's current GDP.[29]

25. The BOGP will also have broader benefits including:

(a) The provision of partnerships and sponsorships to enable community events. These include contributions to the 2026 World Gold Panning Championship in Cromwell, the Central Otago Football League and the Light Up Cromwell community event.

(b) Providing scholarships for tertiary and trade study.[30]

(c) 889 hectares of native enrichment planting, livestock management, mammalian pest control within the MRZs surrounding the DDF.

(d) 1,263 hectares of native enrichment planting, mammalian pest control, livestock management and plant pest control in the ARA.[31]

(e) 67 hectares of pest exclusion areas in the Matakanui Sanctuaries where mammalian pests,[32] predators and browsers will be eradicated. Plant pest control, translocation of locally extinct Threatened or At Risk species, habitat creation, native regeneration and enrichment planting will also be undertaken.

(f) The provision of an annual payment of $500,000 (+ GST) to DOC to support the:

(i) protection and enhancement of cushionfield habitat or other Threatened or At Risk species or ecosystems within the ecological district; and

[26] Benje Patterson (People and Places) – Economic Impacts of the Bendigo-Ophir Gold Project (Benje Patterson 2025) at [2.1].
[27] Above at [2.1].
[28] Above at [6.1].
[29] Above at [6.1].
[30] Substantive Application Report, Section 6 Assessment of Environmental Effects.
[31] With the exception of rabbits in areas where ongoing browsing is beneficial to cushionfield vegetation.
[32] With the exception of rabbits in areas where ongoing browsing is beneficial to cushionfield vegetation.

(ii) providing for historic heritage across the Central Otago District

FAST-TRACK APPROVALS ACT 2024 PRE-LODGEMENT REQUIREMENTS

26. As a Schedule 2 listed project, MGL is eligible to lodge a substantive application directly to the Environmental Protection Authority (**EPA**) and does not require Ministerial referral.

27. The Panel Conveners' Practice and Procedure Guidance[33] (**Guidance**) includes recommendations that are intended to guide applicants when preparing substantive applications.[34] MGL has generally sought to follow those recommendations as closely as possible in preparing the application.

28. One of the recommendations included in the Guidance is lodging separate technical assessments and reports for each approval and a separate condition set for each administering agency.

29. MGL has given careful consideration to this and has chosen not to divide the technical assessments into separate reports for each approval but has provided separate condition sets split by approval type.

30. This approach avoids unnecessary repetition and duplication of assessments which would otherwise be necessary as a result of the overlap in the particular issues and effects which arise in the context of the BOGP. In our submission the structure of the substantive application is consistent with the purpose of the FTA. By streamlining the application and assessing the BOGP as a cohesive whole, the substantive application provides for efficient consideration by applying the decision-making framework in the FTA and balancing the benefits of the BOGP and the effects of the approvals against the overarching purpose of delivering projects with significant benefits.

31. Following this assessment approach, each approval still has a separate set of proposed conditions. This therefore still enables each administering agency to work off a single condition set which covers only matters relevant to that approval type. In relation to the resource consents, those proposed conditions are structured so that a separate set of conditions can be used by each council, with one combined set (referred to as the Common Conditions) covering matters which apply to both councils.

[33] Panel Conveners' Practice and Procedure Guidance 22 July 2025.
[34] Panel Conveners' Practice and Procedure Guidance 22 July 2025 at [4.1].

32. This overall approach ensures a cohesive assessment of the effects arising from the BOGP as a whole, while still ensuring clarity for administering agencies in implementing and monitoring the conditions associated with each approval.

Consultation Undertaken

33. Section 29 of the FTA requires MGL to consult with:[35]

    (a) the relevant local authorities;

    (b) any relevant iwi authorities, hapū, and Treaty settlement entities; and

    (c) the relevant administering agencies.

34. MGL has complied with this requirement and details of the consultation undertaken with each party and the key concerns raised are set out in Section 5 of the Substantive Application Report.

35. The statutory requirements relating to consultation under Section 29 of the FTA are different to what is often experienced under the RMA, and it is important not to conflate the two processes. This section has largely been included due to the purpose of the FTA and altered role of the relevant regulators in decision making under the FTA.

36. In undertaking consultation with the regulators, MGL has circulated final drafts of application documents as soon as these have become available but has been conscious not to circulate incomplete documents to avoid confusion. Following that circulation MGL has reviewed feedback from the regulators which has been considered and responded to by experts on behalf of MGL.

Community Engagement

37. In addition to undertaking consultation with the parties identified in Section 29, MGL has undertaken a proactive engagement programme with the Central Otago community. MGL has engaged across multiple platforms including:

    (a) Hosting 56 community drop-in sessions in Cromwell, Tarras and surrounding communities which were attended by over 380 people.

    (b) Presentations to over 25 local organisations and business groups.

    (c) Holding meetings, some ongoing, with community, environmental and industry groups.

[35] Fast Track Approvals Act 2024, Section 11.

(d) Attendance at local events such as the A&P show and Alexandra Blossom Festival, with an information tent where MGL employees answered questions from attendees.

(e) Establishment of a Community Liaison Group.

(f) Operation of a community inbox and engagement number for community members to ask questions, provide feedback or seek further information on the BOGP.

(g) Undertaking a pulse check survey of the business community in December 2024 to understand the sentiment, concerns and aspirations of the business community in relation to the BOGP. The responses received were generally supportive and noted the economic benefits and job creation aspects of the BOGP. Comments received in responses emphasised the importance of ensuring environmental safeguards, long term rehabilitation plans and maintenance of ongoing open dialogue with the community.

38. At the time of preparing the application MGL has received approximately 1000 enquiries on potential opportunities for jobs, suppliers and businesses.

39. It is recognised that complex large-scale projects result in change within a community and change can cause some community concern. MGL has listened and responded to concerns.

40. A large amount of technical information will be publicly available upon lodgement and community engagement will continue post-application to ensure there is ongoing and open dialogue with the community.

41. Although the FTA's consultation requirements differ from those under the RMA, where relevant MGL has aligned its approach with well-established consultation principles, which remain a useful guide. Consultation principles in the context of the RMA include:[36]

(a) Consultation is not negotiation. Negotiation is a process that has arriving at agreement as its objective, but a lack of agreement does not signify a lack of consultation.

(b) Consultation includes listening to what others have to say and considering the responses.

(c) The consultative process must be genuine.

[36] *Wellington International Airport v Air New Zealand* [1993] 1 NZLR 671 (CA).

(d) Sufficient time for consultation must be allowed, however there is no fixed rule as to what amounts to sufficient time and this will depend on the context.

(e) The party consulting must provide enough information to enable the person being consulted to be adequately informed so they can make intelligent and useful responses.

(f) The party obliged to consult must keep an open mind and be ready to change, although it is entitled to have a plan already in mind.

(g) Consultation involves the statement of a proposal not yet fully decided.

42. We consider that MGL's approach to consultation means the pre-lodgement consultation requirements within the FTA have been met. We anticipate providing further legal submissions at the Project Overview Conference regarding invitations for comments which may occur at that later stage.

43. The ongoing maintenance of the relationships established with iwi, key stakeholders and the community remains a key focus for MGL and it will continue to maintain these relationships for the duration of mining operations at BOGP as required by the proposed Schedule One common conditions.[37]

Consultation Undertaken with Iwi

44. For the reasons that are summarised below, we submit that MGL have robustly fulfilled the pre lodgement consultation requirements in Section 11 of the FTA and that the BOGP substantive application can be accepted as complete and provided to the Panel Convener while discussions with Kā Rūnaka are progressed.

45. Since the inception of the BOGP, MGL has actively engaged with Kā Rūnaka through mana whenua owned organisation Aukaha, with engagement dating back to 2017. A site visit took place in 2017 with MGL, mana whenua and Aukaha representatives and a Cultural Values Statement (**CVS**), map and protocols for accidental discovery were issued in 2018 for exploration activities being undertaken on Bendigo and Ardgour Stations. A number of site visits and in person hui have taken place since this time.[38]

46. As the development of the BOGP progressed a formal letter of engagement was signed in May 2023, and in August 2024 a process agreement was drafted between MGL and the seven Papatipu Rūnanga of Te Rūnanga o Ngāi Tahu that

[37] Substantive Application Report, Section 5 Consultation and Engagement.
[38] Bendigo-Ophir Gold Project Pre-Application Engagement Report.

have interests in the BOGP (collectively**, Kā Rūnaka**).[39] The process agreement enabled the establishment of a steering committee (komiti) made up of representatives of the four Rūnaka of Mata-au/Clutha. The komiti had oversight of Aukaha and consultants engaged by Kā Rūnaka to review technical reports provided by MGL.

47. Korero with the komiti to date has included provision of preliminary technical reports for review and discussions around the FTA process. A shared platform was created to enable easy access to relevant technical documents, and communication remains active and collaborative.

48. In August 2025 the majority of the Santana Minerals Limited Board of Directors met with representatives of Kā Rūnaka. This hui covered discussion of cultural context, environmental cultural context, environmental and cultural interests, heritage and legacy, cultural mapping, history working with mining companies and the importance of relationship building and the approach taken when assessing projects. It also covered the partnership opportunities and reinforced MGL's intention to be transparent, build understanding and acknowledge the importance of a strong relationship.

49. Constructive engagement between Kā Rūnaka and MGL remains ongoing to progress cultural participation, acknowledgement and consultation and with Kā Rūnaka. MGL is committed to working with Kā Rūnaka in good faith to ensure the BOGP is developed in a manner that is sensitive to cultural requirements of Kā Rūnaka.

Landowner and Affected Party Approvals

50. Landowner approvals for the BOGP activities have been obtained from relevant landowners.

    (a) The owners of Bendigo Station have provided landowner approval in relation to the proposed amendment of the Bendigo Station Conservation Covenant (**Conservation Covenant**) as the owners of the directly affected property.[40]

    (b) Central Otago District Council (**CODC**) has provided written consent in its capacity as a landowner of roads within the BOGP Consent Area.

[39] Te Rūnaka o Moeraki, Kāti Huirapa Rūnaka ki Puketeraki, Te Rūnaka o Ōtākou, Hokonui Rūnanga, Te Rūnaka o Awarua, Te Rūnaka o Awarua and Waihōpai Rūnaka.
[40] Fast-Track Approvals Act 2024, Schedule 6, Clause 42(e).

(c) The owners of Bendigo and Ardgour Station have provided landowner approvals for the BOGP activities as the owner of the underlying land of the BOGP Consent Area.

(d) Matakanui Station Limited have provided landowner approval in relation to the 15 metre upgrade required to the existing track on its land for the formation of Ardgour Rise.

51. In addition to the landowner approvals above, the owners of Bendigo and Ardgour Station have provided Affected Party Approvals (**APAs**) for the BOGP. The owners of Bendigo and Ardgour Station have confirmed in these APAs their support of the BOGP in its entirety and that the decision of the Panel should be made without consideration of effects on these properties in relation to all approvals sought. These APAs should also be afforded significant weight by the Panel in its decision making on all FTA approvals as they demonstrate support from the underlying landowners.

Section 30 – Identification of Existing Resource Consents for the Same Activity

52. Section 30 of the FTA requires an applicant to make enquiries as to whether there are existing consents to which Section 124C(1)(c) or 165ZI of the RMA would apply if the BOGP were to be applied for as a resource consent under the RMA. CODC and Otago Regional Council (**ORC**) have provided these written notices which are included in the application.[41]

53. MGL's technical assessments confirm that existing water permit holders will be able to access their consented allocation in full throughout the life of the BOGP. MGL proposes conditions which require pre mining creek flow rates to be maintained. To achieve this MGL will augment flows at Shepherds Creek and Rise and Shine Creek. This ensures that the approvals sought by MGL can be exercised alongside all existing water permits and in providing notice under Section 30(3)(b) of the FTA ORC has confirmed this.

[41] Part F, Responses from Otago Regional Council, 30 October 2025 and Central Otago District Council, 10 October 2025.

FAST TRACK APPROVALS ACT 2024 POST-LODGEMENT REQUIREMENTS

Completeness and Scope

54. Under Section 46(2) of the FTA, the EPA is required to assess whether the application meets prescribed scope and completeness requirements in consultation with the relevant administering agencies and consent authorities.[42] Consultation undertaken at this stage in the process invites those agencies and authorities to provide an opinion on whether the application is complete and within scope, however this must not include any assessment of the merits of the application.[43]

55. The BOGP application satisfies the scope and completeness requirements in Section 46(2) as the application as it:[44]

    (a) complies with the scope of approvals provided for in Section 42;[45]

    (b) meets the information requirements in Section 43 for each of the approvals sought as set out in Section 8 of the Substantive Application;[46]

    (c) relates solely to the Bendigo-Ophir Gold Project as listed in Schedule 2 to *establish, operate and remediate an open pit and underground gold mine*;[47]

    (d) does not involve any ineligible activity;[48] and

    (e) all fees, charges and levies associated with the application have been paid.[49]

56. As a result, we submit that the application can be provided to the Panel Convener by the EPA.

[42] Fast Track Approvals Act 2024, Section 46(1).
[43] Fast Track Approvals Act 2024: Panel Conveners' Practice and Procedure Guidance at [5.1(a)].
[44] Fast Track Approvals Act 2024, Section 46(3).
[45] Fast Track Approvals Act 2024, Section 46(2)(a)(i).
[46] Fast Track Approvals Act 2024, Section 46(2)(a)(ii).
[47] Fast Track Approvals Act 2024, Section 46(2)(b) and Schedule 2. The definition of *Project* in Section 4 includes any activity that is involved in, or that supports and is subsidiary to, a listed project, a referred project or unlisted project.
[48] Fast Track Approvals Act 2024, Section 5 and Section 46(2)(c).
[49] Fast Track Approvals Act 2024, Section 46(2)(d).

LEGAL FRAMEWORK

Weighting

57. Section 81 sets out the decision-making framework under the FTA for each approval sought in an application. This requires the Panel to grant or decline each approval in accordance with the processes set out in the schedule relevant to that approval type.

58. The decision-making processes in the schedules relevant to the BOGP application require the Panel to take into account specific matters relevant to those approval types but, in all instances, to give the greatest weight to the purpose of the FTA which is "*to facilitate the delivery of infrastructure and development projects with significant regional or national benefits*".[50]

59. The High Court has held that the phrases *"have regard to"* and *"take into account"* could be regarded as synonymous[51] and that the key point is that the decision maker is free to attribute such weight as it thinks fit to the specified matter but can ultimately choose to reject the matter.[52]

60. The Supreme Court in *Royal Forest and Bird Protection Society Inc v New Zealand Transport Agency*[53] has held that to *"take into account"* requires a decision maker to directly consider the identified matters and give them genuine consideration, rather than mere lip service, such as by listing them and setting them aside.

61. Where greater weight is to be given to one listed matter above another matter, the Court of Appeal in *Enterprise Miramar Peninsula Inc v Wellington City Council*[54] (***Enterprise Miramar***) has found (in the context of the Housing Accords and Special Housing Areas Act 2013 (**HASHAA**) which provided for a similar weighting mechanism) that an assessment of each of the factors must be taken into account on their own merits prior to applying the weighting required by the HASHAA.

62. Applying this to the FTA, the Panel in determining the Bledisloe North Wharf and Fergusson North Berth Extension decision applied the *Enterprise Miramar* decision to provide guidance for decision making under the FTA, specifically identifying the following guidance for decision making:

[50] Fast Track Approvals Act 2024, Section 3.
[51] *New Zealand Transport Agency v Architectural Centre Inc* [2015] NZHC 1991.
[52] *New Zealand Transport Agency v Architectural Centre Inc* [2015] NZHC 1991 at [63].

[54] *Enterprise Miramar Peninsula Inc v Wellington City Council* [2018] NZCA 541.

(a) While the greatest weight is to be placed on the purpose of the FTA, the Panel must ensure that it does not rely solely on that purpose at the expense of due consideration to the other matters listed in (b) and (c).

(b) Clause 17 of Schedule 5 requires consideration of the matters listed in Clause 17(1)(a)-(c) on an individual basis, prior to standing back and conducting an overall weighting in accordance with the legislative direction.[55] This equally applies to all decision-making directions under the FTA for other types of approvals that require the purpose to be given the greatest weight.

(c) The purpose of the FTA is not logically relevant to an assessment of environmental effects. Environmental effects do not become less than minor because of the purpose of the FTA. What changes is the weight to be placed on those more than minor effects, they may be outweighed by the purpose of facilitating the delivery of infrastructure and development projects with significant regional or national benefits, or they may not.[56]

63. The Panel in determining the Maitahi Village decision under the FTA applied a different approach to decision making and determined the *Enterprise Miramar* decision was of less assistance as the relevant HASHAA provisions were in a different statutory context.[57] The Maitahi Village decision provides the following guidance on decision making under the FTA:

(a) The Panel is tasked by the FTA with undertaking a broad evaluative exercise of weighing a range of matters identified in Sections 81 – 85 of the FTA. The starting point is that the Panel must consider the substantive application, any advice, report, comment or other information received under various sections of the FTA.[58]

(b) Under Section 85(3) an approval may be declined if adverse impacts are out of proportion to regional or national benefits. The reference to Section 81(4) is important as it requires the Panel to consider the extent of a project's regional or national benefits. This evaluative exercise is essential as where the FTA refers to the project's regional or national benefits in the context of a weighing process against any adverse impacts, it is the extent of such regional or national benefits that must be assessed.[59]

[55] *Enterprise Miramar Peninsula Inc v Wellington City Council* [2018] NZCA 541 at [52] – [53].
[56] *Enterprise Miramar Peninsula Inc v Wellington City Council* [2018] NZCA 541 at [55].
[57] Record of Decision of the Expert Consenting Panel, Maitahi Village, 18 September 2025 at [49] – [79].
[58] Record of Decision of the Expert Consenting Panel, Maitahi Village, 18 September 2025 at [57].
[59] Record of Decision of the Expert Consenting Panel, Maitahi Village, 18 September 2025 at [62].

(c) Under the FTA, decision making on resource consents must prioritise the purpose in Section 3 of facilitating significant regional or national benefits over other considerations.[60] This results in a legislative regime that may support the grant of a resource consent, even where the traditional RMA process would not.

(d) A statutory requirement to give the greatest weight to the purpose of an Act does not mean it will always outweigh other considerations.[61] A broad evaluative exercise is required weighing a range of matters within the FTA benefit led framework and the purpose of the FTA guides interpretation and takes primacy in decision-making.

64. While the two FTA Panel decisions outlined above applied a different approach to decision making, both Panels applied a two-step evaluative framework that required:

(a) considering and evaluating each relevant matter on an individual basis;

(b) acknowledgement that the legislative primacy of the FTA purpose does not alter the relevance of assessments but instead affects the weighting to be given to these assessments in the final weighting exercise; and

(c) after completing individual assessments undertaking an overall evaluative judgement in which the purpose of the FTA is given the greatest weight.

65. We submit that this is the framework the Panel must apply to decision making for the BOGP.

66. In addition to considering the purpose of the FTA, the Panel is required to apply the decision-making framework set out in the relevant schedules for each approval sought in MGL's application. We discuss the relevant schedules below.

Resource Management Act 1991 Approvals

67. Clause 17 of Schedule 5 of the FTA requires that the provisions of Parts 2, 3, 6 and 8 to 10 of the RMA directing decision making on a resource consent application must be taken into account in relation to the RMA Approvals.

68. The key sections within those parts of the RMA are:

(a) Section 104 which sets out the decision-making framework. It requires that a Panel must have regard to:

[60] Record of Decision of the Expert Consenting Panel, Maitahi Village, 18 September 2025 at [66].
[61] Record of Decision of the Expert Consenting Panel, Maitahi Village, 18 September 2025 at [70].

(i) the actual and potential effects on the environment of allowing the activity;

(ii) any measure proposed or agreed by the applicant for the purpose of ensuring positive effects on the environment to offset or compensate for any adverse effects on the environment that will or may result from the allowing the activity;

(iii) relevant provisions of policy and planning documents; and

(iv) any other matters relevant and reasonably necessary to determine the application.

(b) Section 104B which provides that after considering an application for a discretionary activity a Panel may grant or refuse the application. If the application is granted, conditions may be imposed under Section 108.

(c) Section 105 which requires a Panel to have regard to the following matters in addition to those in Section 104(1) when considering a discharge permit application:

(i) the nature of the discharge and the sensitivity of the receiving environment to adverse effects;

(ii) the applicant's reasons for the proposed choice; and

(iii) any possible alternative methods of discharge, including discharge into any other receiving environment.

(d) Section 107 which outlines restrictions on the grant of discharge permits. Unless the exceptions in Section 107(2) apply a Panel cannot grant a discharge permit where after reasonable mixing the discharge will result in any of the specified adverse effects.

69. The following regulations are also relevant to the Panel's decision on the RMA Approvals sought for the BOGP:

(a) Resource Management (National Environmental Standards for Freshwater) Regulations 2020 (**NES-F**). Part 3 outlines the framework for decision making on activities within or near natural inland wetlands, the reclamation of streams and the placement of culverts in streams.

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

2011 (**NES-Soil**). Land use consent is required due to elevated arsenic in shallow soil. Regulation 10 is relevant to the Panel's decision making.

70. While these are relevant to the Panel's RMA decision making, an FTA project's inability to meet these provisions, does not preclude approval under the FTA.[62] Instead, the FTA provides the Panel with discretion to weigh the broader purpose of the FTA, prioritising significant regional or national benefits over an inability to meet other RMA requirements.

71. Section 127B was introduced into the RMA on 21 August 2025[63] and legislates that new water permits granted under the Regional Plan in Otago must not exceed six years in duration. Section 127B of the RMA reinforces Policy 10A.2.2 in the Regional Plan: Water for Otago which is directive in nature and restricts the duration of resource consents for new freshwater takes and uses to a maximum of six years.

72. To secure the facilitation and delivery of the BOGP, MGL is seeking water permits for a duration of 35 years to ensure the water permits align with the duration of the other approvals sought. We submit that when the context necessitating a maximum of six years is considered and balanced with the purpose of the FTA, the Panel is not required to limit the duration of the water permits to six years. In our submission a 35-year term is available to the Panel as:

    (a) Clause 17(4) of Schedule 5 expressly states that any provision of the RMA which would require a decision maker to decline an application must not be treated as requiring the panel to decline the application under the FTA.

    (b) 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 Plan was prepared which would be operative by 31 December 2025.[64] The six-year duration was intended to discourage further investment to respond to an imminent change in policy setting.[65] 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.

[62] Fast Track Approvals Act 2024, Schedule 5 Clause 17(4).
[63] Resource Management (Consenting and Other System Changes) Amendment Act 2025.
[64] Section 32 Evaluation report, Consideration of alternatives, benefits and costs – Proposed Plan Change 7 to the Regional Plan: Water for Otago.
[65] Re Otago Regional Council [2021] NZEnvC 164 at [436].

(c) The intention and context behind the six-year duration being to discourage investment to enable an efficient and effective transition to a new integrated planning framework is directly contrary to the purpose of the FTA which must be given the greatest weight.

(d) Section 127B of the RMA is not a provision that directs decision making and has less relevance to the Panel's consideration. The Expert Panel in the Maitahi Village FTA decision stated that it was required to consider Sections 5, 6, 7 and 104 of the RMA as they operate to direct decision making in the RMA context.[66] The Panel stated that it was minded to view the provisions in Parts 3, 6 and 8-10 of the RMA that contain procedural requirements and direction as having less relevance, as they do not direct decision making.[67] The Expert Panel in the Bledisloe North Wharf and Fergusson North Berth Extension decision identified that the particular provisions in Section 6 that it was required to take into account were Sections 104, 104B and 108.[68]

(e) The groundwater permit approvals sought:

(i) will not result in surface water (or ground water treated as surface water) allocation issues;

(ii) are a unique scenario which the Objectives and Policies of the Regional Plan: Water for Otago, or the events that necessitated them, did not contemplate or provide for;

(iii) will not impact the ability to transition to a new integrated planning framework efficiently and effectively; and

(iv) will facilitate the delivery of the BOGP and the associated national and regional benefits the duration of the water permits need to align with the durations of the other approvals sought under the FTA.

73. Overall, the RMA approvals for the BOGP meet the criteria set out in Clause 17(1)(b) of Schedule 5 as:

(a) In accordance with Section 5 of the RMA, the BOGP will enable the social and economic wellbeing of the Central Otago District and wider Otago

[66] *Decision of the Expert Consenting Panel under Section 87 of the Fast-Track Approvals Act 2024*, Maitahi Village, 18 September 2025 at [74].
[67] *Decision of the Expert Consenting Panel under Section 87 of the Fast-Track Approvals Act 2024*, Maitahi Village, 18 September 2025 at [74].
[68] *Decision of the Expert Panel under Section 87 of the Fast-Track Approvals Act 2024*, Bledisloe North Wharf and Fergusson North Berth Extension, 21 August 2025 at [122] – [124].

Region through employment and the generation of significant benefits for the local, regional and national economy. Effects will be avoided, remedied, mitigated, offset or compensated to ensure the safeguarding of the life-supporting capacity of air, water, soil and ecosystems. MGL's experts have also addressed the matters in Sections 6 and 7.[69]

(b) The actual and potential effects on the environment as discussed below will be appropriately managed in accordance with Section 104 and subject to conditions under Section 108.

(c) The extensive offset and compensation measures proposed by MGL, and secured by the proposed conditions, provide a robust offsetting and compensation package to address residual effects.

(d) The BOGP will achieve a high level of consistency with the Central Otago District Plan and is consistent with the Operative and Proposed Otago Regional Policy Statements.[70] The BOGP will generally align the Regional Plan: Water for Otago and will not be inconsistent with the Regional Plan: Air for Otago and Regional Plan: Waste for Otago.[71]

(e) The effects of the proposed discharges in the context of the sensitivity of the receiving environment as well as the proposed discharge methods are appropriate and the reasons for those choices have been set out in the expert reports provided with the application.[72] With the proposed management measures in place, the discharge methods can be successfully applied with adverse effects that are no more than minor.[73]

(f) In accordance with the NES-F, there is a functional need for the BOGP to locate where the gold resource is located and the application of the effects management hierarchy has been guided by the NES-F and National Policy Statement for Freshwater Management 2020 (**NPS-FM**).[74] Proposed effects management measures will result in an overall net gain in biodiversity values for swamp/marsh wetland habitat and aquatic ecological values.[75]

[69] Substantive Application Report, Section 8 Fast-Track Approvals Act 2024 Requirements.
[70] Substantive Application Report, Section 8 Fast-Track Approvals Act 2024 Requirements.
[71] Substantive Application Report, Section 8 Fast-Track Approvals Act 2024 Requirements.
[72] Substantive Application Report, Section 8 Fast-Track Approvals Act 2024 Requirements.
[73] Substantive Application Report, Section 8 Fast-Track Approvals Act 2024 Requirements.
[74] Substantive Application Report, Section 8 Fast-Track Approvals Act 2024 Requirements.
[75] Substantive Application Report, Section 8 Fast-Track Approvals Act 2024 Requirements.

(g) Under the NES-Soil, proposed mining activities within the Project Area that have the potential to release contaminants to the environment can be appropriately managed.[76]

74. Overall, taking into account the various mitigation measures that are proposed, the BOGP is generally consistent with the relevant RMA policy and planning documents.

Conservation Act 1987 Approvals

75. Clause 7 of Schedule 6 of the FTA requires that the following provisions of the Conservation Act are to be taken into account by the Panel when considering the approvals sought for concessions:

(a) The provisions in Part 3B which relate to the granting of concessions to undertake activities on conservation land and the criteria for assessing applications. Section 17U in particular sets out the matters to which regard must be had in deciding whether to grant a concession and includes:

(i) the nature of the activity and the type of structures and facilities proposed to be constructed;

(ii) the effects of the activity, structure, or facility;

(iii) any measures that can reasonably and practicably be undertaken to avoid, remedy, or mitigate the effects of the activity; and

(iv) any relevant environmental impact assessment.

(b) Any relevant provisions of Parts 3 which address Conservation Areas and provide for how land may be held for conservation purposes.

76. The five concessions sought for the BOGP are for:

(a) the establishment of a portion of Ardgour Rise to replace a section of Thomson Gorge Road and locating a Chorus fibre optic able alongside Ardgour Rise in the Ardgour Conservation Area;

(b) safety improvement upgrades at the State Highway 8 (**SH8**)/Ardgour Road intersection and associated construction activities;

(c) replacement of the existing walking track to the CIT Battery via a new marked route;

[76] Geocontam Risk Management - Preliminary Site Investigation (GRM 2025) at iii.

(d) the removal and monitoring of crack willows, other vegetation clearance, land disturbance activities (including the formation of access tracks) and replacement planting activities; and

(e) water monitoring infrastructure (surface water flow meter and a groundwater bore) along with access to that infrastructure.

77. None of the concessions seek to enable direct mining activities. Rather they are required to support the provision of public access to or through conservation land, enable offsetting and compensation measures, and operate water monitoring infrastructure. The proposed activities within conservation land are broadly aligned with the types activities that DOC would undertake or facilitate itself.

78. The effects of the grant of the concessions are discussed below. In particular, the impacts of vegetation clearance are set out in detail, together with measures proposed to offset and compensate for those impacts. It is submitted that the approvals seeking concessions under the Conservation Act for the BOGP align with the tests for approval as all adverse effects are appropriately managed, and all reasonable and practicable measures to avoid, remedy, minimise, mitigate and/or offset and compensate for impacts have been addressed as discussed below.

Reserves Act 1977 Approvals

79. Part of the Project Site within Bendigo Station is subject to a Conservation Covenant.[77]

80. The Conservation Covenant applies to a large area of land which extends significantly beyond the Project Site. The Conservation Covenant requires that the land subject to the covenant be managed in accordance with conservation objectives protecting the natural, cultural, historical, and significant values of the Bendigo Area.[78] Mineral extraction and earthworks are restricted by the Conservation Covenant and so to facilitate the delivery of the BOGP an amendment is required to remove reference to the legal descriptions applying to the Project Site.[79] This would have the effect of revoking the Conservation Covenant from the Project Site while ensuring that it continues to apply to the surrounding land.[80]

[77] Substantive Application, Section 8 Fast-Track Approvals Act 2024 Requirements.
[78] Boffa Miskell - Landscape, Natural Character and Visual Effects Assessment (Boffa Miskell 2025) at [4.8].
[79] Substantive Application, Section 8 Fast-Track Approvals Act 2024 Requirements.
[80] Substantive Application, Section 8 Fast-Track Approvals Act 2024 Requirements.

81. Clause 45 of Schedule 6 sets out the matters the Panel must take into account in its decision making (giving the greatest weight to (a)) as follows:

    (a) the purpose of the FTA;

    (b) the purpose of the covenant and the conservation values of the land concerned; and

    (c) whether the amendment or revocation will compromise values of regional, national, or international significance.

82. The Panel may then set conditions requiring an applicant to carry out works to enhance conservation values on land remaining within the covenant.[81]

83. As the Conservation Covenant is for the benefit of the Minister of Conservation, written approval from the local authority or other body is not required in this case.[82]

84. The removal of part of the Project Site from the Conservation Covenant meets the criteria for decision making as:

    (a) The affected landowner has provided written approval for the removal of the Conservation Covenant over the relevant part of the Project Site.

    (b) The significant national and regional benefits of the BOGP cannot be delivered under the current protections of the Conservation Covenant. The partial uplifting of the Conservation Covenant is required to facilitate the delivery of the BOGP.

    (c) The purpose of the Conservation Covenant is the protection of the natural, cultural, historical, and significant values of the Bendigo Area. The Conservation Covenant applies to a large area of land which extends significantly beyond the Project Site[83] and this purpose and the relevant values of the area need to be considered in the wider context of the whole area covered by the covenant. The removal of the Project Site from the Bendigo Conservation Covenant will not compromise the values of regional, national, or international significance.[84] The Conservation Covenant applies to a large area of land which extends significantly beyond the Project Site. The expert and technical assessments identify that the heritage, landscape, and ecological values sought to be protected in the Conservation Covenant are present in the landholding beyond the

[81] Fast Track Approvals Act 2024, Clause 45(6)(b) Schedule 6.
[82] Fast Track Approvals Act 2024, Clause 45(1) Schedule 6(2).
[83] Conservation Covenant 5009824.9 at C.
[84] Substantive Application, Section 8 Fast-Track Approvals Act 2024 Requirements.

Project Site and would continue to be protected by the Conservation Covenant.[85]

(d) The removal of the Project Site from the Conservation Covenant area will not compromise values of regional, national or international significance. The Conservation Covenant applies to a large area of land which extends significantly beyond the Project Site. The expert and technical assessments identify that the heritage, landscape and ecological values sought to be protected in the Conservation Covenant are present in the landholding beyond the Project Site and would continue to be protected by the Conservation Covenant.

(e) Comprehensive mitigation, offsetting, and compensation including ecological restoration and habitat enhancement across 2,219 hectares of habitat in the landscape surrounding the Project Site and within the Conservation Covenant is proposed.[86] Offsetting and compensation actions that will be covenanted are delivered over a larger area of land than the Project Site that MGL seeks to remove from being subject to the Conservation Covenant. This will ensure protection in perpetuity of the offsetting and compensation areas and secure enduring protection of the values sought to be protected by Conservation Covenant.[87]

85. Overall, when considered against both the scale of the original Conservation Covenant landholding, and the conditions of consent which secure delivery of the proposed mitigation, offsetting, and compensation measures, the values sought to be protected by the Conservation Covenant will not be compromised in the context of the overall wider area.[88] In our submission, the Panel:

(a) can approve amendment of the Conservation Covenant to remove the Project Site; and

(b) be confident that the proposed CODC land use conditions which require covenanting of the proposed offsetting and compensation areas in perpetuity and exceeds the area removed from the existing Conservation Covenant, removes the need to impose conditions under Clause 46(1)(b) of Schedule 6.

[85] Substantive Application, Section 8 Fast-Track Approvals Act 2024 Requirements.
[86] Substantive Application, Section 8 Fast-Track Approvals Act 2024 Requirements.
[87] Substantive Application, Section 8 Fast-Track Approvals Act 2024 Requirements.
[88] Substantive Application, Section 8 Fast-Track Approvals Act 2024 Requirements.

Wildlife Act 1953 Approvals

86. Wildlife approvals are required to monitor, salvage, relocate and disturb various fauna.

87. Clause 5 of Schedule 7 sets out the matters the Panel must take into account when making decisions on approvals sought under the Wildlife Act. When considering approvals sought for wildlife permits, the Panel must take into account:

    (a) The purpose of the Wildlife Act and the effects of the project on the protected wildlife subject to the approval. The purpose of the Wildlife Act is not explicitly stated in a single section and needs to be ascertained from the content of the provisions.[89] Part 1 is the most relevant for understanding the purpose of the Wildlife Act and those provisions outline the protection of wildlife, establish categories of protection, and regulate human interactions with wildlife. The Supreme Court has held that based on its title and scheme, one of the Wildlife Act's principal purposes is the protection of wild animals.[90] The Wildlife (Authorisations) Amendment Act 2025 (**Wildlife Amendment Act**) which came into force on 14 May 2025 clarifies that for the granting of authorisations under Section 53 of the Wildlife Act neither the lawful activity itself nor each individual act of killing needs to be consistent with wildlife protection.

    (b) Information and requirements relating to the protected wildlife that is to be covered by the approval. This includes the New Zealand Threat Classification System.[91]

88. The Wildlife Act approvals sought for the BOGP are consistent with Clause 5(b) and (c) of Schedule 7 as:

    (a) The proposed measures align with the purpose of the Wildlife Act by seeking to protect the wildlife that is present at the BOGP including by:

        (i) capturing, relocating and releasing lizards from the DDF;[92]

        (ii) implementing habitat impact protocols, nest protection protocols, measures to minimise risk of electrocution and collision and offsetting and compensation measures for avifauna;[93]

[89] *Environmental Law Initiative v Director-General of Conservation* [2025] NZHC 391 citing *Shark Experience Limited v PauaMAC5 Inc* [2019] NZSC 111, [2019] 1 NZLR 791.
[90] *Environmental Law Initiative v Director-General of Conservation* [2025] NZHC 391 at [65] citing *Shark Experience Limited v PauaMAC5 Inc* [2019] NZSC 111, [2019] 1 NZLR 791 at [44]-[45].
[91] Department of Conservation, New Zealand Threat Classification System.
[92] Lizard Management Plan.
[93] Avifauna Management Plan and Habitat Impact Management Plan

(iii) undertaking pre-impact protocols, post-mining relocations, disturbance minimisation measures and experimental breeding programmes for invertebrates;[94]

(iv) undertaking pre-impact habitat assessments, habitat clearance, salvage and relocation, host plant and habitat protection and enhancement and relocation programmes for invertebrate habitats;[95] and

(v) implementing lighting management protocols.

(b) The Wildlife Act authority included in the Substantive Application details the New Zealand Threat Classification status of the wildlife sought to be covered by the authority.

(c) The ecological and planning experts have proposed a robust set of BOGP site specific conditions for the Wildlife Act approvals sought.

Heritage New Zealand Pouhere Taonga Act 2014 Approvals

89. Approvals are required to modify listed heritage sites within the BOGP Site. The listed heritage within the BOGP Site principally comprises of historic gold mining sites and features including shafts, adits and associated structures. When assessing an application for approvals under the HNZPT Act the Panel must take into account the matters identified in Clause 4 of Schedule 8 of the FTA. The relevant sections of the HNZPT which the Panel must consider are:

(a) The matters in Section 59(1)(a) which require decision makers to consider identified matters including the purpose of the HNZPT Act, the historical and cultural heritage value of the archaeological site and the impact that protecting the site may have on lawful existing or future use.

(b) The matters in Section 47(1)(a)(ii) and (5) of the HNZPT Act which address the effects of the proposed activity, the significance of a site to the historical and cultural heritage of New Zealand and the extent to which the activity will modify or destroy the site.

90. The HNZPT Act approvals sought for the BOGP to undertake gold mining within an historically mined landscape are consistent with Clause 4(1)(b) and (c) of Schedule 8 as:

[94] Terrestrial Invertebrate Management Plan and Habitat Impact Management Plan
[95] Terrestrial Invertebrate Management Plan.

(a) In accordance with the matters in Section 59(1)(a) of the HNZPT Act, while a number of heritage sites will be destroyed to enable the BOGP, sites which provide a similar contribution to the heritage of the area will be retained elsewhere within the Bendigo area. Most of the sites that are impacted to a major degree by the BOGP have low heritage values while the areas of highest heritage values within the Historic Area and the Bendigo Conservation Covenant Area fall outside the Project Site and will not be impacted by the BOGP.[96] Overall, this aligns with the purpose of the HNZPT Act.

(b) In accordance with the matters in Section 47(1)(a)(ii) and (5) of the HNZPT Act, the effects of the BOGP on heritage values are acceptable within the broader heritage context and can be adequately managed by the mitigation measures proposed by MGL and secured through the proposed CODC conditions.[97] As addressed above, in accordance with Section 47(5)(a), the sites impacted to a major degree do not hold great significance in relation to the historical and cultural heritage of New Zealand.

Complex Freshwater Fisheries Approvals

91. Approvals under Regulation 42 of the Fisheries Regulations are sought for the construction of a culvert in the bed of Rise and Shine Creek within the Project Site in close proximity to the SRX Open Pit.[98]

92. Clause 5 of Schedule 9 identifies the matters the Panel must take into account when assessing applications for complex freshwater fisheries activities under the Freshwater Fisheries Regulations. The Panel is required to take into account:

(a) the alignment of the activity with best practice and the New Zealand Fish Passage Guidelines;

(b) the management of risks to freshwater values or habitat;

(c) availability and quality of habitat upstream and downstream from the activity;

(d) whether there are threatened, data-deficient, or at risk species in the vicinity; and

[96] New Zealand Heritage Properties Limited - Heritage Assessment (NZHP 2025a) at [10.2].
[97] Above at [11].
[98] Substantive Application, Section 4 Approvals Sought.

(e) advantages and disadvantages of providing fish passage upstream or downstream of the activity.

93. The Fisheries Regulations approvals sought are consistent with the above matters as:

(a) No fish life has been detected in the DDF, and very limited fish life has been detected in the wider surrounding landscape. There are also several existing upstream and downstream barriers to fish passage in Shepherds Creek and Bendigo Creek (downstream of Rise and Shine Creek). Technical expert assessments have concluded that the BOGP will not impede fish passage.[99]

(b) There are no risks to freshwater habitat that need to be managed. However freshwater values will be protected through proposed diversions of Shepherds Creek and Rise and Shine Creek. The creeks will be enhanced through measures to manage crack willow trees and measures to enhance the riparian margins of the creeks.[100]

(c) There is no fish habitat upstream or downstream from the BOGP that needs to be considered. The aquatic ecology experts have identified that lack of fish presence in the DDF is likely due to the presence of several barriers to fish passage upstream and downstream in both Shepherds and Bendigo Creek.

(d) As no fish life has been detected, there are no threatened, data-deficient, or at-risk species in the Project Area.

(e) It would not be advantageous to provide fish passage upstream or downstream of the BOGP.

When Panel may Decline Applications for Approvals

94. The instances in which a Panel must or may decline approvals are limited and are set out in Section 85 of the FTA.

95. In applying Section 85(1) and (2) to the BOGP:

(a) none of the approvals sought are for ineligible activities and granting the approvals would not breach Treaty settlements or recognised customary rights;[101] and

[99] Water Ways Consulting – Assessment of Effects on Aquatic Habitat (Waterways 2025).
[100] Boffa Miskell - Assessment of Freshwater Ecological Effects (Boffa Miskell 2025a).
[101] Fast Track Approvals Act 2024, Section 85(1)(a)-(b).

(b) the concessions sought do not result in the conferral of interests that are incompatible with existing interests in the land or involve a lease for a term of more than 50 years.[102]

Sufficiently Significant Adverse Impacts

96. Under Section 85(3), a Panel may decline an approval if the adverse impacts of the BOGP are sufficiently significant to be out of proportion to the Project's regional and national benefits.[103]

97. In doing so, Section 85(4) directs that the Panel may not form the view that an adverse impact meets the sufficiently significant threshold solely on the basis that the adverse impact is inconsistent with or contrary to a provision of an Act or any other document requiring consideration, such as planning documents. This means that, unlike traditional RMA processes, an inability to meet bottom line objectives or policies, while a matter to be taken into account, must not be the basis on which a proposal is declined.[104] Rather, in that scenario in our submission the Panel is required to conclude that the purpose of facilitating the delivery of the BOGP outweighs any non-compliance with the planning instruments. The suite of technical assessments demonstrates that the adverse impacts of the BOGP can be appropriately managed and that the economic benefits of the BOGP as described in paragraphs 23 - 25 outweigh potential adverse impacts. In particular, the comprehensive avoidance, remediation, minimisation, mitigation, offsetting and compensation measures proposed and supported by technical evidence can provide confidence to the Panel that Section 85(3) is not engaged. We submit that to conclude otherwise would require an evidential finding that the residual effects response was dramatically insufficient or that the technical assessments submitted in the application have materially misrepresented and understated those impacts.

98. Use of the term *"out of proportion"* requires an evidential finding that adverse impacts must substantially outweigh and exceed the national and regional benefits unlocked by a project before decline is warranted under Section 85.

99. This threshold is not met in the case of the BOGP.

[102] Fast Track Approvals Act 2024, Section 85(1)(e)
[103] Fast Track Approvals Act 2024, Section 85(3).
[104] Fast Track Approvals Act 2024, Section 85(4).

Conditions

100. A Panel's discretion to set conditions[105] under the FTA is limited by the directive in Section 83 that conditions must not be more onerous than necessary.[106] We consider that, in imposing conditions, a Panel must ensure that:

(a) the condition is required to manage adverse impacts of the Project and does not go beyond what is necessary to manage that particular adverse effect;

(b) the condition relates to a matter which is within the range of impacts which are relevant under the FTA;

(c) the condition meets the requirements for validity relevant to the decision-making provisions relating to that approval,[107] for example the Newbury requirements established under the RMA should be applied to RMA conditions;

(d) the obligations imposed by the condition would be consistent with the purpose of the FTA by facilitating the delivery of the BOGP; and

(e) if considering decline of an approval, it has considered whether any further conditions could be utilised to prevent the decline in accordance Section 85(3).

101. The Panel Convener has signalled that applications with conditions reliant on management plans should provide draft management plans with their application.[108] The BOGP application includes a full suite of draft management plans for approval by the Panel. It is appropriate for the Panel to approve the proposed management plans alongside the approvals sought. This approach gives effect to the intent of the FTA being to provide a *"one stop shop"* for approvals which necessitates a departure from typical practice under the RMA. It also ensures that significant detail is provided at the approval stage thereby avoiding traditional concerns regarding management plans including in relation to delegation of decision-making and certainty as to management plan content.[109]

102. The erosion and sediment control management plan requires the preparation of site specific erosion and sediment control management plans that are unable to be

[105] Fast Track Approvals Act 2024, Schedule 5 Clause 17, Schedule 7 Clause 5, Schedule 6 Clause 7, Schedule 8 Clause 4 and Schedule 11 Clause 7.
[106] Fast Track Approvals Act 2024, Section 83.
[107] Clause 17 of Schedule 5 expressly incorporates the Resource Management Act 1991 decision making provisions on conditions.
[108] Panel Convener Practice and Procedure Guidance at [21.1].
[109] *Remediation (NZ) Ltd v Taranaki Regional Council* [2024] NZEnvC 213.

comprehensively prepared prior to detailed mine layout being confirmed. The site specific erosion and sediment control management plans will be certified by a suitably qualified experienced person approved by the relevant consent authority as set out in the proposed ORC conditions in Schedule Two. The proposed conditions follow settled Environment Court authority which requires that management plan conditions:

(a) Specify the objectives of the management plan and clear parameters for certification. Open-ended certification is a de facto delegation of approval and is unlawful.[110]

(b) Parameters for certification require certification of actions, drawing on skills and experience rather than acting as a delegated decision making as to how a matter is to be provided for.[111]

(c) Mechanisms for review and update of the management plans need to be clearly defined, usually this should be as monitoring feedback becomes available.[112]

103. This approach ensures sufficient information is included to provide certainty that the effects of the BOGP will be adequately addressed.

MINING PROCESS AND STAGING

104. Mining processes and staging are discussed in detail in the Substantive Application Report and technical assessments accompanying the application. The following section provides a very brief overview of key infrastructure elements and processes to assist the Panel in considering the BOGP proposal.

105. The initial stages of the BOGP will include construction of the mine access road, processing plant, and operational area at Shepherds Creek. Water and power supply will be established along with administration offices and a camp for construction workers. Earth moving equipment will be transported to the RAS Pit to begin establishing haul roads.

106. Mining will commence at the RAS Pit starting with vegetation, topsoil, and rock (overburden) that will be cleared from the areas where the open pits are to be developed. This material will then be transferred to rehabilitation areas or stockpiled for future use.

[110] *Skyline Enterprises Limited v Queenstown Lakes District Council* (ENV-2018-CHC-14).
[111] Te Korowai o Ngāruahine Trust v Hiringa Energy Limited and Balance Agri-Nutrients Limited [2022] NZHC 2810 at [268].
[112] *Final Report and Decision of the Board of Inquiry into the Transmission Gully Proposal* Board of Inquiry, EPA 0175, June 2012 at [184]-[185].

107. To reach the rock that contains gold (ore), explosives will be used to blast and break apart the rock that either contains no gold or only trace amounts (waste rock). The waste rock is then stored in a stack to minimise the potential of it reacting with air and water which can generate mine impacted water that can degrade water quality. The waste rock stacks are known as ELFs.

108. When the ore is exposed in the open pit, this is recovered and loaded into haul trucks for transport to the processing plant. As mining progresses the pit will be made progressively deeper with haul roads constructed inside the pit to continue accessing ore.

109. As the RAS Pit continues to expand underground mining at RAS will begin. The RAS underground mining is separate from the RAS Pit and mining activities using both methods can occur simultaneously. To reach the underground ore, portals, an access tunnel, and ventilation tunnel will be constructed. The ore will be recovered and transported by trucks to the processing plant. Once all the ore has been removed from an underground production stope, the resulting void will be filled with a paste consisting of tailings with up to 10% cement to keep the immediate area stable and improve recovery of the mineral resource.

110. Subject to the results of the Applied Research Plan for Conservation Management, Rehabilitation and Expansion of Cushionfield or Cushionfields (**ARP**) addressed in further detail at paragraph 154 below, mining of the majority of the CIT Pit will begin alongside ongoing extraction at RAS. As outlined below MGL has committed to delay mining of the majority of CIT Pit until it confirms that threatened spring annuals are either sufficiently present elsewhere or have been successfully propagated. Extraction at SRE and SRX Pits will begin at the end of mining at the RAS. In order to enable works an area of 2.7 hectares at the southwestern side of CIT where there is low occurrence of cushionfield habitat.

111. The gold will be extracted from the ore at the processing plant and the leftover material will consist of ground rock, silt, water, and chemicals used to extract the gold. The leftover material is called tailings which will be stored in a purpose-built dam structure called the TSF. The storage structure is engineered to ensure it can contain all tailings and not release these during flood events or earthquakes, with the TSF designed to withstand a 1 in 10,000 year earthquake, including aftershocks.

112. The MRZ enhancement actions will be undertaken throughout the approval period and once mining is completed in each area it will be progressively rehabilitated. Offsetting and compensation actions in Matakanui Sanctuary will be implemented sequentially during the life of the BOGP (including closure) as detailed in the following management plans:

(a) Ardgour Restoration Plan; and

(b) Matakanui Sanctuary Management Plan.

KEY MATTERS FOR DETERMINATION

113. Mining inevitably results in impacts on the environment. The effects of the BOGP are discussed in detail in the Substantive Application Report and are not repeated in this legal overview. However, to assist the EPA and the Panel, the key impacts which require consideration and determination by the Panel and the framework to the relevant decision maker are outlined below. The key effects and the effects management proposed in relation to those effects are also summarised in a table form in **Appendix 3**.

Cultural Effects

114. As outlined in paragraphs 44 – 49 MGL has actively engaged with Kā Rūnaka, with engagement beginning in 2017. Throughout this process, Kā Rūnaka has expressed its connection with the whenua, subsequent alienation due to actions enabled by the Crown and recognition by the Crown of the importance of the broader area to Kā Rūnaka through statutory acknowledgments of Mata-au (Clutha River) and Wairere (Lake Dunstan).[113]

115. Kā Rūnaka has prepared a draft unendorsed cultural impact assessment of the BOGP on cultural values and interests. Constructive discussions and engagement between MGL and Kā Rūnaka is ongoing to progress a final endorsed cultural impact assessment.

116. It is a well settled judicial principle that only tangata whenua have the authority to determine and speak to the cultural effects of an activity.[114] While engagement with Kā Rūnaka continues towards a formally endorsed assessment, MGL has focused its efforts on proactively addressing potential effects that it understands may interact with cultural values, based on the consultation undertaken.

117. Based on engagement and feedback received to date, we understand that the key technical assessments that also influence cultural values include (in summary form):

(a) waterways and wetlands;

(b) water quality;

[113] Bendigo-Ophir Gold Project Pre-Application Engagement Report.
[114] *Ngawaka v Ngāti Rehua-Ngātiwaki Ki Aotea Trust Board* [2021] NZHC 291 at [57] – [59].

(c) ecology including effects on taoka species and biodiversity;

(d) landscape effects; and

(e) access and connectivity.

118. We submit that the comprehensive application of the effects management hierarchy as outlined in the Substantive Application, which is supported by highly qualified technical experts, addresses and appropriately manages the potential effects that are also relevant to cultural values.

119. While MGL are committed to the ongoing dialogue with Kā Rūnaka, importantly there is no right of veto conferred on Kā Rūnaka and appellate Courts have consistently held that this cannot be conferred.[115]

120. In a decision making context, where as a matter of tikanga, mana whenua may be unable to ever support a proposed activity, the Court has also recognised that in some cases projects may still proceed if effects are appropriately managed.[116] The Environment Court has also held that in a scenario where there is an absence of probative evidence from mana whenua on whether significant remaining effects of a proposal remain, and without the opportunity for this evidence to be tested, it cannot uncritically accept a position asserting that adverse cultural effects remain. To do so would amount to conferring a veto right on mana whenua.[117]

121. Despite that, MGL wishes to emphasise that they are committed to continuing engagement with Kā Rūnaka towards a formally endorsed assessment to be provided through the FTA process. In addition to that, MGL has focused on proactively ensuring environmental effects which are understood to also have potential overlap with cultural effects are robustly and appropriately addressed.

Water Management

122. The water supply required to support the BOGP will be sourced from two bores in the Bendigo Aquifer Borefield.[118] Water will be pumped to the Shepherds Silt Pond and storage tanks alongside the processing plant.[119] A branch connection will be provided to feed the mine administration office and construction activities.[120] The proposed water supply pipeline alignment will generally follow the road reserve of Matilda Rise and the edge of the Bendigo Station boundary.[121] Where the pipeline

[115] *Te Korowai o Ngāruahine Trust v Hiringa Energy Limited* [2022] NZHC 2810.
[116] *Te Runanga o Ngai Te Rangi Iwi Trust v Bay of Plenty Regional Council* [2011] NZEnvC 402 at [289].
[118] Water Management Plan at [1.3.2].
[119] Substantive Application Report, Section 3, Project Description.
[120] Substantive Application Report, Section 3, Project Description.
[121] Substantive Application Report, Section 3, Project Description.

runs through Bendigo Station land, MGL will arrange easements with the owners of Bendigo Station.[122] Once in operation, water demand is expected to decline as more recycled water becomes available from the processing and mining operations.[123]

123. Temporary and permanent clean water diversion channels are proposed to divert clean water from disturbed areas.

124. The mining operations of the BOGP will have effects on water within the Project Site as addressed in further detail below. The management of mine-impacted water will involve several engineering controls to minimise effects including materials management and the design and construction of three ELFs and CIT Backfill to minimise contaminant loads from waste rock.[124] Following mine closure, mine-impacted water will be managed by a water treatment plant during the active closure phase until a passive treatment system can be successfully established.[125]

125. Two surface water quality monitoring locations are proposed for compliance monitoring of potential effects in Shepherds Creek and Rise and Shine Creek which cover the main catchments affected by mining activities.[126] A third compliance monitoring location is proposed in Clearwater Creek as a control site that will be unaffected by mining-related activities.[127] Two groundwater compliance monitoring locations are proposed at Ardgour Station near Shepherds Creek and within the Bendigo Aquifer Borefield.[128]

Water Quantity

126. In the absence of augmentation the BOGP would result in:[129]

(a) an average reduced flow of 3.3 litres per second in Shepherds Creek and 1.9 litres per second in Rise and Shine Creek; and

(b) a peak reduced flow rate of 5.2 litres per second in Shepherds Creek and 17.3 litres per second in Rise and Shine Creek.

[122] Substantive Application Report, Section 3, Project Description.
[123] Substantive Application Report, Section 3, Project Description.
[124] Mine Waste Management Limited-Mine Impacted Water Overview Report (MWM 2025), Table 5.
[125] Mine Waste Management Limited-Mine Impacted Water Overview Report (MWM 2025) at [5] and Water Management Plan at [9].
[126] Mine Waste Management Limited - Mine Impacted Water Overview Report (MWM 2025) at page iv and Water Management Plan at [7.2].
[127] Mine Waste Management Limited - Mine Impacted Water Overview Report (MWM 2025) at [2.5.2] and Water Management Plan at [7.2].
[128] Mine Waste Management Limited - Mine Impacted Water Overview Report (MWM 2025) at [2.5.2] and Water Management Plan at [7.3].
[129] Kōmanawa Solutions Limited - Assessment of Downstream Water Rights and any Derogation of Rights at pages 3-4.

127. To avoid this, MGL will maintain the estimated pre-mining influenced mean monthly surface flow rates at Shepherds Creek and Rise and Shine Creek. This will be achieved by augmenting surface flows at discharge sites upstream of all water takes associated with the BOGP in Shepherds Creek and Rise and Shine Creek.

128. Augmentation will be achieved by taking water from the Bendigo Aquifer, which is not fully allocated, via MGL's water supply borefield and pipeline. This Aquifer benefits from the infiltration of water from the Clutha River and provides substantial opportunity for storage of augmentation water.[130] This will ensure existing permit holders are able to access their consented allocation in full throughout the life of the BOGP and the approvals sought by MGL can be exercised alongside those existing permits.[131]

129. Performance monitoring of creek levels will be utilised to inform whether the augmented flow rates are too high or too low relative to the pre-mining influenced mean monthly surface flow rates. If performance monitoring data indicates a variance MGL will adjust the augmented flow rates to maintain the estimated pre-mining influenced mean monthly surface flow rates.

130. In the active closure period, as dewatering activities are reduced, the surface water depletion is expected to decline.[132] By the post-closure period, runoff flow rates into the creek network are projected to increase above that of the pre mining state as former mine surfaces are fully restored and the TSF surface is rehabilitated to return drainage to the creek network.[133]

Water Quality

131. Baseline water quality testing shows that some streams within the BOGP Consent Area have existing elevated metal levels, particularly in arsenic, which reflects impacts by historical mining activities as well as natural occurrence.[134] Streams unaffected by historical mining such as Shepherds Creek also display elevated metals such as copper, reflecting natural baseline conditions.[135] This baseline water quality forms part of the existing environment for assessing the BOGP.

[130] Above at page 6.
[131] Fast Track Approvals Act 2024 at Section 30(3)(a).
[132] Kōmanawa Solutions Limited - Assessment of Downstream Water Rights and any Derogation of Rights at page 6.
[133] Above at page 6.
[134] Mine Waste Management Limited - Mine Impacted Water Overview Report (MWM 2025) and Mine Waste Management Limited, Baseline Water Quality Report at page iii.
[135] Mine Waste Management Limited - Mine Impacted Water Overview Report (MWM 2025) and Mine Waste Management Limited, Baseline Water Quality Report at page iii.

132. Key issues from mining operations at the BOGP, without mitigation, would be expected to have the following effects on water quality within the Project Site:[136]

(a) elevated total suspended solids (**TSS**);

(b) neutral metalliferous drainage (**NMD**) that may have elevated levels of substances of concern such as arsenic, sulfate, and trace metals; and

(c) nitrate rich drainage due to the use of ammonium nitrate fuel oil explosives and cyanide (due to gold recovery).

133. Collectively these waters are referred to as Mine Impacted Waters (**MIW**).

134. To manage the effects of MIW, MGL's expert geochemist proposes the following management actions as set out in the conditions in the ORC conditions in Schedule 2:[137]

(a) Adoption of water quality compliance limits.

(b) Design of the water management system to capture and reuse MIW within BOGP operations wherever possible.

(c) Design of the ELFs (location, construction, and rehabilitation) to reduce the potential for NMD to occur.

(d) Construction of a water treatment plant to treat seepage from the ELFs during the active closure phase. Replacement with an appropriate passive treatment system will be introduced after ELF seepage is at an acceptable level to be successfully treated by a passive system, which is anticipated to be after approximately 20 years.

(e) The preparation of, and adherence to, a Water Management Plan. The Water Management Plan is required by the ORC conditions and will ensure the correct management processes are utilised, appropriate engineering controls are implemented, and performance monitoring is undertaken to support adaptive management principles if there is variation from the expected case.[138]

135. The technical assessment provided by Mine Waste Management demonstrates that environmental risks associated with MIW at BOGP are understood and can be

[136] Mine Waste Management Limited - Mine Impacted Water Overview Report (MWM 2025) at page iii and [1.3].
[137] Above at [1.5].
[138] Mine Waste Management Limited - Mine Impacted Water Overview Report (MWM 2025) at [1.5] and Water Management Plan at [1.1].

successfully managed with the management processes, engineering controls and adaptive management processes proposed in the Water Management Plan and secured by the ORC conditions.[139]

Rehabilitation

136. Landcare Research has prepared a plan providing for rehabilitation at the BOGP. Rehabilitation measures will be implemented across all available areas within the DDF (approximately 480 hectares) excluding the majority of the two permanent pit lakes, pit walls, and permanent infrastructure (roads and water treatment facilities).[140] In addition to proposed ecological rehabilitation measures outlined above, the Project includes the following remediation measures:[141]

    (a) removal of Ardgour Terrace site activities and the rehabilitation of this area for rural agricultural activities;

    (b) removal of the processing plant and associated infrastructure at Shepherds Valley and establishment of a constructed wetland;

    (c) intensive plant pest interventions, enrichment planting, and regeneration of MRZs during active mining stages of the BOGP to develop diverse, native dominant ecosystems around the mined areas;

    (d) filling of the portals and the access road to resemble existing landforms and rehabilitation to mixed nature scrubland;

    (e) filling of the edges around the rim of the RAS Open Pit (pit lake to remain);

    (f) partial rehabilitation of the SRX Open Pit (pit lake to remain);

    (g) filling of the CIT Open Pit to resemble the original landform and rehabilitation of landcover; and

    (h) capping and rehabilitation of ELFs and TSF, with dam crest of Shepherds ELF to be covered to remove linear form.

137. The mine design and staging allows for progressive rehabilitation as mining advances, and enables ongoing monitoring for stability and ecological function. At closure, approximately 130 hectares will remain as open pit lakes, while the remainder of the DDF will be rehabilitated.[142]

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[139] Mine Waste Management Limited - Mine Impacted Water Overview Report (MWM 2025).
[140] Manaaki Whenua Landcare Research - Applied Research Plan for Conservation Management, Rehabilitation and Expansion of Cushionfield (Landcare 2025).
[141] Substantive Application Report, Section 7 – Management and Monitoring of Actual and Potential Effects.
[142] Substantive Application Report, Section 3 Project Description.

138. The proposed consent conditions specify rehabilitation objectives, with management plans detailing achievement methods. The Landscape and Ecological Rehabilitation Management Plan seeks to:[143]

(a) enable the modified mined landscape to be effectively re-integrated into the Dunstan Mountains Outstanding Natural Landscape (**ONL**);

(b) enable natural ecological systems to be reestablished and, in places, enhanced to allow revegetation that complements natural patterns; and

(c) deliver natural patterns by varying reconstructed root zones and generally contoured final landform slopes so they are largely visually absorbed within the landscape.

139. The Mine Closure Plan and its required outcomes are secured by the conditions of consent will establish a final landform and site that is safe, stable and non-polluting.[144]

Ecology

140. The BOGP will inevitably result in ecological effects as vegetation (and therefore habitat) needs to be removed to enable access to the gold resource through open pit mining methods.

141. To ensure a full and thorough understanding and expert assessment of all aspects of ecology, MGL has engaged a wide team of experts for each separate ecological speciality including:

(a) Dr Matt Baber – Habitats, Lizards, Avifauna, and Biodiversity;

(b) Emeritus Professor David Norton – Terrestrial Ecology;

(c) Zac Milner – Vegetation;

(d) Jeroen Lurling – Wetlands and Avifauna;

(e) Dr Graham Ussher – Lizards and Terrestrial Ecology;

(f) Keith Barber – Mammalian Pests, Native Bats, Terrestrial Invertebrates, and Plant and Pest Management;

(g) Dr Ian Boothroyd – Freshwater;

[143] Landscape and Ecological Rehabilitation Management Plan at [1.1].
[144] Mine Closure Management – Mine Closure Plan (MCM 2025).

(h) Dr Richard Allibone – Aquatic Habitats;

(i) Dr Barrie Wills – Vegetation and Botany; and

(j) Dr Robyn Simcock – Cushionfields, Spring Annuals and Rehabilitation.

142. The National Policy Statement for Indigenous Biodiversity 2023 (**NPS-IB**) and the NPS-FM set out the following effects management hierarchy to be applied in managing adverse effects:

(a) adverse effects are avoided where practicable; then

(b) where adverse effects cannot be avoided, they are minimised where practicable; then

(c) where adverse effects cannot be minimised, they are remediated where practicable; then

(d) where more than minor residual adverse effects cannot be avoided, minimised, or remedied, offsetting is provided where possible; then

(e) where offsetting of more than minor residual adverse effects is not possible, compensation is provided; then

(f) if compensation is not appropriate, the activity itself is avoided.

143. This effects management hierarchy has been applied to the ecological assessment undertaken for the BOGP. In particular, ecology experts in relation to each separate ecological specialty have undertaken the following in relation to their ecological speciality:

(a) Baseline surveys within the Ecological Study Area (**ESA**). The ESA extends significantly beyond the footprint of the BOGP, covering a 5,386 hectare area which includes the DDF of the BOGP and the surrounding landscape (**SL**) to ensure that the assessment captures the ecological context within the assessment of ecological effects.

(b) An assessment of the potential ecological impacts on those ecological values identified.

(c) Identifying and making recommendations to avoid, remedy, minimise and/or mitigate effects on ecology.

(d) Identifying the residual effects remaining and making recommendations for offsetting and compensation to address more than minor residual adverse

effects. This has included reference to the offsetting and compensation principles in the NPS-IB and NPS-FM.

144. Importantly, measures to avoid, remedy, minimise and mitigate effects have been considered in the first instance. Where residual effects remain following the implementation of those measures, offsetting and compensation has then been proposed.

145. Offsetting and compensation are two different concepts, which are both distinct from mitigation. An offset is a measurable outcome which results in a no-net-loss or a net-gain in overall values. This measure must be assessed against the background trajectory which would have occurred without the activity taking place. Case law in the RMA context has established a number of principles to be considered in applying the effects management hierarchy, and many of these are now codified in the NPS-IB and NPS-FM. Relevant principles need to be applied through the FTA statutory framework and weighting exercise, and include:

(a) Offsetting should be provided on a *"like for like"* basis or better. In the context of biodiversity, this means that the biodiversity being lost is replaced with similar biodiversity or provide for species or habitats which are of a higher conservation priority or higher ecological value.

(b) An offset must achieve gains above and beyond the gains which would have occurred anyway in the absence of the offset. This is known as the principle of additionality.

(c) The offset must be managed to secure outcomes that last at least as long as the impacts and preferability in perpetuity. This requires a well-designed monitoring and reporting programme and the ability to adjust management as necessary.

(d) The design of the offset should consider the landscape context and ecological equivalence of both the affected site and the offset site and should take into account interactions between species, habitats and ecosystems.

146. There are a number of limits to offsetting, particularly where the residual effects cannot be fully offset because of the irreplaceability or vulnerability of the values affected and/or where there are no technically feasible options by which to secure no net loss or gains within an acceptable timeframe.

147. Environmental compensation is applied where effects remain after offsetting measures have been offered. Compensation differs from offsetting in that it is not designed to demonstrate a no net loss outcome and may not provide a like-for-like

return. This means that compensation packages may benefit different biodiversity values to that lost as a result of a proposal, including biodiversity values of less conservation concern.

148. Limits to both offsetting and compensation are prescribed in planning documents such as the NPS-IB and NPS-FM. Some of these principles are worded in a mandatory manner so that in the RMA context, those principles have meant that, for some projects, offsetting and compensation of residual effects has not been an available option where strict adherence to those principles has not been possible.

149. In the context of the FTA, while those principles are still a relevant consideration, Clause 17(4) of Schedule 5 directs that those provisions need to be subject to the weighting exercise, and must not be treated as requiring the panel to decline the application. While relevant technical experts have included reference in their ecological assessments to the offsetting and compensation principles in the NPS-IB and NPS-FM, these must be applied within the statutory regime set out under the FTA where they are given consideration.

Terrestrial Ecology – Vegetation

150. Without measures to address effects, mine construction and operation would result in the direct loss of up to 610 hectares of vegetation and habitat within the DDF.[145] In addition, indirect adverse effects on vegetation values include fragmentation of habitat and reduced ecological connectivity.[146]

151. While the BOGP has been designed to avoid adverse effects on terrestrial and wetland values to the extent practicable, the opportunity to avoid and minimise adverse effects is limited by the functional constraints of the identified gold deposits which dictate the location of the mining footprint and location of ancillary activities.[147] A detailed assessment of the functional need for the extraction of minerals and ancillary activities to occur in the locations proposed, where the gold resource is located, is provided in Section 8 of the Substantive Application Report.

152. Measures to avoid, remedy and minimise the effects of the BOGP have included the following:

    (a) Avoidance of vegetation clearance in particularly high-value habitats and where there are Threatened and At-Risk plant species by refining the DDF, within the functional constraints of the gold deposit locations. The refinement of the DDF has included:

[145] Alliance Ecology Consulting - Assessment of Ecological Effects (Alliance 2025).
[146] Alliance Ecology Consulting - Assessment of Ecological Effects (Alliance 2025).
[147] Alliance Ecology Consulting - Assessment of Ecological Effects (Alliance 2025).

(i) Realigning Thomson Gorge Road to bypass the Ardgour airstrip to avoid identified habitat of a Threatened (Nationally Critical) moth.

(ii) Delaying mining of the majority of the CIT pit, which is located within cushionfield habitat containing endemic spring annuals and associated species, to enable the implementation of a cushionfield and spring annuals research programme with mining of the majority of the CIT pit to be undertaken only if specific criteria are met. A 2.7 hectare area where there is low occurrence of habitat will be disturbed prior to this to enable initial works.

(iii) Refining stockpile and infrastructure locations to reduce impacts on key ecological features including kōwhai trees, taramea, and rock outcrops.

(iv) Design of slopes to minimise infrastructure footprints, including use of retaining rather than side-casting for the Ardgour Road Realignment and refining pit walls to minimise footprints.

(b) Salvage of:

(i) Threatened plant species to be transferred to appropriate relocation sites or stored and planted later as part of rehabilitation and/or establishment of offset and compensation areas.

(ii) Non-threatened plant species as live transplants to establish wetlands and tussock lands.

(iii) Habitat features which can be used to enrich edges of contingency zones and available rehabilitation areas or to stockpile for later use in rehabilitation and offset and compensation areas.

(c) Constructing stockpiles with an outer-most layer of stripped vegetation and soil and managing stockpiles to promote regeneration of native plant species.

(d) Rehabilitation of the DDF ecosystems in accordance with the different management required to provide for different vegetation types. To enable this rehabilitation that will be characterised by different land management units (**LMU**) as shown in **Appendix 4**. This will involve:[148]

(i) Within the approximately 610 hectare DDF:

[148] Alliance Ecology Consulting - Assessment of Ecological Effects (Alliance 2025),

(A) Re-establishing four indigenous terrestrial vegetation communities and indigenous wetland communities.

(B) Creation of high value lizard habitat through the deployment of rock features which will also create a favourable environment for establishing plants.

(C) Returning viable lizard and invertebrate habitat.

(D) Establishing reproductively functional kōwhai clusters.

(E) Re-establishing cushionfield vegetation by focusing on cushionfield trial slopes in a 5 hectare area on the rehabilitated Western ELF and a minimum of 4.5 hectares in the backfilled CIT Pit.

(ii) Ecological enhancement within the adjacent 889-hectare MRZ to facilitate DDF rehabilitation by providing a continuous and diverse source of native seeds, colonising wildlife and limiting sources of undesirable plants.[149] The MRZ is primarily considered later as part of the offsetting and compensation package but has been included in this list as it also contributes to facilitating rehabilitation within the DDF.

153. After efforts to avoid, remedy and minimise adverse effects as outlined, an overall loss of approximately 610 hectares of variable quality habitat is anticipated.[150] These residual effects are addressed through the proposed offsetting and compensation package discussed below.

Terrestrial Ecology – Cushionfields

154. Ecological assessments have identified that cushionfields cover approximately 10% of the ESA and 17% of the DDF and are the most valuable ecosystem present with respect to biodiversity values.[151] Cushionfields are often dominated by indigenous species and support a disproportionately large number of plant species ranked as Nationally Threatened, At Risk and nationally Threatened or At Risk, including endemic spring annuals.

[149] Alliance Ecology Consulting - Assessment of Ecological Effects (Alliance 2025),
[150] Alliance Ecology Consulting - Assessment of Ecological Effects (Alliance 2025),
[151] Alliance Ecology Consulting - Assessment of Ecological Effects (Alliance 2025),

155. Two nationally Threatened spring annuals have been identified within the cushionfields in the DDF which may account for up to 33% and 80% of the regional populations, although the exact extent of these species is unknown.[152]

156. Some of the most significant cushionfields are located within the CIT Open Pit footprint. As a result, it is recognised by MGL's expert ecologist Dr Simcock that mining of the CIT Pit should only be undertaken if the impact on these species can be adequately addressed. In the past there has been very little research into these species and there are no long term studies demonstrating outcomes from relocation or planting programmes. It cannot therefore be confirmed with certainty that relocation or planting would be successful in seeking to establish alternative cushionfield locations.

157. As a result, Manaaki Whenua Landcare Research has developed an ARP for conservation management, rehabilitation, and expansion of cushionfield and taramea herbfield within the Project Site. Implementation of the ARP includes:

(a) mapping of cushionfields across the managed landscape to define distribution and confirm success criteria for condition of key cushionfield species;

(b) identifying current pressures on cushionfields and best current management outcomes for cushionfield vegetation;

(c) identifying areas where cushionfields could be most likely enhanced and develop a range of practical extensive and intensive interventions;

(d) developing methods for *raoulia* propagation and re-establishment;

(e) protecting and replanting genetically diverse kōwhai tree land and shrubland areas within cushionfield mosaic; and

(f) mapping, propagating, and establishing taramea herbfield at mined areas.

158. To enable initial works to take place a 2.7 hectare area on the southwestern side of the CIT pit has been carefully selected for early disturbance as:

(a) there is a low occurrence of cushionfield habitat in this area; and

(b) it enables source habitat material to be translocated without requiring disturbance of an additional area beyond the planned CIT footprint that would otherwise not be disturbed.

[152] RMA Ecology - Vegetation Values Assessment (RMA Ecology 2025b).

159. The proposed conditions incorporate the recommendation in the ARP to delay mining of the majority of the CIT Pit until it is confirmed that sufficient numbers of cushionfield vegetation have been discovered in the wider Dunstan Ecological District such that either net gain outcomes can be demonstrably achieved, and/or the population of the two spring annuals within the CIT Pit footprint is equal to or less than 1% of the known population of these spring annuals in the wider Dunstan Ecological District. This can be demonstrated by either one, or a combination of the following methods:

    (a) The propagation and/or species recovery in the surrounding offsetting and compensation sites as informed by the ARP; and/or

    (b) The discovery of further spring annual populations within the wider Dunstan Ecological District. These discoveries can be evidenced by either identifying and documenting further spring annual populations, and/or surveying a representative sample of the Dunstan Ecological District and extrapolating the abundance of spring annual populations over the wider Dunstan Ecological District.

160. The requirement in conditions to delay mining of the majority of the CIT Pit until one of the above criteria outlined in paragraph 159 has been achieved is legally valid and appropriate and does not frustrate the grant of approvals. It is well established in RMA case law that a condition that defers the opportunity for an applicant to embark upon a consented activity is lawful and valid, even when the specified event is not wholly within the control of the applicant. For example:

    (a) The High Court in *Director-General of Conservation v Marlborough District Council* held that a condition of consent that had two possible outcomes, one of which would enable the activities authorised by the consent to proceed, and one which would not, was valid and would not frustrate the relevant consent.[153]

    (b) The High Court in *Westfield (NZ) Limited v Hamilton City Council* made a similar finding, holding that a condition precedent which defers the opportunity for the applicant to embark upon the activity until specified events occur can be validly imposed.[154]

161. In this instance the conditions of consent require MGL to delay mining of the majority of CIT Pit until identified criteria on identification and propagation of cushionfields is achieved. Mining of CIT Pit is scheduled to occur towards the end of mine life to enable the ARP to be implemented.

[153] *Director-General of Conservation v Marlborough District Council* [2004] 3 NZLR 127 at [23].
[154] *Westfield (NZ) Limited v Hamilton City Council* [2004] 10 ELRNZ 271 at [56].

Terrestrial Ecology – Fauna

162. The ESA includes several nationally Threatened or At-Risk species, including terrestrial birds, lizards and numerous species of invertebrates, particularly moths.[155]

163. Without mitigation, potential adverse effects on these species include habitat loss, loss or harm associated with vegetation clearance earthworks, nest destruction, loss of eggs and chicks, noise and vibration disturbance, dust and light exposure, hydrological changes, and direct harm from blasting or collisions.[156]

164. Comprehensive measures to avoid, minimise, and mitigate effects on these species are proposed by MGL and include:[157]

    (a) Design refinement of the Ardgour Rise Realignment to avoid an area where a nationally Threatened moth was recorded. As the new alignment traverses habitat with different vegetation structure and plant species the likelihood of adverse effects on this species is reduced.

    (b) Measures to minimise risk of electrocution and collision with buildings, high fences, and power lines.

    (c) Surveying of indigenous bird nests prior to vegetation clearance during bird breeding season (September to March inclusive) and establishing buffers to minimise the loss of native bird nests, eggs, and chicks.

    (d) Ceasing vegetation clearance within set distances until chicks have fledged for eastern falcon, pipit, bird species with a Threatened or At Risk rating, and all indigenous birds with a non-threatened classification.

    (e) Lighting management protocols to minimise effects on wildlife that are specific to operational areas.

    (f) Salvage of identified species of lizards and invertebrates to appropriate relocation sites that have been enhanced in rehabilitation, offsetting, and compensation areas.

[155] Alliance Ecology Consulting - Assessment of Ecological Effects (Alliance 2025).
[156] Alliance Ecology Consulting - Assessment of Ecological Effects (Alliance 2025).
[157] Alliance Ecology Consulting - Assessment of Ecological Effects (Alliance 2025).

165. A suite of Ecological management plans[158] which are all sought to be certified by the Panel are required by the conditions of consent and will direct the implementation and monitoring of these measures.

166. The remediation measures outlined in paragraph 136 above in the DDF and MRZ will support the recovery of native bird, lizard, and invertebrate communities including nationally Threatened or At Risk, or of cultural importance.[159] Particularly relevant remediation measures for these species include:[160]

(a) creating at least one rocky outcrop/scattered rock complex per hectare of DDF to provide high value habitat for lizards and select Threatened or At-Risk invertebrates; and

(b) providing suitable lizard and invertebrate habitat including by using plant species that are known to support Threatened and At-Risk invertebrates where this is feasible.

Aquatic Ecology – Stream extent

167. Effects on stream courses have been assessed in two categories:

(a) stream loss when sections of the stream are lost or reclaimed; and

(b) stream impact when the stream course is modified but retained in or near its existing location.

168. Although loss has been minimised through mine design, the total stream loss in Shepherds Creek will amount to 13,710 metres of water course (ephemeral, intermittent and perennial), of which 8,536 metres is perennial water course.[161] An additional 2,090 metres of perennial stream will be realigned to accommodate the processing plant and servicing corridor. Overall, it is anticipated that direct impacts will occur to 10,626 metres of perennial stream.[162] This is unavoidable due to the functional need of the BOGP to locate where the gold resource is located.[163]

169. In relation to Shepherds Creek, to minimise effects, diversions will be created to capture water from ephemeral watercourses to be transferred back into the creek.

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[158] Ecological Management Plan Framework, Habitat Impact Management Plan, Avifauna Management Plan, Lizard Management Plan, Terrestrial Invertebrate Management Plan, Landscape and Ecological Rehabilitation Management Plan, Ardgour Restoration Area Management Plan, Matakanui Sanctuary Management Plan, Mammalian Pest Management Plan, Biosecurity and Plant Pest Management Plan, Biodiversity Outcome Monitoring Plan and Freshwater Ecological Management Plan.
[159] Alliance Ecology Consulting - Assessment of Ecological Effects (Alliance 2025).
[160] Alliance Ecology Consulting - Assessment of Ecological Effects (Alliance 2025).
[161] Water Ways Consulting - Assessment of Effects on Aquatic Habitat (Waterways 2025) at [7].
[162] Above at [7].
[163] Boffa Miskell - Assessment of Freshwater Ecological Effects (Boffa Miskell 2025a),

As much as possible of the extent of Shepherds Creek will be diverted to form a functioning watercourse to remedy the effects of stream loss.[164] Around 7,643m of functional stream will be created though this diversion which will occur in the first year of proposed activities meaning it will be in place before or as the creek is reclaimed.[165] A further 1,196m length of Shepherds Creek will be enhanced to improve aquatic ecological values.[166] This amounts to a total enhancement of 8,839m of stream length.[167]

170. For Rise and Shine Creek, approximately 1,600m of stream length will be created within the catchment.[168]

171. There will be a time lag between the loss and creation of some watercourses, as well as a time lag between the commencement and enhancement of ecological values within the watercourses.[169] Accordingly, additional enhancement of approximately 6,700 metres of Bendigo and Clearwater Creeks is proposed as compensation.[170] Proposed enhancement includes the management of crack willow trees and enhancement of the riparian margins of the creeks which will provide substantial benefit to the aquatic ecological values of these watercourses.[171]

172. The Freshwater Ecology Assessment of Effects ultimately concludes that the overall effects management for the BOGP addresses direct and indirect effects of the BOGP through intensive rehabilitation of stream diversions and additional stream enhancement. The outcome of rehabilitation will maintain the connectivity up and downstream in the catchment. Overall, the BOGP will deliver a no net loss and enhanced benefit for aquatic ecological values.[172]

Aquatic Ecology – Fish

173. No fish life has been detected in the DDF, and very limited fish life has been detected in the wider SL.[173] The aquatic ecology experts have identified that lack of fish presence in the DDF is likely due to the presence of several barriers to fish passage upstream and downstream in both Shepherds and Bendigo Creek. Given this no additional measures are proposed in relation to fish species as no adverse effects are anticipated.

[164] Boffa Miskell - Assessment of Freshwater Ecological Effects (Boffa Miskell 2025a),
[165] Boffa Miskell - Assessment of Freshwater Ecological Effects (Boffa Miskell 2025a),
[166] Boffa Miskell - Assessment of Freshwater Ecological Effects (Boffa Miskell 2025a),
[167] Boffa Miskell - Assessment of Freshwater Ecological Effects (Boffa Miskell 2025a),
[168] Boffa Miskell - Assessment of Freshwater Ecological Effects (Boffa Miskell 2025a),
[169] Boffa Miskell - Assessment of Freshwater Ecological Effects (Boffa Miskell 2025a),
[170] Boffa Miskell - Assessment of Freshwater Ecological Effects (Boffa Miskell 2025a),
[171] Boffa Miskell - Assessment of Freshwater Ecological Effects (Boffa Miskell 2025a),
[172] Boffa Miskell - Assessment of Freshwater Ecological Effects (Boffa Miskell 2025a)
[173] Alliance Ecology Consulting - Assessment of Ecological Effects (Alliance 2025) at [4.2].

Aquatic Ecology – Wetlands

174. The DDF contains 3.12 hectares of wetlands.[174] The groups of wetlands have been assessed as having high ecological value.[175] However, wetlands within the DDF are in significantly poorer condition with a greater introduced species cover and higher levels of animal disturbance compared to wetlands assessed in the surrounding landscape surveyed for wetlands.[176]

175. A potential dewatering drawdown zone of approximately 142 hectares containing an additional 2.37 hectares of wetlands has also been considered due to potential to dewater as a result of indirect influence from the DDF

176. The construction and operation of the BOGP will have the following adverse effects on wetlands:[177]

    (a) loss of wetland habitats and wetland habitat degradation;

    (b) reduced wetland condition resulting from altered surface and groundwater flows, vegetation removal and potential declines in water quality and flow regimes affecting seepages and wetlands;

    (c) indirect habitat loss through changes to local hydrology including dewatering of surface water fed and ground water fed wetlands due to mine pit drainage, water abstraction, road drainage, or diversion of ephemeral stream flows; and

    (d) water quality effects through sedimentation or contamination.

177. Dr Baber proposes the following measures to avoid or minimise adverse effects on wetland values that will be delivered through a suite of ecological management plans[178] required by the conditions of consent:[179]

    (a) avoidance of wetland loss where feasible, through an iterative process infrastructure plans have been significantly altered to avoid loss of most the 2.59 hectare swamp/marsh wetland in the Rise and Shine Creek Valley floor; and

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[174] RMA Ecology - Wetland Values Assessment (RMA Ecology 2025a) at page 6.
[175] Alliance Ecology Consulting - Assessment of Ecological Effects (Alliance 2025).
[176] RMA Ecology - Wetland Values Assessment (RMA Ecology 2025a) at [3.6].
[177] Alliance Ecology Consulting - Assessment of Ecological Effects (Alliance 2025).
[178] Ecological Management Plan Framework, Habitat Impact Management Plan, Avifauna Management Plan, Lizard Management Plan, Terrestrial Invertebrate Management Plan, Landscape and Ecological Rehabilitation Management Plan, Ardgour Restoration Area Management Plan, Matakanui Sanctuary Management Plan, Mammalian Pest Management Plan, Biosecurity and Plant Pest Management Plan, Biodiversity Outcome Monitoring Plan and Freshwater Ecological Management Plan.
[179] Alliance Ecology Consulting - Assessment of Ecological Effects (Alliance 2025.

(b) minimising potential drawdown effects on surface water fed swamp/marsh wetlands in the Rise and Shine Valley floor by augmenting flows to these wetlands.

Residual Effects - Offsetting and Compensation

178. Following the avoidance, minimisation/mitigation and remediation measures discussed above, some residual effects remain. As a result, a comprehensive offsetting and compensation package has been recommended by the ecological experts to respond to these impacts.

National Policy Statements for Indigenous Biodiversity and Freshwater Management

179. The offsetting and compensation proposal has been guided by the suite of offsetting and compensation principles in the NPS-IB and the NPS-FM.[180] The relevance of these principles to decision making under the FTA is addressed below.

180. Extensive effort has been made to ensure that the offsetting and compensation proposal aligns with the principles and limits in the NPS-IB and NPS-FM. However, the offsetting and compensation package is unlikely to meet the limits and leakage principles (as contained in the NPS-IB and NPS-FM) for a small number of species and habitat types. The BOGP will result in residual effects for cushionfield habitat, one threatened plant species (spring annual *Myosotis brevis*) and one terrestrial invertebrate species (ground beetle *Harpalus sp*), the loss of which cannot be demonstrably offset or compensated.[181] This is due to their irreplaceability or vulnerability, the magnitude of impact or inherent uncertainty on achievable biodiversity outcomes.[182] The implementation of the ARP is intended to reduce uncertainty and provide updated research indicators.

181. While consistency with limits is not achievable for a very small number of species and habitat, this is not material to the application when applying the statutory tests in the FTA. In particular:

(a) Consideration of the NPS-IB and NPS-FM are relevant to the Panel's decision making under the FTA, but an inability to meet bottom lines in these policies (which might be fatal under the RMA) does not preclude approval under the FTA.[183]

[180] Alliance Ecology Consulting - Assessment of Ecological Effects (Alliance 2025).
[181] Alliance Ecology Consulting - Assessment of Ecological Effects (Alliance 2025).
[182] Alliance Ecology Consulting - Assessment of Ecological Effects (Alliance 2025).
[183] Fast Track Approvals Act 2024, Schedule 5 Clause 17(4).

(b) Under the application of the FTA's weighting within decision making, the Panel has the ability to determine that the benefits of facilitating delivery of the BOGP outweigh the limited areas of inconsistency with RMA policies.

182. The Ecological Experts conclude that the proposed offsetting and compensation measures will provide broad, long-lasting benefits that balance most ecological impacts. The proposed measures are discussed below.

Offsetting and Compensation Package

183. The declining state of indigenous biodiversity in the ESA and wider landscape provides a unique opportunity to restore the landscape at scale in the long term and deliver additional benefits beyond directly addressing the residual effects of the BOGP.[184] The Ecological Experts consider that without intervention, native species will continue to decline, and several species are likely to become locally extinct over time.[185]

184. The Ecological Experts propose a substantial offsetting and compensation package of ecological restoration and habitat enhancement programmes covering 2,219 hectares of habitat in the landscape surrounding the DDF. MGL is committed to implementing the package which will deliver:

(a) *889 hectare MRZ surrounding the DDF:* The Ecological Experts propose a range of actions in the MRZ to support native ecosystems. These actions include planting native species, managing livestock, controlling mammalian pests and invasive plant pest control. The MRZ will provide a seed source for plants to naturally regenerate in adjacent DDF. Management actions will be undertaken in the MRZ for 35 years. The DFF will be covenanted in perpetuity.

(b) *1,263 hectare Ardgour Restoration Area:* Similar actions are proposed by the Ecological Experts in areas currently used for grazing at Ardgour Station. Native planting, pest and plant pest control and livestock management actions are proposed. Rabbits will remain in areas where grazing is beneficial for cushionfield vegetation. Management actions will be undertaken within the Ardgour Restoration Area for 35 years, with the Ardgour Restoration Area also to be covenanted in perpetuity.

(c) *Pest exclusion fenced areas:* Two fenced sanctuaries will be created to protect sensitive habitats and support threatened species:

[184] Alliance Ecology Consulting - Assessment of Ecological Effects (Alliance 2025).
[185] Alliance Ecology Consulting - Assessment of Ecological Effects (Alliance 2025).

(i) 38 hectare Ardgour Sanctuary; and

(ii) 29 hectare Bendigo Sanctuary.

Predator proof sanctuaries provide the best conditions for threatened species to recover by removing threats, providing secure spaces for species to recover and provide optimised habitat and food resources. The conditions for threatened species in the sanctuaries are a permanent, secure habitat that can support populations indefinitely and deliver long lasting conservation benefits.[186] These benefits will be secured by the sanctuaries being covenanted in perpetuity.

185. The Ecological Experts propose the following actions are undertaken in the sanctuaries:[187]

(a) Construction of predator exclusion fences to eradicate mammalian pests, predators, and browsers. Rabbits will remain in areas where grazing is beneficial for cushionfield vegetation.

(b) Invasive plant pest control.

(c) Reuse of salvaged rock from the Project Site to create natural habitat.

(d) Native planting and regeneration.

(e) Translocation of locally extinct Threatened or At Risk species.

186. The delivery of these actions is secured by the Landscape and Ecology Rehabilitation Management Plan (**LERMP**) required by the conditions of consent. Restoration efforts prioritise the reinstatement of species that are rare, under-represented, or locally extirpated, as well as resilient native species capable of persisting under harsh and variable conditions.

187. The benefits and outcomes of the offsetting and compensation will be actively maintained for 35 years (plant pest and pest control) and protected in perpetuity through covenanting in accordance with the CODC conditions of consent.

188. Overall, and relative to the current pre-BOGP mining conditions, the offsetting and compensation package is expected to provide broad, long-lasting benefits that balance or exceed most ecological impacts.[188] The delivery of ecological enhancement measures, outcome monitoring and adaptive management

[186] Matakanui Sanctuary Management Plan.
[187] Alliance Ecology Consulting - Assessment of Ecological Effects (Alliance 2025).
[188] Alliance Ecology Consulting - Assessment of Ecological Effects (Alliance 2025).

requirements are secured by the conditions of consent and the comprehensive suite of ecological management plans.

Biodiversity and Heritage Enhancement Fund

189. In addition to the robust offsetting and compensation package that will be delivered by MGL to address residual effects, MGL will make an annual payment of $500,000 + GST to DOC's Alexandra office which is an additional positive effect of the BOGP. This payment will be made in every year in which gold is produced for a maximum of ten years from the third anniversary of the commencement of the consents or six months after commercial production is declared, whichever occurs later.

190. The purpose of the annual payment is to enable DOC to support the protection of threatened or at-risk species or ecosystems within the Dunstan Ecological District and to enhance heritage values within Central Otago. DOC retains the discretion to set priorities for how the annual payments are spent. This is required by the conditions of consent in Schedule 1. While those conditions cannot bind or direct the actions of DOC as a third party,[189] it is anticipated that DOC will confirm on an annual basis as to what the money has been spent on and the ecological benefits that have been achieved or are anticipated as a result of those works.

Overall Summary on Ecological Effects

191. The residual adverse effects on vegetation values following the implementation of avoidance, minimisation and remediation measures range from no residual effects to very high residual effects for some species.[190] Those residual effects will be appropriately addressed by proposed offsetting and compensation measures.

192. To ensure effects in relation to cushionfields can be addressed, mining of the CIT will be delayed except for an initial 2.7 hectares which is required to be disturbed in order to enable initial works.

193. Comprehensive measures will avoid, minimise, mitigate and remediate effects on terrestrial birds, lizards and invertebrates.[191]

194. Effects on stream extent will be remedied, and with additional compensation, the BOGP will deliver a no net loss while effects on wetland values will be avoided or minimised.

[189] *Dart River Safaris Limited v Kemp* [2000] NZRMA 440 at [18]-[27].
[190] Alliance Ecology Consulting - Assessment of Ecological Effects (Alliance 2025).
[191] Alliance Ecology Consulting - Assessment of Ecological Effects (Alliance 2025).

195. To address residual effects, MGL's experts have proposed a comprehensive offsetting and compensation package which is expected to provide broad, long-lasting benefits that balance or exceed most ecological impacts.[192] In addition to this, MGL also offers an ecological fund to assist DOC in supporting threatened or at risk species or ecosystems within the Dunstan Ecological District.

196. As a result of the extensive offset and compensation measures proposed by MGL the overall adverse impacts of the BOGP are limited and are not sufficiently significant to be out of proportion to the regional and national benefits that will be provided.[193] Furthermore, the BOGP will result in better overall outcomes compared to the existing ecological declining situation playing out over time.

Traffic - access

197. The Project Site will be accessed from the north, via SH8, Ardgour Road and Thomson Gorge Road.[194] These local roads currently experience movements ranging from fewer than 100-300 vehicle movements per day (**vpd**).[195] The Project is expected to generate approximately 400 vpd during construction, dropping to 250 vpd during operations.[196]

198. To support the increased traffic volumes and large vehicles required, Mr Rossiter of Stantec New Zealand proposes improvements to the road network connecting to SH8. These include safety improvements at the SH8/Ardgour Road intersection and widening of a section of Thomson Gorge Road. These measures are required as conditions of consent and are agreed with the New Zealand Transport Agency and CODC as landowner and regulator.[197] The application includes an approval for a concession in relation to the part of the SH8/Ardgour Road intersection which sits on DOC land due to historical alignment. Once the safety improvement works have been completed, the upgraded asset will be owned, operated and maintained by the New Zealand Transport Agency as part of the State Highway network. A Project Traffic Management Plan is required to be prepared by condition to manage traffic effects throughout all stages of the BOGP.

199. The improvements to the existing network together with the implementation of the Project Traffic Management Plan will manage transport effects to result in an acceptable transport outcome.[198]

[192] Alliance Ecology Consulting - Assessment of Ecological Effects (Alliance 2025) .
[193] Fast Track Approvals Act 2024 at Section 85.
[194] Stantec - Integrated Transport Assessment (Stantec 2025) at [1.2].
[195] Above at [3].
[196] Above at [5].
[197] Above at [4.2] and [6.5].
[198] Above at iv and [7], Access Road Construction Traffic Management Plan.

Access and Public Recreation

200. To enable the BOGP, part of the existing Thomson Gorge Road, a four wheel drive access track not suitable for general vehicles,[199] needs to be closed as it currently intersects with the project footprint.[200] An alternative road route will be formed to a standard suitable for 4WD public access via Ardgour Station by realigning the western portion of Thomson Gorge Road between Ardgour Terrace and Thomsons Saddle.[201] The realigned Thomson Gorge Road referred to as *"Ardgour Rise"* will run parallel to or along the Ardgour Station ridgeline to an easement through the Ardgour Conservation Reserve, before travelling in a southward direction along the boundary of the reserve to re-join with Thomson Gorge Road at Thomsons Saddle.[202] Ardgour Rise will be accessible before the closure of Thomson Gorge Road and public access to the Dunstan Mountains will therefore be maintained at all times throughout the BOGP.[203] Ardgour Rise will be vested with CODC upon completion.[204] On closure, public access will be provided through the Ardgour Rise Realignment.

201. In addition, the following measures are proposed to mitigate potential effects on recreation values:[205]

    (a) provision of a viewing area of the new mine activity from Ardgour Rise;[206]

    (b) maintenance of existing recreation access to the Ardgour and Bendigo Conservation Areas;[207]

    (c) provision of alternative walking access to the CIT Battery via the Bendigo Historic Reserve;[208]

    (d) consideration of cycle traffic on Ardgour Road in the Construction Traffic Management Plan;[209] and

    (e) management of light, noise, and blasting.[210]

202. The Mine Closure Plan will reinstate the recreation opportunities which are currently provided for, with provision of a cycle, walking, and equestrian track as

[199] Stantec - Integrated Transport Assessment (Stantec 2025) at 19.
[200] Above at [1.1].
[201] Above at [4.2], [4.5] and [6.7].
[202] Above at [4.5].
[203] Above at iv.
[204] Above at [4.5].
[205] Rob Greenaway & Associates - Recreation Assessment (Greenaway 2025) at [6].
[206] Above at [6.5].
[207] Above at [6.2].
[208] Above at [6.3].
[209]Above at [6.3].
[210] Above at [6.6], Noise and Vibration Management Plan.

near as possible to the current Thomson Gorge Road alignment, linking Thomson Saddle with Ardgour Road, including providing a link to the CIT Battery.[211] Ardgour Rise will be retained for vehicle access.[212] Vehicle access to a carpark at the CIT Battery and in the upper Rise and Shine catchment will provide access to the public track through the valley.[213]

203. The measures proposed by Mr Rossiter and Mr Greenaway ensure that the BOGP avoids significant effects on recreation opportunities and values[214] and through the separation of motorised and non-motorised activities in approximately 3.8 kilometres of the Rise and Shine catchment will enhance recreation values compared to the current values.[215]

Heritage

204. Part of the Project Site sits within the listed Bendigo Quartz Reef Historic Area (**Historic Area**)[216] and a portion of the Project Site is included within the Bendigo Conservation Covenant Area. The Project will continue a long history of gold mining on the Project Site.[217]

205. The Rise and Shine historic mining area is the only part of the Historic Area that falls within the Project Site.[218] As summarised above, the Conservation Covenant also requires the land to be managed in accordance with conservation objectives that include protecting the historical values of the land.[219]

206. The heritage effects of the BOGP will have an overall major impact on heritage values within the Project Site and a moderate impact on the values of the Historic Area.[220]

207. The wider context of this impact is important. The Heritage Assessment notes heritage sites which provide a similar contribution to the heritage of the area are retained elsewhere within the Bendigo area. In particular, the areas of highest heritage values within the Historic Area and the Bendigo Conservation Covenant Area fall outside the Project Site and will not be impacted by BOGP.[221]

[211] Above at [6.7].
[212] Above at [6.7].
[213] Above at [6.7].
[214] Above at [1].
[215] Above at [6.7].
[216] List Number 9097, Historic Area.
[217] New Zealand Heritage Properties Limited - Heritage Assessment (NZHP 2025a) at [5.3].
[218] Above at [6.6.1].
[219] Above at [6.2]
[220] Above at [11].
[221] Above at [10.2].

208. Archaeological authorities are sought for the modification of the historic heritage sites. The Heritage Assessment recommends that archaeological authorities be granted subject to the conditions identified in the Heritage Assessment, including the requirement for all works to be carried out in accordance with an Archaeological Management Plan.[222]

209. The Heritage Assessment demonstrates that the effects of the BOGP on heritage values:

(a) are acceptable when the preservation of the broader heritage context is considered; and

(b) can be adequately managed by the mitigation measures recommended in the Heritage Assessment and adopted by MGL.

210. Despite this conclusion of the Heritage Assessment MGL has volunteered to make an annual payment of $500,000 + GST to DOC on an Augier basis to enable DOC to enhance heritage values outside of the BOGP Consent Area within Central Otago. This payment will be made in every year in which gold is produced for a maximum of ten years from the third anniversary of the commencement of the consents or six months after commercial production is declared, whichever occurs later.

211. This annual payment is designed to enable DOC to support the protection of threatened or at-risk species or ecosystems within the Dunstan Ecological District and to enhance heritage values within Central Otago and it is it at DOC's discretion as to how the payment is prioritised and allocated. While this condition cannot bind or direct the actions of DOC as a third party,[223] it is anticipated that DOC will confirm on an annual basis as to what the money has been spent on and the heritage benefits that have been achieved or are anticipated as a result of those works.

Lighting

212. Proposed lighting measures are anticipated to comply with the relevant District Plan requirements.[224] Conditions are proposed to ensure compliance with these limits and MGL will undertake further calculations and modelling to demonstrate compliance.[225]

[222] Above at [11].
[223] *Dart River Safaris Limited v Kemp* [2000] NZRMA 440 at [18]-[27].
[224] Cosgroves Limited - Exterior Lighting Report (Cosgroves 2025) at [3] and [8].
[225] Above at [8]-[10].

213. This approach is consistent with Sections 108(3) and 108(4) of the RMA which provide for conditions requiring the consent holder to carry out further information gathering.[226] These conditions are enforceable and valid as they contain clear environmental outcomes and standards to be met.[227]

Landscape and Visual Amenity

214. The BOGP is located within a relatively remote area between two valleys which form part of an ONL which covers a large area including the Dunstan Mountains. The location of the proposed open pits and consequent modified landforms have been developed in response to the underlying landscape context and its identified values which reduces the potential for any broader scale significant adverse landscape or natural character effects.[228] However, the BOGP will result in some adverse landscape and visual amenity effects, particularly during operation.[229]

215. The LERMP provides rehabilitation and mitigation measures to address these effects as follows:

(a) locating the process plant within the Shepherds Valley floor to minimise effects;

(b) progressive capping and rehabilitation of the Shepherds ELF;

(c) progressive rehabilitation of MRZs by enrichment and thickening of grey scrubland and tussock areas to connect Ardgour Conservation Area;

(d) the enhancement of riparian margins of proposed diversion channels;

(e) the establishment of a rough surface on proposed topsoil stockpiles through the Project Site during mining operations with vegetation and rock cover; and

(f) maintaining the visibility and integrity of Battery Hill which is the high point within the Shepherds Valley area.

216. The LERMP also provides for post-mining actions including the rehabilitation measures addressed at paragraph 136.

217. Overall, the Proposal will protect the landscape values that qualify the landscape as an ONL.

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[226] Relevant under Fast Track Approvals Act 2024, Schedule 5, Clause 17.
[227] *Royal Forest and Bird Protection Society Inc v Gisborne District Council* NC Wellington W026/09, 7 April 2009, [2013] NZRMA 336 at [88]-[90].
[228] Boffa Miskell - Landscape, Natural Character and Visual Effects Assessment (Boffa Miskell 2025) at i.
[229] Above at i.

Mine Closure

218. Mine Closure Management has developed a comprehensive Mine Closure Plan which will ensure that the Project Site can return to an appropriate land use in addition to the proposed ecological conservation purposes in the LERMP.[230]

219. The Mine Closure Plan provides closure strategies which will be implemented to manage risks associated with closure of the BOGP and achieve the following closure outcomes:[231]

(a) safety hazards have been appropriately managed, and effective controls are in place;

(b) key heritage values have been protected during closure implementation;

(c) all infrastructure not required to support post mining land use(s) has been removed and appropriately disposed;

(d) contamination caused by the operation is appropriately remediated or managed;

(e) the final landform is geotechnically stable;

(f) disturbed areas have been appropriately revegetated in accordance with the consent conditions;

(g) water quality and hydrological function meet agreed parameters, and the final landform integrates appropriate surface water management controls;

(h) pit lakes have developed in line with modelled parameters, as demonstrated through model calibration;

(i) a strategy has been implemented that manages impacts of closure on the workforce; and

(j) closure implementation is to the satisfaction of key stakeholders, enabling relinquishment of tenure and associated obligations held by MGL.

220. Closure outcomes will continue to be refined during the life of the mine as relevant based on new information, changes to stakeholder expectations, evolving industry standards and changes in risk profiles, while still ensuring that outcomes meet the bottom line requirements of the conditions of consent.[232]

[230] Mine Closure Management – Mine Closure Plan (MCM 2025).
[231] Above at pages v-vi.
[232] Above at page v.

221. MGL has also accepted bond estimates calculated by Lane and Associates.[233]

222. The Mine Closure Plan, consent conditions and the bond will ensure that rehabilitation and closure of the Project Site will occur under all circumstances, and that the costs associated with both the rehabilitation of the land and its long-term management will be met.

CONCLUSION

223. The BOGP is a nationally significant project that meets the purpose of the FTA by delivering significant regional and national benefits.

224. Comprehensive technical assessment and consideration has ensured that the DDF is minimised and appropriately located within the constraints presented by the functional need to locate at the site of the mineral resource. Comprehensive avoidance, remediation, mitigation, offsetting and compensation measures are proposed which are supported by technical evidence and secured by conditions. These ensure that potential adverse effects are appropriately managed.

225. In assessing appropriate methods to manage potential effects, MGL has accepted recommendations from leading ecological experts and has committed to delivering a comprehensive offsetting and compensation package covering 2,219 hectares. The package will deliver:

    (a) Native enrichment planting, livestock management, mammalian pest control and plant pest control in the 889 hectare MRZ.

    (b) Native enrichment planting, mammalian pest control,[234] livestock management and plant pest control in the 1,263 hectare Ardgour Restoration Area.

    (c) 67 hectares of pest exclusion areas in the Ardgour and Bendigo Sanctuaries where mammalian pests,[235] predators and browsers will be eradicated. Plant pest control, translocation of locally extinct Threatened or At Risk species, habitat creation, native regeneration and enrichment planting will also be undertaken.

226. These areas will be covenanted in perpetuity, ensuring long term protection of the actions and securing a larger area of permanently protected land than the area sought be removed from the Conservation Covenant.

[233] Lane Associates Limited – Bond Introduction (Lane Associates 2025).
[234] With the exception of rabbits in areas where ongoing browsing is beneficial to cushionfield vegetation.
[235] With the exception of rabbits in areas where ongoing browsing is beneficial to cushionfield vegetation.

227. MGL will also make an annual payment of $500,000 (+ GST) to DOC to enable DOC to support the protection of threatened or at-risk species or ecosystems within the Dunstan Ecological District and to enhance heritage values within Central Otago. The annual payments are intended to address residual effects which may remain after implementation of the offsetting and compensation package and provide an additional positive effect of the BOGP.

228. MGL has accepted recommendations from leading mine impacted water geochemists to implement a water management, treatment and monitoring regime, that will continue post-closure of the BOGP, that will ensure effects on water quality are appropriately managed. This includes several engineering controls designed to minimise effects such as the design and construction of three ELFs and CIT Backfill to minimise contaminant loads from waste rock and specified surface water and groundwater monitoring locations.

229. The comprehensive avoidance, remediation, mitigation, offsetting and compensation measures proposed and supported by technical evidence can provide confidence to the Panel that the adverse effects do not outweigh the national and regional benefits unlocked by the BOGP.

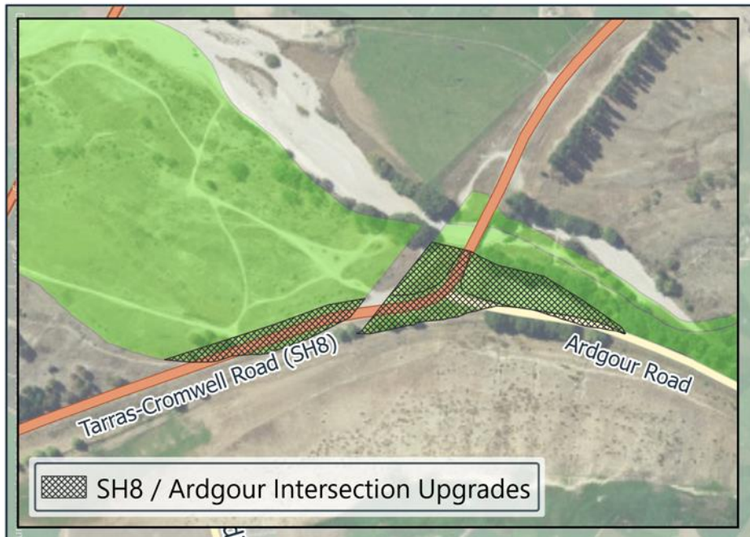
230. The BOGP squarely meets the purpose of the FTA and the legal tests for acceptance and approval. Accordingly, we respectfully request that the Panel grants the approvals sought, subject to the conditions proposed by the technical experts.

231. A statement from all technical experts who have authored reports for the BOGP is provided in **Appendix 5** confirming compliance with the Environment Court Practice Note 2023 (Code of Conduct for Expert Witnesses).

Dated this 31st day of October 2025

Joshua Leckie / Sarah Anderton / Mia Turner
Counsel for Matakanui Gold Limited

Appendix 1



N

Site Access Road

Emulsion Facility

Ardgour Rise Alignment

Borefield

Bendigo Loop Rd

Ardgour Terrace Site

Magazine

Matilda Rise

Haul Roads

Silt Pond

CIT Pit

ELF Sump

Western ELF

RAS Pit

Shepherds ELF

TSF

SRX Pit

SRE Pit

SRX ELF

Blue Mines Rd

0 0.5 1 2 km

- Aggregate Pits
- Ardgour Terrace Site
- Haul Roads
- Mining Pits
- Process Plant Mine Infrastructure
- Shepherds Service Corridor
- Topsoil Stockpiles

Sanctuary Areas
- Ardgour Sanctuary
- Bendigo Sanctuary

TSF and ELF Water Management
- Clean Water Diversion Channel
- Dirty Water Diversion Channel
- Seepage Collection Pipe

Other Infrastructure
- Communications Towers

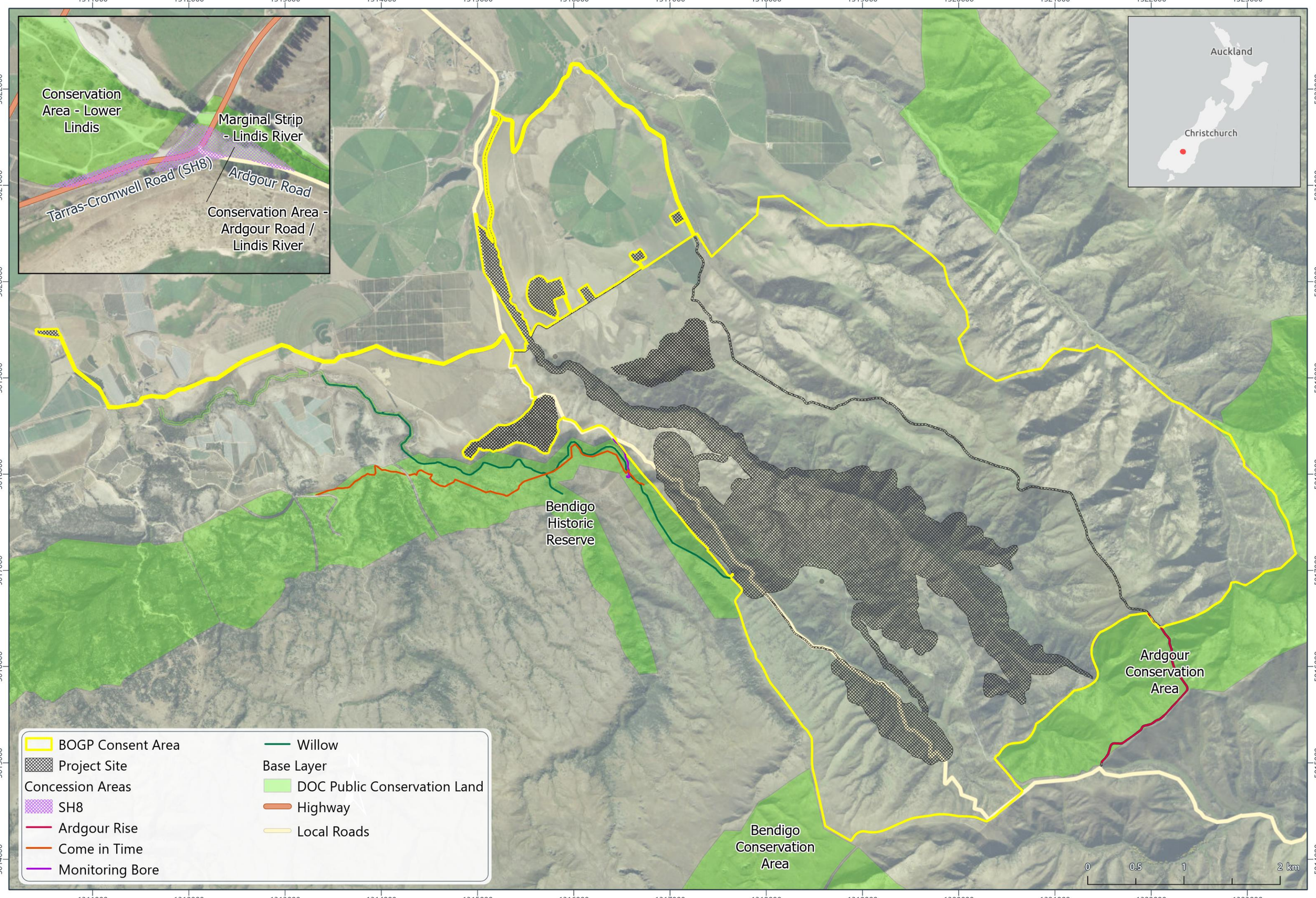
Base Layer
- DOC Public Conservation Land
- Highway
- Local Roads

NZGD 2000 New Zealand Transverse Mercator | SCALE: 1:30,000 @ A3

BENDIGO OPHIR GOLD PROJECT

JOB ID: 24234 | CLIENT: Matakanui Gold Limited | 11/09/2025 | VERSION: 12

Appendix 2



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BOGP CONSENT AREA

JOB ID: 24234 | CLIENT: Matakanui Gold Limited | 24/09/2025 | VERSION: 6

Appendix 3

Impact	Avoid, Remedy, Mitigate	Offset, Compensate or Positive Effect	Conditions	Technical Assessment Reference
Water quantity.	Augmentation of creek flows at Shepherds Creek and Rise and Shine Creek using MGL's water supply borefield and pipeline to meet base flow rates specified in HGG (2025b) to ensure that the pre-mining influenced mean monthly surface flow rates are maintained.	-	Otago Regional Council Consent Conditions.	Hydro Geochem Group - BOGP Flow Augmentation Strategy (HGG, 2025)
Water quality.	• Water quality compliance limits. • Water management system design. • ELF design to reduce potential for NMD to occur. • Separation and collection of clean and mine impacted waters to ensure each is appropriately treated. • Construction and management of water treatment plant. • Construction and management of TSF. • Implementation of passive treatment system when ELF seepage meets criteria. • Preparation of and adherence to the Water Management Plan. • Performance modelling to support adaptive management principles. • Erosion and sediment control measures.	-	Schedule Two General Conditions applying to all Otago Regional Council consents.	Mine Waste Management Limited - Mine Impacted Water Overview Report (MWM 2025) Mine Waste Management Limited – Baseline Water Quality Report (MWM 2025 Appendix D) Mine Waste Management Limited – Factual Report – Geoenvironmental Hazards (MWM 2025 Appendix F) Mine Waste Management Limited – Engineered Landform Design Philosophy (MWM 2025 Appendix J) Mine Waste Management Limited – Synthetic Precipitation Leaching Procedure (SPLP) and Scanning Electron Microscope (SEM) with Energy Dispersive X-ray Spectroscopy (EDS) Analysis for Sulfate (MWM 2025 Appendix G) Mine Waste Management Limited – Factual Report:

Impact	Avoid, Remedy, Mitigate	Offset, Compensate or Positive Effect	Conditions	Technical Assessment Reference
				Column Leach Test (MWM 2025 Appendix H) Mine Waste Management Limited – Water and Load Balance Model Report (MWM 2025 Appendix N) Mine Waste Management Limited – Net Percolation Assessment for the Proposed Bendigo-Ophir Gold Project Mine Waste Storage Facilities (MWM 2025 Appendix K) Mine Waste Management Limited – Engineered Landform Water Quality Forecast Model Report (MWM 2025 Appendix L) Mine Waste Management Limited – Water Treatment Study (MWM 2025 Appendix M) Mine Waste Management Limited – Source Term Definition Report (MWM 2025 Appendix I) Process Flow Limited - Post Closure Active Water Treatment Plant Order of Magnitude Study (Process Flow, 2025) Water Ways Consulting – Assessment of Effects on Aquatic Habitat (Water Ways Consulting, 2025)

Impact	Avoid, Remedy, Mitigate	Offset, Compensate or Positive Effect	Conditions	Technical Assessment Reference
				Engineering Geology Limited - Site-Specific Seismic Hazard Study Report (EGL 2025a) Engineering Geology Limited - Shepherds Tailings Storage Facility Technical Report (EGL 2025b) Engineering Geology Limited - Site Geotechnical Factual Report (EGL 2025c) Engineering Geology Limited - Shepherds Silt Pond Technical Report (EGL 2025d) Engineering Geology Limited - Rise and Shine Pit – Creek Diversion Technical Report (EGL 2025e) Engineering Geology Limited - Process Plant and Infrastructure Geotechnical Report (EGL 2025f) Engineering Geology Limited - Erosion and Sediment Control Report (EGL 2025g) Engineering Geology Limited - Shepherds, Western and Srex Engineered Landforms and Come In Time Pit Backfill Technical Report (EGL 2025h) Greg Ryder Consulting - Recommended Water Quality Compliance Limits for the Bendigo Ophir Gold Project (Ryder 2025).

Impact	Avoid, Remedy, Mitigate	Offset, Compensate or Positive Effect	Conditions	Technical Assessment Reference
				Water Management Plan Erosion and Sediment Control Management Plan Engineered Landform Management Plan Tailings Management Plan Pond and Reservoir Management Plan
Terrestrial Ecology – Vegetation.	• Refine DDF to avoid impacts on high value habitats. • Implement ARP. • Creation of lizard and invertebrate habitat. • Delay mining majority of CIT Pit until it is confirmed that sufficient numbers of cushionfield vegetation have been discovered in the wider Dunstan Ecological District such that either net gain outcomes can be demonstrably achieved, and/or the population of *the two spring annuals* within the CIT Pit footprint is equal to or less than 1% of the known population of these spring annuals in the wider Dunstan Ecological District. • Salvage of threatened plant species, non threatened	• Native enrichment planting, livestock management, mammalian pest control; and ecological weed control to be undertaken in 889 hectare MRZ. • Native enrichment planting, livestock management, mammalian pest control (with the exception of rabbits in areas where ongoing rabbit browsing is beneficial to cushionfield vegetation), and weed control to be undertaken in 1263 hectare Ardgour Restoration Area. • Construction of predator exclusion fences to eradicate pests in the 38 hectare Ardgour Sanctuary and 29 hectare Bendigo Sanctuary. Weed control, rock habitat, native regeneration and	Central Otago District Council Consent Conditions.	Alliance Ecology Consulting - Assessment of Ecological Effects (Alliance 2025) Ecological Management Plan Framework Habitat Impact Management Plan Biodiversity Outcome Monitoring Plan Ardgour Restoration Area Management Plan RMA Ecology - Vegetation Values Assessment (RMA Ecology 2025b) Habitat NZ - Mammalian Pest Survey (Habitat NZ 2025a) Habitat NZ - Terrestrial Invertebrate Survey (Habitat NZ 2025c)

Impact	Avoid, Remedy, Mitigate	Offset, Compensate or Positive Effect	Conditions	Technical Assessment Reference
	plant species and habitat features. • Constructing and managing stockpiles to promote regeneration of native plant species. • Re-establishing indigenous vegetation communities in DDF. • Establishing reproductively functional kōwhai clusters. • Ecological enhancement of MRZ to facilitate DDF rehabilitation.	enrichment planting and translocation of species will also be undertaken. • Covenanting of offsetting and compensation areas in perpetuity.		Biosecurity and Plant Pest Management Plan Landscape and Ecological Rehabilitation Management Plan Mammalian Pest Management Plan Matakanui Sanctuary Management Plan Terrestrial Invertebrate Management Plan
Terrestrial Ecology – Fauna.	• Refine Ardgour Rise Realignment to avoid an area where a nationally Threatened moth was recorded. • Measures to minimise risk of electrocution and collision with buildings, high fences, and power lines. • Surveying of indigenous bird nests prior to vegetation clearance during bird breeding season (September to March inclusive) and establishing buffers to minimise the loss of native bird nests, eggs, and chicks. • Ceasing vegetation clearance within set distances until chicks have fledged for eastern falcon, pipit, bird species with a	• Native enrichment planting, livestock management, mammalian pest control; and ecological weed control to be undertaken in 889 hectare MRZ. • Native enrichment planting, livestock management, mammalian pest control (with the exception of rabbits in areas where ongoing rabbit browsing is beneficial to cushionfield vegetation), and weed control to be undertaken in 1263 hectare Ardgour Restoration Area. • Construction of predator exclusion fences to eradicate pests in the 38 hectare Ardgour Sanctuary and 29 hectare Bendigo	Central Otago District Council Consent Conditions.	Alliance Ecology Consulting - Assessment of Ecological Effects (Alliance 2025) Habitat NZ - Mammalian Pest Survey (Habitat NZ 2025a) Habitat NZ - Native Bat Survey (Habitat NZ 2025b) Habitat NZ - Terrestrial Invertebrate Survey (Habitat NZ 2025c) RMA Ecology - Avifauna Values Assessment (RMA Ecology 2025c) RMA Ecology - Lizard Values Assessment (RMA Ecology 2025d) Water Ways Consulting - Assessment of Effects on Aquatic Habitat (Waterways 2025)

Impact	Avoid, Remedy, Mitigate	Offset, Compensate or Positive Effect	Conditions	Technical Assessment Reference
	Threatened or At Risk rating, and all indigenous birds with a non-threatened classification. • Lighting management protocols to minimise effects on wildlife that are specific to operational areas. • Salvage of identified species of lizards and invertebrates to appropriate relocation sites that have been enhanced in rehabilitation, offsetting, and compensation areas. • Creation of high value habitat in the DDF for lizards and invertebrates.	Sanctuary. Weed control, rock habitat, native regeneration and enrichment planting and translocation of species will also be undertaken. • Covenanting of offsetting and compensation areas in perpetuity.		Ecological Management Plan Framework Habitat Impact Management Plan Avifauna Management Plan Lizard Management Plan Terrestrial Invertebrate Management Plan Landscape and Ecological Rehabilitation Management Plan Ardgour Restoration Area Management Plan Matakanui Sanctuary Management Plan Mammalian Pest Management Plan Biosecurity and Plant Pest Management Plan Biodiversity Outcome Monitoring Plan Freshwater Ecological Management Plan
Terrestrial Ecology – Cushionfields.	Delay mining of the CIT Pit and implement the ARP which requires:	• MGL will make an annual payment of $500,000 + GST to DOC's Alexandra office. This payment will be	Central Otago District Council Consent Conditions.	Alliance Ecology Consulting - Assessment of Ecological Effects (Alliance 2025)

Impact	Avoid, Remedy, Mitigate	Offset, Compensate or Positive Effect	Conditions	Technical Assessment Reference
	• Delay mining the majority of CIT Pit until it is confirmed that sufficient numbers of cushionfield vegetation have been discovered in the wider Dunstan Ecological District such that either net gain outcomes can be demonstrably achieved, and/or the population of *the two spring annuals* within the CIT Pit footprint is equal to or less than 1% of the known population of these spring annuals in the wider Dunstan Ecological District. This can be demonstrated by either one, or a combination of the following methods: (a) The propagation and/or species recovery in the surrounding offsetting and compensation sites as informed by the ARP; and/or (b) The discovery of further spring annual populations within the wider Dunstan Ecological District. These discoveries can be evidenced by either	made in every year in which gold is produced for a maximum of ten years from the third anniversary of the commencement of the consents or six months after commercial production is declared, whichever occurs later. The purpose of the annual payment is to enable DOC to support the protection of threatened or at-risk species or ecosystems within the Dunstan Ecological District and to enhance heritage values within Central Otago.	Schedule One Common Conditions applying to all Otago Regional Council and Central Otago District Council consents.	Manaaki Whenua Landcare Research - Applied Research Plan for Conservation Management, Rehabilitation and Expansion of Cushionfield (Landcare 2025) RMA Ecology - Vegetation Values Assessment (RMA Ecology 2025b)

Impact	Avoid, Remedy, Mitigate	Offset, Compensate or Positive Effect	Conditions	Technical Assessment Reference
	identifying and documenting further spring annual populations, and/or surveying a representative sample of the Dunstan Ecological District and extrapolating the abundance of spring annual populations over the wider Dunstan Ecological District. • Map cushionfields across DDF. • Confirming success criteria for condition of cushionfield species. • Identify current pressures and best current management outcomes. • Identify areas where cushionfields could be most likely be enhanced. • Develop practice extensive and intensive interventions. • Develop methods for *raoulia* propagation and re-establishment; • protect and replant genetically diverse kōwhai tree land and shrubland areas. • Map, propagate, and establish taramea herbfield at mined areas.			

Impact	Avoid, Remedy, Mitigate	Offset, Compensate or Positive Effect	Conditions	Technical Assessment Reference
Aquatic Ecology – Streams.	• Minimise extent of stream loss through mine design. • Create diversions to capture water from ephemeral watercourses to transfer back into Shepherds Creek. • Divert Shepherds Creek to the extent practicable to form a functioning watercourse.	• Enhancement of 1,196 metres of Shepherds Creek to improve aquatic ecological values. • Create approximately 1,600 metres of Rise and Shine Creek. • Additional enhancement of approximately 6,700 metres of Bendigo and Clearwater Creeks through management of crack willow and enhancement of riparian margins.	Otago Regional Council Consent Conditions.	Boffa Miskell - Assessment of Freshwater Ecological Effects (Boffa Miskell 2025a) Water Ways Consulting – Assessment of Effects on Aquatic Habitat (Water Ways Consulting, 2025) Landscape and Ecological Rehabilitation Management Plan
Aquatic Ecology – Wetlands.	• Avoidance of wetland loss where feasible by significantly altering infrastructure plans through an iterative process to avoid loss of most of the 2.59 ha swamp/marsh wetland habitat in the Rise and Shine Creek valley floor. • Minimising potential drawdown effects on surface-water fed swamp/marsh wetlands in the Rise and Shine valley floor by augmenting flows to these wetlands. • Remedy the loss of 2.42 ha of swamp/marsh wetlands within the DDF through the creation of 7.5 ha of wetlands. • Re-establishing indigenous wetland communities totalling 7.5 ha, comprising	-	Schedule One Common Conditions applying to all Otago Regional Council and Central Otago District Council consents.	Boffa Miskell Limited - Assessment of Freshwater Ecological Effects (Boffa Miskell 2025a) RMA Ecology - Wetland Values Assessment (RMA Ecology 2025a) Ecological Management Plan Framework Habitat Impact Management Plan Avifauna Management Plan Terrestrial Invertebrate Management Plan Landscape and Ecological Rehabilitation Management Plan

Impact	Avoid, Remedy, Mitigate	Offset, Compensate or Positive Effect	Conditions	Technical Assessment Reference
	at least 2 ha of swamp wetlands (including 0.5 ha of open water) and 4 ha of marshlands on the TSF, along with three smaller areas of marsh/swamp wetland (of at least 0.4 ha each: Ardgour Terrace, Lower Shepherds and Processing Plant. • Pest plant control initially to help native plants to establish and ongoing control of all woody non-native plants in perpetuity to ensure stability of capping layers.			Ardgour Restoration Area Management Plan Matakanui Sanctuary Management Plan Mammalian Pest Management Plan Biosecurity and Plant Pest Management Plan Biodiversity Outcome Monitoring Plan Freshwater Ecological Management Plan
Traffic.	• Safety improvements at the State Highway 8 and Ardgour Road intersection. • Widening of Thompson Gorge Road. • Implementation of traffic management plan.	-	Central Otago District Council Consent Conditions.	Stantec - Integrated Transport Assessment (Stantec 2025) Access Road Construction Traffic Management Plan
Access and Public Recreation.	• Maintain public access at all times to the Dunstan Mountains and CIT Battery through construction of Ardgour Rise. • Providing a viewing area of new mine activity from Ardgour Rise. • Maintenance of existing recreation access to the Ardgour and Bendigo Conservation Areas. • Provision of alternative walking access to the CIT	-	Central Otago District Council Consent Conditions.	Rob Greenaway & Associates - Recreation Assessment (Greenaway 2025) Archaeological and Heritage Management Plan Noise and Vibration Management Plan

Impact	Avoid, Remedy, Mitigate	Offset, Compensate or Positive Effect	Conditions	Technical Assessment Reference
	Battery via Bendigo Historic Reserve. • Consideration of cycle traffic on Ardgour Road in the Construction Traffic Management Plan. • Management of light, noise and blasting.			
Heritage.	• Recording of archaeological features or deposits and all structures. • Photographing identified stone huts and stone-faced dam to produce digital 3-D models. • Spatial mapping of archaeological features and structures in the Project Site. • Archaeologist present during vegetation removal in proximity to archaeological sites, excavations within site extents and during recording. • Retention of stone from hut dam for future reuse. • Marking points at which identified sites enter the Project Area with semi-permanent fencing. • Establishment of a 5-metre buffer around Rabbiter's Hut.	• MGL will make an annual payment of $500,000 + GST to DOC's Alexandra office. This payment will be made in every year in which gold is produced for a maximum of ten years from the third anniversary of the commencement of the consents or six months after commercial production is declared, whichever occurs later. The purpose of the annual payment is to enable DOC to support the protection of threatened or at-risk species or ecosystems within the Dunstan Ecological District and to enhance heritage values within Central Otago.	Central Otago District Council Consent Conditions. Schedule One Common Conditions applying to all Otago Regional Council and Central Otago District Council consents.	New Zealand Heritage Properties Limited - Heritage Assessment (NZHP 2025a) New Zealand Heritage Properties Limited - Magazine and Emulsion Tank Memorandum (NZHP 2025b) New Zealand Heritage Properties Limited - Construction Camp Heritage Assessment (NZHP 2025c) New Zealand Heritage Properties Limited - Ardgour Rise Realignment Memorandum (NZHP 2025d) New Zealand Heritage Properties Limited - Come in Time Track Memorandum (NZHP 2025e) Archaeological and Heritage Management Plan

Impact	Avoid, Remedy, Mitigate	Offset, Compensate or Positive Effect	Conditions	Technical Assessment Reference
	• No works or storing topsoil within existing fenced enclosure for Stock Yards. • Relocate CIT public access.			
Landscape and Visual Amenity.	• As required by the Landscape and Ecological Rehabilitation Management Plan implement rehabilitation measures of native vegetation to enhance associated biophysical landscape values. • Develop mine in response to underlying landscape context and identified values to locate mined extents to reduce perceived impacts on broader coherent back drop and skyline. • Locating the process plant within the Shepherds Valley floor to minimise effects. • Progressive capping, contouring and rehabilitation of the Shepherds and SRX ELF and removing of benching on closure. • Progressive rehabilitation of MRZs by enrichment and thickening of grey scrubland and tussock areas to connect Ardgour Conservation Area. • Enhancement of riparian margins of proposed diversion channels.	-	Central Otago District Council Consent Conditions. Schedule One Common Conditions applying to all Otago Regional Council and Central Otago District Council consents.	Boffa Miskell – Landscape, Natural Character and Visual Effects Assessment (Boffa Miskell 2025). Landscape and Ecological Rehabilitation Management Plan.

Impact	Avoid, Remedy, Mitigate	Offset, Compensate or Positive Effect	Conditions	Technical Assessment Reference
	• The establishment of a rough surface on proposed topsoil stockpiles through the Project Site during mining operations with vegetation and rock cover. • Maintaining the visibility and integrity of Battery Hill which is the high point within the Shepherds Valley area. • Removal of Ardgour Terrace Site activities (including temporary construction works accommodation infrastructure, topsoil stockpiles, magazine and emulsion facilities and aggregate pits) and the rehabilitation of land for rural agricultural activities. • Removal of processing plant and associated infrastructure at Shepherds Valley Site and establish constructed wetland. • Progressive rehabilitation of MRZs; • Filling of portals and access road to resemble existing landform and rehabilitation to mixed nature scrubland. • Fill edges around rim of the RAS Open Pit (pit lake to remain), • Partial rehabilitation of the SRX Open Pit (pit lake to remain).			

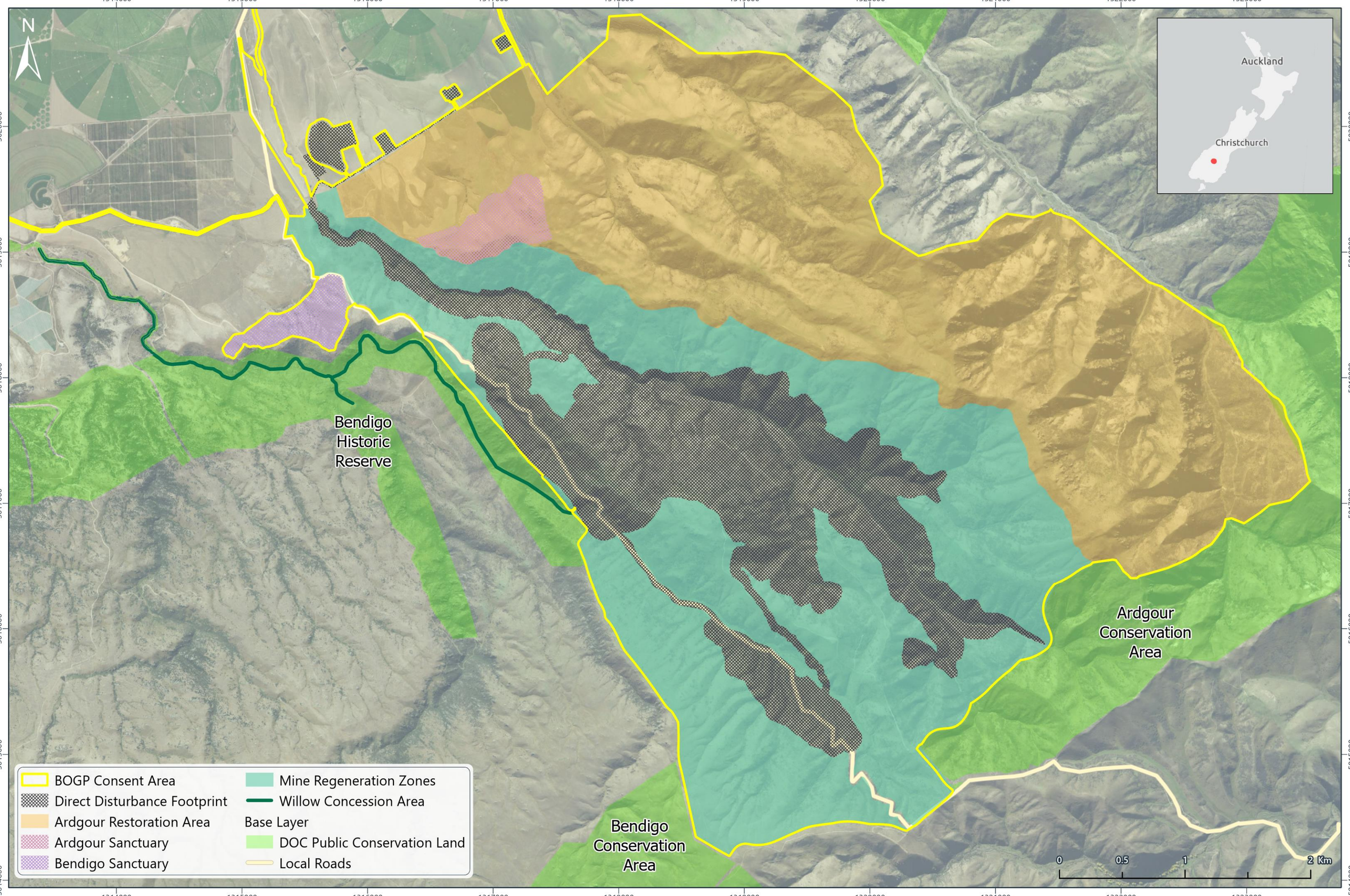
Impact	Avoid, Remedy, Mitigate	Offset, Compensate or Positive Effect	Conditions	Technical Assessment Reference
	• Filling of CIT Open Pit to resemble original landform and rehabilitation of landcover. • Capping and rehabilitation of ELFs and TSF, with dam crest of Shepherds ELF to be covered to remove linear form. • The establishment of three constructed wetlands; and • The partial decommissioning of diversion channels on the upper slopes of Mount Moka.			
Lighting.	• Compliance with District Plan requirements secured by conditions.	-	Central Otago District Council Consent Conditions.	Cosgroves- Exterior Lighting Report (Cosgroves 2025).
Acoustic.	Adopt mitigation and management measures recommended by Marshall Day which require: • A suite of conditions which contain noise and vibration limits that are broadly equivalent to the District Plan noise standards, which adopt the latest industry best practice standards. • Different daytime and night-time noise limits for mining activities to minimise any adverse noise effects within the notional boundary of any surrounding dwellings. • Conditions which require mining operations to utilise	-	Central Otago District Council Consent Conditions. Schedule One Common Conditions applying to all Otago Regional Council and Central Otago District Council consents.	Marshall Day Acoustics – Assessment of Noise and Vibration Effects (Marshall Day 2025). Noise and Vibration Management Plan.

Impact	Avoid, Remedy, Mitigate	Offset, Compensate or Positive Effect	Conditions	Technical Assessment Reference
	the best practicable option to minimise noise at all times, including requirements for site vehicles to not be fitted with tonal or beeper reversing alarms, regular replacement of worn parts, maintenance of mufflers, and lubrication of moving parts for plant and equipment. • The preparation of a Noise and Vibration Management Plan (**"NVMP")** to control day-to-day emissions from the Project Site during construction, operational and blasting activities. As a minimum, the NVMP shall include: • The person(s) responsible for implementing the NVMP; • Applicable noise conditions relating to noise and vibration; • Specific procedures for informing neighbours of when blasting will occur; • Procedures for noise and vibration monitoring; • Training of staff relating to how to minimise noise and vibration; • Maintenance schedule for site access road surfaces to avoid excessive noise and vibration;			

Impact	Avoid, Remedy, Mitigate	Offset, Compensate or Positive Effect	Conditions	Technical Assessment Reference
	• Activity risk analysis for noise and vibration generation; and • Procedure for handling complaints.			
Air Quality.	Implement Air Quality Management Plan which requires the following: • Maintain adequate buffer distances (500m) Maintain adequate buffer distance (500 m) between large-scale earthworks or point air discharge sources and sensitive receptors; • Ensure adequate water supply and provide appropriate infrastructure and machines for dust suppression; • Material removal, stockpiling and handing when material and/or wind conditions will not result in dust being blown across the site boundary; • Engineered and maintained road surface which minimise free fine material which can generate dust; • Dampen surfaces of haul roads and stockpiles. (The site has sufficient water for typical and for high demand dust suppression); • Minimising material drop heights; • Vegetating soil stockpiles;	-	Central Otago District Council Consent Conditions. Schedule One Common Conditions applying to all Otago Regional Council and Central Otago District Council consents	Pattle Delamore Partners – assessment of Environmental Effects from the Discharge of Contaminants into Air (PDP 2025). Air Quality Management Plan.

Impact	Avoid, Remedy, Mitigate	Offset, Compensate or Positive Effect	Conditions	Technical Assessment Reference
	• Road speed limits; and • Water sprays at fine material transfer points in the processing plant. • Maintaining pH between 10 and 12 in wet chemistry vessels to eliminate hydrogen cyanide gas; • Induction furnace exhaust capture and discharge via 15 m stacks; and • Particulate filtration of induction furnace exhaust flows.			

Appendix 4



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ECOLOGICAL REHABILITATION AND ENHANCEMENT AREA

JOB ID: 24234 | CLIENT: Matakanui Gold Limited | 21/10/2025 | VERSION: 8

Appendix 5

Name	Discipline	Reports Prepared	Confirmation of Compliance with the Code of Conduct for Expert Witnesses	Signature
[redacted]	Terrestrial Ecology	Assessment of Ecological Effects Ecological Management Plan Framework Habitat Impact Management Plan Avifauna Management Plan Lizard Management Plan Biodiversity Outcome Monitoring Plan	I confirm that I have read and agree to comply with the Code of Conduct for Expert Witnesses in the Environment Court Practice Note 2023. The reports I have prepared are within my area of expertise, except where I state that I am relying on material produced by another person. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed in my reports.	
[redacted]	Terrestrial Ecology	Ardgour Restoration Area Management Plan	I confirm that I have read and agree to comply with the Code of Conduct for Expert Witnesses in the Environment Court Practice Note 2023. The reports I have prepared are within my area of expertise, except where I state that I am relying on material produced by another person. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed in my reports.	

Name	Discipline	Reports Prepared	Confirmation of Compliance with the Code of Conduct for Expert Witnesses	Signature
[redacted]	Terrestrial Ecology	Lizard Values Assessment Assessment of Ecological Effects Biodiversity Offset Modelling for Terrestrial Ecology Values	I confirm that I have read and agree to comply with the Code of Conduct for Expert Witnesses in the Environment Court Practice Note 2023. The reports I have prepared are within my area of expertise, except where I state that I am relying on material produced by another person. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed in my reports.	
[redacted]	Terrestrial Ecology	Vegetation Values Assessment	I confirm that I have read and agree to comply with the Code of Conduct for Expert Witnesses in the Environment Court Practice Note 2023. The reports I have prepared are within my area of expertise, except where I state that I am relying on material produced by another person. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed in my reports.	

Name	Discipline	Reports Prepared	Confirmation of Compliance with the Code of Conduct for Expert Witnesses	Signature
[redacted]	Terrestrial Ecology	Wetland Values Assessment Avifauna Values Assessment	I confirm that I have read and agree to comply with the Code of Conduct for Expert Witnesses in the Environment Court Practice Note 2023. The reports I have prepared are within my area of expertise, except where I state that I am relying on material produced by another person. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed in my reports.	
[redacted]	Terrestrial Ecology	Mammalian Pest Survey Native Bat Survey Terrestrial Invertebrate Survey Biosecurity and Plant Pest Management Plan Landscape and Ecological Rehabilitation Management Plan Part A and Part B Mammalian Pest Management Plan	I confirm that I have read and agree to comply with the Code of Conduct for Expert Witnesses in the Environment Court Practice Note 2023. The reports I have prepared are within my area of expertise, except where I state that I am relying on material produced by another person. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed in my reports.	

Name	Discipline	Reports Prepared	Confirmation of Compliance with the Code of Conduct for Expert Witnesses	Signature
		Matakanui Sanctuary Management Plan Terrestrial Invertebrate Management Plan		
[redacted]	Aquatic Ecology	Assessment of Freshwater Ecological Effects Freshwater Ecological Management Plan	I confirm that I have read and agree to comply with the Code of Conduct for Expert Witnesses in the Environment Court Practice Note 2023. The reports I have prepared are within my area of expertise, except where I state that I am relying on material produced by another person. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed in my reports.	[redacted]
[redacted]	Aquatic Ecology	Assessment of Effects on Aquatic Habitat	I confirm that I have read and agree to comply with the Code of Conduct for Expert Witnesses in the Environment Court Practice Note 2023. The reports I have prepared are within my area of expertise, except where I state that I am relying on material produced by another person. I have not omitted	[redacted]

Name	Discipline	Reports Prepared	Confirmation of Compliance with the Code of Conduct for Expert Witnesses	Signature
			to consider material facts known to me that might alter or detract from the opinions expressed in my reports.	
[redacted]	Terrestrial Ecology	Ardgour Rise Re-Alignment Vegetation Survey and Botanical Biodiversity Admin/Camp Site Botanical Survey – Thomson's Gorge, Ardgour Station and Shepherds Creek	I confirm that I have read and agree to comply with the Code of Conduct for Expert Witnesses in the Environment Court Practice Note 2023. The reports I have prepared are within my area of expertise, except where I state that I am relying on material produced by another person. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed in my reports.	[redacted]
[redacted]	Electrical and Industrial Engineer	Exterior Lighting Report Exterior Lighting Design Memo	I confirm that I have read and agree to comply with the Code of Conduct for Expert Witnesses in the Environment Court Practice Note 2023. The reports I have prepared are within my area of expertise, except where I state that I am relying on material produced by another person. I have not omitted to consider material facts known to me that might alter	[redacted]

Name	Discipline	Reports Prepared	Confirmation of Compliance with the Code of Conduct for Expert Witnesses	Signature
			or detract from the opinions expressed in my reports.	
[redacted]	Economics	Economic Impacts of the Bengio-Ophir Gold Project Memo - Economic impacts of the Bendigo-Ophir Gold Project updated for Pre-Feasibility Study – June 2025	I confirm that I have read and agree to comply with the Code of Conduct for Expert Witnesses in the Environment Court Practice Note 2023. The reports I have prepared are within my area of expertise, except where I state that I am relying on material produced by another person. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed in my reports.	[redacted]
[redacted]	Ecotoxicology	Recommended water quality compliance limits for the Bendigo-Ophir Gold Project	I confirm that I have read and agree to comply with the Code of Conduct for Expert Witnesses in the Environment Court Practice Note 2023. The reports I have prepared are within my area of expertise, except where I state that I am relying on material produced by another person. I have not omitted to consider material facts known to me that might alter	[redacted]

Name	Discipline	Reports Prepared	Confirmation of Compliance with the Code of Conduct for Expert Witnesses	Signature
			or detract from the opinions expressed in my reports.	
[redacted]	Environmental Chemistry	Source Term Definition Report Water Treatment Study Factual Report: Column Leach Test Water and Load Balance Model Report Engineered Landform Water Quality Forecast Model Report Synthetic Precipitation Leaching Procedure and Scanning Electron Microscope with Energy Dispersive X-Ray Spectroscopy Analysis Engineered Landform Design Philosophy Factual Report: Geoenvironmental Hazards Baseline Water Quality Report	I confirm that I have read and agree to comply with the Code of Conduct for Expert Witnesses in the Environment Court Practice Note 2023. The reports I have prepared are within my area of expertise, except where I state that I am relying on material produced by another person. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed in my reports.	[redacted]

Name	Discipline	Reports Prepared	Confirmation of Compliance with the Code of Conduct for Expert Witnesses	Signature
		Sampling and Analysis Plan for Geochemical Characterisation Site Visit and Preliminary Conceptual Site Model Water Management Plan Mine Influenced Water Overview Report Engineered Landform Management Plan		
[redacted]	Environmental Chemistry and Hydrogeology	Water Load Balance Model Report	I confirm that I have read and agree to comply with the Code of Conduct for Expert Witnesses in the Environment Court Practice Note 2023. The reports I have prepared are within my area of expertise, except where I state that I am relying on material produced by another person. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed in my reports.	[redacted]

Name	Discipline	Reports Prepared	Confirmation of Compliance with the Code of Conduct for Expert Witnesses	Signature
[redacted]	Hydrogeology	Wetland Drawdown Assessment Net Percolation Assessment for the Proposed Bendigo-Ophir Gold Project Mine Waste Storage Facilities	I confirm that I have read and agree to comply with the Code of Conduct for Expert Witnesses in the Environment Court Practice Note 2023. The reports I have prepared are within my area of expertise, except where I state that I am relying on material produced by another person. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed in my reports.	
[redacted]	Mine Closure	Bendigo-Ophir Gold Project Mine Closure Plan	I confirm that I have read and agree to comply with the Code of Conduct for Expert Witnesses in the Environment Court Practice Note 2023. The reports I have prepared are within my area of expertise, except where I state that I am relying on material produced by another person. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed in my reports.	

Name	Discipline	Reports Prepared	Confirmation of Compliance with the Code of Conduct for Expert Witnesses	Signature
[redacted]	Water	Post Closure Active Water Treatment Plant Order of Magnitude Study	I confirm that I have read and agree to comply with the Code of Conduct for Expert Witnesses in the Environment Court Practice Note 2023. The reports I have prepared are within my area of expertise, except where I state that I am relying on material produced by another person. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed in my reports.	
[redacted]	Water	Groundwater Existing Environment and Effects Assessment Groundwater Bore Take Effects Assessment Groundwater Modelling Analysis for Mining Surface Water and Catchment Existing Environment and Effects Assessment	I confirm that I have read and agree to comply with the Code of Conduct for Expert Witnesses in the Environment Court Practice Note 2023. The reports I have prepared are within my area of expertise, except where I state that I am relying on material produced by another person. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed in my reports.	

Name	Discipline	Reports Prepared	Confirmation of Compliance with the Code of Conduct for Expert Witnesses	Signature
[redacted]	Aquatic Ecology	Sulfate Toxicity to *Deleatidium sp.* Mayfly nymph	I confirm that I have read and agree to comply with the Code of Conduct for Expert Witnesses in the Environment Court Practice Note 2023. The reports I have prepared are within my area of expertise, except where I state that I am relying on material produced by another person. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed in my reports.	[redacted]
[redacted]	Environmental Geoscientist	Soil Management Plan Preliminary Site Investigation Report	I confirm that I have read and agree to comply with the Code of Conduct for Expert Witnesses in the Environment Court Practice Note 2023. The reports I have prepared are within my area of expertise, except where I state that I am relying on material produced by another person. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed in my reports.	[redacted]

Name	Discipline	Reports Prepared	Confirmation of Compliance with the Code of Conduct for Expert Witnesses	Signature
[redacted]	Air Quality	Air Quality Management Plan Assessment of Environmental Effects from the Discharge of Contaminants into Air	I confirm that I have read and agree to comply with the Code of Conduct for Expert Witnesses in the Environment Court Practice Note 2023. The reports I have prepared are within my area of expertise, except where I state that I am relying on material produced by another person. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed in my reports.	[redacted]
[redacted]	Heritage	Archaeological Management Plan Construction Camp Bendigo Archaeological Management Plan Heritage Assessment – Bendigo-Ophir Gold Project Heritage Assessment – Construction Camp BOGP Magazine and Emulsion Tank Ardgour Rise Realignment	I confirm that I have read and agree to comply with the Code of Conduct for Expert Witnesses in the Environment Court Practice Note 2023. The reports I have prepared are within my area of expertise, except where I state that I am relying on material produced by another person. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed in my reports.	[redacted]

Name	Discipline	Reports Prepared	Confirmation of Compliance with the Code of Conduct for Expert Witnesses	Signature
		Come in Time Track		
[redacted]	Acoustic	Assessment of Noise and Vibration Effects Draft Noise and Vibration Management Plan	I confirm that I have read and agree to comply with the Code of Conduct for Expert Witnesses in the Environment Court Practice Note 2023. The reports I have prepared are within my area of expertise, except where I state that I am relying on material produced by another person. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed in my reports.	[redacted]
[redacted]	Recreation	Recreation Assessment	I confirm that I have read and agree to comply with the Code of Conduct for Expert Witnesses in the Environment Court Practice Note 2023. The reports I have prepared are within my area of expertise, except where I state that I am relying on material produced by another person. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed in my reports.	[redacted]

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[redacted]	Traffic	Integrated Transport Assessment Access Road Construction Traffic Management Plan (contributor)	I confirm that I have read and agree to comply with the Code of Conduct for Expert Witnesses in the Environment Court Practice Note 2023. The reports I have prepared are within my area of expertise, except where I state that I am relying on material produced by another person. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed in my reports.	[redacted]
[redacted]	Landscape and Amenity	Landscape Mine Closure Plan Landscape Mine Mitigation Plan Landscape, Natural Character and Visual Effects Assessment Visual Simulations Landscape and Ecological Rehabilitation Management Plan Part A and Part B	I confirm that I have read and agree to comply with the Code of Conduct for Expert Witnesses in the Environment Court Practice Note 2023. The reports I have prepared are within my area of expertise, except where I state that I am relying on material produced by another person. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed in my reports.	[redacted]

Name	Discipline	Reports Prepared	Confirmation of Compliance with the Code of Conduct for Expert Witnesses	Signature
[redacted]	Geotechnical	Geotechnical Assessment for Open Pit and Underground Mining – Rise and Shine Deposit	I confirm that I have read and agree to comply with the Code of Conduct for Expert Witnesses in the Environment Court Practice Note 2023. The reports I have prepared are within my area of expertise, except where I state that I am relying on material produced by another person. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed in my reports.	[redacted]
[redacted]	Engineered Landform	Engineered Landform Management Plan Shepherds, Western, and SREX Engineered Landforms, and Come in Time Pit Backfill Technical Report Erosion and Sediment Control Report Erosion and Sediment Control Management Plan Pond and Reservoir Management Plan	I confirm that I have read and agree to comply with the Code of Conduct for Expert Witnesses in the Environment Court Practice Note 2023. The reports I have prepared are within my area of expertise, except where I state that I am relying on material produced by another person. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed in my reports.	[redacted]

Name	Discipline	Reports Prepared	Confirmation of Compliance with the Code of Conduct for Expert Witnesses	Signature
		Process Plant, Infrastructure, and Administration Areas Geotechnical Report Rise and Shine Pit – Creek Diversion Technical Report Shepherds Silt Pond Technical Report Site Geotechnical Factual Report Tailings Management Plan Tailings Storage Facility Technical Report Site Specific Seismic Hazard Study Report		
[redacted]	Tailings Storage	Tailings Management Plan Tailings Storage Facility Technical Report	I confirm that I have read and agree to comply with the Code of Conduct for Expert Witnesses in the Environment Court Practice Note 2023. The reports I have prepared are within my area of expertise, except where I state that I am relying on material produced by another person. I have not omitted to consider material facts	[redacted]

Name	Discipline	Reports Prepared	Confirmation of Compliance with the Code of Conduct for Expert Witnesses	Signature
			known to me that might alter or detract from the opinions expressed in my reports.	
[redacted]	Planning	Substantive Application Report	I confirm that I have read and agree to comply with the Code of Conduct for Expert Witnesses in the Environment Court Practice Note 2023. The reports I have prepared are within my area of expertise, except where I state that I am relying on material produced by another person. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed in my reports.	[redacted]
[redacted]	Planning	Substantive Application Report	I confirm that I have read and agree to comply with the Code of Conduct for Expert Witnesses in the Environment Court Practice Note 2023. The reports I have prepared are within my area of expertise, except where I state that I am relying on material produced by another person. I have not omitted to consider material facts	[redacted]

Name	Discipline	Reports Prepared	Confirmation of Compliance with the Code of Conduct for Expert Witnesses	Signature
			known to me that might alter or detract from the opinions expressed in my reports.	
[redacted]	Planning	Substantive Application Report	I confirm that I have read and agree to comply with the Code of Conduct for Expert Witnesses in the Environment Court Practice Note 2023. The reports I have prepared are within my area of expertise, except where I state that I am relying on material produced by another person. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed in my reports.	[redacted]
[redacted]	Planning	Substantive Application Report	I confirm that I have read and agree to comply with the Code of Conduct for Expert Witnesses in the Environment Court Practice Note 2023. The reports I have prepared are within my area of expertise, except where I state that I am relying on material produced by another person. I have not omitted to consider material facts known to me that might alter	[redacted]

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			or detract from the opinions expressed in my reports.	
[redacted]	Rehabilitation	Applied Research Programme – Cushionfields and Annuals Landscape and Ecological Rehabilitation Management Plan Part A and Part B	I confirm that I have read and agree to comply with the Code of Conduct for Expert Witnesses in the Environment Court Practice Note 2023. The reports I have prepared are within my area of expertise, except where I state that I am relying on material produced by another person. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed in my reports.	[redacted]
[redacted]	Bonding	Bendigo-Ophir Gold Project Bond Introduction	I confirm that I have read and agree to comply with the Code of Conduct for Expert Witnesses in the Environment Court Practice Note 2023. The reports I have prepared are within my area of expertise, except where I state that I am relying on material produced by another person. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed in my reports.	[redacted]