



10 April 2026

The Expert Panel
Fast-track Approvals Act 2024
C/O Environmental Protection Authority
Level 10, 215 Lambton Quay
Wellington 6011

RE: FTAA-2507-1089 – Bendigo-Ophir Gold Project invitation to the Minister for the Environment to comment

To the Panel,

I am writing in response to your invitation under section 53 of the Fast-track Approvals Act 2024 (FTAA) to provide comments on the Bendigo-Ophir Gold Project (BOGP) substantive application currently under consideration.

As the Minister for the Environment, I have statutory functions and responsibilities under the Resource Management Act 1991 (RMA), the Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012 (EEZ), the Waste Minimisation Act 2008, the Hazardous Substances and New Organisms Act 1996 as well as the Environment Act 1986.

As part of its decision making, the Panel needs to consider the significance of the environmental impacts of the proposal and to what extent and how those impacts can be managed.

The Parliamentary Commissioner for the Environment¹ has highlighted that gold mining can create long-term environmental risks that persist well beyond mine closure, particularly where activities result in enduring contamination, altered hydrology, or landforms requiring ongoing management. These risks are relevant to the BOGP, which involves large-scale land disturbance, significant ecological impacts, long-term water management impacts and impacts that will extend beyond active mining. Experience in New Zealand shows that inadequate closure, rehabilitation or financial instruments to manage risk can result in environmental harm and transfer of remediation costs to the public.

This is relevant to the Panel's consideration of the adequacy and duration of the proposed consent conditions. For BOGP, where significant residual ecological and freshwater effects and long-term liabilities have been identified, it underscores the importance of clear accountability, enduring financial assurance, and conditions that explicitly manage long-term risks to avoid environmental and fiscal liabilities transferring to future landowners, councils or the Crown.

Clarity and certainty of impacts on indigenous biodiversity

A number of ecological investigations have been undertaken by the applicant. However, there are inconsistencies and errors across the application, including conflicting species counts, duplicated entries, and differing conclusions between summary tables and the body of the assessment and incorrect application of the effects management hierarchy.

I note that the application signals continued uncertainty around the potential effects of the development on several points including the potential scale of adverse effects on significant indigenous vegetation and fauna, habitats of significant indigenous fauna and wetlands. This is particularly the case with respect to subalpine dryland vegetation (particularly cushionfields), lizard and invertebrate values. The application signals significant and permanent impacts that are not likely to be offset or compensated for.

Consideration of alternatives

The National Policy Statement for Indigenous Biodiversity 2023 (NPS-IB) sets out an effects management hierarchy that requires consideration of avoidance and minimisation in the first instance.

The applicant acknowledges that significant residual adverse effects on significant indigenous biodiversity are likely to remain unmitigated after the proposed offsetting and compensation have been applied. In the first instance, however, it could be useful to understand in more detail what options have been considered to avoid or minimise those effects and what other mechanisms could be applied to mitigate impacts and increase certainty.

For example, has the feasibility of alternative extraction methods and management approaches been assessed and on what basis have they been discounted?

The application is also proposing offsetting and compensation in situations that are inconsistent with good practice for those mechanism including with respect to vulnerable, valuable and irreplaceable species and where there is a lack of information.

Use of subsequent management plans

In some instances, the applicant is offering conditions requiring key research and management plans to be developed at a later date to manage adverse effects on significant indigenous biodiversity. However, whether the offsetting and compensation can achieve a net gain is material to the decision to grant the approval or not when the Panel comes to weigh the significance of the adverse impacts on the environment against the regional or national benefits of the proposal.

Other matters

I also note:

- a. there is a discrepancy in the application related to the term of the consent sought and lack of clarity on how this aligns with the duration of the consent conditions and the adverse impacts themselves. Ideally, the duration of any offsetting or compensation should be maintained after the mine is closed and preferably in perpetuity, particularly where they relate to permanent or irreversible losses.
- b. the mitigation for impacts on the last known population of the rare endemic moth *Sporophylla oenospora* may be insufficient as it is reliant on finding individuals on site during salvage operations. This approach is unlikely to mitigate impacts as it

does not take account of the impacts of adjacent vehicle movements, dust, vibration, lighting and loss of habitat and landscape connections.

- c. the application states incorrectly that provision for fish passage is not required. The National Policy Statement for Freshwater Management 2020 and the National Environmental Standards for Freshwater 2020 require any new in-stream structures to provide for fish passage unless specifically excluding pest species.
- d. the application does not address significant risks from natural hazards other than seismic hazards (eg, land instability), or the effects of climate change. As a result, the Panel has limited visibility of how non-seismic natural hazards and climate change could affect environmental outcomes and public safety, including tailings storage facility performance under extreme weather and long-term post closure risks. This constrains a forward-looking, risk-based approach to managing natural hazards, particularly given the long consent term sought and the permanent nature of many project components.
- e. the application does not address the financial arrangements for setting aside funds for remediation during the operational life of the project. Which financial instruments will guarantee that funds for remediation will be available when required?

Given the potential severity of the impacts on some irreplaceable, critical, threatened and at-risk species and ecosystems, I suggest that the Panel seek further information or advice. Specifically, this could include expert advice on whether the effects on indigenous biodiversity have been fully considered and whether the mitigation approach proposed is appropriate, feasible and likely to be successful.

Thank you again for the opportunity to provide comments on this application.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'N Grigg', written in a cursive style.

Hon Nicola Grigg
Minister for the Environment