

25 March 2026

Fast-track Approvals Act Concessions report

Section 51(2)(a) concession report for –
File ref: FTAA-2507-1089 Bendigo Ophir Gold Project

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1. Introduction

- 1.1 Matakanui Gold Limited (the applicant/MGL) seeks approvals under the Fast-track Approvals Act 2024 (FTAA) to establish, operate, rehabilitate and ultimately close an open pit and underground gold mining operation known as the Bendigo-Ophir Gold Project (BOGP).
- 1.2 As part of the application MGL is seeking approvals for concessions that would otherwise be applied for under the Conservation Act 1987, or a Reserves Act approval.
- 1.3 On 8 December 2025, in accordance with section 51(2)(a) of the Act, the Panel Convener directed the EPA to obtain a report prepared by the Director-General of Conservation (D-G) in accordance with clause 4 of Schedule 6.
- 1.4 This report is one of a suite related to various conservation approvals sought by MGL, and for efficiency a covering report has been prepared that discusses matters common to the approvals sought. The DOC Approvals covering report should be read in conjunction with the individual approval reports.

2. Purpose of the report

- 2.1 This report has been prepared by the Department of Conservation (DOC) on behalf of the Director-General of Conservation. This report provides commentary on information provided by the applicant to support the Panel's assessment of the application for seven concession approvals.

3. The concession approvals sought

- 3.1 As per updated substantive application documents provided to the EPA 10 March 2026, the applicant seeks seven separate concessions to authorise activities on Public Conservation Land (PCL) associated with the construction, operation and management of effects associated with the BOGP. A high-level overview of the seven concessions sought is provided in Table 1 below. For consistency, this report uses a concession name for each approval, as set out in Table 1.
- 3.2 Note that the applicant has not been particular about concession types, indicating they are 'agnostic' as to type. DOC has therefore identified the most appropriate concession type for each approval sought and these are how they are referred to in Table 1 and throughout this report.

3.3 Figure 1 below depicts the project site along with each of the concession application areas and land identified as PCL. There are a total of seven concessions across five areas of PCL:

- The SH8/Ardgour Road intersection is located outside of the site area shown on the primary map and is detailed in the top left-hand corner.
- The Ardgour Rise ROW and Fibre Optic Cable telecommunications easement are in the same location.

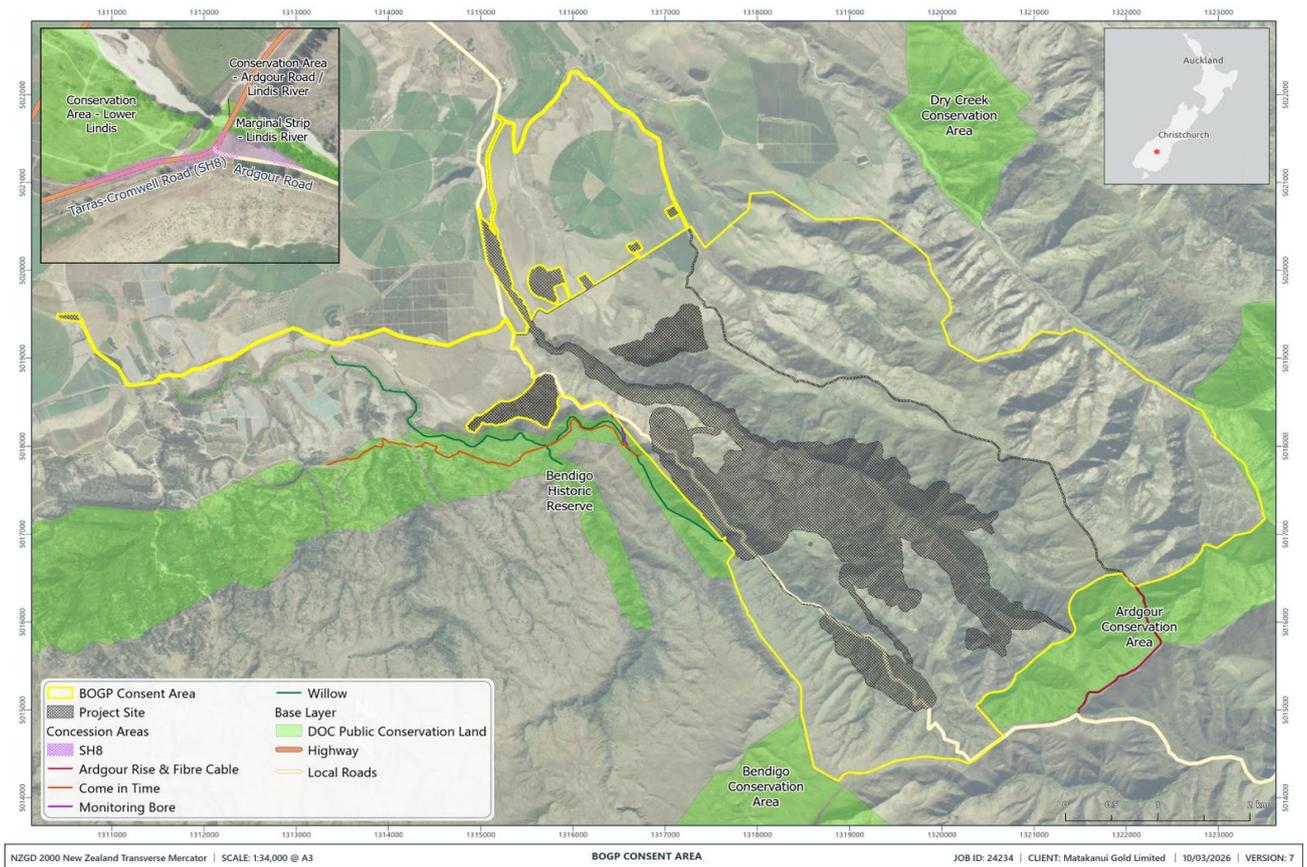


Figure 1: Proposed concession location overview (Updated Substantive Application Document [C.03-BOGP-Consent-Area-10-March-2026.pdf](#))

Table 1: High-level Concession Applications Overview

Concession name	Concession type	Proposed concession term ¹	Purpose	Applicant's overview ²	DOC comments
Ardgour Rise Access Track	Right of Way (ROW) Easement	30 years	To provide alternative road access through Ardgour Conservation Area for public use. It is noted the planned road also traverses private land.	The establishment and maintenance of a portion of the realigned Thomson Gorge Road (i.e. Ardgour Rise) (largely within an existing easement providing for access) which consists of an approximately 4 m wide 4WD gravel track and any associated vegetation clearance, earthworks and construction activities (including erosion and sediment control measures).	<p>The Applicant has indicated that its intention is to transfer this easement to the Central Otago District Council (CODC) as the most appropriate holder. However, DOC is aware that CODC has advised the applicant that they are only supportive of taking fee simple land vested prior to Thomson Gorge Road being closed.</p> <p>DOC does not consider a concession is an appropriate mechanism to enable public roads through/over PCL. DOC's preference is that the land required for local road purposes is owned by CODC as the road controlling authority. At best, DOC considers a short-term easement could be granted to facilitate the activity in the short term and enable the necessary land transfer to CODC.</p>
Ardgour Rise Fibre Optic Cable	Right to Convey Telecommunications Easement	30 years	To relocate the existing Chorus cable easement to align with the proposed new road (Ardgour Rise Access Track) through	The realignment of a fibre optic cable (currently located within Thomson Gorge Road) within a portion of the realigned Thomson Gorge Road (i.e. Ardgour Rise within the Ardgour Conservation Area).	A right to convey telecommunications through the establishment, use and maintenance of a fibre optic cable (relocated from Thomson Gorge Road) to within a portion of the realigned road). Ardgour Rise) within the Ardgour

¹ Term from the date of approval as applied for by the applicant

² Per updated substantive application documents D06a- D10

Concession name	Concession type	Proposed concession term ¹	Purpose	Applicant's overview ²	DOC comments
			Ardgour Conservation Area and private land.		Conservation Area. The applicant has advised that the easement is intended to be transferred to Chorus at a later date outside of the fast-track process.
State Highway 8 and Ardgour Road Intersection (NZTA)	ROW Easement	30 years	Upgrading existing road junction infrastructure within the Ardgour Road / Lindis River, Lower Lindis Conservation Areas and Lindis River Marginal Strip (PCL).	<p>A concession (easement in favour of NZTA) for activities occurring on public conservation land within the underlying Ardgour Road / Lindis River and Lower Lindis Conservation Areas as follows:</p> <ul style="list-style-type: none"> • Safety improvement upgrades within the existing road reserve at the SH8 / Ardgour Road intersection, which includes: <ul style="list-style-type: none"> > The formation of a 3.5 m wide right turn bay on SH8; > The reprofiling of the existing roadside safety barrier on Ardgour Road to follow the new road edge alignment; > The widening of the SH8 road carriageway and provision of 1.5 m wide road shoulders; and > New pavement marking and give way controls; and • All associated construction activities including the establishment of construction 	<p>The applicant proposes a future transfer of the easement relating to SH8 to NZTA. This easement is now separate from the one and specifically relates to the SH portion of the intersection. DOC has not seen any support from NZTA for the transfer.</p> <p>DOC does not consider a concession is an appropriate mechanism to enable public roads through/over PCL. DOC's preference is that the land required for State highway purposes is owned by NZTA as the road controlling authority. At best, DOC considers a short-term easement could be granted to facilitate the activity in the short term alongside a future transfer to NZTA.</p>

Concession name	Concession type	Proposed concession term ¹	Purpose	Applicant's overview ²	DOC comments
				laydown areas, erosion and sediment control measures, any necessary culverts and temporary traffic management measures.	
State Highway 8 and Ardgour Road Intersection (CODC)	ROW Easement	30 years	Upgrading existing road junction infrastructure within the <i>Ardgour Road / Lindis River, Lower Lindis Conservation Areas and Lindis River Marginal Strip</i> .	As above but in favour of CODC	<p>The applicant proposes a future transfer of the easement relating to Ardgour Rd to CODC. This easement is now separate from the one dealing with SH8 widening above. As discussed elsewhere in this report DOC understands that CODC do not support transfer of an easement.</p> <p>DOC does not consider a concession is an appropriate mechanism to enable public roads through/over PCL. DOC's preference is that the land required for local road purposes is owned by CODC as the road controlling authority. At best, DOC considers a short-term easement could be granted to facilitate the activity in the short term alongside a future transfer to CODC.</p>
Access Route to CIT Battery	Licence	30 years (amended from 15 years on 10 th March 2026)	To provide alternative public walking access within Bendigo Historic Reserve (BHR).	<p>The replacement of the existing walking track to the Come-in-Time Battery via:</p> <ul style="list-style-type: none"> a new marked route west of the battery location as shown on the plan in Schedule 4, or any alternative route within the BHR agreed with the Department of 	Whilst DOC is supportive of maintaining public access to the CIT Battery, DOC is not supportive of the current proposed concession to achieve this.

Concession name	Concession type	Proposed concession term ¹	Purpose	Applicant's overview ²	DOC comments
				<p>Conservation (and corresponding closure of the existing short walking track between Thomson Gorge Road and the battery). This route will be comprised of marker poles and / or small-scale trail markers to guide walkers and will include the installation of a welcome / information sign at the start of the track at Blue Mines Road; and any incidental vegetation clearance (including briar) using hand tools only to enable the route.</p>	
Willow Management	Licence	15 years (amended from 10 years on 10 th March 2026)	Proposed as a mitigation of potential effects/enhancement opportunity within the BHR & Bendigo Creek Marginal Strip.	<p>The management of crack willows along the Bendigo and Clearwater Creeks, which will include: (with agreement of the Department of Conservation)</p> <ul style="list-style-type: none"> • the use of herbicide to kill willow trees • the progressive and / or partial removal of willow trees, and • the partial replacement of cover with native vegetation; • All necessary associated vegetation clearance and land disturbance activities (including the formation of access tracks) 	Can be managed through appropriate conditions and plans.

Concession name	Concession type	Proposed concession term ¹	Purpose	Applicant's overview ²	DOC comments
				<p>and replacement planting activities; and</p> <ul style="list-style-type: none"> Monitoring activities within the first four years of crack willow management to monitor any regrowth of crack willow and native scrub along riparian zone. 	
Water Monitoring and Access	Licence	10 years	To facilitate water compliance and performance monitoring, within BHR, downstream of the project site.	<p>A concession (permit) for:</p> <ul style="list-style-type: none"> The establishment and use of a surface water flow meter (RS-03) in the bed of Bendigo Creek and the establishment and use (including drilling) of a groundwater monitoring bore (GW04) on adjacent land; and The use of an existing access track from Thomson Gorge Road within the Project Site to access the surface water flow meter and bore and undertake any necessary maintenance works. 	Can be managed through appropriate conditions.

4. Summary of DOC's report

- 4.1 In principle DOC is comfortable with the concessions sought, excluding the proposed Access Route to the CIT Battery and noting the strong preference for land transfer rather than (long-term) easements to enable public roads through PCL.
- 4.2 DOC is of the view, however, that several issues need to be worked through to ensure that effects have been appropriately identified and managed to support appropriate conditions and the management of Crown risk and liability. The key issues reflected in this assessment are summarised below:
- The limited assessment of effects of the concession activities proposed.
 - Uncertainty of the ability of the proposed conditions to appropriately address potential and actual adverse effects (linked to the limited assessment of effects) which presents significant concerns in relation to informing well considered conditions.
 - The appropriateness of enabling public roads through PCL by way of easement rather than the land being owned by the relevant road controlling authority.
 - Uncertainty around the ongoing and longer-term management and future of the roading infrastructure facilitated by three of the four infrastructure concessions which creates substantial uncertainty and potential Crown risks and liabilities requiring management through appropriate conditions.
- 4.3 Notwithstanding the issues above, in relation to each of the activities proposed DOC advises that:
- The Access Route to the CIT Battery concession as proposed is not considered appropriate in its current form. Whilst DOC acknowledges that maintaining public access to the CIT is desirable, the current proposal is significantly misaligned with best practice route planning, does not provide a comparable recreation experience (relative to what is being lost), and DOC considers more feasible options are available (though none have been offered or explored by the applicant). While conditions may go some way to facilitating a better solution, they may become onerous and not result in good conservation outcomes.
 - The three roading-related and one fibre optic cable concessions are for the purposes of establishing infrastructure on PCL. In principle, DOC has no issue with the activities occurring (i.e. cables and roading through PCL), however DOC

considers that it is not appropriate for public roading to be located on PCL and authorised by way of easements. CODC, NZTA and Chorus have not confirmed that they will support the transfer of the concessions and this leaves unmanaged risk to varying degrees and uncertainty for the applicant³, DOC and the public, as well as for the road controlling authorities (RCA). Ideally the land required for roading would be acquired and vested in the relevant RCA through other processes, e.g. under the Public Works Act 1981. If the panel is minded to grant the concessions, DOC considers short-term concessions sufficient to enable land transfer to occur could be appropriate but note that protections for the Crown against risks and liabilities would be required and could be substantial. If these issues were resolved the proposals could likely be managed with appropriate conditions⁴ to ensure that heritage, recreation and biodiversity impacts are appropriately addressed.

- The proposed willow management licence can be managed with appropriate conditions to ensure that heritage, recreation and biodiversity impacts are appropriately addressed.
- The proposed water monitoring and access licence can be managed with appropriate conditions to ensure that heritage and biodiversity impacts are minimised

4.4 DOC's view is that although some of the proposed concession activities are inconsistent with the existing CMS, conditions could likely manage issues appropriately.

4.5 DOC considers that the applicant is also likely to need separate wildlife approvals to exercise several of the concessions. The wildlife approval they have sought under the FTAA only incorporates the two concessions sought in the Argour Conservation Area and does not include the other five.

5. Sources

5.1 This report is informed by information provided in the original application documents submitted to the EPA on the 31st of October 2025 as well as the amended substantive application information provided 10th March 2026. Many of these latter documents were

³ This report directs that the panel must impose Section 78 bond conditions on these concessions if granted to manage this Crown risk and liability

specifically relevant to the proposed concessions. The updated documents are listed in the DOC Approvals Covering Report.

6. Statutory Context

- 6.1 FTAA Schedule 6, clause 4 sets out that this report must address the matters in clause 7(1) (except clause 7(1)(a)(i), (vii)(B) and (viii)(B)); and include any conditions considered appropriate to be imposed by the panel under clause 8. Clause 7(1) sets out the criteria the panel must take into account (7(1)(a)), or may consider (7(1)(b)), when considering an application for a concession.

7. Detailed assessment of the concession applications

- 7.1 To present the information as efficiently as possible to the panel detailed assessments have been appended to the report where appropriate and key summaries provided under those headings. Considerations not relevant to the application are generally not covered.

7.2 Clause 7(1)(a)(ii)

- 7.2.1 The panel must take into account Part 3B of the Conservation Act 1987 (except sections 17SB and 17U(3) of that Act) as if the application were for a concession under Part 3B. The analysis below addresses the relevant provisions of Part 3B for the concession approvals sought in this application. All section references in this part of the report refer to the Conservation Act unless stated otherwise.

7.3 17Q Powers to grant concessions

- 7.3.1 An easement cannot be granted in respect of an activity if a lease, licence or permit could be granted and is considered more appropriate.
- 7.3.2 DOC has considered the range of instruments that could be granted to facilitate the activities proposed. Notwithstanding DOC's preference for the relevant RCA to own the land with respect to the proposed roads on PCL discussed elsewhere in this report, easements have been determined the most appropriate in terms of activity type and timeframes that align with the project and given that the proposed Ardgour Rise Fibre Optic cable is part of a bigger facility.

7.4 17U Matters to be considered

7.4.1 Section 17U of the Conservation Act outlines relevant considerations for the panel when considering concession applications.

7.4.2 The relevant subparts of Section 17U are addressed below.

7.5 The nature of the activity and the type of structure or facility (if any) proposed to be constructed (section 17U(1)(a))

7.5.1 The nature of the activities the applicant proposes to undertake pursuant to each concession is described in Section 3 and Table 1 of this report and expanded in Table 2 below where further detail has been provided by the applicant beyond that described in Table 1.

7.5.2 DOC does not in general support public roads on PCL enabled by way of concession. The preferred outcome is for the land to be owned by the road controlling authority – this issue is relevant to all three of the proposed easements for roading purposes. Acknowledging the process of disposal of land to either CODC or NZTA may take some time, DOC considers that if the panel was so minded, concessions could be an interim measure but notes that it hasn't seen any evidence that CODC or NZTA are prepared to take on the roads; and the level of risk to the Crown is significant in terms of liability and considerable protections will be required.

Table 2: Nature of proposed concession activity

Concession	Nature of activity
Ardgour Rise Access Track	<p>Further to the description in Table 1, the Ardgour Rise Access Track is described in application document A.10 Project Description⁵ as a 4WD gravel track with grades generally less than 25%. The applicant has stated that the final design and gradients of Ardgour Rise will be confirmed in collaboration with CODC (noting they have indicated intention to transfer the concession to CODC in due course). Application document B.30 Stantec Integrated Transport Assessment⁶ states that the new road will be formed to a standard supporting public access/ use and vesting to CODC.</p> <p>Any public road on PCL which is intended to facilitate a long-term replacement for the Thomson Gorge Road would need to be designed to a standard acceptable to CODC. DOC should be consulted so that the proposal aligns with any concession granted. DOC has reflected on this requirement when considering concession conditions and notes condition 49 as set out in application document D.01.</p>

⁵ [2024-10-25 Report - Standard](#)

⁶ [B.30-Stantec-Integrated-Transport-Assessment-Stantec-2025_Redacted.pdf](#)

Concession**Nature of activity****Ardgour Rise Fibre Optic Cable**

Further to the information provided in the application document D.06B, the applicant has described in application document A.11 ⁷ that the existing cable will be realigned to be included in the ambit of the Ardgour Rise Access Track concession. DOC has not identified any specifications in relation to the proposed cable/facilities in the application documents.

DOC anticipates that any relocation of the fibre optic cable would need to be facilitated by Chorus and therefore installed to the appropriate specifications. Again, this has been reflected on in conditions.

State Highway 8 and Ardgour Road Intersection (both)

Further to the information provided in the application documents D0.7A and D0.7B, application document B.30 Stantec Integrated Transport Assessment⁸ sets out further specifications around the design of the roading infrastructure.

The intended upgrade of public road on PCL would need to be designed to a standard acceptable to CODC and NZTA respectively. DOC should be consulted so that the proposal aligns with any concession granted. DOC has reflected on this requirement when considering conditions noting the proposed consent condition 44 in application document D.01.

Willow Management

The applicant has proffered a condition which sets out that they must submit plans to DOC and a proposed willow management methodology for certification/approval. This plan would detail how the activity would be undertaken, and these details are important due to the biodiversity and heritage values at place. Depending on how the willows are managed it is possible there could be a requirement for temporary facilities to remove dead trees or protect any heritage artifacts, this can be provided for through appropriate conditions.

Water Monitoring and Access

The applicant provided no information in their initial application around the specifications of equipment proposed to be installed in relation to this concession.

Following a further information request to the applicant in February 2026 the applicant described that the associated facilities will establish a surface water flow meter in the bed of Clearwater Creek and a groundwater monitoring bore in the adjacent area. The applicant outlined that surface water flow meter will result in very limited visible structures (i.e. a few short sections of pipe and a box and short aerial mast) while the groundwater monitoring bore will only apply to a footprint of approximately 4 x 6 m to establish a drill pad area to install the bore.

⁷ [2024-10-25 Report - Standard](#)

⁸ [B_30-Stantec-Integrated-Transport-Assessment-Stantec-2025_Redacted.pdf](#)

7.6 Effects of the activity, structure or facility (section 17U(1)(b))

7.6.1 The applicant has outlined in application document A.15 that the proposed concessions themselves are activities which seek to address the potential and actual adverse effects of mining operations related to the BOGP. The applicant has outlined the positive effects of the activities as they view them:

- I. *The Ardgour Rise Concession Area has the sole purpose of maintaining public access between the Ardgour terrace and Thomsons Saddle through an existing easement in the Ardgour Conservation Area;*
- II. *The SH8 Concession Area will enable upgrades to the SH8 / Ardgour Road intersection which will improve the safety and efficiency of the surrounding transport network;*
- III. *The CIT Concession Area has the sole purpose of maintaining public access to the historic Come-in-Time Battery site within the Bendigo Historic Reserve;*
- IV. *The Willow Concession Area will have positive ecological and amenity effects through the management of crack willows along Bendigo and Clearwater Creeks as part of offsetting and compensation measures to address residual ecological effects from the BOGP; and*
- V. *The Monitoring Bore Concession Area will have positive effects on surface and groundwater quality by enabling the monitoring of surface and groundwater quality within the Rise and Shine Creek catchment.*

7.6.2 The applicant has not provided an individual effects assessment for each concession activity. Whilst DOC acknowledges the applicant's rationale that they are seeking to avoid unnecessary repetition, with reliance placed on broader effects assessments covered in the AEE and technical assessments, many assessments are not specific to the areas of PCL on which the concessions are sought. It is DOC's view that the broader assessments the applicant has referred to in application documents A.13 and A.15 do not enable a full assessment of effects for the concession activities proposed, particularly in relation to the context of the PCL on which they are proposed to occur.

7.6.3 DOC acknowledges that the concession activities may have several effects similar in nature to activities being undertaken as part of the broader proposal but given these activities are specific and located on PCL they should be assessed and addressed in full to ensure appropriate conditions.

7.6.4 It is noted that many effects and technical assessments focus on areas outside of PCL where primary mining activities are located. For example, the ecological and biodiversity assessments do not consider the State Highway 8 and Ardgour Road Intersection, Access Route to CIT Battery, Willow Management, or Monitoring and Access concessions/areas. Another example would be that the heritage effects assessment does not address the Access Route to the CIT Battery, Willow Management or Monitoring and Access concessions which are situated in a historic reserve. Whilst the applicant has advised that they believe effects are minimal this should be substantiated by information and factual assessments that demonstrate this.

7.6.5 DOC has listed out what it considers the primary actual or potential effects of the each of the proposals to be in the Table 3 below.

7.6.6 It is also noted that not having a full assessment of effects in relation to each proposal and/or not identifying specifically where each concession is addressed across the documents provided has made it challenging and extremely time consuming to ensure that all relevant considerations are captured. This is an issue DOC has engaged with the applicant on continuously but has received a limited response.

Table 3: DOC assessment of effects of proposed concession activities

Concession	DOC assessment of effects
Ardgour Rise Access Track	<p>DOC anticipates that actual and potential adverse effects would include:</p> <ul style="list-style-type: none"> a) Environmental effects from road widening, earthworks and stormwater management, including outside the existing farm easement alignment and for viewing areas (presumably with parking space). b) Increased traffic movement, resulting in greater PCL egress risk, visual and noise intrusion into the conservation area’s scenic and amenity values and disturbance to biodiversity and recreational use c) The significant potential for opportunistic and attracted (if it is socialised gets) 4WD off-roading and resulting damage to land including PCL. This potential may attract more vehicles than would normally use Thomson Gorge Road; d) Greater visual intrusion into the landscape from a higher elevation and noise; e) Dust and sediment from earthworks and heavy machinery movement. f) It is noted that effects (a-e) may have impacts specifically on wildlife (lizards, invertebrates, avifauna), and vegetation including: <ul style="list-style-type: none"> o The destruction of habitat, at least two rock tors/outcrops are present along the alignment, and both uphill and downhill batters support lizard habitat. Track upgrading risks disturbing soil seed banks, facilitating weed spread, damaging or removing rock habitat, destabilising tors and boulder fields, crushing or exposing

sheltering lizards, and disturbing occupied refugia. Works outside the existing footprint—such as turnarounds, stockpiles, or spoil placement—would create further disturbance, and the use of heavy machinery increases the likelihood of uncontrolled batter modification or side casting into sensitive rocky habitat.

- In relation to lizards the activity will likely affect Kawarau gecko, southern grass skinks and McCann's skink, this activity will also potentially effect Lakes skink (threatened-nationally vulnerable). The wildlife approval sought does not include Lakes skinks⁹. The potential presence of Lake's skink materially elevates ecological risk.
 - In relation to vegetation DOC's experts have identified that the values and effects associated with this part of the application have not been described in a way that allow the impacts to be assessed.
 - It is also anticipated that there will be effects on invertebrate species of high conservation value.
- g) Conflict with existing recreational hunting activities (it is an open permit hunting area), while recognising hunting opportunities are limited to mainly goats, pigs and small game¹⁰;
- h) Road deterioration through no defined maintenance; and
- i) Effects relating to longer term feasibility and management of the concession (both financial and social) noting that CODC may not be willing to receive an easement.
- j) Potential heritage effects, DOC is aware that a 19th Century surveyor's iron pipe is identified on the survey plan and advised the applicant this should be considered by the applicant. No confirmation identified by the applicant to date.¹¹

Ardgour Rise Fibre Optic Cable

Comments as above (excluding i)) noting this concession is in the same geographical location and the existing fibre optic cable will be transferred in conjunction with the development of road

Additionally, DOC has not identified any communications with Chorus to demonstrate support/facilitate a future transfer again potentially having effects on the feasibility of the longer-term management of this concession.

State Highway 8 and Ardgour Road Intersection (both)

DOC anticipates that actual and potential adverse effects would include:

- a) Environmental effects from road widening and associated earthworks
 - b) Increased dust, and sediment noise and stormwater run-off onto PCL and surrounding areas;
-

⁹ Although the applicant has proposed a 'catch all' wildlife approval in one part of the applicant this is not considered appropriate – further details in DOC Wildlife Section 51 report.

¹⁰ [Ardgour/North Dunstan hunting: Central Otago and The Remarkables, Otago](#)

¹¹ Note this was raised in consultation with the applicant 2025

- c) Increased traffic/works obstructing recreational access (e.g. fishing and boat launching at the Lindis River which is a regionally significant trout fishery). It is noted this effect is now significantly reduced due to the reduction in / relocation of the proposed construction laydown area to the east side of SH8¹².
- d) Potential impact on existing concessionaire (see Table 7)
- e) It is noted that effects a)-b) may have impacts specifically on wildlife (lizards, invertebrates, avifauna) and vegetation (albeit that there is already established traffic activity in the area). DOC cannot identify where in the application these values have been assessed in relation to this activity. The ecological assessments do not appear to focus on this area and either have not been described, or not in a way which enables DOC to provide further comment.
- f) It is noted that no wildlife approvals have been sought for this activity, whilst vegetation/soil in this area known to support McCann's skink. These works carry a foreseeable risk of crushing skinks, exposing sheltering individuals and removing microhabitat.
- g) Road deterioration through no defined maintenance; and
- h) Effects relating to longer term feasibility and management of the concession (both financial and social) noting that CODC/NZTA may not be willing to receive an easement.
- i) DOC understands that the applicant has discussed the issue with NZTA but has seen no written confirmation on the transfer of an easement. Communication with NZTA relates to support of the high-level design. As previously discussed, an easement is not a preferred long-term solution, rather the road should be in the ownership, and therefore full responsibility of, the road controlling authority.

Access Route to CIT Battery

DOC anticipates that actual and potential adverse effects would include:

- a) Minor effects on the physical environment are anticipated given the proposal is proposing minimal vegetation clearance and the installation of markers (e.g. no significant earthworks involved).
 - b) Potential effects on protected wildlife including lizards as the area provides suitable habitat (It is noted that the applicant has not applied for any wildlife permits to cover this area).
 - c) Significant effects on recreation experience:
 - o The proposed 2hr route (4hr return total) would not provide the same level of front country user access as the existing 15mins short walk. The significantly different offering would likely see a decline in use as the current visitor group would no longer have efficient and attractive access to the Come in Time Battery and its significant heritage values.
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¹² As per updated concession application documents (10th March 2026)

- o Visitor safety risk associated with inexperienced users getting lost or straying off track into unmarked, obscured mining hazards or steep cliff faces that are a feature of BHR, the applicant has not demonstrated that the proposed track has not been subject to any standard route planning procedures, but has noted that they are open to a variation of the current design.
- d) Periodic (undefined) blasting closure of access to the CIT battery without management mitigations apart from signage. Temporary closure for safety reasons would require DOC implementation; and
- e) Track deterioration over time with no defined maintenance, the existing short walk track may also require maintenance to ensure its future viability when it is proposed to be reinstated.
- f) Effects associated with the proposed reinstatement of the track, given there may no longer be a public road to this area of the site.

**Willow
Management
Concession**

DOC anticipates that actual and potential adverse effects would include:

- a) Physical environmental effects from:
 - o Minor earthworks
 - o Removing the willow trees and method(s) used (currently undetermined)
 - o Any associated vegetation disturbance and land disturbance activities (e.g. for access and removal)
 - b) Effects associated with point (a) may have impacts specifically on wildlife (lizards, invertebrates, avifauna) habitat vegetation. DOC's experts have identified that the values and effects associated with this part of the application have not been described in a way that allows the impacts to be assessed. It is further noted that many of the applicant's ecological assessments do not address this part of the proposal – perhaps given its spatial distance to the bulk of the proposed activities.
 - c) Potential effects on protected wildlife including lizards as the area provides suitable habitat (it is noted that the applicant has not applied for any wildlife permits to cover this area).
 - d) Impacts of the physical activities on heritage sites which are located within close proximity acknowledging part of the area of PCL is also a Historic Reserve i.e. the potential to damage heritage sites which are part of the wider heritage landscape.
 - e) Temporary impacts on recreational users who may experience restricted access.
 - f) Contamination and sedimentation of the freshwater ecosystem; and
 - g) Potential effects resulting from incomplete removal (e.g. increased pest habitat).
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Water Monitoring and Access

DOC anticipates that actual and potential adverse effects would include:

- a) Physical environmental effects from:
 - Vegetation clearance and earthworks.
 - The installation of monitoring equipment
 - Ongoing monitoring and maintenance activities
 - Visual and audible intrusion from bore equipment.
 - b) Potential damage to heritage artefacts and the historic reserve –
 - c) Increased vehicle movements
 - d) Potential minor impacts on recreation through the restriction of public access/use
-

7.7 Measures that can reasonably and practicably be undertaken to avoid, remedy or mitigate any adverse effects (section 17U(1)(c))

7.7.1 Without more specific assessments of environmental effects in relation to the activities proposed, it is not possible to assess and identify measures that could be reasonably and practicably be undertaken with any certainty.

7.7.2 The applicant's approach to effects management takes a similar approach to their assessment of effects. There is a reliance on broader conditions and management plans to set out how any anticipated effects of the concession activities are to be managed but these are not robustly informed.

7.7.3 The conditions proffered by the applicant in relation to the proposed concession activities do not provide a high-level of confidence that actual and potential effects will be managed appropriately. It is acknowledged that the application has been amended in certain respects to avoid or mitigate some adverse effects as a result of ongoing engagement.

7.7.4 The applicant has noted in their updated substantive application memorandum¹³ Part G that further updates to the management plans are anticipated as part of the process.

¹³ [Memo 11.07.24](#)

7.7.5 As reflected in the covering report DOC has significant concerns around the effectiveness of management plans to address effects in their current form and structure.

7.7.6 DOC's comments in relation to the individual concessions sought are outlined in the Table 4 below.

Table 4: DOC assessment of measures to manage effects

Concession	DOC assessment of measures that could be undertaken
Ardgour Rise Access Track	<p>The specific measures DOC proposes are undertaken in relation to this concession are:</p> <ul style="list-style-type: none"> a) Submission of detailed design plans which specify road construction and maintenance standards acceptable to CODC and for DOC comment (addressed by proposed resource conditions but should also be specific to the concession approval) b) A Site-Specific Erosion and Sediment Control Plan, as proposed by MGL, for DOC comment c) Road easement corridor fencing for the purpose of preventing 4wd off-roading to be constructed to a standard approved by DOC. d) DOC input into proposed viewing areas and any interpretation information e) That DOCs standard and special easement conditions apply.
Ardgour Rise Fibre Optic Cable	<p>The specific measures DOC proposes are taken in relation to this concession are:</p> <ul style="list-style-type: none"> a) That the cable be contained within the proposed road ROW alignment b) That DOCs standard and special easement conditions apply.
State Highway 8 and Ardgour Road Intersection (both CODC and NZTA))	<p>The specific measures DOC proposes are taken in relation to these concessions are:</p> <ul style="list-style-type: none"> a) Submission of detailed design plans which specify road construction and maintenance standards acceptable to CODC and for DOC comment (addressed by proposed resource conditions but should also be specific to the concession approval) a) Condition to secure and manage continued public and concessionaire access to the land and river <ul style="list-style-type: none"> b. That DOC's standard and special easement conditions apply.

Concession**DOC assessment of measures that could be undertaken****Access Route to CIT Battery**

As stated elsewhere in this report DOC does not consider this proposed concession is appropriate. DOC feels that there is a better alternative possible.

Notwithstanding the above, if granted, the specific measures that DOC proposes should be undertaken in relation to this concession are:

- a) Ensuring that any new route/track is planned using standard practice and is an alignment agreed with DOC (e.g. avoids historic fabric and minimises any potential effects on native vegetation, protected wildlife and habitats, and proximity to steep cliff faces);
- b) Requiring the approved standard of track to be in accordance with SNZ HB 8630:2004 NZ Handbook for Tracks and Outdoor Visitor Structures
- c) Ensure that the applicant has responsibilities for the maintenance of the route during its life and any associated costs including rehabilitation when the track is no longer required.
- d) A clear commitment to reinstating the existing CIT access track on mine closure, remove this route and reinstate the land;
- e) Ensure respective responsibilities under the Health and Safety at Work Act 2015 and Occupiers' Liability Act 1962 are clearly identified and addressed and DOC's visitor safety management policy and SOP are followed when managing visitor safety; and

Facilitate and fund DOC management access to the CIT Battery Stamper to maintain/repair it when necessary, as determined by DOC.

Willow Management Concession

The specific measures that DOC proposes could be undertaken in relation to this concession are:

- a) Provision of a Willow Management Plan for DOC's approval which includes detail on access management, methodology, disposal and considers conservation values including heritage, recreation and biodiversity (including freshwater).
- b) Identification and avoidance of any heritage sites along the creek; and appropriate mitigations to protect any nearby sites as appropriate
- c) Monitoring and reporting of effectiveness and for any adverse effects with supplementary action. (not in App proposed conditions)

Water Monitoring and Access

The specific measure that DOC proposes could be undertaken in relation to this concession is:

- a) avoiding any impacts on heritage and minimising any actual or potential impacts on heritage, recreation and biodiversity (including freshwater) in bore location. (not in App proposed conditions)

7.8 Any relevant environmental impact assessment, including any audit or review (section 17U(1)(e))

7.8.1 DOC has considered the assessment of effects and accompanying reports provided by the applicant as part of its application and this has informed the comments provided throughout this report on effects.

7.8.2 DOC's view is that the assessment of environmental effects and impacts is severely limited as they are not specific to the individual concessions sought and largely do not specifically consider each area. For context, under a BAU approvals process the assessment of effects provided would not be sufficient to inform a decision to grant or decline concessions for all activities except the Water Monitoring and Access concession, which is anticipated to have very minor adverse effects.

7.9 Application may be declined (section 17U(2))

7.9.1 Section 17U(2) provides that an application may be declined if the panel considers the information available is insufficient or inadequate to assess the effects of any activity, structure or facility; or there are no adequate methods or no reasonably methods for remedying, avoiding or mitigating the adverse effects.

7.9.2 The effects of the proposed concessions have been assessed by DOC but as acknowledged in previous areas of this report, the effects assessment information provided by the applicant has been limited in relation to several of the concession proposals. The exception to this is the Water Monitoring and Access concession, where effects are now assessed as minor following amendment of the proposed location of the bore. Otherwise, DOC believes that the information provided by the applicant is insufficient to fully understand the effects in relation to these activities on PCL.

7.9.3 Notwithstanding DOC's position on the appropriateness of long-term provision for public roads on PCL by way of easement, and its opposition to the Access Route to CIT Battery as proposed, DOC does believe that there are likely reasonable methods to avoid, remedy or mitigate adverse effects of the proposed concessions. The loss of easy visitor group access in relation to the CIT Battery concession cannot be mitigated through the current proposal.

7.9.4 Whilst DOC considers that conditions and appropriate management plans could be provided or amended to manage effects, these would need to be informed by robust and specific assessment of effects in relation to each of the concession areas to

ensure they are reasonably and practicably able to be undertaken and are no more onerous than required.

7.10 Consideration of alternatives (section 17U(4))

7.10.1 Section 17U(4) relates to consideration of alternatives, including alternative locations.

If the panel considers that the criteria in s 17U(4) apply to any application, it cannot grant that concession.

7.10.2 DOC has provided commentary in Table 5 below based on the information provided by the applicant about whether the project could reasonably be undertaken in another location, or in another conservation area or another part of the conservation area, where the potential adverse effects will be significantly less¹⁴.

7.10.3 In DOC's view none of the concession proposals can reasonably use existing structures or facilities because there are either none available, or due to the location of the proposed mining operations will be no longer accessible.

Table 5: DOC assessment of alternative locations for activity

Concession	DOC assessment of alternatives
Ardgour Rise Access Track	DOC is unable to identify an assessment of potential alternative alignments outside of PCL; therefore, it is unclear how much consideration was given to other locations. However, predominantly following a ridgeline and existing 4wd track with reasonable grades (in the context of the terrain) is likely to be a feasible option to construct an alternative access. Given the proposed mine location, land contours, PCL locations and existing farm track easement, DOC accepts that the road facility cannot be reasonably undertaken in another location.
Ardgour Rise Fibre Optic Cable	As above. should Thomson Gorge Road be relocated to the farm access track where the current easement sits (Ardgour Rise) it is logical that the fibre optic cable is relocated along the same route as this is unlikely to result in greater effects.
State Highway 8 and Ardgour Road Intersection (both)	DOC considers that the proposed intersection upgrade, cannot be undertaken in another location because they rely on the existing SH / local road junction location.

¹⁴ [Substantive Application Document A.15 Application Information Requirements](#)

Concession	DOC assessment of alternatives
Access Route to CIT Battery	<p>DOC is unable to identify an assessment of potential alternative alignments outside of PCL but acknowledges the applicant’s intent of retaining public access to the CIT Battery. The applicant has not put forward an alternative that minimises use of PCL and which would offer a comparable recreational experience to the current CIT public access.</p> <p>DOC is however of the view that more appropriate locations for an access route should be explored. Notwithstanding the need for appropriate effects assessment and route planning DOC considers that access to the proposed walking route facility can feasibly be undertaken in another location</p>
Willow Management	<p>This concession application does not propose a structure or facility.</p>
Water Monitoring and Access	<p>DOC is unable to identify an assessment of potential alternative locations outside of PCL; therefore, it is unclear how much consideration was given to other locations</p> <p>However, DOC accepts that the water monitoring facilities need to be downstream of the Rise and Shine Creek catchment (within Clearwater Creek or Bendigo Creek), that would receive run off from the SRX, SRE and WELF mine domains, to ensure proposed compliance limits would be met. The proposed location has an existing access track in place, reducing actual and potential adverse effects.</p>

7.11 Granting interests in land (section 17U(5))

7.11.1 Section 17U(5) applies to applications for leases or licences granting an interest in land and provides that the panel may only grant such a lease or licence if satisfied of certain matters.

7.11.2 No lease is proposed. The licences proposed would not be considered to grant an interest in the land.

7.12 Relationship between concessions and conservation management strategies (CMS) and plans (CMP) (section 17W)

7.12.1 Section 17W(1) requires consideration of whether or not granting a concession would be consistent with any relevant conservation management strategy or plan.

7.12.2 The relevant statutory planning document is the Otago CMS 2016 which breaks down the region into places and associated policies and desired outcomes. The detailed

assessment of the proposed concessions against the relevant policies is provided in Appendix B.

7.12.3 In summary, the Willow Management and Water Monitoring and Access concessions are largely consistent with the CMS. The other activities proposed are inconsistent with the CMS due to the emphasis on policies to maintain natural character, historic sites and recreational use.

7.12.4 However, the CMS does allow the decision maker some discretion and advocates for the measures to avoid the adverse impacts of activities. DOC's view is that with appropriate conditions adverse effects of the proposed concessions could be minimised to achieve greater alignment with the CMS.

7.13 **Imposing and enforcing conditions (section 17X)**

7.13.1 Under Part 3B, conditions can be imposed pursuant to section 17X. Under the FTAA, the Director-General is required to provide information to address conditions in accordance with Schedule 6, clauses 8 and 9. DOC's comments on conditions for each of the concession approvals are addressed in Appendix C.

7.14 **Rents, fees and royalties (section 17Y)**

7.14.1 Rents, fees and royalties would normally be considered in accordance with Section 17Y. Under the FTAA, clause 8(3) applies instead of section 17Y(1). The applicant has not proposed any fees in relation to the proposed concessions.

7.14.2 As the concessions are required to facilitate a private activity, DOC considers it appropriate to seek concession fees in relation to the application.

7.14.3 The applicant has not proposed any concession fees. This report directs the panel to impose a Section 78 condition which will facilitate a third party valuation of appropriate concession fees to apply to the activities.

7.15 **Term of concession (section 17Z)**

7.15.1 The applicant is seeking a different term for each of the concessions as set out in Column 3 of Table 1.

7.15.2 The maximum term allowable for an easement or licence under section 17Z of the Conservation Act is 30 years (note there are some exceptions, but none are relevant to the current application).

7.15.3 The applicant states that the maximum term is sought, in most cases, to ensure that the term of the concessions adequately covers the life of the project and longer-term use for some, without the need for extensions if any unforeseen delays occur. The requested terms do not contradict the limitations set out in section 17Z of the Conservation Act however, DOC considers that more information around the future management of the areas is required to inform DOC's view on a suitable timeframe for the concessions.

7.15.4 DOC is generally comfortable with the proposed terms for each the activities with the exception of the 30-year terms sought for roading infrastructure. As outlined elsewhere in this report, more information is required to inform this view but DOC considers at best a short-term concession should be granted sufficient to facilitate acquisition of the land and subsequent vesting with the relevant RCA.

7.16 **Clause 7(1)(a)(iii)**

7.16.1 Clause 7(1)(a)(iii) requires the panel takes account of any other relevant provisions of Parts 3, 4, 4A, 5, 5B, and 5C of the Conservation Act 1987 that direct decision making in relation to Part 3B of that Act.

7.16.2 DOC has not identified any relevant considerations.

7.17 **Clause 7(1)(a)(iv) and (v)**

7.17.1 Neither clause 7(1)(a)(iv) or (v) are relevant as the applicant has not applied for a concession meeting the definitions specified.

7.18 **Clause 7(1)(a)(vi)**

7.18.1 Clause 7(1)(a)(vi) requires that the purpose for which the land is held (in the case of a Reserves Act approval, taking into account Parts 1, 2, and 3 and section 122 of the Reserves Act 1977) be taken into account.

7.18.2 All land held under the Conservation Act 1987 is held for conservation purposes. Conservation is defined in Section 2 of the Conservation Act as “the preservation and protection of natural and historic resources for the purpose of maintaining their intrinsic values, providing for their appreciation and recreational enjoyment by the public, and safeguarding the options of future generations”. Additional classifications of land identify primary purposes for which public conservation land has been set aside.

7.18.3 Land is held under the Reserves Act for the preservation and management for the benefit and enjoyment of public for recreation, indigenous flora or fauna, amenity/scenic, historic/cultural, scientific and community values, depending on the relevant reserve classification under Part 3 of that Act.

7.18.4 Details specific to the land on which each concession is proposed and the purpose for which that land is held are set out in relation to each concession as below.

Table 6: DOC PCL status and alignment

Concession	PCL status and purpose
Ardgour Rise Access Track	<p>These concessions are proposed within a stewardship area, held under the Conservation Act 1987.</p> <p>Section 25 of the Conservation Act 1987 states “<i>every stewardship area shall so be managed that its natural and historic resources are protected</i>”</p>
Ardgour Rise Fibre Optic Cable	<p>The development of a public road and location of infrastructure is inconsistent with the purpose for which the land is held.</p> <p>As the long-term facilitation of infrastructure is not consistent with the purpose for which the land is held DOC recommends that the applicant commits to a more aligned longer term management strategy e.g. facilitates a process where the land is vested with the relevant road controlling authority. This is reflected throughout this report.</p>
State Highway 8 and Ardgour Road Intersection (both)	
Access Route to CIT Battery	<p>These concessions are proposed within a s 18 Historic Reserve, held under the Reserves Act 1977.</p> <p>Section 18 historic reserves are primarily for the purposes of “protecting and preserving in perpetuity such places, objects, and natural features, and such things thereon or therein contained as are of historic, archaeological, cultural, educational, and other special interest.”</p>
Water Monitoring and Access	<p>The Reserves Act 1977 s18(2) further sets out that:</p> <p><i>“every historic reserve shall be so administered and maintained that—</i></p> <p><i>(a) the structures, objects, and sites illustrate with integrity the history of New Zealand:</i></p> <p><i>(b) the public shall have freedom of entry and access to the reserve, subject to...such conditions and restrictions as...consider[ed] to be necessary for the protection and general well-being of the reserve and for the protection and control of the public using it:</i></p> <p><i>(c) where scenic, archaeological, geological, biological, or other scientific features, or indigenous flora or fauna, or wildlife are present on the reserve, those features or that flora or fauna or wildlife shall be managed and protected to the extent compatible with the principal or primary purpose of the reserve:</i></p>

Concession	PCL status and purpose
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(d) to the extent compatible with the principal or primary purpose of the reserve, its value as a soil, water, and forest conservation area shall be maintained:

(e) except where the Minister otherwise determines, the indigenous flora and fauna and natural environment shall as far as possible be preserved..."

Subject to appropriate conditions and ensuring the avoidance of damage to heritage and impacts ecological values, and considering the scale and nature of the proposals, a water monitoring concession would not be considered unfeasible in relation to the purpose for which the land is held.

Willow Management

This concession is proposed within a s 18 Historic Reserve (note above), held under the Reserves Act 1977, and a s 24 Marginal Strip under the Conservation Act 1987.

Section 24C of the Conservation Act 1987 sets out that:

(a) Marginal strips are for the purpose of:

(i) the maintenance of adjacent watercourses or bodies of water; and

(ii) the maintenance of water quality; and

(iii) the maintenance of aquatic life and the control of harmful species of aquatic life; and

(iv) the protection of the marginal strips and their natural values; and

(b) enabling public access to any adjacent watercourses or bodies of water; and

(c) public recreational use of the marginal strips and adjacent watercourses or bodies of water.

Subject to appropriate conditions and ensuring the avoidance of adverse effects including of damage to heritage and avoiding/minimising any impacts on biodiversity (particularly freshwater values), the activity may would not be considered inconsistent/unfeasible with the purposes for which the land is held.

7.19 Clause 7(1)(a)(vii), (viii) and (ix)

7.19.1 These clauses are not relevant as no applicable documents as described (being those co-authored, authored or approved by a Treaty settlement entity) exist.

7.20 Clause 7(1)(a)(x)

7.20.1 The land status is either conservation area or historic reserve as set out in Table 6 and DOC is responsible for administering this land on behalf of the Crown.

7.21 Clause 7(1)(a)(xi)

7.21.1 This clause requires consideration of whether the land is subject to any existing arrangements that create obligations in relation to the land. Information regarding existing arrangements is set out in Table 7 below, including DOC comment regarding implications.

7.21.2 In summary DOC does not believe that these existing arrangements are incompatible with the proposal.

Table 7: Existing arrangements in the land

Concession holder	Concession type	Term and expiry	Detail	DOC comment
Individual	Vehicle ROW Easement (PAC-26-04-70)	In perpetuity	Ardgour Station Farm Track under the Land Transfer Act 1952 (Tenure review outcome)	The proposed Ardgour Rise Access Track easement overlaps with the existing easement approved under the Land Transfer Act 1952. This easement benefits the neighbouring freehold title which is to be purchased by the applicant for the project. The proposed activity under the Ardgour Rise Access Track concession easement covers a wider range of purposes than the existing easement and is unlikely to impact the utilisation of the existing easement (which it is consistent with) by the adjacent landowner during the term of the project.
Otago Regional Council	Licence Concession (68190-OTH)	10 year term expiring: 31/07/2028	A water flow meter and camera can be installed anywhere in a 35.4064ha area in the Lower Lindis Conservation Area (see Figure 2) but, according to their application, is likely to be within 500m of the river confluence.	While the installations are unlikely to be directly affected by the proposal, access could be and so needs to be safeguarded. As this is for a non-exclusive licence DOC does not consider that the existing interests are incompatible with the proposal.

7.22 **Clause 7(1)(a)(xii)**

7.22.1 The legal and financial liabilities associated with the concession activities have been considered. DOC considers these matters are adequately covered by the DOC's standard terms and conditions and the Section 78 condition should they be required.

7.22.2 DOC has directed the use of Section 78 conditions. Given the lack of conditions proposed by the applicant DOC considers a precautionary approach is warranted due to the uncertainties around the levels of Crown risk and liabilities. Section 78 conditions should they be required will manage Crown liability and risk in relation to health and safety, compliance, insurance, rehabilitation appropriate fees, and bonds for the activities proposed.

7.22.3 In lieu of any other provision to manage the risk of establishing public transport infrastructure on PCL, DOC considers bonds will be of substantive importance. Bonds will ensure that future risks around remediation of the land, if the land is not otherwise established as public roads/highway, will occur.

7.23 **Conditions**

7.23.1 Clauses 8 and 9 deal with conditions and provide that

- Section 17X of the Conservation Act 1987 applies with necessary modifications
- Subclause 8(3) applies instead of section 17Y(1) of the Conservation Act (relates to payment of rents, fees, royalties, levies and charges)
- The panel must impose any conditions from those specified in accordance with section 78 that are indicated by the D-G to be relevant (via this report).

7.23.2 DOC has outlined its general concerns around conditions in its covering report. Additional comments below are specifically relevant to the consideration of concession conditions.

7.23.3 DOC is concerned that there are several ongoing issues which need to be resolved to achieve legally robust, enforceable, practical and non-onerous conditions in relation to the concessions sought (alongside the broader suite of approvals the applicant is seeking).

7.23.4 Notwithstanding the above, DOC has sought to provide advice and information to the panel on concession conditions to the best of its ability given the information available and the time available to reflect on recent changes to the application documents.

7.23.5 A suite of proposed conditions for consideration is outlined in Appendix C generally broken down specific to each activity. Section 78 conditions that this report directs the panel to impose are set out in Table 8 as below and further detail is provided in Appendix A.

7.23.6 DOC is willing to provide further commentary on conditions as the process progresses and can assist in providing draft concession documents if necessary.

7.23.7 DOC notes that there is some overlap between standard conditions and section 78 conditions. DOC has included conditions that overlap to ensure that if a standard condition is not proposed, an appropriate section 78 condition can be imposed.

7.24 **Treaty Settlement conditions section 84**

7.24.1 DOC has not identified any conditions that specifically relate to Treaty settlements that should be imposed in accordance with section 84, however engagement with iwi is ongoing and DOC may provide further comment. DOC notes iwi groups have also been invited to comment on the application as per Section 53 of the FTAA.

7.25 **Section 78 conditions**

7.25.1 For the purpose of clause 9 of Schedule 6, if the panel grants concessions, the panel must impose any conditions the DG indicates are relevant from those specified in accordance with section 78.

7.25.2 The conditions specified must be considered appropriate in order to manage risks to, and potential liabilities of, the Crown arising from the granting of an approval of that kind.

7.25.3 The Minister for Conservation approved a suite of section 78 conditions in July 2025, and the Director-General has discretion to require the panel to impose relevant conditions. .

7.25.4 The detail of each specific condition below is as per Appendix A. DOC may not require these conditions to be imposed if acceptable alternative conditions which manage Crown risk and liability can be agreed. Given the lack of conditions proposed by the applicant DOC has taken a precautionary approach.

Table 8: Section 78 conditions to be imposed

Condition Type	Condition Reference (as per Attachment A)	Purpose	Across
Health and Safety Obligations	2 (2.1.1-)	Manage health and safety risk and liability no conditions pro-offered by applicant	All proposed concessions
Bonds	3 (3.1-3.7)	Manage financial risk and crown liability	All proposed concessions
New structures and land alterations	5 (5.1)	Manage financial risk and crown liability	All concessions excluding Willow Management
Removal of structures or other improvements	6 (6.2-6.4)	Manage financial risk and crown liability	All proposed concessions
Property of the Minister	9 (9.1)	Manage financial risk and crown liability	Across all concessions
Fees – Concessions Fees	10 (10.1-10.4)	Manage financial risk and crown liability	Across all concessions
Concession Fee review	11 (11.1-11.2)	Manage financial risk and crown liability	Across all concessions
Other Charges	12 (12.1-12.3)	Manage financial risk and crown liability	Across all concessions
Costs	13 (13.1-13.3)	Manage financial risk and crown liability	Across all concessions
Liabilities	14 (14.1-14.7)	Manage financial risk and crown liability	Across all concessions
Insurance	15 (15.1-15.4)	Manage financial risk and crown liability	Across all concessions
Bankruptcy or insolvency	16 (16.1)	Manage financial risk and crown liability	Across all concessions
Compliance	17 (17.1-17/3)	Manage financial risk and crown liability	Across all concessions
Compensation for unauthorised disturbance	18 (18.1)	Manage financial risk and crown liability	Across all concessions
Suspension of the Concession	19 (19.1-19.5)	Manage financial risk and crown liability	Across all concessions

Termination of the Concession	20 (20.1-20.3)	Manage financial risk and crown liability	Across all concessions
Monitoring	21 (21.1)	Manage financial risk and crown liability	Across all concessions
Heritage	22 (22.1)	Ensuring reasonable care to comply with Heritage New Zealand Pouhere Taonga Act 2014 which is relevant in terms of the heritage landscape.	Across all concessions
Variations	24 (24.1)	Manage financial risk and crown liability	Across all concessions

8. Other relevant information

8.1 Consultation

- 8.1.1 A broad overview of consultation undertaken with the applicant is provided in the DOC Approvals Covering Report.
- 8.1.2 Specifically in relation to concessions, DOC sent feedback directly to the applicant in September/October 2025 and further engaged with the applicants at workshops in September 2025 and again in February 2026.
- 8.1.3 Included in DOC's feedback to the applicant was examples of standard conditions, the Section 78 conditions which in lieu of proffered conditions and to ensure the management of Crown risk and liability this report directs the panel to impose.
- 8.1.4 The applicant has recently made some amendments the application to reflect some of the feedback raised. However, despite the engagement, many of the key issues raised earlier on in the process remain including those outlined in Table 9.

Table 9: Key issues discussed during engagement remaining unresolved

Concession	Key outstanding issues
Ardgour Rise Access Track	a) No assurance around the proposed longer-term management of roading infrastructure on PCL. DOC is not the appropriate agency for administering land subject to public roading infrastructure. The current proposal holds risk and liability for DOC which could be managed through conditions will likely require conditions with significant implications for the applicant (e.g. restoration plans/bonds) should the road not be transferred to an appropriate agency to own/manage in the longer term. b) As addressed in other parts of this report, of further significant concern is that CODC have expressed during engagement with the applicant
State Highway 8 and Ardgour Road Intersection (both)	

Concession	Key outstanding issues
	<p>that they do not support the transfer of a concession. Whilst DOC acknowledges CODC's concerns and rationale it places a level of uncertainty around how a future transfer of established roading infrastructure would occur. CODC understands they would only support acquiring fee simple land. DOC's view is that appropriate conditions need to be considered to manage this risk/facilitate a suitable future transfer of land if the panel is minded to grant approval. DOC also notes that CODC are invited to provide s 53 comments.</p> <p>c) The applicant has discussed 'side agreements' to facilitate the future transfer of land but as above any potential solution needs to consider a future disposals process and would need all appropriate stakeholders' agreement. DOC's view is that although a side agreement may support a future disposal, it cannot form part of the condition set and managing this risk would then fall to a process outside of the Fast-track process..</p> <p>d) DOC is are not aware of NZTA's position on the future transfer of a concession/acquisition of the SH (noting that consultation with NZTA around design is included the lodged substantive application document B.30 Stantec Integrated Transport Assessment. It is also noted NZTA have been invited to provide s 53 comments.</p>
<p>Ardgour Rise Fibre Optic Cable</p>	<p>We are not aware of Chorus's position on the transfer of the future transfer of a concession and again as such have taken a precautionary approach to conditions, noting that Chorus has not been invited to provide s 53 comments.</p>
<p>Access Route to CIT Battery</p>	<p>The proposal for the CIT replacement track has not materially altered and does not appear to have been significantly informed by the issues DOC raised during consultation. DOC does fundamentally not support this proposal in its current state due to the lack of desire for a 4 hr track which is unlikely to have significant uptake, raises health and safety considerations and will not enable efficient maintenance of the CIT Battery.</p>

9. Treaty of Waitangi settlement considerations and obligations

- 9.1 Under section 7 of the Act the Panel must act in a manner that is consistent with obligations arising under existing Treaty settlements.
- 9.2 DOC has provided broader commentary on Treaty settlement considerations and obligations in the DOC Approvals Covering Report.
- 9.3 DOC has not identified any additional specific Treaty Matters in relation to the proposed concessions. DOC will engage further with Iwi on these proposals at the discretion of Iwi, noting that Iwi groups have been invited to provide comments under s 53 of the FTAA.

Appendices

Appendix A: Section 78 Conditions Concessions

Appendix B: Detailed Assessment of Otago CMS

Appendix C: Concession Conditions (DOC track changes and comments)