

BEFORE THE EXPERT PANEL

FTAA-2507-1089

**UNDER
IN THE MATTER**

Fast-track Approvals Act 2024
of the Bendigo-Ophir Gold Project

**MEMORANDUM OF COUNSEL FOR THE NEW ZEALAND FISH AND GAME
COUNCIL AND OTAGO FISH AND GAME COUNCIL**

Dated 7 September 2026

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TO THE EXPERT PANEL

1. New Zealand Fish & Game Council and Otago Fish & Game Council (together **Fish & Game**) provide the following in response to the further information and draft consent conditions provided by MGL:
 - a. Statement of Kathryn McArthur in relation to water quality, discharge treatment and aquatic ecology.
 - b. Statement of Jayde Couper in relation to avifauna/gamebirds and ecotoxicity.
 - c. Consent conditions with track changes and comments:
 - i. D.02 ORC Consents and Conditions
 - ii. D.03 Schedule One – Common Conditions to the CODC and ORC Consents
 - iii. D.04 Schedule Two – General Conditions for ORC Consents
2. The statement by Mr Couper is delayed due to Mr Couper's wife having been unexpectedly admitted to hospital for surgery. Fish & Game will file Mr Couper's evidence by Wednesday 9 September.
3. In relation to the comments on consent conditions it is noted that:
 - a. These comments are provided without prejudice to Fish & Game's position that the BOGP will have very significant adverse impacts (including some impacts such as ecotoxicity and bioaccumulation that are yet to receive any effective mitigation), along with impacts that remain highly uncertain, and that those impacts outweigh the Project's benefits such that the application for approvals should be declined.
 - b. Fish & Game has commented on conditions to the extent that it can within the time available. It does not represent a full and comprehensive commentary on the conditions. It has not been possible to comment on other condition sets in the time available.

7 September 2026



Sally Gepp KC
Counsel for Fish & Game