

1. Contact Details	
Please ensure that you have authority to comment on the application on behalf of those named on this form.	
<b>Relevant portfolio</b>	Minister of Conservation
<b>First name</b>	Tama
<b>Last name</b>	Potaka
<b>Contact person:</b>	Lynn Hansberry, Director Regulatory Systems Performance, Department of Conservation
<b>Contact number:</b>	██████████
<b>Email:</b>	████████████████████
I can receive emails and my email address is correct	

### General Comment

1. Thank you for the invitation to comment on the Bendigo-Ophir Gold Project (BOGP) application.
2. I note that the Director-General of Conservation has been invited to comment and intends to do so and has also provided reports on the specific approvals under legislation that the Department administers. I understand the advice in those reports and comments will address matters such as the effects on conservation values.
3. My comments focus on the implications arising from the proposed amendments to the conservation covenant.

### Conservation Covenant

4. I understand the intent of the conservation covenant is primarily to protect and enhance biodiversity values together with protecting and maintaining the landscape and heritage values present.
5. Outside the fast-track process, the agreement and approval of the Minister of Conservation would be required for an application to revoke or amend a conservation covenant. That is not required when such an application is made under the Fast-track Approvals Act 2024 (FTAA). The decision maker will be the panel, and I am, as Minister, able to make comments to inform that decision.
6. Conservation covenants are an important tool for protection of conservation values across New Zealand.
7. I note that the conservation covenant was granted in perpetuity and I understand that the landowner was compensated by the Crown (as part of the agreed outcomes of tenure review) at the time the covenant was put in place.
8. I understand that this is the first substantive fast-track project with a DOC conservation covenant in place. Revoking or amending the covenant in a way that is contrary to the covenant's objectives, particularly if no direct compensation/mitigation is offered by the applicant, could set a precedent and undermine confidence in the process used to set up such covenants, beyond the fast-track process.
9. Where covenants arise from tenure review (as is the case here), there is a public process to understand and address the way to protect conservation values. There is a risk that process could be seen as undermined, if changes that were contrary to the covenant's objectives were approved without alternative protection or mitigation in place.

10. Any such changes should be carried out with a proper legal process including ensuring the decision maker has access to full information about the impact. While fully acknowledging the different legal test to be applied under the fast-track process, I note that outside the fast-track process, when it is a Ministerial role, consideration would be given to:
  - the purpose of the covenant, what are the conservation values present that are to be preserved and protected through management of the land, and
  - whether the Minister is satisfied the subject land should no longer be managed to preserve and protect the conservation values, having regard to the extent to which the conservation values on the land have been preserved.
11. If changes to the covenant are to be made, it would be suitable for those changes to be considered in light of the geographic extent directly required for the project. I understand the current proposal is to remove areas of land broader than the direct footprint of the project.
12. I note that if the panel grants approval for the change, the panel is able to impose conditions (including for example, requiring protection of an equivalent area) and I expect the applicant will work with the Department on ways to ensure appropriate mitigation/compensation, and other conditions to address the impacts of such a change.

### **Conclusion**

13. In conclusion, the conservation covenant is in place to protect important conservation values, identified through a public process as warranting protection. Covenants are generally in place for perpetuity and landowners compensated for their creation. My expectation is that any changes to the covenant would be made with this, as well as the covenant's objectives in mind, within the context of the fast-track approval process.

### **Minister's signoff**



**Dated:** 10 / 04 / 2026

---

**Hon Tama Potaka**

**Minister of Conservation**