

9 October 2026

Ann Rodgers
Central Otago District Council
1 Dunorling Street
Alexandra 9320

Attention: Ann Rodgers

TRANSMITTAL: Email



Dear Ann

Bendigo Ophir Gold Project – Review of Transportation Conditions

You have asked me to review and provide further comment on the updated condition received in respect of the above Fast Track Resource Consent Application. The updated condition set (file name D.01_CODC_Land-Use-Consent-and-Conditions.doc) is dated 2nd October 2026 and has been provided subsequent to Council's feedback dated 7th September 2026.

Several of the matters raised by Council in the 7th September 2026 feedback have been satisfactorily reviewed including addressing the certification of infrastructure upgrades within the agreed delivery timeframes, incorporation of safety audits and changes in provisions in relation to the use of Matilda Rise.

I have three outstanding transport concerns in the 2nd October 2026 conditions set:

1. Condition 66 (previous condition 64) - Ardgour Road widening and third-party approvals
2. Condition 68 (previous condition 66) – Practicality of a Developer Agreement for pavement rehabilitation and monitoring
3. New Conditions 71A/B – The vesting of Ardgour Rise.

I briefly discuss each in turn below.

Condition 66 - Ardgour Road widening and third-party approvals

The updated condition 66 (was condition 64 in earlier condition set) includes the following additions (screen captures with yellow highlight for emphasis follows for 66.1 and 66.4):

- 66**
1. **Within 12 months of the commencement of the consents or within 12 months of Central Otago District Council obtaining any necessary third-party landowner approval, whichever is the latter, the section of Ardgour Road (as shown in Attachment F to this Land Use Consent) is to be upgraded at the Consent Holder's cost as follows:**

- 4. The Consent Holder must, within 12 months of the commencement of this consent, or within 12 months of CODC obtaining any necessary third-party landowner approval, whichever is the latter, meet the certification requirements set out in Condition 66(3) for the Ardgour Road upgrade works.**

In my view this condition is necessary to address significant adverse road safety impacts along the Ardgour Road corridor by delivering widening. However, if third party landowner approvals are deemed necessary and are unable to be obtained this could frustrate or delay the implementation of this condition.

Any third-party approvals can be worked through by Council within the timeframes as part of a business-as-usual approach and Council will undertake best endeavours to do this in an efficient and timely manner.

In my view it is not necessary to address this process in the condition set, especially noting that the current wording has the potential to further extend the delivery of this important road upgrade. I recommend that the above highlighted wording be removed from both 66.1 and 66.4.

Condition 68 - Practicality of a Developer Agreement for pavement rehabilitation and monitoring

Condition 68 (was condition 66 in earlier condition set) refers to a Developer Agreement / Transportation Deed between the Applicant and Council. Condition 68 reads as follows:

- 68 Within 12 months of the commencement of the consents, the Consent Holder must enter a Developer Agreement / Transportation Deed with Central Otago District Council relating to financial contributions toward any changes in pavement rehabilitation and widening post construction, informed by pavement monitoring during construction, currently planned funding timelines for pavement rehabilitation without the project, changes in pavement performance measures, and more detailed investigations of pavement composition where necessary.**

I am not aware of any such agreement or deed being in place at the time of writing this letter. Should the Applicant and Council be unable to agree on the terms of any such Developer Agreement / Transportation Deed, the requirements of this consent condition may be unable to be met, frustrating the consent.

I also am not aware of any commitment or from Council to enter such an agreement. It is not appropriate to include a condition of consent to a future agreement that Council has not committed to. Should Council be willing to enter an agreement, I recommend that this be in place prior to any consent being issued and not tied to the conditions set.

New Conditions 71A/B – The vesting of Ardgour Rise

Two new conditions have been drafted.

Condition 71A.1 begins as follows:

71A 1. If the vesting of Ardgour Rise in Central Otago District Council (as set out in Condition 71) has not been completed within 25 years following the commencement of the consents, the Consent Holder must provide an alternative vehicle route to Ardgour Rise within the Project Site to maintain public access across the Dunstan Mountains.

The remainder of 71A and 71B provide further conditions addressing the scenario proposed above wherein an alternate route may be required.

Council require the road to be vested in Council prior to the road stopping of Thomson Gorge Road. The section of Thomson Gorge Road which the Applicant has approached Council regarding implementing road stopping is a public road vested in Council. In order to implement the road stopping process under the Public Works Act, a suitable alternative public road vested in Council must be provided. Providing an easement does not fulfil this requirement and is unacceptable to Council.

In Council's feedback on conditions dated 7th September 2026 the following addition was requested at the end of condition 69 (which is subsequently renumbered as condition 71 in the 2nd October condition set): "*Ardgour Road must be vested prior to the road stopping of Thomson Gorge Road*".

This was an inadvertent error which may have caused some confusion. This should have read (underline for emphasis) "*Ardgour Rise must be vested prior to the road stopping of Thomson Gorge Road*".

I recommend that the above revised wording with the correction to refer to Ardgour Rise be included at the end of condition 71 in the 2nd October 2026 condition set to address this matter.

With respect to the remainder of 71A and 71B I am concerned that any alternate alignment as suggested by these conditions:

- has not been identified or discussed with Council
- may not meet agreed design standards
- may not be feasible or supportable from a geometric design and/or road safety perspective (as these matters have not been assessed)
- has not been assessed in terms of adverse effects - including in relation to landscape or ecology impacts.

Should any alternative alignment be considered by the applicant to be addressed through conditions, the above matters should be fulfilled to have confidence that they can be supported.

I therefore recommend that conditions 71A and 71B be removed from the condition set, and the words "*Ardgour Rise must be vested prior to the road stopping of Thomson Gorge Road*" be added to the end of conditions 71.

Please do not hesitate to contact me should you require further information.

Regards,

Abley Limited



Dave Smith
Technical Director, Transportation Planning

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