

BEFORE THE FAST-TRACK EXPERT PANEL

IN THE MATTER of the Fast-track Approvals Act 2024 (“FTAA”)

AND

IN THE MATTER of Bendigo-Ophir Gold Project (FTAA-2507-1089)

JOINT STATEMENT OF EXPERT WITNESSES:

SECOND RECONVENED LANDSCAPE ARCHITECTURE

19 August 2026

INTRODUCTION

1. Expert conferencing on the topic of landscape architecture took place online via Microsoft Teams from 9:00am-5:45pm on 18 May 2026; 8:30am-2:35pm on 27 May 2026; and 8:00am-9:15am on 28 May 2026, following which a Joint Witness Statement (“JWS”), dated 18, 27 and 28 May 2026, was signed. Conferencing was reconvened from 9.00am-2.15pm on 8 June 2026, following which a second JWS, dated 8 June 2026, was signed.
2. Following the provision of a supplementary brief of evidence by Mr Rhys Girvan dated 17 July 2026, the Panel directed in Minute 44 that conferencing on landscape architecture be reconvened. Accordingly, conferencing was reconvened from 11:00am-6:00pm on 19 August 2026.
3. The conference was attended by the following experts:
 - (a) Rhys Girvan (“RG”) (Applicant);
 - (b) Nigel Parker (“NP”) (Otago Regional Council);
 - (c) Bridget Gilbert (“BG”) (Sustainable Tarras);
 - (d) Stephen Brown (“SB”) (Central Otago District Council);
 - (e) Anne Steven (“AS”) (Environmental Defence Society); and
 - (f) Dr Alayna Pakinui Rā (“APR”) (Kā Rūnaka).
4. Steve Mutch (ChanceryGreen) acted as independent facilitator.
5. Caitlin Todd (ChanceryGreen) assisted the experts to draft the JWS.

CODE OF CONDUCT

6. The experts confirm that they have read the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note 2023 and referred to in the Fast-track Approvals Act 2024: Panel Conveners’ Practice and Procedure Guidance (22 July 2025) and agree to comply with it. The experts confirm that the issues addressed in this JWS are within their area of expertise, unless stated otherwise.

SCOPE OF JWS

7. In Minute 44 the Panel directed experts in the topic of landscape architecture to reconvene conferencing on identified agenda items relating to Mr Girvan’s supplementary brief of evidence, dated 17 July 2026. Minute 44 has formed the basis of the conferencing agenda.

8. In this JWS, we report the outcome of our discussions in relation to each item (below), including by reference to points of agreement, disagreement, and unresolved matters or uncertainties. Where we are not agreed in relation to any issue, we have set out the nature and basis of that disagreement.

AGENDA ITEMS

- A. **Confirm agreement with the methodology that has been undertaken by Mr. Girvan, noting that the purpose of the additional assessment was to: confirm expert advice on what are the specific landscape related character and values of the BCC; and what would be the effects of the proposal on those values. This is within the context of understanding the scale of adverse landscape effects when considering the application to revoke/uplift part of the BCC under the Reserves Act 1977. If there are any methodological disagreements, clearly set these out and provide reasons for the disagreement and outline whether these differences are of any consequence.**
9. RG noted that the GIS model provided a shared spatial resource for understanding the distribution and relationships of tangible aspects of relevant topographical, hydrological and ecological aspects, together with heritage, access and project features. The experts acknowledge that the GIS model was not itself a landscape assessment or a comprehensive inventory of all landscape values. The GIS model provided by RG was relied on by all experts.

Areas of agreement

10. The experts agree that the three relevant scales of assessment address: i) Upper Rise and Shine Creek area; ii) the covenant uplift area; and iii) the BCC as a whole.
11. The experts agree that the seven point scale from Te Tangi a Te Manu ("TTatM") should be used to quantify the level of effects.

Areas of disagreement

Section C of BCC

12. SB, APR, BG, AS and NP disagree with RG as to how Section C of the BCC is addressed and provides a foundation for the assessment of effects particularly in light of words "protecting", "enhancing" and "maintenance" which are applied to

the management of the identified landscape-related values within the covenant area.

13. SB, APR, BG, AS and NP consider that, in light of these words, the BCC area is to be managed in a way that protects or maintains the identified landscape-related values in an ongoing fashion, without any adverse effects on them. It does not foreshadow the possibility of adverse effects or for any amelioration, offsetting, compensation, or mitigation as is often the case with projects addressed under the RMA. These factors influence their assessments of landscape effects.
14. SB, APR, BG, NP and AS agree that any landscape assessment addressing this issue must ultimately determine whether the nature and magnitude of landscape effects is consistent with the objectives of the BCC which provide statutory guidance in this instance.
15. RG states that he has sought to set out the character and values of the affected land and quantify the effects on the covenant land in accordance with cl 42 of Schedule 6 of the FTAA. RG acknowledges that the Project will have a significant adverse effect on an important part of the covenant and will reduce the continuity of its protected landscape values.

Relevance of the Expanded Covenant Area to an effects assessment

16. BG, AS, SB and APR consider it is incorrect to factor in the benefits of the Expanded Covenant Area in this assessment. In short, destroying or compromising Covenant values (BG, AS, SB and APRs' emphasis) in one place, cannot be 'compensated' for or 'offset' by providing a new Covenant area that has different (albeit unspecified) landscape values. This is because of the location-specific qualities of the landscape evident in the Covenant Area that will be destroyed. They also note that there is no methodology for 'offsetting or compensating' landscape-related Covenant values in TTatM and there is no mention of this approach in the BCC.
17. RG accepts the Expanded Covenant does not replace the place-specific values that are lost, but considers the proposed covenant helps enable anticipated long-term management of the proposed positive landscape and ecology outcomes.
18. NP agrees the Expanded Covenant does not replace the place-specific values that are lost, but considers it is appropriate that the Expanded Covenant Area be taken into account.

Omissions in methodology

19. SB, AS, BG, APR and RG consider that the term “natural character” has a much broader framing under the Reserves Act 1977 than it does under the RMA which is strongly focused in s6(a) on coastal environments and freshwater waterbodies.
20. BG, AS, NP and APR note that the methodology has not considered natural character effects (which is required by the protect natural character objective of the BCC/Umbrella Covenant).
21. RG considers the relevant natural character matters have been considered within the methodology, accepting it could be made more explicit.
22. AS considers that it is critical to identify the significance of the values within the covenant revocation area relative to the whole BCC and also the independent significance of the values, i.e. regional, national, international. The lack of information around values across the entire BCC makes it difficult to do so.

B. Confirm agreement with Mr. Girvan’s assessment findings as to, firstly, the identification of existing character and values, and secondly, the scale of adverse landscape effects on the identified character and values. Where there is any disagreement, outline alternative findings, with reasons as to why these findings are different to those of Mr. Girvan.

23. In terms of the uplift area’s character and values, SB, NP, BG and AS are reasonably satisfied with RG’s description of both at the site level and the analysis undertaken by RG has been useful in terms of informing their assessment of effects at that level. However, they also consider that there are shortcomings in relation to the assessment of character and values for the wider covenant area (outside the uplift area).
24. **Appendix 1** contains a table which sets out the respective experts’ ratings of adverse effects at the three scales outlined above at paragraph 10.
25. SB, BG, AS, APR and NP consider that, given the scale of mining proposed, together with the related removal and creation of landforms, modification of the wider topography, effects on vegetation cover, related ecological values, and also the covenant area’s strategic location, the changes generated by the mine would be transformative and could not be ameliorated or mitigated. As a result, many of the supposed benefits associated with the proposal would occur upon the open

cast mine's closure and should be regarded as partially offsetting or compensating the High-Very High level of effect that the proposal would generate.

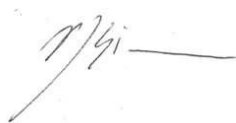
26. SB, BG and NP consider that the effects of the proposed mine would be appreciably amplified by the closer focus on the covenant area, rather than the site and wider Dunstan mountains which were addressed in relation to the reconvened Landscape Architecture JWS, dated 8 June 2026.
27. BG, AS, SB, APR and NPs' reasons for the difference in effects ratings largely stem from:
 - (a) The weighting given to the benefits of the Expanded Covenant Area.
 - (b) The importance given to the "protect", "maintain" and "enhance" objectives articulated in the BCC objectives which frame the landscape-related vision for the Covenant Area.
 - (c) The significance of the permanent loss or degradation of a range of values which are unable to be remediated or replaced.
28. BG, AS, SB, NP and APR consider that the rating of significant adverse effects at all of the relevant landscape assessment scales demonstrates that the development does not align well with the "protect", "maintain" and "enhance" objectives of the BCC.
29. APR further considers that the nature and level of effects will remain Very High both during mining operations and after closure of the mine due to the in perpetuity effects of the application and the inherent interconnectedness of the BCC landscape areas.
30. AS's additional reasons for the difference in effects ratings largely stem from:
 - (a) Undue weight given to the reinstated covenant and its benefits which already exist under the existing covenant.
 - (b) No recognition of the significance of landscape values that would be affected by the project i.e. regional, national, or international, including relative significance of the uplift area as part of the wider BCC.
31. RG confirms his identification of adverse landscape effects at each scale for the reasons set out in his supplementary brief of evidence, dated 17 July 2026.

C. Any other expert evidence related to this topic which has arisen as a result of the additional assessment undertaken by Mr. Girvan.

Question 18 of RFI 11: Please provide assessments by the ecological and landscape experts addressing whether the revocation of the covenant will compromise values of regional, national or international significance.

32. All experts note that that landscape significance would generally be determined at the district and regional levels, but this has only been done at a district level and would not be best practice for such assessments under TTatM. It is the experts' understanding that the Panel will be advised as to the significance of heritage, ecology and recreation values.
33. APR considers that the ara tawhito would qualify as being regionally significant, given its spatial extent as a network from the east coast and inland lakes. All other experts defer to APR on this point.
34. For the reasons set out in BG's Landscape Effects Review (at 2.18 and 2.19), BG, SB, AS, NP and APR consider that the Dunstan Mountains are likely to qualify as a regionally significant landscape. While the Otago region did not originally identify the Dunstan Mountains as an ONL, it is considered that the reason for this is that the study was undertaken prior to the amended Pigeon Bay Decision, (2003) and that decision's clarification of the factors that should guide the identification of ONLs.
35. In relation to the above, BG, SB, APR, AS and NP consider that the revocation of the covenant will compromise the values of a landscape that is considered to be regionally significant, as well as the regionally significant ara tawhito.
36. RG confirms his assessment in response to RFI 11 Question 18 (dated 12 August 2026).

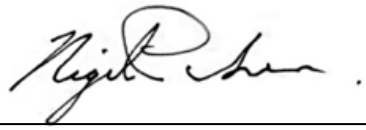
SIGNATURES OF EXPERTS



Rhys Girvan



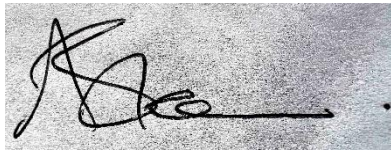
Dr Alayna Pakinui Rā

A handwritten signature in black ink, appearing to read 'Nigel Parker', written on a light-colored background.

Nigel Parker

A handwritten signature in black ink, appearing to read 'Bridget Gilbert', written on a light-colored background.

Bridget Gilbert

A handwritten signature in black ink, appearing to read 'Elizabeth Steven', written on a light-colored background.

Elizabeth Steven

A handwritten signature in blue ink, appearing to read 'Stephen Brown', written on a light-colored background.

Stephen Brown

APPENDIX 1

Landscape Effects (maximum)												
Significant Effects (High/Very High)	MGL (Rhys Girvan)		CODC (Stephen Brown)		ORC (Nigel Parker)		EDS (Anne Steven)		Sustainable Tarras (Bridget Gilbert)		Kā Rūnaka (Alayna Rā)	
	Level + Nature of Effect (Adverse)		Level + Nature of Effect (Adverse)		Level + Nature of Effect (Adverse)		Level + Nature of Effect (Adverse)		Level + Nature of Effect (Adverse)		Level + Nature of Effect (Adverse)	
	Operation	Closure	Operation	Closure	Operation	Closure	Operation	Closure	Operation	Closure	Operation	Closure
a. Upper Rise and Shine Creek area	High	Moderate- High	Very High	High	Very High	High	Very High	Very High	Very High	Very High	Very High	Very High
b. The covenant uplift area	High	Moderate- High	Very High	High	Very High	High	Very High	Very High	Very High	High	Very High	Very High
c. The BCC as a whole	Moderate- High	Moderate	High	High	High	Moderate- High	Likely High (subject to confirmation of significance of the landscape values in the uplift area relative to the wider BCC)		Likely High (subject to confirmation of significance of the landscape values in the uplift area relative to the wider BCC)		Likely Very High (subject to confirmation of significance of the landscape values in the uplift area relative to the wider BCC)	