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:

RECONVENED ECOLOGY – TERRESTRIAL VEGETATION

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2 & 3 June 2026

INTRODUCTION

1. Expert conferencing on the ecology topic of terrestrial vegetation took place online via Microsoft Teams from 9.00am-5.30pm on 25 May 2026, following which a Joint Witness Statement ("JWS") was signed. To allow the experts to work through the remaining agenda items, conferencing was reconvened from 8.30am-1.45pm on 2 June 2026 and 10.00am-4.00pm on 3 June 2026.

2. The conference was attended by the following experts:

   (a) Dr Matt Baber ("MB") (Applicant);
   (b) Emeritus Professor David Norton ("DN") (Applicant);
   (c) Zac Milner ("ZM") (Applicant);
   (d) Dr Robyn Simcock ("RS") (Applicant);
   (e) Trudy Anderson ("TA") (Otago Regional Council);
   (f) Rebecca Teele ("RT") (Otago Regional Council);
   (g) Max Crowe ("MC") (Department of Conservation);
   (h) Dr Geoffrey Rogers ("GR") (Sustainable Tarras);
   (i) Nicholas Head ("NH") (Environmental Defence Society); and
   (j) Michael Harding ("MH") (Central Otago District Council).

3. Steve Mutch (ChanceryGreen) acted as independent facilitator.

4. Caitlin Todd (ChanceryGreen) assisted the experts to draft the JWS.

5. Jade Watkins (Kā Rūnaka) who attended the first expert conferencing on the ecology topic of terrestrial vegetation did not attend this reconvened conferencing.

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 Expert Panel Minute 8 (4 May 2026), the Panel directed the experts in the ecology topic of effects management to conference on the identified focus areas.

The Panel also issued a supporting paper, Expert conferencing questions – ecology, which provides additional topic-specific detail. The parties subsequently identified the topic of terrestrial vegetation to be conferenced separately. Relevant terrestrial vegetation-related focus areas in Annexure 1 of Minute 8, together with the relevant questions in the Expert Panel's supporting paper, have formed the basis of the conferencing agenda. The agenda item numbering in this JWS follows the numbering used in the Ecology: Terrestrial Vegetation JWS dated 25 May 2026.

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

K. What confidence is there that the finished mine surfaces to be rehabilitated will be favourable for plant growth and these areas can be successfully planted and what contingencies should be in place if replanting fails?

9. The 25 May 2026 JWS addressed part of this agenda item. The experts address remaining aspects, i.e. contingencies, below.

10. RS considers that the finished mine surfaces will be favourable for plant growth based on delivery of the soil cross sections in LERMP Appendix D "Root zones and Soil requirements' with minimum areas of Deep root zones >2.2 m on the ELF and 1.2 m on the TSF. This is supported by tables showing where soils will be stored and where they will be used.

11. RT considers that targets required (at minimum) are survival rates and native vegetation cover for both measures of greater than or equal to 80% across the entire area(s) proposed to be covered by native vegetation, at year 5, and full replanting until achieved (any replanting must meet the above criteria at a further 5 year period (i.e. it is 5 years from the time each plant planted). Changes in management (i.e. adaptive management) to be completed if targets not met (e.g. installation of shelters, smaller planting distances, greater number of plants); there should not be a decrease in targets if restoration is not working. RT considers that the 80% native vegetation cover requirement must occur/be applied across the entire area stated to be restored via natural regeneration (i.e. spread from planted nodes), not just the immediate planted areas. Further work

is needed on such targets and subsequent contingencies; the above is a starting point. A contingency would be required that predefined compensation is provided if the targets have not been met at 15 years from last planting.

12. RS agrees with the above that targets should include survival rates and indigenous cover, but as specified as in LERMP, these targets should be based on pre-mining quantitative surveys, with mitigation actions being largely informed by trials on W-ELF in year 2 and ongoing monitoring. DN agrees with this.

13. MH proposes that the objective should be restoration of the mosaic of vegetation types and species occurrences that occurred prior to the mining activity, measured at 5-yearly intervals until achieved. MH considers the contingency should be compensation. RS agrees with this paragraph to be achieved at closure and considers that, within the limitations, there is no certainty for cushionfields and Spring annuals, and with threatened plant species limitations as identified in the LERMP Appendix E. MC, GR, RT, NH and DN agree with MH and RS.

L. What propagation experience is there to successfully germinate and grow the native plants required to create 220 ha of tussock land and 230 of scrubland?

14. All experts would like to state for clarification that 220 and 230 ha of tussock and scrubland, respectively, will not be fully planted within the DDF; less than 20% of the area will be planted. They consider that, in general, for the more common native tussock and shrubland species, the numbers of plants proposed to be propagated for the LERMP are not of concern in terms of nurseries providing this volume of stock with enough lead in time.

15. All experts agree there is little experience with, and there will be difficulty in, propagation of many of the rarer plant species proposed to be propagated, including, but not limited to, spring annuals.

16. RS notes that Appendix E lists plant species and propagation potential (mostly taken from NZPCN).

17. Per the ARAMP and LERMP, all experts are assuming eco-sourcing and local onsite conditioning and hardening off for all plants will occur.

M. What additional mitigation measures should be undertaken in the event that rehabilitation trials for cushionfields and spring annual herbs are unsuccessful?

18. RS notes that the proposed mitigation measure in the event that cushionfields and spring annual herb rehabilitation is unsuccessful is not mining the CIT (preserving dense concentrations of spring annuals). However, per condition 107, if additional sufficient populations of spring annuals are found within the Dunstan ecological district, CIT can be mined.

19. All experts consider that if rehabilitation is unsuccessful, there are no other suitable onsite mitigation options.

20. MB notes the propagation and establishment trials for cushionfields and spring annuals within the DDF are considered to be applied research only and sit outside the effects management package.

N. What certainty is there that the proposed offset restoration and habitat enhancement measures will succeed? Respond specifically to each habitat type referred to in the Assessment of Ecological Effects Report:

21. The following responses assume the question relates to the MRZ, Ardgour Restoration Area, and sanctuaries (unless stated otherwise).

22. All experts consider that much of the proposed offsetting, restoration, and habitat enhancement is experimental. The Management Plans and AEE rely on restoration/enhancement in a difficult dryland environment where restoration methods have not been well established and also rely on natural regeneration that is not a given and will require intensive management.

23. RT, NH, MC, GR, TA and MH consider the current risk of failure, or not achieving anticipated beneficial ecological outcomes, is high. Further, adverse ecological impacts of the proposed mine will already be realised, prior to knowing the success or otherwise of the anticipated beneficial ecological outcomes (restoration/enhancement). DN, MB and RS disagree with the first sentence and consider that, with respect to the ARA and MRZ, the risk of failure is variable and in a number of cases not high, especially for woody vegetation.

24. All experts agree it is essential that plant and animal pest control continue in perpetuity, to ensure associated gains are maintained.

25. MC and RS note that the projected extents for all vegetation types after 35 years modelled, including in Appendix E in Part B of the LERMP currently assume that the contingency area will not be disturbed.

(i) cushionfield in dry, exposed sites

26. MB and DN note that it is assumed in the AEE Report that there will be no benefits to cushionfields from proposed restoration and enhancement activities. Rather, management measures within cushionfield habitats are expected to maintain existing values. Therefore, the AEE does not claim any counterbalancing of adverse effects associated with the Project activities.

27. DN, MB and RS consider that the management proposed for the ARA and MRZ (ongoing grazing, no fertiliser, weed control, etc.) and the outcomes that are specified in the conditions should result in the cushionfields being sustained into the future. They further note that in the absence of proposed residual effects management, cushionfields are less likely to be maintained under the existing regime.

28. MH, TA, NH, MC and RT consider there is an expectation, but no certainty, that restoration and habitat enhancement measures will succeed. ZM agrees that there is no certainty that the cushionfields can be maintained but notes they are less likely to be maintained under the existing regime.

29. GR and NH consider that we cannot confidently predict continuation of the current farming regime that maintains this ecosystem will reliably continue over the 35-year life of the mine.

30. MC, TA, RT, NH and MH consider that risks to maintaining extent and condition of cushionfield include lags between impacts occurring and detection of impacts, and implementation of effective management to successfully manage the impacts.

(ii) native dominated scrubland in south-facing shaded sites

31. DN, ZM, RS and MB are confident that the proposed habitat restoration and enhancement measures will result in an increase in spatial extent and quality of native dominated scrubland across the ARA, MRZ and sanctuaries. They note that shrubland expansion in MRZ and ARA is currently limited by paucity of native shrubland species, particularly of palatable species (due to long-term grazing),

vines and trees (e.g. kowhai). They note that enrichment planting is designed to enhance biodiversity and structure (i.e. quality).

32. MH, TA, NH, MC, ZM, RS and GR consider the measures will likely succeed but note that native dominated scrubland will likely increase regardless, and that management actions may adversely affect other vegetation types.

(iii) native taramea herbfield and shrubland

33. GR, MC, NH, TA and MH have low confidence that taramea herbfield and shrubland can be restored and enhanced.

34. RS, MB and DN note that taramea communities at the site are impacted by pigs and browsed by hares, but are showing seedling expansion, and that control of these animal pests will reduce this pressure and allow expansion.

(iv) native dominated tussockland in all other areas

35. All experts consider that enhancement measures may succeed in increasing the number of tussocks, though consider there is uncertainty whether that will enhance the quality of tussockland habitat, considering the limited understanding of tussockland character and resilience at the restoration sites.

36. MC notes that there are no long-term biodiversity outcomes specified for tussock grassland restoration currently articulated in the ARAMP.

37. DN notes that the function of the ARAMP is not to restore short tussock grassland and that is why there is no outcome relating to this. The primary focus of the ARAMP is restoration of more diverse woody ecosystems while sustaining cushionfields.

38. RS notes that, within the ESA areas mapped as 'native dominant tussock' average native cover is less than 40% and non-native cover is >40%, hence tussock enhancement in MRZ focuses on increasing cover of tussock by reducing non-native herbaceous species per LERMP, therefore increasing quality of tussock.

(v) swamp marsh wetland complex.

39. MC, DN, RS, NH and MH consider that it is likely that, provided it is supported by hydrological advice, it is possible to create wetland habitats, but there is

substantial uncertainty whether the wetland systems that eventuate will be similar in character to those that will be lost.

40. MB and RS acknowledge that the swamp marsh wetland complex proposed within the DDF is dissimilar from the wetlands that are lost, noting that it will be more indigenous dominant, will be of a larger spatial extent, and include a range of hydro-periods from ephemeral to permanent.

41. RS notes that swamp marsh wetlands are proposed to be increased within the DDF using 2 areas of 0.4 ha salvaged from existing wetlands (including direct transfer) established in the first year which need to be sustained by suitable hydrology but will no longer be grazed or pugged by cattle. RS considers that this is likely to allow increased palatable species and height (and loss of small herbs/low-stature plants). The 6 ha of wetlands on TSF also need to be sustained by suitable hydrology and will be established exclusively using planting with salvaged wetland soils used in small areas. The LERMP identifies the threatened wetland species that will be established.

42. All experts consider there is a need for a detailed hydrological design and construction document for the wetlands, before certainty can be afforded to the ability to create a viable swamp marsh wetland complex as proposed, noting these are within the DDF.

O. Are the performance measures set for the restoration areas (including the Ardgour Restoration Area) and restored habitat types appropriate? What other performance measures should be set, if any?

(i) Is the current baseline data, in combination with the proposed monitoring regime, robust enough to detect the stated performance measures?

43. MB considers that, in broad terms, the Biodiversity Outcome Monitoring programme is comprehensive and will inform the degree to which predicted outcomes are met or inform the required management or contingency measures where stated outcomes are not tracking as predicted. MB acknowledges that further detail is necessary to provide more confidence to that end.

44. MC, GR, NH, ZM and MH consider that the long-term outcomes specified for the ARA and MRZ, most notably vegetation extent, but also the status and trend of many of the threatened and at-risk plant populations, are not able to be directly

assessed using the data that are proposed to be collected through the Biodiversity Outcome Monitoring plan.

45. DN notes that, based on feedback from earlier workshops and site visits, it is proposed that, in updating the ARAMP, a higher resolution of vegetation mapping is required to establish the baseline (outcome 1) and that random monitoring will also be required to assess outcome 2. ZM and MB support this.

46. RT, MH, NH and MC consider that across the multiple management plans (e.g. ARAMP, LERMP, BOMP) there appear to be some performance measures, but there is a lack of one repeated coherent, set list of clear performance measures across the site (and replicated across each proposed restoration area/Management Plan). There is also a lack of expected performance measures, or where noted, some measures/outcomes are considered too low. It is also not clear what happens if the outcomes are not met. MC notes as an example, the lack of biodiversity outcomes relating to terrestrial vegetation for the sanctuary areas that was identified during workshops in February.

47. MH, NH, MC, ZM GR and RT note that the proposed biodiversity outcomes, as set out in the BOMP, require only a net increase in biodiversity values. They consider that the extent and magnitude of that increase should be defined and separated from any increase that would occur in the absence of the proposed management actions.

48. MH, GR, MC, ZM and NH consider the baseline data, at the time of the Application, are inadequate to detect outcomes, noting that robust monitoring of change that is additional to naturally occurring changes will be difficult.

49. MC, NH, ZM, TA and MH consider that control sites should be included within the monitoring framework to validate assertions of biodiversity additionality, or otherwise, within the management areas.

50. MC, ZM and MH also state that no protocols for determining spatial extent of vegetation types are provided in the BOMP. The absence of strict protocols for delimiting spatial extent of vegetation, e.g. resolution of mapping, in their view, introduces subjectivity to the metric which will lead to ambiguity whether targets have been achieved. RS notes the ARP will develop protocols for the determination of the spatial extent of cushionfields.

51. MC, GR, MH and NH also note that no monitoring protocols for planted species are provided. They consider that these must be stated.

52. MH, MC, RT, GR and NH consider that the number of management plans, the inconsistency between the management plans, and the draft status of management plans create considerable difficulty for determining what is proposed.

53. DN notes that for the ARA 35-year biodiversity outcomes, specific performance indicators have been included that will allow assessment of progress against these outcomes. DN considers the management outcomes achieved in the ARA will be additional to what would occur under current or any potential future farm management. DN also notes that the Panel has asked for updated management plans later in June. The ARAMP is being revised taking into account many of the issues that have been identified in workshops, site visits and expert caucusing. The BOMP will also be updated to reflect the ARAMP performance indicators. RT notes that updated/working drafts of the ARAMP and BOMP have not been made available by the Applicant.

54. RS notes that the LERMP specifies measures of success outcomes such as short tussock cover, woody species cover, evidence of self-establishing native species, and minimum (living) numbers of established and actively growing individual notable species such as identified threatened plants and kowhai, along with minimum tussock numbers salvaged and established. These are required to be reported against. RS also notes management plans will be updated before resubmission on 22 June and that this update will clarify success criteria and how planted species will be monitored. RS notes that the MRZ monitoring should be assessed to confirm ability to detect 'losses' due to the changes which negatively impacts the calculation of additionality, e.g. shrubland smothering tussock.

55. RT notes that only the Management Plans submitted with the original Application are what have been provided and available for review at this point in time. RT understands there are some performance measures in the LERMP, but concerns remain regarding detail and clarity (as per paragraph 46 above).

56. MB and DN acknowledge a number of the comments stated above and note that to the degree possible, these comments will be addressed in updated Management Plans on 22 June. In respect of comments on the number of management plans, they acknowledge resulting challenges but consider this to reflect the magnitude and scale and diversity of effects management measures required. In respect of comment above at paragraph 49 in relation to control sites, they agree that a reference monitoring undertaken at control/reference sites would improve the rigour of the monitoring programme (this is proposed in

relation to remote sensing) but do not consider there to be a like-for-like appropriate reference site(s) available in the wider landscape with respect to quantitative biodiversity field monitoring.

57. All experts agree that biodiversity outcome monitoring reports should be provided to the Biodiversity Advisory Group and Consent Authorities annually and the monitoring programme reviewed every five years.

P. Achievability of proposed objectives for the proposed site rehabilitation plan in relation to landform rehabilitation

58. The experts consider this has been addressed in item K above.

Q. Long term rehabilitation of the site (as proposed via the Landscape and Ecological Rehabilitation Management Plan – LERMP)

59. All experts agree that long term rehabilitation of the site is set out in the LERMP.

60. The experts note that the ability of achieving long term rehabilitation has been discussed above, noting that achievement, particularly beyond 35 years, requires ongoing management and enduring funding. All experts consider the long-term rehabilitation outcomes beyond 35 years have not been adequately addressed in the current Application.

61. All experts consider that protective covenants on their own are unlikely to be adequate to protect the site and achieve long-term rehabilitation outcomes and protection beyond 35 years.

62. MC, TA, GR, NH, RS, DN, RT and MH consider that covenants that place obligations on landowners require compliance monitoring, and no clarity has been provided as to the responsible organisation, underlying legislation and durability of the mechanism detailing how obligations can be ensured in perpetuity.

R. Effectiveness of proposed measures to address effects on landscape values

63. The experts note that the likelihood of success of vegetation outcomes is addressed elsewhere in this JWS.

64. The experts consider that landscape values (natural character) are most appropriately addressed by the landscape architect experts.

S. Adequacy of the proposed compensation actions for vegetation (e.g., protection/management of the Ardgour Restoration Area) to manage residual adverse effects

65. All experts agree there is significant ecological net loss for some terrestrial vegetation components, although there is disagreement among the experts as to the type and magnitude of the loss. Therefore, the proposed compensation actions are not adequate for addressing the full extent of residual adverse effects. More discussion around the type and magnitude of the loss needs to occur at the Effects Management conferencing.

66. NH, MC and MH consider that the effects on commonplace species have not been adequately addressed because of the way the EIANZ Guidelines have been applied.

67. While MB acknowledges commonplace species have not been directly addressed in his assessment, he considers them to be indirectly addressed via his assessment of effects of the different vegetation communities which are dominated by common species. DN agrees.

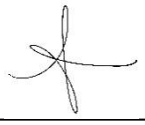
68. NH, MH and MC consider that the application of the EIANZ framework can result in ecological values and effects being downgraded.

69. NH considers that a clear and more straightforward approach that aligns with the statutory tests is to first determine whether a site is ecologically significant using accepted criteria, without scoring or averaging—if those criteria are met, the site is significant. Then assess the actual effects on those values, focusing on what is lost, how permanent the loss is, and whether effects are minor or more than minor, without factoring in potential mitigation or offsets. This avoids creating an artificial “overall level of effect” that can obscure impacts and makes it clear whether there is a residual loss of significant biodiversity. From there, the statutory framework applies: avoid impacts, particularly on irreplaceable values, and ensure no net loss, providing a more transparent and objective assessment.

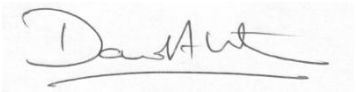
70. MC, RT, MH and NH consider that the relative contribution of actions to address impacts on vegetation and species, including avoidance, mitigation, offsetting and compensation, where provided, have not been itemised within the calculation of residual effects within the AEE. Being unable to determine the relative importance of, and the relative risks associated with, the methods proposed, it is difficult to independently determine the appropriate level of compensation.

71. All experts agree that the adverse ecological effects will be greater than those identified in the AEE. MB, DN and RS agree to this on the point that not all components or species on site have been identified or assessed (RS only in relation to the rehabilitation area).

SIGNATURES OF EXPERTS

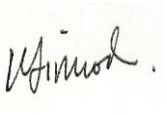


Dr Matt Baber

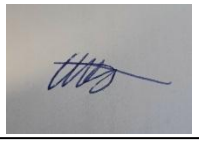


Emeritus Professor David Norton

Zac Milner



Dr Robyn Simcock



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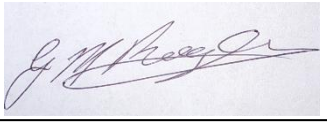
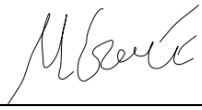


Dr Geoffery Rogers

Rebecca Teele

Michael Harding



Max Crowe

Nicholas Head