

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:

PLANNING #2

15 June 2026

INTRODUCTION

1. Expert conferencing on the topic of planning took place online via Microsoft Teams from 9.00am-5.30pm on 21 May 2026, following which a Joint Witness Statement (“JWS”) was signed (Planning #1 JWS). Further expert conferencing on the topic of planning took place in a hybrid format with participants attending in person in Wellington and online via Microsoft Teams from 9.00am-12.20pm on 15 June 2026 (Planning #2).
2. The conference was attended by the following experts:
 - (a) Mark Chrisp (“MC”) (Applicant);
 - (b) Nicolai Berry (“NB”) (Applicant);
 - (c) Shay McDonald (“SM”) (Otago Regional Council);
 - (d) Sylvia Allan (“SA”) (Sustainable Tarras);
 - (e) Ann Rogers (“AR”) (Central Otago District Council); and
 - (f) Liz Williams (“LW”) (Department of Conservation).
3. Steve Mutch (ChanceryGreen) acted as independent facilitator.
4. Caitlin Todd (ChanceryGreen) assisted the experts to draft the Joint Witness Statement (“JWS”).

CODE OF CONDUCT

5. 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

6. In Expert Panel Minute 8 (4 May 2026), the Panel directed experts in the topic of planning to conference on identified focus areas. The Panel also provided a supporting paper, “Expert conferencing questions – transport and planning”, which outlines additional topic-specific detail. Annexure 1 of Minute 8, together with that paper, has formed the basis of the conferencing agenda.
7. 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. Long-term management of the site post mine closure –

- (a) What is / are the appropriate durations of consent to apply should consent be granted? How does the duration of any consent granted interact with the long-term management of the site post closure, which will extend beyond 35 years?**

CODC land use consent

8. MC and NB consider that, in accordance with normal planning practice, there should be no expiry of the land use consent within CODC's jurisdiction. Many aspects of the land use consent will continue well beyond the active mining phase. In relation to the latter, there is a prediction as to the duration of mining activities but that is dependent on the amount of gold in the ground and the time it takes to extract that gold. Mining operations need a high degree of flexibility and there is no reason to arbitrarily limit phases of the operation in the circumstances where consent conditions managing effects are deemed to be acceptable and appropriate.
9. SA and AR consider there should be a condition relating to the duration of the mining activity within the broader unconstrained duration land use consent because the specific effects of the active mining component are significant and should be constrained by the expected duration in the project description (with some allowance for additional findings of gold) beyond which the effects of the operation will reduce and/or cease and remediation will take place. As described, if consent is granted, the wider community would expect that effects such as dust, lighting, traffic, etc. will reduce and/or cease after about 15 years. If this isn't achieved the community will experience ongoing effects and the remediation will inevitably move more slowly than described.
10. SM, SA, AR and LW consider that there are effects that are tied to the duration of the active mining phase. The application is predicated on the active mining phase being approximately 15 years duration. If there is no restriction on the duration of the active mining phase then there is a risk that the rehabilitation outcomes are delayed, with a risk of increased adverse effects. Examples include delaying the 'capping' of the ELF's and TSF, which could have adverse outcomes

for water quality, and delaying the ecological and landscape rehabilitation activities for the DDF, which could reduce the likelihood of the proposed outcomes being achieved within the 35-year period. A condition limiting the duration of the active mining phase could limit active mining to the approximate duration described in the project description, while still allowing the land use consent to endure to secure ongoing monitoring and maintenance requirements.

ORC consents

11. SM considers that a 35-year duration is appropriate for all regional resource consents with the exception of the discharge to air permit associated with the processing plant. This is because the need for the processing plant will stop shortly after active mining has been completed and there are no ongoing monitoring or maintenance activities required when the discharge ceases. A potentially suitable duration would be to align this with the expected duration of the active mining phase with a suitable buffer to account for minor contingencies. SA agrees with respect to the discharge to air consent.
12. MC and NB consider that all the regional consents sought should have a duration of 35 years. The cessation of discharges to air from the processing plant will occur when the plant is no longer required (expected to be at about year 15) and there is no need to arbitrarily constrain the duration of that activity in the circumstances where the environmental effects are deemed to be appropriate. They note that in the Air Quality JWS dated 22 May 2026 there is general agreement between experts that the proposed mitigation measures, monitoring, management plans, and conditions are appropriate and sufficient to manage effects (subject to additional changes that will be reflected in the updated consent conditions to be provided on 22 June 2026). The consequences of getting an end date slightly wrong will have significant implications in terms of cost, delay and uncertainty associated with the ability to complete the active mining phase.

Section 127B of the RMA

13. SA raises the legal issue of section 127B of the RMA which limits the duration of new water permits under the Regional Plan Water for Otago to no more than six years. SA considers this is a fundamental legal issue which goes beyond planning.
14. MC and NB understand from legal advice received that the Panel is not precluded from granting the approval sought under the FTAA for a period longer than six years.

(b) Are the conditions sufficiently robust to ensure the long-term management of the site post mine closure?

15. All experts agree that further work is required to improve the robustness, workability and certainty of the conditions. To that end, all experts reiterate that they support the Panel's foreshadowing of workshopping in relation to conditions and management plans (Minute 26 at paragraph [3]) and are of the opinion that this should occur.
16. SA considers that, in particular, there are gaps relating to long-term management of effects which will extend beyond a 35-year consent.
17. MC notes that the next iteration of conditions and management plans will be circulated on 22 June 2026 (in accordance with Minute 26 of the Expert Panel) which will seek to reflect the points of agreement in the various technical JWSs and also specifically in relation to the post-mine closure phase, including the establishment of the Matakinui Trust.

(c) Is the Mine Closure Plan and associated conditions sufficient, robust, and appropriate to mitigate uncertainty about the achievement of environmental outcomes in the long term and in perpetuity?

18. MC notes that the conditions relating to the Mine Closure Plan (MCP) were updated on 17 April 2026 (in response to s53 comments) to require the MCP to be completed within six months of the commencement of the consent and updated three-yearly thereafter and certified by CODC and ORC with every update. All experts agree this process is appropriate.
19. SM, LW, SA and AR consider that the eleven closure outcomes listed in proposed condition C116 are not sufficiently prescriptive to ensure that specific known outcomes will be achieved. Their concern is that if the outcomes are not specific enough in the conditions, then there is risk that the consent holder and the regulators will be in a position of negotiated mine closure outcomes in the future without a proper process to do so.
20. All experts agree this matter should be addressed at condition workshopping (with technical expert input where required).

B. Adequacy of information

21. The experts reiterate the position noted in paragraph [59] of the Planning #1 JWS dated 21 May 2026 that it is acknowledged that various parties have raised concerns about lack of information in respect of particular matters. The experts anticipated that many of those issues would be addressed in further technical expert conferencing, which has occurred to some extent, noting there are still some significant issues in dispute in terms of adequacy of information.
22. To the extent that agreement has been reached by the technical experts in the various technical JWSs, MC and NB state that this will be reflected in the updated proposed conditions to be circulated on 22 June 2026. Future condition workshopping is intended to narrow any remaining gaps as much as possible.
23. SA reiterates that information gaps noted in agenda items A, B and C of the Planning #1 JWS dated 21 May 2026 are still outstanding but notes that item B is subject to an outstanding RFI to be provided on 22 June 2026.

C. Consistency with the planning framework – NPS-FM, NPS-IB, NPS-NH, NES-FW, pORPS, RPW, RPA, RPWaste, CODC DP

24. The experts addressed this matter as far as they were able to in paragraphs [35]-[40] of the Planning #1 JWS dated 21 May 2026.

D. Consistency with the Kai Tahu ki Otago NRMP

25. NB notes that there was an assessment of the NRMP in the substantive application (section 8.7.3.16) which concluded that, while the Project involves unavoidable earthworks and vegetation disturbances which result in some inconsistencies with the NRMP's 'avoid' policy direction for earthworks and highly valued landscapes, the Project achieves the majority of relevant NRMP provisions and, when considered in the round, the BOGP is generally consistent with the NRMP. Where the BOGP is contrary to these provisions, consent conditions are proposed to manage these effects to the extent practicable. This assessment was prepared utilising the technical assessments that formed part of the substantive application and unendorsed draft Cultural Impact Assessment (CIA). As noted in paragraph [44] of the Planning #1 JWS dated 21 May 2026, the final CIA received in March 2026 did not alter the conclusions relevant to the NRMP.

26. MC notes that MGL is continuing discussions with Kā Rūnaka with a view to achieving outcomes that are acceptable to Kā Rūnaka.
27. All experts observe that the NRMP is an old plan (2005) and, in terms of the Panel's evaluation, they consider that more weight should be given to recent documentation including information and evidence as provided to the Panel by Kā Rūnaka and, in particular, through the Landscape Architecture and the various Ecology JWSs, and the Hearings.

E. Adequacy of bond conditions

28. All experts are relying on the agreed outcomes from the Bonds JWS dated 29 May 2026. All experts agree that the structure and content of the bond conditions are appropriate but note that the important matter to be resolved is that the conditions (other than the bond conditions), management plans and other documentation referred to in the bond conditions need to be sufficiently certain to inform the bond calculation. They note that further workshopping on conditions and management plans could assist in this regard.

F. Scale and magnitude of effects

29. The experts note that there are areas of agreement among technical experts that some of the adverse effects on the environment will be significant. The scale and magnitude of those effects will be a matter for the Panel to weigh in its determination of the application.
30. MC notes that consent conditions are proposed (and currently being augmented) which seek to manage and/or minimise those effects to the extent practicable.

G. Consistency with Part 2 of the RMA

31. NB and MC note that an assessment of the BOGP in relation to Part 2 of the RMA was undertaken in section 8 of the substantive application. This was further elaborated on in the Statement of Planning Evidence by MC dated 17 April 2026 (refer to paragraphs [61]-[67]). The assessment in the substantive application included that the Project would promote sustainable management of natural and physical resources in accordance with ss 5, 6 and 7 of the RMA on the whole. It does, however, acknowledge there is some tension between the BOGP and aspects of s6(c) of the RMA. It is also acknowledged, based on conclusions in other technical JWSs, that there are some significant effects on aspects of the environment, such as landscape, heritage, and ecological values, which are

directly relevant to Part 2 of the RMA, but this must be weighed and balanced against the more enabling aspects of ss 5 and 7 of the RMA, including relating to the efficient use of natural and physical resources.

32. Acknowledging the conclusions of a range of technical experts, SA considers that the proposal is not consistent with Part 2 of the RMA, particularly components of ss6 and 7 which relate to landscape, heritage, ecology: under s6(a), (b), (c), (e), and (f); and under s7(a), (aa), (c), (d), (e), (f), and (g), and, on that basis, SA disagrees with the paragraph above. SM, LW and AR agree with SA.

SIGNATURES OF EXPERTS



Mark Chrisp



Nicolai Berry



Shay McDonald



Sylvia Allan



Ann Rodgers



Liz Williams