Before a joint hearing of the

Dunedin City Council Otago Regional Council Waitaki District Council LUC-2016-230 and LUC-2013-225/A RM16.138 201.2016.779 and 201.2013.360-1

Under the Resource Management Act 1991

In the matter of applications by Oceana Gold (New Zealand) Limited for

resource consents for the Coronation North Project

Statement of evidence of Kurt Bowen for Oceana Gold (New Zealand) Limited

X October 2016

Applicant's solicitors:

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Qualifications and experience

- 1 My name is Kurt Alistair Bowen. I am a registered professional surveyor with Paterson Pitts Group.
- 2 My qualifications and professional experience are as follows:
 - (a) Registered Professional Surveyor, with the New Zealand Institute of Surveyors.
 - (b) Licensed Cadastral Surveyor,
 - (c) Bachelor of Surveying, 1997, University of Otago,
 - (d) 18 years' experience in private practice surveying with Paterson Pitts Group, much of this time directly related to cadastral subdivision projects.

Scope of evidence

- In October 2016, OceanaGold asked me to provide a professional opinion on the accuracy of the legal road alignment known as Golden Point Road, where this corridor extends south from Horse Flat Road. In particular OceanaGold asked me to comment on whether the legal road corridor might coincide with an existing farm track. This evidence comprises the result of my investigations into this matter.
- 4 I consider that this evidence is within my area of expertise.
- I confirm that I have read the expert witness code of conduct and that I agree to comply with it. This evidence has been prepared in accordance with it.
- 6 In preparing this evidence I have reviewed:
 - (a) The submission of Mr Roy.
 - (b) The WDC/DCC Recommending Report in relation to my area of expertise, in particular pages 28 32 paragraphs 93 97 (sic).

History of the road

A copy of each of the plans referenced in my evidence is attached at **Appendix**A.

SO 629 - 1888

- The road in question first appears on SO 629 (Mar 1888) as a dashed irregular corridor travelling in a north-west to south-east direction and crossing over Horse Flat Road. This corridor is annotated as 'track' on SO 629.
- SO 629 does not show any dimension or definition information relating to this track on its plan face. The fact that the edges of the corridor are dashed and that there is no dimension or definition information suggests to me that the alignment of this track is of an indicative nature. Certainly, the plan does not provide sufficient information for the alignment of the track to be mathematically defined to a high degree of accuracy. This is not uncommon for surveys of this era, and it is likely the surveyor of the time simply sketched the track alignment based on his visual observations of the features relative to the broader landform.
- SO 629 shows the track in the same colouring as Horse Flat Road. While the track corridor is not named in the manner of a well-defined road alignment, the colouring used suggests to me that the surveyor in 1888 believed the track to be legal (and therefore available to the public).

SO 1476 - 1888

The track in question is shown on SO 1476 (also Mar 1888), in what appears to be the same alignment as drawn on SO 629.

SO 16901 - 1969

SO 16901 (Sept 1969) respects the alignment of the track corridor as shown on SO 629. SO 16901 names the track as 'Golden Point Road' and defines the width of this corridor to be 100 links (20.12m).

SO 21847 - 1986

SO 21847 (Jan 1986) respects the alignment of Golden Point Road as shown on SO 629, and the width of the road, being 20.12m, as shown on SO 16901. SO 21847 is the first plan to show the road corridor clearly as a legal road (fully separated from the adjacent land rather than being displayed with dashed edges). It is also relevant that SO 21847 has produced scaled distances between the edges of Golden Point Road and nearby boundary positions. These distances were scaled from SO 629. SO 21847 effectively establishes an accurate mathematical definition of the intersection points between Golden Point Road and the peripheral property boundaries as a result of these scaled distances.

DP 22318 - 1991

DP 22318 (Aug 1991) respects the alignment of Golden Point Road as shown on SO 629, SO 16901 and SO 21847. DP 22318 is particularly relevant to this assessment as this plan shows the alignment of a formed track, labelled

'Centreline of formed Rd' located parallel to the Golden Point Road alignment and approximately 200m to the southwest.

SO 23740 - 1992

15 SO 23740 (Jan 1992) shows the Golden Point Road corridor, again in a consistent alignment as the earlier plans.

SO 444480 - 2011

SO 444480 (Dec 2011) was undertaken for the purposes of formally closing the section of Golden Point Road south of Horse Flat Road. SO 444480 defined the road corridor in the same alignment as the earlier plans. I understand that the legal work to give effect to the road legalisation shown on SO 444480 has not yet been completed.

Analysis

- I understand that the formed track shown on DP 22318 at approximately 200m to the southwest of the Golden Point Road alignment is still present (conversely, I assume that the present-day track is the same track as shown on DP 22318). It is this track that I have been asked to provide an opinion on, and specifically whether the legal alignment of Golden Point Road might more correctly coincide with the formed track.
- There is only one method a surveyor might be able to use to reach the conclusion that the correct legal alignment of the road is intended to be coincident with the formed track. This would be by way of a 'better fix' methodology. A 'better fix' definition can only be applied if-
 - (a) The extent that the difference in the position of the measured feature to its original position is less than the estimated accuracy tolerance inherent in the reference plan. I.e. the measured position of the feature needs to be located within the realms of what the original surveyor might have been expected to draw on the plan given the 'indicative' nature of that information; and
 - (b) The surveyor is convinced that he or she has identified an original feature which is shown on the reference plan, and that his/her measurements of that feature do not agree with the positons indicated by the reference plan.
- To estimate the likely accuracy of the track alignment as shown originally on SO 629 I have considered a number of factors, firstly my knowledge and experience with similar situations, secondly the road alignment relative to other reference features on the previous plan, and thirdly the consideration of aerial photography imagery.

- In respect of my knowledge and experience with similar situations, I have found that a 'better fix' survey is a relatively common exercise when addressing the movement of an irregular road alignment (in a rural environment) by distances of up to approximately 5-10m. On rarer occasions, this 10m could be exceeded, however I cannot recall coming across a 'better fix' survey that successfully realigned a road by more than about 20m. There may be an exception to this, as discussed below in Paragraph 27.
- 21 In respect of considering the road alignment relative to other features, there is one reasonably important deduction that I can make. On SO 629, there is a boundary mark shown on Horse Flat Road at the northern end of the boundary between Sec 5 and Sec 6. The 'track' shown on SO 629, which is the subject of this assessment, is clearly shown on the eastern side of this boundary mark. The existing formed track, which is shown on DP 22318, is clearly shown on the western side of the northernmost peg on Lot 1 of that plan. Deduction of the distance dimensions along Horse Flat Road, using DP 22318 and SO 629, tells us that the noted peg from DP 22318 is located at a distance of 140.17m to the southwest of the noted boundary mark from SO 629. With this in mind, if the legal road alignment was intended to match the existing formed track alignment, it would have to be concluded that the surveyor in 1888 has drawn the legal road alignment on the incorrect side of the nearby road peg shown on SO 629. I would find it exceptional if this is what has occurred. The indicative accuracy of the surveyor's drawing would not, in my opinion, have extended to such a degree that the track on SO 629 could have been drawn on the incorrect side of a boundary mark that had been established as part of the same survey.
- I now refer to the attached aerial photography image at Appendix B, which has been overlayed as accurately as possible with the current cadastral boundary information from Land Information New Zealand. This image shows both the alignment of the existing formed track and the alignment of the Golden Point Road corridor (as per SO 629). The two alignments are separated by a distance of approximately 200m. The first thing that I have observed in comparing the aerial photograph image with the features on SO 629 is that the topographical information does not match particularly closely between these documents. The Horse Flat Road and Deepdell Creek features are reasonably consistent, but the ridges, valleys and streams that extend between Horse Flat Road and Deepdell Creek do not agree with any sense of reliability. It is therefore difficult to identify whether the track shown on SO 629 was originally intended to coincide with a particular geographical feature that exists today.
- An interesting point of comparison between the existing formed track alignment and the road corridor as defined by SO 629 is that the existing track manoeuvres through several sharp bends at its southern end, before it crosses into the legal road corridor. This is a different pattern than what we might expect to see with a

'better fix' situation, in which the formed track would more gently transition away from the legal road corridor. I would expect that had the surveyor in 1888 observed the original track in the shape depicted by the existing formation, then the dashed corridor marked on SO 629 would have included these sharp bends.

In terms of whether the existing formed track is the same original track as shown on SO 629, I have not seen any evidence that would support this conclusion. The survey plans described above simply annotate these features as 'track'. They do not state the age or nature of any associated features which might otherwise enable me to correlate these features.

Conclusion

- 25 Based on the above analysis, I conclude the following-
 - (a) I do not believe that there is sufficient inaccuracy within SO 629 which would enable a surveyor to confidently conclude that the true alignment of Golden Point Road should be coincident with the existing formed track. The relocation of this alignment by some 200m would be an exceptional determination, and one that would require a high level of supporting evidence. The research that I have undertaken supports the opposite conclusion.
 - (b) The aerial photography image is relatively inconclusive in regard to matching the topography from SO 629 with the current geographical features. However, the sharp bends that are obvious at the southern end of the existing formed track suggest that this track was not constructed with the belief that it followed the legal road corridor.
 - (c) Therefore, in my opinion the existing formed track is not the same feature as the original track shown on SO 629 (which subsequently became Golden Point Road).
 - (d) Finally, the survey plans subsequent to SO 629 have all depicted the Golden Point Road corridor consistently and correctly.
- With the above conclusions in mind, in my opinion the most appropriate course of action available to relocate the Golden Point Road corridor would be by way of a legalisation survey, in which the existing corridor would be formally closed and the new road corridor formally taken.

Exception

27 Referring back to Paragraph 20, the exception that I have found in regard to a 'better fix' survey is in fact something that I have come across with the research undertaken for this evidence. Further to the south of the section of Golden Point

Road that is the subject of this assessment, survey plans SO 20166, SO 20167 and SO 20168 (all Sept 1979) together define the section of Golden Point Road between Deepdell Creek and Macraes Back Road. These plans are all titled 'Road Redefinition'.

The original alignment of Golden Point Road, through the section defined by the three SO plans above, is shown predominantly on SO 421 (Sept 1891). Comparison of the alignment of the road corridor shown on SO 421 with the same road corridor as shown on the newer SO plans shows some reasonably significant differences. These differences appear to be larger than the 20m shift that I have noted in Paragraph 20 above, and furthermore the newer definition includes several sharp bends that are not shown originally.

The 'Road Redefinition' titles suggest to me that the newer surveys did claim a 'better fix' as the reason for the shift in the road corridor. Certainly, the new road alignment does appear to follow the formed road closely. It would appear that the surveyor for SO 20166, SO 20167 and SO 20168 was able to feel confident in his determination that the most appropriate method to realign the unformed road corridor to match the formed road feature was by way of a 'better fix' survey.

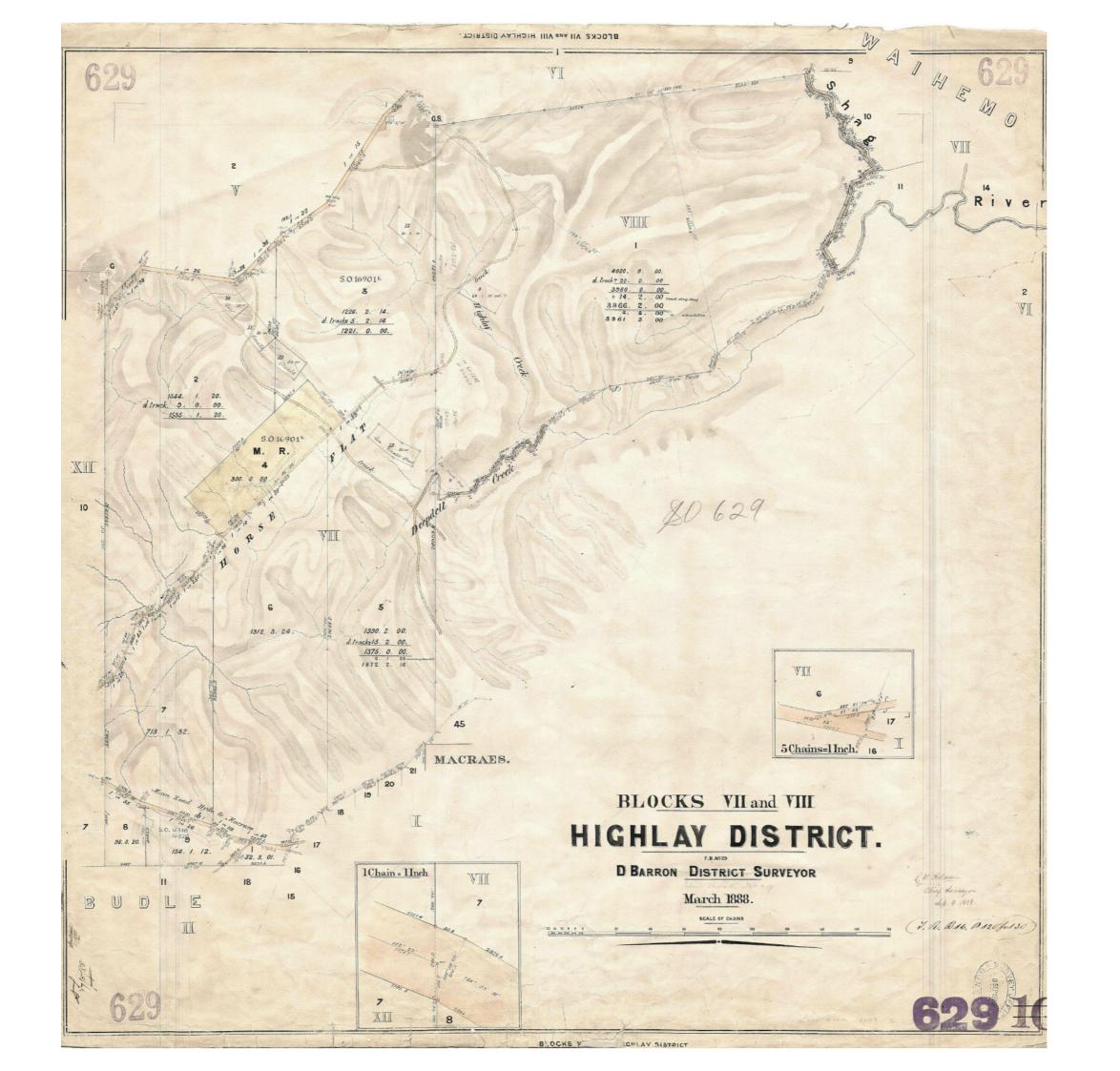
I cannot explain why a 'better fix' methodology seems to have been applied to the south of the subject region in 1979, as this inconsistent with my experience. It is possible that the survey regulations and/or accepted practice that was in place in 1979 supported this action, or alternatively a special dispensation might have been issued (possibly with consent of the affected landowners) which allowed this to occur. Regardless of how this was achieved in 1979, I do not believe that a 'better fix' survey could be carried out under the current Rules for Cadastral Survey 2010 to achieve a similar outcome in the area that this report focuses on.

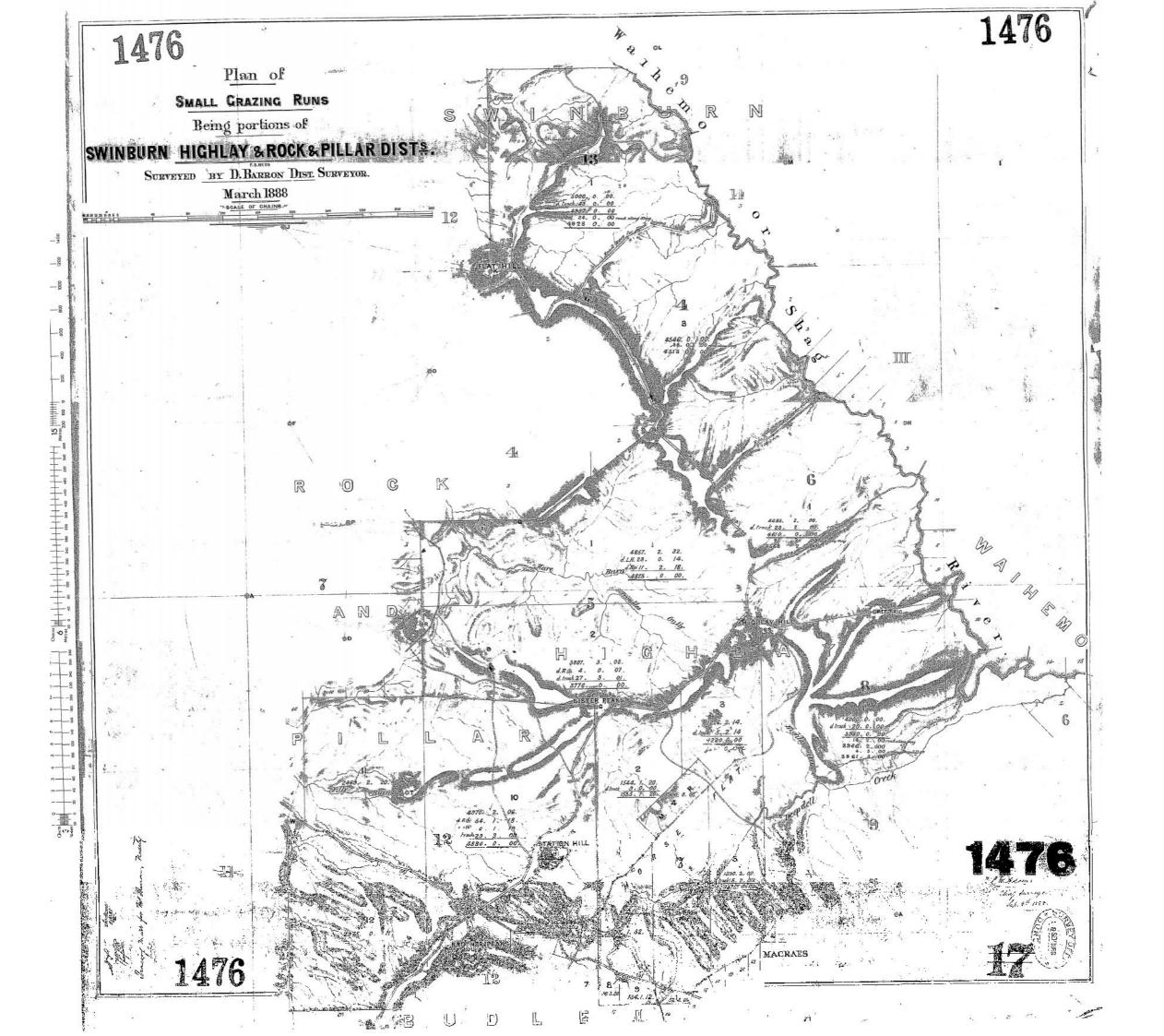
- 31 I note the following assumptions and limitations to my evidence above:
- I have not reviewed any legal or authoritative documentation other than the survey plans described above.
- I have assumed that the there are no errors contained within the survey plans used for my research.

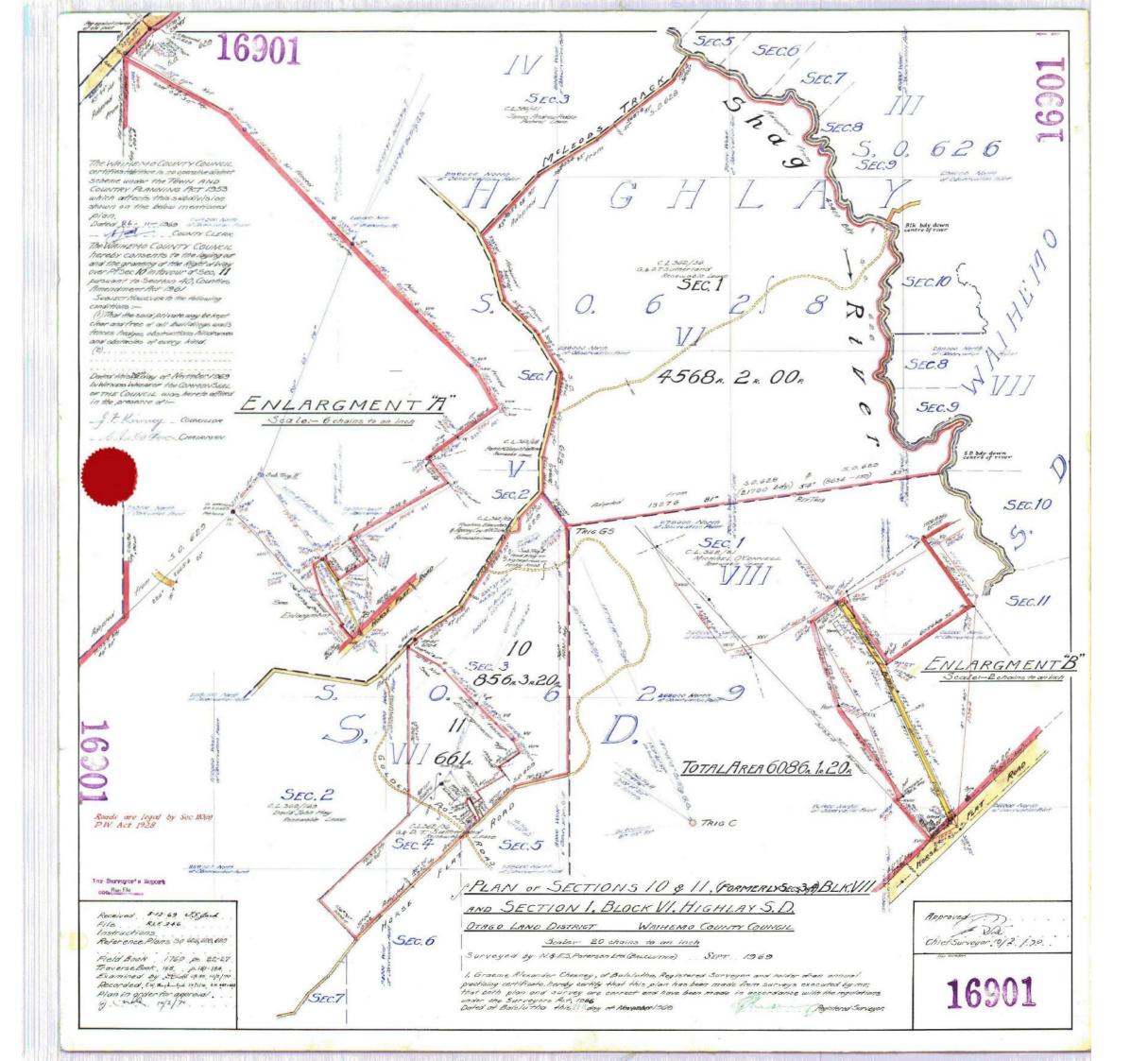
Kurt Bowen

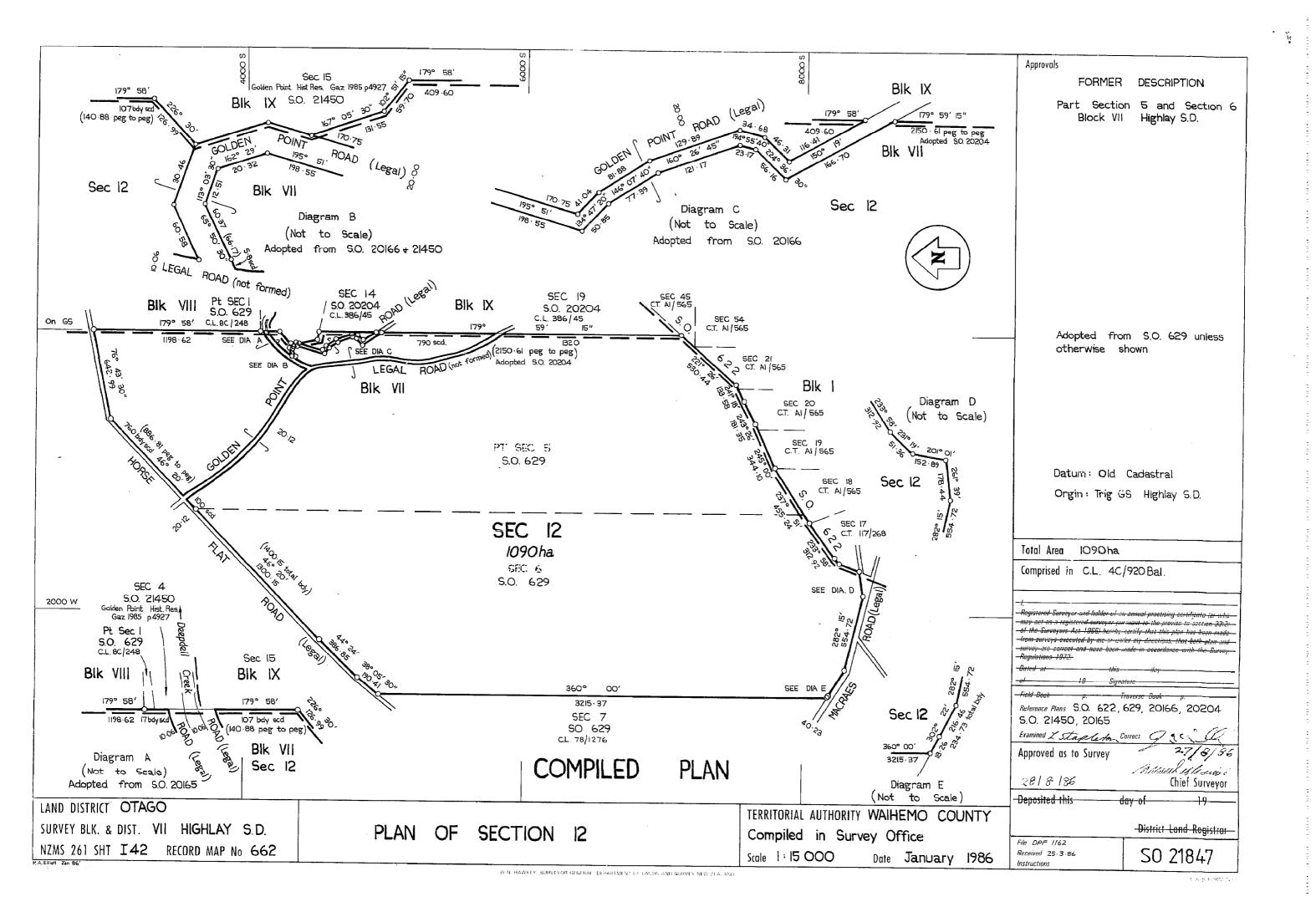
14 October 2016

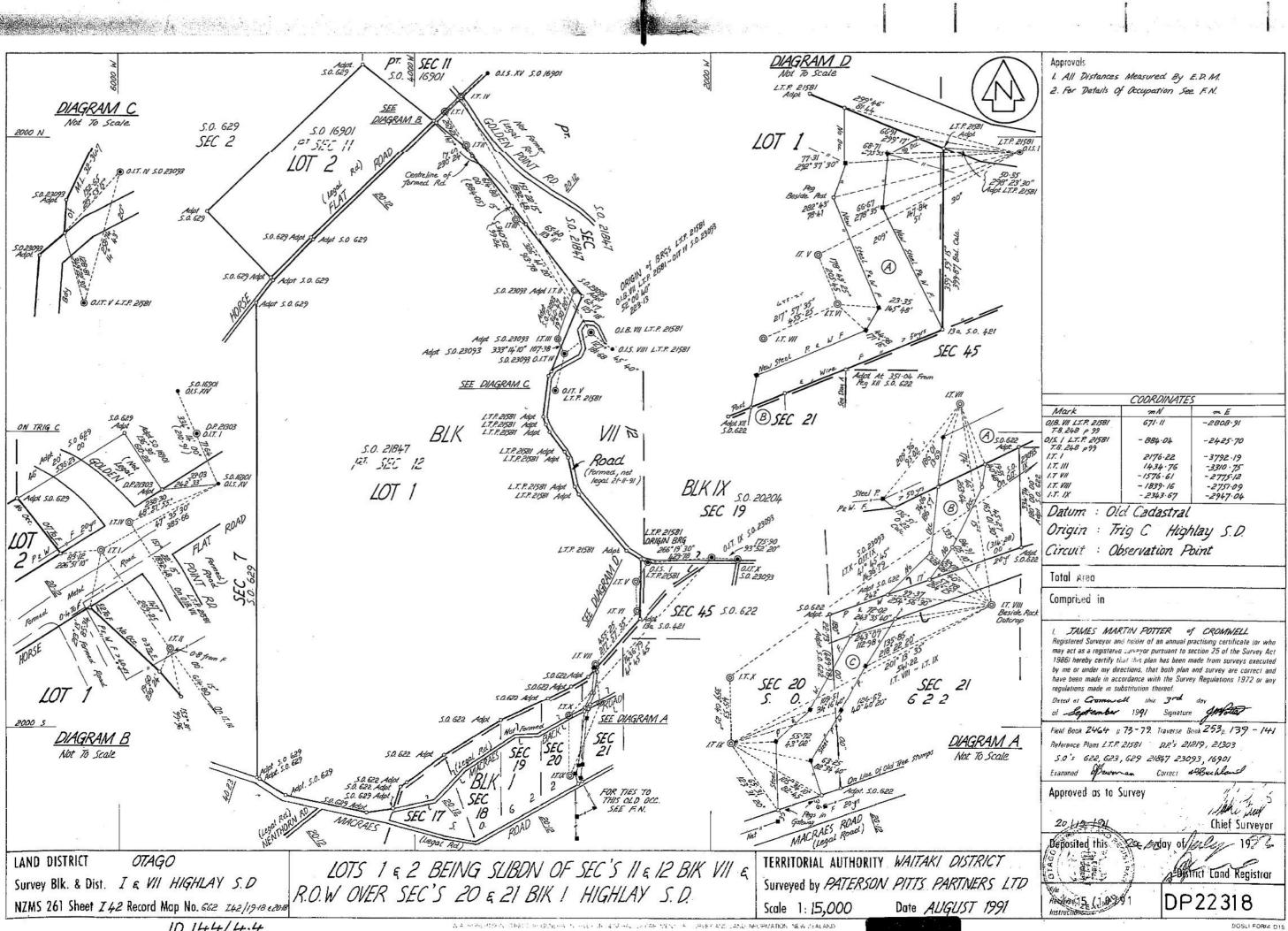
Appendix A - Plans



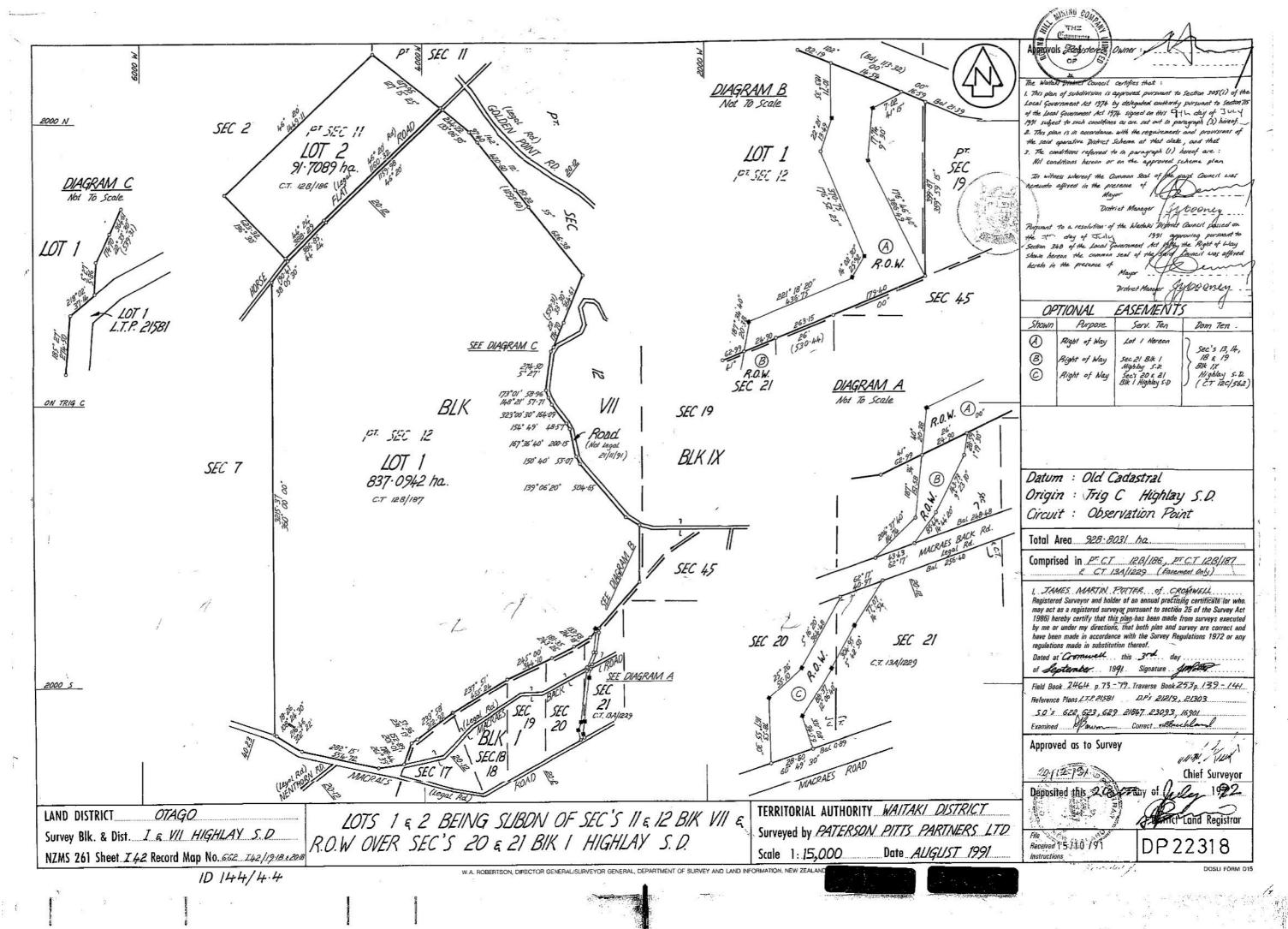






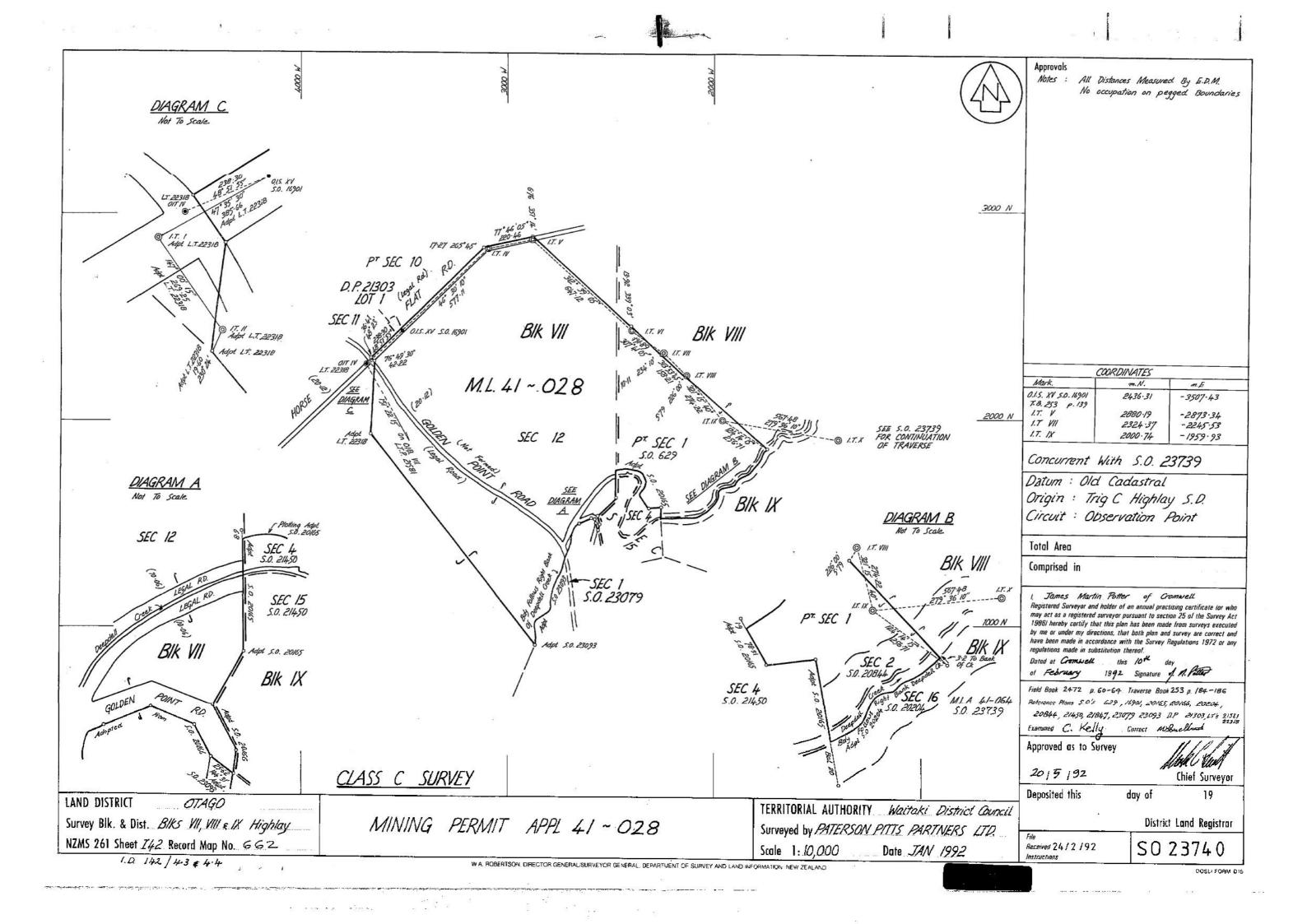


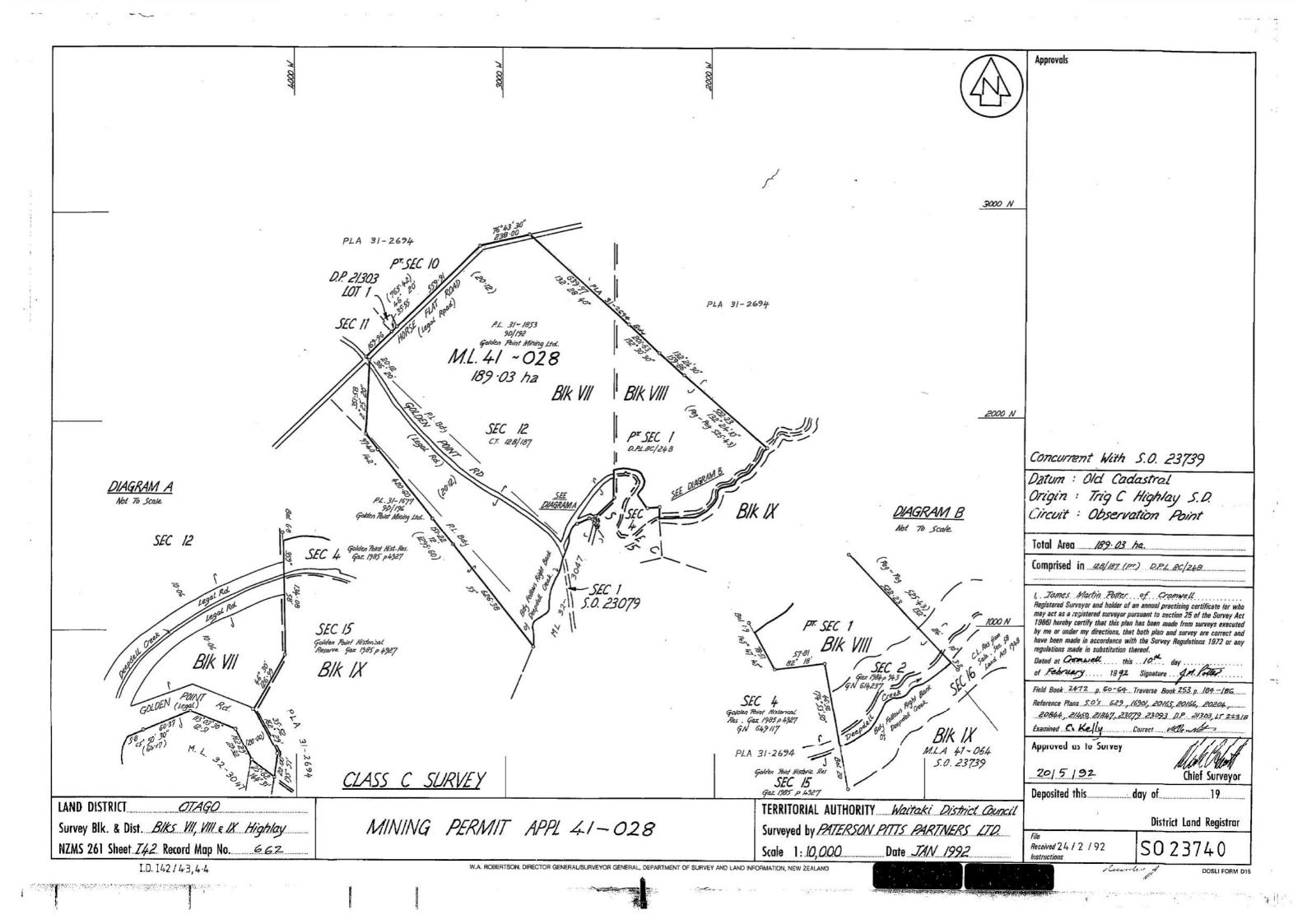
10 144/4.4



A 4

A 13 4







Title Plan - SO 444480

Survey Number SO 444480

Surveyor Reference 13426 Golden Bar Road Surveyor Anthony Denys Hosken

Survey Firm Paterson Pitts Partners Ltd (Dunedin)

Surveyor Declaration I Anthony Denys Hosken, being a licensed cadastral surveyor, certify that:

(a) this dataset provided by me and its related survey are accurate, correct and in accordance with the

Cadastral Survey Act 2002 and the Rules for Cadastral Survey 2010, and (b)the survey was undertaken by me or under my personal direction.

Declared on 19 Dec 2011 09:48 AM

Survey Details

Dataset Description Section 1

Status Approved as to Survey

 Land District
 Otago
 Survey Class
 Class B

 Submitted Date
 19/12/2011
 Survey Approval Date 19/12/2011

Deposit Date

Territorial Authorities

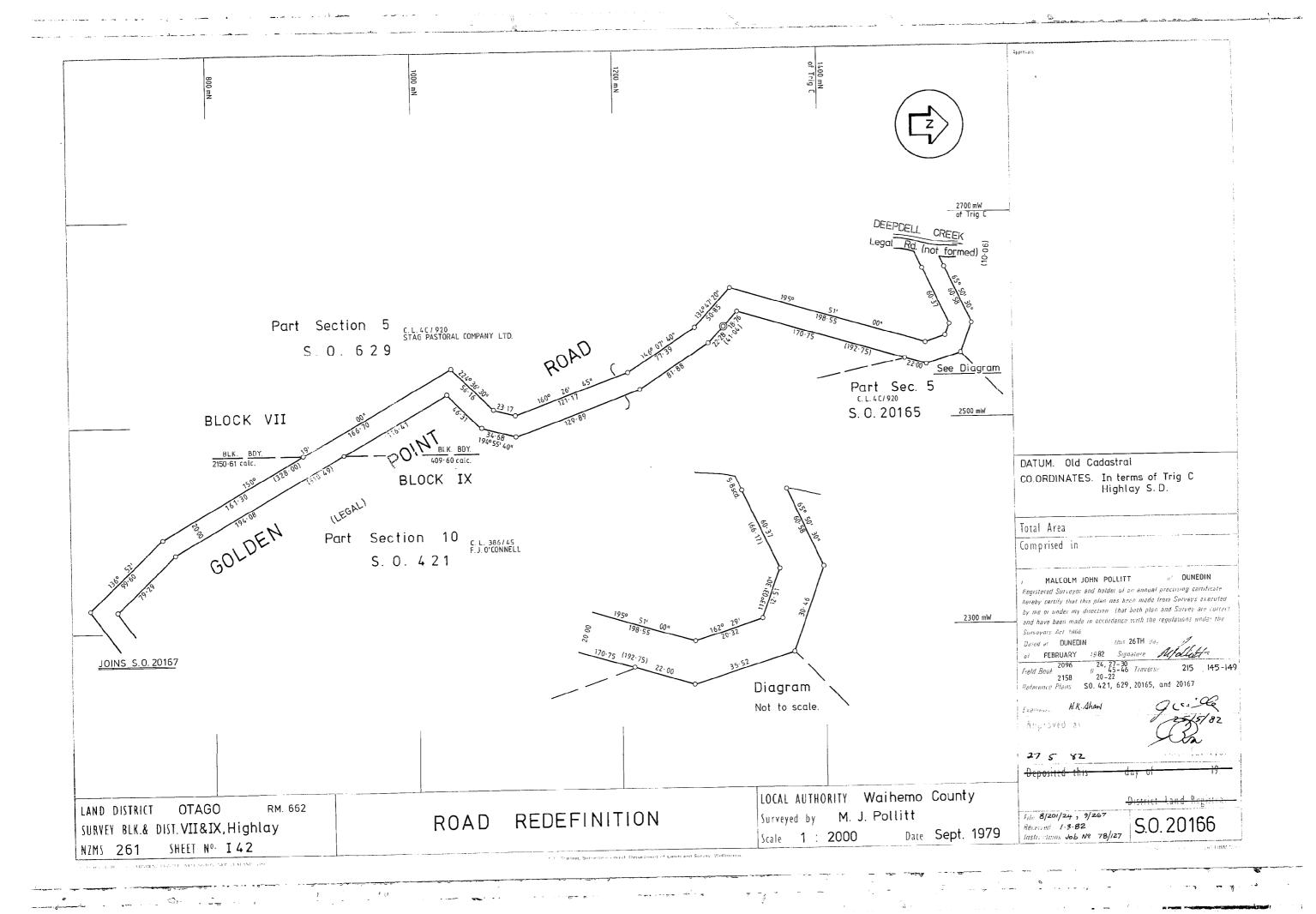
Waitaki District

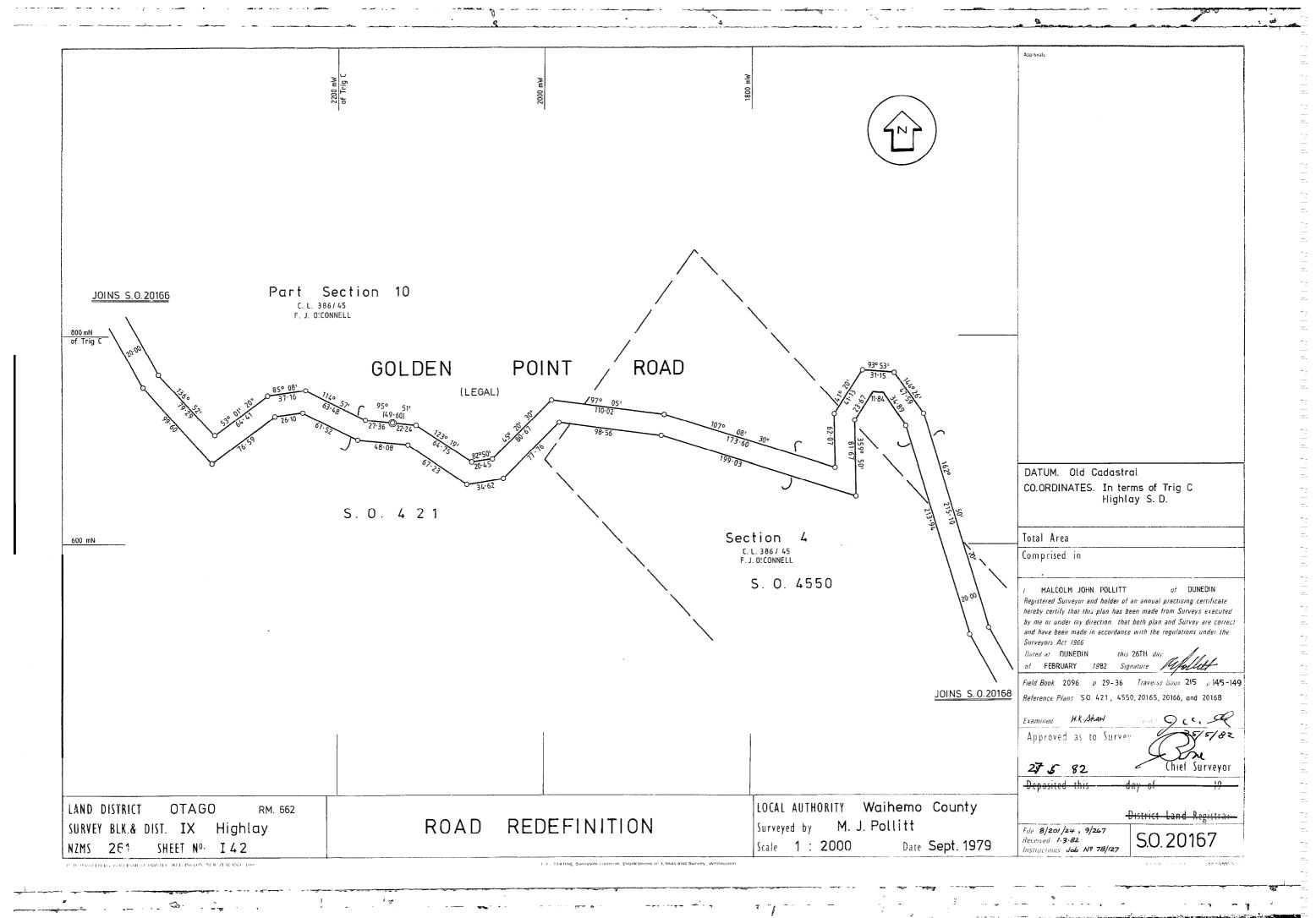
Created Parcels

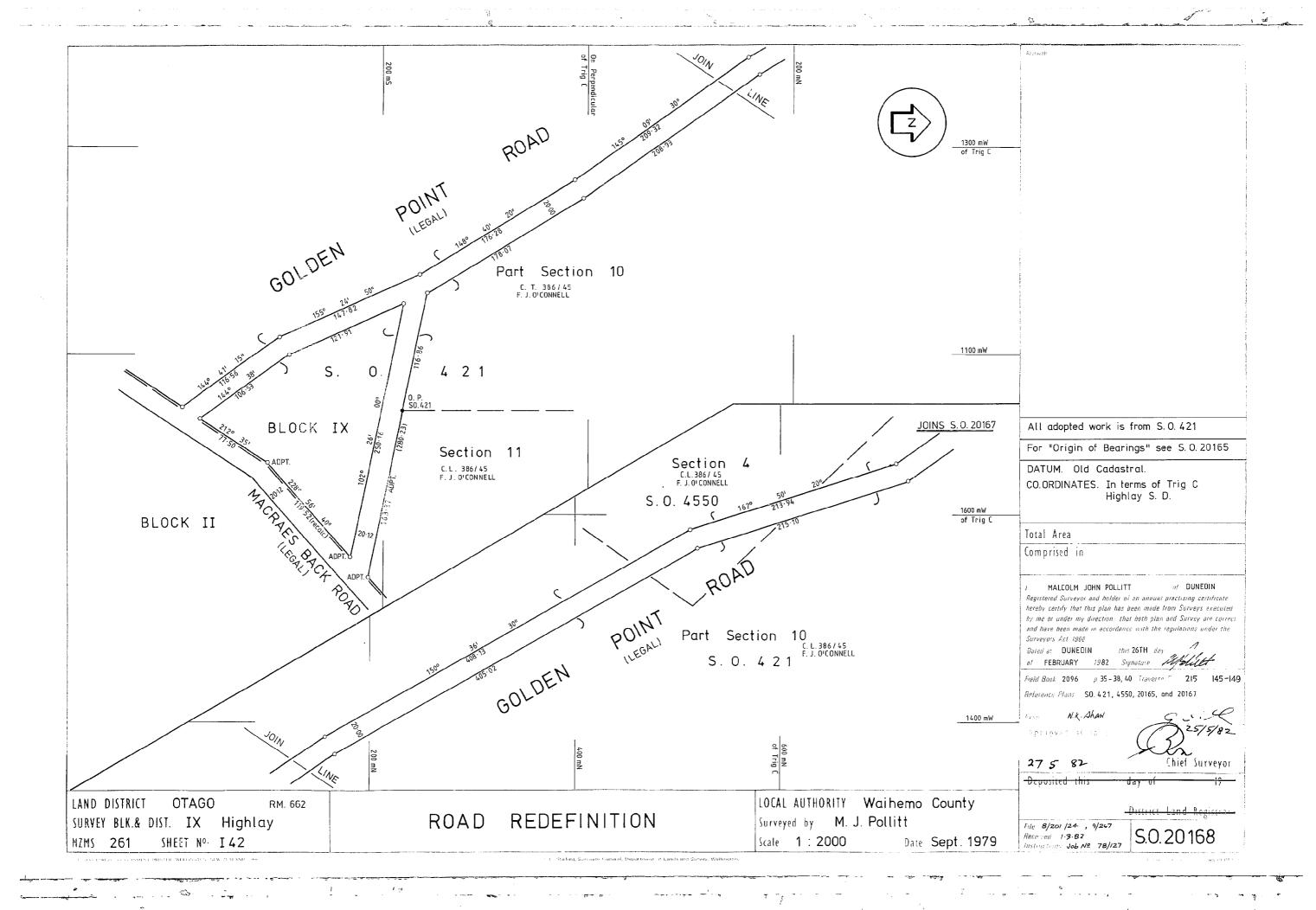
Parcels Parcel Intent Area CT Reference

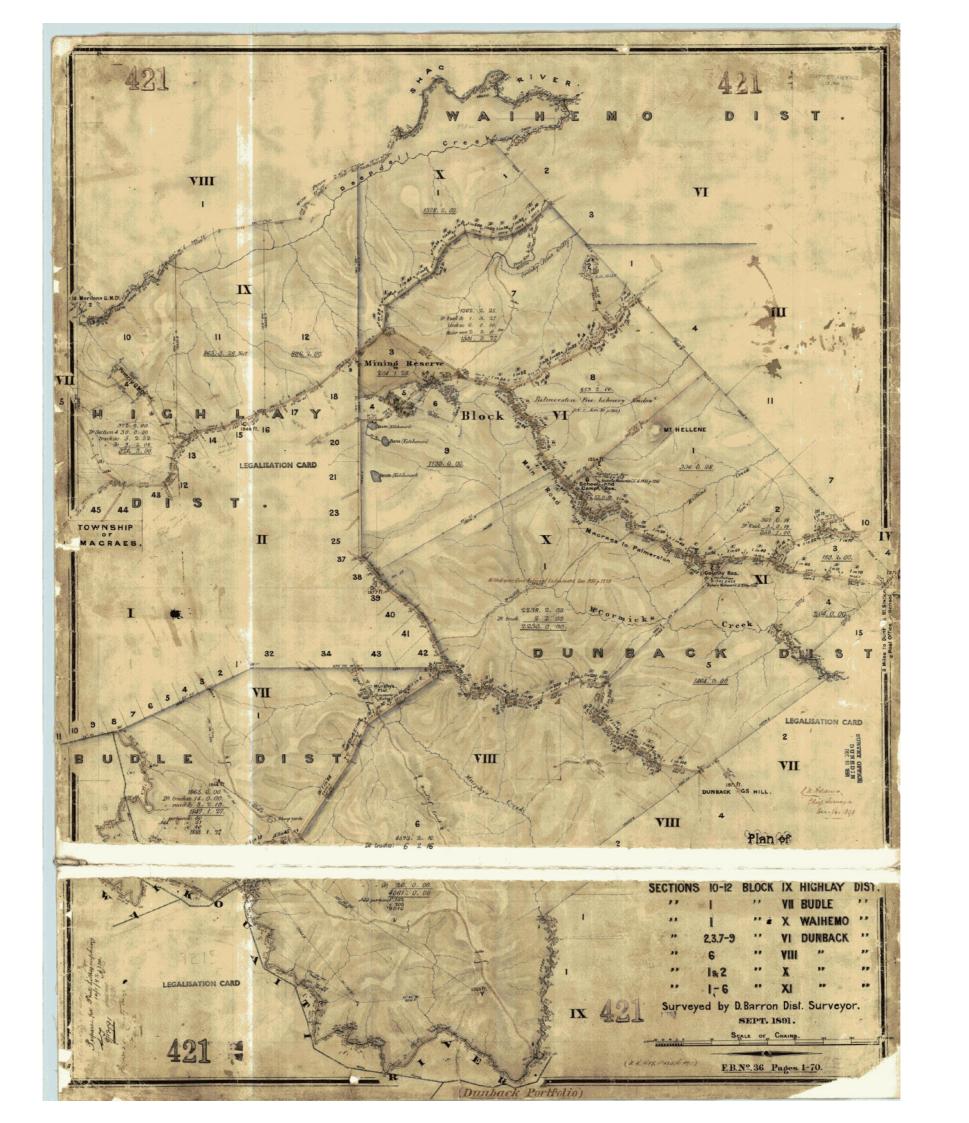
Section 1 Survey Office Plan 444480 Legalisation 2.5995 Ha

Total Area 2.5995 Ha

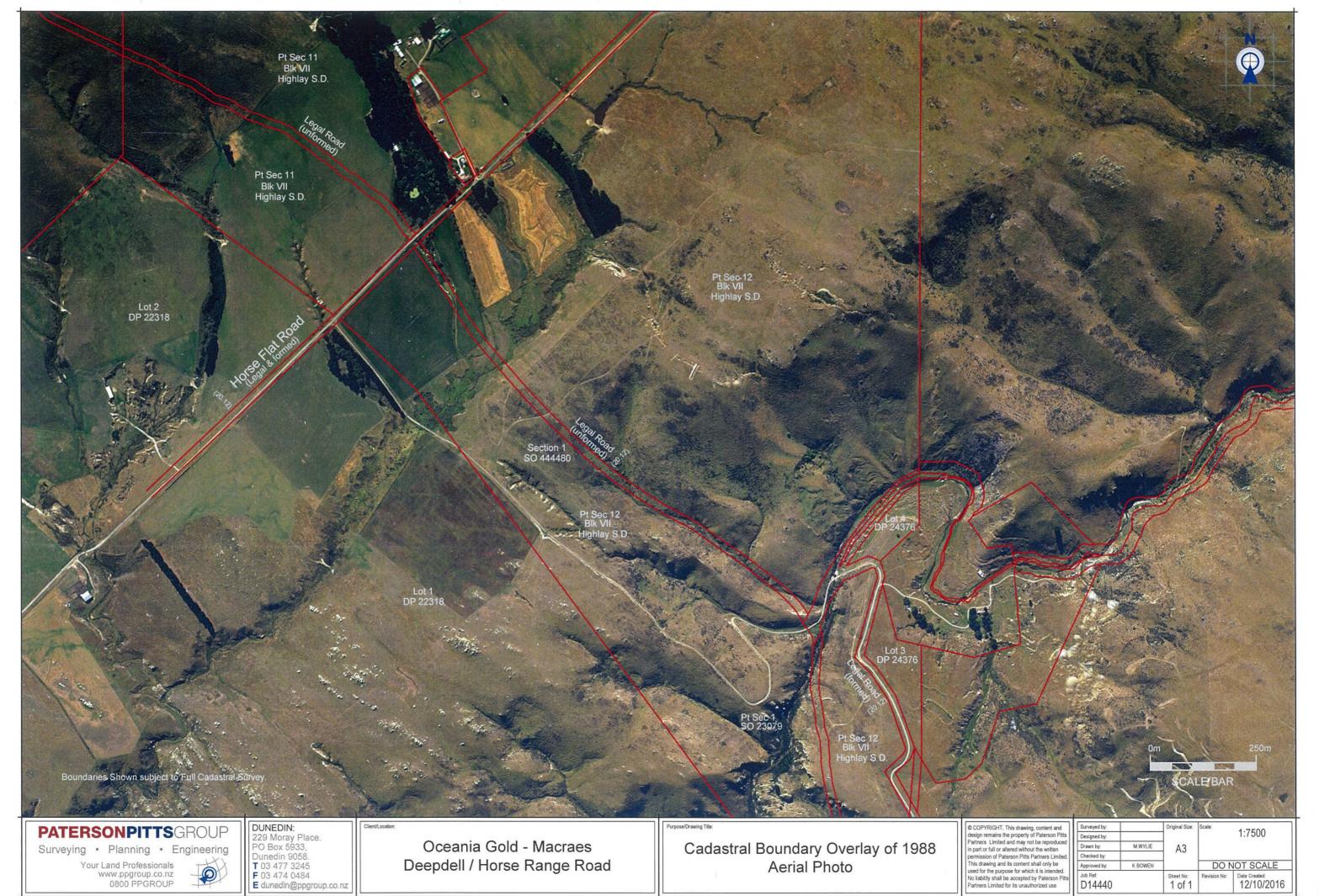








Appendix B – Aerial image



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