

11 August 2025

Appendix F: Access arrangement report

Section 51(2)(f) access arrangement report for –
FT-0063 Waihi North Project

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Introduction

1. On 2 May 2025, the Environmental Protection Authority (EPA) determined that the Oceana Gold (New Zealand) Limited (OGNZL) substantive application for the Waihi North project was complete and complied with the requirements of section 46(2) of the Fast-track Approvals Act 2024 (the Act/FTAA).
2. As part of the application, OGNZL is seeking two approvals that would otherwise be sought as access arrangements under section 61 of the Crown Minerals Act 1991.
3. On 27 May 2025, the Panel Convener directed the EPA to obtain a report prepared by the Director-General of Conservation, in accordance with section 51(2)(f) of the Act. This report is due to the EPA on 11 August 2025.

Purpose of the report

4. This report has been prepared by the Department of Conservation (DOC) on behalf of the Director-General of Conservation. The report provides information to assist the Panel in its consideration of the application by OGNZL for approvals for access arrangements for the Waihi North Project. These have been lodged in two parts:
 - An application for an access arrangement to replace the existing access arrangement for access to public conservation land to undertake activities within Mining Permit 60541 (MP 60541) referred to as “Wharekirauponga” or “Area 1”; and
 - An application for an access arrangement to vary the existing access arrangement for activities within Mining Permit 41808 (MP 41808) referred to as “Favona”.
5. The two access arrangements are considered separately within this report in paragraphs 19-184 and 185-245 respectively. The Act outlines at Schedule 11, clause 4, the matters that this report must address. Those matters are:
 - information to address the matters in clause 7 (except clause 7(1)(a)(i)) or, as the case may be, clause 8 (except clause 8(1)(a)(i)); and
 - information about any other matters relating to environmental effects of the application; and
 - information about any conditions that should be imposed in accordance with clause 9 or section 4.
6. The report must also specify any conditions of those specified under section 78 that the Panel must impose in accordance with clause 10.
7. The assessment within this report has been collated from analysis, consideration and advice from subject matter experts throughout DOC. The relevant experience and expertise of these individuals is summarised in DOC's Covering Report. The report has also been informed by information from our Treaty partners.

The Project

8. The Waihi North Project (“the Project”) is a proposed mining initiative in Waihi, aiming to extend existing operations through the development of new underground and open-pit mining areas.
9. Current mining operations at Waihi include an open pit mine, a series of underground mines, ancillary facilities such as the Waihi Surface Facilities Area, an ore processing plant, a water treatment plant, three stockpiles, two tailings storage facilities (TSFs) and a conveyor.
10. A key component of the Project is the proposed Wharekirauponga Underground Mine (“WUG”), located beneath Coromandel Forest Park and accessed via a tunnel from OGNZL-owned farmland on Willows Road. Although the mine is underground, associated activities will take place above ground within the Coromandel Forest Park. Activities proposed to be undertaken on public conservation land as part of the Waihi North Project are:
 - Mining and exploration activities at the surface of the land.
 - Surface water, groundwater and geotechnical investigations and monitoring (including installation, maintenance and replacement of equipment, and continued use of existing equipment).
 - Salvage and translocation of herpetofauna.
 - Long term monitoring of native frogs and research associated with the efficacy of predator control strategies and techniques to improve populations of native frogs.
 - Other low impact monitoring activities.
 - Conservation planting and habitat enhancement activities (including pest control, monitoring and maintenance.
 - Occupation for a laydown and bridge footings for the existing Mill Bridge, and an existing heavy vehicle crossing of the Ohinemuri River.
 - Diverting watercourses.
 - Salvaging aquatic species and release into nearby streams.
 - Undertaking works in areas with recognised heritage and/or archaeological values.
 - Undertaking of mine remediation.

The proposed activities as relevant to the access arrangement approvals are set out in greater detail within paragraphs 18-55 and 188-200 of this report.

11. The programme of works is set out over 18 years, with all works expected to be completed in 2043. The final two years will relate to closure and rehabilitation activities. Exploration would commence immediately, including works to construct drill sites, helipads, camp sites and geotechnical investigations. Mining underground is expected to commence in year eight. However, the application seeks a term to align with the expiry of the minerals mining permits, being 8 April 2060.

12. The applications do not seek to amend the existing authorities in place for buried service trenches traversing public conservation land. An easement has been approved for this activity for a 30-year term expiring in 2055.

Matters not included in the application

Whether an access arrangement is needed in respect of underground activities

13. The application lodged does not include an application for an access arrangement for activities carried out below the surface of the land (s 57 of the Crown Minerals Act 1991). OGNZL states that it “has carefully developed the project in a manner to ensure that the surface of the Coromandel Forest Park is not damaged by the WUG, will not affect the use and enjoyment of the land by the Department of Conservation, and will not have a prejudicial effect on future uses on the surface of the Coromandel Forest Park”.¹
14. Technical assessments undertaken for OGNZL have shown that the Archey's and Hochstetter's frogs are prevalent on the surface of the land above the proposed underground mine.² There is a body of evidence indicating that vibrations can affect amphibians. Vibrations can generally cause alterations in reproduction, as well as mortality.³ The technical assessments undertaken by the applicant have concluded that potential effects on frogs associated with the surface expression of blast vibrations will be of a low magnitude. To offset and compensate for these effects, albeit assessed to be low, the applicant proposes to undertake pest control, and to undertake long-term monitoring of native frogs and research associated with the efficacy of predator control strategies and techniques to improve the populations of native frogs. The applicant also has advised DOC that it seeks wildlife approval for any accidental or unintentional harm to wildlife that could arise from any of the activities undertaken in relation to the Waihi North Project.
15. Based on the available evidence, DOC does not consider the proposed underground mining will be “likely to have any prejudicial effect in respect of the use and enjoyment of the land” by the Crown, for the purpose of s 57 of the CMA. However, if the measures proposed by OGNZL are unsuccessful, and adverse effects are not avoided or minimised, s 57 could be engaged.

Variations to existing access arrangements

16. Following acceptance of OGNZL's substantive application for the Waihi North Project by the EPA on 2 May 2025, OGNZL lodged applications on 23 May 2025 with DOC for variations to its existing access arrangement and associated Wildlife Act authority. The application to amend the access arrangement sought approval to construct and operate an additional two drill sites, including the installation of piezometers at those sites; two new drill sites to provide water supply; and the use of

¹ A.07, at p 340.

² A.09. at 6.6.1.1; B.39, at 5.3.

³ B.38, at 8.

groundwater bores at the new and existing drill and helipad sites within the existing access arrangement area. OGNZL confirmed to DOC that the two drill sites are additional to those sought under the FTAA application. The variation to the Wildlife Act authority sought to authorise impacts on species through to preparation surveys and operations undertaken at the two proposed new sites.

17. DOC considers that s 94 of the FTAA does not limit OGNZL's ability to apply for an access arrangement under that Act and does not prevent DOC from processing the variation applications. These variations are therefore currently being processed by DOC. DOC notes that the FTAA application seeks an access arrangement approval to authorise the "existing drill sites authorised under 48614-AA" (nine sites in total), along with the additional 20 new sites described in the application. However, the FTAA application seeks to replace the existing access arrangement with the FTAA access arrangement approval. Given OGNZL has confirmed the two drill sites to which the variation applications relate are additional to the FTAA application, it is not clear to DOC how the FTAA access arrangement approval (if granted) would authorise the two additional drill sites if the variations are granted. DOC has raised this with OGNZL.

The proposed access arrangement – Wharekirauponga

18. The access arrangement sought for Wharekirauponga is approval to undertake exploration and mining, along with associated exploration and mining support activities within MP 60541, an area of 3,271.5 hectares.
19. OGNZL seeks to replace the existing access arrangement (48614-AA-V4) and to reauthorise continued use of the nine existing drill pads currently within MP 60541 at Wharekirauponga.
20. It further proposes:
 - *The creation of 20 additional investigation and exploration drill site:*
 - 8 exploration drill sites
 - 4 geotechnical investigation drill sites (within the existing AA area)
 - 4 geotechnical investigation sites above WUG dual tunnel area
 - 4 hydrogeological investigation drill sites.
21. Establishing the drill sites would require the removal of vegetation within the 150 m² footprint of each site. Vegetation and topsoil would be stockpiled at each drill site. Prior to any clearance occurring, OGNZL propose to undertake an ecological survey to determine the presence of any Threatened or At Risk species present. The works would be undertaken in accordance with the "Waihi North Project Site Selection Protocol" (attached as an appendix to the condition set). This may require the selection of different sites for the drill sites compared to the indicative planned locations.
22. The application states that any vegetation clearance undertaken will be restricted to March to May inclusive, and during suitable warm weather conditions. No trees greater than 50 cm diameter at breast height will be cleared.

Exploration drilling at each of the sites

23. OGNZL proposes that six drill rigs will be utilised at any one time to undertake exploration drilling. Drill rigs would be transported to the site by helicopter. Assembly of the platform would be undertaken with helicopter support, after which the drill rig and associated equipment would be flown onto the platform. Once drilling has been completed at each site, the rig, equipment and platform would be transported to the next site (noting that six rigs could operate at any one time).
24. Diamond drilling would be utilised on all holes along with biodegradable drill fluids and lubricants. Drilling muds, fluids and cuttings are proposed to be disposed underground down the hole. A small sump or bulk containers would be utilised at the collar of the drill holder to catch and contain any spillage for pumping down the hole. A solids recovery unit is proposed to remove solids and recycle water and drilling fluid. The slurry produced by this unit would be collected and disposed of at an appropriate facility.
25. Sites would utilise existing water lines from existing pumps where available. Alternatively, water would be taken from nearby streams using a small pump. Approval is also sought to take groundwater for drilling purposes, in addition to groundwater takes from the location of historic drill sites. A 200 mm diameter abstraction hole would be created, along with a submersible pump and a generator positioned at the drill or pump site.
26. Four additional camps (six in total) and associated facilities are proposed at any of the drill sites to support drilling activities. These includes self-contained portable toilets, and portacomms. Tent based camping is proposed throughout the application area to support field work where required.
27. Exploration operations would not be undertaken within 400 metres of the Wharekirauponga Track during the peak season of 23 December to 6 February inclusive. OGNZL have noted that operations necessary to ensure the security and safety of the drill site would continue.
28. Upon completion of drilling, if a piezometer is to be installed, two wires will lead to a locked box containing a data logger. All other equipment would be removed from the surface. The logger will be attached to a post or waratah driven into the ground.
29. Two additional helipads (bringing the total number of helipads to four across the site) are proposed at any of the authorised drill sites.
30. Helicopter use and drilling activity would not occur between 1 December and 28 February inclusive within 400 m of the Wharekirauponga Track.

Installation and maintenance of four ventilation shafts including pumping test sites

31. Four ventilation shafts associated with the underground mining operation would be established. These may be sited over sites previously utilised for pumping test sites. The initial complete clearance of vegetation and groundcover would be 30 m by 30 m (900 m²) per site. The sites would utilise concrete pads, with associated earthworks (cut and fill) and retaining walls where required. Once operational, the concrete pad extent would be 12 m by 12 m (144 m²) The creation of pumping

test sites is expected to require four 50-100 diameter at breast height (dbh) trees to be cleared by operations.

32. Vent shaft construction is expected to create 50 helicopter flights per week over approximately four weeks. This estimate was dependent on topography, soil composition and construction methodology. It is expected that concrete used for construction would be pumped from underground due to limitations with helicopter transport of the concrete.
33. Each ventilation shaft would have an évasé of up to eight metres in height, surrounded by a fence. Ventilation fans would be installed underground. One shaft would be utilised as an emergency egress. During construction, a helipad and facility building would be constructed above one of the vent shafts to be utilised during the construction of the further ventilation shaft sites.
34. At the completion of mining activities, the vent shafts would be removed, the concrete pads removed and lowered by helicopter down the shaft into the tunnel and transported out of the mine. The ground cover, having previously been stockpiled, would then be respread across the site. Works would be undertaken in accordance with an approved rehabilitation plan.

Creation of four hydrogeological investigative drill sites and four geotechnical drill sites

35. The location of the sites is proposed to be determined using the Waihi North site selection protocol. OGNZL state an intention to utilise existing or already cleared sites where suitable. At the hydrogeological investigation sites, set along the WUG Dual Tunnel Corridor, drilling would occur to create piezometer holes to assist with testing, baseline data collection and ongoing groundwater monitoring. The four geotechnical investigation sites would also be sited along the proposed Dual Tunnel Corridor.

Installation and use of 50 man portable drill sites to undertake vent shaft geotechnical investigations and install piezometers

36. The portable drill rigs are more compact and would be broken down into 100 kg components. These would be heli-dropped around trees, enabling tree clearance to be reduced. OGNZL state that sites would be chosen that were natural clearings or on existing tracks and clearance would therefore be restricted to trimming of canopy. Although canopy trees may not be cleared, understorey and ground cover vegetation would be required to be cleared. For each site, this would create impact for the 32 m² required by the portable drill rigs, along with storage areas for the ground cover material that is intended to respread at the completion of drilling. It is not clear how long the stockpiling will occur for. Sites are proposed to be located using the Waihi North site selection protocol.

Installation of piezometers and reauthorisation of existing piezometers approved through concession.

37. OGNZL proposes to install and maintain piezometers at all existing and new drill sites or ventilation shaft sites. Twelve of the 50 man portable drill sites are proposed to be used to install near stream

piezometers. Groundwater quality samples of up to 2 litres in volume would be collected each quarter by bailer or submersible pump.

38. A further two shallow piezometers are proposed to be sited at each of a maximum of six wetlands and two control wetlands. One ready-made piezometer would be driven into the wetland by slide hammer. A second piezometer would be installed approximately two metres from the wetland boundary and would be installed by slide hammer or portable rig.
39. As part of the proposal OGNZL also seek to reauthorise the seven piezometers installed at existing drill and camp sites within the current DOC concession 87585-OTH. This would enable the extension of the term to align with the term of the proposed access arrangement. These piezometers, along with another two piezometers constructed along the Otahu River, will contain vibrating wire piezometers and would be sited within 20 metres of the stream bed.
40. Approval is also sought to reauthorise 24 near stream piezometers at 12 sites that were previously authorised by DOC concession 101993-OTH.
41. 20 helicopter flights will be required to install each near stream piezometer. These flights are proposed to take place across a two-day period and within a two-hour timeframe on each of those days.

Drone use

42. Drones would be utilised no more than twice yearly over the life of underground mining. These would never occur at the same time as helicopter operations and would replace helicopter use for that activity. Drones would be used to undertake ecological and geotechnical mapping and investigations for exploration and mining activities. This would include LiDAR and photogrammetry data collection.

Installation and operation of monitoring devices and stations

43. Two rain gauges are intended to be installed and maintained, attached to any drill platform (one of which has been previously authorised through 87585-OTH).
44. An existing meteorological weather station previously approved by DOC concession and located at the south helipad would continue to be utilised for data collection.
45. 12 surface water river level monitoring sites are proposed (seven new, five being reauthorised for the term of the mine). Construction would involve PVC pipe attached to a waratah driven into a streambed, with a data logger installed within the pipe; or a dynabolt drilled into rock with a D-shackle attaching the logger. Plastic housing for equipment and electrical equipment would be attached to a tree or secondary waratah on the riverbank.
46. Flow monitoring would be measured by handheld devices.
47. Water quality samples would be collected using sterile containers and analysed off site.

48. Vibration monitoring would be undertaken at 12 sites. This would require spade excavation of 30 cm by 30 cm by 30 cm. The hole will be filled with pre-cast concrete blocks and compacted soil. A geophone would be installed at a bolt during monitoring. The equipment would be removed (and holes filled) following mine closure.

Access tracks

49. Marked walking/field tracks are proposed to be created between the various sites and onto existing formed tracks.

Minimum impact activities and prospecting as defined by the Crown Minerals Act

50. OGNZL propose to undertake geological mapping, geochemical surveying, handheld removal of samples, aerial and land surveying, stream bed conductance testing, soil conductance testing and sampling and tracer injections and testing as minimum impact activities (MIA) across the proposed access arrangement site.
51. The application also seeks approval to undertake prospecting activities, as distinct from minimum impact activities, so DOC has interpreted that these activities as not meeting the definition of “minimum impact activity” in section 2 of the Crown Minerals Act. These activities are listed as geochemical sampling, geological mapping, soil sampling, rock sampling, sediment sampling and ground based geophysical surveys, ground magnets, gravity surveying and electrical surveying. Given these activities do not fit within the definition of MIA activities, it is interpreted that the proposed activities may impact on vegetation (greater than a minimum scale allowed for within MIA activities), or impacts on water, noise or historic sites. However, the precise nature of this impact is not defined.

Works around surface water

52. Activities to support drilling will include the operation of ten water pumps to supply water from waterways “nearby” proposed drill sites. Apart from three existing sites, the location of the seven additional pumps is not known due to the sites being yet to be selected. Little detail has been supplied in relation to the proposed rate of the take, or the potential effects of the abstraction on the waterway.
53. A warm spring in close proximity to the Wharekirauponga Stream will be lost through dewatering. Mining will intercept this spring flow and it will no longer reach the surface.
54. Wetland monitoring piezometers and river flow monitoring stations and ‘near stream’ piezometers are either existing or proposed to be installed in close proximity to the waterways. There are no specific conditions proposed for these sites.

Helicopter access throughout mining and post closure activities

55. Transport of people and equipment onto the access arrangement would mostly be by helicopter, except for those utilising the Wharekirauponga Track to walk in. Helicopters would be utilised in all stages of survey, construction, drilling, mining and rehabilitation activities.

Summary of DOC's report

56. The Coromandel Forest Park contains very high ecological values, high heritage and freshwater values, and moderate values in terms of recreation. The activities proposed have the potential to cause significant adverse effects, particularly on two *Leiopelma* frog species. The conservation status of both species is At Risk – Declining and they have a restricted habitat. Due to lack of certainty of both the impact of the proposed activities on the species and the success of the mitigation measures proposed, the overall potential impacts are uncertain. However, given the species' known vulnerability to disturbance, the effects of the proposed activities are likely to be detrimental on a population level without successful avoidance, remediation, mitigation, offset and/or compensation.
57. Overall, the potential impacts on values including threatened species would be very high. Some effects would be able to be rehabilitated over the medium term. Other effects could be long term or permanent if not adequately mitigated. It is therefore critical that, if the proposal is approved, adequate conditions are imposed to address adverse effects.
58. The proposal seeks to utilise techniques to identify and manage impact, as outlined in a series of management plans, site selection protocols and associated conditions. In their current form, these plans and associated proposed conditions would not successfully manage the effects of activities on the conservation values. DOC has not been provided with the final proposed management plans and therefore is unable to provide detailed comments on these plans and the expected success or otherwise of the plans' methodologies to manage potential adverse effects.
59. Following amendments to conditions, the potential effects on frogs remain high but in relation to recreation, heritage, freshwater and amenity values, will be able to be managed.
60. As a general comment regarding the management plan conditions, and as explained in the Covering Report, OGNZL has produced overarching management plans that span various approvals, including those under conservation legislation (including the concession approvals) and the Resource Management Act. OGNZL's approach to the use of management plans for the purposes of the conservation approvals (including the access arrangements) remains unclear. Further explanation from OGNZL is required before DOC will be in a position to comment on whether or not the approach is appropriate.

Assessment of effects and proposed conditions

61. This section sets out an assessment of the effects of the proposal on specific conservation values and makes comment on the conditions proposed by OGNZL intended to address these effects. This section informs the statutory assessment undertaken in paragraph 121-187, against the matters that this report must address. All comments below regarding conditions are subject to the general issue identified in the Covering Report about OGNZL's use of management plans (including the process by

which management plans will be amended) for the purposes of the DOC approvals, including the Wharekirauponga access arrangement.

Frogs

62. The access arrangement area is a key habitat for Archey's frog (*Leiopelma archeyi*) and Hochstetter's frog (*L. hochstetteri*). Archey's frogs only persist naturally in the Coromandel Forest, and in Whareorino Forest (160 km to the south-east). The two species differ in their anatomy, behaviour, ecology and specialised habitat.
63. Archey's frog is terrestrial, mainly found in forest above the proposed mining area. During the day, it retires to retreat sites on the forest floor, including vegetation, holes in trees, under logs and in rock piles.
64. Hochstetter's frog is semi-aquatic and nocturnal, retiring by day to wetter retreat sites under rocks, logs and in vegetation along creek beds, or in banks and seepages alongside rather than in, the creeks.
65. Potential impacts on the frogs from mining operations are:
 - seismic shocks and vibrations
 - increased human use and trampling
 - land instability in terrestrial habitats and water catchments
 - noise disturbance
 - air-borne environmental contaminants.
66. Neither species of frog has the capacity to increase their numbers rapidly after a decline or translocation, contrary to some of the outcomes stated in technical reports provided by OGNZL with the application (Boffa Miskell Pest Animal Management Plan, 2025). DOC's assessment is that whilst technical reports supplied with the application contain some credible ecological information, their conclusions downplay potentially detrimental impacts of the proposal, despite a high degree of uncertainty of overall impact and outcomes.
67. Although providing new information on frog distribution, the extrapolations are wide when considering the population at risk, despite acknowledging the lack of robustness in the preliminary analyses. The lack of applicable case studies and uncertainty of outcome is a key challenge to the assessment of the potential effects on the proposal on frogs, and the effectiveness of proposed mitigation measures.
68. The methodology utilised to select the sites for the various drill sites, man portable rigs, and installation of piezometers is critical to avoid, manage and mitigate the potential effects on frogs. These conditions have been a key aspect of discussion between DOC and OGNZL.
69. The current proposal differentiates between the 20 exploration drilling sites, the four ventilation shaft pump sites and the 50 portable drill rig sites. The 20 exploration drill sites would require an ecological survey, whereas the vent shaft/pump test sites, portable drill rig sites and water pump sites would

follow a site selection protocol only. It would be DOC's preference to have detailed ecological survey undertaken at every location. If site selection protocols are to be utilised, they will require amendment to ensure that they are avoiding and mitigating potential effects on frogs.

70. The use of ecological surveys for the drill site locations is supported by DOC. OGNZL has suggested a 3 metre minimum buffer is created from any native frog found during the ecological survey and then sites selected accordingly. DOC consider that this buffer should increase to 6 metres. Although 3 metres is within some documented average distances moved by an Archey's frog in a single night, there is also evidence of movement between 4 and 12 metres from point of capture. Therefore, additional flexibility is required. If a 6 metre buffer is not adopted, then OGNZL should identify the night retreat of the frog (potentially through night surveys) and ensure that the buffer includes the night retreats. This may require an increase of the buffer for selected sites. Annual frog surveys should also be undertaken to ensure that frogs are maintaining a territory at the site.
71. When buffers are applied, it is important to ensure that 'buffered' frogs are not left separated from adjoining forested habitat. Conditions requiring the maintenance of connectivity with adjacent undisturbed habitat are supported. However, the outcome sought by the condition should be to ensure that each frog has no less than 50% connectivity, as opposed to the current reduction in habitat of 25%. The draft conditions have been amended accordingly.
72. The updated access arrangement conditions provided to DOC on 25 July, refer to the protocols "as set out in the Ecology and Landscape Management Plan - Wharekirauponga Underground Mine". DOC considered the protocols outlined in the ELMP to be insufficient and requested a detailed native frog salvage release plan from OGNZL. At the time of writing, this has not been provided. DOC is therefore unable to provide detailed comment on the expected success or otherwise of those methodologies to manage potential adverse effects.
73. Currently, therefore, DOC considers the proposed frog salvage has risks that have not been adequately addressed in the current proposal. Frog salvage as a mitigation tool has been known to have low success in the past. OGNZL's proposal is made on the premise that process improvements, such as predator control and use of release pens, will lead to better outcomes. However, DOC has been unable to assess the proposed use of release pens as the native frog salvage release plan containing the detail has not yet been provided.
74. DOC does not consider that the current site selection protocol will adequately address potential impacts on frogs or lizards. The multi-criteria assessment tool (MCA) does not contain any criteria relating to lizards, and the current criteria relating to frogs will not result in the avoidance of effects and will create adverse impacts on frogs within the "low" and "medium" categories. This is not acceptable for Threatened or At Risk species.
75. There is also discrepancy within the MCA process description and the listed outcomes. The MCA does not contain exclusion criteria, which is not consistent with a desired outcome of avoiding effects on a species.
76. Vegetation clearance for activities that intend to utilise the site selection protocol include man portable drill sites. Although affecting a smaller area than exploration drill sites, these will require the

complete removal of ground cover. All vegetation clearance is likely to result in adverse effects on habitat.

77. Impacts on frogs may also occur through track formation and increased track use to gain access to and between drill sites, throughout MIA activities including the use of tents during field work, and the installation of telemetry and monitoring sites. The proposed conditions requiring reuse of tracks, and a condition requiring boardwalks to be laid down around all portable drill rig sites will assist to minimise trampling effects. Conditions requiring training of staff undertaking MIA activities, along with the requirements to avoid frog habitat and move five metres from any native frogs located during prospecting works have been added to the condition sets to ensure that the potential impact on frogs from these activities is avoided.
78. In addition to the direct physical impacts on frogs, frogs will also be impacted by noise and vibration caused by the operation of the drill sites, pumps and the extended use of helicopters during construction of the various sites and transport of equipment. This may impact upon behaviour. Noise associated with exploration drilling is much louder than ambient levels in close proximity to the site. Lighting effects on frogs include temporal and spatial disorientation; and behaviour changes including reduced emergence/foraging activity, freezing and avoidance. These effects could include reduced body mass and increased/altered hormone levels. Increased predation by nocturnal predators such as rats and ruru is likely in highly lit areas.
79. The discharge of dust and vapour can affect frogs, which have porous skins. The discharge could also settle on surrounding vegetation causing surface contamination. The impacts of these effects are not well understood or defined.
80. Chytrid fungus is an infectious disease affecting amphibians. Adherence to the National Frog Hygiene and Handling Protocol is required and a condition proposed within the access arrangement to this effect is supported.
81. Overall, the access arrangement site contains very high ecological values in relation to Archey's and Hochstetter's frogs. These will be impacted by the proposed operations and the current conditions proposed do not currently adequately mitigate these effects. The effects on these values is therefore high. There is potential for these effects to be permanent or long term.

Lizards

82. Extensive areas of high-quality lizard habitat were identified throughout the survey area. Along with some common species, it is likely the following Threatened or At Risk lizards are located on site, although in low densities:
 - northern striped gecko (*Toropuku inexpectatus*) (Threatened – Nationally Endangered)
 - elegant gecko (*Naultinus elegans*) (At Risk – Declining)
 - striped skink (*Oligosoma striatum-done*) (At Risk – Declining)
 - ornate skink (*Oligosoma ornatum*) (At Risk – Declining)
 - forest gecko (*Mokopirirakau granulates*) (At Risk – Declining)
 - moko skink (*Oligosoma moco*) (At Risk – Relict)

- copper skink (*Oligosoma aeneum*) (At Risk – Declining)
83. Lizards will be impacted through ground clearance and vegetation clearance including canopy trimming (for arboreal lizards). Noise impacts may impact on skink and gecko hearing and lead to behaviour change. Noise may mask predator noise and led to aversion response from *Naultinus* geckos and other lizard species.
84. OGNZL proposes to mitigate the potential adverse effects on lizards through the use of selection protocols prior to the establishment of sites and survey prior to the clearance of vegetation. The proposed conditions set out for vegetation clearance in the draft access arrangement appropriately include reference to lizards. However, the current draft site selection protocol no longer includes any mention of lizards within the MCA analysis. This is a critical flaw, and amendments have been suggested in the conditions to include references to these Threatened and At Risk lizards.
85. DOC's comments on the proposed conditions are consistent across the herptofauna and therefore are discussed in the section above: the buffer from At Risk or Threatened species should be increased to 6 metres with additional night surveys to confirm a retreat site is included within the buffer and annual surveys undertaken if this does not occur; connectivity of 50% must be maintained to forested habitat; and that changes are required to ensure that the MCA criteria contains exclusion criteria for sites in order to ensure that the effects on species are avoided. The absence of an exclusion provision within the MCA is not acceptable for Threatened or At Risk species.

Terrestrial invertebrates

86. Paua slug (*Schizoglossa worthyae*, *S. novoseelandica novoseelandica*) are native nocturnal carnivorous slugs observed within the Wharekirauponga catchment. Ngaokeoke (peripatus), cave wētā and tree wētā were frequently observed. Invertebrates may be impacted by noise creating changes in behaviour, perception or adaptive responses. Artificial light changes may create temporal disorientation, spatial disorientation, attraction to light, desensitization to light, and reduced recognition of signals. Vegetation clearance and drilling works are likely to result in death, injury or displacement of invertebrates if they are not salvaged and moved. The proposed condition requiring avoidance and salvage is supported. The proposed Wildlife Act condition set lists the stag beetle, (*Geodorcus auriculatus*) (At Risk – Relict) within the preliminary list of wildlife that may be harmed/killed. This is not addressed elsewhere within the application. The retention of the wording within proposed condition 2.90 that requires any 'At Risk' or 'Threatened' invertebrates listed in DOC's Threat Classification Lists to be salvaged, will successfully manage this lack of clarity.

Bats

87. There is potential for bat roost trees to be impacted by vegetation clearance. Although bats have not been confirmed to be present at the site, the proposed condition requiring vegetation clearance to adhere to the current Bat protocol is appropriate to manage this potential high impact. If bats are present, lighting may impact on circadian cycles and therefore foraging duration. Noise and vibrations are not expected to impact bats.

Birds

88. 24 bird species were recorded during baseline surveys (16 native, 8 exotic) including common forest birds. kākā (At Risk - Recovering) were heard during surveys but not recorded. Surveys recorded kākāriki/ yellow-crowned parakeet (At Risk - Declining). New Zealand forest bird species may display aversion to noise associated with exploration, helicopter use and ventilation fans. Birds can adjust to compensate for higher background noise, including avoidance of the area, changing strength nature and frequency of calls, and increased vigilance to perceived reduction in predator awareness. Key physiological and population effects may include:
- reduction in fitness due to stress
 - impacts on breeding success
 - masking social calls.
89. The effects on birds would occur during the operation of drilling and helicopter activity. The effect will be high near the location of activities over the term of the active operation. Values will return following the cessation of activity. DOC is satisfied that the proposed mitigation measures including checking for nest sites during clearance, managing noise levels where possible along with the ability of birds to relocate, will reduce the effects where possible.

Vegetation clearance

90. The table below sets out the components of the proposed 6,600 m² of vegetation clearance.

Table 1: New drilling activities and proposed clearance of vegetation

Description	Number of sites	Clearance per site (m ²)	Total clearance (m ²)
Exploration drill sites	8	150	1,200
Geotechnical investigative drill sites	8	150	1,200
Hydrological investigative drill sites (piezometer installation)	4	150	600
Vent shaft / pumping test sites	4	900	3,600
Portable drill rig locations	50	Minimal clearance i.e. canopy trimming	
Total clearance			6,600 m²

91. Flora values, in addition to providing habitat to species as outlined above, vary across the proposed operational site, which is mostly secondary regrowth broadleaf forest, kauri stands and kānuka scrub. Although indicative site coordinates have been provided, no individual assessment has been undertaken at each proposed site.
92. The site selection protocol seeks to avoid removing mature vegetation with a diameter of over 50 cm at breast height, and to avoid Threatened or At Risk flora. These provisions are supported.

93. Two Threatened - Nationally Vulnerable orchid species, *Pterostylis puberula* and *P. tasmanica*, and the At Risk - Declining king fern *Ptisana salicina* are found within the access arrangement area. Proposed conditions require that any individuals of these species found be relocated to an alternative site with similar characteristics as determined by an ecologist. Whilst vegetation transfer can occur, the success rate would not be predicted to be high. Therefore, it is considered that many of these Threatened and At Risk species will be destroyed.
94. Given the 35-year term sought for the access arrangement, DOC recommends that the condition be worded to achieve the avoidance of any At Risk or Threatened species found within the sites. This would enable new species and threats discovered over time to be managed and also allows for species that have recovered to be removed from the requirement for specific management. This condition reflects wording within the existing access arrangement for the Wharekirauponga site.
95. In March 2014, kauri dieback disease (*Phytophthora agathidicida*, or PA) was detected for the first time on the peninsula in Whangapoua Forest/Hukarahi Conservation Area, and has since been confirmed at other sites on the peninsula. The Wharekirauponga Track is currently closed to the public in order to manage the potential spread of the disease. OGNZL staff and contractors are able to continue to access the wider site and the track for critical aspects of their operation under the conditions of their current access arrangement, following the review and amendment of their kauri dieback management plan. Ongoing application of stringent hygiene controls including regular cleaning stations on established routes, bootwash facilities, careful training and restrictions on soil disturbance in close proximity to kauri trees is necessary to manage the spread of the disease. The application proposes that both a kauri dieback management plan is created and that this plan is also linked to an existing management plan. Subject to ongoing adherence to strict protocols, the risk of kauri dieback disease can be managed appropriately by either of these options, and only one should be chosen to avoid unnecessary duplication. We suggest a Coromandel Forest Park Kauri Dieback Management Plan that also includes sufficient detail to include the Northern Area Concession would provide efficiency, and reduce the need for additional protocols to also be linked to the EMLP.
96. Effects on flora values would occur over the medium term, with at least some species or species assemblages regenerating following completion of mining and restoration. This regeneration could be slow for some species, with podocarp species and kauri having relatively slow growth rates for example.
97. As the sites would be remediated, at least some flora values would return over time and the delay in forest regeneration of the impacted 6,600 m² could be considered not significant in the context of the much larger surrounding forest area. However, the ecological values of the vegetation and the fauna they support in the impacted area is considered very high. It is very likely that Threatened and At Risk species will be impacted by vegetation clearance and the importance, and current limitations, of the proposed management of this is discussed elsewhere in this report. DOC considers that the overall magnitude of the effects remains very high. The proposed mitigation measures in relation to the selection of sites and the various management plans to mitigate these impacts require amendment.

Freshwater effects

98. Freshwater values and habitats within the Wharekirauponga Stream and its tributaries are of very high ecological value. The habitat supports a number of Threatened and At Risk native fish species. The impacts on freshwater biodiversity of the installation of piezometers and telemetry devices would be low. The proposed conditions are sufficient to ensure that any potential effects are managed.
99. OGNZL's proposal includes the diversion of waterways within the access arrangement, including the potential diversion of waterways around the proposed vent shafts. As these diversions are proposed within the same catchment, the potential effects will be low. There will be cumulative impacts on the freshwater hydrology from all the diversions.
100. The proposal would result in the complete loss of the warm spring which is a significant impact given the spring would cease to exist. However, the impact on freshwater biodiversity is likely to be low due to the composition of the spring and the lack of representative freshwater invertebrate species present.
101. Mining activity impacts are modelled on their expected effects on flow rates, water levels and wetlands. The impacts will be greatest during periods of low flow. OGNZL propose an adaptive management approach, through the Wharekirauponga Underground Mine Water Management Plan, to manage potential impacts. It is DOC's view that the surface water interaction management proposals appear robust as long as sufficient baseline information is collected to be able to make informed decisions, especially around seasonable variability in flow.
102. There is potential for effects on freshwater biodiversity, wetlands and associated loss of habitat or vegetation if the uncertainty within the modelling results in greater water loss. The Wharekirauponga Underground Mine Water Management Plan is no longer proposed to be linked to works undertaken under the access arrangement conditions. This is not supported by DOC as it prevents involvement and ability to provide feedback on the management of freshwater values at the surface. Reference to this Plan should be added back in to the conditions. DOC also recommends additional flow gauging across a range of flows with a focus on the low flows as opposed to at a set interval.
103. Little information has been supplied within the application about the proposed abstraction rate or locations of the ten water pumps proposed to be utilised to supply water to the drilling. It is therefore difficult to understand the extent of the effects. Resource consents relating to these activities are understood to have been lodged with the regional council outside of this FTAA process.
104. In summary, it is DOC's assessment that there are high impacts on freshwater values through the loss of the spring, and uncertain effects from the water pump takes. All other conditions relating to the management of freshwater effects are appropriate.

Amenity, visual effects and recreation effects

105. Recreational use of the access arrangement area relates mostly to users of the Wharekirauponga Track and hunters. The Wharekirauponga Track is listed as a "local treasure" within the Waikato Conservation Management Strategy. Although it is currently partially closed for kauri dieback

management purposes, its high heritage and recreational values mean that DOC intends to reopen the track in the future, at least to the waterfall. The first 750 m of the Wharekirauponga Track is not included in the closure and is considered to have moderate level visitor use particularly in the summer months when it significantly increases associated with the influx of visitors to the wider Coromandel area during the holiday period.

106. The access arrangement area contains front country, back country and remote visitor management zones. A user of public conservation land within these various zones can expect varying levels of solitude, noise and interaction with other users of public conservation land. DOC has received trip reviews in which visitors note that they were adversely affected by helicopter noise during their trips to the waterfall. Visitors in a front country setting would expect a low level of natural quiet (free from noise other than what is generated and expected from its natural setting) and a medium level of modification by the presence of infrastructure (free from any other infrastructure other than that provided by DOC to facilitate visitor use in a natural setting). Visitors would expect interactions with other visitors given its key function is a track facilitating visitor use and access to the back country area.
107. The back country and remote zones are characterised by recreation opportunities in large scale natural settings. This area would be utilised by hunters and experienced trampers. People will usually have travelled some distance to reach these back country settings and will tend to be expecting time away from other groups, and in some cases, solitude. Overall, users are generally accepting of the periodic intrusion of noise in these areas. However, intrusion of noise, regardless of its level, will impact on the amenity and experience of back country users.
108. The principal effects on track users and hunters would be noise from helicopter usage during construction and exploration and mining operations. OGNZL has identified that at the peak period, up to 60 helicopter movements (30 flights) each day could occur between the southern helipad site in the Coromandel Forest Park and the commencement point outside the access arrangement area. This would mean two flights in any 15-minute period and 10 hours of flying per day. This would be highly disruptive to users, especially those expecting a remote or back country experience. Noise levels along the track during construction of vent raises would be clearly audible, rising to high noise levels of 75 dB close to the swing bridge during the construction phase of the proposed project. Restricting activities within 400 metres of the Wharekirauponga Track between 1 December and 28 February inclusive when the track is open will address the majority of these effects. Providing information at the start of the track to warn of potential noise, along with providing information about the vent raises and their function, will also reduce impacts on users of the track and wider Forest Park.
109. The landscape values of the Wharekirauponga are not expected to be adversely impacted, although piezometers, loggers and telemetry sites would be noticeable to users when located in proximity to tracks and waterways. However, the flow rate of the river is expected to be reduced. The worst-case modelled scenario identifies reductions in mean annual low flows for short periods during dry spells that coincide with mining. There has been no specific assessment on the effect on swimming within the swimming holes that are popular for users. Therefore, DOC is unable to provide comment on the potential effects of lower flows within these popular recreation locations.

110. Visual effects of the drill site and vent sites' clearance will impact users who are in close proximity to those activities. The visual effects of drilling and vent shafts will be reduced by the topography and vegetation cover around the sites.
111. In order to manage effects on recreation and amenity values, conditions are proposed to exclude any exploration operations at any drill site within 400 metres of the Wharekirauponga Track within the high visitor periods of 23 December to 6 February. Similarly, any drilling activity and helicopter activity within 400 metres of any open sections of Wharekirauponga Track is excluded between 1 December and 28 February. The current draft condition seeks to limit helicopter usage to servicing drill sites only. However, to adequately reduce impacts on recreation and amenity values, all helicopter usage associated with any activities within 400 metres of the track during the December – February period should be excluded. Vent shafts sites and drill sites are proposed to be set back 250 and 30 metres from the Wharekirauponga Track respectively. This is supported by DOC.
112. In summary, despite mitigating conditions, residual impacts will remain from the introduction of mining activity on to the land.

Helicopter use

113. Effects of helicopter use on fauna, and amenity and noise effects on users of public conservation land are discussed in the sections above. Helicopters would be utilised throughout the Project to transport people and equipment to the various sites within the Coromandel Forest Park. At peak periods, up to 60 helicopter movements a day will occur, creating up to 10 hours of flying a day. In addition to the existing two helipads, any drill site or pumping test/vent site is proposed to be utilised as a helipad, with up to four helipads being utilised at any one time. The conditions requiring operators to hold the appropriate certification, and the restriction of helicopter use during peak season will manage health and safety requirements and reduce peak season conflict with recreation users. Helicopter usage will remain a key impact on recreation and amenity values.

Heritage

114. There are two recorded archaeological sites located within the WUG resource area: the Royal Standard Battery and Gold Mining Area (T12/681) and the Royal Standard Gold Mining Tramway (T12/1290). The sites reflect the rich mining history of the area from the 1890s and incorporate battery and cyanide plant remains, adits and tunnels, gold mine workings, tramways and a water race, buildings and machinery and artefacts. The Wharekirauponga Track directly follows the route of the historic Royal Standard Tramline. Along the route is evidence of historic mining activity – machinery, adits, terracing and tunnels, including one tunnel that the track is routed through. The area has been prioritised in the DOC land management system as an “Actively Conserved Heritage Place”.
115. The report provided by OGNZL with the application (Clough and Associates, 2025) recommends that effects on heritage values from exploratory drill sites, vent shafts and hydrogeological investigations require individual assessment due to their indicative locations. It was anticipated by Clough and

Associates that the site selection protocol to evaluate locations would include evaluation against heritage criteria to avoid impacts on heritage features.

116. The site selection protocol includes avoidance of heritage features as one of the multifactor criteria for analysis, however there are no other specific conditions included requiring any additional effects assessment to take place in relation to the man portable drill sites. Without additional knowledge of the potential impacts on the heritage features, there is an unacceptable and unmitigated risk that these features will be impacted by exploration or mining activities and associated operations, even if these could have been easily avoided. The proposed accidental discovery protocol conditions relate to actions following accidental discovery only. Given these two recorded archaeological sites have been identified within the proposed drilling areas it is appropriate that additional investigation is undertaken at the time of site selection. Amended wording has been set out in the site selection protocol requiring that assessments are also undertaken for the 50 man portable drill sites.
117. In order to avoid effects on the high heritage value of the Wharekirauponga Track, additional wording has been suggested to be added into the site selection protocol requiring sites to be set back as far as possible from the track.

Hazardous substances management

118. Activities occurring under this access arrangement will require the handling and storage of hazardous substances such as refuelling and collection of drill fluids. It is noted that refuelling of helicopters is proposed to occur outside of public conservation land, and standard conditions requiring the appropriate storage of fuels and the reporting of incidents will avoid the adverse effects that could occur. DOC considers that these measures are appropriate to ensure the potential effects are managed.

Cumulative effects

119. Although the effects of the activities proposed are discussed individually elsewhere in this section, there are also cumulative effects on conservation values from the total of 29 drill sites (9 existing), four vent sites, 50 portable drill sites, the installation of vent structures, camp sites, piezometers, monitoring sites, minimum impact activities and associated helicopter use and noise created by the activities, along with survey and salvage of fauna to support the operations. Many of the effects will be on herpetofauna and these effects are not well understood. The precautionary principle should be adopted, and additional detailed discussion is required to ensure that the potential adverse effects can be avoided, minimised or mitigated successfully.

Pest control and revegetation

120. A large component of the proposed mitigation measures for the clearance of 0.66 ha of very high value indigenous forest is the revegetation of 21 ha of land and protection of remnant forest. This area will connect to Coromandel Forest Park and will be fenced and subject to pest control. The success of the pest control proposal in this area has been a matter of discussion between DOC and OGNZL. These discussions have not been concluded at the time of writing of the current report.

DOC continues to have concerns about the effectiveness of the proposal and the outcomes it intends to achieve. These concerns are based around the scale of the proposal and success of some of the specific methodologies especially in relation to mice control. The overall benefit to biodiversity is therefore unknown.

Statutory assessment of matters under clause 7

121. The s 51 report must include information to address the matters in clause 7 of Schedule 11, being criteria for assessment of applications for access arrangements described in section 42(4)(l) (being an initial access arrangement or a variation to an access arrangement that would otherwise be applied for under section 61 of the Crown Minerals Act).

Clause 7(1)(a)(ii): the objectives of the Act under which land is held

122. The land is administered by DOC under the Conservation Act 1987.
123. DOC's functions under the Conservation Act are set out in s 6, including, relevantly, the management for conservation purposes of all land and natural and historic resources held under the Conservation Act; the preservation of indigenous freshwater fisheries (so far as is practicable) and the protection of recreational freshwater fisheries and freshwater fish habitats; and to advocate the conservation of natural and historic resources generally.
124. "Conservation" is defined to mean: *...the preservation and protection of natural and historic resources for the purpose of maintaining their intrinsic values, providing for their appreciation and recreational enjoyment by the public, and safeguarding the options of future generations.*
125. In relation to a resource;
- *preservation means the maintenance, so far as is practicable, of its intrinsic values.*
 - *Protection means its maintenance, so far as is practicable, in its current state; but includes—*
 - (a) its restoration to some former state; and*
 - (b) its augmentation, enhancement, or expansion.*
126. "Natural resources" is defined as:
- (a) plants and animals of all kinds; and*
 - (b) the air, water, and soil in or on which any plant or animal lives or may live; and*
 - (c) landscape and landform; and*
 - (d) geological features; and*
 - (e) systems of interacting living organisms, and their environment: -*
and includes any interest in a natural resource.

127. "Historic resource" *means a historic place within the meaning of the Heritage New Zealand Pouhere Taonga Act 2014; and includes any interest in a historic resource.*
128. The adverse effects of the proposal would principally be localised to the footprint of areas where specific activities are occurring such as the creation of drill sites. However, due to the high value of the ecological habitat being cleared, and the potential impacts on Threatened or At Risk species, including Archey's frogs, Hochstetter's frogs, lizards and vegetation; the adverse impacts on natural values will be very high.
129. During operations, medium term adverse effects would occur on amenity values and recreation values due to the imposition of industrial activities, piezometers and vent shafts and associated disturbance (noise, light, helicopter use, vibration) within a recreational conservation area. There are known heritage sites within the operational area that may be adversely impacted by proposed activities.
130. Currently there is a lack of certainty about the proposed methodologies and their effectiveness to mitigate or avoid negative impacts. There is also further uncertainty due to the lack of knowledge around effects on frogs in general.
131. The pre-drilling habitat will not be fully replaced at the currently unmodified sites. Permanent changes will be made to water levels, including the loss of the warm spring. Intrinsic values would be impacted over the short to medium term, during the operation of the mine and drilling. The proposal is therefore inconsistent with the purpose of the Conservation Act, and the purpose for which the Conservation Park is held.
132. Through successful mitigation of effects through appropriate special conditions and management plans, the majority of the effects would not be permanent. However, due to concerns about the effectiveness of the proposed management plans and conditions, this is not currently considered to be likely. Over the long term, the proposal remains inconsistent with the objectives of the Conservation Act 1987.

Clause 7(1)(a)(iii): Purpose for which land is held

133. The Coromandel State Forest Park is managed by DOC as a conservation park and therefore managed so that "(a) its natural and historic resources are protected: and (b) subject to paragraph (a), to facilitate public recreation and enjoyment" (s 19(1) of the Conservation Act 1987).
134. In light of DOC's assessment of the effects and effectiveness of mitigation measures set out above, the access arrangement activities proposed under the Wharekirauponga Access Arrangement are not considered to be consistent with the purpose for which the land is held. In DOC's assessment, the proposed mitigation measures in the draft access arrangement conditions are not sufficient to appropriately address the adverse effects on natural resources, in particular native fauna.

Clause 7(1)(a)(iv): any authored or co-authored policy document

135. There are no relevant policy statements or management plans of the Crown in relation to the land that are authored, co-authored, or approved by a Treaty settlement entity.
136. While no management plans or strategies have been co-authored by a Treaty settlement entity at present, the Waikato Conservation Management Strategy will be reviewed and redeveloped with the Pare Hauraki Collective post settlement, and this will occur within the term sought for the Wharekirauponga Access Arrangement.
137. Policy 4.6 of the Waikato Conservation Management Strategy recognises that the description of Hauraki Whanui values and interests are incomplete in the conservation management strategy due to the text being developed while the Treaty of Waitangi settlement process for Hauraki iwi was under active negotiation and it not being possible for Hauraki iwi to engage with the CMS drafting process at the time.
138. Policy 7.7 of the Pare Hauraki Collective Redress Deed outlines the components of the Pare Hauraki Conservation Framework which requires the development of a Conservation Management Plan, Wāhi Tapu Framework and Relationship Agreement as well as a review of the Waikato Conservation Management Strategy 2014-2024.
139. Policy 7.47 states "Following settlement date there will be targeted review undertaken of the Waikato Conservation Management Strategy ("Waikato CMS")."
140. The purpose of the Waikato Conservation Management Strategy review will be to ensure Pare Hauraki values and interests are identified and provided for, including to enable exercise of kaitiakitanga over public conservation land and waters (policy 7.48.1) and to take into account any relevant matters contained in this collective redress deed (policy 7.48.2).
141. Both the development of a conservation management plan and Waikato CMS review will occur at the same time (policy 7.49).

Clause 7(1)(a)(v): any safeguards against potential adverse effects of carrying out the proposed programme of work

142. If access is granted, the Panel has the ability to impose conditions considered necessary within the access arrangement, in order to safeguard against the adverse effects that may arise from the proposal.
143. In this case, the proposal has the potential to adversely affect conservation values with a high impact within the footprint of proposed activities. In particular, the temporary removal of vegetation, the disturbance and incidental killing of Threatened and At Risk fauna, and impact on recreation and heritage values. The standard and special conditions, along with adherence to the relevant management plans, seek to minimise these effects. However, DOC has concerns about the current effectiveness of these conditions and even with successful mitigation, residual adverse effects would remain.

144. The engagement DOC has undertaken with OGNZL in relation to the condition sets is described in the Covering Report.

145. In relation to this access arrangement, the principal matters of discussion in relation to the access arrangement conditions were:

- drilling site selection
- piezometer site selection
- management plans and the administration of them.

146. As noted in the Covering Report, OGNZL has not provided finalised copies of the various management plans. Without the ability to review the final proposed management plans including the frog salvage plan, it is unclear whether the effects will be able to be adequately managed and therefore whether conditions requiring compliance with management plans and the submissions of monitoring reports in accordance with the objectives of the management plans are sufficient or appropriate. The effects sought to be managed by management plans include the critical effects of concern to the DOC. Therefore, this has impacted the overall conclusions of this report.

147. DOC provides further comments on conditions below in paragraphs 171-187.

Clause 7(1)(a)(vi): the direct net economic and other benefits of the proposed activity in relation to which the access arrangement is sought

148. OGNZL has supplied information in relation to the positive effects of the Waihi North Project as a whole. These include investment, employment, boost to exports (potential for \$5.2 billion exports based on 1.6M ounces of gold and 2.2M ounces of silver). OGNZL estimates that 389 new jobs would be created at the mine, with additional multipliers through suppliers and service support jobs. OGNZL estimate that this would lead to the creation of 895 jobs in the wider community. The estimates are not separated into individual components of the proposal.

149. OGNZL states that works undertaken as part of the project will create improved ecological values in some locations. DOC notes that this work will be undertaken in many cases to offset adverse effects that are occurring as part of the Project. The benefits are also subject to the success of the proposed works. There is some uncertainty around the effectiveness of some of the proposed works, such as pest control. This is in contrast with the known adverse effects that will occur.

Clause 7(1)(a)(vii): any other matters the Panel considers relevant

150. DOC has engaged with Hauraki iwi on the application, discussed in below from paragraph 253. (Engagement with Iwi on both access arrangements).

Initialled Deed of Settlement with Ngāti Maru in relation to vesting of Pukehangī Maunga

151. DOC also notes the settlement negotiations with Ngāti Maru in relation to the Pukehangī Maunga. This is referred to in the section 18 report (page 10) as redress which has been negotiated with the Crown and Ngāti Maru and reflected in the initialled deed of settlement – specifically the vesting of

the maunga above the 580 m contour, jointly to Ngāti Maru and Ngāti Hako. The negotiated redress is as follows:

Site name	Area	Redress details
Pukehangi -part CFP, part Otahu Ecological Area	14.1 hectares	Joint vesting to Ngāti Maru and Ngāti Hako subject to a conservation covenant

152. Based on the available information, DOC understands that the maunga is on the boundary of the Northern Area Concession and the Wharekirauponga Access Arrangement. The redress is identified as part of the Otahu Ecological Area, which has been specifically excluded from OGNZL's application, however part is identified as Coromandel Forest Park which has not been excluded from OGNZL's application. This assessment is derived from the maps provided in the Northern Area Concession conditions⁴, although DOC agrees with the statement in the section 18 report that access to the shapefiles of the access arrangement area would allow a further thorough assessment.
153. Because the deed has not yet been signed, it does not fall within the definition of "Treaty settlement" in section 4 of the Act. However, the initialled deed indicates the Crown's commitment to the vesting of this area. On that basis, DOC considers that this falls within the scope of Clause 7(1)(a)(vii) and should be a matter for consideration by the Panel.

Clause 7(1)(b): any policy statement or management plan of the Crown

Conservation General Policy

154. The Conservation General Policy seeks (at policy 4.6) that all activities undertaken on public conservation lands and waters should be planned and managed in ways which avoid or otherwise minimise adverse effects on the quality of ecosystem services. Policy 11.1 (b) sets out that "*all activities on public conservation lands and waters which require a concession or other authorisation should, where relevant, avoid, remedy or mitigate any adverse effects (including cumulative effects) and maximise any positive effects on natural resources and historical and cultural heritage, and on the benefit and enjoyment of the public, including public access.*"
155. Specific provisions relating to Crown minerals make reference to the considerations under the Crown Minerals Act, the requirements for the management of pounamu where relevant, and provisions to be included in strategies and plans relating to sand and gravel removal. Where applicable to the Fast-track process, the provisions of sections 61(1A) and 61(2) of the Crown Minerals Act have been assessed elsewhere within this report. Pounamu would not be impacted by this proposal. There is no further requirement to assess these provisions further under this section.
156. The proposal in its current form does not successfully avoid or otherwise minimise the adverse effects on natural resources or ecosystem services. There will be adverse effects on fauna and flora

⁴ Oceana Gold (New Zealand) Limited, OGNZL D.07 Northern Area Concession Proposed Conditions – Clean, 37

values, freshwater values, amenity, heritage and recreation values. There are no positive effects on heritage values, and the proposed enhancement to natural values is not considered to be proven to be effective. Although public access can be maintained during operations, the recreation value and experience of the public will be adversely impacted. The proposal is therefore considered to be inconsistent with the provisions of the Conservation General Policy.

Waikato Conservation Management Strategy

157. DOC's administration of Coromandel Forest Park is guided by the Waikato Conservation Management Strategy 2014. The objectives for the area include:

5.1 The diversity of our natural heritage is maintained and restored.

- 5.1.1.1 The diversity of New Zealand's natural heritage is maintained and restored with priority given to:*
 - a) conserving a full range of New Zealand's ecosystems to a healthy functioning state, with an emphasis on priority ecosystems in Appendix 4;*
 - b) supporting the work of others to maintain and restore ecosystem types selected from Appendix 2 (Appendix includes Coromandel peninsula in "Forest of mild climates", "Forest of warm climates", and "wetlands".*
 - c) conserving Threatened species to ensure persistence, with an emphasis on those species listed in Appendix 6 (Appendix lists Archey's frogs as nationally vulnerable).*
- 5.1.1.9 Maintain the natural form of prominent and distinctive geological features, landforms and landscapes, including undeveloped skylines and ridgelines, on public conservation lands and waters in Waikato.*
- 5.1.1.15 Control and manage pest plants, animal pests and wild animals (identified in Appendix 5) and seek opportunities to collaborate with tangata whenua.*

5.2 History is protected and brought to life

- 5.2.1.3 Prioritise and protect the actively conserved historic places listed in Appendix 10 on the basis of their historic, cultural and physical significance, their value to tangata whenua and the wider community, and their conservation need.*

5.3 More people participate in recreation

- 5.3.1.3 Contribute to a national network of visitor opportunities by promoting Local Treasure (Appendix 11) and Backcountry destinations, as valued by local communities and as more challenging attractions respectively, within the network of opportunities offered in Waikato. (Appendix 11 includes Wharekirauponga Track as a "Local treasure").*

5.5 Conservation gains from business partnerships

- 5.5.1.2 Work withbusinesses (particularly in the Coromandel, Waitomo and Pureora) to create and develop opportunities to promote conservation outcomes, products and services.*
- 5.5.1.3 Seek opportunities to work with and build partnerships with businesses that are looking for ways to demonstrate their commitment to and engagement with conservation.*
- 5.5.1.6 Built productive business partnerships that deliver measurable conservation gains.*
- 5.5.1.7 Increase engagement of the commercial sector in conservation.*

158. The current mitigation measures proposed are not sufficient to ensure that objectives 5.1.1.1 and 5.3.1.3 will be met, as values will be adversely impacted instead of being conserved, maintained and restored. The project will adversely impact upon recreation and amenity values of users of the Wharekirauponga Track, which is listed as a "local treasure". There will be opportunities through the project to work with OGNZL on conservation projects.

159. The outcomes sought for the Hauraki- Coromandel Peninsula Place (9.2.1) are:

Commercial activities complement natural, historic and amenity values. Other concessions... have minimal impact on other users and natural values. The commercial use of ecosystem services and resources result in an overall conservation gain for natural, cultural and historic values on public conservation lands. The priority ecosystem at Otahu is maintained and restored, with forest health improving elsewhere, in partnership with other interested parties. Populations of Threatened and At Risk species (including Archey's frog) are protected with assistance from the community and interested parties.... Significant geological values are protected and Parakawai, and a native forest landscape prevails.

Important heritage artefacts associated with kauri logging, gold mining and telegraph communication, including the actively managed Royal Standard Tramway, are preserved and integrated with recreation experiences.

160. Comment: The commercial mine will have adverse impacts on natural, historic and amenity values. These adverse effects will be high on Threatened and At Risk species including the Archey's frog. Vegetation clearance will occur. The outcomes sought above will not be achieved.

Policies

161. The relevant policies are as follows:

9.2.2.14 Should consider applications for access arrangements under the Crown Minerals Act 1991 in accordance with Policies 16.9.1.1 to 16.9.1.3 in Part Three and the following criteria:

a) only where the activity seeks access to public conservation lands south of SH25A and Hikau Settlement Road, excluding the Otahu Ecological Area and Parakawai Geological Area;

b) the activity avoids priority ecosystem units and species populations; in particular, habitats important for the persistence of native frogs, Coromandel brown kiwi, native bats, and other Threatened and At Risk species;

c) adverse effects on other natural values, including the indigenous forest corridor along the Coromandel Range, are avoided, remedied or mitigated; and

d) significant geological features, landforms and landscapes and cultural sites are protected.

9.2.2.18 May allow aircraft landings and take-offs on other public conservation land in this Place, shown as Yellow Zone on Map 4, only in accordance with Policies 16.3.5.1, 16.3.5.3, 16.3.5.6, 16.3.5.7 and 16.3.5.8 in Part Three."

162. Comment: The proposal is inconsistent with Policy 9.2.2.14 as the application area contains Archey's and Hochstetter's frog populations, potentially native bat habitat and other Threatened and At Risk herpetofauna, invertebrate and flora species.

Mining

163. Policies 16.9.1.1 to 16.9.1.3 of the CMS apply to the consideration of mining activities. These set out the consideration to be on a case-by-case basis and draw attention to the consideration of the objectives and policies of the Plan, the overall conservation values and recreation opportunities present and the effects on these values; the adequacy and achievability of rehabilitation work; the appropriateness of compensation for values that cannot be mitigated and the benefits of the proposal, along with the ability to undertake monitoring.

164. Comment: The proposal has been considered in relation to Policies 16.9.1.1 to 19.9.1.3 above. These policies are inherent when processing all access arrangement applications under the Crown Minerals Act and under this Act. These matters have therefore already been discussed in detail throughout this report. Standard conditions contained in the draft access arrangement would enable DOC to review conditions as per Policy 16.9.1.3.

Kauri dieback disease - Policy 16.15.1.2

165. The special conditions proposed in the draft access arrangement include the requirement for a comprehensive Kauri Dieback Management Plan to be created to manage operations.
166. CMS Conclusion: The proposal is consistent with some aspects of the CMS, but inconsistent with others (as discussed above). The outcomes sought by the CMS would not be achieved and there will be adverse effects experienced over the short and medium term, as well as permanently. In DOC's assessment, the proposed mitigation measures are not sufficient to meet the objectives of the Waikato CMS in respect to sections 5.1.1.1, 5.2.1.3, and 9.2.14. Therefore, the access arrangement in its current form is considered to be inconsistent with the Waikato CMS.

Clause 7(2) – matters that would require the Panel to decline approval

167. The Panel must decline the approval if any of the matters set out in clause 7(2)(a) to (d) apply. DOC does not consider any of these matters are applicable.
168. Clause 7(2)(b) provides that the Panel must decline the approval if giving effect to it would result in the conferral of an interest in land that is incompatible with an existing interest in land. Table 3 below lists existing permissions that the Minister of Conservation has granted within the proposed access arrangement area. The names of individual permission holders have been withheld. DOC does not consider that any of these concessions grant an "interest in land".
169. DOC does not consider that that proposed activities under the access arrangement would prevent any of the existing permissions from being exercised. However, the experience of guests of the guiding concessionaires, or research, may be impacted through effects caused by OGNZL's activities. For guiding concessionaires, this may be through impacts of noise, visual impacts, helicopter overflight and loss of amenity from the mining operations. Research results of the various research and collection authority holders may have their results impacted if the subject species behaviour, distribution or numbers are impacted by the mining operations.

Clause 7(3) – (5) of the Act

170. The land is not management by a local authority, or under the Reserves Act, so clauses 7(3) and (4) do not apply to this application. The provisions of clause 7(5) are not relevant to this application.

Table 3: Existing Permissions approved within the AA area

Permission Ref	Holder	Type	Location
45632-SSE	Colts Adventure Racing Limited	Sporting Event	Coromandel Forest Park (All PCL within CFP)
CA-26856-GUI	Adventure Specialties Trust	Guiding	Coromandel Forest Park (Wharekirauponga Track)
70844-GUI	Kiwi Dundee Adventures (2018) Ltd	Guiding	Coromandel Forest Park (Wharekirauponga Track)
38738-GUI	Sidetracks Limited	Guiding	Coromandel Forest Park (Wharekirauponga Track)
119494-GUI	The Real New Zealand Limited	Guiding	Coromandel Forest Park (Wharekirauponga Track)
48655-FLO	Botany Department, University of Otago	Research – Lichen collection	National Permit All PCL in NZ
97770-FLO	Scrub Growers Limited	Research – Native seed collection	Coromandel Forest Park (All PCL within CFP)
100671-FLO	Individual	Research – Plant collection	Coromandel Forest Park (All PCL within CFP)
119041-FLO	The University of Auckland (National Holder)	Research – collection of fern spores	Coromandel Forest Park (All PCL within CFP)
98124-FLO	Individual	Research – Fungi collection	Coromandel Forest Park (All PCL within CFP)
96180-FAU	Individual	Research or Collection – native frog monitoring	Coromandel Forest Park (All PCL within CFP)
64146-FAU	Ospri New Zealand Limited	Wildlife Act Permit – trapping pest animals	All PCL in NZ
52097-FAU	Individual	Wildlife Act Permit – lizard salvage	Coromandel Forest Park (All PCL within Waikato and Coromandel)
78754-RES	Individual	Wildlife Act Permit – Sample collection	Coromandel Forest Park (All PCL within CFP)
117317-FLO	Individual	Research – landslide study	Coromandel Forest Park (All PCL within CFP)

Statutory assessment of other matters under clause 4

171. In addition to the criteria listed in clause 7, clause 4 requires the Director-General's report to provide information about the matters listed in clause 4(1)(a) and (b) and to specify any conditions of those specified under section 78 that the panel must impose in accordance with clause 10.

Any other matters relating to the environmental effects of the application – Clause 4(1)(a)

172. DOC's views on the environmental effects of the application is covered above.

Any conditions that should be imposed in accordance section 84 (Clause 4(1)(b))

173. At this stage, DOC has not identified any conditions that specifically relate to Treaty settlements that should be imposed in accordance with section 84. Relevant iwi entities have been invited to provide comments and will be best placed to advise on whether conditions should be imposed.

Any conditions that should be imposed in accordance with Clause 9 (Clause 4(1)(b))

174. As discussed elsewhere within this report, DOC has engaged with OGNZL throughout the application process on draft conditions set to attempt to achieve agreement where possible. Red-line edits and comments have been tracked into the proposed condition set attached to this report. DOC's approach to the condition set is further explained in the Covering Report.
175. DOC considers OGNZL's proposed conditions relating to the site selection processes and the criteria and methodologies relating to the protection of herpetofauna in their current form are inadequate. As explained in the Covering Report, DOC considers that further explanation is required from OGNZL as to its proposed use of management plans for the purposes of the DOC approvals, including the access arrangement.
176. DOC considers that conditions are required to be imposed in relation to compensation and the requirement to hold sufficient insurance.

Compensation

177. Clause 9 of Schedule 11 of the Act allows the Panel to impose conditions as provided for in s 60 of the Crown Minerals Act. Section 60(1)(f) provides for conditions relating to "the compensation to be paid to any owner or occupier of the land as a consequence of the permit holder prospecting, exploring, or mining on or in the land". This section sets out DOC's recommendations for this compensation.
178. Section 76 of the Crown Minerals Act provides that where a person is authorised under that Act to prospect, explore, or mine on or in land by a permit, and by an access arrangement in respect of that land, the owner and occupier of land is entitled to compensation from the permit holder for "injurious affection and all other loss or damage suffered, or likely to be suffered, by them as a result of the grant of the permit or the exercise of the rights conferred by this Act or by the permit, or by an access

arrangement.” This compensation can include “a sum by way of solatium for loss of privacy and amenities” (s76(1)(c)).

179. OGNZL has not set out or proposed any level of compensation in relation to its proposal. DOC has therefore utilised a similar approach to the compensation charged on the existing access arrangements for exploration. As this access arrangement also includes the installation of piezometers previously approved through concessions under the Conservation Act, DOC’s activity fee for telecommunication facilities has informed the calculation for that component of the activity. The information on telecommunications facility fees is available publicly on DOC’s website: [Concession fees: Managing your concession](#). A discount has been applied to these standard telecommunication fees to reflect the smaller nature of the piezometer sites. Existing fees and charges set within concessions held for piezometers and recording sites that are being incorporated into the access arrangement have been included in the calculation of the compensation.
180. The compensation required has included compensation in relation to the intrusion of industrial operations, loss of biodiversity values, and specific costs in relation to mitigating effects on fauna as they arise.

Table 4: Calculation of compensation

Activity and Impact description	Compensation proposed
Industrial Intrusion Presence of an industrial operation in a remote area (general intrusion, noise, introduction of structures, introduction of 50 piezometers, weather stations and data loggers, use of helicopters and other disturbance. Includes carry down of the existing concession charges that are being replaced by this arrangement)	\$80,000 +GST per annum in advance at the time of approval of the Annual work programme for the succeeding 12 months
Impact of use of drill rig on site (whether operational or not)	\$100 +GST per drill rig per day
Impact of use of helicopters between 23 rd December to 6 th Jan and during statutory holidays	\$750 per day
Loss of biodiversity values Temporary loss of 0.66 ha of varying quality regenerating and mature forest, including the disturbance and impacts on Threatened and At Risk native frogs, lizards, plant species and possible impact on bats. Impacts medium to long term.	
Impacts of creation of campsite and helicopter landing area – one off fee.	\$1,300 + GST
Impacts of vegetation clearance and works to create new drill site	\$6,500 + GST
Impacts of creation of vent shaft sites	\$10,000 +GST
Impacts of reuse of an existing drill site each reuse	\$1,300 + GST

Impacts of removal of trees (when unable to be avoided). Sliding scale relating to diameter at breast height	\$125 – 3,000 + GST per tree felled
Impacts on Archey's frogs where located prior to, during use, or within the wider clearance site of drill, vent/ pump sites or man portable drill sites	\$2,500 + GST per identification
Impact on Hochstetter's frogs or At Risk or Threatened lizards located prior to, during or within the wider clearance site of drill, vent/pump sites or man portable drill sites.	\$750 + GST per identification

181. All compensation would be payable into a DOC bank account to be utilised for conservation purposes in the Hauraki District. The compensation would be utilised for biodiversity and recreation projects in the Hauraki Operations District as directed by the Hauraki District Operations Manager.

Insurance

182. As a standard requirement for operators on public conservation land, insurance would be required to be held and proof of valid insurance would be required to be supplied with submission of each annual work programme before an Authority to Enter and Operate is issued. This is a condition imposed to mitigate potential effects on the public following an incident that would otherwise require DOC to meet costs.
183. These levels represent DOC's standard requirements for operations including helicopters:
- Aviation Liability: \$20,000,000.
 - Public liability: \$10,000,000.

Monitoring and liaison

184. Specific conditions have been added into the access arrangement to set out the process for a liaison person, or other DOC staff member to be appointed to oversee works. This would be cost recovered from the permit holder. Provision is also made for feedback to DOC to ensure that this relationship is productive.

Any conditions specified under section 78 that the panel must impose in accordance with clause 10 (clause 4(2))

185. DOC has included a condition for a bond in the condition set. This condition is a section 78 condition that the panel must impose in accordance with clause 10.
186. Bonds are normally required to allow the recovery of costs of undertaking rehabilitation, weed control, rubbish removal, recovery of mining equipment and the removal of structures should a permit holder default. A bond provides for the mitigation of risks of costs to New Zealand taxpayers in that event.
187. The section 78 condition is identified in the red-line edits in the proposed condition set.

The proposed access arrangement – Favona

188. The Favona access arrangement is split into five distinct components within MP 41808 as shown in the figures below:

- i. public conservation land that is part of the existing Martha Mine pit (part of the existing authorisation 62342-AA and shown in Figure 2 below)
- ii. Ohinemuri River – proposed planting area
- iii. Ohinemuri – proposed planting area
- iv. Baxter Road – authorisation of conveyor lay down area, Baxter Road bridge footings and heavy vehicle crossing area.
- v. Ohinemuri River – proposed discharge structure.

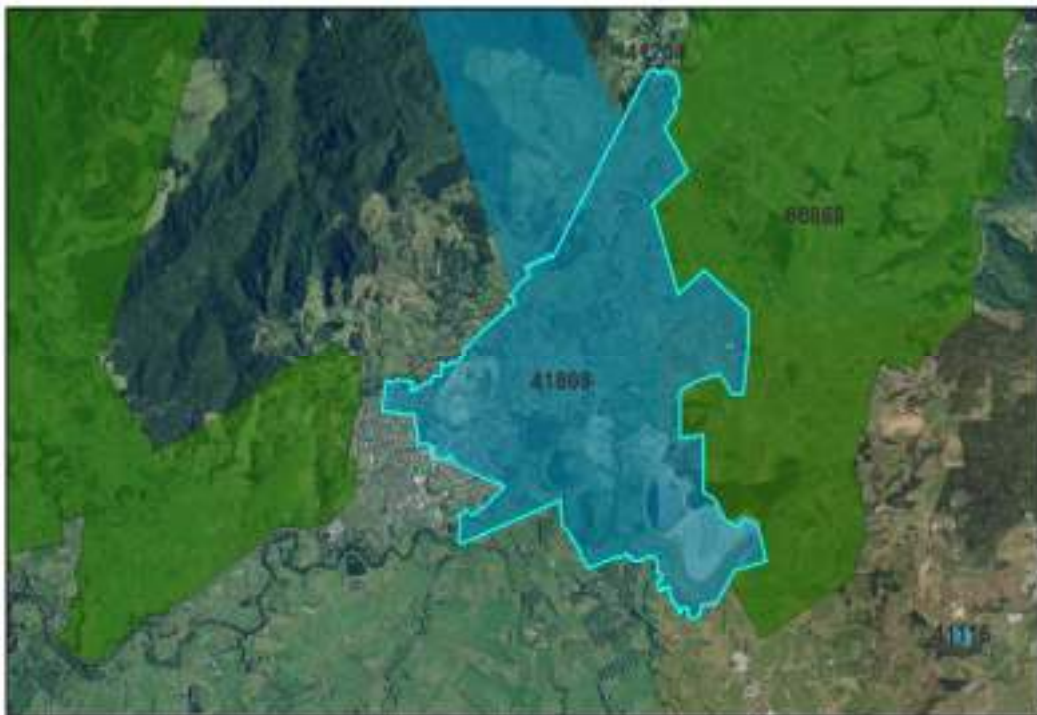


Figure 1: Area of Mining Permit 41808 - Reproduction of Figure 8-7, Part A.11 – Substantive Application Report.



Figure 2: Application Area (i)
Existing Favona Access
Arrangement Area
– Martha Mine – reproduction
of Figure 8-9, Part A.11 –
Substantive Application Report



Figure 3: Application Area (ii) Proposed planting areas along Ohinemuri River – reproduction of Figure 8-10, Part A.11 – Substantive Application Report



Figure 4: Favona Application Area (iii) –
Proposed planting area Ohinemuri. Reproduction of
Figure 8-11, Part A.11 – Substantive Application
Report.

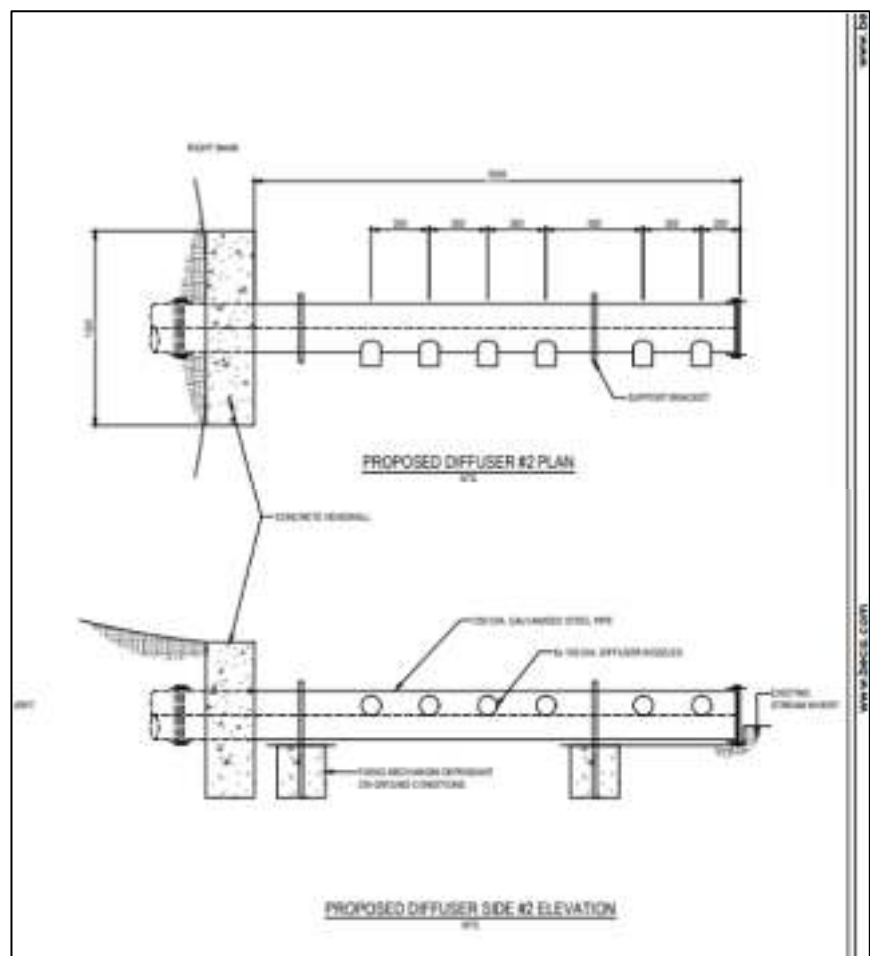
Figure 5: Favona application area (iv) –
Proposed lay down area, bridge footing and heavy
vehicle crossing- reproduction of figure 8-13, Part
A.11 – Substantive Application Report.





Figure 6: Application area (v) – Proposed discharge structure into Ohinemuri River – reproduction of Figure 8-14, Part A.11 – Substantive Application Report.

Figure 7: Application area (v) – Indicative plans of wider proposed discharge outfall structure. - reproduction of Figure 253, A.05 – Project description report



189. Descriptions of the activities sought to be authorised in the areas are:

- rehabilitation planting and ongoing maintenance access including pest control on marginal strip of the Ohinemuri River
- authorisation of the existing occupation of public conservation land for use as a lay down yard and bridge footings for the Baxter Road “Mill Bridge”
- ongoing use of the heavy vehicle crossing over the Ohinemuri River
- authorisation of continued occupation, upgrade and maintenance of a treated water discharge line and manifold on marginal strip of Ohinemuri River.

Rehabilitation planting

190. The planting is proposed to occur as part of the offset Waihi riparian planting on public conservation land and land owned by others. Planting would occur as part of restoration and enhancement planting at the northern end of Area 3⁵ and would be part of the 7th stage of planting. Enrichment planting would occur 3-5 years after the pioneer planting to ensure that the plantings had reached a sufficient size.

191. Planting methods and maintenance would involve site preparation (spraying, hand pulling, using power tools to remove existing exotic cover species); planting of native species; and ongoing maintenance annually involving hand weeding around vegetation, replacing dead plants and weed spraying. It is intended that maintenance visits will reduce in frequency as plantings become established.

192. All works would be subject to the ecological management plan and lizard management plan as applicable.

193. All plantings would be subject to 20 years of pest control.

Occupation of lay down yard and bridge footings and crossing of Ohinemuri River

194. The above areas are part of the existing activities of OGNZL at Waihi but have not been regularised through a concession or access arrangement. The applicant states this is because the access was established prior to the formation of DOC and the Conservation Act. The Mill Bridge was authorised under the original Mining Licence, preceding the Crown Minerals Act. The lay down area has been authorised through a resource consent but the occupation of public conservation land is unauthorised.

195. Mill Bridge is utilised for light vehicle access to the processing plant and treatment plant. It also conveys water, tailings and waste rock via pipeline and a conveyor belt over the Ohinemuri River. The road approach and footings of the bridge are located upon public conservation land.

196. The lay down area is utilised to store equipment from OGNZL’s processing plant and tailings storage facilities.

⁵ A.05 Substantive Application Report- Project Description.

197. The heavy vehicles crossing is used to transport vehicles that are too large to cross the vehicle bridges. This includes a gravel track over public conservation land to the eastern side of the river. Maintenance involves relocation of rocks and boulders on the track to maintain a suitable approach angle. The use of this crossing would be sporadic, generally only when new underground vehicles are transported to site or during construction. The access and bridges would be the principal access to the sites during the life of the mine.

Treated water discharge structure and manifold on Ohinemuri River

198. Approval is sought to upgrade and locate a discharge pipe and manifold on public conservation land. The proposed discharge structure is connected to a buried discharge line from the water treatment plant as set out in the indicative design plans shown in Figure 7 above. The authority to discharge the treated water into the river is subject to regional council discharge consent. The access arrangement activity relates to the occupation of the marginal strip managed by DOC. OGNZL have proposed additional consent conditions for monitoring of the Ohinemuri River.
199. OGNZL state that there is no evidence that the discharge from the OGNZL Waihi treatment plant to the Ohinemuri River has caused detrimental effect on the ecology of the river.

Minimum Impact Activities

200. Conditions have been proposed to ensure that the requirements of minimum impact activities set within the Crown Minerals Act are met and that impacts on tracks and high use areas are avoided. Specific conditions are within the existing access arrangement to ensure that potential herpetofauna habitat near rivers are not impacted. These should be retained and consistent with the Wharekirauponga access arrangement conditions.

Summary of DOC's report

201. The activities in area (i) adjacent to the Waihi mine pit have been authorised through the existing access arrangement so are not considered further as part of this variation assessment. The activities within areas (iv) and (v) seek new authorisations for existing (unauthorised) occupations of public conservation land. The new activities subject to this variation application relate to approvals to undertake planting along the marginal strip (areas (ii) and (iii)).
202. The application doesn't confirm the total area (in hectares) of the occupation of the marginal strip at Baxter Road and occupied by the discharge structure at the Ohinemuri River. Given these areas are existing, survey could be undertaken immediately to confirm the area of the occupation. This information can then be input in the access arrangement conditions. Without this information, the conditions of the access arrangement cannot be finalised, and the final calculation of compensation charges has been less accurate.
203. Although the activity is existing, the scale of use of the ford will increase and the water discharge structure will be upgraded which will both require earthworks. Subject to appropriate conditions and

use of management plans to manage potential sedimentation and discharge, along with ensuring public access is maintained, the activity can occur with little effect and be appropriately managed. This requires amendment to the current conditions proposed.

204. Planting and ongoing pest control proposed along marginal strips in areas can be appropriately managed to avoid adverse effects.
205. Similar to the discussion regarding management plan conditions elsewhere in this report the lack of provision of finalised management plans has hampered DOC's ability to provide final comments on the appropriate management of effects. DOC's general comments about the outstanding uncertainty with OGNZL's proposed use of management plans for the purposes of the DOC approvals also apply.

Assessment of effects and proposed conditions

206. This section sets out an assessment of the effects of the proposal on specific conservation values and makes comment on the conditions proposed by OGNZL intended to address these effects. This section informs the statutory assessment undertaken in paragraphs 213-251, against the matters that this report must address. All comments below regarding conditions are subject to the general issue identified in the Covering Report about OGNZL's use of management plans (including the process by which management plans will be amended) for the purposes of the DOC approvals, including the Favona access arrangement.

Mill Creek Bridge and laydown area

207. There are few conservation values currently present at the site along Mill Creek bridge and lay down area. This is due to the site already being occupied and modified. However, without ongoing occupation, conservation values would rehabilitate at a higher rate. Activities occurring on site could create adverse effects through sedimentation and stormwater management. Additional conditions have been proposed within the access arrangement to ensure that these values are managed.

Sedimentation and erosion control

208. During the upgrade of the heavy vehicle crossing and the discharge structure, earthworks required may create impacts through sedimentation impacting on freshwater values, works exacerbating erosion potential of the riparian margin, and potential impacts on freshwater values during works within the river. Standard construction mitigation conditions would mitigate these potential effects but have not been included in the draft condition set or the management plans at present. Conditions have therefore been included to ensure that these mitigation plans are supplied at the time of submission of the annual work programme for the year of the works.
209. OGNZL have not supplied any designs or detail of any upgrades to the ford. The ford itself is not located within the access arrangement, which authorises the access across the marginal strip on the eastern bank. However, DOC notes that the New Zealand Fish Passage Guidelines should be

applied to any design of the upgrade. DOC can engage with OGNZL at the time of any upgrade design. Additional conditions have been proposed within the access arrangement to ensure that the upgrade to the access road is undertaken in a manner that avoids freshwater effects.

210. Although the works at the lay down area are existing, as the scale of the project increases, these activities may alter. In order to ensure that runoff from the works do not discharge into the adjoining conservation land, and into the Ohinemuri River, a condition has been proposed to ensure that stormwater is designed and managed to manage stormwater on site. The application states that public access along the river will not be affected. This is an important element of the proposal to occupy marginal strip.

Impacts on lizards

211. There is lizard habitat within the application area. Any vegetation clearance or earthworks may impact upon Threatened or At Risk lizards. The Waihi Area Ecology and Landscape Management Plan includes a lizard management plan, however this is not proposed to be applied to the works within the access arrangement. A condition is proposed to apply the management plan to this access arrangement.

Rehabilitation

212. The Rehabilitation Management Plan currently only relates to the rehabilitation of works around Martha Pit. However, DOC expects that at the cessation of works, rehabilitation occurs at sites where activities have occupied public conservation land including the conveyor lay down area, and the heavy vehicle crossing. Discussions will also be required around whether the treated water discharge structure is required to be retained on site. Amendments have been made to the draft conditions to add these elements to the Rehabilitation Management Plan.

Statutory assessment of matters under clause 7

213. The s 51 report must include information to address the matters in clause 7 of Schedule 11, being criteria for assessment of applications for access arrangements described in section 42(4)(l) (being an initial access arrangement or a variation to an access arrangement that would otherwise be applied for under section 61 of the Crown Minerals Act).

Clause 7(1)(a)(ii): the objectives of the Act under which land is held

214. As above, the relevant land is administered by the Department of Conservation under the Conservation Act 1987. Paragraphs 123-127 apply equally. The proposal is assessed against these objectives in paragraphs 217-221 below.

Clause 7(1)(a)(iii): purpose for which land is held

215. The areas of public conservation land that form part of the current access arrangement 62342-AA (area (i)) and are part of the Waihi Mine Pit are not the subject of this variation, so no further assessment is required in relation to this land.
216. The areas ((ii)-(v)) proposed to become part of the Favona Access Arrangement are marginal strip, managed under section 24 of the Conservation Act 1987. The purpose of marginal strips is set out by section 24C of that Act and states that marginal strips be held –
- a) *For conservation purposes, in particular –*
 - (i) *the maintenance of adjacent watercourses or bodies of water; and*
 - (ii) *the maintenance of water quality; and the maintenance of aquatic life and the control of harmful species of aquatic life; and*
 - (iii) *the protection of the marginal strips and their natural values; and*
 - b) *to enable public access to any adjacent watercourses or bodies of water; and*
 - c) *for public recreational use of the marginal strips and adjacent watercourses or bodies of water.*

Assessment of activity against the objectives of the Act and the purposes for which the land is held.

217. There is no change to the use of the land within proximity to the Waihi Pit through this variation, so it has not been assessed further. The proposed planting within areas (ii) and (iii) will not adversely impact on the conservation values of the marginal strip or the adjoining waterways. These areas can be planted in a way that protects the natural and heritage resources of the land.
218. The continued occupation and upgrade of the heavy vehicle ford and discharge structure site will require additional management of potential sedimentation and contamination, along with impacts on freshwater values, in order to ensure that the natural values of the marginal strip, along with the maintenance of the watercourse and aquatic life could be maintained. In order to achieve this purpose, additional conditions are required.
219. Ongoing public access is proposed to be maintained, achieving the intent of ongoing public access and recreational use.
220. The amended conditions proposed would ensure that natural values are maintained and restored following rehabilitation. If the amendments are not made, the proposed activities would not maintain the conservation purposes of the marginal strip and would therefore be inconsistent whilst the activities are occurring. In the short term, the land in areas (i), (iv) and (v) will be utilised for industrial purposes which would be inconsistent with the purpose of the Act. Over the medium to long term the values would be restored, and the activity would be consistent.
221. If the amendments proposed to conditions by DOC are made, the current proposal would be consistent with the objectives of the Conservation Act and the purpose for which the land is held.

Clause 7(1)(a)(iv): any authored or co-authored policy document

222. As stated in DOC's comments on the Wharekirauponga Access Arrangement, while no Management Plans or Strategies have been co-authored by a Treaty Settlement Entity at present, the Waikato CMS will be reviewed and redeveloped with the Pare Hauraki Collective post settlement. This will occur within the term sought for the Favona Access Arrangement.

Clause 7(1)(a)(v): any safeguards against potential adverse effects of carrying out the proposed programme of work

223. As set out in paragraphs 142-147 above, if access is granted, the Panel has the ability to impose conditions considered necessary within the access arrangement, in order to safeguard against the adverse effects that may arise from the proposal.

224. As noted in the Covering Report, OGNZL has not provided finalised copies of the various management plans. Without the ability to review the final proposed management plans, it is unclear whether the effects will be able to be adequately managed and therefore whether conditions requiring compliance with management plans and the submissions of monitoring reports in accordance with the objectives of the management plans are sufficient or appropriate. The effects sought to be managed by management plans include the critical effects of concern to the DOC. Therefore, this has impacted the overall conclusions of this report.

225. DOC provides further comments on conditions below in paragraphs 240-251.

Clause 7(1)(a)(vi): the direct net economic and other benefits of the proposed activity in relation to which the access arrangement is sought

226. As set out above, OGNZL has supplied information in relation to the positive effects of the Waihi North Project as a whole (paragraph 148 refers).

227. As discussed in paragraph 149, OGNZL states that works undertaken as part of the project will create improved ecological values in some locations. DOC notes that this work will be undertaken in many cases to offset adverse effects that are occurring as part of the Project. The benefits are also subject to the success of the proposed works. There is some uncertainty around the effectiveness of some of the proposed works, such as pest control. DOC has concerns based around the scale and success of some of the specific methodologies especially in relation to mice control. The overall benefit to frogs is therefore unknown. This is contrast with the known adverse effects that will occur.

Clause 7(1)(a)(vii): any other matters the Panel considers relevant

228. DOC has engaged with Hauraki iwi on the application, discussed in below in paragraph 252.

Clause 7(1)(b): any policy statement or management plan of the Crown

Conservation General Policy

229. The Conservation General Policy seeks (at policy 4.6) that all activities undertaken on public conservation lands and waters should be planned and managed in ways which avoid or otherwise minimise adverse effects on the quality of ecosystem services. Policy 11.1 (b) sets out that all activities on public conservation lands and waters which require a concession or other authorisation should, where relevant, avoid, remedy or mitigate any adverse effects (including cumulative effects) and maximise any positive effects on natural resources and historical and cultural heritage, and on the benefit and enjoyment of the public, including public access.
230. The specific provisions relating to utilities are relevant to this access arrangement. Consideration of a utility proposal is directed to include consideration of whether they can be located outside of public conservation land, the design of the utility to ensure that it is integrated into the landscape and encouraging location near to existing access and existing structures. When structures become redundant, they should be removed and the site restored to a natural state as far as possible.
231. The proposed activities to be authorised through this access arrangement include existing land uses occupying public conservation land that were authorised under previous mining licences or established prior to the Crown Minerals Act and Conservation Act and which have not subsequently been authorised. If amended conditions are imposed, DOC considers that adverse effects on natural values can be avoided or minimised. Public access is proposed to be maintained. The proposal is consistent with the Conservation General Policy.

Waikato Conservation Management Strategy

232. Management of the relevant land within the Favona Access Arrangement is guided by the Waikato Conservation Management Strategy 1996.
233. The objectives relevant to the proposal are:

Chapter 8 General Objectives for Protection of Natural and Historic Resources

Section 8.2.3 implementations:

- *seek protection of remaining native forest, especially areas which can function as corridors or buffer zones;*
- *advocate regeneration and rehabilitation of remnant or degraded areas of indigenous habitat, e.g., remnant lowland forest;*
- *assist landowner or community initiatives for protection or restoration of such areas or sites*

Chapter 9 Specific Objectives for Areas Administered by the Department

9.1.1 Management Objective

To achieve cost-effective protection of the natural and historic resources on land and marine areas administered by the department; to fulfil statutory obligations as efficiently and effectively as possible; to give effect to the principles of the Treaty of Waitangi; and to involve the local and regional community in the protection of areas over which they have an interest.

Chapter 10 Uses and Activities on Land Administered by the Department

10.1.1 For land subject to the Conservation Act 1987: to conserve natural and historic resources, foster public recreational enjoyment of those resources and allow their use for tourism; and ensure that any non-recreation, non-tourism uses of areas administered by the department conform with the legislation to which the area is subject.

10.5 Commercial Use

10.5.1 To ensure that all non-recreational, non-tourism activities on land administered by the department are consistent with conservation of natural and historic resources and conform with the legislation to which the area is subject.

10.6 Procedures for Assessing and Processing Proposed Uses or Activities and their Subsequent Monitoring and Administration

10.6.1 Concessions or other legal rights to use areas administered by the department may be granted to any body or person for purposes conforming with this Strategy.

10.6.3 Proposals for any use or activity on land administered by the department will be grouped into one of the categories indicated below and treated accordingly. All proposals will be assessed on their merits in accordance with the legislation. Where there is doubt about the possible effects of a use or activity the applicant must supply any additional information to enable the case to be considered. The application may be refused if there is insufficient information or if reasonable conditions cannot be set to avoid, remedy or mitigate adverse effects.

234. Comments: This report provides an assessment of the proposal against the relevant legislation, as required for a “non-tourism” use. DOC’s assessment is that the occupation of public conservation land by the industrial yard, bridge footings, vehicle crossing and discharge structure can be managed with appropriate conditions to ensure that the natural and historic resources are protected. The vegetation planting will add to conservation values. Additional conditions have been proposed within the access arrangement to ensure that all effects are adequately managed. The proposal is consistent with the provisions of the Waikato Conservation Management Strategy 1996.

Clause 7(2) – matters that would require the Panel to decline approval

235. The Panel must decline the approval if any of the matters set out in clause 7(2)(a) to (d) apply. DOC does not consider any of these matters are applicable.
236. Clause 7(2)(b) provides that the Panel must decline the approval if giving effect to it would result in the conferral of an interest in land that is incompatible with an existing interest in land. Table 3 below lists existing permissions that the Minister of Conservation has granted within the proposed access arrangement area. DOC does not consider that any of these concessions grant an “interest in land”.
237. DOC does not expect that the works proposed within this access arrangement will prevent the exercise of any of the activities under the existing permissions.

Permission Ref	Holder	Type	Location
48655-FLO	Botany Department, University of Otago	Research – collection	Lichen National Permit All PCL in NZ

64146-FAU	Ospri New Zealand Limited	Wildlife Act Permit – trapping pest animals	All PCL in NZ
94716-GUI	New Zealand Professional Fishing Guides Association	Guided fishing	Ohinemuri River Marginal Strip

Statutory assessment of other matters under clauses 4 and 9

238. In addition to the criteria listed in clause 7, clause 4 requires the Director-General's report to provide information about the matters listed in clause 4(1)(a) and (b) and to specify any conditions of those specified under section 78 that the panel must impose in accordance with clause 10.

Any other matters relating to the environmental effects of the application – Clause 4(1)(a)

239. DOC's views on the environmental effects of the application is covered above.

Any conditions that should be imposed in accordance section 84 – Clause 4(1)(b)

240. At this stage, DOC has not identified any conditions that specifically relate to Treaty settlements that should be imposed in accordance with section 84. Relevant iwi entities have been invited to provide comments and will be best placed to advise on whether conditions should be imposed.

Any conditions that should be imposed in accordance with Clause 9 – Clause 4(1)(b)

241. As discussed elsewhere within this report, DOC has engaged with OGNZL throughout the application process on draft conditions set to attempt to achieve agreement where possible. Red-line edits and comments have been tracked into the proposed condition set attached to this report. DOC's approach to the condition set is further explained in the Covering Report.
242. DOC considers that amendments to conditions and additional information provided within management plans and at the time of annual work programme submissions are required in order for the effects of the activities authorised to be appropriately mitigated. As explained in the Covering Report, DOC considers that further explanation is required from OGNZL as to its proposed use of management plans for the purposes of the DOC approvals, including the access arrangement.
243. DOC considers that conditions are required to be imposed in relation to compensation and the requirement to hold sufficient insurance.

Insurance

244. As per paragraph 182.

Compensation

245. Paragraphs 177-178 refer.

246. DOC has identified a compensation figure of \$13,500 for the Favona Access Arrangement. This figure has been calculated based on:

- The intrusion of an industrial mining activity and associated activities onto public conservation land in relation to Area (i), adjacent to the Martha Pit. This fee has been calculated utilising the CPI adjusted figure for the current compensation paid under the existing access arrangement.
- Compensation in relation to the occupation of public conservation land by the conveyor lay down area, a commercial industrial activity on public conservation land.
- Compensation in relation to the occupation of public conservation land by the heavy vehicle crossing, the Mill Creek bridge footings and the water discharge structure.

247. The fees would be utilised within the Eastern North Island region for biodiversity projects.

Monitoring and liaison

248. Specific conditions have been added into the access arrangement to set out the process for a liaison person, or other DOC staff member to be appointed to oversee works. This would be cost recovered from the permit holder. Provision is also made for discussion to occur with DOC to ensure that this relationship is productive.

Any conditions specified under section 78 that the panel must impose in accordance with clause 10 (clause 4(2))

249. DOC has included a condition for a bond in the condition set. This condition is a section 78 condition that the Panel must impose in accordance with clause 10.

250. Bonds are normally required to allow the recovery of costs of undertaking rehabilitation, weed control, rubbish removal, recovery of mining equipment and the removal of structures should a permit holder default. A bond provides for the mitigation of risks of costs to New Zealand taxpayers in that event.

251. The section 78 condition is identified in the red-line edits in the proposed condition set.

Engagement with iwi for both access arrangements

252. Hauraki iwi have a special relationship with the Archey's frog and they are seen as kaitiaki o te taiao. Wharekirauponga is also an important area to Hauraki iwi. There are significant sites and features throughout the Coromandel ranges, some of which are in the vicinity of the proposed exploration. As described above in paragraphs 150 – 153, Pukehangi maunga is located on the boundary of the Northern Area Concession and access arrangement areas, partially within Otahu Ecological Area and part Coromandel Forest Park. In the initialled Deed of Settlement with Ngāti Maru, the maunga (above the 580 m contour) has been identified as redress to be jointly vested in Ngāti Maru and Ngāti Hako.

253. A summary of the engagement DOC has undertaken with Treaty partners, including the views received, is set out in the Covering Report.

254. More detailed responses received from three Treaty Partners (as relevant to the access arrangement approvals) are set out below:

- Ngāti Hako confirmed that they were engaging with OGNZL on their concerns, which included issues around groundwater contamination and protection of taonga species. They noted that the Biodiversity Project was an offset for the environmental effects of mining but did not address the underground effects. Archey's frog (pepeketua) has cultural significance for Ngāti Hako and they raise concerns around the impacts of vibration from mining which may pose risks that are not yet clearly understood or mitigated. Any adverse effects are of deep concern. Ngāti Hako sought ongoing collaboration with OGNZL that included DOC to co-design and co-implement mitigation and enhancement measures.
- Ngāti Tara Tokanui raised concerns with the approach of the Fast-track process, which in their view bypassed the rigorous, evidence-based evaluations that have been critical in their engagement with OGNZL. The Biodiversity Project proposed is one safeguard and does not include provisions relating to atmospheric effects, underground effects that may take time to present and require a mātauranga-balanced approach to ensure effects are measured in real time.
- Ngāti Pū noted that they were engaging directly with OGNZL. Ngāti Pū sought to minimise adverse effects on waterways, whenua and taonga at Wharekirauponga. A collaborative response to the issues is supported.

255. Although not the decision maker, DOC has acted in good faith engaging with its Treaty partners. The feedback received generally aligns with DOC's interest in ensuring adequate protection of conservation values and specifically addressing adverse effects on Archey's frogs. DOC has also sought conditions that provide additional mitigation to the potential sedimentation of waterways within the Favona Access Arrangement.

256. DOC understands that relevant Māori entities will have the opportunity to review DOC's agency reports and provide comments for the panel to consider. At this stage, therefore, DOC does not suggest any additional conditions that may be required to specifically address the interests of these entities.

257. DOC would happily participate in further collaborative discussions between OGNZL and iwi on mitigation measures if that is useful for the Panel.

Appendices

Appendix 1: Wharekirauponga Access Arrangement Conditions (DOC track changes and comments)

Appendix 2: Favona Access Arrangement Conditions (DOC track changes and comments)

WAIHI NORTH PROJECT - PROPOSED FAVONA ACCESS ARRANGEMENT VARIED CONDITIONS

DOC marked up version, 11 August 2025

The proposed changes to 62342-AA are provided in redline and ~~strikethrough~~ below.

ACCESS ARRANGEMENT

THIS ~~SECOND AGREEMENT~~ for any varies and consolidates the Access Arrangement pursuant to section 61 of the Crown Minerals Act 1991 dated 17 January 2018 and as varied on [date], between His Majesty the King in Right of New Zealand ("Crown") acting by and through the Minister of Conservation and the Minister ~~of~~ for Resources (hereinafter referred to as "the Ministers") and **OCEANA GOLD (NEW ZEALAND) LIMITED** (hereinafter referred to as the "Permit holder").

WHEREAS

a. By an agreement for an access arrangement ("the Access Arrangement") made pursuant to section 61 of the Crown Minerals Act 1991 on 17 January 2018 the Minister of Conservation and the Minister of Energy and Resources granted to the Permit holder access to the Land (being within Mining Minerals Permit 41808 and the public conservation land described in the First Schedule to that access arrangement) on the terms and conditions set out in the Access Arrangement.

b. This agreement varies and consolidates the original Access Arrangement.

~~a-c.~~ The Land described in the First Schedule is administered by the Department of Conservation pursuant to section 25 of the Conservation Act 1987 and Section 23 of the Reserves Act 1977; and the Minister of Conservation is responsible for that Department.

~~b-d.~~ The Minister ~~for of~~ Energy and Resources, through the Ministry of Business, Innovation and Employment, administers the Crown Minerals Act 1991. The purpose of the Act is to promote prospecting for, exploration for, and mining of Crown-owned minerals for the benefit of New Zealand.

~~c-e.~~ The Permit holder has been granted a minerals permit (Minerals Mining Permit 41808) by the Minister ~~of for~~ Resources pursuant to section 25 of the Act to undertake Mining operations in and on the Land.

~~d-f.~~ Minerals Mining Permit 41808 is classified as a Tier 1 permit pursuant to section 2B of the Crown Minerals Act 1991.

~~e-g.~~ The Permit holder has applied under the Fast-track Approvals Act 2024 for approvals to conduct Mining operations, including a request for an Access Arrangement under section 59 of the Crown Minerals Act 1991 in respect of the Land described in the First Schedule. Pursuant to section 96 of the Fast-track Approvals Act an Access Arrangement granted under that Act has the same force and effect for its duration, and according to its terms and conditions, as if it were granted, issued or entered into under the Crown Minerals Act 1991.

~~f. Pursuant to section 61(1)(c)(1AA) of the Crown Minerals Act 1991 the decision of whether or not to enter into an initial a variation to an existing access arrangement in relation to a Tier 1 permit is with the Ministers. Minister of Conservation, except if the variation is to allow for the purpose of significant exploration or mining activities.~~

~~g. Pursuant to section 61(1AAB) of the Crown Minerals Act 1991 the Minister of Conservation has determined that the activities are not significant exploration or mining activities.~~

h. Although this Access Arrangement is entered into by the Ministers, on behalf of His Majesty the King, the administration of the Access Arrangement together with matters relating to the Permit Holder's access to, and use of the Land is the responsibility of the Department. The Ministry of

Commented [A1]: Don't consider that these paragraphs are relevant under the FTAA.

Business, Innovation and Employment is responsible for matters relating to the minerals permit.

IT IS AGREED between the Ministers of the first part and the Permit holder of the second part that the Permit holder may enter the Land described in the First Schedule subject to the terms and conditions set out below and in the Second Schedule hereto:

INTERPRETATION

1. "Access Arrangement" means this agreement for an access arrangement.

"Act" means the Crown Minerals Act 1991.

"Work Programme" means the Work Programme referred to in Condition 7(b). "Department" means the Department of Conservation.

"Minimum impact activity" means a minimum impact activity as defined in the Crown Mineral Act 1991

"Mining" and "Mining operations" have the same meanings as defined in section 2 of the Crown Minerals Act 1991.

"Mining operations" means operations in connection with Mining for any Crown owned mineral and authorised under this Access Arrangement.

"Mining permit" means a mining permit granted under the Crown Minerals Act 1991.

"Land" means the land described in the First Schedule.

"Manager" means the person for the time being holding the office of Operations Manager, Tauranga District, Central North Island Region of the Department of Conservation and includes any person authorised by the Manager to act on his or her behalf in respect of this agreement.

"Ministers" means the Minister of Conservation and the Minister of Energy and for Resources.

"Parties" means the Minister of Conservation, the Minister of Energy and Resources and the Permit holder.

"Permit holder" has the meaning as defined in section 2 of the Crown Minerals Act 1991 and includes its servants, agents, contractors and assignees.

ASSIGNMENT

2. The Permit holder will not assign, transfer or sublet any rights herein granted or any part thereof without the prior written consent of the Ministers, and such consent will not be unreasonably withheld. Any change in the Permit holder's shareholding altering the effective control of the Permit holder shall be deemed to be a proposed assignment requiring the consent of the Ministers.

COMPENSATION

3. Pursuant to section 76 of the Act, the Permit holder will pay the Minister of Conservation the following compensation:

- (a) \$13,500.00 + GST per annum in arrears.

Compensation may be annually reviewed for changes in the Consumer Price Index (CPI) and



adjusted accordingly. Compensation is payable into Department of Conservation administered bank account to be used by the Department for conservation purposes in the Eastern North Island Region.

COMPENSATION FOR ANY UNAUTHORISED DISTURBANCE

4. The Minister of Conservation may require the Permit holder to pay additional compensation for any breaches of this Access arrangement and/or Mining operations carried out by the Permit holder on the Land or on other adjoining or proximate land administered by the Department outside of the Land **NOT** authorised by this Access arrangement. Such additional compensation will be for an amount solely determined by the Minister of Conservation and should be paid by the Permit holder upon receiving an invoice.

ADMINISTRATION COSTS

5. Pursuant to section 76 of the Act the Permit holder will also pay to the Minister upon receiving an invoice:
 - (a) All actual and reasonable costs to cover the administrative costs of processing this Access Arrangement; and
 - (a) ~~The actual and reasonable costs of administering this Access arrangement; and~~
 - (b) The actual and reasonable costs of monitoring compliance of the conditions in this Access Arrangement including all associated inspections of the Land by the Department.
 - ~~(b)(c)~~ A Management Fee of \$250.00 + GST per annum in arrears for administration and file management associated with the activities and/or management of this Access Arrangement. The Management Fee will be paid in arrears on a pro rata basis for the previous 12 months, upon receiving an invoice.

Commented [A2]: Added for consistency with standard AA conditions and the WKP AA conditions

PRECONDITIONS BEFORE ENTRY TO LAND

6. The Permit holder will not enter in or on to the Land for the purpose of commencing Mining operations until:
 - (a) The documents referred to in Condition 9 have been supplied to the Manager; and
 - (b) The Permit holder has submitted to the Manager a Work Programme in accordance with Condition 62 in the Second Schedule; and
 - (c) Any payments referred to in Conditions 3, 4, 5 and 16 which are due and owing have been paid; and
 - (d) The bond required by Condition 21 has been provided to the Manager; and
 - (e) The Manager has approved the plans required to be submitted by Condition 6(b) and has issued the Permit holder with an Authority to Enter and Operate as provided by Condition 10.
7. The Manager may require the Permit holder to vary the proposed Work Programme to ensure the Mining operations are not inconsistent with the conditions of this Access Arrangement.

Where required by the Manager the Permit holder will amend the proposed Work Programme accordingly.

8. The Permit holder will seek an Authority to Enter and Operate from the Manager. At the time of seeking an Authority to Enter and Operate, the Permit holder will submit to the Manager:
 - (a) A copy of the insurance policies and the premium payment receipts and guarantees or bonds as required in Conditions 21 to 29 ; and
 - (b) A copy of the Mining permit granted pursuant to section 25 of the Act; and
 - (c) A copy of all resource consents granted under the Resource Management Act 1991, and a copy of any reports that the Permit holder has been required to submit to the consent authority as a requirement of any resource consent relating to the mining permit, as defined in clause (c).
 - (d) If new resource consents are granted and/or varied a copy will be submitted to the Manager before exercise of that consent.
9. Upon the Manager being satisfied that the requirements of Conditions ~~76~~, ~~87~~ and ~~98~~ have been met, the Manager will issue the Permit holder with a written "Authority to Enter and Operate" permitting the Permit holder to enter in or on to the Land to commence Mining operations for the term of the Access Arrangement provided the Mining Permit continues in force for the term, or longer, of any Authority to Enter and Operate issued.
10. A breach or failure to comply with the requirements of the documents referred to in Condition 7(e), as approved by the Manager, shall be deemed to be a breach of this Access Arrangement, and shall entitle the Ministers to exercise any rights or powers which arise from a breach of or failure to comply with the terms of this Access arrangement.
11. Prior to the expiry of the first Authority to Enter and Operate, and each subsequent Authority to Enter and Operate thereafter, the Permit holder will submit to the Manager for approval a further Work Programme and any other plans or amended plans as required by Condition ~~67~~(b) and any other requirements of Conditions ~~76~~, ~~87~~ upon request of the Manager all or parts of Condition ~~98~~, for the remainder of the Access Arrangement term identified in Condition ~~393~~ (or a lesser period if considered appropriate by the Permit holder).
12. Except as permitted by the Manager, the Permit holder will not after the expiry of an Authority to Enter and Operate, undertake any work prior to each subsequent Authority to Enter and Operate has been issued by the Manager pursuant to Condition ~~409~~.
13. The Manager will not unreasonably fail to grant a subsequent Authority to Enter and Operate where the Permit holder has supplied all the required documentation and made all the payments required by Condition ~~426~~, and the further Work Programme is consistent with the project description contained in the application for this Access Arrangement or any variation(s) to this Access Arrangement and the conditions of this Access Arrangement or any authorised variations to this Access Arrangement.
14. Pending the granting of a subsequent Authority to Enter and Operate the Manager may in his or her discretion, issue an interim Authority to Enter and Operate providing the documents and payments required by Condition ~~426~~ have been submitted.



INDEMNITIES

15. The Permit holder will indemnify and keep indemnified the Ministers against all claims by any person in respect of any injury, loss or damage (including fire damage) caused or suffered as a result of or arising out of any act or omission of the Permit holder or otherwise caused as a result of the Mining operations on the Land.
16. If due to the Permit holder's Mining operations the Land or any part of it is assessed as rateable land under the Local Government (Rating) Act 2002, or any amendment to that Act, or the introduction of a new Act in substitution for it, the Permit holder is to pay any of the rates which may be struck in respect of the Land and/or the Mining operations; but the Permit holder and the Minister of Conservation expressly agree that such payment is not to constitute an acknowledgement of exclusive possession by the Permit holder of the Land.
17. The Ministers will not be liable for and do not accept any responsibility for damage or interference to the Mining operations, equipment, buildings or structures, held or erected on the Land due to any cause whatsoever including (without restriction) any acts or omissions by the Ministers, their servants, agents, or contractors (other than acts or omissions arising from the willful misconduct of the Ministers, their servants, agents or contractors), natural disaster, vandalism, sabotage, fire, exposure to the elements or any other cause whatsoever.
18. The Permit holder will take all reasonable steps to protect the safety of persons present on the Land during Mining operations and between work periods and will, when required by the Minister of Conservation, erect protective fencing or erect signposts warning the public of any dangers that may be encountered as a result of the Mining operations. The Permit holder will take all reasonable steps to mitigate any dangers to the public and will clearly mark any that remain.
 - (a) Where the Permit holder, to ensure the safety of the public, employees, plant and equipment, requests the Manager (acting under delegated authority from the Minister of Conservation) to close public access to the Land the Manager may do so if he or she considers it appropriate.
 - (b) The Permit holder will give the Manager reasonable notice of its request so that the Manager can ensure that all reasonable steps are taken to ensure members of the public are made aware of the closure and the reasons for it.
 - (c) The Permit holder will be responsible for the costs of ensuring that the public is made aware of the closure.

INSURANCE

19. Prior to commencing Mining Operations, the Permit holder will effect and maintain, during the term of this Access Arrangement, insurance cover for an amount of **\$1,000,000.00** for public liability and **\$500,000.00** for third party motor vehicle. The Manager may from time to time require the cover of any insurance to be increased to such an amount as considered reasonably necessary.

BONDS

21. Before commencing the activities, the Permit Holder must provide either in cash; or as a surety from a trading bank, insurance company or bond guarantor, a bond set in accordance with this clause.
22. If a surety is the Permit Holder's preferred option, the surety must execute in favour of, and on terms acceptable to, the Minister, a bond for performance by the Permit Holder to the obligations under the Access Arrangement.

Commented [A3]: This section has been varied to imposed the Minister's conditions under s78 of the Act



23. The Minister will set the bond or surety amount following an independent risk assessment using a methodology set by the Minister.

24. The bond or surety amount may be reviewed at the discretion of the Minister at any time. Such review is to follow an independent risk assessment using a methodology set by the Minister.

25. The cost of any independent risk assessment or review must be paid by the Permit Holder within 10 working days of being given a notice by the Minister.

26. Notwithstanding the variation (including as to term), expiry, surrender, or termination of the Access Arrangement, the bond is to remain in full force and effect until such time as all the Permit Holder's obligations under the Access Arrangement have been complied with to the satisfaction of the Minister.

24-27. If the Permit Holder breaches or fails to carry out any condition of the Access Arrangement, or in carrying out the Access Arrangement Activity there arise adverse effects not authorised or reasonably foreseen in the Access Arrangement, the Minister may call on the bond under this Access Arrangement or any portion of it to ensure compliance with the conditions or to remedy or mitigate those adverse effects.

~~20. Prior to commencing Mining operations, the Permit holder will provide a bond to ensure compliance by the Permit holder with the conditions of this agreement. The bond will be in a form of a surety or bank bond as approved by the Manager and the initial amount of the bond will not be less than \$510,000.00.~~

~~21. Notwithstanding Condition 24 the Manager may during consideration of any Work Programme or variation to any Work Programme require the bond amount to be increased or decreased.~~

28. The bond will not be released and will remain effective until such time as all conditions of this agreement have been complied with, notwithstanding the completion of Mining operations. In the event that there is an adverse effect to the Land and its natural resources whether during or after the completion of the Mining operations which is not permitted by this agreement and could not have reasonably been foreseen, the Permit holder will take all action necessary to mitigate or remedy those adverse effects. If the Permit holder fails to mitigate or remedy those adverse effects to the Manager's satisfaction, the Manager may undertake any necessary action to do so and recover the costs associated with undertaking the work by calling on the bond.

29. If the Permit holder breaches any condition of this arrangement the Manager may revoke the Authority to Enter and Operate and call on the bond, or any portion thereof to ensure compliance with the conditions of this Access Arrangement. If the Manager calls on the bond, or any portion thereof, the Permit holder must submit a new Work Programme or amended Work Programme for approval by the Manager before re commencing any further Mining operations.

FIRE PRECAUTIONS

30. The Permit holder will:

- a. Take all reasonable precautions to ensure no fire hazard arises from the Mining operations;



- b. Not light any fire except by permit issued by the Manager;
- c. Not store or permit to be stored fuels or other combustible materials on the Land without the prior written permission of the Manager; The Manager acknowledges that fuel will need to be stored for the Mining operations.

PROTECTION OF THE ENVIRONMENT

- 31. The Permit holder will ensure that in respect of all Mining operations under this Access Arrangement:
 - (a) Environmental disturbance is minimised and land affected by Mining operations is kept stable.
 - (b) There is no land disturbance other than that authorised under this Access arrangement.
 - (c) All indigenous flora and fauna are protected except for disturbance authorised under this Access Arrangement.
 - (d) No debris, rubbish or other dangerous or unsightly matter will be deposited in or on the Land, or any pollution will occur of any water body, except as permitted by this Access Arrangement and any resource consent granted under the Resource Management Act 1991.
 - (e) There will be no destruction, damage or modification to any archaeological site in the area (as defined by the Heritage New Zealand Pouhere Taonga Act 2014) without the authority of Heritage New Zealand Pouhere Taonga obtained under section 44 of that Act. The Permit holder will produce such authority to the Manager.
 - (f) Any *protected New Zealand object*, or *taonga taturu-tūturu* (as defined by the Protected Objects Act 1975), or object of historic significance found in the area or on the Land will be left *in situ*, and the Chief Executive of the Ministry for Culture and Heritage notified as soon as reasonably practicable.
 - (g) Every person under the Permit holder's control entering on to the Land complies with the provisions of this Condition (Condition 26).

SUPPLY OF INFORMATION

- 33. The Permit holder will lodge with the Manager copies of the renewal of or substitution for any insurance policies including receipts for payment of premiums, any variations to bonds and evidence that the bonds are in force.
- 34. The Permit holder will provide to the Minister of Conservation all information required from time to time by the Minister of Conservation in respect of the use of the Land and any buildings or equipment thereon including any details concerning the Mining operations and details concerning the numbers of people employed by the Permit holder or permitted or allowed by the Permit holder to come onto the Land provided that, subject to the requirements of the Official Information Act 1982, the Minister of Conservation will not release that information to any third party.
- 35. The Permit holder will submit to the Minister of Conservation a copy of any application lodged with the Minister of Energy and Resources to vary and/or extend the term of the Mining permit covering the Land including any application to transfer the Mining permit to another person



provided that, subject to the requirements of the Official Information Act 1982, the Minister of Conservation will not release that information to any third party.

MONITORING

36. The Permit holder will allow the Manager or any other person authorised by the Manager to enter in or on to the Land at any time:
- (a) To inspect the Land or to consider approval of any Work Programme or other plans, or to monitor compliance with the conditions of this Access Arrangement.
 - (b) To undertake any work necessary for the exercise of the Minister's functions and powers in respect of the Land provided that such work will not unnecessarily interfere with the Permit holder's rights under this Access Arrangement.
37. Monitoring may include but is not limited to, the taking of soil and water samples, and the taking of a photographic record of activities occurring on the Land subject to the Access Arrangement.

BANKRUPTCY OR INSOLVENCY

38. If the Permit Holder becomes bankrupt, insolvent or has a receiving order made against it or is wound up or otherwise ceases to function or carries on its business under a receiver for the benefit of creditors the Ministers may either:
- (a) Terminate this Access Arrangement forthwith by notice in writing to the Permit holder or to the receiver or liquidator or to any person in whom the Access arrangement may become vested; or
 - (b) Give such receiver or liquidator or other person the option of continuing the Access Arrangement subject to the provision of a guarantee by one or more guarantors of any bond given, on terms acceptable to the Ministers for the due and faithful performance of the Access Arrangement up to an amount to be determined by the Ministers.
 - (c)
 - (d) Any notice under Condition 39 does not release the Permit holder from liability in respect of any breach of this Access Arrangement prior to the termination of the Access Arrangement or which survive termination.

TERM

39. The term of this Access Arrangement will be from the date of execution of this Access Arrangement until expiry of Minerals Mining Permit 41808 or 21/03/2044 whichever occurs first.

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TERMINATION

40. If the Permit holder is in breach or fails to observe any of the conditions contained herein or the requirements of any approved Work Programme or any other approved plan, the Ministers will give written notice to the Permit holder specifying the default and requiring it to be remedied within 21 consecutive days. If the Permit holder fails to comply with such notice, then the Ministers may by notice in writing terminate this Access Arrangement.
41. Notwithstanding Condition 34, termination of this Access Arrangement will not release the



Permit holder from liability in respect of any breach of this Access Arrangement.

42. Upon termination or expiry of this Access Arrangement the Ministers will not be liable to pay any compensation to the Permit holder whatsoever for any buildings, structures or improvements erected by the Permit holder. If requested by the Manager and prior to the completion of Mining operations the Permit holder will remove all such buildings and structures and improvements. The Permit holder will repair at its own expense all damage which may have been done by such removal and will leave the Land in a clean and tidy condition for restoration as set out in the Second Schedule of this Access Arrangement. If the Permit holder fails to remove any buildings within a reasonable time of the request, the Minister of Conservation may undertake this work and recover the costs from the Permit holder or from the bond referred to in Condition 21.
43. The Permit holder is responsible for the acts and omissions of its employees, contractors, agents, clients and invitees (excluding other members of the public accessing the Land). The Permit holder is liable under the Access Arrangement for any breaches of the terms of the Access Arrangement by its employees, contractors, agents, clients and invitees (excluding other members of the public accessing the Land), as if the breach had been committed by the Permit holder.

MISCELLANEOUS

44. If the Permit holder has:

- (a) Not paid any compensation payment as provided by Condition 3; or
- (b) Not submitted a Work Programme to the Manager

Within two years of the date of execution of this Access Arrangement, this Access Arrangement will terminate and cease to have any effect.

45. Any notice required to be addressed by any of the parties will in the absence of proof to the contrary be sent by ordinary post, facsimile or email during normal business hours and will be deemed to have been received by the other parties;
- (a) In the case of posting by ordinary mail, on the second working day following the date of posting to the address for service; and
 - (b) In the case of facsimile transmission, when sent to the facsimile number for service provided in this agreement; and
 - (c) In the case of email, when acknowledged by the party orally or by return email or otherwise in writing, except that return emails generated automatically shall not constitute an acknowledgement of receipt of the email.
46. The Minister of Conservation's address, phone and fax number, and email for service will be {C/- The Manager, The Department of Conservation, Tauranga District Office, PO Box 900343, Thames 3540; Phone: 0800 275 362; Email: thames@doc.govt.nz}
47. The Minister of Energy and Resources' address, phone and fax number for service will be {C/- The National Manager Minerals, Energy & Resource Markets Branch, Ministry of Business, Innovation and Employment, 15 Stout Street, Wellington 6140, PO Box 1473; Ph. 0508 263 782; nzpam@mbie.govt.nz}
48. The Permit holder's phone number and address for service will be: 22 MacLaggan St Dunedin



9016 (physical), PO Box 5442 Dunedin 9054 (postal); Email: NZ.Legal@oceanagold.com

DISPUTE RESOLUTION

49. The parties agree to negotiate in good faith to resolve any differences which arise in connection with this Access Arrangement.
50. Failing resolution in accordance with Condition 43, any differences and disputes between the parties concerning this Access Arrangement, its interpretation, effect or implementation or any act or thing to be done in pursuant thereof (except as otherwise expressly provided) is to be referred to arbitration in New Zealand by a single arbitrator who is to be mutually agreed upon and, failing agreement, is to be appointed by the President of the New Zealand Law Society. In all other respects the provisions of the Arbitration Act 1996 shall apply.

GENERAL

51. Except where inconsistent with this Access Arrangement, the Permit holder will comply with the provisions of any conservation management strategy or conservation management plan pursuant to Part IIIA of the Conservation Act 1987, together with any amendment or review of any strategy or plan.
52. The Permit holder will at all times comply with all statutes, ordinances, regulations, by-laws or other enactments affecting or relating to the Land or affecting or relating to the Mining operations including the Health and Safety at Work Act 2015, the Fire and Emergency New Zealand Act 2017, the Hazardous Substances and New Organisms Act 1996, the Crown Minerals Act 1991, the Resource Management Act 1991 and the Conservation Act 1987 and all Acts included in its First Schedule.
53. The Permit holder will comply with all conditions contained in this Access Arrangement and within five working days of a request in writing by the Ministers supply the Ministers with evidence of such compliance.
54. A breach or contravention by the Permit holder of any legislation affecting or relating to the Land or affecting or relating to the Mining operations will be deemed to be a breach of this Access Arrangement.
55. The Permit holder will only operate within the boundaries of the Land. Any Mining operations carried out by the Permit holder outside the boundary of the Mining Permit is unlawful and constitutes an offence under the Act.
56. The Permit holder will not use any Land subject to this Access Arrangement for any purposes other than those specified in this Access Arrangement. Unless otherwise authorised by this Access Arrangement, or otherwise approved by the Minister of Conservation, the Permit holder will not erect, install or operate anything on the Land other than that described in the approved Work Programme or any other approved plans submitted in accordance with Condition 7(b).
57. Any transfer of the Land to a purchaser transfer to that purchaser this Access Arrangement provided it has not expired.
58. The headings set out in this Access Arrangement have been inserted for convenience and will not in any way limit or govern the construction of this Access Arrangement.
59. Nothing in this Access Arrangement including Special Conditions in the Second Schedule will prevent the Ministers from participating in any statutory process in respect of any matter relating



to Mining operations in or on the Land defined in this Access Arrangement.

60. If any conditions attached to any resource consent obtained by the Permit holder are in the opinion of the Minister of Conservation, or the Ministers, as the case may be, inconsistent with this Access Arrangement the Minister of Conservation or the Ministers, as the case may be, may review the provisions of this Access Arrangement and this Access Arrangement may be varied accordingly.
61. If, in the opinion of the Ministers, the Mining operations of the Permit holder are having, or may have an adverse effect on the natural, historic or cultural values of the Land, which are not permitted by this Access Arrangement and could not have reasonably been foreseen, the Ministers may:
- (a) Suspend the Mining operations or any part of the Mining operations, until the Permit holder remedies or mitigates such adverse effects to the extent satisfactory to the Minister of Conservation; and/or
 - (b) Review the conditions of this Access Arrangement and impose any further conditions necessary to avoid, remedy or mitigate such adverse effects; and/or
 - (c) Call on the Bond required under Condition 21 or any portion thereof to ensure such adverse effects which have occurred are remedied or mitigated.
62. The Ministers may suspend the Mining operations or any part of the Mining operations while the Ministers or any other enforcement agency investigates any of the Mining operations authorised by this Access Arrangement. The Ministers may also suspend this Access Arrangement while the Ministers or any other enforcement agency investigates any:
- (a) Potential breach of the terms and conditions of this Access Arrangement; or
 - (b) Possible offence by the Permit holder, its directors, employees, servants, agents, contractors or assignees under the Crown Minerals Act 1991; Conservation Act 1987, or any of the Acts listed in the First Schedule of that Act, or any other Act relevant to the Mining operations.
63. Any temporary suspension may, at the sole option of the Ministers be either in whole or in part, and be either immediate or after such time as the Ministers allow. Notice of such suspension will be given to the Permit holder in writing.
64. During any period of suspension all Mining operations on the Land will cease, other than activities necessary for the purposes of saving or protecting life or health, or preventing serious damage to property or avoiding an actual or likely adverse effect on the environment. The Permit holder will remain responsible for the health and safety, and environmental protection of the Land, and will continue to have access to the Land for these purposes during the term of any suspension, subject to any directions issued by the Ministers. The Permit holder will remain liable for all fees and payments required to be paid under this Access Arrangement during the term of any suspension.
65. The Ministers will not be liable to the Permit holder for any loss sustained by the Permit holder by reason of the suspension of the Access Arrangement under Conditions 55 and 56 including loss of profits or consequential loss.
66. The Permit holder must pay in full immediately on demand all costs and fees (including solicitor's costs and fees of debt collection agencies engaged by the Minister of Conservation) arising out of and associated with steps taken by the Minister of Conservation to enforce or attempt to



enforce the Minister of Conservation's rights and powers under this Access Arrangement including the right to recover outstanding money owed to the Ministers.

67. Any failure by the Ministers to exercise any right or power under this Access Arrangement does not operate as a waiver and the single or partial exercise of any right or power by the Ministers does not preclude any other or further exercise of that or any other right or power by the Ministers



FIRST SCHEDULE

The Permit holder, subject to the conditions contained in this Access Arrangement, will have access to those areas of Public Conservation Land within Mining Permit 41808, specifically as set out below:

1. Up to approximately 0.30 ha of Community Buildings - Waihi Scout Hall (2792298) (as shown on Figure 1);
2. Up to approximately 0.41 ha of Conservation Area - Mueller Street, Waihi (2792299) (as shown on Figure 1);
3. Up to approximately 4,147 m² of Marginal Strip – Ohinemuri River (as shown on Figure 2);
4. Up to approximately 8,586 m² of Marginal Strip – Ohinemuri River (as shown on Figure 3);
5. Up to approximately [X] ha of Marginal Strip – Baxter Road (as shown on Figure 4); and
6. Up to approximately [X] ha of Marginal Strip – Ohinemuri River Discharge Structure (as shown on Figure 5);

Commented [A5]: OGL has not confirmed the area within the application.

Commented [A6]: OGL has not confirmed the area within the application

The location of the Land is shown in the attached Map / Plan.



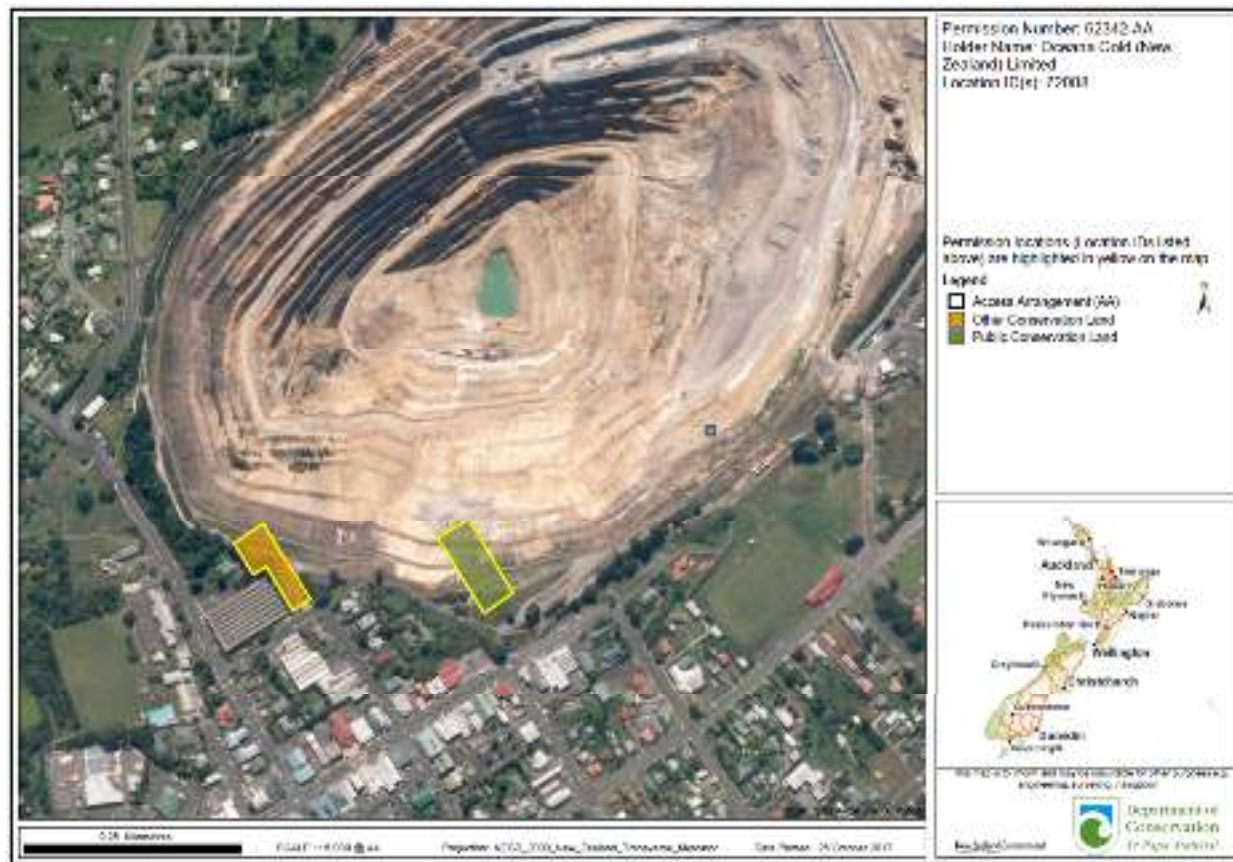


Figure 1: Access Arrangement Area – Martha



Figure 2: Access Arrangement Area (shown in pink), Marginal Strip - Ohinemuri River



Figure 3: Access Arrangement Area (shown in pink), Marginal Strip - Ohinemuri River



Figure 4: Access Arrangement Area (shown in pink), Marginal Strip - Ohinemuri River



Figure 5: Access Arrangement Area – Ohinemuri River Discharge Structures (pinkred), within Marginal Strip - Ohinemuri River (in green).

The Activities authorised by this Access Arrangement are:

1A. In the areas marked on Figure 1:

- (a) The operation of part of the Martha Open Pit;
- (b) Operation and maintenance of the pit rim walkway, including but not limited to tree trimming, weed spraying, track maintenance;
- (c) Rehabilitation and closure activities;
- (d) The operation of a carpark for the Moresby Ave OceanaGold Offices and associated fencing and security cameras;
- (e) Conveyance and maintenance of fibre optic cable; and
- (f) A communications mast.

1B. In all areas marked on Figures 2 & 3:

- (a) Planting of native vegetation and maintenance of planted areas.
- (b) Pest control and monitoring.
- (c) Minimum impact activities, as defined in the Crown Minerals Act 1991, and also including ecological and other environmental monitoring.
- (d) Ongoing maintenance and replacement of any equipment as required.

1C. In the areas marked on Figure 4:

- (a) Establishment, use and maintenance of:
 - i. Bridge footings for the Mill Bridge, including tailings, gas, water, electricity conveyance across the bridge.
 - ii. A lay down yard adjacent to Mill Bridge for storage of equipment relating to Waihi mining operations.
 - iii. A heavy vehicle crossing of the Ohinemuri River.

Noting that the Activities listed in 1C are existing and ongoing,

1D. In the areas marked on Figure 5:

- (a) The establishment, use and maintenance of a water line with a discharge manifold to convey treated wastewater (an existing activity); and
- (b) The upgrade of the water line, and associated infrastructure, to enable extra discharge capacity.

Commented [A7]: Do not consider that this wording is required in the contract



SECOND SCHEDULE

SPECIAL CONDITIONS:

ACCESS ARRANGEMENT FOR MINERALS MINING PERMIT 41808

NOTE: These conditions are in addition to the conditions in the main body of the Access Arrangement and do not in any way affect the generality of those conditions.

ANNUAL WORK PROGRAMME CONDITIONS

68. Before undertaking any Activities under this Access Arrangement, the Permit holder will provide to the Manager a first Annual Work Programme and thereafter annually the Permit Holder shall provide a new Work Programme for the succeeding 12-month period.

The Annual Work Programme will include:

- (a) A recent aerial photograph or plan at an appropriate scale showing the Mining permit boundary and the conservation land boundary and the location of all proposed Mining operations for the forthcoming 12 months;
- (b) A description of all Mining related activities including operations, mitigation measures, rehabilitation, access, monitoring and reporting carried out in the previous 12 months.
- (c) A detailed description of all Mining related activities including operations, mitigation measures, rehabilitation, access, monitoring and reporting intended to be carried out for the following 12 months, with an approximate timetable of events.
- (d) A description and analysis of any unexpected adverse effect on the environment that has arisen as a result of activities within the previous 12 months and the steps taken to mitigate or remedy any effects that resulted.
- (e) Any other Information required by other conditions of this agreement.

The Permit holder will submit to the Manager, for approval, an amended Work Programme if required by the Manager. For the avoidance of doubt, the Permit holder may combine the Work Programme required by this Access Arrangement, with that required by Access Arrangement held in respect of the Wharekirauponga Access Arrangement) so that there is one Work Programme covering all of the Permit holder's operations.

69. The Permit holder will undertake all work in accordance with the approved Work Programme.
70. The Permit holder may, at any time, submit to the Manager for approval an amended Work Programme, provided that no work may occur under that amended Work Programme until it is approved in writing by the Manager.

MINING OPERATIONS CONDITIONS

Authorised Activities

71. The Permit holder will undertake all Mining and Mining operations in accordance with the



original Access Arrangement application lodged by the Permit holder, the application to vary this Access Arrangement (dated 10 April 2025), this Access Arrangement approved by the Ministers, the Rehabilitation Management Plan approved by the Manager in accordance with Special Condition 706773 and an Authority to Enter and Operate issued by the Manager in accordance with Condition 10. In the event of inconsistency, the Access Arrangement, the Rehabilitation Management Plan and Authority to Enter and Operate shall prevail over the application for Access Arrangement.

Exclusion Conditions

72. The Permit holder will not undertake the following activities on the land:
- (a) Undertake any Mining operations within the areas marked on Figure 1 (Martha Pit) outside Weekdays between 07:00 am - 21:00 pm, Saturdays between 07:00 am - 12:00 pm and on Public Holidays excepting those activities required to maintain the security and safety of both sites and to control dust;
 - (b) Undertake any Mining operations, excepting those activities provided for under the Authority to Enter and Operate on Public Conservation Land under Mining Permit 41808 and the Rehabilitation Management Plan approved by the Manager;
 - (c) Disturb or hinder public use, access or enjoyment of the Land otherwise unaffected by the authorised Mining operations under this Access Arrangement except as required to maintain public safety;
 - (d) Clear any native vegetation excepting where necessary to maintain the security and safety of both sites or where approved by the Manager in an Authority to Enter and Operate or the Reinstatement and Rehabilitation Management Plan approved by the Manager; and
 - (e) Remove or minimise in any way the car park, walking paths and Martha Mine Pit Rim Walkway, unless approved by the Manager in writing.

Rehabilitation Management Plan (RMP)

73. Within 12 months of the commencement of this Access Arrangement the Permit holder will submit a Rehabilitation Management Plan (RMP) to the Manager for approval. The RMP will apply to the areas of Land shown in Figure 1 of Schedule 1. The purpose of the RMP is to describe in detail how the Land described in Schedule 1 shown in Figure 1 of Schedule 1 will be rehabilitated to foster Recreation and Scenic values. The RMP will:
- (a) Be approved by the Manager prior to commencing rehabilitation; and
 - (b) Address all aspects of Recreation and Scenery management post Mining and Mining operations; and specifically address the following aspects concerned with the Land:
 - i. The mine pit/pit lake;
 - ii. The banks of the mine pit/pit lake and any planting plans;
 - iii. The car park;
 - iv. Walking paths; and
 - v. Martha Mine Pit Rim Walkway.
 - vi. Rehabilitation of the conveyor laydown area in Figure 4.

Commented [A8]: The current wording of this condition still relates to the rehabilitation of values at the Martha site only (Figure 1 Schedule 1). Rehabilitation will need to occur following closure of the sites in figures 4 and 5 also. This is not currently provided for. Additional wording has therefore been added

Commented [A9]: Suggest that the rehab plan is modified to relate to all land within schedule 1 (noting that figures 2 and 3 relate to planting and will not require rehabilitation).

- vii. Removal and rehabilitation of the heavy vehicle crossing within Figure 4.
~~viii.~~ Confirmation of removal or ongoing maintenance of the discharge structure.

74. Approval of the RMP will be at the sole discretion of the Manager (such approval will not be unreasonably withheld).
75. The Permit holder will implement and comply with the RMP approved by the Manager, at all times.
76. The Manager may request a review and/or amendment of the RMP at any time. The Permit holder will implement and comply with any amendments to the RMP approved by the Manager.

Vegetation clearance and site disturbance

77. No vegetation will be cleared excepting where necessary to maintain the security and safety of both sites or where allowed by Condition 78 or where approved by the Manager in an Authority to Enter and Operate or the Rehabilitation Management Plan approved by the Manager.
78. The Permit holder will preferentially use plants that are locally sourced native plants, except where rehabilitation purposes may be better achieved by non- locally sourced native or non-native plants.

- ~~78-79.~~ Any works excluding weed control, shall ensure that the lizard management plan conditions, set out within the Waihi Area Ecology and Landscape Management Plan are adhered to.

Sedimentation and riparian management

80. Prior to any works occurring to upgrade the heavy vehicle ford, or to the treated wastewater discharge structure, a plan shall be submitted for approval by the Manager as part of the annual work programme for that year that sets out:
- Methodologies to mitigate the effects of earthworks and sedimentation on the river
 - Methodologies to mitigate the effects of construction works on freshwater values.
81. Stormwater within the Conveyor laydown area shall be managed to ensure that no untreated stormwater is discharged onto public conservation land and potential sedimentation and erosion is controlled.

Rehabilitation

- ~~79-82.~~ All rehabilitation shall be completed to the satisfaction of the Manager.
- ~~80-83.~~ Rehabilitation will be undertaken in accordance with the Rehabilitation Management Plan approved by the Manager.
- ~~81-84.~~ The Permit holder will not remove or minimise in any way the car park, walking paths and Martha Mine Pit Rim Walkway, unless approved by the Manager in writing.
- ~~82-85.~~ The open pit will constitute a lake and rehabilitation will accommodate the creation of the

Commented [A10]: There are no conditions currently proposed to mitigate the potential effects on lizards. Where vegetation clearance is proposed, Threatened and At Risk lizards must be adequately protected. The provisions within the ELMP would achieve this if applied to this area. Albeit that finalised ELMP haven't been seen by DOC at time of drafting. This comment is made subject to DOC's general comments on the use of management plans for the purposes of the DOC approvals.

lake and/or recreational and/or scenic value of the lake.

- 83.86. The Permit holder will revegetate the upper pit slopes as far as practicable. This will include planting and-landscaping of upper pit benches and the immediate pit surrounds. Plants used will be in accordance with Condition 782.

Weed and Pest Control

- 84.87. The Permit holder will control exotic weeds within the Land subject to this Access Arrangement in accordance with the pest animal management section of the Waihi Area Ecology and Landscape Management Plan (prepared in accordance with the resource consent requirements applying to the 'Waihi North Project – Conditions Common to the Hauraki District Council and Waikato Regional Council Resource Consents'), or any amended version that may be made under Condition 8392, and to the satisfaction of the Manager for a period of two years following completion of all Mining operations under this Access Arrangement.

Commented [A11]: If other pest control work is proposed to be undertaken in addition to the control of exotic weeds, then this does not currently form part of this condition set. ie pest control to improve habitat. This condition relates to weed control only

Storage and Structures

- 85.88. The Permit holder will not erect/place on the Land any sheds, containers or similar structures not authorised by a Work Programme.

Public Access

- 86.89. ~~The Permit holder will not prevent public access to the Land or parts of the Land unless written approval to do so has been obtained from the Manager. The Permit holder will not prevent public access to the Land or parts of the Land unless that land has been closed to the public under the Conservation Act written approval to do so has been obtained from the Manager, except during emergency situations, or to meet immediate health and safety management requirements. Where public closure has occurred, approval is given the Permit holder is deemed to have been given delegated approval to trespass the public for unlawful entry from the Land.~~

Commented [A12]: Disagree with this proposed wording. Public closure requires specific approval and notification under the Conservation Act. Only at that time, can authorisation be given to issue trespass notices. Suggest retaining original wording "Where public closure has occurred, approval is given....." Also disagree that OGL can prevent access during emergency and immediate health and safety. This could be actioned in accordance with the Manager.

Removal of Material

- 87.90. Without changing the effect of Condition 36, at the completion of the Mining operations the Permit holder will remove from the site all materials including rubbish, pipelines, equipment and structures associated with the Mining operation, unless the Manager has given prior written approval for the item(s) to remain.

Management Plan Conditions

- 88.91. All Activities within the areas shown in Figures 2 and 3 must be undertaken in accordance with the parts of the Waihi Area Ecology and Landscape Management Plan which are relevant to this Access Arrangement, or any amended version that may be made under Condition 83.

- 89.92. The Permit holder may make amendments to the parts of the Waihi Area Ecology and Landscape Management Plan which are relevant to this Access Arrangement at any time, provided that:

- (a) The Permit holder must invite the Manager to participate in a collaborative workshop



with the Permit holder to discuss the proposed amendments.

- (b) If the Manager agrees to participate in a workshop:
 - i. The Permit holder must provide a copy of the amended management plan to the Manager at least 15 working days before the workshop;
 - ii. The Permit holder must circulate a record of the workshop discussions to the Manager within 5 days of the completion of the workshop; and
 - iii. The Manager must be given an opportunity to provide written feedback to the Permit holder on the management plan amendments within 15 working days of the completion of the workshop.
- (c) If the Manager declines the opportunity to participate in a collaborative workshop, the Permit holder must provide a copy of the amended management plan to the Manager, and give the Manager 15 working days to provide written feedback to the Permit holder on the proposed amendments.
- (d) If the Manager has not, within 15 Working Days of receipt of the amendments, advised the Permit holder that Condition 83 (e) applies, any Works associated with the amendment may proceed and the Management Plan will be deemed to be certified.
- (e) Except where Condition 83 (d) applies, until an amendment is approved, any work must be conducted in accordance with the existing management plan.

Commented [A13]: Subject to the general comment about the use of management plans, DOC notes that it opposes the use of a 'deemed certification' process.

Commented [A14]: DOC considers there are still fundamental aspects of OGNZL's proposed use of management plans for the purposes of the DOC approvals that remain unclear. Clarification from OGNZL before DOC can comment on whether or not the approach is appropriate.

Planting

~~90-93.~~ All planting undertaken on the Land must only be for the purpose of ecological restoration, conservation or amenity planting and:

- (a) Comprise only indigenous species;
- (b) Use plants which are eco-sourced from the Coromandel or Bay of Plenty Ecological Regions; and
- (c) Use seed collected locally and germinated and raised at a New Zealand Plant Producers Incorporated (NZPPI)-accredited nursery or from a suitable alternative community-based nursery.

~~91-94.~~ All planting must be subject to annual maintenance, including regular releasing of plants from weeds and replacement of plants that do not survive for a period of at least five years following planting. Any species that consistently fails must be replaced with an alternative similar species.

Minimum impact activities

~~92-95.~~ The Permit holder will inform the Tauranga District Office of dates, duration and location of any minimum impact activities, prior to entering the Land to undertake said activities.

~~93-96.~~ All rock samples undertaken as part of a minimum impact activity will be obtained through hand-held, non-mechanical methods only and must be under 5 kg~~m~~ in weight.

~~94-97.~~ There will be no track cutting or vegetation clearance as part of any minimum impact activity.

~~95-98.~~ The Permit holder will ensure that no minimum impact activity which disturbs the land is conducted at the sides of formed tracks and all disturbed land is restored to a condition consistent with the surrounding environment (so as not to leave an obvious mark on the land).

~~96-99.~~ Prior to undertaking any minimum impact activities that require repeated access, the Permit holder must designate access routes which are to be used for repeat access. Access to such sites shall only be via the designated routes.

~~97-100.~~ The Permit holder must avoid the following when conducting minimum impact activities:

- a. Trampling and disturbing rocks and logs in wet areas beside water channels; and
- ~~b.~~ Sampling from banks where seepages/side streams adjoin a main stream or within stream headwaters or side seepages (breeding habitat).

Tauranga District staff engagement

~~101.~~ The Manager may require the Permit holder to have on site a Department of Conservation employee, liaison person, agent or contractor appointed by the Manager to oversee any operation or activity on the Land the Manager considers appropriate. Any such appointment and oversight will be at the expense of the Permit holder.

~~102.~~ The Permit holder will have the right to request the Department in writing to remove and replace any of its personnel if the Permit holder can show reasonable grounds for such removal. The Department shall make the final decision in respect of the removal of such person or persons.



WAIHI NORTH PROJECT - PROPOSED WHAREKIRAUPONGA ACCESS ARRANGEMENT CONDITIONS

DOC marked up version, 11 August 2025

ACCESS ARRANGEMENT

THIS AGREEMENT is for an Access Arrangement pursuant to section 61 of the Crown Minerals Act 1991 dated <insert date> between the Minister of Conservation and the Minister ~~of~~ for Resources (hereinafter together with the Minister's agents referred to as "the Ministers") and OCEANA GOLD (NEW ZEALAND) LIMITED (hereinafter referred to as the "Permit holder").

WHEREAS

- (a) The Land described in the First Schedule is administered by the Department of Conservation pursuant to section 19 of the Conservation Act 1987 and the Minister of Conservation is responsible for that Department.
- (b) The Minister for Resources, through the Ministry of Business, Innovation and Employment, administers the Crown Minerals Act 1991. The purpose of the Act is to promote prospecting for, exploration for, and mining of Crown owned minerals for the benefit of New Zealand.
- (c) The Permit holder has been granted Mining Permit 60541 (the minerals permit) by the Minister for Resources pursuant to section 25 of the Crown Minerals Act to undertake exploration / mining and exploration / mining operations in and on the Land.
- (d) Mining permit 60541 is classified as a Tier 1 permit pursuant to section 2B of the Crown Minerals Act 1991.
- (e) The Permit holder has applied under the Fast-track Approvals Act 2024 for approvals to conduct mining and mining operations, including a request for an Access Arrangement under section 59 of the Crown Minerals Act 1991 in respect of the Land described in the First Schedule. Pursuant to section 96 of the Fast-track Approvals Act an Access Arrangement granted under that Act has the same force and effect for its duration, and according to its terms and conditions, as if it were granted, issued or entered into under the Crown Minerals Act 1991.
- (f) Pursuant to section 61(1AA)(a) of the Crown Minerals Act 1991 the Ministers grant to the Permit holder access to the Land described in the First Schedule (being land within Mining Permit 60541) on the terms and conditions set out herein.
- (g) This Access Arrangement replaces previous Access Arrangement 48614 on the date when the Manager has issued the Permit holder with an Authority to Enter and Operate as provided by Condition 10.

- (h) Although this Access Arrangement is granted, on behalf of His Majesty the King, the administration of the Access Arrangement together with matters relating to the Permit Holder's access to, and use of the Land is the responsibility of the Department. The Ministry of Business, Innovation and Employment is responsible for matters relating to the minerals permit.

IT IS AGREED between the Ministers of the first part and the Permit holder of the second part that the Permit holder may enter the Land described in the First Schedule subject to the terms and conditions set out below and in the Second Schedule hereto:

1. INTERPRETATION

"Access Arrangement" means this agreement for an access arrangement.

"Act" means the Crown Minerals Act 1991.

"Activities" means those activities listed in Schedule 1.

"Annual Work Programme" and "Work Programme" means the Work Programme referred to in Condition 7(b).

"Department" means the Department of Conservation.

"Diameter at breast height" means the diameter of a tree when measured 1.4 metres above ground level. On sloping ground, the 'above ground level' reference point is the highest point on the ground touching the trunk. If the diameter at breast height falls on a swelling in the trunk the measurement should be taken directly below the swelling at the point where the diameter is the smallest.

"Drill site" means a site used for exploration or investigative drilling, which is undertaken using a fixed drill rig mounted on a platform.

"Dusk" and "Dawn" means 0.5 hours either side of the closest official sunrise and sunset time.

"Exploration" has the meaning as defined in section 2 of the Crown Minerals Act 1991.

"Exploration operations" means operations in connection with exploration for any Crown owned mineral and authorised under this Access Arrangement.

"Exploration permit" means an exploration permit granted under the Crown Minerals Act 1991.

"Investigative drilling" means all drilling undertaken for geotechnical and hydrogeological investigation purposes either from a drill site or man-portable rig location and includes holes drilled for the installation of groundwater monitoring piezometers.

"Kauri Contamination Zone" means any area within 3 times the radius of the canopy drip line of a kauri (*Agathis australis*) tree.

"Land" means the land described in the First Schedule.

"Manager" means the person for the time being holding the office of Operations Manager, Hauraki District, Hauraki - Waikato - Taranaki Region, [the Director Operations, Hauraki-Waikato-Taranaki Region](#) of the Department of Conservation and includes any person authorised by the Operations Manager to act on his or her behalf in respect of this agreement.

"Man-portable drill rig location" means any location at which a man-portable drilling rig is used for any purpose.

"Minimum impact activity" means a minimum impact activity as defined in the Crown Mineral Act 1991

"Mining permit" means a mining permit granted under the Crown Minerals Act 1991.

"Ministers" means the Minister of Conservation and the Minister [foref](#) Resources.

"Parties" means the Minister of Conservation, the Minister [foref](#) Resources and the Permit holder.

"Permit holder" has the meaning as defined in section 2 of the Crown Minerals Act 1991 and includes its servants, agents, contractors and assignees.

"Potential bat roost trees" means any native or exotic trees measuring greater than 15 cm diameter at breast height (DBH) that have roosting habitat features (hollows, cavities, knot holes, splits, cracks and peeling/flaking bark).

["Prospecting" has the same meaning as defined in the Crown Minerals Act 1991.](#)

"Suitably qualified ecologist including herpetologist" means a herpetologist who:

- i. Demonstrates expertise and experience in frog survey, capture, handling and release, including extended periods of experience undertaking frog surveys. They will understand and demonstrate competency in survey methods and searching techniques (including where, when and in what conditions it is best to survey to maximise detection), frog identification, and safe capture, handling and release of frogs to the satisfaction of the Manager (who will consult with the Native Frog Recovery Group).

ASSIGNMENT

2. The Permit holder will not assign, transfer or sublet any rights herein granted or any part thereof without the prior written consent of the Ministers, and such consent will not be unreasonably withheld. Any change in the Permit holder's shareholding altering the effective control of the Permit holder shall be deemed to be a proposed assignment requiring the consent of the Ministers.

COMPENSATION

3. Pursuant to section 76 of the Act, the Permit holder will pay the Minister:
- a. \$80,000.00 + GST per annum for the intrusion of an industrial operation on the Land to be paid at the time of presentation of an Annual Work Programme for the succeeding 12 months;
 - b. \$100.00 + GST per use of drill rig per day (whether operational on site or not);
 - c. \$1,300.00 + GST as a one-off fee per campsite and/or helicopter landing area utilised on the Land where vegetation is damaged or cleared;
 - d. \$6,500.00+ GST per new drill site;
 - e. \$10,000.00 + GST for each of the four vent shaft sites
 - f. \$1,300 per reuse of an existing drill site where regenerating vegetation is damaged or cleared;
 - g. \$125.00+ GST per drill site, per individual tree cleared/felled at that site is equal to or less than 10cm DBH; and
 - h. \$300.00 + GST per drill site, per individual tree cleared/felled at that site is equal to or greater than 10cm DBH and less than 15cm DBH; and
 - i. \$950 + GST per drill site, per individual tree is cleared/felled at that site is equal, or greater than 15cm DBH and less than 30cm DBH; and
 - j. \$1,250 + GST per drill site, per individual tree cleared/felled at that site is equal, or greater than 30cm DBH and less than 40cm DBH; and
 - k. \$2,000 + GST per drill site, per individual tree cleared/felled at that site is equal, or greater than 40cm DBH and less than 50cm DBH; and
 - l. \$3,000 + GST per drill site, per individual tree cleared/felled at that site is equal to, or greater than 50cm DBH; and
 - m. \$2,500 +GST where Archey's Frog found (prior to use of drill site, during use of the site or in the surrounding drill site extent.
 - n. \$750 +GST Hochstetter frog or at risk/threatened lizard found (prior to use of drill site, during use of site or in 20x20 area surrounding site)
 - o. \$750 + GST per day, or any part thereof, where helicopters are used in association with the exploration operations in the period from 23rd December to 6th January (inclusive) and during any New Zealand Statutory holiday.

4. The permit holder will survey each prospective drill site pad prior to any tree removal including taking photographs of each tree to be removed. The results of this survey are to be recorded by the permit holder in a table (schedule) that clearly records the drill site location, the GPS location of the tree being removed, the maximum diameter of the tree stem at DBH and the species of tree removed. This schedule will be submitted as soon as practical to the Manager, prior to, or as part of any application for the subsequent Authority to Enter and Operate.

The submitted schedule should include the following headings at a minimum:

Drill Pad #	Easting	Northing	Tree species	Number	MDBH of each individual stem to be removed	Tree GPS location of each stem removed	Photograph
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5. All compensation amounts are to be reviewed annually for changes in the consumer price index (CPI) and adjusted accordingly. Compensation will be paid by the permit holder upon receiving an invoice from the Department or at the time of presentation of an Annual Work Programme, prior to commencing exploration/mining or mining operations with 33.a(a) being paid in advance and all other compensation under Condition 3 being paid in arrears. All compensation is payable into a Department of Conservation trust account for Conservation purposes in the Hauraki - Waikato - Taranaki Region.

COMPENSATION FOR ANY UNAUTHORISED DISTURBANCE

6. The Minister of Conservation may require the Permit holder to pay additional compensation for any breaches of this Access Arrangement and/or activities carried out by the Permit holder on the Land or on other adjoining or proximate land administered by the Department outside of the Land NOT authorised by this Access Arrangement. Such additional compensation will be for an amount solely determined by the Minister of Conservation and should be paid by the Permit holder upon receiving an invoice.

ADMINISTRATION COSTS

7. Pursuant to section 76 of the Act the Permit holder will also pay to the Minister of Conservation, upon receiving an invoice:
- (a) All actual and reasonable costs to cover the administrative costs of processing this Access Arrangement; and
- ~~(b) The actual and reasonable costs of administering this Access Arrangement; and~~

~~(e)(b)~~ The actual and reasonable costs of monitoring compliance of the conditions in this Access Arrangement including all associated inspections of the Land by the Department.

~~(c) Upon receiving an invoice, the Permit holder will pay to the Minister of Conservation a~~ Management Fee of \$250.00 + GST per annum in arrears for administration and file management associated with the activities and/or management of this Access Arrangement. The Management Fee will be paid in arrears on a pro rata basis for the previous 12 months, upon receiving an invoice.

PRECONDITIONS BEFORE ENTRY TO LAND

~~8.~~ The Manager may require the Permit holder to vary the proposed Annual Work Programme only to ensure the exploration, mining and exploration or mining operations are not inconsistent with the conditions of this Access Arrangement. Where required by the Manager the Permit holder will amend the proposed Annual Work Programme accordingly.

~~8-9.~~ The Permit holder will seek an Authority to Enter and Operate from the Manager. At the time of seeking an Authority to Enter and Operate, the Permit holder will submit to the Manager:

- i. A copy of the insurance policies and the premium payment receipts and guarantees or bonds as required in Conditions 20 and 21;
- ii. A copy of the Mining permit granted pursuant to section 25 of the Crown Minerals Act 1991; and
- iii. A copy of all resource consents granted pursuant to the Resource Management Act 1991 or Fast-track Approvals Act 2024 and a copy of any reports that the Permit holder has been required to submit to a consent authority as a requirement of any resource consent relating to the mining permit.

~~9-10.~~ Upon the Manager being satisfied that the requirements of Conditions 7, 8 and 9 have been met, the Manager will issue the Permit holder with a written "Authority to Enter and Operate" permitting the Permit holder to enter in or on to the Land to commence the Activities for a period of 12 months provided the Mining permit continues in force for the term, or longer, of any Authority to Enter and Operate issued.

~~10-11.~~ A breach or failure to comply with the requirements of the documents referred to in Condition ~~7~~6(d), and approved by the Minister, shall be deemed to be a breach of this Access Arrangement, and shall entitle the Ministers to exercise any rights or powers which arise from a breach of or failure to comply with the terms of this Access Arrangement.

~~11-12.~~ Prior to the expiry of the first Authority to Enter and Operate, and each subsequent Authority to Enter and Operate thereafter, the Permit holder will submit to the Manager a further Annual Work Programme and any other plans or amended plans as required by Condition 7(b) and any other requirements of Conditions 7, 8 and 9 for the succeeding 12-month period (or a lesser period if considered appropriate by the Permit holder).

~~12-13.~~ Except as permitted by the Manager, the Permit holder will not after the expiry of an Authority to Enter and Operate, undertake any work prior to each subsequent Authority to Enter and Operate has been issued by the Manager pursuant to Condition ~~11~~¹⁰.

~~13-14.~~ The Manager will not unreasonably fail to grant a subsequent Authority to Enter and Operate where the Permit holder has supplied all the required documentation and made all the payments required by Condition 12, and the further Annual Work Programme is consistent with the project description contained in the application for this Access Arrangement or any variation(s) to this Access Arrangement and the conditions of this Access Arrangement or any authorised variations to this Access Arrangement.

~~14-15.~~ Pending the granting of a subsequent Authority to Enter and Operate the Manager may in his or her discretion, issue an interim Authority to Enter and Operate providing the documents and payments required by ~~the Access Arrangement Condition 12~~ have been submitted.

INDEMNITIES

~~15-16.~~ The Permit holder will indemnify and keep indemnified the Ministers against all claims by any person in respect of any injury, loss or damage (including fire damage) caused or suffered as a result of or arising out of any act or omission of the Permit holder, or otherwise caused as a result of the Activities on the Land.

~~16-17.~~ If due to the Permit holder's Activities, the Land or any part of it is assessed as rateable land under the Local Government (Rating) Act 2002, or any amendment to that Act, or the introduction of a new Act in substitution for it, the Permit holder is to pay any of the rates which may be struck in respect of the Land and/or the Activities; but the Permit holder and the Minister of Conservation expressly agree that such payment is not to constitute an acknowledgement of exclusive possession by the Permit holder of the Land.

~~17-18.~~ The Ministers will not be liable for and do not accept any responsibility for damage or interference to the Activities, equipment, buildings or structures, held or erected on the Land due to any cause whatsoever including (without restriction) any acts or omissions by the Ministers, their servants, agents, or contractors (other than acts or omissions arising from the wilful misconduct of the Ministers, their servants, agents or contractors), natural disaster, vandalism, sabotage, fire, exposure to the elements or any other cause whatsoever.

~~18-19.~~ The Permit holder will take all reasonable steps to protect the safety of persons present on the Land during operations and between work periods and will, when required by the Minister

of Conservation, erect protective fencing or erect signposts warning the public of any dangers that may be encountered as a result of the Activities. The Permit holder will take all reasonable steps to mitigate any dangers to the public and will clearly mark any that remain.

- a. Where the Permit holder, to ensure the safety of the public, employees, plant and equipment, requests the Manager (acting under delegated authority from the Minister of Conservation) to close public access to the Land the Manager may do so if he or she considers it appropriate.
- b. The Permit holder will give the Manager reasonable notice of its request so that the Manager can ensure that all reasonable steps are taken to ensure members of the public are made aware of the closure and the reasons for it.
- c. The Permit holder will be responsible for the costs of ensuring that the public is made aware of the closure.

INSURANCE

~~19-20.~~ Prior to commencing Exploration Operations the Permit holder will affect and maintain, during the term of this Access Arrangement, insurance cover on terms acceptable to the Minister for an amount of ~~\$20,000,000.00 for aviation liability, \$10,000,000.00~~~~[TBA]~~ for public liability, and ~~\$[TBA] for any costs arising out of any necessary action to put out or contain any fire caused by the Activities whether negligently, or otherwise, and which may extend beyond the Land to the adjoining Land whether held by the Minister of Conservation, or otherwise.~~ The Manager may from time to time require the cover of any insurance to be increased to such an amount as considered reasonably necessary.

Commented [A1]: Separate fire insurance not required. FENZ Act 2017 manages liability.

BONDS

21. Before commencing the Activities, the Permit Holder must provide either in cash; or as a surety from a trading bank, insurance company or bond guarantor, a bond set in accordance with this clause.
22. If a surety is the Permit Holder's preferred option, the surety must execute in favour of, and on terms acceptable to, the Minister, a bond for performance by the Permit Holder to the obligations under the Access Arrangement.
23. The Minister will set the bond or surety amount following an independent risk assessment using a methodology set by the Minister.
24. The bond or surety amount may be reviewed at the discretion of the Minister at any time. Such review is to follow an independent risk assessment using a methodology set by the Minister.
25. The cost of any independent risk assessment or review must be paid by the Permit Holder within 10 working days of being given a notice by the Minister.

Commented [A2]: Amended to reflect Minister's conditions under s78

26. Notwithstanding the variation (including as to term), expiry, surrender, or termination of the Access Arrangement, the bond is to remain in full force and effect until such time as all the Permit Holder's obligations under the Access Arrangement have been complied with to the satisfaction of the Minister.

27. If the Permit Holder breaches or fails to carry out any condition of the Access Arrangement, or in carrying out the Access Arrangement Activity there arise adverse effects not authorised or reasonably foreseen in the Access Arrangement, the Minister may call on the bond under this Access Arrangement or any portion of it to ensure compliance with the conditions or to remedy or mitigate those adverse effects.

~~20. Prior to commencing Exploration operations, the Permit holder will provide a bond to ensure compliance by the Permit holder with the conditions of this agreement. The bond will be in a form approved by the Manager and the initial amount of the bond will be not less than \$80,000.00[TBA].~~

~~— Notwithstanding Condition 21 the Manager may during consideration of any Annual Work Programme or variation to any Annual Work Programme require the bond amount to be increased or decreased provided however at no time shall the amount of the bond be less than \$[TBA].~~

~~— The bond quantum shall be externally reviewed every three (3) years through an independent risk management assessment to be conducted by the Permit Holder. The results of the risk assessment shall be submitted to the Manager for approval within two months of the approval of each Annual Work Programme.~~

~~21. —~~

~~22. The bond will not be released and will remain effective until such time as all conditions of this agreement have been complied with, notwithstanding the completion of the Activities. In the event that there is an adverse effect to the Land and its natural resources whether during or after the completion of the Activities which is not permitted by this agreement and could not have reasonably been foreseen, the Permit holder will take all action necessary to mitigate or remedy those adverse effects. If the Permit holder fails to mitigate or remedy those adverse effects to the Manager's satisfaction, the Manager may undertake any necessary action to do so and recover the costs associated with undertaking the work by calling on the bond.~~

~~23-28.~~ If the Permit holder breaches any condition of this arrangement the Manager may revoke the Authority to Enter and Operate and call on the bond, or any portion thereof to ensure compliance with the conditions of this Access Arrangement. If the Manager calls on the bond, or any portion thereof, the Permit holder must submit a new Annual Work Programme or amended Annual Work Programme for approval by the Manager before re commencing any further Exploration operations.



FIRE PRECAUTIONS

~~24:29.~~ The Permit holder will:

- a. Take all reasonable precautions to ensure no fire hazard arises from the Activities;
- b. Not light any fire except by permit issued by the Manager;
- c. Not store or permit to be stored fuels or other combustible materials on the Land other than in accordance with Condition 2.11~~96~~;
- d. Comply with the Manager's requirements for fire safety equipment and for fire-fighting equipment to be kept on the Land, as described in Condition 2.12~~30~~.

PROTECTION OF THE ENVIRONMENT

~~25:30.~~ The Permit holder will ensure that in respect of all Activities under this Access Arrangement:

- a. Environmental disturbance is minimised and land affected by the Activities is kept stable and free from erosion.
- b. There is no land disturbance other than that authorised under this Access Arrangement.
- c. All indigenous flora and fauna are protected except for disturbance authorised under this Access Arrangement.
- d. No debris, rubbish or other dangerous or unsightly matter will be deposited in or on the Land, or any pollution will occur of any water body, except as permitted by this Access Arrangement and any resource consent granted under the Resource Management Act 1991.
- e. There will be no destruction, damage or modification to any archaeological site in the area (as defined by the Heritage New Zealand Pouhere Taonga Act 2014) without the authority of Heritage New Zealand Pouhere Taonga obtained under section 44 of that Act. The Permit holder will produce such authority to the Manager.
- f. Any protected New Zealand object, or taonga ~~tū~~aturu (as defined by the Protected Objects Act 1975), or object of historic significance found in the area or on the Land will be left in situ, and the ~~Chief Executive of the Ministry for Culture and Heritage Manager and Secretary of Internal Affairs~~ notified as soon as reasonably practicable.
- g. Every person under the Permit holder's control entering on to the Land complies with the provisions of this Condition (Condition 26).

SUPPLY OF INFORMATION

~~26:31.~~ The Permit holder will lodge with the Manager copies of the renewal of or substitution for any insurance policies including receipts for payment of premiums, any variations to bonds and evidence that the bonds are in force.

~~27-32.~~ The Permit holder will provide to the Minister of Conservation all information required from time to time by the Minister of Conservation in respect of the use of the Land and any buildings or equipment thereon including any details concerning the Activities and details concerning the numbers of people employed by the Permit holder or permitted or allowed by the Permit holder to come onto the Land provided that, subject to the requirements of the Official Information Act 1982, or any other legislative requirements, the Minister of Conservation will not release that information to any third party.

~~28-33.~~ The Permit holder will submit to the Minister of Conservation a copy of any application lodged with the Minister ~~ef~~for Resources to vary the Mining permit covering the Land including any application to transfer the Mining permit to another person provided that, subject to the requirements of the Official Information Act 1982 or any other legislative requirements, the Minister of Conservation will not release that information to any third party.

~~29-34.~~ The Permit holder will apply for a variation to this Access Arrangement should it wish to undertake Activities on any land managed or administered by the Minister of Conservation accordance with any variation to the Mining permit granted by the Minister of Resources that is not already covered by this Access Arrangement, and subject to the requirements of the Official Information Act 1982 or any other legislative requirements, the Minister of Conservation will not release that information to any third party.

~~30-35.~~ The Permit holder will have no expectation that any further Access Arrangement or Access Arrangement variation will be approved at the Minister's discretion.

MONITORING

~~31-36.~~ The Permit holder will allow the Manager or any other person authorised by the Manager to enter in or on to the Land at any time:

- a. To inspect the Land or to consider approval of any Annual Work Programme or other plans, or to monitor compliance with the conditions of this Access Arrangement.
- b. To undertake any work necessary for the exercise of the Minister's functions and powers in respect of the Land provided that such work will not unnecessarily interfere with the Permit holder's rights under this Access Arrangement.

~~32-37.~~ Monitoring may include but is not limited to, the taking of soil and water samples, and the taking of a photographic record of Activities occurring on the Land subject to the Access Arrangement.

BANKRUPTCY OR INSOLVENCY

~~33-38.~~ If the Permit Holder becomes bankrupt, insolvent or has a receiving order made against it or is wound up or otherwise ceases to function or carries on its business under a receiver for the benefit of creditors the Ministers may either:

- a. Terminate this Access Arrangement forthwith by notice in writing to the Permit holder or to the receiver or liquidator or to any person in whom the Access Arrangement may become vested; or
- b. Give such receiver or liquidator or other person the option of continuing the Access Arrangement subject to the provision of a guarantee by one or more guarantors of any bond given, on terms acceptable to the Ministers for the due and faithful performance of the Access Arrangement up to an amount to be determined by the Ministers.
- c. Any notice under Condition 40 does not release the Permit holder from liability in respect of any breach of this Access Arrangement prior to the termination of the Access Arrangement or which survive termination.

TERM

~~34-39.~~ The term of this Access Arrangement will be from the date of commencement in accordance with Schedule 11, clause 12 of the Fast-track Approvals Act 2024 until 8 April 2060 or any earlier date that may be set for the expiry of Mining Permit 60541.

TERMINATION

~~40.~~ If the Permit holder is in breach, or fails to observe any of the conditions contained herein or the requirements of any Annual Work Programme, the Ministers will give written notice to the Permit holder specifying the default and requiring it to be remedied within 21 consecutive days. If the Permit holder fails to comply with such notice, then the Ministers may by notice in writing terminate this Access Arrangement.

~~35-41.~~ Notwithstanding Condition 3440, termination of this Access Arrangement will not release the Permit holder from liability in respect of any breach of this Access Arrangement.

~~36-42.~~ Upon termination or expiry of this Access Arrangement the Ministers will not be liable to pay any compensation to the Permit holder whatsoever for any buildings, structures or improvements erected by the Permit holder. If requested by the Manager and on completion of the Activities the Permit holder will remove all such buildings and structures and improvements. The Permit holder will repair at its own expense all damage which may have been done by such removal and will leave the Land in a clean and tidy condition for restoration as set out in the second schedule of this Access Arrangement. If the Permit holder fails to remove any buildings within a reasonable time of the request, the Minister of Conservation may undertake this work and recover the costs from the Permit holder or from the bond referred to in Condition 21.

~~37-43.~~ The Permit holder is responsible for the acts and omissions of its employees, contractors, agents, clients and invitees (excluding other members of the public accessing the Land). The Permit holder is liable under the Access Arrangement for any breaches of the terms of the Access Arrangement by its employees, contractors, agents, clients and invitees (excluding

Commented [A3]: Disagree, these conditions are about termination of the AA, not the specific actions that would be taken in the event the OGL went bankrupt (condition 38) .

other members of the public accessing the Land), as if the breach had been committed by the Permit holder.

MISCELLANEOUS

~~38-44.~~ If the Permit holder has:

- a. Not paid any compensation payment as provided by Condition 3; or
- b. Not submitted an Annual Work Programme to the Manager

Within two years of the date of execution of this Access Arrangement, this Access Arrangement will terminate and cease to have any effect.

~~39-45.~~ Any notice required to be addressed by any of the parties may be sent by ordinary post, facsimile or email during normal business hours and in the absence of proof to the contrary be deemed to have been received by the other parties;

- a. In the case of posting by ordinary mail, on the second working day following the date of posting to the address for service; and
- ~~b. In the case of facsimile transmission, when sent to the facsimile number for service provided in this agreement; and~~
- ~~c-b.~~ In the case of email, when acknowledged by the party orally or by return email or otherwise in writing, except that return emails generated automatically shall not constitute an acknowledgement of receipt of the email.

~~40-46.~~ The Minister of Conservation's address, phone ~~and fax~~ number, and email for service will be [Hauraki District Office, 3/366 Ngati Maru Highway (SH25) Thames 3500 (physical); PO Box 343, Thames 3540 (postal); Phone: 0800 275 362; Email: thames@doc.govt.nz]

~~41-47.~~ The Minister ~~effor~~ Resources' address, ~~and~~ phone ~~and fax~~ number for service will be C/- The National Manager Minerals, Energy & Resource Markets Branch, Ministry of Business, Innovation and Employment, 33 Bowen Street, Wellington 6140, PO Box 1473; Ph. 0508 263 782;

~~42-48.~~ The Permit holder's phone number and address for service will be: 22 Maclaggan St Dunedin 9016 (physical), PO Box 5442 Dunedin 9054 (postal), email: NZ.Legal@oceanagold.com.

DISPUTE RESOLUTION

~~43-49.~~ The parties agree to negotiate in good faith to resolve any differences which arise in connection with this Access Arrangement.

~~44-50.~~ Failing resolution in accordance with Condition ~~49~~, any differences and disputes between the parties concerning this Access Arrangement, its interpretation, effect or implementation or any act or thing to be done in pursuant thereof (except as otherwise expressly provided) is to

be referred to arbitration in New Zealand by a single arbitrator who is to be mutually agreed upon and, failing agreement, is to be appointed by the President of the New Zealand Law Society. In all other respects the provisions of the Arbitration Act 1996 shall apply.

GENERAL

- ~~45-51.~~ Except where inconsistent with this Access Arrangement, the Permit holder will comply with the provisions of any conservation management strategy or conservation management plan pursuant to Part IIIA of the Conservation Act 1987, together with any amendment or review of any strategy or plan.
- ~~46-52.~~ The Permit holder will at all times comply with all statutes, ordinances, regulations, by-laws or other enactments affecting or relating to the Land or affecting or relating to the Activities including the Health and Safety at Work Act 2015, the Fire and Emergency New Zealand Act 2017, the Hazardous Substances and New Organisms Act 1996, the Crown Minerals Act 1991, the Resource Management Act 1991 and the Conservation Act 1987 and all Acts included in its First Schedule.
- ~~47-53.~~ The Permit holder must comply with all conditions contained in this Access Arrangement and within three working days of a request in writing by the Ministers supply the Ministers with evidence of such compliance.
- ~~48-54.~~ A breach or contravention by the Permit holder of any legislation affecting or relating to the Land or affecting or relating to the Activities will be deemed to be a breach of this Access Arrangement.
- ~~49-55.~~ The Permit holder will only undertake the Activities subject to this Access Arrangement within the boundaries of the Land. Any Activities carried out by the Permit holder outside the boundary of the Mining permit is unlawful and constitutes an offence under the Act.
- ~~50-56.~~ The Permit holder will not use any Land subject to this Access Arrangement for any purposes other than those specified in this Access Arrangement. Unless otherwise authorised by this Access Arrangement, or otherwise approved by the Minister of Conservation, the Permit holder will not erect, install or operate anything on the Land other than that described in the Annual Work Programme submitted in accordance with Condition ~~67~~(b).
- ~~51-57.~~ Any transfer of the Land to a purchaser transfers to that purchaser the rights and obligations subject to this Access Arrangement.
- ~~52-58.~~ The headings set out in this Access Arrangement have been inserted for convenience and will not in any way limit or govern the construction of this Access Arrangement.
- ~~53-59.~~ Nothing in this Access Arrangement including Special Conditions in the Second Schedule will prevent the Ministers from participating in any statutory process in respect of any matter relating to Activities in or on the Land defined in this Access Arrangement.



~~54-60.~~ If any conditions attached to any resource consent obtained by the Permit holder are in the opinion of the Minister of Conservation, or the Ministers, as the case may be, inconsistent with this Access Arrangement the Minister of Conservation or the Ministers, as the case may be, may review the provisions of this Access Arrangement and this Access Arrangement may be varied accordingly.

~~55-61.~~ If, in the opinion of the Ministers, the Activities of the Permit holder are having, or may have an adverse effect on the natural, historic or cultural values of the Land, which is not permitted by this Access Arrangement and could not have reasonably been foreseen, the Ministers may:

- a. suspend the Activities or any part of the Activities, until the Permit holder remedies or mitigates such adverse effect to the extent satisfactory to the Minister of Conservation; and/or
- b. review the conditions of this Access Arrangement and impose any further conditions necessary to avoid, remedy or mitigate such adverse effect; and/or
- c. call on the Bond required under Condition 21 or any portion thereof to ensure such adverse effect which has occurred is remedied or mitigated.

~~56-62.~~ The Ministers may suspend the Exploration operations or any part of the Exploration operations while the Ministers or any other enforcement agency investigates any of the Activities authorised by this Access Arrangement. The Ministers may also suspend this Access Arrangement while the Ministers or any other enforcement agency investigates any:

- a. Potential breach of the terms and conditions of this Access Arrangement.
- b. Possible offence by the Permit holder, its directors, employees, servants, agents, contractors or assignees under the Crown Minerals Act 1991; Conservation Act 1987, or any of the Acts listed in the First Schedule of that Act.
- c. Possible offence by the Permit holder, its directors, employees, servants, agents, contractors, assignees, or Tributer under any other Act relevant to the Activities.

~~57-63.~~ Any temporary suspension may, at the sole option of the Ministers be either in whole or in part, and be either immediate or after such time as the Ministers allow. Advice of such suspension may be given to the Permit holder whether verbally followed by a written confirmation as soon as is reasonably practicable of by notice in writing.

~~58-64.~~ During any period of suspension all Activities on the Land will cease, other than activities necessary for the purposes of saving or protecting life or health, or preventing serious damage to property or avoiding an actual or likely adverse effect on the environment. The Permit holder will remain responsible for the health and safety, and environmental protection of the Land, and will continue to have access to the Land for these purposes during the term of any suspension, subject to any directions issued by the Ministers. The Permit holder will remain

liable for all fees and payments required to be paid under this Access Arrangement during the term of any suspension.

~~59-65.~~ The Ministers will not be liable to the Permit holder for any loss sustained by the Permit holder by reason of the suspension of the Access Arrangement under Conditions 57 and 58 including loss of profits or consequential loss.

~~60-66.~~ The Permit holder must pay in full immediately on demand all costs and fees (including solicitor's costs and fees of debt collection agencies engaged by the Minister of Conservation) arising out of and associated with steps taken by the Minister of Conservation to enforce or attempt to enforce the Minister of Conservation's rights and powers under this Access Arrangement including the right to recover outstanding money owed to the Ministers.

~~61-67.~~ Any failure by the Ministers to exercise any right or power under this Access Arrangement does not operate as a waiver and the single or partial exercise of any right or power by the Ministers does not preclude any other or further exercise of that or any other right or power by the Ministers.



FIRST SCHEDULE

- 1.1 The Permit holder, subject to the conditions contained in this Access Arrangement, will have access to the Land, that being that 3,721 hectare area of Coromandel Forest Park all public conservation land within Mining Permit 60541, as shown in Figure 1, to undertake the activity described in 1.2. No activities are permitted to occur within the Otahu Dedicated Area or the Parakiwai Geological Area.

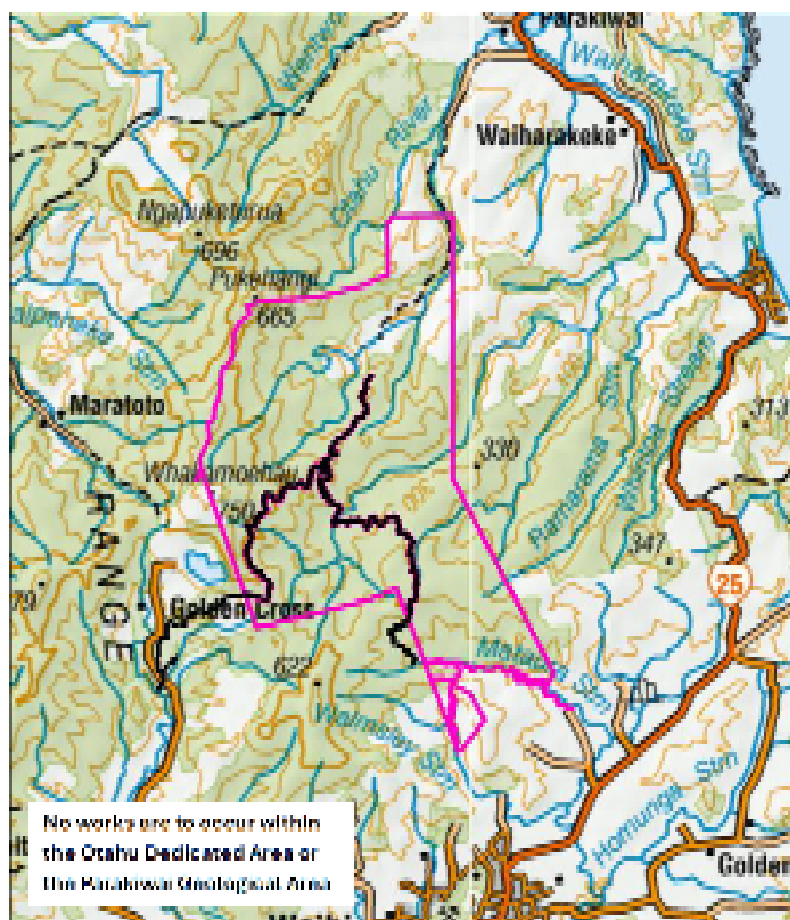


Figure 1: Access Arrangement Area (shown in pink, road reserve shown in black), encompassing all public conservation land within MP60541.

1.2 The Activities authorised by this Access Arrangement are:

- a) Exploratory and investigative drilling activities, including;
 - i. Ongoing use of nine existing drill sites (noting that a 10th site is also operational on the legal road not part of the conservation land);
 - ii. Establishment of up to 20 additional drill sites (as set out in Table 1);
 - iii. Drilling from up to 50 locations using a man-portable drill rig.
- b) Establishment of up to four vent shaft sites including associated surface structures. These sites may also be used for pump testing, in circumstances where a larger drill rig is required.

Table 1: New drilling activities

Description	Number of Sites	Clearance per site (m ²)	Total Clearance (m ²)
Exploration drill sites	8	150	1,200
Geotechnical investigative drill sites	8	150	1,200
Hydrological investigative drill sites (piezometer installation)	4	150	600
Vent shaft / pumping test sites	4	900	3,600
Portable drill rig locations	50	Minimal clearance i.e. canopy trimming	
Total clearance			6,600 m²

—c) The use of up to six drill rigs concurrently.

- d) The use of any new or existing drill site or pumping test / vent raise site to accommodate fixed camp facilities, with a maximum of six camps established at any given time.
- e) The use of any new or existing drill site or pumping test / vent raise site to accommodate a helipad, with a maximum of four helipads established at any given time.
- f) Helicopter access throughout the life of the mine and post-closure period for equipment lifting and personnel access.
- g) Ongoing use of one camp site and two helipads (both existing).

Commented [A4]: [Mention was removed] I think that this is a mistake that this has been deleted? It is part of the application that we are approving

Commented [A5R4]: I can see what has occurred now, I had shifted the description around so that activities relating to drilling were together and water takes together etc. I'll shift back and that will remove the duplication

- h) Continued use of existing meteorological monitoring station, rain gauges, track counter and dust monitor installed.
- i) Permeability testing in new piezometer holes.
- j) The establishment of up to ten river pump sites for abstracting surface water (three of which are already existing).
- k) The use of bores for abstracting groundwater (including groundwater sampling).
- l) Continued undertaking of water quality sampling.
- m) Installation of piezometers in any existing or new boreholes and continued use of existing piezometers (including maintenance and replacement as necessary).
- n) Installation of two piezometers at each of a maximum of 6 wetlands and 2 control wetlands – one piezometer to be installed in each wetland using a drive point design with no drill rig required, one piezometer to be installed approximately 2m from each wetland boundary using either drive point or portable rig.
- o) Installation of up to eight river flow monitoring stations and continued use of existing flow monitoring stations.
- p) Continued use of a flow tracker for flow gauging.
- q) Installation of two rain gauges and a meteorological monitoring station and ongoing use of all existing meteorological monitoring equipment.
- r) Installation of a telemetry system to transmit environmental data from any surface or subsurface installation to an online platform.
- s) Installation of vibration monitoring equipment at up to 12 locations.
- t) The use of drones for monitoring, reconnaissance and aerial photography.
- u) Minimum impact activities, as defined in the Crown Minerals Act 1991, and also including hydrological, ecological, noise, and other environmental monitoring.
- v) Tent-based camping at any location to support field work.
- w) Installation of fauna release sites, including fencing (electric or otherwise) and frog release pens.
- x) Planting of native vegetation and maintenance of planted areas throughout the life of the project.
- y) Pest control and monitoring across the entire AA area to be undertaken in accordance with the Wharekirauponga Animal Pest Management Plan.

z) Ongoing maintenance and replacement of all equipment as required.

1.3 Indicative locations for the wetland monitoring piezometers, river flow monitoring stations, near stream piezometers, vibration monitoring sites, and river gauge and meteorological monitoring stations provided for by Clause 1.2 are provided in 1.3(a), (b), (c), (d), and (e). If these locations change, the Permit holder will notify the Manager of the alternative locations at least 20 working days prior to undertaking the respective activities.

(a) Wetland monitoring piezometers:

Site Name	X (NZTM)	Y (NZTM)
Edmonds 16	1849962	5867471
Edmonds 17	1849822	5867407
Edmonds 18	1849887	5867447
Edmonds 20	1849779	5867359
Edmonds 22	1849708	5867243
Adams 3	1850260	5869204
Adams 4	1850028	5869249
Control	1848906	5864922

(b) River flow monitoring stations:

Site Name	X (NZTM)	Y (NZTM)	Status
Adams	1850412	5868927	Proposed
Edmonds	1849886	5868352	Proposed
Thompson	1851158	5869218	Proposed
Trib R	1850458	5868834	Proposed
T-Stream East	1849810	5868388	Installed
T-Stream West	1849581	5868432	Installed
WHK2 - Control	1849832	5865641	Proposed
WKP02	1850844	5869140	Installed
WKP03	1850426	5868883	Installed

(c) Near stream piezometers (note that other existing and proposed piezometer locations at any existing or future drill site platform are not included in this table)

Site Name	X (NZTM)	Y (NZTM)	Status
NSP1	1849751	5868435	Existing
NSP9	1849451	5868511	Existing

NSP11	1849498	5868245	Existing
NSP3	1849980	5868402	Existing
NSP2	1849978	5868218	Existing
NSP6	1850438	5868856	Existing
NSP4	1850311	5869036	Proposed
NSP7	1851102	5869179	Proposed
Upper WHK Control	1849835	5865747	Proposed

(d) Vibration Monitoring Site

Site Name	X (NZTM)	Y (NZTM)
Assessment A	1849417	5868834
Assessment B	1849943	5868791
Assessment C	1850461	5868844
Assessment D	1849448	5868301
Assessment E	1849886	5868319
Assessment F	1850342	5868337
Assessment G	1848764	5868050
Assessment H	1849838	5867811
Assessment I	1850133	5867831
Assessment J	1849499	5867263
Assessment K	1849682	5866953
Assessment L	1850084	5867367

(e) Rain gauge and meteorological monitoring station

Name	X (NZTM)	Y (NZTM)	Status
Met Station	1850113	5868379	Existing
Rain Gauge	1849337	5868702	Existing
Rain Gauge 2	1850096	586857	Proposed

SECOND SCHEDULE

SPECIAL CONDITIONS:

ACCESS ARRANGEMENT FOR MINING PERMIT 60541

NOTE: These conditions are in addition to the conditions in the main body of the Access Arrangement and do not in any way affect the generality of those conditions.

MANAGEMENT AND MONITORING PLAN CONDITIONS

- 2.1 All Activities authorised by this Access Arrangement must be undertaken in accordance with the following management plans included in Part H of the application documents, or any amended versions that may be made under Condition 2.2:
- a. WUG Ecology and Landscape Management Plan
 - b. Wharekirauponga Pest Animal Management Plan
 - c. Coromandel Forest Park Kauri Dieback Management Plan
 - d. Native Frog Monitoring Plan
- 2.2 In accordance with Conditions C8A – C8C of the Resource Consent [to link in the consent number of the Combined HDC and WRC Conditions] the Permit holder may make amendments to any of the management plans referred to in Condition 2.1 at any time, provided that:
- (a) The Permit holder must invite the Manager to participate in a collaborative workshop with the Permit holder to discuss the proposed amendments.
 - (b) If the Manager agrees to participate in a workshop:
 - i. The Permit holder must provide a copy of the amended management or monitoring plan to the Manager at least 15 working days before the workshop;
 - ii. The Permit holder must circulate a record of the workshop discussions to the Manager within 5 days of the completion of the workshop; and
 - iii. The Manager must be given an opportunity to provide written feedback to the Permit holder on the management or monitoring plan amendments within 15 working days of the completion of the workshop.
 - (c) If the Manager declines the opportunity to participate in a collaborative workshop, the Permit holder must provide a copy of the amended management or monitoring plan to the Manager, and give the Manager 15 working days to provide written feedback to the Permit holder on the proposed amendments.

Commented [A6]: DOC considers OGNZL's use of two management plans for kauri mitigation within the Coromandel Forest Park a duplication and preference is for the Coromandel Forest Park Kauri Dieback Management Plan to cover the Northern concession. Kauri mitigation protocols within the ELMP are unnecessary duplication if the Coromandel Forest Park Kauri Dieback Management Plan has sufficient detail. However, we have not viewed finalised management plans to provide confirmation of this detail.

- (d) If the Manager has not, within 15 Working Days of receipt of the amendment, advised the consent holder that Condition 2.2e applies, any Works associated with the amendment may proceed.
- (e) Except where Condition 2.2d. applies, until an amendment is approved, any work must be conducted in accordance with the existing management or monitoring plan.

WUG Ecology and Landscape Management Plan

- 2.3 The objective of the WUG Ecology and Landscape Management Plan is to identify how the potential adverse effects of the Waihi North Project on the ecological, landscape and biodiversity values within the WUG Area and its surrounds will be appropriately managed.

To achieve this objective, the WUG Ecology and Landscape Management Plan must include performance indicators in relation to the following:

- i. Residual Effects Offset Plan;
- ii. Planting Plan;
- iii. Lizard Management Plan;
- iv. Avifauna Management Plan;
- v. Bat Management Plan;
- vi. Aquatic Fauna Salvage and Relocation Plan;
- vii. Native Frog Salvage Release Plan;
- viii. Landscape and Visual Mitigation Plan.

- 2.4 The WUG Ecology and Landscape Management Plan must as a minimum:
- (a) Be consistent with the objective of the WUG Ecology and Landscape Management Plan (as set out in Condition 2.3);
 - (b) Include maps or visual tools which identify the location and extent of any proposed management and mitigation measures;
 - (c) Include details of monitoring and reporting to the Manager prior to, during and post-construction and operation to determine if the WUG Ecology and Landscape Management Plan objective is being met; and
 - (d) Include details of the roles and responsibilities of key staff responsible for implementing the WUG Ecology and Landscape Management Plan and procedures for training of contractors and other Project staff regarding the WUG Ecology and Landscape Management Plan.
- 2.5 By 30 June each year the Permit holder must engage a suitably qualified and experienced ecologist to prepare an annual Waihi North Ecological and Landscape Monitoring Report that covers activities addressed in the WUG Ecology and Landscape Management Plan for the previous year.

- 2.6 The Waihi North Ecological and Landscape Monitoring Report required by 2.5 above must include:
- (a) A description of the works and other actions envisaged by the WUG Ecology and Landscape Management Plan completed by the Permit holder in the previous twelve months;
 - (b) Where aspects of the WUG Ecology and Landscape Management Plan have not been implemented in accordance with expected timeframes, the reasons why, and the measures that have been taken by the Permit holder to address this;
 - (c) An assessment of the effectiveness of the actions taken to implement the WUG Ecology and Landscape Management Plan in achieving its objective. Where the report identifies that the performance indicators have not been achieved or maintained, the Report must include:
 - i. The reasons why the performance indicators have not yet been achieved;
 - ii. Specific measures that have already been implemented, or are required to be implemented to achieve performance indicators; and
 - (d) Details of any amendments needed to the WUG Ecology and Landscape Management Plan or any other of the other management plans identified in Condition 2.1 to better ensure that the objective and performance indicators will be met.

Advice Note: The Waihi North Ecological and Landscape Monitoring Report will be prepared in conjunction with the Waihi North Ecological and Landscape Monitoring Report prepared in accordance with the resource consent requirements applying to the 'Waihi North Project – Schedule 1: Conditions Common to the Hauraki District Council and Waikato Regional Council Resource Consents'.

- 2.7 If the Department is not satisfied that the actions taken to implement the Waihi North Ecological and Landscape Monitoring Report are achieving the objective of the WUG Ecology and Landscape Management Plan, the Permit holder and the Department shall participate in a collaborative workshop to discuss the levels of achievement, and to identify any measures that are required to be implemented to address any agreed failure to achieve a performance indicator(s).
- In the instance that there is disagreement between the Permit holder and the Department at the conclusion of the collaborative workshop, the process in Conditions 44 and 45 (Dispute Resolution) is to be implemented.

Wharekirauponga Pest Animal Management Plan

- 2.8 The objective of the Wharekirauponga Pest Animal Management Plan is to outline methods that will be used to control mammalian pests at a specified site to address residual ecological effects associated with the Project.
- 2.9 The Wharekirauponga Pest Animal Management Plan must as a minimum:

- (a) Be consistent with the objective of the Wharekirauponga Pest Animal Management Plan (as set out in Condition 2.8);
 - (b) Include a description of the current ecological values and the proposed animal pest management;
 - (c) Include map(s) showing:
 - i. the animal pest management area(s); and
 - ii. control area(s) to be used for comparative monitoring purposes;
 - (d) Detail target pest species;
 - (e) Detail pest animal monitoring protocols;
 - (f) Set out timing and duration of control;
 - (g) Identify performance standards of pest animal control, with targets and thresholds for additional control based on monitoring results; and
 - (h) Provide data management and reporting protocols tied to long-term frog population monitoring, to determine success of the predator control programme.
- 2.10 By 30 June each year the Permit holder must engage a suitably qualified and experienced ecologist to prepare an Annual Pest Management Report that covers activities addressed in the Wharekirauponga Pest Animal Management Plan for the previous year.

Advice Note: The Annual Pest Management Report will be prepared in conjunction with any Annual Pest Management Report prepared in accordance with other approval requirements applying to the Waihi North Project.

- 2.11 The Annual Pest Management Report required by 2.10 above must include:
- (a) A description of the works and other actions envisaged by the Wharekirauponga Pest Animal Management Plan completed by the Permit holder in the previous twelve months, including:
 - i. Maps of control devices/area, labelled by type
 - ii. Summaries of trap catch statistics by species (both target and any non-target catch), including by trap type, trap location, lure type as well as CCI of rats, possums, and CCH for mustelids and feral cats, with comparison to management targets and thresholds for additional control;
 - iii. Summaries of results of toxic control operations, including target species, bait type and bait take;
 - iv. Any trends in the data, such as high-catch/high bait-take locations, the main species caught and comparisons to previous years;
 - v. Incursions and incursion responses within the pest exclusion fence; and
 - vi. Any challenges/issues encountered in undertaking control or monitoring, and how these difficulties were overcome or if they remain ongoing.

- (b) Where aspects of the Wharekirauponga Pest Animal Management Plan have not been implemented in accordance with expected timeframes, the reasons why, and the measures that have been taken by the Permit holder to address this;
 - (c) An assessment of the effectiveness of the actions taken to implement the Wharekirauponga Pest Animal Management Plan in achieving its objective and performance standards. Where the report identifies that the performance standards have not been achieved or maintained, the Report must include:
 - i. The reasons why the performance standards have not yet been achieved;
 - ii. Specific measures that have already been implemented, or are required to be implemented to achieve performance standards and
 - (d) Details of any amendments needed to the Wharekirauponga Pest Animal Management Plan or any other of the other management plans identified in Condition 2.1 to better ensure that the objective and performance standards will be met.
- 2.12 If the Department is not satisfied that the actions taken by the Permit holder are achieving the objective and performance standards of the Wharekirauponga Pest Animal Management Plan, the Permit holder and the Department shall participate in a collaborative workshop to discuss the levels of achievement, and to identify any measures that are required to be implemented to address any agreed failure to achieve a performance standards.
- In the instance that there is disagreement between the Permit holder and the Department at the conclusion of the collaborative workshop, the process in Conditions 44 and 45 (Dispute Resolution) is to be implemented.

Coromandel Forest Park Kauri Dieback Management Plan

- 2.13 The objective of the Coromandel Forest Park Kauri Dieback Management Plan is to provide particle methods to:
- (a) Minimise the risk of PA spreading into and (if present) within the Wharekirauponga catchment by reducing movement of soils;
 - (b) Monitor the health of kauri within the Wharekirauponga catchment along walking tracks and within Sites;
 - (c) Facilitate controlled access to kauri forests where it does not compromise the future or protection of kauri within the context of the Wharekirauponga Exploration Project works.
- 2.14 The Coromandel Forest Park Kauri Dieback Management Plan must as a minimum:
- (a) Be consistent with the objectives of the Coromandel Forest Park Kauri Dieback Management Plan (as set out in Condition 2.13);

- (b) Include maps for visual tools which identify the location and extent of any proposed management and mitigation measures, including identification of which specific Areas within which these measures will occur;
 - (c) Include details of monitoring and reporting to the Manager prior to, during and post-construction and operation to determine if the Coromandel Forest Park Kauri Dieback Management Plan's objective is being met; and
 - (d) Include details of the roles and responsibilities of key staff responsible for implementing the Coromandel Forest Park Kauri Dieback Management Plan and procedures for training of contractors and other Project staff regarding the Coromandel Forest Park Kauri Dieback Management Plan.
- 2.15 All suspected sightings of Kauri Dieback Disease will be reported to the Superintendent – Environment who will then report it to the Manager, the Ministry for Primary Industries and Tiakina Kauri.
- 2.16 By 30 June each year the Permit holder must engage a suitably qualified and experienced ecologist to prepare an annual Coromandel Forest Park Kauri Dieback Monitoring Report that covers activities addressed in the Coromandel Forest Park Kauri Dieback Management Plan for the previous year.
- 2.17 The Coromandel Forest Park Kauri Dieback Monitoring Report required by 2.16 above must include:
- (a) A description of any works and other actions envisaged by the Coromandel Forest Park Kauri Dieback Management Plan completed by the Permit holder in the previous twelve months;
 - (b) Where aspects of the Coromandel Forest Park Kauri Dieback Management Plan have not been implemented, the reasons why, and the measures that have been taken by the Permit holder to address this;
 - (c) An assessment of the effectiveness of the actions taken to implement the Coromandel Forest Park Kauri Dieback Management Plan in achieving its objective
 - (d) Details of any amendments needed to the Coromandel Forest Park Kauri Dieback Management Plan to better ensure that the objective will be met.
- 2.18 If the Department is not satisfied that the actions taken by the Permit holder are achieving the objective of the Coromandel Forest Park Kauri Dieback Management Plan, the Permit holder and the Department shall participate in a collaborative workshop to discuss the levels of achievement, and to identify any measures that are required to be implemented to address any agreed failure to achieve the objective. If there is disagreement between the Permit holder and the Department at the conclusion of the collaborative workshop, the process in Conditions 44 and 45 (Dispute Resolution) is to be implemented.

Commented [A7]: DOC considers there are still fundamental aspects of OGNZL's proposed use of management plans for the purposes of the DOC approvals that remain unclear. Clarification from OGNZL is required before DOC can comment on whether or not the approach is appropriate.

Native Frog Monitoring Plan

- 2.19 The objective of the Native Frog Monitoring Plan is to provide details of the monitoring programme and the proposed pest management mitigation package for the local population of the two native frog species throughout the mine project's life.
- 2.20 The Native Frog Monitoring Plan must as a minimum:
- Be consistent with the objective of the Native Frog Monitoring Plan (as set out in Condition 2.19).
 - Include maps for visual tools which identify the location and extent of any proposed management and mitigation measures.
 - Include details of monitoring and reporting to the Manager prior to, during and post-construction and operation to determine if the Native Frog Monitoring Plan objective is being met; and
 - Include details of the roles and responsibilities of key staff responsible for implementing the Native Frog Monitoring Plan and procedures for training of contractors and other Project staff regarding the Native Frog Monitoring Plan.
- 2.21 By 30 June each year the Permit holder must engage suitably qualified and experienced ecologist to prepare an Annual Leiopelmatid Frog Monitoring Report that covers activities addressed in the Native Frog Monitoring Plan for the previous year. The completed report shall be submitted to the Manager by 31 August each year.

Advice Note: The Annual Leiopelmatid Frog Monitoring Report will be prepared in conjunction with any Annual Leiopelmatid Frog Monitoring Report prepared in accordance with other approval requirements applying to the Waihi North Project.

- 2.22 The Annual Leiopelmatid Frog Monitoring Report required by 2.21 above must include:
- (a) A description of the works and other actions envisaged by the Native Frog Monitoring Plan completed by the Permit holder in the previous twelve months, including:
- the number and biometric data (snout vent length, SVL) and weight (to within 0.1g) of any Archey's or Hochstetter's frogs salvaged and translocated;
 - the release pen (for Archey's frogs), or stream location (for Hochstetter's frogs) that the frogs were released into including release locations and territories/movements of resident and salvaged frogs in each pen; and
 - a clear dorsal photograph for photographic identification of any Archey's Frogs or Hochstetter's frogs salvaged and translocated; and
 - all survey details (climatic conditions, time and date, and search effort) for any Archey's or Hochstetter's frogs salvaged and translocated; and-
 - Number of captured and recaptured individual Archey's frogs at each site/pen and population estimates; and
 - Hochstetter's frog stream transect monitoring results and estimates.

Commented [A8]: DOC considers there are still fundamental aspects of OGNZL's proposed use of management plans for the purposes of the DOC approvals that remain unclear. Clarification from OGNZL is required before DOC can comment on whether or not the approach is appropriate.

Commented [A9]: DOC request an amendment to this condition. This information is useful to describe condition when compared with SVL, so that the condition can be monitored over time.

- (b) Where aspects of the Native Frog Monitoring Plan have not been implemented in accordance with expected timeframes, the reasons why, and the measures that have been taken by the Permit holder to address this;
- (c) An assessment of the effectiveness of the actions taken to implement the Native Frog Monitoring Plan in achieving its objective; and
- (d) Details of any amendments needed to the Native Frog Monitoring Plan to better ensure that objective will be met.

2.23 If the Department is not satisfied that the actions taken by the Permit holder are achieving the objective of the Native Frog Monitoring Plan, the Permit holder and the Department shall participate in a collaborative workshop to discuss the levels of achievement, and to identify any measures that are required to be implemented to address any agreed failure to achieve the objective.

In the instance that there is disagreement between the Permit holder and the Department at the conclusion of the collaborative workshop, the process in Conditions 44 and 45 (Dispute Resolution) is to be implemented.

Native Frog Salvage Release Plan as included in the Wharekirauponga Underground Mine Ecology and Landscape Management Plan

ANNUAL WORK PROGRAMME CONDITIONS

- 2.24 Before undertaking any Activities under this Access Arrangement, the Permit holder will provide to the Manager for the first Annual Work Programme and thereafter annually provide a new Work Programme for the succeeding 12-month period.
- 2.25 The Annual Work Programme will include:
 - (a) A recent aerial photograph or plan at an appropriate scale showing the Mining Permit boundaries and the conservation land boundary and the location of all proposed Activities for the forthcoming 12 months;
 - (b) A description of all Activities including operations, mitigation measures, rehabilitation, weed control, access, monitoring and reporting carried out in the previous 12 months including a table of completed and uncompleted drill sites.
 - (c) A detailed description of all Activities including operations, mitigation measures, rehabilitation, weed control, access, monitoring and reporting intended to be carried out in the following 12 months with an approximate timetable of events.

Commented [A10]: Subject to DOC's general comments about the use of management plans, DOC's position is that Dispute Resolution processes will be not appropriate for resolving matters of compliance with conditions.

Commented [A11]: Subject to DOC's general comments above about the use of management plans, conditions will need to be included to address the Native Frog Salvage release Plan

DOC anticipates that any conditions will need to be consistent with the equivalent conditions in the Wildlife Act approval relating to the Native Frog Salvage Release Plan, which includes the following:

Any current version of the Native Frog Salvage Release Plan must as a minimum:

- a) Remain consistent with the objective of the Native Frog Salvage Release Plan
- b) Identify where any frogs are to be released ("the release site"):
- c) Provide data which confirms the resident frog population at the release site;
- d) Provide data in relation to the location within the pens where salvaged frogs are proposed to be released in relation to resident frog territories.
- e) Explain how the release site is to operate (i.e. multiple release pens and types of pens);
- f) Outline frog salvage methods including transportation methods, transportation timings / durations, frog handling protocols, and release process;
- g) Identify what monitoring is to occur at the release site following the release of frogs at the site, and how this monitoring is to be implemented;
- h) Provide details of how / when the operation and monitoring of the release site is to conclude;
- i) Include details of monitoring and reporting to the Manager prior to, during and post-construction and operation to determine if the Native Frog Salvage Release Plan objective is being met; and
- j) Include details of the roles and responsibilities of key staff responsible for implementing the Native Frog Salvage Release Plan and procedures for training of contractors and other Project staff regarding the Native Frog Salvage Release Plan.
- k) A description of destructive habitat sampling methods and capture of frogs, including all habitat to be searched and dismantled, such as all ground vegetation (eg grasses, ferns mosses), logs (including under and inside logs), rocks, leaf litter, tree crevasses / cracks, ponga crowns etc.e

- (d) A description and analysis of any unexpected adverse effect on the environment that has arisen as a result of Activities within the last 12 months and the steps taken to mitigate or remedy any effects that resulted.
 - (e) The type, colour and registration (if known) of all aircraft to be used for Activities.
 - (f) A detailed description of safety procedures to be put in place to ensure the safety of staff and members of the public at drill sites, vent shafts and helicopter landing/hover sites.
 - (g) Any other information required by other conditions of this agreement.
- 2.26 The Permit holder will undertake all work in accordance with the approved Annual Work Programme.
- 2.27 The Permit holder may, at any time, submit to the Minister for approval an amended Annual Work Programme.
- 2.28 The Manager may require the Permit holder to vary the proposed Annual Work Programme to ensure the Activities are not inconsistent with the conditions of this Access Arrangement. Where required by the Manager the Permit holder will amend the proposed Annual Work Programme accordingly.

GENERAL CONDITIONS

Authorised Activities

- 2.29 Subject to these General Conditions the Permit holder may undertake the Activities listed in Schedule 1 on the Land.
- 2.30 The Permit holder will undertake all Activities in accordance with the Fast-track approvals application lodged by the Permit holder and this Access Arrangement approved by the Ministers, and in the event of inconsistency, the Access Arrangement and Authority to Enter and Operate shall prevail over the application.

Exclusions Conditions

- 2.31 The Permit holder will not undertake the following activities on the land:
- (a) -Exploration operations at any drill site(s) within 400 m of any open section of the Wharekirauponga track during the high visitor period of 23rd December to 6th February (inclusive) excepting those activities required to maintain the security and safety of the drill site(s);
 - (b) Any drilling activity and helicopter activity ~~to service drill sites~~ within 400 m of the Wharekirauponga Track from 1 December to 28 February (inclusive) when the track is open

Commented [A12]: In order to manage effects on the track, any helicopter use associated with activities should be restricted, rather than solely flights to service drill sites only

- (c) Disturb or hinder public use, access or enjoyment of the Land otherwise unaffected by the authorised Activities under this Access Arrangement;
- (d) Conduct onsite processing using any chemicals, other than chemicals required for the safe use of the portable toilets as long as any chemicals required for portable toilets are not separately stored, or discharged on the Land or any other public conservation land;
- (e) Use permanent paint on vegetation or rock for marking purposes;
- (f) Construct any new tracks involving vegetation clearance without prior approval;
- (g) Other than as may be authorised under (f), clear any vegetation outside of the approved drill sites, campsites, helicopter landing areas, vent shafts and pump sites specified in the First Schedule;
- (h) Establish any drill sites, ventilation shaft sites, or any portable drill sites that are not near-stream piezometer sites, within 25 m of the nearest river or stream; or
- (i) Establish any drill sites, ventilation shaft sites, or portable drill sites within 10 m of a natural inland wetland, except for those sites which are established to install wetland monitoring piezometers.

Location of Drill Sites and Vent Shaft / Pump Test Sites

- 2.32 The Permit holder will ensure that a minimum buffer of 30 m is maintained between the location of any drill site and any part of the Wharekirauponga Track ~~that is not closed to public access at the time the drill site is established.~~ For the avoidance of doubt no drill sites will be located within this buffer.
- 2.33 The Permit holder will ensure that a minimum buffer of 250 m is maintained between the location of any vent shaft / pump test site and any part of the Wharekirauponga Track ~~that is not closed to public access at the time the vent shaft/pump test site is established.~~ For the avoidance of doubt no vent shaft / pump test sites will be located within this buffer.
- 2.34 The numbers of drill sites, vent shaft / pump test sites and portable drill rig locations authorised by this Access Arrangement shall not exceed:
 - i. A combined total of 20 exploration and investigative drill sites;
 - ii. Four vent shaft / pump test sites; and
 - iii. 50 portable drill rig locations.
- 2.35 At least 40 working days prior to the establishment of any drill sites, vent shaft / pump test site, portable drill rig sites or water pump sites, the Permit holder must prepare a list of suitable sites based on its technical requirements for the drilling.

Commented [A13]: DOC considers this part of the condition unnecessary as the condition states that no drill sites are to be located within the buffer. DOC intends to reopen the track and if a drill site has been located in the intervening period the intent of this condition (to create a setback of activities from the track) will not be achieved.

Commented [A14]: DOC recommends this is removed. If the track opens at a later date and the vent shaft is there, there is no ability to move it. DOC intends to work towards opening the track, therefore the 250m buffer should be retained regardless given the longevity of the vent shafts.

- 2.36 At least 20 working days prior to clearing vegetation or undertaking drilling or construction activities at any of the sites listed pursuant to Condition 2.354, the Permit holder must:
- a. For drill site locations:
 - i. Undertake ecological surveying in accordance with Conditions 2.442 – 2.529 at any of the sites listed pursuant to Condition 2.354;
 - ii. For those sites which the surveying required by Condition 2.376(a)(i) determines to be suitable for drill site locations, apply the requirements of the *Waihi North Project Site Selection Protocol*, annexed as Attachment 1 to this Access Arrangement; and
 - iii. Prepare a Siting Report which provides:
 - The results of the site assessment undertaken in accordance with the *Waihi North Project Site Selection Protocol*;
 - The locations of the selected sites; and
 - The expected duration of construction and operations at each site; and
 - iv. Submit the Siting Report to the Manager for certification that the *Waihi North Project Site Selection Protocol* has been appropriately applied.
 - b. For vent shaft / pump test sites:
 - i. Select the site location(s) from the list required by Condition 2.354 by first applying the requirements of the *Waihi North Project Site Selection Protocol*, annexed as Attachment 1 to this Access Arrangement; and
 - ii. Prepare a Siting Report which provides:
 - The results of the site assessment undertaken in accordance with the *Waihi North Project Site Selection Protocol*;
 - The locations of the selected sites; and
 - The expected duration of construction and operations at each site; and
 - iii. Submit the Siting Report to the Manager for certification that the *Waihi North Project Site Selection Protocol* has been appropriately applied.
- 2.37 Vegetation clearance, construction or operations at any drill sites or vent shaft / pump test sites must not commence until the corresponding Site Siting Report is certified pursuant to Condition 2.376.a.iii and Conditions 2.376.a.iv and 2.376.b.iii.

Commented [A15]: DOC considers there are still fundamental aspects of concern with OGNZL's proposed use of site selection protocols at drill sites. Clarification from OGNZL and amendments to the protocols is required before DOC can comment on whether or not the approach is appropriate.

Portable Drill Rig Site and Water Pump Site Locations

- 2.38 At least 20 working days prior to clearing vegetation or undertaking drilling or construction activities at any of the portable drill rig sites or water pump sites the Concessionaire must:
- a. Select the site location(s) from the list required by Condition 2.365 by first applying the requirements of the *Waihi North Project Site Selection Protocol*, annexed as Attachment 1 to this Access Arrangement; and
 - b. Prepare a Siting Report which provides:

Commented [A16]: DOC would like confirmation from OGNZL that this process includes the Manager (DOC).

Commented [A17]: DOC considers there are still fundamental aspects of concern with OGNZL's proposed use of site selection protocols at drill sites. Clarification from OGNZL and amendments to the protocols is required before DOC can comment on whether or not the approach is appropriate.

- i. The results of the site assessment undertaken in accordance with the *Waihi North Project Site Selection Protocol*;
- ii. The locations of the selected sites; and
- iii. The expected duration of construction and operations at each site; and
- iv. Submit the Siting Report to the Manager for certification that the *Waihi North Project Site Selection Protocol* has been appropriately applied.

Advice Note: The Siting Report will be prepared in conjunction with the Siting Report prepared in accordance with the resource consent requirements applying to the 'Waihi North Project – Conditions for the Hauraki District Council Land Use Consents'.

- 2.39 At least 10 working days prior to drilling at any portable rig location, or the undertaking of activities at water pump sites, the permit holder must provide the Manager with notice of the GPS information and/or NZTM co-ordinates of the location.

Vegetation Clearance and Site Disturbance Associated with Drill Site Locations

- 2.40 Vegetation clearance and disturbance at each drill site must not exceed 150 m² and must limit ground disturbance and vegetation clearance to that necessary to accommodate the required equipment.

Advice Note: Vegetation clearance associated with drill sites will comprise the clearance of any / all vegetation in the identified areas.

- 2.41 No trees greater than 50 cm diameter at breast height may be removed to accommodate an investigation and exploration drill site.
- 2.42 Prior to undertaking vegetation removal at any proposed drill site the Permit holder will ensure that an ecological survey is undertaken by one or more suitably qualified ecologist(s) (including a suitably qualified herpetologist). The survey(s) will be undertaken over 20 m X 20 m plot(s) centred on the approximately 12 m X 12 m site(s) in accordance with Condition 2.454.
- 2.43 The purpose of the survey(s) undertaken under Condition 2.432 is to provide a description of the wildlife and vegetation present, including all species of flora and fauna present and the number, size (height and diameter at breast height) and estimated age of mature canopy and emergent trees.
- 2.44 Surveys undertaken under Condition 2.432 will be undertaken at least 3 times at night for frogs (i.e. over 3 separate nights) and at least 3 times at night and 3 days for lizards, during climatic conditions that maximise the chance of native frog emergence (warm – at least 12 degrees C, after rain – i.e. ground and understory vegetation must be wet or moist, and little or no wind) and lizards (at least 12 degrees C and fine weather).

- 2.45 If surveys are undertaken during the Archey's frog breeding season (October to February inclusive) when male frogs are not emerging and are thus undetectable and highly vulnerable to disturbance (as are eggs / froglets), and if four or less 'At Risk' or 'Threatened' frogs are found, the site must be fenced (as per the fencing required by Conditions 2.476 and 2.920 and the site resurveyed for an additional night (under environmental conditions outlined in Condition 2.454) outside of the breeding season (March to September inclusive) as per the methodology and climatic conditions detailed in Condition 2.454 to confirm the minimum number of native frogs present. If five or more 'At Risk' or 'Threatened' frogs are found, then Condition 2.487 applies. If survey(s) are undertaken outside of the breeding season (March to September inclusive) as per the methodology and climatic conditions detailed in Condition 2.454 and if four or less 'At Risk' or 'Threatened' frogs are found, then Conditions 2.498 – 2.532 apply. Best practice survey methods will be employed by the suitably qualified ecologist(s).
- 2.46 The Permit holder will erect an exclusion fence within 5 days after the final frog survey (i.e. after the 3rd night). Exclusion fences will be regularly inspected and maintained. If an exclusion fence cannot be erected within 5 days of a survey, then the site will be resurveyed for an additional night (under environmental conditions outlined in Condition 2.454). Once constructed, the integrity of fences will be maintained at all times and a final fence inspection will be completed by the Permit holder no earlier than 2 days before works commence. If the integrity of the fence is not continuously maintained, the fence will be repaired, and the site will be resurveyed for frogs for an additional night (as outlined in Condition 2.465). Sites with fences in place for more than 6 months will also be resurveyed for frogs for an additional night (under environmental conditions outlined in Condition 2.454) to remove any doubt that frogs have accessed the site during this period. If any resurvey occurs when climatic conditions do not maximise the chance for native frog emergence, the Permit holder will seek advice from the Manager on how to proceed, this may include delaying works until surveys can be completed in suitable conditions. Fenced sites with camps and/or rigs on them are exempt from the 6 month re-survey requirement.
- 2.47 If five or more 'At Risk' or 'Threatened' frogs or lizards are found during any ecological survey(s), or one or more northern striped gecko (Toropuku "Coromandel") is found during any ecological survey(s), then the Permit holder shall determine if there is an alternative 20 m X 20 m area within the ecological survey area(s) that is suitable for use as a drill site (i.e. a 20 m X 20 m area where four or less frogs, lizards, or northern striped gecko have been found, and where the boundaries of that 20 m X 20 m area have applied a 3 m buffer from any frog, lizard, or northern striped gecko that has been found within the ecological survey area(s)). If no such alternative 20 m X 20 m area is available, -an alternative site should will be selected.

Commented [A18]: DOC disagree with this amendment. Evidence frogs can move 4-12m. Retain 6m, or undertake a night survey to ensure that retreat site is included in buffer. Also undertake annual survey to assess whether frogs continue to maintain a territory.

2.48 If four or less 'At Risk' or 'Threatened' frogs are found during any ecological survey(s), the Permit holder will mark and record each location with biodegradable flagging tape and GPS to give an error of no more than ± 20 m.

2.49 The Permit holder will impose a minimum buffer of 3 m around any 'At Risk' or 'Threatened' frog found during the ecological survey(s) and select drill site(s) accordingly.

Commented [A19]: As stated above, DOC disagrees with 3 m and states that 4-6m should be retained.

2.50 Within 20 working days of the ecological survey(s) being undertaken, the Permit holder will provide the Manager with written report(s) that include:

- (a) The findings of the full ecological survey(s) required by Condition 2.432, including the GPS information and / or NZTM coordinates of any Archey's frog (*Leiopelma archeyi*) and/or Hochstetter's frog (*Leiopelma hochstetteri*), and / or Coromandel striped gecko (*Toropuku "Coromandel"*) found; and
- (b) A description of systematic search methods used, survey timing (date and time of day) and effort (number of person hours/site and site area in ha), the number of frogs and lizards observed and all biometric data collected (SVL, weight, habitat used etc), weather conditions prior to and at time of survey (at a minimum; mm of rain in the previous 24 hours, mm of rain during time of survey, air temperature, moisture on ground and vegetation (wet, damp or dry) and relative humidity) and a discussion of the results and any limitations to the data.
- (c) The details of the species and individuals found and the NZTM coordinates of the ecological survey site(s) in any situation where 10 or more 'At Risk' or 'Threatened' lizards are found during any ecological survey(s) required by Condition 2.432 and / or found at any drill site.

2.51 Vegetation removed at a drill site must be managed and remediated in accordance with the ELMP-WUG Ecology and Landscape Management Plan – Wharekurauponga Underground Mine.

2.52 Vegetation removal must be undertaken in a manner that minimises the impacts on the surrounding vegetation and uses best practice tree felling techniques, including avoidance of felling of trees into waterways.

Management of 'At Risk' and/or 'Threatened' Herpetofauna during vegetation clearance Associated with Drill Site Locations.

2.53 A suitably qualified and experienced ecologist must be present onsite during any vegetation clearance to survey habitat refugia and undertake any capture for native lizards and frogs in accordance with the protocols set out in the Ecology and Landscape Management Plan.

2.54 If one or more northern striped gecko (*Toropuku "Coromandel"*) or five or more 'At Risk' or 'Threatened' frogs or lizards are found immediately prior to, or during vegetation clearance then all exploration operations at the drill site(s) will immediately cease and alternative site(s) may will be selected.

Commented [A20]: DOC considers that there are still fundamental gaps regarding the salvage protocols within the ELMP. Frogs should be salvaged in accordance with the Frog Salvage and Release Plan. This plan is yet to be provided to DOC.

2.55 If four or less 'At Risk' or 'Threatened' frogs or lizards are found on the proposed drill site(s) immediately prior to, or during vegetation clearance than they will be salvaged and moved to suitable habitat as assessed by the onsite herpetologist. Any 'At Risk' or 'Threatened' frogs, or 'At Risk' or 'Threatened' lizards found during vegetation clearance must be salvaged in accordance with procedures set out in the Ecology and Landscape Management Plan Wharekirauponga Underground Mine (ELMP-WUG) and moved to a pre-prepared pest controlled area. The release site(s) will be at least 100 m away from the drill site(s).

Commented [A21]: DOC considers that the conditions proposed for vent shaft sites provide additional clarity and are more appropriate here.

2.56 The Permit holder must provide the Manager with the details (e.g. weight, length, location) of any northern striped gecko (*Toropuku "Coromandel"*) found and any other 'At Risk' or 'Threatened' frogs or lizards found and relocated and the NZTM coordinates of the release site(s) within 20 working days of the relocation.

2.57 The Permit holder will not reduce the connectivity of the habitat at the location where any 'At Risk' or 'Threatened' frog(s) are found with adjacent undisturbed habitat by more than 25%. A minimum of 50% connectivity shall be retained at any one time.

Commented [A22]: DOC would like to understand the reasoning for this drafting. We consider that a minimum of 50% habitat connectivity needs to be maintained.

2.58 The Permit holder will erect sheer polythene fence(s) around any sump(s) or site(s) containing sump(s). The sheer polythene fence(s) will remain erected until the sump(s) have been removed and the sump site(s) rehabilitated.

2.59 The Permit holder must mark out access routes for access to, and between Drill Sites and thereafter only access sites using the marked routes to access these sites.

Vegetation Clearance and Site Disturbance Associated with Vent Shaft / Pump Test Sites

2.60 Vegetation clearance and disturbance at each vent shaft / pumping test site must not exceed:

(a) 900 m²

and must limit ground disturbance and vegetation clearance to that necessary to accommodate the required equipment.

Advice Note: Vegetation clearance associated with pumping test sites, and ventilation shaft sites will comprise the clearance of any / all vegetation in the identified area.

2.61 Prior to undertaking vegetation removal at any proposed vent shaft / pump test site the Permit holder will ensure that that an ecological survey is undertaken by one or more suitably qualified ecologist(s) (including a suitably qualified herpetologist). The survey(s) will be undertaken over the area of the proposed site, plus a 10 m wide buffer surrounding the site.

2.62 The purpose of the survey(s) undertaken under Condition 2.62⁴ is to provide a description of the wildlife and vegetation present, including all species of flora and fauna present and the

number, size (height and diameter at breast height) and estimated age of mature canopy and emergent trees.

- 2.63 If one or more northern striped gecko (*Toropuku "Coromandel"*) is found during vegetation clearance, then all work on the site clearance must immediately cease and an alternative site should-will be selected.
- 2.64 Vegetation removed at a pumping test / vent shaft site must be managed and remediated in accordance with the Ecology and Landscape Management Plan - Wharekirauponga Underground Mine.
- 2.65 Vegetation removal must be undertaken in a manner that minimises the impacts on the surrounding vegetation and uses best practice tree felling techniques, including avoidance of felling of trees into waterways.

Management of 'At Risk' and/or 'Threatened' Herpetofauna during vegetation clearance Associated with Vent Shaft / Pump Test Sites

- 2.66 A suitably qualified and experienced ecologist must be present onsite during any vegetation clearance to survey habitat refugia and undertake any capture for native lizards and frogs in accordance with the protocols set out in the Ecology and Landscape Management Plan.
- 2.67 Except as required by Condition 2.64³ any 'At Risk' or 'Threatened' frogs, or 'At Risk' or 'Threatened' lizards found during vegetation clearance must be salvaged in accordance with procedures set out in the Ecology and Landscape Management Plan Wharekirauponga Underground Mine (ELMP-WUG) and moved to a pre-prepared pest controlled area.
- 2.68 The Permit holder must provide the Manager with the details (e.g. weight, length, location) of any 'At Risk' or 'Threatened' frogs or lizards found and relocated and the NZTM coordinates of the release site(s) within 20 working days of the relocation.
- 2.69 The Permit holder must mark out access routes for access to, and between Vent Shaft / Pump Test Sites and thereafter only access sites using the marked routes to access these sites.

Management of "At Risk" and/or "Threatened" Flora Associated with Drill Sites, Vent Shaft / Pump Test Sites

- 2.70 Any Pterostylis puberula, Pretrostylis tasmanica or king fern Ptisana salicina, or any other "At-Risk" or "Threatened" flora individuals found when establishing any Drill Site and/or Pump test/Vent Shaft Site must be translocated to a suitable alternative site containing similar light, soil and vegetation community characteristics as determined by a suitably qualified and experienced ecologist. The Manager must be notified of GPS information and/or NZTM coordinates of the transfer location within 20 working days of the transfer having occurred.

Commented [A23]: DOC considers that there are still fundamental gaps regarding the salvage protocols within the ELMP. Frogs should be salvaged in accordance with the Frog Salvage and Release Plan. This plan is yet to be provided to DOC.

Commented [A24]: This condition requires further refinement. Not all flora species in these categories will be able to be translocated with an acceptable degree of confidence in a successful outcome.

Disturbance of Pterostylis puberula, Pretrostylis tasmanica or king fern Ptisana salicina, or any other "At-Risk" or "Threatened" plants to establish any portable rig location must be avoided.

Commented [A25]: The applicant has removed this condition. The Department suggests that this condition is retained. Effects on these species should be first avoided, then translocations occur if unable to avoid.

2.702.71 The transfer of any Pterostylis puberula and/or Pterostylis tasmanica must include a minimum 30cm diameter 'clump' of soil around the roots (to protect root structure and to retain any mycorrhizal associations).

Vegetation Clearance and Site Disturbance Associated with Portable Drill Rig Sites and Water Pump Sites

2.712.72 Vegetation clearance and disturbance at each portable drill rig site or water pump site must not exceed 32 m² and must limit ground disturbance and vegetation clearance to that necessary to accommodate the required equipment.

Advice Note: Vegetation clearance associated with portable drill rig sites and water pump sites does not require tree clearance but will comprise the clearance of any canopy material required to lower equipment into the site via helicopter, and the movement of any on groundcovers, wood debris, and forest duff within the identified area.

2.722.73 Prior to undertaking vegetation removal at any portable drill rig site or water pump site, the Permit holder will ensure that an ecological survey is undertaken by one or more suitably qualified ecologist(s) (including a suitably qualified herpetologist). The survey(s) will be undertaken over the area of the proposed site, plus a 10 m wide buffer surrounding the site.

2.732.74 The purpose of the survey(s) undertaken under Condition 2.742 is to provide a description of the wildlife and vegetation present, including all species of flora and fauna present and the number, size (height and diameter at breast height) and estimated age of mature canopy and emergent trees.

2.742.75 Surveys undertaken under Condition 2.742 will be undertaken once at night for frogs and once at night and once at day for lizards, during climatic conditions that maximise the chance of native frog emergence (warm – at least 12 degrees C, after rain – i.e. ground and understory vegetation must be wet or moist, and little or no wind) and lizards (at least 12 degrees C and fine weather).

2.752.76 If surveys are undertaken during the Archey's frog breeding season (October to February inclusive) when male frogs are not emerging and are thus undetectable and highly vulnerable to disturbance (as are eggs / froglets), and if four or less 'At Risk' or 'Threatened' frogs are found, the site must be fenced (as per the fencing required by Conditions 2.786 and 2.920) and the site resurveyed for an additional night (under environmental conditions outlined in Condition 2.764) outside of the breeding season (March to September inclusive) as per the methodology and climatic conditions detailed in

Condition 2.764 to confirm the minimum number of native frogs present. If five or more 'At Risk' or 'Threatened' frogs are found, then Condition 2.797 applies. If survey(s) are undertaken outside of the breeding season (March to September inclusive) as per the methodology and climatic conditions detailed in Condition 2.764 and if four or less 'At Risk' or 'Threatened' frogs are found, then Conditions 2.8078 – 2.834 apply. Best practice survey methods will be employed by the suitably qualified ecologist(s).

2.762.77 The Permit holder will erect an exclusion fence within 5 days after the frog survey. Exclusion fences will be regularly inspected and maintained. If an exclusion fence cannot be erected within 5 days of a survey, then the site will be resurveyed for an additional night (under environmental conditions outlined in Condition 2.764). Once constructed, the integrity of fences will be maintained at all times and a final fence inspection will be completed by the Permit holder no earlier than 2 days before works commence. If the integrity of the fence is not continuously maintained, the fence will be repaired, and the site will be resurveyed for frogs for an additional night (as outlined in Condition 2.764). Sites with fences in place for more than 6 months will also be resurveyed for frogs for an additional night (under environmental conditions outlined in Condition 2.764) to remove any doubt that frogs have accessed the site during this period. If any resurvey occurs when climatic conditions do not maximise the chance for native frog emergence, the Permit holder will seek advice from the Manager on how to proceed, this may include delaying works until surveys can be completed in suitable conditions. Fenced sites with camps and/or rigs on them are exempt from the 6 month re-survey requirement.

2.772.78 If five or more 'At Risk' or 'Threatened' frogs or lizards are found during any ecological survey(s), or one or more northern striped gecko (Toropuku "Coromandel") is found during any ecological survey(s), then the Permit holder shall determine if there is an alternative 18 m X 13 m area within the ecological survey area(s) that is suitable for use as a drill site (i.e. a 18 m X 13 m area where four or less frogs, lizards, or northern striped gecko have been found, and where the boundaries of that 18 m X 13 m area have applied a 3 m buffer from any frog, lizard, or northern striped gecko that has been found within the ecological survey area(s)). If no such alternative 18 m X 13 m area is available, an alternative site should will be selected.

2.782.79 If four or less 'At Risk' or 'Threatened' frogs are found during any ecological survey(s), the Permit holder will mark and record each location with biodegradable flagging tape and GPS to give an error of no more than + 20 m.

2.792.80 The Permit holder will impose a minimum buffer of 3 m around any 'At Risk' or 'Threatened' frog found during the ecological survey(s) and select drill site(s) accordingly. A minimum of 50% of this buffer shall not be cleared so that the buffer connects with other forested habitat.

Commented [A26]: DOC disagree with this amendment. Evidence frogs can move 4-12m. Retain 6m, or undertake high survey to ensure that retreat site is included in buffer. Also undertake annual survey to ensure that frogs continue to maintain a territory.

Commented [A27]: As stated above, DOC disagrees with 3 m and states that 4-6m should be retained.

2.802.81 Within 20 working days of the ecological survey(s) being undertaken, the Permit holder will provide the Manager with written report(s) that include:

- a. The findings of the full ecological survey(s) required by Condition 2.742, including the GPS information and / or NZTM coordinates of any Archey's frog (*Leiopelma archeyi*) and/or Hochstetter's frog (*Leiopelma hochstetteri*), and / or Coromandel striped gecko (*Toropuku "Coromandel"*) found; and
- b. A description of systematic search methods used, survey timing (date and time of day) and effort (number of person hours/site and site area in ha), the number of frogs and lizards observed and all biometric data collected (SVL, weight, habitat used etc), weather conditions prior to and at time of survey (at a minimum; mm of rain in the previous 24 hours, mm of rain during time of survey, air temperature, moisture on ground and vegetation (wet, damp or dry) and relative humidity) and a discussion of the results and any limitations to the data.
- c. The details of the species and individuals found and the NZTM coordinates of the ecological survey site(s) in any situation where 10 or more 'At Risk' or 'Threatened' lizards are found during any ecological survey(s) required by Condition 2.742 and / or found at any drill site.

2.812.82 Vegetation removed at a portable drill rig site or water pump site must be managed and remediated in accordance with the Ecology and Landscape Management Plan - Wharekirauponga Underground Mine.

Management of 'At Risk' and/or 'Threatened' Herpetofauna during vegetation clearance Associated with Portable Drill Rig Sites and Water Pump Sites

2.822.83 A suitably qualified and experienced ecologist must be present onsite during any vegetation clearance to survey habitat refugia and undertake any capture for native lizards and frogs in accordance with the protocols set out in the Ecology and Landscape Management Plan - Wharekirauponga Underground Mine.

2.832.84 Except as required by Condition 2.797, any 'At Risk' or 'Threatened' frogs, or 'At Risk' or 'Threatened' lizards found during vegetation clearance must be salvaged in accordance with procedures set out in the Ecology and Landscape Management Plan - Wharekirauponga Underground Mine and moved to a pre-prepared pest controlled area.

2.842.85 The Permit holder must provide the Manager with the details (e.g. weight, length, location) of any 'At Risk' or 'Threatened' frogs or lizards found and relocated and the NZTM coordinates of the release site(s) within 20 working days of the relocation.

2.852.86 The Permit holder must mark out access routes for access to portable drill rig sites or water pump sites, and thereafter only access sites using the marked routes to access these sites. Boardwalks must be laid down around all portable drill rig sites to minimise trampling effects.

Commented [A28]: Amendment requested to vegetation clearance conditions. Boardwalks are necessary to reduce trampling effects on herpetofauna.

Management of 'At Risk' and/or 'Threatened' Flora Associated with Portable Drill Rig Site or Water Pump Site Locations

2-862.87 Disturbance of *Pterostylis puberula*, *Pterostylis tasmanica*, ~~or~~ king fern *Ptisana salicina*, or any other "At-Risk" or "Threatened" plants, to establish any portable drill rig location or water pump site must be avoided.

Management of Avifauna Associated with Drill Sites, Vent Shaft / Pump Test Sites, Portable Drill Rig Sites and Water Pump Sites

2-872.88 If vegetation clearance is undertaken in March, trees within the clearance area must be surveyed by a suitably qualified and experienced ecologist for active native bird nests within 24 hours of planned felling. If active bird nests are detected, trees should not be felled until the nest is vacated or it has failed.

Management of Bats Associated with Drill Sites, Vent Shaft / Pump Test Sites, Portable Drill Rig Sites and Water Pump Sites

2-882.89 All vegetation clearance must be undertaken in accordance with the methodology specified in: Protocols for minimising the risk of felling bat roosts (Bat Roost Protocols (BRP)) Version 4: October 2024 approved by the New Zealand Department of Conservation's Bat Recovery Group, or alternative method agreed to in writing by the Manager.

Management of Terrestrial Invertebrates Associated with Drill Sites, Vent Shaft / Pump Test Sites, Portable Drill Rig Sites and Water Pump Sites

2-892.90 Any Paua slug (*Schizoglossa novoseelandica*) and/or 'At Risk' or 'Threatened' invertebrates listed in the Department of Conservation's Threat Classification Lists (<http://www.doc.govt.nz/nztcs>) found during any vegetation clearance, must be salvaged in accordance with procedures set out in the ELMP-WUG and released into similar habitat at least 50 m beyond the site, as recommended by the onsite ecologist.

Fencing Plan

2-902.91 The Permit holder will submit a Fencing Plan to the Manager for approval. The purpose of the Fencing Plan is to set out the procedures to be used to ensure that exclusion fences are constructed and maintained to prevent frogs (and help prevent lizards) from entering sites. The Fencing Plan will:

- (a) Be prepared in consultation with the Manager
- (b) Describe the construction standard and methods that will be used for the construction and maintenance of exclusion fences
- (c) Describe how the exclusion fences will prevent frogs / lizards entering the sites

Commented [A29]: DOC considers there are still fundamental aspects of OGNZL's proposed use of management plans for the purposes of the DOC approvals that remain unclear. Clarification from OGNZL before DOC can comment on whether or not the approach is appropriate.

- (d) Describe a maintenance schedule for the exclusion fences
- (e) Describe the procedures to be used to protect herpetofauna if there are any significant breaches of exclusion fences (e.g. tree fall across/through a fence)

The Permit holder will implement and comply with the Fencing Plan approved by the Manager at all times.

The Manager may request a review of the Fencing Plan and may require the Permit holder to amend the Fencing Plan at any time. The Permit holder will implement and comply with any amendments to the Fencing Plan approved by the Manager.

The Permit holder may, at any time, submit to the Manager for approval an amended Fencing Plan provided that until a variation is approved, activities must be in accordance with the existing Fencing Plan.

Advice Note: The Fencing Plan may be prepared in conjunction with any other fencing plan required in relation to the Waihi North Project.

2.912.92 The Permit holder will erect the frog / lizard exclusion fence (in accordance with the Fencing Plan requirements of Condition 2.939) around the perimeter of the site within 5 days after the final survey or native species translocation (whichever is the latter).

Reporting

2.922.93 Within 20 days of the completion of vegetation clearance at any drill site or vent shaft / pump test site (but not a portable drill rig location) the Permit holder must provide a report prepared by a suitably qualified and experienced ecologist to the Manager which documents how the requirements, where relevant, of Conditions 2.5553 – 2.59, 2.686 – 2.734, 2.74 – 2.84, and 2.8582 – 2.9289 have been addressed.

Water Management

2.932.94 The Permit holder will ensure that all water used for drilling operations is filtered to remove drill cuttings prior to any discharge to the Land.

2.942.95 The Permit holder will ensure that all drill cuttings filtered from water are buried, pumped down the drill hole or removed from the Land.

2.952.96 The Permit holder will ensure that any water discharge from exploration or investigative drilling operations is monitored to ensure it does not enter any waterways.

2.97 The Permit holder will ensure that all sewage is collected and stored in containers and removed from the Land.

Wildlife Act Authority

~~2.962.98~~ The Permit holder must hold an adequate Wildlife Act Authority for any activities associated with this Access Arrangement which involve the catching, holding, or release of wildlife.

Advice Note: An adequate Wildlife Act Authority has been granted to the Permit holder at the same time as this Access Arrangement is granted pursuant to the provisions of the Fast-track Approvals Act 2024.

Rehabilitation

~~2.972.99~~ On completion of operations at any disturbed site, the Permit holder will undertake rehabilitation in accordance with the Vegetation Remediation Plan set out in the ELMP-WUG to the satisfaction of the Manager.

~~2.982.100~~ Rehabilitation activities pursuant to Condition 2.~~10098~~ must include (as applicable):

- (a) Removal of all surface structures and equipment unless otherwise approved by the Manager in writing;
- (b) Capping or plugging each drill hole;
- (c) Backfilling of vent shafts and sealing of shaft collars;
- (d) Re-contouring and stabilisation of any disturbed land;
- (e) Re-spreading any disturbed topsoil, duff, humus and vegetation across the surface of the site to allow natural regeneration;

All rehabilitation shall be completed to the satisfaction of the Manager.

~~2.992.101~~ All trees, at all times, remain the property of the Manager. No trees may be removed from the land.

~~2.1002.102~~ All drill core samples and core sample material will be removed from the Land in their entirety.

Public Access, Awareness and Safety

~~2.1012.103~~ Prior to the commencement of operations at any drill site or vent shaft / pump test site, clear signage and/or markers will be erected around the site to protect against members of the public accidentally accessing the site while operations are occurring.

~~2.1022.104~~ The permit holder will ensure that the hazards associated with the Activities are notified to visitors to the Wharekirauponga Track by placing track notices approved by the Manager at the entrance to the Wharekirauponga Track and at the Kauaeranga Visitor Centre at least two days prior to the commencement of Activities.

Advice Note: The hazard notification required by this condition can be provided with / as part of any other hazard notification requirements which the Permit holder must provide.

Aircraft

~~2.1032.105~~ The Permit holder will ensure that aircraft landing/hovering zones are maintained to ensure public safety. The Permit holder will ensure that notices advising the public of the hazards associated with the helicopter hovers and/or landings are erected on the Land.

~~2.1042.106~~ The Permit holder and any pilot of the aircraft authorised by this Access Arrangement will hold the applicable aviation document and privileges to conduct the Activities under the Civil Aviation Rules and will comply with Civil Aviation law.

~~2.1052.107~~ The Permit holder will ensure that aircraft idle times on the ground are kept to a practicable minimum.

Weed Management

~~2.1062.108~~ The Permit holder will control any exotic weeds present within any drill site or vent shaft / pump test site to the satisfaction of the Manager, during the term of this Access Arrangement and for a period of two years following the completion of Exploration operations under this Access Arrangement.

~~2.109~~ The Permit holder will supply an annual memo/report describing weed control and rehabilitation progress within the sites subject to Condition 2.1~~1007~~, for a period of two years following the completion of Activities under this Access Arrangement.

~~2.1072.110~~ The Permit Holder must undertake pest management in accordance with the Wharekirauponga Pest Animal Management Plan over the Land included in the Wharekirauponga Animal Pest Management Area (WAPMA), as shown in the figure annexed as Attachment 2 to this approval (with the balance of the WAPMA outside this Access Arrangement to be managed under a concession).

Commented [A30]: OGNZL removed this condition from the updated set, as they believe pest management conditions above already cover relevant content. DOC disagrees - the management plan mentions pest control but not requirement to comply with the pest Control MP. No other conditions relating to the pest control activity are within this AA.

Biosecurity Management

~~2.1082.111~~ The Permit holder shall comply with the biosecurity management and kauri dieback management sections of the ELMP-WUG and Coromandel Forest Park Kauri Dieback Management Plan at all times.

Commented [A31]: OGNZL has made no reference to the kauri dieback section of the ELMP. Biosecurity management relates to Myrtle Rust and Didymo only.

~~2.1092.112~~ The Permit holder will ensure that all equipment to be used for the Activities are clean and free of any exotic weed and seed material prior to entry onto public conservation lands.

Commented [A32]: DOC considers there are still fundamental aspects of OGNZL's proposed use of management plans for the purposes of the DOC approvals that remain unclear. Clarification from OGNZL before DOC can comment on whether or not the approach is appropriate.

~~2.1102.113~~ The Permit holder must know the plants that are affected by myrtle rust and what the rust symptoms look like. This serious fungal disease only affects plants in the myrtle (myrtaceae) family which includes pōhutukawa, mānuka, kānuka, and ramarama. See

Commented [A33]: DOC considers OGNZL's use of two management plans for kauri mitigation within the Coromandel Forest Park a duplication and preference is for the Coromandel Forest Park Kauri Dieback Management Plan to cover the Northern concession.

<https://myrtlerust.org.nz/>. If the Permit holder encounters suspected symptoms of myrtle rust, the Permit holder must not touch it and must take the following steps:

- a. Follow the most up to date advice from Ministry for Primary Industry regarding exotic pest and disease protocols;
- b. Take clear photos, including the whole plant, the whole affected leaf, and a close-up of the spores/affected areas of the plant;
- c. Don't touch or try to collect samples as this may increase the spread of the disease;
- d. If accidental contact with the affected plant or rust occurs, bag clothing and wash clothes, bags and shoes as soon as possible.

2.1112.114 The Permit holder must comply with the Ministry for Primary Industry's "Check, Clean, Dry" cleaning method to prevent the spread of didymo (*Didymosphenia geminata*) and other freshwater pests when moving between waterways. "Check, Clean, Dry" cleaning methods can be found at <http://www.biosecurity.govt.nz/cleaning>. The Permit holder must regularly check this website and update their precautions accordingly.

Chytrid fungus

2.1122.115 The Permit holder must adhere to the national Frog Hygiene and Handling Protocol annexed as Attachment 3 to this consent, or any future updates thereof.

Storage and Structures

2.1132.116 The Permit holder will not erect/place on the Land any sheds, containers or similar structures not included in the Annual Work Programme.

Fuel and lubricants

2.1142.117 All fuel must be stored in safe, secure containers / tanks that have secondary containment. This condition does not apply to the use of portable jerry cans which are necessary for refuelling in emergency situations.

2.1152.118 A spill kit must be held at each working area at all times and used immediately should a fuel or lubricant spill occur.

2.1162.119 Any fuel or lubricant spill above ground which is greater than 20 litres must be reported to the Manager at the earliest opportunity, including the amount spilled, remedial action undertaken, and any further actions required to fully remediate the site.

2.1172.120 Only biodegradable drill fluids and lubricants may be used for drilling operations.

Fire and risk management

2.1182.121 A fire extinguisher must be available on site at all times at any fixed camp site and during drilling and/or construction activities at any site.

Waste disposal and toilets

2-1192.122 Self-contained toilets/ "portaloos" must be provided for staff at all times to ensure the containment of human waste.

2-1202.123 All waste and effluent will be removed from the Land and disposed of at an appropriate facility during and upon the completion of the Activities.

Public Access

2-1212.124 The Permit holder will not prevent public access to the Land or parts of the Land unless that land has been closed to the public under the Conservation Act, or with the approval of the Manager in emergency situations, or to meet immediate health and safety management requirements. Where public closure has occurred, the Permit holder is deemed to have been given approval to trespass the public for unlawful entry.

Commented [A34]: Suggest that this is amended to instead refer to being "with the approval of the Manager". DOC can agree to emergency closure or will similarly be seeking to close public conservation land during emergency situations where required

Removal of Material

2-1222.125 Without changing the effect of Condition **4236**, at the completion of the Activities the Permit holder will remove from the site all materials including rubbish, pipelines, equipment and structures associated with the Activities, unless the Manager has given prior written approval for the item(s) to remain.

Historic and Cultural Sites

2-1232.126 The Permit holder will operate in accordance with any Archaeological Authority for the Land.

2-1242.127 In the event that an unidentified archaeological site is located as part of the activities authorised by this consent, the following procedures must be undertaken by the Permit holder:

- (a) All work must cease, and machinery within 20 m of the discovery shut down;
- (b) The Permit holder must notify the Heritage New Zealand Regional Archaeologist;
- (c) If the site appears to be of Māori origin, the Permit holder must also notify the tangata whenua entities listed in d. of the discovery and ensure site access to enable appropriate cultural procedures and tikanga to be undertaken (as long as all statutory requirements under the Heritage New Zealand Pouhere Taonga Act 2014 and the Protected Objects Act 1975 have been met);
- (d) The tangata whenua entities referred to in c. are:
 - Ngāti Hako
 - Ngāti Maru
 - Ngāti Puu
 - Ngāti Tamaterā

- Ngāti Tara Tokanui / Ngāti Koi
- Ngaati Whanaunga
- Ngati Porou ki Hauraki

- (e) If human remains (koiwi tangata) are discovered, the Permit holder ~~er~~ must also advise the New Zealand Police; and
- (f) Works affecting the discovery must not recommence until Heritage New Zealand provides written approval or an archaeological authority has been obtained. Such authorisations must be provided to the Councils.

Except insofar as it relates to koiwi, this condition only applies to those areas not subject to an archaeological authority obtained under the Heritage New Zealand Pouhere Taonga Act 2014.

2.1252.128 The Permit holder must notify the Manager of any historic site, cultural site, and/or object/artefact including koiwi tangata (human remains) or taonga (artefacts/middens) found on the Land.

Minimum Impact Activities and Prospecting activities

2.1262.129 The Permit holder will inform the Manager of dates, duration and location of any minimum impact activities, prior to entering the Land to undertake said activities.

2.1272.130 All rock samples undertaken as part of a minimum impact activity will be obtained through hand-held, non-mechanical methods only and must be under 5 kg in weight.

2.1282.131 There will be no track cutting or vegetation clearance as part of any minimum impact activity.

2.1292.132 The Permit holder will ensure that no minimum impact activity which disturbs the land is conducted at the sides of formed tracks and all disturbed land is restored to a condition consistent with the surrounding environment (so as not to leave an obvious mark on the land).

2.133 Prior to undertaking any minimum impact activities that require repeated access, the Permit holder must designate access routes which are to be used for repeat access. Access to such sites shall only be via the designated routes.

2.134 The Permit holder must ensure that personnel undertaking sampling are accompanied by a qualified herpetologist or staff trained by a qualified herpetologist to search and identify Archey's and Hochstetter frogs, when sampling in known frog habitats

Commented [A35]: Additional conditions have been added from an active MIA issued for this area in October 24.

~~2.130~~2.135 The Permit holder must avoid the following when conducting minimum impact activities:

- (a) Trampling and disturbing rocks and logs in wet areas beside water channels; and
- (b) Sampling from banks where seepages/side streams adjoin a main stream or within stream headwaters or side seepages (breeding habitat).

2.136 The Permit holder when sampling at any sample site shall ensure that :

- (a) at any site where any surface rocks or stones greater than 8cm across; and where any alive or dead vegetation is lying in, or adjacent to the waterway, these shall be carefully moved and the underlying surface checked for the presence of Hochstetter's frogs. If a Hochstetter's frog is found, no sediment sampling shall occur within 5m of the frog;
- (b) All leaf litter shall be removed from each soil sampling location. If an Archey's or Hochstetter's frog is found under the leaf litter, no samples shall be taken within 5m of the frog. The Permit holder must cease the activity immediately and move at least 5 m away before resuming the activity.
- (c) If a frog is accidentally killed, the Permit holder must photograph the frog and inform the Hauraki District Office and then bury the frog on site where found.

Hauraki District staff engagement

2.138 The Manager may require the Permit holder to have on site a Department of Conservation employee, liaison person, agent or contractor appointed by the Manager to oversee any operation or activity on the Land the Manager considers appropriate. Any such appointment and oversight will be at the expense of the Permit holder.

2.139 The Permit holder will have the right to request the Manager in writing to remove and replace any of its personnel if the Permit holder can show reasonable grounds for such removal. The Manager shall make the final decision in respect of the removal of such person or persons

Commented [A36]: Conditions proposed to add clarity and allow DOC to engage a mine liaison or utilise existing staff to monitor operations.

Attachment 1 - Waihi North Project Site Selection Protocol

Attachment 3 - Waihi North Project Site Selection Protocol

Generic Frog Hygiene and Handling Protocol

Commented [A37]: Version as previously provided to OGNZL

Background/aims:

- To minimise any possible spread of chytrid fungus and other pathogens to, within and/or between monitoring sites
- To avoid artificially increasing contact between frogs
- To implement the highest level of hygiene protocol that is effective and practicable in the field

Principles:

- Contamination can be managed/reduced through hygiene.
- New or disposable equipment is not a source of infection.
- Use of disinfectants will kill zoospores on equipment and clothing.
- Use of disinfectants will kill zoospores on footwear which has been first scrubbed clean to remove dirt.
- New or disinfected equipment/clothing/footwear should be used at every new site.
- New or disinfected equipment should be used for each frog, where practicable.
- When working in areas in or near where there are native frogs, hygiene protocols should be followed as if chytrid fungus and ranavirus are present and novel pathogenic organisms may be present

Protocol:

Site hygiene:

- Clean between sites by ensuring that soil and other organic matter is removed from all gear including footwear, gaiters, rainwear, clothing, packs, frog handling/measuring equipment and any other equipment used in the area including storage bins.
- Disinfect between sites including footwear, gaiters, rainwear, clothing, packs, frog handling/measuring equipment and any other equipment used in the area including storage bins (Table 1)
 - All clothing must be freshly laundered using hot water, Sterigene, F10 Veterinary disinfectant or Virkon S (including outer clothing).
 - Apply disinfectant solution either via a soaking spray, a very wet wipe-down solution or submersion to achieve good coverage and the correct contact time.
 - Due to rapid evaporation, alcohol sprays will need to be repeatedly reapplied to ensure the full 2 minute contact time before air drying.
 - Wherever a chemical disinfectant is used (e.g. Sterigene, bleach, F10) this must be rinsed off in clean (tap) water after the appropriate contact time.
 - Plan ahead to allow drying times
- Footwear and gaiters must be cleaned and disinfected at the point of entry to a frog field site.
- Dogs: Clean all soil from within the recesses of the dog's paws and from their coat before entering a site and after leaving. At home, use clean water and a dog-friendly soap or shampoo to thoroughly wash all soil off the dog's paws and coat. Dermcare Malaseb shampoo (antifungal and antibacterial dog shampoo, available from vets) can be used prior to entering high conservation value sites. Follow product label directions for use.

Frog handling hygiene:

- A new glove(s) must be used for catching and handling each frog (the same glove can be re-used on the same frog if that glove remains isolated from other frogs and/or their body fluid).
- Each frog must be held in a separate plastic bag (one plastic bag is used per capture and then disposed of).
- Each frog must be weighed and measured in the plastic bag.
- If frogs are too small to be measured in a plastic bag then callipers should be disinfected between frogs using alcohol wipes.
- A new stage platform cover must be used for photographing each frog.
- All stage platform covers must be soaked in 70% ethanol for 2 minutes and air dried between frogs.
 - covers are disinfected daily, sufficient covers must be available for each night so that a clean one can be used for each frog
 - if there are not sufficient covers then they must be cleaned with alcohol wipes.
- The mirror stage must be disinfected with either 70% ethanol (contact time at least 2 minutes, then air dried) or Sterigene or similar product (rinsed thoroughly and air dried) between sites and wiped with alcohol wipes or 70 % ethanol between successive nights at the same site.
- Alcohol wipes must contain 70% alcohol (either ethanol or isopropyl alcohol) and 30% water. Wipe surface for 2 minutes (more than one alcohol wipe may be needed if the first

dries). Some alcohol wipes have other additives which will remain when the surface is dried and which are toxic to frogs - these must not be used.

- Minimise handling time to reduce stress and to avoid side effects of stress.
- Sick or dead frogs should be collected and held separately from all other frogs until delivered to the appropriate recipient. All equipment should be thoroughly cleaned and disinfected after use.
- Wherever a chemical disinfectant is used (e.g. sterigene, bleach, F10) this must be rinsed off after the disinfection time. Ethanol can be air dried.



Table 1: Disinfection strategies for frog field studies (minimum times and concentrations) that will kill chytrid fungus and ranavirus

<u>Purpose</u>	<u>Disinfectant</u>	<u>Concentration</u>	<u>Mix</u>	<u>Time</u>	<u>Rinse required</u>	<u>References</u>
<u>Disinfecting cloth (e.g. clothing, cloth bags)</u>	<u>Sterigene</u>	<u>50mL per 4 kg laundry load (do not use detergent, do not overfill)</u>		<u>Normal wash time</u>	<u>Yes</u>	<u>6 (Product label)</u>
	<u>Hot Wash and complete drying</u>	<u>60°C or greater</u>		<u>15 minutes</u>	<u>No</u>	<u>3</u>
<u>Disinfecting footwear</u>	<u>Sodium hypochlorite (household bleach, 4% concentration)</u>	<u>0.5%</u>	<u>5ml bleach in 1 litre water</u>	<u>1minute</u>	<u>Yes</u>	<u>2,3,4</u>
	<u>Sterigene (Trigene)</u>	<u>1%</u>	<u>10ml in 1 litre water (1:100)</u>	<u>1 minute</u>	<u>Yes</u>	<u>3,5, Product label</u>
	<u>F10 Veterinary disinfectant</u>	<u>1%</u>	<u>10ml in 1 litre water (1:100)</u>	<u>1 minute</u>	<u>Yes</u>	<u>3,5, Product label</u>
	<u>Virkon S¹</u>	<u>1%</u>	<u>10g virkon in 1 litre water</u>	<u>1 minute</u>	<u>Yes</u>	<u>2,3,4, Product label</u>
<u>Disinfecting collection equipment, instruments</u>	<u>Sodium hypochlorite (household bleach, 4% concentration)</u>	<u>0.5%</u>	<u>5ml bleach in 1 litre water</u>	<u>1minute</u>	<u>Yes</u>	<u>2,3,4</u>

¹ WARNING – Virkon is a corrosive substance which will corrode gear over time!

<u>and containers</u>	<u>Sterigene (Trigene)</u>	<u>1%</u>	<u>10ml in 1 litre water (1:100)</u>	<u>1 minute</u>	<u>Yes</u>	<u>3.5. Product label</u>
	<u>F10 Veterinary disinfectant</u>	<u>1%</u>	<u>10ml in 1 litre water (1:100)</u>	<u>1 minute</u>	<u>Yes</u>	<u>3.5. Product label</u>
	<u>Virkon S¹</u>	<u>1%</u>	<u>10g virkon in 1 litre water</u>	<u>1 minute</u>	<u>Yes</u>	<u>2,3,4. Product label</u>
	<u>Ethanol (including alcohol wipes)</u>	<u>70%</u>	<u>Apply liberally</u>	<u>2 minutes</u>	<u>Air dry</u>	<u>1,3,4</u>
	<u>Isopropyl alcohol (including alcohol wipes)</u>	<u>70%</u>	<u>Apply liberally</u>	<u>2 minutes</u>	<u>Air dry</u>	<u>1</u>
	<u>Heat</u>	<u>60°C or greater</u>		<u>15 minutes</u>	<u>No</u>	<u>1</u>

Notes

- Salt solution is not effective on either chytrid fungus or ranavirus
- Leaving gear to dry is only effective against chytrid fungus not ranavirus
- Give everything a good spray, not just a sprinkle
- Items can be rinsed in clean (tap) water after the appropriate contact time, but it is important that they are left to dry thoroughly
- The activity of household bleach begins to reduce once diluted, so this solution must be made fresh each day. Other solutions will last longer after dilution; refer to the manufacturer's instructions. Use alcohol from a small sealed container and replace regularly. Check expiry dates on the concentrated products and don't use expired disinfectants
- Concentration is important. Diluting products to the correct concentration is key to its efficacy.

References

1. Ranavirus: Brunner, J, Sesterhenn, T (2001) Disinfection of Ambystoma tigrinum virus (ATV) Froglog 48, 2

2. [Bryan LK, Baldwin CA, Gray MJ, Miller DL. Efficacy of select disinfectants at inactivating Ranavirus. Dis Aquat Organ. 2009 Apr 6;84\(2\):89-94. doi: 10.3354/dao02036. PMID: 19476278.](#)
3. [CHHWG \(2017\) Canadian Herpetofauna Health Working Group. 2017. Decontamination Protocol for Field Work with Amphibians and Reptiles in Canada. 7 pp + ii. <http://www.cwhc-rcsf.ca/docs/HHWG%20Decontamination%20Protocol%202017-05-30.pdf>](#)
4. [Van Rooij P, Pasmans F, Coen Y, Martel A \(2017\) Efficacy of chemical disinfectants for the containment of the salamander chytrid fungus Batrachochytrium salamandrivorans. PLoS ONE 12 \(10\): e0186269. Efficacy of chemical disinfectants for the containment of the salamander chytrid fungus Batrachochytrium salamandrivorans | PLOS ONE](#)
5. [Webb R., Mendez D., Berger L. & Speare R. \(2007\). Additional disinfectants effective against the amphibian chytrid fungus Additional disinfectants effective against the amphibian chytrid fungus Batrachochytrium dendrobatidis - PubMed \(nih.gov\)](#)
[Batrachochytrium dendrobatidis. Dis Aquat Org. 74, 13-16. Wildlife Health Australia factsheet. Ranavirus in Australian Amphibians 2016. Ranavirus in wild Australian amphibians.pdf \(\[wildlifehealthaustralia.com.au\]\(http://wildlifehealthaustralia.com.au\)\)](#)
6. [Sterigene MDS Microsoft Word - STERIGENE MDS Info \(\[cwnl.co.nz\]\(http://cwnl.co.nz\)\)](#)
7. [Ranavirus: ranavirusesinfection-with.pdf \(\[woah.org\]\(http://woah.org\)\)](#)
[Chytrid fungus: Fungicidal effects of chemical disinfectants, UV light, desiccation and heat on the amphibian chytrid Batrachochytrium dendrobatidis - PubMed \(nih.gov\)](#)

SITE SELECTION PROTOCOL FOR THE LOCATION OF DRILL SITES, PUMPING TEST / VENTILATION SHAFT SITES, PORTABLE DRILL RIG SITES, AND WATER PUMP SITES

DOC marked up version, 11 August 2025

OVERVIEW

This document outlines the protocol which will be used by OceanaGold New Zealand Limited (**“the Consent Holder”**) to select the location of up to eight exploration drill sites, twelve investigative drill sites, up to four pumping test / ventilation shaft sites, up to fifty portable drill rig sites, and water pump sites at the proposed Wharekirauponga Underground Mine (**“WUG”**), located within the Coromandel Forest Park as part of the Waihi North Project (**“WNP”**).

The site selection protocol only applies to sites that are eligible for consideration in accordance with the conditions attaching to the Waihi North Project Wharekirauponga Access Arrangement and the Waihi North Project Northern Area Concession.

This protocol follows a cascading management approach whereby:

- > A short list of suitable drill sites will be selected based on the Consent Holder’s technical requirements;
- > A short list of suitable ventilation shaft sites will be selected based on the Consent Holder’s technical requirements.
- > A short list of suitable portable drill rig sites will be selected based on the Consent Holder’s technical requirements; and
- > A short list of suitable water pump sites will be selected based on the Consent Holder’s technical requirements.

Shortlisted sites will then be subject to a multicriteria assessment (**“MCA”**), which will evaluate each potential site against ecological, freshwater, landscape, heritage and recreational criteria. The final eight investigative drilling sites, four ventilation shaft sites, fifty portable drill rig sites, and water pump sites will be selected based on the outcomes of the MCA. This protocol will ensure that selected sites meet the Consent Holder’s technical requirements, whilst minimising adverse effects on the environment.

Commented [A1]: DOC considers that the proposed site selection protocol will not adequately address potential impacts on frogs and lizards. DOC recommends that the site selection protocol would benefit from expert conferencing to agree on the appropriate methodology to avoid, remedy and mitigate these impacts – all of which are canvassed in the respective reports.

SHORT-LIST SITE IDENTIFICATION–

The Consent Holder shall create a short list of options for drill sites, ventilation sites, portable drill sites, and water pump sites which meet engineering and geotechnical requirements.

The Consent Holder shall assess each of the shortlisted sites against the MCA (set out below) to inform the final site selection.

Note: all sites must meet engineering and geotechnical requirements in order to fulfil their intended function. For ventilation sites in particular, it is recognised that engineering and geotechnical requirements may result in a low number of potential options.

MULTICRITERIA ASSESSMENT

The following assessment shall be used for drill sites and ventilation shafts.

Once the Consent Holder has established a shortlist of drill sites, ventilation shaft sites, portable drill sites, and/or water pump sites, it shall convene a team of appropriately qualified and experienced experts to undertake the MCA evaluation for each site.

The MCA will guide the Consent Holder's selection of up to eight exploration drill sites, twelve investigative drill sites, up to four ventilation shaft sites, up to fifty portable drill sites, and up to six water pump sites (two associated with exploration and four associated with tunnel alignment) at locations which meet engineering and geotechnical requirements in order to fulfil their intended function and best achieve the outcomes set out below.

Multicriteria Assessment Outcomes

Terrestrial Fauna

- > The loss of 'At Risk' or 'Threatened' herpetofauna is avoided;
- > The loss of 'At Risk' or 'Threatened' terrestrial invertebrates is avoided;
- > The removal of trees where bats are actively roosting is avoided; and
- > The removal of trees in which birds¹ are actively nesting is avoided.

Terrestrial Flora

- > The loss of 'At Risk' or 'Threatened' flora is avoided;
- > The loss of mature trees (trees that are greater than 50 cm in diameter at breast height (1.4 m above ground level)) is minimised where practicable; and
- > Preference is given to sites where trees can be trimmed or tied back in such a way as to minimise felling.

Freshwater Values

- > Sites selected are located as far from surface waterbodies (including natural inland wetlands) as is reasonably practicable; and
- > The loss of riparian vegetation within 20 m of a waterway is minimised where practicable.

Landscape and Visual Amenity Values

- > Sites selected can be visually contained, including any consequent plume from ventilation shafts, and assimilated into the environment so that they are reasonably difficult to see.

Once work has been completed, selected sites can be successfully rehabilitated to ensure that long term landscape and visual effects are avoided.

Heritage and Cultural Values

- > Disturbance to, or interference with listed or known heritage features and / or sites is avoided.
- > Archaeological features and features of particular significance to iwi are avoided.

The Consent Holder must engage a suitably qualified and experienced archaeologist to assess if there are any known archaeological or other historic heritage features, or a likelihood of unidentified archaeological or other historic heritage features within 500m of the shortlisted investigative drill sites and **ventilation** shaft sites.

Recreation Values

- > Sites selected are located as far away as is practicable from the Te Wharekirauponga Track.

Multicriteria Assessment Tool

A red / amber / green (“**RAG**”) MCA tool will be utilised to guide decision-making. The assessment tool has three rankings, based on the level of adverse effect anticipated for each criterion, noting that the grading is relative to the other effects, not absolute:

Lower effects	Moderate effects	Higher effects
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The criteria for assessing each value set is set out in **Table 1**.

Table 1: MCA Assessment Tool.

Criteria	Lower effects	Moderate effects	Higher effects
Terrestrial Fauna			
Habitat value for native frogs	<20 % cover of kiekie and / or fern species	≥20 %, ≤50% cover of kiekie and / or fern species	>50 % cover of kiekie and / or fern species
‘At Risk’ and / or ‘Threatened’ terrestrial invertebrates	No ‘At Risk’ and / or ‘Threatened’ terrestrial invertebrates are found on site.	‘At Risk’ and / or ‘Threatened’ terrestrial invertebrates are found on site, but can be salvaged and moved to suitable habitat at least 50m away from the drilling and / or ventilation shaft site (as assessed by a suitably qualified entomologist).	At Risk’ and / or ‘Threatened’ terrestrial invertebrates are found on site, and cannot be salvaged and moved to suitable habitat at least 50m away from the drilling and / or ventilation shaft site (as assessed by a suitably qualified and experienced ecologist).
Bat roosts	No trees with bat roost characteristics identified on site (as assessed by suitably qualified zoologist).	Trees with bat roost characteristics identified on site, but no bats are found to be currently roosting in the tree (as assessed by a suitably qualified ecologist).	Trees with bat roost characteristics identified on site, with signs that bats are currently roosting in the tree (as assessed by a suitably qualified ecologist).
Nesting birds	No active bird nests detected on site (as assessed suitably qualified ecologist).	-	Active bird nests detected on site (as assessed by a suitably qualified ecologist).
Indigenous Terrestrial Flora			
‘At Risk’ and / or ‘Threatened’ flora NB This does not include kauri and Myrtaceae species (classified as ‘Threatened - Nationally Vulnerable’ or ‘At Risk – Declining’ in response to disease risk.)	No ‘At Risk’ and / or ‘Threatened’ flora identified is on site (as assessed by suitably qualified botanist).	‘At Risk’ and / or ‘Threatened’ flora identified is on site, but can be readily translocated to a suitable alternative site containing similar light, soil and vegetation community characteristics (as determined by a suitably qualified botanist), or retained on site by bending back without cutting.	‘At Risk’ and/ or ‘Threatened’ flora identified on site, and cannot be readily translocated to a suitable alternative site containing similar light, soil and vegetation community characteristics (as determined by a suitably qualified botanist), or retained on site by bending back without cutting.
Removal of mature trees	No removal of trees greater than 50 cm in diameter at breast height is required.	Removal of <=4 trees greater than 50 cm in diameter at breast height is required.	Removal of >4 trees greater than 50 cm in diameter at breast height required.
Freshwater			
Proximity to rivers and streams	Site is more than 100 m from nearest river or stream.	Site is between 50-100 m from nearest river or stream.	Site is less than 50m from nearest river or stream.
Proximity to wetland	Site is more than 100 m from nearest wetland.	Site is between 10 - 100 m from a wetland.	Site is within or within 10 m of a wetland. ²
Riparian vegetation	No riparian vegetation removal required.	Minimal riparian vegetation removal is required.	More than minimal riparian vegetation removal is required.

² NB: Resource Consent will be required under the NES-Freshwater for any earthworks or land disturbance within, or within a 10 m setback from, a natural inland wetland, or outside a 10 m, but within a 100 m, setback from a natural inland wetland results, or is likely to result, in the complete or partial drainage of all or part of the wetland

Criteria	Lower effects	Moderate effects	Higher effects
Landscape and Visual Amenity			
Visibility	Site cannot be seen from any formal walking track or viewpoints beyond the Coromandel Forest Park.	Site can partially be seen from any formal walking track or viewpoints beyond the Coromandel Forest Park.	Site can be clearly seen from any formal walking track or viewpoint beyond the Coromandel Forest Park.
Heritage			
Heritage features/Cultural	No heritage or cultural features and / or sites are identified within 500m of the site.	Heritage/cultural features and / or sites are identified within 500m of site, but outside the proposed site footprint.	Heritage/cultural features and / or sites are identified with the proposed site footprint.
Recreation			
Proximity to recreational tracks	Site is at least 750 m from nearest formal walking track.	Site is between 400 -750 m from nearest formal walking track.	Site is within 400 m of nearest formal walking track.
Proximity to <i>Waikato Conservation Management Strategy</i> recreation remote zones	Site is more than 500 m outside of a recreation remote zone.	Site is within 500 m of a recreation remote zone.	Site is within a recreation remote zone.