

WAIHI NORTH PROJECT - PROPOSED WHAREKIRAUPONGA ACCESS ARRANGEMENT CONDITIONS

Commented [MD1]: Amendments linked throughout in response to DOC comments

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 Site 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 ~~of~~for Resources.

"Parties" means the Minister of Conservation, the Minister ~~of~~for 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.

~~"Portable Rig Site" means any location at which a man-portable drilling rig is used for any purpose.~~

"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).

~~"Vent Shaft / Pump Test Site" means a site used for constructing a vent shaft or undertaking a pumping test.~~

~~"Water Pump Site" means any site where a water pump is situated to pump water from a stream.~~

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) \$XXXX + 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;

[Plus, any of the following examples as appropriate to mining or drilling operations, delete where not:]

- (b) \$XXXX + GST per hectare of land disturbed by mining and mining operations;
- (c) \$XXXX + GST as a one-off fee per campsite and/or helicopter landing area utilised on the Land where vegetation is damaged or cleared;
- (d) \$XXXX + GST per new ~~drill site~~Drill Site;Drill Site;
- (e) \$XXXX + GST per reuse of an existing ~~drill site~~Drill Site where regenerating vegetation is damaged or cleared;
- (f) \$XXXX + GST per ~~drill site~~Drill Site, per individual tree cleared/felled at that site is equal to or less than 10cm DBH; and
- (g) \$XXXX + GST per ~~drill site~~Drill Site, per individual tree cleared/felled at that site is equal to or greater than 10cm DBH and less than 30cm DBH; and
- (h) \$XXXX + GST per ~~drill site~~Drill Site, per individual tree is cleared/felled at that site is equal, or greater than 30cm DBH and less than 40cm DBH; and
- (i) \$XXXX + GST per ~~drill site~~Drill Site, per individual tree cleared/felled at that site is equal, or greater than 40cm DBH and less than 50cm DBH; and
- (j) \$XXXX + GST per ~~drill site~~Drill Site, per individual tree cleared/felled at that site is equal to, or greater than 50cm DBH; and
- (k) \$500.00 + GST as a one-off annual fee 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.

The permit holder will survey each ~~prospective drill site~~[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~~[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

All compensation amounts are to be reviewed annually for changes in the consumer price index (CPI) an 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 3(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

4. 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

5. 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~~

(c)(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.

6. 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

7. The Permit holder will not enter in or on to the Land for the purpose of commencing exploration, mining or 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 an Annual Work Programme in accordance with Condition 2.24 in the Second Schedule; and
 - (c) Any payments referred to in Conditions 3, 4, 5, 6, 17 and 21 which are due and owing have been paid; and
 - (d) The Manager has approved the plans required to be submitted by Condition 7(b) and has issued the Permit holder with an Authority to Enter and Operate as provided by Condition 9.
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.
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:
- (a) A copy of the insurance policies and the premium payment receipts and guarantees or bonds as required in Conditions 20 and 21;
 - (b) A copy of the Mining permit granted pursuant to section 25 of the Crown Minerals Act 1991; and
 - (c) 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.

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.
11. A breach or failure to comply with the requirements of the documents referred to in Condition 7(d)9, 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.
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).
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 10.
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.
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 [Condition 12the Access Arrangement](#) have been submitted.

INDEMNITIES

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.
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.

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.
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

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 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.

BONDS

Commented [MD2]: DOC have proposed changes to conditions related to insurance, requiring OGL to hold aviation liability. Suggested changes by DOC are shown in green strikethrough. Existing conditions are shown in green.

The existing conditions related to insurance are deemed to be adequate.

Changes have not been accepted.

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;~~
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.~~

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 **\$[TBA]**.

28. 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]**.
29. 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.

Commented [MD3]: DOC have proposed changes to bond requirements. Suggested changes by DOC are shown in green strikethrough. Existing conditions are shown in green.

The bond conditions from the existing AA are deemed to be adequate.

Changes have not been accepted.

30. 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

31. 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 2.122;
- (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 2.126.

PROTECTION OF THE ENVIRONMENT

32. 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 taturu (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 [Manager and Secretary of Internal Affairs](#)[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 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.
35. The Permit holder will submit to the Minister of Conservation a copy of any application lodged with the Minister [of 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.
36. 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.
37. 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

38. 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.

39. 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

40. 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

41. 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

42. 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.

42-43. [Notwithstanding Condition 40, termination of this Access Arrangement will not release the Permit holder from liability in respect of any breach of this Access Arrangement.](#)

43-44. 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.

~~44-45.~~ 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

~~45-46.~~ 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.

~~46-47.~~ 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.

~~47-48.~~ 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]

~~48-49.~~ The Minister ~~of for~~ 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;



~~49-50.~~ 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

~~50-51.~~ The parties agree to negotiate in good faith to resolve any differences which arise in connection with this Access Arrangement.

~~51-52.~~ Failing resolution in accordance with Condition ~~44~~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

~~52-53.~~ 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.

~~53-54.~~ 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.

~~54-55.~~ 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.

~~55-56.~~ 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.

~~56-57.~~ 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.

~~57-58.~~ 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 7(b).

58-59. Any transfer of the Land to a purchaser transfers to that purchaser [the rights and obligations](#) subject to this Access Arrangement.

59-60. 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.

60-61. 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.

61-62. 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.

62-63. 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.

63-64. 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.

~~64-65.~~ 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.

~~65-66.~~ 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.

~~66-67.~~ 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.

~~67-68.~~ 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.

~~68-69.~~ 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 at public conservation land](#) within Mining Permit 60541, as shown in Figure 1, [to undertaken the activity described in 1.2. No activities are permitted to occur within the Otahu Dedicated Area or the Parakiwai Geological Area.](#)

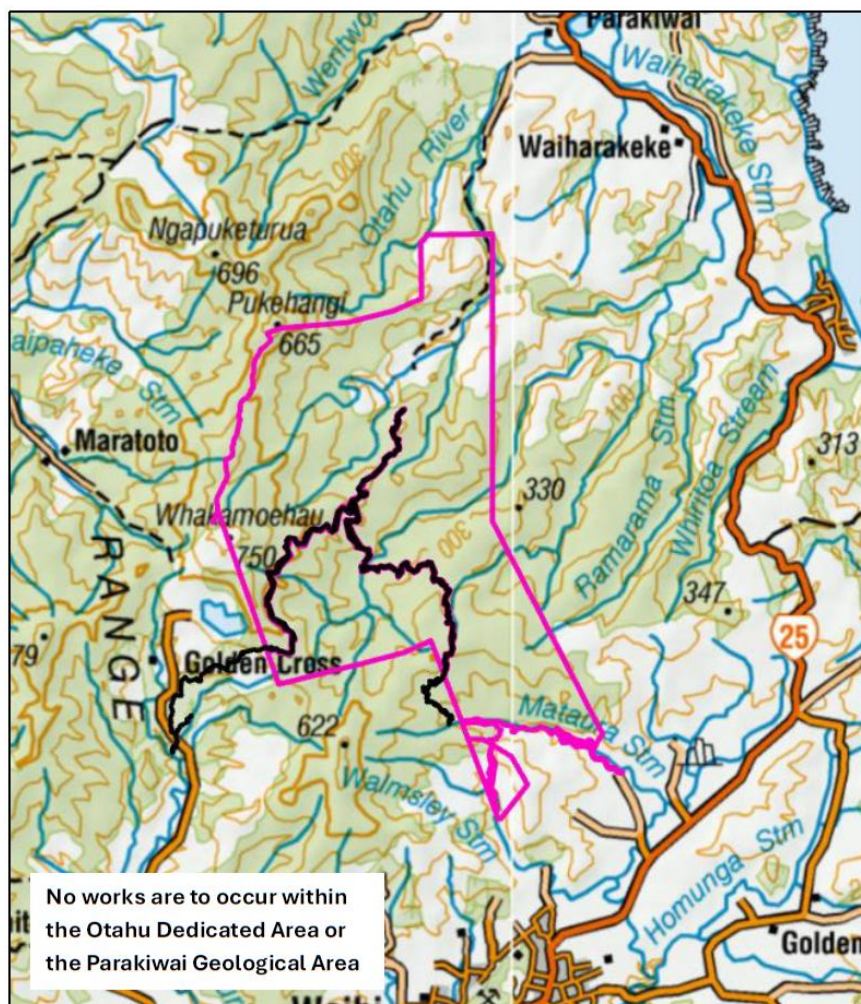


Figure 1: Access Arrangement Area (shown in pink, road reserve shown in black), encompassing all public conservation land within MP60541.

1.2 The Activities authorised by this Access Arrangement are:

- (a) Exploratory and investigative drilling activities, including;
 - i. Ongoing use of nine existing [drill-site](#) [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 Sites	50	Minimal clearance i.e. canopy trimming	
Total clearance			6,600 m²

- (c) Continued use of existing meteorological monitoring station, rain gauges, track counter and dust monitor installed.
- (d) Permeability testing in new piezometer holes.
- (e) The establishment of up to ten river pump sites for abstracting surface water (three of which are already existing).
- (f) The use of bores for abstracting groundwater (including groundwater sampling).
- (g) Continued undertaking of water quality sampling.
- (h) [The use of up to six drill rigs concurrently of which a maximum of five may be platform-based rigs \(the balance \(one\) being portable rig\(s\)\).](#)
- (i) Installation of piezometers in any existing or new boreholes and continued use of existing piezometers (including maintenance and replacement as necessary).

Commented [MD4]: Added for consistency across approvals.

- (j) Ongoing use of one camp site and two helipads (both existing).
- (k) The use of any new or existing [drill site](#) [Drill Site](#) or [Vent Shaft / Pumping Test Sites](#) [pumping test / vent raise site](#) to accommodate fixed camp facilities, with a maximum of six camps established at any given time.
- (l) The use of any new or existing [drill site](#) [Drill Site](#) or pumping test / vent raise site to accommodate a helipad, with a maximum of four helipads established at any given time.
- (m) Helicopter access throughout the life of the mine and post-closure period for equipment lifting and personnel access.
- (n) Installation of two piezometers at each of a maximum of [86](#) 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 [native](#) 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
Adams 9	1849853	5869173
Adams 10	1849859	5869131
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
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(c) Near stream piezometers (note that other existing and proposed piezometer locations at any existing or future [drill site](#) [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 I 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 G8A—G8C 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.
- (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.

ANNUAL WORK PROGRAMME CONDITIONS

[2-82.1](#) 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.

[2-92.2](#) 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, [pest management](#), rehabilitation, weed control, access, monitoring and reporting carried out in the previous 12 months including a table of completed and uncompleted [drill-site](#) [Drill Sites](#).
- (c) A detailed description of all Activities including operations, mitigation measures, [pest management](#), rehabilitation, weed control, access, monitoring and reporting intended to be carried out in 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 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 Shaft / Pump Test Sites](#) [vent shafts](#) and helicopter landing/hover sites.
- (g) Any other information required by other conditions of this agreement.

[2.102.3](#) The Permit holder will undertake all work in accordance with the approved Annual Work Programme.

[2.112.4](#) The Permit holder may, at any time, submit to the Minister for approval an amended Annual Work Programme.

[2.122.5](#) 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

[2.132.6](#) Subject to these General Conditions the Permit holder may undertake the Activities listed in Schedule 1 on the Land.

[2.142.7](#) 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

[2.152.8](#) The Permit holder will not undertake the following activities on the land:

- (a) ~~Exploration operations at any [drill-site](#) 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](#) site(s);~~
- (b) ~~Any~~ drilling activity and helicopter activity to service [drill-site](#) sites within 400 m of the Wharekirauponga Track from 1 December to 28 February (inclusive) when the track is open.
- (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-site~~Drill Sites, campsites, helicopter landing areas, ~~Vent Shaft / Pump Test Sites~~, ~~Portable Rig Sites~~vent shafts and pump sites specified in the First Schedule;
- (h) Establish any ~~drill-site~~Drill Sites, ~~Vent Shaft / Pump Test Site~~ventilation shaft sites, or any ~~Portable Rig Sites~~portable drill sites that are not near-stream piezometer sites, within 25 m of the nearest river or stream; or
- (i) Establish any ~~drill-site~~Drill Sites, ~~Vent Shaft / Pump Test Site~~ventilation shaft sites, or ~~Portable Rig Sites~~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, ~~Portable Rig Sites and Water Pump Sites~~

~~2-162.9~~ The Permit holder will ensure that a minimum buffer of 30 m is maintained between the location of any ~~drill-site~~Drill Site or ~~Portable Rig Site~~ and any part of the Wharekirauponga Track ~~that is not closed to public access at the time the drill site or Portable Rig Site is established~~. For the avoidance of doubt no ~~drill-site~~Drill Sites or ~~Portable Rig Sites~~ will be located within this buffer.

~~2-172.10~~ The Permit holder will ensure that a minimum buffer of 250 m is maintained between the location of any ~~Vent Shaft / Pump Test Site~~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~~vent shaft / pump test sites will be located within this buffer.

~~2-182.11~~ The numbers of ~~D~~drill Sites, ~~Vent Shaft / Pump Test Sites~~vent shaft / pump test sites and ~~P~~portable ~~drill Rig Sites~~locations authorised by this Access Arrangement shall not exceed:

- i. A combined total of 20 exploration and investigative ~~drill-site~~Drill Sites;
- ii. Four ~~Vent Shaft / Pump Test Sites~~vent shaft / pump test sites; and
- iii. 50 ~~Portable Rig Sites~~portable drill rig locations.

~~2-192.12~~ At least 40 working days prior to the establishment of any ~~drill-site~~Drill Sites, ~~Vent Shaft / Pump Test Site~~vent shaft / pump test site, ~~Portable Rig Sites~~portable drill rig sites or ~~water pump-site~~Water Pump Sites, the Permit holder must prepare a list of suitable sites based on its technical requirements for the drilling.

~~2-202.13~~ 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. ~~1134~~, the Permit holder must:

- a. For ~~D~~drill ~~S~~site locations:

- i. Undertake ecological surveying in accordance with Conditions 2.1842 – 2.2750 at any of the sites listed pursuant to Condition 2.1134;
 - ii. For those sites which the surveying required by Condition 9.12.2.36(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 2.1235 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.
- c. For Portable Rig Site and Water Pump Site locations:
- i. Undertake ecological surveying in accordance with Conditions 2.5748 – 2.6627 at any of the sites listed pursuant to Condition 2.11;
 - v. For those sites which the surveying required by Condition 2.13 determines to be suitable for Portable Rig Site and Water Pump Site locations, apply the requirements of the *Waihi North Project Site Selection Protocol*, annexed as Attachment 1 to this Access Arrangement; and
 - vi. 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
 - vii. Submit the Siting Report to the Manager for certification that the *Waihi North Project Site Selection Protocol* has been appropriately applied.

~~v.viii. At least 10 working days prior to drilling at any Pportable Rrig Siteelocation, or the undertaking of activities at water pump siteWater Pump Sites, the permit holder must provide the Manager with notice of the GPS information and/or NZTM co-ordinates of the location.~~

~~2.14~~ Vegetation clearance, construction or operations at any ~~Ddrill Ssites~~ or ~~Vent Shaft / Pump Test Sitesvent shaft / pump test sites~~ must not commence until the corresponding ~~Site~~Siting Report is certified pursuant to Condition 2.1336.a.iv~~ii~~ and Conditions 2.1336.ba.iii~~iv~~ and 2.1336.cb.viii.

~~2.212.15~~ The Permit holder must mark out access routes for access to, and between sites and thereafter only access sites using the marked routes to access these sites.

Portable Drill Rig Site and Water Pump Site Locations

~~2.22~~—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 2.35 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:—~~
 - ~~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~~A 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' can be prepared in conjunction with a Siting Report prepared in accordanceing with Condition 2.13.

~~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



[2.232.16](#) Vegetation clearance and disturbance at each [drift-siteDrill 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 [drift-siteDrill Sites](#) will comprise the clearance of any / all vegetation in the identified areas.

[2.242.17](#) No trees greater than 50 cm diameter at breast height may be removed to accommodate an investigation and exploration [drift-siteDrill Site](#).

[2.252.18](#) Prior to undertaking vegetation removal at any proposed [drift-siteDrill 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 20 m X 20 m plot(s) centred on the approximately 12 m X 12 m site(s) in accordance with Condition 2.2144.

[2.262.19](#) The purpose of the survey(s) undertaken under Condition 2.1842 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.

[2.272.20](#) Surveys undertaken under Condition 2.1842 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).

[2.282.21](#) 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 2.46 and 2.90 and the site resurveyed for an additional night (under environmental conditions outlined in Condition 2.4420) outside of the breeding season (March to September inclusive) as per the methodology and climatic conditions detailed in Condition 2.202-44 to confirm the minimum number of native frogs present. If five or more 'At Risk' or 'Threatened' frogs are found, then Condition 2.2347 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 2.202-44 and if four or less 'At Risk' or 'Threatened' frogs are found, then Conditions 2.2448 – 2.2952 apply. Best practice survey methods will be employed by the suitably qualified ecologist(s).

[2.292.22](#) 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 2.2044). 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 2.4521). 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 2.2044) 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.

~~2.302.23~~ 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~~ 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.

~~2.312.24~~ 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.

2.25 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~~ Drill Site(s) accordingly.

2.26 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%.

~~2.322.27~~ 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 2.1842, 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 2.1842 and / or found at any ~~drill site~~Drill Site.

~~Vegetation removed at a drill site~~Drill Site must be managed and remediated in accordance with the Ecology and Landscape Management Plan – Wharekurauponga Underground Mine.

2.28 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.

2.29 ~~During vegetation removal, rehabilitation resources including topsoil, subsoil, vegetation, wood, and rocks must be identified and salvaged where possible to be re-used during rehabilitation.~~

Advice Note: The written report prepared in accordance with Condition 2.275 can be prepared in conjunction with a Siting Report prepared in accordance with Condition 2.13.

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

~~2.33—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—~~

~~2.342.30~~ 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~~Drill Site(s) will immediately cease and alternative site(s) ~~may will~~ be selected.

2.31 If four or less 'At Risk' or 'Threatened' frogs or lizards are found on the proposed ~~drill site~~Drill Site(s) immediately prior to, or during vegetation clearance then they will be salvaged and moved to ~~suitable habitat~~native fauna release site as assessed by the onsite herpetologist. ~~The release site(s) will be at least 100 m away from the drill site~~Drill Site(s).

- 2.32 The Permit holder will conduct careful searching of the forest floor and all available habitats, removing forest duff sequentially; during searches, any moved materials will be carefully replaced after ensuring frogs are not present.
- 2.33 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.
- 2.34 The Permit holder shall ensure that any captured lizards and frogs are translocated to the native fauna release site within 6 hours of capture.
- 2.35 The Permit holder shall ensure that a native fauna release sites will be located outside of the 2 mm/s vibration footprint and within the Wharekirauponga Animal Pest Management Area.
- 2.36 The Permit holder must release frogs 3 m apart from each other.
- 2.37 The Permit holder shall ensure the native fauna release sites will encompass a 5 ha area surrounded by an electrified wire offset from a low height fence (1100 cm high) to deter goats and exclude pigs. The placement of the electrified wire will prevent frogs being electrocuted.
- 2.38 The Permit holder will ensure that within the 5 ha native fauna release site, six soft release pens, constructed with materials similar to Animex Wildlife Fencing (AMX-T40 – Temporary Fencing), will be established. These pens will be 0.04 ha in size. The native fauna release site will be set up in advance of any site clearance.
- 2.39 The Permit holder shall ensure that the resident frog population at the native fauna release site has a surveyed density of between 5 and 10 frogs / 100 m² (i.e. 20-40 frogs in 400m² plot), based on surveys carried out over a minimum of 5 nights to maximise detection and recaptures. Frog population surveys will be carried out at the proposed native fauna release site between September – November 2025 (weather conditions permitting), and reported in the Annual Native Frog Salvage Release Report.
- 2.40 The Permit holder shall undertake Baseline (pre-release) surveys to document the resident frog population, confirm that the proposed native fauna release site design/layout is suitable (i.e. habitat is suitable for Archey's frogs throughout the entire 5 ha site, pen design, locations and materials are suitable etc).
- 2.41 The Permit holder shall ensure that frogs salvaged from drill rig sites will be released into a single soft release pen (up to 30 frogs, after which additional frogs will be released into a secondary soft release pen.
- 2.42 The Permit holder will only remove soft release pens when the population size has reached 80 frogs per 400m² plot, (i.e., 20 frogs/100m²), or after 5 years – whichever is first.
- 2.43 The Permit holder shall record the findings at each clearance site including the number and biometric data (snout vent length) of any lizard or frog translocated; the release pen that they

were released into; a clear dorsal photograph for photographic identification; and all survey details (climatic conditions, time and date, and search effort).

2.44 The Permit holder must transport frogs individually and on foot to the native fauna release site, in hard sided containers with breathing holes and leaf litter / moss. Frogs will also be transported with larger organic material from their point of capture. Ponga logs will also be taken to the native fauna release site to provide additional habitat elements.

2.45 To release a frog, the Permit holder must carefully scoop up each individual from its transport container with gloved hands and placed next to the leaf litter and refugia salvaged from its point of capture. Care will be taken to ensure that the refugia is orientated in such a way that the frog can find immediate cover.

2.46 A suitably qualified and experienced herpetologist will prepare an annual report, delivered by 30 June each year (Annual Native Frog Salvage Release Report) including the following items:

- (a) A summary of sites that have been cleared and any associated frog salvages (including unique ID, capture details, morphometrics, identification photographs, location of capture and release pen number) in the previous 12 months;
- (b) A description of any other actions described in Conditions 2.30 – 2.45 completed in the previous twelve months;
- (c) Native fauna release site monitoring results for frog population monitoring and pest control monitoring., including any pest incursions and how these were managed;
- (d) Where aspects of Conditions 2.30 – 2.45 have not been implemented, the reasons why, and the measures that have been taken to address this;
~~— An assessment of the effectiveness of the actions taken to implement the Native Frog Salvage Release Plan in achieving its objective. Where the report identifies that the objective has not been met, the Report must include:~~
 - ~~— The reasons why the objective has not been achieved;~~
 - ~~— Specific measures that have already been implemented, or are required to be implemented to meet the objective; and~~
- ~~(a)(e) Details of improvement actions required any amendments needed to the Native Frog Salvage Release Plan to better ensure that the objective will be met.~~

2.352.47 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 native fauna release site(s) within 20 working days of the relocation.

2.36 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%.



~~2.37—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.~~

~~2.38—The Permit holder must mark out access routes for access to, and between Drift 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

~~2.39~~2.48 Vegetation clearance and disturbance ~~at each for Vent Shaft / Pump Test Sites~~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.

~~2.40~~2.49 Prior to undertaking vegetation removal at any proposed Vent Shaft / Pump Test Sites~~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.

~~2.41~~2.50 The purpose of the survey(s) undertaken under Condition 2.~~49~~64 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.

~~2.42~~2.51 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.

~~2.43—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.~~

~~2.44~~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 Vent Shaft / Pump Test Sites



2.45—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.

2.53 Except as required by Condition 2.63 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. For ~~vent sites only~~ Vent Shaft / Pump Test Sites, the Permit holder will conduct systematic, slow moving nocturnal searches prior to site clearance within the works footprint over two nights in suitable conditions (warm and moist – e.g. after rain when the vegetation and ground is still moist and temperatures are a minimum 12°C).

2.46—The Permit holder must undertake salvage and translocation of herpetofauna into the native fauna release area in accordance with condition 2.30 to 2.47.

2.47—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.

- (a) 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

~~2.48~~ 2.54 Any *Pterostylis puberula*, *Pterostylis tasmanica* or king fern *Ptisana salicina* individuals found when establishing any Drill Site and/or ~~Vent Shaft / 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.

~~2.49~~ 2.55 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

~~2.50~~ 2.56 Vegetation clearance and disturbance at each ~~Portable Rig Site~~ portable drill rig site or water pump site Water Pump Site must not exceed 32 m² and must limit ground disturbance

Commented [MD5]: DOC recommended linking in text re other 'at risk' or 'threatened' flora. The species identified here were provided by DOC previously. Why has this now changed / expanded?

and vegetation ~~clearance to~~ clearance to that necessary to accommodate the required equipment.

Advice Note: Vegetation clearance associated with ~~Portable Rig Sites~~ portable-drill-rig-sites and ~~water-pump-site~~ 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 ground covers, wood debris, and forest duff within the identified area.

2.57 Prior to undertaking vegetation removal at any proposed Portable Rig Site or Water Pump 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 18 m X 13 m plot(s) centred on the approximately 8 m X 3 m site(s) in accordance with Condition 2.60.

~~Prior to undertaking vegetation removal at any portable drill rig site or water pump 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.~~

2.512.58 The purpose of the survey(s) undertaken under Condition 2. ~~72-57~~ 57 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.

~~2.522.59~~ Surveys undertaken under Condition 2. ~~72-57~~ 57 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).

~~2.532.60~~ 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. ~~6176~~ 6176 and 2. ~~7690~~ 7690) and the site resurveyed for an additional night (under environmental conditions outlined in Condition 2. ~~5974~~ 5974) outside of the breeding season (March to September inclusive) as per the methodology and climatic conditions detailed in Condition 2. ~~5974~~ 5974 to confirm the minimum number of native frogs present. If five or more 'At Risk' or 'Threatened' frogs are found, then Condition 2. ~~6277~~ 6277 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. ~~5974~~ 5974 and if four or less 'At Risk' or 'Threatened' frogs are found, then Conditions 2. ~~6378~~ 6378 – 2. ~~6681~~ 6681 apply. Best practice survey methods will be employed by the suitably qualified ecologist(s).



2.542.61 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 2.5974). 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 2.5974). 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 2.5974) 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.

2.552.62 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 ~~drift-site~~ 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.

2.562.63 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.

2.64 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 ~~drift~~ Portable Rig Sites and Water Pump Sitesite(s) accordingly.

2.65 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%.

2.572.66 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 2.572, including the GPS information and / or NZTM coordinates of any Archey's frog (*Leiopelma*

Commented [MD6]: DOC recommended this be amended to a minimum of 50% connectivity. This differs to the 25% identified by DOC previously. Why has this changed?

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 2.572 and / or found at any [drill-Portable Drill Rig Sites and Water Pump Sites](#).

Advice Note: The written report prepared in accordance with Condition 2.66 can be prepared in conjunction with a Siting Report prepared in accordance with Condition 2.13.

2.58—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

2.59—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.

2.67—Except as required by Condition 2.77, 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. The Permit holder will conduct Careful searching of the forest floor and all available habitats, removing forest duff sequentially; during searches, any moved materials will be carefully replaced after ensuring frogs are not present.

2.68—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 be selected.

[2.69](#) 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 into the native fauna release area in accordance with condition 2.31 to 2.47.

[2.70](#) The Permit holder must ensure that frogs salvaged from Portable Rig Sites will be released into a single soft release pen (up to 30 frogs, after which additional frogs will be released into a secondary soft release pen).

[2.71](#) Boardwalks must be laid down around all portable drill rig sites to minimise trampling effects.

[2.61](#)—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.

[2.62](#)—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.

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

[2.632.72](#) Disturbance of *Pterostylis puberula*, *Pterostylis tasmanica* or king fern *Ptisana salicina* to establish any [Portable Rig Site](#), [portable drill rig location](#) or [water pump site](#) [Water Pump Site](#) must be avoided.

Commented [MD7]: DOC recommended linking in test re other 'at risk' or 'threatened' plants. The species identified here were provided by DOC previously. Why has this now changed / expanded?

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

[2.642.73](#) 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

[2.652.74](#) 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

2.75 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.

2.76 The Permit holder shall record the number and species of any translocated invertebrates.

Reporting

~~Within 20 days of the completion of vegetation clearance at any site 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 2.30 - 2.472-53=2.59, 2.53 - 2.552-66=2.74, and 2.67 - 2.752-82=2.89 have been addressed.~~

Fencing Plan

2.662.77 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 ~~and or~~ sumps
- (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.

2.672.78 The Permit holder will erect the frog / lizard exclusion fence (in accordance with the Fencing Plan requirements of Condition 2.7796) around the perimeter of the site within 5 days after the final survey or native species translocation (whichever is the latter).

Wharekirauponga Pest Animal Management Plan

2.79 All pest management ~~activities~~ authorised by this Access Arrangement must be undertaken in accordance with a Wharekirauponga Pest Animal Management Plan. 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.

2.80 The Wharekirauponga Pest Animal Management Plan must as a minimum:

- a. Include a description of the current ecological values and the proposed animal pest management;
- b. Include map(s) showing:
 - i. the animal pest management area(s); and
 - ii. control area(s) to be used for comparative monitoring purposes;
- c. Detail target pest species;
- d. Detail pest animal monitoring protocols;
- e. Set out timing and duration of control;
- f. Identify performance standards of pest animal control, with targets and thresholds for additional control based on monitoring results; and
- g. Provide data management and reporting protocols tied to long-term frog population monitoring, to determine success of the predator control programme.

2.81 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.

2.82 The Annual Pest Management Report required by 2.8140 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 to better ensure that the objective and performance standards will be met.

2.83 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, and any changes that need to be made to the management plan.

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

2.84 All Activities authorised by this Access Arrangement must be undertaken in accordance with a Coromandel Forest Park Kauri Dieback Management Plan. 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.

2.85 The Coromandel Forest Park Kauri Dieback Management Plan must as a minimum:

- (a) 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;
- (b) 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
- (c) 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.

2.86 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.

2.87 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.

2.88 The Coromandel Forest Park Kauri Dieback Monitoring Report required by 2.8716 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.

2.89 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 and any amendments that need to be made to the management plan. 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.

Native Frog Monitoring Plan

2.90 The Permit Holder must provide a Native Frog Monitoring Plan to the Manager for certification. Certification is required to verify that the Native Frog Monitoring Plan:

- (a) Includes actions, methods, monitoring programmes and trigger levels as appropriate to meet the objective in Condition 2.91; and
- (b) Satisfies the requirements in Condition 2.93.

2.91 The objective of the Native Frog Monitoring Plan is to ensure appropriate monitoring of potential vibration, potential dewatering, animal pest control and response of native frogs, and to determine whether pest control measures are achieving a net gain in native frogs within the WAPMA, and set out:

- (a) The actions and methods required to adaptively manage adverse vibration, dewatering, and pest control effects on native frogs;
- (b) The monitoring programmes and trigger levels required to ensure the best practicable options are being utilised to manage adverse effects on native frogs; and
- (c) To confirm to the Manager that the effects management measures will generate stated net gain outcomes for native frogs

2.92 All Activities authorised by this Access Arrangement must be undertaken in accordance with a Native Frog Monitoring Plan. 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.

2.93 The Native Frog Monitoring Plan must as a minimum:

- ~~— 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~~
- a. 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. A description of the monitoring programme to be implemented to meet the objective of Condition 2.91;
- b. Specific measures designed to monitor:
 - i. Surface vibrations from underground blasting undertaken for the project on Archey's frogs;
 - ii. Reductions in stream flow and wetted width as a result of mine dewatering on Hochstetter's frogs; and
 - iii. Pest control on both species of frogs within and outside areas likely to be affected by vibration or dewatering caused by the proposed project.
- c. A minimum of 2 years of baseline monitoring within the project footprint, WAPMA and selected reference site(s) prior to commencement of construction and mammalian pest management activities.

2.94 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.

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.

2.95 The Annual Leiopelmatid Frog Monitoring Report required by Condition 2.9021 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:
 - i. the number and biometric data (snout vent length, SVL) of any Archey's or Hochstetter's frogs salvaged and translocated;
 - ii. the release pen (for Archey's frogs), or stream location (for Hochstetter's frogs) that the frogs were released into; and
 - iii. a clear dorsal photograph for photographic identification of any Archey's Frogs or Hochstetter's frogs salvaged and translocated; and

- iv. all survey details (climatic conditions, time and date, and search effort) for any Archey's or Hochstetter's frogs salvaged and translocated.
- (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.
- (e) A comparison of leiopelmatid frog populations in 3 zones:
 - i. Within the >2 mm/ second vibration zone (314 ha footprint) where frogs are also subject to intensive pest animal control;
 - ii. In an adjoining area (the 318 ha offset area) where frogs are not subject to mine-related vibration, but are subject to intensive pest animal control; and
 - iii. In an area to the west of the WUG intensive pest animal control area, where frogs are not subject to vibration or additional pest animal control as a result of this project.

2.96 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 and any amendments necessary to the management plan.
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.

Reporting

2.68 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 2.53 – 2.59, 2.66 – 2.71, and 2.82 – 2.89 have been addressed.

Water Management

2.69 2.97 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.

~~2.702.98~~ The Permit holder will ensure that all drill cuttings filtered from water are buried, pumped down the drill hole or removed from the Land.

~~2.712.99~~ 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.

~~2.722.100~~ The Permit holder will ensure that all sewage is collected and stored in containers and removed from the Land.

Wildlife Act Authority

~~2.732.101~~ 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

~~2.74~~ 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.

~~2.752.102~~ Rehabilitation activities pursuant to Condition 2.98 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 Shaft / Pump Test Sites~~vent shafts and sealing of shaft collars;
- (d) Re-contouring and stabilisation of any disturbed land; ~~and~~
- (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.~~

~~2.103 The Permit holder shall record the rehabilitation undertaken as per Condition 2.100 These records shall include the location and the date of the rehabilitation activity and the taking of a photographic record.~~

~~2.104 The Permit holder shall undertake monitoring every six months for the first two years (i.e., 0, 6, 12, 18 and 24 months) and then annually up to five years (i.e. 26, 48, and 60 months).~~



[2.105 The Permit holder shall record observations during monitoring undertaken as per Condition](#)

[2.102 The records shall include:](#)

- [\(a\) Evidence of regeneration \(e.g. crushed / bent trees resprout once platform is removed\);](#)
- [\(b\) Presence of seedling recruitment; and](#)
- [\(c\) Presence of regeneration of a diverse vegetation community similar to the surrounding forest.](#)

[2.762.106](#) All trees, at all times, remain the property of the Manager. No trees may be removed from the land.

[2.772.107](#) All drill core samples and core sample material will be removed from the Land in their entirety.

Public Access, Awareness and Safety

[2.782.108](#) Prior to the commencement of operations at any [drill site](#) [Drill Site](#) or [Vent Shaft / Pump Test Site](#) [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.

[2.792.109](#) 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

[2.802.110](#) 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.

[2.812.111](#) 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.

[2.822.112](#) The Permit holder will ensure that aircraft idle times on the ground are kept to a practicable minimum.

Weed Management

2.832.113 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.

2.114 The Permit holder will supply an annual memo/report describing weed control and rehabilitation progress within the sites subject to Condition 2.111, for a period of two years following the completion of Activities under this Access Arrangement.

2.842.115 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).

Biosecurity Management

2.85 The Permit holder shall comply with the biosecurity management section of the ELMP-WUG at all times:

2.116 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.

2.117 The Permit holder will avoid additional planting where possible to facilitate natural regeneration and to avoid introduction of pests and pathogens.

2.86 The permit holder must take all practicable steps to minimise the establishment and spread of woody non-native species, dense lotus and large pasture grasses.

2.872.118 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 <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.

[2.882.119](#) 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

[2.892.120](#) 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

[2.902.121](#) 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

[2.912.122](#) 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.

[2.922.123](#) A spill kit must be held at each working area at all times and used immediately should a fuel or lubricant spill occur.

[2.932.124](#) 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.

[2.942.125](#) Only biodegradable drill fluids and lubricants may be used for drilling operations.

Fire and risk management

[2.952.126](#) 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

[2.962.127](#) Self-contained toilets/ "portaloos" must be provided for staff at all times to ensure the containment of human waste.

[2.972.128](#) 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

~~2.982.129~~ 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.

Removal of Material

~~2.992.130~~ Without changing the effect of Condition 376, 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

~~2.1002.131~~ The Permit holder will operate in accordance with any Archaeological Authority for the Land.

~~2.1012.132~~ 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
- (e) If human remains (koiwi tangata) are discovered, the Permit holder er must also advise the New Zealand Police; and

Commented [MD8]: DOC has recommended inclusion of Ngāti Porou ki Hauraki in this list.

The current drafting aligns with the broader set of cultural conditions associated with the project and the tangata whenua entities identified by the MfE assessment.



- (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.

[2.1022.133](#) 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](#)

[2.1032.134](#) 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.

[2.1042.135](#) 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.

[2.1052.136](#) There will be no track cutting or vegetation clearance as part of any minimum impact activity.

[2.1062.137](#) 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).

[2.138](#) 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.

[2.1072.139](#) [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.](#)

[2.1082.140](#) The Permit holder must avoid the following when conducting minimum impact activities:

- (a) Tramping 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).

[2.141](#) [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.

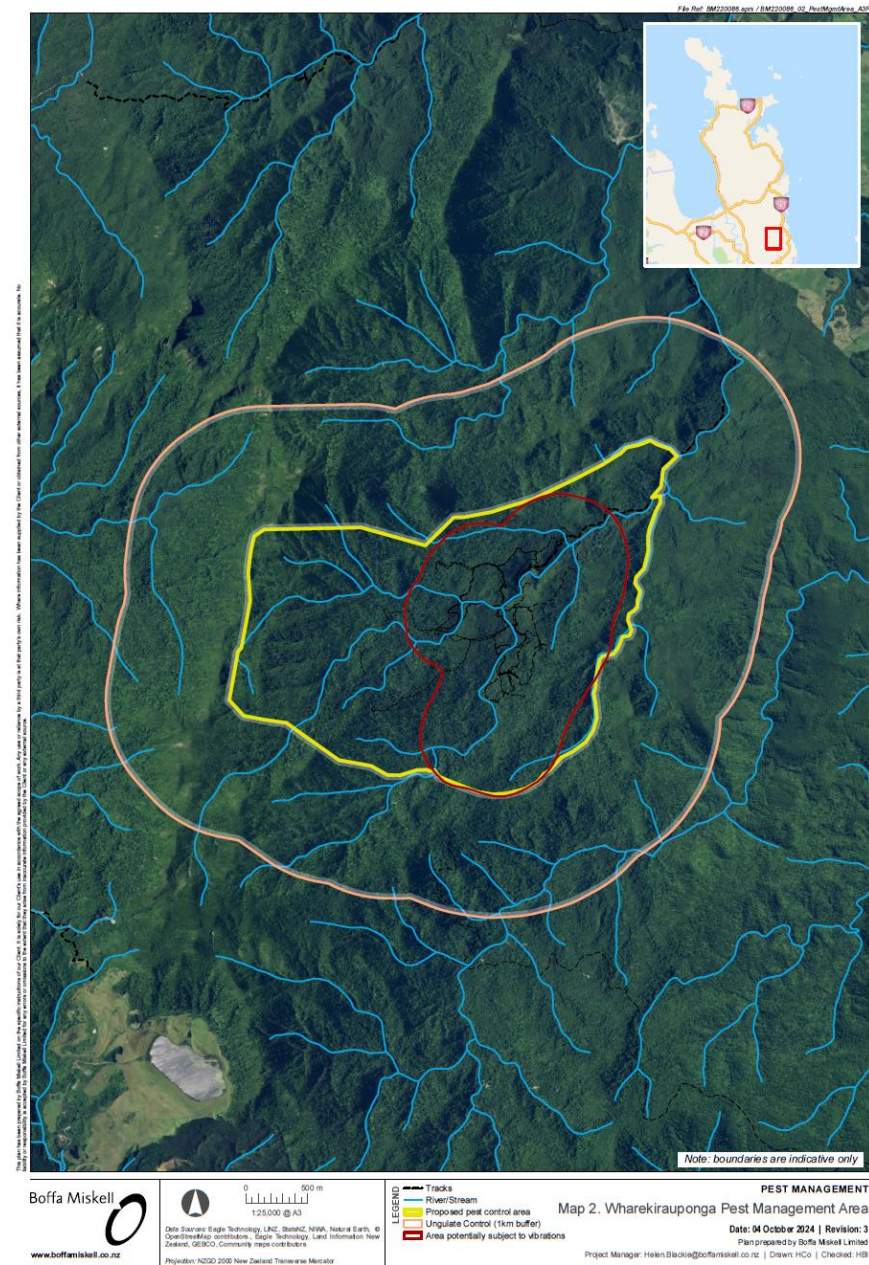
Hauraki District staff engagement

- 2.142 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.
- 2.143 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.



Attachment 1 – Waihi North Project Site Selection Protocol

Attachment 2 – Wharekirauponga Animal Pest Management Area



Attachment 3 – Generic Frog Hygiene and Handling Protocol

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, from 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

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

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



	Ethanol (including alcohol wipes)	70%	Apply liberally	2 minutes	Air dry	1,3,4
	Isopropyl alcohol (including alcohol wipes)	70%	Apply liberally	2 minutes	Air dry	1
	Heat	60°C or greater		15 minutes	No	2

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.](#)

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