

Appendix B3: Conditions for the Thames Coromandel District Council Land Use Consent

WAIHI NORTH PROJECT - CONDITIONS FOR THE THAMES COROMANDEL DISTRICT COUNCIL LAND USE CONSENTS

	Management Plans
1	This consent must be exercised in accordance with the following sections of the WUG Ecology and Landscape Management Plan ("ELMP-WUG"), which that has been certified <u>by the Hauraki District Council and the Waikato Regional Council as part of the approval granted pursuant to Section 81 of the Fast-track Approvals Act 2024</u> and form part of this consent: a) Terrestrial Ecology Management Plan; and b) Kauri Dieback Management Plan (only as relevant to the activities consented within the Thames Coromandel District). <i>Advice Note: Any subsequent amendments to the ELMP-WUG relating to the proposed activities within the Thames Coromandel District <u>will be certified by the Hauraki District Council and the Waikato Regional Council</u> shall be certified by the Council to ensure the amendments are consistent with the objective in the approved management plan.</i>
2	Not less than 6 months before commencing the consented activities within the Thames Coromandel District the Consent Holder will must inform the Thames Coromandel District Council consult with the Consent Authority and any relevant Administering Agency regarding whether there have been of any material changes in best practice standards that merit amendment to the management ELMP-WUG in accordance with Conditions 4, and 5 – 5D.
3	The Consent Holder must ensure that a copy of the ELMP-WUG, including any certified amendments, is available onsite at all times and that the copy is updated within 5 working days of any amendments being certified.
	Amendments to the ELMP-WUG
4	1. The Consent Holder may make propose amendments to those sections of the ELMP-WUG identified in Condition 1, only as they relate to the proposed activities within the Thames Coromandel District, at any time. 2. Any <u>such proposed</u> amendment to the ELMP-WUG must be submitted to and certified by the <u>Thames Coromandel District Council and the Consent Holder must invite the Council to provide written feedback to the Consent Holder on the proposed amendments within 15 working days and any works associated with the amendment must not commence until certification has occurred.</u> 3. <u>The Consent Holder must take into account any comments provided by the Thames Coromandel District Council when finalising the proposed amendments to the ELMP-WUG.</u> 4. <u>The Consent Holder must provide the amended ELMP-WUG to the Thames Coromandel District Council.</u>
5	In addition to the requirements of Condition 4, if <u>proposed</u> amendments that to the ELMP-WUG relate to works or effects on conservation land are proposed to the ELMP-WUG the Consent Holder must

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	invite the Department of Conservation to participate in a collaborative workshop with the Consent Holder to discuss the conservation land related amendments, and have input into any associated revisions in accordance with Conditions 5B – 8C.
5B	- If the Department of Conservation agrees to participate in a workshop: - The Consent Holder must provide a copy of <u>the proposed amendments to the amended ELMP-WUG</u> to the Department of Conservation at least 15 days before the workshop; - The Consent Holder must circulate a record of the workshop discussions to the Department of Conservation within 5 working days of the completion of the workshop; and - The Department of Conservation may provide written feedback to the Consent Holder on the <u>proposed Management Plan(s)</u> amendments within 15 working days of the completion of the workshop.
5C	If the Department of Conservation does not participate in a collaborative workshop, the Consent Holder must provide a copy of the amended ELMP-WUG to the Department and give the Department 15 working days to provide written feedback to the Consent Holder on its content. <u>The Consent Holder must provide</u>
5D	When the <u>amended ELMP-WUG</u> is <u>provided to the Thames Coromandel District Council under Condition 4, for certification</u> the Consent Holder must provide to the <u>Council Consent Authority</u>: - Evidence of an invitation being made to the Department of Conservation to participate in a collaborative workshop; - Evidence of the provision of a copy of the <u>proposed amendments to the amended ELMP-WUG</u> being provided to the Department for written feedback (in the instance the Department does not participate in a collaborative workshop); and - Any written feedback received from the Department of Conservation on the <u>proposed amendments to the amended ELMP-WUG</u>, along with an explanation of where any comment made by the Department of Conservation has not been incorporated into the Management Plan(s) and the reasons why.
	WUG Ecology and Landscape Management Plan (ELMP-WUG)
6	The Consent Holder must implement the ELMP-WUG referred to in Condition 1, subject to any amendments that may be made under <u>to it under</u> Conditions 4 and 5-5D.
7	- The objective of the <u>approved certified ELMP-WUG referenced in Condition 1</u> 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 within the Thames Coromandel District, the ELMP-WUG must include the following: - Terrestrial Ecological Management Plan – which seeks to provide an approach for managing and monitoring fauna values associated with site clearance as part of mining activities;

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8	b. Kauri Dieback Management Plan – which seeks to provide practical guidance on reducing the risk of <i>Phytophthora agathidicida</i> spread as a result of works associated with the Project.
8	Any version of the ELMP-WUG must as a minimum: - Be consistent with the objective of the ELMP-WUG as set out in Condition 7; - Include maps or visual tools which identify the location and extent of any proposed management and mitigation measures - Include details of monitoring and reporting to the Thames Coromandel District Council prior to, during and post-construction and operation to determine if the ELMP-WUG objective is being met; and - Include details of the roles and responsibilities of key staff responsible for implementing the ELMP-WUG and procedures for training of contractors and other Project staff regarding the ELMP-WUG.
	<i>Reporting</i>
9	- By 30 June each year the Consent Holder must engage a suitably qualified and experienced ecologist to prepare <u>and submit to the Thames Coromandel District Council</u> an annual Waihi North Ecological and Landscape Monitoring Report that covers activities addressed in the ELMP-WUG <u>located within the Thames Coromandel District</u> for the previous year. - The Waihi North Ecological and Landscape Monitoring Report must include: - A description of the works and other actions completed by the Consent Holder <u>within the Thames Coromandel District</u> in the previous twelve months; - Where aspects of an ELMP-WUG have not been implemented in accordance with expected timeframes, the reasons why, and the measures that have been taken by the Consent Holder to address this; - An assessment of the effectiveness of the ELMP-WUG in achieving its objective. Where the Report identifies that the objective is not being met the Report must include: - The reasons why the objective has / is not being met; - Specific measures that have already been implemented, or are required to be implemented to address this; and - Details of any amendments needed to the ELMP-WUG or any other related management plan. <i>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'.</i>
	Portable Drill Rig Sites
10	This consent authorises drilling, utilising portable rigs, at two locations only.

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12	At least 40 working days prior to the establishment of any portable drill rig site, the Consent Holder must prepare a list of suitable sites based on its technical requirements for drilling.
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 12, the Consent Holder must: - Undertake ecological surveying in accordance with Conditions 17 – 23 at any of the sites listed pursuant to Condition 12; - Select the location(s) from the list required by Condition 12 by first applying Apply the requirements of the <i>Waihi North Project Site Selection Protocol</i> annexed as Attachment 1 to this consent; and - Prepare a Siting Report which provides: - The results of the site assessment undertaken in accordance with the <i>Waihi North Project Site Selection Protocol</i>; - The locations of the selected sites; and - The expected duration of construction and operations at each site; and - Submit the Siting Report to the Thames Coromandel District Council for <u>its information certification to demonstrate</u> that the <i>Waihi North Project Site Selection Protocol</i> has been appropriately applied. <i>Advice Note: The Siting Report will be prepared in conjunction with the Siting Report prepared in accordance with the resource consent requirements applying to the 'Waihi North Project – Conditions for the Hauraki District Council Land Use Consents'.</i>
13A	Vegetation clearance, construction or operations at any portable drill rig site in Area 1 must not commence until the corresponding Siting Report <u>is certified has been provided to</u> the Thames Coromandel District Council pursuant to condition 13 (c).
14	At least 10 working days prior to drilling at any location, the Consent Holder must provide Thames Coromandel District Council, Waikato Regional Council, and the Department of Conservation the GPS information and/or NZTM co-ordinates of the location.
	Vegetation Clearance and Site Disturbance Associated with Portable Drill Rig Sites
15	Vegetation clearance <u>and ground disturbance</u> at each <u>Portable Drill Rig Site location</u> must not exceed <u>32 m² 24m²</u> and <u>ground disturbance and vegetation clearance</u> must be limited to that necessary to accommodate the required equipment. <i>Advice Note: Vegetation clearance associated with portable drill rig sites does not require tree clearance but will comprise the clearance of any canopy material required to lower equipment into the site via helicopter, and the movement of any on groundcovers, wood debris, and forest duff within the identified area.</i>
16	<u>Vegetation clearance must not involve felling of any trees. The Consent Holder must not fell any trees with a 50 cm or greater diameter at breast height at drill sites. Trimming of branches is permitted if the</u>

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	vegetation is likely to impair the function of frog fencing or is causing a safety risk to staff and contractors. <i>Advice Note: For the purposes of this condition tree is defined as 'any plant with a woody stem attached to the ground'.</i>
17	Prior to undertaking vegetation removal at any portable drill rig site, the Consent Holder will must 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 both the core 8 x 3 m site (i.e., 24 m²), with a 5 m buffer applied to it, giving a total survey area of 13 x 18 m (234 m²)-centred on the approximately 8 m x 3 m site(s), the area of the proposed site, plus a 10 m wide buffer surrounding the site. <i>Advice Note: The purpose of the survey(s) undertaken under Condition 17 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</i>
17A	If a frog nest, or a frog brooding eggs or froglets (i.e. a number of small, tailed frogs) is observed during ecological surveys, or during vegetation clearance, all activities at that site will cease and an alternative site(s) will be selected.
18	The purpose of the survey(s) undertaken under Condition 17 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.
19	Surveys undertaken under Condition 17 will must be undertaken once at night for frogs and once at night and once during the 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).
20	1. 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 clauses 5 to 7 of this Conditions 21) and the site resurveyed for an additional night (under environmental conditions outlined in Condition 19) outside of the breeding season (March to September inclusive) as per the methodology and climatic conditions detailed in Condition 19 to confirm the minimum number of native frogs present. 2. If five or more 'At Risk' or 'Threatened' frogs are found, then Condition 21 applies. 3. If survey(s) are undertaken outside of the breeding season (March to September inclusive) as per the methodology and climatic conditions detailed in Condition 19 and if four or less 'At Risk' or 'Threatened' frogs are found, then Conditions 22-25 apply. 4. Best practice survey methods must will be employed by the suitably qualified ecologist(s). 5. The Consent Holder must will erect an exclusion fence within 5 days after the frog survey. Exclusion fences must will be regularly inspected and maintained. If an exclusion fence cannot be erected within 5 days of a survey, then the site must will be resurveyed for an additional night (under environmental conditions outlined in Condition 19). 6. Once constructed, the integrity of exclusion fences must will be maintained at all times and a final fence inspection must will be completed by the Consent Holder no earlier than 2 days before

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	works commence. If the integrity of the fence is not continuously maintained, the fence must will be repaired, and the site must will be resurveyed for frogs for an additional night (as outlined in Condition 19). 7. Sites with fences in place for more than 6 months must will also be resurveyed for frogs for an additional night (under environmental conditions outlined in Condition 19) to determine if any remove any doubt that frogs have accessed the site during this period. 8. If any resurvey occurs when climatic conditions do not maximise the chance for native frog emergence, the Consent Holder must will seek advice from the Thames Coromandel District Council and the Department of Conservation on how to proceed, this may include delaying works until surveys can be completed in suitable conditions. 9. Fenced sites with camps and/or rigs on them are exempt from the 6 month re-survey requirement.
21	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 Consent Holder shall must determine if there is an alternative 18 m X 13 m 8m x 3m area within the ecological survey area(s) that is suitable for use as a drill site (i.e. a 18 m X 13 m 8m x 3m 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 8m x 3m 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 8m x 3m area is available, an alternative site should must be selected.
22	If four or less 'At Risk' or 'Threatened' frogs are found during any ecological survey(s), the Consent Holder will must mark and record each location with biodegradable flagging tape and GPS to give an error of no more than ± 2.0 m.
23	The Consent Holder will must impose a minimum buffer of 3 m around any 'At Risk' or 'Threatened' frog found during the ecological survey(s) and select the Portable Drill Rig Site(s) accordingly.
24	Within 20 working days of the ecological survey(s) being undertaken, the Consent Holder will must provide the Thames Coromandel District Council and the Department of Conservation with written report(s) that include: - The findings of the full ecological survey(s) required by Condition 17, including the GPS information and / or NZTM coordinates of any Archey's frog (<i>Leiopelma archeyi</i>) and/or Hochstetter's frog (<i>Leiopelma hochstetteri</i>), and / or Coromandel striped gecko (<i>Toropuku "Coromandel"</i>) found; - 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; and - 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 17 and / or found at any Portable Drill Rig Site.

Commented [CL1]: This seems large i.e. a 40 m range, when considering an 8 m x 3 m site.

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25	Vegetation removed at a portable drill rig site must be managed and remediated in accordance with the ELMP-WUG.
	Management of “At Risk” and/or ‘Threatened’ Flora Associated with Portable Drill Rig Sites
26	Disturbance of <i>Pterostylis puberula</i> , <i>Pterostylis tasmanica</i> and king fern <i>Ptisana salicina</i> must be avoided. <i>Advice Note: If any of these species are present on a prospective portable drill rig site, an alternative site shall be found.</i>
	Management of ‘At Risk’ and/or ‘Threatened’ Herpetofauna during vegetation clearance associated with Portable Drill Rig Sites
27	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 ELMP-WUG.
28	Except as required by Condition 21, 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 ELMP-WUG and moved to a pre-prepared pest controlled area.
29	The Consent Holder must adhere to the national Frog Hygiene Protocol annexed as Attachment 2 to this consent, or any future updates thereof.
30	The Consent Holder must provide the Thames Coromandel District Council and Department of Conservation 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.
31	The Consent Holder must mark out access routes for access to portable drill rig sites, and thereafter only access sites using the marked routes to access these sites.
	Management of Terrestrial Invertebrates Associated with Portable Drill Rig Sites
32	Any Paua slug (<i>Schizoglossa novoseelandica</i>) 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 <u>the Native Fauna Release Area specified in Condition 111 of the Hauraki District Council consents</u> similar habitat at least 50 metres beyond the site, as recommended by the onsite ecologist. <i>Advice Note: Salvage may occur at any time throughout the year with documentation of salvage to be provided in the Waihi North Ecological and Landscape Monitoring Report required by Condition 9.</i>
	Aircraft

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33	1. The Consent Holder will must ensure that aircraft helicopter landing and hovering zones are maintained to ensure public safety. 2. The Consent Holder will must ensure that notices advising the public of the hazards associated with the helicopter hovers and/or landings are erected on the Land.
34	The Consent 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.
35	The Consent Holder will must ensure that aircraft idle times on the ground are kept to a practicable minimum.
	Biosecurity Management
36	The Consent Holder shall must comply with the kauri dieback management section of the ELMP-WUG at all times, in accordance with Condition 1.
37	The Consent Holder will must ensure that all equipment to be used for the activities authorised by this consent are clean and free of any exotic weed and seed material prior to entry onto public conservation lands.
38	The Consent 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 Consent Holder encounters suspected symptoms of myrtle rust, the Consent 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.
39	The Consent Holder must comply with the Ministry for Primary Industry's "Check, Clean, Dry" cleaning method to prevent the spread of didymo (<i>Didymosphenia geminata</i>) and other freshwater pests when moving between waterways. "Check, Clean, Dry" cleaning methods can be found at http://www.biosecurity.govt.nz/cleaning . The Consent Holder must regularly check this website and update their precautions accordingly.

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40	Activities within any Kauri Contamination Zone(s), must be undertaken in accordance with the Kauri Dieback Management Plan set out in the ELMP-WUG.
	Construction Management Plan
41	1. The Consent Holder shall submit a Construction Management Plan to <u>the Thames Coromandel District Council for its information</u> for certification to the Council's Development Engineer in relation to detailing the construction / installation of piezometers and portable drill rig sites provided for by this consent. 2. This Plan shall must <u>compiled to a level of sophistication appropriate to the scale and nature of the work as follows include:</u> a. <u>Portable Drill Rig Site</u> Construction methodology; b. <u>Portable Drill Rig Site</u> Construction staging; c. <u>Portable Drill Rig Site</u> erosion and sediment control <u>measures</u>; d. Details of the <u>Portable Drill Rig Site</u> manager, including their contact details (phone/mobile number, <u>email address</u>, fax, postal address); e. Measures to be adopted to maintain the <u>Portable Drill Rig Site</u> in a tidy condition in terms of disposal/storage of rubbish, storage and unloading of building materials and similar construction activities; a. Ingress and egress to and from the site for vehicles and construction machinery during site works period; b. Controls to contain any dust nuisance within the site and to ensure that it does not adversely affect any neighbouring property; f. Proposed hours of work on the <u>Portable Drill Rig Site</u> (NB: hours shall correspond with any other condition in <u>this consent for the WNP</u> relating to working hours); a. <u>Equipment wash facilities</u>; g. Fuel storage facilities and spill kit location and procedures; h. Safety equipment locations and procedure; 3. The above details shall must (where relevant) be shown on a site plan <u>and supporting documentation</u>. 4. The approved Construction Management Plan shall must be implemented and maintained throughout the entire <u>Portable Drill Rig Site</u> construction <u>and</u> operation period.
42	All activities authorised by this consent must be undertaken in accordance with the Construction Management Plan <u>referred to certified</u> in Condition 41.
43	Should any amendments be made to the Construction Management Plan the Consent Holder must submit in writing any proposed amendments to <u>the Thames Coromandel District Council for its information certification</u> at least <u>5 20</u> working days before any works associated with the amendments are to be implemented. <u>Any works associated with the amendment must not commence until certification has occurred.</u>

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	Accidental Discovery Protocol
44	1. In the event that any unidentified archaeological site is located when exercising this consent, the following procedures must be undertaken by the Consent Holder: a. All work must cease, and machinery within 20 m of the discovery shut down. b. The Consent Holder must notify the Heritage New Zealand Regional Archaeologist; c. If the site appears to be of Māori origin, the Consent 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: i. Ngāti Hako ii. Ngāti Maru iii. <u>Ngāti Porou ki Hauraki</u> iv. Ngāti Pū v. Ngāti Tamaterā vi. Ngāti Tara Tokanui / Ngāti Koi vii. Ngaati Whanaunga e. If human remains (koiwi tangata) are discovered, the Consent Holder must also advise the New Zealand Police; and f. Works affecting the discovery must not recommence until Heritage New Zealand provides written approval or an archaeological authority has been obtained. Such authorisations must be provided to the Councils. 2. Except insofar as it relates to koiwi, this condition only applies to those areas not subject to an archaeological authority obtained under the Fast-track Approvals Act 2024 or Heritage New Zealand Pouhere Taonga Act 2014. <i>Advice Note: The Heritage New Zealand Pouhere Taonga Act 2014 provides for the recording, protection, and preservation of archaeological sites whether registered or not. As such, any land use activity likely to damage, modify or destroy any pre-1900 archaeological site (whether recorded or unrecorded) will require an archaeological authority from Heritage New Zealand for the work to lawfully proceed. This applies to all sites, regardless of whether a building or resource consent has been granted or not.</i>
45	1. Pursuant to Sections 128(1)(a)(i) and (iii) of the Resource Management Act 1991, the Thames Coromandel District Council may, within one month of the second anniversary of the date of commencement of this consent and every 24 months thereafter, or on receipt of any of the reports required by this consent, review the conditions of this consent for the following purposes: a. To review the effectiveness of the conditions of this consent in avoiding, remedying or mitigating any adverse effects on the environment that may arise from the exercise of this consent, and if necessary to avoid, remedy or mitigate such effects by way of further or amended conditions, including:

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	i. Addressing any adverse effects on the environment which have arisen as a result of the exercise of this consent that were not anticipated at the time of commencement of the consent; or ii. To review the adequacy of, and necessity for, any of the monitoring programmes or management plans that are part of the conditions of this consent;
	2. Any review under this condition must, in addition to the matters set out in the Resource Management Act 1991, also recognise and provide for the purpose of the Fast-Track Approvals Act 2024.