

## Your Comment on the Waihi North application

Please include all the contact details listed below with your comments and indicate whether you can receive further communications from us by email to [substantive@fasttrack.govt.nz](mailto:substantive@fasttrack.govt.nz)

1. Contact Details			
Please ensure that you have authority to comment on the application on behalf of those named on this form.			
Organisation name (if relevant)	Thames-Coromandel District Council		
First name	Tamil		
Last name	Dyer		
Postal address	515 Mackay Street, Thames		
Home phone / Mobile phone		Work phone	07/8680200
Email ( <i>a valid email address enables us to communicate efficiently with you</i> )	fasttrack@tcdc.govt.nz		

2. We will email you draft conditions of consent for your comment			
<input checked="" type="checkbox"/>	I can receive emails and my email address is correct	<input type="checkbox"/>	I cannot receive emails and my postal address is correct

**Thank you for your comments**

# Thames-Coromandel District Council Comment

## Fast-Track Application CRM:0139842



**Date:** 25<sup>th</sup> August 2025

**To:** Fast-track Application Team

**From:** Tamil Dyer – Development Planning Manager

**Subject:** Fast-track application – Waihi North Project

### 1. Summary

- It is our view that the assessment against the District Plan Operative in Part is not correct for the activity and associated activity status and would fall as a mining activity and therefore under Section 37 of the plan the mining activity would be a non-complying activity.
- In principle we agree with the proposed conditions, however we have suggested amendments to enable the conditions to be more efficiently monitored and to reduce the sub delegation/certification requirements on the Council.

### 2. Thames-Coromandel District Plan – Operative in Part

The proposed application extends into land which is within the control of Thames-Coromandel District Council (TCDC). The properties which are subject to this application are 490 Wentworth Valley Road, Whangamata and 567 Tairua Road, SH25 Whangamata.

The application has correctly identified these properties as being within the Conservation Zone and Rural Zone and subject to the Outstanding Natural Features and Landscapes overlay.

#### 2.1. Rules Assessment Analysis

The application rules assessment has assessed the relevant rules under the Section 42 Conservation Zone rules and the Section 29 Biodiversity rules. We do not agree that this is the correct approach to assessing the proposal against the district plan. Whilst these activities when assessed as standalone activities would be considered to be scientific equipment, navigational aid activity, public amenity and indigenous vegetation clearance activities, these activities are part of the overall mining activity for the Waihi North project.

The District Plan has a hierarchical structure and activities are set out as rules within zones, or grouped within district wide activities or specifically referred to within overlays used to identify the special values of the district and special purpose provisions. In this instance the definition of mining is structured to capture all components of a mining activity, in particular, the activities which would be occurring on the subject sites being the piezometers that will be drilled using a portable drilling rig and the associated vegetation removal. The Mining and Underground Mining definitions are set out below:

***Mining*** means to take, win, or extract, by means of earthworks, a mineral existing in its natural state in land but does not include prospecting, exploration, mineral processing or waste rock/tailings storage. To 'mine'

has a corresponding meaning. In the Plan, 'mining' is separated into 'surface mining', 'underground mining' and 'quarrying'.

Mining includes, but is not limited to:

Transportation of soil, rock or minerals to and from the site;

- Removal and replacement of overburden;
- Temporary stacking, deposition or storage of soil, rock, or minerals;
- Construction, maintenance, and operation of any buildings, structures, land improvements, and any machinery and equipment, related to this activity such as drilling rigs and temporary accommodation;.
- Earthworks, including tracking;
- Dewatering;
- Vegetation removal.

Underground Mining means mining that occurs underground, utilising shafts, adits, tunnelling and other recognised underground mining techniques, methods and equipment, and also includes:

- Surface disturbance associated with underground mining;
- Backfilling of the void with waste rock and aggregate;
- Emergency exits and ventilation shafts;
- Temporary stockpiles of material to be used as road base, backfill or ore pads;
- Water treatment facilities.

It also includes associated activities as listed in the Plan definition of 'Mining'.

The guidance in Section 1 of the District Plan sets out how to use the plan. This section of the plan states that if the proposed activity is associated with any of the district wide activities, you must consider the District-Wide rules. This approach is reinforced by the definition of Underground Mining, which states that it also includes associated activities as listed in the Plan definition of Mining. The district plan has a specific district-wide section for mining in Section 37. The activity that is proposed to occur within the TCDC district, whilst only for monitoring and restoration, is associated with the underground mining activity that is proposed within the adjacent Hauraki District. It is accepted that the underground mining activity is not occurring in the TCDC district, but based on the plan logic it is our view that this would be the activity that the monitoring is associated with as defined within the mining definitions of the district plan.

Section 37.6 Mining Rule 4 sets out specific rules for underground mining which are copied below. Overall, it is considered that the proposal would be a non-complying activity pursuant to rule 4.4 as the activity is within an overlay and takes on the activity status in Rule 8 Table 1A. A copy of Section 37 is in attachment A.

### **3. Proposed Conditions**

It should be noted that this is TCDC's first opportunity to provide comment on the draft set of conditions. The proposed conditions to address monitoring of the activity in the adjacent district generally cover the types of conditions that we would anticipate for monitoring of the activity only. It is requested that consideration is given to the wording of the conditions regarding the WUG Ecology and Landscape Management Plan and the Ecological Survey as they are not structured and worded in a way which would allow for effective monitoring and to reduce the sub delegation/certification requirements on the Council. Council does not have any inhouse experts in these fields and the certification of these conditions would have a significant cost burden on

Council if there were no opportunity to pass those on. For ease of review the most recent track changed version has been used and comments have been placed against the conditions which Council has comment on and is attached as a separate document.

Signed for and on behalf of the Thames-Coromandel District Council:

A handwritten signature in black ink, appearing to be 'Tamil Dyer', with a stylized, cursive script.

Tamil Dyer  
Development Planning Manager  
**REGULATORY SERVICES**

Dated this 25<sup>th</sup> day of August 2025

## **Attachment A**

### Thames-Coromandel District Plan Operative in Part – Section 37 Mining

## **Section 37 - Mining Activities**

### **37.1 Background**

Lying in the Hauraki Epithermal Zone the District contains a range of mineral resources, industrial rocks and building stones. Mineral extraction and quarry activities carried out in the District need to be managed carefully to prevent adverse effects on high natural values, wāhi tapu and archaeological sites. This is particularly important because of the District's geomorphology with steep slopes, occasional heavy rainfall events, extensive vegetation cover and vast stretches of coastline.

Mining Activities have been provided for according to the level of effects that they are likely to have on the environment. The Rural Zone does not provide for industrial activities other than those supporting farming and marine activities. However the Plan acknowledges that mineral resources need to be extracted where they occur and that it can be more efficient to process and store extracted material near the extraction site. Therefore the Plan provides for 'Mineral Processing' and 'Waste rock/tailings storage' as discretionary activities in the Rural Zone provided that a Plan for a 'Comprehensive Mine Development' is submitted for Council approval together with a resource consent application. Applications for comprehensive mining activities will be publicly notified since they are not anticipated within the Rural Zone.

Given the geological and geochemical make-up of the District; Mineral processing and Waste rock/tailings storage might not be able to be undertaken without the potential for long-term adverse effects on the environment and the community. In these cases the Council will work with the minerals industry and the NZ Transport Agency to identify suitable routes for mineral movement for off-site processing according to Implementation Method 6.8.4 of the WRC RPS.

The Council does not have any information to enable it to map significant mineral resources (identified using the criteria 6.8.1 a)-g) in the WRC RPS). Nonetheless the Plan includes policies (Section 15 Policy 2e. Section 16 Policy 2a. and Section 24 Policy 2b) that are aimed at protecting as appropriate, access to significant mineral resources. Areas where mineral extraction might be viable have not been identified or mapped by the Thames-Coromandel District Council.

There are numerous quarries within the District that operate under either existing use rights or resource consent.

There are also a number of private, small scale quarries that provide aggregate for farmers'

on site use.

*Note; All other sections of the Plan apply to the activities listed in Section 37.2*

### **37.2 Activity Table and User Information**

The Activity Table lists mining activities and their respective rules. Rules are for both the activity and associated activities that fall within the definition of the specific activity.

The district-wide rules are part of a hierarchy of rules. There may be zone rules, other district-wide rules, overlay rules or special purpose provisions that also apply to the activity and site. Where there is conflict between rules the rule hierarchy applies to the extent of the conflict (see Section 1 Background and How to Use the Plan for more information).

Mining activities involving earthworks will also need to comply with the Part VIII Zone Rules and assess compliance with the 'Earthworks' rule for the zone in which the mining activity is located, including for the purposes of kauri dieback disease management.

Comprehensive Mine Development Rule 5: An activity that complies with all the standards of the Comprehensive Mine Development Rule is a discretionary activity. An activity that does not comply with one or more of the standards of the Comprehensive Mine Development Rule is a non-complying activity if it is not affected by a mapped Overlay. If it is within a mapped Overlay it is a prohibited activity.

When considering an application for resource consent for an activity that is classed as a discretionary activity or as a non-complying activity the Council will consider all relevant overlay, zone and district-wide objectives and policies that apply to the activity or to the site or sites where that activity occurs.

When considering an application for resource consent for an activity that is classed as a discretionary activity or a non-complying activity, the Council will have regard to the standards for permitted activities on the same site as part of the context of the assessment of effects on the environment.

Any activity applied for under Section 37.2 that involves indigenous vegetation clearance will also need to comply with the provisions of Section 29, Biodiversity.

<b>ACTIVITY TABLE</b>	
Comprehensive Mine Development	R 5
Exploration	R 2
Mineral processing	R 6
Prospecting	R 1
Quarrying	R 3
Surface mining	R 4
Underground mining	R 4
Waste rock/tailings storage	R 6

#### **NOTE**

1. *Works in close proximity to any electricity line can be dangerous. Compliance with the New Zealand Electrical Code of Practice 34:2001 is mandatory for all buildings and mobile plant*

*within close proximity to all electricity lines.*

2. *Vegetation to be planted near electricity lines should be selected and/or managed to ensure that it will not result in the vegetation breaching the Electricity (Hazards from Trees) Regulations 2003.*
3. *All discretionary activities under Rule 5 and all non-complying activities shall be publicly notified.*
4. *The activity status of mining activities in different zones/area are outlined in Table 1 in Rule 7 and the activity status of mining activities in mapped Overlays are outlined in Table 1A in Rule 8.*

### **37.3 Permitted Activities**

#### **RULE 1** Prospecting

1. Prospecting is a **permitted activity**, provided that
  - a) It is not within an Outstanding Natural Character Overlay; or
  - b) It is not within a kauri hygiene zone; or
  - c) If it is within a kauri hygiene zone, all vehicles, equipment and footwear shall be cleared of all soil and organic material prior to entry into or exit from the zone.
2. Prospecting in an Outstanding Natural Character Overlay or if it is not a permitted activity under Rule 1.1 c) is a **non-complying activity**.

### **37.4 Controlled Activities**

#### **RULE 2** Exploration

1. Exploration is a **controlled activity**, provided:
  - a) It is in the Industrial Area, the Rural Area or the Conservation Zone outside any mapped Overlays; and
  - b) No more than 150m<sup>2</sup> of indigenous vegetation is cleared and the vegetation to be cleared is not identified by a suitably qualified ecologist as significant using the criteria for determining significance of indigenous biodiversity in the Waikato Regional Policy Statement; and
  - c) Prior to commencing exploration a rehabilitation plan is provided to the Council detailing the steps that will be undertaken (including time frames) to rehabilitate the site upon completion of exploration; and
  - d) Trenching and costeaning does not exceed a maximum cross section area of 6m<sup>2</sup>; and
  - e) Progressive rehabilitation of trenching is to be undertaken, such that no more than 50 metres of trenching is left open at any one time; and
  - f) Exploration drilling is subject to a maximum drilling pad size of 150m<sup>2</sup>, and with no more than four drilling pads per hectare in any 12 month period, and a maximum operational work duration of six months per drill pad; and
  - g) All of the permitted standards and thresholds for earthworks and noise that apply in the zone where the activity is proposed are met; and
  - h) No blasting takes place
2. The Council reserves its control to demonstrated compliance with the standards in Rule 2.1 a)-h)
3. Exploration that is not a controlled activity under Rule 2.1 b) - 2.1 g) is a restricted discretionary activity.
4. Exploration that is not a controlled activity under Rule 2.1 h) is a restricted discretionary activity provided it
  - a) Meets all the standards in Table 2A; and

- b) Includes details of the exploration blasting programme with the application.
- 5. The Council restricts its discretion to all the matters in Table 3 at the end of Section 37 and in Table 1 at the end of Section 29.
- 6. Exploration that is not a controlled activity under Rule 2.1 a) or that is not a restricted discretionary activity under Rule 2.4 is a discretionary activity.
- 7. Exploration (with or without blasting) within a mapped overlay takes on the activity status as set out in Table 1A in Rule 8.

## **NOTES**

- 1. *The rules in Section 39 Transport apply to exploration.*
- 2. *For the purposes of Rule 1g) earthworks thresholds as per Table 2 in Section 56 (Rural Zone) and Table 1 in Section 46 (Industrial Zone) will be calculated as they apply to 20 ha for the Rural Zone and 1000m<sup>2</sup> for the Industrial Zone. In the Conservation Zone thresholds will need to be agreed with the Department of Conservation as part of an access arrangement.*
- 3. *For the purposes of the controlled standard in Rule 2.1 b) in Section 37, Rule 2.1 and Rule 2.2 in Section 29 does not apply. The rules in Section 29 apply to all other aspects of Section 37.*
- 4. *For the Purposes of Rule 2.1 f), a temporary campsite may be established on a drilling pad.*
- 5. *Rule 2 includes the following activities; associated machinery and equipment, removal and replacement of topsoil and overburden, temporary stacking, deposition or storage of soil, rock or minerals, transportation of soil, rock or minerals to and from the site, earthworks, and the use of portacombs for a camp site. It does not include tracking, dewatering, construction, maintenance and operation of any additional buildings, structures or land improvements.*

## **37.5 Restricted Discretionary Activities**

### **RULE 3 Quarrying**

- 1. Quarrying is a restricted discretionary activity provided it;
  - a) Meets all the standards in Table 2; and
  - b) Includes a site management plan with the application which includes;
    - i) A map showing the site, the boundaries of the activity and any proposed area for expansion;
    - ii) A map showing topography, drainage, water bodies, existing vegetation cover and any other significant landforms or features;
    - iii) A map showing the location of existing and proposed buildings;
    - iv) A map showing the location of any existing or proposed plant or machinery to be used in a fixed position;
    - v) A map showing the location and dimensions of existing or proposed overburden storage and deposition areas and stockpiles of mineral resource;
    - vi) Details of the anticipated lifespan of the operation and any staging of excavation stockpiling and deposition works;
    - vii) A map showing existing and proposed vehicle entrance/exit and parking areas;
    - viii) Details of the anticipated average daily number of heavy



- ix) vehicle movements to and from the quarry;
- Details of existing and proposed setbacks, buffers, landscaping and screening measures;
- x) Details of existing or proposed methods of overburden stripping and quarry material extraction; and
- xi) Details of the excavation and blasting program.

2. The Council restricts its discretion to:

- a) Matters 2-8 in Table 3 at the end of Section 37; and
- b) In the Rural Zone and Rural Lifestyle Zone, where the area of the proposed Quarrying activity Includes kauri hygiene zone(s), the extent to which the Kauri Dieback Disease Risk Management Plan is likely to be effective in avoiding the spread of kauri dieback disease.

3. Quarrying that is not a restricted discretionary activity under Rule 3.2 is a discretionary activity.

4. Quarrying that is not provided for as a restricted discretionary activity in Table 1 in Rule 7 or Table 1A in Rule 8 takes on the activity status set out in those Tables (whichever is more restrictive)

**Note;**

1. The activity status for quarrying includes the expansion of existing quarries

**37.6 Discretionary Activities**

**RULE 4** Surface mining

Underground mining

1. An activity listed in Rule 4 is a discretionary activity provided

- a) It is in the Rural Zone; and
- b) It is outside any mapped Overlay; and
- c) A report prepared by a suitably qualified ecologist has been submitted with the proposal which identifies any significant indigenous vegetation or significant habitats of indigenous fauna located within the area affected by the activity, in accordance with the criteria for determining significance of indigenous biodiversity in the Waikato Regional Policy Statement; and
- d) Any surface expression associated with the activity is located outside any area that has been identified as an area of significant indigenous vegetation or significant habitats of indigenous fauna in the ecological report; and
- e) It complies with all information requirements in 37.10 Table 5 at the end of Section 37; and
- f) It includes a site management plan with the application which includes:
  - i) The size scale and location of each individual activity
  - ii) A detailed account of the receiving environment including of adjacent land uses; and
  - iii) A summary of the consultation undertaken during project development with key stakeholders and affected and potentially affected parties; and
  - iv) A map showing the site, the boundaries of the activity and any proposed area for expansion; and
  - v) A map showing typography, drainage, water bodies, existing vegetation cover and any other significant landforms or features; and
  - vi) A map showing the location existing and proposed buildings; and

- vii) A map showing the location of any existing or proposed plant or machinery to be used in a fixed position; and
  - viii) A map showing the the location and dimensions of existing or proposed overburden storage and deposition areas and stockpiles of mineral resource; and
  - ix) Details of the anticipated lifespan of the operation and any staging of excavation stockpiling and deposition works; and
  - x) A map showing existing and proposed vehicle entrance/exit and parking areas; and
  - xi) Details of the anticipated average daily number of heavy vehicle movements to and from the site; and
  - xii) Details of existing and proposed setbacks, buffers, landscaping and screening measures; and
  - xiii) Details of proposed methods of overburden stripping and processing; and
  - xiv) Details of the excavation and blasting program.
  - xv) Detail and quantities of hazardous substances to be used and stored on the site and to be transported to and from the site.
2. An activity listed in Rule 4 will be assessed against all relevant Objectives and Policies of the Plan and against the specific discretionary matters set out in Table 4.
  3. An activity listed in Rule 4 that is not a discretionary activity under 4.1a) takes on the activity status as set out in Table 1 in Rule 7.
  4. An activity listed in Rule 4 that is not a discretionary activity under 4.1b) takes on the activity status as set out in Table 1A in Rule 8.
  5. An activity listed in Rule 4 that is not a discretionary activity under 4.1c) and/or 4.1d) and/or 4.1e) and/or 4.1f) is a non-complying activity.

## **RULE 5 Comprehensive Mine Development**

1. An activity listed in Rule 5 is a discretionary activity provided:
  - a) It is in the Rural Zone; and
  - b) It is outside any mapped Overlay; and
  - c) A report prepared by a suitably qualified ecologist has been submitted with the proposal which identifies any significant indigenous vegetation or significant habitats of indigenous fauna located within the area affected by the activity, in accordance with the criteria for determining significance of indigenous biodiversity in the Waikato Regional Policy Statement; and
  - d) Any surface expression associated with the activity is located outside any area that has been identified as an area of significant indigenous vegetation or significant habitats of indigenous fauna in the ecological report; and
  - e) The activity is not located in areas where high class soils for primary production are present; and
  - f) It complies with all information requirements in 37.10 Table 5 at the end of Section 37; and
  - g) It includes a site management plan with the application which includes:
    - i) The size scale and location of each individual activity; and
    - ii) A detailed account of the receiving environment including of adjacent land uses; and
    - iii) A map showing any known, historical mine tunnels in the area that may be affected by the proposal; and

- iv) A summary of the consultation undertaken during project development with key stakeholders and affected and potentially affected parties; and
  - v) A map showing the site, the boundaries of the activity and any proposed area for expansion; and
  - vi) A map showing typography, drainage, water bodies, existing vegetation cover and any other significant landforms or features; and
  - vii) A map showing the location existing and proposed buildings; and
  - viii) A map showing the location of any existing or proposed plant or machinery to be used in a fixed position; and
  - ix) A map showing the the location and dimensions of existing or proposed overburden storage and deposition areas and stockpiles of mineral resource; and
  - x) Details and quantities of hazardous substances to be used and stored on the site and to be transported to and from the site; and
  - xi) Details of the anticipated lifespan of the operation and any staging of excavation stockpiling and deposition works; and
  - xii) A map showing existing and proposed vehicle entrance/exit and parking areas: and
  - xiii) Details of the anticipated average daily number of heavy vehicle movements to and from the site; and
  - xiv) Details of the existing proposed setbacks, buffers, landscaping and screening measures; and
  - xv) Details of proposed methods of overburden stripping and processing; and
  - xvi) Details of the excavation and blasting program.
2. An activity listed in Rule 5 will be assessed against all relevant Objectives and Policies of the Plan and against the specific discretionary matters set out in Table 4.
  3. An activity that does not comply with Rule 5.1a) takes on the activity status listed in Rule 7 Table 1.
  4. An activity that does not comply with Rule 5.1b) is a prohibited activity
  5. An activity that does not comply with one or more of the standards in 5.1c)-g) is non-complying activity.

### 37.7 Non-complying Activities

#### **RULE 6** Mineral Processing

##### **Waste rock/tailings storage**

1. An activity listed in Rule 6 that is not part of a Comprehensive Mine Development is a non-complying activity in the Rural Zone outside any mapped Overlays.
2. An activity listed in Rule 6 that is not a non-complying activity under Rule 6.1 takes on the activity status listed in Rule 7 or Rule 8 Table 1A, whichever is more restrictive.

### 37.8 Activity Status Table Zones

#### **Rule 7.** Activity Status Table Zones

1. The activity status of an activity listed in Section 37.3,.4., 5. and 6. is shown in Table 1.

Table 1 - Activity Status									Comprehensive Mine Development	
Zone	Prospecting	Exploration without blasting	Exploration with blasting*	Mineral processing	Quarrying	Surface mining	Underground mining	Waste rock/tailings storage		
Rural(A4, A25, A29) Rural Lifestyle	Permitted	Controlled Restricted discretionary Controlled	Restricted discretionary	Non-complying	Restricted discretionary	Discretionary	Discretionary	Non-complying	Discretionary Non-complying	
Industrial		Restricted discretionary		Discretionary	Prohibited	Discretionary	Non-complying	Non-Complying		
Light Industrial				Non-complying			Non-complying	Prohibited	Prohibited	
Marine Service					Non-complying	Discretionary		Prohibited	Prohibited	
Airfield				Prohibited			Prohibited	Prohibited	Prohibited	
Road					Prohibited	Prohibited		Prohibited	Prohibited	
Commercial				Prohibited			Prohibited	Prohibited	Prohibited	
Gateway		Restricted discretionary			Controlled	Non-complying		Discretionary	Prohibited	Prohibited
Pedestrian Core				Prohibited						
Conservation (A64)		Restricted discretionary		Prohibited	Non-complying	Prohibited	Non-complying	Discretionary	Prohibited	Prohibited
Open Space										Prohibited
Recreation Active				Prohibited						
Recreation Passive				Prohibited						
Coastal Living				Prohibited						
Extra Density Residential				Prohibited	Prohibited	Prohibited	Non-complying Non-complying	Prohibited	Prohibited	
Low Density Residential									Prohibited	
Residential									Prohibited	
Village									Prohibited	
Waterfront									Prohibited	
Northern Coromandel Restricted Area		Prohibited		Prohibited	Prohibited	Prohibited	Prohibited	Prohibited		

\* Underground mining without surface expression in the Recreation Passive Zone is **discretionary activity**.

Where there is surface expression within the Zone the activity is a **non-complying activity**.

\* Exploration with blasting that does not meet the standards in Table 2A and does not include all the details of the exploration blasting programme with the application is a **discretionary activity**.

2. Where exploration is controlled activity, the council reserves its control to demonstrated compliance with standards in Rule 2.1 a)-h).

3. Where exploration is a restricted discretionary activity, the Council restricts its discretion to:

- All the matters in Table 3 at the end of Section 37 and in Table 1 at the end of Section 29: and
- In the Rural Lifestyle Zone, where the area of the proposed exploration activity includes kauri hygiene zone(s), the extent to which the Kauri Dieback Disease Risk Management Plan is likely to be effective in avoiding the spread of kauri dieback disease.

4. Where quarrying is a restricted discretionary activity the Council restricts its discretion to:

- Matters 2-8 in Table 3 at the end of section 37: and
- In the Rural Zone and Rural Lifestyle Zone, where the area of proposed Quarrying activity includes kauri hygiene zone(s), the extent to which the Kauri Dieback Disease Risk Management Plan is likely to be effective in avoiding the spread of kauri dieback disease.

#### Rule 8. Activity Status Table Overlays

the activity status of a mining activity listed in section 37.3.,4, 5, 6 and 7 located in a mapped overlay is shown in Table 1A.

**Table 1A - Activity Status Table Overlay**

<b>Activity</b>	<b>Outstanding Natural Features and Landscapes</b>	<b>Outstanding Natural Character</b>	<b>High Natural Character</b>	<b>Coastal Environment Line (outside mapped overlays)</b>
Prospecting	Permitted	Non-complying	Permitted	Permitted
Exploration <b>without blasting</b>	Discretionary	Non-complying	Non-complying	Discretionary
Exploration <b>with blasting</b>	Discretionary	Non-complying	Non-complying	Discretionary
Underground Mining <b>without surface expression</b>	Non-complying	Non-complying	Non-complying	Prohibited
Underground Mining <b>with surface expression</b>	Non-complying	Prohibited	Prohibited	Prohibited
Surface Mining	Prohibited	Prohibited	Prohibited	Prohibited
Mineral Processing	Prohibited	Prohibited	Prohibited	Prohibited
<b>Quarrying</b>	Prohibited	Prohibited	Prohibited	Non-complying
<b>Waste Rock/Tailings Storage</b>	Prohibited	Prohibited	Prohibited	Prohibited
<b>Comprehensive Mine Development</b>	Prohibited	Prohibited	Prohibited	Prohibited

**Attachment B**

<b>Notice of Commencement of Works</b>
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**PLEASE POST OR EMAIL THIS COMPLETED PAGE AT LEAST 3 WORKING DAYS BEFORE  
STARTING WORK**

**To:** Thames-Coromandel District Council  
515 Mackay Street, Private Bag  
THAMES

**Or Email:** customer.services@tcdc.govt.nz

**Attention:** Environmental Compliance Officer

**Resource consent details:**

Address:

Application no:

Proposal:

Work will start on: \_\_\_\_\_  
(Date)

Owner's contact details:

Name: \_\_\_\_\_

Telephone: \_\_\_\_\_

Mobile phone: \_\_\_\_\_

Postal address: \_\_\_\_\_

Contractor's contact details (e.g. builder, earthmover)

Name: \_\_\_\_\_

Telephone: \_\_\_\_\_

Mobile phone: \_\_\_\_\_

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

[Note – the ‘comment’ column has been provided for guidance and interpretation purposes only, and is not proposed to form part of the consent conditions]

Condition		Comment
	<b>Management Plans</b>	
1	<p>This consent must be exercised in accordance with the following sections of the WUG Ecology and Landscape Management Plan (“ELMP-WUG”), which has been certified as part of the approval granted pursuant to Section 81 of the Fast-track Approvals Act 2024 and form part of this consent:</p> <ul style="list-style-type: none"> <li>a) Terrestrial Ecology Management Plan; and</li> <li>b) Kauri Dieback Management Plan (only as relevant to the activities consented within the Thames Coromandel District).</li> </ul> <p><i>Advice Note: Any subsequent amendments to the ELMP-WUG relating to the proposed activities within the Thames Coromandel District shall be certified by the Council to ensure the amendments are consistent with the objective in the approved management plan.</i></p>	
2	<p>Not less than 6 months before commencing the consented activities within the Thames Coromandel District the Consent Holder will consult with the Consent Authority and any relevant Administering Agency regarding whether there have been any material changes in best practice standards that merit amendment to the management ELMP-WUG in accordance with Conditions 4, and 5 – 5D.</p>	
3	<p>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.</p>	
	<b>Amendments to the ELMP-WUG</b>	
4	<p>The Consent Holder may make 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.</p> <p>Any amendment to the ELMP-WUG must be submitted to and certified by the Council and any works associated with the amendment must not commence until certification has occurred.</p>	



Condition	Comment
5	<p>In addition to the requirements of Condition 4, if amendments that relate to works or effects on conservation land are proposed to the ELMP-WUG the Consent Holder must 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.</p>
5B	<p>If the Department of Conservation agrees to participate in a workshop:</p> <ul style="list-style-type: none"> <li>a. The Consent Holder must provide a copy of the amended ELMP-WUG to the Department of Conservation at least 15 days before the workshop;</li> <li>b. 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</li> </ul> <p>The Department of Conservation may provide written feedback to the Consent Holder on the Management Plan(s) amendments within 15 working days of the completion of the workshop.</p>
5C	<p>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.</p>
5D	<p>The Consent Holder must provide any written feedback received from the Department of Conservation on the amended ELMP-WUG to the relevant Consent Authority when the ELMP-WUG is submitted for certification, 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.</p>
	<p><b>WUG Ecology and Landscape Management Plan (ELMP-WUG)</b></p>
6	<p>The Consent Holder must implement the ELMP-WUG referred to in Condition 1, subject to any amendments that may be made under Conditions 4 and 5-5D.</p>
7	<p>The objective of the approved ELMP-WUG 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.</p>








Condition	Comment
	<p>To achieve this objective within the Thames Coromandel District, the ELMP-WUG must include the following:</p> <ul style="list-style-type: none"> <li>a. 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;</li> <li>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.</li> </ul>
8	<p>Any version of the ELMP-WUG must as a minimum:</p> <ul style="list-style-type: none"> <li>a. Be consistent with the objective of the ELMP-WUG as set out in Condition 7;</li> <li>b. Include maps or visual tools which identify the location and extent of any proposed management and mitigation measures</li> <li>c. 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</li> <li>d. Include details of the roles and responsibilities of key staff responsible for implementing the ELMPWUG and procedures for training of contractors and other Project staff regarding the ELMPWUG.</li> </ul>
	<i>Reporting</i>
9	<p>By 30 June each year the Consent 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 ELMP-WUG for the previous year.</p> <p>The Waihi North Ecological and Landscape Monitoring Report must include:</p> <ul style="list-style-type: none"> <li>a. A description of the works and other actions completed by the Consent Holder in the previous twelve months;</li> <li>b. 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;</li> <li>c. 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:</li> </ul>



Condition		Comment
	<ul style="list-style-type: none"> <li>i. The reasons why the objective has / is not being met;</li> <li>ii. Specific measures that have already been implemented, or are required to be implemented to address this; and</li> <li>d. Details of any amendments needed to the ELMP-WUG or any other related management plan.</li> </ul> <p><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></p>	
	<b>Portable Drill Rig Sites</b>	
10	This consent authorises drilling, utilising portable rigs, at two locations only.	
11	The utilisation of portable rigs must adopt best practice and minimise associated impacts on the environment to the extent practicable.	
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	<p>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:</p> <ul style="list-style-type: none"> <li>a. Select the location(s) from the list required by Condition 12 by first applying the requirements of the <i>Waihi North Project Site Selection Protocol</i> annexed as Attachment 1 to this consent; and</li> <li>b. Prepare a Siting Report which provides: <ul style="list-style-type: none"> <li>i. The results of the site assessment undertaken in accordance with the <i>Waihi North Project Site Selection Protocol</i>;</li> <li>ii. The locations of the selected sites; and</li> <li>iii. The expected duration of construction and operations at each site; and</li> </ul> </li> <li>c. Submit the Siting Report to the Thames Coromandel District Council for certification that the <i>Waihi North Project Site Selection Protocol</i> has been appropriately applied.</li> </ul> <p><i>Advice Note: The Siting Report will be prepared in conjunction with the Siting Report prepare in accordance with the resource consent</i></p>	



Condition		Comment
	<i>requirements applying to the 'Waihi North Project – Conditions for the Hauraki District Council Land Use Consents'.</i>	
	Vegetation clearance, construction or operations at any	
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.	
	<b>Vegetation Clearance and Site Disturbance Associated with Portable Drill Rig Sites</b>	
15	<p>Vegetation clearance  at each drill rig location must not exceed 32 m<sup>2</sup> and ground disturbance  and vegetation clearance must be limited to that necessary to accommodate the required equipment.</p> <p><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></p>	Portable rig investigations do not require tree clearance, but will require clearance of groundcovers, wood debris and forest duff which provide habitat for native species over an area of 32 m <sup>2</sup> each
16	Vegetation clearance must not involve felling of any trees	
17	Prior to undertaking vegetation removal at any portable drill rig site, the <b>Consent Holder</b> 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.	
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 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).	

Condition	Comment
20	<p>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 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. If five or more 'At Risk' or 'Threatened' frogs are found, then Condition 21 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 19 and if four or less 'At Risk' or 'Threatened' frogs are found, then Conditions 22-25 apply. Best practice survey methods will be employed by the suitably qualified ecologist(s).</p> <p>The <b>Consent Holder</b> 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 19). Once constructed, the integrity of fences will be maintained at all times and a final fence inspection will be completed by the Consent 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 19). 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 19) 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 Consent Holder 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. Fenced sites with camps and/or rigs on them are exempt from the 6 month re-survey requirement.</p>
21	<p>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 determine if there is an alternative 18 m X 13 m area within the ecological survey area(s) that is suitable for use as a drill site (i.e. a 18 m X 13 m area where four or less frogs , lizards, or northern</p>



Condition		Comment
	<p>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)).</p> <p>If no such alternative 18 m X 13 m area is available, an alternative site should be selected.</p>	
22	<p>If four or less 'At Risk' or 'Threatened' frogs are found during any ecological survey(s), the Consent Holder will mark and record each location with biodegradable flagging tape and GPS to give an error of no more than <math>\pm 20</math> m.</p>	
23	<p>The Consent Holder will impose a minimum buffer of 3 m around any 'At Risk' or 'Threatened' frog found during the ecological survey(s) and select the site(s) accordingly.</p>	
24	<p>Within 20 working days of the ecological survey(s) being undertaken, the Consent Holder will provide the Thames Coromandel District Council and the Department of Conservation with written report(s) that include:</p> <ul style="list-style-type: none"> <li>a. 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;</li> <li>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; and</li> <li>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 17 and / or found at any drill site.</li> </ul>	
25	<p>Vegetation removed at a portable drill rig site must be managed and remediated in accordance with the ELMP-WUG.</p>	

Condition		Comment
	<b>Management of “At Risk” and/or ‘Threatened’ Flora Associated with Portable Drill Rig Sites</b>	
26	<p>Disturbance of <i>Pterostylis puberula</i>, <i>Pterostylis tasmanica</i> and king fern <i>Ptisana salicina</i> must be avoided.</p> <p><i>Advice note: If any of these species are present on a prospective portable drill rig site, an alternative site shall be found.</i></p>	If any of these species are present on a prospective portable drill rig location, an alternative site shall be found.
	<b>Management of ‘At Risk’ and/or ‘Threatened’ Herpetofauna during vegetation clearance associated with Portable Drill Rig Sites</b>	
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.	
	<b>Management of Terrestrial Invertebrates Associated with Portable Drill Rig Sites</b>	
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 ( <a href="http://www.doc.govt.nz/nztcsl">http://www.doc.govt.nz/nztcsl</a> ) 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 metres beyond the site, as recommended by the onsite ecologist.	



Condition		Comment
	<b>Aircraft</b>	
33	The Consent Holder will ensure that aircraft landing/hovering zones are maintained to ensure public safety. The Consent Holder will 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. <sup>9</sup>	
35	The Consent Holder will ensure that aircraft idle times on the ground are kept to a practicable minimum.	
	<b>Biosecurity Management</b>	
36	The Consent Holder shall comply with the kauri dieback management section of the ELMP-WUG at all times, in accordance with Condition 1.	
37	The Consent 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.	
38	<p>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 <a href="https://myrtlerust.org.nz/">https://myrtlerust.org.nz/</a>. If the Consent Holder encounters suspected symptoms of myrtle rust, the Consent Holder must not touch it and must take the following steps:</p> <ol style="list-style-type: none"> <li>Follow the most up to date advice from Ministry for Primary Industry regarding exotic pest and disease protocols;</li> <li>Take clear photos, including the whole plant, the whole affected leaf, and a close-up of the spores/affected areas of the plant;</li> <li>Don't touch or try to collect samples as this may increase the spread of the disease;</li> <li>If accidental contact with the affected plant or rust occurs, bag clothing and wash clothes, bags and shoes as soon as possible.</li> </ol>	



Condition		Comment
39	The Consent 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 <a href="http://www.biosecurity.govt.nz/cleaning">http://www.biosecurity.govt.nz/cleaning</a> . The Consent Holder must regularly check this website and update their precautions accordingly.	
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.	
	<b>General Conditions</b>	
41	The Consent Holder must ensure that all equipment to be used for drilling activities authorised by this consent are clean and free of any exotic weed and seed material prior to entry to the drill site.	
42	All fuel must be stored in safe, secure containers / tanks that have secondary containment. Note that this does not cover the use of portable jerry cans which are necessary for refuelling in emergency situations.	
43	A spill kit must be held at each working area at all times and used immediately should a fuel or lubricant spill occur.	
44	Any fuel or lubricant spill above ground which is greater than 20 litres must be reported to the Thames Coromandel District Council and Department of Conservation (if on Department of Conservation administered land) at the earliest opportunity, including the amount spilled, remedial action undertaken, and any further actions required to fully remediate the site.	
45	A fire extinguisher must be kept on site during drilling activities.	
46	All waste must be removed and disposed of at an appropriate facility during and upon the completion of drilling activities.	
	<b>Accidental Discovery Protocol</b>	
47	In the event that any unidentified archaeological site is located when exercising this consent, the following procedures must be undertaken by the Consent Holder:	





Condition	Comment
	<p>a. All work must cease, and machinery within 20 m of the discovery shut down.</p> <p>b. The Consent Holder must notify the Heritage New Zealand Regional Archaeologist;</p> <p>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);</p> <p>d. The tangata whenua entities referred to in c. are:</p> <ul style="list-style-type: none"> <li>• Ngāti Hako</li> <li>• Ngāti Maru</li> <li>• Ngāti Puu</li> <li>• Ngāti Tamaterā</li> <li>• Ngāti Tara Tokanui / Ngāti Koi</li> <li>• Ngaati Whanaunga</li> </ul> <p>e. If human remains (koiwi tangata) are discovered, the Consent Holder must also advise the New Zealand Police; and</p> <p>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.</p> <p>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.</p> <p><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></p>

