APPENDIX 2

TE KUHA PROJECT – PROPOSED CONDITIONS 27 JULY 2022

INDEX

Definitions

“AMD” means acid and metalliferous drainage.

“Access Road” means the road from the coal load-out site to the mine pit.

“Completion of Closure” means rehabilitation of the mine site such that (a) to (d) of Condition 31 have all been demonstrated by the Consent Holder, to the satisfaction of the Consent Authorities, to have been met.

“Completion of Biodiversity Enhancement” means compliance with Conditions 167 to 192 of RC160038 relating to the Te Kuha Biodiversity Management and Enhancement Plan.

“Construction” for the purposes of Conditions 47 to 49 means earthworks that occur prior to the commencement of mining operations.

“Construction phase” for the purposes of Conditions 47 to 49 includes all construction activities up until the time that coal is extracted from the pits on a continuous basis.

“Certification” means that the management plan contains the necessary information specified in the management plan condition and meets all the requirements set out in more specific conditions of consent.

“DT” means direct transfer. This can be of vegetation, stumps/logs or weathered boulders.

“ELF” means an engineered landform.

“Mining operations” commence when the water treatment facilities have been constructed and commissioned. Mining activity or mining activities has the same meaning as mining operations.

“NAF” means non-acid forming.

“PAF” means potentially acid forming.

“Te Kuha Biodiversity Management Area” means that area referred to in Condition 167 and identified in Attachment 4 to these conditions.

“Te Kuha Mine Project” and “mine site” means all areas of disturbance, including the access road, the mine pit, ex-pit sumps, and the coal load-out site, and all associated edge effects.

Method of Operations

1. All activities authorised by these consents shall be undertaken generally in accordance with the information contained in the Application and Assessment of Environmental Effects dated April 2017 and all supporting technical documents and plans, as provided to the Consent Authorities, as amended and updated by all evidence presented to the Environment Court, except where inconsistent with these conditions, in which case the conditions shall prevail.

2. Prior to undertaking any of the activities authorised by these consents, the Consent Holder shall appoint an Environmental Manager, or equivalent position. The Consent Holder shall ensure an Environmental Manager is employed at all times during all mining operations (including all rehabilitation activities).

3. The Environmental Manager shall:

    a) Be a full-time employee of the Consent Holder;

    b) Report directly to the Mine Manager, making recommendations for improving environmental management and outcomes where necessary; and

    c) Operate in an objective manner to ensure the Consent Holder meets the conditions of these consents, including monitoring, reporting, rehabilitation and biodiversity management.

4. The Consent Holder shall ensure that the recommendations of the Environmental Manager under Condition 3 shall be taken into account and given effect to in mine planning and mining operations) except where, and only to the extent that, the recommendations might be contrary to the Consent Holder's obligations under the Health and Safety at Work Act 2015 (and all associated legislation).

5. The Consent Holder shall ensure that the development of the mine site, including all mining areas, overburden disposal areas, ELF underdrainage systems, ex-pit sumps, the construction of all earth bunds, diversion channels, roads, tracks, stream crossings and rail load-out site is supervised by appropriately qualified engineers. A Chartered Professional Engineer shall be retained to review the design and engineering of all such areas and any associated structures to ensure that they are constructed in accordance with current accepted engineering practices. Evidence of the compliance with this condition shall, if requested by the Consent Authorities, be submitted to the Consent Authorities in the form of a certificate from a Chartered Professional Engineer.

6. The Consent Holder shall ensure all key staff and contractors are made aware of the conditions of these resource consents to ensure compliance with those conditions.

Complaints and Non-compliance

7. The Consent Holder shall maintain and keep a complaints register for any complaints received in relation to the activities authorised by these consents. The register shall record:

    d) The date, time and duration of the incident that has resulted in a complaint;

    e) The location of the complainant when the incident was detected;

    f) The possible cause of the incident; and

    g) Any corrective action taken by the Consent Holder in response to the complaint including the timing of that corrective action.

8. The complaints register shall be made available to the relevant Consent Authority within 48 hours of any formal request from the Consent Authority being received by the Consent Holder.

9. The Consent Holder, upon receipt of any complaint reported to it by the relevant Consent Authority, shall promptly investigate the complaint, take action to remedy or mitigate the complaint, and inform the Consent Authority of the details of the cause of the complaint and the action taken within 48 hours of receiving the report of the complaint.

10. Unless otherwise stated within these consents, in the event of any breach of the conditions of these consents, the Consent Holder shall notify the Consent Authority within 48 hours of the breach being detected. Within seven days, or a longer period agreed to in writing by the Consent Authority, of any breach, the Consent Holder shall provide written notification to the Consent Authority that explains the cause of the breach and, if the cause was within the control of the Consent Holder, the steps which were taken to remedy the breach and also the steps which will be taken to prevent any future occurrence of the breach.

Notification of Exercise of Consent

11. The Consent Holder shall notify the Consent Authorities in writing of:

    a) The intention to exercise any consent at least three months prior to, but not more than 12 months prior to, the commencement of any activities authorised by these consents; and

    b) The date that activities authorised by these consents first commence; and

    c) The intention to complete mining activities three months prior to the cessation of mining activities; and

    d) The intention to remove earth-working machinery from the site, at least three months prior to their removal; and

e) The date mining activities cease.

12. The Consent Holder shall notify the Consent Authorities in writing of the expected date of Completion of and Closure of the Site (in terms of Condition 31) at least two years prior to that date.

Lapsing of Consents

13. Pursuant to Section 125(1) of the Act these resource consents shall lapse on the expiry of ten years after their dates of commencement unless any of the consents have been given effect to before the end of that period, or the relevant Consent Authority has granted an extension to the lapsing date under Section 125(1)(b) of the Act.

Review of Conditions

14. Pursuant to Section 128(1) of the Act, the Consent Authorities may review any of the conditions of these consents by serving notice on the Consent Holder within a period of three months, commencing on each anniversary of the date of commencement of these consents for any of the following purposes:

    a) To deal with any adverse effect on the environment which may arise from the exercise of the consents and which it is appropriate to deal with at a later stage.

    b) In relation to discharge permits, to require the adoption of the best practicable option to remove or reduce any adverse effect on the environment.

    c) To assess the appropriateness of imposed compliance standards, monitoring parameters, monitoring regimes and monitoring frequencies and to alter these accordingly.

    d) To ensure that any management plan required by these conditions is implemented and gives effect to conditions of these consents.

15. Pursuant to Section 128(1) of the Act, the Consent Authority may review Conditions 167 - 192, of RC160038 by serving notice on the Consent Holder within a period of three months following receipt of the report required by Condition 169 of RC160038 for the purpose of ensuring that the objectives of the Te Kuha Biodiversity Management and Enhancement Plan are met.

    Advice Note: It is expected that if the amounts of DT set out in Condition 51(a) as a minimum have not been successfully achieved, the Council will review Condition 168 by increasing the actions or measures required to be undertaken in the Te Kuha Biodiversity Management Area to compensate for the loss of biodiversity.

16. DELETED

17. Pursuant to Section 128(1) of the Act, the Consent Authority may review Conditions 182 and 183 of RC160038 by serving notice on the Consent Holder within a period of three months following receipt of the report required by Condition 184 of RC160038. This is for the purpose of ensuring that the objectives of the Mammalian Predators and Browsers section of the Te Kuha Biodiversity Management and Enhancement Plan required by Condition 182 are met, or that an equivalent biodiversity outcome is achieved.

Bond

18. At all times the Consent Holder shall provide and maintain in favour of the Consent Authorities a bond or bonds to:

    a) Secure the compliance by the Consent Holder with the conditions of these consents, including the conditions relating to the Te Kuha Biodiversity Management and Enhancement Plan;

    b) Secure the completion of rehabilitation and closure in accordance with the Rehabilitation Management, Water Management and Mine Closure Plans; and

    c) Enable the Consent Authorities to monitor any adverse effect on the environment that may arise from the exercise of the consents including monitoring anything which is to be done to avoid, remedy, mitigate or compensate an adverse effect.

    Advice Note: A bond is required by both the Buller District Council and the West Coast Regional Council. The Consent Authorities will accept a "joint bond" that secures compliance with the consents for the mine granted by both Councils.

19. The amount (quantum) of the bond may vary from time to time but at any given time shall be sufficient to cover the estimated cost at that time (including any contingency) of compliance with all conditions, including (but not limited to):

    a) Compliance with the obligations in Conditions 167 to 192 of RC160038 for the Te Kuha Biodiversity Management Area;

    b) Demolition and removal of plant and buildings;

    c) Mine site clean-up, including removal and disposal of contaminated soil;

    d) Rehabilitation by re-contouring, compaction control, spreading root-zone and topsoil, re-vegetation and pest plant and animal control until the closure criteria in Condition 31 are met;

    e) Stabilisation of earthworks and landforms (erosion control);

    f) Rehabilitation of watercourses and drainage disturbed by mining activities, including the installation of erosion protection works where necessary and removal of temporary cut-off drains;

g) Active water quality treatment until the closure criteria in Condition 31 are met and maintenance of passive water treatment facilities, if required, such that Condition 118 of RC-2016-0098-04 shall continue to be met in perpetuity;

h) Construction and erosion protection of drainage facilities;

i) Rehabilitation of access road and maintenance of roads and water tables of any agreed residual roads;

j) Environmental and geotechnical monitoring and reporting;

k) Staff costs; and

l) Administration and operating costs.

20. The Consent Holder shall not exercise these consents until the bond or bonds referred to in Condition 18 is executed by the Consent Holder and guarantor and deposited with the Consent Authorities.

21. Notwithstanding Condition 23, the Consent Holder shall provide a bond or bonds for the quantum for a minimum term of three years, such term to be renewed for a minimum of a further three years (or such other term as may be agreed to between the Consent Holder and the Consent Authorities) on each anniversary of the date activities authorised by these consents first commence as notified under either Condition 11(a) or subsequently under Condition 11(b) (the "date of renewal"). The term of the bond shall be renewed until "Completion of Closure of the Site" and "Completion of Biodiversity Enhancement" in accordance with Condition 31, and completion of off-site biodiversity management in accordance with Conditions 167 to 192 of RC160038 is achieved.

22. Unless the bond is a cash bond, the performance of the conditions of the bond shall be guaranteed by a guarantor acceptable to the Consent Authorities. The guarantor shall bind itself to pay for the carrying out and completion of any condition in the event of any default of the Consent Holder.

23. If the Consent Holder is unable at any time to arrange a guarantor for the quantum as set out in Condition 21, the Consent Holder will provide a cash bond or bonds for the quantum within 60 days of the date of the renewal referred to in Condition 21.

24. The bond shall be in a form acceptable to the Consent Authorities.

25. The bond shall provide that the Consent Holder remains liable under the Resource Management Act 1991 for any non-compliance with any condition(s) of these consents which occurs before expiry of these consents and which become apparent during or after the expiry of the relevant consent.

26. The Consent Holder shall provide the Consent Authorities with a report which recommends the amount of the initial bond quantum at the time it gives notice to the

Consent Authorities under Condition 11(a). The initial bond quantum shall be reviewed and set by the Consent Authority within 30 days of the receipt of the report and thereafter, for replacement bonds, within 30 days of receipt of each bond review report required under Condition 27. Notification of the quantum of the bond under this condition shall be in writing by the Consent Authorities to the Consent Holder.

27. The initial bond quantum shall be determined by a suitably qualified specialist acceptable to the Consent Authorities, based on matters contained in the first Annual Work Plan and the management plans required by these consents. Thereafter, the same specialist, or an alternate specialist acceptable to the Consent Authorities, shall review and prepare a report for the parties on the bond quantum at yearly intervals, but using the Annual Work Plan for the coming twelve months and the latest versions of the management plans required by these consents. If the reviewed bond quantum is higher than the current bond quantum, then the bond quantum shall be adjusted accordingly within 30 days of the parties receiving the report, unless the Consent Holder invokes Condition 28.

28. Should the Consent Holder not agree with the amount of the bond fixed by the Consent Authorities under Condition 27 then the matter shall be referred to arbitration in accordance with the provisions of the Arbitration Act 1996. Arbitration shall be commenced by written notice ("Notice of Arbitration") by the Consent Holder to the Consent Authorities advising that the amount of the bond is disputed, such notice to be given within 14 days of the date that the report under Condition 27 has been received. If the parties cannot agree upon an arbitrator within 7 days of the Notice of Arbitration, then an arbitrator shall be appointed by the President of the Institute of Professional Engineers of New Zealand. Such arbitrator shall give an award in writing to the parties within 30 days after his or her appointment (the "date of arbitration decision"), unless the parties both agree that the date of arbitration decision shall be extended. The Consent Holder shall bear the full and reasonable costs incurred by the parties in connection with this arbitration. In all other respects, the provisions of the Arbitration Act 1996 shall apply. Pending the outcome of that arbitration, and subject to Condition 29, the existing bond shall continue in force. That sum shall be adjusted in accordance with the arbitration decision.

29. If the decision of the arbitrator is not made available by the date of arbitration decision referred to in Condition 28, then the amount of the bond shall be the sum fixed by the Consent Authorities under Condition 27 until such time as the arbitrator does give an award in writing to the parties. At that time, the amount of the bond shall be adjusted in accordance with the arbitration decision.

30. The bond may be varied, cancelled, or renewed at any time by agreement between the Consent Holder and the Consent Authorities provided that cancellation will not be agreed to unless a further or new bond acceptable to the Consent Authorities is available to replace immediately that which is to be cancelled.

31. The Consent Authorities shall release the bond on the Completion of Closure of the Site, except for the amount required to secure the compliance by the Consent Holder with Conditions 167 to 192 RC160038 relating to the Te Kuha Biodiversity Management

Area. "Completion of Closure of the Site" means rehabilitation of the site such that Conditions (a) to (d) below have all been demonstrated by the Consent Holder, to the satisfaction of the Consent Authorities, to have been met:

a) Finished landform closure: The finished landform requirements set out in Condition 50 have been met.

b) Rehabilitation closure: Closure of the Te Kuha Mine Project shall be achieved when the closure criteria in Tables 1 and 2 below have been met and maintained for a minimum period of five years, or earlier if the Consent Authorities certify that monitoring data provides confidence that rehabilitation trajectories are highly likely to deliver the closure criteria. The rehabilitation and enhancement assessment for Completion of Closure of the Site shall be undertaken and/or audited by a suitably experienced and qualified ecologist.

Table 1. Rehabilitation Vegetation Units

Rehabilitation Vegetation Unit	**Plant cover*[1]**	**Key plant species *[2]**	**No. of Native Plant species (diversity)*[3]**	**Rock cover Coarse wood cover**	**Monitoring**	**Landform and intent**
Herbfield	> 80% plant cover. < 5 % soil, sediment or water.	*Euphrasia wettsteiniana* *Actinotus novae-zelandiae*	> 80% of baseline vascular diversity for 'Herbfield'.	< 20% rock. No wood cover.	1 m^2 along at least 1 transect across longest axis of herbfield areas. Minimum of 5 plots, minimum 5 m apart.	Minimum 500 m^2 near the ridgeline within the 'rockfield' unit where exposure is highest and slopes < 5 degrees to maintain poor drainage per natural locations. Low-growing herbfield species < 0.3 m height must be dominant at closure and free of weeds. Very low soil or sediment cover helps ensure resilience of these short ecosystems. Competent rocks may be placed to exclude areas of soil and to provide foot access for monitoring. Direct transfer (and/or intermediate storage) is used for rehabilitation of herbfield.
Rockfield	A maximum of 50% plant cover. < 10% sediment or fines < 4 mm diameter.	*Leptospermum scoparium* *Phormium cookianum* *Dracophyllum densum* *Dracophyllum rosmarinifolium* *Celmisia dubia* *Celmisia dallii (if present)* *Lepidothamnus laxifolius*	DT: > 70% of baseline vascular diversity for 'rockfield'. Planted: > 30% of baseline for 'Manuka-Dracophyllum Rockland'. Self-established native seedlings present.	> 50% rock. < 70% rock. < 1000 m^2 contiguous area.	100 m^2	Extensive areas along ridgelines and adjacent to shrubland generally on 5–18 degree slopes but with small pockets of 0–5 slopes where herbfield is present. Rocks dominate cover and drive coarse-scale heterogeneity. Within rockfields, clusters of large boulders will be used to create 'outcrops', and beech and rata will be established in sheltered areas within some clusters. Rockfields deliver landscape and habitat outcomes; the objective is therefore to maintain open landscapes with dominant plants remining below 3 m height, i.e. suitable for species such as pipit, and have 'habitat features' for lizards. 'Fines' are ≥ 4 mm diameter, similar to natural weathered sandstone gravel.
Shrubland	An average of at least 75% plant cover across the site. No less than 65% in any plot.	*Leptospermum scoparium* *Phormium cookianum* *Empodisma minus* *Gahnia spp* *(Lepidothamnus intermedius)* *(Metrosideros parkinsonii)*	DT: > 70% of baseline. Planted: > 30% of baseline for 'manuka shrubland' and 'yellow-silver pine manuka shrubland' (average). Self-established native seedlings.	< 25% rock. < 10% wood.	100 m^2	Concentrated on lowest slopes (0–5 and 5–12 degrees) where poor drainage is reinstated. These ecosystems are expected to be below 3 m height at maturity and to persist for the long term. Include isolated boulder and clusters of boulders to create hydrological variation and habitat features. Species diversity for DT areas is higher than for planted areas because many more plant species are introduced in DT. Minimum cover includes vascular groundcover plants, so no minimum height is specified. Rocks are created variation and habitat for some lichens and lizards. Gahnia = *G. rigida* and *G procera*. Bracketed species will be clustered in highly targeted, favourable areas at a minimum 20 plants/ha of each listed species in planted areas of rehabilitation (not DT).
Short Forest	An average of at least 75% vegetation cover. > 0.5 m height across the site. No less than 60% > 0.5 m height in any plot.	*Leptospermum scoparium* *Fuscospora cliffortioides* *Metrosideros umbellata* *(Lepidothamnus intermedius)* *(Halocarpus biformis)* *(Gahnia spp procera/rigida)*	> 1000 trees > 1 m tall/ha. Self-established native seedlings. Planted: > 30% of baseline for 'mountain beech/yellow-silver pine/pink pine forest'.	Not more than 25% total rock + wood.	100 m^2	Short forest is established on areas above 500 m ASL and more-exposed lower altitude sites, generally on landforms >18 degrees slope. Short forests are expected to be > 5 m height in the medium to long term. The minimum density of trees species will be mainly rata and beech. Bracketed woody species will be clustered in favourable areas at a minimum 20 plants/ha. Gahnia are included in the 15 ha of Forest Ringlet Butterfly habitat. Coarse wood and stumps are ecologically valuable.
Tall Forest < 500 m ASL, sheltered sites 12 m + height potential	An average of at least 75% vegetation cover. > 0.5 m height across the site. No less than 60% > 0.5 m height in any plot.	*Lophozonia menziesii* *Fuscospora cliffortioides* *Metrosideros umbellata* *Weinmannia racemosa* *Dacrycarpus cupressinum* *(Gahnia species)*	> 1000 trees > 1 m tall/ha. Self-established native seedlings. > 30% of baseline for 'Rimu red beech silver beech 'and 'Rimu / hard beech' forest	Not more than 25% total rock + wood.	100 m^2	Tall forest is established on areas below 500 m ASL generally on landforms >18 degrees slope. Tall forest is expected to be > 12 m height in the medium to long term. A minimum density of 'keystone' tree species is required. Kamahi is an important nectar source. Gahnia species are *G procera* and *G. xanthocarpa*. *G. procera* will be included in the 15 ha of Forest Ringlet Butterfly habitat. Coarse wood and stumps are ecologically valuable.

Weeds in Herbfield	None present.	All native vascular and non-vascular species that are not currently present Te Kuha, and all non-native vascular and non-vascular species (e.g. weasel moss *Sphagnum subnitens* and *Racometrium elongatum*).	Per herbfield monitoring.	Herbfields are highly vulnerable to weeds and the small area of herbfield rehabilitation can be practicably managed weed free.
Weeds in all ecosystems above 500 m ASL	< 5% total cover per plot on average. No plots > 10%. No visible flowering or seeding weed species.	Weeds that could adversely affect native plant succession including all native and non-native woody species that are not currently present at Te Kuha and specified herbaceous species.	100 m^2	This subset of weeds includes herbaceous species that could adversely affect native plant succession, as defined in the Te Kuha Biodiversity Management and Enhancement Plan. The list of weeds will be reviewed and updated annually using results of surveillance and biosecurity. All 'first occurrences' of any non-native species are removed regardless of weed status as a precautionary measure.
Weeds in all ecosystems below 500 m ASL	< 5% total cover per plot on average. No plots > 10%.	Weeds that could adversely affect native plant succession including all native and non-native woody species that are not currently present at Te Kuha and specified herbaceous species.	100 m^2	Lower altitude sites are more resistant to majority of weeds due to taller stature. This includes coal load-out and low-altitude soil stockpiles.

*[1] Plant cover only includes indigenous vascular plants (not mosses and bryophytes) except in herbfield. All values given are means over all plots measured, and a minimum or maximum for any individual plots is also provided.
*[2] These plant species must be present in 25% of permanent plots (at no minimum density).
*[3] This is a measure of the native vascular plant species diversity compared with pre-mining (pre-stripping) diversity. It excludes non-native species. The baseline vascular species diversity will be measured in pre-stripping surveys and combine the mapped vegetation types shown on the Rehabilitation Concept Plan and identified in column four 'No. of native plant species' as most rehabilitation types include more than one vegetation association.

Table 2. Specific Habitat Features within rehabilitated areas, not assessed using the above monitoring plots

Habitat feature	**Critical Features**	**Location**	**Plants**	**Max/min Number/areas**	**Rationale and Consent condition** per Condition 51 (Rehab Management Plan shall at a minimum address the following)
Ephemeral wetlands and shallow ponds	Individual size 10 m^2 to 100 m^2; Sediment depth > 100 mm proves substrate for plants and invertebrates; maximum ponding depth from 10 mm to 300 mm; > 30% plant cover of temporarily inundated areas; no specified water ponding duration. Some ponds within direct transfer.	On terraces within short forest or shrubland.	Specified non-native vascular and non-vascular plants may be present, e.g. *Juncus bulbosus.*	Minimum 600 m^2. Maximum 1,800 m^2. Minimum of 6 individual ponds.	Shallow, ephemeral wetlands and ponds are features with a variety of water ponding duration and plant covers. This range underpins resilience and longevity and provides a diversity of habitats for flora and fauna. Coarse wood provides cover, and lining up to 25% of pond edges with boulders enables access and allows monitoring with minimum plant damage. It is highly beneficial to include DT on some margins and immediately upstream.
Potential Forest Ringlet Butterfly habitat	Minimum 400 Gahnia individuals > 30 cm diameter/ha of this habitat. Gahnia established as both clusters of 30–50 plants and sparsely scattered through rehabilitated areas.	Short forest, tall forest along sheltered forest margins, and road edges.	*G. procera* and *G. rigida.*	Minimum 15 ha.	At Te Kuha FRB feeds mainly on *G. procera* in taller scrub and forest edges (some shelter) however *G. rigida* may also be used. Minimum size is consistent with Thomas and Toft (2019) monitoring method for feeding damage on Gahnia. Count 30 plants per monitoring site. Plant adult butterfly nectar sources nearby (manuka, hebe, mahoe).
Kiwi refugia/ roosts	Clusters of large boulders > 1 m diameter; clusters of salvaged stumps and hollow logs that have at least 2 entry/exit points to spaces > 15 cm wide and > 1 m long.	Tall forest, short forest.	Planting includes species with dense growth below 50 cm (flax, gahnia).	Minimum of 5.	Some boulder and log/stump structures are used by kiwi in rehabilitated areas of Stockton. Forests are habitats where food resources are likely to be highest. Place some of these features near ephemeral wetlands and ponds.
Lizard refugia	Clusters of boulders up to 1.5 m diameter placed to create narrow, dry crevices in areas not prone to ponding of water and in warmer aspects.	Rockfield, shrubland.	Adjacent to direct transfer with planting of fruiting species.	1 ha of rockfield and shrubland.	Planted areas within 3 m of refugia edge should have minimum 0.5–m plant spacing to rapidly achieve cover; those in shrubland will have 50% organic wood chip/mulch cover at planting to accelerate organic layers.

Woodchip and slash piles for invertebrates	Woodchip and slash piles 0.2–1 m deep over 5–15 m^2 area at construction (i.e. planting)	Short forest, tall forest.	No specific vegetation.	1 ha of tall forest and short forest.	These features enhance invertebrates in the short to medium term. Area, depth, and timing of assessment avoids conflict with plant cover criteria measured at closure.
Rock scarp/ rock escarpment	Cluster or offset line of close boulders, > 10 boulders > 1 m diameter, or coal 'floor' exposure up to 200 m^2 and/or 5 m height.	Ridgelines in rockfield, shrubland.	Rata and mountain beech at some sites.	At least 2 (total).	Refer to photographs of boulder examples from Stockton R6. Only the tallest boulders with offset, sheltered gaps <1 m wide are suitable for planting rata or beech.

NOTES FOR TABLES 1 AND 2

Note i: The above 'rehabilitation vegetation criteria' will be measured in randomly located permanent plots (quadrats) stratified by rehabilitation vegetation unit and rehabilitation method. A minimum number of permanent sample plots shall be installed within 12 months of the date that each area of rehabilitation is initially established (by DVT or by planting). Plots shall be established in each of the five vegetation types rehabilitated (herbfield, rockland, shrubland, short forest, tall forest). For all rehabilitation vegetation types except herbfield, at least one, 100 m^2 plot per 1 ha of rehabilitation shall be established in the first 5 years, and in any year that less than 5 ha is rehabilitated. After the first 5 years, the density of permanent plots shall be one, 100 m^2 plot per 2 ha if more than 5 ha is rehabilitated in any one year. Plots shall be permanently marked at each corner, other than the herbfield, where the beginning and end of the transect shall be permanently marked. Monitoring of vegetation criteria shall be done during the growing season, i.e. between November and March. Plots shall exclude cut rock faces, ephemeral wetlands/ponds, and any agreed long-term infrastructure (e.g. roads). Measurements will list of all species present, include height of tallest five individuals, total cover of wood, soil, rock, and vascular and non-vascular plants and at 0.5, and 1 m, vascular species presence/absence and if the species is self-established.

Note ii: % cover is defined as the percentage of the ground area within a quadrat which is occupied by the above-ground parts of plants when viewed from above. And at the defined heights (0.5 and 1 m).

Note iii: Coarse wood is defined as wood with a diameter > 100 mm; boulders/stones are defined as having a diameter > 100 mm; native plant species are defined as those found within the Te Kuha Mine Project area pre-mining.

Note iv: Height is measured as standing height excluding flowering stems.

Note v: Weeds are non-native woody species and those woody herbaceous and bryophyte species identified as weeds in the current version of the Te Kuha Management and Enhancement Plan and the Rehabilitation Management Plan. Weeds (pest plants) are a subset of 'all native vascular and non-vascular species that are not currently present Te Kuha, and all non-native vascular and non-vascular species (e.g. weasel moss *Sphagnum subnitens* and *Racometrium elongatum*). Rehabilitation closure conditions have subgroups of weeds. The weed definition to be used to assess closure criteria for rehabilitated areas, other than herbfields, is 'weeds that could adversely affect plant succession'. Weed control should follow the hierarchy described in the Te Kuha Biodiversity Management and Enhancement Plan, i.e. first preventing introduction/establishment of all weeds (biosecurity), then attempting eradication of all weeds, and third controlling weeds that could adversely impact succession (and hence closure criteria) once species are 'established' and eradication is impractical.

Note vi: All and each habitat features shall be individually monitored for compliance with the above conditions at construction, and their location recorded to enable the features to be assessed at 5-year intervals, and integrated into biodiversity monitoring within the Te Kuha Management and Enhancement Plan.

c) Water management closure: Water compliance limits in Condition 118 of RC-2016-0098-04 shall not be exceeded in the preceding 36 month period without active water treatment or with passive water treatment technologies.

d) Compliance with all other conditions of these consents, except Conditions 167 to 192 of RC160038 relating to the Te Kuha Biodiversity Management and Enhancement Plan can be demonstrated at the time of Completion of Closure of the Site.

32. All costs relating to the bond shall be paid by the Consent Holder.

33. The Consent Holder shall not undertake any mining activities if:

a) Notice of arbitration has not been given under Condition 28, and the bond quantum required under Condition 27 has not been provided to the Consent Authorities within 30 days of the review date referred to in Condition 27; or

b) Notice of arbitration has been given under Condition 28, and

i. the bond quantum determined by arbitration has not been provided to the Consent Authority within 30 days of the date of arbitration decision referred to in Condition 28 or

ii. in accordance with Condition 29, the bond quantum fixed under Condition 27 has not been provided to the Consent Authorities within 40 days of the appointment of the arbitrator referred to in Condition 28;

whichever occurs first; or

c) The term of the bond has not been renewed for a further term in accordance with Condition 21.

34. Section 109 of the Act shall apply to any bond.

35. Where a cash bond is paid, any interest which is earned on the deposit shall accrue to the Consent Authorities and when the deposit is repaid to the Consent Holder the Consent Holder shall be entitled to receive all interest (less resident withholding tax and any bank fees) together with the deposit sum unless the Consent Authorities have had to use the deposit sum (or part of it) in remedying any non-compliance with these consents, in which case the Consent Authorities will provide the Consent Holder with a full breakdown of interest earned and the costs of remedying the non-compliance.

Management Plans

36. At least two months prior to undertaking any activities authorised by these consents, the Consent Holder shall provide to the Consent Authorities for certification the following management plans prepared in accordance with Conditions 44, 47, and 50, Condition 87 of RC-2016-0098-01, Condition 126 of RC-2016-0098-04, Condition 131

of RC-2016-0098-05, Condition 142 of RC-2016-0098-06, and Conditions 170 and 194 of RC160038.

- Contingency and Response and Hazardous Substances Management Plan
- Construction Management Plan
- Rehabilitation Management Plan
- Geotechnical Management Plan
- Water Management Plan
- Overburden Management Plan
- Dust Management Plan
- Te Kuha Biodiversity Management and Enhancement Plan
- Waste Management Plan

37. Construction activity shall not commence until the management plans required in Condition 36 have been certified by the Consent Authorities. If the Consent Authorities have not advised the Consent Holder in writing whether it has certified a management plan required under Condition 36 within two months of receipt of the management plan, then the Consent Holder may commence activities in accordance with the management plan unless the Consent Authorities advises the Consent Holder that it refuses to certify the management plan on the grounds that it fails to meet one or more conditions of consent.

38. Subject to any other conditions of these consents, all activities shall be undertaken in accordance with the latest version of the management plans.

39. The management plans shall be reviewed at least annually, and may be amended at any time by the Consent Holder to consider:

    a) Any required actions identified as a result of monitoring under these consents, including but not limited to changing to more intensive management/differential management and undertaking research into what is threatening large-bodied invertebrates; and/or

    b) Any changes required as a result of actions identified in the Annual Work Plans.

40. The management plans shall be reviewed within one month by the Consent Holder upon written request by the Consent Authorities for either of the purposes set out in Condition 39(a) or 39(b) above.

41. The Consent Holder shall consult with the Department of Conservation regarding any proposed changes to the Te Kuha Biodiversity Management and Enhancement Plan, the Rehabilitation Management Plan, and Mine Closure Plan.

42. The management plans shall not be amended in a way that contravenes the objectives set out for the respective management plans.

43. A copy of the latest version of the management plans shall be kept on site at all times and all key personnel shall be made aware of each management plans' contents, including all amendments and updates to the plans.

Contingency and Response and Hazardous Substances Management Plan

44. A Contingency and Response and Hazardous Substances Management Plan shall be prepared that sets out:

    a) The procedures to be followed by the Consent Holder and parties under its control in the event of accidents or other events that may result in adverse environmental effects; and

    b) Practices and procedures to be adopted to ensure that hazardous substances are managed so that their storage and use is carried out safely and will not adversely affect the environment.

45. The Contingency and Response and Hazardous Substances Management Plan shall, as a minimum, include the following:

    a) A list of all hazardous substances and potentially contaminating materials held on-site, their storage and handling procedures and the procedures to be adopted in the event of spillage of any of these substances or materials.

    b) Preventative measures and actions to be taken with regard to rupture or spillage from any pipeline, container, tanker or store tank used at the mine site.

    c) Preventative measures and actions to be taken with regard to spillages during transportation of hazardous substances within the mine site.

    d) Emergency response procedures and emergency contacts during the event of power failure, fire, disaster or natural event.

    e) The personnel who will be on-site and their responsibilities, such that the provisions of the plan can be implemented at all times.

    f) The training of staff and contractors, which shall include identification of contractors' responsibility and liability for non-compliance with consent conditions.

    g) Provide details on the inspection and maintenance regime for mine plant, vehicles and equipment, sumps and washdown pads.

46. The Consent Holder shall deal with accidents or events requiring an emergency response in accordance with the Contingency and Response and Hazardous Substances Management Plan.

Construction Management Plan

47. A Construction Management Plan shall be prepared that sets out the practices and procedures to be adopted to ensure that all resource consent conditions relating to earthworks during the construction phase are complied with.

48. The Construction Management Plan shall provide for the following objectives:

    a) To minimise the overall area of disturbance, so as to reduce the potential impact on vegetation, native fauna, and waterways, including methods to avoid grey duck and fernbird nests where practicable.

    b) To minimise edge effects caused by earthworks and vegetation clearance, both along site boundaries and within the site footprint.

    c) To ensure the conservation of overburden, suitable soils/root zone materials, vegetation, wood and boulders/rocks for subsequent use for backfilling and rehabilitation.

    d) Avoid use of materials that could introduce weeds/non-native plants to the mine site.

    e) To ensure that appropriate monitoring and reporting of all construction activities is undertaken in accordance with the resource consent conditions.

    f) To minimise sediment generation and sediment laden runoff.

49. The Construction Management Plan shall, as a minimum, include the following:

    a) A description of the sequence for construction of the access road, coal load-out site, ex-pit sumps, and all other construction activities authorised by these consents.

    b) A description of how any PAF materials will be identified and managed during this construction phase.

    c) A description of the sequence of construction of sediment control facilities and water management systems including diversion drains.

    d) A description of the means by which the site boundary shall be marked and managed to prevent any earthworks outside the mine site footprint and to minimise edge effects.

    e) A description of the earthwork procedures to be used to ensure the stability of the access road and all landforms during construction, and measures to be used to minimise erosion, sediment generation and its runoff.

    f) A description of the construction methods to be used to minimise the potential edge effects of vegetation, soils and rock removed for the access road, including

treatment of cut faces and batters, and methods to minimise adverse effects on adjoining plant communities (particularly bryophytes and lichens) and fauna.

g) A description of the specific sediment control measures to be used.

h) Any earthworks activities outside the limits of the water management system and the process of selection of the appropriate control to minimise sediment generation.

i) A description of the procedures that will minimise the risk of introducing unwanted weeds to the mine site and/or spreading weeds throughout worked areas of the mine site.

j) A description of the documentation and information management and approvals processes to be used in implementing the plan, and a description of the process for monitoring performance and changes to the plan based on monitoring activity.

k) The relevant personnel who will be on-site and their responsibilities, such that the provisions of the plan can be implemented at all times.

l) The training of staff and contractors in regard to the methods to be used and procedures to be followed to ensure compliance with these consent conditions.

m) The means by which visual effects of the access road will be minimised. During design and construction of those parts of the access road visible from Viewpoints 1 (E487470.13, N 376031.81), 2 (E 1483672.02, N 5376631), 10 (E 1485128.94, N 5368956.21) and 14 (E 1487246.15, N 5368287.54), a suitability qualified and experienced landscape architect shall advise the Consent Holder on detailed cut and fill requirements, slope of batters and landscape treatment of the access road alignment. Treatments shall be consistent with the Rehabilitation Management Plan and closure conditions. The Consent Holder shall confirm with the Consent Authority the areas visible from these locations prior to the commencement of the construction of the access road.

Rehabilitation and Rehabilitation Management Plan

50. A Rehabilitation Management Plan shall be prepared, in consultation with the Department of Conservation and the Buller District Council, to achieve an outcome substantially in accordance with the Rehabilitation Concept Plan (Attachment 1) appended to the conditions, and generally in accordance with the contours shown in Attachment 5. The overall goal of the rehabilitation shall be to re-establish self-sustaining native ecosystems that are on developmental trajectories that are as similar as possible to those of the original native ecosystems on site. To meet this objective, the Rehabilitation Management Plan shall also be in accordance with the following objectives:

a) Reinstatement of the ridgeline profile, including adding boulder outcrops;

b) Establishment of terrestrial habitat linkages to adjacent areas to enable flora and fauna movement into rehabilitated areas, and establishment of aquatic habitat linkages to enable in-stream flora and fauna to re-establish in new stream channels;

c) Varied topography, across the ELF and back fill areas to create a topographic pattern that abuts natural ground levels and that integrates with surrounding existing topography, creates habitat diversity, and avoids an engineered appearance – specifically avoiding uniform terrace or bench slopes and avoiding uniform bench or slope widths;

d) Creation of stable and hydrologically variable surfaces that that include extensive areas of impeded drainage on suitable landforms, minimise ongoing erosion, and prevent loss of growth media (soil) from rehabilitated areas to surface waters;

e) Management of wood, plants, NAF rock, boulders, soil and root-zone resources to maximise their quality and use for rehabilitation, including minimising storage time for soils, maximising use of direct transfer, immediate use of stripped soils and vegetation, use of temporary rehabilitated areas for storing in-direct transfer, and provision of logs and stumps for kiwi habitat, and boulders in all ecosystems.

f) Incorporation of rock landscape features in the finished landform as far as practicable;

g) Minimise the area affected by mining and associated activities by confining overburden and storage areas, and buffering adjacent undisturbed areas from any vegetation clearance, therefore maximising their condition, contributions to rehabilitation and ecological resilience;

h) Establish root zones and topography that support targeted native ecosystems and ecosystem mosaics and support a high degree of naturalness in the short and longer term. Naturalness means landforms will not include permanent highwalls, pit lakes or extensive linear features, avoiding consistent bench widths or terrace slopes;

i) Establish self-sustaining native vegetation that is likely to develop into a mosaic of native vegetation associations that will be as similar as possible to the original vegetation and that are no more vulnerable than at present to fire, weeds, drought, and pest animals;

j) Conserve the genetic resources of plant species (including bryophytes), particularly those considered at-risk or threatened, both within and outside the footprint;

k) To prevent as far as is reasonably possible, the introduction of non-native plants, native plants that do not naturally occur at the Te Kuha site, animal pests including invertebrates, and otherwise to identify and control these organisms; and

l) Provide habitat and connectivity of habitat that will develop in the longer term to be suitable for Roroa, lizards, Forest Ringlet butterflies and other native fauna.

m) Allow for creation of no more than 1000 m^2 of sandstone pavement on coal floor outcrop if the opportunity arises and is consistent with delivering landscape outcomes.

51. The Rehabilitation Management Plan shall, as a minimum, address the following, including where appropriate measurable targets for outcomes:

a) A requirement that the Consent Holder maximise the amount of vegetation direct transfer, but in any event to provide for a minimum of 15 ha of vegetation direct transfer (not including the access road), including a minimum of 1 ha of yellow silver pine-manuka shrubland, 8 ha of mountain beech – podocarp forest, and 500 m^2 of herbfield. In addition to the above, direct transfer of yellow silver pine-manuka shrubland shall be prioritised as much as practicable, as well as the use of temporary rehabilitation areas for storing in-direct transfer where this does not increase the overall disturbance footprint.

b) The methods for creation of ephemeral wetland habitat within the areas to be rehabilitated with a minimum area of 600 m^2 and up to 1,800 m^2 of smaller individual wetlands with varying durations and depths of water ponding, which are to be designed to benefit indigenous fauna.

c) Methods for the rehabilitation of streams.

d) Methods and locations for the rehabilitation of a minimum of 15 ha of potential Forest Ringlet Butterfly habitat.

e) Methods and locations for the rehabilitation of roosts for Roroa.

f) How the baseline state of plant species diversity for possible DT removal of yellow-silver pine shrubland and herbfield will be characterised including sampling methods and techniques, in order to provide an accurate basis against which closure criteria in Condition 31 can be assessed.

g) How the rehabilitation objectives set out in Condition 50 are to be achieved; and rehabilitation methods considering the constraints placed on rehabilitation planning at the mine, including constraints on vegetation growth, soil availability, climatic constraints, slopes, aspects and local soil and overburden characteristics.

h) The rehabilitation methods to be used to minimise the potential edge effects from vegetation removed (including for the access route) and from placement of fill, including treatment of cut faces and batters, and methods to minimise adverse effects on adjoining plant communities (particularly bryophytes and lichens) and fauna such as DT of vegetation against the cut face, and engineered solutions including sediment fences.

i) Rehabilitation trials to be undertaken, including ‘research by management’ based on permanent monitoring plots (Condition 31(b)), and the type and protocols for such trials, including success criteria and monitoring.

j) Revegetation techniques, which shall include the following methods:

   i. The management practices associated with the identification, prioritisation, salvage, stripping and stockpiling of all rehabilitation resources identified above.

   ii. Identification of the key pest plant and pest animal species (including non-native bryophytes), their distribution, and the management principles adopted in the mine planning, stripping, rehabilitation and closure stages with respect to weed and pest control.

   iii. The range of erosion control techniques that shall be applied and the order of priority.

   iv. Preferred species and methods for rehabilitation, vascular and non-vascular plant salvage and nursery propagation.

   v. Placement of weathered boulders within direct transfer to enhance the density of sheltered, high-humidity zones for bryophytes.

   vi. Any indigenous species that should not be used for rehabilitation and why.

   vii. Methods of complementing surrounding land surface covers, e.g. through plant species selection, and strategic placement of rock mulches and weathered sandstone boulders and use of DT.

   viii. Provisions for reducing fire risk.

   ix. Methods for monitoring the success of rehabilitation of vegetation on major landforms and the success of particular vegetation types, following vegetation establishment. Such monitoring shall be undertaken at least three-yearly intervals until rehabilitation closure is achieved. Trigger points and remedial methods for active intervention following each monitoring shall be included.

   x. Methods for identifying, monitoring and classifying weeds, pests and diseases, including locations and sources, preventative and reactive biosecurity actions, and intensity of surveillance and maintenance effort applied to different rehabilitation vegetation types.

k) Methods for the conservation of genetic resources both within the mine site and within the Te Kuha Biodiversity Management Area.

l) Methods for minimising impacts or artificial light at night on adjacent ecosystems, and locations of such light.

m) The relevant personnel who will be on-site and their responsibilities, such that the provisions of the plan can be implemented at all times.

n) The training and induction of staff and contractors.

51A The Consent Holder shall, at its cost, establish a Technical Advisory Group to advise it on the rehabilitation management plan, and shall establish terms of reference for the Group, in consultation with the Buller District Council and the Department of Conservation.

52. In designing the final ridgeline profile, the Consent Holder shall engage a suitably qualified and experienced landscape architect and a suitably qualified and experienced ecologist in mine/quarry or road rehabilitation to advise on the utilisation of fill material and rock to create a new skyline ridge that has as much complex geomorphological character as is reasonably practicable.

53. The Consent Holder shall, as far as practicable, ensure that rehabilitation is carried out so that the performance of any modified landform, watercourse, or any permanent structures and facilities under a Probable Maximum Flood or Maximum Credible Earthquake do not result in damage to landforms or structures greater than those that would have occurred under natural slope and landform conditions.

54. The Consent Holder shall undertake progressive rehabilitation of all disturbed areas as areas of practical working size become available, in accordance with the Rehabilitation Management Plan.

55. Hydro-seeding of exotic grasses shall only be applied where there is a significant risk of soil loss and/or sediment generation and where there is no other effective erosion control method available.

56. Seed and plant resources shall be genetically sourced from Te Kuha, Stockton and Denniston Plateau above 600 m ASL except for plants used on the access road below 600 m ASL.

57. Any material brought onto the site, e.g, to surface roads, or for erosion control must undergo biosecurity assessment and treatment measures as detailed in the Rehabilitation Management Plan, to minimise the introduction of plants, animals and other organisms alien to the site.

57A Any sediment or rock fences shall be removed at least two years before closure; any sediment must be removed or stabilised in situ to prevent its mobilisation when the fence is removed.

58. The Rehabilitation Management Plan shall be drafted and/or audited by a suitably experienced and qualified ecologist and a suitably experienced and qualified landscape architect, in consultation with a suitably qualified ecologist (agreed to by the Consent Holder) on behalf of for the Department for Conservation.

Mine Closure Plan

59. Immediately following the cessation of activities under these consents, the Consent Holder shall initiate and maintain a programme of mine closure in accordance with the Mine Closure Plan prepared in accordance with Condition 60.

60. Within 12 months of undertaking any mining activities authorised by these consents, a Mine Closure Plan shall be prepared, in consultation with the Department of Conservation, that sets out the practices and procedures to be adopted to ensure that closure of the site can be achieved in accordance with the conditions of these consents, including the stated targets in Condition 31.

61. The Mine Closure Plan shall address the following:

    a) The design and development of a new drainage system for the backfilled pit areas and overburden placement areas.

    b) The activities required to dis-establish those diversion drains, culverts and structures that will not remain as permanent watercourses after mine closure.

    c) The water management steps required at mine closure, including treatment of water if required, and the disposal of any AMD treatment sludge.

    d) The structures (including engineered landforms) that will remain after mine closure.

    e) Removal of any contaminated materials.

    f) The dis-establishment and rehabilitation of the ex-pit sumps, access road, internal roads, temporary intercept drains, sediment and rock fences and coal load-out site.

    g) Any continued rehabilitation, monitoring and weed, animal pest and fire control required post mine closure, with a specific assessment of resilience of vegetation to pest animals.

    h) Long term performance monitoring of the ELFs and any water treatment systems.

    i) Any infrastructure that will remain after closure i.e. access roads.

    j) The relevant personnel who will be responsible for plan implementation, such that the provisions of the plan can be implemented at all times.

    k) The training of staff.

Annual Work Plan

62. Before exercising these consents, and annually at least one month prior to each anniversary of the commencement of the consents, the Consent Holder shall submit for certification an Annual Work Plan to the Consent Authorities.

63. The Annual Work Plan shall include:

    a) A description of all the mining operations, area of open footprint, mitigation measures, rehabilitation (including the volume of topsoil, soil and root zone materials stockpiled, volume of boulders and wood stockpiled, area stripped, and the area and type of DT completed or in storage), placement of overburden, (identifying locations and volumes of PAF, and volume of overburden required to backfill current voids to final landform), monitoring and reporting carried out in the preceding 12 months.

    b) A description of all the mining operations, mitigation measures and rehabilitation (including an estimate of topsoil, soil and root zone volumes potentially available for use in rehabilitation, volumes of boulders and wood stockpiled, area to be stripped and the amount of DT planned), placement of overburden (identifying location and volumes of PAF, and volume of overburden required to backfill current voids to final landform), monitoring and reporting intended to be carried out in the forthcoming 12 months, with an approximate timetable of events.

    c) Long-term projections and intentions for mining operations in relation to the future exercise of these consents, including any drilling or exploration activities.

    d) An explanation of any departure from any previous Annual Work Plan in the next 12 months.

    e) A description of the management activities undertaken in the Te Kuha Biodiversity Management Area, including demonstration that methods and monitoring targets set out in the Te Kuha Biodiversity Management and Enhancement Plan required by Condition 170 are being met and complied with;

    f) A description and analysis of any unexpected adverse effect on the environment that has arisen as a result of the exercise of these consents in the last 12 months and the steps taken to rectify it, and the results of those steps.

    g) Identification of any significant issues that have arisen or are expected to arise as a result of operations, geological conditions or monitoring results e.g. deficits in root zone, NAF capping materials, boulders, competent rock, backfill material or surplus of PAF.

    h) A summary of any complaints received, responses and the mitigation measures adopted.

    i) Plans or aerial photographs showing the current footprint of all works and structures.

j) Report on compliance with the management plans prepared under Conditions 44, 47, and 50, Condition 87 of RC-2016-0098-01, Condition 126 of RC-2016-0098-04, Condition 131 of RC-2016-0098-05, Condition 142 of RC-2016-0098-06, and Conditions 170 and 194 of RC160038.

64. The Consent Holder shall provide the Consent Authorities with any further information, or report, which the Consent Authorities may reasonably request after reviewing any Annual Work Plan. This information or report shall be provided in the time and manner required by the Consent Authorities on a reasonable request basis.

65. The Annual Work Plan shall comply with all other conditions of these consents and the Consent Holder shall exercise these consents in accordance with the Annual Work Plan.

66. The Consent Holder may, at any time, amend and resubmit an Annual Work Plan to the Consent Authorities provided it complies with all other conditions of these consents.

Environmental Monitoring Plan and Report

67. The Consent Holder shall, prior to the exercise of any of these consents, prepare an Environmental Monitoring Plan. This Plan shall be submitted to the Consent Authority for certification and shall set out a schedule of monitoring to be undertaken, and requirements for reporting of the results in accordance with the conditions of these consents.

68. The Consent Holder shall prepare and submit to the Consent Authority an annual Environmental Monitoring Report one month prior to each anniversary of the commencement of these consents.

69. As a minimum, the annual Environmental Monitoring Report shall:

a) Detail all environmental monitoring undertaken to ensure compliance with the conditions of these consents, including environmental monitoring within the mine site, and monitoring relating to progress, results and outcomes of biodiversity management, rehabilitation and habitat enhancement programmes within the Te Kuha Biodiversity Management Area.

b) Summarise all the data collected, as required under the Environmental Monitoring Plan and any other condition of these consents. This should include graphical presentation, statistical summations of monitoring data and a critical analysis of the information in terms of compliance and environmental effects.

Advice Note: It is anticipated that this will include reporting areas of DT undertaken by vegetation type, areas planted, habitat features constructed, non-native biota and weed species identified across the entire site, and the location and length of edges created.

c) Highlight and discuss any important environmental trends, including in relation to rehabilitation trials and monitoring particularly results that would influence

rehabilitation plant species mixes, planting density, erosion control or performance of high-value species identified in Condition 31(b).

d) Compare results obtained over the reporting period with the results that were predicted to occur during the pre-mining investigations and the results obtained from previous reporting periods.

e) Report and discuss any operational difficulties, changes or improvements in relation to the water treatment system.

f) Report and discuss any difficulties in compliance with, and breaches of, the conditions of these consents and the measures adopted to rectify problems.

g) List any maintenance works needed, proposed or undertaken to ensure compliance with these conditions of the consents or to facilitate operations.

h) Progress towards achieving the closure criteria set out in Conditions 31.

Community Liaison Meeting

70. On two occasions in the first year in which these consents are exercised and thereafter on one occasion per year throughout the duration of the consents, the Consent Holder shall publicly advertise and convene a public community liaison meeting in Westport, to present the results of monitoring undertaken over the previous year, compliance with consent conditions, a summary of mining operations proposed for the next year, and any proposed changes to the management or operation of the mine site. Notice of the meeting shall also be sent to representatives of the following parties:

- The Consent Authorities
- Department of Conservation
- West Coast Tai Poutini Conservation Board
- Te Runanga O Ngati Waewae

71. The purpose of the Community Liaison Meeting shall include but not be limited to the following:

a) To facilitate effective working relationships and mutual trust between the local community and the Consent Holder (including its contractors);

b) To promote the free flow of information between the local community, the Consent Holder, the contractors and the Consent Authorities, to try to anticipate and resolve any potential issues before they arise; and

c) To discuss the results of monitoring.

Advice Note: If it is not possible to establish a Community Liaison Meeting through lack of interest or participation from the local community, then such failure to do so shall not be deemed a breach of these conditions.

Technical Reviewers

72. The Consent Holder shall pay the actual and reasonable costs of technical reviewers appointed by the Consent Authority for the following purposes and in accordance with these conditions. Technical reviewers must be appropriately qualified and experienced in the technical area of the subject matter of the review.

73. The primary functions of technical reviewers (individually or jointly) in relation to these consents are to:

    a) Provide input into the development and review of the management plans and Annual Work Plans, and any changes to those plans;

    b) Assess whether the biodiversity management and habitat enhancement measures are achieving the objectives and outcomes sought;

    c) Assess whether rehabilitation is achieving the objectives of the Rehabilitation Management Plan;

    d) Ensure that civil and geotechnical engineering is designed and constructed appropriately; and

    e) Based on any reviews and assessments carried out under Conditions 73(a) to (d), if considered necessary, to make recommendations for improving environmental management and outcomes.

74. The Consent Holder shall provide the technical reviewers with such information in relation to rehabilitation, habitat enhancement and biodiversity management, pest control, water quality, overburden management, mine closure and Annual Work Plans that the Consent Authority requests and shall afford the technical reviewers full access to the mine site at all reasonable times.

75. The technical reviewers shall report directly to the Consent Authority in writing and make such recommendations as they see fit on all matters that arise during their reviews.

    Advice Note: For the avoidance of doubt the Consent Authority must appoint a technical reviewer to provide input into the Rehabilitation Management Plan and the Te Kuha Biodiversity Management and Enhancement Plan and to assess the matters listed in Condition 73(b) and 73(c) but is able to exercise its discretion in the circumstances whether to appoint technical reviewers for any other purpose.

WEST COAST REGIONAL COUNCIL

RC-2016-0098-01 Land Use Consent	**Open cast coal mining and associated activities including earthworks, land disturbance and vegetation clearance, removal of overburden and coal, construct engineered landforms, construction of access road, rehabilitation and construction and operation of a coal load-out site (including access, rail siding and a rail load-out site).**

RC-2016-0098-01 has a term of 35 years and is subject to the following conditions:

76. The Consent Holder shall undertake the activities authorised by this consent in accordance with the conditions of these consents.

77. All activities authorised by this consent shall be implemented under the supervision of a person(s) with appropriate experience in the supervision of civil engineering construction works.

78. The maximum total disturbance area shall be limited to 144 ha which includes the mine footprint, ex-pit water treatment infrastructure, the access road, and coal load-out site.

79. The Consent Holder shall ensure that all vegetation clearance and earthworks are progressive and that the smallest area possible is cleared using methods that cause the least disturbance to surrounding vegetation.

80. The Consent Holder shall ensure that no area is cleared of vegetation without being excavated or re-vegetated in accordance with the Rehabilitation Management Plan for a period of more than 24 months, unless that area is required to be maintained in a non-vegetated state for the purposes of infrastructure, site access, water management, geochemical, or geotechnical requirements.

81. Unless otherwise stated in this consent, all sediment control practices during construction of the diversion drains shall be undertaken in accordance with the principles outlined in the document prepared by the Auckland Regional Council, Guideline Document 2016/005 (GD05), June 2016 “Erosion and Sediment Control Guidelines for Land Disturbing Activities in the Auckland Region”.

82. There shall be no removal of overburden for the purposes of exposing coal until such time as the water management system is constructed and operating.

83. The Consent Holder shall be responsible for the structural integrity and maintenance of all works associated with the exercise of this consent, and for any erosion control and energy dissipation works, which become necessary as a consequence of the exercise of this consent.

84. The Consent Holder shall, prior to the exercise of this consent, and thereafter annually, report details of the areas to be cleared, and the procedures to be used, in disposing of

the cleared material in accordance with the Annual Work Plan prepared under Condition 62.

85. The Consent Holder shall avoid, to the greatest extent practicable, side-casting of material alongside the access road.

86. All roads shall be adequately serviced with water tables, cut-offs and culverts to control surface water runoff and minimise the scouring of road surfaces, water tables, cut-offs and culvert outfalls. The minimum design standards for such facilities shall be such that they will convey, or contain, the runoff from and continue to function in rainfall events up to at least the 10% Annual Exceedance Probability ("AEP") critical (10-minute duration) storm event.

Geotechnical Management Plan

87. A Geotechnical Management Plan shall be prepared that sets out the practices and procedures to ensure that any potential slope instability is appropriately managed to enable Completion of Closure to occur in accordance with Condition 31.

88. The Geotechnical Management Plan shall, as a minimum, address the following:

a) A description of the sequence for ridgeline mining activity, including any measures that will be necessary to mitigate any potential slope instability;

b) An exit plan in the event that a large slip closes the project;

c) An operational recovery mine plan to manage a large slip which would allow mine operations to continue;

d) The management methods used to minimise any fly rock deposition outside of the mine site resulting from blasting activity near the ridgeline;

e) Details of the monitoring strategy for local slope instability and larger scale deformation throughout the mine site, where required;

f) The interaction with the Rehabilitation Management Plan in relation to the ridgeline and access road alignment;

g) The relevant personnel who will be on-site and their responsibilities, such that the provisions of the plan can be implemented at all times; and

h) The training of staff and contractors.

RC-2016-0098-02 Land Use Consent	**To build structures and undertake activities in, on, or over the beds of streams and creeks.**

RC-2016-0098-02 has a term of 35 years and is subject to the following conditions:

89. The Consent Holder shall undertake the activities authorised by this consent in accordance with the conditions of these consents.

90. All activities authorised by this consent shall be implemented under the supervision of a person(s) with appropriate experience in the supervision of civil engineering construction works.

91. The Consent Holder shall ensure that all works authorised by this consent are progressive and that the smallest area possible is disturbed using methods that cause least disturbance to waterways and vegetation outside the areas being cleared.

92. The Consent Holder shall be responsible for the structural integrity and maintenance of all works associated with the exercise of this consent, and for any erosion control and energy dissipation works, which become necessary as a consequence of the exercise of this consent.

93. The Consent Holder shall ensure that all activities authorised by this consent are carried out so that machinery activity in the bed of any waterway is kept to a minimum.

94. Unless otherwise stated in this consent, all sediment control practices during construction of the diversion drains shall be undertaken in accordance with the principles outlined in the document prepared by the Auckland Regional Council, Guidance Document 2016/005 (GD05), June 2016 “Erosion and Sediment Control Guidelines for Land Disturbing Activities in the Auckland Region”.

95. The Consent Holder shall ensure that, to the greatest extent practicable, structures built under this consent do not cause erosion or scour of stream beds or river banks or impede fish passage.

96. There shall be no refuelling or maintenance (barring breakdown) of equipment or machinery within five metres of any surface waterway.

97. To avoid the spread of Didymo, no equipment shall be used in the exercise of this consent that has been used previously to undertake activities in any water body known to contain Didymo, unless that equipment has been thoroughly cleaned in accordance with the attached Biosecurity New Zealand document titled "Don't Spread Didymo".

98. All equipment refuelling, lubrication and mechanical repairs shall be undertaken in an area that provides sufficient mitigation measures to ensure that no spillages onto the land surface or into water occur. No refuelling or lubrication shall be undertaken on the bed of any stream or creek.

RC-2016-0098-03 Water Permit	**To divert, take and use mine water, stormwater, and groundwater from within the active pit, access road, and overburden placement areas.**

RC-2016-0098-03 to have terms of 35 years and are subject to the following conditions:

99. The Consent Holder shall undertake the activities authorised by these consents in accordance with the conditions of these consents.

100. No water from mining and overburden disposal areas shall be discharged to natural water without being first diverted to the water management and treatment system.

101. The activities authorised by these consents include diversion, stream crossing, and erosion control required for the initial development of the site infrastructure or its ongoing development and which are:

    a) required to enable construction works to commence; or

    b) required to manage water and stormwater and control sediment generation during construction; or

    c) required during the construction of and prior to the completion of the site water management system; or

    d) required during the operation of the site water management system to extend, upgrade or modify the system and other infrastructure.

    e) included in the latest Annual Work Plan.

102. The Consent Holder shall undertake the activities authorised by these consents in accordance with the provisions of the current Construction Management Plan prepared in accordance with Condition 47.

103. All stormwater runoff from construction areas shall be directed through sediment control facilities prior to discharge to natural watercourses.

104. Activities authorised by these consents shall be carried out in general accordance and as relevant with the principles outlined in the document prepared by the Auckland Regional Council, Guideline Document 2016/005 (GD05) “Erosion and Sediment Control Guidelines for Land Disturbing Activities in the Auckland Region”.

105. Specific works and design controls for the activities authorised by these consents shall be included in the Construction Management Plan prepared in accordance with Condition 47.

106. A description of the activities undertaken in reliance on these consents (which identifies the works undertaken, the control measures applied and the success of those control

measures) shall be included in the Annual Work Plan required to be prepared in accordance with Condition 62.

107. The Consent Holder shall remove sediment/fines from the sediment control facilities as required, to ensure the effective operation of those facilities. The Consent Holder shall keep a record of all maintenance carried out on the sediment control facilities, including when sediment/fines were removed and where they were disposed.

108. The final design of all diversion drains, underdrains and water management treatment facilities and structures shall take into account any changes to rainfall predicted for the duration of these consents as a result of climate change.

109. The ex-pit sumps shall be designed by an appropriately qualified and experienced engineer. The design specifications for the construction shall be supplied to the Consent Authority with the first Annual Work Plan prepared in accordance with Condition 62.

110. The Consent Holder shall rehabilitate and re-vegetate, where practicable, all disturbed areas of land associated with the exercise of these consents as soon as practicable after completion of the works.

111. The Consent Holder shall comply with the Resource Management (Measurement and Reporting of Water Takes) Regulations should the rate of take be greater than 5 litres per second, and be for consumptive purposes.

RC-2016-0098-04 Water Permit	**To discharge treated mine water and stormwater from the water treatment system to Camp and West Creeks.**

RC-2016-0098-04 have terms of 35 years and are subject to the following conditions:

112. The Consent Holder shall undertake the activities authorised by these consents in accordance with the conditions of these consents.

113. No water from mine operational areas, access roads, overburden placement sites and soil stockpiles shall be discharged to natural waters without first passing through the water management and treatment system.

114. For the purposes of these consents, the water management and treatment system consists of the system of drains, ELF underdrains, diversions, sumps and pumps within the sub-catchments of Coal Creek Northern, Landslide Creek, Camp Creek, West Creek, Little Cascade and Southern Te Kuha.

115. Baseline water quality sampling at Sites 1 and 2 shall be undertaken at least three months prior to any land disturbance in the catchment and shall continue until the catchment has been rehabilitated. Turbidity, electrical conductivity and pH shall be monitored continuously via telemetry, and two weekly for the parameters listed in Condition 118 of this resource consent.

116. The collection, analysis and preservation of all samples collected in accordance with these conditions (excluding aquatic ecology monitoring) shall be undertaken using the Standard Methods for the Examination of Water and Wastewater (23rd Edition) from the American Public Health Association (APHA), the American Water Works Association (AWWA), and the Water Environment Federation (WEF), or equivalent or superseding methods.

117. The sampling and sample analysis required by these conditions shall be undertaken on contract to the Consent Holder by an appropriately qualified independent person or persons who shall not be a director or employee of the Consent Holder.

118. The Consent Holder shall undertake a water quality monitoring programme at Sites 1 and 2 and at the water treatment plant discharge point in accordance with the table below. These monitoring locations are outlined in Attachment 2 appended to these conditions. The discharge into West and Camp Creeks from the ex-pit water treatment system shall not cause the trigger limits outlined in the table below to be exceeded at the applicable monitoring location.

Parameter	**Frequency**	**Trigger Limits**	**Monitoring Location**
pH	Continuous (telemetered)	-	Sites 1 (West Creek) and 2 (Camp Creek)
Conductivity	Continuous (telemetered)	-	Sites 1 (West Creek) and 2 (Camp Creek)
Turbidity	Continuous (telemetered)	25 NTU 95% of the time	Water treatment plant discharge point
Total Suspended Solids	Two weekly for the first 2 years extending to monthly by agreement with Consent Authority	-	Sites 1 (West Creek) and 2 (Camp Creek)
Dissolved Aluminium	Two weekly for the first 2 years extending to monthly by agreement with Consent Authority	0.5 mg/L 90% of the time (rolling 20 samples)	Sites 1 (West Creek) and 2 (Camp Creek)
Dissolved Zinc	Two weekly for the first 2 years extending to monthly by agreement with Consent Authority	0.1 mg/L* 90% of the time (rolling 20 samples)	Sites 1 (West Creek) and 2 (Camp Creek)
Dissolved Nickel	Two weekly for the first 2 years extending to monthly by agreement with Consent Authority	0.05 mg/L* 90% of the time (rolling 20 samples)	Sites 1 (West Creek) and 2 (Camp Creek)

*Where the compliance limit (Australian and New Zealand Guidelines for Fresh and Marine Water Quality 95% TV) is modified by the hardness algorithm: $TV(H/30)^{0.85}$

119. The discharge shall not give rise to the following effects at monitoring Sites 1 and 2:

    a) Any conspicuous oil or grease films, scums or foams, or floatable or suspended material;

    b) Any visible sedimentation on the bed of the stream; and/or

    c) Any conspicuous change in colour of visual clarity.

    Advice Note: For the purposes of this condition a conspicuous change in water colour will be deemed to be a change in hue of greater than 10 points on the Munsell scale and a conspicuous change in water clarity will be deemed to be a reduction of greater than 40% in water clarity as measured by the black disc method or with the Consent Authority's agreement a NIWA water clarity tube.

120. The consent holder will collect water quality samples every three months under low flow conditions (flows below the median flow) from all six sub-catchments (Coal Creek Northern, Landslide Creek, Camp Creek, West Creek, Little Cascade and Southern Te Kuha) immediately downstream of mining activities and monitor for the following parameters: pH, conductivity, turbidity, and dissolved metals including iron, aluminium, arsenic, cobalt, cadmium, chromium, copper, manganese, nickel, lead, zinc, and other potential contaminants including nitrate (NO_3) and sulphate (SO_4).

121. The results from Condition 118 shall be provided on a monthly basis to the Consent Authority and also be included within the Annual Environmental Monitoring Report required to be prepared in accordance with Condition 68. The results from Condition 120 shall be included within the Annual Environmental Monitoring Report. These results shall be subject to technical peer review. Should unforeseen impacts on water quality arise, they will be handled with an adaptive management approach that will be agreed between the Consent Authority (or their technical peer reviewer) and the Consent Holder.

122. The Consent Holder shall, in accordance with Condition 67, include an Aquatic Ecological Monitoring programme as part of the Environmental Monitoring Plan. The programme shall include at least one year of baseline monitoring undertaken at Sites 1, 2, 3 and 4 (as shown on Attachment 2) prior to any disturbance at the site.

123. The Aquatic Ecological Monitoring programme shall be prepared by a qualified freshwater ecologist and shall detail the sampling and analysis methods and the calculated thresholds for detecting change in macroinvertebrate indicators of abundance and diversity, having regard to:

    a) Consistent quantitative estimates of the aquatic biota;

    b) Consistent laboratory and sorting/counting protocols; and

    c) Consistent taxonomic resolution of aquatic biota.

124. At any time following the completion of two seasonal monitoring events (i.e., summer to summer), if the trigger level for change in macroinvertebrate richness and abundance is reached then the Consent Holder shall immediately repeat the monitoring to confirm (or otherwise) the result. Should reaching the trigger levels be confirmed from this repeat monitoring the consent holder shall inform the Consent Authority of the mitigation measures that will be implemented to ensure that significant effects on aquatic ecology from mining operations are avoided or remedied in order to return the stream to below the trigger levels. For the purposes of this condition, the trigger levels are:

a) a statistically significant change at any of Sites 1, 2, 3 and 4 of 30% above the natural variation recorded at the control site.

b) a statistically significant change at any of Sites 1, 2, 3 and 4 of 50% above the natural variation recorded at the control site.

Advice Note: The baseline monitoring required by Condition 122 will confirm the appropriateness of the thresholds of change set out in this condition (30% for macroinvertebrate biota and 50% for macroinvertebrate abundance). Any application by the Consent Holder to change the thresholds in this condition based on the baseline monitoring shall be considered by the Consent Authority on a non-notified basis.

125. The Aquatic Ecological Monitoring programme shall be undertaken in accordance with the table below and at Sites 1, 2, 3 and 4 as shown on Attachment 2 appended to these conditions, and at a control site to be agreed with the Consent Authority. The results from this monitoring programme shall be included within the Annual Environmental Monitoring Report required to be prepared in accordance with Condition 68.

Parameter	**Unit**	**Frequency[#]**
Periphyton	% cover	Monthly
Periphyton	Diversity	Twice-yearly
Periphyton productivity	Chla and AFDW	Twice-yearly
Macroinvertebrates	Diversity and abundance	Twice-yearly
Fish	Diversity and abundance	Twice-yearly
Habitat	Protocol	Twice-yearly
Settled sediment	% cover	Monthly

Chla = Chlorophyll a; AFDW = Ash Free Dry Weight

[#]For the purposes of the baseline survey, sampling frequency will be seasonal (i.e., four times per year).

Water Management Plan

126. A Water Management Plan shall be prepared that sets out the practices and procedures to be adopted to ensure compliance with the conditions of these consents.

127. The Water Management Plan shall, as a minimum, address the following matters:
    a) The scheduling of activities required as operations at the site commence to ensure that all watercourses are protected from the start of construction activities and the conditions of the consents can be met.

    b) The location, operation and design criteria of the key features of the water management system, including ex-pit and in-pit sumps, ELF underdrains and collection sumps, clean water cut-off drains, underdrains, the water treatment plant, and water treatment plant sludge management.

    c) The inspection and maintenance schedules of the water management system which will be carried out to ensure that management practices are working effectively and to identify any further management, maintenance, or treatment requirements.

    d) The proposed monitoring of the discharge to West and Camp Creeks including the trigger limits/criteria for implementing mitigation measures to ensure compliance with the water quality conditions of the consents.

    e) The methods used to collect and store water samples and any specialised techniques required.

    f) An outline of the analysis and reporting of the results obtained from the water quality monitoring.

    g) Contingency measures dealing with water-related issues, power failure, spills, natural events, non-compliance and any unforeseen events.

    h) The relevant personnel who will be on-site and their responsibilities, such that the provisions of the plan can be implemented at all times.

    i) The training of staff and contractors.

128. The Consent Holder shall only discharge water treatment chemicals into the in-pit and ex-pit sumps unless otherwise approved in writing by the Consent Authority.

RC-2016-0098-05 Discharge Permit	**The deposition of overburden material and waste rock containing potentially acid-forming material, and the associated discharge of contaminants onto land from the overburden material and waste rock.**

RC-2016-0098-05 has a term of 35 years and is subject to the following conditions:

129. The Consent Holder shall undertake the activities authorised by this consent in accordance with the conditions of these consents.

130. The Consent Holder shall ensure that the diversion and drainage systems associated with the overburden placement areas are installed and operational prior to the deposition of any overburden and waste rock to the overburden placement areas.

Overburden Management Plan

131. An Overburden Management Plan shall be prepared that sets out the practices and procedures to ensure the correct classification of stripped overburden of varying geology or geochemistry and the correct fill scheduling and destination with appropriate rock/chemistry type.

132. The Overburden Management Plan shall, as a minimum, address the following:

    a) Details of the proposed overburden geochemical classification scheme, testing procedures, and visual identification techniques to be used in order to classify the material for appropriate placement either within overburden engineered landforms (ELFs) or for use elsewhere within the mine footprint.

    b) An outline of ELF construction methods, underdrainage, scheduling and overburden placement, and clean water diversion to minimise oxygen ingress.

    c) ELF low permeability layer cover design, the purpose of which is to create hydrological regimes suitable for shrubland and rockfield vegetation, rather than tall forest.

    d) A description of the monitoring programme to confirm the methods in (b) above are similarly effective to other sites where this approach has been adopted.

    e) Monitoring, documentation and data management procedures required to implement the plan.

    f) The relevant personnel who will be on-site and their responsibilities, such that the provisions of the plan can be implemented at all times.

    g) The training of staff and contractors.

    h) Methods to minimise the overall area of disturbance, so as to reduce the potential impact on vegetation, native fauna, and waterways.

i) Methods to ensure the conservation of overburden, suitable soils/root zone materials and vegetation for subsequent use for backfilling and rehabilitation.

j) The avoidance of use of materials that introduce weeds/non-native plants to the mine site.

k) A description of the means by which the site boundary shall be marked and maintained so as to prevent any disturbance outside the mine site footprint.

133. No overburden shall be removed or disposed of unless it has been classified and provision made for its acceptance at overburden placement areas in accordance with the conditions of this consent and the protocols outlined in the Overburden Management Plan, prepared in accordance with Condition 131 of this resource consent.

134. The backfill of the pits shall be designed such that its performance under a Probable Maximum Flood or Maximum Credible Earthquake does not result in loss of containment of the PAF and Low PAF material.

135. Before commencing construction activities, the Consent Holder shall commission a suitably qualified and experienced professional engineer to undertake a detailed site investigation and prepare a design for the overburden placement areas. The investigation and design shall include the following:

a) Foundation permeability beneath the proposed overburden placement areas with particular emphasis on local groundwater profiles, potential seepage and mitigation measures;

b) Overburden placement area proportions and dimensions including side and top slopes;

c) Deposition procedures to enhance drainage and the construction of seal layers with associated drainage;

d) The seepage interception and drainage system; and

e) Recommendations for monitoring and construction of the overburden placement areas.

136. The overburden placement landform shall be designed to best practice standards and shall be peer reviewed by an appropriately qualified and experienced engineer such that the drainage systems will ensure the passage of a 1% AEP flood flow.

137. On completion of the investigation and design required by Condition 135, the Consent Holder shall provide to the Consent Authority a report containing the results of the investigation and the proposed design for the overburden placement areas.

138. An appropriately qualified professional engineer experienced in the construction of overburden and waste rock filled structures shall supervise the construction of the overburden placement areas.

139. Evidence of the compliance with the designs and recommendations in the report required by Condition 135 of this consent during construction, operations and decommissioning shall be submitted to the Consent Authority in the form of a certificate from a professional engineer, with confirmation that the design has been peer reviewed by a technical expert approved by the Consent Authority or a Chartered Professional Engineer.

RC-2016-0098-06 Air Discharge Permit	**To discharge contaminants, dust and other fugitive emissions to air from the construction and operation of an open cast coal mine and coal loadout facility.**

RC-2016-0098-06 has a term of 35 years and is subject to the following conditions:

140. The Consent Holder shall undertake the activities authorised by this consent in accordance with the conditions of these consents.

141. The Consent Holder shall operate mining, coal load-out, and associated processes and other operations in such a manner to ensure that emission of dust is reduced to a practicable minimum.

Dust Management Plan

142. A Dust Management Plan shall be prepared and adhered to that sets out the practices and procedures to be adopted to minimise the effects of air discharges.

143. The Dust Management Plan shall, as a minimum, address the following matters:

    a) Identification of all sources of dust and other discharges and their potential impacts at the mine site and the coal load-out site.

    b) Any significant changes/alterations throughout the life of the project that may result in changes to the quantity and nature of dust and other discharges to air.

    c) Techniques and methods which will be used to avoid or minimise off site visible discharges to air, including the use of water sprays where necessary, and the programme for rehabilitation and revegetation of areas of the site to minimise dust emissions.

    d) Training of operators and contractors in the effective techniques and methods to help minimise dust emissions.

    e) Contact details for key site personnel

    f) A procedure for dealing with complaints

    g) Monitoring procedures

    h) Reporting and procedures for review of the Plan.

144. Monitoring of wind speed and direction shall be undertaken at a representative site of proposed dust generation activities at the mine pit area at a location to be agreed by the Consent Authority prior to commencement. Records shall be kept and shall be made available to the Consent Authority upon request.

145. A deposited particulate gauge shall be installed and maintained in the Giles Creek catchment at a location to be agreed by the Consent Authority prior to commencement of mining operations in the pit area.

146. Monitoring of insoluble deposited particulate rates shall be undertaken from the date mining operations commence in the pit area in accordance with ISO/DIS 4222.2 – Air quality – Measurement of atmospheric dustfall – Horizontal deposit gauge method. Analysis shall also determine the coal content of each sample using the Nuclear Reaction Analysis and Proton Induced X-Ray Emission Spectroscopy (PIXE) measurements in accordance with the general principles specified in: Compendium of Methods for the Determination of Inorganic Compounds in Ambient Air Compendium Method IO-3.6 – "Determination of metals in ambient particulate matter using proton induced X-ray emission (PIXE) spectroscopy". Centre for Environmental Research Information Office of Research and Development U.S. Environmental Protection Agency Cincinnati, OH 45268. June 1999.

147. These results shall be reported to the Consent Authority on a monthly basis. If the results demonstrate for at least twelve samples that there is no coal content in the samples, the monitoring may cease with the written approval of the Consent Authority. If any coal content is present in the samples, the Consent Holder shall adjust the operations and management plan to avoid the deposition of coal content and shall continue monitoring in accordance with this condition.

BULLER DISTRICT COUNCIL

RC160038 **Land use consent**	**Open cast coal mining and associated activities including earthworks, land disturbance and vegetation clearance, removal of overburden and coal, use of hazardous substances, construction of access road, rehabilitation and construction and operation of a coal load-out site (including access, rail siding and a rail load-out site).**

General

148. The colours to be used for all buildings and structures shall be recessive and non-reflective and shall be certified by the Manager Environmental Services, Buller District Council, prior to construction.

149. The hours of mining operations shall be restricted to 6am to 10pm, Monday to Saturday from 1st October to 31st March and 6am to 6pm, Monday to Saturday from 1st April to 30th September. For the purposes of this condition, mining operations means construction, overburden stripping, stockpiling, coal processing, coal winning and transport to coal load-out site. The restriction on the hours of operation excludes any works required for emergency maintenance works or for works required for consent compliance and monitoring purposes.

150. The hours of operation of the coal load-out site shall be restricted to 5am to 11pm, Monday to Sunday. The restriction on the hours of operation excludes any works required for emergency maintenance works or for works required for consent compliance and monitoring purposes.

151. The maximum speed limit on the access road shall be 60 kilometres per hour.

152. The maximum total disturbance area shall be limited to 144 ha which includes the mine footprint, ex-pit water treatment infrastructure, the access road, and coal load-out site as shown on Attachment 3 appended to these conditions.

153. Prior to commencement of mining activities and construction of the coal load-out site, the Consent Holder shall undertake works necessary to upgrade Nine Mile Road from reference point (RP) 6.5 to the end of the legal road to accommodate the intended use by the Consent Holder. All works must be designed by a Chartered Professional Engineer addressing the road construction and solution to the treatment of the ford to allow large transporters and heavy vehicles to traverse. The design is to be approved by the Manager – Utilities and Services prior to physical works commencing. Any required works must be undertaken by a Council Approved Contractor and a 1c Completion Certificate from a Chartered Professional Engineer must be supplied to Councils Manager – Utilities and Services upon completion of works.

Lighting

154. The Consent Holder shall undertake appropriate mitigation measures, including but not limited to, utilisation of lighting at the orange end of the spectrum, screens, shields, hoods and fences to ensure glare and light spill is minimised so as not to create a nuisance to residents, traffic, or to act as a distraction to wildlife (generally in accordance with the 'National Light Pollution Guidelines for Wildlife Including Marine Turtles, Seabirds and Migratory Shorebirds, Commonwealth of Australia 2020'). As far as practicable, lighting shall be directed away from the Westport township.

Blasting

155. Blasting shall be restricted to 7am to 7pm, Monday to Saturday from 1st October to 31st March and 8am to 5pm, Monday to Saturday from 1st April to 30th September.

156. Details of all blasts shall be entered into a record book kept for that purpose and shall be available to the Consent Authority upon request.

157. During blasting the Consent Holder shall ensure that air blast overpressure conforms with the recommendations outlined in the Australian Standard AS2187.22006 "Explosives – Storage and Use"; whereby all noise created by the use of explosives measured at a location agreed with the Consent Authority at the coal load-out site shall not exceed a peak overall sound pressure of 120dB linear peak for 95% of the time, with a maximum peak of 125 dB.

158. During blasting the Consent Holder shall ensure that ground vibration limits conforms to the recommendations outlined in the Australian Standard AS2187.22006 "Explosives – Storage and Use"; whereby peak particle velocity does not exceed 10 millimetres per second, at a location agreed with the Consent Authority at the coal load-out site.

Accidental Discovery Protocol

159. In the event of an accidental discovery of archaeological material not identified by the archaeological survey, the following steps will be followed:

    a) All work in the immediate vicinity of the material will cease immediately.

    b) The Consent Holder will take immediate steps to secure the site (e.g. tape it off) to ensure the archaeological remains are undisturbed and the site is safe in terms of health and safety requirements. Work may continue outside of the secured site area.

    c) If the material is confirmed as being archaeological under the terms of the Heritage New Zealand Pouhere Taonga Act 2014, the Consent Holder shall ensure that an archaeological assessment is carried out by a qualified archaeologist, and if appropriate, an archaeological authority is obtained from the Heritage New Zealand before work resumes.

d) If burials, human remains/koiwi tangata are uncovered, the Area Archaeologist of Heritage New Zealand, the New Zealand Police and the Iwi representative for the area shall be contacted immediately. The area shall be treated with discretion and respect and the koiwi tangata/human remains dealt with according to New Zealand law and tikanga.

e) Works at the site area shall not recommence until an archaeological assessment has been made, all archaeological material has been dealt with appropriately, and statutory requirements are met. All parties shall work towards enabling work to recommence in the shortest possible timeframe while ensuring that archaeological and cultural requirements are complied with.

Cultural Heritage and Liaison Plan

160. The Consent Holder shall prepare, in consultation with Te Rūnanga O Ngāti Waewae, and provide to the Consent Authority a Cultural Heritage and Liaison Plan. The purpose of the Cultural Heritage and Liaison Plan shall be to ensure that any cultural materials found within the disturbance footprint are evaluated and if necessary, protected. The Plan may be amended during the term of this consent, in consultation with the Te Rūnanga O Ngāti Waewae and the Consent Authority and provided the key outcomes are achieved.

161. The Cultural Heritage and Liaison Plan shall discuss cultural connections to the Te Kuha Mine Project area and its surrounds and will identify any sites of particular cultural significance. The Plan will describe the protocols should mining uncover any artefact or material that may be of early origin.

Noise

162. Subject to the express provisions of this condition the noise level, shall be measured and assessed in accordance with the requirements of New Zealand Standards NZS 6801:2008 Measurement of Environmental Sound and NZS 6802:2008 Acoustics - Environmental Sound. In particular, the provisions of NZS 6802:2008, 5 dB corrections for noise with special audible characteristics shall apply to noise measurements and assessments.

163. The L_{10} level as measured at the boundary of a property not owned by the Consent Holder, or the notional boundary of any existing dwelling not owned by the Consent Holder, shall not exceed the following limits, except by mutual agreement:

Monday-Friday - 8.00am to 11.00pm	55 dBA L_{10}
Saturday - 8.00am to 6.00pm	55 dBA L_{10}
At all other times including any public holiday	45 dBA L_{10} and 75 dBA L_{max}

164. The notional boundary of any dwelling shall, for the purpose of this condition, shall be a point 20 metres from the most exposed façade of the dwelling.

165. All equipment and machinery shall be regularly maintained to ensure noise levels are as low as reasonably attainable but at no time shall they exceed the levels permitted by the consent.

166. During the constructional phase of the mining operation, noise levels shall comply with the recommended upper limits for levels of construction work noise received in residential areas listed in NZS 6803:2008 Acoustics – Construction Noise at the boundary of any property not owned by the Consent Holder, or the notional boundary of any existing dwelling not owned by the Consent Holder.

Biodiversity Management and Habitat Enhancement

167. The Consent Holder shall undertake a programme of biodiversity management and habitat enhancement, including species relocation and management, enhancement of vegetation communities and plant pest and predator and browser control in accordance with these conditions within the area shown in Attachment 4 appended to these conditions (the Te Kuha Biodiversity Management Area) for a period of 35 years from the date of commencement of this consent.

168. From the commencement date of these consents, the Consent Holder shall make no application for resource consent for earthworks or mining related activities within the Te Kuha Biodiversity Management Area shown in Attachment 4.

169. In addition to baseline surveys required by these conditions, no later than 3 years, 5 years, 10 years and 15 years after the commencement of management activities in the Te Kuha Biodiversity Management Area, the Consent Holder shall provide to the Consent Authority a report from an independent appropriately qualified expert which sets out whether any additional or different actions or management measures, including funding and duration of management measures, are necessary to continue to meet the objectives of the Te Kuha Biodiversity Management and Enhancement Plan required by Condition 170 of RC160038. ~~The Consent Holder shall, at its cost, establish a Technical Advisory Group to advise it on the management activities in the Te Kuha Biodiversity Management Area, and shall establish terms of reference for the Group, in consultation with the Buller District Council and the Department of Conservation.~~ The report must include details of the amounts of DT successfully achieved, compared with the amounts set out in Condition 51(a).

Advice note: This condition clarifies the sequence and frequency of Te Kuha Biodiversity Management Area monitoring and reporting, i.e baseline survey, annual reports and assessment at identified intervals using longitudinal data to confirm the trajectory of outcomes while still allowing sufficient time for adaptive management to be implemented if necessary.

169A. The Consent Holder shall, at its cost, establish a Technical Advisory Group to advise it on the management activities in the Te Kuha Biodiversity Management Area, and shall establish terms of reference for the Group, in consultation with the Buller District Council and the Department of Conservation.

Advice note: This Group can comprise one or more of the same experts appointed to the Group under Condition 51A.

170. A Te Kuha Biodiversity Management and Enhancement Plan shall be prepared in consultation with the Department of Conservation, the Buller District Council and Rūnanga o Ngāti Waewae, and shall set out the practices, procedures, baseline surveys and monitoring to be adopted, including (where appropriate) measurable targets for outcomes to ensure compliance with the conditions of this consent and how the objectives set out in these conditions will be achieved. The Plan shall provide for review and compliance monitoring on an annual basis until closure is achieved in accordance with Condition 31(b).

171. The target species for management within the Te Kuha Biodiversity Management Area shall be great spotted kiwi (Roroa), forest birds, fernbirds, lizards, bryophytes, the Forest Ringlet Butterfly, Helm's stag beetle, and key vegetation species.

172. The Te Kuha Biodiversity Management and Enhancement Plan shall include the following sections, the objectives and provisions for which are set out in these conditions:

a) Roroa
b) Forest birds
c) Fernbirds
d) Lizards
e) Bryophytes
f) Weeds
g) Mammalian Predators and Browsers
h) Forest Ringlet Butterfly
i) Helm's Stag Beetle
j) Key Vegetation Species
k) Vespulid wasps

173. The Te Kuha Biodiversity Management and Enhancement Plan shall also include, in each relevant section, how the baseline state of the target species or habitats listed in Condition 172 will be characterised, the purpose of which is to estimate their natural abundance and inform future management decisions to provide an accurate basis against which change towards the objectives of the plan can be assessed.

Roroa, Forest Birds and Fernbirds

174. The objectives of the sections of the Plan dealing with Roroa, forest birds and Fernbirds shall be to:

a) Mitigate the effects from mining activities on the habitats of Roroa, forest birds and Fernbirds;

b) Minimise the effects from mining activities on the habitats of Roroa, forest birds and Fernbirds living within or immediately alongside Te Kuha Mine; and

c) Enhance population of Roroa, forest birds and Fernbirds within the Te Kuha Biodiversity Management Area shown in Attachment 4 while mining operations are in progress, and until such time as rehabilitated habitats at the former mine site support their return.

d) Roroa, forest birds and Fernbirds must show an overall increase in abundance as demonstrated by monitoring using five minute bird counts undertaken at least annually in either autumn or spring.

175. The sections of the Plan dealing with Roroa, forest birds and Fernbirds shall, as a minimum, address:

a) Managing the rehabilitation of habitat in the mined area so that it maximises re-occupation by Roroa, forest birds and Fernbirds;

b) Baseline and ongoing monitoring of the population of Roroa, forest birds and Fernbirds in the Te Kuha Biodiversity Management Area to determine to what level the population is enhanced by the predator control programme;

c) Salvaging of individual kiwi where appropriate; and

d) Measures to be used in the event that objectives of this section of the Plan are not being achieved, such as reviewing the size of the Te Kuha Biodiversity Management Area or implementing protective rearing until these targets are achieved.

Lizards

176. The objective of the section of the Plan dealing with lizards shall be to mitigate any adverse effects at the population level for lizards in the vicinity of the mining area while mining operations are in progress, and until such time as rehabilitated habitats at the former mine site support the return of lizards:

177. The section of the Plan dealing with lizards shall, as a minimum, address:

a) Salvage and relocation of lizards from the mine site, including relocation methodologies, handling practices and monitoring of the survival of relocated individuals (where feasible);

b) Methods to identify potential release sites for salvaged lizard populations;

c) Monitoring methods to determine pest densities; and

Bryophytes

178. The objective of the section of the Plan dealing with bryophytes shall be to develop and employ a range of management tools for lichens and bryophytes intended to mitigate

any adverse effects at the population level for those species in the vicinity of the mining area while mining operations are in progress.

179. The section of the Plan dealing with bryophytes shall, as a minimum, address:

a) Protocols for salvage of plants and habitat, spore and fragment collection and propagation;

b) Relocation of bryophytes and lichens and their habitats;

c) Buffering of habitats to maintain microclimates at newly exposed edges;

d) Monitoring of bryophyte habitats to inform location selection for bryophyte transferral;

e) Monitoring of transferred bryophytes and lichens to determine their survival and the effectiveness of relocations; and

f) Regular reporting to inform future bryophyte and lichen management.

Weeds[1]

180. The objectives of the section of the Plan dealing with weeds, including non-vascular weeds, shall be to prevent the establishment of new weed species (including bryophytes) and to maintain the distribution and abundance of existing weeds at the site at very low levels so that weeds do not impair natural succession of native vegetation cover in the medium to long term. For the purposes of this condition 'very low levels' is defined by closure criteria in Condition 31(b).

181. The section of the Plan dealing with weeds shall set out the methods and practices which will be employed to achieve the objectives of this section of the Plan, including:

a) Annual surveillance to ensure weed species are identified (preferably before they seed);

b) Ensuring that any machinery used for rehabilitation or surface stabilisation activities or movement of soil is cleaned before use;

c) Nursery hygiene and road gravel hygiene is maintained to minimise the potential for weed species to be introduced onto the site;

d) Weed management that detects new plant species, identifies weed species correctly, and removes weed species that establish on site; and

[1] For the purposes of conditions 180 and 181 'weeds' means all native vascular and non-vascular species that are not currently present Te Kuha, and all non-native vascular and non-vascular species (e.g., weasel moss Sphagnum subnitens and Racometrium elongatum).

e) Specifically identify measures to protect rehabilitated herbfields and rockfields from weeds; this will include protocols that minimise disturbance.

Mammalian Predators and Browsers

182. The objectives of the section of the Plan dealing with predators and browsers shall be to enhance the survival rates of indigenous fauna and flora within the Te Kuha Biodiversity Management Area.

182A. Pest animal management must achieve the following performance targets throughout the Te Kuha Biodiversity Management Area:

a) Possums must be maintained at or below a 5% Residual Trap Catch (RTC) or equivalent target using the Trap-Catch, Waxtag and Chewcard methods following the National Pest Control Agencies 'A1 Possum Population Monitoring' dated April 2020 (or subsequent updates) every year for 35 years and be monitored annually.

b) Rats must be maintained at or below a 5% Rat Tracking Index every year for 35 years and monitored during the months August/September and March/April and as set out in DoC Tracking Tunnel Guide v2.5.2: "Using Tracking Tunnels to Monitor Rodents and Mustelids" dated 2013 (or subsequent updates).

c) Mustelids, hedgehogs and feral cats must be maintained to low detection every year for 35 years and monitored using appropriate methods at least annually.

d) Ungulates (including deer, goats and pigs) must be managed to low detection every year for 35 years and monitored using appropriate methods at least annually.

183. The section of the Plan dealing with predators and browsers shall, as a minimum, address:

a) How the Consent Holder will control rats, stoats, possums, deer, goats, pigs and other introduced mammals (as appropriate) in the Te Kuha Biodiversity Management Area to low levels consistent with improved breeding success for the target native species;

b) Intervention triggers which ensure predator and browser management is timely and effective at reducing predator and browser densities;

c) The effectiveness of ungulate control in enhancing the habitat of the Helm's Stag Beetle;

d) Monitoring to ensure the Consent Holder can demonstrate compliance with the requirements of this section of the Plan; and

e) Commencement of predator control at least one year before the first removal of coal from the site.

184. No later than 12 months after the commencement of mining activities as notified under Condition 11, the Consent Holder shall provide to the Consent Authority a report from an independent appropriately qualified expert which takes into account any recommendations from the Technical Advisory Group established under Condition 169 and sets out:

a) Progress with the schedule of works for implementing the Te Kuha Biodiversity Management and Enhancement Plan;

b) The results of baseline surveys for predators and browsers that have been undertaken; and

c) An estimate of the likely biodiversity gains from the proposed predator and browser control for the target species listed in Condition 172, and an estimate of the likely impact of the predator and browser control proposed on survival rates of the target species.

Forest Ringlet Butterfly

185. The objectives of the section of the Plan dealing with Forest Ringlet Butterfly shall be:

a) To develop and employ a range of management tools for Forest Ringlet Butterflies intended to mitigate any adverse effects at the population level in the vicinity of the mining area while mining operations are in progress; and

b) Exotic vespulid wasps must be managed to achieve an activity measure of < 5 wasps on baits per hour during the period October to March, to be monitored at least monthly using the Merchento monitoring method.

186. The section of the Plan dealing with Forest Ringlet Butterfly shall, as a minimum, address:

a) Prior to the commencement of vegetation clearance for the pit area, survey and monitoring of Forest Ringlet Butterflies in the forests surrounding the mine site and of potentially suitable habitat in other areas of the Ngakawau Ecological District in order to identify other important sites;

b) Monitoring of exotic wasps and their control if necessary;

c) Buffering of habitats to maintain microclimates at newly exposed edges;

d) Monitoring of transferred Gahnia plants to determine their survival and their use by Forest Ringlet Butterflies;

e) Propagation and planting of Gahnia in the appropriate places as part of site rehabilitation;

f) Annual reporting to inform future butterfly management;

g) A map of potential predator control sites based on Gahnia presence and suitable tree canopy, particularly Gahnia habitat <600 m ASL; and

~~h) a requirement that Vespula wasp control (per Vespex method or better) is to be triggered by monitored wasp density across the area to be managed.~~

187. DELETED

188. DELETED

189. DELETED

Key Vegetation Species

190. The objectives of the section of the Plan dealing with key vegetation species shall be to set out the practices to be used to re-establish within the rehabilitated mine footprint individuals of the key vegetation species listed in the table in Condition 31(b).

Helm's Stag Beetle

191. The objectives of the section of the Plan dealing with Helm's Stag beetle shall be to develop and employ a range of management tools for beetles intended to mitigate any adverse effects at the population level in the vicinity of the mining area while mining operations are in progress.

192. The section of the Plan dealing with Helm's Stag beetle shall be to set out the methods to be used in relation to salvage and relocation.

Advice Note: In addition to the mitigation and offset measures set out in Conditions 167 to 192, the objective of the Te Kuha Biodiversity Management and Enhancement Plan is also to provide compensation for effects on any coal measures vegetation and other key biodiversity attributes which cannot be effectively mitigated and offset, by enhancing the habitats of indigenous fauna and enhancing the populations of indigenous flora and fauna within the Te Kuha Biodiversity Management Area. This compensation is to be provided by way of the methods set out in the Te Kuha Biodiversity Management and Enhancement Plan.

193. DELETED

Waste Management Plan

194. A Waste Management Plan shall be prepared for the purpose of minimising the waste and litter generated during mining, to maximise recycling and reuse opportunities, to avoid or minimise any pollution risk associated with the waste generated and disposed of at the site, and to assist with pest control.

195. The Waste Management Plan shall, as a minimum:

a) identify the nature and volume of waste generated at the site;

b) describe the methods to manage waste generation and to reuse or recycle materials where feasible; and

c) describe the transport and disposal of waste off site.

Financial Contribution

196. A financial contribution of cash shall be paid to the Consent Authority for the provision of reserves and facilities, as provided for in Part 8 of the Buller District Plan. The calculation for assessing the financial contribution shall be 0.5% of the total value of the development. The Consent Holder shall advise the Consent Authority of the value of the proposed development, and shall pay the cash amount of the contribution to the Consent Authority prior to the commencement of any works authorised by this consent. The calculation of the financial contribution shall be based on the estimated costs of the following components of the activity:

a) Construction of buildings (i.e. total cost of all buildings, excluding plant inside buildings); and

b) Formation of the access road (excluding roads within the pits); and

c) Costs associated with the removal of vegetation (excluding the costs of direct transfer and costs of planting vegetation and other rehabilitation).

~~**Charming Creek Walkway**~~

~~197. The Consent Holder shall pay the Consent Authority [$X] as a contribution towards the provision of signage and other visitor amenities on the Charming Creek Walkway~~

Establishment of Buller Biodiversity Trust

198. As soon as practicable after the grant of this consent and in any event prior to commencement of works being undertaken under this consent (excluding site investigations), the Consent Holder shall establish a charitable trust (the "Buller Biodiversity Trust") on the terms set out in Conditions 199 – 202.

199. The resource management purposes of the Trust, as set out in the trust deed, shall include to mitigate, offset or compensate for residual adverse ecological effects from the construction of the Te Kuha Mine within significant natural areas.

Advice Note: For the avoidance of doubt, the Trust may have objects and functions wider than the implementation and delivery of these conditions.

200. The terms of the Trust Deed must, as set out in the draft trust deed, provide for the Trust to:

a) Be established as an accountable administrative structure, which includes being committed to implementing the projects and achieving the targets set out in the Te Kuha Biodiversity Management and Enhancement Plan;

b) Provide an appropriate mechanism through which the following objectives of the Te Kuha Biodiversity Management and Enhancement Plan can be achieved:

   i. Minimising the effects from mining activities on the habitats of Roroa, forest birds and Fernbird living within or immediately alongside Te Kuha Mine;

   ii. Enhancing the population of Roroa, forest birds and Fernbird within the Te Kuha Biodiversity Management Area shown in Attachment 4 while mining operations are in progress, and until such time as rehabilitated habitats at the former mine site support residents;

   iii. Mitigating any adverse effects at the population level for lizards in the vicinity of the mining area while mining operations are in progress, and until such time as rehabilitated habitats at the former mine site support the return of lizards;

   iv. Developing and employing a range of management tools for lichens and bryophytes intended to mitigate any adverse effects at the population level for those species in the vicinity of the mining area while mining operations are in progress;

   v. Enhance the survival rates of indigenous fauna and flora within the Te Kuha Biodiversity Management Area by controlling mammalian predators and browsers;

   vi. Developing and employing a range of management tools for Forest Ringlet Butterflies intended to mitigate any adverse effects at the population level in the vicinity of the mining area while mining operations are in progress;

   vii. Developing and employing a range of management tools for Helm's Stag beetles intended to mitigate any adverse effects at the population level in the vicinity of the mining area while mining operations are in progress;

   viii. Set out the practices to be used to re-establish within the rehabilitated mine footprint individuals of the key vegetation species listed in the table in Condition 31(b); and

   ix. To increase tangata whenua and community-wide engagement in stewardship and sustainable environmental management of the Te Kuha Biodiversity Management Area, including by seeking acceptance of landowners and residents within the area for the Trust's activities on their properties.

   x. Facilitate setting priorities and allocating funding for projects within the Te Kuha Biodiversity Management Area to achieve these objectives.

201. The Consent Holder shall ensure that the Trust is paid all necessary funds for it to undertake any activities in accordance with, or to meet the conditions of, this consent, prior to those activities being undertaken. At least three months prior to the commencement of construction, the Consent Holder shall provide the first payment of the sum set out in **[an attached table]** to the Trust, and shall continue to pay the instalments to the Trust as set out in that table, and all such other sums from time to time as may be required to comply with these conditions.

Advice Note: For the avoidance of doubt, the Trust shall have the ability to access additional funding from other sources in addition to the Consent Holder's contribution (including from the Consent Holder itself), but the Consent Holder shall always remain liable for the full costs of complying with these conditions.

202. The terms of the Trust Deed shall also, as set out in the draft Trust Deed:

a) Require the trustees of the Trust, in relation to their appointment of additional or replacement trustees, to appoint trustees on merit according to their expertise and experience, but to invite and act upon the following nominations:

i. Two trustees from the Consent Holder;

ii. Two trustees from Te Runanga o Ngāti Waewae;

iii. One trustee from the Buller District Council;

iv. One trustee from the Community Liaison Meeting (established under Condition 71) connected with local community-led conservation projects;

b) Provide for the trustees of the Trust to appoint at least one additional, appropriately qualified trustee to be responsible for overseeing the Trust's financial reporting.

c) Prescribe the basic procedures for the trustees of the Trust to govern the Trust and otherwise provide the trustees with the power to regulate their own procedures, provided that:

i. No change may be made which would alter the charitable nature of the Trust or the funding the Consent Holder is required to provide under this consent;

ii. The Trust is to operate for a minimum period of 35 years following the grant of resource consent; and

iii. No change may be made to the objectives set out in Condition 200(b).

d) Provide for the appointment of a person to hold the position of operations manager /project coordinator and to be responsible for:

i. Strategic and operational planning;

ii. Implementation of project initiatives; and

iii. Ongoing evaluation against the measurable targets.

e) Require annual reporting regarding the distribution of the trust fund and reporting against the measurable targets to:

i. The Consent Holder;

ii. Te Runanga o Ngati Waewae;

iii. Buller District Council; and

iv. The Community Liaison Meeting (established under Condition 71).

Advice Note: For the avoidance of doubt, the role of the Council nominated trustee identified in Condition 202 is separate from and unrelated to Council's regulatory functions regarding the conditions of this consent.

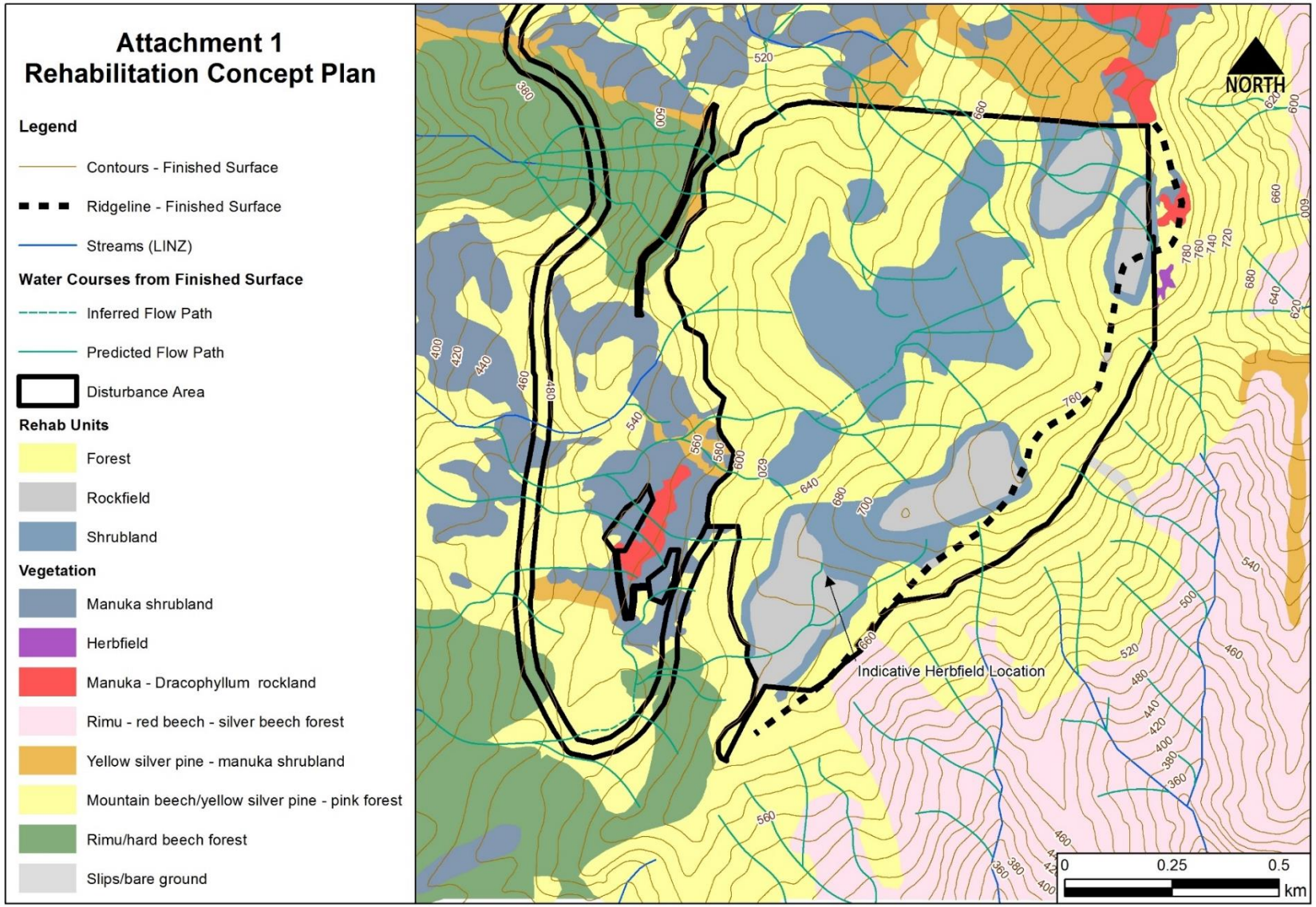
203. The Buller Biodiversity Trust does not absolve the Consent Holder of accountability for meeting the consent conditions. Compliance with the conditions of consent including the achievement of consent Conditions 167 to 192, is the responsibility of the Consent Holder, no matter the existence or otherwise of the Trust.

Contributions towards Westport Water Supply

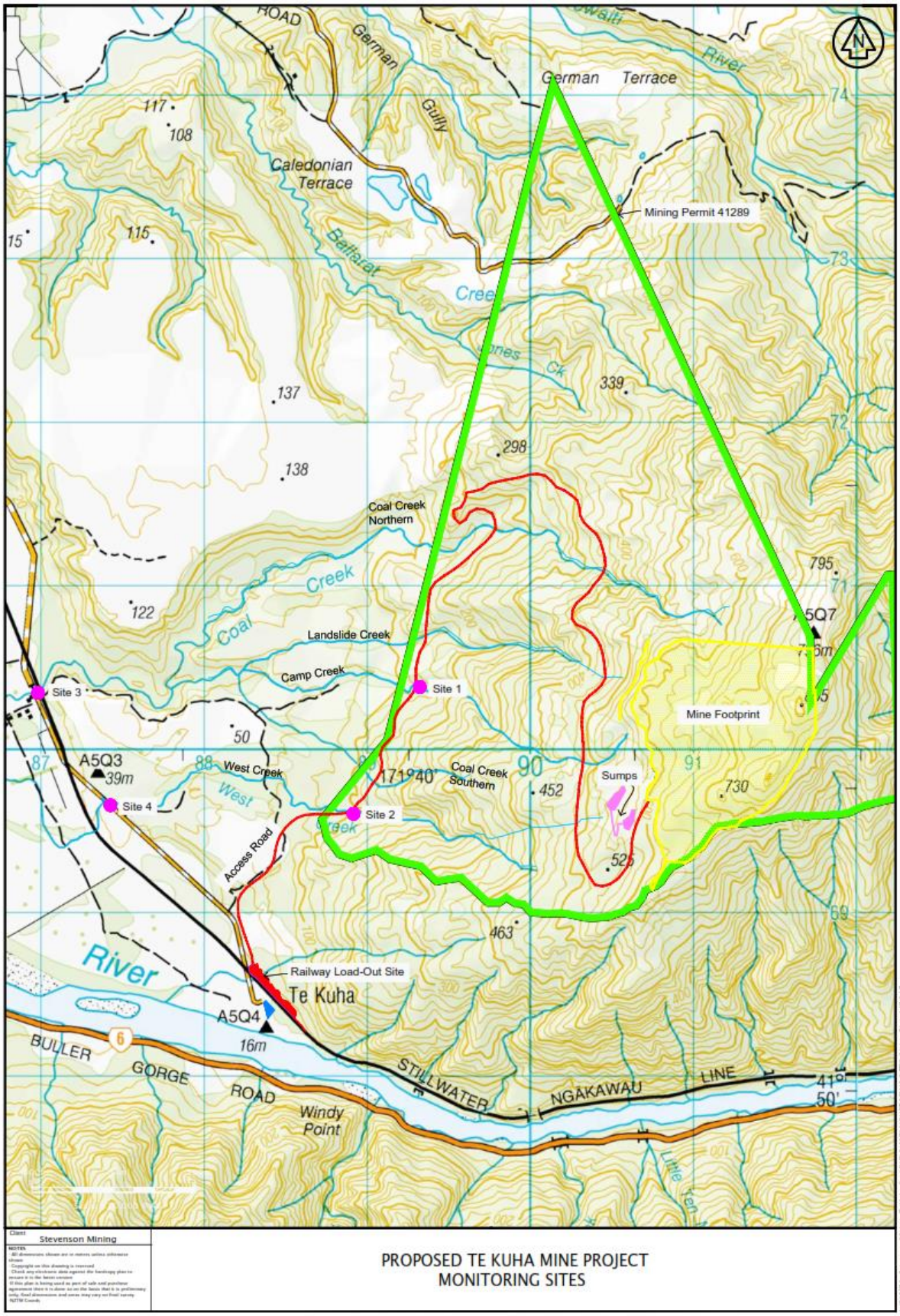
204. The Consent Holder must ~~provide~~ pay to the administering body of the Westport Local Purpose Reserve (water conservation) ~~the sum of $x (subject to an upwards only adjustment each year to take account of any change in the Consumer Price Index (All groups))~~ the amount agreed pursuant to an access agreement entered into under the Crown Minerals Act 1991 for every tonne of coal notified to the Ministry of Business Innovation and Employment for the purposes of paying royalties to the Crown under section 99H of the Crown Minerals Act 1991.

205. The purpose of these funds is for the Buller District Council to further protect and enhance the supply of drinking water to Westport and surrounding areas.

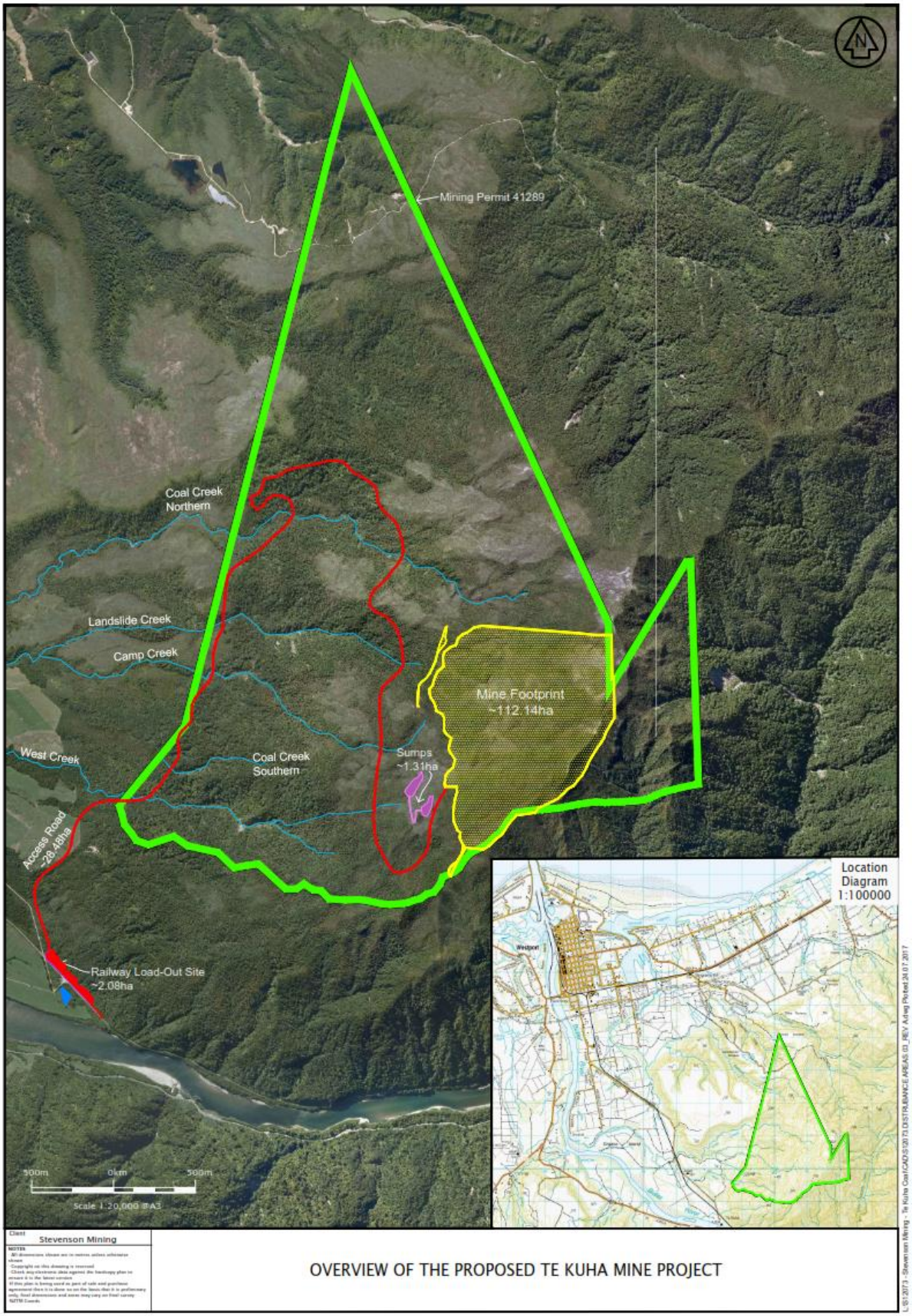
Attachment 1: Rehabilitation Concept Plan



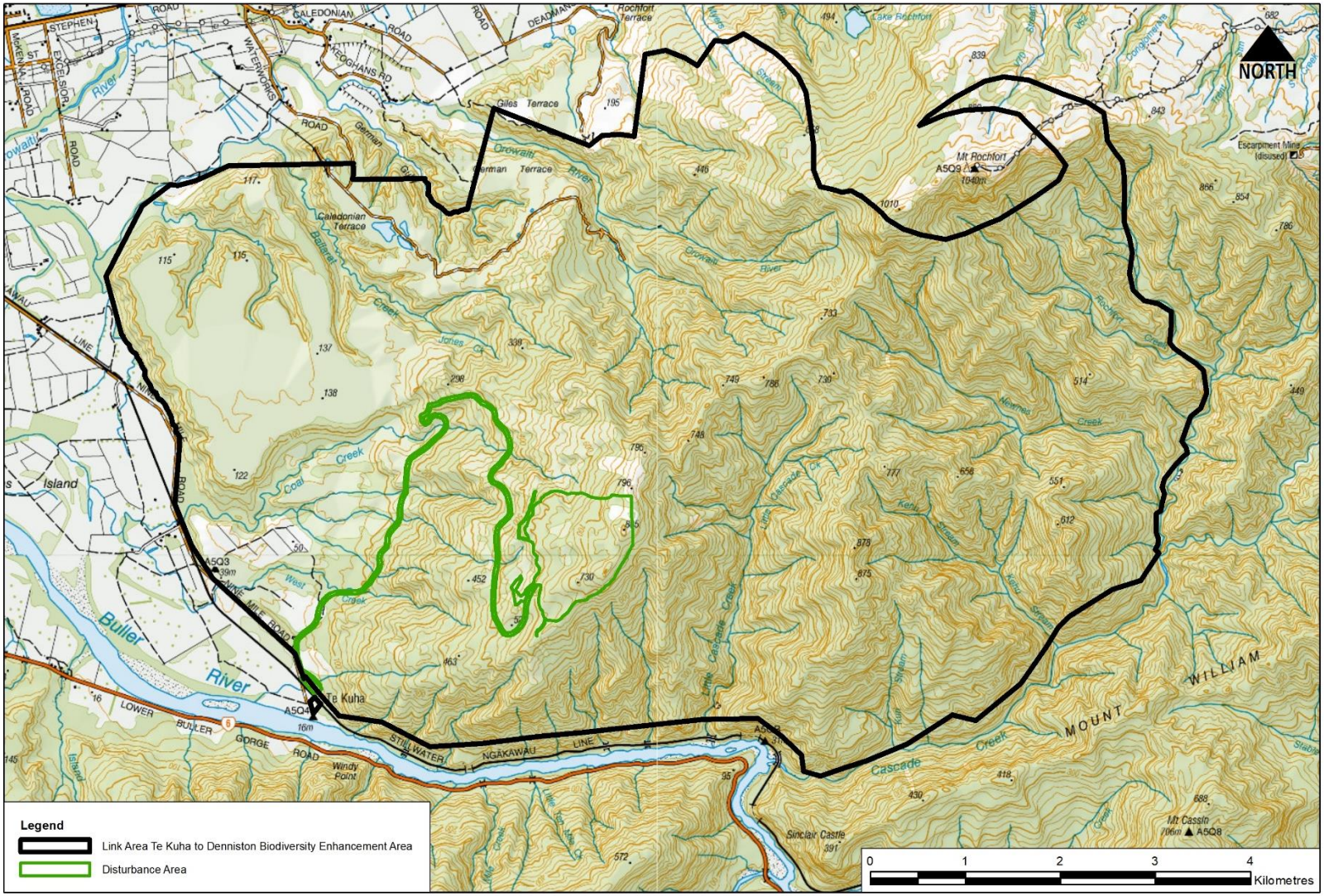
Attachment 2: Indicative monitoring sites at the Te Kuha Mine Project



Attachment 3: Disturbance areas associated with the Te Kuha Mine Project



Attachment 4: Te Kuha Biodiversity Management Area.



Attachment 5: Final rehabilitation contour plan.