

## APPENDIX - CONSENT CONDITIONS FOR TSF 2 CREST RAISE

### General

1. The activities authorised by this consent shall be carried out in general accordance with the plans and information submitted in the application, but as amended by the conditions set out below.
2. The land use activities permitted under this consent for all activities and facilities relating to the TSF 2 crest raise, being mining operations through to rehabilitation of the land and final mine closure, include the following activities within the area shown as Storage 2 on Figure 2.8 of the expired Martha Mining Licence and the footprint of 130 ha described for Storage 2 in Annex A; First Stage: Licensed Project (now Terms and Conditions for Permitted activities in the Martha Mineral Zone Rule 5.17.4.1):
  - a) Raising of the TSF 2 embankment crest from RL156m to RL161m,
  - b) Associated activities including haulage of material from the Northern and Central Stockpiles, raising of the Eastern Haul Road, and modification of the upstream diversion drain,
  - c) Disposal of tailings,
  - d) Rehabilitation and closure activities.

#### Advice Note:

The use of existing infrastructure such as stockpiles, haul roads, hazardous substance storage facilities, crib rooms and maintenance workshops are a permitted activity (Refer Hauraki District Plan Rule 5.17.4.1 P1).

3. The consent holder shall at least twenty working days before the first exercise of this consent, advise the Manager, Planning and Environmental Services, Hauraki District Council ("Council"), in writing, of the date upon which the exercise of this consent is to be physically commenced.

### Annual Work Programme

4. The consent holder shall, within one year of the date of notice given under Condition 3 and annually thereafter, prepare and submit to Council for its information, an Annual Work Programme that outlines the anticipated activities to be performed during the following year. Each work programme submitted shall give details of the equipment to be used, provisions for access, power and water supply, areas to be restored and methods of rehabilitation and include any other significant matters.
5. Permissible operating hours shall be restricted to:

a) Raising of the Embankment Crest:

Monday-Friday                      0700-2100

Saturday                                0700-1200

(ii) Tailings Disposal:

Twenty-four (24) hours per day, seven (7) days per week.

6. The above hours of work shall apply provided that operations in Condition 5 a) above are only permitted between 1900 and 2100 hours Monday-Friday if the operations are of an urgent nature and necessary for the effective carrying out of mining operations and that they comply with the noise level criteria as specified in Condition 8.
7. Details of all operations conducted under Condition 6 above shall be entered into a record book kept for that purpose. This record book is to be made available to Council on request.
8. The above hours of work do not apply with respect to the use of water trucks for the purpose of controlling dust so long as the activity complies with the noise level criteria as specified in Condition 9.
9. All activities associated with the TSF 2 crest raise in combination with activities authorised by Hauraki District Plan Rule 5.17.4.1 P1 shall not exceed the following limits when measured over the periods specified below, at or within the boundary of any residentially zoned site or the notional boundary of any occupied dwelling in the Rural Zone:

Monday-Friday	0700-2100	55dB LAeq
Saturday	0700-1200	55dB LAeq
All other times		40dB LAeq
	2100-0700 (the following day)	70dB LAFmax

10. All noise shall be measured within or close to the boundary of any residentially zoned site or the notional boundary of any occupied rural dwelling site not owned by the consent holder or related Company or not subject to an agreement with the consent holder or related Company.
11. In the event that a property is sold and ceases to be subject to an agreement between the consent holder (or related Company) and the purchaser, or in the event that there is no longer an agreement between the consent holder (or related Company) and the landowner, the location for the measurement of noise shall revert to being on or close to the boundary of that residentially zoned site or the notional boundary of the occupied rural site.
12. Noise shall be measured in accordance with the provisions of New Zealand Standard NZS 6801:2008 Acoustics – Measurement of Environmental Sound and assessed in accordance with the provisions of NZS6802:2008 Acoustics – Environmental Noise.

#### **Noise Management Plan**

13. The consent holder shall prepare a Noise Management Plan. This Management Plan shall be submitted to and approved by Hauraki District Council. The objective of this plan is to detail the methods to be used to comply with Conditions 8 to 11 including a programme of noise monitoring. This Plan shall be submitted to the Council at least 1 month prior to the exercise of this consent

and the consent shall not be exercised until the Noise Management Plan has been approved by the Council. The Noise Management Plan may be reviewed and amended from time to time, subject to approval of Council but not in a manner inconsistent with these conditions.

Advice Note:

The Noise Management Plan may be prepared in conjunction with Noise Management Plans prepared in accordance with the consent requirements for other mines in the Waihi Area.

**Rehabilitation**

14. The consent holder shall prepare a Rehabilitation and Closure Plan (the Plan) covering all areas that may be affected by the TSF 2 crest raise. This plan will be consistent with the relevant Annual Work Programme as required by Condition 4 above and may form part of the Rehabilitation and Closure Plan approved by the Peer Review Panel pursuant to Condition 8 of Schedule 1 to the Waikato Regional Council consents for the Martha Mine Extended Project and Condition 1(c) of expired Mining Licence 32-2388 (Refer Hauraki District Council Plan Rule 5.17.4.1 P1). The Plan shall be submitted to Waikato Regional Council and Hauraki District Council for written approval prior to the commencement of the TSF 2 crest raise. Rehabilitation planting for areas affected by the crest raise shall integrate into the previous planting undertaken and shall be consistent with the general design approach contained in the Rehabilitation and Closure Plan referred to in this condition.
15. The Plan shall be reviewed and updated annually and the concepts shall be described in more detail as appropriate. This shall include the identification of areas to be planted and grassed.
16. The consent holder shall submit the Plan, and each annual review and update thereof, to the Peer Review Panel (as required by the consent for the Martha Mine Extended Project) for its review.
17. The consent holder shall then submit the peer reviewed Plan to the Hauraki District Council and Waikato Regional Council for approval.
18. Rehabilitation of the embankment surface shall be progressive as areas of a practical working size become available and shall include the provision of a suitable rooting medium, contouring and drainage as required, to ensure the establishment and maintenance of a surface which will protect water quality and avoid soil erosion.
19. Prior to each increase in the crest height of the TSF 2 embankment, the consent holder shall prepare a report to Hauraki District Council and Waikato Regional Council detailing the sequence of works proposed, and an anticipated timeline over which the physical works and revegetation of the embankment and crest will occur. The report shall form part of the Rehabilitation and Closure Plan.
20. Unless otherwise agreed in writing by Hauraki District Council and Waikato Regional Council, the consent holder shall revegetate the lift undertaken in the previous season.

Advice Note:

Stockpiles are to be excluded from Conditions 18 to 19.

**Liaison Officer**

21. At least 20 working days prior to exercising this consent, the consent holder shall appoint a person (the "Liaison Officer"), and any replacement person subject to the approval of the Hauraki District Council, to liaise between the consent holder, the community and the Council. The Liaison Officer shall have sufficient delegated power to be able to deal immediately with complaints received and shall be required to investigate those complaints as soon as possible after receipt. The Liaison Officer shall be appointed for the duration of activities associated with this consent. The name of the Liaison Officer together with the contact phone numbers for that person shall be publicly notified in local newspapers and on the consent holder's website by the consent holder prior to the exercising of this consent and at least once a year thereafter.
22. The Liaison Officer may be the same Company Liaison Officer as approved in accordance with consents for the Martha, Favona, Trio, Correnso and SUPA mines and the Martha Drill Drives Project ("MDDP") (refer Schedule A).

**Complaints Procedure**

23. The consent holder shall maintain and keep a complaints register for any complaints received from the community. As a minimum, the register shall record, where this information is available, the following:
  - a) The date, time, and details of the incident that has resulted in a complaint.
  - b) The location of the complainant when the incident was detected.
  - c) The possible cause of the incident.
  - d) Any corrective action taken by the consent holder in response to the complaint, including timing of that corrective action.
  - e) Communication with the complainant in response to the complaint.
24. The complaints register shall be made available to the Council on request.

**Term and Lapse Period**

25. This consent has an unlimited term.
26. The consent lapses unless given effect to 5 years after its commencement under Section 116 of the Resource Management Act 1991.

**Bond and Trust**

27. Prior to the exercise of this consent the consent holder shall provide and maintain in favour of the Hauraki District Council and the Waikato Regional Council ("the Councils") a rehabilitation bond to:

- a) Secure compliance with the conditions of this consent and to enable any adverse effect on the environment resulting from the consent holder's activities and not authorised by a resource consent to be avoided, remedied, or mitigated;
  - b) Secure the completion of rehabilitation and closure of the activities authorised by this consent in accordance with the Rehabilitation Plan approved by the Councils; and
  - c) Ensure the performance of any monitoring obligations of the consent holder under this consent.
28. The rehabilitation bond(s) shall be in a form approved by the Councils and shall, subject to these conditions, be on the terms and conditions required by the Councils.
29. The rehabilitation bond(s) shall provide that the consent holder remains liable under the Resource Management Act 1991 for any breach of the conditions of consent which occurs during the exercise of this consent and until the completion of rehabilitation. This means when rehabilitation has been completed in accordance with the approved Plan and demonstrated to be successful, to the satisfaction of the Councils.
30. Unless the rehabilitation bond(s) is a cash bond, the performance of all of the conditions of the rehabilitation bond(s) shall be guaranteed by a guarantor acceptable to the Councils. 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, or any occurrence of any adverse environmental effect requiring remedy.
31. The amount of the rehabilitation bond shall be fixed prior to the exercise of this consent and thereafter at least annually by the Councils which shall take into account any calculations and other matters submitted by the consent holder, which are relevant to the determination of the amount. The amount of the rehabilitation bond shall be advised in writing to the consent holder at least one month prior to the review date.
32. The annual review of the rehabilitation bond shall be undertaken concurrently with the annual reviews for the Martha Mine (Hauraki District Plan Rule 5.17.4.1 P1 and Martha Mine Extended Project land use consent 97/98-105) and the Favona, Trio, Correnso and Slevin Underground Mines (land use consents) and the Martha Drill Drives Project while these latter bond requirements remain in force.
33. The amount of the rehabilitation bond shall include:
  - a) The estimated costs (including any contingencies necessary) of rehabilitation and closure in accordance with the conditions of this consent, on completion of the operations proposed for the next year;
  - b) Any further sum which the Councils consider necessary to allow for remedying any adverse effect on the environment that may arise from the exercise of this consent;
  - c) The estimated costs of monitoring, in accordance with the monitoring conditions of this consent, until the consent expires; and
  - d) Any further sum which the Councils consider necessary for monitoring any adverse effect on the environment that may arise from the exercise of this consent including monitoring anything which is done to avoid, remedy, or mitigate an adverse effect.
34. Should the consent holder not agree with the amount of the rehabilitation bond(s) fixed by the Councils 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 by the consent holder to each of the Councils advising that the amount of the rehabilitation bond(s) is disputed, such notice to be given by the consent holder within two weeks of notification of the amount of the rehabilitation bond(s). If the parties cannot agree upon an arbitrator within a week of receiving the notice from the consent holder, 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 within 30 days after his or her appointment, unless the consent holder and the Councils agree that time shall be extended. The parties shall bear their own costs in connection with the arbitration. In all other respects, the provisions of the Arbitration Act 1996 shall apply. Pending the outcome of that arbitration, and subject to Condition 36, the existing rehabilitation bond(s) shall continue in force. That sum shall be adjusted in accordance with the arbitration determination.

35. If, for any reason other than default of the Councils, the decision of the arbitrator is not made available by the 30th day referred to above, the amount of the rehabilitation bond(s) shall be the sum fixed by the Councils, until such time as the arbitrator does make his/her decision. At that stage the new amount shall apply. The consent holder shall not exercise this consent if the variation of the existing rehabilitation bond(s) or new bond(s) is not provided in accordance with this condition.
36. The rehabilitation bond(s) may be varied, cancelled, or renewed at any time by agreement between the consent holder and the Councils provided that cancellation will not be agreed to unless a further or new rehabilitation bond acceptable to the Councils is available to replace immediately that which is to be cancelled (subject however to Condition 37 below as to release of the bond(s) on the completion of the rehabilitation).
37. The Councils shall release the rehabilitation bond(s) on the completion of the rehabilitation. This means when the rehabilitation has been completed in accordance with the approved Rehabilitation and Closure Plan and demonstrated to be successful, to the satisfaction of the Councils.
38. All costs relating to the rehabilitation bond(s) shall be paid by the consent holder.
39. This consent shall not be exercised unless and until the consent holder provides the rehabilitation bond(s) to the Councils or provides such securities as may be acceptable to the Councils until the bond is received.

Advice Notes:

1. This condition is complementary to Waikato Regional Council consents.
2. The rehabilitation bond(s) covers only those elements of the TSF 2 crest raise not already subject to the rehabilitation bonds imposed by the land use and other resource consents granted for the Martha Mine Extended Project and Favona, Trio, Correnso, and Slevin Underground Mines and the Martha Drill Drives Project.
3. For the avoidance of doubt, conditions 10.13 to 10.28 of Schedule 1 to the Waikato Regional Council consents for the Martha Mine Extended Project relating to the Trust, the Capitalisation Bond and insurances also apply to the TSF 2 crest raise.

**Administration Charges**

40. The consent holder shall pay to the Council all actual and reasonable charges arising from the monitoring of consent conditions and any other administrative charges fixed in accordance with

Section 36 of the Resource Management Act 1991, or any charge prescribed in accordance with regulations made under Section 360 of the Resource Management Act 1991.

### **Review of Conditions**

41. Pursuant to Section 128(1)(a)(i) and (iii) of the Resource Management Act 1991, the Council may, 12 months from the commencement of this consent and annually thereafter, or on receipt of any of the reports required by this consent, review any or all of the conditions of this consent for any of the following purposes:
  - a) To review the effectiveness of the conditions of this consent in avoiding, remedying or mitigating any adverse effect on the environment that may arise from the exercise of the consent (in particular the potential adverse environmental effects in relation to vibration, noise, surface stability and social impacts) and if necessary to avoid, remedy or mitigate such effects by way of further or amended conditions. In deciding to undertake a review, and where further or amended conditions are deemed necessary, the Council shall have regard to all of the information contained in the reports required under other conditions of this consent.
  - b) To address any adverse effects on the environment which have arisen as a result of the exercise of this consent that were not anticipated at the time of commencement of the consent.
  - c) To review the adequacy of, and necessity for, any of the monitoring programmes or management plans that are part of the conditions of this consent.
42. Such a review shall only be commenced after consultation between the consent holder and Council, and the consent holder shall pay the actual and reasonable costs of the review.
43. Notwithstanding Condition 42 above, where Council elects to review Conditions 14 to 20 and 27 to 39 this consent, such a review shall be undertaken after consultation with the Waikato Regional Council.

### Advice Notes:

1. In the exercise of the power to certify management plans and monitoring programmes conferred by these conditions, the Council will act on the advice of technical experts with expertise relevant to the subject of the plan or programme in question.
2. If any activity associated with this consent is likely to damage, modify or destroy any pre-1900 archaeological site (whether recorded or unrecorded) an 'authority' (consent) from Heritage New Zealand Pouhere Taonga (HNZPT) must be obtained for the work prior to commencement. It is an offence to damage or destroy a site for any purpose without an authority. The consent holder is reminded of the need to comply with all conditions of authorities that may be granted by HNZPT for this project under the Heritage New Zealand Pouhere Taonga Act 2014.

## **SCHEDULE A: ADDITIONAL LICENCES AND CONSENTS**

- Mining Licence ML 32 2388 and variations thereto (Any activity conducted in accordance with the relevant terms and conditions of, and within the areas covered by Mining Licence 32 2388 is now a permitted activity subject to conditions in the Hauraki District Plan (refer Rule 5.17.4.1 P1)
- Hauraki District Council Land Use Consent for the Martha Mine Extended Project (97/98-105)
- Hauraki District Council Land Use Consent for the Favona Decline Project 85.050.325.D
- Hauraki District Council Land Use Consent for the Favona Mine Project 85.050.326E
- Hauraki District Council Land Use Consent for the Trio Development Project (RC-15735)
- Hauraki District Council Land Use Consent for the Trio Underground Mine Project (RC-15774)
- Hauraki District Council Land Use Consent for the Correnso Underground Mine Project (LUSE-202.2012)
- Hauraki District Council Land Use Consent for the Slevin Underground Project Area (SUPA) (LUSE-202.2016.544.02)
- Hauraki District Council Land Use Consent for the Martha Drill Drives Project (MDDP) (LUSE-202.2017.664.00)