

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of an appeal under section 120 of the Act

BETWEEN WAIHI GOLD COMPANY LIMITED
(trading as Newmont Waihi Gold)

(ENV-2011-WLG-000014)

Appellant/ Applicant

AND THE HAURAKI DISTRICT COUNCIL
Respondent

BEFORE THE ENVIRONMENT COURT

Principal Environment Judge CJ Thompson sitting alone pursuant to section 279 of the Act.

IN CHAMBERS

CONSENT ORDER

Introduction

[1] The Court has read and considered the appeal and the parties' memorandum received 27 June 2011.

[2] The New Zealand Historic Places Trust gave notice of an intention to become a party under s274, and has signed the consent memorandum setting out the relief sought.

[3] The Court is making this order under section 279(1)(b) of the Act, such an order being by consent, rather than representing a decision or determination on the merits pursuant to section 297. The Court understands for the present purposes that:

(a) All parties to the proceedings have executed the memorandum requesting this order; and

(b) All parties are satisfied that all matters proposed for the Court's endorsement fall within the Court's jurisdiction, and conform to relevant requirements and objectives of the Act, including in particular Part 2.



Order

[4] The Court orders, by consent, that the conditions of land use consent RC-15774 for the Trio Underground Mine be amended to read as set out in the attached conditions.

[5] The appeal is otherwise dismissed.

[6] There is no order as to costs.

DATED at Wellington this 27th day of July 2011




J. Thompson
Principal Environment Judge

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C.A. Thompson
Principal Environment Judge



THE SEAL OF THE
ENVIRONMENT COURT OF NEW ZEALAND

Pursuant to Section 108 of the Resource Management Act 1991, this consent is subject to the following conditions:

General

1. This consent shall be exercised in accordance with the following additional licences, permits and consents where relevant;
 - Mining Licence ML 32 2388
 - Variations to Mining Licence ML 32 2388
 - 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].
 - Waikato Regional Council consents for the Martha Mine Extended Project.
 - Waikato Regional Council consents for the Favona Decline Project 108554 & 108556
 - Waikato Regional Council consents for the Favona Mine 109741, 109742, 109743, 109744, 109745 and 109746.
 - Waikato Regional Council consents for the Trio Development Project (121416 - 121418, 121446, 121447)
 - Waikato Regional Council consents for the Trio Mine Project (121694 - 121697)
2. The activities authorised by this consent shall be carried out on the site described in Schedule 1 to this consent and in general accordance with the plans and information submitted in the application, but as amended by the conditions set out below.



The land use activities permitted under this consent are for all activities and facilities relating to the Trio Underground Mine Project within the Trio Project Area, being the

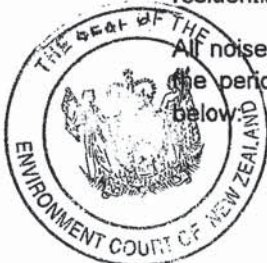
mining of the Trio System through to the rehabilitation of the land and final mine closure, including but not limited to:

- Earthworks
 - Use of existing surface and underground facilities and infrastructure
 - The use and storage of hazardous substances
 - Drilling and blasting
 - Underground mining
 - The removal of waste rock and ore
 - Rehabilitation activities, including backfilling with waste rock and flooding with treated water and water from the Ohinemuri River
 - On-going exploration of the ore body.
4. The consent holder shall at least 1 month before, 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.

Noise

5. All noise associated with the Trio Underground Mine Project shall be measured on 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. 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 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.

All noise associated with the Trio Underground Mine Project shall be measured over the periods specified below, and shall not exceed the Noise Level limits specified below.



Time Period	Noise Level	
	L ₁₀	L _{max}
Monday – Friday 0700-2100	55	NA
Saturday 0700-1200	55	NA
On all nights 2100-0700 (the following day)	NA	70
All other times	40	NA

The noise shall be measured cumulatively with other noise emanating from the Martha Mine and Favona Underground Mine (should there be simultaneous sources of noise generation), all operations within the process plant, operations within the waste and tailings area, and the conveyor and associated activities.

The day time measurement periods to determine the L₁₀ noise level shall be representative of any single working day and shall consist of at least three measurement periods of at least 15 minutes duration each, in any non consecutive 60-minute periods spread over the working day.

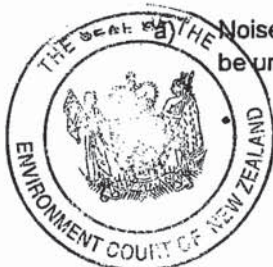
The mean corrected noise level shall be calculated on an energy basis from the measurements and no single corrected measured level shall exceed the permitted mean level by more than 5dBA.

Subject to the express provisions in the table in this Condition, the noise levels shall be measured and assessed in accordance with the requirements of the New Zealand Standards NZS6801:1999 Measurement of Environmental Sound and NZS6802:1991 Assessment of Environmental Sound.

6. Noise Monitoring and Reporting

Noise monitoring to confirm compliance with the noise levels in Condition 5 shall be undertaken as follows:

Unless it can be demonstrated that adverse weather conditions prevented noise monitoring on each day of the seven day period, the consent holder



shall monitor noise levels for the site at weekly intervals for 6 weeks from the commencement of Trio Underground mining operations, and if the monitoring demonstrates compliance with the noise limits, thereafter at intervals not exceeding three months.

In the event that noise limits are exceeded then monitoring shall continue at weekly intervals while steps are undertaken to comply with Condition 5. Such measures to comply with Condition 5 shall be implemented immediately.

Note: Such ongoing monitoring may be undertaken in conjunction with the Favona Land Use Consent (85.050.326E) and the Martha Mining Licence (ML 322388).

- b) Records of all noise monitoring shall be maintained and provided to Council on request.
- c) Representative noise levels shall be measured and assessed in accordance with the methods specified in Condition 5, and as set out in the Noise Management Plan (Condition 7).
- d) The consent holder shall, unless otherwise directed to do so by Council following consultation with the consent holder, provide a summary report to the Council at the end of each 3 month period from commencement of work Trio Underground mining operations to completion on the following:
 - (i) Results of the noise monitoring that is of direct relevance to the Trio Underground Mine Project;
 - (ii) All complaints received during the previous 3 month period, action taken by the consent holder and the resolution (if any); and
 - (iii) Any other matters of concern raised with the consent holder.

7. Noise Management Plan



The consent holder shall, 1 month prior to the exercise of this consent, prepare a noise management plan for the Trio Underground Mine Project for the written approval of the Manager Environment and Planning, Hauraki District Council. The objective of this plan is to detail the methods to be used to comply with Conditions 5 and 6 of this consent.

Blasting and Vibration

8. Ground Vibration

All blasts will be designed at a 95% level of confidence to achieve the vibration levels specified in Condition 9.

9. Impulsive Vibration from Blasting

The activity shall comply with the following standard as measured at the boundary of any residentially zoned site or the notional boundary of any occupied rural dwelling not owned by the consent holder (or related company) or not subject to an agreement with the consent holder (or related company).

In the event that a property is sold and is not subject to an agreement between the consent holder (or related company) and the purchaser or related company, or in the event that there is no longer an agreement between the consent holder and the landowner, the measurement of vibration shall revert to being measured at the boundary of the residentially zoned site or the notional boundary of the occupied rural dwelling.

Time	Maximum number of blast events per period ¹	Maximum ground vibration level (Instantaneous vector sum of velocity components – 95% design)
Monday to Saturday (0700 to 2100)	4	6.0 mm/s
Monday to Saturday (2100 to 0700 the following day)	4	1.0 mm/s
Sundays & Public Holidays (0700 to 2100)	4	1.0 mm/s
Sundays & Public Holidays (2100 to 0700)	4	1.0 mm/s

Note: The 'Period' means the four durations referred to in the column headed "Time".

Blast events involving:

Production blasts shall have a duration of not more than 6 seconds;

Development blasts shall have a duration of not more than 12 seconds; and



- A combination of production and development blasts shall have a duration of not more than 18 seconds.

(Note: Blast events of longer than the periods specified above are not permitted)

- A 'Blast Event' is defined as:

'An individual or number of linked individual blasts of not more than the total duration periods specified above.'

- The maximum number of blast events does not include blast events necessary for safety and minor maintenance purposes.
- The maximum ground vibration (instantaneous vector sum of velocity components) of 1.0mm/s shall apply to all maintenance blast events during the periods that this standard applies, as specified above.

10. The consent holder shall ensure that blast events at the Trio Underground Mine shall not coincide with blast events at the Martha Mine.

11. Blasting and Vibration Monitoring and Reporting

- a) Impulsive vibration from all blast events shall be monitored.
- b) The monitoring system shall be automated to allow for the immediate analysis of each blast event.
- c) Suitably trained personnel shall conduct monitoring. Equipment used for monitoring, equipment calibration and vibration measurement procedures shall comply with the current Australian Standard AS2187.2 (or equivalent international standards) and equipment manufacturers' recommendations.
- d) Unless otherwise confirmed in the Vibration Management Plan (Condition 13) monitoring locations shall be those shown in Figure 5 of the report prepared by Heilig & Partners Pty Ltd being Appendix 5 of the application AEE. The monitoring position shall be as close as practicable to a point on or within the residence boundary nearest the project area. The monitoring position shall not be on or inside a building or structure.

Before blasting starts, and provided the property owner consents, the consent holder shall complete a structural condition survey for each of the properties selected for monitoring. Further, structural condition surveys on this same basis shall be undertaken on all properties not owned by the consent holder and which



are located within the expected 5 mm/s vibration contour shown on Plate No E dated 21 November 2010 prepared by Heilig & Partners (Appendix C, Evidence of John Heilig) and included as Attachment 1 to this consent. The survey shall be carried out by an independent structural engineer suitably qualified and experienced in domestic building design and construction. The survey report shall include a visual inspection and video record of all existing built surfaces and defects including concrete accessways.

- f) A roving monitor shall be deployed to record vibrations in locations where complaints regarding vibration have been made.
- g) In addition to the monitoring locations as specified in Condition 11d, an additional monitoring location shall be established to determine the levels of vibration at the Cyanide Tanks and Ore Kilns on Union Hill. The final position(s) are to be confirmed in the Vibration Management Plan (Condition 13). Any subsequent proposed change of monitoring location shall require a revision to the Vibration Management Plan. The revised Plan shall be submitted for written approval by the Council's Manager – Planning and Environmental Services as set out in Condition 13 prior to relocation.
- h) A complete record of each blast event shall be maintained. The record shall include:
 - (i) Types of measurement instrument used
 - (ii) Time and duration of blast event
 - (iii) Location of blasts
 - (iv) Locations of monitoring positions
 - (v) Distances from the blasts to the monitoring position and nearest residence
 - (vi) Measured vibration levels
 - (vii) Total amount of explosive used
 - (viii) Delay sequence of the blast event
 - (ix) Maximum instantaneous charge
 - (x) Volume of rock blasted
 - (xi) Complaints (including the nature of effects, for example rattling window, was the complainant awoken) and whether the Vibration Mitigation Action Process has been undertaken
 - (xii) Advice as to whether the blast was a safety or minor maintenance blast



(xiii) Design criteria not covered in items i to xii above.

12. Health and Safety

All blasting and material storage and handling shall be carried out so as to ensure the safety of persons in the Trio Project Area and adjacent area. The Health and Safety in Employment Act 1992 and the Health and Safety in Employment (Mining Underground) Regulations 1999 shall be complied with.

The consent holder shall notify the Health and Safety Inspector of the blasting procedures to be employed and of any changes to the procedures.

13. Vibration Management Plan

The consent holder shall, at least 1 month prior to the exercise of this consent, submit a Vibration Management Plan for written approval by the Council's Manager – Planning and Environmental Services. The objective of the Plan is to provide detail on how vibration consent condition compliance will be achieved for the duration of the Trio Underground Mine Project. The Plan shall include a blasting programme that sets out in general terms the numbers, times (generally around shift changeovers), duration of blast events, coordination of development and production blasts into one blast event and steps to minimise the duration of blast events, records to be kept (including blast design data), blast design review procedures, procedures to be adopted where vibration levels approach the maximum permitted levels and mitigation actions to be implemented in the event of non compliance. The mitigation actions shall include procedures to repair any damage to structures identified as having resulted from activities at the Trio Underground Mine. The Plan shall also confirm the permanent monitoring locations to be established in accordance with Conditions 11d) and 11g).

14. Management and Reporting

- a) No blasting operations shall be carried out without the written approval of the Trio Mine Manager. Before blasting commences, the Trio Mine Manager shall ensure that the operations will not cause danger, damage or undue discomfort to any person nor danger and damage to property.

b) In the event that blast monitoring shows that the vibration standards have been exceeded, the consent holder shall implement mitigation actions to ensure compliance. Possible mitigation actions include:

Limiting the rate of excavation advance



- (ii) Reducing the blast hole diameter
 - (iii) Reducing the weight of explosive in the blast hole
 - (iv) Using alternative explosive types
 - (v) Using electronic delays to adjust sequencing
 - (vi) Decking
 - (vii) Changing the blast pattern
 - (viii) Drilling and blasting in two passes
 - (ix) Changing the method of mining
- c) The consent holder shall provide a report to Hauraki District Council for each blast event where the measured vibration exceeds the specified maximum limits. The reports shall be submitted within five (5) days after the blast event and include the records listed in Condition 11h) above and mitigation actions taken to limit subsequent blast vibrations to the maximum limits or less.
- d) The consent holder shall provide a summary report to Council at six (6) monthly intervals after commencement of this consent. The report shall include the following:
- (i) Confirmation of actions taken during the previous reporting period
 - (ii) All vibration related complaints received during the current reporting period and mitigation actions taken by the consent holder
 - (iii) Results of vibration monitoring
- e) Monitoring records, reports and complaint schedules shall be stored and maintained in a systematic manner. Storage shall be secure and maintained for 12 months after completion of all blasting at the underground mine. Records shall be available for perusal by the Health and Safety Inspector, Council and their representatives.

Risk of Surface Instability



Mining operations shall be conducted to minimise the risk of surface instability above the Trio Underground Mine. In particular, the following measures are to be adopted in this regard:

Employ only the modified Avoca Mining method in mining operations

- Ensure that stopes mined on the upper two levels in the Union vein do not exceed 30m in length measured along the lower level of the stope void.
- Conduct an intensive drilling programme to confirm ground conditions in the lower levels of the old Union vein workings to ensure that an effective crown pillar thickness is left between the old workings and the Trio Underground Mine to maintain stability underground and hence stability of the surface

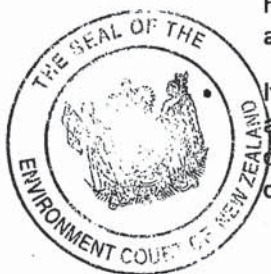
Measures adopted to minimise the risk of surface instability shall be reported to the Council in accordance with Condition 16.

16. The consent holder shall provide to the Hauraki District Council on an annual basis (within one month of the agreed anniversary) a report:
- a) Describing the location, depth and height of completed filled stopes, and unfilled stopes;
 - b) Describing the backfilling and compaction associated with each stope; and
 - c) Ground conditions revealed by the mine excavations.
 - d) Describing the measures adopted to manage the risk of surface instability, particularly as provided for in Condition 15 and the outcomes of such measures.

Archaeological Features

17. Should any features of an archaeological, historical or cultural significance be discovered during the Trio Development Project, the following procedures shall be implemented:

- Work shall cease immediately at that place.
- All machinery shall be shut down, the area is to be secured and the Council advised.
- Within 24 hours of the find, the consent holder shall notify the New Zealand Historic Places Trust (if no authority has been granted) and if necessary the appropriate consent process shall be initiated.



If the site is of Maori origin the consent holder shall, within 24 hours of the find, also notify the appropriate iwi group/s (Ngati Tamatera in the first instance) to determine what further actions are appropriate to safeguard the site or its contents.

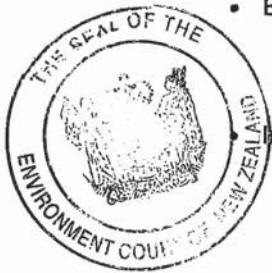
- If skeletal remains are uncovered the consent holder shall, within 24 hours of the find, advise the Police.
- Works affecting the archaeological site shall not resume until the New Zealand Historic Places Trust, the Police (if skeletal remains are involved) and iwi groups have each given the appropriate approval for work to continue.

Heritage Items Monitoring

18. The consent holder shall undertake all reasonable measures to ensure that the operation of the Trio Underground Mine does not adversely affect the heritage items identified in the Proposed Hauraki District Plan (as at 06/11/2010) located on the surface of Union Hill.
19. To confirm compliance with Condition 18, the consent holder shall, prior to the commencement of this consent, submit a Heritage Items Monitoring Plan for written approval by the Manager - Planning and Environmental Services. This Heritage Items Monitoring Plan shall be in accordance with the statement of objectives and approaches outlined in the report prepared by Dunning Thornton (Union Hill Cyanide Tanks and Roasting Kilns, Waihi, Condition Monitoring Plan, dated June 2011) and shall include the following matters:
 - a) A methodology to undertake a condition survey for the Cyanide Tanks and Ore Kilns to be carried out by a qualified structural engineer acceptable to the Manager, Planning and Environmental Services. As a minimum this survey shall include:
 - Surveyed ground levels at the base of and in the vicinity of the structures.
 - Descriptions of the structures including and identifying cracks and subsurface imperfections.
 - A video and still photographic record of all existing built surfaces and defects

The condition survey shall be undertaken prior to the exercise of this consent and be repeated at least annually during the exercise of this consent and the results reported to Hauraki District Council.
 - b) A methodology to undertake ongoing monitoring of the structures to identify any cracking or other changes to the structures. This methodology shall:
 - Be prepared by a suitably qualified independent expert acceptable to the Manager - Planning and Environmental Services. Monitoring methods may include glass slides, crack gauges, use of control survey points or a combination of these or such similar measures.

include requirements for regular inspection during production blasting (at a minimum of weekly intervals where electronic or other remote monitoring is not provided for).



- Provide for prompt reporting of any evidence of instability or damage to the structures to the Council.
 - c) Establish response triggers for vibration related effects. These response triggers shall be confirmed following completion of the baseline monitoring required by Condition 20. Responses will depend on the scale and nature of the monitored evidence of instability or damage to the structures and may include, but not be limited to, ongoing observation, investigation and reporting, changes to blasting practice, and cessation of blasting until Council approves recommencement. Responses to vibration induced damage to either the Ore Kilns or Cyanide Tanks shall specifically include the cessation of blasting operations until written approval from the Manager, Planning and Environmental Services, Hauraki District Council has been obtained for re-commencement.
 - d) Blast vibration monitoring as required by Condition 11
 - e) Reporting requirements for incidental and annual reports to Council.
- 20 The consent holder shall undertake a programme of baseline monitoring agreed in writing by the Council for a period of at least 3 months prior to the exercise of this consent to establish a baseline regarding the behaviour of the structures. The baseline monitoring programme shall be in accordance with the statement of objectives and approaches outlined in the report prepared by Dunning Thornton (Union Hill Cyanide Tanks and Roasting Kilns, Waihi, Condition Monitoring Plan, dated June 2011).
21. Following completion of the baseline monitoring required by condition 20, the consent holder shall review the Heritage Items Monitoring Plan and, in particular:
- Review the monitoring methodology
 - Confirm or establish response triggers for vibration related effects where monitoring shows evidence of instability or damage to the structures
 - Confirm or establish required actions where response triggers for vibration related effects are exceeded including procedures to repair any damage to heritage structures identified as having resulted from activities at the Trio Underground Mine

The consent holder shall submit the reviewed Heritage Items Monitoring Plan for comment to the New Zealand Historic Places Trust (NZHPT) and provide a copy of such comments to Council.

The consent holder shall then submit the reviewed Heritage Items Monitoring Plan for written approval by Council's Manager – Planning and Environmental Services. This consent shall not be exercised until the reviewed Heritage Items Monitoring Plan receives approval.

Following approval, the Heritage Items Monitoring Plan shall be implemented by the consent holder.



- 21A. The Heritage Items Monitoring Plan may be reviewed and updated at any time to provide for improvements, refinements or changes in monitoring, to modify response triggers where indicated as required or reasonable by the monitoring data, or for any other reasonable purpose. The review may be initiated by either the consent holder or the Council, following consultation. The consent holder shall submit the reviewed Heritage Items Monitoring Plan, including comments from the NZHPT, for written approval by Council's Manager – Planning and Environmental Services. Following approval, the reviewed Heritage Items Monitoring Plan shall be implemented by the consent holder.

Hazardous Substances Underground Depot

22. All hazardous substances are to be stored in approved and bunded containment in accordance with the relevant New Zealand Standards and Codes of Practice and the Hazardous Substances and New Organisms Act 1996 and Regulations. A Hazardous Substances Use and Management Plan setting out details of the substances used / stored, containment measures, risk management and emergency response approach shall be submitted to the Manager, Planning and Environmental Services, Hauraki District Council prior to the use of the hazardous substances underground depot.

Hours of Work

23. Activities may take place 24 hours per day 7 days per week.

Rehabilitation

24. The consent holder shall prepare a Rehabilitation Plan covering all areas that may be affected by the construction and use of the workings associated with the Trio Underground Mine Project. This Plan shall be submitted to the Waikato Regional Council and Hauraki District Council for written approval prior to the exercise of this consent.

24.1 The Plan shall be in two parts:

- Part A shall describe the programme of progressive rehabilitation (including re-vegetation and backfilling) that is proposed for the site for the following twelve months, should closure not be proposed during that period; and shall report on any such works undertaken during the previous year.



- Part B shall:
 - (a) describe the proposed method of rehabilitation and closure should closure occur within the following 12 months;
 - (b) include an assessment of any residual risk that the site would pose to the environment and the neighbouring community should closure occur within the following 12 months; and
 - (c) include a programme for monitoring of the site following closure, and list all maintenance works likely to be necessary at the closed site for the foreseeable future.

24.2 Review

The Plan shall be reviewed and updated annually and the concepts shall be described in more detail as appropriate.

The consent holder shall submit the Plan, and each annual review and update thereof, to the Peer Review Panel (as required by the Martha Extended Project) for its review.

The consent holder shall then submit the peer reviewed Plan to the Hauraki District Council and Waikato Regional Council for approval.

24.3 Implementation

The consent holder shall implement Part A of the approved Plan and shall implement Part B of the approved Plan in the event of closure occurring.

24.4 Rehabilitation Plans associated with the Martha Extended Project and Favona Mines

The rehabilitation Plan may also include any other information that the consent holder wishes, and may be combined with the Rehabilitation Plan(s) associated with the Martha open pit and Favona underground mines.

Liaison Officer

25. At least 1 month 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 and the Waikato Regional Council (the "Councils"), to liaise between the consent holder, the community and the Councils. 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 this consent.



The name of the Liaison Officer together with the contact phone numbers for that person shall be publicly notified in local newspapers by the consent holder prior to the exercising of this consent and at least once a year thereafter.

Complaints Procedure

26. The Standard Operating Procedure for Complaints (attached as Attachment 2 to this consent) shall be used for any complaints received from the community.

Term and Lapse Period

27. This consent is for an unlimited term.
28. This consent lapses unless given effect to 5 years after its commencement under Section 116 of the Resource Management Act 1991.

Bond

29. Unless otherwise agreed in writing by the Hauraki District Council and the Waikato Regional Council, the consent holder shall provide and maintain in favour of the Councils a rehabilitation bond to:
- (i) 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;
 - (ii) 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
 - (iii) Ensure the performance of any monitoring obligations of the consent holder under this consent.
30. The bond 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.



The bond shall provide that the consent holder remains liable under the Resource Management Act 1991 for any breach of the conditions of consent which occurs before

expiry of this consent and for any adverse effects on the environment which become apparent during or after the expiry of the consent.

32. Unless the bond is a cash bond, the performance of all of the conditions of the bond 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.
33. The amount of the bond shall be fixed prior to the exercise of this consent and thereafter at least annually by the Councils who 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 bond shall be advised in writing to the consent holder at least one month prior to the review date. The annual review of the Trio Underground Mine rehabilitation bond shall be undertaken concurrently with the annual reviews for the Martha Mine (ML 322388) and the Favona Underground Mine (land use consent) while these latter bond requirements remain in force.
34. The amount of the bond shall include:
- (i) 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;
 - (ii) 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;
 - (iii) The estimated costs of monitoring, in accordance with the monitoring conditions of this consent, until the consent expires; and
 - (iv) 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.



35. Should the consent holder not agree with the amount of the bond 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 bond is disputed, such notice to be given by the consent holder within two weeks of notification of the amount of the rehabilitation bond. 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 bond shall continue in force. That sum shall be adjusted in accordance with the arbitration determination.
36. 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, then the amount of the bond 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 bond or new bond is not provided in accordance with this Condition.
37. The bond 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 bond acceptable to the Councils is available to replace immediately that which is to be cancelled (subject however to Condition 38 below as to release of the bond on the completion of the rehabilitation).
38. The Councils shall release the bond on the completion of the rehabilitation. This means when the rehabilitation has been completed in accordance with the approved Rehabilitation Plan and demonstrated to be successful, to the satisfaction of the Councils.



39. All costs relating to the bond shall be paid by the consent holder.

40. This consent shall not be exercised unless and until the consent holder provides the bond to the Councils.

41. These conditions form an integrated whole and are not severable.

Note i: This Condition is complementary to Waikato Regional Council consents

Note ii: The bond covers only those elements of the Trio Underground Mine not already subject to the rehabilitation bonds imposed by the land use and other resource consents granted for the Martha Extended Project and Favona Underground Mine.

Administrative Charges

42. The consent holder shall pay to the Hauraki District Council any administrative charge 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

43. Pursuant to Section 128(1)(a)(i) and (ii) of the Resource Management Act 1991, the Council may review any or all of the conditions of this consent for the purpose of dealing with any adverse effects on the environment arising from the exercise of the consent and for the review of the appropriateness of the monitoring requirements required by the consent:

- 3 months from the commencement of this consent; and
- At 6 monthly intervals thereafter.

Such a review shall only be commenced after consultation between the consent holder and Council.

44. Notwithstanding Condition 43 above, where Council elects to review Conditions 29 - 41 of this consent, such a review shall be undertaken with the agreement of, and in conjunction with, the Waikato Regional Council.



45. Pursuant to Section 127(1)(a) of the Resource Management Act 1991, the consent holder may apply to the Council at any time after the grant of this consent for a change or cancellation of any condition of the consent. Such an application shall only be made after consultation between the consent holder and the Council.



SCHEDULE 1

Trio Underground Mine Land Use Consent

Description of the Site



The names and addresses of the owner and occupier of any land to which the application relates are as follows:

Property owner/name	Street address	Legal description	Certificate of Title	Territorial Authority
Hauraki District Council	10 Barry Road	Pt Ohinemuri 1		Hauraki District Council
Waihi Gold Company Limited	40 – 44 Barry Road	Lot 2 DPS 63204 and Pt Sec 356 Blk XVI Ohinemuri SD	SA51C/813	Hauraki District Council
Waihi Gold Company Limited	48 Barry Road	Sec 392D TN of Waihi	SA15D/458	Hauraki District Council
Waihi Gold Company Limited	48 Barry Road	Sec 1048 TN Waihi	SA17B/838	Hauraki District Council
Waihi Gold Company Limited	22 Boyd Road	Lot 4 DPS 19836	SA18A/1416	Hauraki District Council
The Commissioner of Crown Lands	10 Knowles Crescent	Sec 3 SO 60574	SA70B/663	Hauraki District Council
Hauraki District Council	Legal Road	Clarke Street (legal road)		Hauraki District Council
Hauraki District Council	Legal Road	Moore Street (legal road)		Hauraki District Council
The Commissioner of Crown Lands	10 Moore Street	Sec 2 SO 60574		Hauraki District Council
Waihi Gold Company Limited	16 Moore Street	Sec 224 Blk XVI Ohinemuri SD	SA18A/955	Hauraki District Council
Waihi Gold Company Limited	23 Moore Street	Lot 2 DP 411169 (being a subdivision of Lot 2 DP 30907)	441733	Hauraki District Council
Waihi Gold Company Limited	43 Moore Street	Sec 509A TN Waihi	SA7D/1190	Hauraki District Council
Waihi Gold Company Limited		Sec 21, Sec 235, Sec 240-242 and Sec 324-325 Block XVI Ohinemuri SD	SA5D/938	Hauraki District Council
Waihi Gold Company Limited		Sec 246 and Sec 248 Block XVI Ohinemuri SD	SA5A/1381	Hauraki District Council
Waihi Gold Company Limited		Sec 58 Block XVI Ohinemuri SD	SA31D/452	Hauraki District Council
Waihi Gold Company Limited		Sec 52 Block XVI Ohinemuri SD	SA31D/451	Hauraki District Council



Property owner/name	Street address	Legal description	Certificate of Title	Territorial Authority
Waihi Gold Company Limited		Lots 2 DPS 83054, Lot 1-2 DPS 91303, Lot 1 DPS 6644, Section 1-2 SO Plan 56350, Secs 1-2 SO Plan 56351, Sec 156-157, Sec 167-168 and Sec 221 Blk XVI Ohinemuri Survey District, Lot 1 DPS 78591 and Lot 3-4 DPS 80251.	SA65D/777	Hauraki District Council
Waihi Gold Company Limited		Sec 54 Block XVI Ohinemuri SD	SA807/214	Hauraki District Council
Waihi Gold Company Limited		Sec 39 Block XVI Ohinemuri SD	SA807/215	Hauraki District Council
Newmont Waihi Gold Limited		Sec 12 Block XVI Ohinemuri SD	SA67D/65	Hauraki District Council
Waihi Gold Company Limited		Lot 1 DPS 16309	SA15B/287	Hauraki District Council
Arthur Farms Limited		Lots 3-4 DPS 83054	Part of SA65D/778	Hauraki District Council
Hauraki District Council		Unformed public road adjacent to the Ohinemuri River, sec 39, 54 Blk XVI Ohinemuri SD		Hauraki District Council
Hauraki District Council		Unformed public road adjacent to the Ohinemuri River and Sec 52, Blk XVI Ohinemuri SD		Hauraki District Council



Property owner/name	Street address	Legal description	Certificate of Title	Territorial Authority
Crown (Department of Conservation)		Crown land reserved from sale under s122 Land Act 1908 and s129 Land Act 1924, adjacent to Secs 54, 221 Blk XVI Ohinemuri SD		Hauraki District Council
Crown (Land Information New Zealand)		Pt Ohinemuri River Gaz 1884, p1213.		Hauraki District Council
Crown (Land Information New Zealand)		Part Eastern Stream Gaz 1884, p1212		Hauraki District Council
Crown (Department of Conservation)		Crown land, marginal strip shown on SO 52595		Hauraki District Council
Crown (Department of Conservation)		Part Special Site 2 SO26502		Hauraki District Council
Crown (Department of Conservation)		Part Special Site 3 SO 26502		Hauraki District Council



ATTACHMENT 1

Plate No E – Heilig & Partners

As referenced in Condition 11e)



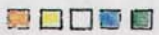


Explosive Quantities

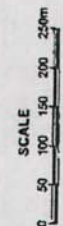
- <10 kilograms
- Between 10 and 15 kilograms
- Between 15 and 20 kilograms
- Between 20 and 25 kilograms
- Between 25 and 30 kilograms

Property Vibration Levels

- 6mm/s (Controlling property)
- Between 5mm/s and 6mm/s
- Between 3.5mm/s and 5mm/s
- Between 1.5mm/s and 3.5mm/s
- <1.5mm/s



Project Description: Explosive quantities based upon 6mm/s at adjacent properties and maximum location of vibration contours	 HISKINS & PARTNERS PO Box 176 Scarborough Park Business Centre Scarborough Park Tisbury Wiltshire SP11 3JF Telephone +61 7 37145 7559 Mobile 0418 196 269 Fax +61 7 37145 7558 Email info@hiskinsandpartners.com.au	Plate No. E	Date Drawn: 21 November 2010
		Scale as Shown	Ref: Trio Slope Modelling V5 2230.cdr



LEGEND

- Expected 6mm/s Vibration Contour
- Expected 5mm/s Vibration Contour
- Expected 3.5mm/s Vibration Contour



PO Box 176
 Summer Park Business Centre
 100-101A Avenue
 Auckland 1141
 Mobile 09 186 209
 Facsimile 181 2715 7588
 Email joh@hillierpartners.com.au

ATTACHMENT 2

Standard Operating Procedure for Complaints



Managing Public Complaints

1. Purpose

- To ensure public complaints are managed in a sensitive, timely and consistent manner and to identify corrective actions where appropriate.
To ensure compliance with Maritima Mine Extended Project Resource Consents and Conditions, Hauraki District Council 3.4(a)(g), Waikato Regional Council 13.0 Schedule 1, 7.0.
- To ensure compliance with Favona Exploration Decline Land Use Consents and Conditions, Hauraki District Council 21.

2. Scope

This procedure relates to staff at the Newmont Waihi Gold (NWG) site who are in the position to receive complaints from members of the public.

3. Authority

The Company Liaison Officer (CLO) has the delegated authority to request the immediate implementation of the noise and/or vibration mitigation process, and/or to stop an activity or item of plant if, in the opinion of the CLO having followed the procedure set out below, such action is required in response to the complaint.

4. Procedures

Receiving & responding calls

- Complaints are received via the company community engagement phone or at reception. HDC and EW calls are also logged.
- In the event of the Security Gatehouse or any other contractors or staff receiving a complaint from the community, they should advise them to contact the CLO or delegate on the free phone number 0800 NEWMONT or 0800 639 6668. This requirement is communicated to all NWG employees and contractors during the General Site Induction.
- Due to abusive phone calls that have been received in the past any calls received with blocked ID will not be answered, rather the caller will be asked to leave a message and a telephone number so they can be called back.
- All calls are recorded on the Complaints form (NWO-CRM-019-F1).
- Callers are treated politely and with sensitivity.
- The form prompts the CLO or delegate to record necessary information as per the consent condition. It is important to get as much information as possible to enable an effective investigation to occur.

- Thank the caller and advise them the company will notify them as soon as possible when the problem has been investigated and what action will be taken (if any).

THIS DOCUMENT IS UNCONTROLLED IN HARD COPY FORMAT



- Issues that could seriously affect the running of the operation are reported to the General Manager or his designate.
- Residents making complaints will be referred to the Newmont Waihi Gold Grievance Mechanisms and Flowcharts that are available on the website (www.marthamine.co.nz). If the resident does not have access to a computer a hard copy will be provided.

Investigation and action

- The complaint will be investigated and an action or response decided upon.

Noise

- Noise complaints are followed up immediately if reasonable to do so (within an hour of the complaint being received or at the same time the next day)
- The Environmental Manager and /or Environmental Technician is informed and a decision is made to measure the noise if practicable (e.g noise monitoring may not be practicable if the wind speed is greater than 5.0mm/sec).

Vibration

- Vibration complaints are checked by accessing Blast Hub
- Exceedences (levels over 5 mm/s for the Martha Operation and 6mm/s daytime limit and 1mm/s night time limit for the Favona operation) are required to be investigated in more detail and a response from the mining department recorded as to what mitigation action is planned.
- A written explanation of vibration exceedences is provided to the HDC by the Mining Manager.

Other Complaints

- Complaints other than those relating to noise or vibration are investigated by the environmental or relevant department depending on the issue.
- Part of the investigation could include a visit to the complainant to discuss the problem, especially if the effect they are feeling is temporary; or if requested, a meeting could be arranged between the complainant and the General Manager, or relevant departmental Manager.
- The CLO should be present at any meeting that relates to community complaints.
- It is important to record on the form the decision for internal corrective or preventive action and the response made to the complainant.
- Follow-up may be required to determine if an action was effective. This will depend on the issue and agreed time-frame to carry out the action.
- All actions relating to complaints are managed through the complaints database system.

Database

- Once the complaints form is completed the information is entered into the Access Database for reporting and analysis purposes at a later date. The complaints form is available from the database managed by the CLO.

It is important that records are complete, accurate, and brief where possible (details are still available on the hardcopy). The complaints form should be filled out to capture as much relevant information as possible.



Reporting

- Complaints are communicated by the CLO at the next morning production meeting, reported monthly in the site monthly report, the APAC ESR Regional Monthly Report and reviewed at quarterly management reviews.
- The CLO is required to provide six-monthly reports with regard to both the Martha and Favona Mine operations to Hauraki District Council and Waikato Regional Council that include the following information:
 - all complaints received during the previous six-month period;
 - action taken by the consent holder and the resolutions if any;
 - other matters of concern raised by the community;
 - any mediation entered into by the consent holder and others with respect to operational matters and the outcome (unless parties have agreed to keep such matters confidential).
- It is anticipated that complainants will contact the CLO in the first instance. If, for any reason, they are dissatisfied with the response by the CLO, they may then contact the Manager Planning and Environmental Services or any other Officer of either the Hauraki District Council or the Waikato Regional Council.
- The CLO and/or General Manager may meet with the complainant and Council concerned to discuss the complaint and ways in which the issue can be resolved. If the parties cannot agree on a resolution, the matter shall be put to mediation.

5. Document Control

Version	Date	Description	Author	Approved
1.0	July 2002	New Procedure	D McLeod	
2.0	May 2003	Review & update procedure	P Fransen / D McLeod	A van Kersen
3.0	August 2004	Update to include Favona decline and explicitly state the authority of the CLO	M Lane	A van Kersen
4.0	Sept 2004	Update Procedure	D Fisher	A van Kersen
5.0	Sept 2006	Update Procedure	D Fisher	Glen Grindlay
5.1	Sep 2007	Review – minor changes	D Fisher	G Grindlay
5.2	Feb 2009	Review – add points for clarification	D Fisher	G Grindlay
5.3	Sep 09	Review – minor changes	D Fisher	K Eglinton
6.0	July 10	Add reference to Grievance Mechanisms	G Hurley	K Eglinton



ATTACHMENT 3

Plan of Site





Figure 1a

Date: 4 December 2010
File: Trio Underground Mine Project Area (Land Listed in Schedule 2)

Trio Underground Mine Project
Project Area (Land Listed in Schedule 2)

