

BEFORE THE ENVIRONMENT COURT

IN THE MATTER

of appeals under section 120 of
the Resource Management Act
(the Act)

BETWEEN

WAIHI EAST RATE-PAYERS
GROUP INC
ENV-2013-AKL-000084

WAIHI GOLD COMPANY
LIMITED (trading as
NEWMONT WAIHI GOLD)
ENV-2013-AKL-000085

R & K MCNAE
ENV-2013-AKL-000087

PROTECTION OF WAIHI
ENVIRONMENT AND
RATEPAYERS
INCORPORATED
ENV-2013-AKL-000088

TE KUPENGA O NGATI
HAKO INCORPORATED
ENV-2013-AKL-000090

Appellants

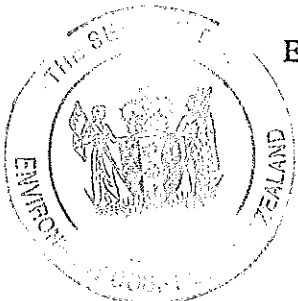
AND

HAURAKI DISTRICT
COUNCIL
Respondent

AND

WAIHI GOLD COMPANY
LIMITED (trading as
NEWMONT WAIHI GOLD)
Applicant

Environment Judge M Harland sitting alone under section 279 of the Act



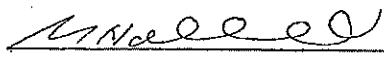
MINUTE OF THE ENVIRONMENT COURT

[1] On 8 October 2013 the Court issued a consent order resolving these matters. As the Court had made various amendments to the conditions of consent the parties were given 7 working days from the date of the consent order to advise the Court whether they accept or oppose the amendments made.

[2] The Court has received advice from the parties that there is a minor typographical error in the advice note which follows condition 61. The advice note references "conditions 46 to 51" but should refer to "conditions 46-61".

[3] The typographical error has been corrected, and a copy of the finalised consent order is attached.

DATED at Auckland this 18th day of October 2013



M Harland
Environment Judge



IN THE MATTER

of the Resource Management Act
1991

AND

IN THE MATTER

of appeals under section 120 of
the Act

BETWEEN

**WAIHI EAST RATEPAYERS
GROUP INC**
ENV-2013-AKL-000084

**WAIHI GOLD COMPANY
LIMITED (trading as NEWMONT
WAIHI GOLD)**
ENV-2013-AKL-000085

R & K MCNAE
ENV-2013-AKL-000087

**PROTECTION OF WAIHI
ENVIRONMENT AND
RATEPAYERS INCORPORATED**
ENV-2013-AKL-000088

**TE KUPENGA O NGATI HAKO
INCORPORATED**
(ENV-2013-AKL-000090)

Appellants

AND

HAURAKI DISTRICT COUNCIL

Respondent

AND

**WAIHI GOLD COMPANY
LIMITED (trading as NEWMONT
WAIHI GOLD)**

Applicant



BEFORE THE ENVIRONMENT COURT

Environment Judge M Harland sitting alone under section 279 of the Act

IN CHAMBERS at Auckland.

CONSENT ORDER**Introduction**

1. These appeals relate to the Hauraki District Council's decision to grant consent to Waihi Gold Company Limited to carry out underground mining and associated activities at Waihi.
2. A total of five appeals were lodged with the Court on the Council's decision. The appeals were against the conditions of consent or the grant of consent in its entirety. The appeal by Te Kupenga o Ngati Hako Incorporated raised cultural concerns over the impact of mining activities in Waihi.
3. Following Court assisted mediation, the parties have now reached an agreement that will resolve these appeals in full.
4. In making this order the Court has read and considered the joint memoranda of the parties dated 15 August 2013 and 11 September 2013.
5. Protection of Waihi Environment and Ratepayers Inc, Waihi Community Forum, Michael Moskel, Ruth Ordish and Waihi East Ratepayers Group Inc gave notice of an intention to become parties to these appeals under section 274, and have signed the memorandum of the parties setting out the relief sought.
6. The Court is making this order under s279(1)(b) of the Act, such order being by consent, rather than representing a decision or determination on the merits pursuant to section 297. The Court understands for 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.



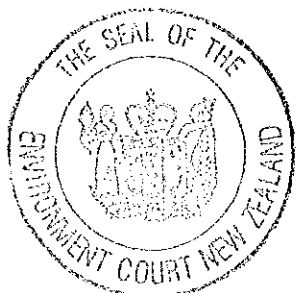
Order

7. The Court therefore orders, by consent of the parties, that these appeals are fully resolved, and the resource consent is granted, subject to the conditions of the consent set out in **Schedule A** attached to this order.

DATED at Auckland this 8th day of October 2013

M Harland

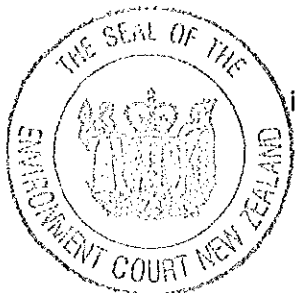
M Harland
Environment Judge



Schedule A
CORRENZO UNDERGROUND MINE
CONDITIONS OF CONSENT

General

- 1 The activities authorised by this consent shall be carried out on the site described in Figure 1 attached 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. For the avoidance of doubt, the activities described in condition 3a) are limited to the area denoted "Correnso Extensions Potential Project Area" (CEPPA) in the attached Figure 1. For the purposes of this consent, the reference to the "Correnso Underground Mine" refers to any mining within the CEPPA shown in Figure 1.
- 2 This consent shall be exercised in accordance with the additional licences and consents identified in Schedule A of this consent as amended from time to time.
- 3 The land use activities permitted under this consent for all activities and facilities relating to the Correnso Underground Mine, being underground mining through to the rehabilitation of the land and final mine closure, include the following:
 - a) Within CEPPA, as identified in Figure 1:
 - i) Earthworks.
 - ii) Construction of access drives, declines and inclines, and underground ventilation and service shafts.
 - iii) Construction and use of a surface ventilation shaft in CEPPA and within the Surface Facilities area being Area B of the Extended Project land use consent referenced in Condition 2 above and identified in Schedule A of this consent.
 - iv) Drilling and blasting.
 - v) Underground mining.
 - vi) The removal of waste rock and ore.
 - vii) Rehabilitation activities, including backfilling with waste rock and cemented aggregate fill.
 - viii) On-going underground exploration of the ore bodies by drives and / or drilling.
 - ix) The storage and use of hazardous substances including the construction and use of underground storage areas.
 - x) Construction and use of underground support facilities including maintenance and servicing workshop areas.
 - xi) Any other ancillary activities associated with the above.
 - b) Outside CEPPA:
 - i) Use of existing facilities and infrastructure provided for under ML 32 2388 and the Extended Project and Favona and Trio land use consents referenced in Condition 2 above and identified in Schedule A of this consent.
 - ii) Construction and operation of a concrete batching plant and the associated stockpiling of aggregate within the Favona stockpile area.
 - iii) Construction and use of access drives from Favona and Trio drives/workings and within ML 32 2388 (beneath the existing conveyor) to serve the Correnso Underground Mine.
 - iv) Any other ancillary activities associated with the above.



- 4 The consent holder shall at least 1 month 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 which will be the commencement of the access drives from Trio workings.

Annual Work Programme

- 5 The consent holder shall, within 1 year of the date of notice given under Condition 4 and every year thereafter, prepare and submit to the Council for information purposes an Annual Work Programme for the following year's work.
- 6 The Annual Work Programme shall, amongst other matters:
- Clearly demonstrate that all proposed workings are within CEPPA; and
 - Set out the timing and intended location of proposed extraction within the ore bodies.

Noise

- 7 All noise associated with the use of existing facilities and infrastructure by the Correnso Underground Mine provided for under ML32 2388 and the Extended Project and Favona and Trio land use consents referenced in Condition 2 above and identified in Schedule A of this consent shall not exceed the applicable Noise Level limits contained in the existing licences and consents identified in Schedule A of this consent.
- 8 The mean corrected noise level (L10) arising from the construction, operation and decommissioning of the Correnso Underground Mine vent shaft shall not exceed the limits shown in Figure 2 – Noise Monitoring Sites attached to this consent and specified below:

		55 dBA Control Boundary	50 dBA Control Boundary
Monday – Friday	0700-2100	55 dBA	50 dBA
Saturday	0700-1200	55 dBA	50 dBA
All other times		40 dBA	40 dBA

- 9 The mean corrected noise level (L10) arising from the construction, operation and decommissioning of the Correnso Underground Mine cemented aggregate fill plant at any point measured on the boundary of any Residential, Rural Residential, Reserve (Passive), Industrial (Light) zoned site or the notional boundary of any occupied rural dwelling site within the Rural Zone shall not exceed the limits specified below:

Monday - Friday	0700-2100	55 dBA
Saturday	0700-1200	55 dBA
All other times		40 dBA

- 10 Except as provided for in Condition 8, all noise associated with the Correnso Underground Mine 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. 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.

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



The daytime measurement periods to determine the L10 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 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.

11 Noise Monitoring and Reporting

a) The consent holder shall undertake the monitoring required by these conditions at its cost. Noise monitoring to confirm compliance with the noise levels in Conditions 7, 8 and 9 shall be undertaken as follows:

- i) 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:
 - Commencement of construction of the ventilation shaft in the Surface Facilities Area; and
 - Commencement of the Correnso Underground Mine.
- ii) Monitoring of noise from the operation of the ventilation fan shall be undertaken on two separate nights. This monitoring shall be undertaken within 2 months of the ventilation fan being installed and operating.

If the monitoring required in i) and ii) above demonstrates compliance with the noise limits, noise monitoring shall be undertaken thereafter at intervals not exceeding three months for the duration of the activity identified above.

In the event that noise limits are exceeded then monitoring shall continue at weekly intervals while steps are undertaken to comply with Conditions 7, 8 and 9. Such measures to comply with Conditions 7, 8 and 9 shall be implemented immediately.

iii) Such ongoing monitoring shall be undertaken in conjunction with the Martha Mining Licence (ML 32 2388), the Extended Project Land Use Consent (97/98-105), the Favona Land Use Consent (85.050.326E) and the Trio Land Use Consent (RC-15774).

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 10, and as set out in the Noise Management Plan (Condition 12).

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 to completion on the following:

- i) Results of the noise monitoring that is of direct relevance to the Correnso Underground Mine; and
- 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.



12 Noise Management Plan

The consent holder shall prepare a Noise Management Plan for the written approval of the Council. The objective of the Plan is to detail the methods to be used to comply with Conditions 7, 8, 9, 10 and 11 of this consent. 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 the 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 applying to other mines in the Waihi Area.

Blasting and Vibration

13 Ground Vibration

All blast events shall comply with the vibration levels, numbers of events and durations specified in Condition 14.

14 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 on or close to the boundary of that residentially or low-density residentially zoned site or the notional boundary of the occupied rural dwelling.

- a) There shall be no more than three blast events per day, from Monday to Saturday and between 0700 and 2000.
- b) No blasting shall be undertaken at night (2000 to 0700 the following day), on Sundays or on public holidays.
- c) The peak particle velocity (vector sum) shall be no more than:
 - i) For development blasts;
 - 5mm/s for 95% of the monitored events.
 - 2mm/s on average.
 - ii) For production blasts;
 - 5mm/s for 95% of the monitored events.
 - 3mm/s on average.
- d) Compliance with the 95% and average limits shall be measured over a six-month rolling period.
- e) Compliance with the 95-percentile limit shall be determined separately for development blast events and for production blast events, and based on the highest recorded vibration for each blast event measured at any monitor, where the blast type is assigned on a monitor-by-monitor basis according to the blast with the minimum scaled distance from each monitor.
- f) Compliance with the average limit shall be determined separately for each blast monitor based on the total number of blast events in the six-month rolling period.
- g) For all blast events, including those involving a combination of production and development blasts (95% compliance);



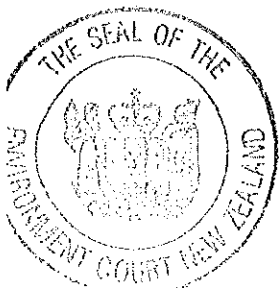
- i) Production blasts shall have a total duration of not more than 9 seconds;
 - ii) Development blasts shall have a total duration of not more than 12 seconds;
 - iii) A combination of production and development blasts shall have a duration of not more than 12 seconds.
- h) No blast event shall have a duration of more than 18 seconds.
- i) Duration is to be calculated as the time from the nominal firing time of the first charge to the nominal firing time of the last charge.
- j) A 'Blast Event' is defined as:
'An individual or number of linked individual blasts of not more than the total duration periods specified above.'
- k) A 'Development Blast' is defined as:
'Any blast with a maximum instantaneous charge weight per hole of no more than 7 kilograms of explosive.'
- l) A 'Production Blast' is defined as:
'Any blast in which a single hole contains a maximum instantaneous charge weight of more than 7 kilograms of explosive.' Slot blasts are deemed to be Production Blasts for the purpose of this definition.

15 Minimisation and Mitigation of Blasting Impacts

- a) In addition to complying with the requirements of Condition 14, the consent holder shall minimise, to the extent practicable, the impacts of blasting vibrations for the Community. The measures to be applied in this regard shall be set out in the Vibration Management Plan (Condition 19) and will include details of how the following requirements will be achieved to the greatest extent practicable:
- i) Restrict the duration of blast events to the minimum consistent with safe and efficient mining operations;
 - ii) Fire the production blasts within the 1pm meal break;
 - iii) Fire the three defined daily blast windows at shift changes and meal breaks;
 - iv) Implement timely blast notification procedures;
 - v) Report blast vibration results in a timely manner.
- b) While blasting is occurring as provided for by this consent, the consent holder shall also continue to implement the Amenity Effect Programme (AEP) in respect of vibration as set out below provided that owners and/or tenants who have entered into a separate arrangement with the consent holder and/or have otherwise agreed not to receive the AEP will not be eligible to receive AEP payments under this condition.
- c) The consent holder shall use the recorded data from the vibration compliance monitoring network to estimate the vibration received at occupied residences from blasting within the Correnso Underground Mine, and shall make payments to the occupiers of those residences in accordance with the table and criteria below:

Table: AEP Payment Schedule

Vibration Magnitude (mm/s)	Payment per Blast Event (\$)
≥1.5	17.70
≥3.5	53.00
≥5	177.00
≥6	352.00



- d) The stated payment rates are those existing at 1 January 2013. The rates will be adjusted for the start of each calendar year by the Consumer Price Index (CPI) published by Statistics New Zealand and made publicly available on the consent holder's website.
 - e) An occupied residence shall be eligible to receive AEP payments if it receives 2 or more blast events generating vibration of 1.5mm/s or greater in any month.
 - f) The AEP does not apply to any unoccupied houses or undeveloped residential property.
 - g) Occupiers of eligible residences shall receive a minimum payment of \$250.
 - h) Payments to occupiers of eligible residences shall be calculated six-monthly, and payment made within two months or as soon as practicable thereafter.
 - i) Should AEP payments become taxable, the consent holder shall not be liable for any taxes associated with the payments. Nor shall the consent holder be liable for any future changes to national superannuation or other benefits as a result of an eligible occupier receiving the AEP payments required under this consent.
- 16 Where blast events provided under this consent occur simultaneously with blast events at Trio or Favona Underground Mines or the Martha Mine, the consent holder shall ensure that such blast events comply with the maximum ground vibration level limits specified in Condition 14 of this consent.
- 17 For the initial 100 blast events of each type, no more than one exceedance of 5mm/s in every 20 consecutive blast events shall be deemed to be compliant with the 95 percentile limit stated in Condition 14.

The assessment of compliance with the average limits stated in Condition 14 shall not apply until 100 blast events of each type have been fired.

Once 100 blast events of each type have been fired, compliance with both the 95 percentile and average limits shall be separately assessed for each blast type as per conditions 14 e) and f) respectively.

18 Ventilation Shaft Construction

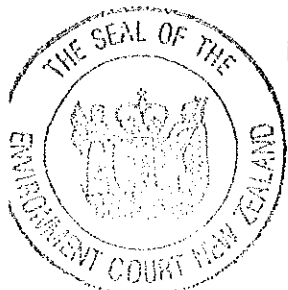
No blasting shall be employed in the construction of the ventilation shaft which is approved in terms of this consent.

19 Vibration Management Plan

The consent holder shall prepare a Vibration Management Plan for written approval by the Council. The objective of the Plan is to provide detail on how compliance with vibration consent Conditions 14 to 22 and 80 will be achieved for the duration of this consent. 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 Vibration Management Plan has been approved by the Council. The Vibration Management Plan may be reviewed and amended from time to time, subject to the approval of the Council but not in a manner inconsistent with these conditions.

The Plan shall specifically include the following:

- a) Measures to be adopted to meet the conditions of this consent to ensure that blast vibrations for both development and production blasts are minimised to the greatest extent practicable, including;
 - i) Description of the blast design criteria and blast design review procedures. All blasts shall be designed to a 95% level of confidence to achieve the vibration levels specified in Condition 14 and the requirements of Condition 15a).
 - ii) The numbers, times (generally around shift changeovers), duration of blast events, and in general terms the coordination of development and production blasts into one blast event and steps to minimise the duration of blast events.
 - iii) Procedures to be adopted where vibration levels approach the maximum permitted levels and mitigation actions to be implemented in the event of an exceedance of the limits stated in Condition 14.
 - iv) The methods and procedures to be adopted to enable the separate recording and reporting of development and slot / production blasting.



- v) The methods and procedures to be adopted in deploying the roving monitor(s), data usage from the roving monitors, and identifying circumstances where vibration monitoring within structures shall be considered. Any monitoring undertaken in these circumstances is deemed not to be compliance monitoring.
- b) Further detail on the Amenity Effect Programme as required under Condition 15b).
- c) The location of fixed monitoring locations to be established in accordance with Condition 20d).
- d) The properties to be surveyed in accordance with condition 21 a).
- e) Records to be kept, including blast design data.

Advice note:

The Vibration Management Plan may be prepared in conjunction with the Vibration Management Plans prepared in accordance with the consent requirements applying to other mines in the Waihi area.

20 Blasting and Vibration Monitoring

- a) The consent holder shall monitor impulsive vibration from all blast events associated with the mining provided for under this consent.
- b) The monitoring system shall be automated to allow for the prompt analysis of each blast event.
- c) Suitably trained personnel shall conduct any monitoring required under this consent, including the installation of roving monitors. 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 required or confirmed in writing by the Council, the fixed monitoring locations for the Correnso Underground Mine shall be those shown in Figure 3. These monitoring locations pertain to the Correnso ore body and will need to be reviewed if the operations move to new areas.
- e) The fixed monitoring locations shall not be on or inside a building or structure.
- f) Pursuant to condition 20(d), data received from a roving monitor may identify a new or additional permanent monitoring location.
- g) A roving monitor shall be deployed to record vibrations in locations where complaints regarding vibration have been made in accordance with a procedure specified in the approved Vibration Management Plan required under Condition 19.
- 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 (Condition 22 c))



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

Advice note:

While this condition relates only to the monitoring of blast vibration associated with the mining activities provided for under this consent, similar conditions of the consent apply to all of the consent holder's other mining operations such that the consent holder is required to monitor blast vibrations from all of its mining activities.

21 Property Damage

a) Before blasting associated with the Correnso Underground Mine starts, and provided the property owner consents, the consent holder shall complete a structural condition survey for at least 15 representative properties (excluding properties owned by the consent holder at that time) as agreed in writing by the Council. The representative properties are to be located in the vicinity of the vibration monitors required under Condition 20 d). In addition to these properties, structural condition surveys shall be carried out as follows (subject to owner's agreement):

- i) At 'control' properties removed from the influence of any potential vibration effects from mining, as approved by the Council.
- ii) At Waihi East School and kindergarten.
- iii) At the former Mine Manager's house (57 Barry Road).

The survey properties shall be identified in the Vibration Management Plan (Condition 19).

The surveys shall be carried out by an independent structural engineer suitably qualified and experienced in domestic building design and construction. The survey reports shall include a visual inspection and video record of all existing built surfaces and defects including concrete accessways.

b) Upon receipt of a complaint of property damage an appropriately qualified staff member of the consent holder shall investigate and respond to the complaint within five business days or as soon thereafter as practicable unless the matter is considered urgent.

If the resident does not agree with advice from the consent holder's representative the consent holder may, or if the cause of the damage is unclear the consent holder shall, engage an appropriately qualified independent third party to investigate and report to both the homeowner and consent holder. The consent holder shall request that report to be available in 30 days unless considered urgent by the independent third party in which case the report shall be made available as soon as practicable. If the resident does not agree with the advice and the consent holder does not engage a third party then the resident may contact the Council, and if the Council determines, after investigation, that a third party investigation is warranted then the consent holder shall commission and meet the reasonable costs of that investigation.

If the advice of the independent third party or the consent holder's representative determines that the cause of the damage is attributable to activities authorised by this consent then the consent holder will remedy the damage at its cost as soon as practicable in accordance with any recommendation by the third party and to the reasonable satisfaction of the resident.

If any dispute arises in accordance with this clause, then the consent holder will offer to the resident the opportunity to enter binding arbitration through the Independent Review Panel (IRP). If the resident chooses not to participate in that binding arbitration then the consent holder's obligations under this condition are at an end.

In the event that the IRP cannot conduct this arbitration function, the Council shall mediate the dispute under the same terms as the IRP.

For the purposes of this consent the IRP shall be as established and amended from time to time by the Waihi Community Forum (WCF).

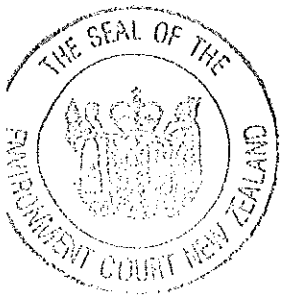


22 Management and Reporting

- a) Throughout the period of mining provided for under this consent, at the start of each calendar month the consent holder shall prepare a two-dimensional plan showing the existing mining and the proposed areas of mining activities during that month. The plan shall be loaded onto a page of the consent holder's website. A downloadable pdf version of the plan shall be available from the web page and hard copies shall be available for collection from the Waihi Information Centre and the Hauraki District Council Waihi Service Centre, and on request.

The consent holder shall use its best endeavours to restrict its blasting to the work areas defined on the plan recognising that operational constraints prevail and may lead to deviations from the plan during the course of the month.

- b) No blasting operations shall be carried out without the written approval of the Mine Manager. Before blasting commences, the Mine Manager shall ensure that the operations will not cause danger, damage or undue discomfort to any person nor danger and damage to property.
- c) 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 but are not limited to:
- i) 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.
- d) The consent holder shall provide a report to 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 20 h) above and mitigation actions taken to limit subsequent blast vibrations to the maximum limits or less as generally outlined in Condition 22 c).
- e) The consent holder shall, prior to the first development blast event pursuant to this consent, establish a page on its website that will show the recorded vibration magnitude for the last ten blast events for each of the compliance monitors required under Condition 20 d). The results of the most recent blast event will:
- i) be posted on the web page as soon as practicable after the occurrence of that blast event; and
 - ii) remain provisional until they are verified
- f) The consent holder shall provide a summary report to Council at three (3) monthly intervals after commencement of the Correnso Underground Mine. 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 separately for development and production blasts.
 - iv) All roving monitor data results recorded during the quarter.



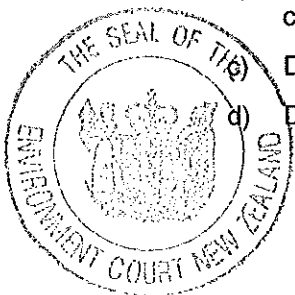
- g) Monitoring records, reports and complaint schedules shall be stored securely and maintained in a systematic manner for 12 months after completion of all blasting at the underground mine. Records shall be available for perusal by Council and its representatives on request.

Surface Stability

- 23 Underground mining within the Correnso Underground Mine shall be conducted to ensure ground surface stability. This shall include adoption of the following measures:
- a) Mining methods shall be restricted to those that require stope voids to be backfilled to provide an operating floor for further stoping to proceed.
 - b) No stoping shall occur above whichever of the following criteria sets the lower (deeper) level:
 - i) A depth of at least 130m below the ground surface.
 - ii) A depth of at least 40m below the top of the andesite, unless geotechnical investigations reported to the Council demonstrate to its satisfaction that a greater or lesser depth is appropriate to ensure surface stability.
 - c) Backfilling of any other underground workings where geotechnical conditions require backfilling to ensure long-term stability.
 - d) Seismic monitoring and rock movement monitoring of underground mine workings for the duration of mining including backfilling and any other underground rehabilitation work.
 - e) Grouting of all future surface-drilled holes to a depth below the top of the andesite.
 - f) Any surface drillhole having significant and sustained water flows into the workings shall be grouted from underground within three shifts (36 hours) of being intersected. The hole shall be grouted to at least 30 metres from the collar using the same method used to grout uphole cable bolts.

Additional measures to be adopted to ensure ground surface stability shall be reported to the Council in accordance with Conditions 25 and 26.

- 24 Prior to the first exercise of this consent, the consent holder shall provide to the Council for its written approval, a report describing preventative and mitigation actions that would be implemented to ensure that the mining provided for under this consent does not drain the strata overlying the andesite via existing drillholes and structures. Preventative and mitigation actions may include:
- a) Avoiding intercepting the drillholes with mine workings;
 - b) Grouting drillholes from underground where underground development intercepts holes that are making water or geological defects with significant and sustained water flows;
 - c) Undertaking geotechnical investigations to demonstrate to the satisfaction of Council that draining of the drillhole(s) will not adversely affect surface stability.
- 25 The consent holder shall provide to the Council on an annual basis (within one month of the agreed anniversary) a report:
- a) Describing the location, depth height and volume (m³) of stopes; and a summary of the data required by Condition 26 regarding unfilled stope voids; and
 - b) Describing the lengths of development that, due to the encountered geotechnical conditions or where multiple levels overlap, will require backfilling prior to mine closure; and
 - c) Describing the backfilling and compaction associated with each stope; and
 - d) Describing the ground conditions revealed by the mine excavations; and



- e) Describing the monitoring and measures adopted to ensure ground surface stability, particularly as provided for in Condition 23 and the outcomes of such measures; and
- f) Describing the location and depth of exploratory drives;
- g) Confirming that the extent of the mining works is confined to CEPPA, as defined in Figure 1.

26 Reporting on Filled/Unfilled Stopes and Seismic Monitoring

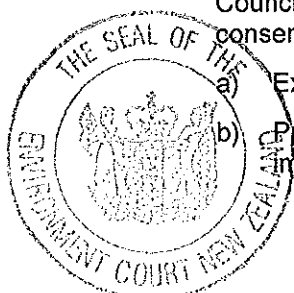
- a) The consent holder shall report to the Council on a monthly basis on the total stope volume and volume of filled stopes for that month for each mining method employed namely: cut and fill area; transverse stope area; and all Avoca areas combined. The report shall be in a form acceptable to the Council and the data shall be for the situation as at the 20th day of the reporting month. The report shall be delivered on or before the end of the calendar month covered.
- b) The consent holder shall report to the Council on a monthly basis detailing any anomalous results from the seismic monitoring and rock movement monitoring required by Condition 23. The report shall be delivered on or before the end of the calendar month covered.

Dewatering and Settlement Monitoring Plan

- 27 The objectives of the groundwater and settlement management system shall be to ensure that dewatering operations do not give rise to surface instability and differential settlement beyond that authorised by this consent.
- 28 Within 2 months of the exercise of this consent, the consent holder shall prepare, and submit to the Council for its written approval, a Dewatering and Settlement Monitoring Plan. The purpose of this Plan is to monitor and assess the effects of the activities on land settlement and the groundwater hydraulic regime, and also to detail the contingency measures that will be actioned should groundwater or surface settlement triggers be exceeded.
- 29 The Plan shall, as a minimum, provide an overall description of the groundwater and settlement monitoring system and the measures to be adopted, including contingency measures, to meet the objectives of the groundwater and settlement management system set out in Condition 27. The monitoring regime shall be designed to assess the effects of:
 - a) Dewatering on the regional groundwater system; and
 - b) Dewatering on settlement.
- 30 Monitoring locations are to provide appropriate resolution of groundwater levels and surface tilt relative to the scale of surface infrastructure, particularly in the areas above and adjacent to the mining activities provided for in this consent. Final details are to be agreed with the Council. The Plan shall also provide settlement trigger limits that will initiate the implementation of contingency mitigation and/or monitoring measures and shall detail any linkages with the Martha pit operation.
- 31 The exercise of this consent shall be in accordance with the Plan as approved by the Council. The Plan shall be reviewed and updated as necessary by the consent holder. Any updated Plan shall be promptly forwarded to the Council for written approval and following approval, the updated Plan shall be implemented in place of the previous version.
- 32 In the event that a tilt greater than 1 in 1000 occurs between any two network monitoring locations installed in accordance with the Dewatering and Settlement Monitoring Plan required pursuant to Condition 28 of this consent, or there is a significant variance from the predicted settlement rates, the consent holder shall notify the Hauraki District and Waikato Regional Councils in writing, within 20 working days of receiving the results of the monitoring. The consent holder shall then:

a) Explain the cause of the non-conformance;

- b) Propose appropriate settlement contingency measures to the Councils and the timing of implementation thereof by the consent holder;



- c) Implement settlement contingency measures as appropriate within the agreed time limit;
- d) Advise the Councils on the steps the consent holder proposes to take in order to prevent any further occurrence of the situation.

33 The consent holder shall as a matter of urgency, advise the Council of any significant anomalies identified by the regular (monthly) reading of groundwater levels in the piezometer network. Such advice is to include an explanation of the anomalous results and actions proposed to address any issues identified. This report is to be provided to the Council within 10 working days of the anomalous results being identified.

A "significant anomaly" is defined as 15m or more offset occurring in piezometer recordings over a 1 month period.

34 In the event of any conflict or inconsistency between the conditions of this consent and the provisions of the Dewatering and Settlement Monitoring Plan, then the conditions of this consent shall prevail.

Advice notes:

1. The Dewatering and Settlement Monitoring Plan shall be consistent with the Dewatering and Settlement Monitoring Plan prepared as a condition of the ground dewatering consent (RC 124860) granted by the Waikato Regional Council.
2. The monitoring undertaken in terms of the Dewatering and Settlement Monitoring Plan may need to be continued for a period beyond the term of this consent depending on recharge of the groundwater following cessation of underground mining activities and the filling of the Martha Pit.

Dewatering and Settlement Monitoring Report

35 The consent holder shall provide to the Council an annual Dewatering and Settlement Monitoring Report. The Report shall, as a minimum, provide the following information:

- a) The volume of groundwater abstracted;
- b) The data from monitoring undertaken during the previous year, including groundwater contour plans (derived from the data) in respect of the piezometer network;
- c) An interpretation and analysis of the monitoring data, in particular any change in the groundwater profile over the previous year, predictions of future impacts that may arise as a result of any trends that have been identified including review of the predicted post closure effects based on actual monitoring data, and what contingency actions, if any, the consent holder proposes to take in response to those predictions. This analysis shall be undertaken by a party appropriately experienced and qualified to assess the information;
- d) Any contingency actions that may have been taken during the year; and
- e) Comment on compliance with Conditions 27 to 34 of this consent including any reasons for non-compliance or difficulties in achieving conformance with the conditions of consent.

The report shall be forwarded in a form acceptable to the Council.

Advice note:

The Dewatering and Settlement Monitoring Report shall be consistent with the Dewatering and Settlement Monitoring Report prepared as a condition of the ground dewatering consent (RC 124860) granted by the Waikato Regional Council.

Hazardous Substances Underground Depot(s)

36 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(s).



Hours of Work

- 37 Activities may take place 24 hours per day 7 days per week where not otherwise constrained by any other consent conditions.

Social Impacts Management Plan

- 38 Prior to the first exercise of this consent, the consent holder shall engage a suitably qualified and independent social impact assessment (SIA) specialist or specialists, whose brief and appointment shall be approved by the Council, to prepare a Social Impact Management Plan (SIMP) and a Social Impact Assessment (SIA). The SIMP shall be submitted to the Council for approval within 3 months of the notice given under condition 4 or as otherwise approved by the Council in writing.
- 39 The purpose of the SIMP shall be to provide an updateable framework to identify, assess, monitor, manage, and re-assess the social effects (positive and negative) of the Correnso Underground Mine in combination with the other Newmont Waihi Gold (NWG) mining projects operating in the area, on the community, and also to provide an annual report on the outcomes of this work.
- 40 The responsibilities of the independent SIA specialist(s), engaged under Condition 38, will include:
- a) Recommending indicators and methods of measuring to be used in monitoring;
 - b) Advising the Council on trigger points for mitigation actions in terms of other conditions of this consent;
 - c) Developing data collection and analysis, methodologies and an annual reporting template;
 - d) Finalising the initial SIMP for consideration by the Council;
 - e) Preparing an initial SIA for submission to the Council as required by Condition 41 b), including consideration of previous SIA's.
- 41 The SIMP will be based on best practice guidelines and procedures for social impact assessment and shall include:
- a) A set of indicators covering the drivers and outcomes of potential social effects attributable to mining within CEPPA in combination with the other NWG mining projects in Waihi. This may include:
 - i) Numbers employed in the mine operations – NWG and contractors ('workers').
 - ii) Location of mine workers i.e. numbers of workers residing locally (Waihi/Waihi Ward/Waihi Beach) regionally and beyond.
 - iii) Workers' housing (rental vs owner occupied, new builds and existing houses).
 - iv) Location and number of NWG owned houses in Waihi and breakdown between employee/contractor renters and public renters.
 - v) Changes in housing market – house and rent prices and relationship to mine operations, including variations or trends in property sales and enquiries.
 - vi) Relationship of mine operations to any impacts on local services (education, health, vulnerable members of the community etc).
 - vii) Relationship of mine operations to any impacts on emergency services (fire, civil defence, ambulance).
 - viii) Changes in participation of voluntary and recreational groups.
 - ix) Changes in local business activity arising from mining activity.
 - x) Take up of the consent holder's property purchases and top up policy.
 - xi) Distribution and use of the AEP.



- xii) Complaints and associated information received by the consent holder and the response to those complaints.
 - b) An initial SIA is to be undertaken by the independent SIA specialist once the SIMP is approved by the Council, to provide baseline figures for the agreed indicators. The SIA shall be submitted to the Council within nine (9) months of the notice given under Condition 4.
- 42 Annually following the submission of the first SIA to the Council the consent holder shall engage a social impact assessment specialist approved by the Council to prepare a report on the monitoring results, analysis of those results, and management of effects outlined in the SIMP. The report will also include any recommendation on changes to the agreed indicators. The annual report shall be provided to the Council and made publicly available.
- 43 In the event that the SIMP identifies a significant adverse trend in the indicators that are the result of the consent holder's mining activities within CEPPA, the consent holder shall undertake appropriate mitigation action to implement the SIA recommendations and shall report to Council on any appropriate mitigation actions it has taken in response to the trend. For the avoidance of doubt the effect of cessation or suspension of mining will not be considered when assessing adverse trends.
- 44 The SIMP shall be reviewed as required over the life of the consent but at a minimum every 5 years from the approval of the initial SIMP by Council.
- 45 The consent holder shall consult with the Council and with key stakeholders identified in the SIMP in undertaking the review of the SIMP and the reviewed SIMP shall be approved by the Council before it is implemented.

Property Programme

- 46 At least three months prior to the placement of the first explosives for any blasts immediately beneath any part of the legal title to a residential property overlying stopes for any mining provided for under this consent, the consent holder shall offer to:
- a) Purchase that property from the registered proprietor at market value this offer shall be set by reference to the two independent valuations required by condition 52); or
 - b) If the registered proprietor prefers, to provide an ex gratia payment equal to 5% of the property's market value to the registered proprietor.

Compliance with Condition 46 requires the offer to be made three months prior to the placement of the first explosive under the subject property, but not the resolution of the process prior to the start of blasting.

Advice Note

For the purpose of conditions 46 to 61 "Residential Property" means a property that has a residential dwelling constructed on it.

- 47 Prior to the placement of the first explosives for any development blasts immediately beneath any part of the legal title to a residential property for any mining provided for under this consent, the consent holder shall offer to provide an ex gratia payment equal to 5% of the property's market value to the registered proprietor of that title. The definition of "development blasts" is as per Condition 14.

The location of any mining operation, and in particular whether any obligation under Condition 46 or 47 has been triggered, shall be determined by reference to the plan of existing and proposed operations required under Condition 22 a).

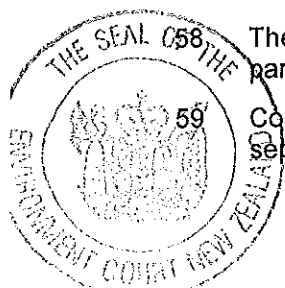
Any agreement entered into pursuant to the processes set out in Conditions 46 or 47 will include the registered proprietor's acceptance (and the acceptance of any tenant) of blasting occurring beneath their property, subject to compliance with the other conditions of this resource consent. It will be at the registered proprietor's discretion as to whether and if so how much of the ex gratia payment is passed on to any tenant.



- 48 If the consent holder's offer under Condition 46 or 47 is not accepted, but the registered proprietor wishes to negotiate, the consent holder shall offer to commit to a binding arbitration process in relation to the property purchase or ex gratia payment referred to above (whichever is applicable), provided that the basis for determining the ex gratia payment is not amenable to further negotiation.
- 49 The arbitration process, which can be initiated by either party by written notice to the other party, shall be in accordance with the provisions of the Arbitration Act 1996. If the parties cannot agree upon an arbitrator within a week of receiving the written notice, then an arbitrator shall be appointed by the President of the Property Institute 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 registered proprietor agree that time shall be extended. The consent holder shall bear the reasonable costs of the arbitrator and the venue. In all other respects, the provisions of the Arbitration Act 1996 shall apply. If the registered proprietor does not wish to enter into that binding process, then the consent holder's obligations under Conditions 46 to 48 are at an end. For the avoidance of doubt, provided that the consent holder has made the offer in Condition 46 or 47, there is nothing that prevents the consent holder from commencing mining activities beneath that residential property.
- 50 Only one offer under Conditions 46 or 47 need be made for any property in order for the conditions to be satisfied.
- 51 For the purpose of this consent, "market value" is the value determined by a registered valuer at the time of making the valuation, ignoring the announcement of, and the existence/operation of the Correnso Underground Mine but including sales data from outside Waihi if appropriate, and any other relevant information.
- 52 The market valuation required by Conditions 46 and 47 shall be undertaken by two independent registered valuers paid for by the consent holder, one of whom shall be selected by the consent holder and the registered proprietor shall be given the option of selecting another valuer.
- 53 A registered proprietor electing to sell their property under the terms of Condition 46 a) shall receive the following additional payments as part of the payment on settlement of the transaction:
- a) \$1,500 to assist with legal costs;
 - b) \$3,000 to assist with moving costs;
 - c) \$15,000 as an inconvenience payment.
- The above payments apply from 1 July 2013. They shall be adjusted annually by the Consumer Price Index (CPI) published by Statistics New Zealand.
- 54 Upon receipt of a confirming letter from a registered proprietor's bank or other financial institution, the consent holder shall reimburse a registered proprietor electing to sell their property under the terms of Condition 46a) for any penalty interest charged for breaking a fixed mortgage associated with that property. For the avoidance of doubt, the consent holder need not reimburse the registered proprietor where the mortgage is cancelled or transferred to a new property without a penalty being charged.
- 55 A registered proprietor electing to sell their property under the terms of Condition 46 a) can choose to remain in that property and pay rent at a reduced rate in lieu of receiving the AEP.
- 56 A recipient of an ex gratia payment made under Condition 46 b) has the right to require the consent holder to purchase the property at any time during the mining activities provided for under this consent under the same terms provided for in Condition 46 a), including receiving the payments specified in Condition 53, except that the ex gratia payment shall be deducted from the market value.
- 57 A recipient of an ex gratia payment made under Condition 46 b) or 47 shall be eligible for the AEP pursuant to Condition 15 b).

The processes described in Conditions 46 and 47 shall be managed by an independent third party engaged and funded by the consent holder.

Conditions 46 to 58 do not apply if the consent holder and the landowner have entered into a separate agreement that constitutes an agreement for the purposes of these conditions.



- 60 At the commencement of this consent, and annually thereafter until all offers required under Conditions 46 and 47 have been made, the consent holder shall provide a report to Council on the offers made.
- 61 The consent holder shall:
- a) Confirm that the property purchases recommended by the Independent Review Panel under the arrangements existing at the time of grant of this consent are complete or will be completed up to the previously committed funding level of two million dollars.
 - b) Upon notice being given under Condition 4, make available funding in addition to the funding in 61 a) of not less than four million dollars to be used to purchase properties at market value as recommended by the Independent Review Panel in accordance with the procedure established by the Waihi Community Forum (WCF) and as amended from time to time by the WCF. The offer of funding under this condition is subject to:
 - i) the criteria being amended to ensure that priority is given to people living in proximity to mining operations under this consent; and
 - ii) specific consultation being undertaken with the homeowners of Waihi East in respect of all of the criteria to be applied by the IRP for the purchase of properties under this consent.
 - c) In addition to the payments under Conditions 61 a) and b) above, upon the commencement of production blasting within the Grace/Empire and Daybreak ore bodies identified in Figure 1, the consent holder shall make available a sum not less than \$500,000 for each of the two ore bodies. That money is to be used for the same purposes and on the same terms as condition 61 b) above. (For the avoidance of doubt, the maximum amount of money for which the consent holder is liable under this condition 61 c) is \$1m.)
 - d) The consent holder shall report the number of purchases it has made and the quantum of any remaining funds to the attendees of the public meeting required under Condition 62.
 - e) A registered proprietor electing to sell their property under the terms of Condition 61 shall receive the following additional payments as part of the payment on settlement of the transaction:
 - i) \$1,500 to assist with legal costs, and
 - ii) \$3,000 to assist with moving costs.
 - f) The above payments apply from 1 July 2013. They shall be adjusted annually by the Consumer Price Index (CPI) published by Statistics New Zealand.
 - g) Upon receipt of a confirming letter from a registered proprietor's bank, the consent holder shall reimburse a registered proprietor electing to sell their property under the terms of Condition 61 for any penalty interest charged by the bank for breaking a fixed mortgage associated with that property. For the avoidance of doubt, the consent holder need not reimburse the registered proprietor where the mortgage is cancelled or transferred to a new property without a penalty being charged.
 - h) For the purposes of this consent the WCF shall be as described in the Terms of Reference adopted by the WCF at its meeting of 13 December 2012 and as amended from time to time. If the WCF ceases to exist for whatever reason, the Council shall take over the WCF's responsibilities under this consent.
 - i) Properties eligible for purchase under Conditions 46 to 60 are not eligible under Condition 61.

Advice Note relating to conditions 46 to 61

For the avoidance of doubt, nothing in Conditions 46 to 61 affects the consent holder's rights as the holder of any relevant permits under the Crown Minerals Act 1991.

Community Meeting

62

Following the first exercise of this consent (i.e. upon giving notice under Condition 4), the consent holder shall hold a consultation meeting open to the public. The meeting shall be called



quarterly during the first year of mining activities provided for under this consent, and six-monthly thereafter. The meeting shall be chaired by an independent chairman, and minuted by an independent minute taker, both of whom will be paid for by the consent holder and approved by the Council. The purpose of the meeting shall be to:

- a) Present information from the preceding six months on the following:
 - i) A description of the mining activities provided for under this consent that have been undertaken;
 - ii) A summary of relevant environmental monitoring results;
 - iii) Progress with the IRP property purchase programme;
 - iv) Progress on any matters raised at the preceding meeting;
- b) Receive feedback from the meeting attendees on the consent holder's activities and progress on the matters listed above.

Recognition of tangata whenua values

63 Cultural Awareness Programme

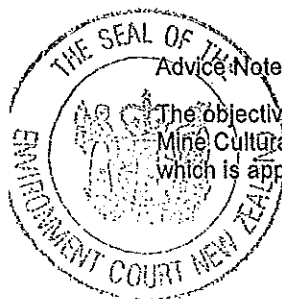
- a) The consent holder shall ensure that a Cultural Awareness Programme (Cultural Programme) is provided to all of the consent holder's staff and full time contractors working at the Waihi operations as soon as practicable after commencement of this consent. The Cultural Programme shall be provided on a six-monthly basis thereafter for the duration of the consent so as to ensure that any new staff members or any new full time contractors that have commenced working on the Correnso Underground Mine in the previous six-month period receive the benefit of the Cultural Programme.
- b) The Cultural Programme shall be prepared and delivered by tangata whenua who have a particular interest in the Waihi area in conjunction with the consent holder. The consent holder shall be solely responsible for all reasonable costs associated with the preparation and delivery of the Cultural Programme. The consent holder shall keep a record of when the Cultural Programme has been delivered to its staff, and which staff members have attended the Cultural Programme. This record shall be made available to the Council at the same time as the report required by condition 64 b).

64 Cultural Balance Monitoring Plan

- a) The consent holder shall, in consultation and collaboration with tangata whenua who have a particular interest in the Waihi area, engage an appropriately experienced consultant to prepare a Cultural Balance Monitoring Plan (Cultural Plan) specific to the consent holder's operation in Waihi. The purpose of the Cultural Plan is to develop recommendations and solutions that achieve the goals of the plan. The goal of the Cultural Plan is to achieve the restoration and or enhancement of the Mauri of Pukewa and the surrounding land forms. The Cultural Plan will seek to achieve the goals by providing a framework for a collaborative approach with the company and tangata whenua on shared understandings, build and ensure effective collaborative relationships and build support for kaitaki capacity. The Cultural Plan may include for example, a description of the area that is subject of the Cultural Plan, intended outcomes and a timeline for achieving those outcomes.
- b) On each anniversary of the completion of the Cultural Plan, the consent holder shall prepare and provide an annual report detailing the activities undertaken during the preceding year and progress made against the objectives and outcomes of the Cultural Plan. This report shall be provided to those tangata whenua with a particular interest in the Waihi area and shall be provided to the Council.

Advice Note

The objective under this condition is the development and implementation of a plan which is similar to the "Tui Mine Cultural Monitoring Plan 2012-2017" developed by the Iwi Advisory Group, Tui Mine Remediation Group, but which is appropriate to the particular circumstances of the consent holder's operations at Waihi.



65 Iwi Advisory Group

- a) Upon the first exercise of this consent, and at six-monthly intervals thereafter, the consent holder shall invite representatives of those tangata whenua who have a particular interest in the Waihi area, of the Hauraki District Council and of the Waikato Regional Council to attend a meeting. The costs associated with the venue for the meeting, and any associated catering costs, will be met by the consent holder. The purpose of the meeting is to provide a forum at which any of the attendees can raise any matters of concern to them, and the consent holder can update the attendees on its activities within the prior six months. In that regard, the consent holder shall present a summary of:
- i) the mining activities undertaken;
 - ii) progress with the implementation of the Cultural Awareness Programme and the Cultural Balance Monitoring Plan;
 - iii) a summary of relevant environmental monitoring results; and
 - iv) progress on any matters raised at any preceding meeting that required follow up by the consent holder.

Advice note for Conditions 63 to 65:

These conditions are included in response to issues raised by Te Kupenga O Ngati Hako Inc. in the appeal process. Other tangata whenua who have a particular interest in the Waihi area may participate if they wish to be involved in the processes described in Conditions 63 to 65.

Heritage Protection

- 66 Should modelling show that any activity authorised by this consent will generate ground vibration levels of 5mm/sec (instantaneous vector sum of velocity components) within 20m of the Union Hill Cyanide Tanks or Union Hill Ore Roasting Kilns, the Heritage Items Monitoring Plan as approved for the Trio Mine Land Use Consent and dated June 2012 (NOW-ENV-012-SYS-M44 Version 1) shall be activated and the baseline data updated (or continued if still operating) to the satisfaction of the Council.

Transport

- 67 At least one month prior to the commencement of haulage of aggregate for backfilling the Correnso Underground Mine, the consent holder shall engage a suitably qualified road maintenance engineer to record the condition of the existing road pavement of Baxter Road and submit the assessment to the Council. The inspection and recording of the road pavement condition shall be undertaken in consultation with the Council's Roading Asset Manager. The road pavement condition rating shall be used as the baseline (including vehicle counts) for assessing the works required during the term of the consent, to return the road pavement to at least its standard/condition prior to the commencement of the aggregate/backfill haulage activity.
- 68 The consent holder shall in conjunction with a Council representative undertake an annual road pavement inspection of Baxter Road during the period that the road is used for the aggregate/backfill haulage activity.
- 69 The consent holder shall during the term of this consent reimburse the Council for the cost of the road pavement maintenance (potholes/surface rutting etc) caused by the cartage of aggregate and backfill material along Baxter Road. The maintenance cost will be calculated on a pro-rata basis against the baseline heavy vehicle traffic volumes and taking into account any financial assistance received by Council for maintenance.

Advice note:

The Council will invoice the consent holder for any maintenance costs annually in arrears commencing one (1) year from the receipt of the pre-commencement road pavement condition survey by the Council.



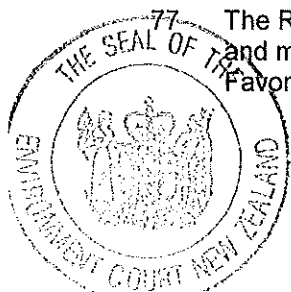
- 70 At the completion of the aggregate/backfill haulage activity associated with this consent, the consent holder shall return Baxter Road to the agreed road pavement condition, as identified in the road pavement condition survey carried out in accordance with Condition 67 of this consent, at the consent holder's expense to the satisfaction of the Council, where not otherwise reimbursed in accordance with Condition 69.
- 71 If the aggregate/backfill material required for the Correnso Underground Mine is not sourced from the Waitawheta Quarry on McLean Road, the Council shall be advised at least one month prior to the commencement of the aggregate/backfill haulage activity of the location of the source of the material and the expected haulage routes.
- 72 Intersection upgrades of State Highway 2 and Baxter Road and/or Crean Road shall be completed by and at the cost of the consent holder, prior to the first use of these intersections by trucks importing quarry rock to the site for the purpose of creating cemented aggregate fill (as approved under this land use consent). Prior to the commencement of the intersection upgrade, the consent holder shall submit to Council details of the design of the proposed upgrade, along with written confirmation from the NZTA (as the road controlling authority for State Highway 2) that the NZTA accepts the proposed design.

Rehabilitation

- 73 The consent holder shall prepare a Rehabilitation Plan (Plan) covering all areas that may be affected by the construction and use of workings associated with the Correnso Underground Mine. This plan shall be submitted to Waikato Regional Council and Hauraki District Council for written approval prior to the commencement of the Correnso Underground Mine.
- a) The Plan shall be in two parts:
- i) Part A shall describe the programme of progressive rehabilitation (including re-vegetation and backfilling) that is proposed for the site(s) 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.
- b) Part B shall:
- i) Describe the proposed method of rehabilitation and closure should closure occur within the following 12 months;
- ii) Include an assessment of any residual risk that the site(s) would pose to the environment and the neighbouring community should closure occur within the following 12 months; and
- iii) Include a programme for monitoring of the site(s) following closure, and list all maintenance works likely to be necessary at the closed site(s) for the foreseeable future.
- c) 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.

Plan Review

- 74 The Plan shall be reviewed and updated annually and the concepts shall be described in more detail as appropriate.
- 75 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.
- 76 The consent holder shall then submit the peer reviewed Plan to the Hauraki District Council and Waikato Regional Council for approval.
- 77 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 and Trio underground mines.



Liaison Officer

- 78 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 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 by the consent holder prior to the exercising of this consent and at least once a year thereafter.
- 79 The Liaison Officer shall also be active in informing the Waihi community regarding any new proposed underground mining beyond the Correnso, Grace/Empire and Daybreak orebodies within CEPPA as shown in the attached Figure 1.

Complaints Procedure

- 80 The consent holder shall deploy a roving monitor in response to complaints as required by Condition 20g). The data recorded by the monitor shall be made available to the Council on request.
- 81 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.
- 82 The complaints register shall be made available to the Council on request and relevant aspects shall be reported to Council in the 3 monthly noise and vibration monitoring summary reports (refer Conditions 11 and 22).
- 83 Prior to giving notice under Condition 4, the consent holder shall engage a suitably qualified professional to review the consent holder's complaints procedure. Any new complaints procedure shall be communicated to the public at the first available meeting required under Condition 62 (consultation meeting), and feedback shall be sought from the attendees. The consent holder shall consider all feedback received, and if the consent holder and the qualified expert consider that feedback appropriate, the consent holder shall amend the complaints procedure as soon as practicable after that meeting. Amendments to the complaints procedure shall be presented to the community at the next consultation meeting.

Term and Lapse Period

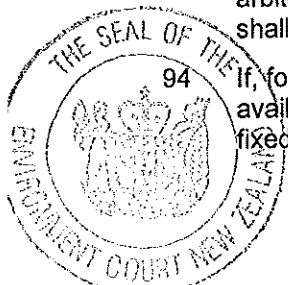
- 84 This consent is for a term of 12 years from the date of commencement.
- 85 This consent lapses unless given effect to 5 years after the commencement of this consent under Section 116 of the Resource Management Act 1991.

Bond

Unless otherwise agreed in writing by Hauraki District Council and the Waikato Regional Council, the consent holder shall provide and maintain in favour of the Councils a rehabilitation bond(s) 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.
- 87 The 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.
- 88 The 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 before expiry of this consent and for any adverse effects on the environment which become apparent during or after the expiry of the consent.
- 89 Unless the bond(s) is a cash bond, the performance of all of the conditions of the 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.
- 90 The amount of the 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 bond shall be advised in writing to the consent holder at least one month prior to the review date.
- 91 The annual review of the rehabilitation bond shall be undertaken concurrently with the annual reviews for the Martha Mine (ML 32-2388 and Extended Project land use consent) and the Favona and Trio Underground Mines (land use consents) while these latter bond requirements remain in force.
- 92 The amount of the 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.
- 93 Should the consent holder not agree with the amount of the 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 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 95, the existing bond(s) shall continue in force. That sum shall be adjusted in accordance with the arbitration determination.
- 94 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(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 bond(s) or new bond(s) is not provided in accordance with this condition.

- 95 The 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 bond acceptable to the Councils is available to replace immediately that which is to be cancelled (subject however to Condition 96 below as to release of the bond(s) on the completion of the rehabilitation).
- 96 The Councils shall release the bond(s) 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.
- 97 All costs relating to the bond(s) shall be paid by the consent holder.
- 98 This consent shall not be exercised unless and until the consent holder provides the bond(s) to the Councils or provides such securities as may be acceptable to the Councils until the bond is received.
- 99 Conditions 86 to 99 form an integrated whole and are not severable.

Advice notes:

1. This condition is complementary to Waikato Regional Council consents.
2. The bond(s) covers only those elements of the Correnso 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 and Trio Underground Mines.

Administrative Charges

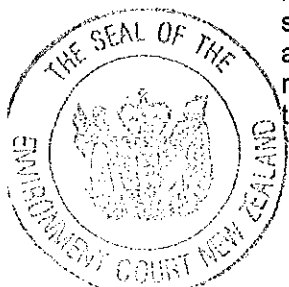
- 100 The consent holder shall pay to the Council all actual and reasonable charges arising from the monitoring of consent conditions and any other administrative charges fixed in accordance with Section 36 of the Resource Management Act 1991, or any charge prescribed in accordance with regulations made under Section 360 of the Resource Management Act 1991.

Management Plans/Monitoring Reports to be available to the Public

- 101 All management plans, monitoring reports and other compliance monitoring reporting required by this consent shall be available to the public by posting on the consent holder's web site as follows:
- a) The plans and reports shall be posted only when approved by the Council (where required by the consent conditions) or received by the Council (eg monitoring reports).
 - b) Only the current versions of the Plans and Reports are to be displayed on the consent holder's web site.

Review of Conditions

- 102 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 including data obtained from fixed and roving vibration monitors.



- 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.
- 103 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.
- 104 Notwithstanding Condition 103 above, where Council elects to review Conditions 23 to 35 and 87 to 99 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 the New Zealand Historic Places Trust (NZHPT) 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 the NZHPT for this project under the Historic Places Act 1993.



SCHEDULE A: ADDITIONAL LICENCES AND CONSENTS

- 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]
- Hauraki District Council Land Use Consent for the Trio Underground Mine Project [RC-15774]
- Waikato Regional Council consents for the Martha Mine 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)
- Waikato Regional Council consents for the Golden Link Project and Correnso Underground Mine (No 124859 – 124864)

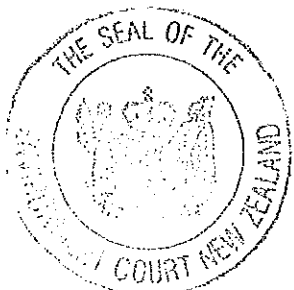


Figure 1: Correnso Extensions Potential Project Area



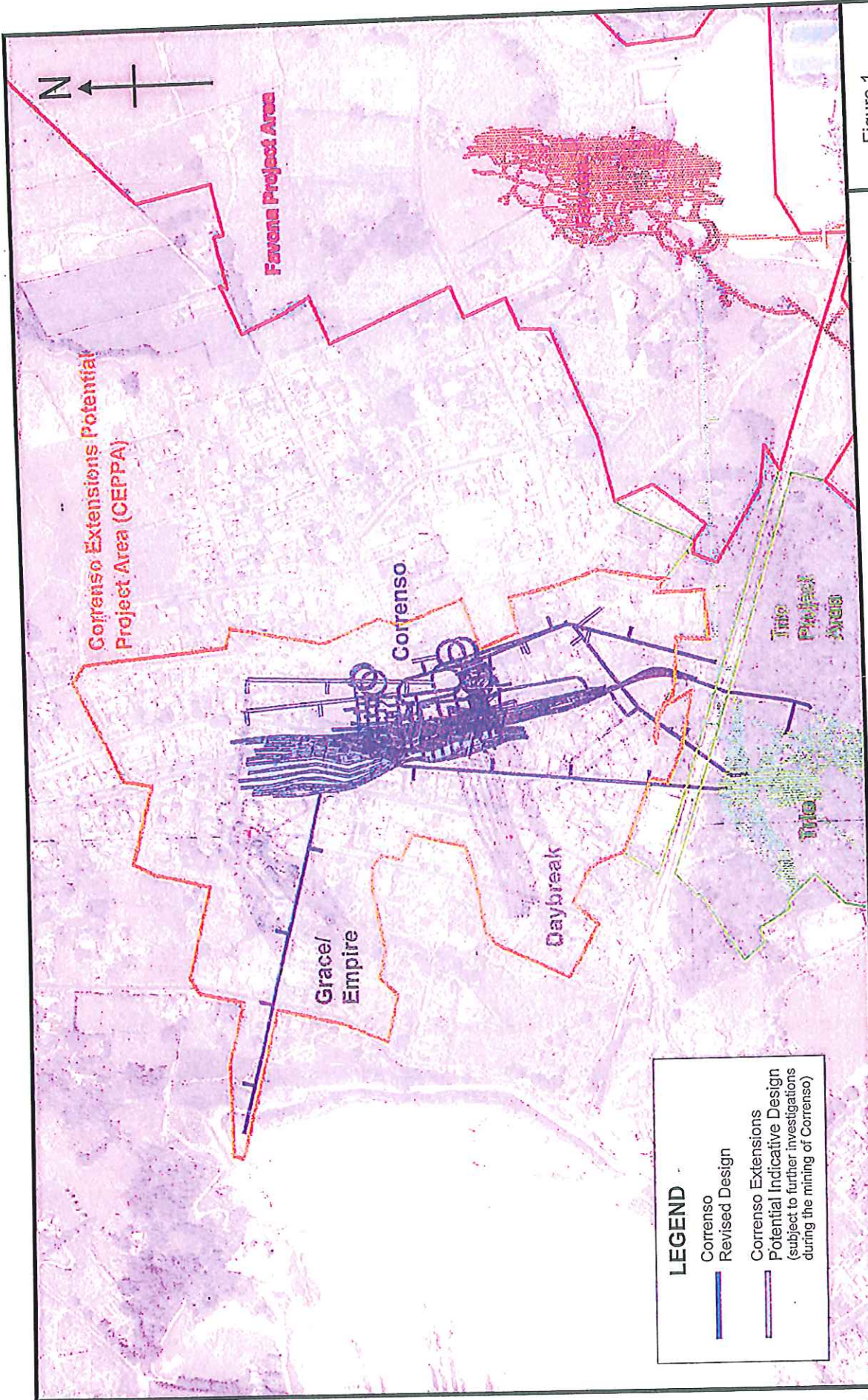


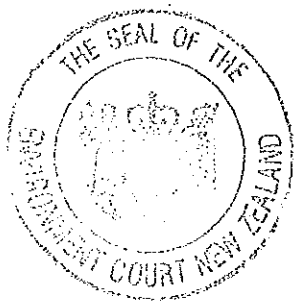
Figure 1

Date: 2 September 2013
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Correnso Extensions Potential Project Area



Figure 2: Noise Monitoring Sites



This plan shows the 55 dBA & 50 dBA noise control boundaries that shall apply after the north wall has been reduced to RL 112.5 or 24 months after the commencement of the reduction of the north wall (whichever comes first).

LEGEND

- Extended P11 Perimeter
- No Noise Limit
- 55 dBA Noise Limit
- 50 dBA Noise Limit
- Stability Outback Noise Monitoring Sites
- Existing Noise Monitoring Sites

SOURCE: Sam Dixon
 DRAWN BY: M. Samsen
 DATE: 04/03/02
 FILE: newcomm112.5.n
 REVISION: 04/03/02

NEWMONT
 The Gold Company

Figure 2
 Noise Monitoring Sites
 (after the reduction of the north wall to RL 112.5 or Feb. 2002)
 Source: Appendix E, Noise Control Boundaries,
 Haerfeld District Council Consents

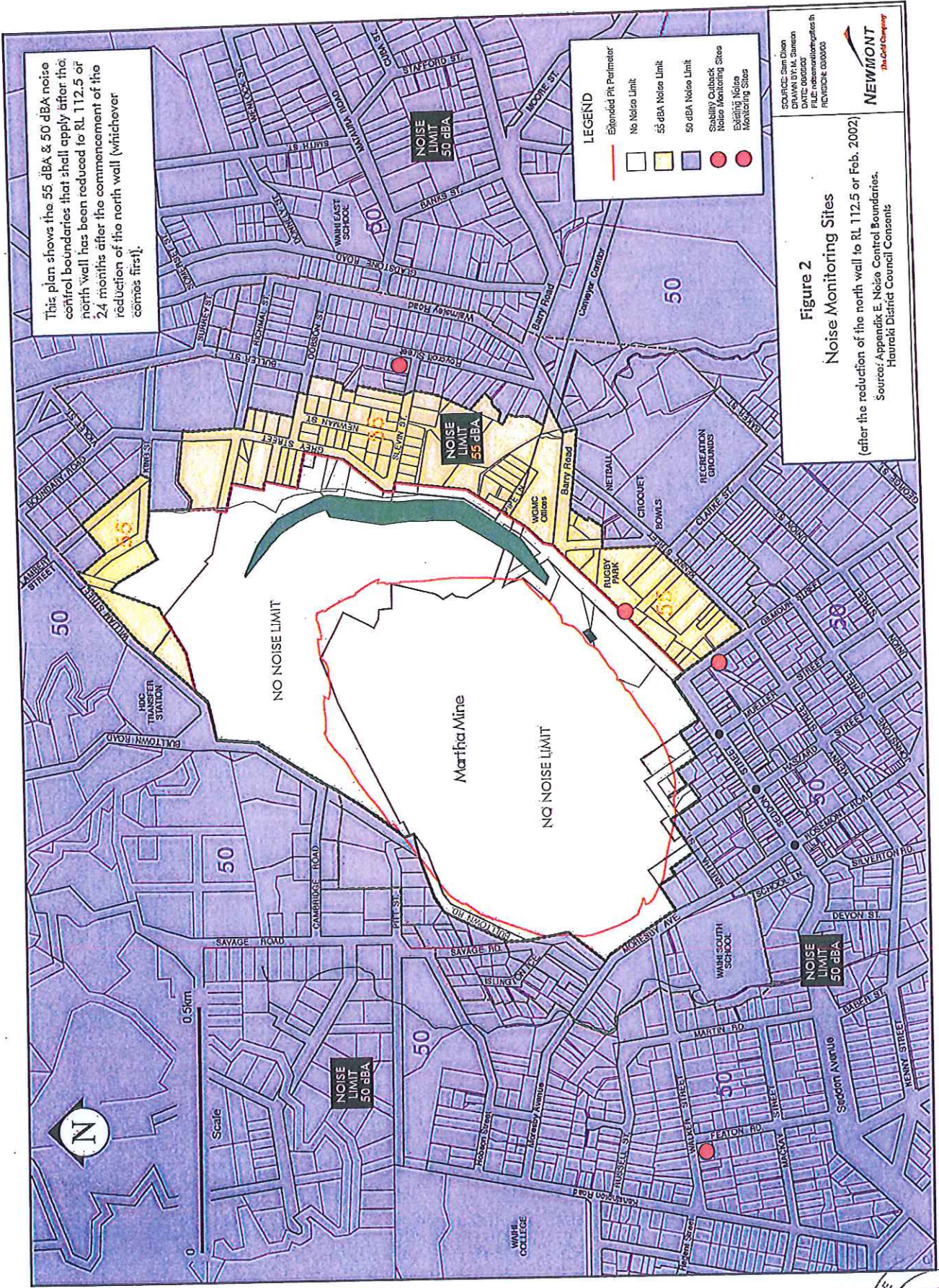
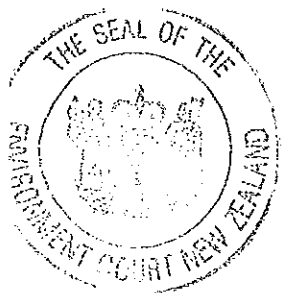


Figure 3: Location of Vibration Monitoring Sites



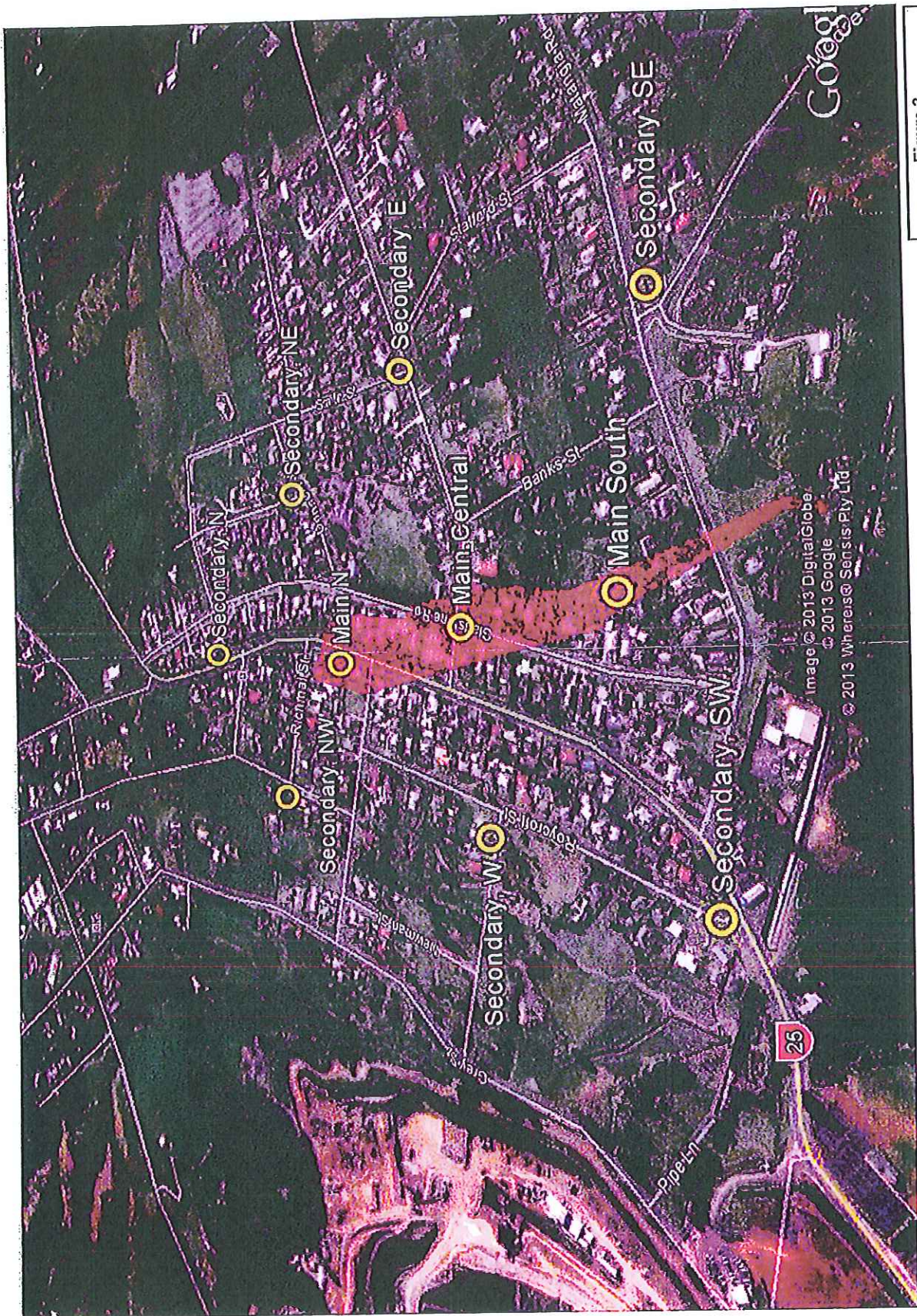


Figure 3
 Position of fixed monitors

