Escarpment Mine Project

Consent Conditions

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Decision No 1

West Coast Regional Council: Land Use Consent to mine coal and associated land disturbance activities associated with the Escarpment Mine

1. **Resource Consent Number:** RC10193/1

2. **Date of commencement:** As provided in s.116 of the Resource Management Act 1991.

3. **Term of consents:** Twelve (12) years.

4. **Date of lapsing of consent (if not given effect to):** The consent lapsing period for these consents shall be ten (10) years from the commencement of the consent as provided in s.125 of the Resource Management Act 1991.

5. **Purpose of consent:** To enable mining and associated land use disturbance activities associated with the Escarpment Mine Project in general accordance with the relevant conditions in Schedule A as set out below.

6. **Land Use Consent RC10193/1 is subject to the following conditions**, which are set out in detail in Schedule A:

   Conditions 1 – 25 (General and Bond);

   Conditions 26 – 30 (Mine Closure);

   Conditions 31 – 59 (Management Plans – General);

   Conditions 60 – 66 (Fauna);

   Conditions 67 – 70 (Recreation);

   Condition 71 (Cultural Protocols);

   Conditions 72 – 76 (Hazardous Substances);

   Conditions 77 – 78 (Transpower Infrastructure);

   Conditions 79 – 87 (Technical Peer Review Panel);

   Conditions 89 – 91 (Community Liaison Group);

   Conditions 92 – 97 (Flora and Fauna Offsets);

   Condition 98 (Flora and Fauna Offset Management Plan);

   Condition 99 (Non Derogation);

   Conditions 100 – 120 (Management Plans – Mine Site);

   Conditions 121 – 122 (Mine Closure Plan);

   Conditions 123 – 130 (Soil Conservation and Sediment Control);

   Conditions 131 – 138 (Vegetation and Flora);

   Conditions 139 – 140 (Finished Landforms);

   Conditions 141 – 148 (Rehabilitation);

   Conditions 149 – 155 (Mining Stormwater Management);

   Conditions 170 – 176 (Overburden Classification and ELF Management);

   Condition 177 (Natural hazards);

   Conditions 178 – 182 (Historic Heritage);

   Conditions 183 – 188 (Amenity – Noise); and

   Conditions 189 – 194 (Amenity – Blasting).

Decision No 2

West Coast Regional Council: Land Use Consent associated with the Escarpment Mine to place, maintain, extend, remove or demolish structures in, or under the bed of a water body; excavate, drill, tunnel or disturb the bed of a waterbody; deposit substances in or under the bed of a water body; reclaim or drain the bed of a water body

1. **Resource Consent Number:** RC10193/2

2. **Date of commencement:** As provided in s.116 of the Resource Management Act 1991.

3. **Term of consents:** Twelve (12) years.

4. **Date of lapsing of consent (if not given effect to):** The consent lapsing period for these consents shall be ten (10) years from the commencement of the consent as provided in s.125 of the Resource Management Act 1991.

5. **Purpose of consent:** To place, maintain, extend, remove or demolish structures in, or under the bed of a water body; excavate, drill, tunnel or disturb the bed of a waterbody; deposit substances in or under the bed of a water body; reclaim or drain the bed of a water body associated with the Escarpment Mine Project in general accordance with the relevant conditions in Schedule A as set out below.

6. **Land Use Consent RC10193/2 is subject to the following conditions**, which are set out in detail in Schedule A:

   Conditions 1 – 25 (General and Bond);

   Conditions 26 – 30 (Mine Closure);

   Conditions 31 – 59 (Management Plans – General);

   Condition 71 (Cultural Protocols);

   Conditions 72 – 76 (Hazardous Substances);

   Conditions 79 – 87 (Technical Peer Review Panel);

   Condition 99 (Non Derogation);

   Conditions 100 – 120 (Management Plans – Mine Site);

   Conditions 121 – 122 (Mine Closure Plan);

   Conditions 123 – 130 (Soil Conservation and Sediment Control);

   Conditions 141 – 148 (Rehabilitation);

   Conditions 149 – 155 (Mining Stormwater Management);

   Condition 177 (Natural hazards);

   Conditions 178 – 182 (Historic Heritage); and

   Conditions 183 – 188 (Amenity – Noise).

Decision No 3

West Coast Regional Council: Land Use Consent associated with the Escarpment Mine to enter or pass across the bed of any waterbody; or damage, destroy, disturb, or remove any plant or the habitats of such plants or of animals in, on, under or over the bed of a waterbody

1. **Resource Consent Number:** RC10193/3

2. **Date of commencement:** As provided in s.116 of the Resource Management Act 1991.

3. **Term of consents:** Twelve (12) years.

4. **Date of lapsing of consent (if not given effect to):** The consent lapsing period for these consents shall be ten (10) years from the commencement of the consent as provided in s.125 of the Resource Management Act 1991.

5. **Purpose of consent:** To enter or pass across the bed of any waterbody; or damage, destroy, disturb, or remove any plant or the habitats of such plants or of animals in, on, under or over the bed of a waterbody associated with the Escarpment Mine Project in general accordance with the relevant conditions in Schedule A as set out below.

6. **Land Use Consent RC10193/3 is subject to the following conditions**, which are set out in detail in Schedule A:

   Conditions 1 – 25 (General and Bond);

   Conditions 26 – 30 (Mine Closure);

   Conditions 31 – 59 (Management Plans – General);

   Condition 71 (Cultural Protocols);

   Conditions 72 – 76 (Hazardous Substances);

   Conditions 79 – 87 (Technical Peer Review Panel);

   Condition 99 (Non Derogation);

   Conditions 100 – 120 (Management Plans – Mine Site);

   Conditions 121 – 122 (Mine Closure Plan);

   Conditions 123 – 130 (Soil Conservation and Sediment Control);

   Conditions 141 – 148 (Rehabilitation);

   Conditions 149 – 155 (Mining Stormwater Management);

   Condition 177 (Natural hazards);

   Conditions 178 – 182 (Historic Heritage); and

   Conditions 183 – 188 (Amenity – Noise).

Decision No 4

West Coast Regional Council: Water Permit to take, use, dam or divert water associated with the Escarpment Mine

1. **Resource Consent Number:** RC10193/4

2. **Date of commencement:** As provided in s.116 of the Resource Management Act 1991.

3. **Term of consents:** Twelve (12) years.

4. **Date of lapsing of consent (if not given effect to):** The consent lapsing period for these consents shall be ten (10) years from the commencement of the consent as provided in s.125 of the Resource Management Act 1991.

5. **Purpose of consent:** To take, use, dam or diver water associated with the Escarpment Mine Project in general accordance with the relevant conditions in Schedule A as set out below.

6. **Water Permit RC10193/4 is subject to the following conditions**, which are set out in detail in Schedule A:

   Conditions 1 – 25 (General and Bond);

   Conditions 31 – 59 (Management Plans – General);

   Condition 99 (Non Derogation);

   Conditions 100 – 120 (Management Plans – Mine Site);

   Conditions 123 – 130 (Soil Conservation and Sediment Control);

   Conditions 141 – 148 (Rehabilitation); and

   Conditions 149 – 155 (Mining Stormwater Management).

Decision No 5

West Coast Regional Council: Discharge Permit to discharge contaminants or water into water associated with the Escarpment Mine

1. **Resource Consent Number:** RC10193/5

2. **Date of commencement:** As provided in s.116 of the Resource Management Act 1991.

3. **Term of consents:** Thirty-five (35) years.

4. **Date of lapsing of consent (if not given effect to):** The consent lapsing period for these consents shall be ten (10) years from the commencement of the consent as provided in s.125 of the Resource Management Act 1991.

5. **Purpose of consent:** To discharge contaminants or water into water associated with the Escarpment Mine Project in general accordance with the relevant conditions in Schedule A as set out below.

6. **Discharge Permit RC10193/5 is subject to the following conditions**, which are set out in detail in Schedule A:

   Conditions 1 – 25 (General and Bond);

   Conditions 26 – 30 (Mine Closure);

   Conditions 37 – 39 (Construction and Earthworks Management Plan);

   Conditions 41 – 43 (Contingency and Response Plan);

   Conditions 44 – 45 (Hazardous Substances Management Plan);

   Conditions 52 – 53 (Waste Management);

   Conditions 54 – 56 (Environmental Monitoring Plan and Report);

   Condition 99 (Non Derogation);

   Conditions 100 – 120 (Management Plans – Mine Site);

   Conditions 123 – 130 (Soil Conservation and Sediment Control);

   Conditions 141 – 148 (Rehabilitation);

   Conditions 149 – 155 (Mining Stormwater Management);

   Conditions 156 – 165 (Discharges to Whareatea River);

   Conditions 166 – 169 (Site Specific Criteria); and

   Conditions 170 – 176 (Overburden Classification and ELF Management).

Decision No 6

West Coast Regional Council: Discharge Permit to discharge contaminants onto or into land in circumstances which may result in that contaminant (or any other contaminant emanating as a result of natural processes from that contaminant) entering water associated with the Escarpment Mine

1. **Resource Consent Number:** RC10193/6

2. **Date of commencement:** As provided in s.116 of the Resource Management Act 1991.

3. **Term of consents:** Thirty-five (35) years.

4. **Date of lapsing of consent (if not given effect to):** The consent lapsing period for these consents shall be ten (10) years from the commencement of the consent as provided in s.125 of the Resource Management Act 1991.

5. **Purpose of consent:** To discharge contaminants onto or into land in circumstances which may result in that contaminant (or any other contaminant emanating as a result of natural processes from that contaminant) entering water associated with the Escarpment Mine Project in general accordance with the relevant conditions in Schedule A as set out below.

6. **Discharge Permit RC10193/6 is subject to the following conditions**, which are set out in detail in Schedule A:

   Conditions 1 – 25 (General and Bond);

   Conditions 26 – 30 (Mine Closure);

   Conditions 37 – 39 (Construction and Earthworks Management Plan);

   Conditions 41 – 43 (Contingency and Response Plan);

   Conditions 44 – 45 (Hazardous Substances Management Plan);

   Conditions 52 – 53 (Waste Management);

   Conditions 54 – 56 (Environmental Monitoring Plan and Report);

   Condition 99 (Non Derogation);

   Conditions 100 – 120 (Management Plans – Mine Site);

   Conditions 123 – 130 (Soil Conservation and Sediment Control);

   Conditions 141 – 148 (Rehabilitation);

   Conditions 149 – 155 (Mining Stormwater Management);

   Conditions 156 – 165 (Discharges to Whareatea River);

   Conditions 166 – 169 (Site Specific Criteria); and

   Conditions 170 – 176 (Overburden Classification and ELF Management).

Decision No 7

West Coast Regional Council: Discharge Permit to discharge contaminants onto or into land associated with the Escarpment Mine

1. **Resource Consent Number:** RC10193/7

2. **Date of commencement:** As provided in s.116 of the Resource Management Act 1991.

3. **Term of consents:** Twelve (12) years.

4. **Date of lapsing of consent (if not given effect to):** The consent lapsing period for these consents shall be ten (10) years from the commencement of the consent as provided in s.125 of the Resource Management Act 1991.

5. **Purpose of consent:** To discharge contaminants onto or into land associated with the Escarpment Mine Project in general accordance with the relevant conditions in Schedule A as set out below.

6. **Discharge Permit RC10193/7 is subject to the following conditions**, which are set out in detail in Schedule A:

   Conditions 1 – 25 (General and Bond);

   Conditions 26 – 30 (Mine Closure);

   Conditions 41 – 43 (Contingency and Response Plan);

   Conditions 44 – 45 (Hazardous Substances Management Plan);

   Conditions 52 – 53 (Waste Management);

   Conditions 54 – 56 (Environmental Monitoring Plan and Report);

   Condition 99 (Non Derogation);

   Conditions 100 – 120 (Management Plans – Mine Site);

   Conditions 141 – 148 (Rehabilitation); and

   Conditions 170 – 176 (Overburden Classification and ELF Management).

Decision No 8

West Coast Regional Council: Discharge Permit to discharge contaminants to air associated with the Escarpment Mine

1. **Resource Consent Number:** RC10193/8

2. **Date of commencement:** As provided in s.116 of the Resource Management Act 1991.

3. **Term of consents:** Twelve (12) years.

4. **Date of lapsing of consent (if not given effect to):** The consent lapsing period for these consents shall be ten (10) years from the commencement of the consent as provided in s.125 of the Resource Management Act 1991.

5. **Purpose of consent:** To discharge contaminants to air associated with the Escarpment Mine Project in general accordance with the relevant conditions in Schedule A as set out below.

6. **Discharge Permit RC10193/8 is subject to the following conditions**, which are set out in detail in Schedule A:

   Conditions 1 – 25 (General and Bond);

   Conditions 37 – 39 (Construction and Earthworks Management Plan);

   Conditions 54 – 56 (Environmental Monitoring Plan and Report);

   Conditions 119 – 120 (Mine Site Rehabilitation Management Plan);

   Conditions 123 – 130 (Soil Conservation and Sediment Control); and

   Conditions 141 – 148 (Rehabilitation).

Decision No 9

West Coast Regional Council: Land Use Consent to undertake land disturbance and associated activities associated with Coal Processing and Transport

1. **Resource Consent Number:** RC10193/9

2. **Date of commencement:** As provided in s.116 of the Resource Management Act 1991.

3. **Term of consent:** Unlimited term as provided for by Section 123 of the Resource Management Act 1991.

4. **Date of lapsing of consent (if not given effect to):** The consent lapsing period for these consents shall be ten (10) years from the commencement of the consent as provided in s.125 of the Resource Management Act 1991.

5. **Purpose of consent:** To enable land disturbance and associated activities (including but not limited to vegetation clearance and structures) associated with Coal Processing and Transport in general accordance with the relevant conditions in Schedule A as set out below.

6. **Land Use Consent RC10193/9 is subject to the following conditions**, which are set out in detail in Schedule A:

   Conditions 1 – 25 (General and Bond);

   Conditions 31 – 59 (Management Plans – General);

   Conditions 60 – 66 (Fauna);

   Conditions 67 – 70 (Recreation);

   Condition 71 (Cultural Protocols);

   Conditions 89 – 91 (Community Liaison Group);

   Conditions 195 – 201 (Coal Processing Plant Water Management Plan);

   Conditions 202 – 218 (Vegetation and Flora);

   Condition 219 (Fauna);

   Conditions 220 – 232 (Landscape and Natural Character);

   Conditions 248 – 257 (Historic Heritage);

   Conditions 258 – 263 (Amenity – Noise);

   Conditions 270 – 274 (Coal Transport Pipeline and Dump Ponds);

   Conditions 280 – 292 (Management Plans – Fairdown);

   Conditions 295 – 296 (Access);

   Conditions 297 – 299 (Construction Stormwater Management);

   Condition 300 (Operational Stormwater Management); and

   Conditions 315 – 318 (Landscape and Natural Character).

Decision No 10

West Coast Regional Council: Land Use Consent associated with Coal Processing and Transport to place, maintain, extend, remove or demolish structures in, or under the bed of a water body; excavate, drill, tunnel or disturb the bed of a waterbody; deposit substances in or under the bed of a water body; reclaim or drain the bed of a water body

1. **Resource Consent Number:** RC10193/10
2. **Date of commencement:** As provided in s.116 of the Resource Management Act 1991.
3. **Term of consents:** Twelve (12) years.
4. **Date of lapsing of consent (if not given effect to):** The consent lapsing period for these consents shall be ten (10) years from the commencement of the consent as provided in s.125 of the Resource Management Act 1991.
5. **Purpose of consents:** To place, maintain, extend, remove or demolish structures in, or under the bed of a water body; excavate, drill, tunnel or disturb the bed of a waterbody; deposit substances in or under the bed of a water body; reclaim or drain the bed of a water body associated with Coal Processing and Transport in general accordance with the relevant conditions in Schedule A as set out below.
6. **Land Use Consent RC10193/10 is subject to the following conditions**, which are set out in detail in Schedule A:

   Conditions 1 – 25 (General and Bond);

   Conditions 31 – 59 (Management Plans – General);

   Conditions 60 – 66 (Fauna);

   Conditions 67 – 70 (Recreation);

   Conditions 195 – 201 (Coal Processing Plant Water Management Plan);

   Conditions 202 – 218 (Vegetation and Flora);

   Condition 219 (Fauna);

   Conditions 220 – 232 (Landscape and Natural Character);

   Conditions 248 – 257 (Historic Heritage);

   Conditions 258 – 263 (Amenity – Noise);

   Conditions 264 – 268 (CPP Freshwater Storage Dam);

   Condition 269 (River Crossing – Pipeline);

   Conditions 270 – 274 (Coal Transport Pipeline and Dump Ponds);

   Conditions 295 – 296 (Access); and

   Conditions 297 – 299 (Construction Stormwater Management).

Decision No 11

West Coast Regional Council: Land Use Consent associated with Coal Processing and Transport to enter or pass across the bed of any waterbody; or damage, destroy, disturb, or remove any plant or the habitats of such plants or of animals in, on, under or over the bed of a waterbody

1. **Resource Consent Number:** RC10193/11

2. **Date of commencement:** As provided in s.116 of the Resource Management Act 1991.

3. **Term of consents:** Twelve (12) years.

4. **Date of lapsing of consent (if not given effect to):** The consent lapsing period or these consents shall be ten (10) years from the commencement of the consent as provided in s.125 of the Resource Management Act 1991.

5. **Purpose of consent:** To enter or pass across the bed of any waterbody; or damage, destroy, disturb, or remove any plant or the habitats of such plants or of animals in, on, under or over the bed of a waterbody associated with Coal Processing and Transport in general accordance with the relevant conditions in Schedule A as set out below.

6. **Land Use Consent RC10193/11 is subject to the following conditions**, which are set out in detail in Schedule A:

   Conditions 1 – 25 (General and Bond);

   Conditions 31 – 59 (Management Plans – General);

   Conditions 60 – 66 (Fauna);

   Conditions 67 – 70 (Recreation);

   Conditions 195 – 201 (Coal Processing Plant Water Management Plan);

   Conditions 202 – 218 (Vegetation and Flora);

   Condition 219 (Fauna);

   Conditions 220 – 232 (Landscape and Natural Character);

   Conditions 248 – 257 (Historic Heritage);

   Conditions 258 – 263 (Amenity – Noise);

   Conditions 264 – 268 (CPP Freshwater Storage Dam);

   Condition 269 (River Crossing – Pipeline);

   Conditions 270 – 274 (Coal Transport Pipeline and Dump Ponds);

   Conditions 295 – 296 (Access); and

   Conditions 297 – 299 (Construction Stormwater Management).

Decision No 12

West Coast Regional Council: Water Permit to take, use, dam or divert water associated with Coal Processing and Transport

1. **Resource Consent Number:** RC10193/12

2. **Date of commencement:** As provided in s.116 of the Resource Management Act 1991.

3. **Term of consents:** Twelve (12) years.

4. **Date of lapsing of consent (if not given effect to):** The consent lapsing period for these consents shall be ten (10) years from the commencement of the consent as provided in s.125 of the Resource Management Act 1991.

5. **Purpose of consent:** To take, use, dam or diver water associated with Coal Processing and Transport in general accordance with the relevant conditions in Schedule A as set out below.

6. **Water Permit RC10193/12 is subject to the following conditions**, which are set out in detail in Schedule A:

   Conditions 1 – 25 (General and Bond);

   Conditions 37 – 39 (Construction and Earthworks Management Plan);

   Conditions 41 – 43 (Contingency and Response Plan);

   Conditions 54 – 56 (Environmental Monitoring Plan and Report);

   Conditions 195 – 201 (Coal Processing Plant Water Management Plan);

   Condition 233 (Construction Erosion and Sediment Control);

   Conditions 234 – 235 (CPP and Haul Rd Operation Stormwater Management);

   Conditions 242 – 247 (Waimangaroa Water take); and

   Conditions 264 – 268 (CPP Freshwater Storage Dam).

Decision No 13

West Coast Regional Council: Discharge Permit to discharge contaminants or water into water associated with Coal Processing and Transport

1. **Resource Consent Number:** RC10193/13

2. **Date of commencement:** As provided in s.116 of the Resource Management Act 1991.

3. **Term of consents:** Twelve (12) years.

4. **Date of lapsing of consent (if not given effect to):** The consent lapsing period for these consents shall be ten (10) years from the commencement of the consent as provided in s.125 of the Resource Management Act 1991.

5. **Purpose of consent:** To discharge contaminants or water into water associated with Coal Processing and Transport in general accordance with the relevant conditions in Schedule A as set out below.

6. **Discharge Permit RC10193/13 is subject to the following conditions**, which are set out in detail in Schedule A:

   Conditions 1 – 25 (General and Bond);

   Conditions 37 – 39 (Construction and Earthworks Management Plan);

   Conditions 41 – 43 (Contingency and Response Plan);

   Conditions 44 – 45 (Hazardous Substances Management Plan);

   Conditions 52 – 53 (Waste Management);

   Conditions 54 – 56 (Environmental Monitoring Plan and Report);

   Conditions 89 – 91 (Community Liaison Group);

   Conditions 156 – 165 (Discharges to Whareatea River);

   Conditions 195 – 201 (Coal Processing Plant Water Management Plan);

   Condition 233 (Construction Erosion and Sediment Control);

   Conditions 234 – 235 (CPP and Haul Rd Operation Stormwater Management);

   Conditions 236 – 238 (CPP and Haul Rd Discharge);

   Conditions 239 – 241 (Freshwater Storage Pond Discharge);

   Conditions 287 – 288 (Fairdown Water Management Plan);

   Conditions 297 – 299 (Construction Stormwater Management);

   Condition 300 (Operational Stormwater Management); and

   Conditions 302 – 314 (Aquatic Ecosystems).

Decision No 14

West Coast Regional Council: Discharge Permit to discharge contaminants onto or into land in circumstances which may result in that contaminant (or any other contaminant emanating as a result of natural processes from that contaminant) entering water associated with Coal Processing and Transport

1. **Resource Consent Number:** RC10193/14

2. **Date of commencement:** As provided in s.116 of the Resource Management Act 1991.

3. **Term of consents:** Twelve (12) years.

4. **Date of lapsing of consent (if not given effect to):** The consent lapsing period for these consents shall be ten (10) years from the commencement of the consent as provided in s.125 of the Resource Management Act 1991.

5. **Purpose of consent:** To discharge contaminants onto or into land in circumstances which may result in that contaminant (or any other contaminant emanating as a result of natural processes from that contaminant) entering water associated with Coal Processing and Transport in general accordance with the relevant conditions in Schedule A as set out below.

6. **Discharge Permit RC10193/14 is subject to the following conditions**, which are set out in detail in Schedule A:

   Conditions 1 – 25 (General and Bond);

   Conditions 37 – 39 (Construction and Earthworks Management Plan);

   Conditions 41 – 43 (Contingency and Response Plan);

   Conditions 44 – 45 (Hazardous Substances Management Plan);

   Conditions 52 – 53 (Waste Management);

   Conditions 54 – 56 (Environmental Monitoring Plan and Report);

   Conditions 89 – 91 (Community Liaison Group);

   Conditions 156 – 165 (Discharges to Whareatea River);

   Conditions 195 – 201 (Coal Processing Plant Water Management Plan);

   Condition 233 (Construction Erosion and Sediment Control);

   Conditions 234 – 235 (CPP and Haul Rd Operation Stormwater Management);

   Conditions 236 – 238 (CPP and Haul Rd Discharge);

   Conditions 239 – 241 (Freshwater Storage Pond Discharge);

   Conditions 287 – 288 (Fairdown Water Management Plan);

   Conditions 297 – 299 (Construction Stormwater Management);

   Condition 300 (Operational Stormwater Management); and

   Conditions 302 – 314 (Aquatic Ecosystems).

Decision No 15

West Coast Regional Council: Discharge Permit to discharge contaminants onto or into land associated with Coal Processing and Transport

1. **Resource Consent Number:** RC10193/15

2. **Date of commencement:** As provided in s.116 of the Resource Management Act 1991.

3. **Term of consents:** Twelve (12) years.

4. **Date of lapsing of consent (if not given effect to):** The consent lapsing period for these consents shall be ten (10) years from the commencement of the consent as provided in s.125 of the Resource Management Act 1991.

5. **Purpose of consents:** To discharge contaminants onto or into land associated with Coal Processing and Transport in general accordance with the relevant conditions in Schedule A as set out below.

6. **Discharge Permit RC10193/15 is subject to the following conditions**, which are set out in detail in Schedule A:

   Conditions 1 – 25 (General and Bond);

   Conditions 41 – 43 (Contingency and Response Plan);

   Conditions 44 – 45 (Hazardous Substances Management Plan);

   Conditions 52 – 53 (Waste Management);

   Conditions 54 – 56 (Environmental Monitoring Plan and Report);

   Conditions 195 – 201 (Coal Processing Plant Water Management Plan);

   Conditions 236 – 238 (CPP and Haul Rd Discharge);

   Conditions 239 – 241 (Freshwater Storage Pond Discharge);

   Conditions 287 – 288 (Fairdown Water Management Plan);

   Conditions 293 – 294 (Pipeline Maintenance and Emergency Discharge);

   Conditions 297 – 299 (Construction Stormwater Management);

   Condition 300 (Operational Stormwater Management); and

   Condition 301 (Sewerage).

Decision No 16

West Coast Regional Council: Discharge Permit to discharge contaminants to air associated with Coal Processing and Transport

1. **Resource Consent Number:** RC10193/16

2. **Date of commencement:** As provided in s.116 of the Resource Management Act 1991.

3. **Term of consents:** Twelve (12) years.

4. **Date of lapsing of consent (if not given effect to):** The consent lapsing period for these consents shall be ten (10) years from the commencement of the consent as provided in s.125 of the Resource Management Act 1991.

5. **Purpose of consents:** To discharge contaminants to air associated with the Coal Processing and Transport in general accordance with the relevant conditions in Schedule A as set out below.

6. **Discharge Permit RC10193/16 is subject to the following conditions**, which are set out in detail in Schedule A:

   Conditions 1 – 25 (General and Bond);

   Conditions 41 – 43 (Contingency and Response Plan);

   Conditions 54 – 56 (Environmental Monitoring Plan and Report);

   Conditions 89 – 91 (Community Liaison Group);

   Conditions 275 – 279 (Air Quality);

   Conditions 289 – 290 (Fairdown Facility Air Quality Management Plan); and

   Conditions 327 – 334 (Fairdown Air Quality).

Decision No 17

Buller District Council: Land Use Consent to undertake mining and associated activities relating to the Escarpment Mine Project on the Denniston Plateau

1. **Resource Consent Number:** RC10/70A

2. **Date of commencement:** As provided in s.116 of the Resource Management Act 1991.

3. **Term of consent:** Twelve (12) years.

4. **Date of lapsing of consent (if not given effect to):** The consent lapsing period for these consents shall be ten (10) years from the commencement of the consent as provided in s.125 of the Resource Management Act 1991.

5. **Purpose of consent:** To undertake mining and associated activities relating to the Escarpment Mine Project on the Denniston Plateau in general accordance with the relevant conditions in Schedule A as set out below.

6. **Land Use Consent RC10/70A is subject to the following conditions**, which are set out in detail in Schedule A:

   Conditions 1 – 25 (General and Bond);

   Conditions 26 – 30 (Mine Closure);

   Conditions 31 – 59 (Management Plans – General);

   Conditions 60 – 66 (Fauna);

   Conditions 67 – 70 (Recreation);

   Condition 71 (Cultural Protocols);

   Conditions 72 – 76 (Hazardous Substances);

   Conditions 77 – 78 (Transpower Infrastructure);

   Conditions 79 – 87 (Technical Peer Review Panel);

   Condition 88 (Financial Contribution);

   Conditions 89 – 91 (Community Liaison Group);

   Conditions 92 – 97 (Flora and Fauna Offsets);

   Condition 98 (Flora and Fauna Offset Management Plan);

   Condition 99 (Non Derogation);

   Conditions 100 – 120 (Management Plans – Mine Site);

   Conditions 121 – 122 (Mine Closure Plan);

   Conditions 123 – 130 (Soil Conservation and Sediment Control);

   Conditions 131 – 138 (Vegetation and Flora);

   Conditions 141 – 148 (Rehabilitation);

   Conditions 149 – 155 (Mining Stormwater Management);

   Conditions 170 – 176 (Overburden Classification and ELF Management);

   Condition 177 (Natural hazards);

   Conditions 178 – 182 (Historic Heritage);

   Conditions 183 – 188 (Amenity – Noise); and

   Conditions 189 – 194 (Amenity – Blasting).

Decision No 18

Buller District Council: Land Use Consent to construct, operate and maintain approximately 5 kilometres of freshwater pipeline and associated access tracking from an intake on the Waimangaroa River to the Coal Processing Plant

1. **Resource Consent Number:** RC10/70B

2. **Date of commencement:** As provided in s.116 of the Resource Management Act 1991.

3. **Term of consent:** Twelve (12) years as provided for by Section 123 of the Resource Management Act 1991.

4. **Date of lapsing of consent (if not given effect to):** The consent lapsing period for these consents shall be ten (10) years from the commencement of the consent as provided in s.125 of the Resource Management Act 1991.

5. **Purpose of consent:** To construct, operate and maintain an approximately five kilometre of freshwater pipeline and associated access tracking from an intake on the Waimangaroa River to the Coal Processing Plant in general accordance with the relevant conditions in Schedule A as set out below.

6. **Land Use Consent RC10/70B is subject to the following conditions**, which are set out in detail in Schedule A:

   Conditions 1 – 25 (General and Bond);

   Conditions 31 – 59 (Management Plans – General);

   Conditions 60 – 66 (Fauna);

   Conditions 67 – 70 (Recreation);

   Condition 88 (Financial Contribution);

   Conditions 202 – 218 (Vegetation and Flora);

   Condition 219 (Fauna);

   Conditions 220 – 221 (Landscape and Natural Character);

   Conditions 249 – 251 (Historic Heritage); and

   Conditions 258 – 259 (Construction Noise).

Decision No 19

Buller District Council: Land Use Consent to construct, operate and maintain a Coal Processing Plant and associated activities on the Denniston Plateau

1. **Resource Consent Number:** RC10/70C

2. **Date of commencement:** As provided in s.116 of the Resource Management Act 1991.

3. **Term of consent:** Twelve (12) years as provided for by Section 123 of the Resource Management Act 1991.

4. **Date of lapsing of consent (if not given effect to):** The consent lapsing period for these consents shall be ten (10) years from the commencement of the consent as provided in s.125 of the Resource Management Act 1991.

5. **Purpose of consent:** To construct, operate and maintain a Coal Processing Plant and associated activities on the Denniston Plateau in general accordance with the relevant conditions in Schedule A as set out below.

6. **Land Use Consent RC10/70C is subject to the following conditions**, which are set out in detail in Schedule A:

   Conditions 1 – 25 (General and Bond);

   Conditions 31 – 59 (Management Plans – General);

   Conditions 60 – 66 (Fauna);

   Conditions 67 – 70 (Recreation);

   Condition 88 (Financial Contribution);

   Conditions 202 – 218 (Vegetation and Flora);

   Condition 219 (Fauna);

   Conditions 224 – 227 (Landscape and Natural Character);

   Condition 252 (Historic Heritage);

   Conditions 258 – 263 (Amenity – Noise); and

   Conditions 264 – 268 (Natural Hazards).

Decision No 20

Buller District Council: Land Use Consent to widen and maintain the existing Whareatea Road and to construct and maintain mine haul roads

1. **Resource Consent Number:** RC10/70D

2. **Date of commencement:** As provided in s.116 of the Resource Management Act 1991.

3. **Term of consent:** Twelve (12) years as provided for by Section 123 of the Resource Management Act 1991.

4. **Date of lapsing of consent (if not given effect to):** The consent lapsing period for these consents shall be ten (10) years from the commencement of the consent as provided in s.125 of the Resource Management Act 1991.

5. **Purpose of consent:** To widen and maintain the existing Whareatea Road and to construct and maintain mine haul roads in general accordance with the relevant conditions in Schedule A as set out below.

6. **Land Use Consent RC10/70D is subject to the following conditions**, which are set out in detail in Schedule A:

   Conditions 1 – 25 (General and Bond);

   Conditions 31 – 59 (Management Plans – General);

   Conditions 60 – 66 (Fauna);

   Conditions 67 – 70 (Recreation);

   Condition 88 (Financial Contribution);

   Conditions 202 – 218 (Vegetation and Flora);

   Condition 219 (Fauna);

   Conditions 228 – 230 (Landscape and Natural Character);

   Conditions 253 – 256 (Historic Heritage); and

   Conditions 258 – 259 (Construction Noise).

Decision No 21

Buller District Council: Land Use Consent to construct, operate and maintain an 11 kilometre long coal transport pipeline and associated access tracking from the Coal Processing Plant down to a Coal Handling Facility at Fairdown

1. **Resource Consent Number:** RC10/70E

2. **Date of commencement:** As provided in s.116 of the Resource Management Act 1991.

3. **Term of consent:** Twelve (12) years as provided for by Section 123 of the Resource Management Act 1991.

4. **Date of lapsing of consent (if not given effect to):** The consent lapsing period for these consents shall be ten (10) years from the commencement of the consent as provided in s.125 of the Resource Management Act 1991.

5. **Purpose of consent:** To construct, operate and maintain an 11 kilometre long coal transport pipeline and associated access tracking from the Coal Pprocessing Plant down to a Coal Handling Facility at Fairdown in general accordance with the relevant conditions in Schedule A as set out below.

6. **Land Use Consent RC10/70E is subject to the following conditions**, which are set out in detail in Schedule A:

   Conditions 1 – 25 (General and Bond);

   Conditions 31 – 59 (Management Plans – General);

   Conditions 60 – 66 (Fauna);

   Conditions 67 – 70 (Recreation);

   Condition 88 (Financial Contribution);

   Conditions 202 – 218 (Vegetation and Flora);

   Condition 219 (Fauna);

   Conditions 231 – 232 (Landscape and Natural Character);

   Condition 257 (Historic Heritage);

   Conditions 258 – 259 (Construction Noise); and

   Conditions 270 – 274 (Coal Transport Pipeline and Dump Ponds).

Decision No 22

Buller District Council: Land Use Consent to construct, operate and maintain a Coal Handling Facility at Fairdown which includes a de-watering and water treatment plants, coal stockpiling and rail loadout facility

1. **Resource Consent Number:** RC10/70F

2. **Date of commencement:** As provided in s.116 of the Resource Management Act 1991.

3. **Term of consent:** Twelve (12) years as provided for by Section 123 of the Resource Management Act 1991.

4. **Date of lapsing of consent (if not given effect to):** The consent lapsing period for these consents shall be ten (10) years from the commencement of the consent as provided in s.125 of the Resource Management Act 1991.

5. **Purpose of consent:** To construct, operate and maintain a Coal Handling Facility at Fairdown which includes a de-watering and water treatment plant, coal stockpiling and rail loadout facility in general accordance with the relevant conditions in Schedule A as set out below.

6. **Land Use Consent RC10/70F is subject to the following conditions**, which are set out in detail in Schedule A:

   Conditions 1 – 25 (General and Bond);

   Conditions 31 – 59 (Management Plans – General);

   Condition 88 (Financial Contribution);

   Conditions 89 – 91 (Community Liaison Group);

   Conditions 291 – 292 (Noise Management Plan);

   Conditions 295 – 296 (Access);

   Conditions 315 – 318 (Landscape and Natural Character);

   Conditions 319 - 326 (Noise); and

   Conditions 335 - 338 (Lighting).

Decision No 23

Buller District Council: Land Use consent to construct, operate and maintain an electrical substation and overhead electrical powerlines with associated access

1. **Resource Consent Number:** RC10/70G

2. **Date of commencement:** As provided in s.116 of the Resource Management Act 1991.

3. **Term of consent:** Unlimited term as provided for by Section 123 of the Resource Management Act 1991.

4. **Date of lapsing of consent (if not given effect to):** The consent lapsing period for these consents shall be ten (10) years from the commencement of the consent as provided in s.125 of the Resource Management Act 1991.

5. **Purpose of consent:** To construct, operate and maintain an electrical substation and overhead electrical powerlines with associated access in general accordance with the relevant conditions in Schedule A as set out below.

6. **Land Use Consent RC10/70G is subject to the following conditions**, which are set out in detail in Schedule A:

   Conditions 1 – 25 (General and Bond);

   Conditions 31 – 59 (Management Plans – General);

   Conditions 60 – 66 (Fauna);

   Conditions 67 – 70 (Recreation);

   Condition 88 (Financial Contribution);

   Conditions 202 – 218 (Vegetation and Flora);

   Condition 219 (Fauna);

   Conditions 222 – 223 (Landscape and Natural Character);

   Condition 257 (Historic Heritage); and

   Conditions 258 – 259 (Construction Noise).

Decision No 24

Buller District Council: Land Use Consent to use and store hazardous substances during mining, the construction and operation of the Coal Processing Plant, the Fairdown Coal Handling Facility, and within the Electrical Substation

1. **Resource Consent Number:** RC10/70H

2. **Date of commencement:** As provided in s.116 of the Resource Management Act 1991.

3. **Term of consent:** Twelve (12) years as provided for by Section 123 of the Resource Management Act 1991.

4. **Date of lapsing of consent (if not given effect to):** The consent lapsing period for these consents shall be ten (10) years from the commencement of the consent as provided in s.125 of the Resource Management Act 1991.

5. **Purpose of consent:** To use and store hazardous substances during mining, the construction and operation of the Coal Processing Plant, the Fairdown Coal Handling Facility, and within the Electrical Substation in general accordance with the relevant conditions in Schedule A as set out below.

6. **Land Use Consent RC10/70H is subject to the following conditions**, which are set out in detail in Schedule A:

   Conditions 1 – 25 (General and Bond);

   Conditions 31 – 59 (Management Plans – General);

   Condition 88 (Financial Contribution); and

   Conditions 89 – 91 (Community Liaison Group).

Schedule A – Conditions

Definitions

"ARC 1999" means Auckland Regional Council Erosion and Sediment Control – Technical Publication No. 90 – March 1999.

"CHF" means the Coal Handling Facility.

"CPP" means Coal Processing Plant.

"CPP WMP" means Coal Processing Plant Water Management Plan.

"Construction" in relation to the Escarpment Mine–means earthworks that occur prior to mining operations.

"Construction" in relation to the coal processing and transport facilities means works carried out prior to commissioning the plant.

"Construction Noise" means noise emissions associated with site establishment, installation of plant and structures (including any noise control bunds), site rehabilitation and any temporary site works.

"Certification" means that the Management Plan contains the necessary information specified in the Management Plan condition and meets all the requirements set out in more specific conditions of consent.

The "Commissioning Phase" for the MIW WTP shall not exceed 4 weeks from the date of the first discharge from the WTP to surface waters.

"ECan 2007" means Environment Canterbury – Erosion and Sediment Control Guideline 2007.

"ELF" means an Engineered Landform.

"Escarpment Mine" is the mine site depicted in the area shown in Appendix 1.

"FWTP" means the Fairdown Water Treatment Plant.

"LPL" means a Low Permeability Layer.

"Mining operations" within the Escarpment Mine commence when the MIW WTP has been constructed and commissioned. Hence, "mining operations" excludes any coal won during the construction and commissioning of the MIW WTP. Mining activity or mining activities has the same meaning as mining operations.

"MIW-WTP" means Mine Influenced Water – Water Treatment Plant.

"NAF" means Non-Acid Forming.

"SW-WTP" means Storm Water – Water Treatment Plant.

"The Mine" means Escarpment Mine.

"the Act" means the Resource Management Act 1991.

"VDT" means vegetation direct transfer.

1 General Conditions

1.1 Method of Operations

1. All activities authorised by these consents shall be undertaken generally in accordance with the information contained in:

   a) The Application and Assessment of Environmental Effects dated 31 August 2010;

   b) The 'Buller District Council – Response to Section 92 Request' dated 23 November 2010;

   c) The 'West Coast Regional Council – Response to Section 92 Request' dated 23 November 2010;

   d) The 'Response to WCRC Water Management Plan Review' dated 29 April 2011;

   e) The 'Deadmans Creek Compliance Limits' report dated 12 May 2011; and

   f) All supporting technical documents, management plans, drawings and plans;

   as provided to the Consent Authorities, except where inconsistent with these conditions.

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

3. The Consent Holder shall retain suitably qualified and experienced engineers to supervise the development of the project, including all mining areas, engineered landforms, roads, tracks, water management systems, pipeline installation, Denniston coal processing plant and Fairdown coal handling facility.

4. Where conditions of these consents require the provision of further information such as reports or management plans by the Consent Holder, the Consent Authority may undertake an independent peer review of this information. This peer review shall be at the Consent Holder's expense.

1.2 Fees

5. The Consent Holder shall pay to the Consent Authority such administration, supervision and monitoring fees as are fixed from time to time by the Consent Authority in accordance with Section 36 of the Act. The Consent Holder shall meet the reasonable costs of compliance of all requirements and conditions of these consents.

1.3 Complaints and Non-compliance

6. The Consent Holder upon receipt of any complaint reported to it by the Consent Authority, shall promptly investigate the complaint, take action to remedy or mitigate the complaint, and inform the Consent Authority as soon as practicable of the details of the cause of the complaint and the action taken.

7. The Consent Holder shall maintain and keep a complaint register for all activities authorised by these consents. The register shall detail the date, time and type of complaint, cause of the complaint, and the action taken by the Consent Holder in response to the complaint. The register shall be available to the Consent Authority at all reasonable times.

8. Unless otherwise stated within these consents, in the event of any breach of compliance of the conditions of these consents the Consent Holder shall notify the relevant Consent Authority within 48 hours of the breach being detected. Within seven days of any breach, the Consent Holder shall provide written notification to the Consent Authority, which explains the cause of the breach, and if the cause was within the control of the Consent Holder, steps which were taken to remedy the breach and steps which will be taken to prevent any further occurrence of the breach.

9. The Consent Holder shall remain liable under the Act for any breach of conditions of these consents which occur before the expiry of the consent and for any resultant adverse effects on the environment which become apparent during or after the expiry of these consents.

1.4 Notification of Exercise of Consent

10. The Consent Holder shall notify the Consent Authority in writing of the intention to exercise any consent, a minimum of one month prior to, the commencement of any activities authorised by these consents.

11. In addition to Condition 10, the Consent Holder shall notify the Consent Authority in writing as soon as practicable of the date that activities first commence under these consents.

12. The Consent Holder shall notify the Consent Authority in writing of the intention to cease the exercise of these consents at least 12 months prior to the activities under these consents ceasing.

1.5 Review of Conditions

13. Pursuant to Section 128(1) of the Act, the Consent Authority may review any of the conditions of these consents by serving notice either:

    a) Within a period of six months of the date of commencement of these consents; or

    b) Within a period of six months commencing on each anniversary of the date of commencement of these consents;

    for any of the following purposes:

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

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

    c) To deal with inaccuracies contained in the consent application that materially influenced the decision made on the application and are such that it is necessary to apply more appropriate conditions;

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

    e) To take account of the rules, regulations and policies set out in any relevant Regional Plan, District Plan or National planning document;

    f) To ensure that any management plan required by the Consent Authority is completed and gives effect to conditions of those consents.

1.6 Performance Bond

14. At all times the Consent Holder shall provide and maintain in favour of the Consent Authorities (the West Coast Regional Council and the Buller District Council (jointly for their respective interests)) a bond or bonds to:

    a) Secure the compliance by the Consent Holder with the conditions of these consents (including in relation to discharge compliance limits);

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

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

    d) Ensure that the Trust sum and ongoing contributions towards maintenance of the Denniston Plateau Pest Management provisions of 1.16.2 below are in place.

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

    a) Demolition and removal of plant and buildings;

    b) Site clean-up, including removal and disposal of contaminated soil;

    c) Rehabilitation by re-contouring, spreading sub-soils and topsoil, re-vegetation and weed control until the closure criteria in Condition 26 are met;

    d) Rehabilitation of the Coal Processing Plant Site, pipelines routes and Fairdown CHF site;

    e) Stabilisation of earthworks and landforms;

    f) Active water quality treatment until the closure criteria in Condition 26 are met;

    g) Construction and erosion protection of drainage facilities;

    h) Maintenance of roads;

    i) Implementation of Heaphy Offsets;

    j) Environmental and geotechnical monitoring;

    k) Staff costs; and

    l) Administration and operating costs.

    Advice Note: This condition covers the mine site and the coal processing and transport facilities.

16. The Consent Holder shall not exercise or shall cease to exercise these consents until the bond or bonds referred to in Condition 14 are executed by the Consent Holder and guarantor and deposited with the Consent Authorities.

17. Notwithstanding Condition 22, the Consent Holder shall provide a bond or bonds for the quantum for a minimum term of a three years, such term to be renewed for a minimum of a further three years (or such other term as the parties may agree) on each annual anniversary of the date of commencement of these consents (the “date of renewal”). The term of the bond shall be renewed until “Completion of Closure of the Site” in accordance with Condition 26.

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

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

20. The bond shall provide that the Consent Holder remains liable under the Act for any breach of these consents which occurs before expiry of these consents and which become apparent during or after the expiry of the relevant consent.

21. The Consent Holder shall provide the Consent Authorities with a report which recommends the amount of the initial bond within 30 days from the date of commencement of these consents.

22. The amount of the bond shall be reviewed and fixed by the Consent Authorities, within 30 days of receipt of the report required by Condition 21, and within 30 days of each annual anniversary of the commencement of these consents. Notification of the amount of the bond under this condition shall be advised by written notice (the "review date") by the Consent Authorities to the Consent Holder. In reviewing and fixing the bond the Consent Authorities shall take into account any calculations and other matters submitted in the Annual Work Plan, Mine Site Rehabilitation Management Plan, Mine Site Water Management Plan, Mine Closure Plan, or otherwise, by the Consent Holder which are relevant to the determination of the bond amount. Any calculation or estimates of the costs of the bond or bonds required by Condition 14 shall be prepared by an independent advisor, with expertise in mining bond calculation, mutually acceptable to the Consent Holder and the Consent Authorities and shall be supplied to the Consent Authority at least by the annual anniversary of the commencement of these consents.

23. Shall the Consent Holder not agree with the amount of the bond fixed by the Consent Authorities under Condition 22 then the matter shall be referred to arbitration in accordance with the provisions of the Arbitration Act 1996. Arbitration shall be commenced by written notice ("notice of arbitration") by the Consent Holder to the Consent Authorities advising that the amount of the bond is disputed, such notice to be given within 14 days of the review date under Condition 22. If the parties cannot agree upon an arbitrator within seven days of the notice of arbitration, then an arbitrator shall be appointed by the President of the Institution of Professional Engineers of New Zealand. Such arbitrator shall give an award in writing to the parties within 30 days after his or her appointment (the "date of arbitration decision") unless the parties agree that the date of arbitration decision shall be extended. The Consent Holder shall bear the full and reasonable costs of the parties in connection with this arbitration. In all other respects, the provisions of the Arbitration Act 1996 shall apply. Pending the outcome of that arbitration and subject to Condition 24 the existing bond shall continue in force. That sum shall be adjusted in accordance with the arbitration decision.

24. If the decision of the arbitrator is not made available by the date of arbitration decision referred to in Condition 23 then the amount of the bond shall be the sum fixed by the Consent Authorities under Condition 22, until such time as the arbitrator does give an award in writing to the parties. At that time, the amount of the bond shall be adjusted in accordance with the arbitration decision.

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

1.6.1 Mine Closure

26. The Consent Authorities shall release the bond on "Closure of the Site". "Closure of the Site" means rehabilitation of the Site such that Conditions a) to d) below have been demonstrated by the Consent Holder, to the satisfaction of the Consent Authorities to have been met:

a) ***Rehabilitation Closure***

Rehabilitation Closure of the Escarpment Mine shall be achieved when the closure criteria in Table 1 have been met and maintained for a minimum period of five years.

Table 1: Rehabilitation Closure Criteria

Slope angle	**Vegetation**	**Vegetation cover***	**Species diversity#**	**Rationale**	**Estimated time to target**
Flat (<1:5)	Pakihi	>80% @ ground	90%	Low stature	VDT 3 years
Gentle (1:5)	Forest	>60%	VDT 50% Planted 30%	Assume > 3m height achievable long term	10 years
	Scrub	>40%	VDT 70% Planted 50%	Assume >1m height achievable long term	5 years
Moderate (1:3)	Forest	>60%	VDT 50% Planted 30%	Assume > 3m height achievable long term	10 years
	Scrub	>40%	VDT 70% Planted 50%	Assume >1m height achievable long term	5 years
Steep (>1:3)	Slash, mulch and hydro-seeding	Stable and >20% vegetation	NA	Too steep for machinery or personnel	10 years
Rock fields	Graded rocks 0.1 – 0.5m size and slash	100% rock cover and 0.5m deep	NA	Sufficient depth to prevent weed incursion	1 year
Weeds	Gorse, Montbretia *Juncus squarrosus*	No flowering plants <5%	NA	Applicable to all slope angles	Continuous 5 year period

Notes

**percentage of plot occupied by above ground portion of vegetation i.e. does not include assessment of ground cover species, rocks and wood debris*

[#]percentage of vascular species present compared to the number of vascular species existing pre-mining

***Forest** - Red beech (4%), mixed beech/southern rata (8%), Mountain beech (7%) and Pink pine-mountain beech/yellow silver pine (10%)*

***Scrub**- Mountain beech/manuka (10%) and Manuka/wire rush rush-shrub land (17%)*

***Pakihi**- Manuka/wire rush (27%)*

***Slash** - Wood debris > 100mm diameter*

***Mulch** – shredded vegetative matter*

The rehabilitation assessment for Rehabilitation Closure shall be undertaken by an independent suitably experienced and qualified plant ecologist.

b) ***Water Management Closure***

In the absence of active treatment, water compliance limits in Condition 158 have not been exceeded in the preceding year and verification from an independent appropriately qualified person that the construction integrity of the ELF is sufficient (with regard to controlling acid generation to enable the water compliance limits in Condition 158 to continue to be met in perpetuity.

c) ***Finished Landforms***

The finished landform requirements outlined in Conditions 139 and 140 have been met.

d) ***Compliance with Conditions***

Compliance with all other conditions of these consents can be demonstrated at the time of Mine Closure.

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

28. The Consent Holder shall not exercise or shall cease to exercise these consents if:

    a) Notice of arbitration has not been given under Condition 23, and the bond quantum required under Condition 22 has not been provided to the Consent Authorities within 30 days of the review date referred to in Condition 23; or

    b) Notice of arbitration has been given under Condition 23, and

        i) The bond quantum determined by arbitration has not been provided to the Consent Authorities within 30 days of the date of arbitration decision referred to in Condition 23; or

        ii) In accordance with Condition 24, the bond quantum fixed under Condition 22 has not been provided to the Consent Authorities within 40 days of the appointment of the arbitrator referred to in Condition 23;

        whichever occurs first; or

    c) The term of the bond has not been renewed for a further term in accordance with Condition 17.

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

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

with a full breakdown of interest earned and the costs of remedying the non-compliance.

1.7 Management Plans

31. Prior to undertaking any activities authorised by these consents, the Consent Holder shall provide to the Consent Authorities for certification, the following plans prepared in accordance with Conditions 37 to 64 and Condition 98:

    a) Construction and Earthworks Management Plan;

    b) Contingency and Response Plan;

    c) Hazardous Substance Management Plan;

    d) Historic Heritage Management Plan;

    e) Pest Management Plan;

    f) Waste Management Plan;

    g) Environmental Monitoring Plan and Report;

    h) Traffic Safety Management Plan;

    i) Great Spotted Kiwi Management Plan;

    j) *Powelliphanta patrickensis* Management Plan; and

    k) Flora and Fauna Management Plan.

32. Construction activity shall not commence until the Management Plans required in Condition 31 have been certified by the Consent Authorities. If the Consent Authorities have not advised the Consent Holder in writing whether it has certified a Management Plan required under Condition 31 within two months of receipt of the Management Plan, then the Consent Holder may commence activities in accordance with the Management Plan unless the Consent Authorities advises the Consent Holder that it refuses to certify the Management Plan on the grounds that it fails to meet one or more conditions of consent.

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

34. The plans shall be reviewed annually by the Consent Holder and may be amended accordingly to take into account:

    a) Any required actions identified as a result of monitoring under these consents; and

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

35. The plans shall not be amended in a way that contravenes the matters set out for the respective plans, in accordance with Conditions 37 to 64 and Condition 98.

36. A copy of the latest version of the plans shall be kept on site at all times and all key personnel shall be made aware of contents of each plan.

1.7.1 Construction and Earthworks Management Plan

37. The Construction and Earthworks Management Plan shall set out the practices and procedures to be adopted to ensure that all resource consent conditions relating to earthworks during the construction phase of the project are complied with.

38. The Construction and Earthworks Management Plan shall provide for the following objectives:

    a) To achieve stable landforms in areas where there is potential for failure;

b) To achieve acceptable landforms and final surfaces for rehabilitation within the mine footprint;

c) To minimise the overall area of disturbance, so as to reduce the potential impact on vegetation, native fauna, and waterways;

d) To ensure the conservation of overburden, soil and vegetation for subsequent use in backfill and rehabilitation;

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

f) To ensure flood and groundwater levels are taken into account when the design and construction of the Fairdown CHF, FWTP and ponds;

g) To minimise sediment generation and sediment laden runoff; and

h) To avoid adverse effects on existing Transpower infrastructure.

39. The Construction and Earthworks Management Plan shall, as a minimum, address the following:

a) A construction programme and timetable detailing the activities to be undertaken, proposed duration of each construction stage and the sequence of events;

b) Detailed plans showing the final alignment of all pipelines, powerlines, roads and buildings;

c) A description of the sediment control facilities, and water management systems including diversion drains, collection drains, sumps, water storage dams, water treatment plants, settling ponds and discharge drains;

d) A maintenance schedule for the sediment control facilities and water management systems;

e) A description of the means by which the site boundaries shall be marked and maintained so as to prevent any disturbance outside the mine and Denniston coal processing plant footprints;

f) A description of the documentation and information management and approvals processes to be used in implementing the plan, and a description of the process for monitoring performance including non-conformance reporting and staff training and changes to the plan based on monitoring activity; and

g) An organisation chart showing the staff positions responsible for plan implementation including a brief summary of responsibilities relevant to the plan, such that the provisions of the plan can be implemented at all times.

1.7.1.1 Transpower Infrastructure

40. The Consent Holder shall consult with Transpower when developing the Construction and Earthworks Management Plan. The Construction and Earthworks Management Plan must address the following matters in relation to Transpower's high voltage infrastructure being potentially affected by the development (*infrastructure*) and how the development may be affected by the high voltage infrastructure:

a) Methods and measures to ensure access to the existing infrastructure is not impeded during and after construction activities;

b) The need to suppress dust and other materials that may affect the infrastructure or accumulate on the overhead transmission lines;

c) Methods and measures to ensure that no activity is undertaken during construction that would result in ground vibrations and/or ground instability likely to cause damage to the infrastructure;

d) Changes to drainage patterns and runoff characteristics of stormwater that may affect the infrastructure. Information shall include details of stormwater management during and post site development;

e) Replanting of vegetation near the infrastructure, including ensuring that:

   i) Setback by a horizontal distance of at least 12 metres either side (total of 24 metres) from the centre line of the infrastructure where it has the ability to exceed two metres in height at full maturity; and

   ii) When fully grown, not be able to fall within five metres of the infrastructure;

f) Sufficient detail to ensure compliance with NZECP34:2001, including, but not limited to, the provisions of:

   i) Clause 2.2 with respect to excavations near overhead support structures;

   ii) Clause 2.4 with respect to buildings near overhead support structures;

   iii) Section 3 with respect to minimum separation between buildings and conductors;

   iv) Section 5 with respect to minimum safe distances for the operation of mobile plant; and

   v) Table 4 with respect to minimum safe separation distances between the ground and the overhead conductors.

Advice Note:

a) These requirements are in addition to NZECP34:2001;

b) Fences of conductive materials (i.e. steel or metal) should not be attached to any tower of the transmission lines. Refer Section 2.3 of the NZECP34:2001; and

c) The replanting of vegetation near the infrastructure in accordance with Condition 40(e) must comply with the Electricity (Hazards from Trees) Regulations 2003.

1.7.2 Contingency and Response Plan

41. A Contingency and Response Plan shall be prepared that sets out the procedures to be followed by the Consent Holder and parties under its control in the event of accidents or other incidents that may result in adverse environmental effects.

42. The Contingency and Response Plan shall, as a minimum, address the following matters:

   a) Incident prevention measures and systems;

   b) Accidental spills of oil, fuel or chemicals;

   c) Rupture or spillage from any container, tanker or store tank used at the mine site and coal processing and transport facilities;

   d) Spillages during transportation of hazardous substances to or from the mine site, coal processing plant, or Fairdown dewatering plant;

   e) The procedures to be adopted in the event of spillage of hazardous substances or materials;

f) Emergency response procedures and emergency contacts during the event of:

i) Power failure;

ii) Fire;

iii) Pipeline rupture; and

iv) Natural event/disaster;

g) An organisation chart showing the staff positions responsible for plan implementation and including a brief summary of responsibilities relevant to the plan such that the provisions of the plan can be implemented at all times; and

h) A training schedule for staff and contractors.

43. The Consent Holder shall deal with accidents or events requiring an emergency response in accordance with the Contingency and Response Plan, unless a better environmental outcome is likely to be achieved by following a procedure not specified in the Plan.

1.7.3 Hazardous Substances Management Plan

44. A Hazardous Substances Management Plan shall be prepared that sets out the practices and procedures to be adopted to ensure that hazardous substances are managed so that their storage, use and transport is carried out safely and will not adversely affect the environment.

45. The Hazardous Substances Management Plan shall, as a minimum:

a) Identify hazardous substances which are used in the mining and coal processing and transport facilities operations; and

b) Set out the practices and procedures (storage, use, transportation and disposal) to be adopted to minimise risk of a spill or other event that may adversely affect the environment.

1.7.4 Historic Heritage Management Plan

46. An Historic Heritage Management Plan shall be prepared, in consultation with Department of Conservation and the New Zealand Historic Places Trust. The purpose of the plan is to manage any potential or actual effects on any historic heritage sites (either identified prior to construction or unearthed during the construction and mining phases).

47. The Historic Heritage Management Plan shall, as a minimum, address the following matters:

a) The means by which construction of the freshwater pipeline shall avoid the original stone bridge abutments at the north end of Burnett's Face;

b) The means by which construction of the freshwater pipeline shall avoid recorded historic heritage sites at Burnett's Face and Coalbrookdale;

c) The means by which construction of the Coal Processing Plant, roading and the coal transport pipeline shall avoid historic features associated with the Sullivan Mine and Whareatea Mine;

d) Measures to avoid adverse effects on all other identified historic heritage values where practicable;

e) Methods to mitigate and remedy effects that cannot be avoided;

f) Where practicable and safe, scanning (using 3D laser technology) and detailed building archaeological work of the two bins located at the historic Escarpment Mine entrance;

g) An Accidental Discovery Protocol which establishes procedures for identifying, reporting and managing features of historic heritage significance that may be uncovered in the course of construction and mining activity;

h) Details on the location of historic heritage interpretation panels and a summary as to their content and methods to minimise vandalism of panels;

i) Measures to offset effects on historic heritage values, including:

   i) Burnett's Face and Coalbrookdale – visitor infrastructure and historic conservation, such as but not limited to:

      - Developing a safe and appropriately sized public car park at the site to meet existing demand and expected growth in visitors to the area, cognisant of the fact that the public will be sharing the road with coal trucks ;
      - Enhancing visitor appreciation of the scale and importance of the site through opening access to mine portals and the sites of houses and buildings, and providing appropriate interpretation and signage;
      - Carrying out further works at the Coalbrookdale fan-house to enable visitors to gain safe access into the building to get a sense of being 'underground'; and
      - Track work on the rope-road, designed to protect remnant historic rope road fabric and provide a safe walking surface;

   ii) Visitor appreciation and education work, such as but not limited to:

      - The development of a self-guide walk both in brochure and freely downloadable MP3 audio format; and
      - The development of a curriculum relevant education kit (teaching resource – hard copy, DVD/CD, and pupil work book);

   iii) Conns Creek car park and rail replication, such as but not limited to:

      - The creation of dedicated parking spaces and the provision of an interpretation kiosk; and
      - Rail replication, akin to that at the Brakehead at the top of the Incline shall be installed, along with a strategically placed Q-wagon preventing access to the Incline;

   iv) Monitoring and survey work, such as but not limited to:

      - The establishment of an operation management plan for monitoring and risks;
      - Collection of historic baseline data to inform monitoring;
      - The creation of visitor monitoring (counters and visitor surveys);
      - Carrying out a research project on measuring social significance aimed at developing an understanding of the coal fields historic landscape by looking at community perceptions and attachments, and how this impacts on conservation and management practises;
      - Seeking the on-going specialist monitoring advice for key-features;
      - Carrying out monitoring work; and
      - Making publicly available key data (such as archaeological survey work and social research project) via publishing hard copy and on the internet;

   v) History and archives work, including the gathering and publication of:

      - The oral history of miners from the post World War 2 mine on the Denniston Plateau;
      - A history of 20th Century coal mining on Denniston – its regional importance and national context; and
      - Archival work digitising photographic material about the era.

j) A description of the documentation and information management and approvals processes to be used in implementing the plan, and a description of the process for monitoring performance including non-conformance reporting and staff training and changes to the plan based on monitoring activity;

k) An organisation chart showing the staff positions responsible for plan implementation and including a brief summary of responsibilities relevant to the plan such that the provisions of the plan can be implemented at all times; and

l) A training schedule for staff and contractors.

1.7.5 Pest Management Plan

48. A Pest Management Plan shall be prepared, in consultation with the Department of Conservation that addresses the control of pest at the mine footprint site during mining and rehabilitation and within the coal processing plant area and coal transport pipeline route. The objectives of the plan shall be:

a) To ensure that bare surfaces during earthworks and mining operations do not become weed infested areas;

b) To ensure that revegetation programmes are not compromised (in purpose or survival) by weed infestation; and

c) To control rats, stoats and possums within the mine footprint site, CPP area and coal transport pipeline route.

49. The Pest Management Plan shall, as a minimum, address the following matters:

a) Identification of the key weed (including didymo) and pest species and the management principles adopted with respect to weed and pest control, and the risks and contingency measures in relation to weeds and pests including the means by which earthmoving machinery and equipment will be cleaned prior to arrival on to the Denniston Plateau;

b) The means and frequency by which weeds will be controlled and closure targets for weeds met with particular reference to gorse, broom, Montbretia, *Juncus sqaurrosus*, pampas, blackberry and Himalayan Honeysuckle; and

c) The means and frequency by which pests will be controlled with particular reference to rats and possums.

50. The Consent Holder shall record the effectiveness of the programme (with appropriate monitoring) and report the results of the programme to the Consent Authorities on an annual basis.

51. The Pest Management Plan shall ensure that flexibility is retained in relation to the use of predator and weed control methods such as poison and other enhancement components to ensure best practice methods are adopted to achieve the desired outcomes.

1.7.6 Waste Management Plan

52. A Waste Management Plan shall be prepared for the purpose of minimising the waste and litter generated during development of the mine, to maximise recycling and reuse opportunities, to avoid or minimise any pollution risk associated with waste generation and disposal at the development sites and to assist with pest control.

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

a) Identify the nature and volume of the waste generated within the development sites, including the mine footprint, Denniston coal processing plant and Fairdown coal handling facility;

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

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

1.7.7 Environmental Monitoring Plan and Report

54. An Environmental Monitoring Plan shall be prepared that ensures that robust environmental monitoring is undertaken in order to test and verify that all environmental performance standards contained in these conditions are being achieved.

55. The Consent Holder shall prepare and submit to the Consent Authorities and to the Technical Review Panel an Annual Environmental Monitoring Report one month prior to each anniversary of the commencement of these consents. The monitoring period to be included in each report shall be for the 12-month period ending two months prior to the anniversary of the commencement of these consents. A copy shall also be provided to the Department of Conservation.

56. As a minimum the Annual Environmental Monitoring Report shall:

a) Detail all environmental monitoring undertaken, including, but not limited to, rainfall, rehabilitation, water quality, pest control, fauna management and dust monitoring;

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

c) Highlight and discuss any important environmental trends;

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

e) Report and discuss any operational difficulties and changes which would result in improvements to water quality or reduction in the volume of contaminated water discharged;

f) Report the number of occasions and duration of overflow discharges from the MIW surge sump or MIW-WTP, including date and time of occurrence;

g) Report and discuss any difficulties in compliance with, and breaches of, the conditions of the consent and the measures adopted to rectify problems;

h) List any maintenance works needed, proposed or undertaken to ensure compliance with the conditions of the consent or to facilitate operations;

i) Outline any changes to the monitoring programme that may be required to allow compliance to be determined; and

j) Report on whether the Management Plans required under Conditions 37 to 64 and Condition 98 are meeting their purpose and make recommendation for change to the Management Plans.

1.7.8 Traffic Safety Management

57. The Consent Holder shall enter into a Memorandum of Understanding with Buller District Council – Roading Section to address any concerns relating to the integrity and safety of the Powerhouse, Whareatea and Denniston Roads prior to construction activities commencing.

58. The Consent Holder shall review the suitability of the road to carry construction related traffic prior to construction commencing. The results of this inspection shall be submitted to the Buller District Council.

59. The Consent Holder shall prepare a Traffic Safety Management Plan in consultation with Buller District Council, Kiwirail and the New Zealand Transport Agency. The purpose of the Plan shall be to minimise traffic and vehicle movements to the extent necessary to allow safe and practicable mine development and to minimise the impact of traffic associated effects, including safety, noise, dust and traffic flow on neighbouring properties and the roading network. To achieve this objective, the Plan shall detail the traffic management measures to be put in place including, but not limited to the following details:

    a) Traffic management locations and measures to be put in place during the construction and mining phases;

    b) The locations where works will occur within the road reserve and the general method of traffic management and control that will be utilised;

    c) Routes for haulage of materials on District Council roads;

    d) The development of a travel plan including the provision for shared transport of workers, including minivans or bus services;

    e) Procedures for managing the increased traffic hazard on Denniston, Whareatea and Powerhouse roads;

    f) Procedures for keeping residents in communities along the main transport route informed of relevant traffic management details; and

    g) Arrangements:

        i) For driver training;

        ii) For the movement of oversized loads (if any) during construction;

        iii) For identification and mitigation of effects upon tourist vehicles;

        iv) To promote the movement of trucks to and from the plateau outside of the periods of worker shift changes wherever possible;

        v) To ensure that vehicles do not encounter each other on Powerhouse Road during construction of the Fairdown Coal Handling Facility; and

        vi) For the installation of:

        vii) Additional PW-50 truck warning signs on Denniston and Whareatea Road;

        viii) Additional reflective edge marker posts on Denniston and Whareatea Roads; and

        ix) Carriageway arrow markings (indicating the presence of two-way traffic flow) on Denniston Road.

1.8 Fauna

1.8.1 Great Spotted Kiwi Management Plan

60. The Consent Holder shall undertake a kiwi nest survey during kiwi breeding season using a certified and approved kiwi tracking dog and handler prior to any construction or mine development, activities and annually within the area to be disturbed within the mine footprint. This survey is not required for the Fairdown components of the project.

61. The Consent Holder shall prepare in consultation with Department of Conservation and Te Runanga o Ngati Waewae a Great Spotted Kiwi Management Plan. The objective of the Plan shall be to minimise the effects of mining activities on any great spotted kiwi living within the Escarpment Mine footprint, and include the criterion for making a decision for leaving kiwi in-situ or capture and removal in accordance with Condition 62a) ii) and iii).

62. The Plan shall, as a minimum, address the following:

    a) The options for the management of kiwi present within the mine footprint or CPP site, including but not limited to:

        i) The monitoring/tracking of kiwi within the site and surrounds;

        ii) Management of birds within the vicinity of the site if the decision is made to leave them there;

        iii) The capture and/or removal of those birds within the mine footprint and CPP area and surrounds, if the decision is made to remove them from the site; and

        iv) The management and destination of captured birds if the decision is made to remove the birds from the mine footprint site, CPP area and surrounds.

    b) The mechanism for determining which of the options addressed under a) above is expected to hold the best outcome for kiwi and the decision shall be made by an independent suitably qualified faunal ecologist;

    c) Kiwi habitat enhancement measures to be carried out within the ELF during rehabilitation; and

    d) The monitoring that will be undertaken to assess progress towards the objectives of the management plan.

1.8.2 *Powelliphanta Patrickensis* Management Plan

63. The Consent Holder shall prepare in consultation with Department of Conservation a *Powelliphanta patrickensis* Management Plan which shall have two objectives:

    a) To minimise the effects of mining activities on *P. patrickensis* living within or immediately alongside the Escarpment Mine footprint, CPP and pipeline routes; and

    b) To enhance the survival rates of any *P. patrickensis* that are transferred using VDT as part of the project.

64. The Plan shall, as a minimum, address the following:

    a) Methods to maximise the potential for the survival of *P. patrickensis* and their habitat using VDT;

    b) Weed and pest control to specifically targeted to achieve the objectives;

    c) *P. patrickensis* habitat enhancement measures to be carried out within the ELF during rehabilitation and prior to mine closure;

    d) A procedure for consideration be established to determine whether or not opportunities exist for relocation of *P. patrickensis* to enhance their survival; and

    e) The monitoring that will be undertaken to assess progress towards the objectives of the Management Plan.

1.8.3 VDT Research

65. The Consent Holder shall monitor VDT activities and representative sites annually to determine the effectiveness of the method for creating suitable invertebrate habitat (including *Powelliphanta patrickensis*) and survival rates, including monitoring of population numbers and habitat quality before transfer and after VDT, until the rehabilitation criteria in Condition 26 (Table 1) are considered to be met by the Consent Authority.

1.8.4 Fauna and Invertebrate Monitoring

66. The Consent Holder shall monitor the effects of the Escarpment Mine activities on western weka and fernbirds, and key invertebrate species. This shall include a representative baseline survey and annual surveys during mine rehabilitation for the term of the consent. Results of the monitoring shall be submitted to the Consent Authority in the Annual Environmental Report outlined in Condition 56. The monitoring programme including the key invertebrates to be monitored shall be developed in consultation with the Department of Conservation and the Consent Authorities.

1.9 Recreational Values

67. Following mine closure the Consent Holder shall, in consultation with the Department of Conservation, reinstate the Whareatea circuit cycle track (shown the Denniston Plateau Mountain Bike Tracks pamphlet published by DoC in 2008), that is removed or inaccessible as a result of the Escarpment Mine.

68. The Consent Holder shall enable appropriate CPP and mine site visits, and shall provide, in consultation with the Department of Conservation, for the establishment of visitor viewpoints in appropriate safe locations.

69. The Consent Holder shall provide an alternative public road up to Mount Rochfort between the CPP site and the Escarpment Mine turnoff that avoids the mine traffic between the CPP and the mine.

70. Prior to the commencement of construction the Consent Holder shall, in order to minimise the risk to persons undertaking recreation activities in the vicinity of the mine development, undertake the following:

    a) Erect signs at all necessary locations to warn users of dangers during construction and mining; and

    b) Liaise with known community and interest groups to advise of programmed works.

1.10 Cultural Protocols

71. In the event that any pounamu is discovered, the Consent Holder shall comply with the following requirements:

    a) Report to the Te Runanga o Ngati Waewae's Land and Environmental Portfolio Team Leader as soon as is practicable;

    b) Any artefact made of pounamu, discovered or found within the project area on land administered by the Department of Conservation, shall be left untouched and notified immediately to both the local Department of Conservation Officer and Te Runanga o Ngati Waewae's Land and Environmental Portfolio Team Leader. If the artefact happened to be collected it shall be handed directly to the local Department of Conservation Officer along with all information about the find and Te Runanga o Ngati Waewae's Land and Environmental Portfolio Team Leader is to be notified;

c) Any artefact made of pounamu discovered or found on all other land within the project area, shall be left untouched and notified immediately to the local regional museum, the New Zealand Historic Places Trust regional archaeologist and Te Runanga o Ngati Waewae's Land and Environmental Portfolio Leader. If the artefact happens to be collected it shall be handed directly to the local regional museum along with all information about the find, and the New Zealand Historic Places Trust's regional archaeologist and Te Runanga o Ngati Waewae's Land and Environmental portfolio Team Leader are to be notified; and

d) Any pounamu discovered, other than through authorised collection, shall not be removed without consultation with Te Runanga o Ngai Tahu and authorisation from Te Runanga o Ngati Waewae.

1.11 Hazardous Substances

72. Refuelling, lubrication, mechanical repairs and storage of hazardous substances or dangerous goods shall be undertaken in such a manner so as to ensure that spillages of hazardous substances or dangerous goods onto the land surface or into a water body do not occur. In the event of any accidental discharge of any substance that has the capacity to endanger human health or to significantly impact on the environment, the Consent Holder shall:

    a) Immediately take such action or execute such work as may be necessary to stop and/or contain such escape;

    b) Take all reasonable steps to remedy or mitigate any adverse effects on the environment resulting from the escape; and

    c) Inform the Consent Authority within 24 hours of its occurrence and inform the Consent Authority within 24 hours of its occurrence and the steps taken, or being taken, to clean up the discharge, remedy any adverse effects, and prevent recurrence.

73. The Consent Holder shall adhere to the Contingency and Response Plan as required by Condition 41.

74. All fuel, tankers or pumps on-site shall be suitably contained within an impervious surface.

75. Bunds shall be positioned around the perimeter of fuel stores and buildings storing hazardous substances to capture spills. Clean-up equipment shall be maintained in a serviceable manner at each fuel store. Bunds shall be able to accommodate 110% of the volume of stored material.

76. All contractors and/or operators transporting or storing more than 20 litres of fuel shall carry spill kits to enable immediate action to remedy and/or mitigate the effects of hazardous substances discharges on-site.

1.12 Transpower Infrastructure

77. The Consent Holder shall manage the consented activities to minimise the discharge of dust and/or particulate matter and any associated dust hazard or nuisance to Transpower's Inangahua-Westport B, Inangahua-Waimangaroa A and Waimangaroa-Westport A transmission lines and support structures.

78. Notwithstanding Condition 40(f), all buildings and structures shall be set back a horizontal distance of at least 12 metres from the centrelines of the Inangahua-Westport B, Inangahua-Waimangaroa A and Waimangaroa-Westport A transmission lines, and shall also be located no closer than 12 metres from the closest visible edge of any associated transmission line support structure foundation.

1.13 Technical Review Panel

79. Prior to commencement of mining, the Consent Holder shall engage, at its cost, a technical review panel (the "Peer Review Panel"). The members of this Panel shall be fully independent of the planning, design and construction of the Escarpment Mine and all its associated facilities, and shall not be a director, employee or agent of the Consent Holder. The appointment or dismissal of Panel members shall only be made with the approval of the Consent Authorities.

80. The primary functions of the Peer Review Panel are to:

    a) Assess whether or not the Consent Holder is developing the mine influenced water treatment systems and construction of the ELF in accordance with internationally recognised best technical and environmental practice;

    b) Assess and review the appropriateness of the plans for managing mine influenced water, construction of the ELF, and rehabilitation and closure of the mine site and associated mine facilities.

    c) Advise and report to the Consent Authorities on the best practicable option to remove or reduce any adverse environmental effects of the mine and associated mine facilities relating to mine influenced water, the ELF (including discharges), rehabilitation and mine closure.

81. The Peer Review Panel shall comprise a minimum of three technical specialists who between them have demonstrated expertise in the following fields:

    a) Geochemistry, with recognised experience in management of acid rock drainage and acid mine drainage;

    b) Mining and geotechnical engineering, with recognised experience in mine development (including overburden and sludge placement and ELF design) and associated infrastructure;

    c) Water management, with experience in the treatment system of mine influenced water and acid mine drainage;

    d) Fauna, vegetation and flora, with relevant experience in coal measure ecosystems; and

    e) Rehabilitation, with experience in mine revegetation and rehabilitation.

82. In addition to the technical specialist, the Consent Authorities may provide administrative support and assistance to the Peer Review Panel, with the Consent Holder meeting the cost.

83. The members of the Peer Review Panel, and their defined field(s) of expertise, shall be endorsed by the Chief Executive Officer (or appointed representative) of both Consent Authorities prior to appointment to the Panel.

84. Each member of the Peer Review Panel, when acting as a Peer Reviewer shall act only in his/her area of expertise, but the full Panel shall review all rehabilitation/closure plans.

85. All proposals for mine influenced water treatment systems and the ELF shall be submitted for peer review prior to them being implemented. In addition, the Consent Holder shall submit to the Consent Authorities and the Peer Review Panel, an annual report on the performance of those treatment systems and management of overburden (including sludge) and the construction of ELF containing appropriate information to enable the Consent Authorities and the Peer Review Panel to determine if:

    a) The treatment systems are achieving their expected treatment effectiveness and treating mine water to a standard that meets the compliance limits imposed by Condition 158;

b) The construction of the ELF is being managed in a manner that controls the discharge of acid leachate while taking into account mine site constraints and the treatment effectiveness of the mine influenced water treatment systems; and

c) There are sufficient quantities of appropriate material (with respect to acid generation potential and permeability) for capping and rehabilitation purposes at the mine site.

86. The Consent Holder shall provide the Peer Review Panel with all of its management plans for the mine influenced water treatment systems, construction of the ELF, rehabilitation , fauna management, pest control, mine closure , Annual Work Plans and any other relevant information, that the Panel requests, and shall afford the Panel full access to the site at all reasonable times.

87. The Peer Review Panel shall report directly to the Consent Authorities in writing and make such recommendations as it sees fit on all matters which arise during its reviews, other than on draft proposals submitted to it by the Consent Holder and which are superseded. Such reporting shall be provided to the Consent Authorities at 6 monthly intervals, or at longer intervals if agreed by the Consent Authorities.

1.14 Financial Contribution

88. A financial contribution of cash shall be paid to Buller District Council for the provision of reserves, recreational facilities and community facilities, as provided for in Part 8.4.1.16 of the Buller District Plan. The calculation for assessing the financial contribution shall be 0.5% of the total value of the development components shown as (a)-(c) below. The Consent Holder shall advise Buller District Council of the value of the proposed development, and shall pay the cash amount of the contribution to the Buller District Council prior to the commencement of any works covered by this consent. The calculation of the development contribution shall be based on the estimated costs of the following components of the activity:

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

b) Formation of all haul roads (excluding roads within the mine pit); and

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

1.15 Community Liaison Group

89. Within one month of commencing construction, the Consent Holder shall place a public advertisement in the relevant local Westport community newspaper inviting local residents and interested people to attend a meeting to establish a Community Liaison Group.

a) The invitation to attend and establish a Community Liaison Group shall be extended to include:

i) All property owners with boundaries adjoining, or but for the presence of roads and railway lines, boundaries immediately next to the site; and

ii) Local residents and businesses of Westport;

b) A representative of the Consent Holder shall attend all meetings of the Community Liaison Group; and

c) The Buller District Council and the West Coast Regional Council shall be invited to each send a representative to attend all meetings.

90. The Consent Holder shall ensure that members of the Community Liaison Group are provided with the opportunity and facilities to meet at least twice per year.

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

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

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

    c) To discuss the results of monitoring and any matters that may arise as a result of the monitoring.

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

1.16 Flora and Fauna Management

1.16.1 Heaphy River Area Predator and Herbivore Management

92. The Consent Holder shall enter into a written agreement with the Department of Conservation to undertake predator and herbivore management within the Heaphy River Flats (237 ha), Southern Heaphy Silver Beach Forest (3,313 ha), Ryan Creek Hard Beech Rimu forest (1,616 ha), Heaphy Northern Rata Coastal Forest (738 ha), and a three kilometre buffer zone as shown in Figure 1 Appendix 2 for a minimum of 35 years. The objective of this agreed work is to enhance and monitor populations of Great Spotted Kiwi. This work shall:

    a) Target possums and stoats;

    b) Be by aerial application of 1080 or equivalent effective toxin with provision for intensification of stoat and possum control (except within the buffer zone and the Heaphy Northern Rata Coastal Forest) depending on seed fall monitoring data to predict increased populations of possums and stoats;

    c) Include monitoring of numbers of possums and stoats;

    d) Include monitoring of populations of Great Spotted Kiwi; and

    e) Predator and herbivore management within the buffer zone and Heaphy Northern Rata Coastal Forest shall be by aerial application of 1080 or equivalent effective toxin every four years.

    A copy of the written agreement shall be provided to the Consent Authorities. There shall no commencement of any construction or mining activities before provision of such written agreement.

1.16.2 Denniston Plateau Pest Management

93. The Consent Holder shall, within six months of commencement of this consent, after consultation with the Department of Conservation, establish a Trust. The Trust shall have the purpose of funding Denniston flora and fauna biodiversity offset work set out within the areas and for the time periods specified in Condition 96 and 97. The Trustees shall consist of five members, with two representatives appointed by the consent holder, one member appointed by each of the two Consent Authorities and one member appointed by the Department of Conservation. The Trust documents shall permit the Trust to be registered as a Charitable Trust.

94. The Consent Holder shall settle on the Trust $250,000 within 30 days of the date that the Trust is established and make ongoing contributions of 12 cents per tonne (subject to an upwards only adjustment each year to take account of any change in the Consumer Price Index (All groups)) of coal mined from the Escarpment Mine.

95. Notwithstanding Condition 94, the Consent Holder shall ensure that there are sufficient funds left in the Trust upon mine closure to fund the flora and fauna offset work set out within the areas and for at least the time periods specified in Condition 96 and 97.

96. The Consent Holder shall undertake predator and herbivore management on the Denniston Plateau within the 2,030 ha area shown in Figure 2 Appendix 2 for a minimum of 35 years. The objective of this management is to enhance and monitor populations of *P. patrickensis*, other invertebrates (key species), western weka and fernbirds. This management work:

    a) Shall target possums, stoats, feral cats and rats;

    b) Within the 150 ha coastal-facing area will be by ground-based bait station and trapping for possums, stoats, rats and feral cats, supplemented by aerial toxin application. The frequency of the control work will be based on seed fall monitoring to monitoring to predict increased populations of possums, stoats, feral cats and rats;

    c) Within the remaining 1,880 ha area on the Denniston Plateau will be by aerial application of 1080 or equivalent effective toxin, combined with a targeted ground-based control if predator species reach moderate-high densities as identified by residual trap catch and seed fall monitoring to predict increased populations of possums, stoats, feral cats and rats;

    d) Shall include monitoring of possums, stoats, feral cats and rats populations; and

    e) Shall include monitoring of populations of *P. patrickensis*, other invertebrates (key species), western weka and fernbirds.

97. The Consent Holder shall undertake weed control on the Denniston Plateau within the 1,240 ha area shown in Figure 3 Appendix 2 for a minimum of 35 years. The objective of the program shall be to maintain or enhance biodiversity values on the Plateau. This weed control work:

    a) Shall be achieved by control of invasive weed species, with the aim of preventing the spread (i.e. zero density of flowering plants) of the following:

        i) Gorse (*Ulex Europaeus*);

        ii) Broom (*Cytisus scoparius*);

        iii) Himalayan Honeysuckle (*Leycesteria Formosa*);

        iv) Blackberry (*Rubus Fruticosus*);

        v) Montbretia (*Crocosmia X crocosmiiflora*);

        vi) Ragwort (*Senecio jacobaea*);

        vii) Pampas (*Cortaderia selloana* and *C. jubata*);

    b) Shall target Heath Rush (*Juncus squarrosus*) to reduce competition for indigenous species;

    c) Shall include an assessment of existing pest plants to establish species present, distribution, risk of spread and priority of control;

    d) Shall include development of a detailed management plan with the aim to protect the unique plant community on site with reference to relevant

legislation and regional plans (e.g. West Coast Regional Pest Plant Management Strategy);

e) Be site led (c.f. species led) control operations utilising but not restricted to aerial, power and backpack spraying, stump cutting and swabbing, and other methods as deemed suitable after consultation with a suitably qualified operator;

f) Include post control monitoring and reporting as a basis of qualifying the success of the control and to quantify the remaining control; and

g) Include on-going maintenance control as determined by monitoring.

1.16.3 Flora and Fauna Management Plan

98. The Flora and Fauna Management Plan outlined in Condition 31 shall be prepared in consultation with the Department of Conservation. The Plan shall provide details with respect to how the Heaphy River predator and herbivore management and the Denniston Plateau pest management will be implemented and the outcomes listed will be achieved. The Plan shall, as a minimum:

a) Demonstrate that the predator, herbivore and weed control is coordinated with predator, herbivore and weed control other parties are carrying out in adjacent areas;

b) Identify pest and weed control targets, such as residual trap catch percentages for predators;

c) Identify key invertebrate species to be monitored; and

d) Identify how outcome monitoring will be implemented.

2 Mine Site Conditions

2.1 Non Derogation Conditions

99. The Consent Holder shall ensure that the mine is operated in a manner that protects existing use rights or provides an alternative right to the following parties with respect to the following matters:

a) Brookdale Mining with respect to their ability to extract water from Lake Brazil at a rate of up to 50 litres/second, 8 hours/day, 5 days/week, for up to 37 days per year; and

b) Kawatiri Energy Limited with respect to its rights to divert water from the Whareatea River into Lake Rochfort.

2.2 Management Plans

100. Prior to mining activities authorised by these consents, the Consent Holder shall provide to the Consent Authorities for certification, the following plans prepared in accordance with Conditions 109 to 120:

a) Annual Work Plan;

b) Engineered Landform (ELF) Management Plan;

c) Mine Site Water Management Plan; and

d) Mine Site Rehabilitation Management Plan.

101. Within 12 months of commencing coal production, the Consent Holder shall provide to the Consent Authorities a Mine Closure Plan prepared in accordance with Conditions 121 and 122.

102. Mining activities shall not commence until the management plans required in Condition 100 and 101 have been certified by the Consent Authorities. If the Consent Authority has not advised the Consent Holder in writing whether it has certified a management plan required under Condition 100 within two months of receipt of the management plan, then the Consent Holder may commence activities in accordance with the management plan unless the Consent Authority advises the Consent Holder that it refuses to certify the management plan on the grounds that it fails to meet one or more conditions of consent.

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

104. The plans shall be reviewed annually by the Consent Holder and may be amended accordingly to take into account:

    a) Any required actions identified as a result of monitoring under these consents;

    b) Recommendations outlined in the Annual Environmental Monitoring Report; and

    c) Any changes required as a result of actions identified in the Annual Work Plan.

105. The Consent Holder shall provide the Consent Authorities with any changes made to any of the management plans via the Annual Work Plan.

106. The management plans shall not be amended in a way that contravenes the matters set out in Conditions 109 to 120.

107. The Consent Holder shall report annually in the Annual Work Plan to the Consent Authorities on compliance with the management plans required under Condition 100.

108. A copy of the latest version of the management plans shall be kept on site at all times and all key personnel shall be made aware of the contents of each plan.

2.2.1 Annual Work Plan

109. The Consent Holder shall prepare an Annual Work Plan and thereafter submit an Annual Work Plan one-month prior to each anniversary of the date of commencement of the consents.

110. The Annual Work Plan shall include:

    a) A description of all the mining operations, mitigation measures, and rehabilitation, carried out in the last 12 months including a contour plan at 10 metre intervals showing the mine footprint, areas of overburden removal, ELFs (backfill) and pit floor of the mine at the end of the last 12 month period;

    b) A detailed description of all mining operations, mitigation measures and rehabilitation, to be carried out in the next 12 months, including a contour plan at 10 metre intervals showing the new mine footprint, areas of overburden removal, ELFs (backfill), pit floor by the end of the next 12 month period, with an approximate timetable of events;

    c) Long-term projections and intentions for mining operations in relation to the future exercise of these consents;

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

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

f) Identification of any particular issues that have arisen or are expected to arise as a result of operations, geological conditions or monitoring results;

g) A summary of any complaints received, responses and the mitigation measures adopted;

h) If mine closure is anticipated in the next 12 months then the final mine closure plan shall be provided; and

i) Report on compliance with the management plans prepared under Conditions 31, 100 and 101.

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

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

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

2.2.2 Engineered Landform Management Plan

114. An ELF Management Plan shall be prepared that sets out the practices and procedures to ensure the following objectives:

a) Separation and correct placement of stripped overburden on the basis of:

i) Geochemistry to manage the acid generating potential of the ELFs;

ii) Lithology and geotechnical properties to manage stability; and

b) Finished landforms that integrate with surrounding natural topographic patterns in accordance with Condition 139 and 140.

115. For the purpose of these conditions, the term “ELF” shall include all overburden backfill areas including rock and fines disposal from the coal processing plant and sludge from the water treatment plants.

116. The ELF Management Plan shall, as a minimum, address the following:

a) Details of the proposed geochemical testing of the overburden in order to grade the material for correct allocation to a zone in the ELF to minimise the generation of acid leachate;

b) Details of the volume of contaminated sludge (from water treatment processes) and reject coal fines, and placement within the ELF to ensure its ongoing stability and the released of heavy metal;

c) ELF low permeability layer (LPL) cover design requirements, including:

i) Minimum depth of LPL based on a hydraulic conductivity of not greater than $1x10^{-8}$ m/s;

ii) Have a minimum thickness in excess of 900mm;

iii) Allowance for differential settling of underlying overburden; and

iv) LPL protection layer requirements;

The Consent Holder may apply to the Consent Authority with supporting evidence to include an alternative option of LPL.

d) A monitoring program to determine water quality from the surface of the ELF (within the protection layer above the LPL and ELF surface runoff);

e) A description of the zones within the ELF and the key properties of materials placed in these zones relevant to ELF acid generation, rehabilitation and stability;

f) An outline of the processes and controls, including record keeping, to be used to ensure the correct placement of all material placed in the ELF in order to manage acid generation and ensure ELF stability;

g) A description of highwall construction methodology;

h) A description of the means by which the ELF will be integrated with the surrounding existing topography and adjacent forest where applicable;

i) Any other matters required to be addressed to manage the ELF in accordance with the ELF design and conditions of consent;

j) A description of the documentation and information management and approvals processes to be used in implementing the plan, and a description of the process for monitoring ELF performance including final design and performance of the LPL outlined in (c) and non-conformance reporting and changes to the plan based on monitoring activity;

k) An organisation chart showing the staff positions responsible for plan implementation, including a brief summary of responsibilities relevant to the plan, such that the provisions of the plan can be implemented at all times; and

l) A training schedule for staff and contractors.

2.2.3 Mine Site Water Management Plan

117. A Mine Site Water Management Plan shall be prepared that sets out the stormwater, mine influenced water, and leachate collection, treatment and disposal practices and procedures to be adopted to ensure that the 5% threshold limit is met and in order that compliance with the conditions under resource consents RC10193/4, RC10193/5, RC10193/6 and RC10193/7 can be achieved and the effects of water discharges are minimised through best practicable options.

118. The Mine Site Water Management Plan shall as a minimum address the following matters:

a) Operation and maintenance of stormwater, mine influenced water and leachate collection and treatment facilities during the construction, mine operation and post-mining phases, including operational procedures for the excavation and maintenance of all diversion drains, collection drains, sumps, water storage dams, settling ponds and discharge drains;

b) Water Treatment Plant Operations Manuals detailing procedures for the operation and maintenance of the water treatment plants including:

i) Procedures for plant operation and maintenance;

ii) Solids disposal methods (including final destination);

iii) The discharge system into Whareatea River;

c) Training and supervision of treatment plant operators;

d) The operation of the on-site sewage storage system; and

e) Monitoring, complaints and reporting procedures for groundwater and surface water discharges during the mine operation and post-mining phase.

2.2.4 Mine Site Rehabilitation Management Plan

119. A Mine Site Rehabilitation Plan shall be prepared, in consultation with the Department of Conservation, to achieve an outcome generally in accordance with the Concept Rehabilitation Plan in Appendix 3 of these conditions and in accordance with the following objectives:

a) In the short-term to create stable landforms by establishing a indigenous vegetation cover and erosion-resistant surfaces that have physical and chemical characteristics that favour growth of sustainable plant communities and manage runoff and sediment generation;

b) In the medium to long-term, to establish self-sustaining ecosystems similar in plant and animal species diversity and function to undisturbed indigenous ecosystems adjacent to the site. In relation to stream function, the rehabilitation objective is for stream channel width to match the expected flow and for stream channels to be constructed so as to reflect existing channel complexity, including sinuosity and the removal of culverts where practicable;

c) To minimise the potential for generation of acid mine drainage;

d) To prevent weeds and pests invading the site so far as is reasonably practicable, and otherwise to eradicate or control weeds and pests on the site; and

e) To develop a vegetation cover at the perimeter of the mine to help the constructed landforms blend into the adjacent landscape and prevent erosion and sediment generation.

120. The Mine Site Rehabilitation Management Plan shall, as a minimum, address the following:

a) How the rehabilitation objectives set out in Condition 119, including objectives for the completion of each area in accordance with the criteria in Condition 26(a) are to be achieved; and rehabilitation methods in light of the constraints placed on rehabilitation planning at the mine, including constraints on vegetation growth, climatic constraints, slopes, aspects and local soil and overburden characteristics;

b) The overall design of the rehabilitated landscape, taking into account the need to provide:

i) Terrestrial habitat linkages, including habitat on the highwall benches adjacent to forest areas;

ii) Aquatic habitat linkages enabling in-stream flora and fauna to re-establish in new stream channels;

iii) For vegetation direct transfer and effective soil replacement and revegetation;

iv) For seed and plant resources to be genetically sourced from the locality or the Denniston Plateau from at least 500 m above sea level;

v) Varied topography, across the ELF to create a topographic pattern that integrates with surrounding existing topography and avoids an engineered appearance;

vi) For partial reinstatement of the catchment divide between the Whareatea River and Cascade Creek; and

vii) Rehabilitation procedures that will maximise the blending of the rehabilitated features within the adjacent landscapes.

c) Revegetation techniques shall include the following methods:

i) Vegetation direct transfer of pakihi, scrub, and mixed podocarp/beech forest where practicable;

ii) Transplanting of salvageable plants and small clumps of vegetation where practicable;

iii) Salvage, stockpile and re-spread where practicable soil and woody forest vegetation as slash and woody stumps and logs from steep rocky and bouldery escarpments and stream gullies, onto moderately steep soiled areas and steep ELF slopes;

iv) Seed engineered rocky faces and angle-of-repose ELF-slopes with colonising plants (based on mosses and lichens) and seeds of appropriate native species;

v) Fertilized plantings of nursery-raised plants into mixed soil and/or waste rock fines, with a roughened surface with microsites and scattered boulders, to make up the short-fall in available soil and plant resources; and

vi) Wetland and riparian revegetation plantings around permanent water bodies and waterways.

d) The management practices associated with the identification, prioritisation, salvage, stripping and stockpiling of all rehabilitation resources identified above;

e) Methods for monitoring the success of rehabilitation of indigenous plant species on major landforms and vegetation types, following establishment and at least three yearly intervals until rehabilitation closure. Methods shall include species present and percentage cover distribution. Trigger point methods for active intervention, including blanking, following each monitoring exercise shall be included;

f) The means by which the information gathered on preferred *Powelliphanta patrickensis* habitat during the annual collections as required by Condition 64(a) will be incorporated into the rehabilitation plan to provide, where practicable, for Powelliphanta habitat;

g) The definition of rehabilitation closure in accordance with the stated target in Condition 26(a);

h) An organisational chart showing the staff positions responsible for plan implementation, including a brief summary of responsibilities relevant to the plan such that provisions of the plan can be implemented at all times;

i) A training schedule for staff and contractors; and

j) Provision for fire protection.

2.2.5 Mine Closure Plan

121. Within 12 months of undertaking any mining activities authorised by these consents, the Consent Holder shall prepare a Mine Closure Plan that sets out the practices and procedures to be adopted to ensure that closure of the site can be achieved in accordance with the conditions of these consents, including the stated targets in Condition 26(a), (b) and (c).

122. The Mine Closure Plan shall address:

a) The design and development of a new drainage system including passive treatment for the ELF directing clean runoff to the Whareatea River and its existing tributaries and to V8 and V37 Creeks;

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

c) The water management steps required at mine closure to address acid mine drainage;

d) The structures (including ELFs) that will remain after mine closure;

e) Any continued rehabilitation, monitoring, and weed, pest and fire control required post mine closure; and

f) An organisation chart showing the positions responsible for plan implementation, including a brief summary of responsibilities relevant to the plan, such that the provisions of the plan can be implemented at all times.

2.3 Soil Conservation and Sediment Control

123. The Consent Holder shall notify the Consent Authorities two weeks prior to any earthworks being undertaken that have not been included in the latest Annual Work Plan.

124. Where practicable, all stormwater runoff shall be directed through sediment control facilities prior to discharge to natural watercourses.

125. The Consent Holder shall manage erosion and sediment generated from construction and mining works authorised by these consents in accordance with the Construction and Earthworks Management Plan and the Mine Site Water Management Plan submitted to the Consent Authorities.

126. There shall be no mining undertaken until such time as the Mine Influence Water – Water Treatment System is constructed and operational.

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

128. The Consent Holder shall avoid, to the greatest extent practicable, sidecasting and spillage of material:

a) Alongside the coal haul road;

b) Over the escarpment into the V37 and V8 catchments; and

c) Outside the crest of the active mine pit.

129. All roads shall be adequately serviced with watertables, cut-offs and culverts to control surface water runoff and minimise the scouring of road surfaces, watertables, cut-offs and culvert outfalls.

130. The Consent Holder shall remove sediment/fines from the sediment control facilities as required, to ensure the effective operation of those facilities.

2.4 Vegetation and Flora

131. When exercising these consents, the Consent Holder shall ensure that all vegetation clearance and rehabilitation is progressive and that the smallest practical area is cleared using methods that cause least disturbance to vegetation outside the areas being cleared.

132. The mine boundary (including allowance for perimeter benching, safety vegetation clearance and drainage) shall be marked and maintained to delineate work areas and prevent any unnecessary disturbance of vegetation.

133. The Consent Holder shall, as far as practicable, salvage all topsoil, vegetation, and organic matter from areas to be disturbed.

134. Vegetation and flora shall be handled, stored and used for rehabilitation or direct transferred in accordance with the Mine Rehabilitation Management Plan outlined in Conditions 119 and 120; and the rehabilitation Conditions 141 to 148.

135. The Consent Holder shall, as far as practical, control dust on the coal haul road so as to minimise effects on flora.

2.4.1 Red Mistletoe

136. The Consent Holder shall undertake a red mistletoe (*Peraxilla tetrapetala*) survey during the mistletoe flowering period (the period between mid December to mid-January) to find whether further red mistletoes occur inside the mine site, in addition to the one identified in the application document dated 31 August 2010.

137. The Consent Holder shall investigate the feasibility of: transplanting any red mistletoe (including host trees) to an area outside the mine site or within the ELFs; and protecting a new off-site population of an equivalent number if transplanting is not viable (which may include collaring of host trees and/or predator control to enhance bird pollination and dispersal success). The Consent Holder shall monitor the transplanted plants and actively manage their survival where practicable and report findings with regard to the monitoring to the Consent Authority.

2.4.2 Other Rare and Distinct Flora

138. Prior to undertaking any activities authorised by these consents, the Consent Holder shall survey for *Sticherus flabellatus*, and *Pseudowintera traversii*, and shall if practicable transplant these species using direct transfer methods to an area outside the mine site or within the ELFs. The Consent Holder shall monitor the transplanted plants and actively manage their survival where practicable and report findings with regard to the monitoring to the Consent Authority.

2.5 Finished Landforms

139. As far as practicable, the topography of the finished ELF shall integrate with the surrounding existing topography.

140. The finished topography shall achieve an outcome generally in accordance with the Concept Rehabilitation Plan in Appendix 3, including limiting rock fields to the extent shown.

2.6 Rehabilitation

141. The Consent Holder shall implement the requirements and measures set out in the Mine Site Rehabilitation Plan and the Mine Closure Plan required by Conditions 119 to 122 during, and where necessary, following mine closure.

142. The Consent Holder shall translocate, as far as practicable, existing streamside vegetation in areas to be stripped to the banks of new stream channels in the ELF.

143. Where practicable, pakihi, scrub vegetation and forest vegetation shall be salvaged with root plate soil attached and directly transferred or stored in stockpiles.

144. Where practicable, stumps and logs shall be stored separately from vegetation and soil materials.

145. Rehabilitated areas shall be signposted and barriers constructed to exclude vehicle traffic.

146. Blanking (repeat planting) shall occur where there is unsatisfactory (e.g., less than 80%) survival of plants or regeneration from root plates after five years.

2.6.1 Rehabilitation Monitoring

147. The Consent Holder shall establish permanent photo-points for the purpose of monitoring general revegetation progress on representative areas of each of the following rehabilitated vegetation types:

    a) Mixed podocarp/beech forest;

    b) Scrub;

    c) Pakihi; and

    d) Soiled, planted and transplanted areas.

148. The revegetation monitoring transects shall as a minimum include 50 metre long transects, with annual measurements of plant density, species diversity and vegetation cover. Monitoring transects shall continue until rehabilitation targets in Condition 26 (Table 1) at deemed to be meet by the Consent Authorities.

2.7 Aquatic Ecosystems and Water Management

2.7.1 Mining Stormwater Management

149. The Consent Holder shall adopt best practical options for stormwater management in accordance with the Construction and Earthworks Management Plan and all erosion and sediment control measures shall be designed in general accordance with ECan 2007 following adaption for rainfall conditions at Denniston Plateau. Where additional guidance is sought, reference shall be made to the ARC 1999.

150. Mining shall not commence until the Mine Influenced Water Treatment Plant (MIW-WTP) has been commissioned.

151. The Consent Holder shall divert all clean surface water away from disturbed areas into tributaries of Cascade Creek or the Whareatea.

152. Except as provided in Condition 155, stormwater, mine influenced water and leachate from all disturbed areas including the ELFs and pit floor shall be collected, and undergo at least primary treatment in the MIW-WTP surge sump.

153. The Consent Holder shall manage the water treatment system to avoid, where practicable, untreated discharges (including during storm events) to the Whareatea River.

154. The Consent Holder shall install a MIW surge sump and MIW-WTP capable of holding and treating MIW and will ensure that MIW is not able to bypass the surge sump and treatment system more than 5% of the time (as calculated over a year).

155. Notwithstanding Condition 152, stormwater runoff from benching areas and ELFs generated outside the MIW collection system shall be collected and settled in a primary settling system prior to discharging into tributaries of Cascade Creek or Whareatea River.

2.7.2 MIW-WTP Discharge to Whareatea River at or about MIW/Haul Rd

Location

156. The discharge point of water and contaminants discharged from the MIW-WTP into Whareatea River shall be located at or about MIW/Haul Rd-D as shown on the Plan in Appendix 4.

Compliance Limits

157. There shall be no MIW-WTP discharge post construction that causes or results in any of the following effects at W-M2 compliance monitoring point:

    a) Conspicuous oil or grease films, scums or foams, or floatable or suspended materials;

    b) Conspicuous change in the colour of visual clarity;

    c) Emission of objectionable odour;

    d) Significant adverse effects on aquatic life.

    Advice Note: The MIW-WTP does not include the stormwater surge sump bypass during storm events.

158. The discharge to Whareatea River post construction shall meet the compliance limits listed in Table 2 at monitoring point W-M2.

Table 2: Receiving Waters Compliance Limits at monitoring Site W-M2

Parameter	**Compliance Limits**
pH	Shall not fall outside a range of 4.5 – 7.2
Total Suspended Solids	15 mg/m^3 Rolling Median
Turbidity	15 NTU Rolling Median
Iron	1 mg/L Median
Aluminium	0.5 mg/L Median
Zinc	0.1 mg/L Median
	95%ile concentration not to be exceeded
Total Suspended Solids	30 mg/L
Turbidity	30 NTU
Dissolved Iron	2 mg/L
Dissolved Aluminium	2 mg/L
Dissolved Manganese	1.2 mg/L
Dissolved Nickel	0.05 – 0.15 mg/L
Dissolved Zinc	0.2 mg/L

159. In addition to the compliance limits for individual trace metals set out in Table 2 above, the combined concentrations of dissolved Fe, Al, Mn, Ni and Zn concentrations shall not exceed 2.5 mg/L in total for any single sampling occasion.

Monitoring

160. The Consent Holder shall undertake a water quality monitoring programme of the discharge receiving waters in accordance with Table 3. Receiving water monitoring shall commence prior to construction. Discharge monitoring shall commence when

discharges from the MIW-WTP commence. Monitoring shall continue until mine closure in accordance with Condition 26 (b).

Table 3: Discharge and Receiving Water Monitoring Schedule

Parameter	**Sample Type**	**Sampling Programme and Frequency**		
		Treatment Plant Discharge[1] at MIW-D	**Receiving Waters at W-M2***	**Receiving Waters at W-M1, V8-M1, V40, W-M3***
Volume	Total (m^3)	Continuous	N/A	N/A
Rate of Discharge	Rate (L/s)	Continuous	N/A	N/A
Flow Rate	Rate(L/s)	NA	Continuous	Continuous
pH	Continuous	Continuous	Continuous	Continuous
Acidity	Discrete	Weekly	Weekly	Weekly
Conductivity	Continuous	Continuous	Continuous	Continuous
Total Suspended Solids	Discrete	Weekly	Weekly	Weekly
Turbidity	Continuous /discrete	Continuous	Continuous	Continuous
Hardness	Discrete	Weekly	Weekly	Weekly
Dissolved Organic Carbon	Discrete	Weekly	Weekly	Weekly
Dissolved Calcium	Discrete	Weekly	Weekly	Weekly
Dissolved Magnesium	Discrete	Weekly	Weekly	Weekly
Dissolved Iron	Discrete	Weekly	Weekly	Weekly
Dissolved Aluminium	Discrete	Weekly	Weekly	Weekly
Dissolved Arsenic	Discrete	Weekly	Weekly	Weekly
Dissolved Manganese	Discrete	Weekly	Weekly	Weekly
Dissolved Nickel	Discrete	Weekly	Weekly	Weekly
Dissolved Zinc	Discrete	Weekly	Weekly	Weekly
Dissolved Cadmium	Discrete	Weekly	Weekly	Weekly
Dissolved Chromium	Discrete	Weekly	Weekly	Weekly
Dissolved Copper	Discrete	Weekly	Weekly	Weekly
Dissolved Lead	Discrete	Weekly	Weekly	Weekly

Notes to Table 3:

Weekly samples: For the purposes of sampling on a "weekly" basis, samples shall be collected every eight days (this is to ensure samples are not collected on the same day every week).

161. The Consent Holder shall place a Sonde meter/recorder unit at W-M2 and W-M3 to monitor flow, pH, turbidity and conductivity on a continuous basis.

162. The Consent Holder shall maintain the existing flow recorder on V40 Stream until after mine closure, for the purpose of understanding the relationship between rainfall and runoff, and to compare pre-mining and post mining flows.

163. Any continuous monitoring equipment shall be calibrated at least monthly via discrete samples.

164. The collection and analysis of all samples collected in accordance with these conditions (excluding aquatic ecology monitoring) shall be undertaken using standard methods for the Examination of Water and Wastewater (21st Ed. 2005) APHA, AWWA and WEF, or equivalent or superseding methods.

Aquatic Ecology Monitoring

165. The Consent Holder shall undertake aquatic ecology monitoring in accordance with the schedule specified in Table 4. The monitoring shall be designed and undertaken by an independent suitably qualified and experienced freshwater biologist.

Table 4: Aquatic Ecology Monitoring Programme

Parameter	Type of Analysis	Frequency	Monitoring Sites
Benthic Macro-invertebrates	Taxonomic composition and relative abundances including MCI, numbers of E, P, and T, and species richness.[1]	Twice Annually.	W-M2 and W-M3
Benthic Algae	Qualitative assessment of the thickness and percentage cover of dominant type of benthic algae.[2]		
Fish	Taxonomic composition and abundances.[3]	Once every 5 years during the period December to February.	

Notes to Table 4:

1 MCI = Macro-invertebrate Community Index

E Ephemeroptera (mayflies)

P Plecoptera (stoneflies)

T Trichoptera (caddisflies)

2 Monitoring of algae shall include photographs of the creek bed where appropriate.

3 Qualitative survey only

2.7.3 Site Specific Criteria

166. The Consent Holder shall develop site specific compliance limits in relation to the Whareatea catchment for the metals listed in Table 2. The programme required to develop such site specific values shall include laboratory based toxicological studies using local organisms occurring in the Whareatea catchment, including macroinvertebrates, koura, native fish and trout.

167. The Consent Holder shall continue to monitor rainfall at a similar altitude and location to the rainfall recorder established at Lake Brazil on the Denniston Plateau.

168. The information developed by the Consent Holder and any recommendations relating to compliance limits in Condition 169 shall be provided to Consent Authority within one year of the date of first exercise of these consents.

169. Any recommended changes to the compliance limits in Condition 158 shall be peer reviewed by an independent, suitably qualified and experienced water quality expert to verify the appropriateness of these recommended changes. All recommended changes verified to be appropriate, shall be implemented immediately after the Consent Holder has been notified in writing by the Consent Authority of the changed (new) compliance limits that the mine water discharges shall now meet.

2.8 Overburden Classification and ELF Management

170. The Consent Holder shall carry out geochemical sampling and analysis of the overburden to confirm the acid generating potential of rock types. Rock types shall be classified according to Table 5.

Table 5 Classification by Chemistry

Classification	**Test Criteria**
Non-Acid	Paste pH>4.5 and; NAG pH>4.5 and; NAPP acidity <0kg/t $CaCO_3$
Low-Risk	Paste pH>4.5 and; NAG pH >4.5 NAPP acidity < 5kg/t $CaCO_3$
Acid-Forming	Paste pH<4.5 NAG pH<4.5 NAPP acidity >2kg/t $CaCO_3$

171. When material has been classified according to Table 5, it may be transferred to a disposal location (ELF) according to the criteria in Table 6.

Table 6: Disposal by Geochemical Classification

Material Destination or Zone	**Material Description**
Bulk overburden	Any material. Preferably only acid-forming material to maximise volume management.
Final ELF capping material	NAF or separate into acid-forming material to maximise volume management
Lift capping	Low risk
Re-vegetation layer	Low-acid and soils
Surface drainage channels (closure)	NAF or low risk/alkaline mix so as to meet the NAF criteria

Road fills	Non-acid or Low-risk

172. No overburden shall be removed or disposed unless it has been classified and provision made for its acceptance at destination locations in accordance with Table 6 and the protocols outlined in the ELF Management Plan.

2.8.1 Engineering specifications

173. Before commencing mining activities, the Consent Holder shall commission a suitably qualified and experienced chartered engineer to prepare a design for the construction of the ELF. The investigation and design shall include but is not limited to:

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

    b) ELF proportions and dimensions including side and top slopes;

    c) Overburden placement procedures to enhance surface drainage and the construction of capping layers;

    d) The seepage interception and drainage system;

    e) Recommendations for monitoring and construction of the ELF and any leachate from it.

174. The Consent Holder shall adopt best practical options for stormwater management in accordance with the Construction and Earthworks Management Plan and all erosion and sediment control measures shall be designed in general accordance with ECan 2007 following adaption for rainfall conditions at Denniston Plateau. Where additional guidance is sought, reference shall be made to the ARC 1999.

175. On completion of the design required by Condition 173, the Consent Holder shall provide to the Consent Authority a report containing the proposed design for the construction of the ELF.

176. Evidence of the compliance with Condition 174 and the designs and recommendations in the report required by Condition 175 shall be submitted to the Consent Authority in the form of a certificate from an independent suitably qualified and experienced chartered engineer:

    a) At the end of the construction phase;

    b) Annually during mining; and

    c) At mine closure.

2.9 Natural Hazards

177. The Consent Holder shall establish a 10 metre buffer between the mine footprint (including the ELF) and the edge of the southern escarpment (Cascade Valley). The buffer zone shall be clearly identified on the ground and all practicable measures taken to ensure no material is released into this area.

2.10 Historic Heritage

178. The Consent Holder shall implement the requirements and measures set out in the Historic Heritage Management Plan required by Condition 46.

179. The Consent Holder shall install, at a suitable location near the CPP, historic heritage interpretation panels with respect to the historic mines within the mine footprint. The panels shall be established as soon as possible following the granting of consents.

180. The Consent Holder shall ensure that all historic underground mines are recorded and mapped, where practicable and safe, as they are revealed by construction and mining activity.

181. The Consent Holder shall ensure that any loose artefacts and excavated material of historic heritage significance uncovered in the course of construction and mining activity is identified, reported and managed in accordance with the Accidental Discovery Protocol required as part of the Historic Heritage Management Plan.

182. All staff and contractors working on the project shall be made aware of the potential to locate isolated historic sites associated with mining, and the protocols to follow should this occur.

2.11 Amenity

2.11.1 Noise

183. Construction activities shall be conducted in accordance with the requirements of *NZS 6803:1999 "Acoustics – Construction Noise*" and shall comply with the limits for construction noise set out in Table 2 of that Standard.

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

185. The site shall be designed and managed to ensure the following noise levels are complied with as measured at the boundary of any land used for a residential activity:

Monday to Friday – 8:00am to 11:00pm	55dBA L_{eq}
Saturday – 8:00am to 6:00pm	55dBA L_{eq}
At all other times including any public holiday	45dBA L_{eq} and 75dBA L_{max}

186. Within one month of commencing mining the noise from the site shall be monitored by a suitably qualified and experienced person and the results provided to the Consent Authority within ten working days of undertaking the monitoring. The monitoring shall be representative of the varying noise levels emanating from the different site activities to demonstrate that the site complies with the noise levels specified in Condition 185. This monitoring shall be referred to as the Commissioning Noise Survey. On the first anniversary of the Commissioning Noise Survey a further noise compliance assessment shall be performed with the report provided to the Consent Authority.

187. Sound levels shall be measured in accordance with New Zealand Standard 6801: 2008 "Measurement of Environmental Sound" and assessed in accordance with the provisions of New Zealand Standard 6802: 2008 "Acoustics – Environmental Noise".

188. Additional noise monitoring shall be conducted at any time upon a reasonable request from the Consent Authority. Where any non-compliance is recorded, the Consent Authority is to be advised within one working day and advised on what remedial steps will be taken and when they will be completed. Once the remedial work has been completed, noise shall be monitored and the results reported to the Consent Authority within 10 days.

2.11.2 Blasting

189. A programme of blasting times shall be notified publicly by way of notice erected at the road entrance to the mine area and by public advertisement to local residents,

DoC and the Consent Authorities prior to any such blasting taking place and at regular intervals not exceeding twelve months thereafter.

190. Blasting shall be restricted to the hours between half an hour after sunrise to half an hour before sunset.

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

192. During blasting the Consent Holder shall ensure that air blast overpressure conforms with the recommendations outlined in the Australian Standard AS2187.2-2006 “Explosives – Storage and Use”; whereby all noise created by the use of explosives measured at a notional boundary from any residence shall not exceed a peak overall sound pressure of 120dB linear peak for 95% of the time, with a maximum peak of 125 dB. For the purpose of this condition, the notional boundary shall be a point 20 metres from the most exposed facade of any private residence not owned by the Consent Holder.

193. During blasting the Consent Holder shall ensure that ground vibration limits conforms to the recommendations outlined in the Australian Standard AS2187.2-2006 “Explosives – Storage and Use”; whereby peak particle velocity does not exceed 10 millimetres per second, at any private residence not owned by the Consent Holder.

194. At the commencement of blasting, monitoring of representative blasts by an appropriately qualified and experienced person shall be undertaken to ensure compliance with Conditions 189 to 193 above. The monitoring results shall be reported to the Consent Authority within seven working days.

3 Denniston Plateau Coal Processing and Transport Conditions

3.1 Management Plans

3.1.1 Coal Processing Plant Water Management Plan

195. Prior to undertaking any mining activities authorised by these consents, the Consent Holder shall provide to the Consent Authority for certification a Coal Processing Plant Water Management Plan (CPP WMP). The Plan shall set out the stormwater collection, treatment and disposal practices and procedures to be adopted in order that compliance with the conditions under resource consents RC10193/12, RC10193/13, RC10193/14 and RC10193/15 can be achieved and the effects of water discharges are minimised through best practicable options.

196. Mining activities shall not commence until the CPP WMP required in Condition 195 has been certified by the Consent Authority. If the Consent Authority has not advised the Consent Holder in writing whether it has certified the Management Plan within two months of receipt of the Management Plan, then the Consent Holder may commence activities in accordance with the Management Plan unless the Consent Authority advises the Consent Holder that it refuses to certify the Management Plan on the grounds that it fails to meet one or more conditions of consent.

197. The CPP WMP shall as a minimum address the following matters:

    a) Operation and maintenance of stormwater collection and treatment facilities during construction and operation including operational procedures for the excavation and maintenance of all diversion drains, collection drains, sumps, water storage dams, settling ponds and discharge drains;

    b) Water Treatment Plant Operations Manuals detailing procedures for the operation and maintenance of the water treatment plant including:

        i) Procedures for plant operation and maintenance;

        ii) Solids disposal methods (including final destination); and

        iii) The discharge system into Whareatea River;

    c) Training and supervision of treatment plant operators;

    d) The operation of the on-site sewage storage system; and

    e) Monitoring, complaints and reporting procedures.

198. Subject to any other conditions of these consents, all activities shall be undertaken in accordance with the latest version of the CPP WMP.

199. The CPP WMP shall be reviewed annually by the Consent Holder and may be amended accordingly to take into account:

    a) Any required actions identified as a result of monitoring under these consents; and

    b) Any changes required as a result of actions identified in the Annual Environmental Monitoring Report.

200. The CPP WMP shall not be amended in a way that contravenes the matters set out in Condition 197.

201. A copy of the latest version of the CPP WMP shall be kept on site at all times and all key personnel shall be made aware of the contents of the plan.

3.2 Vegetation and Flora

3.2.1 Water Supply (Pump Station, Pipeline and Powerline)

202. The Consent Holder shall minimise disturbance of vegetation and soil to the fullest extent practicable. Measures to achieve this shall include where practicable:

    a) Access tracking associated with installation of pipelines shall not exceed four metres in width;

    b) Placing the water pipeline on land already cleared within the Cedar Creek Road berm, where the berm is not required for vehicle access;

    c) Minimising clearance width within the forest ascending onto the escarpment (from Coalbrookdale Historic Area) to only that required for the effective installation and maintenance of the pipeline;

    d) Avoiding soil disturbance in preparing the ground surface for water pipeline installation;

    e) Where the water pipeline route is on steep slopes (greater than 1V:3H) using pipeline installation techniques that avoid earthworks and/or the importing of base materials;

    f) Selecting powerline pole sites on flat or gentle slopes and away from gullies and waterways;

    g) Designing the powerline to minimise the need for initial vegetation clearance and subsequent maintenance underneath the powerline; and

    h) Installation of the powerline poles using a helicopter if they would otherwise necessitate access tracking (e.g. installation on nearby high points).

    Advisory note: The restriction outlined in Condition 202(a) does not include passing bays required for safe passage of vehicles.

203. Where practicable, the Consent Holder shall use locally sourced Brunner coal measures rock (assessed as NAF) as base materials for any road or platform construction, to minimise the effects of raised soil pH and fertility that would alter vegetation growing conditions if other materials are used.

204. The Consent Holder shall where practicable, avoid the red tussock wetland (approximately NZTM 1502391 5377229) and areas of well vegetated *Chionochloa juncea* grassland in preference for sparsely vegetated grassland or rock pavement.

205. The Consent Holder shall explore options to avoid construction of the pipeline access track on sandstone pavement between Coalbrookdale Ridge and the Coal Processing Plant to avoid and mitigate effects on *Chionochloa juncea*.

206. The Consent Holder shall remove the freshwater pipeline and 33 kV powerline and rehabilitate sites in consultation with the Department of Conservation once this infrastructure is no longer required or upon expiry of consent.

207. Where practicable, a riparian margin shall be maintained between the pump station and the Waimangaroa River and the water storage tanks shall be appropriately screened with planted indigenous vegetation.

208. The Gravel Borrow pit shall be contoured and re-vegetated (using VDT if practicable) after pump station construction.

3.2.2 Coal Processing Plant Site and Freshwater Dam and Reservoir

209. The Consent Holder shall to the fullest extent practicable:

    a) Avoid disturbance of the forest remnants and wetland in the south section of the CPP facilities area and the Recycle Pond. Where disturbance is necessary,

the disturbed vegetation shall be used to rehabilitate disturbed areas within the CPP site or for VDT offsite;

b) Use locally sourced Brunner coal measures rock (assessed as NAF) for base materials for coal processing structures and facilities, to minimise the effects of raised soil pH and fertility that would alter vegetation growing conditions if other materials are used;

c) Direct transfer *Chionochloa juncea* grassland and manuka shrubland that would be cleared for the CPP and freshwater dam and reservoir site to the dam face bench area, into the 680 ha Thin/No Coal Area (as shown in Appendix 2) or to a suitable site within the mining permit;

d) Survey for *Euphrasia wettsteiniana* and investigate the feasibility of transplanting this plant into parts of the wetland outside the CPP area, or elsewhere into nearby suitable habitat;

e) Minimise fire risk during dry periods from fuel storage, plant and vehicle operation and other site use by implementing appropriate maintenance and operational care measures; and

f) Except as provided for by Condition 210, on de-commissioning of the CPP, the Consent Holder shall remove all plant and associated structures, and rehabilitate the site in consultation with the Department of Conservation.

210. When the CPP is no longer required, the Consent Holder shall rehabilitate the Freshwater Reservoir and Recycle Pond using one of the following methods (either option could be used for either pond):

a) Remove the pond and rehabilitate the site in accordance with suitable methods and outlined in the Mine Site Rehabilitation Plan; or

b) Fill the pond with appropriate material, creating suitable drainage to manage erosion and revegetate the site using indigenous species propagated from the Denniston Plateau to achieve either a fully drained rehabilitated landscape or a wetland rehabilitated landscape.

3.2.3 Widening of the Whareatea Mine Coal Haul Road and 11kV Powerline to the Mine

211. During construction of the Coal Haul Road, the Consent Holder shall minimise the loss of natural vegetation including *Chionochloa juncea* grassland, manuka shrubland, mountain beech forest) consistent with the following objectives:

a) Minimising the width of the road and berm areas, including cut and fill slopes; and

b) Where practicable, confining machinery and earth movement to the footprint of the road works.

212. The Consent Holder shall plan rehabilitation of disturbed surfaces in preferential order as follows:

a) Direct transfer of existing vegetation and substrates on Brunner coal measures to newly created surfaces

b) Relocate transplants salvaged from pre-strip blocks into freshly stripped mine soil to provide growing medium;

c) Use ecologically sourced nursery seedlings to vegetate freshly stripped mine soil;

d) Hydro-seed steeper batters with colonising plants (based on mosses and lichens) and seeds of appropriate native species; and

e) Utilise woody vegetation material from VDT cut over as slash to protect soil from erosion.

213. Use locally sourced Brunner coal measures rock (assessed as NAF) for base materials for the mine haul road to minimise the effects of raised soil pH and fertility that would alter vegetation growing conditions if other materials are used.

3.2.4 Coal transport Pipeline and 33kV Powerline

214. The Consent Holder shall minimise disturbance of vegetation and soil where practicable. Measures to achieve this shall include, where practicable:

a) Placing the coal transport pipeline on existing tracks;

b) Minimising soil disturbance in preparing the ground surface for coal transport pipeline installation;

c) Installation techniques that avoid earthworks and/or the importing of base materials where the coal transport pipeline route is on steep slopes (greater than 1V:3H) or on areas where there is a high or very high risk of rainfall induced landslides;

d) The construction of coal transport pipeline route on steep slopes (greater than 1V:3H) or on areas where there is a high or very high risk of rainfall induced landslides shall be supervised by a geotechnical engineer who has been certified by the consent authority as being:

i) Suitably qualified; and

ii) Independent;

e) Placing the dump ponds on modified areas, and avoiding riparian areas and steep slope;

f) Selecting powerline pole sites on flat or gentle slopes and away from gullies and waterways;

g) Designing the powerline to minimise the need for initial vegetation clearance and subsequent maintenance underneath the powerline; and

h) Installation of the powerline poles using a helicopter if it would otherwise necessitate access tracking (e.g. installation on nearby high points).

215. The Consent Holder shall use locally sourced Brunner coal measures rock (assessed as NAF) for base materials for the coal transport pipeline bedding, to minimise the effects of raised soil pH and fertility if other materials are used that would alter vegetation growing conditions.

216. The Consent Holder shall direct transfer any surplus natural vegetation (including manuka shrubland and *Chionochloa juncea*) with soil intact to nearby old vehicle tracks, to rehabilitate these.

217. The Consent Holder shall minimise fire risk from the electricity powerline use by including cut out systems to cut off power in the event of a line earthing or a lightning strike or earthquake.

218. The Consent Holder shall remove the coal transport pipeline and 33 kV powerline and rehabilitate sites once this infrastructure is no longer required. Rehabilitation shall be carried out in consultation with the Department of Conservation.

3.3 Fauna

219. The Consent Holder shall, where practicable:

a) Retain pockets of taller vegetation (e.g. in gullies) and large trees (>60 cm dbh) as these provide important habitat or microhabitat for some species of fauna (e.g. kiwi, kaka, riflemen, bats and invertebrates);

b) Construct ramps or underpasses for kiwi and weka along the water supply and coal transport pipelines, if they impose a barrier to these ground dwelling birds;

c) Maintain a natural forest or scrub edge at the CPP area to provide habitat for Powelliphanta snails, weka and fernbird;

d) Prohibit dogs from the CPP area (by publicity, notice boards, and signs), to provide protection for kiwi, weka and other birds;

e) Reduce the potential for road kills on kiwi and weka by imposing a speed restriction of 50 kilometres per hour, establishing road signs, and appropriately inducting staff with regard to this issue;

f) Carry out pest and predator control along roads and other access ways to offset any potential increases in pest animals;

g) Use modern noise-reduced equipment to reduce noise effects on fauna; and

h) Focus and shade outdoor lighting to minimise glare and distraction for birdlife.

3.4 Landscape and Natural Character

3.4.1 Water Supply (Pump Station, Pipeline and Powerline)

220. The Consent Holder shall paint the pump station in a colour that camouflages it within the existing vegetation.

221. Any steel pipe used in the coal transport pipeline shall be left to either weather naturally or painted with a colour that camouflages the pipe within the existing vegetation. Plastic pipes shall blend into the colour of the surrounding environment to the fullest extent practicable.

3.4.2 11kV Powerline

222. Where practicable, the Consent Holder shall utilise the existing Cedar Creek Road powerline poles from Denniston to the Freshwater Pump Site.

223. New powerline poles shall be made of timber and left to weather naturally.

3.4.3 Coal Preparation Plant and Freshwater Reservoir

224. Vegetation shall be removed from the dam and reservoir formation area and where practicable it shall be replanted or direct transferred in preference to stockpiling.

225. The dam downstream slope shall be moulded into the existing landform and planted using vegetation direct transfer where practicable.

226. The dam downstream slope coating material shall be of a material that is either indigenous to the site or of a compatible texture and colour to the surrounding areas.

227. The building/s shall be integrated into the surrounding landscape by the use of cladding and structure colours that match the surrounds.

3.4.4 Widening of the Coal Haul Road and 11kV Powerline

228. Material from excavated cut slopes that is not used as fill shall be removed offsite and the road batters shall be compacted, grassed and revegetated or otherwise prepared as a suitable receiving surface for vegetation direct transfer.

229. Fill batter slopes shall be stabilised to prevent spillage of rock/soil down the slope.

230. Mature shrub vegetation shall be retained where practicable.

3.4.5 Coal Transport Pipeline and 33kV Powerline

231. Any steel pipe used in the coal transport pipeline shall be left to either weather naturally or painted with a colour that camouflages the pipe within the existing vegetation. Plastic pipes shall blend into the colour of the surrounding environment to the fullest extent practicable.

232. New powerline poles shall be made of timber and left to weather naturally.

3.5 Aquatic Ecosystems and Water Management

3.5.1 CPP, Coal Haul Road and Freshwater Reservoir Construction Stormwater

3.5.1.1 Construction Erosion and Sediment Control

233. The Consent Holder shall adopt best practical options for stormwater management in accordance with the Construction and Earthworks Management Plan and all erosion and sediment control measures shall be designed in general accordance with ECan 2007 following adaption for rainfall conditions at Denniston Plateau. Where additional guidance is sought, reference shall be made to the ARC 1999.

3.5.2 CPP and Mine Haul Road Operational Stormwater Management

234. Stormwater overflow from the CPP Stormwater Recycle Pond and the mine haul road runoff shall be collected, and undergo treatment in the CPP and Mine Haul Road Surface Water Wastewater Treatment Plant and Settlement Pond (SW-WTP) prior to discharge to the Upper Whareatea River.

235. The SW WTP dosing system shall be designed to treat at least 12,000 m^3 per day.

3.5.3 CPP and Mine Haul Rd SW-WTP Discharge to Whareatea River

3.5.3.1 Location

236. The discharge point of water and contaminants discharged from the SW- WTP into Whareatea River shall be located at or about MIW/Haul Rd-D and the discharge point of water and contaminants discharged from the CPP shall be located at or about CPP-D, as shown on the Plan in Appendix 4.

3.5.3.2 Compliance Limits

237. There shall be no CPP/Haul Road stormwater discharge that causes or results in any of the following at W-M2 compliance monitoring point:

    a) Conspicuous oil or grease films, scums or foams, or floatable or suspended materials;

    b) Conspicuous change in the colour or visual clarity;

    c) Emission of objectionable odour; and

    d) Significant adverse effects on aquatic life.

238. The stormwater discharge to Whareatea River shall meet the compliance limits listed in Table 2 at monitoring point W-M2.

3.5.4 Freshwater Storage Pond Discharge to Whareatea River

3.5.4.1 Location

239. When the CPP Freshwater Storage Pond is full, storm flows shall be discharged to the Whareatea River at or about Grid Reference (NZMG) 2408796.2 E, 5937526.1 N (FW-D), as shown on the Plan in Appendix 4.

3.5.4.2 Compliance Limits

240. There shall be no Freshwater Storage Pond discharge that causes or results in any of the following at W-M2 compliance monitoring point:

    a) Conspicuous oil or grease films, scums or foams, or floatable or suspended materials;

    b) Conspicuous change in the colour or visual clarity;

    c) Emission of objectionable odour; and

    d) Significant adverse effects on aquatic life.

241. The discharge to Whareatea River shall meet the compliance limits listed in Table 2 at monitoring point W-M2.

3.5.5 Waimangaroa Water Take

242. The maximum rate of water take from the Waimangaroa River shall not exceed 140 litres per second, with the intake located at or about Grid Reference (NZTM) 1503423mE 5377438mN. The water taken shall be stored in a Freshwater Storage Reservoir shown as WS 670 RL in Appendix 4 of the application dated 31 August 2010.

243. The rate of take shall be reduced on a pro rata basis when the flow immediately upstream of the point of take is less than 286 litres per second. The take shall cease when the flow immediately upstream of the point of takes is below 146 litres per second.

3.5.5.1 Water Take and River Flow Monitoring and Recording

244. The Consent Holder shall measure and keep records in an auditable format of:

    a) The Waimangaroa River water take which shall include the following:

        i) Continuous flow measurements (litres per second);

        ii) Total volume of take per day (specifying zero when no water is taken); and

    b) Continuous Flow within the Waimangaroa River immediately upstream of the point of take.

245. To gather the data required by Condition 244, the Consent Holder shall use a water measure device or system that is:

    a) Suited to the quality of water it is measuring (e.g. its sediment content);

    b) Sealed and tamper-proof;

    c) Installed where water is taken or at an alternative location if approved in writing by the Consent Authority;

    d) Accurate to within plus or minus five per cent for water taken by a full (pressurised) pipe, or plus or minus 10 per cent for takes by open channels or partially full pipes;

e) Verified as accurate by a person who is qualified (in the Consent Authority's opinion). Verification is required initially, and then every five years; and

f) Able to provide data in a form suitable for electronic storage.

3.5.5.2 Reporting

246. The results of the monitoring in Condition 244 shall be submitted to the Consent Authority on a monthly basis at the end of each month.

247. The Consent Holder shall provide annual records of the water take and Waimangaroa flow data in an interpretative report to the West Coast Regional Council as part of the Annual Environmental Monitoring Report outlined in Condition 54.

3.6 Historic Heritage

248. The Consent Holder shall implement the requirements and measures set out in the Historic Heritage Management Plan required by Condition 46.

3.6.1 Water Supply (Pump Station, Pipeline and Powerline)

249. Where it is not possible to avoid damaging the historic powerline, the position of the entire powerline shall be recorded and the source and destination of the power shall be established. The record shall be provided to the file keeper of the NZ Archaeological Association.

250. The water supply pipeline shall be confined to Cedar Creek Road after it has crossed Burnett Stream (at the north end of Burnett's Face) and then be buried under the "Burnett's face hairpin" area and existing Cascade Mine road, until the Coalbrookdale road is reached.

251. The pipeline installation and operation shall avoid disturbance of L29/34 as identified in the Heritage Report in Volume 3 of the application submitted on 31 August 2010. L29/34 and other historic heritage sites close to the Coalbrookdale road shall be fenced off during construction (and removal) of the pipeline.

3.6.2 Coal Preparation Plant

252. The power poles located between the CPP and the Freshwater Storage Reservoir shall be recorded and where the power was coming from and going to shall be established prior to their removal. The Consent Holder shall provide records of the recovery, identification and distribution of these objects to the West Coast File keeper of the New Zealand Archaeological Association.

3.6.3 Widening of the Whareatea Mine Road and 11kV Powerline

253. The power poles located along the Whareatea Mine Road (an extension of the poles outlined in Condition 252) shall be recorded and where the power was coming from and going to shall be established prior to their removal. The Consent Holder shall provide records of the recovery, identification and distribution of these objects to the West Coast File keeper of the New Zealand Archaeological Association.

254. Whareatea Mine aerial ropeway foundations in close proximity to the coal haul road shall not be disturbed and shall be fenced off during the construction phase of the mine and associated facilities.

255. To avoid any accidental damage to the site, the Whareatea Mine Steps Entrance site will be fenced off during the construction of the road.

256. Interpretation panels about the history and significance of the Whareatea Mine Steps Entrance site and Whareatea monocable Aerial ropeway and Sullivan Mine shall be installed at a suitable location.

3.6.4 Coal transport Pipeline and 33kV Powerline

257. Where practicable, construction and operation of the coal transport pipeline shall avoid disturbance of all historic heritage features of significance associated with the Sullivan Mine site, including the drill hole, building and metal bolts outlined Volume 3 of the application dated 31 August 2010.

3.7 Amenity Values

3.7.1 Noise

258. Construction activities shall be conducted in accordance with the requirements of NZS 6803:1999 "Acoustics – Construction Noise" and shall comply with the limits for construction noise set out in Table 2 of that Standard.

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

260. The site shall be designed and managed to ensure the following noise levels are complied with as measured at the boundary of any land used for a residential activity:

Monday to Friday – 8:00am to 11:00pm	55dBA L_{eq}
Saturday – 8:00am to 6:00pm	55dBA L_{eq}
At all other times including any public holiday	45dBA L_{eq} and
	75dBA L_{max}

261. Within one month of commissioning the coal processing plant the noise from the site shall be monitored by a suitably qualified and experienced person and the results provided to the Consent Authority within ten working days of completion of monitoring. The monitoring shall be representative of the varying noise levels emanating from the different site activities to demonstrate that the site complies with the noise levels specified in Condition 260. This monitoring shall be referred to as the Commissioning Noise Survey. On the first anniversary of the Commissioning Noise Survey a further noise compliance assessment shall be performed with the report provided to the Consent Authority.

262. Sound levels shall be measured in accordance with New Zealand Standard 6801: 2008 "Measurement of Environmental Sound" and assessed in accordance with the provisions of New Zealand Standard 6802: 2008 "Acoustics – Environmental Noise".

263. Additional noise monitoring shall be conducted at any time upon a reasonable request from the Consent Authority. Where any non-compliance is recorded, the Consent Authority is to be advised within 1 working day and advised on what remedial steps will be taken and when they will be completed. Once the remedial work has been completed, noise shall be monitored and the results reported to the Consent Authority within 10 days.

3.8 Natural Hazards

3.8.1 CPP Freshwater and Recycle Water Storage Dams

264. The Freshwater Storage Dam shall be designed, constructed, operated, maintained and monitored to New Zealand Society on Large Dams (NZSOLD) "Dam Safety Guidelines, November 2000" appropriate impact category standards by a Category A Recognised Engineer. The design specification shall be supplied to the Consent Authority with the first Annual Work Plan prepared in accordance with Condition 109.

265. The CPP Recycle Water Storage Dam shall be designed, constructed, operated, maintained and monitored to New Zealand Society on Large Dams (NZSOLD) "Dam Safety Guidelines, November 2000" appropriate impact category standards by a Category A Recognised Engineer. The design specification shall be supplied to the Consent Authority with the first Annual Work Plan prepared in accordance with Condition 109.

266. The Freshwater Storage Dam and the CPP Recycle Dam proposed as part of the mine development shall be classified in accordance with the Building Act 2004 and the companion Building (Dam Safety) Regulations 2008 (or any subsequent amendments to these) and that the dam classifications shall be audited by a Category A Recognised Engineer.

267. The dam classification for the Freshwater Pond dam shall be reviewed following selection of the dam construction type and the classification review audited by a Category A Recognised Engineer.

268. The Consent Holder shall indemnify the New Zealand Transport Agency against the loss of, or damage to, the Whareatea River State Highway Bridge in the event that there is an uncontrolled release of the reservoir impounded by the CPP Freshwater Storage Dam.

3.8.2 River Crossings - Pipelines

269. Any pipeline crossing a river shall be designed to ensure:

    a) That no part of the pipeline impedes the flow of flood water or debris; and

    b) It is installed and maintained so that it results in no flooding or erosion of the bed or banks of the river.

3.8.3 Placement of Pipeline on Kawatiri Energy Limited Access Road

270. The Consent Holder shall not place the Coal Transport Pipeline on the Kawatiri Energy Limited (KEL) access track until such time that KEL have complied with the geotechnical requirements within Resource Consent RC03332/1.

3.8.4 Coal Transportation Pipeline Dump Ponds

271. The dump ponds for the discharge of the contents of the coal transport system during emergencies or maintenance shall be designed so as to provide sufficient capacity for a minimum of 1.5 times the volume of the coal transport system water and coal that can drain into the dump ponds.

272. The dump ponds shall be managed to ensure the capacity outlined in Condition 271 is maintained at all times when the pond is not in use.

273. As soon as practicable following discharge into the dump ponds from the coal transport pipeline, all recoverable coal shall be removed from the ponds.

274. There shall be no discharge of water from the dump ponds directly to water.

3.9 Air Quality

3.9.1 Denniston Plateau Coal Processing and Transport Facilities - Construction

275. In order to avoid, remedy or mitigate adverse effects on air quality, during construction of the Denniston Plateau Coal Processing and Transport facilities the Consent Holder shall:

    a) Re-vegetate areas of exposed land as soon as practical; and

b) Use water as a dust suppressant to keep un-vegetated land surfaces damp when required to avoid dust nuisance on neighbouring properties.

3.9.2 CPP Operation

276. In order to avoid, remedy or mitigate adverse effects on air quality, when the CPP site is operating the Consent Holder shall:

a) Use water as a dust suppressant on road, stockpiles and yards area, where practicable, to avoid dust nuisance on neighbouring land;

b) Maintain internal roads and yard areas by regular removal of fine coal material;

c) Where practicable, maintain wind shields or covers on equipment that generates dust.

3.9.3 Compliance Limits

277. In the event that the Total Suspended Particulate (TSP) concentration from the CPP site exceeds 120µg/m^3 (24 hour average) at the monitoring site selected in accordance with Condition 278, the consent holder shall immediately initiate dust suppression measures.

3.9.4 Monitoring

278. The Consent Holder shall continuously monitor and record TSP, wind speed, wind direction and rainfall at a site between the closest house and the proposed CPP site, in an area that is removed from trees and other structures. The TSP monitoring shall be undertaken using a nephelometer, or other instrument as agreed in writing by the Consent Authority's Consents & Compliance Manager. The monitoring gear shall be installed prior to operation of the facility.

3.9.5 Reporting

279. 24 hour average TSP concentrations shall be reported to the Consent Authority's Consents & Compliance Manager upon request, and an annual summary of TSP and meteorological results for the previous calendar year shall be forwarded to the Consent Authority as part of the Environmental Monitoring Report prepared in accordance with Condition 54.

4 Fairdown Coal Processing and Transport Conditions

4.1 Management Plans

280. Prior to undertaking any activities authorised by these consents, the Consent Holder shall provide to the Consent Authority for certification the following plans prepared in accordance with Conditions 287 to 292:

    a) Fairdown Air Quality Management Plan; and

    b) Fairdown Noise Management Plan

281. Construction activities shall not commence until the Management Plans required in Condition 280 have been certified by the Consent Authorities. If the Consent Authorities have not advised the Consent Holder in writing whether it has certified a Management Plan required under Condition 280 within two months of receipt of the Management Plan, then the Consent Holder may commence activities in accordance with the Management Plan unless the Consent Authorities advises the Consent Holder that it refuses to certify the Management Plan on the grounds that it fails to meet one or more conditions of consent.

282. Prior to the first coal being stockpiled, the Consent Holder shall provide to the Consent Authority for certification a Fairdown Water Management Plan. Stockpiling shall not commence until the Management Plan has been certified. If the Consent Authority has not advised the Consent Holder in writing whether it has certified the Management Plan within two months of receipt of the Management Plan, then the Consent Holder may commence activities in accordance with the Management Plan unless the Consent Authorities advises the Consent Holder that it refuses to certify the Management Plan on the grounds that it fails to meet one or more conditions of consent.

283. Subject to any other conditions of these consents, all activities shall be undertaken in accordance with the latest version of the Management Plans.

284. The Plans shall be reviewed annually by the Consent Holder and may be amended accordingly to take into account:

    a) Any required actions identified as a result of monitoring under these consents; and

    b) Any changes required as a result of actions identified in the Annual Environmental Monitoring Report.

285. The Plans shall not be amended in a way that contravenes the matters set out for the respective Plans, in accordance with Conditions 287 to 292.

286. A copy of the latest version of the Plans shall be kept on site at all times and all key personnel shall be made aware of the contents of each Plan.

4.1.1 Fairdown Water Management Plan

287. A The Fairdown Water Management Plan (FWMP) shall set out the practices and procedures, with respect to site operational stormwater, sewage and water discharges, to be adopted in order that compliance with the conditions under Resource Consent RC10193/13 can be achieved and the effects of water discharges are minimised to the greatest extent practicable.

288. The FWMP shall, as a minimum, address the following matters:

a) Post construction operation and maintenance of stormwater runoff control and sediment control facilities during the operation, including:

   i) Cut-off drains, collections drains and sumps, treatment systems and discharge locations; and

   ii) Procedures for cleaning settling ponds and disposal of sludge/sediment;

b) Water Treatment Plant Operations Manual detailing procedures for the operation and maintenance of the water treatment plant including:

   i) Procedures for plant operation and maintenance;

   ii) Solids disposal methods (including final destination);

   iii) The discharge system into Deadmans Creek; and

   iv) Training and supervision of treatment plant operators;

c) The operation and maintenance procedures for the on-site sewage treatment system;

d) A description of the process for monitoring performance including non-conformance reporting;

e) Training of operators and contractors; and

f) An organisation chart showing the positions responsible for plan implementation and including a brief summary of responsibilities relevant to the plan such that the provisions of the plan can be implemented at all times.

4.1.2 Fairdown Air Quality Management Plan

289. A Fairdown Air Quality Management Plan shall be prepared that sets out the practices and procedures, to be adopted in order that compliance with the conditions under resource consents RC10193/16 can be achieved and the effects of air discharges are minimised and remediated to the greatest extent practicable.

290. The Fairdown Air Quality Management Plan shall address the following matters:

a) Sources of dust and other discharges and their potential impacts;

b) Techniques and methods which will be used to avoid or eliminate all of the site visible discharges to air and the programme for rehabilitation and revegetation of areas of the site in order to minimise dust emissions including:

   i) How water will be applied to stockpiles and unsealed surfaces;

   ii) How moisture levels in coal stockpiles will be monitored;

   iii) What measures will be in place to control dust after hours;

   iv) What measures will be used to control the potential for dust on the site access road; and

   v) How “dirty” aggregate will be disposed of in order to avoid generating nuisance dust;

c) Precautionary measures that prevent unauthorised discharges or other adverse effects on air and how such events will be managed so as to prevent, minimise and remedy any adverse impacts on air quality;

d) Details of the proposed air quality monitoring programme for the site including:

   i) Details of the monitoring methodology;

   ii) Location and number of sampling stations;

iii) Siting sampling stations to avoid erroneous results and vandalism;

iv) Collection of samples and undertaking analyses; and

v) Reporting and submitting results to the Consent Authority;

e) Training of operators and contractors to help prevent and control dust emissions;

f) Procedures to actively respond to any air quality complaints including reporting to the Consent Authority;

g) Include arrangements for cleaning dwellings where residual coal dust has been deposited as required by condition 328).

h) Identify specific responsibilities for dust control amongst onsite staff;

i) Coal stockpile moisture target levels to ensure that moisture levels do not drop below the Dust Extinction Moisture (DEM) for the coal being processed; and

j) Identify sources of alternate equipment or service providers that can be called upon in the event that onsite equipment or systems fail.

4.1.3 Fairdown Noise Management Plan

291. A Fairdown Noise Management Plan shall be prepared for the purpose of identifying all noise sources; demonstrate the proposed noise controls to be implemented and how the noise will be controlled so as to achieve compliance with the noise limits specified in the consent; and demonstrate how the requirements of Section 16 of the Act, to adopt the best practicable option to minimise any noise, will be satisfied.

292. The Fairdown Noise Management Plan shall address the following matters:

a) Identify activities that have the potential to generate noise;

b) Outline the noise management measures to ensure noise limits specified in Conditions 319 to 326 are achieved and Section 16 of the Act is satisfied;

c) Provide details of relevant vehicle or plant specifications and vehicle maintenance requirements to avoid excessive noise emissions, including details as to speed restriction locations to minimise noise;

d) Contingency measures, in the event that noise limits are exceeded;

e) Details as to noise monitoring and reporting requirements; and

f) Methods of handling noise complaints.

4.2 Site Specifications

4.2.1 Coal Transport Pipeline Maintenance and Emergency Discharge

293. The minimum capacity of the emergency dump pond for the controlled discharge of the contents of the coal transport system during emergencies shall be designed so as to provide sufficient capacity for a minimum of 1.5 times the volume of the entire contents of the coal transport system (including coal and water) to be contained in the emergency dump pond.

294. As soon as practicable following discharge into the emergency dump pond from the coal transport pipeline, all recoverable coal shall be removed from the pond.

4.2.2 Access

295. The vehicle crossing and access road intersection shall be designed and constructed to the approval of the Buller District Council's Management of Operations and be in accordance with NZS4404: 2010

296. The internal vehicle access road between Powerhouse Road and the Water Treatment Plant shall be sealed prior to the first coal being stockpiled.

4.2.3 Water Management

4.2.3.1 Construction Stormwater Management

297. The Consent Holder shall undertake the construction activities in accordance with the provisions of the Construction and Earthworks Management Plan prepared in accordance with Condition 37. The Consent Holder shall adopt best practical options for stormwater management in accordance with the Construction and Earthworks Management Plan and all erosion and sediment control measures should be designed in general accordance with ECan 2007 following adaption for rainfall conditions at Denniston Plateau. Where additional guidance is sought, reference shall be made to the ARC 1999.

298. The Consent Holder shall ensure that untreated sediment discharges to natural water from the exercise of these consents are avoided and that silt control measures, as outlined in the Construction and Earthworks Management Plan prepared in accordance with Condition 37, are in place prior to the exercise of these consents.

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

4.2.3.2 Operational Stormwater Management

300. Stormwater runoff from the site shall be managed to ensure that:

    a) The discharge does not cause erosion, siltation, sedimentation or ponding beyond the boundary of the subject property;

    b) There is no untreated discharge to Deadmans Creek;

    c) The discharge does not contain any hazardous substances or wastes; and

    d) The discharge does not contain human effluent.

    Advice note: This does not apply to stormwater collected from a roof.

4.2.3.3 Sewage

301. All sewage shall be treated in a sewage treatment facility prior to discharging the effluent to a land disposal area within the property, designed, maintained and operated in accordance with the standards outlined in AS/NZS 1547:2000 "On-site domestic-wastewater management".

4.3 Aquatic Ecosystems

4.3.1 Deadmans Creek Discharge

4.3.1.1 Location

302. The discharge point of water and contaminants discharged from the Fairdown Water Treatment Plant into Deadmans Creek shall be located at or about D-D as shown on the Plan in Appendix 5.

4.3.1.2 Discharge Rate

303. The discharge rate of water and contaminants discharged from the Fairdown Water Treatment Plant into Deadmans Creek shall not exceed an average of 125 litres per second over a 24 hour period.

4.3.1.3 Compliance Limits

304. There shall be no discharge into Deadmans Creek that causes or results in any of the following at the D-M2 compliance monitoring point:

a) Conspicuous oil or grease films, scums or foams, or floatable or suspended materials;

b) Conspicuous change in the colour or visual clarity;

c) Emission of objectionable odour;

d) Rendering of river water unsuitable for consumption by farm animals;

e) Significant increase in bed cover of nuisance algal growth; and

f) Significant adverse effects on aquatic life.

305. The discharge to Deadmans Creek shall meet the compliance limits listed in Table 10, as recorded by the difference between a point on Deadmans Creek immediately upstream of the discharge (D-M1) and the D-M2 compliance monitoring point.

Table 10: Receiving Waters Compliance Limits (difference allowed between sampling at D-M1 immediately upstream of the discharge location and at monitoring Site D-M2)*

Parameter	**Compliance Limits**
	Maximum Limit
Temperature	3°C
pH	6.0 – 7.5
Dissolved Oxygen	Not less than 8.5 mg/L
Nitrate	No greater than 100 µg/L
Total Suspended Solids	No greater than 10 mg/L
Turbidity	No greater than 10 NTU
Colour	No greater than 100 Hazen units

Note to Table 10:

The standards have been developed to ensure that the treated discharge meets Class AE (being water managed for aquatic ecosystems after reasonable mixing).

* *Apart from pH, the compliance limits refer to the difference in water quality between upstream and downstream of the discharge, i.e. between sites D-M1 and D-M2*

4.3.1.4 Monitoring

306. The Consent Holder shall undertake a water quality monitoring programme of the Fairdown Water Treatment Plant discharges and receiving water in accordance with Table 11.

307. Continuous monitoring shall be calibrated at least monthly via discrete samples.

Table 11: Discharge and Receiving Water Monitoring Schedule

Parameter	**Sample Type**	**Sampling Programme and Frequency**	
		Treatment Plant Discharge[1]	**Receiving Waters immediately upstream (D-M1) of discharge and at D-M2***
Volume	Total (m^3)	Continuous	--
Rate of Discharge	Rate (L/s)	Continuous	--
Deadmans Creek Flow Rate	Rate(L/s)	--	Continuous
Temperature			Continuous
pH	Continuous	Continuous	--
Conductivity	Continuous	Continuous	--
Dissolved Oxygen			Weekly
Total Suspended Solids	Discrete	Daily	Weekly
Turbidity/clarity	Discrete	Daily	Weekly
Colour		Weekly	Weekly
Total Hardness	Discrete	Daily	Weekly
Nitrate	Discrete	Weekly	Weekly
Iron**	Discrete	Weekly	Weekly
Aluminium**	Discrete	Weekly	Weekly

Notes to Table 11:

1. Weekly samples: Where practicable, samples shall be collected every eight days (this is to ensure samples are not collected on the same day every week).

** After 6 months, the Consent Authority may authorise the frequency of monitoring to decrease to no less frequently than monthly if results show continual compliance with conditions.*

*** Acid Soluble element concentration (All metals in solution after subjecting an unfiltered sample to acid extraction — i.e., a pH of 1.65 to 1.85 for 18 hours).*

308. The collection and analysis of all samples collected in accordance with these conditions (excluding aquatic ecology monitoring) shall be undertaken using standard methods for the Examination of Water and Wastewater (21st Ed. 2005) APHA, AWWA and WEF, or equivalent or superseding methods.

4.3.1.5 Aquatic Ecology Monitoring

309. The Consent Holder shall undertake aquatic ecology monitoring in accordance with the schedule specified in Table 12. The monitoring shall be designed and undertaken by a independent suitably qualified and experienced freshwater biologist.

Table 12: Aquatic Ecology Monitoring Programme

Parameter	**Type of Analysis**	**Frequency**	**Monitoring Sites**
Benthic Macro-invertebrates	Taxonomic composition and relative abundances including MCI, numbers of E, P, and T, and species richness.[1]	Twice Annually.	DM-1 DM-2 DM-3
Benthic Algae	Qualitative assessment of the thickness and percentage cover of dominant type of benthic algae.[2]		
Fish	Taxonomic composition and abundances.[3]	Once every 5 years during the period December to February.	

Notes to Table 12:

1 MCI = Macro-invertebrate Community Index

E Ephemeroptera (mayflies)

P Plecoptera (stoneflies)

T Trichoptera (caddisflies)

2 Monitoring of algae shall include photographs of the creek bed where appropriate.

3 Qualitative survey only

4.3.1.6 Groundwater Monitoring

310. The Consent Holder shall carry out groundwater indicator monitoring at two sites, located upstream and downstream of the stockpile facility to measure water levels, and water chemistry in accordance with Table 13.

Table 13: Groundwater Monitoring Regime

Parameters	Units	Frequency
Water level	m	Quarterly
Conductivity	µS/cm	Quarterly
Nitrate	g/m³	Quarterly
Sulphate	g/m³	Quarterly
pH		Quarterly
Total suspended solids	g/m³	Quarterly
Aluminium	g/m³	Quarterly
Iron	g/m³	Quarterly

4.3.1.7 Reporting

311. The results of the monitoring in Conditions 306 to 310 shall be submitted to the Consent Authority within one week of the results being available to the Consent Holder.

312. In the event of any breach of compliance with Condition 305 the Consent Holder shall notify the Consent Authority within 48 hours of the breach being detected.

313. In the event of any breach of compliance with Condition 305 the Consent Holder shall provide an interim monitoring report to the Consent Authority within 30 days of the sampling which shall also be included in the Annual Environmental Monitoring Report (Condition 54). The interim monitoring report shall address the following:

    a) The nature of the discharge and the sensitivity of the receiving environment to the discharge;

    b) An assessment of actual or potential effects on the receiving environment based on the monitoring information available;

    c) Any possible alternative methods of discharge;

    d) Requirements as to if, or when, mitigation measures shall be undertaken to prevent or reduce the actual or potential effect; and

    e) Make recommendations on alterations or additions to the monitoring programme.

314. The Consent Holder shall include the following information in the Annual Environmental Monitoring Report required to be submitted in accordance with Condition 54:

    a) An outline of environmental trends since the granting of the consent;

    b) A comparison of the results obtained with those of previous years with respect to short and long-term trends;

    c) Any operational difficulties with treatment facilities and the measures adopted to rectify problems;

    d) Any difficulties in compliance, and breaches thereof, with the conditions of the consent;

    e) Any maintenance works needed, proposed or undertaken to ensure compliance with the consent conditions or to facilitate operations;

    f) Any modifications to more effectively control the quality of the discharge;

g) A summary of any complaints received and the mitigation measures adopted; and

h) Make recommendations on alterations or additions to the monitoring programmes.

4.4 Landscape and Natural Character

315. An earth bund, with a minimum height of four metres shall be constructed at or about the location shown in Appendix 6.

316. The bunded area referred to in Condition 315 shall be planted (closely on top at not more than 3 metre intervals) in its entirety with vegetation that provides a visual barrier between the coal stockpile and neighbouring properties and as a minimum shall ensure the following:

a) A vegetation height of at least 10 metre at maturity to screen the proposed conveyor structures and coal stockpiles;

b) Planting of fast growing species to minimise the time delay to achieve the desired height; and

c) Planting a range of species to maximise resistance to wind loss and to avoid the appearance of a monoculture.

d) Plantings on top of the bund shall be not less than 2.0 metres in height.

317. The Consent Holder shall begin the landscaping required in Condition 316 prior to the first coal being stockpiled, and shall complete the landscaping within the first planting season following commencement of construction of the stockpile base.

318. The Consent Holder shall maintain all landscaped areas for the duration that the Fairdown facility is in operation. Maintenance shall include management of planted areas and replacement of any dead species. Plants shall be maintained so that within eight years screening of the coal stockpile is achieved.

4.5 Noise

319. The Consent Holder shall implement the requirements and measures set out in the Noise Management Plan required by Condition 291.

320. Construction activities shall be conducted in accordance with the requirements of *NZS 6803:1999 "Acoustics – Construction Noise*" and shall comply with the limits for construction noise set out in Table 2 of that Standard.

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

322. No vehicle reversing alarms with special audible character as assessed under NZS6802:2008 "Acoustics – Environmental noise", shall be used on site.

323. The site shall be designed and managed to ensure the following noise levels are complied with as measured at the boundary of any land used for a residential activity:

Monday to Friday – 8:00am to 11:00pm	55dBA L_{eq}
Saturday – 8:00am to 6:00pm	55dBA L_{eq}
At all other times including any public holiday	45dBA L_{eq} and
	75dBA L_{max}

324. Within one month of commissioning the coal stockpile the noise from the site shall be monitored by a suitably qualified and experienced person and the results

provided to the Consent Authority within ten working days of undertaking the monitoring. The monitoring shall be representative of the varying noise levels emanating from the different site activities to demonstrate that the site complies with the noise levels specified in Condition 323. This monitoring shall be referred to as the Commissioning Noise Survey. On the first anniversary of the Commissioning Noise Survey a further noise compliance assessment shall be performed and the results reported to the Consent Authority.

325. Sound levels shall be measured in accordance with New Zealand Standard 6801: 2008 "Measurement of Environmental Sound" and assessed in accordance with the provisions of New Zealand Standard 6802: 2008 "Acoustics – Environmental Noise".

326. Additional noise monitoring shall be conducted at any time upon a reasonable request from the Consent Authority Where any non-compliance is recorded, the Consent Authority is to be advised within one working day and advised on what remedial steps will be taken and when they will be completed. Once the remedial work has been completed, noise shall be monitored and the results reported to the Consent Authority within 10 days.

4.6 Air Quality

4.6.1 Construction

327. In order to avoid, remedy or mitigate adverse effects on air quality, during construction the Consent Holder shall:

a) Re-vegetate areas of exposed land including the bunds as soon as practical;

b) Use water as a dust suppressant to keep un-vegetated land surfaces damp when required to avoid dust nuisance on neighbouring properties; and

c) Use clean aggregates to surface the yard.

4.6.2 Operation

328. In order to avoid, remedy or mitigate adverse effects on air quality, when the site is operating the Consent Holder shall:

a) Use water as a dust suppressant on road and yards area, where practicable, to avoid dust nuisance on neighbouring properties;

b) Maintain internal roads and yard areas by regular removal of fine coal material;

c) Cover transfer points on the yard conveyor to contain dust;

d) Maintain wind shields or covers on the elevated stacker;

e) Fit conveyors with belt scrapers to minimise the amount of coal dropping from return belts;

f) Regularly remove coal deposits under the conveyors and at the wagon loading areas;

g) Implement appropriate methods to minimise dust generated by the loading of coal from the stockpile;

h) Enforce a speed limit on all unsealed surfaces of 15 kilometres per hour;

i) Install a truck wheel wash to prevent carryover of coal dust onto the site access road;

j) Use water as a dust suppressant on the coal stockpiles, when necessary to avoid dust nuisance on neighbouring properties;

k) Dispose of dirty aggregates from the yard in a manner which minimises the potential for nuisance on neighbouring properties; and

l) Respond to complaints of residual coal dust deposits, and when confirmed by an enforcement officer, clean the affected parts of dwellings. Cleaning may be required following normal or extreme weather conditions and shall include building interiors, exteriors and roofs together with interiors of water tanks and replacement of potable water, where coal dust deposition is directly attributable to migratory coal dust from the Fairdown Coal Handling Facility.

4.6.3 Compliance Limits

329. The Consent Holder shall ensure that the concentration of TSP measured in accordance with Condition 331 does not exceed 120µg/m^3 (24 hour average) as a result of activities undertaken on the Consent Holders site.

330. Notwithstanding Condition 329, if 1 hour average concentrations of TSP, measured in accordance with Condition 331, exceeds 230µg/m^3 the Consent Holder shall immediately initiate dust suppression measures at the stockpiles

4.6.4 Monitoring

331. The Consent Holder shall continuously monitor and record Total Suspended Particulate (TSP), wind speed, wind direction and rainfall at two locations. These locations shall be:

a) A site between the closest house to the north east and the proposed site in an area that is removed from trees and other structures; and

b) A location on the boundary of the site closest to the south east of the site and in close proximity to the adjoining boundary of the Sunnex and Hume properties, that is removed from trees and other structures.

c) The TSP monitoring shall be undertaken using a nephelometer, or other instrument as agreed in writing by the Consent Authority's Consents & Compliance Manager. The monitoring gear shall be installed prior to operation of the facility.

332. The Consent Holder shall monitor coal stockpile moisture levels on a weekly basis to ensure that the moisture levels are at all times maintained above the DEM level for the coal being processed.

333. If the TSP compliance limit imposed by Condition 329 is exceeded more than five times in any 12 month period, at the discretion of the Consent Authority, the Consent Holder shall also undertake monitoring of PM10 at the same real time monitoring locations until otherwise advised in writing by the Consents & Compliance Manager of the Consent Authority that it may cease such monitoring.

4.6.5 Reporting

334. 24 hour average TSP concentrations shall be reported to the Consent Authority's Consents & Compliance Manager upon request, and an annual summary of TSP and meteorological results for the previous calendar year shall be forwarded to the Consent Authority as part of the Environmental Monitoring Report prepared in accordance with Condition 54.

4.7 Lighting

335. Vehicular areas shall be designed in accordance with AS/NZS1158.3.1:2008.

336. Exterior lighting shall be designed in accordance with AS/NZS1680.2.4:1997 Industrial tasks and processes.

337. Exterior lighting shall be managed to ensure that no greater than 10 lux spill (horizontal or vertical) of light shall enter any adjoining property, measured at a height of 2.0 metres at the boundary with an adjoining site.

338. The light sources within the bunded area shall be ultimately screened from the surroundings by vegetation planting on the bunds.

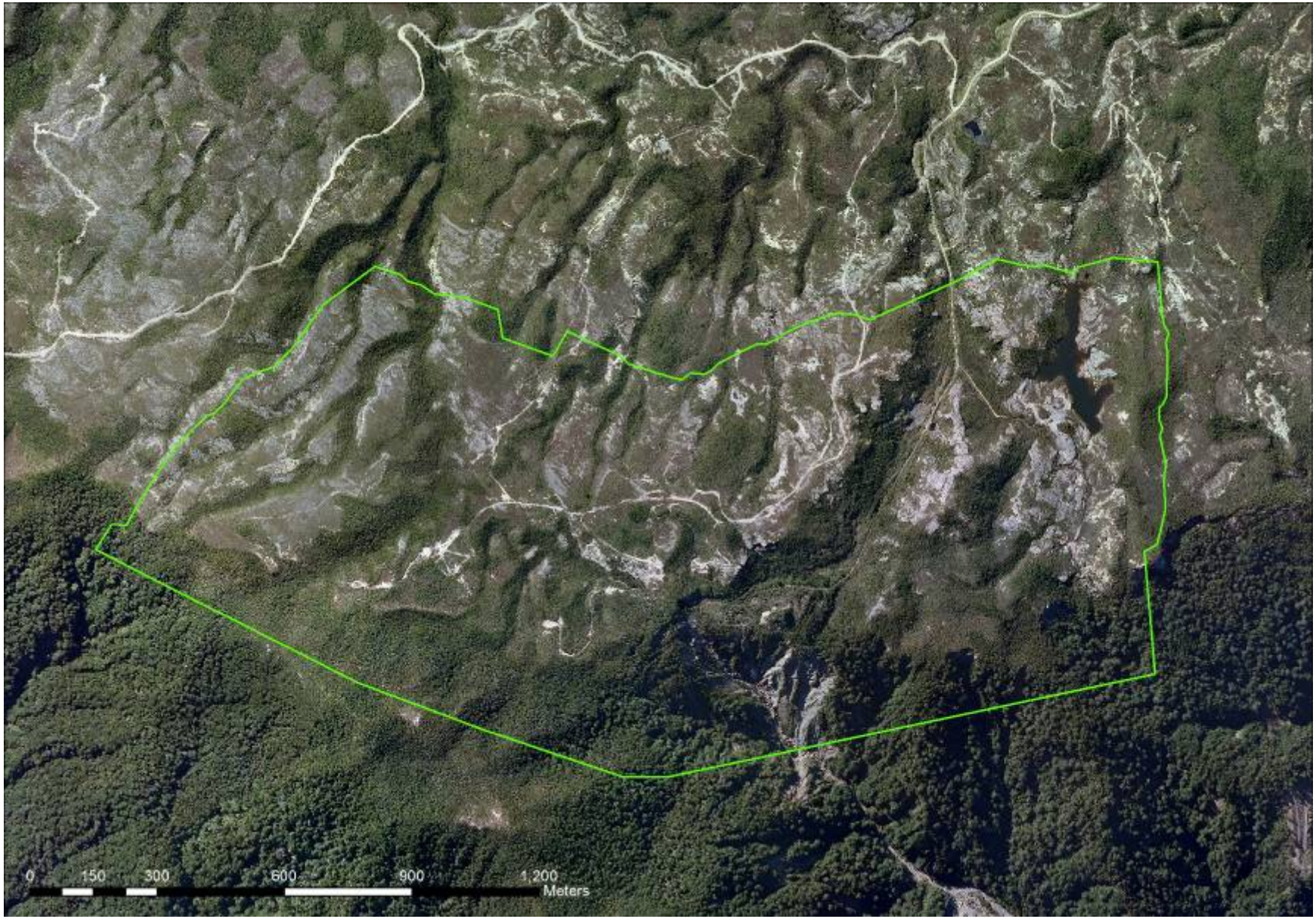
5 Appendices

This report contains the following appendices.

Number	Title
1	Escarpment Mine Site
2	Flora and Fauna Offsets
3	Concept Rehabilitation
4	Whareatea River Discharge, Monitoring and Compliance Locations
5	Deadmans Creek Discharge, Monitoring and Compliance Locations
6	Fairdown Bund Design

APPENDIX 1

Escarpment Mine Site


0
150
300
600
900
1,200
Meters

APPENDIX 2

Flora and Fauna Offsets

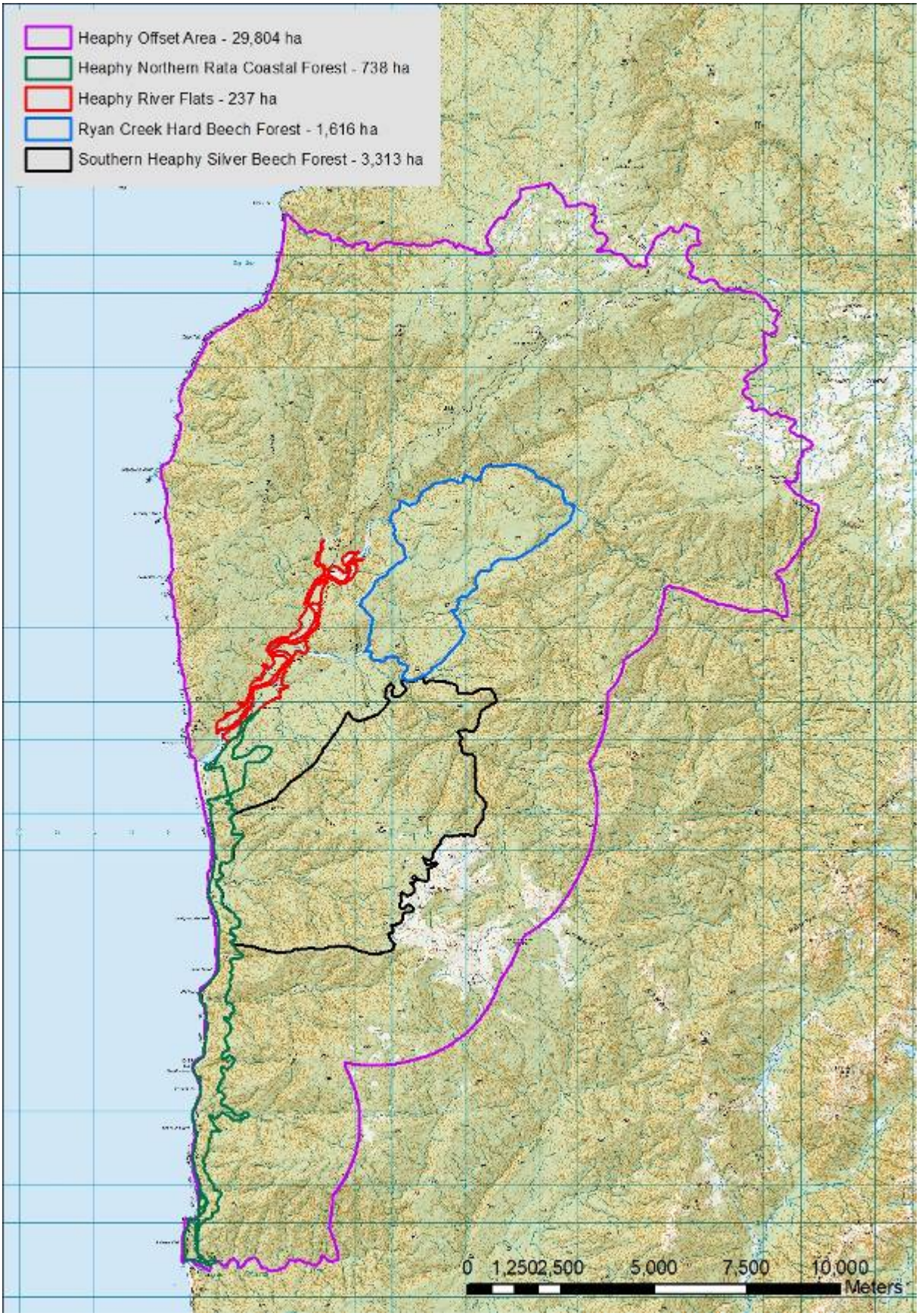


Figure 1 Heaphy Predator and Herbivore Management Areas and 3km buffer

Figure 2 - Denniston Plateau Predator and Herbivore Control Areas

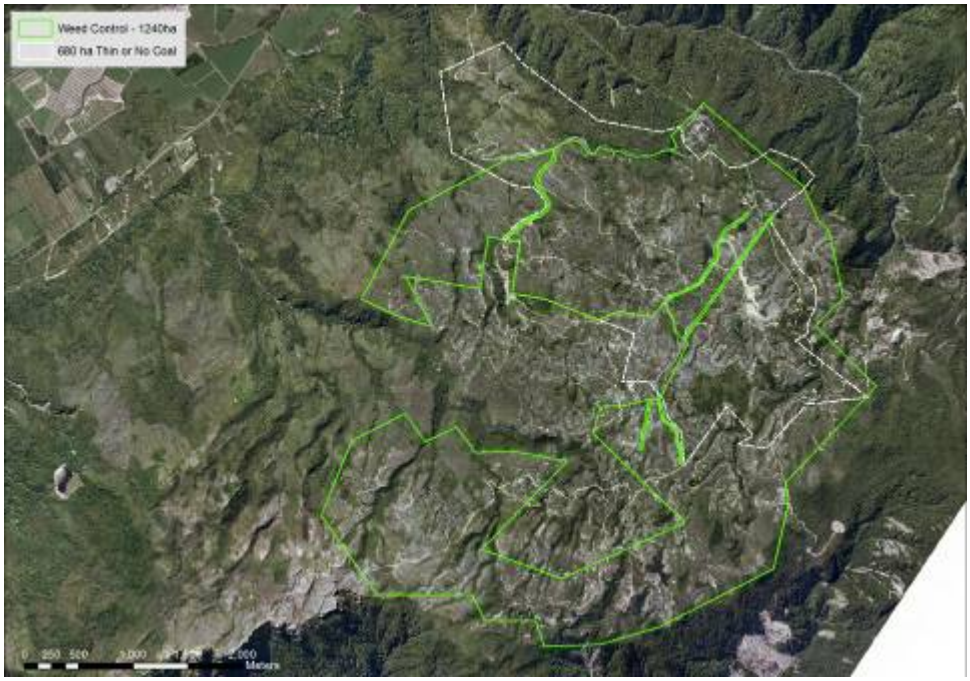
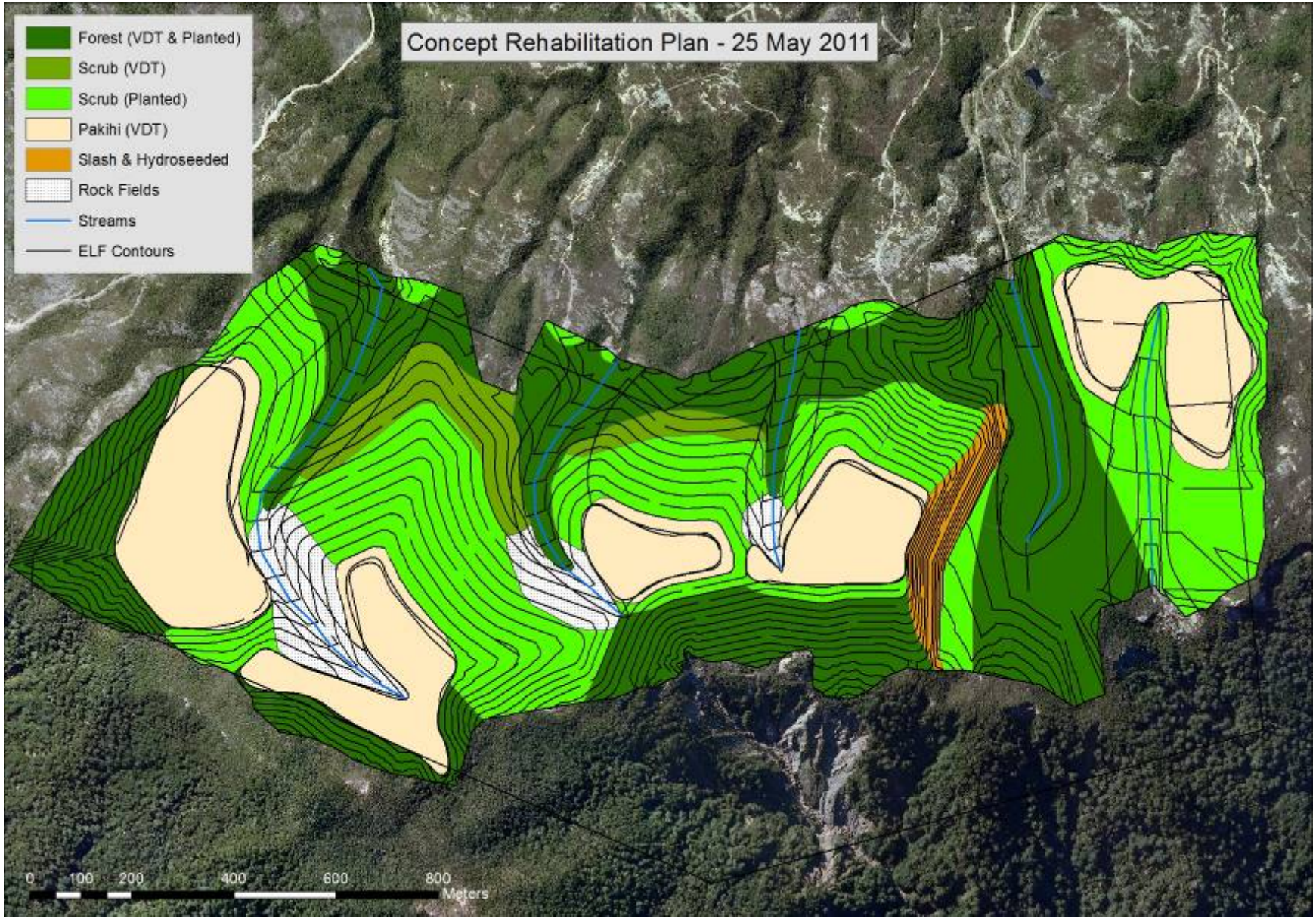


Figure 3 - Denniston Plateau Weed Control Area

APPENDIX 3

Concept Rehabilitation Plan


Concept Rehabilitation Plan - 25 May 2011
Forest (VDT & Planted)
Scrub (VDT)
Scrub (Planted)
Pakihi (VDT)
Slash & Hydroseeded
Rock Fields
Streams
ELF Contours
0
100
200
400
600
800
Meters

APPENDIX 4

Whareatea River Discharge, Monitoring and Compliance Locations


MIW_CPP_FW_discharges
Monitoring Points
W-M3
W-M2
FW-D
MIW/Haul Rd-D
W-M1
CPP-D
V8-M1
0 250 500 1,000 1,500 2,000
Meters

APPENDIX 5

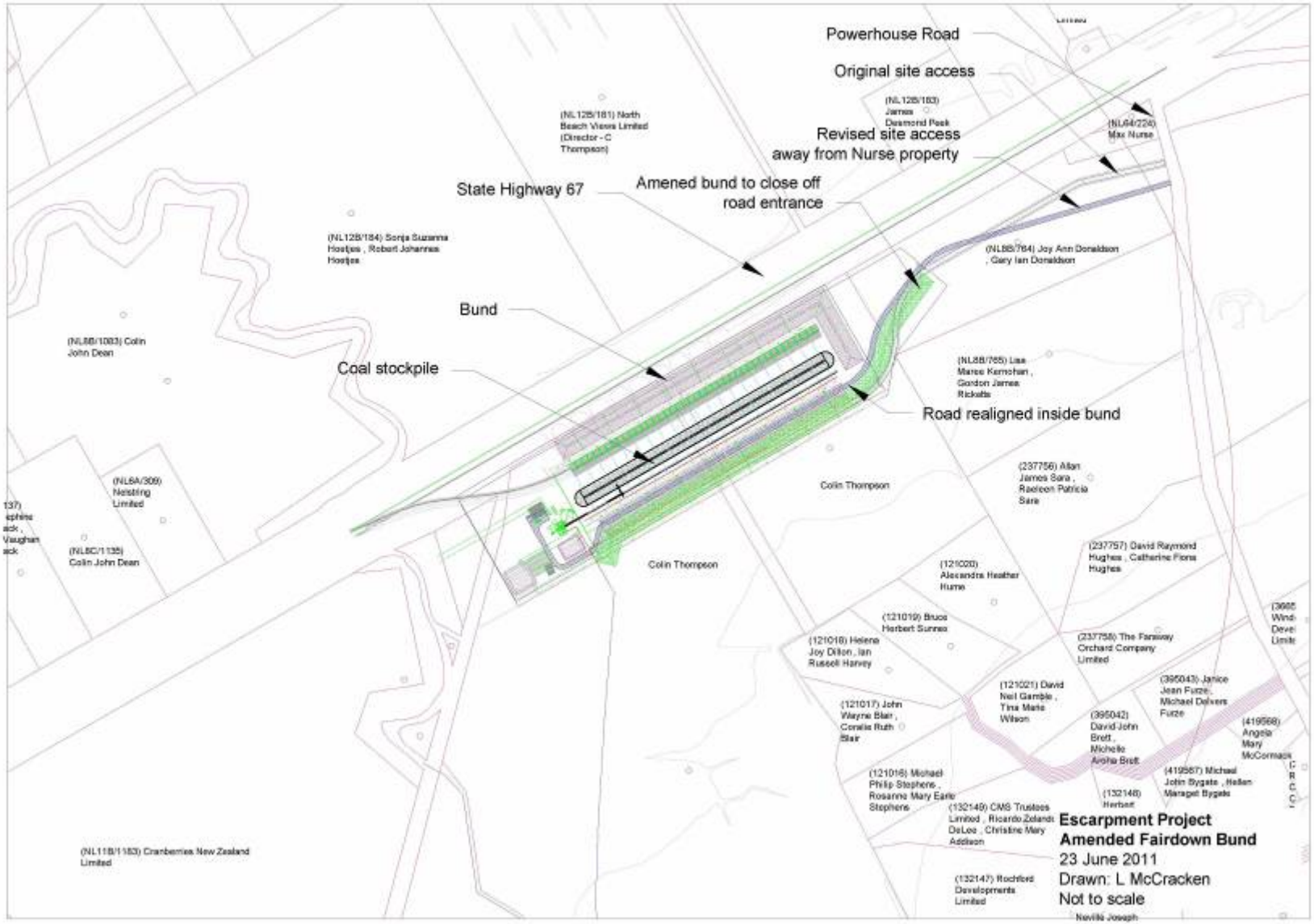
Deadmans Creek Discharge, Monitoring and Compliance Locations

Deadmans Creek Monitoring, Discharge and Compliance Locations, at or about:

Site	Easting	Northing
D-M3	1490007	5378194
D-M2	1490810	5377695
D-M1	1490943	5377593
D-D	1490932	5377617

APPENDIX 6

Fairdown Bund Design


Powerhouse Road
Original site access
Revised site access
away from Nurse property
Amened bund to close off
road entrance
State Highway 67
Bund
Coal stockpile
Road realigned inside bund
(NL12B/184) Sonja Suzanna Hostjes , Robert Johannes Hostjes
(NL8B/1083) Colin John Dean
(NL8A/309) Nelstring Limited
(NL8C/1135) Colin John Dean
(NL11B/1153) Cranberries New Zealand Limited
(NL12B/181) North Beach Views Limited (Director - C Thompson)
(NL12B/183) James Desmond Peak
(NL64/224) Max Nurse
(NL8B/784) Joy Ann Donaldson , Gary Ian Donaldson
(NL8B/785) Lisa Maree Kernohan , Gordon James Ricketts
Colin Thompson
Colin Thompson
(237756) Allan James Sara , Raeleen Patricia Sara
(237757) David Raymond Hughes , Catherine Fiona Hughes
(121020) Alexandra Heather Hume
(121019) Bruce Herbert Sunnex
(121018) Helena Joy Dillon , Ian Russell Harvey
(237758) The Fairway Orchard Company Limited
(121021) David Neil Gamble , Tina Marie Wilson
(121017) John Wayne Blair , Coralie Ruth Blair
(395042) David John Brett , Michelle Aroha Brett
(395043) Janice Jean Furze , Michael Delvers Furze
(419568) Angela Mary McCormack
(419567) Michael John Bygate , Helen Margaret Bygate
(121016) Michael Philip Stephens , Rosanne Mary Earle Stephens
(132148) Herbert
(132149) CMS Trustees Limited , Ricardo Zelandi DeLee , Christine Mary Addison
(132147) Rochford Developments Limited
Escarpment Project
Amended Fairdown Bund
23 June 2011
Drawn: L McCracken
Not to scale
Neville Joseph