



Department of Conservation
Te Papa Atawhai

ACCESS ARRANGEMENT FOR OPEN CAST COAL MINING

UNDER

CROWN MINERALS ACT 1991

Mining Permit 51 279

Buller Coal Limited

ACCESS ARRANGEMENT

THIS AGREEMENT for an access arrangement pursuant to section 61 of the Crown Minerals Act 1991 dated 21 May 2013 between the MINISTER OF CONSERVATION (hereinafter together with the Minister's agents referred to as "the Minister") and BULLER COAL LIMITED a duly incorporated company whose registered office is at Bathurst Resources, Level 12, 1 Willeston Street, Wellington 6011, New Zealand (hereinafter referred to as the "Permit holder").

WHEREAS

- (a) The Land described in the First Schedule is administered by the Department of Conservation pursuant to sections 62 and 25 of the Conservation Act 1987 and the Minister is responsible for that Department;
- (b) The Permit holder has been granted a mining permit (Mining Permit 51-279) by the Minister of Energy pursuant to section 25 of the Crown Minerals Act 1991 to undertake Mining and Mining Operations in and on the Land;
- (c) The Permit holder pursuant to section 59 of the Crown Minerals Act 1991 has requested from the Minister an access arrangement in respect of the Land described in the First Schedule to conduct Mining and Mining Operations.

IT IS AGREED between the Minister of the first part and the Permit holder of the second part that the Permit holder may enter the Land described in the First Schedule subject to the terms and conditions set out below and in the Second, Third, Fourth, Fifth and Sixth Schedules hereto for the purposes of carrying out Mining and Mining Operations by open cast methods for coal:

INTERPRETATION

"Access Arrangement" means this agreement for an access arrangement.

"Access arrangement boundary" means the boundary of the Land defined in the First Schedule.

"Act" means the Crown Minerals Act 1991.

"Adverse impact" or "adverse effect" means an adverse effect on the Land based on the reasonable opinion of the Conservator.

"Annual Work Programme", "Work Programme" or "Work Plan" means an annual work and rehabilitation plan (referred to in Conditions 8 – 18 and elsewhere in this Access Arrangement) which the Permit holder must submit at least annually to the Conservator for his/her approval and which is a precondition to the Permit holder carrying out any Mining or Mining Operations on the Land.

"Conservator" means the person for the time being holding the office of Conservator for the West Coast Conservancy of the Department of Conservation and includes any person authorised by the Conservator to act on his or her behalf in respect of this agreement.

"Department" means the Department of Conservation, or its authorised agent.

"Historic resource" means a historic place within the meaning of the Historic Places Act 1993 and includes any interest in a historic resource.

"Land" means the land described in the First Schedule and includes all natural and historical features on the Land.

"Mining" and "Mining Operations" have the same meanings as defined in section 2 of the Crown Minerals Act 1991.

"Mining Permit" means MP 51-279.

"Minister" means the Minister of Conservation, or his or her duly authorised delegate.

"Mitigate" means to reduce or lessen the severity of adverse effects of mining on conservation values on the Land; and "mitigation" has a corresponding meaning.

"Natural resource" means plants and animals of all kinds; the air, water, and soil in or on which any plant or animal lives or may live; landscape and landform; geological features; systems of interacting living organisms, and their environment; and includes any interest in a natural resource.

"On" in relation to land, includes on or under the surface of land.

"Permit holder" includes the permit holder, its servants, agents, contractors and assignees.

"Threatened Species" refers to species classified in (Townsend, A.J.; de Lange, P.J.; Duffy, A.J.; Miskelly, C.M.; Molloy, J.; Norton, D.A. 2008 New Zealand Threat Classification System manual. Department of Conservation, Wellington) or any official published revision.

GENERAL MINE AUTHORISATION

1. Subject to compliance with these General and Special Conditions and Schedules and approval of a current Annual Work Programme, the Permit holder may undertake the following Mining and Mining Operations (as detailed in the Fourth Schedule) on the Land:
 - (a) Undertake opencast coal Mining within the area shown in the First Schedule except as limited by any exclusion conditions contained in the Second Schedule, of this Access Arrangement;
 - (b) Construct (and use) the mine elements as shown in the Fourth Schedule of this Access Arrangement.

ASSIGNMENT

2. (a) The benefit of this Access Agreement is not to be assigned, transferred, or sublet by the Permit holder without the prior written consent of the Minister. The Minister's consent to an assignment, transfer, or sublease shall be at the Minister's discretion, and the Minister may require any assignee, transferee, or sub-lessee to enter into a deed of covenant with her/him whereby the assignee,

transferee, or sub-lessee is bound by the terms of the Access Agreement as if it were a principal party to it.

- (b) The indemnities given by the Permit holder to the Minister under this Access Arrangement are intended to endure for the benefit of the Minister in perpetuity and the Permit holder hereby acknowledges and covenants accordingly.
- (c) If the Permit holder assigns transfers or sublets any rights granted by this Access Agreement it is to be a condition of any consent under this clause that the indemnities under this Access Arrangement continue to be binding on the Permit holder.
- (d) If the Permit holder requests the Minister's agreement to a request for assignment of the benefit of this Access Arrangement, the Permit holder shall, in addition to any other information requested by the Minister, supply information which demonstrates to the satisfaction of the Minister that the assignee has the appropriate technical skills and experience to carry out the proposed Mining and Mining Operations.

COMPENSATION

- 3. The Permit holder must pay to the Department such sums by way of compensation, on such dates, as have been or may be agreed and reduced to writing or which become payable from time to time under section 76 of the Act. The Parties acknowledge that the details of compensation agreed by the Parties and the payment dates, are set out in Deed annexed in the Fifth Schedule.
- 4.
 - (a) All compensation amounts specified in the Fifth Schedule are, if not yet due for payment or due but remaining unpaid, to be annually reviewed for changes in Consumer Price Index (CPI), and adjusted on a compounding basis, from the date of signing this Access Arrangement to the date of payment, accordingly.
 - (b) The Permit holder agrees to pay any such adjustments.

ADMINISTRATION COSTS

- 5. Pursuant to section 76 of the Act the Permit holder will pay to the Conservator:
 - (a) The actual and reasonable costs to cover the administrative costs of processing this Access Arrangement.
 - (b) The actual and reasonable costs of administering this Access Arrangement.
 - (c) The actual and reasonable costs of monitoring compliance of the conditions in this Access Arrangement including all associated inspections of the Land by the Department.
- 6. The Permit holder must pay any actual and reasonable fees associated with provision of expert advice to the Conservator for the purposes of reviewing or approving plans or documents provided under this Access Arrangement.

PRECONDITIONS BEFORE ENTRY TO LAND FOR MINING

7. The Permit holder will not enter in or on to the Land for the purpose of commencing Mining and Mining Operations until:
 - (a) The documents referred to in Condition 13 have been supplied to the Conservator; and
 - (b) The Permit holder has submitted to the Conservator an Annual Work Programme in accordance with Condition 15, and the Environmental Management Strategy and management plans described in the 2nd 3rd and 6th schedules; and
 - (c) Any payments and security or guarantee documents referred to in Conditions 3, 4, 5, 6, 20, 27, 28 and 31 or elsewhere in this Access Arrangement which are due and owing have been paid, or executed and deposited with the Conservator, as the case may be; and
 - (d) The Conservator has approved the Work Programme required to be submitted by Condition 7(b) and the Environmental Management Strategy and management plans described in the 2nd 3rd and 6th Schedules, and has issued the Permit holder with an Authority to Enter and Operate as provided by Condition 14.
 - (e) The Permit holder has completed, and provided to the Conservator, a risk assessment of the Mining and Mining Operations using a suitably qualified independent third party approved by the Conservator.

WORK PROGRAMME

8. The first Work Programme must include, as an annexure report, detailed calculations of the amounts of the insurances, guarantees and bonds or grants required by Conditions 25, 27, 28 and 31.
9.
 - (a) The Permit holder will annually review the risk assessment required by Conditions 7(e) and 8 unless a longer review period is agreed with the Conservator.
 - (b) Such risk assessment and risk assessment reviews are to be conducted in conjunction with a suitably qualified independent third party nominated by the Permit holder and approved by the Conservator, and must make recommendations as to the extent of any further bonds or any changes to bonds quanta and/or framework of bonds and/or other assurances (including insurance and cash operating grant) to address the outcomes of the risk assessment in an effective and cost efficient manner. The Conservator may, at the Permit holder's expense, commission an independent peer review of the risk assessment, or commission such other advice on risk assessment matters (including without limitation, an independent assessment of risk matters) as he or she considers desirable.
 - (c) The parties shall, at the Minister's discretion, either extend the term of this Access Arrangement, or enter into a concession under part 3B of the Conservation Act 1987, or put in place alternative arrangements, with the bonds and guarantees provided for in this Access Arrangement if and to the extent then applicable, to lawfully provide for the on-going operations, management

and rehabilitation activities on the Land following mining required under this Access Arrangement, in order to give effect to the obligations set out in this Access Arrangement.

- (d) The Permit holder agrees to be bound by any decision of the Minister to require the term of the Access Arrangement to be extended or to require the Permit holder to hold a concession, or to require alternative arrangements be put in place.
- 10.
- (a) The Permit holder must pay, no later than the 20th of the month following the issue of any invoice, all fees properly payable by it under this Access Arrangement.
 - (b) The Permit holder is not to exercise any access under this Access Arrangement, or embark upon any activity described in a Work Programme approved by the Conservator for which fees are overdue.
- 11.
- (a) The Work Programme submitted to the Conservator for approval must address each element of the proposed mine, and must include all relevant information.
 - (b) The Conservator may request such information as may be reasonable to enable him/her to make an informed decision regarding approval or non approval of the Work Programme.
 - (c) The elements of the Mining and Mining Operations are listed in the Fourth Schedule.
 - (d) The Conservator must not approve any Work Programme that is not in substantial conformity with the description of the Work Programme elements set out in the Fourth Schedule.
12. The Conservator may require the Permit holder to vary the proposed Annual Work Programme to ensure the Mining and Mining Operations comply with the conditions of this Access Arrangement. Where required by the Conservator the Permit holder will amend the proposed Annual Work Programme accordingly.
13. The Permit holder must seek an Authority to Enter and Operate from the Conservator. At the time of seeking an Authority to Enter and Operate, the Permit holder will submit to the Conservator:
- a) A copy of the insurance policies and the premium payment receipts and guarantees, bonds or grants as required in Conditions 25, 27, 28 and 31; and
 - b) A copy of the mining permit granted pursuant to section 25 of the Act; and
 - c) A copy of all resource consents and variations granted under the Resource Management Act 1991 and a copy of any reports that the Permit holder has been required to submit to the consent authority as a requirement of any resource consent relating to the mining permit.
14. Upon the Conservator being satisfied that the requirements of this Access Arrangement, and in particular Conditions 7, 12, and 13 have been met, the Conservator will issue the Permit holder with a written "Authority to Enter and Operate" permitting the Permit holder to enter in or on to the Land to commence Mining and

Mining Operations for a period of 12 months, unless the mining permit has a lesser term remaining.

15. Prior to the commencement of mining and then prior to the expiry of any subsequent Authority to Enter and Operate thereafter, the Permit holder will submit to the Conservator for approval a further Annual Work Programme and any other plans or amended plans as required by Condition 7(b) and Special Condition 69 of the Second Schedule, and any other requirements of this Access Arrangement and in particular Conditions 7, 12, and 13, for the succeeding 12 month period (or a lesser period if considered appropriate by the Permit holder).
16. Except as permitted by the Conservator, the Permit holder will not after the expiry of an Authority to Enter and Operate, undertake any work prior to each subsequent Authority to Enter and Operate has been issued by the Conservator pursuant to Condition 14.
17. The Conservator will not unreasonably fail to grant, or delay granting, a subsequent Authority to Enter and Operate where the Permit holder has supplied all the required documentation and made all the payments required by the Access Arrangement, and the further Annual Work Programme is consistent with the Project description contained in the application for this Access Arrangement and the conditions of this Access Arrangement.
18. Pending the granting of a subsequent Authority to Enter and Operate the Conservator may in his or her discretion, issue an interim Authority to Enter and Operate providing the documents and payments required by the Access Arrangement have been submitted.

INDEMNITIES

19. The Permit holder will indemnify and keep indemnified the Minister and Department against all claims by any person in respect of any injury, loss or damage (including fire damage) caused or suffered as a result of or arising out of any act or omission of the Permit holder, or otherwise caused as a result of the Mining or Mining Operations on the Land. The indemnity is to continue after the expiry of, or other determination of this Access Arrangement, or any variation to it, in respect of those Acts or omissions occurring or arising before the expiry or determination of it, or any variation to it.
20. If due to the Permit holder's Mining or Mining Operations the Land or any part of it is assessed as rateable land under the Local Government (Rating) Act 2002, or any amendment to that Act, or the introduction of a new Act in substitution for it, the Permit holder is to pay any of the rates which may be struck in respect of the Land and/or the Mining or Mining Operations; but both parties expressly agree that such payment is not of itself to constitute an acknowledgement of exclusive possession by the Permit holder of the Land.
21. The Minister will not be liable for and does not accept any responsibility for damage or interference to the Mining and Mining Operations, equipment, buildings or structures, held or erected on the Land due to any cause whatsoever including (without restriction) any acts or omissions by the Minister, their servants, agents, or contractors (other than acts or omissions arising from the wilful misconduct of the Minister, his servants, agents or contractors), natural disaster, vandalism, sabotage, fire, exposure to the elements or any other cause whatsoever.

HEALTH AND SAFETY

22. The Permit holder will exercise the rights granted by this Access Arrangement in a safe and reliable manner and must comply with the Health and Safety in Employment Act 1992, and its regulations, and all other provisions or requirements of any competent authority relating to the exercise of this Access Arrangement.
23. The Permit holder will take all reasonable steps to protect the safety of persons present on the Land during Mining and Mining Operations and between work periods and will, when required by the Conservator, erect protective fencing or erect signposts warning the public of any dangers that may be encountered as a result of the Mining and Mining Operations. The Permit holder will take all reasonable steps to mitigate any dangers to the public and will clearly mark any that remain.
24. (a) Where the Permit holder, requests the Conservator (acting under delegated authority from the Minister) to close public access to the Land to ensure the safety of the public, employees, plant and equipment, the Conservator may do so if he or she considers it appropriate.
- (b) The Permit holder will give the Conservator reasonable notice of its request so that the Conservator can ensure that all reasonable steps are taken to ensure members of the public are made aware of the closure and the reasons for it.
- (c) The Permit holder will be responsible for the costs of ensuring that the public is made aware of the closure.

INSURANCE

25. (a) Prior to commencing Mining Operations the Permit holder must effect and maintain during the term of this Access Arrangement insurance covers for the risks and in the amounts specified below:
- | | |
|------------------------------|-----|
| • Public (General) Liability | \$: |
| • Forest and Rural Fire | \$ |
| • Motor Vehicle Third Party | \$ |
| • Statutory liability | \$ |
| • Environmental Liability | \$ |
- (b) The Conservator may, at any time, require the Permit holder to alter any insurance required under this Access Arrangement, extend the term of any insurance required under this Access Arrangement or increase or decrease the amount of cover of any insurance required under this Access Arrangement. In doing so, the Conservator shall have regard to, but not be bound by, the risk assessments referred to in conditions 7(e), 9(a) and 9(b).
- (c) All insurance cover required under this Access Arrangement must be in the joint names of the Minister, the Department and the Permit holder, or note the interest of the Minister and the Department, as required by and on terms approved by the Conservator, and must be with an insurance company approved by the Conservator, which approval will not unreasonably be withheld. The Conservator may require any reasonable amendment or

change to any policy of insurance required under this Access Arrangement and the Permit holder will forthwith implement those amendments or changes required by the Conservator.

- (d) In the event that any insurance cover required under this Access Arrangement is in the reasonable opinion of the Conservator unavailable, the Conservator may require a cash bond, or surety with a trading bank, insurance company or bond guarantor acceptable to the Conservator to provide assurances equivalent to that which would have been obtained had that cover been available.
 - (e) The Permit holder shall not be required to maintain insurance in respect of any risk that, in the opinion of the Conservator, is adequately covered by an alternative form of assurance (including any guarantee, bond or operating grant).
 - (f) In addition to the complying with the insurance requirements described above, the Permit holder shall ensure that any third parties engaged by it to undertake design or engineering work associated with the mine, or mining operations on the Land, hold a policy of Professional Indemnity insurance covering all design and engineering works undertaken. The amounts and terms of such Professional Indemnity insurance shall be consistent with any current risk assessments undertaken in accordance with conditions 7(e), 9(a) and 9(b).
26. The Permit holder must lodge with the Conservator copies of the renewal of or substitution for any insurance policies, receipts for payment of premiums, any variations to bonds and evidence that the bonds are in force.

BONDS

27. (a) Unless the bond is a cash bond, prior to entering in or on the Land, the Permit holder must provide as surety a trading bank, insurance company or bond guarantor who is acceptable to the Conservator. The surety must execute (in the case of two or more jointly and severally) in favour of the Minister a restoration guarantee or bond of a sum reasonably determined by the Conservator having regard to the calculation provided with each work plan in relation to the restoration and closure of the disturbed area of the Land provided that the Conservator is not bound by such calculation. Subject to any change under Condition 29, such guarantee or bond is to be initially set at \$ _____ for due and faithful performance by the Permit holder of the obligations under this Access Arrangement.
- (b) The restoration guarantee or bond shall be provided by the Permit holder for a minimum term of three years and shall commence from the date of the first Authority to Enter and Operate. The term of the restoration guarantee or bond shall be renewed for a minimum of a further three years or such other term as determined by the Conservator on each anniversary of the date of the first Authority to Enter and Operate.
- (d) The bond shall be in a form acceptable to the Conservator.
28. (a) In addition to the guarantee or bond required under Condition 27, the Permit holder will also, prior to entering into or onto the Land, deposit with the Minister a cash operating bond ("the cash operating bond") of \$ _____

- (b) The cash operating bond will be held by the Minister on trust until such time as all conditions of this Access Arrangement have been complied with and mine closure has been achieved notwithstanding the completion of the Permit holder's Mining or Mining Operations. Interest which is earned from the cash operating bond shall accrue to the Department and when the bond is repaid to the Permit holder, the Permit holder shall be entitled to receive all interest (less resident withholding tax and any bank fees); together with the deposit sum unless the Department has had to use the deposit sum (or part of it) in remedying any non-compliance with this Access Arrangement.
29. The Conservator will review the guarantees or bonds required under Conditions 27 and 28 annually while mining or mining operations are occurring, and may increase or decrease the amount of the guarantees or bonds, alter the structure or framework of the guarantees or bonds, or extend or reduce the term of the guarantees or bonds. In doing so, the Conservator is to have regard to the risk assessments referred to in Condition 7(e), 9(a) and 9(b), but is not bound by such risk assessments. The Conservator may also commission, at the Permit holder's expense, a separate risk assessment, or analysis of the risk assessment provided.
30. (a) The guarantees or bonds required under Conditions 27 and 28 are not to expire, and are to remain effective, during the period such guarantees or bonds are required to be in effect by this Access Arrangement and within that period until such time as all conditions of the Access Arrangement have been complied with and mine closure has been achieved, notwithstanding the completion of the Permit holder's Mining or Mining Operations or the surrender, suspension or termination of this Access Arrangement whether by effluxion of time or for cause.
- (b) In the event that the Permit holder breaches any condition or fails to carry out any condition of this Access Arrangement (including, for the avoidance of doubt, any conditions specified in a schedule to this Access Arrangement, or any provision of a work programme, management strategy, plan or sub plan approved under this Access Arrangement), the Conservator may call on the bonds entered into under Conditions 27 and 28 or any portion thereof to ensure compliance with the conditions of this Access Arrangement, whether or not the Access Arrangement has been surrendered, suspended or terminated.
31. In addition to the bonds provided for under Conditions 27 and 28, the Permit holder agrees to make to the Minister a cash operating grant of \$ _____ prior to entry onto the Land
- (a) for the general conservation purposes of providing a capital fund for ongoing insurances, bonds, monitoring, water treatment, aftercare and re-mediation associated with the Land post closure and not otherwise required to be undertaken by the Permit holder under this access Arrangement.; and, in the event that there be a surplus of the fund;
- (b) For general conservation purposes within the area presently known as the Denniston/Stockton Plateaux
32. The grant quantum in Condition 31 shall be reviewed by the Conservator in accordance with Condition 7(e), 9(a) and 9(b). The Conservator is to have regard to the risk assessments but is not bound by them. The Permit holder shall not be required to provide or maintain guarantee, bond, operating grant or other forms of

assurance in respect of any risk that, in the opinion of the Conservator, is adequately covered by an alternative form of assurance (including any other guarantee, bond, operating grant or insurance).

33.

FIRE PRECAUTIONS

34. The Permit holder will:

- (a) Ensure that no unauthorised fire occurs as a consequence of the Mining and Mining Operations, whether on the Land, or any adjoining land;
- (b) Not light any fire except by permit issued by the Conservator;
- (c) Not store or permit to be stored fuels or other combustible materials on the Land without the prior written permission of the Conservator;
- (d) Comply with the Conservator's requirements for fire safety equipment and for fire fighting equipment to be kept on the Land.
- (e) Have in place and annually update a Fire Control Management Plan to the Conservator's satisfaction.

PROTECTION OF THE ENVIRONMENT

35. The Permit holder will ensure that in respect of all Mining and Mining Operations under this Access Arrangement:

- (a) That all practicable steps are taken to ensure environmental disturbance is minimised and land affected by Mining and Mining Operations is kept stable and free from erosion. This is to be reflected in all Work Plans submitted to the Conservator for approval.
- (b) There is no land disturbance other than that authorised under this Access Arrangement.
- (c) All indigenous flora and fauna are protected except for disturbance authorised under this Access Arrangement.
- (d) No debris, rubbish or other dangerous matter will be deposited in or on the Land, or any pollution will occur of any water body, except as permitted by this Access Arrangement and any resource consent granted under the Resource Management Act 1991 relating to the mining permit.
- (e) There will be no destruction, damage or modification to any archaeological site in the area (as defined by the Historic Places Act 1993) without the authority of the New Zealand Historic Places Board of Trustees obtained under section 14 of that Act. The Permit holder must produce such authority to the Conservator.
- (f) Any protected New Zealand object, or taonga tūturu (as defined by the Protected Objects Act 1975), or object of historic significance found in the area or on the Land shall be left in situ, and the Conservator and Secretary of Internal Affairs notified as soon as reasonably practicable.

(g) Every person under the Permit holder's control entering on to the Land complies with the provisions of this Condition (Condition 34).

35. Subject to the requirements of this Access Arrangement, the Permit holder's activities on the Land shall be undertaken in general accordance with the information contained within the application document "Escarpment Mine Access Arrangement-Amendment to the original application" dated March 2013, provided to the Department.
36. In the event that there is an adverse impact to the Land, or adjoining land or natural resources administered or managed by the Minister, whether during or after completion of the Permit holder's Mining or Mining Operations, which is not permitted by this Access Arrangement or could not have reasonably been foreseen the Permit holder is to take all action necessary to mitigate or remedy those adverse impacts unless the Conservator considers otherwise. If the Permit holder fails to mitigate or remedy those adverse impacts to the Conservator's satisfaction, the Conservator may enter onto the Land or adjoining land to undertake any necessary action to do so and recover the costs of mitigating or remedying impacts from the Permit holder, including, without limitation, calling on any bonds.

SUPPLY OF INFORMATION

37. The Permit holder will lodge with the Conservator copies of the renewal of or substitution for any insurance policies including receipts for payment of premiums, any variations to bonds and evidence that the bonds are in force.
38. The Permit holder will provide to the Minister all information required from time to time by the Minister in respect of the use of the Land and any buildings or equipment thereon including any details concerning the Mining and Mining Operations and details concerning the numbers of people employed by the Permit holder or permitted or allowed by the Permit holder to come onto the Land.
39. The Permit holder will submit to the Minister a copy of any application lodged to vary the mining permit(s) covering the Land including any application to transfer the mining permit(s) to another person or party.
40. The Permit holder will apply for a variation to this Access Arrangement should it wish to undertake Mining or Mining Operations on any land managed or administered by the Department within any variation to the mining permit that is not already covered by this Access Arrangement.
41. Notwithstanding Condition 40 it will be at the Minister's discretion as to whether any variation applied for in accordance with Condition 40 is approved or not.

MONITORING

42. The Permit holder will allow the Conservator or any other person authorised by the Conservator to enter in or on to the Land at any time:
- (a) To inspect the Land or to consider approval of any Annual Work Programme or other plans, or to monitor compliance with the conditions of this Access Arrangement.
 - (b) To undertake any work necessary for the exercise of the Minister's functions and powers in respect of the Land provided that such work will not

unnecessarily interfere with the Permit holder's rights under this Access Arrangement.

- (c) Monitoring may include but is not limited to, the taking of soil and water samples, and the taking of a photographic record of activities occurring on the Land subject to the Access Arrangement.

TERM

- 43. (a) Subject to Conditions 9(c) and (d), the term of this Access Arrangement will be for a period from the date of execution of this Access Arrangement until 23 June 2022 or for the term of Mining Permit 51-279, whichever is the lesser.
- (b) The parties acknowledge that Within this term it is envisaged that the Permit holder will undertake mining, mining operations, and progressive rehabilitation over an initial 5 year period, with the balance of the term being utilised for rehabilitation works only. However nothing in this clause **Error! Reference source not found.**(b) limits or restricts the period when the Permit holder may undertake any mining and mining operations.

SUSPENSION OR TERMINATION

- 44. If the Permit holder becomes bankrupt, insolvent, or has a receiving order made against it or is wound up or otherwise ceases to function the Minister may terminate this Access Arrangement by notice in writing; or otherwise provide the option of a receiver, liquidator, or statutory manager carrying out the Access Arrangement subject to the provision of a guarantee for the due and faithful performance of the Access Arrangement up to an agreed amount. Such notice does not release the permit holder from liability in respect of any breach of this Access Arrangement prior to the termination of the Access Arrangement.
- 45. (a) If the Permit holder is in breach, or fails to observe any of the conditions contained herein or any approved Work Programme the Minister must give written notice to the permit holder specifying the default and requiring it to be remedied as soon as practicable but no greater than 40 working days. If the Permit holder fails to comply with such notice, then the Minister may by notice in writing suspend or terminate this Access Arrangement.
- (b) Suspension or termination will not release the Permit holder from liability in respect of any breach of this Access Arrangement.
- 46. (a) Upon suspension or termination or expiry of this Access Arrangement the Minister is not liable to pay any compensation whatsoever for any buildings, structures or improvements effected by the Permit holder.
- (b) The Permit holder may remove and, if requested by the Minister, must remove all such buildings, structures and improvements.
- (c) The Permit holder must repair and make good at its own expense all damage which may have been done by such removal and is to leave the Land in a clean and tidy condition for restoration as set out in this Access Arrangement or any approved Work Programme.

- (d) If the Permit holder fails to remove any buildings within a reasonable time of the request of the Minister the Minister may undertake the same and recover the costs from the Permit holder.
- 47. If no compensation payment as provided for in Conditions 3 or 4 is paid to the Minister by the Permit holder or if the Permit holder has not submitted to the Conservator the documents or Work Programme referred to in Conditions 7 and 13 hereof or both within 2 years of the signing of this Access Arrangement, this Access Arrangement will terminate and cease to have any effect.

NOTICES

- 48. Any notice required to be addressed by either party **will** be sent by hand, courier email or by facsimile during normal business hours and will in the absence of proof to the contrary be deemed to have been received by the other party on such date and at such time upon which the notice delivered by hand was delivered, or at such time as notice delivered by courier, email or facsimile would have been delivered.
- 49. The Minister's address, email and fax number for service will be C/- The Conservator, The Department of Conservation, 10 Sewell Street, Hokitika; Fax (03) 756 9188, westcoast@doc.govt.nz
- 50. The Permit holder's address, email and fax number for service will be Buller Coal Limited, Bathurst Resources, Level 12, 1 Willeston Street, Wellington, New Zealand; Fax 64 4 974 5218 ; email wellington@bathurstresources.co.nz; .

VARIATIONS

- 51. The Parties acknowledge that:
 - (a) If the Permit holder's proposed Mining or Mining Operations change in a way that any resource consents require a formal variation, the Minister may make any submissions on whether any consents or variations to consents should be or should not be granted by the relevant consent authorities; and
 - (b) If the principal elements of the mine works as described in the Fourth Schedule to this Access Arrangement change, no further work may be undertaken on that principal element by the Permit holder until such time as the Minister has considered and made a decision upon any application from the Permit holder to vary the Access Arrangement and the Parties have entered into an agreement to vary the Access Arrangement. Nothing in this condition implies any obligation on the part of the Minister to agree to such variation.
- 52.
 - (a) The Permit holder must lodge with the Conservator any variations to the mining permit.
 - (b) The Minister may vary this Access Arrangement or the Work Programme if he or she considers any variation to the mining permit makes it necessary to do so.

DISPUTE RESOLUTION

- 53. The parties agree to negotiate in good faith to resolve any differences which arise in connection with this Access Arrangement.

54. Failing resolution, any differences and disputes between the parties concerning this Access Arrangement, its interpretation, effect or implementation or any act or thing to be done in pursuant thereof (except as otherwise expressly provided) is to be referred to arbitration in New Zealand by a single arbitrator who is to be mutually agreed upon and, failing agreement, is to be appointed by the President of the New Zealand Law Society.

COMPLIANCE

55. Except where inconsistent with this Access Arrangement, the Permit holder will comply with the provisions of any conservation management strategy or conservation management plan pursuant to Part IIIA of the Conservation Act 1987, together with any amendment or review of any strategy or plan.
56. The Permit holder will at all times comply with all statutes, ordinances, regulations, by-laws or other enactments affecting or relating to the Land or affecting or relating to the Mining and Mining Operations including the Crown Minerals Act 1991, Health and Safety Employment Act 1992, the Forest and Rural Fires Act 1977, the Hazardous Substances and New Organisms Act 1996, and the Conservation Act 1987 and all Acts included in its First Schedule.
57. The Permit holder will at all times comply with this Access Arrangement, including all schedules and special conditions, any approved and current Annual Work Programme and Authority to Enter and Operate, and all approved current environmental management strategy, management plan or sub-plan. A breach of any such document shall be deemed to be a breach of this Access Arrangement and entitle the Minister or Conservator to exercise any rights or powers which arise from a breach or failure to comply with the terms of this Access Arrangement.
58. The Permit holder will at all times comply with the Resource Management Act 1991, and the conditions of all resource consents, or permitted activity performance standards, relevant to the conduct of mining and mining operations on the Land. A breach of a relevant resource consent or permitted activity standard shall be deemed to be a breach of this Access Arrangement.
59. If any inconsistency arises between the conditions of any resource consent relevant to the conduct of mining or mining operations on the Land, and the conditions of this Access Arrangement, such that the Permit holder can not comply with both, the Permit holder shall forthwith advise the Conservator. On such advice being received by the Conservator, the Conservator may either review the provisions of this Access Arrangement and agree to vary the Access Arrangement so as to remove the inconsistency, or confirm the conditions of the Access Arrangement and encourage the Permit holder to seek a change of resource consent conditions.

LIAISON PERSON

60. (a) The Permit holder will fund an independent contractor (to be neither an employee of the Permit holder or the Department of Conservation) who will act as a liaison officer between the Permit holder and the Conservator during the term of this Access Arrangement. The exact role, brief of service, and level of remuneration of the liaison officer will be determined by Conservator, following consultation with the Permit holder.

- (b) The Permit holder and the Minister record that the role of the liaison officer includes:
 - (i) Reviewing annual Work Plans and other documentation submitted to the Conservator either under this Access Arrangement, or in respect of resource consent requirements, or otherwise associated with the Permit holder's Mining and Mining Operations, and making appropriate recommendations to the Conservator based on those documents;
 - (ii) Monitoring compliance by the Permit holder with Work Plans, this Access Arrangement, and any other requirements of the Conservator;
 - (iii) Monitoring compliance with the Closure and Rehabilitation Plan, monitoring and liaising over the success or otherwise of on-going restoration works and making recommendations to the Conservator regarding successful progressive and long-term restoration and rehabilitation of the mine site and the Land.
- (c) The appointment of the liaison officer will be by the Conservator following consultation with the Permit holder, and the liaison officer will report to the Conservator.
- (d) The Permit holder and the Minister agree that the liaison officer will be a senior position, requiring a range of professional skills necessary for liaising effectively and autonomously with the Permit holder, the Department, territorial authorities, other external consultants, insurance companies and risk assessors. The liaison officer must have a strong proven performance in relationship management for large-scale developments in environmentally sensitive areas.
- (e) The liaison officer must be appointed by the first anniversary of the first Work Plan. Pending such appointment the Conservator may, if he or she considers it necessary and desirable, appoint an interim liaison person at any time between the date of execution of this Access Arrangement and the first anniversary of the first Work Plan; and such interim liaison person will carry out the role of the liaison officer as envisaged by clause 60(b).
- (f) The liaison officer may, with the prior approval of the Conservator, call on additional independent external consultants for specialist advice on matters reasonably raised by the Permit holder's Mining and Mining Operations carried out under this Access Arrangement. The liaison officer will advise anticipated costs of consultants to both the Permit holder and Conservator. The Permit holder shall meet the costs reasonably charged by such consultants.

GENERAL

61. Any failure by the Minister to exercise any right or power under this Access Arrangement does not operate as a waiver and the single or partial exercise of any right or power by the Minister does not preclude any other or further exercise of that or any other right or power by the Minister.

62. The Permit holder will not use any Land subject to this Access Arrangement for any purposes other than those specified in this Access Arrangement. Unless otherwise authorised by this Access Arrangement, or otherwise approved by the Conservator, the Permit holder will not erect, install or operate anything on the Land other than that described in the approved Annual Work Programme or any other approved plans submitted in accordance with Condition 7(b).
63. This Access Arrangement shall not remove any requirement for the Permit holder to obtain an authority under the Wildlife Act 1953 to disturb, or kill any wildlife on the Land.
64. (a) The headings set out in this Access Arrangement have been inserted for convenience and will not in any way limit or govern the construction of this Access Arrangement.

(b) This Access Arrangement may be signed in any number of counterparts (including facsimile and PDF copies) all of which, when taken together, will constitute one and the same instrument. A party may enter into this Access Arrangement by executing any counterpart.
65. Nothing in this Access Arrangement including Special Conditions in the Second Schedule and the provisions of the Third to Fifth Schedules will prevent the Minister or Director-General from participating in any statutory process in respect to any matter relating to Mining and Mining Operations in or on the Land defined in this Access Arrangement.
66. If, in the opinion of the Conservator, the Mining Operations of the Permit holder are having, or may have an adverse impact on the natural, historic or cultural values of the Land, which are not permitted by this Access Arrangement the Conservator may either suspend the Access Arrangement until the Permit holder remedies or mitigates such adverse impacts to the extent satisfactory to the Conservator; or review the conditions of this Access Arrangement and impose any further conditions necessary to avoid, remedy or mitigate such adverse impacts.
67. The Permit holder shall have no expectation that any further Work Programme, Access Arrangement or Access Arrangement variation shall be approved for further Exploration, or Mining, or Mining Operations, if Mining Operations under this Access Arrangement, or any Work Programme under this Access Arrangement are approved.
68. Notwithstanding any other provision, each party and the Conservator will act reasonably when considering whether to accept, agree, approve, consent to, decide, determine, or give permission for, any matter or thing under this Access Arrangement. The absence of any reference to a party or the Conservator acting reasonably shall not affect the operation of this clause.
69. Notwithstanding any other provision, any requirement under this Access Arrangement for a matter or thing to be accepted, agreed, approved, consented to, decided, determined by, or subject to the permission or satisfaction of, the Conservator is met if the matter or thing is expressly provided for in a Work Programme approved by the Conservator.

GUARANTEE

70. In consideration of the Minister entering into this Access Arrangement at the Guarantor's request the Guarantor:
- (a) Guarantees payment of the compensation and the performance by the Permit holder of the covenants in this Access Arrangement; and
 - (b) Indemnifies the Minister, and the Department against any loss the Minister or Department might suffer should the Access Arrangement be lawfully disclaimed or abandoned by any liquidator, receiver or other persons.
71. The Guarantor covenants with the Minister that:
- (a) No release, delay, or other indulgence given by the Minister to the Permit holder, to the Permit holder's successors or assigns, or any other thing whereby the Guarantor would have been released had the Guarantor been merely a surety is to release, prejudice, or affect the liability of the Guarantor as a Guarantor or as indemnifier;
 - (b) As between the Guarantor and Minister the Guarantor may, for all purposes, be treated as the Permit holder and the Minister is under no obligation to take proceedings against the Permit holder before taking proceedings against the Guarantor;
 - (c) The guarantee is for the benefit of and may be enforced by any person entitled for the time being to administer the Land;
 - (d) Any assignment or variation of this Access Arrangement is not to release the Guarantor from liability;
 - (e) Should there be more than one Guarantor the liability of each Guarantor under this guarantee is to be joint and several.

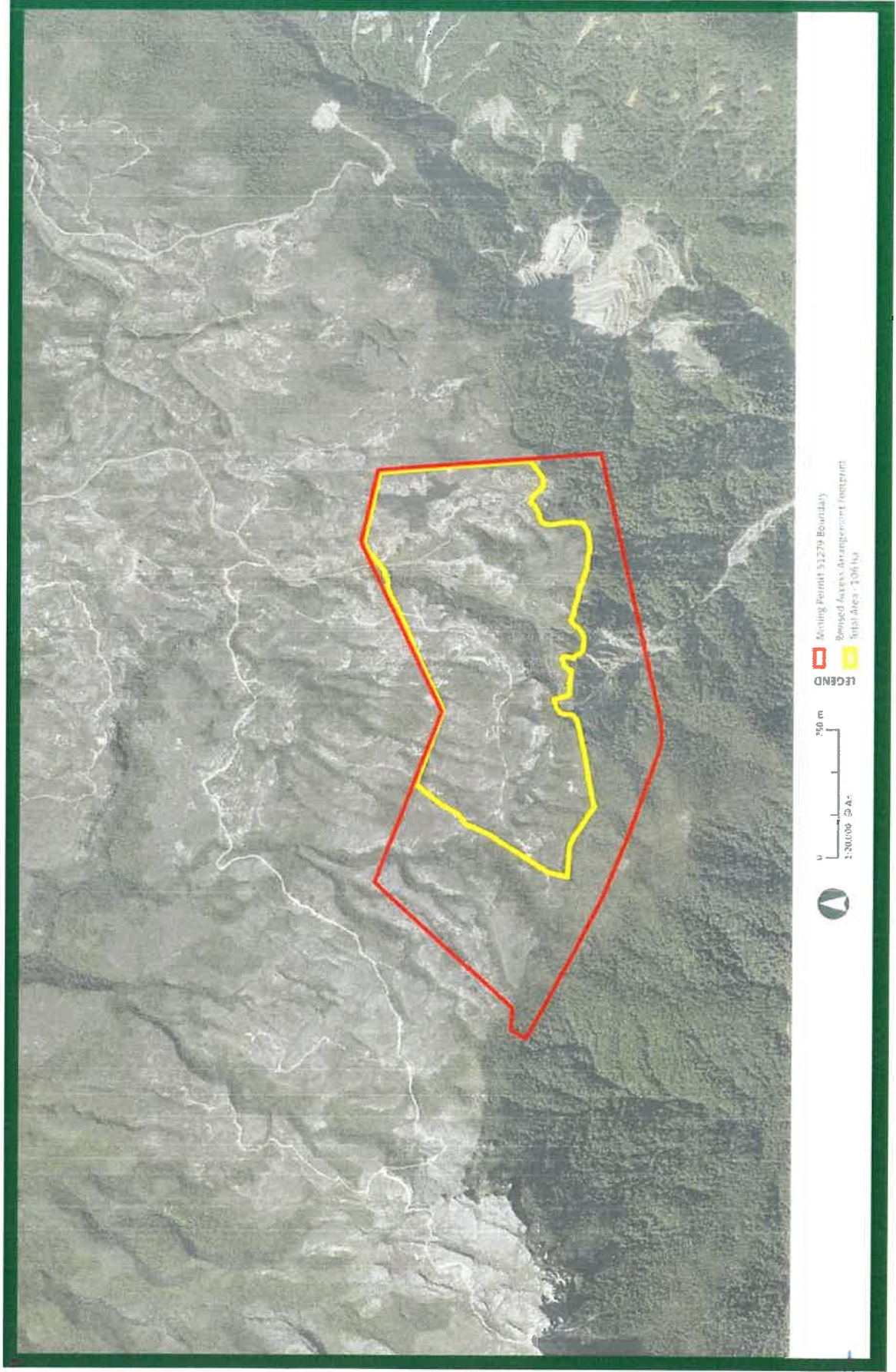
FIRST SCHEDULE

The Permit holder, subject to the conditions contained in this Access Arrangement, shall have access to 106 hectares of public conservation land, referred to in this Access Arrangement as the 'Land' being:

Approximately 106 hectares of deemed stewardship area within Crown Land Block X (under action) Kawatiri Survey District with parcel ID 3661020 and 3610359.

- as indicated on the plan affixed hereto as Plan A.

PLAN A: Access arrangement area boundary (106 ha)



SECOND SCHEDULE

SPECIAL CONDITIONS:

SAFEGUARDS TO PROTECT CONSERVATION VALUES

NOTE: These conditions are in addition to the conditions in the main body of the Access Arrangement and do not in any way affect the generality of those conditions.

OBLIGATION TO MINIMISE HARM TO THE ENVIRONMENT

72. The Permit holder shall implement all mitigation measures to minimise harm to the Land that may result from the construction, operation, or rehabilitation of the Mining and Mining Operations.
73. All activities authorised by this Access Arrangement shall be undertaken in general accordance with the information contained within the application document "Escarpment Mine Access Arrangement- Amendment to the original application" dated March 2013 provided to the Department.

ANNUAL WORK PROGRAMME CONDITIONS

74. The Annual Work Programme must include:
 - (a) A description of all Mining and Mining Operations carried out in the previous twelve months, including a contour plan showing the areas of overburden removal, Engineered Land Form and pit floor of the mine.
 - (b) Detailed site plans showing the Mining permit boundary, Access Arrangement boundary (being the boundary of the Land), conservation land boundary and the location of existing and proposed Mining and Mining Operations for the next 12 months.
 - (c) A detailed description of all Mining and Mining Operations proposed for the next twelve months, including an approximate timetable of events.
 - (d) A detailed plan and a recent high definition aerial photograph showing the areas of existing disturbance, areas of rehabilitation and areas of proposed further disturbance.
 - (e) An inventory of current non acid forming (NAF) capping material availability, top soil availability, areas to be rehabilitated, and areas available for vegetation direct transfer (VDT) and an annual estimate (detailed on a quarterly basis) of the soil balance and VDT/planting projected for the following twelve months and how updated results from the soil model affect whole-project rehabilitation including ability to meet rehabilitation targets and closure criteria.
 - (f) A detailed calculation of the amount of the insurances and guarantees, bonds or grants required by Conditions 25, 27, 28 and 31.

- (g) A risk assessment and risk assessment reviews of the Permit holder's Mining and Mining Operations on the Land required by Conditions 7(e), and 9.
- (h) Copies of the Environmental Management Strategy required under the Third Schedule, and the following management plans detailed in the Sixth Schedule:
 - (i) Closure and Rehabilitation Plan
 - (ii) Flora and Fauna Management Plan
 - (iii) Landscape and Visual Amenity Management Plan
 - (iv) Noise, Dust and Lighting Management Plan
 - (v) Emergency Response Management Plan
 - (vi) Water Management Plan
 - (vii) Engineered Landform Management Plan
 - (viii) Hazardous Substance Management Plan
 - (ix) Historic Heritage Management Plan

All plans must be updated annually, or when proposed Mining or Mining Operations requires a variation to the plan, or where required by Condition 4 of the Third Schedule of the Access Arrangement, and submitted to the Conservator for approval. The Conservator may vary the limits and requirements specified in any management plan if, in his or her opinion Mining and Mining Operations are having or are likely to have an adverse effect on the Land, and the permit holder will be bound by any such variation.

- (i) Review of the environmental performance of the Mining Operations in accordance with Condition 3 of the Third Schedule.
- (j) An explanation of any departure in the last twelve months from the previous Annual Work Programme.
- (k) A summary of any complaints received and the corrective actions taken.
- (k) A list of hazardous substances/ potentially contaminating materials to be stored or used on the Land including details of maximum volumes and secondary containment.
- (l) Volumes of sludge and waste reject material disposed of in the last 12 months in accordance with special Condition 82.
- (m) A copy of all resource consents held under the Resource Management Act 1991 relating to the mining permit.
- (n) All water quality testing results obtained over the last 12 months in relation to, or as a consequence of, activities on the Land.

- (o) Any other information, plans or statutory documents required by other conditions of this Access Arrangement and any relevant documents required by any resource consent held by the Permit holder relating to the mining permit.

75. The Permit holder will undertake all work in accordance with the approved Annual Work Programme.

76. The Permit holder may, at any time, submit to the Conservator for approval an amended Annual Work Programme.

WORK PROGRAMME APPROVAL

77. The Permit holder notes and agrees that before granting any Authority to Enter and Operate in respect of any Work Programme the Conservator shall be clearly advised and provided with detailed descriptions of the nature of work and its location.

78. If requested by the Conservator the Permit holder must establish in the Work Programme that any proposed Mining Operation is necessary to accomplish the purpose or desired outcome of the Project.

79. Where any party is required to take any steps in relation to a proposed or approved Work Programme they shall endeavour to do so without unreasonable delay.

EXCLUSION CONDITIONS

80. The Permit holder must avoid causing, directly or indirectly, any adverse impact to the Land which is not identified in the Work Programme as being necessary for the Permit holder's Mining Operations, and approved in any Authority to Enter and Operate.

81. The Permit holder must not undertake, allow or cause the following activities or effects on the Land:

- (a) take any dog or domestic animal or stock onto the Land except as expressly provided in this Access Arrangement; or in accordance with any Wildlife Act Authority;
- (b) discharge or allow the escape of any untreated surface water or ground water into the headwater tributaries of the Whareatea River or Cascade Creek other than in accordance with any current approved Emergency Response or Water Management Plans;
- (c) disposal of human source sewage;
- (d) cause down slope mass movements or exacerbate the movement or stability of existing slips;
- (e) use paint on vegetation or rocks for marking purposes that would not be disturbed during the course of Mining and Mining Operations;
- (f) take rock, gravels, or vegetation from areas not affected by Mining and Mining Operations;
- (g) conduct surface drilling other than in accordance with special Condition 82(d); or
- (h) conduct underground mining.

CONDITIONS REQUIRING SPECIFIC APPROVAL

82. Subject to these special conditions and approval of the current Work Programme the Permit holder may, with the prior written approval of the Conservator:
- (a) use explosives.
 - (b) construct, upgrade or maintain any road on the Land.
 - (c) conduct vegetation cutting, removal and overburden stripping on the Land.
 - (d) conduct drilling operations (including drilling required for blasting) within the Land;
 - (e) dispose of reject material from Mining, or from the coal processing plant on or to the Land;
 - (f) dispose of sludge from Mining or from the coal processing plant water treatment plant, mine influenced water treatment plant, surface water treatment plant and recycle dam, on or to the Land;
 - (g) having regard to any exclusion conditions, the Historic Heritage Management Plan, and any requisite New Zealand Historic Places Trust authorisation destroy surface or underground historical and archaeological sites;
 - (h) erect/place any building, equipment and plant and structures for processing of coal and other material, loading and conveyance of coal and other material, sheds, containers or similar structures on the Land; and
 - (i) conduct onsite processing of coal and other material including the use of any chemicals.

CLOSURE AND REHABILITATION

83. Closure of the mining operations on the Land shall be achieved when the closure criteria, objectives and outcomes detailed in this Access Arrangement (including but not limited to those set out in Schedule 7) and the Closure and Rehabilitation Plan are achieved to the satisfaction of the Conservator.
84. The Permit holder shall undertake rehabilitation progressively and as quickly as practicable following disturbance. All rehabilitation shall be undertaken in accordance with the Closure and Rehabilitation Plan, described in the Third and Sixth Schedules, to achieve the objectives and outcomes described in the Closure and Rehabilitation Plan and the following objectives:
- (a) In the short-term protection of soils and landforms by establishing a native vegetation and exotic grass cover and erosion resistant surfaces that have physical and chemical characteristics that favour growth of sustainable native plant communities and manage runoff and sediment generation.
 - (b) In the medium to long term, establishment of ecosystems as similar as possible in plant and animal species diversity and functioning to undisturbed ecosystems surrounding the Land that enable the constructed landforms to blend into the adjacent landscape and prevent erosion and sediment generation.

- (c) Re-creation of 1.3 km of streams with channel complexity and macro-invertebrate diversity consistent with the undisturbed streams on the Denniston Plateau.
 - (d) Development of self-sustaining indigenous ecosystems which meet the closure criteria set out in schedule 7.
 - (e) Creation of a geotechnically stable landform, able to withstand anticipated seismic activity
 - (f) Capping of all net acid forming material beneath an impermeable layer, such that water discharges from the site will be within the water parameters specified in Schedule 6
 - (g) Recreation of hydrological characteristics in soils and subsoils similar to characteristics of the site prior to disturbance by mining and mining operations
85. The Permit holder is not to dump any waste rock or other material on any part of the Land which has not been prepared by stripping all vegetation and organic material and soil from the Land, except where approved by the Conservator for the following reasons:
- (a) where the removal of vegetation or organic material is impractical/unsafe due to the gradient of the land;
 - (b) where the Conservator agrees that the terrain is such that undesirable additional disturbance would result from accessing the areas; or
 - (c) where the area is to be used for stockpiling vegetation or topsoil.
86. All trees and other flora on the Land at all times remain the property of the Minister and shall be used for the purposes of onsite rehabilitation unless the Conservator states in writing that they are not required for rehabilitation purposes and are to be disposed of in accordance with section 28 of the Conservation Act 1987.
87. The Permit holder shall ensure that no 'side casting' (being the deposit of material onto an area where that material is not permitted to be deposited by deliberate act) is undertaken in the course of Mining and Mining Operations for the term of the access arrangement.

FLORA AND FAUNA MANAGEMENT

88. The Permit holder will prepare, for the Conservator's approval, a Flora and Fauna Management Plan, as detailed in the Third and Sixth Schedules, detailing how the impacts of the Permit holder's activities on flora and fauna on the Land will be managed.
89. The Permit holder shall undertake pest plant and predator control within the Permit boundary for the period of this Access Arrangement to achieve an outcome in accordance with the following objectives:
- (a) eliminate to the extent practicable invasive weed species by preventing flowering or seeding of Gorse, Broom, Himalayan Honeysuckle, Blackberry, Montbretia, Ragwort, and Pampas; and

- (b) reduce the cover of *Juncus squarrosus* so as to avoid any interruption of indigenous revegetation on the Land.
- (c) protect great spotted kiwi, *Powelliphanta Patrickensis* and other indigenous fauna by controlling populations of rodents, mustelids and cats below detectable levels.

The pest plant and predator control programmes shall be detailed in the Flora and Fauna Management Plan.

THREATENED SPECIES

- 90. The Permit holder shall apply for and obtain a Wildlife Act Authority from the Director-General of Conservation to cover any aspect of the Mining or Mining operations that will disturb or kill absolutely protected Wildlife, as defined under the Wildlife Act 1953. The Permit holder will then comply with all requirements of any Wildlife Act Authority granted by the Director-General with regards to the Mining or Mining operations on the Land.
- 91. Subject to any Wildlife Act authorisation which requires otherwise, Where any vegetation disturbance for mining, mining operations or exploration operations is to take place within the great spotted kiwi/rooa breeding season (July to January inclusive), the Permit holder will ensure that immediately prior to the disturbance (and no more than 2 weeks prior to disturbance), a search for great spotted kiwi/rooa and great spotted kiwi/rooa eggs is undertaken of the area to be disturbed. Where kiwi or eggs are found to be within the area of anticipated disturbance the Permit holder shall manage any kiwi or egg in accordance with the relevant Wildlife Act Authority.
- 92. The Permit holder shall ensure that all searches, disturbance, collection or translocation of any great spotted kiwi/rooa or great spotted kiwi/rooa egg complies with the relevant Wildlife Act Authority authorising the searching, disturbance or handling.
- 93. The Permit holder shall not disturb or kill *Powelliphanta* species at any site on the Land other than in accordance with a specific Wildlife Act Permit.
- 94. The Flora and Fauna Management Plan will describe all mitigation measures relating to threatened species to be undertaken by the Permit holder, and will detail how the Permit holder will ensure it complies with any authority issued under the Wildlife Act. Included within the Flora and Fauna Management Plan will be contingencies for the Permit holder to identify, protect and when necessary in the opinion of the Conservator remove to a place of safety any indigenous flora, or fauna that are classified as being Threatened Species, and which may be affected by the Permit holder's Mining Operations.

VEGETATION CLEARANCE

- 95. The boundary of the Land (being the Access Arrangement area) shall be surveyed and marked to delineate the overall vegetation disturbance area and to prevent any unnecessary disturbance of adjoining vegetation. Survey tracks on the Land within 100 metres of the boundary of the Land, as shown in Plan A of the First Schedule, shall be cut on foot to minimise vegetation disturbance. The Permit holder, its employees, agent or contractors shall not cause any vegetation disturbance outside the Land. Any such disturbance shall be deemed to be a breach of this Access Arrangement.

96. Areas designated for vegetation disturbance within the boundary of the Land shall be surveyed, assessed for vegetation type and availability for vegetation direct transfer, and presence of threatened species and marked prior to any vegetation clearance, to prevent any unnecessary disturbance of vegetation. The Flora and Fauna Management Plan will describe the details as to how this will occur.

WEED CONTROL

97. The Permit holder shall minimise the risk of the introduction of weed species onto the Land. Weed control shall be undertaken to the extent that the re-establishment of indigenous flora on the land is not restricted. Actions to effect this process are to be detailed in the Flora and Fauna Management Plan, and are to include but are not limited to:
- (a) All used earth moving machinery, and other equipment which may be contaminated by weed seeds, being thoroughly steam-cleaned before going on to the Land for the Permit holder's Mining or Mining Operations.
 - (b) Any gravel, sand or other material used in road building or other construction is to be sourced from a weed free source.
98. The Permit holder must actively control weeds on the Land and undertake all pest plant control programmes required in Special Condition 89 to the satisfaction of the Conservator.

LANDSCAPE AND VISUAL AMENITY

99. The Permit holder will prepare for the Conservator's approval, a Landscape and Visual Amenity Management Plan, as described in the Third and Sixth Schedule, detailing how the adverse visual impacts of the Mining, Mining Operations, and associated infrastructure will be addressed and mitigated.
100. The Permit holder must carry out all operations in such a manner as to minimise landscape and visual amenity impacts. The Permit holder is to consult with the Conservator as to colour and design of facilities, infrastructure, and final landforms and services to assist in achieving the objectives of special Condition 99.

EMERGENCY RESPONSE

101. The Permit holder will prepare for the Conservator's approval an Emergency Response Plan as described in the Third and Sixth Schedules to control the following risks:
- (a) fire including a fire prevention and control strategy;
 - (b) flood, including large volume precipitation events;
 - (c) earthquake;
 - (d) slope failure.
102. The Permit holder must demonstrate to the satisfaction of the Conservator the Permit holder's ability to successfully implement the Emergency Response Plan. The Emergency response Plan will be prepared in consultation with the Department.

WATER MANAGEMENT

103. The Permit holder will prepare for the Conservator's approval a Water Management Plan, as described in the Third and Sixth Schedule. This plan must be prepared in consultation with the Department and describe how the Permit holder will manage all water related issues at the site, in accordance with this Access Arrangement.
104. Water management shall be designed to ensure that runoff and sedimentation is minimised, natural drainage patterns are re-established unless otherwise authorised, and that beyond 95th percentile limits specified in Schedule 6, no untreated AMD influenced water is discharged into receiving waterways.
105. The Permit holder shall maintain active water treatment on the Land until water monitoring indicates to the satisfaction of the Conservator, that water discharges are suitable for passive treatment in perpetuity.
106. Subject to special condition 105, the Permit holder shall be responsible for establishing passive treatment of all water discharges on the Land, following completion of the period of active water treatment.

ENGINEERED LAND FORM

107. The Permit holder will prepare for the Conservator's approval, an Engineered Landform Management Plan, as described in the Third and Sixth Schedule. All Engineered Land Forms shall be constructed in accordance with the Permit holder's geotechnical design included in the Access Arrangement application and shown in the concept design in the Fourth Schedule.
108. The Permit holder will ensure that there is no slippage, failure or faulting at or over the edge of the escarpment caused by Mining or Mining operations.
109. A buffer zone of no less than 10m in width, within which no mining or mining operations (including vegetation stripping) is to occur other than mine perimeter drainage with a total combined maximum vegetation clearance of 0.1 ha, will be maintained at all times along the edge of the Escarpment during Mining and Mining Operations, including during the construction and maintenance of the Engineered Land Form. The Conservator may require the width of this buffer zone to be increased.
110. The final Engineered Land Form shall not encroach upon the buffer required in Special Condition 109.
111. Within six months of the granting of the first Authority to Enter and Operate, the Permit holder shall provide a report, to the satisfaction of the Conservator, on acid mine drainage management. This report shall:
 - (a) Calculate and describe probable 'mine closure' water chemistry from the overburden engineered land form based on modelling.
 - (b) Use lysimeter testing to predict medium term management of acid production from the overburden engineered land form.
 - (c) Determine relationships between acid base accounting results and rock types to better establish and optimise overburden handling strategies for Mining and Mining Operations on the Land.

- (d) Investigate overburden engineered land form design and the placement of materials in order to minimise acid generation.
- (e) Demonstrate that there is sufficient material on the Land to encapsulate the overburden engineered land form so that the depth and permeability requirements of clause 12 of Schedule 6 are achieved and that the capping material has an acid based accounting classification of either acid consuming, non-acid forming, or low capacity potentially acid generating
- (f) Demonstrate that there will be sufficient top soil available at all times for progressive rehabilitation purposes so as to achieve all rehabilitation objectives.

NOISE, DUST AND LIGHTING

- 112. The Permit holder will prepare for the Conservator's approval, a noise, dust and lighting management plan, as described in the Third and Sixth schedule, detailing how the adverse effects of noise, dust and lighting produced by the Mining and Mining Operations, and associated infrastructure will be addressed and mitigated.
- 113. The Permit holder must carry out all operations in such a manner as to minimise the noise, dust and lighting impacts. In carrying out operations within the Land, the Permit holder must comply with the limits and requirements specified in the noise, dust and lighting management plan, or this Access Arrangement.

HAZARDOUS SUBSTANCES

- 114. The Permit holder will prepare for the Conservator's approval, a Hazardous Substances Management Plan, as described in the Third and Sixth schedule, detailing how the potential adverse effects of hazardous substances associated with the Permit holders Mining and Mining Operations, will be addressed and mitigated.
- 115. The Permit holder must at all times manage the transport, use or storage of hazardous substances on the Land in such a manner as to minimise the potential adverse effects of those substances. In carrying our operations within the Land, the Permit holder must comply with the requirements specified in the Hazardous Substances Management Plan, or this Access Arrangement.

HISTORIC HERITAGE MANAGEMENT PLAN

- 116. The Permit holder will prepare for the Conservator's approval, a Historic Heritage Management Plan, as described in the Third and Sixth schedule, detailing how the adverse effects of the Permit holders mining and mining operations on the historic heritage of the Denniston Plateau will be addressed and mitigated.
- 117. The Permit holder will record all historic and archaeological sites that will be destroyed during mining operations to provide the best possible record of these sites and their relative meaning to the Denniston historic landscape.

HISTORIC SITES UNDER THE HISTORIC PLACES ACT 1993

- 118. Upon the discovery of any historical or archaeological object or artefact defined under the Historic Places Act (1993) not authorised for destruction, damage or modification by the New Zealand Historic Places Trust, the Permit holder shall immediately cease Mining or Mining Operations at the location of the discovery and protect from damage

any such object or artefact, and shall forthwith notify the Conservator. Conditions protecting the historical or archaeological object or artefact, shall be defined by the Conservator and/or the New Zealand Historic Places Trust, and must be adhered to by the Permit holder.

119. The Permit holder will be required to record the location and details of any historic site and object/artefact found on the Land defined under the Historic Places Act (1993). The Permit holder will protect from damage any historic site and object/artefact, and contact the Department on finding any such sites and objects/artefacts.

HISTORIC AND ARCHEOLOGICAL SITES POST 1900

120. The Permit holder must prepare and implement within the Historic Heritage Management Plan an accidental discovery protocol procedure for any historic and/or archaeological site and object/artefact found on the Land to the satisfaction of the Conservator.
121. The Permit holder must record the location and details of any historic and/or archaeological site and object/artefact found on the Land.
122. The Permit holder must retrieve and safely store any object/artefact found on the Land until permission has been obtained from the Department for its disposal.
123. The Permit holder must provide such interpretative and descriptive material as meets the needs of visitors and the wider public interest. The details of this interpretive and descriptive material will be specified in the Historic Heritage Management Plan.

OTHER INFORMATION REQUIRED

124. (a) The Permit holder must provide, where requested by the Conservator, certification:
- (i) as to the adequacy of design of any engineering operation to meet the conditions of this Access Arrangement and any approved plans under it;
 - (ii) that the execution of any engineering element of the operation is in accordance with the design.
- (b) Such certification must be by an appropriately qualified engineer acceptable to the Conservator who is a member of the Institute of Professional Engineers of New Zealand.
- (c) The Permit holder must comply fully with the requirements of the Building Act 1991, and is to provide copies of all building consents, code compliance certificates, producer statements and other documents required, prepared, produced or issued under that Act to the Conservator. Without limitation to Conditions 19 – 24 in the main body of this Access Arrangement, the Permit holder indemnifies the Minister fully in respect of any costs or liabilities that the Minister or the Department may incur or suffer as a consequence of non-compliance with this special condition. The indemnity is to continue after the expiry of, or other determination of this Access Arrangement, or any variation to it, in respect of those acts or omissions occurring or arising before the expiry or determination of it, or any variation of it.

- (d) The Permit holder shall ensure that all demolition work is carried out in accordance with the requirements of the Building Act and Regulations 2004.

CULTURAL SITES

125. The Permit holder will be required to record the location and details of any cultural site and/or object/artefact found on the Land including Koiwi Tangata (human bones) or Taonga (artefacts/middens). On finding such site or object/artefact the Permit holder will cease work immediately at the location of the find and contact the Department and Te Rūnanga o Ngāi Waewae Chairperson, Ph. 0508 786 2642, email: francois@ngatiwaewae.org.nz

POUNAMU

126. The Permit holder acknowledges that pounamu (including all nephrite, semi-nephrite, bowenite and serpentine) is under the ownership of Te Rūnanga o Ngāi Tahu pursuant to the Ngāi Tahu (Pounamu Vesting) Act 1997.
127. No pounamu may be removed or recovered by the Permit holder or its employees unless written authorisation is first entered into with Te Rūnanga o Ngāi Tahu. Where any pounamu is found by the Permit holder or its employees on the Land during the course of operations the Permit holder is required to immediately notify the Conservator and the Pounamu Manager, Te Rūnanga o Ngāi Tahu, Christchurch, Ph. 0800 Kai Tahu (0800 524 8248) and Te Rūnanga o Ngāi Waewae Chairperson, Ph. 0508 786 2642, email: francois@ngatiwaewae.org.nz.

TRACKS

128. Where damage or destruction occurs to tracks or facilities as a result of the exercise of this Access Arrangement the Permit holder must on completion of mining reinstate or provide alternative tracks or facilities for use by the public for recreation as directed by the Conservator.

REMOVAL OF MATERIAL

129. At the completion of the Mining and Mining Operations the Permit holder will remove from the site all materials including rubbish, associated with the Mining Operation, unless the Conservator has given prior written approval for the item(s) to remain.

THIRD SCHEDULE

ENVIRONMENTAL MANAGEMENT, REPORTING AND AUDITING

ENVIRONMENTAL MANAGEMENT STRATEGY

1. The Permit holder shall prepare for the Approval of the Conservator, and implement to the satisfaction of the Conservator an Environmental Management Strategy. The strategy must:
 - (a) be submitted to the Conservator for approval prior to commencement of Mining and Mining Operations;
 - (b) provide the strategic framework for environmental management;
 - (c) identify the statutory approvals that apply;
 - (d) describe the role, responsibility, authority and accountability of all key personnel involved in the environmental management of Mining and Mining Operations;
 - (e) describe the procedures that will be implemented to:
 - (i) keep the local community and the Department informed about the operation and environmental performance of Mining and Mining Operations;
 - (ii) receive, handle, respond to, and record complaints;
 - (iii) resolve any disputes that may arise during the course of Mining and Mining Operations;
 - (iv) respond to any non-compliance;
 - (v) respond to emergencies; and
 - (f) include:
 - (i) copies of any plans required to be prepared under the conditions of this Access Arrangement; and
 - (ii) a clear plan depicting all monitoring to be carried out.

MANAGEMENT PLAN REQUIREMENTS

2. The Permit holder shall ensure that all management plans required to be prepared under this Access Arrangement include:
 - (a) baseline data as reasonably required to assess or benchmark the existing position and any change;

- (b) a description of:
 - (i) the relevant Access Arrangement requirements;
 - (ii) any relevant limits or performance measures/criteria;
 - (iii) the specific performance indicators that are proposed to be used to judge the performance of, or guide the implementation of, Mining and Mining Operations or any management measures;
- (c) a description of the measures that will be implemented to comply with the relevant Access Arrangement requirements and limits;
- (d) a programme to monitor and report on the:
 - (i) impacts and environmental performance of the Mining and Mining Operations;
 - (ii) effectiveness of any management measures referred to in the Third Schedule Condition 2(c);
- (e) a contingency plan to manage any unpredicted impacts and their consequences;
- (f) a programme to investigate and implement ways to improve the environmental performance of Mining and Mining Operations over time;
- (g) a protocol for managing and reporting any:
 - (i) incidents;
 - (ii) complaints;
 - (iii) non-compliances with the conditions of this Access Arrangement.

ANNUAL REVIEW

3. Twelve months after the granting of the first Authority to Enter and Operate, and annually thereafter, the Permit holder shall review and report on the environmental performance of the Mining and Mining Operations to the satisfaction of the Conservator. This review must:
 - (a) describe the works (including any rehabilitation) that were carried out in the past year, and the works that are proposed to be carried out over the next year;
 - (b) include a comprehensive review of the monitoring results and complaints records over the past year; which includes a comparison of these results against the:
 - (i) limits or conditions of the Access Arrangement and Resource Consents relating to the mining permit;
 - (ii) monitoring results of previous years; and

- (c) a description and analysis including any root cause of any incidents that have arisen within the last 12 months; the steps taken to mitigate or remedy any material harm; and actions to prevent a reoccurrence of events which caused material harm.
- (d) identify any trends in the monitoring data of the Access Arrangement and resource consents relating to the mining permit over the life of the Mining Operations;
- (e) identify any discrepancies between the predicted and actual impacts of the Mining and Mining Operations, and analyse the potential cause of any significant discrepancies; and
- (f) describe what measures will be implemented over the next year to improve the environmental performance of the Mining and Mining Operations.

REVISION OF STRATEGIES, PLANS, AND PROGRAMMES

4. Within 3 months of:

- (a) the submission of an annual review under Condition 3 above;
- (b) the submission of an incident report under Condition 6 below;
- (c) the submission of an audit report under Condition 8 below; and
- (d) any variation or modification to the conditions of this Access Arrangement,

the Permit holder shall review, and if necessary revise, all strategies, plans and sub-plans required under this Access Arrangement to the satisfaction of the Conservator.

INCIDENT REPORTING

- 5. The Permit holder shall notify the Conservator of any incident affecting the Land or the natural resources on the Land associated with the Mining and Mining Operations and not authorised under this Access Arrangement or any Work Programme as soon as practicable after the Permit holder becomes aware of the incident.
- 6. Within 7 days of becoming aware of the incident, the Permit holder shall provide the Conservator with a detailed report on the incident and within 6 weeks of the incident provide the Conservator a report on the corrective actions taken to prevent the incident from occurring in the future.

REPORTING

- 7. The Permit holder shall notify the Department immediately if monitoring indicates non-compliance with limits or requirements of the Access Arrangement or any Management Plan or limits defined in resource consents held by the Permit holder for the Permit.
- 8. The Permit holder shall provide the Conservator a report every six months that must include:
 - (a) summary of any complaints or incidents;

- (b) summary of water take and discharge volumes in relation to limits set in resource consents, and where appropriate in relation to the conditions imposed in the Access Arrangement, relating to the mining permit;
- (c) summary of water chemistry data of discharges in relation to limits set in resource consents, and where appropriate in relation to the conditions imposed in the Access Arrangement, relating to the mining permit and an interpretation of effects on the receiving environments;
- (d) summary of water quality data in the Whareatea River directly above the confluence of the Whareatea River and Conglomerate Stream;
- (e) a review of any operational, water treatment, acid mine drainage, or geotechnical issues;
- (f) results of acid base accounting testing or other related acid mine drainage testing and a summary of the management of acid mine drainage;
- (g) performance and progress of rehabilitation including detailed topsoil and NAF budget, and VDT/VIT programme;
- (h) performance of pest and predator control programme; and
- (i) performance of the pest plant control programme.

INDEPENDENT ENVIRONMENTAL AUDIT

9. Eighteen months after the granting of the first Authority to Enter and Operate, and every two years thereafter, unless the Conservator directs otherwise, the Permit holder will commission and pay the full cost of an Independent Environmental Audit of the Mining and Mining Operations. This audit must:
 - (a) be conducted by a suitably qualified, experienced and independent team of experts whose appointment has been endorsed by the Conservator;
 - (b) include consultation with the Department;
 - (c) assess the environmental performance of the Mining and Mining Operations and whether it is complying with the Access Arrangement and resource consent conditions;
 - (d) review the adequacy of any approved strategies, plans or programmes required under the Access Arrangement; and, if appropriate
 - (e) recommend measures or actions to improve the environmental performance of the Mining and Mining Operations, and/or plan required under the Access Arrangement.
10. Within eight weeks of the completion of this audit, or as otherwise agreed by the Conservator, the Permit holder shall submit a copy of the audit report to the Conservator, together with its response to any recommendations contained in the audit report.

11. The Conservator may have regard to, but shall not be bound by, the audit report and or response to recommendations, in considering any matters under this Access Arrangement.

FOURTH SCHEDULE

LIST OF MINING ELEMENTS AND MINE PLAN

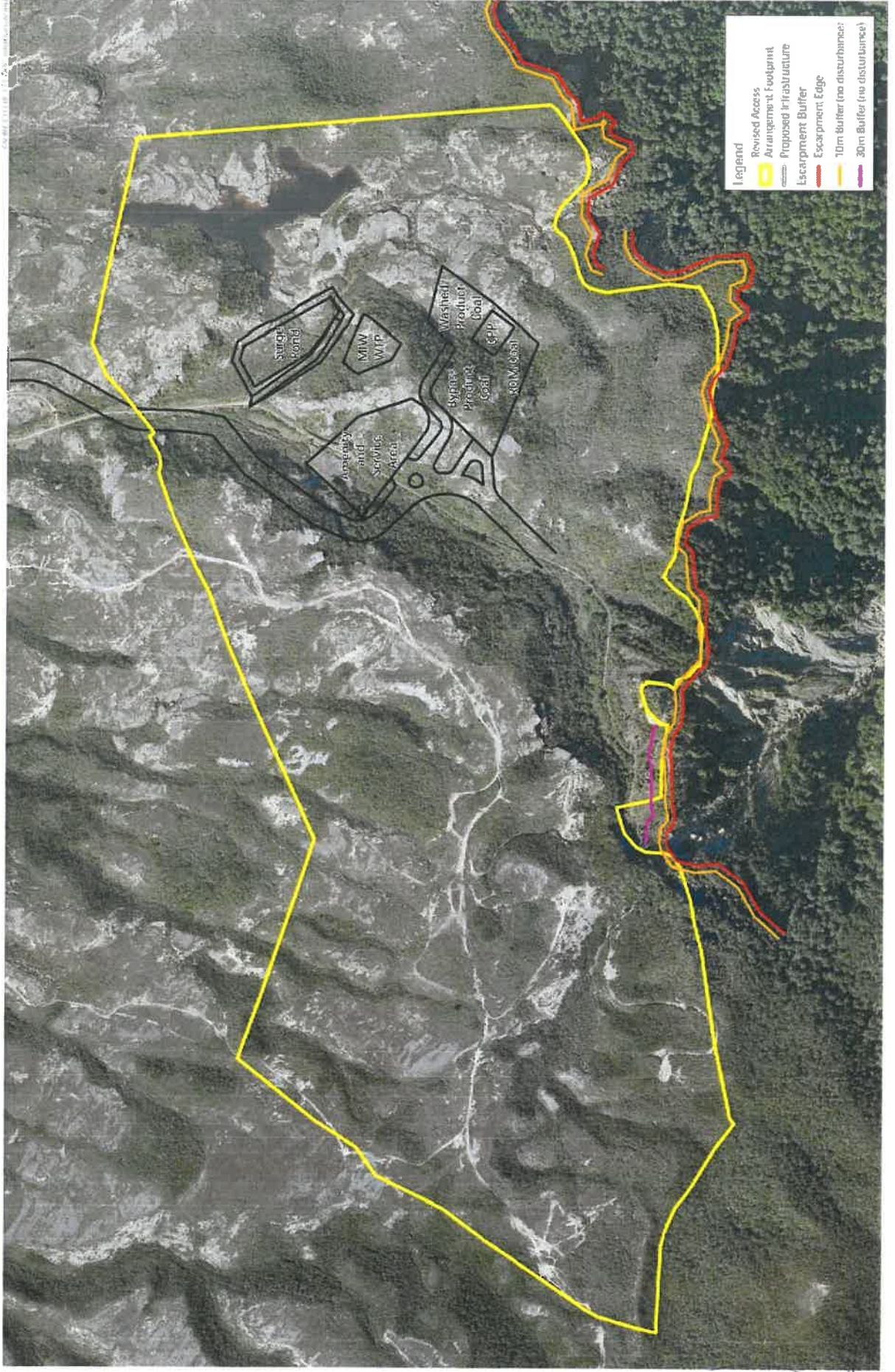
The key mine elements (including all key infrastructure and constructed land forms) are:

- (a) Open cast pit or pits
- (b) Coal haul roads
- (c) MIW WTP (Mine influenced water Water Treatment Plant)
- (d) Surge pond
- (e) Flood channel
- (f) Infrastructure area, including:
 - (i) Workshop
 - (ii) Wash pad
 - (iii) Fuel farm
 - (iv) Site offices
 - (v) Tyre fitting area
 - (vi) Seed/plant storage shed
- (g) ROM Pad/crusher
- (h) Haul road
- (i) Overburden Engineered Landform, including Low Permeability Layer and sludge cells
- (j) Topsoil stockpile
- (k) Coal processing plant
- (l) building, equipment and plant and structures for processing , loading and conveyance of material

Maximum disturbance area shall be 106 hectares.

The key mine elements are shown in Plan B below:

Plan B: Location of key mine infrastructure



FIFTH SCHEDULE
COMPENSATION DEED

SIXTH SCHEDULE

MANAGEMENT PLANS

1. The permit holder will supply the Department with up to date copies of the management plans described in this schedule as part of the process of seeking the Conservator's approval of the Annual Work Programme.
2. Following the approval of the first Annual Work Programme the permit holder shall submit revised and up to date copies of all management plans described in this schedule to the Department at least two months prior to the expiry of that Annual Work Programme, where the Permit holder is seeking approval of a new Annual Work Programme.
3. Any breach of or failure to comply with the provisions of an approved management plan or the Environmental Management Strategy shall be deemed to be a breach of this Access Arrangement.
4. The management plans required under this Access Arrangement may sit within the Permit holder's overarching Environmental Management Strategy.
5. The management plans required under this Access Arrangement are:
 - Closure and Rehabilitation Plan
 - Flora and Fauna Management Plan
 - Landscape and Visual Amenity Management Plan
 - Noise, Dust and Lighting Management Plan
 - Emergency Response Management Plan
 - Water Management Plan
 - Engineered Landform Management Plan
 - Hazardous Substances Management Plan
 - Historic Heritage Management Plan
6. **Closure and Rehabilitation Management Plan**

This plan must:

 - (a) be prepared in consultation with the Department,
 - (b) integrate with other management plans required under this Access Arrangement;
 - (c) address all aspects of rehabilitation and mine closure, including rehabilitation objectives, and closure criteria required to be met by this Access Arrangement, or additional closure criteria proposed by the Permit

holder or required by the Conservator, rehabilitation monitoring, so that the end use of the land is consistent with;

- (i) In the short term, creation of stable land forms by establishment of exotic grasses and native vegetation cover and erosion resistant surfaces which have physical and chemical characteristics that favour growth of sustainable native plant communities and manage run off and sedimentation generation;
 - (ii) In the medium to long term, establishment of ecosystems similar in plant and animal species diversity and functioning to undisturbed ecosystems surrounding the Land that enable the constructed landforms to blend into the adjacent landscape and prevent erosion and sedimentation generation;
 - (iii) Re-creation of streams with similar channel complexity and macro-invertebrate diversity to the undisturbed streams on the Denniston plateau;
 - (iv) Development of self sustaining indigenous ecosystems which meet the closure criteria set out in Schedule 7.
- (d) Include measures to ensure consistency with all rehabilitation design parameters described in the "Escarpment Mine Access Arrangement-Amendment to the original application" dated March 2013 provided to the Department.
- (e) include an environmental risk assessment (to be updated biennially) to demonstrate that the emplacements can be designed, managed and rehabilitated appropriately;
- (f) detail the rehabilitation sequence for the Mining and Mining Operations in annual increments, with specific detail on areas to be prepared for rehabilitation, and specific detail on the areas from where the rehabilitation material will be sourced;
- (g) include storage locations for, and volumes of, topsoil and woody material to be used for rehabilitation and areas to be used for vegetation direct and indirect transfer, with a detailed topsoil budget and VDT/VIT programme;
- (h) address water management steps required at mine closure including the dis-establishment of diversion drains, culverts and structures that will not remain after mine closure;
- (i) detail procedures, anticipated duration, and proposed management regimes (including resource consenting, concession or access arrangement authorisations required at or post closure);
- (j) determine the passive treatment system design and area required for construction, operation and on-going maintenance when sufficient water quality information is available from the waste overburden engineered land form; and

- (k) specify how the closure criteria specified in Schedule 7 are to be met by the Permit holder prior to closure of the site, and the anticipated time frame for meeting them.

7. Flora and Fauna Management Plan

This plan must:

- (a) be prepared in consultation with the Department,
- (b) integrate with other management plans required under this Access Arrangement;
- (c) address all aspects of flora and fauna (including invertebrate) management prior to, during and post life of mine, including specific performance standards required to be met by this Access Arrangement, or additional specific performance standards proposed by the Permit holder or required by the Conservator;
- (d) detail how the following specific requirements for flora and fauna management shall be met by the Permit holder.

The specific matters required to be included in the flora and fauna management plan include the following;

- (e) A detailed pest and predator control programme as described in condition 88 and 89 of Schedule 2
- (f) A detailed contingency plan to identify, protect and when necessary in the opinion of the Conservator remove to a place of safety, any indigenous flora or fauna that are classified as being threatened species, and which may be affected by the Permit holder's mining or mining operations.
- (g) Measures to be taken by the Permit holder to ensure the maximum possible amount (and in any event no less than 56 ha) of Vegetation Direct Transfer of indigenous vegetation from within the Land to the engineered landform.
- (h) Measures to be taken to maximise the opportunities of achieving the population characteristics and outcomes described in Table 1a for species of significance

Table 1a: Species of Significance Management Objectives

Species	Objectives – Population Outcomes and Characteristics
<i>Sticherus tener</i>	Plants are established and survive at a minimum of 2 ecologically appropriate locations on the Denniston Plateau.
<i>Mitrasacme montana</i> var. <i>helmsii</i> and <i>S. ureolatus</i>	If present within the Land, new populations are established and survive in at least the same number of ecologically appropriate locations.
<i>Euphrasia wettsteiniana</i>	Plants are established and survive at a minimum of 7 ecologically appropriate locations preferably within the

Species	Objectives – Population Outcomes and Characteristics
	Land.
<i>Peraxilla tetrapetala</i>	If present within the Land, new populations are established and survive at a minimum of 3 ecologically appropriate locations.
<i>Chionochloa juncea</i>	Refer to Table 1, pakihi.
<i>Dracophyllum densum</i>	Refer to Table 1, boulderfield.
<i>Euchiton paludosus</i>	If present within the Land, new populations are established and survive in at least the same number of ecologically appropriate locations.
<i>Pseudowintera traversii</i>	New populations are established and survive in at least the same number of ecologically appropriate locations within the Land.
<i>Actinotus novae zelandiae, Celmisia similis</i>	Refer to Table 1, boulderfield.
<i>Brachyglottis bellidioides</i> var. <i>crassa</i>	Refer to Table 1, pakihi and boulderfield.
Other wetland taxa: <i>Astelia subulata, Zotovia thomsonii</i>	Plants are established and survive in at least the same number of ecologically appropriate locations within the EMP.
<i>Celmisia dubia</i>	Refer to Table 1, pakihi.
<i>Forstera mackayi</i>	If present within the Land, new populations are established and survive in at least the same number of ecologically appropriate locations within the Land.
Other woody taxa: <i>Libocedrus bidwillii, Halocarpus bidwillii, Metrosideros parkinsonii</i>	New populations are established and survive in at least the same number of ecologically appropriate locations within the Land.

- (i) Note: These species of significance have been identified using the Conservation Status in 2009: Conservation status of New Zealand indigenous vascular plants, 2012 as proposed by de Lange et al. (unpublished manuscript), or have a distinctive distribution.
- (j) Methodology for conducting baseline survey of flora and fauna present on the Land for the purposes of determining and monitoring closure criteria set out in Schedule 7.

8. Landscape and Visual Amenity Management Plan

This plan must:

- (a) be prepared in consultation with the Department;
- (b) integrate with other management plans required under this Access Arrangement;
- (c) address all aspects of landscape and visual amenity management prior to, during and post life of mine, including specific performance standards

required to be met by this Access Arrangement, or additional specific standards proposed by the Permit holder or required by the Conservator;

- (d) detail how the following specific requirements for landscape and visual amenity management shall be met by the Permit holder.

The matters required to be included in the Landscape and Visual Amenity management plan include the following;

- (e) The provision of photopoints prior to, during and following mining and mining operations for the purposes of monitoring changes in landform
- (f) The provision of LIDAR or other technology to monitor changes in landform
- (g) Construction and engineering designs to ensure all constructed landforms blend, to the greatest extent practicable, with the adjacent landscape outside the Access Arrangement area and are contoured to conform to the surrounding topography and provides contemporary aesthetic values.
- (h) Colours for all constructed buildings which shall be selected so as to be compatible with the existing environment
- (i) Use of buffers, screenings and bunds or vegetation cover to achieve mitigation of landscape and visual impacts during the course of mining and mining operations, and following completion of same.

9. Noise, Dust and Lighting Management Plan

This plan must:

- (a) be prepared in consultation with the Department;
- (b) integrate with other management plans required under this Access Arrangement;
- (c) address all aspects of noise dust and lighting management prior to, during and post life of mine, including specific standards required to be met by this Access Arrangement, or additional specific performance standards proposed by the Permit holder or required by the Conservator;
- (d) detail how the following specific requirements for noise, dust and lighting shall be met by the Permit holder.

The matters required to be included in the noise, dust and lighting management plan include the following;

- (e) maximum noise level measured at the boundary of the Land
- (f) means to suppress dust, and manage impacts of dust in areas of public conservation land adjoining the Land
- (g) maximum light spill requirements at the boundary of the Land, and use of shielding, down lighting or other means to direct lighting into the mine site, and minimise light spill

10. Emergency Response Plan

This plan must:

- (a) be prepared in consultation with the Department;
- (b) integrate with other management plans required under this Access Arrangement;
- (c) address all aspects of emergency response prior to, during and post life of mine, including specific performance standards required to be met by this Access Arrangement, or additional specific performance standards proposed by the Permit holder or required by the Conservator;
- (d) detail how the following specific requirements for emergency response shall be met by the Permit holder.

The matters required to be included in the emergency response management plan include the following;

- (e) How the Permit holder will ensure that no fire is caused by mining or mining operations on the Land and that any fire that does occur is promptly and effectively extinguished and brought under control
- (f) Provision of fire safety and fire fighting equipment to be kept on the Land
- (g) Maintenance of health and safety of all persons on the Land during, or as a result of any emergency
- (h) Protection of the environment during any heavy rainfall event, including management of flood flows (being an event that exceeds the capacity of the water management facilities) and identification of receiving catchments
- (i) Measures to ensure that slope failure or other consequences of seismic or heavy rainfall events are managed so as to minimise environmental damage
- (j) Measures to ensure the integrity of the escarpment is maintained, and that the site is not subject to landslide, subsidence, slumping or other structural failure as a consequence of the permit holders mining or mining operations.

11. Water Management Plan.

This plan must:

- (a) be prepared in consultation with the Department;
- (b) integrate with other management plans required under this Access Arrangement;
- (c) address all aspects of water management prior to, during and post life of mine, including specific performance standards required to be met by this Access Arrangement, or additional specific performance standards proposed by the Permit holder or required by the Conservator;

In particular, the Water Management Plan will include;

- (d) Details of surface, groundwater, stream water and mine water monitoring prior to (baseline), during and following mining and mining operations
- (e) A Site Water Balance, which must include details of water management on and off site.
- (f) A Water Treatment Subplan which must include detail on how the Water Treatment Plant will be used within the context of the mine operations, including detail of Plant capacity against anticipated demand and capability to meet specified thresholds.
- (g) A Stream Diversion Subplan, which must include:
 - (i) the detailed design specifications for the stream relocations/rehabilitation;
 - (ii) a construction programme for the stream relocations/rehabilitation, describing how the work would be staged, and integrated with Mining Operations to reconstruct at least 1.3 km of streams within the land following mining;
 - (iii) water quality, ecological, hydrological and geomorphical performance and completion criteria for the stream relocations/ rehabilitation; and
 - (iv) a programme to monitor and maintain the water quality, ecological, hydrological and geomorphic integrity of the stream relocations/rehabilitation.
- (h) An Erosion and Sediment Control Sub plan, which must:
 - (i) identify activities that could cause soil erosion or generate sediment;
 - (ii) describe and show how each work site will be controlled to ensure transport of sediment to downstream waters is maintained within prescribed limits specified within this Access Arrangement, or in an approved work plan.;
 - (iii) describe the location, function, and capacity of all erosion and sediment control structures with an operating life of more than 6 months; and
 - (iv) describe what measures will be implemented to maintain each structure with an operating life of more than 6 months, over time;
- (i) A Surface Water Quality Management Subplan, which must include:
 - (i) surface water and stream health impact assessment criteria including trigger levels for investigating any potentially adverse surface water impacts; and
 - (ii) a programme to monitor and assess surface water quality, stream health, and channel stability.

- (iii) a programme to monitor and assess groundwater inflows and quality to Mining Operations, and details of how the Permit holder will ensure soil and groundwater hydrology are appropriately managed.
- (j) The Water Management Plan will detail how the Permit holder will comply with the following specific performance standards, being 95th percentile limits to be measured in the Whareatea River directly above the confluence of the Whareatea River and Conglomerate Stream (WM2 Monitoring site), based on weekly total suspended solids and metal sampling and continuous monitoring of Ph.

Receiving Waters Compliance Limits at monitoring Site W-M2

	Compliance Limits	
pH	Shall not fall outside a range of 4.5 – 6.5	
	Median concentrations, g/m³ unless stated	
Total suspended solids	15	
Turbidity	15 NTU	
Iron + manganese	1.1	
Arsenic	0.024	
Aluminium	0.5	
Median pH	pH >5.5	pH <5.5
Cadmium	0.0003	0.0012
Chromium	0.05	0.20
Cobalt	0.044	0.18
Copper	0.002	0.0013
Lead	0.0065	0.026
Nickel	0.017	0.068
Zinc	0.012	0.054
	95th percentile concentrations, g/m³ unless stated	
Total suspended solids	30	
Turbidity	30 NTU	
Iron + manganese	2.2	
Aluminium	1.0	
Arsenic	0.34	
Median pH	pH >5.5	pH <5.5

Cadmium	0.0011	0.004
Chromium	1.0	4.0
Cobalt	0.17	0.63
Copper	0.007	0.004
Lead	0.03	0.14
Nickel	0.26	1.0
Zinc	0.067	0.29
<p>Notes:</p> <ol style="list-style-type: none"> 1. All compliance limits are based on dissolved metal concentrations; 2. Limits for cadmium, copper, chromium, lead, nickel and zinc are based on median water hardness of 50gCaCO₃/m³; 3. pH dependent limits based on biotic ligand model (BLM) predictions; 4. Chromium limit is based on CrIII and uses U.S. EPA criteria values 		

- (k) The Permit holder will provide reports within one year and four years of the first Authority to Enter and Operate being granted recommending changes to the limits specified above. These reports shall be based on whole effluent toxicity testing and other ecotoxicity methodologies.
- (l) The Conservator may vary the limits specified above if, in his or her opinion those discharges from the Land are having an adverse effect.
- (m) Prior to any discharge from the Land occurring, the Permit holder shall commission a report from a specialist freshwater macroinvertebrate biologist acceptable to the Conservator. The report shall provide baseline data from which any adverse effects on macroinvertebrate communities in receiving waters can be measured.
- (n) The Permit holder will report annually on benthic macroinvertebrates and the effects of discharges from Mining and Mining Operations on the Whareatea River. 'Surber' sampling shall be used for quantitative analysis of the benthic macroinvertebrates in accordance with the Permit holder's resource consents

12. Engineered Landform Management Plan

This plan must:

- (a) be prepared in consultation with the Department,;
- (b) integrate with other management plans required under this Access Arrangement;
- (c) address all aspects of ELF planning, design, construction and management prior to, during and post life of mine, including specific performance standards required to be met by this Access Arrangement, and any additional specific performance standards proposed by the Permit

holder and approved by the Conservator or otherwise required by the Conservator;

- (d) detail how the following specific requirements for engineered land form shall be met by the Permit holder.

The matters required to be included in the engineered landform management plan include the following;

- (e) construction of a geotechnically stable ELF, able to withstand anticipated seismic events to within a 1:150 year return period event and including a Low Permeability Layer (LPL) constructed to provide a high level of confidence in the expectation that the engineered land form will be able to meet all long term or permanent groundwater and surface quality requirements.
- (f) The ELF low permeability layer (*LPL*) designed beneath areas of the cap sloping at less than 1v:5h shall:
 - i. be composed of a material, or composite of materials, of adequate composition and thickness (as defined during ELF trials to be undertaken early in the mine life) to achieve both the geotechnical objectives (minimising ingress of water and oxygen) and vegetation objectives (as specified in the Engineered Landform Management Plan);
 - ii. Have a maximum hydraulic conductivity of 1×10^{-8} m/s, or a hydraulic conductivity demonstrated through ELF trails to achieve both the geochemical objectives (minimising ingress of water and oxygen) and vegetation objectives (as specified in the Engineered Landform Management Plan);
 - iii. Be capable of meeting criteria 12(g) i. and ii. when an allowance for differential settlement of the underlying ELF is taken into account;
 - iv. Be covered by a protective waste rock layer with a minimum thickness of 1 m, or a thickness which is most effective at achieving the revegetation objectives specified in the Engineered Landform Management Plan or Closure and Rehabilitation Plan as demonstrated through ELF trials and through monitoring during the mine life;
- (g) The ELF LPL to be installed beneath areas of the cap with a slope at or exceeding 1v:5h shall:
 - i. be composed of a material, or composite of materials, of adequate composition and thickness (as defined during ELF trials to be undertaken early in the mine life) to achieve both the geochemical objectives (minimising ingress of water and oxygen) and vegetation objectives (as specified in the Engineered Landform Management Plan or Closure and Rehabilitation Plan);
 - ii. Have a maximum hydraulic conductivity of 1×10^{-7} m/s, or a hydraulic conductivity demonstrated through ELF trials and through monitoring during the mine life to achieve both the geochemical objectives

- (minimising ingress of water and oxygen) and vegetation objectives (as specified in the Engineered Landform Management Plan or Closure and Rehabilitation Plan);
- iii. Be capable of meeting criteria 12(h) i and ii when an allowance for differential settlement of the underlying ELF is taken into account;
 - iv. Be covered by a protective waste rock layer with a minimum thickness of 5 m, measured vertically; or a thickness which is most effective at achieving the revegetation objectives specified in the Engineered Landform Management Plan or Closure and Management Plan as demonstrated through ELF trials and through monitoring during the mine life.
- (h) The ELF LPL to be installed beneath the inverts of planned streams shall:
- i. Have a minimum thickness of 1 m;
 - ii. Have a maximum hydraulic conductivity of 1×10^{-8} m/s;
 - iii. Be capable of meeting criteria 12(i) i. and ii. when an allowance for differential settlement of the underlying ELF is taken into account;
 - iv. Be covered by a protective waste rock layer with a minimum thickness of 5 m, measured vertically;
- (i) The Permit holder may vary the final design of the ELF capping layers provided:
- i. The downward seepage through the cap would be less than or equivalent to the seepage through the appropriate cap design set out in 12(g), (h) or (i); and
 - ii. Prior approval has been obtained from the Conservator;
- (j) A Maximum slope of 1 in 5, unless otherwise approved by the Conservator,
- (k) Recreation of armoured stream courses totalling no less than 1.3km, dispersed in a pattern consistent with pre mining stream courses,
- (l) A buffer of no less than 10 meters width along the escarpment, within which the ELF is not to extend,
- (m) A high degree of likelihood that the engineered land form will be able to meet all long term or permanent groundwater and surface water quality requirements
- (n) A suitable base medium for a diverse range of indigenous vegetation communities representative of original indigenous cover present on the Land prior to commencement of mining and mining operations
- (o) Maintenance as close as possible of hydrological characteristics to those on the land prior to mining operations.

13. Hazardous Substances Management Plan

This plan must:

- (a) be prepared in consultation with the Department,;
- (b) integrate with other management plans required under this Access Arrangement;
- (c) address all aspects of hazardous substances management prior to, during and post life of mine, including specific performance standards required to be met by this Access Arrangement, or additional specific performance standards proposed by the Permit holder or required by the Conservator;
- (d) detail how the following specific performance requirements for hazardous substance management shall be met by the Permit holder.

The matters required to be included in the hazardous substances management plan include the following;

- (e) compliance with all requirements of the Hazardous Substances and New Organisms Act, and any other relevant statutory or regulatory requirements relating to the transport, use or storage of hazardous substances
- (f) Minimise the potential threat that hazardous substances stored or used on the Land may pose to the environment
- (g) Include contingencies for managing any emergency which may arise as a consequence of the presence of hazardous substances on the Land.

14. Historic Heritage Management Plan

This plan must:

- (a) be prepared in consultation with the Department,
- (b) integrate with other management plans required under this Access Arrangement;
- (c) address all aspects of historic heritage management prior to, during and post life of mine, including specific performance standards required to be met by this Access Arrangement, or additional specific performance standards proposed by the Permit holder or required by the Conservator;
- (d) detail how the following specific requirements for historic heritage management shall be met by the Permit holder.

The matters required to be included in the emergency response management plan include the following;

- (e) Compliance with the Historic Places Act, any relevant regulations, and any relevant authorisations issued under that Act in respect of the

management of historic or archaeological objects, artefacts or sites located or found on the land

- (f) Protocols for managing the accidental or incidental discovery of historic or archaeological artefacts, objects or sites in accordance with statutory requirements, and this Access Arrangement
- (g) Methodology for recording all historic or archaeological artefacts, objects or sites prior to disturbance by mining and mining operations, including requirements for vegetation clearance around historic features prior to earthworks commencing in the immediate vicinity, mapping and survey of historic features, 3D laser scan and archaeological work for the two existing coal bins at Escarpment Mine, and the relocation of two remaining mine buildings for use for visitor interpretation purposes.
- (h) Details of interpretation and education packages, including interpretation panels, which will encourage an understanding and appreciation of the human history of the Land, within its context on Denniston Plateau.

SCHEDULE 7

MINE SITE CLOSURE CRITERIA

Closure of the Land shall be achieved when Conditions a) to i) below have been met by the Permit holder, to the satisfaction of the Conservator:

a) *Rehabilitation Closure*

Closure of all rehabilitated areas within the Land shall be achieved when the closure criteria in Table 1 have been met and maintained for a minimum period of five years.

All percentages are expressed on the basis of averages for all areas of each landform - vegetation unit. Assessments shall be made on the basis of best practice assessment methodologies. Closure requirements for vegetation cover and species richness will be assessed utilising the same methodology as the baseline assessment. For all landform - vegetation units bare ground must be $\leq 10\%$ at closure.

Table 1: Rehabilitation Closure Criteria

Post -Mined Landform Slope Angle	Vegetation Type	Proportion of Baseline Cover (refer Note 1)	Woody vegetation	Proportion of Baseline Vascular Plant Species Richness (refer Note 2)	Live vegetative cover is required to be made up of the following species in approximately the same proportion as pre-mining	Species required to be present in at least 50% of their plot frequency pre-mining
Fiat (0 - 10°) to Moderate (10 - 20°)	Pakihi	VDT ≥90% live vegetation cover	Not Applicable	VDT ≥80%	Manuka, <i>Chionochoia juncea</i> , wire rush	<i>Brachyglottis bellidioides</i> var. <i>crassa</i> , <i>Carpina</i> 'slim', <i>Celmisia dubia</i> , <i>Centrolepis ciliata</i> , <i>Donatia novae-zelandiae</i> , <i>Dracophyllum rosmarinifolium</i> , <i>Drosera spatulata</i> , <i>Liparophyllum gunnii</i> , <i>Oreobolus impar</i> , <i>Oreobolus strictus</i>
	Scrub - VDT	≥70% live vegetation cover	Live woody vegetation cover > 1.5 m height ≥70%	≥75%	Manuka, wire rush	Tangle fern, mountain beech, mountain flax, yellow silver pine
	Scrub - Planted	≥50% live vegetation cover	Live woody vegetation cover > 1.2 m height ≥70%	≥50%	Manuka	<i>Blechnum procerum</i> , <i>Thelymitra</i> sp., <i>Dracophyllum rosmarinifolium</i> , <i>Gahnia procera</i> , tangle fern, mountain beech

Post -Mined Landform Slope Angle	Vegetation Type	Proportion of Baseline Cover (refer Note 1)	Woody vegetation	Proportion of Baseline Vascular Plant Species Richness (refer Note 2)	Live vegetative cover is required to be made up of the following species in approximately the same proportion as pre-mining	Species required to be present in at least 50% of their plot frequency pre-mining
	Forest – VDT	≥70% live vegetation cover	Live woody vegetation cover >2 m height ≥70%	≥80%	Manuka, mountain beech, pink pine, yellow silver pine, southern rata, <i>Blechnum procerum</i>	<i>Astelia nervosa</i> , <i>Blechnum discolor</i> , Broadleaf, <i>Coprosma colensoi</i> , <i>Coprosma dumosa</i> , <i>Coprosma foetidissima</i> , <i>Coprosma pseudocuneata</i> , <i>Dracophyllum oliveri</i> , <i>Hymenophyllum sp.</i> , kamahi, <i>Luzuriaga sp.</i> , Westland quintinia
	Forest - Planted	Planted ≥50% live vegetation cover	Live woody vegetation cover >2 m height ≥50%	≥50%	Manuka, mountain beech, yellow silver pine, southern rata	Broadleaf, <i>Coprosma foetidissima</i> , <i>Coprosma pseudocuneata</i> , kamahi, pink pine, Westland quintinia
Steep (>20°)	Forest – All techniques	≥75% live vegetation cover (including bryophytes)	Live woody vegetation cover >1 m height ≥50%	≥50%	Manuka, mountain beech, southern rata	Broadleaf, <i>Coprosma foetidissima</i> , <i>Coprosma pseudocuneata</i> , kamahi, Westland quintinia

Post -Mined Landform Slope Angle	Vegetation Type	Proportion of Baseline Cover (refer Note 1)	Woody vegetation	Proportion of Baseline Vascular Plant Species Richness (refer Note 2)	Live vegetative cover is required to be made up of the following species in approximately the same proportion as pre-mining	Species required to be present in at least 50% of their plot frequency pre-mining
Boulder fields	Graded rocks ~0.05 – 0.3 m diameter	≥ 1% live vegetation cover				The following species are at least sparsely present (not required to meet 50% of plot frequency as there is no baseline for this habitat): <i>Actinotus novae-zelandiae</i> , <i>Brachyglottis bellidioides</i> var. <i>crassa</i> , <i>Celmisia similis</i> , <i>Chionochoa australis</i> , <i>Dracophyllum densum</i> , yellow silver pine
Weeds	Eradication: exotic broom, Himalayan honeysuckle, blackberry, pampas	Zero density	NA	NA	NA	NA
Weeds	Control to low densities: gorse, montbretia, <i>Juncus squarrosus</i>	No flowering individuals	NA	NA	NA	NA

Note:

1. Target vegetation cover is the percentage of cover of native vascular species for the particular vegetation type present post-mining compared to pre-mining (baseline) cover.
2. Target plant species richness should be assessed relative to baseline for each landform - vegetation unit. The post-mining species richness target can only include those species originally present in the relevant landform - vegetation unit.

b) *P. patrickensis* Habitat Closure

Vegetation cover within the Land is re-established such that it provides self-sustaining habitat for *P. patrickensis* and other invertebrates. Self-sustaining habitat is deemed to have been achieved when monitoring demonstrates for areas of the rehabilitated Land considered suitable for *P. patrickensis* that the following criteria have been met:

- i) An average live snail density of >0.8 snails/plot over a minimum of 20 randomly located plots within the VDT rehabilitated area; and
- ii) Demographic analysis that indicates a healthy population of snails including a range of age classes and the presence of *P. patrickensis* eggs within the rehabilitated mine site area.

Monitoring will involve standard 10m x 10m density plots or other methods that are current best practise practice. The areas of the rehabilitated Land considered suitable for *P. patrickensis* shall be determined, to the satisfaction of the Conservator, through an assessment by a suitably qualified and experienced independent *P. patrickensis* expert but shall no less than the proportion of the Land suitable for *P. patrickensis* prior to mining.

c) *Invertebrate Communities Closure for Pakihi/Short Manuka Habitats*

Invertebrate closure of the Escarpment Mine shall be achieved when the closure criteria in Table 2 have been met and maintained for a minimum period of 5 years as determined using the standardised sampling techniques specified in the table.

Table 2: Invertebrate Community Closure Criteria

Habitat	Indicator	Closure Criterion	Measure Required
Pakihi and low scrub (< 2 m)	<i>Paracephaleus curtus</i> (Hemiptera: Cicadellidae)	Breeding population present for at least 5 years	Beat sampling of <i>Empodisma minus</i> plants along a 50 m transect including the collection of at least 5 specimens and both adults and nymphs.
	<i>Alpinacris crassicauda</i> (Orthoptera: Acrididae)	Breeding population present for at least 5 years	A walk through of short Pakihi along a 100 m transect that reveals at least 5 grasshoppers and include juveniles.

	<i>Thrips phormiicola</i> (Thysanoptera)	Breeding population present for at least 5 years	Examination of the leaf bases of 10 groups of <i>Phormium cookianum</i> plants (a group must include at least 4 plants in close proximity) that show flax thrips present in at least 20% of groups.
	<i>Micrarchus</i> nov. sp. (Phasmatodea: Phasmatidae)	Breeding population present for at least 5 years	Assessment using best practice methodology as determined by the Conservator at the time the assessment is made.
	<i>Arctesthes avatar</i> (Lepidoptera: Geometridae)	Breeding population present for at least 5 years	Assessment using best practice methodology as determined by the Conservator at the time the assessment is made.
Pavement	<i>Uliodon</i> sp. (Araneae: Zoropsidae)	Breeding population present for at least 5 years	Assessment using best practice methodology as determined by the Conservator at the time the assessment is made.
Tussock Grassland (CPP area only)	<i>Anagotus</i> nov. sp. (Coleoptera: Curculionidae)	Breeding population present for at least 5 years	Assessment using best practice methodology as determined by the Conservator at the time the assessment is made.
Tall Scrub and Forest	Ground beetles (Coleoptera: Carabidae)	Pre-disturbance diversity retained ($P > 0.05$)	Standardised pit trap sampling shows populations of selected ground beetle species present in the rehabilitated habitat are not significantly different ($p > 0.05$) than in comparable undisturbed habitat plots of the same habitat type, sampled at the same time.
	Ground spiders (Araneae)	Populations of characteristic species returned to levels similar ($P > 0.05$) to undisturbed habitat.	Standardised pit trap sampling shows populations of selected indicator spider taxa present in the rehabilitated habitat are not significantly different ($p > 0.05$) than in comparable undisturbed habitat plots of the same

			habitat type, sampled at the same time.
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d) Aquatic Ecosystem Closure Criteria

Aquatic Ecosystem closure of the Escarpment Mine shall be achieved when the closure criteria in Table 3 have been met using the standardised sampling techniques specified in the table.

Table 3: Aquatic Ecosystem Closure Criteria

Habitat	Indicator	Closure Criterion	Measure Required
Stream	Bryophytes	Established and actively growing	Non-destructive sampling on established photopoints or best practice methodology as determined by the Conservator at the time the assessment is made.
	Macroinvertebrates	Presence of at least 3 different macroinvertebrate taxa on any one monitoring occasion	Macroinvertebrate sampling that focuses on recording as many taxa as possible in a 10m stream reach (NB. Standard sampling effort as defined by Stark et al. (2001) is unlikely to be sufficient).
	Koura	Presence of Koura	Visual observation or capture by trapping or electric fishing

e) Water Management Closure

In the absence of active treatment, water compliance limits in Schedule 6 Condition 11(j) have not been exceeded in the preceding year by an average of 5 percent of the time 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 Schedule 6 Condition 11(j) to continue to be met in perpetuity.

f) Kiwi Closure

Kiwi closure shall be achieved when the habitat is suitable for kiwi to recolonize as part of their home range by natural expansion. This shall be demonstrated to the satisfaction of the Conservator, based on an assessment by a suitably

qualified and experienced independent kiwi expert of the rehabilitated habitat and/or kiwi survey of the rehabilitated mine site.

g) Compliance with Conditions

Compliance with all other conditions of this Access Arrangement can be demonstrated at the time of Mine Closure.