

ACCESS ARRANGEMENT

THIS AGREEMENT for an Access Arrangement pursuant to section 61 of the Crown Minerals Act 1991 dated 18 December 2025 between the Minister of Conservation (hereinafter together with the Minister's agents referred to as "the Minister") and Kokiri Lime Company Limited (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 section 25 of the Conservation Act 1987 and the Minister is responsible for that Department;
- (b) The Permit holder has been granted a minerals permit 60798 by the Minister for Resources pursuant to section 25 of the Crown Minerals Act 1991 to undertake stone quarry mining and stone quarry 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 stone quarry mining and stone quarry 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 Schedule hereto:

1. INTERPRETATION

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

"Act" means the Crown Minerals Act 1991.

"Annual Work Programme" and "Work Programme" means the Work Programme referred to in Condition 7(b).

"Department" means the Department of Conservation.

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

"Land" means the land described in the First Schedule.

"Diameter at Breast Height", & "DBH" means the maximum diameter of a tree when measured 1.4 metres above ground level. On sloping ground, the 'above ground level' reference point is the highest point on the ground touching the trunk. If the DBH height falls on a swelling in the trunk the measurement should be taken directly below the swelling at the point where the diameter is the smallest.

"Minister" means the Minister of Conservation and includes his or her delegate, the Director-General, and his or her authorised officers (including the Operations

Director, Operations Manager, Policy and Regulatory Services Director and Permissions Delivery Manager), employees, agents, or contractors.

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

ASSIGNMENT

2. The Permit holder will not assign, transfer or sublet any rights herein granted or any part thereof without the prior written consent of the Minister.

COMPENSATION

3. Pursuant to section 76 of the Act, the Permit holder will pay the Minister:
 - (a) s9(2)(i) + GST per annum for the intrusion of an industrial operation on the Land to be paid at the time of presentation of an Annual Work Programme for the succeeding 12 months; and
 - (b) s9(2)(i) + GST per hectare of land disturbed by mining and mining operations.

All compensation amounts are to be reviewed annually for changes in the consumer price index (CPI) and adjusted accordingly. Compensation will be paid by the permit holder upon receiving an invoice from the Department or at the time of presentation of an Annual Work Programme, prior to commencing Mining and Mining Operations with 3(a) being paid in advance and all other compensation under Condition 3 being paid in arrears. All compensation is payable into a Department of Conservation trust account for Conservation purposes in the Western South Island Region.

COMPENSATION FOR ANY UNAUTHORISED DISTURBANCE

4. The Minister may require the Permit holder to pay additional compensation for any breaches of this Access Arrangement and/ or Mining and Mining operations carried out by the Permit holder, its contractor, employee and/or Tributer on the Land or on other adjoining or proximate land administered by the department outside the Land NOT authorised by this Access Arrangement. Such additional compensation will be for an amount solely determined by the Minister.

ADMINISTRATION COSTS

5. Pursuant to section 76 of the Act the Permit holder will pay to the Minister:
 - (a) All 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. Upon receiving an invoice, the Permit holder will pay to the Minister a Management Fee of **\$250.00** + GST per annum in arrears for administration and file management associated with the management of 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 9 have been supplied to the Minister; and
 - (b) The Permit holder has submitted to the Minister an Annual Work Programme in accordance with Condition 62 in the Second Schedule; and
 - (c) Any payments referred to in Conditions 3, 5, 17 and 21 which are due and owing have been paid; and
 - (d) The Minister has approved the plans required to be submitted by Condition 7(b) and has issued the Permit holder with an Authority to Enter and Operate as provided by Condition 10.
8. The Minister may require the Permit holder to vary the proposed Annual Work Programme to ensure the Mining and Mining Operations are not inconsistent with the conditions of this Access Arrangement. Where required by the Minister the Permit holder will amend the proposed Annual Work Programme accordingly.
9. The Permit holder must seek an Authority to Enter and Operate from the Minister. At the time of seeking an Authority to Enter and Operate, the Permit holder will submit to the Minister:
- (a) A copy of the insurance policies and the premium payment receipts and guarantees or bonds as required in Conditions 20 and 21; and
 - (b) A copy of the minerals permit granted pursuant to section 25 of the Act; and
 - (c) A copy of all resource consents 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 minerals permit.
10. Upon the Minister being satisfied that the requirements of Conditions 7, 8 and 9 have been met, the Minister 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 minerals permit has a lesser term remaining.

11. A breach or failure to comply with the requirements of the documents referred to in Condition 7(d), and approved by the Minister, will be deemed to be a breach of this Access Arrangement, and will entitle the Minister or Manager to exercise any rights or powers which arise from a breach of or failure to comply with the terms of this Access Arrangement.
12. Prior to the expiry of the first Authority to Enter and Operate, and each subsequent Authority to Enter and Operate thereafter, the Permit holder will submit to the Minister for approval a further Annual Work Programme and any other plans or amended plans as required by Condition 7(b) and any other requirements of Conditions 7, 8 and 9 for the succeeding 12 month period (or a lesser period if considered appropriate by the Permit holder).
13. Except as permitted by the Minister, 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 Minister pursuant to Condition 10.
14. The Minister will not unreasonably fail to grant a subsequent Authority to Enter and Operate where the Permit holder has supplied all the required documentation and made all the payments required by Condition 12, 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.
15. Pending the granting of a subsequent Authority to Enter and Operate the Minister may in his or her discretion, issue an interim Authority to Enter and Operate providing the documents and payments required by Condition 12 have been submitted.

INDEMNITIES

16. The Permit holder will indemnify and keep indemnified the Minister 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 and Mining Operations on the Land.
17. If due to the Permit holder's stone quarry mining or stone quarry 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 stone quarry mining or stone quarry mining operations; but both parties expressly agree that such payment is not to constitute an acknowledgement of exclusive possession by the Permit holder of the Land.

18. The Minister will not be liable for and does not accept any responsibility for damage or interference to the stone quarry mining or stone quarry 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.
19. The Permit holder will take all reasonable steps to protect the safety of persons present on the Land during stone quarry mining or stone quarry mining operations and between work periods and will, when required by the Minister, erect protective fencing or erect signposts warning the public of any dangers that may be encountered as a result of the stone quarry mining or stone quarry mining operations. The Permit holder will take all reasonable steps to mitigate any dangers to the public and will clearly mark any that remain.
- (a) Where the Permit holder, to ensure the safety of the public, employees, plant and equipment, requests the Minister (acting under delegated authority from the Minister) to close public access to the Land the Minister may do so if he or she considers it appropriate.
 - (b) The Permit holder will give the Minister reasonable notice of its request so that the Minister 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

20. Prior to commencing Mining and Mining Operations the Permit holder will affect and maintain during the term of this Access Arrangement insurance cover on terms acceptable to the Minister for an amount of **\$2,000,000** for public liability and **\$500,000** for third party vehicle. The Minister may from time to time require the cover of any insurance to be increased to such an amount as considered reasonably necessary.

BONDS

21. Prior to commencing Mining and Mining Operations the Permit holder will provide a bond to ensure compliance by the Permit holder with the conditions of this agreement. The bond will be in a form approved by the Minister and the initial bond will not be less than **§9(2)(i)** **§9(2)(i)**/ha of disturbed land).
22. Notwithstanding Condition 21 the Minister may during consideration of any Annual Work Programme or variation to any Annual Work Programme require the bond amount to be increased. The Minister may, at the cost of the Permit holder, commission an independent review of the bond assessment.

23. The bond or bonds will not be released and will remain effective until such time as all conditions of this agreement have been complied with, notwithstanding the completion of Mining and Mining Operations. In the event that there is an adverse effect to the Land and its natural resources whether during or after the completion of the Mining and Mining Operations which is not permitted by this agreement and could not have reasonably been foreseen, the Permit holder will take all action necessary to mitigate or remedy those adverse effects. If the Permit holder fails to mitigate or remedy those adverse effects to the Minister's satisfaction, the Minister may undertake any necessary action to do so and recover the costs associated with undertaking the work by calling on the bond or bonds.
24. If the Permit holder breaches any condition of this Arrangement the Minister may call on the bond or bonds, or any portion thereof to ensure compliance with the conditions of this agreement.

FIRE PRECAUTIONS

25. The Permit holder will:
- a. Take all reasonable precautions to ensure no fire hazard arises from the Mining and Mining Operations;
 - (b) Not light any fire except by permit issued by the Minister;
 - (c) Not store or permit to be stored fuels or other combustible materials on the Land without the prior written permission of the Minister;
 - (d) Comply with the Minister's requirements for fire safety equipment and for firefighting equipment to be kept on the Land.

PROTECTION OF THE ENVIRONMENT

26. The Permit holder will ensure that in respect of all Mining and Mining Operations under this Access Arrangement:
- (a) Environmental disturbance is minimised and land affected by Mining and Mining Operations is kept stable and free from erosion.
 - (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 or unsightly 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.

- (e) There will be no destruction, damage or modification to any archaeological site in the area (as defined by the Heritage New Zealand Pouhere Taonga Act 2014) without the authority of the Heritage New Zealand Pouhere Taonga Board of Trustees obtained under section 48 of that Act. The Permit holder must produce such authority to the Minister.
- (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 will be left *in situ*, and the Minister 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 26).

SUPPLY OF INFORMATION

- 27. The Permit holder will lodge with the Minister 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.
- 28. 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.
- 29. The Permit holder will submit to the Minister a copy of any application lodged with the Ministry of Business, Innovation and Employment to vary the minerals permit covering the Land including any application to transfer the minerals permit to another person or party.
- 30. The Permit holder will apply for a variation to this Access Arrangement should it wish to undertake Mining and Mining Operations on any land managed or administered by the Minister within any variation to the minerals permit granted by the Ministry of Business, Innovation and Employment that is not already covered by this Access Arrangement.

MONITORING

- 31. The Permit holder will have no expectation that any further Access Arrangement or Access Arrangement variation will be approved at the Minister's discretion.
- 32. The Permit holder will allow the Minister or any other person authorised by the Minister 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.
- 33. 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.

BANKRUPTCY OR INSOLVENCY

- 34. If the Permit holder will become bankrupt or insolvent or have a receiving order made against it or compound with its creditors or being a corporation or company commence to be wound up or carry on its business under a receiver for the benefit of creditors or any of them the Minister may either:
 - (a) Terminate this Access Arrangement forthwith by notice in writing to the Permit holder or to the receiver or liquidator or to any person in whom the Access Arrangement may become vested; or
 - (b) Give such receiver or liquidator or other person the option of continuing the Access Arrangement subject to the provision of a guarantee for the due and faithful performance of the Access Arrangement up to an amount to be agreed.

TERM

- 35. The term of this Access Arrangement will be for a period of **20 years**, from 1 January 2026, or for the term of the minerals permit 60798, whichever is the lesser.

BREACH OF CONDITIONS

- 36. Subject to Condition 34 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. Such notice will not release the Permit holder from liability in respect of any breach of this Access Arrangement prior to the termination of the Access Arrangement.
- 37. If the Permit holder is in breach or fails to observe any of the conditions contained herein or the requirements of any approved Annual Work Programme or any other approved plan, then the Minister may by notice in writing terminate this Access Arrangement.
- 38. Notwithstanding Conditions 36 and 37, termination of this Access Arrangement will not release the Permit holder from liability in respect of any breach of this Access Arrangement.
- 39. Upon termination or expiry of this Access Arrangement the Minister will not be liable to pay any compensation whatsoever for any buildings, structures or

improvements erected by the Permit holder. If requested by the Minister the Permit holder will remove all such buildings and structures and improvements. The Permit holder will repair at its own expense all damage which may have been done by such removal and will leave the Land in a clean and tidy condition for restoration as set out herein. If the Permit holder fails to remove any buildings within a reasonable time of the request of the Minister, the Minister may undertake this work and recover the costs from the Permit holder.

MISCELLANEOUS

40. If the Permit holder has:

- (a) Not paid any compensation payment as provided by Condition 3; or
- (b) Not submitted an Annual Work Programme to the Minister -

Within two years of the date of execution of this Access Arrangement, this Access Arrangement will terminate and cease to have any effect.

- 41. Any notice required to be addressed by either party will in the absence of proof to the contrary be sent by ordinary post or by facsimile during normal business hours and will be deemed to have been received by the other party on such date and at such time upon which the ordinary post or facsimile would have been delivered.
- 42. The Minister's address, phone and e-mail for service will be: C/- The Manager, The Department of Conservation, 10 Sewell Street, Private Bag 701, Hokitika; Ph (03) 756 9100; Email: AskPermissions@doc.govt.nz .
- 43. The Permit holder's phone number and address for service will be: The Director, Kokiri Lime Company Limited, s9(2)(a) and s9(2)(a).

DISPUTE RESOLUTION

- 44. The parties agree to negotiate in good faith to resolve any differences which arise in connection with this Access Arrangement.
- 45. Failing resolution in accordance with Condition 44, 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, are to be appointed by the President of the New Zealand Law Society.

GENERAL

- 46. 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.

47. 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 Health and Safety at Work Act 2015, Fire and Emergency New Zealand Act 2017, the Hazardous Substances and New Organisms Act 1996, and the Conservation Act 1987 and all Acts included in its First Schedule.
48. The Permit Holder must comply with all conditions contained in this Access Arrangement and within three working days of a request in writing by the Minister supply the Minister with such evidence of compliance.
49. A breach or contravention by the Permit holder of any legislation affecting or Relating to the Land or affecting or relating to the Mining or Mining operations will be deemed to be a breach of this Access Arrangement.
50. The Permit holder must only operate within the boundaries of the Land.
51. 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 Minister, 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).
52. 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.
53. Nothing in this Access Arrangement including Special Conditions in the Second Schedule will prevent the Minister 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.
54. If any conditions attached to any resource consent obtained by the Permit holder are in the opinion of the Minister inconsistent with this Access Arrangement the Minister may review the provisions of this Access Arrangement and this Access Arrangement may be varied accordingly.
55. If, in the opinion of the Minister, the mining operations of the Permit holder are having, or may have an adverse effect on the natural, historic or cultural values of the Land, which are not permitted by this Access Arrangement and could not have reasonably been foreseen, the Minister may:
- (a) Suspend the Access Arrangement until the Permit holder remedies or mitigates such adverse effects to the extent satisfactory to the Minister; and/or

- (b) Review the conditions of this Access Arrangement and impose any further conditions necessary to avoid, remedy or mitigate such adverse effects; and/or
 - (c) Call on the Bond required under Condition 21 or any portion thereof to ensure such adverse effects which have occurred are remedied or mitigated.
- 56. The Minister may suspend this Access Arrangement while the Minister or any other enforcement agency investigates any of the circumstances contemplated in Condition 55. The Minister may also suspend this Access Arrangement while the Minister or any other enforcement agency investigates any:
 - (a) Potential breach of the terms and conditions of this Access Arrangement.
 - (b) Possible offence by the Permit holder's directors, employee's, servants, agents, contactors, assignees or Tributer under the Crown Minerals Act 1991; Conservation Act 1987, or any of the Acts listed in the First Schedule of that Act
 - (c) Possible offence by the Permit holder, its directors, employees, servants, agents, contractors, assignees, or Tributer under any other Act relevant to the Mining or Mining operations.
- 57. Any temporary suspension may, at the sole option of the Minister be either in whole or in part and be either immediate or after such times as the Minister allows. Advice of such suspension may be given to the Permit holder whether verbally followed by a written confirmation as soon as is reasonably practicable or by notice in writing.
- 58. During any period of suspension all Mining or Mining operations on the Land must cease, other than activities necessary for the purpose of saving or protecting life or health or preventing serious damage to property or avoiding an actual or likely adverse effect on the environment, The Permit holder will remain responsible for the health and safety, and the environmental protection of the Land, and will continue to have access to the Land for these purposes during the term any suspension, subject to any directions issued by the Minister. The Permit holder will remain liable for all fees and payments required to be paid under this Access Arrangement during the term of any suspension.
- 59. The Minister will not be liable to the Permit holder for any loss sustained by the Permit holder by reason of the suspension of the Access Arrangement under Conditions 55 to 58 including loss of profits or consequential loss.
- 60. The Permit holder must pay in full immediately and on demand all costs and fees (including solicitor's costs and fees of debt collection agencies engaged by the Minister) arising out of and associated with steps taken by the Minister to enforce or attempt to enforce the Minister's rights and powers under this Access Arrangement including the right to recover outstanding money owed to the Minister'.

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.

Signed for and on behalf of)
the Minister of Conservation)
by **Owen Kilgour**)
Director Regional Operations,)
Western South Island,)
Department of Conservation,)
pursuant to a written delegation)
from the Minister of Conservation)
under the Crown Minerals Act 1991)

OA Kilgour

in the presence of:

[Signature]

.....
Diane Molloy
.....

Signed on behalf of
Kokiri Lime Company Limited

By:

Name: *MacKenzie Ferguson*

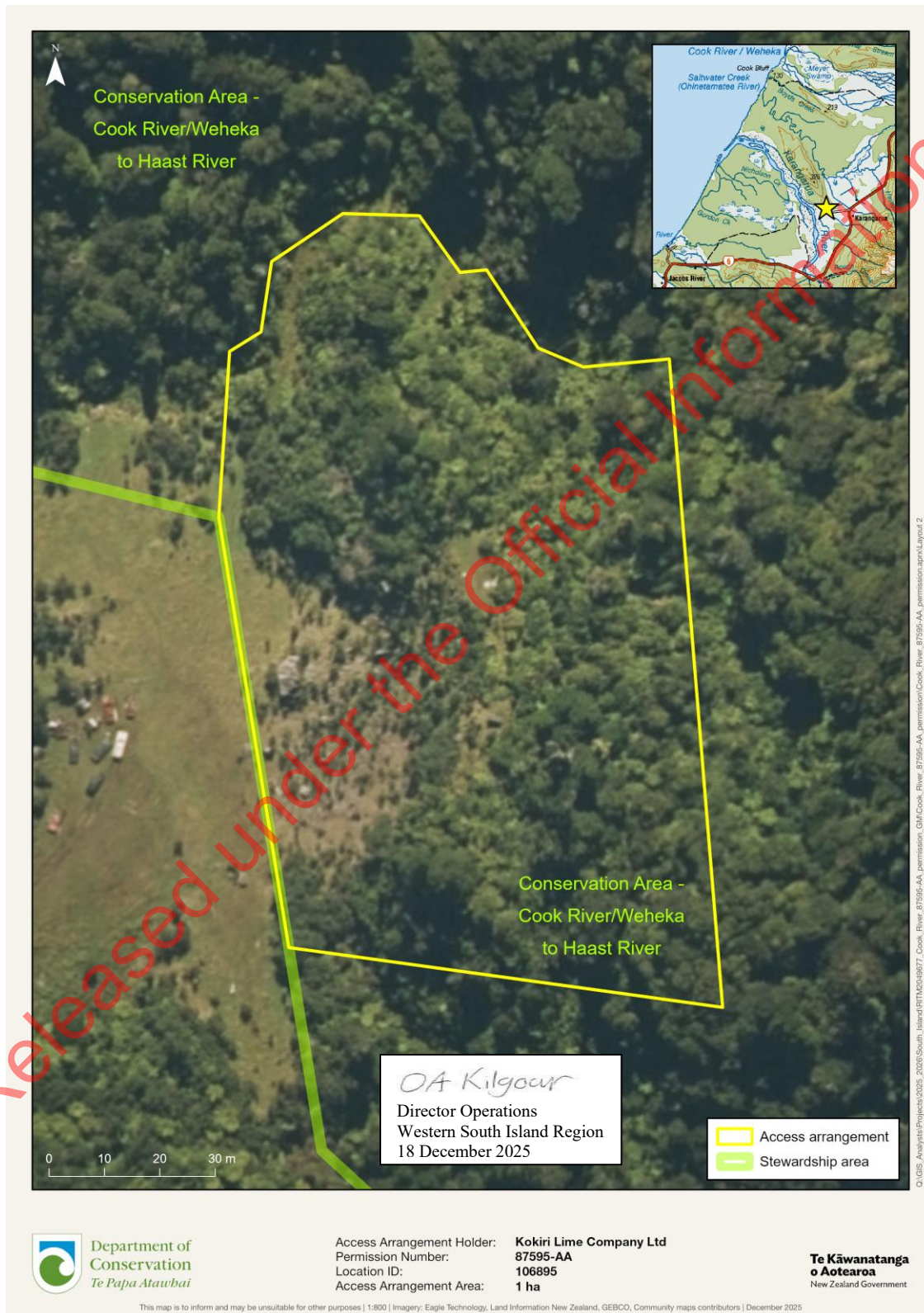
Signed:..... *s9(2)(a)*(Director)

in the presence of:

s9(2)(a)

FIRST SCHEDULE

The Permit holder, subject to the conditions contained in this Access Arrangement, will have access to one (1.0) hectare of Conservation Area - Cook River/Weheka to Haast River contained within Minerals Permit 60798 located off Sugar Loaf Road, Karangarua and shown on the attached plan.



SECOND SCHEDULE

SPECIAL CONDITIONS: ACCESS ARRANGEMENT FOR MINING PERMIT 60798

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.

ANNUAL WORK PROGRAMME

62. Before undertaking any Mining and Mining Operations under this Access Arrangement, the Permit holder will submit to the Minister for approval the first Annual Work Programme and thereafter annually submit for approval a new Work Programme for the succeeding 12-month period.

The Annual Work Programme will include:

- (a) A recent aerial photograph or plan at an appropriate scale showing the Minerals permit boundary and the conservation land boundary and the location of all proposed Mining and Mining Operations for the forthcoming 12 months.
 - (b) A description of all Mining and Mining Operations, mitigation measures, monitoring and reporting carried out in the previous 12 months.
 - (c) A detailed description of all Mining and Mining Operations, mitigation measures, monitoring and reporting intended to be carried out in the next 12 months with an approximate timetable of events.
 - (d) A description and analysis of any unexpected adverse effect on the environment that has arisen as a result of activities within the last 12 months and the steps taken to mitigate or remedy any effects that resulted.
 - (e) Any other information required by other conditions of this agreement or that is required by any resource consent held by the Permit holder relating to this Mining and Mining Operations.
63. The Permit holder will undertake all work in accordance with the approved Annual Work Programme.
64. The Permit holder may, at any time, submit to the Minister for approval an amended Annual Work Programme.

GENERAL

65. The Permit holder will undertake all Mining and Mining Operations in accordance with the Access Arrangement application lodged by the Permit holder, this Access Arrangement approved by the Minister, and an Authority to Enter and Operate issued by the Minister in accordance with Condition 9. In the event of inconsistency, the Access Arrangement and Authority to Enter and Operate will prevail over the application for Access Arrangement.

66. No diversion or damming of any creek or waterbody is permitted unless expressly authorised by this Access Arrangement.
67. The Permit Holder will ensure that all equipment and machinery is kept in good working order and is regularly serviced and maintained to minimise noise, emissions and risk of pollution.
68. The Permit Holder will carry out the activity in such a manner that dust:
 - a. Does not cause a nuisance to other persons, and
 - b. Is not noxious, dangerous, offensive or objectionable to such an extent that it is or is likely to have an adverse effect on the environment.
69. The Permit Holder will carry out the activity in a manner which complies with Rules in the Operative District Plan and approved resource consents.
70. The Permit Holder will always keep sufficient fire extinguishers on-site.
71. All trees and other flora on the Land at all times remain the property of the Minister and will be used for purposes of onsite rehabilitation unless the Minister 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.

MINING OPERATIONS

72. During the term of this Access Arrangement and subject to the requirements of a current Annual Work Programme, the Permit holder will be entitled to use the Land to gain access to and egress from any adjoining land to which minerals permit 60798 extends to enable the Permit holder to carry out Mining and Mining Operations authorised on such adjoining land and to remove minerals obtained from such operations.
73. Any topsoil present, and any subsoils suitable for land reinstatement will be removed and stockpiled separately from overburden such that topsoil is not lost to windblow or runoff. In the event that topsoil is to be stockpiled for a period in excess of 6 months, the stockpile will be seeded with a cover crop (i.e. oats) to prevent windblow and to conserve the biological activity of the soil.
74. The maximum area to be disturbed by mining and not restored at any time will not exceed 1 hectare.
75. The Permit holder will ensure that Mining and Mining operations do not disturb any indigenous vegetation on the Land, or on any other adjoining or proximate land administered by the Department, outside of this Access Arrangement area.
76. Unless screened by vegetation adjoining the Access Arrangement area, the Permit holder must maintain a vegetation buffer to help screen the Mining and Mining Operations. The buffer will be a minimum of 15 metres wide. The Permit

holder must undertake additional planting where necessary to enhance the effectiveness of the vegetation buffer.

77. The Permit holder shall maintain a record of the m3/tonnage of Armour Grade Protection Rock and total aggregate exported. This record shall be forwarded to the Department at the time of the submission of the annual work programme.

PROTECTION OF FAUNA

78. Mining and Mining Operations shall be undertaken in accordance with the management actions for ecology set out within the *"Supporting information around ecology including proposed mitigation"* report by Richard Nichol dated 8 September. In particular, this includes the following provisions:
- a. Bats: In accordance with the *"Supporting information around ecology including proposed mitigation"* report by Richard Nichol dated 8 September, a bat survey shall be undertaken and submitted to DOC. This survey will be required to be undertaken and submitted prior to any native vegetation clearance occurring on the Land. (Note, this timing is a departure from the recommendations within the report). If bats are observed on site, a management plan is to be developed by a suitably qualified ecologist and assessed by DOC prior to any works commencing further, in accordance with the DOC bat protocols version 4.
 - b. Lizards: Following accidental discovery of any lizard by personnel on site:
 - i. All work would stop immediately; a photo be taken of any lizard (without handling);
 - ii. The Department of Conservation be contacted immediately;
 - iii. Remedial action affecting lizards may require Wildlife Act authorisation;
 - iv. Work would recommence only after the Department gives permission to do so.
 - c. Avifauna: If a nesting bird was observed then the local office of the Department of Conservation shall be contacted in the first instance, the situation discussed, and appropriate management actions agreed upon prior to works recommencing; and

REHABILITATION MANAGEMENT PLAN

79. For the first year of Mining and Mining Operations, the Permit holder will implement and comply with the Access Arrangement Application Rehabilitation Management Plan, amended as appropriate to comply with the terms and conditions of this Access Arrangement.

80. At the time of submission of the second and subsequent Annual Work Programme, the Minister may request a review of the Rehabilitation Management Plan and may require the Permit holder to amend the Rehabilitation Management Plan to ensure the Plan sufficiently describes how the Permit holder will manage rehabilitation on the Land, to achieve the restoration envisaged in the Application landscape report, subject to the terms and conditions of this Access Arrangement.
81. The Rehabilitation Management Plan will detail:
- a) Areas of the Land requiring rehabilitation;
 - b) Rehabilitation objectives and timeframes;
 - c) Rehabilitation methods including details of overburden management techniques and re-vegetation techniques;
 - d) Planting plans, including species, densities, timeframes, maintenance regimes (e.g. fertilisation and releasing etc.) for all areas where Vegetation Direct Transfer, as defined in Special Condition 87, does not take place;
 - e) Contoured landforms including slope and bench design;
 - f) Careful weed and pest control methods (including monitoring rehabilitated areas for any signs of weed or pest invasion);
 - g) Restoration of watercourses, riparian margins and discharge channels, including rehabilitation techniques and proposed bed profile, depth and gradient; and
 - h) Monitoring of rehabilitation areas (including locations for annual photographic monitoring points etc.) and
 - i) Summarise the methodology utilised to implement the recommendations of the *“Supporting information around ecology including proposed mitigation”* report by Richard Nichol dated 8 September.
82. The Permit holder will implement and comply with the Rehabilitation Management Plan, and any amendments approved by the Minister, at all times. The Minister may, at the cost of the Permit holder, seek advice from a suitably qualified expert as part of any such approval.
83. Progressively during operations and upon completion of mining and mining operations the Permit holder will restore the landforms and vegetation of all disturbed areas in accordance with the approved Rehabilitation Plan and to the satisfaction of the Minister.
84. Rehabilitation will include rehabilitation of all disturbed areas including mined areas, overburden/vegetation storage areas and access ways (including ripping up any compacted track).
85. Rehabilitation will be undertaken in accordance with Landcare Research’s “Guidelines for mine rehabilitation in Westland” and “Native vegetation (rehabilitating native ecosystems)” and specifically compromise:
- a) All vegetation and topsoil will be used for rehabilitation purposes.

- b) Initially stripped vegetation and topsoil will be separated and stockpiled for later re-spreading. Stockpiles will be, where possible, maintained weed free and stockpiled for a maximum period of 5 years.
 - c) Vegetation Direct Transfer (VDT) will be used where possible for the removal of any subsequent soil and vegetation from the Land and for the immediate re-vegetation of the Land. VDT material will not be stored or stockpiled.
 - d) The Permit holder will undertake rehabilitation as quickly as possible following disturbance to the Land.
 - e) Upon the completion of Mining and Mining Operations all unrehabilitated Land will be re-contoured and re-spread with topsoil, vegetation and slash. Bare ground will be kept to a minimum.
86. For the purpose of this Access Arrangement, Vegetation Direct Transfer (VDT) is defined as being where the following has taken place or been achieved to the satisfaction of the Minister:
- a) The receiving site was centred and prepared prior to the placement of direct transfer material; and
 - b) Sods being directly transferred have been moved directly from their original location immediately prior to placement **not stored or stockpiled**; and
 - c) The careful placement on the receiving site of intact sods, no smaller than 1 metre square, which include soil, vegetation, stumps and root plates in an upright/vertical position and in a way that minimises gaps; and;
 - d) Placement of directly transferred sods has achieved the coverage of at least 80% of the receiving area; and
 - e) Establishment of an environment that will support regeneration of original indigenous species and does not require additional planting or re-spreading of slash.
87. Whether VDT meets the definition of VDT will be determined by the Minister.
88. The Minister may accompany the Permit holder during forward clearance of vegetation; to advise on Vegetation Direct Transfer (VDT) methods and rehabilitation outcomes. This includes, but is not limited to, showing the permit holder in-forest seedling/poles and appropriately vegetated stumps to make use of.
89. All trees and other flora on the Land at all times remain the property of the Minister and shall be used for purposes of onsite rehabilitation unless the Minister 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.

WATER MANAGEMENT

90. The Permit holder will submit a detailed summary (or formal management plan) of proposed water management methods, as part of the Annual Work Programme, for approval by the Minister. The summary (or formal management plan) must show how the Permit holder will comply with the conditions of this Access arrangement and contain at least the following key information, and any other information the Permit holder deems relevant to water management on the Land:
- a) A summary of the overall water management methodology to be put in place;
 - b) A summary of the risks to water management at the site and potential effects stemming from those risks;
 - c) How the potential risks will be managed, and contingencies should they occur;
 - d) A detailed site plan showing key water management infrastructure, including but not limited to – settling ponds, cut off drains, bunds, buffers, sediment control methods and any other key items.
91. The Permit holder will ensure that no sediment laden water is discharged to any waterway on the Land or enters any waterway adjoining or proximate to the land in contravention of any resource consent.
92. The Permit Holder will ensure that drains and sediment ponds are inspected regularly and maintained as necessary, to ensure their efficient and effective operation at all times.

STRUCTURES AND HAZARDOUS SUBSTANCES

93. Except for the Tool Container and Portacom approved under this Access Arrangement, the Permit holder must not erect/place on the Land any additional sheds, containers or similar structures without further prior written approval from the Minister. Structures will be painted to blend with the surroundings (e.g. green or grey).
94. The Permit Holder will comply with all Hazardous Substances and New Zealand Organisms Act 1996 (HSNO) regulations and requirements for the storage of hazardous substances, including fuel: <https://worksafe.govt.nz/topic-and-industry/hazardous-substances>
95. The Permit Holder will ensure that appropriate equipment is kept on site to deal with any fuel spills. All spills will be cleared up as soon as practicable.
96. All fuel or lubricant spills greater than approximately 1 litre, will be reported to the Minister at the earliest opportunity including the amount spilled, remedial action undertaken any further actions required to fully remediate the site.

97. The Permit Holder will ensure that any refuelling, lubrication and/or maintenance and mechanical repairs on machinery are undertaken in an appropriate area where any spillages can be contained. No refuelling is to take place within 10 metres of any waterway.

REMOVAL OF EQUIPMENT AND MATERIAL ON COMPLETION

98. At the completion of the Mining and Mining Operations the Permit holder will remove from the site all structures, equipment and materials, including rubbish, associated with the mining operation, unless the Minister has given prior written approval for the item(s) to remain.

PUBLIC ACCESS

99. The Permit holder will not prevent public access to the Land or parts of the Land unless written approval to do so has been obtained from the Minister.

DOGS

100. The Permit holder will not take any dog or other domestic animal on to the Land unless written approval to do so has been obtained from the Minister.

WEED, DIDYMO AND PEST CONTROL

101. The Permit holder will ensure that all plant and equipment to be used for Mining and Mining Operations permitted by this Access Arrangement are as far as practicable, clean and free of any exotic weed and seed material prior to entry on to the Land.
102. The Permit holder will control exotic weeds in areas where disturbance to the Land and vegetation has occurred while undertaking Mining activities in accordance with this Access Arrangement.
103. The Permit holder will control exotic weeds for a term of 2 years after mining operations have been completed in areas where disturbance to the Land and vegetation has occurred while undertaking Mining activities in accordance with this Access Arrangement.
104. The Permit Holder must comply with the Ministry for Primary Industry (MPI)'s "Check, Clean, Dry" cleaning methods to prevent the spread of didymo (*Didymosphenia geminata*) and other freshwater pests when moving between waterways. "Check, Clean, Dry" cleaning methods can be found at – www.mpi.govt.nz/travel-and-recreation/outdoor-activities/check-clean-dry/. The Permit Holder must regularly check this website and update their precautions accordingly.

HISTORIC SITES

105. The Permit Holder will ensure that all personnel involved in ground disturbance activities are trained in the requirements of the Accidental Discovery Protocol, identification of archaeological sites, koiwi tangata (human skeletal remains), taonga and/or artefact material.
106. Upon the discovery of any historical or archaeological object or artefact not authorised for destruction, damage or modification by Heritage New Zealand Pouhere Taonga, the Permit holder will immediately cease Mining or Mining operations and protect from damage any such object or artefact and will forthwith notify the Minister. Conditions protecting the historical or archaeological object or artefact, will be defined by the Minister and/or Heritage New Zealand Pouhere Taonga, and must be adhered to by the Permit holder.
107. The Permit holder will be required to record the location and details of any historic site and object/artefact found on, in or under the Land. 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.

CULTURAL SITES

108. The Permit holder will be required to record the location and details of any cultural site and/or object/artefact found on, in or under 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 and contact:
 - (a) the Department;
 - (b) Te Runanga o Makaawhio, PO Box 225, Hokitika 7842, Ph:037557885, e-mails: Makaawhio.Admin@ngaitahu.iwi.nz

POUNAMU

109. 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.
110. 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 or under the Land during the course of operations the Permit holder is required to immediately notify the Operations Manager South Westland District and:
 - (a) the Pounamu Manager, Te Rūnanga o Ngāi Tahu, Christchurch, Ph. 0800 Kai Tahu (0800 524 8248); and
 - (b) Te Runanga o Makaawhio, PO Box 225, Hokitika 7842, Ph:037557885, e-mails: Makaawhio.Admin@ngaitahu.iwi.nz.