

BEFORE THE ENVIRONMENT COURT

Decision No. [2013] NZEnvC 253

IN THE MATTER of 2 appeals under s 120 of the Resource Management Act 1991 (**the Act**)

BETWEEN WEST COAST ENVIRONMENTAL NETWORK INC (“**WCENT**”) (ENV-2011-CHC-000095)

AND ROYAL FOREST AND BIRD SOCIETY OF NEW ZEALAND INCORPORATED (“**Forest & Bird**”) (ENV-2011-CHC-000097)
Appellants

AND WEST COAST REGIONAL COUNCIL AND BULLER DISTRICT COUNCIL
Respondents

AND BULLER COAL LIMITED (“**BCL**”) Applicant

Hearing: On the papers (the last of the written materials having been received from the parties on 2 September 2013, and Judgment of the Supreme Court concerning declarations about effects on climate change, received 19 September 2013).

Court: Environment Judge LJ Newhook
Commissioner WR Howie
Deputy Commissioner C M Blom

Counsel: P Anderson and S Gepp for Appellants
H van der Wal and F Hughes for Respondent
J Appleyard and B Williams for BCL
T Sumner for himself (s274)

Date of Decision: 24 October 2013



**FINAL SUBSTANTIVE DECISION OF THE ENVIRONMENT COURT,
AND DECISION ON APPLICATION BY FOREST & BIRD TO RECALL
SECOND INTERIM DECISION**

- A. Consent granted, subject to the detailed conditions attached.**
- B. Recall of Second Interim Decision refused.**
- C. Costs reserved.**

REASONS FOR DECISION

Introduction

[1] On 27 March 2013 this Court issued an Interim Decision on appeals by the two appellants against a raft of consents granted by Buller District Council (“**BDC**”) and West Coast Regional Council (“**WCRC**”) to Buller Coal Limited (“**BCL**”) to establish and operate an open cast coal mine at the southern end of the Denniston Plateau. The Court then indicated that it was likely to confirm the consents subject to BCL satisfying the Court as to the strength of certain conditions including some which were intended to give security to the environmental offsets it was proposing for some acknowledged adverse environmental effects the mine would generate. The Court invited the parties to work together on those proposed conditions.¹

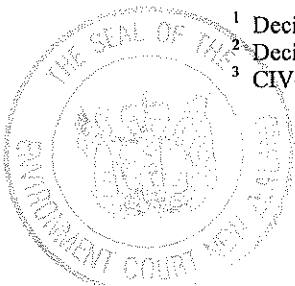
[2] An important aspect of the first interim decision related to the ability of BCL to secure performance of a proffered condition over two large areas of land beyond the footprint of the mine, owned by the Crown.

[3] As recorded in our second interim decision,² Forest and Bird appealed to the High Court. The High Court in its decision largely upheld our first interim decision,³ but indicated that in one respect this Court had erred in apparently conflating two

¹ Decision [2013] NZEnvC 047

² Decision [2013] NZEnvC 178

³ CIV-2013-409-789 [2013] NZHC 1324



terms in places in its first interim decision, to “*offset/mitigation.*” The High Court nevertheless made no finding as to the materiality of that error.

[4] In our second interim decision we considered the findings of the High Court, reconsidered aspects of our first decision, expressly analysed certain actions to be required by conditions of consent so as to distinguish between mitigation and offsets, and made a finding at paragraph [19] that, “*applying strictly the distinction in terminology set out by the High Court, we find, as the High Court envisaged possible, that our interim judgment that with appropriate conditions consent can be achieved, is not materially affected.*” [sic]

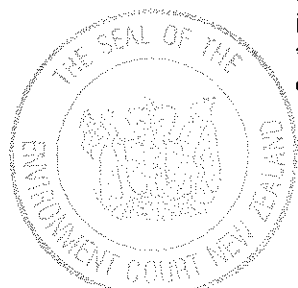
[5] In our second interim decision we proceeded to discuss and analyse two possible options for a condition being proposed in relation to a legal mechanism to protect an area to be called the Denniston Permanent Protection Area (“DPPA”) from open cast mining. We did this in circumstances where we reiterated that the protection being offered by BCL was against possible future open cast mining in lands (745ha) contiguous to its proposed Escarpment Mine, and where the stated purpose of the DPPA was to provide the best possible conditions for native ecosystems and native flora and fauna to flourish.

[6] As recorded in our first interim decision, we reiterated concern that the protection offered was only against open cast mining, and not against related or peripheral activities that could modify the area and compromise the ecosystems. Further, in both interim decisions we recorded a concern that we had no real evidence that the “best endeavours” offer essentially being put forward by BCL would result in adequate legal protection, given that it did not own the land proposed for such protection.

[7] In our second interim decision we set out the full text of proposed conditions 141 to 144 on this subject, and then discussed further evidence received from BCL about progress alleged to be occurring in negotiations that it was conducting with the Crown and other parties.

[8] We then recorded the following:

[36] We have put some effort into considering possible ways forward in this situation. For instance, as a first option, the Court could issue a further interim decision, and wait to see what further protection can be achieved for the DPPA before finalising consent. A second option might be to strengthen conditions to ensure that best endeavours would have been genuinely



exhausted prior to the consent commencing, by requiring that fact to be certified by a party other than the consent holder. The most logical certifiers would be the two councils whose consents are in issue. If the latter course were to be pursued, one way in which certainty and finality could be achieved, might be to allow recourse to this Court, perhaps by way of the mechanism of an application for declaratory judgment, if the Council and BCL found themselves unable to agree. We tentatively favour the second option for reasons recorded in the next paragraph concerning legislative processes. However, because of the unusual nature of such a step, the parties have leave to discuss this aspect further and provide prompt input, hopefully agreed, within 10 working days of the date of this decision.

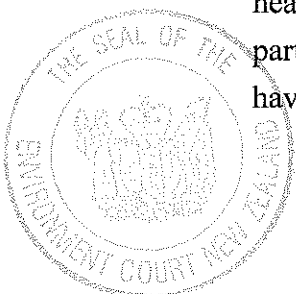
[37] In recording this tentative preference we remind ourselves that our overall decision has been one to grant consents for mining. We take into account as well that neither legislative consenting process should be seen to control, let alone trump, the other. Also, that the parties that BCL is negotiating with are, after all, the keepers of the "conservation estate" (loosely described) on behalf of the New Zealand Government. We expressly record that we are not doubting that BCL or any of the other parties would be genuine in their endeavours, but we are aware of the conflicting demands of industry wishing to go about its business as quickly as possible, and the time which legislative processes can consume. We can at least hold that in such circumstances BCL would not be "issuing itself a certificate", and we could expect the councils properly to oversee the operation of conditions of consent. (Adequate policing of conditions of consent was a matter on which we tested the councils before this last hearing when they exhibited reluctance to continue to participate through counsel in the later stages of the hearing process. They satisfactorily answered our concerns by preparing and lodging affidavits by their respective CEOs, explaining precisely how they would meet their obligations of monitoring and enforcement.)

[9] As can be seen, we expressed tentative preference for a strengthened "best endeavours" condition, and recorded our reasons.

[10] In the second interim decision we concluded by analysing competing submissions about the form of management plans that would be required to be prepared and certified pursuant to conditions of consent, and made a finding in favour of the stance taken by BCL. We then indicated that consent was likely to be forthcoming, and required certain modifications to be made to a significant number that were in draft form before us.

Judgment of the Supreme Court: Climate Change issue

[11] Since the time the present appeals were brought, there has been a series of hearings and judgments of various Courts concerning a preliminary issue raised by the parties. BCL applied to this Court for declarations that a consent authority could not have regard to the effects on climate change of discharges into air of greenhouse gases



arising from the subsequent combustion of the coal extracted [whether within or beyond New Zealand territorial boundaries]. The appellants sought a declaration effectively the converse of that.

[12] Judge Newhook held in favour of the applications by BCL and dismissed the WCENT application.⁴

[13] The appellants' appeal to the High Court was dismissed⁵.

[14] Recognising that the parties had agreed to proceed meantime towards resolution of these appeals in the Environment Court, the Supreme Court granted leave for an appeal to be brought directly to itself against the High Court judgment.⁶

[15] The parties and this Court had expressly recognised that if the ultimate decision on the climate change point were to be resolved in favour of the appellants, hearings would need to resume in this Court to enable hearing of such evidence as would then be called on the subject, with the Court then bringing its findings thereon to bear in its ultimate overall decision on the Escarpment Mine proposal.

[16] The Judgment of the Supreme Court was received on 19 September 2013, the majority dismissing the appeal (Elias CJ dissenting).⁷ We have now therefore been able to proceed to finalise the substantive appeals absent the climate change issue.

Application by Forest & Bird for recall of second interim decision

[17] On 13 August Forest & Bird applied to this Court to recall the second interim decision, alleging that in its decision the High Court had held⁸ that it considered that it was open to the Environment Court to find as a matter of fact that [BCL] is likely to achieve resource consents for mining elsewhere in the DBEA [Denniston Biodiversity Enhancement Area], and indeed in the DPPA. In effect Forest & Bird alleges that there was a second error of law that we should have addressed in the further hearing that we held on 12 June 2013, which it alleged it addressed in submissions advanced on that date.

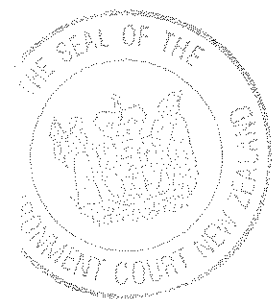
⁴ Re Buller Coal Ltd [2012] NZEnvC 80; [2012] 16 NZRMA 401

⁵ Royal Forest & Bird Protection Society of New Zealand Inc v Buller Coal Ltd [2012] NZHC 2156; [2012] NZRMA 552.

⁶ West Coast ENT Inc v Buller Coal Ltd [2012] NZSC 107

⁷ West Coast ENT Inc v Buller Coal Ltd and Ors [2013] NZSC 87

⁸ at paragraph [94]



[18] Forest & Bird submitted that we have power to recall, citing s278 RMA, Rule 12.8.8 of the District Court Rules 2009 and Rule 11.9 of the High Court Rules, all of which had been considered in a decision of the Court *Lai v Auckland Council*.⁹

[19] We do not doubt that the power to recall exists, but there are several problems with what Forest & Bird is requesting on this occasion. First, at paragraph [94] the High Court simply recorded, in as we understand it, a rather generic fashion, that it is open to the Environment Court to make certain findings. Secondly, in paragraph [97] of that decision the High Court said, in we perceive, a rather tentative fashion, “*While Forest & Bird may have identified an error of law ...*” [underlining ours]. Thirdly, the High Court did not hold that the error (assuming for the moment contrary to our finding above, that it had positively identified that there was an error), was material to the decision. Fourthly, there was no direction expressed by the High Court that we reconsider this issue.

[20] In submissions in opposition to the application to recall, BCL discussed some of the above uncertainties, and pointed out that the appellant could have sought clarification from the High Court, but had not.

[21] The application is frankly rather difficult to follow, but we interpret it as in effect asking this Court to reconsider whether BCL is likely to be granted resource consents for mining elsewhere in the DBEA, then determine whether that would affect the weight we give to the benefits of the DBEA.

[22] We point out that in our first interim decision we said:

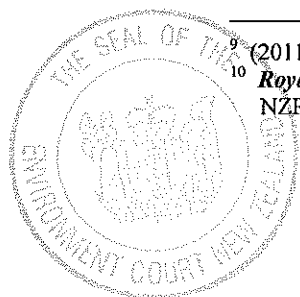
[230]...As a matter of law, it is not open for us to assume either that future resource consent applications for mining will be made or if they are made they will be granted.

[23] That was our finding then, and remains so now. There is no basis on all the evidence that we have heard, to change our view.

[24] We consider that this issue is somewhat bound up with the separate decision of the High Court¹⁰ on appeal from a decision of this Court (Judge Newhook) concerning an issue about whether the effects of a proposed adjoining mine called Sullivan Mine

⁹ (2011) 16ELRNZ 819

¹⁰ *Royal Forest & Bird Protection Society of NZ Inc v Buller District Council* [2013] NZHC 1324, [2013] NZRMA 275



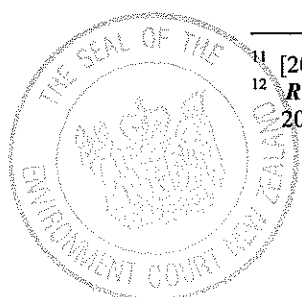
should form part of the “existing environment” for the purposes of consideration of the present proposal.

[25] That issue has now been the subject of three Higher Court decisions, the one just mentioned, the decision of the High Court refusing leave to appeal it to the Court of Appeal,¹¹ and a decision of the Court of Appeal¹² also refusing such leave.

[26] By analogy with our findings in paragraph [230] of the first interim decision, and the findings of fact that underpinned it (held by the Court of Appeal to be of importance on the issue, and incapable of being appealed as a matter of law), there is insufficient evidence in this case to determine whether any future mining activity should be considered to be part of the future environment. We did hear in evidence from Mr H Bohannon, the managing director of BCL, that the company has aspirations in this area, but aspirations do not equate to detailed applications being brought, and even less do they equate with consents being granted. That would all be far too speculative on the evidence before us. We can take the matter no further than as stated in paragraph [230] of our first interim decision.

[27] Finally, we acknowledge what we have perceived as a somewhat generic statement by the High Court in paragraph [94] of its decision [2013] NZHC 1346, that it is open to this Court to find as a matter of fact that a party might obtain resource consents elsewhere in the DBEA; however it is our finding that there can be no certainty that such consents would be granted, let alone implemented, and we are unable to find that future mining in the DBEA forms part of the future environment to be considered under s104(1) RMA. Accordingly, the uncertain prospect of possible future mining in the DBEA does not affect the weight that we have given to the benefits of the DBEA.

[28] For completeness we record that counsel for the respondents lodged a simple half-page memorandum supporting submissions made on behalf of BCL, without adding reasons.



¹¹ [2013] NZHC 1766

¹² *Royal Forest & Bird Protection Society of NZ Inc v Buller District Council* [2013] NZCA 496, 17 October 2013

Conditions of consent

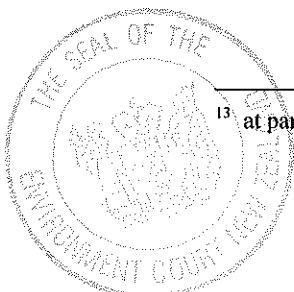
[29] Forest & Bird has continued to oppose the imposition of a “best endeavours” condition, even with the certification tentatively recommended by us in our second interim decision. We cannot accept its submissions. In particular, it has picked up on our words in the second interim decision that “*neither legislative consenting process should be seen to control, let alone trump, the other,*”¹³ submitting that its own negotiating position in relation to achieving protection for the land under Schedule 4 of the Crown Minerals Act, would be weakened. We do not accept that to be the case, noting particularly that we have required any “best endeavours” condition to be strengthened by a requirement for certification, as to which we are entitled to have an expectation that the consent authorities will meet their obligations to give protection of the land the best possible chance of occurring. Next, Forest & Bird submit that the requirement that we signalled in our second interim decision that the protection be not just against open cast mining, but also against related activities including the placement of infrastructure (now agreed to by BCL), would be inadequate given the interests of others in the adjoining Sullivan Mine licence area, noting that Schedule 4 does not provide protection against infrastructure. In advancing this submission, Forest & Bird has chosen to overlook the two decision of the High Court, and the most recent decision of the Court of Appeal, concerning future prospects in relation to the Sullivan Mine based on our own previous findings of fact.

[30] Forest & Bird submits that “best endeavours with certification” is too uncertain to be enforceable, and refuses to accept that there would be any amount of certainty of protection short of special legislation. We have been provided with no sufficient reasoning to depart from the tentative findings in our second interim decision.

[31] Finally, Forest & Bird submitted again that a condition of this kind would be unlawful. We have been provided with no sufficient basis to resile from the findings that we made in paragraphs [46] and [47] of our second interim decision on the point.

[32] BCL has sought a minor amendment to the condition, such that the best endeavours obligation would not be tied to the commencement date of consent, but instead to the commencement of mining operations as that term is defined in the consents. BCL has drawn our attention to the fact that there is a considerable body of work to be undertaken over some months following the commencement of consent,

¹³ at paragraph [37]



and prior to actual mining operations, and we see no reason why that work, including developing the several management plans, undertaking detailed design, and the conducting of pre-mining baseline surveys, shouldn't be allowed to proceed.

[33] BCL has now very largely accepted and drafted conditions addressing the matters that we commented on in our second interim decision. It seeks a minor modification to a condition that we considered important, about the status of the Environmental Manager in relation to organisation of mining operations. The exception that BCL seeks is that the recommendations of that manager, which are to be taken account of and given effect to in mine planning, be subject to obligations of the consent holder under the Health and Safety in Employment Act 1992 and associated legislation. That amendment is sensible, indeed in our view necessary¹⁴.

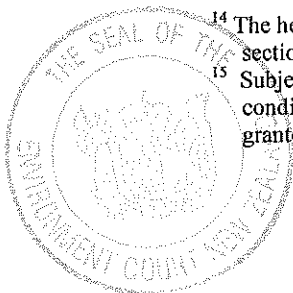
[34] In connection with the DPPA, and in light of our requirement that the protection extend not only to open cast mining, but also to infrastructure and associated land disturbing activities, BCL seeks a small exception up to 5ha in area, to allow land disturbance effects associated with the route of the possible aerial conveyor that it is endeavouring to provide and obtain consents for in place of the pipeline. In light of evidence that we heard during the main hearing, and although tentative in the sense that consents have not been applied for, we consider the suggestion reasonable in the context of the significant (500ha minimum area) proposed for protection, and in order to gain the benefits of the alternative conveyance system that we heard about.

[35] As mentioned in our previous decisions, a lot of hard work has occurred amongst the parties directed to finalising what are now significant and strong conditions.¹⁵

[36] The stage has been reached where conditions of consent have been prepared, in large measure at our direction, that give us confidence in holding that with the imposition of them, consent can now be granted. Consent is granted accordingly, subject to the conditions of consent attached to this decision.

¹⁴ The health and safety of people is of course expressly recognised as coming within the purpose of the Act in section 5.

¹⁵ Subject, of course to the qualification that the appellants placed at all stages, that it was their case that conditions of consent could not be imposed sufficient to overcome their concern that consent should not be granted.



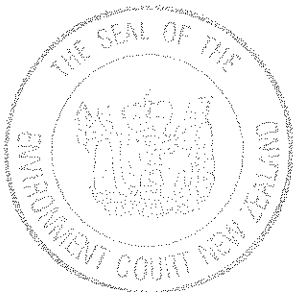
[37] Costs remain reserved. Should any application be forthcoming, it is to be filed and served within twenty working days of the date of this decision.

SIGNED this 24th day of October 2013

For the Court



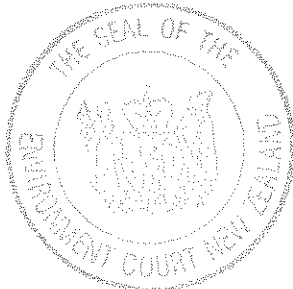
LJ Newhook
Acting Principal Environment Judge



Escarpment Mine Project

Consent Conditions

FINAL



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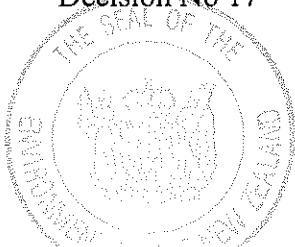
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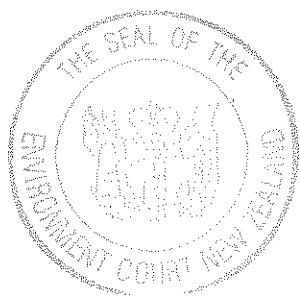
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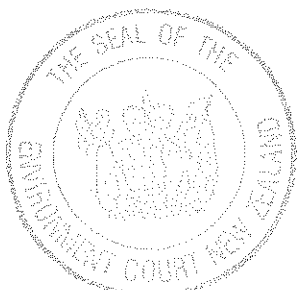
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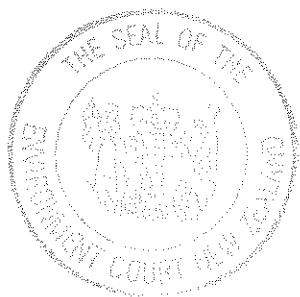
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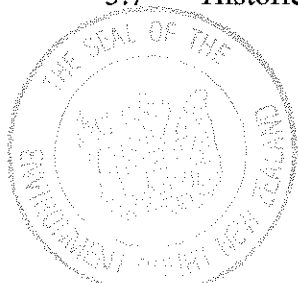
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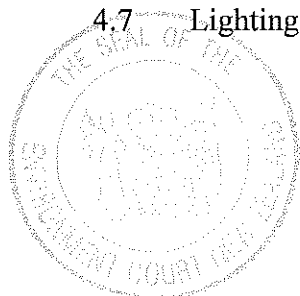
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Consent Conditions

Decision No 1

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

- 1. Resource Consent Number:** RC10193/1
- 2. Date of commencement:** As provided in s.116 of the Resource Management Act 1991.
- 3. Term of consents:** Twelve (12) years.
- 4. Date of lapsing of consent (if not given effect to):** The consent lapsing period for these consents shall be ten (10) years from the commencement of the consent as provided in s.125 of the Resource Management Act 1991.
- 5. Purpose of consent:** To enable mining and associated land use disturbance activities associated with the Escarpment Mine Project in accordance with the relevant conditions in Schedule A as set out below.
- 6. Land Use Consent RC10193/1 is subject to the following conditions,** which are set out in detail in Schedule A:

Conditions 1 – 25 (General and Bond);

Conditions 26 – 30 (Mine Closure);

Conditions 34 – 41 (Management Plans – General);

Conditions 44 – 67 (Ecology and Heritage Management Plan);

Conditions 68 – 89 (Mine and CPP Operations Management Plan);

Conditions 90 – 103 (Social Impact Management Plan);

Conditions 104 – 113 (Annual Work Plan);

Conditions 114 – 117 (Baseline and Annual Monitoring Report);

Conditions 118 – 121 (Recreational Values);

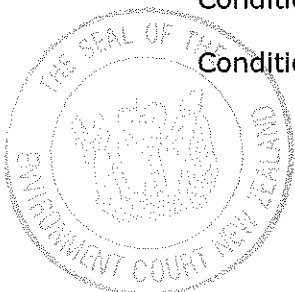
Condition 128 (Cultural Protocols);

Conditions 129 – 133 (Hazardous Substances);

Conditions 134 – 135 (Transpower Infrastructure);

Conditions 136 – 143 (Peer Review Panel);

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Conditions 153 - 155 (Biodiversity Enhancement Management Plan);

Condition 183 (Non Derogation);

Conditions 186 – 194 (Soil Conservation and Sediment Control);

Conditions 195 – 201 (Fauna);

Conditions 202 – 222 (Vegetation and Flora);

Conditions 223 – 224 (Finished Landforms);

Conditions 225 – 248 (Rehabilitation);

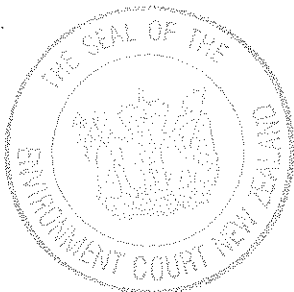
Conditions 249 – 252 (Mining Operations Water Management);

Conditions 269 – 277 (Overburden Classification and ELF Management);

Condition 278 (Natural hazards);

Conditions 279 – 283 (Historic Heritage); and

Conditions 284 – 290 (Amenity – Blasting).



Escarpment Mine Project

Consent Conditions

Decision No 2

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

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

Conditions 1 – 25 (General and Bond);

Conditions 26 – 30 (Mine Closure);

Conditions 34 – 41 (Management Plans – General);

Conditions 44 – 67 (Ecology and Heritage Management Plan);

Conditions 68 – 89 (Mine and CPP Operations Management Plans);

Conditions 90 – 103 (Social Impact Management Plan);

Conditions 104 – 113 (Annual Work Plan);

Conditions 114 – 117 (Baseline and Annual Monitoring Report);

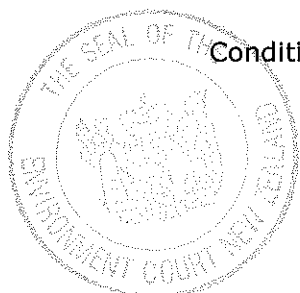
Condition 128 (Cultural Protocols);

Conditions 129 – 133 (Hazardous Substances);

Conditions 136 – 143 (Peer Review Panel);

Condition 183 (Non Derogation);

Conditions 186 – 194 (Soil Conservation and Sediment Control);



Escarpment Mine Project

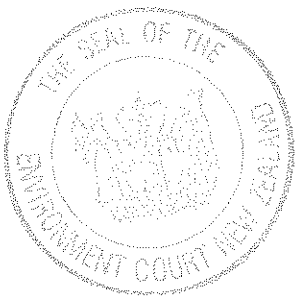
Consent Conditions

Conditions 225 – 248 (Rehabilitation);

Conditions 249 – 252 (Mining Operations Water Management);

Condition 278 (Natural hazards); and

Conditions 279 – 283 (Historic Heritage).



Escarpment Mine Project

Consent Conditions

Decision No 3

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

- 1. Resource Consent Number:** RC10193/3
- 2. Date of commencement:** As provided in s.116 of the Resource Management Act 1991.
- 3. Term of consents:** Twelve (12) years.
- 4. Date of lapsing of consent (if not given effect to):** The consent lapsing period for these consents shall be ten (10) years from the commencement of the consent as provided in s.125 of the Resource Management Act 1991.
- 5. Purpose of consent:** To enter or pass across the bed of any waterbody; or damage, destroy, disturb, or remove any plant or the habitats of such plants or of animals in, on, under or over the bed of a waterbody associated with the Escarpment Mine Project in accordance with the relevant conditions in Schedule A as set out below.
- 6. Land Use Consent RC10193/3 is subject to the following conditions,** which are set out in detail in Schedule A:

Conditions 1 – 25 (General and Bond);

Conditions 26 – 30 (Mine Closure);

Conditions 34 – 41 (Management Plans – General);

Conditions 44 – 67 (Ecology and Heritage Management Plan);

Conditions 68 – 89 (Mine and CPP Operations Management Plans);

Conditions 90 – 103 (Social Impact Management Plan);

Conditions 104 – 113 (Annual Work Plan);

Conditions 114 – 117 (Baseline and Annual Monitoring Report);

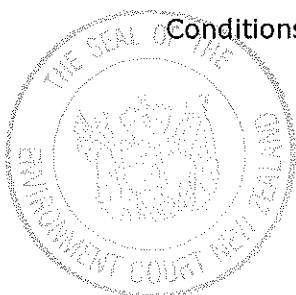
Condition 128 (Cultural Protocols);

Conditions 129 – 133 (Hazardous Substances);

Conditions 136 – 143 (Peer Review Panel);

Condition 183 (Non Derogation);

Conditions 186 – 194 (Soil Conservation and Sediment Control);



Escarpment Mine Project

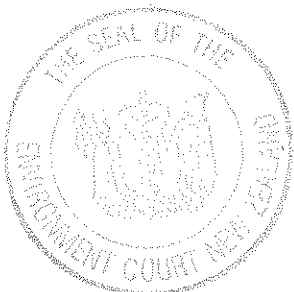
Consent Conditions

Conditions 225 – 248 (Rehabilitation);

Conditions 249 – 252 (Mining Operations Water Management);

Condition 278 (Natural hazards); and

Conditions 279 – 283 (Historic Heritage).



Escarpment Mine Project

Consent Conditions

Decision No 4

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

- 1. Resource Consent Number:** RC10193/4
- 2. Date of commencement:** As provided in s.116 of the Resource Management Act 1991.
- 3. Term of consents:** Twelve (12) years.
- 4. Date of lapsing of consent (if not given effect to):** The consent lapsing period for these consents shall be ten (10) years from the commencement of the consent as provided in s.125 of the Resource Management Act 1991.
- 5. Purpose of consent:** To take, use, dam or diver water associated with the Escarpment Mine Project in accordance with the relevant conditions in Schedule A as set out below.
- 6. Water Permit RC10193/4 is subject to the following conditions,** which are set out in detail in Schedule A:

Conditions 1 – 25 (General and Bond);

Conditions 34 – 41 (Management Plans – General);

Conditions 44 – 67 (Ecology and Heritage Management Plan);

Conditions 68 – 89 (Mine and CPP Operations Management Plans);

Conditions 90 – 103 (Social Impact Management Plan);

Conditions 104 – 113 (Annual Work Plan);

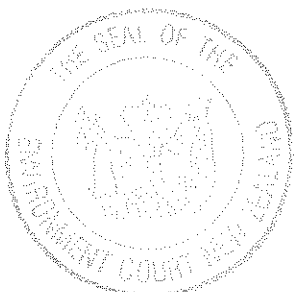
Conditions 114 – 117 (Baseline and Annual Monitoring Report);

Condition 183 (Non Derogation);

Conditions 186 – 194 (Soil Conservation and Sediment Control);

Conditions 225 – 248 (Rehabilitation); and

Conditions 249 – 252 (Mining Stormwater Management).



Escarpment Mine Project

Consent Conditions

Decision No 5

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

- 1. Resource Consent Number:** RC10193/5
- 2. Date of commencement:** As provided in s.116 of the Resource Management Act 1991.
- 3. Term of consents:** Thirty-five (35) years.
- 4. Date of lapsing of consent (if not given effect to):** The consent lapsing period for these consents shall be ten (10) years from the commencement of the consent as provided in s.125 of the Resource Management Act 1991.
- 5. Purpose of consent:** To discharge contaminants or water into water associated with the Escarpment Mine Project in accordance with the relevant conditions in Schedule A as set out below.
- 6. Discharge Permit RC10193/5 is subject to the following conditions,** which are set out in detail in Schedule A:

Conditions 1 – 25 (General and Bond);

Conditions 26 – 30 (Mine Closure);

Conditions 34 – 41 (Management Plans – General);

Conditions 68 – 89 (Mine and CPP Operations Management Plans);

Condition 183 (Non Derogation);

Conditions 186 – 194 (Soil Conservation and Sediment Control);

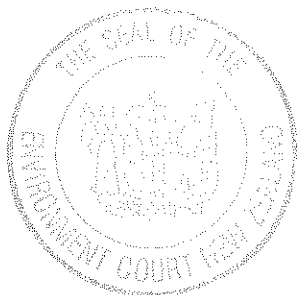
Conditions 225 – 248 (Rehabilitation);

Conditions 249 – 252 (Mining Operations Water Management);

Conditions 253 – 265 (Discharges to Whareatea River);

Conditions 266 – 268 (Site Specific Criteria); and

Conditions 269 – 277 (Overburden Classification and ELF Management).



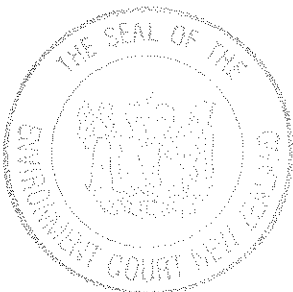
Escarpment Mine Project

Consent Conditions

Decision No 6

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

- 1. Resource Consent Number:** RC10193/6
- 2. Date of commencement:** As provided in s.116 of the Resource Management Act 1991.
- 3. Term of consents:** Thirty-five (35) years.
- 4. Date of lapsing of consent (if not given effect to):** The consent lapsing period for these consents shall be ten (10) years from the commencement of the consent as provided in s.125 of the Resource Management Act 1991.
- 5. Purpose of consent:** To discharge contaminants onto or into land in circumstances which may result in that contaminant (or any other contaminant emanating as a result of natural processes from that contaminant) entering water associated with the Escarpment Mine Project in accordance with the relevant conditions in Schedule A as set out below.
- 6. Discharge Permit RC10193/6 is subject to the following conditions,** which are set out in detail in Schedule A:
 - Conditions 1 – 25 (General and Bond);
 - Conditions 26 – 30 (Mine Closure);
 - Conditions 34 – 41 (Management Plans – General);
 - Conditions 68 – 89 (Mine and CPP Operations Management Plans);
 - Condition 183 (Non Derogation);
 - Conditions 186 – 194 (Soil Conservation and Sediment Control);
 - Conditions 225 – 248 (Rehabilitation);
 - Conditions 249 – 252 (Mining Operations Water Management);
 - Conditions 253 – 265 (Discharges to Whareatea River);
 - Conditions 266 – 268 (Site Specific Criteria); and
 - Conditions 269 – 277 (Overburden Classification and ELF Management).



Escarpment Mine Project

Consent Conditions

Decision No 7

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

- 1. Resource Consent Number:** RC10193/7
- 2. Date of commencement:** As provided in s.116 of the Resource Management Act 1991.
- 3. Term of consents:** Twelve (12) years.
- 4. Date of lapsing of consent (if not given effect to):** The consent lapsing period for these consents shall be ten (10) years from the commencement of the consent as provided in s.125 of the Resource Management Act 1991.
- 5. Purpose of consent:** To discharge contaminants onto or into land associated with the Escarpment Mine Project in accordance with the relevant conditions in Schedule A as set out below.
- 6. Discharge Permit RC10193/7 is subject to the following conditions,** which are set out in detail in Schedule A:

Conditions 1 – 25 (General and Bond);

Conditions 26 – 30 (Mine Closure);

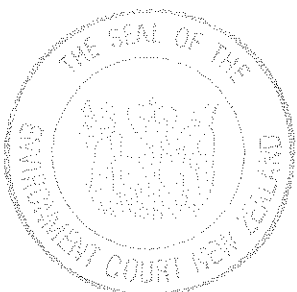
Conditions 34 – 41 (Management Plans – General);

Conditions 68 – 89 (Mine and CPP Operations Management Plans);

Condition 183 (Non Derogation);

Conditions 225 – 248 (Rehabilitation); and

Conditions 269 – 277 (Overburden Classification and ELF Management).



Escarpment Mine Project

Consent Conditions

Decision No 8

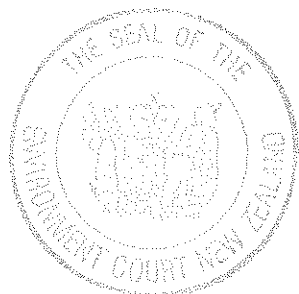
West Coast Regional Council: Discharge Permit to discharge contaminants to air associated with the Escarpment Mine

1. **Resource Consent Number:** RC10193/8
2. **Date of commencement:** As provided in s.116 of the Resource Management Act 1991.
3. **Term of consents:** Twelve (12) years.
4. **Date of lapsing of consent (if not given effect to):** The consent lapsing period for these consents shall be ten (10) years from the commencement of the consent as provided in s.125 of the Resource Management Act 1991.
5. **Purpose of consent:** To discharge contaminants to air associated with the Escarpment Mine Project in accordance with the relevant conditions in Schedule A as set out below.
6. **Discharge Permit RC10193/8 is subject to the following conditions,** which are set out in detail in Schedule A:

Conditions 1 – 25 (General and Bond);

Conditions 34 – 41 (Management Plans – General); and

Conditions 68 – 89 (Mine and CPP Operations Management Plans).



Decision No 9

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

- 1. Resource Consent Number:** RC10193/9
- 2. Date of commencement:** As provided in s.116 of the Resource Management Act 1991.
- 3. Term of consent:** Unlimited term as provided for by Section 123 of the Resource Management Act 1991.
- 4. Date of lapsing of consent (if not given effect to):** The consent lapsing period for these consents shall be ten (10) years from the commencement of the consent as provided in s.125 of the Resource Management Act 1991.
- 5. Purpose of consent:** To enable land disturbance and associated activities (including but not limited to vegetation clearance and structures) associated with Coal Processing and Transport in accordance with the relevant conditions in Schedule A as set out below.
- 6. Land Use Consent RC10193/9 is subject to the following conditions,** which are set out in detail in Schedule A:

Conditions 1 – 25 (General and Bond);

Conditions 34 – 41 (Management Plans – General);

Conditions 44 – 67 (Ecology and Heritage Management Plan);

Conditions 68 – 89 (Mine and CPP Operations Management Plans);

Conditions 90 – 103 (Social Impact Management Plan);

Conditions 104 – 113 (Annual Work Plan);

Conditions 114 – 117 (Baseline and Annual Monitoring Report);

Conditions 118 – 121 (Recreational Values);

Condition 128 (Cultural Protocols);

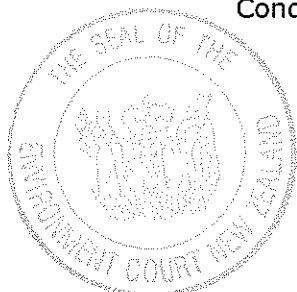
Conditions 156 – 182 (Whareatea Road);

Conditions 195 – 201 (Fauna);

Conditions 291 – 294 (Soil Conservation and Sediment Control)

Conditions 295 – 313 (Vegetation and Flora);

Condition 314 (Fauna);



Escarpment Mine Project

Consent Conditions

Conditions 315 – 326 (Landscape and Natural Character);

Condition 348 (Wetland Management);

Conditions 349 – 358 (Historic Heritage);

Conditions 366 – 370 (Coal Transport Pipeline and Dump Ponds);

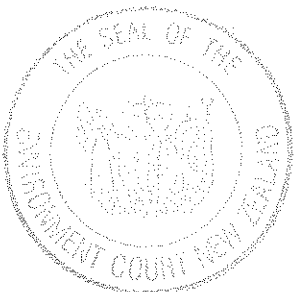
Conditions 379 – 392 (Management Plans – Fairdown);

Conditions 395 – 396 (Access);

Conditions 397 – 399 (Construction Stormwater Management);

Condition 400 (Operational Stormwater Management); and

Conditions 415 – 418 (Landscape and Natural Character).



Escarpment Mine Project

Consent Conditions

Decision No 10

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

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

Conditions 1 – 25 (General and Bond);

Conditions 34 – 41 (Management Plans – General);

Conditions 44 – 67 (Ecology and Heritage Management Plan);

Conditions 68 – 89 (Mine and CPP Operations Management Plans);

Conditions 90 – 103 (Social Impact Management Plan);

Conditions 104 – 113 (Annual Work Plan);

Conditions 114 – 117 (Baseline and Annual Monitoring Report);

Conditions 118 – 121 (Recreational Values);

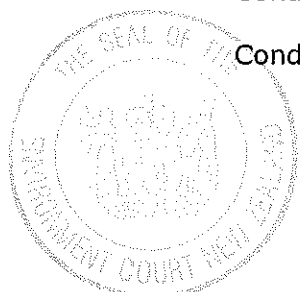
Conditions 156 – 182 (Whareatea Road);

Conditions 195 – 201 (Fauna);

Conditions 291 – 294 (Soil Conservation and Sediment Control)

Conditions 295 – 313 (Vegetation and Flora);

Condition 314 (Fauna);



Escarpment Mine Project

Consent Conditions

Conditions 315 – 326 (Landscape and Natural Character);

Condition 348 (Wetland Management);

Conditions 349 – 358 (Historic Heritage);

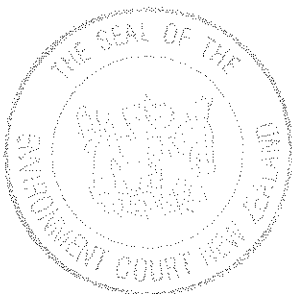
Conditions 359 – 363 (CPP Freshwater Storage Dam);

Condition 364 (River Crossing – Pipeline);

Conditions 366 – 370 (Coal Transport Pipeline and Dump Ponds);

Conditions 395 – 396 (Access); and

Conditions 397 – 399 (Construction Stormwater Management).



Escarpment Mine Project

Consent Conditions

Decision No 11

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

- 1. Resource Consent Number:** RC10193/11
- 2. Date of commencement:** As provided in s.116 of the Resource Management Act 1991.
- 3. Term of consents:** Twelve (12) years.
- 4. Date of lapsing of consent (if not given effect to):** The consent lapsing period or these consents shall be ten (10) years from the commencement of the consent as provided in s.125 of the Resource Management Act 1991.
- 5. Purpose of consent:** To enter or pass across the bed of any waterbody; or damage, destroy, disturb, or remove any plant or the habitats of such plants or of animals in, on, under or over the bed of a waterbody associated with Coal Processing and Transport in accordance with the relevant conditions in Schedule A as set out below.
- 6. Land Use Consent RC10193/11 is subject to the following conditions,** which are set out in detail in Schedule A:

Conditions 1 – 25 (General and Bond);

Conditions 34 – 41 (Management Plans – General);

Conditions 44 – 67 (Ecology and Heritage Management Plan);

Conditions 68 – 89 (Mine and CPP Operations Management Plans);

Conditions 90 – 103 (Social Impact Management Plan);

Conditions 104 – 113 (Annual Work Plan);

Conditions 114 – 117 (Baseline and Annual Monitoring Report);

Conditions 118 – 121 (Recreational Values);

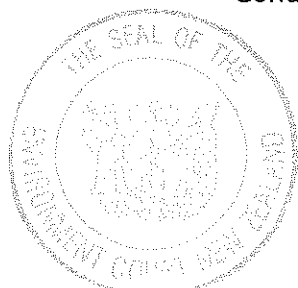
Conditions 156 – 182 (Whareatea Road);

Conditions 195 – 201 (Fauna);

Conditions 291 – 294 (Soil Conservation and Sediment Control)

Conditions 295 – 313 (Vegetation and Flora);

Condition 314 (Fauna);



Escarpment Mine Project

Consent Conditions

Conditions 315 – 326 (Landscape and Natural Character);

Condition 348 (Wetland Management);

Conditions 349 – 358 (Historic Heritage);

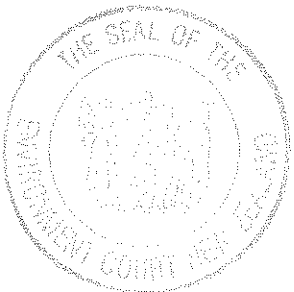
Conditions 359 – 363 (CPP Freshwater Storage Dam);

Condition 364 (River Crossing – Pipeline);

Conditions 366 – 370 (Coal Transport Pipeline and Dump Ponds);

Conditions 395 – 396 (Access); and

Conditions 397 – 399 (Construction Stormwater Management).



Decision No 12

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

1. **Resource Consent Number:** RC10193/12
2. **Date of commencement:** As provided in s.116 of the Resource Management Act 1991.
3. **Term of consents:** Twelve (12) years.
4. **Date of lapsing of consent (if not given effect to):** The consent lapsing period for these consents shall be ten (10) years from the commencement of the consent as provided in s.125 of the Resource Management Act 1991.
5. **Purpose of consent:** To take, use, dam or diver water associated with Coal Processing and Transport in accordance with the relevant conditions in Schedule A as set out below.
6. **Water Permit RC10193/12 is subject to the following conditions,** which are set out in detail in Schedule A:

Conditions 1 – 25 (General and Bond);

Conditions 34 – 41 (Management Plans – General);

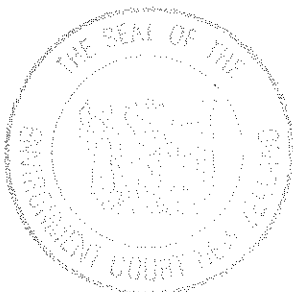
Conditions 68 – 89 (Mine and CPP Operations Management Plans);

Conditions 327 – 330 (Construction Erosion and Sediment Control);

Conditions 331 – 334 (CPP and Haul Rd Operation Stormwater Management);

Conditions 342 – 347 (Waimangaroa Water take); and

Conditions 359 – 363 (CPP Freshwater Storage Dam).



Decision No 13

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

- 1. Resource Consent Number:** RC10193/13
- 2. Date of commencement:** As provided in s.116 of the Resource Management Act 1991.
- 3. Term of consents:** Twelve (12) years.
- 4. Date of lapsing of consent (if not given effect to):** The consent lapsing period for these consents shall be ten (10) years from the commencement of the consent as provided in s.125 of the Resource Management Act 1991.
- 5. Purpose of consent:** To discharge contaminants or water into water associated with Coal Processing and Transport in accordance with the relevant conditions in Schedule A as set out below.
- 6. Discharge Permit RC10193/13 is subject to the following conditions,** which are set out in detail in Schedule A:

Conditions 1 – 25 (General and Bond);

Conditions 34 – 41 (Management Plans – General);

Conditions 68 – 89 (Mine and CPP Operations Management Plans);

Conditions 253 – 265 (Discharges to Whareatea River);

Conditions 327 – 330 (Construction Erosion and Sediment Control);

Conditions 331 – 334 (CPP and Haul Rd Operation Stormwater Management);

Conditions 335 – 338 (CPP and Haul Rd Discharge);

Conditions 339 – 341 (Freshwater Storage Pond Discharge);

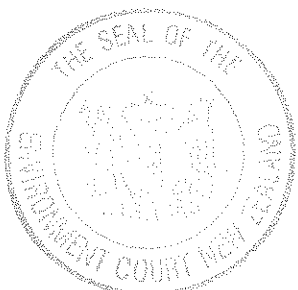
Conditions 379 – 386 (Fairdown Management Plans – General);

Conditions 387 – 388 (Fairdown Water Management Plan);

Conditions 397 – 399 (Construction Stormwater Management);

Condition 400 (Operational Stormwater Management); and

Conditions 402 – 414 (Aquatic Ecosystems).



Escarpment Mine Project

Consent Conditions

Decision No 14

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

1. **Resource Consent Number:** RC10193/14
2. **Date of commencement:** As provided in s.116 of the Resource Management Act 1991.
3. **Term of consents:** Twelve (12) years.
4. **Date of lapsing of consent (if not given effect to):** The consent lapsing period for these consents shall be ten (10) years from the commencement of the consent as provided in s.125 of the Resource Management Act 1991.
5. **Purpose of consent:** To discharge contaminants onto or into land in circumstances which may result in that contaminant (or any other contaminant emanating as a result of natural processes from that contaminant) entering water associated with Coal Processing and Transport in accordance with the relevant conditions in Schedule A as set out below.
6. **Discharge Permit RC10193/14 is subject to the following conditions,** which are set out in detail in Schedule A:

Conditions 1 – 25 (General and Bond);

Conditions 34 – 41 (Management Plans – General);

Conditions 68 – 89 (Mine and CPP Operations Management Plans);

Conditions 253 – 265 (Discharges to Whareatea River);

Condition 327 (Construction Erosion and Sediment Control);

Conditions 331 – 334 (CPP and Haul Rd Operation Stormwater Management);

Conditions 335 – 338 (CPP and Haul Rd Discharge);

Conditions 339 – 341 (Freshwater Storage Pond Discharge);

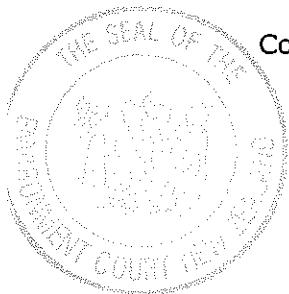
Conditions 379 – 386 (Fairdown Management Plans – General);

Conditions 387 – 388 (Fairdown Water Management Plan);

Conditions 397 – 399 (Construction Stormwater Management);

Condition 400 (Operational Stormwater Management); and

Conditions 402 – 414 (Aquatic Ecosystems).



Escarpment Mine Project

Consent Conditions

Decision No 15

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

- 1. Resource Consent Number:** RC10193/15
- 2. Date of commencement:** As provided in s.116 of the Resource Management Act 1991.
- 3. Term of consents:** Twelve (12) years.
- 4. Date of lapsing of consent (if not given effect to):** The consent lapsing period for these consents shall be ten (10) years from the commencement of the consent as provided in s.125 of the Resource Management Act 1991.
- 5. Purpose of consents:** To discharge contaminants onto or into land associated with Coal Processing and Transport in accordance with the relevant conditions in Schedule A as set out below.
- 6. Discharge Permit RC10193/15 is subject to the following conditions,** which are set out in detail in Schedule A:

Conditions 1 – 25 (General and Bond);

Conditions 34 – 41 (Management Plans – General);

Conditions 68 – 89 (Mine and CPP Operations Management Plans);

Conditions 335 – 338 (CPP and Haul Rd Discharge);

Conditions 339 – 341 (Freshwater Storage Pond Discharge);

Conditions 379 – 386 (Fairdown Management Plans – General);

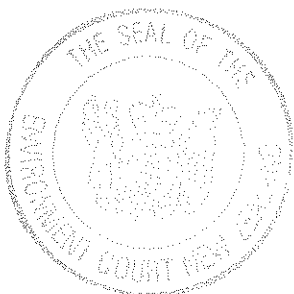
Conditions 387 – 388 (Fairdown Water Management Plan);

Conditions 393 – 394 (Pipeline Maintenance and Emergency Discharge);

Conditions 397 – 399 (Construction Stormwater Management);

Condition 400 (Operational Stormwater Management); and

Condition 401 (Sewage).



Escarpment Mine Project

Consent Conditions

Decision No 16

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

- 1. Resource Consent Number:** RC10193/16
- 2. Date of commencement:** As provided in s.116 of the Resource Management Act 1991.
- 3. Term of consents:** Twelve (12) years.
- 4. Date of lapsing of consent (if not given effect to):** The consent lapsing period for these consents shall be ten (10) years from the commencement of the consent as provided in s.125 of the Resource Management Act 1991.
- 5. Purpose of consents:** To discharge contaminants to air associated with the Coal Processing and Transport in accordance with the relevant conditions in Schedule A as set out below.
- 6. Discharge Permit RC10193/16 is subject to the following conditions,** which are set out in detail in Schedule A:

Conditions 1 – 25 (General and Bond);

Conditions 34 – 41 (Management Plans – General);

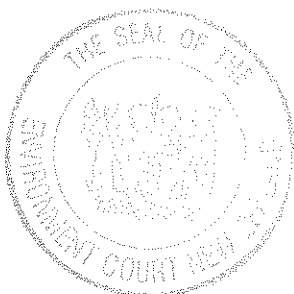
Conditions 68 – 89 (Mine and CPP Operations Management Plans);

Conditions 371 – 375 (Air Quality);

Conditions 379 – 386 (Fairdown Management Plans – General);

Conditions 389 – 390 (Fairdown Facility Air Quality Management Plan); and

Conditions 427 – 435 (Fairdown Air Quality).



Escarpment Mine Project

Consent Conditions

Decision No 17

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

- 1. Resource Consent Number:** RC10/70A
- 2. Date of commencement:** As provided in s.116 of the Resource Management Act 1991.
- 3. Term of consent:** Twelve (12) years.
- 4. Date of lapsing of consent (if not given effect to):** The consent lapsing period for these consents shall be ten (10) years from the commencement of the consent as provided in s.125 of the Resource Management Act 1991.
- 5. Purpose of consent:** To undertake mining and associated activities relating to the Escarpment Mine Project on the Denniston Plateau in accordance with the relevant conditions in Schedule A as set out below.
- 6. Land Use Consent RC10/70A is subject to the following conditions,** which are set out in detail in Schedule A:

Conditions 1 – 25 (General and Bond);

Conditions 26 – 30 (Mine Closure);

Conditions 34 – 41 (Management Plans – General);

Conditions 44 – 67 (Ecology and Heritage Management Plan);

Conditions 68 – 89 (Mine and CPP Operations Management Plans);

Conditions 90 – 103 (Social Impact Management Plan);

Conditions 104 – 113 (Annual Work Plan);

Conditions 114 – 117 (Baseline and Annual Monitoring Report);

Conditions 118 – 121 (Recreational Values);

Conditions 122 – 127 (Noise);

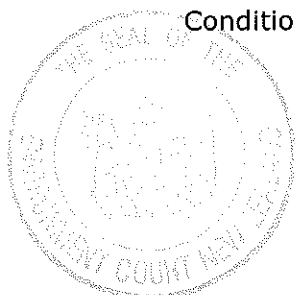
Condition 128 (Cultural Protocols);

Conditions 129 – 133 (Hazardous Substances);

Conditions 134 – 135 (Transpower Infrastructure);

Conditions 136 – 143 (Peer Review Panel);

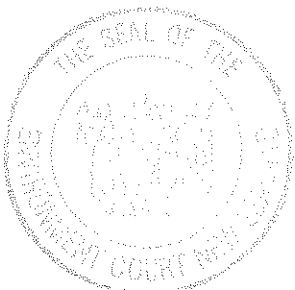
Condition 144 (Financial Contribution);



Escarpment Mine Project

Consent Conditions

- Conditions 145 - 152 (Biodiversity Enhancement);
- Conditions 153 - 155 (Biodiversity Enhancement Management Plan);
- Condition 183 (Non Derogation);
- Conditions 186 - 194 (Soil Conservation and Sediment Control);
- Conditions 195 - 201 (Fauna);
- Conditions 202 - 222 (Vegetation and Flora);
- Conditions 223 - 224 (Finished Landforms);
- Conditions 225 - 248 (Rehabilitation);
- Conditions 249 - 252 (Mining Operations Water Management);
- Conditions 269 - 277 (Overburden Classification and ELF Management);
- Condition 278 (Natural hazards);
- Conditions 279 - 283 (Historic Heritage); and
- Conditions 284 - 290 (Amenity - Blasting).



Escarpment Mine Project

Consent Conditions

Decision No 18

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

- 1. Resource Consent Number:** RC10/70B
- 2. Date of commencement:** As provided in s.116 of the Resource Management Act 1991.
- 3. Term of consent:** Twelve (12) years as provided for by Section 123 of the Resource Management Act 1991.
- 4. Date of lapsing of consent (if not given effect to):** The consent lapsing period for these consents shall be ten (10) years from the commencement of the consent as provided in s.125 of the Resource Management Act 1991.
- 5. Purpose of consent:** To construct, operate and maintain an approximately five kilometre of freshwater pipeline and associated access tracking from an intake on the Waimangaroa River to the Coal Processing Plant in accordance with the relevant conditions in Schedule A as set out below.
- 6. Land Use Consent RC10/70B is subject to the following conditions,** which are set out in detail in Schedule A:

Conditions 1 – 25 (General and Bond);

Conditions 26 – 30 (Mine Closure);

Conditions 34 – 41 (Management Plans – General);

Conditions 44 – 67 (Ecology and Heritage Management Plan);

Conditions 68 – 89 (Mine and CPP Operations Management Plans);

Conditions 90 – 103 (Social Impact Management Plan);

Conditions 104 – 113 (Annual Work Plan);

Conditions 114 – 117 (Baseline and Annual Monitoring Report);

Conditions 118 – 121 (Recreational Values);

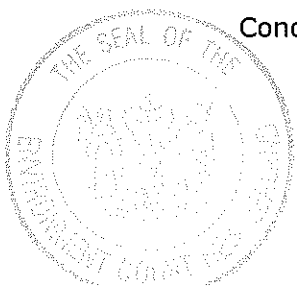
Conditions 122 – 127 (Noise);

Condition 144 (Financial Contribution);

Conditions 195 – 201 (Fauna);

Conditions 295 – 300 (Vegetation and Flora);

Condition 314 (Fauna);



Escarpment Mine Project

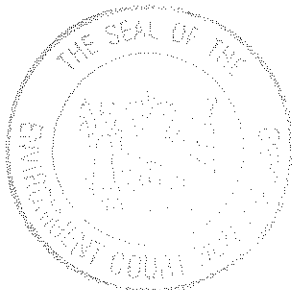
Consent Conditions

Conditions 315 – 316 (Landscape and Natural Character);

Condition 348 (Wetland Management);

Conditions 350 – 352 (Historic Heritage); and

Conditions 376 – 378 (Lighting).



Escarpment Mine Project

Consent Conditions

Decision No 19

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

- 1. Resource Consent Number:** RC10/70C
- 2. Date of commencement:** As provided in s.116 of the Resource Management Act 1991.
- 3. Term of consent:** Twelve (12) years as provided for by Section 123 of the Resource Management Act 1991.
- 4. Date of lapsing of consent (if not given effect to):** The consent lapsing period for these consents shall be ten (10) years from the commencement of the consent as provided in s.125 of the Resource Management Act 1991.
- 5. Purpose of consent:** To construct, operate and maintain a Coal Processing Plant and associated activities on the Denniston Plateau in accordance with the relevant conditions in Schedule A as set out below.
- 6. Land Use Consent RC10/70C is subject to the following conditions,** which are set out in detail in Schedule A:

Conditions 1 – 25 (General and Bond);

Conditions 26 – 30 (Mine Closure);

Conditions 34 – 41 (Management Plans – General);

Conditions 44 – 67 (Ecology and Heritage Management Plan);

Conditions 68 – 89 (Mine and CPP Operations Management Plans);

Conditions 90 – 103 (Social Impact Management Plan);

Conditions 104 – 113 (Annual Work Plan);

Conditions 114 – 117 (Baseline and Annual Monitoring Report);

Conditions 118 – 121 (Recreational Values);

Conditions 122 – 127 (Noise);

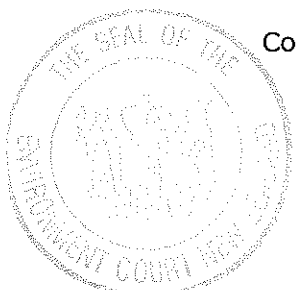
Condition 144 (Financial Contribution);

Conditions 195 – 201 (Fauna);

Conditions 301 – 302 (Vegetation and Flora);

Condition 314 (Fauna);

Conditions 315 – 324 (Landscape and Natural Character);



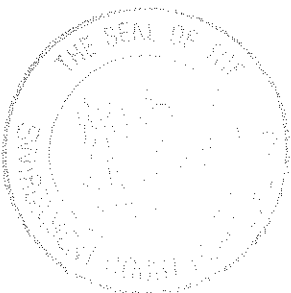
Escarpment Mine Project

Consent Conditions

Condition 353 (Historic Heritage);

Conditions 359 – 363 (Natural Hazards); and

Conditions 376 – 378 (Lighting).



Escarpment Mine Project

Consent Conditions

Decision No 20

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

- 1. Resource Consent Number:** RC10/70D
- 2. Date of commencement:** As provided in s.116 of the Resource Management Act 1991.
- 3. Term of consent:** Twelve (12) years as provided for by Section 123 of the Resource Management Act 1991.
- 4. Date of lapsing of consent (if not given effect to):** The consent lapsing period for these consents shall be ten (10) years from the commencement of the consent as provided in s.125 of the Resource Management Act 1991.
- 5. Purpose of consent:** To widen and maintain the existing Whareatea Road and to construct and maintain mine haul roads in accordance with the relevant conditions in Schedule A as set out below.
- 6. Land Use Consent RC10/70D is subject to the following conditions,** which are set out in detail in Schedule A:

Conditions 1 – 25 (General and Bond);

Conditions 26 – 30 (Mine Closure);

Conditions 34 – 41 (Management Plans – General);

Conditions 44 – 67 (Ecology and Heritage Management Plan);

Conditions 68 – 89 (Mine and CPP Operations Management Plans);

Conditions 90 – 103 (Social Impact Management Plan);

Conditions 104 – 113 (Annual Work Plan);

Conditions 114 – 117 (Baseline and Annual Monitoring Report);

Conditions 118 – 121 (Recreational Values);

Conditions 122 – 127 (Noise);

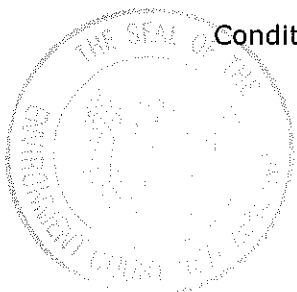
Condition 144 (Financial Contribution);

Conditions 195 – 201 (Fauna);

Conditions 303 – 308 (Vegetation and Flora);

Condition 314 (Fauna);

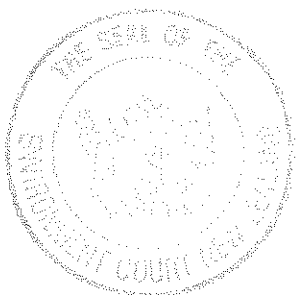
Conditions 354 – 357 (Historic Heritage); and



Escarpment Mine Project

Consent Conditions

Conditions 376 – 378 (Lighting).



Escarpment Mine Project

Consent Conditions

Decision No 21

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

- 1. Resource Consent Number:** RC10/70E
- 2. Date of commencement:** As provided in s.116 of the Resource Management Act 1991.
- 3. Term of consent:** Twelve (12) years as provided for by Section 123 of the Resource Management Act 1991.
- 4. Date of lapsing of consent (if not given effect to):** The consent lapsing period for these consents shall be ten (10) years from the commencement of the consent as provided in s.125 of the Resource Management Act 1991.
- 5. Purpose of consent:** To construct, operate and maintain an 11 kilometre long coal transport pipeline and associated access tracking from the Coal Processing Plant down to a Coal Handling Facility at Fairdown in accordance with the relevant conditions in Schedule A as set out below.
- 6. Land Use Consent RC10/70E is subject to the following conditions,** which are set out in detail in Schedule A:

Conditions 1 – 25 (General and Bond);

Conditions 26 – 30 (Mine Closure);

Conditions 34 – 41 (Management Plans – General);

Conditions 44 – 67 (Ecology and Heritage Management Plan);

Conditions 68 – 89 (Mine and CPP Operations Management Plans);

Conditions 90 – 103 (Social Impact Management Plan);

Conditions 104 – 113 (Annual Work Plan);

Conditions 114 – 117 (Baseline and Annual Monitoring Report);

Conditions 118 – 121 (Recreational Values);

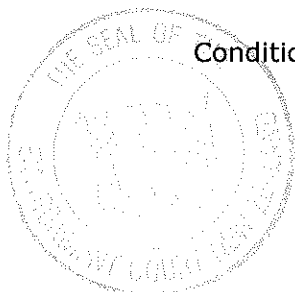
Conditions 122 – 127 (Noise);

Condition 144 (Financial Contribution);

Conditions 195 – 201 (Fauna);

Conditions 309 – 313 (Vegetation and Flora);

Condition 314 (Fauna);



Escarpment Mine Project

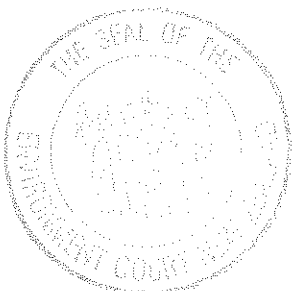
Consent Conditions

Conditions 325 – 326 (Landscape and Natural Character);

Condition 358 (Historic Heritage);

Conditions 366 – 370 (Coal Transport Pipeline and Dump Ponds); and

Conditions 376 – 378 (Lighting).



Escarpment Mine Project

Consent Conditions

Decision No 22

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

- 1. Resource Consent Number:** RC10/70F
- 2. Date of commencement:** As provided in s.116 of the Resource Management Act 1991.
- 3. Term of consent:** Twelve (12) years as provided for by Section 123 of the Resource Management Act 1991.
- 4. Date of lapsing of consent (if not given effect to):** The consent lapsing period for these consents shall be ten (10) years from the commencement of the consent as provided in s.125 of the Resource Management Act 1991.
- 5. Purpose of consent:** To construct, operate and maintain a Coal Handling Facility at Fairdown which includes a de-watering and water treatment plant, coal stockpiling and rail loadout facility in accordance with the relevant conditions in Schedule A as set out below.
- 6. Land Use Consent RC10/70F is subject to the following conditions,** which are set out in detail in Schedule A:

Conditions 1 – 25 (General and Bond);

Condition 144 (Financial Contribution);

Conditions 379 – 386 (Fairdown Management Plans – General);

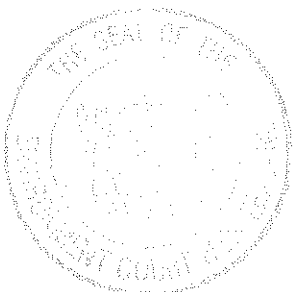
Conditions 391 – 392 (Fairdown Noise Management Plan);

Conditions 395 – 396 (Access);

Conditions 415 – 418 (Landscape and Natural Character);

Conditions 419 - 426 (Noise); and

Conditions 436 - 439 (Lighting).



Escarpment Mine Project

Consent Conditions

Decision No 23

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

- 1. Resource Consent Number:** RC10/70G
- 2. Date of commencement:** As provided in s.116 of the Resource Management Act 1991.
- 3. Term of consent:** Unlimited term as provided for by Section 123 of the Resource Management Act 1991.
- 4. Date of lapsing of consent (if not given effect to):** The consent lapsing period for these consents shall be ten (10) years from the commencement of the consent as provided in s.125 of the Resource Management Act 1991.
- 5. Purpose of consent:** To construct, operate and maintain an electrical substation and overhead electrical powerlines with associated access in accordance with the relevant conditions in Schedule A as set out below.
- 6. Land Use Consent RC10/70G is subject to the following conditions,** which are set out in detail in Schedule A:

Conditions 1 – 25 (General and Bond);

Conditions 34 – 41 (Management Plans – General);

Conditions 44 – 67 (Ecology and Heritage Management Plan);

Conditions 68 – 89 (Mine and CPP Operations Management Plans);

Conditions 90 – 103 (Social Impact Management Plan);

Conditions 104 – 113 (Annual Work Plan);

Conditions 114 – 117 (Baseline and Annual Monitoring Report);

Conditions 118 – 121 (Recreational Values);

Conditions 122 – 127 (Noise);

Condition 144 (Financial Contribution);

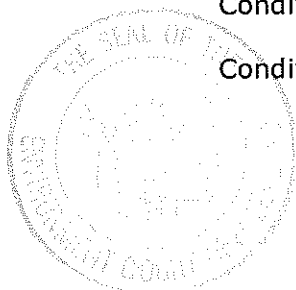
Conditions 195 – 201 (Fauna);

Conditions 295 – 313 (Vegetation and Flora);

Condition 314 (Fauna);

Conditions 315 – 326 (Landscape and Natural Character);

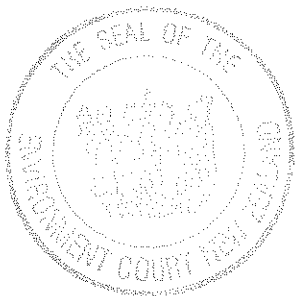
Conditions 350 – 358 (Historic Heritage); and



Escarpment Mine Project

Consent Conditions

Conditions 376 - 378 (Lighting).



Decision No 24

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

- 1. Resource Consent Number:** RC10/70H
- 2. Date of commencement:** As provided in s.116 of the Resource Management Act 1991.
- 3. Term of consent:** Twelve (12) years as provided for by Section 123 of the Resource Management Act 1991.
- 4. Date of lapsing of consent (if not given effect to):** The consent lapsing period for these consents shall be ten (10) years from the commencement of the consent as provided in s.125 of the Resource Management Act 1991.
- 5. Purpose of consent:** To use and store hazardous substances during mining, the construction and operation of the Coal Processing Plant, the Fairdown Coal Handling Facility, and within the Electrical Substation in accordance with the relevant conditions in Schedule A as set out below.
- 6. Land Use Consent RC10/70H is subject to the following conditions,** which are set out in detail in Schedule A:

Conditions 1 – 25 (General and Bond);

Conditions 34 – 41 (Management Plans – General);

Conditions 44 – 67 (Ecology and Heritage Management Plan);

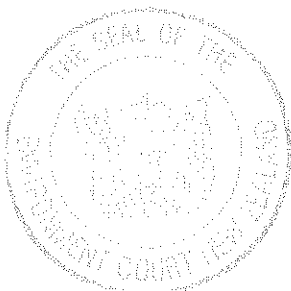
Conditions 68 – 89 (Mine and CPP Operations Management Plans);

Conditions 90 – 103 (Social Impact Management Plan);

Conditions 104 – 113 (Annual Work Plan);

Conditions 129 – 133 (Hazardous Substances); and

Condition 144 (Financial Contribution).



Escarpment Mine Project

Consent Conditions

Schedule A – Conditions

Definitions

"TP10" means Design Guideline Manual Stormwater Treatment Devices – 2003.

"TP90" means Auckland Regional Council Erosion and Sediment Control – Technical Publication No. 90 – March 1999.

"AMD" means Acid Mine Drainage.

"Bare ground" means surface with exposed soil or sediment that is prone to erosion i.e. not protected by rock, woody material, leaf litter, exotic grasses or non-vascular vegetation (lichens, mosses and liverworts).

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

"CHF" means the Coal Handling Facility.

"Closure of the Site" means rehabilitation of the Escarpment Mine and the Coal Processing and Transport Facilities such that Conditions 26 a) to h) have been met by the Consent Holder, to the satisfaction of the Consent Authorities.

"CPP" means Coal Processing Plant located on the Denniston Plateau, within the area shown on Appendix 1.

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

"Construction" in relation to the Escarpment Mine—means Earthworks and associated activities that occur prior to mining operations. This includes initial overburden removal, the pre-stripping and commissioning phase of the MIW WTP, the preparation of floor space for the initial ELF, construction of the access to the initial mining face, and the winning of coal coincidentally won during the construction phase.

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

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

The "Commissioning Phase" for the MIW WTP means the period, not exceeding 4 weeks from the date of the first discharge from the WTP to surface waters, during which commissioning is undertaken.

"Controlled blasting" means techniques used to control over-break and produce a competent final excavation wall. For example, cushion blasting and pre-splitting.



Escarpment Mine Project

Consent Conditions

“Denniston Plateau” means the area depicted in Appendix 1.

“Denniston BEA” means the Denniston Biodiversity Enhancement Area depicted in Figure 1, Appendix 3.

“Direct transfer” means Vegetation Direct Transfer.

“DPPA” means an area of, at a minimum of 500 hectares, within the DBEA and the area depicted in Appendix 3A, as is to be determined by the conditions of these consents.

“Earthworks” means the disturbance of soil or earth by any means including excavation (including subsurface), tunneling, drilling, infilling, land rehabilitation or restoration, stockpiling, dumping of soil or sand, and the construction/reconstruction of any track, embankment, or drainage channel.

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

“ELF” means an Engineered Landform and includes all overburden backfill areas including rock and fines disposal from the coal processing plant and sludge from the water treatment plants.

“EMP” means Escarpment Mine Project and refers to the entire project footprint, including coal transport and processing facilities and associated activities and the Escarpment Mine.

“EM” means the Escarpment Mine being the mine site depicted in the area shown in Appendix 2.

“FWTP” means the Fairdown Water Treatment Plant.

“Heaphy BEA” means the Heaphy River Biodiversity Enhancement Area depicted in Figure 2, Appendix 3.

“Hold Point” means a point in time where activities carried out under the consent will be suspended until the Environmental Manager and the General Manager of the Consent Holder have certified that a requirement specified in Appendix 8 has been actioned.

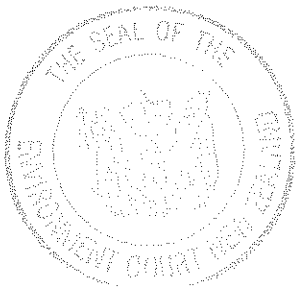
“Hydroseeding” means – slurry application of mulch, fertiliser, adhesive and seed, moss, or other vegetative material.

“KEL” means Kawatiri Energy Limited.

“Landform - vegetation units” means the combinations of slope and rehabilitation vegetation units.

“Lizard habitat” means habitat suitable for the establishment and maintenance of populations of West Coast green gecko, forest gecko and speckled skink.

“Lizard release site” means an area with a high likelihood of enabling the successful establishment of all individual lizards released into it.



Escarpment Mine Project

Consent Conditions

"Lizard monitoring site" is defined as an area of high-quality habitat, supporting at least 30 individuals of the lizard species under assessment into which no lizards are to be relocated.

"LPL" means a Low Permeability Layer.

"Mining Operations" within the Escarpment Mine is deemed to commence when:

- i) The MIW WTP has been constructed and commissioned;
- ii) The floor space for the initial ELF has been completed; and
- iii) Access to the initial mining face has been completed such that enough coal is exposed to be able to win coal at the target production rate.

Hence, "mining operations" excludes all construction works required to give effect to the matters described (including, without limitation, initial overburden removal, the pre-stripping and commissioning phase of the MIW WTP, the preparation of floor space for the initial ELF, construction of the access to the initial mining face, and the winning of coal coincidentally won during the construction phase). Mining activity or mining activities has the same meaning as mining operations.

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

"NAF" means Non-Acid Forming.

"*P. patrickensis*" means *Powelliphanta patrickensis*.

"Pakihi" means the pakihi rehabilitation type and the manuka - *Chionochloa juncea* wetland vegetation type (it excludes lowland pakihi).

"Relocation of lizards" means the relocation through collection (including salvage) of one to many individuals of a single lizard species to a pre-determined release site as a result of a single earthworks or construction or vegetation clearing event of the habitat they reside in or frequent.

"Species of significance" includes plant taxa assessed as Threatened, At Risk, locally uncommon or with distinctive distributions.

"Standard 10m x 10m density plot" means that described within Walker, K. 1997. Techniques for monitoring populations of *Powelliphanta* land snails. *Ecological Management No. 5*: 53-63. Department of Conservation. Wellington.

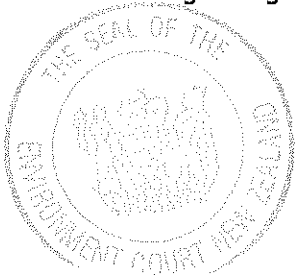
"SW-WTP" means Storm Water – Water Treatment Plant.

"The Mine" means Escarpment Mine.

"the Act" means the Resource Management Act 1991.

"VDT" means vegetation direct transfer – means the precise stripping, transport and placement of soil, subsoil, plants and intact root plates (sods).

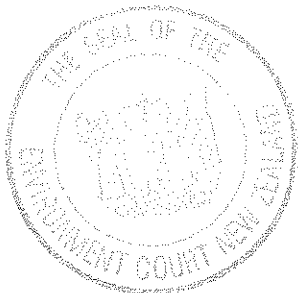
"VIT" means vegetation indirect transfer – means VDT which involves an temporary storage stage.



Escarpment Mine Project

Consent Conditions

"Wetland Seepage" means an area on a slope which carries a moderate to steady flow of groundwater, often also surface water, including water that has percolated to the land surface, the volume being less than that which would be considered as a stream or spring.



Escarpment Mine Project

Consent Conditions

General Conditions

Method of Operations

1. All activities authorised by these consents shall be undertaken generally in accordance with the information contained in:
 - a) The Application and Assessment of Environmental Effects dated 31 August 2010;
 - b) The 'Buller District Council – Response to Section 92 Request' dated 23 November 2010;
 - c) The 'West Coast Regional Council – Response to Section 92 Request' dated 23 November 2010;
 - d) The 'Response to WCRC Water Management Plan Review' dated 29 April 2011;
 - e) The 'Deadmans Creek Compliance Limits' report dated 12 May 2011;
 - f) All supporting technical documents, management plans, drawings and plans as certified by the Consent Authorities; and
 - g) The decision of the Environment Court dated 24 October 2013

except where inconsistent with these conditions.

2. The Consent Holder shall ensure all key staff and contractors are made aware of the conditions of these resource consents to ensure compliance with those conditions.
3. The Consent Holder shall retain suitably qualified and experienced persons to supervise the development of the project, including rehabilitation programmes, management plans, and all mining related activities including construction, operation and maintenance of engineered landforms, roads, tracks, water management systems, pipeline installation, Denniston coal processing plant and Fairdown coal handling facility.
4. Where conditions of these consents require the provision of further information such as reports or management plans by the Consent Holder, the Consent Authority may undertake an independent peer review of this information. Recommendations arising from such review shall be reported to the Consent Holder. This peer review shall be at the Consent Holder's expense.

Fees

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



Escarpment Mine Project

Consent Conditions

Complaints and Non-compliance

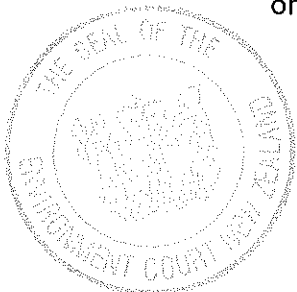
6. The Consent Holder upon receipt of any complaint reported to it by the Consent Authority, shall promptly investigate the complaint, take action to remedy or mitigate the complaint, and inform the Consent Authority as soon as practical but within 1 working day of the details of the cause of the complaint and the action taken.
7. The Consent Holder shall maintain and keep a complaint register for all activities authorised by these consents. All reasonable complaints shall be investigated by the Consent Holder. The register shall detail the date, time and type of complaint, cause of the complaint, and the action taken by the Consent Holder in response to the complaint. The register shall be available to the Consent Authority at all reasonable times.
8. In the event of any breach of compliance of the conditions of these consents the Consent Holder shall notify the relevant Consent Authority as soon as practical but within 1 working day of the breach being detected. Within seven days of any breach, the Consent Holder shall provide written notification to the Consent Authority, which explains the cause of the breach, and if the cause was within the control of the Consent Holder, steps which were taken to remedy the breach and steps which will be taken to prevent any further occurrence of the breach.
9. The Consent Holder shall remain liable under the Act for any breach of conditions of these consents which occur before the expiry of the consent and for any resultant adverse effects on the environment which become apparent during or after the expiry of these consents.

Notification of Exercise of Consent

10. The Consent Holder shall notify the Consent Authority in writing at least one week prior to activities commencing under these consents.
11. The Consent Holder shall notify the Consent Authority in writing of the intention to cease or suspend the exercise of these consents at least 3 months prior to the activities under these consents ceasing or being suspended.
12. Following the provision of any notice under condition 11, the Consent Holder shall review the Mine Closure section within the Annual Work Plan prepared in accordance with conditions 112 and 113 and provide a report to the Consent Authority, prior to the expiry of the 3 month period outlined in condition 11, which outlines how all the closure and rehabilitation requirements of conditions 112 and 113 have been (and will be) met.

Review of Conditions

13. Pursuant to Section 128(1) of the Act, the Consent Authority may review any of the conditions of these consents by serving notice either:
 - a) Within a period of six months of the date of commencement of these consents; or



Escarpment Mine Project

Consent Conditions

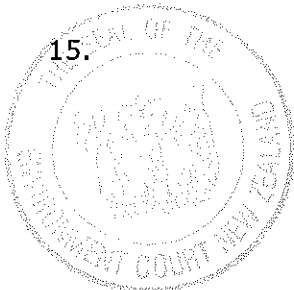
- b) Within a period of six months commencing on each anniversary of the date of commencement of these consents;

for any of the following purposes:

- a) To deal with any adverse effect on the environment which may arise from the exercise of the consents and which it is appropriate to deal with at a later stage;
- b) In relation to discharge permits to require the adoption of the best practicable option to remove or reduce any adverse effect on the environment;
- c) To deal with inaccuracies contained in the consent application that materially influenced the decision made on the application and are such that it is necessary to apply more appropriate conditions;
- d) To assess the appropriateness of imposed compliance standards, monitoring parameters, monitoring regimes and monitoring frequencies and to alter these accordingly;
- e) To take account of the rules, regulations and policies set out in any relevant Regional Plan, District Plan or National planning document;
- f) To ensure that any management plan required by the Consent Authority is completed and gives effect to conditions of those consents;
- g) To avoid, remedy or mitigate adverse effects on new species or ecosystems encountered during mining; and
- h) To improve the effectiveness of rehabilitation and adaptive management techniques.

Performance Bond

- 14. At all times the Consent Holder shall provide and maintain in favour of the Consent Authorities (the West Coast Regional Council and the Buller District Council (jointly for their respective interests)) a bond or bonds to:
 - a) Secure the compliance by the Consent Holder with the conditions of these consents (including in relation to discharge compliance limits);
 - b) Secure the completion of closure of the Escarpment Mine should mining cease within the following 12 months;
 - c) Enable the Consent Authorities to monitor any adverse effect on the environment that may arise from the exercise of the consents including monitoring anything which is to be done to avoid, remedy, or mitigate an adverse effect; and
 - d) Ensure the ongoing contributions towards maintenance of the Denniston BEA and Heaphy DBEA.



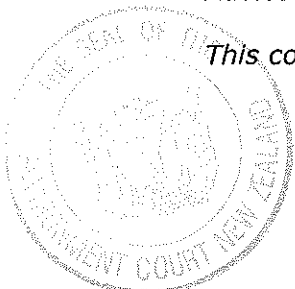
Escarpment Mine Project

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- a) Subject to condition 15b) the amount (quantum) of the bond or bonds will vary over time as the mine stages and rehabilitation are progressed and the effectiveness of the rehabilitation is measured, but shall be sufficient to cover the estimated cost of closure and assuming the permanent cessation of mining at the stage of maximum disturbance during the Construction and Mining Operations authorised under the relevant current Annual Work Plan (and all effects that may arise in the future as a result of Construction and Mining Operations under that plan) (including a contingency) , including (but not limited to):
- i) Specific requirements of management plans;
 - ii) Demolition and removal of plant and buildings;
 - iii) Site clean-up, including removal and disposal of contaminated soil;
 - iv) Rehabilitation by re-contouring, spreading sub-soils and topsoil, re-vegetation and weed control until the closure criteria in Condition 26 are met;
 - v) Rehabilitation of the CPP Site, pipelines routes and Fairdown CHF site;
 - vi) Stabilisation of earthworks and landforms;
 - vii) Active water quality treatment until the closure criteria in Condition 26 are met;
 - viii) Construction and erosion protection of drainage facilities;
 - ix) Maintenance of roads;
 - x) Environmental and geotechnical monitoring;
 - xi) Staff costs; and
 - xii) The payment of funds required for the DBEA and HBEA (to the extent a payment required under conditions 151 and 152 falls due within the period covered by the relevant Annual Work Plan); and;
 - xiii) Administration and operating costs.
- b) Should the Consent Holder also be required to hold a bond in favour of the Department of Conservation for the same matters described in condition 15a), that bond (or part of that bond in the event any bond provided in favour of the Department of Conservation also addresses additional matters not anticipated by condition 15a)), may be a joint bond in favour of both the Consent Authorities and the Department of Conservation provided that nothing in the structure of the bond arrangement shall prevent the Consent Authorities from calling on the full quantum of the bond as might be required and called upon in accordance with clause 15a)

Advice Notes:

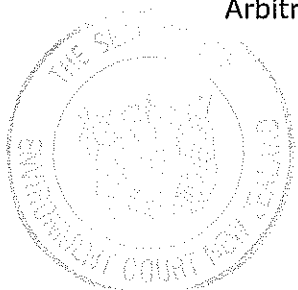
This condition covers the mine site and the coal processing and transport facilities.



Escarpment Mine Project

Consent Conditions

16. The Consent Holder shall not exercise or shall cease to exercise these consents until the bond or bonds referred to in Condition 14 are executed by the Consent Holder and guarantor and deposited with the Consent Authorities.
17. The Consent Holder shall provide the Consent Authorities with a report which recommends the amount of the initial bond 30 days prior to commencing works under these consents.
18. Notwithstanding Condition 22, the Consent Holder shall provide a bond or bonds for the quantum for a minimum term of three years, such term to be renewed for a minimum of a further three years (or such other term as the parties may agree) on each annual anniversary of the date of commencement of these consents (the "date of renewal"). The term of the bond shall be renewed until completion of "Closure of the Site" in accordance with Condition 26.
19. Unless the bond is a cash bond, the performance of the conditions of the bond shall be guaranteed by a guarantor acceptable to the Consent Authorities. The guarantor shall bind itself to pay for the carrying out and completion of any condition in the event of any default of the Consent Holder.
20. The bond shall be in a form acceptable to the Consent Authorities.
21. The bond shall provide that the Consent Holder remains liable under the Act for any breach of these consents which occurs before expiry of these consents and which become apparent during or after the expiry of the relevant consent.
22. The amount of the bond shall be reviewed and fixed by the Consent Authorities, within 30 days of receipt of the report required by Condition 17, and within 30 days of each annual anniversary of the commencement of these consents. Notification of the amount of the bond under this condition shall be advised by written notice (the "review date") by the Consent Authorities to the Consent Holder. In reviewing and fixing the bond the Consent Authorities shall take into account any calculations and other matters submitted in the Annual Work Plan, by the Consent Holder which are relevant to the determination of the bond amount. Any calculation or estimates of the costs of the bond or bonds required by Condition 14 shall be prepared by an independent advisor, with expertise in mining bond calculation, mutually acceptable to the Consent Holder and the Consent Authorities and shall be supplied to the Consent Authority at least by the annual anniversary of the commencement of these consents.
23. Should the Consent Holder not agree with the amount of the bond fixed by the Consent Authorities under Condition 22 then the matter shall be referred to arbitration in accordance with the provisions of the Arbitration Act 1996. Arbitration shall be commenced by written notice ("notice of arbitration") by the Consent Holder to the Consent Authorities advising that the amount of the bond is disputed, such notice to be given within 14 days of the review date under Condition 22. If the parties cannot agree upon an arbitrator within seven days of the notice of arbitration, then an arbitrator shall be appointed by the Institution of Professional Engineers of New Zealand. Such arbitrator shall give an award in writing to the parties within 30 days after his or her appointment (the "date of arbitration decision") unless the parties agree that the date of arbitration decision shall be extended. The Consent Holder shall bear the full and reasonable costs of the parties in connection with this arbitration. In all other respects, the provisions of the Arbitration Act 1996 shall apply. Pending the outcome of that arbitration and



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subject to Condition 24 the existing bond shall continue in force. That sum shall be adjusted in accordance with the arbitration decision.

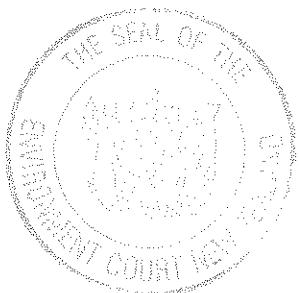
24. If the decision of the arbitrator is not made available by the date of arbitration decision referred to in Condition 23 then the amount of the bond shall be the sum fixed by the Consent Authorities under Condition 22, until such time as the arbitrator does give an award in writing to the parties. At that time, the amount of the bond shall be adjusted in accordance with the arbitration decision.
25. The bond may be varied, cancelled, or renewed at any time by agreement between the Consent Holder and the Consent Authorities provided that cancellation will not be agreed to unless a further or new bond acceptable to the Consent Authorities is available to replace immediately that which is to be cancelled provided that it meets the requirements of Conditions 14 and 15.

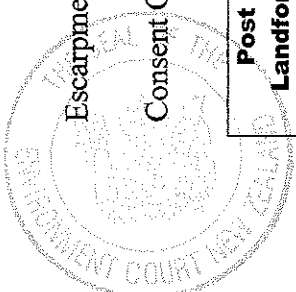
Mine Closure

26. The Consent Authorities shall release the bond on Closure of the Site such that Conditions a) to h) below have been met by the Consent Holder, to the satisfaction of the Consent Authorities:
 - a) **Rehabilitation Closure**

Closure of all rehabilitated areas within the EMP 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.





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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
Flat (0 - 10°) to Moderate (10 - 20°)	Pakihi	VDT ≥90% live vegetation cover	Not Applicable	VDT ≥80%	Manuka, <i>Chionochloa juncea</i> , wire rush	<i>Brachylottis 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 rosmarinaefolium</i> , <i>Drosera spatulata</i> , <i>Liparophyllum gunnii</i> , <i>Oreobolus impar</i> , <i>Oreobolus strictus</i>
	Fen (at Coal Processing Plant site)	VDT ≥90% live vegetation cover	Not Applicable	VDT ≥80%	Red tussock, manuka wire rush, tangle fern	<i>Carex dallii</i> , <i>Hebe odora</i> , <i>Pimelia gnidia</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

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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 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
	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
	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

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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 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
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
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 bellidoides</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

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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
Weeds	Control to low densities: gorse, montbretia, <i>Juncus squarrosus</i>	No flowering individuals	NA	NA	NA	NA

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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 Escarpment Mine site is re-established such that it provides self-sustaining habitat for *P. patrickensis*. Self-sustaining habitat is deemed to have been achieved when monitoring demonstrates for areas of the rehabilitated Escarpment Mine 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.

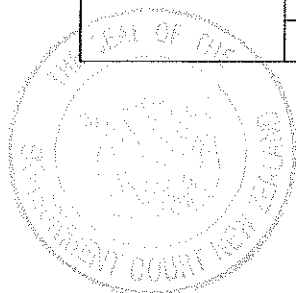
Monitoring will involve standard 10m x 10m density plots or other methods that are current best practise.

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

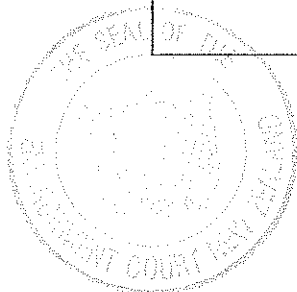
Habitat	Indicator	Closure Criterion	Measure Required
Pakihi and low scrub (< 2 m)	<i>Paracephaleus curtus</i> (Hemiptera: Cicadellidae)	Breeding population present for at least 5 years	Beat sampling of <i>Empodisma minus</i> plants along a 50 m transect including the collection of at least 5 specimens 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</i>	Breeding	Examination of the leaf



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	<i>phormiicola</i> (Thysanoptera)	population present for at least 5 years	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 determine by the Consent Authority 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 determine by the Consent Authority 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 determine by the Consent Authority 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 determine by the Consent Authority 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



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			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

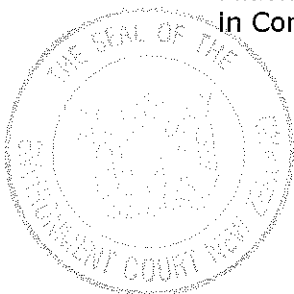
A.	Habitat	B.	Indicator	C.	Closure Criterion	D.	Measure Required
E.	Stream	F.	Bryophytes	G.	Established and actively growing	H.	Non-destructive sampling on established photopoints or best practice methodology as determined by the Consent Authority at the time the assessment is made.
I.		J.	Macroinvertebrates	K.	Presence of at least 3 different macroinvertebrate taxa on any one monitoring occasion	L.	Macroinvertebrate sampling that focuses on recording as many taxa as possible in a 10m stream reach.
M.		N.	Koura	O.	Presence of koura	P.	Visual observation or capture by trapping or electric fishing

e) **Water Management Closure**

In the absence of active treatment, water compliance limits in Condition 255 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 Condition 255 and Condition 338 to continue to be met in perpetuity.

f) **Finished Landforms**

Finished landform closure has been achieved when the requirements outlined in Conditions 223, 224, 323 and 324 have been met.



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g) **Kiwi Closure**

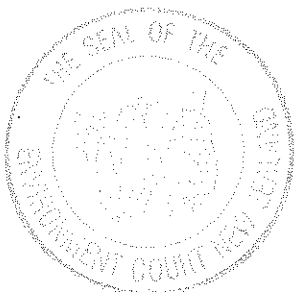
Kiwi closure shall be achieved when the habitat is suitable for kiwi to recolonize as part of their home range by natural expansion. This shall be based on an assessment by a suitably qualified and experienced independent kiwi expert of the rehabilitated habitat and/or kiwi survey of the rehabilitated mine site.

h) **Compliance with Conditions**

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

Further Bond Conditions

27. All costs relating to the bond shall be paid by the Consent Holder.
28. The Consent Holder shall not exercise or shall cease to exercise these consents if:
 - a) Notice of arbitration has not been given under Condition 23, and the bond quantum required under Condition 22 has not been provided to the Consent Authorities within 30 days of the review date referred to in Condition 23; or
 - b) Notice of arbitration has been given under Condition 23, and
 - i) The bond quantum determined by arbitration has not been provided to the Consent Authorities within 30 days of the date of arbitration decision referred to in Condition 23; or
 - ii) In accordance with Condition 24, the bond quantum fixed under Condition 22 has not been provided to the Consent Authorities within 40 days of the appointment of the arbitrator referred to in Condition 23;whichever occurs first; or
 - c) The term of the bond has not been renewed for a further term in accordance with Condition 18.
29. Section 109 of the Act shall apply to any bond.
30. Where a cash bond is paid the interest which is earned on the deposit shall accrue to the Consent Authority and when the deposit is repaid to the Consent Holder the Consent Holder shall be entitled to receive all interest (less resident withholding tax and any bank fees) together with the deposit sum unless the Consent Authority has had to use the deposit sum (or part of it) in remedying any non-compliance with this consent, in which case the Consent Authority will provide the Consent Holder with a full breakdown of interest earned and the costs of remedying the non-compliance.

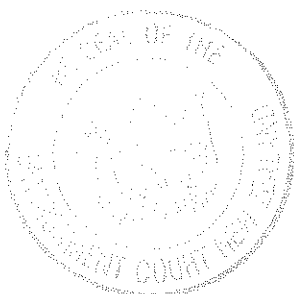


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Environmental Manager

31. Prior to undertaking any of the activities authorised by these consents, the Consent Holder shall appoint an Environmental Manager. The Consent Holder shall ensure an Environmental Manager is employed at all times during all mining operations (including all rehabilitation requirements)
32. The Environmental Manager shall:
- d) Be a full time employee fo the Consent Holder;
 - e) Without limiting condition 33, report directly to the General Manager of the Consent Holder (with no less seniority than anyone involved in mine planning);
 - f) Operate in an objective manner with a view to ensuring the Consent Holder meets the overall rehabilitation objective described in condition 184;
 - g) Be responsible for:
 - i) the preparation of, and any review of the Management Plans; and
 - ii) the implementation of the Management Plans and the conditions of these resource consents, including all associated monitoring programs and reporting requirements;
 - h) Have responsibility for:
 - i) providing input into mine planning and day-to-day Construction works and Mining Operations of the mine; and
 - ii) the co-ordination of the salvage and relocation of fauna and flora as required by these resource consents prior to the disturbance (including any disturbance caused by Construction works) of all area,with a view to assisting the Consent Holder meet the overall rehabilitation objective described in condition 184; and
 - i) Be responsible for reporting all information as is required by these resource consents that is relevant to determining the extent to which the overall rehabilitation objective described in condition 184 is being met to the General Manager of the Consent Holder, the Peer Review Panel and the Consent Authorities.
33. The Consent Holder shall ensure that the recommendations of the Environmental Manager under condition 32 shall be taken into account and given effect to in mine planning (and Mining Operations) except where, and only to the extent that, the recommendations might be contrary to the Consent Holder's obligations under the Health and Safety in Employment Act 1992 (and all associated legislation).

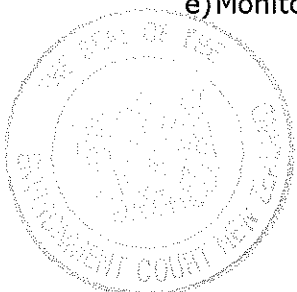


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Management Plans

34. Prior to undertaking any activities authorised by these consents, the Consent Holder, through its Environmental Manager, shall prepare and submit to the Consent Authorities for certification, the following management plans:
 - a) An Ecology and Heritage Management Plan, as described in Conditions 44 to 67;
 - b) A Mine Operations Management Plan, as described in Conditions 68 to 89; and
 - c) A CPP Operations Management Plan, as described in Conditions 68 to 89;
 - d) A Social Impact Management Plan, as described in Conditions 90 to 103; and
 - e) A Denniston Biodiversity Enhancement Management Plan and a Heaphy Biodiversity Management Plan, as described in Conditions 145 to 155.
35. Activities shall not commence until the Management Plans required in Condition 34 have been certified by the Consent Authorities.
36. Should the Consent Authorities refuse to certify a Management Plan in accordance with Condition 35, the Consent Holder shall submit a revised Management Plan to the Consent Authorities for certification as soon as is practicable.
37. Certification of any material changes to the Management Plans will be required and shall follow the approval process outlined in Conditions 35 and 36. Activities subject to the material change shall not commence until the material change has been certified by the Consent Authority.
38. Subject to any other conditions of these consents, all Management Plans shall be implemented and all activities shall be undertaken in accordance with the latest version of the Management Plans certified by the Consent Authority.
39. The plans shall not be amended in a way that contravenes the matters set out for the respective plans, in accordance with the conditions referred to for each plan listed in Condition 34.
40. A copy of the latest version of the plans shall be kept at key operational locations on the site at all times and all key personnel shall be made aware of the contents of each plan.
41. All management plans shall include:
 - a) Reference to the relevant conditions;
 - b) How each of the relevant conditions have been given effect to;
 - c) Identification of specifications and procedures for implementing the relevant plan;
 - d) Audit check lists;
 - e) Monitoring programmes and/or protocols;



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- f) Feedback mechanisms for adaptive management, including circumstances in which a material change to the management plan would be required;
- g) An organisational chart showing staff and contractor positions and responsibilities for plan implementation; and
- h) Relevant training and induction procedures and schedules.

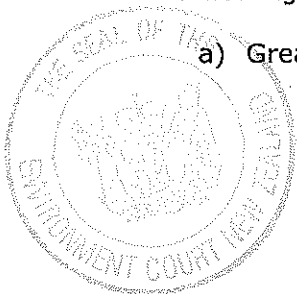
Monitoring, Review and Amendment of Management Plans

42. Without limiting conditions 34 to 41 or conditions 44 to 113 each Management Plan shall include:
- a) a monitoring regime which provides for the ongoing monitoring of the matters and intended outcomes addressed by the relevant Management Plan;
 - b) a reporting regime which requires the Consent Holder to prepare a report detailing:
 - i) any areas where monitoring shows the objectives and outcomes envisaged by the relevant Management Plan are not being met;
 - ii) any areas where monitoring shows amended management practices might result in better environmental outcomes or further opportunities to maximise the overall rehabilitation objective included in condition 184,
- and
- c) a requirement for the Consent Holder to update the relevant Management Plan to include any amended management practices identified under condition 42b) in accordance with the procedure outlined in condition 37
43. A report, as required by condition condition 42b), shall be prepared on all occasions when monitoring shows the objectives and outcomes envisaged by the relevant Management Plan are not being met.

Advisory note: the purpose of conditions 42 and 43 is to optimise environmental outcomes and the opportunities to maximise the overall rehabilitation objective included in condition 184. No amendments shall be undertaken which result in overall lesser environmental outcomes.

Ecology and Heritage Management Plan

44. The Ecology and Heritage Management Plan shall cover, at a minimum, the following matters:
- a) Great Spotted Kiwi Management, as described by Conditions 45 to 48



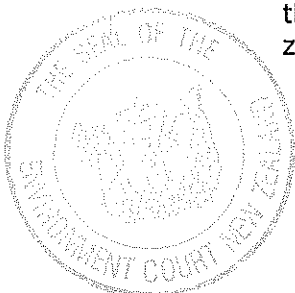
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- b) *Powelliphanta patrickensis* Management, as described by Conditions 49 to 51;
- c) Lizard Management, as described by Conditions 52 to 54;
- d) Other Fauna Management, as described by Conditions 55 to 58
- e) Weeds and Animal Pests Management, as described in Conditions 59 to 62;
- f) Historic Heritage Management, as described in Conditions 63 to 64; and
- g) Mine Site Rehabilitation Management, as described by Conditions 65 to 67.

Great Spotted Kiwi Management

- 45. The Consent Holder, through its Environmental Manager, shall prepare in consultation with the Department of Conservation and Te Rūnanga o Ngāti Waewae a Great Spotted Kiwi Management section within the Ecology and Heritage Management Plan.
- 46. The objectives of the Great Spotted Kiwi Management section of the Ecology and Heritage Management Plan shall be to:
 - a) Minimise the effects of mining activities on any great spotted kiwi living within the Escarpment Mine footprint or other project areas;
 - b) Identify measures to prevent road kill from truck movements;
 - c) Develop the criteria for making a decision for leaving kiwi in-situ or capture and removal; and
 - d) To enhance the long term viability of kiwi populations through habitat rehabilitation and enhancement, predator and weed control.
- 47. The Great Spotted Kiwi Management section shall address the following:
 - a) The options for the management of kiwi present within the Escarpment Mine footprint or CPP site, including but not limited to:
 - i) The monitoring/tracking of kiwi within the site and surrounds, including but not limited to pre-construction surveys, kiwi nest surveys, annual surveys within and adjacent to the mine footprint, trends in relation to mine effects and ongoing animal pest control operations;
 - ii) Management of birds within the vicinity of the site if the decision is made to leave them there;
 - iii) Pre-construction egg and/or chick translocation protocols;
 - iv) The capture and/or removal of those birds within the Escarpment Mine footprint and CPP area and surrounds, if the decision is made to remove them from the site including identification and mapping of relocation zones in areas that are not subject to future mining; and



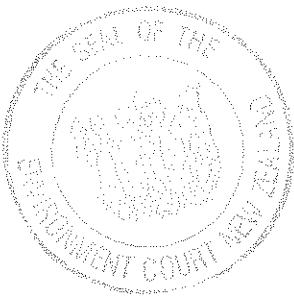
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- v) The management and destination of captured birds if the decision is made to remove the birds from the mine footprint site, CPP area and surrounds.
 - b) The mechanism for determining which of the options addressed under Condition 47a) above is expected to hold the best outcome for kiwi;
 - c) Kiwi habitat enhancement measures to be carried out within the ELF during rehabilitation; and
 - d) Ongoing animal pest control requirements during mine rehabilitation (within and directly adjacent to the ELF) in conjunction with the objectives of the Denniston BEA (refer to Condition 148). Animal pest control should include as a minimum, possums, rats and stoats.
48. There shall be a suitably qualified and experienced kiwi expert appointed to oversee and report on all inputs to the Great Spotted Kiwi Management section of the Ecology and Heritage Management Plan, kiwi monitoring, and measures to reduce the risk of injury to kiwi or kiwi eggs. The person appointed requires the prior approval of the Consent Authority.

Powelliphanta patrickensis Management

49. The Consent Holder, through its Environmental Manager, shall prepare in consultation with the Department of Conservation and Te Rūnanga o Ngāti Waewae a *Powelliphanta patrickensis* Management section within the Ecology and Heritage Management Plan which shall have three objectives:
- a) To minimise the effects of mining activities on *P. patrickensis* living within or immediately alongside the Escarpment Mine footprint, CPP and pipeline routes;
 - b) To enhance the survival rates of any *P. patrickensis* that are: transferred using VDT as part of the project; or that naturally recolonise rehabilitated areas; and
 - c) To enhance the long term viability of *P. patrickensis* populations through habitat rehabilitation and enhancement, connectivity between rehabilitated areas and predator and weed control.
50. The *Powelliphanta patrickensis* Management section shall address the following:
- a) Methods to maximise the potential for the survival of *P. patrickensis* and their habitat;
 - b) Prior to mining commencing, identification and mapping of snail relocation zones (both VDT, VIT and other sites) in suitable habitats (as defined by criteria in the Plan) that are not subject to future mining;
 - c) Weed and pest control (although more fully described in the Weeds and Animal Pests Management section) specifically targeted to achieve the objectives of the *P. patrickensis* Management section;



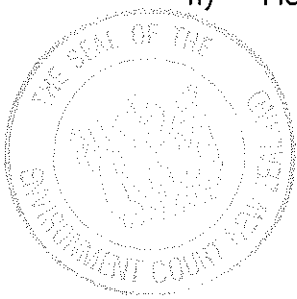
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- d) *P. patrickensis* habitat enhancement measures to be carried out within the ELF during rehabilitation and prior to mine closure;
 - e) Methods to create and maximise snail habitat in the rehabilitation process, including the connectivity between rehabilitated sites; and
 - f) Monitoring methods that include methodologies to measure the response of snails to the management practices (outlined in a) to e) above).
51. There shall be a suitably qualified and experienced snail expert approved to oversee and report on all inputs to the *Powelliphanta patrickensis* Management section of the Ecology and Heritage Management Plan. The person appointed requires the prior approval of the Consent Authority.

Lizard Management

52. The Consent Holder, through its Environmental Manager shall prepare in consultation with the Department of Conservation and Te Rūnanga o Ngāti Waewae a Lizard Management section within the Ecology and Heritage Management Plan which shall have two objectives:
- a) The population of each species of lizard present on the Escarpment Mine site shall be maintained or enhanced across the Plateau as a whole; and
 - b) The habitat on the site post mining supports viable lizard populations for all species present pre-mining.
53. The Lizard Management section shall address the following:
- a) Relocation of lizards, including relocation methodologies and management practices, including but not limited to: salvage protocols, relocation protocols, habitat rehabilitation, pest control; nocturnal and diurnal capture protocols, supervised habitat clearance/transfer protocols; artificial retreat capture protocols, and opportunistic relocation protocols;
 - b) Lizard habitat creation methods;
 - c) Location of lizard release sites;
 - d) Monitoring methods, including but not limited to baseline surveying within the footprint; baseline surveys outside the mine footprint to identify potential release sites for salvaged lizard populations and lizard monitoring sites, ongoing annual surveys to evaluate translocation success, pre and post – translocation surveys' and monitoring of effectiveness of pest control and/or any potential adverse effects on lizards associated with pest control;
 - e) Appropriate use of capture and relocation facilities for lizards;
 - f) A post vegetation-clearance search for remaining lizards;
 - g) Release-site selection criteria and selected locations; and
 - h) Methods to create lizard habitat in the rehabilitation process.



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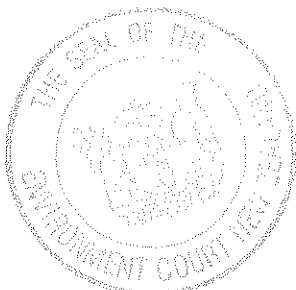
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54. There shall be a suitably qualified and experienced herpetologist approved to oversee and report on all inputs to the Lizard Management section of the Ecology and Heritage Management Plan. The person appointed requires the prior approval of the Consent Authority.

Other Fauna Management

55. The Consent Holder, through its Environmental Manager, shall prepare in consultation with the Department of Conservation and Te Runanga o Ngati Waewae, an Other Fauna Management section within the Ecology and Heritage Management Plan.
56. The objectives of the Other Fauna Management section of the Ecology and Heritage Management Plan shall be:
- a) To manage the effects of the EMP activities on key avifauna (Pipit, weka, fernbird) and key invertebrate species; and
 - b) To assist in achieving the invertebrate community closure requirements of Condition 26c); at Mine Closure.
57. The Other Fauna Management section shall include, but need not be limited to, the following:
- a) Requirements to avoid construction activities during the fernbird breeding season, being September to November inclusively. Where construction activity during this time period is unavoidable, consideration and implementation of measures to minimise disturbance to potential fernbird nesting areas.

Advice note: For the purposes of this Condition, measures to minimise disturbance to fernbird nesting areas may include removing tall manuka later in the construction programme.
 - b) Monitoring of the effects of the EMP activities on key avifauna (Pipit, weka, fernbird) and key invertebrate species (see closure criteria) using recognised comparable monitoring methods. This shall include annual surveys during mine rehabilitation for the term of the consent, including sites outside the mine site. Results of the monitoring shall, having regard to reasonably expected natural population fluctuations, be utilised for adaptive management to enhance fauna habitat, including making improvements to the Mine Site Rehabilitation Management Plan; and
58. The Consent Holder shall report on the results of the monitoring and the effectiveness of the implementation of the Other Fauna Management section, within the Annual Monitoring Report described in Condition 115.

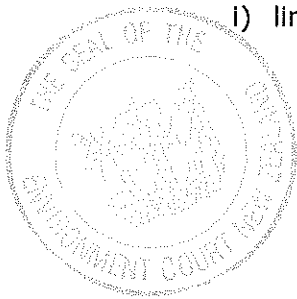


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Weeds and Animal Pests Management

59. The Consent Holder, through its Environmental Manager, shall prepare a Weeds and Animal Pests Management section of the Ecology and Heritage Management Plan , in consultation with the Department of Conservation. This plan shall address the control of weeds that are likely to dominate and take over from native species, exotic plant species used for interim erosion control and animal pests at the Escarpment Mine site during mining and rehabilitation and within any other areas of disturbance associated with the EMP. The objectives of the plan shall be:
- a) To ensure that bare surfaces during earthworks and mining operations do not become weed infested areas;
 - b) To ensure that rehabilitation programmes are not compromised (in purpose or survival) by weeds and animal pests;
 - c) To assist in implementing conditions of consent in relation to vegetation, flora and fauna (including management of effects of animal pests on kiwi, lizard and snails) and rehabilitation; and
 - d) To avoid exotic species used for erosion control becoming permanently established.
60. The Weeds and Animal Pests Management section shall address the following matters:
- a) Identification of the key weeds, including but not limited to gorse, broom, Montbretia, *Juncus squarrosus*, *Juncus bulbosus*, pampas, blackberry and Himalayan Honeysuckle;
 - b) Identification of the key animal pests, including but not limited to, rats, stoats, possums, goats, hare, and deer;
 - c) Management principles to be adopted with respect to weeds and animal pests control including, but not limited to, the species outlined in a) and b), and the risks and contingency measures in relation to these weeds and animal pests;
 - d) The means and frequency by which weeds and animal pests will be controlled and closure targets met;
 - e) Preconstruction weed eradication measures;
 - f) Measures to avoid transporting weeds into the site with nursery raised plants;
 - g) The objectives and performance targets for animal pest control; and
 - h) The means and frequency by which animal pests will be controlled, including adaptive strategies around beech masting and any associated animal pest population increase.
 - i) The principles and measures for use of exotic species in erosion control including:
 - i) limiting the use of exotic species to erosion control purposes



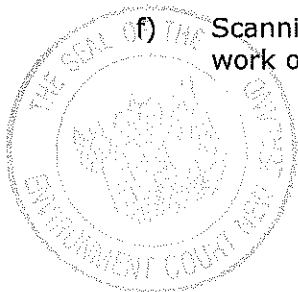
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- ii) the criteria for assessing which slopes require the use of exotic vegetation for stabilisation
 - iii) the mix of seed species
 - iv) the appropriate rate for application of seed
 - v) measures for control of the exotic species to avoid its spread
 - vi) on establishment of an indigenous vegetation cover, the methods for elimination of any remaining exotic plants.
- j) Weed hygiene measures to avoid transporting weeds onto the site on machinery or equipment.
61. The Consent Holder shall record the effectiveness of the programme (with appropriate monitoring) and report the results of the programme to the Consent Authorities on an annual basis within the Annual Monitoring Report described in Condition 115.
62. The Weeds and Animal Pests Management section shall ensure that flexibility is retained in relation to the use of animal pest and weed control methods such as poison and other enhancement components to ensure best practice methods are adopted to achieve the objectives listed in Condition 59.

Historic Heritage Management

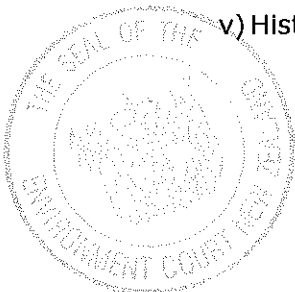
63. The Consent Holder, through its Environmental Manager, shall prepare a Historic Heritage Management section of the Ecology and Heritage Management Plan , in consultation with Department of Conservation and the New Zealand Historic Places Trust. The purpose of the Historic Heritage Management section is to manage any potential or actual effects on any historic heritage sites (either identified prior to construction or unearthed during the construction and mining phases).
64. The Historic Heritage Management section shall address the following matters:
- a) The means by which construction of the freshwater pipeline shall avoid the original stone bridge abutments at the north end of Burnett's Face;
 - b) The means by which construction of the freshwater pipeline shall avoid recorded historic heritage sites at Burnett's Face and Coalbrookdale;
 - c) The means by which construction of the CPP, roading and the coal transport pipeline shall avoid historic features associated with the Sullivan Mine and Whareatea Mine;
 - d) Measures to avoid adverse effects on all other identified historic heritage values;
 - e) Methods to mitigate and remedy effects that cannot be avoided;
 - f) Scanning (using 3D laser technology) and detailed building archaeological work of the two bins located at the historic Escarpment Mine entrance;



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- g) An Accidental Discovery Protocol which establishes procedures for identifying, reporting and managing features of historic heritage significance that may be uncovered in the course of construction and mining activity;
- h) Details on the location of historic heritage interpretation panels and a summary as to their content and methods to minimise vandalism of panels;
- i) Measures to offset effects on historic heritage values, including:
 - i) Burnett's Face and Coalbrookdale – visitor infrastructure and historic conservation, such as but not limited to:
 - Developing a safe and appropriately sized public car park at the site to meet existing demand and expected growth in visitors to the area, cognisant of the fact that the public will be sharing the road with coal trucks;
 - Enhancing visitor appreciation of the scale and importance of the site through opening access to mine portals and the sites of houses and buildings, and providing appropriate interpretation and signage;
 - Carrying out further works at the Coalbrookdale fan-house to enable visitors to gain safe access into the building to get a sense of being 'underground'; and
 - Track work on the rope-road, designed to protect remnant historic rope road fabric and provide a safe walking surface;
 - ii) Visitor appreciation and education work, such as but not limited to:
 - The development of a self-guide walk both in brochure and freely downloadable MP3 audio format; and
 - The development of a curriculum relevant education kit (teaching resource – hard copy, DVD/CD, and pupil work book);
 - iii) Conns Creek car park and rail replication, such as but not limited to:
 - The creation of dedicated parking spaces and the provision of an interpretation kiosk; and
 - Rail replication, akin to that at the Brakehead at the top of the Incline shall be installed, along with a strategically placed Q-wagon preventing access to the Incline;
 - iv) Monitoring and survey work, such as but not limited to:
 - The establishment of an operation management plan for monitoring and risks;
 - Collection of historic baseline data to inform monitoring;
 - The creation of visitor monitoring (counters and visitor surveys);
 - Carrying out a research project on measuring social significance aimed at developing an understanding of the coal fields historic landscape by looking at community perceptions and attachments, and how this impacts on conservation and management practises;
 - Seeking the on-going specialist monitoring advice for key-features;
 - Carrying out monitoring work; and
 - Making publicly available key data (such as archaeological survey work and social research project) via publishing hard copy and on the internet;
 - v) History and archives work, including the gathering and publication of:



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- The oral history of miners from the post World War 2 mine on the Denniston Plateau;
 - A history of 20th Century coal mining on Denniston – its regional importance and national context;
 - Archival work digitising photographic material about the era; and
- j) A description of the documentation and information management and approvals processes to be used in implementing the plan.

Mine Site Rehabilitation Management

65. The Consent Holder, through its Environmental Manager, shall prepare a Mine Site Rehabilitation section of the Ecology and Heritage Management Plan, in consultation with the Department of Conservation and the Consent Authorities, to achieve the following objectives:
- a) In the short-term (up to 10 years after rehabilitation commences at a particular site) to create stable landforms through establishing a predominantly indigenous vegetation cover and erosion-resistant surfaces with physical and chemical characteristics that favour growth of sustainable indigenous plant communities, and conserve populations of plant species of significance (including, but not limited to, species contained in Table 1a) and their genetic variation, and manage runoff and sediment generation;
 - b) To maximise the opportunities of achieving the population characteristics and outcomes described in Table 1a for species of significance.
 - c) Establish management practices associated with the identification, prioritisation, salvage and/or stockpiling of all rehabilitation materials including topsoil, subsoil, sediments, slash and rock slabs;
 - d) Adoption of principles and methods to optimise the physical connectivity between VDT areas throughout the mine stages, enabling cross-connections between populations of fauna and in particular *P. patrickensis*.
 - e) In the medium (10 to 50 years) to long-term (over 50 years), to establish self-sustaining ecosystems similar in plant, animal and aquatic species diversity and ecological function to the existing indigenous ecosystems on and adjacent to the site. This will require the creation of habitat that is suitable for great spotted kiwi, *P. patrickensis*, South Island fernbird, Western weka, South Island riflemen, pipit, lizards and koura;

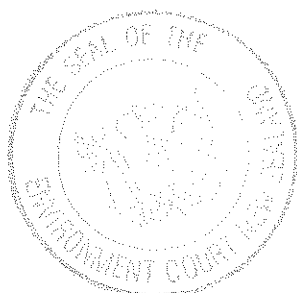
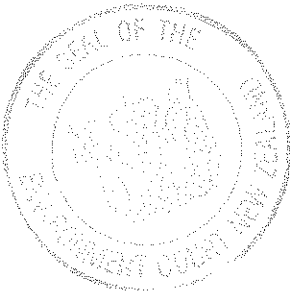


Table 1a: Species of Significance Management Objectives

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. and <i>S. urceolatus</i>	If present within the EMP, 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 EMP.
<i>Peraxilla tetrapetala</i>	Plants are established and survive at a minimum of 3 ecologically appropriate locations on the Denniston Plateau.
<i>Carex carsei</i> (CPP site only)	Plants are established and survive at a minimum of 1 ecologically appropriate location preferably within the EMP.
<i>Chionochoa juncea</i>	Refer to Table 1 (Condition 25a)), pakihī.
<i>Dracophyllum densum</i>	Refer to Table 1 (Condition 25a)), boulderfield.
<i>Carex dallii</i>	Refer to Table 1 (Condition 25a)), fen.
<i>Euchiton paludosus</i>	If present within the EMP, 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 EMP.
<i>Chionochoa rubra</i> var. <i>occulta</i>	Refer to Table 1 (Condition 25a)), fen.
<i>Actinotus novae zelandiae</i> , <i>Celmisia similis</i>	Refer to Table 1 (Condition 25a)), boulderfield.
<i>Brachyglottis bellidooides</i> var. <i>Crassa</i>	Refer to Table 1 (Condition 25a)), pakihī and boulderfield.

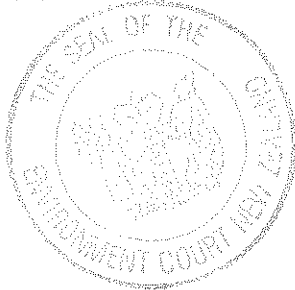


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Species	Objectives - Population Outcomes and Characteristics
Other wetland taxa: <i>Astelia subulata</i> , <i>Zotovia thomsonii</i>	Plants are established and survive in at least the same number of ecologically appropriate locations within the EMP.
<i>Celmisia dubia</i>	Refer to Table 1 (Condition 25a)), pakihi.
<i>Forstera mackayi</i>	If present within the EMP, new populations are established and survive in at least the same number of ecologically appropriate locations within the EMP.
Other woody taxa: <i>Libocedrus bidwillii</i> , <i>Halocarpus bidwillii</i> , <i>Metrosideros parkinsonii</i>	New populations are established and survive in at least the same number of ecologically appropriate locations within the EMP.

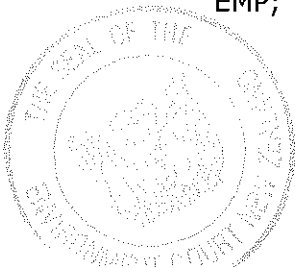
Note: These species of significance have been identified using the Conservation Status in 2009: Conservation status of New Zealand indigenous vascular plants, 2012 as proposed by de Lange *et al.* (unpublished manuscript), or have a distinctive distribution.



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- f) Hydrological, topographical and ecological conditions that will provide habitat suitable for the continued presence of pink pine (*Halocarpus biformis*).
 - g) In relation to stream function, the rehabilitation objective is for stream channel width to match the expected flow and for stream channels to be constructed so as to reflect existing channel complexity, including sinuosity, an absence of any physical obstructions such as culverts and to provide habitat suitable for koura, including the need to minimise sedimentation;
 - h) To minimise the potential for generation of acid mine drainage;
 - i) To minimise the potential for problem weeds (e.g. gorse, exotic broom, Himalayan honeysuckle, blackberry, montbretia, pampas grass, *Juncus squarrosus*) and pests to invade the site and otherwise to eradicate or control weeds and pests on the site; and
 - j) In achieving conditions 65 a) to i) above, to develop a vegetation cover at the perimeter of the mine to maintain the connectivity of habitats, help the constructed landforms blend into the adjacent landscape, and prevent erosion and sediment generation.
66. The Project Herpetologist shall be consulted on the rehabilitation of the mine site and shall be an approver of the Mine Site Rehabilitation Management section of the Ecology and Heritage Management Plan. Specific attention shall be given to the placement of rocks, VDT/VIT, aspect, depth and size of substrate of boulder fields to maximise the provision of suitable lizard habitat within the rehabilitated mine site.
67. The Mine Site Rehabilitation Management section shall, as a minimum, address the following matters:
- a) How the rehabilitation objectives set out in Condition 65 are to be met, including objectives for:
 - i) the completion of each area in accordance with the criteria in Condition 26a) and how these are to be achieved; and
 - ii) the species of significance in Table 1a and the methods that will be applied to maximise the opportunities to achieve the population outcomes and characteristics specified for each of those species in Table 1a.
 - iii) achieving optimal rehabilitation outcomes, including but not limited to ensuring rehabilitation is undertaken in a manner that has regard to vegetation growth, climatic conditions, slopes, aspects and local soil volumes, and soil and overburden characteristics; and
 - b) Inclusion of an objective to remove at least 50% of the existing pakihi cover through VDT;
 - c) Identification of areas that are to be protected from disturbance by fencing or other suitable methods;
 - d) Identification and mapping of VDT source and destination areas for the EMP;



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- e) Identification and mapping of VIT storage areas, which will hold transferred material removed and not able to be used within the ELF because suitable sites have not become available within the ELF. Material in these storage areas shall be transferred to the ELF when suitable sites become available;
- f) The overall design of the rehabilitated landscape including identification of areas that are to be rehabilitated identified by rehabilitation method, taking into account the need to provide:
 - i) Terrestrial habitat linkages, including habitat on the highwall benches adjacent to forest areas;
 - ii) Aquatic habitat linkages enabling in-stream flora and fauna, particularly koura, to re-establish in new stream channels;
 - iii) For VIT, VDT and effective soil replacement and revegetation;
 - iv) Specific types and numbers of ecologically appropriate locations for the species of significance in Table 1a.
 - v) For seed and plant resources to be genetically sourced from the EM site or the Denniston Plateau from at least 500 m above sea level;
 - vi) Varied topography, across the ELF to create a topographic pattern that integrates with surrounding existing topography and avoids an engineered appearance;
 - vii) For partial reinstatement of the catchment divide between the Whareatea River and Cascade Creek;
 - viii) Rehabilitation procedures that will maximise the blending of the rehabilitated features within the adjacent landscapes;
 - ix) For *P. patrickensis* habitat, including:
 - i. Re-establishing suitable habitat for the recolonisation by *P. patrickensis* and its food supply, including VDT or planting of stunted manuka, Gahnia, flax, wire rush, and tangle fern which is the preferred habitat of the snails;
 - ii. Reducing the extent of habitat fragmentation by linking or buffering areas of undisturbed vegetation; and
 - iii. Promoting adequate soil and ground cover to establish food source and shelter for snails;
- g) Revegetation and erosion control techniques shall include the following methods in order of priority:
 - i) the salvage, transplanting and reproduction (for the purposes of planting) of the species of significance described in Table 1a in accordance with conditions 65b) and 220 to 222;



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- ii) VDT;
- iii) VIT;
- iv) Hand transplanting of selected species into prepared sites;
- v) Planting of eco-sourced nursery-raised seedlings into prepared sites (fresh soil in preference to stockpiled soil);
- vi) Hydro-seeding of lichens and bryophytes mixed with seed of indigenous vascular plants;
- vii) Fascining of vegetation with viable seed (especially manuka);
- viii) Slash respread on prepared soil areas;
- ix) Mulch respread on prepared soil areas;
- x) Hydro-seeding of exotic grass seed at low rates.

Higher preference methods must always be used over lower preference methods, unless impractical.

- h) Enhancement/enrichment planting in subsequent years;
- i) Wetland and riparian plantings with emphasis on using VDT to create margins;
- j) Plantings of nursery-raised plants into mixed soil and vegetation slash with a roughened surface with microsites and scattered rock slabs;
- k) Hydroseed engineered rocky faces and angle-of-repose ELF-slopes with colonising plants (based on mosses and lichens) and seeds of appropriate native species;
- l) With respect to soil in order of priority: use freshly stripped soil; stockpiled and weed free soil; use weed infested soil on flatter lower altitudinal areas and control regrowth and drainage to decrease the risk of weed seed spread;
- m) With respect to slash: use fresh slash in preference to stored slash material;
- n) With respect to rock slabs: immediate placement in preference to storing slabs to prevent breakage from additional handling;
- o) Stream design incorporating the following elements, as appropriate:
 - i) Largely permanent water (surface connected flows preferred), although recognising some parts may be ephemeral;
 - ii) No perched culverts or other physical obstructions (to ensure upstream movement of aquatic fauna is facilitated);
 - iii) Maintain the absence of introduced predators;



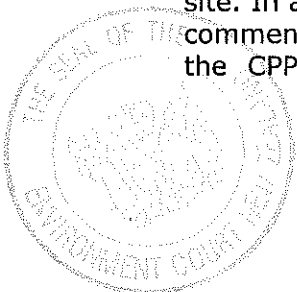
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- iv) A high proportion of pool habitat – preferably > 50%, with half of these exceeding an average of 30 cm depth;
 - v) A variety of habitat types (pools, runs, riffles, waterfalls and undercut banks);
 - vi) Presence of stable coarse substrates comprising 20 to 30% large rocks or boulders, 30 to 50% cobbles and gravel;
 - vii) Riparian vegetation including overhanging vegetation;
 - viii) The amount of stream edge should be maximised by a meandering pattern (i.e. not a straight channel); and
 - ix) Smaller channels (2-3 m wide) are preferable to a single larger channel (say 5-6 m wide).
- p) The management practices associated with the identification, prioritisation, salvage/stripping and stockpiling of all rehabilitation resources identified above;
- q) A requirement for the Consent Holder to keep a record of all rehabilitation undertaken (including, but not limited to the type, area and location of rehabilitation) with a view to ensuring the Consent Authority can assess overall rehabilitation outcomes and the extent to which the Consent Holder is compliant with the conditions of these resource consents. At such intervals as might be determined in consultation with the Consent Authority (and in all cases at intervals no less than 6 months or as when otherwise requested by the Consent Authority), the Consent Holder shall prepare a report that sets out the rehabilitation practices undertaken and provide a copy of that report to the Consent Authority;
- Advisory note: the frequency of any report under condition 67q) shall be sufficient to ensure corrective action is able to be taken before rehabilitation outcomes are compromised*
- and
- r) In circumstances where hydro-seeding is used, this shall be a mix of native and low density exotic species. Hydro-seeding of exotic grasses shall only be applied where there is a significant risk of soil loss and/or sediment generation and where there is no other effective erosion control method available.

Mine and CPP Operations Management Plans

68. The Consent Holder, through its Environmental Manager, shall prepare two Management Plans being the Mine Operations Management Plan and the CPP Operations Management Plan. Each Management Plan shall apply to its respective site. In accordance with Condition 31, activity on the Escarpment Mine site shall not commence until such time as the Mine Operations Plan is approved and activity at the CPP shall not commence until such time as the CPP Operations Plan is



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approved. The Management Plans shall address, at a minimum, the following matters. Where a matter is relevant to only one site this is specified below:

- a) Construction and Earthworks Management, as described in Conditions 69 to 72;
- b) Contingency and Response, as described in Conditions 73 to 75;
- c) Hazardous Substances Management, as described in Conditions 76 to 77;
- d) Fire Management, as described in Condition 78;
- e) Waste Management, as described in Conditions 79 to 81;
- f) Traffic Management, as described in Conditions 82 to 83;
- g) Mine Site Engineered Landforms Management, as described in Conditions 84 to 85;
- h) Mine Site Water Management, as described in Conditions 86 to 87; and
- i) CPP Water Management, as described in Conditions 88 to 89.

Construction and Earthworks Management

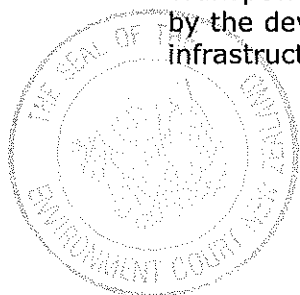
69. The Construction and Earthworks Management sections of the respective Mine Operation and CPP Operation Management Plans shall set out the practices and procedures to be adopted to ensure that all Resource Consent conditions relating to earthworks during the construction phase of each site are complied with.
70. The Construction and Earthworks Management section in each Management Plan shall provide for the rehabilitation objectives set out in Condition 65 and the following objectives:
 - a) That the objectives set out in the Ecology and Heritage Management Plan will be met;
 - b) Provision has been made for implementing the requirements of the rehabilitation, vegetation, flora and fauna hold points outlined in the Ecology and Heritage Management Plan;
 - c) To achieve stable landforms in areas where there is potential for failure;
 - d) To achieve acceptable landforms and final surfaces for rehabilitation;
 - e) To minimise the overall area of disturbance, so as to reduce the potential impact on vegetation, native fauna, and waterways;
 - f) To ensure the conservation of overburden, soil and vegetation for subsequent use in backfill and rehabilitation;
 - g) To ensure that appropriate monitoring and reporting of all activities is undertaken in accordance with the resource consent conditions;



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- h) To ensure flood and groundwater levels are taken into account in the design and construction of the FWTP and water storage reservoirs;
 - i) To minimise sediment generation and sediment laden runoff; and
 - j) Compliance with the National Environmental Standards for Electricity Transmission Regulations to ensure adverse effects on existing Transpower infrastructure are managed and the operation, maintenance, up-grading and development of the electricity network is not compromised.
71. The Construction and Earthworks Management section in each Management Plan shall address the following:
- a) A construction programme and timetable detailing the activities to be undertaken, proposed duration of each construction stage and the sequence of events including identification of temporary works;
 - b) Details of how the objectives and other requirements outlined in the Ecology and Heritage Management Plan will be met and hold points (constraints on construction) provided for;
 - c) Provision for VDT and VIT in accordance with Condition 67f)iii) and identification of vegetation, flora and fauna relocation zones;
 - d) Establishment and monitoring of dust control measures;
 - e) Flooding of the mine site and subsequent dewatering (e.g. if waters are held to avoid discharger overflows);
 - f) Detailed plans showing the final alignment of all pipelines, powerlines, roads and buildings;
 - g) A description of the sediment control facilities, and water management systems including diversion drains, collection drains, sumps, water storage dams, water treatment plants, settling ponds and discharge drains;
 - h) Means of managing erosion and scour in watercourses;
 - i) Identification of techniques to give effect to stream restoration requirements;
 - j) An inspection and maintenance schedule for the sediment control facilities and water management systems; and
 - k) A description of the means by which the site boundaries shall be marked and maintained so as to prevent any disturbance outside the mine and Denniston coal processing plant footprints.
72. The Consent Holder shall consult with Transpower New Zealand Limited (Transpower) when developing the Construction and Earthworks Management section of each Management Plan. The respective Construction and Earthworks Management sections shall address the following matters in relation to Transpower's high voltage infrastructure (infrastructure) being potentially affected by the development and how the development may be affected by the high voltage infrastructure:



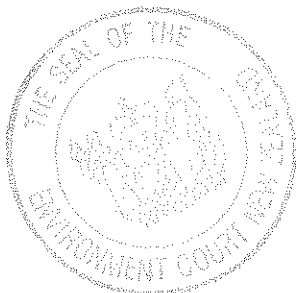
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- a) Methods and measures to ensure access to the existing infrastructure is not impeded during and after construction activities;
- b) The need to suppress dust and other materials that may affect the infrastructure or accumulate on the overhead transmission lines;
- c) Methods and measures to ensure that no activity is undertaken during construction that would result in ground vibrations and/or ground instability likely to cause damage to the infrastructure;
- d) Changes to drainage patterns and runoff characteristics of stormwater that may affect the infrastructure. Information shall include details of stormwater management during and post site development;
- e) Replanting of vegetation near the infrastructure, including ensuring that:
 - i) Setback by a horizontal distance of at least 12 metres either side (total of 24 metres) from the centre line of the infrastructure where it has the ability to exceed two metres in height at full maturity;
 - ii) When fully grown, not be able to fall within five metres of the infrastructure;
- f) Sufficient detail to ensure compliance with NZECP34:2001, including, but not limited to, the provisions of:
 - i) Clause 2.2 with respect to excavations near overhead support structures;
 - ii) Clause 2.4 with respect to buildings near overhead support structures;
 - iii) Section 3 with respect to minimum separation between buildings and conductors;
 - iv) Section 5 with respect to minimum safe distances for the operation of mobile plant; and
 - v) Table 4 with respect to minimum safe separation distances between the ground and the overhead conductors.

Advice Note:

- *These requirements are in addition to NZECP34:2001;*
- *Fences of conductive materials (i.e. steel or metal) should not be attached to any tower of the transmission lines. Refer Section 2.3 of the NZECP34:2001; and*
- *The replanting of vegetation near the infrastructure in accordance with Condition 72(e) must comply with the Electricity (Hazards from Trees) Regulations 2003.*



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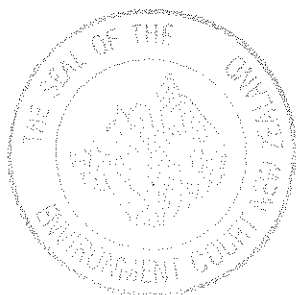
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Contingency and Response

73. A Contingency and Response section shall be prepared in both the Mine Operations Management Plan and the CPP Operations Management Plan that sets out the procedures to be followed by the Consent Holder and parties under its control in the event of accidents or other incidents that may result in adverse environmental effects.
74. The Contingency and Response sections in each Management Plan shall address the following matters:
- a) Incident prevention measures and systems;
 - b) Accidental spills of oil, fuel or chemicals;
 - c) Rupture or spillage from any container, tanker or store tank used at the mine site and coal processing and transport facilities;
 - d) Spillages during transportation of hazardous substances to or from the mine site, coal processing plant, or Fairdown dewatering plant;
 - e) The procedures to be adopted in the event of spillage of hazardous substances or materials;
 - f) Emergency response procedures and emergency contacts during the event of:
 - i) Power failure;
 - ii) Fire;
 - iii) Pipeline rupture; and
 - iv) Natural event/disaster.
75. The Consent Holder shall deal with accidents or events requiring an emergency response in accordance with the relevant Contingency and Response section, unless a better environmental outcome is likely to be achieved by following an alternative procedure .

Hazardous Substances Management

76. A Hazardous Substances Management section shall be prepared in both the Mine Operations Management Plan and the CPP Operations Management Plan. These sections shall set out the practices and procedures to be adopted to ensure that hazardous substances are managed so that their storage, use and transport is carried out safely and will not adversely affect the environment.
77. The Hazardous Substances Management sections in each Management Plan shall:
- a) Identify hazardous substances which are used in the respective mining or coal processing or transport facilities operations; and



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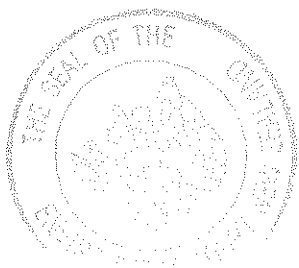
- b) Set out the practices and procedures (storage, use, transportation and disposal) to be adopted to minimise risk of a spill or other event that may adversely affect the environment.

Fire Management

78. A Fire Management section shall be prepared in both the Mine Operations Management Plan and the CPP Operations Management Plan. These sections shall set out the management practices and procedures to be adopted to ensure that fire risk is managed. This shall include, but not be limited to:
- a) the avoidance of open fires,
 - b) restrictions on smoking;
 - c) minimising fire risks associated with fuel storage, electrical power supply, plant and vehicle operation;
 - d) provision for fire protection; and
 - e) propensity for spontaneous combustion.

Waste Management

79. All waste (including sewage) generated through construction and mining operations shall be removed off the Denniston Plateau and disposed of in a lawful manner.
80. A Waste Management section shall be prepared in both the Mine Operations Management Plan and the CPP Operations Management Plan for the purpose of:
- a) minimising the waste and litter generated during development and operation of the respective Escarpment Mine and CPP site;
 - b) to maximise recycling and reuse opportunities;
 - c) to avoid or minimise any pollution risk associated with waste generation and disposal at the respective Escarpment and CPP sites; and
 - d) to assist with pest control.
81. The Waste Management section in each Plan shall:
- a) Identify the nature and volume of the waste generated within the respective sites, including the mine footprint, the CPP and Fairdown coal handling facility;
 - b) Describe the methods to manage waste generation and to reuse or recycle materials where feasible; and
 - c) Describe the transport and disposal of waste off site; and



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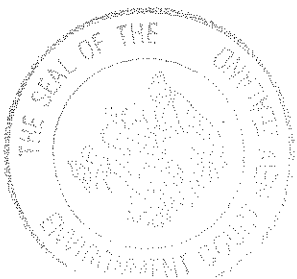
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- d) The operation of the on-site sewage storage system.

Traffic Management

82. The Consent Holder shall review the suitability of the Denniston Road to carry construction and operational traffic prior to construction commencing. The results of this review shall be submitted to the Buller District Council and the Consent Holder shall work with the Consent Authority to implement the findings of the review. No Construction activities shall commence until the Buller District Council – Roading Section has certified that any concerns relating to the integrity and safety of the Denniston Road carrying Construction and Mining Operations traffic have been addressed by the Consent Holder.

83. The Consent Holder shall prepare a Traffic Management section in both the Mine Operations Management Plan and the CPP Operations Management Plan in consultation with Buller District Council, Kiwirail Limited and the New Zealand Transport Agency. The purpose of the Traffic Management section in each Management Plan shall be to manage the impact of traffic associated effects, including safety, noise, dust and traffic flow on, road users, neighbouring properties (to the extent relevant) and the roading network itself. To achieve this objective, the Traffic Management section shall detail the traffic management measures with regard to construction and operations to be put in place including, but not limited to the following details:
 - a) Traffic management locations and measures to be put in place during the construction and mining phases;
 - b) Procedure to minimise traffic volumes;
 - c) The locations where works will occur within the road reserve and the general method of traffic management and control that will be utilised;
 - d) Routes for haulage of materials on District Council roads;
 - e) The development of a travel plan including the provision for shared transport of workers, including minivans or bus services;
 - f) Procedures for managing any increased traffic hazard on Denniston, Whareatea and Powerhouse Roads;
 - g) Procedures for keeping residents in communities along the main transport route informed of relevant traffic management details; and
 - h) Arrangements to be agreed in consultation with Buller District Council. Such arrangements may include those required:
 - i) For driver training;
 - ii) For the movement of oversized loads (if any) during construction;
 - iii) For identification and mitigation of effects upon tourist vehicles;
 - iv) To promote the movement of trucks to and from the plateau outside of the periods of worker shift changes wherever possible;



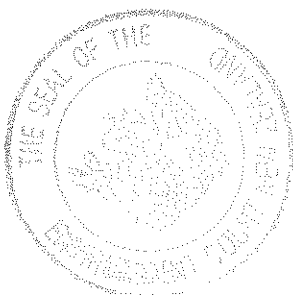
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- v) To ensure that vehicles do not encounter each other on Powerhouse Road during construction of the Fairdown Coal Handling Facility; and
- vi) For the installation of:
 - a) Additional PW-50 truck warning signs on Denniston and Whareatea Roads;
 - b) Additional reflective edge marker posts on Denniston and Whareatea Roads; and
 - c) Carriageway arrow markings (indicating the presence of two-way traffic flow) on Denniston Road.

Engineered Landform Management

84. An Engineered Landform Management section of the Mine Operations Management Plan shall be prepared that sets out the practices and procedures to ensure the following objectives:
- a) That the objectives and other requirements outlined in the Ecology and Heritage Management Plan will be met through ELF design;
 - b) Provision has been made for implementing the requirements of the rehabilitation, vegetation, flora and fauna hold points outlined in the Ecology and Heritage Management Plan;
 - c) Separation and correct placement of stripped overburden on the basis of:
 - i) Geochemistry to manage the acid generating potential of the ELFs;
 - ii) Lithology and geotechnical properties to manage stability; and
 - d) Finished landforms that integrate with surrounding natural topographic patterns in accordance with Condition 223 and 224.
85. The Engineered Landform Management section shall, as a minimum, address the following:
- a) Details of how the objectives outlined in the Ecology and Heritage Management Plan will be met and hold points provided for;
 - b) Details of the proposed geochemical testing of the overburden in order to grade the material for correct allocation to a zone in the ELF to minimise the generation of acid leachate and to avoid mudstone in plant roots zones;
 - c) Details of how the ELF will be engineered and monitored to replicate hydrological environment and slope needed to provide for vegetation, including wetlands and rare and threatened species; and in order to achieve the revegetation goals outlined in the Concept Rehabilitation Plan (Appendix 4), and the closure criteria outlined in Condition 26a);



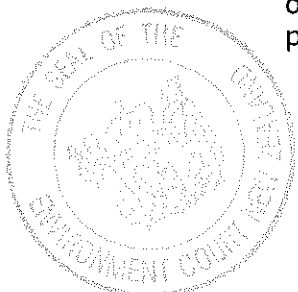
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- d) Details of the volume of contaminated sludge (from water treatment processes) and reject coal fines, and placement within the ELF to ensure its ongoing stability and the released of heavy metal;
- e) Details on ELF trials to be undertaken early in mine life;
- f) Details on how the requirements in conditions 273 a) to d) will be met;
- g) A monitoring programme to determine water quality from sludge containment cells and the surface of the ELF (within the protection layer above the LPL and ELF surface runoff);
- h) A description of the zones within the ELF and the key properties of materials placed in these zones relevant to ELF acid generation, rehabilitation and stability;
- i) An outline of the processes and controls, including record keeping, to be used to ensure the correct placement of all material placed in the ELF in order to manage acid generation and ensure ELF stability;
- j) A description of highwall construction methodology;
- k) A description of the means by which the ELF will be integrated with the surrounding existing topography and adjacent forest where applicable;
- l) Any other matters required to be addressed to manage the ELF in accordance with the ELF design and conditions of consent; and
- m) A description of the documentation and information management and approvals processes to be used in implementing the plan, and a description of the process for monitoring ELF performance including final design and performance of the LPL outlined in Condition 85a) to l) and Condition 273 and non-conformance reporting and changes to the plan based on monitoring activity.

Mine Site Water Management

- 86. A Mine Site Water Management section of the Mine Operations Management Plan shall be prepared that sets out the stormwater, mine influenced water, and leachate collection, treatment and disposal practices and procedures to be adopted to ensure that adverse effects on water quality are avoided, remedied or mitigated and the 5% exceedence threshold limit outlined in Condition 255 and the compliance Conditions 258 and 259 can be met.
- 87. The Mine Site Water Management section shall as a minimum address the following matters:
 - a) Operation and maintenance of stormwater systems including management of extreme rainfall events, mine influenced water and leachate collection and treatment facilities during the construction, mine operation and post-mining phases, including operational procedures for the excavation and maintenance of all diversion drains, collection drains, sumps, water storage dams, settling ponds and discharge drains;



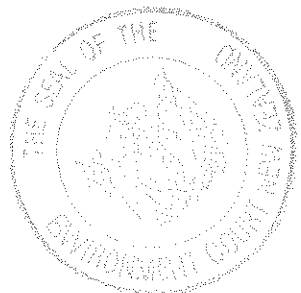
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- b) Methods to manage breaches of historic mine working seals which result in release of AMD;
- c) Water Treatment Plant Operations Manuals detailing procedures for the operation and maintenance of the water treatment plants including:
 - i) Procedures for plant operation and maintenance;
 - ii) Waste sludge disposal methods (including methods for determining final sludge disposal locations);
 - iii) The discharge system into Whareatea River;
- d) Training and supervision of treatment plant operators; and
- e) Monitoring, complaints and reporting procedures for groundwater and surface water discharges during the mine operation and post-mining phase.

Coal Processing Plant Water Management

88. A Coal Processing Plant Water Management section of the CPP Operations Management Plan shall be prepared prior to undertaking any works including any earthworks or vegetation clearance authorised by these consents that are associated with either the construction or operation of the CPP that sets out the stormwater collection, treatment and disposal practices and procedures to be adopted to avoid, remedy or mitigate adverse effects on water quality and to ensure that the compliance limits in Condition 337 and 338 can be met.
89. The CPP WMP shall as a minimum address the following matters:
- a) Operation and maintenance of stormwater collection and treatment facilities during construction and operation including operational procedures for the excavation and maintenance of all diversion drains, collection drains, sumps, water storage dams, settling ponds and discharge drains;
 - b) Choice of chemicals relative to aquatic systems and expected high aluminium loadings (some flocculants are aluminium based and may not be suitable for use on the Denniston Plateau)
 - c) Storage of treatment chemicals including bunding, spill equipment);
 - d) Overflow management (heavy rainfall management);
 - e) Low flow management;
 - f) Site auditing;
 - g) Operation of the Waimangaroa water pump station specifications and procedures;
 - h) Water Treatment Plant Operations Manuals detailing procedures for the operation and maintenance of the water treatment plant including:



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- i) Procedures for plant operation and maintenance including procedures in the event of a spill entering into the SW WTP management system;
- ii) Solids disposal methods (including final destination); and
- iii) The discharge system into Whareatea River.

Social Impact Management Plan

Social Impact Management Plan

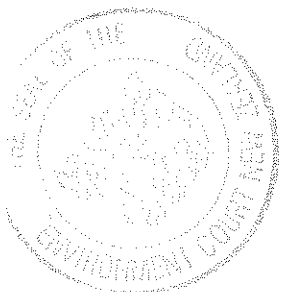
90. A Social Impact Management Plan (SIMP) shall be established prior to mining commencing.
91. The purpose of the SIMP is to ensure the potential social effects from the EMP are understood, identified and appropriately addressed. The SIMP is to be based on best practice guidelines and procedures for social impact assessment in order to determine the effect that the EMP is likely to have on people and communities.

Scope of the SIMP - Administrative Arrangements

92. The Consent Holder shall establish the following arrangements for on-going community engagement:
 - a) A Community Liaison Group (CLG);
 - b) A community contact procedure to manage enquiries and complaints; and
 - c) An employee of the Consent Holder who has appropriate authority to act as the Community Liaison Officer (CLO)
93. The responsibilities of the employee assuming the CLO role shall include:
 - a) Co-ordination and monitoring of the implementation of the SIMP;
 - b) Acting as the contact point for community enquiries regarding performance and management of the EMP;
 - c) Co-ordinating the response to community enquiries and complaints..

Community Liaison Group (CLG)

94. A Community Liaison Group (CLG) is to be established as a means of identifying and monitoring social impacts from the EMP including the Consent Holders initiatives to mitigate adverse social impacts arising from the EMP.
95. The purpose of a CLG is to provide a forum for open discussion between representatives of the company, the community, the councils and other stakeholders on issues directly relating the mine's operations, the community, environmental and social performance and community relations, and to keep the community informed on these matters.



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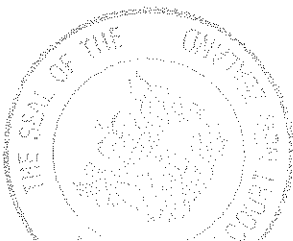
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96. A Terms of Reference shall be prepared for the CLG. The Terms of Reference will be developed in association with CLG members and subject to approval by the Consent Authority.
97. The structure of the CLG shall consist of the following:
 - a) An independent chairperson.
 - b) A minimum of three-to-five representatives of the local community.
 - c) One representative of each of the councils shall be invited to be part of the CLG.
 - d) The Consent Holder shall provide at least two company representatives, including the person with direct managerial responsibility for environmental management at the mine present at all meetings.
98. The Consent Holder will provide facilities for the meeting and be responsible for recording of minutes.
99. The role of the Chairperson is to be a convenor, facilitator, mediator and advisor for the committee. They must undertake their role in an independent manner, and refrain from perceptions of bias either for or against the company or any individual or group of representatives on the committee.
100. The chairperson appointed requires the prior approval of the Consent Authority.
101. The local community and other stakeholder presentatives will be appointed following advertisement in the local press. Representatives will be selected to represent neighbours and the local community.
102. In selecting the community representatives, preference will be give to candidates who rcan represent the concerns of a variety of interest groups. Selection criteria are:
 - a) Willingness to contribute constructively.
 - b) Experience and ability to provide feedback to the community and stakeholder groups.
 - c) Current residence in the local area and/or awareness of local and other relevant issues.

The CLG shall determine the frequency of its meeting with a minimum of two meetings and maximum of four meetings per annum.

Enquiries and Complaints

103. The Consent Holder shall establish and administer a Community Complaints Procedure generally in accordance with the following protocols;
 - a) The Consent Holder shall have a clearly nominated and publicly communicated contact position within its own organisation to take



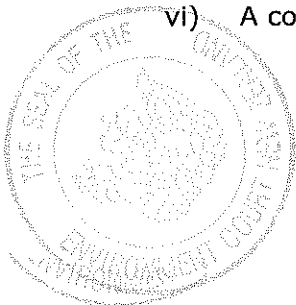
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- responsibility for co-ordinating response to complaints associated with operations (in accordance with Condition 85(c) above).
- b) The Consent Holder shall establish appropriate communication channels, including a dedicated email address and a 24-hour complaints phone number (free call) for members of the public to call if they have any concerns regarding its operation;
 - c) The Consent Holder shall maintain a log of any complaint received.
 - d) The Consent Holder shall maintain a summary of complaints and responses; and
 - e) The Consent Holder shall make the complaints and response log available to the Consent Authorities on request. ~~102~~.

Annual Work Plan

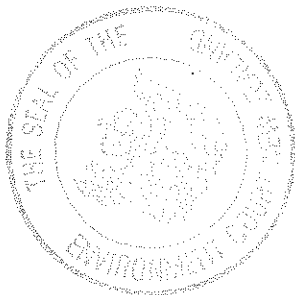
- 104. Prior to undertaking any activities authorised by these consents, and annually thereafter (two months prior to each annual anniversary of the last Annual Work Plan) the Consent Holder shall provide to the Consent Authorities for certification, an Annual Work Plan. This Plan must be consistent with any certified Management Plan.
- 105. Activities outlined in the Annual Work Plan shall not commence until the Annual Work Plan has been certified by the Consent Authorities.
- 106. Should the Consent Authorities refuse to certify the Annual Work Plan in accordance with Condition 105, the Consent Holder shall submit a revised Annual Work Plan to the Consent Authorities for certification as soon as is practicable.
- 107. Subject to condition 109 each Annual Work Plan shall include:
 - a) A detailed description of all likely construction and mining operations, mitigation measures and rehabilitation, to be carried out in the next 12 months, including:
 - i) Areas that are to be protected from disturbance by fencing or other suitable methods;
 - ii) Areas that are to be rehabilitated identified by rehabilitation method;
 - iii) VDT source and destination areas for the forthcoming years activities shall be identified and mapped and methods to protect them identified;
 - iv) VIT relocation zones shall be identified and mapped and methods to protect them identified;
 - v) Koura, lizards, snails (incidental discovery), and kiwi relocation zones shall be identified and mapped and methods to protect them identified;
 - vi) A contour plan at 10 metre intervals showing the new mine footprint;



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- vii) Areas of overburden removal, ELF's (backfill) and pit floor by the end of the next 12 month period, with an approximate timetable of events;
 - viii) An annual estimate of the soil balance and VIT, VDT and planting projected for the year and how updated results from the soil model affect whole-project rehabilitation including ability to meet rehabilitation targets and closure criteria;
- b) A description of all likely construction and mining operations, mitigation measures, and rehabilitation, carried out in the last 12 months (except for the inaugural Annual Work Plan where none will apply), including a contour plan at 10 metre intervals showing the mine footprint, areas of overburden removal, ELF's (backfill) and pit floor of the mine at the end of the last 12 month period;
 - c) Long-term projections and intentions for mining operations in relation to the future exercise of these consents;
 - d) An explanation of any intended departure from any previous Annual Work Plan in the next 12 months;
 - e) A description and analysis of any unexpected adverse effect on the environment that has arisen as a result of the exercise of the consents in the last 12 months and the steps taken to rectify it, and the results of those steps;
 - f) Identification of any particular issues that have arisen or are expected to arise as a result of operations, geological conditions or monitoring results;
 - g) A summary of any complaints received, responses and the mitigation measures adopted;
 - h) A mine closure section shall be provided as outlined in Condition 112; and
 - i) Report on compliance with the management plans prepared under Condition 34.
108. The Consent Holder, in consultation with the Department of Conservation, may determine that an Annual Work Plan be prepared for a period less than 12 months. If an Annual Work Plan is prepared for a period of less than 12 months, then condition 107 shall apply with all necessary modifications to that lesser period.
109. The Consent Holder shall provide the Consent Authorities with any further information, or report, which the Consent Authorities may reasonably request after considering any Annual Work Plan. This information or report shall be provided in the time and manner required by the Consent Authorities on a reasonable request basis.
110. The Annual Work Plan shall comply with all other conditions of the consents and the Consent Holder shall exercise the consents in accordance with the Annual Work Plan.



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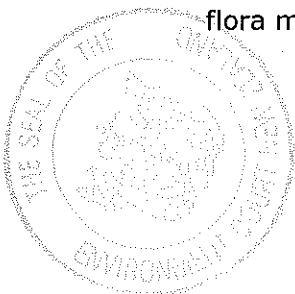
111. The Consent Holder may, at any time, amend and resubmit an Annual Work Plan to the Consent Authorities provided it complies with all other conditions of the consents.

Mine Closure

112. The Consent Holder shall annually prepare a Mine Closure section within the Annual Work Plan consistent with the Concept Rehabilitation Plan included in Appendix 4, that sets out the practices and procedures to be adopted to ensure that closure of the site can be achieved in accordance with the conditions of these consents, including the stated targets in Condition 26a) to h).
113. The Mine Closure section shall address:
- a) The design and development of a new drainage system including passive treatment for the ELF directing clean runoff to the Whareatea River and its existing tributaries and to V8 and V37 Creeks;
 - b) The activities required to dis-establish those diversion drains, culverts and structures that will not remain as permanent watercourses after mine closure;
 - c) The water management steps required at mine closure to address acid mine drainage;
 - d) The structures (including ELFs) that will remain after mine closure;
 - e) Any continued rehabilitation, monitoring, and weed, pest and fire control required post mine closure; and
 - f) An organisation chart showing the positions responsible for plan implementation, including a brief summary of responsibilities relevant to the plan, such that the provisions of the plan can be implemented at all times.

Baseline and Annual Monitoring Report

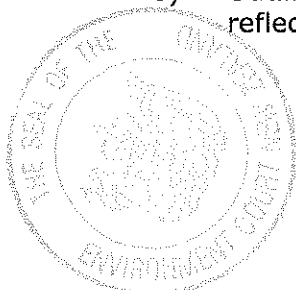
114. The Consent Holder shall submit a baseline report to the Consent Authorities, the Peer Review Panel and the Department of Conservation outlining the results of all baseline surveys required in these conditions prior to commencement of any vegetation clearance authorised under these consents.
115. The Consent Holder shall prepare and submit to the Consent Authorities and to the Peer Review Panel an Annual Monitoring Report two months prior to the expiry of each Annual Work Plan. The monitoring period to be included in each report shall be for the 12-month period ending two months prior to the expiry of the Annual Work Plan. A copy shall also be provided to the Department of Conservation.
116. The Annual Monitoring Report shall:
- a) Detail all environmental monitoring undertaken, including, but not limited to, rainfall, rehabilitation (ELF, VDT, VIT, planting, transplanting, hydroseeding and mulching), water quality, plant and animal pest control, vegetation and flora management, fauna management and dust monitoring.



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- b) This shall include monitoring both within and outside the Mine Site for species in Table 1a Condition 65
- c) Summarise all the data collected, as required under the Environmental Monitoring Plan and any other condition of these consents. The format and content of the monitoring results may include graphical presentations, statistical summations including explanations of monitoring data and critical analysis of the information in terms of compliance and environmental effects;
- d) Highlight and discuss any important environmental trends;
- e) Compare results obtained over the reporting period with the results that were predicted to occur during the pre-mining investigations and the results obtained from previous reporting periods, including the baseline report;
- f) Report and discuss any operational difficulties and changes made to management systems which resulted in improvements to avoid, remedy or mitigate adverse effects;
- g) Report the number of occasions and duration of overflow discharges from the MIW surge sump or MIW-WTP, including date and time of occurrence and any changes made to management systems that were made to manage overflow events;
- h) Report and discuss any difficulties in compliance with, and breaches of, the conditions of the consent and the measures adopted to rectify problems;
- i) Include a copy of the complaints register outlined in Condition 7;
- j) List any maintenance works needed, proposed or undertaken to ensure compliance with the conditions of the consent or to facilitate operations;
- k) Outline any changes to the monitoring programme that may be required to allow compliance to be determined;
- l) Report on the effectiveness of the Ecology and Heritage Management Plan and Mine and CPP Operations Management Plan with regard to meeting consent conditions and objectives outlined in the Management Plans;
- m) Outline any recommended changes to:
 - i) Monitoring programmes;
 - ii) Consent conditions;
 - iii) The Management Plans, Annual Work Plan and operating procedures;
 - iv) To avoid, remedy or mitigate adverse effects;
- n) Any other matters that need to be reported as a result of a Section 128 review;
- o) Outline adaptive management that has occurred and that needs to be reflected in the appropriate Management Plan; and



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- p) Make recommendations for future adaptive management ideas that should be considered.
117. At the time of submitting the Annual Monitoring Report, the Consent Holder shall advise of any material changes that it intends to initiate and the timeframe for such material change.

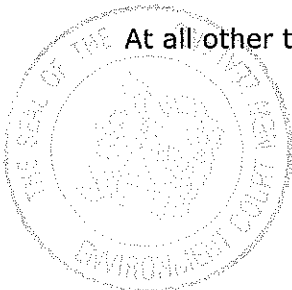
Recreational Values

118. Prior to the commencement of construction the Consent Holder shall, in order to minimise the risk to persons undertaking recreation activities in the vicinity of the mine development, undertake the following:
- a) Erect signs at all necessary locations to warn users of dangers during construction and mining; and
 - b) Liaise with known community and interest groups to advise of programmed works.
119. The Consent Holder shall enable appropriate CPP and mine site visits, and shall provide, in consultation with the Department of Conservation, for the establishment of visitor viewpoints in appropriate safe locations.
120. Within 3 months of commencing construction of the CPP, the Consent Holder shall provide an alternative public road up to Mount Rochfort between the CPP site and the Escarpment Mine turnoff that avoids the mine traffic between the CPP and the mine.
121. Following mine closure the Consent Holder shall, in consultation with the Department of Conservation, reinstate the Whareatea circuit cycle track (shown the Denniston Plateau Mountain Bike Tracks pamphlet published by the Department of Conservation in 2008), that is removed or inaccessible as a result of the Escarpment Mine.

Noise

122. Construction activities shall be conducted in accordance with the requirements of NZS 6803:1999 "Acoustics – Construction Noise" and shall comply with the limits for construction noise set out in Table 2 of that Standard.
123. All equipment and machinery shall be regularly maintained to ensure noise levels are as low as reasonably attainable, but at no time shall they exceed the levels permitted by the consent.
124. The site shall be designed and managed to ensure the following noise levels are complied with as measured at the boundary of any land used for a residential activity:

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



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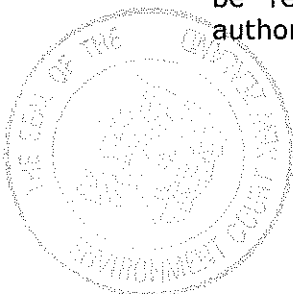
Consent Conditions

75dBA L_{max}

125. Within one month of commencing mining the noise from the site shall be monitored by a suitably qualified and experienced person and the results provided to the Consent Authority within ten working days of undertaking the monitoring. The monitoring shall be representative of the varying noise levels emanating from the different site activities to demonstrate that the site complies with the noise levels specified in Condition 124. This monitoring shall be referred to as the Commissioning Noise Survey.
126. Sound levels shall be measured in accordance with New Zealand Standard 6801: 2008 "Measurement of Environmental Sound" and assessed in accordance with the provisions of New Zealand Standard 6802: 2008 "Acoustics – Environmental Noise".
127. Following the Commissioning Noise Survey in Condition 125, noise monitoring shall be conducted twice annually and at any time upon a reasonable request from the Consent Authority. Where any non-compliance is recorded, the Consent Authority is to be advised within one working day and advised on what remedial steps will be taken and when they will be completed. Once the remedial work has been completed, noise shall be monitored and the results reported to the Consent Authority within 10 days.

Cultural Protocols

128. In the event that any pounamu is discovered, the Consent Holder shall comply with the following requirements:
 - a) Report to the Te Runanga o Ngati Waewae's Land and Environmental Portfolio Team Leader as soon as is practicable;
 - b) Any artefact made of pounamu, discovered or found within the project area on land administered by the Department of Conservation, shall be left untouched and notified immediately to both the local Department of Conservation Officer and Te Runanga o Ngati Waewae's Land and Environmental Portfolio Team Leader. If the artefact happened to be collected it shall be handed directly to the local Department of Conservation Officer along with all information about the find and Te Runanga o Ngati Waewae's Land and Environmental Portfolio Team Leader is to be notified;
 - c) Any artefact made of pounamu discovered or found on all other land within the project area, shall be left untouched and notified immediately to the local regional museum, the New Zealand Historic Places Trust regional archaeologist and Te Runanga o Ngati Waewae's Land and Environmental Portfolio Leader. If the artefact happens to be collected it shall be handed directly to the local regional museum along with all information about the find, and the New Zealand Historic Places Trust's regional archaeologist and Te Runanga o Ngati Waewae's Land and Environmental portfolio Team Leader are to be notified; and
 - d) Any pounamu discovered, other than through authorised collection, shall not be removed without consultation with Te Runanga o Ngai Tahu and authorisation from Te Runanga o Ngati Waewae.



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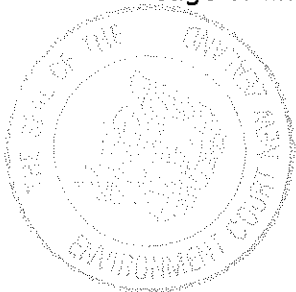
Consent Conditions

Hazardous Substances

129. Refuelling, lubrication, mechanical repairs and storage of hazardous substances or dangerous goods shall be undertaken in such a manner so as to ensure that spillages of hazardous substances or dangerous goods onto the land surface or into a water body do not occur. In the event of any accidental discharge of any substance that has the capacity to endanger human health or to significantly impact on the environment, the Consent Holder shall:
- a) Immediately take such action or execute such work as may be necessary to stop and/or contain such escape;
 - b) Take all reasonable steps to remedy or mitigate any adverse effects on the environment resulting from the escape; and
 - c) Inform the Consent Authority immediately of its occurrence and inform the Consent Authority within 24 hours of the steps taken, or being taken, to clean up the discharge, remedy any adverse effects, and prevent recurrence.
130. The Consent Holder shall adhere to the Contingency and Response section of the Mine and CPP Operations Management Plan as required by Conditions 73 to 75.
131. All fuel tankers shall refuel the fuel storage tanks via an impervious and bunded refuelling pad whereby the tanker shall park on the slab that drains to a hydrocarbon trap to pick up any spillage during fuel deliveries. Mine trucks shall follow the same procedure when taking fuel.
132. All fuel, tankers or pumps on-site shall be suitably contained within an impervious surface. Bunds or alternative spill containment mechanisms shall be positioned either around the perimeter of fuel stores and buildings storing hazardous substances or in such a location that they are able to contain all spills. Clean-up equipment shall be maintained in a serviceable manner at each fuel store. Any bunds or alternative spill containment mechanisms shall be able to meet the requirements of the Hazardous Substances and New Organisms Act 1996.
133. All contractors and/or operators transporting or storing more than 20 litres of fuel or any contractor and/or operator operating plant or machinery in or over a water course shall carry spill kits to enable immediate action to remedy and/or mitigate the effects of hazardous substances discharges on-site.

Transpower Infrastructure

134. The Consent Holder shall manage the consented activities to minimise the discharge of dust and/or particulate matter and any associated dust hazard or nuisance to Transpower's Inangahua-Westport B, Inangahua-Waimangaroa A and Waimangaroa-Westport A transmission lines and support structures.
135. Notwithstanding Condition 72f), all buildings and structures shall be set back a horizontal distance of at least 12 metres from the centrelines of the Inangahua-Westport B, Inangahua-Waimangaroa A and Waimangaroa-Westport A transmission lines, and shall also be located no closer than 12 metres from the closest visible edge of any associated transmission line support structure foundation.

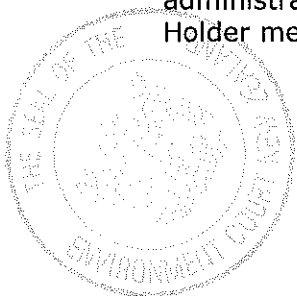


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Peer Review Panel

136. Prior to commencement of activities under these consents the Consent Holder shall engage, at its cost, a Peer Review Panel. The members of this Panel shall be fully independent of the planning, design and construction of the EMP, and shall not be a director, employee or agent of the Consent Holder. The appointment or dismissal of Panel members shall only be made with the approval of the Consent Authorities.
137. The primary functions of the Peer Review Panel are to:
- a) Assess whether or not the Consent Holder is developing the mine influenced water treatment systems and construction of the ELF in accordance with internationally recognised best technical and environmental practice;
 - b) Assess and review the appropriateness of all the Management Plans and the Annual Work Plan. The Management Plans and Annual Work Plan will be reviewed initially prior to work commencing under the consents. The Annual Work Plan will be reviewed annually. On-going review of the Management Plans will only be required when there is a material change to the Plans that require Consent Authority Certification; and
 - c) Make recommendations to the Consent Authorities and the Consent Holder to address any matters of concern in relation to the Management Plans, Annual Work Plan or conditions of consent, including measures to avoid, remedy or mitigate adverse effects. This process will assist the Consent Authorities decision relating to certification of the Management Plans and Annual Work Plan.
138. The Peer Review Panel shall comprise a minimum of three appropriately accredited technical specialists who between them have demonstrated expertise in the following fields:
- a) Geochemistry, with recognised experience in management of acid rock drainage and acid mine drainage;
 - b) Mining and geotechnical engineering, with recognised experience in mine development (including overburden and sludge placement and ELF design) and associated infrastructure;
 - c) Water management, with experience in the treatment system of mine influenced water and acid mine drainage;
 - d) Fauna, vegetation, flora, threatened taxa and preferably with relevant experience in coal measure ecosystems;
 - e) Rehabilitation, with experience in mine revegetation and rehabilitation; and
 - f) Landscape architecture, with experience in the rehabilitation of natural landscapes.
139. In addition to the technical specialist, the Consent Authorities may provide administrative support and assistance to the Peer Review Panel, with the Consent Holder meeting the cost.



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140. The members of the Peer Review Panel, and their defined field(s) of expertise, shall be endorsed by the Chief Executive Officer (or appointed representative) of both Consent Authorities prior to appointment to the Panel.
141. Each member of the Peer Review Panel, when acting as a Peer Reviewer shall act only in his/her area of expertise, but the full Panel shall review all Management Plans and the Annual Work Plan.
142. The Consent Holder shall provide the Peer Review Panel with all of its Management Plans, Annual Work Plan, Baseline Monitoring Report, Annual Monitoring Report and any other relevant information, that the Panel requests, and shall afford the Panel full access to the site at all reasonable times. The Consent Holder shall ensure that the Environmental Manager is available to the Peer Review Panel to assist with its review(s).
143. The Peer Review Panel shall report directly to the Consent Authorities in writing and make such recommendations as it sees fit on all matters which arise during its reviews, other than on draft proposals submitted to it by the Consent Holder and which are superseded. Such reporting shall be provided to the Consent Authorities at 6 monthly intervals, or at longer intervals if agreed by the Consent Authorities.

Financial Contribution

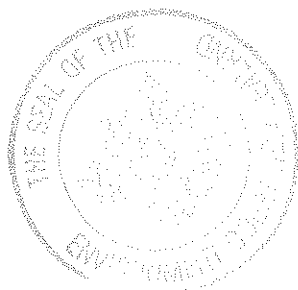
144. A financial contribution of cash shall be paid to Buller District Council for the provision of reserves, recreational facilities and community facilities, as provided for in Part 8.4.1.16 of the Buller District Plan. The calculation for assessing the financial contribution shall be 0.5% of the total value of the development components shown as a) to c) below. The Consent Holder shall advise Buller District Council of the value of the proposed development, and shall pay the cash amount of the contribution determined by the Buller District Council to the Buller District Council prior to the commencement of any works covered by this consent. The calculation of the development contribution shall be based on the estimated costs of the following components of the activity:
 - a) Construction of buildings (i.e. total cost of all buildings excluding dams and plant inside buildings);
 - b) Formation of all haul roads (excluding roads within the mine pit); and
 - c) Costs associated with removal of vegetation (excluding costs of direct transfer of plants and trees, and costs of planting vegetation and other rehabilitation).

Advice Note: A financial contribution for road improvements is not required because of the effect of Condition 82 (Traffic Management).

Biodiversity Enhancement

Denniston and Heaphy Biodiversity Enhancement

145. The Consent Holder shall undertake a programme of weed and animal pest control (to achieve biodiversity enhancement) within:



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Denniston Biodiversity Enhancement Programme

- a) Subject to condition 146, an offset and biodiversity enhancement area ('the Denniston Permanent Protection Area', "the *DPPA*") within the DBEA and the area shown in Appendix 3A. The area of the DPPA shall comprise as a minimum:
- i) 500 ha comprising:
 - 1. 30% by land area of 'pakihi' open Brunner coal measure wetland;
 - 2. 30% by land area of manuka shrubland on Brunner coal measures (scrub);
 - 3. 30% by land area of forest on Brunner coal measures;
 - 4. 10%* by land area of sandstone pavement or, alternatively (second preference) 10ha**,
- and
- ii) At least 200 ha of the area identified in condition 145a)i) shall also be within the known current distributional range of *P. patrickensis*.
- b) The 4,509 ha area on and adjoining the Denniston Plateau shown in Figure 2 Appendix 3 ("the *DBEA*") in order to provide a weed and animal pest control buffer around the DPPA.

Heaphy Biodiversity Enhancement Programme

- c) An area of approximately 10,000 hectares of the Heaphy River with an additional three kilometre buffer zone as shown in Figure 1 Appendix 3 ("the *HBEA*").

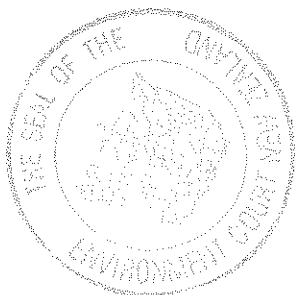
Advice Note:

The vegetation types in 145a) above follow the classification of Wildland Consultants 2010: Mapping of vegetation and habitats on the Stockton and Denniston Plateaux, Northern Westland. Wildland Consultants Contract Report No. 2334, prepared for the Department of Conservation.

* *10% is based on mapping by REM Ltd 2012 using the same approach as the mapping pavement was undertaken for the EMP site).*

** *10 ha is based on Wildland 2010 pavement mapped layer.*

Advice Note: Ideally the DPPA will be in one contiguous area to enable ecological connectivity.



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146. In establishing the DPPA, the Consent Holder may seek to exclude an area of up to 5 hectares from the final DPPA provided that the proposed DPPA continues to meet all the requirements of conditions 145a)i) and ii).

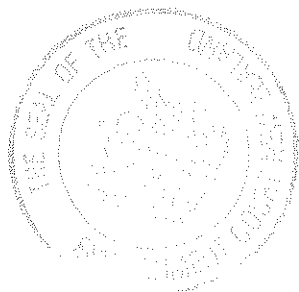
Advisory note: the purpose of condition 146 is to allow for the exclusion of a small area from the final protections afforded by the DPPA to allow for future activities that may be ancillary to mining. The best endeavours obligation under condition 149 will not apply to any area excluded under this condition 146.

Specific objectives and goal of the DPPA

147. The goal of the Denniston Biodiversity Enhancement Programme shall be to achieve and sustain improvements in key biodiversity attributes within the DPPA.
148. The objectives of the Denniston Biodiversity Enhancement Programme in the DPPA are to:
- a) Offset the residual adverse effects on biodiversity values from the EMP;
 - b) To achieve statistically significant improvements in abundance and to ensure that those improvements are sustained for each of the following key measurable and representative biodiversity attributes:
 - i) Great Spotted Kiwi;
 - ii) *P. patrickensis*;
 - iii) South Island fernbird;
 - iv) Rifleman;
 - v) Forest gecko; and
 - vi) West Coast green gecko.

Legal protection of the DPPA and future applications

149. Prior to undertaking any Mining Operations under this consent, the Consent Holder shall:
- a) In consultation with the Ministry of Business, Innovation and Employment – NZ Petroleum & Minerals and the Department of Conservation, use best endeavours to establish a legal mechanism to protect the DPPA from future Open Cast Mining; and
 - b) Upon either:
 - i) the legal mechanism being established; or
 - ii) best endeavours discussions being exhausted,



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the Consent Holder shall provide evidence to the Buller District Council and West Coast Regional Council, for the purposes of certification, of a satisfactory legal mechanism being established or best endeavours discussions being exhausted .

For the purposes of this condition, “Open Cast Mining” shall mean the removal or placement of overburden including soil and/or subsoil layers for the purpose, of gaining access to minerals below the removed overburden for the extraction of those minerals and, without limiting the exception described in condition 146, the infrastructure or associated land disturbance activities that support it.

150. From the commencement date of these consents, the Consent Holder shall:
- a) inform the relevant consent authority of the presence of the DBEA and DPPA as part of any new application for resource consents to undertake mining within the DBEA; and
 - b) make no application for Open Cast Mining (as that term is defined in condition 149) within the area covered by the DPPA.

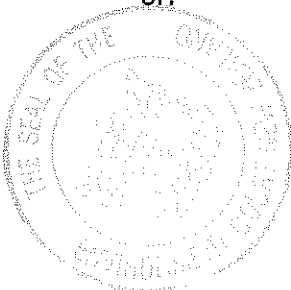
Advisory note:

- *condition 150 a) is proffered condition to require the Consent Holder to advise any future decision maker of the existence of the DBEA and DPPA when considering any new application for resource consents. It does not bind or fetter the discretion of a future decision maker in considering any future application for resource consent.*
- *condition 150 b) is a proffered condition intended to further protect the DPPA. It is in addition to the legal protection that is to be sought under condition 149*

Funding

DPPA and DBEA Funding

151. Prior to the commencement of this consent, the Consent Holder shall enter into an access arrangement or deed with the Department of Conservation for the purposes of:



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- a) securing the obligations set out the Denniston Biodiversity Enhancement Management Plan prepared in accordance with condition 154; and
- b) funding and managing the biodiversity enhancement activities that are required to be undertaken within the DPPA and DBEA for 50 years,

and which requires the Consent Holder to make the following payments to the Department of Conservation:

Date of Payment	Amount
On approval of first annual Work Programme (as that term is used under the Crown Minerals Act 1991)	\$250,000 + GST
On the first anniversary of the first annual Work Programme	\$687,500 + GST
On the second anniversary of the first annual Work Programme	\$687,500 + GST
On the third anniversary of the first annual Work Programme	\$687,500 + GST
On the fourth anniversary of the first annual Work Programme	\$687,500 + GST

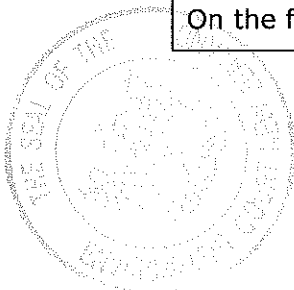
HBEA funding

152. Prior to the commencement of this consent, the Consent shall enter into an access arrangement or deed with the Department of Conservation for the purposes of:

- a) securing the obligations set out the Heaphy Biodiversity Enhancement Management Plan prepared in accordance with condition 155; and
- b) funding and managing the biodiversity enhancement activities that are required to be undertaken within the HBEA for 35 years,

and which requires the Consent Holder to make the following payments to the Department of Conservation:

Date of Payment	Amount
On approval of first annual Work Programme (as that term is used under the Crown Minerals Act 1991)	\$1,000,000 + GST
On the first anniversary of the first	\$3,342,500 + GST



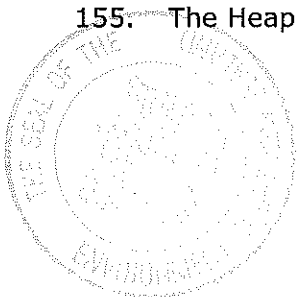
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annual Work Programme	
On the second anniversary of the first annual Work Programme	\$3,543,500 + GST
On the third anniversary of the first annual Work Programme	\$8,212,500 + GST
On the fourth anniversary of the first annual Work Programme	\$2,276,500 + GST

Denniston and Heaphy Biodiversity Enhancement Management Plans

153. A Denniston Biodiversity Enhancement Management Plan and a Heaphy Biodiversity Enhancement Management Plan as outlined in conditions 154 and 155 shall be prepared in consultation with the Department of Conservation.
154. The Denniston Biodiversity Enhancement Management Plan shall as a minimum:
- a) demonstrate that the weed and animal pest control measures are coordinated with any other control measures carried out in adjacent areas;
 - b) identify weed and animal pests to be controlled and the areas over which they will be controlled;
 - c) quantify weed and animal pests targets to be achieved and the means of measuring the targets;
 - d) identify key invertebrate, plant and vertebrate species for outcome monitoring to be monitored;
 - e) incorporate an initial survey focusing on what pest irruptions are triggered by masting events in the particular case of the Denniston Plateau forest habitats;
 - f) identify how outcome monitoring will be implemented and how the information will be used for adaptive management to ensure that the required biodiversity benefits are achieved;
 - g) outline a process for expert input into the design and implementation of the weed and animal pests control programme and subsequent monitoring, reporting and adaptive management to respond to the need for change;
 - h) incorporate control methods in relation to the target species and the available best practice methodology, taking into account the sensitivity of the receiving environment and the potential interests of the public that depend on the area for water supply; and,
 - i) provide for regular review and reporting on the achievements of the weed and animal pest control.
155. The Heaphy Biodiversity Enhancement Management Plan shall as a minimum:



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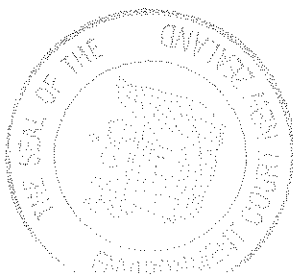
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- a) demonstrate that the weed and animal pest control measures are coordinated with any other control measures carried out in adjacent areas;
- b) identify weed and animal pests to be controlled and the areas over which they will be controlled;
- c) quantify weed and animal pests targets to be achieved and the means of measuring the targets;
- d) identify key invertebrate, plant and vertebrate species for outcome monitoring to be monitored;
- e) incorporate an initial survey focusing on what pest irruptions are triggered by masting events;
- f) identify how outcome monitoring will be implemented and how the information will be used for adaptive management to ensure that the required biodiversity benefits are achieved;
- g) outline a process for expert input into the design and implementation of the weed and animal pests control programme and subsequent monitoring, reporting and adaptive management to respond to the need for change;
- h) incorporate control methods in relation to the target species and the available best practice methodology, taking into account the sensitivity of the receiving environment; and,
- i) provide for regular review and reporting on the achievements of the weed and animal pest control and the implementation of adaptive management techniques over the 35 year duration of the term of the plan.

Whareatea Road

General

156. The activities shall proceed in accordance with the submitted application received by the West Coast Regional Council on 5 June 2012; the mitigation measures outlined in the Transportation Assessment dated 31 August 2012 prepared by Abley Transportation Consultants; and the relevant plans as detailed above and stamped as approved, except where the following conditions take precedence.
157. The up-graded road alignment shall be restricted to the formation detailed on the approved plans.
158. A suitably qualified ecologist should be on site to supervise vegetation clearance and to capture any rare or threatened fauna disturbed during this process.
159. The use of the road for the hauling of coal from the Escarpment Mine by truck shall be limited to a period of no more than three years from the date of completion of the proposed works set out in Condition 156.



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160. All actual and reasonable costs incurred by this Council in monitoring, enforcement and administration of this consent shall be met by the Consent Holder.

Waterways

161. Any work within a waterway or stream shall be kept to a minimum.
162. During the exercise of this consent, sediment control measures shall be utilised to ensure the discharge of sediment into vegetation and waterways is minimised. Where straw bales are used, these shall be weed free.

Fauna

163. The Consent Holder shall avoid construction activities during the fernbird breeding season, being September to November inclusively. Where construction activity during this time period is unavoidable, the Consent Holder shall consider and implement measures to minimise disturbance to potential fernbird nesting areas.

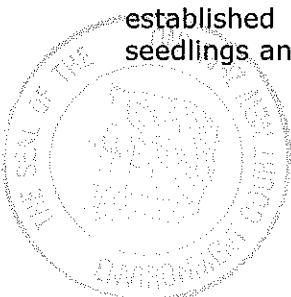
Advice note: For the purposes of Condition 163, measures to minimise disturbance to fernbird nesting areas may include removing tall manuka later in the construction programme.

164. Any snails incidentally encountered/discovered during the course of vegetation clearance and road construction shall be relocated a minimum of 50 m from the disturbance area.
165. Immediately prior to road construction, a targeted search for lizards in habitat 'hotspots' shall be conducted. This search shall include sections of the road corridor most likely to hold lizards and where lizards are easily found and captured. Any lizards captured shall be released a minimum of 100 m from disturbance areas.

Advice Note: For the purposes of Condition 165, 'hotspots' include rock jumbles, scree and other areas where lizards are known to occur or areas where lizards may have been encountered in the past.

Rehabilitation and Weed Control

166. All machinery, tools and equipment shall be steam cleaned and weed free prior to being used for clearance and construction activities on the Whareatea Road.
167. All metal course for the up-graded road formation and any subsequent maintenance applications shall be taken from a weed free, non-acid generating source, preferably obtained from a location on the Denniston Plateau.
168. At the completion of construction activity, all disturbed areas shall be shaped to integrate with the surrounding contours, with particular care taken for any cuts greater than 1 m and the road verge. This shall include the placement of rock to assimilate disturbed areas into its immediate setting and maintain land form patterns.
169. Within 6 months of completion of construction activity, a vegetative cover shall be established on all exposed road margins comprising locally sourced manuka seedlings and/or hydro-seeding with a mix of indigenous grasses or browntop. Re-



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vegetated areas shall be monitored and kept free of weeds for a period of up to one year after completion of the works.

170. Weed control shall target invasive exotic weeds and outliers (new incursions). Manual control methods and low toxicity herbicides, including selective herbicides shall be used where possible.

Heritage

171. The historic feature identified as the 'Whareatea Heritage Area Concrete De-watering Pad' on Sheet 3 of the Approved Plans shall be protected, as far as is practicable, by the application of a layer of sand a minimum of 50mm thick and a geotextile layer beneath the road surface material.
172. A barrier shall be erected on the east side of the Whareatea Road where it passes through the Whareatea Mine site to protect archaeological remains from disturbance. Features to be protected include the timber flume (from the de-watering pad to the fines filtration tank), fines filtration tank, water recirculation pump shed foundations and the timber flume, recorded at waypoints 138, 777, 776 and 775 detailed on Sheet 2 of the Approved Plans.
173. The archaeological remains identified in Condition 172 above, shall be fenced prior to the commencement of construction activities in this area.
174. A Vegetation Management Plan shall be prepared and implemented to keep vegetation from encroaching over heritage features associated with the Whareatea Mine, as detailed on Sheet 2 of the Approved Plans.

Hazardous Substances

175. Refueling, lubrication, mechanical repairs and temporary storage of hazardous substances shall be undertaken in such a manner so as to ensure that spillages of hazardous substances or dangerous goods onto the land surface or into a waterbody do not occur.
176. No machine or vehicle shall be refueled or repaired within 10 m of a waterway.
177. The Consent Holder shall ensure all contractors transporting or storing more than 20 litres of fuel shall carry spill kits to enable immediate action to remedy and/or mitigate the effects of hazardous substances discharges.
178. Any accidental discharge of greater than 20 litres shall be reported immediately to the Councils' Manager of Environmental Services, along with details of the steps taken to remedy and/or mitigate the adverse effects of the discharge.

Dust Control

179. Dust suppression measures, such as the use of water carts, shall be utilised on Whareatea Road to ensure dust levels are kept to a minimum.
180. Vehicle speeds shall be limited to 40km/hr and sign-posted accordingly along the Whareatea Road.



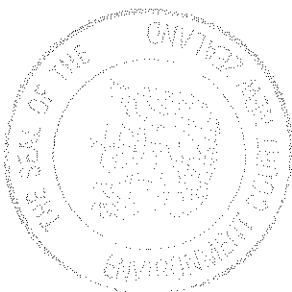
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181. The Consent Holder shall ensure all coal trucks are covered to avoid depositing coal dust along the road.

Notice

182. Notice in writing must be provided to the Buller District Council noting the date on which clearance and construction of the upgrade was complete. This notice is to be provided within 3 months of the completion of works.



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Mine Site Conditions

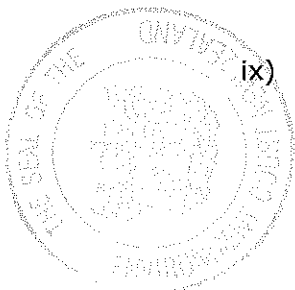
Non Derogation

183. The Consent Holder shall ensure that the mine is operated in a manner that protects existing use rights or provides an alternative right to Kawatiri Energy Limited with respect to its rights to divert water from the Whareatea River into Lake Rochfort.

Overall rehabilitation objective

184. In undertaking Construction and Mining Operations, including the preparation and implementation of all management plans and the Annual Work Plan (and any variation of those plans), the Consent Holder shall undertake the activities authorised by these consents in a manner that seeks to:

- a) optimise rehabilitation outcomes, by:
 - i) ensuring that all vegetation clearance and rehabilitation is progressive and that the smallest practical area is disturbed (but not rehabilitated) at any one time, while ensuring that sufficient destination sites are available for ongoing rehabilitation;
 - ii) adaptively managing environmental effects and actively identifying further opportunities for rehabilitation as mining progresses;
 - iii) using methods that cause the least disturbance to vegetation outside the areas being cleared;
 - iv) favouring direct vegetation transfer methods (VDT and VIT) over planting (where source vegetation is present and able to be used for VDT and VIT);
 - v) favouring VDT over VIT;
 - vi) having particular regard to the hydrological characteristics of the VDT destination areas and VIT relocation zones to maximise vegetation survival;
 - vii) maximising recovery of, and favouring the immediate use of rehabilitation materials (vegetation, soil and slash) where they cannot be used for VDT or VIT;
 - viii) to maximise the opportunities for salvaging, transplanting or re-producing (for the purposes of planting) the species of significance described in Table 1a in accordance with conditions 65b) and 220 to 222;
 - ix) to maximise the opportunities for rare or threatened fauna; and



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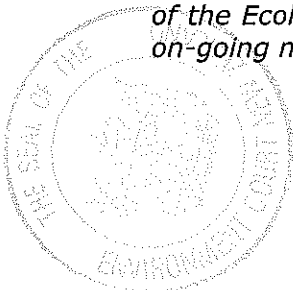
- x) investigating opportunities for different and more effective rehabilitation techniques,
and
- b) which involves the Environmental Manager in mine planning and the day-to-day operations of the mine (as it is relevant to optimising rehabilitation outcomes). Without limiting condition 33, in the event that the views of the Environmental Manager are different to the manager responsible for mining operations, the views of the Environmental Manager will prevail.

Minimising disturbance

185. Without limiting condition 184a)i), in undertaking Construction and Mining Operations within the Mine Site, the Consent Holder shall ensure that:
- a) during the first scheduled 12 months of Construction and Mining Operations, the area disturbed, but not rehabilitated does not exceed:
 - i) 24.1 ha in relation to the construction of required mining infrastructure including, but not limited to, the creation of the amenities area, the coal stockpiling area; the MIW WTP, the within-pit haul road and any within-pit coal processing infrastructure (together *Mining Infrastructure*); and
 - ii) 13 ha in relation to Mining Operations.
 - b) following the expiry of the time period described in condition 185a), then during Mining Operations:
 - i) the total area of Mining Infrastructure, including the area described in condition 185a)i), shall not exceed 27.1 ha; and
 - ii) the net disturbed area from Mining Operations (being the area disturbed less the area rehabilitated or required for Mining Infrastructure under condition 185b)i)) shall not exceed 26.9 hectares.

provided that should the mining schedule be amended by the Consent Holder such that the Mining Infrastructure required under condition 185a)i) and the Mining Operations undertaken under 185a)ii) are both completed prior to the expiry of 12 months, then requirements under condition 185b)i) and ii) will apply.

Advisory note: for the purposes of this condition "rehabilitation" means the placement of VDT or VIT, planting or the placement and creation of boulderfields and streams/waterbodies in accordance with the Mine Site Rehabilitation section of the Ecology and Heritage Management Plan but does not include closure or the on-going maintenance of those rehabilitated areas



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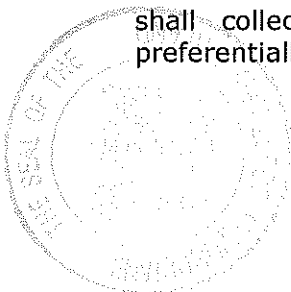
Soil Conservation and Sediment Control

186. The Consent Holder shall divert all clean surface water away from disturbed areas into tributaries of Cascade Creek or the Whareatea River.
187. During construction the Consent Holder shall adopt best practical options for stormwater management in accordance with the Construction and Earthworks Management section of the Mine and CPP Operations Management Plan and all erosion and sediment control measures shall be designed in accordance with ECan 2007 following adaption for rainfall conditions at Denniston Plateau. Where additional guidance is sought, reference shall be made to the TP90.
188. Upon completion of the MIW-WTP sump and during the construction phase of the EM stormwater from all disturbed areas shall be collected, and undergo at least primary treatment in the MIW-WTP surge sump.
189. Disturbed areas shall be progressively stabilised as works progress.
190. There shall be no Mining Operations undertaken until such time as the MIW - WTP is constructed and certified by the relevant consent authority and operational.
191. The Consent Holder shall be responsible for the structural integrity and maintenance of all works associated with the exercise of this consent, and for any erosion and sediment control and energy dissipation works, which become necessary as a consequence of the exercise of this consent.
192. The Consent Holder shall avoid sidecasting and spillage of material:
 - a) Alongside the coal haul road;
 - b) Over the escarpment into the V37 and V8 catchments; and
 - c) Outside the crest of the active mine pit.
193. All roads shall be adequately serviced with watertables, cut-offs and culverts to control surface water runoff and minimise the scouring of road surfaces, watertables, cut-offs and culvert outfalls.
194. The Consent Holder shall remove sediment/fines from all sediment control facilities as required, to ensure the effective operation of those facilities, and deposit the sediment/fines within the ELF or use the sediment/fines in rehabilitation.

Fauna

Fauna Relocation

195. In areas that are not subject to VDT and VIT, prior to any earthworks or vegetation disturbance the Consent Holder shall search the area to be disturbed for lizards and shall collect and relocate any lizards found to a suitable relocation zone preferentially within the rehabilitated ELF in accordance with the Lizard



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Management Section of the Ecology and Heritage Management Plan required under conditions 52 to 54.

196. Relocation zones for, lizards shall be noted in operational plans and marked on the ground to protect them from disturbance.
197. The Consent Holder shall:
- a) Search for and where possible trap koura within Lake Brazil prior to drainage of Lake Brazil; and search each stream that includes suitable habitat for Joura prior to the commencement of earthworks and vegetation removal in each stream's catchment;
 - b) Place any Koura trapped in accordance with Condition 197a) into existing lakes (such as "Gate Pond" or ponds near Denniston township, except ponds used for water supply by Denniston residents) and enhance the habitat and food availability of the lakes through the establishment of supplementary feeding stations; and
 - c) Once a waterbody in the ELF has been re-established and determined suitable for the introduction of Koura, Koura shall be removed at several intervals from the waterbodies referred to in Condition 197a) and b) and introduced along the length of the waterway and left to self-distribute within it.

Fauna Research

198. The Consent Holder shall undertake research for the term of the consent with regard to snail and lizard translocation to enhance survival rate in respect of species found within the EMP. This shall include striped morph of green Gecko.

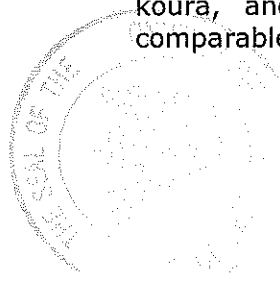
Great Spotted Kiwi

199. Where any vegetation disturbance for construction or mining is to take place within the great spotted kiwi/rooa breeding season (July to January inclusive), the Consent Holder shall 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 Consent Holder shall take particular care to appropriately manage any kiwi or egg. This survey is not required for the Fairdown components of the project.

Advice Note: All kiwi management activities must be approved by the Department of Conservation under the Wildlife Act 1953.

Fauna Monitoring

200. In addition to the monitoring of great spotted kiwi, lizards and *P. patrickensis* outlined in the respective management plan conditions, the Consent Holder shall monitor the effects of the EMP activities on key avifauna (Pipit, weka, fernbird), koura, and key invertebrate species (see closure criteria) using recognised comparable monitoring methods. This shall include a representative baseline survey



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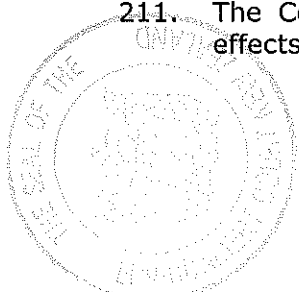
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before construction and annual surveys during mine rehabilitation for the term of the consent, including sites outside the mine site. Results of the monitoring shall, be utilised for adaptive management to enhance fauna habitat, including making improvements to the Mine Site Rehabilitation. The Consent Holder shall report on the results of the monitoring and the effectiveness of its implementation, within the Annual Monitoring Report described in Condition 109.

201. The Consent Holder shall monitor wasps within the EMP. In the event that they are found to be causing adverse effects on flora and fauna within the EMP they shall be controlled within the site to a level that avoids adverse effects on flora and fauna.

Vegetation and Flora

202. Without limiting condition 184 and 185 but subject to Conditions 207 and 208, when exercising these consents, the Consent Holder shall ensure that
- a) all vegetation clearance and rehabilitation is progressive;
 - b) and that the smallest practical area is cleared using methods that cause least disturbance to vegetation outside the areas being cleared
203. All used plant and machinery to be used in construction activities or mining operations shall be cleaned prior to entering the EMP site.
204. VDT source and destination areas shall be pegged out on the ground to protect them from disturbance other than disturbance that occurs during the VDT process.
205. VIT relocation zones shall be pegged out on the ground to protect them from disturbance other than disturbance that occurs during the VIT process.
206. The Consent Holder shall manage the hydrological characteristics of the VIT relocation zones and VDT destination areas to maximise the chances of plants surviving following VDT and VIT.
207. Individual tree specimens over 4 metres in height may be removed at any time after the commencement date of the consents to encourage the regrowth of smaller plants prior to construction and/or mining operations (for the better use of those areas in rehabilitation).
208. The mine boundary (including allowance for perimeter benching, safety vegetation clearance and drainage) shall be marked and maintained to delineate work areas and prevent any unnecessary disturbance of vegetation. Any felling of trees along the mine boundary shall be directional felling to minimise damage to adjacent trees.
209. The Consent Holder shall salvage all topsoil, vegetation, and organic matter from areas to be disturbed.
210. Vegetation and flora shall be handled, stored and used for rehabilitation or VDT in accordance with Mine Site Rehabilitation Management outlined in Conditions 65 and 67; and the rehabilitation Condition 225 to 234.
211. The Consent Holder shall control dust on the coal haul road so as to minimise effects on vegetation and flora.



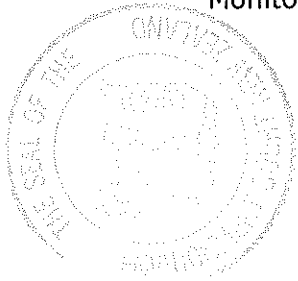
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212. *Chionochloa juncea* seed shall be collected each year to ensure an adequate supply is maintained for propagation.
213. Where mining development activities occur on areas where there are high densities of weeds (along the margins of the Whareatea four wheel drive track, the road up to the Escarpment Mine portal, the northern end of Lake Brazil and road margins associated with EMP infrastructure), the following actions shall be undertaken:
- c) Pre-disturbance herbicide spraying;
 - d) Selective stripping of weed infested soil (soil under weed infested sites);
 - e) Stockpiling of weed infested soil in the Lake Brazil soil storage area or another within-pit site;
 - f) Containment of stockpiled soil in a manner that prevents the spread of weed propagules away from the storage site;
 - g) Sites where weed-infested soil is used shall have flat to moderate slopes and be rehabilitated to forest and scrub so as to meet the relevant closure criteria in Table 1; and
 - h) Sites where weed-infested soil is used shall be monitored and have weeds controlled as per the closure criteria in Table 1.
214. Any new weeds introduced to the site shall be controlled to the level of no flowering individuals or eradicated.
215. Bryophyte-covered cobbles and small boulders shall be placed strategically along the length of all constructed streams within the ELF after construction of the channel has been completed and it has flowing water in it. These shall be sourced from streams within the EM site that are to be disturbed during mining, prior to stream disturbance.

VDT and VIT Research

216. The Consent Holder shall carry out VDT and VIT research to improve the environmental benefits of the VDT and VIT process. This research shall be initiated during the construction phase of the EMP and shall include the establishment of a VDT and VIT pilot area.
217. The Consent Holder shall monitor VDT and VIT activities and representative sites in accordance with a monitoring programme in the Rehabilitation Management Plan. The objective of the monitoring shall be to determine the effectiveness of the rehabilitation methods in creating suitable fauna habitat (including *Powelliphanta patrickensis* and lizards) and the survival rates of specified species. This shall include the monitoring of population numbers and habitat quality before transfer and after VDT and VIT, until the closure criteria in Condition 26 are considered to be met by the Consent Authority.
218. Results of the monitoring shall be submitted to the Consent Authority in the Annual Monitoring Report.



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219. The Consent Holder shall utilise the results of the monitoring to improve the VDT and VIT process through adaptive management.

Other Rare and Distinct Flora

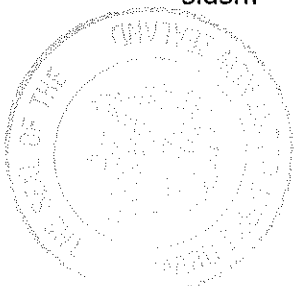
220. Prior to undertaking any earthworks authorised by these consents, the Consent Holder shall survey within the Mine Site for threatened and at risk plants, including *Sticherus* species, *Pseudowintera traversii*, *Peraxilla tetrapetala* *Celmisia similis* and *Euphrasia wettsteiniana* (when in flower in February to early March) and define habitat characteristics.
221. Prior to mining, the Consent Holder shall transfer these species using VDT or hand transplanting methods to an area with suitable habitat characteristics (as defined in Condition 220) within the ELFs or when there is no suitable site within the ELF to an area outside the mine site with suitable habitat characteristics (as defined in Condition 220) approved by the Land Owner.
222. The Consent Holder shall monitor the transplanted threatened and at risk plants and actively manage their survival including weed control and report findings with regard to the monitoring to the Consent Authority in accordance with the Annual Monitoring Report.

Finished Landforms

223. The topography of the finished ELF shall integrate with the surrounding existing topography and rehabilitated streams shall connect into existing streams at the perimeter of the mine.
224. The finished topography shall achieve an outcome generally in accordance with the Concept Rehabilitation Plan in Appendix 4, including limiting boulder fields to the extent shown.

Rehabilitation

225. The Consent Holder shall carry out rehabilitation to meet the Rehabilitation Management requirements outlined in Conditions 65 to 67 and the closure requirements listed in Condition 26.
226. The Consent Holder shall drain Lake Brazil before construction commences in the Escarpment Mine area and use this site for storage of rehabilitation material.
227. The Consent Holder shall use rehabilitation techniques, including appropriate earth shaping, drainage and VDT to re-establish streamside vegetation to the banks of new stream channels in the ELF.
228. Where pakihi, scrub and forest vegetation is salvaged as VDT, the Consent Holder shall ensure sufficient soil is retained with the root plate to support the intended vegetation cover..
229. Stumps and logs shall be stored separately from vegetation and soil materials and any woody beech vegetation that is not used for VDT shall be chipped or used as slash.



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230. Rehabilitated areas shall be signposted and barriers constructed to exclude vehicle traffic.
231. Blanking (repeat planting) shall occur where there is unsatisfactory (e.g., less than 80%) survival of plants or regeneration from root plates after five years.
232. The Consent Holder shall include *Pseudowintera traversii* as a species to be planted out in areas to be rehabilitated to forest.
233. Logs and rock slabs shall be placed within lizard relocation zones within the EM to enhance lizard habitat within these relocation zones; and
234. Rock boulders or similar material including pakihi shall be placed over the sludge containment cell(s) to prevent vegetation from growing over the cells.

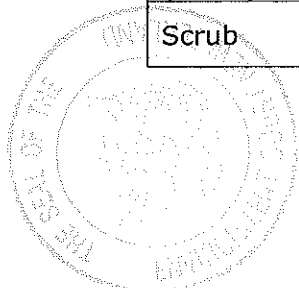
Rehabilitation Monitoring

235. The results of all monitoring shall be summarised and reported to the Peer Review Panel annually.

Baseline information

236. Prior to any Earthworks and vegetation clearance authorised under these consents, the Consent Holder shall undertake baseline monitoring for the purpose of identifying the current condition of vegetation (including species of significance) and habitats on the site. The location of the baseline plots is to be determined prior to the commencement of mining and should include randomly located plots of at least 100m² dimensions that are representative of each landform/vegetation unit. The sampling and monitoring activities will be staged to occur within areas of disturbance as described in the approved Annual Work Plan. Only studies undertaken post 2007 may be used to contribute to this baseline monitoring. Baseline monitoring of sandstone erosion pavement is not required (due to the inability to recreate habitat similar to the sandstone erosion pavement).
237. The relevant landform - vegetation units and number of baseline sampling plots required for each unit is:

Vegetation unit	Pre-mining extent (ha)	Number of baseline plots	Notes
Pakihi	33	20	Baseline pakihi data shall be collected from pakihi plots that contain <30% rock cover (slab and pavement)
Scrub (<20°)	25	20	
Scrub	8	10	



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(20 - 30°)			
Scrub (>30°)	4	5	
Forest* (<20°)	25	20	Baseline forest data shall only be mountain beech - pink pine forest.
Forest* (20 - 30°)	21	20	Baseline forest data shall only be mountain beech - pink pine forest.
Forest* (>30°)	13	10	Baseline forest data shall only be mountain beech - pink pine forest.

Advice note:

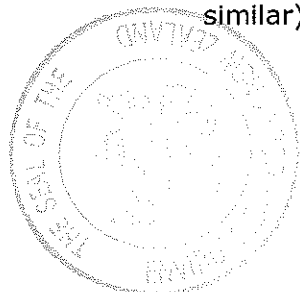
** Mountain beech - pink pine forest is the predominant forest type within the EMP. This has been recognised as an important forest type.*

238. The information to be collected shall include the following:-

- a) The extent and nature of ground cover, in the following categories: live vegetation, dead vegetation (e.g. litter and mulch), rock (including stones and gravel), bare soil. Where open water is present only the cover of the substrate underneath the open water is estimated;
- b) Total cover of each non-woody vascular plant species (visually estimated and actual percent cover and not in tiers; this may sum to >100%);
- c) In forest and scrub plots, the number of live individuals of tree species between 0.3 m and 2 m tall in each plot (each individual counted and totalled for each species);
- d) In forest and scrub plots, the diameter at breast height (dbh) (i.e. circa 1.35 m) for all individuals of live tree species greater than 2 m tall (each individual measured).

239. Each landform - vegetation unit shall be sampled by a suitably qualified and experienced bryophyte expert using plots to determine the species richness of bryophytes. The size, number and location of plots shall be determined by bryophyte expert.

240. Information on the hydrological regime, appropriate for the purpose of ELF design and rehabilitation, shall be collected across the EM, particularly in relation to pakihi vegetation and the associated, localised ponding areas. Required information includes evapo-transpiration rates, water level fluctuations and the soils' saturated hydraulic conductivities (piezometers, tensiometer, falling head permeameter or similar). This information shall be used to develop a hydrological regime that is



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consistent with the hydrological conditions that existed prior to the commencement of mining.

241. Prior to the commencement of Mining, information on soil moisture (tensiometer or similar), appropriate for the purpose of ELF design and rehabilitation, shall be collected from within both forest types (mountain beech – pink pine forest and mixed beech forest) within or adjacent to the EM. This information shall be used for the final design of those parts of the ELF designated for forest types to ensure that the post-mining hydrological regime established through rehabilitation is consistent with the hydrological conditions that existed prior to the commencement of mining. The information collected pre-mining, the final design of the ELF forest zone and the rationale behind the design shall be incorporated in to the Rehabilitation Plan.

Vegetation Establishment Monitoring

242. The Consent Holder shall establish revegetation monitoring transects with permanent photo-points for the purpose of monitoring general revegetation progress on representative areas of each rehabilitated vegetation type.
243. The revegetation monitoring transects shall as a minimum include 50 m long transects with annual measurements of plant density, plant height and species richness. Monitoring transects and photopoints shall continue until closure of the site.
244. The Consent Holder will monitor the design and function of rehabilitated streams.
245. There shall be surveillance of the site for weed species at least twice per year.

VDT and VIT Operational Monitoring

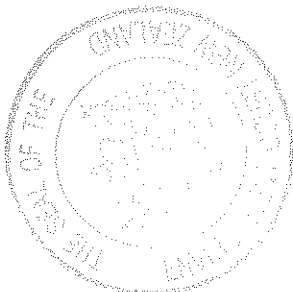
246. VDT and VIT monitoring shall be undertaken to ensure VDT and VIT operations are undertaken in the best practical manner at all times and to encourage adaptive management and quality improvement. Monitoring data collected shall include: climatic conditions, depth of soil, ease of VDT and VIT, density of packing (frequency and size of gaps between sods), machinery used and operators involved.

Rehabilitation Closure Monitoring

247. Monitoring of rehabilitation shall be undertaken to determine progress towards closure conditions as outlined in Condition 26.

Soil depth and quality

248. Records shall be kept of soil depth and quality at time of placement, including photographic records (with scale).



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Aquatic Ecosystems and Water Management

Mining Operations Water Management

249. During mining operations the Consent Holder shall adopt best practical options for stormwater management in accordance with the Mine Site Water Management section of the Mine and CPP Operations Management Plan and in accordance with TP10 following adaption for rainfall conditions at Denniston Plateau.
250. During mining operations and except as provided in Condition 251 and 254 the Consent Holder shall manage the mine operations water treatment system to avoid untreated discharges (including during storm events) to the Whareatea River and Cascade Creek and shall meet the compliance limits in Table 3 at monitoring point W-M2.
251. The Consent Holder shall install a MIW surge sump and MIW-WTP capable of holding and treating MIW and will ensure that MIW is not able to bypass the surge sump and treatment system more than 5% of the time (as calculated over a year).
252. The Consent Holder shall continuously monitor the water level in the MIW surge sump in order to determine the frequency with which bypass occurs (as referred to in Condition 251).

MIW-WTP Discharge to Whareatea River

Location

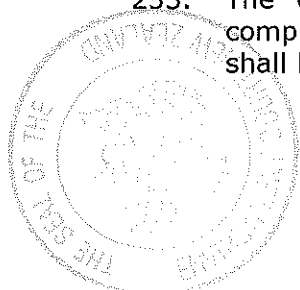
253. The discharge location of water and contaminants discharged from the MIW-WTP into Whareatea River shall be located at or about MIW & SW-D as shown on the Plan in Appendix 5.

Compliance Limits

254. There shall be no MIW-WTP discharge post construction (following the commissioning phase) that causes or results in any of the following effects at W-M2 compliance monitoring point:
 - a) Conspicuous oil or grease films, scums or foams, or floatable or suspended materials;
 - b) Conspicuous change in the colour or visual clarity;
 - c) Emission of objectionable odour; and
 - d) Significant adverse effects on aquatic life.

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

255. The discharge to Whareatea River during mining operations shall meet the compliance limits listed in Table 3 at monitoring point W-M2. Compliance at W-M2 shall be based on a percentile compliance.



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Table 3: 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	
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	
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
Notes:		
a) All compliance limits are based on dissolved metal concentrations;		
b) Limits for cadmium, copper, chromium, lead, nickel and zinc are based on a median water hardness of 50g		



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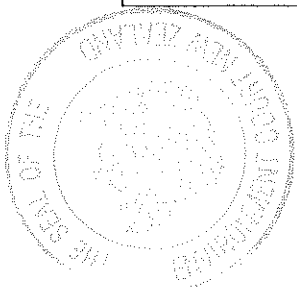
<p>CaCO₃/m³.</p> <p>c) pH dependent limits based on biotic ligand model (BLM predictions)</p> <p>d) Chromium limit is based on Crill and uses U>S, EPA criteria values.</p> <p>e) See Condition 218 for method of compliance assessment with monitoring data.</p>
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Monitoring

256. The Consent Holder shall undertake a water quality monitoring programme of the discharge receiving waters in accordance with Table 4 to verify compliance with Table 3 and to provide additional water quality information that may be required for adaptive management of the mine operation water management system. Receiving water monitoring shall commence prior to construction. Discharge monitoring shall commence when discharges from the MIW-WTP commence. Monitoring shall continue until mine closure in accordance with Condition 26.

Table 4: Discharge and Receiving Water Monitoring Schedule

Parameter	Sample Type	Sampling Programme and Frequency		
		Treatment Plant Discharge ² at MIW-D	Receiving Waters at W-M2	Receiving Waters at, V8-M1 ³ , C-M1, W-M3
Volume	Total (m ³) ¹	Continuous	N/A	N/A
Rate of Discharge	Rate (L/s)	Continuous	N/A	N/A
Flow Rate	Rate(L/s)	NA	Continuous	Continuous
pH	Continuous	Continuous	Continuous	Continuous
Acidity	Discrete	Weekly	Weekly	Weekly
Conductivity	Continuous	Continuous	Continuous	Continuous
Total Suspended Solids	Discrete	Weekly	Weekly	Weekly
Turbidity	Continuous /discrete	Continuous	Continuous	Continuous
Hardness	Discrete	Weekly	Weekly	Weekly
Dissolved Organic Carbon	Discrete	Weekly	Weekly	Weekly
Dissolved Calcium	Discrete	Weekly	Weekly	Weekly
Dissolved Magnesium	Discrete	Weekly	Weekly	Weekly
Dissolved Iron	Discrete	Weekly	Weekly	Weekly
Dissolved Aluminium	Discrete	Weekly	Weekly	Weekly
Dissolved Arsenic	Discrete	Weekly	Weekly	Weekly



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Parameter	Sample Type	Sampling Programme and Frequency		
		Treatment Plant Discharge ² at MIW-D	Receiving Waters at W-M2	Receiving Waters at, V8-M1 ³ , C-M1, W-M3
Dissolved Manganese	Discrete	Weekly	Weekly	Weekly
Dissolved Nickel	Discrete	Weekly	Weekly	Weekly
Dissolved Zinc	Discrete	Weekly	Weekly	Weekly
Dissolved Cadmium	Discrete	Weekly	Weekly	Weekly
Dissolved Chromium	Discrete	Weekly	Weekly	Weekly
Dissolved Copper	Discrete	Weekly	Weekly	Weekly
Dissolved Lead	Discrete	Weekly	Weekly	Weekly

Notes to Table 4:

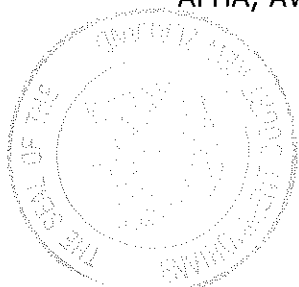
1 - Based on a daily flow integration;

2 - Based on a flow-proportional sample;

3 - until Brazil Block is mined.

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

257. The Consent Holder shall place a Sonde meter/recorder unit at W-M2 and C-M1 to monitor flow, pH, turbidity and conductivity on a continuous basis.
258. Notwithstanding Condition 256 (relating to the monitoring outlined in Table 4), monitoring at W-M3 may, at the discretion of the Consent Authority, cease when the site specific compliance limits have been set in relation to W-M2 in accordance with Conditions 266 to 268.
259. The Consent Holder shall maintain the existing flow recorder on Conglomerate Stream at C-M1 immediately upstream of its confluence with the Whareatea River until after mine closure, for the purpose of understanding the relationship between rainfall and runoff, and to compare pre-mining and post mining flows.
260. The Consent Holder shall continue to monitor rainfall at a similar altitude and location to the rainfall recorder established at Lake Brazil on the Denniston Plateau.
261. Any continuous monitoring equipment shall be calibrated at least monthly via discrete samples.
262. The collection and analysis of all samples collected in accordance with these conditions (excluding aquatic ecology monitoring) shall be undertaken using standard methods for the Examination of Water and Wastewater (21st Ed. 2005) APHA, AWWA and WEF, or equivalent or superseding methods.



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Compliance

263. Compliance shall be assessed on the basis of a 6 monthly seasonal monitoring periods (summer: 1 November to 30 April; winter: 1 May to 30 October). Comparison of monitoring data with the compliance limits listed in Table 3 shall be based on a percentile standards calculation for 24 discrete samples. The permitted exceedence of the median limits shall be no more than 15 samples for the monitoring period. The permitted exceedence of the 95th percentile limits shall not be more than 3 samples for the monitoring period, and any exceeding samples must not exceed the limit by more than 20%. Continuously monitored parameters (turbidity and pH) shall compare statistically-derived median and 95th percentile values, calculated from daily mean values for the compliance period, with the compliance limits listed in Table 3.

Advice note: A Percentile compliance standards calculation based on Table 13.2 from Bell et al (2002).

264. Summary statistics for all parameters and monitoring sites listed in Table 3 shall be reported with the seasonal compliance monitoring reports for site W-M2.

Aquatic Ecology Monitoring

265. The Consent Holder shall undertake aquatic ecology monitoring in accordance with the schedule specified in Table 5. The monitoring shall be designed and undertaken by an independent suitably qualified and experienced freshwater biologist generally in accordance with the following:

a) Periphyton/bryophyte cover on the streambed shall be monitored photographically and/or by using an adaptation of the RAM-2 method for determining percentage cover.

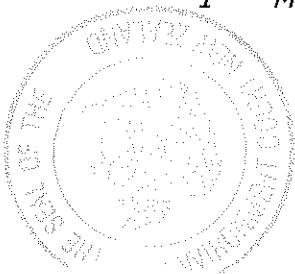
b) Macroinvertebrate monitoring shall involve the collection of at least a single sample from each site and record as many taxa as possible from a 10m reach of stream.

Table 5: Aquatic Ecology Monitoring Programme

Parameter	Type of Analysis	Frequency	Monitoring Sites
Benthic Macro-invertebrates Koura	Taxonomic composition and relative abundances including MCI, SQMCI, AMDI numbers of E, P, and T, and species richness. ¹	Twice Annually Koura - Annually.	W-M2, W-M3 and C-M1 Paired biomonitoring sites on the upper (within the EMP footprint) and lower (near Mt Rochfort Road), S Creek, and Trent Stream
Benthic Algae	RAM-2. ²		
Bryophytes	RAM-2 ³	Annually	

Notes to Table 5:

¹ MCI = Macro-invertebrate Community Index



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- E* Ephemeroptera (mayflies)
- P* Plecoptera (stoneflies)
- T* Trichoptera (caddisflies)
- 2 Monitoring of algae shall include photographs of the creek bed where appropriate. RAM-2 is Rapid Assessment Method 2 described by Biggs & Kilroy (2000)
- 3 Modified for bryophytes

Site Specific Criteria

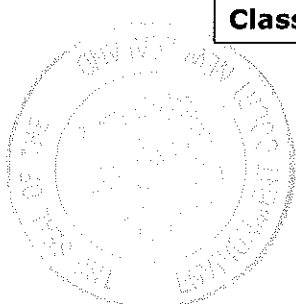
266. The Consent Holder shall develop site specific compliance limits for acidic brown-water in relation to the Whareatea catchment for pH, dissolved aluminium, and total metals mixture based on the predicted 95th percentile concentrations in Table 3. The programme required to develop such site specific values shall use local reference water and include:
- a) Investigations of the pH tolerance thresholds of the aquatic moss communities in brown-water streams;
 - b) Laboratory based toxicological studies using local organisms occurring in the Whareatea catchment on the Denniston Plateau, including macroinvertebrates and koura; and
 - c) Inclusion of sensitive benchmark species used for water quality guideline derivation (e.g. rainbow trout).
267. The information developed by the Consent Holder and any recommendations relating to compliance limits in Condition 268 shall be provided in a report to Consent Authority within one year of the date of first exercise of these consents. The Consent Authority may change the compliance limits in Table 3 on the basis of this report.
268. Any recommended changes to the compliance limits in Condition 255 shall be peer reviewed by an independent, suitably qualified and experienced water quality expert to verify the appropriateness of these recommended changes. All recommended changes verified to be appropriate, shall be implemented immediately after the Consent Holder has been notified in writing by the Consent Authority of the changed (new) compliance limits that the mine water discharges shall now meet.

Overburden Classification and ELF Management

269. The Consent Holder shall carry out geochemical sampling (or an equivalent technique) and analysis of the overburden to confirm the acid generating potential of rock types. Rock types shall be classified according to Table 7.

Table 7 Classification by Chemistry

Classification	Test Criteria
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Non-Acid (NAF)	Paste pH>4.5 and; NAG pH>4.5 and; NAPP acidity <0kg/t CaCO ₃
Low-Risk	Paste pH>4.5 and; NAG pH >4.5 NAPP acidity < 5kg/t CaCO ₃
Acid-Forming	Paste pH<4.5 NAG pH<4.5 NAPP acidity >2kg/t CaCO ₃

270. When material has been classified according to Table 7, it may be transferred to a disposal location (ELF) according to the criteria in Table 8.

Table 8: Disposal by Geochemical Classification

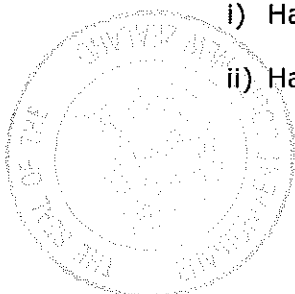
Material Destination or Zone	Material Description
Bulk overburden backfill	Any material. Preferably only acid-forming material to maximise volume management.
Final ELF capping material	NAF or separate into acid-forming material to maximise volume management
Lift capping	Low risk
Re-vegetation layer	Low-acid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

271. No overburden shall be removed or backfilled unless it has been classified and provision made for its acceptance at destination locations in accordance with Table 8 and the protocols outlined in the ELF Management section of the Mine and CPP Operations Management Plan.
272. Granite overburden shall not be placed in the ELF within the root zone of vegetation.

Engineering specifications

273. The Engineered Landform shall provide for:

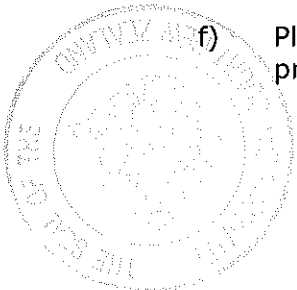
- a) The ELF low permeability layer (LPL) designed beneath areas of the cap sloping at less than 1v:5h shall:
 - i) Have a minimum thickness of 1m;
 - ii) Have a maximum hydraulic conductivity of 1×10^{-8} m/s



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- iii) Be capable of meeting criteria in 273a)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
 - b) The ELF LPL to be installed beneath areas of the cap with a slope at or exceeding 1v:5h shall:
 - i) Have a minimum thickness of 1 m;
 - ii) Have a maximum hydraulic conductivity of 1×10^{-7} m/s
 - iii) Be capable of meeting criteria in 273b)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;
 - c) 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 in 273c)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;
 - d) The consent holder may vary the final design of the ELF capping layers provided. ELF capping layers (including the LPL):
 - i) The downward seepage through the cap would be less than or equivalent to the seepage through the appropriate cap design set out in 273a), b) and c); and
 - ii) Prior approval has been obtained from the West Coast Regional Council;
274. Before commencing mining operations (or at such earlier date as might be determined by the Consent Holder), the Consent Holder shall commission a suitably qualified and experienced chartered engineer to prepare a design report for the construction of the ELF ("ELF Report"). The ELF Report shall include detail on:
- d) Foundation permeability beneath the proposed overburden placement areas with particular emphasis on, potential seepage and mitigation measures;
 - e) ELF proportions and dimensions including side and top slopes;
 - f) Placement of MIW WTP and SW WTP sludge in a containment cell or cells to prevent heavy metal release from the sludge as a result of AMD in the ELF.



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The cells shall be located near the top of the ELF and close to the MIW-WTP in a site where the cells are readily accessible for ongoing water treatment requirements until mine closure. Cells shall be within the dimensions 20 – 30 m x 20- 30 m so that rock boulders or similar material shall be placed over the cell to prevent vegetation from growing over the cells.

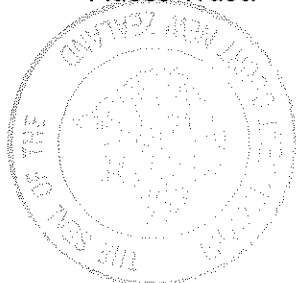
- g) Overburden placement procedures to enhance surface drainage and the construction of capping layers;
 - h) The seepage interception and drainage system; and
 - i) Monitoring and construction of the ELF and any leachate from it.
275. Activities shall not commence until the ELF Report required in Condition 273 has been certified by the Consent Authorities.
276. Should the Consent Authorities refuse to certify the ELF Report in accordance with Condition 275, the Consent Holder shall submit a revised ELF Report to the Consent Authorities for certification as soon as is practicable.
277. Evidence of the compliance with the designs and recommendations in the report required by Condition 273 shall be submitted to the Consent Authority in the form of a certificate from an independent suitably qualified and experienced chartered engineer:
- a) At the end of the construction phase;
 - b) Annually during mining; and
 - c) At mine closure.

Natural Hazards

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

Historic Heritage

279. The Consent Holder shall implement the requirements and measures set out in the Historic Heritage Management chapter of the Ecology and Heritage Management Plan required by Condition 63.
280. The Consent Holder shall install, at a suitable location, historic heritage interpretation panels with respect to the historic mines within the mine footprint. The panels shall be established as soon as possible following the granting of consents in consultation with Department of Conservation and New Zealand Historic Places Trust.



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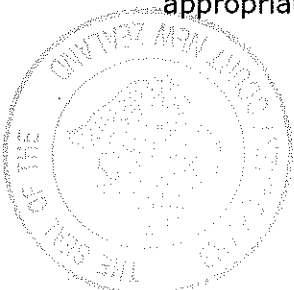
Consent Conditions

281. The Consent Holder shall ensure that all historic underground mines found during mining are recorded and mapped, where accessible and safe, as they are revealed by construction and mining activity.
282. The Consent Holder shall ensure that any loose artefacts and excavated material of historic heritage significance uncovered in the course of construction and mining activity is identified, reported and managed in accordance with the Accidental Discovery Protocol required as part of the Historic Heritage Management Plan.
283. All staff and contractors working on the project shall be made aware of the potential to locate isolated historic sites associated with mining, and the protocols to follow should this occur.

Amenity

Blasting

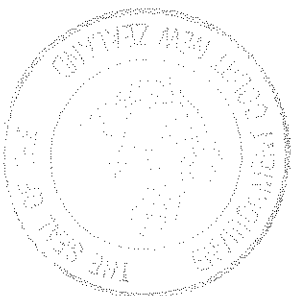
284. A programme of blasting times shall be notified publicly by way of notice erected at the road entrance to the mine area and at the Denniston Museum, and by public advertisement to local residents, the Department of Conservation and the Consent Authorities prior to any such blasting taking place and at regular intervals not exceeding twelve months thereafter. Denniston residents will be personally notified by hand delivered notice.
285. Blasting shall be restricted to the hours between half an hour after sunrise to half an hour before sunset.
286. The Consent Holder shall utilise controlled blasting techniques to limit damage to the edge of the southern escarpment (Cascade Valley) and prevent boulders falling off the edge. This would be managed via a geotechnical assessment prior to blast design.
287. Details of all blasts shall be entered into a record book kept for that purpose and shall be available to the Consent Authority on request.
288. During blasting the Consent Holder shall ensure that air blast overpressure conforms with the recommendations outlined in the Australian Standard AS2187.2-2006 "Explosives - Storage and Use"; whereby all noise created by the use of explosives measured at a notional boundary from any residence shall not exceed a peak overall sound pressure of 120dB linear peak for 95% of the time, with a maximum peak of 125 dB. For the purpose of this condition, the notional boundary shall be a point 20 metres from the most exposed facade of any private residence not owned by the Consent Holder.
289. During blasting the Consent Holder shall ensure that ground vibration limits conforms to the recommendations outlined in the Australian Standard AS2187.2-2006 "Explosives - Storage and Use"; whereby peak particle velocity does not exceed 10 millimetres per second, at any private residence not owned by the Consent Holder.
290. At the commencement of blasting, monitoring of representative blasts by an appropriately qualified and experienced person shall be undertaken to ensure



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compliance with Conditions 288 and 289 above. The monitoring results shall be reported to the Consent Authority within seven working days.



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Denniston Plateau Coal Processing and Transport Conditions

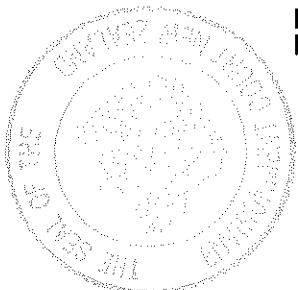
Soil Conservation and Sediment Control

291. The Consent Holder shall divert all clean surface water away from disturbed areas into tributaries of the Whareatea River.
292. During construction the Consent Holder shall adopt best practical options for stormwater management in accordance with the Construction and Earthworks Management section of the Mine and CPP Operations Management Plan and all erosion and sediment control measures shall be designed in accordance with ECan 2007 following adaption for rainfall conditions at Denniston Plateau. Where additional guidance is sought, reference shall be made to the TP90.
293. Disturbed areas shall be progressively stabilised as works progress.
294. There shall be no coal processing operations undertaken until such time as the Stormwater – Water Treatment System is constructed and operational.

Vegetation and Flora

Water Supply (Pump Station, Pipeline and Powerline)

295. The Consent Holder shall minimise disturbance of vegetation and soil. Measures to achieve this shall include:
 - a) Utilising Cedar Creek Road, Burnetts Face Road, and Coalbrookdale walkway on the true right bank of Burnetts Stream for installing and accessing the pipeline;
 - b) Placing the water pipeline on land already cleared within the Cedar Creek Road berm, where the berm is not required for vehicle access;
 - c) Minimising clearance width within the forest ascending onto the escarpment (from Coalbrookdale Historic Area) to only that required for the effective installation and maintenance of the pipeline;
 - d) Using rubber tracked excavators for installation and maintenance of the pipeline on the top of the Plateau (from the Coalbrookdale Historic Area);
 - e) Minimising soil disturbance in preparing the ground surface for water pipeline installation;
 - f) Disturbed surfaces shall be stabilised and kept weed free;
 - g) Where the water pipeline route is on steep slopes (greater than 1V:3H) using pipeline installation techniques that avoid earthworks and/or the importing of base materials;



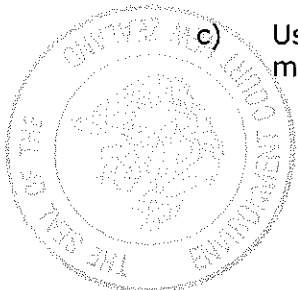
Escarpment Mine Project

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- h) Constructing platforms across gullies in preference to earthworks and vegetation clearance;
 - i) Selecting powerline pole sites on flat or gentle slopes and away from gullies and waterways;
 - j) Designing the powerline to minimise the need for initial vegetation clearance and subsequent maintenance underneath the powerline; and
 - k) Installation of the powerline poles using a helicopter if they would otherwise necessitate access tracking (e.g. installation on nearby high points).
296. The Consent Holder shall use locally sourced brunner coal measures rock (assessed as NAF) as base materials for any road or platform construction, to minimise the effects of raised soil pH and fertility that would alter vegetation growing conditions if other materials are used.
297. The Consent Holder shall avoid the red tussock wetland (approximately NZTM 1502391 5377229) and areas of well vegetated *Chionochloa juncea* grassland in preference for sparsely vegetated grassland or rock pavement. This area shall be clearly identified on the ground so that it remains undisturbed.
298. The Consent Holder shall explore options, including use of tracked vehicles, to avoid construction of the pipeline access track on sandstone pavement between Coalbrookdale Ridge and the Coal Processing Plant to avoid and mitigate effects on *Chionochloa juncea*.
299. The Consent Holder shall remove the freshwater pipeline and 33 kV powerline and rehabilitate sites in consultation with the Department of Conservation once this infrastructure is no longer required or upon expiry of consent whichever comes first.
300. The Gravel Borrow pit in the existing disturbed area located near the Waimangaroa Pump station [(NZTM) 1502538mE; 5377356mN] shall be contoured and re-vegetated (using VDT if source material is available from the EM) after pump station construction.

Coal Processing Plant Site and Freshwater Dam and Reservoir

301. The Consent Holder shall:
- a) Not commence work in the CPP and Freshwater Dam and Reservoir area until forest remnants and wetlands have been identified and mapped and pegged on the ground and Consent Holders Environmental Manager has certified this has occurred;
 - b) Avoid unnecessary disturbance of the forest remnants and wetland in the south section of the CPP facilities area and the Recycle Pond. Where disturbance is necessary, the disturbed vegetation shall be used to rehabilitate disturbed areas within the CPP site or for VDT offsite;
 - c) Use locally sourced brunner coal measures rock (assessed as NAF) for base materials for coal processing structures and facilities, to minimise the effects



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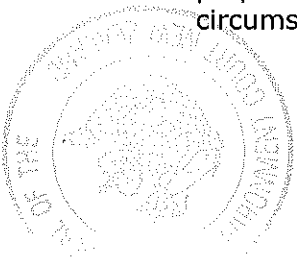
Consent Conditions

- of raised soil pH and fertility that would alter vegetation growing conditions if other materials are used;
- d) Direct transfer *Chionochloa juncea* grassland and manuka shrubland that is cleared from the CPP and freshwater dam and reservoir site to the Denniston BEA or to a suitable site within the ELF in the Mine Site;
 - e) Control dust generated from the coal haul road and CPP so as to avoid adverse effects on flora and fauna in adjacent land areas. This will require daily monitoring;
 - f) Survey for *Euphrasia wettsteiniana* and investigate the feasibility of transplanting this plant into parts of the wetland outside the CPP area, or elsewhere into nearby suitable habitat;
 - g) Minimise fire risk during dry periods from fuel storage, plant and vehicle operation and other site use by implementing appropriate maintenance and operational care measures;
 - h) Fires shall be banned on site and smoking restricted to areas that do not cause fire risk; and
 - i) Except as provided for by Condition 302, on de-commissioning of the CPP, the Consent Holder shall remove all plant and associated structures, and rehabilitate the site in accordance with the Concept Rehabilitation Strategy in Appendix 4a.
302. When the CPP is no longer required, the Consent Holder shall rehabilitate the Freshwater Reservoir and Recycle Pond using one of the following methods (either option could be used for either pond):
- a) Remove the pond and rehabilitate the site in accordance with Condition 323 and 324; or
 - b) Fill the pond with appropriate material, creating suitable drainage to manage erosion and revegetate the site using indigenous species propagated from the Denniston Plateau to achieve either a free draining scrub landscape or a wetland landscape.

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

303. The Consent Holder shall use locally sourced brunner coal measures rock (assessed as NAF) for base materials for the mine haul road to minimise the effects of raised soil pH and fertility that would alter vegetation growing conditions if other materials are used.
304. Culverts shall be installed and maintained flush with the bed level. The design, placement and operation of culverts must ensure that provision for koura passage is maintained.

Material from excavated cut slopes that is not used as fill shall be removed offsite and the road batters shall be compacted, hydroseeded, revegetated or otherwise prepared as a suitable receiving surface for vegetation direct transfer. In circumstances where hydro-seeding is used, this shall be a mix of native and low



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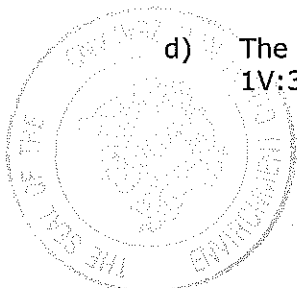
Consent Conditions

density exotic species. Hydro-seeding of exotic species shall only be applied where there is a significant risk of soil loss and/or sediment generation and where there is no other effective erosion control method available.

305. Fill batter slopes shall be stabilised to prevent spillage of rock/soil down the slope.
306. Mature shrub vegetation shall be utilised for VIT, VDT or replanting in preference to stockpiling.
307. During construction of the Coal Haul Road, the Consent Holder shall minimise the loss of natural vegetation including wetlands consistent with the following objectives:
- a) Minimising the width of the road and berm areas, including cut and fill slopes; and
 - b) Confining machinery and earth movement to the footprint of the road works.
308. The haul road shall be rehabilitated on completion of mining, by returning it to its present corridor and rehabilitating disturbed surfaces in preferential order as follows:
- a) Direct transfer of existing vegetation and substrates on Brunner coal measures to newly created surfaces
 - b) Relocate transplants salvaged from pre-strip blocks into freshly stripped mine soil to provide growing medium;
 - c) Use native species nursery seedlings to vegetate freshly stripped mine soil;
 - d) Hydro-seed steeper batters with colonising plants (based on mosses and lichens) and seeds of appropriate native species; and
 - e) Utilise woody vegetation material from VDT cut over as slash to protect soil from erosion.

Coal Transport Pipeline and 33kV Powerline

309. The Consent Holder shall minimise disturbance of vegetation and soil. Measures to achieve this shall include:
- a) Placing the coal transport pipeline on existing tracks;
 - b) Minimising soil disturbance in preparing the ground surface for coal transport pipeline installation;
 - c) Installation techniques that avoid earthworks and/or the importing of base materials where the coal transport pipeline route is on steep slopes (greater than 1V:3H including access to the KEL weir) or on areas where there is a high or very high risk of rainfall induced landslides;
 - d) The construction of coal transport pipeline route on steep slopes (greater than 1V:3H) or on areas where there is a high or very high risk of rainfall induced



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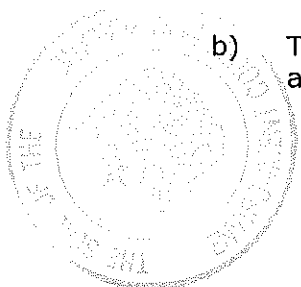
Consent Conditions

landslides shall be supervised by a geotechnical engineer who has been certified by the consent authority as being:

- i) Suitably qualified and experienced; and
 - ii) Independent;
- e) Minimising effects on low forest – tall manuka scrub vegetation by anchoring the coal transport pipeline to the underlying rock where it drops from the escarpment down to the Kawatiri Energy weir;
- f) Placing the dump ponds on modified areas, and avoiding riparian areas and steep slope;
- g) Selecting powerline pole sites on flat or gentle slopes and away from gullies and waterways;
- h) Designing the powerline to minimise the need for initial vegetation clearance and subsequent maintenance underneath the powerline; and
- i) Installation of the powerline poles using a helicopter if it would otherwise necessitate access tracking (e.g. installation on nearby high points).
310. The Consent Holder shall use locally sourced brunner coal measures rock (assessed as NAF) for base materials for the coal transport pipeline bedding, to minimise the effects of raised soil pH and fertility if other materials are used that would alter vegetation growing conditions.
311. The Consent Holder shall direct transfer any surplus natural vegetation (including manuka shrubland and *Chionochloa juncea*) with soil intact to nearby old vehicle tracks, to rehabilitate these.
312. The Consent Holder shall minimise fire risk from the electricity powerline use by including cut out systems to cut off power in the event of a line earthing or a lightning strike or earthquake.
313. The Consent Holder shall remove the coal transport pipeline and 33 kV powerline and rehabilitate sites once this infrastructure is no longer required. Rehabilitation shall be carried out in consultation with the Department of Conservation.

Fauna

314. The Consent Holder shall:
- a) Construct ramps or underpasses for kiwi and weka along the water supply and coal transport pipelines, to ensure these do not impose a barrier to these ground dwelling birds. The ramps or underpasses shall be located at a minimum of 50 metre intervals and shall be kept clear of windrowed materials. Trapping or baiting shall be undertaken at the ramp or underpasses to control predation on kiwis and weka at these points.
 - b) The underpasses will be monitored monthly for obstructions to ensure traps and baits are operational and to assess the effectiveness of the underpass or



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- ramp for the passage of juvenile kiwi. Monitoring shall be for the period of a year using an automated camera system.
- c) Construct the water supply and coal transport pipeline with sufficient ground clearance to enable *P. patrickensis* to cross from one side of the pipeline to the other.
 - d) Maintain a natural forest or scrub edge at the CPP area to provide habitat for Powelliphanta snails, lizards, weka and fernbird;
 - e) Provide protection for kiwi, weka and other birds from dogs (except certified kiwi dogs) in the CPP and Mine area by placing notice boards, signs and other publicity notifying that dogs shall not be in the area;
 - f) Reduce the potential for road kills on kiwi and weka by imposing a speed restriction of 40 kilometres per hour, establishing road signs, and appropriately inducting staff with regard to this issue;
 - g) Carry out pest and predator control along roads and other access ways to minimise any potential increases in pest animals in accordance with the Weeds and Animal Pests Management section of the Ecology and Heritage Management Plan in Condition 59;
 - h) Use modern noise-reduced equipment to reduce noise effects on fauna; and
 - i) Focus and shade outdoor lighting to minimise glare and distraction for birdlife.

Landscape and Natural Character

Water Supply (Pump Station, Pipeline and Powerline)

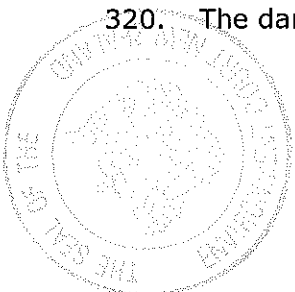
- 315. The Consent Holder shall paint the pump station in a colour that camouflages it within the existing vegetation.
- 316. Any steel pipe used in the freshwater supply pipeline shall be left to either weather naturally or painted with a colour that camouflages the pipe within the existing vegetation. Plastic pipes shall blend into the colour of the surrounding environment.

11kV Powerline

- 317. The Consent Holder shall utilise the existing Cedar Creek Road powerline poles from Denniston to the Freshwater Pump Site.
- 318. New powerline poles shall be made of timber and left to weather naturally.

Coal Processing Plant and Freshwater Reservoir

- 319. Vegetation shall be removed from the dam and reservoir formation area prior to construction and it shall be used for VIT, VDT or replanting in preference to stockpiling.
- 320. The dam downstream slope shall be moulded into the existing landform.



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321. The dam downstream slope coating material shall be of a material that is either indigenous to the site or of a compatible texture and colour to the surrounding areas.
322. The building/s shall be integrated into the surrounding landscape by the use of structure colours that match the surrounds.
323. The topography of the rehabilitated CPP and Freshwater Reservoir shall integrate with the surrounding existing topography.
324. The finished topography shall achieve an outcome generally in accordance with the Concept Rehabilitation Strategy in Appendix 4.

Coal Transport Pipeline and 33kV Powerline

325. Any steel pipe used in the coal transport pipeline shall be left to either weather naturally or painted with a colour that camouflages the pipe within the existing vegetation. Plastic pipes shall blend into the colour of the surrounding environment.
326. New powerline poles shall be made of timber and left to weather naturally.

Aquatic Ecosystems and Water Management

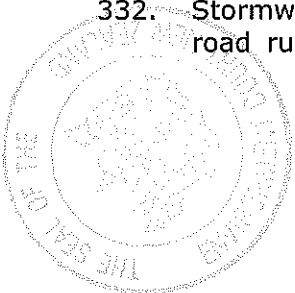
CPP, Coal Haul Road and Freshwater Reservoir Construction Stormwater

Construction Erosion and Sediment Control

327. The Consent Holder shall divert all clean surface water away from disturbed areas into tributaries of the Whareatea River.
328. During construction the Consent Holder shall adopt best practical options for stormwater management in accordance with the Construction and Earthworks Management section of the Mine and CPP Operations Management Plan and all erosion and sediment control measures shall be designed in accordance with ECan 2007 following adaption for rainfall conditions at Denniston Plateau. Where additional guidance is sought, reference shall be made to the TP90.
329. Disturbed areas shall be progressively stabilised as works progress.
330. There shall be no coal hauling operations undertaken until such time as the SW WTP is constructed and operational.

CPP and Mine Haul Road Operational Stormwater Management

331. During mining operations the Consent Holder shall adopt best practical options for stormwater management in accordance with the CPP Site Water Management section of the Mine and CPP Operations Plan and in accordance with TP10 following adaption for rainfall conditions at Denniston Plateau.
332. Stormwater overflow from the CPP Stormwater Recycle Pond and the mine haul road runoff shall be collected, and undergo treatment in the CPP and Mine Haul



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Road Surface Water Wastewater Treatment Plant and Settlement Pond (SW-WTP) prior to discharge to the Upper Whareatea River.

333. Disturbed areas shall be progressively stabilised as works progress.
334. The SW WTP dosing system shall be designed to treat at least 12,000 m³ per day.

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

Location

335. The discharge point of water and contaminants discharged from the SW- WTP into Whareatea River shall be located at or about MIW & SW-D, as shown on the Plan in Appendix 5.
336. The discharge outlet should be designed and constructed to avoid scour of the Whareatea Riverbed.

Compliance Limits

337. Except during stormwater bypass of the MIW-WTP, there shall be no SW-WTP discharge that causes or results in any of the following at W-M2 compliance monitoring point:
- a) Conspicuous oil or grease films, scums or foams, or floatable or suspended materials;
 - b) Conspicuous change in the colour or visual clarity;
 - c) Emission of objectionable odour; and
 - d) Significant adverse effects on aquatic life.
338. The SW-WTP discharge to Whareatea River shall meet the compliance limits listed in Table 3 at monitoring point W-M2.

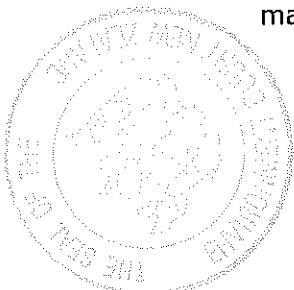
Freshwater Storage Pond Discharge to Whareatea River

Location

339. When the CPP Freshwater Storage Pond is full, storm flows shall be discharged to the Whareatea River at or about Grid Reference (NZMG) 2408796.2 E, 5937526.1 N (FW-D), as shown on the Plan in Appendix 5.

Compliance Limits

340. There shall be no Freshwater Storage Pond discharge that causes or results in any of the following at W-M2 compliance monitoring point:
- j) Conspicuous oil or grease films, scums or foams, or floatable or suspended materials;



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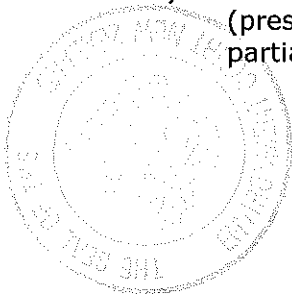
- k) Conspicuous change in the colour or visual clarity;
 - l) Emission of objectionable odour; and
 - m) Significant adverse effects on aquatic life.
341. The discharge to Whareatea River shall meet the compliance limits listed in Table 3 at monitoring point W-M2.

Waimangaroa Water Take

342. The maximum rate of water take from the Waimangaroa River shall not exceed 140 litres per second, with the intake located at or about Grid Reference (NZTM) 1503423mE 5377438mN. The water taken shall be stored in a Freshwater Storage Reservoir shown as WS 670 RL in Appendix 4 of the application dated 31 August 2010.
343. The rate of take shall be reduced on a pro rata basis when the flow immediately upstream of the point of take is less than 286 litres per second. The take shall cease when the flow immediately upstream of the point of takes is below 146 litres per second.

Water Take and River Flow Monitoring and Recording

344. Following the commencement of the taking of water from the Waimangaroa River the Consent Holder shall measure and keep records in an auditable format of:
- a) The Waimangaroa River water take which shall include the following:
 - i) Continuous flow measurements (litres per second);
 - ii) Total volume of take per day (specifying zero when no water is taken); and
 - b) Continuous Flow within the Waimangaroa River immediately upstream of the point of take.
345. To gather the data required by Condition 344, the Consent Holder shall use a water measure device or system that is:
- a) Compliant with the Resource Management (Measure and Reporting of Water Takes Regulations) 2010.
 - b) Suited to the quality of water it is measuring (e.g. its sediment content);
 - c) Sealed and tamper-proof;
 - d) Installed where water is taken or at an alternative location if approved in writing by the Consent Authority;
 - e) Accurate to within plus or minus five per cent for water taken by a full (pressurised) pipe, or plus or minus 10 per cent for takes by open channels or partially full pipes;



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- f) Verified as accurate by a person who is qualified (in the Consent Authority's opinion). Verification is required initially, and then every five years; and
- g) Able to provide data in a form suitable for electronic storage.

Reporting

- 346. The results of all monitoring data collected under Condition 344 shall be submitted to the Consent Authority on a monthly basis at the end of each month.
- 347. The Consent Holder shall provide annual records of the water take and Waimangaroa flow data in an interpretative report to the West Coast Regional Council as part of the Annual Monitoring Report outlined in Condition 115 above.

Wetland Management

- 348. When constructing the CPP, to minimise adverse effects on the wetland area immediately to the south of the CPP the Consent Holder shall:
 - a) Reinststate the wetland water supply lost through the development; and
 - b) Prevent sediment entering the wetland during construction of the coal haul road.

Historic Heritage

- 349. The Consent Holder shall implement the requirements and measures set out in the Historic Heritage Management section of the Ecology and Heritage Management Plan required by Condition 63.

Water Supply (Pump Station, Pipeline and Powerline)

- 350. Where it is not possible to avoid damaging the historic powerline, the position of the entire powerline shall be recorded and the source and destination of the power shall be established. The record shall be provided to the file keeper of the NZ Archaeological Association.
- 351. The water supply pipeline shall be confined to Cedar Creek Road corridor after it has crossed Burnett Stream (at the north end of Burnett's Face) and then be buried under the "Burnett's face hairpin" area and existing Cascade Mine road, until the Coalbrookdale road is reached.
- 352. The pipeline installation and operation shall avoid disturbance of L29/34 as identified in the Heritage Report in Volume 3 of the application submitted on 31 August 2010. L29/34 and other historic heritage sites close to the Coalbrookdale road shall be fenced off before construction (and removal) of the pipeline.

Coal Preparation Plant

- 353. The power poles located between the CPP and the Freshwater Storage Reservoir shall be recorded and where the power was coming from and going to shall be established prior to their removal. The Consent Holder shall provide records of the

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recovery, identification and distribution of these objects to the West Coast File keeper of the New Zealand Archaeological Association.

Widening of the Whareatea Mine Road and 11kV Powerline

354. The power poles located along the Whareatea Mine Road (an extension of the poles outlined in Condition 353) shall be recorded and where the power was coming from and going to shall be established prior to their removal. The Consent Holder shall provide records of the recovery, identification and distribution of these objects to the West Coast File keeper of the New Zealand Archaeological Association.
355. Whareatea Mine aerial ropeway foundations in close proximity to the coal haul road shall not be disturbed and shall be fenced off during the construction phase of the mine and associated facilities.
356. To avoid any accidental damage to the site, the Whareatea Mine Steps Entrance site will be fenced off during the construction of the road.
357. Interpretation panels about the history and significance of the Whareatea Mine Steps Entrance site and Whareatea monocable Aerial ropeway and Sullivan Mine shall be installed at a suitable location.

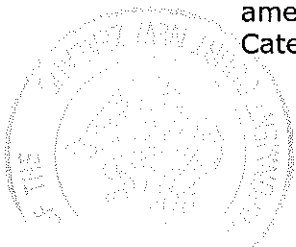
Coal transport Pipeline and 33kV Powerline

358. Construction and operation of the coal transport pipeline shall avoid disturbance of all historic heritage features of significance associated with the Sullivan Mine site, including the drill hole, building and metal bolts outlined Volume 3 of the application dated 31 August 2010.

Natural Hazards

CPP Freshwater and Recycle Water Storage Dams

359. The Freshwater Storage Dam shall be designed, constructed, operated, maintained and monitored to New Zealand Society on Large Dams (NZSOLD) "Dam Safety Guidelines, November 2000" appropriate impact category standards by a Category A Recognised Engineer. The design specification shall be supplied to the Consent Authority with the first Annual Work Plan prepared in accordance with Conditions 104 above to 111 above.
360. The CPP Recycle Water Storage Dam shall be designed, constructed, operated, maintained and monitored to New Zealand Society on Large Dams (NZSOLD) "Dam Safety Guidelines, November 2000" appropriate impact category standards by a Category A Recognised Engineer. The design specification shall be supplied to the Consent Authority with the first Annual Work Plan prepared in accordance with Conditions 104 to 111.
361. The Freshwater Storage Dam and the CPP Recycle Dam proposed as part of the mine development shall be classified in accordance with the Building Act 2004 and the companion Building (Dam Safety) Regulations 2008 (or any subsequent amendments to these) and that the dam classifications shall be audited by a Category A Recognised Engineer.



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362. The dam classification for the Freshwater Pond dam shall be reviewed following selection of the dam construction type and the classification review audited by a Category A Recognised Engineer.
363. The Consent Holder shall indemnify the New Zealand Transport Agency against the loss of, or damage to, the Whareatea River State Highway Bridge in the event that there is an uncontrolled release of the reservoir impounded by the CPP Freshwater Storage Dam.

River Crossings - Pipelines

364. Any pipeline crossing a river shall be designed to ensure:
- a) That no part of the pipeline impedes the flow of flood water or debris; and
 - b) It is installed and maintained so that it results in no flooding or erosion of the bed or banks of the river, and does not affect the stability of the riverbank.

Placement of Pipeline on Kawatiri Energy Limited Access Road

365. The Consent Holder shall not place the Coal Transport Pipeline on the Kawatiri Energy Limited access track until such time that the track has been confirmed to be stable by a geotechnical assessment, provided to the Consent Authority, or KEL have complied with the geotechnical requirements within Resource Consent RC03332/1.

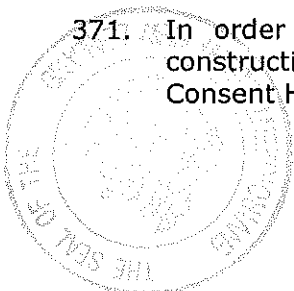
Coal Transportation Pipeline Dump Ponds

366. The dump ponds for the discharge of the contents of the coal transport system during emergencies or maintenance shall be designed so as to provide sufficient capacity for a minimum of 1.5 times the volume of the coal transport system water and coal that can drain into the dump ponds.
367. The dump ponds shall be managed to ensure the capacity outlined in Condition 366 is maintained at all times when the pond is not in use.
368. Following discharge into the dump ponds from the coal transport pipeline, all recoverable coal shall be removed from the ponds.
369. There shall be no discharge of water from the dump ponds directly to water.
370. The Consent Holder shall remove the dump ponds and shall rehabilitate the sites once this infrastructure is no longer required or upon expiry of consent whichever comes first.

Air Quality

Denniston Plateau Coal Processing and Transport Facilities - Construction

371. In order to avoid, remedy or mitigate adverse effects on air quality, during construction of the Denniston Plateau Coal Processing and Transport Facilities the Consent Holder shall:



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- a) Re-vegetate areas of exposed land as soon as practical and undertake weed control to prevent weeds establishing in revegetated areas; and
- b) Use water as a dust suppressant to keep un-vegetated land surfaces damp when required to avoid dust nuisance on neighbouring properties.

CPP Operation

372. In order to avoid, remedy or mitigate adverse effects on air quality, when the CPP site is operating the Consent Holder shall:
- a) Use water as a dust suppressant on road, stockpiles and yards area to avoid dust nuisance on neighbouring land;
 - b) Maintain internal roads and yard areas by regular removal of fine coal material; and
 - c) Maintain wind shields or covers on equipment that generates dust.

Compliance Limits

373. In the event that the Total Suspended Particulate (TSP) concentration from the CPP site exceeds 120µg/m³ (24 hour average) at the monitoring site selected in accordance with Condition 374, the consent holder shall immediately initiate dust suppression measures.

Monitoring

374. The Consent Holder shall continuously monitor and record TSP, wind speed, wind direction and rainfall at a site between the closest house and the proposed CPP site, in an area that is removed from trees and other structures. The TSP monitoring shall be undertaken using a nephelometer, or other instrument as agreed in writing by the Consent Authority's Consents & Compliance Manager. The monitoring gear shall be installed prior to construction of the facility.

Reporting

375. 24 hour average TSP concentrations shall be reported to the Consent Authority's Consents & Compliance Manager upon request, and an annual summary of TSP and meteorological results for the previous calendar year shall be forwarded to the Consent Authority as part of the Annual Monitoring Report prepared in accordance with Condition 115.

Lighting

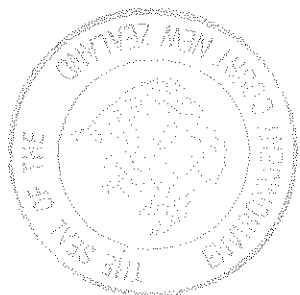
376. Any lighting of vehicular areas shall be designed in accordance with AS/NZS1158.3.1:2008.
377. Exterior lighting shall be designed in accordance with AS/NZS1680.2.4:1997 Industrial Tasks and Processes, and shall be managed to avoid adverse effects on birds.



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378. Exterior lighting shall be managed to ensure that no greater than 10 lux spill (horizontal or vertical) of light shall enter any adjoining property, measured at a height of 2.0 metres at the notional boundary of an adjoining dwelling (at a point 20 metres from the affected facade).



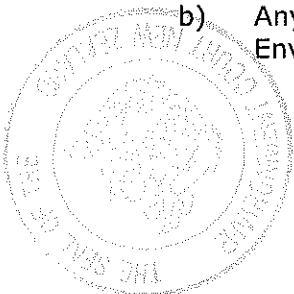
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Fairdown Coal Processing and Transport Conditions

Management Plans

379. Prior to undertaking any activity associated with the construction or operation of the Fairdown Coal Handling Facility, the Consent Holder shall provide to the Consent Authority for certification the following plans prepared in accordance with Conditions 387 to 392:
- a) Fairdown Water Management Plan;
 - b) Fairdown Air Quality Management Plan; and
 - c) Fairdown Noise Management Plan.
380. Construction activities associated with the Fairdown CHF shall not commence until the Management Plans required in Condition 379 have been certified by the Consent Authorities. If the Consent Authorities have not advised the Consent Holder in writing that they have certified a Management Plan required under Condition 379 within one month of receipt of the Management Plan, then the Consent Holder may commence activities in accordance with the Management Plan unless the Consent Authorities advises the Consent Holder that it refuses to certify the Management Plan on the grounds that it fails to meet one or more conditions of consent.
381. Prior to the first coal being stockpiled at the Fairdown CHF, the Consent Holder shall provide to the Consent Authority for certification a Fairdown Water Management Plan. Stockpiling shall not commence until the Management Plan has been certified. If the Consent Authority has not advised the Consent Holder in writing whether it has certified the Management Plan within one months of receipt of the Management Plan, then the Consent Holder may commence activities in accordance with the Management Plan.
382. Should the Consent Authorities refuse to certify a Management Plan in accordance with Conditions 380 or 381, the Consent Holder shall submit a revised Management Plan for certification to the Consent Authorities as soon as is practicable. If the Consent Authorities have not advised the Consent Holder in writing that they have certified the further amended Management Plan within 5 working days, then the Consent Holder may continue activities in accordance with the revised Management Plan.
383. Subject to any other conditions of these consents, all activities shall be undertaken in accordance with the latest version of the Management Plans.
384. The Plans shall be reviewed annually by the Consent Holder and may be amended accordingly to take into account:
- a) Any required actions identified as a result of monitoring under these consents; and
 - b) Any changes required as a result of actions identified in the Annual Environmental Monitoring Report.



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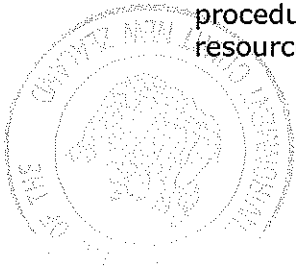
385. The Plans shall not be amended in a way that contravenes the matters set out for the respective Plans, in accordance with Conditions 387 to 392.
386. A copy of the latest version of the Plans shall be kept on site at all times and all key personnel shall be made aware of the contents of each Plan.

Fairdown Water Management Plan

387. A Fairdown Water Management Plan shall set out the practices and procedures, with respect to site operational stormwater, sewage and water discharges, to be adopted in order that compliance with the conditions under Resource Consent RC10193/13 can be achieved .
388. The Fairdown Water Management Plan shall, as a minimum, address the following matters:
- a) Post construction operation and maintenance of stormwater runoff control and sediment control facilities during the operation, including:
 - i) Cut-off drains, collections drains and sumps, treatment systems and discharge locations; and
 - ii) Procedures for cleaning settling ponds and disposal of sludge/sediment;
 - b) Water Treatment Plant Operations Manual detailing procedures for the operation and maintenance of the water treatment plant including:
 - i) Procedures for plant operation and maintenance;
 - ii) Solids disposal methods (including final destination);
 - iii) The discharge system into Deadmans Creek; and
 - iv) Training and supervision of treatment plant operators;
 - c) The operation and maintenance procedures for the on-site sewage treatment system;
 - d) A description of the process for monitoring performance including non-conformance reporting;
 - e) Training of operators and contractors; and
 - f) An organisation chart showing the positions responsible for plan implementation and including a brief summary of responsibilities relevant to the plan such that the provisions of the plan can be implemented at all times.

Fairdown Air Quality Management Plan

389. The Fairdown Air Quality Management Plan shall set out the practices and procedures, to be adopted in order that compliance with the conditions under resource consents RC10193/16 can be achieved.

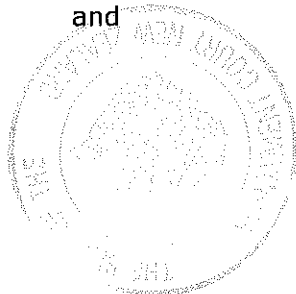


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390. The Fairdown Air Quality Management Plan shall address the following matters:

- a) Sources of dust and other discharges and their potential impacts;
- b) Techniques and methods which will be used to avoid or eliminate all of the site visible discharges to air and the programme for rehabilitation and revegetation of areas of the site in order to minimise dust emissions including:
 - i) How water will be applied to stockpiles and unsealed surfaces;
 - ii) How moisture levels in coal stockpiles will be monitored;
 - iii) What measures will be in place to control dust after hours;
 - iv) What measures will be used to control the potential for dust on the site access road;
 - v) How "dirty" aggregate will be disposed of in order to avoid generating nuisance dust;
- c) Precautionary measures that prevent unauthorised discharges or other adverse effects on air and how such events will be managed so as to prevent, minimise and remedy any adverse impacts on air quality;
- d) Details of the proposed air quality monitoring programme for the site including:
 - i) Details of the monitoring methodology;
 - ii) Location and number of sampling stations;
 - iii) Siting sampling stations to avoid erroneous results and vandalism;
 - iv) Collection of samples and undertaking analyses; and
 - v) Reporting and submitting results to the Consent Authority;
- e) Training of operators and contractors to help prevent and control dust emissions;
- f) Procedures to actively respond to any air quality complaints including reporting to the Consent Authority;
- g) Include arrangements for cleaning dwellings where residual coal dust has been deposited as required by Condition 428I).
- h) Identify specific responsibilities for dust control amongst onsite staff;
- i) Coal stockpile moisture target levels to ensure that moisture levels do not drop below the Dust Extinction Moisture (DEM) for the coal being processed; and



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- j) Identify sources of alternate equipment or service providers that can be called upon in the event that onsite equipment or systems fail.

Fairdown Noise Management Plan

391. The Fairdown Noise Management Plan shall identify all noise sources; demonstrate the proposed noise controls to be implemented and how the noise will be controlled so as to achieve compliance with the noise limits specified in the consent; and demonstrate how the requirements of Section 16 of the Act, to adopt the best practicable option to minimise any noise, will be satisfied.
392. The Fairdown Noise Management Plan shall address the following matters:
 - a) Identify activities that have the potential to generate noise;
 - b) Outline the noise management measures to ensure noise limits specified in Conditions 419 to 426 are achieved and Section 16 of the Act is satisfied;
 - c) Provide details of relevant vehicle or plant specifications and vehicle maintenance requirements to avoid excessive noise emissions, including details as to speed restriction locations to minimise noise;
 - d) Contingency measures, in the event that noise limits are exceeded;
 - e) Details as to noise monitoring and reporting requirements; and
 - f) Methods of handling noise complaints.

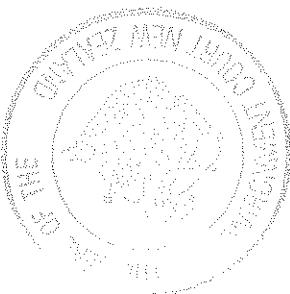
Site Specifications

Coal Transport Pipeline Maintenance and Emergency Discharge

393. The minimum capacity of the emergency dump pond for the controlled discharge of the contents of the coal transport system during emergencies shall be designed so as to provide sufficient capacity for a minimum of 1.5 times the volume of the entire contents of the coal transport system (including coal and water) to be contained in the emergency dump pond.
394. Following discharge into the emergency dump pond from the coal transport pipeline, all recoverable coal shall be removed from the pond.

Access

395. The vehicle crossing and access road intersection shall be designed and constructed to the approval of the Buller District Council's Management of Operations and be in accordance with NZS4404: 2010
396. The internal vehicle access road between Powerhouse Road and the Water Treatment Plant shall be sealed prior to the first coal being stockpiled.



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Water Management

Construction Stormwater Management

397. The Consent Holder shall undertake the construction activities in accordance with the provisions of the Construction and Earthworks Management chapters of the Mine and the CPP Operations Management Plans prepared in accordance with Condition 69. The Consent Holder shall adopt best practical options for stormwater management in accordance with the Construction and Earthworks Management chapters of the Mine and the CPP Operations Management Plans and all erosion and sediment control measures should be designed in general accordance with ECan 2007 following adaption for rainfall conditions at Denniston Plateau. Where additional guidance is sought, reference shall be made to the ARC 1999.
398. The Consent Holder shall ensure that untreated sediment discharges to natural water from the exercise of these consents are avoided and that silt control measures, as outlined in the Construction and Earthworks Management chapters of the Mine and the CPP Operations Management Plans prepared in accordance with Condition 69, are in place prior to the exercise of these consents.
399. The Consent Holder shall be responsible for the structural integrity and maintenance of all works associated with construction on the site, and for any erosion control and energy dissipation works, which become necessary as a consequence of the exercise of this consent.

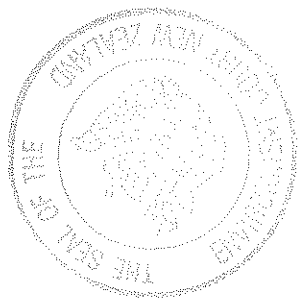
Operational Stormwater Management

400. Stormwater runoff from the site shall be managed to ensure that:
- The discharge does not cause erosion, siltation, sedimentation or ponding beyond the boundary of the subject property;
 - There is no untreated discharge to Deadmans Creek;
 - The discharge does not contain any hazardous substances or wastes; and
 - The discharge does not contain human effluent.

Advice note: This does not apply to stormwater collected from a roof.

Sewage

401. All sewage shall be treated in a sewage treatment facility prior to discharging the effluent to a land disposal area within the property, designed, maintained and operated in accordance with the standards outlined in AS/NZS 1547:2000 "On-site domestic-wastewater management".



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Consent Conditions
Aquatic Ecosystems

Deadmans Creek Discharge

Location

402. The discharge point of water and contaminants discharged from the Fairdown Water Treatment Plant into Deadmans Creek shall be located at or about D-D as shown on the Plan in Appendix 6.

Discharge Rate

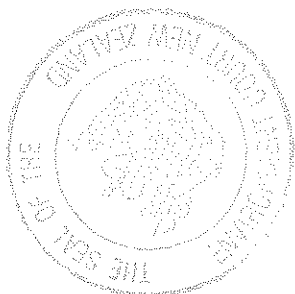
403. The discharge rate of water and contaminants discharged from the Fairdown Water Treatment Plant into Deadmans Creek shall not exceed an average of 125 litres per second over a 24 hour period.

Compliance Limits

404. There shall be no discharge into Deadmans Creek that causes or results in any of the following at the D-M2 compliance monitoring point:
- a) Conspicuous oil or grease films, scums or foams, or floatable or suspended materials;
 - b) Conspicuous change in the colour or visual clarity;
 - c) Emission of objectionable odour;
 - d) Rendering of river water unsuitable for consumption by farm animals;
 - e) Significant increase in bed cover of nuisance algal growth; and
 - f) Significant adverse effects on aquatic life.
405. The discharge to Deadmans Creek shall meet the compliance limits listed in Table 9, as recorded by the difference between a point on Deadmans Creek immediately upstream of the discharge (D-M1) and the D-M2 compliance monitoring point.

Table 9: Receiving Waters Compliance Limits (difference allowed between sampling at D-M1 immediately upstream of the discharge location and at monitoring Site D-M2)*

Parameter	Compliance Limits
	Maximum Limit
Temperature	3°C
pH	6.0 – 7.5
Dissolved Oxygen	Not less than 8.5 mg/L
Nitrate	No greater than 100 µg/L



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Total Suspended Solids	No greater than 10 mg/L
Turbidity	No greater than 10 NTU
Colour	No greater than 100 Hazen units

Note to Table 9:

The standards have been developed to ensure that the treated discharge meets Class AE (being water managed for aquatic ecosystems after reasonable mixing).

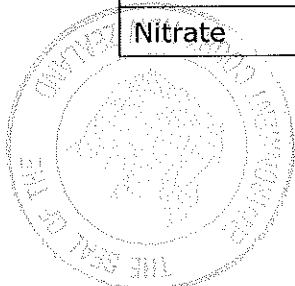
* Apart from pH, the compliance limits refer to the difference in water quality between upstream and downstream of the discharge, i.e. between sites D-M1 and D-M2

Monitoring

406. Following the commencement of discharges to Deadmans Creek the Consent Holder shall undertake a water quality monitoring programme of the Fairdown Water Treatment Plant discharges and receiving water in accordance with Table 10.
407. Continuous monitoring shall be calibrated at least monthly via discrete samples.

Table 10: Discharge and Receiving Water Monitoring Schedule

Parameter	Sample Type	Sampling Programme and Frequency	
		Treatment Plant Discharge ¹	Receiving Waters immediately upstream (D-M1) of discharge and at D-M2*
Volume	Total (m ³)	Continuous	--
Rate of Discharge	Rate (L/s)	Continuous	--
Deadmans Creek Flow Rate	Rate(L/s)	--	Continuous
Temperature			Continuous
pH	Continuous	Continuous	--
Conductivity	Continuous	Continuous	--
Dissolved Oxygen			Weekly
Total Suspended Solids	Discrete	Daily	Weekly
Turbidity/clarity	Discrete	Daily	Weekly
Colour		Weekly	Weekly
Total Hardness	Discrete	Daily	Weekly
Nitrate	Discrete	Weekly	Weekly



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Iron**	Discrete	Weekly	Weekly
Aluminium**	Discrete	Weekly	Weekly

Notes to Table 10:

1. *Weekly samples: Where practicable, samples shall be collected every eight days (this is to ensure samples are not collected on the same day every week).*

* *After 6 months, the Consent Authority may authorise the frequency of monitoring to decrease to no less frequently than monthly if results show continual compliance with conditions.*

** *Acid Soluble element concentration (All metals in solution after subjecting an unfiltered sample to acid extraction – i.e., a pH of 1.65 to 1.85 for 18 hours).*

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

Aquatic Ecology Monitoring

409. Following the commencement of discharges to Deadmans Creek the Consent Holder shall undertake aquatic ecology monitoring in accordance with the schedule specified in Table 11. The monitoring shall be designed and undertaken by an independent suitably qualified and experienced freshwater biologist.

Table 11: Aquatic Ecology Monitoring Programme

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

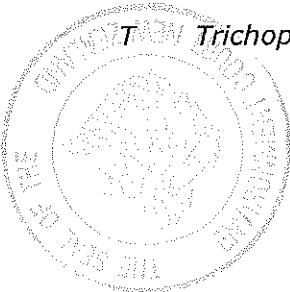
Notes to Table 11:

1 MCI = Macro-invertebrate Community Index

E Ephemeroptera (mayflies)

P Plecoptera (stoneflies)

Trichoptera (caddisflies)



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- 2 *Monitoring of algae shall include photographs of the creek bed where appropriate.*
- 3 *Qualitative survey only*

Groundwater Monitoring

410. Following the commencement of any activity associated with the construction or operation of the Fairdown CHF, the Consent Holder shall carry out groundwater indicator monitoring at two sites, located upstream and downstream of the stockpile facility to measure water levels, and water chemistry in accordance with Table 12.

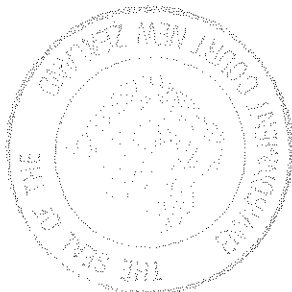
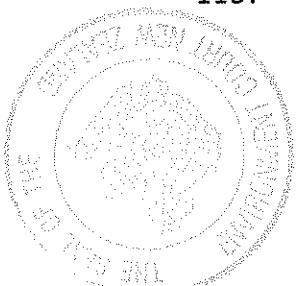


Table 12: Groundwater Monitoring Regime

Parameters	Units	Frequency
Water level	m	Quarterly
Conductivity	µS/cm	Quarterly
Nitrate	g/m ³	Quarterly
Sulphate	g/m ³	Quarterly
pH		Quarterly
Total suspended solids	g/m ³	Quarterly
Aluminium	g/m ³	Quarterly
Iron	g/m ³	Quarterly

Reporting

411. The results of the monitoring in Conditions 406 to 410 shall be submitted to the Consent Authority within one week of the results being available to the Consent Holder.
412. In the event of any breach of compliance with Condition 405 the Consent Holder shall notify the Consent Authority within 48 hours of the breach being detected.
413. In the event of any breach of compliance with Condition 405 the Consent Holder shall provide an interim monitoring report to the Consent Authority within 30 days of the sampling which shall also be included in the Annual Monitoring Report (Condition 115). The interim monitoring report shall address the following:
- a) The nature of the discharge and the sensitivity of the receiving environment to the discharge;
 - b) An assessment of actual or potential effects on the receiving environment based on the monitoring information available;
 - c) Any possible alternative methods of discharge;
 - d) Requirements as to if, or when, mitigation measures shall be undertaken to prevent or reduce the actual or potential effect; and
 - e) Make recommendations on alterations or additions to the monitoring programme.
414. Following the undertaking any activity associated with the construction or operation of the Fairdown CHF, the Consent Holder shall include the following information in the Annual Monitoring Report required to be submitted in accordance with Condition 115:



Escarpment Mine Project

Consent Conditions

- a) An outline of environmental trends since the granting of the consent;
- b) A comparison of the results obtained with those of previous years with respect to short and long-term trends;
- c) Any operational difficulties with treatment facilities and the measures adopted to rectify problems;
- d) Any difficulties in compliance, and breaches thereof, with the conditions of the consent;
- e) Any maintenance works needed, proposed or undertaken to ensure compliance with the consent conditions or to facilitate operations;
- f) Any modifications to more effectively control the quality of the discharge;
- g) A summary of any complaints received and the mitigation measures adopted; and
- h) Make recommendations on alterations or additions to the monitoring programmes.

Landscape and Natural Character

415. As soon as practicable following the commencement of construction of the Fairdown CHF, an earth bund, with a minimum height of four metres shall be constructed at or about the location shown in Appendix 7.
416. The bunded area referred to in Condition 415 shall be planted (closely on top at not more than 3 metre intervals) in its entirety with vegetation that provides a visual barrier between the coal stockpile and neighbouring properties and as a minimum shall ensure the following:
 - a) A vegetation height of at least 10 metre at maturity to screen the proposed conveyor structures and coal stockpiles;
 - b) Planting of fast growing species to minimise the time delay to achieve the desired height; and
 - c) Planting a range of species to maximise resistance to wind loss and to avoid the appearance of a monoculture.
 - d) Plantings on top of the bund shall be not less than 2.0 metres in height.
417. The Consent Holder shall begin the landscaping required in Condition 416 prior to the first coal being stockpiled, and shall complete the landscaping within the first planting season following commencement of construction of the stockpile base.
418. The Consent Holder shall maintain all landscaped areas for the duration that the Fairdown facility is in operation. Maintenance shall include management of planted areas and replacement of any dead species. Plants shall be maintained so that within eight years screening of the coal stockpile is achieved.

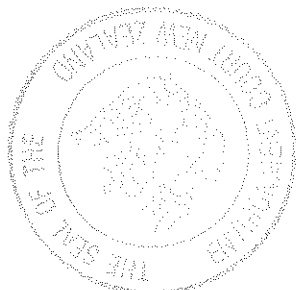


Escarpment Mine Project

Consent Conditions

Noise

419. Prior to commencing construction of the Fairdown CHF Consent Holder shall implement the requirements and measures set out in the Fairdown Noise Management Plan required by Condition 391.
420. Construction activities shall be conducted in accordance with the requirements of NZS 6803:1999 "Acoustics – Construction Noise" and shall comply with the limits for construction noise set out in Table 2 of that Standard.
421. All equipment and machinery shall be regularly maintained to ensure noise levels are as low as reasonably attainable, but at no time shall they exceed the levels permitted by the consent.
422. No vehicle reversing alarms with special audible character as assessed under NZS6802:2008 "Acoustics – Environmental noise", shall be used on site.
423. The site shall be designed and managed to ensure the following noise levels are complied with as measured at the boundary of any land used for a residential activity:
- | | |
|---|---------------------------------------|
| Monday to Friday – 8:00am to 11:00pm | 55dBA L_{eq} |
| Saturday – 8:00am to 6:00pm | 55dBA L_{eq} |
| At all other times including any public holiday | 45dBA L_{eq} and
75dBA L_{max} |
424. Within one month of commissioning the coal stockpile the noise from the site shall be monitored by a suitably qualified and experienced person and the results provided to the Consent Authority within ten working days of undertaking the monitoring. The monitoring shall be representative of the varying noise levels emanating from the different site activities to demonstrate that the site complies with the noise levels specified in Condition 423. This monitoring shall be referred to as the Commissioning Noise Survey. On the first anniversary of the Commissioning Noise Survey a further noise compliance assessment shall be performed and the results reported to the Consent Authority.
425. Sound levels shall be measured in accordance with New Zealand Standard 6801: 2008 "Measurement of Environmental Sound" and assessed in accordance with the provisions of New Zealand Standard 6802: 2008 "Acoustics – Environmental Noise".
426. Additional noise monitoring shall be conducted at any time upon a reasonable request from the Consent Authority Where any non-compliance is recorded, the Consent Authority is to be advised within one working day and advised on what remedial steps will be taken and when they will be completed. Once the remedial work has been completed, noise shall be monitored and the results reported to the Consent Authority within 10 days.



Escarpment Mine Project

Consent Conditions

Air Quality

Construction

427. In order to avoid, remedy or mitigate adverse effects on air quality, during construction of the Fairdown CHF the Consent Holder shall:
- a) Re-vegetate or stabilise areas of exposed land including the bunds ;
 - b) Use water as a dust suppressant to keep un-vegetated land surfaces damp when required to avoid dust nuisance on neighbouring properties; and
 - c) Use clean aggregates to surface the yard.

Operation

428. In order to avoid, remedy or mitigate adverse effects on air quality, when the Fairdown CHF site is operating the Consent Holder shall:
- a) Use water as a dust suppressant on road and yards area, to avoid dust nuisance on neighbouring properties;
 - b) Maintain internal roads and yard areas by regular removal of fine coal material;
 - c) Cover transfer points on the yard conveyor to contain dust;
 - d) Maintain wind shields or covers on the elevated stacker;
 - e) Fit conveyors with belt scrapers to minimise the amount of coal dropping from return belts;
 - f) Regularly remove coal deposits under the conveyors and at the wagon loading areas;
 - g) Implement appropriate methods to minimise dust generated by the loading of coal from the stockpile;
 - h) Enforce a speed limit on all unsealed surfaces of 15 kilometres per hour;
 - i) Install a truck wheel wash to prevent carryover of coal dust onto the site access road;
 - j) Use water as a dust suppressant on the coal stockpiles, when necessary to avoid dust nuisance on neighbouring properties;
 - k) Dispose of dirty aggregates from the yard in a manner which minimises the potential for nuisance on neighbouring properties; and
 - l) Respond to complaints of residual coal dust deposits, and when confirmed by an enforcement officer, clean the affected parts of dwellings. Cleaning may be required following normal or extreme weather conditions and shall include building interiors, exteriors and roofs together with interiors of water tanks



Escarpment Mine Project

Consent Conditions

and replacement of potable water, where coal dust deposition is directly attributable to migratory coal dust from the Fairdown Coal Handling Facility.

Compliance Limits

429. The Consent Holder shall ensure that the concentration of TSP measured in accordance with Condition 431 does not exceed 120µg/m³ (24 hour average) as a result of activities undertaken on the Consent Holders site.
430. Notwithstanding Condition 429, if 1 hour average concentrations of TSP, measured in accordance with Condition 431, exceeds 230µg/m³ the Consent Holder shall immediately initiate dust suppression measures at the stockpiles

Monitoring

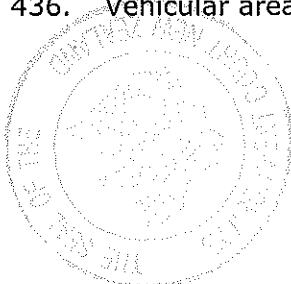
431. Once operations at the Fairdown CHF have commenced, the Consent Holder shall continuously monitor and record TSP, wind speed, wind direction and rainfall at two locations. These locations shall be:
- a) A site between the closest house to the north east and the proposed site in an area that is removed from trees and other structures; and
 - b) A location on the boundary of the site closest to the south east of the site and in close proximity to the adjoining boundary of the Sunnex and Hume properties, that is removed from trees and other structures.
432. The TSP monitoring shall be undertaken using a nephelometer, or other instrument as agreed in writing by the Consent Authority's Consents & Compliance Manager. The monitoring gear shall be installed prior to operation of the facility.
433. The Consent Holder shall monitor coal stockpile moisture levels on a weekly basis to ensure that the moisture levels are at all times maintained above the DEM level for the coal being processed.
434. If the TSP compliance limit imposed by Condition 429 is exceeded more than five times in any 12 month period, at the discretion of the Consent Authority, the Consent Holder shall also undertake monitoring of PM10 at the same real time monitoring locations until otherwise advised in writing by the Consents & Compliance Manager of the Consent Authority that it may cease such monitoring.

Reporting

435. Following commencement of operations at the Fairdown CHF 24 hour average TSP concentrations shall be reported to the Consent Authority's Consents & Compliance Manager upon request, and an annual summary of TSP and meteorological results for the previous calendar year shall be forwarded to the Consent Authority as part of the Annual Monitoring Report prepared in accordance with Condition 115.

Lighting

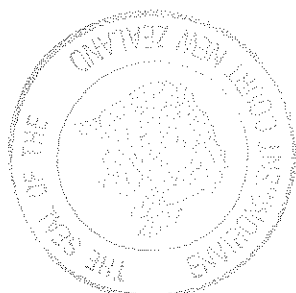
436. Vehicular areas shall be designed in accordance with AS/NZS1158.3.1:2008.



Escarpment Mine Project

Consent Conditions

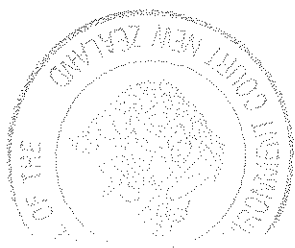
437. Exterior lighting shall be designed in accordance with AS/NZS1680.2.4:1997 Industrial tasks and processes.
438. Exterior lighting shall be managed to ensure that no greater than 10 lux spill (horizontal or vertical) of light shall enter any adjoining property, measured at a height of 2.0 metres at the boundary with an adjoining site.
439. The light sources within the bunded area shall be ultimately screened from the surroundings by vegetation planting on the bunds.



Appendices

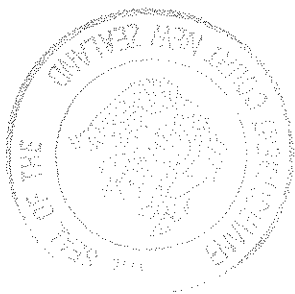
This report contains the following appendices.

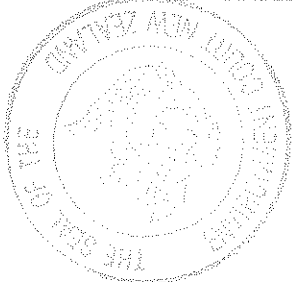
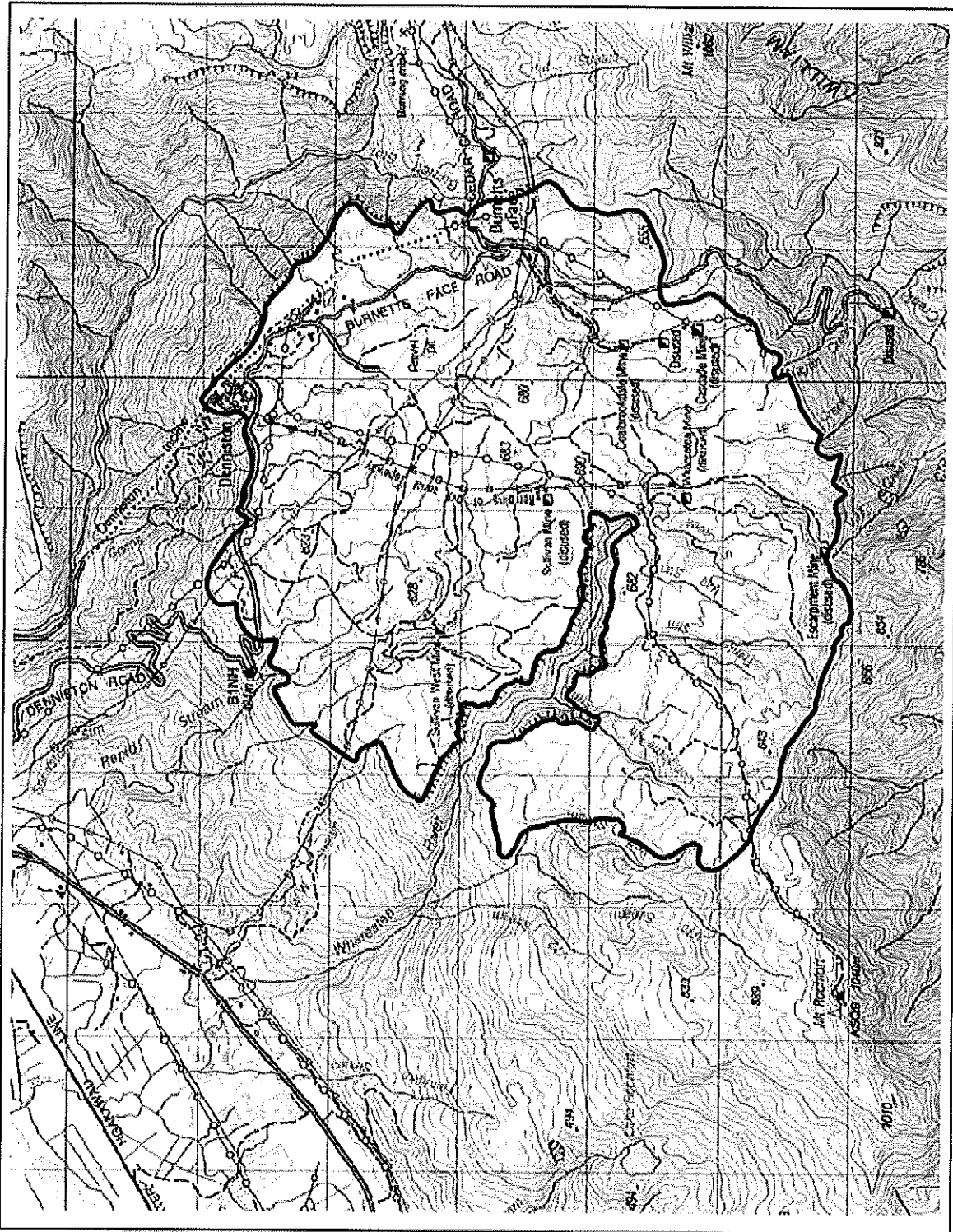
Number	Title
1	Denniston Plateau
2	Escarpment Mine Site
3	Denniston and Heaphy BEA
3A	Denniston Permanent Protection Area outline
4	Concept Rehabilitation
5	Whareatea River Discharge, Monitoring and Compliance Locations
6	Deadmans Creek Discharge, Monitoring and Compliance Locations
7	Fairdown Bund Design
8	Schedule of Hold Points



APPENDIX 1

Denniston Plateau





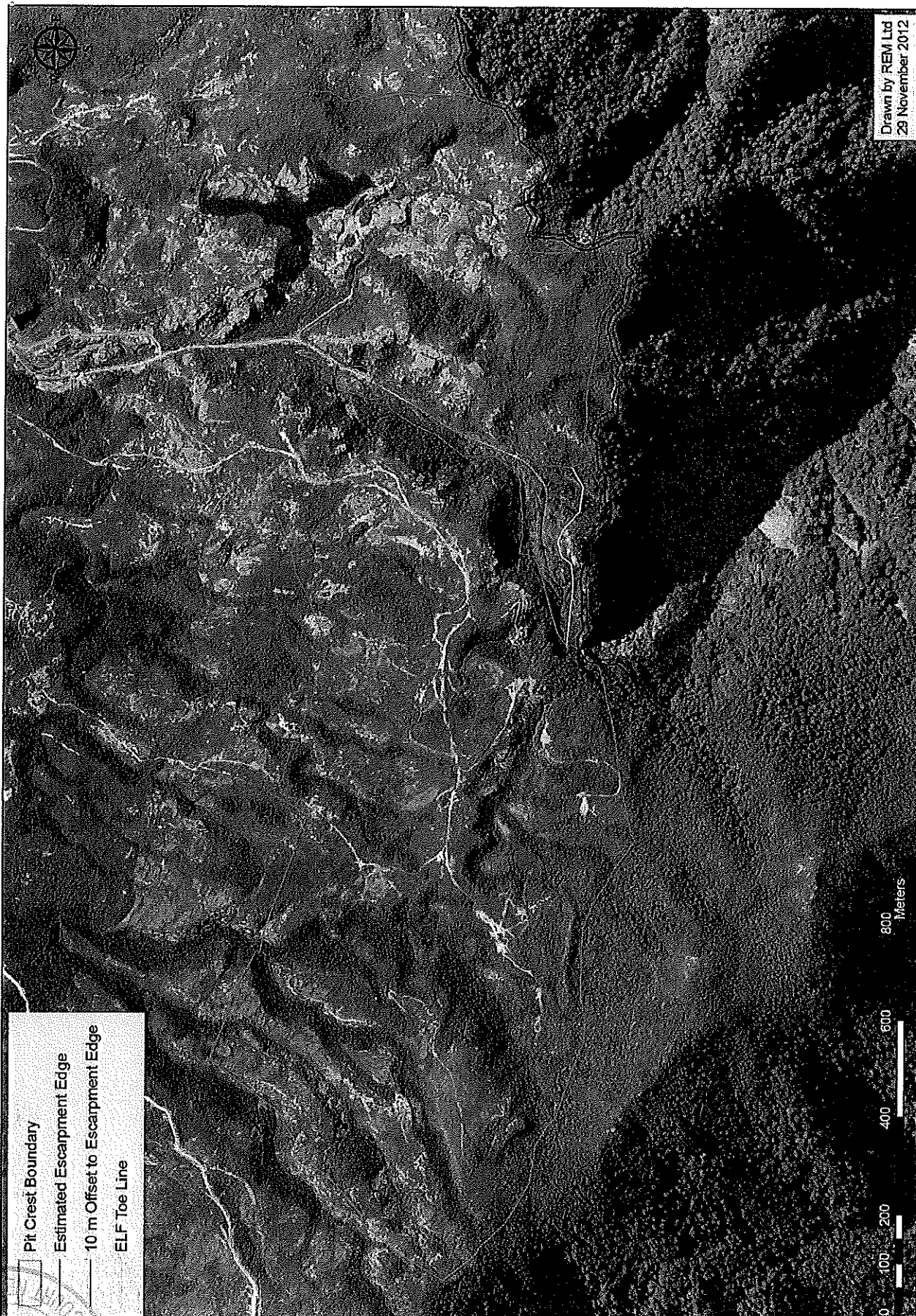
Note: Grid spacing 1000 m. Base map from 1:50,000 scale topographic mapping in the MapToaster software package.

APPENDIX 2

Escarpment Mine Site

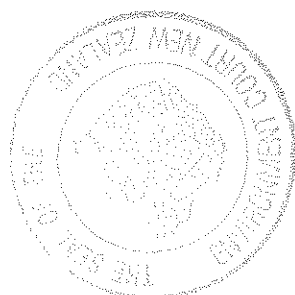


Consent Conditions



APPENDIX 3

Denniston and Heaphy BEA



Escarpment Mine Project

Consent Conditions

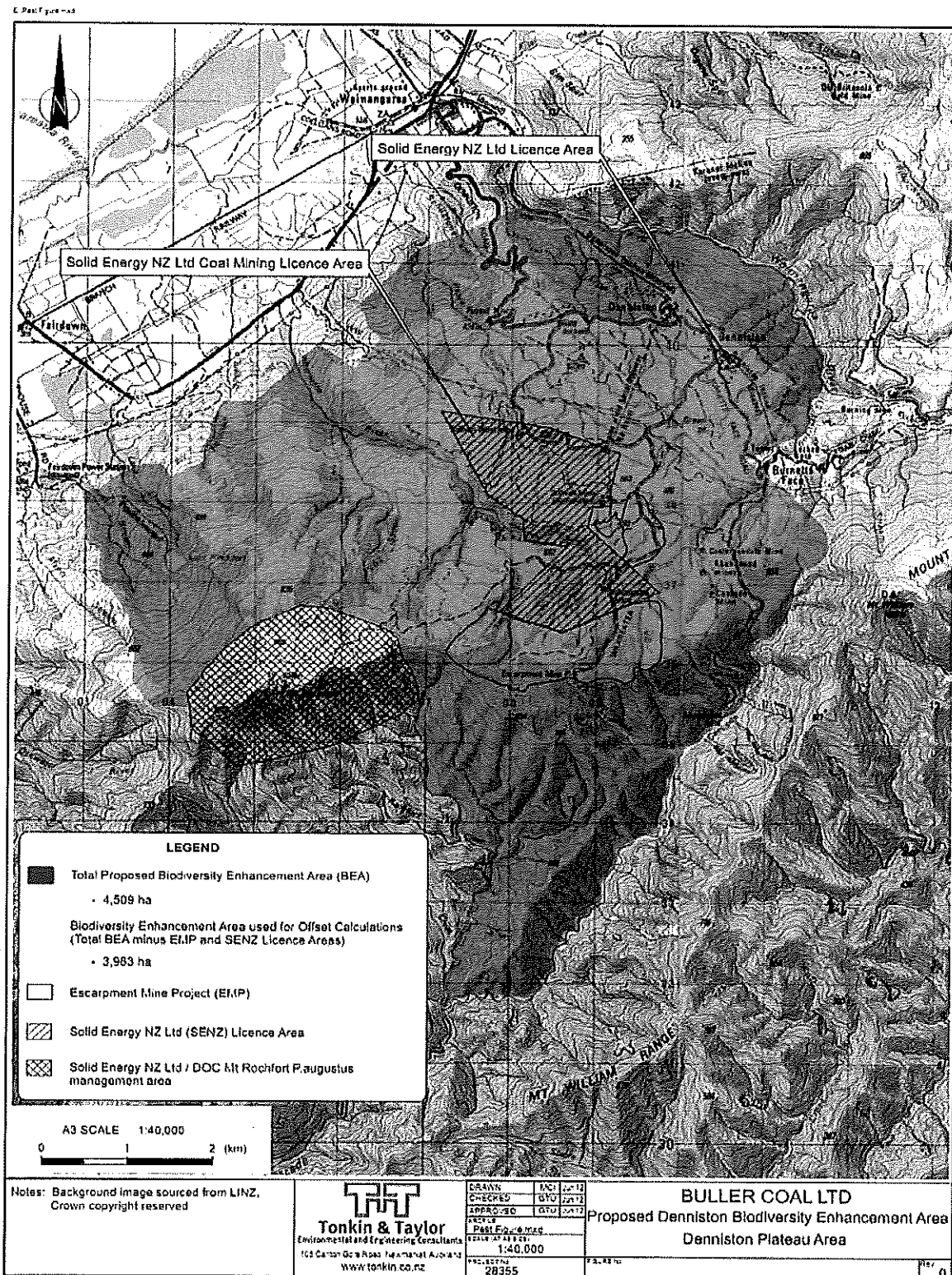
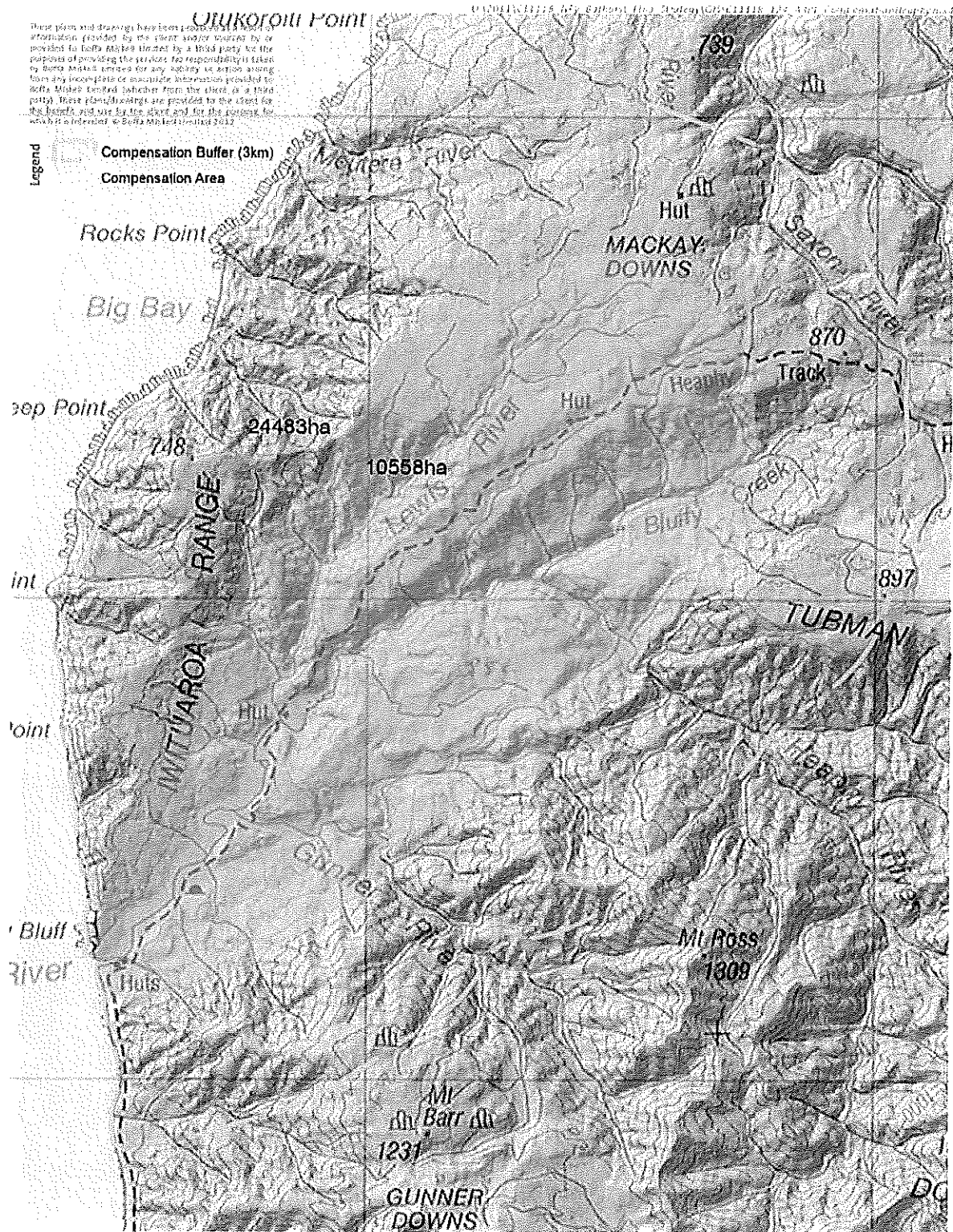


Figure 1 - Denniston Biodiversity Enhancement Area



Consent Conditions

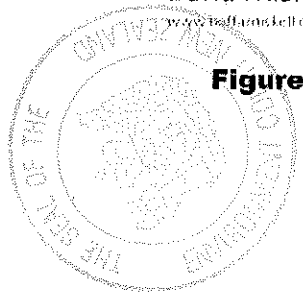


Boffa Miskell
 www.boffamiskell.co.nz

Projection: NZTM
 Data Sources: Sourced from Topographic Map Series 262.
 Consent Copyright Reserved

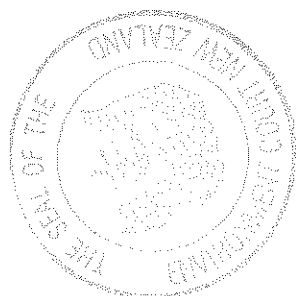
BULLER COAL
 Heaphy Compensation Area
 Date: 18th June 2012 | Revision: 0
 Plan Prepared for Buller Coal by Boffa Miskell Limited
 Author: brian.mcAuslan@boffamiskell.co.nz

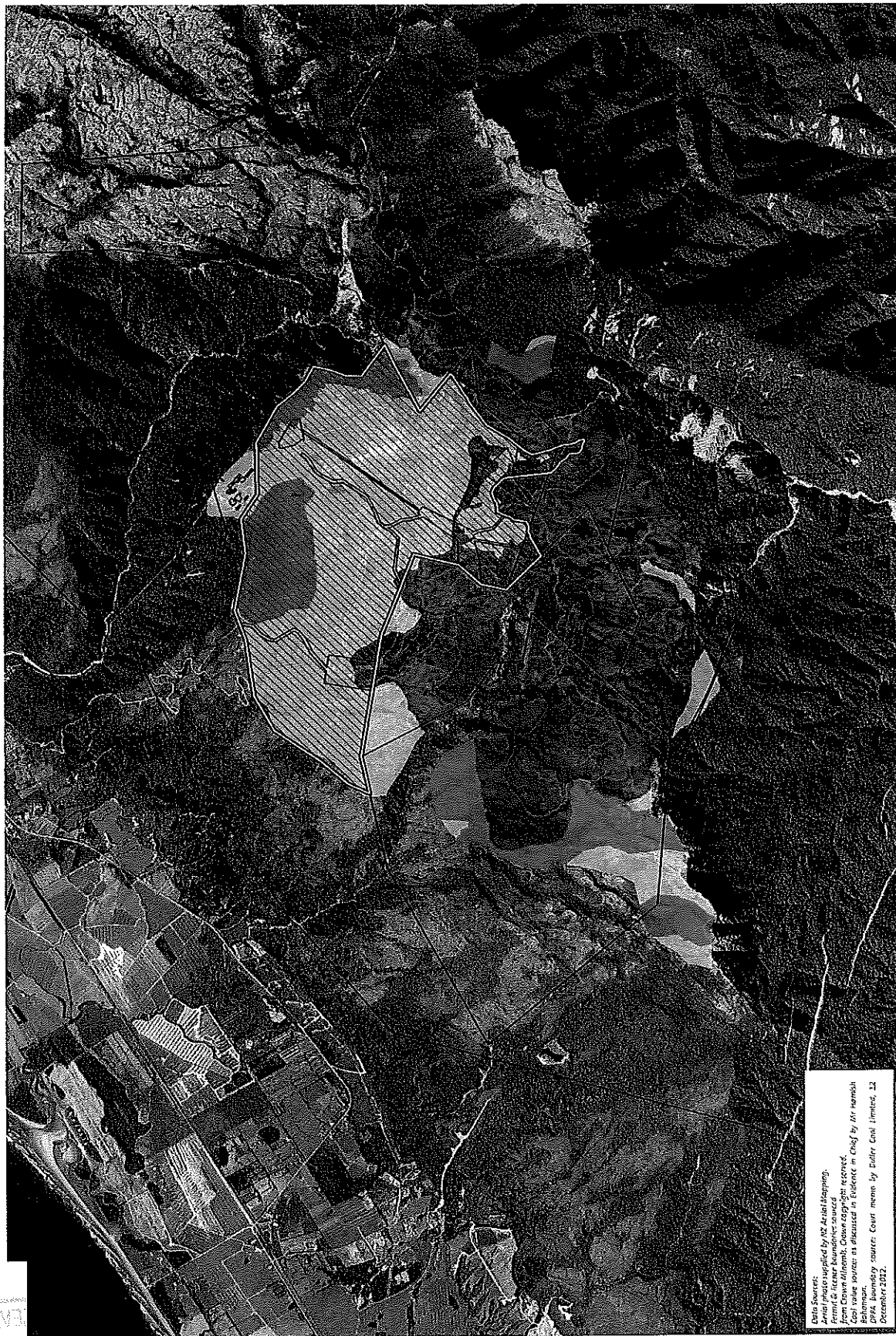
Figure 2: Heaphy Biodiversity Enhancement Area and 3km buffer



APPENDIX 3A

Denniston Permanent Protection Area outline





Data Sources:
 Aerial Photo supplied by NZ Aerial Mapping,
 from Crown Minerals, Crown copyright reserved.
 Coal value sources as discussed in Evidence in Chief by Air namahi
 Ballaman.
 Data assembly source: Court memo by Buller Coal Limited, 22
 December 2012.

BULLER COAL: DENNISTON PLATEAU STRATEGY
Proposed Denniston Permanent Protection Area
 Date: 17 December 2012
 Plan Prepared for Buller Coal by Boffa Miskell Limited
 Author: jaywhite@boffamiskell.co.nz

Legend

- Permit/Licence Boundaries
- Proposed Denniston Permanent Protection Area

Coal Value

- Low
- Medium
- High

0 1 km
 1:335,000 @ A3

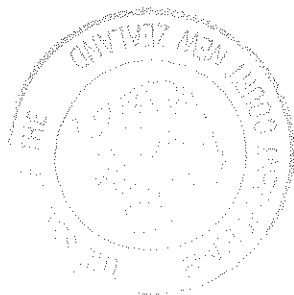
This document has been prepared by Boffa Miskell Limited in accordance with the provisions of the Resource Management Act 1976. It is intended to provide information only and does not constitute an offer of any financial product or service. Boffa Miskell Limited is not responsible for any loss or damage arising from the use of this document. The information contained herein is provided by Boffa Miskell Limited on the basis that it is accurate and complete. Boffa Miskell Limited is not responsible for any loss or damage arising from the use of this document.

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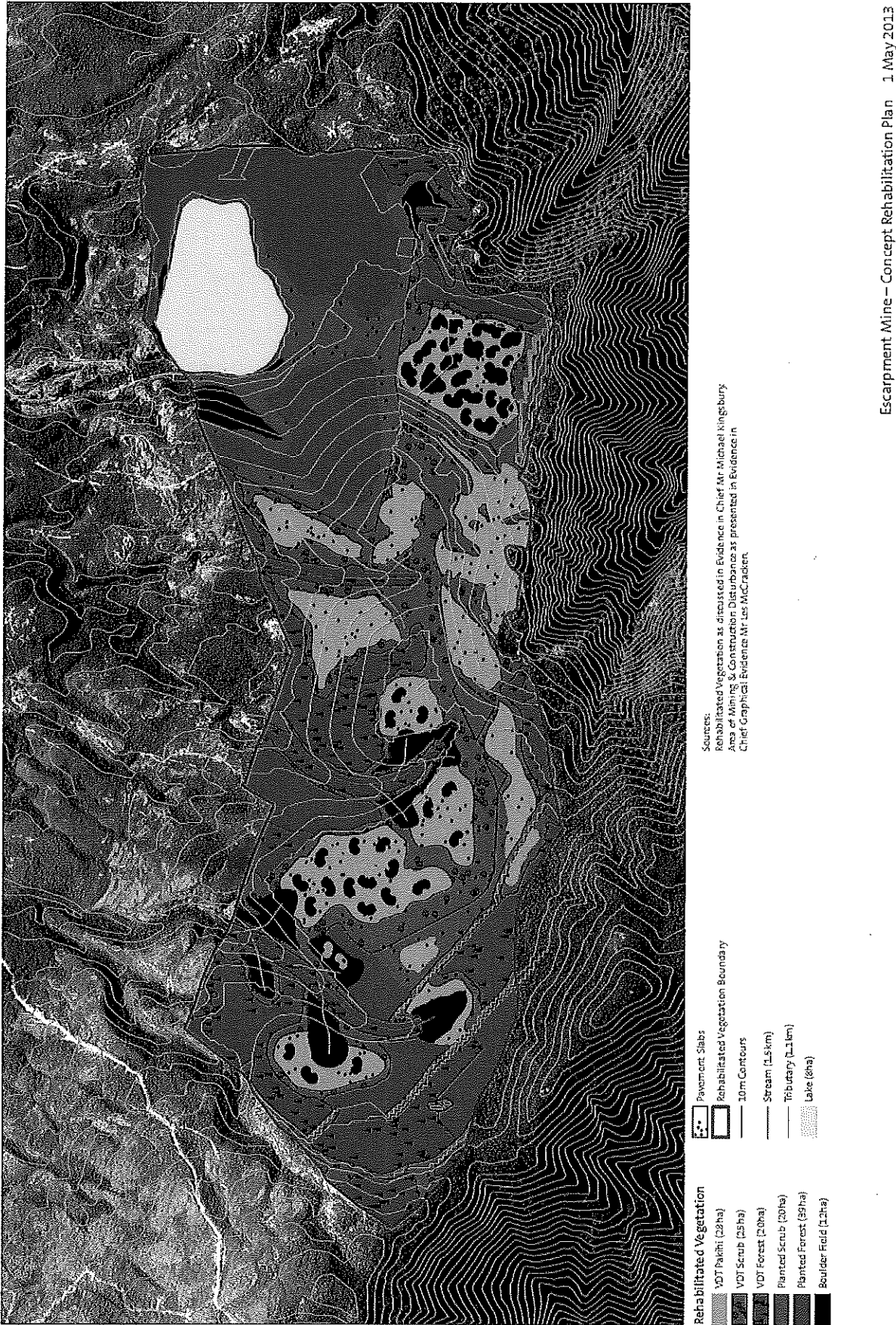


APPENDIX 4

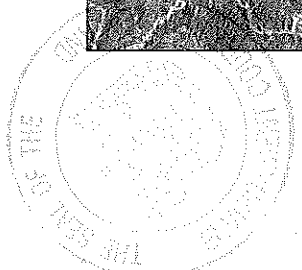
Concept Rehabilitation



Consent Conditions



Escarpment Mine – Concept Rehabilitation Plan 1 May 2013

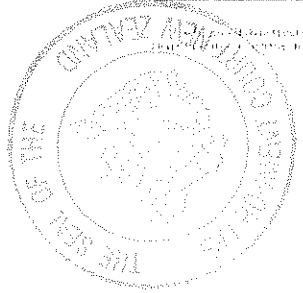
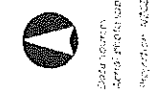




**BULLER COAL - Coal Processing Plant
Rehabilitated Vegetation**
Date: 07 December 2012 | Revision: 0
Plan prepared for Buller Coal by Boffa Miskell Limited
Author: brum.miskell@boffamiskell.com | Contact: 0800 030 030

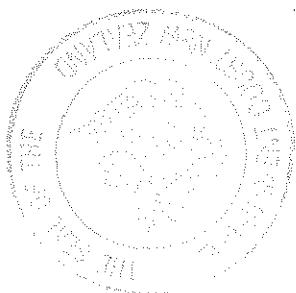
Legend

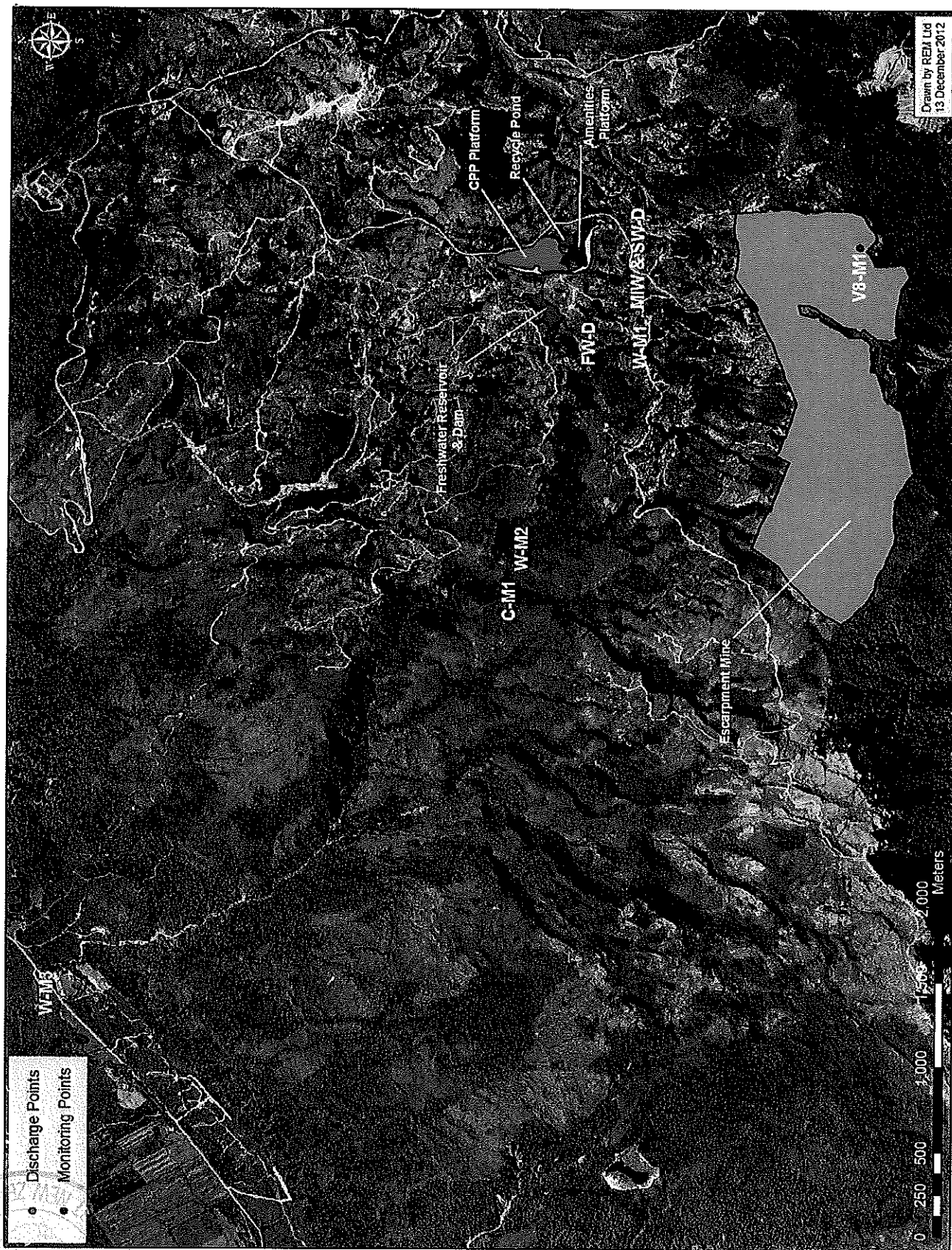
- Boulder Fields
- Pakih (VOT)
- Scrub (Planted and/or VTI)
- Forest (Planted)
- Road (Retained)
- Rehabilitated Road Footprint (post mine)
- Wellands



APPENDIX 5

Whareatea River Discharge, Monitoring and Compliance Locations





Escarpment Mine Project

Consent Conditions

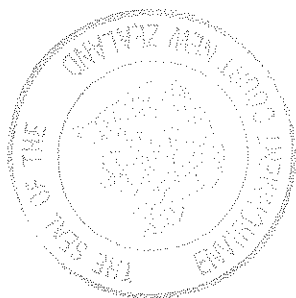
Whareatea River Discharge, Monitoring and Compliance Locations, at or about:

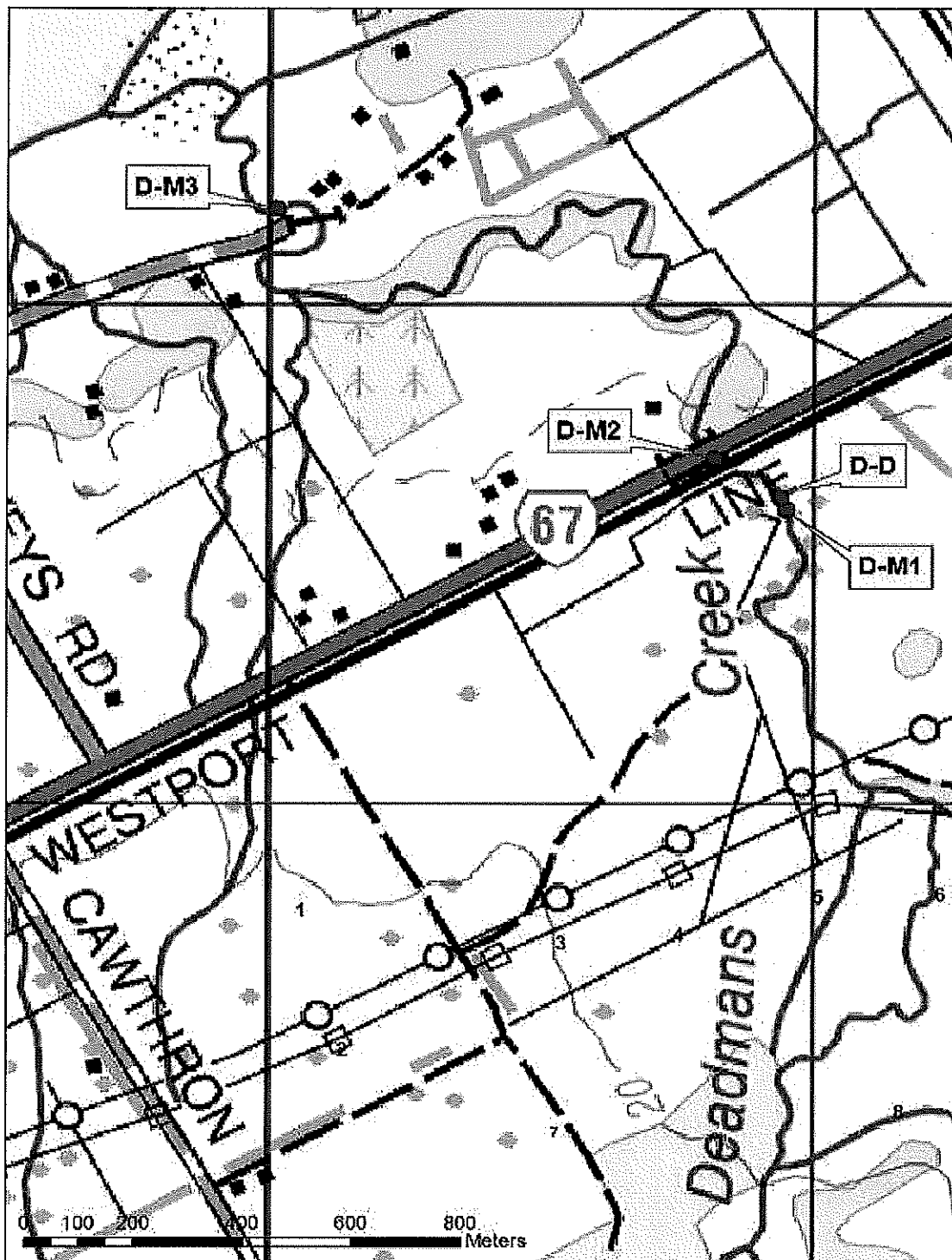
Site	Easting	Northing
V8-M1	1499564	5374390
W-M1	1499131	5376287
W-M2	1497630	5376287
W-M3	1495295	5378780
C-M1	1497615	5376282
FW-D	1498844	5375859
MIW & SW-D	1499176	5375590



APPENDIX 6

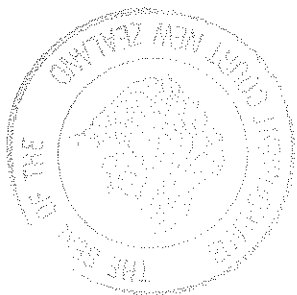
Deadmans Creek Discharge, Monitoring and Compliance Locations





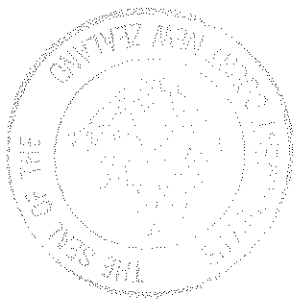
APPENDIX 7

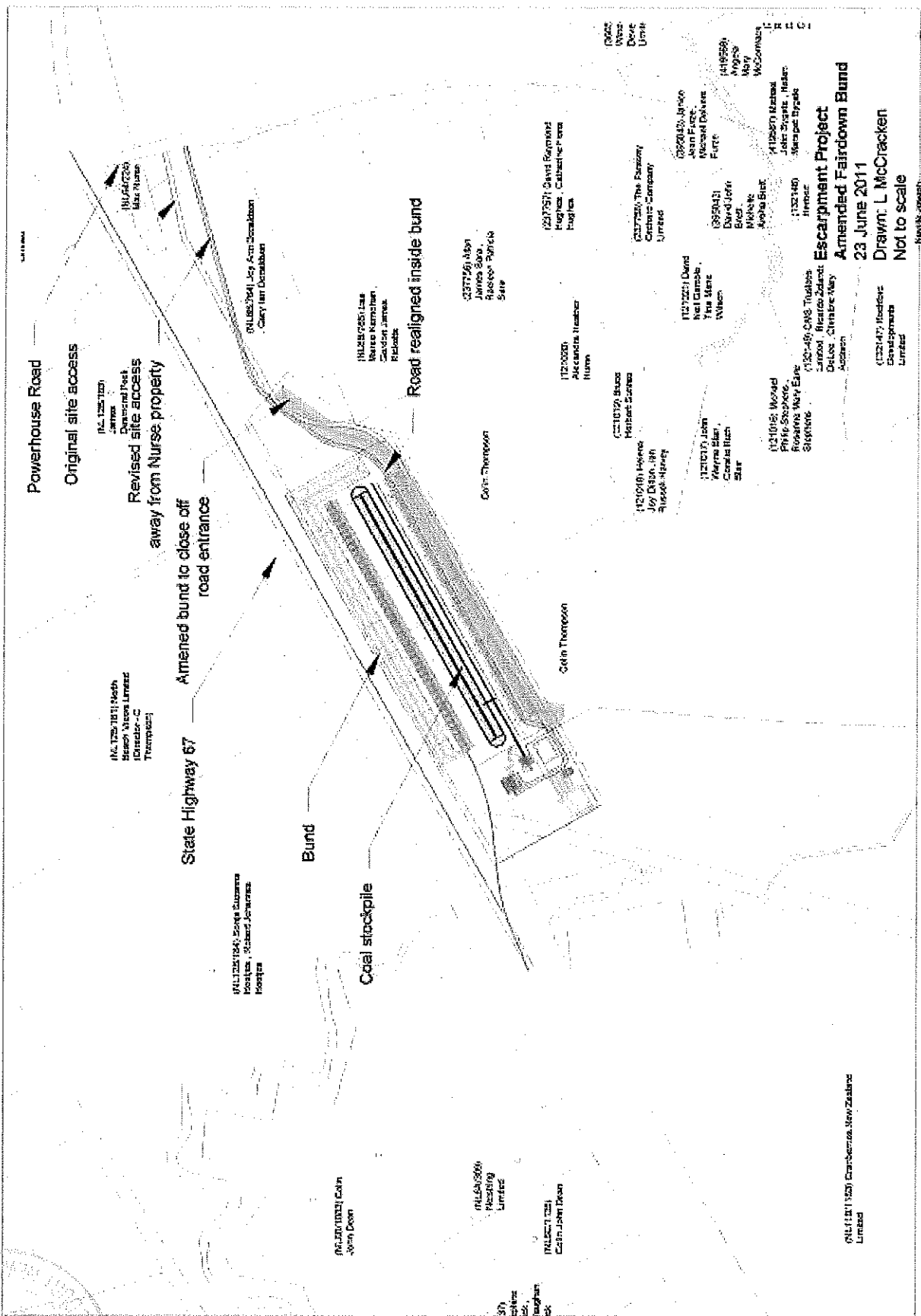
Fairdown Bund Design



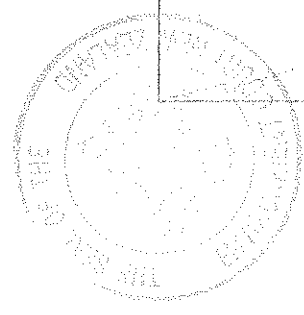
Escarpment Mine Project

Consent Conditions



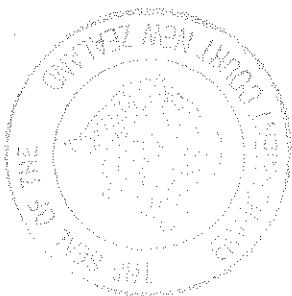


Escarpment Project
Amended Fairdown Bund
 23 June 2011
 Drawn: L McCracken
 Not to scale



APPENDIX 8

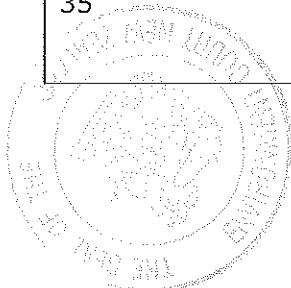
Schedule of Hold Points



Escarpment Mine Project

Consent Conditions

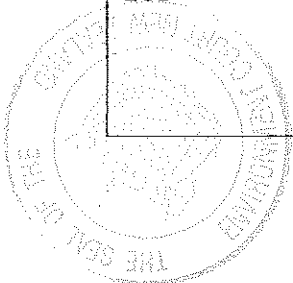
Condition Number	Hold point and Action to be fulfilled before work can commence/recommence
10	The Consent Holder shall notify the Consent Authority in writing at least one week prior to activities commencing under these consents.
16	The Consent Holder shall not exercise or shall cease to exercise these consents until the bond or bonds referred to in Condition 14 are executed by the Consent Holder and guarantor and deposited with the Consent Authorities.
28	<p>The Consent Holder shall not exercise or shall cease to exercise these consents if:</p> <ul style="list-style-type: none"> a) Notice of arbitration has not been given under Condition 23, and the bond quantum required under Condition 22 has not been provided to the Consent Authorities within 30 days of the review date referred to in Condition 23; or a) Notice of arbitration has been given under Condition 23, and <ul style="list-style-type: none"> i) The bond quantum determined by arbitration has not been provided to the Consent Authorities within 30 days of the date of arbitration decision referred to in Condition 23; or ii) In accordance with Condition 24, the bond quantum fixed under Condition 22 has not been provided to the Consent Authorities within 40 days of the appointment of the arbitrator referred to in Condition 23; <p>whichever occurs first; or</p> c) The term of the bond has not been renewed for a further term in accordance with Condition 1817.
34	<p>Prior to undertaking any activities authorised by these consents, the Consent Holder shall submit to the Consent Authorities for certification, the following management plans:</p> <ul style="list-style-type: none"> a) An Ecology and Heritage Management Plan, as described in Conditions 44 to 67; b) A Mine Operations Management Plan, as described in Conditions 68 to 89; c) A CPP Management Plan, as described in Conditions 68 to 89; d) A Social Impact Management Plan, as described in Conditions 90 to 103; and e) A Biodiversity Enhancement Management Plan, as described in Conditions 145 to 155.
35	Activities shall not commence until the Management Plans required in Condition 34 have been certified by the Consent Authorities. If the Consent Authorities have not advised the Consent Holder in



Escarpment Mine Project

Consent Conditions

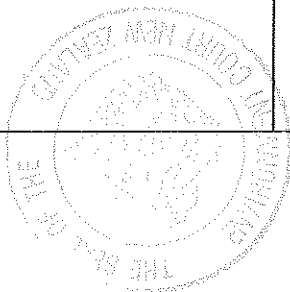
	<p>writing that they have certified a Management Plan required under Condition 34 within 40 working days of receipt of the Management Plan, then the Consent Holder may commence activities in accordance with the Management Plan unless the Consent Authorities advises in writing the Consent Holder that it refuses to certify the Management Plan on the grounds that it fails to meet one of more specified conditions of consent.</p>
37	<p>Certification of any material changes to the Management Plans will be required and shall follow the approval process outlined in Conditions 35 and 36. Activities subject to the material change shall not commence until the material change has been certified by the Consent Authority.</p>
50b)	<p>Prior to mining commencing, identification and mapping of snail relocation zones (both VDT, VIT and other sites) in suitable habitats (as defined by criteria in the Plan) that are not subject to future mining;</p>
197	<p>Prior to disturbance of any riverbed that is suitable habitat for koura, the Consent Holder shall search the area to be disturbed for koura and shall collect and relocate the koura to a suitable relocation zone.</p> <p>Trap koura within Lake Brazil prior to drainage of Lake Brazil; and each stream prior to the commencement of earthworks and vegetation removal in each stream's catchment;</p>
82	<p>The Consent Holder shall review the suitability of the Denniston road to carry construction and operational traffic prior to construction commencing. The results of this review shall be submitted to the Buller District Council and the Consent Holder shall work with the Consent Authority to implement the findings of the review. No Construction activities shall commence until the Buller District Council – Roading Section has certified that any concerns relating to the integrity and safety of the Denniston Road carrying Construction and Mining Operations traffic have been addressed by the Consent Holder.</p>
88	<p>A Coal Processing Plant Water Management section of the CPP Operations Management Plan shall be prepared prior to undertaking any works including any earthworks or vegetation clearance authorised by these consents that are associated with either the construction or operation of the CPP that sets out the stormwater collection, treatment and disposal practices and procedures to be adopted to avoid, remedy or mitigate adverse effects on water quality and to ensure that the compliance limits in Condition 339 and 340 can be met.</p>
104	<p>Prior to undertaking any activities authorised by these consents, and annually thereafter (two months prior to each annual anniversary of the last Annual Work Plan) the Consent Holder shall provide to the Consent Authorities for certification, an Annual Work Plan. This Plan must be consistent with any certified Management Plan.</p>
105	<p>Activities outlined in the Annual Work Plan shall not commence until the Annual Work Plan has been certified by the Consent Authorities. If the Consent Authorities have not advised the Consent Holder in writing that they have certified the Annual Work Plan required under Condition 104 within 20 working days of receipt of the Annual Work</p>



Escarpment Mine Project

Consent Conditions

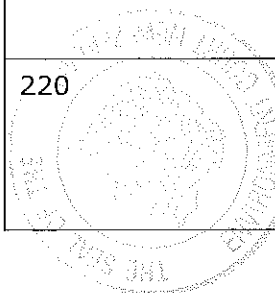
	Plan, then the Consent Holder may commence activities in accordance with the Plan unless the Consent Authorities advises in writing the Consent Holder that it refuses to certify the Plan and the reasons for refusing to certify it.
114	The Consent Holder shall submit a baseline report to the Consent Authorities, the Peer Review Panel and the Department of Conservation outlining the results of all baseline surveys required in these conditions prior to commencement of any vegetation clearance authorised under these consents.
118	<p>Prior to the commencement of construction the Consent Holder shall, in order to minimise the risk to persons undertaking recreation activities in the vicinity of the mine development, undertake the following:</p> <ul style="list-style-type: none"> a) Erect signs at all necessary locations to warn users of dangers during construction and mining; and b) Liaise with known community and interest groups to advise of programmed works.
136	Prior to commencement of activities under these consents the Consent Holder shall engage, at its cost, a Peer Review Panel. The members of this Panel shall be fully independent of the planning, design and construction of the EMP, and shall not be a director, employee or agent of the Consent Holder. The appointment or dismissal of Panel members shall only be made with the approval of the Consent Authorities.
137b)	Assess and review the appropriateness of all the Management Plans and the Annual Work Plan. The Management Plans and Annual Work Plan will be reviewed initially prior to work commencing under the consents. The Annual Work Plan will be reviewed annually. Ongoing review of the Management Plans will only be required when there is a material change to the Plans that require Consent Authority Certification; and
144	<p>A financial contribution of cash shall be paid to Buller District Council for the provision of reserves, recreational facilities and community facilities, as provided for in Part 8.4.1.16 of the Buller District Plan. The calculation for assessing the financial contribution shall be 0.5% of the total value of the development components shown as a) to c) below. The Consent Holder shall advise Buller District Council of the value of the proposed development, and shall pay the cash amount of the contribution determined by the Buller District Council to the Buller District Council prior to the commencement of any works covered by this consent. The calculation of the development contribution shall be based on the estimated costs of the following components of the activity:</p> <ul style="list-style-type: none"> a) Construction of buildings (i.e. total cost of all buildings excluding dams and plant inside buildings); b) Formation of all haul roads (excluding roads within the mine pit); and c) Costs associated with removal of vegetation (excluding costs of



Escarpment Mine Project

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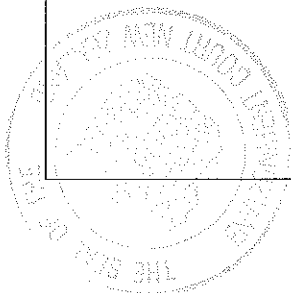
	direct transfer of plants and trees, and costs of planting vegetation and other rehabilitation).
165	Immediately prior to road construction, a targeted search for lizards in habitat 'hotspots' shall be conducted. This search shall include sections of the road corridor most likely to hold lizards and where lizards are easily found and captured. Any lizards captured shall be released a minimum of 100 m from disturbance areas.
173	The archaeological remains identified in Condition 172 above, shall be fenced prior to the commencement of construction activities in this area.
186	The Consent Holder shall notify the Consent Authorities two weeks prior to any earthworks being undertaken that have not been included in the latest Annual Work Plan.
190	There shall be no Mining Operations undertaken until such time as the MIW - WTP is constructed and certified by the relevant consent authority and operational.
195	In areas that are not subject to VDT and VIT, prior to any earthworks or vegetation disturbance the Consent Holder shall search the area to be disturbed for snails (low impact surveys) and lizards and shall collect and relocate the snails and lizards found to a suitable relocation zone preferentially within the rehabilitated ELF.
199	Where any vegetation disturbance for construction or mining is to take place within the great spotted kiwi/rooa breeding season (July to January inclusive), the Consent Holder shall 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 Consent Holder shall take particular care to appropriately manage any kiwi or egg. This survey is not required for the Fairdown components of the project.
201	In addition to the monitoring of great spotted kiwi, lizards and <i>P. patrickensis</i> outlined in the respective management plan conditions, the Consent Holder shall monitor the effects of the EMP activities on key avifauna (Pipit, weka, fernbird), koura, and key invertebrate species (see closure criteria) using recognised comparable monitoring methods. This shall include a representative baseline survey before construction and annual surveys during mine rehabilitation for the term of the consent, including sites outside the mine site. Results of the monitoring shall having regard to reasonably expected natural population fluctuations, be utilised for adaptive management to enhance fauna habitat, including making improvements to the Mine Site Rehabilitation. The Consent Holder shall report on the results of the monitoring and the effectiveness of its implementation, within the Annual Monitoring Report described in Condition 116.
220	Prior to undertaking any earthworks authorised by these consents, the Consent Holder shall survey within the Mine Site for threatened and at risk plants, including <i>Sticherus</i> species, <i>Pseudowintera traversii</i> , <i>Peraxilla tetrapetala</i> <i>Celmisia similis</i> and <i>Euphrasia wettsteiniana</i> (when in flower in February to early March) and define



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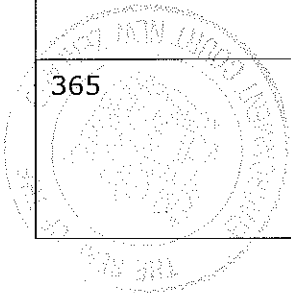
	habitat characteristics.
221	Prior to mining, the Consent Holder shall transfer these species using VDT or hand transplanting methods to an area with suitable habitat characteristics (as defined in Condition 220) within the ELF's or when there is no suitable site within the ELF to an area outside the mine site with suitable habitat characteristics (as defined in Condition 220 approved by the Land Owner.
226	The Consent Holder shall drain Lake Brazil before construction commences in the Escarpment Mine area and use this site for storage of rehabilitation material.
236	Prior to any Earthworks and vegetation clearance authorised under these consents, the Consent Holder shall undertake baseline monitoring for the purpose of identifying the current condition of vegetation (including species of significance) and habitats on the site. This should include randomly located plots of at least 100m ² dimensions that are representative of each landform/vegetation unit. Only studies undertaken post 2007 may be used to contribute to this baseline monitoring. Baseline monitoring of sandstone erosion pavement is not required (due to the inability to recreate habitat similar to the sandstone erosion pavement).
256	The Consent Holder shall undertake a water quality monitoring programme of the discharge receiving waters in accordance with Table 4 to verify compliance with Table 3 and to provide additional water quality information that may be required for adaptive management of the mine operation water management system. Receiving water monitoring shall commence prior to construction. Discharge monitoring shall commence when discharges from the MIW-WTP commence. Monitoring shall continue until mine closure in accordance with Condition 26.
273	<p>Before commencing mining operations (or at such earlier date as might be determined by the Consent Holder), the Consent Holder shall commission a suitably qualified and experienced chartered engineer to prepare a design report for the construction of the ELF ("ELF Report"). The ELF Report shall include detail on:</p> <ul style="list-style-type: none"> a) Foundation permeability beneath the proposed overburden placement areas with particular emphasis on, potential seepage and mitigation measures; b) ELF proportions and dimensions including side and top slopes; c) Placement of MIW WTP and SW WTP sludge in a containment cell or cells to prevent heavy metal release from the sludge as a result of AMD in the ELF. The cells shall be located near the top of the ELF and close to the MIW-WTP in a site where the cells are readily accessible for ongoing water treatment requirements until mine closure. Cells shall be within the dimensions 20 – 30 m x 20- 30 m so that rock boulders or similar material shall be placed over the cell to prevent vegetation from growing over the cells. d) Overburden placement procedures to enhance surface drainage and the construction of capping layers;



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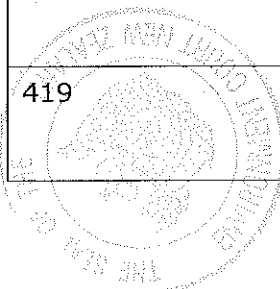
	<p>e) The seepage interception and drainage system; and</p> <p>f) Monitoring and construction of the ELF and any leachate from it.</p>
275	<p>Activities shall not commence until the ELF Report required in Condition 273 has been certified by the Consent Authorities. If the Consent Authorities have not advised the Consent Holder in writing that they have certified the ELF Report required under Condition 273 within one month of receipt of the ELF Report, then the Consent Holder may commence activities in accordance with the ELF Report unless the Consent Authorities advises in writing the Consent Holder that it refuses to certify the ELF Report on the grounds that it fails to meet one or more conditions of consent.</p>
284	<p>A programme of blasting times shall be notified publicly by way of notice erected at the road entrance to the mine area and at the Denniston Museum, and by public advertisement to local residents, the Department of Conservation and the Consent Authorities prior to any such blasting taking place and at regular intervals not exceeding twelve months thereafter. Denniston residents will be personally notified by hand delivered notice.</p>
294	<p>There shall be no coal processing operations undertaken until such time as the Stormwater – Water Treatment System is constructed and operational.</p>
301a)	<p>The Consent Holder shall: Not commence work in the CPP and Freshwater Dam and Reservoir area until forest remnants and wetlands have been identified and mapped and pegged on the ground and Consent Holders Environmental Manager has certified this has occurred;</p>
319	<p>Vegetation shall be removed from the dam and reservoir formation area prior to construction and it shall be used for VIT, VDT or replanting in preference to stockpiling.</p>
330	<p>There shall be no coal hauling operations undertaken until such time as the SW WTP is constructed and operational.</p>
353	<p>The power poles located between the CPP and the Freshwater Storage Reservoir shall be recorded and where the power was coming from and going to shall be established prior to their removal. The Consent Holder shall provide records of the recovery, identification and distribution of these objects to the West Coast File keeper of the New Zealand Archaeological Association.</p>
354	<p>The power poles located along the Whareatea Mine Road (an extension of the poles outlined in Condition 353 shall be recorded and where the power was coming from and going to shall be established prior to their removal. The Consent Holder shall provide records of the recovery, identification and distribution of these objects to the West Coast File keeper of the New Zealand Archaeological Association.</p>
365	<p>The Consent Holder shall not place the Coal Transport Pipeline on the Kawatiri Energy Limited access track until such time that the track has been confirmed to be stable by a geotechnical assessment, provided to the Consent Authority, or KEL have complied with the geotechnical requirements within Resource Consent RC03332/1.</p>



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374	The Consent Holder shall continuously monitor and record TSP, wind speed, wind direction and rainfall at a site between the closest house and the proposed CPP site, in an area that is removed from trees and other structures. The TSP monitoring shall be undertaken using a nephelometer, or other instrument as agreed in writing by the Consent Authority's Consents & Compliance Manager. The monitoring gear shall be installed prior to construction of the facility.
379	<p>Prior to undertaking any activity associated with the construction or operation of the Fairdown Coal Handling Facility, the Consent Holder shall provide to the Consent Authority for certification the following plans prepared in accordance with Conditions 387 to 392:</p> <ul style="list-style-type: none"> a) Fairdown Water Management Plan; b) Fairdown Air Quality Management Plan; and c) Fairdown Noise Management Plan.
380	Construction activities associated with the Fairdown CHF shall not commence until the Management Plans required in Condition 379 have been certified by the Consent Authorities. If the Consent Authorities have not advised the Consent Holder in writing that they have certified a Management Plan required under Condition 379 within one month of receipt of the Management Plan, then the Consent Holder may commence activities in accordance with the Management Plan unless the Consent Authorities advises the Consent Holder that it refuses to certify the Management Plan on the grounds that it fails to meet one or more conditions of consent.
381	Prior to the first coal being stockpiled at the Fairdown CHF, the Consent Holder shall provide to the Consent Authority for certification a Fairdown Water Management Plan. Stockpiling shall not commence until the Management Plan has been certified. If the Consent Authority has not advised the Consent Holder in writing whether it has certified the Management Plan within one months of receipt of the Management Plan, then the Consent Holder may commence activities in accordance with the Management Plan.
396	The internal vehicle access road between Powerhouse Road and the Water Treatment Plant shall be sealed prior to the first coal being stockpiled.
398	The Consent Holder shall ensure that untreated sediment discharges to natural water from the exercise of these consents are avoided and that silt control measures, as outlined in the Construction and Earthworks Management chapters of the Mine and the CPP Operations Management Plans prepared in accordance with Condition 69, are in place prior to the exercise of these consents.
417	The Consent Holder shall begin the landscaping required in Condition 416 prior to the first coal being stockpiled, and shall complete the landscaping within the first planting season following commencement of construction of the stockpile base.
419	Prior to commencing construction of the Fairdown CHF Consent Holder shall implement the requirements and measures set out in the Fairdown Noise Management Plan required by Condition 391.



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432	The TSP monitoring shall be undertaken using a nephelometer, or other instrument as agreed in writing by the Consent Authority's Consents & Compliance Manager. The monitoring gear shall be installed prior to operation of the facility.
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