

Attachment A


Certificate of Title & Mining Permit



COMPUTER INTEREST REGISTER UNDER LAND TRANSFER ACT 1952



Search Copy


R.W. Muir
Registrar-General
of Land

Identifier NL11D/25
Land Registration District Nelson
Date Registered 09 January 1995 10:32 am

Type	Permit under s81 Crown Minerals Act 1991		
Area	833.5680 hectares more or less	Term	Twenty-Five years commencing on 21.12.1994

Legal Description Part Section 14 Block VIII Kawatiri Survey District, Section 17 Block II Ohika Survey District, State Forest Block VIII Kawatiri Survey District, State Forest Block II Ohika Survey District and more particularly shown on plan M15218

Proprietors
Rangitira Developments Limited

Interests
367786.1 Variation - see historic document - 14.5.1997 at 9.35 am

Land Reserved in Taranaki Land District

B. C. FREYBERG, Governor-General

WHEREAS by section 167 of the Land Act, 1948, it is enacted that the Governor-General may, from time to time, set apart as a reserve, notwithstanding that the same may be then held under pastoral lease or pastoral occupation licence, any Crown land for any purpose which, in his opinion, is desirable in the public interest, and notice thereof shall be published in the *New Zealand Gazette*;

Now, therefore, I, Lieutenant-General Sir Bernard Cyril Freyberg, the Governor-General of the Dominion of New Zealand, in pursuance and exercise of the powers and authorities conferred upon me by the said Act, do hereby reserve, subject to the reservations and conditions imposed by section 59 of the Land Act, 1948, and subject also to the reservations imposed by section 8 of the Coal Mines Amendment Act, 1950, the land in the Taranaki Land District, described in the Schedule hereunder written, for a reserve for recreation purposes.

SCHEDULE

TARANAKI LAND DISTRICT

ALL that area containing by admeasurement a total of 2 acres 2 roods 18-16 perches, more or less, being Lot 1, as shown on a plan deposited in the Land Registry Office at New Plymouth under No. 6423; and all the land as shown on a plan deposited as aforesaid under No. 1003; both being parts Section 18, Block XIV, Cape Survey District.

As witness the hand of His Excellency the Governor-General, this 10th day of August, 1951.

E. B. CORBETT, Minister of Lands.

(L. and S. H.O. 6/0/489; D.O. 8/5/39)

Land Reserved in Nelson Land District

B. C. FREYBERG, Governor-General

WHEREAS by section 167 of the Land Act, 1948, it is enacted that the Governor-General may from time to time set apart as a reserve, notwithstanding that the same may be then held under pastoral lease or pastoral occupation licence, any Crown land for any purpose which, in his opinion, is desirable in the public interest, and notice thereof shall be published in the *New Zealand Gazette*;

Now, therefore, I, Lieutenant-General Sir Bernard Cyril Freyberg, the Governor-General of the Dominion of New Zealand, in pursuance and exercise of the powers and authorities conferred upon me by the said Act, do hereby reserve, subject to the reservations and conditions imposed by section 59 of the Land Act, 1948, and subject also to the reservations imposed by section 8 of the Coal Mines Amendment Act, 1950, the land in the Nelson Land District, described in the Schedule hereto, for water-conservation purposes.

SCHEDULE

NELSON LAND DISTRICT

ALL those areas of Crown land (Westport Harbour Endowment), and Crown land in the Nelson Land District, Buller County, containing a total of 4,510 acres 2 roods, more or less, and described as follows:—

All that area of Crown land (Westport Harbour Endowment) containing by admeasurement 3,215 acres, more or less, and being Section 14, Block VIII, and Section 3, Block IX, Kawatiri Survey District.

Also all that area of Crown land (Westport Harbour Endowment) containing by admeasurement 832 acres, more or less, and being part Section 17, Block II, Ohika Survey District, bounded as follows: Towards the north by Section 14, Block VIII, Kawatiri Survey District, aforesaid; towards the east and south generally by Crown land (Westport Harbour Endowment) and Section 16, Scenery Preservation Reserve, Block II, Ohika Survey District; and towards the west by other part of Section 17 (Crown land), and Section 5, State Forest Reserve, Block II, Ohika Survey District.

Also all that area of Crown land being part Section 17, Block II, Ohika Survey District, containing by admeasurement 20 acres, more or less, and bounded as follows: Towards the east by other part of Section 17, Crown land (Westport Harbour Endowment); towards the west generally by Section 20, Scenic Reserve, and Sections 5 and 6, State Forest Reserve, all of Block II, Ohika Survey District.

Also all that area of Crown land containing by admeasurement 444 acres 2 roods, more or less, and being part Section 13, Block VIII, Kawatiri Survey District, as described in *New Zealand Gazette*, 1950, page 556.

As the same are more particularly delineated on plan marked L. and S. 6/1/408, deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon edged red. (S.O. plan 7462.)

As witness the hand of His Excellency the Governor-General, this 10th day of August, 1951.

JACK T. WATTS,
For the Minister of Lands.

(L. and S. P.O. 6/1/40; D.O. O.L. 460)

Notice of Intention to Issue an Order in Council Revoking the Reservation for Recreation Purposes over a Reserve in Block X, Christchurch Survey District, Canterbury Land District

B. C. FREYBERG, Governor-General

WHEREAS by subsection (1) (b) of section 7 of the Public Reserves, Domains, and National Parks Act, 1928 (hereinafter referred to as the said Act), it is provided that the Governor-General may, from time to time, by Order in Council, revoke the reservation over any public reserve or part thereof, and thereupon the land comprised therein shall, if vested in the Crown or in any local authority, or trustees deriving title from the Crown, become Crown land available for disposal under the Land Act, 1948;

And whereas the land described in the Schedule hereto is a reserve duly set apart for recreation purposes but is not required for that purpose, and it is expedient to revoke the reservation over the said land;

Now, therefore, I, Lieutenant-General Sir Bernard Cyril Freyberg, the Governor-General of the Dominion of New Zealand, do hereby give notice, pursuant to subsection (2) of section 7 of the said Act, that it is my intention to issue an Order in Council under the provisions of subsection (1) (b) of section 7 of the said Act declaring that the reservation for recreation purposes over the land described in the Schedule hereto shall be revoked.

SCHEDULE

CANTERBURY LAND DISTRICT

RESERVE 4163, situated in Block X, Christchurch Survey District; Area, 1 acre 1 rood 35 perches, more or less.

As witness the hand of His Excellency the Governor-General, this 10th day of August, 1951.

JACK T. WATTS,
For the Minister of Lands.

(L. and S. H.O. 6/0/194; D.O. 2/8)

Notice of Intention to Issue an Order in Council Revoking the Reservation for Recreation Purposes Over a Reserve in Umutoi Village, Wellington Land District

B. C. FREYBERG, Governor-General

WHEREAS by subsection (1) (b) of section 7 of the Public Reserves, Domains, and National Parks Act, 1928 (hereinafter referred to as the said Act), it is provided that the Governor-General may, from time to time, by Order in Council, revoke the reservation over any public reserve or part thereof, and thereupon the land comprised therein shall, if vested in the Crown or in any local authority, or trustees deriving title from the Crown, become Crown land available for disposal under the Land Act, 1948;

And whereas the land described in the Schedule hereto is a reserve duly set apart for public recreation purposes but is not required for that purpose, and it is expedient to revoke the reservation over the said land;

Now, therefore, I, Lieutenant-General Sir Bernard Cyril Freyberg, the Governor-General of the Dominion of New Zealand, do hereby give notice, pursuant to subsection (2) of section 7 of the said Act, that it is my intention to issue an Order in Council under the provisions of subsection (1) (b) of section 7 of the said Act declaring that the reservation for public recreation purposes over the land described in the Schedule hereto shall be revoked.

SCHEDULE

WELLINGTON LAND DISTRICT

SECTION 5, Umutoi Village, situated in Block VII, Umutoi Survey District; Area, 6 acres and 3 perches, more or less. (S.O. plan 14641.)

As witness the hand of His Excellency the Governor-General, this 10th day of August, 1951.

JACK T. WATTS,
For the Minister of Lands.

(L. and S. H.O. 22/4862; D.O. 14/58)

Vesting the Control of a Scenic Reserve in the Christchurch City Council

B. C. FREYBERG, Governor-General

IN pursuance and exercise of the powers and authorities conferred upon Him by section 13 of the Scenery Preservation Act, 1908 (hereinafter referred to as the said Act), His Excellency the Governor-General of the Dominion of New Zealand doth hereby vest the control of the scenic reserve described in the Schedule hereto (being land reserved under the said Act) in the Christchurch City Council, subject to the conditions hereinafter contained, that is to say:—

1. The said Council shall prepare a report each year ending on the 31st day of March, together with a statement of receipts and expenditure in connection with the said reserve.

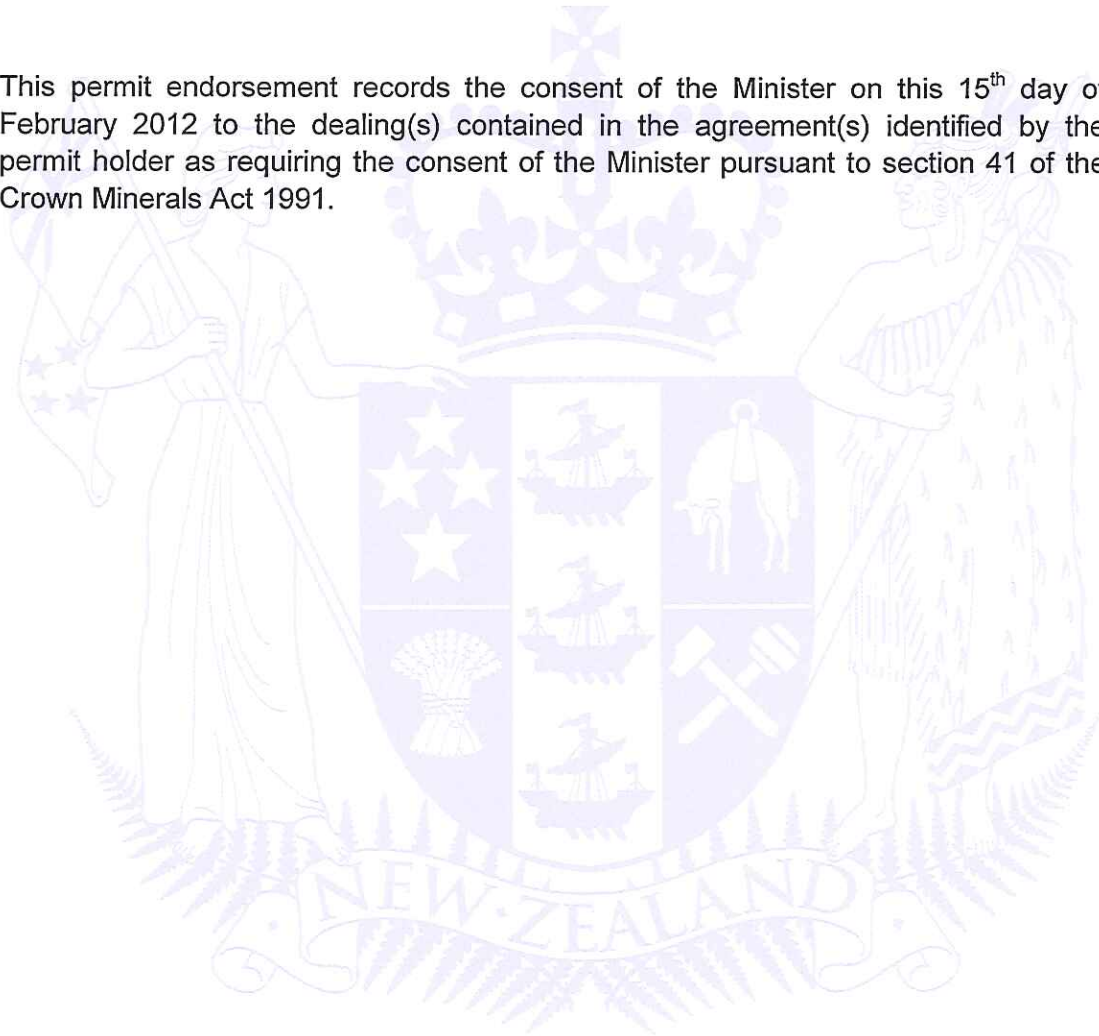
Such report and statement shall be sent to the Minister charged with the administration of the said Act as soon as possible after the close of the year.

2. The said Council shall control the said reserve in accordance with the provisions of the said Act and of the regulations made thereunder.

Crown Minerals Act 1991
(Section 41)

Coal Mining Permit 41289

This permit endorsement records the consent of the Minister on this 15th day of February 2012 to the dealing(s) contained in the agreement(s) identified by the permit holder as requiring the consent of the Minister pursuant to section 41 of the Crown Minerals Act 1991.



**MINING PERMIT 41 289
CERTIFICATE OF CHANGE OF CONDITIONS**

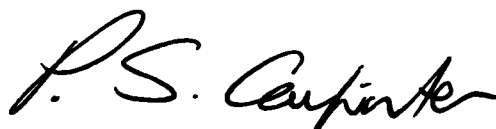
IN THE MATTER of the Crown
Minerals Act 1991

AND

IN THE MATTER of mining permit
41 289 dated 21 December 1994 in the
name of Rangitira Developments
Limited

PURSUANT to section 36(1)(c) of the Crown Minerals Act 1991 and under a delegation from the Minister of Energy of 7 October 1991, the conditions specified in the Third Schedule to the above mentioned permit are hereby replaced with those attached to this Certificate, and the Second Schedule to the above mentioned permit is hereby consequently amended and replaced with that attached to this Certificate.

DATED at Wellington this *25th* day of *July*..... 19*97*...



D by PAUL STEPHEN CARPINTER, Secretary of Commerce

SECOND SCHEDULE

MINERAL

Coal

ROYALTY

As per conditions 4(a) to 4(d) and 5(a) to 5(u) set out in the Third Schedule attached

**THIRD SCHEDULE
CONDITIONS OF MINING PERMIT 41 289**

WORK PROGRAMME

1. The permit holder shall be permitted to mine for coal in a systematic and efficient manner using the mining methods prescribed:
 - (a) stripping and stockpiling of topsoil using earthmoving machinery as necessary;
 - (b) stripping of overburden and stockpiling or backfilling as appropriate using earthmoving machinery as necessary and explosives approved by the Inspector of Coal Mines;
 - (c) unless otherwise approved in writing by the Secretary of Commerce (the Secretary) mining for coal by opencast methods using earthmoving machinery as necessary at an average minimum rate of 175,000 tonnes of coal per year;
 - (d) rehabilitation as appropriate.

Provided that nothing in this clause shall exempt the permit holder from any obligation to comply with the requirements of any other Act or Regulation that may affect or apply to such operations.

ANNUAL WORK STATEMENT TO BE APPROVED BY THE SECRETARY

- 2(a) The permit holder shall, before commencing work and within 30 days following the anniversary of the grant of this permit in each year, submit to the Secretary a proposed annual work statement for written approval.
- (b) The proposed annual work statement shall detail what mining activities are proposed to be undertaken during the forthcoming twelve months.
- (c) If no mining activities, or pre-development activities only, are proposed during the forthcoming twelve months the permit holder shall give reasons for this in the proposed annual work statement.
- (d) Where mining activities are proposed the proposed annual work statement shall be accompanied by a mine plan and, where applicable, shall provide details of the quantity and quality of coal to be recovered, confirm the mining method to be used and the anticipated location, extent and direction of mining, the estimated period of mine operation, a schedule of production to date, the estimated remaining recoverable reserves and general mining activities to be undertaken.
- (e) If requested by the Secretary the permit holder shall supply further information to enable a decision on approval to be made.

June 1997

- (f) If requested by the Secretary the permit holder shall provide a modified proposed annual work statement and/or mine plan for approval.
- (g) The permit holder shall comply with the current approved annual work statement and mine plan (where applicable) which may include modifications to the annual work statement and mine plan initially approved.

MARKING OUT

- 3. If required by the Secretary the permit holder shall clearly mark the boundaries of the permit or areas defined in the approved work statement of this permit by pegs, coloured tape or other approved means.

ROYALTY PAYABLE UP TO 30 SEPTEMBER 1997

- 4(a) Up to, and including 30 September 1997, the permit holder is required to pay to the Crown a royalty of \$0.25 per tonne on all coal produced and sold by underground methods and \$0.50 per tonne on all coal produced and sold by opencast methods under this permit.
- (b) The permit holder must forward a royalty return, in the form provided by the Secretary, for the six-month period ending 30 June 1997 and for the three-month period ending 30 September 1997.
- (c) The royalty return is to be forwarded to the Secretary within 30 days following the period to which it relates.
- (d) The royalty return is to be accompanied by the royalty payment in respect of all coal produced and sold in the period to which the royalty return relates.

ROYALTY PAYABLE FROM 1 OCTOBER 1997

(Terms used in this clause shall have the same meaning as in the Minerals Programme for Coal (1 October 1996).)

- 5(a) Subject to condition 5(b), from 1 October 1997 the permit holder is required to calculate and is liable to pay royalties to the Crown for any period for which a royalty return must be provided, in respect of all coal taken from the land comprised in the permit that is:
 - (i) Sold; or
 - (ii) Gifted or exchanged or bartered or removed from the permit area without sale; or

- (iii) Used in the production process (as a substitute for otherwise having to purchase coal for this purpose); or
 - (iv) Unsold on the surrender, expiry or revocation of the permit, that is, inventory or unsold stocks of coal. (This does not include where coal has been extracted but returned to the land and thus its ownership is retained by the Crown).
- (b) The permit holder is not liable to pay a royalty when:
- (i) The net sales revenues from the permit are less than \$100,000 for a reporting period, except where the permit is part of a production unit; or
 - (ii) The net sales revenues from the permit average less than \$8,333 per month if the reporting period is less than 12 months, except where the permit is part of a production unit; or
 - (iii) The permit is part of a production unit and the combined net sales revenues of all permits and licences in the production unit are less than \$100,000 for a reporting period; or average less than \$8,333 per month, if the reporting period is less than 12 months.

Rate of Royalty

- (c) Subject to condition 5(b), condition 5(d) and condition 5(e), the royalty payable in each reporting period, and that must be calculated, is the higher of either a one percent (1%) ad valorem royalty on net sales revenues or a five percent (5%) accounting profits royalty on accounting profits.
- (d) Subject to condition 5(b) and condition 5(e), where net sales revenues for the permit or the production unit are \$1,000,000 (one million dollars) or less for a reporting period, the permit holder is required to calculate, and is liable to pay the 1% ad valorem royalty only, and does not have to calculate and is not liable to pay the accounting profits royalty.
- (e) Where net sales revenues for the permit or the production unit exceed \$1,000,000 (one million dollars) for a reporting period, and in the preceding reporting periods net sales revenues were \$1,000,000 or less and \$100,000 or more, the permit holder is required to calculate the provisional accounting profits royalty for that reporting period and previous reporting periods (excluding any period for which a royalty was not payable in accordance with condition 5(b)), starting from either the commencement of the permit or the previous time the accounting profits royalty was calculated.
- (f) Where the permit holder is required to calculate the accounting profits royalty, then until all restoration costs are determined in respect of the permit, the permit holder is liable to pay the higher of a 1% ad valorem royalty on net sales revenues or a 5% provisional accounting profits royalty on provisional accounting profits. In the royalty return for the final reporting period, the permit holder is required to take into

account all unclaimed restoration costs, and any proceeds or gains from hire, rent, lease or disposal of land or fixed assets which have not previously been deducted, and then to calculate any liability to pay the accounting profits royalty in all reporting periods where net sales revenues for the permit or the production unit exceeded \$1,000,000 (or averaged more than \$83,333 per month if the reporting period was less than 12 months.)

- (g) The net sales revenues, ad valorem royalty, the provisional accounting profits royalty and the accounting profits royalty must be calculated in accordance with the provisions of paragraphs 15.9 to 15.45 of the Minerals Programme for Coal (1 October 1996).

Point of Valuation

- (h) The permit holder shall advise the Secretary of the commencement of production under this permit at least 45 working days before production commences, such that the point of valuation can then be determined by the Secretary and the permit holder before production commences.

Reporting Period

- (i) The annual reporting period for this permit is 1 April to 31 March in the following year.

Royalty Return

- (j) The permit holder is required to provide to the Secretary a royalty return for every reporting period within the duration of the permit regardless of whether or not royalty is payable in accordance with conditions 5(a) or 5(b). The royalty return is required to be provided within five months of the end of the reporting period. The royalty return must be in the form prescribed, from time to time, in relevant regulations. If no relevant regulations have been made the royalty return must be in a form that sets out information as presented in paragraphs 15.52 to 15.55 of the Minerals Programme for Coal (1 October 1996).
- (k) The declaration in the royalty return filed for the permit must be signed by the permit holder.
- (l) If the net sales revenues are \$1,000,000 or less for a reporting period (or average \$83,333 or less per month, if the reporting period is less than 12 months) and the permit holder employs or engages the services of an accountant (in public practice) the accountant must also sign the declaration in the royalty return filed for the permit.
- (m) If the net sales revenues are over \$1,000,000 in a reporting period (or average more than \$83,333 per month if the reporting period is less than 12 months), the royalty return filed for the permit must also be accompanied by a written statement signed by either an accountant or an auditor. If the permit holder engages the services of an

auditor to review financial statements or financial information as part of meeting the statutory requirements of the Companies Act 1993 or the Financial Reporting Act 1993, then the auditor must sign the written statement. The statement must be in the form prescribed in the relevant regulations. The statement is required to be paid for by the permit holder.

Royalty Payments

- (n) Subject to condition 5(o), where net sales revenues for any half year (six months) in a reporting period average \$8,333 or more per month, the permit holder is liable to make an interim royalty payment of 1% of the net sales revenues for that six month period. The interim royalty payment must be received by the Secretary within 30 calendar days after the end of that six month period.
- (o) Where a reporting period is less than 12 months, the permit holder is liable to make one interim royalty payment to the Secretary of 1% of the net sales revenues for the reporting period, where net sales revenues for the reporting period average \$8,333 or more per month. The interim royalty payment must be received by the Secretary within 30 calendar days of the end of the reporting period.
- (p) The permit holder must pay to the Secretary any royalty that he or she is liable to pay within five months of the end of each reporting period. If the permit holder has made any interim payments of royalty and upon completion of the royalty return, the amount of royalty that he or she is liable to pay exceeds the total amount of interim payments made, the permit holder is required to pay the difference.

Keeping of Records

- (q) The permit holder must, for the purposes of supporting the royalty return, keep for seven years or until the acceptance of the final royalty return for which the permit holder is responsible, whichever occurs first, proper books of account and records, which may include the books and records listed in paragraph 15.60 of the Minerals Programme for Coal (1 October 1996) maintained in accordance with accepted business practice and which explain or provide details of any aspect of the matters listed in paragraph 15.59 of the Minerals Programme for Coal (1 October 1996).
- (r) The permit holder must supply additional information or a detailed explanation of the basis of the royalty return to the Secretary within 30 days of receipt of a request by the Secretary for such information or explanation (refer paragraph 15.55 of the Minerals Programme for Coal (1 October 1996)).

Books to be Available for Inspection

- (s) All books, accounts and other records of the permit holder in relation to the permit shall be available at all reasonable times for inspection for the purposes of verifying the royalty return, by the Secretary or any person legally authorised in writing for that purpose.

Reports of Production

- (t) The permit holder is required to provide to the Secretary an accurate report of coal production for the preceding six-month period within 30 calendar days following 30 September and 31 March in each year. This report may be made as part of an interim royalty statement accompanying any interim royalty payment or the royalty return or by means of a separate production report. A report of production is required to be forwarded irrespective of whether there has been any production during the relevant six-month period.

Amendment of Royalty Conditions

- (u) Where the Minister considers that the amount of net sales revenues specified in condition 5(d), at which and below which the permit holder is required to calculate and is liable to pay the 1% ad valorem royalty only, should be increased, the Minister may amend that condition and conditions 5(e), 5(l) and 5(m) to increase that amount by giving the permit holder one month's notice in writing.

TECHNICAL REPORT

- 6. The permit holder shall, within 60 days of the anniversary of the commencement of work on this permit in each year, provide a report which details exploration activities and results of exploration carried out during the preceding year.

OTHER CONSENTS AND AGREEMENTS REQUIRED

- 7. The permit holder shall ensure that all necessary resource consents and land access agreements are obtained prior to the commencement of mining.
- 8. The permit holder shall notify the Secretary, the Inspector of Mines and appropriate local authorities when operations are due to commence.

NELSON
LAND REGISTRY OFFICE

**MINING PERMIT 41 289
CERTIFICATE OF CHANGE OF CONDITIONS**

IN THE MATTER of the Crown
Minerals Act 1991

AND

IN THE MATTER of mining
permit 41 289 dated 21 December
1994 in the name of Rangitira
Developments Limited

PURSUANT to section 36(1) of the Crown Minerals Act 1991, the conditions specified in the Third Schedule to the above mentioned permit are hereby replaced with those attached to this Certificate.

DATED at Wellington this *30th* day of *April*.....19*97*.

P.S. Carpinter

SIGNED by PAUL STEPHEN CARPINTER, Secretary of Commerce

**THIRD SCHEDULE
CONDITIONS OF MINING PERMIT 41 289**

Work Programme

- 1 The permit holder shall be permitted to mine in a systematic and efficient manner using the mining methods prescribed:
- a stripping and stockpiling of topsoil using earthmoving machinery as necessary;
 - b stripping of overburden and stockpiling or backfilling as appropriate using earthmoving machinery as necessary and explosives approved by the Inspector of Coal Mines;
 - c unless otherwise approved in writing by the Secretary of Commerce (the Secretary) mining for coal by opencast methods using earthmoving machinery as necessary at an average minimum rate of 175,000 tonnes of coal per year;
 - d rehabilitation as appropriate.

Provided that nothing in this clause shall exempt the permit holder from any obligation to comply with the requirements of any other Act or Regulation that may affect or apply to such operations.

Annual Work Statement to be Approved by the Secretary

- 2.a The permit holder shall, before commencing work and within 30 days following the anniversary of the grant of this permit in each year, submit to the Secretary a proposed annual work statement for written approval.
- b The proposed annual work statement shall detail what mining activities are proposed to be undertaken during the forthcoming twelve months.
- c If no mining activities, or pre-development activities only, are proposed during the forthcoming twelve months the permit holder shall give reasons for this in the proposed annual work statement.
- d Where mining activities are proposed the proposed annual work statement shall be accompanied by a mine plan and, where applicable, shall provide details of the quantity and quality of coal to be recovered, confirm the mining method to be used and the anticipated location, extent and direction of mining, the estimated period of mine operation, a schedule of production to date, the estimated remaining recoverable reserves and general mining activities to be undertaken.
- e If requested by the Secretary the permit holder shall supply further information to enable a decision on approval to be made.

- f If requested by the Secretary the permit holder shall provide a modified proposed annual work statement and/or mine plan for approval.
- g The permit holder shall comply with the current approved annual work statement and mine plan (where applicable) which may include modifications to the annual work statement and mine plan initially approved.

Marking Out

- 3 If required by the Secretary the permit holder shall clearly mark the boundaries of the permit or areas defined in the approved work statement of this permit by pegs, coloured tape or other approved means.

Royalties

- 4a The permit holder shall pay to the Secretary a royalty on any coal produced and sold under this permit. The rate of royalty specified will apply until twelve months after the date of issue of the first appropriate minerals programme issued in terms of section 18 of the Crown Minerals Act 1991 when the rate specified in that minerals programme will take effect.
- b All books, accounts and other records of the permit holder in relation to the permit for the purposes of this condition shall be open at all reasonable times to inspection by the Secretary or any person legally authorised for that purpose.

Reports

- 5 The permit holder shall provide such periodic reports and returns on production as are required in the Crown Minerals Act 1991 and its regulations. In particular the permit holder shall, within thirty days following the thirtieth of June and thirty-first of December in each year, provide the Secretary with true and accurate returns of the quantities of coal mined and the value of coal sold in respect of this permit during the preceding six months. If there has been no production during the reporting period then the permit holder shall provide written notification giving reasons for the lack of production.
- 6 The permit holder shall, within 60 days of the anniversary of the commencement of work on this permit in each year, provide a report which details exploration activities and results of exploration carried out during the preceding year.

Other Consents and Agreements Required

- 7 The permit holder shall ensure that all necessary resource consents and land access agreements are obtained prior to the commencement of mining.
- 8 The permit holder shall notify the Secretary, the Inspector of Mines and appropriate local authorities when operations are due to commence.

THE CROWN MINERALS ACT 1991

MINING PERMIT No. 41 289

Minister of Energy

TO

MILBURN NEW ZEALAND LIMITED


Area: 833.5680 hectares

MEMORIALS

Transfer of the within permit to Rangitira Developments Limited entered by the District Land Registrar at Nelson on 27 April 1995.

B. J. ...
.....
Signed
/ 195

Particulars entered in the Register shown in the First Schedule herein on the date and at the time stamped below.

.....
District/Assistant Land Registrar


Registry Office Use Only

ASST LAND REGISTRAR
LAND REGISTRY NELSON
PARTICULARS ENTERED IN REGISTER
1032 09 JAN 95
345017

NELSON
LAND REGISTRY OFFICE

Vol. 11D
Folio 25

MINING PERMIT 41 289
CROWN MINERALS ACT 1991

PERMIT HOLDER: Milburn New Zealand Limited
106 Hansons Lane, Upper Riccarton
CHRISTCHURCH 8004

FIRST SCHEDULE:

<u>CT Reference</u>	<u>Area</u>	<u>Legal Description of Permit Area</u>
	833.5680 hectares	NELSON LAND DISTRICT - BULLER DISTRICT All that area of land being Part of Section 14, Block VIII Kawatiri Survey District, Section 17, Block II Ohika Survey District and State Forest land, situated in Block VIII Kawatiri Survey District and Block II Ohika Survey District, as is more particularly shown on plan M.15218 attached within.

TERM: Twenty-Five years commencing on the date hereof.

PURSUANT to the Crown Minerals Act 1991 the Minister of Energy hereby grants to the above permit holder the right to mine the land described in the **FIRST SCHEDULE** hereto for those minerals specified in the **SECOND SCHEDULE** hereto upon the terms and conditions specified in the **THIRD SCHEDULE** hereto and subject to the Crown Minerals Act 1991 and any regulations made thereunder.

The grant of this permit does not entitle the permit holder to carry out any mining or enter on to any land without having obtained the relevant access arrangement in terms of the Crown Minerals Act 1991 or resource consents if required as provided for by the Resource Management Act 1991.

DATED at Wellington this 21st day of *December* 19*94*

SIGNED by DOUGLAS LORIMER KIDD, Minister of Energy



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SECOND SCHEDULE

MINERAL

ROYALTY

Coal

- a \$0.25 by underground methods
- b \$0.50 by opencast methods

**THIRD SCHEDULE
CONDITIONS OF MINING PERMIT 41 289**

Work Programme

1 The permit holder shall be permitted to mine for coal in a systematic and efficient manner using the mining methods prescribed:

- a stripping and stockpiling of topsoil using earthmoving machinery as necessary;
- b stripping of overburden and stockpiling or backfilling as appropriate using earthmoving machinery as necessary and explosives approved by the Inspector of Coal Mines;
- c unless otherwise approved in writing by the Secretary of Commerce (the Secretary) mining for coal by opencast methods using earthmoving machinery as necessary at an average minimum rate of 175,000 tonnes of coal per year;
- d rehabilitation as appropriate.

Provided that nothing in this clause shall exempt the permit holder from any obligation to comply with the requirements of any other Act or Regulation that may affect or apply to such operations.

- 2a The permit holder shall, before commencing work and within 30 days following the anniversary of the commencement of work on this permit in each year, submit to the Secretary a proposed annual work statement and mine plan for written approval.
- b The proposed annual work statement and mine plan shall detail estimates of quality of coal to be recovered for the next twelve months, confirm the mining method to be used and the anticipated location, extent and direction of mining, period of mine operation, a schedule of production to-date, estimated remaining recoverable reserves and general mining activities to be undertaken.
- c The Secretary shall, within thirty working days of receipt, respond to the proposed work statement and mine plan either giving approval to the work statement or withholding approval and requesting either modification or further information to enable assessment.
- d Compliance with the work statement and mine plan shall constitute a condition of this permit.

Marking out

3 If required by the Secretary the permit holder shall clearly mark the boundaries of the permit or areas defined in the approved work statement of this permit by pegs, coloured tape or other approved means.

Royalties

4a The permit holder shall pay to the Secretary a royalty on any coal produced and sold under this permit. The rate of royalty specified will apply until twelve months after the date of issue of the first appropriate minerals program issued in terms of Section 18 of the Crown Minerals Act 1991 when the rate specified in that minerals program will take effect.

b All books, accounts and other records of the permit holder in relation to the permit for the purposes of this condition shall be open at all reasonable times to inspection by the Secretary or any person legally authorised for that purpose.

Reports

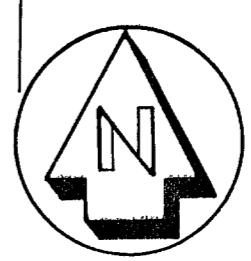
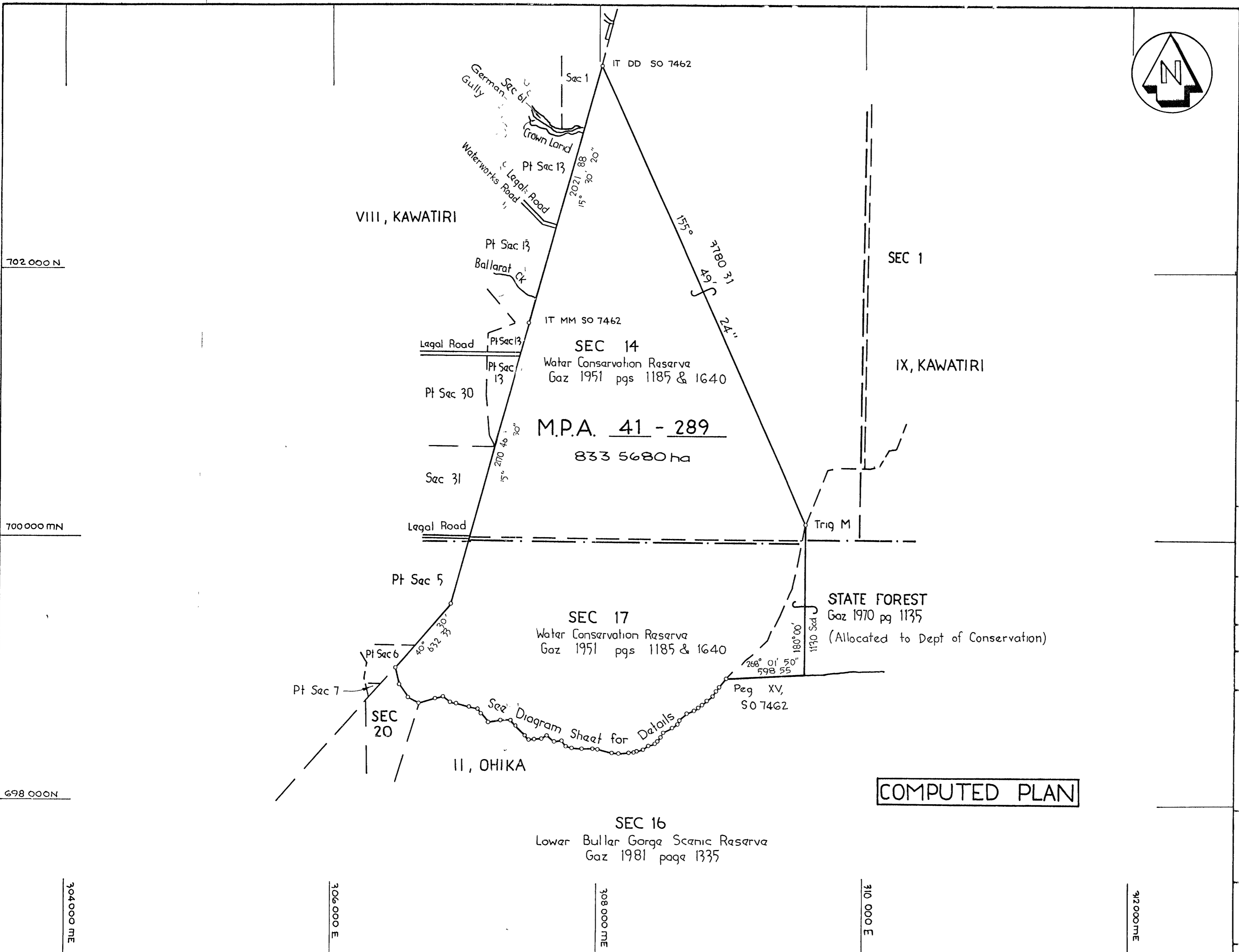
5 The permit holder shall provide such periodic reports and returns on production as are required in the Crown Minerals Act 1991 and its regulations. In particular the permit holder shall, within thirty days following the thirtieth of June and thirty-first of December in each year, provide the Secretary with true and accurate returns of the quantity of coal mined and the value of coal sold in respect of this permit during the preceding six months. If there has been no production during the reporting period then the permit holder shall provide written notification giving reasons for the lack of production.

6 The permit holder shall, within 60 days of the anniversary of the commencement of work on this permit in each year, provide a report which details exploration activities and results of exploration carried out during the preceding year.

Other Consents and Agreements Required

7 The permit holder shall ensure that all necessary resource consents and land access agreements are obtained prior to the commencement of mining.

8 The permit holder shall notify the Secretary, the Inspector of Mines and appropriate local authorities when operations are due to commence.



Approvals	
DATUM NOTE Bearing Datum: Geodetic 1949 Coordinate Datum: Geodetic 1949 in terms of Buller Initial, Buller Circuit. 700,000 mN, 300,000 mE	
NOTE Information adopted from SO 7462	
COORDINATE TABLE Trig M 700095 82 mN 309576.30	
Total Area 833 5680 ha	
Comprised in Gaz 1951, Pgs 1185 and 1640 Gaz 1970, pg 1135	
I, Christopher John Coll Registered Surveyor and holder of an annual practising certificate (or who may act as a registered surveyor pursuant to section 25 of the Survey Act 1986) hereby certify that this plan has been by me or under my directions, that the plan is correct and has been made in accordance with the Survey Regulations 1972 or any regulations made in substitution thereof Dated at Westport this 5 th day of November 94 Signature <i>CJ Coll</i>	
Field Book — p —	Traverse Book — p —
Reference Plans SO 7462	
Examined <i>EW Bayley</i>	Correct
Approved as to Computation <i>Chris Holden</i> 14/12/94 Acting Chief Surveyor	
Deposited this day of 19	
District Land Registrar	
File 41-289 Received 14 11 94 Instructions	M15218

LAND DISTRICT NELSON
SURVEY BLK. & DIST. VIII, IX KAWATIRI, II OHIKA
NZMS 261 SHT K29 RECORD MAP No

MINING PERMIT APPLICATION
No 41 289
MILBURN NEW ZEALAND LTD

TERRITORIAL AUTHORITY BULLER DISTRICT
Computed by C J COLL
Scale 1 20000 Date NOVEMBER 1994

THE CROWN MINERALS ACT 1991

MINING PERMIT No. 41 289

Minister of Energy

TO

MILBURN NEW ZEALAND LIMITED


Area: 833.5680 hectares

MEMORIALS

Transfer of the within permit to Rangitira Developments Limited entered by the District Land Registrar at Nelson on 27 April 1995.

B. J. ...
.....
Signed
/ 195

Particulars entered in the Register shown in the First Schedule herein on the date and at the time stamped below.

.....
District/Assistant Land Registrar


Registry Office Use Only

ASST LAND REGISTRAR
LAND REGISTRY NELSON
PARTICULARS ENTERED IN REGISTER
1032 09 JAN 95
345017