

## **ACCESS ARRANGEMENT FIFTH VARIATION**

THIS FIFTH VARIATION AGREEMENT varying and modifying the Access Arrangement 37873 -AA for Mining Permit 51279 of 21 May 2013 and its four subsequent variations.

Date of execution of this variation 21 June 2022.

Parties:

The **Minister of Conservation** (hereinafter together with the Minister's agents referred to as "the Minister")

and **Buller Coal Limited** (herein after referred to as "the permit holder")

### **WHEREAS**

- A. By an agreement for an access arrangement made pursuant to section 61 of the Crown Minerals Act 1991 on 21 May 2013 (the Access Arrangement) the Minister granted access to the public conservation land described in the First Schedule to that Access Arrangement on the terms and conditions set out in the Access Arrangement to the permit holder.
- B. On 22 May 2014 the Minister agreed to a first variation to the access arrangement as varied.
- C. On 29 October 2015 the Minister agreed to a second variation to the Access Arrangement.
- D. On 30 June 2016 the Minister agreed to a third Variation to the Access Arrangement.
- E. On 11 June 2018 the Minister agreed to a fourth variation to the Access Arrangement.
- F. This agreement varies and modifies the Access Arrangement

The parties hereby AGREE as follows:

### **Variations of Existing Conditions**

- 1. Clause 43 shall be **deleted** and **replaced** with the following condition:
  - 43. (a) Subject to Conditions 9(c) and (d), the term of the Access Arrangement will be for a period from the date of execution of this Access Arrangement until 23 June 2032 or for the term of Mining Permit 51-279, whichever is the lesser.
  - (b) The parties acknowledge that within the term it is envisaged that the Permit holder will undertake Mining, Mining Operations and progressive rehabilitation
- 2. All other conditions of the Access Arrangement remain unchanged.



3. The Permit holder will pay the costs of and incidental to the preparation and completion of this variation.

Signed for and on behalf of )  
the Minister of Conservation )  
by **Mark Davies**, Operations Director ) .....  
West Coast Region )  
pursuant to a written delegation )  
from the Minister of Conservation )  
under the Crown Minerals Act 1991 )



in the presence of

s 9(2)(a)

Witness: *DIANE MOLLOY*  
Occupation: *PERSONAL ASSISTANT*  
Address: *HOKITIKA*

Signed on behalf of **Buller Coal Limited** by:

Name: *Richard Tacon* ..... (Director)

s 9(2)(a)

Signature: .....

in the presence of

s 9(2)(a)

Witness: .....  
Occupation: .....  
Address: .....

And

Name: ..... (Director)

Signature: .....

in the presence of

Witness: .....  
Occupation: .....  
Address: .....

Signed on behalf of Bathurst Resources Limited as guarantor by:

Name: Richard Tacon (Director)

Signature: .....

in the presence of

Witness:  
Occupation:  
Address:

And

Name: ..... (Director)

Signature: .....

in the presence of

Witness: .....  
Occupation: .....  
Address: .....

