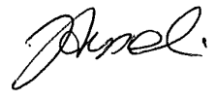


# Instrument of Grant

## Section 63 of the *Mining Act 1992*

I, **Jamie Tripodi, Executive Director Assessments and Systems**, as delegate of the Minister administering the *Mining Act 1992* for the State of New South Wales, pursuant to section 63 of the *Mining Act 1992*, have determined to grant a Mining Lease in satisfaction of **Mining Lease Application 592 (Act 1992)**, as described in Schedule 1, to **Luddenham Operations Pty. Limited, ACN 643 874 211**, subject to the conditions:

1. prescribed in the *Mining Act 1992* and the Mining Regulation 2016; and
2. set out in Schedule 2.



**Jamie Tripodi**  
**Executive Director Assessments and Systems**  
**Regional NSW – Mining, Exploration and Geoscience**  
**As delegate for the Minister administering the *Mining Act 1992***  
**Delegation dated: 14 May 2018**

**Dated this 14<sup>th</sup> day of October 2021**

# SCHEDULE 1

## Description of Lease

<b>Mining lease number:</b>	<b>1816 (Act 1992)</b>
<b>Grant date:</b>	<b>14 October 2021</b>
<b>Term:</b>	<b>Twenty-one (21) years</b>
<b>Term ending (expiry date):</b>	<b>14 October 2042</b>
<b>Lease Holder(s)</b>	<b>Luddenham Operations Pty. Limited ACN 643 874 211</b>
<b>Area:</b>	<b>11.9 hectares</b>
<b>Surface Exception:</b>	<b>Nil</b>
<b>Depth Restriction:</b>	<b>Nil</b>
<b>Mineral(s):</b>	<b>Clay / Shale Structural Clay</b>
<b>Method:</b>	<b>Quarrying</b>
<b>Land:</b>	The lease area includes all land described in the attached lease plan titled <b>M27570</b> and approved on <b>21 September 2021</b> .



ADAMS ROAD



COORDINATE SCHEDULE						
MARK	MGA CO-ORDINATES		CLASS	PU	ORIGIN	STATE
	EASTING	NORTHING				
PM 25501	289 033.622	6 249 985.591	B	0.02	SCIMS	FOUND
PM 43336	288 728.258	6 249 827.245	B	0.02	SCIMS	FOUND
PM 43337	288 416.221	6 249 566.928	B	-	SCIMS	FOUND
DATE OF SCIMS COORDINATES: 13-07-2021 MGA ZONE: 56 MGA DATUM: GDA2020 COMBINED SCALE FACTOR 1.000137						

NOTES:  
1. THE MINING LEASE BOUNDARY IS INTENDED TO COINCIDE WITH THE EXISTING CADASTRAL BOUNDARIES THAT COME LOT 1 IN DP 623799

PARISH OF KERTNE  
COUNTY OF WINDEYER

CONNECTIONS		
LINE	BEARING	DISTANCE
PM 25501-CNR 100	158°30'50"	562.024
PM 43336-CNR 101	152°13'20"	364.645
PM 43336-CNR 114	168°26'40"	429.521
PM 43337-CNR 115	130°58'10"	494.388
PM 43337-CNR 116	115°42'20"	899.555

PLAN OF PORTION ML 4

PARISH: KERTNE

COUNTY: WINDEYER

MAP SHEET No.9030-3-N PENRITH & 9030-3-S WARRAGAMBA

REDUCTION RATIO 1: 1250

MINING LEASE APPLICATION No.M592 (ACT 1992)

MINING DIVISION: SYDNEY

APPLICANT: LUDDENHAM OPERATIONS PTY LTD

APPLICATION DATE: 21-AUG-2020

MINING LEASE No.1816 (ACT 1992)

STATUS:

METHOD: QUARRYING

SURFACE EXCEPTION / DEPTH RESTRICTION

☐ EMBRACES THE SURFACE AND SOIL BELOW THEREOF TO AN UNLIMITED DEPTH

NOTES:

Azimuth:  
AS APPROPRIATE

Plans used in the course of this survey/compilation  
.....

Survey declared on this plan for lines  
.....

I HUY DUC XUAN THAI  
of RGM PROPERTY SURVEYS PTY LTD  
a surveyor registered under the Surveying and Spatial Information Act 2002, hereby certify that the survey /compilation represented in this plan is accurate and has been completed in accordance with the Surveying and Spatial Information Regulation 2017 and the Surveyor General's Direction for Mining Surveys and was completed on 15-07-2021..

Signature : *[Signature]*

BOSSI Identification No : 8258

Survey Calcs : .....

Plan Investigated : B. BHATIA 22/8/21

Plan Approved : *[Signature]* 21/9/21

Paper No : TMS-APP217....

R00033426  
D008295500

M  
2  
7  
5  
7  
0



## SCHEDULE 2

### Mining Lease Conditions

(Version as at July 2021)

#### Definitions

Words used in this mining lease have the same meaning as defined in the *Mining Act 1992* except where otherwise defined below:

Term	Definition
<b>Act</b>	means the <i>Mining Act 1992</i> .
<b>Landholder</b>	for the purposes of these conditions: <ul style="list-style-type: none"> <li>• does not include a secondary landholder</li> <li>• includes, in the case of exempted areas, the controlling body for the exempted area.</li> </ul>
<b>Minister</b>	means the Minister administering the Act.

#### Note:

1. The rights and duties of the Lease Holder(s) are those prescribed by the *Mining Act 1992* and the Mining Regulation 2016, subject to the terms and conditions of this Mining Lease.
2. This Mining Lease does not override any obligation on the Lease Holder(s) to comply with the requirements of other legislation and regulatory instruments which may apply (including all relevant development approvals) unless specifically provided in the *Mining Act 1992* or other legislation or regulatory instruments.

## **MINING LEASE CONDITIONS**

### **Prescribed standard conditions**

**NOTE TO HOLDERS:** The prescribed standard conditions in the Mining Regulation 2016, Schedule 8A, Part 2 apply in addition to the conditions in this Schedule 2 (but have not been replicated in this Lease). The conditions imposed by the Mining Regulation 2016 prevail to the extent of any inconsistency with the conditions in this Schedule 2.

### **Standard conditions**

#### **1. Notice to Landholders**

- (a) Within 90 days from the date of grant/renewal of this mining lease, the lease holder must serve on each landholder a notice in writing to notify that this mining lease has been granted/renewed and whether the lease includes the surface. A plan identifying each landholder and individual land parcel subject to the lease area, and a description of the lease area must accompany the notice.
- (b) If there are ten or more landholders, the lease holder may serve the notice by publication in a newspaper circulating in the region where the lease area is situated. The notice must indicate that this mining lease has been granted/renewed; state whether the lease includes the surface and must contain a plan and description of the lease area. If a notice is made under condition 1(b), compliance with condition 1(a) is not required.

#### **2. Security**

The lease holder is required to provide and maintain a security deposit to secure funding for the fulfilment of obligations under the mining lease, including obligations under the mining lease that may arise in the future.

The amount of the security deposit to be provided has been assessed by the Minister at **\$468,000**.

#### **3. Cooperation Agreement**

The lease holder must make every reasonable attempt, and be able to demonstrate its attempts, to enter into a cooperation agreement with the holder(s) of any overlapping title(s). The cooperation agreement should address but not be limited to issues such as:

- access arrangements
- operational interaction procedures
- dispute resolution
- information exchange
- well location

- timing of drilling
- potential resource extraction conflicts; and
- rehabilitation issues.

#### **4. Assessable Prospecting Operations**

- (a) The lease holder must not carry out any assessable prospecting operation on land over which this lease has been granted unless:
- (i) it is carried out in accordance with any necessary development consent; or
  - (ii) if development consent is not required, the prior written approval of the Minister has been obtained.
- (b) The lease holder must comply with the approval granted to the holder.
- (c) The Minister may require the lease holder to provide such information as required to assist the Minister consider an application for approval.
- (d) An approval granted under this condition may be granted subject to terms.

#### **Exploration Reporting**

*Note: Exploration Reports (Geological and Geophysical)*

*The lease holder must lodge reports to the satisfaction of the Secretary in accordance with section 163C of the Mining Act 1992 and in accordance with clauses 59, 60 and 61 of the Mining Regulation 2016.*

*Reports must be prepared in accordance with Exploration Reporting: A guide for reporting on exploration and prospecting in New South Wales.*

#### **Special conditions**

Nil

*Note: The standard conditions apply to all mining leases. The Department reserves the right to impose special conditions, based on individual circumstances, where appropriate.*