

## **This Explanatory Note does not form part of the Tenement Document**

### **EXPLANATION OF THE HILLSIDE TENEMENT DOCUMENTS**

#### **Purpose of a Tenement Document**

Tenement documents are generated when, following a formal application process and detailed assessment by the Department of State Development in accordance with the *Mining Act 1971*, the Minister decides to grant a mining tenement.

The primary purpose of a tenement document (commonly called a “Lease” or a “Licence”) is to inform the Tenement Holder and the general public about the specific details of a particular grant.

The tenement document does not set out all of the things that a tenement holder must do; the *Mining Act 1971* and the *Mining Regulations 2011* – and other relevant Acts for that matter – contain a large number of additional requirements with which tenement holders must also comply. The tenement document does, however, provide the terms, conditions and clauses specific to the grant for ensuring the acceptable conduct of mining operations on that mining tenement.

Tenement documents for the different types of tenements offered to Rex (a Mineral Lease, Extractive Minerals Lease, and Miscellaneous Purposes Licence) are different, but share the same components and approach.

#### **Format and Content of Tenement Documents**

The Rex Minerals’ tenement documents are in the format of a small booklet, which must be read in entirety in the context of the Act and Regulations in order to understand the complete regulatory obligation imposed by the Minister on the tenement holder.

The Hillside Mineral Lease tenement document is comprised of:

1. *The Front Page*

The front page gives the reader basic tenement information ‘at a glance’. For example, it contains Rex’s name and the tenement’s commencement and expiration dates.

**This Explanatory Note does not form part of the Tenement Document**

2. *The Contents Page*

The contents page provides headings, paragraph and page numbers and describes the Schedules.

3. *The body of the tenement document*

The body of the tenement document contains:

- a) Details of the grant,
- b) The terms and conditions required by the Act to be specified in the tenement document,
- c) A paragraph about environmental outcomes (which links to the Sixth Schedule),
- d) Selected restatements of sections of the Act and Regulations,
- e) Definitions, and
- f) Rules on Interpretation

The 'restatements' are restatements of certain provisions of the Act or Regulations that the Department of State Development considers are of particular importance to all tenement holders. The restatements do not replace the actual contemporary provisions of the Act or Regulations and Rex is also required to comply with provisions that are not restated.

4. *Seven Schedules*

The seven schedules are:

- First Schedule- Additional Terms
- Second Schedule - Additional Conditions
- Third Schedule - Map and description of the tenement area
- Fourth Schedule - Process for Suspension
- Fifth Schedule - Process for Cancellation
- Sixth Schedule - Environmental Outcomes, Criteria and Strategies required in the Program for Environment Protection and Rehabilitation (PEPR)
- Seventh Schedule - Zoning at time of Grant.

To ensure clarity of the requirements of the Mining Act, the Schedules separate the conditions that have previously been provided in two Schedules, into three:

## **This Explanatory Note does not form part of the Tenement Document**

- the First Schedule of terms grants Rex specific rights,
- the Second Schedule of conditions imposes specific restrictions, and
- the Sixth Schedule of clauses sets out requirements for content that would be provided in a PEPR.

### **Mining Operations and Environment Protection and Rehabilitation**

Amendments to the Mining Act in 2011 enhanced the environmental protection and rehabilitation focus of the Act and Regulations, and introduced in Part 10A an environment protection and rehabilitation regime that is centred on PEPRs.

The tenement documents reflect this environmental focus in two significant ways. First, the body of the tenement documents contain extensive restatements about the PEPR and the process for its approval. Secondly, the types of environmental outcomes, criteria and strategies that Rex will need to address in its PEPR are included in the tenement document, particularly the Sixth Schedule.

If a lease is granted, actual mining operations must not commence until the (now) tenement holder has submitted a 'Proposed PEPR' for approval and the Minister has approved it.

The Minister will only approve the 'Proposed PEPR' if:

- a) It is consistent with the Mining Lease Proposal (MLP),
- b) It contains all of the information that the Act or Regulations say it must,
- c) Additional Conditions about the PEPR are complied with, and
- d) It addresses strategies and criteria to be adopted to measure environmental outcomes listed in the Sixth Schedule, and
- e) Access has been authorised to all land relevant for the operations described in the PEPR, in accordance with the Mining Act.



Government  
of South Australia

***Mining Act 1971***

**TENEMENT DOCUMENT  
MISCELLANEOUS PURPOSES LICENCE**

<b>TENEMENT HOLDER</b>	Rex Minerals (SA) Pty Ltd (ACN 125 407 669)
<b>MISCELLANEOUS PURPOSES LICENCE NUMBER</b>	MPL 146
<b>PURPOSE OF GRANT</b>	To provide water and concentrate pipelines, and a high voltage power line related directly to the conduct of mining operations on ML 6438
<b>COMMENCEMENT DATE</b>	16 September 2014
<b>TERM OF MINING TENEMENT</b>	Twenty One (21) years
<b>EXPIRY DATE</b>	15 September 2035
<b>AREA OF MINING TENEMENT</b>	94.34 hectares

<b>Table of Contents</b>	<b>Page No</b>
Details of grant .....	4
The Mining Tenement is granted: .....	4
Terms and conditions required by the Act to be specified in the Tenement Document.....	4
Term, Commencement and Expiration .....	4
Rental.....	5
Suspension and Cancellation: Stipulation of Process.....	5
Environmental outcomes specified pursuant to Regulation 65 of the Regulations.....	5
Restatement of selected provisions from the Act.....	5
Explanation of Restatements .....	5
Restatement of obligations imposed on Tenement Holder: Program for environment protection and rehabilitation .....	6
Restatement of obligations imposed on Tenement Holder: Other.....	6
Restatement of Exempt Land .....	7
Restatement of Bond.....	7
Restatement of Fees.....	7
Restatement of Renewal .....	7
Restatement of Surrender .....	8
Restatement of Forfeiture.....	8
Restatement of Notices.....	8
Restatement of Mining Register.....	8
Restatement of “mining operations” .....	8
Restatement of Declaration of Insolvency .....	9
Definitions .....	10
Interpretation .....	12
FIRST SCHEDULE .....	15
ADDITIONAL TERMS .....	15
SECOND SCHEDULE.....	16
ADDITIONAL CONDITIONS.....	16
THIRD SCHEDULE .....	23
MAP .....	23
DESCRIPTION OF AREAS .....	24
FOURTH SCHEDULE .....	26
PROCESS FOR SUSPENSION .....	26
FIFTH SCHEDULE .....	28

MISCELLANEOUS PURPOSES LICENCE 146

PROCESS FOR CANCELLATION ..... 28

SIXTH SCHEDULE..... 30

Environmental outcomes and associated criteria and strategies specified pursuant to Regulation 65 of the Mining Regulations 2011..... 30

**Details of grant**

1. On 16 September 2014, pursuant to Part 8 of the Act, the Minister made a statutory grant of the Miscellaneous Purposes Licence (the Mining Tenement) described in this Tenement Document.

**The Mining Tenement is granted:**

- 1.1. To Rex Minerals (SA) Pty Ltd (ACN 125 407 669);
  - 1.2. For the purpose of providing water and concentrate pipelines and a high voltage power line relating directly to the conduct of mining operations on ML 6438.
2. The Mining Tenement is numbered MPL 146.
  3. The Mining Tenement is granted:
    - 3.1. Subject to the Terms and Conditions prescribed by the Act and Regulations and specified in this Tenement Document; and
    - 3.2. Subject to the Additional Terms and Conditions specified in the First and Second Schedules (respectively) of this Tenement Document.
  4. The Mining Tenement is granted over an area of 94.34 hectares and is located between Ardrossan and Pine Point.
  5. The location of the Mining Tenement is more specifically defined in the map and co-ordinates specified in the Third Schedule of this Tenement Document.

**Terms and conditions required by the Act to be specified in the Tenement Document**

**Term, Commencement and Expiration**

6. The Mining Tenement is granted for the term of 21 years.
7. The term of the Mining Tenement commenced on 16 September 2014, and, unless it is earlier renewed, surrendered or cancelled, the Mining Tenement will cease on 15 September 2035.

**Rental**

8. The Tenement Holder shall pay, by way of rental, such sums as may be prescribed and in accordance with section 52(6), (7), (8) and (9) of the Act and Regulation 54 of the Regulations.

**Suspension and Cancellation: Stipulation of Process**

9. Pursuant to subsection 56(1) of the Act, the Minister may suspend or cancel the Mining Tenement if the Tenement Holder contravenes or fails to comply with a term or condition of this Tenement Document or a provision of the Act (which includes the Regulations).

10. Pursuant to subsection 56 (2) of the Act, the Minister may stipulate in the Tenement Document a process for suspension or cancellation that must be followed before the powers in subsection 56(1) may be exercised.

10.1. The process for suspension of the Mining Tenement shall be as stipulated in the Third Schedule of this Tenement Document.

10.2. The process for cancellation of the Mining Tenement shall be as stipulated in Fourth Schedule of this Tenement Document.

**Environmental outcomes specified pursuant to Regulation 65 of the Regulations**

11. The Sixth Schedule of this Tenement Document sets out outcomes contemplated in regulation 65(2) of the Regulations, that the Tenement Holder is required to address in any program submitted in accordance with Part 10A of the Act.

*Explanatory Note: The Sixth Schedule may also contain strategies and criteria which the Department has formed the view would address the outcomes set out in that Schedule.*

**Restatement of selected provisions from the Act**

**Explanation of Restatements**

12. All of the restatements in this portion of this Tenement Document are included for guidance only and do not replace the substantive provisions of the Act or the Regulations.

13. If any restatement is inconsistent with the substantive provisions of the Act or the Regulations, the restatement will be invalid and the substantive provision of the Act or the Regulations will prevail and the Tenement Holder is required to comply with the substantive provision of the Act or the Regulations.

14. The Tenement Holder is still required to comply with any provision of the Act or Regulations that is not restated in this Tenement Document.

**Restatement of obligations imposed on Tenement Holder: Program for environment protection and rehabilitation**

15. The Tenement Holder must not carry out mining operations unless there is an APPROVED PEPR.
  
16. A PROPOSED PEPR will only be approved when it complies with the requirements of Part 10A of the Act and the Regulations.
  
17. To comply with Part 10 A of the Act, the PROPOSED PEPR must:
  - 17.1. Contain the information specified in section 70B(2) of the Act and regulation 65(2), (5), (6) of the Regulations and determinations made by the Minister under regulation 65(7) of the Regulations (if any);
  - 17.2. Comply with any applicable conditions specified in this Tenement Document (if any);
  - 17.3. Address any relevant environmental outcomes listed in the Sixth Schedule of this Tenement Document.

*Explanatory note:* At the date of grant, the determinations are available at:  
[www.minerals.statedevelopment.sa.gov.au/publications\\_and\\_information/ministerial\\_determinations](http://www.minerals.statedevelopment.sa.gov.au/publications_and_information/ministerial_determinations)

18. In accordance with regulation 65(10) of the Regulations, the Tenement Holder must submit to the DSD for ministerial approval a PROPOSED PEPR that fully complies with the Act and Regulations within twelve (12) months after the grant of the Mining Tenement unless the Tenement Holder has been granted an extension of time for such submission.

*Explanatory note:* Until otherwise notified, the Tenement Holder may apply for an extension of time in writing to the Director of Mines, Level 7, 101 Grenfell Street, Adelaide, SA 5000, setting out the reasons why the Tenement Holder seeks an extension and the date when the Tenement Holder estimates that the document will be ready for submission to the Minister.

**Restatement of obligations imposed on Tenement Holder: Other**

19. In addition to obligations about the conduct of mining operations and rehabilitation, the Act and Regulations impose other obligations on the Tenement Holder including obligations to:
  - 19.1. Comply with the applicable provisions of Part 9 of the Act (entry onto land and use of declared equipment).
  - 19.2. Comply with the applicable provisions of Part 9B of the Act (native title).
  - 19.3. Comply with the provisions of section 76 of the Act (mining returns) to the extent relevant to a miscellaneous purposes licence.
  - 19.4. Comply with section 77 of the Act (records and geological samples) and regulation 84 of the Regulations.

## MISCELLANEOUS PURPOSES LICENCE 146

- 19.5. Comply, as necessary, with section 83 of the Act (ministerial consent for dealings in relation to the Mining Tenement) and regulations 44 and 70 of the Regulations.
- 19.6. Comply, insofar as applicable to a miscellaneous purposes licence, with regulation 86 of the Regulations (compliance reports).
- 19.7. Comply with the requirement in regulation 43 of the Regulations to maintain all posts, boundary indicator markers and notices in the positions required by the Regulations as applicable.
- 19.8. Permit the pastoral lessee (if any) of the Land to have free access and use at all times for domestic purposes, and for the purposes of watering stock from any surface water on the Land which shall not have been provided or stored by artificial means by the Tenement Holder.

### **Restatement of Exempt Land**

20. In accordance with section 9 of the Act, the grant of the Mining Tenement does not authorise prospecting, exploring or mining upon any exempt land unless or until the benefit of the exemption is waived under section 9AA of the Act.

### **Restatement of Bond**

21. In accordance with section 62 of the Act, the Minister may by written notice require the Tenement Holder to pay a bond in such sum and subject to such terms and conditions as ensure, in the opinion of the Minister, that the following will be satisfied: any civil or statutory liability likely to be incurred by the Tenement Holder in the course of carrying out mining operations; the present and future obligations of the Tenement Holder in relation to the rehabilitation of land disturbed by mining operations.

*Explanatory Note: The terms and conditions referred to in this paragraph will be imposed in the written notice given by the Minister. The Minister may include a term or condition that the bond may be increased if circumstances arise during the term of this Extractive Minerals Lease which increases the cost of rehabilitation or increases the cost of civil or statutory liability.*

### **Restatement of Fees**

22. The Tenement Holder shall pay all fees imposed by the Act and Regulations from time to time.

### **Restatement of Renewal**

23. The Mining Tenement shall be renewed in accordance with the Act and the Regulations (if any).

**Restatement of Surrender**

24. The Tenement Holder may apply to surrender the Mining Tenement during its term in accordance with the Act and the Regulations.

**Restatement of Forfeiture**

25. The Mining Tenement is subject to the forfeiture provisions of the Act being sections 70 and 85.

**Restatement of Notices**

26. Notices under the Act will be served in accordance with regulation 106 of the Regulations.

**Restatement of Mining Register**

27. Section 15A of the Act requires the Mining Registrar to keep a register of, amongst other things, miscellaneous purposes licenses. Upon payment of the prescribed fee, the public may inspect the Mining Register.

**Restatement of “mining operations”**

28. As defined by section 6 of the Act “mining operations” means:

- 28.1. Operations carried out in the course of prospecting, exploring or mining for minerals; or
- 28.2. Without limiting paragraph 29.1, any operations by which minerals are recovered from any place or situation, including by recovering minerals from the sea or a natural water supply; or
- 28.3. On-site operations undertaken to make minerals recovered from the site a commercially viable product, other operations involving such minerals, or
- 28.4. Other operations involving minerals brought on to the site of a mine for processing; or
- 28.5. Operations for the rehabilitation of land on account of the impact of any operations under a preceding paragraph; or
- 28.6. Operations that are directly related to any operations under a preceding paragraph; but does not include –
- 28.7. An investigation or survey under section 15 of the Act ; or
- 28.8. Fossicking; or
- 28.9. The surface removal of loose rock material disturbed by agricultural operations.

29. This is definition applies to operations that occur during all phases of the Mining Tenement’s life.

**Restatement of Declaration of Insolvency**

30. Comply with regulation 98(1)(c), which concerns bankruptcy, insolvency and liquidation.

## Definitions

31. In this Tenement Document, the following words have the following meanings:

- 31.1. **“Act”** means the Mining Act 1971 of South Australia;
- 31.2. **“Additional Terms and Conditions”** means the Additional Terms and Conditions authorised by section 52(3) of the Act and set out in the First and Second Schedule of this Tenement Document respectively;
- 31.3. **“Applicant”** means the person or persons who applied for the Mining Tenement;
- 31.4. **“APPROVED PEPR”** means the document that is contemplated by section 70B(5) of the Act i.e. a PROPOSED PEPR that has received ministerial approval;
- 31.5. **“Business Day”** means any day that is not a Saturday, Sunday or a public holiday in South Australia;
- 31.6. **“DRP”** means the Decommissioning and Rehabilitation Plan;
- 31.7. **“DSD”** means the Department of State Development and includes any substituted Department;
- 31.8. **“the Land”** means the land over which the Mining Tenement is granted and which is described in paragraphs 5 and 6 and in the Third Schedule of this Tenement Document;
- 31.9. **“Mine completion”** means the Land has been rehabilitated to an extent that the Minister could approve an application for surrender of the Mining Tenement on the basis that the Tenement Holder has complied with sub-regulation 59(1) of the Regulations and there is no obstacle under sub-regulation 59(3) of the Regulations;
- 31.10. **“Mining Tenement”** means the Miscellaneous Purposes Licence granted to the Tenement Holder, as referred to in paragraphs 1 and 2 of this Tenement Document, and all of the rights and obligations encompassed in the grant;
- 31.11. **“the Minister”** means the Minister for Mineral Resources and Energy (or any substituted Minister);
- 31.12. **“Miscellaneous Purposes Licence”** means the Mining Tenement granted to the Tenement Holder as referred to in paragraphs 1 and 2 of this Tenement Document;
- 31.13. **“PEPR”** means Program for Environment Protection and Rehabilitation;
- 31.14. **“PROPOSED PEPR”** means the document required by regulation 65 (10) to be submitted for ministerial approval within twelve (12) months of the date of grant of the Mining Tenement;
- 31.15. **“the Related Mineral Lease”** means Mineral Lease 6438;
- 31.16. **“Regulations”** means the Mining Regulations 2011 of South Australia;
- 31.17. **“site”** means the Land;
- 31.18. **“site operations”** means mining operations on the Land;
- 31.19. **“Tenement Document”** means this document;

MISCELLANEOUS PURPOSES LICENCE 146

- 31.20. **“Tenement Holder”** means the person, or persons to whom the Mining Tenement was granted and includes:
- 31.20.1. in the case of a natural person the executors, administrators and assigns of that person;
  - 31.20.2. in the case of a body corporate the successors, administrators or permitted assigns thereof;
- 31.21. **“Weeds”** means any invasive plant that threatens native vegetation in the local area or any species recognised as invasive in South Australia.

## Interpretation

32. For the purposes of interpreting this Tenement Document the following will apply:

- 32.1. Unless otherwise stated, any term which is used in this Tenement Document which has a specific meaning in the Act or the Regulations, has that same meaning in this Tenement Document;
- 32.2. the masculine shall include the feminine, words importing persons shall include corporations, and the singular shall include the plural when the context or circumstances require and unless inconsistent with or repugnant to the context the following words shall have the meanings set opposite to them respectively –
  - 32.2.1. “amendment” includes an addition, excision or substitution;
  - 32.2.2. “the Land” includes any part thereof;
  - 32.2.3. “the term” includes any renewal or extension thereof;
- 32.3. if the Mining Tenement is granted to more than one person, all of the persons to whom it is granted are all jointly and severally liable for compliance with the Act, the Regulations and this Tenement Document, including the Additional Terms and Conditions in the First and Second Schedules respectively;
- 32.4. if, by virtue of a dealing under section 83 of the Act, the Mining Tenement comes to be held by more than one person, they will all be jointly and severally liable for compliance with the Act, the Regulations and this Tenement Document including the Additional Terms and Conditions in the First and Second Schedules of this Tenement Document (respectively);
- 32.5. if any act pursuant to the Act or the Regulations, or this Tenement Document would otherwise be required to be done on a day which is not a Business Day then that act may be done on the next Business Day;
- 32.6. to the extent that there is any inconsistency, on the one hand, between a term of this Tenement Document, including any Additional Term or Condition, and, on the other hand, the Act or Regulations, the Act or Regulations shall prevail;
- 32.7. subject to the transitional provisions in any amendment to the Act or the Regulations, all provisions referred to in this Tenement Document shall be taken to include any such amendment;
- 32.8. subject to the transitional provisions in any amendment to the Act or the Regulations, to the extent that there is any inconsistency, on the one hand, between a term of this Tenement Document, including any Additional Term or Condition, and, on the other

MISCELLANEOUS PURPOSES LICENCE 146

hand, any amendments to the Act or Regulations, the amended Act or Regulations shall prevail;

32.9. footnotes and explanatory notes do not form part of this Tenement Document;

32.10. the Table of Contents does not form part of this Tenement Document;

32.11. the front page and all of the Schedules form part of this Tenement Document.

---

**EXECUTED** by Rex Minerals (SA) Pty Ltd )  
(ACN 125 407 669) )  
in accordance with section 127 of the )  
Corporations Act 2001 and its Constitution )

---

Signature of Director

Signature of Director/Secretary

---

Print Name of Director

Print Name of Director/Secretary

Date: Date:

SIGNED by Junesse Martin Mining Registrar )  
as delegate of the Minister for Mineral Resources )  
and Energy in that regard pursuant to )  
section 12 of the Mining Act 1971 )  
in the presence of: )

Date:

---

Witness

---

Print Name:

Date:

**FIRST SCHEDULE**  
**ADDITIONAL TERMS**

**Authorised Mining Operations**

1. The Mining Tenement is granted for the purpose:
  - 1.1. Of constructing, operating and maintaining water and concentrate pipelines,  
and
  - 1.2. a high voltage power line,

directly related to the conduct of mining operations authorised under mining tenement ML 6438.
  
2. Mining operations on the Land must be consistent with the activities described in the Miscellaneous Purposes Licence management plan dated August 2013 and subsequent response document dated 21 February 2014.

**SECOND SCHEDULE**  
**ADDITIONAL CONDITIONS**

**INDEX TO ADDITIONAL CONDITIONS**

Condition No.

Visual Amenity.....	1
Soil and Land Disturbance.....	2
Weeds.....	3
Surface Water.....	4
Groundwater.....	5 - 6
Adjacent Land Use and Third Party Property.....	7
Additional information in the PEPR.....	8
Transparency.....	9
Notification of cessation of operations.....	10
Decommissioning and Rehabilitation Plan.....	11 - 13
Community Engagement.....	14 - 15
Communications Protocol.....	16 - 17
Complaints Register.....	18 - 22
Other Legislation.....	23

**Visual Amenity**

1. Unless the Director of Mines has approved (in writing) an alternative agreement between the Tenement Holder and a land owner relating to the removal of infrastructure, the Tenement Holder must ensure that all infrastructure is decommissioned and removed from the Land at mine completion.

**Soil and Land Disturbance**

2. The Tenement Holder must, in construction, operation, and post mine completion, ensure that the existing (pre-mining) soil quality and quantity is maintained.

**Weeds**

3. The Tenement Holder must, in construction, operation and post mine completion, ensure no introduction of new species of weeds, plant pathogens or pests (including feral animals), nor sustained increase in abundance of existing weed or pest species on the Land compared to adjoining land.

**Surface Water**

4. The Tenement Holder must:
  - 4.1. Ensure no surface water contaminated as a result of mining operations leaves the Land; and
  - 4.2. ensure that;
    - 4.2.1. no surface water contaminated prior to mine completion remains within the Land after mine completion; and
    - 4.2.2. no contamination of surface water occurs after mine completion as a result of mining operations within the Land.

**Groundwater**

5. The Tenement Holder must ensure there is no adverse change to the environmental values of the groundwater within the shallow Cainozoic age sediments outside of the Land as a result of site operations.

6. The Tenement Holder must ensure there is no adverse change to the environmental values of the groundwater within the shallow Cainozoic age sediments within or outside of the Land after mine completion.

### **Adjacent Land Use and Third Party Property**

7. The Tenement Holder must ensure any activities undertaken on the road or road reserve are conducted in accordance with any written requirements of the Department for Planning Transport and Infrastructure.

### **Additional Information in the PEPR**

8. In accordance with section 70B(2)(d) of the Act it is a condition of the grant of the Mining Tenement that a proposed PEPR submitted in accordance with Part 10A of the Act must include reports from suitably qualified independent experts on the following matters:
  - 8.1. The capacity of the tenement holder to achieve compliance with the Act and the PEPR in light of its management systems, personnel, policies, procedures, practices and resources.
  - 8.2. The effectiveness of the proposed strategies in the proposed PEPR achieving the environmental outcomes identified in the proposed PEPR, including but not limited to reports from:
    - 8.2.1. An Independent Slurry Pipeline Engineering Expert (i.e.: for verification of the design of the concentrate slurry pipeline).
  - 8.3. The reports referred to in paragraph 8.2 must include identification of any risks, assumptions and uncertainties associated with the relevant strategies.

### **Transparency**

9. The Tenement Holder agrees to the approved PEPR and any compliance reports and reportable incident reports, submitted in accordance with the Regulations, being made available for public inspection.

### Notification of cessation of operations

10. Within 30 days of becoming aware of any event or decision which is likely to give rise to the cessation of mining operations for a period of more than 7 days and prior to the cessation of mining operations, the Tenement Holder must notify the Director of Mines in writing of the event or decision. The notice must specify the date upon which the mining operations are expected to cease, or have ceased and an estimate of the period of cessation.

### Decommissioning and Rehabilitation Plan

11. Unless the Director of Mines otherwise directs, a DRP must be submitted to the Director of Mines for approval within 30 days of any decision or event that is likely to give rise to the permanent cessation of mining operations, and that DRP must:
  - 11.1. Set out the activities and scheduling required for the carrying out of the rehabilitation works specified in the approved PEPR; and
  - 11.2. Be prepared in accordance with any guidelines provided by the Director of Mines.
12. The Tenement Holder must comply with a DRP approved in accordance with **Condition 11** or **13** when decommissioning or rehabilitating the Mining Tenement.
13. If, in the opinion of the Director of Mines, mining operations on the Land have substantially ceased for 2 years or more, the Director of Mines may:
  - 13.1.1. Require that the Tenement Holder submits a DRP for approval dealing with the requirements set out in **Condition 11**; and/or
  - 13.2. direct the Tenement Holder to rehabilitate the Land in accordance with the approved PEPR and/or any DRP.

### Community Engagement

14. The Tenement Holder must prepare, implement and maintain (to the satisfaction of the Director of Mines) a Community Engagement Plan (“**CEP**”) that:

- 14.1. Sets out the purpose, objectives and parameters of engagement with the Community;
  - 14.2. identifies all community stakeholders likely to be affected by mining operations;
  - 14.3. sets out the tools and techniques that the Tenement Holder intends to use for;
    - 14.3.1. identifying community attitudes and expectations;
    - 14.3.2. providing information to the community;
    - 14.3.3. receiving feedback from the community;
    - 14.3.4. analysing community feedback and considering community concerns or expectations; and
    - 14.3.5. registering, documenting and responding to communications from members of the community;
  - 14.4. outlines an action plan to commence the proposed engagement activities; and
  - 14.5. addresses any further matters that the Director of Mines advises in writing.
15. The CEP must be submitted to the Director of Mines for approval within three months of the grant of the Mining Tenement.

### **Communications Protocol**

16. The Tenement Holder must develop (in consultation with the owners of land and to the satisfaction of the Director of Mines) a communication and operating protocol between itself and owners of land adjacent to the Land and on the Land prior to the commencement of mining operations that includes the following matters;
- 16.1. interaction with landholder operations;
  - 16.2. emergency procedures;
  - 16.3. communications and issue management processes;
  - 16.4. land management;
  - 16.5. dispute resolution;

- 16.6. ongoing communication about the Tenement Holder's operations;
- 16.7. receiving and considering feedback;
- 16.8. safety procedures;
- 16.9. access protocols; and
- 16.10. any matters identified by the Director of Mines in writing.

17. The Tenement Holder must maintain and adhere to the protocol to the satisfaction of the Director of Mines for the term of the Mining Tenement.

### **Complaints Register**

18. The Tenement Holder must operate a 24 hour per day, 7 day per week, free-call telephone complaints line for the purpose of receiving complaints from members of the public in relation to mining operations.

19. The Tenement Holder must take reasonable measures to notify the public of the complaints line telephone number and the fact that it is a complaints line.

20. The Tenement Holder must establish and maintain a public complaints register. The public complaints register must, as a minimum, record the following detail in relation to each complaint received in which it is alleged that environmental harm (including an environmental nuisance) has been caused by the mining operations:

- 20.1. The time at which the complaint was received;
- 20.2. all personal details of the complainant which were provided by the complainant or, if no such details were provided, a note to that effect;
- 20.3. the subject-matter of the complaint;
- 20.4. the action taken by the Tenement Holder in relation to the complaint, including any follow-up contact with the complainant; and
- 20.5. if no action was taken by the Tenement Holder, the reasons why no action was taken.

21. All records in respect of the public complaints must be maintained for a period of at least 7 years.
22. The Tenement Holder must make the public complaints register publicly available except for the name and contact details of each complainant.

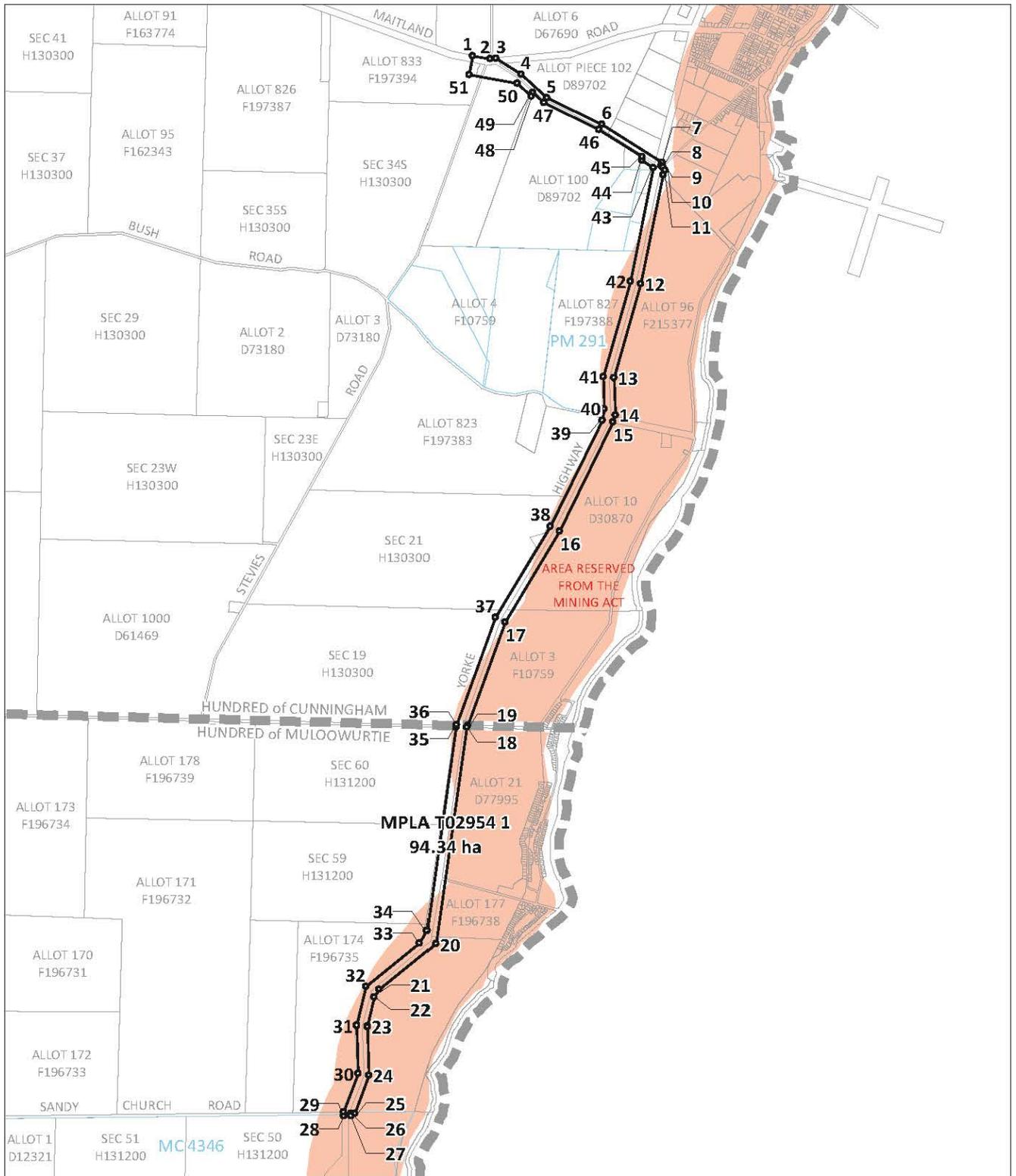
### **Other Legislation**

23. The Tenement Holder must comply with all State and Commonwealth legislation and regulations applicable to the activities undertaken pursuant to this lease including (but not limited to) the:

- 23.1. *Environment Protection and Biodiversity Conservation Act 1999;*
- 23.2. *Development Act 1993;*
- 23.3. *Dangerous Substances Act 1979;*
- 23.4. *National Parks and Wildlife Act 1972;*
- 23.5. *Marine Parks Act 2007;*
- 23.6. *Natural Resources Management Act 2004;*
- 23.7. *Public and Environmental Health Act 1987;*
- 23.8. *Radiation Protection and Control Act 1982;*
- 23.9. *Aboriginal Heritage Act 1988;*
- 23.10. *Heritage Places Act 1993*
- 23.11. *Work Health and Safety Act 2012;*
- 23.12. *Environment Protection Act 1993;*
- 23.13. *Native Vegetation Act 1991*
- 23.14. *Mines and Works Inspection Act 1920;*
- 23.15. *Harbours and Navigation Act 1993; and*
- 23.16. *Road Traffic Act 1961.*

THIRD SCHEDULE

MAP



NOTE: The boundary of this lease is depicted so as to best represent the relationship to the surrounding cadastral parcels. The legal boundary is to be ascertained by the coordinates specified.

DATE PRODUCED: 18/07/2014

**THIRD SCHEDULE**  
**DESCRIPTION OF AREAS**

All that part of the State of South Australia, bounded by a line joining the points of coordinates set out in the following table:

Map Grid of Australia 1994 Zone 53

Point	Easting		Northing	
1	765424.09	mE	6186567.57	mN
2	765573.52	mE	6186540.98	mN
3	765623.08	mE	6186545.12	mN
4	765839.06	mE	6186408.37	mN
5	766061.30	mE	6186205.85	mN
6	766528.96	mE	6185974.30	mN
7	767044.79	mE	6185649.56	mN
8	767036.96	mE	6185619.02	mN
9	767054.56	mE	6185607.94	mN
10	767071.84	mE	6185579.73	mN
11	767051.98	mE	6185541.49	mN
12	766862.78	mE	6184600.53	mN
13	766631.81	mE	6183786.22	mN
14	766643.89	mE	6183471.45	mN
15	766626.11	mE	6183413.55	mN
16	766168.75	mE	6182469.79	mN
17	765701.30	mE	6181684.56	mN
18	765381.03	mE	6180794.94	mN
19	765372.08	mE	6180775.02	mN
20	765110.19	mE	6178908.10	mN
21	764627.47	mE	6178512.27	mN
22	764586.83	mE	6178447.01	mN
23	764528.47	mE	6178197.83	mN
24	764541.59	mE	6177776.52	mN
25	764418.44	mE	6177449.71	mN
26	764386.23	mE	6177449.35	mN
27	764386.05	mE	6177429.22	mN
28	764325.67	mE	6177428.55	mN
29	764325.95	mE	6177460.62	mN
30	764450.69	mE	6177791.63	mN

## MISCELLANEOUS PURPOSES LICENCE 146

## THIRD SCHEDULE

31	764437.75	mE	6178206.88	mN
32	764515.06	mE	6178537.00	mN
33	764974.00	mE	6178913.32	mN
34	765034.86	mE	6179021.79	mN
35	765281.10	mE	6180777.23	mN
36	765285.80	mE	6180797.25	mN
37	765619.19	mE	6181723.34	mN
38	766089.10	mE	6182512.70	mN
39	766532.20	mE	6183427.04	mN
40	766551.39	mE	6183524.85	mN
41	766540.94	mE	6183797.09	mN
42	766774.86	mE	6184621.80	mN
43	766971.72	mE	6185600.85	mN
44	766872.61	mE	6185663.24	mN
45	766873.46	mE	6185698.17	mN
46	766504.42	mE	6185930.50	mN
47	766032.73	mE	6186164.04	mN
48	765939.07	mE	6186249.40	mN
49	765928.14	mE	6186218.74	mN
50	765806.13	mE	6186329.93	mN
51	765394.83	mE	6186403.11	mN

Area: 94.34 ha

Based on information provided by the applicant.

## **FOURTH SCHEDULE**

### **PROCESS FOR SUSPENSION**

#### **Issuance of Suspension Show Cause Notice**

1. Where the Minister is of the view that there may be grounds to consider whether to suspend the Mining Tenement, the Minister shall give written notice to the Tenement Holder, which shall:
  - 1.1. Specify the provision of the Act or the Regulations, or the term or condition the Mining Tenement, that the Minister believes the Tenement Holder has contravened or failed to comply with; and
  - 1.2. give the Tenement Holder thirty (30) Business Days from the date of the written notice to show cause why the Mining Tenement should not be suspended (“the Suspension Show Cause Notice”).

#### **Minister’s action if Tenement Holder does not respond**

2. If the Tenement Holder does not respond to the Suspension Show Cause Notice within thirty (30) Business Days, the Minister may suspend the Mining Tenement without further notice (in accordance with the process outlined below).

#### **Minister’s action if Tenement Holder does respond**

3. If the Tenement Holder responds to the Suspension Show Cause Notice within thirty (30) Business Days, the Minister will consider the Tenement Holder’s submission and decide whether to suspend the Mining Tenement (in accordance with the process outlined below).

#### **Written Notice of Minister’s decision**

4. The Minister shall give written notice to the Tenement Holder of the Minister’s decision.
  - 4.1. If the decision is not to suspend the Mining Tenement, the written notice shall be called “Notice of Decision: Not Suspended”.
  - 4.2. If the decision is to suspend the Mining Tenement, the written notice shall be called “Notice of Decision: Suspended”.
5. A Notice of Decision: Not Suspended, may contain any information that the Minister considers relevant.
6. A Notice of Decision: Suspended, shall:
  - 6.1. Specify the reason for suspension;
  - 6.2. specify the period of suspension;
  - 6.3. specify the action (if any) the Tenement Holder may be required to take for the Minister to consider revoking the suspension, and the time frame for taking that action;

- 6.4. inform the Tenement Holder of their right of appeal to the Environment, Resources and Development Court, in accordance with subsection 56(3) of the Act.

**The Mining Register**

7. Notice of Decision: Suspended, shall be placed on the Mining Register.

**Minister's action if Tenement Holder takes action as specified in Notice of Decision**

8. If the Tenement Holder takes the action specified by the Minister under paragraph 6.3 of this Schedule, the Minister will consider revoking the suspension.
9. If the Minister revokes the suspension, the Minister will, within a reasonable time:
  - 9.1. Write to the Tenement Holder informing the Tenement Holder of the revocation.
  - 9.2. Cause the revocation to be placed on the Mining Register.

**Minister's action if Tenement Holder appeals**

10. If the Tenement Holder appeals to the Environment Resources and Development Court the Minister will consider exercising the discretion under section 56(4) of the Act, to stay the operation of the suspension until the appeal is finally disposed of.
11. If the Environment Resources and Development Court ,is satisfied that there is no proper ground for the suspension, and so orders, the Minister will:
  - 11.1. Cause the Court's order to be placed on the Mining Register; and
  - 11.2. reinstate the Mining Tenement in accordance with section 56(5) of the Act.

**FIFTH SCHEDULE**  
**PROCESS FOR CANCELLATION**

**Issuance of Cancellation Show Cause Notice**

1. Where the Minister is of the view that there may be grounds to consider whether to cancel the Mining Tenement, the Minister shall give written notice to the Tenement Holder, which shall:
  - 1.1. Specify the provision of the Act or the Regulations, or the term or condition of the Mining Tenement, that the Minister believes the Tenement Holder has contravened or failed to comply with; and
  - 1.2. give the Tenement Holder sixty (60) Business Days from the date of written notice to show cause why the Mining Tenement should not be cancelled (“the Cancellation Show Cause Notice”).

**Minister’s action if the Tenement Holder does not respond**

2. If the Tenement Holder does not respond to the Cancellation Show Cause Notice within sixty (60) Business Days, the Minister may cancel the Mining Tenement without further notice (in accordance with the process outlined below).

**Minister’s action if the Tenement Holder does respond**

3. If the Tenement Holder responds to the Cancellation Show Cause Notice within sixty (60) Business Days, the Minister will consider the Tenement Holder’s submission and decide whether to cancel the Mining Tenement (in accordance with the process outlined below).

**Written notice of Minister’s decision**

4. The Minister shall give written notice to the Tenement Holder of the decision.
  - 4.1. If the decision is not to cancel the Mining Tenement, the written notice shall be called “the Notice of Decision: Not Cancelled”.
  - 4.2. If the decision is to cancel the Mining Tenement, the written notice shall be called “the Notice of Decision: Cancelled”.
5. A Notice of Decision: Not Cancelled may contain any information that the Minister considers relevant.
6. A Notice of Decision: Cancelled shall:
  - 6.1. Specify the reason for cancellation;
  - 6.2. specify the date from which cancellation is effective;
  - 6.3. inform the Tenement Holder of their right of appeal to the Environment, Resources and Development Court in accordance with subsection 56(3) of the Act.

**The Mining Register**

7. Notice of Decision: Cancelled, shall be placed on the Mining Register.

**Minister's action if Tenement Holder appeals**

8. If the Tenement Holder appeals to the Environment Resources and Development Court the Minister will consider exercising his discretion under section 56(4) of the Act, to stay the operation of the cancellation until the appeal is finally disposed of.
9. If the Environment Resources and Development Court, is satisfied that there is no proper ground for the cancellation, and so orders, the Minister will:
  - 9.1. Cause the Court's order to be placed on the Mining Register; and
  - 9.2. reinstate the Mining Tenement in accordance with section 56(5) of the Act.

**SIXTH SCHEDULE****Environmental outcomes and associated criteria and strategies specified pursuant to Regulation 65 of the Mining Regulations 2011**

<b>INDEX TO ENVIRONMENTAL OUTCOMES ETC</b>	<b>Clause No.</b>
Visual Amenity Strategies.....	1
Soil and Land Disturbance Strategies.....	2
Native Vegetation Outcome.....	3
Native Fauna Outcome.....	4
Weed Strategies.....	5
Heritage Outcomes.....	6 - 7
Heritage Strategies.....	8
Groundwater Strategies.....	9
Public Safety Outcomes.....	10 - 12
Traffic Outcome.....	13
Adjacent Land Use and Third Party Property Outcome.....	14

### **Visual Amenity Strategies**

1. The Tenement Holder is required to address the following matters for the purposes of Regulation 65(2)(c) of the Regulations in relation to the Visual Amenity Outcome **Schedule 2 - Condition 1**;

1.1. develop and implement strategies in consultation with affected parties for the management of visual amenity which should include (but is not limited to):

1.1.1. Prompt rehabilitation of disturbed areas once they are no longer required for mine related activities.

### **Soil and Land Disturbance Strategies**

2. The Tenement Holder is required to address the following matters for the purposes of Regulation 65(2)(c) of the Regulations in relation to the Soils Outcome **Schedule 2 - Condition 2**;

2.1. the location and depth below the natural surface of the concentrate and water pipelines must prevent any foreseeable damage due to accidental excavation or surface disturbance.

### **Native Vegetation Outcome**

3. The Tenement Holder must, in construction, operation and post mine completion, ensure no loss of abundance or diversity of native vegetation on or off Land through;

3.1. clearance,

3.2. dust/contaminant deposition,

3.3. fire,

3.4. reduction in water supply, or

3.5. other damage,

unless prior approval under the relevant legislation is obtained.

**Native Fauna Outcome**

4. The Tenement Holder must ensure that there are no native fauna injuries or deaths due to mine related activities that could reasonably have been prevented.

**Weeds Strategies**

5. The Tenement Holder is required to address the following matters for the purposes of Regulation 65(2)(d) of the Regulations in relation to the Weeds Outcome **Schedule 2 - Condition 3**;

5.1. representative baseline data on the presence and abundance of weeds, pests and plant pathogens within the Land prior to commencement of site operations.

**Heritage Outcomes**

6. The Tenement Holder must, in construction and operation, ensure that there is no disturbance to Aboriginal or European heritage sites, objects or remains unless prior approval under the relevant legislation is obtained.
7. The Tenement Holder must, in construction and operation, ensure that there is no disturbance to Geological monuments unless prior approval under the relevant legislation is obtained.

**Heritage Strategies**

8. The Tenement Holder is required to address the following matters for the purposes of Regulation 65(2)(c) of the Regulations in relation to the outcome in **Schedule 6 Clause 6**:

8.1. An Aboriginal heritage survey to be carried out with the representatives of the Traditional Owners prior to the disturbance of land, to identify and document Aboriginal sites and objects for all land to be disturbed.

## **Groundwater Strategies**

9. The Tenement Holder is required to address the following matters for the purposes of Regulation 65(2)(c) of the Regulations in relation to the Groundwater Outcome **Schedule 2 - Condition 5**;

9.1. design and management strategies are to be provided for pipeline leak detection which includes automation of operational controls for the monitoring and control of all pipelines on the related Mineral Lease and this Mining Tenement. This should include (but is not limited to);

9.1.1. continuous and automatic monitoring of pressures, flow rates and any other parameters for the prompt detection and resolution of abnormal operating conditions in any pipeline or processing plant equipment;

9.1.2. continuous and automatic monitoring of process plant functions, including tank levels, flow rates, pressures and fluid quantities;

9.1.3. the integration of data through a central computer-based control and monitoring system.

## **Public Safety Outcomes**

10. The Tenement Holder must, in construction and operation, ensure that unauthorised entry to the Land does not result in public injuries and or deaths that could have been reasonably prevented.

11. The Tenement Holder must, construction and operation, ensure that there are no adverse impacts to adjacent land use and no unauthorised damage to public or private property and infrastructure as a result of uncontrolled fires caused by site operations.

12. The Tenement Holder must demonstrate that post mine completion, the risks to the health and safety of the public so far as it may be affected by site operations are as low as reasonably practicable.

**Traffic Outcome**

13. The Tenement Holder must, in construction and operation, ensure that there are no traffic accidents involving the public as a result of mine related activities within the Land that could have been reasonably prevented by the Tenement Holder.

**Adjacent Land Use and Third Party Property Outcome**

14. The Tenement Holder must, construction and operation, ensure that there are no adverse impacts to adjacent land use and no unauthorised damage to public or private property and infrastructure as a result of uncontrolled fires caused by mine related activities.