



Government  
of South Australia

*Mining Act 1971*

**TENEMENT DOCUMENT**

**MINERAL LEASE**

TENEMENT HOLDER Billabong Valley Farm Pty Ltd (ACN: 129 593 335)

CLASS OF LEASE Mineral Lease (ML)

ML NUMBER 6447

COMMENCEMENT DATE 29 May 2015

TERM OF LEASE 21 years

EXPIRY DATE 28 May 2036

MINERAL(S) Minerals (Dimension Stone)

AREA OF LEASE 2.85 hectares

**DATE BY WHICH THE PROPOSED PEPR MUST BE SUBMITTED: 28 MAY 2016**

RevenueSA - Stamp Duty - ABN 19 040 349 865 ©	
RevNetID/PRA Bundle No.:	<u>EX 133039323</u>
Orig/Copy _____ of/with	<u>1</u> copies
Consideration/Value/Security:	\$ <u>0</u>
SA Proportion (if applicable):	\$ <u>0</u>
SD: \$ <u>0</u>	LTO Fees: \$ <u>0</u>
Int: \$ <u>0</u>	Pen/Add Tax: \$ <u>0</u>
Signature: <u>[Signature]</u>	Date: <u>22/7/15</u>

MINERAL LEASE ML 6447

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**Rental**

8. The Tenement Holder shall pay, by way of rental, such sums as may be prescribed and in accordance with section 40 of the Act and regulation 42 of the Regulations.

**Compensation**

9. The Minister may, at any time, require the Tenement Holder to pay to any person an amount of compensation stipulated by the Minister, to which that person is, in the opinion of the Minister, entitled in consequence of mining operations in pursuance of the rights granted and the obligations imposed by the grant of the Mining Tenement.

**Suspension and Cancellation: Stipulation of Process**

10. Pursuant to subsection 41(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).
11. Pursuant to subsection 41(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 41(1) may be exercised.
12. The process for suspension of the Mining Tenement shall be as stipulated in the Fourth Schedule of this Tenement Document.
13. The process for cancellation of the Mining Tenement shall be as stipulated in the Fifth Schedule of this Tenement Document.

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

14. 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 obligations imposed on Tenement Holder: Program for environment protection and rehabilitation**

21. The Tenement Holder must not carry out mining operations unless there is an approved program for environment protection and rehabilitation (an APPROVED PEPR).

22. A PROPOSED PEPR will only be approved when it complies with the requirements of Part 10A of the Act and the Regulations.

23. To comply with Part 10 A of the Act, the PROPOSED PEPR must:

23.1. 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);

23.2. Comply with any applicable conditions specified in this Tenement Document (if any);

23.3. 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:  
[http://minerals.statedevelopment.sa.gov.au/knowledge\\_centre/resource\\_information\\_centre/ministerial\\_determinations](http://minerals.statedevelopment.sa.gov.au/knowledge_centre/resource_information_centre/ministerial_determinations)*

24. In accordance with regulation 65(10) of the Regulations, the Tenement Holder must submit to the Department of State Development 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: Working conditions**

25. In accordance with regulation 35 of the Regulations, unless otherwise determined or agreed by the Minister, the Tenement Holder must:

25.1. Commence mining operations in accordance with the APPROVED PEPR within twelve (12) months after its approval; and

25.2. Thereafter continue mining operations in accordance with the requirements of the program in the APPROVED PEPR.

**Restatement of Bond**

28. 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:

- 28.1. Any civil or statutory liability likely to be incurred by the Tenement Holder in the course of carrying out mining operations;
- 28.2. 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 Mineral Lease which increases the rehabilitation liability or increases the cost of civil or statutory liability.*

**Restatement of Fees**

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

**Restatement of Renewal**

30. This Mineral Lease shall be renewed in accordance with the Act.

**Restatement of Surrender**

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

**Restatement of Forfeiture**

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

**Restatement of Notices**

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

## Definitions

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

- 38.1. “**Act**” means the *Mining Act 1971* of South Australia;
- 38.2. “**Additional Terms and Conditions**” means the Additional Terms and Conditions authorised by section 34(4) of the Act and set out in the First and Second Schedule of this Tenement Document respectively;
- 38.3. “**Applicant**” means the person or persons who applied for the Mining Tenement;
- 38.4. “**APPROVED PEPR**” means the document contemplated by section 70B(5) of the Act i.e. a PROPOSED PEPR that has received ministerial approval;
- 38.5. “**Business Day**” means any day that is not a Saturday, Sunday or a public holiday in South Australia;
- 38.6. “**Contamination**” and “**contaminated**” mean the presence of chemical substances in concentrations greater than the background concentrations (if any), where the presence of the chemical substances in the greater concentrations has resulted in
  - 38.6.1. Actual or potential harm to the health or safety of human beings that is not trivial, or
  - 38.6.2. Actual or potential harm to water that is not trivial, or
  - 38.6.3. Other actual or potential environmental harm that is not trivial;
- 38.7. “**DSD**” means the Department of State Development and includes any substituted Department;
- 38.8. “**EPA**” means the Environment Protection Authority under the Environment Protection Act 1993 of South Australia;
- 38.9. “**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;
- 38.10. “**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 45(1) of the Regulations and there is no obstacle under sub-regulation 45(3) of the Regulations;
- 38.11. “**mineral lease**” means the Mining Tenement granted to the Tenement Holder as referred to in paragraph 1 of this Tenement Document;

## Interpretation

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

- 39.1. 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;
- 39.2. 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 –
  - 39.2.1. “amendment” includes an addition, excision or substitution;
  - 39.2.2. “the Land” includes any part thereof; and
  - 39.2.3. “the term” includes any renewal or extension thereof.
- 39.3. 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 of this Tenement Document respectively;
- 39.4. 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;
- 39.5. If any act pursuant to 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;
- 39.6. To the extent that there is any inconsistency, on the one hand, between a term of this Tenement Document or any Additional Term or Condition, and, on the other hand, the Act or Regulations, the Act or Regulations shall prevail;
- 39.7. 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;
- 39.8. 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 or any Additional Term or

Executed by the Tenement Holder(s) in accordance with regulation 41

SIGNED by Billabong Valley Farm Pty Ltd (ACN: 129 593 335) )  
in accordance with section 127 of the )  
Corporates Act 2001 and its Constitution )

*M Daykin*  
.....  
Signature of Director

.....  
Signature of Director/Secretary

*Melissa Daykin*  
.....  
Print Name of Director

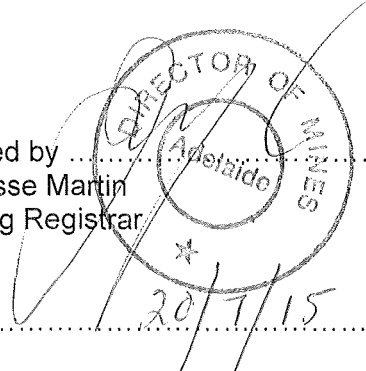
.....  
Print Name of Director/Secretary

*12/7/2015*  
.....  
Date

.....  
Date

Entered in the Mining Register on 29 May 2015  
In accordance with section 15A(1)(c) of the Act.

Signed by .....  
Junesse Martin  
Mining Registrar



.....  
Date



## SECOND SCHEDULE

## ADDITIONAL CONDITIONS

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**Transparency**

1. 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.

**Access Route**

2. The Tenement Holder must, in construction and operation, ensure no mine related traffic uses Back Callington Road.

**Other Legislation**

3. The Tenement Holder must comply with all State and Commonwealth legislation and regulations applicable to the activities undertaken pursuant to grant of the Mining Tenement including (but not limited to):
  - *Development Act 1993;*
  - *Natural Resources Management Act 2004;*
  - *Aboriginal Heritage Act 1988;*
  - *Heritage Places Act 1993*
  - *Work Health and Safety Act 2012;*
  - *Environment Protection Act 1993;*
  - *Native Vegetation Act 1991;*
  - *Mines and Works Inspection Act 1920;*
  - *Road Traffic Act 1961.*

**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 54

Point	Easting	Northing
1	314622 mE	6116231 mN
2	314752 mE	6116188 mN
3	314723 mE	6115996 mN
4	314570 mE	6116048 mN

Area: 2.85 ha

Based on information provided by the applicant.

- 4.4. A Notice of Decision: Suspended, shall:
  - 4.4.1. Specify the reason for suspension;
  - 4.4.2. specify the period of suspension;
  - 4.4.3. 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; and
  - 4.4.4. inform the Tenement Holder of their right of appeal to the Environment, Resources and Development Court in accordance with subsection 41(3) of the Act.

### **The Mining Register**

5. 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**

6. If the Tenement Holder takes the action specified by the Minister under paragraph 4.4.3, the Minister will consider revoking the suspension.
7. If the Minister revokes the suspension, the Minister will, within a reasonable time:
  - 7.1. Write to the Tenement Holder informing the Tenement Holder of the revocation.
  - 7.2. Cause the revocation to 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 the discretion under section 41(4) of the Act, to stay the operation of the suspension 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 suspension, 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 grant of the Mining Tenement in accordance with section 41(5) of the Act.

5. A Notice of Decision: Cancelled shall:
  - 5.1. Specify the reason for cancellation;
  - 5.2. specify the date from which cancellation is effective; and
  - 5.3. inform the Tenement Holder of their right of appeal to the Environment, Resources and Development Court in accordance with subsection 41(3) of the Act.

### **The Mining Register**

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

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

7. If the Tenement Holder appeals to the Environment, Resources and Development Court the Minister will consider exercising his discretion under section 41(4) of the Act, to stay the operation of the cancellation until the appeal is finally disposed of.
8. If the Environment, Resources and Development Court is satisfied that there is no proper ground for the cancellation, and so orders, the Minister will:
  - 8.1. Cause the Court's order to be placed on the Mining Register; and
  - 8.2. reinstate the grant of the Mining Tenement in accordance with section 41(5) of the Act.

**Weeds, Pests and Plant Pathogens Outcome**

4. The Tenement Holder must, in construction, operation, 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 in the Land compared to adjoining land.

**Soil Outcome**

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

**Waste Outcome**

6. The Tenement Holder must, in constructing and operating the Tenement ensure that all commercial or industrial waste is disposed of in accordance with relevant legislation.

**Surface Water Outcomes**

7. The Tenement Holder must, in constructing and operating the Tenement ensure that there is no adverse impact to the quality and quantity of surface water caused by mining operations to existing users and water dependent ecosystems.
8. The Tenement Holder must ensure no surface water contaminated as a result of mining operations leaves the Land.

**Air Quality Outcome**

9. The Tenement Holder must ensure that there are no public health or public nuisance impacts from air emissions or dust generated by mining operations.

**Blasting Outcome**

10. The Tenement Holder must, in constructing and operating the Tenement, ensure that there are no public health and/or nuisance impacts from airblast, flyrock and vibration caused by blasting.