


Instrument of Variation

Mining Lease 1771 (1992)

I, **JAMIE TRIPODI, Executive Director Assessments & Systems**, Mining Exploration and Geoscience in the Department of Regional NSW, with the delegated authority of the Minister under section 261B and clause 12 of Schedule 1B of the *Mining Act 1992* (the Act), **vary** the conditions of mining lease **ML 1771 (1992)** as described in Schedule A.

The conditions of **ML 1771 (1992)**, as varied, are set out in Schedule B.

The variation takes effect on 17 October 2022.



JAMIE TRIPODI
Executive Director Assessments & Systems
As delegate for the Minister administering the *Mining Act 1992*
Delegation date: 14 May 2018

Dated: 14 August 2022

Schedule A

Condition	Variation	New Condition
Definitions	Definitions of 'Department', 'Environment' 'Environmental incident notifications and reports' and 'Harm to the environment' omitted as no longer used.	N/A
1	Notice to Landholders	Wording amended to modernise the condition
		1. Notice to Landholders – see Schedule B
2	Rehabilitation	Condition omitted
		N/A
3	Mining Operations Plan and Annual Rehabilitation Report	Condition omitted
		N/A
4	Non-Compliance Reporting	Condition omitted
		N/A
5	Environmental Incident Report	Condition omitted
		N/A
7	Resource Recovery	Condition omitted
		N/A
8	Security	Condition amended to modernise the wording. Condition has been re-numbered due to omission of other conditions.
		2. Security– see Schedule B
9	Cooperation Agreement	Condition amended to modernise the wording. Condition has been re-numbered due to omission of other conditions.
		3. Cooperation Agreement – see Schedule B
N/A	New condition attached	4. Assessable Prospecting Operations– see Schedule B
<u>SPECIAL CONDITIONS</u>		

Nil

Schedule B

Mining Lease Conditions

(Version as at February 2022)

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
Act	means the <i>Mining Act 1992</i> .
Landholder	for the purposes of these conditions: <ul style="list-style-type: none">• does not include a secondary landholder• includes, in the case of exempted areas, the controlling body for the exempted area.
Minister	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 under the *Mining Act 1992* or other legislation or regulatory instruments.

MINING LEASE CONDITIONS

Standard conditions

See Mining Regulation 2016, Schedule 8A, Part 2.

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 mining lease). The conditions imposed by the Mining Regulation 2016 prevail to the extent of any inconsistency with the conditions in this Schedule 2.

General conditions

1. Notice to Landholders

(a) Within 90 days from the date of grant or renewal of this mining lease, the lease holder must give each landholder notice in writing:

- (i) that this mining lease has been granted or renewed; and
- (ii) whether the lease includes the surface.

The notice must include a plan identifying the lease area and each landholder and individual land parcel within the lease area.

(b) If there are ten or more landholders to which notice must be given, the lease holder will be taken to have complied with condition 1(a) if a notice complying with condition 1(a) is published in a newspaper circulating in the region where the lease area is situated.

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 at **\$2,258,000**.

3. Cooperation Agreement

The lease holder must make every reasonable attempt, and be able to demonstrate its attempts to the satisfaction of the Secretary, to enter into a cooperation agreement with the holder(s) of any overlapping authorisations issued under the *Mining Act 1992* and petroleum titles issued under the *Petroleum (Onshore) Act 1991*. The cooperation agreement should address but not be limited to:

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

Special conditions

Nil

Exploration Reporting

Note: Exploration Reports (Geological and Geophysical)

The lease holder must lodge reports in accordance with the requirements in section 163C of the Mining Act 1992 and clauses 59, 60 and 61 of the Mining Regulation 2016 as well as any further requirements issued by the Secretary under clause 62 of the Mining Regulation.

Guidelines for the structure, content and data format requirements for reports are set out in the Exploration Reporting: A guide for reporting on exploration and prospecting in New South Wales.

PLAN OF PORTION ML 3

PARISH: BRINGELLY

COUNTY: CUMBERLAND

MAP SHEET No. 9030-2-S PENRITH
9030-3-S WARRAGAMBA

REDUCTION RATIO 1: 4000

MINING LEASE APPLICATION No. 536
(ACT 1992)

MINING DIVISION: SYDNEY

HOLDER:
PGH BRICKS and PAVERS PTY LIMITED

APPLICATION DATE: 13-12-2016

MINING LEASE No.

STATUS:

METHOD: OPEN CUT

~~SURFACE EXCEPTION / DEPTH RESTRICTION~~

EMBRACES THE SURFACE AND SOIL BELOW
THEREOF TO A DEPTH OF 35 METRES

NOTES:

Azimuth: (X) - (Y)

Plans used in the course of this survey/~~compilation~~
DP 3050, DP 58964, DP 373863, DP 376252, DP 406215
DP 453765, DP 589918, DP 981161, DP 1035249

Survey declared on this plan for lines
A - B, D - VV

I MARK JOSEPH CASTELLETI
of 1 MAHONY ROAD, CONSTITUTION HILL, 2145
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 2012 and the
Surveyor General's Direction for Mining Surveys and
was completed on 29-04-2016

Signature: *M. Castelletti*

Surveyors Reference: 755

Survey Calcs: *F. Schivo*
Plan Investigated: *...* 07/03/2018
Plan Approved: *...* 07/03/2018
Paper No: RM8:T16/11.7.7

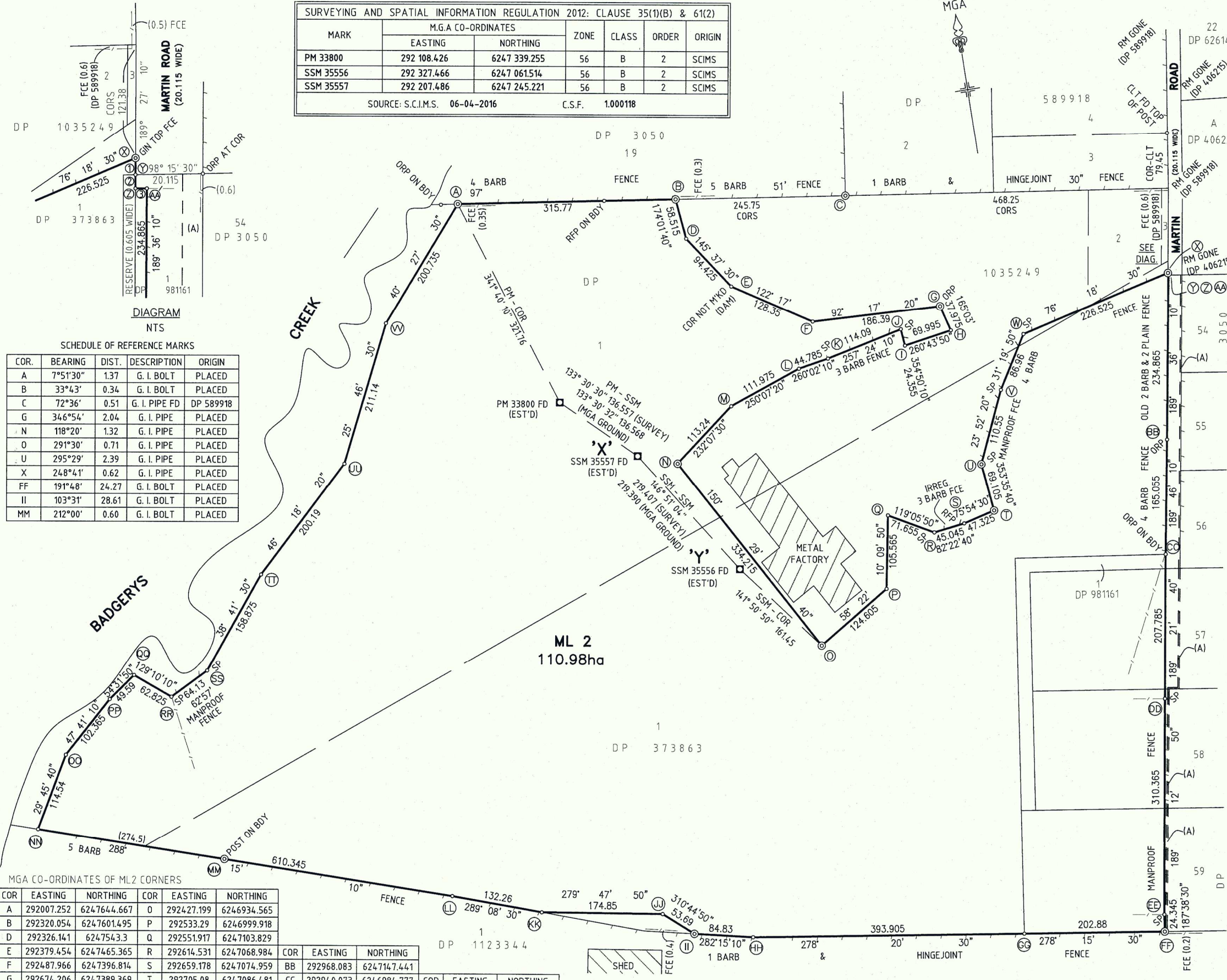
FORM 10

M 277432

SURVEYING AND SPATIAL INFORMATION REGULATION 2012: CLAUSE 35(1)(B) & 61(2)

MARK	M.G.A CO-ORDINATES		ZONE	CLASS	ORDER	ORIGIN
	EASTING	NORTHING				
PM 33800	292 108.426	6247 339.255	56	B	2	SCIMS
SSM 35556	292 327.466	6247 061.514	56	B	2	SCIMS
SSM 35557	292 207.486	6247 245.221	56	B	2	SCIMS

SOURCE: S.C.I.M.S. 06-04-2016 C.S.F. 1.000118



SCHEDULE OF REFERENCE MARKS

COR.	BEARING	DIST.	DESCRIPTION	ORIGIN
A	7°51'30"	1.37	G. I. BOLT	PLACED
B	33°43'	0.34	G. I. BOLT	PLACED
C	72°36'	0.51	G. I. PIPE FD	DP 589918
G	346°54'	2.04	G. I. PIPE	PLACED
N	118°20'	1.32	G. I. PIPE	PLACED
O	291°30'	0.71	G. I. PIPE	PLACED
U	295°29'	2.39	G. I. PIPE	PLACED
X	248°41'	0.62	G. I. PIPE	PLACED
FF	191°48'	24.27	G. I. BOLT	PLACED
II	103°31'	28.61	G. I. BOLT	PLACED
MM	212°00'	0.60	G. I. BOLT	PLACED

MGA CO-ORDINATES OF ML2 CORNERS

COR	EASTING	NORTHING	COR	EASTING	NORTHING
A	292007.252	6247644.667	O	292427.199	6246934.565
B	292320.054	6247601.495	P	292533.29	6246999.918
D	292326.141	6247543.3	Q	292551.917	6247103.829
E	292379.454	6247465.365	R	292614.531	6247068.984
F	292487.966	6247396.814	S	292659.178	6247074.959
G	292674.206	6247389.369	T	292705.08	6247086.481
H	292684.002	6247352.68	U	292697.37	6247155.156
I	292614.922	6247341.406	V	292742.108	6247256.249
J	292612.73	6247365.663	W	292787.325	6247330.529
K	292501.388	6247340.779	X	293007.416	6247384.142
L	292457.277	6247333.03	Y	293006.917	6247381.149
M	292351.974	6247294.957	Z	293006.58	6247379.129
N	292262.59	6247225.433	AA	293007.264	6247379.015

(A) - EASEMENT FOR GAS MAIN 2 WIDE (V612859)
SP - STEEL POST
ORP - OLD ROUND POST
RFP - ROUND FENCE POST

NOTES:
1. GNSS RTK OBSERVATIONS WERE USED TO DERIVE PART OF THIS SURVEY
2. LOCATION OF BANK OF BADGERYS CREEK DETERMINED FROM DP 58964

SCHEDULE OF SHORT BOUNDARIES

No.	BEARING	DIST/CHORD
1	189°27'10"	3.035
2	189°29'10"	2.05
3	99°29'10"	0.695

M 277432



Office of State Revenue
NSW Treasury

Client No: **1846988** **2372**

Duty: N/A Trans No: 1771

Asst details: Minerals

Signed: *R. mched* Date: **8.5.18**

MINING LEASE

MINING ACT 1992

NO. 1771

DATED 4 May 2018

MINISTER FOR RESOURCES

OF THE STATE

OF NEW SOUTH WALES

TO

PGH Bricks and Pavers Pty Ltd

ACN 168 794 821

Mining Lease

Section 63 of the *Mining Act 1992*

I, **Kevin Ruming, Director Strategic Resource Assessment and Advice** pursuant to section 63 of the *Mining Act 1992*, determine to grant a Mining Lease in satisfaction of **Mining Lease Application No. 536** (Act 1992) by granting a Mining Lease as described in Schedule 1 to **PGH Bricks and Pavers Pty Ltd, ACN 168 794 821**, subject to the conditions set out in Schedule 2.

The conditions set out in Schedule 2 are required to:

- ensure optimal resource recovery;
- prevent, minimise, and offset adverse environmental impacts;
- provide for the ongoing environmental management of the project; and
- ensure that the areas disturbed by mineral production and exploration activities are appropriately rehabilitated.

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

Signed this 4th day of May 2018.



Kevin Ruming

Director Strategic Resource Assessment & Advice

As delegate for the Minister for Resources

Delegation dated: 8 December 2017

SCHEDULE 1

Description of Lease

Land: The lease area embraces all land described in the attached lease plan titled **M27432** and approved on **7 March 2018**.

Area: **110.98 hectares**

Minerals/Ancillary Mining Activities: **Clay/Shale**

Method: **Open Cutting**

Term: **13 years and 5 months**

Due expiry date: **27 September 2031**

PLAN OF PORTION ML 3

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of 1 MAHONY ROAD, CONSTITUTION HILL, 2145
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 2012 and the
Surveyor General's Direction for Mining Surveys and
was completed on 29-04-2016

Signature: *M. Castelletti*

Surveyors Reference: 755

Survey Calcs: *F. Schivo*

Plan Investigated: *07/03/2018*

Plan Approved: *07/03/2018*

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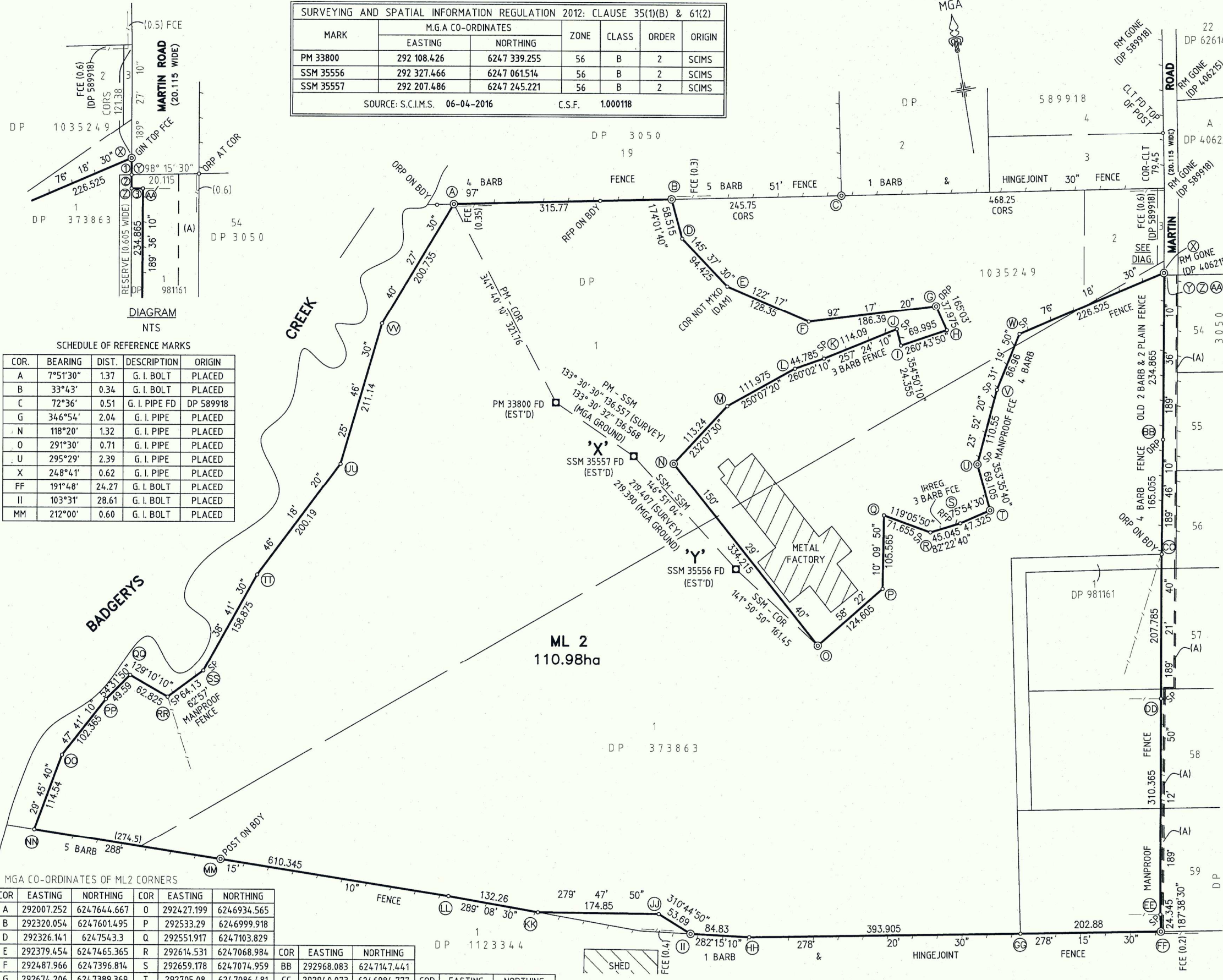
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M 277432

SCHEDULE 2

MINING LEASE CONDITIONS 2013

Definitions

1. **Notice to Landholders**
2. **Rehabilitation**
3. **Mining Operations Plan and Annual Rehabilitation Report**
4. **Non-Compliance Reporting**
5. **Environmental Incident Report**
6. **Resource Recovery**
7. **Security**
8. **Cooperation Agreement**

Note: Exploration Reports (Geological and Geophysical)

Definitions:

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

Act means the *Mining Act 1992*.

Department means the Division of Resources and Geoscience within the Department of Planning and Environment.

Environment has the same meaning as in the *Protection of the Environment Operations Act 1997*.

Environmental incident notifications and reports means any notifications and reports required to be provided to relevant authorities under Part 5.7 or Part 5.7A of the *Protection of the Environment Operations Act 1997*.

Harm to the environment has the same meaning as in the *Protection of the Environment Operations Act 1997*.

Landholder for the purposes of these conditions does not include a secondary landholder and includes, in the case of exempted areas, the controlling body for the exempted area.

Minister means the Minister administering the Act.

MINING LEASE CONDITIONS 2013

1. Notice to Landholders

- (a) Within a period of three months from the date of grant/renewal of this mining lease, the lease holder must serve on each landholder a notice in writing indicating 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. Rehabilitation

Any disturbance resulting from the activities carried out under this mining lease must be rehabilitated to the satisfaction of the Minister.

3. Mining Operations Plan and Annual Rehabilitation Report

- (a) The lease holder must comply with an approved Mining Operations Plan (MOP) in carrying out any significant surface disturbing activities, including mining operations, mining purposes and prospecting. The lease holder must apply to the Minister for approval of a MOP. An approved MOP must be in place prior to commencing any significant surface disturbing activities, including mining operations, mining purposes and prospecting.
- (b) The MOP must identify the post mining land use and set out a detailed rehabilitation strategy which:
- (i) identifies areas that will be disturbed;
 - (ii) details the staging of specific mining operations, mining purposes and prospecting;
 - (iii) identifies how the mine will be managed and rehabilitated to achieve the post mining land use;
 - (iv) identifies how mining operations, mining purposes and prospecting will be carried out in order to prevent and or minimise harm to the environment; and
 - (v) reflects the conditions of approval under:
 - the *Environmental Planning and Assessment Act 1979*;
 - the *Protection of the Environment Operations Act 1997*; and

- any other approvals relevant to the development including the conditions of this mining lease.
- (c) The MOP must be prepared in accordance with the *ESG3: Mining Operations Plan (MOP) Guidelines September 2013* published on the Department's website at www.resourcesandenergy.nsw.gov.au/miners-and-explorers/rules-and-forms/pgf/environmental-guidelines
- (d) The lease holder may apply to the Minister to amend an approved MOP at any time.
- (e) It is not a breach of this condition if:
- (i) the operations which, but for this condition 3(e) would be a breach of condition 3(a), were necessary to comply with a lawful order or direction given under the *Environmental Planning and Assessment Act 1979*, the *Protection of the Environment Operations Act 1997*, the *Work Health and Safety (Mines and Petroleum Sites) Act 2013* and *Work Health and Safety (Mines and Petroleum Sites) Regulation 2014* or the *Work Health and Safety Act 2011*; and *Work Health and Safety Regulation 2011*
 - (ii) the Minister had been notified in writing of the terms of the order or direction prior to the operations constituting the breach being carried out.
- (f) The lease holder must prepare a Rehabilitation Report to the satisfaction of the Minister. The report must:
- (i) provide a detailed review of the progress of rehabilitation against the performance measures and criteria established in the approved MOP;
 - (ii) be submitted annually on the grant anniversary date (or at such other times as agreed by the Minister); and
 - (iii) be prepared in accordance with any relevant annual reporting guidelines published on the Department's website at www.resourcesandenergy.nsw.gov.au/miners-and-explorers/rules-and-forms/pgf/environmental-guidelines

Note: The Rehabilitation Report replaces the Annual Environmental Management Report.

4. Non-Compliance Reporting

- (a) The lease holder must notify the Department upon becoming aware of any breaches of the conditions of this mining lease or breaches of the Mining Act or Regulations;
- (b) Notifications under condition 4(a) must be provided in the form specified on the Department's website within seven (7) days of the mining lease holder becoming aware of the breach.

5. Environmental Incident Report

The lease holder must provide environmental incident notifications and reports to the Secretary no later than seven (7) days after those environmental incident notifications and reports are provided to the relevant authorities under the Protection of the Environment Operations Act 1997.

6. Resource Recovery

The lease holder must optimise recovery of the minerals that are the subject of this mining lease to the extent economically feasible.

7. Security

The lease holder is required to provide and maintain a security deposit to secure funding for the fulfilment of obligations of all or any kind under the mining lease, including obligations of all or any kind 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 **\$2,104,000**.

8. 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.

Exploration Reporting

Note: *Exploration Reports (Geological and Geophysical)*

The lease holder must lodge reports to the satisfaction of the Minister in accordance with section 163C of the Mining Act 1992 and in accordance with clause 59 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

Note: The standard conditions apply to all mining leases. The Division of Resources and Geoscience (DRG) reserves the right to impose special conditions, based on individual circumstances, where appropriate.