

1. THAT in this lease except insofar as the context otherwise indicates or requires -

any reference to an Act includes that Act and any Act amending or in substitution for the same; "Director-General" means the person for the time being holding office or acting as Director-General, Department of Mineral Resources, Sydney; the words "Crown lands", "mine" when used as a noun or when used as a verb, "owner" and "private lands" have the meanings respectively assigned to them by the Mining Act, 1973; words importing the singular number shall include the plural the masculine gender the feminine or neuter gender and vice versa; any covenant on the part of two or more persons shall be deemed to bind them jointly and severally.

2. ~~THAT the registered holder shall pay to the owner of any private land the surface whereof is hereby demised and to the Minister in respect of any Crown land the surface whereof is hereby demised rent as required by the Mining Act, 1973 and the Regulations thereunder at the time the rent is required to be paid such rent or rents to be paid clear of all deductions yearly in advance respectively to the owner for the time being of the private land and to the Minister in Sydney in respect of the Crown lands hereby demised the first of such payments to be made on or before the~~
day of 1993 and thereafter such
payments to be made to the owner and the Minister respectively on or before the day of in each year of the said term and the registered holder shall when called upon to produce to the Minister or some officer appointed by him in respect to the said private lands a receipt for such rent or otherwise satisfy the Minister ~~that such rent has been paid.~~

3. THAT the registered holder shall not use or occupy or permit to be used or occupied the said land or any part thereof for other than the purpose set forth in the Schedule of Mining Purposes hereto.

4. THAT the registered holder shall not plead acceptance of rent by or on behalf of the owner as a waiver of the right of the Minister to enforce observance of the covenants herein contained or of the covenants and conditions to be observed under the Mining Laws or of the right of the Minister to cancel this lease for breach of any such covenant.

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5. THAT the conditions and provisions set forth in the Schedule of Conditions annexed hereto and numbered 1 to 39 (inclusive) are embodied and incorporated with these presents as conditions and provisions of the lease hereby granted AND that the registered holder shall observe fulfil and perform the same.

PROVIDED always and it is hereby declared as follows:

- (a) THAT this lease is granted subject to amendment as provided under Section 57 of the Mining Act, 1973.
- (b) THAT if the registered holder at any time during the term of this demise -
- (i) fails to fulfil or contravenes the covenants and conditions herein contained; or
 - (ii) fails to comply with any provisions of the Mining Act, 1973 with which the registered holder is required to comply; or
 - (iii) fails to use the land hereby demised bona fide for the purpose for which this lease was granted; or
 - (iv) uses the land hereby demised for any purpose other than that for which it has been demised,

this lease may be cancelled by the Minister by instrument in writing and the cancellation shall have effect from and including the date on which notification of the cancellation is published in the Government Gazette and the production of a copy of the Government Gazette containing a notification purporting to be signed by the Minister declaring this lease to be cancelled shall be conclusive evidence of the facts stated therein.

- (c) THAT no implied covenant for title or for quiet enjoyment shall be contained herein.

(d) THAT all the conditions and provisions contained in the Mining Act, 1973 and the Regulations thereunder or any other law now or hereafter to be passed or prescribed so far as the same may be applicable are embodied and incorporated with these presents as conditions and provisions of the lease hereby granted and the registered holder hereby covenants to observe fulfil and perform the same.

(e) THAT such of the provisions and conditions herein declared and contained as require or prescribe anything to be done or not to be done by the registered holder shall in addition to being read and construed as conditions of the lease hereby expressed to be granted be also read and construed as covenants by the registered holder with the Minister to observe and perform the said provisions and conditions.

Handwritten initials: S, AK, SA



SCHEDULE OF MINING PURPOSES

1. Constructing, maintaining or using in connection with mining any of the following, namely, a dam, tunnel and a drain, and
2. The dumping or depositing of any mine residues or tailings.

IN WITNESS WHEREOF the parties hereto have executed this Deed the day and year first abovewritten.

SIGNED SEALED AND DELIVERED)

BY

THE HONORABLE IAN CAUSLEY, M.P.)

as such Minister as aforesaid)

J.R. Causley
.....
Dated 09 DEC 1993

in the presence of:)

W. Edging
.....

Witness

The COMMON SEAL of)

METROPOLITAN COLLIERIES LIMITED)

A.C.N. 003 135 635)

was hereunto affixed in)
accordance with its Articles of)
Association:)

in the presence of:)

John
.....
Louis Kelly
.....



DIAGRAM.

CAT No. D 7155

MPL Application 40 at WULLONGUNG
by METROPOLITAN COLLIERIES LIMITED
PART
Scale
Ref 1

12. 11

UMBERLAND

Leas

DEPTH RESTRICTION
SURFACE

DEPOS

EX
M

| BEARING | STANCI |
|--------------|-----------|
| 150° 20' 00" | 44.990 m |
| 149° 39' 00" | 248.436 m |
| 126° 00' 14" | 74.970 m |
| | 45.986 m |
| | 69 |
| | 66 |
| | 69 |
| | 66 |

December

| |
|----|
| 13 |
| 14 |
| 15 |

MINING PURPOSES LEASE
MINING ACT, 1973

MINING PURPOSES LEASE NO. 320
(Mining Act 1973)

DATED 9th December A.D. 1993

THE MINISTER FOR MINES
OF THE STATE OF
NEW SOUTH WALES
TO

METROPOLITAN COLLIERIES LIMITED
A.C.N. 003 135 635

RECORDED in the Department of Mineral
Resources at Sydney,
this *twenty first* day of *December* A.D. 1993
at the hour of *two* o'clock
in the *after* noon, and numbered in the Register.


Registrar (Minerals)