

judgment no 20, 14



IN THE PRIVY COUNCIL

No. 20 of 1973

ON APPEAL from the Supreme Court of New South Wales in its Equitable Jurisdiction in Suit No. 2083 of 1971

BETWEEN:

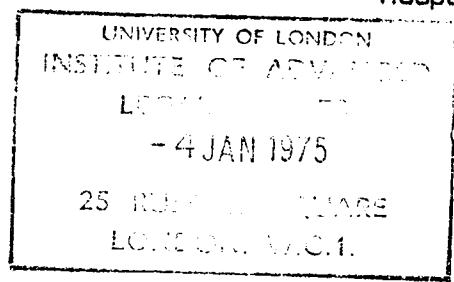
ASSOCIATED MINERALS CONSOLIDATED LIMITED  
and WYONG ALLUVIALS PTY. LIMITED

Appellants (Defendants)

AND:

WYONG SHIRE COUNCIL

Respondent (Plaintiff)



**APPEAL BOOK**

**VOLUME II**

SOLICITORS FOR THE APPELLANTS

Robson Cowlshaw & Macready,  
34 Hunter Street,  
SYDNEY

SOLICITORS FOR THE RESPONDENT

S.C. Taperell, Rutledge  
& Fennell,  
Suite 9, Civic Centre Arcade,  
The Entrance Road,  
THE ENTRANCE

By their City Agents;

Marsh, Harvey & Gropper,  
53 Martin Place,  
SYDNEY

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Respondent (Plaintiff)

TRANSCRIPT RECORD OF PROCEEDINGS

INDEX OF REFERENCE

VOLUME II

PART III

List of Original Exhibits sent with Transcript Record of  
Proceedings

<u>Exhibit</u> <u>Mark</u>	<u>By Whom</u> <u>Tendered</u>	<u>Nature of Exhibit</u>	<u>Page</u>
"C"	Plaintiff	Shire of Wyong Planning Scheme Ordinance - To be handed up in Court	
"D"	Plaintiff	Certified copy of Resolution of Plaintiff made on 22/7/1971	355
"E"	Plaintiff	Certified copy of Resolution of Plaintiff made on 9/12/1971	356
"F"	Plaintiff	Letters dated 18/11/71 and 29/11/1971	357
"P"	Plaintiff	Aerial photograph as at January 1972 - To be handed up in Court	
"S"	Plaintiff	Copy letter dated 25/2/1972	360
1.	Defendants	Plan of Mining Leases' sites	361
4.	Defendants	Special Mining Leases - 176 - 202 - 369 - 175	362 408 431 454
5.	Defendants	Plan No. 1312 showing sites of bore holes Index "A"	492

Exhibit Mark	By Whom Tendered	Nature of Exhibit	Page
6.	Defendants	Operations Plan	493
7.	Defendants	Copies of documents from file of the Department of Mines relating to M.L. 44 and the previous AP 1653	494
8.	Defendants	Authority to Prospect 1653	519
9.	Defendants	Plan taken from the Mines Department file and accompanying letter dated 29/11/1956	527
14.	Defendants	Document printed by Wyong Minerals Limited	529
15.	Defendants	Plan prepared by Mr. Close previously m.f.i. 1	536
16.	Defendants	Mr. Nolan's plan previously m.f.i. 2	537
17.	Defendants	Correspondence between Plaintiff and Defendants	538
18.	Defendants	Copy of documents from Mines Department in relation to M.L. 48	576
19.	Defendants	Copy of documents from Mines Department in relation to M.L. 51	628
20.	Defendants	Correspondence between Mines Department and Plaintiff	642
21.	Defendants	Authority to Prospect No. 156	697
22.	Defendants	Authority to Prospect No. 157	705
23.	Defendants	Affidavit of John Bruce <u>McKELLAR</u> sworn 10th December, 1971	713
25.	Defendants	Applications for Special Leases Nos. 1614 and 1625 and letters from the Mines Department	734



664       RESOLVED that the Council immediately place  
a Tree Preservation Order on the whole of the Red  
Gum Forest at The Entrance North west of Wilfred  
Barrett Drive and contained within the boundaries  
of M.L. 44 and M.L. 51.

I, JACK GOLDING Shire Clerk of Wyong Shire Council  
certify that the above is a true copy of a Resolu-  
tion passed by Wyong Shire Council on 22nd day of  
July, 1971.

J. Golding

10

J. Golding.

RESOLVED that Council being of the opinion that it is expedient in the interests of amenity to make provision for the preservation of trees pursuant to Clause 44 of the Shire of Wyong Planning Scheme Ordinance HEREBY PROHIBIT the ringbarking, cutting down, topping, lopping, removing, injuring or wilful destruction of any tree within the Shire of Wyong except with the consent of the Council.

I, JACK GOLDING Shire Clerk of Wyong Shire Council certify that the above is a true copy of a Resolution passed by Wyong Shire Council on the 9th day of December, 1971.

10

J. Golding

PDB.GB

18th November, 1971.

The Secretary,  
Associated Minerals Consolidated Ltd.,  
24th Floor,  
Goldfields House,  
Sydney Cove,  
SYDNEY. 2000.

Dear Sir,

We refer to your letter of the 16th instant and advise that the Council cannot consent to a modification of the Tree Preservation Order in respect of The North Entrance Peninsula at this time. 10

If your words "so that operations may proceed to the east and north of this area" are intended to be an informal development application we enclose a circular as to the procedure recommended in these matters by the State Planning Authority.

We also enclose a formal Development Application form to be completed by you and forwarded to the Shire Clerk with a fee of \$50.00 per lease. 20

In the event of such application being made and consented to by the Council and the State Planning Authority, the Tree Preservation Order would be modified.

We require such an application or a statement of your intention to make such application within fourteen (14) days of the date hereof.

Yours faithfully,

G

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SHIRE CLERK.

Encls.

ROBSON COWLISHAW & MACREADY

90

Solicitors

E.M. ROBSON  
H.T. MACREADY  
R.H. MACREADY  
M.B. CARNEGIE

C.D.E.  
147

34 HUNTER STREET  
SYDNEY, N.S.W. 2000

Our Ref. HTM:EN

Telephone: 28 4101

Telegraphic & Cable Address  
"Robshaw" Sydney

Your Ref.

29th November, 1971

WYONG SHIRE COUNCIL  
REC'D 30 NOV 1971  
ANS'D -

10

The Shire Clerk,  
Wyong Shire Council  
Box 174 P.O.  
WYONG. N.S.W. 2259

Dear Sir,

We act for Associated Minerals Consolidated Limited and its subsidiary company Wyong Alluvials Pty. Limited.

We have been instructed to reply to your letter of 18th instant.

20

It is apparent to our client that notwithstanding the offers it has made and the negotiations that have been conducted over the years (and as late as last week) there is no readiness on the part of your Council to agree to any reasonable compromise.

In fact your letter under reply in addition to seeking to rely on a purported "Tree Preservation Order" seems to suggest that our client should seek development consent for its operations although it has conducted these operations for years to the knowledge of Council and incurred expense in so doing.

30

Our client takes the view that any "Tree Preservation Order" relied upon is invalid and beyond power and that it is quite entitled to continue operations on the whole of its titles issued by virtue of the Mining Act without any further consent from your Council.

Our client is a public listed company. It employs a number of local residents. It has capital in excess of \$1,700,000 invested in the operations concerned and the average daily value of mineral production is of the order of \$6600. The minerals won are a valuable source of export earnings. It has valuable properties which it is not only its right but its duty to work in the interests of its shareholders and its employees. As its readiness not to mine certain areas of its mining titles clearly demonstrates it is already prepared to be reasonable in its operations and to co-operate with

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Exhibit "F" - Letter  
dated 29th November,  
1971

Exhibit "F" - Letter  
dated 29th November,  
1971

responsible authorities. It cannot however permit its operations to be brought to a halt with substantial expense and loss to the company, its shareholders and employees.

It is anticipated that to keep its operations in progress it will be necessary for our client to do work in the area covered by the purported "Tree Preservation Order" within the next few days including clearing. Without prejudice to its legal rights it will not at this stage enter those areas it has said it is prepared to leave intact. 10

In order for Council to have an opportunity of enforcing any legal rights which it claims by way of injunction if it is so disposed our clients will refrain from doing any such work prior to the 8th December next. If no such action is taken our client will regard itself as free to and will continue its operations. 20

Yours faithfully,  
ROBSON COWLISHAW & MACREADY

PER: H.T. Macready

WYONG SHIRE COUNCIL

Crest

All communications to  
be addressed to:

The Shire Clerk,  
P.O. Box 174, Wyong  
N.S.W. 2259

When replying, please  
quote No. CSD:PDC  
Wyong.

Telephone: Wyong 31171

25th February, 1972.

Mr. T. Considine,  
Messrs. S.C. Taperell, Rutledge  
& Fennell,

10

Solicitors,  
P.O. Box 145,  
THE ENTRANCE. 2261.

Dear Mr. Considine,

Council v. Associated Minerals & ors.

I refer to this morning's telephone conversa-  
tion between yourself and Mr. Day of this office,  
concerning information you require in connection  
with the above and have pleasure in supplying the  
following:-

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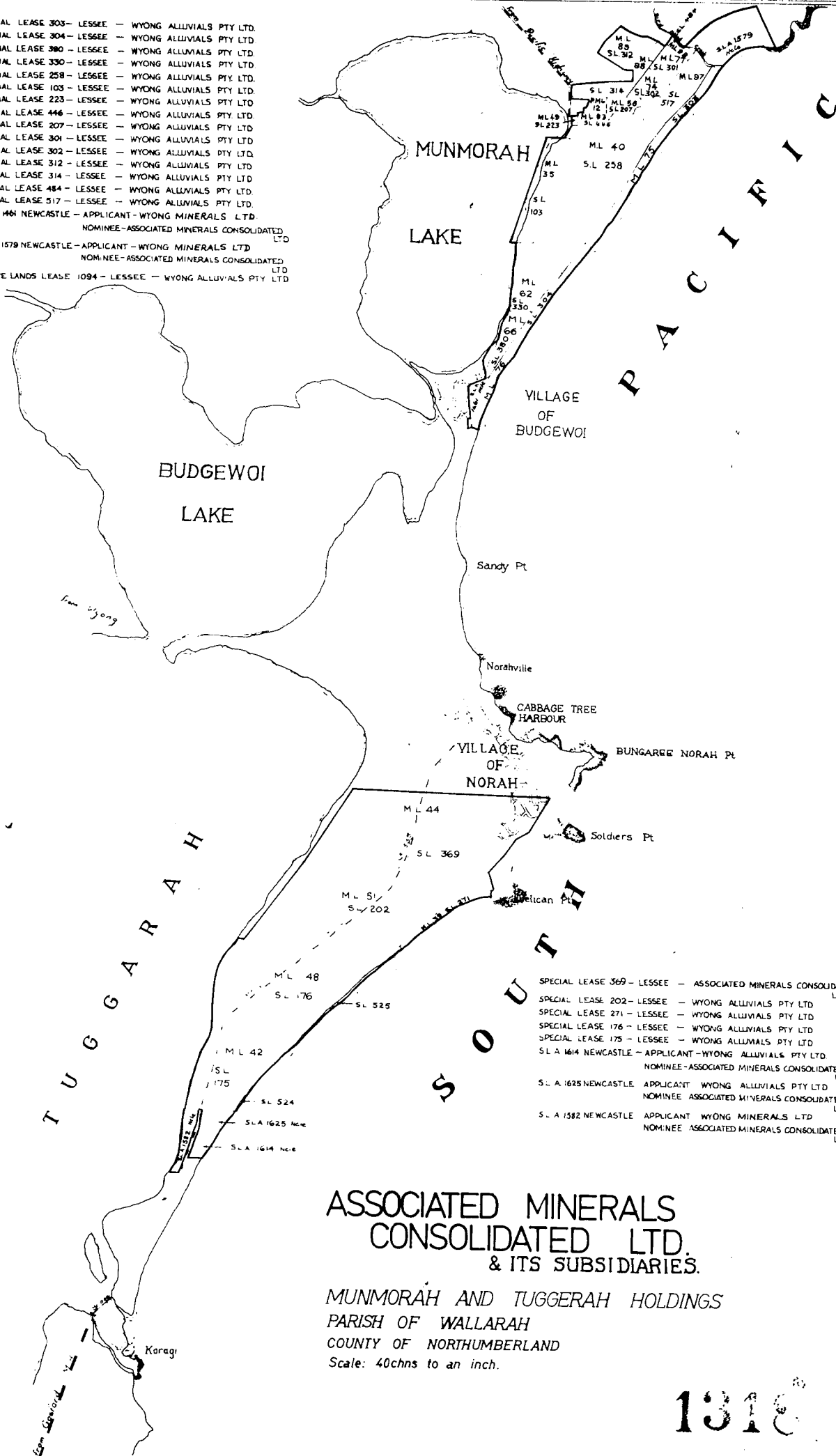
<u>Rate</u>	<u>Income</u>	<u>Expenditure</u>	<u>Year</u>	<u>Buildings</u> <u>Approved</u>	<u>Value</u>
1966	1,226,337	1,757,066	1966	1,572	5,564,809
1967	1,511,502	2,103,509	1967	1,725	7,078,544
1968	1,617,851	2,271,462	1968	1,806	8,709,435
1969	1,767,785	2,310,549	1969	2,055	11,370,244
1970	2,032,619	2,582,617	1970	2,383	12,831,394
1971	2,431,471	2,807,839	1971	2,841	17,499,491

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Yours faithfully,

J. Golding  
SHIRE CLERK.

- SPECIAL LEASE 303 - LESSEE - WYONG ALLUVIALS PTY LTD
- SPECIAL LEASE 304 - LESSEE - WYONG ALLUVIALS PTY LTD
- SPECIAL LEASE 380 - LESSEE - WYONG ALLUVIALS PTY LTD
- SPECIAL LEASE 330 - LESSEE - WYONG ALLUVIALS PTY LTD
- SPECIAL LEASE 258 - LESSEE - WYONG ALLUVIALS PTY LTD
- SPECIAL LEASE 103 - LESSEE - WYONG ALLUVIALS PTY LTD
- SPECIAL LEASE 223 - LESSEE - WYONG ALLUVIALS PTY LTD
- SPECIAL LEASE 446 - LESSEE - WYONG ALLUVIALS PTY LTD
- SPECIAL LEASE 207 - LESSEE - WYONG ALLUVIALS PTY LTD
- SPECIAL LEASE 301 - LESSEE - WYONG ALLUVIALS PTY LTD
- SPECIAL LEASE 302 - LESSEE - WYONG ALLUVIALS PTY LTD
- SPECIAL LEASE 312 - LESSEE - WYONG ALLUVIALS PTY LTD
- SPECIAL LEASE 314 - LESSEE - WYONG ALLUVIALS PTY LTD
- SPECIAL LEASE 484 - LESSEE - WYONG ALLUVIALS PTY LTD
- SPECIAL LEASE 517 - LESSEE - WYONG ALLUVIALS PTY LTD
- S.L.A 1614 NEWCASTLE - APPLICANT - WYONG MINERALS LTD  
NOMINEE - ASSOCIATED MINERALS CONSOLIDATED LTD
- S.L.A 1578 NEWCASTLE - APPLICANT - WYONG MINERALS LTD  
NOMINEE - ASSOCIATED MINERALS CONSOLIDATED LTD
- PRIVATE LANDS LEASE 1094 - LESSEE - WYONG ALLUVIALS PTY LTD



- SPECIAL LEASE 369 - LESSEE - ASSOCIATED MINERALS CONSOLIDATED LTD.
- SPECIAL LEASE 202 - LESSEE - WYONG ALLUVIALS PTY LTD
- SPECIAL LEASE 271 - LESSEE - WYONG ALLUVIALS PTY LTD
- SPECIAL LEASE 176 - LESSEE - WYONG ALLUVIALS PTY LTD
- SPECIAL LEASE 175 - LESSEE - WYONG ALLUVIALS PTY LTD
- S.L.A 1614 NEWCASTLE - APPLICANT - WYONG ALLUVIALS PTY LTD  
NOMINEE - ASSOCIATED MINERALS CONSOLIDATED LTD.
- S.L.A 1625 NEWCASTLE - APPLICANT - WYONG ALLUVIALS PTY LTD  
NOMINEE - ASSOCIATED MINERALS CONSOLIDATED LTD.
- S.L.A 1582 NEWCASTLE - APPLICANT - WYONG MINERALS LTD  
NOMINEE - ASSOCIATED MINERALS CONSOLIDATED LTD.

**ASSOCIATED MINERALS  
CONSOLIDATED LTD.  
& ITS SUBSIDIARIES.**

MUNMORAH AND TUGGERAH HOLDINGS  
PARISH OF WALLARAH  
COUNTY OF NORTHUMBERLAND  
Scale: 40chns to an inch.

1318

£1 10 0  
7 -

SPECIAL.

MINING ACT, 1906-1952.

1109 NEWCASTLE.

S.L.Appn.....

SPECIAL MINING LEASE, CROWN LANDS

Elizabeth the Second, by the Grace of God of the United Kingdom, Australia and Her other Realms and Territories Queen, Head of the Commonwealth, Defender of the Faith.

New South Wales	New South Wales	10
One Pound	Seven	
Ten Shillings	Shillings	
Stamp Duty	Stamp Duty	
K 8 8 6i	K 8 8 6i	

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETING:-

WHEREAS in conformity with the "Mining Act, 1906-1952," and the Acts amending the same application was duly made by JACK ROBERT JENKINS, 112 Bay Road, Toowoon Bay in the State of New South Wales for a lease hereinafter described for the purposes of mining for zircon, rutile, ilmenite and monazite 20

AND WHEREAS all conditions and things required to be done and performed before granting a lease hereunder have been done and performed. AND WHEREAS it has been requested that a lease issue in the names of AUBREY ARTHUR BROWN and RONALD ROY NASH, C/- Messrs. Ronald R. Nash & Co., Box 42, Post Office, The Entrance, in the State of New South Wales, NOW KNOW YE that in pursuance of the provisions of the said Act and in conformity with the same and in consideration of the sum of -fifty-seven pounds seven shillings/and sixpence being the first year's rent as hereinafter mentioned paid by the above-mentioned applicant and of the rents and royalty hereinafter reserved and of the covenants and provisos hereinafter contained. We do hereby grant and demise unto 30

AUBREY ARTHUR BROWN and RONALD ROY NASH

(who with-their-executors administrators and assigns /are hereinafter referred to as the lessees-) ALL THAT piece or parcel of land containing by admeasurement-four hundred and fifty-eight acres two roods ex. road-and more particularly described and delineated in the plan drawn hereon or annexed hereto and numbered-ML 48 ~~Except-the-surface-and the-land-to-a-depth-of----feet-below-the-surface-of that-portion-thereof-tinted-red-containing-----~~ more-or-less Being the surface and land to a depth of one hundred feet below the surface of that portion AND all those mines veins seams or deposits of-zircon, rutile, ilmenite and monazite-in and 40 50



Exhibit 4 - Special  
Mining Lease 176

under the said land (hereinafter called and included in the term "mine") TOGETHER WITH all and singular the shafts levels drifts works ways fixtures erections liberties easements advantages and appurtenances which are now or at any time during the term hereby granted may be held occupied or enjoyed therewith for the purpose of mining in and under the said land for-zircon, rutile, ilmenite and monazite-AND ALSO 10  
with full power for the said lessees-and their-agents and workmen (including contractors tributors and so forth) to dig sink drive make and use excavations pits shafts levels tunnels watercourses and other works necessary for winning and raising the-zircon, rutile, ilmenite and monazite-in or under the said land and to take and appropriate the same during the term hereby granted TO HOLD the said land with the appurtenances (subject to such rights and interests as may be lawfully subsisting therein at the date of these presents) UNTO the said lessees-from the date hereof for the term of-five-years next ensuing for the purpose of mining therein for-zircon, rutile, ilmenite and monazite-and for purposes connected with such mining being "Mining Purposes" within the "Mining Act, 1906-1952" and for no other purpose YIELDING AND PAYING therefor unto Us Our Heirs and Successors yearly and every year during the said term the yearly rent of-fifty-seven pounds seven/shillings and sixpence—in advance the first year's rent having been paid as aforesaid the next payment to be made to the Minister for Mines in Sydney on or before the fourteenth day of June next and thereafter on or before the fourteenth day of June in each and every year the rent aforesaid shall be paid to the Minister for Mines aforesaid clear of all rates taxes and assessments to which the said mine is now or at any time during the said term may be subject or liable. And also yearly and in every year during the said term a royalty as hereinafter specified ~~in~~ 30  
~~respect-of-all~~ on Annexure "B" hereto in respect of all zircon/rutile, ilmenite and monazite—won from the said land during the year and such royalty shall be paid to the Minister for Mines in Sydney on demand Provided that if the royalty payable during any one year of the said term exceeds the rent paid for such year the amount paid as rent may be deducted from the amount of the royalty but if the royalty in any one year amounts to less than the rent paid for such year the lessees-shall not for such year 40  
pay royalty PROVIDED ALWAYS and it is hereby agreed that if the said yearly rent shall be in arrears for thirty days after the same shall have become payable whether such rent shall have been legally 50

Exhibit 4 - Special  
Mining Lease 176

demanded or not any officer appointed or authorised thereto by the Minister for Mines may by himself or his agent enter upon the said land by such means and in such manner as he may determine and seize and distrain all minerals metals and ores actually got and raised from the said mine and all machinery apparatus tools waggons carts carriages engines plant and all other goods chattels and effects whatsoever in upon and about the said mine or used in connection therewith and in every distress thus made may take away sell and dispcoe of as in cases of distress for rent reserved in common leases and out of the moneys arising thereby retain so much as shall be sufficient to satisfy the said arrears and which shall at the time of such sale be unpaid and all expenses incurred by him or them in or in respect of such seizure distraint removal and sale and if there be any surplus such officer shall pay the same to the said lessees-and the acceptance or receipt of rent by Us or on Our behalf after breach of any covenant hereinafter contained shall not be or be deemed a waiver of the right of Us or of the Minister for Mines or other Officer on Our behalf to enforce observance of such covenant AND the said lessees-and every two or more of them do and each of them doth hereby covenant with Us Our Heirs and Successors in manner following that is to say:-

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1. THAT the said lessees-shall during the said term pay unto Us Our Heirs and Successors the rent and royalty hereby reserved at the time and places hereinbefore appointed for payment thereof clear of all deductions.

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2. AND shall upon and during all lawful working days except when prevented by inevitable accident or during the execution of repairs work the said mine in the best and most effectual manner and to the best advantage without interruption and shall with reasonable expedition make and construct all necessary works with a view to diligently explore and search for-zircon, rutile, ilmenite and monazite-in and under the said mine.

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3. AND shall employ in the construction of the works or in mining operations in the said mine throughout the said term and during the usual hours of labour not less than-seven-able and competent workmen and miners unless prevented by inevitable accident or during the execution of repairs.

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4. AND shall during the said term effectually drain the said mine and pump all water likely to cause injury thereto or which would prevent or interfere with the working thereof and if the said mine shall be affected or be liable to be affected

by the same flow or body of water as any other mine or mines contiguous thereto shall if and whenever requested so to do contribute with the lessee or lessees or owner or owners of such other mine or mines a reasonable proportion of the machinery and labour necessary to free and keep such mine or mines free from water to a workable extent or if the said mine shall be kept free from water to a workable extent either wholly or partially by means of the machinery and labour of a contiguous mine or mines or by reason of any works constructed or money expended by the lessee or lessees owner or owners of such contiguous mine or mines - then shall pay to such lessee or lessees owner or owners as aforesaid a reasonable proportion of the cost of such machinery labour or works or a reasonable proportion of the money so expended and the Minister for Mines may if and whenever he shall think fit depute some efficient person who shall have access to and inspection of all such mines to determine when the said mine is so freed or kept wholly or partially free from water and what is the reasonable proportions of such expenses aforesaid and to whom and when the same are to be paid - such decision to be final and conclusive on all parties.

CR696

5. AND shall make such provision for the disposal of the detritus dirt waste or refuse of the said mine that the same shall not be an inconvenience nuisance or obstruction to any roadway river creek or private or Crown lands or in any manner occasion any public or private damage or inconvenience.

6. AND shall maintain some approved boundary marks at each angle of the said mine and at such points along the boundary lines as shall be necessary so as to plainly and accurately define the boundary lines and angles of the said mine and in case posts shall be erected each such post shall be fixed firmly in the ground and shall project above the surface thereof not less than three feet.

7. AND shall as often as required so to do during the term make and deliver to the Minister for Mines or any officer appointed or instructed to collect obtain or receive the same all such true and proper plans and sections returns and statistics of the workings and operations of the said mine made up to the last day of the preceding month (the truth and accuracy of which shall be verified by the statutory declaration of the lessees for the time being or the manager or other officer having the charge control and direction of the works of the said mine) as the Minister for Mines shall from time to time direct. And shall furnish to the Under Secretary

Exhibit 4 - Special  
Mining Lease 176

for Mines not later than the seventh day of January in each year a return showing the gross quantity and value of all—zircon, rutile, ilmenite and monazite  
\_\_\_\_\_ won from the said land up to the thirty-first day of December in the preceding year. And shall whenever required by the Minister for Mines so to do deliver to any officer appointed or instructed as aforesaid samples of the minerals metals and ores or any of them found in or upon such mine. 10

8. AND shall during the said term make proper and reasonable compensation to the occupier or occupiers lessee or lessees from the Crown of any adjoining land in respect of any damage which may be sustained by him or them by reason of the working of the said mine or the carrying on of the works thereof or connected therewith such compensation to be determined by the Minister for Mines or by some person authorised by him so to do. 20

9. AND further shall at all times during the said term keep and preserve the said mine from all avoidable injury or damage and also the levels drifts shafts watercourses roads ways works erections and fixtures therein and thereon in good repair and condition and in such state and condition shall at the end or sooner determination of the said term deliver peaceable possession thereof and of all and singular the premises hereby demised to Us Our Heirs and Successors or to the Warden or other officer authorised to receive possession thereof. 30

10. AND shall not use or occupy or permit to be used or occupied the said land hereby demised or any part thereof for other than the purposes aforesaid ~~except as hereinafter~~ provided namely that/if the lessees may use or occupy or permit to be used or occupied as sites for dwellings or garden ground for the persons employed in on or about the said mine or for pasturage for stock employed in the working of the mine or required for the subsistence of the persons so employed such part or parts of the surface of the said land ~~as the Minister for Mines may by writing under his hand sanction and define~~ but the lessees shall not be entitled to demand or receive any sum by way of rent or charge for such occupation by the persons so employed except with the sanction in writing of the Minister for Mines. 40

11. AND shall permit any employee who has erected or purchased any building or other improvement on the said land to remove such building or improvement at any time during his employment, or within one month after the determination of such employment, or to sell such building or improvement to any other person employed on or about the said land. 50

12. AND shall not assign or sublet this lease or any interest therein or enter into any tribute contract relating to the land the subject thereof or any mine gold or minerals therein without the previous sanction in writing of the Minister for Mines.

13. AND shall not plead acceptance of rent by or on behalf of Us Our Heirs or Successors as a waiver of the right of Us or of the Minister for Mines or other Officer on Our behalf 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 Governor with the advice of the Executive Council to cancel this lease for breach of any such covenant.

14. PROVIDED always and it is hereby agreed and declared in manner following:-That it shall be lawful for Us Our Heirs and Successors without compensation to the lessees to make and use in on or under the said land hereby demised any levels drifts leads shafts watercourses adits roads ways and passages for freeing and keeping free any other lands or mines from water or for conveying water to any other lands or mines for mining purposes or for supplying any other mines with fresh air or for effectually working any other mines or for any public purpose whatsoever causing as little damage obstruction or interference as possible to or with the said mine and the works thereof And if at any time during the term hereby created any part or parts of the land hereby demised or any part or parts of the surface thereof shall be required for the purpose of any township village railway road canal watercourse reservoir or for any other purpose which the Governor may declare a public purpose it shall be lawful for the Governor with the advice of the Executive Council on giving one month's notice of his intention so to do to the lessees to cancel the said lease so far as it relates to any right to the surface and the specified depth below the surface of the said part of the land and thereupon the said part shall subject to the right of the said lessees to mine thereunder but without any compensation payable by Us Our Heirs or Successors to the said lessees become Crown lands within the meaning of the Crown Lands Act and may be dealt with thereunder.

15. IF the said lessees at any time during the term of this demise -

- (a) fails to fulfil or contravenes the conditions and covenants contained or referred to herein; or
- (b) fails to use the land bona fide for the purposes for which it has been demised; or

(c) uses it for a purpose other than that  
for which it has been demised

this lease may be cancelled by the Governor and the  
cancellation shall take effect on the date pro-  
claimed in the Government Gazette and the production  
of a copy of the Government Gazette containing a  
notice purporting to be signed by the Minister for  
Mines declaring the lease cancelled shall be conclu- 10  
sive evidence of the facts stated therein and upon  
the date proclaimed as aforesaid it shall be lawful  
for Us Our Heirs and Successors or Our or their  
agents or officers or for any bailiff or other per-  
son duly authorised thereto or for any holder of a  
miner's right who has the permission of the Minister  
for Mines without any previous demand whatsoever to  
enter forthwith into and upon the said land hereby  
demised and the same to repossess and enjoy as fully 20  
and effectually to all intents and purposes as if  
these presents had not been made and the said lessees  
to expel and remove without any legal process and  
as effectually as the Sheriff might do in case judg-  
ment in ejectment had been obtained and a writ of  
habere facias possessionem had been issued on such  
judgment and in case of such entry and any legal  
proceeding taken in respect thereof the defendant  
or defendants in any such proceeding may plead  
leave and license in bar thereof and these presents  
shall be conclusive evidence of such leave and license 30  
by the lessees or other the person or persons plain-  
tiff or plaintiffs in such proceedings for such en-  
try or other matters complained of in such proceed-  
ing.

16. AND it is hereby declared that all conditions  
and provisions contained in the "Mining Act, 1906-  
1952" and the regulations thereunder or any other  
law or statute now or hereafter to be passed or pres-  
cribed so far as the same may be applicable are em- 40  
bodied and incorporated with these presents as con-  
ditions and provisions of the lease hereby granted  
and the said lessees hereby covenants to observe ful-  
fil and perform the same.

17. AND it is hereby further declared 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 lessees 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 whereby the lessees co- 50  
venants with Us Our Heirs and Successors to observe  
and perform the said provisions and conditions.

18. AND IT IS HEREBY SPECIALLY AGREED AND DE-  
CLARED THAT the said lessees shall observe and  
perform the special conditions endorsed on Annexure  
"A" hereto.

Exhibit 4 - Special  
Mining Lease 176

IN TESTIMONY WHEREOF WE HAVE caused this Our Lease  
to be sealed with the Seal of Our said State.

WITNESS Our Trusty and Well-beloved SIR ERIC WINSLOW  
WOODWARD, Knight Commander of Our Most Distinguished  
Order of Saint Michael and Saint George, Companion  
of Our Most Honourable Order of the Bath, Commander  
of Our Most Excellent Order of the British Empire,  
Companion of Our Distinguished Service Order, Knight 10  
of the Venerable Order of St. John of Jerusalem,  
Lieutenant-General on the Retired List of Our  
Australian Military Forces, Governor of Our State  
of New South Wales and its Dependencies in the  
Commonwealth of Australia, at Sydney in Our said  
State, this Fourteenth day of June in the tenth  
year of Our Reign, and in the year of Our Lord one  
thousand nine hundred and sixty-one.

E.W. Woodward. Governor.

ANNEXURE "A" REFERRED TO HEREIN

1. ~~(a)~~ If in the opinion of the Minister for Mines the quantity of silica being removed from the area demised as a consequence of mining operations is likely to impair the restoration of the area demised or cause damage to or interfere with adjoining mining leases or other lands the Minister for Mines or the Under Secretary for Mines may direct by writing under his hand from time to time as the circumstances so require the said lessees to reduce the quantity of silica being so removed. The said lessees shall comply forthwith with any direction so given and in the event of non-compliance this lease may be cancelled. 10
- (b) The Minister for Mines may vary or revoke any direction given or which may be given in accordance with the foregoing clause. 20
2. (a) The said lessees shall treat by means of spiral concentrators or other approved method of concentration on or adjacent to the area demised all material mined so as to produce a concentrate containing not less than sixty-five (65) per centum of heavy minerals and all tailings from such operations shall be returned continuously as far as may be practicable to the excavations made on the area demised provided that where the circumstances so warrant the Minister for Mines or the Under Secretary for Mines on application in writing by the said lessees may authorise:- 30
- (i) the removal of material without prior concentration, or
- (ii) the production of a concentrate containing less than sixty-five per centum of heavy minerals.
- (b) Where authority is given in accordance with either of the provisos to the foregoing clause 2. (a) the said lessees shall observe and perform the conditions and stipulations laid down in such authority and such authority may be varied or revoked at any time by notice in writing under the hand of the District Inspector of Mines who is hereby authorised to so act on behalf of the Minister for Mines. 40
- (c) Any notice given in accordance with the foregoing clause 2. (b) shall take effect within the period of time stated in such notice and in the event of any failure to 50



~~observe and comply with such notice this lease may be cancelled.~~

3. Where mining is conducted on the beach the tailings shall be returned continuously to the excavations made and the surface shall be levelled off to restore as near as possible the original contours of the beach.
4. (a) In the event of operations by the said lessees on the area demised causing damage to any lands which have been restored after mining the said lessees shall repair such damage at their own expense to the satisfaction of the Minister for Mines. 10  
(b) The said lessees shall not conduct any mining operations within one foot of the seaward side of the base of the main frontal dune unless with the consent in writing of the Minister for Mines or the Under Secretary for Mines first had and obtained and subject to such conditions and stipulations as may be imposed. 20
5. In the event of dredging and/or other mining operations being conducted on the landward side of the main frontal sand dune the said lessees shall:-
  - (a) If so directed by the Minister for Mines remove the surface soil to a depth of two feet on such part of the area demised as may be disturbed by mining operations and such surface soil shall be stacked separately on the area demised or on such other land as the Minister for Mines may authorise in writing and subject to such conditions as he may stipulate. 30
  - (b) Return all residues and tailings to the excavations made and all worked ground shall be levelled off and any surface soil previously removed shall be replaced and planted with such grasses plants shrubs and/or trees as may be required by the Minister for Mines. 40
  - (c) Restore all worked areas concurrently with dredging and/or other mining operations and the said lessees shall observe any instructions which may be given by the Minister for Mines or the Under Secretary for Mines in connection with the restoration of the area demised.
  - (d) As far as may be practicable so conduct operations as not to cause any damage to shrubs and trees or other native flora 50

~~growing upon the area demised and all timber and shrubs which may be disturbed or destroyed as a result of the operations hereby authorised shall not be buried but shall be stacked and burnt provided that the said lessees shall before burning such timber obtain from the responsible authority permission to light fires.~~

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(e) If so directed by the Minister for Mines provide and erect brush fences and/or lay a matting of brush to prevent as far as may be practicable the scouring action of the wind on those parts of the area demised which have been levelled and restored and to provide protection for such grasses plants shrubs and trees which have been planted on such areas. Such brush fences shall be erected in such positions as may be directed by the Minister for Mines or the Under Secretary for Mines and shall be maintained to the satisfaction of the Minister for Mines.

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(f) Unless with the consent of the Minister for Mines or the Under Secretary for Mines first had and obtained the said lessees shall not clear or disturb the surface of the area demised except such as lies within a distance of five chains of that part of the area upon which mining operations are being conducted.

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6. The said lessees shall within twelve months of the date of the lease erect a separation plant upon the subject land or other land to the satisfaction of the Minister for Mines or furnish to the Minister for Mines satisfactory evidence that they have made suitable arrangements for the treatment of concentrates.

Aubrey A. Brown  
Ronald R. Nash

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- 2 -

- ~~7. In the event of roads of access being driven through the main frontal sand dune the said lessees shall protect the base and sides of such cut-throughs with corduroys of poles to prevent the formation of moving sand dunes and such works shall be constructed and maintained to the satisfaction of the Minister for Mines. Upon the cessation of the use of such cut-throughs the main dune shall be restored to its original contours protected by means of brush fences and/or matting of~~

50

- ~~brush and planted with such grasses plants~~  
shrubs and/or trees as may be required by  
the Minister for Mines and the foregoing  
requirements shall be carried out to the  
satisfaction of the Minister for Mines.
8. The said lessees shall not conduct any dredg-  
ing and/or other mining operations on or  
under the main frontal sand dune unless with 10  
the consent of the Minister for Mines in  
writing first had and obtained and subject  
to such conditions as he may stipulate.
9. (a) In the event of operations being con-  
ducted other than by means of dredging the  
said lessees shall mine the area in sections  
of such dimensions as the Minister for Mines  
may stipulate from time to time.  
(b) Upon completion of mining operations 20  
in each section all residues and tailings  
shall be returned to the excavations made  
and all worked ground shall be levelled off  
and any surface soil previously removed  
shall be replaced and planted with such gras-  
ses plants shrubs and/or trees as may be re-  
quired by the Minister for Mines provided  
that the mining of the next section may be  
carried out conjointly with the restoration  
of the last worked section but no further 30  
section shall be mined until such restora-  
tion is completed.
10. The said lessees shall confine the deposition  
of overburden removed during dredging and/or  
other mining operations within the boundaries  
of the area demised or on such other land as  
may be approved in writing by the Minister  
for Mines and subject to such conditions as  
he may think necessary to impose.
11. The said lessees shall conduct operations in 40  
such a manner as not to create any danger  
from floods or storms and shall observe and  
perform any instructions given or which may  
be given by the Minister for Mines with a  
view of minimising or preventing any flood  
or storm damage.
12. The said lessees shall at all times so con-  
duct operations as to cause as little inter-  
ference as possible with the public use and  
~~enjoyment of the beach for fishing and~~

Exhibit 4 - Special  
Mining Lease 176

- ~~recreation and shall permit free and uninterrupted access by the public to the beach at all times.~~
13. The said lessees shall as far as may be practicable so conduct operations as not to interfere in any way with the public use and enjoyment of Village Reserve No. 191 for Extension to Village and Reserve No. 33175 from Sale for Access. 10
14. The said lessees shall not interfere unless with the consent of the Minister for Mines first had and obtained with any life-savers' sheds and apparatus now or at any time erected or installed on the area demised and shall so conduct operations within the vicinity of the part or parts of the beach or beaches used by bathers that the same shall not cause any danger or obstruction to such bathers. 20
15. The said lessees shall at all times permit the lessee of adjoining or adjacent leases to have reasonable access across the area demised at such points and in such manner as may be agreed upon or in the absence of agreement as may be determined by the Warden under the provisions of Section 111, Mining Act, 1906 as amended.
16. The said lessees shall observe any instructions which may be given by the Minister for Mines with a view of minimising or preventing public inconvenience or damaging public or private property. 30
17. In the event of any improvements on the area demised being damaged or disturbed by dredging and/or other mining operations by the said lessees such improvements shall be restored to the satisfaction of the owner of such improvements or the Minister for Mines. 40
18. If so directed by the Minister for Mines the said lessees shall fill in any dredge pool or other excavation on the area demised and shall observe any instruction which may be given from time to time in this regard by the Minister for Mines or the Under Secretary for Mines.
19. ~~If so directed by the Minister for Mines the~~

Exhibit 4 - Special  
Mining Lease 176

- ~~said lessees shall provide and maintain a secure fence to the satisfaction of the Minister for Mines around each dredge pool or other excavation opened up or used by the said lessees and shall observe any instructions which may be given from time to time in this regard by the Minister for Mines or the Under Secretary for Mines.~~ 10
20. If it is found that the operations hereby authorised are causing any undue damage to or erosion of the subject land or other land in the vicinity thereof the Governor with the advice of the Executive Council may cancel this lease or any renewal thereof without compensation to the said lessees upon giving one month's notice of his intention so to do.
21. The said lessees if so required by the Minister for Mines or the Under Secretary for Mines shall surrender such part or parts of the area demised as have been worked and restored in accordance with the foregoing conditions. 20
- Aubrey A. Brown. Robert Nash
- 3 -
- ~~22. The said lessees shall not conduct any mining operations within a distance of five chains west of the base of the main frontal dune on the eastern side of the area demised unless with the consent of the Minister for Mines first had and obtained and subject to such conditions as he may stipulate.~~ 30
23. Before dredging and/or other mining operations are commenced on the area demised the said lessees shall lodge with the Minister for Mines a deposit of five thousand pounds (£5,000) for each dredging plant to be used on the area demised or with an approved surety enter into a bond in the penal sum of five thousand pounds (£5,000) for each such dredging plant to be used on the area demised as a guarantee that the foregoing conditions shall be well and faithfully observed and in the event of any failure to perform such conditions such sum or sums shall be applied towards the cost of making good the damage caused. 40

Exhibit 4 - Special  
Mining Lease 176

~~24.~~ (a) ~~The said lessees shall not excavate~~  
within sixty-six (66) feet of the boundaries  
of the road shown on the said plan unless  
with the consent of the Minister for Mines  
first had and obtained and subject to such  
conditions as he may stipulate.

(b) Notwithstanding that the said lessees  
shall have complied with this condition the  
said lessees shall pay to Wyong Shire Coun- 10  
cil Department of Lands or the Commissioner  
for Main Roads the cost incurred by such  
Council or Department or Commissioner of  
making good any damage to such road caused  
by mining operations carried on by or under  
the authority of the said lessees or any  
person claiming through or under them.  
AND THE LESSEES HEREBY COVENANT with the 20  
said Council that the lessees will pay to  
the said Council the cost incurred by the  
said Council of making good any such damage  
caused as aforesaid and the lessees hereby  
covenant with the said Commissioner that the  
lessees will pay to the said Commissioner  
the cost incurred by the said Commissioner  
of making good any such damage as aforesaid.  
AND IT IS HEREBY AGREED AND DECLARED that  
the amount to be paid by the said lessees 30  
under the provisions of this clause shall  
include in addition to the cost all necessary  
labour and materials all costs and expenses  
reasonably incurred in and about the making  
of surveys the preparation of plans and spe-  
cifications and estimates the supervision  
and inspection of the works and all adminis-  
trative and overhead costs and expenses of  
the Council or the Department of Lands or  
the Commissioner for Main Roads as the case 40  
may be related or attributable to the works  
undertaken to make good any damage caused to  
the said road. A certificate under the hand  
of the Shire Clerk of the Local Council or  
the Under Secretary for Lands or the Commis-  
sioner for Main Roads or the person for the  
time being acting as such Clerk, Under Sec-  
retary or Commissioner as to the amount of  
the cost of making good any damage to the  
said road shall in all respects and for all 50  
purposes be conclusive evidence of the amount  
of such cost and of the due determination  
thereof.

~~25.~~ (a) ~~The said lessees shall not interfere~~

~~in any way with rifle practice by members~~  
of duly constituted rifle clubs or the Commonwealth Military Forces.

(b) The said lessees shall not be entitled to charge rent for the use of the rifle range on the area demised or any part thereof.

(c) The said lessees shall accept all and any risks to which the said lessees or the said lessees' property may be exposed by reason of the existence of the rifle range on the area demised and the said lessees shall save harmless the Commonwealth Government or person lawfully using the rifle range from any claims for injuries to the said lessees or the said lessees' servants or workmen which may rise by the discharge of firearms on the said rifle range.

(d) Members of rifle clubs or the Commonwealth Military Forces shall retain the privilege of taking riding horses and vehicles on to the rifle range.

26. The said lessees shall indemnify and keep indemnified the Crown from and against all actions suits claims and demands of whatsoever nature and all costs charges and expenses which may be brought against the said lessees or which the said lessees may incur in respect of any accident or injury to any person or property which may arise out of the construction maintenance or working of any workings now existing or to be made by the said lessees within the boundaries of the subject area or in connection with any mining operations notwithstanding that the foregoing conditions shall in all respects have been observed by the said lessees or that any such accident or injury shall arise from any act or thing which the said lessees may be licensed or compelled to do hereunder.

Aubrey A. Brown Robert R. Nash

ANNEXURE "B" REFERRED TO HEREIN

1. The said lessees shall pay to the Minister for Mines a royalty of one and one-half per centum of the value of rutile concentrates and zircon concentrates won from the land hereby demised and for the purpose of the assessment and payment of royalty the value of rutile concentrates so won shall be calculated by multiplying the number of tons of rutile concentrates won during each annual period commencing on the first day of January and ending on the thirty-first day of the following December by the average price of rutile concentrates for that annual period calculated or determined in the manner hereinafter appearing and the value of zircon concentrates so won shall be calculated by multiplying the number of tons of zircon concentrates won during each such annual period by the average price of zircon concentrates for that annual period calculated or determined in the manner hereinafter appearing.

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The average price of rutile concentrates for any such annual period shall be ascertained by dividing the number of tons of rutile concentrates the produce of the land hereby demised sold by the lessees during that annual period into the total amount for which rutile concentrates the produce of the land hereby demised were sold by the lessees during the said annual period and the average price of zircon concentrates for any such annual period shall be ascertained by dividing the number of tons of zircon concentrates the produce of the land hereby demised sold by the lessees during that annual period into the total amount for which zircon concentrates the produce of the land hereby demised were sold by the lessees during the said annual period.

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Exhibit 4 - Special  
Mining Lease 176

For the purpose of computing the total amount for which rutile concentrates or zircon concentrates the produce of the land hereby demised were sold during any annual period the following provisions shall apply:

- (a) In respect of any rutile concentrates or zircon concentrates sold by the lessees f.o.b. at the port of shipment nearest to the land hereby demised the amount for which such concentrates shall for the purpose of this clause be deemed to have been sold shall be the full amount of the f.o.b. price paid or payable to the lessees. 10
- (b) In respect of any rutile concentrates or zircon concentrates sold by the lessees otherwise than in the manner mentioned in subparagraph (a) of this clause the amount for which such concentrates shall for the purpose of this clause be deemed to have been sold shall be a sum estimated by the Minister for Mines to be the price for such concentrates f.o.b. at the port of shipment nearest to the land hereby demised which would be equivalent to the price paid or payable to the lessees 20

Aubrey A. Brown Ronald R. Nash

2.

PROVIDED HOWEVER AND IT IS HEREBY AGREED AND 30  
DECLARED that if the lessees shall not during any such annual period sell any rutile concentrates the produce of the land hereby demised or if the lessees shall during any such annual period sell rutile concentrates the produce of the land hereby demised but the Minister for Mines shall be of opinion that the

Exhibit 4 - Special  
Mining Lease 176

price paid or payable to the lessees for such rutile concentrates so sold or any part of such rutile concentrates so sold is less than the full market value at the time of the sale then the average price of rutile concentrates for that annual period shall be a sum determined by the Minister for Mines and if the lessees shall not during any such annual period sell any zircon concentrates the produce of the land hereby demised or if the lessees shall during any such annual period sell zircon concentrates the produce of the land hereby demised but the Minister for Mines shall be of opinion that the price paid or payable to the lessees for such zircon concentrates so sold or any part of such zircon concentrates so sold is less than the full market value at the time of the sale then the average price of zircon concentrates for that annual period shall be a sum determined by the Minister for Mines. Any determination by the Minister for Mines of the average price of rutile concentrates or of zircon concentrates for any annual period shall be made in such manner as the Minister for Mines may see fit as soon as may be after the end of such annual period but in making the determination the Minister for Mines shall have regard to the open market price for rutile concentrates and zircon concentrates respectively during such annual period and the selling prices actually received during such annual period by producers in the State of New South Wales for rutile concentrates and zircon concentrates respectively. The Minister for Mines may ascertain the open market prices and the selling prices actually received by producers in such manner as he may see fit.

A certificate under the hand of the Under

Secretary for Mines or of the person for the time being acting as such as to any one or more of the following matters

- (i) that a price for any rutile concentrates or for any zircon concentrates has been estimated by the Minister for Mines for the purposes of sub-paragraph (b) of this clause at an amount set forth in the certificate 10
- (ii) that the Minister for Mines is of opinion that the price paid or payable to the lessees for any rutile concentrates or zircon concentrates is less than the full market value at the time of sale
- (iii) that the average selling price of rutile concentrates or of zircon concentrates for any annual period has been determined by the Minister for Mines for the purposes of the foregoing proviso in this clause at an amount set forth in the certificate 20

shall be binding upon the lessees and shall in all respects and for all purposes be conclusive evidence of the matters therein stated and of the amount and due estimation or determination of any price therein set forth.

Aubrey A. Brown Ronald R. Nash

3.

The said lessees shall pay to the Minister for Mines a royalty of one and one-half per centum of the market value at the land hereby demised of all monazite ~~garnet-gold-tin-platinum~~ and ilmenite won or contained in any primary concentrates won from the said land. The market value at the land hereby demised of any of the minerals referred to in this clause won or contained in any primary concentrates 30

Exhibit 4 - Special  
Mining Lease 176

won from the said land shall be determined by the Minister for Mines in such manner as he may think fit. A certificate under the hand of the Under Secretary for Mines or of the person for the time being acting as such that the market value at the land hereby demised of any of the said minerals has been determined by the Minister for Mines at an amount set forth in the certificate shall be binding upon the lessees and shall in all respects and for all purposes be conclusive evidence of the matters therein stated and of the amount and due determination of any price therein set forth. 10

Ronald R. Nash



Exhibit 4 - Special  
Mining Lease 176

PLAN

Parish of.....

County of.....

Scale            chains to an inch.

SIGNED Sealed and Delivered )  
by the said AUBREY ARTHUR )  
BROWN    RONALD ROY NASH )  
in the presence of

R.R. Nash  
Aubrey A. Brown

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Exhibit 4 - Special  
Mining Lease 176

Registered in the Department of Mines, at Sydney,  
this 29th day of September A.D. 1961 at the hour of  
ten o'clock in the forenoon, and numbered in the  
Register 176.

Registrar.

SPECIAL LEASE  
UNDER "THE MINING ACT, 1906-1952,"  
and the Acts amending the same

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No.	176	(Act 1906)
DATED	14th June	A.D. 1961

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HER MAJESTY THE QUEEN

to

AUBREY ARTHUR BROWN

and

RONALD ROY NASH.

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~~Registered in the Department of Mines, at Sydney,  
this 29th day of A.D. 1961, at the hour of  
ten o'clock in the forenoon, and numbered in the  
Register 176~~

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~~Registrar.~~

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(Aubrey Arthur Brown and  
Transfer from (Ronald Roy Nash of their interest  
in Special Lease 176 (Act 1906) to Wyong Alluvials  
Pty. Limited Registered by me in the Department of  
Mines, Sydney, this 14th day of January 1963 at the  
hour of ten o'clock in the forenoon.

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Registrar

Exhibit 4 - Special  
Mining Lease 176  
& 107A as amended  
Sections 38(2)/Mining Act, 1906-1952  
New South Wales  
\$=0300 (\$3)  
Stamp Duty

Crest

RENEWAL OF - A SPECIAL - LEASE OF CROWN LAND.  
as amended  
Under the Mining Act, 1906-1952

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Elizabeth the Second, by the Grace of God of the  
United Kingdom, Australia and Her other Realms  
and Territories Queen, Head of the Commonwealth,  
Defender of the Faith.

To all to whom these presents shall come, Greeting:-

WHEREAS these presents are intended to be read as  
if endorsed upon or annexed to a lease by ~~His~~ Her  
Majesty ~~King~~ Queen Elizabeth the Second - to -  
AUBREY ARTHUR BROWN and RONALD ROY NASH - dated  
the - fourteenth - day of - June - one thousand  
nine hundred and - sixty-one - registered as number  
- 176 - in the Department of Mines, Sydney (herein-  
after called the "Within Lease") the term of which  
expired on the - fourteenth - day of - June - one  
thousand nine hundred and - sixty-six - AND WHEREAS  
the term of the Within Lease has been deemed to be  
extended by Section 107A of the Mining Act, 1906,  
as amended - AND WHEREAS the Within Lease now stands  
registered in the said Department of Mines in the  
name of

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- WYONG ALLUVIALS PTY. LIMITED -

AND WHEREAS in pursuance of the provisions of the  
Mining Act, 1906-1952 as amended and the Regulations  
thereunder the said

- WYONG ALLUVIALS PTY. LIMITED -

has duly applied for renewal of the "Within Lease"  
which We have agreed to grant for a further term  
~~of~~ - until - ~~years-to-commence-on~~ the - fourteenth  
- day of - June - one thousand nine hundred and -  
seventy-one - subject to the conditions covenants  
and provisions of the said lease save as modified  
by the provisions hereinafter reserved and contain-  
ed or referred to NOW KNOW YE that in pursuance of  
the provisions of the Mining Act, 1906-1952 as amended

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Exhibit 4 - Special  
Mining Lease 176

and in consideration of the covenants and conditions herein contained or referred to WE DO HEREBY GRANT unto the said

- WYONG ALLUVIALS PTY. LIMITED -

(which - with - its successors and transferees is - hereinafter referred to as "the Lessee") ALL AND SINGULAR the piece or parcel of land and premises comprised in and demised by the "Within Lease" (except and reserving as is excepted and reserved by the "Within Lease" and excluding such land if any which may have been surrendered cancelled or otherwise excised from the "Within Lease") TO HOLD the land and premises hereinbefore expressed to be demised (subject to such rights and interests as may be lawfully subsisting therein at the date of these presents) unto the said lessee for the term of - until - ~~years-commencing-on~~ the - fourteenth - day of - June - one thousand nine hundred and - seventy-one - for the purpose for which the "Within Lease" was expressed to be granted and for no other purpose YIELDING AND PAYING therefore unto Us Our Heirs and Successors yearly and every year during the said term the yearly rent of two hundred and twenty-nine dollars - and fifty cents - in advance to be paid to Our Minister ~~Secretary~~ for Mines in Sydney on or before the - fourteenth - day of - June - in each and every year all such rent to be paid without any deduction and clear of all rates taxes and assessments to which the said land and premises are now or at any time during the said term may be subject or liable and subject to the terms conditions and covenants in the "Within Lease" contained and subject to the conditions hereinafter provided AND IT IS HEREBY AGREED AND DECLARED that ~~(a) the clause in the "Within Lease" providing that the lessee shall not be required to pay royalty in any one year if the gross output of the mineral does not exceed five hundred pounds in value during such year shall be and is hereby deleted to take effect as and from~~ 10

~~(b)~~ (a) the lessee shall pay unto Us Our Heirs and Successors yearly and in every year during the said term royalty at the rates as set out on the attached Annexure "A". 20

~~(c)~~ (b) all such royalty shall be payable at the time and the place and in the manner prescribed by the Regulations in force for the time being under the Mining Act, 1906, and the Acts amending the same. 30

AND IT IS HEREBY AGREED AND DECLARED that Special 40 50

Exhibit 4 - Special  
Mining Lease 176

Conditions 1-26 (inclusive) of the Within Lease shall be deleted.

AND that the lessee shall observe and perform the Special Conditions as set out on Annexures "B" "C" and "D" hereto.

AND IT IS HEREBY FURTHER AGREED and the lessee HEREBY COVENANTS that the lessee will upon demand by Us and if no demand be made within six months from the date of these presents then forthwith upon the expiration of the said period of six months from the date hereof PAY the amount of rent and royalty payable during or in respect of the period for which the term of the said lease has been deemed to be extended by Section 107A of the Mining Act, 1906, as amended, as varied under Subsection (3) of the said Section 107A AND IT IS HEREBY AGREED AND DECLARED that a certificate under the hand of the Under Secretary of the Department of Mines or the person for the time being acting as such as to the amount to which the said rent and royalty or either of them were varied shall be final and conclusive as to any such amount and that the amount of rent and royalty payable or either of them as the case may be were duly varied and shall be binding upon the lessee.

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Exhibit 4 - Special  
Mining Lease 176

SL.176  
SL 176

ANNEXURE "A" REFERRED TO HEREIN

1. The said lessee/s shall pay to the Minister for Mines a royalty of one and one-half per centum of the value of rutile concentrates and zircon concentrates won from the land hereby demised and for the purpose of the assessment and payment of royalty the value of rutile concentrates so won shall be calculated by multiplying the number of tons of rutile concentrates won during such annual period commencing on the first day of January and ending on the thirty-first day of the following December by the average price of rutile concentrates for that annual period calculated or determined in the manner hereinafter appearing and the value of zircon concentrates so won shall be calculated by multiplying the number of tons of zircon concentrates won during each such annual period by the average price of zircon concentrates for that annual period calculated or determined in the manner hereinafter appearing.

The average price of rutile concentrates for any such annual period shall be ascertained by dividing the number of tons of rutile concentrates the produce of the land hereby demised sold by the lessee/s during that annual period into the total amount for which rutile concentrates the produce of the land hereby demised were sold by the lessee/s during the said annual period and the average price of zircon concentrates for any such annual period shall be ascertained by dividing the number of tons of zircon concentrates the produce of the land hereby demised sold by the lessee/s during that annual period into the total amount for which zircon concentrates the produce of the land hereby demised were sold by the lessee/s during the said annual period.

For the purpose of computing the total amount for which rutile concentrates or zircon concentrates the produce of the land hereby demised were sold during any annual period the following provisions shall apply:

- (a) In respect of any rutile concentrates or zircon concentrates sold by the lessee/s f.o.b. at the port of shipment nearest to the land hereby demised the amount for which such concentrates shall for the purpose of this clause be deemed to have been sold shall be the full amount of the f.o.b. price paid or payable to the lessee/s.

(b) In respect of any rutile concentrates or zircon concentrates sold by the lessee/s otherwise than in the manner mentioned in subparagraph (a) of this clause the amount for which such concentrates shall for the purposes of this clause be deemed to have been sold shall be a sum estimated by the Minister for Mines to be the price for such concentrates f.o.b. at the port of shipment nearest to the land hereby demised which would be equivalent to the price paid or payable to the lessee/s 10

PROVIDED HOWEVER AND IT IS HEREBY AGREED AND DECLARED that if the lessee/s shall not during any such annual period sell any rutile concentrates the produce of the land hereby demised or if the lessee/s shall during any such annual period sell rutile concentrates the produce of the land hereby demised but the Minister for Mines shall be of opinion that the price paid or payable to the lessee/s for such rutile concentrates so sold or any part of such rutile concentrates so sold is less than the full market value at the time of the sale then the average price of rutile concentrates for that annual period shall be a sum determined by the Minister for Mines and if the lessee/s shall not during any such annual period sell any zircon concentrates the produce of the land hereby demised or if the lessee/s shall during any such annual period sell zircon concentrates the produce of the land hereby demised but the Minister for Mines shall be of opinion that the price paid or payable to the lessee/s for such zircon concentrates so sold or any part of such zircon concentrates so sold is less than the full market value at the time of the sale then the average price of zircon concentrates for that annual period shall be a sum determined by the Minister for Mines. Any determination by the Minister for Mines of the average price of rutile concentrates or of zircon concentrates for any annual period shall be made in such manner as the Minister for Mines may see fit as soon as may be after the end of such annual period but in making the determination the Minister for Mines shall have regard to the open market price for rutile concentrates and zircon concentrates respectively during such annual period and the selling prices actually received during such annual period by producers in the State of New South Wales for rutile concentrates and zircon concentrates respectively. The Minister for Mines may ascertain the open market prices and the selling prices 20 30 40 50

actually received by producers in such manner as he may see fit.

A certificate under the hand of the Under Secretary for Mines or of the person for the time being acting as such as to any one or more of the following matters:

- (i) that a price for any rutile concentrates or for any zircon concentrates has been estimated by the Minister for Mines for the purposes of sub-paragraph (b) of this clause at an amount set forth in the certificate 10
- (ii) that the Minister for Mines is of opinion that the price paid or payable to the lessee/s for any rutile concentrates or zircon concentrates is less than the full market value at the time of sale
- (iii) that the average selling price of rutile concentrates or of zircon concentrates for any annual period has been determined by the Minister for Mines for the purposes of the foregoing proviso in this clause at an amount set forth in the certificate. 20

shall be binding upon the lessee/s and shall in all respects and for all purposes be conclusive evidence of the matters therein stated and of the amount and due estimation or determination of any price therein set forth.

2. The said lessee/s shall pay to the Minister for Mines a royalty of one and one-half per centum of the market value ~~at the land hereby demised of~~ all monazite ~~garnet-gold-tin-platinum~~ and ilmenite won or contained in any primary concentrates won from the said land. The market value ~~at the land hereby demised~~ of any of the minerals referred to in this clause won or contained in any primary concentrates won from the said land shall be determined by the Minister for Mines in such manner as he may think fit. A certificate under the hand of the Under Secretary for Mines or of the person for the time being acting as such that the market value ~~at the land hereby demised~~ of any of the said minerals has been determined by the Minister for Mines at an amount set forth in the certificate shall be binding upon the lessee/s and shall in all respects and for all purposes be conclusive evidence of the 30 40

Exhibit 4 - Special  
Mining Lease 176

matters therein stated and of the amount and due  
determination of any price therein set forth.

WYONG ALLUVIALS PTY. LIMITED

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ANNEXURE "B" REFERRED TO HEREIN

~~1.-----The said lessee/s shall within twelve months of the date of the lease or any renewal thereof erect a separation plant upon the subject land or other land to the satisfaction of the Minister for Mines or furnish to the Minister for Mines satisfactory evidence that the said lessee/s has made suitable arrangements for the treatment of concentrates.~~

10

1.2. (a) If in the opinion of the Minister for Mines the quantity of silica being removed from the area demised as a consequence of mining operations is likely to impair the restoration of the area demised or cause damage to or interfere with adjoining mining leases or other lands the Minister for Mines or the Under Secretary for Mines may direct by writing under his hand from time to time as the circumstances so required the said lessee/s to reduce the quantity of silica being so removed. The said lessee/s shall comply forthwith with any direction so given and in the event of non-compliance this lease may be cancelled.

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(b) The Minister for Mines may vary or revoke any direction given or which may be given in accordance with the foregoing clause.

2.3. (a) The said lessee/s shall treat by means of spiral concentrators or other approved method of concentration on or adjacent to the area demised all material mined so as to produce a concentrate containing not less than ~~eighty-five~~ sixty-five per centum of heavy minerals and all tailings from such operations shall be returned continuously as far as may be practicable to the excavations made on the area demised provided that where the circumstances so warrant the Minister for Mines or the Under Secretary for Mines on application in writing by the said lessee/s may authorise:-

30

(i) the removal of material without prior concentration, or

(ii) the production of a concentrate containing less than ~~eighty-five~~ sixty-five per centum of heavy minerals.

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(b) Where authority is given in accordance

Exhibit 4 - Special  
Mining Lease 176

with either of the provisos to the foregoing clause ~~3(a)~~ 2(a) the said lessee/s shall observe and perform the conditions and stipulations laid down in such authority and such authority may be varied or revoked at any time by notice in writing under the hand of the ~~District-Inspector-of-Mines-who-is hereby-authorized-to-se-act-on-behalf-of-the~~ Minister for Mines.

10

(c) Any notice given in accordance with the foregoing clause ~~3(b)~~ 2(b) shall take effect within the period of time stated in such notice and in the event of any failure to observe and comply with such notice this lease or any renewal thereof may be cancelled.

~~4.----- (a) ---Where mining is conducted on the beach the tailings shall be returned continuously to the excavations made and the surface shall be levelled off to restore as near as possible the original contours of the beach.~~

20

3. ~~(b)~~ Where mining is conducted on the beach the tailings shall be returned continuously to the excavations made and the surface shall be graded to an angle approved by the Minister for Mines.

4.5. In the event of operations by the said lessee/s on the area demised causing damage to any lands which have been restored after mining the said lessee/s shall repair such damage at the said lessee/s own expense to the satisfaction of the Minister for Mines.

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5.6. The said lessee/s shall not conduct any dredging and/or other mining operations on or under the main frontal sand dune nor within one foot ~~feet~~ of the seaward side of the base thereof unless with the consent of the Minister for Mines in writing first had and obtained and subject to such conditions as he may stipulate. (varied 22.11.67)

6.7. (a) In the event of it being necessary to drive roads of access through the main frontal sand dune the said lessee/s shall protect the base and sides of such cut-throughs with corduroys of poles to prevent the formation of moving sand dunes and the said lessee/s shall construct and maintain such corduroys to the satisfaction of the Minister for Mines.

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(b) Upon ceasing to use such cut-throughs



Exhibit 4 - Special  
Mining Lease 176

or if sooner directed so to do by the Minister for Mines the said lessee/s shall restore the main dune to its original contours unless the Minister for Mines shall otherwise direct shall plant the same with grasses plants shrubs and/or trees and erect brush fences and/or lay a matting of brush thereon to the satisfaction of the Minister for Mines.

7.8. (a) ~~If-se~~ Unless otherwise directed by the Minister for Mines the said lessee/s shall remove the surface ~~soil~~ material to a depth of twelve inches on such part of the area demised as may be disturbed by mining operations and shall stack such surface ~~soil~~ material separately on the area demised or on such other land as the Minister may authorise in writing and subject to such conditions as he may stipulate. 10

(b) The said lessee/s shall return all residues and tailings to the excavations made level off all worked ground or if so directed by the Minister for Mines contour such ground to a shape satisfactory to the Minister for Mines replace any surface ~~soil~~ material previously removed and plant the same with such grasses plants shrubs and/or trees as may be required by the Minister for Mines and shall maintain and care for the same during the currency of this lease and any renewal thereof to the satisfaction of the Minister for Mines. 20

(c) The said lessee/s shall restore all worked areas concurrently with mining operations and shall observe any instructions which may be given by the Minister for Mines or the Under Secretary for Mines in connection with the restoration of the area demised. 30

(d) The said lessee/s shall as far as may be practicable so conduct operations as not to cause any damage to shrubs and trees or other native flora growing upon the area demised and shall stack and burn all shrubs and trees or other native flora which may be disturbed or destroyed as a result of the operations hereby authorised provided that before doing so the said lessee/s shall obtain from the responsible authority permission to light fires. 40

(e) If so directed by the Minister for Mines the said lessee/s shall provide and erect brush fences and/or lay a matting of brush to prevent as far as may be practicable the scouring action of the wind and to provide protection for

Exhibit 4 - Special  
Mining Lease 176

the grasses plants shrubs and/or trees planted on those parts of the area demised which have been levelled and/or contoured and restored and the said lessee/s shall maintain such brush fences or matting to the satisfaction of the Minister for Mines.

(f) Unless with the consent of the Minister for Mines or the Under Secretary for Mines first had and obtained the said lessee/s shall restrict any clearing of or disturbance to the surface of the area hereby demised to a distance not greater than five chains from the site of mining operations. 10

~~9.-----Where-operations-are-conducted-on-the-main frontal-sand-dune-the-said-lessee/s-shall-restore the-worked-dune-so-far-as-may-be-practicable-to-the same-slope-and-contour-as-the-original-dune-unless-the-Minister-for-Mines-or-the-Under-Secretary-for Mines-shall-otherwise-direct.~~

8. ~~10.~~ (a) In the event of operations being conducted other than by means of dredging the said lessee shall mine the area in sections of such dimensions as the Minister for Mines may stipulate from time to time. 20

(b) Upon completion of mining operations in each section all residues and tailings shall be returned to the excavations made and all worked ground shall be levelled off and any surface soil material previously removed shall be replaced and planted with such grasses plants shrubs and/or trees as may be required by the Minister for Mines provided that the mining of the next section may be carried out conjointly with the restoration of the last worked section but no further section shall be mined until such restoration is completed. 30

9. ~~11.~~ The said lessee/s shall confine the deposition of overburden removed during dredging and/or other mining operations within the boundaries of the area demised or on such other land as may be approved in writing by the Minister for Mines and subject to such conditions as he may think necessary to impose. 40

10. ~~12.~~ The said lessee/s shall conduct operations in such manner as not to create any danger from floods or storms and shall observe and perform any instructions given or which may be given by the Minister for Mines with a view of minimising or preventing any flood or storm damage.

Exhibit 4 - Special  
Mining Lease 176

- 11.~~13~~. The said lessee/s shall at all times so conduct operations as to cause as little interference as possible with the public use and enjoyment of the beach for fishing and recreation and shall permit free and uninterrupted access by the public to the beach at all times.
- 12.~~14~~. The said lessee/s shall as far as may be practicable so conduct operations as not to interfere in any way with the public use and enjoyment of Reserve the affected Reserves ~~fer-----~~ 10
- 13.~~15~~. The said lessee/s shall not interfere unless with the consent of the Minister for Mines first had and obtained with any life-savers' sheds and apparatus now or at any time erected or installed on the area demised and shall so conduct operations within the vicinity of the part or parts of the beach or beaches used by bathers that the same shall not cause any danger or obstruction to such bathers. 20
- 14.~~16~~. The said lessee/s shall at all times permit the lessee/s of adjoining or adjacent leases to have reasonable access across the area demised at such points and in such manner as may be agreed upon or in the absence of agreement as may be determined by the Warden under the provisions of Section 111, Mining Act, 1906, as amended.
- 15/~~17~~. The said lessee/s shall observe any instructions which may be given by the Minister for Mines with a view of minimising or preventing public inconvenience or damaging public or private property. 30
- 16.~~18~~. In the event of any improvements on the area demised being damaged or disturbed by dredging and/or other mining operations by the said lessee/s such improvements shall be restored to the satisfaction of the owner of such improvements or the Minister for Mines.
- 17.~~19~~. The said lessee/s shall conduct operations in such a manner as not to cause any danger to stock on the area demised and the said lessee/s shall not keep nor permit to be kept any dog unless chained up or kept under proper control. 40
- 18.~~20~~. If so directed by the Minister for Mines the said lessee/s shall fill in any dredge pool or other excavation on the area demised and shall observe any instruction which may be given from time to time in this regard by the Minister for Mines or the Under Secretary for Mines.

Exhibit 4 - Special  
Mining Lease 176

19.21. If so directed by the Minister for Mines the said lessee/s shall provide and maintain a secure fence to the satisfaction of the Minister for Mines around each dredge pool or other excavation opened up or used by the said lessee/s and shall observe any instructions which may be given from time to time in this regard by the Minister for Mines or the Under Secretary for Mines.

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20.22. If so directed by the Minister for Mines the said lessee/s shall spread fertiliser of such type and in such quantity as may be directed over the restored area to assist the growth of such grasses plants shrubs and/or trees as may have been planted in accordance with any of the foregoing special conditions.

~~23. If so directed by the Minister for Mines the said lessee/s shall enclose the area demised with a secure stockproof fence and such fencing shall be erected and maintained in a manner satisfactory to the Minister for Mines.~~

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24. Mining between the floor of an excavation and

shall cease when a straight line drawn from

to the nearest edge of the floor of the excavation exceeds an angle of forty-five degrees measured from the horizontal unless otherwise determined by the Minister for Mines.

21.25. Before dredging and/or other mining operations are commenced on the area demised the said lessee/s shall lodge with the Minister for Mines a deposit of ten thousand dollars ~~pounds-er-with-an approved-surety-enter-into-a-bond-in-the-penal-sum of-----pounds~~ as a guarantee that the foregoing conditions shall be well and faithfully observed and in the event of any failure to perform such conditions such sum shall be applied towards the cost of making good the damage caused.

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~~26.-----The-said-lessee/s-shall-ledge-with-the Minister-for-Mines-a-deposit-of-----pounds-er with-an-approved-surety-enter-into-a-bond-in-the penal-sum-of-----pounds-as-a-guarantee-that-the foregoeing-conditions-shall-be-well-and-faithfully observed-and-in-the-event-of-any-failure-to-perform-such-conditions-such-sum-shall-be-applied-towards-the-cost-of-making-good-the-damage-caused.~~

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Exhibit 4 - Special  
Mining Lease 176

22.27. If it is found that the operations hereby authorised are causing any undue damage to or erosion of the subject land or other land in the vicinity thereof the Governor with the advice of the Executive Council may cancel this lease or any renewal thereof without compensation to the said lessee/s upon giving one month's notice of his intention so to do.

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23.28. The said lessee/s if so required by the Minister for Mines or the Under Secretary for Mines shall surrender such part or parts of the area demised as have been worked and restored in accordance with the foregoing conditions.

~~29. --- The said lessee/s shall not cut, destroy, ring-bark or remove any timber or other vegetative cover on the said land except such as directly obstructs or prevents the carrying on of the operations hereby authorised and subject to payment to the owner of compensation assessed as prescribed by the Mining Act, 1906, as amended.~~

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WYONG ALLUVIALS PTY. LIMITED

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ANNEXURE "C" REFERRED TO HEREIN

1. (a) The said lessee shall not excavate within fifty (50) feet of the boundaries of the road(x) shown on the ~~said~~ plan annexed to the Within Lease unless with the consent of the Minister for Mines first had and obtained and subject to such conditions as he may stipulate.

(b) Notwithstanding that the said lessee shall have complied with this condition the said lessee shall pay to - Wyong Shire - Council Department of Lands or the Commissioner for Main Roads the cost incurred by such Council or Department or Commissioner of making good any damage to such road(~~z~~) caused by mining operations carried on by or under the authority of the said lessee or any person claiming through or under ~~him~~/it. 10

AND THE LESSEE HEREBY COVENANTS with the said Council that the lessee will pay to the said Council the cost incurred by the said Council of making good any such damage caused as aforesaid and the lessee hereby covenants with the said Commissioner that the lessee will pay to the said Commissioner the cost incurred by the said Commissioner of making good any such damage as aforesaid. 20

AND IT IS HEREBY AGREED AND DECLARED that the amount to be paid by the said lessee under the provisions of this clause shall include in addition to the cost of all necessary labour and materials all costs and expenses reasonably incurred in and about the making of surveys the preparation of plans and specifications and estimates the supervision and inspection of the works and all administrative and overhead costs and expenses of the Council or the Department of Lands or the Commissioner for Main Roads as the case may be related or attributable to the works undertaken to make good any damage caused to the said road(x). A certificate under the hand of the Town or Shire Clerk of the local Council or the Under Secretary for Lands or the Commissioner for Main Roads or the person for the time being acting as such Clerk, Under Secretary or Commissioner as to the amount of the cost of making good any damage to the said road(x) shall in all respects and for all purposes be conclusive evidence of the amount of such cost and of the due determination thereof. 30 40

2. The said lessee shall not interfere in any

Exhibit 4 - Special  
Mining Lease 176

way with any fences on or adjacent to the area de-  
mised unless with the consent in writing of the  
owner thereof or the Minister for Mines first had  
and obtained.

WYONG ALLUVIALS PTY. LIMITED

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ANNEXURE "D" REFERRED TO HEREIN SL.176

1. Upon the expiry or sooner determination of this lease or any renewal thereof the said lessee shall remove all machinery and buildings and the area demised shall be left in a clean and tidy condition to the satisfaction of the Minister for Mines.
  
2. (a) The said lessee shall within twelve months of the date of the lease or any renewal thereof erect a separation plant upon the subject land or other land to the satisfaction of the Minister for Mines or furnish to the Minister for Mines satisfactory evidence that the said lessee has made suitable arrangements for the treatment of concentrates. 10  
  
(b) The said lessee shall not permit excessive quantities of silica sand tailings to accumulate around or adjacent to a separation plant and all such tailings shall be returned continuously as far as may be practicable to the excavations made on the area demised or on such other land as may be directed by the Minister for Mines. 20
  
3. The said lessee shall not conduct any mining operations within a distance of five chains west of the base of the main frontal dune on the eastern side of the area demised unless with the consent of the Minister for Mines first had and obtained and subject to such conditions as he may stipulate. 30
  
4. (a) The said lessee shall not interfere in any way with rifle practice by members of duly constituted rifle clubs or the Commonwealth Military Forces.  
  
(b) The said lessee shall not be entitled to charge rent for the use of the rifle range on the area demised or any part thereof. 40  
  
(c) The said lessee shall accept all and any risks to which the said lessee or the said lessee's property may be exposed by reason of the existence of the rifle range on the area demised and the said lessee shall save harmless the Commonwealth Government or person lawfully using the rifle



Exhibit 4 - Special  
Mining Lease 176

range from any claims for injuries to the said lessee or the said lessee's servants or workmen which may arise by the discharge of firearms on the said rifle range.

(d) Members of rifle clubs or the Commonwealth Military Forces shall retain the privilege of taking riding horses and vehicles on to the rifle range.

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5. The said lessee shall indemnify and keep indemnified the Crown from and against all actions suits claims and demands of whatsoever nature and all costs charges and expenses which may be brought against the said lessee or which the said lessee may incur in respect of any accident or injury to any person or property which may arise out of the construction maintenance or working of any workings now existing or to be made by the said lessee within the boundaries of the subject area or in connection with any mining operations notwithstanding that the foregoing conditions shall in all respects have been observed by the said lessee or that any such accident or injury shall arise from any act or thing which the said lessee may be licensed or compelled to do hereunder.

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WYONG ALLUVIALS PTY. LIMITED

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Exhibit 4 - Special  
Mining Lease 176

By virtue of Executive Council Minute No. 46 dated 17th November, 1971 His Excellency the Governor with the advice of the Executive Council granted the withinnamed lessee Authority to mine gold from the subject area in addition to the minerals for which the lease was demised, subject to the conditions as set out in Annexure "X" endorsed hereto:-

ANNEXURE "X"

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1. The lessee shall pay to the Minister for Mines a royalty at the rate of two (2) per centum of the value of all gold won from the areas demised at the times and in the manner prescribed by the Mining Act, 1906, as amended and the Regulations thereunder.
2. Other than for the purposes of payment of royalty this Authority shall be subject to the terms covenants and conditions of the respective leases and the provisions of the Mining Act, 1906, as amended and the Regulations thereunder.
3. This Authority may be varied or revoked at any time for any reason deemed to be good and sufficient.

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Deputy Registrar



Exhibit 4 - Special  
Mining Lease 176

~~Governor.~~

WYONG ALLUVIALS PTY. LIMITED -

/hereby accepts the extension of the term granted by this Renewal of Lease for a period of - until ~~years-from~~ the - fourteenth - day of - June - one thousand nine hundred and - seventy-one - and agrees to be bound by the covenants and conditions thereof during the currency of such extended period.

10

The Common Seal of WYONG  
ALLUVIALS PTY. LIMITED was here-  
unto affixed in accordance with  
the Company's Articles of  
Association  
in the presence of

} L.S.

Exhibit 4 - Special  
Mining Lease 176

SPECIAL LEASE NO.176 (ACT 1906)

DATED 22nd December 1966.

HER MAJESTY THE QUEEN

to

WYONG ALLUVIALS PTY. LIMITED

RENEWAL

OF SPECIAL LEASE  
as amended  
No. 176 Mining Act, 1906-1952.

10

Registered in the Department of Mines, at Sydney  
this Twenty-sixth day of April A.D. 1967, at the  
hour of 10.00 o'clock in the forenoon and numbered  
in the Register 176

Acting Registrar.

£1-10-0  
+ 7/-

New South Wales

One Pound  
Ten Shillings  
Stamp Duty

New South Wales  
Seven  
Special  
Shillings  
Stamp Duty

S.L.Appn. 1150 MINING ACT, 1906-1952.  
Newcastle

SPECIAL MINING LEASE, CROWN LANDS

Elizabeth the Second, by the Grace of God of the United Kingdom, Australia and Her other Realms and Territories Queen, Head of the Commonwealth, Defender of the Faith. 10

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETING:-

WHEREAS in conformity with the "Mining Act, 1906-1972," and the Acts amending the same application was duly made by FREDERICK MILTON CARPENTER, Warnervale Road, Warnervale in the State of New South Wales, - for a lease hereinafter described for the purposes of mining for - zircon, rutile, ilmenite and monazite - 20

AND WHEREAS all conditions and things required to be done and performed before granting a lease hereunder have been done and performed. AND WHEREAS it has been requested that a lease issue in the names of AUBREY ARTHUR BROWN, 98 Railway Street, Wyong and NEVILLE EDWARD PENMAN, Mann Street, Gosford, both in the State of New South Wales, -

NOW KNOW YE that in pursuance of the provisions of the said Act and in conformity with the same and in consideration of the sum of -sixty-seven pounds two shillings/and sixpence being the first year's rent as hereinafter mentioned paid by the above-mentioned applicant and of the rents and royalty hereinafter reserved and of the covenants and provisos hereinafter contained. 30  
We do hereby Grant and demise unto

AUBREY ARTHUR BROWN and NEVILLE EDWARD PENMAN

(who with - their - executors administrators and assigns/are hereinafter referred to as the lessees-) ALL THAT piece or parcel - of land containing by ad-measurement - five hundred and thirty-seven acres, ex/public road and more particularly described and delineated in the plan drawn hereon or annexed here-to and numbered-ML 51 - ~~Except~~ being the surface and the land to a depth of - one hundred - feet below the surface of that portion ~~thereof-tinted-red-con-taining-----more-or-less~~ AND all those mines veins seams or deposits of - zircon, rutile, ilmenite 40

Exhibit 4 - Special  
Mining Lease 202

and monazite - in and under the said land (herein-  
after called and included in the term "mine")  
TOGETHER WITH all and singular the shafts levels  
drifts works ways fixtures erections liberties ease-  
ments advantages and appurtenances which are now or  
at any time during the term hereby granted may be  
held occupied or enjoyed therewith for the purpose  
of mining in and under the said land for - zircon, 10  
rutile, ilmenite and monazite AND ALSO with full  
power for the said lessees - and their - agents and  
workmen (including contractors tributors and so forth)  
to dig sink drive make and use excavations pits  
shafts levels tunnels watercourses and other works  
necessary for winning and raising the - zircon,  
rutile, ilmenite and monazite - in or under the  
said land and to take and appropriate the same dur-  
ing the term hereby granted TO HOLD the said land 20  
with the appurtenances (subject to such rights and  
interests as may be lawfully subsisting therein at  
the date of these presents) UNTO the said lessees -  
from the date hereof for the term of - five - years  
next ensuing for the purpose of mining therein for -  
zircon, rutile, ilmenite and monazite - and for pur-  
poses connected with such mining being "Mining Pur-  
poses" within the "Mining Act, 1906-1952" and for  
no other purpose YIELDING AND PAYING therefor unto  
Us Our Heirs and Successors yearly and every year 30  
during the said term the yearly rent of - sixty-  
seven pounds two/shillings and sixpence - in advance  
the first year's rent having been paid as aforesaid  
the next payment to be made to the Minister for  
Mines in Sydney on or before the twenty-ninth day  
of August next and thereafter on or before the  
twenty-ninth day of August in each and every year  
the rent aforesaid shall be paid to the Minister  
for Mines aforesaid clear of all rates taxes and  
assessments to which the said mine is now or at any 40  
time during the said term may be subject or liable.  
And also yearly and in every year during the said  
term a royalty as hereinafter specified ~~in respect~~  
~~of all~~ on Annexure "B" hereto in respect of the  
said minerals - won from the said land during the  
year and such royalty shall be paid to the Minister  
for Mines in Sydney on demand Provided that if the  
royalty payable during any one year of the said term  
exceeds the rent paid for such year the amount paid  
as rent may be deducted from the amount of the roy-  
alty but if the royalty in any one year amounts to 50  
less than the rent paid for such year the lessees -  
shall not for such year pay royalty PROVIDED ALWAYS  
and it is hereby agreed that if the said yearly rent  
shall be in arrears for thirty days after the same

Exhibit 4 - Special  
Mining Lease 202

shall have become payable whether such rent shall have been legally demanded or not any officer appointed or authorised thereto by the Minister for Mines may by himself or his agent enter upon the said land by such means and in such manner as he may determine and seize and distrain all minerals metals and ores actually got and raised from the said mine and all machinery apparatus tools waggons carts carriages engines plant and all other goods chattels and effects whatsoever in upon and about the said mine or used in connection therewith and in every distress thus made may take away sell and dispose of as in cases of distress for rent reserved in common leases and out of the moneys arising thereby retain so much as shall be sufficient to satisfy the said arrears and which shall at the time of such sale be unpaid and all expenses incurred by him or them in or in respect of such seizure distraint removal and sale and if there be any surplus such officer shall pay the same to the said lessees and the acceptance or receipt of rent by Us or on Our behalf after breach of any covenant hereinafter contained shall not be or be deemed a waiver of the right of Us or of the Minister for Mines or other Officer on Our behalf to enforce observance of such covenant AND the said lessees and every two or more of them do and each of them doth hereby covenant with Us Our Heirs and Successors in manner following that is to say:-

1. THAT the said lessees - shall during the said term pay unto Us Our Heirs and Successors the rent and royalty hereby reserved at the time and places hereinbefore appointed for payment thereof clear of all deductions.

2. AND shall upon and during all lawful working days except when prevented by inevitable accident or during the execution of repairs work the said mine in the best and most effectual manner and to the best advantage without interruption and shall with reasonable expedition make and construct all necessary works with a view to diligently explore and search for - zircon, rutile, ilmenite and monazite - in and under the said mine.

3. AND shall employ in the construction of the works or in mining operations in the said mine throughout the said term and during the usual hours of labour not less than - seven - able and competent workmen and miners unless prevented by inevitable accident or during the execution of repairs.

4. AND shall during the said term effectually drain the said mine and pump all water likely to



Exhibit 4 - Special  
Mining Lease 202

cause injury thereto or which would prevent or interfere with the working thereof and if the said mine shall be affected or be liable to be affected by the same flow or body of water as any other mine or mines contiguous thereto shall if and whenever requested so to do contribute with the lessee or lessees or owner or owners of such other mine or mines a reasonable proportion of the machinery and labour necessary to free and keep such mine or mines free from water to a workable extent or if the said mine shall be kept free from water to a workable extent either wholly or partially by means of the machinery and labour of a contiguous mine or mines or by reason of any works constructed or money expended by the lessee or lessees owner or owners of such contiguous mine or mines - then shall pay to such lessee or lessees owner or owners as aforesaid a reasonable proportion of the cost of such machinery labour or works or a reasonable proportion of the money so expended and the Minister for Mines may if and whenever he shall think fit depute some efficient person who shall have access to and inspection of all such mines to determine when the said mine is so freed or kept wholly or partially free from water and what is the reasonable proportions of such expenses aforesaid and to whom and when the same are to be paid - such decision to be final and conclusive on all parties.

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5. AND shall make such provision for the disposal of the detritus dirt waste or refuse of the said mine that the same shall not be an inconvenience nuisance or obstruction to any roadway river creek or private or Crown lands or in any manner occasion any public or private damage or inconvenience.

6. AND shall maintain some approved boundary marks at each angle of the said mine and at such points along the boundary lines as shall be necessary so as to plainly and accurately define the boundary lines and angles of the said mine and in case posts shall be erected each such post shall be fixed firmly in the ground and shall project above the surface thereof not less than three feet.

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7. AND shall as often as required so to do during the term make and deliver to the Minister for Mines or any officer appointed or instructed to collect obtain or receive the same all such true and proper plans and sections returns and statistics of the workings and operations of the said mine made up to the last day of the preceding month (the truth

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Exhibit 4 - Special  
Mining Lease 202

and accuracy of which shall be verified by the statutory declaration of the lessees for the time being or the manager or other officer having the charge control and direction of the works of the said mine) as the Minister for Mines shall from time to time direct And shall furnish to the Under Secretary for Mines not later than the seventh day of January in each year a return showing the gross quantity and value of all - zircon, rutile, ilmenite and monazite - won from the said land up to the thirty-first day of December in the preceding year. And shall whenever required by the Minister for Mines so to do deliver to any officer appointed or instructed as aforesaid samples of the minerals metals and ores or any of them found in or upon such mine. 10

8. AND shall during the said term make proper and reasonable compensation to the occupier or occupiers lessee or lessees from the Crown of any adjoining land in respect of any damage which may be sustained by him or them by reason of the working of the said mine or the carrying on of the works thereof or connected therewith such compensation to be determined by the Minister for Mines or by some person authorised by him so to do. 20

9. AND further shall at all times during the said term keep and preserve the said mine from all avoidable injury or damage and also the levels drifts shafts watercourses roads ways works erections and fixtures therein and thereon in good repair and condition and in such state and condition shall at the end or sooner determination of the said term deliver peaceable possession thereof and of all and singular the premises hereby demised to Us Our Heirs and Successors or to the Warden or other officer authorised to receive possession thereof. 30

10. AND shall not use or occupy or permit to be used or occupied the said land hereby demised or any part thereof for other than the purposes aforesaid ~~except-as-hereinafter~~ provided ~~namely~~ that if the lessees may use or occupy or permit to be used or occupied as sites for dwellings or garden ground for the persons employed in on or about the said mine or for pasturage for stock employed in the working of the mine or required for the subsistence of the persons so employed such part or parts of the surface of the said land ~~as-the-Minister-for~~ ~~Mines-may-by-writing-under-his-hand-sanction-and~~ ~~define-but~~ the lessees shall not be entitled to demand or receive any sum by way of rent or charge for such occupation by the persons so employed except with the sanction in writing of the Minister for Mines. 50

Exhibit 4 - Special  
Mining Lease 202

11. AND shall permit any employee who has erected or purchased any building or other improvement on the said land to remove such building or improvement at any time during his employment, or within one month after the determination of such employment, or to sell such building or improvement to any other person employed on or about the said land.

12. AND shall not assign or sublet this lease or any interest therein or enter into any tribute contract relating to the land the subject thereof or any mine gold or minerals therein without the previous sanction in writing of the Minister for Mines. 10

13. AND shall not plead acceptance of rent by or on behalf of Us Our Heirs or Successors as a waiver of the right of Us or of the Minister for Mines or other Officer on Our behalf 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 Governor with the advice of the Executive Council to cancel this lease for breach of any such covenant. 20

14. PROVIDED always and it is hereby agreed and declared in manner following:- That it shall be lawful for Us Our Heirs and Successors without compensation to the lessees to make and use in on or under the said land hereby demised any levels drifts leads shafts watercourses adits roads ways and passages for freeing and keeping free any other lands or mines from water or for conveying water to any other lands or mines for mining purposes or for supplying any other mines with fresh air or for effectually working any other mines or for any public purpose whatsoever causing as little damage obstruction or interference as possible to or with the said mine and the works thereof And if at any time during the term hereby created any part or parts of the land hereby demised or any part or parts of the surface thereof shall be required for the purpose of any township village railway road canal watercourse reservoir or for any other purpose which the Governor may declare a public purpose it shall be lawful for the Governor with the advice of the Executive Council on giving one month's notice of his intention so to do to the lessees to cancel the said lease so far as it relates to any right to the surface and the specified depth below the surface of the said part of the land and thereupon the said part shall subject to the right of the said lessees to mine thereunder but without any compensation payable by Us Our Heirs or Successors to the said lessees become Crown lands within the meaning of the Crown Lands Act and may be dealt with thereunder. 30

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Exhibit 4 - Special  
Mining Lease 202

15. If the said lessees at any time during the term of this demise -
- (a) fails to fulfil or contravenes the conditions and covenants contained or referred to herein; or
  - (b) fails to use the land bona fide for the purposes for which it has been demised; or
  - (c) uses it for a purpose other than that for which it has been demised
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this lease may be cancelled by the Governor and the cancellation shall take effect on the date proclaimed in the Government Gazette and the production of a copy of the Government Gazette containing a notice purporting to be signed by the Minister for Mines declaring the lease cancelled shall be conclusive evidence of the facts stated therein and upon the date proclaimed as aforesaid it shall be lawful for Us Our Hiers and Successors or Our or their agents or officers or for any bailiff or other person duly authorised thereto or for any holder of a miner's right who has the permission of the Minister for Mines without any previous demand whatsoever to enter forthwith into and upon the said land hereby demised and the same to repossess and enjoy as fully and effectually to all intents and purposes as if these presents had not been made and the said lessees to expel and remove without any legal process and as effectually as the Sheriff might do in case judgment in ejectment had been obtained and a writ of habere facias possessionem had been issued on such judgment and in case of such entry and any legal proceeding taken in respect thereof the defendant or defendants in any such proceeding may plead leave and license in bar thereof and these presents shall be conclusive evidence of such leave and license by the lessees or other the person or persons plaintiff or plaintiffs in such proceedings for such entry or other matters complained of in such proceeding.

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16. AND it is hereby declared that all conditions and provisions contained in the "Mining Act, 1906-1952," and the regulations thereunder or any other law or statute 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 said lessees hereby covenant to observe fulfil and perform the same.

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17. AND it is hereby further declared 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 lessees shall in

Exhibit 4 - Special  
Mining Lease 202

addition to being read and construed as conditions of the lease hereby expressed to be granted be also read and construed as covenants whereby the lessees covenants with Us Our Heirs and Successors to observe and perform the said provisions and conditions.  
18. AND IT IS HEREBY SPECIALLY AGREED AND DECLARED THAT the said lessees shall observe and perform the special conditions endorsed on Annexure "A" hereto.

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IN TESTIMONY WHEREOF WE have caused this Our Lease to be sealed with the Seal of Our said State.

WITNESS Our Trusty and Well-beloved SIR ERIC WINSLOW WOODWARD, Knight Commander of Our Most Distinguished Order of Saint Michael and Saint George, Companion of Our Most Honourable Order of the Bath, Commander of Our Most Excellent Order of the British Empire, Companion of Our Distinguished Service Order, Knight of the Venerable Order of St. John of Jerusalem, Lieutenant-General on the Retired List of Our Australian Military Forces, Governor of Our State of New South Wales and its Dependencies in the Commonwealth of Australia, at Sydney in Our said State, this twenty-ninth day of August in the eleventh year of Our Reign, and in the year of Our Lord one thousand nine hundred and sixty-two.

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E.W. Woodward  
Governor.

ANNEXURE "A" REFERRED TO HEREIN

1. (a) If in the opinion of the Minister for Mines the quantity of silica being removed from the area demised as a consequence of mining operations is likely to impair the restoration of the area demised or cause damage to or interfere with adjoining mining leases or other lands the Minister for Mines or the Under Secretary for Mines may direct by writing under his hand from time to time as the circumstances so require the said lessees to reduce the quantity of silica being so removed. The said lessees shall comply forthwith with any direction so given and in the event of non-compliance this lease may be cancelled. 10  
(b) The Minister for Mines may vary or revoke any direction given or which may be given in accordance with the foregoing clause. 20
2. (a) The said lessees shall treat by means of spiral concentrators or other approved method of concentration on or adjacent to the area demised all material mined so as to produce a concentrate containing not less than sixty-five (65) per centum of heavy minerals and all tailings from such operations shall be returned continuously as far as may be practicable to the excavations made on the area demised provided that where the circumstances so warrant the Minister for Mines or the Under Secretary for Mines on application in writing by the said lessees may authorise:- 30
  - (i) the removal of material without prior concentration, or
  - (ii) the production of a concentrate containing less than sixty-five per centum of heavy minerals. 40(b) Where authority is given in accordance with either of the provisos to the foregoing clause 2(a) the said lessees shall observe and perform the conditions and stipulations laid down in such authority and such authority may be varied or revoked at any time by notice in writing under the hand of the District Inspector of Mines who is hereby authorised to so act on behalf of the Minister for Mines. 50  
(c) Any notice given in accordance with the foregoing clause 2(b) shall take effect within

Exhibit 4 - Special  
Mining Lease 202

the period of time stated in such notice and in the event of any failure to observe and comply with such notice this lease may be cancelled.

3. In the event of operations by the said lessees on the area demised causing damage to any lands which have been restored after mining the said lessees shall repair such damage at their own expense to the satisfaction of the Minister for Mines. 10
  
4. In the event of dredging and/or other mining operations being conducted on the landward side of the main frontal sand dune the said lessees shall:-
  - (a) If so directed by the Minister for Mines remove the surface soil to a depth of twelve inches on such part of the area demised as may be disturbed by mining operations and such surface soil shall be stacked separately on the area demised or on such other land as the Minister for Mines may authorise in writing and subject to such conditions as he may stipulate. 20
  - (b) Return all residues and tailings to the excavations made and all worked ground shall be levelled off and any surface soil previously removed shall be replaced and planted with such grasses plants shrubs and/or trees as may be required by the Minister for Mines. 30
  - (c) Restore all worked areas concurrently with dredging and/or other mining operations and the said lessees shall observe any instructions which may be given by the Minister for Mines or the Under Secretary for Mines in connection with the restoration of the area demised.
  - (d) As far as may be practicable so conduct operations as not to cause any damage to shrubs and trees or other native flora growing upon the area demised and all timber and shrubs which may be disturbed or destroyed as a result of the operations hereby authorised shall not be buried but shall be stacked and burnt provided that the said lessee shall before burning such timber obtain from the responsible authority permission to light fires. 40
  - (e) If so directed by the Minister for Mines provide and erect brush fences and/or lay a matting of brush to prevent as far as may be practicable the scouring action of the 50

Exhibit 4 - Special  
Mining Lease 202

wind on those parts of the area demised which have been levelled and restored and to provide protection for such grasses plants shrubs and trees which have been planted on such areas. Such brush fences shall be erected in such positions as may be directed by the Minister for Mines or the Under Secretary for Mines and shall be maintained to the satisfaction of the Minister for Mines.

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(f) Unless with the consent of the Minister for Mines or the Under Secretary for Mines first had and obtained the said lessees shall not clear or disturb the surface of the area demised except such as lies within a distance of five chains of that part of the area upon which mining operations are being conducted.

5. In the event of dredging and/or other mining operations being conducted on the main frontal sand dune the said lessees shall:-

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(a) If so directed by the Minister for Mines remove the surface soil to a depth of twelve inches on such part of the area demised as may be disturbed by mining operations and such surface soil shall be stacked separately on the area demised or on such other land as the Minister for Mines may authorise in writing and subject to such conditions as he may stipulate.

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(b) Return all tailings to the excavations made and such tailings shall be deposited in such a manner that the restored dune shall as far as may be practicable have the same slope and contours as the original dune unless the Minister for Mines or the Under Secretary for Mines shall otherwise direct and any surface soil previously removed by the said lessees shall then be replaced. The said lessees shall erect brush fences and/or lay a matting of brush as may be required by the Minister for Mines.

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(c) Stabilise the restored dune to the satisfaction of the Minister for Mines and shall plant such grasses and plants as may be required.

(d) Maintain and care for the brush fences matting of brush grasses plants shrubs and/or trees referred to in the foregoing clauses during the currency of this lease and renewal thereof to the satisfaction of the Minister for Mines.

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Aubrey A. Brown

N.E. Penman



Exhibit 4 - Special  
Mining Lease 202

-2-

6. The said lessees shall within twelve months of the date of the lease erect a separation plant upon the subject land or other land to the satisfaction of the Minister for Mines or furnish to the Minister for Mines satisfactory evidence that they have made suitable arrangements for the treatment of concentrates. 10
  
7. (a) In the event of operations being conducted other than by means of dredging the said lessees shall mine the area in sections of such dimensions as the Minister for Mines may stipulate from time to time.  
(b) Upon completion of mining operations in each section all residues and tailings shall be returned to the excavations made and all worked ground shall be levelled off and any surface soil previously removed shall be replaced and planted with such grasses plants shrubs and/or trees as may be required by the Minister for Mines provided that the mining of the next section may be carried out conjointly with the restoration of the last worked section but no further section shall be mined until such restoration is completed. 20
  
8. The said lessees shall confine the deposition of overburden removed during dredging and/or other mining operations within the boundaries of the area demised or on such other land as may be approved in writing by the Minister for Mines and subject to such conditions as he may think necessary to impose. 30
  
9. The said lessees shall conduct operations in such a manner as not to create any danger from floods or storms and shall observe and perform any instructions given or which may be given by the Minister for Mines with a view of minimising or preventing any flood or storm damage. 40
  
10. The said lessees shall as far as may be practicable so conduct operations as not to interfere in any way with the public use and enjoyment of the affected Reserves.
  
11. The said lessees shall at all times permit the lessees of adjoining or adjacent leases

Exhibit 4 - Special  
Mining Lease 202

to have reasonable access across the area demised at such points and in such manner as may be agreed upon or in the absence of agreement as may be determined by the Warden under the provisions of Section 111, Mining Act, 1906 as amended.

12. The said lessees shall observe any instructions which may be given by the Minister for Mines with a view of minimising or preventing public inconvenience or damaging public or private property. 10
13. In the event of any improvements on the area demised being damaged or disturbed by dredging and/or other mining operations by the said lessees such improvements shall be restored to the satisfaction of the owner of such improvements or the Minister for Mines.
14. If so directed by the Minister for Mines the said lessees shall fill in any dredge pool or other excavation on the area demised and shall observe any instruction which may be given from time to time in this regard by the Minister for Mines or the Under Secretary for Mines. 20
15. If so directed by the Minister for Mines the said lessees shall provide and maintain a secure fence to the satisfaction of the Minister for Mines around each dredge pool or other excavation opened up or used by the said lessees and shall observe any instructions which may be given from time to time in this regard by the Minister for Mines or the Under Secretary for Mines. 30
16. Before dredging and/or other mining operations are commenced on the area demised the said lessees shall lodge with the Minister for Mines a deposit of five thousand pounds (£5000) or with an approved surety enter into a bond in the penal sum of five thousand pounds (£5000) as a guarantee that the foregoing conditions shall be well and faithfully observed and in the event of any failure to perform such conditions such sum shall be applied towards the cost of making good the damage caused. 40
17. If it is found that the operations hereby

Exhibit 4 - Special  
Mining Lease 202

authorised are causing any undue damage to or erosion of the subject land or other land in the vicinity thereof the Governor with the advice of the Executive Council may cancel this lease or any renewal thereof without compensation to the said lessees upon giving one month's notice of his intention so to do.

18. The said lessees if so required by the Minister for Mines or the Under Secretary for Mines shall surrender such part or parts of the area demised as have been worked and restored in accordance with the foregoing conditions. 10
19. (a) The said lessees shall not excavate within fifty (50) feet of the boundaries of the road shown on the said plan unless with the consent of the Minister for Mines first had and obtained and subject to such conditions as he may stipulate. 20  
(b) Notwithstanding that the said lessees shall have complied with this condition the said lessees shall pay to Wyong Shire Council Department of Lands or the Commissioner for Main Roads the cost incurred by such Council or Department or Commissioner of making good any damage to such road caused by mining operations carried on by or under the authority of the said lessees or any person claiming through or under them. 30

Aubrey A. Brown  
N.E. Penman

-3-

AND THE LESSEES HEREBY COVENANT with the said Council that the lessees will pay to the said Council the cost incurred by the said Council of making good any such damage caused as aforesaid and the lessees hereby covenant with the said Commissioner that the lessees will pay to the said Commissioner the cost incurred by the said Commissioner of making good any such damage as aforesaid. 40  
AND IT IS HEREBY AGREED AND DECLARED that the amount to be paid by the said lessees under the provisions of this clause shall include in addition to the cost all necessary labour and materials all costs and expenses reasonably incurred in and about the making of surveys

Exhibit 4 - Special  
Mining Lease 202

- the preparation of plans and specifications and estimates the supervision and inspection of the works and all administrative and overhead costs and expenses of the Council or the Department of Lands or the Commissioner for Main Roads as the case may be related or attributable to the works undertaken to make good any damage caused to the said road. A certificate under the hand of the Shire Clerk of the local Council or the Under Secretary for Lands or the Commissioner for Main Roads or the person for the time being acting as such Clerk, Under Secretary or Commissioner as to the amount of the cost of making good any damage to the said road shall in all respects and for all purposes be conclusive evidence of the amount of such cost and of the due determination thereof. 10
20. The said lessees shall at all times observe and comply with the Code of Practice for Overhead Line Construction No. C(b) 1-1954 published by The Electricity Supply Association of Australia with such additions and amendments as may subsequently be made. 20
21. (a) Unless with the consent of the Minister for Mines first had and obtained the said lessees shall not carry out any mining operations within that part of the area demised surveyed in connection with the proposed road. 30  
(b) The said lessees shall not interfere in any way with any survey pegs or marks placed on the land to mark the route of such road or for any other purpose and in the event of the pegs or marks being accidentally displaced such pegs or marks shall be replaced at the said lessees' expense by a licenced surveyor to the satisfaction of the local Council the Department of Lands or the Department of Main Roads. 40  
(c) The said lessees if requested so to do by the Minister for Mines shall surrender that part of the area demised required for such road.
22. No mining operations shall be conducted within five chains of the eastern boundary of the area demised unless with the consent in writing of the Minister for Mines first had and obtained. 50
23. (a) The said lessees shall not interfere in

Exhibit 4 - Special  
Mining Lease 202

any way with rifle practice by members of  
duly constituted rifle clubs or the Common-  
wealth Military Forces.

(b) The said lessees shall not be entitled  
to charge rent for the use of the rifle range  
on the area demised or any part thereof.

(c) The said lessees shall accept all and  
any risks to which the said lessees or the  
said lessees' property may be exposed by  
reason of the existence of the rifle range  
on the area demised and the said lessees  
shall save harmless the Commonwealth Govern-  
ment or persons lawfully using the rifle  
range from any claims for injuries to the  
said lessees or the said lessees' servants  
or workmen which may rise by the discharge  
of firearms on the said rifle range.

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(d) Members of rifle clubs or the Common-  
wealth Military Forces shall retain the pri-  
vileges of taking riding horses and vehicles  
on to the rifle range.

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24. The said lessees shall indemnify and keep  
indemnified the Crown from and against all  
actions suits claims and demands of whatso-  
ever nature and all costs charges and ex-  
penses which may be brought against the said  
lessees or which the said lessees may incur  
in respect of any accident or injury to any  
person or property which may arise out of the  
construction maintenance or working of any  
workings now existing or to be made by the  
said lessees within the boundaries of the  
subject area or in connection with any min-  
ing operations notwithstanding that the fore-  
going conditions shall in all respects have  
been observed by the said lessees or that  
any such accident or injury shall arise from  
any act or thing which the said lessees may  
be licenced or compelled to do hereunder.

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N.E. Penman

ANNEXURE "B" REFERRED TO HEREIN

1. The said lessee/s shall pay to the Minister for Mines a royalty of one and one-half per centum of the value of rutile concentrates and zircon concentrates won from the land hereby demised and for the purpose of the assessment and payment of royalty the value of rutile concentrates so won shall be calculated by multiplying the number of tons of rutile concentrates won during each annual period commencing on the first day of January and ending on the thirty-first day of the following December by the average price of rutile concentrates for that annual period calculated or determined in the manner hereinafter appearing and the value of zircon concentrates so won shall be calculated by multiplying the number of tons of zircon concentrates won during each such annual period by the average price of zircon concentrates for that annual period calculated or determined in the manner hereinafter appearing.

The average price of rutile concentrates for any such annual period shall be ascertained by dividing the number of tons of rutile concentrates the produce of the land hereby demised sold by the lessee/s during that annual period into the total amount for which rutile concentrates the produce of the land hereby demised were sold by the lessee/s during the said annual period and the average price of zircon concentrates for any such annual period shall be ascertained by dividing the number of tons of zircon concentrates the produce of the land hereby demised sold by the lessee/s during that annual period into the total amount for which zircon concentrates the produce of the land hereby demised were sold by the lessee/s during the said annual period.

For the purpose of computing the total amount for which rutile concentrates or zircon concentrates the produce of the land hereby demised were sold during any annual period the following provisions shall apply:

- (a) In respect of any rutile concentrates or zircon concentrates sold by the lessee/s f.o.b. at the port of shipment nearest to the land hereby demised the amount for which such concentrates shall for the purpose of this clause be deemed to have been sold shall be the full amount of the f.o.b. price paid or payable to the lessee/s.

Exhibit 4 - Special  
Mining Lease 202

(b) In respect of any rutile concentrates or zircon concentrates sold by the lessee/s otherwise than in the manner mentioned in sub-paragraph (a) of this clause the amount for which such concentrates shall for the purposes of this clause be deemed to have been sold shall be a sum estimated by the Minister for Mines to be the price for such concentrates f.o.b. at the port of shipment nearest to the land hereby demised which would be equivalent to the price paid or payable to the lessee/s. 10

PROVIDED HOWEVER AND IT IS HEREBY AGREED AND DECLARED that if the lessee/s shall not during any such annual period sell any rutile concentrates the produce of the land hereby demised or if the lessee/s shall during any such annual period sell rutile concentrates the produce of the land hereby demised but the Minister for Mines shall be of opinion that the price paid or payable to the lessee/s for such rutile concentrates so sold or any part of such rutile concentrates so sold is less than the full market value at the time of the sale then the average price of rutile concentrates for that annual period shall be a sum determined by the Minister for Mines and if the lessee/s shall not during any such annual period sell any zircon concentrates the produce of the land hereby demised or if the lessee/s shall during any such annual period sell zircon concentrates the produce of the land hereby demised but the Minister for Mines shall be of opinion that the price paid or payable to the lessee/s for such zircon concentrates so sold or any part of such zircon concentrates so sold is less than the full market value at the time of the sale then the average price of zircon concentrates for that annual period shall be a sum determined by the Minister for Mines. Any determination by the Minister for Mines of the average price of rutile concentrates or of zircon concentrates for any annual period shall be made in such manner as the Minister for Mines may see fit as soon as may be after the end of such annual period but in making the determination the Minister for Mines shall have regard to the open market price for rutile concentrates and zircon concentrates respectively during such annual period and the selling prices actually received during such annual period by producers in the State of New South Wales for rutile concentrates and zircon concentrates respectively. The Minister for Mines may ascertain the open market prices and the selling prices actually received by producers in such manner as he may see fit. 20 30 40 50

Exhibit 4 - Special  
Mining Lease 202

A certificate under the hand of the Under Secretary for Mines or of the person for the time being acting as such as to any one or more of the following matters:

- (i) that a price for any rutile concentrates or for any zircon concentrates has been estimated by the Minister for Mines for the purposes of sub-paragraph (b) of this clause at an amount set forth in the certificate 10
- (ii) that the Minister for Mines is of opinion that the price paid or payable to the lessee/s for any rutile concentrates or zircon concentrates is less than the full market value at the time of sale
- (iii) that the average selling price of rutile concentrates or of zircon concentrates for any annual period has been determined by the Minister for Mines for the purposes of the foregoing proviso in this clause at an amount set forth in the certificate 20

shall be binding upon the lessee/s and shall in all respects and for all purposes be conclusive evidence of the matters therein stated and of the amount and due estimation or determination of any price therein set forth.

2. The said lessee/s shall pay to the Minister for Mines a royalty of one and one-half per centum of the market value at the land hereby demised of all monazite ~~garnet-gold-tin-platinum~~ and ilmenite won or contained in any primary concentrates won from the said land. The market value at the land hereby demised of any of the minerals referred to in this clause won or contained in any primary concentrates won from the said land shall be determined by the Minister for Mines in such manner as he may think fit. A certificate under the hand of the Under Secretary for Mines or of the person for the time being acting as such that the market value at the land hereby demised of any of the said minerals has been determined by the Minister for Mines at an amount set forth in the certificate shall be binding upon the lessee/s and shall in all respects and for all purposes be conclusive evidence of the matters therein stated and of the amount and due determination of any price therein set forth. 40

Aubrey A. Brown  
N.E. Penman



Exhibit 4 - Special  
Mining Lease 202

By virtue of Executive Council Minute No. 46 dated 17th November, 1971 His Excellency the Governor with the advice of the Executive Council granted the withinnamed lessee Authority to mine gold from the subject area in addition to the minerals for which the lease was demised, subject to the conditions as set out in Annexure "X" endorsed hereto:-

ANNEXURE "X"

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1. The lessee shall pay to the Minister for Mines a royalty at the rate of two (2) per centum of the value of all gold won from the areas demised at the times and in the manner prescribed by the Mining Act, 1906, as amended and the Regulations thereunder.
2. Other than for the purposes of payment of royalty this Authority shall be subject to the terms covenants and conditions of the respective leases and the provisions of the Mining Act, 1906, as amended and the Regulations thereunder. 20
3. This Authority may be varied or revoked at any time for any reason deemed to be good and sufficient.

Deputy Registrar

# PLAN OF PORTION ML 51

Parish of Wallarah

County of Northumberland

Revised Printed Enfeited Lease No. Canceled

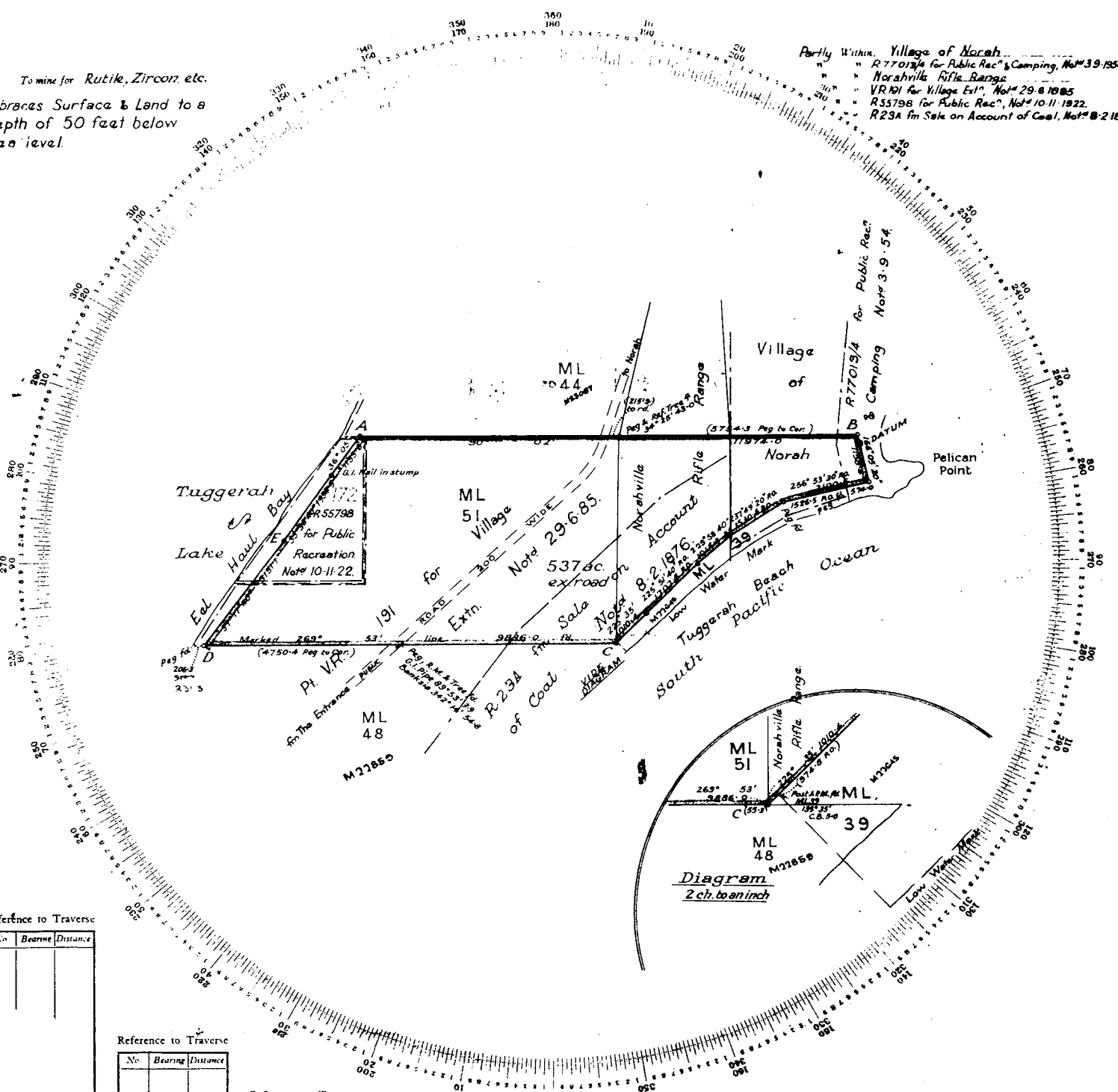
Sp.L. Appn No. 1150 at Newcastle passn. 3-8-58 by F. M. Carpenter

Do.	"	"	"
Do.	"	"	"
Do.	"	"	"
Do.	"	"	"
Do.	"	"	"

*Handwritten note:* 10/11/22

To mine for Rutile, Zircon, etc.  
braces Surface & Land to a  
depth of 50 feet below  
sea level.

Partly Within Village of Norah  
 R 77013/4 for Public Rec'n & Camping, No 39-1854  
 Norahville Rifle Range  
 VR 101 for Village Ext'n, No 29-6-1885  
 R 55798 for Public Rec'n, No 10-11-1922  
 R 23A for Sale on Account of Coal, No 2-1876



Reference to Traverse

No.	Bearing	Distance

Reference to Traverse

No.	Bearing	Distance

Reference to Traverse

No.	Bearing	Distance

Reference to Corners

Corner	Bearing	From	Links	No. on Tree
A	131° 51'	Mahog.	20-1	ML 44-51
B	Numbered	Post	ML 44-51	
C	Numbered	Post	ML 44-51	
D	328° 57'	Mahog.	107-5	ML 51

Reference Marks

B	270°	G.I. Pipe	5-3
C	270°	G.I. Pipe	6-5
E	218° 26'	G.I. Pipe	4-8

*Handwritten signatures:*  
 F. M. Carpenter  
 M. M. M. M.

Examined with Field Notes *600*  
 Checked and Charted *OK*  
 Calculation *1000* No. 1157  
 Weather passed *Survey For*  
 Done *Survey For*  
 Survey For *Survey For*  
 Plan approved  
 I. Albert Sydney James Hunter  
 of Box 7 R.O. Gifford  
 a survey approved under the Surveyors Act, 1920, in which I certify and  
 solemnly declare that the survey represented by this plan has been made by  
 me or in accordance with the Survey Practice Regulations then in force and  
 that the boundaries of the parcels of land and the area contained on  
 the plan are correct.  
 Dated this 10th day of August 1958  
 I, Albert Sydney James Hunter, Surveyor  
 Subscribed and sworn before me at  
 this 10th day of August 1958  
 Terms of the Plan.

Scale 20 Chains to an Inch  
 Applicant's page shown thus   
 Assumptions taken from A-B, ML 44  
 Letter of (E41)

Exhibit 4 - Special  
Mining Lease 202

PLAN

Parish of.....

County of.....

Scale            chains to an inch.

SIGNED Sealed and Delivered )  
by the said AUBREY ARTHUR )  
BROWN NEVILLE EDWARD PENMAN )  
in the presence of )

Aubrey A. Brown  
N.E. Penman

SPECIAL LEASE  
UNDER "THE MINING ACT, 1906-1952,"  
and the Acts amending the same.

---

No.	202 (Act 1906)	
DATED	29th August,	A.D. 1962.

---

HER MAJESTY THE QUEEN

to

AUBREY ARTHUR BROWN

and

NEVILLE EDWARD PENMAN.

10

---

REGISTERED in the Department of Mines, at Sydney,  
this fourteenth day of November, A.D. 1962, at the  
hour of ten o'clock in the forenoon, and numbered  
in the Register 202.

ML 51

L. Creasey  
Registrar.

Aubrey Arthur Brown and  
Transfer from Neville Edward Penman of their inter-  
est in Special Lease 202 (Act 1906) to Wyong Allu-  
vials Pty. Limited Registered by me in the Department  
of Mines Sydney, this 24th day of April 1964 at the  
hour of ten o'clock in the forenoon.

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L. Creasey  
Registrar

\$3.00 NEW SOUTH WALES

SPECIAL

\$=0300

STAMP DUTY

S.L. APPN. No. 1043 NEWCASTLE As amended  
MINING ACT, 1906-1952

SPECIAL MINING LEASE, CROWN LANDS

Elizabeth the Second, by the Grace of  
God of the United Kingdom, Australia  
and Her other Realms and Territories  
Queen, Head of the Commonwealth,  
Defender of the Faith.

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TO ALL TO WHOM THESE PRESENTS SHALL COME,  
GREETING:-

WHEREAS in conformity with the "Mining Act, 1906-1952,  
and the Acts amending the same application was duly  
made by ARTHUR FREDERICK NICOLLE, 36 Coolamin Road,  
Waratah, Newcastle in the State of New South Wales

as amended

for a lease hereinafter described for the purposes  
of mining for rutile, zircon, ilmenite, monazite  
and tin

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AND WHEREAS all conditions and things required to  
be done and performed before granting a lease here-  
under have been done and performed. AND WHEREAS it  
has been requested that the lease issue in the name  
of ASSOCIATED MINERALS CONSOLIDATED LIMITED, Ferry  
Road, Southport in the State of Queensland -----

NOW KNOW YE that in pursuance of the provisions of  
the said Act and in conformity with the same and in  
consideration of the sum of two hundred and eighty-  
nine dollars being the first year's rent as herein-  
after mentioned paid by the abovementioned appli-  
cant and of the rents and royalty hereinafter re-  
served and of the covenants and provisos hereinafter  
contained. We do hereby grant and demise unto

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--- ASSOCIATED MINERALS CONSOLIDATED LIMITED -----

(with with its successors and transferees is  
~~the with ----- executors administrators and assigns~~  
hereinafter referred to as the lessee) ALL THAT  
piece or parcel ----- of land con-  
taining by admeasurement five hundred and seventy-  
eight acres/ex roads and more particularly described  
and delineated in the plan drawn hereon or annexed  
hereto and numbered ML.44 ~~Except the surface and the~~  
~~land to a depth of ----- feet below the surface of~~  
~~that portion thereof tinted red containing -----~~  
~~more or less.~~ AND all those mines veins seams or  
deposits of rutile, zircon, ilmenite, monazite and  
tin ----- in and under the said land (herein-  
after called and included in the term "mine")

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Exhibit 4 - Special  
Mining Lease

Exhibit 4 - Special  
Mining Lease 369

TOGETHER WITH all and singular the shafts levels drifts works ways fixtures erections liberties easements advantages and appurtenances which are now or at any time during the term hereby granted may be held occupied or enjoyed therewith for the purpose of mining in and under the said land for rutile, zircon, ilmenite, monazite and tin --- AND ALSO with full power for the said lessee and its agents and workmen (including contractors tributors and so forth) to dig sink drive make and use excavations pits shafts levels tunnels watercourses and other works necessary for winning and raising the rutile, zircon, ilmenite, monazite and/tin in or under the said land and to take and appropriate the same during the term hereby granted TO HOLD the said land with the appurtenances (subject to such rights and interests as may be lawfully subsisting therein at the date of these presents) UNTO the said lessee from the date hereof for the term of --- five --- years next ensuing for the purpose of mining therein for rutile, zircon, ilmenite, monazite and tin ---- and for purposes connected with such mining being "Mining Purposes" within the "Mining Act, 1906-1952" as amended and for no other purpose YIELDING AND PAYING therefor unto US OUR Heirs and Successors yearly and every year during the said term the yearly rent of two hundred and eighty-nine/dollars in advance the first year's rent having been paid as aforesaid the next payment to be made to the Minister for Mines in Sydney on or before the --twenty-second day of February next and thereafter on or before the twenty-second day of February in each and every year the rent aforesaid shall be paid to the Minister for Mines aforesaid clear of all rates taxes and assessments to which the said mine is now or at any time during the said term may be subject or liable. And also yearly and in every year during the said term a royalty as hereinafter specified in ~~respect-of-all~~ on Annexure "B" hereto in respect of the said/minerals won from the said land during the year and such royalty shall be paid to the Minister for Mines in Sydney on demand Provided that if the royalty payable during any one year of the said term exceeds the rent paid for such year the amount paid as rent may be deducted from the amount of the royalty but if the royalty in any one year amounts to less than the rent paid for such year the lessee shall not for such year pay royalty PROVIDED ALWAYS and it is hereby agreed that if the said yearly rent shall be in arrears for thirty days after the same shall have become payable whether such rent shall have been legally demanded or not any officer appointed or authorised thereto by the Minister for

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Exhibit 4 - Special  
Mining Lease 369

Mines may by himself or his agent enter upon the said land by such means and in such manner as he may determine and seize and distrain all minerals metals and ores actually got and raised from the said mine and all machinery apparatus tools waggons carts carriages engines plant and all other goods chattels and effects whatsoever in upon and about the said mine or used in connection therewith and in every distress thus made may take away sell and dispose of as in cases of distress for rent reserved in common leases and out of the moneys arising thereby retain so much as shall be sufficient to satisfy the said arrears and which shall at the time of such sale be unpaid and all expenses incurred by him or them in or in respect of such seizure distraint removal and sale and if there be any surplus such officer shall pay the same to the said lessee and the acceptance or receipt of rent by Us or on Our behalf after breach of any covenant hereinafter contained shall not be or be deemed a waiver of the right of Us or of the Minister for Mines or other Officer on Our behalf to enforce observance of such covenant AND the said lessee ~~and every two or more of them do and each of them~~ doth hereby covenant with Us Our Heirs and Successors in manner following that is to say:-

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1. THAT the said lessee shall during the said term pay unto Us Our Heirs and Successors the rent and royalty hereby reserved at the time and places hereinbefore appointed for payment thereof clear of all deductions.

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2. AND shall upon and during all lawful working days except when prevented by inevitable accident or during the execution of repairs work the said mine in the best and most effectual manner and to the best advantage without interruption and shall with reasonable expedition make and construct all necessary works with a view to diligently explore and search for rutile, zircon, ilmenite, monazite and tin -----in and under the said mine.

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3. AND shall employ in the construction of the works or in mining operations in the said mine throughout the said term and during the usual hours of labour not less than seven able and competent workmen and miners unless prevented by inevitable accident or during the execution of repairs.

4. AND shall during the said term effectually drain the said mine and pump all water likely to cause injury thereto or which would prevent or interfere with the working thereof and if the said mine shall be affected or be liable to be affected by the same flow or body of water as any other mine or mines contiguous thereto shall if and whenever requested so to do contribute with the lessee or

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Exhibit 4 - Special  
Mining Lease 369

lessees or owner or owners of such other mine or mines a reasonable proportion of the machinery and labour necessary to free and keep such mine or mines free from water to a workable extent or if the said mine shall be kept free from water to a workable extent either wholly or partially by means of the machinery and labour of a contiguous mine or mines or by reason of any works constructed or money expended by the lessee or lessees owner or owners of such contiguous mine or mines - then shall pay to such lessee or lessees owner or owners as aforesaid a reasonable proportion of the cost of such machinery labour or works or a reasonable proportion of the money so expended and the Minister for Mines may if and whenever he shall think fit depute some efficient person who shall have access to and inspection of all such mines to determine when the said mine is so freed or kept wholly or partially free from water and what is the reasonable proportions of such expenses aforesaid and to whom and when the same are to be paid - such decision to be final and conclusive on all parties.

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5. AND shall make such provisions for the disposal of the detritus dirt waste or refuse of the said mine that the same shall not be an inconvenience nuisance or obstruction to any roadway river creek or private or Crown lands or in any manner occasion any public, or private damage or inconvenience.

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6. AND shall maintain some approved boundary marks at each angle of the said mine and at such points along the boundary lines as shall be necessary so as to plainly and accurately define the boundary lines and angles of the said mine and in case posts shall be erected each such post shall be fixed firmly in the ground and shall project above the surface thereof not less than three feet.

7. AND shall as often as required so to do during the term make and deliver to the Minister for Mines or any officer appointed or instructed to collect obtain or receive the same all such true and proper plans and sections returns and statistics of the workings and operations of the said mine made up to the last day of the preceding month (the truth and accuracy of which shall be verified by the statutory declaration of the lessee for the time being or the manager or other officer having the charge control and direction of the works of the said mine) as the Minister for Mines shall from time to time direct. And shall furnish to the Under Secretary for Mines not later than the seventh day of January in each year a return showing the gross quantity and value of all --- rutile, zircon, ilmenite, monazite and tin --- won from the said land up to the thirty-first

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Exhibit 4 - Special  
Mining Lease 369

day of December in the preceding year. And shall whenever required by the Minister for Mines so to do deliver to any officer appointed or instructed as aforesaid samples of the minerals metals and ores or any of them found in or upon such mine.

8. AND shall during the said term make proper and reasonable compensation to the occupier or occupiers lessee or lessees from the Crown of any adjoining land in respect of any damage which may be sustained by him or them by reason of the working of the said mine or the carrying on or the works thereof or connected therewith such compensation to be determined by the Minister for Mines or by some person authorised by him so to do.

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9. AND further shall at all times during the said term keep and preserve the said mine from all avoidable injury or damage and also the levels drifts shafts watercourses roads ways works erections and fixtures therein and thereon in good repair and condition and in such state and condition shall at the end or sooner determination of the said term deliver peaceable possession thereof and of all and singular the premises hereby demised to Us Our Heirs and Successors or to the Warden or other officer authorised to receive possession thereof.

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10. AND shall not use or occupy or permit to be used or occupied the said land hereby demised or any part thereof for other than the purposes aforesaid except as hereinafter provided namely if that the lessee ~~may~~ uses or ~~occupies~~ occupies or permits to be used or occupied as sites for dwellings or garden ground for the persons employed in on or about the said mine or for pasturage for stock employed in the working of the mine or required for the subsistence of the persons so employed such part or parts of the surface of the said land ~~as the Minister for Mines may by writing under his hand sanction and define~~ but the lessee shall not be entitled to demand or receive any sum by way of rent or charge for such occupation by the persons so employed except with the sanction in writing of the Minister for Mines.

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11. AND shall permit any employee who has erected or purchased any building or other improvement on the said land to remove such building or improvement at any time during his employment, or within one month after the determination of such employment, or to sell such building or improvement to any other person employed on or about the said land.

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12. AND shall not assign or sublet this lease or any interest therein or enter into any tribute contract relating to the land the subject thereof or any mine gold or minerals therein without the previous sanction in writing of the Minister for Mines.

Exhibit 4 - Special  
Mining Lease 369

13. AND shall not plead acceptance of rent by or on behalf of Us Our Heirs or Successors as a waiver of the right of Us or of the Minister for Mines or other Officer on Our behalf 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 Governor with the advice of the Executive Council to cancel this lease for breach of any such covenant. 10

14. PROVIDED always and it is hereby agreed and declared in manner following:- That is shall be lawful for Us Our Heirs and Successors without compensation to the lessee to make and use in on or under the said land hereby demised any levels drifts leads shafts watercourses adits roads ways and passages for freeing and keeping free any other lands or mines from water or for conveying water to any other lands or mines for mining purposes or for supplying any other mines with fresh air or for effectually working any other mines or for any public purpose whatsoever causing as little damage obstruction or interference as possible to or with the said mine and the works thereof And if at any time during the term hereby created any part or parts of the land hereby demised or any part or parts of the surface thereof shall be required for the purpose of any township village railway road canal watercourse reservoir or for any other purpose which the Governor may declare a public purpose it shall be lawful for the Governor with the advice of the Executive Council on giving one month's notice of his intention so to do to the lessee to cancel the said lease so far as it relates to any right to the surface and the specified depth below the surface of the said part of the land and thereupon the said part shall subject to the right of the said lessee to mine thereunder but without any compensation payable by Us Our Heirs or Successors to the said lessee become Crown lands within the meaning of the Crown Lands Act and may be dealt with thereunder. 20 30 40

15. IF the said lessee at any time during the term of this demise --

- (a) fails to fulfil or contravenes the conditions and covenants contained or referred to herein; or
  - (b) fails to use the land bona fide for the purposes for which it has been demised; or
  - (c) uses it for a purpose other than that for which it has been demised
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this lease may be cancelled by the Governor and the cancellation shall take effect on the date proclaimed in the Government Gazette and the production of a

Exhibit 4 - Special  
Mining Lease 369

copy of the Government Gazette containing a notice purporting to be signed by the Minister for Mines declaring the lease cancelled shall be conclusive evidence of the facts stated therein and upon the date proclaimed as aforesaid it shall be lawful for Us Our Heirs and Successors or Our or their agents or officers or for any bailiff or other person duly authorised thereto or for any holder of a miner's right who has the permission of the Minister for Mines without any previous demand whatsoever to enter forthwith into and upon the said land hereby demised and the same to repossess and enjoy as fully and effectually to all intents and purposes as if these presents had not been made and the said lessee to expel and remove without any legal process and as effectually as the Sheriff might do in case judgment in ejectment had been obtained and a writ of habere facias possessionem had been issued on such judgment and in case of such entry and any legal proceeding taken in respect thereof the defendant or defendants in any such proceeding may plead leave and license in bar thereof and these presents shall be conclusive evidence of such leave and license by the lessee or other the person or persons plaintiff or plaintiffs in such proceedings for such entry or other matters complained of in such proceeding.

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16. AND it is hereby declared that all conditions and provisions contained in the "Mining Act, 1906-1952," as amended and the regulations thereunder or any other law or statute 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 said lessee hereby covenants to observe fulfil and perform the same.

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17. AND it is hereby further declared 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 lessee 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 whereby the lessee covenants with Us Our Heirs and Successors to observe and perform the said provisions and conditions.

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18. AND IT IS HEREBY SPECIALLY AGREED AND DECLARED THAT the said lessee shall observe and perform the special conditions endorsed on Annexure "A" hereto -----

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IN TESTIMONY WHEREOF We have caused this Our Lease to be sealed with the Seal of Our said State.

Exhibit 4 - Special  
Mining Lease 369

~~WITNESS-Our-Trusty-and-Well-beloved-Sir-Erie-----~~  
WINSLOW WOODWARD, Knight Commander of Our Most  
Distinguished Order of Saint Michael and Saint  
George, Companion of Our Most Honourable Order of  
the Bath, Commander of Our Most Excellent Order of  
the British Empire, Companion of Our Distinguished  
Service Order, Knight of the Venerable Order of St.  
John of Jerusalem, Lieutenant-General on the Retired 10  
List of Our Australian Military Forces, Governor of  
Our State of New South Wales and its Dependencies  
in the Commonwealth of Australia, at Sydney in Our  
said State, this day of  
in the year of Our Reign, and in the  
~~year-of-Our-Lord-one-thousand-nine-hundred-and-----~~  
Governor.

WITNESS Our Trusty and Well-beloved Sir Arthur Roden  
Cutler, upon whom has been conferred the decoration  
of the Victoria Cross, Knight Commander of Our Most 20  
Distinguished Order of Saint Michael and Saint  
George, Commander of Our Most Excellent Order of  
the British Empire, Knight of Our Most Venerable  
Order of St. John of Jerusalem, Governor of Our State  
of New South Wales and its Dependencies, in the  
Commonwealth of Australia, at Sydney, in Our said  
State, this twenty second day of February in the six-  
teenth year of Our Reign and in the year of Our Lord  
one thousand nine hundred and sixty-seven.

A.R. Cutler 30  
Governor

S.L. Appn. No. 1043 Newcastle  
ANNEXURE "A" REFERRED TO HEREIN

1. (a) The said Lessee/s shall within twelve months of the date of the lease or any renewal thereof erect a separation plant upon the subject land or other land to the satisfaction of the Minister for Mines or furnish to the Minister for Mines satisfactory evidence that the said lessee/s have made suitable arrangements for the treatment of concentrates. 10
- (b) The said Lessee/s shall not permit excessive quantities of silica sand tailings to accumulate around or adjacent to the separation plant and all such tailings shall be returned continuously as far as may be practicable to the excavations made on the area demised or on such other land as may be directed by the Minister for Mines.
2. (a) If in the opinion of the Minister for Mines the quantity of silica being removed from the area demised as a consequence of mining operations is likely to impair the restoration of the area demised or cause damage to or interfere with adjoining mining leases or other lands the Minister for Mines or the Under Secretary for Mines may direct by writing under his hand from time to time as the circumstances so require the said lessee/s to reduce the quantity of silica being so removed. The said lessee/s shall comply forthwith with any direction so given and in the event of non-compliance this lease may be cancelled. 20 30
- (b) The Minister for Mines may vary or revoke any direction given or which may be given in accordance with the foregoing clause.
3. (a) The said lessee/s shall treat by means of spiral concentrators or other approved method of concentration on or adjacent to the area demised all material mined so as to produce a concentrate containing not less than sixty-five per centum of heavy minerals and all tailings from such operations shall be returned continuously as far as may be practicable to the excavations made on the area demised provided that where the circumstances so warrant the Minister for Mines or the Under Secretary for Mines on application in writing by the said lessee/s may authorise: 40
- (i) the removal of material without prior concentration; or
- (ii) the production of a concentrate containing less than sixty-five per centum of heavy minerals. 50
- (b) Where authority is given in accordance with either of the provisos to the foregoing clause 3(a) the said lessee/s shall observe and perform the conditions and stipulations laid down in such

Exhibit 4 - Special  
Mining Lease 369

authority and such authority may be varied or revoked at any time by notice in writing under the hand of the Minister for Mines.

(c) Any notice given in accordance with the foregoing clause 3(b) shall take effect within the period of time stated in such notice and in the event of any failure to observe and comply with such notice in this lease or any renewal thereof may be cancelled.

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~~4. (a) Where mining is conducted on the beach the tailings shall be returned continuously to the excavations made and the surface shall be levelled off to restore as near as possible the original contours of the beach.~~

~~(b) Where mining is conducted on the beach the tailings shall be returned continuously to the excavations made and the surface shall be graded to an angle approved by the Minister for Mines.~~

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4. 5. In the event of operations by the said lessee/s on the area demised causing damage to any lands which have been restored after mining the said lessee/s shall repair such damage at the said lessee/s own expense to the satisfaction of the Minister for Mines.

~~6. The said lessee/s shall not conduct any dredging and/or other mining operations on or under the main frontal sand dune nor within \_\_\_\_\_ feet of the seaward side of the base thereof unless with the consent of the Minister for Mines in writing first had and obtained and subject to such conditions as he may stipulate.~~

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7. (a) In the event of it being necessary to drive roads of access through the main frontal sand dune the said lessee/s shall protect the base and sides of such cut-throughs with corduroys of poles to prevent the formation of moving sand dunes and the said lessee/s shall construct and maintain such corduroys to the satisfaction of the Minister for Mines.

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~~(b) Upon ceasing to use such cut-throughs or if sooner directed so to do by the Minister for Mines the said lessee/s shall restore the main dune to its original contours unless the Minister for Mines shall otherwise direct and shall plant the same with grasses plants shrubs and/or trees and erect brush fences and/or lay a matting of brush thereon to the satisfaction of the Minister for Mines.~~

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5. 6. (a) Unless otherwise directed by the Minister for Mines the said lessee/s shall remove the surface material to a depth of twelve inches or such part of the area demised as may be disturbed

Exhibit 4 - Special  
Mining Lease 369

by mining operations and shall stack such surface material separately on the area demised or on such other land as the Minister may authorise in writing and subject to such conditions as he may stipulate.

(b) The said lessee/s shall return all residues and tailings to the excavations made level off all worked ground or if so directed by the Minister for Mines contour such ground to a shape satisfactory to the Minister for Mines replace any surface material previously removed and plant the same with such grasses plants shrubs and/or trees as may be required by the Minister for Mines and shall maintain and care for the same during the currency of this lease and any renewal thereof to the satisfaction of the Minister for Mines.

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(c) The said lessee/s shall restore all worked areas concurrently with mining operations and shall observe any instructions which may be given by the Minister for Mines or the Under Secretary for Mines in connection with the restoration of the area demised.

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(d) The said lessee/s shall as far as may be practicable so conduct operations as not to cause any damage to shrubs and trees or other native flora growing upon the area demised and shall stack and burn all shrubs and trees or other native flora which may be disturbed or destroyed as a result of the operations hereby authorised provided that before doing so the said lessee/s shall obtain from the responsible authority permission to light fires.

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(e) If so directed by the Minister for Mines the said lessee/s shall provide and erect brush fences and/or lay a matting of brush to prevent as far as may be practicable the scouring action of the wind and to provide protection for the grasses plants shrubs and/or trees planted on those parts of the area demised which have been levelled and/or contoured and restored and the said lessee/s shall maintain such brush fences or matting to the satisfaction of the Minister for Mines.

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(f) Unless with the consent of the Minister for Mines or the Under Secretary for Mines first had and obtained the said lessee/s shall restrict any clearing of or disturbance to the surface of the area hereby demised to a distance not greater than five chains from the site of mining operations.

J. ~~9.-----Where-operations-are-conducted-on-the-main--~~  
DA. { frontal sand dune the said lessee/s shall restore  
the worked dune as far as may be practicable to the  
same slope and contour as the original dune unless  
the Minister for Mines or the Under Secretary for  
Mines shall otherwise direct.

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Exhibit 4 - Special  
Mining Lease 369

6. ~~10.~~ (a) In the event of operations being conducted other than by means of dredging the said lessee/s shall mine the area in sections of such dimensions as the Minister for Mines may stipulate from time to time.

(b) Upon completion of mining operations in each section all residues and tailings shall be returned to the excavations made and all worked ground shall be levelled off and any surface material previously removed shall be replaced and planted with such grasses plants shrubs and/or trees as may be required by the Minister for Mines provided that the mining of the next section may be carried out conjointly with the restoration of the last worked section but no further section shall be mined until such restoration is completed. 10

7. ~~11.~~ The said lessee/s shall confine the deposition of overburden removed during dredging and/or other mining operations within the boundaries of the area demised or on such other land as may be approved in writing by the Minister for Mines and subject to such conditions as he may think necessary to impose. 20

~~12. ---Mining-between-the-floor-of-an-exeavation-and~~  
J. shall cease when a straight line drawn from DA. to the nearest edge of the floor of the excavation exceeds an angle of forty-five degrees measured from the horizontal unless otherwise determined by the Minister for Mines. 30

8. ~~13.~~ Upon the expiry or sooner determination of this lease or any renewal thereof the said lessee/s shall remove all machinery and buildings and the area demised shall be left in a clean and tidy condition to the satisfaction of the Minister for Mines.

9. ~~14.~~ If so directed by the Minister for Mines the said lessee/s shall fill in any dredge pool or other excavation on the area demised and shall observe any instruction which may be given from time to time in this regard by the Minister for Mines or the Under Secretary for Mines. 40

10. ~~15.~~ If so directed by the Minister for Mines the said lessee/s shall provide and maintain a secure fence to the satisfaction of the Minister for Mines around each dredge pool or other excavation opened up or used by the said lessee/s and shall observe any instructions which may be given from time to time in this regard by the Minister for Mines or the Under Secretary for Mines. 50

11. ~~16.~~ If so directed by the Minister for Mines the said lessee/s shall spread fertiliser of such type and in such quantity as may be directed over the restored area to assist the growth of such grasses



plants shrubs and/or trees as may have been planted in accordance with any of the foregoing special conditions.

12. ~~17~~. If so directed by the Minister for Mines the said lessee/s shall enclose the area demised with a secure stockproof fence and such fencing shall be erected and maintained in a manner satisfactory to the Minister for Mines.

10

13. ~~18~~. The said lessee/s shall at all times permit the lessee of adjoining or adjacent leases to have reasonable access across the area demised at such points and in such manner as may be agreed upon or in the absence of agreement as may be determined by the Warden under the provisions of Section 111, Mining Act, 1906, as amended.

14. ~~19~~. The said lessee/s shall observe any instructions which may be given by the Minister for Mines with a view of minimising or preventing public inconvenience or damaging public or private property.

20

15. ~~20~~. In the event of any improvements on the area demised being damaged or disturbed by dredging and/or mining operations by the said lessee/s such improvements shall be restored to the satisfaction of the owner of such improvements or the Minister for Mines.

16. ~~21~~. The said lessee/s shall conduct operations in such a manner as not to cause any danger to stock on the area demised and the said lessee/s shall not keep nor permit to be kept any dog unless chained up or kept under proper control.

30

~~22. The said lessee/s shall not cut, destroy, ring-bark or remove any timber or other vegetative cover on the said land except such as directly obstructs or prevents the carrying on of the operations hereby authorised and subject to payment to the owner of compensation assessed as prescribed by the Mining Act, 1906, as amended.~~

J  
DA.

23. The said lessee/s shall not interfere in any way with any fences on or adjacent to the area demised unless with the consent in writing of the owner thereof or the Minister for Mines first had and obtained.

40

24. The said lessee/s shall as far as may be practicable so conduct operations as not to interfere in any way with the public use and enjoyment of Reserve-----fer-----

17. ~~25~~. The said lessee/s shall conduct operations in such a manner as not to create any danger from floods or storms and shall observe and perform any instructions given or which may be given by the Minister for Mines with a view of minimising or preventing any flood or storm damage.

50

~~26. The said lessee/s shall at all times se-----~~

Exhibit 4 - Special  
Mining Lease 369

~~conduct operations as to cause as little interference~~  
(as possible with the public use and enjoyment of the  
beach for fishing and recreation and shall permit  
free and uninterrupted access by the public to the  
beach at all times.

J.  
DA.

27. The said lessee/s shall not interfere unless  
with the consent of the Minister for Mines first had  
and obtained with any life-savers' sheds and appara-  
tus now or at any time erected or installed on the  
area demised and shall so conduct operations within  
the vicinity of the part of parts of the beach or  
beaches used by bathers that the same shall not cause  
~~any danger or obstruction to such bathers.~~

10

18. ~~§§.~~ If it is found that the operations hereby  
authorised are causing any undue damage to or eros-  
ion of the subject land or other land in the vicinity  
thereof the Governor with the advice of the Executive  
Council may cancel this lease or any renewal thereof  
without compensation to the said lessee/s upon giving  
one month's notice of his intention so to do.

20

19. ~~§§.~~ The said lessee/s if so required by the Mini-  
ster for Mines or the Under Secretary for Mines shall  
surrender such part or parts of the area demised as  
have been worked and restored in accordance with the  
foregoing conditions.

20. ~~§§.~~ (a) Within a period of three months of the  
commencement of dredging and/or other mining opera-  
tions on the area demised the said lessee/s shall  
establish a nursery for the propagation of a suffi-  
cient number and variety of plants, shrubs and trees  
which in the opinion of the Minister for Mines is  
adequate for the purposes of satisfactorily rehabili-  
tating the area demised in the secondary and tertiary  
stages.

30

- (b) Provided that in the event of:
- (i) an adequate nursery having been estab-  
lished by the said lessee/s in the  
vicinity of the area demised; or
- (ii) satisfactory evidence being furnished  
that the said lessee/s has made suit-  
able arrangements for adequate quanti-  
ties of plants, shrubs and trees to be  
provided and maintained;

40

the Minister for Mines may dispense with the require-  
ments of the foregoing clause (a).

21. ~~§§.~~ Before dredging and/or other mining opera-  
tions are commenced on the area demised the said  
lessee/s shall lodge with the Minister for Mines a  
deposit of ---ten thousand--- dollars as a guarantee  
that the foregoing conditions shall be well and faith-  
fully observed and in the event of any failure to  
perform such conditions such sum shall be applied to-  
wards the cost of making good the damage caused.

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Exhibit 4 - Special  
Mining Lease 369

J. ~~(32.----The-said-lessee/s-shall-ledge-with-the-Mini-~~  
DA. ~~ster for Mines a deposit of~~  
{dollars as a guarantee that the foregoing condi-  
tions shall be well and faithfully observed and in  
the event of any failure to perform such conditions  
such sum shall be applied towards the cost of making  
good the damage caused.

S.L. Appn. No. 1043 Newcastle

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ANNEXURE "A" REFERRED TO HEREIN

22. 1. (a) The said lessee shall not excavate  
within fifty (50) feet of the boundary boundaries of  
the road(x)s shown on the said plan unless with the  
consent of the Minister for Mines first had and ob-  
tained and subject to such conditions as he may  
stipulate.

(b) Notwithstanding that the said lessee  
shall have complied with this condition the said lessee  
shall pay to Wyong Shire Council Department of Lands  
or the Commissioner for Main Roads the cost incurred  
J. by such Council or Department or Commissioner of  
DA. making good any damage to such road(x)s caused by  
mining operations carried on by or under the author-  
J. ity of the said lessee or any person claiming through  
DA. or under ~~it~~/it.

20

AND THE LESSEE HEREBY COVENANTS with the said  
Council that the lessee will pay to the said Council  
the cost incurred by the said Council of making good  
any such damage caused as aforesaid and the lessee  
hereby covenants with the said Commissioner that the  
lessee will pay to the said Commissioner the cost  
incurred by the said Commissioner of making good any  
such damage as aforesaid.

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AND IT IS HEREBY AGREED AND DECLARED that  
the amount to be paid by the said lessee under the  
provisions of this clause shall include in addition  
to the cost of all necessary labour and materials  
all costs and expenses reasonably incurred in and  
about the making of surveys the preparation of  
plans and specifications and estimates the supervi-  
sion and inspection of the works and all administra-  
tive and overhead costs and expenses of the Council  
or the Department of Lands or the Commissioner for  
Main Roads as the case may be related or attribut-  
J. able to the works undertaken to make good any dam-  
DA. age caused to the said road(x)s. A certificate un-  
der the hand of the ~~Town-er~~ Shire Clerk of the  
local Council or the Under Secretary for Lands or  
the Commissioner for Main Roads or the person for  
the time being acting as such Clerk, Under Secretary  
J. or Commissioner as to the amount of the cost of mak-  
DA. ing good any damage to the said road(x)s shall in

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Exhibit 4 - Special  
Mining Lease 369

all respects and for all purposes be conclusive evidence of the amount of such cost and of the due determination thereof.

23. The said lessee shall not interfere in any way with any fences on or adjacent to the area demised unless with the consent in writing of the owner thereof or the Minister for Mines first had and obtained.

10

24. The said lessee shall so conduct the operations hereby authorised as not to interfere with or impair the stability or efficiency of the telephone line traversing the area demised.

25. The said lessee shall observe and comply with Specification for Overhead Line Construction No. C (b) 1-1954 issued by the Electricity Supply Association of Australia with such additions and amendments as may subsequently be made.

26. (a) The said lessee shall not interfere in any way with rifle practice by members of duly constituted rifle clubs or the Commonwealth Military Forces.

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(b) The said lessee shall accept all and any risks to which the said lessee or the said lessee's property may be exposed by reason of the existence of the rifle range on the area demised and the said lessee shall save harmless the Commonwealth Government or person lawfully using the rifle range from any claims for injuries to the said lessee or the said lessee's servants or workmen which may rise by the discharge of firearms on the said rifle range.

30

(c) The said lessee shall not be entitled to charge rent for the use of the rifle range on the area demised or any part thereof.

(d) Members of rifle clubs or the Commonwealth Military Forces shall retain the privileges of taking riding horses and vehicles on to the rifle range.

27. In the event of mining operations conducted by the said lessee destroying any tracks traversing the area demised the said lessee shall provide alternative tracks to the satisfaction of the Minister for Mines.

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28. (a) Unless with the consent of the Minister for Mines or the Under Secretary for Mines first had and obtained the said lessee shall not clear or disturb the surface of the area demised except such as lies within ten chains of that part of the area upon which mining operations are being conducted.

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(b) This condition does not debar the said lessee from cutting brush on the area demised provided that such brush is required for the purpose of carrying out restoration work.

29. The said lessee shall not conduct any mining

Exhibit 4 - Special  
Mining Lease 369

operations on that part of the area demised east of the western boundary of Reserve 77013 for Public Recreation, and the prolongation of such boundary to the northern boundary of the area demised unless with the written consent of the Minister for Mines first had and obtained, and subject to such conditions as he may stipulate.

The Common Seal of Associated  
Minerals Consolidated Limited  
was hereunto affixed in accor-  
dance with the Company's  
Articles of Association.

(L.S.)

10

Douglas F.

Exhibit 4 - Special  
Mining Lease 369

S.L. Appn. No. 1043 Newcastle  
ANNEXURE "B" REFERRED TO HEREIN

J. 1. The said lessee/s shall pay to the Minister  
DA. for Mines a royalty of ~~one-and-one-half~~ two per  
centum of the value of rutile concentrates and zir-  
con concentrates won from the land hereby demised  
and for the purpose of the assessment and payment  
of royalty the value of rutile concentrates so won 10  
shall be calculated by multiplying the number of  
tons of rutile concentrates won during each annual  
period commencing on the first day of January and  
ending on the thirty-first day of the following  
December by the average price of rutile concentrates  
for that annual period calculated or determined in  
the manner hereinafter appearing and the value of  
zircon concentrates so won shall be calculated by  
multiplying the number of tons of zircon concen- 20  
trates won during each such annual period by the  
average price of zircon concentrates for that  
annual period calculated or determined in the manner  
hereinafter appearing.

The average price of rutile concentrates for  
any such annual period shall be ascertained by divi-  
ding the number of tons of rutile concentrates the  
produce of the land hereby demised sold by the  
lessee/s during that annual period into the total  
amount for which rutile concentrates the produce of  
the land hereby demised were sold by the lessee/s 30  
during the said annual period and the average price  
of zircon concentrates for any such annual period  
shall be ascertained by dividing the number of tons  
of zircon concentrates the produce of the land here-  
by demised sold by the lessee/s during that annual  
period into the total amount for which zircon con-  
centrates the produce of the land hereby demised  
were sold by the lessee/s during the said annual  
period.

For the purpose of computing the total amount 40  
for which rutile concentrates or zircon concentrates  
the produce of the land hereby demised were sold  
during any annual period the following provisions  
shall apply:

(a) In respect of any rutile concentrates or zir-  
con concentrates sold by the lessee/s f.o.b. at the  
port of shipment nearest to the land hereby demised  
the amount for which such concentrates shall for the  
purpose of this clause be deemed to have been sold  
shall be the full amount of the f.o.b. price paid or 50  
payable to the lessee/s.

Exhibit 4 - Special  
Mining Lease 369

(b) In respect of any rutile concentrates or zircon concentrates sold by the Lessee/s otherwise than in the manner mentioned in sub-paragraph (a) of this clause the amount for which such concentrates shall for the purposes of this clause be deemed to have been sold shall be a sum estimated by the Minister for Mines to be the price for such concentrates f.o.b. at the port of shipment nearest to the land hereby demised which would be equivalent to the price paid or payable to the lessee/s. 10

PROVIDED HOWEVER AND IT IS HEREBY AGREED AND DECLARED that if the lessee/s shall not during any such annual period sell any rutile concentrates the produce of the land hereby demised or if the lessee/s shall during any such annual period sell rutile concentrates the produce of the land hereby demised but the Minister for Mines shall be of opinion that the price paid or payable to the lessee/s for such rutile concentrates so sold or any part of such rutile concentrates so sold is less than the full market value at the time of the sale then the average price of rutile concentrates for that annual period shall be a sum determined by the Minister for Mines and if the lessee/s shall not during any such annual period sell any zircon concentrates the produce of the land hereby demised or if the lessee/s shall during any such annual period sell zircon concentrates the produce of the land hereby demised but the Minister for Mines shall be of opinion that the price paid or payable to the lessee/s for such zircon concentrates so sold or any part of such zircon concentrates so sold is less than the full market value at the time of the sale then the average price of zircon concentrates for that annual period shall be a sum determined by the Minister for Mines. Any determination by the Minister for Mines of the average price of rutile concentrates or of zircon concentrates for any annual period shall be made in such manner as the Minister for Mines may see fit as soon as may be after the end of such annual period but in making the determination the Minister for Mines shall have regard to the open market price for rutile concentrates and zircon concentrates respectively during such annual period and the selling prices actually received during such annual period by producers in the State of New South Wales for rutile concentrates and zircon concentrates respectively. The Minister for Mines may ascertain the open market prices and the selling prices actually received by producers in such manner as he may see fit. 20  
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40  
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A certificate under the hand of the Under Secretary for Mines or of the person for the time

Exhibit 4 - Special  
Mining Lease 369

being acting as such as to any one or more of the following matters:

- (i) that a price for any rutile concentrates or for any zircon concentrates has been estimated by the Minister for Mines for the purposes of sub-paragraph (b) of this clause at an amount set forth in the certificate
- (ii) that the Minister for Mines is of opinion that the price paid or payable to the lessee/s for any rutile concentrates or zircon concentrates is less than the full market value at the time of sale 10
- (iii) that the average selling price of rutile concentrates or of zircon concentrates for any annual period has been determined by the Minister for Mines for the purposes of the foregoing proviso in this clause at an amount set forth in the certificate 20

shall be binding upon the lessee/s and shall in all respects and for all purposes be conclusive evidence of the matters therein stated and of the amount and due estimation or determination of any price therein set forth.

2. The said lessee/s shall pay to the Minister for Mines a royalty of ~~one-and-one-half~~ two per centum of the market value ~~at-the-land-hereby-demised~~ of all monazite ~~garnet-gold~~ tin ~~platinum~~ and ilmenite won or contained in any primary concentrates won from the said land. The market value ~~at-the-land hereby-demised~~ of any of the minerals referred to in this clause won or contained in any primary concentrates won from the said land shall be determined by the Minister for Mines in such manner as he may think fit. A certificate under the hand of the Under Secretary for Mines or of the person for the time being acting as such that the market value ~~at the-land-hereby-demised~~ of any of the said minerals has been determined by the Minister for Mines at an amount set forth in the certificate shall be binding upon the lessee/s and shall in all respects and for all purposes be conclusive evidence of the matters therein stated and of the amount and due determination of any price therein set forth. 30

The Common Seal of Associated Minerals Consolidated Limited (L.S.)  
was hereunto affixed in accordance with the Company's Articles of Association. Douglas F. 40





Exhibit 4 - Special  
Mining Lease 369

PLAN

Parish of .... WALLARAH .....

County of .... NORTHUMBERLAND .....

Scale        chains to an inch.

SIGNED Sealed and Delivered )  
by the said                    )  
                                  ) The Common Seal of  
                                  ) Associated Minerals  
                                  ) Consolidated Limited  
in the presence of            ) was hereunto affixed        10  
                                  ) in accordance with the  
                                  ) Company's Articles of  
                                  ) Association.

(L.S.)     Douglas F.

(Note:  
lessee company to sign Annexures 'A' & 'B' herein.

Exhibit 4 - Special  
Mining Lease 369

SPECIAL LEASE as amended  
UNDER "THE MINING ACT, 1906-~~1952~~,"  
and the Acts amending the same.

---

No. 369 (Act 1906)

---

DATED 22nd February

A.D. 1967.

---

HER MAJESTY THE QUEEN

TO

ASSOCIATED MINERALS CONSOLIDATED LIMITED

10

---

REGISTERED in the Department of Mines, at Sydney,  
this FOURTH day of MAY A.D. 1967, at the hour of  
10.00 o'clock in the FORE noon, and numbered in the  
Register 369.

Acting/Registrar.

By virtue of Executive Council Minute No. 45  
dated 10th November, 1971 His Excellency the Governor  
with the advice of the Executive Council granted the  
withinnamed lessee Authority to mine gold from the  
subject area in addition to the minerals for which  
the lease was demised, subject to the conditions as  
set out in Annexure "X" endorsed hereto:-

20

ANNEXURE "X"

1. The lessee shall pay to the Minister for Mines  
a royalty at the rate of two (2) per centum  
of the value of all gold won from the area  
demised at the times and in the manner pre-  
scribed by the Mining Act, 1906, as amended,  
and the Regulations thereunder.
2. Other than for the purposes of payment of  
royalty this Authority shall be subject to  
the terms covenants and conditions of Special  
Lease 369 (Act 1906) and the provisions of  
the Mining Act, 1906, as amended, and the  
Regulations thereunder.
3. This Authority may be varied or revoked at  
any time for any reason deemed to be good  
and sufficient.

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Deputy Registrar.

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£1 10 0

SPECIAL.

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S.L. Appn. 1108 NEWCASTLE.

MINING ACT, 1906-1952.

SPECIAL MINING LEASE, CROWN LANDS

Elizabeth the Second, by the Grace of  
God of the United Kingdom, Australia  
and Her other Realms and Territories  
Queen, Head of the Commonwealth,  
Defender of the Faith.

10

NEW SOUTH WALES  
ONE POUND  
TEN SHILLINGS  
STAMP DUTY  
K 8 8 61

NEW SOUTH WALES  
THREE SHILLINGS  
AND SIXPENCE  
STAMP DUTY  
K 8 8 61

TO ALL TO WHOM THESE PRESENTS SHALL COME,  
GREETING:-

WHEREAS in conformity with the "Mining Act, 1906-  
1952," and the Acts amending the same application was  
duly made by FRANK BOSLEY JENKINS, 112 Bay Road,  
Woowoon Bay, in the State of New South Wales,-----

20

for a lease hereinafter described for the purposes  
of mining for --zircon, rutile, ilmenite and mona-  
zite ---

AND WHEREAS all conditions and things required to be  
done and performed before granting a lease hereunder  
have been done and performed. AND WHEREAS it has  
been requested that a lease issue in the names of  
AUBREY ARTHUR BROWN and RONALD ROY NASH, C/- Messrs.  
Ronald R. Nash & Co., Solicitors, Gosford Road, The  
Entrance in the State of New South Wales, -----

30

NOW KNOW YE that in pursuance of the provisions of  
the said Act and in conformity with the same and in  
consideration of the sum of -- twenty-nine pounds  
twelve/shillings and sixpence --- being the first  
year's rent as hereinafter mentioned paid by the  
abovementioned applicant and of the rents and royalty  
hereinafter reserved and of the covenants and provi-  
sos hereinafter contained. We do hereby grant and  
demise unto

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--- AUBREY ARTHUR BROWN and RONALD ROY NASH --

~~(who-with-their-executors-administrators-and-assigns/  
are-hereinafter-referred-to-as-the-lessees ---)~~ ALL  
THAT piece or parcel ----- of land contain-  
ing by admeasurement --- two hundred and thirty-  
seven acres ex road ---- and more particularly de-  
scribed and delineated in the plan drawn hereon or  
annexed hereto and numbered ---ML.42 -- Being the  
surface and the land to a depth of one hundred feet  
below the surface of that portion thereof ~~Except-the~~  
~~surface-and-the-land-to-a-depth-of-----feet-be-~~  
~~low-the-surface-of-that-portion-thereof-tinted-red~~

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Exhibit 4 - Special

454. Mining Lease 175

Exhibit 4 - Special  
Mining Lease 175

~~containing~~-----~~more-or-less~~ AND all those  
mines veins seams or deposits of --- zircon, rutile,  
ilmenite and monazite ----- in and under the said  
land (hereinafter called and included in the term  
"mine") TOGETHER WITH all and singular the shafts  
levels drifts works ways fixtures erections liberties  
easements advantages and appurtenances which are  
now or at any time during the term hereby granted 10  
may be held occupied or enjoyed therewith for the  
purpose of mining in and under the said land for --  
zircon, rutile, ilmenite and monazite --- AND ALSO  
with full power for the said lessees - and their -  
agents and workmen (including contractors tributors  
and so forth) to dig sink drive make and use excava-  
tions pits shafts levels tunnels watercourses and  
other works necessary for winning and raising the  
zircon, rutile, ilmenite and monazite in or under the 20  
said land and to take and appropriate the same dur-  
ing the term hereby granted TO HOLD the said land  
with the appurtenances (subject to such rights and  
interests as may be lawfully subsisting therein at  
the date of these presents) UNTO the said lessees  
from the date hereof for the term of ---five---years  
next ensuing for the purpose of mining therein for  
--zircon, rutile, ilmenite and monazite -- and for  
purposes connected with such mining being "Mining  
Purposes" within the "Mining Act, 1906-1952" and for 30  
no other purpose YIELDING AND PAYING therefor unto  
Us Our Heirs and Successors yearly and every year  
during the said term the yearly rent of -twenty-nine  
pounds twelve/shillings and sixpence-- in advance  
the first year's rent having been paid as aforesaid  
the next payment to be made to the Minister for Mines  
in Sydney on or before the third day of May next and  
thereafter on or before the third day of May in each  
and every year the rent aforesaid shall be paid to  
the Minister for Mines aforesaid clear of all rates 40  
taxes and assessments to which the said mine is now  
or at any time during the said term may be subject  
or liable. And also yearly and in every year during  
the said term a royalty as hereinafter specified ~~in~~  
~~respect-of-all~~ on Annexure "B" hereto in respect of  
all zircon,/rutile, ilmenite and monazite-- won from  
the said land during the year and such royalty shall  
be paid to the Minister for Mines in Sydney on de-  
mand Provided that if the royalty payable during any  
one year of the said term exceeds the rent paid for  
such year the amount paid as rent may be deducted 50  
from the amount of the royalty but if the royalty in  
any one year amounts to less than the rent paid for  
such year the lessees - shall not for such year pay  
royalty PROVIDED ALWAYS and it is hereby agreed that  
if the said yearly rent shall be in arrears for  
thirty days after the same shall have become payable

Exhibit 4 - Special  
Mining Lease 175

whether such rent shall have been legally demanded or not any officer appointed or authorised thereto by the Minister for Mines may by himself or his agent enter upon the said land by such means and in such manner as he may determine and seize and distrain all minerals metals and ores actually got and raised from the said mine and all machinery apparatus tools waggons carts carriages engines plant and all other goods chattels and effects whatsoever in upon and about the said mine or used in connection therewith and in every distress thus made may take away sell and dispose of as in cases of distress for rent reserved in common leases and out of the moneys arising thereby retain so much as shall be sufficient to satisfy the said arrears and which shall at the time of such sale be unpaid and all expenses incurred by him or them in or in respect of such seizure distraint removal and sale and if there by any surplus such officer shall pay the same to the said lessees- and the acceptance or receipt of rent by Us or on Our behalf after breach of any covenant hereinafter contained shall not be or be deemed a waiver of the right of Us or of the Minister for Mines or other Officer on Our behalf to enforce observance of such covenant AND the said lessees- and every two or more of them do and each of them doth hereby covenant with Us Our Heirs and Successors in manner following that is to say:-

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1. THAT the said lessees shall during the said term pay unto Us Our Heirs and Successors the rent and royalty hereby reserved at the time and places hereinbefore appointed for payment thereof clear of all deductions.

2. AND shall upon and during all lawful working days except when prevented by inevitable accident or during the execution of repairs work the said mine in the best and most effectual manner and to the best advantage without interruption and shall with reasonable expedition make and construct all necessary works with a view to diligently explore and search for -zircon, rutile, ilmenite and monazite ---- in and under the said mine.

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3. AND shall employ in the construction of the works or in mining operations in the said mine throughout the said term and during the usual hours of labour not less than -seven- able and competent workmen and miners unless prevented by inevitable accident or during the execution of repairs.

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4. AND shall during the said term effectually drain the said mine and pump all water likely to cause injury thereto or which would prevent or interfere with the working thereof and if the said mine shall be affected or be liable to be affected

Exhibit 4 - Special  
Mining Lease 175

by the same flow or body of water as any other mine or mines contiguous thereto shall if and whenever requested so to do contribute with the lessee or lessees or owner or owners of such other mine or mines a reasonable proportion of the machinery and labour necessary to free and keep such mine or mines free from water to a workable extent or if the said mine shall be kept free from water to a workable extent either wholly or partially by means of the machinery and labour of a contiguous mine or mines or by reason of any works constructed or money expended by the lessee or lessees owner or owners of such contiguous mine or mines - then shall pay to such lessee or lessees owner or owners as aforesaid a reasonable proportion of the cost of such machinery labour or works or a reasonable proportion of the money so expended and the Minister for Mines may if and whenever he shall think fit depute some efficient person who shall have access to and inspection of all such mines to determine when the said mine is so freed or kept wholly or partially free from water and what is the reasonable proportions of such expenses aforesaid and to whom and when the same are to be paid - such decision to be final and conclusive on all parties.

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5. AND shall make such provision for the disposal of the detritus dirt waste or refuse of the said mine that the same shall not be an inconvenience nuisance or obstruction to any roadway river creek or private or Crown lands or in any manner occasion any public or private damage or inconvenience.

6. AND shall maintain some approved boundary marks at each angle of the said mine and at such points along the boundary lines as shall be necessary so as to plainly and accurately define the boundary lines and angles of the said mine and in case posts shall be erected each such post shall be fixed firmly in the ground and shall project above the surface thereof not less than three feet.

7. AND shall as often as required so to do during the term make and deliver to the Minister for Mines or any officer appointed or instructed to collect obtain or receive the same all such true and proper plans and sections returns and statistics of the workings and operations of the said mine made up to the last day of the preceding month (the truth and accuracy of which shall be verified by the statutory declaration of the lessees for the time being or the manager or other officer having the charge control and direction of the works of the said mine) as the Minister for Mines shall from time to time direct And shall furnish to the Under Secretary for Mines not later than the seventh day

Exhibit 4 - Special  
Mining Lease 175

of January in each year a return showing the gross quantity and value of all --- zircon, rutile, ilmenite and monazite --- won from the said land up to the thirty-first day of December in the preceding year. And shall whenever required by the Minister for Mines so to do deliver to any officer appointed or instructed as aforesaid samples of the minerals metals and ores or any of them found in or upon such mine. 10

8. AND shall during the said term make proper and reasonable compensation to the occupier or occupiers lessee or lessees from the Crown of any adjoining land in respect of any damage which may be sustained by him or them by reason of the working of the said mine or the carrying on of the works thereof or connected therewith such compensation to be determined by the Minister for Mines or by some person authorised by him so to do. 20

9. AND further shall at all times during the said term keep and preserve the said mine from all avoidable injury or damage and also the levels drifts shafts watercourses roads ways works erections and fixtures therein and thereon in good repair and condition and in such state and condition shall at the end or sooner determination of the said term deliver peaceable possession thereof and of all and singular the premises hereby demised to Us Our Heirs and Successors or to the Warden or other officer authorised to receive possession thereof. 30

10. AND shall not use or occupy or permit to be used or occupied the said land hereby demised or any part thereof for other than the purposes aforesaid ~~except-as-hereinafter~~ provided namely-that/if the lessees may use or occupy or permit to be used or occupied as sites for dwellings or garden ground for the persons employed in on or about the said mine or for pasturage for stock employed in the working of the mine or required for the subsistence of the persons so employed such part or parts of the surface of the said land ~~as-the-Minister-for-Mines-may-by writing-under-his-hand-sanction-and-define-but~~ the lessees shall not be entitled to demand or receive any sum by way of rent or charge for such occupation by the persons so employed except with the sanction in writing of the Minister for Mines. 40

11. AND shall permit any employee who has erected or purchased any building or other improvement on the said land to remove such building or improvement at any time during his employment, or within one month after the determination of such employment, or to sell such building or improvement to any other person employed on or about the said land. 50

12. AND shall not assign or sublet this lease or any interest therein or enter into any tribute



contract relating to the land the subject thereof or any mine gold or minerals therein without the previous sanction in writing of the Minister for Mines.

13. AND shall not plead acceptance of rent by or on behalf of Us Our Heirs or Successors as a waiver of the right of Us or of the Minister for Mines or other Officer on Our behalf 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 Governor with the advice of the Executive Council to cancel this lease for breach of any such covenant. 10

14. PROVIDED always and it is hereby agreed and declared in manner following:- That it shall be lawful for Us Our Heirs and Successors without compensation to the lessee to make and use in on or under the said land hereby demised any levels drifts leads shafts watercourses adits roads ways and passages for freeing and keeping free any other lands or mines from water or for conveying water to any other lands or mines for mining purposes or for supplying any other mines with fresh air or for effectually working any other mines or for any public purpose whatsoever causing as little damage obstruction or interference as possible to or with the said mine and the works thereof And if at any time during the term hereby created any part or parts of the land hereby demised or any part or parts of the surface thereof shall be required for the purpose of any township village railway road canal watercourse reservoir or for any other purpose which the Governor may declare a public purpose it shall be lawful for the Governor with the advice of the Executive Council on giving one month's notice of his intention so to do to the lessees to cancel the said lease so far as it relates to any right to the surface and the specified depth below the surface of the said part of the land and thereupon the said part shall subject to the right of the said lessees to mine thereunder but without any compensation payable by Us Our Heirs or Successors to the said lessees become Crown lands within the meaning of the Crown Lands Act and may be dealt with thereunder. 30 40

15. IF the said lessees at any time during the term of this demise:-  
(a) fails to fulfil or contravenes the conditions and covenants contained or referred to herein; or  
(b) fails to use the land bona fide for the purposes for which it has been demised; or  
(c) uses it for a purpose other than that for which it has been demised  
this lease may be cancelled by the Governor and the cancellation shall take effect on the date proclaimed 50

Exhibit 4 - Special  
Mining Lease 175

in the Government Gazette and the production of a copy of the Government Gazette containing a notice purporting to be signed by the Minister for Mines declaring the lease cancelled shall be conclusive evidence of the facts stated therein and upon the date proclaimed as aforesaid it shall be lawful for Us Our Heirs and Successors or Our or their agents or or officers or for any bailiff or other person duly authorised thereto or for any holder of a miner's right who has the permission of the Minister for Mines without any previous demand whatsoever to enter forthwith into and upon the said land hereby demised and the same to repossess and enjoy as fully and effectually to all intents and purposes as if these presents had not been made and the said lessees to expel and remove without any legal process and as effectually as the Sheriff might do in case judgment in ejectment had been obtained and a writ of habere facias possessionem had been issued on such judgment and in case of such entry and any legal proceeding taken in respect thereof the defendant or defendants in any such proceeding may plead leave and license in bar thereof and these presents shall be conclusive evidence of such leave and license by the lessees or other the person or persons plaintiff or plaintiffs in such proceedings for such entry or other matters complained of in such proceeding.

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16. AND it is hereby declared that all conditions and provisions contained in the "Mining Act, 1906-1952," and the regulations thereunder or any other law or statute 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 said lessees hereby covenant/ to observe fulfil and perform the same.

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17. AND it is hereby further declared 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 lessees 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 whereby the lessees covenant/ with Us Our Heirs and Successors to observe and perform the said provisions and conditions.

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18. AND IT IS HEREBY SPECIALLY AGREED AND DECLARED THAT the said lessees shall observe and perform the special conditions endorsed on Annexure "A" hereto. -----

50

J.B. Simpson.

Exhibit 4 - Special  
Mining Lease 175

IN TESTIMONY WHEREOF We have caused this Our Lease  
to be sealed with the Seal of Our said State.

(L.S.)

WITNESS Our Trusty and Well-beloved Sir Eric Winslow  
WOODWARD, Knight Commander of Our Most Distinguished  
Order of Saint Michael and Saint George, Companion  
of Our Most Honourable Order of the Bath, Commander  
of Our Most Excellent Order of the British Empire,  
Companion of Our Distinguished Service Order, Knight  
of the Venerable Order of St. John of Jerusalem,  
Lieutenant-General on the Retired List of Our  
Australian Military Forces, Governor of Our State of  
New South Wales and its Dependencies in the Common-  
wealth of Australia, at Sydney in Our said State,  
this Third day of May in the tenth year of Our Reign,  
and in the year of Our Lord one thousand nine hun-  
dred and sixty-one.

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E.W. Woodward  
Governor.

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Exhibit 4 - Special  
Mining Lease 175

Sections 38(2)/&107A Mining Act, 1906-1952  
as amended

\$=02.10 (\$2.10)  
STAMP DUTY.

CREST

RENEWAL OF - A SPECIAL - LEASE OF CROWN LAND  
UNDER THE MINING ACT, 1906-1952  
as amended AW JJ

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-----  
Elizabeth the Second, by the Grace of God of the  
United Kingdom, Australia and Her other Realms and  
Territories Queen, Head of the Commonwealth,  
Defender of the Faith.  
-----

To all to whom these presents shall come, Greeting:-

WHEREAS these presents are intended to be read as if  
endorsed upon or annexed to a lease by His Her  
Majesty King Queen Elizabeth the Second to AUBREY  
ARTHUR BROWN and RONALD ROY NASH

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dated the -third- day of -May- one thousand nine  
hundred and -sixty-one- registered as number -175-  
in the Department of Mines, Sydney (hereinafter  
called the "Within Lease") the term of which ---  
expired on the -third- day of -May- one thousand  
nine hundred and -sixty-six- AND WHEREAS the term of  
the Within Lease has been deemed to be extended by  
Section 107A of the Mining Act, 1906, as amended. --  
AND WHEREAS the Within Lease now stands registered  
in the said Department of Mines in the name of  
----- WYONG ALLUVIALS PTY. LIMITED -----

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AND WHEREAS in pursuance of the provisions of the  
Mining Act, 1906-1952 as amended and the Regulations  
thereunder the said

----- WYONG ALLUVIALS PTY. LIMITED -----  
has duly applied for renewal of the "Within Lease"  
which We have agreed to grant for a further term of  
--- until ----- years to commence on the ---- third  
--- day of ---May----one thousand nine hundred and  
seventy-one-- subject to the conditions covenants  
and provisions of the said lease save as modified by  
the provisions hereinafter reserved and contained or  
referred to NOW KNOW YE that in pursuance of the  
provisions of the Mining Act, 1906-1952 as amended  
and in consideration of the covenants and conditions  
herein contained or referred to WE DO HEREBY GRANT  
unto the said

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----- WYONG ALLUVIALS PTY. LIMITED -----  
(which with --- its successors and transferees is --  
hereinafter referred to as "the Lessee") ALL AND  
SINGULAR the piece or parcel of land and premises  
comprised in and demised by the "Within Lease"

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Exhibit 4 - Special  
Mining Lease 175

(except and reserving as is excepted and reserved by the "Within Lease" and excluding such land if any which may have been surrendered cancelled or otherwise excised from the "Within Lease") TO HOLD the land and premises hereinbefore expressed to be demised (subject to such rights and interests as may be lawfully subsisting therein at the date of these presents) unto the said lessee for the term of until 10  
~~years-commencing-on~~ the third -- day of -- May -- one thousand nine hundred and seventy-one --- for the purpose for which the "Within Lease" was expressed to be granted and for no other purpose YIELDING AND PAYING therefore unto Us Our Heirs and Successors yearly and every year during the said term the yearly rent of One Hundred & Eighteen Dollars and -- fifty cents in advance to be paid to Our ~~Secretary~~ Minister for Mines in Sydney on or before the third -- day of May---- in each and every year all such rent to be 20  
paid without any deduction and clear of all rates taxes and assessments to which the said land and premises are now or at any time during the said term may be subject or liable and subject to the terms conditions and covenants in the "Within Lease" contained and subject to the conditions hereinafter provided AND IT IS HEREBY AGREED AND DECLARED that ~~(a)-the-clause-in-the-"Within-Lease"-providing-that-the-lessee-shall-not-be-required-to-pay-royalty-in-any-one-year-if-the-gross-output-of-the-mineral-does-not-exceed-five-hundred-pounds-in-value-during-such-year-shall-be-and-is-hereby-deleted-to-take-effect-as-and-from~~ 30

~~(b)~~ (a) the lessee shall pay unto Us Our Heirs and Successors yearly and in every year during the said term royalty at the rates as set out on the attached Annexure "A".

~~(c)~~ (b) all such royalty shall be payable at the time and the place and in the manner prescribed by the Regulations in force for the time being under the Mining Act, 1906, and the Acts amending the same. 40

AND IT IS HEREBY AGREED AND DECLARED that Special Conditions 1-24 (inclusive) of the Within Lease shall be deleted. -----

AND that the lessee shall observe and perform the Special Conditions as set out on the attached Annexures "B" and "C" -----

AND IT IS HEREBY FURTHER AGREED and the lessee HEREBY COVENANTS that the lessee will upon demand by Us and 50  
if no demand be made within six months from the date of these presents then forthwith upon the expiration of the said period of six months from the date hereof PAY the amount of rent and royalty payable during or in respect of the period for which the term of the

Exhibit 4 - Special  
Mining Lease 175

said lease has been deemed to be extended by Section 107A of the Mining Act, 1906, as amended, as varied under Subsection (3) of the said Section 107A AND IT IS HEREBY AGREED AND DECLARED that a certificate under the hand of the Under Secretary of the Department of Mines or the person for the time being acting as such as to the amount to which the said rent and royalty or either of them were varied shall be final and conclusive as to any such amount and that the amount of rent and royalty payable or either of them as the case may be were duly varied and shall be binding upon the lessee. -----

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ANNEXURE "A" REFERRED TO HEREIN

1. The said lessee/s shall pay to the Minister for Mines a royalty of one and one-half per centum of the value of rutile concentrates and zircon concentrates won from the land hereby demised and for the purpose of the assessment and payment of royalty the value of rutile concentrates so won shall be calculated by multiplying the number of tons of rutile concentrates won during each annual period commencing on the first day of January and ending on the thirty-first day of the following December by the average price of rutile concentrates for that annual period calculated or determined in the manner hereinafter appearing and the value of zircon concentrates so won shall be calculated by multiplying the number of tons of zircon concentrates won during each such annual period by the average price of zircon concentrates for that annual period calculated or determined in the manner hereinafter appearing.

The average price of rutile concentrates for any such annual period shall be ascertained by dividing the number of tons of rutile concentrates the produce of the land hereby demised sold by the lessee/s during that annual period into the total amount for which rutile concentrates the produce of the land hereby demised were sold by the lessee/s during the said annual period and the average price of zircon concentrates for any such annual period shall be ascertained by dividing the number of tons of zircon concentrates the produce of the land hereby demised sold by the lessee/s during that annual period into the total amount for which zircon concentrates the produce of the land hereby demised were sold by the lessee/s during the said annual period.

For the purpose of computing the total amount for which rutile concentrates or zircon concentrates the produce of the land hereby demised were sold during any annual period the following provisions shall apply:

(a) In respect of any rutile concentrates or zircon concentrates sold by the lessee/s f.o.b. at the port of shipment nearest to the land hereby demised the amount for which such concentrates shall for the purpose of this clause be deemed to have been sold shall be the full amount of the f.o.b. price paid or payable to the lessee/s.

(b) In respect of any rutile concentrates or zircon concentrates sold by the lessee/s otherwise than in the manner mentioned in sub-paragraph (a)

Exhibit 4 - Special  
Mining Lease 175

of this clause the amount for which such concentrates shall for the purposes of this clause be deemed to have been sold shall be a sum estimated by the Minister for Mines to be the price for such concentrates f.o.b. at the port of shipment nearest to the land hereby demised which would be equivalent to the price paid or payable to the lessee/s.

PROVIDED HOWEVER AND IT IS HEREBY AGREED AND DECLARED that if the lessee/s shall not during any such annual period sell any rutile concentrates the produce of the land hereby demised or if the lessee/s shall during any such annual period sell rutile concentrates the produce of the land hereby demised but the Minister for Mines shall be of opinion that the price paid or payable to the lessee/s for such rutile concentrates so sold or any part of such rutile concentrates so sold is less than the full market value at the time of the sale then the average price of rutile concentrates for that annual period shall be a sum determined by the Minister for Mines and if the lessee/s shall not during any such annual period sell any zircon concentrates the produce of the land hereby demised or if the lessee/s shall during any such annual period sell zircon concentrates the produce of the land hereby demised but the Minister for Mines shall be of opinion that the price paid or payable to the lessee/s for such zircon concentrates so sold or any part of such zircon concentrates so sold is less than the full market value at the time of the sale then the average price of zircon concentrates for that annual period shall be a sum determined by the Minister for Mines. Any determination by the Minister for Mines of the average price of rutile concentrates or of zircon concentrates for any annual period shall be made in such manner as the Minister for Mines may see fit as soon as may be after the end of such annual period but in making the determination the Minister for Mines shall have regard to the open market price for rutile concentrates and zircon concentrates respectively during such annual period and the selling prices actually received during such annual period by producers in the State of New South Wales for rutile concentrates and zircon concentrates respectively. The Minister for Mines may ascertain the open market prices and the selling prices actually received by producers in such manner as he may see fit.

A certificate under the hand of the Under Secretary for Mines or of the person for the time being acting as such as to any one or more of the following matters:



Exhibit 4 - Special  
Mining Lease 175

- (i) that a price for any rutile concentrates or for any zircon concentrates has been estimated by the Minister for Mines for the purposes of sub-paragraph (b) of this clause at an amount set forth in the certificate
  - (ii) that the Minister for Mines is of opinion that the price paid or payable to the lessee/s for any rutile concentrates or zircon concentrates is less than the full market value at the time of sale 10
  - (iii) that the average selling price of rutile concentrates or of zircon concentrates for any annual period has been determined by the Minister for Mines for the purposes of the foregoing proviso in this clause at an amount set forth in the certificate
- shall be binding upon the lessee/s and shall in all respects and for all purposes be conclusive evidence of the matters therein stated and of the amount and due estimation or determination of any price therein set forth. 20

2. The said lessee/s shall pay to the Minister for Mines a royalty of one and one-half per centum of the market value ~~at-the-land-hereby-demised~~ of all monazite ~~garnet-gold-tin-platinum~~ and ilmenite won or contained in any primary concentrates won from the said land. The market value ~~at-the-land hereby-demised~~ of any of the minerals referred to in this clause won or contained in any primary concentrates won from the said land shall be determined by the Minister for Mines in such manner as he may think fit. A certificate under the hand of the Under Secretary for Mines or of the person for the time being acting as such that the market value ~~at-the-land hereby-demised~~ of any of the said minerals has been determined by the Minister for Mines at an amount set forth in the certificate shall be binding upon the lessee/s and shall in all respects and for all purposes be conclusive evidence of the matters therein stated and of the amount and due determination of any price therein set forth. 30 40

WYONG ALLUVIALS PTY. LIMITED

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ANNEXURE "B" REFERRED TO HEREIN 175

~~1. -----The said lessee/s shall within twelve months of the date of the lease or any renewal thereof erect a separation plant upon the subject land or other land to the satisfaction of the Minister for Mines or furnish to the Minister for Mines satisfactory evidence that the said lessee/s has made suitable arrangements for the treatment of concentrates~~ 10

1. ~~2.~~ (a) If in the opinion of the Minister for Mines the quantity of silica being removed from the area demised as a consequence of mining operations is likely to impair the restoration of the area demised or cause damage to or interfere with adjoining mining leases or other lands the Minister for Mines or the Under Secretary for Mines may direct by writing under his hand from time to time as the circumstances so required the said lessee/s to reduce the quantity of silica being so removed. The said lessee/s shall comply forthwith with any direction so given and in the event of non-compliance this lease may be cancelled. 20

(b) The Minister for Mines may vary or revoke any direction given or which may be given in accordance with the foregoing clause.

2. ~~3.~~ (a) The said lessee/s shall treat by means of spiral concentrators or other approved method of concentration on or adjacent to the area demised all material mined so as to produce a concentrate containing not less than ~~eighty-five~~ sixty-five per centum of heavy minerals and all tailings from such operations shall be returned continuously as far as may be practicable to the excavations made on the area demised provided that where the circumstances so warrant the Minister for Mines or the Under Secretary for Mines on application in writing by the said lessee/s may authorise:- 30

(i) the removal of material without prior concentration, or 40

(ii) the production of a concentrate containing less than ~~eighty-five~~ sixty-five per centum of heavy minerals.

(b) Where authority is given in accordance with either of the provisos to the foregoing clause ~~3(a)~~ 2(a) the said lessee/s shall observe and perform the conditions and stipulations laid down in such authority and such authority may be varied or revoked at any time by notice in writing under the hand of the ~~District Inspector of Mines who is hereby authorised to so act on behalf of the~~ Minister for Mines. 50

(c) Any notice given in accordance with the foregoing clause ~~3(b)~~ 2(b) shall take effect within the period of time stated in such notice and

in the event of any failure to observe and comply with such notice this lease or any renewal thereof may be cancelled.

~~4. (a) Where mining is conducted on the beach the tailings shall be returned continuously to the excavations made and the surface shall be levelled off to restore as near as possible the original contours of the beach.~~

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3. ~~(b)~~ Where mining is conducted on the beach the tailings shall be returned continuously to the excavations made and the surface shall be graded to an angle approved by the Minister for Mines.

4. ~~b.~~ In the event of operations by the said lessee/s on the area demised causing damage to any lands which have been restored after mining the said lessee/s shall repair such damage on the said lessee/s own expense to the satisfaction of the Minister for Mines.

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5. ~~b.~~ The said lessee/s shall not conduct any dredging and/or other mining operations on or under the main frontal sand dune nor within one foot ~~feet~~ of the seaward side of the base thereof unless with the consent of the Minister for Mines in writing first had and obtained and subject to such conditions as he may stipulate.

6. ~~7.~~ (a) In the event of it being necessary to drive roads of access through the main frontal sand dune the said lessee/s shall protect the base and sides of such cut-throughs with corduroys of poles to prevent the formation of moving sand dunes and the said lessee/s shall construct and maintain such corduroys to the satisfaction of the Minister for Mines.

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(b) Upon ceasing to use such cut-throughs or if sooner directed so to do by the Minister for Mines the said lessee/s shall restore the main dune to its original contours unless the Minister for Mines shall otherwise direct shall plant the same with grasses plants shrubs and/or trees and erect brush fences and/or lay a matting of brush thereon to the satisfaction of the Minister for Mines.

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7. ~~8/~~ (a) Unless otherwise ~~if so~~ directed by the Minister for Mines the said lessee/s shall remove the surface ~~soil~~ material to a depth of twelve inches on such part of the area demised as may be disturbed by mining operations and shall stack such surface ~~soil~~ material separately on the area demised or on such other land as the Minister may authorise in writing and subject to such conditions as he may stipulate.

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(b) The said lessee/s shall return all residues and tailings to the excavations made level off all worked ground or if so directed by the Minister for Mines contour such ground to a shape

Exhibit 4 - Special  
Mining Lease 175

satisfactory to the Minister for Mines replace any surface soil material previously removed and plant the same with such grasses plants shrubs and/or trees as may be required by the Minister for Mines and shall maintain and care for the same during the currency of this lease and any renewal thereof to the satisfaction of the Minister for Mines.

(c) The said lessee/s shall restore all worked areas concurrently with mining operations and shall observe any instructions which may be given by the Minister for Mines or the Under Secretary for Mines in connection with the restoration of the area demised. 10

(d) The said lessee/s shall as far as may be practicable so conduct operations as not to cause any damage to shrubs and trees or other native flora growing upon the area demised and shall stack and burn all shrubs and trees or other native flora which may be disturbed or destroyed as a result of the operations hereby authorised provided that before doing so the said lessee/s shall obtain from the responsible authority permission to light fires. 20

(e) If so directed by the Minister for Mines the said lessee/s shall provide and erect brush fences and/or lay a matting of brush to prevent as far as may be practicable the scouring action of the wind and to provide protection for the grasses plants shrubs and/or trees planted on those parts of the area demised which have been levelled and/or contoured and restored and the said lessee/s shall maintain such brush fences or matting to the satisfaction of the Minister for Mines. 30

(f) Unless with the consent of the Minister for Mines or the Under Secretary for Mines first had and obtained the said lessee/s shall restrict any clearing of or disturbance to the surface of the area hereby demised to a distance not greater than five chains from the site of mining operations. 40  
~~9. -----Where operations are conducted on the main frontal sand dune the said lessee/s shall restore the worked dune as far as may be practicable to the same slope and contour as the original dune unless the Minister for Mines or the Under Secretary for Mines shall otherwise direct.~~

8. 10. (a) In the event of operations being conducted other than by means of dredging the said lessee shall mine the area in sections of such dimensions as the Minister for Mines may stipulate from time to time. 50

(b) Upon completion of mining operations in each section all residues and tailings shall be returned to the excavations made and all worked ground shall be levelled off and any surface soil material previously removed shall be replaced and

Exhibit 4 - Special  
Mining Lease 175

planted with such grasses plants shrubs and/or trees as may be required by the Minister for Mines provided that the mining of the next section may be carried out conjointly with the restoration of the last worked section but no further section shall be mined until such restoration is completed.

175

9. ~~11~~. The said lessee/~~s~~ shall confine the deposition of overburden removed during dredging and/or other mining operations within the boundaries of the area demised or on such other land as may be approved in writing by the Minister for Mines and subject to such conditions as he may think necessary to impose. 10

10. ~~12~~. The said lessee/~~s~~ shall conduct operations in such a manner as not to create any danger from floods or storms and shall observe and perform any instructions given or which may be given by the Minister for Mines with a view of minimising or preventing any flood or storm damage. 20

11. ~~13~~. The said lessee/~~s~~ shall at all times so conduct operations as to cause as little interference as possible with the public use and enjoyment of the beach for fishing and recreation and shall permit free and uninterrupted access by the public to the beach at all times.

12. ~~14~~. The said lessee/~~s~~ shall as far as may be practicable so conduct operations as not to interfere in any way with the public use and enjoyment of Reserve the affected Reserves ~~for~~----- 30

13. ~~15~~. The said lessee/~~s~~ shall not interfere unless with the consent of the Minister for Mines first had and obtained with any life-savers' sheds and apparatus now or at any time erected or installed on the area demised and shall so conduct operations within the vicinity of the part of parts of the beach or beaches used by bathers that the same shall not cause any danger or obstruction to such bathers.

14. ~~16~~. The said lessee/~~s~~ shall at all times permit the lessee/~~s~~ of adjoining or adjacent leases to have reasonable access across the area demised at such points and in such manner as may be agreed upon or in the absence of agreement as may be determined by the Warden under the provisions of Section 111, Mining Act, 1906, as amended. 40

15. ~~17~~. The said lessee/~~s~~ shall observe any instructions which may be given by the Minister for Mines with a view of minimising or preventing public inconvenience or damaging public or private property. 50

16. ~~18~~. In the event of any improvements on the area demised being damaged or disturbed by dredging and/or other mining operations by the said lessee/~~s~~ such improvements shall be restored to the satisfaction of the owner of such improvements or the Minister for Mines.

17.19. The said lessee/s shall conduct operations in such a manner as not to cause any danger to stock on the area demised and the said lessee/s shall not keep nor permit to be kept any dog unless chained up or kept under proper control.

18.20. If so directed by the Minister for Mines the said lessee/s shall fill in any dredge pool or other excavation on the area demised and shall observe any instruction which may be given from time to time in this regard by the Minister for Mines or the Under Secretary for Mines. 10

19. 21. If so directed by the Minister for Mines the said lessee/s shall provide and maintain a secure fence to the satisfaction of the Minister for Mines around each dredge pool or other excavation opened up or used by the said lessee/s and shall observe any instructions which may be given from time to time in this regard by the Minister for Mines or the Under Secretary for Mines. 20

20. 22. If so directed by the Minister for Mines the said lessee/s shall spread fertiliser of such type and in such quantity as may be directed over the restored area to assist the growth of such grasses plants shrubs and/or trees as may have been planted in accordance with any of the foregoing special conditions.

~~23. If so directed by the Minister for Mines the said lessee/s shall enclose the area demised with a secure stockproof fence and such fencing shall be erected and maintained in a manner satisfactory to the Minister for Mines.~~ 30

24. Mining between the floor of an excavation and shall cease when a straight line drawn from to the nearest edge of the floor of the excavation exceeds an angle of forty-five degrees measured from the horizontal unless otherwise determined by the Minister for Mines. 40

21. 25. Before dredging and/or other mining operations are commenced on the area demised the said lessee/s shall lodge with the Minister for Mines a deposit of ten thousand dollars pounds or with an approved surety enter into a bond in the penal sum of ----- pounds as a guarantee that the foregoing conditions shall be well and faithfully observed and in the event of any failure to perform such conditions such sum shall be applied towards the cost of making good the damage caused. 50

~~26. The said lessee/s shall lodge with the Minister for Mines a deposit of ----- pounds or with an approved surety enter into a bond in the penal sum of ----- pounds as a guarantee that the foregoing conditions shall be well and~~

Exhibit 4 - Special  
Mining Lease 175

~~faithfully-observed-and-in-the-event-of-any-failure  
to-perform-such-conditions-such-sum-shall-be-applied  
towards-the-cost-of-making-good-the-damage-caused.~~

22.27. If it is found that the operations hereby  
authorised are causing any undue damage to or erosion  
of the subject land or other land in the vicinity  
thereof the Governor with the advice of the Executive  
Council may cancel this lease or any renewal thereof  
without compensation to the said lessee/s upon giving  
one month's notice of his intention so to do.

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23.28. The said lessee/s if so required by the Mini-  
ster for Mines or the Under Secretary for Mines  
shall surrender such part or parts of the area demis-  
ed as have been worked and restored in accordance  
with the foregoing conditions.

29.-----The-said-lessee/s-shall-not-cut-destroy-ring-  
bark-or-remove-any-timber-or-other-vegetative-cover  
on-the-said-land-except-such-as-directly-obstructs  
or-prevents-the-carrying-on-of-the-operations-hereby  
authorised-and-subject-to-payment-to-the-owner-of  
compensation-assessed-as-prescribed-by-the-Mining  
Act, 1906, as amended.

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WYONG ALLUVIALS PTY. LIMITED

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ANNEXURE "C" REFERRED TO HEREIN SL.175

1. (a) The said lessee shall not excavate within fifty (50) feet of the boundaries of the road(x) shown on the said plan/annexed to the Within Lease unless with the consent of the Minister for Mines first had and obtained and subject to such conditions as he may stipulate.

(b) Notwithstanding that the said lessee shall have complied with this condition the said lessee shall pay to Wyong Shire Council Department of Lands or the Commissioner for Main Roads the cost incurred by such Council or Department or Commissioner of making good any damage to such road(x) caused by mining operations carried on by or under the authority of the said lessee or any person claiming through or under ~~him~~/it.

10

AND THE LESSEE HEREBY COVENANTS with the said Council that the lessee will pay to the said Council the cost incurred by the said Council of making good any such damage caused as aforesaid and the lessee hereby covenants with the said Commissioner that the lessee will pay to the said Commissioner the cost incurred by the said Commissioner of making good any such damage as aforesaid.

20

AND IT IS HEREBY AGREED AND DECLARED that the amount to be paid by the said lessee under the provisions of this clause shall include in addition to the cost of all necessary labour and materials all costs and expenses reasonably incurred in and about the making of surveys the preparation of plans and specifications and estimates the supervision and inspection of the works and all administrative and overhead costs and expenses of the Council or the Department of Lands or the Commissioner for Main Roads as the case may be related or attributable to the works undertaken to make good any damage caused to the said road(x). A certificate under the hand of the Town or Shire Clerk of the local Council or the Under Secretary for Lands or the Commissioner for Main Roads or the person for the time being acting as such Clerk, Under Secretary or Commissioner as to the amount of the cost of making good any damage to the said road(x) shall in all respects and for all purposes be conclusive evidence of the amount of such cost and of the due determination thereof.

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2. The said lessee shall not interfere in any way with any fences on or adjacent to the area demised unless with the consent in writing of the owner thereof or the Minister for Mines first had and obtained.

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Exhibit 4 - Special  
Mining Lease 175

3. Upon the expiry or sooner determination of this lease or any renewal thereof the said lessee shall remove all machinery and buildings and the area demised shall be left in a clean and tidy condition to the satisfaction of the Minister for Mines.

4. (a) The said lessee shall within twelve months of the date of the lease or any renewal thereof erect a separation plant upon the subject land or other land to the satisfaction of the Minister for Mines or furnish to the Minister for Mines satisfactory evidence that the said lessee has made suitable arrangements for the treatment of concentrates. 10

(b) The said lessee shall not permit excessive quantities of silica sand tailings to accumulate around or adjacent to a separation plant and all such tailings shall be returned continuously as far as may be practicable to the excavations made on the area demised or on such other land as may be directed by the Minister for Mines. 20

5. The said lessee shall not conduct any mining operations within a distance of five chains west of the base of the main frontal dune on the eastern side of the area demised unless with the consent of the Minister for Mines first had and obtained and subject to such conditions as he may stipulate.

WYONG ALLUVIALS PTY. LIMITED 30

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Exhibit 4 - Special  
Mining Lease 175

By virtue of Executive Council Minute No. 46 dated 17th November, 1971 His Excellency the Governor with the advice of the Executive Council granted the withinnamed lessee Authority to mine gold from the subject area in addition to the minerals for which the lease was demised, subject to the conditions as set out in Annexure "X" endorsed hereto:-

ANNEXURE "X"

10

1. The lessee shall pay to the Minister for Mines a royalty at the rate of two (2) per centum of the value of all gold won from the areas demised at the times and in the manner prescribed by the Mining Act, 1906, as amended and the Regulations thereunder.
2. Other than for the purposes of payment of royalty this Authority shall be subject to the terms covenants and conditions of the respective leases and the provisions of the Mining Act, 1906, as amended and the Regulations thereunder. 20
3. This Authority may be varied or revoked at any time for any reason deemed to be good and sufficient.

Deputy Registrar

Exhibit 4 - Special  
Mining Lease 175

~~AND-IT-IS-HEREBY-AGREED-AND-DECLARED-that-if-the  
"Within-Lease"-shall-be-cancelled-or-become-void  
under-any-of-the-provisions-therein-contained-or  
otherwise-howsoever-(save-be-effluxion-of-time)  
then-these-presents-shall-thereupon-cease-and-deter-  
mine.~~

IN TESTIMONY WHEREOF WE have caused this Our  
Lease to be sealed with the Seal of Our said State. 10

WITNESS Our Trusty and Well-beloved Sir Arthur Roden  
Cutler, upon which has been conferred the decora-  
tion of the Victoria Cross, Knight Commander of Our  
Most Distinguished Order of Saint Michael and Saint  
George, Commander of Our Most Excellent Order of the  
British Empire, Knight of Our Most Venerable Order  
of St. John of Jerusalem, Governor of Our State of  
New South Wales and its Dependencies, in the Common-  
wealth of Australia, at Sydney, in Our said State,  
this twenty-second day of December in the fifteenth 20  
year of Our Reign, and in the year of Our Lord one  
thousand nine hundred and sixty-six.

A.R. Cutler  
GOVERNOR

~~IN-TESTIMONY-WHEREOF-WE-have-caused-this-Our-Lease  
to be sealed with the Seal of Our said State.~~

~~WITNESS Our Trusty and Well-beloved Lieutenant-General  
Sir ERIC WINSLOW WOODWARD, Knight Commander of Our  
Most Distinguished Order of Saint Michael and Saint  
George, Companion of Our Most Honourable Order of 30  
the Bath, Commander of Our Most Excellent Order of  
the British Empire, Companion of Our Distinguished  
Service Order, Knight of the Venerable Order of St.  
John of Jerusalem, Governor of Our State of New  
South Wales and its Dependencies, in the Commonwealth  
of Australia, at Sydney, in Our said State, this  
day of in the  
year of Our Reign, and in the year of Our Lord one  
thousand-nine-hundred-and~~

~~-----  
Governor. 40~~

WYONG ALLUVIALS PTY. LIMITED-----  
hereby accepts the extension of the term granted by  
this Renewal of Lease for a period of ---- until --  
years from the third day of May one thousand nine  
hundred and seventy one --- and agrees to be bound  
by the covenants and conditions thereof during the  
currency of such extended period.

Exhibit 4 - Special  
Mining Lease 175

The Common Seal of WYONG ) (L.S.)  
ALLUVIALS PTY. LIMITED was )  
hereunto affixed in accor- )  
dance with the Company's )  
Articles of Association )

in the presence of

(Note:  
Lessee to sign Annexures "A", "B" & "C" hereto.)

Exhibit 4 - Special  
Mining Lease 175

SPECIAL LEASE NO.175 (ACT 1906)

Dated 22nd December 1966.

---

HER MAJESTY THE QUEEN

TO

----- WYONG ALLUVIALS PTY. LIMITED -----

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RENEWAL

OF ----- SPECIAL ----- LEASE  
as amended  
No. 175 ----- Mining Act, 1906-~~1952~~.

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Registered in the Department of Mines, at  
Sydney, this Twentieth day of April A.D. 1967, at  
the hour of 10.00 o'clock in the FORE noon and  
numbered in the Register 175.

Acting/Registrar.

ANNEXURE "A" REFERRED TO HEREIN

1. (a) If in the opinion of the Minister for Mines the quantity of silica being removed from the area demised as a consequence of mining operations is likely to impair the restoration of the area demised or cause damage to or interfere with adjoining mining leases or other lands the Minister for Mines or the Under Secretary for Mines may direct by writing under his hand from time to time as the circumstances so require the said lessees to reduce the quantity of silica being so removed. The said lessees shall comply forthwith with any direction so given and in the event of non-compliance this lease may be cancelled. 10

(b) The Minister for Mines may vary or revoke any direction given or which may be given in accordance with the foregoing clause.

2. (a) The said lessees shall treat by means of spiral concentrators or other approved method of concentration on or adjacent to the area demised all material mined so as to produce a concentrate containing not less than sixty-five (65) per centum of heavy minerals and all tailings from such operations shall be returned continuously as far as may be practicable to the excavations made on the area demised provided that where the circumstances so warrant the Minister for Mines or the Under Secretary for Mines on application in writing by the said lessees may authorise;- 20

(i) the removal of material without prior concentration, or

(ii) the production of a concentrate containing less than sixty-five per centum of heavy minerals. 30

(b) Where authority is given in accordance with either of the provisos to the foregoing clause 2.(a) the said lessees shall observe and perform the conditions and stipulations laid down in such authority and such authority may be varied or revoked at any time by notice in writing under the hand of the District Inspector of Mines who is hereby authorised to so act on behalf of the Minister for Mines. 40

(c) Any notice given in accordance with the foregoing clause 2.(b) shall take effect within the period of time stated in such notice and in the event of any failure to observe and comply with such notice this lease may be cancelled. 50

3. Where mining is conducted on the beach the tailings shall be returned continuously to the excavations made and the surface shall be graded to an angle approved by the Minister for Mines.

4. (a) In the event of operations by the said lessees on the area demised causing damage to any

lands which have been restored after mining the said lessees shall repair such damage at their own expense to the satisfaction of the Minister for Mines.

(b) The said lessees shall not conduct any mining operations within one foot of the seaward side of the base of the main frontal dune unless with the consent in writing of the Minister for Mines or the Under Secretary for Mines first had and obtained and subject to such conditions and stipulations as may be imposed.

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5. In the event of dredging and/or other mining operations being conducted on the landward side of the main frontal sand dune the said lessees shall:-

(a) If so directed by the Minister for Mines remove the surface soil to a depth of twelve inches on such part of the area demised as may be disturbed by mining operations and such surface soil shall be stacked separately on the area demised or on such other land as the Minister for Mines may authorise in writing and subject to such conditions as he may stipulate.

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(b) Return all residues and tailings to the excavations made and all worked ground shall be levelled off and any surface soil previously removed shall be replaced and planted with such grasses plants shrubs and/or trees as may be required by the Minister for Mines.

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(c) Restore all worked areas concurrently with dredging and/or other mining operations and the said lessees shall observe any instructions which may be given by the Minister for Mines or the Under Secretary for Mines in connection with the restoration of the area demised.

(d) As far as may be practicable so conduct operations as not to cause any damage to shrubs and trees or other native flora growing upon the area demised and all timber and shrubs which may be disturbed or destroyed as a result of the operations hereby authorised shall not be buried but shall be stacked and burnt provided that the said lessees shall before burning such timber obtain from the responsible authority permission to light fires.

40

(e) If so directed by the Minister for Mines provide and erect brush fences and/or lay a matting of brush to prevent as far as may be practicable the scouring action of the wind on those parts of the area demised which have been levelled and restored and to provide protection for such grasses plants shrubs and trees which have been planted on such areas. Such brush fences shall be erected in such positions as may be directed by the Minister for Mines or the Under Secretary for Mines and shall be maintained to the satisfaction of the Minister for Mines.

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Exhibit 4 - Special  
Mining Lease 175

(f) Unless with the consent of the Minister for Mines or the Under Secretary for Mines first had and obtained the said lessees shall not clear or disturb the surface of the area demised except such as lies within a distance of five chains of that part of the area upon which mining operations are being conducted.

6. The said lessees shall within twelve months of the date of the lease erect a separation plant upon the subject land or other land to the satisfaction of the Minister for Mines or furnish to the Minister for Mines satisfactory evidence that they have made suitable arrangements for the treatment of concentrates. 10

Aubrey Brown R.R. Nash

-2-

7. In the event of roads of access being driven through the main frontal sand dune the said lessees shall protect the base and sides of such cut-throughs with corduroys of poles to prevent the formation of moving sand dunes and such works shall be constructed and maintained to the satisfaction of the Minister for Mines. Upon the cessation of the use of such cut-throughs the main dune shall be restored to its original contours protected by means of brush fences and/or matting of brush and planted with such grasses plants shrubs and/or trees as may be required by the Minister for Mines and the foregoing requirements shall be carried out to the satisfaction of the Minister for Mines. 20 30

8. The said lessees shall not conduct any dredging and/or other mining operations on or under the main frontal sand dune unless with the consent of the Minister for Mines in writing first had and obtained and subject to such conditions as he may stipulate.

9. (a) In the event of operations being conducted other than by means of dredging the said leases shall mine the area in sections of such dimensions as the Minister for Mines may stipulate from time to time. 40

(b) Upon completion of mining operations in each section all residues and tailings shall be returned to the excavations made and all worked ground shall be levelled off and any surface soil previously removed shall be replaced and planted with such grasses plants shrubs and/or trees as may be required by the Minister for Mines provided that the mining of the next section may be carried out conjointly with the restoration of the last worked section but no further section shall be mined until such restoration is completed. 50



Exhibit 4 - Special  
Mining Lease 175

10. The said lessees shall confine the deposition of overburden removed during dredging and/or other mining operations within the boundaries of the area demised or on such other land as may be approved in writing by the Minister for Mines and subject to such conditions as he may think necessary to impose.

11. The said lessees shall conduct operations in such a manner as not to create any danger from floods or storms and shall observe and perform any instructions given or which may be given by the Minister for Mines with a view of minimising or preventing any flood or storm damage.

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12. The said lessees shall at all times so conduct operations as to cause as little interference as possible with the public use and enjoyment of the beach for fishing and recreation and shall permit free and uninterrupted access by the public to the beach at all times.

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13. The said lessees shall as far as may be practicable so conduct operations as not to interfere in any way with the public use and enjoyment of Village Reserve No. 191 for extension to village and Reserve No. 33175 from Sale for Access.

14. The said Lessees shall not interfere unless with the consent of the Minister for Mines first had and obtained with any life-savers' sheds and apparatus now or at any time erected or installed on the area demised and shall so conduct operations within the vicinity of the part or parts of the beach or beaches used by bathers that the same shall not cause any danger or obstruction to such bathers.

30

15. The said lessees shall at all times permit the lessee of adjoining or adjacent leases to have reasonable access across the area demised at such points and in such manner as may be agreed upon or in the absence of agreement as may be determined by the Warden under the provisions of Section 111, Mining Act, 1906 as amended.

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16. The said lessees shall observe any instructions which may be given by the Minister for Mines with a view of minimising or preventing public inconvenience or damaging public or private property.

17. In the event of any improvements on the area demised being damaged or disturbed by dredging and/or other mining operations by the said lessees such improvements shall be restored to the satisfaction of the owner of such improvements or the Minister for Mines.

50

18. If so directed by the Minister for Mines the said lessees shall fill in any dredge pool or other excavation on the area demised and shall observe any instruction which may be given from time to time in this regard by the Minister for Mines or the Under Secretary for Mines.

Exhibit 4 - Special  
Mining Lease 175

19. If so directed by the Minister for Mines the said lessees shall provide and maintain a secure fence to the satisfaction of the Minister for Mines around each dredge pool or other excavation opened up or used by the said lessees and shall observe any instructions which may be given from time to time in this regard by the Minister for Mines or the Under Secretary for Mines.

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20. Before dredging and/or other mining operations are commenced on the area demised the said lessees shall lodge with the Minister for Mines a deposit of five thousand pounds (£5,000) for each dredging plant to be used on the area demised or with an approved surety enter into a bond in the penal sum of five thousand pounds (£5,000) for each such dredging plant to be used on the area demised as a guarantee that the foregoing conditions shall be well and faithfully observed and in the event of any failure to perform such conditions such sum or sums shall be applied towards the cost of making good the damage caused.

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21. The said lessees shall not conduct any mining operations within a distance of five chains west of the base of the main frontal dune on the eastern side of the area demised unless with the consent of the Minister for Mines first had and obtained and subject to such conditions as he may stipulate.

Aubrey A. Brown R.R. Nash

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-3-

22. If it is found that the operations hereby authorised are causing any undue damage to or erosion of the subject land or other land in the vicinity thereof the Governor with the advice of the Executive Council may cancel this lease or any renewal thereof without compensation to the said lessees upon giving one month's notice of his intention so to do.

23. The said lessees if so required by the Minister for Mines or the Under Secretary for Mines shall surrender such part or parts of the area demised as have been worked and restored in accordance with the foregoing conditions.

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24. (a) The said lessees shall not excavate within fifty (50) feet of the boundaries of the road shown on the said plan unless with the consent of the Minister for Mines first had and obtained and subject to such conditions as he may stipulate.

(b) Notwithstanding that the said lessees shall have complied with this condition the said lessees shall pay to Wyong Shire Council Department of Lands or the Commissioner for Main Roads the cost incurred by such Council or Department or Commissioner of making good any damage to such road caused by mining operations carried on by or under

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Exhibit 4 - Special  
Mining Lease 175

the authority of the said lessees or any person claiming through or under them.

AND THE LESSEES HEREBY COVENANT with the said Council that the lessees will pay to the said Council the cost incurred by the said Council of making good any such damage caused as aforesaid and the lessees hereby covenant with the said Commissioner that the lessees will pay to the said Commissioner the cost incurred by the said Commissioner of making good any such damage as aforesaid.

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AND IT IS HEREBY AGREED AND DECLARED that the amount to be paid by the said lessees under the provisions of this clause shall include in addition to the cost all necessary labour and materials all costs and expenses reasonably incurred in and about the making of surveys the preparation of plans and specifications and estimates the supervision and inspection of the works and all administrative and overhead costs and expenses of the Council or the Department of Lands or the Commissioner for Main Roads as the case may be related or attributable to the works undertaken to make good any damage caused to the said road. A certificate under the hand of the Shire Clerk of the local Council or the Under Secretary for Lands or the Commissioner for Main Roads or the person for the time being acting as such Clerk, Under Secretary or Commissioner as to the amount of the cost of making good any damage to the said road shall in all respects and for all purposes be conclusive evidence of the amount of such cost and of the due determination thereof. -----

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Aubrey A. Brown      R.R. Nash

Exhibit 4 - Special  
Mining Lease 175

ANNEXURE "B" REFERRED TO HEREIN

1. The said lessee shall pay to the Minister for Mines a royalty of one and one-half per centum of the value of rutile concentrates and zircon concentrates won from the land hereby demised and for the purpose of the assessment and payment of royalty the value of rutile concentrates so won shall be calculated by multiplying the number of tons of rutile concentrates won during each annual period commencing on the first day of January and ending on the thirty-first day of the following December by the average price of rutile concentrates for that annual period calculated or determined in the manner hereinafter appearing and the value of zircon concentrates so won shall be calculated by multiplying the number of tons of zircon concentrates won during each such annual period by the average price of zircon concentrates for that annual period calculated or determined in the manner hereinafter appearing.

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The average price of rutile concentrates for any such annual period shall be ascertained by dividing the number of tons of rutile concentrates the produce of the land hereby demised sold by the lessee during that annual period into the total amount for which rutile concentrates the produce of the land hereby demised were sold by the lessee during the said annual period and the average price of zircon concentrates for any such annual period shall be ascertained by dividing the number of tons of zircon concentrates the produce of the land hereby demised sold by the lessee during that annual period into the total amount for which zircon concentrates the produce of the land hereby demised were sold by the lessee during the said annual period.

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For the purpose of computing the total amount for which rutile concentrates or zircon concentrates the produce of the land hereby demised were sold during any annual period the following provisions shall apply:

40

- (a) In respect of any rutile concentrates or zircon concentrates sold by the lessee f.o.b. at the port of shipment nearest to the land hereby demised the amount for which such concentrates shall for the purpose of this clause be deemed to have been sold shall be the full amount of the f.o.b. price paid or payable to the lessee
- (b) In respect of any rutile concentrates or

Exhibit 4 - Special  
Mining Lease 175

zircon concentrates sold by the lessee otherwise than in the manner mentioned in subparagraph (a) of this clause the amount for which such concentrates shall for the purposes of this clause be deemed to have been sold shall be a sum estimated by the Minister for Mines to be the price for such concentrates f.o.b. at the port of shipment nearest to the land hereby demised which would be equivalent to the price paid or payable to the lessee 10

Aubrey A. Brown                      R. R. Nash

2.

PROVIDED HOWEVER AND IT IS HEREBY AGREED AND DECLARED that if the lessee shall not during any such annual period sell any rutile concentrates the produce of the land hereby demised or if the lessee shall during any such annual period sell rutile concentrates the produce of the land hereby demised but the Minister for Mines shall be of opinion that the price paid or payable to the lessee for such rutile concentrates so sold or any part of such rutile concentrates so sold is less than the full market value at the time of the sale then the average price of rutile concentrates for that annual period shall be a sum determined by the Minister for Mines and if the lessee shall not during any such annual period sell any zircon concentrates the produce of the land hereby demised or if the lessee shall during any such annual period sell zircon concentrates the produce of the land hereby demised but the Minister for Mines shall be of opinion that the price paid or payable to the lessee for such zircon concentrates so sold or any part of such zircon concentrates so sold is less than the full market value at the time of the sale then the average price of zircon concentrates for that annual period shall be a sum determined by the Minister for Mines. Any determination by the Minister for Mines of the average price of rutile concentrates or of zircon concentrates for any annual period shall be made in such manner as the Minister for Mines may see fit as soon as may be after the end of such annual period but in making the determination the Minister for Mines shall have regard to the open market price for rutile concentrates and zircon concentrates respectively during such annual period and the selling prices actually received during such annual period by producers in the State of New South Wales 20 30 40 50

Exhibit 4 - Special  
Mining Lease 175

for rutile concentrates and zircon concentrates respectively. The Minister for Mines may ascertain the open market prices and the selling prices actually received by producers in such manner as he may see fit.

A certificate under the hand of the Under Secretary for Mines or of the person for the time being acting as such as to any one or more of the following matters 10

- (i) that a price for any rutile concentrates or for any zircon concentrates has been estimated by the Minister for Mines for the purposes of sub-paragraph (b) of this clause at an amount set forth in the certificate
- (ii) that the Minister for Mines is of opinion that the price paid or payable to the lessee for any rutile concentrates or zircon concentrates is less than the full market value at the time of sale 20
- (iii) that the average selling price of rutile concentrates or of zircon concentrates for any annual period has been determined by the Minister for Mines for the purposes of the foregoing proviso in this clause at an amount set forth in the certificate

shall be binding upon the lessee and shall in all respects and for all purposes be conclusive evidence of the matters therein stated and of the amount and due estimation or determination of any price therein set forth. 30

Aubrey A. Brown. R.R. Nash.



Exhibit 4 - Special  
Mining Lease 175

PLAN

Parish of.....  
County of.....

Scale        chains to an inch.

SIGNED Sealed and Delivered )  
by the said AUBREY ARTHUR )  
BROWN RONALD ROY NASH in )  
the presence of                    )

R.R. Nash  
Aubrey A. Brown

10

S.D. Lewis  
J.P.



Exhibit 4 - Special  
Mining Lease 175

SPECIAL LEASE  
UNDER "THE MINING ACT, 1906-1952,"  
and the Acts amending the same.

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No.	175	(Act 1906)
DATED	3rd May	A.D. 1961.

---

HER MAJESTY THE QUEEN

to

AUBREY ARTHUR BROWN

10

and

RONALD ROY NASH.

---

REGISTERED in the Department of Mines, at Sydney,  
this 29th day of September, A.D. 19 , at the hour  
of ten o'clock in the forenoon, and numbered in the  
Register 175.

L. Creasey  
Registrar.

(Aubrey Arthur Brown and  
Transfer from (Ronald Roy Nash of their interest in  
Special Lease 175 (Act 1906) to Wyong Alluvials  
Pty. Limited Registered by me in the Department of  
Mines Sydney, this 14th day of January 1963 at the  
hour of ten o'clock in the forenoon.

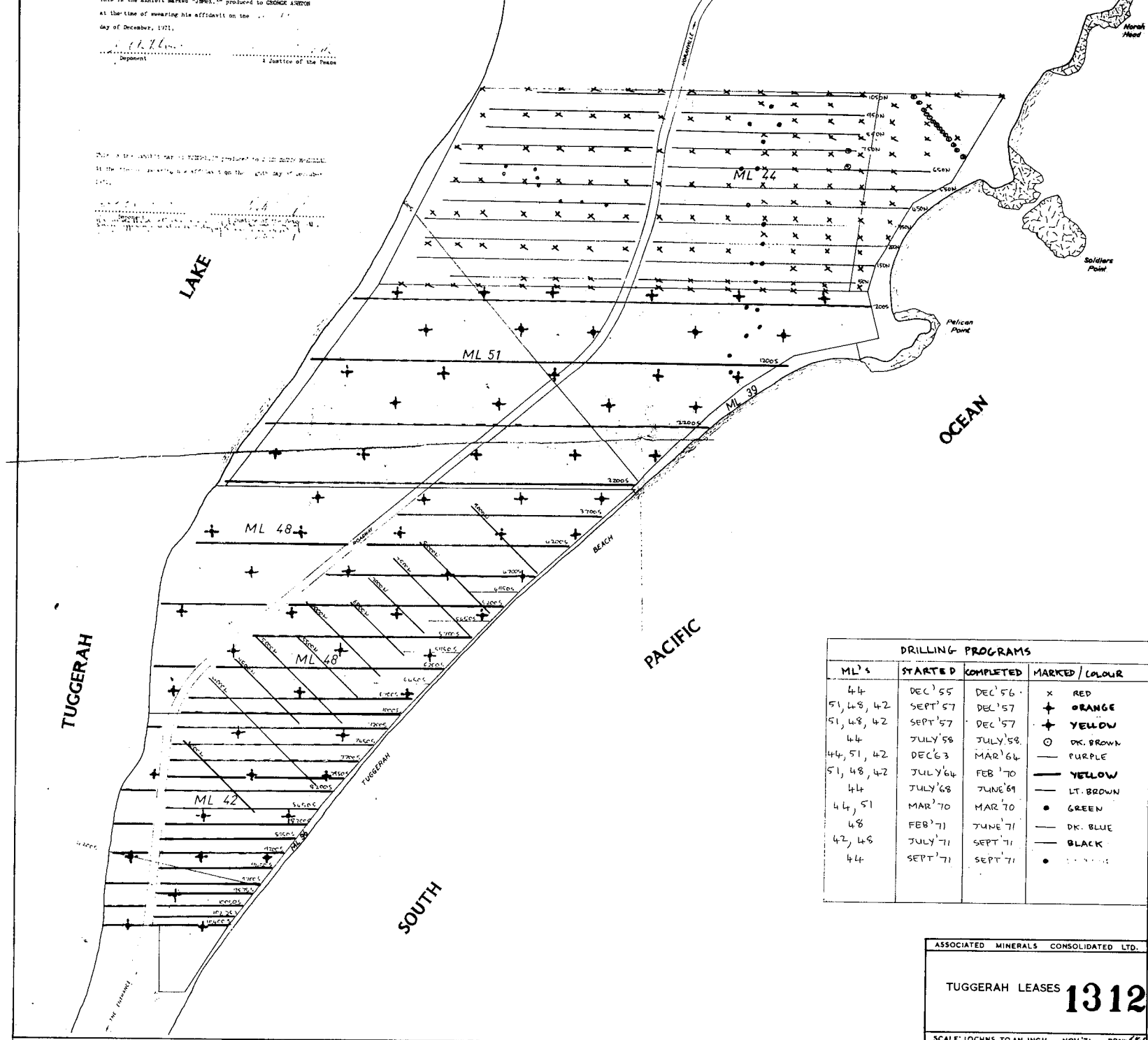
20

L. Creasey  
Registrar.

... at the time of swearing his affidavit on the ... day of December, 1971.

Deponent  
Justice of the Peace

... of the ... on the ... day of ...

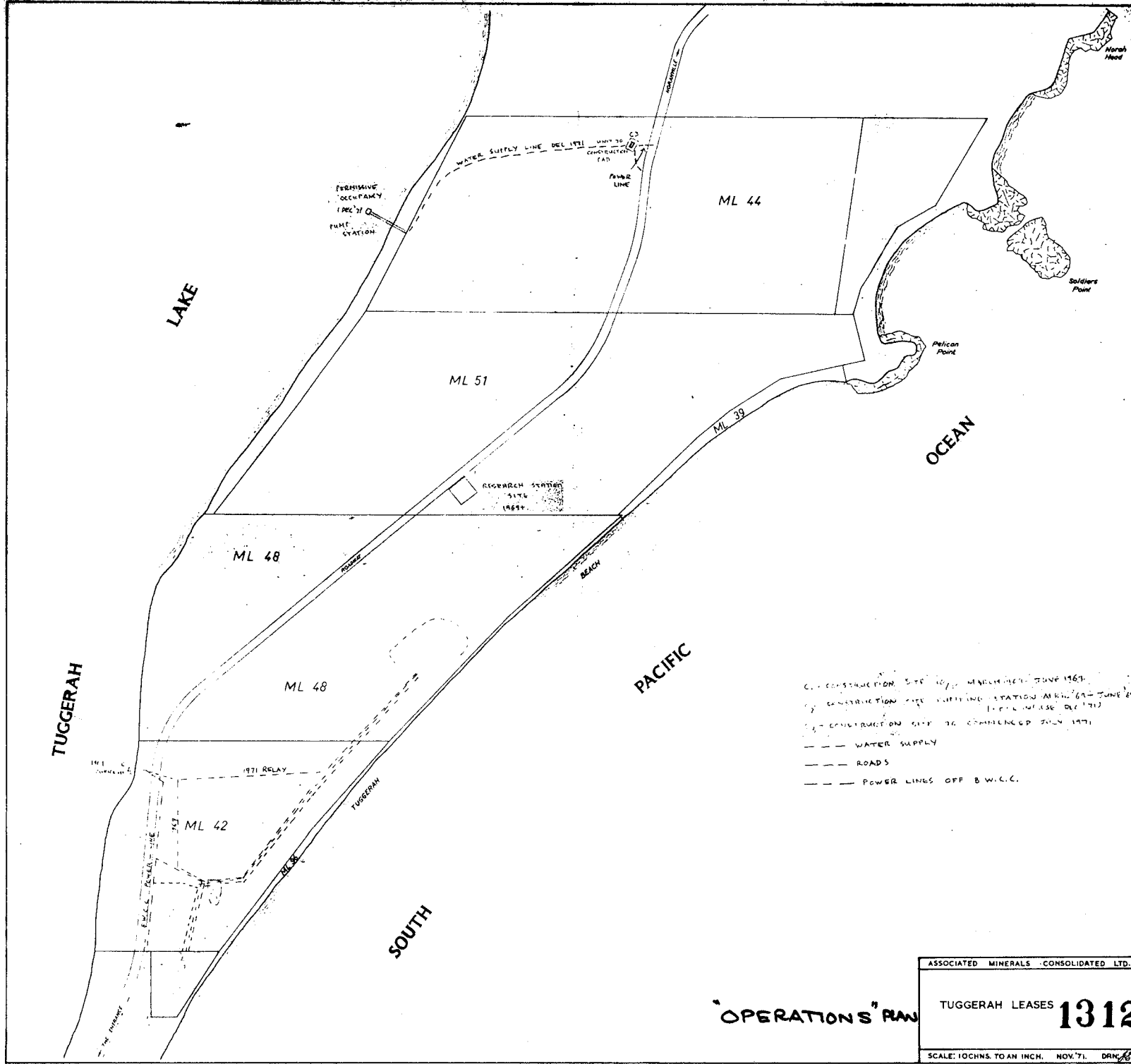


DRILLING PROGRAMS			
ML'S	STARTED	COMPLETED	MARKED / COLOUR
44	DEC '55	DEC '56	x RED
51, 48, 42	SEPT '57	DEC '57	+ ORANGE
51, 48, 42	SEPT '57	DEC '57	+ YELLOW
44	JULY '58	JULY '58	o DK. BROWN
44, 51, 42	DEC '63	MAR '64	— PURPLE
51, 48, 42	JULY '64	FEB '70	— YELLOW
44	JULY '68	JUNE '69	— LT. BROWN
44, 51	MAR '70	MAR '70	• GREEN
48	FEB '71	JUNE '71	— DK. BLUE
42, 48	JULY '71	SEPT '71	— BLACK
44	SEPT '71	SEPT '71	•

ASSOCIATED MINERALS CONSOLIDATED LTD.

TUGGERAH LEASES **1312**

SCALE: 10 CHNS. TO AN INCH. NOV. '71. DRN. 1312



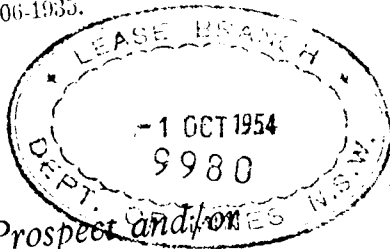
ML 44

REGULATIONS - MINING ACT, 1906-1935.

DIVISION II.

SCHEDULE 20.

(See Regulation 82.)



Application for Authority to Prospect and/or Construct Races, &c. (Sec. 17).

To the Honorable The Secretary for Mines, Sydney.

(Address) 36 COOKAMINI RD. WARATAH

(Date) 4 - 10. 54

Sir,

By virtue of my miner's right, number 54/31, issued at Newcastle, 1954, I hereby make application for authority, under the 17th section of the Mining Act, 1906-1935, to prospect for ZIRCON, RUTILE, ILMENITE, MONAZITE, ETC on that portion of Crown land, situated in the parish of WALLARAH, county of NORTHUMBERLAND containing 300 ACRES, hereunder described, of which I took possession on the 2ND day of OCTOBER 1954 at the hour of TEN o'clock in the FORENOON, in accordance with Regulation 6, by erecting posts and cutting trenches at each angle thereof.

DATUM POST SITUATED South Western Corner PORTION RUNNING TO NORTH EASTERN CORNER PORTION 172

The posts were THREE inches in diameter, and projected 4 feet above the ground. Each arm of each trench was 6 feet in length, 6 inches in depth. The datum post is at the NORTH WEST CORNER angle of the land, and the prescribed in Regulation 6 was affixed thereto.

The area applied for is more particularly defined in the sketch attached herewith and the sum of £3/15/- is deposited herewith as provided for by Regulation 82.

Yours faithfully,

(Signature of Applicant)

Arthur Frederick Nicoll

DESCRIPTION REFERRED TO:

Michael... 16.8.54

application was received by me, this fourth day of October, 1954 at the hour of 4.45 o'clock in the afternoon, and is numbered 149.

... No. 242

Exhibit 7 - Copies of documents from file of Department of Mines relating to ML. 44 and the previous AP1653

Mr. A.F. Nicolls,  
36 Coolamin Road,  
WARATAH. N.S.W.

18th. January, 1955

54/9980 LB

Dear Sir,

re: Application No.149 (Section 17) Newcastle

With reference to your abovementioned application, please furnish advice as to the names of the minerals other than Zircon, Rutile, Ilmenite and Monozite for which you intend to prospect and also the methods you propose to adopt in order to prospect these minerals (e.g. boring, open cutting, etc.).

10

Yours faithfully

Under Secretary  
Per:

Exhibit 7 - Copies of  
documents from file of  
Department of Mines  
relating to ML.44 and  
495. the previous AP1653

Exhibit 7 - Copies of documents from file of Department of Mines relating to ML.44 and the previous AP1653

A.F. Nicolle  
36 Coolamin Road,  
WARATAH.  
9th. February 1955

The Under Secretary  
The Department of Mines,

10

SYDNEY.

Dear Sir,

In reply to your letter 54/9980 L/B re application number 149 (section 17) Newcastle, I must apologise for not having replied to this letter as I have been in Queensland since the holidays and returned last night.

As requested, the minerals I intend to prospect are as follows:-

20

Noted. Zircon, Rutile, Ilmenite, (Monazite-thorium,  
17/2/55. (Cassiterite and Ruby tin.)  
A.F.N. The method I intend to adopt is by boring.

Trusting this information will be satisfactory,

I am,  
Yours faithfully,  
A.F. Nicolle  
(A.F. Nicolle)

496. Exhibit 7 - Copies of documents from file of Department of Mines relating to ML.44 and the previous AP1653

Exhibit 7 - Copies of documents from file of Department of Mines relating to ML.44 and the previous AP1653

TS.

Mr. A.F. Nicolle,  
36 Coolamin Road,  
WARATAH. N.S.W.

3rd August, 1955.

55/6727 LB.

10

Dear Sir,

Your Application No. 149 (Section 17) Newcastle.

I have to inform you that approval has been given for the grant of an Authority to Prospect for zircon, rutile, ilmenite, monazite and tin in satisfaction of your abovementioned application, subject to the usual conditions and the following:-

Area:	About 578 acres, ex public road and the area previously subject of Special Lease Application 892 Newcastle.	20
Term:	Twelve months.	
Rent:	£7.4.6.	
Labour Conditions:	Two men.	
Special Conditions:	P1, P3, P10, X1, X2 and X3, as detailed in the attached schedules.	

Kindly advise whether you are prepared to accept Authority to Prospect containing the abovementioned conditions. A further amount of £3.9.6, being additional rent required, should be remitted direct to this Department within thirteen days. 30

It is pointed out that no promise of the subsequent of a lease or leases over the whole or any part of the area given or should be inferred.

Yours faithfully,

Under Secretary,  
per:

Exhibit 7 - Copies of documents from file of Department of Mines relating to ML.44 and the previous AP1653  
497.

Exhibit 7 - Copies of documents from file of Department of Mines relating to ML.44 and the previous AP1653

16707

Arthur Frederick Nicolle,  
36 Coolamin Road,  
Waratah...N.S.W.  
29th November, 1956.

The Under Secretary for Mines,  
Loftus Street,  
S Y D N E Y.

10

Dear Sir,

AUTHORITY TO PROSPECT - NO 1653 (APPLICATION 149 NEWCASTLE) PARISH WALLARAH, COUNTY NORTHUMBERLAND, NORAH HEAD, NEW SOUTH WALES

As required under Special Conditions of the abovementioned Authority to Prospect; please find attached hereto.

20

1. Boring Plan, giving details of Location, Bore depths and percentage of Heavy Minerals.
2. List giving details of method of calculation used.

The quantity and percentage of the respective heavy minerals in the area has not yet been calculated. If you so desire, this information will be furnished when available.

Yours faithfully,  
Arthur Frederick Nicolle.

30

P.S. Analysis of an average sample of concentrates from the area gave the following results:-

Rutile - 50.7%; Zircon - 38.8%;  
Others - 0.2%; Ilmenite and other  
magnetics - 10.1%

The term of the above Authority expired on 7 December 1956. Please say if application for renewal has been received. (Initials).  
Records. Nd. 8/8/57 (Initials). 28.2.57

40

498. Exhibit 7 - Copies of documents from file of Department of Mines relating to ML.44 and the previous AP1653



Exhibit 7 - Copies of documents from file of Department of Mines relating to ML.44 and the previous AP1653

Mr. A.F. Nicolle,  
36 Coolamin Road,  
WARATAH. N.S.W.

MEL.

19 July, 1957  
56/18162 LB.

Dear Sir,

10

Your Authority to Prospect No. 1653 granted for a term of 12 months from 7th December, 1955.

---

I have to inform you that the information supplied by you in your letter of 29th November, 1956, satisfies the minimum requirements of the abovementioned Authority. For record purposes it would be appreciated if you would furnish as additional information the sectional values of the bore holes.

20

Yours faithfully,

Under Secretary,  
Per:

Exhibit 7 - Copies of documents from file of Department of Mines relating to ML.44 and the previous AP1653

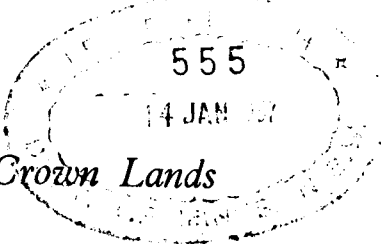
1043. 1/11/56

REGULATIONS—MINING ACT, 1906.

DIVISION III.

Schedule 21C.

(See Regulations 83, 85, 86 and 87.)



Application for Special Lease of Crown Lands

To THE HONOURABLE THE SECRETARY FOR MINES, SYDNEY.

SIR, (Date)

I or we, \* I hereby make application for a Special Mining Lease of that piece or parcel of land situated in the parish of Wallarah

county of Northumberland, containing † about 578 acres being the area of Authority to Prospect No. 1653 (Application 149, Newcastle)

of which \* I took possession on the 29th day of November, 1956

at the hour of three o'clock in the afternoon, in accordance with Regulation 6, for the purpose of † Mining Rutile, Zircon, Ilmenite, Monazite, Cassiterite by § placing posts and digging trenches

at each angle thereof. The posts were 3 inches in diameter, and projected 3 feet above the surface of the ground. Each arm of each trench was 3 feet in length and 6 inches in depth ||

The datum post is at the North West angle of the land, and is

marked with a cross

at the south-west corner of portion 155, Parish of Wallarah

and the notice prescribed in Regulation 6 was affixed to such datum post

The dimensions of the area are approx. 118 chains x 50 chains.

\* I require approx. 578 acres of the surface as shown on the attached sketch, or marked on the land by § Posts and trenches

\* I require the lease for a period of twenty years ††

The deposit proposed to be worked consists of Rutile, Zircon, Monazite, Ilmenite, Cassiterite and by reason of the low values revealed by borings, a plant of high capacity and special design will be necessary requires

\* I or we.  
† If no such persons, alter this paragraph accordingly

\*† I hand herewith a list of the persons who, under any Act relating to mining, occupy, or within knowledge, to, or interest in, the land aforesaid, or any part thereof, and upon whom \* have served a copy of notice, Schedule 22, on the dates herein stated \* hand herewith such consents as \* have obtained.

\* I deposit herewith the sum of ten pounds (£10) as evidence of bona fides, and the sum of £60, fee for survey.

\* I hereby acknowledge that this application is made upon the distinct understanding and condition that if \* I shall abandon or fail to proceed with it, or if it is refused, the Secretary for Mines for the time being may deduct from the sums deposited as aforesaid any cost to which in his opinion the Crown may have been put in or about in respect of this application.

\*\* State whether by sinking shafts, open-cuts, etc.

The area will be worked by \*\* open cut methods (dredging)

||| Insert name in full and address of nominee (if any).

I desire that the lease be issued in the name of THOMAS HENRY ENGLISH HENRY PERLY KENNEDY AND 177 OLD NORTHERN ROAD CASTLE HILL, N.S.W. I desire to commence mining operations during the pendency of the application.††

†† Strike out and initial whichever clause is not applicable.

~~I hereby declare that I am not the Under Secretary for Mines and I do not intend to commence mining operations during the pendency of this application.††~~

Yours faithfully,

||| Names to be given in full.

(Signature of Applicant, or of each Applicant.)

*Arthur Frederick Nicoll*

(Address.) 36, Coolamin Road, Waratah, Newcastle, N.S.W.

I hereby declare that the statements contained in the foregoing application are true in every particular.

(Signature of Applicant, or of each Applicant.)

*Arthur Frederick Nicoll*

This application was received by me this thirtieth day of November 1956, at the hour of 9.45 o'clock in the forenoon, and is numbered 1043. Applicant requests that the deposit and Survey Fees lodged in connection with application No. 1042 be applied towards this application, ~~and survey fee, £~~ have been duly paid.

Notice of application, Schedule 22a, was posted outside this office, on the thirtieth day of November 1956.

*[Signature]*  
Warden's Clerk at Newcastle.

Objections have been lodged by

The land applied for † is not exempted from leasing under Section 23 (2) of the Mining Act, 1906.

Exhibit 7 - Copies of documents from file of Department of Mines relating to ML.44 and the previous AP1653

*100 (A) ...  
150 (A) ...  
150 (B) ...  
150 (C) ...  
150 (D) ...  
150 (E) ...  
150 (F) ...  
150 (G) ...  
150 (H) ...  
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150 (Y) ...  
150 (Z) ...*

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*[Signature]*  
Warden.  
13.2.57

Exhibit 7 - Copies of documents from file of Department of Mines relating to ML.44 and the previous AP1653

Lease Branch  
6710  
-28 MAY 1957  
Dept, of Mines  
N.S.W.

10

57/555C Cnr. Old Northern Road & Excelsior  
B Castle Hill. Avenue,  
C/B 14/2 22nd May, 1957

The Under Secretary for Mines,  
SYDNEY.

Dear Sir,

Application for Special Lease of  
Crown Lands.

Application No. 1043 Newcastle in  
the name of Arthur Frederick Nicolle  
leases to issue in the names of Thomas  
Henry English Corner Old Northern Road and  
Excelsior Ave. Castle Hill & Henry Percy  
Kennedy Eckersley Avenue Buderim.

20

Reference our Application for a Special Lease over approximately 578 acres at Norah Head, in the Parish of Wallarah County of Northumberland, we now request you grant us authority to mine same.

Yours faithfully,

(Note illegible)

T.H. English  
H.P. Kennedy

30

T.H. English.  
H.P. Kennedy.

(Notes illegible)

Exhibit 7 - Copies of documents from file of Department of Mines relating to ML.44 and the previous AP1653  
502.

SHAW & MACREADY  
SOLICITORS

EWAN MURRAY ROBSON  
HUGH THEODORE MACREADY

TELEPHONES: BL 1078  
BL 1656  
TELEGRAPHIC & CABLE ADDRESS  
"ROBshaw" SYDNEY

HTM:EM

17 O'Connell Street

Sydney

Marshall 26/9

20th September, 1957.

11148  
24 SEP 1957  
MINES DEPARTMENT

B7/670

CB 23/9

The Under Secretary,  
Mines Department,  
11 Loftus Street,  
SYDNEY.

Dear Sir,

re Application No. 1043 Newcastle

We are enclosing herewith an application for Associated Minerals Consolidated Limited to be permitted to mine the areas covered by the abovementioned lease application.

Would you kindly address any communications in relation to this matter direct to this office.

Yours faithfully,  
ROBSON CUNLIFF & MACREADY

Per:

*[Signature]*

Acknowledged  
24.9/10/57

Encl.  
3/10

Previous papers from  
Records  
of the above letter.  
Please advise whether  
the subject area is affected by  
any reserves for public purposes or  
any areas which have been reserved  
for public interests  
We consent hereto  
H.P. Kennedy, Manager  
J.W. English, Secretary  
Mining under lease application.  
*[Signature]*

to Boardwell  
7.10.57

5/1/42

Exhibit 7 - Copies of  
documents from file of  
Department of Mines  
relating to ML.44 and  
the previous AP1653

Exhibit 7 - Copies of documents from file of Department of Mines relating to ML.44 and the previous AP1653

hire Clerk,  
ong Shire Council,  
uncil Chambers,  
WYONG. 1N. N.S.W.

JG.

22nd November, 1957.

57/11148LB.

10

Dear Sir,

Special Lease Application 1043 Newcastle  
superseding Special Lease Application 1042  
Newcastle. A.F. Nicolle. Nominee:  
Associated Minerals Consolidated Limited.

I have to inform you that the abovementioned application for a lease of Crown lands to mine for zircon, rutile, etc., embraces an area of about 578 acres, parish Wallarah, county Northumberland, and is shown by red edging on the attached helio "S".

20

The subject area is partly situated within the Village of Norah and affects Village Reserve 191 for Extension of Village, notified 27th June, 1885 and Reserves 77013-4 for Public Recreation, notified 3rd September, 1954. It also embraces part of Noraville Rifle Range which is subject of a Permissive Occupancy to the Commonwealth.

The area applied for is traversed by a public road, which is not available for the purpose of this application.

30

Kindly advise whether you have any objection to the grant of a lease in satisfaction of the abovementioned application and, if not, whether you desire the incorporation of any additional special conditions in any lease which may be granted.

Yours faithfully,

Under Secretary.

Per:

504. Exhibit 7 - Copies of documents from file of Department of Mines relating to ML.44 and the previous AP1653

Exhibit 7 - Copies of documents from file of Department of Mines relating to ML.44 and the previous AP1653

8// 11148 C/D

Lease Branch  
14232  
-30 Dec 1957  
Dept. of Mines  
N.S.W.

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WYONG SHIRE COUNCIL

All Communications to be addressed to the Shire Clerk  
Telephone: Wyong 171 & 187  
P.O.Box 74  
(Notes illegible) Wyong  
23rd December, 1957  
When replying please quote No. JG.GB. 90.  
(ML 44)

The Under Secretary,  
Department of Mines,  
S Y D N E Y.

20

Dear Sir,

Special Lease Application 1043 Newcastle superseding Special Lease Application 1042 Newcastle. A.F. Nicolle.  
Nominee: Associated Minerals Consolidated Limited.

In reply to your letter dated 22nd ult. (your reference 57/11148LB), I wish to advise that the abovenamed Council does not desire to raise any objection to the grant of the proposed lease but would like your Department to include a special condition providing for the restoration of contours as approved by your Department and the Council from time to time as the mining operations proceed.

30

Post Room  
24 Dec 1957  
Yours faithfully,  
Golding

Noted  
(Inits.)  
7/1

SHIRE CLERK.

40

Find Loan Branch minute of 28.11.1957, herein, and the above letter. (Initials and date)  
The Chief Inspector of Mines.

505. Exhibit 7 - Copies of documents from file of Department of Mines relating to ML.44 and the previous AP1653

Exhibit 7 - Copies of documents from file of Department of Mines relating to ML.44 and the previous AP1653

IW.

Mr. A.F. Nicolle,  
36 Coolamin Road,  
WARATAH. N.S.W.

2nd July, 1958.  
LB.58/1352

Dear Sir,

10

Your Special Lease Application 1043 Newcastle superseding Special Lease Application 1042 Newcastle, A.F. Nicolle.

I wish to inform you that, subject to survey, it is proposed to incorporate the following special conditions, "S": 1-6; 7(a) & (b); 8; 10; 13-15; 17; 19-21; 24; 26-27 and "X": 1-4, as detailed in the attached schedules, in any lease which may be granted in satisfaction of the abovementioned application.

I wish to inform you that the surface of the proposed road traversing the subject area and the land below such surface shall be excepted from any lease granted in satisfaction of the subject application.

20

I wish to advise you that prior to the commencement of mining operations on the subject area, it will be necessary for you:

- (a) lodge with the Department of Mines a guarantee deposit of five thousand pounds (£5,000); or
- (b) to furnish evidence that you have entered into a bond in the same amount with an approved surety. If this alternative is adopted, it would be preferable if you arrange with the manager of your bank to place the sum of five thousand pounds (£5,000) at fixed deposit in the joint names of yourself and the Under Secretary for Mines, also that whatever interest thereon may accrue shall be placed to the credit of your account.

30

I wish to advise you that any lease which may be granted in satisfaction of this application will

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506. Exhibit 7 - Copies of documents from file of Department of Mines relating to ML.44 and the previous AP1653



Exhibit 7 - Copies of documents from file of Department of Mines relating to ML.44 and the previous AP1653

require the payment of royalty at the rates prevailing at the date of the grant of the lease and not necessarily the rates of royalty quoted in Special Schedule "S" attached.

Would you kindly advise whether you are prepared to accept a lease containing the abovementioned conditions.

10

I enclose helio "A" showing area proposed to be considered in respect of this application and wish to inform you that the proposed public road excluded from the area applied for and traversing the area and referred to in special condition 3 in Special Schedule "X", is shown thereon by black hatching. The area shown by blue hatching on such helio has also been excluded from any lease which may be granted in satisfaction of the subject application.

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Yours faithfully,

Exhibit 7 - Copies of documents from file of Department of Mines relating to ML.44 and the previous AP1653

Exhibit 7 - Copies of documents from file of Department of Mines relating to ML.44 and the previous AP1653

IW.

The Shire Clerk,  
Wyong Shire Council,  
Council Chambers,  
WYONG. 1N. N.S.W.

2nd July, 1958.

LB.58/1352

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Dear Sir,

Special Lease application 1043 Newcastle superseding Special Lease Application 1042 Newcastle A.F. Nicolle.

I refer to your letter dated 23rd December, 1957, (Ref. No. JG:GB 90), and wish to inform you that, subject to survey, it is proposed to incorporate the following special conditions, "S": 1-6; 7(a)&(b); 8; 10; 13-15; 17; 19-21; 24; 26-27 and "X": 1-4, as detailed in the attached schedules, in any lease which may be granted in satisfaction of the abovementioned application.

20

I wish to inform you that the surface of the proposed road traversing the subject area and the land below such surface shall be excepted from any lease granted in satisfaction of the subject application.

I wish to advise you that that part of the area applied for east of the boundary of Reserve 77013 and the prolongation of such boundary to a point where it meets the northern boundary of the area applied for, together with the proposed public road traversing the area demised has been excluded from any lease which may be granted in satisfaction of the subject application.

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Yours faithfully,

Under Secretary,  
Per:

Exhibit 7 - Copies of documents from file of Department of Mines relating to ML.44 and the previous AP1653  
508.

Exhibit 7 - Copies of documents from file of Department of Mines relating to ML.44 and the previous AP1653

Lease Branch  
8691  
-20 AUG 1958  
Dept. of Mines  
N.S.W.

10

ASSOCIATED MINERALS CONSOLIDATED LIMITED  
Incorporated in N.S.W.

Rutile Zircon  
Ilmenite AMA Monazite  
Trade Mark  
Established 1946  
Works at Southport, Q.  
and Cudgen, N.S.W.

Telegrams and Cables:  
Assomin, Southport, Q'ld.  
Tel; Southport B 2161 (3 lines)  
P.O.Box 51, Southport, Q'ld.  
Ferry Road,  
SOUTHPORT, Q'LD.  
Australia

20

58/8484  
LB19/8

JBMck.pb

18th August, 1958.

The Under Secretary,  
Department of Mines,  
P.O. Box 48,  
SYDNEY.  
N.S.W.

Post Room  
20 AUG 1958  
Mines

Dear Sir,

30

SPECIAL LEASE APPLICATION 1043 NEWCASTLE  
YOUR REF. (LB58/1352)

As nominees of Mr. A.F. Nicolle of Waratah we wish to reply to your letter of 2nd July 1958.

We ask that some consideration be given to modifying certain of the Lease conditions viz:-

- (a) The guarantee deposit of £5,000 could be considered excessive by comparison with other leases held by this Company and in view of the fact that a number of these guarantees are already held in respect of this Company.
- (b) The area to be excluded from any lease granted (see Helio 'A') contains the highest dunes of the total area. Though original

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Exhibit 7 - Copies of documents from file of Department of Mines relating to ML.44 and the previous AP1653  
509.

Exhibit 7 - Copies of documents from file of Department of Mines relating to ML.44 and the previous AP1653

drilling showed these to be of only average grade proposed deeper drilling, for which equipment is now available, may reveal good values at depth. It would be appreciated therefore, if the boundary of the excluded area could be made subject to the findings of this deep drilling.

10

(c) Special condition 8 (a) possibly requires the removal and stacking of surface soil to a depth of two feet. In view of the surface concentrations commonly found in these old dune deposits a considerable quantity of mineral may be lost by this operation. We would appreciate the reduction of this depth to 12 inches - in line with established practice in the Cudgen area.

Note and  
initial  
illegible  
25/8

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Exhibit 7 - Copies of document from file of Department of Mines relating to ML.44 and the previous AP1653

Exhibit 7 - Copies of documents from file of Department of Mines relating to ML.44 and the previous AP1653

Lease Branch  
-3 SEP 1958  
9136  
Dept. of Mines  
N.S.W.

10

ASSOCIATED MINERALS CONSOLIDATED LIMITED  
Incorporated in N.S.W.

---

Rutile	Zircon	Telegrams and Cables:
Ilmenite	AMA Monazite	Assomin, Southport, Q'ld
Trade Mark		Tel; Southport B 2161 (3 lines)
Established 1946		P.O.Box 51, Southport, Q'ld.
Works at Southport, Q.		Ferry Road
and Cudgen, N.S.W.		SOUTHPORT, Q'LD.
		Australia

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(58/8691LB)  
JP.pb LB22/8

PB21/8

1st September, 1958.

The Under Secretary,  
Department of Mines,  
Loftus Street,  
SYDNEY.  
N.S.W.

Post Room  
3-SEP 1958  
Mines

Dear Sir,

1043

30

re Special Lease Application No. 1053  
Newcastle.

As nominees of the original applicant, Mr.A.F. Nicholle, of Waratah, we should be glad if you would send all future correspondence regarding this lease direct to us in Southport.

Prospecting  
-4 SEP 1958  
Branch

In support of this request we are enclosing Mr. Nicholle's letter addressed to you and dated 28th August, 1958.

40

We must apologise for our office rubber stamp which was inadvertantly placed on top of this letter.

Noted (Inits.)  
9/9

Yours faithfully,  
ASSOCIATED MINERALS CONSOLIDATED LIMITED  
J. Pinter,  
J. Pinter,  
Managing Director.

Encls.

Exhibit 7 - Copies of documents from file of Department of Mines relating to ML.44 and the previous AP1653  
511.

Exhibit 7 - Copies of documents from file of Department of Mines relating to ML.44 and the previous AP1653

MEL.

The Secretary,  
Associated Minerals Consolidated Ltd.,  
Box 51, P.O. 24th September, 1958.  
SOUTHPORT. QLD. 58/9037 LB.

10

Dear Sir,

Special Lease Application 1043 Newcastle superseding Special Lease Application 1042 Newcastle, A.F. Nicolle.  
Nominee: Associated Minerals Consolidated Limited.

I refer to your letter dated 18th August, 1958, and have to inform you that your representations have received careful consideration, but this Department is not prepared to vary the amount of guarantee deposit fixed, nor is it prepared to amend the depth of the surface soil to be removed and stacked separately for replacement.

20

Approval has been given for that part of the area applied for east of the boundary of Reserve 77013 and the prolongation of such boundary to a point where it meets the northern boundary of the area applied for, to be now included in any lease which may be granted in satisfaction of this application, subject to a condition that this area shall only be mined upon the written consent of the Minister for Mines being first obtained.

30

The following special condition, in addition to those forwarded with this Department's letter of 1st July, 1958, will be incorporated in any lease which may be granted in satisfaction of the subject application.

"The said lessee shall not conduct any mining operations on that part of the area demised east of the western boundary of Reserve 77013 for Public Recreation, and the prolongation of such boundary to the northern boundary of the area demised unless with the written consent of the Minister for Mines

40

Exhibit 7 - Copies of documents from file of Department of Mines relating to ML.44 and the previous AP1653  
512.

Exhibit 7 - Copies of  
documents from file of  
Department of Mines  
relating to ML.44 and  
the previous AP1653

first had and obtained, and subject to such  
conditions as he may stipulate."

Yours faithfully,

Under Secretary,  
Per:

10

513. Exhibit 7 - Copies of  
documents from file of  
Department of Mines  
relating to ML.44 and  
the previous AP1653

Exhibit 7 - Copies of documents from file of Department of Mines relating to ML.44 and the previous AP1653

Lease Branch  
-12 NOV 1958  
11317  
Dept. of Mines  
N.S.W.

10

ASSOCIATED MINERALS CONSOLIDATED LIMITED  
Incorporated in N.S.W.

---

Rutile	Zircon	Telegrams and Cables:
Ilmenite	AMA Monazite	Assomin, Southport, Q'ld
Trade Mark		Tel; Southport B 2161 (3 lines)
Established 1946		P.O.Box 51, Southport, Q'ld.
Works at Southport, Q.		Ferry Road
and Cudgen, N.S.W.		SOUTHPORT, Q'LD.
JBMcK:HF.		Australia
		10th. November, 1958.

20

Post Room  
12 NOV 1958  
Mines

The Under Secretary,  
Department of Mines,  
SYDNEY.

Dear Sir,

Special Lease Application 1043 - Newcastle. Your Ref. 58/9037LB. EM 30 11

As nominees of Mr. A.F. Nicolle of Waratah we wish to reply to your letter of 24th. September 1958.

30

We thank you for your consideration of our representations with regard to lease conditions and are pleased to note the amendment granted.

We hereby notify the Department that we are prepared to accept a lease under the conditions outlined in the letter of 1st. July with the addition of the special condition mentioned in the letter of 24th. September, 1958.

We would be pleased of your advice as to whether it is necessary for Mr. A.F. Nicolle to formally accept the lease conditions or whether acceptance by the nominees is sufficient at this stage.

40

A copy of this letter will be forwarded to

Exhibit 7 - Copies of documents from file of Department of Mines relating to ML.44 and the previous AP1653  
514.



Exhibit 7 - Copies of  
documents from file of  
Department of Mines  
relating to ML.44 and  
the previous AP1653

Mr. A.F. Nicolle for his information.

Lease and Registrars  
17 NOV 1958  
Branch

Yours faithfully,  
ASSOCIATED MINERALS CONSOLIDATED LIMITED

10

J.B.A. McKellar

J.B.A. McKellar  
Geologist.

Noted (Inits.)  
17/11

(59/559)

515. Exhibit 7 - Copies of  
documents from file of  
Department of Mines  
relating to ML.44 and  
the previous AP1653

Exhibit 7 - Copies of documents from file of Department of Mines relating to ML.44 and the previous AP1653

Crest  
NEW SOUTH WALES

---

The Shire Clerk,  
Wyong Shire Council,  
P.O. Box 74,  
WYONG. N.S.W.

Department of Mines  
11 Loftus Street,  
Sydney.

18th Jan 1967.

10

In reply, please quote  
66/4833LB. and address  
to P.O. Box 48, Sydney.

SUBJECT: Special Lease Application 1043 New-  
castle - A.F. Nicolle. Nominee:  
Associated Minerals Consolidated  
Limited.

REFERENCE: Your letter of 26th May, 1965 -  
AR.VC.65.

---

20

It is advised that it is proposed to recommend that the attached special conditions be incorporated in any lease which may be granted in satisfaction of the subject application.

M.H. SLATER,  
Under Secretary.

Per:

Exhibit 7 - Copies of documents from file of Department of Mines relating to ML.44 and the previous AP1653  
516.

Exhibit 7 - Copies of documents from file of Department of Mines relating to ML.44 and the previous AP1653

Lease Branch  
13 FEB 1967  
66-4833  
Dept. of Mines  
N.S.W.

10

WYONG SHIRE COUNCIL  
Telephone: Wyong 5 1171  
All communications to be addressed to Shire Clerk P.O.Box 174.....WYONG  
When replying please quote: No. DC:AB 90  
WYONG  
9th February, 1967.

The Under-Secretary,  
Department of Mines,  
P.O. Box 48,  
SYDNEY. N.S.W.

20

WIL 17/1/67

Dear Sir,

re: Special Lease Application 1043  
Newcastle A.F. Nicolle - Nominee  
Associated Minerals. Your letter  
18/1/67 Ref. 66/4833LB

I refer to your abovementioned letter forwarding a list of special conditions proposed to be incorporated in any Lease which may be granted to the applicant.

30

Council approves the proposed conditions submitted subject to the addition of the following:-

"That Associated Minerals Consolidated Limited be requested to provide a road to Council's specification on the Northern boundary of ML. 44 between Soldiers Point Drive and Wilfred Barrett Drive (Tourist Road 4014)."

Yours faithfully,

Post Room  
13 FEB 1967  
Mines

Golding  
SHIRE CLERK.

40

LB 28/12/66

Exhibit 7 - Copies of documents from file of Department of Mines relating to ML.44 and the previous AP1653  
517.

Exhibit 7 - Copies of documents from file of Department of Mines relating to ML.44 and the previous AP1653

The Shire Clerk,  
Wyong Shire Council,  
P.O. Box 174,

27 OCT 1967

WYONG. N.S.W.....2259

66/4833 LB.

SUBJECT: Special Lease Application No. 1043 10  
Newcastle A.F. Nicolle  
Nominee: Associated Minerals Consolidated Limited

REFERENCE: Your letter of 9th February, 1967.  
DC:AB 90

---

With reference to your letter of 9th February, 1967, it is advised that Special Lease No. 369 (Act 1906) in the name of Associated Minerals Consolidated Limited, and dated 22nd February, 1967, for a term of five (5) years, has now issued in satisfaction of the abovementioned application. 20

In the circumstances, it is not possible to incorporate the condition requested in your aforementioned letter.

Yours faithfully,

M.H. Slater

Under Secretary

Per:

R E F U S E D  
15 DEC 1967  
GOVT.GAZETTE

30

518. Exhibit 7 - Copies of documents from file of Department of Mines relating to ML.44 and the previous AP1653

Please keep this on top of file

GOVERNMENT RECORDS  
REPOSITORY

FILE MOVEMENT RECORD

Prefix	M 681
Item No.	1653
File Detail	Authority to Prospect
Date	1 September 59
	26 SEP 1960
	21-2-72

10

N.B.-If this file is re-registered or permanently attached to another file please note details on the back of this slip and return it to the Repository.

Stamp Duty 3/6 1653

Office Copy.

AUTHORITY TO PROSPECT.

Issued under Section 17, Mining Act, 1906-1952.

Sec.17, Appn. No. 149 Newcastle.

WHEREAS in accordance with the provisions of Section 17 of the Mining Act, 1906-1952, and Regulation 82 under the said Act, application has been duly made by ARTHUR FREDERICK NICOLLE, 36 Coolamin Road, Waratah in the State of New South Wales,-----holder---of Miner's Right---number---54/31---dated ---24th May---,1954---issued at---Newcastle---for authority to prospect on the Crown Lands more particularly described and delineated in the Plan drawn hereon, hereinafter called the said land. AND WHEREAS

10

Authority to holder, 1.3.56.

the---Prospecting Board---has recommended that such application be granted, Now, THEREFORE, I,

WILLIAM McCULLOCH GOLLAN

20

the Secretary for Mines for the State of New South Wales (hereinafter called the Minister), in pursuance of the power to me given in this behalf by the said Act do hereby authorise the said

---ARTHUR FREDERICK NICOLLE---

hereinafter called the Prospector---,to prospect for---zircon, rutile, ilmenite, monazite and tin--- on the said land for a period of---twelve months--- from the date hereof, subject to such rights and interests as may be lawfully subsisting in the land

30

Exhibit 8 - Authority  
to Prospect 1653

at the date hereof, upon and subject to the terms and conditions following (that is to say):

1. The Prospector---shall during---his---occupancy under this authority maintain---his---Miner's Right---in force.

2. The Prospector---shall on delivery of this authority pay the sum of---seven pounds four shillings and sixpence---as rent for the term hereby granted.

10

3. On discovery of gold or other minerals the Prospector---shall report within fourteen days of the date of such discovery to the Warden of the District, who shall thereupon report to the Minister on the nature of the discovery. The Minister may thereupon call upon the Prospector---to apply for a lease of the said land, or such part thereof as he may deem advisable, or to continue prospecting operations.

20

4. The prospecting operations under this authority shall be commenced on or before the---seventh---day of---January---, 1956--- and shall thereafter be carried on continuously and efficiently during the usual hours of labour by not less than---two---workmen.

5. This authority shall only entitle the Prospector---to search for---zircon, rutile, ilmenite,

Exhibit 8 - Authority  
to Prospect 1653

monazite and tin---and shall not entitle---him---  
to win or remove gold or any mineral.

6. The prospecting operations under this authority shall be carried out in such manner as not to interfere with or obstruct the traffic on any road, street, or highway, or endanger or cause any injury to any public railway line, or any building or erection.

10

7. Operations on the area granted shall be conducted in such a manner as not to cause any danger to persons and stock ~~and the prospector---shall provide and maintain adequate protection to the satisfaction of the Minister for Mines around each shaft or excavation opened up or used by the Prospector.~~

~~(§-----The Prospector shall provide and erect for~~  
(the protection of persons and stock, a secure fence  
(around all shafts and excavations opened up or used  
(by the Prospector on the area granted and the Pros-  
(pector shall maintain such fencing to the satisfac-  
(tion of the Minister for Mines.

20

~~(§. This authority does not confer the power to cut or remove any timber, except such as directly obstructs or prevents the carrying on of the operations hereby authorised, and the Prospector shall obtain authority under the provisions of the Forestry Act, 1916-1946, and the Regulations thereunder, before making use of the timber so cut for other than~~



Exhibit 8 - Authority  
to Prospect 1653

~~(in-connection-with-prospecting,--The-sanction-of-the~~  
(District Forester or his deputy shall be obtained  
(before proceeding to cut any other timber on the  
(said land.

~~10.~~ The Prospector shall take all precautions  
against causing outbreak of fire on the  
and shall not burn off any grass dry herbage or sur-  
face litter except with the consent of the District  
Forester first had and obtained, and shall under the  
direction and control of the local Forest Officer  
stack and burn the heads of any trees destroyed dur-  
ing the course of any prospecting operations, and  
the Prospector shall not permit any fireplaces to be  
constructed unless protected by stone wallings and  
fires lit therein shall not be left unattended.

10

~~11.~~ This authority is issued subject to any con-  
ditions and/or restrictions which may be prescribed  
in accordance with the provisions of Section 21 of  
the Forestry Act, 1916-1946, and the Regulations  
thereunder and the Regulations under the Bush Fires  
~~Act, 1949.-----~~

20

8. ~~12.~~ The said land shall at all times be  
open to the inspection of any officer authorised by  
the Minister to inspect the same, and if upon in-  
spection it appears to the Minister that the pros-  
pecting operations have not been commenced, or that

Exhibit 8 - Authority  
to Prospect 1653

the required number of workmen has not been continuously employed or that any other breach of the conditions of this authority has been made, or if for any other reason it shall appear to the Minister expedient so to do, he may cancel this authority, and after notice of cancellation has been served upon the Prospector---, or published in the Government Gazette, the right to carry on prospecting operations on the said land shall cease and determine absolutely, and the Prospector---shall not be entitled to any compensation in respect of such cancellation; and if the Prospector---shall remain in occupation of the said land for the purpose of prospecting after notice of cancellation has been served upon---him---, or published as aforesaid, he shall be liable to a penalty not exceeding Ten Pounds for unauthorised occupation of Crown Lands.

10

9. AND IT IS HEREBY SPECIALLY AGREED AND DECLARED THAT the said Prospector shall observe and perform the special conditions endorsed on the back hereof.-----

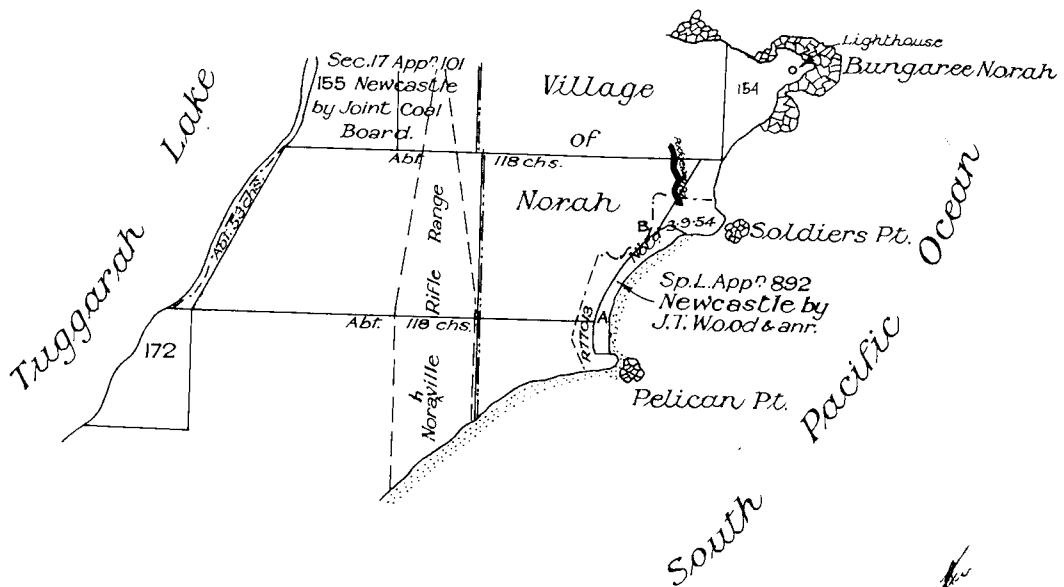
20

IN WITNESS WHEREOF I have hereunto set my hand, at  
Sydney, in the said State, this---seventh---day  
of---December---1955.---

(Sgd.) W.M. Gollan.  
Secretary for Mines.

PLAN.

Showing by blue edging area subject of  
 Sec. 17, App. No. 149 at Newcastle by A.F. Nicolle  
 Parish of Wallarah  
 County of Northumberland  
 Scale 40 chains to an inch.



Area: About 578 acres  
 ex public road  
 tinted yellow.

Between A & B boundary  
 lies 5 chains above H.W.M.

I hereby accept the within authority,  
 and agree to be bound by the terms and  
 conditions thereof.

Witness— (Sgd.) W.B. Power J.P.

(Sgd.)  
 Arthur Fredrick Nicolle

Authority 1655  
 S. Charleswood  
 23.2.56.

Exhibit 8 - Authority  
to Prospect 1653

AUTHORITY TO PROSPECT  
(Section 17, Mining Act, 1906-1952.)

No. 1653

EXPIRED

DATED 7th December, A.D. 1955.

---

7-12-56

THE SECRETARY FOR MINES

to

ARTHUR FREDERICK NICOLLE

10

---

REGISTERED in the Department of Mines, at Sydney, this twenty-third day of February, A.D. 1956, at the hour of ten o'clock in the forenoon, and numbered in the Register 1653.

G.W. Griffiths  
Registrar.

SPECIAL CONDITIONS REFERRED TO HEREIN.

1. Prospecting operations on the area embraced by this authority shall be restricted to boring. 20
2. The Prospector shall conduct operations in such a manner as not to cause damage to or interfere with the public road within the area embraced by this authority and notwithstanding that the Prospector shall have complied with this condition the Prospector shall pay to the local Council Department of Lands or the Department of Main Roads the cost of making good any damage to such road caused by prospecting operations by the Prospector. 30
3. (a) The Prospector shall not interfere in any way with rifle practice by members of duly constituted rifle clubs or the Commonwealth Military Forces.  
(b) The Prospector shall not be entitled to charge rent for the use of the rifle range on the area granted or any part thereof.  
(c) The Prospector shall accept all and any risks to which the Prospector or the 40

Exhibit 8 - Authority  
to Prospect 1653

Prospector's property may be exposed by reason of the existence of the rifle range on the area granted and the Prospector shall save harmless the Commonwealth Government or person lawfully using the rifle range from any claims for injuries to the Prospector or the Prospector's servants or workmen which may arise by the discharge of firearms on the said rifle range. 10

(d) Members of rifle clubs or the Commonwealth Military Forces shall retain the privilege of taking riding horses and vehicles on to the rifle range.

4. The Prospector shall conduct prospecting operations in such a manner as not to interfere with the public use and enjoyment of affected Reserves.
5. The Prospector shall permit free and uninterrupted ingress egress and regress into out of and over the subject area to the holders of and/or applicants for adjoining or adjacent mining or prospecting titles. 20
6. The Prospector shall furnish to the Minister for Mines upon expiry or sooner termination of this authority full particulars of the results of the Prospector's operations together with location plans of the actual operations conducted the values obtained and the method of calculation used.----- 30

(Sgd.) W.B. Power J.P. (Sgd.) Arthur  
Frederick Nicolle



Exhibit 9 - letter  
dated 29th November,  
1956

16707

Arthur Frederick Nicolle,  
36 Coolamin Road,  
Waratah...N.S.W.  
29th November, 1956.

The Under Secretary for Mines,  
Loftus Street,  
S Y D N E Y.

10

Dear Sir,

AUTHORITY TO PROSPECT - NO 1653 (APPLICA-  
TION 149 NEWCASTLE) PARISH WALLARAH,  
COUNTY NORTHUMBERLAND, NORAH HEAD, NEW  
SOUTH WALES

As required under Special Conditions of the  
abovementioned Authority to Prospect; please find  
attached hereto.

1. Boring Plan, giving details of Location,  
Bore depths and percentage of Heavy Minerals. 20
2. List giving details of method of cal-  
culation used.

The quantity and percentage of the respective  
heavy minerals in the area has not yet been calcu-  
lated. If you so desire, this information will be  
furnished when available.

Yours faithfully,  
Arthur Frederick Nicolle.

P.S. Analysis of an average sample of concentrates 30  
from the area gave the following results:-

Rutile - 50.7%; Zircon - 38.8%;  
Others - 0.2%; Ilmenite and other  
magnetics - 10.1%

The term of the above Authority expired on  
7th December 1956. Please say if application for  
renewal has been received. (Initials).

Records. Nd. 8/8/57 (Initials). 28.2.57.

Exhibit 9 - Letter  
dated 29th November,  
1956.  
528.

CREST

WYONG MINERALS LIMITED

On the occasion of the visit by the  
President and Councillors of the  
Wyong Shire Council

29th JULY, 1965

Exhibit 14 - Document  
printed by Wyong  
529. Minerals Limited



WYONG MINERALS LIMITED

SHORT HISTORY

Wyong Minerals Limited was formed on 5th June, 1959, as a public company with an issued capital of £607,725, to work beach sands leases at Lake Munmorah. Operations at Lake Munmorah commenced on 15th October, 1959.

10

The public company developed out of the amalgamation of two private companies holding mining areas in the district, and shares were offered to the public to raise the necessary capital to finance a large tonnage operation, as it was only by handling large tonnages of sand and reducing unit costs that the very low percentage of heavy mineral in the sands could be worked economically.

Strong local support for the venture was very evident, many residents of the district applying for and being allotted shares in the company. This local confidence is still strong, there being about one hundred stockholders at present in the company who reside within the Wyong Shire. Their holding represents about 10% of the company's present issued capital of £784,725, and on the stock market capitalisation at 30th June, 1965, of £2,707,000 this local holding has a value of some £270,000.

20

The company had modest beginnings and early problems to contend with; these have now been overcome, and the company to-day is a flourishing member of the beach sands industry, giving employment to over 90 people and contributing to the prosperity of the district. In addition to the Lake Munmorah

30

lease areas on which the present operations are based, the company holds leases over areas on the Tuggerah isthmus between

2.

Norahville and North Entrance, and has applied for leases in the Port Stephens area.

RECENT EXPANSION OF OPERATIONS

10

Last year, as a result of detailed drilling, it became apparent that the lease area at Lake Munmorah contained zones where the mineral content was better than average, but these zones were neither continuous or contiguous, and that in between there were very considerable tonnages of mineral bearing sands which the company was unable to treat profitably at its then scale of operations. As it would not have been possible to confine the dredging operations to the high grade areas as it would have entailed moving through unpayable areas when moving from one high grade zone to another, and as this technique would have resulted in substantial tonnages of mineral being left behind, which would have been wasteful of the company's lease areas and the country's resources, the company embarked upon the construction of a second dredge with a design capacity of 500 cubic yards per hour, which was half as much again as that of the original dredge. This new dredge commenced operations in June, and it is anticipated that with the two dredges in operation, unit costs will have been reduced sufficiently to enable the company to treat profitably all the mineral bearing sand in the Munmorah lease area, leaving no contained mineral unmined.

20

30

At the projected scale of operations, it is anticipated that the Munmorah area will have been mined out and the surface area restored within 8 to 10 years.

3.

FUTURE PLANS

Once the company's dredging operations on the Munmorah leases will have been completed, it will be the company's intention to commence dredging operations on the Tuggerah leases, although it is probable that the dry plant will be left at Munmorah. The grade at Tuggerah is lower than that at Munmorah, and it is probable that it will be necessary to replace the original dredge with a very much larger one to enable unit costs to be reduced and the area to be mined profitably. Although the Tuggerah lease areas are larger than the Munmorah area, because of the increased scale of operations that are contemplated, that area, too, should be mined out over a period of 8 to 10 years.

It may be worth mentioning that including the mineral content of the adjoining lease that Associated Minerals Consolidated Limited also holds in the Tuggerah area, the value of the contained mineral at to-day's market prices is of the order of £20,000,000.

NATIONAL IMPORTANCE

The beach sands industry as a whole plays a most important part in Australian economy. Nearly the whole of the total output of the industry is exported each year and at the present scale of operations is earning foreign exchange in excess of £10,000,000 per annum.

LOCAL IMPORTANCE

It has always been company policy to use local industry and local resources wherever possible for supplies and construction work.

4.

Including power purchased from the Brisbane Water County Council and coal purchased locally, 10  
the amount expended on wages, rates, transport costs, capital items, supplies etc. should pump not less than £350,000 per year into the local economy from this month onwards.

STATISTICS

The detailed statistics set out on the following page may be found of interest:

WYONG MINERALS LIMITED

Issued Capital 3,138,900 fully paid 5/-  
 Units of Stock £784,725.

Market Value per unit at 30th June, 1965 -  
 17/9 representing a market capitalisation  
 of £2,707,300.

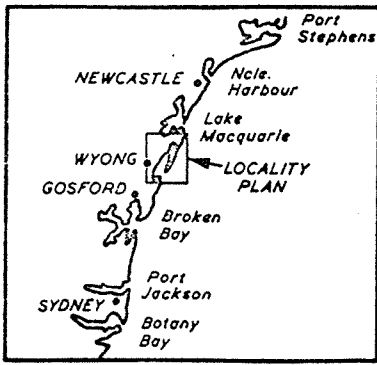
	From commence- ment to 30th June 1964			10
	<u>Cumulative</u>	<u>1964/65</u>	<u>1965/66</u>	
	£	£	£	
Value of Production	1,770,000	511,000	872,000	
Total Operating Costs	1,313,500	305,500	550,000	
which include -				
Wages & Salaries	417,500	114,500	125,000	
Rates & Royalties	30,000	12,500	24,000	
Power Costs	127,500	25,500	50,000	20
Transport Costs	136,000	28,000	60,000	
<hr/>				
Number of Employees	62 (Av.)	83	92	
Cubic yards dredged	7,779,000	2,028,000	5,000,000	

WYONG MINERALS LIMITED

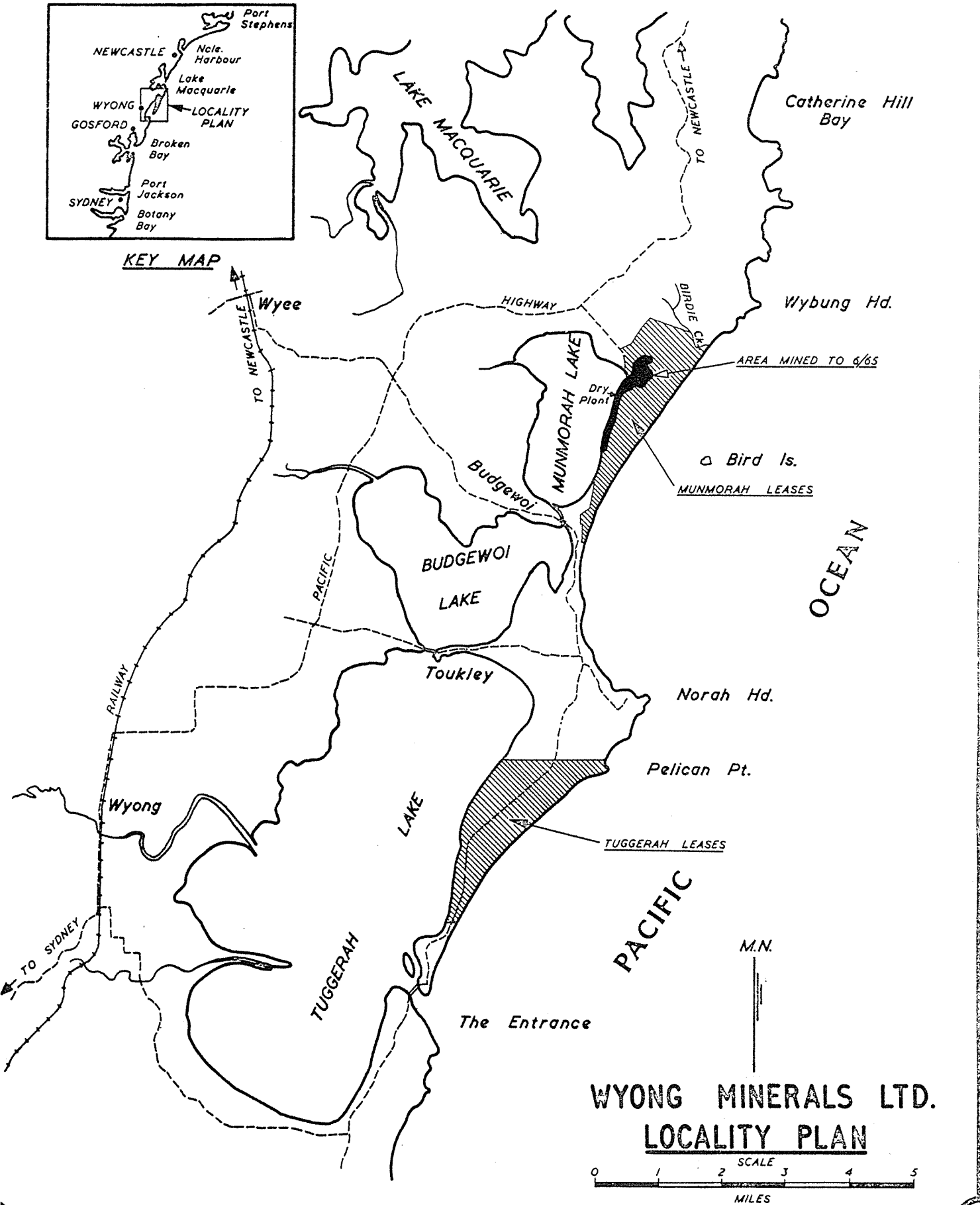
Issued Capital 3,138,900 fully paid 5/-  
 Units of Stock £784,725.

Market Value per unit at 30th June, 1965 -  
 17/9 representing a market capitalisation  
 of £2,707,300.

	From commence- ment to 30th June 1964	<u>1964/65</u>	<u>1965/66</u>	
	<u>Cumulative</u>	<u>Actual</u>	<u>Estimated</u>	
	£	£	£	
Value of Production	1,770,000	511,000	872,000	
Total Operating Costs	1,313,500	305,500	550,000	
which include -				
Wages & Salaries	417,500	114,500	125,000	
Rates & Royalties	30,000	12,500	24,000	
Power Costs	127,500	25,500	50,000	20
Transport Costs	136,000	28,000	60,000	
<hr/>				
Number of Employees	62 (Av.)	83	92	
Cubic yards dredged	7,779,000	2,028,000	5,000,000	



**KEY MAP**



**WYONG MINERALS LTD.  
LOCALITY PLAN**



103/12(B)

AMA

ASSOCIATED MINERALS CONSOLIDATED LIMITED  
Incorporated in NSW

Head Office: Ferry Road, Southport, Qld - P.O. Box  
51 Southport, Qld. 4215 Australia - Cables: Assomin,  
Brisbane - Telex AA40380 - Tel: 075-31 3061

Managing Director's Office February 12, 1971.

Wyong Shire Council  
15 FEB 1971  
(Initials)

10

The Shire Clerk,  
Wyong Shire Council,  
P.O. Box 174,  
Wyong. N.S.W.2259

Dear Sir,

re: Garbage Disposal Area  
Portion M.L.42, Parish Wallarah

With reference to your letter of February 11th and  
your request to be allowed to establish a Garbage  
Disposal Area in part of our Portion ML.42.

20

Enclosed is a copy of a letter written today to  
Under Secretary, Department of Mines, requesting  
that the area of interest to you be excised from  
our lease, in order that you can obtain suitable  
title.

We are happy to have been of assistance in this  
matter.

Yours faithfully,

J. Pinter

30

J. Pinter  
Managing Director.

P/P not received for filing




**WYONG ALLUVIALS PTY. LTD.**  
**PLAN OF TUGGERAH AREAS**  
**BORE PLAN FOR A TO P<sub>5</sub>**

**N<sup>o</sup> 157, 156, 186**  
**NEWCASTLE**

FIELD WORK PERFORMED SEPTEMBER 1957  
 HAND BORING GEAR USED  
 BORE HOLE SUNK BY 2" AUGER TO GROUND WATER  
 2" CASING & SLUDGE PUMP BELOW GROUND WATER  
 ASSAY OF COMPOSITE HEAVY MINERAL SAMPLE

RUTILE ——— 41.58%  
 ZIRCON ——— 32.92%  
 FREE QUARTZ ——— 11.55%  
 MONAZITE ——— 0.56%  
 ILMENITE ——— 12.80%  
 OTHER MAGNETICS — 59%

TOTAL AREA ——— 1,326 ACRES  
 SELECTED AREA SHOWN  34,450,000 CUBIC YARDS

PROVEN VALUES IN SELECTED AREA  
 DRILLED TO A DEPTH OF 28 FEET ONLY

AVERAGE H.M. VALUE — 28 LBS/YD.  
 RUTILE ——— 179,000 TONS  
 ZIRCON ——— 142,000 TONS  
 MONAZITE ——— 2,400 TONS  
 ILMENITE ——— 55,000 TONS

ESTIMATED YARDAGE IF GROUND ALL DREDGED TO BOTTOM  
 125,000,000 CUBIC YARDS

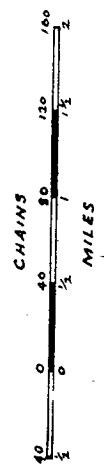
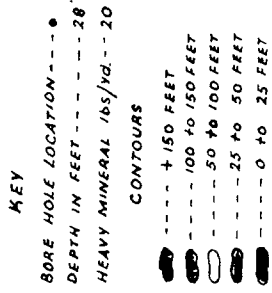
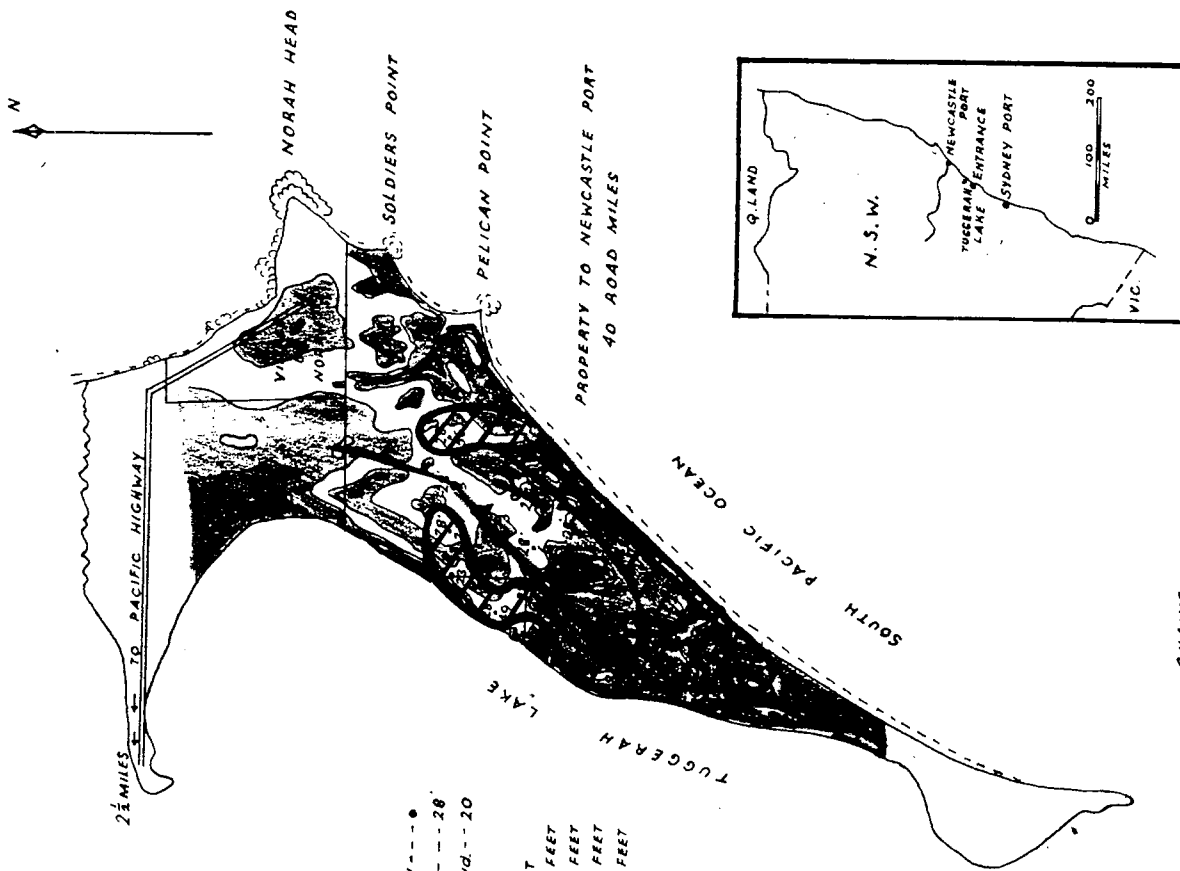
AVERAGE H.M. VALUE ——— 17.25 LBS/YD. (AVERAGE OF TOTAL  
 AREA DRILLED)

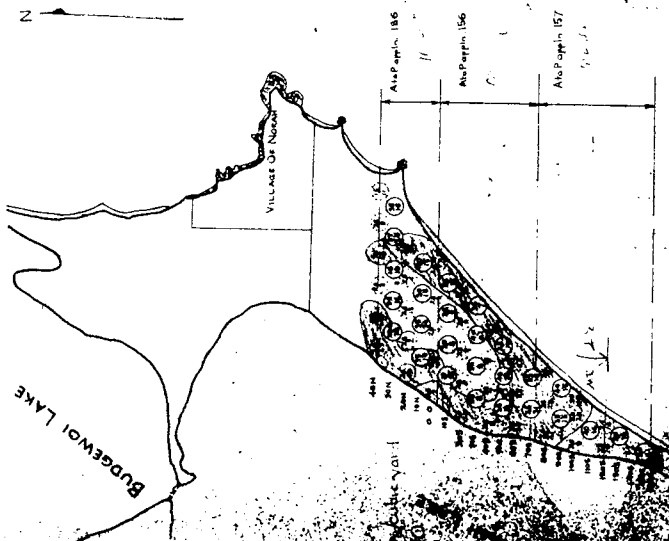
INDICATED VALUES IN TOTAL AREA  
 RUTILE ——— 400,000 TONS  
 ZIRCON ——— 318,000 TONS  
 MONAZITE ——— 5,400 TONS  
 ILMENITE ——— 123,000 TONS

Prepared by **WYONG ALLUVIALS PTY. LTD.**

FIELD SUPERVISION & SAMPLING — D. BERRIMAN  
 GENERAL SUPERVISION ——— P. A. OLIVER B.E.  
 CONSULTANT ——— F. A. C. F. B.E.

*P. Close* 28/10/57





KEY: **DRILLED BY WYONG ALLUVIALS PTY. LTD.**  
**DRILLED BY COFF'S HARBOUR RUTILE N.L.**  
 a depth of hole ft  
 B mean value Heavy Mineral lbs/cubic yard  
 Wyong Alluvial selection area  
 N.B. LOCATIONS APPROXIMATE ONLY

**ESTIMATE OF RESERVE**  
 Coff's Harbour Area  
 27 holes Mean depth 31  
 Mean grade 16  
 Area of application  
 Quantities  
 Rutile content  
 assay by  
 by Wyong  
 Composition: Free Rutile

**COFF'S HARBOUR RUTILE N.L.**  
**TEST DRILLING OF AREAS**  
 A TOP APPL. Nos. 156, 157 & 186 NEWCASTLE.  
 FIELD FOREMAN N. EGGINS  
 PLAN & CALCULATIONS R. C. NOLAN B.E.

103/12(B)

AMA

ASSOCIATED MINERALS CONSOLIDATED LIMITED  
Incorporated in NSW

Head Office: Ferry Road, Southport, Qld - P.O. Box  
51 Southport, Qld. 4215 Australia - Cables: Assomin,  
Brisbane - Telex AA40380 - Tel: 075-31 3061

Managing Director's Office February 12, 1971.

Wyong Shire Council  
15 FEB 1971  
(Initials)

10

The Shire Clerk,  
Wyong Shire Council,  
P.O. Box 174,  
Wyong. N.S.W.2259

Dear Sir,

re: Garbage Disposal Area  
Portion M.L.42, Parish Wallarah

With reference to your letter of February 11th and  
your request to be allowed to establish a Garbage  
Disposal Area in part of our Portion ML.42.

20

Enclosed is a copy of a letter written today to  
Under Secretary, Department of Mines, requesting  
that the area of interest to you be excised from  
our lease, in order that you can obtain suitable  
title.

We are happy to have been of assistance in this  
matter.

Yours faithfully,

J. Pinter

30

J. Pinter  
Managing Director.

P/P not received for filing

Exhibit 17 - Correspondence between Plaintiff and Defendants

AMA

ASSOCIATED MINERALS CONSOLIDATED LIMITED  
Incorporated in NSW

Head Office: Ferry Road, Southport, Qld - P.O. Box 51 Southport, Qld. 4215, Australia - Cables: Assomin, Brisbane - Telex AA40380 - Tel.: 075-31 3061

Managing Director's Office      February 12, 1971.      10

The Under Secretary,  
Department of Mines, N.S.W.,  
Loftus Street,  
Sydney. N.S.W.2000

Dear Sir,

re S.L. 175  
M.L. 42  
Parish of Wallarah

We have received a request from the Wyong Shire Council that they be allowed to establish a garbage disposal area on part of our portion M.L.42 as per the attached plan, Wyong Shire Council Plan No. S-7, (10/2/71).      20

Mining has been completed on the area they are interested in acquiring, and it is currently under first stage restoration.

Attached for your information is a copy of the letter from the Council outlining their proposal, and you will note that, should they be allowed to proceed with their plans, they undertake to take responsibility for the restoration normally required under the lease conditions.      30

We would like to assist Council with their project, and hereby request your approval to have the area of interest to the Council excised from our lease in order that Council can obtain title.

Yours faithfully,





J. Pinter

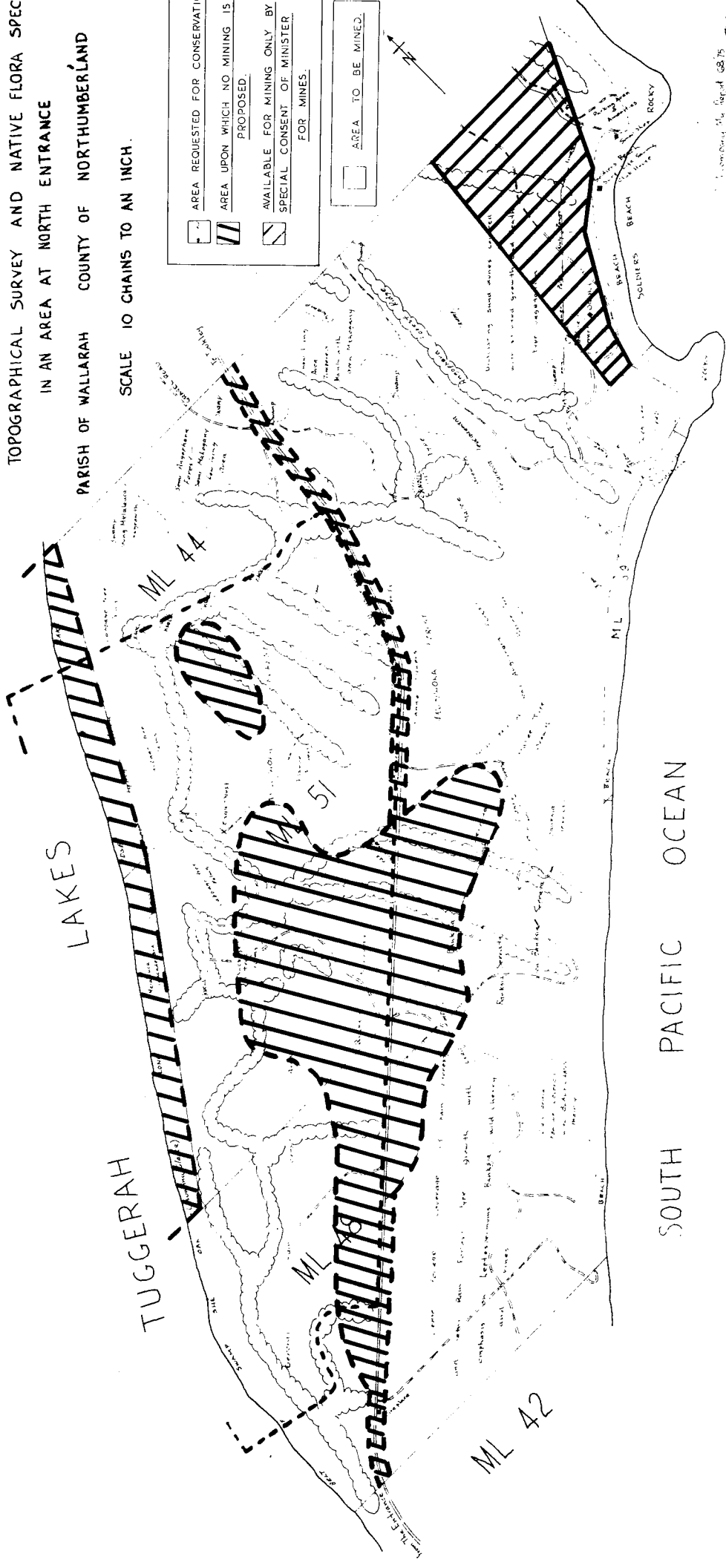
J. Pinter  
Managing Director.      40

TOPOGRAPHICAL SURVEY AND NATIVE FLORA SPECIES  
IN AN AREA AT NORTH ENTRANCE

PARISH OF WALLARAH COUNTY OF NORTHUMBERLAND

SCALE 10 CHAINS TO AN INCH.

	AREA REQUESTED FOR CONSERVATION.
	AREA UPON WHICH NO MINING IS PROPOSED.
	AVAILABLE FOR MINING ONLY BY SPECIAL CONSENT OF MINISTER FOR MINES.
	AREA TO BE MINED.



TRACING OF

MS. 8071 MD.R.

Library of the Corporation  
of the State of New South Wales  
and the Department of Mines

76

Exhibit 17 - Correspondence between Plaintiff and Defendants

WYONG SHIRE COUNCIL  
Telephone: Wyong 5 1171

All communications to be addressed to Shire Clerk, P.O.Box 74.....WYONG

When replying please quote: No. JB.JB WYONG

For reply see letter 8th September, 1964. No....Dated 17/9/64.

10

Secretary,  
Wyong Alluvials Pty.Ltd.,  
115 Clarence Street,  
SYDNEY.

10 SEP 1964		
	ACT.	INF
B.M.G.		
S.L.S.		
L.H.		
D.F.A.		
W.F.M.		
R.S.M.		
B.J.N.		
M.L.		
B.H.L.		
FILE		

Dear Sir,

Re: Mining Leases 42 & 48, between North Entrance and Norah Head, Parish of Wallarah.

With reference to your acquisition of the above leases on the 14th January, 1963 I desire to advise that the Valuer General has now furnished valuations to this office enabling Council to levy rates from the date of commencement of your company's interest in same.

20

I enclose herewith rate notices for the years 1963/1964 which disclose the proportion of rates payable for 1963 from the 14th January, 1963 together with the amount of rates payable for the current year.

Your early attention to the payment of the amount due as shown on the 1964 rate notice would be most appreciated.

30

Yours faithfully,  
Golding  
SHIRE CLERK.

(Initials)  
Hold pending reply to our letter dated 17/9/64  
(Initials)

PAID  
-7 DEC 1964

Exhibit 17 - Correspondence between Plaintiff and Defendants

WM:lh

17th September, 1964.

The Shire Clerk,  
Wyong Shire Council,  
Box 74,  
WYONG.

Dear Sir,

We refer to your letter of 8th September, 1964, with which you enclosed rating notices in respect of ML.42 and ML.48, being mining leases held by this Company between the North Entrance and Norah Head, Parish of Wallarah.

10

An appeal by the Company was lodged with the Department of the Valuer-General against the unimproved capital valuation placed on these leases and on which the rating notices had been assessed.

We now request that the Shire Council hold payment of these assessments in abeyance until the matter of the objection to the valuation has been finalized.

20

Yours faithfully,

L

B.H. LORD  
Secretary.

Exhibit 17 - Correspondence between Plaintiff and Defendants

WYONG SHIRE COUNCIL  
Telephone: Wyong 5 1171

All communications to be addressed to Shire Clerk, P.O. Box 74 ..... WYONG

When replying please quote: No. JB.JB

For reply see letter No.....Dated.....

WYONG  
29th September, 1964.

10

Secretary,  
Wyong Minerals Limited,  
A.M.P. Building,  
Circular Quay,  
SYDNEY.

1 OCT 1964			ACT.	INF.
	ACT.	INF.	R.S.M.	B.J.N.
B.M.G.			M.L.	
S.L.S.			B.H.L.	
B.W.A.			T.R.W.	
L.H.			E.G.W.	
D.F.A.				
W.F.M.			FILE	

Dear Sir,

Re: Assess. A 21300 - M.L. 42 & M.L. 48,  
Parish of Wallarah.

I wish to acknowledge receipt of your letter of the 17th inst. relative to your objection to the valuation of the above leases and in reply I have to request that you remit payment of the amount due.

20

Should the Valuer General reduce the valuation of the subject leases the Council will refund the amount of rates overpaid.

Yours faithfully,  
Golding,

(Initials)

SHIRE CLERK.

Please pay assessment  
90 days after date of  
service (Initials)  
1/10/64

30

Pay 7/12/64

PAID  
-7 DEC 1964



Exhibit 17 - Correspondence between Plaintiff and Defendants

WYONG SHIRE COUNCIL S/L175  
Telephone: Wyong 5 1171

All communications to be addressed to Shire Clerk, P.O. Box 74 ..... WYONG

When replying please quote: No. JB.JB

For reply see letter No.....Dated.....

WYONG  
25th June, 1965

10

Secretary,  
Wyong Alluvials Pty.Ltd.,  
A.M.P. Building,  
Circular Quay,  
SYDNEY.

28 JUN 1965		
	ACT.	INF.
B.M.G.		
S.L.S.		
W.F.M.		
TECH.		
INV.		
SEC.		

SEC.	ACT.	INF.
J.T.M.		
B.H.L.		
M.L.		
J.L.		
J.C.		
B.B.		
FILE		

Dear Sir,

Re: Assess.A 21713 - M.L. 42 & M.L. 48,  
Parish Wallarah.

With reference to previous rating in respect of the above mining leases I desire to advise that following your objection to the valuation of same the Valuer General amended the Unimproved Capital Value from £35,000 to £13,910 retrospective to the 6th December, 1963.

20

Following your acquisition of M.L. 51 the Unimproved Capital Value of assessment 21713 "A" Riding was subsequently readjusted to £24,650 and this valuation took effect in the valuation roll on the 1st January, 1964.

30

Having regard to the above Council has adjusted its rating for the years 1963/1965 inclusive and has written off the following amounts.

1963: Adjustment of Rates levied for the period 6th December, 1963 to the 31st December, 1963 on amended U.C.V. of £13,910. £46.18.11.

1964: Difference between amount of rates levied and amount leviabale on reduced valuation of £24,650 323. 8. 9.

Exhibit 17 - Correspondence between Plaintiff and Defendants

Exhibit 17 - Correspondence between Plaintiff and Defendants

1965: Difference between amount of rates levied and amount leviable on reduced valuation of £24,650 247.19. 5.

Total amount written off: £618. 7. 1.

In view of the fact that rates levied for the year 1965 are still outstanding to date the above amount will be credited to your assessment number A 21713 leaving a balance of £226.6.9. payable by you.

10

Kindly remit the balance owing at your earliest convenience.

Yours faithfully,

Golding

SHIRE CLERK.

Cheque 445720

Authorised By	
Goods or Service Received	
Prices and Rates Checked	
Extensions & Totals Checked	
Charge To CR.Prov.for Cost ) Shire Rates	
Not Previously Paid	
Voucher Number PJ34	

Exhibit 17 - Correspondence between Plaintiff and Defendants

WYONG SHIRE COUNCIL  
Telephone: Wyong 5 1171

All communications to be addressed to Shire Clerk, P.O. Box 174 ..... WYONG

When replying please quote: No. JG:AB 90

WYONG  
8th March, 1967.

10

Mr. S.J. Griffiths,  
Manager,  
Wyong Minerals Ltd.,  
Lake Munmorah,  
via WYONG, N.S.W.

Dear Sir,

re: Preservation of the rain forest at  
The Entrance North.

In connection with the above I have been directed to invite you to attend the next meeting of the Council which is to be held in the Council Chambers, Wyong, on Thursday, 23rd March, 1967 at 11.30 a.m.

20

It will be appreciated if you will bring your maps with you on this occasion so that Council may see clearly the extent of your Company's proposed mining operations on The Entrance North peninsula.

Yours faithfully,

J. Golding,

SHIRE CLERK.

30

(Initials) Would you prepare the maps etc. I think you had better come along with me so that you will be familiar with what happens.  
(Initials)

Exhibit 17 - Correspondence between Plaintiff and Defendants

WYONG SHIRE COUNCIL  
Telephone: Wyong 5 1171

All communications to be addressed to Shire Clerk, P.O. BOX 174 ..... WYONG

When replying please quote: No. DC.PC 57/67

WYONG  
5th April, 1967.

6/5

10

Mr. S.J. Griffiths,  
Wyong Minerals Ltd.,  
LAKE MUNMORAH,  
Via WYONG. N.S.W.

Dear Sir,

Further to your visit to the Council on 23rd March, 1967 it is advised that the question of the rutile mining of The Entrance North Peninsula has been further considered by Council and the following resolution was passed :-

20

"That before any mining is commenced in The Entrance North Peninsula, the Company be asked to formulate its plans for the mining of the area, and then arrange a further conference with the Council to acquaint it with the proposals in detail, and that the Council also confer with Associated Minerals."

You will have realised the concern of Councillors in regard to the exact areas proposed to be mined, and the effect this would have upon the preservation of valuable flora. If the plans required could be formulated in a more explicit form preferably in writing, with plans showing details of the proposals, further consideration will be given to the matter in accordance with the resolution.

30

In the meantime, the Council will confer with Associated Minerals.

Would you kindly acknowledge receipt of this letter.

40

Yours faithfully,

J. Golding  
SHIRE CLERK.

Exhibit 17 - Correspondence between Plaintiff and Defendants

6/S  
SJG/Mcj

17th April, 1967

The Shire Clerk,  
Wyong Shire Council,  
Box 174 P.O.  
WYONG.

10

Dear Sir,

Receipt of your letter DC.PC 57/67 of 5th April is acknowledged.

Yours faithfully,  
Wyong Minerals Limited

S.J. Griffiths  
Manager.

Copy of letter ford. to  
Mr. Segal.

Exhibit 17 - Correspondence between Plaintiff and Defendants

Wyong

October 11, 1968.

The Shire Clerk,  
Wyong Shire Council,  
WYONG. N.S.W.2259

Dear Sir,

We refer to a report in the "Wyong Advocate" of recent date and enclose a copy of a letter refuting that report which we have sent to the Editor. 10

It will be apparent from this that the various statements attributed to Councillors K. O'Connell, P. Duncan, C. Hinds and A. Clissold are not founded on fact.

As a major employer of labour and services in many shires in New South Wales and Queensland for many years, we have come to expect a balanced and informed expression of opinion from Local Authority spokesmen. 20

Please ask the Council if we can assist in any way in maintaining the status quo by the provision of literature or by attendance on the Council of one of our senior officers at some convenient time.

Yours faithfully,

J.B. McKellar  
Acting General Manager.

JBMcK/ma  
c.c. Mr. A.A. Brown

30

Exhibit 17 - Correspondence between Plaintiff and Defendants

WYONG SHIRE COUNCIL  
Telephone: Wyong 5 1171

All communications to be addressed to:  
The Shire Clerk,  
P.O. Box 174, Wyong,  
N.S.W. 2259

When replying, please quote: No. DC:AB 90  
WYONG  
18th December, 1968.

10

The Secretary,  
Associated Minerals Consolidated Ltd.,  
Ferry Road,  
SOUTHPORT. QUEENSLAND.

	ACT	INF
JP		
HA		
WNC		
RJJ		
JMcK		
20 DEC 1968		
JFM	1	
JRT		
HJS	2	
FILE		

Dear Sir,

I have been directed by the abovenamed Council to request that your Company forward at its earliest convenience a plan of The Entrance North peninsula showing the areas which it proposes to mine.

20

This plan is required for comparison with a plan of the same area showing those portions desired to be preserved by conservationists.

Your prompt attention to this matter will be greatly appreciated.

Yours faithfully,  
J. Golding  
SHIRE CLERK.

- (1) Plan 76 sent
- (2) Location plan sent
- (3) Copy of letter to Mr. Bent

30

Exhibit 17 - Correspondence between Plaintiff and Defendants

AMA

90.

ASSOCIATED MINERALS CONSOLIDATED LIMITED

Head Office: Ferry Road, Southport, Qld. - P.O. Box 51 Southport, Qld. 4215, Australia - Cables: Assomin, Brisbane - Telex AA40380 - Tel.: Southport 2 2161

HJS/lab

January 2, 1969.

The Shire Clerk,  
Wyong Shire Council,  
P.O. Box 174,  
WYONG, NSW 2259.

Wyong Shire Council  
Rec'd -17 JAN 1969  
Ack'd -

10

Dear Sir,

With reference to your letter of 18th December, 1968 and your request for a plan of the area we intend to mine at the Entrance North peninsula. In order that a comparison can be made with the portions of the leases requested for conversation by interested associations, please find enclosed :-

20

1. A plan prepared to show areas for mining compared with areas requested for conservation.
2. A general location plan showing our leases and lease applications in the Munmorah and Tuggerah areas.
3. A copy of a letter forwarded to Mr. C.H. Bint, following a meeting held on site with conservation associations and this company's representatives.

30

Please advise me should you require any further information.

Yours faithfully,

H.J. Surman

(H.J. Surman)

Manager -

Prospecting & Mine Planning.

previous papers S/C 6-1-1969

Encl:

40



Exhibit 17 - Correspondence between Plaintiff and Defendants

175,176,202,271,369  
SLA 1614,1625 N

WYONG SHIRE COUNCIL  
Telephone: Wyong 5 1171

All communications to be addressed to:

The Shire Clerk,  
P.O. Box 174, Wyong,  
N.S.W. 2259

When replying, please quote No. JG:PB 90

WYONG

30th January, 1969.

10

The Manager,  
Prospecting & Mine Planning,  
Associated Minerals Consolidated Limited,  
P.O. Box 51,  
SOUTHPORT, QLD. 4215.

Dear Sir,

Receipt is acknowledged with thanks of your letter dated the 2nd January together with the accompanying plans showing the areas to be mined at The Entrance North compared with the areas requested for conservation.

20

I have been directed to advise, however, that the Council is not satisfied with the position and intends to make further representations to the Department of Mines in an endeavour to restrict the proposed mining operations.

Yours faithfully,

J. Golding

30

SHIRE CLERK.

(Notes illegible)

	ACT	INF
AP		
HA		
WNC		
RJJ		
JMcK		
- 4 FEB 1969		
JFM	1	
JRT		
HJS	2	
FILE		

Exhibit 17 - Correspondence between Plaintiff and Defendants

WYONG SHIRE COUNCIL  
Telephone: Wyong 5 1171

All communications to be addressed to:  
The Shire Clerk,  
P.O. Box 174, Wyong,  
N.S.W. 2259

When replying, please quote No. JG:AB 90  
WYONG  
18th February, 1969.

10

Messrs. A.A. Brown & Co.,  
Solicitors,  
P.O. Box 110,  
WYONG. N.S.W.

RECEIVED  
19 FEB 1969  
Ans'd.....

Dear Sirs,

re: Wyong Alluvials Pty. Ltd. - M.L. 42  
at The Entrance North.

With reference to your letter dated the 30th January, I wish to advise that the abovenamed Council has now rescinded its earlier decision to refuse permission for an access road on the subject lease to be joined to Wilfred Barrett Drive.

20

It should be specially noted, however, that this action was only taken because the Council considers the Company has a right of access with or without the Council's approval and, as a matter of policy, the Council does not condone rutile mining on The Entrance North Peninsula.

Yours faithfully,

J. Golding  
SHIRE CLERK.

30

Exhibit 17 - Correspondence between Plaintiff and Defendants

WYONG SHIRE COUNCIL  
Telephone: Wyong 5 1171

All communications to be addressed to:

The Shire Clerk,  
P.O. Box 174, Wyong,  
N.S.W. 2259

When replying, please quote No. CSD:LJF 90

WYONG

23rd October, 1969.

10

The Manager,  
Associated Minerals Consolidated Ltd.,  
P.O. Box 51,  
SOUTHPORT. QLD. 4215

Dear Sir,

At its recent meeting the Council considered a letter written on behalf of the Company's employees, concerning the threat to their livelihood by the recent political pressure being applied on the Mineral Sands industry.

20

After giving this matter consideration the Council directed that I write to you and ask that you submit plans of your Company's proposed operations in this area.

In the circumstances I shall be grateful if you will co-operate in this matter and supply the above information as soon as convenient.

Yours faithfully,

J. Golding

SHIRE CLERK.

30

Mike S

Can you fix this  
& let me see please  
JS

Send copy of conservation map with additions;

(i) detailed dredge path  
1969-70.

(ii) tentative path of  
10/10 thereafter.

(iii) tentative starting  
point & path for 19/19

40

J

	ACT.	INF.
J.P.		
H.A.		
W.N.C.		
D.R.J.		
R.J.J.		
J.McK.	1	
30 OCT 1969		
J.F.M.		
N.R.		
H.J.S.	2	
J.R.T.		
G.J.W.		
FILE		

Exhibit 17 - Correspondence between Plaintiff and Defendants

Exhibit 17 - Correspondence between Plaintiff and Defendants

HJS/lab

December 5, 1969.

The Shire Clerk,  
Wyong Shire Council,  
P.O. Box 174,  
WYONG, NSW 2259.

Dear Sir,

10

Your reference CSD:LJF 90.

In response to your enquiry regarding our future plan of operations in your Shire, and the effects of these operations upon this Company's employees, we comment as follows.

1. Munmorah Leases

Our No. 18 plant currently operating on the southern end of the leases is expected to continue operations until 1974-75.

The No. 20 plant on the northern end is expected to continue in that area until 1980.

20

The processing plant is expected to continue for at least another 12 months.

2. Tuggerah Leases

The No. 10 plant currently operating on our SLA 1614 and 1625 is expected to turn northwards shortly and return to ML 42, and then proceed on the northerly path through ML's 42, 48, 51 and 44. This dredge path has been indicated generally on the attached locality plan. This plant will take some 15-20 years to complete this operation, say until sometime around 1987-1990.

30

In December 1971 we plan to introduce an additional large plant and position it in the northern end of the leases and on the western side of the main road at the point indicated on the attached plan. This plant is expected to operate for some 15-20 years and complete mining between say 1987-1990.

/ ....2

Exhibit 17 - Correspondence between Plaintiff and Defendants

2. December 5, 1969.

Wyong Shire Council,  
Wyong.

You will see therefore, what a significant effect the Tuggerah Leases have upon the term of operations within the Shire.

Labour

10

Currently/we are employing between 130 and 140 men directly, added to which are a number of contractors and their employees engaged in this Company's operations, and it is certain that with the introduction of the second plant at Tuggerah this number will increase considerably, despite the anticipated closure of the processing plant.

Capital Investment

The Company's capital investment in its operations in your Shire currently stands at approx. \$3 million, and this figure will rise to more than \$4 million in 1971-72.

20

Expenditure

We estimate the Company will spend in your Shire a sum well in excess of \$900,000 this financial year, of which some \$600,000 will be salaries and wages paid directly to our employees. This, I am sure you will agree represents a significant contribution to local economy.

Any reference to proposed dredging paths and the "Point of Entry" for the additional plant at Tuggerah is highly confidential and we ask that this be treated as such.

30

We trust the foregoing will be of interest and assistance to your Council, and fully answers your enquiry.

Yours faithfully,

H

(H.J. Surman)

Manager-Prospecting  
and Mine Planning.

40

Attached:  
Plan 246

Exhibit 17 - Correspondence between Plaintiff and Defendants

HJK:ps

17th August, 1970.

Mr. W. Golding,  
Shire Clerk,  
Council Chambers,  
Wyong Shire Council,  
WYONG. N.S.W. 2259.

Dear Sir,

10

We are now doing the preliminary site preparation for our Research Nursery on M.L. 51 Tuggerah which will include the formation of an unsealed roadway giving access to and from Wilfred Barrett Drive.

This formation will require the deposit of fill to bring the Drive level with the adjoining land and so provide the only practicable access available to us.

We will call and give you full details of the work we propose before starting so as to ensure that you have no objections.

20

If there are any requirements you have at this stage, please let me know.

The area cross-hatched on the attached Map No. 76 consists of 3 acres, being 6 chains fronting Wilfred Barrett Drive by 5 chains deep, has been retained as portion of Mineral Lease 51.

Please forward at your earliest convenience two copies each of "Council's General Requirements for Commercial Premises", building applications and Schedule 3 (regulation 6) Application for Improvements on Land Subsidence Area.

30

Yours faithfully,  
ASSOCIATED MINERALS CONSOLIDATED LIMITED.,  
H.J. Kroll  
(H.J. Kroll).

Exhibit 17 - Correspondence between Plaintiff and Defendants

WYONG SHIRE COUNCIL  
Crest

All communications to be addressed to:

The Shire Clerk,  
P.O. Box 174, Wyong,  
N.S.W. 2259

When replying please quote No. RRM:PDB 90

Wyong

30th September, 1970.

10

Telephone: Wyong 51171

Mr. H.J. Knoll,  
Manager,  
Associated Minerals Consolidated Ltd.,  
P.O. Box 51,  
SOUTHPORT. QLD.

	ACT.	INF.
J.P.		
H.A.		
W.N.C.		
D.R.J.		
R.J.J.		
-2 OCT 1970		
J.McK.	2	
J.F.M.	1	
J.R.T.		
H.J.S.		
FILE		

Dear Sir,

I refer to your letter of the 17th August, 1970, concerning your Company's preliminary site preparation for its Research Nursery on M.L. 51 Tuggerah which will include the formation of an unsealed roadway giving access to and from Wilfred Barrett Drive.

20

The Council considered the matter at its recent meeting, however, resolved that you be informed that it objects to the proposed activity on M.L. 51 with access thereto. It was suggested, however, that the activity be transferred to an alternative area which the Company proposes to mine.

30

Accordingly, it will be appreciated if you will comply with the Council's decision.

Yours faithfully,

Golding

SHIRE CLERK.

Exhibit 17 - Correspondence between Plaintiff and Defendants

WYONG SHIRE COUNCIL

Crest

All communications to be addressed to:

The Shire Clerk,  
P.O. Box 174, Wyong,  
N.S.W. 2259

Telephone: Wyong 51171

When replying please quote No. JG:MB

WYONG

11th February, 1971.

10

The Managing Director,  
Associated Minerals Ltd.,  
SOUTHPORT. QLD.

Dear Sir,

Re: Proposed Garbage Disposal Area Within  
ML 42 at The Entrance North.

I desire to confirm the Council's verbal advice that it desires your Company to allow it to use the area of approximately twenty (20) acres, shown hatched on the accompanying plan, as a Garbage Disposal Area.

20

If you will grant this right the Council undertakes to relieve your Company of any responsibility for the restoration or rehabilitation of the said area as may be required by the Department of Mines.

An application for approval to use this area, which as you know has already been mined by your Company, has this day been forwarded to the Department of Mines with an intimation that your Company will be writing to the Department direct conveying your decision in regard to the Council's request.

30

Thanking you in anticipation of your prompt attention to this matter, I am,

Yours faithfully,

Golding,

SHIRE CLERK



Exhibit 17 - Correspondence between Plaintiff and Defendants

February 12, 1971.

The Shire Clerk,  
Wyong Shire Council,  
P.O. Box 174,  
Wyong. N.S.W.2259.

Dear Sir,

re: Garbage Disposal Area  
Portion M.L. 42, Parish Wallarah

10

With reference to your letter of February 11th and your request to be allowed to establish a Garbage Disposal Area in part of our Portion ML.42.

Enclosed is a copy of a letter written today to Under Secretary, Department of Mines, requesting that the area of interest to you be excised from our lease, in order that you can obtain suitable title.

We are happy to have been of assistance in this matter.

20

Yours faithfully,  
JP  
J. Pinter  
Managing Director.

Exhibit 17 - Correspondence between Plaintiff and Defendants

26th July 1971.

The Shire Clerk,  
Wyong Shire Council,  
WYONG. N.S.W. 2259

Dear Sir,

We have been approached by the "Wyong Advocate" for a statement concerning your Council's reported unhappiness with our entry into the North Entrance Peninsula west of the road. We have made the following statement: 10

"1. We are following precisely our programme submitted to the Wyong Shire Council and approved by the Department of Mines. This stipulates that a plant should begin operations in the North Entrance Peninsula west of the road in 1971-72. 20

2. This programme was formulated with the concurrence of the Department of Mines and with the purpose of mining these leases at an early date so that the land could be released for the rapidly encroaching urban development."

Dictated to George  
Ashton today.  
(Initials) 26/7

Yours faithfully,  
J  
J.B. McKellar  
Operations Manager. 30  
(Initials)

Exhibit 17 - Correspondence between Plaintiff and Defendants

WYONG SHIRE COUNCIL

Crest

All communications to be addressed to:

The Shire Clerk,  
P.O. Box 174, Wyong,  
N.S.W. 2259

Telephone: Wyong 51171

When replying, please quote No. RRM:LAM 90

WYONG

24th August, 1971.

10

Mr. J.B. McKellar,  
Operations Manager,  
Associated Minerals Consolidated Ltd.,  
C/- Post Office,  
LAKE MUNMORAH. 2259.

Dear Sir,

I desire to advise that the Council has noted the advice in your letter dated the 26th July last concerning the Company's Statement to the "Wyong Advocate" about the Council's reported unhappiness with the Company's entry into the North Entrance Peninsula west of Wilfred Barrett Drive.

20

Yours faithfully,

Golding

SHIRE CLERK.

Mrs. Wreford

	ACT.	INF.
J.P.		
H.A.		
W.N.C.		
D.R.J.		
R.J.J.		
J.McK.	1	
27 AUG 1971		
J.F.M.		
N.R.		
H.J.S.	2	
J.R.T.		
G.J.M.		
A.A.M.		
R.McG.		
FILE		3

30/8

Exhibit 17 - Correspondence between Plaintiff and Defendants

WYONG SHIRE COUNCIL

Crest

All communications to be addressed to:

The Shire Clerk,  
P.O. Box 174, Wyong,  
N.S.W. 2259  
Telephone: Wyong 51171

When replying, please quote No. CSD:LAM 137

WYONG.

2nd September, 1971.

10

Mr. J. Pinter,  
Managing Director,  
Associated Minerals Consolidated Ltd.,  
P.O. Box 51,  
SOUTHPORT. Qld. 4215.

Dear Sir,

The Council has directed me to invite you to attend the next Council meeting to be held in the Council Chambers, Hely Street, Wyong, at 11.30 a.m. on Thursday, the 9th September. The Council desires to discuss with you the Company's proposed development of its leases at the North Entrance and in this regard it will be of assistance if you can bring with you plans showing the dredging proposals for these leases.

20

	ACT.	INF.
J.P.	1	
H.A.		
W.N.C.		
D.R.J.		
R.J.J.		
J.McK.	2	
-6 SEP 1971		
J.F.H.		
N.R.		
H.J.S.	3	
J.R.T.		
G.J.W.		
A.A.W.		
R.MacG.		
FILE		

Yours faithfully,

Golding  
SHIRE CLERK

Exhibit 17 - Correspondence between Plaintiff and Defendants

Exhibit 17 - Correspondence between Plaintiff and Defendants

September 6, 1971.

The Shire Clerk,  
Wyong Shire Council,  
Wyong.

Dear Sir,

Thank you for your invitation to attend the Council Meeting of Thursday 9th September to discuss the Company's mining programme on the North Entrance Peninsula. 10

You will be aware that both the Company's Operations Manager and myself have attended Council Meetings and outlined our proposals on this subject. You will also know that the Company has submitted full plans and programme to the Council. These plans indicate the extensive area which this Company was prepared to exclude from its leases in a genuine attempt to meet the demands of conservation interests. 20

We are, of course, prepared to reiterate this programme at any time. Accordingly Mr. G. Ashton, the Company's Wyong District Manager, will be available at the meeting to outline the Company's programme at North Entrance.

Yours faithfully,

JP

J. Pinter  
Managing Director. 30

(Wyong Office advised by telephone to forward copy to Wyong Council before Thursday morning.)

Exhibit 17 - Correspondence between Plaintiff and Defendants

WYONG SHIRE COUNCIL  
Crest

All communications to be addressed to:

The Shire Clerk,  
P.O. Box 174, Wyong,  
N.S.W. 2259  
Telephone: Wyong 51171

When replying, please quote No. CSD:PDB

WYONG.

8th September, 1971.

10

The Manager,  
Associated Minerals  
Consolidated Ltd.,  
LAKE MUNMORAH. 2259.

Dear Sir,

I have enclosed for your information a copy of the "Tree Preservation Order" which has been issued in respect of the Red Gum Forest at The Entrance North. The notice has been published in "The Entrance Guardian" and The Government Gazette.

20

Yours faithfully,

Golding

SHIRE CLERK.

ENCL.

Received Wyong/File		
Date -9 SEP 1971		
Refer to	Seen	Date
Manager	:	
District	:	
Engineer	:	
Mining	:	
Superin-	:	
tendant	:	
Chief Clerk	:	
Maintenance	:	
Engineer	:	
	:	
	:	
	:	

30

Exhibit 17 - Correspondence between Plaintiff and Defendants

AMA

90.

ASSOCIATED MINERALS CONSOLIDATED LIMITED

Head Office: Ferry Road, Southport, Qld. - P.O. Box 51 Southport, Qld. 4215, Australia - Cables: Assomin, Brisbane - Telex AA40380 - Tel: Southport 2 2161

Wyong Shire Council      October 11, 1968.  
Rec'd 14 OCT 1968  
Ack'd      -

10

The Shire Clerk,  
Wyong Shire Council,  
WYONG. N.S.W.2259

Dear Sir,

We refer to a report in the "Wyong Advocate" of recent date and enclose a copy of a letter refuting that report which we have sent to the Editor.

It will be apparent from this that the various statements attributed to Councillors K.O'Connell, P. Duncan, C. Hinds and A. Clissold are not founded on fact.      20

As a major employer of labour and services in many shires in New South Wales and Queensland for many years, we have come to expect a balanced and informed expression of opinion from Local Authority spokesmen.

Please ask the Council if we can assist in any way in maintaining the status quo by the provision of literature or by attendance on the Council of one of our senior officers at some convenient time.      30

Yours faithfully,

J.B. McKellar

J.B. McKellar  
Acting General Manager.

JBMCK/ma

Exhibit 17 - Correspondence between Plaintiff and Defendants

COPY SHIRE CLERK, WYONG.

October 11, 1968.

The Editor,  
"Wyong Advocate",  
WYONG. N.S.W.2259

Dear Sir,

We would like to correct certain impressions which your readers may have gained from your report on this Company's operations in the Wyong Shire. This report appeared under the heading "Mine Company is Moving Out", and included remarks attributed to various Councillors at a Wyong Shire Council Meeting on 3rd. October. 10

In addition, we would be pleased of the opportunity to acquaint your readers of our future plans concerning operations in the area.

First, let us state that the Company has no intention of moving out of the Wyong Shire. In fact, the Company's plans envisage at least 15 years of operation in the Wyong Shire at an increased tempo to the present operation. 20

At the present time the Company has \$1.5 million worth of plant operating in the Wyong Shire where it employs 113 people directly, as well as a number of contractors. The wages bill amounts to more than \$415,000 per year and a figure in excess of \$25,000 is paid annually to local contractors. 30

The decision to close the small separating plant at Elizabeth Bay will affect less than 20 of the 113 employees, and most of these will be offered comparable alternate jobs on mining plants in the Elizabeth Bay area.

/.....2

2.

The decision to close the small inefficient separation plant and process the mined products at Hexham in a large modern plant close to shipping points is a rational step which will permit expansion of mining operations in the Wyong Shire. Mine production at Wyong is at present limited to the capacity of the small separation plant at Elizabeth Bay. 40

Exhibit 17 - Correspondence between Plaintiff and Defendants



Exhibit 17 - Correspondence between Plaintiff and Defendants

The Elizabeth Bay plant will close in March, 1969, and immediately thereafter a large mining plant with a capital value in excess of \$1million will be installed in the Tuggerah area, almost doubling the Company's mining capacity in the Wyong Shire.

From the foregoing remarks, the following points must be emphasised: 10

1. The Company is not moving out of the Shire but is expanding its operations there.

2. The small separation plant at Elizabeth Bay is not a large employer of labour and the Company's labour requirements in the Shire will not diminish as a result of its closure.

3. The Shire is not being exploited in return for the labour of a few men - the Company is a major employer of Shire labour and services and will continue in this role for many years to come. 20

Yours faithfully,

J

J.B.McKellar  
Acting General Manager.

JBMCK/ma

Exhibit 17 - Correspondence between Plaintiff and Defendants

AMA 90.  
ASSOCIATED MINERALS CONSOLIDATED LIMITED  
Incorporated in NSW

Head Office: Ferry Road, Southport, Qld. - P.O. Box 51 Southport, Qld. 4215, Australia - Cables: Assomin, Brisbane - Telex AA40380 - Tel: 075-313061

HJK:ps 17th August, 1970. 10

Mr. W. Golding,  
Shire Clerk,  
Council Chambers,  
Wyong Shire Council,  
WYONG. N.S.W. 2259.

Wyong Shire Council  
Rec'd 20 AUG 1970  
Ack'd -

Dear Sir,

We are now doing the preliminary site preparation for our Research Nursery on M.L. 51 Tuggerah which will include the formation of an unsealed roadway giving access to and from Wilfred Barrett Drive. 20

This formation will require the deposit of fill to bring the Drive level with the adjoining land and so provide the only practicable access available to us.

We will call and give you full details of the work we propose before starting so as to ensure that you have no objections.

If there are any requirements you have at this stage, please let me know. 30

The area cross-hatched on the attached Map No. 76 consists of 3 acres, being 6 chains fronting Wilfred Barrett Drive by 5 chains deep, has been retained as portion of Mineral Lease 51.

Please forward at your earliest convenience two copies each of "Council's General Requirements for Commercial Premises", building applications and Schedule 3 (regulation 6) Application for Improvements on Land Subsidence Area.

Yours faithfully,  
ASSOCIATED MINERALS CONSOLIDATED LIMITED.,  
Henry Kroll  
(H.J. Kroll),  
Manager - Rehabilitation.

40



Exhibit 17 - Correspondence between Plaintiff and Defendants

AMA 90.  
ASSOCIATED MINERALS CONSOLIDATED LIMITED  
Incorporated in NSW

Head Office: Ferry Road, Southport, Qld. - P.O. Box 51 Southport, Qld. 4215, Australia - Cables: Assomin, Brisbane - Telex AA40380 - Tel: Southport 2 2161

HJS/lab

December 5, 1969.

10

The Shire Clerk,  
Wyong Shire Council,  
P.O. Box 174,  
WYONG, NSW 2259.

Wyong Shire Council  
Rec'd -8 DEC 1969  
Ack'd -

Dear Sir,

Your reference CSD:LJF 90.

In response to your enquiry regarding our future plan of operations in your Shire, and the effects of these operations upon this Company's employees, we comment as follows.

20

1. Munmorah Leases

Our No. 18 plant currently operating on the southern end of the leases is expected to continue operations until 1974-75.

The No. 20 plant on the northern end is expected to continue in that area until 1980.

The processing plant is expected to continue for at least another 12 months.

2. Tuggerah Leases

The No. 10 plant currently operating on our SLA 1614 and 1625 is expected to turn northwards shortly and return to ML 42, and then proceed on the northerly path through ML's 42, 48, 51 and 44. This dredge path has been indicated generally on the attached locality plan. This plant will take some 15-20 years to complete this operation, say until sometime around 1987-1990.

30

In December 1971 we plan to introduce an additional large plant and position it in the northern end of the leases and on the western side of the main road at the point indicated on the attached plan.

40

Exhibit 17 - Correspondence between Plaintiff and Defendants

This plant is expected to operate for some 15-20 years and complete mining between say 1987-1990.

/.....2

Associated Minerals Consolidated Limited

2. December 5, 1969.

Wyong Shire Council,  
Wyong.

10

You will see therefore, what a significant effect the Tuggerah Leases have upon the term of operations within the Shire.

Labour

Currently/we are employing between 130 and 140 men directly, added to which are a number of contractors and their employees engaged in this Company's operations, and it is certain that with the introduction of the second plant at Tuggerah this number will increase considerably, despite the anticipated closure of the processing plant.

20

Capital Investment

The Company's capital investment in its operations in your Shire currently stands at approx. \$3 million, and this figure will rise to more than \$4 million in 1971-72.

Expenditure

We estimate the Company will spend in your Shire a sum well in excess of \$900,000 this financial year, of which some \$600,000 will be salaries and wages paid directly to our employees. This, I am sure you will agree represents a significant contribution to local economy.

30

Any reference to proposed dredging paths and the "Point of Entry" for the additional plant at Tuggerah is highly confidential and we ask that this be treated as such.

We trust the foregoing will be of interest

Exhibit 17 - Correspondence between Plaintiff and Defendants

and assistance to your Council, and fully answers your enquiry.

Yours faithfully,

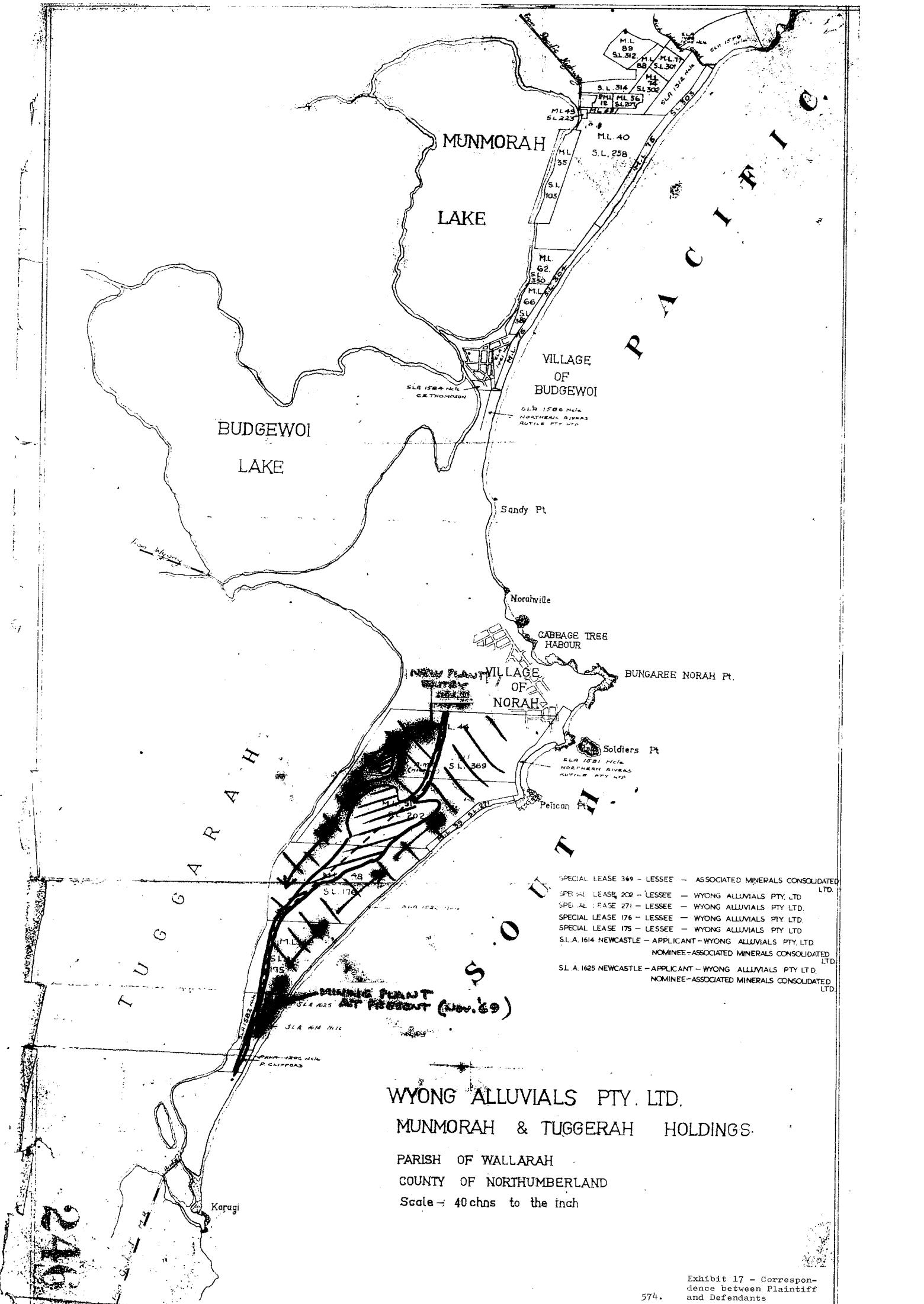
H.J. Surman

(H.J. Surman)

Manager - Prospecting  
and Mine Planning.

10

Attached:



- SPECIAL LEASE 369 - LESSEE - ASSOCIATED MINERALS CONSOLIDATED LTD.
- SPECIAL LEASE 202 - LESSEE - WYONG ALLUVIALS PTY. LTD.
- SPECIAL LEASE 271 - LESSEE - WYONG ALLUVIALS PTY. LTD.
- SPECIAL LEASE 176 - LESSEE - WYONG ALLUVIALS PTY. LTD.
- SPECIAL LEASE 175 - LESSEE - WYONG ALLUVIALS PTY. LTD.
- S.L.A. 1614 NEWCASTLE - APPLICANT - WYONG ALLUVIALS PTY. LTD.  
NOMINEE - ASSOCIATED MINERALS CONSOLIDATED LTD.
- S.L.A. 1625 NEWCASTLE - APPLICANT - WYONG ALLUVIALS PTY. LTD.  
NOMINEE - ASSOCIATED MINERALS CONSOLIDATED LTD.

**WYONG ALLUVIALS PTY. LTD.**  
**MUNMORAH & TUGGERAH HOLDINGS.**




PARISH OF WALLARAH  
 COUNTY OF NORTHUMBERLAND  
 Scale - 40 chns to the inch

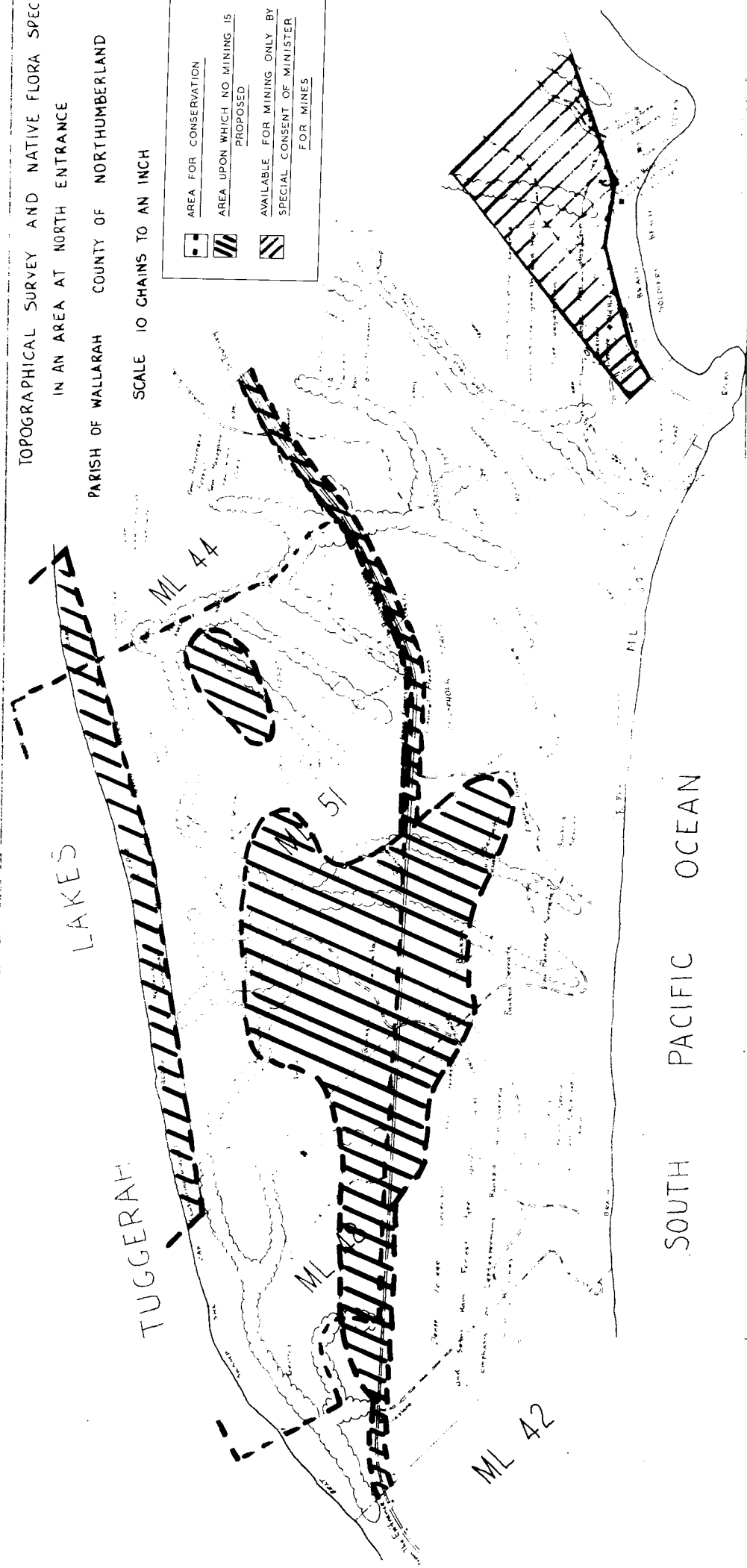
246

TOPOGRAPHICAL SURVEY AND NATIVE FLORA SPECIES  
IN AN AREA AT NORTH ENTRANCE

PARISH OF WALLARAH COUNTY OF NORTHUMBERLAND

SCALE 10 CHAINS TO AN INCH

	AREA FOR CONSERVATION
	AREA UPON WHICH NO MINING IS PROPOSED
	AVAILABLE FOR MINING ONLY BY SPECIAL CONSENT OF MINISTER FOR MINES



TRACING OF

MS. 8671 M.D.R.

TABLE 17 - Contour-lines  
and boundaries



BRANC

REGULATIONS—MINING ACT, 1906.  
DIVISION III.

4396

Schedule 21C.

(See Regulations 83, 85, 86 and 87.)

Application for Special Lease of Crown Lands

TO THE HONOURABLE  
THE SECRETARY FOR MINES,  
SYDNEY

(Date) 17th March 1958.

I hereby make application for a Special Mining Lease of that piece or parcel of land situated in the parish of Wallarah county of Northumberland, containing † about 510 acres being the area covered by authority to Prospect No. 1753 Newcastle of which I took possession on the 15th day of March 1958 at the hour of 11.30 o'clock in the forenoon, in accordance with Regulation 6, for the purpose of † mining for rutile ilminite zircon and momazite by § erecting hardwood posts

† More than one area and how the application

Insert mining for gold or other mineral, specifying name.

§ State how angles are marked.

at each angle thereof. The posts were three inches in diameter, and three feet above the surface of the ground. Each arm of each trench was three feet in length and six inches in depth ||

If substitute for trench was used describe it.

The datum post is at the South East angle of the land, and is 120 Chains in a North North Easterly direction from the North Eastern corner of Portion 39

and the notice prescribed in Regulation 6 was affixed to such datum post. The dimensions of the area are 80 North East chains. West I require 510 acres of the surface as shown on the attached sketch, or marked on the land by §

I require the lease for a period of twenty years ††

The deposit proposed to be worked consists of sand and dunes and sand deposits and by reason of its very nature an amount to be determined for its proper development and construction of mine works or machinery requires

If for any less period, state period.

- ✓
- ✓
- ✓

\* I or we.  
† If no such persons, alter this paragraph accordingly.

(2)

\*† I ~~know of no~~ know of no ~~persons who, under the provisions of any Act relating to mining, occupy, or within my knowledge, claim a right to, or interest in, the land aforesaid, or any part thereof, and have served a copy of notice Schedule 23, on the dates herein stated and have not received any objections thereto.~~ persons who, under the provisions of any Act relating to mining, occupy, or within my knowledge, claim a right to, or interest in, the land aforesaid, or any part thereof, ~~and have served a copy of notice Schedule 23, on the dates herein stated and have not received any objections thereto.~~

\* I deposit herewith the sum of ten pounds (£10) as evidence of bona fides, and the sum of \_\_\_\_\_, fee for survey.

\* I hereby acknowledge that this application is made upon the distinct understanding and condition that if \* I shall abandon or fail to proceed with it, or if it is refused, the Secretary for Mines for the time being may deduct from the sums deposited as aforesaid any cost to which in his opinion the Crown may have been put in or about in respect of this application.

The area will be worked by \*\* dredging

\* I desire that the lease be issued in the name of ||| Aubrey Arthur Brown and Ronald Roy Nash

\* I desire to commence mining operations during the pendency of the application.††

\* ~~I hereby undertake to notify the Under Secretary for Mines should I subsequently desire to commence mining operations during the pendency of the application.††~~

Yours faithfully

||| (Signature of Applicant, or of each Applicant.)

(Address.) ~~65 Wyong Road, 112 BAY RA~~  
~~LONG BEACH.~~ TOOWOOM BAY.

\* I hereby declare that the statements contained in the foregoing application are true in every particular.

(Signature of Applicant, or of each Applicant.)

This application was received by me this \_\_\_\_\_ day of \_\_\_\_\_ 1953, at the hour of \_\_\_\_\_ o'clock in the \_\_\_\_\_ noon, and is numbered \_\_\_\_\_ Deposit £ \_\_\_\_\_ and survey fee, £ \_\_\_\_\_, have been duly paid.

Notice of application Schedule 22a, was posted outside this office, on the \_\_\_\_\_ day of \_\_\_\_\_ 1953.

Warden's Clerk at \_\_\_\_\_

~~Objections have been lodged by~~

The land applied for † is exempted from leasing under Section 23 (2) of the Mining Act, 1906.

Warden.

\*\* State whether by sinking shafts, open-cuts, etc.

||| Insert name in full and address of nominee (if any).

†† Strike out and initial whichever clause is applicable.

||| Names to be given in full.

47.7.6 Rev  
Cr. 10/3/61 - 2832

*[Handwritten signature]*

*[Handwritten signature]*  
Warden's Clerk at \_\_\_\_\_

*[Handwritten signature]*  
Warden.

The Shire Clerk,  
Wyong Shire Council,

IW.  
21st November, 195  
LB.58/7529

Dear Sir,

Special Lease Application 1109 Newcastle.  
J.R. Jenkins. Nominees: A.A. Brown and  
R.R. Nash.

---

10

I refer to the litho forwarded in connection with Special Lease Application 1108 Newcastle and state that the area shown thereon by blue edging embraces 510 acres, parish Wallarah, county Northumberland and is subject of the abovementioned application for a lease of Crown lands to mine for zircon, rutile etc.

The subject area situated about 2 miles south westerly from the Village of Norah, affects Village Reserve 191 for extension to Village, notified 29.6.1885 and Reserve 33175 from Sale for Access, notified 31.8.1901.

20

The area is bounded on the west by Tuggerah Lake (high water mark) and on the east by Pacific Ocean high water mark.

Would you kindly advise whether you have any objections to the grant of a lease and if not, whether there are any special conditions you desire to have incorporated in any lease which may be granted in satisfaction of the subject application.

30

Yours faithfully,

Under Secretary,  
Per:

Exhibit 18 - Copy documents from Mines Department in relation to ML. 48

Lease Branch  
23 DEC 1958  
12674  
Dept. of Mines  
N.S.W.

WYONG SHIRE COUNCIL

All communications to be addressed to Shire Clerk  
Telephone: Wyong 171 & 187

P.O. Box 74  
WYONG  
19th December, 1958  
When replying please quote No. JG.JN. 90.

10

EM 21  
1

The Under Secretary,  
Department of Mines,  
P.O. Box 48,  
S Y D N E Y.

Post Room  
22 Dec 1958  
Mines

20

Dear Sir,

Special Lease Application 1109 Newcastle - J.R. Jenkins: Nominees:  
A.A. Brown and R.R. Nash.

In reply to your letter dated 21st ult., your reference (LB.58/7529,) I wish to advise that the abovenamed Council has decided to make an inspection of the area covered by the subject application in February next in order to determine whether the proposal is likely to affect a road which the Council proposes to establish between The Entrance North and Norah.

30

I shall advise you in due course when a decision is finally reached.

Noted  
(Initials) 5/1

Yours faithfully,  
Golding  
SHIRE CLERK.

Lease and Registrars  
2 JAN 1959  
Branch

Please resubmit to Lease Branch on 6.2.1959  
Records Branch.  
(Initials)  
6.1.1959

40

(59/1515)

579. Exhibit 18 - Copy documents from Mines Department in relation to ML. 48

Exhibit 18 - Copy  
documents from Mines  
Department in relation  
to ML. 48

Lease Branch  
6 FEB 1959  
1515  
Dept. of Mines  
N.S.W.

WYONG SHIRE COUNCIL  
Telephones: Wyong 171 & 187

10

All communications to be  
addressed to Shire Clerk  
P.O. Box 74 ..... WYONG

When replying please  
quote No. JG.JN. 90.  
WYONG.

4th February, 1959  
(ML 48)

The Under Secretary,  
Department of Mines,  
P.O. Box 48,  
S Y D N E Y.

20

Dear Sir,

Special Lease Application 1109 New-  
castle - J.R. Jenkins. Nominees:  
A.A. Brown and R.R. Nash. - Your ref.  
(LB.58/7529.)  
12674 EM<sup>6</sup>/<sub>2</sub>

Further to my letter dated 19th December last  
I have now to advise that the abovenamed Council  
does not desire to raise any objection to the pro-  
posed lease provided there is no encroachment on  
the site of the proposed road from The Entrance North  
to Noraville nor for a distance of three (3) chains  
on either side thereof.

30

Yours faithfully,  
Golding  
SHIRE CLERK.

Lease and Registrars  
13 FEB 1959  
Branch

40

Noted  
(Initials) 16/2

Please resubmit to Lease  
Branch on 16.4.1959  
Records Branch  
(Initials)  
16.2.1959

Exhibit 18 - Copy  
documents from Mines  
Department in relation  
to ML. 48  
580.

Exhibit 18 - Copy  
documents from Mines  
Department in relation  
to ML. 48

The Shire Clerk,  
Wyong Shire Council,  
Box 74, P.O.,  
WYONG. N.S.W.

MEL.  
25th August, 1959.  
59/3312LB.

Dear Sir,

Special Lease Application 1109 Newcastle, 10  
J.R. Jenkins. Nominees: A.A. Brown and  
R.R. Nash

I refer to your letter dated 4th February,  
1959 (JG.JN.90) and have to inform you that, sub-  
ject to survey, it is proposed to incorporate  
special conditions S1-6, S6A(b), S7-8, S10-21,  
S26-27, J4, J5 and X1-4, as detailed in the attach-  
ed schedules, in any lease which may be granted in  
satisfaction of the abovementioned application.

Yours faithfully, 20

Under Secretary,  
Per: (Initials)

Exhibit 18 - Copy  
documents from Mines  
Department in relation  
581. to ML. 48

Exhibit 18 - Copy  
documents from Mines  
Department in relation  
to ML. 48

Mr. J.R. Jenkins,  
65 Wyong Road,  
LONG JETTY. N.S.W.

MEL.  
..11 Loftus St.  
25th August, 1959.  
59/3312LB.

Dear Sir,

10

Your Special Lease Application 1109 New-  
castle. Nominees: A.A. Brown and R.R. Nash.

I desire to inform you that, subject to sur-  
vey, it is proposed to incorporate special conditions  
S1-6, S6A(b), S7-8, S10-21, S26-27, J4, J5 and X1-4,  
as detailed in the attached schedules, in any lease  
which may be granted in satisfaction of the above-  
mentioned application.

This lease shall include the surface and the  
land below the surface to a depth of 100 feet.

20

Prior to the commencement of mining opera-  
tions on the subject area, it will be necessary for  
you -

- (a) to lodge with the Department of Mines  
a guarantee deposit of five thousand  
pounds (£5,000) for each dredging plant  
to be used on the area demised; or
- (b) to arrange with the manager of your  
bank to place the sum of five thousand  
pounds (£5,000) for each such dredging  
plant to be used on the area demised at  
fixed deposit in the joint names of your-  
self and the Under Secretary for Mines  
in which case whatever interest thereon  
may accrue may be placed to the credit  
of your account; or
- (c) to furnish evidence that you have ent-  
ered into a bond or bonds in the same  
amount with an approved surety.

30

Any lease which may be granted in satisfac-  
tion of this application will require the payment  
of royalty at the rates prevailing at the date of  
the grant of the lease and not necessarily the rates  
of royalty quoted in Special Schedule "S" attached.

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Exhibit 18 - Copy  
documents from Mines  
Department in relation  
to ML. 48  
582.

Exhibit 18 - Copy  
documents from Mines  
Department in relation  
to ML. 48

Kindly advise whether you are prepared to  
accept a lease containing the abovementioned con-  
ditions.

Yours faithfully,

Under Secretary:

Per: (Initials) 10

583. Exhibit 18 - Copy  
documents from Mines  
Department in relation  
to ML. 48



Exhibit 18 - Copy documents from Mines Department in relation to ML. 48

To remain with papers 59-3312LB.

SPECIAL SCHEDULE "S" - 1958.

LEASES AND RENEWALS THEREOF TO MINE ZIRCON, RUTILE, ILMENITE, ETC.

10

SPECIAL AND OTHER CONDITIONS GENERALLY.

1. The term of the lease shall be five years.
2. The annual rental to be paid to the Crown shall be two shillings and sixpence (2/6d.) per acre or part thereof.
3. Not less than seven able and competent workmen and miners shall be employed in the construction of the works or in mining operations. During the first year of the term of the lease and thereafter not less than seven men shall be employed. 20
4. The said lessee shall pay to the Secretary for Mines a royalty as follows:-
  - (a) of thirty shillings (30/-) per ton of rutile concentrates;
  - (b) of two shillings and sixpence (2/6d.) per ton of zircon concentrates;
  - (c) of one and one-half per centum (1½%) of the value of any ilmenite and monazite.
5. (a) If in the opinion of the Secretary for Mines the quantity of silica being removed from the area demised as a consequence of mining operations is likely to impair the restoration of the area demised or cause damage to or interfere with adjoining mining leases or other lands the Secretary for Mines or the Under Secretary for Mines may direct by writing under his hand from time to time as the circumstances so require the said lessee to reduce the quantity of silica being so removed. The said lessee shall comply forthwith with any direction so given and in the event of non-compliance this lease may be cancelled. 30  
40
  - (b) The Secretary for Mines may vary or

revoke any direction given or which may be given in accordance with the foregoing clause.

6. (a) The said lessee shall treat by means of spiral concentrators or other approved method of concentration on or adjacent to the area demised all material mined so as to produce a concentrate containing not less than sixty-five (65) per centum of heavy minerals and all tailings from such operations shall be returned continuously as far as may be practicable to the excavations made on the area demised provided that where the circumstances so warrant the Secretary for Mines or the Under Secretary for Mines on application in writing by the said lessee may authorise:-
- (i) the removal of material without prior concentration, or
- (ii) the production of a concentrate containing less than sixty-five per centum of heavy minerals.
- (b) Where authority is given in accordance with either of the provisos to the foregoing clause 6(a) the said lessee shall observe and perform the conditions and stipulations laid down in such authority and such authority may be varied or revoked at any time by notice in writing under the hand of the District Inspector of Mines who is hereby authorised to so act on behalf of the Secretary for Mines.
- (c) Any notice given in accordance with the foregoing clause 6(b) shall take effect within the period of time stated in such notice and in the event of any failure to observe and comply with such notice this lease may be cancelled.

-2- To remain with papers  
59-3312/LB

- (a) Where mining is conducted on the beach the tailings shall be returned continuously to the excavations made and the surface shall

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documents from Mines  
Department in relation  
to ML. 48

be levelled off to restore as near as possible the original contours of the beach.

(b) Where mining is conducted on the beach the tailings shall be returned continuously to the excavations made and the surface shall be graded to an angle approved by the Secretary for Mines. 10

7. (a) Unless with the consent in writing of the Secretary or Under Secretary for Mines first had and obtained the said lessee shall conduct operations so that the floor of any excavation adjacent to an area held or applied for in adverse interests is not closer to the boundary of such area held or applied for in adverse interests than a distance equal to the depth of the excavation and to the intent that no mining shall take place between the closest permissible point on the floor of the excavation as aforesaid and a straight line drawn from that point to the boundary of the area demised at surface level. 20

(b) In the event of operations by the said lessee on the area demised causing damage to any lands which have been restored after mining the said lessee shall repair such damage at his own expense to the satisfaction of the Secretary for Mines. 30

(c) The said lessee shall not conduct any mining operations within one foot ~~feet~~ of the seaward side of the base of the main frontal dune unless with the consent in writing of the Secretary for Mines or the Under Secretary for Mines first had and obtained and subject to such conditions and stipulations as may be imposed.

8. In the event of dredging and/or other mining operations being conducted on the landward side of the main frontal sand dune the said lessee shall:- 40

(a) If so directed by the Secretary for Mines remove the surface soil to a depth of two feet ~~inches~~ on such part of the area demised as may be disturbed by mining

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documents from Mines  
Department in relation  
to ML. 48

operations and such surface soil shall be stacked separately on the area demised or on such other land as the Secretary for Mines may authorise in writing and subject to such conditions as he may stipulate.

(b) Return all residues and tailings to the excavations made and all worked ground shall be levelled off and any surface soil previously removed shall be replaced and planted with such grasses plants shrubs and/or trees as may be required by the Secretary for Mines. 10

(c) Restore all worked areas concurrently with dredging and/or other mining operations and the said lessee shall observe any instructions which may be given by the Secretary for Mines or the Under Secretary for Mines in connection with the restoration of the area demised. 20

(d) As far as may be practicable so conduct operations as not to cause any damage to shrubs and trees or other native flora growing upon the area demised and all timber and shrubs which may be disturbed or destroyed as a result of the operations hereby authorised shall not be buried but shall be stacked and burnt provided that the said lessee shall before burning such timber obtain from the responsible authority permission to light fires. 30

(e) If so directed by the Secretary for Mines provide and erect brush fences and/or lay a matting of brush to prevent as far as may be practicable the scouring action of the wind on those parts of the area demised which have been levelled and restored and to provide protection for such grasses plants shrubs and trees which have been planted on such areas. Such brush fences shall be erected in such positions as may be directed by the Secretary for Mines or the Under Secretary for Mines and shall be maintained to the satisfaction of the Secretary for Mines. 40

(f) Unless with the consent of the Secretary

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documents from Mines  
Department in relation  
to ML. 48

for Mines or the Under Secretary for Mines first had and obtained the said lessee shall not clear or disturb the surface of the area demised except such as lies within a distance (Initials) of five chains of that part of the area upon which mining operations are being conducted. 10

-3- To remain with papers  
59/3312/LB.

9. In the event of dredging and/or other mining operations being conducted on the main frontal sand dune the said lessee shall:-

(a) If so directed by the Secretary for Mines remove the surface soil to a depth of inches on such part of the area demised as may be disturbed by mining operations and such surface soil shall be stacked separately on the area demised or on such other land as the Secretary for Mines may authorise in writing and subject to such conditions as he may stipulate. 20

(b) Return all tailings to the excavations made and such tailings shall be deposited in such a manner that the restored dune shall as far as may be practicable have the same slope and contours as the original dune unless the Secretary for Mines or the Under Secretary for Mines shall otherwise direct and any surface soil previously removed by the said lessee shall then be replaced. The said lessee shall erect brush fences and/or lay a matting of brush as may be required by the Secretary for Mines. 30

(c) Stabilise the restored dune to the satisfaction of the Secretary for Mines and shall plant such grasses and plants as may be required. 40

(d) Maintain and care for the brush fences matting of brush grasses plants shrubs and/or trees referred to in the foregoing clauses during the currency of this lease and renewal thereof to the satisfaction of the Secretary for Mines.

10. The said lessee shall within twelve months of

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Department in relation  
588. to ML. 48

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documents from Mines  
Department in relation  
to ML. 48

the date of the lease erect a separation plant upon the subject land or other land to the satisfaction of the Secretary for Mines or furnish to the Secretary for Mines satisfactory evidence that he has made suitable arrangements for the treatment of concentrates. 10

11. In the event of roads of access being driven through the main frontal sand dune the said lessee shall protect the base and sides of such cut-throughs with corduroys of poles to prevent the formation of moving sand dunes and such works shall be constructed and maintained to the satisfaction of the Secretary for Mines. Upon the cessation of the use of such cut-throughs the main dune shall be restored to its original contours protected by means of brush fences and/or matting of brush and planted with such grasses plants shrubs and/or trees as may be required by the Secretary for Mines and the foregoing requirements shall be carried out to the satisfaction of the Secretary for Mines. 20

12. The said lessee shall not conduct any dredging and/or other mining operations on or under the main frontal sand dune unless with the consent of the Secretary for Mines in writing first had and obtained and subject to such conditions as he may stipulate. 30

13. (a) In the event of operations being conducted other than by means of dredging the said lessee shall mine the area in sections of such dimensions as the Secretary for Mines may stipulate from time to time.

(b) Upon completion of mining operations in each section all residues and tailings shall be returned to the excavations made and all worked ground shall be levelled off and any surface soil previously removed shall be replaced and planted with such grasses plants shrubs and/or trees as may be required by the Secretary for Mines provided that the mining of the next section may be carried out conjointly with the restoration of the last worked section but no further section shall be mined until such restoration is completed. 40

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Department in relation  
to ML. 48

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documents from Mines  
Department in relation  
to ML. 48

14. The said lessee shall confine the deposition of overburden removed during dredging and/or other mining operations within the boundaries (Initials) of the area demised or on such other land as may be approved in writing by the Secretary for Mines and subject to such conditions as he may think necessary to impose. 10

59-3312

d lessee shall conduct operations in such manner to create any danger from floods or storms and shall observe and perform any instructions given or which may be given by the Secretary for Mines with a view of minimising or preventing any flood or storm damage.

6. The said lessee shall at all times so conduct operations as to cause as little interference as possible with the public use and enjoyment of the beach for fishing and recreation and shall permit free and uninterrupted access by the public to the beach at all times. 20
17. The said lessee shall as far as may be practicable so conduct operations as not to interfere in any way with the public use and enjoyment of/Village Reserve No. 191 for Extension to Village and Reserve No. 33175 from Sale for Access. 30
18. The said lessee shall not interfere unless with the consent of the Secretary for Mines first had and obtained with any life-savers' sheds and apparatus now or at any time erected or installed on the area demised and shall so conduct operations within the vicinity of the part or parts of the beach or beaches used by bathers that the same shall not cause any danger or obstruction to such bathers. 40
19. The said lessee shall at all times permit the lessee of adjoining or adjacent leases to have reasonable access across the area demised at such points and in such manner as may be agreed upon or in the absence of agreement as may be determined by the Warden under the

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Department in relation

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documents from Mines  
Department in relation  
to ML. 48

provisions of Section 111 Mining Act, 1906-1952.

20. The said lessee shall observe any instructions which may be given by the Secretary for Mines with a view of minimising or preventing public inconvenience or damaging public or private property. 10
21. In the event of any improvements on the area demised being damaged or disturbed by dredging and/or other mining operations by the said lessee such improvements shall be restored to the satisfaction of the owner of such improvements or the Secretary for Mines.
22. The said lessee shall conduct operations in such a manner as not to cause any danger to stock on the area demised and the said lessee (Initials) shall not keep nor permit to be kept any dog unless chained up or kept under proper control. 20

5. To remain with papers  
59/3312/LB.

The said lessee shall not carry out any dredging and/or other mining operations on \_\_\_\_\_ on and from \_\_\_\_\_ in each and every year of the said term until \_\_\_\_\_ of the following year unless with the consent of the Secretary for Mines first had and obtained. 30

24. Before dredging and/or other mining operations are commenced on the area demised the said lessee shall lodge with the Secretary for Mines a deposit of \_\_\_\_\_ pounds or with an approved surety enter into a bond in the penal sum of \_\_\_\_\_ pounds as a guarantee that the foregoing conditions shall be well and faithfully observed and in the event of any failure to perform such conditions such sum shall be applied towards the cost of making good the damage caused. 40

25. The said lessee shall lodge with the Secretary for Mines a deposit of \_\_\_\_\_ pounds or with an approved surety enter into a bond in



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Department in relation  
to ML. 48

the penal sum of                      pounds as a guarantee that the foregoing conditions shall be well and faithfully observed and in the event of any failure to perform such conditions such sum shall be applied towards the cost of making good the damage caused. 10

26. If it is found that the operations hereby authorised are causing any undue damage to or erosion of the subject land or other land in the vicinity thereof the Governor with the advice of the Executive Council may cancel this lease or any renewal thereof without compensation to the said lessee upon giving one month's notice of his intention so to do.
27. The said lessee if so required by the Secretary for Mines or the Under Secretary for Mines shall surrender such part or parts of the area demised as have been worked and restored in accordance with the foregoing conditions. 20
28. The said lessee shall not cut destroy ring-bark or remove any timber or other vegetative cover on the said land except such as directly obstructs or prevents the carrying on of the operations hereby authorised and subject to payment to the owner of compensation assessed as prescribed by the Mining Act, 1906-1952. 30
-

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Department in relation  
to ML. 48

To remain with papers  
59/3312/LB.

SCHEDULE "J" (1952).

Special Conditions re Crown Royalty, Bombing Ranges,  
etc., Rifle Ranges, Indemnity, Adjunctive Leases  
and Trigonometrical Stations.

10

The said lessee shall pay to the Crown a royalty  
of won from the area de-  
mised, and the said lessee shall furnish to the Sec-  
retary for Mines on or before the 28th day of Janu-  
ary in each and every year a return of all

The said lessee shall pay to the Crown a royalty  
of won from the area  
demised provided that if the royalty payable during  
any one year exceeds the rent paid for such year  
the amount paid as rent as aforesaid may be deduc-  
ted from the sum payable as royalty, but if such  
royalty in any one year amounts to less than the  
rent paid for such year the such lessee shall not  
for such year pay royalty and the said lessee shall  
furnish to the Secretary for Mines on or before the  
twenty-eighth day or January in each and every year  
a return of all won.

20

(a) The said lessee shall vacate any part of the  
subject area which is within the danger areas of the  
Air Force live bombing range and/or air to ground  
gunnery and rocket firing range upon notifi-  
cation by the Air Force authorities of any  
exercises affecting such area and the said  
lessee shall not return until the conclusion  
of any such exercises.

30

(b) The said lessee shall not interfere in any  
way with entry upon the subject area by any  
persons duly authorised by the Air Force  
authorities for any purpose whatsoever in  
connection with the live bombing range and/or  
air to ground gunnery and rocket firing  
range.

40

(c) The said lessee shall accept all and any  
risks to which the said lessee or the said  
lessee's property may be exposed by reason  
of the existence of the live bombing range  
and/or air to ground gunnery and rocket fir-  
ing range on the area demised and the said

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Department in relation  
to ML. 48

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documents from Mines  
Department in relation  
to ML. 48

lessee shall save harmless the Commonwealth Government or persons lawfully using the said ranges from any claim for injuries to the said lessee or the said lessee's servants or workmen which may arise by reason of the use of the said ranges by the Air Force. 10

- (a) The said lessee shall not interfere in any way with rifle practice by members of duly constituted rifle clubs or the Commonwealth Military Forces.
  - (b) The said lessee shall not be entitled to charge rent for the use of the rifle range on the area demised or any part thereof.
  - (c) The said lessee shall accept all and any risks to which the said lessee or the said lessee's property may be exposed by reason of the existence of the rifle range on the area demised and the said lessee shall save harmless the Commonwealth Government or person lawfully using the rifle range from any claims for injuries to the said lessee or the said lessee's servants or workmen which may rise by the discharge of firearms on the said rifle range. 20
  - (d) Members of rifle clubs or the Commonwealth Military Forces shall retain the privileges of taking riding horses and vehicles on to the rifle range. 30
5. The said lessee shall indemnify and keep indemnified the Crown from and against all actions suits claims and demands of whatsoever nature and all costs charges and expenses which may be brought against the said lessee or which the said lessee may incur in respect of any accident or injury to any person or property which may arise out of the construction maintenance or working of any workings now existing or to be made by the said lessee within the boundaries of the subject area or in connection with any dredging operations notwithstanding that the foregoing conditions shall in all respects have been observed by the said lessee or that any such accident or injury shall arise from any act or thing 40

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documents from Mines  
Department in relation  
to ML. 48

which the said lessee may be licensed or  
compelled to do hereunder.

595. Exhibit 18 - Copy  
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Department in relation  
to ML. 48

Exhibit 18 - Copy documents from Mines Department in relation to ML. 48

To remain with papers 59/3312 LB.

SPECIAL SCHEDULE "X".

DIAB road now formed.  
See CB min. of 15/2/61.

1. Before dredging and/or other mining operations are commenced on the area demised the said lessee shall lodge with the Secretary for Mines a deposit of five thousand pounds (£5,000) for each dredging plant to be used on the area demised or with an approved surety enter into a bond in the penal sum of five thousand pounds (£5,000) for each such dredging plant to be used on the area demised as a guarantee that the foregoing conditions shall be well and faithfully observed and in the event of any failure to perform such conditions such sum or sums shall be applied towards the cost of making good the damage caused. 10
2. (a) Unless with the consent of the Secretary for Mines first had and obtained the said lessee shall not carry out any mining operations within that part of the area demised surveyed in connection with the proposed road from The Entrance North to Norahville. 20
- (b) The said lessee shall not interfere in any way with any survey pegs or marks placed on the land to <sup>mark</sup> ~~make~~ the route of such road or for any other purpose and in the event of the pegs or marks being accidentally displaced such pegs or marks shall be replaced at the said lessee's expense by a licensed surveyor to the satisfaction of the local Council the Department of Lands or the Department of Main Roads. 30
- (c) The said lessee if requested so to do by the Secretary for Mines shall surrender that part of the area demised required for such road. 40
3. The said lessee shall not conduct any mining operations within a distance of one chain of the boundaries of the proposed road from The Entrance North to Norahville unless with the

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596.

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documents from Mines  
Department in relation  
to ML. 48

{ consent of the Secretary for Mines first had  
{ and obtained and subject to such conditions  
{ as he may stipulate.

4. The said lessee shall not conduct any mining  
operations within a distance of five chains  
west of the base of the main frontal dune  
(Initials) on the eastern side of the area demised un-  
less with the consent of the Secretary for  
Mines first had and obtained and subject to  
such conditions as he may stipulate.

10

Exhibit 18 - Copy  
documents from Mines  
Department in relation  
to ML. 48

Lease Branch  
8719  
25 SEP 1959  
Dept. of Mines  
N.S.W.

RONALD R. NASH & CO.  
Solicitors

Tel: The Entrance 598  
Private: 598.

10

Ronald R. Nash, LL.B.

Gosford Road,  
THE ENTRANCE,  
1N., N.S.W.

Please address reply to  
Box 42 P.O. and quote:  
RRN/SMcD  
.....

Post Room  
25 SEP 1959  
Mines

23rd September, 1959.

20

The Under Secretary,  
Department of Mines,  
Box 48 P.O.  
SYDNEY, N.S.W.

Dear Sir,

Re Special Lease Application 1109 Newcastle.

Nominees - A.A. Brown & R.R. Nash.

Re J.R. Jenkins.

Ref. (59/3312LB.) LB 24/9 in 24/9

Your letter of the 25th ult. addressed to Mr. Jenkins herein has been forwarded to us for attention and we have been instructed to accept the conditions and will be pleased to receive the Lease for execution in due course.

30

Yours faithfully,

Lease and Registrars  
28 SEP 1959  
Branch

RONALD R. NASH & CO.  
R.R. Nash.

Noted 1/10/59

Action may proceed  
(Initials) 1-10-59  
Chief Draftsman

40

59/8962

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documents from Mines  
Department in relation  
to ML. 48  
598.

Exhibit 18 - Copy  
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Department in relation  
to ML. 48

Lease Branch  
OCT 1959  
LB28/9 8962  
8719  
59/1525 Dept. of Mines  
N.S.W.

CBL/10 112 Bay Rd 10  
Toowoomba Bay  
~~47-Gellent-Str~~  
(58/4396) Long-Jetty  
29-9-59

The Under Secretary,  
Dept of Mines,  
Sydney

Post Room  
2 OCT 1959  
Mines

Dear Sir,

Re application for Special mineral Lease 20  
No. 1109 Newcastle.

The conditions laid down by your department  
governing the granting of a lease are acceptable to  
me.

Lease and Registrars  
2 OCT 1959  
Branch

Yours faithfully,  
J.R. Jenkins  
J.R. Jenkins

Noted  
7/10/59

Action may proceed  
(Initials) 7.10.59  
Chief Draftsman

30

Mr. Johnston  
8/10/59

59/9377

Exhibit 18 - Copy  
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Department in relation  
to ML. 48  
599.



Exhibit 18 - Copy documents from Mines Department in relation to ML. 48

Lease Branch  
9377  
15 OCT 1959  
Dept. of Mines  
N.S.W.

WYONG SHIRE COUNCIL  
Telephones: Wyong 171 & 187

10

All communications to be addressed to Shire Clerk P.O. Box 74 ..... WYONG

When replying please quote: No. JG.JN. 90. WYONG.

15th October, 1959

Under Secretary,  
Department of Mines,  
P.O. Box 48,  
SYDNEY.

20

Dear Sir,

In 2/10 Special Lease Application 1109  
59/8962 Newcastle, J.R. Jenkins. Nominees -  
LB 2/10 A.A. Brown and R.R. Nash.

In reply to your letter dated 25th August last (your reference ~~59/3312~~ LB) I wish to advise that the abovenamed Council does not desire to raise any objection to the special conditions which your Department proposes to incorporate in any lease which may be granted in satisfaction of the subject application.

30

Yours faithfully,  
Golding  
SHIRE CLERK.

Lease and Registrars  
19 OCT 1959 Post Room  
Branch 16 OCT 1959  
Mines

Noted Action may proceed  
(Initials) 20.10/59 (Initials) 20.10.59  
Chief Draftsman

40

Mr. Johnston  
21.10.59 Form 2, Notice of Intention to Commence Survey, forwarded to Surveyor General this day. For issue of Notice to Make Survey. (Initials)

Lease and Registrars  
-8 APR 1960 PM Noted (Initials)  
Branch

Exhibit 18 - Copy documents from Mines Department in relation to ML. 48

Exhibit 18 - Copy  
documents from Mines  
Department in relation  
to ML. 48

SLA 1109

Lease Branch  
7173  
29 JUL 1960  
Dept. of Mines  
N.S.W.

10

Crest

Lord Mayor's Room  
Town Hall  
Sydney

26th July, 1960.

The Hon. J.B. Simpson, M.L.A.,  
Minister for Mines,  
SYDNEY

Dear Mr. Minister,

A friend of mine, Frank Jenkins of 112 Bay  
Road, Toowoong Bay, is interested in Special Mineral  
Leases Nos. 1108 and 1109 Newcastle at present in  
the name of A. Brown and R. Nash as trustees for  
F.B. and J.R. Jenkins.

20

I understand an application is at present  
before the Department in respect of this matter and  
I am writing to ask if you would be good enough to  
have the application expedited.

With best wishes.

Yours sincerely,

30

H.F. Jensen

H.F. JENSEN  
Lord Mayor

Noted  
(Initial)  
2-8-60

Exhibit 18 - Copy  
documents from Mines  
Department in relation  
to ML. 48  
601.

Exhibit 18 - Copy documents from Mines Department in relation to ML. 48

Lease Branch  
27 OCT 1960  
10088  
Dept. of Mines  
N.S.W.

RONALD R. NASH & CO.                      Tel: The Entrance 598                      10  
Solicitors                                      Private: 598

Ronald R. Nash, LL.B.                      Gosford Road,  
THE ENTRANCE,  
1N., N.S.W.

14th October, 1960.

Please address reply to  
Box 42, P.O. and quote:  
RRN/SMcD  
.....

The Under Secretary,  
Dept. of Mines,  
Loftus Street,                                      20  
SYDNEY, N.S.W.

Dear Sir,

(60/7173) CB 8/9

Re Application Special Lease No.(1109)  
and 1108 Newcastle.

Ref. 3312 LB/59 & 3313 LB/59.

We refer to the application for the Special Lease and have been advised by the Surveyor that the survey of ML 42 and ML 48 have been forwarded to you.                      30

Would you kindly let us know the position regarding the application as soon as possible.

Noted                                      Post Room                                      Yours faithfully,  
(Initials)                                      17 OCT 1960                                      RONALD R. NASH & CO.  
28.10.60                                      Mines

Lease and Registrars                                      R.R. Nash  
27 OCT 1960  
Branch

Copy made for SLA (1108) Lease - Rc16 27<sub>10</sub>60

Would you please expedite your action on this lease (Initials) 28/10/60                      40  
Chief Draftsman

Mr. Marshall 31.10.60

Exhibit 18 - Copy documents from Mines Department in relation to ML. 48  
602.

Exhibit 18 - Copy  
documents from Mines  
Department in relation  
to ML. 48

Lease Branch  
22 NOV 1960  
10869  
Dept. of Mines  
N.S.W.

RONALD R. NASH & CO.  
Solicitors

Tel: The Entrance 598 10  
Private: 598

Ronald R. Nash, LL.B.

Gosford Road,  
THE ENTRANCE,  
1N., N.S.W.

15th November, 1960

Please address reply to  
Box 42, P.O. and quote:  
RRN/FM  
.....

The Under Secretary,  
Dept. of Mines,  
Box 48, P.O.,  
SYDNEY.

20

Dear Sir,

Post Room  
16 NOV 1960  
Mines

Re: Application Special Lease  
No.(1109) & 1108 Newcastle.  
(60/10088)

Ref. 59/3312LB & 59/3313LB.  
Nominees R.R. Nash and A.A. Brown.

Marshall 31/10  
Reg 27/10  
CB 28/10

30

Could you kindly let us have a sketch of the  
area, which is to be covered by the Special Lease  
which we understand will issue shortly in respect  
of the above applications, as soon as possible.

Noted  
(Initials)  
24.11.60

Yours faithfully,  
RONALD R. NASH & CO.

1 Copy Copy made for SLA (1108) Lease  
(Initials) 22 11 60

40

Lease and Registrars  
24 NOV 1960  
Branch

Will above letter please  
expedite your action  
(Initials) 25.11.60  
Chief Draftsman

Mr. Marshall  
29.11.60

60/11057LB

Exhibit 18 - Copy  
documents from Mines  
Department in relation  
to ML. 48  
603.

Exhibit 18 - Copy  
documents from Mines  
Department in relation  
to ML. 48

COPY 60/11056

SLA 1109

Lease Branch  
28 NOV 1960  
11057

Dept. of Mines  
N.S.W.

10

Lord Mayor's Room  
Town Hall  
SYDNEY.

23rd November, 1960.

The Hon. J.B. Simpson, M.L.A.,  
Minister for Mines,  
SYDNEY.

Dear Mr. Minister,

I appreciate your interest in the application  
of my friend, Mr. Frank Jenkins of 112 Bay Road,  
Toowoomba Bay, on the subject of the early finalisa-  
tion of Special Lease Application 1108 1109 New-  
castle, the Departmental referende number of which  
is 60/7173 LB.

20

Mr. Jenkins is about to enter into other  
commitments and has informed me that only certain  
formalities remain to be completed to secure final-  
isation of the matter, and if this could be ar-  
ranged, both he and I would be deeply appreciative.

With best wishes.

30

Yours sincerely,

Noted  
(Initials)  
30.11.60

H.F. Jensen  
Lord Mayor.

61/2832?

Exhibit 18 - Copy  
documents from Mines  
Department in relation  
to ML. 48  
604.

Exhibit 18 - Copy  
documents from Mines  
Department in relation  
to ML. 48

COPY 60/11056

SLA 1109  
LB60/11057

(60/10869)

S Y D N E Y.

24th November, 1960.

My Dear Lord Mayor, SLA (1109) lease Reg 24/11  
CB 26/11  
Marshall 26/11

10

I refer to your personal representations on behalf of Mr. Frank Jenkins of 112 Bay Road, Toowoomba Bay in respect of Special Lease Applications 1108 and 1109, Newcastle. The position is that my Departmental Officers are dealing with this case and the circumstances are such that some delay has been necessary.

I have been assured that the applications will be brought to finality as quickly as possible.

Yours faithfully,  
J.B. Simpson,  
Minister for Mines.

20

The Rt. Honourable the Lord Mayor of Sydney,  
Alderman H.F. Jensen,  
Lord Mayor's Room,  
Town Hall, SYDNEY.

Referred.  
J.B.S.  
24.11.60

Under Secretary

30

For attention please  
C. StJ. Mulholland.  
Under Secretary,  
28th Novm 1960.  
Lease and Registrars  
30 NOV 1960  
Branch  
O. in C. Lease Branch.

URGENT Will above letter, please expedite your  
action (Initials) 30/11/60  
Chief Draftsman

Mr. Marshall  
30 11 60

40

Memo to Surveyor, Copy herein.  
Please re submit in 1 month.  
(Initials) 23/2/61

Exhibit 18 - Copy  
documents from Mines  
Department in relation  
to ML. 48

Exhibit 18 - Copy  
documents from Mines  
Department in relation  
to ML. 48

JW.

Mr. J.R. Jenkins,  
65 Wyong Road,  
LONG JETTY.

Returned unclaimed 23/2/61  
Re-addressed to 112 Bay Road  
Toowoon Bay.

10

16th February, 1961.  
60/11057 LB.

Dear Sir,

Your Special Lease Application 1109  
Newcastle. Nominees: A.A. Brown and  
R.R. Nash.

---

I have to inform you that portion ML 48 of  
458a.2r. ex road, has been surveyed in satisfaction  
of the abovementioned application and the first year's  
rent payable in respect thereof amounts to £57-7-6.

20

It is proposed to transfer the amount of  
£10-0-0 bona fide deposit lodged with the applica-  
tion to partly offset this amount and in the cir-  
cumstances the balance of the rental required, viz.  
£47-7-6 should be remitted direct to this Department.

Yours faithfully,

Under Secretary.  
per:

606. Exhibit 18 - Copy  
documents from Mines  
Department in relation  
to ML. 48

Exhibit 18 - Copy documents from Mines Department in relation to ML. 48

Lease Branch  
10 MAR 1961  
2832  
Dept. of Mines  
N.S.W.

Crest WYONG Registered Office: 10  
MINERALS LIMITED 131 Macquarie Street,  
Sydney  
General Managers:- Telephones 27-2296  
Commonwealth Mining 27-2297  
Investments (Australia) Limited

9th March, 1961.

RRM:DR

The Under Secretary,  
Department of Mines,  
Loftus Street, 20  
SYDNEY.

Dear Sir,

SLA 1109 (60/11057LB) ~~Marshall~~  
~~CB-1/2/61~~

We refer to your recent letter concerning this application and enclose our cheque for £47.7.6 in payment of first year's rental.

Noted  
(Initial)  
11/4/61

LB15/2/61  
LN 15/2

Yours faithfully,  
WYONG MINERALS LIMITED  
(Sgd)  
Secretary

Encl.

Department of Mines			
Remittance Received			
Nature	(Inits)	Account No.	Amount
	£47 7 6	4	47 7 6
	(Inits)		
	10.3.61		
	158058		

Rent on  
SLA 1109  
Newcastle 40

Lease and Registrars  
10 APR 1961  
Branch

61/4724  
61/4504

Mine Office: Lake Munmorah. Via Wyong, N.S.W.

607. Exhibit 18 - Copy documents from Mines Department in relation to ML. 48



Exhibit 18 - Copy  
documents from Mines  
Department in relation  
to ML. 48

RS/LS.

Mr. J.R. Jenkins,  
112 Bay Road,  
TOOWOON BAY.

MAY 1961

61/2832 LB.

Dear Sir,

10

Your Special Lease Application 1109 New-  
castle: Nominees: A.A. Brown and R.R. Nash.

I have to inform you that approval has been  
given to substitute special conditions S1-5, 6(b),  
7-8, 10-21, 24-25, 28-29, D1, J4-5 and X1-2 as at-  
tached in any lease which may be granted in satis-  
faction of the abovementioned application in lieu  
of those forwarded with the Department's letter  
dated 25th August, 1959.

Any lease which may be granted will require  
payment of royalty at the rates prevailing at the  
date of the grant of the lease and the present  
rates of royalty are shown on the attached Special  
Schedule "A".

20

Portion ML 48 of 458 acres 2 roods, ex. road,  
has been surveyed in satisfaction of the application  
and the amount of £10 bona fide deposit lodged with  
the application will be transferred to partly effect  
the first year's rental required.

Yours faithfully,

30

Under Secretary.  
per

609. Exhibit 18 - Copy  
documents from Mines  
Department in relation  
to ML. 48

To remain with papers 61/2832 LB

SPECIAL SCHEDULE "S" - 1960  
AND RENEWALS THEREOF TO MINE ZIRCON, RUTILE,  
ILMENITE, ETC.

SPECIAL AND OTHER CONDITIONS GENERALLY.

The term of the lease shall be five years. 10

The annual rental to be paid to the Crown shall be fifty-seven pounds seven shillings and sixpence (£57.7.6).

3. Not less than seven able and competent workmen and miners shall be employed in the construction of the works or in mining operations during the first year of the term of the lease and thereafter not less than seven men shall be employed.

4. (a) If in the opinion of the Minister for Mines the quantity of silica being removed from the area demised as a consequence of mining operations is likely to impair the restoration of the area demised or cause damage to or interfere with adjoining mining leases or other lands the Minister for Mines or the Under Secretary for Mines may direct by writing under his hand from time to time as the circumstances so require the said lessees to reduce the quantity if silica being so removed. The said lessees shall comply forthwith with any direction so given and in the event of non-compliance this lease may be cancelled. 20 30

(b) The Minister for Mines may vary or revoke any direction given or which may be given in accordance with the foregoing clause.

5. (a) The said lessees shall treat by means of spiral concentrators or other approved method of concentration on or adjacent to the area demised all material mined so as to produce a concentrate containing not less than sixty-five (65) per centum of heavy minerals and all tailings from such operations shall be returned continuously as far as may 40

be practicable to the excavations made on the area demised provided that where the circumstances so warrant the Minister for Mines or the Under Secretary for Mines on application in writing by the said lessees may authorise:-

10

(i) the removal of material without prior concentration, or

(ii) the production of a concentrate containing less than sixty-five per centum of heavy minerals.

(b) Where authority is given in accordance with either of the provisos to the foregoing clause 5(a) the said lessees shall observe and perform the conditions and stipulations laid down in such authority and such authority may be varied or revoked at any time by notice in writing under the hand of the District Inspector of Mines who is hereby authorised to so act on behalf of the Minister for Mines.

20

(c) Any notice given in accordance with the foregoing clause 5(b) shall take effect within the period of time stated in such notice and in the event of any failure to observe and comply with such notice this lease may be cancelled.

30

6. (a) Where mining is conducted on the beach the tailings shall be returned continuously to the excavations made and the surface shall be levelled off to restore as near as possible the original contours of the beach.

~~(b) --- Where mining is conducted on the beach the tailings shall be returned continuously to the excavations made and the surface shall be graded to an angle approved by the Minister for Mines.~~

40

7. (a) In the event of operations by the said lessees on the area demised causing damage to any lands which have been restored after mining the said lessees shall repair such damage at their own expense to the satisfaction of the Minister for Mines.

Exhibit 18 - Copy  
documents from Mines  
Department in relation  
to ML. 48

(b) The said lessees shall not conduct any mining operations within one foot of the seaward side of the base of the main frontal dune unless with the consent in writing of the Minister for Mines or the Under Secretary for Mines first had and obtained and subject to such conditions and stipulations as may be imposed.

10

612. Exhibit 18 - Copy  
documents from Mines  
Department in relation  
to ML. 48

event of dredging and/or other mining operations being conducted on the landward of the main frontal sand dune the said lessees shall:-

- (a) If so directed by the Minister for Mines remove the surface soil to a depth of two feet ~~inches~~ on such part of the area demised as may be disturbed by mining operations and such surface soil shall be stacked separately on the area demised or on such other land as the Minister for Mines may authorise in writing and subject to such conditions as he may stipulate. 10
- (b) Return all residues and tailings to the excavations made and all worked ground shall be levelled off and any surface soil previously removed shall be replaced and planted with such grasses plants shrubs and/or trees as may be required by the Minister for Mines. 20
- (c) Restore all worked areas concurrently with dredging and/or other mining operations and the said lessees shall observe any instructions which may be given by the Minister for Mines or the Under Secretary for Mines in connection with the restoration of the area demised. 30
- (d) As far as may be practicable so conduct operations as not to cause any damage to shrubs and trees or other native flora growing upon the area demised and all timber and shrubs which may be disturbed or destroyed as a result of the operations hereby authorised shall not be buried but shall be stacked and burnt provided that the said lessees shall before burning such timber obtain from the responsible authority permission to light fires. 40
- (e) If so directed by the Minister for Mines provide and erect brush fences and/or lay a matting of brush to prevent as far as may be practicable the scouring action of the wind on those parts of the area demised which have been levelled and restored and to

provide protection for such grasses plants shrubs and trees which have been planted on such areas. Such brush fences shall be erected in such positions as may be directed by the Minister for Mines or the Under Secretary for Mines and shall be maintained to the satisfaction of the Minister for Mines.

10

(f) Unless with the consent of the Minister for Mines or the Under Secretary for Mines first had and obtained the said lessees shall not clear or disturb the surface of the area demised except such as lies within a distance of five chains of that part of the area upon which mining operations are being conducted.

~~9.-----In the event of dredging and/or other mining operations being conducted on the main frontal sand dune the said lessee shall:-~~

20

(a) If so directed by the Minister for Mines remove the surface soil to a depth of inches on such part of the area demised as may be disturbed by mining operations and such surface soil shall be stacked separately on the area demised or on such other land as the Minister for Mines may authorise in writing and subject to such conditions as he may stipulate.

30

(b) Return all tailings to the excavations made and such tailings shall be deposited in such a manner that the restored dune shall as far as may be practicable have the same slope and contours as the original dune unless the Minister for Mines or the Under Secretary for Mines shall otherwise direct and any surface soil previously removed by the said lessee shall then be replaced. The said lessee shall erect brush fences and/or lay a matting of brush as may be required by the Minister for Mines.

40

(c) Stabilise the restored dune to the satisfaction of the Minister for Mines and shall plant such grasses and plants as may be required.

~~(d)---Maintain and care for the brush fences~~

Exhibit 18 - Copy  
documents from Mines  
Department in relation  
to ML. 48

~~matting-of-brush-grasses-plants-shrubs-and/or~~  
trees referred to in the foregoing clauses  
during the currency of this lease and renewal  
thereof to the satisfaction of the Minister  
~~for Mines.~~

10.           The said lessees shall within twelve months           10  
P           6 of the date of the lease erect a separation  
            plant upon the subject land or other land to  
            the satisfaction of the Minister for Mines  
            or furnish to the Minister for Mines satis-  
            factory evidence that they have made suitable  
            arrangements for the treatment of concen-  
            trates.

Exhibit 18 - Copy  
documents from Mines  
Department in relation  
to ML. 48

- event of roads of access being driven through the main frontal sand dune the said shall protect the base and sides of such cut-throughs with corduroys of poles to event the formation of moving sand dunes and such works shall be constructed and maintained to the satisfaction of the Minister for Mines. Upon the cessation of the use of such cut-throughs the main dune shall be restored to its original contours protected by means of brush fences and/or matting of brush and planted with such grasses plants shrubs and/or trees as may be required by the Minister for Mines and the foregoing requirements shall be carried out to the satisfaction of the Minister for Mines. 10
12. The said lessees shall not conduct any dredging and/or other mining operations on or under the main frontal sand dune unless with the consent of the Minister for Mines in writing first had and obtained and subject to such conditions as he may stipulate. 8
13. (a) In the event of operations being conducted other than by means of dredging the said lessees shall mine the area in sections of such dimensions as the Minister for Mines may stipulate from time to time. 30
- 9 (b) Upon completion of mining operations in each section all residues and tailings shall be returned to the excavations made and all worked ground shall be levelled off and any surface soil previously removed shall be replaced and planted with such grasses plants shrubs and/or trees as may be required by the Minister for Mines provided that the mining of the next section may be carried out conjointly with the restoration of the last worked section but no further section shall be mined until such restoration is completed. 40
14. The said lessees shall confine the deposition of overburden removed during dredging and/or other mining operations within the boundaries of the area demised or on such other land as may be approved in writing by the Minister 10



Exhibit 18 - Copy  
documents from Mines  
Department in relation  
to ML. 48

for Mines and subject to such conditions as  
he may think necessary to impose.

15. The said lessees shall conduct operations in  
such a manner as not to create any danger  
from floods or storms and shall observe and  
perform any instructions given or which may  
11 be given by the Minister for Mines with a  
view of minimising or preventing any flood  
or storm damage. 10
16. The said lessees shall at all times so con-  
duct operations as to cause as little inter-  
ference as possible with the public use and  
enjoyment of the beach for fishing and rec-  
12 reation and shall permit free and uninter-  
rupted access by the public to the beach at  
all times. 20
17. The said lessees shall as far as may be prac-  
ticable so conduct operations as not to in-  
terfere in any way with the public use and  
enjoyment of/Village Reserve No. 191 for  
13 Extension to Village and Reserve No. 33175  
from Sale for Access.
18. The said lessees shall not interfere unless  
with the consent of the Minister for Mines  
first had and obtained with any life-savers'  
14 sheds and apparatus now or at any time erected  
or installed on the area demised and  
shall so conduct operations within the vici-  
nity of the part or parts of the beach or  
beaches used by bathers that the same shall  
not cause any danger or obstruction to such  
bathers. 30
19. The said lessees shall at all times permit the  
lessee of adjoining or adjacent leases to have  
15 reasonsble access across the area demised at  
such points and in such manner as may be agreed 40  
upon or in the absence of agreement as may be  
determined by the Warden under the provisions  
of Section III, Mining Act, 1906, as amended.
20. The said lessees shall observe any instruc-  
tions which may be given by the Minister for  
16 Mines with a view of minimising or preventing  
public inconvenience or damaging public or  
private property.

Exhibit 18 - Copy  
documents from Mines  
Department in relation  
to ML. 48

21. In the event of any improvements on the  
17 area demised being damaged or disturbed by  
dredging and/or other mining operations by  
the said lessees such improvements shall be  
restored to the satisfaction of the owner  
of such improvements or the Minister for  
Mines. 10
22. ~~The said lessee shall conduct operations in~~  
such a manner as not to cause any danger to  
stock on the area demised and the said les-  
see shall not keep nor permit to be kept any  
dog unless chained up or kept under proper  
control.
- ~~-----said lessee shall not carry out any~~  
dredging and/or other mining operations on  
on and from in 20  
each and every year of the said term until  
of the following year unless with the  
consent of the Minister for Mines first had  
and obtained.
- If so directed by the Minister for Mines the  
said lessees shall fill in any dredge pool  
or other excavation on the area demised and  
shall observe any instruction which may be  
given from time to time in this regard by  
the Minister for Mines or the Under Secre- 30  
tary for Mines.
25. If so directed by the Minister for Mines the  
said lessees shall provide and maintain a se-  
cure fence to the satisfaction of the Minister  
19 for Mines around each dredge pool or other  
excavation opened up or used by the said  
lessees and shall observe any instructions  
which may be given from time to time in this  
regard by the Minister for Mines or the  
Under Secretary for Mines. 40
26. ~~Before dredging and/or other mining opera-~~  
tions are commenced on the area demised the  
said lessee shall lodge with the Minister  
for Mines a deposit of pounds or  
with an approved surety enter into a bond in  
the penal sum of pounds as a  
guarantee that the foregoing conditions  
shall be well and faithfully observed and

Exhibit 8 - Copy  
documents from Mines  
Department in relation  
to ML. 48

- ~~in-the-event-of-any-failure-to-perform-such~~  
conditions such sum shall be applied towards  
the cost of making good the damage caused.
27. The said lessee shall lodge with the Minister for Mines a deposit of           pounds or with an approved surety enter into a bond in the penal sum of           pounds as a guarantee that the foregoing conditions shall be well and faithfully observed and in the event of any failure to perform such conditions such sum shall be applied towards ~~the-cost-of-making-good-the-damage-caused.~~ 10
28. If it is found that the operations hereby authorised are causing any undue damage to or erosion of the subject land or other land in the vicinity thereof the Governor with 20  
20 the advice of the Executive Council may cancel this lease or any renewal thereof without compensation to the said lessee upon giving one month's notice of his intention so to do.
29. The said lessees if so required by the Minister for Mines or the Under Secretary for 21  
21 Mines shall surrender such part or parts of the area demised as have been worked and restored in accordance with the foregoing conditions. 30
30. ~~The-said-lessee-shall-not-cut-destroy-ring-~~  
bark or remove any timber or other vegetative cover on the said land except such as directly obstructs or prevents the carrying on of the operations hereby authorised and subject to payment to the owner of compensation assessed as prescribed by the Mining Act, 1906, as amended. P



Exhibit 18 - Copy  
documents from Mines  
Department in relation  
to ML. 48

Lease Branch  
9 - MAY 1961  
4770  
Dept. of Mines  
N.S.W.

R.M.B. 667,  
Wyong Creek  
Via Wyong.

10

6th May - 61.

Under Secretary,  
Department of Mines,  
11 Loftus St.,  
Sydney. Post Room  
- 9 MAY 1961  
Mines

LB 28/4  
(61-4504) ex Co4/5

Dear Sir,

20

Special Lease Application 1109 Newcastle  
Nominees: A.A. Brown & R.R. Nash.

In reply to your letter 1st May 61.  
(61/2832-LB.)

The special conditions laid down by your  
Dept., in connection with the above application  
are acceptable to me.

Please note change of address.

Yours faithfully

J.R. Jenkins.

30

J.R. Jenkins.

Relevant invoice  
(Initials)  
22/5/61

621. Exhibit 18 - Copy  
documents from Mines  
Department in relation  
to ML. 48

Exhibit 18 - Copy documents from Mines Department in relation to ML. 48

Lease Branch  
29 MAY 1961  
5509  
Dept. of Mines  
N.S.W.

Crest WYONG  
MINERALS LIMITED

10

General Managers:-  
Commonwealth Mining Investments  
(Australia) Limited

Registered Office:  
131 Macquarie Street  
Sydney

Telephones 27-2296  
27-2297

RRM:DR

25th May, 1961

The Under Secretary,  
Department of Mines,  
Post Office Box 48,  
SYDNEY.

(61-2832)  
(61-4504)LB  
28/4

20

Dear Sir,

Special Conditions to be Applied to Any  
Area Granted in Satisfaction SLA 1109  
to Mr. Jenkins in 29/5

The Assignees to any area granted in satisfaction of SLA 1109 are presently operating a dredge unit and treatment plant at Budgewoi.

This area at Tuggerah is only 3 miles from Budgewoi and it is proposed to apply for amalgamation with the Budgewoi areas of any area granted in satisfaction of SLA 1109.

30

Because of this, exemption is requested for the following Special Conditions :-

- (1) Special Schedule "S" Cluse 3 - Manning
- (2) Special Schedule "S" Cluse 10 - The erection of a treatment plant on the area subject to the Special Lease Application.

40

It is proposed to transport heavy mineral concentrates (+ 65%) to the existing Budgewoi plant for treatment.

Exhibit 18 - Copy documents from Mines Department in relation to ML. 48

Exhibit 18 - Copy  
documents from Mines  
Department in relation  
to ML. 48

It is hoped that this application is favour-  
ably considered and the Special Conditions can be  
amended.

Yours faithfully,  
WYONG MINERALS LIMITED

Post Room  
26 MAY 1961  
Mines

(Sgd)  
Secretary.

10

Mine Office: Lake Munmorah, Via Wyong, N.S.W.

61/4504 LB.

Exhibit 18 - Copy  
documents from Mines  
Department in relation  
to ML. 48  
623.

Exhibit 18 - Copy documents from Mines Department in relation to ML. 48

Lease Branch  
-6 JUL 1961  
6800  
Dept. of Mines  
N.S.W.

Crest WYONG  
MINERALS LIMITED

10

General Managers:- 131 Macquarie Street  
Commonwealth Mining Investments Sydney  
(Australia) Limited  
Telephones 27-2296  
27-2297

Registered Office:  
131 Macquarie Street  
Sydney  
Telephones 27-2296  
27-2297

RRM:DR

5th July, 1961

The Under Secretary,  
Department of Mines,  
Loftus Street,  
SYDNEY.

(61.4504)EM 21/7  
~~61.2832~~  
(60/10869)

20

Dear Sir,

SLA 1109 Newcastle  
J.R. Jenkins, Esq. - Nominees  
Messrs. A.A. Brown and R.R. Nash

We refer to our letter dated 25th May, 1961 and your letter received by us on the 22nd June, 1961 the contents of which are noted. We advise that the Special Conditions are acceptable to this Company. We are arranging for you to be advised that the Conditions are acceptable to the original applicants. This will be dealt with promptly but in the meantime we should be pleased if you would note our interest in the matter.

30

Noted  
(Initial)  
18/7/61

Post Room  
6X JUL 1961  
Mines

Yours faithfully,  
WYONG MINERALS LIMITED  
(Sgd)  
Secretary.

40

Lease and Registrars  
8 JUL 1961  
Branch

Mine Office: Lake Munmorah, Via Wyong, N.S.W.  
(61.7334)

Exhibit 18 - Copy documents from Mines Department in relation to ML. 48  
624.



Exhibit 18 - Copy  
documents from Mines  
Department in relation  
to ML. 48

OK/ML.

Mr. R. Nash,  
C/- Ronald R. Nash & Co.,  
Gosford Road,  
THE ENTRANCE. N.S.W.

16th August, 1961.

61/7911LB.

10

Dear Sir,

Special Lease Applications 1108 and 1109  
Newcastle, F.B. Jenkins and J.R. Jenkins  
Nominees: A.A. Brown and R.R. Nash.

With reference to your letter dated 31st  
July, 1961, it is advised that action is now pro-  
ceeding towards the registration of the leases  
granted in satisfaction of the abovementioned ap-  
plications and upon completion of which the docu-  
ments will be forwarded to you.

20

Nothing further is required in connection  
with the granting of the leases at this juncture.

Yours faithfully,

Under Secretary,  
Per:

Exhibit 18 - Copy  
documents from Mines  
Department in relation  
to ML. 48  
625.

Exhibit 18 - Copy documents from Mines Department in relation to ML. 48

Leases  
2 Guarantee  
Deposit.  
2

Lease Branch  
-8 AUG 1961  
7911  
Dept. of Mines  
N.S.W.

RONALD R. NASH & CO.  
Solicitors  
                      
Ronald R. Nash, LL.B

Tel: The Entrance 598  
Private: 598  
Gosford Road,  
THE ENTRANCE,  
1N., N.S.W. 10

Please address reply to  
Box 42, P.O. and quote:  
RRN/JB  
.....

The Under Secretary,  
Department of Mines,  
11 Loftus Street,  
SYDNEY.

31st July, 1961  
Post Room  
2X AUG 1961  
Mines 20

Dear Sir, 61-7354LB20/7 in 21/7

Re F.B. & J.R. Jenkins.  
(61/2832) LB Special Lease Application 1109  
Newcastle.  
61/2995 LB Special Lease Application 1108  
Newcastle.

We understand that both Leases herein have now been signed and returned to you by the Crown Land Agent at Gosford. 30

We would be pleased if you would now confirm that the Leases have been completed and that nothing further is required in connection with the granting of the same.

Yours faithfully,  
RONALD R. NASH & CO.  
R.R. Nash.

1 copy has been made for SLA (1108) Newcastle  
CR (61/8762)

Exhibit 18 - Copy  
documents from Mines  
Department in relation  
to ML. 48

61/8638

Lease Branch  
29 AUG 1961  
8762  
Dept. of Mines  
N.S.W.

Ronald R. Nash & Co., 10  
Solicitors,  
Gosford Road,  
THE ENTRANCE.  
23rd August, 1961.  
RRN/FM.

The Under Secretary,  
Department of Mines,  
Box 48, G.P.O.,  
SYDNEY.

Dear Sir,

20

Re. Applns. by F.B. & J.R. Jenkins. for  
Special Leases No. 1108 and 1109  
Newcastle. Ref. 61/7911LB.

We acknowledge receipt of your letter of the  
16th instant and would be pleased if you would con-  
firm the fact that the leases have been granted and  
that notification thereof has been published in the  
Government Gazette.

Yours faithfully,  
(Sgd.) ?

30

RONALD R. NASH & CO.

61/10441

627. Exhibit 18 - Copy  
documents from Mines  
Department in relation  
to ML. 48

ML 51

Cont

NO

1150

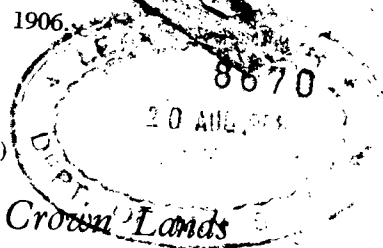
NEM

REGULATIONS—MINING ACT, 1906.

DIVISION III.

Schedule 21C.

(See Regulations 83, 85, 86 and 87.)



Application for Special Lease of Crown Lands

TO THE HONOURABLE THE SECRETARY FOR MINES, SYDNEY.

SIR,

(Date) 4<sup>th</sup> August 1954

I or we.

† Here insert area and brief description.

† Insert "mining for gold" (or other mineral, specifying same).

† State how angles are marked.

|| If substitute for trench was used describe it.

I hereby make application for a Special Mining Lease of that piece or parcel of land situated in the parish of ... county of ... containing ... land contained in Authority to Prospect No 1904 of which I took possession on the 3<sup>rd</sup> day of ... at the hour of eleven o'clock in the ... noon, in accordance with Regulation 6, for the purpose of ... by ... at each angle thereof. The posts were ... inches in diameter, and ... feet above the surface of the ground. Each arm of each trench was ... feet in length and ... inches in depth

The datum post is at the ... angle of the land, and is distant about 15 chains ... direction from ...

† Specify some conspicuous point or survey mark.

and the notice prescribed in Regulation 6 was affixed to such datum post. The dimensions of the area are about 115 chains x about 40 chains. I require 460 acres of the surface as shown on the attached sketch, ...

†† If for any less period, state period.

I require the lease for a period of twenty years

The deposit proposed to be worked consists of Beach Land and by reason of cost of dressing plant & separation plant requires expenditure estimated at £ unknown for its proper development, and £ unknown for the construction of mine works or machinery.



\* I or we.  
† If no such persons, alter this paragraph accordingly

\*† ~~There are no~~ hand herewith a list of the persons who, under the provisions of any Act relating to mining, occupy, or within my knowledge, claim a right to, or interest in, the land aforesaid, or any part thereof, and upon whom I have served a copy of notice, Schedule 22, on the dates herein stated \* also hand herewith such consents as \* have obtained.

\* I deposit herewith the sum of ten pounds (£10) as evidence of bona fides, and the sum of *£60.0.0*, fee for survey.

\* I hereby acknowledge that this application is made upon the distinct understanding and condition that if \* I shall abandon or fail to proceed with it, or if it is refused, the Secretary for Mines for the time being may deduct from the sums deposited as aforesaid any cost to which in his opinion the Crown may have been put in or about in respect of this application.

\*\* State whether by sinking shafts, open-cuts, etc.

The area will be worked by \*\* *Slicing & Chudging*

\* I desire that the lease be issued in the name of *Arthur G. ...*  
\* I desire to commence mining operations during the pendency of the application.††

††† Insert name in full and address of nominee (if any).

\* I hereby undertake to notify the Under Secretary for Mines should \* I subsequently desire to commence mining operations during the pendency of the application.††

Strike out and initial whichever clause is not applicable.

Yours faithfully, *J. M. Carpenter*

(Signature of Applicant, or of each Applicant.)

†† Names to be given in full.

NEW. (Address.) *WARATAH ROAD, MANGROVE MOUNTAIN VIA GOSFORD*

\* I hereby declare that the statements contained in the foregoing application are true in every particular.

(Signature of Applicant, or of each Applicant.) *J. M. Carpenter*

*Bona fide Deposit 24/11/58*

Application was received by me this *24th* day of *August* 1958, at the hour of *1.15* o'clock in the *after* noon, and is numbered *1150*. Deposit, £ *102 2 0*, and survey fee, £ *60.0.0*, have been duly paid.

Notice of application, Schedule 22a, was posted outside this office, on the *eighteenth* day of *August* 1958.  
Warden's Clerk at *Newcastle*

*No* Objections have been lodged.  
The land applied for ‡ is not exempted from leasing under Section 27 Mining Act, 1906.

Exhibit 19 - Copy  
documents from Mines  
Department in relation  
to ML. 51

Messrs. N.E. Penman & Co.,  
Solicitors,  
Sterland Chambers,  
Mann Street,  
GOSFORD. N.S.W.

MEL  
9th February, 1959.

59/830 LB.

Dear Sirs,

10

Special Lease Application 1150 Newcastle,  
F.M. Carpenter, - Nominee: A.A. Brown &  
N.E. Penman.

---

I refer to your letter of 22nd January, 1959  
and have to inform you that action on the abovementioned  
application is only in its initial stages,  
and at this junction no indication can be given as  
to whether or when a lease will issue in satisfac-  
tion of this application.

This Department does not issue temporary  
leases.

20

Yours faithfully,

Under Secretary,  
Per:

59/6805

Exhibit 19 - Copy  
documents from Mines  
Department in relation  
to ML. 51  
629.

Exhibit 19 - Copy  
documents from Mines  
Department in relation  
to ML. 51

Lease Branch  
22 JUL 1959  
Crest 6805  
Dept. of Mines  
N.S.W.

Legislative Assembly of New 10  
South Wales  
Parliament House  
Sydney

21st July, 1959.

The Hon. J.B. Simpson, M.L.A.  
Minister for Mines,  
SYDNEY.

Dear Mr. Simpson,

Twelve months ago, or thereabouts, Mr. F. 20  
Carpenter, whose address is Waratah Road, Mangrove  
Mountain, applied for a Special Lease (application  
1150) over an area of 460 acres at Pelican Point,  
Norah Head, for the purposes of rutile mining.

Mr. Carpenter has been unable to get finali-  
sation of this matter, and I would be glad if you  
could investigate it urgently.

Yours faithfully,

H.E. Jackson,

H.E. Jackson,  
MEMBER FOR GOSFORD.

30

(59/9378)

Exhibit 19 - Copy  
documents from Mines  
Department in relation  
to ML. 51  
630.



Exhibit 19 - Copy  
documents from Mines  
Department in relation  
to ML. 51

LC.

The Shire Clerk,  
Wyong Shire Council,  
W Y O N G. N.S.W.

20th August, 1959.

59/6805 LB.

Dear Sir,

Special Lease Application 1150 Newcastle, 10  
F.M. Carpenter. Nominees - A.A. Brown  
& N.E. Penman

I have to advise that the area shown by red edging on the attached helio S. is subject of the abovementioned Application for a lease to mine zircon, rutile, ilmenite and monazite, embracing an area of about 460 acres, Parish of Wallarah, County of Northumberland.

The subject area is partly within and southwest of the Village of Norah and is partly within Reserve 77013 for Public Recreation and Camping, notified 3rd September, 1954, Village Reserve 191 for Extension to Village, notified 29th June, 1885, and Reserve 55798 for Public Recreation, notified 10th November, 1922. 20

Kindly advise whether Council has any objection to the grant of a lease in satisfaction of the Application and, if not, whether it desires any special conditions to be incorporated in any lease which may/be granted. 30

The favour of an early reply would be appreciated.

Yours faithfully,

Under Secretary.  
per (Initials)

Exhibit 19 - Copy  
documents from Mines  
Department in relation  
to ML. 51  
631.

Exhibit 19 - Copy documents from Mines Department in relation to ML. 51

Lease Branch  
9378  
16 OCT 1959  
Dept. of Mines  
N.S.W.

WYONG SHIRE COUNCIL (ML51)  
Telephones: Wyong 171 & 187

10

All communications to be addressed to Shire Clerk P.O. Box 74 ..... WYONG

When replying please quote: No. JG.JN.65  
WYONG

15th October, 1959

Under Secretary,  
Department of Mines,  
P.O. Box 48,  
S Y D N E Y.

20

Dear Sir,

Special Lease Application 1150 Newcastle -  
F.M. Carpenter Nominees - A.A. Brown and  
N.E. Penman

EM24/11

In reply to your letter dated the 20th August last (your reference(59/6805 LB) I wish to advise that the abovenamed Council does not desire to raise any objection to the proposed grant of a lease in satisfaction of the subject application nor does it desire to have any special conditions incorporated in any lease which may be granted.

30

Noted  
20/10/59 Lease and Registrars  
19 OCT 1959  
Lands to replyBranch

Yours faithfully,  
Golding  
SHIRE CLERK.

Lease and Registrars  
20 NOV 1959  
Branch

Please resubmit to Lease Branch on 20.11.1959 (Inits) Records Branch. 20.10.59.

40

Noted  
28.11.59 Ren E sent to Lands Department

Lease and Registrars  
19 JAN 1960  
Branch

Please resubmit to Lease Branch on 20.1.1960 Records Branch (Initials) 24.11.59 60/982

632. Exhibit 19 - Copy documents from Mines Department in relation to ML. 51

Exhibit 19 - Copy  
documents from Mines  
Department in relation  
to ML. 51

Lease Branch  
29 JUN 1960  
5818  
Dept. of Mines  
N.S.W.

N.E. PENMAN & CO.  
Solicitors  
Phone: Gosford 2 0337  
2 0338

Sterland Chambers,  
Mann Street,  
Gosford. 21st June 1960

10

N.E. PENMAN  
R.S. NEWTON

The Under Secretary,  
Department of Mines,  
Box 48, G.P.O.  
SYDNEY.

Dear Sir,

Sub Layard 7/6/

20

RE: Special Lease Application 1150 New-  
castle, - F.M. Carpenter - (60/1241LB.

We refer to previous correspondence in this  
matter and understand that the report and recom-  
mendation from the Mines office at Newcastle was  
forwarded to you on the 4th May last and that the  
application is ready to be granted.

Would you kindly expedite the matter as  
much as possible.

30

Post Room  
22 JUN 1960  
Mines

NEP:SS

Yours faithfully,  
N.E. PENMAN & CO.  
Per: (Initials)

60/6583LB

Exhibit 19 - Copy  
documents from Mines  
Department in relation  
to ML. 51  
633.

Exhibit 19 - Copy  
documents from Mines  
Department in relation  
to ML. 51

Lease Branch  
14 JUL 1960  
6583  
Dept. of Mines  
N.S.W.

N.E. PENMAN & CO.  
Solicitors  
Phone Gosford 2 0337  
2 0338

Sterland Chambers,  
Mann Street,  
Gosford. 12th July 1960

10

N.E. Penman  
R.S. Newton

The Under Secretary,  
Department of Mines,  
Box 48, G.P.O.,  
SYDNEY.

Post Room  
13 JUL 1960  
Mines

20

Dear Sir,

RE: Special Lease Application 1150 New-  
castle - F.M. Carpenter - (60/1241LB)  
60/5818

Layard 23/6

We refer to previous correspondence in this  
matter and shall be glad to know when it is expec-  
ted that this lease will be granted. We understand  
that all requirements have now been complied with  
and that the application has been recommended.

30

Yours faithfully,  
N.E. PENMAN & CO.

Per: (Initials)

NEP:MAP

Lease Branch

60/8555  
LB

634. Exhibit 19 - Copy  
documents from Mines  
Department in relation  
to ML. 51

Exhibit 19 - Copy  
documents from Mines  
Department in relation  
to ML. 51

60/6583  
LB

N.E. PENMAN & CO.  
Solicitors  
Phone Gosford 2 0337  
2 0338

Sterland Chambers,  
Mann Street,  
Gosford 2nd August 1960.

10

N.E. Penman  
R.S. Newton

LB 3/6  
60/6583

The Under Secretary,  
Department of Mines,  
Box 48, G.P.O.,  
SYDNEY.

(~~60/1241~~)

P/A- CB 14/7

RE: Special Lease Application 1150 New-  
castle - F.M. Carpenter - (60/124 LB.)

We refer to our letter of the 12th ultimo in  
this matter and shall be glad to hear from you as  
soon as possible.

20

Post Room  
3 AUG 1960  
Mines

Yours faithfully,  
N.E. PENMAN & CO.

Per: (Initials)

Lease and Registrars  
-3 AUG 1960  
Branch

NEP:MAP

In view of recent court decision Mineral  
Deposits P/L v Lynch, please advise whether  
possession complies in this case. If not,  
also advise of any subsequent applications  
affecting the area.

30

Please expedite.  
Chief Draftsman

(Initials)  
4.8.60

Marshall  
8.8.60

635. Exhibit 19 - Copy  
documents from Mines  
Department in relation  
to ML. 51

Exhibit 19 - Copy  
documents from Mines  
Department in relation  
to ML. 51

Lease Branch  
7 SEP 1960  
8555  
Dept. of Mines  
N.S.W.

N.E. PENMAN & CO.  
Solicitors  
Phone Gosford 2 0337  
2 0338

Sterland Chambers,  
Mann Street,  
Gosford. 5th Sept. 1960

10

N.E. Penman  
R.S. Newton

The Under Secretary,  
Dept. of Mines,  
Box 48, G.P.O.,  
SYDNEY.

Post Room  
6X SEP 1960  
Mines

Dear Sir,

20

RE: Special Lease Application 1150 New-  
castle - 60/124LB - Mr. Stone.

We refer to previous correspondence and shall  
be glad to know the present position.

Noted  
CD  
23.9.60

Yours faithfully,  
N.E. PENMAN & CO.  
Per: (Initials)

NEP:SS Lease and Registrars  
15 SEP 1960  
Branch

30

Vide your minute of 4.8.60 herein.  
Subject area contains 460 acs. therefore  
Reg.6(ii) applies for possession.  
Noted The description of the location of the  
CD datum post is indefinite as it is related to an  
23.9.60 area of land (Pelican Point) and not to a  
fixed point, however the localtion of the datum  
post can be fixed from applicant's sketch, which  
is drawn to scale, moreover the area applied for  
is described as being the land contained in A. to  
P. (Sec.17) No.1907 which was held in the same  
interests.

40

It is considered that the information given

Exhibit 19 - Copy  
documents from Mines  
Department in relation  
636. to ML. 51

Exhibit 19 - Copy  
documents from Mines  
Department in relation  
to ML. 51

is sufficient to identify the area applied for and  
that possession sufficiently complies with Reg.6(ii)

(Initials) for CHIEF DRAFTSMAN  
LEASE BRANCH 21.9.60

Lease and Registrars  
22 SEP 1960  
Branch

10

60/9329

637. Exhibit 19 - Copy  
documents from Mines  
Department in relation  
to ML. 51

Exhibit 19 - Copy  
documents from Mines  
Department in relation  
to ML. 51

CAW

The Shire Clerk,  
Wyong Shire Council  
Box 74, Post Office,  
WYONG. N.S.W.

.. 11 Loftus Street,  
25th October, 1960.

60:8555 LB

Dear Sir,

10

Special Lease Application 1150  
Newcastle - Nominees: A.A. Brown  
& N.E. Penman.

---

I refer to your letter of 15th October,  
1959 (reference JG.JN.65) and desire to inform you  
that, subject to survey, it is proposed to incor-  
porate the following special conditions, as detailed  
in the attached schedules, in any lease which may  
be granted in satisfaction of the abovementioned  
application:-

20

1960 Special Schedule "S": 1-5, 7(a), 8-10,  
13-15, 17, 19-21,  
24-26, 28-29.

Schedule "D": D1, D9.

1952 Schedule "J": J4, J5.

Special Schedule "X": 1-2.

Yours faithfully,

Under Secretary,  
per:

Exhibit 19 - Copy  
documents from Mines  
Department in relation  
to ML. 51  
638.



Exhibit 19 - Copy  
documents from Mines  
Department in relation  
to ML. 51

Lease Branch  
1 OCT 1960  
9324  
Dept. of Mines  
N.S.W.

Crest

10

Legislative Assembly of New  
South Wales  
Parliament House  
Sydney

29th September, 1960.

The Hon. J.B. Simpson, M.L.A.,  
Minister for Mines,  
SYDNEY.

Dear Mr. Simpson,

I would be glad if you would inform me what  
is holding up the finalisation of Special Lease ap-  
plication 1105 in the name of F.M. Carpenter, whose  
address is Waratah Road, Mangrove Mountain.

20

This man has been working on this proposal for  
a period of five years, the first two of which were  
spent in intensive prospecting. The costs of assay  
alone were something over £1,000, and for the last  
three years, has been trying to obtain satisfaction  
from your Department, having fulfilled all special  
conditions.

30

It is completely incomprehensible why a mat-  
ter of this kind should take three years to finalise.  
Apparently there is a considerable amount of rutile  
in this lease, and it is economically possible to  
mine it at the present time, even though prices are  
at their lowest ebb.

Noted

CD

10/10/60

As the winning of this metal would at least  
slightly increase our exports, I would be glad if  
urgent consideration could be given to finalising  
this matter.

40

Yours faithfully,

H.E. Jackson

H.E. Jackson,

MEMBER FOR GOSFORD.

60/10534 LB

Exhibit 19 - Copy  
documents from Mines  
Department in relation  
to ML. 51  
639.

Exhibit 19 - Copy  
documents from Mines  
Department in relation  
to ML. 51

11976  
Dept. of Mines  
N.S.W.

N.E. PENMAN & CO.  
Solicitors  
Phone Gosford 2 0337  
2 0338

Sterland Chambers,  
Mann Street,  
Gosford. 22nd Dec. 1960.

10

N.E. Penman  
R.S. Newton

The Under Secretary,  
Department of Mines,  
Box 48, G.P.O.,  
SYDNEY.

Dear Sir,

Post Room  
23 DEC 1960  
Mines

RE: Special Lease Application 1150 -  
Carpenter (60-8555LB.)

20

We refer to your letter of the 25th October  
last and advise that Applicant Carpenter is pre-  
pared to accept a lease containing the special con-  
ditions notified to him.

We shall be glad to hear further from you  
as soon as possible.

Noted  
(Initials)  
9/1/61

Yours faithfully,  
N.E. PENMAN & CO.

Per: R.S. Newton.

NEP:MAP

Action may proceed  
Charting Branch

(Initials) 9/1/61  
for First Clerk,  
Crown Lands  
Lease Branch

30

Lease and Registrars  
9 JAN 1961  
Branch

W. Marshall  
11.1.61.

61/2293

40

640. Exhibit 19 - Copy  
documents from Mines  
Department in relation  
to ML. 51



Council  
Court

JC.SE.90

12th December, 1962.

The Under Secretary,  
Department of Mines,  
11, Loftus Street,  
SYDNEY.

Dear Sir,

Special Lease Application 1392 Newcastle.  
F.W. Carpenter and W.J. Christenson

10

In reply to your letter dated the 2nd November relative to the above (your reference 62/6722 L.B.) I desire to advise that it is the opinion of the Council that beaches cannot be stabilised by growth in a similar manner to sand dune country and there is every possibility that before stabilisation is affected the beach itself will be eating into the lower area of the land and could effect The Entrance North-Noraville Road construction.

20

It may be noted that no special conditions need be incorporated in any such lease.

Yours faithfully,

G

SHIRE CLERK.

File

Exhibit 20 - Correspondence between Mines Department and Plaintiff  
642.

Exhibit 20 - Correspondence between Mines Department and Plaintiff

853  
ML 36-49 90.  
845

Crest  
NEW SOUTH WALES

The Shire Clerk,  
Wyong Shire Council,  
WYONG.

Department of Mines  
11 Loftus Street,  
Sydney, 2nd November 1962.

10

Wyong Shire Council  
Rec'd 5-NOV 1962  
Ack'd - (Inits)

In reply, please quote  
62/6722 LB and address to  
P.O. Box 48, Sydney.

Dear Sir,

Special Lease Application 1392 Newcastle.  
F.M. Carpenter and W.J. Christenson.

The area shown by red edging on the attached helio "S" embracing about 33 acres 3 roods, portion ML 39, parish Wallarah, county Northumberland is subject of the abovementioned application for a lease of Crown land to mine for zircon, rutile, ilmenite and monazite by suction dredging.

20

The subject area situated within the boundaries of the Village of Norah is within the Shire of Wyong Town and Country Planning Scheme, gazetted 6th January, 1961.

Please advise whether the Council desires any special conditions to be incorporated in any lease which may be granted in satisfaction of the subject application.

30

Yours faithfully,  
C.St.J. Mulholland.  
Under Secretary, p  
per:

Exhibit 20 - Correspondence between  
Mines Department and  
Plaintiff

721

JG.FB 90

7th June, 1961.

Secretary,  
of Mines,  
Street,  
Y.

10

I have been directed by the abovenamed Council to request your Department review all applications for mining leases in this and having regard to the future tourist potential of The Entrance peninsula, that consideration be given to the adoption of the 1's previous request for three chains to be reserved on each side proposed road from The Entrance North to Noraville.

20

The special condition contained in Schedule "D" stipulating the lessee shall not excavate within 66ft. of the boundaries of the , is not considered adequate protection for the road.

Yours faithfully,

G

SHIRE CLERK.

File

Exhibit 20 - Correspondence between Mines Department and Plaintiff

RS/LS M136-49  
Crest 719 910  
NEW SOUTH WALES

The Shire Clerk,  
Wyong Shire Council,  
P.O. Box 74,  
W Y O N G.

Department of Mines  
11 Loftus Street,  
Sydney.

10

Wyong Shire Council In reply, please quote  
Rec'd -2 MAY 1961 61/2832 LB and address  
Ack'd - (Initials) to P.O. Box 48, Sydney.

Dear Sir,

Special Lease Application 1109 Newcastle,  
J.R. Jenkins: Nominees - A.A. Brown and  
R.R. Nash.

I refer to my letter dated 25th August, 1959,  
and have to inform you that approval has been given  
to substitute special conditions S1-5, 6(a), 7-8  
10-21, 24-25, 28-29, D1, J4-5 and X1-2 as attached  
Pin any lease which may be granted in satisfaction  
of the abovementioned application in lieu of those  
forwarded with my letter abovementioned.

20

Yours faithfully,  
C.St.J. Mulholland  
Under Secretary.  
per LB

Attach p p please

30

Exhibit 20 - Correspondence between Mines Department and Plaintiff  
645.

SPECIAL SCHEDULE "S" - 1960

1. The term of the lease shall be five years.
2. The annual rental to be paid to the Crown shall be fifty-seven pounds seven shillings and sixpence (£57.7.6.) 10
3. Not less than seven able and competent workmen and miners shall be employed in the construction of the works or in mining operations during the first year of the term of the lease and thereafter not less than seven men shall be employed.
4. (a) If in the opinion of the Minister for Mines the quantity of silica being removed from the area demised as a consequence of mining operations is likely to impair the restoration of the area demised or cause damage to or interfere with adjoining mining leases or other lands the Minister for Mines or the Under Secretary for Mines may direct by writing under his hand from time to time as the circumstances so require the said lessees to reduce the quantity of silica being so removed. The said lessees shall comply forthwith with any direction so given and in the event of non-compliance this lease may be cancelled. 20  
30
- (b) The Minister for Mines may vary or revoke any direction given or which may be given in accordance with the foregoing clause.
5. (a) The said lessees shall treat by means of spiral concentrators or other approved method of concentration on or adjacent to the area demised all material mined so as to produce a concentrate containing not less than sixty-five (65) per centum of heavy minerals and all tailings from such operations shall be returned continuously as far as may be practicable to the excavations made on the area demised provided that where the circumstances so warrant the Minister for Mines or the Under Secretary for Mines on application in writing by the said lessees may authorise:- 40



Exhibit 20 - Correspondence between Mines Department and Plaintiff

- (i) the removal of material without prior concentration, or
  - (ii) the production of a concentrate containing less than sixty-five per centum of heavy minerals.
- (b) Where authority is given in accordance with either of the provisos to the foregoing clause 5(a) the said lessees shall observe and perform the conditions and stipulations laid down in such authority and such authority may be varied or revoked at any time by notice in writing under the hand of the District Inspector of Mines who is hereby authorised to so act on behalf of the Minister for Mines. 10
- (c) Any notice given in accordance with the foregoing clause 5(b) shall take effect within the period of time stated in such notice and in the event of any failure to observe and comply with such notice this lease may be cancelled. 20

718

SPECIAL SCHEDULE "S" - 1960

6. (a) Where mining is conducted on the beach the tailings shall be returned continuously to the excavations and the surface shall be levelled off to return as near as possible the original contours of the beach. 30
- ~~(b) --- Where mining is conducted on the beach the tailings shall be returned continuously to the excavations made and the surface shall be graded to an angle approved by the Minister for Mines.~~

716

SPECIAL SCHEDULE "S" - 1960

7. (a) In the event of operations by the said lessees on the area demised causing damage to any lands which have been restored after mining the said lessee 40

Exhibit 20 - Correspondence between Mines Department and Plaintiff

Exhibit 20 - Correspondence between Mines Department and Plaintiff

shall repair such damage at their own expense to the satisfaction of the Minister for Mines.

- (b) The said lessees shall not conduct any mining operations within one foot of the seaward side of the base of the main frontal dune unless with the consent in writing of the Minister for Mines or the Under Secretary for Mines first had and obtained and subject to such conditions and stipulations as may be imposed.

10

SPECIAL SCHEDULE "S" (1958)

Special Condition 8.

In the event of dredging and/or other mining operations being conducted on the landward side of the main frontal sand dune the said lessees shall - 10  
Minister

(a) If so directed by the ~~Secretary~~ for Mines remove the surface soil to a depth of two feet ~~inches~~ on such part of the area demised as may be disturbed by mining operations and such surface soil shall be stacked separately on the area demised or on such other land as the ~~Secretary~~ Minister for Mines may authorise in writing and subject to such conditions as he may stipulate.

(b) Return all residues and tailings to the excavations made and all worked ground shall be levelled off and any surface soil previously removed shall be replaced and planted with such grasses plants shrubs and/or trees as may be required by the ~~Secretary~~ Minister for Mines. 20

(c) Restore all worked areas concurrently with dredging and/or other mining operations and the said lessees shall observe any instructions which may be given by the ~~Secretary~~ Minister for Mines or the Under Secretary for Mines in connection with the restoration of the area demised. 30

(d) As far as may be practicable so conduct operations as not to cause any damage to shrubs and trees or other native flora growing upon the area demised and all timber and shrubs which may be disturbed or destroyed as a result of the operations hereby authorised shall not be buried but shall be stacked and burnt provided that the said lessees shall before burning such timber obtain from the responsible authority permission to light fires. 40

(e) If so directed by the ~~Secretary~~ Minister for Mines or the Under Secretary for Mines provide and erect brush fences and/or lay a matting of brush to prevent as far as may be practicable the scouring action of the wind on those parts of the area demised which have been levelled and restored and to provide protection for such grasses plants shrubs and trees which have been planted on such

Exhibit 20 - Correspondence between  
Mines Department and  
Plaintiff

areas. Such brush fences shall be erected in such positions as may be directed by the ~~Secretary~~ Minister for Mines or the Under Secretary for Mines and shall be maintained to the satisfaction of the ~~Secretary~~ Minister for Mines.

(f) Unless with the consent of the ~~Secretary~~ Minister for Mines or the Under Secretary for Mines first had and obtained the said lessees shall not clear or disturb the surface of the area demised except such as lies within a distance of 5 chains of that part of the area upon which mining operations are being conducted.

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SPECIAL SCHEDULE "S" - 1960

714

The said lessees shall within twelve months of the date of the lease erect a separation plant upon the subject land or other land to the satisfaction of the Minister for Mines or furnish to the Minister for Mines satisfactory evidence that they have made suitable arrangements for the treatment of concentrates.

10

SPECIAL SCHEDULE "S" - 1960

713B

In the event of roads of access being driven through the main frontal sand dune the said lessees shall protect the base and sides of such cut-throughs with corduroys of poles to prevent the formation of moving sand dunes and such works shall be constructed and maintained to the satisfaction of the Minister for Mines. Upon the cessation of the use of such cut-throughs the main dune shall be restored to its original contours protected by means of brush fences and/or matting of brush and planted with such grasses plants shrubs and/or trees as may be required by the Minister for Mines and the foregoing requirements shall be carried out to the satisfaction of the Minister for Mines.

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12. The said lessees shall not conduct any dredging and/or other mining operations on or under the main frontal sand dune unless with the consent of the Minister for Mines in writing first had and obtained and subject to such conditions as he may stipulate.

30

SPECIAL SCHEDULE "S" (1958)

713A

Special Condition 13.

3. (a) In the event of operations being conducted other than by means of dredging the said lessees shall mine the area in sections of such dimensions as the ~~Secretary~~ Minister for Mines may stipulate from time to time. 10
- (b) Upon completion of mining operations in each section all residues and tailings shall be returned to the excavations made and all worked ground shall be levelled off and any surface soil previously removed shall be replaced and planted with such grasses plants shrubs and/or trees as may be required by the ~~Secretary~~ Minister for Mines provided that the mining of the next section may be carried out conjointly with the restoration of the last worked section but no further section shall be mined until such restoration is completed. 20

Exhibit 20 - Correspondence between Mines Department and Plaintiff

712

14. The said lessees shall confine the deposition of overburden removed during dredging and/or other mining operations within the boundaries of the area demised or on such other land as may be approved in writing by the Minister for Mines and subject to such conditions as he may think necessary to impose. 10
15. The said lessees shall conduct operations in such a manner as not to create any danger from floods or storms and shall observe and perform any instructions given or which may be given by the Minister for Mines with a view of minimising or preventing any flood or storm damage.
16. The said lessees shall at all times so conduct operations as to cause as little interference as possible with the public use and enjoyment of the beach for fishing and recreation and shall permit free and uninterrupted access by the public to the beach at all times. 20

17. The said lessees shall as far as may be practicable so conduct operations as not to interfere in any way with the public use and enjoyment of/Village Reserve No. 191 for Extension to Village and Reserve No. 33175 from Sale for Access. 10
18. The said lessees shall not interfere unless with the consent of the Minister for Mines first had and obtained with any life savers' sheds and apparatus now or at any time erected or installed on the area demised and shall so conduct operations within the vicinity of the part or parts of the beach or beaches used by bathers that the same shall not cause any danger or obstruction to such bathers. 20
21. In the event of any improvements on the area demised being damaged or disturbed by dredging and/or other mining operations by the said lessees such improvements shall be restored to the satisfaction of the owner of such improvements or the Minister for Mines.



Exhibit 20 - Correspondence between Mines Department and Plaintiff

710

19. The said lessees shall at all times permit the lessee of adjoining or adjacent leases to have reasonable access across the area demised at such points and in such manner as may be agreed upon or in the absence of agreement as may be determined by the Warden under the provisions of Section 111, Mining Act, 1906 as amended. 10
20. The said lessees shall observe any instructions which may be given by the Minister for Mines with a view of minimising or preventing public inconvenience or damaging public or private property.
21. In the event of any improvements on the area demised being damaged or disturbed by dredging and/or other mining operations by the said lessees such improvements shall be restored to the satisfaction of the owner of such improvements or the Minister for Mines. 20

Exhibit 20 - Correspondence between  
Mines Department and  
Plaintiff

SPECIAL SCHEDULE "S" - 1960.

709

24. If so directed by the Minister for Mines the said lessees shall fill in any dredge pool or other excavation on the area demised and shall observe any instruction which may be given from time to time in this regard by the Minister for Mines or the Under Secretary for Mines.

10

SPECIAL SCHEDULE "S" - 1960.

25. If so directed by the Minister for Mines the said lessees shall provide and maintain a secure fence to the satisfaction of the Minister for Mines around each dredge pool or other excavation opened up or used by the said lessees and shall observe any instructions which may be given from time to time in this regard by the Minister for Mines or the Under Secretary for Mines.

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Exhibit 20 - Correspondence between Mines Department and Plaintiff

708

28. If it is found that the operations hereby authorised are causing any undue damage to or erosion of the subject land or other land in the vicinity thereof the Governor with the advice of the Executive Council may cancel this lease or any renewal thereof without compensation to the said lessees upon giving one month's notice of his intention so to do.

10

29. The said lessees if so required by the Minister for Mines or the Under Secretary for Mines shall surrender such part or parts of the area demised as have been worked and restored in accordance with the foregoing conditions.

Exhibit 20 - Correspondence between Mines Department and Plaintiff

657.

SCHEDULE "D"

707

Special Conditions re Protection of Roads

(a) The said lessees shall not excavate within ~~fifty-~~(50) sixty-six feet of the boundaries of the road shown on the said plan unless with the consent of the Minister for Mines first had and obtained and subject to such conditions as he may stipulate.

10

(b) Notwithstanding that the said lessees shall have complied with this condition the said lessees shall pay to Wyong/Shire Council Department of Lands or the Commissioner for Main Roads the cost incurred by such Council or Department or Commissioner of making good any damage to such road caused by mining operations carried on by or under the authority of the said lessee or any person claiming through or under ~~him~~. them.

20

AND THE LESSEES HEREBY COVENANT~~s~~ with the said Council that the lessees will pay to the said Council the cost incurred by the said Council of making good any such damage caused as aforesaid and the lessees hereby covenant~~s~~ with the said Commissioner that the lessees will pay to the said Commissioner the cost incurred by the said Commissioner of making good any such damage as aforesaid.

AND IT/IS HEREBY AGREED AND DECLARED that the amount to be paid by the said lessees under the provisions of this clause shall include in addition to the cost all necessary labour and materials all costs and expenses reasonably incurred in and about the making of surveys the preparation of plans and specifications and estimates the supervision and inspection of the works and all administrative and overhead costs and expenses of the Council or the Department of Lands or the Commissioner for Main Roads as the case may be related or attributable to the works undertaken to make good any damage caused to the said road(~~s~~). A certificate under the hand of the ~~Town-er~~ Shire Clerk of the local Council or the Under Secretary for Lands or the Commissioner for Main Roads or the person for the time being acting as such Clerk, Under Secretary or Commissioner as to the amount of the cost of making good any damage to the said road(~~s~~) shall in all respects and for all purposes be conclusive evidence of the amount of such cost and of the due determination thereof.

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SCHEDULE "J" (1952).

706

Special Conditions re Crown Royalty, Bombing Ranges, etc., Rifle Ranges, Indemnity, Adjunctive Leases and Trigonometrical Stations.

~~The said lessee shall pay to the Crown a royalty of~~ 10  
won from the area demised, and the said lessee shall furnish to the Secretary for Mines on or before the 28th day of January in each and every year a return of all

The said lessee shall pay to the Crown a royalty of won from the area demised provided that if the royalty payable during any one year exceeds the rent paid for such year the amount paid as rent as aforesaid may be deducted from the sum payable as royalty, but if such royalty in any one year amounts to less than the rent paid for such year the such lessee shall not for such year pay royalty and the said lessee shall furnish to the Secretary for Mines on or before the twenty-eighth day or January in each and every year a return of all won. 20

(a) The said lessee shall vacate any part of the subject area which is within the danger areas of the Air Force live bombing range and/or air to ground gunnery and rocket firing range upon notification by the Air Force authorities of any exercises affecting such area and the said lessee shall not return until the conclusion of any such exercises. 30

(b) The said lessee shall not interfere in any way with entry upon the subject area by any persons duly authorised by the Air Force authorities for any purpose whatsoever in connection with the live bombing range and/or air to ground gunnery and rocket firing range.

(c) The said lessee shall accept all and any risks to which the said lessee or the said lessee's property may be exposed by reason of the existence of the live bombing range and/or air to ground gunnery and rocket firing range on the area demised and the said lessee shall save harmless the Commonwealth Government or persons lawfully using the said ranges from any claim for injuries to the said lessee or the said lessee's servants or workmen which 40

Exhibit 20 - Correspondence between Mines Department and Plaintiff

~~may-arise-by-reason-of-the-use-of-the-said ranges-by-the-Air-Force.~~

- (a) The said lessees shall not interfere in any way with rifle practice by members of duly constituted rifle clubs or the Commonwealth Military Forces. 10
- (b) The said lessees shall not be entitled to charge rent for the use of the rifle range on the area demised or any part thereof.
- (c) The said lessees shall accept all and any risks to which the said lessees or the said lessees' ~~s~~ property may be exposed by reason of the existence of the rifle range on the area demised and the said lessees shall save harmless the Commonwealth Government or person lawfully using the rifle range from any claims for injuries to the said lessees or the said lessees' ~~s~~ servants or workmen which may rise by the discharge of firearms on the said rifle range. 20
- (d) Members of rifle clubs or the Commonwealth Military Forces shall retain the privileges of taking riding horses and vehicles on to the rifle range.

The said lessees shall indemnify and keep indemnified the Crown from and against all actions suits claims and demands of whatsoever nature and all costs charges and expenses which may be brought against the said lessees or which the said lessees may incur in respect of any accident or injury to any person or property which may arise out of the construction maintenance or working of any workings now existing or to be made by the said lessees within the boundaries of the subject area or in connection with any ~~dredging~~ mining operations notwithstanding that the foregoing conditions shall in all respects have been observed by the said lessees or that any such accident or injury shall arise from any ~~the~~ said lessees may be licensed or compelled to do 30 40

Exhibit 20 - Correspondence between  
Mines Department and  
Plaintiff

61/2832

705

SPECIAL SCHEDULE "X".

1. Before dredging and/or other mining operations are commenced on the area demised the said lessees shall lodge with the Minister for Mines a deposit of five thousand pounds (£5,000) for each dredging plan to be used on the area demised or with an approved surety enter into a bond in the penal sum of five thousand pounds (£5,000) for each such dredging plant to be used on the area demised as a guarantee that the foregoing conditions shall be well and faithfully observed and in the event of any failure to perform such conditions such sum or sums shall be applied towards the cost of making good the damage caused. 10  
20
2. The said lessees shall not conduct any mining operations within a distance of five chains west of the base of the main frontal dune on the eastern side of the area demised unless with the consent of the Minister for Mines first had and obtained and subject to such conditions as he may stipulate.

Exhibit 20 - Corres-  
pondence between  
Mines Department and  
Plaintiff

692  
JG.FB 90

24th April, 1961.

The Under Secretary,  
Department of Mines,  
11 Loftus Street,  
SYDNEY.

10

Dear Sir,

Special Lease Application 1108 Newcastle,  
F.B. Jenkins - Nominees. A.A. Brown &  
R.R. Nash.

Your letter dated the 20th March relative to  
the above (your reference 61/2585LB) was considered  
by the Council at its meeting held on the 29th March,  
when I was directed to re-affirm the objection pre-  
viously lodged.

20

The Council still considers that no mining  
should be carried out within a distance of 3 chains  
on either side of the road.

Yours faithfully,

(Initials)

SHIRE CLERK.

Exhibit 20 - Corres-  
pondence between  
Mines Department and  
662. Plaintiff



Exhibit 20 - Correspondence between Mines Department and Plaintiff

90  
MI 3649  
690

Crest  
NEW SOUTH WALES

The Shire Clerk,  
Wyong Shire Council,  
Box 74, P.O.,  
WYONG. N.S.W.

Department of Mines  
11 Loftus Street

10

Sydney. 20 MAR 1961

In reply please quote  
61/2585LB and address to

Wyong Shire Council P.O. Box 48, Sydney.  
Rec'd 21 MAR 1961  
Ack'd - (Initials)

Dear Sir,

Special Lease Application 1108 Newcastle,  
F.B. Jenkins. Nominees: A.A. Brown and  
R.R. Nash.

20

I refer to my letter dated 18th August, 1959, and have to inform you that approval has been given to substitute the attached special conditions S1-5, 6(b), 7-8, 10-21, 24-25, 28-29, D1 and X1-2 in any lease which may be granted in satisfaction of the abovementioned application in lieu of those forwarded with my letter under reference.

It is added that Council's request that no mining be carried out within a distance of 3 chains on either side of the road has received full consideration, but it is the opinion of this Department that prohibition of mining within a distance of 50 feet of the boundaries of the road would afford adequate protection to such road.

30

Yours faithfully,

C.St. J. Mulholland

Under Secretary,

Per: (Initials)

Attach p.p-please

Exhibit 20 - Correspondence between Mines Department and Plaintiff  
663.

SPECIAL SCHEDULE "S" - 1960. 689

1. The term of the lease shall be five years.
2. The annual rental to be paid to the Crown shall be twenty-nine pounds twelve shillings and sixpence (£29.12.6.)
3. Not less than seven able and competent workmen and miners shall be employed in the construction of the works or in mining operations during the first year of the term of the lease and thereafter not less than seven men shall be employed. 10
4. (a) If in the opinion of the Minister for Mines the quantity of silica being removed from the area demised as a consequence of mining operations is likely to impair the restoration of the area demised or cause damage to or interfere with adjoining mining leases or other lands the Minister for Mines or the Under Secretary for Mines may direct by writing under his hand from time to time as the circumstances so require the said lessees to reduce the quantity of silica being so removed. The said lessees shall comply forthwith with any direction so given and in the event of non-compliance this lease may be cancelled. 20  
(b) The Minister for Mines may vary or revoke any direction given or which may be given in accordance with the foregoing clause. 30
5. (a) The said lessees shall treat by means of spiral concentrators or other approved method of concentration on or adjacent to the area demised all material mined so as to produce a concentrate containing not less than sixty-five (65) per centum of heavy minerals and all tailings from such operations shall be returned continuously as far as may be practicable to the excavations made on the area demised provided that where the circumstances so warrant the Minister for Mines or the Under Secretary for Mines on application in writing by the said lessees may authorise:- 40

Exhibit 20 - Correspondence between Mines Department and Plaintiff

- (i) the removal of material without prior concentration, or
  - (ii) the production of a concentrate containing less than sixty-five per centum of heavy minerals.
- (b) Where authority is given in accordance with either of the provisos to the foregoing clause 5(a) the said lessees shall observe and perform the conditions and stipulations laid down in such authority and such authority may be varied or revoked at any time by notice in writing under the hand of the District Inspector of Mines who is hereby authorised to so act on behalf of the Minister for Mines. 10
- (c) Any notice given in accordance with the foregoing clause 5(b) shall take effect within the period of time stated in such notice and in the event of any failure to observe and comply with such notice this lease may be cancelled. 20

SPECIAL SCHEDULE "S" - 1960

687

17. The said lessees shall as far as may be practicable so conduct operations as not to interfere in any way with the public use and enjoyment of Village Reserve No. 191 for extension to Village and Reserve No. 33175 from Sale for Access. 10
18. The said lessees shall not interfere unless with the consent of the Minister for Mines first had and obtained with any life-savers' sheds and apparatus now or at any time erected or installed on the area demised and shall so conduct operations within the vicinity of the part or parts of the beach or beaches used by bathers that the same shall not cause any danger or obstruction to such bathers. 20

688

SPECIAL SCHEDULE "S" - 1960

6. (a) ~~Where mining is conducted on the beach~~ the tailings shall be returned continuously to the excavations made and the surface shall be levelled off to restore as near as possible the original ~~contours of the beach.~~
- (b) Where mining is conducted on the beach the tailings shall be returned continuously to the excavations made and the surface shall be graded to an angle approved by the Minister for Mines. 30

SPECIAL SCHEDULE "X".

1. Before dredging and/or other mining operations are commenced on the area demised the said lessees shall lodge with the Minister for Mines a deposit of five thousand pounds (£5,000) for each dredging plant to be used on the area demised or with an approved surety enter into a bond in the penal sum of five thousand pounds (£5,000) for each such dredging plant to be used on the area demised as a guarantee that the foregoing conditions shall be well and faithfully observed and in the event of any failure to perform such conditions such sum or sums shall be applied towards the cost of making good the damage caused. 10 20
2. The said lessees shall not conduct any mining operations within a distance of five chains west of the base of the main frontal dune on the eastern side of the area demised unless with the consent of the Minister for Mines first had and obtained and subject to such conditions as he may stipulate.

Exhibit 20 - Corres-  
pondence between  
Mines Department and  
Plaintiff

642

JG.JN. 90.

15th October, 1959

Under Secretary,  
Department of Mines,  
P.O. Box 48,  
SYDNEY.

10

Dear Sir,

Special Lease Application 1109 Newcastle,  
J.R. Jenkins. Nominees - A.A. Brown and  
R.R. Nash.

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In reply to your letter dated 25th August  
last (your reference 59/3312 LB) I wish to advise  
that the abovenamed Council does not desire to  
raise any objection to the special conditions which  
your Department proposes to incorporate in any lease  
which may be granted in satisfaction of the subject  
application.

20

Yours faithfully,

G

SHIRE CLERK.

Files

Exhibit 20 - Corres-  
pondence between  
Mines Department and  
668. Plaintiff

Exhibit 20 - Correspondence between Mines Department and Plaintiff

M1 36-49

Crest 640 B 90  
NEW SOUTH WALES

MEL.

The Shire Clerk,  
Wyong Shire Council,  
Box 74, P.O.,  
WYONG, N.S.W.

Department of Mines  
11 Loftus Street  
Sydney. 25th August, 1959. 10

WYONG SHIRE COUNCIL  
Rec'd 27 AUG 1959  
Ack'd

In reply please quote  
59/3312LB. and address to  
P.O. Box 48, Sydney.

Dear Sir,

Special Lease Application 1109 Newcastle,  
J.R. Jenkins. Nominees: A.A. Brown and  
R.R. Nash 20

I refer to your letter dated 4th February, 1959 (JG.JN.90) and have to inform you that, subject to survey, it is proposed to incorporate special conditions S1-6, S6A(b), S7-8, S10-21, S26-27, J4, J5 and X1-4, as detailed in the attached schedules, in any lease which may be granted in satisfaction of the abovementioned application.

Yours faithfully,  
C.St.J. Mulholland 30  
Under Secretary,  
Per: (Initials)

SCHEDULE "J" (1952).

Special Conditions re Crown Royalty, Bombing Ranges, etc., Rifle Ranges, Indemnity, Adjunctive Leases and Trigonometrical Stations.

4. (a) The said lessee shall not interfere in any way with rifle practice by members of duly constituted rifle clubs or the Commonwealth Military Forces. 10
- (b) The said lessee shall not be entitled to charge rent for the use of the rifle range on the area demised or any part thereof.
- (c) The said lessee shall accept all and any risks to which the said lessee or the said lessee's property may be exposed by reason of the existence of the rifle range on the area demised and the said lessee shall save harmless the Commonwealth Government or person lawfully using the rifle range from any claims for injuries to the said lessee or the said lessee's servants or workmen which may rise by the discharge of firearms on the said rifle range. 20
- (d) Members of rifle clubs or the Commonwealth Military Forces shall retain the privilege of taking riding horses and vehicles on to the rifle range. 30
- J5. The said lessee shall indemnify and keep indemnified the Crown from and against all actions suits claims and demands of whatsoever nature and all costs charges and expenses which may be brought against the said lessee or which the said lessee may incur in respect of any accident or injury to any person or property which may arise out of the construction maintenance or working of any workings now existing or to be made by the said lessee within the boundaries of the subject area or in connection with any dredging operations notwithstanding that the foregoing conditions shall in all respects have been observed by 40



Exhibit 20 - Correspondence between Mines Department and Plaintiff

the said lessee or that any such accident or injury shall arise from any act or thing which the said lessee may be licensed or compelled to do hereunder.

4. The said lessee shall not conduct any mining operations within a distance of five chains west of the base of the main frontal dune on the eastern side of the area demised unless (Initials) with the consent of the Secretary for Mines first had and obtained and subject to such conditions as he may stipulate.

10

SPECIAL SCHEDULE "X".

1. Before dredging and/or other mining operations are commenced on the area demised the said lessee shall lodge with the Secretary for Mines a deposit of five thousand pounds (£5,000) for each dredging plant to be used on the area demised or with an approved surety enter into a bond in the penal sum of five thousand pounds (£5,000) for each such dredging plant to be used on the area demised as a guarantee that the foregoing conditions shall be well and faithfully observed and in the event of any failure to perform such conditions such sum or sums shall be applied towards the cost of making good the damage caused. 10  
20
  
2. (a) Unless with the consent of the Secretary for Mines first had and obtained the said lessee shall not carry out any mining operations within that part of the area demised surveyed in connection with the proposed road from The Entrance North to Norahville.  
  
(b) The said lessee shall not interfere in any way with any survey pegs or marks placed on the land to mark the route of such road or for any other purpose and in the event of the pegs or marks being accidentally displaced such pegs or marks shall be replaced at the said lessee's expense by a licensed surveyor to the satisfaction of the local Council the Department of Lands or the Department of Main Roads. 30  
  
(c) The said lessee if requested so to do by the Secretary for Mines shall surrender that part of the area demised required for such road. 40
  
3. The said lessee shall not conduct any mining operations within a distance of one chain of the boundaries of the proposed road from The Entrance North to Norahville unless with the consent of the Secretary for Mines first had and obtained and subject to such conditions as he may stipulate.

Exhibit 20 - Correspondence between  
Mines Department and  
Plaintiff

4. The said lessee shall not conduct any mining operations within a distance of five chains west of the base of the main frontal dune on the eastern side of the area demised un-  
(Initials)less with the consent of the Secretary for Mines first had and obtained and subject to such conditions as he may stipulate.

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Exhibit 20 - Correspondence between Mines Department and Plaintiff

SPECIAL SCHEDULE "S" (195<sup>9</sup>~~8~~) 638  
Special Conditions 1-3 inclusive.

1. The term of the lease shall be five years.
2. The annual rental to be paid to the Crown shall be two shillings and sixpence (2/6d) per acre or part thereof. 10
3. Not less than seven able and competent workmen and miners shall be employed in the construction of the works or in mining operations. ~~during-the-first-year-of-the-term-of-the-lease and-thereafter-not-less-than-----men-shall~~ be-employed.

SPECIAL SCHEDULE "S" (1958) 637  
Special Condition 4.

4. The said lessee shall pay to the Secretary for Mines a royalty as follows:-
- (a) of thirty shillings (30/-) per ton of rutile concentrates;
  - (b) of two shillings and sixpence (2/6d.) per ton of zircon concentrates;
  - (c) of one and one-half per centum ( $1\frac{1}{2}\%$ ) of the value of any ilmenite and monazite.

10

Exhibit 20 - Correspondence between  
Mines Department and  
Plaintiff

SPECIAL SCHEDULE "S" (1958) 636  
Special Condition 8.

8. In the event of dredging and/or other mining operations being conducted on the landward side of the main frontal sand dune the said lessee shall - 10
- (a) If so directed by the Secretary for Mines remove the surface soil to a depth of two feet ~~inches~~ on such part of the area demised as may be disturbed by mining operations and such surface soil shall be stacked separately on the area demised or on such other land as the Secretary for Mines may authorise in writing and subject to such conditions as he may stipulate.
- (b) Return all residues and tailings to the excavations made and all worked ground shall be levelled off and any surface soil previously removed shall be replaced and planted with such grasses plants shrubs and/or trees as may be required by the Secretary for Mines. 20
- (c) Restore all worked areas concurrently with dredging and/or other mining operations and the said lessee shall observe any instructions which may be given by the Secretary for Mines or the Under Secretary for Mines in connection with the restoration of the area demised. 30
- (d) As far as may be practicable so conduct operations as not to cause any damage to shrubs and trees or other native flora growing upon the area demised and all timber and shrubs which may be disturbed or destroyed as a result of the operations hereby authorised shall not be buried but shall be stacked and burnt provided that the said lessee shall before burning such timber obtain from the responsible authority permission to light fires. 40
- (e) If so directed by the Secretary for Mines or the Under Secretary for Mines provide and erect brush fences and/or lay a matting of brush to prevent as far as may be

Exhibit 20 - Correspondence between  
Mines Department and  
Plaintiff

practicable the scouring action of the wind on those parts of the area demised which have been levelled and restored and to provide protection for such grasses plants shrubs and trees which have been planted on such areas. Such brush fences shall be erected in such positions as may be directed by the Secretary for Mines or the Under Secretary for Mines and shall be maintained to the satisfaction of the Secretary for Mines. 10

(f) Unless with the consent of the Secretary for Mines or the Under Secretary for Mines first had and obtained the said lessee shall not clear or disturb the surface of the area demised except such as lies within a distance of 5 chains of that part of the area upon which mining operations are being conducted. 20

Exhibit 20 - Correspondence between  
Mines Department and  
Plaintiff

SPECIAL SCHEDULE "S" (1958) 635  
Special Conditions 10, 12, 17, 18, 22, 23 and 28.

10. The said lessee shall within twelve months of the date of the lease erect a separation plant upon the subject land or other land to the satisfaction of the Secretary for Mines or furnish to the Secretary for Mines satisfactory evidence that he has made suitable arrangements for the treatment of concentrates. 10
12. The said lessee shall not conduct any dredging and/or other mining operations on or under the main frontal sand dune unless with the consent of the Secretary for Mines in writing first had and obtained and subject to such conditions as he may stipulate.
17. The said lessee shall as far as may be practicable so conduct operations as not to interfere in any way with the public use and enjoyment of/Village Reserve No.191 for Extension to Village and Reserve No. 33175 from Sale for Access 20
18. The said lessee shall not interfere unless with the consent of the Secretary for Mines first had and obtained with any life-savers' sheds and apparatus now or at any time erected or installed on the area demised and shall so conduct operations within the vicinity of the part or parts of the beach or beaches used by bathers that the same shall not cause any danger or obstruction to such bathers. 30



Exhibit 20 - Correspondence between Mines Department and Plaintiff

623

JG.JN. 90.

2nd September, 1959

The Under Secretary,  
Department of Mines,  
11 Loftus Street,  
SYDNEY.

10

Dear Sir,

Special Lease Application 1108 Newcastle.  
F.B. Jenkins - Nominees: A.A. Brown & R.R. Nash

Receipt is acknowledged with thanks of your letter dated 18th ult. (your reference LB.59/3313) relative to the above.

In this connection I have been directed to express the hope that your Department is making provision for adequate protection of the proposed road through the area and for a distance of three (3) chains on either side thereof.

20

Yours faithfully,

G

SHIRE CLERK.

Files

Exhibit 20 - Correspondence between Mines Department and Plaintiff

M1 36-49  
Crest 90  
NEW SOUTH WALES 621  
IW.

The Shire Clerk,  
Wyong Shire Council,  
P.O. Box 74,  
WYONG. N.S. W.

Department of Mines  
11 Loftus Street  
Sydney. 18th August, 1959.

10

In reply please quote  
LB.59/3313 and address to  
P.O. Box 48, Sydney.

Wyong Shire Council  
Rec'd 19 AUG 1959  
Ack'd

Dear Sir,

Special Lease Application 1108 Newcastle  
F.B. Jenkins. Nominees - A.A. Brown and R.R. Nash

20

I refer to your letter dated 8th April, 1959 (your ref. JG.JN.90) and wish to inform you that, subject to survey, it is proposed to incorporate special conditions "S": 1-6, 6A(b), 7-8, 10-21, 26-27 and "X": 1-4, as detailed in the attached schedules, in any lease which may be granted in satisfaction of the abovementioned application.

Yours faithfully,  
C.St.J. Mulholland  
Under Secretary,  
Per: (Initials)

30



SPECIAL SCHEDULE "S" (1958) 619  
Special Condition 8.

8. In the event of dredging and/or other mining operations being conducted on the landward side of the main frontal sand dune the said lessee shall - 10
- (a) If so directed by the Secretary for Mines remove the surface soil to a depth of two feet ~~xxxxx~~ on such part of the area demised as may be disturbed by mining operations and such surface soil shall be stacked separately on the area demised or on such other land as the Secretary for Mines may authorise in writing and subject to such conditions as he may stipulate.
- (b) Return all residues and tailings to the excavations made and all worked ground shall be levelled off and any surface soil previously removed shall be replaced and planted with such grasses plants shrubs and/or trees as may be required by the Secretary for Mines. 20
- (c) Restore all worked areas concurrently with dredging and/or other mining operations and the said lessee shall observe any instructions which may be given by the Secretary for Mines or the Under Secretary for Mines in connection with the restoration of the area demised. 30
- (d) As far as may be practicable so conduct operations as not to cause any damage to shrubs and trees or other native flora growing upon the area demised and all timber and shrubs which may be disturbed or destroyed as a result of the operations hereby authorised shall not be buried but shall be stacked and burnt provided that the said lessee shall before burning such timber obtain from the responsible authority permission to light fires. 40
- (e) If so directed by the Secretary for Mines or the Under Secretary for Mines provide and erect brush fences and/or lay a

Exhibit 20 - Correspondence between  
Mines Department and  
Plaintiff

matting of brush to prevent as far as may be practicable the scouring action of the wind on those parts of the area demised which have been levelled and restored and to provide protection for such grasses plants shrubs and trees which have been planted on such areas. Such brush fences shall be erected in such positions as may be directed by the Secretary for Mines or the Under Secretary for Mines and shall be maintained to the satisfaction of the Secretary for Mines.

10

(f) Unless with the  
the Under Se

Exhibit 20 - Correspondence between Mines Department and Plaintiff

SPECIAL SCHEDULE "S" (1958) 618

Special Conditions 10, 12, 17, 18, 22, 23 and 28.

10. The said lessee shall within twelve months of the date of the lease erect a separation plant upon the subject land or other land to the satisfaction of the Secretary for Mines or furnish to the Secretary for Mines satisfactory evidence that he has made suitable arrangements for the treatment of concentrates. 10
12. The said lessee shall not conduct any dredging and/or other mining operations on or under the main frontal sand dune unless with the consent of the Secretary for Mines in writing first had and obtained and subject to such conditions as he may stipulate. 20
17. The said lessee shall as far as may be practicable so conduct operations as not to interfere in any way with the public use and enjoyment of Village Reserve No.191 for Extension to Village and Reserve No. 33175 from Sale for Access.
18. The said lessee shall not interfere unless with the consent of the Secretary for Mines first had and obtained with any life-savers' sheds and apparatus now or at any time erected or installed on the area demised and shall so conduct operations within the vicinity of the part or parts of the beach or beaches used by bathers that the same shall not cause any danger or obstruction to such bathers. 30

Exhibit 20 - Correspondence between Mines Department and Plaintiff

59/3313 LB.  
SPECIAL SCHEDULE "X". 617

1. Before dredging and/or other mining operations are commenced on the area demised the said lessee shall lodge with the Secretary for Mines a deposit of five thousand pounds (£5,000) for each dredging plant to be used on the area demised or with an approved surety enter into a bond in the penal sum of five thousand pounds (£5,000) for each such dredging plant to be used on the area demised as a guarantee that the foregoing conditions shall be well and faithfully observed and in the event of any failure to perform such conditions such sum or sums shall be applied towards the cost of making good the damage caused. 10
  
2. (a) Unless with the consent of the Secretary for Mines first had and obtained the said lessee shall not carry out any mining operations within that part of the area demised surveyed in connection with the proposed road from The Entrance North to Norahville.  
  
(b) The said lessee shall not interfere in any way with any survey pegs or marks placed on the land to mark the route of such road or for any other purpose and in the event of the pegs or marks being accidentally displaced such pegs or marks shall be replaced at the said lessee's expense by a licensed surveyor to the satisfaction of the local Council the Department of Lands or the Department of Main Roads. 30  
  
(c) The said lessee if requested so to do by the Secretary for Mines shall surrender that part of the area demised required for such road. 40
  
3. The said lessee shall not conduct any mining operations within a distance of one chain of the boundaries of the proposed road from The Entrance North to Norahville unless with the consent of the Secretary for Mines first had and obtained and subject to such conditions as he may stipulate.

(Initials)

4. The said lessee shall not conduct any mining

Exhibit 20 - Correspondence between Mines Department and Plaintiff

(Initials) operations within a distance of five chains west of the base of the main frontal dune on the eastern side of the area demised unless with the consent of the Secretary for Mines first had and obtained and subject to such conditions as he may stipulate.

10



Exhibit 20 - Correspondence between Mines Department and Plaintiff

598  
JG.JN. 90.  
8th April, 1959

The Under Secretary,  
Department of Mines,  
P.O. Box 48,  
SYDNEY.

10

Dear Sir,

Special Lease Application 1108 Newcastle -  
J.B. Jenkins. (Your reference LB. 58/7514)

Further to my letter dated the 26th February last I desire to advise that due to a misunderstanding it was inadvertently stated that the Council desired no mining operations to be carried out for a distance of one (1) chain on either side of the proposed road from The Entrance North to Norahville. This distance should have been stated as three (3) chains.

20

I shall be pleased if you will note your records accordingly.

Yours faithfully,  
G  
SHIRE CLERK.

Files

687. Exhibit 20 - Correspondence between Mines Department and Plaintiff



Exhibit 20 - Correspondence between  
Mines Department and  
Plaintiff

NEW SOUTH WALES

IW.

Department of Mines  
Sydney 19th November, 1958.

In reply please quote  
Wyong Shire Council LB.58/7514 and address to  
Rec'd 20 NOV 1958 P.O. Box 48, Sydney.  
Ack'd -

10

Special Lease application 1108 Newcastle.  
F.B. Jenkins.  
Nominee: A.A. Brown and R.R. Nash.

I enclose litho "W" and state that the area  
shown thereon by dging embracing 356 acres,  
parish Wallarah, county Northumberland ect  
of the abovementioned application for a lease of  
Crown lands for zircon, rutile, etc.

The subject area situated 3 miles south west-  
erly from the ge of Norah affects Village Re-  
serve 191 for extension to Village, ided 29.6.1885  
and Reserve 33175 from Sale for Access, notified  
1901.

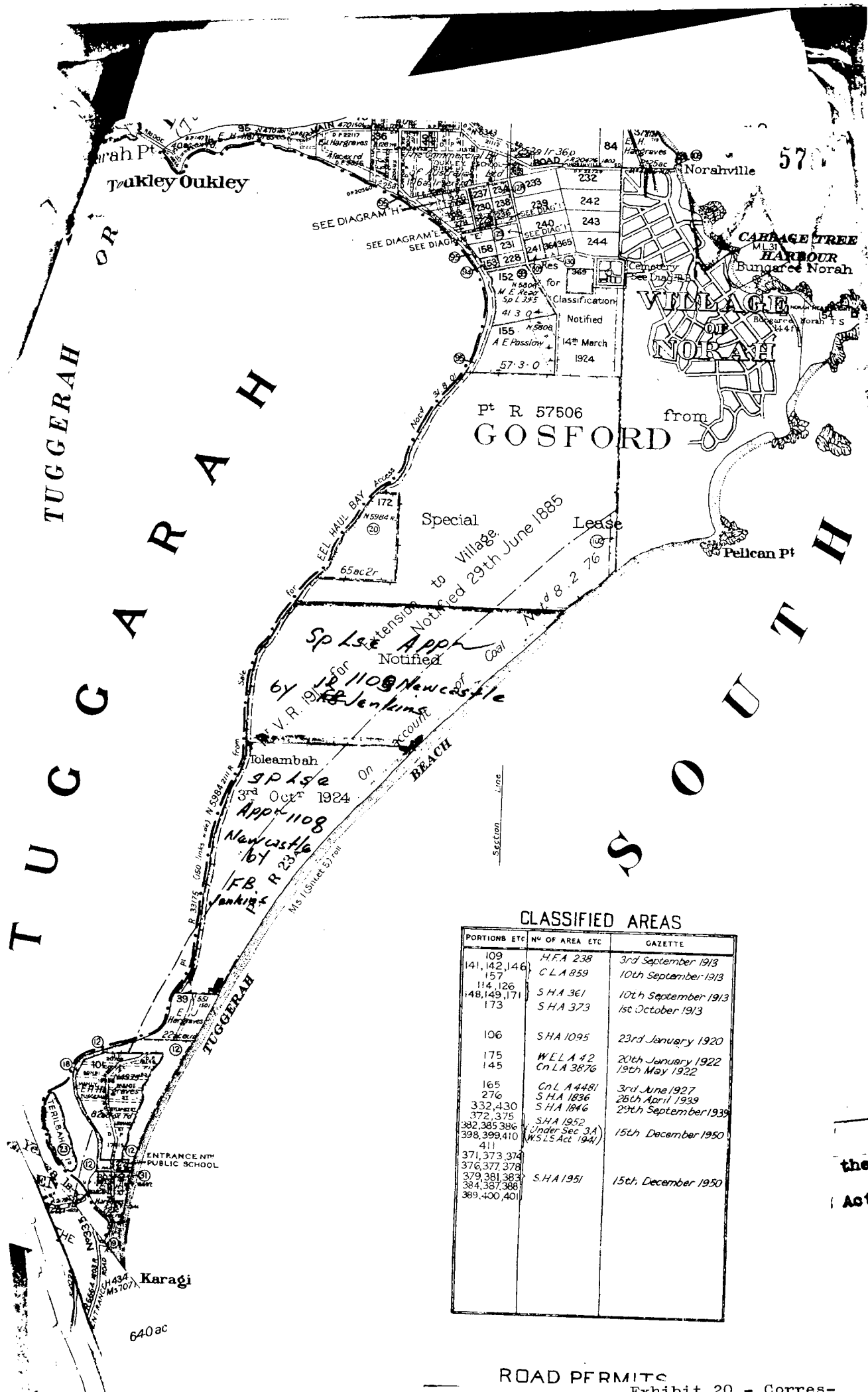
20

The area is bounded on the west by Tuggerah  
Lake (high water ) and on the east by Pacific  
Ocean (high water mark).

Would you kindly advise whether you have any  
objections to the t of a lease, and if not,  
whether there are any special conditions desire  
to have incorporated in any lease which may be  
granted in isfaction of the subject application.

30

Yours faithfully,  
C.St. J. Mulholland  
Under Secretary,  
Per: (Initials)



**CLASSIFIED AREAS**

PORTIONS ETC	NO OF AREA ETC	GAZETTE
109	M.F.A 238	3rd September 1913
141, 142, 146	C.L.A 859	10th September 1913
157		
114, 126	S.H.A 361	10th September 1913
148, 149, 171	S.H.A 373	1st October 1913
173		
106	S.H.A 1095	23rd January 1920
175	W.E.L.A 42	20th January 1922
145	Cn.L.A 3876	19th May 1922
165	Cn.L.A 4481	3rd June 1927
276	S.H.A 1836	26th April 1929
332, 430	S.H.A 1846	29th September 1939
372, 375	S.H.A 1952	
382, 385, 386	Under Sec. 3A	15th December 1950
398, 399, 410	(WS.LS Act 1941)	
411		
371, 373, 374		
376, 377, 378		
379, 381, 383	S.H.A 1951	15th December 1950
384, 387, 388		
389, 400, 401		

the  
Act,

**ROAD PERMITS**

Exhibit 20 - Correspondence between Mines Department and Plaintiff

Exhibit 20 - Correspondence between  
Mines Department and  
Plaintiff

575

JG.JN. 90.

4th February, 1959

The Under Secretary,  
Department of Mines,  
P.O. Box 48,  
S Y D N E Y.

10

Dear Sir,

Special Lease Application 1109 Newcastle -  
J.R. Jenkins. Nominees: A.A. Brown and  
R.R. Nash. - Your ref. LB. 58/7529.

Further to my letter dated 19th December last  
I have now to advise that the abovenamed Council  
does not desire to raise any objection to the pro-  
posed lease provided there is no encroachment on  
the site of the proposed road from The Entrance  
North to Noraville nor for a distance of three (3)  
chains on either side thereof.

20

Yours faithfully,

G

SHIRE CLERK.

Files.

Exhibit 20 - Correspondence between  
Mines Department and  
691. Plaintiff

Exhibit 20 - Corres-  
pondence between  
Mines Department and  
Plaintiff

19th December, 1958

JG.JN. 90.

The Under Secretary,  
Department of Mines,  
P.O. Box 48,  
S Y D N E Y.

10

Dear Sir,

Special Lease Application 1109 Newcastle -  
J.R. Jenkins: Nominees: A.A. Brown and  
R.R. Nash

In reply to your letter dated 21st ult., your  
reference LB.58/7529, I wish to advise that the  
abovenamed Council has decided to make an inspec-  
tion of the area covered by the subject application  
in February next in order to determine whether the  
proposal is likely to affect a road which the Coun-  
cil proposes to establish between The Entrance North  
and Norah.

20

I shall advise you in due course when a deci-  
sion is finally reached.

Yours faithfully,

G

SHIRE CLERK.

Exhibit 20 - Corres-  
pondence between  
Mines Department and  
692. Plaintiff

Exhibit 20 - Correspondence between Mines Department and Plaintiff

St 2229  
90  
Crest 560  
NEW SOUTH WALES IW.

Department of Mines  
Sydney 21st November, 1958. 10

The Shire Clerk,  
Wyong Shire Council,  
WYONG. N.S.W.

In reply please quote  
LB.58/7529 and address to  
P.O. Box 48, Sydney.

Wyong Shire Council  
Rec'd 24 NOV 1958  
Ack'd

Dear Sir,

Special Lease Application 1109 Newcastle.  
J.R. Jenkins. Nominees: A.A. Brown and  
R.R. Nash 20

I refer to the litho forwarded in connection with Special Lease Application 1108 Newcastle and state that the area shown thereon by blue edging embraces 510 acres, parish Wallarah, county Northumberland and is subject of the abovementioned application for a lease of Crown lands to mine for zircon, rutile etc.

The subject area situated about 2 miles south westerly from the Village of Norah, affects Village Reserve 191 for extension to Village, notified 29.6.1885 and Reserve 33175 from Sale for Access, notified 31.8.1901. 30

The area is bounded on the west by Tuggerah Lake (high water mark) and on the east by Pacific Ocean high water mark.

Would you kindly advise whether you have any objections to the grant of a lease and if not, whether there are any special conditions you desire to have incorporated in any lease which may be granted in satisfaction of the subject application. 40

Yours faithfully,  
C.St.J. Mulholland  
Under Secretary,  
Per: (Initials)

Exhibit 20 - Correspondence between Mines Department and Plaintiff  
693.

Exhibit 20 - Corres-  
pondence between  
Mines Department and  
Plaintiff

M1 36-49

~~55~~<sup>90</sup>

513

Crest  
NEW SOUTH WALES

IW.

The Shire Clerk,  
Wyong Shire Council,  
Council Chambers,  
WYONG. 1N. N.S.W.

Department of Mines  
Sydney. 2nd July, 1958.

10

In reply please quote  
LB.58/1352 and address to  
P.O. Box 48, Sydney.

Wyong Shire Council  
Rec'd -4 JUL 1958  
Ack'd -4 JU 1958

Dear Sir,

Special Lease Application 1043 Newcastle  
superseding Special Lease Application  
1042 Newcastle A.F. Nicolle.

20

I refer to your letter dated 23rd December,  
1957, (Ref. No. JG:GB 90) and wish to inform you  
that, subject to survey, it is proposed to incor-  
porate the following special conditions, "S": 1-6;  
7(a)&(b); 8; 10; 13-15; 17; 19-21; 24; 26-27 and  
"X": 1-4, as detailed in the attached schedules,  
in any lease which may be granted in satisfaction  
of the abovementioned application.

30

I wish to inform you that the surface of the  
proposed road traversing the subject area and the  
land below such surface shall be excepted from any  
lease granted in satisfaction of the subject appli-  
cation.

I wish to advise you that that part of the  
area applied for east of the boundary of Reserve  
77013 and the prolongation of such boundary to a  
point where it meets the northern boundary of the  
area applied for, together with the proposed public  
road traversing the area demised has been excluded  
from any lease which may be granted in satisfaction  
of the subject application.

40

Yours faithfully,  
C.St.J. Mulholland  
Under Secretary,  
Per: (Initials)

Exhibit 20 - Corres-  
pondence between  
Mines Department and  
694. Plaintiff



Exhibit 20 - Correspondence between  
Mines Department and  
Plaintiff

58/1352 LB.

SPECIAL SCHEDULE "X" 512

1. In the event of mining operations conducted by the said lessee destroying any tracks traversing the area demised the said lessee shall provide alternative tracks to the satisfaction of the Secretary for Mines. 10
2. (a) Unless with the consent of the Secretary for Mines or the Under Secretary for Mines first had and obtained the said lessee shall not clear or disturb the surface of the area demised except such as lies within ten chains of that part of the area upon which mining operations are being conducted.  
(b) This condition does not debar the said lessee from cutting brush on the area demised provided that such brush is required for the purpose of carrying out restoration work. 20
3. (a) The said lessee shall not conduct any mining operations within a distance of fifty feet from the boundaries of the proposed road shown by black hatching on the said plan traversing the area demised. 30  
(b) Notwithstanding that the said lessee shall have complied with this condition the said lessee shall pay to the Department of Main Roads the local Council or the Department of Lands the cost of making good any damage caused to such road by mining operations by the said lessee.
4. (a) The said lessee shall not interfere in any way with rifle practice by members of duly constituted rifle clubs or the Commonwealth Military Forces. 40  
(b) The said lessee shall not be entitled to charge rent for the use of the rifle range on the area demised or any part thereof.

Exhibit 20 - Correspondence between  
Mines Department and  
Plaintiff

(c) The said lessee shall accept all and any risks to which the said lessee or the said lessee's property may be exposed by reason of the existence of the rifle range on the area demised and the said lessee shall save harmless the Commonwealth Government or person lawfully using the rifle range from any claims for injuries to the said lessee or the said lessee's servants or workmen which may arise by the discharge of firearms on the said rifle range.

10

(d) Members of rifle clubs or the Commonwealth Military Forces shall retain the privilege of taking riding horses and vehicles on to the rifle range.

20

Please keep this on top of file

GOVERNMENT RECORDS  
REPOSITORY

File Movement Record

Prefix	M 967
Item No.	1753
File Detail	Authority to Prospect
Date	1 September 59 21/2/72

N.B.-If this file is re-registered or permanently attached to another file please note details on the back of this slip and return it to the Repository.

10

Stamp Duty 3/6  
2.8.57.

1753

AUTHORITY TO PROSPECT.

Issued under Section 17, Mining Act, 1906-1952.

Office Copy.

Sec.17, Appn. No. 156 NEWCASTLE.

WHEREAS in accordance with the provisions of Section 17 of the Mining Act, 1906-1952, and Regulation 82 under the said Act, application has been duly made by JACK ROBERT JENKINS 65 Wyong Road, Long Jetty in the State of New South Wales --- holder of Miner's Right - Number - 1955/1 - dated - 7th April -, 1955, issued at - Moree - for authority to prospect on the Crown Lands more particularly described and delineated in the Plan drawn hereon, hereinafter called the said land. AND WHEREAS the - Prospecting Board - has recommended that such application be granted, Now, THEREFORE, I, 10

ROGER BEDE NOTT

the Secretary for Mines for the State of New South Wales (hereinafter called the Minister), in pursuance of the power to me given in this behalf by the said Act do hereby authorise the said

- JACK ROBERT JENKINS -

hereinafter called the Prospector, - to prospect for - zircon, rutile, ilmenite, monazite, gold, tin, and platinum - on the said land for a period of - twelve months - from the date hereof, subject to such rights and interests as may be lawfully subsisting in the land at the date hereof, upon and subject to the terms and conditions following (that is to say): 30

1. The Prospector - shall during - his - occupancy under this authority maintain - his - Miner's Right - in force.

Exhibit 21 - Authority  
to Prospect No. 156

2. The Prospector - shall on delivery of this authority pay the sum of - twelve pounds fifteen shillings - as rent for the term hereby granted.

3. On discovery of gold or other minerals the Prospector - shall report within fourteen days of the date of such discovery to the Warden of the District, who shall thereupon report to the Minister on the nature of the discovery. The Minister may thereupon call upon the Prospector - to apply for a lease of the said land, or such part thereof as he may deem advisable, or to continue prospecting operations. 10

4. The prospecting operations under this authority shall be commenced on or before the - tenth - day of - June - , 1957, and shall thereafter be carried on continuously and efficiently during the usual hours of labour by not less than - four - workmen. 20

5. This authority shall only entitle the Prospector - to search for - zircon, rutile, ilmenite, monazite, gold, tin and platinum and shall not entitle - him - to win or remove gold or any mineral.

6. The prospecting operations under this authority shall be carried out in such manner as not to interfere with or obstruct the traffic on any road, street, or highway, or endanger or cause any injury to any public railway line, or any building or erection. 30

7. Operations on the area granted shall be conducted in such a manner as not to cause any danger to persons and stock and ~~the prospector~~ shall provide and maintain adequate protection to the satisfaction of the Minister for Mines around each shaft or excavation opened up or used by the Prospector.

~~§.-----The-Prospector-shall-provide-and-ereect-fer~~  
the protection of persons and stock, a secure fence  
around all shafts and excavations opened up or used  
by the Prospector on the area granted and the Pros-  
pector shall maintain such fencing to the satisfac-  
tion of the Minister for Mines.

§. This authority does not confer the power to  
cut or remove any timber, except such as directly 10  
obstructs or prevents the carrying on of the opera-  
tions hereby authorised, and the Prospector shall  
obtain authority under the provisions of the Forestry  
Act, 1916-1946, and the Regulations thereunder, be-  
fore making use of the timber so cut for other than  
in connection with prospecting. The sanction of the  
District Forester or his deputy shall be obtained  
before proceeding to cut any other timber on the  
said land.

10. The Prospector shall take all precautions 20  
against causing outbreak of fire on the

and shall not burn off any grass dry herbage or sur-  
face litter except with the consent of the District  
Forester first had and obtained, and shall under  
the direction and control of the local Forest Officer  
stack and burn the heads of any trees destroyed dur-  
ing the course of any prospecting operations, and  
the Prospector shall not permit any fireplaces to  
be constructed unless protected by stone wallings  
and fires lit therein shall not be left unattended. 30

11. This authority is issued subject to any con-  
ditions and/or restrictions which may be prescribed  
in accordance with the provisions of Section 21 of  
the Forestry Act, 1916-1946, and the Regulations  
thereunder and the Regulations under the Bush Fires  
Act, 1949.

Exhibit 21 - Authority  
to Prospect No. 156

8.1/2. The said land shall at all times be open to the inspection of any officer authorised by the Minister to inspect the same, and if upon inspection it appears to the Minister that the prospecting operations have not been commenced or that the required number of workmen has not been continuously employed or that any other breach of the conditions of this authority has been made, or if for any other reason it shall appear to the Minister expedient so to do, he may cancel this authority, and after notice of cancellation has been served upon the Prospector -, or published in the Government Gazette, the right to carry on prospecting operations on the said land shall cease and determine absolutely, and the Prospector - shall not be entitled to any compensation in respect of such cancellation; and if the Prospector - shall remain in occupation of the said land for the purpose of prospecting after notice of cancellation has been served upon-him -, or published as aforesaid, he shall be liable to a penalty not exceeding Ten Pounds for unauthorised occupation of Crown Lands.

9. AND IT IS HEREBY SPECIALLY AGREED AND DECLARED THAT the said Prospector shall observe and perform the special conditions endorsed on the back hereof. -----  
(Initials)

IN WITNESS WHEREOF I have hereunto set my hand, at Sydney, in the said State,  
this - tenth - day of - May - 1957.  
(Sgd.) Roger Nott

A to P 1753. Secretary for Mines.  
Appn by F.B. Jenkins (Agent for J.R. Jenkins)  
for suspension.

57/11717LB. 1 months suspension from 1.11.59  
granted.





AUTHORITY TO PROSPECT  
(Section 17, Mining Act, 1906-1952.)

No. 1753  
E X P I R E D  
DATED 10th May, A.D. 1957.  
10 - 5 - 58

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THE SECRETARY FOR MINES

to

10

- JACK ROBERT JENKINS -

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---

REGISTERED in the Department of Mines, at Sydney,  
this thirteenth day of August, A.D. 1957, at the  
hour of ten o'clock in the forenoon, and numbered  
in the Register 1753.

Griffiths  
Registrar.

SPECIAL CONDITIONS REFERRED TO HEREIN.

1. Prospecting operations on the area embraced  
by this Authority shall be restricted to bor- 20  
ing.
2. The Prospector shall at all times so conduct  
operations as to cause as little interference  
as possible with the public use and enjoyment  
of the beach for fishing and recreation and  
shall permit free and uninterrupted access by  
the public to the beach at all times.
3. The Prospector shall not interfere unless with  
the consent of the Minister for Mines first 30  
had and obtained with any life-savers' sheds  
and apparatus now or at any time erected or  
installed on the area granted and shall so  
conduct operations within the vicinity of the  
part or parts of the beach or beaches used by  
bathers that the same shall not cause any  
danger or obstruction to such bathers.
4. The Prospector shall as far as may be prac- 40  
ticable so conduct operations as not to in-  
terfere in any way with the public use and  
enjoyment of the affected reserves.

Exhibit 21 - Authority  
to Prospect No. 156

5. The Prospector shall allow full rights of ingress egress and regress into out of and over the area granted to the holders of and/or applicants for adjoining or adjacent mining or prospecting titles.
6. The Prospector shall furnish to the Minister for Mines at the end of each six months of the term of this Authority and upon the expiry or sooner termination thereof full particulars of the results of his operations within the subject area together with location plans of the actual operations conducted the values obtained and the method of calculation used.

10

(Initials)

(Sgd.) C.E. Fenley  
Sergeant 3/c

(Sgd.) J.R. Jenkins

Please keep this on top of file

GOVERNMENT RECORDS  
REPOSITORY

File Movement Record

Prefix	M967
Item No.	1754
File Detail	Authority to Prospect
Date	1 September 59
	21/2/72

N.B.-If this file is re-registered or permanently attached to another file please note details on the back of this slip and return it to the Repository.

10

Exhibit 22 - Authority  
to Prospect No. 157

Stamp Duty 3/6  
31.7.57 1754

AUTHORITY TO PROSPECT.

Issued under Section 17, Mining Act, 1906-1952.

Office Copy.

Sec. 17, Appn. No. 157 NEWCASTLE

WHEREAS in accordance with the provisions of Section 17 of the Mining Act, 1906-1952, and Regulation 82 under the said Act, application has been duly made by FRANK BOSLEY JENKINS 65 Wyong Road, Long Jetty in the State of New South Wales ----- 10

holder - of Miner's Right - number - 258 - dated - 14th April -, 1955, - issued at - Sydney - for authority to prospect on the Crown Lands more particularly described and delineated in the Plan drawn hereon, hereinafter called the said land. AND

WHEREAS the - Prospecting Board - has recommended that such application be granted, Now, THEREFORE, I, 20

ROGER BEDE NOTT

the Secretary for Mines for the State of New South Wales (hereinafter called the Minister), in pursuance of the power to me given in this behalf by the said Act do hereby authorise the said

- FRANK BOSLEY JENKINS -

hereinafter called the Prospector -, to prospect for - zircon, rutile, ilmenite, monazite, tin, gold and platinum - on the said land for a period of - twelve months - from the date hereof, subject to such rights and interests as may be lawfully subsisting in the land at the date hereof, upon and subject to the terms and conditions following (that is to say): 30

1. The Prospector - shall during - his - occupancy under this authority maintain - his - Miner's Right - in force.

Exhibit 22 - Authority  
to Prospect No. 157

2. The Prospector - shall on delivery of this authority pay the sum of - eight pounds eighteen shillings - as rent for the term hereby granted.

3. On discovery of gold or other minerals the Prospector - shall report within fourteen days of the date of such discovery to the Warden of the District, who shall thereupon report to the Minister on the nature of the discovery. The Minister may thereupon call upon the Prospector - to apply for a lease of the said land, or such part thereof as he may deem advisable, or to continue prospecting operations.

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4. The prospecting operations under this authority shall be commenced on or before the - fourth - day of - July -, 1957, and shall thereafter be carried on continuously and efficiently during the usual hours of labour by not less than - four - workmen.

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5. This authority shall only entitle the Prospector - to search for - zircon, rutile, ilmenite monazite, tin, gold and platinum - and shall not entitle - him - to win or remove gold or any mineral.

6. The prospecting operations under this authority shall be carried out in such manner as not to interfere with or obstruct the traffic on any road, street, or highway, or endanger or cause any injury to any public railway line, or any building or erection.

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7. Operations on the area granted shall be conducted in such a manner as not to cause any danger to persons and stock and ~~the prospector shall provide and maintain adequate protection to the satisfaction of the Minister for Mines around each shaft or excavation opened up or used by the Prospector.~~

Exhibit 22 - Authority  
to Prospect No. 157

~~8.-----The-Prospector-shall-provide-and-erect-for~~  
the protection of persons and stock, a secure fence  
around all shafts and excavations opened up or used  
by the Prospector on the area granted and the Pros-  
pector shall maintain such fencing to the satisfac-  
tion of the Minister for Mines.

9. This authority does not confer the power to  
cut or remove any timber, except such as directly  
obstructs or prevents the carrying on of the opera-  
tions hereby authorised, and the Prospector shall  
obtain authority under the provisions of the Forestry  
Act, 1916-1946, and the Regulations thereunder, be-  
fore making use of the timber so cut for other than  
in connection with prospecting. The sanction of the  
District Forester or his Deputy shall be obtained  
before proceeding to cut any other timber on the  
said land.

10

10. The Prospector shall take all precautions  
against causing cutbreak of fire on the

20

and shall not burn off any grass dry herbage or sur-  
face litter except with the consent of the District  
Forester first had and obtained, and shall under  
the direction and control of the local Forest Officer  
stack and burn the heads of any trees destroyed dur-  
ing the course of any prospecting operations, and  
the Prospector shall not permit any fireplaces to be  
constructed unless protected by stone wallings and  
fires lit therein shall not be left unattended.

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11. This authority is issued subject to any con-  
ditions and/or restrictions which may be prescribed  
in accordance with the provisions of Section 21 of  
the Forestry Act, 1916-1946, and the Regulations  
thereunder and the Regulations under the Bush Fires  
Act, 1949.

8.1/2. The said land shall at all times be open to the inspection of any officer authorised by the Minister to inspect the same, and if upon inspection it appears to the Minister that the prospecting operations have not been commenced, or that the required number of workmen has not been continuously employed or that any other breach of the conditions of this authority has been made, or if for any other reason it shall appear to the Minister expedient so to do, he may cancel this authority, and after notice of cancellation has been served upon the Prospector -, or published in the Government Gazette, the right to carry on prospecting operations on the said land shall cease and determine absolutely, and the Prospector - shall not be entitled to any compensation in respect of such cancellation; and if the Prospector - shall remain in occupation of the said land for the purpose of prospecting after notice of cancellation has been served upon - him, - or published as aforesaid, he shall be liable to a penalty not exceeding Ten Pounds for unauthorised occupation of Crown Lands.

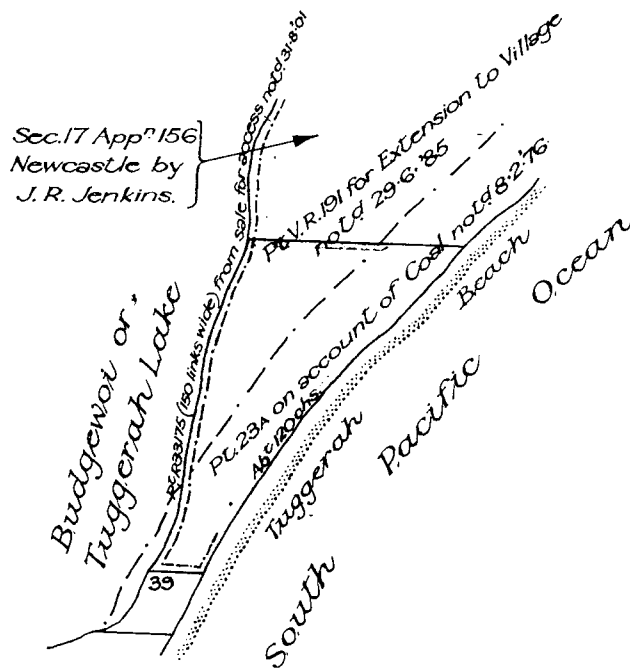
9. AND IT IS HEREBY SPECIALLY AGREED AND DECLARED THAT the said Prospector shall observe and perform the special conditions endorsed on the back hereof. -----  
(Initials)

IN WITNESS WHEREOF I have hereunto set my hand, at Sydney, in the said State, this - fourth - day of - June - 1957.

(Sgd.) Roger Nott.  
Secretary for Mines.

PLAN.

Showing by blue edging area subject of  
Sec. 17, App. No. 157 at Newcastle by F.B. Jenkins  
Parish of Wallerah  
County of Northumberland  
Scale 40 chains to an inch.



J.F.

Area: 356 acres.

I hereby accept the within authority,  
and agree to be bound by the terms and  
conditions thereof.

(Sgd.) F.B. Jenkins

Witness— (Sgd.) R.C. Charker J.P.

Authority  
Examined by  
1754  
13-8-57



AUTHORITY TO PROSPECT  
(Section 17, Mining Act, 1906-1952.)

E X P I R E D  
14 - 6 - 58

No. 1754

DATED 4th June, A.D. 1957.

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THE SECRETARY FOR MINES

to

FRANK BOSLEY JENKINS

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REGISTERED in the Department of Mines, at Sydney,  
this thirteenth day of August, A.D. 1957, at the  
hour of ten o'clock in the forenoon, and numbered  
in the Register 1754.

Griffiths  
Registrar.

SPECIAL CONDITIONS REFERRED TO HEREIN.

1. Prospecting operations on the area embraced  
by this Authority shall be restricted to bor- 20  
ing.
2. The Prospector shall at all times so conduct  
operations as to cause as little interference  
as possible with the public use and enjoyment  
of the beach for fishing and recreation and  
shall permit free and uninterrupted access by  
the public to the beach at all times.
3. The Prospector shall not interfere unless with  
the consent of the Minister for Mines first  
had and obtained with any life-savers' sheds 30  
and apparatus now or at any time erected or  
installed on the area granted and shall so con-  
duct operations within the vicinity of the part  
or parts of the beach or beaches used by bath-  
ers that the same shall not cause any danger  
or obstruction to such bathers.
4. The Prospector shall as far as may be practic-  
able so conduct operations as not to interfere  
in any way with the public use and enjoyment  
of the affected reserves. 40

Exhibit 22 - Authority  
to Prospect No. 157

5. The Prospector shall allow full rights of ingress egress and regress into out of and over the area granted to the holders of and/or applicants for adjoining or adjacent mining or prospecting titles.
6. The Prospector shall furnish to the Minister for Mines at the end of each six months of the term of this Authority and upon the expiry or sooner termination thereof full particulars of the results of his operations within the subject area together with location plans of the actual operations conducted the values obtained and the method of calculation used. 10

(Initials)  
(Sgd.) R.C. Charker J.P. (Sgd.) F.B. Jenkins.

IN THE SUPREME COURT )  
OF NEW SOUTH WALES )  
IN EQUITY )

No. 2083 of 1971

BETWEEN: WYONG SHIRE COUNCIL

Plaintiff

and

ASSOCIATED MINERALS CONSOLIDATED  
LIMITED WYONG ALLUVIALS PTY.  
LIMITED

Defendants

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MAH ON the <sup>tenth</sup>~~eighth~~ day of December 1971 JOHN BRUCE

McKELLAR of Southport in the State of Queensland,  
Operations Manager, being duly sworn makes oath and  
says as follows:

1. I am the Operations Manager of Associated  
Minerals Consolidated Limited one of the abovenamed  
Defendants and a Director of Wyong Alluvials Pty.  
Limited the other abovenamed Defendant. I am a  
graduate of the University of Queensland where I  
graduated with the degree of Bachelor of Science  
in 1951, and a graduate of the University of Tasmania  
where I graduated with the degree of Master of  
Science in 1958. I have been continually associated  
with beach sand mining since 1957.

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2. Associated Minerals Consolidated Limited  
(hereinafter called "AMC" and its various subsidia-  
ries are managed and run as a single mineral sand  
mining group. As Operations Manager of AMC I am

M.A. Homes J.P.  
M.A. Homes J.P.

J.B. McKellar  
J.B. McKellar

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of John Bruce McKellar  
sworn 10th December,

713. 1971

Exhibit 23 - Affidavit  
of John Bruce McKellar  
sworn 10th December,  
1971

responsible for the general management and supervision of the whole group's operations. Some details of those operations for the year ended 30th June 1971 are as follows:

Rutile produced	:	117,187 tons	
Zircon produced	:	110,593 tons	10
Gross sales revenue	:	\$17,182,545	
Net profit before tax	:	\$ 3,104,394	

3. Wyong Alluvials Pty. Limited is a subsidiary of AMC. It became so on the 5th May 1967 when AMC acquired the whole of the paid up capital of Wyong Minerals Limited of which Wyong Alluvials Pty. Limited was and still is a wholly owned subsidiary. Prior to the abovementioned date of acquisition both AMC and Wyong Minerals Limited had for a number of years been themselves subsidiary companies of Consolidated Gold Fields Australia Limited and shared some marketing and other common functions. 20

4. I am personally familiar with the group's mining interests at Munmorah and Tuggerah including in particular the Entrance North Peninsula locality comprising Special Leases 175, 176, 202, 271 and 369 and I have so been since 1957 when I joined AMC as a geologist. I have physically traversed it on

M.A. Homes J.P.

J.B. McKellar

Exhibit 23 - Affidavit  
of John Bruce McKellar  
sworn 10th December,

Exhibit 23 - Affidavit  
of John Bruce McKellar  
sworn 10th December,  
1971

numerous occasions over the years and the companies' records adequately detail all particulars of the leases and all dealings and events concerning the area. Produced to me and marked as Exhibits "JBMcK.1" and "JBMcK.2" respectively a plan of the Munmorah and Tuggerah areas indicating the leases held by the group and an aerial photograph of the Tuggerah area. From my own knowledge and from my access to existing company and other records I am able to depose to the matters hereinafter contained.

10

5. The title history of the Special Leases over the land the subject of these proceedings is as follows:

(i) Special Lease 175: Lessee - Wyong Alluvials Pty. Limited. This lease was applied for on the 15th March 1958 by one F.B. Jenkins who pursuant to prior arrangement with Wyong Alluvials Pty. Limited and a consideration of £8,250 nominated Messrs. A.A. Brown and R.R. Nash to receive the lease. The lease itself was issued to these nominees (who were trustees for Wyong Alluvials Pty. Limited) on the 3rd May 1961 for an initial term of five years and covered the area known as ML 42. By

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J.B. McKellar  
M.A. Homes J.P.

J.B. McKellar  
M.A. Homes J.P.  
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of John Bruce McKellar  
sworn 10th December,

30

Exhibit 23 - Affidavit  
of John Bruce McKellar  
sworn 10th December,  
1971

transfer registered with the Mining Registrar on the 14th January 1963 the said trustees transferred the lease to Wyong Alluvials Pty. Limited. The term was renewed for a further five years until the 3rd May 1971 and an application for further renewal was made on the 25th May 1970 and has been neither granted nor refused to date. The land applied for had previously been held under an Authority to Prospect granted to the said F.B. Jenkins. 10

- (ii) Special Lease 176: Lessee - Wyong Alluvials Pty. Limited. This lease was applied for on the 15th March 1958, by one J.R. Jenkins who by such application and pursuant to prior arrangement with Wyong Alluvials Pty. Limited and a consideration of £8,250 nominated Messrs. A.A. Brown and R.R. Nash to receive the lease. The lease itself was issued to these nominees (who were trustees for Wyong Alluvials Pty. Limited) on the 14th June 1961 for an initial term of five years and covered the area known as ML 48. By transfer registered with the Mining Registrar on the 14th January 1963 the M.A. Homes J.P. J.B. McKellar 20

Exhibit 23 - Affidavit  
of John Bruce McKellar  
sworn 10th December,

Exhibit 23 - Affidavit  
of John Bruce McKellar  
sworn 10th December,  
1971

said Trustees transferred the lease to Wyong Alluvials Pty. Limited. The term was renewed for a further five years until the 14th June 1971 and an application for further renewal was made on the 24th June 1970 and has been neither granted nor refused to date. The land applied for had been previously held under Authority to Prospect granted to the said J.R. Jenkins.

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(iii) Special Lease 202: Lessee - Wyong Alluvials Pty. Limited. This lease was applied for on the 3rd August 1958 by one F.M. Carpenter who by such application and pursuant to prior arrangement with Wyong Alluvials Pty. Limited and a consideration of £15,000 nominated Messrs. A.A. Brown and N.E. Penman to receive the lease. The lease itself was issued to these nominees (who were trustees for Wyong Alluvials Pty. Limited) on the 29th August 1962 for an initial term of five years and covered the area known as ML 51. By transfer registered with the Mining Registrar on the 24th April 1964 the said Trustees transferred the lease to Wyong Alluvials Pty. Limited.

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M.A. Homes J.P.

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Exhibit 23 - Affidavit  
of John Bruce McKellar  
sworn 10th December,

717. 1971

Exhibit 23 - Affidavit  
of John Bruce McKellar  
sworn 10th December,  
1971

An application for renewal for a further term was made on the 19th July 1967 and has been neither granted nor refused to date. The land applied for had been previously held under Authority to Prospect 186 by the said F.M. Carpenter.

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- (iv) Special Lease 271: Lessee - Wyong Alluvials Pty. Limited. This lease was applied for on the 11th June 1962 by Messrs. F.M. Carpenter and W.J. Christenson who by instrument dated 26th February 1964 and pursuant to prior arrangement and for a consideration of £1,250 nominated Wyong Alluvials Pty. Limited to receive the lease. The lease itself was so issued on the 17th December 1964 for an initial term of five years to the 17th December 1969 and covered the area known as ML 39.

20

An application for renewal for a further term was made on the 21st January 1969 and has been neither granted nor refused to date. The land applied for had been previously held under Authority to Prospect by the said F.W. Carpenter and W.J. Christenson.

- (v) Special Lease 369: Lessee - AMC. This lease  
M.A. Homes J.P.                      J.B. McKellar

Exhibit 23 - Affidavit  
of John Bruce McKellar  
sworn 10th December,

718. 1971



Exhibit 23 - Affidavit  
of John Bruce McKellar  
sworn 10th December,  
1971

was applied for on the 30th November 1956 by one A.F. Nicolle who by instrument dated the 21st January 1957 pursuant to prior arrangement nominated AMC who had paid valuable consideration to receive the lease. The lease itself was issued to AMC on the 22nd February 1967 for a term of five years expiring on the 22nd February 1972 and covered the land known as ML 44. The land applied for had been previously held under Authority to Prospect 1653 granted to the said A.F. Nicolle for twelve months from the 7th December 1953.

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MAH I crave leave to refer to the aforesaid leases when produced.

6. The five said Special Leases have been the subject of authorisations of amalgamation by the Minister for Mines made on the basis that they can be more effectively worked as one mine as follows:

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- (i) On the 25th June 1963 the Minister authorised the amalgamation of Special Leases 175 and 176 together with Special Leases 103 and 207.
- (ii) On the 15th March 1965 the Minister authorised the amalgamation of Special Lease 202 with the four above recited Special Leases and Special Leases 223 and 258.

M.A. Homes

J.B. McKellar  
Exhibit 23 - Affidavit  
of John Bruce McKellar  
sworn 10th December,

719. 1971

Exhibit 23 - Affidavit  
of John Bruce McKellar  
sworn 10th December,  
1971

- (iii) On the 3rd December 1965 the Minister authorised the amalgamation of Special Lease 271 with the seven above recited Special Leases.
- (iv) On the 11th June 1969 the Minister authorised the amalgamation of Special Lease 369 with the eight above recited Special Leases and Special Leases 271, 301, 302, 303, 304, 312, 314, 330, 380 and Private Lands Lease 1094.

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All the above recited leases are delineated red in the said Exhibit "JBMcK.1".

7. The five Special Leases described in paragraph 4 above have also been the subject of authorities by the Minister for Mines and Warden to suspend labour conditions and mining operations for more or less continuous periods of six months commencing shortly after the respective dates of issue of each lease save in respect of periods when such lease was being worked. Such suspensions were in the case of SLs 176, 202, 271, and 369 authorised up to the 4th November 1971 and applications for further suspension in respect of SLs 202 271 and 369 have been made and heard by the Warden and recommended. No suspension is in effect on Special Lease 175, but application for suspension has been made and

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J.B. McKellar

Exhibit 23 - Affidavit  
of John Bruce McKellar  
sworn 10th December,  
1971

Exhibit 23 - Affidavit  
of John Bruce McKellar  
sworn 10th December,  
1971

heard by the Warden and recommended.

8. The manner of winning mineral sands is as follows. After geological indications of a likely orebody are deducted, exploratory drilling is done on a broad pattern, and the bore-samples tested and assayed to establish values. From this the parameters of the orebody are determined and prospecting operations are complete. All further operations are for or in connection with the purpose of winning the mineral. Further and more intense drilling is normally carried out to determine the precise dimensions of particular leads and the exact mineral content and values over the whole orebody. The water tables are identified. The source of a water supply and the need for ancillary services is examined. Continuous laboratory investigation is carried on in the light of assay results. In terms of manpower at least as much time is expended on off-site investigation as on actual drilling. The group's overall mining program and facilities are considered, and ultimately decisions are made as to the type of mining plant required to enter the area, the precise optimum dredge paths (so that operations on sparse areas are minimised) and the commencement

M.A. Homes J.P.

J.B. McKellar

Exhibit 23 - Affidavit  
of John Bruce McKellar  
sworn 10th December,  
1971

of extractive operations. Considerable planning of labour and material resources are necessary. Often plant design is changed to meet local conditions and on occasion a new plant altogether has to be designed. After actual extraction of the mineral by dredge or other plant, the mined areas are res- 10  
tored and revegated under the supervision of the inspectors of the Department of Mines; it is usually several years before this regenerative process is complete. Mining in the circumstances of the mineral sands industry, therefore, may be said to be a protracted process commencing on localisation of the orebody and concluding on vacation after restoration.

9. AMC became interested in the Tuggerah area in or about 1955 and by arrangement with the above-named A.F. Nicolle, participated in an investigation 20  
of ML 44, drilling at various dates between December 1955 and December 1956; by the latter date the presence of valuable mineral had been adequately displayed and the prospecting operations were completed. The lease application was lodged on the 30th November 1956. In July 1958 a further series of 16 drill holes of a total depth of 244 feet were drilled. Between December 1963 and March 1964 a further series

M.A. Homes J.P.

J.B. McKellar

Exhibit 23 - Affidavit  
of John Bruce McKellar  
sworn 10th December,

Exhibit 23 - Affidavit  
of John Bruce McKellar  
sworn 10th December,  
1971

of 15 drill holes of a total depth of 1049 feet was done. Between July 1968 and June 1969 an intensive and sustained program during which 1639 holes of a total depth of 66457 feet was carried out. In 1970 an investigation of the land was made by the Public Works Department for the purpose of establishing an effluent disposal site, and further drilling by the group amounting to 12 holes of a total depth of 469 feet to decide the mining consequences was carried out in February and March 1970. In September 1971 further deep drilling amounting to 8 holes of a total depth of 1024 feet was carried out. The samples from all drilling have been subjected to the usual assay and laboratory treatment throughout this period. All such drilling is shown in outline on the plan produced to me and marked as Exhibit "JBMcK.3".

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10. In July 1971 the construction of the Company's No. 20 Mining Plant upon ML 44 was begun. There has been produced to me and marked as Exhibit "JBMcK.4" a plan of the Tuggerah area: the site of the said construction is indicated thereon. The value of this Plant and its cost of commissioning is about \$800,000. Ancillary works have been carried out:

M.A. Homes J.P.

J.B. McKellar

Exhibit 23 - Affidavit  
of John Bruce McKellar  
sworn 10th December,

723. 1971

Exhibit 23 - Affidavit  
of John Bruce McKellar  
sworn 10th December,  
1971

an access road and power supply have been added, and a water pipeline to the shores of Lake Tuggerah has been laid, and the position of these too is indicated on the said exhibit. Since the issue of the lease in 1967 the company has paid rates to the Wyong Shire Council (amounting to \$1,439.22 for 1970/71) and rent of \$289 a year to the Department of Mines, and company staff have regularly been upon the land at least every six months to post notices of sundry Warden's Court matters in which the company has been involved. On many occasions throughout the years company staff have been upon and over these leases for sundry purposes and often in company with officers of Government Departments, the Shire Council and other groups and bodies.

10

11. The cost of the drilling programs on ML 44 for the past four years alone would exceed \$58,000. I estimate that the Company's total costs upon this lease in time and money from the beginning to date (not including the construction costs of Plant No. 20) certainly exceeds \$200,000.

20

12. The group has two operations mounted in the Tuggerah and Munmorah areas at present apart from the construction of Plant No. 20 on ML 44. At

M.A. Homes J.P.

J.B. McKellar

Exhibit 23 - Affidavit  
of John Bruce McKellar  
sworn 10th December,

724. 1971

Exhibit 23 - Affidavit  
of John Bruce McKellar  
sworn 10th December,  
1971

Munmorah Plant No. 18 is working on SL 258 which is shown on the said Exhibit "JBMcK.1"; operations commenced at Munmorah in about 1956 and have continued ever since.

13. The group's second current operation is that of Plant No. 10/10 which was assembled on ML 42 between March and June 1969 and is currently operating on ML 48. It has been in continuous operation upon MLs 42 and 48 and two other leases to the south of these since assembly and its path is as shown on the said Exhibit "JBMcK.4". Its value is about \$900,000. Ancillary works have taken place on MLs 42 and 48 concurrently with the operations of Plant No. 10/10. Roads have been formed, buildings erected and power reticulation installed. A water pipeline has been laid from the shore of Tuggerah Lake under Wilfred Barrett Drive (the roadway bisecting all five leases) to service the Plant. The position of these works too is shown on the said Exhibit "JBMcK.4". Considerable traffic of vehicles and men is continuous over the area.

14. In 1969 AMC decided to investigate the establishment of a plant research station and nursery to serve our mining requirements. During 1969 after

M.A. Homes J.P.

J.B. McKellar

Exhibit 23 - Affidavit  
of John Bruce McKellar  
sworn 10th December,

Exhibit 23 - Affidavit  
of John Bruce McKellar  
sworn 10th December,  
1971

a number of tours by vehicle and foot over the area,  
a site upon ML 51 was selected. Considerable on-  
site work was done. Vegetation and contour surveys  
were carried out over several months. In July 1970  
the area was selectively cleared. In January 1971  
a Notice Board was erected on the site and still  
stands. 10

15. The five areas, MLs 39, 42, 44, 48 and 51  
together contain about 342,000 tons of rutile and  
193,000 tons of zircon, together with very much  
smaller byproducts, all of which total about 1/6th  
of the group's reserves. The value of such mineral  
at current market prices is estimated at about 53  
million dollars, almost all of which will be earned  
in overseas currency.

16. Annexed hereto and marked with the letter "A" 20  
is a copy of a letter which I caused to be sent to  
the Shire Clerk Wyong on the 16th November 1971.

17. Annexed hereto and marked with the letter "B"  
is a letter received by the Secretary of AMC from  
the Shire Clerk of Wyong Shire Council dated 18th  
November 1971.

18. At no time was AMC or Wyong Alluvials Pty.  
Limited informed by the plaintiff of intention to

M.A. Homes J.P.

J.B. McKellar

Exhibit 23 - Affidavit  
of John Bruce McKellar  
sworn 10th December,  
1971



Exhibit 23 - Affidavit  
of John Bruce McKellar  
sworn 10th December,  
1971

make any order concerning the preservation of trees nor was either Company given the opportunity of being heard orally or in writing concerning such intention.

19. The mineral sands sought in the group's operations, although present to some extent in loose coastal sand generally, are mineable only when found in places, leads, veins, lodes, seams, drifts or other concentrations of such richness that mining is economically feasible. The Entrance North Peninsula is one of these areas of concentration of an orebody of definable limits and comprising a number of leads has been identified as lying across the five said Special Leases 175, 176, 202, 271 and 369. Geologically, the prism of sand which constitutes the North Entrance Peninsula is a single unit. It represents wind-born sands from a temporarily exposed sea floor and beach progressively stacked against the rocky eminence of which Norah Head is a part. Because of the sea floor-beach area from which the sand was derived contained mineral sands so the sand prism of North Entrance contains the same. The various natural mechanisms associated with wave concentration and wind stacking have concentrated the

M.A. Homes J.P.

J.B. McKellar

Exhibit 23 - Affidavit  
of John Bruce McKellar  
sworn 10th December,  
1971

Exhibit 23 - Affidavit  
of John Bruce McKellar  
sworn 10th December,  
1971

heavy mineral sands fraction of the sands to form a single orebody comprising a number of leads: its shape is typical of orebodies contained in similar sand prisms of similar geological age found at a number of points along the coast of New South Wales and Queensland where precisely the same concentrating mechanisms were operative. 10

20. Throughout the years since the Companies have held the leases at Munmorah and Tuggerah they have constantly employed a staff including professional and clerical people who have attended to the day to day administration and investigation of, inter alia, the subject leases. This administration included dealings with various Councils, the Warden's office, District Mines Inspector, District Lands Officers, District Water Board, Maritime Services Board, Fisheries Department, Public Works Department, Soil Conservation Services, Department of Mines and Department of Lands. Technical staff including Geologists, Mining Engineers, Surveyors, Metallurgists and Chemists have carried out and supervised detailed technical investigations concerning the winning and separation of the ore. This work involves, not only the assaying and recording of all 20

M.A. Homes J.P.

J.B. McKellar

Exhibit 23 - Affidavit  
of John Bruce McKellar  
sworn 10th December,  
1971

Exhibit 23 - Affidavit  
of John Bruce McKellar  
sworn 10th December,  
1971

samples taken but pilot scale investigations into  
the performance of the particular ore in various  
types of mineral separation equipment. Finally  
they assess the ore reserves of each lease.

21. The published annual reports of AMC indicate  
the total reserves held. These figures are derived 10  
from the contents of each individual lease over  
which AMC holds title.

MAH  
RE-SWORN by the Deponent at Sydney )  
in the State of New South Wales on )  
MAH 10th day of December, 1971, )  
the ~~day of December, 1971, at Sydney, New South Wales~~ ) J.B. McKellar  
before me: )

M.A. Homes J.P. 20  
A JUSTICE OF THE PEACE.

Exhibit 23 - Affidavit  
of John Bruce McKellar  
sworn 10th December,  
1971

"A"

November 16, 1971.

The Shire Clerk,  
Wyong.

Dear Sir,

A conference was held at Parliament House at 3.30 p.m. this day at which the Minister for Mines, the Hon. Wal. Fife, M.L.A., met representatives from Associated Minerals Consolidated Limited, a deputation from the Wyong Shire Council introduced by Mr. H.F. Jensen, M.L.A., representatives of conservation interests and employees of the Company and Union representatives. 10

Associated Minerals Consolidated Limited suggested that the area in dispute is that area within the green line on the map entitled "Topographical Survey and Native Flora Species in an area at North Entrance". The Company therefore requests that the current tree preservation order be modified so that operations may proceed to the east and north of this area. 20

The Shire President agreed to convene a meeting of Council to consider this proposal and to advise the Minister and the Company forthwith of the Council's decision with respect thereto.

Pending Council's agreement to consider this proposal forthwith, the Company agreed that the dismissal notices served on fifteen (15) members of the work force will not become effective before a further period of seven (7) days, that is 24th November, 1971. 30

Within the next six months, the Company and the Council will confer as to operations within the green boundary. Both parties agreed to advise the Minister as to the outcome of these discussions. In the event of agreement not being reached, the Minister agreed to convene a further meeting. 40

J.B. McKellar  
OPERATIONS MANAGER.

This is the copy letter marked "A" referred to in the affidavit of JOHN BRUCE McKELLAR sworn on the

Exhibit 23 - Affidavit  
of John Bruce McKellar  
sworn 10th December,

730. 1971

Exhibit 23 - Affidavit  
of John Bruce McKellar  
sworn 10th December,  
1971

eightth day of December, 1971 before me; and re-sworn  
on the tenth day of December 1971 before me:

M.A. Homes J.P.  
A JUSTICE OF THE PEACE.

M.A. Homes J.P.

Exhibit 23 - Affidavit  
of John Bruce McKellar  
sworn 10th December,  
731. 1971

Exhibit 23 - Affidavit  
of John Bruce McKellar  
sworn 10th December,  
1971

"B"

WYONG SHIRE COUNCIL

JMcK

Crest

All communications to be  
addressed to:

The Shire Clerk,  
P.O. Box 174, Wyong  
N.S.W. 2259

Telephone: Wyong 51171

When replying, please  
quote No. PDB.GB.  
WYONG

18th November, 1971.

10

The Secretary,  
Associated Minerals Consolidated Ltd.,  
24th Floor,  
Goldfields House,  
Sydney Cove,  
SYDNEY. 2000.

Dear Sir,

19 NOV 1971

	ACT.	INF.
B.M.G.		
S.L.S.		
B.W.A.		
W.F.M.		
D.F.A.		
L.H.S.		
SEC.		
S.R.D.		
ACCTS		
H.S.D.		
V A L		

20

We refer to your letter of the 16th instant  
and advise that the Council cannot consent to a  
modification of the Tree Preservation Order in res-  
pect of The North Entrance Peninsula at this time.

If your words "so that operations may proceed  
to the east and north of this area" are intended to  
be an informal development application we enclose a  
circular as to the procedure recommended in these  
matters by the State Planning Authority.

We also enclose a formal Development Appli-  
cation form to be completed by you and forwarded  
to the Shire Clerk with a fee of \$50.00 per lease.

30

In the event of such application being made  
and consented to by the Council and the State Plan-  
ning Authority, the Tree Preservation Order would  
be modified.

We require such an application or a statement  
of your intention to make such application within  
fourteen (14) days of the date hereof.

Yours faithfully,

40

Golding

Encls.

SHIRE CLERK.

This is the letter marked "B" referred to in the

Exhibit 23 - Affidavit  
of John Bruce McKellar  
sworn 10th December,

Exhibit 23 - Affidavit  
of John Bruce McKellar  
sworn 10th December,  
1971

Affidavit of JOHN BRUCE McKELLAR sworn on the eighth  
day of December, 1971, before me: M.A. Homes J.P.

and re-sworn this tenth day of December 1971 before  
me:-

M.A. Homes J.P.

10

733. Exhibit 23 - Affidavit  
of John Bruce McKellar  
sworn 10th December,  
1971

1614

Crest  
NEW SOUTH WALES

The Secretary,  
Associated Minerals  
Consolidated Limited,  
P.O. Box 51,  
SOUTHPORT. QLD. 4215

Department of Mines  
State Office Block  
Phillip Street, Sydney,  
2000  
AIA:CJ Telephone 20540,  
xtn 4878

In reply, please quote  
68/1020T

10

28 MAR 1969

Dear Sir,

Special Lease Application 1614 Newcastle  
Wyong Alluvials Pty. Limited. Nominee:  
Associated Minerals Consolidated Limited.

It is advised that in accordance with the provisions of Section 28(a) Mining Act, 1906, as amended, the Minister has given his consent for your company to occupy the area applied for and mine upon and in the same during the pendency of the application subject to the observance of the attached special conditions and any further conditions which may be required by the Department of Lands.

20

The first years rent on consent of \$14.00 together with the guarantee deposit of \$4000.00 should be forwarded to this Department within fourteen (14) days. The guarantee deposit may be met in the manner prescribed in the attached leaflet.

The surface area is zoned 'open space' and 'Recreational Area' within the Wyong Shire Town and Country Planning Scheme gazetted 24th April, 1968 and your company should obtain planning consent from the Wyong Shire Council prior to the commencement of mining operations. Your advice would be appreciated as to whether you have any objections to garnet, in addition to those minerals already applied for, being included in any lease which may be granted in satisfaction of this application.

30

Yours faithfully,  
M.H. Slater  
Under Secretary.  
Per: (Initials)

40

c/c Department of Lands

(Ref: Your letter of 24th February, 1969  
Pks 68/3022)

Exhibit 25 - Applications  
for Special Leases Nos.  
1614 & 1625 and letters  
734. from Mines Department



Exhibit 25 - Applications  
for Special Leases Nos.  
1614 and 1625 and letters  
from Mines Department

Wyong Alluvials Pty. Ltd.

Chief Inspector of Mines.

Royalty Officer.

	ACT.	INF.
J.P.		
H.A.		
W.N.C.		
D.R.J.		
R.J.J.		
-8 APR 1969		
J.McK.		
J.F.M.	1	
J.R.I.		
H.J.S.	2	
FILE		

GUARANTEE DEPOSIT

LODGEMENT OF GUARANTEE DEPOSITS SHOULD BE  
MADE IN THE FOLLOWING MANNER:-

- (1) Amounts less than two hundred dollars (\$200.00) - by lodging with the Department the amount of guarantee deposit required. 10
- (2) Amounts of two hundred dollars (\$200.00) or more -
- (a) lodging with the Department the amount of guarantee deposit required; or
- (b) arranging with the Manager of your Bank to place the amount of guarantee deposit required at fixed deposit in the name of the Under Secretary for Mines; or
- \* (c) furnishing evidence that you have entered into a bond in the amount of guarantee deposit required with an approved surety. 20
- \* If this course is adopted a form of bond will be prepared by the Department at a cost of one dollar (\$1.00).

NOTE: Payment of the guarantee deposit does not in itself convey any right to occupy the land applied for and to commence mining operations. The Department should be given at least one month's notice of any intention to commence mining operations during the pendency of the application. In respect of all applications made on and after 6th March, 1964, the Minister's consent to occupy and mine is necessary. In other cases, you will be notified whether you have the right under the provisions of the Mining Act, 1906, as amended, to commence mining operations. 40

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SCHEDULE "DC" - 1966.

Special Conditions re Protection of Roads.

- D1. (a) The applicant/s nominee/s shall not excavate within fifty (50) feet of the boundary of the road(s)
- (b) Notwithstanding that the applicant/s nominee/s shall have complied with this condition the applicant/s nominee/s shall pay to Wyong Shire Council Department of Lands or the Commissioner for Main Roads the cost incurred by such Council or Department or Commissioner of making good any damage to such road(s) caused by mining operations carried on by or under the authority of the applicant/s nominee/s or any person claiming through or under the applicant/s nominee/s. 10 20

AND THE APPLICANT/S NOMINEE/S HEREBY COVENANTS with the said Council that the applicant/s nominee/s will pay to the said Council the cost incurred by the said Council of making good any such damage caused as aforesaid and the applicant/s nominee/s hereby covenants with the said Commissioner that the applicants nominee/s will pay to the said Commissioner the cost incurred by the said Commissioner of making good any such damage as aforesaid. 30

AND IT IS HEREBY AGREED AND DECLARED that the amount to be paid by the applicant/s nominee/s under the provisions of this clause shall include in addition to the cost of all necessary labour and materials all costs and expenses reasonably incurred in and about the making of surveys the preparation of plans and specifications and estimates the supervision and inspection of the works and all administrative and overhead costs and expenses of the Council or the Department of Lands or the Commissioner for Main Roads as the 40

Exhibit 25 - Applications  
for Special Leases Nos.  
1614 and 1625 and letters  
from Mines Department

case may be related or attributable to the works undertaken to make good any damage caused to the said road(§). A certificate under the hand of the ~~Town-er~~ Shire Clerk of the local Council or the Under Secretary for Lands or the Commissioner for Main Roads or the person for the time being acting as such Clerk, Under Secretary or Commissioner as to the amount of the cost of making good any damage to the said road(§) shall in all respects and for all purposes be conclusive evidence of the amount of such cost and of the due determination thereof.

10

SPECIAL SCHEDULE "RC"

1. The ~~applicant~~/nominee shall pay to the Minister for Mines a royalty of two per centum of the value of rutile concentrates and zircon concentrates won from the subject area and for the purpose of the assessment and payment of royalty the value of rutile concentrates so won shall be calculated by multiplying the number of tons of rutile concentrates won during each annual period commencing on the first day of January and ending on the thirty-first day of the following December by the average price of rutile concentrates for that annual period calculated or determined in the manner hereinafter appearing and the value of zircon concentrates so won shall be calculated by multiplying the number of tons of zircon concentrates won during each such annual period by the average price of zircon concentrates for that annual period calculated or determined in the manner hereinafter appearing. 10 20

The average price of rutile concentrates for any such annual period shall be ascertained by dividing the number of tons of rutile concentrates the produce of the subject area said by the ~~applicant~~/nominee during that annual period into the total amount for which rutile concentrates the produce of the subject area were sold by the ~~applicant~~/nominee during the said annual period and the average price of zircon concentrates for any such annual period shall be ascertained by dividing the number of tons of zircon concentrates the produce of the subject area sold by the ~~applicant~~/nominee during that annual period into the total amount for which zircon concentrates the produce of the subject area were sold by the ~~applicant~~/nominee during the said annual period. 30 40

For the purpose of computing the total amount for which rutile concentrates or zircon concentrates the produce of the subject area were sold during any annual period the following provisions shall apply:-

Exhibit 25 - Applications  
for Special Leases Nos.  
1614 and 1625 and letters  
from Mines Department

- (a) In respect of any rutile concentrates or zircon concentrates sold by the ~~applicant~~/nominee f.o.b., at the port of shipment nearest to the subject area the amount for which such concentrates shall for the purpose of this clause be deemed to have been sold shall be the full amount of the f.o.b. price paid or payable to the ~~applicant~~/nominee. 10
- (b) In respect of any rutile concentrates or zircon concentrates sold by the ~~applicant~~/nominee otherwise than in the manner mentioned in sub-paragraph (a) of this clause the amount for which such concentrates shall for the purposes of this clause be deemed to have been sold shall be a sum estimated by the Minister for Mines to be the price for such concentrates f.o.b., at the port of shipment nearest to the subject area which would be equivalent to the price paid or payable to the ~~applicant~~/nominee. 20

PROVIDED HOWEVER AND IT IS HEREBY AGREED AND DECLARED that if the ~~applicant~~/nominee shall not during any such annual period sell any rutile concentrates the produce of the subject area or if the ~~applicant~~/nominee shall during any such annual period sell rutile concentrates the produce of the subject area but the Minister for Mines shall be of opinion that the price paid or payable to the ~~applicant~~/nominee for such rutile concentrates so sold or any part of such rutile concentrates so said is less than the full market value at the time of the sale then the average price of rutile concentrates for that annual period shall be a sum determined by the Minister for Mines and if the ~~applicant~~/nominee shall not during any such annual period sell any zircon concentrates the produce of the subject area or if the ~~applicant~~/nominee shall during any such annual period sell zircon concentrates the produce of the subject area but the Minister for Mines shall be of the opinion that the price paid or payable to the ~~applicant~~/nominee for such zircon concentrates so sold 30 40 50

Exhibit 25 - Applications  
for Special Leases Nos.  
1614 and 1625 and letters  
from Mines Department

Exhibit 25 - Applications  
for Special Leases Nos.  
1614 and 1625 and letters  
from Mines Department

or any part of such zircon concentrates so sold is less than the full market value at the time of the sale then the average price of zircon concentrates for

-2-

that annual period shall be a sum determined by the Minister for Mines. Any determination by the Minister for Mines of the average price of rutile concentrates or of zircon concentrates for any annual period shall be made in such manner as the Minister for Mines may see fit as soon as may be after the end of such annual period but in making the determination the Minister for Mines shall have regard to the open market price for rutile concentrates and zircon concentrates respectively during such annual period and the selling price actually received during such annual period by producers in the State of New South Wales for rutile concentrates and zircon concentrates respectively. The Minister for Mines may ascertain the open market prices and the selling prices actually received by producers in such manner as he may see fit. 10  
20

A certificate under the hand of the Under Secretary for Mines or of the person for the time being acting as such as to any one or more of the following matters:- 30

- (i) that a price for any rutile concentrates or for any zircon concentrates has been estimated by the Minister for Mines for the purposes of sub-paragraph (b) of this clause at an amount set forth in the certificate,
- (ii) that the Minister for Mines is of opinion that the price paid or payable to the applicant/nominee for any rutile concentrates or zircon concentrates is less than the full market value at the time of sale, 40
- (iii) that the average selling price of rutile concentrates or of zircon concentrates for any annual period has been

Exhibit 25 - Applications  
for Special Leases Nos.  
1614 and 1625 and letters  
from Mines Department

determined by the Minister for Mines  
for the purposes of the foregoing pro-  
viso in this clause at an amount set  
forth in the certificate

shall be binding upon the ~~applicant~~/nominee  
and shall in all respects and for all pur- 10  
poses be conclusive evidence of the matters  
therein stated and of the amount and due  
estimation or determination of any price  
therein set forth.

2. The ~~applicant~~/nominee shall pay to the Minis-  
ter for Mines a royalty of two per centum of  
the market value of all monazite garnet gold  
tin platinum and ilmenite won or contained  
in any primary concentrates won from the sub- 20  
ject area. The market value of any of the  
minerals referred to in this clause won or  
contained in any primary concentrates won  
from the subject area shall be determined by  
the Minister for Mines in such a manner as  
he may think fit. A certificate under the  
hand of the Under Secretary for Mines or of  
the person for the time being acting as such  
that the market value of any of the said  
minerals has been determined by the Minister  
for Mines at an amount set forth in the cer- 30  
tificate shall be binding upon the ~~applicant~~/  
nominee and shall in all respects and for  
all purposes be conclusive evidence of the  
matters therein stated and of the amount and  
due determination of any price therein set  
forth.



SPECIAL SCHEDULE SC - 1966

Special conditions relating to consents to occupy  
for mining purposes and to mine in and upon lands  
for zircon, rutile etc.

1. (a) The applicant/s nominee/s shall within twelve months of the date of the consent erect a separation plant upon the subject land or other land to the satisfaction of the Minister for Mines or furnish to the Minister for Mines satisfactory evidence that the applicant/s nominee/s has made suitable arrangements for the treatment of concentrates. 10  
  
(b) The applicant/s nominee/s shall not permit excessive quantities of silica sand tailings to accumulate around or adjacent to a separation plant and all such tailings shall be returned continuously as far as may be practicable to the excavations made on the subject area. 20
2. If in the opinion of the Minister for Mines the quantity of silica being removed from the subject area as a consequence of mining operations is likely to impair the restoration of the subject area or cause damage to or interfere with adjoining mining leases or other lands the Minister for Mines may direct by writing under his hand from time to time as the circumstances so require the applicant/s nominee/s to reduce the quantity of silica being so removed. The applicant/s nominee/s shall comply forthwith with any direction so given and in the event of non-compliance this consent may be revoked. 30
3. The applicant/s nominee/s shall treat by means of spiral concentrators or other approved method of concentration on or adjacent to the subject area all material mined so as to produce a concentrate containing not less than sixty-five per centum of heavy minerals and all tailings from such operations shall be returned continuously as far as may be practicable to the excavations made on the subject area. 40

Exhibit 25 - Applications  
for Special Leases Nos.  
1614 and 1625 and letters  
from Mines Department

4. ~~(a)---Where mining is conducted on the beach the tailings shall be returned continuously to the excavations made and the surface shall be levelled off to restore as near as possible the original contours of the beach.~~
- (b) Where mining is conducted on the beach the tailings shall be returned continuously to the excavations made and the surface shall be graded to an angle approved by the Minister for Mines. 10
5. In the event of operations by the applicant/s nominee/s on the subject area causing damage to any lands which have been restored after mining the applicant/s nominee/s shall repair such damage at the applicant/s nominee/s own expense to the satisfaction of the Minister for Mines. 20
- ~~6.-----The applicant/s nominee/s shall not conduct any dredging and/or other mining operations on or under the main frontal sand dune nor within       feet of the seaward side of the base thereof.~~
7. (a) In the event of it being necessary to drive roads of access through the main frontal sand dune the applicant/s nominee/s shall protect the base and sides of such cut-throughs with corduroys of poles to prevent the formation of moving sand dunes and the applicant/s nominee/s shall construct and maintain such corduroys to the satisfaction of the Minister for Mines. 30
- 1
- ~~(b)---Upon ceasing to use such cut-throughs or if sooner directed so to do by the Minister for Mines the applicant/s nominee/s shall restore the main dune to its original contours and shall plant the same with grasses plants shrubs and/or trees and erect brush fences and/or lay a matting of brush thereon to the satisfaction of the Minister for Mines.~~ 40
8. (a) The applicant/s nominee/s shall remove

Exhibit 25 - Applications  
for Special Leases Nos.  
1614 and 1625 and letters  
from Mines Department

the surface material to a depth of twelve inches on such part of the subject area as may be disturbed by mining operations and shall stack such surface material separately on the subject area.

~~(b) --- The applicant/s nominee/s shall return all residues and tailings to the excavations made level off all worked ground or if so directed by the Minister for Mines contour such ground to a shape satisfactory to the Minister for Mines replace any surface material previously removed and plant the same with such grasses plants shrubs and/or trees as may be required by the Minister for Mines and shall maintain and care for the same during the currency of this consent to the satisfaction of the Minister for Mines.~~ 10  
20

(c) The applicant/s nominee/s shall restore all worked areas concurrently with mining operations and shall observe any instructions which may be given by the Minister for Mines in connection with the restoration of the subject area.

(d) The applicant/s nominee/s shall as far as may be practicable so conduct operations as not to cause any damage to shrubs and trees or other native flora growing upon the subject area and shall stack and burn all shrubs and trees or other native flora which may be disturbed or destroyed as a result of the operations hereby consented to provided that before doing so the applicant/s nominee/s shall obtain from the responsible authority permission to light fires. 30

(e) If so directed by the Minister for Mines the applicant/s nominee/s shall provide and erect brush fences and/or lay a matting of brush to prevent as far as may be practicable the scouring action of the wind and to provide protection for the grasses plants shrubs and/or trees planted on those parts of the subject area which have been levelled and/or contoured and restored and the applicant/s nominee/s shall maintain such brush fences or matting to the satisfaction of the Minister for Mines. 40  
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Exhibit 25 - Applications  
for Special Leases Nos.  
1614 and 1625 and letters  
from Mines Department

(f) The applicant/s nominee/s shall restrict any clearing of or disturbance to the surface of the subject area to a distance not greater than five chains from the site of mining operations.

9. Where operations are conducted on the main frontal sand dune the applicant/s nominee/s shall restore the worked dune as far as may be practicable to the same slope and contour as the original dune. 10

10. (a) In the event of operations being conducted other than by means of dredging the applicant/s nominee/s shall mine the area in sections of such dimensions as the Minister for Mines may stipulate from time to time. 20

2

(b) Upon completion of mining operations in each section all residues and tailings shall be returned to the excavations made and all worked ground shall be levelled off and any surface material previously removed shall be replaced and planted with such grasses plants shrubs and/or trees as may be required by the Minister for Mines provided that the mining of the next section may be carried out conjointly with the restoration of the last worked section but no further section shall be mined until such restoration is completed. 30

11. The applicant/s nominee/s shall confine the deposition of overburden removed during dredging and/or other mining operations within the boundaries of the subject area.

~~12. ---Mining-between-the-floor-of-an-excavation-and shall cease when a straight line drawn from to the nearest edge of the floor of the excavation exceeds an angle of forty-five degrees measured from the horizontal unless otherwise determined-by-the-Minister-for-Mines.~~ 40

13. Upon the revocation of this consent or the

Exhibit 25 - Applications  
for Special Leases Nos.  
1614 and 1625 and letters  
from Mines Department

completion of the operations hereby consented to the ~~applicant/s~~ nominee/s shall remove all machinery and buildings and the subject area shall be left in a clean and tidy condition to the satisfaction of the Minister for Mines.

14. If so directed by the Minister for Mines the ~~applicant/s~~ nominee/s shall fill in any dredge pool or other excavation on the subject area and shall observe any instruction which may be given from time to time in this regard by the Minister for Mines. 10
15. If so directed by the Minister for Mines the ~~applicant/s~~ nominee/s shall provide and maintain a secure fence to the satisfaction of the Minister for Mines around each dredge pool or other excavation opened up or used by the ~~applicant/s~~ nominee/s and shall observe any instructions which may be given from time to time in this regard by the Minister for Mines. 20
16. If so directed by the Minister for Mines the ~~applicant/s~~ nominee/s shall spread fertiliser of such type and in such quantity as may be directed over the restored area to assist the growth of such grasses plants shrubs and/or trees as may have been planted in accordance with any of the foregoing special conditions. 30
17. If so directed by the Minister for Mines the ~~applicant/s~~ nominee/s shall enclose the subject area with a secure stockproof fence and such fencing shall be erected and maintained in a manner satisfactory to the Minister for Mines.
18. The ~~applicant/s~~ nominee/s shall at all times permit the lessees of/or applicants for adjoining or adjacent leases to have reasonable access across the subject area at such points and in such manner as may be agreed upon or in the absence of agreement as may be determined by the Warden under the provisions of Section 111, Mining Act, 1906, as amended. 40

Exhibit 25 - Applications  
for Special Leases Nos.  
1614 and 1625 and letters  
from Mines Department

19. The applicant/s nominee/s shall observe any instructions which may be given by the Minister for Mines with a view of minimising or preventing public inconvenience or damaging public or private property.
20. In the event of any improvements on the subject area being damaged or disturbed by dredging and/or other mining operations by the applicant/s nominee/s such improvements shall be restored to the satisfaction of the owner of such improvements or the Minister for Mines. 10
21. The applicant/s nominee/s shall conduct operations in such a manner as not to cause any danger to stock on the subject area and the applicant/s nominee/s shall not keep nor permit to be kept any dog unless chained up or kept under proper control. 20
22. The applicant/s nominee/s shall not cut destroy ringbark or remove any timber or other vegetative cover on the said land except such as directly obstructs or prevents the carrying on of the operations hereby consented to.
23. The applicant/s nominee/s shall not interfere in any way with any fences on or adjacent to the subject area unless with the consent of the owner or the Minister for Mines first had and obtained. 30
- ~~24. The applicant/s nominee/s shall as far as may be practicable so conduct operations as not to interfere in any way with the public use and enjoyment of Reserve~~  
~~-----fer---~~
25. The applicant/s nominee/s shall conduct operations in such a manner as not to create any danger from floods or storms and shall observe and perform any instructions given or which may be given by the Minister for Mines with a view of minimising or preventing any flood or storm damage. 40
26. The applicant/s nominee/s shall at all times so conduct operations as to cause as little

Exhibit 25 - Applications  
for Special Leases Nos.  
1614 and 1625 and letters  
from Mines Department

interference as possible with the public use and enjoyment of the beach for fishing and recreation and shall permit free and uninterrupted access by the public to the beach at all times.

27. The ~~applicant/s~~ nominee/s shall not interfere with any life-savers' sheds and apparatus now or at any time erected or installed on the subject area and shall so conduct operations within the vicinity of the part or parts of the beach or beaches used by bathers that the same shall not cause any danger or obstruction to such bathers. 10
28. (a) Within a period of three months of the commencement of dredging and/or other mining operations on the subject area the ~~applicant/s~~ nominee/s shall establish a nursery for the propagation of a sufficient number and variety of plants, shrubs and trees which in the opinion of the Minister for Mines is adequate for the purposes of satisfactorily rehabilitating the subject area in the secondary and tertiary stages. 20
- (b) Provided that in the event of
- (i) an adequate nursery having been established by the ~~applicant/s~~ nominee/s in the vicinity of the subject area; or 30
- (ii) satisfactory evidence being furnished that the ~~applicant/s~~ nominee/s have made suitable arrangements for adequate quantities of plants, shrubs and trees to be provided and maintained,
- the Minister for Mines may dispense with the requirements of the foregoing clause (a). 40
29. If it is found that the operations hereby authorised are causing any undue damage to or erosion of the subject land or other land in the vicinity thereof the Minister for Mines may revoke this consent and recommend the refusal of the application for lease.

Exhibit 25 - Applications  
for Special Leases Nos.  
1614 and 1625 and letters  
from Mines Department

30. The ~~applicant/s~~ nominee/s shall lodge with the Minister for Mines a deposit of four thousand dollars as a guarantee that the foregoing conditions shall be well and faithfully observed and in the event of any failure to perform such conditions such sum shall be applied towards the cost of making good the damage caused.

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Exhibit 25 - Applications  
for Special Leases Nos.  
1614 and 1625 and letters  
from Mines Department

SPECIAL SCHEDULE "XC"

1. The nominee shall obtain planning consent from the Wyong Shire Council prior to the commencement of mining operations.
2. This consent embraces the surface of the subject area and the land below the surface to a depth of 100 feet only. 10
3. The nominee shall during restoration of the subject area on any part thereof remove all animals from such area as may trespass thereon and shall take all such action as is necessary to prevent them from depasturing thereon and shall observe and perform any instructions given on which may be given by the Minister for Mines with a view to minimising or preventing damage to such area or the restoration thereof by the depasturing of any animal thereon. 20
4. The nominee shall restore the subject area to the satisfaction of the Soil Conservation Service and the Minister for Mines and shall comply with any additional requirements of the Soil Conservation Service and the Minister for Mines.
5. The applicant/s nominee/s shall pay during the period of this consent a yearly rental of \$14.00 commencing from the date of the consent. The first payment of \$14.00 shall be made within fourteen days of this consent and rent shall be paid at twelve monthly intervals during the period of this consent. 30  
~~The applicant/s nominee/s shall pay royalty on demand at the rate of~~  
won from the subject area during the period of this consent. Royalty so paid shall be dealt with in accordance with the Mining Act, 1906, as amended and the Regulations thereunder. 40
6. The applicant/s nominee/s shall during the period of this consent maintain approved boundary marks at each angle of the land and at such points along the boundary lines

Exhibit 25 - Applications  
for Special Leases Nos.  
1614 and 1625 and letters  
from Mines Department

as shall be necessary so as plainly and accurately to define the boundary lines and angles of the said land and in case posts shall be erected each such posts shall be fixed firmly in the ground and shall project above the surface thereof not less than three feet. 10

7. The applicant/s nominee/s holds the Minister and every officer and employee employed in connection with the administration of the Mining Act, 1906, as amended by subsequent Acts, indemnified against all claims against the Minister or any such officer or employee arising out of anything done by the applicant/s nominee/s or any of its agents or employees on or in respect of the lands subject of this consent. 20

8. The Minister reserves the right at any time during the pendency of Special Lease Application 1614 Newcastle to vary suspend or revoke the consent to occupy the land applied for and mine upon and in the same.

REGULATIONS—MINING ACT, 1906.

DIVISION III.

Schedule 21C.

(See Regulations 83, 85, 86 and 87.)

1614 Newcastle.

Application for Special Lease of Crown Lands

TO THE HONOURABLE

THE MINISTER FOR MINES,

SYDNEY.

(Date) 1st. March, 1968.

SIR,

\* I or we.

\* We hereby make application for a Special Mining Lease of

that piece or parcel of land situated in the parish of Wallarah

† Here insert area and brief description.

county of Northumberland, containing † approximately 27½ acres of sand dune

of which \* we took possession on the twenty ninth day of February, 1968

‡ Insert "mining for gold" (or other mineral, specifying same).

at the hour of 10.15 o'clock in the fore noon, in accordance with Regulation 6, for the purpose of ‡ mining for Rutile, Zircon, Ilmenite, Monazite, Tin, Gold and Platinum by § erecting posts and digging trenches

§ State how angles are marked.

at each angle thereof. The posts were not less than three inches in diameter, and projected not less than three feet above the surface of the ground. Each arm of each

|| If substitute for trench was used describe it.

trench was not less than three feet in length and not less than six inches in depth ||

The datum post is at the South Western angle of the land, and is on the Eastern boundary of roadway T.R. 4014 distant eighteen chains in a Northerly direction from the Northern Boundary of surveyed Portion 39.

† Specify some conspicuous point or survey mark.

and the notice prescribed in Regulation 6 was affixed to such datum post

The dimensions of the area are approx 32 chains x approx. 12 chains. The area is of irregular shape.

\* We require 27½ acres of the surface as shown on the attached and sketch, marked on the land by § erecting posts and digging trenches.

†† If for any less period, state period.

\* We require the lease for a period of twenty years ††

The deposit proposed to be worked consists of Rutile, Zircon, Ilmenite, Monazite, Tin, Gold and Platinum locality and by reason of requires

expenditure estimated at £ 310,000 for its proper development, and

£ \$1,250,000 for the construction of mine works or machinery.

Exhibit 25 - Applications for Special Leases Nos. 1614 and 1625 and letters from Mines Department

\* I or we.  
† If no such persons, alter this paragraph accordingly

~~have no knowledge of any~~ persons who, under the provisions of any Act relating to mining, occupy, or within **our** knowledge, claim a right to, or interest in, the land aforesaid, or any part thereof, ~~and to whom~~ \*

M.A.A.

~~that the sum of twenty dollars (\$20) and the sum of fifty two dollars~~

\* We deposit herewith the sum of ~~twenty dollars (\$20)~~ **twenty dollars (\$20)** as evidence of bona fides, and the sum of **fifty two dollars**, fee for survey.

\* We hereby acknowledge that this application is made upon the distinct understanding and condition that if \* we shall abandon or fail to proceed with it, or if it is refused, the Secretary for Mines for the time being may deduct from the sums deposited as aforesaid any cost to which in his opinion the Crown may have been put in or about in respect of this application.

\*\* State whether by sinking shafts, open-cuts, etc.

The area will be worked by \*\* **dredging**

\* we desire that the lease be issued in the name of **WYONG ALLUVIALS PTY. LIMITED.**

||| Insert name in full and address of nominee (if any).

\* We desire to commence mining operations during the pendency of the application.††

†† Strike out and initial whichever clause is not applicable.

M.A.M.

~~by~~ ~~subsequently~~ ~~to~~ ~~commence~~ ~~mining~~ ~~operations~~ ~~during~~ ~~the~~ ~~pendency~~ ~~of~~ ~~the~~ ~~application.~~††

Yours faithfully,

||| Names to be given in full.

(Signature of Applicant, or of each Applicant.) **WYONG ALLUVIALS PTY. LIMITED,**  
per M. A. Mearns as agent.  
(Address.) **C/o. Associated Minerals Consolidated Limited,**  
**Ferry Road,**  
**Southport, Queensland, 4215.**

\* We hereby declare that the statements contained in the foregoing application are true in every particular.

(Signature of Applicant, or of each Applicant.) **WYONG ALLUVIALS PTY. LIMITED,**  
per M. A. Mearns as agent.

This application was received by me this **First** day of **March** ~~1968~~ ~~1967~~, at the hour of **9.50** o'clock in the **Fore** noon, and is numbered **1614**. Deposit, ~~of~~ **\$20.00** and survey fee, ~~of~~ **\$52.00**, have been duly paid.

Notice of application, Schedule 22a, was posted outside this office, on the **First** day of **March** ~~1968~~ ~~1967~~.

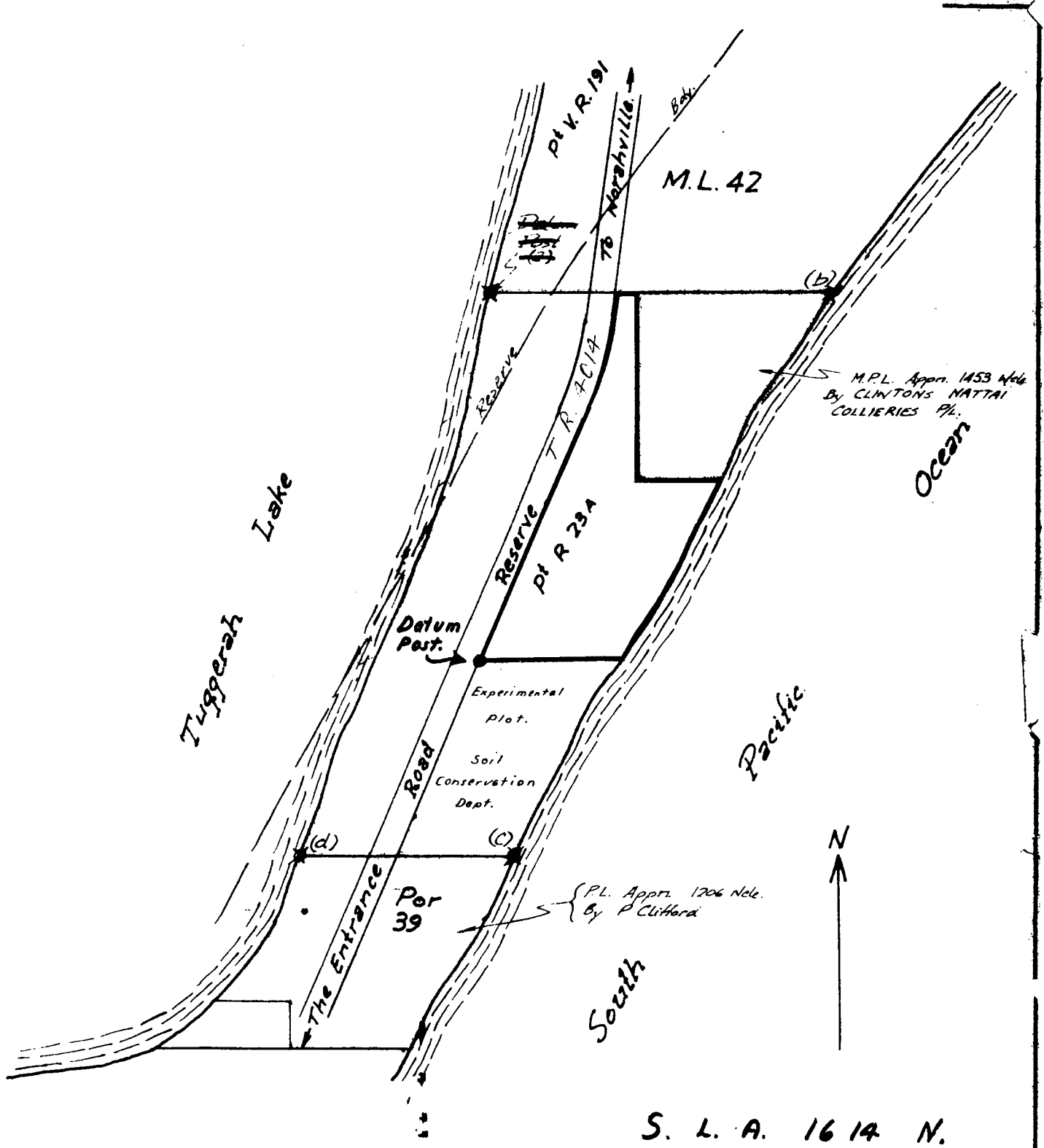
Warden's Clerk at **NEWCASTLE.**

Objections have been lodged by

‡ Is or is not.

The land applied for ‡ **is not** exempted from leasing under Section 23 (2) of the Mining Act, 1906.

Warden.



PLAN

Part Parish Of WALLARAH  
County Of NORTHUMBERLAND

Scale:- 10 Chains To 1 inch

Area Applied For Shown Edged In Red  
~~Area Applied For Excludes Enclosed Road Reserve~~

PT. 5-11-64

Exhibit 25 - Applications for Special Leases Nos. 1614 and 1625 and letters from Mines Department

Exhibit 25 - Applications  
for Special Leases Nos.  
1614 and 1625 and letters  
from Mines Department.

DESCRIPTION OF AREA REQUIRED.

Commencing at the Datum Post at the South Western  
angle of the land

Twelve chains due East to high water mark,

thence eighteen chains Northwards by high water mark  
to the South boundary of Mining Purposes Lease Appli- 10  
cation 1453, Newcastle,

thence seven chains due west along the South boundary  
of M.P.L. Appn. 1453 to the south western corner of  
this application,

thence sixteen chains due North along the Western  
boundary of M.P.L. appn. 1453 to the North Western  
corner of this application,

thence two chains due West to the Eastern boundary  
of roadway T.R. 4014,

thence approximately thirty four chains along the 20  
Eastern boundary of roadway T.R. 4014 back to the  
datum post.

REGULATIONS—MINING ACT, 1906.

DIVISION III.

Schedule 21C.

(See Regulations 83, 85, 86 and 87.)

Application for Special Lease of Crown Lands

TO THE HONOURABLE

THE MINISTER FOR MINES,

SYDNEY.

(Date) 13-5-68

SIR,

° I or we.

\* We hereby make application for a Special Mining Lease of

that piece or parcel of land situated in the parish of **Wallarah**

† Here insert area and brief description.

county of **Northumberland**, containing † **approximately twenty acres of coastal sand dune**

of which \* we took possession on the **tenth** day of **May, 1968**

‡ Insert "mining for gold" (or other mineral, specifying same).

at the hour of **8.45** o'clock in the **fore** noon, in accordance with

Regulation 6, for the purpose of ‡ **mining for Rutile, Zircon, Ilmenite, Monazite, Tin, Gold and Platinum** by § **erecting posts and cutting trenches**

§ State how angles are marked.

at each angle thereof. The posts were **not less than three** inches in diameter, and

projected **not less than three** feet above the surface of the ground. Each arm of each

|| If substitute for trench was used describe it.

trench was **not less than** feet in length and **not less than six** inches in depth ||

The datum post is at the **North western** angle of the land, and is **on the Southern boundary of Surveyed Portion M.L. 42 and is distant three chains East from the xxx centre of the Moraville-Entrance roadway.**

† Specify some conspicuous point or survey mark.

~~direction from xxx~~

and the notice prescribed in Regulation 6 was affixed to such datum post

The dimensions of the area are **approx. 12** chains x **approx. 16** chains.

\* We require **approx. 20** acres of the surface as shown on the attached **and** sketch, ~~marked~~ on the land by § **erecting posts and cutting trenches.**

†† If for any less period, state period.

\* We require the lease for a period of twenty years ††

The deposit proposed to be worked consists of **Rutile, Zircon, Ilmenite, Monazite, Tin, Gold and Platinum** and by reason of **locality** requires

expenditure estimated at **£ \$10,000** for its proper development, and

**£ \$500,000** for the construction of mine works or machinery.

\* I or we.  
† If no such persons, alter this paragraph accordingly

\*† We hand herewith a list of the persons who, under the provisions of any Act relating to mining, occupy, or within our knowledge, claim a right to, or interest in, the land aforesaid, or any part thereof, and upon whom \* we have served a copy of notice, Schedule 22, on the dates herein stated \* ~~etc~~

M.A.M.

~~hand herewith such persons as XXXXXXXXXX have obtained.~~

\* We deposit herewith the sum of ~~ten pounds (£10)~~ **twenty dollars** as evidence of bona fides, and the sum of **forty eight dollars** fee for survey.

\* We hereby acknowledge that this application is made upon the distinct understanding and condition that if \* we shall abandon or fail to proceed with it, or if it is refused, the Secretary for Mines for the time being may deduct from the sums deposited as aforesaid any cost to which in his opinion the Crown may have been put in or about in respect of this application.

\*\* State whether by sinking shafts, open-cuts, etc.

The area will be worked by \*\* **dredging**

\* We desire that the lease be issued in the name of **WYONG ALLUVIALS PTY. LIMITED,**  
\* We desire to commence mining operations during the pendency of the application.††

‡‡ Insert name in full and address of nominee (if any).

§§ Strike out and initial whichever clause is not applicable.

~~By signing this form the Applicant agrees that the Under Secretary for Mines should subsequently be notified to commence mining operations during the pendency of the application.~~

Yours faithfully, **Wyang Alluvials Pty. Limited.**  
per M. A. Moore as agent.  
**M. A. Moore.**

¶¶ Names to be given in full.

(Address.) **C/o. Associated Minerals Consolidated Limited,  
Ferry Road,  
Southport, Queensland. 4215.**

\* We hereby declare that the statements contained in the foregoing application are true in every particular.

(Signature of Applicant, or of each Applicant.) **Wyang Alluvials Pty. Limited,**  
per M. A. Moore as agent.  
**M. A. Moore.**

This application was received by me this 13<sup>TH</sup> day of **May**, 1968 ~~1967~~, at the hour of 11.05 o'clock in the **Fore** noon, and is numbered 1625. Deposit, **\$ 20.00**, and survey fee, **\$ 48.00**, have been duly paid.

Notice of application, Schedule 22a, was posted outside this office, on the 13<sup>TH</sup> day of **May** ~~1967~~ **1968**.

Warden's Clerk at **NEWCASTLE.**

Objections have been lodged by

‡ Is or is not. The land applied for ‡ **IS NOT** exempted from leasing under Section 23 (2) of the Mining Act, 1906.

Warden.

Exhibit 25 - Applications for Special Leases Nos. 1614 and 1625 and letters from Mines Department  
758.



Exhibit 25 - Applications  
for Special Leases Nos.  
1614 and 1625 and letters  
from Mines Department

List of Persons Who Claim a Right to or  
Interest in the Land Under Application  
for Special Lease.

CLINTON'S NATTAI COLLIERY PTY. LIMITED,

4th Floor,

1 Castlereagh Street,

10

Sydney, N.S.W. 2,000.

by virtue of their Mining Purposes Lease Application  
No. 1453, Newcastle.

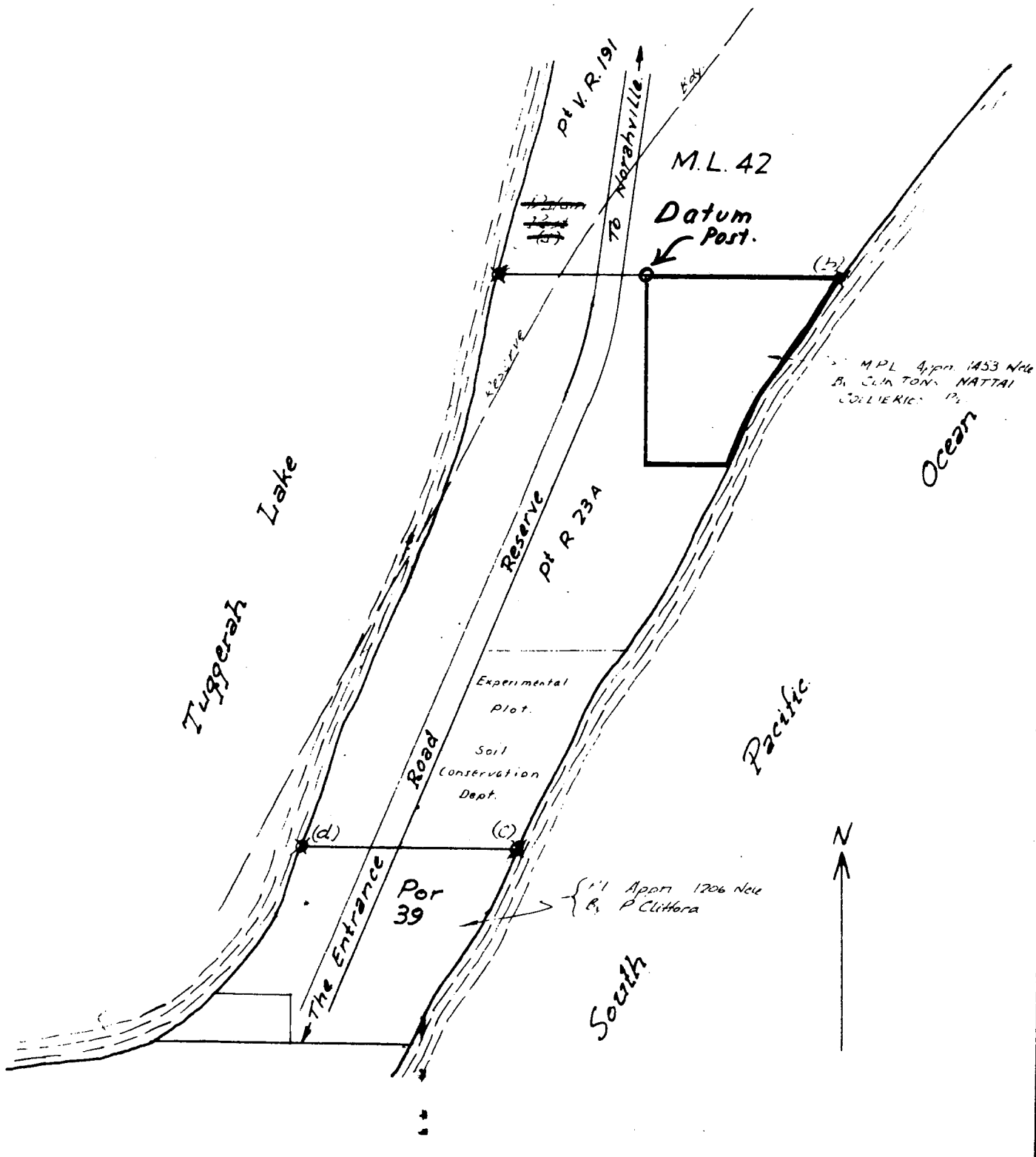
This application for Special Lease by Wyong Allu-  
vials Pty. Limited embraces the whole of the area  
subject of Mining Purposes Lease Application No.  
1453, Newcastle by Clinton's Nattai Colliery Pty.  
Limited and is bounded on the North Side by M.L.  
42, (Special Lease 175); on the west and south  
sides by Special Lease Appn. 1614, Newcastle; and  
on the eastern side by Low Water Mark of the South  
Pacific Ocean.

20

WYONG ALLUVIALS PTY. LIMITED.

per M.A. Moore as agent.  
M. A. Moore.

Exhibit 25 - Applications  
for Special Leases Nos.  
1614 and 1625 and letters  
759. from Mines Department



PLAN

Part Parish of WALLARAH  
County of NORTHUMBERLAND

Scale:— 10 Chains To 1 inch

Area Applied For Shown Edged In Red  
~~Area Applied For Excludes Enclosed Road Reserve~~

197 5-11 64

Exhibit 25 - Applications  
 for Special Leases Nos.  
 1614 and 1625 and letters  
 from Miss [unclear]

Exhibit 25 - Applications  
for Special Leases Nos.  
1614 and 1625 and letters  
from Mines Department

Crest  
NEW SOUTH WALES

The Secretary, Department of Mines  
Associated Minerals Consolidated Ltd., State Office  
P.O. Box 51, Block  
SOUTHPORT. QLD. 4215 Phillip Street, 10  
Sydney, 2000  
AIA: CJ Telephone: 2 0540  
xtn 4878

In reply please quote  
68/1904T

28 MAR 1969

Dear Sir,

Special Lease Application 1625 Newcastle  
Wyong Alluvials Pty. Limited. Nominee:  
Associated Minerals Consolidated Limited. 20

It is advised that in accordance with the  
provisions of Section 28(a) Mining Act, 1906, as  
amended, the Minister has given his consent for  
your company to occupy the area applied for and  
mine upon and in the same during the pendency of  
the application subject to the observance of the  
attached special conditions.

This consent and any lease which may be is-  
sued in satisfaction of the abovementioned appli-  
cation will expire on the 28th February, 1970. 30

The first years rent on consent of \$10.00  
and the guarantee deposit of \$3000.00 should be  
forwarded to this Department within fourteen (14)  
days. The guarantee deposit may be met in the man-  
ner prescribed in the attached leaflet.

The subject area is zoned 'Open-Space' and  
'Recreation Area' in the Wyong Planning Scheme  
proclaimed 3rd May, 1968 and your company should  
obtain planning consent from Council prior to the  
commencement of mining operations. 40

Your advice would be appreciated as to whe-  
ther your company has any objection to garnet, in

Exhibit 25 - Applications  
for Special Leases Nos.  
1614 and 1625 and letters  
761. from Mines Department

Exhibit 25 - Applications  
for Special Leases Nos.  
1614 and 1625 and letters  
from Mines Department

addition to those minerals already applied for, being included in any lease which may be issued in satisfaction of this application.

Yours faithfully,

M.H. Slater

Under Secretary.

10

Per: (Initials)

c/c Wyong Shire Council

(Ref: your letter of 16th October, 1968  
DC:PB 90)

Wyong Alluvials Pty. Ltd.

Chief Inspector of Mines

Royalty Officer

	ACT.	INF.
J.P.		
H.A.		
M.N.C.		
D.R.J.		
R.J.J.		
-8 APR 1969		
J.McK.		
J.F.H.	1	
J.R.T.		
H.J.S.	2	
FILE		

762. Exhibit 25 - Applications  
for Special Leases Nos.  
1614 and 1625 and letters  
from Mines Department

Exhibit 25 - Applications  
for Special Leases Nos.  
1614 and 1625 and letters  
from Mines Department

GUARANTEE DEPOSIT

LODGEMENT OF GUARANTEE DEPOSITS SHOULD BE  
MADE IN THE FOLLOWING MANNER:-

- (1) Amounts less than two hundred dollars (\$200.00) - by lodging with the Department the amount of guarantee deposit required. 10
- (2) Amounts of two hundred dollars (\$200.00) or more -
  - (a) lodging with the Department the amount of guarantee deposit required; or
  - (b) arranging with the Manager of your Bank to place the amount of guarantee deposit required at fixed deposit in the name of the Under Secretary for Mines; or
  - \* (c) furnishing evidence that you have entered into a bond in the amount of guarantee deposit required with an approved surety. 20

\* If this course is adopted a form of bond will be prepared by the Department at a cost of one dollar (\$1.00).

NOTE: Payment of the guarantee deposit does not in itself convey any right to occupy the land applied for and to commence mining operations. 30  
The Department should be given at least one month's notice of any intention to commence mining operations during the pendency of the application. In respect of all applications made on and after 6th March, 1964, the Minister's consent to occupy and mine is necessary. In other cases, you will be notified whether you have the right under the provisions of the Mining Act, 1906, as amended, to commence mining operations. 40

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SPECIAL SCHEDULE "RC"

1. The applicant/nominee shall pay to the Minister for Mines a royalty of two per centum of the value of rutile concentrates and zircon concentrates won from the subject area and for the purpose of the assessment and payment of royalty the value of rutile concentrates so won shall be calculated by multiplying the number of tons of rutile concentrates won during each annual period commencing on the first day of January and ending on the thirty-first day of the following December by the average price of rutile concentrates for that annual period calculated or determined in the manner hereinafter appearing and the value of zircon concentrates so won shall be calculated by multiplying the number of tons of zircon concentrates won during each such annual period by the average price of zircon concentrates for that annual period calculated or determined in the manner hereinafter appearing.

The average price of rutile concentrates for any such annual period shall be ascertained by dividing the number of tons of rutile concentrates the produce of the subject area said by the applicant/nominee during that annual period into the total amount for which rutile concentrates the produce of the subject area were sold by the applicant/nominee during the said annual period and the average price of zircon concentrates for any such annual period shall be ascertained by dividing the number of tons of zircon concentrates the produce of the subject area sold by the applicant/nominee during that annual period into the total amount for which zircon concentrates the produce of the subject area were sold by the applicant/nominee during the said annual period.

For the purpose of computing the total amount for which rutile concentrates or zircon concentrates the produce of the subject area were sold during any annual period the following provisions shall apply:-

- (a) In respect of any rutile concentrates

Exhibit 25 - Applications  
for Special Leases Nos.  
1614 and 1625 and letters  
from Mines Department

or zircon concentrates sold by the  
applicant/nominee f.o.b., at the port  
of shipment nearest to the subject  
area the amount for which such concen-  
trates shall for the purpose of this  
clause be deemed to have been sold 10  
shall be the full amount of the f.o.b.  
price paid or payable to the applicant/  
nominee.

(b) In respect of any rutile concentrates  
or zircon concentrates sold by the  
applicant/nominee otherwise than in  
the manner mentioned in sub-paragraph  
(a) of this clause the amount for  
which such concentrates shall for the  
purposes of this clause be deemed to 20  
have been sold shall be a sum estimated  
by the Minister for Mines to be the  
price for such concentrates f.o.b.,  
at the port of shipment nearest to the  
subject area which would be equivalent  
to the price paid or payable to the  
applicant/nominee.

PROVIDED HOWEVER AND IT IS HEREBY AGREED AND DE-  
CLARED that if the applicant/nominee shall 30  
not during any such annual period sell any  
rutile concentrates the produce of the sub-  
ject area or if the applicant/nominee shall  
during any such annual period sell rutile  
concentrates the produce of the subject area  
but the Minister for Mines shall be of opinion  
that the price paid or payable to the applicant/  
nominee for such rutile concentrates so sold  
or any part of such rutile concentrates so  
said is less than the full market value at 40  
the time of the sale then the average price  
of rutile concentrates for that annual per-  
iod shall be a sum determined by the Minister  
for Mines and if the applicant/nominee shall  
not during any such annual period sell any  
zircon concentrates the produce of the sub-  
ject area or if the applicant/nominee shall  
during any such annual period sell zircon  
concentrates the produce of the subject area  
but the Minister for Mines shall be of the 50  
opinion that the price paid or payable to  
the applicant/nominee for such zircon

Exhibit 25 - Applications  
for Special Leases Nos.  
1614 and 1625 and letters  
from Mines Department

concentrates so sold or any part of such zircon concentrates so sold is less than the full market value at the time of the sale then the average price of zircon concentrates for

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-2-

that annual period shall be a sum determined by the Minister for Mines. Any determination by the Minister for Mines of the average price of rutile concentrates or of zircon concentrates for any annual period shall be made in such manner as the Minister for Mines may see fit as soon as may be after the end of such annual period but in making the determination the Minister for Mines shall have regard to the open market price for rutile concentrates and zircon concentrates respectively during such annual period and the selling price actually received during such annual period by producers in the State of New South Wales for rutile concentrates and zircon concentrates respectively. The Minister for Mines may ascertain the open market prices and the selling prices actually received by producers in such manner as he may see fit.

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A certificate under the hand of the Under Secretary for Mines or of the person for the time being acting as such as to any one or more of the following matters:-

- (i) that a price for any rutile concentrates or for any zircon concentrates has been estimated by the Minister for Mines for the purposes of sub-paragraph (b) of this clause at an amount set forth in the certificate,
- (ii) that the Minister for Mines is of opinion that the price paid or payable to the applicant/nominee for any rutile concentrates or zircon concentrates is less than the full market value at the time of sale,
- (iii) that the average selling price of rutile

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Exhibit 25 - Applications  
for Special Leases Nos.  
1614 and 1625 and letters  
from Mines Department



Exhibit 25 - Applications  
for Special Leases Nos.  
1614 and 1625 and letters  
from Mines Department

concentrates or of zircon concentrates  
for any annual period has been deter-  
mined by the Minister for Mines for  
the purposes of the foregoing proviso  
in this clause at an amount set forth  
in the certificate

10

shall be binding upon the ~~applicant~~/nominee  
and shall in all respects and for all pur-  
poses be conclusive evidence of the matters  
therein stated and of the amount and due  
estimation or determination of any price  
therein set forth.

2. The ~~applicant~~/nominee shall pay to the Minis-  
ter for Mines a royalty of two per centum of  
the market value of all monazite garnet gold  
tin platinum and ilmenite won or contained in  
any primary concentrates won from the subject  
area. The market value of any of the minerals  
referred to in this clause won or contained  
in any primary concentrates won from the sub-  
ject area shall be determined by the Minister  
for Mines in such a manner as he may think  
fit. A certificate under the hand of the  
Under Secretary for Mines or of the person  
for the time being acting as such that the  
market value of any of the said minerals  
has been determined by the Minister for Mines  
at an amount set forth in the certificate  
shall be binding upon the ~~applicant~~/nominee  
and shall in all respects and for all pur-  
poses be conclusive evidence of the matters  
therein stated and of the amount and due  
determination of any price therein set forth.

20

30

SPECIAL SCHEDULE SC - 1966

Special conditions relating to consents to occupy  
for mining purposes and to mine in and upon lands  
for zircon, rutile etc.

1. (a) The applicant/s nominee/s shall within twelve months of the date of the consent erect a separation plant upon the subject land or other land to the satisfaction of the Minister for Mines or furnish to the Minister for Mines satisfactory evidence that the applicant/s nominee/s has made suitable arrangements for the treatment of concentrates. 10  
  
(b) The applicant/s nominee/s shall not permit excessive quantities of silica sand tailings to accumulate around or adjacent to a separation plant and all such tailings shall be returned continuously as far as may be practicable to the excavations made on the subject area. 20
2. If in the opinion of the Minister for Mines the quantity of silica being removed from the subject area as a consequence of mining operations is likely to impair the restoration of the subject area or cause damage to or interfere with adjoining mining leases or other lands the Minister for Mines may direct by writing under his hand from time to time as the circumstances so require the applicant/s nominee/s to reduce the quantity of silica being so removed. The applicant/s nominee/s shall comply forthwith with any direction so given and in the event of non-compliance this consent may be revoked. 30
3. The applicant/s nominee/s shall treat by means of spiral concentrators or other approved method of concentration on or adjacent to the subject area all material mined so as to produce a concentrate containing not less than sixty-five per centum of heavy minerals and all tailings from such operations shall be returned continuously as far as may be practicable to the excavations made on the subject area. 40

Exhibit 25 - Applications  
for Special Leases Nos.  
1614 and 1625 and letters  
from Mines Department

4. ~~(a)---Where mining is conducted on the beach the tailings shall be returned continuously to the excavations made and the surface shall be levelled off to restore as near as possible the original contours of the beach.~~
- (b) Where mining is conducted on the beach the tailings shall be returned continuously to the excavations made and the surface shall be graded to an angle approved by the Minister for Mines. 10
5. In the event of operations by the applicant/s nominee/s on the subject area causing damage to any lands which have been restored after mining the applicant/s nominee/s shall repair such damage at the applicant/s nominee/s own expense to the satisfaction of the Minister for Mines. 20
- ~~6.-----The applicant/s nominee/s shall not conduct any dredging and/or other mining operations on or under the main frontal sand dune nor within           feet of the seaward side of the base thereof.~~
7. (a) In the event of it being necessary to drive roads of access through the main frontal sand dune the applicant/s nominee/s shall protect the base and sides of such cut-throughs with corduroys of poles to prevent the formation of moving sand dunes and the applicant/s nominee/s shall construct and maintain such corduroys to the satisfaction of the Minister for Mines. 30
- 1
- ~~(b)---Upon ceasing to use such cut-throughs or if sooner directed so to do by the Minister for Mines the applicant/s nominee/s shall restore the main dune to its original contours and shall plant the same with grasses plants shrubs and/or trees and erect brush fences and/or lay a matting of brush thereon to the satisfaction of the Minister for Mines.~~
8. (a) The applicant/s- nominee/s shall remove 40

Exhibit 25 - Applications  
for Special Leases Nos.  
1614 and 1625 and letters  
from Mines Department

the surface material to a depth of twelve inches on such part of the subject area as may be disturbed by mining operations and shall stack such surface material separately on the subject area.

~~(b) --- The applicant/s nominee/s shall return~~ 10  
all residues and tailings to the excavations made level off all worked ground or if so directed by the Minister for Mines contour such ground to a shape satisfactory to the Minister for Mines replace any surface material previously removed and plant the same with such grasses plants shrubs and/or trees as may be required by the Minister for Mines and shall maintain and care for the same during the currency of this consent to the satisfaction of the Minister for Mines. 20

(c) The applicant/s nominee/s shall restore all worked areas concurrently with mining operations and shall observe any instructions which may be given by the Minister for Mines in connection with the restoration of the subject area.

(d) The applicant/s nominee/s shall as far as may be practicable so conduct operations as not to cause any damage to shrubs and trees or other native flora growing upon the subject area and shall stack and burn all shrubs and trees or other native flora which may be disturbed or destroyed as a result of the operations hereby consented to provided that before doing so the applicant/s nominee/s shall obtain from the responsible authority permission to light fires. 30

(e) If so directed by the Minister for Mines the applicant/s nominee/s shall provide and erect brush fences and/or lay a matting of brush to prevent as far as may be practicable the scouring action of the wind and to provide protection for the grasses plants shrubs and/or trees planted on those parts of the subject area which have been levelled and/or contoured and restored and the applicant/s nominee/s shall maintain such brush fences or matting to the satisfaction of the Minister for Mines. 40

Exhibit 25 - Applications  
for Special Leases Nos.  
1614 and 1625 and letters  
from Mines Department

(f) The ~~applicant/s~~ nominee/s shall restrict any clearing of or disturbance to the surface of the subject area to a distance not greater than five chains from the site of mining operations.

9. Where operations are conducted on the main frontal sand dune the ~~applicant/s~~ nominee/s shall restore the worked dune as far as may be practicable to the same slope and contour as the original dune. 10

10. (a) In the event of operations being conducted other than by means of dredging the ~~applicant/s~~ nominee/s shall mine the area in sections of such dimensions as the Minister for Mines may stipulate from time to time.

2

(b) Upon completion of mining operations in each section all residues and tailings shall be returned to the excavations made and all worked ground shall be levelled off and any surface material previously removed shall be replaced and planted with such grasses plants shrubs and/or trees as may be required by the Minister for Mines provided that the mining of the next section may be carried out conjointly with the restoration of the last worked section but no further section shall be mined until such restoration is completed. 20 30

11. The ~~applicant/s~~ nominee/s shall confine the deposition of overburden removed during dredging and/or other mining operations within the boundaries of the subject area.

~~12. --- Mining between the floor of an excavation and shall cease when a straight line drawn from~~

~~to the nearest edge of the floor of the excavation exceeds an angle of forty-five degrees measured from the horizontal unless otherwise determined by the Minister for Mines.~~ 40

13. Upon the revocation of this consent or the completion of the operations hereby consented to the ~~applicant/s~~ nominee/s shall remove all machinery and buildings and the subject area

Exhibit 25 - Applications  
for Special Leases Nos.  
1614 and 1625 and letters

771. from Mines Department

Exhibit 25 - Applications  
for Special Leases Nos.  
1614 and 1625 and letters  
from Mines Department

shall be left in a clean and tidy condition  
to the satisfaction of the Minister for Mines.

14. If so directed by the Minister for Mines the applicant/s nominee/s shall fill in any dredge pool or other excavation on the subject area and shall observe any instruction which may be given from time to time in this regard by the Minister for Mines. 10
15. If so directed by the Minister for Mines the applicant/s nominee/s shall provide and maintain a secure fence to the satisfaction of the Minister for Mines around each dredge pool or other excavation opened up or used by the applicant/s nominee/s and shall observe any instructions which may be given from time to time in this regard by the Minister for Mines. 20
16. If so directed by the Minister for Mines the applicant/s nominee/s shall spread fertiliser of such type and in such quantity as may be directed over the restored area to assist the growth of such grasses plants shrubs and/or trees as may have been planted in accordance with any of the foregoing special conditions.
17. If so directed by the Minister for Mines the applicant/s nominee/s shall enclose the subject area with a secure stock proof fence and such fencing shall be erected and maintained in a manner satisfactory to the Minister for Mines. 30
18. The applicant/s nominee/s shall at all times permit the lessees of/or applicants for adjoining or adjacent leases to have reasonable access across the subject area at such points and in such manner as may be agreed upon or in the absence of agreement as may be determined by the Warden under the provisions of Section 111, Mining Act, 1906, as amended. 40

3

19. The applicant/s nominee/s shall observe any instructions which may be given by the Minister for Mines with a view of minimising or preventing public inconvenience or damaging public or private property.

Exhibit 25 - Applications  
for Special Leases Nos.  
1614 and 1625 and letters  
772. from Mines Department

Exhibit 25 - Applications  
for Special Leases Nos.  
1614 and 1625 and letters  
from Mines Department

20. In the event of any improvements on the subject area being damaged or disturbed by dredging and/or other mining operations by the applicant/s nominee/s such improvements shall be restored to the satisfaction of the owner of such improvements or the Minister for Mines. 10
21. The applicant/s nominee/s shall conduct operations in such a manner as not to cause any danger to stock on the subject area and the applicant/s nominee/s shall not keep nor permit to be kept any dog unless chained up or kept under proper control.
22. The applicant/s nominee/s shall not cut destroy ringbark or remove any timber or other vegetative cover on the said land except such as directly obstructs or prevents the carrying on of the operations hereby consented to. 20
23. The applicant/s nominee/s shall not interfere in any way with any fences on or adjacent to the subject area unless with the consent of the owner or the Minister for Mines first had and obtained.
- ~~24. ---The applicant/s nominee/s shall as far as may be practicable so conduct operations as not to interfere in any way with the public use and enjoyment of Reserve~~ 30  
~~-----for-----~~
25. The applicant/s nominee/s shall conduct operations in such a manner as not to create any danger from floods or storms and shall observe and perform any instructions given or which may be given by the Minister for Mines with a view of minimising or preventing any flood or storm damage.
26. The applicant/s nominee/s shall at all times so conduct operations as to cause as little interference as possible with the public use and enjoyment of the beach for fishing and recreation and shall permit free and uninterrupted access by the public to the beach at all times. 40
27. The applicant/s nominee/s shall not interfere

Exhibit 25 - Applications  
for Special Leases Nos.  
1614 and 1625 and letters  
from Mines Department

with any life-savers' sheds and apparatus now or at any time erected or installed on the subject area and shall so conduct operations within the vicinity of the part or parts of the beach or beaches used by bathers that the same shall not cause any danger or obstruction to such bathers. 10

28. (a) Within a period of three months of the commencement of dredging and/or other mining operations on the subject area the applicant/s nominee/s shall establish a nursery for the propagation of a sufficient number and variety of plants, shrubs and trees which in the opinion of the Minister for Mines is adequate for the purposes of satisfactorily rehabilitating the subject area in the secondary and tertiary stages. 20

4

- (b) Provided that in the event of
- (i) an adequate nursery having been established by the applicant/s nominee/s in the vicinity of the subject area; or
  - (ii) satisfactory evidence being furnished that the applicant/s nominee/s have made suitable arrangements for adequate quantities of plants, shrubs and trees to be provided and maintained, 30

the Minister for Mines may dispense with the requirements of the foregoing clause (a).

29. If it is found that the operations hereby authorised are causing any undue damage to or erosion of the subject land or other land in the vicinity thereof the Minister for Mines may revoke this consent and recommend the refusal of the application for lease. 40

30. The applicant/s nominee/s shall lodge with the Minister for Mines a deposit of three thousand dollars as a guarantee that the foregoing conditions shall be well and faithfully observed and in the event of any failure to perform such conditions such sum shall be



Exhibit 25 - Applications  
for Special Leases Nos.  
1614 and 1625 and letters  
from Mines Department

applied towards the cost of making good the  
damage caused.

5

Exhibit 25 - Applications  
for Special Leases Nos.  
1614 and 1625 and letters  
775. from Mines Department

SPECIAL SCHEDULE "XC"

1. The nominee shall obtain planning consent from the Wyong Shire Council prior to the commencement of mining operations.
2. This consent embraces the surface of the subject area and the land below the surface to a depth of 100 feet only. 10
3. The nominee shall during restoration of the subject area or any part thereof remove all animals from such area as may trespass thereon and shall take all such action as is necessary to prevent them from depasturing thereon and shall observe and perform any instructions given or which may be given by the Minister for Mines with a view to minimising or preventing damage to such area or the restoration thereof by the depasturing of any animal thereon. 20
4. The nominee shall restore the subject area to the satisfaction of the Soil Conservation Service and the Minister for Mines and shall comply with any additional requirements of the Soil Conservation Service or the Minister for Mines.
5. The applicant/s nominee/s shall pay during the period of this consent a yearly rental of \$10.00 commencing from the date of the consent. The first payment of \$10.00 shall be made within fourteen days of this consent and rent shall be paid at twelve monthly intervals during the period of this consent. 30  
~~The applicant/s nominee/s shall pay royalty~~  
on demand at the rate of  
won from the subject area during the period  
of this consent. Royalty so paid shall be  
dealt with in accordance with the Mining Act,  
1906, as amended and the Regulations there-  
under. 40
6. The applicant/s nominee/s shall during the period of this consent maintain approved boundary marks at each angle of the land and at such points along the boundary lines as

Exhibit 25 - Applications  
for Special Leases Nos.  
1614 and 1625 and letters  
from Mines Department

shall be necessary so as plainly and accurately to define the boundary lines and angles of the said land and in case posts shall be erected each such posts shall be fixed firmly in the ground and shall project above the surface thereof not less than three feet.

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7. The ~~applicant/s~~ nominee/s holds the Minister and every officer and employee employed in connection with the administration of the Mining Act, 1906, as amended by subsequent Acts, indemnified against all claims against the Minister or any such officer or employee arising out of anything done by the ~~applicant/s~~ nominee/s or any of its agents or employees on or in respect of the lands subject of this consent.

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8. The Minister reserves the right at any time during the pendency of Special Lease Application 1625, Newcastle, to vary suspend or revoke the consent to occupy the land applied for and mine upon and in the same.