

ACCESS MANAGEMENT PLAN FOR MUTTABUN

The Land: "Muttabun", comprising Western Lands Lease No: 384, 722 & 5346 granted in perpetuity.

Opal Prospecting Blocks: 4, 6A, 7, 8, 10, 11A, 26A, 26B, 32,33A and 33B

Opal Prospecting Area: Located in Opal Prospecting Areas 1 and 2

Landholder: Brian and Christine Marshall

Miners' Representative: Maxine O'Brien, an office holder of Lightning Ridge Miners' Association Limited (LRMA) or such other person nominated by the LRMA from time to time.

Agreed under s236E of the Mining Act 1992 on: 27 October 2016.

This Access Management Plan made pursuant to s236G of the *Mining Act 1992* provides the basis for access to or across the property known as **MUTTABUN** (the property) for small-scale title holders. Access pursuant to this Plan is for:

Access by the shortest, most practical direct route to a small-scale title located on the property; or access to a location where activities that are necessarily ancillary to mining activities on a small-scale title are conducted (such as a puddling location or a rehabilitation stockpile, [whether the small-scale title is on the property or not]; or access to inspect an Opal Prospecting Block or to mark out a new mineral claim); or

Access across the property for the purposes of exercising a right of access on another property provided that access for this purpose is access by the shortest direct route to that small-scale title.

The details of the access management arrangements are set out in the following attachments to this Plan:

Attachment 1 – the common conditions applicable to all Access Management Plans;

Attachment 2 – the marked plan showing routes that have been designated as access routes for the purposes of this Access Management Plan;

Attachment 3 - specification of any restrictions that apply generally to the exercise of access pursuant to this Access Management Plan; and

Attachment 4 - specific restrictions that may apply to any nominated element shown on Attachment 2.

As agreed 27.10.16



ATTACHMENT 1

RECITALS

[A] This Access Management Plan forms part of the conditions of any small scale title granted for the property MUTTABUN, Lightning Ridge.

[B] A breach of this Plan is a breach of the conditions of such mining title and maybe subject to sanctions under the Mining Act 1992 which includes cancellation of the mining title.

[C] It is an offence for any person to prevent or hinder a holder of a mining title from exercising his rights under this Plan.

[D] Nothing in this Plan imposes any liability on the landholder for the actions or omissions of the holder of a mining title or his employees and agents exercising rights under this Plan.

[E] Nothing in this Plan removes any liability for the actions and omissions of the holder of a mining title or his employees and agents in exercising rights under this Plan.

[F] This Access Management Plan authorises access to MUTTABUN for the relevant specified purposes under the Mining Act 1992 and access for any other purpose is not permitted and may lead to prosecution.

1. DEFINITIONS

"Titleholder" Is the holder of a small scale title within the land and other lands, access to which traverses the land, and his mine operator, employees, agents and contractors.

"land" Is the whole of the property known as "MUTTABUN", Lightning Ridge as shown on the attached map.

2. EXERCISE OF ACCESS

(1) The titleholder shall avoid so far as reasonably possible any interference with the use and enjoyment of the land by the landholder in relation to the use of roads, tracks and any other improvement and the grazing of livestock and other farming and grazing activities.

(2) The titleholder must exercise due care and vigilance when entering the land.

3. REVIEW OF ACCESS MANAGEMENT PLAN

A review of this plan may be sought at any time by either the Landholder or Miners Representative. This plan remains in place until any replacement plan commences.

Any replacement to this Access Management Plan, other than an agreed temporary amendment, should be in writing and lodged with the Secretary.

4. ACCESS

(1) Except as provided in sub clause (2) herein access to Opal Prospecting Blocks and areas of mineral claims shall only be via the roads and tracks shown on the attached map unless otherwise agreed in writing with the Landholder.

(2) Subject to clause (9) hereof access for roads and tracks not shown on the map to the small scale title shall be by the shortest and most practical route taking into consideration sensitive features of the area and wherever possible should be used by adjacent claim holders on a shared basis.

5. REPAIRS TO ACCESS ROADS AND TRACKS

In the event that it is necessary for repairs or maintenance on any access road or track, the same should be reported to the Team Leader, Department Trade & Investment, Lightning Ridge or Miners' Representative, Lightning Ridge Miners' Association Ltd.

In utilising the protocol which is in existence at the time of the reporting, the repair or maintenance shall be attended to by the Miners' Representatives from funds provided by the levy established under the Mining Amendment (Small-Scale Title Compensation) Act 2014, as soon as practicable.

6. ACCESS TRACKS TO MINING TITLES FROM PRIMARY ACCESS ROADS

(1) As far as possible, there should be one track only extending beyond a Primary Access Road to each group of contiguous mineral claims.

(2) Titleholders shall at all times use that single access track to travel to and from their claims, far as practicable.

(3) In the event of the necessity to create a further primary access track, the procedure outlined in respect of the creation of further Internal Primary Access Roads shall apply.

7. ESTABLISHMENT OF FURTHER INTERNAL PRIMARY ACCESS ROADS

In the event that the titleholders (or any of them) are desirous of establishing a new internal access road in addition to the Primary Access Roads in order to gain access to particular mining titles not yet granted at the date of registration of this plan, the following procedure shall be followed:

(1) The titleholder seeking the establishment of the new road shall give notice in writing to the landholder of the intention to open up the new road together with a description and diagram of the proposed route of the road;

(2) The landholder and the titleholder shall then meet on the site of the proposed road with a view of reaching agreement as to its route, design and method of construction;

(3) The agreement as to the route, design and method of construction of the new internal access road shall be reduced to writing and signed by the titleholder and the landholder;

(4) The titleholder shall construct the new route at no expense to the landholder.

(5) If the titleholder and the landholder are unable to reach agreement on any aspect of the proposed new access road then the dispute may be referred to the Secretary of NSW Industry Resources & Energy for a determination.

(6) For the purpose of this clause, a titleholder may utilise the miners' representative to negotiate a new internal primary access road.

8. CONDITIONS FOR USE OF PRIMARY ACCESS ROADS AND ACCESS TRACKS

Roads or tracks may only be used in accordance with the conditions hereunder.

(1) Existing and proposed access roads and tracks are to be through existing gates and grids unless otherwise agreed with the landholder

(2) Gates shall be kept open or closed as they are found or as they are signposted.

(3) Titleholder shall not interfere with any fence, grid or gate.

(4) If a titleholder damages a fence, grid or gate the titleholder shall make the fence, grid or gate stock-proof immediately, notify the landholder or the Department if the landholder cannot be contacted and repair it and make it good to the standard of the original fence, gate or grid, within seven days or as soon as practicable thereafter.

(5) If a titleholder notices damage to a fence, grid or gate not of their doing they should notify the landholder or the Department if the landholder cannot be contacted.

(6) Roads or tracks shall not be used during or following wet weather while the surface is impassable. The surface is deemed to be impassable if a two wheel drive vehicle is unable to traverse the road or track unassisted.

(7) Titleholders shall take care in the use of motor vehicles, motorbikes or quads when disturbance to livestock is likely to occur.

(8) No road or track shall be impeded with mining equipment or mullock. No mullock is to be placed upon any road or track unless with the written permission of the landholder.

(9) Where roads or tracks are agreed by the landholder and Miners' Representatives to be marked "No Access" or "No Access to Opal Field" there is to be no mining related traffic on these roads or tracks.

(10) The production and erection of 'no access' signs shall be arranged by the titleholder or Miners' Representative, utilising the protocol in existence at the time, to a standard agreed to by the landholder and miners' representative and at no cost to the landholder.

(11) Access roads and tracks shall not be used prior to one hour before sunrise or one hour after sunset except for special reasons, including but not limited to:

- If security of a title is breached or threatened or likely to be breached
- There are reasons of safety involved
- When a titleholder remains on title overnight and an emergency arises at home.

(12) Titleholders should ensure that no exotic species [e.g. Buffel Grass and Hudson's Pear] are introduced onto the property; tyres of vehicles are to be checked prior to entering the land to ensure such species or the seeds are not attached thereto.

(13) Titleholders shall not interfere with, damage, destroy or remove any road identification sign, unless the removal of such is at the request of the Lightning Ridge Miners' Association Ltd or the landholder.

(14) Titleholders shall not leave rubbish or foreign matter on or near any access road or track.

(15) Any disputes arising from this Access Management Plan shall be dealt with by a Land & environment Court [S293(1)(c)(ii) Mining Act 1992].

(16) There is to be no transportation of any dog or other animal over any access road or track, without the written consent of the landholder.

(17) There is to be no transportation of any firearm over any access road or track, without the written consent of the landholder.

(18) Small-scale titleholders when exercising access shall not discharge any firearms without the landowner's consent.

9. ACCESS TO WATER

There is no access to water unless agreed with the landholder.

10. CUTTING OF TIMBER

Titleholders shall not cut any timber for any purpose, including the construction of an access road or track, without the written consent of the landholder.

11. VEHICLE IDENTIFICATION

The titleholder when notifying the landholder under S266(4)(b) Mining Act 1992 shall advise the make, colour and registration number (if any) of all vehicles they expect, at the time of notification, to be accessing the land under this Plan.

12. DISPUTE RESOLUTION

(1) If a dispute arises out of or relates to this Access Management Plan, the landholder and the titleholder or the Miners' Representative shall endeavour in good faith to settle the issues in dispute by negotiation and consultation. Such discussions may or may not involve a third party or parties such as the legal representatives or other chosen advisers or nominated persons.

(2) Nothing in this clause prevents the landholder, titleholder or Miners' Representative or one or either of them pursuing the options to have the matter resolved by the Land and Environment Court.

AMP agreed in accordance with Section 236E of the Mining Act 1992

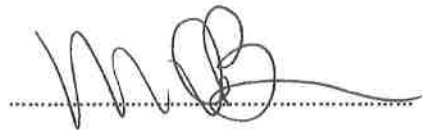
Signature of Landholder:



Print Name: CHRISTINE MARSHALL

Date: 27.10.2016

Signature of Miner's Representative



Print Name: Maxine O'Brien

Date: 27-10-2016

Signature of Landholder:



Print Name: BRIAN MARSAACE

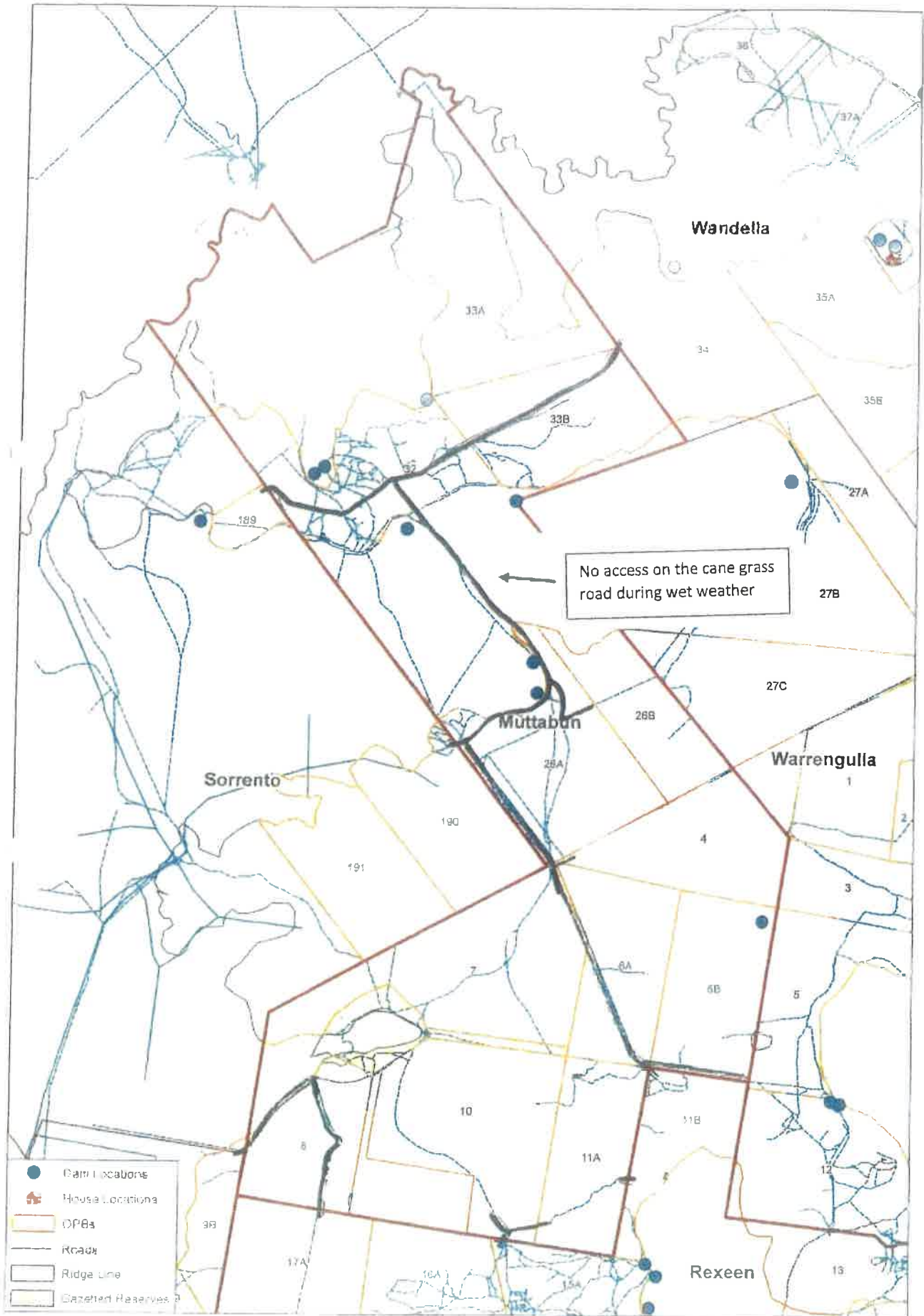
Date: 27-10-16

ATTACHMENT 3 – specification of any restrictions that apply generally to the exercise of access pursuant to this Access Management Plan.

Wet weather

There shall be no driving of vehicles on the track over the cane grass between Jag Hill and Wedge Tail opal fields following 20mm or more of rain for a period of 24 hours.

ATTACHMENT 4 – specific restrictions that may apply to any nominated element shown on Attachment 2.



Primary Access Roads marked in black

Handwritten signatures and initials.