



Access to land for mineral exploration activities

Australian Rare Earths (AR3) may seek access to privately owned land to undertake exploration activities such as visual inspections, surface or geophysical surveys, geological mapping, Aboriginal heritage surveys, drilling, earthworks and temporary access tracks.

AR3 can only access private land after either, providing the landowner with a Notice of Entry form, giving 42 days' notice of their intention to enter the land, or by entering into a written Land Access agreement with the landowner.

Notice of Entry

The Notice of Entry (NoE) form will provide specific information on the proposed activities.

The NoE will state the location, duration and management of the proposed activities on the land, how the land will be rehabilitated and the contact details of an AR3 representative. It will also include a map, clearly showing the area of interest.

AR3 cannot access the land within the 42 day notice period, unless otherwise agreed in writing via a Land Access Agreement.

Land Access Agreement

Land Access Agreements (LAA) are more comprehensive than a Notice of Entry form and provide details on each parties' rights and responsibilities.

A Land Access Agreement seeks written approval from the landowner to waive the 42 days' notice period associated with a NoE. It will include the same information as a NoE, in addition to other matters such as the conditions upon which access to land is allowed to occur.

Landowners are encouraged to seek legal advice before entering into a LAA and as such AR3 is obliged to reimburse landowners for legal costs, up to a maximum of \$2,500. In accordance with the Mining Act 1971. Reimbursement of legal costs is in addition to any compensation rights a landowner may be entitled to.

The Land Access Agreement may also include matters relating to 'exempt land' and compensation.

Exempt Land

Some, of the land AR3 wishes to explore on may be considered 'exempt land' under the Act.

Exempt land includes but is not limited to land that is:

- Cultivated fields (e.g. land used for cropping),
- 400 metres from of a residence
- 150 metres from a dam, well, spring or reservoir, or
- 150 metres from a building or structure with a value of \$2,500.

AR3 can only explore on 'exempt land' if the landowner is happy to waive their rights to the exemption through a written agreement, in accordance with the Act and Mining Regulations 2020 (the Regs).

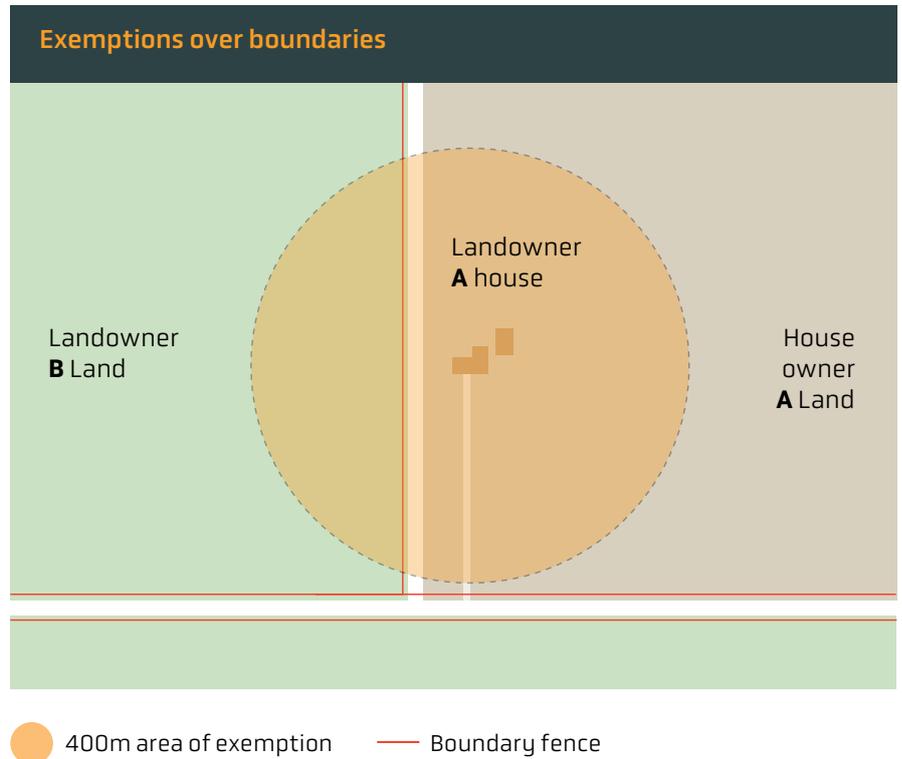
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Exempt Land *[Continued]*

The waiver of exemption can be a stand alone agreement or can be included as part of the Land Access Agreement. A written waiver of exemption provides information on why the land is 'exempt' and detail the conditions upon which the landowner is comfortable with AR3 conducting activities on the land.

In this diagram the area of exemption, associated with Landowner A's house, falls over the boundary fence into Landowner B's property. In this instance AR3 may approach landowner A to ask them to waive their right to the area of exemption on their neighbour's land, to allow AR3 to complete work on their neighbour, Landowner B's property. This waiver of exemption would be related solely to the Neighbour Landowner B's property and would not give any rights to AR3 to enter Landowner A's property.



Objection Rights

If a freehold landowner, and AR3 are unable to reach agreement regarding access to land to conduct exploration activities, the Landowner has the right to object by lodging a Notice of Objection in the relevant court (which can be either the Warden's Court or Environment, Resources and Development Court).

Landowners have three months to lodge a Notice of Objection after receiving the Notice of Entry, even if the 42 days' notice period has expired and AR3 staff and/or contractors have already entered their property and started exploration activities.

Landowner Information Service

The Landowner Information Service is a free, independent service for South Australian landowners on matters relating to exploration and mining.

Its core function is to provide information to assist landowners in making informed decisions when liaising with explorers by explaining their options, rights and responsibilities. The service does not provide legal, commercial, compensatory, or financial advice.

Phone: 1800 836 211

Email: LIS@ruralbusinesssupport.org.au

Website: www.ruralbusinesssupport.org.au

Compensation

Landowners who enter into an agreement with AR3 are entitled to compensation, in accordance with the Act.

The amount of compensation payable is negotiable between the landowner and AR3 and will depend on the individual set of circumstances. It will take into account the type and duration of the activity being undertaken, and any inconveniences incurred by the landowner.

Further information

Department for Energy and Mining
www.energymining.sa.gov.au

PIRSA
www.pir.sa.gov.au

South Australian Legislation
www.legislation.sa.gov.au/legislation

