


Instrument of Variation

Consolidated Mining Lease 2 (1992)

I, **JAMIE TRIPODI, Executive Director Assessments & Systems**, Mining Exploration and Geoscience in the Department of Regional NSW, with the delegated authority of the Minister under section 261B and clause 12 of Schedule 1B of the *Mining Act 1992* (the Act), **vary** the conditions of consolidated mining lease **CML 2 (1992)** as described in Schedule A.

The conditions of **CML 2 (1992)** as varied, are set out in Schedule B.

The variation takes effect on 17 October 2022.



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

Dated: 31 August 2022

Schedule A

Condition	Variation	New Condition	
Definitions	Definitions of 'Department', 'Environment' 'Environmental incident notifications and reports' and 'Harm to the environment' omitted as no longer used.	N/A	
1	Notice to Landholders	Wording amended to modernise the condition	1. Notice to Landholders – see Schedule B
2	Environmental Harm	Condition omitted	N/A
3	Mining Operations Plan	Condition omitted	N/A
4	Environmental Management Reporting	Condition omitted	N/A
5	Environmental Management Reporting	Condition omitted	N/A
6	Environmental Management Reporting	Condition omitted	N/A
7	Rehabilitation	Condition omitted	N/A
8	Extraction Plan	Condition omitted	N/A
10	Control of Operations	Condition omitted	N/A
11	Reports	Condition omitted	N/A
12	Licence to Use Reports	Condition omitted	N/A
13	Confidentiality	Condition omitted	N/A
14	Terms of the non-exclusive licence	Condition omitted	N/A
15	Blasting	Condition omitted	N/A
16	Safety	Condition omitted	N/A
17	Exploratory Drilling	Condition omitted	N/A
18	Prevention of Soil Erosion and Pollution	Condition omitted	N/A
19	Transmission lines, Communication lines and Pipelines	Condition omitted	N/A
20	Fences, Gates	Condition omitted	N/A
21	Roads and Tracks	Condition omitted	N/A
22	Roads and Tracks	Condition omitted	N/A
23	Trees and Timber	Condition omitted	N/A
25	Resource Recovery	Condition omitted	N/A
26	Indemnity	Condition omitted	N/A
28	Security	Condition amended to modernise the wording. Condition has been re-numbered due to omission of other conditions.	2. Group Security– see Schedule B
30	Suspension of Mining Operations	Condition omitted	N/A

31	Cooperation Agreement	Wording amended to modernise the condition. Condition has been re-numbered due to omission of other conditions.	3. Cooperation Agreement – see Schedule B
32	Trigonometrical Stations and Survey Marks	Condition omitted	N/A
N/A		New condition attached	4. Assessable Prospecting Operations– see Schedule B
<u>SPECIAL CONDITIONS</u>			
29	Prescribed Dam	Wording amended to modernise the condition. Condition has been re-numbered due to omission of other conditions.	5. Dams Safety – Mining Leases – see Schedule B
33	Special Conditions	Condition omitted	N/A
34	Special Conditions	Condition omitted	N/A
35	Special Conditions	Condition omitted	N/A
36	Ancillary Mining Activity Condition	Wording amended to modernise the condition. Condition has been re-numbered due to omission of other conditions.	6. Ancillary Mining Activity 1008 (AMA 1008)

Schedule B

Mining Lease Conditions

(Version as at February 2022)

Definitions

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

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

Note:

1. The rights and duties of the Lease Holder(s) are those prescribed by the *Mining Act 1992* and the Mining Regulation 2016, subject to the terms and conditions of this mining lease.
2. This mining lease does not override any obligation on the lease holder(s) to comply with the requirements of other legislation and regulatory instruments which may apply (including all relevant development approvals) unless specifically provided under the *Mining Act 1992* or other legislation or regulatory instruments.

MINING LEASE CONDITIONS

Standard conditions

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

NOTE TO HOLDERS: The prescribed standard conditions in the Mining Regulation 2016, Schedule 8A, Part 2 apply in addition to the conditions in this Schedule 2 (but have not been replicated in this mining lease). The conditions imposed by the Mining Regulation 2016 prevail to the extent of any inconsistency with the conditions in this Schedule 2.

General conditions

1. Notice to Landholders

- (a) Within 90 days from the date of grant or renewal of this mining lease, the lease holder must give each landholder notice in writing:
- (i) that this mining lease has been granted or renewed; and
 - (ii) whether the lease includes the surface.

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

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

2. Group Security

The security deposit to be provided and maintained for this mining lease is part of a group security deposit.

The lease holder is required to provide and maintain a security deposit to secure funding for the fulfilment of obligations under the mining leases covered by the group security deposit, including obligations under each mining lease that may arise in the future.

The amount of the security deposit to be provided as a group security deposit has been assessed at **\$26,912,000**.

The leases covered by the group security include this **CML 2 (1992)** and:

Lease type	Lease Number	Act Year
DSL	89	1901
ML	1157	1906
ML	1283	1906
MPL	204	1906
MPL	217	1906
MPL	233	1906
MPL	269	1906
MPL	1364	1906

CCL	728	1973
CCL	752	1973
MPL	23	1906
ML	1345	1992
ML	1388	1992
ML	1550	1992
ML	1661	1992
ML	1666	1992
ML	1677	1992

3. Cooperation Agreement

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

- access arrangements
- operational interaction procedures
- dispute resolution
- information exchange
- well location
- timing of drilling
- potential resource extraction conflicts; and
- rehabilitation issues.

4. Assessable Prospecting Operations

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

Special conditions

5. Dams Safety – Mining Leases

- (a) The lease holder must not mine within any part of the lease area which is within the notification area of the **Kalingo Dam** without the prior written approval of the Minister and subject to any conditions the Minister may stipulate.
- (b) Where the lease holder desires to mine within the notification area, the lease holder must:
- (i) at least twelve (12) months before mining is to commence or such lesser time as the Minister may permit, notify the Minister of the desire to do so. A plan of the mining system to be implemented must accompany the notice; and
 - (ii) provide such information as the Minister may direct.
- (c) The Minister must not, except in the circumstances set out in sub-paragraph (ii), grant approval unless sub-paragraph (i) of this paragraph has been complied with.
- (i) This sub-paragraph is complied with if:
 - (a) Dams Safety NSW as constituted by section 6 of the *Dams Safety Act 2015* and the owner of the dam have been notified in writing of the desire to mine referred to in paragraph (b).
 - (b) the notifications referred to in clause (a) are accompanied by a description or plan of the area to be mined.
 - (c) the Secretary has complied with any reasonable request made by Dams Safety NSW or the owner of the dam for further information in connection with the mining proposal.
 - (d) Dams Safety NSW has made its recommendations concerning the mining proposal or has informed the Minister in writing that it does not propose to make any such recommendations; and
 - (e) where Dams Safety NSW has made recommendations the approval is in terms that are:
 - in accordance with those recommendations; or
 - where the Minister does not accept those recommendations or any of them - in accordance with a determination under sub-paragraph (ii) of this paragraph.
 - (ii) Where the Minister does not accept the recommendations of Dams Safety NSW or where Dams Safety NSW has failed to make any recommendations and has not informed the Minister in writing that it does not propose to make any recommendations, the approval shall be in terms that are, in relation to matters dealing with the safety of the dam:
 - as determined by agreement between the Minister and the Minister administering the *Dams Safety Act 2015*; or
 - in the event of failure to reach such agreement - as determined by the Premier.
- (d) The Minister, on notice from Dams Safety NSW, may at any time or times:
- (i) cancel any approval given where a notice pursuant to section 19 of the *Dams Safety Act 2015* is given.
 - (ii) suspend for a period of time, alter, omit from or add to any approval given or conditions imposed.

6. Ancillary Mining Activity 1008 (AMA 1008)

The AMA Condition applies to the carrying out of the ancillary mining activity(s) specified in Schedule 2 on the land described in Schedule 3.

Schedule 1 – AMA Condition

The following conditions apply to the carrying out of the ancillary mining activity(s) specified in Schedule 2:

(a) Rehabilitation

- i. The lease holder must rehabilitate the land and water described in Schedule 3 that is disturbed by the ancillary mining activity(s) as soon as reasonably practicable after the disturbance occurs.

(b) Standard Conditions

- i. The lease holder must comply with the standard conditions of mining leases (**standard conditions**) prescribed in Schedule 8A of the *Mining Regulation 2016* as if the references to the **mining area** in those standard conditions was a reference to the land described in Schedule 3.

Schedule 2 – Ancillary Mining Activity(s)

The ancillary mining activity(s) to which this condition applies are:

1. The construction, maintenance or use (in or in connection with mining operations) of any one or more of the following:
 - any reservoir, dam, drain or water race.

Schedule 3 - Land

The land described in the attached survey plan M27470 for AMA1008, approved on 23 August 2018 which is not embraced by the lease plan M27155 attached to Consolidated Mining Lease 2 (Act 1992).

Interpretation

For the purposes of this condition 6 **AMA Condition** means the condition set out in Schedule 1, which was imposed on Consolidated Mining Lease 2 (Act 1992) on 17 June 2019 and identified as Ancillary Mining Activity 1008 (AMA 1008) and which is varied by this instrument in accordance with Schedule 1B, clause 12 of the *Mining Act 1992*.

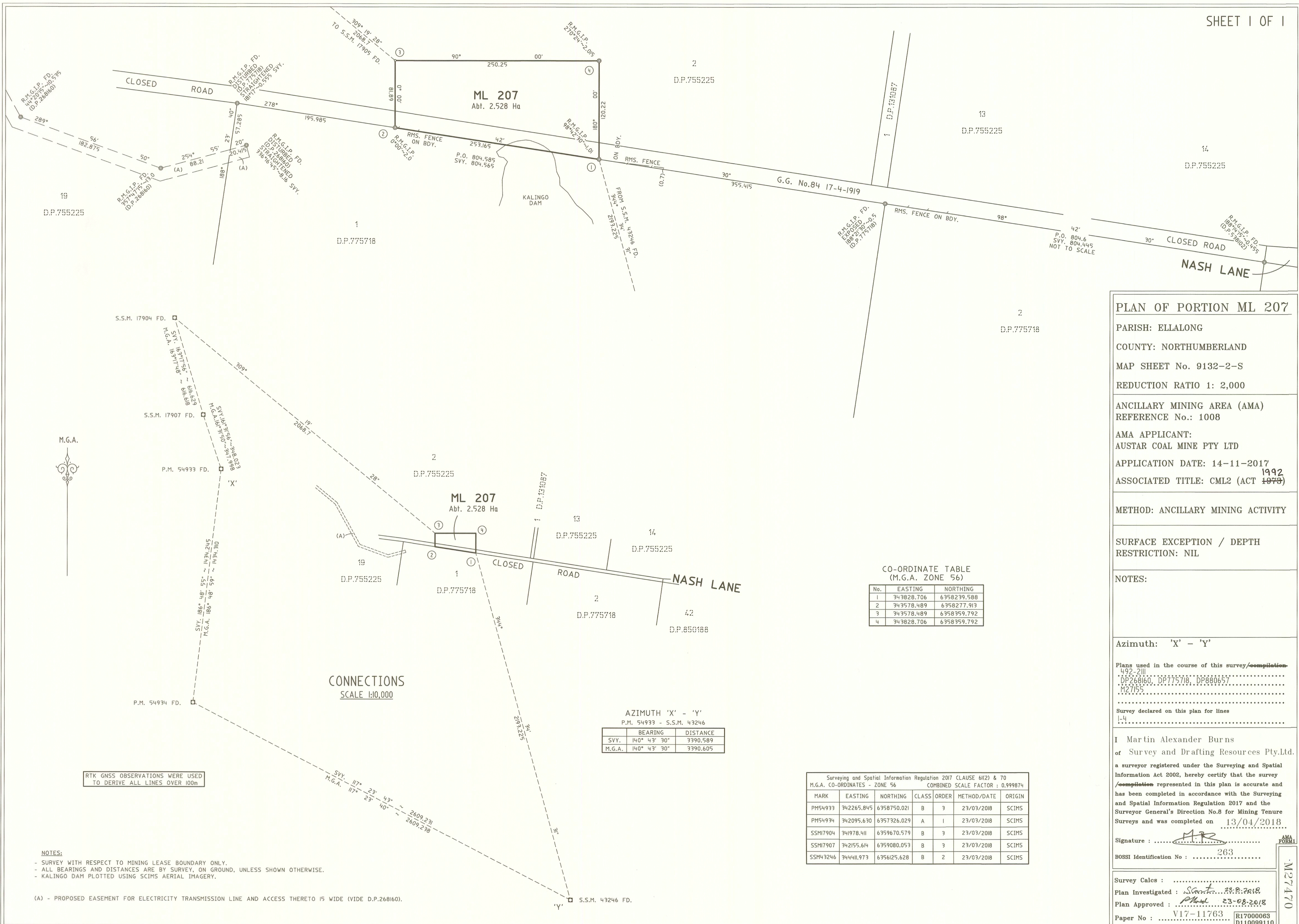
Exploration Reporting

Note: Exploration Reports (Geological and Geophysical)

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

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

Mining Lease Conditions 2021	Version Date: February 2022
Consolidated Mining Lease 2 (1992)	Page 8 of 8



PLAN OF PORTION ML 207

PARISH: ELLALONG
 COUNTY: NORTHUMBERLAND
 MAP SHEET No. 9132-2-S
 REDUCTION RATIO 1: 2,000

ANCILLARY MINING AREA (AMA)
 REFERENCE No.: 1008
 AMA APPLICANT:
 AUSTAR COAL MINE PTY LTD
 APPLICATION DATE: 14-11-2017
 ASSOCIATED TITLE: CML2 (ACT 1992)

METHOD: ANCILLARY MINING ACTIVITY

SURFACE EXCEPTION / DEPTH
 RESTRICTION: NIL

NOTES:

Azimuth: 'X' - 'Y'

Plans used in the course of this survey/ completion:
 492-2111
 DP268160, DP775718, DP880657
 M27155

Survey declared on this plan for lines
 1-4

I Martin Alexander Burns
 of Survey and Drafting Resources Pty.Ltd.
 a surveyor registered under the Surveying and Spatial
 Information Act 2002, hereby certify that the survey
 / completion represented in this plan is accurate and
 has been completed in accordance with the Surveying
 and Spatial Information Regulation 2017 and the
 Surveyor General's Direction No.8 for Mining Tenure
 Surveys and was completed on 13/04/2018

Signature : *[Signature]*
 BOSSI Identification No : 263

Survey Calcs :
 Plan Investigated : *Santh* 23-08-2018
 Plan Approved : *Phred* 23-08-2018
 Paper No : V17-11763 R17000083 D110099110

CO-ORDINATE TABLE
 (M.G.A. ZONE 56)

No.	EASTING	NORTHING
1	343828.706	6358239.588
2	343578.489	6358277.913
3	343578.489	6358359.792
4	343828.706	6358359.792

AZIMUTH 'X' - 'Y'

	BEARING	DISTANCE
SVY.	140° 43' 30"	3390.589
M.G.A.	140° 43' 30"	3390.605

Surveying and Spatial Information Regulation 2017 CLAUSE 6(2) & 70
 M.G.A. CO-ORDINATES - ZONE 56 COMBINED SCALE FACTOR : 0.999874

MARK	EASTING	NORTHING	CLASS	ORDER	METHOD/DATE	ORIGIN
PM54933	342265.845	6358750.021	B	3	23/03/2018	SCIMS
PM54934	342095.630	6357326.029	A	1	23/03/2018	SCIMS
SSM17904	341978.411	6359670.579	B	3	23/03/2018	SCIMS
SSM17907	342155.614	6359080.053	B	3	23/03/2018	SCIMS
SSM43246	344411.973	6356125.628	B	2	23/03/2018	SCIMS

RTK GNSS OBSERVATIONS WERE USED
 TO DERIVE ALL LINES OVER 100m

NOTES:
 - SURVEY WITH RESPECT TO MINING LEASE BOUNDARY ONLY.
 - ALL BEARINGS AND DISTANCES ARE BY SURVEY, ON GROUND, UNLESS SHOWN OTHERWISE.
 - KALINGO DAM PLOTTED USING SCIMS AERIAL IMAGERY.

(A) - PROPOSED EASEMENT FOR ELECTRICITY TRANSMISSION LINE AND ACCESS THERETO 15 WIDE (VIDE D.P.268160).

M27470