

Instrument of Variation

Dam Site Lease 89 (Mining Purposes) (1901)

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 dam site lease **DSL 89 (1901)** as described in Schedule A.

The conditions of **DSL 89 (1901)**, 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
15	Blasting	Condition omitted	N/A
16	Safety	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
26	Indemnity	Condition omitted	N/A
28	Security	Wording amended to modernise the condition. Condition has been re-numbered due to omission of other conditions.	2. Group Security– see Schedule B
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	Railways	Condition omitted	N/A
<u>SPECIAL CONDITIONS</u>			
Nil			

Schedule B

Mining Lease For Ancillary Mining Activities 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 FOR ANCILLARY MINING ACTIVITIES 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 **DSL 89 (1901)** and:

Lease type	Lease Number	Act Year
MPL	23	1906
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
CML	2	1992
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.

Special conditions

Nil