

Instrument of Renewal

Section 114 of the *Mining Act 1992*

I, **Jamie Tripodi, Executive Director Assessments and Systems, Mining, Exploration and Geoscience**, as delegate for the Minister administering the *Mining Act 1992* for the State of New South Wales, pursuant to section 114 of the *Mining Act 1992*, have determined to renew **Mining Lease 1345 (Act 1992)**, as described in Schedule 1, to **Austar Coal Mine Pty Limited, ACN 111 910 822**, subject to the conditions:

1. prescribed in the *Mining Act 1992* and the Mining Regulation 2016; and
2. set out in Schedule 2.

Signed this 9th day of May 2023.

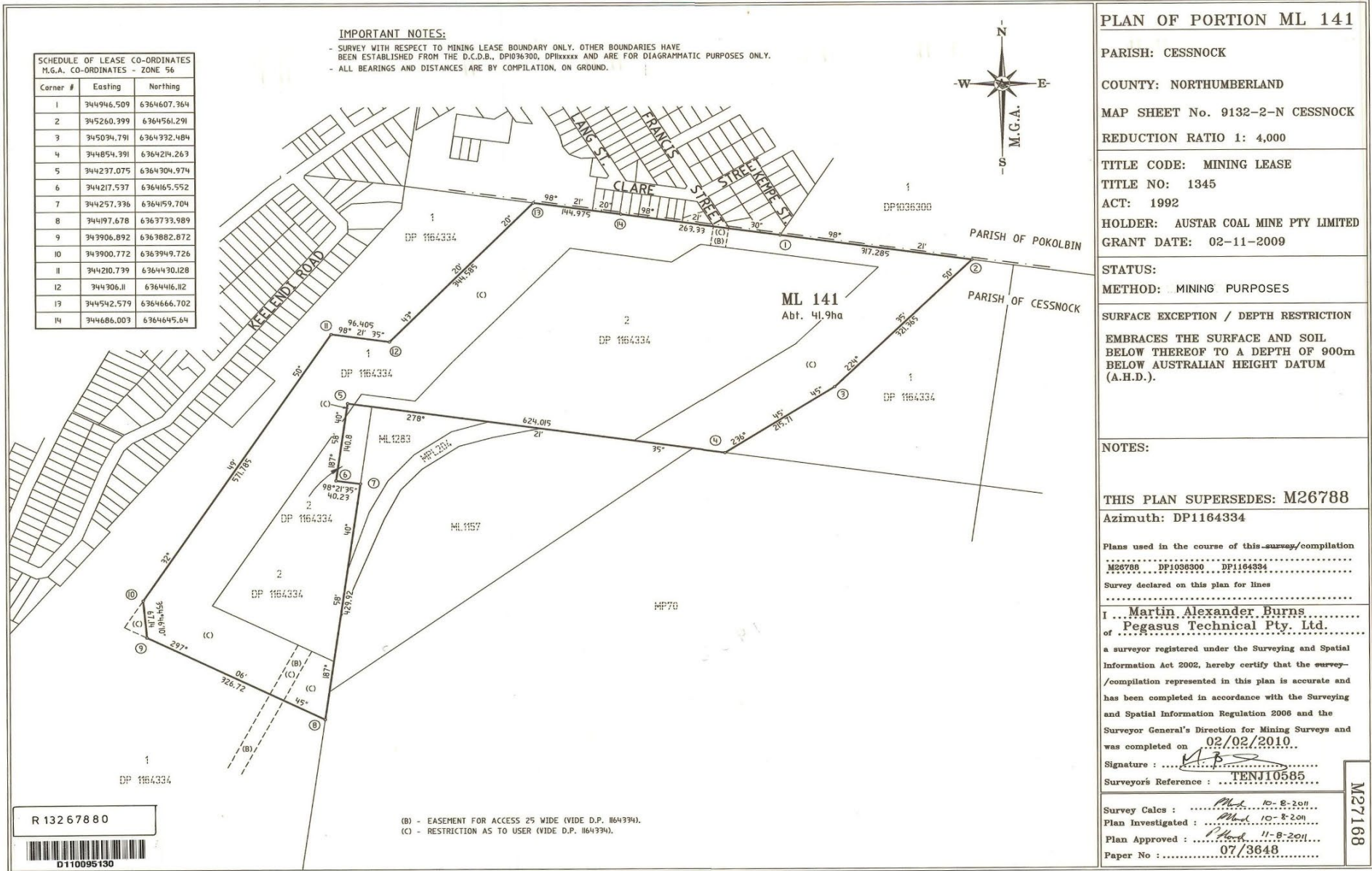


Jamie Tripodi
Executive Director Assessments and Systems
Mining, Exploration and Geoscience
Regional NSW
As delegate for the Minister administering the *Mining Act 1992*
Delegation dated: 28 February 2023

SCHEDULE 1

Description of Lease

Mining lease:	1345 (Act 1992)
Renewal date:	9 May 2023
Effective date:	31 December 2023
Term ending (expiry date):	30 December 2044
Lease Holder(s):	Austar Coal Mine Pty Limited ACN 111 910 822
Land:	The lease area includes all land described in the attached lease plan titled M27168 and approved on 11 August 2011 .
Area:	41.9 hectares
Surface Exception / Depth Restriction:	Embraces the surface and soil below thereof to a depth of 900 metres below Australian Height Datum (AHD)
Mineral(s):	Coal
Method:	Nil methods/purposes specified



SCHEDULE 2

Mining Lease Conditions 2021

(Version 1.1 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.

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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 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 to be provided and maintained as a group security deposit is **\$26,912,000**.

The leases covered by the group security include:

Dam Site Lease (Mining Purposes) 89 (Act 1901) (Head lease)
Mineral Lease 1157 (C&S Act 1906)
Mineral Lease 1283 (C&S Act 1906)
Mining Purposes Lease 23 (Act 1906)
Mining Purposes Lease 204 (Act 1906)
Mining Purposes Lease 217 (Act 1906)
Mining Purposes Lease 233 (Act 1906)
Mining Purposes Lease 269 (Act 1906)

Mining Purposes Lease 1364 (Act 1906)
Consolidated Coal Lease 728 (Act 1973)
Consolidated Coal Lease 752 (Act 1973)
Consolidated Mining Lease 2 (Act 1992)
Mining Lease 1345 (Act 1992) (This lease)
Mining Lease 1388 (Act 1992)
Mining Lease 1550 (Act 1992)
Mining Lease 1661 (Act 1992)
Mining Lease 1666 (Act 1992)
Mining Lease 1677 (Act 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. Aboriginal Place or Relic

The lease holder shall not knowingly destroy, deface or damage any aboriginal place or relic within the subject area except in accordance with an authority issued under the *National Parks and Wildlife Act 1974*, and shall take every precaution in drilling, excavating or disturbing the land against any such destruction, defacement or damage.

6. Ancillary Mining Activity 1014 (AMA 1014)

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. Coarse reject emplacement within Aberdare Reject Emplacement Area, rehabilitation activities within and adjacent to the Aberdare Reject Emplacement Area, and installation and maintenance of erosion and sediment control devices, water management structures, and environmental monitoring infrastructure.

Schedule 3 - Land

The land described in the attached survey plan M27483 for AMA1014, approved on 23 August 2018 which is not embraced by the lease plan M27168 attached to Mining Lease 1345 (Act 1992).

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Interpretation

For the purposes of this condition 6 **AMA Condition** means the condition set out in Schedule 1, which was imposed on Mining Lease 1345 (Act 1992) on 20 August 2019 and identified as Ancillary Mining Activity 1014 (AMA 1014) 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.

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PLAN OF PORTION ML 142

PARISH: CESSNOCK
 COUNTY: NORTHUMBERLAND
 MAP SHEET No. 9132-2-N
 REDUCTION RATIO 1: 4,000
 ANCILLARY MINING AREA (AMA)
 REFERENCE No.: 1014
 AMA APPLICANT:
 AUSTAR COAL MINE PTY LTD
 APPLICATION DATE: 14-11-2017
 ASSOCIATED TITLE: ML1345 (ACT1992)

METHOD: ANCILLARY MINING ACTIVITY

SURFACE EXCEPTION / DEPTH
 RESTRICTION: NIL

NOTES:

Azimuth: DP1164334

Plans used in the course of this survey/compilation
 DP1164334 & DP1164334
 Survey declared on this plan for lines
 1, 2, 3, 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/
 compilation 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 Surveys
 and was completed on 26/04/2018

Signature: *M.A. Burns*
 BOSS Identification No: 263

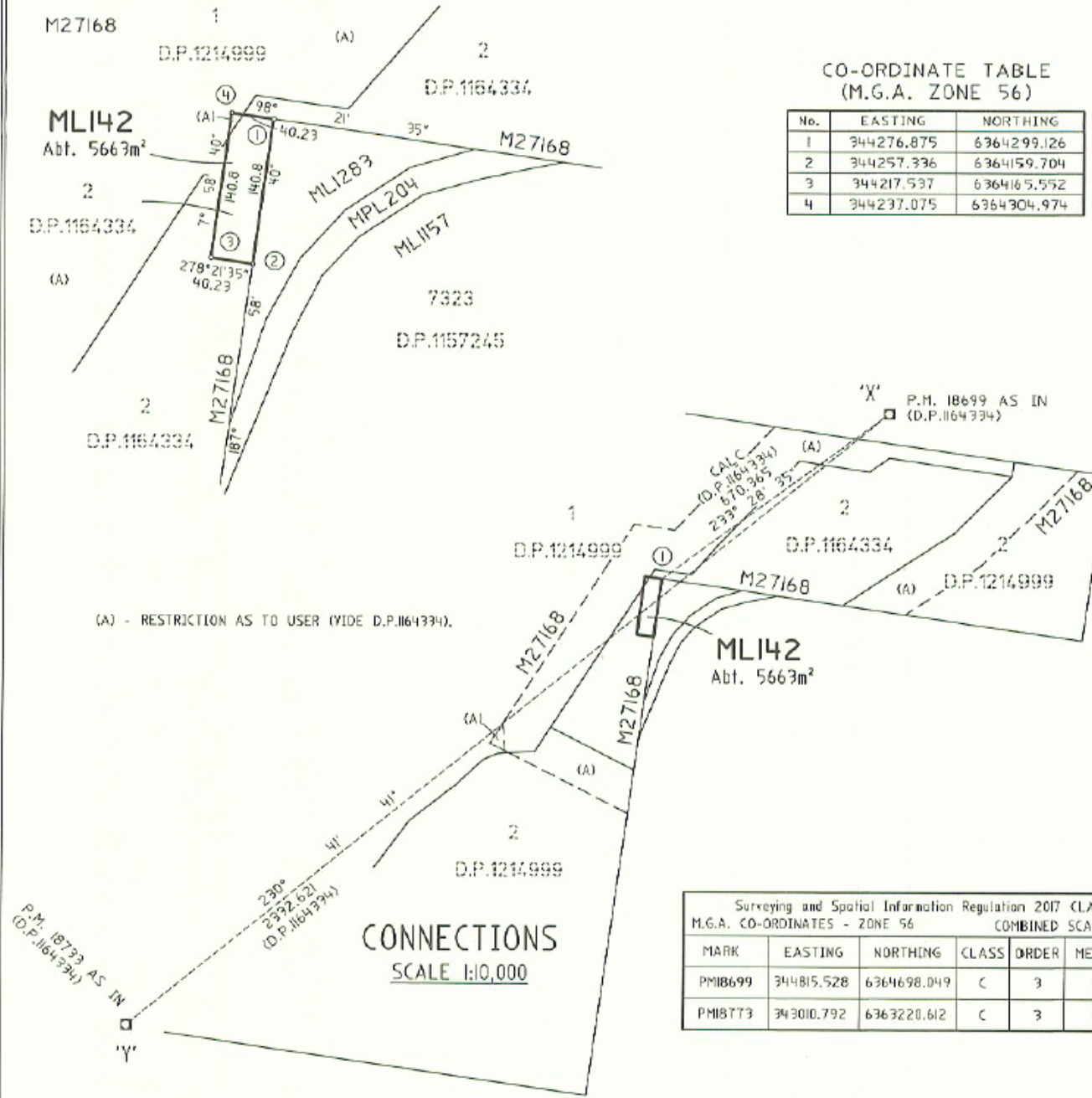
Survey Cales:
 Plan Investigated: 23-08-2018
 Plan Approved: 23-08-2018
 Paper No: V17-11764

M.G.A.



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

No.	EASTING	NORTHING
1	344276.875	6364299.126
2	344257.336	6364159.704
3	344217.537	6364165.552
4	344237.075	6364304.974



(A) - RESTRICTION AS TO USER (VIDE D.P.1164334).

Surveying and Spatial Information Regulation 2017 (CLAUSE 6(2) & 70)
 M.G.A. CO-ORDINATES - ZONE 56
 COMBINED SCALE FACTOR: 0.999889

MARK	EASTING	NORTHING	CLASS	ORDER	METHOD/DATE	ORIGIN
PM18699	344815.528	6364698.049	C	3	DP1164334	SCIMS
PM18773	343010.792	6363220.612	C	3	DP1164334	SCIMS

CONNECTIONS
 SCALE 1:0,000

M27483