

**INSTRUMENT OF RENEWAL**

COAL LEASE NO.753 (ACT 1973)

HOLDER: WARKWORTH MINING LIMITED A.C.N. 001 385 842

DATE OF LEASE: 23 May 1990 EXPIRY DATE OF LEASE: 17 February 2002

PERIOD OF RENEWAL UNTIL: 17 February 2023

AREA: Approximately 4192 hectares as shown on Plan Catalogue No. D6579-01

DEPTH RESTRICTION: Nil

SURFACE EXCEPTION: Various as shown on Plan Catalogue No. D6579-01

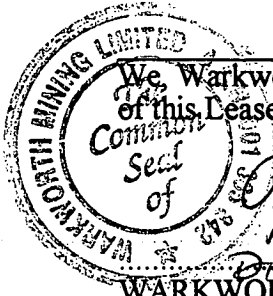
ROYALTY PAYABLE: At the rates which, from time to time, may be prescribed and as specified by Condition No. 54 in this lease.

MINERALS: COAL

**AMENDMENTS TO THE CONDITIONS OF THE LEASE:**

- (a) All conditions contained in the lease prior to the renewal have been deleted.
- (b) The lease is now subject to the attached Schedule of Conditions of Authority - 1997 (COAL) numbered:-  
1, 2, 3, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 29, 30, 31, 32, 38, 39, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 54, 55, 56.

We, Warkworth Mining Limited A.C.N. 001 385 842, hereby accept the renewal of this Lease and agree to be bound by the conditions specified.



*[Handwritten Signature]*  
SECRETARY

*[Handwritten Signature]*  
WITNESS

WARKWORTH MINING LIMITED

A.C.N. 001 385 842

Date

Date

Renewed this 5<sup>th</sup> day of SEPTEMBER 1997

*[Handwritten Signature]*  
Director-General

**SCHEDULE OF**  
**CONDITIONS OF AUTHORITY - 1997**  
**(COAL)**

**EXTRACTION OF COAL**

- 1 The lease holder shall extract as large a percentage of the coal in the subject area as is practicable consistent with the provisions of the Coal Mines Regulations Act 1982 and the Regulations thereunder and shall comply with any direction given or which may be given in this regard by the Minister.

**MINING, REHABILITATION, ENVIRONMENTAL MANAGEMENT PROCESS (MREMP)**

**MINING OPERATIONS PLAN (MOP)**

- 2 (a) Mining operations, including mining purposes, must be conducted in accordance with a Mining Operations Plan (the Plan) approved by the Director General. The Plan together with environmental conditions of development consent and other approvals will form the basis for:
- (i) ongoing mining operations and environmental management; and
  - (ii) ongoing monitoring of the project.
- (b) The Plan must be prepared in accordance with the Director General's guidelines current at the time of lodgement.
- (c) An application for approval of a proposed Plan must be accompanied by a copy of the Plan and must be lodged with the Director General:
- (i) prior to the commencement of operations; and
  - (ii) subsequently as appropriate.
- (d) The Plan must present a schedule of proposed mine development for a period of up to seven (7) years and contain diagrams and documentation which identify:
- (i) area(s) proposed to be disturbed under the Plan;
  - (ii) mining and rehabilitation method(s) to be used and their sequence;
  - (iii) existing and proposed surface infrastructure;
  - (iv) progressive rehabilitation schedules;

- (v) areas of particular environmental sensitivity;
  - (vi) water management systems; and
  - (vii) proposed resource recovery.
- (e) Where the leaseholder and/or the Director General is of the opinion that a Plan should be amended, the lease holder shall submit an amended Plan for approval.

### **ANNUAL ENVIRONMENTAL MANAGEMENT REPORT (AEMR)**

- 3
- (a) Within twelve (12) months of the commencement of mining operations and thereafter annually or, at such other times as may be allowed by the Director General, the lease holder must lodge an Annual Environmental Management Report (AEMR) with the Director General.
  - (b) The AEMR must be prepared in accordance with the Director General's guidelines current at the time of reporting and contain a review and forecast of performance for the preceding and ensuing twelve (12) months in terms of:
    - (i) the approved Mining Operations Plan;
    - (ii) development consent requirements and conditions; and
    - (iii) Environment Protection Authority licences and approvals;
    - (iv) any other statutory environmental requirements;
    - (v) details of any variations to environmental approvals applicable to the lease area.
  - (c) After considering an AEMR the Director General may, by notice in writing, direct the lease holder to undertake operations, remedial actions or supplementary studies in such manner and within such period as may be specified in the notice to ensure that operations on the lease area are conducted in accordance with sound mining and environmental practice.
  - (d) The leaseholder shall, as and when directed by the Minister, co-operate with the Director General to conduct and facilitate review of the AEMR involving other government agencies.

### **SHAFTS, DRIFTS, ADITS**

- 14 Operations shall be conducted in such a manner as not to cause any danger to persons or stock and the lease holder shall provide and maintain adequate protection to the satisfaction of the Minister around each shaft or excavation opened up or used by the lease holder.

## **DUMPS**

- 15 The lease holder shall comply with any direction, given or which may be given by the Inspector regarding the dumping, depositing or removal of material extracted as well as the stabilisation and revegetation of any dumps of coal, minerals, mine residues, tailings or overburden situated on the subject area or the associated colliery holding.
- 16 The lease holder shall comply with any direction given or which may be given by the Minister regarding the spraying of coal dumps on the subject area.

## **DUST**

- 17 The lease holder shall take such precautions as are necessary to abate any dust nuisance.

## **MANAGEMENT AND REHABILITATION OF LANDS (GENERAL)**

- 18 The lease holder shall not interfere in any way with any fences on or adjacent to the subject area unless with the prior written approval of the owner thereof or the Minister and subject to such conditions as the Minister may stipulate.
- 19 The lease holder shall observe any instruction given or which may be given by the Minister with a view to minimising or preventing public inconvenience or damage to public or private property.
- 20 If required to do so by the Minister and within such time as may be stipulated by the Minister the lease holder shall carry out to the satisfaction of the Minister surveys of structures, buildings and pipelines on adjacent landholdings to determine the effect of operations on any such structures, buildings and pipelines.
- 21 If so directed by the Minister the lease holder shall rehabilitate to the satisfaction of the Minister any lands within the subject area which may have been disturbed by the lease holder.
- 22 Upon completion of operations on the surface of the subject area or upon the expiry or sooner determination of this authority or any renewal thereof, the lease holder shall remove from such surface such buildings, machinery, plant, equipment, constructions and works as may be directed by the Minister and such surface shall be rehabilitated and left in a clean, tidy and safe condition to the satisfaction of the Minister.
- 23 If so directed by the Minister the lease holder shall rehabilitate to the satisfaction of the Minister and within such time as may be allowed by the Minister any lands within the subject area which may have been disturbed by mining or prospecting operations whether such operations were or were not carried out by the lease holder.
- 24 The lease holder shall take all precautions against causing outbreak of fire on the subject area.

- 25 The lease holder shall provide and maintain to the satisfaction of the Minister efficient means to prevent contamination, pollution, erosion or siltation of any river, stream, creek, tributary, lake, dam, reservoir, watercourse or catchment area or any undue interference to fish or their environment and shall observe any instruction given or which may be given by the Minister with a view to preventing or minimising the contamination, pollution, erosion or siltation of any river, stream, creek, tributary, lake, dam, reservoir, watercourse or catchment area or any undue interference to fish or their environment.

## **BLASTING**

- 26 The lease holder shall monitor noise and vibration and institute controls, generally in accordance with the recommendations of Australian Standard AS-2187-1993 and ANZEC Guidelines.

(a) **Ground Vibration**

The lease holder shall design all blasts on the basis that the ground vibration peak particle velocity generated by any blasting within the subject area, shall not exceed the levels in or conditions of the EPA Licence for the mine, at any dwelling or occupied premises not owned by the lease holder, the holder of an authority under the Mining Act, or not subject to a valid agreement with the lease holder, with respect to the effects of blasting.

(b) **Blast Overpressure**

The lease holder shall design all blasts on the basis that the blast overpressure noise level generated by any blasting within the subject area, shall not exceed the levels in or conditions of the EPA Licence for the mine, at any dwelling or occupied premises not owned by the lease holder, the holder of an authority under the Mining Act, or not subject to a valid agreement with the lease holder, with respect to the effects of blasting.

## **TREES (PLANTING AND PROTECTION OF) FLORA AND FAUNA AND ARBOREAL SCREENS**

- 27 If so directed by the Minister, the lease holder shall ensure that operations are carried out in such manner so as to minimise disturbance to flora and fauna within the subject area.
- 29 The lease holder shall maintain an arboreal screen to the satisfaction of the Minister within such parts of the subject area as may be specified by the Minister and shall plant such trees or shrubs as may be required by the Minister to preserve the arboreal screen in a condition satisfactory to the Minister.

## SOIL EROSION

- 30 The lease holder shall conduct operations in such a manner as not to cause or aggravate soil erosion and the lease holder shall observe and perform any instructions given or which may be given by the Minister with a view to minimising or preventing soil erosion.

## ROADS

- 31 The lease holder shall pay to **Singleton Shire Council**, Department of Land and Water Conservation or the Chief Executive, Roads and Traffic Authority the cost incurred by such Council or Department or Chief Executive of making good any damage caused by operations carried on by or under the authority of the lease holder to any road adjoining or traversing the surface or the excepted surface or the excepted surface, as the case may be of the subject area.

PROVIDED HOWEVER that the amount to be paid by the lease holder as aforesaid shall be reduced by such sum of money if any as may be paid to the said Council the Department of Conservation and Land Management or the Chief Executive, Roads and Traffic Authority as the case may be from the Mine Subsidence Compensation Fund constituted under the Mine Subsidence Compensation Act, 1961, in settlement of a claim for compensation for the same damage.

- 32 In the event of operations being conducted on the surface of any road, track or firetrail traversing the subject area or in the event of such operations causing damage to or interference with any such road, track or firetrail the lease holder, at his own expense, shall if directed to do so by the Minister provide to the satisfaction of the Minister an alternate road, track or firetrail in a position as required by the Minister and shall allow free and uninterrupted access along such alternate road, track or firetrail and, if required to do so by the Minister, the lease holder shall upon completion of operations rehabilitate the surface of the original road, track or firetrail to a condition satisfactory to the Minister.

## RESERVES

- 38 The lease holder shall permit the free and uninterrupted passage of stock through the subject area and shall conduct operations in such a manner as not to cause any danger to travelling stock.
- 39 The lease holder shall permit the free and uninterrupted passage of stock through that part or those parts, as the case may be, of the subject area covered by **Travelling Stock Reserve No 97817** and shall conduct operations as not to cause any danger to persons and travelling stock.

## TRANSMISSION LINES, COMMUNICATION LINES AND PIPELINES

- 41 The lease holder shall as far as is practicable so conduct operations as not to interfere with or impair the stability or efficiency of any transmission line, communication line or pipeline traversing the surface or the excepted surface of the subject area and shall comply with any direction given or which may be given by the Minister in this regard.
- 42 Unless with the consent of **Energy Australia**, the lease holder shall not carry out any operations within any easement for any power transmission line traversing the subject area.

## ABORIGINAL PLACE OR RELIC

- 43 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.

## LABOUR/EXPENDITURE

- 44 The lease holder shall during each year of the term of the authority:
- (a) ensure that at least **168** workers are efficiently employed on the subject area or
  - (b) expend on operations carried out in the course of prospecting or mining the subject area, an amount of not less than **Two Million, Nine Hundred & Forty Thousand Dollars (\$2,940,000.00)**.

The Minister may, at any time after a period of two (2) years from the date on which this authority has effect or from the date on which the renewal of this authority has effect, increase or decrease the amount of expenditure of labour required.

## ADDITIONAL INFORMATION

- 45 The lease holder shall if directed by the Minister and within such time as the Minister may stipulate furnish to the Minister:
- (a) information regarding the ownership of the land within the subject area;
  - (b) information regarding the ownership of the coal within the subject area prior to 1st January, 1982;
  - (c) an indemnity in a form approved by the Minister indemnifying the Crown and the Minister against any wrong payment effected as a result of incorrect information furnished by the lease holder;

- (d) information regarding the financial viability of the lease holder and operations within and associated with the subject area; and
- (e) information regarding shareholdings in the lease holder.

## **SERVICE OF NOTICES**

- 46 Within a period of three (3) months from the date of this authority or a period of three (3) months from the date of service of the notice of renewal, or within such further time as the Director General may allow the lease holder shall serve on each owner and occupier of the private land and on each occupier of the Crown land held under a pastoral lease within the subject area a notice in writing indicating that this authority has been granted or renewed and whether the authority includes the surface. The notice shall be accompanied by an adequate plan and description of the subject area. If there are ten (10) or more owners or occupiers affected the lease holder may serve the notice by publication in a newspaper circulating in the region where the subject area is situated. The notice shall indicate that this authority has been granted or renewed, state whether the authority includes the surface and shall contain an adequate plan and description of the subject area.

## **INSPECTORS**

- 47 (a) Where the Inspector is of the opinion that any condition of this authority relating to operations within the subject area, or any provision of the Mining Act, 1992, relating to operations within the subject area, are not being complied with by the lease holder, the Inspector may serve on the lease holder a notice stating that and give particulars of the reason why, and may in such notice direct the lease holder:
- (i) to cease operations within the subject area in contravention of that condition or Act; and
  - (ii) to carry out within the specified time works necessary to rectify or remedy the situation.
- (b) The lease holder shall comply with the directions contained in any notice served pursuant to sub paragraph (a) of this condition. The Director General may confirm, vary or revoke any such direction.
- (c) A notice referred to in his condition may be served on the Colliery Manager.



## INDEMNITIES

- 48 The lease holder shall indemnify and keep indemnified the Crown from and against all actions suits and claims and demands of whatsoever nature and all costs charges and expense which may be brought against the lease holder or which the lease holder may incur respect of any accident or injury to any person or property which may arise out of the construction maintenance or working of any workings now existing or to be made by the lease holder within the boundaries of the subject area or in connection with any of the operations notwithstanding that all other conditions of this authority shall in all respects have been observed by the lease holder or that any such accident or injury shall arise from any act or thing which the lease which the lease holder may be licensed or compelled to do hereunder.
- 49 The lease holder shall save harmless the Crown from payment of compensation and from and against all claims, actions, suits or demands whatsoever in the event of any damage resulting from mining operations under or near the subject area.

## PROSPECTING (GENERAL)

- 50 (a) Where the lease holder desires to commence prospecting operations in the subject area the lease holder shall notify the Director General in writing and shall comply with such additional conditions as the Minister may impose including any condition requiring the lodgement of an additional bond of other form of security or rehabilitation of the area affected by such operations.
- (b) Where the lease holder notifies the Director General pursuant to sub paragraph (a) of this condition the lease holder shall furnish with that notification details of the type of prospecting methods that would be adopted and the extent and location of the area that would be affected by them.

## SECURITY DEPOSIT

- 51 (a) The lease holder shall, upon request by the Director General, lodge with the Minister the sum of **Eight Hundred & Forty Two Thousand Dollars (\$842,000.00)** in accordance with Instructions for Manner of Lodgement of Security Deposits as security for the fulfilment of the obligations of the lease holder under this authority. In the event that the lease holder fails to fulfil any of the lease holder's obligations under this authority the said sum may be applied at the discretion of the Minister towards the cost of fulfilling such obligations. For the purposes of the clause a lease holder shall be deemed to have failed to fulfil the lease holder's obligations under this authority, if the lease holder fails to comply with any condition or provision of this authority, any provision of the Act or regulations made thereunder or any condition or direction imposed or given pursuant to a condition or provision of this authority or of any provision of the Act or regulations made thereunder.
- (b) The Minister may at may time after the commencement of this authority or any renewal thereof, vary the amount of security required in accordance with this condition.

- (c) Where the amount of security has been increased pursuant to Clause (b) hereof the lease holder shall, within two (2) months of being requested by the Minister, lodge a security for the amount of security required, in which case the Minister shall refund or release to the lease holder the security previously lodged.

## **ROYALTY AT ADDITIONAL RATE**

- 54 The lease holder shall during the term of this authority pay to the Minister royalty at the additional rate as prescribed by the Regulations for coal recovered by open cut mining methods from the area of the lease.

## **ADDITIONAL CONDITIONS**

55. In the event of operations interfering with or impairing the stability of any transmission line traversing the subject area or if required so to do by the Minister the registered holder shall, at his own expense, relocate any such transmission line to the satisfaction of, and in a position required by, Energy Australia and the Minister and, if required so to do by the Minister, and subject to such conditions as he may impose, the registered holder upon completion of operations and at his own expense, shall relocate any such transmission line to its original position.
56. Settling dams or other dams to be constructed on the subject area shall be constructed, maintained and sealed to the satisfaction of the District Inspector of Coal Mines.

# WARKWORTH

# PLAN "A"

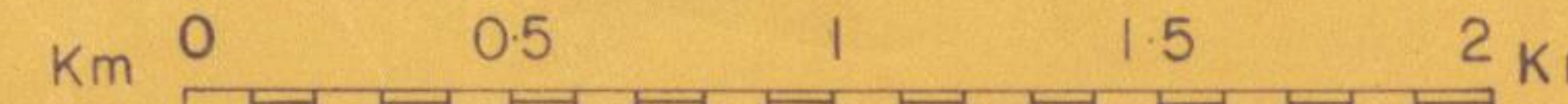
SUBJECT TO SURVEY

PAPERS : M 85 - 350

PARISHES: Lemington, Warkworth and Wollombi.

COUNTIES : Hunter and Northumberland

SCALE 1: 25000

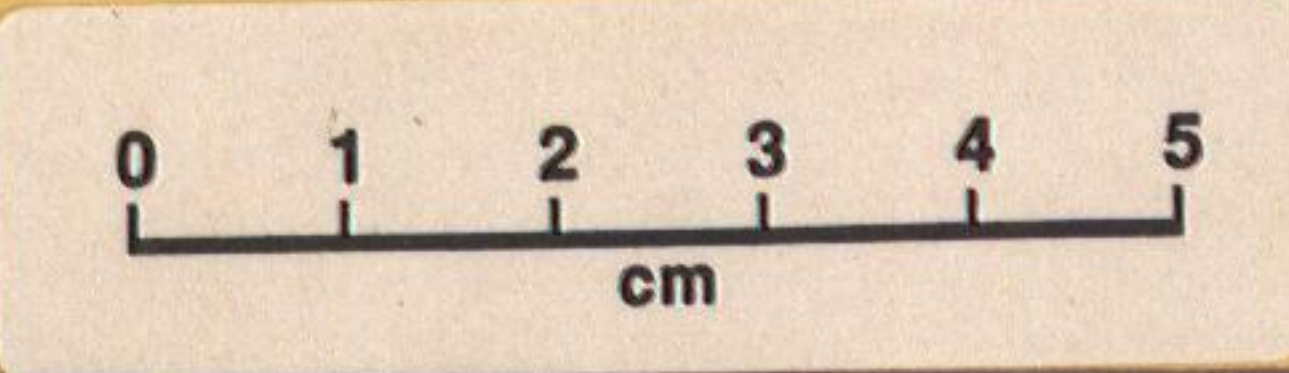


## SURFACE EXCEPTION / DEPTH RESTRICTION

- Embraces the surface and land below to unlimited depth.
- Excepts the surface and land below to a depth of 20.0 metres.

THIS IS THE PLAN "A" REFERRED TO IN THE ANNEXED  
 CONSOLIDATED COAL LEASE NO. 753 UNDER THE COAL MINING  
 ACT, 1902 GRANTED TO **WARKWORTH**  
**MINING LIMITED**  
 REGISTERED HOLDER *Margaret J. Hill*  
 WITNESS TO THE MINISTER'S SIGNATURE

AREA About 4192 Ha



SCALE : 1: 25000  
 CATALOGUE N° D 6579

R10000894  
D100028330

## **ENDORSEMENT SCHEDULE**

Pursuant to Section 239 (2) of the Mining Act 1992, the Minister for Mineral Resources has amended those leases as depicted on the Schedule 'B', hereunder so as, wherever such leases do not already contain such a condition, to include the condition as depicted in the Schedule 'A'. These amendments took effect as from and on 18 March 2004.



**for Director-General**

### **SCHEDULE 'A'**

#### **SUBSIDENCE MANAGEMENT**

- (a) The lease holder shall prepare a Subsidence Management Plan prior to commencing any underground mining operations which will potentially lead to subsidence of the land surface.
- (b) Underground mining operations which will potentially lead to subsidence include secondary extraction panels such as longwalls or miniwalls, associated first workings (gateroads, installation roads and associated main headings, etc), and pillar extractions, and are otherwise defined by the *Guideline for Applications for Subsidence Management Approvals*.
- (c) The lease holder must not commence or undertake underground mining operations that will potentially lead to subsidence other than in accordance with a Subsidence Management Plan approved by the Director-General, an approval under the *Coal Mines Regulation Act 1982*, or the document *New Subsidence Management Plan Approval Process – Transitional Provisions*.
- (d) Subsidence Management Plans are to be prepared in accordance with the *Guideline for Applications for Subsidence Management Approvals*.
- (e) Subsidence Management Plans as approved shall form part of the Mining Operations Plan required under Condition 2 and will be subject to the Annual Environmental Management Report process as set out under Condition 3. The SMP is also subject to the requirements for subsidence monitoring and reporting set out in the document *New Approval Process for Management of Coal Mining Subsidence - Policy*.

**SCHEDULE 'B'**

LEASE HOLDER	LEASE NUMBER
Coal & Allied Operations Pty Ltd	Private Lands Lease No. 633 (Act 1906)
	Consolidated Mining Lease No. 1 (Act, 1992)
	Mining Lease No. 1337 (Act 1992)
	Mining Lease No. 1359 (Act 1992)
	Coal Lease No. 327 (Act 1973)
	Coal Lease No. 359 (Act 1973)
	Coal Lease No. 360 (Act 1973)
	Coal Lease No. 390 (Act 1973)
	Coal Lease No. 398 (Act 1973)
	Consolidated Coal Lease No. 714 (Act, 1973)
	Consolidated Coal Lease No. 755 (Act, 1973)
	Mining Lease No. 1324 (Act 1992)
	Mining Lease No. 1396 (Act 1992)
	Mining Lease No. 1465 (Act 1992)
Mount Thorley Operations Pty Ltd	Coal Lease No. 219 (Act 1973)
	Consolidated Coal Lease No. 774 (Act, 1973)
Namoi Valley Coal Pty Ltd	Coal Lease No. 375 (Act 1973)
	Coal Lease No. 316 (Act 1973)
Novacoal Australia Pty Ltd	Private Lands Lease No. 481 (Act 1906)
	Consolidated Coal Lease No. 709 (Act, 1973)
	Consolidated Mining Lease No. 4 (Act, 1992)
	Mining Lease No. 1406 (Act 1992)
	Mining Lease No. 1428 (Act 1992)
Warkworth Mining Ltd	Coal Lease No. 584 (Act 1973)
	Consolidated Coal Lease No. 753 (Act, 1973)
	Mining Lease No. 1412 (Act 1992)

## ENDORSEMENT SCHEDULE

In accordance with the provisions of Section 79 (4) of the Mining Act 1992, the Minister amended those authorities as listed in the attached Schedule "A" so as to require a single security in the amount of \$61,613,000 to be given and maintained.

The amendment takes effect on and from 23 April 2008.



Gary Walker  
Northern Titles

**SCHEDULE "A"**

**Consolidated Coal Lease 753 (Act 1973)**  
**Mining Lease 1412 (Act 1992)**  
**Mining Lease 1590 (Act 1992)**

## ENDORSEMENT SCHEDULE

In accordance with Clause 29(1) of the *Mining Regulation 2010*, the Minister has, by order, declared that Consolidated Coal Lease 753 (Act 1973), Coal Lease 219 (Act 1973), Mining Lease 1412 (Act 1992) and Mining Lease 1590 (Act 1992) are taken to be a single mining lease for the purpose of enabling the labour and expenditure conditions of the leases to be aggregated.

The order takes effect on and from 12 June 2011.

The effect of the declaration is to allow the holder of the mining leases to comply with the labour and expenditure conditions of the leases, as if they were the conditions of a single mining lease over the whole of the land the subject of the leases.

A handwritten signature in black ink, appearing to read 'G Walker', written in a cursive style.

Gary Walker  
Coal & Petroleum Titles



## ENDORSEMENT SCHEDULE

In accordance with Section 80 (3) of the *Mining Act 1992*, the Minister on 22 June 2011 approved the addition of the Prescribed Dam condition as shown on Annexure A to Consolidated Coal Lease 753 (Act 1973).

A handwritten signature in black ink, appearing to read 'Jeff Inman', with a long horizontal flourish extending to the right.

Jeff Inman  
Coal & Petroleum Titles

## ANNEXURE A

### Prescribed Dam

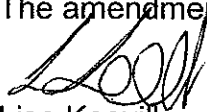
- 58 (a) Notwithstanding any Mining Operations Plan, the lease holder must not mine within any part of the lease area which is within the notification area of the **Warkworth North Pit Tailings Dam, Warkworth Mine Tailings Dam and Mt Thorley North Out Of Pit Water Dam** without the prior written approval of the Minister and subject to any conditions he may stipulate.
- (b) Where the lease holder desires to mine within the notification area he 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) the Dams Safety Committee as constituted by Section 7 of the Dams Safety Act 1978 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 Director-General has complied with any reasonable request made by the Dams Safety Committee or the owner of the dam for further information in connection with the mining proposal.
    - (d) the Dams Safety Committee 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 the Dams Safety Committee has made recommendations the approval is in terms that are:
      - (i) in accordance with those recommendations; or
      - (ii) 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 the Dams Safety Committee or where the Dams Safety Committee 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:
  - (a) as determined by agreement between the Minister and the Minister administering the Dams Safety Act 1978; or
  - (b) in the event of failure to reach such agreement - as determined by the Premier.
- (d) The Minister, on notice from the Dams Safety Committee, may at any time or times:
  - (i) cancel any approval given where a notice pursuant to Section 18 of the Dams Safety Act 1978 is given.
  - (ii) suspend for a period of time, alter, omit from or add to any approval given or conditions imposed.

## Endorsement Schedule

In accordance with the provisions of Section 261B(3) of the *Mining Act 1992*, the Minister amended **Consolidated Coal Lease 753 (Act 1973) Mining Lease 1412 (Act 1992) and Mining Lease 1590 (Act 1992)** so as to require a single security in the amount of \$60,270,000 to be given and maintained.

The amendment takes effect on and from 11 June 2013.



Lisa Keevill  
Coal & Petroleum Titles

## INSTRUMENT OF AMENDMENT

I, as delegate of the Minister for Resources and Energy for the State of New South Wales, under delegation dated 30 November 2010, and pursuant to section 239(2) of the Mining Act 1992, amend Consolidated Coal Lease 753 (Act 1973) as follows:

The condition imposed by the Endorsement Schedule dated 18 March 2004 is amended by deleting the existing condition and replacing it with the condition set out below.

### Extraction Plan Condition

(a) In this condition:

(i) **approved Extraction Plan** means a plan, being:

A. an extraction plan or subsidence management plan approved in accordance with the conditions of a relevant development consent and provided to the Secretary; or

B. a subsidence management plan relating to the mining operations subject to this lease:

I. submitted to the Secretary on or before 31 December 2014; and

II. approved by the Secretary.

(ii) **relevant development consent** means a development consent or project approval issued under the *Environmental Planning & Assessment Act 1979* relating to the mining operations subject to this lease.

(b) The lease holder must not undertake any underground mining operations that may cause subsidence except in accordance with an approved Extraction Plan.

(c) The lease holder must ensure that the approved Extraction Plan provides for the effective management of risks associated with any subsidence resulting from mining operations carried out under this lease.

(d) The lease holder must notify the Secretary within 48 hours of any:

(i) incident caused by subsidence which has a potential to expose any person to health and safety risks;

(ii) significant deviation from the predicted nature, magnitude, distribution, timing and duration of subsidence effects, and of the potential impacts and consequences of those deviations on built features and the health and safety of any person; or

(iii) significant failure or malfunction of a monitoring device or risk control measure set out in the approved Extraction Plan addressing:

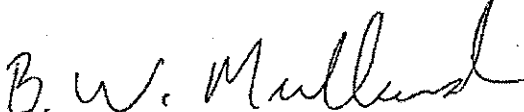
A. built features;

B. public safety; or

C. subsidence monitoring.

This amendment is effective from 1 July 2014.

SIGNED

A handwritten signature in black ink, appearing to read "B. W. Mullard". The signature is written in a cursive style with a large, sweeping initial "B".

Under delegation  
Brad Mullard  
Executive Director, Mineral Resources  
Dated: 30 June 2014

## Endorsement Schedule

In accordance with the provisions of Section 261B (3) & (4) of the *Mining Act 1992*, the decision-maker varied the security condition of Consolidated Coal Lease 753 (Act 1973) and Mining Leases 1412 & 1590 (Act 1992) so as to require a security in the amount of \$66,842,000 to be given and maintained.

The amendment takes effect on and from 22 March 2016.

A handwritten signature in black ink, appearing to read 'G Walker', written in a cursive style.

Gary Walker  
Titles

## INSTRUMENT OF VARIATION

I, as delegate of the Minister for Resources for the State of New South Wales, under delegation dated 1 May 2017, and pursuant to Clause 12 of Schedule 1B of the *Mining Act 1992*, vary CCL 753 (1973) as follows:

Condition 44 is omitted from the conditions of CCL 753 (1973).

This variation is effective from 8 October 2018.

SIGNED

A handwritten signature in black ink, appearing to read 'David Humphris', is positioned below the 'SIGNED' text.

As delegate for the Minister for Resources

David Humphris  
Acting Director Titles Assessment | Resource Operations  
Dated: 10 September 2018