

Instrument of Renewal

Section 114 of the *Mining Act 1992*

I, **Jamie Tripodi, Executive Director Assessment & 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 **Coal Lease 219 (Act 1973)**, as described in Schedule 1, to **Mount Thorley Operations Pty Limited, ACN 000 013 249**, subject to the conditions:

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

Note: For the avoidance of doubt, any prior Description of Lease and any Conditions imposed prior to the effective date of this Instrument of Renewal are replaced by Schedule 1 and 2 of this Instrument of Renewal on and from the effective date.

Signed this 22nd day of March 2023.



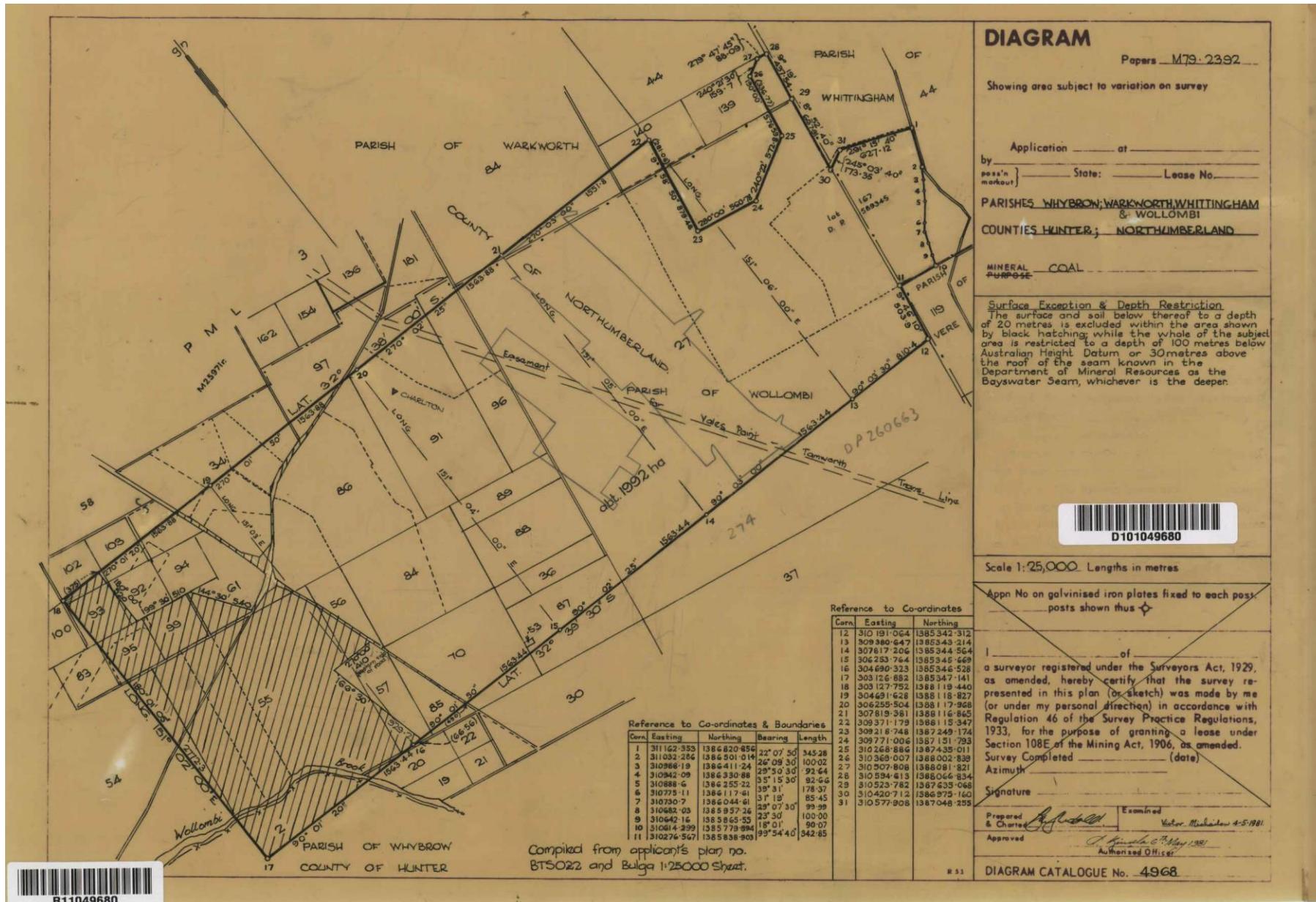
Jamie Tripodi
Executive Director Assessment & Systems
Mining, Exploration and Geoscience
Regional NSW

As delegate for the Minister administering the *Mining Act 1992*
Delegation dated: 28 February 2023

SCHEDULE 1

Description of Lease

Coal lease:	219 (Act 1973)
Renewal date:	22 March 2023
Effective date:	24 September 2023
Term ending (expiry date):	23 September 2044
Lease Holder(s)	Mount Thorley Operations Pty Limited, ACN 000 013 249
Land:	The lease area includes all land described in the attached lease plan titled D4968 and approved on 6 May 1981 .
Area:	1992 hectares
Surface Exception / Depth Restriction:	Various as shown on the plan
Mineral(s):	Coal Petroleum
Method:	Nil methods specified in the lease



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 **\$82,180,000**.

The leases covered by the group security include:

Coal Lease 219 (Act 1973) (This lease) (Head lease)
Mining Lease 1752 (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 1992*. The cooperation agreement should address but not be limited to:

- access arrangements

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- 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.

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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. Petroleum (Mining Operations By-Product Only)

For the purposes of this lease, petroleum is limited to coal bed methane that is captured or extracted as a by-product in the course of carrying out mining activities.

7. Dam 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 **Mt Thorley Mini Strip Pit Dam, Mt Thorley Central Ramp Tailings Dam, Mt Thorley Abbey Green South TSF and Mt Thorley South Out Of Pit Water 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

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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.

suspend for a period of time, alter, omit from or add to any approval given or conditions imposed.

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 2016*.

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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