

Instrument of Renewal


Section 114 of the *Mining Act 1992*

I, **Jamie Tripodi, Executive Director Assessments & Systems, NSW Resources**, 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 **Consolidated Mining Lease 2 (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.

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 26th day of September 2024.



Jamie Tripodi

Executive Director Assessments & Systems

NSW Resources

Department of Primary Industries and Regional Development

As delegate for the Minister administering the *Mining Act 1992*

Delegation dated: 28 February 2023

SCHEDULE 1

Description of Lease

Consolidated Mining Lease:	2 (Act 1992)
Renewal date:	26 September 2024
Effective date:	7 July 2025
Term ending (expiry date):	24 March 2041
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 M27155 and approved on 20 June 2009 .
Area:	3388 hectares
Surface Exception / Depth Restriction:	See plan.
Mineral(s):	Coal
Method:	Underground methods



SCHEDULE 2

Mining Lease Conditions 2021

(Version 1.3 as at October 2023)

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) The lease holder must cause written notice of the grant or renewal of this mining lease to be provided to each landholder of land over which the mining lease was granted or renewed in accordance with paragraph (b).
- (b) If there are –
 - i. less than 10 landholders of the land over which the lease was granted or renewed – the notice must be provided to each landholder,
 - ii. 10 or more landholders of the land over which the lease was granted or renewed – the notice may be provided to each landholder or published in a newspaper circulating in the area where the mining lease is situated.
- (c) The notice must be provided –
 - i. for notice of the grant of the mining lease – not later than 90 days after the date on which the mining lease was granted,
 - ii. for notice of the renewal of the mining lease – not later than 90 days after the date on which the renewal of the mining lease takes effect.
- (d) The notice must include the following –
 - i. a statement that the mining lease has been granted or renewed (as relevant),
 - ii. confirmation as to whether the mining lease includes the surface of the land,
 - iii. a plan which identifies –
 - 1. the area of the land subject to the mining lease, and
 - 2. geographical and other features (such as roads, rivers, railways, towns, suburbs, or localities) that are sufficient to identify the area of the State within which the mining lease is situated.

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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 **\$52,775,000**.

The leases covered by the group security include:

Consolidated Coal Lease 728 (Act 1973)
Consolidated Coal Lease 752 (Act 1973)
Consolidated Mining Lease 2 (Act 1992) (This lease)
Dam Site Lease (Mining Purposes) 89 (Act 1901) (Head lease)
Mining Lease 1157 (Act 1906)
Mining Lease 1283 (Act 1906)
Mining Lease 1345 (Act 1992)
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)
Mining Lease 1851 (Act 1992)
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)

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. 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 **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

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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(s) in Schedule A applies to the carrying out of the ancillary mining activity(s) specified in Schedule B on the land described in Schedule C.

Schedule A – Ancillary Mining Activity Conditions

1. Notification of commencement of ancillary mining activity(s)

- (a) If none of the activities under Schedule B have commenced at the time this condition takes effect, the lease holder must notify the Minister in writing before commencing the first activity.
- (b) If any of the activities under Schedule B have commenced before this condition takes effect, the lease holder must notify the Minister in writing within 30 days after this condition takes effect. The notification must include which AMA(s) have commenced.
- (c) The written notice must be provided to the Minister by email to the Resources Regulator at nswresourcesregulator@service-now.com.
- (d) Notification under this condition is not required for each individual activity under Schedule B if they commence at different times. It is required when the first activity(s) commences.

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Schedule B – 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 C - 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 A, 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.

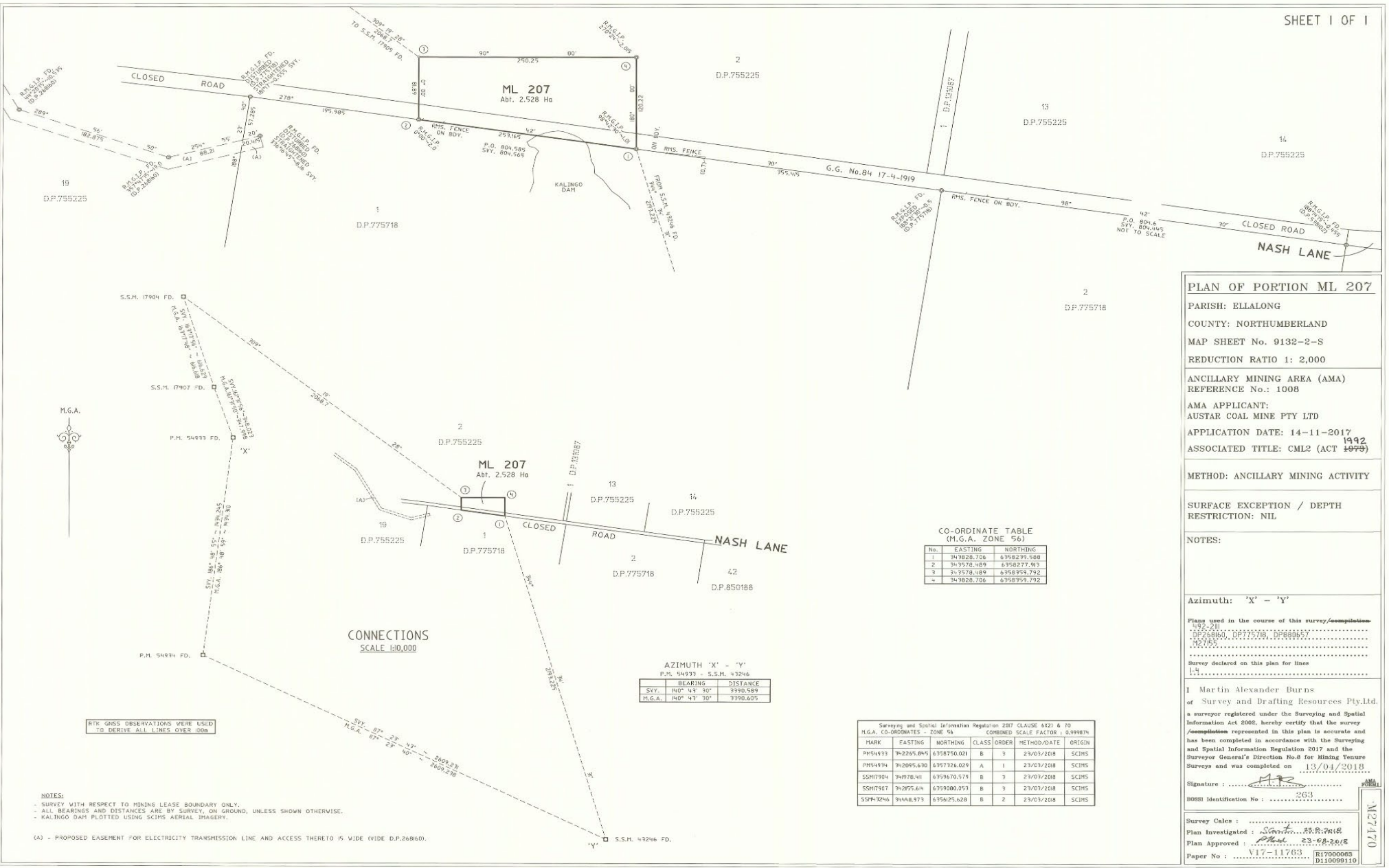
Exploration Reporting

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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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/compilation:
1:10,000
1:25,000
1:50,000
1:100,000
1:250,000
1:500,000
1:1,000,000
Survey declared on this plan for lines:
1:10,000
1:25,000
1:50,000
1:100,000
1:250,000
1:500,000
1:1,000,000
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 Tenure
Surveys and was completed on 13/01/2018.
Signature :
BORSI Identification No : 263
Survey Cales :
Plan Investigated :
Plan Approved :
Paper No : V17-11763 R17000083 D110009110