

Instrument of Variation

Mining Lease 1471 (1992)

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 mining lease **ML 1471 (1992)** as described in Schedule A.

The conditions of **ML 1471 (1992)**, 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: 24 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	Rehabilitation Condition omitted	N/A
3	Mining Operations Plan and Annual Rehabilitation Report Condition omitted	N/A
4	Non-Compliance Reporting Condition omitted	N/A
5	Environmental Incident Report Condition omitted	N/A
6	Extraction Plan Condition omitted	N/A
7	Resource Recovery Condition omitted	N/A
8	Group Security Condition amended to modernise the wording. Condition has been re-numbered due to omission of other conditions.	2. Group Security– see Schedule B
9	Cooperation Agreement Condition amended to modernise the wording. Condition has been re-numbered due to omission of other conditions.	3. Cooperation Agreement – see Schedule B
N/A	New condition attached	4. Assessable Prospecting Operations– see Schedule B
SPECIAL CONDITIONS		
10	Aboriginal Place or Relic Condition has been re-numbered due to omission of other conditions.	5. Aboriginal Place or Relic – see Schedule B

Schedule B

Mining Lease 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 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 **\$605,000**.

The leases covered by the group security include this **ML 1471 (1992)** and:

Lease type	Lease Number	Act Year
ML	1464	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.

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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Renewal of Mining Lease 1471 (Act 1992)

Held by Whitehaven Coal Mining Limited, ACN 086 426 253

Section 114 of the *Mining Act 1992*

I, **Georgina Beattie, Deputy Secretary, Mining, Exploration and Geoscience**, as delegate of the Minister administering the *Mining Act 1992* for the State of New South Wales, and pursuant to section 114 of the *Mining Act 1992*, determine to renew **Mining Lease 1471 (Act 1992)** subject to the following:

1. The renewed Lease is as described in Schedule 1 of this document.
2. The Lease conditions are amended upon renewal and are set out in Schedule 2 of this document.
3. For the avoidance of doubt, Schedules 1 and 2 of the Lease are amended by deleting the details set out in those Schedules prior to the date of this renewal, and inserting the details set out in Schedules 1 and 2 of this document.

The conditions set out in Schedule 2 are imposed pursuant to provisions of the *Mining Act 1992* and are required to:

- ensure optimal resource recovery;
- prevent, minimise, and/or offset adverse environmental impacts;
- provide for the ongoing environmental management of the project; and
- ensure the areas disturbed by mineral production and exploration activities are appropriately rehabilitated.

The rights and duties of a Lease Holder are those prescribed by the *Mining Act 1992* and the Mining Regulation 2016, subject to the terms and conditions of this Lease. This lease does not override any obligation on the Lease Holder to comply with the requirements of other legislation and regulatory instruments which may apply to the Lease Holder (including all relevant development approvals), unless specifically provided in the *Mining Act 1992* or other legislation or regulatory instruments.

Signed this 24th day of June 2021



Georgina Beattie
Deputy Secretary, Mining, Exploration and Geoscience
Department of Regional NSW
As delegate for the Minister administering the *Mining Act 1992*
Delegation dated: 14 May 2018

Schedule 1

Description of Lease

Land: The lease area embraces all land described in the attached lease plan titled **M26913R** and approved on **17 August 2000**.

Area: 385.4 hectares

Minerals: Coal

Surface Exception: Nil

Depth Restriction: 900 metres below AHD

Method: Open Cutting

Term ending: 6 September 2042

Effective From: 7 September 2021

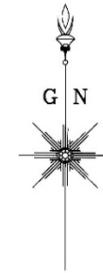
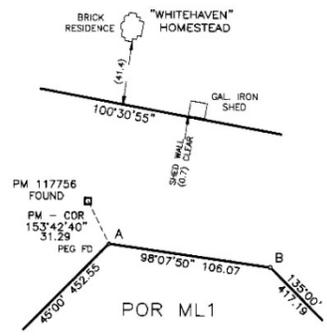


DIAGRAM
SCALE 1:2000



ISG CO-ORDINATES

COR	EASTING	NORTHING
A	220 600.07	1 598 019.9
B	220 705.07	1 598 004.9
C	221 000.06	1 598 709.91
D	220 550.06	1 598 259.92
E	220 255.07	1 598 549.92
F	220 280.07	1 598 899.91
G	221 175.07	1 598 055.99
H	221 125.05	1 598 890.66
I	221 778	1 598 582
J	221 457.01	1 596 647.27
K	220 579.99	1 596 640.89
L	219 620.15	1 596 793.28
M	219 803.89	1 597 951.3
N	219 848.87	1 597 944.17
O	220 049	1 599 215

LINE J-K COINCIDES WITH BOUNDARY OF CL 316
 LINE K-L COINCIDES WITH BOUNDARY OF PT POR 133
 LINES M-N AND G-H COINCIDE WITH BOUNDARIES OF POR 138
 CORNERS I, J, L, N AND O HAVE BEEN MARKED BY THIS SURVEY
 EXCLUDES POR ML 1

CONNECTIONS

FROM	TO	BEARING	DISTANCE
PM 117755	PM 117756	309°00'30"	535.17
PM 117756	TS 10858	183°14'50"	4379.35
PM 117761	PM 117762	98°53'48"	431.63
PM 117756	PM 117762	148°53'55"	1578.23
TS 10858	COR L	341°16'12"	2235.99
TS 10858	TS 10859	103°41'43"	561
TS 10858	SSM 37883	78°17'04"	1762.98

SURVEYORS (PRACTICE) REGULATION 1996: CLAUSE 32(2)

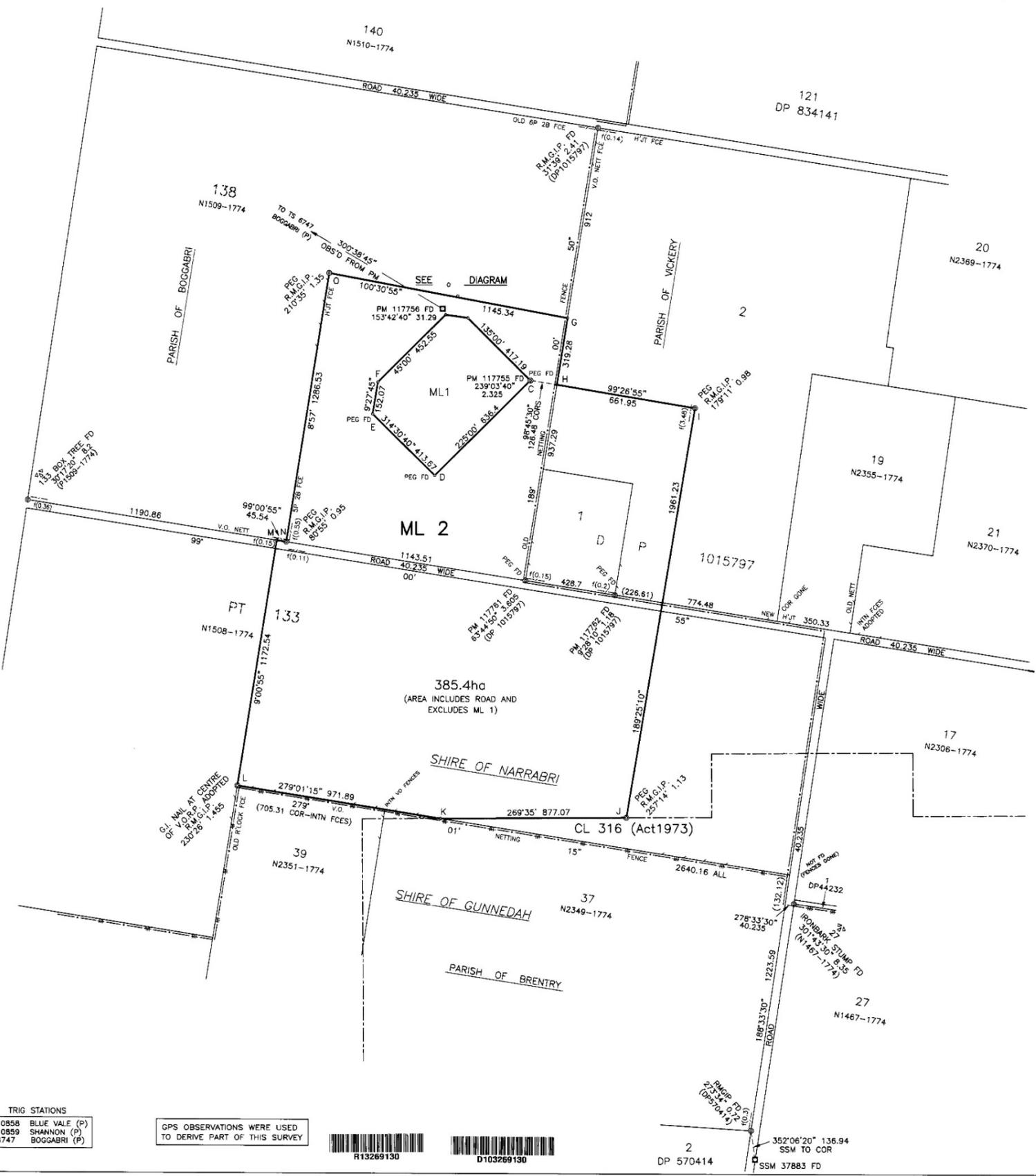
MARK	I.S.G. CO-ORDINATES		ZONE	HOR. ACC.
	EASTING	NORTHING		
TS 10858	220 338.127	1 594 675.768	561	2
TS 10859	224 631.072	1 593 629.635	561	2
TS 6747	207 863.17	1 606 586.825	561	1

COMBINED SCALE FACTOR: 0.99997
 ISG CO-ORDINATES ADOPTED FROM S.C.I.M.S AS OF 8/10/1998

TRIG STATIONS

TS 10858	BLUE VALE (P)
TS 10859	SHANNON (P)
TS 6747	BOGGABRI (P)

GPS OBSERVATIONS WERE USED TO DERIVE PART OF THIS SURVEY



PLAN OF PORTION ML 2
 PARISH(S) BOGGABRI & VICKERY
 COUNTY(S) NANDEWAR
 MAP SHEET NO(S) 8936-4-5
 REDUCTION RATIO 1: 10 000
 MINING LEASE APPLICATION NO. 149
 MINING DIVISION ARMDALE
 APPLICANT WHITEHAVEN COAL P/L
 APPLICATION DATE. 3.3.2000
 MINING LEASE NO. **ML1471 (Act 1992)**
 STATUS
 METHOD OPEN CUT
 SURFACE EXCEPTION/DEPTH RESTRICTION
 NIL **
****TITLE RESTRICTED TO A MAXIMUM DEPTH OF 900 METRES BELOW AUSTRALIAN HEIGHT DATUM (AHD)**

NOTES

Azimuth TS 10858 - TS 10859

Plans used in the course of this survey / compilation
 ML1 (M26891), CL316 (D6318), DP570414,
 DP1015797, N1467, N1507, N1508, N1509, N2306,
 N2351, N2355, N2374
 Survey declared on this plan for lines
 LINES G-H-I-J-K-L-M-N-O-P
 LINES A-B-C-D-E-F

I, CLIFFORD R. STEWART
 of 108 BARBER STREET, GUNNEDAH, NSW, 2380
 a surveyor registered under the Surveyors Act, 1925,
 hereby certify that the survey represented in this
 plan is accurate and has been completed in accordance
 with the Survey Practices Regulations, 1996 and the
 Directions for the Guidance of Mining Surveyors
 and was completed on 8TH AUGUST, 2000.
 Signature: *CR Stewart*
 Surveyors Reference: 20000084

Survey Calcs:
 Plan Investigated:
 Plan Approved: *TS 10858*
 Paper No: C00-0416

M 26913 R

ALL DISTANCES SHOWN ARE GROUND LEVEL DISTANCES

Schedule 2

Mining Lease Conditions 2013

Definitions

1. **Notice to Landholders**
2. **Rehabilitation**
3. **Mining Operations Plan and Annual Rehabilitation Report**
4. **Non-Compliance Reporting**
5. **Environmental Incident Report**
6. **Extraction Plan**
7. **Resource Recovery**
8. **Group Security**
9. **Cooperation Agreement**
10. **Special Condition – Aboriginal Place or Relic**

Note: Exploration Reports (Geological and Geophysical)

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Definitions:

Words used in this mining lease have the same meaning as defined in the *Mining Act 1992* except where otherwise defined below:

Act means the *Mining Act 1992*.

Department means the Mining, Exploration and Geoscience group within Regional NSW. It is noted that Regional NSW is a Department of the Public Service.

Environment has the same meaning as in the *Protection of the Environment Operations Act 1997*.

Environmental incident notifications and reports means any notifications and reports required to be provided to relevant authorities under Part 5.7 or Part 5.7A of the *Protection of the Environment Operations Act 1997*.

Harm to the environment has the same meaning as in the *Protection of the Environment Operations Act 1997*.

Landholder for the purposes of these conditions does not include a secondary landholder and includes, in the case of exempted areas, the controlling body for the exempted area.

Minister means the Minister administering the Act.

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MINING LEASE CONDITIONS 2013

1. Notice to Landholders

- (a) Within a period of three months from the date of grant/renewal of this mining lease, the lease holder must serve on each landholder a notice in writing indicating that this mining lease has been granted/renewed and whether the lease includes the surface. A plan identifying each landholder and individual land parcel subject to the lease area, and a description of the lease area must accompany the notice.
- (b) If there are ten or more landholders, the lease holder may serve the notice by publication in a newspaper circulating in the region where the lease area is situated. The notice must indicate that this mining lease has been granted/renewed; state whether the lease includes the surface and must contain a plan and description of the lease area. If a notice is made under condition 1(b), compliance with condition 1(a) is not required.

2. Rehabilitation

Any disturbance resulting from the activities carried out under this mining lease must be rehabilitated to the satisfaction of the Minister.

3. Mining Operations Plan and Annual Rehabilitation Report

- (a) The lease holder must comply with an approved Mining Operations Plan (MOP) in carrying out any significant surface disturbing activities, including mining operations, ancillary mining activities and prospecting. The lease holder must apply to the Minister for approval of a MOP. An approved MOP must be in place prior to commencing any significant surface disturbing activities, including mining operations, ancillary mining activities and prospecting.
- (b) The MOP must identify the post mining land use and set out a detailed rehabilitation strategy which:
 - (i) identifies areas that will be disturbed;
 - (ii) details the staging of specific mining operations, ancillary mining activities and prospecting;
 - (iii) identifies how the mine will be managed and rehabilitated to achieve the post mining land use;
 - (iv) identifies how mining operations, ancillary mining activities and prospecting will be carried out in order to prevent and or minimise harm to the environment; and
 - (v) reflects the conditions of approval under:
 - the *Environmental Planning and Assessment Act 1979*;
 - the *Protection of the Environment Operations Act 1997*; and
 - any other approvals relevant to the development including the conditions of this mining lease.
- (c) The MOP must be prepared in accordance with the *ESG3: Mining Operations Plan (MOP) Guidelines September 2013* published on the [Department's website](#).
- (d) The lease holder may apply to the Minister to amend an approved MOP at any time.

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- (e) It is not a breach of this condition if:
- (i) the operations which, but for this condition 3(e) would be a breach of condition 3(a), were necessary to comply with a lawful order or direction given under the *Environmental Planning and Assessment Act 1979*, the *Protection of the Environment Operations Act 1997*, the *Work Health and Safety (Mines and Petroleum Sites) Act 2013* and *Work Health and Safety (Mines and Petroleum Sites) Regulation 2014* or the *Work Health and Safety Act 2011*; and *Work Health and Safety Regulation 2017*.
 - (ii) the Minister had been notified in writing of the terms of the order or direction prior to the operations constituting the breach being carried out.
- (f) The lease holder must prepare a Rehabilitation Report to the satisfaction of the Minister. The report must:
- (i) provide a detailed review of the progress of rehabilitation against the performance measures and criteria established in the approved MOP;
 - (ii) be submitted annually on the grant anniversary date (or at such other times as agreed by the Minister); and
 - (iii) be prepared in accordance with any relevant annual reporting guidelines published on the [Department's website](#).

Note: The Rehabilitation Report replaces the Annual Environmental Management Report.

4. Non-Compliance Reporting

- (a) The lease holder must notify the Department upon becoming aware of any breaches of the conditions of this mining lease or breaches of the Act or Mining Regulation 2016;
- (b) Notifications under condition 4(a) must be provided in the form specified on the Department's website within seven (7) days of the mining lease holder becoming aware of the breach.

5. Environmental Incident Report

The lease holder must provide environmental incident notifications and reports to the Secretary no later than seven (7) days after those environmental incident notifications and reports are provided to the relevant authorities under the *Protection of the Environment Operations Act 1997*.

6. Extraction Plan

- (a) In this condition
 - (i) **approved Extraction Plan** means a plan, being:
 - an extraction plan or subsidence management plan approved in accordance with the conditions of a relevant development consent and provided to the Secretary; or
 - a subsidence management plan relating to the mining operations subject to this lease:

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- o submitted to the Secretary on or before 31 December 2014; and
 - o approved by the Secretary.
- (ii) **relevant development consent** means a development consent or project approval issued under the Environmental Planning and 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:
 - built features;
 - public safety; or
 - subsidence monitoring

7. Resource Recovery

The lease holder must optimise recovery of the minerals that are the subject of this mining lease to the extent economically feasible.

8. Group Security

The lease holder is required to provide and maintain a security deposit to secure funding for the fulfilment of obligations of all or any kind under the mining lease, including obligations of all or any kind under the mining lease that may arise in the future.

The amount of the security deposit to be provided as a group security has been assessed by the Minister at **\$605,000**.

The leases covered by the group security include:

Mining Lease No. 1464 (Act 1992)

Mining Lease No. 1471 (Act 1992)

9. Cooperation Agreement

The lease holder must make every reasonable attempt, and be able to demonstrate its attempts, to enter into a cooperation agreement with the holder(s) of any overlapping title(s). The cooperation agreement should address but not be limited to issues such as:

- 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.

Special Conditions

Note: The standard conditions apply to all mining leases. The Department reserves the right to impose special conditions, based on individual circumstances, where appropriate.

10. 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.

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Exploration Reporting

Note: Exploration Reports (Geological and Geophysical)

The lease holder must lodge reports to the satisfaction of the Secretary in accordance with section 163C of the Mining Act 1992 and in accordance with clause 59, 60 and 61 of the Mining Regulation 2016.

Reports must be prepared in accordance with Exploration Reporting: A guide for reporting on exploration and prospecting in New South Wales.

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