

Instrument of Variation

Consolidated Coal Lease 701 (Act 1973)

I, **JAMIE TRIPODI**, Executive Director Assessments & Systems, Mining Exploration and Geoscience, 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 **Consolidated Coal Lease (CCL) 701 (Act 1973)** as described in **Schedule A**.

The conditions of **CCL 701 (Act 1973)**, as varied, are set out in **Schedule B**.

The variation takes effect on **21 March 2023**.



JAMIE TRIPODI
Executive Director Assessments & Systems
Mining, Exploration and Geoscience
Regional NSW
As delegate for the Minister administering the *Mining Act 1992*
Delegation date: 19 October 2022

Dated: 21 February 2023

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	Condition amended to modernise the wording.
		1. Notice to Landholders – see Schedule B
2	Environmental Harm	Condition omitted
3	Mining Operations Plan	Condition omitted
4	Environment Management Reporting	Condition omitted
5	Environment Management Reporting	Condition omitted
6	Environment Management Reporting	Condition omitted
7	Rehabilitation	Condition omitted
8	Extraction Plan	Condition omitted
10	Control of Operations	Condition omitted
11	Reports	Condition omitted
12	Licence to Use Reports	Condition omitted
13	Confidentiality	Condition omitted
14	Terms of the non-exclusive licence	Condition omitted
15	Blasting	Condition omitted
16	Safety	Condition omitted
17	Exploratory Drilling	Condition omitted
18	Prevention of Soil Erosion and Pollution	Condition omitted
19	Transmission lines, Communication lines and Pipelines	Condition omitted
20	Fences, Gates	Condition omitted
21	Roads and Tracks	Condition omitted
22	Roads and Tracks	Condition omitted
23	Trees and Timber	Condition omitted
25	Resource Recovery	Condition omitted
26	Indemnity	Condition omitted
28	Security	Condition amended to modernise the wording. Condition has been re-numbered due to omission of other conditions.
		2. Group Security– see Schedule B
30	Suspension of Mining Operations	Condition omitted
		N/A

31	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
32	“Sylvandale”	Condition omitted	N/A
34	Details of Lands, Purposes and Additional Conditions	Condition omitted	N/A
35	Details of Lands, Purposes and Additional Conditions	Condition omitted	N/A
36	Details of Lands, Purposes and Additional Conditions	Condition omitted	N/A
37	Details of Lands, Purposes and Additional Conditions	Condition omitted	N/A
38	Details of Lands, Purposes and Additional Conditions	Condition omitted	N/A
39	Details of Lands, Purposes and Additional Conditions	Condition omitted	N/A
40	Details of Lands, Purposes and Additional Conditions	Condition omitted	N/A
41	Details of Lands, Purposes and Additional Conditions	Condition omitted	N/A
42	Details of Lands, Purposes and Additional Conditions	Condition omitted	N/A
N/A		New condition attached	4. Assessable Prospecting Operations – see Schedule B
SPECIAL CONDITIONS			
33	Details of Lands, Purposes and Additional Conditions	Condition amended to modernise the wording. Condition has been re-numbered due to omission of other conditions.	5. Details of Lands and Purposes – see Schedule B

Schedule B

Mining Lease Conditions

(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.

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 B (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 B.

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 **\$12,936,350**.

The leases covered by the group security include:

Consolidated Coal Lease 701 (Act 1973) (Head lease)
Mining Purposes Lease 162 (Act 1973)

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
- 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:
- it is carried out in accordance with any necessary development consent; or
 - 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. Details of Lands and Purposes

The lease holder shall be limited to the following purposes within the specified areas described on the plan annexed hereto and marked 'B'.

Land	Purposes
Lands shown by mauve colour	<ol style="list-style-type: none"> The construction, maintenance or use (in or in connection with mining operations) of: Any building or mining plant, conveyor, telephone line, bin, reservoir, dam, drain, road, telephone line, pipeline or cable. The generation and transmission of electricity for use in or in connection with mining operations. The stockpiling or depositing of overburden, ore or tailings. The storage of fuel, machinery, timber or equipment for use in or in connection with mining operations.
Lands shown by dark brown colour	<ol style="list-style-type: none"> The construction, maintenance or use (in or in connection with mining operations) of: Any building or mining plat, conveyor, telephone line, bin, reservoir, dam, drain, road, railway, telephone line, pipeline or cable. The generation and transmission of electricity for use in or in connection with mining operations. The stockpiling or depositing of overburden, ore or tailings.

	4. The storage of fuel, machinery, timber or equipment for use in or in connection with mining operations.
Lands shown by dark blue colour	<ol style="list-style-type: none"> 1. The construction, maintenance or use (in or in connection with mining operations) of: Any road or railway. 2. The stockpiling or depositing of overburden, ore or tailings.
Lands shown by orange colour	<ol style="list-style-type: none"> 1. The construction, maintenance or use (in or in connection with mining operations) of: Any building or mining plant, conveyor, telephone line, bin, reservoir, railway, dam, drain, road, telephone line, pipeline or cable. 2. The stockpiling or depositing of overburden, ore or tailings. 3. The storage of fuel, machinery, timber or equipment for use in or in connection with mining operations. 4. The generation and transmission of electricity for use in or in connection with mining operations.
Lands shown by red colour	<ol style="list-style-type: none"> 1. The construction, maintenance or use (in or in connection with mining operations) of: Any building or mining plant, conveyor, telephone line, bin, railway, reservoir, dam, drain, road, telephone line, pipeline or cable. 2. The generation and transmission of electricity for use in or in connection with mining operations. 3. The stockpiling or depositing of overburden, ore or tailings. 4. The storage of fuel, machinery, timber or equipment for use in or in connection with mining operations.
Lands shown by dark green colour	<ol style="list-style-type: none"> 1. The construction, maintenance or use (in or in connection with mining operations) of: Any building or mining plant, conveyor, telephone line, bin, railway, tramway, reservoir, dam, drain, road, telephone line, pipeline or cable. 2. The generation and transmission of electricity for use in or in connection with mining operations. 3. The stockpiling or depositing of overburden, ore or tailings. 4. The storage of fuel, machinery, timber or equipment for use in or in connection with mining operations.
Lands shown by pink colour	1. The construction, maintenance or use (in or in connection with mining operations) of any road.
Lands shown by light blue colour	1. The construction, maintenance or use (in or in connection with mining operations) of any road.
Lands shown by yellow colour	1. The construction, maintenance or use (in or in connection with mining operations) of any road.
Lands shown by light brown colour	1. The construction, maintenance or use (in or in connection with mining operations) of any road.
Lands shown by purple colour	<ol style="list-style-type: none"> 1. The construction, maintenance or use (in or in connection with mining operations) of: Any building or mining plant, conveyor or railway. 2. The stockpiling or depositing of overburden, ore or tailings.
Lands shown by light green colour	1. The construction, maintenance or use (in or in connection with mining operations) of any pipeline.

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*.

GUNNEDAH

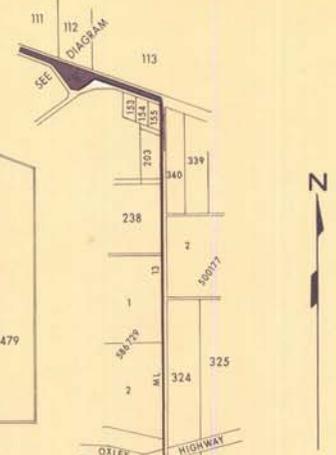
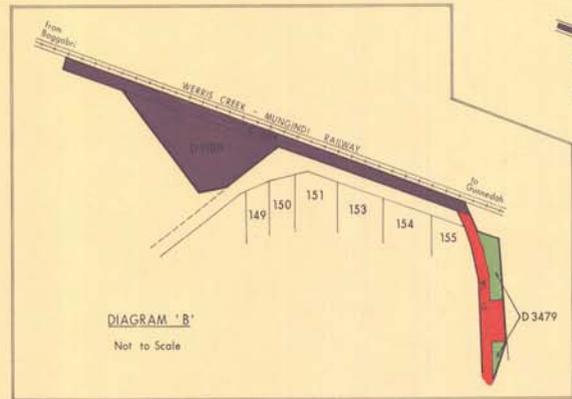
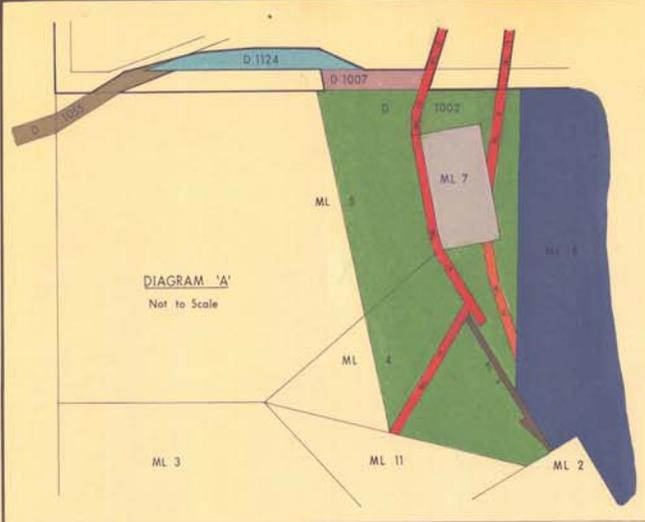
PLAN 'B'

SUBJECT TO SURVEY

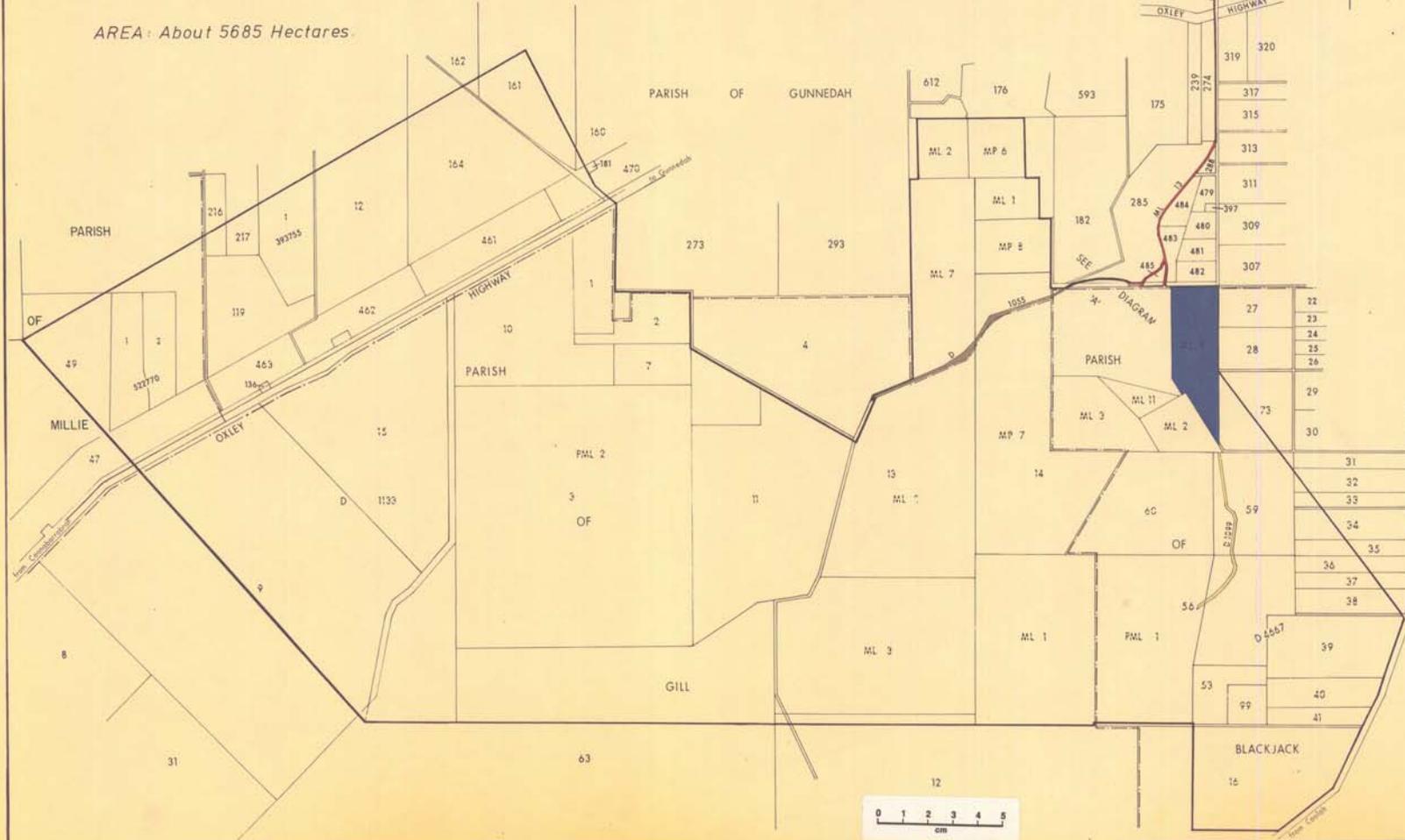
Papers : M85-337

PARISH : Black Jack, Gill & Gunnedah
& Millie

COUNTY : Pottinger



AREA: About 5685 Hectares.



Areas referred to in Condition N°12 of the Conditions of Consolidated Coal Leases, 1985, annexed to this lease.

- (Pink) - Diagram N°1007 - Formerly Mining Purposes Lease N°18 (Act 1973) Depth Restriction - 15.0 metres.
- (Light Blue) - Diagram N°1124 - Formerly Mining Purposes Lease N°62 (Act 1973) Depth Restriction - 15.0 metres.
- (Yellow) - Diagram N°1099 - Formerly Mining Purposes Lease N°63 (Act 1973) Depth Restriction - 15.0 metres.
- (Orange) - Portion ML 10 - Formerly Mining Purposes Lease N°533 (Act 1906) Depth Restriction - 15.24 metres.
- (Red) - Portions ML 9, ML 12 & ML 13 - Formerly Mining Purposes Lease N°539 (Act 1906) Depth Restriction - 15.24 metres.
- (Dark Green) - Diagram N°1002 - Formerly Mining Purposes Lease N°1 (Act 1973) Depth Restriction - 15.24 metres.
- (Light Brown) - Diagram N°1055 - Formerly Mining Purposes Lease N°64 (Act 1973) Depth Restriction - 15.24 metres.
- (Purple) - Diagram N°1009 & 1109 - Formerly Mining Purposes Lease N°77 (Act 1973) Depth Restriction - 15.24 metres.
- (Light Green) - Diagram N°3479 - Formerly Mining Purposes Lease N°161 (Act 1973) Depth Restriction - 15.24 metres.
- (Mauve) - Portion ML 7 - Formerly Mining Purposes Lease N°294 (Act 1906) Depth Restriction - 30.48 metres.
- (Dark Brown) - Portion ML 6 - Formerly Mining Purposes Lease N°295 (Act 1906) Depth Restriction - 30.48 metres.
- (Dark Blue) - Portion ML 8 - Formerly Mining Purposes Lease N°454 (Act 1906) Depth Restriction - 30.48 metres.

THIS IS THE PLAN "B" REFERRED TO IN THE ANNEXED CONSOLIDATED COAL LEASE NO. 701 UNDER THE COAL MINING ACT, 1973, GRANTED TO GUNNEDAH COAL COMPANY LTD.

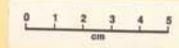
John D. ...
REGISTERED HOLDER

John ...
WITNESS TO THE MINISTER'S SIGNATURE

16-3-89

Scale 1 : 25000

CATALOGUE N° D5897



INSTRUMENT OF RENEWAL

LEASE: **CONSOLIDATED COAL LEASE No. 701 (ACT 1973)**

HOLDER: **NAMOI MINING PTY LTD (ACN 071 158 373)**

DATE OF LEASE: **16 MARCH 1989**

EXPIRY DATE OF LEASE: **2 SEPTEMBER 2005**

PERIOD OF RENEWAL UNTIL: **19 FEBRUARY 2022**

AREA: **5635 Hectares**

AS SHOWN BY PLAN No. D5897 (Revision 5 February 2009)

SURFACE EXCEPTION: **Various (see Plan No. D5897)**

DEPTH RESTRICTION: **Various (see Plan No. D5897) to a
maximum depth of 900 metres below
Australian Height Datum.**

MINERALS: **COAL AND MINING PURPOSES**

ROYALTY PAYABLE: **At the rate which, from time to time, may be
prescribed.**

AMENDMENTS TO THE CONDITIONS OF THE LEASE:

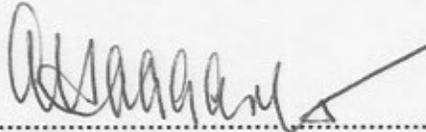
- (a) All the Conditions contained in the lease prior to the renewal have been deleted.

(b) The lease is now subject to the attached Mining Lease Conditions 2008 numbered:

1 to 23 inclusive, 25 to 26 inclusive, 28, and 30 to 42 inclusive.

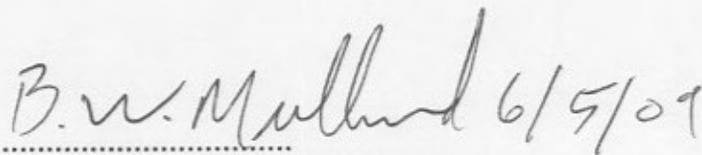
Condition Nos. 2 to 8 inclusive and 17 to 23 inclusive are identified as conditions relating to environmental management for the purposes of Sections 125(3) and 374A of the *Mining Act 1992*.

We, NAMOI MINING PTY LTD, hereby accept the renewal of this Lease and agree to be bound by the conditions specified.



NAMOI MINING PTY LTD
ACN 071 158 373

Renewed this 6th day of MAY 2009



by delegation from the Minister.

MINING LEASE CONDITIONS 2008

1. Notice to Landholders

Within a period of three months from the date of renewal of this lease or within such further time as the Minister may allow, the lease holder must serve on each landholder of the land a notice in writing indicating that this lease has been renewed and whether the lease includes the surface. An adequate plan and description of the lease area must accompany the notice.

If there are ten or more landholders affected, 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 lease has been renewed; state whether the lease includes the surface and must contain an adequate plan and description of the lease area.

2. Environmental Harm

The leaseholder shall implement all practicable measures to prevent and/or minimise any harm to the environment that may result from the construction, operation or rehabilitation of the development.

3. Mining Operations Plan

- (a) Mining operations must not be carried out otherwise than in accordance with:
a Mining Operations Plan (MOP) which has been approved by the Director-General of the Department of Primary Industries.
- (b) The MOP must:
- i) identify areas that will be disturbed by mining operations;
 - ii) detail the staging of specific mining operations;
 - iii) identify how the mine will be managed to allow mine closure;
 - iv) identify how mining operations will be carried out on site in order to prevent and or minimise harm to the environment;
 - v) reflect 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 lease; and
 - vi) have regard to any relevant guidelines adopted by the Director-General.
- (c) The leaseholder may apply to the Director-General to amend an approved MOP at any time.
- (d) It is not a breach of this condition if:
- i) the operations constituting the breach were necessary to comply with a lawful order or direction given under the *Mining Act 1992*, the *Environmental Planning and Assessment Act 1979*, *Protection of the Environment Operations Act 1997* or the *Occupational Health and Safety Act 2000*; and
 - ii) the Director-General had been notified in writing of the terms of the order or direction prior to the operations constituting the breach being carried out.

- (e) A MOP ceases to have affect 7 years after date of approval or other such period as identified by the Director-General. An approved amendment to the MOP under condition 5 does not constitute an approval for the purpose of this paragraph unless otherwise identified by the Director-General.

4. Environment Management Reporting

The lease holder must lodge Environmental Management Reports (EMR) with the Director-General annually or at dates otherwise directed by the Director-General.

5. The EMR must:

- a) report against compliance with the MOP;
 - b) report on progress in respect of rehabilitation completion criteria;
 - c) report on the extent of compliance with regulatory requirements; and
 - d) have regard to any relevant guidelines adopted by the Director-General;
6. Additional environmental reports may be required on specific surface disturbing operations or environmental incidents from time to time as directed in writing by the Director-General and must be lodged as instructed.

7. Rehabilitation

Disturbed land must be rehabilitated to a sustainable/agreed end land use to the satisfaction of the Director-General.

8. 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 *Applications for Subsidence Management Approvals guidelines (EDG17)*
- (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 *Mine Health & Safety Act 2004*, or the document *New Subsidence Management Plan Approval Process – Transitional Provisions (EDP09)*.
- (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 3 and will be subject to the Annual Environmental Management Report process as set out under Condition 4. 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*.

9. Working Requirement

The lease holder must:

- (a) ensure that at least **226** competent people are efficiently employed on the lease area on each week day except Sunday or any week day that is a public holiday,

OR

- (b) expend on operations carried out in the course of prospecting or mining the lease area, an amount of not less than **\$3,955,000** per annum whilst the lease is in force.

The Minister may at any time or times, by instrument in writing served on the lease holder, increase or decrease the expenditure required or the number of people to be employed.

10. Control of Operations

- (a) If an Environmental Officer of the Department believes that the lease holder is not complying with any provision of the Act or any condition of this lease relating to the working of the lease, he may direct the lease holder to:-
- (i) cease working the lease; or
 - (ii) cease that part of the operation not complying with the Act or conditions; until in the opinion of the Environmental Officer the situation is rectified.
- (b) The lease holder must comply with any direction given. The Director-General may confirm, vary or revoke any such direction.
- (c) A direction referred to in this condition may be served on the Mine Manager.

11. Reports

The lease holder must provide an exploration report, within a period of twenty-eight days after each anniversary of the date this lease has effect or at such other date as the Director-General may stipulate, of each year. The report must be to the satisfaction of the Director-General and contain the following:

- (a) Full particulars, including results, interpretation and conclusions, of all exploration conducted during the twelve months period;
- (b) Details of expenditure incurred in conducting that exploration;
- (c) A summary of all geological findings acquired through mining or development evaluation activities;
- (d) Particulars of exploration proposed to be conducted in the next twelve months period;
- (e) All plans, maps, sections and other data necessary to satisfactorily interpret the report.

12. Licence to Use Reports

- (a) The lease holder grants to the Minister, by way of a non-exclusive licence, the right in copyright to publish, print, adapt and reproduce all exploration reports lodged in any form and for the full duration of copyright.
- (b) The non-exclusive licence will operate as a consent for the purposes of section 365 of the Mining Act 1992.

13. Confidentiality

- (a) All exploration reports submitted in accordance with the conditions of this lease will be kept confidential while the lease is in force, except in cases where:
 - (i) the lease holder has agreed that specified reports may be made non-confidential.
 - (ii) reports deal with exploration conducted exclusively on areas that have ceased to be part of the lease.
- (b) Confidentiality will be continued beyond the termination of a lease where an application for a flow-on title was lodged during the currency of the lease. The confidentiality will last until that flow-on title or any subsequent flow-on title, has terminated.
- (c) The Director-General may extend the period of confidentiality.

14. Terms of the non-exclusive licence

The terms of the non-exclusive copyright licence granted under condition 12 are:

- (a) the Minister may sub-licence others to publish, print, adapt and reproduce but not on-licence reports.
- (b) the Minister and any sub- licensee will acknowledge the lease holder's and any identifiable consultant's ownership of copyright in any reproduction of the reports, including storage of reports onto an electronic database.
- (c) the lease holder does not warrant ownership of all copyright works in any report and, the lease holder will use best endeavours to identify those parts of the report for which the lease holder owns the copyright.
- (d) there is no royalty payable by the Minister for the licence.
- (e) if the lease holder has reasonable grounds to believe that the Minister has exercised his rights under the non-exclusive copyright licence in a manner which adversely affects the operations of the lease holder, that licence is revocable on the giving of a period of not less than three months notice.

15. Blasting

(a) Ground Vibration

The lease holder must ensure that the ground vibration peak particle velocity generated by any blasting within the lease area does not exceed 10 mm/second and does not exceed 5 mm/second in more than 5% of the total number of blasts over a period of 12 months at any dwelling or occupied premises as the case may be, unless determined otherwise by the Department of Environment and Climate Change.

(b) Blast Overpressure

The lease holder must ensure that the blast overpressure noise level generated by any blasting within the lease area does not exceed 120 dB (linear) and does not exceed 115 dB (linear) in more than 5% of the total number of blasts over a period of 12 months, at any dwelling or occupied premises, as the case may be, unless determined otherwise by the Department of Environment and Climate Change.

16. Safety

Operations must be carried out in a manner that ensures the safety of persons or stock in the vicinity of the operations. All drill holes shafts and excavations must be appropriately protected, to the satisfaction of the Director-General, to ensure that access to them by persons and stock is restricted. Abandoned shafts and excavations opened up or used by the lease holder must be filled in or otherwise rendered safe to a standard acceptable to the Director-General.

17. Exploratory Drilling

- (a) At least twenty eight days prior to commencement of drilling operations the lease holder must notify the relevant Department of Water and Energy Regional Hydrologist of the intention to drill exploratory drill holes together with information on the location of the proposed holes.
- (b) If the lease holder drills exploratory drill holes he must satisfy the Director-General that:-
 - (i) all cored holes are accurately surveyed and permanently marked in accordance with Departmental guidelines so that their location can be easily established;
 - (ii) all holes cored or otherwise are sealed to prevent the collapse of the surrounding surface;
 - (iii) all drill holes are permanently sealed with cement plugs to prevent surface discharge of groundwaters;
 - (iv) if any drill hole meets natural or noxious gases it is plugged or sealed to prevent their escape;
 - (v) if any drill hole meets an artesian or sub-artesian flow it is effectively sealed to prevent contamination of aquifers.
 - (vi) once any drill hole ceases to be used the hole must be sealed in accordance with Departmental guidelines. Alternatively, the hole must be sealed as instructed by the Director-General.
 - (vii) once any drill hole ceases to be used the land and its immediate vicinity is left in a clean, tidy and stable condition.

18. Prevention of Soil Erosion and Pollution

Operations must be carried out in a manner that does not cause or aggravate air pollution, water pollution (including sedimentation) or soil contamination or erosion, unless otherwise authorised by a relevant approval, and in accordance with an accepted Mining Operations Plan. For the purpose of this condition, water shall be taken to include any watercourse, waterbody or groundwaters. The lease holder must observe and perform any instructions given by the Director-General in this regard.

19. Transmission lines, Communication lines and Pipelines

Operations must not interfere with or impair the stability or efficiency of any transmission line, communication line, pipeline or any other utility on the lease area without the prior written approval of the Director-General and subject to any conditions he may stipulate.

20. Fences, Gates

- (a) Activities on the lease must not interfere with or damage fences without the prior written approval of the owner thereof or the Minister and subject to any conditions the Minister may stipulate.
- (b) Gates within the lease area must be closed or left open in accordance with the requirements of the landholder.

21. Roads and Tracks

- (a) Operations must not affect any road unless in accordance with an accepted Mining Operations Plan or with the prior written approval of the Director-General and subject to any conditions he may stipulate.
- (b) The lease holder must pay to the designated authority in control of the road (generally the local council or the Roads and Traffic Authority) the cost incurred in fixing any damage to roads caused by operations carried out under the lease, less any amount paid or payable from the Mine Subsidence Compensation Fund.

22. Access tracks must be kept to a minimum and be positioned so that they do not cause any unnecessary damage to the land. Temporary access tracks must be ripped, topsoiled and revegetated as soon as possible after they are no longer required for mining operations. The design and construction of access tracks must be in accordance with specifications fixed by the Department of Environment and Climate Change.

23. Trees and Timber

- (a) The lease holder must not fell trees, strip bark or cut timber on the lease without the consent of the landholder who is entitled to the use of the timber, or if such a landholder refuses consent or attaches unreasonable conditions to the consent, without the approval of a warden.
- (b) The lease holder must not cut, destroy, ringbark or remove any timber or other vegetative cover on the lease area except such as directly obstructs or prevents the carrying on of operations. Any clearing not authorised under the Mining Act 1992 must comply with the provisions of the *Native Vegetation Act 2003*.
- (c) The lease holder must obtain all necessary approvals or licences before using timber from any Crown land within the lease area.

25. Resource Recovery

- (a) Notwithstanding any description of mining methods and their sequence or of proposed resource recovery contained within the Mining Operations Plan, if at any time the Director-General is of the opinion that minerals which the lease entitles the lease holder to mine and which are economically recoverable at the time are not being recovered from the lease area, or that any such minerals which are being recovered are not being recovered to the extent which should be economically possible or which for environmental reasons are necessary to be recovered, he may give notice in writing to the lease holder requiring the holder to recover such minerals.

- (b) The notice shall specify the minerals to be recovered and the extent to which they are to be recovered, or the objectives in regard to resource recovery, but shall not specify the processes the lease holder shall use to achieve the specified recovery.
- (c) The lease holder must, when requested by the Director-General, provide such information as the Director-General may specify about the recovery of the mineral resources of the lease area.
- (d) The Director-General shall issue no such notice unless the matter has firstly been thoroughly discussed with and a report to the Director-General has incorporated the views of the lease holder.
- (e) The lease holder may object to the requirements of any notice issued under this condition and on receipt of such an objection the Minister shall refer it to a Warden for inquiry and report under Section 334 of the *Mining Act, 1992*.
- (f) After considering the Warden's report the Minister shall decide whether to withdraw, modify or maintain the requirements specified in the original notice and shall give the lease holder written notice of the decision. The lease holder must comply with the requirements of this notice.

26. Indemnity

The lease holder must indemnify and keep indemnified the Crown from and against all actions, suits, claims and demands of whatsoever nature and all costs, charges and expenses which may be brought against the lease holder or which the lease holder may incur in 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 lease area or in connection with any of the operations notwithstanding that all other conditions of this lease 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 holder may be licensed or compelled to do.

28. Security

- (a) The single security in the sum of **\$991,000** must be given and maintained with the Minister by the lease holder for the purpose of ensuring the fulfilment by the lease holder of obligations under **Consolidated Coal Lease 701 (Act 1973) and Mining Purposes Lease 162 (Act 1973)**. If the lease holder fails to fulfil any one or more of the obligations under this lease, then the security held may be applied at the discretion of the Minister towards the cost of fulfilling such obligations. For the purpose of this clause the lease holder shall be deemed to have failed to fulfil the obligations of the lease if the lease holder fails to comply with any condition or provision hereof, any provision of the Act or regulations made thereunder or any condition or direction imposed or given pursuant to a condition or provision hereof or of any provision of the Act or regulations made thereunder.
- (b) The lease holder must provide the security required by sub-clause (a) in one of the following forms:
 - (i) cash,
 - (ii) a security certificate in a form approved by the Minister and issued by an authorised deposit-taking institution

30. Suspension of Mining Operations

The holder of a consolidated mining lease may not suspend mining operations in the mining area other than in accordance with the consent of the Minister.

31. Cooperation Agreement

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

- access arrangements
- operational interaction procedures
- dispute resolution
- information exchange
- well location
- timing of drilling
- potential resource extraction conflicts and
- rehabilitation issues.

32. "Sylvandale"

Unless with the consent of the Minister and subject to any such conditions as he may impose, the holder shall not mine, work, win or remove any coal in the land beneath the principle residence on the property known as "Sylvandale", being within Lot 13 DP755497, Parish of Gill, nor beneath any land within a distance of twenty (20) metres of such residence.

33. The lease holder shall be limited to the following purposes and conditions within the specified areas described on the plan annexed hereto and marked 'B'.

Areas	Purposes	Conditions
Lands shown by mauve colour	<ol style="list-style-type: none">1. The construction, maintenance or use (in or in connection with mining operations) of: Any building or mining plant, conveyor, telephone line, bin, reservoir, dam, drain, road, telephone line, pipeline or cable.2. The generation and transmission of electricity for use in or in connection with mining operations.3. The stockpiling or depositing of overburden, ore or tailings.4. The storage of fuel, machinery, timber or equipment for use in or in connection with mining operations.	34

Areas	Purposes	Conditions
Lands shown by dark brown colour	<p>1. The construction, maintenance or use (in or in connection with mining operations) of:</p> <p>Any building or mining plant, conveyor, telephone line, bin, reservoir, dam, drain, road, railway, telephone line, pipeline or cable.</p> <p>2. The generation and transmission of electricity for use in or in connection with mining operations.</p> <p>3. The stockpiling or depositing of overburden, ore or tailings;</p> <p>4. The storage of fuel, machinery, timber or equipment for use in or in connection with mining operations.</p>	34 and 35
Lands shown by dark blue colour	<p>1. The construction, maintenance or use (in or in connection with mining operations) of:</p> <p>Any road or railway.</p> <p>2. The stockpiling or depositing of overburden, ore or tailings.</p>	34(b), 35 and 42
Lands shown by orange colour	<p>1. The construction, maintenance or use (in or in connection with mining operations) of:</p> <p>Any building or mining plant, conveyor, telephone line, bin, reservoir, railway, dam, drain, road, telephone line, pipeline or cable.</p> <p>2. The stockpiling or depositing of overburden, ore or tailings.</p> <p>3. The storage of fuel, machinery, timber or equipment for use in or in connection with mining operations.</p> <p>4. The generation and transmission of electricity for use in or in connection with mining operations.</p>	34 and 35

Areas	Purposes	Conditions
Lands shown by red colour	<p>1. The construction, maintenance or use (in or in connection with mining operations) of:</p> <p>Any building or mining plant, conveyor, telephone line, bin, railway, reservoir, dam, drain, road, telephone line, pipeline or cable.</p> <p>2. The generation and transmission of electricity for use in or in connection with mining operations.</p> <p>3. The stockpiling or depositing of overburden, ore or tailings.</p> <p>4. The storage of fuel, machinery, timber or equipment for use in or in connection with mining operations.</p>	34, 35 and 36
Lands shown by dark green colour	<p>1. The construction, maintenance or use (in or in connection with mining operations) of:</p> <p>Any building or mining plant, conveyor, telephone line, bin, railway, tramway, reservoir, dam, drain, road, telephone line, pipeline or cable.</p> <p>2. The generation and transmission of electricity for use in or in connection with mining operations.</p> <p>3. The stockpiling or depositing of overburden, ore or tailings.</p> <p>4. The storage of fuel, machinery, timber or equipment for use in or in connection with mining operations.</p>	35
Lands shown by pink colour	<p>1. The construction, maintenance or use (in or in connection with mining operations) of any road.</p>	37 and 38
Lands shown by light blue colour	<p>1. The construction, maintenance or use (in or in connection with mining operations) of any road.</p>	

Areas	Purposes	Conditions
Lands shown by yellow colour	1. The construction, maintenance or use (in or in connection with mining operations) of any road.	41
Lands shown by light brown colour	1. The construction, maintenance or use (in or in connection with mining operations) of any road.	
Lands shown by purple colour	1. The construction, maintenance or use (in or in connection with mining operations) of: Any building or mining plant, conveyor or railway. 2. The stockpiling or depositing of overburden, ore or tailings.	35 and 39
Lands shown by light green colour	1. The construction, maintenance or use (in or in connection with mining operations) of any pipeline.	40

34. Unless with the written consent of the Minister first had and obtained and subject to such conditions as he may impose the registered holder shall not:

(a) erect or operate on the subject lands any coal preparation plant or other plant for the purpose of the beneficiation of coal; and

(b) dump or deposit on the subject lands any coal, minerals, mine residues or tailings or, residues derived from the beneficiation of coal.

35. The registered holder shall comply with any direction given or which may be given by the Minister regarding any railway constructed or to be constructed within the subject lands.

36. The registered holder shall ensure that the occupiers of any land adjoining the railway shall have the right of free ingress and egress across the railway line to any road adjoining the subject lands.

37. If directed so to do by the Minister the registered holder shall allow free and uninterrupted access along the road and shall comply with any direction given or which may be given in this regard by the Minister.

38. The registered holder shall construct, maintain and use the road so as not to cause any danger to stock and shall comply with any direction given or which may be given in this regard by the Minister.

39. Unless with the written consent of the Minister first had and obtained and subject to such conditions as he may impose the registered holder shall not construct any building or machinery for the purpose of washing coal and shall not dump or deposit any minerals, mine residues or tailings on the subject lands.

40. The registered holder shall not interfere with or impede the use of the public road adjoining the subject lands or endanger its stability in any way by reason of the operations carried out.

41. (a) The registered holder shall ensure that any topsoil which may be disturbed during operations shall be removed separately for replacement as far as may be practicable; and

(b) In the event of, any excavations being made the registered holder shall ensure that such are refilled and the topsoil previously removed is replaced and levelled. All such refilling and levelling shall be done to the satisfaction of the Minister.

42. Except with the approval of the Minister first had and obtained and subject to such conditions as he may impose, the registered holder shall not remove any overburden from within the subject area.