

Instrument of Variation

Mining Purposes Lease 162 (1973)

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 purposes lease **MPL 162 (1973)** as described in Schedule A.

The conditions of **MPL 162 (1973)**, 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: 19 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 |
| 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 |
| <u>SPECIAL CONDITIONS</u> | | |
| 10 | Aboriginal Place or Relic Condition has been re-numbered due to omission of other conditions. | 4. Aboriginal Place or Relic – see Schedule B |

Schedule B

Mining Lease For Ancillary Mining Activities 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 FOR ANCILLARY MINING ACTIVITIES 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 **\$12,936,350**.

The leases covered by the group security include this **MPL 162 (1973)** and:

| Lease type | Lease Number | Act Year |
|------------|--------------|----------|
| CCL | 701 | 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 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.

Special conditions

4. 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.

Renewal of Mining Purposes Lease 162 (Act 1973)

Held by Namoi Mining Pty. Ltd., ACN 071 158 373

Section 114 of the *Mining Act 1992*

I, **Stephen Wills, Executive Director Resource Operations**, 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 Purposes Lease 162 (Act 1973)** 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:

- 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



Stephen Wills
Executive Director Resource Operations
Regional NSW – Mining, Exploration and Geoscience
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 **D3481** and approved on **7 November 1978**.

Area: 1 hectare

Surface Exception: Nil

Depth Restriction: Whole 60 metres

**Mining
Purpose/Ancillary
Mining Activity:**

- the construction, maintenance or use (in or in connection with mining operations) of any building, road, telephone line or pipeline
- the storage of fuel, machinery, timber or equipment for use in or in connection with mining operations
- the generation and transmission of electricity for use in or in connection with mining operations
- the construction, maintenance and use (in or in connection with mining operations) of any drillhole or shaft for drainage or conveyance of water

Term ending: 7 February 2042

DIAGRAM AND DESCRIPTION

Papers T78-2471

Showing area subject to variation on survey under the provisions of Sec. 108E Mining Act, 1907 as amended.

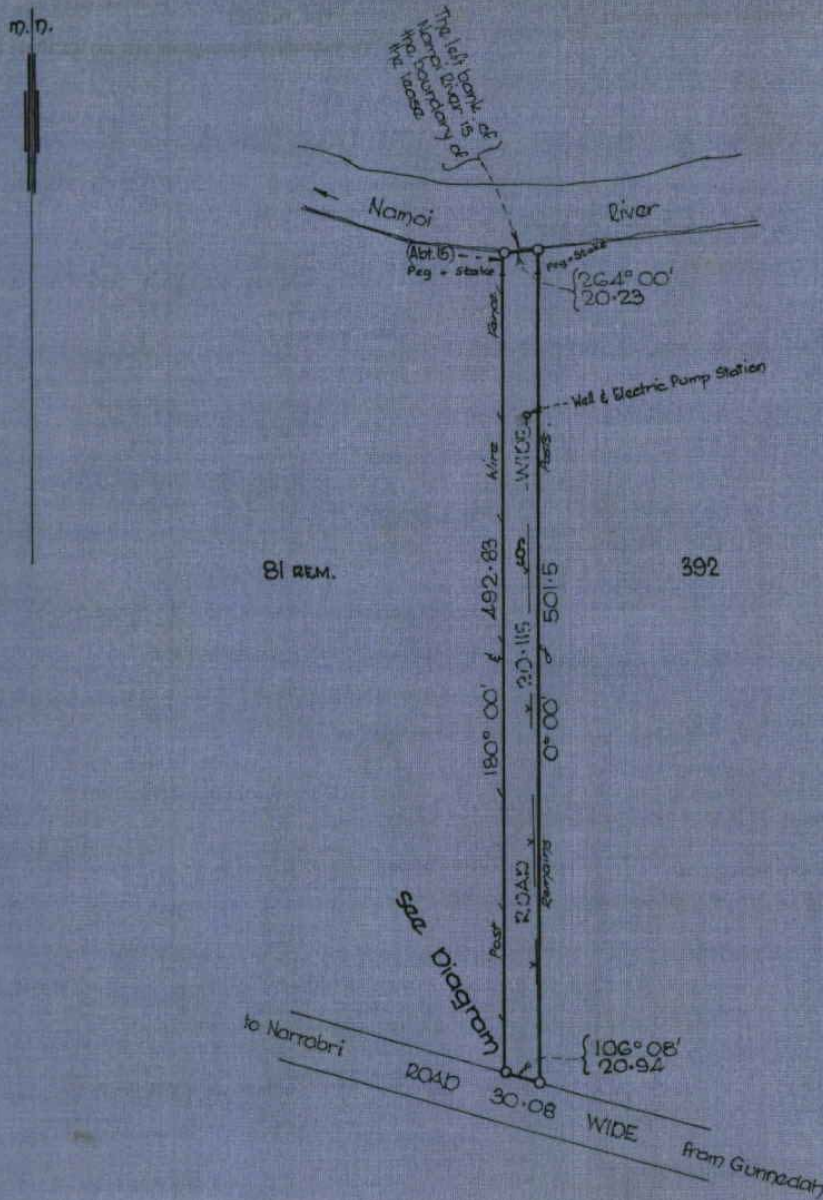
M.P.L. Application 60 (Ad 1973) at Armidale appn. 12.5.1978
 by Gallin Wallsend Coal Company Ltd. possn.

| Refused | Lease No | Voided Forfeited Cancelled |
|---------|----------|----------------------------------|
| | | |

PARISH GUNNEDAH COUNTY POTTINGER

Scale 1:4000 Lengths in metres Purpose Pipelines, Buildings etc.
 Mineral

CAT. No. 3481



§ AREA : Abt. 1.00 ha



D101034810



R11034810

Compiled from P252-1781 and P3006-1781 and markout officer's sketch.

Depth Restriction:

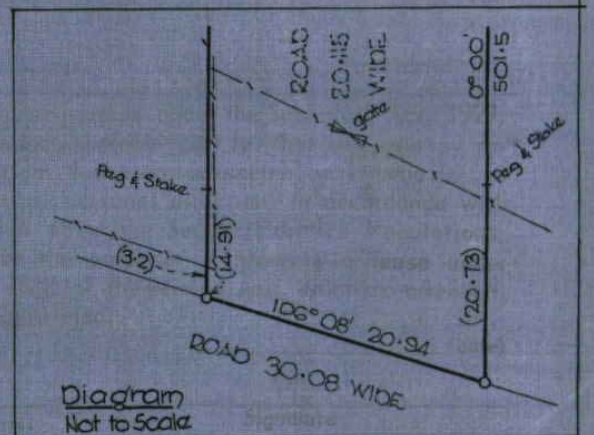
The surface and land below thereof to a depth of 60 metres is included.

Prepared
Eric. Roberts

Examined
V. M. ...
2-11-1978

Approved
J. House 7.11.78

Diagram
Not to Scale



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. **Aboriginal Place or Relic**

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.

| | |
|---------------------------------------|----------------------------|
| Mining Lease Conditions (Coal) 2013 | Version Date: 22 June 2020 |
| Mining Purposes Lease. 162 (Act 1973) | Page 2 of 7 |

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.

| | |
|---------------------------------------|----------------------------|
| Mining Lease Conditions (Coal) 2013 | Version Date: 22 June 2020 |
| Mining Purposes Lease. 162 (Act 1973) | Page 3 of 7 |

- (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:~~

| | |
|---------------------------------------|----------------------------|
| Mining Lease Conditions (Coal) 2013 | Version Date: 22 June 2020 |
| Mining Purposes Lease. 162 (Act 1973) | Page 4 of 7 |

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

"This condition does not apply to this authority."

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. ***"This condition does not apply to this authority."***

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

The leases covered by the group security include:

Consolidated Coal Lease No. 701 (Act 1973)

Mining Purposes Lease No. 162 (Act 1973)

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
- 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.

| | |
|---------------------------------------|----------------------------|
| Mining Lease Conditions (Coal) 2013 | Version Date: 22 June 2020 |
| Mining Purposes Lease. 162 (Act 1973) | Page 7 of 7 |