

ILLAWARRA COAL HOLDINGS PTY LTD
PO BOX 1153
UNANDERRA NSW 2526

By email: LandandTenure_RegionAU@south32.net

Mining Lease CCL 768 (1973)

Notice of Variation of conditions – Mining Act 1992, section 261B and Schedule 1B clause 12

Dear Lease Holder,

I refer to my previous correspondence of 6 May 2022, which provided notice of the proposed variation of conditions of your mining lease.

The timeframe for the making of submissions in response to the proposed variation has now passed and none has been received. However, I would like to draw your attention to the following:

Error on draft instrument of variation: Please note that an error was identified in the draft instrument of variation for CCL 768 (1973).

The following two conditions were marked, in error, to be omitted from your mining lease:

Existing condition 13. “Purposes”; and Existing Condition 14 “Details of Lands, Purposes and Additional Condition”.

The removal of conditions or restrictions on activities within a mining lease or part of a mining lease can, in some circumstances, be considered as an increase in rights under a mining lease. The *Native Title Act 1993* (Cth) generally restricts increases in rights under an authority without first undertaking additional native title compliance actions. To ensure that the variation of conditions does not have any unintended effect under the *Native Title Act 1993*, MEG has determined to retain conditions whose removal could potentially result in the creation of a larger right than previously existed. As such, these two conditions will be retained and have been reinstated on the final instrument of variation. These two conditions have been added to Schedule B as Condition 6 “Purposes” and Condition 7 “Details of Lands and Purposes”.

Accordingly, pursuant to clause 12 of Schedule 1B and section 261B of the *Mining Act 1992*, I have determined to vary all conditions on the above-mentioned mining lease as detailed in the attached **Instrument of Variation**. In deciding to vary the conditions, I have considered the objects of the *Mining Act 1992* and am satisfied that the variation is consistent with them.

The Instrument of Variation should be retained in your records. The variation takes effect from the date specified in the Instrument of Variation.

Once the variation comes into effect, your mining lease will have a reduced, streamlined contemporary and fit for purpose set of conditions (general and if applicable, special), that are consistent with the standard rehabilitation conditions in Schedule 8A of the Mining Regulation 2016

and across all mining leases in NSW. This in turn provides multiple benefits for industry, the community and Government.

If you have any questions, please contact Amanda Loredo, Senior Analyst Regulatory Conformance at Mining, Exploration and Geoscience at Amanda.loredo@regional.nsw.gov.au

Yours sincerely,



Jamie Tripodi

Executive Director Assessments and Systems
Mining, Exploration and Geoscience


Instrument of Variation

Consolidated Coal Lease 768 (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 consolidated coal lease **CCL 768 (1973)** as described in Schedule A.

The conditions of **CCL 768 (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: 08 September 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	Security	Condition amended to modernise the wording. Condition has been re-numbered due to omission of other conditions.	2. 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	Prescribed Dam	Condition amended to modernise the wording. Condition has been re-numbered due to omission of other conditions	5. Dams Safety – Mining Leases - see Schedule B
11	Barriers, Mining and Prospecting Restrictions	Condition omitted	N/A
12	Pipeline	Condition omitted	N/A
13	Purposes	Condition has been re-numbered due to omission of other conditions	6. Purposes – see Schedule B
14	Details of Lands, Purposes and Additional Conditions	Condition amended to modernise the wording. Condition has been re-numbered due to omission of other conditions.	7. Details of Lands and Purposes – 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. Security

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

The amount of the security deposit to be provided has been assessed at **\$18,682,000**.

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. Dams 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 **Avon, Cataract, Cordeaux and Upper Cordeaux No. 2 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:

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- in accordance with those recommendations; or
 - where the Minister does not accept those recommendations or any of them - in accordance with a determination under sub-paragraph (ii) of this paragraph.
- (ii) Where the Minister does not accept the recommendations of Dams Safety NSW or where Dams Safety NSW has failed to make any recommendations and has not informed the Minister in writing that it does not propose to make any recommendations, the approval shall be in terms that are, in relation to matters dealing with the safety of the dam:
- as determined by agreement between the Minister and the Minister administering the *Dams Safety Act 2015*; or
 - in the event of failure to reach such agreement - as determined by the Premier.
- (d) The Minister, on notice from Dams Safety NSW, may at any time or times:
- (i) cancel any approval given where a notice pursuant to section 19 of the *Dams Safety Act 2015* is given.
 - (ii) suspend for a period of time, alter, omit from or add to any approval given or conditions imposed.

6. Purposes

The lease holder shall not prospect or mine for coal within the areas shown on the plan annexed hereto and marked "B" insofar as such areas relate to the strata specified on that plan other than the mining of coal for the purposes of:-

- i. Tunnel in the area numbered 1
- ii. Shaft in the area numbered 2
- iii. Adit, borehole and shaft in the area numbered 5
- iv. Shaft in the area numbered 6
- v. Borehole and shaft in the area numbered 7
- vi. Adit, borehole, shaft and tunnel in the area numbered 13
- vii. Shaft in the area numbered 18
- viii. Tunnel in the area numbered 25
- ix. Drive, shaft and tunnel in the area numbered 29
- x. Adit, borehole, drift and shaft in the area numbered 30.

7. Details of Lands and Purposes

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

COLUMN 1	COLUMN 2
Lands shown numbered 1 on sheet 1 of the Plan annexed hereto and marked "B".	The construction, maintenance or use (in or in connection with mining operations) of a tunnel.
Lands shown numbered 2 on sheet 1 of the Plan annexed hereto and marked "B".	The construction, maintenance or use (in or in connection with mining operations) of any of the following: road, shaft, shaft appurtenances.

	The erection, maintenance and use of standards, posts, wires, and appliances for the transmission of electricity.
Lands shown numbered 3 on Sheet 1 of the Plan annexed hereto and marked "B".	The erection, maintenance and use of standards, posts, wires, and appliances for the transmission of electricity.
Lands shown numbered 4 on Sheet 1 of the Plan annexed hereto and marked "B".	The construction, maintenance or use (in or in connection with mining operations) of any road. The erection, maintenance and use of standards, posts, wires, and appliances for the transmission of electricity. The generation of electricity.
Lands shown numbered 5 on Sheet 1 of the Plan annexed hereto and marked "B".	The construction, maintenance or use (in or in connection with mining operations) of any of the following: adits, boreholes, building, dam, drain, drift, machinery, reservoir, road, shaft, shaft appurtenances and telephone line. Laying, maintaining and using a pipeline or cable in connection with mining.
Lands shown numbered 6 on Sheet 1 of the Plan annexed hereto and marked "B".	The construction, maintenance or use (in or in connection with mining operations) of any of the following: borehole, bridge, building, dam, drain, machinery, magazine, railway, reservoir, road, shaft, shaft appurtenances and telephone line. The generation of electricity. The erection, maintenance and use of standards, posts, wires, and appliances for the transmission of electricity. The storing of fuel, machinery, tools, timber or equipment in connection with mining. Laying, maintaining and using a pipeline or cable in connection with mining. The dumping or depositing of any overburden, coal, mineral, mine residues or tailings.
Lands shown numbered 7 on Sheet 1 of the Plan annexed hereto and marked "B".	The construction, maintenance or use (in or in connection with mining operations) of any of the following: borehole, bridge, building, dam, drain, machinery, magazine, railway, reservoir, road, shaft, shaft appurtenances and telephone line. The generation of electricity. The erection, maintenance and use of standards, posts, wires, and appliances for the transmission of electricity. The storing of fuel, machinery, tools, timber or equipment in connection with mining. Laying, maintaining and using a pipeline or cable in connection with mining.

	The dumping or depositing of any overburden, coal, mineral, mine residues or tailings.
Lands shown 8 on Sheet 1 of the Plan annexed hereto and marked "B".	The construction, maintenance or use (in or in connection with mining operations) of any drain.
Lands shown 9 on Sheet 1 of the Plan annexed hereto and marked "B".	The construction, maintenance or use (in or in connection with mining operations) of any road. The erection, maintenance and use of standards, posts, wires, and appliances for the transmission of electricity. The generation of electricity.
Lands shown numbered 10 on Sheet 1 of the Plan annexed hereto and marked "B".	The construction, maintenance or use (in or in connection with mining operations) of any road.
Lands shown numbered 11 on Sheet 1 of the Plan annexed hereto and marked "B".	The construction, maintenance or use (in or in connection with mining operations) of any of the following: building, machinery, road. The generation of electricity. The erection, maintenance and use of standards, posts, wires, and appliances for the transmission of electricity. Laying, maintaining and using a pipeline or cable in connection with mining.
Lands shown numbered 12 on Sheet 1 of the Plan annexed hereto and marked "B".	The construction, maintenance or use (in or in connection with mining operations) of any road. The erection, maintenance and use of standards, posts, wires, and appliances for the transmission of electricity. Laying, maintaining and using a pipeline or cable in connection with mining.
Lands shown numbered 13 on Sheet 1 of the Plan annexed hereto and marked "B".	The construction, maintenance or use (in or in connection with mining operations) of any of the following: adits, bin, borehole, bridge, building, conveyor system, dams, drain, drift, machinery, magazine, railway, reservoir, road, shaft, shaft appurtenances, telephone line, tramway and tunnels. The erection, maintenance and use of standards, posts, wires, and appliances for the transmission of electricity. The dumping or depositing of any overburden, coal, mineral, mine residues or tailings. The storing of fuel, machinery, tools, timber or equipment in connection with mining. Laying, maintaining and using a pipeline or cable in connection with mining. The generation of electricity.

Lands shown numbered 14 on Sheet 1 of the Plan annexed hereto and marked "B".	<ol style="list-style-type: none"> 1. The construction, maintenance or use (in or in connection with mining operations) any of the following: dam, drain, road. 2. Laying, maintaining and using a pipeline in connection with mining. 3. Constructing, maintaining or using a signalling device being a purpose which is connected or associated with or incidental to, a purpose specified in 1 or 2.
Lands shown numbered 15 on Sheets 1 & 2 of the Plan annexed hereto and marked "B".	<p>The construction, maintenance or use (in or in connection with mining operations) of any road.</p> <p>The erection, maintenance and use of standards, posts, wires, and appliances for the transmission of electricity.</p>
Lands shown numbered 16 on Sheet 2 of the Plan annexed hereto and marked "B".	The erection, maintenance and use of standards, posts, wires, and appliances for the transmission of electricity.
Lands shown numbered 17 on Sheet 2 of the Plan annexed hereto and marked "B".	<p>The construction, maintenance or use (in or in connection with mining operations) of any road.</p> <p>The erection, maintenance and use of standards, posts, wires, and appliances for the transmission of electricity.</p>
Lands shown numbered 19 on Sheet 2 of the Plan annexed hereto and marked "B".	The construction, maintenance or use (in or in connection with mining operations) of any road.
Lands shown numbered 22 on Sheet 2 of the Plan annexed hereto and marked "B".	The construction, maintenance or use (in or in connection with mining operations) of any road.
Lands shown numbered 23 on Sheet 2 of the Plan annexed hereto and marked "B".	The construction, maintenance or use (in or in connection with mining operations) of any of the following: building, machinery.
Lands shown numbered 24 on Sheet 2 of the Plan annexed hereto and marked "B".	<p>The construction, maintenance or use (in or in connection with mining operations) of any telephone line.</p> <p>The erection, maintenance and use of standards, posts, wires, and appliances for the transmission of electricity.</p>
Lands shown numbered 25 on Sheet 2 of the Plan annexed hereto and marked "B".	The construction, maintenance or use (in or in connection with mining operations) of any railway and tunnel.
Lands shown numbered 26 on Sheet 2 of the Plan annexed hereto and marked "B".	The construction, maintenance or use (in or in connection with mining operations) of any of the following: building, machinery.

Lands shown numbered 27 on Sheet 2 of the Plan annexed hereto and marked "B".	The erection, maintenance and use of standards, posts, wires, and appliances for the transmission of electricity.
Lands shown numbered 28 on Sheet 2 of the Plan annexed hereto and marked "B".	The erection, maintenance and use of standards, posts, wires, and appliances for the transmission of electricity.
Lands shown numbered 29 on Sheet 2 of the Plan annexed hereto and marked "B".	The construction, maintenance or use (in or in connection with mining operations) of any of the following: drives, shaft, shaft appurtenances, tunnels. The erection, maintenance and use of standards, posts, wires, and appliances for the transmission of electricity.
Lands shown numbered 32 on Sheet 2 of the Plan annexed hereto and marked "B".	The erection, maintenance and use of standards, posts, wires, and appliances for the transmission of electricity. The generation of electricity.
Lands shown numbered 33 on Sheet 2 of the Plan annexed hereto and marked "B".	The construction, maintenance or use (in or in connection with mining operations) of any road. The erection, maintenance and use of standards, posts, wires, and appliances for the transmission of electricity.
Lands shown numbered 34 on Sheet 2 of the Plan annexed hereto and marked "B".	The erection, maintenance and use of standards, posts, wires, and appliances for the transmission of electricity. The generation of electricity.
Lands shown numbered 35 on Sheet 1 of the Plan annexed hereto and marked "B".	The construction, maintenance or use (in or in connection with mining operations) of any reservoir. The erection, maintenance and use of standards, posts, wires, and appliances for the transmission of electricity. Laying, maintaining and using a pipeline or cable in connection with mining. The generation of electricity.

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.

CORDEAUX, KEMIRA, NEBO & WONGAWILLI & ELOUERA.

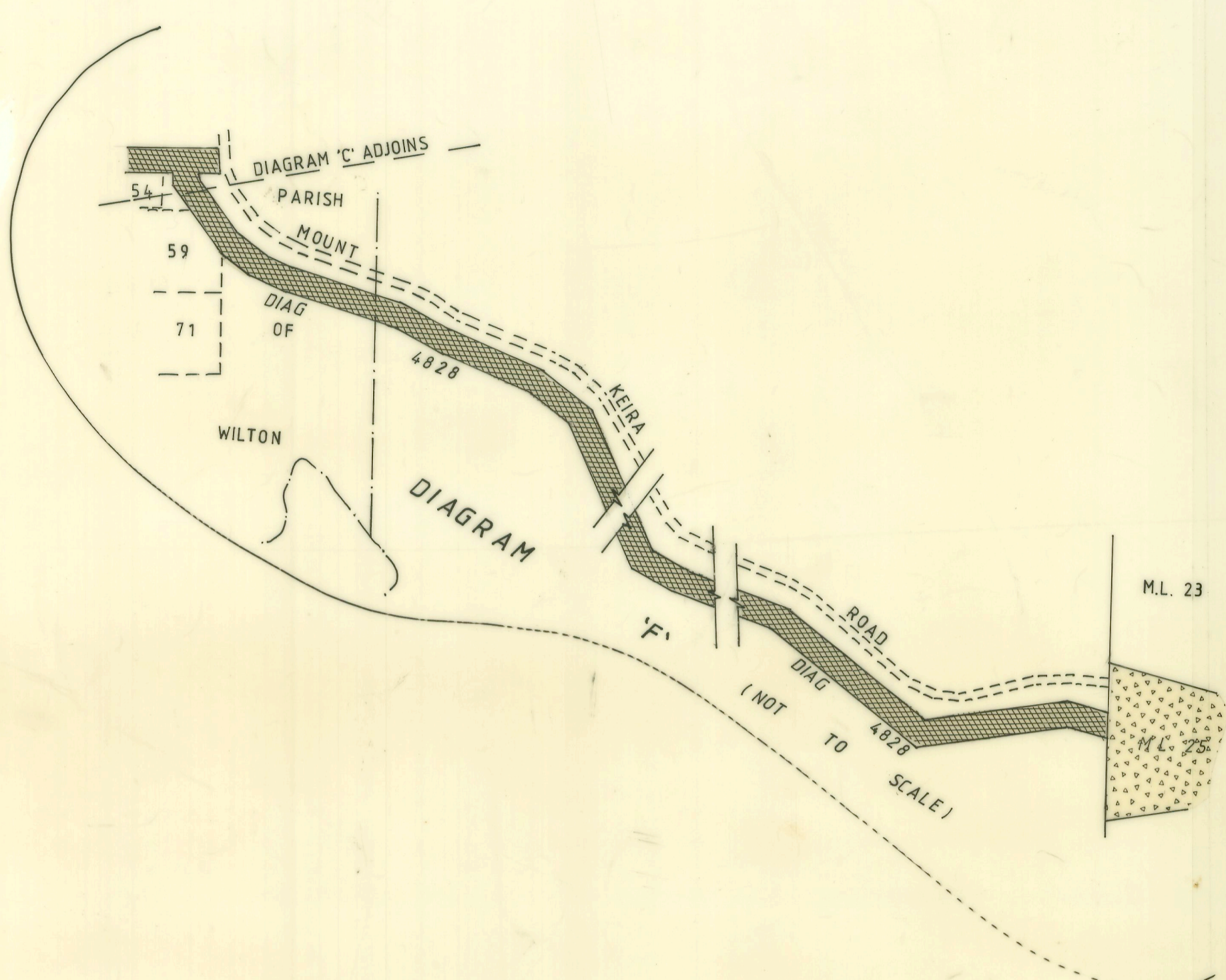
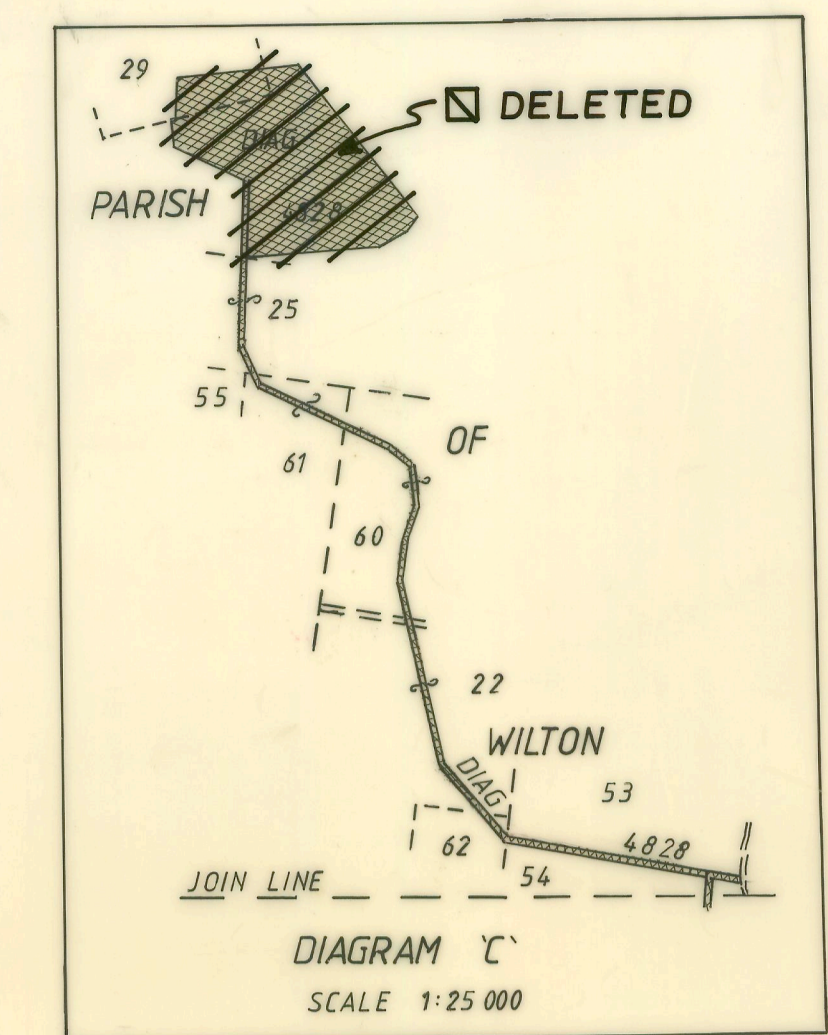
SHEET N° 1

PLAN 'B'

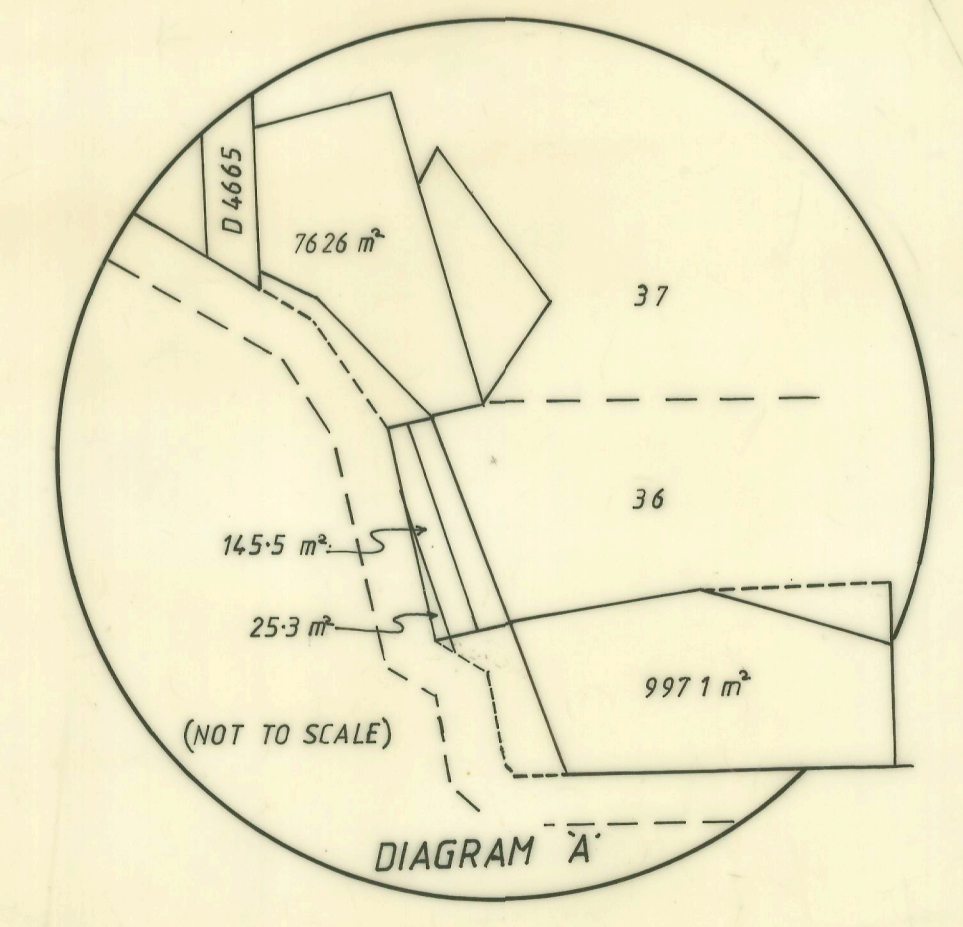
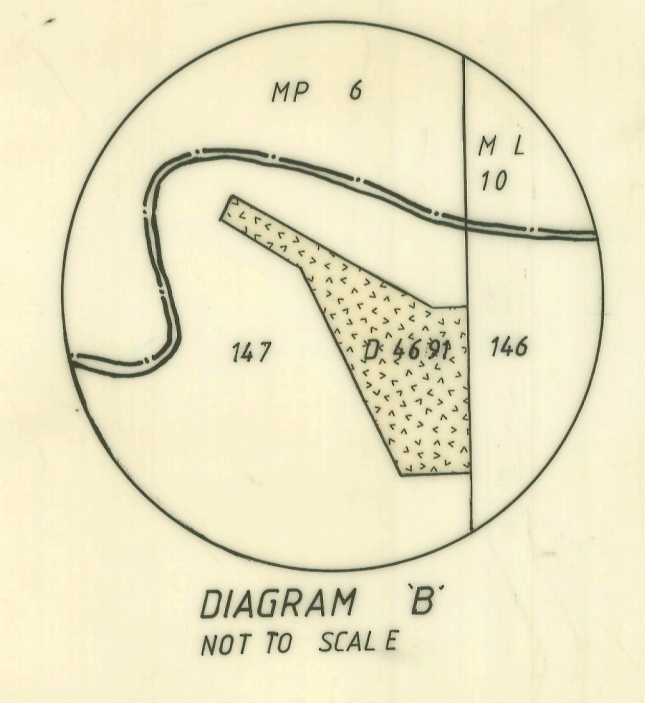
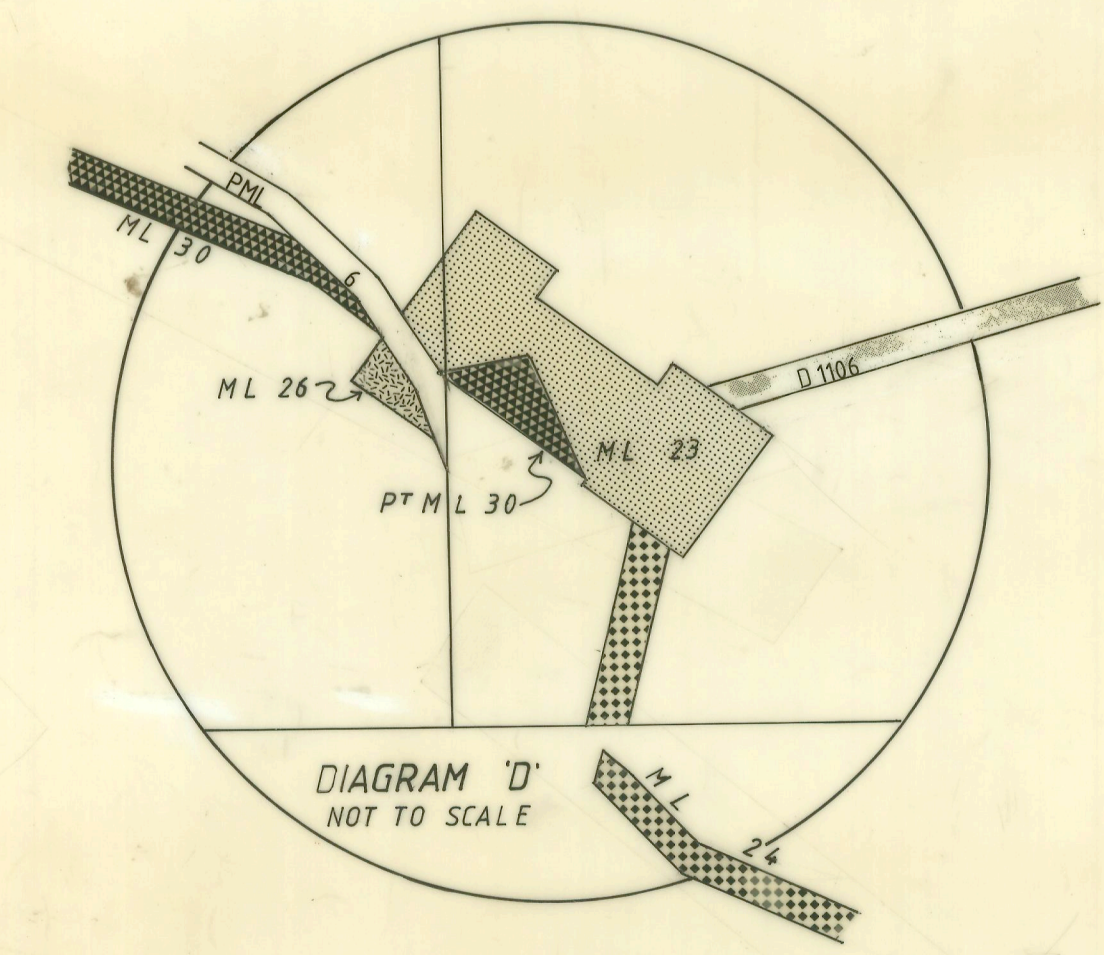
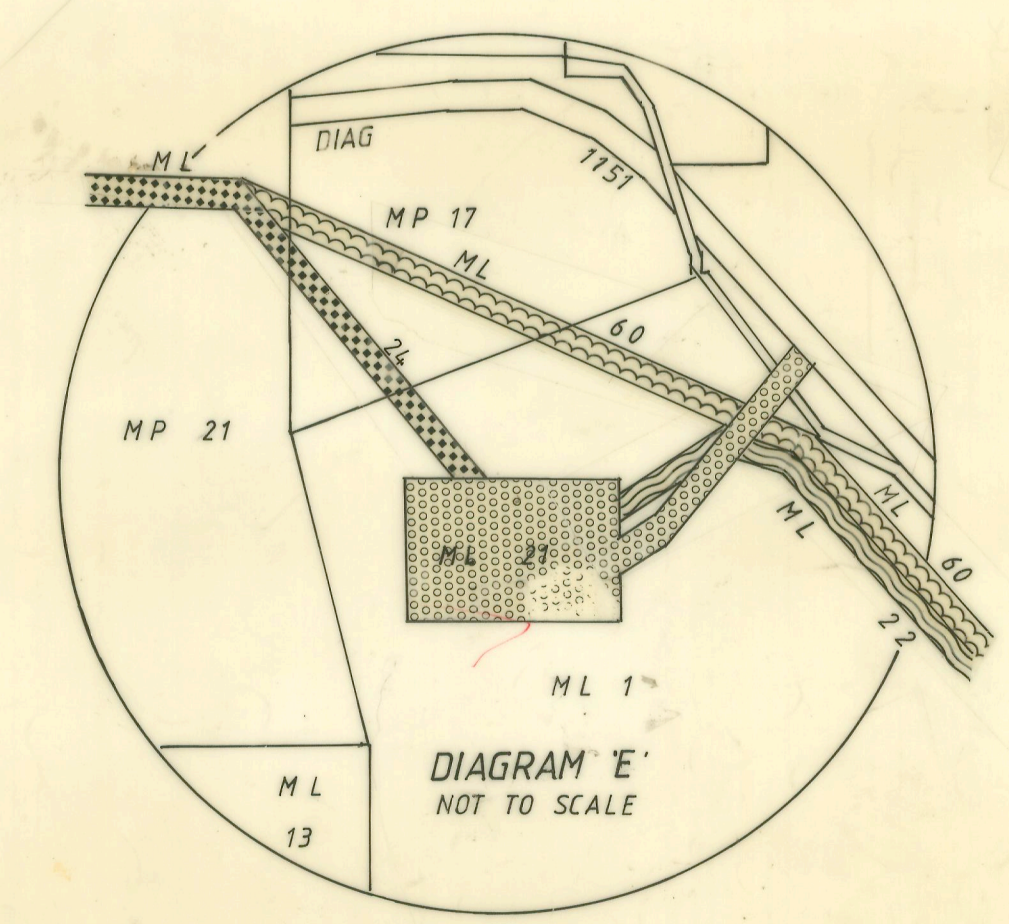
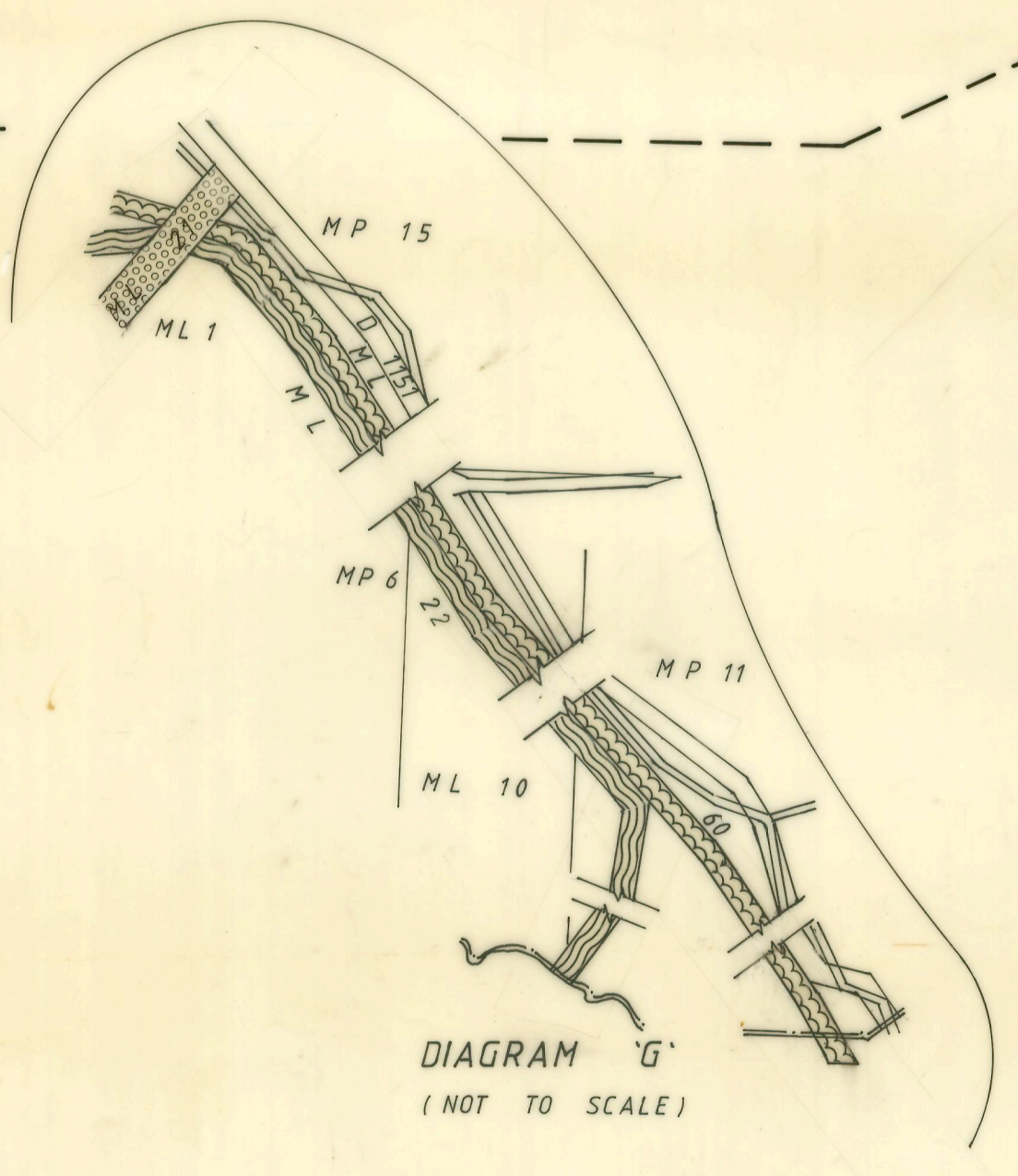
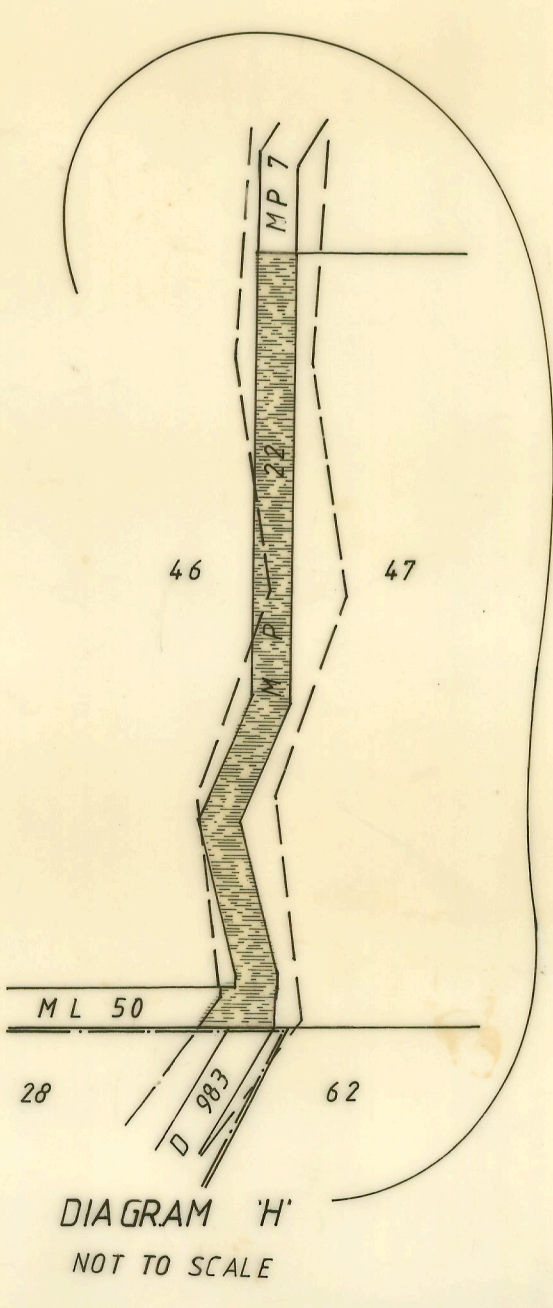
CONSOLIDATED COAL LEASE No. 768
SUBJECT TO SURVEY

PAPERS : C91 / 0152
PARISHES : BANKSIA, CORDEAUX,
DENDROBIUM, WALLANDOOLA,
WOLLONGONG, WOONONA
COUNTY : CAMDEN

Areas referred to in Condition No.53 of the Conditions of Consolidated Coal Leases, 1985, annexed to this lease



1. PORTION MP 22 - FORMERLY MINING PURPOSES LEASE No. 1289 (ACT 1966). SURFACE EXCEPTION: 15.24 METRES.
2. PORTION ML 21 - FORMERLY MINING PURPOSES LEASE No. 1232 (ACT 1966). DEPTH RESTRICTION: 30.48 METRES.
3. PORTION ML 22 - FORMERLY MINING PURPOSES LEASE No. 1403 (ACT 1966). DEPTH RESTRICTION: 15.24 METRES.
4. PORTION ML 60 - FORMERLY MINING PURPOSES LEASE No. 16 (ACT 1973). DEPTH RESTRICTION: 6.0 METRES.
5. PORTION D 4691 - FORMERLY MINING PURPOSES LEASE No. 203 (ACT 1973). DEPTH RESTRICTION: 30.48 METRES.
6. PORTION ML 7 - FORMERLY MINING PURPOSES LEASE No. 421 (ACT 1966). DEPTH RESTRICTION: 15.24 METRES.
7. A - PORTION ML 25 - FORMERLY MINING PURPOSES LEASE No. 4 (ACT 1973). DEPTH RESTRICTION: 15.24 METRES.
B - PORTION ML 28 - FORMERLY MINING PURPOSES LEASE No. 4 (ACT 1973). DEPTH RESTRICTION: 15.24 METRES.
8. PORTION ML 26 - FORMERLY MINING PURPOSES LEASE No. 11 (ACT 1973). DEPTH RESTRICTION: 6.095 METRES.
9. PORTION ML 24 - FORMERLY MINING PURPOSES LEASE No. 15 (ACT 1973). DEPTH RESTRICTION: 15.24 METRES.
10. PORTION D 1129 - FORMERLY MINING PURPOSES LEASE No. 43 (ACT 1973). DEPTH RESTRICTION: 15.24 METRES.
11. PORTION D 1105 - FORMERLY MINING PURPOSES LEASE No. 66 (ACT 1973). DEPTH RESTRICTION: 15.24 METRES.
12. PORTION ML 30 - FORMERLY MINING PURPOSES LEASE No. 67 (ACT 1973). DEPTH RESTRICTION: 15.24 METRES.
13. PORTION ML 23 - FORMERLY MINING PURPOSES LEASE No. 197 (ACT 1973). DEPTH RESTRICTION: 15.24 METRES.
14. PORTION D 4828 - FORMERLY MINING PURPOSES LEASE No. 205 (ACT 1973). DEPTH RESTRICTION: 15.00 METRES.
15. PORTION D 4585 - FORMERLY MINING PURPOSES LEASE No. 179 (ACT 1973). DEPTH RESTRICTION: 15.00 METRES.
16. PORTION PML 3 - FORMERLY MINING PURPOSES LEASE No. 14 (ACT 1973). DEPTH RESTRICTION: 15.24 METRES.



SCALE 1:25000

CATALOGUE No. D 7027

