

DENDROBIUM COAL PTY LTD
C/- ILLAWARRA COAL HOLDINGS PTY LTD
PO BOX 1153
UNANDERRA NSW 2526

By email: LandandTenure_RegionAU@south32.net

Mining Leases ML 1510 (1992), ML 1566 (1992)

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 29 June 2022, which provided notice of the proposed variation of conditions of your mining leases.

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

Error on draft instrument of variation for ML 1566 (1992) - Please note that an error was identified in the draft instrument of variation for ML 1566 (1992). The instrument was drafted up to include all four general conditions for a mining lease. It should have only been issued with the three general conditions for an “Ancillary Mining Activity” mining lease. We apologise for this error. The final instrument of variation has been amended and does not include the “Assessable Prospecting Operations” condition, nor the “Exploration Reports” note, as these do not apply to mining leases for ancillary mining activities.

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 leases as detailed in the attached **Instruments of Variation**. In deciding to vary the conditions, I have considered the objects of the *Mining Act 1992* and am satisfied that the variations are consistent with them.

The Instruments of Variation should be retained in your records. The variations take effect from the date specified in the Instruments of Variation.

Once the variations come into effect, your mining leases 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

Mining Lease 1510 (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 1510 (1992)** as described in Schedule A.

The conditions of **ML 1510 (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: 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	Extraction of Coal	Condition omitted
2	Mining, Rehabilitation, Environmental Management Process (MREMP) Mining Operations Plan (MOP)	Condition omitted
3	Annual Environmental Management Report (AEMR)	Condition omitted
14	Shafts, Drifts, Adits	Condition omitted
15	Dumps	Condition omitted
16	Dumps	Condition omitted
17	Dust	Condition omitted
18	Management and Rehabilitation of Lands (General)	Condition omitted
19	Management and Rehabilitation of Lands (General)	Condition omitted
20	Management and Rehabilitation of Lands (General)	Condition omitted
21	Management and Rehabilitation of Lands (General)	Condition omitted
22	Management and Rehabilitation of Lands (General)	Condition omitted
23	Management and Rehabilitation of Lands (General)	Condition omitted
24	Management and Rehabilitation of Lands (General)	Condition omitted
25	Management and Rehabilitation of Lands (General)	Condition omitted
26	Blasting	Condition omitted
27	Trees (Planting and Protection of) Flora and Fauna and Arboreal Screens	Condition omitted
29	Trees (Planting and Protection of) Flora and	Condition omitted

Fauna and Arboreal Screens			
30	Soil Erosion	Condition omitted	N/A
31	Roads	Condition omitted	N/A
32	Roads	Condition omitted	N/A
41	Transmission Lines, Communication Lines and Pipelines	Condition omitted	N/A
42	Transmission Lines, Communication Lines and Pipelines	Condition omitted	N/A
45	Additional Information	Condition omitted	N/A
46	Service of Notices	Condition amended to modernise the wording. Condition has been re-numbered due to omission of other conditions.	1. Notice to Landholders – see Schedule B
47	Inspectors	Condition omitted	N/A
48	Indemnities	Condition omitted	N/A
49	Indemnities	Condition omitted	N/A
50	Prospecting (General)	Condition omitted	N/A
51	Security Deposit	Condition amended to modernise the wording. Condition has been re-numbered due to omission of other conditions.	2. Group Security– see Schedule B
54	Royalty at Additional Rate	Condition omitted	N/A
55	Extraction Plan	Condition omitted	N/A
N/A		New condition attached	3. Cooperation Agreement – see Schedule B
N/A		New condition attached	4. Assessable Prospecting Operations– see Schedule B
SPECIAL CONDITIONS			
43	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 **\$2,678,000**.

The leases covered by the group security include this **ML 1510 (1992)** and:

Lease type	Lease Number	Act Year
ML	1566	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.

Mining Lease Conditions 2021	Version Date: February 2022
Mining Lease 1510 (Act 1992)	Page 6 of 6