Instrument of Variation

Consolidated Coal Lease 747 (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 747 (1973)** as described in Schedule A.

The conditions of **CCL 747 (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: 29 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	Mining, Rehabilitation, Environmental Management Process (MREMP) Mining Operations Plan (MOP)	Condition omitted	N/A
3	Annual Environmental Management Report (AEMR)	Condition omitted	N/A
4	Extraction Plan	Condition omitted	N/A
6	Control of Operations	Condition omitted	N/A
7	Reports	Condition omitted	N/A
8	Licence to Use Reports	Condition omitted	N/A
9	Confidentiality	Condition omitted	N/A
10	Terms of the non-exclusive licence	Condition omitted	N/A
11	Blasting	Condition omitted	N/A
12	Safety	Condition omitted	N/A
13	Rehabilitation	Condition omitted	N/A
14	Rehabilitation	Condition omitted	N/A
15	Exploratory Drilling	Condition omitted	N/A
16	Prevention of Soil Erosion and Pollution	Condition omitted	N/A
17	Transmission lines, Communication lines and Pipelines	Condition omitted	N/A
18	Fences, Gates	Condition omitted	N/A
19	Roads and Tracks	Condition omitted	N/A
20	Roads and Tracks	Condition omitted	N/A
21	Trees and Timber	Condition omitted	N/A
23	Resource Recovery	Condition omitted	N/A
24	Indemnity	Condition omitted	N/A
25	Security	Condition amended to modernise the wording. Condition has been re-numbered due to omission of other conditions.	2. Security– see Schedule B
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	
34	Details of Lands, Purposes and Additional Conditions	Condition amended to modernise wording and update references. Condition has been re-numbered.	5. Details of Lands, Purposes and Additional Conditions– see Schedule B
35	Details of Lands, Purposes and Additional Conditions	Part a) of condition retained and combined with New Condition 5 (above). Remainder of condition omitted.	N/A

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 *Mining Act 1992.*
Landholder	for the purposes of these conditions: • 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 **$552,000**.

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. Details of Lands, Purposes and Additional Conditions

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 - DESCRIPTION	COLUMN 2 - PURPOSES	COLUMN 3 – APPLICABLE CONDITIONS
Land shown by green and yellow colours on the plan hereto and marked "B"	The following purposes are as prescribed as mining purposes for the purposes of the definition of mining purpose in the Dictionary at the end of the Mining Act, 1992: 1. the construction, maintenance or use (in or in connection with mining operations) of any road, cable, conveyor, pipeline, telephone line. 2. the storage of fuel, machinery, timber or equipment for use in or in connection with mining operations. 3. the generation and transmission of electricity for use in or in connection with mining operations.	a) The lease holder shall observe and perform any instruction given or which may be given by the Minister regarding any aboriginal relics within the subject area.

	4. the construction, maintenance and use (in or in connection with mining operations) of any drillhole or shaft for drainage of gas, or drainage or conveyance of water, or ventilation, or conveyance of electricity, or conveyance of materials, or communications, or emergency access to underground workings.	
Lands shown by orange colour on the plan hereto and marked "B"	The following purposes are as prescribed as mining purposes for the purposes of the definition of mining purpose in the Dictionary at the end of the Mining Act, 1992: 1. the construction, maintenance or use (in or in connection with mining operations) of any building or mining plant, road, railway, reservoir, dam, drain cable, conveyor, pipeline, telephone line or signalling system, bin. 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, 5. the construction, maintenance and use (in or in connection with mining operations) of any drillhole or shaft for drainage of gas, or drainage or conveyance of water, or ventilation, or conveyance of electricity, or conveyance of materials, or communications, or emergency access to underground workings.	a) The lease holder shall observe and perform any instruction given or which may be given by the Minister regarding any aboriginal relics within the subject area.

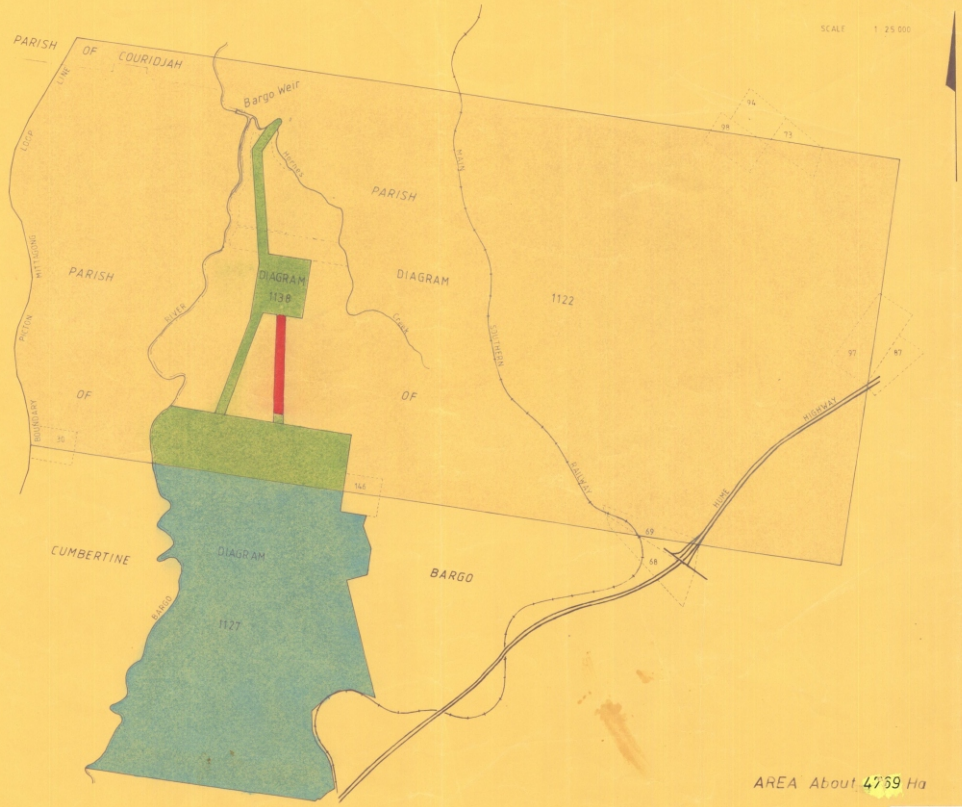
Exploration Reporting

Note: *<u>Exploration Reports (Geological and Geophysical)</u>*

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.

BARGO



PLAN 'A'

SUBJECT TO SURVEY

PAPERS C 89-597

PARISHES BARGO COURIDJAH & CUMBERTINE

COUNTY CAMDEN

SURFACE EXCEPTION / DEPTH RESTRICTION

- Embraces the surface and land below to unlimited depth.
- Embraces the surface and land below to a depth of 150 metres.
- Excepts the surface and land below to a depth of 10 metres.
- Excepts the surface and land below to a depth of 150 metres.

THIS IS THE PLAN 'A' REFERRED TO IN THE ANNEXED CONSOLIDATED COAL LEASE NO. 747 UNDER THE COAL MINING ACT, 1973, GRANTED TO BARGO COLLIERIES PTY LTD

REGISTERED HOLDER — WITNESS TO THE MINISTER'S SIGNATURE

SCALE 1:25,000

CATALOGUE Nº D 6457

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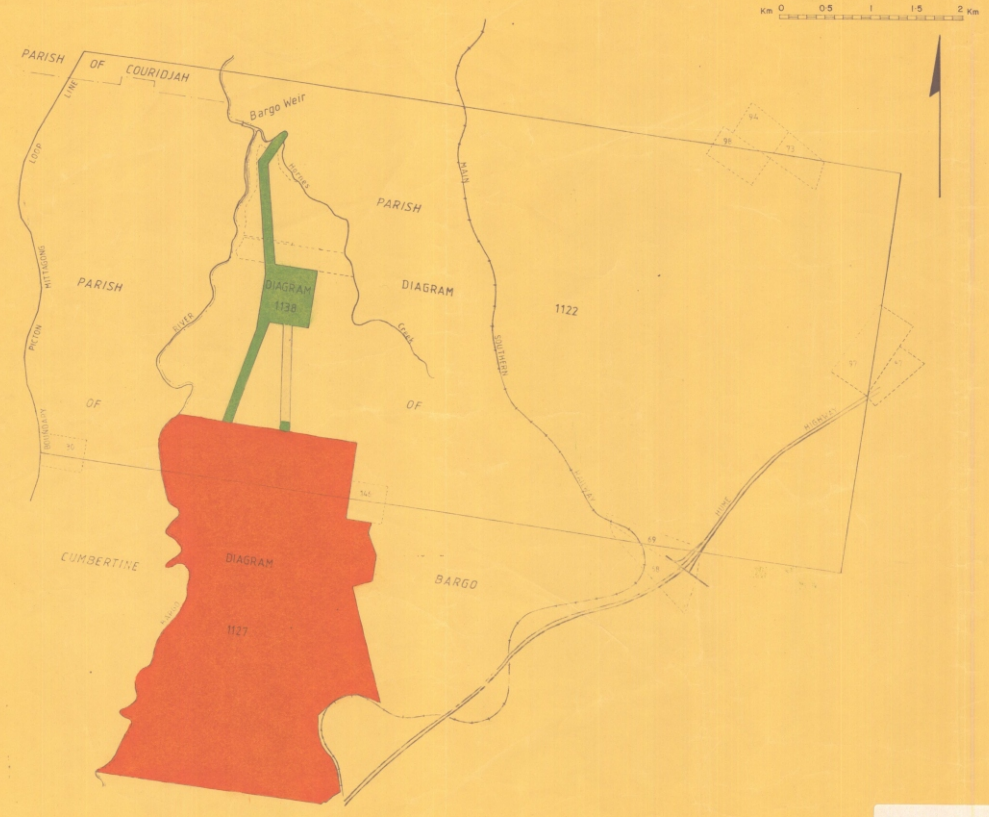
BARGO



PLAN 'B'

SUBJECT TO SURVEY

PAPERS C 89-597

PARISHES BARGO COURIDJAH & CUMBERTINE

COUNTY CAMDEN

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

- (Green/Yellow) Diagram Nº 1138 Formerly Mining Purposes Lease Nº 156 (Act 1973)
  - [Green] Embraces the surface and land below to a depth of 150 metres.
  - [Yellow] Embraces the strata between the depths of 10 metres and 150 metres below the surface.
- (Orange) Diagram Nº 1127 Formerly Mining Purposes Lease Nº 157 (Act 1973) Embraces the surface and land below to a depth of 150 metres.

THIS IS THE PLAN 'B' REFERRED TO IN THE ANNEXED CONSOLIDATED COAL LEASE NO. 747 UNDER THE COAL MINING ACT, 1973, GRANTED TO BARGO COLLIERIES PTY LTD

REGISTERED HOLDER — WITNESS TO THE MINISTER'S SIGNATURE

SCALE 1:25,000

CATALOGUE Nº D 6457

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