Instrument of Variation

Mining Lease 1308 (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 1308 (1992)** as described in Schedule A.

The conditions of **ML 1308 (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: 23 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
6	Extraction Plan	Condition omitted	N/A
8	Single 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
N/A		New condition attached	4. Assessable Prospecting Operations– see Schedule B
SPECIAL CONDITIONS			
7	Resource Recovery	Condition amended to modernise the wording. Condition has been re-numbered due to omission of other conditions.	5. Petroleum (Mining Operations By-Product Only) – 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 *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. 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 **$27,334,000**.

The leases covered by the group security include this **ML 1308 (1992)** and:

Lease type	Lease Number	Act Year
CCL	**716**	**1973**
ML	**1376**	**1992**
ML	**1539**	**1992**
ML	**1642**	**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. Petroleum (Mining Operations By-Product Only)

For the purposes of this lease, petroleum is limited to coal bed methane that is captured or extracted as a by-product in the course of carrying out mining operations.

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.

COAL LEASE

COAL MINING ACT, 1973

MINING LEASE NO. 1308
(Mining Act 1992)

DATED 2ND MARCH A.D. 1993

THE MINISTER FOR NATURAL RESOURCES

OF THE STATE OF

NEW SOUTH WALES

TO

NOVACOAL AUSTRALIA PTY LIMITED

Certified copy
Examined by
M.P. Stone
L.M. Jones

Date 10-3-93

RECORDED in the Department of Mineral Resources, at Sydney, this eighth day of March A.D. 1993, at the hour of ten o'clock in the forenoon, and numbered in the Register.

J. Kmieta
Registrar (Coal)

Coal Lease Appn. No. 233.

Lease No: 1308

N.S.W. STAMP DUTY
CL No. 1846982
COAL MINING ACT 1973 COAL MINING LEASE
1991 — 1992 — 1993
COAL LEASE

THIS DEED made the second day of March One thousand nine hundred and ninety-three in pursuance of the provisions of the Coal Mining Act, 1973 (hereinafter called "the said Act") between **THE HONOURABLE IAN CAUSLEY, M.P.,** Minister for Natural Resources of the State of New South Wales (hereinafter called "the Minister" which expression shall where the context admits or requires include the successors in office of the Minister and the person acting as such Minister for the time being) of the one part and

NOVACOAL AUSTRALIA PTY LIMITED
C/o Kembla Coal & Coke Pty Limited
Cnr Crown & Keira Streets
WOLLONGONG NSW 2500

(which with its successors and permitted assigns is hereinafter called "the registered holder") of the other part **WHEREAS** in conformity with the said Act application was made for a coal lease of the lands hereinafter described for the purposes of mining and prospecting for coal **AND WHEREAS** all conditions and things required to be done and performed before granting a coal lease thereunder have been done and performed **NOW THIS DEED WITNESSETH** that in consideration of the rent and royalty hereinafter reserved and of the convenants hereinafter contained and on the part of the registered holder to be paid performed and observed the Minister in pursuance of the provisions of the said Act **DOTH HEREBY** demise and lease unto the registered holder **ALL THAT** piece or parcel of land containing by admeasurement about 13.16 hectares

and more particularly described and delineated in the plan annexed hereto for the purpose of prospecting and mining for coal **TO HOLD** the said land with the appurtenances thereto subject to such rights and interests as may be lawfully subsisting therein or which may be reserved by the said Act at the date of these presents and subject also to such conditions provisos and stipulations as are herein contained **UNTO** the registered holder from and including the date hereof

for the term of 21 years

for the purpose aforesaid and for no other purpose **YIELDING AND PAYING** unto the owner for the time being of any private lands the surface whereof is hereby demised yearly and every year during the said term the yearly rent at the rate required by the said Act and the Regulations thereunder at the time the rent is required to be paid **AND YIELDING AND PAYING** in respect of any Crown lands the surface whereof is hereby demised yearly and every year during the said term the yearly rent at the rate required by the said Act and the Regulations thereunder at the time the rent is required to be paid **AND YIELDING AND PAYING** in respect of coal reserved to or owned by the Crown in the Crown lands and private lands hereby demised yearly and every year during the said term the yearly rent at the rate required by the said Act and the Regulations thereunder at the time the rent is required to be paid or at the rate fixed by the Minister from time to time during the term of this demise in exercise of the power in that behalf conferred upon him by the said Act such rents to be paid yearly in advance respectively to the owner for the time being of the private lands hereby demised and to the Minister in Sydney in respect of Crown lands hereby demised and to the Minister in Sydney in respect of coal reserved to or owned by the Crown in the Crown lands and private lands hereby demised the first of such payments to

be made to the owner and the Minister respectively on or before the 2nd day of June 1993 and thereafter such payments to be made to the respective owners and the Minister respectively on or before the 2nd day of March in each year of the said term upon and subject to the covenants conditions and provisos hereinafter appearing **AND** the registered holder **DOTH HEREBY** convenant with the Minister as follows:

1. **THAT** in this lease except insofar as the context otherwise indicates or requires:

   any reference to an Act includes that Act and any Act amending or in substitution for the same; "Director-General" means the person for the time being holding office or acting as Director-General, Department of Mineral Resources, Sydney; The words "coal", "Crown lands", "mine" when used as a noun or when used as a verb, "owner" and "private lands" have the meanings respectively assigned to them by the said Act; Words importing the singular number shall include the plural the masculine gender the feminine or neuter gender and vice versa;
   any convenant on the part of two or more persons shall be deemed to bind them jointly and severally.

2. **THAT** the registered holder shall during the said term pay unto the owner of any private lands hereby demised and unto the Minister in respect of any Crown lands hereby demised and unto the Minister in respect of coal reserved to or owned by the Crown in the said Crown lands and private lands hereby demised the rent or rents hereby reserved at the times and in the manner hereinbefore appointed therefore clear of all deductions and shall when called upon produce to the Minister or some officer appointed by him in respect of the said private lands a receipt for such rent or otherwise satisfy the Minister that such rent has been paid.

3. **THAT** the registered holder shall during the said term pay to the Minister in Sydney royalty on all coal won from the land hereby demised at the rate or rates from time to time required by the said Act and the Regulations thereunder to be paid.

4. **THAT** the registered holder shall not plead acceptance of rent by or on behalf of the owners or by or on behalf of the Minister as a waiver of the right of the Minister to enforce observance of the covenants herein contained or of the convenants and conditions to be observed under the Acts or Laws referred to in Clause 6 (d) herein or of the right of the Minister to cancel this lease for breach of any such convenant.

5. **THAT** the registered holder shall at all times during the said term keep and preserve the said mine from all avoidable injury or damage and also the levels, drifts, shafts, watercourses, roadways, works, erections and fixtures therein and thereon in good repair and condition and in such state and condition shall on the expiration or sooner determination of the said term or any renewal thereof deliver possession thereof and of all and singular the premises hereby demised to the Minister or other persons authorised to receive possession thereof.

6. **THAT** the conditions and provisions set forth and numbered 1(b), 32(a)(b)(c)(d), 57(a)(ii)(iii), (c) and (d), 73, 78, 81, 82, 84.....
   .....
   .....

in the Schedule of Conditions of Concessions and Authorisations hereto annexed and marked "A" are embodied and incorporated with these presents as conditions and provisions of the lease hereby granted **AND** that the registered holder shall observe fulfil and perform the same.

PROVIDED always and it is hereby declared as follows:

(a) **THAT** this lease if granted in respect of an application under Section 30 or Section 35 is granted subject to amendment as provided under Section 42 of the said Act.

(b) **THAT** if the registered holder at any time during the term of this demise-

(i) fails to fulfil or contravenes the covenants and conditions herein contained; or

(ii) fails to comply with any provisions of the said Act, with which the registered holder is required to comply; or

(iii) fails to use the land hereby demised bona fide for the purpose for which this lease was granted; or

(iv) uses the land hereby demised for any purpose other than that for which it has been demised,

this lease may be cancelled by the Minister by instrument in writing and the cancellation shall have effect from and including the date on which notification of the cancellation is published in the Government Gazette and the production of a copy of the Government Gazette containing a notification purporting to be signed by the Minister declaring this lease to be cancelled shall be conclusive evidence of the facts stated therein.

(c) **THAT** no implied covenant for title or for quiet enjoyment shall be contained herein.

(d) **THAT** all the conditions and provisions contained in the said Act and the Regulations thereunder and the Coal Mines Regulation Act, 1982 or any other law now or hereafter to be passed or prescribed so far as the same may be applicable are embodied and incorporated with these presents as conditions and provisions of the lease hereby granted and the registered holder hereby covenants to observe fulfil and perform the same.

(e) **THAT** such of the provisions and conditions herein declared and contained as require or prescribe anything to be done or not to be done by the registered holder shall in addition to being read and construed as conditions of the lease hereby expressed to be granted be also read and construed as covenants by the registered holder with the Minister to observe and perform the said provisions and conditions.

IN WITNESS WHEREOF the parties hereto have executed this Deed the day and year first abovewritten

SIGNED SEALED AND DELIVERED)
BY THE HONOURABLE)
IAN CAUSLEY, M.P.)
)
)
)
as such Minister as aforesaid)
)
)
)
in the presence of)
)

.....
Minister

Dated 2nd March 1993

.....
Witness

SIGNED SEALED AND DELIVERED)
by the said NOVACOAL)
AUSTRALIA PTY. LIMITED)
)
)
)
)
)
)
)
)
in the presence of)
)

NOVACOAL AUSTRALIA PTY. LIMITED A.C.N. 000 013 990 — The Common Seal of

.....
Registered Holder - T.J. BARCA
SECRETARY

Dated 9th February 1993

.....
~~Witness~~
K.TRONSON - DIRECTOR

CAT No. D 6998

DIAGRAM

Papers C 91-0040

Showing area subject to variation on survey.

Application 233 at _____ appn. _____

by Novacoal Australia Pty Limited possn.

PARISH COURIDJAH COUNTY CAMDEN

Scale 1 : 10 000 Lengths in metres. Purpose _____

Mineral Coal

Refused	Lease No.	State
	1308	

SURFACE EXCEPTION : 152.4 metres

COMPILED FROM INFORMATION SUPPLIED BY APPLICANT & 1:25000 SHT. N° 9029-4-S.

I.S.G. ZONE 56/1

CNR	EASTING	NORTHING
1	258 744 . 047	1 210 909 . 513
2	258 452 . 007	1 210 414 . 935
3	258 349 . 371	1 210 183 . 142
4	258 245 . 844	1 209 796 . 772
5	258 064 . 247	1 209 640 . 369
6	257 996 . 749	1 209 362 . 721
7	258 202 . 520	1 209 949 . 187
8	258 448 . 088	1 210 649 . 078
9	258 371 . 921	1 210 660 . 866

AREA : abt 13.16 ha

This is the plan referred to in the Lease/Licence No. 1308 granted to

Novacoal Australia Pty Limited

dated the 2nd day of March 1993.

Registered Holder

Minister

Prepared	Examined	Approved
6.2.92	12-2-92	12-2-92
K Callander	J R Elsley	J R Elsley

SCHEDULE "A"

CONDITIONS OF CONCESSIONS AND AUTHORISATIONS - 1991 (1)

METHODS OF OPERATION

1. (a) The registered holder shall extract as large a percentage of the coal in the subject area as is possible consistent with the provisions of the Coal Mines Regulation Act 1982 and the Regulations thereunder and shall comply with any direction given or which may be given in this regard by the Minister.

(b) The registered holder shall not commence or carry out any underground mining operations within the subject area:-

(i) unless with the consent of the Minister first had and obtained; or

(ii) except by a direction by the Minister pursuant to paragraph (c) of this Condition;

and subject to such conditions, provisions and stipulations as the Minister may impose.

(c) If directed so to do by the Minister and within such time as may be stipulated by the Minister the registered holder shall commence underground mining operations within the subject area and the registered holder shall thereafter carry out such operations to the Minister's satisfaction.

(d) Where the registered holder desires to commence and to carry out underground mining operations within the subject area or where the Minister notifies the registered holder that he proposes to issue a direction pursuant to paragraph (c) of this condition the registered holder shall furnish to the Minister a plan showing the proposed workings in the section of land to be so mined together with such other details as the Minister may require.

2. (A) The registered holder shall not carry out open cut workings or surface mining operations within the subject area except with the consent of the Minister and subject to such conditions as the Minister deems necessary.

(B) Where the registered holder intends to carry out open cut workings or surface mining operations within the subject area he shall furnish to the District Inspector of Coal Mines:-

(a) two plans in triplicate (entitled "Plan 1" and "Plan 2") certified by a person who is registered as a Surveyor under the Surveyors Act, 1929 or who is the holder of a surveyor's certificate of competency granted under the Coal Mines Regulation Act, or such other person as may be approved by the Director-General to a scale of 1:4000 or such other scale as may be required or approved by the Director-General showing on:-

Plan 1:

(i) the area and dimensions of each section of land proposed to be used for such workings or operations;

(ii) the approximate depth of top soil in each section of the land proposed to be used for such workings or operations; and

(iii) the order in which it is proposed to use the sections for such workings or operations;

Plan 2:

(i) the approximate contours to which the surface shall be rehabilitated;

(ii) the methods proposed to be adopted to prevent effluent or contaminated waters discharging from works or operations the subject of or associated with such workings or operations onto surrounding areas or into creeks, rivers, streams or watercourses;

(b) details in writing of the manner in which it is proposed to remove, store and replace the top soil;

(c) details in writing of grasses, plants, shrubs and/or trees proposed to be planted on the land when such workings or operations have been completed;

(d) such other details including plans and photographs as the said District Inspector of Coal Mines may require, provided that if any question shall arise as to whether any such details should be furnished by the registered holder the matter shall be decided by the Chief Inspector of Coal Mines whose decision shall be final.

3. (a) In the event of the registered holder carrying out open cut workings or surface mining operations or the removal of overburden within the lands overlaying the subject area the registered holder shall not extend any such workings or operations or removal into the subject area unless with the consent of the Minister first had and obtained and subject to such conditions as he may impose.

(b) In the event that the registered holder applies, pursuant to the foregoing Condition No 2, for the Minister's consent to carry out open cut workings or surface mining operations in any part or parts of the land overlaying the subject area the plans and details shall also relate to any proposed open cut workings or surface mining operations within the subject area and no such workings or operations shall be carried out within the subject area unless with the consent of the Minister first had and obtained and subject to such conditions as the Minister may impose.

DISPOSAL OF COAL

4. Where any coal mined from within the subject area, whether by open cut, surface mining or underground methods, is not immediately saleable, the registered holder shall, unless otherwise approved by the Minister, store, for future disposal by the registered holder, any such coal in such a manner and location as the Minister may approve and subject to such conditions, provisions and stipulations as the Minister may impose.

BARRIERS

5. Unless with the consent of the Minister first had and obtained and subject to such conditions as he may impose, the registered holder shall not mine for, work, win or remove any coal from those parts of the subject area within the highwater level subsidence control zone defined:-

   (a) on the surface by the highwater level of ..... and a point 2.44 metres in elevation above that highwater level;

   (b) in the seam by a line defined by an angle of draw of 35° drawn landwards from the line drawn vertically beneath a point 2.44 metres in elevation above the highwater level of .....
   .....

   (c) in the seam by a line defined by an angle of draw of 35° drawn lakewards from the line drawn vertically beneath the highwater level of .....

6. Unless with the consent of the Minister first had and obtained and subject to such conditions as he may impose the registered holder shall not mine for work win or remove any coal from that part of the subject area shown as a barrier..... metres wide on the said plan.

7. Unless with the consent of the Minister first had and obtained and subject to such conditions as he may impose the registered holder shall not mine for work win or remove any coal from those parts of the subject area shown as barriers ..... metres wide on the said plan.

8. The registered holder shall not work or cause to be worked any seam of coal within the subject area without leaving, if the Minister, by order, given in writing to the registered holder, so directs, a barrier of such width or a protective pillar or pillars of such size or sizes as is specified in the order, against any surface improvements or any feature whether natural or artificial.

9. (a) Before commencing to win or work any coal within the marginal zone/s defined in paragraph (b) of this condition or under...
   .....
   .....
   .....
   the registered holder shall notify the Chief Inspector of Coal Mines of his intention so to do and shall submit a plan of the system whereby such coal is proposed to be won or worked and shall obtain the written approval of the Chief Inspector of Coal Mines to such system. No such coal shall be won or worked except in accordance with the system approved in writing by the Chief Inspector of Coal Mines as altered added to or omitted from as hereinafter provided. In connection with every such submission the registered holder shall do such acts and furnish such information as the Chief Inspector of Coal Mines may require. The Chief Inspector of Coal Mines may at any time cancel any approval to a system and may from time to time alter omit from or add to any system approved by him.

(b) For the purposes of paragraph (a) of this condition the marginal zone is the area contained by an angle of draw of 35° measured outwards from.....
.....
.....
to the floor of the coal seam in which mining operations are being carried out.

10. Unless with the consent of the Minister first had and obtained and subject to such conditions as he may impose the registered holder shall not work or cause to be worked any seam of coal by underground methods within the subject area within the barrier defined as follows:-

The land within the zone beneath and adjacent to .....
..... Railway enclosed by an angle of draw of 35° from the vertical plane of the boundary parallel to and thirty (30) metres horizontally distant from either side of the railway lands, such angle of draw being measured outwards from the point on the vertical plane of the said boundary at the surface or at the level of the horizontal plane of the railway track, whichever may be the higher, to the floor of the coal seam in which mining operations are being carried out.

SHAFTS, DRIFTS, ADITS

11. The registered holder shall comply with the provisions of the Coal Mines Regulation Act 1982 and the Regulations thereunder concerning the closing of any shafts and outlets within the subject area and the surface lands the subject of or affected by any such shafts and outlets upon their closure shall be rehabilitated to the satisfaction of the Minister.

12. (a) Any shaft on the subject area, shall be used for ventilation purposes, only.

(b) Provided however that the Minister may consent, subject to such conditions as he may impose, to the use of any such shaft for other than ventilation purposes.

13. The registered holder shall comply with any direction given or which may be given by the Minister regarding the dumping, depositing or removal of any material extracted during the construction of any shaft, drift or adit on the subject area.

DUMPS AND COAL PREPARATION PLANT

14. The registered holder shall comply with any direction, given or which may be given by the Minister, including directions regarding the stabilisation and revegetation of any dumps of coal, minerals, mine residues or tailings situated on the subject area.

15. The registered holder shall comply with any direction, (including directions regarding the spraying, stabilisation and revegetation of dumps) given or which may be given by the Minister regarding the dumping on the subject area of any:-

    (a) coal,

    (b) minerals,

    (c) mine residues, or

    (d) tailings.

16. The registered holder shall advise the Minister prior to the erection or operation of any coal preparation plant or any other plant for the purpose of the beneficiation of coal on the subject area. Such plant is to be as generally described and located in the project environmental impact statement.

17. The registered holder shall comply with any direction, including directions regarding the spraying of coal dumps, given or which may be given by the Minister, regarding the depositing of coal on the subject area.

DAMS AND ESCAPE OF WATER

18. Settling dams or other dams constructed or to be constructed on the subject area shall be constructed, maintained and sealed to the satisfaction of the Minister.

19. The registered holder shall provide and maintain to the satisfaction of the Minister efficient means to prevent contaminated waters discharging or escaping from the subject area onto surrounding areas and shall comply with any direction given or which may be given in this regard by the Minister.

DUST AND CONVEYOR SYSTEMS

20. The registered holder shall take such precautions as are necessary to abate any dust nuisance and shall comply with any direction given or which may be given in this regard by the Minister.

21. The registered holder shall take such precautions as are necessary to abate any dust nuisance and shall comply with any direction, including directions regarding the sealing of roads and car parks, given or which may be given in this regard by the Minister.

22. The registered holder shall carry out regular inspections of above-ground conveyor systems and shall promptly remove any spillages and comply with any directions given or which may be given by the Minister in this regard.

EXEMPTED AREA

23. (a) The registered holder shall not commence any activities within any "exempted area" as defined by Section 6 of the Coal Mining Act, 1973, except with the written consent of the Minister and subject to such conditions, provisions and stipulations as he may impose.

(b) Where the registered holder desires to commence any activities within any "exempted area" the registered holder shall furnish to the Director-General, three copies of a topographic map, scale 1:25,000 showing the location of any proposed drill holes together with details of proposed drilling, geological and geophysical activities.

GEOLOGICAL HERITAGE SITES

24. The registered holder shall, as far as may be practicable, so conduct operations in such a manner as not to damage or interfere in any way with..... which has been identified as a geological heritage site, and which is indicated on the said plan.

AGREEMENT TO TRANSFER

25. The registered holder shall not enter into any agreement to transfer, sell or otherwise dispose of its interest in this concession or authorisation as the case may be for a period of ..... years from the date of this concession or authorisation as the case may be without first notifying the Minister, in writing, and obtaining the Minister's consent to such action.

MANAGEMENT AND REHABILITATION OF LANDS (GENERAL)

26. The registered holder shall not interfere in any way with any fences on or adjacent to the subject area unless with the prior written approval of the owner thereof or the Minister and subject to such conditions as the Minister may stipulate.

27. The registered holder shall observe any instruction given or which may be given by the Minister with a view to minimising or preventing public inconvenience or damage to public or private property.

28. The registered holder shall conduct operations on the subject area in such a manner as to interfere as little as possible with any access to ratepayers' properties.

29. The registered holder shall observe any instruction given or which may be given by the responsible authority with the view to the eradication of noxious weeds within the subject area.

30. Subject to any specific condition of this lease providing for rehabilitation of any particular part of the subject area affected by mining or activities associated therewith, the registered holder shall;

(a) reinstate, level, regrass, reforest and contour to the satisfaction of the Minister, any part of the subject area that may, in the opinion of the Minister have been damaged or deleteriously affected by mining operations, and

(b) fill in, seal or fence, to the satisfaction of the Minister, any excavation within the subject area.

31. If required so to do by the Minister and within such time as may be stipulated by the Minister the registered holder shall carry out to the satisfaction of the Minister surveys of structures, buildings and pipelines on adjacent landholdings to determine the effect of operations on any such structures, buildings and pipelines.

32. (a) The registered holder shall each year once operations have commenced, submit for the Minister's approval an "Annual Environmental Management Report" relating to the operations of the registered holder on the subject area.

(b) The date by which the Report must be submitted will be determined by the Minister after consulting with the registered holder.

(c) The Report shall comprise:

(i) a plan showing short, medium and long term mining plans;

(ii) a rehabilitation report (in respect of open cut operations) and/or a surface environmental management report (in respect of underground operations);

(iii) a review of performance in terms of State Pollution Control Commission and Department of Water Resources licence and approval conditions (related to the Clean Air Act 1961, the Clean Waters Act 1970, the Noise Control Act 1975, the Environmentally Hazardous Chemical Act 1985, the State Pollution Control Commission Act 1970 and the Water Act 1912) applicable to the subject area;

(iv) a review of performance in terms of Development Consent conditions for the subject area;

(v) a listing of any variations obtained to approvals applicable to the subject area during the previous year.

(d) The Minister may, by notice in writing, direct the registered holder to undertake any operations or remedial actions in such manner and within such period as may be specified in that notice so as to ensure that operations on the subject area conform to the requirements of relevant statutory approvals or licences.

(e) The registered holder shall conduct operations on the subject area in accordance with an "open cut application" approved by the Minister and any conditions contained in the Minister's approval of that application. Where the registered holder is of the opinion that the approved operations should be amended the registered holder shall submit an amendment for the Minister's approval.

33. If so directed by the Minister the registered holder shall rehabilitate to the satisfaction of the Minister and within such time as may be allowed by the Minister any lands within the subject area which may have been disturbed by the operations hereby authorised.

34. Upon completion of operations on the surface of the subject area or upon the expiry or sooner determination of this concession or authorisation, as the case may be, or any renewal thereof, the registered holder shall remove from such surface such buildings, machinery, plant, equipment, constructions and works as may be directed by the Minister and such surface shall be rehabilitated and left in a clean, tidy and safe condition to the satisfaction of the Minister.

35. If so directed by the Minister the registered holder shall rehabilitate to the satisfaction of the Minister and within such time as may be allowed by the Minister any lands within the subject area which may have been disturbed by prospecting operations carried out by the registered holder.

36. If so directed by the Minister the registered holder shall rehabilitate to the satisfaction of the Minister and within such time as may be allowed by the Minister any lands within the subject area which may have been disturbed by mining or prospecting operations whether such operations were or were not carried out by the registered holder.

37. The registered holder shall maintain the subject area in a clean and tidy condition at all times to the satisfaction of the Minister and shall as far as may be practicable prevent the spread of any oil or other pollutant on the subject area.

38. The registered holder shall take all precautions against causing outbreak of fire on the subject area and shall comply with any direction, including directions regarding the construction of firebreaks, given or which may be given in this regard by the Minister.

RIVERS, STREAMS, ETC.

39. Where the registered holder intends to conduct operations in or adjacent to any river, stream, creek, tributary, lake, dam or reservoir the subject of a proclamation under the Fisheries and Oyster Farms Act, 1935, relating to or prohibiting the taking of species of fish, the registered holder shall, not less than seven (7) days before commencement of such operations give notice in writing to the District Inspector of Fisheries setting out details of such operations and the river, stream, creek, tributary, lake, dam or reservoir that shall or may be affected thereby.

40. The registered holder shall provide and maintain to the satisfaction of the Minister efficient means to prevent contamination, pollution, erosion or siltation of any stream or watercourse or catchment area or any undue interference to fish or their environment and shall observe any instruction given or which may be given by the Minister with a view to preventing or minimising the contamination, pollution, erosion or siltation of any stream, watercourse or catchment area, or any undue interference to fish or their environment.

41. The registered holder shall provide and maintain to the satisfaction of the Minister efficient means to prevent contamination, pollution, erosion or siltation of any stream or watercourse or catchment area and shall observe any instruction given or which may be given by the Minister with a view to preventing or minimising the contamination, pollution, erosion or siltation of any stream, watercourse or catchment area.

42. If the registered holder is using or about to use any process, or to carry out any works, which in the opinion of the District Inspector of Coal Mines is likely to pollute..... ..... or its Catchment Area the registered holder upon service of notice in writing served under the hand of the District Inspector of Coal Mines so to do shall:-

    (a) discontinue the use of such process or works within twenty-four (24) hours; or

    (b) thereafter refrain from adopting such process or works at any time, as the case may require.

Provided however that the Chief Inspector of Coal Mines may confirm, vary or revoke any such notice.

43. In the event of operations disturbing the original bed of..... ..... the registered holder, at his own expense, shall provide to the satisfaction of.....an alternate route for the..... in a position as required by..... and, if required so to do by the Minister and subject to such conditions as he may impose, the registered holder, upon completion of operations and at his own expense, shall relocate the..... ..... to its original position.

TREES (PLANTING AND PROTECTION OF) FLORA AND FAUNA AND ARBOREAL SCREENS

44. The registered holder shall not cut damage or interfere in any way with any tree, shrub or other vegetative cover except such as may directly obstruct or prevent the carrying out of the operations.

45. All trees, shrubs and other vegetative cover which the registered holder cuts down removes or damages for the purposes of the operations shall be disposed of by the registered holder to the satisfaction of the Minister.

46. Operations shall be carried out in such a manner as to interfere as little as possible with natural flora and fauna and the registered holder shall comply with any direction given or which may be given in this regard by the Minister or the Director-General.

47. If directed so to do by the Minister the registered holder shall plant such grasses, trees or shrubs or such other vegetation as may be required by the Minister and care for same during the currency of this concession or authorisation, as the case may be, or any renewal thereof, to the satisfaction of the Minister.

48. The registered holder shall not fell trees, strip bark or cut timber on any private land or Crown land held under a pastoral lease within the subject area except with the approval of the Warden and subject to the payment to the owner of the trees, bark or timber of compensation assessed by the Warden under the Coal Mining Act, 1973.

49. The registered holder shall maintain an arboreal screen .... along or around that part of the subject area ..... and if directed so to do by the Minister the registered holder shall plant such trees or shrubs as may be required by the Minister to preserve the arboreal screen in a condition satisfactory to the Minister.

50. If so directed by the Minister the registered holder shall maintain an arboreal screen to the satisfaction of the Minister within that part of the subject area as may be specified by the Minister and if so directed by the Minister the registered holder shall plant such trees or shrubs as may be required by the Minister to preserve any such arboreal screen in a condition satisfactory to the Minister.

51. If so directed by the Minister the registered holder shall cover with topsoil, to the Minister's satisfaction, such parts of the subject area as may be stipulated by the Minister and shall plant and maintain, to the Minister's satisfaction, such grasses, trees or shrubs or such other vegetation as may be required by the Minister.

SOIL EROSION

52. The registered holder shall conduct operations in such a manner as not to cause or aggravate soil erosion and the registered holder shall observe and perform any instructions given or which may be given by the Minister or the Director-General with a view to minimising or preventing soil erosion.

53. 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.

54. 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.

55. The registered holder shall plant or sow such grasses, shrubs or trees in the replaced surface material as may be considered necessary by the Minister to control or prevent erosion.

56. The registered holder shall ensure that the run off from any disturbed area including the overflow from any depression or ponded area is discharged in such a manner that it will not cause erosion.

ROADS

57. (a) The registered holder shall pay to.Wollondilly Shire Council, Department of Lands or the Chief Executive, Roads and Traffic Authority the cost incurred by such Council or Department or Chief Executive of making good any damage caused by operations carried on by or under the authority of the registered holder or any person claiming through or under the registered holder to any road:-

(i) shown on the said plan as;

(ii) adjoining the surface or the excepted surface as the case may be of the subject area;

(iii) traversing the surface or the excepted surface as the case may be of the subject area;

(iv) comprising the surface or the excepted surface as the case may be of the subject area;

(v) in the vicinity of the surface or the excepted surface as the case may be of the subject area.

(b) Notwithstanding that the registered holder may have complied with .....the registered holder shall pay to..... Council, Department of Lands or the Chief Executive, Roads and Traffic Authority the cost incurred by such Council or Department or Chief Executive of making good any damage caused by operations carried on by or under the authority of the registered holder or any person claiming through or under the registered holder to any road:-

(i) shown on the said plan as;

(ii) adjoining the surface or the excepted surface as the case may be of the subject area;

(iii) traversing the surface or the excepted surface as the case may be of the subject area;

(iv) comprising the surface or the excepted surface as the case may be of the subject area;

(v) in the vicinity of the surface or the excepted surface as the case may be of the subject area.

(c) AND THE REGISTERED HOLDER HEREBY COVENANTS with the said Council that the registered holder will pay to the said Council the cost incurred by the said Council of making good any such damage caused as aforesaid and that the registered holder hereby covenants with the said Chief Executive that the registered holder will pay to the said Chief Executive the cost incurred by the said Chief Executive of making good any such damage caused as aforesaid.

(d) AND IT IS HEREBY AGREED AND DECLARED that the amount to be paid by the registered holder under the provisions of this condition shall include in addition to the cost of all necessary labour and materials all costs and expenses reasonably incurred in and about the making of surveys the preparation of plans and specifications and estimates the supervision and inspection of the works and all administrative and overhead costs and expenses of the Council or the Department of Lands or the Chief Executive, Roads and Traffic Authority as the case may be related or attributable to the works undertaken to make good any damage caused to any road. A certificate under the hand of the Town or Shire Clerk of the said Council or the Secretary for Lands or the Chief Executive, Roads and Traffic Authority or the person for the time being acting as such Clerk, Secretary or Chief Executive as to the amount of the cost of making good any damage to any road shall in all respects and for all purposes be conclusive evidence of the amount of such cost and of the due determination thereof PROVIDED HOWEVER that the amount to be paid by the registered holder as aforesaid shall be reduced by such sum of money if any as may be paid to the said Council the Department of Lands or the Chief Executive, Roads and Traffic Authority as the case may be from the Mine Subsidence Compensation Fund constituted under the Mine Subsidence Compensation Act, 1961, in settlement of a claim for compensation for the same damage.

58. Subject to Condition No 59 and if directed so to do by the Minister the registered holder shall allow free and uninterrupted access along any road, track or firetrail traversing the subject area.

59. In the event of operations being conducted on the surface of any road, track or firetrail traversing the subject area or in the event of such operations causing damage to or interference with any such road, track or firetrail the registered holder, at his own expense, shall if directed so to do by the Minister provide to the satisfaction of the Minister an alternate road, track or firetrail in a position as required by ..... and the Minister and shall allow free and uninterrupted access along such alternate road, track or firetrail and, if required so to do by the Minister, the registered holder shall upon completion of operations rehabilitate the surface of the original road, track or firetrail to a condition satisfactory to the Minister.

60. The registered holder shall not conduct any operations on the surface of.....traversing the subject area unless with the consent of the Minister first had and obtained and subject to such conditions as he may impose.

61. The registered holder shall comply with any direction given or which may be given by the Minister regarding access to the subject area from.....

62. Any access to the subject area from..... ..... shall be developed in accordance with the requirements of..... ..... and the registered holder shall bear the full cost of such development.

CATCHMENT AREAS

63. (a) Operations shall be carried out in such a way as not to cause any pollution of the..... Catchment Area.

(b) If the registered holder is using or about to use any process which in the opinion of the Minister is likely to cause contamination of the waters of the said Catchment Area the registered holder shall refrain from using or cease using as the case may require such process within twenty-four (24) hours of the receipt by the registered holder of a notice in writing under the hand of the Minister or the Director-General requiring the registered holder so to do.

(c) The registered holder shall comply with any regulations now in force or hereafter to be in force for the protection from pollution of the said Catchment Area.

64. (i) The registered holder shall carry out operations in such a way as to conform strictly to all provisions of the Water Board Act, 1987, as amended, and the regulations thereunder applying to the prevention of pollution of the..... (Water Catchment) Special Area or the preservation of the purity of the water supply provided thereby or derived therefrom or for the protection of the property of the Water Board on the Special Area and also to all requirements of the said Board from time to time under the said Act or any of the regulations for the time being in force.

(ii) If the registered holder shall at any time be using or about to use any process which in the opinion of the Water Board is likely to pollute the Special Area or the water supply or to endanger any property of the said Board on the Special Area the registered holder upon service of a notice in writing under the hand of the Minister or the Director-General so to do shall (i) discontinue the use of such process within twenty-four (24) hours or (ii) thereafter refrain from adopting such process at any time, as the case may require.

(iii) The registered holder shall make such provisions for sanitation as may be directed by the Water Board and shall at all times observe and perform any requirements of the said Board respecting sanitation.

(iv) The registered holder shall provide and maintain to the satisfaction of the Minister efficient means to prevent the contamination, pollution or siltation of any stream or watercourse or catchment area and shall observe any instruction given or which may be given by the Minister or the Director-General with a view to preventing or minimising the contamination, pollution or siltation of any stream watercourse or catchment area.

(v) (a) The registered holder shall not establish any camps or habitations within any areas under the control of the Water Board.

(b) The registered holder shall not establish any camps or habitations within any areas under the control of the Water Board unless with the consent of the Minister or the Director-General first had and obtained and subject to such conditions as he may impose.

(vi) The registered holder hereby covenants with Us Our Heirs and Successors and as a separate covenant the registered holder hereby covenants with the Water Board and its Successors that the registered holder shall at all times hereafter save harmless and keep Us and the said Board and Our Heirs and Successors and the Successors of the said Board indemnified from payment of compensation and from and against all actions proceedings claims and demands in respect of any injury loss or damage arising out of or in any way connected with any interference with or deprivation or loss of access to the land and premises of this concession or authorisation as the case may be which may occur by reason of any works or operations undertaken or carried out by the said Board or arising out of or in any way connected with any discontinuance or alteration of any process consequent upon the service of a notice in pursuance of the provisions of condition 64 (ii) or arising out of or in any way connected with the operation of any regulations relating to a Special Area in force at the date hereof or made by the said Board at any time hereafter and the registered holder hereby agrees that for the purpose of this condition the said Board shall be deemed to be a party to this concession or authorisation as the case may be.

(vii) Unless with the consent of the Minister or the Director-General first had and obtained and subject to such conditions as he may impose the registered holder shall not erect install or use on the subject area any plant or process for the purpose of washing coal or extracting or refining or otherwise treating any oil or other derivative from coal.

(viii) The registered holder shall not sink any drillhole within the stored waters on the subject area nor within..... ..... metres of the top water level thereof unless with the consent of the Water Board first had and obtained and subject to such conditions as it may impose.

(ix) The registered holder shall not sink any drillhole within any watercourse on the..... (Water Catchment) Special Area nor within..... metres thereof unless with the consent of the Water Board first had and obtained and subject to such conditions as it may impose.

(x) Operations shall be conducted in such a manner as not to cause any danger to persons or stock and the registered holder shall provide and maintain adequate protection to the satisfaction of the Minister around each shaft or excavation opened up or used by the registered holder.

(xi) Upon abandonment of operations on any site, the registered holder shall batter the side of each excavation opened up or used by the registered holder to a safe low angle and all such excavations shall be effectively drained to the satisfaction of the Minister.

(xii) If so directed by the Minister the registered holder shall plant or sow such grasses, shrubs or trees in the replaced surface material as may be considered necessary by the Minister to control erosion.

(xiii) The registered holder shall ensure that run off from any disturbed area including the overflow from any depression or ponded area is discharged in such a manner that it will not cause erosion.

(xiv) Work executed under the above conditions 64 (xi) (xii) and (xiii) shall be completed before termination of the concession or authorisation as the case may be to the satisfaction of the Water Board.

(xv) The registered holder shall not establish any camps or habitations unless with the consent of the Water Board first had and obtained and subject to such conditions as it may impose.

(xvi) The registered holder shall take all precautions against causing outbreak of fire on the area, and shall not permit any fireplace to be constructed unless protected by stone wallings and fires lit therein shall not be left unattended.

(xvii) The registered holder shall not interfere with or impede the use of the tracks or endanger their stability in any way by reason of the operations.

(xviii) The registered holder shall not construct any road to the sites of any drillholes unless with the consent of the Water Board first had and obtained to the proposed route and type of road construction.

(xix) The registered holder shall not interfere in any way with any fences on or adjacent to the said Special Area unless with the consent in writing of the owner thereof or the Water Board first had and obtained.

(xx) All drillholes shall be completely filled with cement mix where located within..... of the full supply level of any dam.

(xxi) Any drillholes located beyond areas referred to in condition 64 (xx) and within the Special Area shall be filled with a cement mix plug taken to solid rock or for the top.....metres only if rock level is below that depth.

(xxii) The registered holder shall give three days notice to the Water Board's Resident Engineer, Pipe Head, Guildford of its intention to commence drilling operations.

(xxiii) This concession or authorisation as the case may be does not confer the power to cut or remove any timber except such as directly obstructs or prevents the carrying on of operations and the registered holder shall obtain the consent in writing of the Water Board before making use of the timber so cut for other than in connection with operations.

STATE FORESTS AND FOREST RESERVES

65. (i) This concession or authorisation as the case may be does not confer the power to cut or remove any timber within..... ....., except such as directly obstructs or prevents the carrying on of operations and the registered holder shall obtain authority under the provisions of the Forestry Act, 1916, as amended, or any Act amending the same and the Regulations thereunder before making use of the timber so cut for other than in connection with operations. The sanction of the District Forester or his deputy shall be obtained before proceeding to cut any other timber within the said.....

(ii) The registered holder shall take all precautions against causing outbreak of fire on the said..... ..... and shall not burn off any grass dry herbage or surface litter except with the consent of the District Forester first had and obtained and shall under the direction and control of the local Forest Officer stack and burn the heads of any trees destroyed during the course of operations and the registered holder shall not permit any fireplace to be constructed unless protected by stone wallings and fires lit therein shall not be left unattended.

(iii) This concession or authorisation as the case may be is issued subject to any condition and/or restrictions, which may be prescribed in accordance with the provisions of the Forestry Act, 1916, as amended, or any Act amending the same and the Regulations thereunder and the Regulations under the Bush Fires Act, 1949.

(iv) In the event of operations encroaching on or within ten (10) metres of any constructed road or firebreak the registered holder shall provide a suitable deviation to the same standard as the previous road or firebreak and upon the completion of operations or the sooner determination of this concession or authorisation as the case may be the registered holder shall restore the road or firebreak to its original position and condition to the satisfaction of the Minister.

(v) The registered holder shall not interfere with any Crown improvements unless with the consent in writing of the Minister first had and obtained and subject to such conditions as he may impose.

(vi) The registered holder shall not cut destroy ringbark or remove any timber or other vegetative cover except such as directly obstructs or prevents the carrying on of operations.

(vii) The registered holder shall conduct operations in such a manner as not to cause or aggravate soil erosion and the registered holder shall observe and perform any instruction given or which may be given by the Minister or the Director-General with a view to minimising or preventing soil erosion.

(viii) (a) The registered holder shall not cut damage or interfere with any trees or shrubs except such as may directly obstruct or prevent the carrying out of operations.

(b) The operations shall be carried out in such a manner as to interfere as little as possible with natural flora or fauna.

(ix) (a) Any necessary clearing shall be done only with the prior permission of the District Forester or his deputy and compensation shall be paid for any mature trees or semi-mature trees damaged or destroyed at the rate fixed by the Forestry Commission of New South Wales and such compensation shall be payable on demand at the end of each calendar month.

(b) In the event of any non-merchantable trees being destroyed by the operations hereby authorised compensation payable to the Forestry Commission of New South Wales shall relate to the cost of establishment and tending of the part of the forest affected by the operations.

(c) For the purpose of allowing inspection of the site and assessment of compensation payable for the timber to be destroyed, the registered holder shall provide two weeks notice to the District Forester or his deputy prior to the commencement of any clearing operations.

(x) The registered holder shall not cause damage to forest roads or tracks by operating vehicles on the subject area during wet weather.

(xi) The Minister reserves the right to suspend operations immediately if weather conditions and/or the operations are causing damage to any assets of the Forestry Commission of New South Wales.

(xii) During operations and progressively, the registered holder shall rehabilitate, consolidate and make trafficable all roads and firebreaks at present existing and which may be affected by the operations to the satisfaction of the District Forester or his deputy.

(xiii) The registered holder shall not cut destroy ringbark or remove any timber or vegetative cover except such as directly obstructs or prevents the carrying on of operations and subject to payment to the owner of compensation assessed as prescribed by the Coal Mining Act.

(xiv) The registered holder shall not deposit on the subject area any refuse except in properly constructed containers which shall be regularly removed by the registered holder from the subject area.

(xv) The registered holder shall maintain the subject area in a clean and tidy condition at all times and to the satisfaction of the Minister.

BOMBING AND RIFLE RANGES

66. (a) The registered holder shall vacate any part of the subject area which is within the danger areas of the Air Force live bombing range and/or air to ground gunnery and rocket firing range upon notification by the Air Force authorities of any exercises affecting such area and the registered holder shall not return until the conclusion of any such exercises.

(b) The registered holder shall not interfere in any way with entry upon the surface of the subject area by any persons duly authorised by the Air Force authorities for any purpose whatsoever in connection with the live bombing range and/or air to ground gunnery and rocket firing range.

(c) The registered holder shall accept all and any risks to which the registered holder or the registered holder's property may be exposed by reason of the existence of the live bombing range and/or air to ground gunnery and rocket firing range on the subject area and the registered holder shall save harmless the Commonwealth Government or persons lawfully using the said ranges from any claims or injuries to the registered holder or the registered holder's servants or workmen which may arise by reason of the use of the said ranges by the Air Force.

67. (a) The registered holder shall not interfere in any way with rifle practice by members of duly constituted rifle clubs or the Australian Military Forces.

(b) The registered holder shall not be entitled to charge rent for the use of the rifle range on the subject area or any part thereof.

(c) The registered holder shall save harmless and indemnify the Crown, the Minister and the Commonwealth Government from and against any and all loss, damage and injury whatsoever whether negligently or otherwise occasioned to the registered holder or to his agents or employees by reason of the discharge of fire-arms on the rifle range and shall save harmless and indemnify persons lawfully using the said range from and against any and all loss, damage and injury whatsoever occasioned to the registered holder or to his agents or employees by the discharge of fire-arms on the said range except such loss, damage or injury as is occasioned by willful recklessness or negligence in the discharge of such fire-arms.

(d) Members of rifle clubs or the Australian Military Forces shall retain the privileges of taking riding horses and vehicles on to the rifle ranges.

TRIG. STATIONS AND RESERVES

68. (a) The marks in connection with any trigonometrical station erected on or near the subject area shall not be interfered with and the unrestricted right of access to such station by authorised persons and also the right to clear sight lines to surrounding stations is reserved at all times.

(b) The registered holder shall take all necessary precautions to preserve the trigonometrical station and the cairn mast and vanes which might be erected upon the subject area.

69. (a) No buildings or other structures shall be erected which would make observations to and from surrounding trigonometrical stations difficult to effect.

(b) In the event of operations interfering with or damaging any trigonometrical station erected on or near the subject area, or if required so to do by the Minister, the registered holder shall, at his own expense, relocate any such trigonometrical station to the satisfaction of, and in a position required by, the Department of Lands, the Central Mapping Authority and the Minister and, if required so to do by the Minister, and subject to such conditions as he may impose, the registered holder, upon completion of operations and at his own expense, shall relocate any such trigonometrical station to its original position.

70. The registered holder shall permit the free and uninterrupted passage of stock through the subject area and shall conduct operations in such a manner as not to cause any danger to travelling stock.

71. The registered holder shall permit the free and uninterrupted passage of stock through that part or those parts, as the case may be, of the subject area covered by ..... Reserve No ..... and shall conduct operations as not to cause any danger to persons and travelling stock.

72. The registered holder shall as far as may be practicable so conduct operations as not to interfere in any way with the public use and enjoyment of.....

TRANSMISSION AND TELEPHONE LINES AND PIPELINES

73. (a) The registered holder shall as far as is practicable so conduct operations as not to interfere with or impair the stability or efficiency of any:-

(i) telephone line;

(ii) power transmission line;

(iii) pipeline

traversing the subject area.

(b) The registered holder shall comply with any direction given or which may be given by the Minister regarding any:-

(i) telephone line;

(ii) transmission line;

(iii) pipeline

traversing the surface or excepted surface, as the case may be, of the subject area.

74. The registered holder shall observe and comply with Specification for Overhead Line Construction No C(b) 1-1962 issued by the Electricity Supply Association of Australia with such additions and amendments as may subsequently be made.

75. Unless with the consent in writing of.....
.....first had and obtained and subject to such conditions as may be imposed the registered holder shall not carry out any operations within any easement for any power transmission line traversing the subject area.

76. (a) Subject to paragraph (b) of this condition and unless with the consent of the Minister first had and obtained and subject to such conditions as he may impose the registered holder shall not interfere with or impair the stability of any power transmission line traversing the subject area.

(b) In the event of operations interfering with or impairing the stability of any transmission line traversing the subject area or if required so to do by the Minister the registered holder shall, at his own expense, relocate any such transmission line to the satisfaction of, and in a position required by,.....
.....
and the Minister and, if required so to do by the Minister, and subject to such conditions as he may impose, the registered holder upon completion of operations and at his own expense, shall relocate any such transmission line to its original position.

77. The registered holder shall ensure that access to any power transmission line structures is available at all times to employees of.....
.....
in the performance of their duties.

LABOUR/EXPENDITURE

78. The registered holder shall:-

(a) ensure that at least ....One (1)..... competent workman is efficiently employed on the subject area on each week day except Saturday or any week day that is a public holiday, or

(b) expend on operations carried out in the course of prospecting or mining the subject area, an amount of not less than $17,500-00 during each year of the term of the lease.

Costs or expenses incurred which are not, in the opinion of the Director-General, directly associated with the prospecting or mining operations, shall not be accounted expenditure for the purposes of this condition.

The Minister may, at any time or times after a period of two (2) years from the date on which this lease has effect or from the date on which the renewal of this lease has effect, as the case may be, by instrument in writing served on the registered holder of the lease, increase or decrease the amount of expenditure required under this condition provided that not more than one variation in the amount of expenditure shall be made in any period of two years.

79. The registered holder shall ensure that an amount of not less than $..... is expended each year during the first ..... years of the term of this lease on surface establishments, shaft sinking, driving inclined drift and on underground development of the mine located or to be located within the external boundaries of the subject area. Thereafter the registered holder shall:-

    (a) ensure that at least .....competent workmen are efficiently employed on the subject area on each week day except Saturday or any week day that is a public holiday, or

    (b) expend on operations carried out in the course of prospecting or mining the subject area, an amount of not less than $ ..... during each year of the term of the lease.

    Costs or expenses incurred which are not, in the opinion of the Director-General, directly associated with the prospecting or mining operations, shall not be accounted expenditure for the purposes of this condition. The Minister may, at any time or times after a period of two (2) years from the date on which this lease has effect or from the date on which the renewal of this lease has effect, as the case may be, by instrument in writing served on the registered holder of the lease, increase or decrease the amount of expenditure required under this condition provided that not more than one variation in the amount of expenditure shall be made in any period of two years.

ADDITIONAL INFORMATION

80. The registered holder shall if directed so to do by the Minister and within such time as he may stipulate furnish to the Minister:-

    (a) such information as may be required by, and to the satisfaction of, the Minister regarding the ownership of the land within the subject area;

    (b) such information as may be required by, and to the satisfaction of, the Minister, regarding the ownership of the coal within the subject area prior to 1st January, 1982;

    (c) an indemnity in a form approved by the Minister indemnifying the Crown and the Minister against any wrong payment effected as a result of incorrect information furnished;

    (d) such information as may be required by, and to the satisfaction of, the Minister regarding the financial viability of the registered holder and operations within and associated with the subject area; and

    (e) such information as may be required by and to the satisfaction of, the Minister regarding shareholdings in the registered holder.

SERVICE OF NOTICES

81. Within a period of three months from the date of this lease or a period of three months from the date of service of the notice of renewal, as the case may be, or within such further time as the Director-General may allow the registered holder shall serve on each owner and occupier of the private land and on each occupier of the Crown land held under a pastoral lease within the subject area a notice in writing indicating that this lease has been granted or renewed as the case may be and whether the lease includes the surface. The notice shall be accompanied by an adequate plan and description of the subject area.

If there are ten or more owners or occupiers affected the registered holder may serve the notice by publication in a newspaper circulating in the region where the subject area is situated. The notice shall indicate that this lease has been granted or renewed as the case may be; state whether the lease includes the surface and shall contain an adequate plan and description of the subject area.

INSPECTORS

82. (a) Where the District Inspector of Coal Mines is of the opinion that any condition of this concession or authorisation as the case may be relating to operations within the subject area, or any provision of the Coal Mining Act, 1973, relating to operations within the subject area, is not being complied with by the registered holder he may serve on the registered holder a notice stating that he is of that opinion and giving particulars of the reason why he is of that opinion and may in such notice direct the registered holder:-

(i) to cease operations within the subject area in contravention of that condition or Act; and

(ii) to carry out within the specified time works, at the expense of the registered holder, necessary to rectify or remedy the situation.

(b) The registered holder shall comply with the directions contained in any notice served pursuant to sub-paragraph (a) of this condition. Provided however that the Chief Inspector of Coal Mines may confirm, vary or revoke any such direction.

(c) A notice referred to in this condition may be served on the Colliery Manager.

ADJUNCT

83. This lease shall be held as an adjunct to .... issued under the provisions of the ..... Mining Act, and in the event of any transfer of the said..... .....or an interest therein to any other person the registered holder shall also transfer to such person this lease or interest therein and in the event of the said..... ..... being cancelled or otherwise determined the Minister may cancel this lease.

INDEMNITIES

84. The registered holder shall indemnify and keep indemnified the Crown from and against all actions suits and claims and demands of whatsoever nature and all costs charges and expenses which may be brought against the registered holder or which the registered 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 registered holder within the boundaries of the subject area or in connection with any of the operations notwithstanding that all other conditions of this concession or authorisation as the case may be shall in all respects have been observed by the registered holder or that any such accident or injury shall arise from any act or thing which the registered holder may be licensed or compelled to do hereunder.

85. The registered holder shall save harmless the Crown from payment of compensation and from and against all claims, actions, suits or demands whatsoever in the event of any damage resulting from mining operations under or near the subject area.

PROSPECTING (GENERAL)

86. (a) Where the registered holder desires to commence prospecting operations in the subject area he shall notify the Director-General in writing and shall comply with such additional conditions as the Minister may impose including any condition requiring the lodgement of an additional bond or other form of security for rehabilitation of the area affected by such operations.

(b) Where the registered holder notifies the Director-General pursuant to sub-paragraph (a) of this condition he shall furnish with that notification details of the type of prospecting methods that would be adopted and the extent and location of the area that would be affected by them.

87. Prospecting operations shall be restricted to.....
.....
Provided however that the Minister may, subject to such conditions as the Minister considers necessary, authorise the carrying on of additional prospecting operations.

88. Unless otherwise authorised by the Minister the registered holder shall immediately commence and unless otherwise authorised by the Minister shall thereafter continuously proceed to carry out well and faithfully such surveys and other operations specified in Condition No 87 to explore for coal in, on or under the subject area.

89. The registered holder shall carry out all surveys and operations on the subject area in a proper and workmanlike manner in accordance with such methods as are customarily used in good mining practice and in accordance with the provisions of the Coal Mining Act.

90. The registered holder shall not interfere with or prevent the access of stock to any watering places or approaches thereto without the consent of the owner and occupier or of the Minister first had and obtained.

91. The registered holder shall not interfere with any well, water pump, dam or pipeline without the consent in writing of the owner and occupier first had and obtained.

92. Within fourteen (14) days after the expiration of six (6) months from the date of this concession or authorisation as the case may be and within fourteen (14) days after the expiration of each six (6) months thereafter the registered holder shall lodge with the Minister a written report to the satisfaction of the Minister containing particulars of:-

    (a) all surveys and other operations, including expenditure thereon, carried out by the registered holder during each period of six (6) months; and

    (b) the proposed exploration to be conducted during the following six months.

93. (a) The registered holder shall forward to the Minister, with every application for renewal of this concession or authorisation, as the case may be, and upon the expiry or sooner determination thereof a comprehensive written report, to the satisfaction of the Minister, containing full particulars of:

        (i) all surveys and other operations, including expenditure thereon, carried out by the registered holder during the period of the concession or authorisation as the case may be or the last renewal thereof as the case may be;

        (ii) results of such surveys and other operations and conclusions reached by the registered holder, on the basis thereof, as to the economic mineral potential of the subject area; and

        (iii) the proposed scheme for further exploration of the area the subject of any application for renewal.

94. The registered holder shall forward to the Minister upon the expiry or sooner determination of this concession or authorisation as the case may be, a detailed lithological log of every hole drilled by the registered holder together with detailed results of all proximate analyses and float/sink testing undertaken. In addition, the Minister may direct the registered holder to undertake proximate analyses and float/sink tests on any or all coal seams intersected in the drill holes which in the opinion of the Minister are likely to be economically mineable.

95. The registered holder shall forward to the Minister such further reports on surveys and other operations as the Minister may from time to time require.

96. The registered holder shall forward with every report all such maps, plans and data as are necessary to satisfactorily interpret and evaluate the report.

97. All drillholes are to be properly surveyed to determine their horizontal and vertical positions and survey details are to be furnished with written reports. Surface levels related to the Australian Height Datum and Integrated Survey Grid co-ordinate values are to be supplied for each drillhole. This data must be qualified by the respective notations (A.H.D.) and (I.S.G.).

98. The vertical position for each drillhole is required to an accuracy of $\pm$0.3 metre and the horizontal position for each drillhole is required to an accuracy of $\pm$one (1) metre unless otherwise directed by the Director-General.

99. A reference mark is to be placed in the vicinity of each drillhole with a side traverse to the drillhole, for relocation purposes.

100. The registered holder shall provide to the Department of Minerals and Energy such notifications, cores and samples as required by the Director-General.

101. In the event of any seam of coal being exposed during operations such exposure shall be reported by the registered holder to the Director-General within fourteen (14) days thereof and if so required in writing by the Director-General the registered holder shall leave the coal exposed until such time as it has been sampled by an officer of the Department of Minerals and Energy.

102. The registered holder shall, if using percussion rotary or other non-core drilling methods, retain representative cuttings of every three (3) metres of formation drilled or change of formation and such samples must be at least 115 grams in weight, dried, bagged and securely labelled with depth limits.

103. In the event of the registered holder carrying out pattern drilling with a view to open cut operations representative samples taken every three hundred (300) metres apart shall be retained in single layer boxes each row separated by rigid vertical spacers and drilling depths shall be clearly and permanently indicated inside and outside of each box.

104. The registered holder shall if using diamond drilling methods where solid core is recovered retain all cores in single layer boxes each row separated by rigid vertical spacers and drilling depths shall be clearly and permanently indicated inside and outside of each box.

105. The registered holder shall not drill nor permit to be drilled on the subject area any hole in excess of two hundred (200) millimetres in diameter unless with the consent of the Director-General first had and obtained and subject to such conditions as he may impose.

106. The registered holder shall upon completion of any drillhole plug each drillhole in such a manner that it shall not constitute a danger to persons or stock.

107. (a) In the event of any drillhole passing through water bearing strata or strata likely to contain gas or oil the registered holder shall upon the completion of any such drillhole securely seal off the hole with an approved sealing material both above and below any coal seam encountered in a manner satisfactory to the Director-General.

(b) Before sealing off any drillhole in the manner prescribed by the foregoing condition the registered holder shall furnish in writing to the Director-General fourteen (14) days notice of his intention to seal off any such drillhole.

(c) In the event of any flows of petroleum (or methane gas) and water from any drillhole drilled within the subject area the registered holder shall notify the Director-General within twenty-four (24) hours thereof of such flow.

108. Notwithstanding any of the provisions contained in the foregoing Conditions numbered 106 and 107(a), (b) the registered holder shall notify the Director-General of the proposed abandonment of any drillhole and shall comply with any direction given or which may be given by the Director-General in connection with the abandonment.

109. Where required so to do by the Chief Inspector of Coal Mines the registered holder shall ensure that drilling operations at sites specified by the Chief Inspector of Coal Mines shall be carried out using drilling rigs fitted with a control device and equipment to the satisfaction of the said Chief Inspector of Coal Mines as prevention against natural gas blow-out.

110. (a) The registered holder shall not knowingly destroy, deface or damage any aboriginal relic or other item of archaeological significance within the subject area and shall take every precaution in drilling, excavating or disturbing the land against any such destruction, defacement or damage.

(b) The registered holder shall within twenty-four (24) hours notify the Director of National Parks and Wildlife of the discovery of any such relic or other item.

(c) The registered holder shall not continue any operations likely to interfere with or disturb any such relic or other item without the concurrence of the Director of National Parks and Wildlife, provided that such concurrence must be given or refused within sixty (60) days of the notification referred to above.

111. The registered holder shall not deposit any refuse except in properly constructed containers which shall be regularly removed by the registered holder from the subject area. The registered holder shall maintain the subject area in a clean and tidy condition at all times.

112. Any gates within the subject area or any other gates used by the registered holder shall be closed or left open in accordance with the requirements of the owner or occupier.

113. The registered holder shall comply with any direction given or which may be given by the Director-General regarding the dumping, depositing or removal of any material extracted during the sinking of any drillhole on the subject area.

114. Upon abandonment or completion of any drillhole within any site the registered holder shall fill in or suitably plug all drillholes and shall leave the site in a clean, tidy and safe condition to the satisfaction of the Minister and the registered holder shall comply with any instructions given or which may be given by the Minister or the Director-General regarding the rehabilitation of the land.

<u>BOX CUTTING</u>

115. (A) Notwithstanding the provisions of Condition No 87 the registered holder shall not commence box cutting operations except with the written consent of the Minister and subject to such conditions, provisions and stipulations as he may impose including any conditions requiring the lodgement of a bond or other security for rehabilitation of the area the subject of or affected by such operations.

(B) Where the registered holder desires to commence box cutting operations the registered holder shall furnish to the District Inspector of Coal Mines:

(a) two plans in triplicate, certified by a person who is registered as a surveyor under the Surveyors Act, 1929, or who is the holder of a surveyor's certificate of competency or a surveyor's certificate of service granted under the Coal Mines Regulation Act, or such other persons as may be permitted by the Director-General to a scale of 1:4,000 or such other scale as may be required or permitted by the Director-General showing on:

Plan 1:

(i) the proposed area and dimensions of each box cut;

(ii) the approximate depth of top soil in each box cut;

Plan 2:

(i) the approximate contours to which the surface shall be rehabilitated;

(ii) the methods proposed to be adopted to prevent effluent or contaminated waters discharging from works or operations the subject of or associated with the box cutting operations onto surrounding areas or into creeks, rivers, streams or watercourses;

(b) details in writing of the manner in which it is proposed to remove, store and replace the top soil;

(c) details in writing of grasses, plants, shrubs and/or trees proposed to be planted on the area when box cutting operations have been completed;

(d) such other details including plans and photographs as the said District Inspector of Coal Mines may require provided that if any question shall arise as to whether any such details should be furnished by the registered holder the matter shall be decided by the Chief Inspector of Coal Mines.

(C) The Minister may by notice in writing served on the registered holder revoke such consent or may in the same manner, vary it as he may think fit.

(D) If required so to do by the District Inspector of Coal Mines and within such time as may be stipulated by the District Inspector of Coal Mines the registered holder shall erect and maintain to the satisfaction of the District Inspector of Coal Mines a fence around the area subject of or affected by box cutting operations.

(E) When required so to do by the Minister and within such time as may be stipulated by the Minister the registered holder shall rehabilitate each and every section of the area the subject of or affected by the box cutting operations to the satisfaction of the Minister and in accordance with such conditions provisions and stipulations as may be imposed by the Minister.

SECURITY DEPOSIT

116. (a) The registered holder shall, within two (2) months of being required so to do by the Director-General, lodge with the Minister the sum of $..... in cash as security for the fulfilment of the obligations of the registered holder under this concession or authorisation as the case may be. In the event that the registered holder fails to fulfil any of his obligations under this concession or authorisation as the case may be, the said sum may be applied at the discretion of the Minister towards the cost of fulfilling such obligations. For the purposes of this clause a registered holder shall be deemed to have failed to fulfil his obligations under this concession or authorisation as the case may be, if he fails to comply with any condition or provision of this concession or authorisation as the case may be, any provision of the Act or regulations made thereunder or any condition or direction imposed or given pursuant to a condition or provision of this concession or authorisation as the case may be, or of any provision of the Act or regulations made thereunder.

(b) The registered holder shall subject to the approval of the Minister, be entitled to provide by way of an alternative to the cash security required by subclause (a) hereof, security in the form of an interest bearing deposit in the name of the Minister for Natural Resources (or such other form of deposit approved by the Minister), banker's certificate or undertaking or bond in such a form and given by such surety as the Minister may approve.

(c) The Minister may at any time or times after the commencement of this concession or authorisation as the case may be, or any renewal thereof, vary the amount of security required in accordance with this condition.

(d) Where the amount of security has been increased pursuant to clause (c) hereof the registered holder shall, within two (2) months of being required so to do by the Minister, lodge a further security in cash or in one of the forms specified in clause (b) hereof in a form and given by a surety approved as may be approved by the Minister for the amount of security required, in which case the Minister shall refund or release to the registered holder the security previously lodged.

MISCELLANEOUS

117. The registered holder shall construct and maintain the railway within the subject area in accordance with the specifications and requirements of the State Rail Authority of New South Wales.

118. The Minister reserves the right to vary or revoke this authorisation or renewal of authorisation, as the case may be, at any time for any reason deemed good and sufficient.

119. Notwithstanding the provisions of Condition 44, the registered holder shall not destroy or injure any tree, sapling, shrub or scrub on any protected land as defined by the Soil Conservation Act, 1938, except in accordance with an authority issued by the Commissioner of the Soil Conservation Service, under Section 21D of that Act.

120. Within 6 months of the completion of any airborne geophysical survey within the subject area the registered holder shall forward to the Director-General copies of levelled located computer tapes each of which shall, unless otherwise directed by the Director-General, be recorded at a density of 1600 bits per inch, with 9 track standard GDF ASC11 code and with the GDF data format being specified in the header file on each tape.

This and the preceding twenty-seven pages is the Schedule of Conditions of Concessions and Authorisations marked "A" and referred to in the annexed coal lease under the Coal Mining Act, 1973 granted to Novacoal Australia Pty Limited dated the second day of March 1993.

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Registered Holder Minister for Natural Resources