

N.S.W. STAMP DUTY
CL No. 1846988 COAL MINING LEASE
1991 — 1992 — 1993-94-95-96-97

MINING LEASE

MINING ACT 1992

Camelton
16.1.97

No 1412

DATED 11 JANUARY A.D. 1997

THE MINISTER FOR MINERAL RESOURCES
OF THE STATE
OF NEW SOUTH WALES
TO

Warkworth Mining Limited

ACN 001 385 842

RECORDED in the Department of Mineral
Resources at Sydney, this
16th day of *January*,
A.D. 19*97*, at the hour of
10.20 o'clock in the *fore* noon.

[Signature]
.....
for Director-General

Corrected copy
J. Seattie
16/1/97

MINING LEASE

THIS DEED made the eleventh day of January, One thousand nine hundred and ninety seven, in pursuance of the provisions of the Mining Act 1992

(hereinafter called "the Act") BETWEEN THE HONOURABLE **Robert Douglas Martin, Minister for Mineral 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) AND **Warkworth Mining Limited ACN: 001 385 842** (which with its successors and transferees-is hereinafter called "the lease holder").

WHEREAS

- (a) in conformity with the Act application was made for a mining lease over the lands hereinafter described; and
- (b) all conditions and things required to be done and performed before granting a mining lease under the Act have been done and performed NOW THIS DEED WITNESSETH that in consideration of the observance and performance of the covenants contained in this Deed and the payment of royalty by the lease holder, the Minister in pursuance of the provisions of the Act DOES HEREBY demise and lease to the lease holder ALL THAT piece or parcel of land containing by admeasurement about **5.75 hectares** and more particularly described and delineated **as per plan catalogue no. M26818R** attached for the purpose of prospecting and mining for **Coal**.

TO HOLD the said land together with any appurtenances thereon subject to:

- (a) such rights and interests as may be lawfully subsisting therein or which may be reserved by the Act at the date of this Deed; and
- (b) such conditions, provisos and stipulations as are contained in this Deed UNTO the lease holder from and including the date of this Deed for the period of **twenty one years** for the purpose as stated and for no other purpose.

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

- (a) 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 word "mine" has the meaning assigned to it by the Act; words importing the singular number shall include the plural, the masculine gender the feminine or neuter gender and vice versa; and
- (b) any covenant on the part of two or more persons shall be deemed to bind them jointly and severally.

2. THAT the lease holder shall during the said term pay to the Minister in Sydney in respect of all such minerals as stated, recovered from the land hereby demised, royalty at the rate or rates prescribed by the Act and the Regulations thereunder at the time the minerals are recovered, or at the rate or rates 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 Act.

3. THAT the lease holder shall at all times during the term of this lease 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 of the land and the premises hereby demised to the Minister or other persons authorised to receive possession thereof.

4. THAT the conditions and provisions set forth in the Schedule of Conditions of Authority herein and numbered:- **1 to 3, 15, 17 to 19, 21 to 31, 42 to 52, 55 to 56** are embodied and incorporated within this Deed as conditions and provisions of the lease hereby granted AND that the lease holder shall observe fulfil and perform the same.

PROVIDED always and it is hereby declared as follows:

(a) THAT this lease is granted subject to amendment as provided under Section 79 of the Act.

(b) THAT if the lease 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 provision of the Act or the Regulations with which the lease holder is required to comply; or

(iii) fails to comply with the requirements of any agreement or assessment in relation to the payment of compensation,

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 notice of the cancellation is served on the lease holder or on such later date as is specified in the notice; and any liability incurred by the lease holder before the cancellation took effect shall not be affected.

(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 Mining Act 1992 and the Regulations thereunder, the Mines Inspection Act 1901 and the Coal Mines Regulation Act 1982 or any other law hereafter to be passed or prescribed shall be incorporated within this Deed as conditions and provisions of the lease granted. The lease holder hereby covenants to observe, fulfil and perform the same.

(e) THAT such of the provisions and conditions declared and contained in this Deed as requiring anything to be done or not to be done by the lease holder, shall be read and construed as covenants by the lease holder with the Minister which are to be observed and performed.

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

SIGNED SEALED AND DELIVERED
BY THE HONOURABLE Robert Douglas Martin

)
) *Robert Douglas Martin*
.....

Minister

as such Minister as aforesaid

in the presence of

)
) *[Signature]*
.....
Witness

SIGNED SEALED AND DELIVERED)
by the said "the lease holder")
Warkworth Mining Limited)
ACN: 001 385 842)



) *[Signature]*
Director

) *[Signature]*
COMPANY
SECRETARY

in the presence of)

) *[Signature]*
Witness

SCHEDULE OF
CONDITIONS OF AUTHORITY - 1995
(COAL)

METHODS OF OPERATION

1 The lease 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.

2

(a) The lease holder shall not commence or carry out any underground mining operations 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.

(b) Where the lease holder intends to carry out underground mining operations within the subject area the lease 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.

3

(a) The lease holder shall not carry out open cut or surface mining operations, or the removal of overburden or highwall mining, within the subject area or associated colliery holding unless with consent of the Minister and subject to such conditions as the Minister may impose.

(b) Where the lease holder intends to carry out open cut workings, surface mining operations or the removal of overburden or highwall mining within the subject area or associated colliery holding the lease holder shall apply for approval to carry out such operations in accordance with Instructions for Open Cut Application or Instructions for Highwall Mining Applications provided by the Director-General.

DUMPS AND COAL PREPARATION PLANT

15 The lease holder shall comply with any direction, given or which may be given by the Inspector regarding the dumping, depositing or removal of material extracted as well as the stabilisation and revegetation of any dumps of coal, minerals, mine residues, tailings or overburden situated on the subject area or the associated colliery holding.

DUST AND CONVEYOR SYSTEMS

17 The lease holder shall take such precautions as are necessary to abate any dust nuisance.

MANAGEMENT AND REHABILITATION OF LANDS (GENERAL)

- 18 The lease 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.
- 19 The lease 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.
- 21
- (a) The lease 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 lease 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 lease 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 Environment Protection Authority 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 Pollution Control 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 lease 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 lease 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 lease holder is of the opinion that the approved operations should be amended the lease holder shall submit an amendment for the Minister's approval.
- 22 If so directed by the Minister the lease holder shall rehabilitate to the satisfaction of the Minister 'any lands within the subject area which may have been disturbed by the lease holder.

23 Upon completion of operations on the surface of the subject area or upon the expiry or sooner determination of this authority or any renewal thereof, the lease 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.

24 If so directed by the Minister the lease 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 lease holder.

25 The lease holder shall take all precautions against causing outbreak of fire on the subject area.

BLASTING

26 The lease holder shall monitor noise and vibration and institute controls, generally in accordance with the recommendations of Australian Standard AS-2187 - 1993 and ANZEC Guidelines.

(a) Ground Vibration

The lease holder shall design all blasts on the basis that the ground vibration peak particle velocity generated by any blasting within the subject area, shall not exceed the levels in or conditions of the EPA Licence for the mine, at any dwelling or occupied premises not owned by the lease holder, the holder of an authority under the Mining Act, or not subject to a valid agreement with the lease holder, with respect to the effects of blasting.

(b) Blast Overpressure

The lease holder shall design all blasts on the basis that the blast overpressure noise level generated by any blasting within the subject area, shall not exceed the levels in or conditions of the EPA Licence for the mine, at any dwelling or occupied premises not owned by lease holder, the holder of an authority under the Mining Act, or not subject to a valid agreement with the lease holder, with respect to the effects of blasting.

27 The lease holder shall provide and maintain to the satisfaction of the Minister efficient means to prevent contamination, pollution, erosion or siltation of any river, stream, creek, tributary, lake, dam, reservoir, 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 river, stream, creek, tributary, lake, dam, reservoir, watercourse or catchment area, or any undue interference to fish or their environment.

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

28 If so directed by the Minister, the lease holder shall ensure that operations are carried out in such manner so as to minimise disturbance to flora and fauna within the subject area.

29 Notwithstanding the provisions of Condition No 36(i) the lease holder shall not fell trees, strip bark or cut timber on any land within the subject area except with the approval of the owner/occupier and subject to the payment to the owner of the trees, bark or timber of compensation as agreed or as assessed by the Warden.

30 The lease holder shall maintain an arboreal screen to the satisfaction of the Minister within such parts of the subject area as may be specified by the Minister and 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.

SOIL EROSION

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

TRANSMISSION LINES, COMMUNICATION LINES AND PIPELINES

42 The lease holder shall as far as is practicable so conduct operations as not to interfere with or impair the stability or efficiency of any transmission line, communication line or pipeline traversing the surface or the excepted surface of the subject area and shall comply with any direction given or which may be given by the Minister in this regard.

43 Unless with the consent of **Transgrid**, the lease holder shall not carry out any operations within any easement for any power transmission line traversing the subject area.

ABORIGINAL PLACE OR RELIC

44 The lease holder shall not knowingly destroy, deface or damage any aboriginal place or relic within the subject area except in accordance with an authority issued under the National Parks and Wildlife Act, 1974, and shall take every precaution in drilling, excavating or disturbing the land against any such destruction, defacement or damage.

LABOUR/EXPENDITURE

45 The lease holder shall during each year of the term of the authority:

(a) ensure that at least 1 worker are efficiently employed on the subject area 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.

The Minister may, at any time after a period of two (2) years from the date on which this authority has effect or from the date on which the renewal of this authority has effect, increase or decrease the amount of expenditure or labour required.

ADDITIONAL INFORMATION

- 46 The lease holder shall if directed by the Minister and within such time as the Minister may stipulate furnish to the Minister:
- (a) information regarding the ownership of the land within the subject area;
 - (b) information 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) information regarding the financial viability of the lease holder and operations within and associated with the subject area; and
 - (e) information regarding shareholdings in the lease holder.

SERVICE OF NOTICES

47 Within a period of three months from the date of this authority or a period of three months from the date of service of the notice of renewal, or within such further time as the Director-General may allow the lease 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 authority has been granted or renewed and whether the authority 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 lease 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 authority has been granted or renewed, state whether the authority includes the surface and shall contain an adequate plan and description of the subject area.

INSPECTORS

- 48
- (a) Where the Inspector is of the opinion that any condition of this authority relating to operations within the subject area, or any provision of the Mining Act, 1992, relating to operations within the subject area, are not being complied with by the lease holder, the Inspector may serve on the, lease holder a notice stating that and give particulars of the reason why, and may in such notice direct the lease 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 necessary to rectify or remedy the situation.

- (b) The lease holder shall comply with the directions contained in any notice served pursuant to sub paragraph (a) of this condition. The Director-General may confirm, vary or revoke any such direction.
- (c) A notice referred to in this condition may be served on the Colliery Manager.

INDEMNITIES

- 49 The lease 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 lease holder or which the lease 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 lease holder within the boundaries of the subject area or in connection with any of the operations notwithstanding that all other conditions of this authority shall in all respects have been observed by the lease holder or that any such accident or injury shall arise from any act or thing which the lease holder may be licensed or compelled to do hereunder.
- 50 The lease 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)

51

- (a) Where the lease holder desires to commence prospecting operations in the subject area the lease holder 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 lease holder notifies the Director-General pursuant to sub paragraph (a) of this condition the lease holder 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.

SECURITY DEPOSIT

52

- (a) The lease holder shall, within two (2) months of being requested by the Director-General, lodge with the Minister the sum of \$1,000.00 in accordance with Instructions for Manner of Lodgement of Security Deposits as security for the fulfilment of the obligations of the lease holder under this authority. In the event that the lease holder fails to fulfil any of its obligations under this authority 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 lease holder shall be deemed to have failed to fulfil its obligations under this authority, if it fails to comply with any condition or provision of this authority, 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 authority or of any provision of the Act or regulations made thereunder.

- (b) The Minister may at any time after the commencement of this authority or any renewal thereof, vary the amount of security required in accordance with this condition.
- (c) Where the amount of security has been increased pursuant to clause (b) hereof the lease holder shall, within two (2) months of being requested by the Minister, lodge a security for the amount of security required, in which case the Minister shall refund or release to the lease holder the security previously lodged.

ROYALTY AT ADDITIONAL RATE

55 The lease holder shall during the term of this authority pay to the Minister royalty at the additional rate as prescribed by the Regulations for coal recovered by open cut mining methods from the area of the lease.

ROADS

56 Mining shall not commence within the lease area until such time as the alternative route for Putty Road has been opened to the public and is in a trafficable state, in accordance with conditions negotiated with Singleton Shire Council.

PLAN OF PORTION ML 1
(ADOPTED)

PARISH(S) WARKWORTH
 COUNTY(S) NORTHUMBERLAND
 MAP SHEET NO (s) 9132-4-N, 4-S
 REDUCTION RATIO 1: 10000
 MINING LEASE APPLICATION NO. 56
 MINING DIVISION SINGLETON
 APPLICANT WARKWORTH MINING LIMITED

APPLICATION DATE. 17-1-1986

MINING LEASE NO.

STATUS

METHOD OPEN CUT

RESTRICTION/DEPTH RESTRICTION
 20 metres

NOTES

Azimuth
 Plans used in the course of this survey/compilation
 D.P. 248186, D.P. 247339, D.P. 248730,
 D.P. 260869, D.P. 260056, D.P. 244658
 Survey declared on this plan for lines

of
 a surveyor registered under the surveyors Act, 1980,
 hereby certify the survey represented in this
 plan is accurate and has been completed in accordance
 with the survey practice regulations, 1980 and the
 Directions for the Guidance of Mining Surveyors
 and was completed on

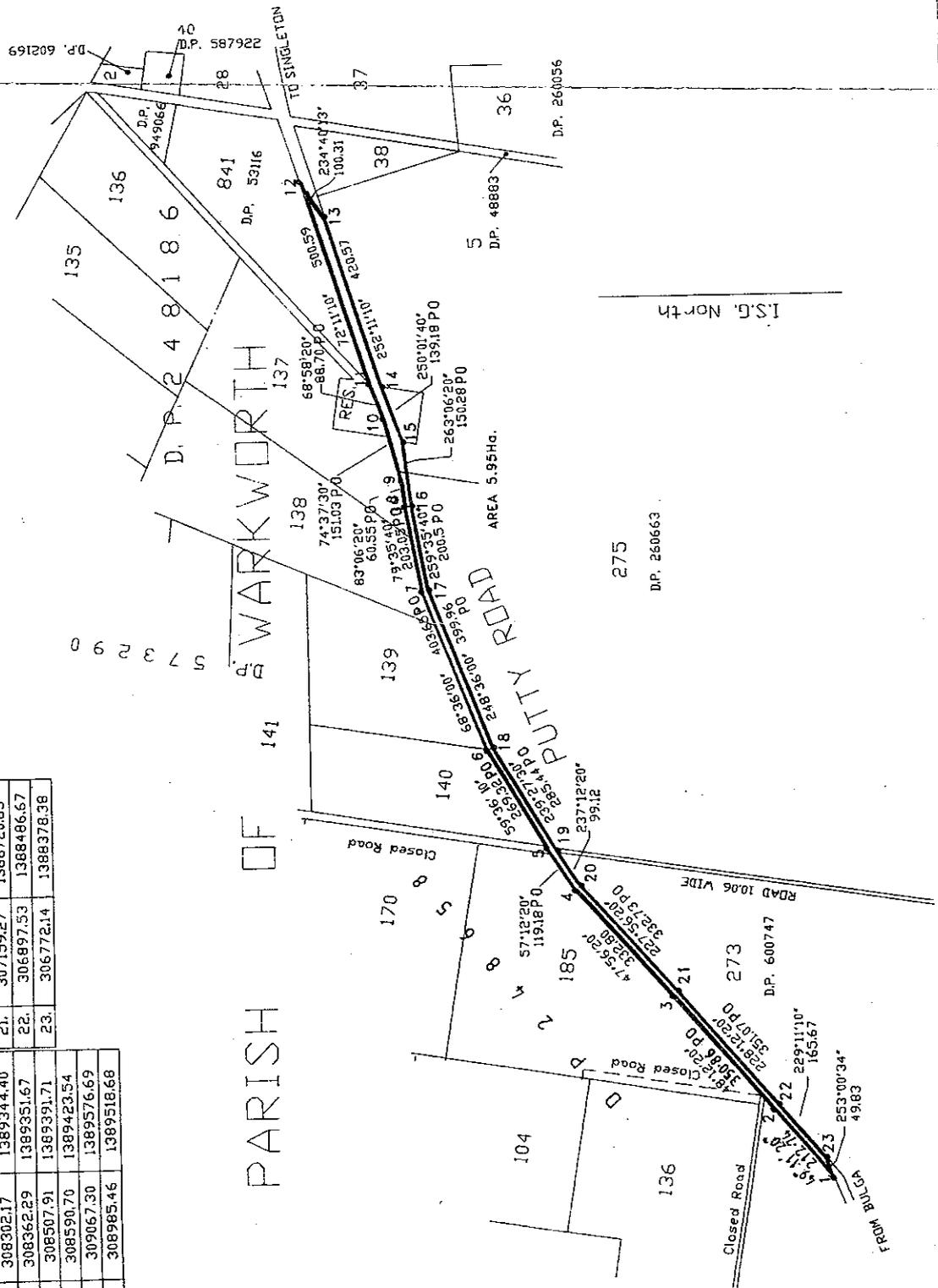
Surveyor's References: LSE/CL/017A
 Signature:
 Surveyor's Name:
 Plan Investigated:
 Plan Approved:
 Paper No.: C 95-2183

M 26818 R

REFERENCE TO CORNERS

1.	306724.40	1388363.79	14.	306585.05	1389390.02
2.	306885.42	1388502.83	15.	308454.24	1389342.48
3.	307147.00	1388736.67	16.	308305.04	1389324.44
4.	307394.08	1388959.62	17.	308107.84	1389288.22
5.	307494.34	1389024.17	18.	307735.46	1389142.29
6.	307726.64	1389160.44	19.	307489.62	1388997.24
7.	308102.46	1389307.72	20.	307406.30	1388943.55
8.	308302.17	1389344.40	21.	307159.27	1388720.65
9.	308362.29	1389351.67	22.	306897.53	1388486.67
10.	308507.91	1389391.71	23.	306772.14	1388378.38
11.	308590.70	1389423.54			
12.	309067.30	1389576.69			
13.	308985.46	1389518.68			

PARISH OF WARKWORTH



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SCHEDULE 'B'

LEASE HOLDER	LEASE NUMBER
Coal & Allied Operations Pty Ltd	Private Lands Lease No. 633 (Act 1906)
	Consolidated Mining Lease No. 1 (Act, 1992)
	Mining Lease No. 1337 (Act 1992)
	Mining Lease No. 1359 (Act 1992)
	Coal Lease No. 327 (Act 1973)
	Coal Lease No. 359 (Act 1973)
	Coal Lease No. 360 (Act 1973)
	Coal Lease No. 390 (Act 1973)
	Coal Lease No. 398 (Act 1973)
	Consolidated Coal Lease No. 714 (Act, 1973)
	Consolidated Coal Lease No. 755 (Act, 1973)
	Mining Lease No. 1324 (Act 1992)
	Mining Lease No. 1396 (Act 1992)
	Mining Lease No. 1465 (Act 1992)
Mount Thorley Operations Pty Ltd	Coal Lease No. 219 (Act 1973)
	Consolidated Coal Lease No. 774 (Act, 1973)
Namoi Valley Coal Pty Ltd	Coal Lease No. 375 (Act 1973)
	Coal Lease No. 316 (Act 1973)
Novacoal Australia Pty Ltd	Private Lands Lease No. 481 (Act 1906)
	Consolidated Coal Lease No. 709 (Act, 1973)
	Consolidated Mining Lease No. 4 (Act, 1992)
	Mining Lease No. 1406 (Act 1992)
	Mining Lease No. 1428 (Act 1992)
Warkworth Mining Ltd	Coal Lease No. 584 (Act 1973)
	Consolidated Coal Lease No. 753 (Act, 1973)
	Mining Lease No. 1412 (Act 1992)



Mr Rod Cameron
Manager, Land and Property
Coal & Allied Operations Pty Limited
PO Box 315
SINGLETON NSW 2330

NSW DEPARTMENT OF MINERAL RESOURCES
Level 1, 1 Civic Avenue
(P.O. Box 51), Singleton, NSW 2330, Australia
INSPECTORATE: Phone (02) 6572 1899 · Fax (02) 6572 1201
GEOLOGY: Phone (02) 6572 4200 · Fax (02) 6572 1201
MINING TITLES: Phone (02) 6572 4200 · Fax (02) 6572 1201
www.minerals.nsw.gov.au
DX 7071

Our Ref: C02/0352

Dear Rod,

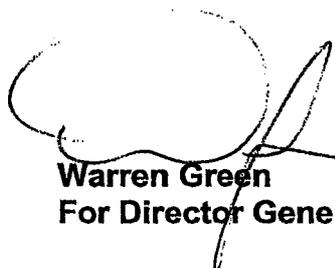
Re: Addition of Petroleum to Mining Titles

I refer to your application for the addition of Petroleum to the leases held by Coal and Allied Operations Pty Limited and associated companies, held within Hunter Valley Extended, Hunter Valley Operations, Lemington, Mt Thorley, Maules Creek, Vickery and Warkworth Colliery Holdings.

I am pleased to advise that the Minister approved the addition of Petroleum to the subject leases on 11 July 2003, subject to the condition stated on the attached endorsement schedule. A copy of this schedule should be attached to the original documents for all of the subject titles.

For any further information regarding this matter, please contact this office.

Yours faithfully,


Warren Green
For Director General 16/7/03

LAND & PROPERTY DEPT	
Date Received:	18.7.03
File No.:	
Copy To:	
M. EAMES	
M. Horton	
R. Gordon	

ENDORSEMENT SCHEDULE

In accordance with the provisions of Section 78 (3) & (5) of the Mining Act 1992, the Minister on 11 July 2003, directed that the following titles apply to petroleum, subject to the condition below:

Hunter Valley Extended Colliery

ML 1337 (Act 1992)

ML 1359 (Act 1992)

Hunter Valley Operations Colliery

CL 327 (Act 1973)

CL 359 (Act 1973)

CL 360 (Act 1973)

CL 390 (Act 1973)

CL 398 (Act 1973)

CCL 755 (Act 1973)

ML 1324 (Act 1992)

ML 1396 (Act 1992)

ML 1474 (Act 1992)

ML 1482 (Act 1992)

ML 1489 (Act 1992)

ML 1500 (Act 1992)

CML 4 (Act 1992)

ML 1406 (Act 1992)

ML 1428 (Act 1992)

Lemington Colliery

CCL 714 (Act 1973)

ML 1465 (Act 1992)

Mt Thorley Colliery

CL 219 (Act 1973)

Maules Creek Colliery

CL 375 (Act 1973)

Vickery Colliery

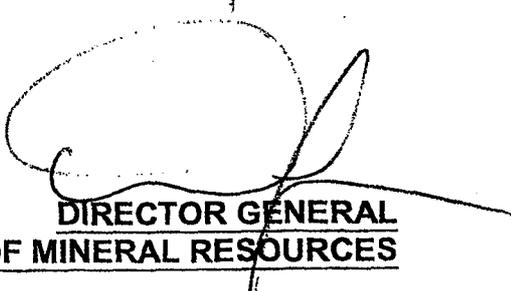
CL 316 (Act 1973)

Warkworth Colliery

CCL 753 (Act 1973)

ML 1412 (Act 1992)

"Any proposed activity from time to time in regard to methane drainage and capture should be advised to the Department's Mine Safety Operations and Environment Units for consideration and possible imposition of conditions relative to each site specific case."


DIRECTOR GENERAL
DEPARTMENT OF MINERAL RESOURCES



The General Manager / Secretary
Coal & Allied Operations Pty Ltd
(Atten:- Mr R Cameton)
P O Box 315
SINGLETON NSW 2330

NSW DEPARTMENT OF MINERAL RESOURCES
State Government Offices
Level 3, Block F, 84 Crown Street, Wollongong 2500
(P.O. Box 674), Wollongong, NSW 2520, Australia
Phone (02) 4227 1699 Fax (02) 4226 3851
www.minerals.nsw.gov.au
ABN: 68 040 288 347

our ref:- M02-0281
contact:- Tony van Keulen
telephone:- (02) 4275 9321
fax:- (02) 4226 3851
Email: tony.vankeulen@minerals.nsw.gov.au
4 June 2004

Dear Sir / Madam,

SUBSIDENCE MANAGEMENT PLAN

In December 2003, this Department wrote to the Managers of all coal mines in New South Wales advising that the Minister for Mineral Resources, the Hon Kerry Hickey, had considered, under Sections 238 and 239 of the *Mining Act 1992*, the need to protect the environment, and in particular to the need for mining leases for coal to contain appropriate conditions for:-

- a. the conservation and protection of flora, fauna, fish, fisheries, scenic attractions and features of Aboriginal, architectural, archaeological, historical or geological interest, and
- b. the rehabilitation, levelling, regrassing, reforestation, or contouring of land that has been damaged or adversely affected by prospecting and mining operations.

The Minister, pursuant to Section 239 (2) of the *Mining Act 1992*, has determined that all mining leases for coal be amended to include the condition as set out in the enclosed Endorsement Schedule [Schedule 'A'] requiring lease holders to prepare a Subsidence Management Plan prior to commencing underground mining operations which would potentially lead to subsidence of the land surface. It was further advised that amendments to the mining leases for coal to include this condition would become effective as from and on 18 March 2004. The *Guideline for Applications for Subsidence Management Approvals*, as referred to in the Schedule 'A' may be viewed on the Department's website.

You are now formally advised that, as a consequence of the determination, the condition, as set out on the enclosed Endorsement Schedule [Schedule 'A'], has been included in, and now forms part of, the conditions of those leases as set out on the Endorsement Schedule [Schedule 'B'].

Yours sincerely,

Tony van Keulen
for Director-General

ENDORSEMENT SCHEDULE

Pursuant to Section 239 (2) of the Mining Act 1992, the Minister for Mineral Resources has amended those leases as depicted on the Schedule 'B', hereunder so as, wherever such leases do not already contain such a condition, to include the condition as depicted in the Schedule 'A'. These amendments took effect as from and on 18 March 2004.



for Director-General

SCHEDULE 'A'

SUBSIDENCE MANAGEMENT

- (a) The lease holder shall prepare a Subsidence Management Plan prior to commencing any underground mining operations which will potentially lead to subsidence of the land surface.
- (b) Underground mining operations which will potentially lead to subsidence include secondary extraction panels such as longwalls or miniwalls, associated first workings (gateroads, installation roads and associated main headings, etc), and pillar extractions, and are otherwise defined by the *Guideline for Applications for Subsidence Management Approvals*.
- (c) The lease holder must not commence or undertake underground mining operations that will potentially lead to subsidence other than in accordance with a Subsidence Management Plan approved by the Director-General, an approval under the *Coal Mines Regulation Act 1982*, or the document *New Subsidence Management Plan Approval Process – Transitional Provisions*.
- (d) Subsidence Management Plans are to be prepared in accordance with the *Guideline for Applications for Subsidence Management Approvals*.
- (e) Subsidence Management Plans as approved shall form part of the Mining Operations Plan required under Condition 2 and will be subject to the Annual Environmental Management Report process as set out under Condition 3. The SMP is also subject to the requirements for subsidence monitoring and reporting set out in the document *New Approval Process for Management of Coal Mining Subsidence - Policy*.

ENDORSEMENT SCHEDULE

In accordance with the provisions of Section 78 (3) & (5) of the Mining Act 1992, the Minister on 11 July 2003, directed that the following titles apply to petroleum, subject to the condition below:

Hunter Valley Extended Colliery

ML 1337 (Act 1992)
ML 1359 (Act 1992)

Hunter Valley Operations Colliery

CL 327 (Act 1973)
CL 359 (Act 1973)
CL 360 (Act 1973)
CL 390 (Act 1973)
CL 398 (Act 1973)
CCL 755 (Act 1973)
ML 1324 (Act 1992)
ML 1396 (Act 1992)
ML 1474 (Act 1992)
ML 1482 (Act 1992)
ML 1489 (Act 1992)
ML 1500 (Act 1992)
CML 4 (Act 1992)
ML 1406 (Act 1992)
ML 1428 (Act 1992)

Lemington Colliery

CCL 714 (Act 1973)
ML 1465 (Act 1992)

Mt Thorley Colliery

CL 219 (Act 1973)

Maules Creek Colliery

CL 375 (Act 1973)

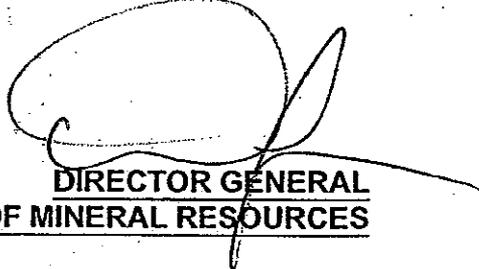
Vickery Colliery

CL 316 (Act 1973)

Warkworth Colliery

CCL 753 (Act 1973)
ML 1412 (Act 1992)

"Any proposed activity from time to time in regard to methane drainage and capture should be advised to the Department's Mine Safety Operations and Environment Units for consideration and possible imposition of conditions relative to each site specific case."



DIRECTOR GENERAL
DEPARTMENT OF MINERAL RESOURCES

ENDORSEMENT SCHEDULE

Pursuant to Section 239 (2) of the Mining Act 1992, the Minister for Mineral Resources has amended those leases as depicted on the Schedule 'B', hereunder so as, wherever such leases do not already contain such a condition, to include the condition as depicted in the Schedule 'A'. These amendments took effect as from and on 18 March 2004.



for Director-General

SCHEDULE 'A'

SUBSIDENCE MANAGEMENT

- (a) The lease holder shall prepare a Subsidence Management Plan prior to commencing any underground mining operations which will potentially lead to subsidence of the land surface.
- (b) Underground mining operations which will potentially lead to subsidence include secondary extraction panels such as longwalls or miniwalls, associated first workings (gateroads, installation roads and associated main headings, etc), and pillar extractions, and are otherwise defined by the *Guideline for Applications for Subsidence Management Approvals*.
- (c) The lease holder must not commence or undertake underground mining operations that will potentially lead to subsidence other than in accordance with a Subsidence Management Plan approved by the Director-General, an approval under the *Coal Mines Regulation Act 1982*, or the document *New Subsidence Management Plan Approval Process – Transitional Provisions*.
- (d) Subsidence Management Plans are to be prepared in accordance with the *Guideline for Applications for Subsidence Management Approvals*.
- (e) Subsidence Management Plans as approved shall form part of the Mining Operations Plan required under Condition 2 and will be subject to the Annual Environmental Management Report process as set out under Condition 3. The SMP is also subject to the requirements for subsidence monitoring and reporting set out in the document *New Approval Process for Management of Coal Mining Subsidence - Policy*.

SCHEDULE 'B'

LEASE HOLDER	LEASE NUMBER
Coal & Allied Operations Pty Ltd	Private Lands Lease No. 633 (Act 1906)
	Consolidated Mining Lease No. 1 (Act, 1992)
	Mining Lease No. 1337 (Act 1992)
	Mining Lease No. 1359 (Act 1992)
	Coal Lease No. 327 (Act 1973)
	Coal Lease No. 359 (Act 1973)
	Coal Lease No. 360 (Act 1973)
	Coal Lease No. 390 (Act 1973)
	Coal Lease No. 398 (Act 1973)
	Consolidated Coal Lease No. 714 (Act, 1973)
	Consolidated Coal Lease No. 755 (Act, 1973)
	Mining Lease No. 1324 (Act 1992)
	Mining Lease No. 1396 (Act 1992)
	Mining Lease No. 1465 (Act 1992)
Mount Thorley Operations Pty Ltd	Coal Lease No. 219 (Act 1973)
	Consolidated Coal Lease No. 774 (Act, 1973)
Namoi Valley Coal Pty Ltd	Coal Lease No. 375 (Act 1973)
	Coal Lease No. 316 (Act 1973)
Novacoal Australia Pty Ltd	Private Lands Lease No. 481 (Act 1906)
	Consolidated Coal Lease No. 709 (Act, 1973)
	Consolidated Mining Lease No. 4 (Act, 1992)
	Mining Lease No. 1406 (Act 1992)
	Mining Lease No. 1428 (Act 1992)
Warkworth Mining Ltd	Coal Lease No. 584 (Act 1973)
	Consolidated Coal Lease No. 753 (Act, 1973)
	Mining Lease No. 1412 (Act 1992)

ENDORSEMENT SCHEDULE

Mining Lease 1412 (Act 1992) was granted on 11 January 1997 over an area of 5.95 hectares from the surface to a depth of 20 metres as shown by Plan M26818R.



Melanie Brown
Northern Region
Titles

ENDORSEMENT SCHEDULE

In accordance with the provisions of Section 79 (4) of the Mining Act 1992, the Minister amended those authorities as listed in the attached Schedule "A" so as to require a single security in the amount of \$61,613,000 to be given and maintained.

The amendment takes effect on and from 23 April 2008.



Gary Walker
Northern Titles

SCHEDULE "A"

**Consolidated Coal Lease 753 (Act 1973)
Mining Lease 1412 (Act 1992)
Mining Lease 1590 (Act 1992)**

ENDORSEMENT SCHEDULE

In accordance with Clause 29(1) of the *Mining Regulation 2010*, the Minister has, by order, declared that Consolidated Coal Lease 753 (Act 1973), Coal Lease 219 (Act 1973), Mining Lease 1412 (Act 1992) and Mining Lease 1590 (Act 1992) are taken to be a single mining lease for the purpose of enabling the labour and expenditure conditions of the leases to be aggregated.

The order takes effect on and from 12 June 2011.

The effect of the declaration is to allow the holder of the mining leases to comply with the labour and expenditure conditions of the leases, as if they were the conditions of a single mining lease over the whole of the land the subject of the leases.

A handwritten signature in black ink, appearing to read 'G Walker', written in a cursive style.

Gary Walker
Coal & Petroleum Titles

ENDORSEMENT SCHEDULE

In accordance with Section 80 (3) of the *Mining Act 1992*, the Minister on 22 June 2011 approved the addition of the Prescribed Dam condition as shown on Annexure A to Mining Lease 1412 (Act 1992).

A handwritten signature in black ink, appearing to read 'Jeff Inman', with a horizontal line extending to the right.

Jeff Inman
Coal & Petroleum Titles

ANNEXURE A

Prescribed Dam

- 58 (a) Notwithstanding any Mining Operations Plan, the lease holder must not mine within any part of the lease area which is within the notification area of the **Warkworth North Pit Tailings Dam, Warkworth Mine Tailings Dam and Mt Thorley North Out Of Pit Water Dam** without the prior written approval of the Minister and subject to any conditions he may stipulate.
- (b) Where the lease holder desires to mine within the notification area he must:
- (i) at least twelve (12) months before mining is to commence or such lesser time as the Minister may permit, notify the Minister of the desire to do so. A plan of the mining system to be implemented must accompany the notice; and
 - (ii) provide such information as the Minister may direct.
- (c) The Minister must not, except in the circumstances set out in sub-paragraph (ii), grant approval unless sub-paragraph (i) of this paragraph has been complied with.
- (i) This sub-paragraph is complied with if:
 - (a) the Dams Safety Committee as constituted by Section 7 of the Dams Safety Act 1978 and the owner of the dam have been notified in writing of the desire to mine referred to in paragraph (B).
 - (b) the notifications referred to in clause (a) are accompanied by a description or plan of the area to be mined.
 - (c) the Director-General has complied with any reasonable request made by the Dams Safety Committee or the owner of the dam for further information in connection with the mining proposal.
 - (d) the Dams Safety Committee has made its recommendations concerning the mining proposal or has informed the Minister in writing that it does not propose to make any such recommendations; and
 - (e) where the Dams Safety Committee has made recommendations the approval is in terms that are:
 - (i) in accordance with those recommendations; or
 - (ii) where the Minister does not accept those recommendations or any of them - in accordance with a determination under sub-paragraph (ii) of this paragraph.

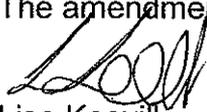
- (ii) Where the Minister does not accept the recommendations of the Dams Safety Committee or where the Dams Safety Committee has failed to make any recommendations and has not informed the Minister in writing that it does not propose to make any recommendations, the approval shall be in terms that are, in relation to matters dealing with the safety of the dam:
 - (a) as determined by agreement between the Minister and the Minister administering the Dams Safety Act 1978; or
 - (b) in the event of failure to reach such agreement - as determined by the Premier.

- (d) The Minister, on notice from the Dams Safety Committee, may at any time or times:
 - (i) cancel any approval given where a notice pursuant to Section 18 of the Dams Safety Act 1978 is given.
 - (ii) suspend for a period of time, alter, omit from or add to any approval given or conditions imposed.

Endorsement Schedule

In accordance with the provisions of Section 261B(3) of the *Mining Act 1992*, the Minister amended **Consolidated Coal Lease 753 (Act 1973) Mining Lease 1412 (Act 1992) and Mining Lease 1590 (Act 1992)** so as to require a single security in the amount of \$60,270,000 to be given and maintained.

The amendment takes effect on and from 11 June 2013.



Lisa Keevill
Coal & Petroleum Titles

INSTRUMENT OF AMENDMENT

I, as delegate of the Minister for Resources and Energy for the State of New South Wales, under delegation dated 30 November 2010, and pursuant to section 239(2) of the Mining Act 1992, amend Mining Lease 1412 (Act 1992) as follows:

The condition imposed by the Endorsement Schedule dated 18 March 2004 is amended by deleting the existing condition and replacing it with the condition set out below.

Extraction Plan Condition

(a) In this condition:

(i) **approved Extraction Plan** means a plan, being:

A. an extraction plan or subsidence management plan approved in accordance with the conditions of a relevant development consent and provided to the Secretary; or

B. a subsidence management plan relating to the mining operations subject to this lease:

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

II. approved by the Secretary.

(ii) **relevant development consent** means a development consent or project approval issued under the *Environmental Planning & Assessment Act 1979* relating to the mining operations subject to this lease.

(b) The lease holder must not undertake any underground mining operations that may cause subsidence except in accordance with an approved Extraction Plan.

(c) The lease holder must ensure that the approved Extraction Plan provides for the effective management of risks associated with any subsidence resulting from mining operations carried out under this lease.

(d) The lease holder must notify the Secretary within 48 hours of any:

(i) incident caused by subsidence which has a potential to expose any person to health and safety risks;

(ii) significant deviation from the predicted nature, magnitude, distribution, timing and duration of subsidence effects, and of the potential impacts and consequences of those deviations on built features and the health and safety of any person; or

(iii) significant failure or malfunction of a monitoring device or risk control measure set out in the approved Extraction Plan addressing:

A. built features;

B. public safety; or

C. subsidence monitoring.

This amendment is effective from 1 July 2014.

SIGNED

A handwritten signature in black ink, appearing to read "B. W. Mullard". The signature is written in a cursive style with a large, prominent initial "B".

Under delegation
Brad Mullard
Executive Director, Mineral Resources
Dated: 30 June 2014

Endorsement Schedule

In accordance with the provisions of Section 261B (3) & (4) of the *Mining Act 1992*, the decision-maker varied the security condition of Consolidated Coal Lease 753 (Act 1973) and Mining Leases 1412 & 1590 (Act 1992) so as to require a security in the amount of \$66,842,000 to be given and maintained.

The amendment takes effect on and from 22 March 2016.

A handwritten signature in black ink, appearing to read 'G Walker', written in a cursive style.

Gary Walker
Titles

INSTRUMENT OF VARIATION

I, as delegate of the Minister for Resources for the State of New South Wales, under delegation dated 1 May 2017, and pursuant to Clause 12 of Schedule 1B of the *Mining Act 1992*, vary ML 1590 (1992) as follows:

Condition 5 is omitted from the conditions of ML 1590 (1973).

This variation is effective from 8 October 2018.

SIGNED

A handwritten signature in black ink, appearing to read 'D. Humphris', is positioned below the 'SIGNED' text.

As delegate for the Minister for Resources

David Humphris
Acting Director Titles Assessment | Resource Operations
Dated: 10 September 2018