

# Instrument of Grant

## Section 63 of the *Mining Act 1992*

I, **The Hon Paul Toole MP, Deputy Premier, Minister for Regional New South Wales, and Minister for Police** for the State of New South Wales, pursuant to section 63 of the *Mining Act 1992*, have determined to grant a Mining Lease in satisfaction of **Mining Lease Application 611 (Act 1992)**, as described in Schedule 1, to **Illawarra Coal Holdings Pty Ltd, ACN 093 857 286**, subject to the conditions:

1. prescribed in the *Mining Act 1992* and the Mining Regulation 2016; and
2. set out in Schedule 2.

SIGNED



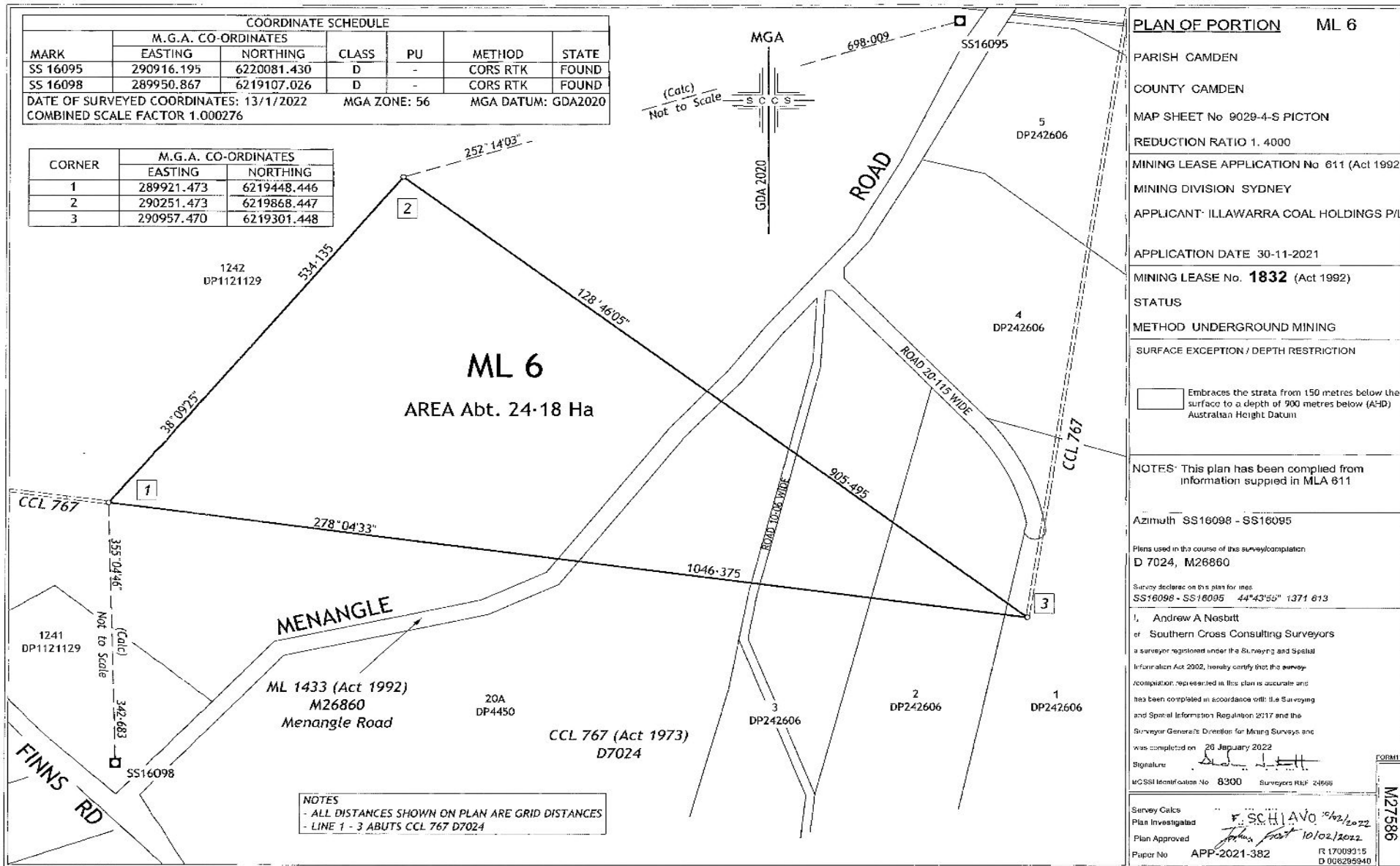
**Paul Toole MP  
Deputy Premier  
Minister for Regional New South Wales  
Minister for Police**

Dated: 9.8.22

# SCHEDULE 1

## Description of Lease

<b>Mining lease number:</b>	<b>1832 (Act 1992)</b>
<b>Grant date:</b>	<b>9 August 2022</b>
<b>Term:</b>	<b>Twenty-one (21) years</b>
<b>Term ending (expiry date):</b>	<b>9 August 2043</b>
<b>Lease Holder(s):</b>	<b>Illawarra Coal Holdings Pty Ltd, ACN 093 857 286</b>
<b>Area:</b>	<b>24.18 hectares</b>
<b>Surface Exception / Depth Restriction:</b>	<b>Embraces the strata from 150 metres below the surface to a depth of 900 metres below Australian Height Datum (AHD)</b>
<b>Mineral(s):</b>	<b>Coal</b>
<b>Method:</b>	<b>Underground</b>
<b>Land:</b>	<b>The lease area includes all land described in the attached lease plan titled <b>M27586</b> and approved on <b>10 February 2022</b>.</b>



# SCHEDULE 2

## Mining Lease Conditions 2021

(Version 1.1 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
<b>Act</b>	means the <i>Mining Act 1992</i> .
<b>Landholder</b>	for the purposes of these conditions: <ul style="list-style-type: none"><li>• does not include a secondary landholder</li><li>• includes, in the case of exempted areas, the controlling body for the exempted area.</li></ul>
<b>Minister</b>	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.

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# MINING LEASE CONDITIONS

## Standard conditions

See Mining Regulation 2016, Schedule 8A, Part 2.

**NOTE TO HOLDERS:** The prescribed standard conditions in the Mining Regulation 2016, Schedule 8A, Part 2 apply in addition to the conditions in this Schedule 2 (but have not been replicated in this mining lease). The conditions imposed by the Mining Regulation 2016 prevail to the extent of any inconsistency with the conditions in this Schedule 2.

## General conditions

### 1. Notice to Landholders

(a) Within 90 days from the date of grant or renewal of this mining lease, the lease holder must give each landholder notice in writing:

- (i) that this mining lease has been granted or renewed; and
- (ii) whether the lease includes the surface.

The notice must include a plan identifying the lease area and each landholder and individual land parcel within the lease area.

(b) If there are ten or more landholders to which notice must be given, the lease holder will be taken to have complied with condition 1(a) if a notice complying with condition 1(a) is published in a newspaper circulating in the region where the lease area is situated.

### 2. Security

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

The amount of the security deposit to be provided and maintained is **\$10,000**.

### 3. Cooperation Agreement

The lease holder must make every reasonable attempt, and be able to demonstrate its attempts to the satisfaction of the Secretary, to enter into a cooperation agreement with the holder(s) of any overlapping authorisations issued under the *Mining Act 1992* and petroleum titles issued under the *Petroleum (Onshore) Act 1992*. The cooperation agreement should address but not be limited to:

- access arrangements
- operational interaction procedures
- dispute resolution

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- 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

Nil

#### 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.*

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