

# Instrument of Grant

## Section 63 of the *Mining Act 1992*

I, **Georgina Beattie, Chief Executive Officer, Mining, Exploration and Geoscience**, as delegate for the Minister administering the *Mining Act 1992* 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 633 (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.



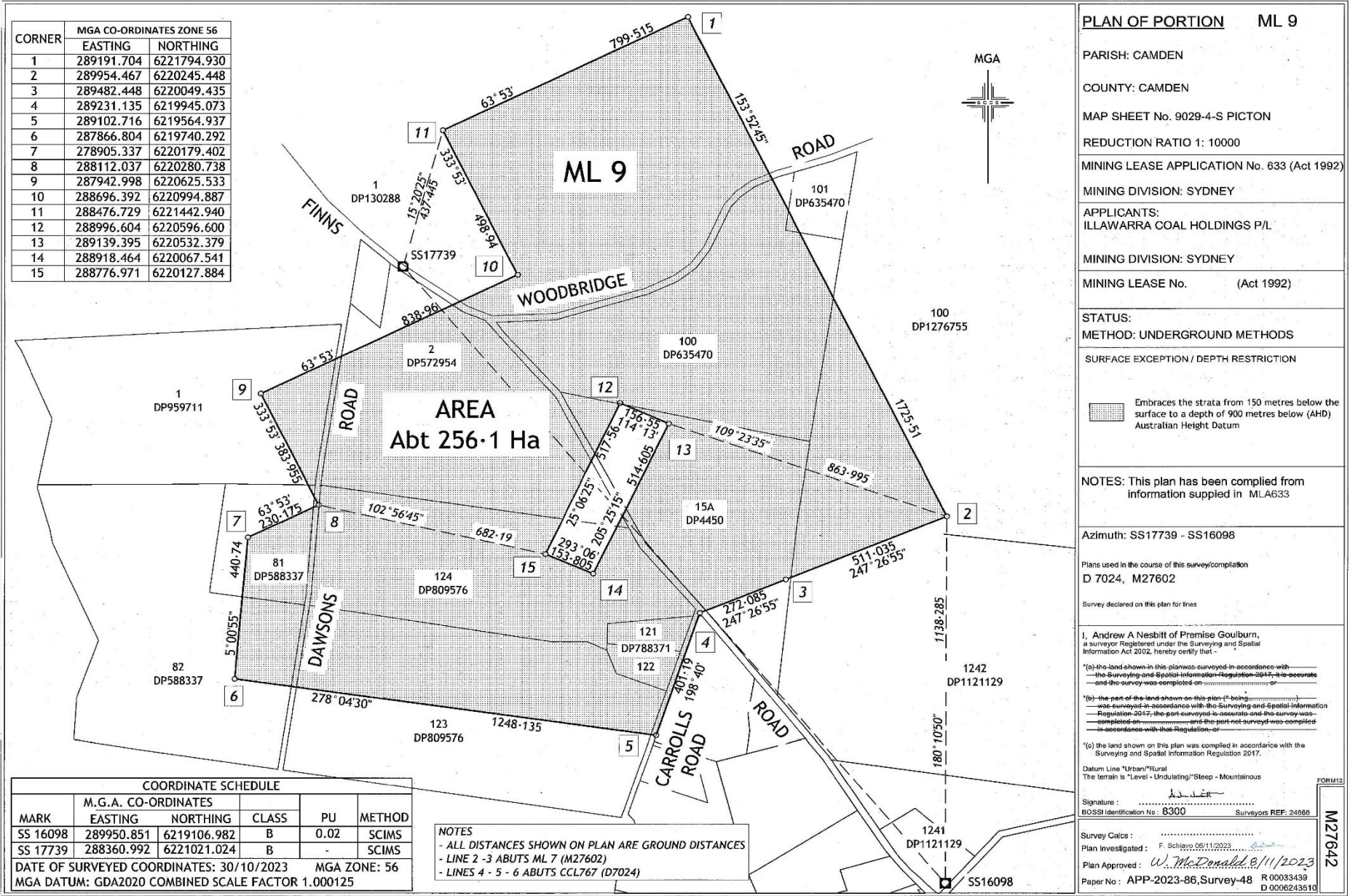
**Georgina Beattie**  
**Chief Executive Officer**  
**Department of Regional NSW – Mining, Exploration and Geoscience**  
**As delegate for the Minister administering the *Mining Act 1992***  
**Delegation dated: 28 February 2023**

**Dated: 20<sup>th</sup> February 2024**

# SCHEDULE 1

## Description of Lease

<b>Mining lease:</b>	<b>1874 (Act 1992)</b>
<b>Grant date:</b>	<b>20 February 2024</b>
<b>Term:</b>	<b>Twenty-one (21) years</b>
<b>Term ending (expiry date):</b>	<b>20 February 2045</b>
<b>Lease Holder(s):</b>	<b>Illawarra Coal Holdings Pty Ltd ACN 093 857 286</b>
<b>Land:</b>	The lease area includes all land described in the attached lease plan titled <b>M27642</b> and approved on <b>8 November 2023</b> .
<b>Area:</b>	<b>256.1 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 methods</b>



CORNER	MGA CO-ORDINATES ZONE 56	
	EASTING	NORTHING
1	289191.704	6221794.930
2	289954.467	6220245.448
3	289482.448	6220049.435
4	289231.135	6219945.073
5	289102.716	6219564.937
6	287866.804	6219740.292
7	278905.337	6220179.402
8	288112.037	6220280.738
9	287942.998	6220625.533
10	288696.392	6220994.887
11	288476.729	6221442.940
12	288996.604	6220596.600
13	289139.395	6220532.379
14	288918.464	6220067.541
15	288776.971	6220127.884

COORDINATE SCHEDULE					
MARK	M.G.A. CO-ORDINATES		CLASS	PU	METHOD
	EASTING	NORTHING			
SS 16098	289950.851	6219106.982	B	0.02	SCIMS
SS 17739	288360.992	6221021.024	B	-	SCIMS

DATE OF SURVEYED COORDINATES: 30/10/2023 MGA ZONE: 56  
MGA DATUM: GDA2020 COMBINED SCALE FACTOR 1.000125

NOTES  
 - ALL DISTANCES SHOWN ON PLAN ARE GROUND DISTANCES  
 - LINE 2 - 3 ABUTS ML 7 (M27602)  
 - LINES 4 - 5 - 6 ABUTS CCL767 (D7024)

**PLAN OF PORTION ML 9**

PARISH: CAMDEN  
 COUNTY: CAMDEN  
 MAP SHEET No. 9029-4-S PICTON  
 REDUCTION RATIO 1: 10000  
 MINING LEASE APPLICATION No. 633 (Act 1992)  
 MINING DIVISION: SYDNEY

APPLICANTS:  
 ILLAWARRA COAL HOLDINGS P/L  
 MINING DIVISION: SYDNEY  
 MINING LEASE No. (Act 1992)

STATUS:  
 METHOD: UNDERGROUND METHODS  
 SURFACE EXCEPTION / DEPTH RESTRICTION

Embraces the strata from 150 metres below the surface to a depth of 900 metres below (AHD) Australian Height Datum

NOTES: This plan has been compiled from information supplied in MLA633

Azimuth: SS17739 - SS16098

Plans used in the course of this survey/compilation  
 D 7024, M27602

Survey declared on this plan for lines

I, Andrew A Nesbitt of Premise Goulburn, a surveyor Registered under the Surveying and Spatial Information Act 2002, hereby certify that -

(a) the land shown in this plan was surveyed in accordance with the Surveying and Spatial Information Regulation 2017, to be accurate and the survey was completed on ..... or

(b) the part of the land shown on this plan (being ..... ) was surveyed in accordance with the Surveying and Spatial Information Regulation 2017, the part surveyed is accurate and the survey was completed on ..... and the part not surveyed was compiled in accordance with that Regulation; or

(c) the land shown on this plan was compiled in accordance with the Surveying and Spatial Information Regulation 2017.

Datum Line "Urban"/Rural  
 The terrain is "Level - Undulating"/"Slope - Mountainous"

Signature: *A. Nesbitt*  
 BOSSI Identification No.: 8300 Surveyors REF: 24986

Survey Calcs: .....  
 Plan Investigated: F. Schavo, 08/11/2023  
 Plan Approved: *W. McDonald, 08/11/2023*  
 Paper No.: APP-2023-86, Survey-48 R 00083438 D 0006243510

M27642

# SCHEDULE 2

## Mining Lease Conditions 2021

(Version 1.3 as at October 2023)

### 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) The lease holder must cause written notice of the grant or renewal of this mining lease to be provided to each landholder of land over which the mining lease was granted or renewed in accordance with paragraph (b).
- (b) If there are –
  - i. less than 10 landholders of the land over which the lease was granted or renewed – the notice must be provided to each landholder,
  - ii. 10 or more landholders of the land over which the lease was granted or renewed – the notice may be provided to each landholder or published in a newspaper circulating in the area where the mining lease is situated.
- (c) The notice must be provided –
  - i. for notice of the grant of the mining lease – not later than 90 days after the date on which the mining lease was granted,
  - ii. for notice of the renewal of the mining lease – not later than 90 days after the date on which the renewal of the mining lease takes effect.
- (d) The notice must include the following –
  - i. a statement that the mining lease has been granted or renewed (as relevant),
  - ii. confirmation as to whether the mining lease includes the surface of the land,
  - iii. a plan which identifies –
    - 1. the area of the land subject to the mining lease, and
    - 2. geographical and other features (such as roads, rivers, railways, towns, suburbs, or localities) that are sufficient to identify the area of the State within which the mining lease 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**.

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### 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

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 2016.

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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