

INSTRUMENT OF RENEWAL

COAL LEASE NO.219 (ACT 1973)

HOLDER (S) **MOUNT THORLEY OPERATIONS PTY LIMITED**
A.B.N. 47 000 013 249

DATE OF LEASE: 23 September 1981 EXPIRY DATE OF LEASE: 23 September 2002

PERIOD OF RENEWAL UNTIL: 23 September 2023

AREA: approximately 1992 hectares as shown on Diagram Catalogue No.4968

DEPTH RESTRICTION: Various as shown on Diagram Catalogue No.4968

SURFACE EXCEPTION: Various as shown on Diagram Catalogue No.4968

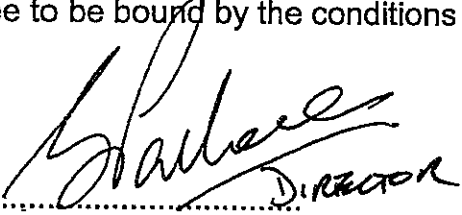
ROYALTY PAYABLE at the rates which, from time to time, may be prescribed.

MINERALS: **COAL**

AMENDMENTS TO THE CONDITIONS OF THE LEASE:

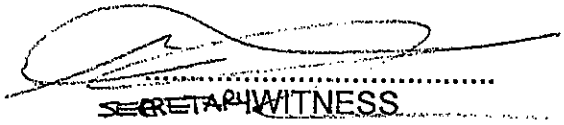
- (a) All conditions contained in the lease prior to the renewal have been deleted.
- (b) The lease is now subject to the attached Conditions of Authority - 1999 (COAL) MINING LEASES numbered:-
1 to 3 inclusive, 9, 14 to 27 inclusive, 29 to 33 inclusive, 37, 41, 43 to 51 inclusive, 54 & 55 inclusive.

We, Mount Thorley Operations Pty Limited hereby accept the renewal of this Lease and agree to be bound by the conditions specified.


Director

Mount Thorley Operations Pty Limited

Date


SECRETARY/WITNESS

Date



Renewed this 17th day of December 2002

Director-General

**SCHEDULE OF
CONDITIONS OF AUTHORITY (COAL) (1999)**

EXTRACTION OF COAL

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

**MINING, REHABILITATION, ENVIRONMENTAL MANAGEMENT PROCESS
(MREMP)**

MINING OPERATIONS PLAN (MOP)

- 2 (1) Mining operations, including mining purposes, must be conducted in accordance with a Mining Operations Plan (the Plan) satisfactory to the Director-General. The Plan together with environmental conditions of development consent and other approvals will form the basis for:-
 - (a) ongoing mining operations and environmental management; and
 - (b) ongoing monitoring of the project.
- (2) The Plan must be prepared in accordance with the Director-General's guidelines current at the time of lodgment.
- (3) A Plan must be lodged with the Director-General:-
 - (a) prior to the commencement of operations;
 - (b) subsequently as appropriate prior to the expiry of any current Plan; and
 - (c) in accordance with any direction issued by the Director-General.
- (4) The Plan must present a schedule of proposed mine development for a period of up to seven (7) years and contain diagrams and documentation which identify:-
 - (a) area(s) proposed to be disturbed under the Plan;
 - (b) mining and rehabilitation method(s) to be used and their sequence;
 - (c) areas to be used for disposal of tailings/waste;
 - (d) existing and proposed surface infrastructure;
 - (e) progressive rehabilitation schedules;
 - (f) areas of particular environmental sensitivity;
 - (g) water management systems (including erosion and sediment controls);

- (h) proposed resource recovery; and
 - (i) where the mine will cease extraction during the term of the Plan, a closure plan including final rehabilitation objectives/methods and post mining landuse/vegetation
- (5) The Plan when lodged will be reviewed by the Department of Mineral Resources.
 - (6) The Director-General may within two (2) months of the lodgement of a Plan, require modification and relodgement.
 - (7) If a requirement in accordance with clause (6) is not issued within two months of the lodgement of a Plan, lease holder may proceed with implementation of the Plan submitted subject to the lodgement of the required security deposit within the specified time.
 - (8) During the life of the Mining Operations Plan, proposed modifications to the Plan must be lodged with the Director-General and will be subject to the review process outlined in clauses (5) - (7) above.

ANNUAL ENVIRONMENTAL MANAGEMENT REPORT (AEMR)

- 3 (1) Within 12 months of the commencement of mining operations and thereafter annually or, at such other times as may be allowed by the Director-General, the lease holder must lodge an Annual Environmental Management Report (AEMR) with the Director-General.
- (2) The AEMR must be prepared in accordance with the Director-General's guidelines current at the time of reporting and contain a review and forecast of performance for the preceding and ensuing twelve months in terms of:-
 - (a) the accepted Mining Operations Plan;
 - (b) development consent requirements and conditions;
 - (c) Environment Protection Authority and Department of Land and Water Conservation licences and approvals;
 - (d) any other statutory environmental requirements;
 - (e) details of any variations to environmental approvals applicable to the lease area. and
 - (f) where relevant, progress towards final rehabilitation objectives.
- (3) After considering an AEMR the Director-General may, by notice in writing, direct the lease holder to undertake operations, remedial actions or supplementary studies in the manner and within the period specified in the notice to ensure that operations on the lease area are conducted in accordance with sound mining and environmental practice.

- (4) The lease holder shall, as and when directed by the Minister, co-operate with the Director-General to conduct and facilitate review of the AEMR involving other government agencies.

- 9 The lease holder shall not work or cause to be worked any seam of coal within the subject area without leaving, if the Minister, so directs, a barrier of such width or a protective pillar or pillars of such size or sizes against any surface improvements of any feature whether natural or artificial.

SHAFTS, DRIFTS, ADITS

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

DUMPS

- 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.
16. The lease holder shall comply with any direction given or which may be given by the Minister regarding the spraying of coal dumps on the subject area.

DUST

- 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.
- 20 If required to do so by the Minister and within such time as may be stipulated by the Minister the lease 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.
- 21 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.

- 22 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.
- 23 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.
- 24 The lease holder shall take all precautions against causing outbreak of fire on the subject area.
- 25 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.

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 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.

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

- 27 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 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

30. 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.

ROADS

- 31 The lease holder shall pay to **Singleton Shire Council**, Department of Land and Water Conservation 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 lease holder to any road adjoining or traversing the surface or the excepted surface, as the case may be of the subject area.

PROVIDED HOWEVER that the amount to be paid by the lease holder as aforesaid shall be reduced by such sum of money if any as may be paid to the said Council the Department of Land and Water Conservation 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.

32. 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 lease holder, at his own expense, shall if directed to do so by the Minister provide to the satisfaction of the Minister an alternate road, track or firetrail in a position as required by the Minister and shall allow free and uninterrupted access along such alternate road, track or firetrail and, if required to do so by the Minister, the lease holder shall upon completion of operations rehabilitate the surface of the original road, track or firetrail to a condition satisfactory to the Minister.

CATCHMENT AREAS

- 33 (a) Operations shall be carried out in such a way as not to cause any pollution of the **Hunter River Catchment Area**.
- (b) If the lease 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 lease 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 lease holder of a notice in writing under the hand of the Minister requiring the lease holder to do so.
- (c) The lease 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.

TRIG. STATIONS AND SURVEY MARKS

- 37 (a) The marks in connection with any trigonometrical station, Permanent Mark or State Survey Mark (under the Survey Co-ordination Act, 1949) 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 lease holder shall take all necessary precautions to preserve the trigonometrical station, Permanent Mark or State Survey Mark (under the Survey Co-ordination Act, 1949) and the cairn, mast and vanes which might be erected upon the subject area.
- (c) No buildings or other structures shall be erected which would make observations to and from surrounding trigonometrical stations difficult to effect.
- (d) In the event of operations interfering with or damaging any trigonometrical station, Permanent Mark or State Mark (under the Survey Co-ordination Act, 1949) erected on or near the subject area, or if required to do so by the Minister, the lease holder shall relocate any such trigonometrical station, Permanent Mark or State Survey Mark (under the Survey Co-ordination Act, 1949) to the satisfaction of, and in a position required by, the Department of Land and Water Conservation, the Land Information Centre, Bathurst and the Minister and, if required to do so by the Minister, and subject to such conditions as the Minister may impose, the lease holder, upon completion of operations shall relocate any such trigonometrical station, Permanent Mark or State Survey Mark (under the Survey Co-ordination Act, 1949) to its original position.

TRANSMISSION LINES, COMMUNICATION LINES AND PIPELINES

- 41 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.

ABORIGINAL PLACE OR ABORIGINAL OBJECT

- 43 The lease holder shall not knowingly destroy, deface or damage any Aboriginal object or Aboriginal place or 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

- 44 The lease holder shall during each year of the term of the authority:
- (a) ensure that at least 80 workers 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 \$1,400,000.

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

- 45 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 by the lease holder;
 - (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

- 46 Within a period of three (3) months from the date of this authority or a period of three (3) 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 landholder 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 (10) or more landholders 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

- 47 (a) Where an Inspector under the Mining Act 1992 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 his condition may be served on the Colliery Manager.

INDEMNITIES

- 48 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 expense which may be brought against the lease holder or which the lease holder may incur 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.
- 49. 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)

- 50 (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

- 51 (a) The lease holder shall, upon request by the Director General, lodge with the Minister the sum of **\$8,827,500 (Eight Million, Eight Hundred & Twenty Seven Thousand Five Hundred Dollars)** as security for the fulfillment of the obligations of the lease holder under this authority. In the event that the lease holder fails to fulfill any of the lease holder's 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 the clause a lease holder shall be deemed to have failed to fulfill the lease holder's obligations under this authority, if the lease holder 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 lease holder must provide the security required by sub-clause (a) hereof in one of the following forms:-
- (i) cash, or
 - (ii) a security certificate in such form and given by such surety as may from time to time be approved by the Minister.
- (c) 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.

ROYALTY AT ADDITIONAL RATE

54. 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.

ADDITIONAL CONDITION

55. The Lease holder shall not conduct any mining operations within 50 metres of the surface of an area measured 30 metres either side of the banks of Wollombi Brook unless with the written consent of the Minister first had and obtained and subject to such conditions as he may impose.

DIAGRAM

Papers M79-2/92

Showing area subject to variation on survey

Application _____ at _____
 by _____
 poss'n } State: _____ Lease No. _____
 markout }

PARISHES WHYBROW; WARKWORTH; WHITTINGHAM
 & WOLLOMBI
 COUNTIES HUNTER; NORTHUMBERLAND

MINERAL PURPOSE COAL

Surface Exception & Depth Restriction
 The surface and soil below thereof to a depth of 20 metres is excluded within the area shown by black hatching; while the whole of the subj area is restricted to a depth of 100 metres below Australian Height Datum or 30 metres above the roof of the seam known in the Department of Mineral Resources as the Bayswater Seam, whichever is the deeper.

Scale 1:25,000 Lengths in metres

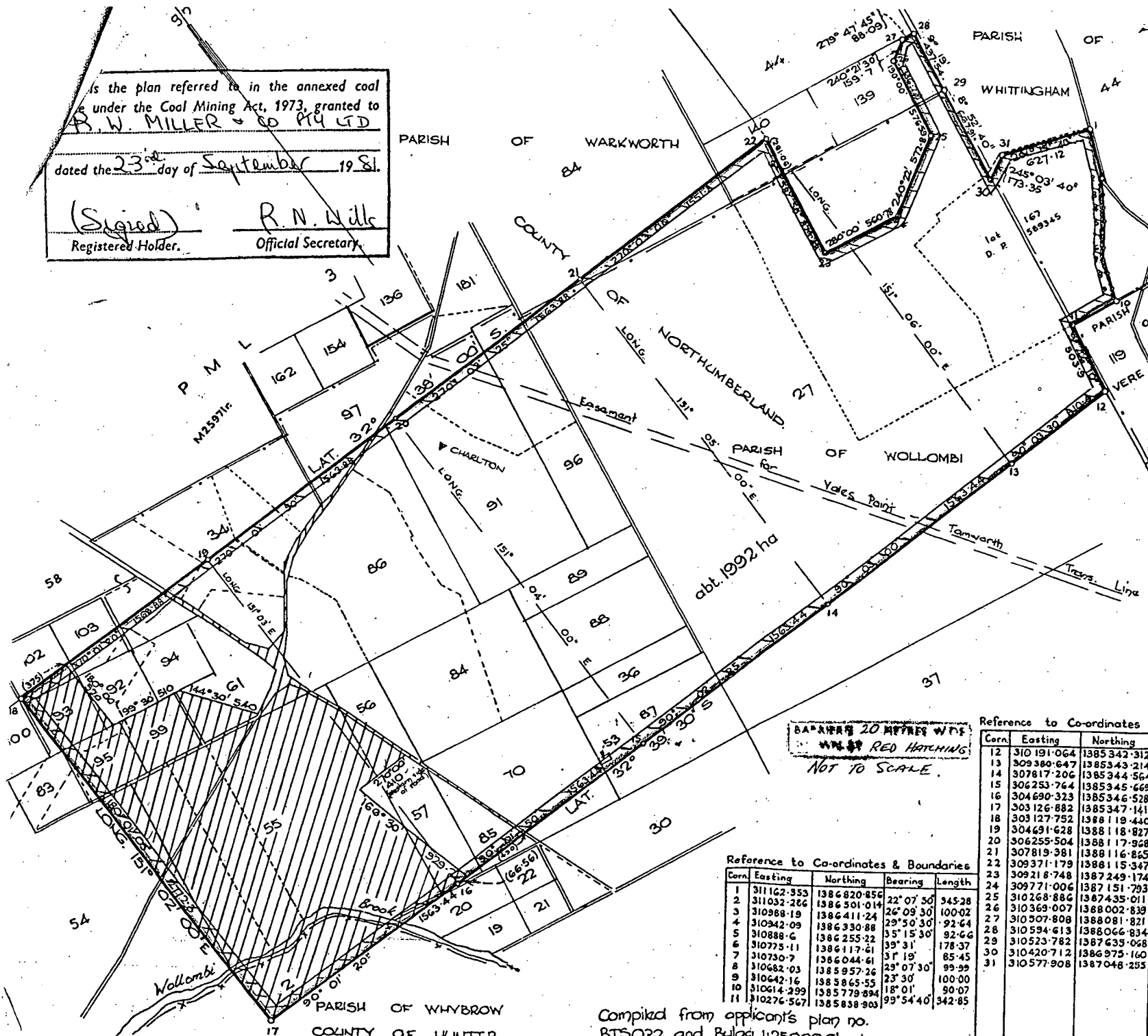
Apn No on galvanised iron plates fixed to each post
 _____ posts shown thus \odot

I _____ of _____
 a surveyor registered under the Surveyors Act, 1929, as amended, hereby certify that the survey represented in this plan (or sketch) was made by me (or under my personal direction) in accordance with Regulation 46 of the Survey Practice Regulations, 1933, for the purpose of granting a lease under Section 108E of the Mining Act, 1906, as amended.
 Survey Completed _____ (date)
 Azimuth _____

Signature _____
 Prepared & Charted _____
 Approved _____
 Examined _____
 Authorised Officer

DIAGRAM CATALOGUE No. 4968

is the plan referred to in the annexed coal lease under the Coal Mining Act, 1973, granted to R. W. MILLER & CO PTY LTD dated the 23rd day of September 1981.
 (Signed) R. N. Wills
 Registered Holder. Official Secretary.



Reference to Co-ordinates & Boundaries

Corn	Easting	Northing	Bearing	Length
1	311162.353	1386820.856	22° 07' 50"	345.28
2	311032.266	1386501.014	26° 09' 30"	100.02
3	310968.19	1386411.24	29° 50' 30"	92.64
4	310942.09	1386330.88	35° 15' 30"	92.66
5	310888.6	1386255.22	39° 31'	178.37
6	310775.11	1386117.61	31° 19'	85.45
7	310730.7	1386044.61	29° 07' 30"	99.99
8	310682.03	1385957.26	23° 30'	100.00
9	310642.16	1385865.55	18° 01'	90.07
10	310614.299	1385779.894	99° 54' 40"	342.85
11	310276.567	1385838.903		

Reference to Co-ordinates

Corn	Easting	Northing
12	310191.064	1385342.312
13	309380.647	1385343.214
14	307817.206	1385344.564
15	306253.764	1385345.669
16	304690.323	1385346.528
17	303126.882	1385347.141
18	301563.441	1385347.714
19	300000.000	1385348.287
20	298436.559	1385348.860
21	296873.118	1385349.433
22	295309.677	1385349.999
23	293746.236	1385350.566
24	292182.795	1385351.133
25	290619.354	1385351.700
26	289055.913	1385352.267
27	287492.472	1385352.834
28	285929.031	1385353.401
29	284365.590	1385353.968
30	282802.149	1385354.535
31	281238.708	1385355.102

Compiled from applicant's plan no. BT5022 and Bulgi 1:25000 sheet.

DIAGRAM

Papers M79-2392

Showing area subject to variation on survey

Application _____ at _____
 by _____
 poss'n } State: _____ Lease No. _____
 markout }

PARISHES WHYBROW; WARKWORTH; WHITTINGHAM
 & WOLLOMBI
 COUNTIES HUNTER; NORTHUMBERLAND

MINERAL COAL
 PURPOSE _____

Surface Exception & Depth Restriction
 The surface and soil below thereof to a depth of 20 metres is excluded within the area shown by black hatching; while the whole of the subject area is restricted to a depth of 100 metres below Australian Height Datum or 30 metres above the roof of the seam known in the Department of Mineral Resources as the Bayswater Seam, whichever is the deeper.



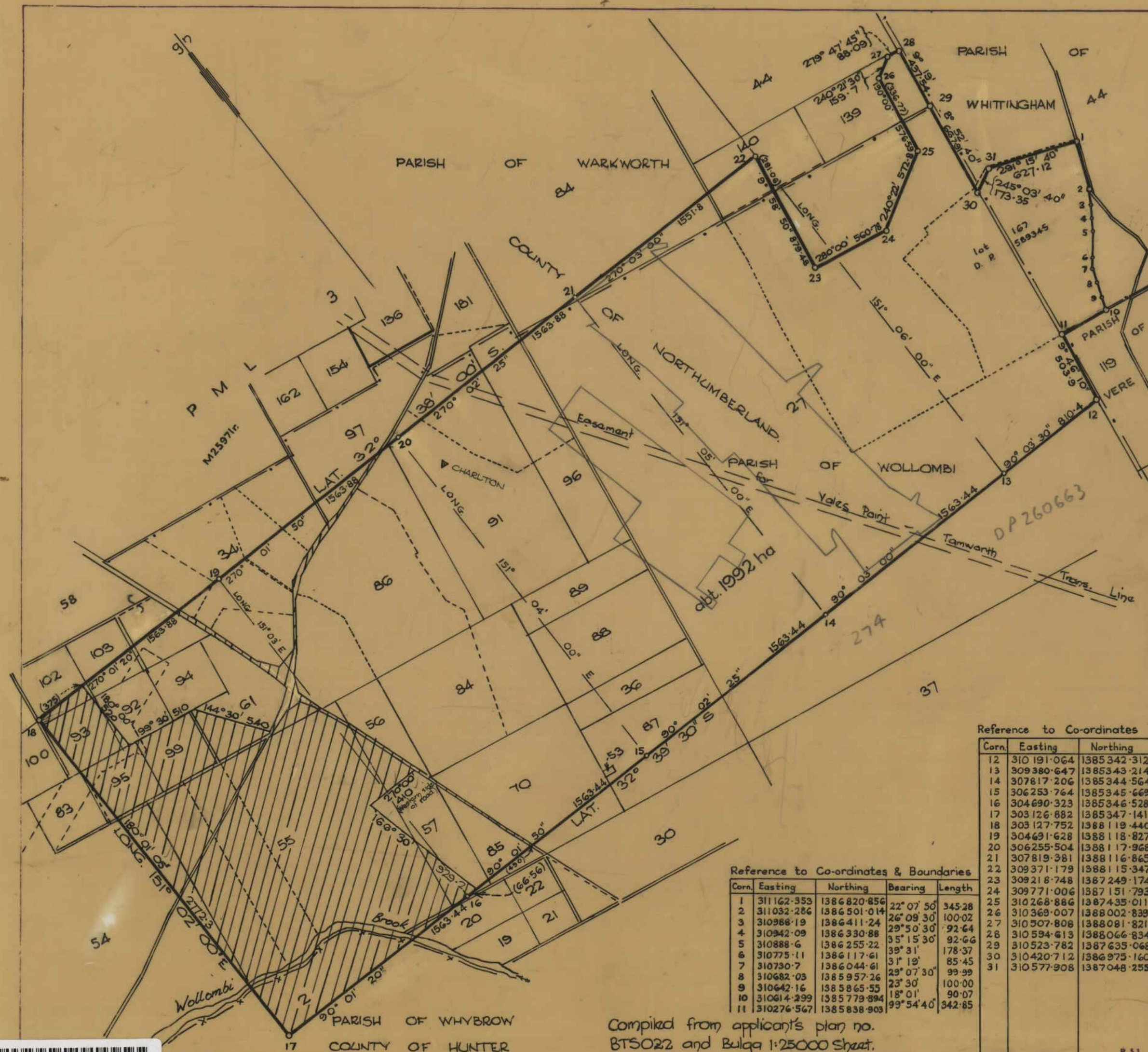
Scale 1:25,000 Lengths in metres

Appn No on galvanised iron plates fixed to each post. posts shown thus

I _____ of _____
 a surveyor registered under the Surveyors Act, 1929, as amended, hereby certify that the survey represented in this plan (or sketch) was made by me (or under my personal direction) in accordance with Regulation 46 of the Survey Practice Regulations, 1933, for the purpose of granting a lease under Section 108E of the Mining Act, 1906, as amended.
 Survey Completed _____ (date)

Azimuth _____
 Signature _____
 Prepared & Charted Examined Victor Michailow 4-5-1981
 Approved Authorized Officer

DIAGRAM CATALOGUE No. 4968



Reference to Co-ordinates & Boundaries

Corn.	Easting	Northing	Bearing	Length
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4	310942.09	1386330.88	35° 15' 30"	92.66
5	310888.6	1386255.22	39° 31'	178.37
6	310775.11	1386117.61	31° 19'	85.45
7	310730.7	1386044.61	29° 07' 30"	99.99
8	310682.03	1385957.26	23° 30'	100.00
9	310642.16	1385865.55	18° 01'	90.07
10	310614.299	1385779.894	99° 54' 40"	342.85
11	310276.567	1385838.903		

Reference to Co-ordinates

Corn.	Easting	Northing
12	310191.064	1385342.312
13	309380.647	1385343.214
14	307817.206	1385344.564
15	306253.764	1385345.669
16	304690.323	1385346.528
17	303126.882	1385347.141
18	303127.752	1388119.440
19	304691.628	1388118.827
20	306255.504	1388117.968
21	307819.381	1388116.865
22	309371.179	1388115.347
23	309218.748	1387249.174
24	309771.006	1387151.793
25	310268.886	1387435.011
26	310369.007	1388002.839
27	310507.808	1388081.821
28	310594.613	1388066.834
29	310523.782	1387635.068
30	310420.712	1386975.160
31	310577.908	1387048.255

Compiled from applicant's plan no. BTS022 and Bulga 1:25000 Sheet.



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

In accordance with the provisions of Section 79 (3) of the Mining Act 1992, the Minister amended Coal Lease 219 (Act 1973) so as to require a security in the amount of \$27,681,000 to be given and maintained.

The amendment takes effect on and from 23 April 2008.

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

Gary Walker
Northern Titles

ENDORSEMENT SCHEDULE

The Sublease Agreement dated 8 July 2005 , between **Mt Thorley Operations Pty Limited and Bulga Coal Management Pty Limited** was registered by the Director-General against Coal Lease 219 Act 1973 on 25 March 2011 in accordance with Section 163A(5) of the *Mining Act 1992* for a period up to 31 December 2015.



Ian Elsholz
Coal & Petroleum Titles

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 Coal Lease 219 (Act 1973).

A handwritten signature in black ink, appearing to read 'Jeff Inman', with a long horizontal flourish 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 **Mt Thorley Mini Strip Pit Dam, Mt Thorley Central Ramp Tailings Dam, Mt Thorley Abbey Green South TSF and Mt Thorley South 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.

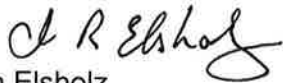
ENDORSEMENT SCHEDULE

The variation of Sublease Agreement dated 8 July 2005 Boundary Agreement Amendment Agreement 2011 between **Mt Thorley Operations Pty Limited and Bulga Coal Management Pty Limited** was registered by the Director-General against Coal Lease 219 (Act 1973) on 20 April 2012 in accordance with Section 163A(5) of the *Mining Act 1992* for a period of 5 years.


Ian Elsholz
Coal & Petroleum Titles

ENDORSEMENT SCHEDULE

The variation of the Sublease Agreement dated 8 July 2005 Area B between **Mt Thorley Operations Pty Limited and Bulga Coal Management Pty Limited** reducing the area to 14.54 hectares was registered by the Director-General against Coal Lease 219 (Act 1973) on 5 February 2013 in accordance with Section 163A(5) of the *Mining Act 1992*.



Ian Elsholz
Coal & Petroleum Titles

ENDORSEMENT SCHEDULE

COPY

In accordance with the provisions of Section 261B(3) of the *Mining Act 1992*, the Minister amended **Coal Lease 219 (Act 1973)** so as to require a security in the amount of \$40,119,000 to be given and maintained.

The amendment takes effect on and from 11 June 2013.



Lisa Keevill
Coal & Petroleum Titles

ENDORSEMENT SCHEDULE

The variation to the "Area B Sublease" undated, between **Bulga Coal Management Pty Limited and Mount Thorley Operations Pty Limited** reducing the area to 13.45 hectares was registered by the Director-General against Coal Lease 219 (Act 1973) on 14 October 2013 in accordance with Section 163A(5) of the *Mining Act 1992* for a period until 20 April 2017.



Margaret Lannen
Coal & Petroleum Titles

ENDORSEMENT SCHEDULE

The variation to the "Eastern Area Sublease" dated 8 July 2005, between **Bulga Coal Management Pty Limited and Mount Thorley Operations Pty Limited and Posco Australia Pty Limited** reducing the area to 6.72 hectares was registered by the Director-General against Coal Lease 219 (Act 1973) on 14 October 2013 in accordance with Section 163A(5) of the *Mining Act 1992* for a period until 14 October 2018.



Margaret Lannen
Coal & Petroleum Titles

ENDORSEMENT SCHEDULE

The "MTO Mining Sublease" dated 22 August 2013, between **Bulga Coal Management Pty Limited and Mount Thorley Operations Pty Limited** was registered by the Director-General against Coal Lease 219 (Act 1973) on 14 October 2013 in accordance with Section 163A(5) of the *Mining Act 1992* for a period until 14 October 2016.



Margaret Lannen
Coal & Petroleum Titles

ENDORSEMENT SCHEDULE

The "Dam Mining Sublease" dated 22 August 2013, between **Bulga Coal Management Pty Limited and Mount Thorley Operations Pty Limited** was registered by the Director-General against Coal Lease 219 (Act 1973) on 14 October 2013 in accordance with Section 163A(5) of the *Mining Act 1992* for a period until 14 April 2017.



Margaret Lannen
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 Coal Lease 219 (Act 1973) 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:

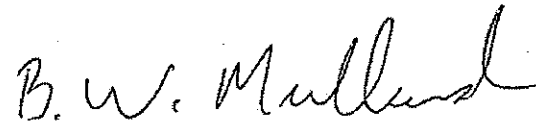
A. built features;

B. public safety; or

C. subsidence monitoring.

This amendment is effective from 1 July 2014.

SIGNED

A handwritten signature in black ink that reads "B. W. Mullard". The signature is written in a cursive style with a large, sweeping 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 Coal Lease 219 (Act 1973) so as to require a security in the amount of \$45,944,000 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 CL 219 (1973) as follows:

Condition 44 is omitted from the conditions of CL 219 (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