

Office of State Revenue  
NSW Treasury  
Client No: 1846988 2372  
Duty: N/A Trans No: ML 1755  
Asst details: COAL  
57-2017

MINING LEASE

MINING ACT 1992

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**NO 1755**

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**DATED 30 JUNE 2017**

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THE MINISTER FOR RESOURCES

OF THE STATE

OF NEW SOUTH WALES

TO

**BOGGABRI COAL PTY LIMITED**

**ACN 122 087 398**

**CHUGOKU ELECTRIC POWER AUSTRALIA**

**RESOURCES PTY. LTD.**

**ACN 600 294 068**

**NS BOGGABRI PTY LIMITED**

**ACN 133 447 313**

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Mining Lease Application No 464

## Mining Lease

### Section 63 of the *Mining Act 1992*


I, **THE HON DON HARWIN MLC, MINISTER FOR RESOURCES** for the State of New South Wales, pursuant to section 63 of the *Mining Act 1992*, determine Mining Lease Application No **464** by granting a Mining Lease as described in Schedule 1 to **BOGGABRI COAL PTY LIMITED, ACN 122 087 398, CHUGOKU ELECTRIC POWER AUSTRALIA RESOURCES PTY. LTD., ACN 600 294 068** and **NS BOGGABRI PTY LIMITED, ACN 133 447 313** subject to the conditions set out in Schedule 2.

The conditions set out in Schedule 2 are required to:

- ensure optimal resource recovery;
- prevent, minimise, and offset adverse environmental impacts;
- provide for the ongoing environmental management of the project; and
- ensure that the areas disturbed by mineral production and exploration activities are appropriately rehabilitated.

The rights and duties of a Lease Holder are those prescribed by the *Mining Act 1992*, subject to the terms and conditions of this Lease. This lease does not override any obligation on the Lease Holder to comply with the requirements of other legislation and regulatory instruments which may apply to the Lease Holder (including all relevant development approvals) unless specifically provided in the *Mining Act 1992* or other legislation or regulatory instruments.

SIGNED



Don Harwin MLC  
Minister for Resources

Dated: 30.6.17

## **SCHEDULE 1**

### **Description of Lease**

**Land:** The lease area embraces all land described in the attached lease plan titled **M27370** and approved on **1 October 2015**.

**Area:** **202.9 hectares**

**Surface Exception:** **Nil**

**Depth Restriction:** **20 metres**

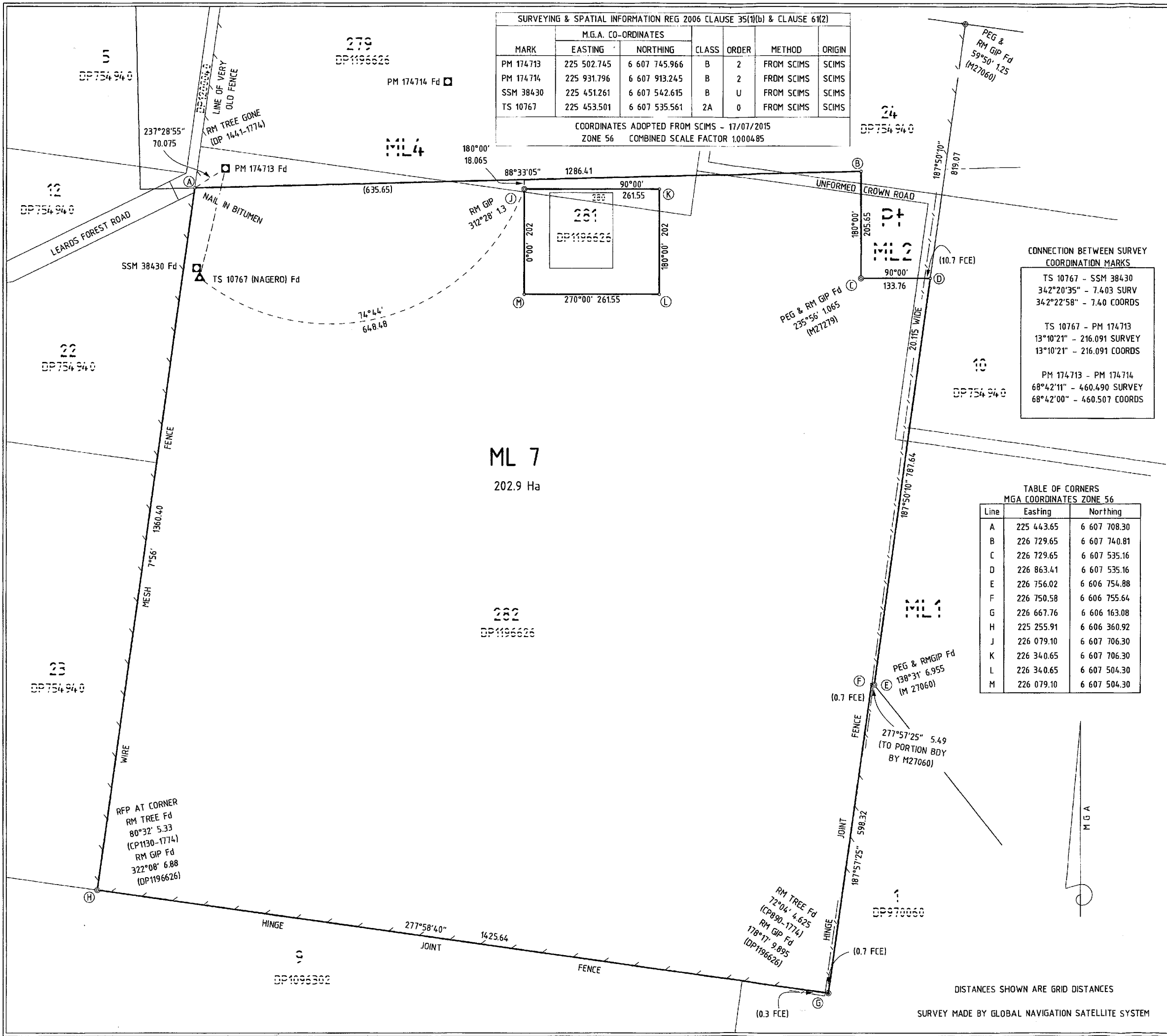
**Mining Purpose:** **All mining purposes for which development consent has been obtained as at the date of grant of this lease.**

**Term:** **21 years**

**Due expiry date:** **30 June 2038**

SURVEYING & SPATIAL INFORMATION REG 2006 CLAUSE 35(1)(b) & CLAUSE 6(1)(2)						
MARK	M.G.A. CO-ORDINATES		CLASS	ORDER	METHOD	ORIGIN
	EASTING	NORTHING				
PM 174713	225 502.745	6 607 745.966	B	2	FROM SCIMS	SCIMS
PM 174714	225 931.796	6 607 913.245	B	2	FROM SCIMS	SCIMS
SSM 38430	225 451.261	6 607 542.615	B	U	FROM SCIMS	SCIMS
TS 10767	225 453.501	6 607 535.561	2A	0	FROM SCIMS	SCIMS

COORDINATES ADOPTED FROM SCIMS - 17/07/2015  
ZONE 56 COMBINED SCALE FACTOR 1.000485



CONNECTION BETWEEN SURVEY COORDINATION MARKS

TS 10767 - SSM 38430  
342°20'35" - 7.403 SURV  
342°22'58" - 7.40 COORDS

TS 10767 - PM 174713  
13°10'21" - 216.091 SURVEY  
13°10'21" - 216.091 COORDS

PM 174713 - PM 174714  
68°42'11" - 460.490 SURVEY  
68°42'00" - 460.507 COORDS

TABLE OF CORNERS  
MGA COORDINATES ZONE 56

Line	Easting	Northing
A	225 443.65	6 607 708.30
B	226 729.65	6 607 740.81
C	226 729.65	6 607 535.16
D	226 863.41	6 607 535.16
E	226 756.02	6 606 754.88
F	226 750.58	6 606 755.64
G	226 667.76	6 606 163.08
H	225 255.91	6 606 360.92
J	226 079.10	6 607 706.30
K	226 340.65	6 607 706.30
L	226 340.65	6 607 504.30
M	226 079.10	6 607 504.30

**PLAN OF PORTION ML7**

PARISH: LEARD  
COUNTY: NANDEWAR  
MAP SHEET No. 8936-4-S  
REDUCTION RATIO 1:5000

MINING LEASE APPLICATION No.164  
MINING DIVISION: ARMIDALE  
APPLICANT: BOGGABRI COAL PTY LIMITED & CHUGOKU ELECTRIC POWER AUSTRALIA RESOURCES PTY LTD  
APPLICATION DATE: 28/11/2013

MINING LEASE No.  
STATUS:  
METHOD: MINING PURPOSES

SURFACE EXCEPTION / DEPTH RESTRICTION  
Embraces the surface and soil below thereof to a depth of 20 metres for the whole area exclusive of area J-K-L-M-J.

NOTES:

Azimuth: TS 10767 - PM 174713

Plans used in the course of this survey.  
CP 1442-1774 CP 1441-1774 M27060 DP1196626  
CP 1130-1774 CP 1170-1774 M27279 DP1200040  
CP 1129-1774 CP 890-1774 M795514

Survey declared on this plan for lines 'A' - 'K'

I, David William Cant  
of David Cant Surveyors  
PO Box 118 Maitland 2320  
a surveyor registered under the Surveying and Spatial Information Act 2002, hereby certify that the survey represented in this plan is accurate and has been completed in accordance with the Surveying and Spatial Information Regulation 2012 and the Surveyor General's Direction for Mining Surveys and was completed on 22th July 2014.  
Signature: *David Cant*  
Surveyors Reference: 11-02a Boggabri  
BOSSI Identification No: 742

Survey Calcs: .....  
Plan Investigated: *Scott* 28-09-15  
Plan Approved: *P. Ward* 1-10-15  
Paper No: 13/3950

FORM 10  
M27370  
R 17009191  
D 110097040

DISTANCES SHOWN ARE GRID DISTANCES  
SURVEY MADE BY GLOBAL NAVIGATION SATELLITE SYSTEM

## Schedule 2

### **MINING LEASE CONDITIONS 2013**

#### **Definitions**

- 1. Notice to Landholders**
- 2. Rehabilitation**
- 3. Mining Operations Plan and Annual Rehabilitation Report**
- 4. Compliance Report**
- 5. Environmental Incident Report**
- 6. NOT USED**
- 7. NOT USED**
- 8. Group Security**
- 9. Cooperation Agreement**

**Note: Exploration Reports (Geological and Geophysical)**

## Definitions:

Words used in this mining lease have the same meaning as defined in the *Mining Act 1992* except where otherwise defined below:

**Act** means the *Mining Act 1992*.

**Department** means the Division of Resources & Geoscience within the Department of Planning and Environment.

**Environment** has the same meaning as in the *Protection of the Environment Operations Act 1997*.

**Harm to the environment** has the same meaning as in the *Protection of the Environment Operations Act 1997*.

**Landholder** for the purposes of these conditions does not include a secondary landholder and includes, in the case of exempted areas, the controlling body for the exempted area.

**Material harm to the environment** has the same meaning as in the *Protection of the Environment Operations Act 1997*.

**Minister** means the Minister administering the Act.

**Pollution incident** has the same meaning as in the *Protection of the Environment Operations Act 1997*.

# MINING LEASE CONDITIONS 2013

## 1. Notice to Landholders

- (a) Within a period of three months from the date of grant/renewal of this mining lease, the lease holder must serve on each landholder a notice in writing indicating that this mining lease has been granted/renewed and whether the lease includes the surface. A plan identifying each landholder and individual land parcel subject to the lease area, and a description of the lease area must accompany the notice.
- (b) If there are ten or more landholders, the lease holder may serve the notice by publication in a newspaper circulating in the region where the lease area is situated. The notice must indicate that this mining lease has been granted/renewed; state whether the lease includes the surface and must contain a plan and description of the lease area. If a notice is made under condition 1(b), compliance with condition 1(a) is not required.

## 2. Rehabilitation

Any disturbance resulting from the activities carried out under this mining lease must be rehabilitated to the satisfaction of the Minister.

## 3. Mining Operations Plan and Annual Rehabilitation Report

- (a) The lease holder must comply with an approved Mining Operations Plan (MOP) in carrying out any significant surface disturbing activities, including mining operations, mining purposes and prospecting. The lease holder must apply to the Minister for approval of a MOP. An approved MOP must be in place prior to commencing any significant surface disturbing activities, including mining operations, mining purposes and prospecting.
- (b) The MOP must identify the post mining land use and set out a detailed rehabilitation strategy which:
- (i) identifies areas that will be disturbed;
  - (ii) details the staging of specific mining operations, mining purposes and prospecting;
  - (iii) identifies how the mine will be managed and rehabilitated to achieve the post mining land use;
  - (iv) identifies how mining operations, mining purposes and prospecting will be carried out in order to prevent and or minimise harm to the environment; and
  - (v) reflects the conditions of approval under:
    - the *Environmental Planning and Assessment Act 1979*;
    - the *Protection of the Environment Operations Act 1997*; and

- any other approvals relevant to the development including the conditions of this mining lease.
- (c) The MOP must be prepared in accordance with the *ESG3: Mining Operations Plan (MOP) Guidelines September 2013* published on the Department's website at [www.resources.nsw.gov.au/environment](http://www.resources.nsw.gov.au/environment)
- (d) The lease holder may apply to the Minister to amend an approved MOP at any time.
- (e) It is not a breach of this condition if:
- (i) the operations which, but for this condition 3(e) would be a breach of condition 3(a), were necessary to comply with a lawful order or direction given under the *Environmental Planning and Assessment Act 1979*, the *Protection of the Environment Operations Act 1997*, the *Mine Health and Safety Act 2004 / Coal Mine Health and Safety Act 2002* and *Mine Health and Safety Regulation 2007 / Coal Mine Health and Safety Regulation 2006* or the *Work Health and Safety Act 2011*; and
  - (ii) the Minister had been notified in writing of the terms of the order or direction prior to the operations constituting the breach being carried out.
- (f) The lease holder must prepare a Rehabilitation Report to the satisfaction of the Minister. The report must:
- (i) provide a detailed review of the progress of rehabilitation against the performance measures and criteria established in the approved MOP;
  - (ii) be submitted annually on the grant anniversary date (or at such other times as agreed by the Minister); and
  - (iii) be prepared in accordance with any relevant annual reporting guidelines published on the Department's website at [www.resources.nsw.gov.au/environment](http://www.resources.nsw.gov.au/environment).

*Note: The Rehabilitation Report replaces the Annual Environmental Management Report.*

#### **4. Compliance Report**

- (a) The lease holder must submit a Compliance Report to the satisfaction of the Minister. The report must be prepared in accordance with any relevant guidelines or requirements published by the Minister for compliance reporting.
- (b) The Compliance Report must include:
- (i) the extent to which the conditions of this mining lease or any provisions of the Act or the regulations applicable to activities under this mining lease, have or have not been complied with;
  - (ii) particulars of any non-compliance with any such conditions or provisions,
  - (iii) the reasons for any such non-compliance;



- (iv) any action taken, or to be taken, to prevent any recurrence, or to mitigate the effects, of that non-compliance.
- (c) The Compliance Report must be lodged with the Department annually on the grant anniversary date for the life of this mining lease.
- (d) In addition to annual lodgement under condition 4(c) above, a Compliance Report:
  - (i) must accompany any application to renew this mining lease under the Act;
  - (ii) must accompany any application to transfer this mining lease under the Act; and
  - (iii) must accompany any application to cancel, or to partially cancel, this mining lease under the Act.
- (e) Despite the submission of any Compliance Report under (c) or (d) above, the titleholder must lodge a Compliance Report with the Department at any date or dates otherwise required by the Minister.
- (f) A Compliance Report must be submitted one month prior to the expiry of this mining lease, where the licence holder is not seeking to renew or cancel this mining lease.

## 5. Environmental Incident Report

- (a) The lease holder must notify the Department of all:
  - (i) breaches of the conditions of this mining lease or breaches of the Act causing or threatening material harm to the environment; and
  - (ii) breaches of environmental protection legislation causing or threatening material harm to the environment (as defined in the *Protection of the Environment Operations Act 1997*),

arising in connection with significant surface disturbing activities, including mining operations, mining purposes and prospecting operations, under this mining lease. The notification must be given immediately after the lease holder becomes aware of the breach.

*Note. Refer to [www.resources.nsw.gov.au/environment](http://www.resources.nsw.gov.au/environment) for notification contact details.*

- (b) The lease holder must submit an Environmental Incident Report to the Department within seven (7) days of all breaches referred to in condition 5(a)(i) and (ii). The Environmental Incident Report must include:
  - (i) the details of the mining lease;
  - (ii) contact details for the lease holder;
  - (iii) a map identifying the location of the incident and where material harm to the environment has or is likely to occur;

- (iv) a description of the nature of the incident or breach, likely causes and consequences;
- (v) a timetable showing actions taken or planned to address the incident and to prevent future incidents or breaches referred to in 5(a).
- (vi) a summary of all previous incidents or breaches which have occurred in the previous 12 months relating to significant surface disturbing activities, including mining operations, mining purposes and prospecting operations under this mining lease.

*Note. The lease holder should have regard to any relevant Director General's guidelines in the preparation of an Environmental Incident Report. Refer to [www.resources.nsw.gov.au/environment](http://www.resources.nsw.gov.au/environment) for further details.*

- (c) In addition to the requirements set out in conditions 5(a) and (b), the lease holder must immediately advise the Department of any notification made under section 148 of the *Protection of the Environment Operations Act 1997* arising in connection with significant surface disturbing activities including mining operations, mining purposes and prospecting operations, under this mining lease.

## 6. Extraction Plan

NOT USED

## 7. Resource Recovery

NOT USED

## 8. Group Security

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

The amount of the security deposit to be provided as a group security has been assessed by the Minister at **\$39,540,000**.

The leases covered by the group security include:

### **Coal Lease 368 (Act 1973)**

This group security is extended to apply to this lease.

## 9. Cooperation Agreement

The lease holder must make every reasonable attempt, and be able to demonstrate its attempts, to enter into a cooperation agreement with the holder(s) of any overlapping title(s). The cooperation agreement should address but not be limited to issues such as:

- access arrangements
- operational interaction procedures
- dispute resolution
- information exchange
- well location
- timing of drilling
- potential resource extraction conflicts; and
- rehabilitation issues.

## Exploration Reporting

*Note: Exploration Reports (Geological and Geophysical)*

*The lease holder must lodge reports to the satisfaction of the Minister in accordance with section 163C of the Mining Act 1992 and in accordance with clause 59 of the Mining Regulation 2016.*

*Reports must be prepared in accordance with Exploration Reporting: A guide for reporting on exploration and prospecting in New South Wales (Department of Trade and Investment; Regional Infrastructure and Services 2010).*

## SPECIAL CONDITIONS

*Note: The standard conditions apply to all mining leases. The Division of Resources & Geoscience (DRG) reserves the right to impose special conditions, based on individual circumstances, where appropriate.*