

Instrument of Renewal

Section 114 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 114 of the *Mining Act 1992*, have determined to renew **Mining Lease 1402 (Act 1992)**, as described in Schedule 1, to **Wambo Coal Pty Limited, ACN 000 668 057**, subject to the conditions:

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

Note: For the avoidance of doubt, any prior Description of Lease and any Conditions imposed prior to the effective date of this Instrument of Renewal are replaced by Schedule 1 and 2 of this Instrument of Renewal on and from the effective date.

Signed this 29th day of September 2022



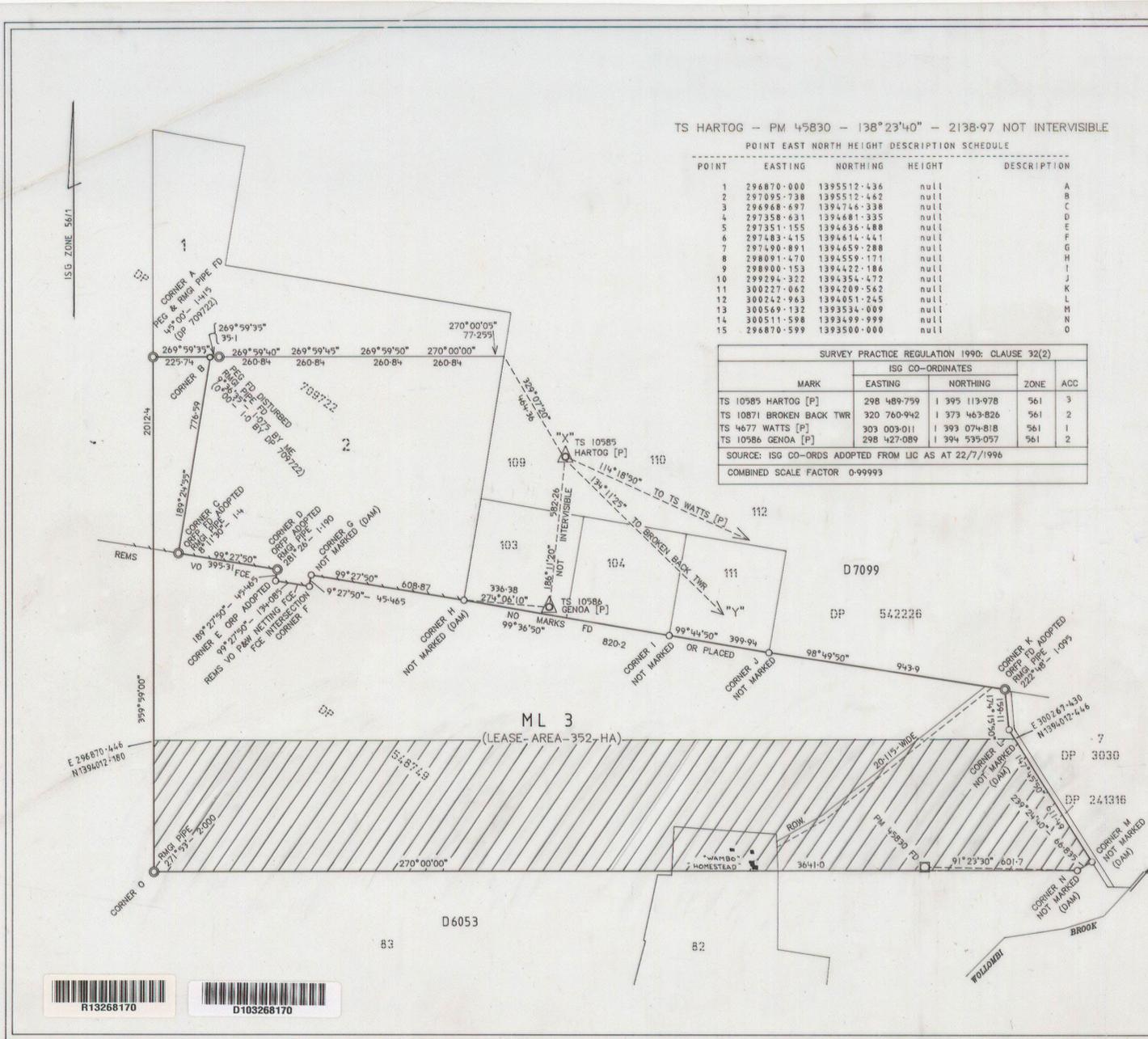
Georgina Beattie
Chief Executive Officer
Mining, Exploration and Geoscience
Regional NSW

As delegate for the Minister administering the *Mining Act 1992*
Delegation dated: 14 May 2018

SCHEDULE 1

Description of Lease

Mining Lease:	1402 (Act 1992)
Renewal date:	29 September 2022
Effective date:	29 September 2022
Term ending (expiry date):	25 July 2035
Lease Holder(s):	Wambo Coal Pty Limited, ACN 000 668 057
Land:	The lease area includes all land described in the attached lease plan titled M26817R and approved on 29 August 1996 .
Area:	352 hectares
Surface Exception:	Nil
Depth Restriction:	Various to a maximum depth of 900 metres below Australian Height Datum (AHD)
Mineral(s):	Coal
Method:	Open Cutting Underground



TS HARTOG - PM 45830 - 138°23'40" - 2138-97 NOT INTERVISIBLE

POINT EAST NORTH HEIGHT DESCRIPTION SCHEDULE				
POINT	EASTING	NORTHING	HEIGHT	DESCRIPTION
1	296870.000	1395512.436	null	A
2	297095.738	1395512.462	null	B
3	296968.697	1394746.338	null	C
4	297358.631	1394681.335	null	D
5	297351.155	1394636.188	null	E
6	297483.415	1394614.441	null	F
7	297490.891	1394659.288	null	G
8	298091.470	1394559.171	null	H
9	298900.153	1394422.186	null	I
10	299294.322	1394354.472	null	J
11	300227.062	1394209.562	null	K
12	300242.963	1394051.245	null	L
13	300569.132	1393534.009	null	M
14	300511.598	1393499.999	null	N
15	296870.599	1393500.000	null	O

SURVEY PRACTICE REGULATION 1990: CLAUSE 32(2)				
MARK	ISG CO-ORDINATES		ZONE	ACC
	EASTING	NORTHING		
TS 10985 HARTOG [P]	298 489-759	1 395 113-978	561	3
TS 10871 BROKEN BACK TWR	320 760-942	1 373 463-826	561	2
TS 4677 WATTS [P]	303 003-011	1 393 074-818	561	1
TS 10986 GENDA [P]	298 427-089	1 394 935-057	561	2

SOURCE: ISG CO-ORDS ADOPTED FROM LIC AS AT 22/7/1996
COMBINED SCALE FACTOR 0.99993

PLAN OF PORTION ML 3

PARISH(S) LEMINGTON

COUNTY(S) HUNTER

MAP SHEET NO(s) 9032-1-N
9132-4-N

REDUCTION RATIO 1:10 000

MINING LEASE APPLICATION NO. 63

MINING DIVISION SINGLETON

APPLICANT WAMBO MINING CORPORATION
PTY. LTD.

APPLICATION DATE. 6-5-1996

MINING LEASE NO. 1402 (Act 1992)

STATUS

METHOD BOXCUT & UNDERGROUND

***SURFACE EXCEPTION/DEPTH RESTRICTION**

EMBRACES THE SURFACE AND LAND BELOW THEREOF TO UNLIMITED DEPTH EXCLUSIVE OF ALL MINES, BEDS, VEINS AND SEAMS OF COAL AND ALSO EXCLUSIVE OF THE STRATA BETWEEN 15 METRES ABOVE THE ROOF AND 15 METRES BELOW THE FLOOR OF THE ARROWFIELD SEAM

EMBRACES THE SURFACE AND LAND BELOW THEREOF TO UNLIMITED DEPTH EXCLUSIVE OF ALL MINES, BEDS, VEINS AND SEAMS OF COAL

NOTES *Depth Restriction

This lease is restricted to a maximum depth of 900 metres below Australian Height Datum (AHD)

Azimuth - X - Y

TS HARTOG - BROKEN BACK TWR

Plans used in the course of this survey / compilation
 DP. 3030, DP. 241316, DP. 542226, DP. 548749, DP. 616303, DP. 709722, H. 196-1538, H298-1538, H313-1538
 Survey declared on this plan for lines
 A-B, B-C, C-D, D-E, E-F, F-G, G-H, H-I, I-J, J-K, K-L

I, GARRY EDWARD HANBLIN
 SCOTT, CRISP & HANBLIN ACN 002472639
 P.O. BOX 454, SINGLETON 2330
 a surveyor registered under the Surveyors Act, 1989,

hereby certify that the survey represented in this plan is accurate and has been completed in accordance with the Survey Practices Regulations, 1990 and the Directions for the Guidance of Mining Surveyors and was completed on 9-8-1996

Signature : *[Signature]*

Surveyors Reference : 955159A

Survey Calcs : *[Signature]*

Plan Investigated : *[Signature]*

Plan Approved : *[Signature]*

Paper No : C96-2139

M 20817R

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

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

The amount to be provided and maintained as a group security deposit is **\$106,783,000**.

The leases covered by the group security include:

Consolidated Coal Lease 743 (Act 1973) (Head lease)
Coal Lease 365 (Act 1973)
Coal Lease 374 (Act 1973)
Coal Lease 397 (Act 1973)
Mining Lease 1402 (Act 1992) (This lease)
Mining Lease 1572 (Act 1992)
Mining Lease 1594 (Act 1992)
Mining Lease 1806 (Act 1992)

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
- 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.

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Special conditions

5. Dam Safety – Mining Leases

- (a) The lease holder must not mine within any part of the lease area which is within the notification area of the **Hunter Pit Tailings Dam** and the **Wambo Tailings Dam** without the prior written approval of the Minister and subject to any conditions the Minister may stipulate.
- (b) Where the lease holder desires to mine within the notification area, the lease holder 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) Dams Safety NSW as constituted by section 6 of the *Dams Safety Act 2015* 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 Secretary has complied with any reasonable request made by Dams Safety NSW or the owner of the dam for further information in connection with the mining proposal.
 - (d) Dams Safety NSW 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 Dams Safety NSW has made recommendations the approval is in terms that are:
 - in accordance with those recommendations; or
 - 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 Dams Safety NSW or where Dams Safety NSW 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:
- as determined by agreement between the Minister and the Minister administering the *Dams Safety Act 2015*; or

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- in the event of failure to reach such agreement - as determined by the Premier.

(d) The Minister, on notice from Dams Safety NSW, may at any time or times:

- (i) cancel any approval given where a notice pursuant to section 19 of the *Dams Safety Act 2015* is given.

suspend for a period of time, alter, omit from or add to any approval given or conditions imposed.

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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