

MINING LEASE

*MINING ACT 1992*

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**NO 1789**

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**DATED 20 JUNE 2019**

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THE MINISTER ADMINISTERING THE  
MINING ACT 1992 FOR

THE STATE

OF NEW SOUTH WALES

TO

**KORES AUSTRALIA PTY LIMITED**  
**ACN 063 786 087**

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# Mining Lease

## Section 63 of the *Mining Act 1992*

I, **The Hon John Barilaro MP, Deputy Premier, Minister for Regional New South Wales, Industry and Trade** for the State of New South Wales pursuant to section 63 of the *Mining Act 1992*, determine to grant Mining Lease Application No **342** and Mining Lease Application No **343** by granting a Mining Lease as described in Schedule 1 to **Kores Australia Pty Limited, ACN 063 786 087**, subject to the conditions set out in Schedule 2.

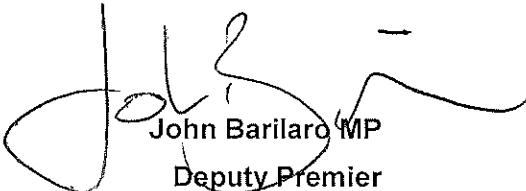
The conditions set out in Schedule 2 are required to:

- 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 this 20<sup>th</sup> day of JUNE

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John Barilaro MP  
Deputy Premier

**Minister for Regional New South Wales, Industry and Trade**

## **SCHEDULE 1**

### **Description of Lease**

**Land:** The lease area embraces all land described in the attached lease plan titled **M27192** and approved on **12 October 2018**.

<b>Area:</b>	<b>4207.6 hectares</b>
<b>Surface Exception:</b>	<b>10 metres and 30 metres in part</b>
<b>Depth Restriction:</b>	<b>Embraces the surface and the soil below thereof to a depth of 750 metres below AHD</b>
<b>Minerals:</b>	<b>Coal</b>
<b>Method:</b>	<b>Underground</b>
<b>Term:</b>	<b>21 years</b>
<b>Due expiry date:</b>	<b>20 June 2040</b>

## Schedule 2

# MINING LEASE CONDITIONS 2013

### Definitions

1. **Notice to Landholders**
2. **Rehabilitation**
3. **Mining Operations Plan and Annual Rehabilitation Report**
4. **Non-Compliance Reporting**
5. **Environmental Incident Report**
6. **Extraction Plan**
7. **Resource Recovery**
8. **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 and Geoscience within the Department of Planning and Environment.

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

**Environmental incident notifications and reports** means any notifications and reports required to be provided to relevant authorities under Part 5.7 or Part 5.7A of 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.

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

# 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, ancillary mining activities 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, ancillary mining activities 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, ancillary mining activities and prospecting;
  - (iii) identifies how the mine will be managed and rehabilitated to achieve the post mining land use;
  - (iv) identifies how mining operations, ancillary mining activities 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 <https://www.resourcesandgeoscience.nsw.gov.au/miners-and-explorers/rules-and-forms/pgf/environmental-guidelines>
- (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 *Work Health and Safety (Mines and Petroleum Sites) Act 2013* and *Work Health and Safety (Mines and Petroleum Sites) Regulation 2014* or the *Work Health and Safety Act 2011*; and *Work Health and Safety Regulation 2017*
  - (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 <https://www.resourcesandgeoscience.nsw.gov.au/miners-and-explorers/rules-and-forms/pgf/environmental-guidelines>

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

#### 4. Non-Compliance Reporting

- (a) The lease holder must notify the Department upon becoming aware of any breaches of the conditions of this mining lease or breaches of the *Mining Act 1992* or *Mining Regulation 2016*;
- (b) Notifications under condition 4(a) must be provided in the form specified on the Department’s website within seven (7) days of the mining lease holder becoming aware of the breach.

## 5. Environmental Incident Report

The lease holder must provide environmental incident notifications and reports to the Secretary no later than seven (7) days after those environmental incident notifications and reports are provided to the relevant authorities under the *Protection of the Environment Operations Act 1997*.

## 6. Extraction Plan

(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.

## 7. Resource Recovery

The lease holder must optimise recovery of the minerals that are the subject of this mining lease to the extent economically feasible.

## 8. 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 has been assessed by the Minister at **\$20,000.00**.

## 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)

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*The lease holder must lodge reports to the satisfaction of the Secretary in accordance with section 163C of the Mining Act 1992 and in accordance with clauses 59, 60 and 61 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.*