

Instrument of Variation

Consolidated Coal Lease 747 (1973)

I, **JAMIE TRIPODI, Executive Director Assessments & Systems**, Mining Exploration and Geoscience in the Department of Regional NSW, with the delegated authority of the Minister under section 261B and clause 12 of Schedule 1B of the *Mining Act 1992* (the Act), **vary** the conditions of consolidated coal lease **CCL 747 (1973)** as described in Schedule A.

The conditions of **CCL 747 (1973)**, as varied, are set out in Schedule B.

The variation takes effect on 17 October 2022.



JAMIE TRIPODI
Executive Director Assessments & Systems
As delegate for the Minister administering the *Mining Act 1992*
Delegation date: 14 May 2018

Dated: 29 August 2022

Schedule A

Condition		Variation	New Condition
	Definitions	Definitions of 'Department', 'Environment' 'Environmental incident notifications and reports' and 'Harm to the environment' omitted as no longer used.	N/A
1	Notice to Landholders	Wording amended to modernise the condition	1. Notice to Landholders – see Schedule B
2	Mining, Rehabilitation, Environmental Management Process (MREMP) Mining Operations Plan (MOP)	Condition omitted	N/A
3	Annual Environmental Management Report (AEMR)	Condition omitted	N/A
4	Extraction Plan	Condition omitted	N/A
6	Control of Operations	Condition omitted	N/A
7	Reports	Condition omitted	N/A
8	Licence to Use Reports	Condition omitted	N/A
9	Confidentiality	Condition omitted	N/A
10	Terms of the non-exclusive licence	Condition omitted	N/A
11	Blasting	Condition omitted	N/A
12	Safety	Condition omitted	N/A
13	Rehabilitation	Condition omitted	N/A
14	Rehabilitation	Condition omitted	N/A
15	Exploratory Drilling	Condition omitted	N/A
16	Prevention of Soil Erosion and Pollution	Condition omitted	N/A
17	Transmission lines, Communication lines and Pipelines	Condition omitted	N/A
18	Fences, Gates	Condition omitted	N/A
19	Roads and Tracks	Condition omitted	N/A
20	Roads and Tracks	Condition omitted	N/A
21	Trees and Timber	Condition omitted	N/A
23	Resource Recovery	Condition omitted	N/A
24	Indemnity	Condition omitted	N/A
25	Security	Condition amended to modernise the wording. Condition has been re-numbered due to omission of other conditions.	2. Security– see Schedule B
N/A		New condition attached	3. Cooperation Agreement – see Schedule B

N/A		New condition attached	4. Assessable Prospecting Operations– see Schedule B
<u>SPECIAL CONDITIONS</u>			
34	Details of Lands, Purposes and Additional Conditions	Condition amended to modernise wording and update references. Condition has been re-numbered.	5. Details of Lands, Purposes and Additional Conditions– see Schedule B
35	Details of Lands, Purposes and Additional Conditions	Part a) of condition retained and combined with New Condition 5 (above). Remainder of condition omitted.	N/A

Schedule B

Mining Lease Conditions

(Version 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.

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. 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 has been assessed at **\$552,000**.

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

Mining Lease Conditions 2021	Version Date: February 2022
Consolidated Coal Lease 747 (Act 1973)	Page 5 of 7

- 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

5. Details of Lands, Purposes and Additional Conditions

The lease holder shall be limited to the following operations and conditions within the specified areas described on the plan annexed hereto and marked "B"

COLUMN 1 - DESCRIPTION	COLUMN 2 - PURPOSES	COLUMN 3 – APPLICABLE CONDITIONS
Land shown by green and yellow colours on the plan hereto and marked "B"	<p>The following purposes are as prescribed as mining purposes for the purposes of the definition of mining purpose in the Dictionary at the end of the Mining Act, 1992:</p> <ol style="list-style-type: none"> 1. the construction, maintenance or use (in or in connection with mining operations) of any road, cable, conveyor, pipeline, telephone line. 2. the storage of fuel, machinery, timber or equipment for use in or in connection with mining operations. 3. the generation and transmission of electricity for use in or in connection with mining operations. 	a) The lease holder shall observe and perform any instruction given or which may be given by the Minister regarding any aboriginal relics within the subject area.

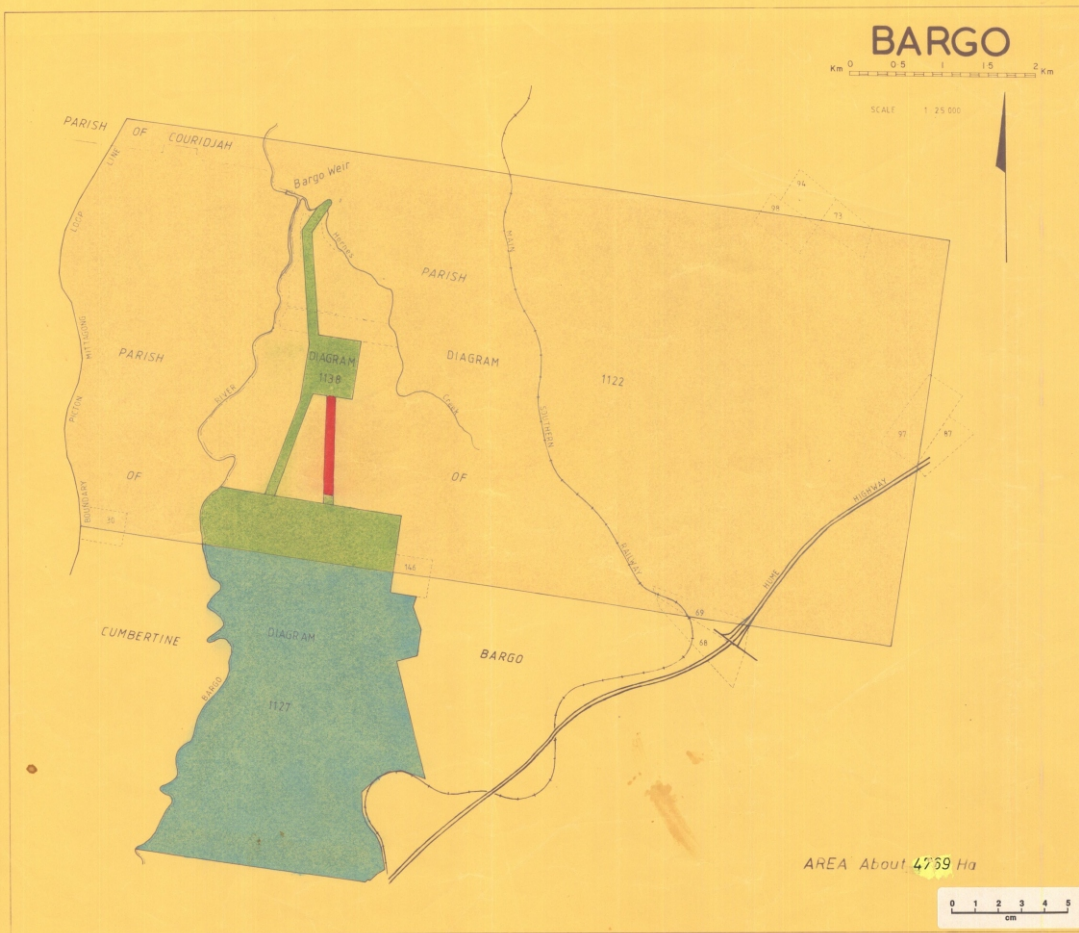
	4. the construction, maintenance and use (in or in connection with mining operations) of any drillhole or shaft for drainage of gas, or drainage or conveyance of water, or ventilation, or conveyance of electricity, or conveyance of materials, or communications, or emergency access to underground workings.	
Lands shown by orange colour on the plan hereto and marked "B"	<p>The following purposes are as prescribed as mining purposes for the purposes of the definition of mining purpose in the Dictionary at the end of the Mining Act, 1992:</p> <ol style="list-style-type: none"> 1. the construction, maintenance or use (in or in connection with mining operations) of any building or mining plant, road, railway, reservoir, dam, drain cable, conveyor, pipeline, telephone line or signalling system, bin. 2. the stockpiling or depositing of overburden, ore or tailings, 3. the storage of fuel, machinery, timber or equipment for use in or in connection with mining operations, 4. the generation and transmission of electricity for use in or in connection with mining operations, 5. the construction, maintenance and use (in or in connection with mining operations) of any drillhole or shaft for drainage of gas, or drainage or conveyance of water, or ventilation, or conveyance of electricity, or conveyance of materials, or communications, or emergency access to underground workings. 	a) The lease holder shall observe and perform any instruction given or which may be given by the Minister regarding any aboriginal relics within the subject area.

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.

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.



BARGO

SCALE 1:25,000

SCALE 1:25,000

AREA About 47.69 Ha

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cm

PLAN 'A'

SUBJECT TO SURVEY

PAPERS C 89-597

PARISHES BARGO COURIDJAH
& CUMBERTINE

COUNTY CAMDEN

SURFACE EXCEPTION / DEPTH RESTRICTION

- Embraces the surface and land below to unlimited depth.
- Embraces the surface and land below to a depth of 150 metres.
- Excepts the surface and land below to a depth of 10 metres.
- Excepts the surface and land below to a depth of 150 metres.

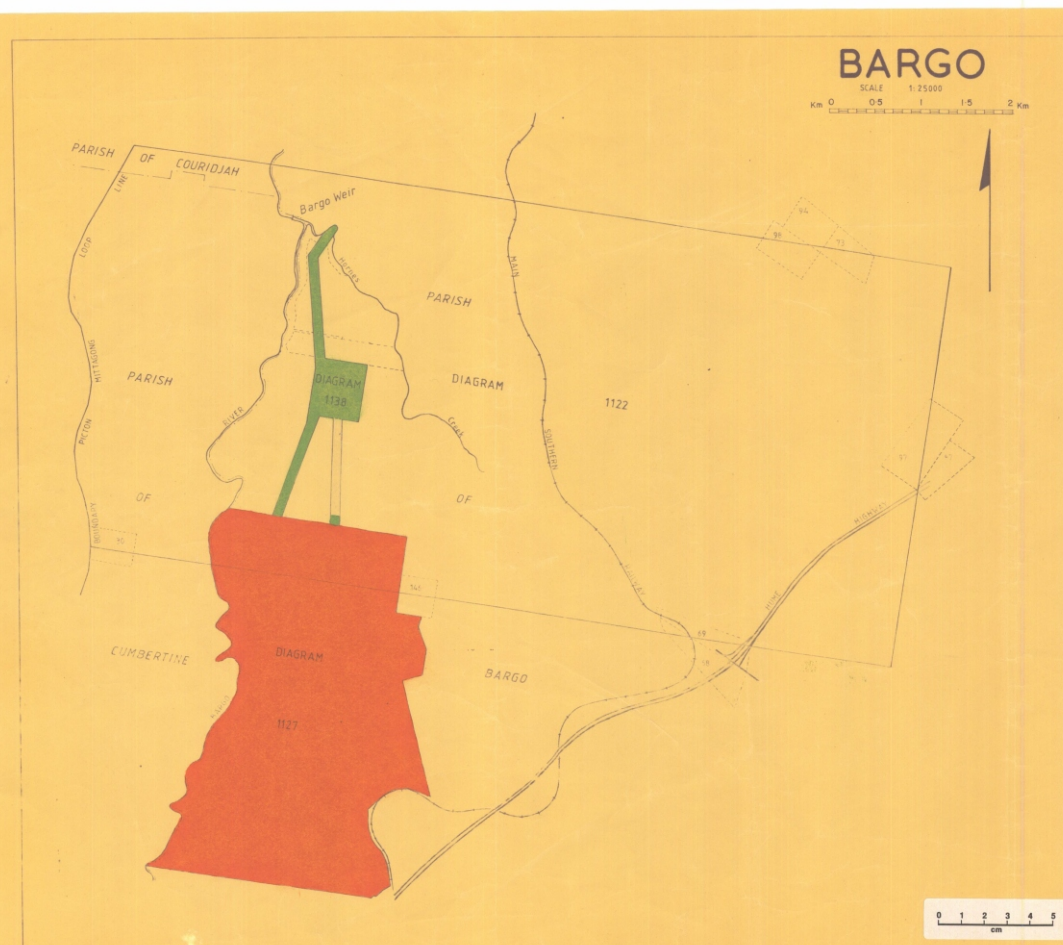
THIS IS THE PLAN 'A' REFERRED TO IN THE ANNEXED
CONSOLIDATED COAL LEASE NO. 747 UNDER THE COAL MINING
ACT, 1973 GRANTED TO **BARGO COLLIERIES**
PTY LTD
BY *[Signature]* WITNESS TO THE MINISTER'S SIGNATURE
REGISTERED HOLDER

SCALE 1:25,000

CATALOGUE N° D 6457

R10000890

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BARGO

SCALE 1:25,000

SCALE 1:25,000

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PLAN 'B'

SUBJECT TO SURVEY

PAPERS C 89-597

PARISHES BARGO COURIDJAH
& CUMBERTINE

COUNTY CAMDEN

Areas referred to in Condition N° 53 of the
Conditions of Consolidated Coal Leases 1985
annexed to this lease.

- (Green/Yellow) Diagram N° 1138 Formerly Mining Purposes
Lease N° 156 (Act 1973)
- [Green] Embraces the surface and land below
to a depth of 150 metres
- [Yellow] Embraces the strata between the
depths of 10 metres and 150 metres below
the surface
- (Orange) Diagram N° 1127 Formerly Mining Purposes
Lease N° 157 (Act 1973) Embraces the surface and
land below to a depth of 150 metres.

THIS IS THE PLAN 'B' REFERRED TO IN THE ANNEXED
CONSOLIDATED COAL LEASE NO. 747 UNDER THE COAL MINING
ACT, 1973 GRANTED TO **BARGO COLLIERIES**
PTY LTD
BY *[Signature]* WITNESS TO THE MINISTER'S SIGNATURE
REGISTERED HOLDER

SCALE 1:25,000

CATALOGUE N° D 6457

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CONSOLIDATED COAL LEASE

COAL MINING ACT, 1973

NO. 747


DATED *23rd May* A.D. 19 *90*

THE MINISTER FOR MINERALS AND ENERGY
OF THE STATE OF
NEW SOUTH WALES
TO

BARGO COLLIERIES PTY LTD

RECORDED in the Department of Minerals and
Energy, at Sydney, this *twenty eighth*
day of *May* A.D. 19 *90*, at
the hour of *ten* o'clock in the

fore noon, and numbered in the Register.


DEPUTY Registrar (Coal)

\$3 -

COAL MINING ACT, 1973
CONSOLIDATED COAL LEASE

THIS DEED made the *twenty third* day of *May* One thousand nine hundred and *ninety* in pursuance of the provisions of the Coal Mining Act, 1973 (hereinafter called "the said Act") between THE HONOURABLE NEIL EDWARD WILLIAM PICKARD, M.P., Minister for Minerals ~~and~~ and Energy of the State of New South Wales (hereinafter called "the Minister") which expression shall where the context admits or requires include the successors in office of the Minister and the person acting as such Minister for the time being) of the one part and Bargo Collieries Pty Ltd
Level 9
100 Christie Street
LEONARDS NSW 2065

(which with its successors and permitted assigns is hereinafter called "the registered holder") of the other part WHEREAS the registered holder was until the execution hereof by the Minister the registered holder of the leases specified in the Schedule of Leases numbered 1 annexed hereto AND WHEREAS the Minister considered that the said leases should be consolidated in conformity with Part IVA of the Coal Mining Act, 1973 and has otherwise complied with the requirements of that Part relating to the grant of a consolidated coal lease ~~NOW THIS DEED~~ WITNESSETH that in consideration of the rent and royalty hereinafter reserved and of the covenants hereinafter contained and on the part of the registered holder to be paid performed and observed the Minister in pursuance of the provisions of the said Act DOTH HEREBY demise and lease unto the registered holder ALL THAT piece or parcel of land being the aggregate of all areas of land subject to the leases specified in the said Schedule of Leases annexed hereto and more particularly described and delineated in the plan marked "A" annexed hereto for the purpose of prospecting and mining for coal TO HOLD the said land containing by admeasurement about 4769 hectares

with the appurtenances thereto subject to such rights and interests as may be lawfully subsisting therein or which may be reserved by the said Act at the date of these presents and subject also to such conditions provisos and stipulations as are herein contained UNTO the registered holder from and including the date hereof for the period expiring on

6th November 1999

for the purpose aforesaid and for no other purpose YIELDING AND PAYING unto the owner for the time being of any private lands the surface whereof is hereby demised yearly and every year during the said term the yearly rent at the rate required by the said Act and the Regulations thereunder at the time the rent is required to be paid AND YIELDING AND PAYING in respect of any Crown lands the surface whereof is hereby demised yearly and every year during the said term the yearly rent at the rate required by the said Act and the Regulations thereunder at the time the rent is required to be paid AND YIELDING AND PAYING in respect of coal reserved to or owned by the Crown in the Crown lands and private lands hereby demised yearly and every year during the said term the yearly rent at the rate required by the said Act and the Regulations thereunder at the time the rent is required to be paid such rents to be paid yearly in advance respectively to the owner for the time being of the private lands hereby demised and to the Minister in Sydney in respect of the Crown lands hereby demised and to the Minister in Sydney in respect of coal reserved to or owned by the Crown in the Crown lands and private lands hereby demised the first of such payments to be made to the owner and the Minister respectively on or before the

31st day of December 1990 and thereafter such payments to be made to the respective owners and the Minister respectively on or before the 31st day of December in each year of the said term upon and subject to the covenants conditions and provisos hereinafter appearing AND the registered holder DOTH HEREBY covenant with the Minister as follows:

1. THAT in this lease except insofar as the context otherwise indicates or requires:

"Director General"

Any reference to an Act includes that Act and any Act amending or in substitution for the same; "Secretary" means the person for the time being holding office or acting as ~~Secretary~~ ^{Director General} Department of Minerals and Energy Sydney; The words "coal", "Crown lands", "mine" when used as a noun or when used as a verb, "owner" and "private lands" have the meanings respectively assigned to them by the said Act; Words importing the singular number shall include the plural the masculine gender the feminine or neuter gender and vice versa;

Any covenant on the part of two or more persons shall be deemed to bind them jointly and severally.

2. THAT the registered holder shall pay to the owner of any private lands the surface whereof is hereby demised and unto the Minister in respect of any Crown lands the surface whereof is hereby demised and unto the Minister in respect of coal reserved to or owned by the Crown in the said Crown lands and private lands hereby demised rent or rents as required by the Coal Mining Act, 1973, and the Regulations thereunder at the times and in the manner hereinbefore appointed therefor clear of all deductions and shall when called upon produce to the Minister or some officer appointed by him in respect of the said private lands a receipt for such rent or otherwise satisfy the Minister that such rent has been paid.
3. THAT the registered holder shall during the said period pay to the Minister in Sydney in respect of all coal won from the land hereby demised royalty at the rate fixed by the Minister pursuant to section 82 D of the Coal Mining Act, 1973 at the time the coal is won.
4. THAT the registered holder shall not plead acceptance of rent by or on behalf of the owners or by or on behalf of the Minister as a waiver of the right of the Minister to enforce observance of the covenants herein contained or of the covenants and conditions to be observed under the Acts or laws referred to in Clause 7 (d) herein or of the right of the Minister to cancel this lease for breach of any such covenant.
5. THAT the registered holder shall at all times during the said term keep and preserve the said mine from all avoidable injury or damage and also the levels, drifts, shafts, watercourses, roadways, works, erections and fixtures therein and thereon in good repair and condition and in such state and condition shall on the expiration or sooner determination of the said term or any renewal thereof deliver possession thereof and of all and singular the premises hereby demised to the Minister or other persons authorised to receive possession thereof.
6. Subject to the requirements of any order issued pursuant to section 70 (4) of the Coal Mining Act, 1973 -
- (i) the registered holder shall not, unless with the written approval of the Minister and subject to such conditions as he may impose, carry out a mining purpose on the lands described in Column 1 of the Schedule numbered 2 annexed hereto other than a mining purpose specified opposite that description in Column 2 of that schedule;
- (ii) The registered holder shall not carry out a mining purpose specified in Column 2 of Schedule 2 except in accordance with the conditions of this lease including any conditions that may be referred to in Column 3 of that schedule opposite that purpose.
7. THAT the conditions and provisions set forth and numbered 2, 6, 10, 11, 13(A)(i)(iii)(B)(C)(D)(E)(F), 14 to 39 inclusive, 45 to 53 inclusive

in the Schedule numbered 3 headed "Conditions of Consolidated Coal Leases - 1985" annexed hereto are embodied and incorporated with these presents as conditions and provisions of the lease hereby granted AND that the registered holder shall observe, fulfil and perform the same.

PROVIDED always and it is hereby declared as follows:

- (a) THAT this lease is granted subject to amendment as provided under sections 82D and 82K of the Coal Mining Act, 1973.
- (b) THAT if the registered holder at any time during the period of this demise -
- (i) fails to fulfil or contravenes the covenants and conditions herein contained; or
- (ii) fails to comply with any provision of the said Act, or with any provision of the Mining Act, 1973 with which the registered holder is required to comply; or
- (iii) fails to use the land hereby demised bona fide for the purpose for which this lease was granted; or
- (iv) uses the land hereby demised for any purpose other than that for which it has been demised.
- this lease may be cancelled by the Minister by instrument in writing and the cancellation shall have effect from and including the date on which notification of the cancellation is published in the

Government Gazette and the production of a copy of the Government Gazette containing a notification purporting to be signed by the Minister declaring this lease to be cancelled shall be conclusive evidence of the facts stated therein.

- (c) THAT no implied covenant for title or for quiet enjoyment shall be contained herein.
- (d) THAT all the conditions and provisions contained in the Coal Mining Act, 1973 and the Regulations thereunder and the Coal Mines Regulation Act, 1982 or any other law now or hereafter to be passed or prescribed so far as the same may be applicable are embodied and incorporated with these presents as conditions and provisions of the lease hereby granted and the registered holder hereby covenants to observe fulfil and perform the same.
- (e) THAT such of the provisions and conditions herein declared and contained as require or prescribe anything to be done or not to be done by the registered holder shall in addition to being read and construed as conditions of the lease hereby expressed to be granted be also read and construed as covenants by the registered holder with the Minister to observe and perform the said provisions and conditions.
8. Upon the execution hereof by the Minister the leases specified in the Schedule of Leases shall, subject to the provisions of section 82S of the Coal Mining Act, 1973, be deemed to be cancelled in accordance with section 82H(4) of the said Act.

IN WITNESS WHEREOF the parties hereto have executed this Deed the day and year first abovewritten

SIGNED SEALED AND DELIVERED
BY THE HONOURABLE

NEIL EDWARD WILLIAM PICKARD, M.P.

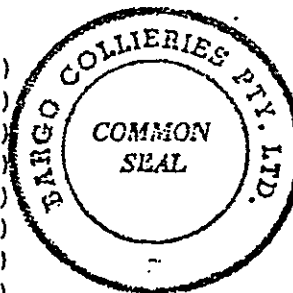
as such Minister as aforesaid
in the presence of:

Magnus J. M.

Neil Pickard
Dated *23rd May 1990*

SIGNED SEALED AND DELIVERED
by the ~~THE~~ COMMON SEAL OF

~~BARGO COLLIERIES PTY. LTD.~~
WAS HEREUNTO AFFIXED BY
AUTHORITY OF THE DIRECTORS
AND IN THE PRESENCE OF:



W. H. May 1990
Dated

J. W. Kenclry.
A. J. Tennant
SECRETARY

in the presence of:

This page is the schedule numbered 1 and referred to in the annexed Consolidated Coal Lease No. 747 under the Coal Mining Act 1973 granted to Bargo Collieries Pty Ltd dated *twenty third* day of *May* 1990.

P.P. BARGO COLLIERIES LTD

J. J. L. van
.....
Registered Holder

Margaret J. L.
.....
Witness to the Minister's signature

SCHEDULE OF LEASES

<u>Lease No.</u>	<u>Portion or Diagram No.</u>	<u>Parish</u>
Coal Lease No. 186 (Act 1973)	D 1122	Bargo Couridjah Cumbertine
Mining Purposes Lease No. 156 (Act 1973)	D 1138	Bargo
Mining Purposes Lease No. 157 (Act 1973)	D 1127	Bargo

This page is the schedule numbered 2 and referred to in the annexed Consolidated Coal Lease No. 747 under the Coal Mining Act, 1973, granted to Bargo Collieries Pty Ltd dated *twenty third* day of *May* 1990.

PP BARGO COLLIERIES PTY LTD

J. J. L. L. L.
.....
Registered Holder

Margaret J. L. L.
.....
Witness to the Minister's signature

PART "A" - DETAILS OF LANDS & PURPOSES

COLUMN 1	COLUMN 2	COLUMN 3
Lands shown by green and yellow colours on the Plan annexed hereto and marked "B".	<div>1. Constructing, maintaining or using in connection with mining any of the following, namely, conveyor systems, drift; machinery, road, shaft; shaft appurtenances, telephone line.</div> <div>2. The erection, maintenance and use of standards, posts, wires and appliances for the transmission of electricity.</div> <div>3. Laying, maintaining and using a pipe-line or cable in connection with mining.</div>	Condition No. 1, Part "B" of this schedule.
Lands shown by orange colour on the Plan annexed hereto and marked "B".	<div>1. Constructing, maintaining or using in connection with mining any of the following, namely, adits; bin, buildings, coal preparation plant, conveyor systems, dam, drain, drift; machinery, railway, reservoir, road, telephone line.</div> <div>2. The erection, maintenance and use of standards, posts, wires and appliances for the transmission of electricity.</div> <div>3. The dumping or depositing of coal, minerals, mine residues or tailings.</div> <div>4. The storing of fuel, machinery, tools, timber or equipment in connection with mining.</div> <div>5. Laying, maintaining and using a pipeline or cable in connection with mining.</div>	Condition Nos. 1 to 6 inclusive of Part "B" of this schedule.

PART "B" - DETAILS OF ADDITIONAL CONDITIONS

1. The registered holder shall observe and perform any instruction given or which may be given by the Minister or the Director-General regarding any aboriginal relics within the subject area.
2. Settling dams or other dams to be constructed on the subject area shall be constructed, maintained and sealed to the satisfaction of the Minister.
3. The registered holder shall provide and maintain to the satisfaction of the Minister efficient means to prevent contaminated waters discharging or escaping from the subject area onto surrounding areas and shall comply with any direction given or which may be given in this regard by the Minister.
4. The registered holder shall construct and maintain the railway within the subject area in accordance with the specifications and requirements of the State Rail Authority of NSW.
5. The registered holder shall comply with any direction given or which may be given by the Minister in respect of the operations hereby authorised within that part of the subject area traversed by, or in the vicinity of, the natural gas pipeline traversing the subject area.
6. Any access to the subject area from State Highway No. 2 is to be developed in accordance with requirements of the Roads and Traffic Authority and the registered holder shall bear the full cost of such development.

This and the succeeding sixteen pages is the schedule numbered 3 and referred to in the annexed Consolidated Coal Lease No. 747 under the Coal Mining Act 1973 granted to Bargo Collieries Pty Ltd dated *twenty third* day of *May* 1990.

PP BARGO COLLIERIES PTY-LTD

J. J. Lark
.....
Registered Holder

Margaret J. J. Lark
.....
Witness to the Minister's signature

CONDITIONS OF CONSOLIDATED COAL LEASES - 1985

METHODS OF OPERATION

1. The registered holder shall extract as large a percentage of the coal in the subject area as is possible consistent with the provisions of the Coal Mines Regulation Act 1982 and the regulations thereunder and shall comply with any direction which may be given in this regard by the Minister.
2. Unless with the consent of the Minister first had and obtained and subject to such conditions as he may impose the registered holder shall not carry out open cut or surface mining operations within the subject area or the removal of overburden within or within the lands overlying the subject area.
3. Any approval or consent given including any approval or consent given pursuant to any condition or term contained in a lease referred to in Schedule No 1 annexed hereto to the effect that the registered holder may undertake open cut or surface mining operations or the removal of overburden within the subject area shall be deemed to be a consent given for the purposes of the foregoing Condition No 2 subject to the same conditions of that approval or consent.

BARRIERS, MINING AND PROSPECTING RESTRICTIONS

4. Unless with the consent of the Minister first had and obtained and subject to such conditions as he may impose, the registered holder shall not mine for, work, win or remove any coal from those parts of the subject area within the highwater level subsidence control zone defined:-
 - (a) on the surface by the highwater level of
..... and a point 2.44 metres in elevation above that highwater level;
 - (b) in the seam by a line defined by an angle of draw of 35° drawn landwards from the line drawn vertically beneath a point 2.44 metres in elevation above the highwater level of
 - (c) in the seam by a line defined by an angle of draw of 35° drawn lakewards from the line drawn vertically beneath the highwater level of
5. Any approval or consent given by the Minister including any approval or consent given pursuant to any condition or term contained in a coal lease referred to in Schedule No 1 annexed hereto to the effect that the registered holder may mine for, work, win or remove any coal from those parts of the subject area within the highwater level subsidence control zone as defined in Condition No 4 of this Schedule shall be deemed to be a consent given for the purposes of the said Condition No 4 subject to the same conditions of that approval or consent.

6. Unless with the consent of the Minister first had and obtained and subject to such conditions as he may impose the registered holder shall not work or cause to be worked any seam of coal by underground methods within the subject area within the barrier defined as follows:-

The land within the zone beneath and adjacent to the
Main Southern
Railway enclosed by an angle of draw of 35° from the vertical plane of the boundary parallel to and thirty (30) metres horizontally distant from either side of the railway lands, such angle of draw being measured outwards from the point on the vertical plane of the said boundary at the surface or at the level of the horizontal plane of the railway track, whichever may be the higher, to the floor of the coal seam in which mining operations are being carried out.

7. Any approval or consent given by the Minister including any approval or consent given pursuant to any condition or term contained in a coal lease referred to in Schedule No 1 annexed hereto to the effect that the registered holder may mine for, work, win or remove any coal from those parts of the subject area within the barrier defined in Condition No 6 of this Schedule shall be deemed to be a consent given for the purposes of the said Condition No 6 subject to the same conditions of that approval or consent.
8. (a) Unless with the consent of the Minister first had and obtained and subject to such conditions as he may impose the registered holder shall not mine for, work, win or remove any coal from that part of the subject area shown as a barrier..... metres wide on the plan annexed hereto and marked
- (b) Unless with the consent of the Minister first had and obtained and subject to such conditions as he may impose the registered holder shall not mine for, work, win or remove any coal from those parts of the subject area shown as barriers metres wide on the plan annexed hereto and marked
9. Any approval or consent given by the Minister including any approval or consent given pursuant to any condition or term contained in a coal lease referred to in Schedule No 1 annexed hereto to the effect that the registered holder may mine for, work, win or remove any coal from those parts of the subject area within the barrier(s) defined in Condition No 8 of this Schedule shall be deemed to be a consent given for the purposes of the said Condition No 8 subject to the same conditions of that approval or consent.
10. The registered holder shall not work or cause to be worked any seam of coal within the subject area without leaving, if the Minister, by order, given in writing to the registered holder, so directs, a barrier of such width or a protective pillar or pillars of such size or sizes as is specified in the order, against any surface improvements or any feature whether natural or artificial.
11. (a) Where the registered holder desires to commence prospecting operations in the subject area he 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 registered holder notifies the Director-General pursuant to subparagraph (a) of this condition he 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.

12. The registered holder shall not prospect or mine for coal within the area(s) shown on the plan annexed hereto and marked insofar as such area(s) relate(s) to the surface and land below the surface to the depth(s) specified on that plan.

METHODS OF OPERATION (PRESCRIBED DAMS)

13. (A) Subject to the provisions of paragraphs (C) and (D) of this condition the registered holder shall not mine any coal from within any part of the subject area which is within the restricted zone of the ~~Dam~~ unless with the consent of the Minister first had and obtained pursuant to paragraph (E) of this condition.

For the purpose of this condition the restricted zone shall comprise:-

- (i) (a) the area of land underlying the stored waters at full supply level of the ~~Dam~~, and
- (b) the area of land contained by an angle of draw of 35° measured outwards from the vertical projection of the boundary of the full supply level of the ~~Dam~~ through the point of intersection with the floor of the seam in which mining operations are to be carried out, and
- (c) the area of land contained by an angle of draw measured outwards from the vertical projection of the boundary of the full supply level of the ~~Dam~~ through a point of intersection with the floor of the seam in which mining operations are to be carried out, such point being on the vertical projection from a point measured outwards horizontally a distance of 0.5D from the point of intersection referred to in sub-paragraph (b) of this paragraph. For the purpose of this paragraph, D shall be the difference in level between the full supply level of the ~~Dam~~ and the point of intersection referred to in sub-paragraph (b) of this paragraph.
- (ii) (a) any area of land underlying the structure of the ~~Dam~~; and

(b) any area of land within metres/kilometres of any part of the structure of the Dam and any land underlying that land.

✓ (iii) (a) any area of land underlying the structure of the Bargo Weir Dam, and

(b) the area of land downstream from the dam structure contained by an angle of draw of 35° measured outwards from the intersection of the horizontal projection of the full supply level of the Bargo Weir Dam with the vertical projection from the downstream toe of the Bargo Weir Dam structure through the point of intersection with the floor of the seam in which mining operations are to be carried out, and

(c) the area of land downstream from the dam structure from the inclined plane between the two points of intersection mentioned in sub-paragraph (b) of this paragraph and contained by an angle of draw measured outwards from the point of intersection first mentioned in sub-paragraph (b) of this paragraph, through a point of intersection with the floor of the seam in which mining operations are to be carried out, such point being on a vertical projection from a point measured outwards horizontally a distance of:-

0.5D, in the case of non rigid embankment dams and non rigid appurtenances thereto, including unlined spillways; or

1.0D, in the case of rigid concrete or masonry dams and concrete faced embankment dams and rigid appurtenances thereto including concrete or masonry spillways,

from the point of intersection secondly mentioned in sub-paragraph (b) of this paragraph. For the purpose of this sub-paragraph D shall be the difference in level between the projection of the full supply level of the Bargo Weir Dam and the point of intersection secondly referred to in sub-paragraph (b) of this paragraph.

(d) the area of land upstream from the dam structure contained by an angle of draw of 35° measured outwards from the intersection of the horizontal projection of the full supply level of the
 Bargo Weir
 Dam with the vertical projection from the upstream toe of the
 Bargo Weir
 Dam structure through the point of intersection with the floor of the seam in which mining operations are to be carried out, and

(e) the area of land upstream from the dam structure from the inclined plane between the two points of intersection mentioned in sub-paragraph (d) of this paragraph and contained by an angle of draw measured outwards from the point of intersection first mentioned in sub-paragraph (d) of this paragraph through a point of intersection with the floor of the seam in which mining operations are to be carried out, such point being on a vertical projection from a point measured outwards horizontally a distance of:-

0.5D, in the case of non rigid embankment dams and non rigid appurtenances thereto, including unlined spillways; or

1.0D, in the case of rigid concrete or masonry dams and concrete faced embankment dams and rigid appurtenances thereto including concrete or masonry spillways,

from the point of intersection secondly mentioned in the sub-paragraph (d) of this paragraph. For the purpose of this sub-paragraph D shall be the difference in level between the projection of the full supply level of the
 Bargo Weir
 Dam and the point of intersection secondly referred to in sub-paragraph (d) of this paragraph.

(B) Subject to the provisions of paragraphs (C) and (D) of this condition, where the registered holder desires to mine coal from within any part of the subject area which is within the restricted zone he shall, at least twelve (12) months before such mining is to be commenced or such lesser time as the Minister may permit, notify the Minister of his desire to do so and shall submit to the Minister with any such notification:-

- (i) a plan of the system whereby the coal is proposed to be mined from within any part of the subject area which is within the restricted zone, and
- (ii) such further information as may be required by the Minister.

✓ (C) Any approval or consent given by the Minister including any approval or consent given pursuant to any condition or term contained in a coal lease referred to in Schedule No 1 annexed hereto to the effect that the registered holder may use a system of working within any part of the subject area within the restricted zone of the
Bargo Weir
..... ~~Dams~~ shall be deemed to be a consent given for the purposes of paragraph (E) subject to the same conditions of that approval or consent.

✓ (D) Where on the effective date of this lease, the registered holder is mining coal from within any part of the subject area which is within the restricted zone and the registered holder desires to continue such mining he shall, within a period of thirty (30) days from the said effective date, notify the Minister of his intention to do so and shall submit to the Minister with any such notification:-

- (i) a plan of the system whereby the coal is being and is proposed to be mined from within any part of the subject area which is within the restricted zone, and
- (ii) such further information as may be required by the Minister.

Subject to the registered holder having complied with the preceding provisions of this paragraph the registered holder may, unless the Minister otherwise directs, continue such mining until the Minister gives his consent pursuant to paragraph (E) of this condition or until the Minister notifies the registered holder that he has refused to give such consent.

✓ (E) Subject to the provisions of paragraphs (C) and (D) of this condition no coal shall be mined from within any part of the subject area which is within the restricted zone except in accordance with such system as may be consented to by the Minister and subject to such conditions as he may impose. The Minister shall not grant any such consent unless the requirements referred to in sub-paragraph (i) of this paragraph have 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 and the owner of the dam have been notified in writing of the desire to mine referred to in Condition No 13 (B) or the desire to continue mining referred to in Condition No 13 (C) and (D);

(b) the notification referred to in paragraph (a):-

- (i) is accompanied by a description or plan of the area that would be mined or continued to be mined; and
- (ii) specifies a period within which recommendations may be made to the Minister by the Dams Safety Committee in connection with the mining proposal.

- (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, within the period specified under paragraph (b) (ii), or within such further period as the Director-General in special circumstances may allow, 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 under paragraph (d), the consent 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 made as provided by sub-paragraph (i), or where the Dams Safety Committee has failed to make any such recommendations and has not informed the Minister in writing that it does not propose to make any such recommendations, the consent 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.
- (F) The Minister, on notice from the Dams Safety Committee, may at any time or times:-
 - (i) cancel any consent to a system 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 system consented to or conditions imposed by him.
- 14. In any part of the subject area which is not within the restricted zone of the ~~Bargo Weir~~.....
~~Bargo Weir~~.....
 as defined in Condition No. 13 the registered holder shall extract as large a percentage of the coal in the subject area as is possible consistent with the provisions of the Coal Mines Regulation Act 1982 and the regulations thereunder and shall comply with any direction which may be given in this regard by the Minister.

SHAFTS, DRIFTS, ADITS

- ✓ 15. The registered holder shall comply with the provisions of the Coal Mines Regulation Act 1982 and the regulations thereunder concerning the closing of any shafts and outlets within the subject area and the surface lands the subject of or affected by any such shafts and outlets upon their closure shall be rehabilitated to the satisfaction of the Minister.
- ✓ 16. The registered holder shall comply with any direction which may be given by the Minister regarding the dumping, depositing or removal of any material extracted during the construction of any shaft, drift or adit on the subject area.

DUMPS AND COAL PREPARATION PLANT

- ✓ 17. The registered holder shall comply with any direction which may be given by the Minister regarding the stabilisation and revegetation of any dumps of coal, minerals, mine residues or tailings situated on the subject area.
- ✓ 18. Unless with the consent of the Minister first had and obtained and subject to such conditions as he may impose the registered holder shall not erect or operate on the subject area any coal preparation plant or any other plant for the purpose of the beneficiation of coal.
- ✓ 19. The registered holder shall comply with any direction which may be given by the Minister regarding the spraying of coal dumps on the subject area.

MANAGEMENT AND REHABILITATION OF LANDS (GENERAL)

- ✓ 20. (a) The registered holder shall not later than the date of the first anniversary of the grant of this lease submit for the Minister's approval an environmental management plan relating to the operations of the registered holder on the subject area.
- (b) The plan shall describe the methods to be used to protect the environment, including the methods to be used to -
 - (i) dispose of mine wastes;
 - (ii) minimise air, noise and water pollution;
 - (iii) minimise erosion; and
 - (iv) rehabilitate the surface of any lands disturbed by mining operations and associated activities.
- (c) The Minister may, by notice in writing, direct the registered holder to amend any plan submitted to the Minister in such manner and within such period as may be specified in that notice and the registered holder shall comply with that direction and submit the plan as so amended to the Minister for his approval.
- (d) The registered holder shall conduct operations in accordance with the plan approved by the Minister and any conditions contained in the Minister's approval of that plan.

- (e) The registered holder shall before each anniversary of the grant of this lease review the plan to ensure that it adequately deals with the matters referred to in paragraph (b). Where the registered holder is of the opinion that the plan should be amended the registered holder shall submit an amended plan for the Minister's approval.
- (f) On each anniversary of the grant of this lease, the registered holder shall submit a report to the Minister-
 - (i) describing the environmental management measures used to protect the environment and the rehabilitation works carried out in the previous twelve months and their effectiveness.
 - (ii) containing a description of the environmental management measures and the rehabilitation works planned to be carried out in the succeeding twelve months.
- ✓ 21. The registered holder shall maintain the subject area in a clean and tidy condition at all times to the satisfaction of the Minister.
- ✓ 22. The registered holder shall take all precautions against causing outbreak of fire on the subject area and shall comply with any direction which may be given in this regard by the Minister.
- ✓ 23. The registered holder shall carry out regular inspections of above-ground conveyor systems and shall promptly remove any spillages and comply with any directions which may be given in this regard by the Minister.
- ✓ 24. The registered holder shall not interfere in any way with any fence on or adjacent to the subject area unless with the consent in writing of the owner thereof.
- ✓ 25. Upon completion of operations on the surface of the subject area or upon the expiry or sooner determination of this lease or any renewal thereof, the registered 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.
- ✓ 26. Subject to any specific condition of this lease providing for rehabilitation of any particular part of the subject area affected by mining or activities associated therewith, the registered holder shall;-
 - (a) reinstate, level, regrass, reforest and contour to the satisfaction of the Minister, any part of the subject area that may, in the opinion of the Minister, have been damaged or deleteriously affected by mining operations and to ensure such areas are permanently stabilised; and
 - (b) fill in, seal or fence, to the satisfaction of the Minister, any excavation within the subject area.

RIVERS, STREAMS, ETC.

- ✓ 27. The registered holder shall provide and maintain to the satisfaction of the Minister efficient means to prevent contamination, pollution, erosion or siltation of any stream or watercourse or catchment area or any undue interference to fish or their environment and shall observe any instruction which may be given by the Minister with a view to preventing or minimising the contamination, pollution, erosion or siltation of any stream, watercourse or catchment area, or any undue interference to fish or their environment.

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

- ✓ 28. The registered holder shall plant such grasses, trees or shrubs or such other vegetation as may be required by the Minister and care for same during the currency of this lease or any renewal thereof, to the satisfaction of the Minister.
- ✓ 29. The registered holder shall carry out operations in such a manner as to interfere as little as possible with natural flora and fauna and shall not cut or damage any tree, shrub or other vegetative cover except such as may directly obstruct or prevent the carrying out of the operations.
- ✓ 30. The registered 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

- ✓ 31. The registered holder shall conduct operations in such a manner as not to cause or aggravate soil erosion and the registered holder shall observe and perform any instruction which may be given by the Minister or the Director-General with a view to minimising or preventing soil erosion.
- ✓ 32. The registered holder shall ensure that any topsoil or other material suitable for topdressing purposes which may be disturbed during operations shall be removed separately for replacement as far as may be practicable and the registered holder shall plant or sow such grasses, shrubs or trees in the replaced surface material as may be considered necessary by the Minister to control or prevent soil erosion.
- ✓ 33. In the event of any excavations being made the registered holder shall ensure that such are refilled and the top dressing material previously removed is replaced and levelled. All such refilling and levelling shall be done to the satisfaction of the Minister.
- ✓ 34. The registered holder shall ensure that the run off from any disturbed area including the overflow from any depression or ponded area is discharged in such a manner that it will not cause erosion.

35. The registered holder shall cover with top dressing material, to the Minister's satisfaction, such parts of the subject area as may be stipulated by the Minister and shall plant and maintain, to the Minister's satisfaction, such grasses, trees or shrubs or such other vegetation as may be required by the Minister.
36. Notwithstanding the provisions of Condition 29, the registered holder shall not destroy or injure any tree, sapling, shrub or scrub on any protected land, as defined by the Soil Conservation Act, 1938, except in accordance with an authority issued by the Catchment Areas Protection Board, under Section 21D of that Act.

ROADS

37. (a) The registered holder shall pay to Wollondilly and/or Wingecarribee Shire Council, Department of Lands or the Commissioner for Main Roads the cost incurred by such Council or Department or Commissioner of making good any damage caused by operations carried on by or under the authority of the registered holder or any person claiming through or under the registered holder to any road -
- (i) adjoining the surface or the excepted surface, as the case may be, of the subject area;
 - (ii) traversing the surface or the excepted surface, as the case may be, of the subject area.
- (b) AND THE REGISTERED HOLDER HEREBY COVENANTS with the said Council that the registered holder will pay to the said Council the cost incurred by the said Council of making good any such damage caused as aforesaid and that the registered holder hereby covenants with the said Commissioner that the registered holder will pay to the said Commissioner the cost incurred by the said Commissioner of making good any such damage caused as aforesaid.
- (c) AND IT IS HEREBY AGREED AND DECLARED that the amount to be paid by the registered holder under the provisions of this condition shall include in addition to the cost of all necessary labour and materials all costs and expenses reasonably incurred in and about the making of surveys the preparation of plans and specifications and estimates the supervision and inspection of the works and all administrative and overhead costs and expenses of the Council or the Department of Lands or the Commissioner for Main Roads as the case may be related or attributable to the ~~works undertaken~~ to make good any damage to any road. A certificate under the hand of the Town or Shire Clerk of the said Council or the Secretary for Lands or the Commissioner for Main Roads or the person for the time being acting as such Clerk, Secretary or Commissioner as to the amount of the cost of making good any damage to any road shall in all respects and for all purposes be conclusive evidence of the amount of such cost and of the due determination thereof PROVIDED HOWEVER that the amount to be paid by the registered holder as aforesaid shall be reduced by such sum of money if any as may be paid to the said Council the Department of Lands or the Commissioner for Main Roads 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.

38. 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 registered 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 registered 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

39. (i) The registered holder shall carry out operations in such a way as to conform strictly to all provisions of the Water Board Act, 1987, and the by-laws thereunder applying to the prevention of pollution of the Metropolitan and Devines Weir
.....
Catchment Area or the preservation of the purity of the water supply provided thereby or derived therefrom or for the protection of the property of the Water Board on the Catchment Area and also to all requirements of the said Board from time to time under the said Act or any of the by-laws for the time being in force.
- (ii) If the registered holder shall at any time be using or about to use any process which in the opinion of the Water Board is likely to pollute the Catchment Area or the water supply or to endanger any property of the said Board on the Catchment Area the registered holder upon service of a notice in writing under the hand of the Minister or the Director-General to do so shall (i) discontinue the use of such process within twenty-four (24) hours or (ii) thereafter refrain from adopting such process at any time, as the case may require.
- (iii) The registered holder shall provide and maintain to the satisfaction of the Minister efficient means to prevent the contamination pollution or siltation of any stream or watercourse or catchment area and shall observe any instruction which may be given by the Minister or the Director-General with a view to preventing or minimising the contamination pollution or siltation of any stream watercourse or catchment area.
- (iv) The registered holder hereby covenants with Us Our Heirs and Successors and as a separate covenant the registered holder hereby covenants with the Water Board and its Successors that the registered holder shall at all times hereafter save harmless and keep Us and the said Board and Our Heirs and Successors and the Successors of the said Board indemnified from payment of compensation and from and against all actions proceedings claims and demands in respect of any injury loss or damage arising out of or in any way connected with any interference with or deprivation or loss of access to the land and premises of this lease which may occur by reason of any works or operations undertaken or carried out by the said Board or arising out of or in any way connected with any discontinuance or alteration of any process consequent upon the service of a notice in pursuance of the provisions of Condition No 39(ii) or arising out of or in any way connected with the operation of any by-laws relating to a Catchment Area in force at the date hereof or made by the said Board at any time hereafter and the registered holder hereby agrees that for the purpose of this condition the said Board shall be deemed to be a party to this lease.

40. (a) Operations shall be carried out in such a way as not to cause any pollution of the Catchment Area.
- (b) If the registered 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 registered 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 registered holder of a notice in writing under the hand of the Minister or the Director-General requiring the registered holder to do so.
- (c) The registered 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.

STATE FORESTS AND FOREST RESERVES

41. (i) This lease does not confer the power to cut or remove any timber within except such as directly obstructs or prevents the carrying on of operations and the registered holder shall obtain authority under the provisions of the Forestry Act, 1916 or any Act amending the same and the Regulations thereunder before making use of the timber so cut for other than in connection with operations. The sanction of the District Forester or his deputy shall be obtained before proceeding to cut any other timber within the said.....
- (ii) The registered holder shall take all precautions against causing outbreak of fire on the said..... and shall not burn off any grass dry herbage or surface litter except with the consent of the District Forester first had and obtained and shall under the direction and control of the local Forest Officer stack and burn the heads of any trees destroyed during the course of operations and the registered holder shall not permit any fireplace to be constructed unless protected by stone wallings and fires lit therein shall not be left unattended.
- (iii) This lease is issued subject to any condition and/or restrictions, which may be prescribed in accordance with the provisions of the Forestry Act, 1916 or any Act amending the same and the Regulations thereunder and the Regulations under the Bush Fires Act, 1949.
- (iv) In the event of operations encroaching on or within ten (10) metres of any constructed road or firebreak the registered holder shall provide a suitable deviation to the same standard as the previous road or firebreak and upon the completion of operations or the sooner determination of this lease or any renewal thereof the registered holder shall restore the road or firebreak to its original position and condition to the satisfaction of the Minister.

- (v) The registered holder shall not interfere with any Crown improvements unless with the consent in writing of the Minister first had and obtained and subject to such conditions as he may impose.
- (vi) (a) Any necessary clearing shall be done only with the prior permission of the District Forester or his deputy and compensation shall be paid for any mature trees or semi-mature trees damaged or destroyed at the rate fixed by the Forestry Commission of New South Wales and such compensation shall be payable on demand at the end of each calendar month.
- (b) In the event of any non-merchantable trees being destroyed by the operations hereby authorised compensation payable to the Forestry Commission of New South Wales shall relate to the cost of establishment and tending of the part of the forest affected by the operations.
- (c) For the purpose of allowing inspection and assessment of compensation payable for the timber to be destroyed, the registered holder shall provide two weeks notice to the District Forester or his deputy prior to the commencement of any clearing operations.
- (vii) The registered holder shall not cause damage to forest roads or tracks by operating vehicles on the subject area during wet weather.
- (viii) The Minister reserves the right to suspend operations immediately if weather conditions and/or the operations are causing damage to any assets of the Forestry Commission of New South Wales.
- (ix) During operations and progressively, the registered holder shall rehabilitate, consolidate and make trafficable all roads and firebreaks at present existing and which may be affected by the operations to the satisfaction of the District Forester or his deputy.

TRIG. STATIONS AND RESERVES

42. (a) The marks in connection with any trigonometrical station 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 registered holder shall take all necessary precautions to preserve the trigonometrical station and the cairn mast and vanes which may 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 erected on or near the subject area, or if required to do so by the Minister, the registered holder shall, at his own expense, relocate any such trigonometrical station to the satisfaction of, and in a position required by, the Department of Lands and the Minister and, if required to do so by the Minister, and subject to such conditions as he may impose, the registered holder, upon completion of operations and at his own expense, shall relocate any such trigonometrical station to its original position.
43. The registered holder shall permit the free and uninterrupted passage of stock through that part or those parts, as the case may be, of the subject area covered by Reserve No and shall conduct operations as not to cause any danger to persons and travelling stock.
44. The registered holder shall as far as may be practicable so conduct operations as not to interfere in any way with the public use and enjoyment of

TRANSMISSION AND TELEPHONE LINES

45. The registered holder shall comply with any direction which may be given by the Minister regarding any telephone line, or transmission line traversing the surface or excepted surface, as the case may be, of the subject area.

LABOUR/EXPENDITURE

46. The registered holder shall:-

- (a) ensure that at least¹⁶² competent workmen are efficiently employed on the subject area on each week day except Saturday or any week day that is a public holiday, or
- (b) expend on operations carried out in the course of prospecting or mining the subject area, an amount of not less than \$2,835,000.00 during each year of the term of the lease.

Costs or expenses incurred which are not, in the opinion of the Director-General, directly associated with the prospecting or mining operations, shall not be accounted expenditure for the purposes of this condition. The Minister may, at any time or times after a period of two (2) years from the date on which this lease has effect or from the date on which the renewal of this lease has effect, as the case may be, by instrument in writing served on the registered holder of the lease, increase or decrease the amount of expenditure required under this condition provided that not more than one variation in the amount of expenditure shall be made in any period of two years.

ADDITIONAL INFORMATION

47. The registered holder shall if directed to do so by the Minister and within such time as he may stipulate furnish to the Minister:-
- (a) such information as may be required by, and to the satisfaction of the Minister regarding the ownership of the land within the subject area;

- (b) such information as may be required by, and to the satisfaction of the Minister 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.
- (d) such information as may be required by, and to the satisfaction of the Minister regarding the financial viability of the registered holder and operations within and associated with the subject area.
- (e) such information as may be required by and to the satisfaction of the Minister regarding shareholdings in the registered holder.

ENGINEERS

48. (a) Where the District Inspector of Coal Mines Department of Minerals and Energy is of the opinion that any condition of this lease relating to operations within the subject area, or any provision of the Coal Mining Act, 1973, relating to operations within the subject area, is not being complied with by the registered holder he may serve on the registered holder a notice stating that he is of that opinion and giving particulars of the reason why he is of that opinion and may in such notice direct the registered 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, at the expense of the registered holder, necessary to rectify or remedy the situation.
- (b) The registered holder shall comply with the directions contained in any notice served pursuant to sub-paragraph (a) of this condition. Provided however that the Chief Inspector of Coal Mines Department of Minerals and Energy may confirm, vary or revoke any such direction.
- (c) A notice referred to in this condition may be served on the Colliery Manager.

INDEMNITIES

49. The registered 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 expenses which may be brought against the registered holder or which the registered holder may incur in 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 registered holder within the boundaries of the subject area or in connection with any of the operations notwithstanding that all other conditions of this lease shall in all respects have been observed by the registered holder or that any such accident or injury shall arise from any act or thing which the registered holder may be licensed or compelled to do hereunder.

50. The registered 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.

DISPOSAL OF COAL

51. Where any coal mined from within the subject area, whether by open cut, surface mining or underground methods, is not immediately saleable, the registered holder shall, unless otherwise approved by the Minister, store, for future disposal by the registered holder, any such coal in such a manner and location as the Minister may approve and subject to such conditions, provisions and stipulations as the Minister may impose.

SECURITY DEPOSIT

52. (a) A security in the sum of \$70,000.....
shall be lodged with the Minister by the registered holder for the purpose of ensuring the fulfilment by the registered holder of his obligations under this lease. If the registered holder fails to fulfil any one or more of such obligations the said sum may be applied at the discretion of the Minister towards the cost of fulfilling such obligations. For the purpose of this clause a registered holder shall be deemed to have failed to fulfil the obligations of this lease, if he fails to comply with any condition or provision hereof, any provision of the Act or regulations made thereunder or any condition or direction imposed or given pursuant to a condition or provision hereof, or of any provision of the Act or regulations made thereunder.
- (b) The registered holder shall provide the security required by sub-clause (a) hereof in one of the following forms:-
- (i) cash,
 - (ii) an interest-bearing deposit in the name of the Minister in such form and with such institution as may from time to time be approved by the Minister,
 - (iii) a banker's certificate, bond or undertaking in such form and given by such surety as may from time to time be approved by the Minister.
53. The registered holder shall not prospect or mine for coal within the areas shown on the plan annexed hereto and marked "B" insofar as such areas relate to the strata specified on that plan, other than the mining of coal for the purposes of a drift and shaft in the green and yellow coloured areas and for the purposes of adits and a drift in the area shown by orange colour.