

Instrument of Grant

Section 63 of the *Mining Act 1992*

I, **The Hon Paul Toole MP, Deputy Premier, Minister for Regional New South Wales, and Minister for Police** for the State of New South Wales, pursuant to section 63 of the *Mining Act 1992*, have determined to grant a Mining Lease in satisfaction of **Mining Lease Application 616 (Act 1992)**, as described in Schedule 1, to **Wilpinjong Coal Pty Ltd, ACN 104 594 694**, subject to the conditions:

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

SIGNED

A handwritten signature in black ink that reads "Paul Toole". The signature is written in a cursive style with a large, looping initial "P".

**The Hon Paul Toole MP
Deputy Premier
Minister for Regional New South Wales
Minister for Police**

Dated: 28.2.23

SCHEDULE 1

Description of Lease

Mining lease number:	1846 (Act 1992)
Grant date:	28 February 2023
Term:	Twenty-one (21) years
Term ending (expiry date):	28 February 2044
Lease Holder(s):	Wilpinjong Coal Pty Ltd ACN 104 594 694
Area:	66.54 hectares
Surface Exception / Depth Restriction:	Embraces the surface and soil below thereof to a depth of 900 metres below Australian Height Datum (AHD)
Mineral(s):	Coal
Method:	Open cut
Land:	The lease area includes all land described in the attached lease plan titled M27599 and approved on 7 September 2022.

PLAN OF PORTION ML 10

PARISH: WILPINJONG

COUNTY: PHILLIP

MAP SHEET No. 8833-2-N GUNGAL

REDUCTION RATIO 1:5000 (A2)

MINING LEASE APPLICATION
No. 616 (Act 1992)

MINING DIVISION: ORANGE

APPLICANT: WILPINJONG COAL PTY LTD

APPLICATION DATE: 2nd MAY 2022

MINING LEASE No. 1846 (Act 1992)

STATUS:

METHOD: OPEN CUT

SURFACE EXCEPTION / DEPTH RESTRICTION

EMBRACES THE SURFACE & SOIL
BELOW THEREOF TO A DEPTH OF
900m BELOW AHD
(AUSTRALIAN HEIGHT DATUMN)

NOTES: SHEET 1 OF 1

Azimuth: 'X'-'Y'

Plans used in the course of this survey/compilation
M27056, M27358M, M27445, DPI22989, DPI266407

Survey declared on this plan for lines
ALL LINES

I DANIEL KURZAWA
of O'RYAN GEOSPATIAL PTY LTD
129 Church St MUDGEE NSW 2850
a surveyor registered under the Surveying and Spatial
Information Act 2002, hereby certify that the survey
/compilation represented in this plan is accurate and
has been completed in accordance with the Surveying
and Spatial Information Regulation 2017 and the
Surveyor General's Direction for Mining Surveys and
was completed on ..02 AUGUST 2022.

Signature : 8678

SURVEYORS REFERENCE No : 22-1054

Survey Calcs :

Plan Investigated :

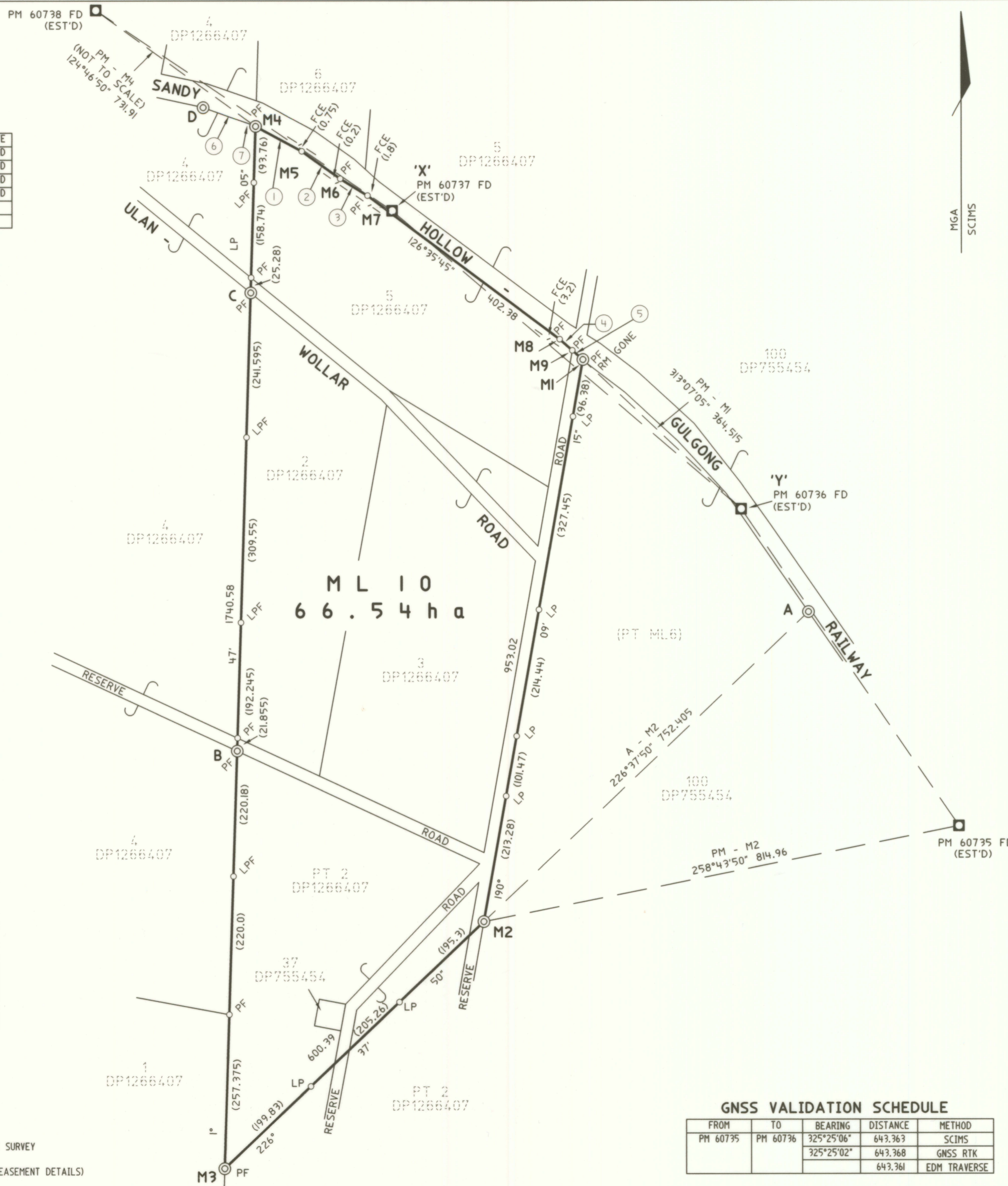
Plan Approved : *W.M. Dault* 7/7/2022

Paper No : APP-2022-81

R17009319
D006296040

FORM11

M27599



M.G.A. COORDINATES

MARK	EASTING	NORTHING	CLASS	PU	METHOD	STATE
PM 60735	768109.338	6422104.189	C	N/A	SCIMS	FOUND
PM 60736	767744.028	6422634.100	C	N/A	SCIMS	FOUND
PM 60737	767157.449	6423132.095	C	N/A	SCIMS	FOUND
PM 60738	766325.984	6423690.567	C	0.02	SCIMS	FOUND
SOURCE: SCIMS 28th JULY 2022 GDA 2020						
COMBINED SCALE Factor : 1.000412 ZONE 55						

PM COMPARISONS

PM 60737 - PM 60736
130°19'50" 769.146 MGA GROUND
130°19'50" 769.145 SURVEY

PM 60736 - PM 60735
145°25'06" 643.363 MGA GROUND
145°25'02" 643.368 SURVEY

PM 60735 - PM 60738
311°39'16" 2385.842 MGA GROUND
311°39'13" 2385.841 SURVEY

PM 60738 - PM 60737
123°53'16" 1001.198 MGA GROUND
123°53'12" 1001.192 SURVEY

**SCHEDULE OF
M.G.A. COORDINATES
GDA 2020 ZONE 55**

CORNER	EASTING	NORTHING
M1	767477.84	6422883.35
M2	767309.76	6421944.87
M3	766873.14	6421532.41
M4	766927.37	6423272.86
M5	767005.12	6423231.17
M6	767069.72	6423185.38
M7	76715.81	6423157.43
M8	767439.00	6422917.44
M9	767460.22	6422898.79
MGA ORIGIN IS PM 60737		
DATE 25th JULY 2022		

**SCHEDULE OF
SHORT LINES**

LINE	BEARING	DISTANCE
1	118°12'10"	88.185
2	125°19'30"	79.15
3	121°14'20"	53.88
4	131°18'30"	28.245
5	131°14'35"	23.42
6	109°05'40"	92.62
7	118°12'10"	4.46

REFERENCE TO CORNERS

CORNER	BEARING	DISTANCE	FROM	ORIGIN
M1	28°00'00"	11.32	RM GI PIPE	PLACED
M2	17°31'30"	27.985	RM GI PIPE FD	M27445
M3	68°01'30"	1.0	RM GI PIPE FD	DPI266407
M4	135°25'00"	1.235	RM GI PIPE FD	M27358
M7	36°35'40"	1.005	RM GI PIPE FD	DPI22989
M8	36°35'40"	1.005	RM GI PIPE FD	DPI22989
A	316°13'35"	12.053	RM GI PIPE FD	M27445
B	1°47'00"	1.0	RM GI PIPE FD	DPI266407
C	151°16'45"	7.285	RM DH & WING FD	DPI266407
D	14°32'25"	1.005	RM GI PIPE FD	DPI22989

NOTE:
- LP DENOTES LINE PEG PLACED
- LPF DENOTES LINE PEG FOUND
- PF DENOTES PEG FD
- ALL FENCES SHOWN ARE 28 4P POST & WIRE 50 YRS
- ALL BEARINGS AND DISTANCES ARE ON GROUND
- SURVEY WITH RESPECT TO MINING LEASE ONLY
- GNSS OBSERVATIONS WERE USED TO DERIVE PART OF THE SURVEY
- ALL ROADS WITHIN ML10 ARE 20.15 WIDE
- EASEMENTS NOT SHOWN (REFER TO CURRENT TITLES FOR EASEMENT DETAILS)

GNSS VALIDATION SCHEDULE

FROM	TO	BEARING	DISTANCE	METHOD
PM 60735	PM 60736	325°25'06"	643.363	SCIMS
		325°25'02"	643.368	GNSS RTK
			643.361	EDM TRAVERSE

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.

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 and maintained is **\$10,000**.

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

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- 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.

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.

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