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**Mining Lease Application No 514 (Act 1992)**

# **Mining Lease**

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


I, as delegate of the Minister for Industry Resources and Energy for the State of New South Wales, under delegation dated 9 February 2016 pursuant to section 63 of the *Mining Act 1992*, determine **Mining Lease Application No 514** by granting a Mining Lease as described in Schedule 1 to **CMOC Mining Pty Limited, ACN 164 997 317**, 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**



Zane West  
Manager Royalties and Advisory Services  
As Delegate for the  
Minister Industry, Resources and Energy

Dated: 01/09/2016

## **SCHEDULE 1**

### **Description of Lease**

**Land:** The lease area embraces all land described in the attached lease plan titled **M27395** and approved on **18 February 2016**.

**Area:** **193.3 hectares**

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

**Method:** **All purposes**

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

**Due expiry date:** **1 September 2037**

NOTE: GPS OBSERVATIONS WERE USED TO DERIVE PART OF THIS SURVEY.

COORDINATES OF CORNERS  
M.G.A. ZONE 55 (GDA 94)

ORIGIN : SSM 177004 E 600947.874 N 6357527.804 FROM SCIMS ON THE 27.10.2014

CNR	EASTING	NORTHING
A1	598858.355	6360399.473
A2	599129.755	6360485.864
A3	599375.998	6360487.611
A4	599398.710	6360388.431
A5	601533.848	6357544.850
A6	601541.227	6357510.996
A7	601430.055	6357531.240
A8	601196.514	6356523.130
A9	600968.461	6357513.076
A10	600948.793	6357516.677
A11	600971.575	6357614.730
A12	600914.892	6357625.088
A13	599457.316	6360220.245
A14	599346.175	6360351.185
A15	599194.060	6360430.927
A16	599023.146	6360447.846
A17	600631.894	6359150.443

SURVEYING AND SPATIAL INFORMATION REGULATION 2012 CLAUSE 61(2) &/or 35(1)b							
MARK	MGA COORDINATES		ZONE	CLASS	ORDER	METHOD	ORIGIN
PM 75065	599093.79	6360588.15	55	D	-	RTK GNSS	FOUND
PM 75064	599938.02	6360387.22	55	D	-	RTK GNSS	FOUND
PM 69483	601007.27	6357607.75	55	D	-	RTK GNSS	FOUND
MM10047	598856.089	6357899.080	55	A	2	SCIMS	FOUND
SSM 177003	599363.570	6360496.528	55	A	2	SCIMS	FOUND
SSM 177004	600947.874	6357527.804	55	A	2	SCIMS	FOUND
SSM 177005	601797.147	6354013.856	55	A	2	SCIMS	FOUND

COMBINED SCALE FACTOR 0.99967986  
SOURCE: MGA COORDINATES ADOPTED FROM SCIMS ON THE 27/10/2014

PERMANENT MARK CONNECTIONS

SSM 177004 TO PM 69483 216° 42' 17" - 99.746  
PM 69483 TO PM 75064 158° 57' 30" - 2978.998  
PM 75064 TO SSM 177003 100° 46' 35" - 584.971  
SSM 177003 TO PM 75065 108° 45' 15" - 284.973  
SSM 177004 TO SSM 177005 166° 24' 34" - 3616.336

SHORT LINE TABLE		
No.	BEARING	DISTANCE
1	91° 55' 10"	246.45
2	70° 26' 50"	288.11
3	253° 38' 25"	171.805
4	275° 38' 10"	171.805
5	297° 39' 50"	171.805
6	319° 40' 30"	171.805
7	100° 01' 50"	589.6

DIAGRAM A  
SCALE 1:12,500

DIAGRAM C  
NOT TO SCALE

DIAGRAM B  
NOT TO SCALE

SCHEDULE OF PERMANENT AND REFERENCE MARKS						
CNR	BEARING	DIST.	FROM	ORIGIN		
A	235° 51'	0.775	G.I. PIPE	D.P. 830291		
B	264° 45'	0.945	G.I. PIPE	D.P. 830291		
C	125° 41' 30"	15.34	SSM 177003			
D	312° 57'	1.785	PM 75064	D.P. 830291		
E	264° 56'	0.7	G.I. PIPE	ML 1247		
F	54° 03'	0.515	G.I. PIPE	D.P. 830291		
G	154° 22'	1.56	G.I. PIPE	D.P. 830291		
H	59° 33'	0.29	STEEL ROD			
I	7° 46'	0.82	G.I. PIPE	ML 1247		
J	282° 00'	16.325	PM 69483	ML 1247		
K	300° 48'	1.105	G.I. PIPE	ML 1247		
L	174° 15' 30"	11.19	SSM 177004			
M	ON LINE		G.I. PIPE	K959-2004		
N	60° 30'	1.97	STEEL ROD			
O	340° 40' 40"	4.295	STEEL ROD			
P	ON LINE		G.I. PIPE	K1213-2004		
Q	347° 41' 30"	4.025	G.I. PIPE	K1214-2004		
R	347° 02'	4.025	G.I. PIPE	K1211-2004		
S	ON LINE		G.I. PIPE	K1211-2004		

PLAN OF PORTION ML 62

PARISH: LIMESTONE AND WOMBIN  
COUNTY: KENNEDY  
MAP SHEET NO: 8532-S ALECTOWN  
REDUCTION RATIO 1:20,000  
MINING LEASE APPLICATION No.514 (Act 1992)  
MINING DIVISION: ORANGE  
HOLDER: CMOC MINING PTY LIMITED  
APPLICATION DATE: 13-10-2015

MINING LEASE No. 1743 (Act 1992)  
STATUS:  
METHOD: MINING PURPOSES  
SURFACE EXCEPTION/DEPTH RESTRICTION  
EMBRACES THE SURFACE AND SOIL BELOW THEREOF TO A DEPTH OF 20 METRES.

NOTES:  
Azimuth: MM 10047 TO SSM 177004  
Plans used in the course of this survey/compilation: K1211-2004, K2122-2004, K964-2004, K1214-2004, K1213-2004, K1570-2004, K1156-2004, K959-2004, D.P. 830291, D.P. 1132130, D.P. 664014, ML 1247, ML 1367

Survey declared on this plan for lines  
I, DOMENICO PANETTA  
of LANFORD & ROWE SURVEYORS, DUBBO  
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 2012 and the Surveyor General's Direction for Mining Surveys and was completed on 30.09.2014  
Signature: *[Signature]*  
BOSSI Identification No: 148

Survey Calcs: F. Schiavo, D. Schiavo  
Plan Investigated: D. Schiavo, 18/12/2015  
Plan Approved: D. Schiavo, 18/12/2015  
Paper No: T15-1095  
R17009224  
D110097630

M27395

Office of State Revenue NSW Treasury	
Client No: 1846988	2372
Duty: N/A	Trans No: ML1743
Asst details: MINERALS	
<i>Boe</i> 2/9/16	

MINING LEASE

MINING ACT 1992

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NO 1743

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DATED 1 September 2016

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THE MINISTER FOR INDUSTRY  
RESOURCES AND ENERGY

OF THE STATE

OF NEW SOUTH WALES

TO

CMOC MINING PTY LIMITED  
ACN 164 997 317

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## SCHEDULE 2

# MINING LEASE CONDITIONS 2013

### Definitions

1. **Notice to Landholders**
2. **Rehabilitation**
3. **Mining Operations Plan and Annual Rehabilitation Report**
4. **Compliance Report**
5. **Environmental Incident Report**
6. **Resource Recovery**
7. **Security**
8. **Cooperation Agreement**
9. **Prescribed Dam**

**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 & Energy within the Department of Industry, Skills and Regional Development.

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

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

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

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

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

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

# MINING LEASE CONDITIONS 2013

## 1. Notice to Landholders

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

## 2. Rehabilitation

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

## 3. Mining Operations Plan and Annual Rehabilitation Report

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

- any other approvals relevant to the development including the conditions of this mining lease.
- (c) The MOP must be prepared in accordance with the *ESG3: Mining Operations Plan (MOP) Guidelines September 2013* published on the Department's website at [www.resourcesandenergy.nsw.gov.au/miners-and-explorers/rules-and-forms/pgf/environmental-guidelines](http://www.resourcesandenergy.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 2011*
  - (ii) the Minister had been notified in writing of the terms of the order or direction prior to the operations constituting the breach being carried out.
- (f) The lease holder must prepare a Rehabilitation Report to the satisfaction of the Minister. The report must:
- (i) provide a detailed review of the progress of rehabilitation against the performance measures and criteria established in the approved MOP;
  - (ii) be submitted annually on the grant anniversary date (or at such other times as agreed by the Minister); and
  - (iii) be prepared in accordance with any relevant annual reporting guidelines published on the Department's website at [www.resourcesandenergy.nsw.gov.au/miners-and-explorers/rules-and-forms/pgf/environmental-guidelines](http://www.resourcesandenergy.nsw.gov.au/miners-and-explorers/rules-and-forms/pgf/environmental-guidelines)

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

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

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



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

## 5. Environmental Incident Report

- (a) The lease holder must notify the Department of all:
- (i) breaches of the conditions of this mining lease or breaches of the Act causing or threatening material harm to the environment; and
  - (ii) breaches of environmental protection legislation causing or threatening material harm to the environment (as defined in the *Protection of the Environment Administration Act 1991*),

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

*Note.* [www.resourcesandenergy.nsw.gov.au/miners-and-explorers/rules-and-forms/pgf/environmental-guidelines](http://www.resourcesandenergy.nsw.gov.au/miners-and-explorers/rules-and-forms/pgf/environmental-guidelines) for notification contact details.

- (b) The lease holder must submit an Environmental Incident Report to the Department within seven (7) days of all breaches referred to in condition 5(a)(i) and (ii). The Environmental Incident Report must include:
- (i) the details of the mining lease;

- (ii) contact details for the lease holder;
- (iii) a map identifying the location of the incident and where material harm to the environment has or is likely to occur;
- (iv) a description of the nature of the incident or breach, likely causes and consequences;
- (v) a timetable showing actions taken or planned to address the incident and to prevent future incidents or breaches referred to in 5(a).
- (vi) a summary of all previous incidents or breaches which have occurred in the previous 12 months relating to significant surface disturbing activities, including mining operations, mining purposes and prospecting operations under this mining lease.

*Note. The lease holder should have regard to any relevant Secretary's guidelines in the preparation of an Environmental Incident Report. Refer to [www.resourcesandenergy.nsw.gov.au/miners-and-explorers/rules-and-forms/pgf/environmental-guidelines](http://www.resourcesandenergy.nsw.gov.au/miners-and-explorers/rules-and-forms/pgf/environmental-guidelines) for further details.*

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

## 6. Resource Recovery

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

## 7. 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 **\$10,000.**

## 8. Cooperation Agreement

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

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

## Exploration Reporting

*Note: Exploration Reports (Geological and Geophysical)*

*The lease holder must lodge reports to the satisfaction of the Minister in accordance with section 163C of the Mining Act 1992 and in accordance with clause 57 of the Mining Regulation 2010.*

*Reports must be prepared in accordance with Exploration Reporting: A guide for reporting on exploration and prospecting in New South Wales.*

## SPECIAL CONDITIONS

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

### 9. Prescribed Dam

- (a) Notwithstanding any Mining Operations Plan, the lease holder must not mine within any part of the lease area which is within the notification areas of the Northparkes Tailings Dam, Northparkes Tailings Dam 2 and Northparkes Rosedale Tailings Dam, without the prior written approval of the Minister and subject to any conditions stipulated.
- (b) Where the lease holder desires to mine within the notification area he or she must:
- (i) at least twelve (12) months before mining is to commence or such lesser time as the Minister may permit, notify the Minister of the desire to do so. A plan of the mining system to be implemented must accompany the notice; and
  - (ii) provide such information as the Minister may direct.
- (c) The Minister must not, except in the circumstances set out in sub-paragraph (ii), grant approval unless sub-paragraph (i) of this paragraph has been complied with.

This sub-paragraph is complied with if:

- (i) the Dams Safety Committee as constituted by Section 7 of *the Dams Safety Act 1978* and the owner of the dam have been notified in writing of the desire to mine referred to in paragraph (b).
- (ii) the notifications referred to in clause (a) are accompanied by a description or plan of the area to be mined.
- (iii) 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.
- (iv) the Dams Safety Committee has made its recommendations concerning the mining proposal or has informed the Minister in writing that it does not propose to make any such recommendations; and
- (v) where the Dams Safety Committee has made recommendations the approval is in terms that are:
  - in accordance with those recommendations; or
  - where the Minister does not accept those recommendations or any of them - in accordance with a determination under sub-paragraph (ii) of this paragraph.
- (vi) Where the Minister does not accept the recommendations of the Dams Safety Committee or where the Dams Safety Committee has failed to make any recommendations and has not informed the Minister in writing that it

does not propose to make any recommendations, the approval shall be in terms that are, in relation to matters dealing with the safety of the dam:

- as determined by agreement between the Minister and the Minister administering the *Dams Safety Act 1978*; or
- in the event of failure to reach such agreement - as determined by the Premier.

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

- (i) cancel any approval given 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 approval given or conditions imposed.

## INSTRUMENT OF VARIATION

I, as delegate of the Minister for Resources for the State of New South Wales, under delegation dated 1 May 2017, and pursuant to Clause 12 of Schedule 1B of the *Mining Act 1992*, vary ML 1743 (1992) as follows:

Conditions 4 and 5 are varied by deleting the existing conditions and inserting instead the conditions set out below:

#### 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 or Regulations;
- (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*.

#### Definitions

**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*.

This variation is effective from 19 February 2018.

SIGNED



As delegate for the Minister for Resources

Steven Palmer  
Acting Director Title Services  
Dated 19 February 2018