



23 May, 2007

The Director General
Department of Mines and Energy
PO Box 1475
COORPAROO, Qld. 4151

Attn: Nicole freeman
Mining Registrar

RE: Application for Mining Leases - Wandoan area

Dear Leah Nicole

Xstrata Coal Queensland Pty Ltd, ICRA RPW Pty Ltd and Sumisho Coal Australia Pty Limited are joint applicants for three (3) Mining Leases in the Wandoan area. In support of the applications we supply the following information:

- Three (3) completed Application for Mining Lease Form MRA -15
- Completed forms "Additional Information for Coal or Oil Shale Mining Lease)
- Application for combined Environmental Authority (Mining Lease) for Level 1 mining project
- A written metes and bounds description for each Mining Lease application
- A CSG statement incorporating an Initial Development Plan
- Plan showing lease application areas in relation to underlying tenures
- Plan showing restricted areas (houses, dams, yards, etc)
- A list of affected properties, title references, tenure and addresses per application
- Proof of identity of the applicants
- A statement detailing the companies financial and technical resources
- Three (3) copies of Initial Advice Statement (2 hard copies 1 digital CD) outlining proposed mining program, method of operation and infrastructure requirements etc.
- Our cheque for \$17,080.40 being \$534.00 for three (3) Mining Lease application fees, \$216.40 for Environmental Authority application fee and \$16,340.00 for annual EA fee.

In Infrastructure Statement
Should you require any additional information regarding these applications please contact me direct on the numbers provided below.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Klevas Rudzinskas'.

Klevas Rudzinskas
Tenement Superintendent
Business Development

Phone: (07) 3115 5318

Fax: (07) 3115 5412

Email: krudzinskas@xstratacoal.com.au

G:\E:\Dev\EXPLORATION\STATUTORY\Management\Wandoan\Applications\Wandoan appl's CME for 23May07.doc

Xstrata Coal Queensland Pty Ltd (ABN 69 098 156 702)
Level 10 Riverside Centre 123 Eagle Street Brisbane Queensland Australia 4000
GPO Box 2587 Brisbane Queensland Australia 4001
Tel +61 7 3115 5300 Fax +61 7 3115 5412 www.xstrata.com



ML No.

(Office Use Only)

APPLICATION FOR MINING LEASE

Section 245

Mineral Resources Act 1989

Form Number MRA-15 Version Number 2

OFFICIAL USE ONLY	
ML No.	
PART A	
Received AT	Received BY
DATE	TIME
/ /	: AM PM
PART B	
Document accepted as an application for a Mining Lease in accordance with section 81 of the <i>Mineral Resources Regulation 2003</i> .	
Mining Registrar	
(SIGNATURE)	
DATE / /	
FEE Paid	RECEIPT no.
PART C	
ENTERED on register by	
(SIGNATURE)	
DATE / /	

The Queensland Government introduced Information Standard 42 - Information Privacy to establish a framework for the responsible collection and handling of personal information in the Queensland government public sector. Please refer to the section at the end of this form entitled "Privacy Statement" which provides details about why the personal information on this form is being collected and how it will be handled.

The completed original of this application and any attachments, must be submitted with the prescribed fee at the Office of the Mining Registrar for the mining district in which the land is situated.

The document submitted must first be accepted by the Mining Registrar as an application for a mining lease under the provisions of section 81 of the *Mineral Resources Regulation 2003* before registration.

Please print clearly in ink and use block letters.

All prescribed forms under the *Mineral Resources Act 1989* are available through the internet on www.nrm.qld.gov.au.

1. APPLICANT DETAILS

Company Name/Surname	1.1	XSTRATA COAL QUEENSLAND PTY LTD		
Given Name(s)	1.2			
ACN (if company)	1.3	ABN 69 098 156 702	Percentage	1.4 75 %
Company Name/Surname	1.1	ICRA RPW PTY LTD		
Given Name(s)	1.2			
ACN (if company)	1.3	ABN 48 106 260 619	Percentage	1.4 12.5 %
Company Name/Surname	1.1	SUMISHO COAL AUSTRALIA PTY LTD		
Given Name(s)	1.2			
ACN (if company)	1.3	ABN 30 061 524 249	Percentage	1.4 12.5 %
Company Name/Surname	1.1			
Given Name(s)	1.2			
ACN (if company)	1.3		Percentage	1.4 %

GUIDE FOR APPLICANTS

Question 1.1

Specify company name or surname of applicant.

Question 1.2

Specify given name(s) of applicant.

Question 1.3

If a company, what is the Australian Company Number (ACN)?

Question 1.4

Specify the percentage of interest to be held by each applicant.

2

GUIDE FOR APPLICANTS

Question 1.5

The total interest must equal 100%. If you are entering these details online, right click the '0' and select 'Update Field'.

Question 1.6

One person must be shown as the nominated applicant, upon whom any notice may be served on behalf of the applicant(s).

Question 1.7

Specify the address of the nominated applicant.

Question 1.8

Specify the phone number of the nominated applicant.

Question 1.9

Specify the fax number of the nominated applicant.

Question 1.10

Specify the email address of the nominated applicant.

Question 2.1

A mining lease can be applied for if the applicant (or one of the applicants) is the holder of a current pre-requisite tenure. Tick the pre-requisite tenure is a prospecting permit and provide the number and expiry date of the permit.

Question 2.2

Tick if the pre-requisite tenure is an exploration permit for mineral or coal and provide the number and expiry date of the permit.

Question 2.3

Tick if the pre-requisite tenure is a mineral development licence and provide the number and expiry date of the licence.

Question 2.4

Tick if the pre-requisite tenure is a mining claim (being conditionally surrendered) and provide the number and expiry date of the claim.

Question 2.5

Tick if the pre-requisite tenure is a mining lease (being conditionally surrendered) and provide the number and expiry date of the lease.

Question 2.6

Identify whether the land is situated within an exploration permit, geothermal exploration permit or mineral development licence (either granted or an application) that is not held by you. If so, you must obtain the earlier applicant's or holders written views on your application and lodge those views with the Mining Registrar. (Refer to sections 248 and 249 of the *Mineral Resources Act 1989*).

Company Name/Surname

1.1

Given Name(s)

1.2

ACN (if company)

1.3

Percentage

1.4

%

Total Percentage

1.5

100

%

Nominated Person

1.6

Klevas Rudzinskas

Address

1.7

Level 10, Riverside Centre
Brisbane, Qld 4000

Phone Number

1.8

(07)

3115 5318

Fax Number

1.9

(07)

3115 5412

E-mail

1.10

krudzinskas@xstratacoal.com.au

2. PRE-REQUISITE TENURE DETAILS

What pre-requisite tenure do you hold over this area?

		Tick	Number(s)	Expiry Date(s)
2.1	Prospecting Permit	☐	* Renewals lodged	1
2.2	Exploration Permit(s)	Mineral ☐ Coal ☒	* 787, 792 859	24/02/2006 06/07/2009
2.3	Mineral Development Licence(s)	Mineral ☐ Coal ☒	* 221 222	31/12/2006 31/12/2011
2.4	Conditionally surrendered Mining Claim	☐		/ /
2.5	Conditionally surrendered Mining Lease	☐		/ /

Is the land applied for situated within a granted Exploration Permit, Geothermal Exploration Permit or Mineral Development Licence **NOT** held by you?

2.6	YES ☐ NO ☐	If YES, please provide details on following page. If NO, go to Part 3.
-----	--	--

GUIDE FOR APPLICANTS

Question 1.5

The total interest must equal 100%. If you are entering these details online, right click the '0' and select 'Update Field'.

Question 1.6

One person must be shown as the nominated applicant, upon whom any notice may be served on behalf of the applicant(s).

Question 1.7

Specify the address of the nominated applicant.

Question 1.8

Specify the phone number of the nominated applicant.

Question 1.9

Specify the fax number of the nominated applicant.

Question 1.10

Specify the email address of the nominated applicant.

Question 2.1

A mining lease can be applied for if the applicant (or one of the applicants) is the holder of a current pre-requisite tenure.

Tick the pre-requisite tenure is a prospecting permit and provide the number and expiry date of the permit.

Question 2.2

Tick if the pre-requisite tenure is an exploration permit for mineral or coal and provide the number and expiry date of the permit.

Question 2.3

Tick if the pre-requisite tenure is a mineral development licence and provide the number and expiry date of the licence.

Question 2.4

Tick if the pre-requisite tenure is a mining claim (being conditionally surrendered) and provide the number and expiry date of the claim.

Question 2.5

Tick if the pre-requisite tenure is a mining lease (being conditionally surrendered) and provide the number and expiry date of the lease.

Question 2.6

Identify whether the land is situated within an exploration permit, geothermal exploration permit or mineral development licence (either granted or an application) that is not held by you. If so, you must obtain the earlier applicant's or holders written views on your application and lodge those views with the Mining Registrar. (Refer to sections 248 and 249 of the Mineral Resources Act 1989).

Company Name/Surname

1.1

Given Name(s)

1.2

ACN (if company)

1.3

Percentage

1.4

%

Total Percentage

1.5

100

%

Nominated Person

1.6

ROB THATCHER

Address

1.7

LEVEL 10, RIVERSIDE CENTRE,
BRISBANE QLD, 4001

Phone Number

1.8

(07)

31155363

Fax Number

1.9

(07)

31155420

E-mail

1.10

robt@hotmail.net.au

2. PRE-REQUISITE TENURE DETAILS

What pre-requisite tenure do you hold over this area?

		Tick	Number(s)	Expiry Date(s)
2.1	Prospecting Permit	☐		/ /
2.2	Exploration Permit(s)	Mineral ☐ Coal ☒	EPC787 EPC859	24 / 02 / 2011
2.3	Mineral Development Licence(s)	Mineral ☐ Coal ☒	MDL222	31 / 12 / 2011
2.4	Conditionally surrendered Mining Claim	☐		/ /
2.5	Conditionally surrendered Mining Lease	☐		/ /

Is the land applied for situated within a granted Exploration Permit, Geothermal Exploration Permit or Mineral Development Licence **NOT** held by you?

2.6	YES ☐ NO ☒	If YES, please provide details on following page. If NO, go to Part 3.
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GUIDE FOR APPLICANTS

Question 2.7 to 2.9

If yes, provide number and expiry date of relevant tenure not held by you.

Question 3

Before you apply for a mining lease you must mark out the boundary of the land, even if the surface of the land is not going to be included in your application. For the manner of marking out the land, refer to section 241 of the *Mineral Resources Act 1989*.

Once marked out you have five business days in which to lodge your application.

Question 3.3

There is no restriction on the term of a mining lease. However, when you apply for a lease you must justify the term you are seeking. A mining lease cannot be for a term longer than the period for which compensation has been agreed or decided. *For example, if you agree to compensation for a five-year period then the lease cannot exceed five years.*

Question 3.4

Provide detailed reasons for the length of term sought.

Question 3.5 & 3.6

State the area of land being applied for. There are no restrictions on the area and shape of the land, which can be granted under a mining lease (other than those imposed under certain Restricted Areas). However, you must justify the area and shape when you make your application.

Question 3.7

State the general locality of the application, e.g. 15km SE of Mount Isa.

Question 3.8

Insert the name of the Mining Lease.

Question 3.9

Insert the details of the Local Government. This refers to either the City or Shire Council responsible for the local government area(s) in which the land is situated.

		Tick		Number(s)	Expiry Date(s)
		Mineral	Coal		
2.7	Exploration Permit(s)	☐	☐		/ /
2.8	Mineral Development Licence(s)	☐	☐		/ /
2.9	Geothermal Exploration Permit	☐			/ /

3. APPLICATION DETAILS

What is the date (3.1) and time (3.2) the land was marked out?

3.1	23 May, 2007	
3.2	Five (5)	☐ AM ☒ PM

Term applied for

3.3	35	years
-----	----	-------

What are the reasons for the term nominated?

3.4	TO FULLY EXPLOIT RESERVES AND COMPLETE MINE REHABILITATION AND FOR LONG TERM SUPPLY FOR POWER GENERATION
-----	--

Size of area applied for

3.5	17,211	ha
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Give reasons why the mining lease should be granted over the area and shape of the land applied for.

3.6	TO ECONOMICALLY AND FULLY RECOVER COAL RESERVES, ALLOW FOR OVERBURDEN REMOVAL AND COAL HAULAGE AND TO MEET ENVIRONMENTAL OBLIGATIONS
-----	--

What is the general locality of this application?

3.7	APPROXIMATELY 10KM WEST OF THE TOWN OF WANDOAN
-----	--

What is the name of the Mining Lease?

3.8	WANDOAN NO. 1
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What is the local government area(s) in which the land applied for is situated?

3.9	TAROOM SHIRE COUNCIL
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GUIDE FOR APPLICANTS

Question 3.10

Specify which minerals are sought and/or the purpose for the mining lease. Do not use symbols. Do not include minerals that are not specified in the pre-requisite tenure.

NOTE: Coal mining leases are subject to additional provisions imposed under Part 7AA of the *Mineral Resources Act 1989*.

Question 3.11

Applying for a mining lease within an approved opal or gem mining area may limit the size, number and type of lease that you wish to make. Please note the relevant restrictions in the area before making your application.

Question 3.12

Mining leases may be granted for purposes other than mining of minerals (i.e. for the purposes of carrying out activities associated with mining such as plant site, camp or tailings dam).

Question 4

Compliance with the native title provisions of the *Commonwealth Native Title Act 1993* is not necessary on land where native title is taken to have been extinguished (i.e. "exclusive" land tenures).

However, if you wish to include in your application land that may be subject to Native Title (i.e. "non-exclusive" land tenures), you must comply with the relevant Native Title procedure irrespective as to whether or not a native title claim has been lodged over the area).

Question 5

The *Mineral Resources Act 1989* prescribes certain types of land as "restricted land". This land is only available if the owner of the land where the relevant permanent building, or feature is situated, consents in writing to your application. If consents are not lodged, such areas will automatically be excluded from the surface area of your mining lease.

Restricted Land (category A)
Means land within 100m laterally of a permanent building used –

- (a) mainly as accommodation or for business purposes; or
- (b) for community, sporting or recreational purposes or as a place of worship.

Restricted Land (category B)
Means land within 500m laterally of any of the following features–

- (a) a principal stockyard;
- (b) a bore or artesian well;
- (c) a dam;
- (d) another artificial water storage connected to a water supply; or
- (e) a cemetery or burial place.

Specify the minerals and/or purpose for which this mining lease is sought?

3.10 COAL MINING

Note: If this mining lease is for either coal, oil shale or for a specific purpose associated with coal or oil shale mining, you must also complete "Form MRA-16 – Additional Information for Coal or Oil Shale Mining Lease Application" and lodge this form and all related documents together with this application.

Is the land within an approved opal or gem mining area?

3.11 YES ☐ NO ☒

Is the application solely for infrastructure facilities associated with mining? (e.g. Workshops, administration buildings)

3.12 YES ☐ NO ☒

4. NATIVE TITLE

Do you believe that the application are (including any access land) is over land tenures that may be subject to Native Title?

4.1 YES ☐ NO ☒ If YES, go to Question 4.2.
If NO, go to Question 5.1

If the land applied for is over land tenures where native title may still exist, is the land applied for subject to an Indigenous Land Use Agreement (ILUA)?

4.2 YES ☐ NO ☐

5. RESTRICTED LAND

Are there any permanent buildings or relevant features within the boundaries of the land applied for or within the prescribed distances laterally of the boundaries?

5.1 YES ☒ NO ☐ If YES, go to Question 5.2.
If NO, go to Question 6.

Do you have the written consent of the owner(s) of the Land containing those permanent buildings or relevant fixtures to the land being applied for in the mining lease?

5.2 YES ☐ NO ☒

Consent is required (also refer to Part 6 Reserve Land)

What are those permanent buildings or relevant fixtures?

5.3 HOUSES, SHEDS, YARDS, MAN MADE DAMS

GUIDE FOR APPLICANTS

Question 5.3

Specify the improvements to the land which is being applied in the mining lease. The types of improvements and prescribed distances are defined in the *Mineral Resources Act 1989*.

Question 6.1

Indicate whether the mining lease is over land that is a reserve as defined in the *Mineral Resources Act 1989*.

Question 6.2

Provide the reserve holder's details.

Question 6.3

If you are unable to obtain the written views of the owner of the reserve despite efforts to do so, the Land and Resources Tribunal has the power to make a recommendation to the Minister as to whether the Governor in Council should consent to the grant of the mining lease over the surface of the reserve subject of certain conditions.

Question 6.4

Specify what attempts have been made to obtain consent.

Question 7

Please provide a description of all parcels of land, including easements, the whole or part of which are covered by your application. It is necessary to provide the landowner's name and address for each parcel of land. You can obtain this information from an NRMW service centre.

You are also required to provide details of which parcels of land are within the boundaries of the surface area being applied for.

Question 7.1

Insert Lot Number of land on plan registered in Titles Office.

Question 7.2

Insert Registered Plan Number for lot.

Question 7.3

Insert Land Tenure Type, e.g. Freehold, special lease, pastoral holding etc.

Question 7.4

What is the land currently used for?

Question 7.5

Name of the owner of the land.

6. RESERVE LAND

Is the application over land that is a reserve?

6.1	YES ☒	NO ☐
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Please specify the details of the reserve over which the mining lease is being applied for. Include the owner's name and contact details.

6.2	Lot 40 on CP899702, Reserve for Local Government (Environmental Protection) Purposes. Taroom Shire Council as Trustee
-----	--

Do you have written consent of the owner(s) of the reserve?

6.3	YES ☐	NO ☒
-----	------------------------------	--

If NO, what action has been taken to obtain such written consent?

6.4	Discussions underway with Local Authority to obtain consent
-----	---

7. BACKGROUND LAND TENURE DETAILS

Describe the land parcels that are the subject of the application for mining lease:

Lot Number	7.1		Plan Number	7.2	
Land Tenure Type	7.3	SEE ATTACHED LISTING			
Current Usage	7.4				
Owner's Name	7.5				
Owner's Address	7.6				

Lot Number	7.1		Plan Number	7.2	
Land Tenure Type	7.3				
Current Usage	7.4				
Owner's Name	7.5				

GUIDE FOR APPLICANTS

Question 7.6

Address of the owner of the land.

Please attach separate list if insufficient space.

Owner's Address

7.6

Lot Number

7.1

Plan Number

7.2

Land Tenure Type

7.3

Current Usage

7.4

Owner's Name

7.5

Owner's Address

7.6

Describe the land parcels over which access to the application for mining lease is required.

Lot Number

7.1

Plan Number

7.2

Land Tenure Type

7.3

Current Usage

7.4

Owner's Name

7.5

Owner's Address

7.6

Lot Number

7.1

Plan Number

7.2

Land Tenure Type

7.3

Current Usage

7.4

Owner's Name

7.5

Owner's Address

7.6

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Question 8.1

A mining lease cannot be granted unless compensation has been agreed to by the miner and the relevant owner of the land or determined by the Land and Resources Tribunal. Access land is also subject to the compensation requirements of the Act.

Any compensation agreement must be signed by all parties, stamped by the Office of State Revenue and filed with the Mining Registrar.

Question 8.2

Compensation is not required if the background land tenure is "Unallocated State Land" or is owned by the applicant. If the applicant is the owner, proof of ownership is required to be lodged with the application.

Question 9.1

Fully describe the reference/start point of the land so that it can be accurately located, e.g. The intersection of Sandy Creek and the Gulf Development road.

Question 9.2

Indicate which corner the datum post is located, e.g. NW corner.

Question 9.3

Enter description of the reference start point. In describing the reference point, all bearings are to be magnetic. If there is insufficient space, please attach a list.

Question 9.4

Enter the compass bearing taken along the centreline of the reference/start point.

Question 9.5

Enter the distance, in metres, of the reference/start point on the compass bearing.

Question 9.6

Enter description of the point where the access meets the boundary of the tenure.

8. COMPENSATION AGREEMENT DETAILS

Is a compensation agreement required?

8.1	YES ☒ NO ☐	If YES, go to Question 9.1. If NO, go to Question 8.2.
-----	---	---

Why is a compensation agreement not required?

8.2	
-----	--

9. LOCATION DESCRIPTION

Describe the location of the Reference/State Point of the land applied for (preferably a GPS point).

9.1	REFER ATTACHED DESCRIPTION
-----	----------------------------

In which corner of the lease is the Datum Post located? (e.g. NW corner)

9.2	MOST EASTERLY CORNER
-----	----------------------

Describe the connection from the Reference/Start Point to the Datum Post:

Commencing from the reference start point

9.3

At a bearing of

9.4

for a distance of

9.5

metres, thence

at a bearing of

9.4

for a distance of

9.5

metres, thence

at a bearing of

9.4

for a distance of

9.5

metres, thence

to the Datum Post

9.6

GUIDE FOR APPLICANTS

Question 9.7

The posts used to mark out the mining lease must have the applicant's initials along with the date of marking out. Indicate the initials and date marked on each post (Refer to section 241 of the *Mineral Resources Act 1989*).

What are the markings on all the posts? E.g. S.J.Black (1-6-05)

9.7 XCQPL 23 MAY 2007

Question 10

You must describe the boundaries of the mining lease by accurately measured distances and compass bearings. All bearings are to be magnetic and clockwise and the description should indicate any abutments, for example, a bearing of 90° 00' for a distance of 100 metres to and abutting the western boundary of ML 70045.

You must also include a sketch map, or other graphic representation acceptable to the Mining Registrar setting out the boundaries of the land being applied for and the land required as access. This map should also show any mining claims, mineral development licences, or mining leases (or applications for the grant of one of these) within the boundaries of the land being applied for.

Please attach a separate list if insufficient space.

Question 10.1

Enter description of the external boundary of the mining lease.

Question 10.2

Enter the compass bearing taken.

Question 10.3

Enter the distance, in metres, to the next post.

Question 10.4

Enter description, e.g. North West Corner... etc.

Question 11.1 & 11.2

If there is existing mining tenure (or prior application for grant of mining tenure) wholly within this application, you are required to complete Question 11.2.

10. EXTERNAL BOUNDARY DESCRIPTION

Describe the external boundaries of the land applied for:

Commencing from the Datum Post

10.1

At a bearing of 10.2 for a distance of

10.3 metres, to 10.4 then

at a bearing of 10.2 for a distance of

10.3 metres, to 10.4 then

at a bearing of 10.2 for a distance of

10.3 metres, to 10.4 then

at a bearing of 10.2 for a distance of

10.3 metres, to 10.4 then

at a bearing of 10.2 for a distance of

10.3 metres, to 10.4 then

at a bearing of 10.2 for a distance of

10.3 metres, to 10.4 then

at a bearing of 10.2 for a distance of

10.3 metres, to 10.4 then

at a bearing of 10.2 for a distance of

10.3 metres, to 10.4 then

at a bearing of 10.2 for a distance of

10.3 metres, back to the point of commencement.

GUIDE FOR APPLICANTS

Question 11.3 to 11.6

If there is a mining claim, mineral development licence or mining lease or an application for one of these tenements already within the area you are applying for, then the datum post or commencement post of the mining claim, mineral development licence or mining lease (or applications) must be related to the commencement point of your mining lease application by accurately measured distances and compass bearings.

The Mining Registrar may accept alternative methods instead of measured distances and bearings where these are more accurate.

All bearings are to be magnetic and the description should indicate any abutals. For example, "at a bearing of 90° 00' for a distance of 100 metres to the..."

Please attach a separate list if insufficient space.

Question 11.7 to 11.10

All bearings are to be magnetic and clockwise and the description should indicate any abutals, for example, "at a bearing of 90° 00' for a distance of 100 metres to the western boundary of ML 70045".

Please attach separate list if insufficient space.

11. INTERNAL BOUNDARY CONNECTION AND DESCRIPTION

Is there an existing mining tenure (or prior application for grant of a mining tenure) wholly within this application?

11.1	YES ☐ NO ☒	If YES, go to Question 11.2. If NO, go to Question 12.
------	---	---

Provide the tenure details of existing mining tenure:

11.2	Tick		Number(s)	Expiry Date(s)
Exploration Permit(s)	Mineral ☐	Coal ☐		/ /
Mineral Development Licence(s)	Mineral ☐	Coal ☐		/ /
Geothermal Exploration Permit	☐			/ /

Describe the connection from the Commencement Point of this application to the Datum Post/commencement point of Mining Claim/Mining Lease/Mineral Development Licence.

From the Commencement Point of this application

11.3	
------	--

at a bearing of 11.4 for a distance of

11.5		metres, to	11.6		then
------	--	------------	------	--	------

at a bearing of 11.4 for a distance of

11.5		metres, to	11.6		then
------	--	------------	------	--	------

at a bearing of 11.4 for a distance of

11.5		metres, to	11.6		then
------	--	------------	------	--	------

at a bearing of 11.4 for a distance of

11.5		metres, to the Datum Post/Commencement Point of the
------	--	---

Mining Claim/Mining Lease/Mineral Development Licence.

Describe the external boundaries of Mining Claim/Mining Lease/Mineral Development Licence referred to above.

Commencing from the Datum Post/Commencement Point in the

11.7		corner of Mining Claim/Mining Lease/Mineral Development Licence
------	--	---

at a bearing of 11.8 for a distance of

11.9		metres, to	11.10		then
------	--	------------	-------	--	------

GUIDE FOR APPLICANTS

Question 12.1 to 12.3

It is not necessary to mark out the boundary of the surface area if part only of the surface is going to be included in your application. However, the boundary of the surface area must be described by measuring the distance on the ground and by taking compass bearings. The description must be related to a boundary post by accurately measured distances and compass bearings.

Question 12.4 to 12.7

All bearings are to be magnetic.

Please attach separate list if insufficient space.

at a bearing of		11.8		for a distance of
11.9		metres, to	11.10	
at a bearing of		11.8		for a distance of
11.9		metres, to	11.10	
at a bearing of		11.8		for a distance of
11.9		metres, back to the point of commencement.		

12. SURFACE AREA CONNECTION AND DESCRIPTION

Is surface area required?

12.1	YES ☒ NO ☐	If YES, go to Question 12.2. If NO, go to Question 12.12.
------	---	--

Why is surface area required?

12.2	MINING, OPENCUT PIT, OVERBURDEN DUMPS, WATER MANAGEMENT DAMS, SUPPORT INFRASTRUCTURE
------	--

Is the whole or part of the surface area required?

12.3	Whole ☒ Part ☐	ha (read below)
If Whole Surface Area is required, go to Question 14.		

Describe the connection from a Datum Post of this application to the initial corner of the surface area.

Commencing from the Corner		12.4		corner of this application
at a bearing of		12.5		for a distance of
12.6		metres, to	12.7	
at a bearing of		12.5		for a distance of
12.6		metres, to	12.7	
at a bearing of		12.5		for a distance of
12.6		metres, to	12.7	
at a bearing of		12.5		for a distance of
12.6		metres, to the initial corner of the surface area.		

GUIDE FOR APPLICANTS

Question 12.8 to 12.11

All bearings are to be magnetic.

Please attach separate list if insufficient space.

Describe the Surface Area of the land being applied for.

Commencing from the initial corner of the surface area

12.8

at a bearing of

12.9

for a distance of

12.10

metres, to

12.11

then

at a bearing of

12.9

for a distance of

12.10

metres, to

12.11

then

at a bearing of

12.9

for a distance of

12.10

metres, back to the point of commencement.

Question 12.12

If no surface area is required to gain access to the area applied for in this application, provide details of your adjoining mining lease(s) that will enable you to gain access to the proposed area.

12.12	If no surface area is required, give details of the adjoining granted mining lease(s) held by you that will enable you to gain access to the area applied for in this application.	
	Mining Lease Number(s)	Holder Name(s)

Question 13

Please provide a description of all parcels of land, including easements, the whole or part of which are required for access to the mining lease. It is necessary to provide the landowner's name and address for each parcel of land covered by the proposed access.

Please attach list if insufficient space.

You can obtain this information from an NRMW service centre.

Question 13.1

If you answered YES, complete Question 13.2.

If you answered NO, go to Question 13.3.

Question 13.2

Upon answering Question 13.2, go to Question 13.8.

Question 13.3

Insert the width of the access required in metres.

13. ACCESS LAND DETAILS

Is access to this mining lease via a dedicated road that is within or abutting the mining lease area?

13.1	YES ☒ NO ☐	If YES, go to Question 13.2. If NO, go to Question 13.3.
------	---	---

What is the description of the dedicated road to be used for access?

13.2	Access is via a 40m wide road known locally as Grosmont Road which traverses ML Wandoan No. 1
------	---

What is the description of the access?

Width of Access required

13.3

metres.

GUIDE FOR APPLICANTS

Question 13.4

Insert the description of the start point, e.g. At a point on the Mt Mulligan Road 2.15km NE of the Sandy Creek crossing at co-ordinates.....

What is the description of the start point?

13.4

What is the description of the end point?

13.5

Question 13.5

Insert the description of the end point, e.g. The Southern boundary of the mining lease.

Question 13.6

Enter the compass bearings taken along the centreline of the access.

Question 13.7

Enter the distance, in metres, of the access route on the compass bearing.

Commencing from the start point, thence along the centreline

At a bearing of 13.6 for a distance of

13.7 metres, thence

at a bearing of 13.6 for a distance of

13.7 metres, thence

at a bearing of 13.6 for a distance of

12.7 metres, thence

at a bearing of 12.6 for a distance of

13.7 metres, thence

at a bearing of 13.6 for a distance of

13.7 metres, thence

at a bearing of 13.6 for a distance of

13.7 metres, thence

at a bearing of 13.6 for a distance of

13.7 metres, thence

at a bearing of 13.6 for a distance of

13.7 metres, thence to the end point.

GUIDE FOR APPLICANTS

Question 13.8

Specify the lot number of parcel over which access is required. Details can be obtained from the local council.

Question 13.9

Specify the plan on which the parcel of land appears. Details are available from the local council.

Question 13.10

Insert the land tenure type, e.g. freehold, special lease, pastoral holding.

Question 13.11

What is the land currently used for?

Question 13.12

Specify the person(s) or company who owns the land parcel. Details are available from the local council.

Question 13.13

Specify the address of the owner of the land parcel.

Describe the land parcels over which access to the application for mining claim is required:

Lot Number	13.8		Plan Number	13.9	
Land Tenure Type	13.10				
Current Usage	13.11				
Owner's Name	13.12				
Owner's Address	13.13				

Lot Number	13.8		Plan Number	13.9	
Land Tenure Type	13.10				
Current Usage	13.11				
Owner's Name	13.12				
Owner's Address	13.13				

Lot Number	13.8		Plan Number	13.9	
Land Tenure Type	13.10				
Current Usage	13.11				
Owner's Name	13.12				
Owner's Address	13.13				

GUIDE FOR APPLICANTS

Question 13.1

Enter the name of place where the application was signed, the day of the month, the month and the year when the form is signed.

Question 14.2

Insert full name of the applicant(s).

Question 14.3

Signature of applicant(s).

Question 14.4

Insert full name of Witness.

Question 14.5

Signature of Witness.

Execution of Documents by an Agent

If an agent or the holder of a power of attorney is signing a document, required to be lodged by an Act, on behalf of another, the agent or holder of the power of attorney must produce current, written evidence of their authority to act at the time of lodgement.

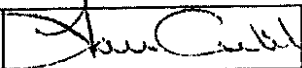
All of the holders of the tenure MUST execute the appointment of agent or the power of attorney for the appointment or power of attorney to be effective. A company signing an appointment of agent or power of attorney must do so in accordance with the corporation law and/or the articles of association of the company.

Question 14.1

Tick the appropriate boxes to indicate compliance.

13. SIGNATURES AND ENDORSEMENTS

We solemnly sincerely and truly affirm and declare that the information provided in this form is true and correct. We make this solemn declaration by virtue of the provisions of the Oaths Act 1867.

14.1	Signed at <u>Brisbane</u> this <u>11th</u> day of <u>MAY</u> , 2007	
14.2	Ian Cribb	14.3 
	Chief Operating Officer	
14.2		14.3
14.2		14.3
14.2		14.3
14.4	Full name and title of Applicant(s) ROSS BANNERMAN	14.5  Signature
	Full name of Witness	Signature of Witness

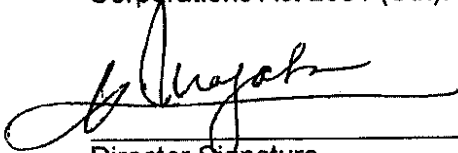
14. ACCOMPANIMENTS

The following must accompany this form:

14.1	Tick
• Completed Application for an Environmental Authority (Mining Activities)	☒
• (If your application is for a coal or oil shale mining lease) Completed MRA-16 Additional Information for Coal or Oil Shale Mining Lease Application Form	☒
• A statement: ○ Outlining the mining program proposed, outlining its method of operation, and providing an indication of when operations are expected to start or, if a mining program is not proposed, outlining the use proposed for the land and providing an indication of when the proposed use is to start. (Note: This information is not required if, under part 7AA, your application includes a proposed development plan that complies with the initial development plan requirements); and ○ Of proposals for infrastructure requirements necessary to enable the mining program to proceed, or additional activities to be carried on to work out the infrastructure requirements.	☐ ☒

EXECUTION PAGE 2 of 3

Executed by ICRA RPW Pty Limited in
accordance with section 127 of the
Corporations Act 2001 (Cth):



Director Signature

KAZUO INAGAKI

Print Name



Director/Authorised Representative

OSAMU TANO

Print Name

Dated this 23rd day of April 2007

EXECUTION PAGE 3 of 3

**Executed by Sumisho Coal Australia
Pty Limited** in accordance with section
127 of the Corporations Act 2001 (Cth):


Director Signature
IVIE ACY/MDA
Print Name


Director/ Authorised Representative
IVIE ACY/MDA
Print Name

Dated this 23rd day of April 2007

• A statement, acceptable to the Mining Registrar and separate from the state mentioned above, detailing the applicant's financial and technical resources.	☒
• Sketch map(s) or other graphic representation acceptable to the Mining Registrar setting out: ◦ the boundaries of the land the subject of this application; ◦ the proposed access; and ◦ any Mining Claim, Mineral Development Licence or Mining Lease (or application for grant of same) wholly within the land sought.	☒
• Proof of identity of the Applicant's: ◦ Individual- Driver's Licence, passport, birth certificate ◦ Company- Certificate of Registration	☒
• The prescribed application fee	☒

15. PRIVACY STATEMENT

The Queensland Government introduced Information Standard 42 - Information Privacy to establish a framework for the responsible collection and handling of personal information in the Queensland government public sector.

The Department of Natural Resources, Mines and Water is collecting the information on this form to process your application for a mining claim. This is required by section 61 of the *Mineral Resources Act 1989* (the Act).

The Department is required to facilitate and regulate the carrying out of responsible mining activities and the development of a safe, efficient and viable mining industry in Queensland under the Act.

The Department maintains a Register under section 387 of the Act. This register contains information collected from a variety of sources, including application forms submitted under the Act. The particulars to be recorded in the register are prescribed in Part 11 of the *Mineral Resources Regulation 2003* (the Regulations).

Under section 68 of the Regulations, the public can inspect the Register between the hours of 8.30 am and 4.30 pm on business days, and anyone may take extracts from the register and acquire, upon payment of the prescribed fee, a copy of all or part of a notice, document or information held in the register. Information contained in the register includes (but is not limited to):

- the mining tenement number;
- the full name of the holder/s of the mining tenement;
- the annual rent for the mining tenement; and
- any permitted dealings relating to the mining tenement that are approved by the Minister.

Information collected on this form, whether or not it is contained in the Register, may be provided to other Queensland Government Agencies, where such disclosure is necessary for the effective management of the mineral resources and industry in Queensland. These agencies may include the Environmental Protection Agency, the Department of Primary Industries and Fisheries and the Department of Energy.

Where information provided is commercial in confidence, it will be treated as confidential and not included in the Register or be disclosed outside the agency unless the Department is legally required to do so.

For more information on Information Privacy, please contact the Privacy Contact Officer for the Department of Natural Resources, Mines and Water on (07) 389 63705.



ADDITIONAL INFORMATION FOR COAL OR OIL SHALE MINING LEASE APPLICATION

Section 245 and Part 7AA
Mineral Resources Act 1989
Form Number MRA-16 Version Number 2

OFFICIAL USE ONLY	
ML No.	
PART A	
Received AT	Received BY
DATE	TIME
/ /	AM PM

GUIDE FOR APPLICANTS

Question 1.1

You must determine whether any part of the application area of your Mining Lease is within the tenure area of a pre-existing petroleum lease or authority to prospect. If you have any doubt, visit the Department of Natural Resources, Mines and Water website www.nrm.qld.gov.au/mines (under Interactive Maps) which contains details of lands the subject of petroleum tenure. Details may also be obtained by contacting the Department of Natural Resources, Mines and Water direct.

Mining lease (coal) means a mining lease for coal, whether or not the lease specifies any other mineral to be mined, and whether or not the lease is for any additional purpose.

Mining lease (oil shale) means a mining lease for oil shale, whether or not the lease specifies any other mineral to be mined, and whether or not the lease is for any additional purpose.

Specific purpose mining lease (coal or oil shale) means a mining lease, other than a mining lease (coal or oil shale), granted under section 234(1)(b), if the purposes for which it is granted include a purpose that is associated with, arises from or promotes the activity of coal or oil shale mining.

Specific purpose mining lease (oil shale) means a mining lease, other than a mining lease (oil shale), granted under section 234(1)(b), if the purposes for which it is granted include a purpose that is associated with, arises from or promotes the activity of oil shale mining.

If you intend to apply for a mining lease for either coal, oil shale or for a specific purpose associated with coal or oil shale mining, Part 7AA of the *Mineral Resources Act 1989* places additional requirements on your application. These additional requirements apply regardless of the fact that the land being applied for is also subject to a petroleum lease or an application for the grant of a petroleum lease or an authority to prospect for petroleum, or if the land is adjacent to an existing petroleum tenure. In all cases you must complete this form and lodge it in conjunction with form "MRA-15 - Application for Mining Lease".

The Queensland Government introduced Information Standard 42 - Information Privacy to establish a framework for the responsible collection and handling of personal information in the Queensland government public sector. Please refer to the section at the end of this form entitled "Privacy Statement" which provides details about why the personal information on this form is being collected and how it will be handled.

This form and any attachments must be submitted in conjunction with a duly completed "MRA-15 - Application for Mining Lease" form.

Please print clearly in ink and use block letters.

All documents submitted must first be accepted by the Mining Registrar as an application for a mining lease under the provisions of section 81 of the *Mineral Resources Regulation 2003* before registration. All prescribed forms under the *Mineral Resources Act 1989* are available through the Internet on www.nrm.qld.gov.au.

1. APPLICATION DETAILS

Is your mining lease application being made for coal or oil shale or a specific purpose (coal or oil shale) and is not within any petroleum tenure?

1.1	☐ YES	☒ NO
-----	------------------------------	--

If YES, your application must be accompanied by:

- a proposed **development plan** which complies with the initial development plan requirements (sections 318DT and 318DV).

If NO, go to Question 1.2

GUIDE FOR APPLICANTS

Question 1.2

Division 4 of Part 7AA applies if an ML application is being made in response to a preference decision made under section 319 of the *Petroleum and Gas (Production and Safety) Act 2004*.

An application of this type must be made within 6 months after the giving of the notice inviting the holder to apply for a mining lease for:

- if the preference is for all of the land—all of the land; or
- if the preference is for part of the land—that part.

Question 1.3

Division 2 of Part 7AA applies if an application for coal or oil shale is made over land within the area of an ATP and:

- the ML applicant is not the ATP holder;
- the ML application is not made jointly with the ATP holder;
- the ML application is not made with the ATP holder's written consent;
- the land is not in the area of a petroleum lease (PL) held by the ATP holder

Division 2 imposes additional obligations on the ML applicant.

NOTE: Once your application has been lodged you must give a copy of it to the ATP holder within 10 business days of lodgement.

Question 1.4

Division 3 of Part 7AA applies if an application for coal or oil shale is made over land within the area of an ATP and:

- the applicant is the ATP holder; or
- the ATP holder has given written consent to the making of the application for the ML.

Under Division 3 there is no requirement to notify, consult or negotiate as the application is being made by, jointly with or with the consent of the ATP holder.

Question 1.5

Division 5 of Part 7AA applies if an application for coal or oil shale is made over land within the area of a Petroleum lease and

- the ML applicant is not the Petroleum Lease holder
- the ML application is not made jointly with the Petroleum Lease holder

Under Division 5 an ML application can be split if the application includes land in the area of an ATP held by someone other than the applicant. The application can be split by the Minister either at the Minister's own wishes or at the request of the applicant.

Is your mining lease application being made in response to an invitation given under section 323 of the *Petroleum and Gas (Production and Safety) Act 2004*?

1.2	☐ YES	☒ NO
-----	------------------------------	--

If YES, your application must be accompanied by:

- a proposed **development plan** which complies with the initial development plan requirements (sections 318DT and 318DV).

If NO, go to Question 1.3

Is the area of your mining lease application within the area of an authority to prospect for petroleum, and is the mining lease application being made other than by or jointly with, or with the consent of the authority to prospect holder?

1.3	☒ YES	☐ NO
-----	---	-----------------------------

If YES, your application must be accompanied by:

- a **Coal Seam Gas (CSG) statement**;
- a proposed **development plan** that complies with the initial development plan requirements (sections 318DT and 318DV); and
- other information that addresses the **CSG assessment criteria**.

If NO, go to Question 1.4

Is the area of your mining lease application within the area of an authority to prospect, and is the mining lease application being made by or jointly with, or with the consent of the authority to prospect holder?

1.4	☐ YES	☐ NO
-----	------------------------------	-----------------------------

If YES, your application must be accompanied by:

- a **CSG statement**;
- a proposed **development plan** that complies with the initial development plan requirements (sections 318DT and 318DV); and
- other information that addresses the **CSG assessment criteria**.

If NO, go to Question 1.5

Is the area of your mining lease application within the area of a petroleum lease, and is the mining lease application being made other than by or jointly with the petroleum lease holder?

1.5	☐ YES	☐ NO
-----	------------------------------	-----------------------------

If YES, your application must be accompanied by:

- a **CSG statement**; and
- a proposed **development plan** that complies with the initial development plan requirements (sections 318DT and 318DV).

If NO, go to Question 1.6

GUIDE FOR APPLICANTS

Question 1.6

Division 6 of Part 7AA applies if an application for coal or oil shale is made over land within the area of a PL and:

- the ML applicant is the Petroleum Lease holder
- the ML application is made jointly with the Petroleum Lease holder.

Under Division 6 an ML application can be split if the application includes land in the area of an ATP held by someone other than the applicant. The application can be split by the Minister either at the Minister's own wishes or at the request of the applicant.

Is the area of your mining lease application within the area of a petroleum lease, and is the mining lease application being made by or jointly with the petroleum lease holder?

1.6	☐ YES	☐ NO
-----	------------------------------	-----------------------------

If YES, your application must be accompanied by:

- a **CSG statement**; and
- a proposed **development plan** that complies with the initial development plan requirements (sections 318DT and 318DV).

2. PRIVACY STATEMENT

The Queensland Government introduced Information Standard 42 - Information Privacy to establish a framework for the responsible collection and handling of personal information in the Queensland government public sector.

The Department of Natural Resources, Mines and Water is collecting the information on this form to process your application for a mining lease. This is required by section 245 and Part 7AA of the *Mineral Resources Act 1989* (the Act).

The Department is required to facilitate and regulate the carrying out of responsible mining activities and the development of a safe, efficient and viable mining industry in Queensland under the Act.

The Department maintains a Register under section 387 of the Act. This register contains information collected from a variety of sources, including application forms submitted under the Act. The particulars to be recorded in the register are prescribed in Part 11 of the *Mineral Resources Regulation 2003* (the Regulations).

Under section 68 of the Regulations, the public can inspect the Register between the hours of 8.30 am and 4.30 pm on business days, and anyone may take extracts from the register and acquire, upon payment of the prescribed fee, a copy of all or part of a notice, document or information held in the register. Information contained in the register includes (but is not limited to):

- the mining tenement number;
- the full name of the holder/s of the mining tenement;
- the annual rent for the mining tenement; and
- any permitted dealings relating to the mining tenement that are approved by the Minister.

Information collected on this form, whether or not it is contained in the Register, may be provided to other Queensland Government Agencies, where such disclosure is necessary for the effective management of the mineral resources and industry in Queensland. These agencies may include the Environmental Protection Agency, the Department of Primary Industries and Fisheries and the Department of Energy.

Where information provided is commercial in confidence, it will be treated as confidential and not included in the Register or be disclosed outside the agency unless the Department is legally required to do so.

For more information on Information Privacy, please contact the Privacy Contact Officer for the Department of Natural Resources, Mines and Water on (07) 389 63705.

ADDITIONAL INFORMATION FOR COAL OR OIL SHALE MINING LEASE APPLICATION INFORMATION SHEET

The information detailed below is only a summary of the provisions of Part 7AA of the Mineral Resources Act 1989. The mining lease applicant should read this Part in full to ensure compliance with all statutory obligations.

Initial Development Plan

A development plan must accompany every application for a coal or oil shale mining lease even if there is no overlap with petroleum tenure. The relevant provisions for development plans are contained in Division 9 of part 7AA of the *Mineral Resources Act 1989*. The specific requirements for a proposed development plan are detailed in section 318DT of the *Mineral Resources Act 1989*.

It is important to note that by lodging a compliant development plan, an applicant is not required to address the matters referred to in section 245 (1) (o) (iii) (A) of the *Mineral Resources Act 1989* (i.e. a statement outlining the mining program proposed, the method of operation etc.). This is because that information must now be included and addressed in the development plan submitted with the application. Section 318DV also requires that the development plan include a statement of how the effects on, and the interests of, any relevant overlapping or adjacent petroleum tenure holder have, or have not been considered having regard to:

- the main purposes of part 7AA; and
- the CSG assessment criteria, other than the initial development requirements.

All development plans must be approved by the Minister. If a development plan is not approved section 318DZ (2) requires that the ML application to be rejected. However, an applicant has a right of appeal from the Minister's decision to refuse the development plan under section 318EI. The appeal period is 20 days after the day the applicant is given the notice of the Minister's decision.

Departmental Guidelines for initial and later development plans are available at <http://www.nrm.qld.gov.au/mines/legislation/guidelines.html>.

CSG Assessment Criteria

The CSG Assessment Criteria include the following:

- the requirements of the *Petroleum and Gas (Production and Safety) Act 2004*, Chapter 9 (Safety);
- the initial development plan requirements;
- the legitimate business interests of the applicant and the authority to prospect for petroleum holder (*the parties*), including, for example, contractual obligations, the effect on, and use of, infrastructure or mining or production facilities and exploration expenditure on relevant overlapping tenure;
- the effect of the proposed mining lease on the future development of petroleum resources in the land, including for example, each of the following:
 - (i) the proposed timing and rate of coal or oil shale mining and the development of petroleum from the land;
 - (ii) the potential for the parties to make a coordination arrangement about:
 - (a) coal or oil shale mining and any incidental coal seam gas mining under the proposed mining lease; and
 - (b) petroleum production under any future petroleum lease over the land;
 - (iii) the attempts required of the applicant under section 318AT(1)(b);
 - (iv) the economic and technical viability of the concurrent or coordinated coal or oil shale mining and the development of any petroleum from the land;
 - (v) the extent, nature and value of coal or oil shale mining and the development of any petroleum in the land; and
- the public interest in coal or oil shale mining and petroleum production from the land, having regard to the public interest.

Notification, consultation and negotiation requirements

Part 7AA places additional obligations on an applicant and the petroleum tenure holder to notify, consult and negotiate. The nature of these obligations depends on the extent of any overlap with existing or proposed petroleum tenure and whether the application is being made with or without the consent of the petroleum tenure holder. The obligations imposed under the various divisions of Part 7AA are listed below.

1. Where the ML application being applied for is over land within the area of an authority to prospect and:

- the ML applicant is **not** the authority to prospect holder;
- the ML application is **not** made jointly with the authority to prospect holder;
- the ML application is **not** made with the authority to prospect holder's written consent;
- the land is **not** in the area of a petroleum lease (PL) held by the authority to prospect holder

Once the application has been lodged you must give a copy of the completed mining lease application to the authority to prospect for petroleum holder within 10 business days after making the application. This copy of the application may **exclude** any part that relates to the statement detailing the applicant's financial and technical resources required under section 245(1)(o)(iv).

When this is done you as the applicant must:

- make reasonable attempts to consult with the ATP holder about the proposed development plan and, as negotiated, change the proposed development plan to incorporate reasonable provisions made by the ATP holder;
- make an appropriate arrangement (a testing arrangement) with the ATP holder about testing for petroleum production carried out, or proposed to be carried out by the ATP holder; and
- allow the ATP holder time to complete or commence testing they may have been conducting, or were planning to conduct, such as a production test, or exploratory work that they need to complete. This is in order for the ATP holder to have sufficient data to meet the requirements for making an application for a potential commercial area under the *Petroleum and Gas (Production and Safety) Act 2004*. This particular obligation is limited to 12 months.

Within 4 months after making the application you are required to lodge a written notice with the Mining Registrar about the following matters:

- the details of consultation with the ATP holder;
- the results of consultation with the ATP holder;
- any comments the applicant wishes to make about any submissions lodged by the ATP holder;
- any changes to the proposed development plan;
- if a testing arrangement has been made, the details of that arrangement;
- if a testing arrangement has not been made, the details of the attempts made to make the arrangement.
- the applicant's assessment of the potential of the applicant and the ATP holder to make a coordination arrangement about—
 - (i) coal or oil shale mining and any incidental coal seam gas mining under the proposed mining lease; and
 - (ii) petroleum production under any future PL over the land.

2. Where the ML application being applied for is over land within the area of an authority to prospect and:

- the applicant is the ATP holder; or
- the ATP holder has given written consent to the making of the application for the ML.

In this case there is no requirement to notify, consult or negotiate as the application is being made by, jointly with or with the consent of the ATP holder.

3. Where the ML application is being made in response to a preference decision made under section 319 of the *Petroleum and Gas (Production and Safety) Act 2004* then the notification, consultation and negotiation requirements and obligations do not apply.

4. Where the ML application being applied for is over land within the area of a petroleum lease and:

- the ML applicant is **not** the petroleum lease holder; and
- the ML application is **not** made jointly with the petroleum lease holder.

Once the application has been lodged you must give a copy of the completed mining lease application to the petroleum lease holder within 10 business days after making the application. This copy of the application may **exclude** any part that relates to the statement detailing the applicant's financial and technical resources required under section 245(1)(o)(iv).

After receiving a copy of the application the petroleum lease holder must use reasonable attempts to reach a coordination arrangement with you about the following matters—

- coal or oil shale mining and any incidental coal seam gas mining under the proposed ML;
- petroleum production under the PL for the land.

However, this obligation applies only to the extent that a coordination arrangement that provides the best resource use outcome without significantly affecting the parties' rights or interests is commercially and technically feasible for the petroleum lease holder. With applications of this type a Certificate of Public Notice (CPN) cannot be issued by the MR until the applicant has negotiated a proposed coordination agreement with the petroleum lease holder and the Minister has approved that arrangement. There must also be a safety and health management system that applies to the proposed mining lease. For a coal mining lease, a safety and health management system means a safety and health management system under the *Coal Mining Safety and Health Act 1999*. For an oil shale mining lease, a safety and health management system means a safety and health management system under the *Mining and Quarrying Safety and Health Act 1999*.

5. Where the ML application being applied for is over land within the area of a petroleum lease and:
- the ML applicant is the petroleum lease holder
 - the ML application is made jointly with the petroleum lease holder

In this case there is no requirement to notify, consult or negotiate.

Priority for earlier Petroleum Lease applications or proposed applications

Part 7AA also provides a priority regime for any prior petroleum lease application or proposed applications. This priority regime prevents a certificate of public notice being issued by the mining registrar until the petroleum lease application is decided or limited other factors apply.

Priority for an earlier petroleum lease application or proposed PL application applies if:

- before making the ML application a petroleum lease application was made for the land;
- the petroleum lease application complies with the *Petroleum and Gas (Production and Safety) Act 2004*;
- the petroleum lease has not been decided; and
- the petroleum lease holder (please note this may be different from the ATP holder) has not given written consent to the ML application.

In the above a case a certificate of public notice can not be issued until the petroleum lease application has been decided.

Priority does not apply if the ML application was made in response to an invitation given under section 323 of the *Petroleum and Gas (Production and Safety) Act 2004* or where the petroleum lease applicant has given written consent to the ML application. If on the other hand the ML application was not made, within 6 months of the invitation the priority regime will apply.

Priority for a proposed petroleum lease application also applies where, before an ML application is made, an approval under the *Environmental Protection Act 1994* for the voluntary preparation of an Environmental Impact Statement (EIS) was given; and

- the project includes a proposed petroleum lease for the land; and
- the proponent is the ATP holder (or if there is more than one proponent, one of the proponents is the ATP holder); or
- the proponent is someone who has the ATP holder's consent;

Where an EIS is being undertaken a certificate of public notice can not be issued unless:

- the proponent of the EIS does not make a petroleum lease application within one year after the granting of the approval; or
- a petroleum lease application is made; and
 - it does not comply with the *Petroleum and Gas (Production and Safety) Act 2004*; or
 - the petroleum lease application is decided; or
- the proponent of the EIS has given written consent to the ML application.

Similarly, priority also applies for a proposed petroleum lease application if, under the *State Development and Public Works Organisation Act 1971*, a proposed petroleum lease is declared a significant project or a project which includes a proposed petroleum lease is declared a significant project and the proponent of the significant project is, or includes, the ATP holder or someone else who has the authority holder's consent. If so a certificate of public notice can not be granted unless:

- the proponent of the significant project does not make a petroleum lease application for the land within one year after the making of the declaration;
- a petroleum lease application is made; and
 - it does not comply with the *Petroleum and Gas (Production and Safety) Act 2004*; or
 - the application is decided; or
- the proponent of the significant projects has given written consent to the ML application.

In the above situations (i.e. where an EIS is a consideration) priority is created because the EIS process is potentially public from that point, so the trigger point for priority has been advanced ahead of the point of the actual application for the petroleum lease.

MINING LEASE APPLICATION

DESCRIPTION

WANDOAN NO. 1

DATUM POST

The Datum Post branded XCQ P/L 23/05/2007 is located at a point on the common boundary of the eastern boundary of Lot 48 on FT573 and the western boundary of a road 40.234m wide being on a bearing of 339° 08' 20" for a distance of 990.097 metres from the south eastern corner of Lot 48 on FT573 in the Parish of Juandah and the County of Fortescue and is located approx. 10 km north west of the Township of Wandoan, South East Queensland (approx. MGA co-ordinates 788703.8mE, 7114296.8mN Zone 55).

DESCRIPTION

Commencing at the Datum Post

thence by a line bearing 241° 43' 45" for a distance of 1623.613 metres and coincident with part of the northern boundary of MLA Wandoan No. 3, to a corner on the southern boundary of Lot 48 on FT573

thence by a line bearing 233° 20' 20" for a distance of 3419.102 metres and coincident with part of the northern boundary of MLA Wandoan No. 3, through Lot 55 on FT826, Lot 34 on FT490 and across Grosmont Road to the southern boundary of that road at approx. MGA co-ordinates of 784531.1mE, 7111486.3mN

thence in a north westerly direction along and coincident with the southern boundary of Grosmont Road, the northern boundary of Lot 50 on FT573 and part of the northern boundary of MLA Wandoan No. 3 on a bearing of 305° 44' 35" for a distance of 789.139 metres to a point on the boundary of Lot 50 on FT573 with approx. MGA co-ordinates of 783890.6mE, 7111947.3mN

thence on a bearing of 263° 03' 50" for a distance of 3559.755 metres across Lot 50 on FT573, Lot 37 on FT494 and 'L' Road to a point on the eastern boundary of Lot 38 on CP899702 with approx. MGA co-ordinates of 780356.9mE, 7111517.4mN

thence on a bearing of 292° 50' 50" for a distance of 1977.086 metres across Lot 38 on CP899702 to a bend in the southern boundary of MDL222 at Latitude 26° 04' 54.3"S and Longitude 149° 47' 04" E (GDA94) within Lot 38 on CP899702

thence by a line bearing 287° 40' for a distance of 3479.328 metres along and coincident with MDL222 boundary and across Lot 30 on FT468 to the intersection with the EPC792 boundary at approx. MGA co-ordinates of 775219.7mE 7113340.9mN within Lot 29 on FT467

thence by a line bearing 267° 26' 25" for a distance of 3267.129 metres across Lot 29 on FT467, Lot 28 on FT467 and Cecil's Road to a bend point on the western boundary of Cecil's Road at approx MGA co-ordinates of 771955.8mE, 7113195.0mN

thence on a line bearing 332° 47' 25" for a distance of 5424.225 metres across Lot 25 on CP849188, Lot 4 on FT758 to a point at the intersection of the boundary of MDL222 where it intersects part of the northern boundary of EPC859 at approx MGA co-ordinates of 769475.6mE, 7118018.9mN

thence by the following lines along and coincident with the boundary of MDL222 bearing 291° 25' 40" for a distance of 2668.517

then bearing 1° 10' 15" for a distance of 923.683 metres

then bearing 16° 20' 25" for a distance of 4249.709 metres to a point on the northern boundary of Lot 58 on FT556 with approx. MGA co-ordinates of 768206.0mE, 7123995.4mN

thence by a line bearing 98° 07' 20" for a distance of 12301.467 metres generally along the northern boundary of Lot 58 on FT556, across Kabunga Road through Lot 72 on FT590, Lots 39 and 40 on FT503, Lot 41 on CP857459 and Lot 42 on FT505 to the eastern boundary of Lot 42 on FT505 and the western boundary of Grosmont Road with approx. MGA co-ordinates of 780384.1mE, 7122257.5mN

thence on a bearing of 123° 11' 40" for a distance of 6466.635 metres across Grosmont Road, through Lot 43 on FT506, Lot 52 on FT830, Lots 44 and 51 on FT507, and Lot 45 on FT507 to the south eastern corner of that lot

thence by a line bearing 145° 19' 55" for a distance of 4740.536 metres through Lot 50 on FT508 across Booral Road through Lot 30 on FT491, "O" Road and Lot 48 on FT573 to a point on the eastern boundary of that lot with approx MGA co-ordinates of 788492.0mE, 7114818.2mN

thence by a line bearing 157° 53' 35" for a distance of 562.802 metres along and coincident with that boundary back to the point of commencement

The area of land under application is : **17,211 ha**

The name of the lease is : **WANDOAN No. 1**

The Surface Area required is : **Whole**

Bearings are approx MGA – subtract 9° 54' for Magnetic

**METES DESCRIPTION
MGA**

Commencing at the Datum Post thence

241° 43' 45"	1623.613
233° 20' 20"	3419.102
305° 44' 35"	789.139
263° 03' 50"	3559.755
292° 50' 50"	1977.086
287° 40'	3479.328
267° 26' 25"	3267.129
332° 47' 25"	5424.225
291° 25' 40"	2668.517
1° 10' 15"	923.683
16° 20' 25"	4249.709
98° 07' 20"	12301.467
123° 11' 40"	6466.635
145° 19' 55"	4740.536
157° 53' 35"	562.802

back to the point of commencement.

**METES DESCRIPTION
MAGNETIC**

Commencing at the Datum Post thence

231° 49' 45"	1623.613
223° 26' 20"	3419.102
295° 50' 35"	789.139
253° 09' 50"	3559.755
282° 56' 50"	1977.086
277° 46'	3479.328
257° 32' 25"	3267.129
322° 53' 25"	5424.225
281° 31' 40"	2668.517
351° 16' 15"	923.683
6° 34' 25"	4249.709
88° 13' 20"	12301.467
113° 17' 40"	6466.635
135° 25' 55"	4740.536
147° 59' 35"	562.802

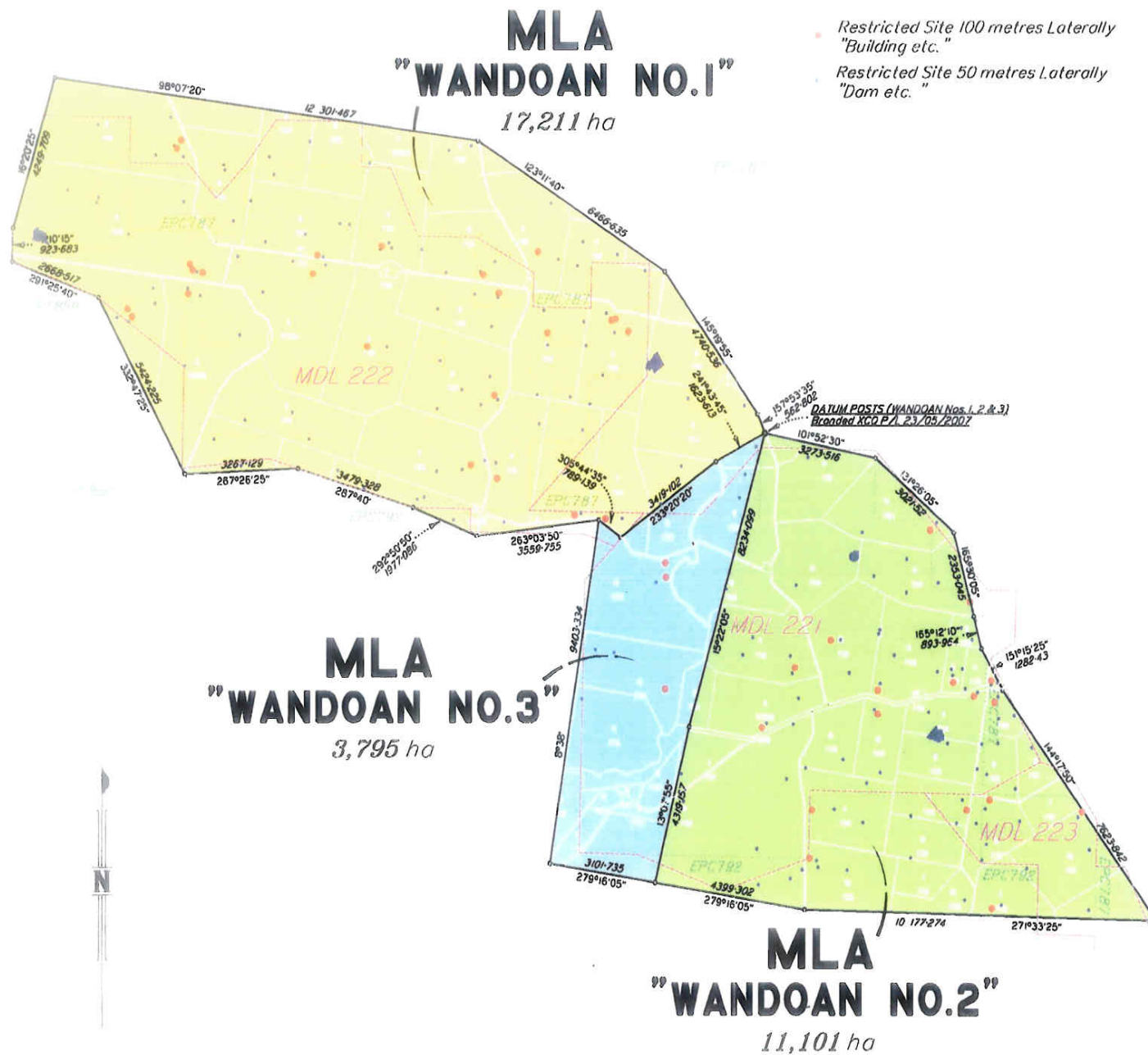
back to the point of commencement.

MINING LEASE APPLICATION - WANDOAN NO. 1
OWNERS DETAILS

Lot	Plan	Owner	Address
25	CP849188	Neg Holdings Pty Ltd	1763 Bundi Road Wandoan Qld
41	CP857459	Ivan W & Tracee A Hay	'Canadian Vale' Taroom
38	CP899702	Patrick M & Helen J Devlin	'Carmody Downs' Wandoan Qld
40	CP899702	Reserve For Local Government (Environmental Protection) PurPOses Taroom Shire Council As T'Tee	Taroom Shire Council As Ttee
20	FT464	Eric Keith Bahnisch	'Arrunga' Wandoan
28	FT467	Rodger J & Janice A Wilson	Orana Park' MS 865 Moura Qld
29	FT467	Colin Russell & June Henry The Peaks	Wandoan Qld
30	FT468	Robert C & Caryl L Loveday	'Ashley Downs' Wandoan
34	FT480	Thomas W & Janice A Edmonds	'Turraden' Wandoan
25	FT481	Ivan William & Tracee Anne Hay	'Canadian Vale' Taroom Qld
29	FT490	Niobe I Gadsby, Denella M James Clinton T James	'Anabi' Wandoan Qld
34	FT490	John Gerard Erbacher	'East Lynne' Wandoan Qld
30	FT491	Brian R,Frances M,Robert W Sands Brian R Sands T'Ee Keith A Sands	'Avalon' Wandoan
21	FT493	Adrian Ross Sharp	'Anchorbar' Wandoan
36	FT493	Sky Grove Pty Ltd As T'Tee For The Cowan Keys Family Trust	Yurnga' MS 277A Taroom
37	FT494	Brian L & Marie E Westman	'Dandaloo' Wandoan Qld
39	FT503	Mark A & Tania M Bahnisch	'Ellen Vale' Wandoan
40	FT503	Jeffery A & Jacqueline M Dann	'Kembla Downs' Wandoan Qld
55	FT503	Colin E & Terri S Boyce Everest	Wandoan Qld
71	FT503	Unallocated State Land	
54	FT504	Alfred M Cann, Wayne M Cann & Alwyn M Cann	Burgoo Vale' MS 57 Chinchilla Qld
42	FT505	Brendan J & Sylvia B Raleigh	'Alcheringa' Wandoan
53	FT505	Eric K & Marilyn J Bahnisch	'Arrunga' Wandoan
43	FT506	Patrick G & Julie M Thornton	'Grosmont' Wandoan
44	FT507	Raymond E Porter	'Rotherfield' Wandoan
45	FT507	Shirley E Hawkins & Cindergrove Pty Ltd T'Tee For Hawkins Family Trust	PO Box 55 Taroom Qld
51	FT507	Roderick D & Susan M Hay	'Pinnacle' Taroom Qld
50	FT508	Michael L & Frances E Trisley	'Windermere' Wandoan Qld
58	FT556	Denis C & Jill M Conway	'Currawong' Taroom Qld
59	FT556	Alfred M & Colleen A M & Wayne M Cann	'Burgoo Vale' Chinchilla
48	FT573	Darryl Robert Waugh	'Wodonga' Wandoan
35	FT575	Thomas W & Janice A Edmonds	'Turraden' Wandoan
36	FT575	Keith John POwell	'Binghi' Wandoan Qld
37	FT575	Cowan W & Helen M Keys	'Yumga' Taroom Qld

MINING LEASE APPLICATION - WANDOAN NO. 1
OWNERS DETAILS

72	FT590	James R, John G & Bill A Speed & Annemarie T Radel	'Brig-O-Doon' Wandoan Qld
4	FT758	Phillip Mp & Phillip J & Dean J Anderson	'Windsor Park' Boulia Qld
55	FT826	Darryl Robert Waugh	'Wodonga' Wandoan
52	FT830	Alan B POstle	'Sylvan Hill' Wandoan Qld
35	FT987	Kevin J Erbacher	'Tamarra' Wandoan
56	FT987	Juandah Water Board	
18	SP127560	Robert G & Terri L AdaMS	'Kingswood' Taroom Qld
Various	Roads	The State Government of Qld (Dept of Natural Resourecs and Water)	



CLIENT
XSTRATA COAL LTD

PROJECT
WANDOAN MINE PROJECT
WANDOAN, QUEENSLAND

TITLE
MINING LEASE APPLICATIONS
RESTRICTED SITES

REAL PROPERTY DESCRIPTION
VARIOUS LOTS
COUNTY OF FORTESCUE

LOCATION
WEST OF THE TOWN OF WANDOAN
WANDOAN, QUEENSLAND

LOCAL AUTHORITY
TAROOM SHIRE COUNCIL

SCALE 1:112500

- NOTES
1. BEARINGS APPROXIMATELY MGA, SUBTRACT 9°54'00" TO OBTAIN MAGNETIC BEARINGS.
 2. ALL CORNERS ARE MARKED WITH 100 x 100mm APPLICATION POSTS PAINTED WHITE AND BRANDED "XCQ P/L 23/05/2007".

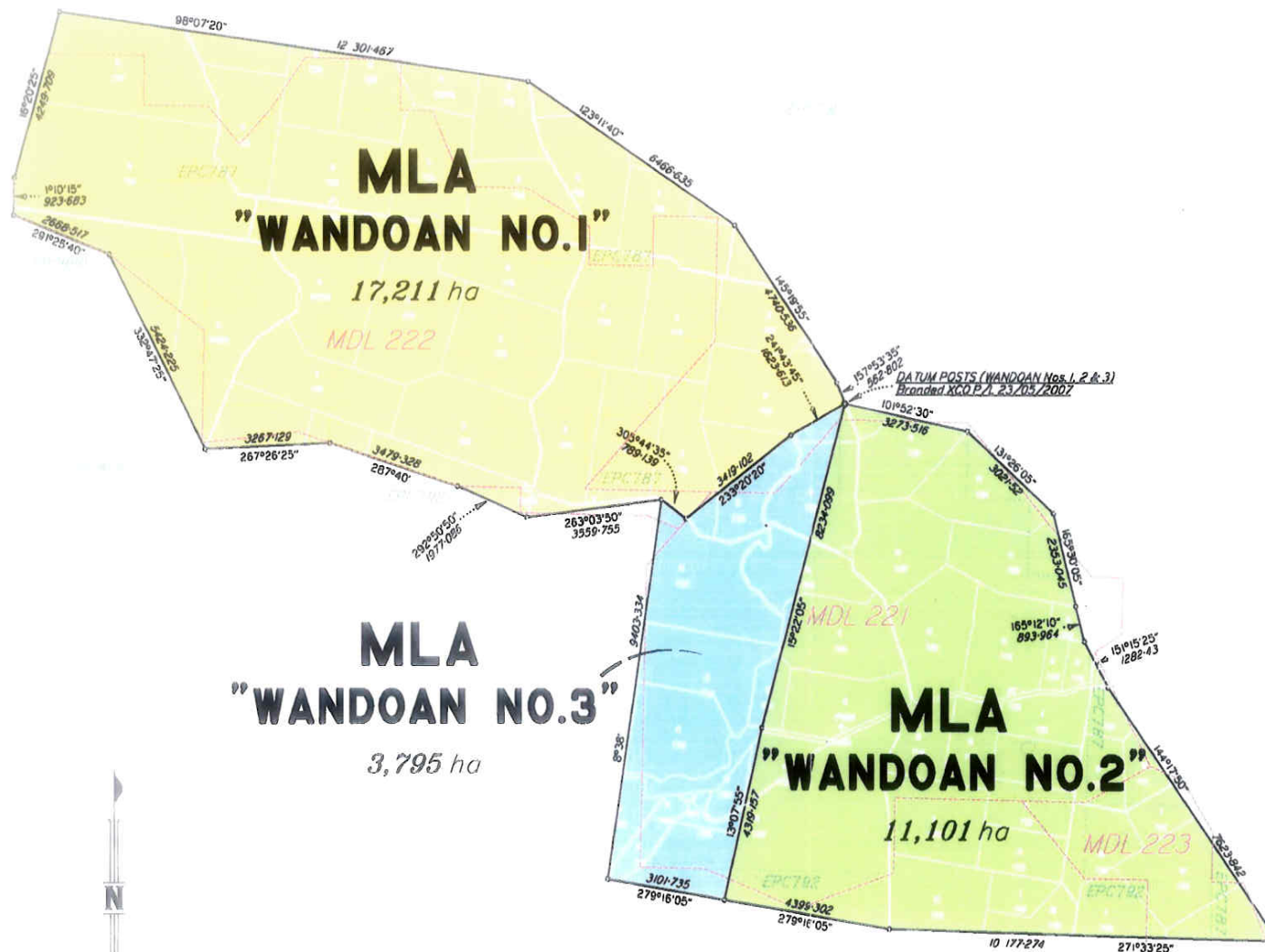


COTTRELL CAMERON & STEEN
SURVEYS PTY. LTD.
ACN 050 375 610

LICENSED SURVEYORS
LAND DEVELOPMENT AND
MAPPING CONSULTANTS

Building 10B, Technology Office Park
107 Miles Platting Road
Eight Mile Plains, QUEENSLAND 4113
P.O. BOX 4104, Eight Mile Plains, 4113
PHONE (07) 3340 9700
FAX (07) 3841 8077
EMAIL cossurveys@ccssurveys.com.au

DATE 14/05/07 DRAWING NUMBER 9217-03



Scale 1:112500 ~ Lengths are in Metres.

2000 0 2000 4000 6000 8000 10000 12000 14000 16000

CLIENT
XSTRATA COAL LTD

PROJECT
WANDOAN MINE PROJECT
WANDOAN, QUEENSLAND

TITLE
MINING LEASE APPLICATIONS
WANDOAN MINE PROJECT

REAL PROPERTY DESCRIPTION
VARIOUS LOTS
COUNTY OF FORTESCUE

LOCATION
WEST OF THE TOWN OF WANDOAN
WANDOAN, QUEENSLAND

LOCAL AUTHORITY
TAROOM SHIRE COUNCIL

SCALE 1:112500

NOTES

1. BEARINGS APPROXIMATELY MGA, SUBTRACT 9°54'00" TO OBTAIN MAGNETIC BEARINGS.
2. ALL CORNERS ARE MARKED WITH 100 x 100mm APPLICATION POSTS PAINTED WHITE AND BRANDED "XCO P/L 23/05/2007".



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EMAIL ccssurveys@ccssurveys.com.au

DATE
14/05/07

DRAWING NUMBER
9217-02



APPLICATION FOR MINING LEASE

Section 245

Mineral Resources Act 1989

Form Number MRA-15 Version Number 2

The Queensland Government introduced Information Standard 42 - Information Privacy to establish a framework for the responsible collection and handling of personal information in the Queensland government public sector. Please refer to the section at the end of this form entitled "Privacy Statement" which provides details about why the personal information on this form is being collected and how it will be handled.

The completed original of this application and any attachments, must be submitted with the prescribed fee at the Office of the Mining Registrar for the mining district in which the land is situated.

The document submitted must first be accepted by the Mining Registrar as an application for a mining lease under the provisions of section 81 of the *Mineral Resources Regulation 2003* before registration.

Please print clearly in ink and use block letters.

All prescribed forms under the *Mineral Resources Act 1989* are available through the internet on www.nrm.qld.gov.au.

1. APPLICANT DETAILS

Company Name/Surname 1.1 XSTRATA COAL QUEENSLAND PTY LTD

Given Name(s) 1.2

ACN (if company) 1.3 ABN 69 098 156 702 Percentage 1.4 75 %

Company Name/Surname 1.1 ICRA RPW PTY LTD

Given Name(s) 1.2

ACN (if company) 1.3 ABN 48 106 260 619 Percentage 1.4 12.5 %

Company Name/Surname 1.1 SUMISHO COAL AUSTRALIA PTY LTD

Given Name(s) 1.2

ACN (if company) 1.3 ABN 30 061 524 249 Percentage 1.4 12.5 %

Company Name/Surname 1.1

Given Name(s) 1.2

ACN (if company) 1.3 Percentage 1.4 %

2

GUIDE FOR APPLICANTS**Question 1.5**

The total must not exceed 100% of the available area details. Please tick the box and select the appropriate percentage.

Question 1.6

One person must be shown as the nominated applicant upon whom any notice may be served on behalf of the applicant.

Question 1.7

Specify the address of the nominated applicant.

Question 1.8

Specify the phone number of the nominated applicant.

Question 1.9

Specify the fax number of the nominated applicant.

Question 1.10

Specify the email address of the nominated applicant.

Question 2.1

Timing is essential for the application. The application for one of the following permits must be lodged with the relevant authority within the specified time frame. Please tick the box and provide the number and expiry date of the permit.

Question 2.2

Tick the box and provide the number and expiry date of the permit. If the permit is held by another person, please provide the name and address of that person.

Question 2.3

Tick the box and provide the number and expiry date of the permit. If the permit is held by another person, please provide the name and address of that person.

Question 2.4

Tick the box and provide the number and expiry date of the permit. If the permit is held by another person, please provide the name and address of that person.

Question 2.5

Tick the box and provide the number and expiry date of the permit. If the permit is held by another person, please provide the name and address of that person.

Question 2.6

Tick the box and provide the number and expiry date of the permit. If the permit is held by another person, please provide the name and address of that person.

Question 2.7

Tick the box and provide the number and expiry date of the permit. If the permit is held by another person, please provide the name and address of that person.

Question 2.8

Tick the box and provide the number and expiry date of the permit. If the permit is held by another person, please provide the name and address of that person.

Question 2.9

Tick the box and provide the number and expiry date of the permit. If the permit is held by another person, please provide the name and address of that person.

Company Name/Surname

1.1

Given Name(s)

1.2

ACN (if company)

1.3

Percentage

1.4

%

Total Percentage

1.5

100

%

Nominated Person

1.6

Klevas Rudzinskas

Address

1.7

Level 10, Riverside Centre
Brisbane, Qld 4000

Phone Number

1.8

(07)

3115 5318

Fax Number

1.9

(07)

3115 5412

E-mail

1.10

krudzinskas@xstratacoal.com.au

2. PRE-REQUISITE TENURE DETAILS

What pre-requisite tenure do you hold over this area?

		Tick	Number(s)	Expiry Date(s)
2.1	Prospecting Permit	☐	* Renewal lodged!	1
2.2	Exploration Permit(s)	Mineral ☐ Coal ☒	*787 792	24/02/2006 24/02/2011
2.3	Mineral Development Licence(s)	Mineral ☐ Coal ☒	*221 223	31/12/2006 31/12/2011
2.4	Conditionally surrendered Mining Claim	☐		/ /
2.5	Conditionally surrendered Mining Lease	☐		/ /

Is the land applied for situated within a granted Exploration Permit, Geothermal Exploration Permit or Mineral Development Licence **NOT** held by you?

2.6	YES ☐ NO ☐	If YES, please provide details on following page. If NO, go to Part 3.
-----	--	--

Company Name/Surname	1.1					
Given Name(s)	1.2					
ACN (if company)	1.3		Percentage	1.4	%	
			Total Percentage	1.5	100	%

Nominated Person	1.6	ROB THATCHER		
Address	1.7	LEVEL 10, RIVERSIDE CENTRE, BRISBANE QLD, 4001		
Phone Number	1.8	(07)	31155363	
Fax Number	1.9	(07)	31155420	
E-mail	1.10	robt@hotmail.net.au		

2. PRE-REQUISITE TENURE DETAILS

What pre-requisite tenure do you hold over this area?

		Tick	Number(s)	Expiry Date(s)
2.1	Prospecting Permit	☐		/ /
2.2	Exploration Permit(s)	Mineral ☐ Coal ☒	EPC792	24 / 02 / 2011
2.3	Mineral Development Licence(s)	Mineral ☐ Coal ☒	MDL221	31 / 12 / 2006
2.4	Conditionally surrendered Mining Claim	☐		/ /
2.5	Conditionally surrendered Mining Lease	☐		/ /

Is the land applied for situated within a granted Exploration Permit, Geothermal Exploration Permit or Mineral Development Licence NOT held by you?

2.6	YES ☐ NO ☒	If YES, please provide details on following page. If NO, go to Part 3.
-----	---	--

GUIDE FOR
APPLICANTS

Question 2.7 (2.1)
What is the date and time the land was marked out?

Question 2.8

What is the date and time the land was marked out?
What is the date and time the land was marked out?
What is the date and time the land was marked out?
What is the date and time the land was marked out?
What is the date and time the land was marked out?

Question 2.9
What is the date and time the land was marked out?

Question 3.1

What is the date and time the land was marked out?
What is the date and time the land was marked out?
What is the date and time the land was marked out?
What is the date and time the land was marked out?
What is the date and time the land was marked out?

Question 3.2

What is the date and time the land was marked out?

Question 3.3

What is the date and time the land was marked out?
What is the date and time the land was marked out?
What is the date and time the land was marked out?
What is the date and time the land was marked out?
What is the date and time the land was marked out?

Question 3.4

What is the date and time the land was marked out?

Question 3.5

What is the date and time the land was marked out?

Question 3.6

What is the date and time the land was marked out?
What is the date and time the land was marked out?
What is the date and time the land was marked out?
What is the date and time the land was marked out?
What is the date and time the land was marked out?

		Tick		Number(s)	Expiry Date(s)
		Mineral	Coal		
2.7	Exploration Permit(s)	☐	☐		/ /
2.8	Mineral Development Licence(s)	☐	☐		/ /
2.9	Geothermal Exploration Permit	☐			/ /

3. APPLICATION DETAILS

What is the date (3.1) and time (3.2) the land was marked out?

3.1	23 May, 2007	
3.2	Five (5)	☐ AM ☒ PM

Term applied for

3.3

35

years

What are the reasons for the term nominated?

3.4	TO FULLY EXPLOIT RESERVES AND COMPLETE MINE REHABILITATION AND FOR LONG TERM SUPPLY FOR POWER GENERATION
-----	--

Size of area applied for

3.5

11,101

ha

Give reasons why the mining lease should be granted over the area and shape of the land applied for.

3.6	TO ECONOMICALLY AND FULLY RECOVER COAL RESERVES, ALLOW FOR OVERBURDEN REMOVAL AND COAL HAULAGE AND TO MEET ENVIRONMENTAL OBLIGATIONS
-----	--

What is the general locality of this application?

3.7	APPROXIMATELY 1 to 3KM WEST OF THE TOWN OF WANDOAN
-----	--

What is the name of the Mining Lease?

3.8	WANDOAN NO. 2
-----	---------------

What is the local government area(s) in which the land applied for is situated?

3.9	TAROOM SHIRE COUNCIL
-----	----------------------

Specify the minerals and/or purpose for which this mining lease is sought?

3.10 COAL MINING

Note: If this mining lease is for either coal, oil shale or for a specific purpose associated with coal or oil shale mining, you must also complete "Form MRA-16 – Additional Information for Coal or Oil Shale Mining Lease Application" and lodge this form and all related documents together with this application.

Is the land within an approved opal or gem mining area?

3.11 YES ☐ NO ☒

Is the application solely for infrastructure facilities associated with mining? (e.g. Workshops, administration buildings)

3.12 YES ☐ NO ☒

4. NATIVE TITLE

Do you believe that the application are (including any access land) is over land tenures that may be subject to Native Title?

4.1 YES ☒ NO ☐ If YES, go to Question 4.2.
If NO, go to Question 5.1

If the land applied for is over land tenures where native title may still exist, is the land applied for subject to an Indigenous Land Use Agreement (ILUA)?

4.2 YES ☐ NO ☒

5. RESTRICTED LAND

Are there any permanent buildings or relevant features within the boundaries of the land applied for or within the prescribed distances laterally of the boundaries?

5.1 YES ☒ NO ☐ If YES, go to Question 5.2.
If NO, go to Question 6.

Do you have the written consent of the owner(s) of the Land containing those permanent buildings or relevant fixtures to the land being applied for in the mining lease?

5.2 YES ☐ NO ☒

Consent is required (also refer to Part 6 Reserve Land)

What are those permanent buildings or relevant fixtures?

5.3 HOUSES, SHEDS, YARDS, MAN MADE DAMS

6. RESERVE LAND

Is the application over land that is a reserve?

6.1	YES ☐	NO ☒
-----	------------------------------	--

Please specify the details of the reserve over which the mining lease is being applied for. Include the owner's name and contact details.

6.2	
-----	--

Do you have written consent of the owner(s) of the reserve?

6.3	YES ☐	NO ☐
-----	------------------------------	-----------------------------

If NO, what action has been taken to obtain such written consent?

6.4	
-----	--

7. BACKGROUND LAND TENURE DETAILS

Describe the land parcels that are the subject of the application for mining lease:

Lot Number	7.1		Plan Number	7.2	
------------	-----	--	-------------	-----	--

Land Tenure Type	7.3	SEE ATTACHED LISTING
------------------	-----	----------------------

Current Usage	7.4	
---------------	-----	--

Owner's Name	7.5	
--------------	-----	--

Owner's Address	7.6	
-----------------	-----	--

Lot Number	7.1		Plan Number	7.2	
------------	-----	--	-------------	-----	--

Land Tenure Type	7.3	
------------------	-----	--

Current Usage	7.4	
---------------	-----	--

Owner's Name	7.5	
--------------	-----	--

Owner's Address

7.6

Lot Number

7.1

Plan Number

7.2

Land Tenure Type

7.3

Current Usage

7.4

Owner's Name

7.5

Owner's Address

7.6

Describe the land parcels over which access to the application for mining lease is required.

Lot Number

7.1

Plan Number

7.2

Land Tenure Type

7.3

Current Usage

7.4

Owner's Name

7.5

Owner's Address

7.6

Lot Number

7.1

Plan Number

7.2

Land Tenure Type

7.3

Current Usage

7.4

Owner's Name

7.5

Owner's Address

7.6

GUIDE FOR APPLICANTS

Question 8.1

A mining lease cannot be granted unless compensation has been agreed to by the miner and the relevant owner of the land or determined by the Land and Resources Tribunal. Access land is also subject to the compensation requirements of the Act.

Any compensation agreement must be signed by all parties, stamped by the Office of State Revenue and filed with the Mining Registrar.

Question 8.2

Compensation is not required if the background land tenure is "Unallocated State Land" or is owned by the applicant. If the applicant is the owner, proof of ownership is required to be lodged with the application.

Question 9.1

Fully describe the reference/start point of the land so that it can be accurately located, e.g. The intersection of Sandy Creek and the Gulf Development road.

Question 9.2

Indicate which corner the datum post is located, e.g. NW corner.

Question 9.3

Enter description of the reference start point. In describing the reference point, all bearings are to be magnetic. If there is insufficient space, please attach a list.

Question 9.4

Enter the compass bearing taken along the centreline of the reference/start point.

Question 9.5

Enter the distance, in metres, of the reference/start point on the compass bearing.

Question 9.6

Enter description of the point where the access meets the boundary of the tenure.

8. COMPENSATION AGREEMENT DETAILS

Is a compensation agreement required?

8.1	YES ☒ NO ☐	If YES, go to Question 9.1. If NO, go to Question 8.2.
-----	---	---

Why is a compensation agreement not required?

8.2	
-----	--

9. LOCATION DESCRIPTION

Describe the location of the Reference/State Point of the land applied for (preferably a GPS point).

9.1	REFER ATTACHED DESCRIPTION
-----	----------------------------

In which corner of the lease is the Datum Post located? (e.g. NW corner)

9.2	MOST NORTHERLY CORNER
-----	-----------------------

Describe the connection from the Reference/Start Point to the Datum Post:

Commencing from the reference start point

9.3	
-----	--

At a bearing of

9.4	
-----	--

for a distance of

9.5

--

metres, thence

at a bearing of

9.4	
-----	--

for a distance of

9.5

--

metres, thence

at a bearing of

9.4	
-----	--

for a distance of

9.5

--

metres, thence

to the Datum Post

9.6	
-----	--

GUIDE FOR APPLICANTS

Question 9.7

The posts used to mark out the mining lease must have the applicant's initials along with the date of marking out. Indicate the initials and date marked on each post (Refer to section 241 of the *Mineral Resources Act 1989*).

What are the markings on all the posts? E.g. S.J.Black (1-6-05)

9.7	XCQPL 23 MAY 2007
-----	-------------------

Question 10

You must describe the boundaries of the mining lease by accurately measured distances and compass bearings. All bearings are to be magnetic and clockwise and the description should indicate any abutments, for example, a bearing of 90° 00' for a distance of 100 metres to and abutting the western boundary of ML 70045.

You must also include a sketch map, or other graphic representation acceptable to the Mining Registrar setting out the boundaries of the land being applied for and the land required as access. This map should also show any mining claims, mineral development licences, or mining leases (or applications for the grant of one of these) within the boundaries of the land being applied for.

Please attach a separate list if insufficient space.

Question 10.1

Enter description of the external boundary of the mining lease.

Question 10.2

Enter the compass bearing taken.

Question 10.3

Enter the distance, in metres, to the next post.

Question 10.4

Enter description, e.g. North West Corner... etc.

Question 11.1 & 11.2

If there is existing mining tenure (or prior application for grant of mining tenure) wholly within this application, you are required to complete Question 11.2.

10. EXTERNAL BOUNDARY DESCRIPTION

Describe the external boundaries of the land applied for:

Commencing from the Datum Post 10.1

At a bearing of 10.2 for a distance of

10.3 metres, to 10.4 then

at a bearing of 10.2 for a distance of

10.3 metres, to 10.4 then

at a bearing of 10.2 for a distance of

10.3 metres, to 10.4 then

at a bearing of 10.2 for a distance of

10.3 metres, to 10.4 then

at a bearing of 10.2 for a distance of

10.3 metres, to 10.4 then

at a bearing of 10.2 for a distance of

10.3 metres, to 10.4 then

at a bearing of 10.2 for a distance of

10.3 metres, to 10.4 then

at a bearing of 10.2 for a distance of

10.3 metres, to 10.4 then

at a bearing of 10.2 for a distance of

10.3 metres, back to the point of commencement.

GUIDE FOR APPLICANTS

Question 11.3 to 11.6

If there is a mining claim, mineral development licence or mining lease or an application for one of these tenements already within the area you are applying for, then the datum post or commencement post of the mining claim, mineral development licence or mining lease (or applications) must be related to the commencement point of your mining lease application by accurately measured distances and compass bearings.

The Mining Registrar may accept alternative methods instead of measured distances and bearings where these are more accurate.

All bearings are to be magnetic and the description should indicate any abutals. For example, "at a bearing of 90° 00' for a distance of 100 metres to the..."

Please attach a separate list if insufficient space.

Question 11.7 to 11.10

All bearings are to be magnetic and clockwise and the description should indicate any abutals, for example, "at a bearing of 90° 00' for a distance of 100 metres to the western boundary of ML 70045".

Please attach separate list if insufficient space.

11. INTERNAL BOUNDARY CONNECTION AND DESCRIPTION

Is there an existing mining tenure (or prior application for grant of a mining tenure) wholly within this application?

11.1	YES ☐ NO ☒	If YES, go to Question 11.2. If NO, go to Question 12.
------	---	---

Provide the tenure details of existing mining tenure:

11.2	Tick		Number(s)	Expiry Date(s)
Exploration Permit(s)	Mineral ☐	Coal ☐		/ /
Mineral Development Licence(s)	Mineral ☐	Coal ☐		/ /
Geothermal Exploration Permit	☐			/ /

Describe the connection from the Commencement Point of this application to the Datum Post/commencement point of Mining Claim/Mining Lease/Mineral Development Licence.

From the Commencement Point of this application

11.3	
------	--

at a bearing of 11.4 for a distance of

11.5		metres, to	11.6		then
------	--	------------	------	--	------

at a bearing of 11.4 for a distance of

11.5		metres, to	11.6		then
------	--	------------	------	--	------

at a bearing of 11.4 for a distance of

11.5		metres, to	11.6		then
------	--	------------	------	--	------

at a bearing of 11.4 for a distance of

11.5		metres, to the Datum Post/Commencement Point of the
------	--	---

Mining Claim/Mining Lease/Mineral Development Licence.

Describe the external boundaries of Mining Claim/Mining Lease/Mineral Development Licence referred to above.

Commencing from the Datum Post/Commencement Point in the

11.7		corner of Mining Claim/Mining Lease/Mineral Development Licence
------	--	---

at a bearing of 11.8 for a distance of

11.9		metres, to	11.10		then
------	--	------------	-------	--	------

GUIDE FOR APPLICANTS

Question 12.1 to 12.3

It is not necessary to mark out the boundary of the surface area if part only of the surface is going to be included in your application. However, the boundary of the surface area must be described by measuring the distance on the ground and by taking compass bearings. The description must be related to a boundary post by accurately measured distances and compass bearings.

Question 12.4 to 12.7

All bearings are to be magnetic.

Please attach separate list if insufficient space.

at a bearing of for a distance of metres, to then

at a bearing of for a distance of metres, to then

at a bearing of for a distance of metres, back to the point of commencement.

12. SURFACE AREA CONNECTION AND DESCRIPTION

Is surface area required?

12.1	YES ☒ NO ☐	If YES, go to Question 12.2. If NO, go to Question 12.12.
------	---	--

Why is surface area required?

12.2	MINING, OPENCUT PIT, OVERBURDEN DUMPS, WATER MANAGEMENT DAMS, SUPPORT INFRASTRUCTURE
------	--

Is the whole or part of the surface area required?

12.3	Whole ☒ Part ☐	ha (read below)
If Whole Surface Area is required, go to Question 14.		

Describe the connection from a Datum Post of this application to the initial corner of the surface area.

Commencing from the Corner corner of this application

at a bearing of for a distance of metres, to then

at a bearing of for a distance of metres, to then

at a bearing of for a distance of metres, to then

at a bearing of for a distance of metres, to the initial corner of the surface area.

GUIDE FOR APPLICANTS

Question 12.8 to 12.11

All bearings are to be magnetic.

Please attach separate list if insufficient space.

Describe the Surface Area of the land being applied for.

Commencing from the initial corner of the surface area

12.8

at a bearing of

12.9

for a distance of

12.10

metres, to

12.11

then

at a bearing of

12.9

for a distance of

12.10

metres, to

12.11

then

at a bearing of

12.9

for a distance of

12.10

metres, back to the point of commencement.

Question 12.12

If no surface area is required to gain access to the area applied for in this application, provide details of your adjoining mining lease(s) that will enable you to gain access to the proposed area.

12.12

If no surface area is required, give details of the adjoining granted mining lease(s) held by you that will enable you to gain access to the area applied for in this application.

Mining Lease Number(s)

Holder Name(s)

Question 13

Please provide a description of all parcels of land, including easements, the whole or part of which are required for access to the mining lease. It is necessary to provide the landowner's name and address for each parcel of land covered by the proposed access.

Please attach list if insufficient space.

You can obtain this information from an NRMW service centre.

Question 13.1

If you answered YES, complete Question 13.2.

If you answered NO, go to Question 13.3.

Question 13.2

Upon answering Question 13.2, go to Question 13.8.

Question 13.3

Insert the width of the access required in metres.

13. ACCESS LAND DETAILS

Is access to this mining lease via a dedicated road that is within or abutting the mining lease area?

13.1

YES



NO



If YES, go to Question 13.2.
If NO, go to Question 13.3.

What is the description of the dedicated road to be used for access?

13.2

Access is via a 60m wide road known locally as Jackson - Wandoan Road which traverses ML Wandoan No. 2

What is the description of the access?

Width of Access required

13.3

metres.

GUIDE FOR APPLICANTS

Question 13.4

Insert the description of the start point, e.g. At a point on the Mt Mulligan Road 2.15km NE of the Sandy Creek crossing at co-ordinates.....

What is the description of the start point?

13.4

What is the description of the end point?

13.5

Question 13.5

Insert the description of the end point, e.g. The Southern boundary of the mining lease.

Question 13.6

Enter the compass bearings taken along the centreline of the access.

Question 13.7

Enter the distance, in metres, of the access route on the compass bearing.

Commencing from the start point, thence along the centreline

At a bearing of 13.6 for a distance of

13.7 metres, thence

at a bearing of 13.6 for a distance of

13.7 metres, thence

at a bearing of 13.6 for a distance of

12.7 metres, thence

at a bearing of 12.6 for a distance of

13.7 metres, thence

at a bearing of 13.6 for a distance of

13.7 metres, thence

at a bearing of 13.6 for a distance of

13.7 metres, thence

at a bearing of 13.6 for a distance of

13.7 metres, thence

at a bearing of 13.6 for a distance of

13.7 metres, thence to the end point.

GUIDE FOR APPLICANTS

Question 13.8

Specify the lot number of parcel over which access is required. Details can be obtained from the local council.

Question 13.9

Specify the plan on which the parcel of land appears. Details are available from the local council.

Question 13.10

Insert the land tenure type, e.g. freehold, special lease, pastoral holding.

Question 13.11

What is the land currently used for?

Question 13.12

Specify the person(s) or company who owns the land parcel. Details are available from the local council.

Question 13.13

Specify the address of the owner of the land parcel.

Describe the land parcels over which access to the application for mining claim is required:

Lot Number	13.8		Plan Number	13.9	
Land Tenure Type	13.10				
Current Usage	13.11				
Owner's Name	13.12				
Owner's Address	13.13				

Lot Number	13.8		Plan Number	13.9	
Land Tenure Type	13.10				
Current Usage	13.11				
Owner's Name	13.12				
Owner's Address	13.13				

Lot Number	13.8		Plan Number	13.9	
Land Tenure Type	13.10				
Current Usage	13.11				
Owner's Name	13.12				
Owner's Address	13.13				

GUIDE FOR APPLICANTS

Question 13.1

Enter the name of place where the application was signed, the day of the month, the month and the year when the form is signed.

Question 14.2

Insert full name of the applicant(s).

Question 14.3

Signature of applicant(s).

Question 14.4

Insert full name of Witness.

Question 14.5

Signature of Witness.

Execution of Documents by an Agent

If an agent or the holder of a power of attorney is signing a document, required to be lodged by an Act, on behalf of another, the agent or holder of the power of attorney must produce current, written evidence of their authority to act at the time of lodgement.

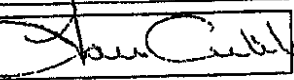
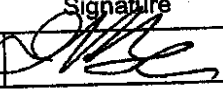
All of the holders of the tenure MUST execute the appointment of agent or the power of attorney for the appointment or power of attorney to be effective. A company signing an appointment of agent or power of attorney must do so in accordance with the corporation law and/or the articles of association of the company.

Question 14.1

Tick the appropriate boxes to indicate compliance.

13. SIGNATURES AND ENDORSEMENTS

We solemnly sincerely and truly affirm and declare that the information provided in this form is true and correct. We make this solemn declaration by virtue of the provisions of the Oaths Act 1867.

14.1	Signed at <u>Brisbane</u> this <u>11th</u> day of <u>MAY</u> , 2007	
14.2	<u>Ian Cribb</u>	14.3 
	<u>Chief Operating Officer</u>	
14.2		14.3
14.2		14.3
14.2		14.3
14.4	<u>ROSS BANNERMAN</u>	14.5 
	<u>Full name and title of Applicant(s)</u>	<u>Signature</u>
	<u>Full name of Witness</u>	<u>Signature of Witness</u>

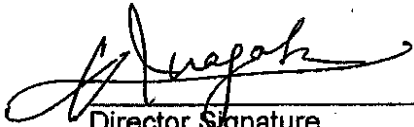
14. ACCOMPANIMENTS

The following must accompany this form:

14.1	Tick
• Completed Application for an Environmental Authority (Mining Activities)	☒
• (If your application is for a coal or oil shale mining lease) Completed MRA-16 Additional Information for Coal or Oil Shale Mining Lease Application Form	☒
• A statement: ○ Outlining the mining program proposed, outlining its method of operation, and providing an indication of when operations are expected to start or, if a mining program is not proposed, outlining the use proposed for the land and providing an indication of when the proposed use is to start. (Note: This information is not required if, under part 7AA, your application includes a proposed development plan that complies with the initial development plan requirements); and ○ Of proposals for infrastructure requirements necessary to enable the mining program to proceed, or additional activities to be carried on to work out the infrastructure requirements.	☐ ☒

EXECUTION PAGE 2 of 3

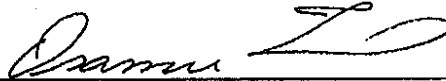
Executed by ICRA RPW Pty Limited in
accordance with section 127 of the
Corporations Act 2001 (Cth):



Director Signature

KAZUO (NAGAKI)

Print Name



Director/ Authorised Representative

SAMU TANO

Print Name

Dated this 23rd day of April 2007

EXECUTION PAGE 3 of 3

**Executed by Sumisho Coal Australia
Pty Limited** in accordance with section
127 of the Corporations Act 2001 (Cth):

Director Signature

Print Name

Director/ Authorised Representative

Print Name

Dated this 23rd day of April 2007

• A statement, acceptable to the Mining Registrar and separate from the state mentioned above, detailing the applicant's financial and technical resources.	☒
• Sketch map(s) or other graphic representation acceptable to the Mining Registrar setting out: ◦ the boundaries of the land the subject of this application; ◦ the proposed access; and ◦ any Mining Claim, Mineral Development Licence or Mining Lease (or application for grant of same) wholly within the land sought.	☒
• Proof of Identity of the Applicant's: ◦ Individual- Driver's Licence, passport, birth certificate ◦ Company- Certificate of Registration	☒
• The prescribed application fee	☒

15. PRIVACY STATEMENT

The Queensland Government introduced Information Standard 42 - Information Privacy to establish a framework for the responsible collection and handling of personal information in the Queensland government public sector.

The Department of Natural Resources, Mines and Water is collecting the information on this form to process your application for a mining claim. This is required by section 61 of the *Mineral Resources Act 1989* (the Act).

The Department is required to facilitate and regulate the carrying out of responsible mining activities and the development of a safe, efficient and viable mining industry in Queensland under the Act.

The Department maintains a Register under section 387 of the Act. This register contains information collected from a variety of sources, including application forms submitted under the Act. The particulars to be recorded in the register are prescribed in Part 11 of the *Mineral Resources Regulation 2003* (the Regulations).

Under section 68 of the Regulations, the public can inspect the Register between the hours of 8.30 am and 4.30 pm on business days, and anyone may take extracts from the register and acquire, upon payment of the prescribed fee, a copy of all or part of a notice, document or information held in the register. Information contained in the register includes (but is not limited to):

- the mining tenement number;
- the full name of the holder/s of the mining tenement;
- the annual rent for the mining tenement; and
- any permitted dealings relating to the mining tenement that are approved by the Minister.

Information collected on this form, whether or not it is contained in the Register, may be provided to other Queensland Government Agencies, where such disclosure is necessary for the effective management of the mineral resources and industry in Queensland. These agencies may include the Environmental Protection Agency, the Department of Primary Industries and Fisheries and the Department of Energy.

Where information provided is commercial in confidence, it will be treated as confidential and not included in the Register or be disclosed outside the agency unless the Department is legally required to do so.

For more information on Information Privacy, please contact the Privacy Contact Officer for the Department of Natural Resources, Mines and Water on (07) 389 63705.



ADDITIONAL INFORMATION FOR COAL OR OIL SHALE MINING LEASE APPLICATION

Section 245 and Part 7AA
Mineral Resources Act 1989
Form Number MRA-16 Version Number 2

OFFICIAL USE ONLY	
ML No.	
PART A	
Received AT	Received BY
DATE	TIME
/ /	AM PM

GUIDE FOR APPLICANTS

Question 1.1

You must determine whether any part of the application area of your Mining Lease is within the tenure area of a pre-existing petroleum lease or authority to prospect. If you have any doubt, visit the Department of Natural Resources, Mines and Water website www.nrm.qld.gov.au/mines (under Interactive Maps) which contains details of lands the subject of petroleum tenure. Details may also be obtained by contacting the Department of Natural Resources, Mines and Water direct.

Mining lease (coal) means a mining lease for coal, whether or not the lease specifies any other mineral to be mined, and whether or not the lease is for any additional purpose.

Mining lease (oil shale) means a mining lease for oil shale, whether or not the lease specifies any other mineral to be mined, and whether or not the lease is for any additional purpose.

Specific purpose mining lease (coal or oil shale) means a mining lease, other than a mining lease (coal or oil shale), granted under section 234(1)(b), if the purposes for which it is granted include a purpose that is associated with, arises from or promotes the activity of coal or oil shale mining.

Specific purpose mining lease (oil shale) means a mining lease, other than a mining lease (oil shale), granted under section 234(1)(b), if the purposes for which it is granted include a purpose that is associated with, arises from or promotes the activity of oil shale mining.

If you intend to apply for a mining lease for either coal, oil shale or for a specific purpose associated with coal or oil shale mining, Part 7AA of the *Mineral Resources Act 1989* places additional requirements on your application. These additional requirements apply regardless of the fact that the land being applied for is also subject to a petroleum lease or an application for the grant of a petroleum lease or an authority to prospect for petroleum, or if the land is adjacent to an existing petroleum tenure. In all cases you must complete this form and lodge it in conjunction with form "MRA-15 - Application for Mining Lease".

The Queensland Government introduced Information Standard 42 - Information Privacy to establish a framework for the responsible collection and handling of personal information in the Queensland government public sector. Please refer to the section at the end of this form entitled "Privacy Statement" which provides details about why the personal information on this form is being collected and how it will be handled.

This form and any attachments must be submitted in conjunction with a duly completed "MRA-15 - Application for Mining Lease" form.

Please print clearly in ink and use block letters.

All documents submitted must first be accepted by the Mining Registrar as an application for a mining lease under the provisions of section 81 of the *Mineral Resources Regulation 2003* before registration. All prescribed forms under the *Mineral Resources Act 1989* are available through the internet on www.nrm.qld.gov.au.

1. APPLICATION DETAILS

Is your mining lease application being made for coal or oil shale or a specific purpose (coal or oil shale) and is not within any petroleum tenure?

1.1	☐ YES	☒ NO
-----	------------------------------	--

If YES, your application must be accompanied by:

- a proposed *development plan* which complies with the initial development plan requirements (sections 318DT and 318DV).

If NO, go to Question 1.2

GUIDE FOR APPLICANTS

Question 1.2

Division 4 of Part 7AA applies if an ML application is being made in response to a preference decision made under section 319 of the *Petroleum and Gas (Production and Safety) Act 2004*.

An application of this type must be made within 6 months after the giving of the notice inviting the holder to apply for a mining lease for:

- If the preference is for all of the land—all of the land; or
- If the preference is for part of the land—that part.

Question 1.3

Division 2 of Part 7AA applies if an application for coal or oil shale is made over land within the area of an ATP and:

- the ML applicant is not the ATP holder;
- the ML application is not made jointly with the ATP holder;
- the ML application is not made with the ATP holder's written consent;
- the land is not in the area of a petroleum lease (PL) held by the ATP holder.

Division 2 imposes additional obligations on the ML applicant.

NOTE: Once your application has been lodged you must give a copy of it to the ATP holder within 10 business days of lodgement.

Question 1.4

Division 3 of Part 7AA applies if an application for coal or oil shale is made over land within the area of an ATP and:

- the applicant is the ATP holder; or
- the ATP holder has given written consent to the making of the application for the ML.

Under Division 3 there is no requirement to notify, consult or negotiate as the application is being made by, jointly with or with the consent of the ATP holder.

Question 1.5

Division 5 of Part 7AA applies if an application for coal or oil shale is made over land within the area of a Petroleum lease and:

- the ML applicant is not the Petroleum Lease holder
- the ML application is not made jointly with the Petroleum Lease holder

Under Division 5 an ML application can be split if the application includes land in the area of an ATP held by someone other than the applicant. The application can be split by the Minister either at the Minister's own wishes or at the request of the applicant.

Is your mining lease application being made in response to an invitation given under section 323 of the *Petroleum and Gas (Production and Safety) Act 2004*?

1.2	☐ YES	☒ NO
-----	------------------------------	--

If YES, your application must be accompanied by:

- a proposed **development plan** which complies with the initial development plan requirements (sections 318DT and 318DV).

If NO, go to Question 1.3

Is the area of your mining lease application within the area of an authority to prospect for petroleum, and is the mining lease application being made other than by or jointly with, or with the consent of the authority to prospect holder?

1.3	☒ YES	☐ NO
-----	---	-----------------------------

If YES, your application must be accompanied by:

- a **Coal Seam Gas (CSG) statement**;
- a proposed **development plan** that complies with the initial development plan requirements (sections 318DT and 318DV); and
- other information that addresses the **CSG assessment criteria**.

If NO, go to Question 1.4

Is the area of your mining lease application within the area of an authority to prospect, and is the mining lease application being made by or jointly with, or with the consent of the authority to prospect holder?

1.4	☐ YES	☐ NO
-----	------------------------------	-----------------------------

If YES, your application must be accompanied by:

- a **CSG statement**;
- a proposed **development plan** that complies with the initial development plan requirements (sections 318DT and 318DV); and
- other information that addresses the **CSG assessment criteria**.

If NO, go to Question 1.5

Is the area of your mining lease application within the area of a petroleum lease, and is the mining lease application being made other than by or jointly with the petroleum lease holder?

1.5	☐ YES	☐ NO
-----	------------------------------	-----------------------------

If YES, your application must be accompanied by:

- a **CSG statement**; and
- a proposed **development plan** that complies with the initial development plan requirements (sections 318DT and 318DV).

If NO, go to Question 1.6

GUIDE FOR APPLICANTS

Question 1.6

Division 6 of Part 7AA applies if an application for coal or oil shale is made over land within the area of a PL and:

- the ML applicant is the Petroleum Lease holder
- the ML application is made jointly with the Petroleum Lease holder.

Under Division 6 an ML application can be split if the application includes land in the area of an ATP held by someone other than the applicant. The application can be split by the Minister either at the Minister's own wishes or at the request of the applicant.

Is the area of your mining lease application within the area of a petroleum lease, and is the mining lease application being made by or jointly with the petroleum lease holder?

1.6	☐ YES	☐ NO
-----	------------------------------	-----------------------------

If YES, your application must be accompanied by:

- a **CSG statement**; and
- a proposed **development plan** that complies with the initial development plan requirements (sections 318DT and 318DV).

2. PRIVACY STATEMENT

The Queensland Government introduced Information Standard 42 - Information Privacy to establish a framework for the responsible collection and handling of personal information in the Queensland government public sector.

The Department of Natural Resources, Mines and Water is collecting the information on this form to process your application for a mining lease. This is required by section 245 and Part 7AA of the *Mineral Resources Act 1989* (the Act).

The Department is required to facilitate and regulate the carrying out of responsible mining activities and the development of a safe, efficient and viable mining industry in Queensland under the Act.

The Department maintains a Register under section 387 of the Act. This register contains information collected from a variety of sources, including application forms submitted under the Act. The particulars to be recorded in the register are prescribed in Part 11 of the *Mineral Resources Regulation 2003* (the Regulations).

Under section 68 of the Regulations, the public can inspect the Register between the hours of 8.30 am and 4.30 pm on business days, and anyone may take extracts from the register and acquire, upon payment of the prescribed fee, a copy of all or part of a notice, document or information held in the register. Information contained in the register includes (but is not limited to):

- the mining tenement number;
- the full name of the holder/s of the mining tenement;
- the annual rent for the mining tenement; and
- any permitted dealings relating to the mining tenement that are approved by the Minister.

Information collected on this form, whether or not it is contained in the Register, may be provided to other Queensland Government Agencies, where such disclosure is necessary for the effective management of the mineral resources and industry in Queensland. These agencies may include the Environmental Protection Agency, the Department of Primary Industries and Fisheries and the Department of Energy.

Where information provided is commercial in confidence, it will be treated as confidential and not included in the Register or be disclosed outside the agency unless the Department is legally required to do so.

For more information on Information Privacy, please contact the Privacy Contact Officer for the Department of Natural Resources, Mines and Water on (07) 389 63705.

ADDITIONAL INFORMATION FOR COAL OR OIL SHALE MINING LEASE APPLICATION INFORMATION SHEET

The information detailed below is only a summary of the provisions of Part 7AA of the Mineral Resources Act 1989. The mining lease applicant should read this Part in full to ensure compliance with all statutory obligations.

Initial Development Plan

A development plan must accompany every application for a coal or oil shale mining lease even if there is no overlap with petroleum tenure. The relevant provisions for development plans are contained in Division 9 of part 7AA of the *Mineral Resources Act 1989*. The specific requirements for a proposed development plan are detailed in section 318DT of the *Mineral Resources Act 1989*.

It is important to note that by lodging a compliant development plan, an applicant is not required to address the matters referred to in section 245 (1) (o) (iii) (A) of the *Mineral Resources Act 1989* (i.e. a statement outlining the mining program proposed, the method of operation etc.). This is because that information must now be included and addressed in the development plan submitted with the application. Section 318DV also requires that the development plan include a statement of how the effects on, and the interests of, any relevant overlapping or adjacent petroleum tenure holder have, or have not been considered having regard to:

- the main purposes of part 7AA; and
- the CSG assessment criteria, other than the initial development requirements.

All development plans must be approved by the Minister. If a development plan is not approved section 318DZ (2) requires that the ML application to be rejected. However, an applicant has a right of appeal from the Minister's decision to refuse the development plan under section 318EI. The appeal period is 20 days after the day the applicant is given the notice of the Minister's decision.

Departmental Guidelines for initial and later development plans are available at <http://www.nrm.qld.gov.au/mines/legislation/guidelines.html>.

CSG Assessment Criteria

The CSG Assessment Criteria include the following:

- the requirements of the *Petroleum and Gas (Production and Safety) Act 2004*, Chapter 9 (Safety);
- the initial development plan requirements;
- the legitimate business interests of the applicant and the authority to prospect for petroleum holder (*the parties*), including, for example, contractual obligations, the effect on, and use of, infrastructure or mining or production facilities and exploration expenditure on relevant overlapping tenure;
- the effect of the proposed mining lease on the future development of petroleum resources in the land, including for example, each of the following:
 - (i) the proposed timing and rate of coal or oil shale mining and the development of petroleum from the land;
 - (ii) the potential for the parties to make a coordination arrangement about:
 - (a) coal or oil shale mining and any incidental coal seam gas mining under the proposed mining lease; and
 - (b) petroleum production under any future petroleum lease over the land;
 - (iii) the attempts required of the applicant under *section 318AT(1)(b)*;
 - (iv) the economic and technical viability of the concurrent or coordinated coal or oil shale mining and the development of any petroleum from the land;
 - (v) the extent, nature and value of coal or oil shale mining and the development of any petroleum in the land; and
- the public interest in coal or oil shale mining and petroleum production from the land, having regard to the public interest.

Notification, consultation and negotiation requirements

Part 7AA places additional obligations on an applicant and the petroleum tenure holder to notify, consult and negotiate. The nature of these obligations depends on the extent of any overlap with existing or proposed petroleum tenure and whether the application is being made with or without the consent of the petroleum tenure holder. The obligations imposed under the various divisions of Part 7AA are listed below.

1. Where the ML application being applied for is over land within the area of an authority to prospect and:

- the ML applicant is not the authority to prospect holder;
- the ML application is not made jointly with the authority to prospect holder;
- the ML application is not made with the authority to prospect holder's written consent;
- the land is not in the area of a petroleum lease (PL) held by the authority to prospect holder

Once the application has been lodged you must give a copy of the completed mining lease application to the authority to prospect for petroleum holder within 10 business days after making the application. This copy of the application may exclude any part that relates to the statement detailing the applicant's financial and technical resources required under section 245(1)(o)(iv).

When this is done you as the applicant must:

- make reasonable attempts to consult with the ATP holder about the proposed development plan and, as negotiated, change the proposed development plan to incorporate reasonable provisions made by the ATP holder;
- make an appropriate arrangement (a testing arrangement) with the ATP holder about testing for petroleum production carried out, or proposed to be carried out by the ATP holder; and
- allow the ATP holder time to complete or commence testing they may have been conducting, or were planning to conduct, such as a production test, or exploratory work that they need to complete. This is in order for the ATP holder to have sufficient data to meet the requirements for making an application for a potential commercial area under the *Petroleum and Gas (Production and Safety) Act 2004*. This particular obligation is limited to 12 months.

Within 4 months after making the application you are required to lodge a written notice with the Mining Registrar about the following matters:

- the details of consultation with the ATP holder;
- the results of consultation with the ATP holder;
- any comments the applicant wishes to make about any submissions lodged by the ATP holder;
- any changes to the proposed development plan;
- if a testing arrangement has been made, the details of that arrangement;
- if a testing arrangement has not been made, the details of the attempts made to make the arrangement.
- the applicant's assessment of the potential of the applicant and the ATP holder to make a coordination arrangement about—
 - (i) coal or oil shale mining and any incidental coal seam gas mining under the proposed mining lease; and
 - (ii) petroleum production under any future PL over the land.

2. Where the ML application being applied for is over land within the area of an authority to prospect and:

- the applicant is the ATP holder; or
- the ATP holder has given written consent to the making of the application for the ML.

In this case there is no requirement to notify, consult or negotiate as the application is being made by, jointly with or with the consent of the ATP holder.

3. Where the ML application is being made in response to a preference decision made under section 319 of the *Petroleum and Gas (Production and Safety) Act 2004* then the notification, consultation and negotiation requirements and obligations do not apply.

4. Where the ML application being applied for is over land within the area of a petroleum lease and:

- the ML applicant is not the petroleum lease holder; and
- the ML application is not made jointly with the petroleum lease holder.

Once the application has been lodged you must give a copy of the completed mining lease application to the petroleum lease holder within 10 business days after making the application. This copy of the application may exclude any part that relates to the statement detailing the applicant's financial and technical resources required under section 245(1)(o)(iv).

After receiving a copy of the application the petroleum lease holder must use reasonable attempts to reach a coordination arrangement with you about the following matters—

- coal or oil shale mining and any incidental coal seam gas mining under the proposed ML;
- petroleum production under the PL for the land.

However, this obligation applies only to the extent that a coordination arrangement that provides the best resource use outcome without significantly affecting the parties' rights or interests is commercially and technically feasible for the petroleum lease holder. With applications of this type a Certificate of Public Notice (CPN) cannot be issued by the MR until the applicant has negotiated a proposed coordination agreement with the petroleum lease holder and the Minister has approved that arrangement. There must also be a safety and health management system that applies to the proposed mining lease. For a coal mining lease, a safety and health management system means a safety and health management system under the *Coal Mining Safety and Health Act 1999*. For an oil shale mining lease, a safety and health management system means a safety and health management system under the *Mining and Quarrying Safety and Health Act 1999*.

5. Where the ML application being applied for is over land within the area of a petroleum lease and:

- the ML applicant is the petroleum lease holder
- the ML application is made jointly with the petroleum lease holder

In this case there is no requirement to notify, consult or negotiate.

Priority for earlier Petroleum Lease applications or proposed applications

Part 7AA also provides a priority regime for any prior petroleum lease application or proposed applications. This priority regime prevents a certificate of public notice being issued by the mining registrar until the petroleum lease application is decided or limited other factors apply.

Priority for an earlier petroleum lease application or proposed PL application applies if:

- before making the ML application a petroleum lease application was made for the land;
- the petroleum lease application complies with the *Petroleum and Gas (Production and Safety) Act 2004*;
- the petroleum lease has not been decided; and
- the petroleum lease holder (please note this may be different from the ATP holder) has not given written consent to the ML application.

In the above a case a certificate of public notice can not be issued until the petroleum lease application has been decided.

Priority does not apply if the ML application was made in response to an invitation given under section 323 of the *Petroleum and Gas (Production and Safety) Act 2004* or where the petroleum lease applicant has given written consent to the ML application. If on the other hand the ML application was not made, within 6 months of the invitation the priority regime will apply.

Priority for a proposed petroleum lease application also applies where, before an ML application is made, an approval under the *Environmental Protection Act 1994* for the voluntary preparation of an Environmental Impact Statement (EIS) was given; and

- the project includes a proposed petroleum lease for the land; and
- the proponent is the ATP holder (or if there is more than one proponent, one of the proponents is the ATP holder); or
- the proponent is someone who has the ATP holder's consent;

Where an EIS is being undertaken a certificate of public notice can not be issued unless:

- the proponent of the EIS does not make a petroleum lease application within one year after the granting of the approval; or
- a petroleum lease application is made; and
 - It does not comply with the *Petroleum and Gas (Production and Safety) Act 2004*; or
 - the petroleum lease application is decided; or
- the proponent of the EIS has given written consent to the ML application.

Similarly, priority also applies for a proposed petroleum lease application if, under the *State Development and Public Works Organisation Act 1971*, a proposed petroleum lease is declared a significant project or a project which includes a proposed petroleum lease is declared a significant project and the proponent of the significant project is, or includes, the ATP holder or someone else who has the authority holder's consent. If so a certificate of public notice can not be granted unless:

- the proponent of the significant project does not make a petroleum lease application for the land within one year after the making of the declaration;
- a petroleum lease application is made; and
 - it does not comply with the *Petroleum and Gas (Production and Safety) Act 2004*; or
 - the application is decided; or
- the proponent of the significant projects has given written consent to the ML application.

In the above situations (i.e. where an EIS is a consideration) priority is created because the EIS process is potentially public from that point, so the trigger point for priority has been advanced ahead of the point of the actual application for the petroleum lease.

MINING LEASE APPLICATION

DESCRIPTION

WANDOAN NO. 2

DATUM POST

The Datum Post branded XCQ P/L 23/05/2007 is located at a point on the common boundary of the eastern boundary of Lot 48 on FT573 and the western boundary of a road 40.234m wide being on a bearing of $339^{\circ} 08' 20''$ for a distance of 990.097 metres from the south eastern corner of Lot 48 on FT573 in the Parish of Juandah and the County of Fortescue and is located approx. 10 km north west of the Township of Wandoan, South East Queensland (approx. MGA co-ordinates 788703.8mE, 7114296.8mN Zone 55).

DESCRIPTION

Commencing at the Datum Post

thence by a line bearing $101^{\circ} 52' 30''$ for a distance of 3273.516 metres through Lots 110 and 111 on FT487 to a point on the common boundary of Lot 111 on FT487 and Lot 112 on FT825

thence by a line bearing $131^{\circ} 26' 05''$ for a distance of 3021.520 metres across Lot 112 on FT825 to a point on the common boundary of Lot 112 on FT825 and Lot 114 on FT884

thence by a line bearing $165^{\circ} 30' 05''$ for a distance of 2353.045 metres across Lot 114 on FT884 across Lot 114 on FT884, along and coincident with the western boundary of Lot 154 on FT884 to the south-west corner of that Lot

thence by a line bearing $165^{\circ} 12' 10''$ for a distance of 893.964 metres across Lot 38 on FT816 to a point on the southern boundary of that Lot with approx. MGA co-ordinates of 794989.9mE, 7108481.2mN

thence by a line bearing $151^{\circ} 15' 25''$ for a distance of 1282.430 metres across Lot 43 on FT348, Road 20.117 metres wide, Lot 156 on FT931, Lot 53 on FT931 and Lot 46 on SP127543 and the Jackson Wandoan Road to a point on the southern boundary of that Road with approx. MGA co-ordinates of 795606.6mE, 7107356.7mN

thence by a line bearing $144^{\circ} 17' 50''$ for a distance of 7623.842 metres across Lot 89 on FT910, Lot 88 on FT911, Lot 90 on FT911, Road 20.117 metres wide, Lot 7 on FT912, Lot 109 on FT915 to a point in Lot 3 on FT695 of approx. MGA co-ordinates 800056.0mE, 7101165.8mN

thence by a line bearing $271^{\circ} 33' 25''$ for a distance of 10177.274 metres across Lot 3 on FT695, Lot 6 on FT432, Peakes Road, Lot 106 on FT782, Lot 105 on FT415 and Paradise Downs Road to the south eastern corner of Lot 10 on FT949

thence by a line bearing 279° 16' 05" for a distance of 4399.302 metres along the southern boundary of Lot 10 on FT949 to a point on that boundary with approx, MGA co-ordinates of 789882.2mE, 7101442.4mN and coincident with the south east corner of MLA Wandoan No. 3

thence by a line bearing 13° 07' 55" for a distance of 4319.157 metres and coincident with the eastern boundary of MLA Wandoan No. 3, across Lot 10 on FT949, Lot 58 on FT1013, Road, Lot 9 on FT384 and Jackson Wandoan Road to a point on the southern boundary of Lot 52 on FT614 with approx. MGA co-ordinates of 786521.6mE, 7106357.1mN

thence by a line bearing 15° 22' 05" for a distance of 8234.099 metres and coincident with the eastern boundary of MLA Wandoan No. 3, across Lot 52 on FT614, Lot 41 on FT496, Lot 49 on FT826, Grosmont Road, Lot 49 on FT826 and Lot 48 on FT573 back to the point of commencement.

The area of land under application is: **11,101 ha**

The name of the lease is: **Wandoan No. 2**

The Surface Area required is: **Whole**

Bearings are approx. MGA – subtract 9° 54' for Magnetic

METES DESCRIPTION MGA

Commencing at the Datum Post

101° 52' 30"	3273.516
131° 26' 05"	3021.520
165° 30' 05"	2353.045
165° 12' 10"	893.964
151° 15' 25"	1282.430
144° 17' 50"	7623.842
271° 33' 25"	10177.274
279° 16' 05"	4399.302
13° 07' 55"	4319.157
15° 22' 05"	8234.099

back to the point of commencement

**METES DESCRIPTION
MAGNETIC**

Commencing at the Datum Post

91° 58' 30"	3273.516
121° 32' 05"	3021.520
155° 36' 05"	2353.045
155° 18' 10"	893.964
141° 21' 25"	1282.430
134° 23' 50"	7623.842
261° 39' 25"	10177.274
269° 22' 05"	4399.302
3° 13' 55"	4319.157
5° 28' 05"	8234.099

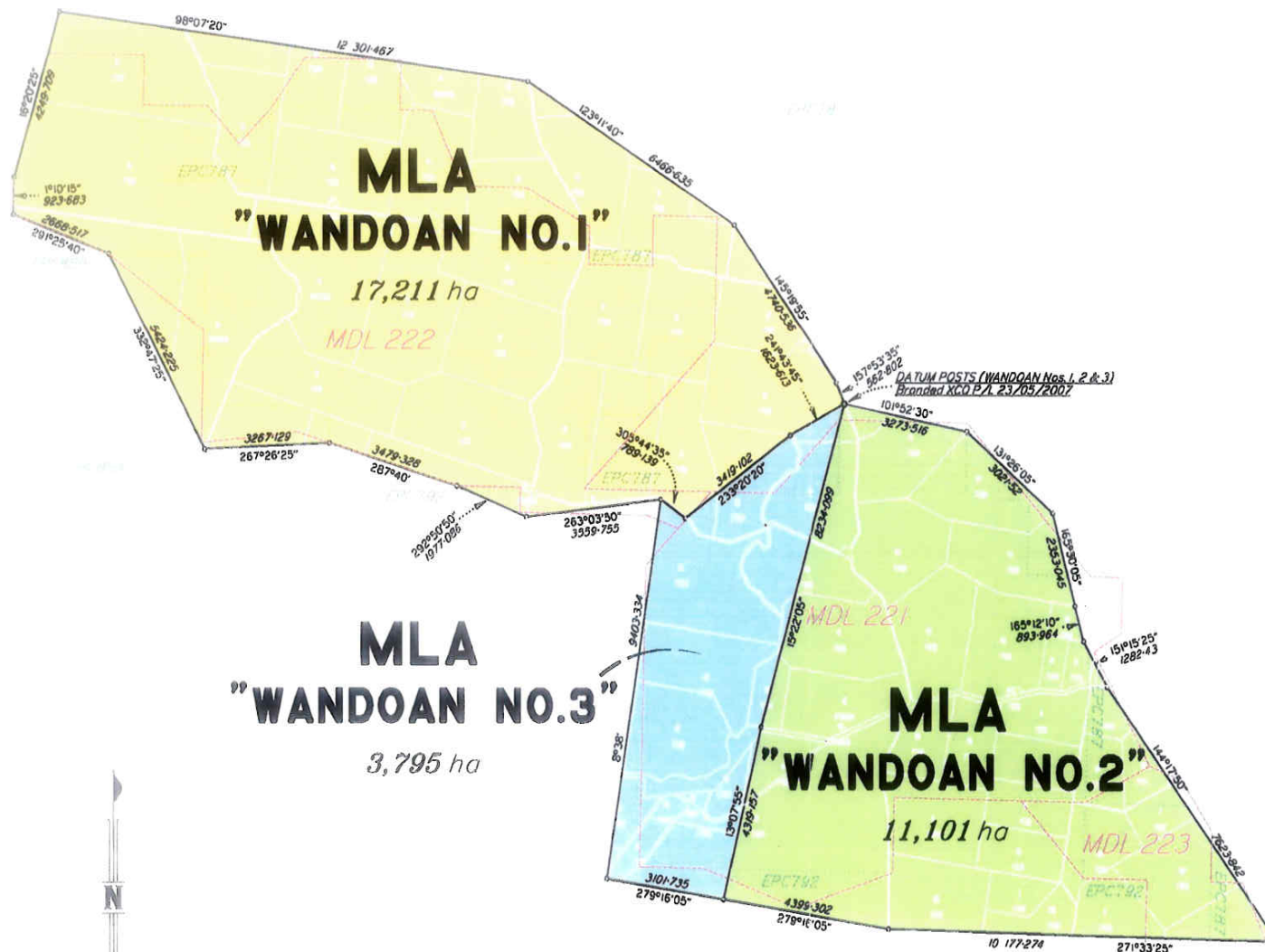
back to the point of commencement

MINING LEASE APPLICATION - WANDOAN NO. .
OWNERS DETAILS

Lot Number	Plan	Owners Name	Address
8	FT218	Murray J & Kelly T Henry	'Alrush' Wandoan Qld
60	FT218	Murray J & Kelly T Henry	'Alrush' Wandoan Qld
61	FT218	Trevor T & Kim L Horrocks	PO Box 241 Wandoan Qld
62	FT218	Norwood Pty Ltd	PO Box 3232 South Brisbane Qld
9	FT246	Norwood Pty Ltd	PO Box 3232 South Brisbane Qld
68	FT246	Norwood Pty Ltd	PO Box 3232 South Brisbane Qld
69	FT246	Norwood Pty Ltd	PO Box 3232 South Brisbane Qld
87	FT325	Robert I S Henderson, Isobel F Mason Judith A Doneman & Marie E Westman	'Beechley' C/- M E Westman Wandoan Qld
42	FT348	Mark J & Valerie J Scarlett	'Cherob Park' Wandoan Qld
43	FT348	William G Webster & Marion O Webster	PO Box 142 Wandoan Qld
9	FT384	Neville A & Beverley A Ward	'Pecos Valley' Wandoan
105	FT415	Malcom E & Janet E Monk	'Glenhaven' Wandoan Qld
2	FT418	Norwood Pty Ltd	PO Box 3232 South Brisbane Qld
6	FT432	Anne J Pitkin	'Winston' Wandoan Qld
115	FT452	John Edward Austin	Jondale' PO Box 54 Wandoan
116	FT452	John Edward Austin	Jondale' PO Box 54 Wandoan
118	FT452	John Edward Austin	Jondale' PO Box 54 Wandoan
110	FT487	Brian R Sands	'Avalon' Wandoan
111	FT487	Brian R Sands	'Avalon' Wandoan
113	FT488	Xstrata Coal Qld Pty Ltd Iera Rpw Pty Ltd & Sumisho Coal Aust P/L	GPO Box 2587 Brisbane Qld
41	FT496	Ronald N & Susan M Fitzgerald	PO Box 153 Wandoan Qld
48	FT573	Darryl Robert Waugh	'Wodonga' Wandoan
52	FT614	Ronald N & Susan M Fitzgerald	PO Box 153 Wandoan Qld
3	FT695	Trevor Noel Pukallus	'Lalagoola' Wandoan
86	FT782	Malcolm Eric & Janet Elizabeth Monk	'Glenhaven' Wandoan Qld
106	FT782	Malcolm Eric & Janet Elizabeth Monk	'Glenhaven' Wandoan Qld
38	FT816	William G Webster & Marion O Webster	PO Box 142 Wandoan Qld
112	FT825	Robert K Ryan	GPO Box 245 Brisbane Qld
49	FT826	Brian L & Marie E Westman	'Dandaloo' Wandoan Qld
114	FT884	Norwood Pty Ltd Norwood Trust	PO Box 3232 South Brisbane Qld
154	FT884	Henry B Bradshaw	PO Box 151 Wandoan Qld
89	FT910	Edward E & Kenneth L Castle	'The Rock' Wandoan
88	FT911	William J Henderson	PO Box 325 Chinchilla Qld
90	FT911	Unallocated State Land	
7	FT912	Eric K & Michelle B Bradshaw	'Hillside' Wandoan

MINING LEASE APPLICATION - WANDOAN NO. 1
OWNERS DETAILS

109	FT915	Brian W & Donna L Hay Weleesha	32462 Leichhardt Highway Wandoan Qld
53	FT931	Norma M Burmester	Lawton Street Wandoan Qld
156	FT931	Norma M Burmester & William G Hill & Denis Glennen	Lawton Street Wandoan Qld
10	FT949	Neville A & Beverley A Ward	'Pecos Valley' Wandoan
42	SP108598	Ronald N & Susan M Fitzgerald	PO Box 153 Wandoan Qld
43	SP108598	Phillip Charles Bradshaw	'Rowena' Chinchilla Qld
Various	Roads	State Government of Qld (Dept Natural Resources and Water)	



Scale 1:112500 ~ Lengths are in Metres.

0 2000 4000 6000 8000 10000 12000 14000 16000

CLIENT
XSTRATA COAL LTD

PROJECT
WANDOAN MINE PROJECT
WANDOAN, QUEENSLAND

TITLE
MINING LEASE APPLICATIONS
WANDOAN MINE PROJECT

REAL PROPERTY DESCRIPTION
VARIOUS LOTS
COUNTY OF FORTESCUE

LOCATION
WEST OF THE TOWN OF WANDOAN
WANDOAN, QUEENSLAND

LOCAL AUTHORITY
TAROOM SHIRE COUNCIL

SCALE 1:112500

- NOTES
1. BEARINGS APPROXIMATELY MGA, SUBTRACT 9°54'00" TO OBTAIN MAGNETIC BEARINGS.
 2. ALL CORNERS ARE MARKED WITH 100 x 100mm APPLICATION POSTS PAINTED WHITE AND BRANDED "XCO P/L 23/05/2007".

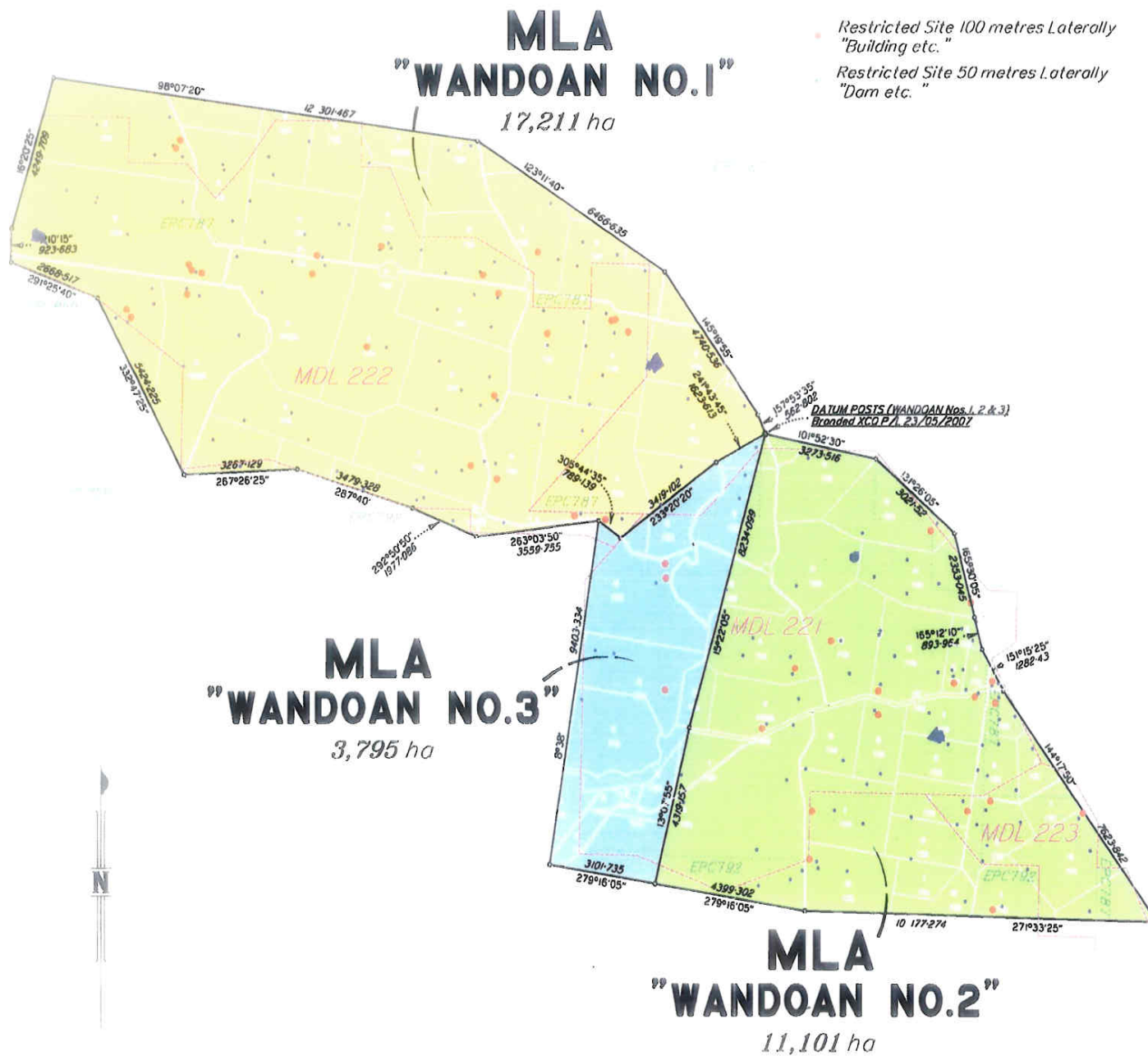


COTTRELL CAMERON & STEEN
SURVEYS PTY. LTD.
ACN 059 375 610

LICENSED SURVEYORS
LAND DEVELOPMENT AND
MAPPING CONSULTANTS

Building 10B, Technology Office Park
107 Miles Platting Road
Eight Mile Plains, QUEENSLAND 4113
P.O. BOX 4104, Eight Mile Plains, 4113
PHONE (07) 3340 9700
FAX (07) 3841 8077
EMAIL ccssurveys@ccssurveys.com.au

DATE 14/05/07 DRAWING NUMBER 9217-02



CLIENT

XSTRATA COAL LTD

PROJECT

WANDOAN MINE PROJECT
WANDOAN, QUEENSLAND

TITLE

MINING LEASE APPLICATIONS
RESTRICTED SITES

REAL PROPERTY DESCRIPTION

VARIOUS LOTS

COUNTY OF FORTESCUE

LOCATION

WEST OF THE TOWN OF WANDOAN
WANDOAN, QUEENSLAND

LOCAL AUTHORITY

TAROOM SHIRE COUNCIL

SCALE 1:112500

NOTES

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DATE

14/05/07

DRAWING NUMBER

9217-03



APPLICATION FOR MINING LEASE

Section 245

Mineral Resources Act 1989

Form Number MRA-15 Version Number 2

The Queensland Government introduced Information Standard 42 - Information Privacy to establish a framework for the responsible collection and handling of personal information in the Queensland government public sector. Please refer to the section at the end of this form entitled "Privacy Statement" which provides details about why the personal information on this form is being collected and how it will be handled.

The completed original of this application and any attachments, must be submitted with the prescribed fee at the Office of the Mining Registrar for the mining district in which the land is situated.

The document submitted must first be accepted by the Mining Registrar as an application for a mining lease under the provisions of section 81 of the *Mineral Resources Regulation 2003* before registration.

Please print clearly in ink and use block letters.

All prescribed forms under the *Mineral Resources Act 1989* are available through the internet on www.nrm.qld.gov.au.

1. APPLICANT DETAILS

Company Name/Surname	1.1	XSTRATA COAL QUEENSLAND PTY LTD		
Given Name(s)	1.2			
ACN (if company)	1.3	ABN 69 098 156 702	Percentage	1.4 75 %
Company Name/Surname	1.1	ICRA RPW PTY LTD		
Given Name(s)	1.2			
ACN (if company)	1.3	ABN 48 106 260 619	Percentage	1.4 12.5 %
Company Name/Surname	1.1	SUMISHO COAL AUSTRALIA PTY LTD		
Given Name(s)	1.2			
ACN (if company)	1.3	ABN 30 061 524 249	Percentage	1.4 12.5 %
Company Name/Surname	1.1			
Given Name(s)	1.2			
ACN (if company)	1.3		Percentage	1.4 %

GUIDE FOR APPLICANTS

Question 1.1

The first letter must equal the first letter of the mining area name.

Question 1.2

One person must be nominated as the nominated applicant. From whom any benefit may be derived to benefit of the applicant(s).

Question 1.3

Specify the phone number of the nominated applicant.

Question 1.4

Specify the phone number of the nominated applicant.

Question 1.5

Specify the fax number of the nominated applicant.

Question 1.6

Specify the email address of the nominated applicant.

Question 2.1

What pre-requisite tenure do you hold over this area?

Question 2.2

What pre-requisite tenure do you hold over this area?

Question 2.3

What pre-requisite tenure do you hold over this area?

Question 2.4

What pre-requisite tenure do you hold over this area?

Question 2.5

What pre-requisite tenure do you hold over this area?

Question 2.6

What pre-requisite tenure do you hold over this area?

Question 2.7

What pre-requisite tenure do you hold over this area?

Question 2.8

What pre-requisite tenure do you hold over this area?

Question 2.9

What pre-requisite tenure do you hold over this area?

Question 2.10

What pre-requisite tenure do you hold over this area?

Question 2.11

What pre-requisite tenure do you hold over this area?

Company Name/Surname

1.1

Given Name(s)

1.2

ACN (if company)

1.3

Percentage

1.4

%

Total Percentage

1.5

100

%

Nominated Person

1.6

Klevas Rudzinskas

Address

1.7

Level 10, Riverside Centre
Brisbane, Qld 4000

Phone Number

1.8

(07)

3115 5318

Fax Number

1.9

(07)

3115 5412

E-mail

1.10

krudzinskas@xstratacoal.com.au

2. PRE-REQUISITE TENURE DETAILS

What pre-requisite tenure do you hold over this area?

		Tick	Number(s)	Expiry Date(s)
2.1	Prospecting Permit	☐	*Renewal lodged	1 / 1
2.2	Exploration Permit(s)	Mineral ☐ Coal ☒	*787 *792	24/02/2006 24/02/2006
2.3	Mineral Development Licence(s)	Mineral ☐ Coal ☒	*221 222	31/12/2006 31/12/2011
2.4	Conditionally surrendered Mining Claim	☐		1 / 1
2.5	Conditionally surrendered Mining Lease	☐		1 / 1

Is the land applied for situated within a granted Exploration Permit, Geothermal Exploration Permit or Mineral Development Licence NOT held by you?

2.6	YES ☐ NO ☐	If YES, please provide details on following page. If NO, go to Part 3.
-----	--	--

Company Name/Surname	1.1				
Given Name(s)	1.2				
ACN (if company)	1.3		Percentage	1.4	%
Total Percentage			1.5	100	%

Nominated Person	1.6	ROB THATCHER		
Address	1.7	LEVEL 10, RIVERSIDE CENTRE, BRISBANE QLD, 4001		
Phone Number	1.8	(07)	31155363	
Fax Number	1.9	(07)	31155420	
E-mail	1.10	robt@hotkey.net.au		

2. PRE-REQUISITE TENURE DETAILS

What pre-requisite tenure do you hold over this area?

		Tick		Number(s)	Expiry Date(s)
2.1	Prospecting Permit	☐			/ /
2.2	Exploration Permit(s)	Mineral ☐	Coal ☒	EPC792	24 / 02 / 2011
2.3	Mineral Development Licence(s)	Mineral ☐	Coal ☒	MDL221	31 / 12 / 2006
2.4	Conditionally surrendered Mining Claim	☐			/ /
2.5	Conditionally surrendered Mining Lease	☐			/ /

Is the land applied for situated within a granted Exploration Permit, Geothermal Exploration Permit or Mineral Development Licence **NOT** held by you?

2.6	YES ☐ NO ☒	If YES, please provide details on following page. If NO, go to Part 3.
-----	---	--

		Tick		Number(s)	Expiry Date(s)
		Mineral	Coal		
2.7	Exploration Permit(s)	☐	☐		/ /
2.8	Mineral Development Licence(s)	☐	☐		/ /
2.9	Geothermal Exploration Permit	☐			/ /

3. APPLICATION DETAILS

What is the date (3.1) and time (3.2) the land was marked out?

3.1	23 May, 2007	
3.2	Five (5)	☐ AM ☒ PM

Term applied for

3.3	35	years
-----	----	-------

What are the reasons for the term nominated?

3.4	TO FULLY EXPLOIT RESERVES AND COMPLETE MINE REHABILITATION AND FOR LONG TERM SUPPLY FOR POWER GENERATION
-----	--

Size of area applied for

3.5	3,795	ha
-----	-------	----

Give reasons why the mining lease should be granted over the area and shape of the land applied for.

3.6	TO ECONOMICALLY AND FULLY RECOVER COAL RESERVES, ALLOW FOR OVERBURDEN REMOVAL AND COAL HAULAGE AND TO MEET ENVIRONMENTAL OBLIGATIONS
-----	--

What is the general locality of this application?

3.7	APPROXIMATELY 2 to 3KM WEST OF THE TOWN OF WANDOAN
-----	--

What is the name of the Mining Lease?

3.8	WANDOAN NO. 3
-----	---------------

What is the local government area(s) in which the land applied for is situated?

3.9	TAROOM SHIRE COUNCIL
-----	----------------------

Specify the minerals and/or purpose for which this mining lease is sought?

3.10 COAL MINING

Note: If this mining lease is for either coal, oil shale or for a specific purpose associated with coal or oil shale mining, you must also complete "Form MRA-16 – Additional Information for Coal or Oil Shale Mining Lease Application" and lodge this form and all related documents together with this application.

Is the land within an approved opal or gem mining area?

3.11 YES ☐ NO ☒

Is the application solely for infrastructure facilities associated with mining? (e.g. Workshops, administration buildings)

3.12 YES ☐ NO ☒

4. NATIVE TITLE

Do you believe that the application are (including any access land) is over land tenures that may be subject to Native Title?

4.1 YES ☐ NO ☒ If YES, go to Question 4.2.
If NO, go to Question 5.1

If the land applied for is over land tenures where native title may still exist, is the land applied for subject to an Indigenous Land Use Agreement (ILUA)?

4.2 YES ☐ NO ☐

5. RESTRICTED LAND

Are there any permanent buildings or relevant features within the boundaries of the land applied for or within the prescribed distances laterally of the boundaries?

5.1 YES ☒ NO ☐ If YES, go to Question 5.2.
If NO, go to Question 6.

Do you have the written consent of the owner(s) of the Land containing those permanent buildings or relevant fixtures to the land being applied for in the mining lease?

5.2 YES ☐ NO ☒

Consent is required (also refer to Part 6 Reserve Land)

What are those permanent buildings or relevant fixtures?

5.3 HOUSES, SHEDS, YARDS, MAN MADE DAMS

6. RESERVE LAND

Is the application over land that is a reserve?

6.1	YES ☐	NO ☒
-----	------------------------------	--

Please specify the details of the reserve over which the mining lease is being applied for. Include the owner's name and contact details.

6.2	
-----	--

Do you have written consent of the owner(s) of the reserve?

6.3	YES ☐	NO ☐
-----	------------------------------	-----------------------------

If NO, what action has been taken to obtain such written consent?

6.4	
-----	--

7. BACKGROUND LAND TENURE DETAILS

Describe the land parcels that are the subject of the application for mining lease:

Lot Number	7.1		Plan Number	7.2	
------------	-----	--	-------------	-----	--

Land Tenure Type	7.3	SEE ATTACHED LISTING
------------------	-----	----------------------

Current Usage	7.4	
---------------	-----	--

Owner's Name	7.5	
--------------	-----	--

Owner's Address	7.6	
-----------------	-----	--

Lot Number	7.1		Plan Number	7.2	
------------	-----	--	-------------	-----	--

Land Tenure Type	7.3	
------------------	-----	--

Current Usage	7.4	
---------------	-----	--

Owner's Name	7.5	
--------------	-----	--

Owner's Address

7.6

Lot Number

7.1

Plan Number

7.2

Land Tenure Type

7.3

Current Usage

7.4

Owner's Name

7.5

Owner's Address

7.6

Describe the land parcels over which access to the application for mining lease is required.

Lot Number

7.1

Plan Number

7.2

Land Tenure Type

7.3

Current Usage

7.4

Owner's Name

7.5

Owner's Address

7.6

Lot Number

7.1

Plan Number

7.2

Land Tenure Type

7.3

Current Usage

7.4

Owner's Name

7.5

Owner's Address

7.6

GUIDE FOR APPLICANTS

Question 8.1

A mining lease cannot be granted unless compensation has been agreed to by the miner and the relevant owner of the land or determined by the Land and Resources Tribunal. Access land is also subject to the compensation requirements of the Act.

Any compensation agreement must be signed by all parties, stamped by the Office of State Revenue and filed with the Mining Registrar.

Question 8.2

Compensation is not required if the background land tenure is "Unallocated State Land" or is owned by the applicant. If the applicant is the owner, proof of ownership is required to be lodged with the application.

Question 9.1

Fully describe the reference/start point of the land so that it can be accurately located, e.g. The intersection of Sandy Creek and the Gulf Development road.

Question 9.2

Indicate which corner the datum post is located, e.g. NW corner.

Question 9.3

Enter description of the reference start point. In describing the reference point, all bearings are to be magnetic. If there is insufficient space, please attach a list.

Question 9.4

Enter the compass bearing taken along the centreline of the reference/start point.

Question 9.5

Enter the distance, in metres, of the reference/start point on the compass bearing.

Question 9.6

Enter description of the point where the access meets the boundary of the tenure.

8. COMPENSATION AGREEMENT DETAILS

Is a compensation agreement required?

8.1	YES ☒ NO ☐	If YES, go to Question 9.1. If NO, go to Question 8.2.
-----	---	---

Why is a compensation agreement not required?

8.2	
-----	--

9. LOCATION DESCRIPTION

Describe the location of the Reference/State Point of the land applied for (preferably a GPS point).

9.1	REFER ATTACHED DESCRIPTION
-----	----------------------------

In which corner of the lease is the Datum Post located? (e.g. NW corner)

9.2	MOST NORTHERLY CORNER
-----	-----------------------

Describe the connection from the Reference/Start Point to the Datum Post:

Commencing from the reference start point

9.3	
-----	--

At a bearing of

9.4	
-----	--

for a distance of

9.5

--

metres, thence

at a bearing of

9.4	
-----	--

for a distance of

9.5

--

metres, thence

at a bearing of

9.4	
-----	--

for a distance of

9.5

--

metres, thence

to the Datum Post

9.6	
-----	--

GUIDE FOR APPLICANTS

SECTION 9

9.1. The applicant must provide a list of all the posts on the land applied for, including the date of the last survey and the name of the surveyor.

SECTION 10

10.1. The applicant must provide a description of the external boundaries of the land applied for, commencing from the datum post and describing the boundaries in a clockwise direction.

10.2. The applicant must provide a description of the external boundaries of the land applied for, commencing from the datum post and describing the boundaries in a clockwise direction.

10.3. The applicant must provide a description of the external boundaries of the land applied for, commencing from the datum post and describing the boundaries in a clockwise direction.

10.4. The applicant must provide a description of the external boundaries of the land applied for, commencing from the datum post and describing the boundaries in a clockwise direction.

10.5. The applicant must provide a description of the external boundaries of the land applied for, commencing from the datum post and describing the boundaries in a clockwise direction.

10.6. The applicant must provide a description of the external boundaries of the land applied for, commencing from the datum post and describing the boundaries in a clockwise direction.

10.7. The applicant must provide a description of the external boundaries of the land applied for, commencing from the datum post and describing the boundaries in a clockwise direction.

10.8. The applicant must provide a description of the external boundaries of the land applied for, commencing from the datum post and describing the boundaries in a clockwise direction.

10.9. The applicant must provide a description of the external boundaries of the land applied for, commencing from the datum post and describing the boundaries in a clockwise direction.

10.10. The applicant must provide a description of the external boundaries of the land applied for, commencing from the datum post and describing the boundaries in a clockwise direction.

What are the markings on all the posts? E.g. S.J.Black (1-6-05)

9.7 XCQPL 23 MAY, 2007

10. EXTERNAL BOUNDARY DESCRIPTION

Describe the external boundaries of the land applied for:

Commencing from the Datum Post

10.1

At a bearing of

10.2

for a distance of

10.3

metres, to

10.4

then

at a bearing of

10.2

for a distance of

10.3

metres, to

10.4

then

at a bearing of

10.2

for a distance of

10.3

metres, to

10.4

then

at a bearing of

10.2

for a distance of

10.3

metres, to

10.4

then

at a bearing of

10.2

for a distance of

10.3

metres, to

10.4

then

at a bearing of

10.2

for a distance of

10.3

metres, to

10.4

then

at a bearing of

10.2

for a distance of

10.3

metres, to

10.4

then

at a bearing of

10.2

for a distance of

10.3

metres, to

10.4

then

at a bearing of

10.2

for a distance of

10.3

metres, back to the point of commencement.

11. INTERNAL BOUNDARY CONNECTION AND DESCRIPTION

Is there an existing mining tenure (or prior application for grant of a mining tenure) wholly within this application?

11.1	YES ☐ NO ☒	If YES, go to Question 11.2. If NO, go to Question 12.
------	---	---

Provide the tenure details of existing mining tenure:

11.2	Tick		Number(s)	Expiry Date(s)
Exploration Permit(s)	Mineral ☐	Coal ☐		/ /
Mineral Development Licence(s)	Mineral ☐	Coal ☐		/ /
Geothermal Exploration Permit	☐			/ /

Describe the connection from the Commencement Point of this application to the Datum Post/commencement point of Mining Claim/Mining Lease/Mineral Development Licence.

From the Commencement Point of this application

11.3	
------	--

at a bearing of 11.4 for a distance of

11.5		metres, to	11.6		then
------	--	------------	------	--	------

at a bearing of 11.4 for a distance of

11.5		metres, to	11.6		then
------	--	------------	------	--	------

at a bearing of 11.4 for a distance of

11.5		metres, to	11.6		then
------	--	------------	------	--	------

at a bearing of 11.4 for a distance of

11.5		metres, to the Datum Post/Commencement Point of the
------	--	---

Mining Claim/Mining Lease/Mineral Development Licence.

Describe the external boundaries of Mining Claim/Mining Lease/Mineral Development Licence referred to above.

Commencing from the Datum Post/Commencement Point in the

11.7		corner of Mining Claim/Mining Lease/Mineral Development Licence
------	--	---

at a bearing of 11.8 for a distance of

11.9		metres, to	11.10		then
------	--	------------	-------	--	------

at a bearing of 11.8 for a distance of

11.9 metres, to 11.10 then

at a bearing of 11.8 for a distance of

11.9 metres, to 11.10 then

at a bearing of 11.8 for a distance of

11.9 metres, back to the point of commencement.

12. SURFACE AREA CONNECTION AND DESCRIPTION

Is surface area required?

12.1	YES ☒ NO ☐	If YES, go to Question 12.2. If NO, go to Question 12.12.
------	---	--

Why is surface area required?

12.2	MINING, OPENCUT PIT, OVERBURDEN DUMPS, WATER MANAGEMENT DAMS, SUPPORT INFRASTRUCTURE
------	--

Is the whole or part of the surface area required?

12.3	Whole ☒ Part ☐	ha (read below)
If Whole Surface Area is required, go to Question 14.		

Describe the connection from a Datum Post of this application to the initial corner of the surface area.

Commencing from the Corner 12.4 corner of this application

at a bearing of 12.5 for a distance of

12.6	metres, to	12.7	then
------	---------------------------------	------	---------------------------

at a bearing of 12.5 for a distance of

12.6	metres, to	12.7	then
------	---------------------------------	------	---------------------------

at a bearing of 12.5 for a distance of

12.6	metres, to	12.7	then
------	---------------------------------	------	---------------------------

at a bearing of 12.5 for a distance of

12.6	metres, to the initial corner of the surface area.
------	---

Describe the Surface Area of the land being applied for.

Commencing from the initial corner of the surface area

12.8

at a bearing of

12.9

for a distance of

12.10

metres, to

12.11

then

at a bearing of

12.9

for a distance of

12.10

metres, to

12.11

then

at a bearing of

12.9

for a distance of

12.10

metres, back to the point of commencement.

12.12

If no surface area is required, give details of the adjoining granted mining lease(s) held by you that will enable you to gain access to the area applied for in this application.

Mining Lease Number(s)	Holder Name(s)

13. ACCESS LAND DETAILS

Is access to this mining lease via a dedicated road that is within or abutting the mining lease area?

13.1

YES ☒ NO ☐

If YES, go to Question 13.2.
If NO, go to Question 13.3.

What is the description of the dedicated road to be used for access?

13.2

Access is via a 60m wide road known locally as Jackson - Wandoan Road which traverses ML Wandoan No. 3

What is the description of the access?

Width of Access required

13.3

metres.

What is the description of the start point?

13.4

What is the description of the end point?

13.5

Commencing from the start point, thence along the centreline

At a bearing of

13.8

for a distance of

13.7

metres, thence

at a bearing of

13.8

for a distance of

13.7

metres, thence

at a bearing of

13.6

for a distance of

12.7

metres, thence

at a bearing of

12.6

for a distance of

13.7

metres, thence

at a bearing of

13.6

for a distance of

13.7

metres, thence

at a bearing of

13.6

for a distance of

13.7

metres, thence

at a bearing of

13.6

for a distance of

13.7

metres, thence

at a bearing of

13.6

for a distance of

13.7

metres, thence to the end point.

Describe the land parcels over which access to the application for mining claim is required:

Lot Number	13.8		Plan Number	13.9	
Land Tenure Type	13.10				
Current Usage	13.11				
Owner's Name	13.12				
Owner's Address	13.13				

Lot Number	13.8		Plan Number	13.9	
Land Tenure Type	13.10				
Current Usage	13.11				
Owner's Name	13.12				
Owner's Address	13.13				

Lot Number	13.8		Plan Number	13.9	
Land Tenure Type	13.10				
Current Usage	13.11				
Owner's Name	13.12				
Owner's Address	13.13				

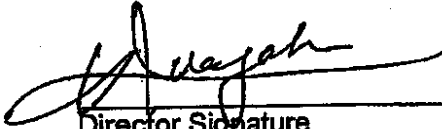
We solemnly sincerely and truly affirm and declare that the information provided in this form is true and correct. We make this solemn declaration by virtue of the provisions of the *Oaths Act 1867*.

14. ACCOMPANIMENTS

14.1	Tick
• Completed Application for an Environmental Authority (Mining Activities)	☒
• <i>(if your application is for a coal or oil shale mining lease)</i> Completed MRA-16 Additional Information for Coal or Oil Shale Mining Lease Application Form	☒
• A statement:	
○ Outlining the mining program proposed, outlining its method of operation, and providing an indication of when operations are expected to start or, if a mining program is not proposed, outlining the use proposed for the land and providing an indication of when the proposed use is to start. (<i>Note: This information is not required if, under part TAA, your application includes a proposed development plan that complies with the initial development plan requirements</i>); and	☐
○ Of proposals for infrastructure requirements necessary to enable the mining program to proceed, or additional activities to be carried on to work out the infrastructure requirements.	☒

EXECUTION PAGE 2 of 3

Executed by ICRA RPW Pty Limited in
accordance with section 127 of the
Corporations Act 2001 (Cth):



Director Signature

KAZUO INAGAKI

Print Name



Director/ Authorised Representative

OSAMU TANO

Print Name

Dated this 23rd day of April 2007

EXECUTION PAGE 3 of 3

**Executed by Sumisho Coal Australia
Pty Limited in accordance with section
127 of the Corporations Act 2001 (Cth):**



Director Signature
YUJI AOYAMA

Print Name



Director/ Authorised Representative
SHIGERU SUMIYA

Print Name

Dated this 23rd day of April 2007

• A statement, acceptable to the Mining Registrar and separate from the state mentioned above, detailing the applicant's financial and technical resources.	☒
• Sketch map(s) or other graphic representation acceptable to the Mining Registrar setting out: ◦ the boundaries of the land the subject of this application; ◦ the proposed access; and ◦ any Mining Claim, Mineral Development Licence or Mining Lease (or application for grant of same) wholly within the land sought.	☒
• Proof of identity of the Applicant's: ◦ Individual- Driver's Licence, passport, birth certificate ◦ Company- Certificate of Registration	☒
• The prescribed application fee	☒

15. PRIVACY STATEMENT

The Queensland Government introduced Information Standard 42 - Information Privacy to establish a framework for the responsible collection and handling of personal information in the Queensland government public sector.

The Department of Natural Resources, Mines and Water is collecting the information on this form to process your application for a mining claim. This is required by section 61 of the *Mineral Resources Act 1989* (the Act).

The Department is required to facilitate and regulate the carrying out of responsible mining activities and the development of a safe, efficient and viable mining industry in Queensland under the Act.

The Department maintains a Register under section 387 of the Act. This register contains information collected from a variety of sources, including application forms submitted under the Act. The particulars to be recorded in the register are prescribed in Part 11 of the *Mineral Resources Regulation 2003* (the Regulations).

Under section 68 of the Regulations, the public can inspect the Register between the hours of 8.30 am and 4.30 pm on business days, and anyone may take extracts from the register and acquire, upon payment of the prescribed fee, a copy of all or part of a notice, document or information held in the register. Information contained in the register includes (but is not limited to):

- the mining tenement number;
- the full name of the holder/s of the mining tenement;
- the annual rent for the mining tenement; and
- any permitted dealings relating to the mining tenement that are approved by the Minister.

Information collected on this form, whether or not it is contained in the Register, may be provided to other Queensland Government Agencies, where such disclosure is necessary for the effective management of the mineral resources and industry in Queensland. These agencies may include the Environmental Protection Agency, the Department of Primary Industries and Fisheries and the Department of Energy.

Where information provided is commercial in confidence, it will be treated as confidential and not included in the Register or be disclosed outside the agency unless the Department is legally required to do so.

For more information on Information Privacy, please contact the Privacy Contact Officer for the Department of Natural Resources, Mines and Water on (07) 389 63705.

ADDITIONAL INFORMATION FOR COAL OR OIL SHALE MINING LEASE APPLICATION

Section 245 and Part 7AA
Mineral Resources Act 1989
Form Number MRA-16 Version Number 2

If you intend to apply for a mining lease for either coal, oil shale or for a specific purpose associated with coal or oil shale mining, Part 7AA of the *Mineral Resources Act 1989* places additional requirements on your application. These additional requirements apply regardless of the fact that the land being applied for is also subject to a petroleum lease or an application for the grant of a petroleum lease or an authority to prospect for petroleum, or if the land is adjacent to an existing petroleum tenure. In all cases you must complete this form and lodge it in conjunction with form "MRA-15 - Application for Mining Lease".

The Queensland Government introduced Information Standard 42 - Information Privacy to establish a framework for the responsible collection and handling of personal information in the Queensland government public sector. Please refer to the section at the end of this form entitled "Privacy Statement" which provides details about why the personal information on this form is being collected and how it will be handled.

This form and any attachments must be submitted in conjunction with a duly completed "MRA-15 - Application for Mining Lease" form.

Please print clearly in ink and use block letters.

All documents submitted must first be accepted by the Mining Registrar as an application for a mining lease under the provisions of section 81 of the *Mineral Resources Regulation 2003* before registration. All prescribed forms under the *Mineral Resources Act 1989* are available through the internet on www.nrm.qld.gov.au.

1. APPLICATION DETAILS

Is your mining lease application being made for coal or oil shale or a specific purpose (coal or oil shale) and is not within any petroleum tenure?

1.1

☐

YES

☒

NO

If YES, your application must be accompanied by:

- a proposed *development plan* which complies with the initial development plan requirements (sections 318DT and 318DV).

If NO, go to Question 1.2

Is your mining lease application being made in response to an invitation given under section 323 of the *Petroleum and Gas (Production and Safety) Act 2004*?

1.2	☐ YES	☒ NO
-----	------------------------------	--

If YES, your application must be accompanied by:

- a proposed **development plan** which complies with the initial development plan requirements (sections 318DT and 318DV).

If NO, go to Question 1.3

Is the area of your mining lease application within the area of an authority to prospect for petroleum, and is the mining lease application being made other than by or jointly with, or with the consent of the authority to prospect holder?

1.3	☒ YES	☐ NO
-----	---	-----------------------------

If YES, your application must be accompanied by:

- a **Coal Seam Gas (CSG) statement**;
- a proposed **development plan** that complies with the initial development plan requirements (sections 318DT and 318DV); and
- other information that addresses the **CSG assessment criteria**.

If NO, go to Question 1.4

Is the area of your mining lease application within the area of an authority to prospect, and is the mining lease application being made by or jointly with, or with the consent of the authority to prospect holder?

1.4	☐ YES	☐ NO
-----	------------------------------	-----------------------------

If YES, your application must be accompanied by:

- a **CSG statement**;
- a proposed **development plan** that complies with the initial development plan requirements (sections 318DT and 318DV); and
- other information that addresses the **CSG assessment criteria**.

If NO, go to Question 1.5

Is the area of your mining lease application within the area of a petroleum lease, and is the mining lease application being made other than by or jointly with the petroleum lease holder?

1.5	☐ YES	☐ NO
-----	------------------------------	-----------------------------

If YES, your application must be accompanied by:

- a **CSG statement**; and
- a proposed **development plan** that complies with the initial development plan requirements (sections 318DT and 318DV).

If NO, go to Question 1.6

Is the area of your mining lease application within the area of a petroleum lease, and is the mining lease application being made by or jointly with the petroleum lease holder?

1.6	☐ YES	☐ NO
-----	------------------------------	-----------------------------

If YES, your application must be accompanied by:

- a **CSG statement**; and
- a proposed **development plan** that complies with the initial development plan requirements (sections 318DT and 318DV).

2. PRIVACY STATEMENT

The Queensland Government introduced Information Standard 42 - Information Privacy to establish a framework for the responsible collection and handling of personal information in the Queensland government public sector.

The Department of Natural Resources, Mines and Water is collecting the information on this form to process your application for a mining lease. This is required by section 245 and Part 7AA of the *Mineral Resources Act 1989* (the Act).

The Department is required to facilitate and regulate the carrying out of responsible mining activities and the development of a safe, efficient and viable mining industry in Queensland under the Act.

The Department maintains a Register under section 387 of the Act. This register contains information collected from a variety of sources, including application forms submitted under the Act. The particulars to be recorded in the register are prescribed in Part 11 of the *Mineral Resources Regulation 2003* (the Regulations).

Under section 68 of the Regulations, the public can inspect the Register between the hours of 8.30 am and 4.30 pm on business days, and anyone may take extracts from the register and acquire, upon payment of the prescribed fee, a copy of all or part of a notice, document or information held in the register. Information contained in the register includes (but is not limited to):

- the mining tenement number;
- the full name of the holder/s of the mining tenement;
- the annual rent for the mining tenement; and
- any permitted dealings relating to the mining tenement that are approved by the Minister.

Information collected on this form, whether or not it is contained in the Register, may be provided to other Queensland Government Agencies, where such disclosure is necessary for the effective management of the mineral resources and industry in Queensland. These agencies may include the Environmental Protection Agency, the Department of Primary Industries and Fisheries and the Department of Energy.

Where information provided is commercial in confidence, it will be treated as confidential and not included in the Register or be disclosed outside the agency unless the Department is legally required to do so.

For more information on Information Privacy, please contact the Privacy Contact Officer for the Department of Natural Resources, Mines and Water on (07) 389 63705.

ADDITIONAL INFORMATION FOR COAL OR OIL SHALE MINING LEASE APPLICATION INFORMATION SHEET

The information detailed below is only a summary of the provisions of Part 7AA of the Mineral Resources Act 1989. The mining lease applicant should read this Part in full to ensure compliance with all statutory obligations.

Initial Development Plan

A development plan must accompany every application for a coal or oil shale mining lease even if there is no overlap with petroleum tenure. The relevant provisions for development plans are contained in Division 9 of part 7AA of the *Mineral Resources Act 1989*. The specific requirements for a proposed development plan are detailed in section 318DT of the *Mineral Resources Act 1989*.

It is important to note that by lodging a compliant development plan, an applicant is not required to address the matters referred to in section 245 (1) (o) (iii) (A) of the *Mineral Resources Act 1989* (i.e. a statement outlining the mining program proposed, the method of operation etc.). This is because that information must now be included and addressed in the development plan submitted with the application. Section 318DV also requires that the development plan include a statement of how the effects on, and the interests of, any relevant overlapping or adjacent petroleum tenure holder have, or have not been considered having regard to:

- the main purposes of part 7AA; and
- the CSG assessment criteria, other than the initial development requirements.

All development plans must be approved by the Minister. If a development plan is not approved section 318DZ (2) requires that the ML application to be rejected. However, an applicant has a right of appeal from the Minister's decision to refuse the development plan under section 318EI. The appeal period is 20 days after the day the applicant is given the notice of the Minister's decision.

Departmental Guidelines for initial and later development plans are available at <http://www.nrm.qld.gov.au/mines/legislation/guidelines.html>.

CSG Assessment Criteria

The CSG Assessment Criteria include the following:

- the requirements of the *Petroleum and Gas (Production and Safety) Act 2004*, Chapter 9 (Safety);
- the initial development plan requirements;
- the legitimate business interests of the applicant and the authority to prospect for petroleum holder (the parties), including, for example, contractual obligations, the effect on, and use of, infrastructure or mining or production facilities and exploration expenditure on relevant overlapping tenure;
- the effect of the proposed mining lease on the future development of petroleum resources in the land, including for example, each of the following:
 - (i) the proposed timing and rate of coal or oil shale mining and the development of petroleum from the land;
 - (ii) the potential for the parties to make a coordination arrangement about:
 - (a) coal or oil shale mining and any incidental coal seam gas mining under the proposed mining lease; and
 - (b) petroleum production under any future petroleum lease over the land;
 - (iii) the attempts required of the applicant under section 318AT(1)(b);
 - (iv) the economic and technical viability of the concurrent or coordinated coal or oil shale mining and the development of any petroleum from the land;
 - (v) the extent, nature and value of coal or oil shale mining and the development of any petroleum in the land; and
- the public interest in coal or oil shale mining and petroleum production from the land, having regard to the public interest.

Notification, consultation and negotiation requirements

Part 7AA places additional obligations on an applicant and the petroleum tenure holder to notify, consult and negotiate. The nature of these obligations depends on the extent of any overlap with existing or proposed petroleum tenure and whether the application is being made with or without the consent of the petroleum tenure holder. The obligations imposed under the various divisions of Part 7AA are listed below.

1. Where the ML application being applied for is over land within the area of an authority to prospect and:

- the ML applicant is not the authority to prospect holder;
- the ML application is not made jointly with the authority to prospect holder;
- the ML application is not made with the authority to prospect holder's written consent;
- the land is not in the area of a petroleum lease (PL) held by the authority to prospect holder

Once the application has been lodged you must give a copy of the completed mining lease application to the authority to prospect for petroleum holder within 10 business days after making the application. This copy of the application may exclude any part that relates to the statement detailing the applicant's financial and technical resources required under section 245(1)(o)(iv).

When this is done you as the applicant must:

- make reasonable attempts to consult with the ATP holder about the proposed development plan and, as negotiated, change the proposed development plan to incorporate reasonable provisions made by the ATP holder;
- make an appropriate arrangement (a testing arrangement) with the ATP holder about testing for petroleum production carried out, or proposed to be carried out by the ATP holder; and
- allow the ATP holder time to complete or commence testing they may have been conducting, or were planning to conduct, such as a production test, or exploratory work that they need to complete. This is in order for the ATP holder to have sufficient data to meet the requirements for making an application for a potential commercial area under the *Petroleum and Gas (Production and Safety) Act 2004*. This particular obligation is limited to 12 months.

Within 4 months after making the application you are required to lodge a written notice with the Mining Registrar about the following matters:

- the details of consultation with the ATP holder;
- the results of consultation with the ATP holder;
- any comments the applicant wishes to make about any submissions lodged by the ATP holder;
- any changes to the proposed development plan;
- if a testing arrangement has been made, the details of that arrangement;
- if a testing arrangement has not been made, the details of the attempts made to make the arrangement.
- the applicant's assessment of the potential of the applicant and the ATP holder to make a coordination arrangement about—
 - (i) coal or oil shale mining and any incidental coal seam gas mining under the proposed mining lease; and
 - (ii) petroleum production under any future PL over the land.

2. Where the ML application being applied for is over land within the area of an authority to prospect and:

- the applicant is the ATP holder; or
- the ATP holder has given written consent to the making of the application for the ML.

In this case there is no requirement to notify, consult or negotiate as the application is being made by, jointly with or with the consent of the ATP holder.

3. Where the ML application is being made in response to a preference decision made under section 319 of the *Petroleum and Gas (Production and Safety) Act 2004* then the notification, consultation and negotiation requirements and obligations do not apply.

4. Where the ML application being applied for is over land within the area of a petroleum lease and:

- the ML applicant is not the petroleum lease holder; and
- the ML application is not made jointly with the petroleum lease holder.

Once the application has been lodged you must give a copy of the completed mining lease application to the petroleum lease holder within 10 business days after making the application. This copy of the application may exclude any part that relates to the statement detailing the applicant's financial and technical resources required under section 245(1)(o)(iv).

After receiving a copy of the application the petroleum lease holder must use reasonable attempts to reach a coordination arrangement with you about the following matters—

- coal or oil shale mining and any incidental coal seam gas mining under the proposed ML;
- petroleum production under the PL for the land.

However, this obligation applies only to the extent that a coordination arrangement that provides the best resource use outcome without significantly affecting the parties' rights or interests is commercially and technically feasible for the petroleum lease holder. With applications of this type a Certificate of Public Notice (CPN) cannot be issued by the MR until the applicant has negotiated a proposed coordination agreement with the petroleum lease holder and the Minister has approved that arrangement. There must also be a safety and health management system that applies to the proposed mining lease. For a coal mining lease, a safety and health management system means a safety and health management system under the *Coal Mining Safety and Health Act 1999*. For an oil shale mining lease, a safety and health management system means a safety and health management system under the *Mining and Quarrying Safety and Health Act 1999*.

5. Where the ML application being applied for is over land within the area of a petroleum lease and:

- the ML applicant is the petroleum lease holder
- the ML application is made jointly with the petroleum lease holder

In this case there is no requirement to notify, consult or negotiate.

Priority for earlier Petroleum Lease applications or proposed applications

Part 7AA also provides a priority regime for any prior petroleum lease application or proposed applications. This priority regime prevents a certificate of public notice being issued by the mining registrar until the petroleum lease application is decided or limited other factors apply.

Priority for an earlier petroleum lease application or proposed PL application applies if:

- before making the ML application a petroleum lease application was made for the land;
- the petroleum lease application complies with the *Petroleum and Gas (Production and Safety) Act 2004*;
- the petroleum lease has not been decided; and
- the petroleum lease holder (please note this may be different from the ATP holder) has not given written consent to the ML application.

In the above a case a certificate of public notice can not be issued until the petroleum lease application has been decided.

Priority does not apply if the ML application was made in response to an invitation given under section 323 of the *Petroleum and Gas (Production and Safety) Act 2004* or where the petroleum lease applicant has given written consent to the ML application. If on the other hand the ML application was not made, within 6 months of the invitation the priority regime will apply.

Priority for a proposed petroleum lease application also applies where, before an ML application is made, an approval under the *Environmental Protection Act 1994* for the voluntary preparation of an Environmental Impact Statement (EIS) was given; and

- the project includes a proposed petroleum lease for the land; and
- the proponent is the ATP holder (or if there is more than one proponent, one of the proponents is the ATP holder); or
- the proponent is someone who has the ATP holder's consent;

Where an EIS is being undertaken a certificate of public notice can not be issued unless:

- the proponent of the EIS does not make a petroleum lease application within one year after the granting of the approval; or
- a petroleum lease application is made; and
 - it does not comply with the *Petroleum and Gas (Production and Safety) Act 2004*; or
 - the petroleum lease application is decided; or
- the proponent of the EIS has given written consent to the ML application.

Similarly, priority also applies for a proposed petroleum lease application if, under the *State Development and Public Works Organisation Act 1971*, a proposed petroleum lease is declared a significant project or a project which includes a proposed petroleum lease is declared a significant project and the proponent of the significant project is, or includes, the ATP holder or someone else who has the authority holder's consent. If so a certificate of public notice can not be granted unless:

- the proponent of the significant project does not make a petroleum lease application for the land within one year after the making of the declaration;
- a petroleum lease application is made; and
 - it does not comply with the *Petroleum and Gas (Production and Safety) Act 2004*; or
 - the application is decided; or
- the proponent of the significant projects has given written consent to the ML application.

In the above situations (i.e. where an EIS is a consideration) priority is created because the EIS process is potentially public from that point, so the trigger point for priority has been advanced ahead of the point of the actual application for the petroleum lease.

MINING LEASE APPLICATION

DESCRIPTION

WANDOAN NO. 3

DATUM POST

The Datum Post branded XCQ P/L 23/05/2007 is located at a point on the common boundary of the eastern boundary of Lot 48 on FT573 and the western boundary of a road 40.234 metres wide being on a bearing of $339^{\circ} 08' 20''$ for a distance of 990.097 metres from the south east corner of Lot 48 on FT573 in the Parish of Juandah and the County of Fortescue and is located approx. 10 km north west of the Township of Wandoan, South East Queensland (approx. MGA co-ordinates 788703.8mE, 7114296.8mN, Zone 55).

DESCRIPTION

Commencing at the Datum Post
thence on a line bearing $195^{\circ} 22' 05''$ for a distance of 8234.099 metres along and coincident with part of the western boundary of MLA Wandoan No. 2 across Lot 48 on FT573, Lot 49 on FT826, Grosmont Road, Lot 49 on FT826, Lot 41 on FT496 and Lot 52 on FT614 to a point on the southern boundary of Lot 52 on FT614 with approx. MGA co-ordinates of 786521.6mE, 7106351.1mN

thence by a line bearing $193^{\circ} 07' 55''$ for a distance of 4319.157 metres along and coincident with the remaining part of the western boundary of MLA Wandoan No. 2 across Jackson Wandoan Road, Lot 9 on FT384, road, Lot 58 on FT1013 and Lot 10 on FT949 to a point on the southern boundary of that lot and coincident with the south western corner of MLA Wandoan No. 2 with approx. MGA co-ordinates of 785540.3m E, 7102150.9m N

thence by a line bearing $279^{\circ} 16' 05''$ for a distance of 3101.735 metres along and coincident with the southern boundary of Lot 10 on FT949, across Jackson Wandoan Road, southern boundary of the western part of Lot 10 on FT949 and across a road 60.35 metres wide to a point on the eastern boundary of Lot 1 on RP123884 with approx. MGA co-ordinates of 782479.1mE, 7102650.5mN

thence on a line bearing $8^{\circ} 38'$ for a distance of 9403.334 metres across Lot 1 on RP123884, Lot 16 on FT1012, Bundi Road, Lot 45 on FT497 and Lot 50 on FT573 to a point on the northern boundary of Lot 50 on FT573 and the southern boundary of Grosmont Road and coincident with a corner of the southern boundary of MLA Wandoan No. 1 with approx. MGA co-ordinates of 783890.6mE, 7111947.3mN

thence by a line bearing $125^{\circ} 44' 35''$ for a distance of 789.139 metres along the northern boundary of Lot 50 on FT573 and coincident with the southern boundary of MLA Wandoan No. 1 to a point coincident with the south east corner of MLA Wandoan No. 1 having approx. MGA co-ordinates of 784531.1mE, 7111486.3mN

thence by a line bearing 53° 20' 20" for a distance of 3419.102 metres across Grosmont Road, though Lot 34 on FT490 through Lot 55 on FT826 to a corner on the northern boundary of that lot

thence by a line bearing 61° 43' 45" for a distance of 1623.613 metres through Lot 48 on FT573 back to the point of commencement

The area of land under application is: **3795 ha**

The name of the lease is: **WANDOAN No. 3**

The Surface Area required is: **WHOLE**

Bearings are approx. MGA – subtract 9° 54' for Magnetic

**METES DESCRIPTION
MGA**

Commencing at the Datum Post

195° 22' 05"	8234.099
193° 07' 55"	4319.157
279° 16' 05"	3101.735
8° 38'	9403.334
125° 44' 35"	789.139
53° 20' 20"	3419.102
61° 43' 45"	1623.613

back to the point of commencement

**METES DESCRIPTION
MAGNETIC**

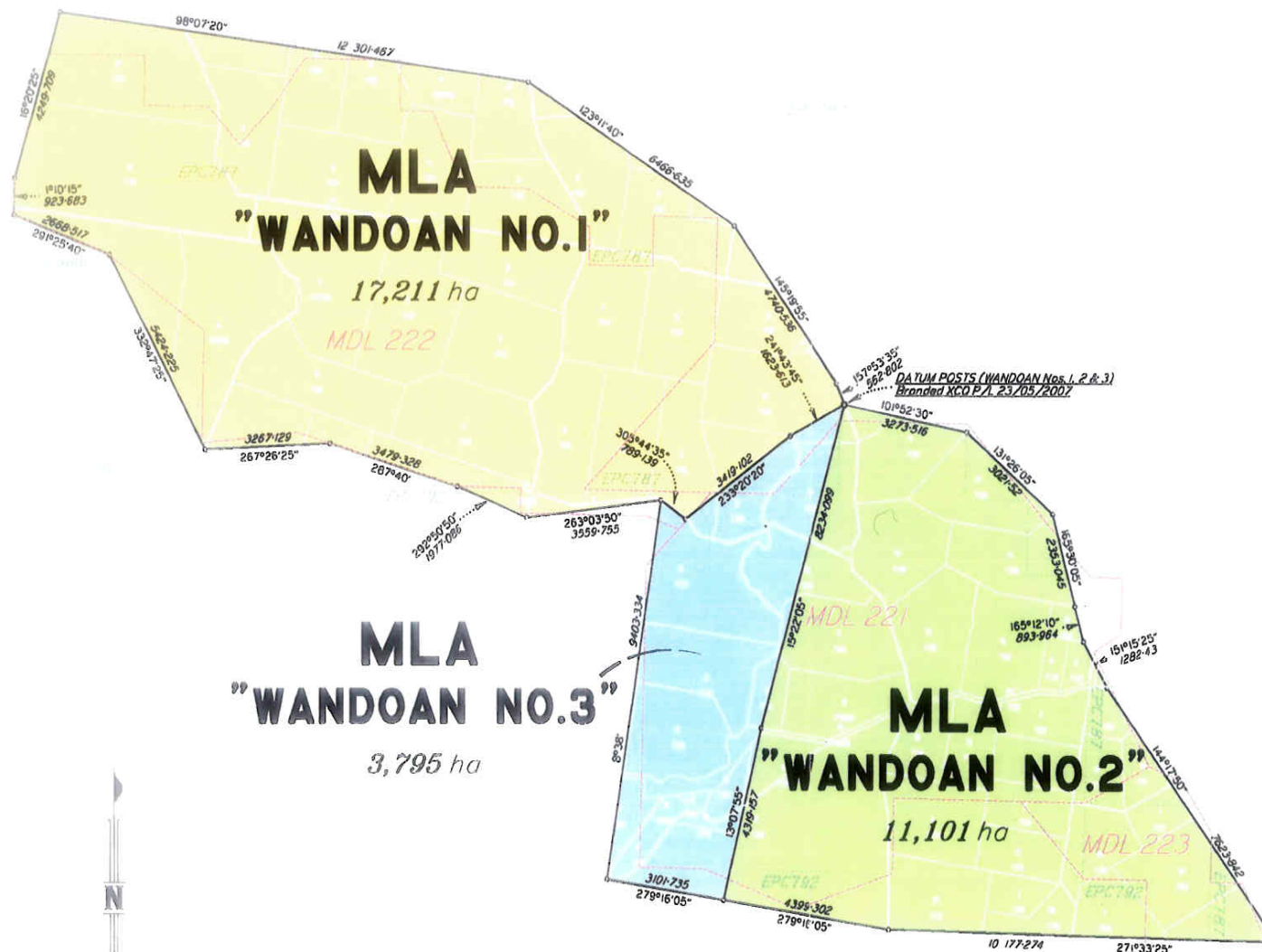
Commencing at the Datum Post

185° 28' 05"	8234.099
183° 13' 55"	4319.157
269° 22' 05"	3101.735
358° 44'	9403.334
115° 50' 35"	789.139
43° 26' 20"	3419.102
51° 49' 45"	1623.613

back to the point of commencement

MINING LEASE APPLICATION WANDOAN NO. 3
OWNERS DETAILS

Lot	Plan	Owner	Address
16	FT1012	Malcolm Eric Monk	'Glen Haven' Wandoan
58	FT1013	Ronald N & Susan M Fitzgerald	PO Box 153 Wandoan Qld
2	FT394	Jeffrey I & Lynn C Noller	Delga West' MS 1177 Wandoan Qld
34	FT490	John Gerard Erbacher	'East Lynne' Wandoan Qld
43	FT495	Ronald N & Susan M Fitzgerald	Salisbury Park' PO Box 153 Wandoan Qld
44	FT495	Neil Edward & Janet Daphne Goodland	Clare' MS 324 Theodore Qld
41	FT496	Ronald N & Susan M Fitzgerald	PO Box 153 Wandoan Qld
48	FT573	Darryl Robert Waugh	'Wodonga' Wandoan
50	FT573	Eileen & Brian L Westman & Marie E Westman	'Beechley' Wandoan
52	FT614	Ronald N & Susan M Fitzgerald	PO Box 153 Wandoan Qld
49	FT826	Brian L & Marie E Westman	'Dandaloo' Wandoan Qld
55	FT826	Darryl Robert Waugh	'Wodonga' Wandoan
10	FT949	Neville A & Beverley A Ward	'Pecos Valley' Wandoan
1	RP123884	Malcolm Eric Monk	'Glen Haven' Wandoan
Various	Roads	State Government of Qld (dept Natural Resources and Water)	



Scale 1:112500 - Lengths are in Metres.

2000 0 2000 4000 6000 8000 10000 12000 14000 16000

CLIENT
XSTRATA COAL LTD

PROJECT
WANDOAN MINE PROJECT
WANDOAN, QUEENSLAND

TITLE
MINING LEASE APPLICATIONS
WANDOAN MINE PROJECT

REAL PROPERTY DESCRIPTION
VARIOUS LOTS
COUNTY OF FORTESCUE

LOCATION
WEST OF THE TOWN OF WANDOAN
WANDOAN, QUEENSLAND

LOCAL AUTHORITY
TAROOM SHIRE COUNCIL

SCALE 1:112500

NOTES

1. BEARINGS APPROXIMATELY MGA, SUBTRACT 9°54'00" TO OBTAIN MAGNETIC BEARINGS.
2. ALL CORNERS ARE MARKED WITH 100 x 100mm APPLICATION POSTS PAINTED WHITE AND BRANDED 'XCO P/L 23/05/2007'.



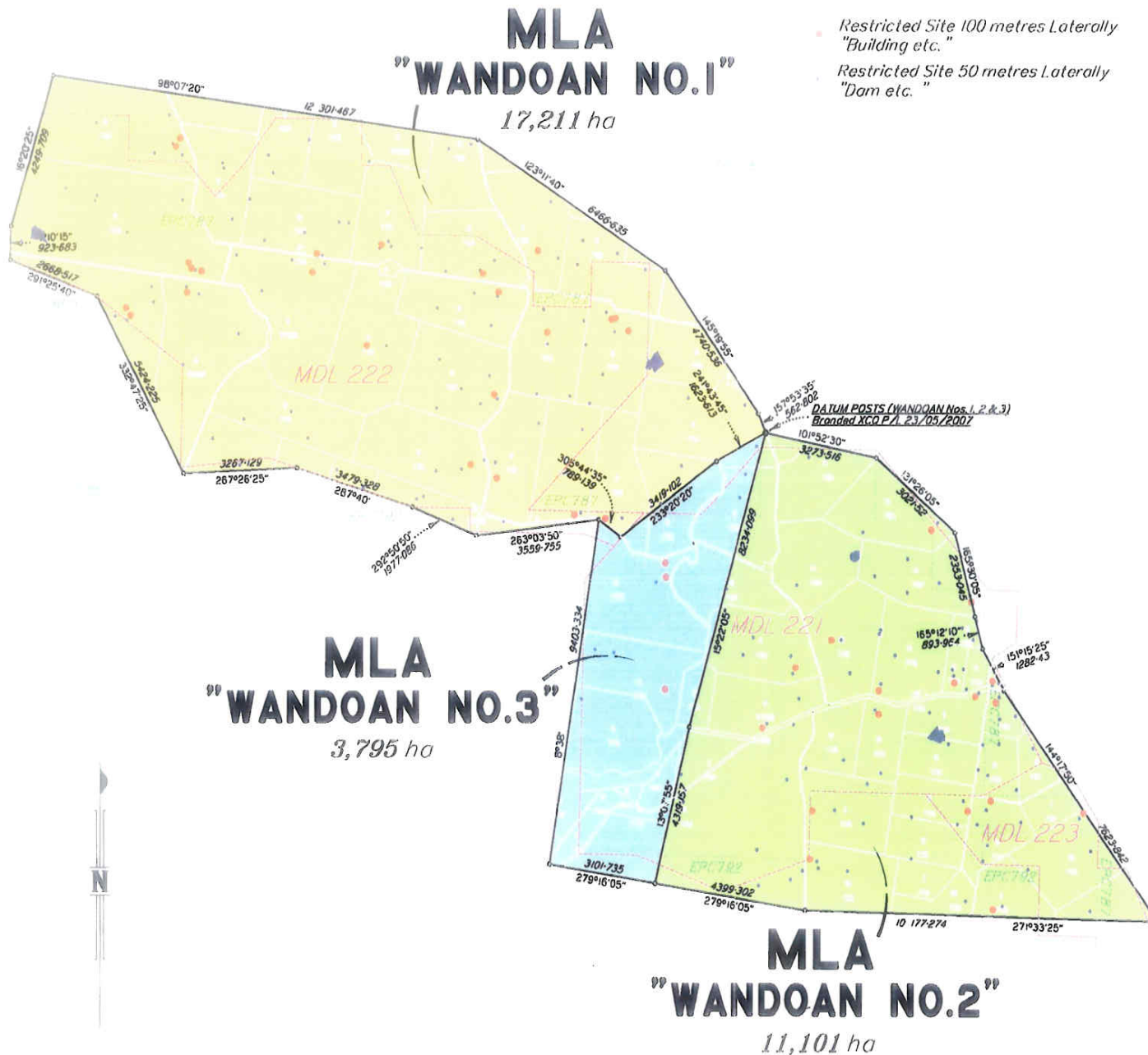
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SURVEYS PTY. LTD.**

ACN 059 375 610

LICENSED SURVEYORS
LAND DEVELOPMENT AND
MAPPING CONSULTANTS

Building 10B, Technology Office Park
107 Miles Platting Road
Eight Mile Plains, QUEENSLAND 4113
P.O. BOX 4104, Eight Mile Plains, 4113
PHONE (07) 3340 9700
FAX (07) 3841 8077
EMAIL ccssurveys@ccssurveys.com.au

DATE 14/05/07 DRAWING NUMBER 9217-02



ecoprocess

environmental licences and permits

Application form

Mining

Application for an environmental authority (mining lease) for level 1 mining project

OFFICIAL USE ONLY

DATE RECEIVED

FILE REF

PROJECT REF

COMPLETE FORM

☐

CORRECT AA

☐

COMPLETE FEE

☐

ADMINISTERING DISTRICT

ENTERED BY (SIGNATURE)

DATE

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GUIDE

Each applicant for a relevant mining tenement (i.e. applicant/s listed on the Application for mining lease form), and each holder of a relevant mining tenement (i.e. where the application relates to a current mining project), are to be the (only) applicants for EA.

Where there are several applicants, joint applicants may appoint a principal applicant, refer to Appendix A. The administering authority can then make its dealings with all applicants/holders by dealing with the principal applicant/holder.

Important information for applicants

This form must be used to apply for an environmental authority (mining lease) for level 1 mining project under Section 154 of the *Environmental Protection Act 1994* (EP Act). This form must be submitted with the 'Application for mining lease' form to the relevant district office of a Mining Registrar, Department of Natural Resources and Mines (NR&M).

If you already hold an existing environmental authority (EA) and wish to apply for an additional mining activity or additional surface area, you are advised to use the form 'Application for amendment of environmental authority (mining activities)'.

To assist you in the completion of this form, you should read the following guidelines:

- Preparing an Environmental Management Plan (EM Plan) for level 1 mining projects;
- Deciding the level of impact assessment for the mining industry; and
- Financial assurance for mining activities.

Specific information requirements

1. Applicant details

1. PRINT FULL NAME AND ABN

Xstrata Coal Queensland Pty Ltd - 69 098 156 702

Principal applicant

☒

REGISTERED BUSINESS ADDRESS (OR RESIDENCE) & POSTAL ADDRESS

Level 10, Riverside Centre
123 Eagle Street
Brisbane, Qld 4000
GPO Box 2587, Brisbane Qld 4001

2. PRINT FULL NAME AND ABN

ICRA RPW PTY LTD - 48 106 260 619

REGISTERED BUSINESS ADDRESS (OR RESIDENCE) & POSTAL ADDRESS

Level 24, Comalco Place
12 Creek Street
Brisbane, Qld 4000



Application for an environmental authority (mining lease) for level 1 mining project

3. PRINT FULL NAME AND ABN Sumisho Coal Australia Pty Limited - 30 061 524 249
REGISTERED BUSINESS ADDRESS (OR RESIDENCE) & POSTAL ADDRESS Level 6 44 Martin Place Sydney, NSW 2000

The business/trading name will be used for information purposes only. The EA will be issued to the applicant(s).

2. Business name or trading name, where different to principal applicant company name.

BUSINESS/TRADING NAME

E.g. consultant, operations manager

3. Who is the contact person for dealing with the environmental protection issues relating to this application?

NAME Rob Thatcher - Project Manager	
TRADING NAME	
REGISTERED BUSINESS ADDRESS Level 10, Riverside Centre 123 Eagle Street, Brisbane, Qld 4000	
FULL POSTAL ADDRESS GPO Box 2587, Brisbane Qld 4001	
TELEPHONE (07) 5115 5363	FACSIMILE (07) 3115 5420
MOBILE TELEPHONE 0418 752 970	EMAIL robt@hotmail.net.au

Questions 4 & 5:

One of the factors that the administering authority considers when deciding an application for an environmental authority (EA) is the suitability of the applicant to hold an EA. Suitability inquiries may be made.

Under the EP Act, a conviction includes a plea of guilty or a finding of guilt by a court even though a conviction is not recorded.

Past criminal activity for environmental offences will not necessarily result in the application being refused. Each case is assessed on its merits. The EPA may contact you for more information during the decision-making period.

4. Has the applicant been convicted of an offence against the *Environmental Protection Act 1994* or a corresponding law in Queensland or another jurisdiction?

☐ Yes → Please attach a brief statement outlining the date, location and nature of the conviction

Tick to indicate attachment ☐

☒ No

Application for an environmental authority (mining lease) for level 1 mining project

Where the applicant is a corporation, Questions 4 & 5 apply to all executive officers of the corporation (and relates to their current position, and any other executive positions they may have held in other corporations). Under the EP Act, an 'executive officer' includes anyone who is involved in the management of a corporation. You should make reasonable inquiries of all executive officers.

'Corresponding law' means a law of the Commonwealth or another State that provides for the same or similar matters as the EP Act.

A 'mining project' is all mining activities carried out, or proposed to be carried out, under one or more mining tenements, in any combination, as a single integrated operation.

Provide a project number where issued by NR&M.

5. Has the applicant held an environmental authority that has been cancelled or suspended under the *Environmental Protection Act 1994* or a corresponding law in Queensland or another jurisdiction?

☐ Yes → Please attach a brief statement outlining the date, EA number and the nature of the cancellation or suspension

Tick to indicate attachment ☐

☒ No

6. Is this application intended to form a part of a current mining project?

☐ Yes → Provide the project number below (where issued)

PROJECT NUMBER

☒ No

7. Identify the mining tenements that comprise, or are intended to comprise, the mining project

	TENURE 1	TENURE 2	TENURE 3	TENURE 4
TENURE TYPE	EPC	MDL		
NUMBER	787 792 859	221 222 223		
STATUS	Granted	Granted		

If you are replacing an existing EA you should answer 'yes' at Question 8 and the following applies.

Where the existing mining project has a transitional authority, provide the previously issued EP Act approval number in the box provided. If you do not have an EP Act approval number, provide the tenement number(s).

The process to replace an EA (mining activities) is identical to the application process. The administering authority shall cancel the existing EA when the new EA is issued.

8. Does this application propose activities to be carried out as part of an existing mining project that has an existing environmental authority (EA) (mining activities)?

☐ Yes → Provide the EA number below

EA NUMBER

☒ No

Application for an environmental authority (mining lease) for level 1 mining project

9. Where relevant, what is the reason for seeking a replacement environmental authority? (tick one option only)

- ☐ The existing environmental authority is for a Level 2 mining project and the activities no longer meet the prescribed criteria for a Level 2 mining project.
- ☐ The existing authority was issued as a 'standard environmental authority', and the activity no longer meets the prescribed criteria for a 'standard environmental authority'.
- ☐ An environmental authority is already granted for a mining project and the holder proposes an additional mining tenement.
- ☐ Other – please specify below:

REASON

If this application forms part of a current project, provide the existing project name. Where this application relates to a new project, nominate a name.

10. What is the name of the proposed project?

PROPOSED NAME
Wandoan

Where other tenure applications have been lodged or are proposed to be lodged as part of the mining project, identify the status as either 'lodged' or 'proposed'.

For several tenements forming a single mining project only one EA application form is required.

11. Are there other tenure applications, lodged or proposed to be lodged, that are intended to form relevant mining tenements for this application and comprise the mining project?

- ☐ Yes → Provide details below:

TENURE TYPE	TOTAL NUMBER	STATUS

☒ No

Application for an environmental authority (mining lease) for level 1 mining project

The Australian and New Zealand Standard Industrial Classification (ANZSIC) is used by the Australian Bureau of Statistics. The ANZSIC code is required to be displayed in the public register.

12. What is the ANZSIC code for the activity?

- ☒ 1101 Black coal mining ☐ 1313 Copper ore mining
- ☐ 1102 Brown coal mining ☐ 1314 Gold ore mining
- ☐ 1311 Iron ore mining ☐ 1315 Mineral sand mining
- ☐ 1312 Bauxite mining ☐ 1316 Nickel ore
- ☐ 1317 Silver-lead-zinc ore mining
- ☐ 1319 Metal ore mining (other metallic mineral ores)
- ☐ Other, specify below

CODE	DESCRIPTION

In order to answer this question, applicants must refer to the information sheet 'Dams containing hazardous waste.' If necessary include supporting information in the Environmental Management Plan (EM Plan).

13. Do you have a dam containing hazardous wastes?

- ☐ Yes
- ☒ No

Please refer to the guideline 'Preparing an Environmental Management Plan (EM Plan) for level 1 mining projects' available from NR&M or EPA offices.

An applicant for an EA for a mining project level 1 must submit an Environmental Management Plan (EM Plan) for all relevant activities. The purpose of the EM Plan is to propose environmental protection commitments to help decide the conditions of the authority.

14. Is an Environmental Management Plan (EM Plan) included with this application?

- ☐ Yes → Provide its title and date below:

TITLE	DATE

Tick to indicate attachment ☐

- ☒ No → An EM Plan must be lodged before this application can be decided

Application for an environmental authority (mining lease) for level 1 mining project

Question 15 will be used to help decide whether an EIS is required for the project.

If you tick 'yes' for any of Questions 15a to 15j, describe how the criterion is not met by filling in the details to the right of the Yes box.

Category A and B environmentally sensitive areas are listed in Schedule 1A of the *Environmental Protection Regulation 1998* (EP Regulation). A free map service that details these areas is available from the EPA website, at: www.epa.qld.gov.au/ecoaccess/mining/

Note: 'mining' includes exploration. Environmentally Relevant Activities (ERAs) are listed in Schedule 1 of the EP Regulation - an electronic copy is available at www.legislation.qld.gov.au

Further guidance will be available at your local NR&M or EPA office.

Non-beneficial land capability means that after mining, the land is in a degraded state, unsuitable for its previous use, or agreement cannot be reached on an alternative future use (e.g. excavation containing acid water).

15. Tick the relevant boxes to show the scope of your project

Will the project:

	NO	YES	DESCRIBE OR ATTACH HOW CRITERION NOT MET
a) Have significant impact on Category A or B environmentally sensitive areas?	☒	☐ →	
b) Involve mining in a marine area?	☒	☐ →	
c) Involve mining less than 500m from the highest astronomical tide	☒	☐ →	
d) Require the construction of >150 new dwelling units?	☐	☒ →	See attached Initial Advice Statement
e) Include an activity that would otherwise be a level 1 ERA with an annual fee >\$4000?	☐	☒ →	See attached Initial Advice Statement
f) Involve the mining of >2 million tonnes of mineral or run of mine ore per year?	☐	☒ →	See attached Initial Advice Statement
g) Involve the abstraction of >2 million m ³ of water per year from natural surface or groundwater sources?	☐	☒ →	See attached Initial Advice Statement
h) Result in > 25 ha remaining post-mining in a non-beneficial land capacity?	☐	☒ →	See attached Initial Advice Statement
i) Involve any level 1 mining activity less than 2km from a town?	☐	☒ →	See attached Initial Advice Statement
j) Include any mining for uranium or asbestos	☒	☐ →	

Tick to indicate attachments ☒

Supporting information

If you tick Yes for any of Questions 16a to 16o, write the identity or location of the area in the space provided. If there is insufficient space, please attach additional information.

Attach details of the status and outcomes of any consultation undertaken with the relevant authority regarding the proposed mining activity.

The relevant authorities for each area listed, are:

¹ Environmental Protection Agency

² Qld Department of Natural Resources and Mines

³ Qld Department of Primary Industries and Fisheries

16. Will mining activities be carried out in, or adjacent to, any of the following areas:

WILL MINING ACTIVITIES BE CARRIED OUT IN, OR ADJACENT TO, ANY OF THE FOLLOWING AREAS:

TICK RELEVANT BOX

IDENTITY OR LOCATION OF AREA

a) Nature refuge?¹

☒ No ☐ Yes→

b) Resource reserves?^{1,3}

☒ No ☐ Yes→

c) Declared catchment areas?²

☒ No ☐ Yes→

d) Declared irrigation and project areas?²

☒ No ☐ Yes→

e) Water supply areas and drainage areas?²

☒ No ☐ Yes→

f) River improvement areas?²

☒ No ☐ Yes→

g) Stanbroke designated landscape area?¹

☒ No ☐ Yes→

h) Historic mining sites?^{1,3}

☒ No ☐ Yes→

i) State forest or timber reserve?²

☒ No ☐ Yes→

j) DPI research site?³

☒ No ☐ Yes→

k) Critical areas and public purpose reserves?²

☒ No ☐ Yes→

l) Areas under coastal management plans and control districts?¹

☒ No ☐ Yes→

m) Erosion prone areas and coastal management control districts?¹

☒ No ☐ Yes→

Application for an environmental authority (mining lease) for level 1 mining project

WILL MINING ACTIVITIES BE CARRIED OUT IN, OR ADJACENT TO, ANY OF THE FOLLOWING AREAS:

TICK RELEVANT BOX

IDENTITY OR LOCATION OF AREA

n) Area declared in need of environmental protection by a State Planning Policy, eg. The koala conservation area and other major habitat in State Planning Policy 1/05?¹

☒ No ☐ Yes→

o) Areas of land occupied by the Bureau of Sugar Experiment Stations to conduct research?³

☒ No ☐ Yes→

Tick to indicate attachments ☐

Include here a brief description of mining, processing, and machinery to be used.

Question 18:

Note: Under the EP Act, land that has been or is being used for a notifiable activity must be notified to the EPA for recording on the Environmental Management Register (EMR). Examples of notifiable activities include: mine waste storage; mineral processing; landfill; petroleum product or oil storage; chemical storage; and waste storage, treatment or disposal. For the full list of notifiable activities, refer to Schedule 3 of the EP Act or the EPA publication Information Kit – 'Assessment & Management of Contaminated Land in Queensland'.

It should be noted that an EA (mining activities) holder is required to demonstrate that any land listed on the EMR, as a result of the mining activity undertaken, has been satisfactorily rehabilitated and is not a risk to human health or the environment, prior to the EPA approving an application for surrender.

Question 19:

If this project is likely to trigger a matter of national environmental significance, it is to be referred, by the applicant, to Environment Australia.

Further information is available at www.deh.gov.au

17. Briefly describe activities to be undertaken

ACTIVITIES

See attached Initial Advice Statement

18. Are you intending to carry out a notifiable activity as part of this mining project?

☒ Yes → You will need to lodge a 'Notification of Land' form

☐ No

19. Has the project been referred to Environment Australia?

☐ Yes

☒ No

☐ Not applicable

Application for an environmental authority (mining lease) for level 1 mining project

Please read carefully through the certification opposite before signing. Note that the 'applicant' may be a different person or entity to the person authorised to sign this form on behalf of the applicant.

Where there is more than one applicant, this certification is to be signed by the person authorised to sign on behalf of all applicants (i.e. the principal applicant).

Where the applicant or principal applicant is a company, this form is to be signed by a person authorised in writing to sign for that company (i.e. appointed signatory).

Where there are joint applicants, please complete the "Appointment of principal applicant" form on the following page.

No information on financial assurance (FA) is required to be submitted with this application. For further details see the Guideline for setting Financial assurance for mining activities. Note that the EPA may impose as a condition of EA a requirement that the holder of the EA provide FA.

The fee for a level 1 application is detailed in Schedule 1, or under items 12 to 14 of Schedule 6 of the *Environmental Protection Regulation 1998*, proposed to be carried out under the authority.

The fees and charges associated with this application have been excluded from GST by the Commonwealth Government.

20. Applicant's certification

I/We, the applicant(s) identified in Question 1:

I, Ian Cribb
Printed name of person signing

- enclose the prescribed fee of **\$16,556.40**;
- certify that applicants for the environmental authority are all holders/applicants for a relevant mining lease(s);
- solemnly and sincerely declare that the information provided is true and correct to the best of my knowledge and I make this solemn declaration conscientiously believing the same to be true and by virtue of the provisions of the *Oaths Act 1867*.
- understand that all information supplied on or with this application form may be made available upon request, subject to the provisions of the *Freedom of Information Act 1992* and/or by EPA administrative access arrangements;
- understand and agree that information supplied with the related application for mining lease (Mineral Resources Act form), including details of financial and technical resources of the applicant(s), may be provided to the EPA;
- understand that suitability inquiries may be made of any applicant; and

are aware that under section 480 of the *Environmental Protection Act 1994*, it is an offence to give the administering authority information that is false, misleading or incomplete in any material particular. The maximum penalty for such action is 165 penalty units for an individual, or 825 penalty units where the applicant is a corporation (Section 181 B (3) of the *Penalties and Sentences Act 1992*). The current penalty unit value is \$75.00.

SIGNATURE

Ian Cribb

POSITION OF SIGNATORY (IE DIRECTOR, MANAGER, OWNER, PARTNER, CEO ETC)

Chief Operating Officer

DATE

17 April, 2007

Application for an environmental authority (mining lease) for level 1 mining project

Applicant checklist

- ☒ Application form(s) completed and signed
- ☒ Fees paid or enclosed (if applicable)
- ☒ Supporting information or accreditation attached (if applicable)

Please return your completed application kit to:

The relevant district office of:

**Mining Registrar
Department of Natural Resources and Mines**

Application for an environmental authority (mining lease) for level 1 mining project

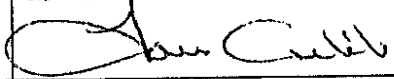
Appointment of principal applicant

We, being joint applicants listed below, hereby appoint

PRINTED NAME OF PRINCIPAL APPLICANT
Xstrata Coal Queensland Pty Ltd

as the principal applicant for this application for environmental authority (mining activities).

List all joint applicants

APPLICANT NAME / COMPANY Xstrata Coal Queensland Pty Ltd		
SIGNATORY NAME & POSITION Ian Cribb - Chief Operating Officer	SIGNATURE 	DATE 17 April, 2007

APPLICANT NAME / COMPANY ICRA RPW PTY LTD		
SIGNATORY NAME & POSITION	SIGNATURE	DATE

APPLICANT NAME / COMPANY Sumisho Coal Australia Pty Limited		
SIGNATORY NAME & POSITION	SIGNATURE	DATE

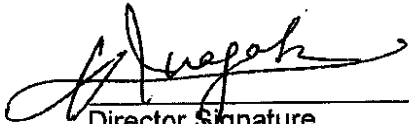
APPLICANT NAME / COMPANY		
SIGNATORY NAME & POSITION	SIGNATURE	DATE

The EPA may accept an application for EA made for all the joint applicants by a person who is a joint applicant if satisfied the person is authorised to make the application for each of the joint applicants. Joint holders of an EA may utilise the Appointment or Cancellation of Appointment of Principal Holder form at any time.

In deciding an application for EA, the EPA must consider any suitability report obtained for the application.

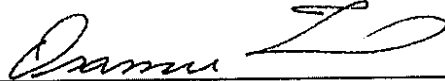
EXECUTION PAGE 2 of 3

**Executed by ICRA RPW Pty Limited in
accordance with section 127 of the
Corporations Act 2001 (Cth):**



Director Signature

K A ZUO (N/A) (K)
Print Name



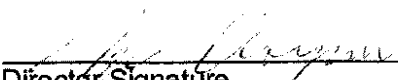
Director/ Authorised Representative

Q A M V TANO
Print Name

Dated this 23rd day of April 2007

EXECUTION PAGE 3 of 3

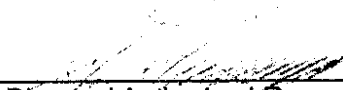
**Executed by Sumisho Coal Australia
Pty Limited** in accordance with section
127 of the Corporations Act 2001 (Cth):



Director Signature

Y. YAMA

Print Name



Director/ Authorised Representative

Print Name

Dated this

23rd

day of

April

2007



Wandoan – Coal Seam Gas Statement

1. Tenure Overlap

MDL's 221,222 and 223 are the coal tenure subject to the three Mining Lease Applications as indicated on plan 9217-02 Attachment 1.

Petroleum tenure that covers this area is:

- PL 171 – Roma Petroleum
- EPP810 – Arrow Energy
- EPP606 – Origin Energy
- EPP768 – BNG (Surat) Pty Ltd
- EPPA850 – Santos QNT Pty Ltd.
- EPPA852 – Pure Energy Resources Limited
- EPPA853 – Drill Search Ltd
- EPP692 – Origin Energy

Previous discussions with Roma Petroleum has resulted in an agreement as Attachment 2.

Extensive communication with both Arrow and Origin has resulted in agreements on general EPC areas and the gas production areas to the east at Scotia and Peat.

2. CGS Statement

In compliance with Section 318AP, the following Coal Seam Gas statement is provided.

s318AP(1)(a)(i) – Affect of mining on petroleum

- The coal mining activities are planned for the open cut extraction of the Walloon coal measures (Jurassic) whereas the petroleum tenement holders are seeking gas from the Triassic/Permian formations.

3. Geology & Coal Resources

3.1. Geology

The Wandoan project is located in the Surat Basin which extends from Toowoomba (west of Ipswich) to the west of Roma in south-east Qld. Currently the only operating coal mines in the Surat Basin are Wilkie Creek, New Acland and Commodore. A new mine is being developed at Kogan Creek to service the new power station being commissioned.

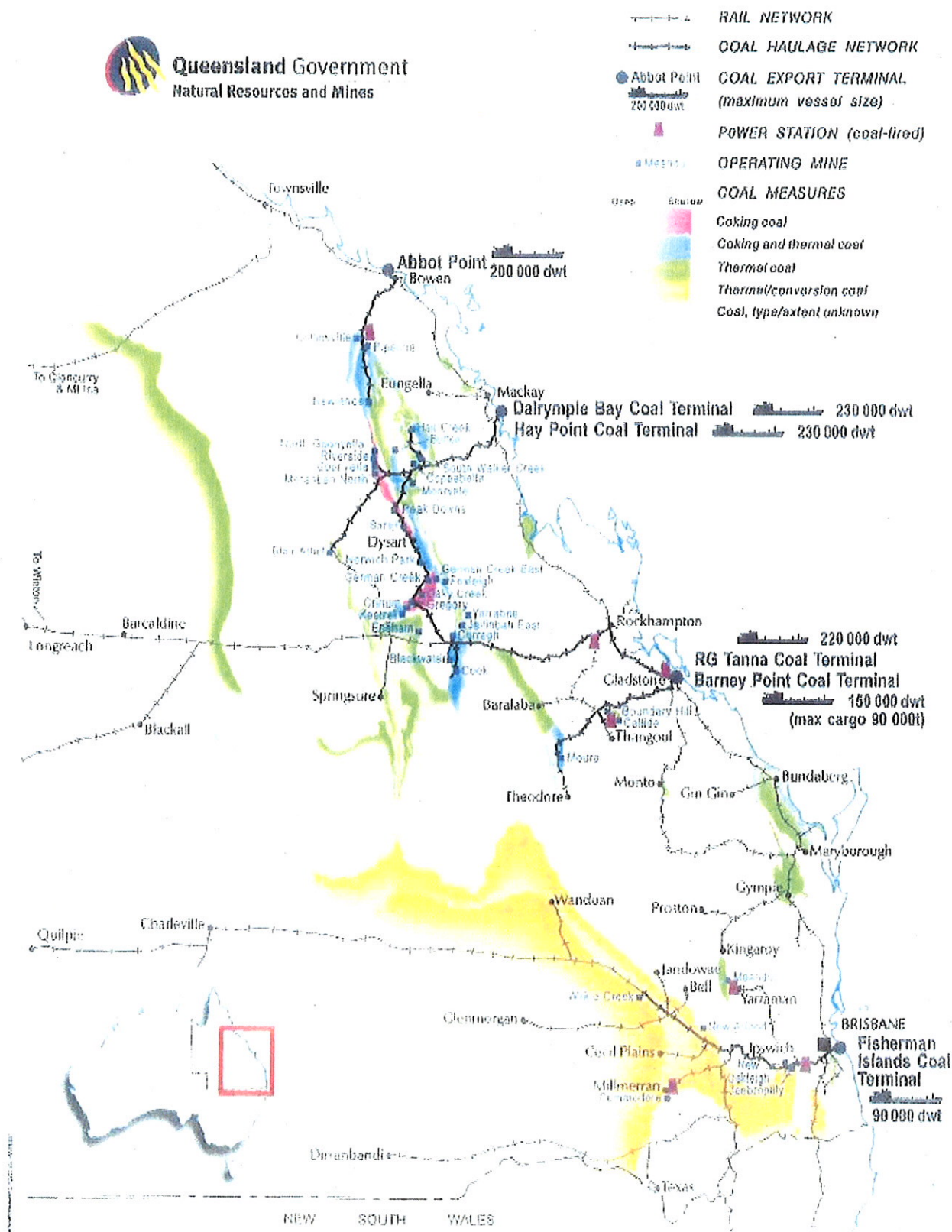
Whilst the well developed Permian aged Bowen Basin to the north produces both coking and thermal coal, only the latter is available from the younger (Jurassic) Surat Basin.

3.1.1. Regional Geology

The Surat Basin is an eastern lobe of the Great Artesian Basin, containing up to 2,500 metres depth of sediments comprised mainly of Jurassic clastic continental rocks and Early Cretaceous marine beds. The northern part of the basin is bounded to the east by the Auburn Arch. Surat Basin sediments intertongue with those of the Moreton Basin across the Kumbarilla Ridge. To the west they intertongue with the Eromanga Basin across the Nebline Ridge, while in the south the basin is bounded by the western edges of the New England Fold Belt. The Surat Basin is limited to the north by its erosional margin. Regional dips are no more than two degrees and the sediments are relatively undisturbed.

Jurassic sediment accumulation occurred in the slowly subsiding Taroom Trough, a basement depression bounded on the east by the north-south trending Leichhardt-Burunga Fault Zone and on the west by the Comet Platform (Surat Basin Structural Geology).

Queensland Coal Mines & Infrastructure



Basement subsidence ceased, with the consequent termination of sedimentation, during the Late Triassic and a period of widespread erosion followed. The Jurassic - Early Cretaceous sedimentation which followed on this erosion surface was cyclic, with six successive cycles of mainly fluvial sedimentation between the Early Jurassic and the Early Cretaceous being recognised (Exon, 1976). Extensive coal deposits formed during Middle Jurassic time (Surat Basin Regional Geology).

Since the Late Jurassic the Surat Basin has been stable; a marine transgression in the Early Cretaceous was the last major sedimentary episode; the sea withdrew during the Late Cretaceous. Weathering of the land surface during the Tertiary created a deep weathering profile, however subsequent erosion has since stripped this profile from the northern areas of the basin. To the south of Wandoan large areas of deeply weathered material form plateaux along major divides, and mesa topography elsewhere.

3.1.2. Stratigraphy of the Northern Surat Basin

The Jurassic sequence in the northern Surat Basin is shown in Table Surat Basin Stratigraphy - North Eastern Area with a description of the lithology of each unit. Detailed discussion can be found in Exon (1976) and Jones and Patrick (1981).

Surat Basin Stratigraphy - North Eastern Area

(After Jones and Patrick, 1981)

AGE			FORMATION	DESCRIPTION	
Late Jurassic			Gubberamunda Sandstone	Fine to coarse and pebbly, poorly sorted, friable, cross-bedded, quartzose to sub-labile sandstone. Minor interbedded siltstone and mudstone. Upper fluvial depositional environment	
Middle to Late Jurassic	Injune Creek Group		Westbourne Formation	Finely interbedded lithic sandstone, mudstone and coal in lower part. Interbedded siltstone and lithic sandstone in upper part. Lacustrine deposition grading to point bar at the top	
			Springbok Sandstone	Litho-feldspathic sandstone, medium to coarse, porous and friable, some calcareous and cemented beds, minor siltstone, mudstone and coal seams. Lower part trough cross-stratified with authigenic matrix, upper part poorly cemented, exhibiting point bar depositional features	
Walloon Sub-Group		Juandah Coal Measures	Lithic, labile sandstone, interbedded with siltstone, mudstone and coal, with coal deposition more frequent towards top. Argillaceous component of sandstone is mainly authigenic		
		Tangalooma Sandstone	Lithic, labile sandstone, medium grained with argillaceous matrix. Numerous intraformational conglomerate beds. Sedimentary structures suggest channel deposition grading to point bar deposition		
		Taroom Coal Measures	Sub-labile, medium grained sandstone grading upwards to interbedded sandstone, siltstone, mudstone and coal		
			Eurombah Formation	Lithic to sub-labile, poorly sorted, medium grained sandstone with argillaceous matrix. Minor siltstone and mudstone in basal section, more argillaceous towards top	
Early Jurassic				Hutton Sandstone	Interbedded labile to quartzose sandstone, siltstone and mudstone and intraformational conglomerate

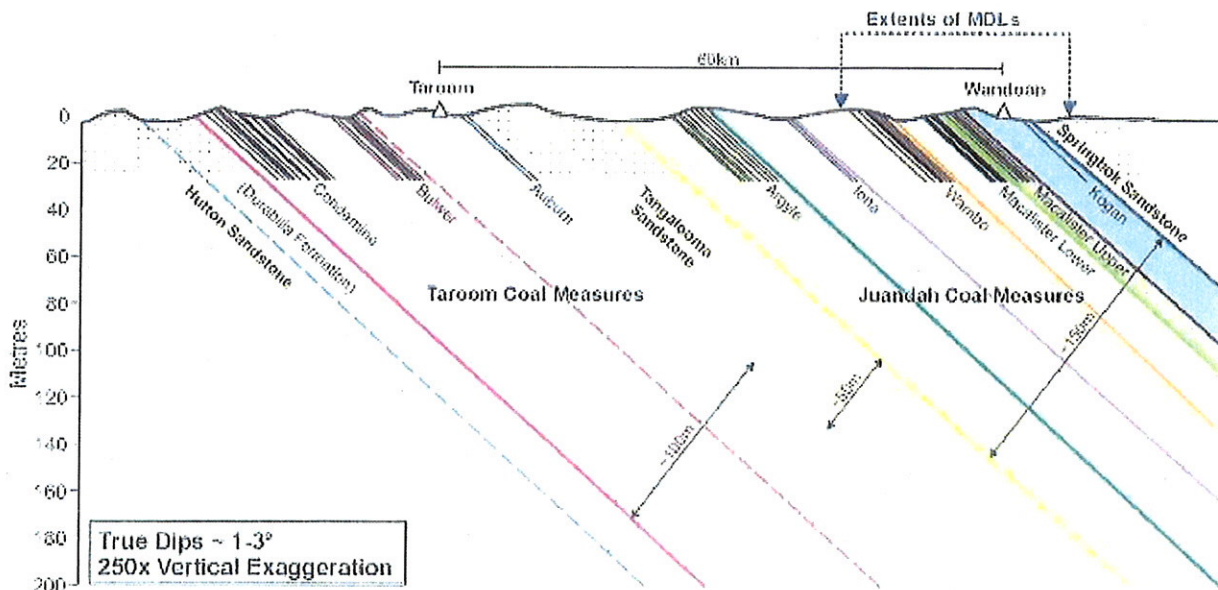
3.1.3. Sedimentation

Exon (1976) proposed six successive cycles of sedimentation within the Surat Basin with each cycle being a product of deposition in turn from braided streams, meandering streams and finally swamps, lakes and deltas. Each cyclothem commences with coarse sandstones at the base and fines upward to fine sandstone, siltstone and mudstone with some coal. Coals of the Walloon Sub Group developed towards the end of Exon's second cycle. Later work (Exon and Burger, 1981) linked these cycles to changes in global sea level, while Jones and Patrick (1981) recognised two sub-cycles within the Walloon Sub Group.

Further refinement of the depositional model of the Walloon Sub Group has resulted from coal exploration and evaluation activity in the region. Leblang et.al (1981) and Jones and Patrick (1981) postulated a lower fluvial - deltaic environment where peat accumulation occurred when stream channels stabilised and deposition in swamps and floodplains dominated.

The Tangalooma Sandstone, separating the Taroom Coal Measures from the Juandah Coal Measures as indicated in the figure below: Wandoan Coal Measures - Cross Section, has been interpreted as representing channel sand and point bar deposition. Stone bands within the coal horizons may represent overbank deposits during periods of flooding.

Wandoan Coal Measures - Cross Section



3.1.4. Geology of Wandoan MDLs

The coals of the Wandoan region occur within a belt of sub-contiguous deposits which sub-crop in an arc to the west and south of Wandoan township, on the eastern limb of the Mimosa Syncline. They are contained in the Juandah Coal Measures, which forms the major economic horizon within the area. Jones and Patrick (1981) describe the lithology of the unit as: -

"Upward fining sequences of fine to medium grained lithic and feldspathic sandstone, siltstone, mudstone and coal. Coal members become more common towards the top of the unit. The bulk of the coal reserves outlined to date within the north-eastern Surat Basin occur within these measures. Individual coal members can be up to 15 metres thick but are commonly much thinner and exhibit rapid lateral thickness variations. The formation is typified by sparse outcrop."

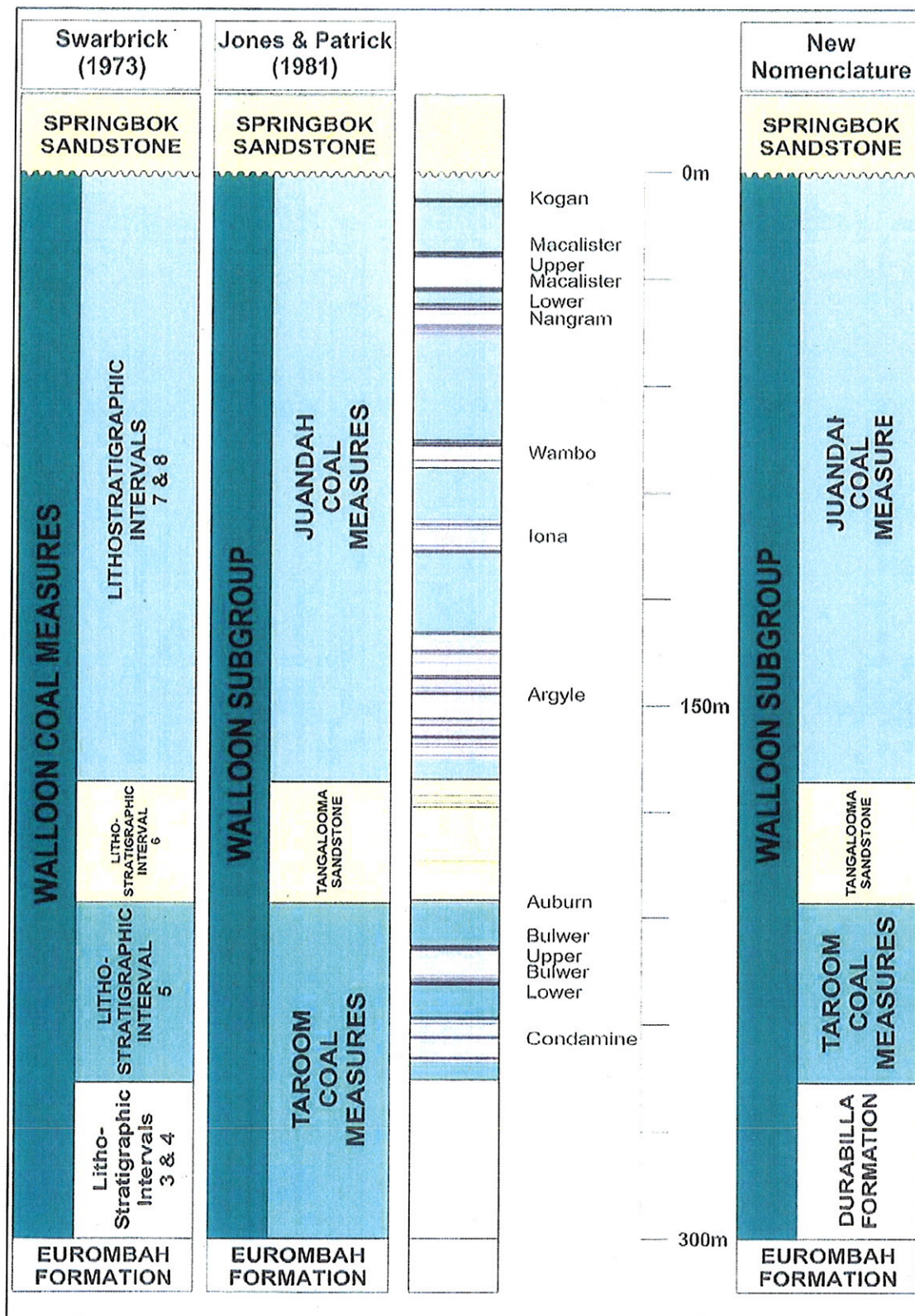
Geological structure is simple; coal seams are relatively flat lying with a regional dip of no more than two degrees to the south-west. Local increases in dip to three degrees do occur, probably as a result of differential compaction around sandstone bodies. No significant faulting that would be likely to impact on a mining operation has been detected or inferred in the area. Small-scale faults, with throws less than ten metres, may occur but have not been detected. Igneous intrusions have not been detected within the coal measures sequence.

The deposits are generally circular to lobate in plan. In general, the seams and their splits are continuous over most of the deposit. Some highly lenticular seam splits contain sandstone channels that appear to have non-erosive lower contacts. The seams are considered to be continuous across the deposit even if highly attenuated in part.

Overburden is characterised, generally, by soft sediments. Average depth of weathering is about eleven metres and ranges between six and nineteen metres. The only hard rocks in the overburden material consist of thin ironstone and lensoidal calcified sandstone bands, both generally less than one metre thick. Topsoil thickness in the area ranges between 0.5 and 1.5 metres.

Previous workers gave each deposit its own unique seam nomenclature. In the 1997 resource assessment, however it was noted that "the major seam horizons are continuous across all deposits" and recommended re-correlation with a common nomenclature (JB Mining Services, 1997). This review has been undertaken for MDL221. The nomenclature now used is based on recent work in the Surat Basin by seam gas explorers (Scott et al, 2004) who determined that the major seam groups can be recognised over large distances, and potentially over the whole Surat Basin. This seam nomenclature is shown in figure Stratigraphy of the Walloon Subgroup (after Scott et al, 2004).

Stratigraphy of the Walloon Subgroup (after Scott et al, 2004)



3.2. Exploration History

Brigalow Mines Pty Ltd and a number of other companies undertook significant exploration in the Wandoan – Taroom area in the 1970's and '80's. A comprehensive understanding of the geology of the area was gained from various studies including photogeological mapping, resistivity surveys, and numerous boreholes. Large deposits of shallow, thick, high volatile, sub-bituminous thermal coal were defined. The total resource of these deposits was determined to be approximately 2,000 million tonnes. The coal was also considered suitable for liquefaction and gasification due to high hydrogen content.

Whilst extensive drilling has been undertaken in all four MDLs the focus of more detailed work and mining studies has been on MDL221.

Within MDL221 there has been a total of more than 600 boreholes drilled of which more than 200 are partially cored. Not all boreholes have been geophysically logged as this technology was only being introduced in the 1980's. Cored boreholes were generally analysed for raw coal properties for thermal use with some evaluation of washability and clean coal properties. A number of mining options were considered and sampling and testing reflect the consideration of bulk versus selective mining. Hence not all data is valid for current evaluations.

A number of bulk samples were taken from a trial pit in MDL221 during the 1980's.

Evaluations of the geology of MDL221 considered three separate deposits with separate correlations. These were named Austinvale, Frank Creek and Woleebie after the properties on which the initial discovery drill holes were located.

The total depth of many drill holes was limited to just below what was considered the lowest mineable seam which was generally at a maximum of 60-80m. It was considered that there was no mineable coal between the three deposits and these were potential areas for infrastructure development.

In 2003 MIMC gave consideration to developing an export thermal coal operation at Wandoan. This required an evaluation of the washability and clean coal characteristics of the Wandoan deposit. A drilling program was undertaken in MDL221 and MDL224 by MIMC to obtain samples for washability testing. Six sites were selected in MDL221 and two sites in MDL224 alongside old boreholes to provide samples of the major seams with a minimum of drilling. A slim core hole (HQ) and a large diameter core hole (200mm) were drilled at each site. A thorough program of washability testing and clean coal quality analysis was undertaken. This work is reported in Sedgman, 2003.

3.3. Current Exploration

In 2005 a plan was developed to upgrade the geological data in MDL221 to enable determination of Measured and Indicated Resources for a clean coal product. It was estimated that this would require more than 200 new core holes with clean coal quality data to provide suitable coverage at 400m spacing over the 25 year mine plan proposed in AMDAD, 2004. Consequently it was determined that in a staged approach over 3 years sufficient drilling would be

A new geological model has recently been generated which utilises the new correlation. A comparison of old and new seam names is shown on Figure Representative Coal Column. An indication is given of relative seam and parting thicknesses, but should not be considered as an indication of working sections as partings are frequently greater than those indicated. This figure identifies that the seams at Austinvale previously described as 'A', 'B', and 'C', are now known as Macalister Upper (MU), Macalister Lower (ML), and Wambo (W) seams. This model enables evaluation of the incorporation of new data with old and assists with planning of future exploration. It confirms the potential for low ratio coal between the 'deposits' and on the margins of the MDL and indicates that more work is required to define the extent of mineable coal and hence the most appropriate mine plan. The new model is not yet suitable for estimation of resources as the confidence status of each borehole has not been confirmed.

Representative Coal Column

MDL221 WANDOAN
Representative Coal Column

Old Seam Codes			SEAM		THICKNESS		
FC	Woll	Aust	Name	Ply	Avg.	Range	
						Min	Max
A1			Kogan*	K10	0.85	0.12	1.61
A2				K20	0.83	0.00	2.32
A3				K30	1.43	0.00	3.83
A4				K40	0.45	0.00	2.73
B1				K50	0.30	0.00	1.32
B2				K60	0.61	0.00	2.68
X01	B3	A10	Macalister Upper	MU10	0.98	0.00	3.04
X02	B4	A20		MU20	1.03	0.00	3.69
X11	B5	A30		MU30	1.01	0.00	4.52
X12	B6	A40		MU40	0.93	0.00	4.00
X21	C1		Macalister Lower	ML11	0.32	0.00	2.39
X22	C2	B10		ML12	0.54	0.00	1.98
X30	C3			ML13	0.64	0.00	3.28
X41	C4	B20		ML21	0.83	0.00	3.41
X42	C5	B30		ML22	0.60	0.00	3.27
X51	C6	C10	Wambo	W10	0.78	0.00	3.66
X52		C20		W20	1.06	0.00	4.17
X53		C30		W30	0.74	0.11	2.47

***only in Woleebee**

Not to Scale - based on avg thk
partings are shown as 1/10 avg thk

Thicknesses from Model Grids

3.4. Coal Quality

Coals from the Wandoan area are described as high volatile, bituminous, low rank, perhydrous, with a moderate ash content. The number and thickness of clastic beds and laminae within each coal unit is the main cause of variations in ash content. The coals have a zero crucible swell number and very low sulphur content. These coals could provide a highly suitable feedstock for power generation.

Analytical data from previous work gave an indication of parameters which have potential impact on the use of Wandoan coal. Current and ongoing work is investigating the validity and range for these parameters, such as:

- Total Moisture
- Washability characteristics
- HGI
- slagging and fouling characteristics

Previous analytical work focussed on raw coal quality with limited washability and clean coal quality evaluation. Some early moisture and HGI results are dubious and possibly unreliable. New raw coal quality data appears to confirm the general characteristics determined previously whilst the clean coal data will be considerably enhanced. A compilation of old data has shown that there is very little data other than Proximate Analysis and CV results for the currently modelled seams. Detailed data is available for potential working sections and will need to be considered when a review of data is undertaken.

Indicative Coal Quality (Mutton, 2003)

Quality Parameter	Raw	Clean
Proximate Analysis (%ad)		
Inherent Moisture	7.9	9.7
Ash	23.9	8.0
Volatile Matter	36.1	41.5
Fixed Carbon	32.1	40.8
Relative Density	1.5	1.3
Total Moisture (% as)	12.8	15
HGI	40	35
AI	23	15
Total Sulphur (% ad)		
Pyritic	0.08	0.08
Sulphate	0.01	0.01
Organic	0.23	0.19
Specific Energy		
Gross (MJ/kg ad)	21.6	26.6
Gross (kcal/kg ad)	5160	6350
Ultimate Analysis (%daf)		
Carbon	75.9	77.4
Hydrogen	6.2	6.0
Nitrogen	1.1	0.9
Sulphur	0.4	0.4
Oxygen	16.3	15.3
Ash Fusion Temps (Reducing °C)		
Deformation	1250	1340

Quality Parameter	Raw	Clean
Sphere	1430	1360
Hemisphere	1450	1370
Flow	1480	1380
Ash Analysis (%)		
SiO ₂	59.4	48.0
Al ₂ O ₃	26.6	28.9
Fe ₂ O ₃	2.84	3.15
TiO ₂	0.81	1.61
Mn ₃ O ₄	0.04	0.03
CaO	3.79	7.50
MgO	1.38	2.03
Na ₂ O	1.80	2.96
K ₂ O	1.00	0.47
P ₂ O ₅	0.06	0.05
SO ₃	1.50	3.98
Minor Constituents (db)		
Phosphorus (%)		0.017
Chlorine (%)	0.04	0.17
Flourine (%)		50
Arsenic (ug/g)	1.5	1.09
Boron (ug/g)		33
Cadmium (ug/g)		0.08
Mercury (ug/g)		0.02
Petrographic Analysis		
Vitrinite (%)		72
Liptinite (%)		14
Inertinite (%)		9
Mineral (%)		5
Semi-inertinite (%)		8
RvMax		

3.5. Geotechnical

There has been some geotechnical evaluation of the overburden and parting characteristics undertaken in previous years and this will be reviewed prior to undertaking any new work during 2007.

3.6. Gas

There has not been any evaluation of the gas content of the coal seams at Wandoan as it is such a shallow resource. However there are indications from exploration drilling of the gassiness of the deeper seams in this area. The gas fields in the area extract coal seam methane from seams in the stratigraphically lower Baralaba Coal Measures.

3.7. Coal Resources

JB Mining Services Pty Ltd used VULCAN geological computer modelling software to undertake a resource re-evaluation of the MDLs which was completed in February 2005. The review of the resources was undertaken to generate JORC compliant resource estimations of the individual deposits within the MDLs.

For each deposit the data points used in this review were those used to generate the 1997 Vulcan models. A check was made of the all core and chip holes in order to allocate status as either points of observation, data points, or interpretive points. The status of each hole was made on a seam by seam basis for each deposit. A description of the work undertaken and the criteria applied is available in the four reports by Rolley & Jones, 2005.

The coal resources for all the deposits within the MDLs are presented in Table Siii. Under current resource estimation conventions the resources previously categorised as Measured are now considered to be at Indicated level and the previous Indicated Resources come now within the Inferred category.

There is a substantial amount of old downhole geophysical data available within MDL221 which has not been used in this evaluation of the resources. A review of this data may determine if it is of sufficient reliability to incorporate into future resource evaluations. Along with the review of seam correlations between the three deposits in MDL221 it is probable that the resource estimates would be increased without further drilling. A new geological model will be generated in 2007 following the next drilling program which will enable a revised resource estimation to be determined.

- The mining activities will commence 2011 and production rates of in excess of 30 Mtpa are planned. Final mining plans will be available late 2007.
- The coal mining areas are indicated on the Initial Development Plan as Attachment 2.
- The coal seams are generally less than 100m deep and minimal CSM has been detected in the exploration drilling.

Tenement	Deposit	Resource Category (Mt)		
		Indicated	Inferred	Total
MDL221	Austinvale	94.74	26.40	121.15
MDL221	Frank Creek	45.16	18.21	63.36
MDL221	Woleebee	202.23	69.81	272.04
TOTAL MDL221		342.13	114.42	456.56
MDL222	Summer Hill	43.34	106.84	150.18
MDL222	Mud Creek	26.04	121.67	147.71
MDL222	Turkey Hill	0.00	125.83	125.83
TOTAL MDL222		69.38	354.34	423.72
MDL223	Wubagul	51.44	49.07	100.50
MDL223	Burunga	26.35	51.92	78.27
TOTAL MDL223		77.78	100.98	178.77
MDL224	Glen Laurel	17.16	24.51	41.67
MDL224	Stanley Park	15.85	12.94	28.78
TOTAL MDL224		33.01	37.44	70.45
GRAND TOTAL		522.31	607.19	1129.49

s318AP(1)(c)(ii) – Standards and Procedures of Estimate

- These are outlined in the reports mentioned above.

s318AP(1)(c)(iii) – The Rate and amount of mining.

- Plan for an open cut mine producing 30Mtpa ROM mine to be washed at about 70% recovery is expected.
- No gas is to be produced.

s318AP(1)(c)(iv) – Where mining to start

- Mining will commence in the existing MDL221 in the Austinvale pit in early 2011.
- Commencement of mining may be delayed due to construction delays on the rail connection, water supply and port access or the coal market.

s318AP(1)(c)(v) – Mine plan

- The conceptual mine plan is included above.

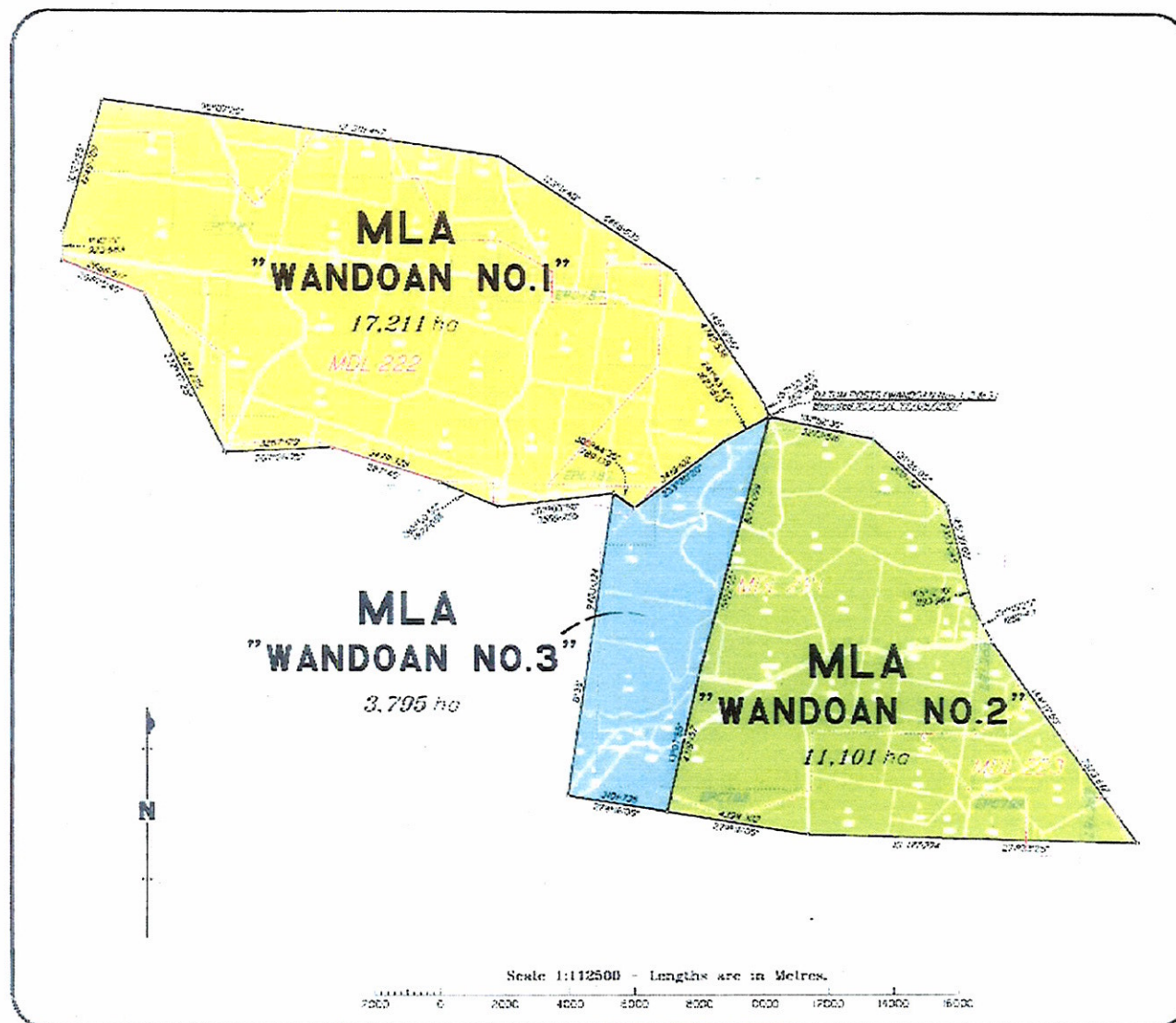
s318AP(1)(e),(f)and (g) – Other information

- Nothing to add at this stage.

s318DV, DW and DX

- See above information.

Attachment 1 - Mining Lease Application Plan



CLIENT
XSTRATA COAL LTD

PROJECT
WANDOAN MINE PROJECT
WANDOAN, QUEENSLAND

TYPE
MINING LEASE APPLICATIONS
WANDOAN MINE PROJECT

MLA PROPERTY DESCRIPTION
VARIOUS LOTS
COUNTY OF FORTESCUE

LOCATION
WEST OF THE TOWN OF WANDOAN
WANDOAN, QUEENSLAND

LOCAL AUTHORITY
TAROOM SHIRE COUNCIL

SCALE 1:112500

NOTES

1. READING APPROXIMATELY 1:112500, SURVEYED TO OBTAIN MAXIMUM BEARING.

2. ALL DIMENSIONS ARE BASED ON A 100mm APPLICATION POSTS PAINTED WHITE AND BRANDED 100mm BY 100mm/200mm.



**COTTRELL CAMERON & STEEN
SURVEYS PTY. LTD.**

ACN 209 370 530

**LICENSED SURVEYORS
LAND DEVELOPMENT AND
MAPPING CONSULTANTS**

Building 101, Technology Office Park
107 Miles Platting Road
Ridge Hill Plains, QUEENSLAND 4012
P.O. BOX 4104, Ridge Hill Plains 4012
PHONE (07) 3740 9700
FAX (07) 3841 8077
EMAIL ccsurveys@ccsurveys.com.au

13/04/07

9217-02



19 April 2004

Mr C.W. Siller
Roma Petroleum NL
Level 1, Commerce House
462 Queen St
Brisbane Qld 4000

Dear Sir,

Re: Application for Petroleum Lease 171

With reference to your recent correspondence & discussions with Stephen Eames and in consideration of the mutual benefits to be received by both parties pursuant to the agreement outlined in this letter, Xstrata Coal Queensland Pty Ltd confirms its agreement with Roma Petroleum NL that Xstrata Coal consents to Roma Petroleum's application PL 171 over lapping Xstrata Coal's EPC 792 on the basis that:-

1. MDL 221 is excluded from the PLA 171 (boundary description of MDL 221 has been supplied to you),
2. Roma Petroleum will not unnecessarily or unreasonably impede Xstrata Coal's exploration or development plans within EPC 792,
3. All drilling for CSG exploration & extraction within the Walloon Coal seams will utilise plastic casing (no steel casing to be used) and will not utilise well inducement (i.e. fracking). Xstrata Coal understands that Roma Petroleum is also planning to extract gas from deeper resources than the Walloon Coal seams and understands that steel casing will be required.
4. North of South Latitude 26° 12' within PL 171, Roma Petroleum agrees that wells will be drilled on a spacing no less than 320 acres unless Xstrata Coal's written consent is first obtained, which consent will not be unreasonably withheld,
5. No processing facilities will be located by Roma Petroleum north of South Latitude 26° 12' within PL 171,
6. North of South Latitude 26° 12' within PL 171, Roma Petroleum will confer with Xstrata Coal over the location of well sites & pipeline infrastructure,

Please sign the duplicate copy of this letter where marked to confirm Roma Petroleum's agreement to the above issues and return the signed duplicate to me.

Yours faithfully
Xstrata Coal Queensland Pty Ltd

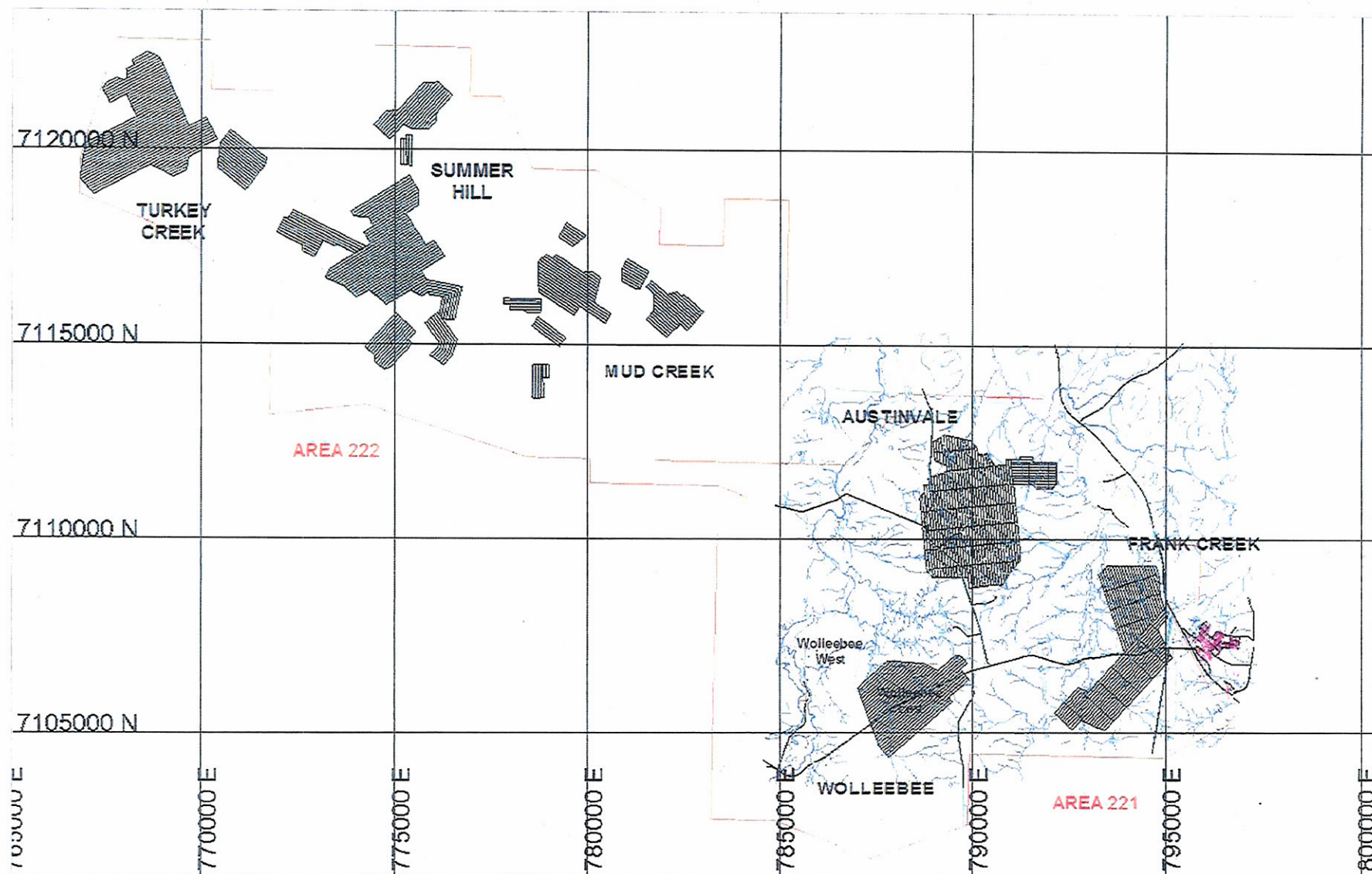
Ian Cribb
Chief Operating Officer

Roma Petroleum NL agrees with Xstrata Coal Queensland Pty Ltd as stated above.

Charles William Siller, Director
Date: April, 2004

Xstrata Coal Queensland Pty Ltd ABN 69 088 156 702
Level 10 Riverside Centre 123 Eagle Street Brisbane Queensland Australia 4000
GPO Box 2587 Brisbane Queensland Australia 4001
Tel +61 7 3115 5300 Fax +61 7 3115 5314 www.xstrata.com

Attachment 2 - Initial Development Plan



MALLESONS STEPHEN JAQUES
Level 60 Governor Phillip Tower
1 Farrer Place
SYDNEY NSW 2000

Remove this top section if desired before framing

Certificate of Registration on Change of Name

This is to certify that

MIM COAL PTY LTD

Australian Company Number 098 156 702

did on the twenty-fifth day of June 2003 change its name to

XSTRATA COAL QUEENSLAND PTY LTD

Australian Company Number 098 156 702

The company is a proprietary company.

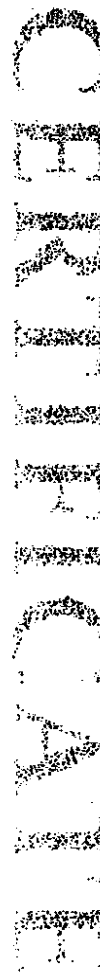
The company is limited by shares.

The company is registered under the Corporations Act 2001 and
is taken to be registered in Queensland and the date of commencement of
registration is the fourteenth day of September, 2001.

Issued by the
Australian Securities and Investments Commission
on this twenty-fifth day of June, 2003.



David Knott
Chairman



Certificate of Registration of a Company

This is to certify that

ICL ASSOCIATES LTD

Australian Company Number 104 260 619

is registered under the Corporations Act 2001 and

is to be registered in the public register

This company is limited by guarantee

This company is a proprietary company

The day of commencement of registration is

the ninth day of September 2003.

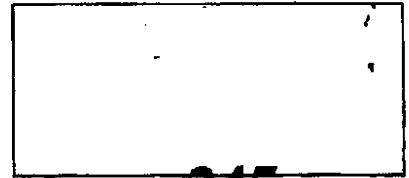
Issued by the
Australian Securities and Investments Commission
on this ninth day of September, 2003.



David Knott
Chairman



CERTIFICATE



Form **245**

MALLESONS STEPHEN JAQUES
ATTN: MICHAEL TANNOUS
LVL 53 GOVERNOR PHILLIP TOWER
1 FARRER PL
SYDNEY NSW 2000

remove this top section if desired before framing

Certificate of Registration on Change of Name

Corporations Law Sub-section 171 (12)

This is to certify that

KEELBOND PTY. LIMITED

Australian Company Number 061 524 249

did on the twentieth day of November 1997 change its name to

SUMISHO COAL AUSTRALIA PTY LIMITED

Australian Company Number 061 524 249

The company is a proprietary company.

The company is limited by shares.

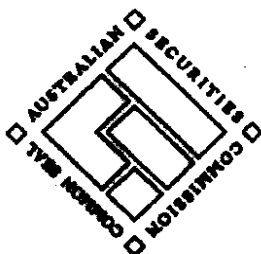
The company is registered under the Corporations Law of
New South Wales and the date of commencement of
registration is the second day of September, 1993.



AUSTRALIAN
SECURITIES
COMMISSION

CERTIFICATE

Given under the seal of the
Australian Securities Commission
on this twentieth day of November, 1997.



Alan Cameron

Alan Cameron
Chairman



To Gino Le Maire
Company ANZ
Fax Number 07 3228 1234
From Leigh O'Neill
Date 19/04/2007
Subject Bank Cheque Required
Number of pages 1

Dear Gino

Please debit our ANZ account 8374 59817 for \$ 17,097.90 and draw a bank cheque as detailed below

Department of Energy & Mines

\$ 17,090.40

The balance of \$7.50 is for the cost of the bank cheque

I will be down to pick this up at 10am tomorrow Friday 20/04/07..

Please find cheque signatories for this account below

Kylie Kelly

A handwritten signature in black ink, appearing to read 'Kylie Kelly', is written over a horizontal line.

General Management Accountant

Kind regards

Leigh O'Neill
Accounts Payable Officer
Xstrata Coal
Ph 07 3115 5308
Fax 07 3115 5415

Xstrata Queensland Limited ABN 69 009 814 019

Level 3 West Tower 410 Ann Street Brisbane Queensland Australia 4000
GPO Box 1433 Brisbane Queensland Australia 4001

Tel +61 7 3833 8000 Fax +61 7 3832 2426 www.xstrata.com

* * * Communication Result Report (19. Apr. 2007 8:39) * * *

1)
2)

Date/Time: 19. Apr. 2007 8:38

File No. Mode	Destination	Pg(s)	Result	Page Not Sent
2133 Memory TX	032281234	P. 2	OK	

Reason for error

E. 1) Hang up or line fail
E. 3) No answer
E. 5) Exceeded max. E-mail size

E. 2) Busy
E. 4) No facsimile connection



To: Gino Le Moine
Company: ANZ
Fax Number: 07 3228 1234
From: Leigh O'Neill
Date: 19/04/2007
Subject: Bank Cheque Required
Number of pages: 1

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General Management Accountant

Kind regards

Leigh O'Neill
Accounts Payable Officer
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Ph 07 3115 5308
Fax 07 3115 5415

Xstrata Queensland Limited ABN 69 008 814 019
Level 3 West Tower 410 Ann Street Brisbane Queensland Australia 4000
GPO Box 1433 Brisbane Queensland Australia 4001
Tel +61 7 3853 8000 Fax +61 7 3832 2426 www.xstrata.com

PAYMENT REQUISITION (Cheque or Electronic Transfer)				Company WDJ	Date 16-04-07	<u>ACCOUNTS USE ONLY</u>													
PAYMENT (EXCLUDING GST) : A\$ \$17,090.40 GST : B\$G14 \$0.00 TOTAL PAYMENT TO SUPPLIER : C\$ \$17,090.40					VOUCHER NUMBER:														
PAY TO: Department of Mines & Energy																			
SUPPLIER NO:					ENTERED BY:														
BSB: 64013 BANK ACC NO: 10006827																			
DETAILS: <table style="width:100%; border: none;"> <tr> <td style="width: 80%;">Wandoan Mining Lease Application Fees</td> <td style="text-align: right;">\$534.00</td> </tr> <tr> <td>Environmental Authority application Fee</td> <td style="text-align: right;">\$216.40</td> </tr> <tr> <td>Environmental Authority annual Fee</td> <td style="text-align: right;">\$16,340.00</td> </tr> <tr> <td>Total</td> <td style="text-align: right;">\$17,090.40 *</td> </tr> </table>					Wandoan Mining Lease Application Fees	\$534.00	Environmental Authority application Fee	\$216.40	Environmental Authority annual Fee	\$16,340.00	Total	\$17,090.40 *	<table style="width:100%; border: none;"> <tr> <td style="width: 50%; text-align: center;">EFT ☐</td> <td style="width: 50%; text-align: center;">CHEQUE ☒</td> </tr> <tr> <td colspan="2" style="text-align: center;"> PAYMENT REQUIRED BY (DUE DATE): 20/04/2007 </td> </tr> </table>			EFT ☐	CHEQUE ☒	PAYMENT REQUIRED BY (DUE DATE): 20/04/2007	
Wandoan Mining Lease Application Fees	\$534.00																		
Environmental Authority application Fee	\$216.40																		
Environmental Authority annual Fee	\$16,340.00																		
Total	\$17,090.40 *																		
EFT ☐	CHEQUE ☒																		
PAYMENT REQUIRED BY (DUE DATE): 20/04/2007																			
COST ALLOCATION					X' APPROPRIATE BOX BELOW (CHEQUE OR EFT REMITTANCE) DELIVER VIA INTERNAL MAIL ☐ TO BE COLLECTED ☒ POST DIRECT TO PAYEE ☐														
COMPANY	COST CODE	EXPENSE ACC	AMOUNT (EXCL GST)																
WDJ	307 711 7079		\$17,090.40																
TOTAL (MUST EQUAL (A) ABOVE)			\$17,090.40																
					PAYMENT REQUISITION PREPARED BY NAME: Klevas Rudzinskas														
					PAYMENT AUTHORISED BY (AS PER APPROVING AUTHORITY LEVEL) NAME: Jon Romcke SIGNED:  DATE: 16/04/2007														

NOTE: Copies of supporting documents must be attached to this form.



Australia and New Zealand
Banking Group Limited
ACN 005 357 522



Date 19-04-07

CORPORATE BANKING BRISBANE REGION
LEVEL 3/324 QUEEN ST BRISBANE QLD

Pay Department of Mines & Energy or Batten
The sum of Seventeen thousand and ninety \$ 17,090-40
dollars and forty cents only

Bank Cheque

[Signature] *[Signature]*
For ANZ

⑈ 4 2 7 1 2 9 ⑈ 0 1 4 0 0 4 4 ⑈ 9 5 0 1 0 2 0 ⑈

Infrastructure Statement – MLAs Wandoan 1, 2 & 3

2.5 Infrastructure requirements

2.5.1 Water supply

A number of water supply options (as discussed in Section 4.2) are undergoing evaluation as part of the Project's feasibility study including the EIS.

2.5.2 Power supply

The area is presently supplied with power by way of a 33 KV line from Chinchilla to Wandoan and then a 22 KV feed from Wandoan to Taroom. Initial indications are that at least an additional 132 KV powerline will be required from Miles together with significant transmission line upgrades with the existing system to provide power for mining activities including the coal wash plant and the necessary accommodation facilities. The power requirements will be investigated further in the feasibility studies including the EIS. Alternate energy supplies will also be considered during the EIS process.

2.5.3 Mine Infrastructure

Mine infrastructure for the Project would consist of:

- accommodation facilities for mine personnel for both the construction and operational phases of the Project
- communications infrastructure
- light vehicle access roads and heavy vehicle haul roads
- a water management system
- waste water treatment facilities
- fuel and oil storage facilities
- high voltage transmission lines/poles and reticulation facilities
- maintenance workshop, offices and associated amenities
- coal handling and preparation facilities and tailings dams.

Further detail on the infrastructure facilities will be outlined in the EIS once the Project's feasibility studies have been completed.

2.5.4 Local roads

A number of local roads pass through MDL 221 as shown in Figure 4. The major roads include the Leichhardt Highway and Jackson Road. It is expected that Jackson, Grosmont and Q Road will initially need to be diverted during the Project. Several roads in MDL 222 will also require relocation.