APPENDIX 6 – ASSOCIATED WATER LICENCE

NEW LENTON COAL PTY LTD
NEW LENTON COAL PROJECT

Queensland Government

ASSOCIATED WATER LICENCE
Water Act 2000

Reference	623885	**Expiry Date**	30/06/2038
Licensee	NEW LENTON COAL PTY LTD; MPC LENTON PTY LTD		
Authorised Activity	The taking of, and interfering with, associated water from the Rangal Coal Measures and adjacent formations with the point of take on or under the area of mining lease 70337 (Mining Lease).		
Authorised Purpose	Dewatering during the course of, or resulting from, the carrying out of an authorised activity for the Mining Lease.		

Conditions

This associated water licence is subject to the conditions set out in Annexure A.

This associated water licence is given under the *Water Act 2000*, on this 25th of May 2021.

Kristy Meacle

A/Director

Delegate of the Chief Executive

Department of Regional Development, Manufacturing and Water

Associated Water Licence
Expiry Date: 30/06/2038

Conditions: Annexure A

1. INTERPRETATION

In this licence:

(a) headings to conditions are for ease of reference only and shall not in any way affect the meaning of the conditions;
(b) a reference to days or months is a reference to business days and calendar months;
(c) words in the singular shall include the plural and vice versa;
(d) a reference to the Department includes the Department's successor;
(e) a reference to a document (including this licence) is to that document as varied, or replaced from time to time;
(f) a reference to a statute includes its delegated legislation and a reference to a statute or delegated legislation or a provision of either includes consolidations, amendments, re-enactments and replacements;
(g) a reference to a schedule, attachment or annexure is a reference to a schedule, attachment or annexure to or of this licence (or, if the reference is to a schedule of an Act, is a reference to a schedule of that Act), and a reference to this licence includes all schedules, attachments and annexures to it;
(h) if a word or phrase is given a defined meaning, any other part of speech or grammatical form of that word or phrase has a corresponding meaning; and
(i) 'includes' in any form is not a word of limitation.

2. NOTICES

(a) Form of Notice

Any notice, consent, document, invoice or other communication ("notice") required or permitted to be given in relation to this licence, other than an Annual Monitoring Report:

(i) must be in writing; and
(ii) may be given by being delivered or sent by prepaid registered post, or by electronic mail, to the chief executive or the licensee, whichever is relevant, at the addresses set out below:

To the chief executive:

The Chief Executive
C/- Manager
Water Management & Use
Department of Regional Development, Manufacturing and Water
PO Box 1762
ROCKHAMPTON QLD 4700

Telephone: 1800 822 100
centralwaterservices@rdmw.qld.gov.au

To the licensee:

New Lenton Coal Pty Ltd
MPC Lenton Pty Ltd

C/O New Hope Group

GPO Box 2440
BRISBANE QLD 4001
asizeland@newhopegroup.com.au

(b) Submission of Annual Monitoring Reports

Annual Monitoring Reports are to be submitted electronically via the online Geological Survey of Queensland (GSQ) Lodgement Portal or the most current relevant reporting system as notified by the chief executive.

(c) Time Service Occurs

A notice is deemed to be served on a party, in the case of post, on the third business day after posting and, in the case of electronic mail, on the day of transmission if the transmission is before 5.00pm on a business day and in all other circumstances on the business day following transmission of the electronic mail.

ADMINISTRATION AND ENFORCEMENT OF THE ACT

3. The licensee must provide any relevant information reasonably required by the chief executive for the administration or enforcement of the Act.

CUMULATIVE IMPACTS

4. If a cumulative management area is declared over the area to which this licence relates, the Act sets out actions that may potentially be taken by the chief executive or the licensee for the purposes of cancelling this licence or amending its conditions.

MAKE GOOD OBLIGATIONS FOR WATER BORES

5. For each water bore located in the tenure area and the affected area for which a make good agreement is not in place as at the date of this licence, the licensee must:
   (a) unless the licensee has a reasonable excuse, undertake a bore assessment of the bore in accordance with Conditions 7 to 10, prior to the take of any associated water under this licence; and
   (b) enter into a make good agreement with the bore owner in accordance with Conditions 11 to 40; and
   (c) comply with the make good agreement.

   If a bore assessment has already been undertaken for a water bore, paragraph (a) does not apply to require a new bore assessment to be undertaken for that bore, but the licensee must give notice of the bore assessment that was previously undertaken (the ***previous assessment***) in accordance with Condition 10.

6. If a new underground water report changes the area or location of an affected area, for each water bore in the affected area that is not already the subject of a make good agreement the licensee must:
   (a) unless the licensee has a reasonable excuse, undertake a bore assessment of the bore in accordance with Conditions 7 to 10 before:
      (i) the day that is 60 business days after the new underground water report is approved; or
      (ii) if the chief executive agrees to a later day - that day;
   (b) enter into a make good agreement with the bore owner in accordance with Conditions 11 to 40; and
   (c) comply with the make good agreement.

If a bore assessment has already been undertaken for a water bore, paragraph (a) does not apply to require a new bore assessment to be undertaken for that bore, but the licensee must give notice of the bore assessment that was previously undertaken (the ***previous assessment***) in accordance with Condition 10.

BORE ASSESSMENTS

7. The bore assessment undertaken by the licensee must establish, for the relevant bore:
   (a) whether the bore has an impaired capacity; or
   (b) whether the bore is likely to start having an impaired capacity.

8. In undertaking the bore assessment, the licensee must comply with the version of the guidelines about the minimum requirements for undertaking a bore assessment made under section 413 of the Act by the chief executive of the agency responsible for Chapter 3 of the Act and published on that agency's website, on the day the assessment is undertaken.

9. The licensee must, at least 10 business days before undertaking the bore assessment, give the bore owner a notice stating:
   (a) when the bore assessment will be undertaken; and
   (b) who will undertake the bore assessment.

10. The licensee must give notice of the outcome of the bore assessment to the chief executive and the bore owner within:
    (a) if the bore assessment is a previous assessment referred to in Condition 5- 30 business days after the granting of this licence; or
    (b) if the bore assessment is a previous assessment referred to in Condition 6 - 30 business days after the new underground water report is approved; or
    (c) otherwise - 30 business days after undertaking the bore assessment.

MAKE GOOD AGREEMENTS

11. Where a make good agreement is required under Conditions 5 or 6, the licensee must use the licensee's best endeavor's to enter into a make good agreement for the bore with the bore owner by:
    (a) the day that is 40 business days after the bore assessment is undertaken; or
    (b) if the chief executive agrees to a later day - that day.

12. The make good agreement must provide for each of the following matters:
    (a) the outcome of the bore assessment for the bore;
    (b) whether the bore has or is likely to have an impaired capacity;
    (c) if the bore has or is likely to have an impaired capacity as a result of the take of associated water under this licence - the make good measures for the bore to be taken by the licensee; and
    (d) that the agreement may be terminated by the bore owner at any time during the cooling off period of the agreement.

13. The licensee must reimburse the bore owner for any accounting, hydrogeology, legal or valuation costs the bore owner necessarily and reasonably incurs in negotiating or preparing the make good agreement. However the licensee is not required to reimburse the bore owner for hydrogeology costs incurred for work performed other than by an appropriately qualified hydrogeologist.

14. The licensee must advise the chief executive within 30 business days by written notice if the licensee enters into a make good agreement.

DISPUTE RESOLUTION

15. Conditions 16 to 40 apply if the licensee and the bore owner cannot agree on the terms of a make good agreement within the period provided for under Condition 11.

Parties may seek conference or independent alternative dispute resolution (ADR)

16. Either the licensee or the bore owner (each of whom is a ***party***) may, by a notice (an ***election notice***):
    (a) given to the other party and the chief executive - ask the chief executive to nominate a departmental officer to call a conference to negotiate a resolution of the dispute; or
    (b) given to the other party - call for the other party to agree to an ***ADR*** process to negotiate a resolution of the dispute.

17. The election notice must state:
    (a) details of the matters the subject of the dispute; and
    (b) the contact details of the party giving the notice.

18. If the election notice calls for an ADR, it must identify the ADR and if the party giving the notice is the licensee - state that the licensee bears the costs of the person who will facilitate the ADR.

19. An ADR may be a process of any kind, including, for example, conciliation or mediation.

20. However, the person who facilitates the ADR must be independent of both parties.

21. The licensee must bear the costs of the person who will facilitate the ADR.

Duration of conference or ADR

22. If an election notice is given, the following applies:

    (a) If a conference is requested, the departmental officer nominated under Condition 23 to conduct the conference must take all reasonable steps to ensure it is finished within 30 business days after the election notice is given (the ***usual period***).
    (b) If an ADR is called for, the parties must use their reasonable endeavors to finish it within 30 business days after the election notice is given (also the ***usual period***).
    (c) Either party may, within the usual period, ask the other party to agree to a longer period to finish the conference or ADR.
    (d) If the parties agree to the longer period, that period applies instead of the usual period.
    (e) If an ADR is called for, Conditions 30 and 34 apply to the ADR as if a reference in Conditions 30 and 34 to a conference were a reference to an ADR.

Calling conference

23. If an election notice is given requesting a conference, an approved officer of the Department must nominate an appropriately qualified departmental officer (the ***departmental officer***) to conduct the conference.

24. The departmental officer must, by notice, ask the parties to attend a conference to negotiate a resolution of the dispute.

25. The notice must state what the subject of the conference is and when and where it will be held.

Who may attend the conference

26. The departmental officer directed to conduct the conference under Condition 23 and the parties to the dispute may attend it.

27. A party may be represented by an agent only if the departmental officer agrees.

28. Also, with the departmental officer's approval, someone else may be present to help a party attending the conference.

29. However, a party cannot be represented by a lawyer unless the other party agrees and the departmental officer is satisfied there is no disadvantage to a party.

What happens if a party does not attend

30. If a party is given notice of a conference under Conditions 24 and 25 and does not attend the conference, a party who attended the conference may apply to any expert appointed under Condition 37 for an order for costs requiring the party who did not attend to pay the attending party's reasonable costs of attending. The expert may award the attending party's reasonable costs of attending, if any. If no expert is appointed under Condition 37, then no costs are to be awarded.

Conduct of conference

31. In conducting a conference, the departmental officer must endeavor to help those attending to negotiate an early and inexpensive settlement of the dispute.

32. The departmental officer must decide how the conference is conducted.

33. The departmental officer may only conduct a conference after first obtaining the agreement of the parties that what is said during a conference conducted under Conditions 31 to 32 is confidential between the parties to the conference and that the parties agree that what is said is not admissible during any subsequent proceedings.

34. If, at the conference, the parties negotiate an agreement about the matters which are the subject of the conference, the agreement must be written and signed by or for the parties.

Chief executive's or expert's decision on a dispute

35. If an election notice is given under Condition 16 and:

(a) if a party asked the chief executive to nominate a departmental officer to conduct a conference - the departmental officer does not finish the conference within the period required under Condition 22 (the **required period**); or
(b) if a party called for an ADR - the parties do not finish the ADR within the period required under Condition 22 (also the **required period**),

any party to the dispute may notify the chief executive and request that the chief executive decide the matter the subject of the election notice.

36. If:

(a) only 1 of the parties attended the conference or ADR; or
(b) both parties attended the conference or ADR and, at the end of the required period, there is no resolution of the dispute,

a party who attended the conference or ADR may notify the chief executive in writing and request that the matter the subject of the election notice be referred to the chief executive.

37. Within 20 business days of the chief executive being notified under Condition 35 or Condition 36, an approved officer of the Department must notify the parties in writing that either:
    (a) an appropriately qualified departmental officer (the ***deciding departmental officer****)* will decide the matter the subject of the election notice; or
    (b) the parties will be required to submit the matter to expert determination in accordance with the Resolution Institute Expert Determination Rules, 2016 Edition.

38. If Condition 37(a) applies, the deciding departmental officer may require the licensee to provide any information required to assist the deciding officer in deciding the matter the subject of the election notice.

39. Without limiting how the deciding departmental officer may decide the matter the subject of the election notice where Condition 37(a) applies, the deciding departmental officer may decide the terms of the agreement.

40. The deciding departmental officer's decision under Condition 37(a) and the expert's determination under Condition 37(b) is final and binding and the licensee must implement, at the cost of the licensee, all make good measures and associated matters decided by the deciding officer under Condition 39 or decided by the expert in the determination under Condition 37(b) and notified to the licensee.

MONITORING AND ASSESSMENT

41. The approved Underground Water Monitoring Program as at the date of this licence is the document titled *"New Lenton Project - Groundwater Monitoring and Mitigation Plan"* prepared by SLR Consulting for Lenton Management and Marketing Pty Ltd dated July 2020.

42. The licensee must, through an appropriately qualified person, undertake monitoring in accordance with the relevant approved Underground Water Monitoring Program. Underground water levels in the monitoring bores are to be measured on a daily frequency.

43. Revisions to the approved Underground Water Monitoring Program must be undertaken by an appropriately qualified person, and submitted to the chief executive for approval.

    An approved officer of the Department must, following receipt of a proposed revision to the approved Underground Water Monitoring Program, advise the licensee in writing of:
    (a) approval of the revised or amended Underground Water Monitoring Program; or
    (b) why the revised or amended program is considered inadequate and how it must be modified in order to be approved.

44. An approved officer of the Department may direct the licensee to make amendments to an approved Underground Water Monitoring Program, including (without limitation), installing additional monitoring bores, if the approved officer of the Department is reasonably satisfied that the existing approved Underground Water Monitoring Program is no longer meeting the objectives of an Underground Water Monitoring Program.

    If the licensee receives a notice under this condition, the licensee must, through an appropriately qualified person, make the required amendments and submit the amended program to the chief executive for approval under Condition 43.

45. The licensee must publish water level monitoring data required to be collected under the approved Underground Water Monitoring Program within 10 business days from measurement. Data must remain published and publicly available.

46. The licensee must publish the volume of associated water taken under this licence, within 20 business days of the end of the water year. This data must remain published and publicly available.

    The volume of associated water taken under this licence must be measured and reported in accordance with requirements prescribed in section 334ZP of the MR Act and sections 31A and 31B of the *Mineral Resources Regulation 2013*.

47. The licensee must provide an Annual Monitoring Report to the chief executive. Each Annual Monitoring Report must include:

    (a) the underground water levels in the monitoring bores identified in the approved Underground Water Monitoring Program;
    (b) maps showing the actual water level drawdown contours for each aquifer;
    (c) details of the numerical underground water model and any review undertaken of the numerical underground water model since the previous Annual Monitoring Report;
    (d) an assessment of any differences between the actual water level impact and the impact predicted for the same period by the numerical underground water model;
    (e) details of any bores which are predicted by the numerical underground water model to be located in the affected area; and
    (f) raw data provided in a format as requested by the chief executive.

48. The first Annual Monitoring Report must be provided to the chief executive within three months of the end of the first water year, and subsequent Annual Monitoring Reports must be provided to the chief executive within three months of the end of each relevant water year.

49. The licensee, through an appropriately qualified person, must review the numerical underground water model within two years from the commencement of the take of associated water under this licence and at least every five years thereafter. The review must provide a revised underground water report for approval by the chief executive under Condition 50A. The revised underground water report must include:
    (a) information about a revised numerical underground water model based on a transient calibration;
    (b) incorporation of measured mine dewatering volumes and underground water monitoring data;
    (c) any revised hydrogeological conceptualisation and assumptions of the model, including:
        (i) any revised geological interpretation;
        (ii) any revised hydrogeological parameters or assumptions on recharge; and
        (iii) any assumptions of outflows from springs and other water users;
    (d) an update of predicted impacts including:
        (i) any revised predicted impacts on springs and watercourses dependent on underground water flow, and other users, including any changes to the affected area;
        (ii) any revised predicted underground water inflows into mine workings during mining operations and post closure;
        (iii) maps showing the revised prediction of the total water level impact from the commencement of underground extraction to post closure;
        (iv) maps showing the difference between these predicted water level impacts and the water level impacts as predicted at the time of application for this water licence;
        (v) sensitivity analysis; and

(e) an evaluation of the accuracy of the predicted impacts from the model.

The first review of the numerical underground water model (the revised model), undertaken within two years of commencement of take, must include a peer review of the revised model.

An approved officer of the Department may direct the licensee, through an appropriately qualified person, to conduct a peer review of the revised model, for any subsequent reviews of the numerical underground water model, if the approved officer is of the reasonable opinion that the underground water model predictions are not representative of actual monitoring data or impacts.

50. Despite the timeframes specified in Condition 49, an approved officer of the Department may direct the licensee to, through an appropriately qualified person, undertake a review of the numerical underground water model by an earlier date, if the approved officer is of the reasonable opinion that the underground water model predictions are not representative of actual monitoring data or impacts.

The chief executive may direct the licensee to conduct a peer review of the revised model.

If the licensee receives a notice under this condition, the licensee must, through an appropriately qualified person, undertake the required review and submit a revised underground water report to the chief executive for approval under Condition 50A.

50A. An approved officer of the Department must, following receipt of a revised underground water report under Conditions 49 or 50, advise the licensee in writing of:
(a) approval of the revised underground water report; or
(b) why the revised underground water report is considered inadequate and how it must be modified in order to be approved.

CLOSURE OF MINE OPERATIONS

51. The licensee must provide to the chief executive for approval, a report (***Pre-closure Report***), the earlier of:
(a) the business day that is one year before the expiry date of this licence, or
(b) the business day that is one year before the term of the resource tenure/s, to which this licence applies, ends; or
(c) the business day the licensee makes application under the MR Act for the surrender of the resource tenure/s to which this licence applies.

52. Condition 51(a) does not apply if the licensee makes an application to renew this licence under the Act.

53. Condition 51(b) does not apply if the licensee makes an application to renew the resource tenure/s, to which this licence applies, under the MR Act.

54. The Pre-closure Report required under Condition 51 must contain:

(a) the underground water levels in the monitoring bores identified in the approved Underground Water Monitoring Program;
(b) an assessment of the need for recalibration of the numerical underground water model used to assess water level impact;
(c) if considered necessary, a revised numerical underground water model;
(d) maps, using the revised model, showing:
(i) the actual water level drawdown contours for each aquifer;
(ii) the predicted drawdown contours for each aquifer; and

(iii) the revised predicted affected area for a period to at least 450 years after commencement of take of associated water under this Licence or such other period as the chief executive may determine; and

(e) identification of any water bores located in the revised predicted affected area.

54A. An approved officer of the Department must, following receipt of a Pre-closure Report under Condition 51, advise the licensee in writing of:

a) approval of the Pre-closure Report; or

b) why the Pre-closure Report is considered inadequate and how it must be modified in order to be approved.

55. Where an approved Pre-closure Report changes the area, or location, of an affected area, for each water bore in the affected area that is not already subject to a make good agreement, the licensee must –

(a) unless the licensee has a reasonable excuse, undertake a bore assessment of the bore in accordance with Conditions 7 to 10 before:

(i) the day that is 60 business days after the Pre-Closure Report is approved by the chief executive; or

(ii) if the chief executive agrees to a later day – that day;

(b) enter into a make good agreement with the bore owner in accordance with Conditions 11 to 40; and

(c) comply with the make good agreement.

DEFINITIONS

Terms not otherwise defined in this licence have the same meaning as in the Act, except where a contrary intention appears:

"Act" means the *Water Act 2000* (Qld).

"ADR" means alternative dispute resolution.

"affected area" means the area identified by the numerical underground water model, in an underground water report or an approved Pre-Closure Report, whichever is relevant, as the area where the water level is predicted to decline at any time, because of the taking of associated water under this licence, by more than:

(a) for a consolidated aquifer - 5 m; or
(b) for an unconsolidated aquifer - 2 m.

"Annual Monitoring Report" means a report as described in Condition 47 of this licence.

"appropriately qualified departmental officer" (departmental officer) means a person appointed as an authorised officer under section 739 of the Act.

"appropriately qualified hydrogeologist" means an individual who has the minimum experience or qualifications, stated in the guidelines made under section 413 of the Act, for undertaking a bore assessment.

"appropriately qualified person" means a person with a degree in a relevant science or engineering discipline, and/or professional accreditation, and a minimum of five years' experience in the fields of hydrogeology and/or engineering related to the nominated subject matter and can give authoritative assessment, advice and analysis on performance relative to the subject matter using the relevant protocols, standards, methods or literature.

"approved officer of the Department" means a delegate of the chief executive, appointed under the *Water Act 2000* via the current Water Act Delegation instrument.

"***associated water***" has the meaning set out in section 839(5) of the *Mineral Resources Act 1989* (Qld).

"***authorised activity***" has the meaning set out in schedule 2 of the *Mineral Resources Act 1989* (Qld).

"authorised officer" means a person appointed as an authorised officer under section 739 of the Act.

"***bore owner***", of a water bore, means the owner of the land on which the bore is located.

"***business day***" means a day on which trading banks are open for normal banking business in Brisbane.

"***chief executive***" means the Chief Executive to the Department, unless otherwise specified.

"cooling off period" for a make good agreement for a water bore, means a period of 5 business days—

(a) starting on the day the make good agreement is entered into; and
(b) ending at 5 p.m. on the fifth business day.

"cumulative impacts" means the cumulative impacts of the exercise of two or more resource tenure holder's underground water rights.

“cumulative management area” has the meaning set out in section 362 of the Act.

“***Department***” means the Department of Regional Development, Manufacturing and Water.

“existing water bore” means any water bore in existence before the original issue date of this licence.

“***expiry date***” means the date this licence expires being 30/06/2038.

“***first water year***” means the period from the commencement of take of underground water under the authority of this licence to 30 June in the following year.

“***impaired capacity***” for an ***existing water bore*** has the meaning set out in subsection 412(1) and (3) of the Act.

“***impaired capacity***” for a ***new water bore*** has the meaning set out in subsections 412(2) and (3) of the Act, except that for the purposes of this definition, the term *relevant report* in subsection 412(2) of the Act is to be read as a reference to the underground water report, or approved Pre-Closure Report, for this licence, whichever is relevant.

"***licensee***" means the entity listed as the “licensee” on page 1 of this water licence.

“*make good agreement*” means an agreement between the licensee and the bore owner of a water bore, about the water bore, if the bore is affected, or is likely to be affected, by the taking of associated water under this licence. The term does not include an agreement between the licensee and the bore owner of a water bore if the agreement was terminated by the bore owner during the agreement’s cooling off period.

“make good measure” for a water bore has the meaning set out in section 421 of the Act.

“Mining Lease” has the meaning defined on the front page of this licence.

"***monitoring bores***" means the water monitoring bores identified in the Underground Water Monitoring Program as approved from time to time.

*“**MR Act**”* means the *Mineral Resources Act 1989* (Qld).

“new water bore” means a water bore other than an existing water bore.

“numerical underground water model” means the numerical model reported in the underground water report or approved Pre-Closure Report, whichever is relevant, and used to predict impacts due to the take of associated water under this licence.

“published” for the purposes of this licence, has the meaning set out in section 1009A of the Act, that is, by publishing on the licensee’s website.

“tenure area” means the area bounded by the Mining Lease.

“***Underground Water Monitoring Program”*** is a monitoring program that must meet the following objectives:

(a) to assess the effects of the take of underground water authorised under this licence, including:
    (i) to provide for the monitoring of impacts on any springs and watercourses dependent on underground water flow;
    (ii) to provide for the monitoring of impacts on other underground water users;

(iii) to provide for underground water level monitoring in all identified geological units across and adjacent to the mine site;

(iv) to estimate underground water inflow to, and take from mine workings;

(b) to provide for the refinement and validation of the numerical underground water model used to assess impacts; and

(c) to take into account requirements of any regional underground water monitoring and assessment program developed to address potential cumulative impacts.

Note: the requirements of the Underground Water Monitoring Program may be incorporated within monitoring programs as required under Federal or State Government approvals.

"underground water report", means the following report: *New Lenton Project – Associated Water Licence Application Report,* SLR Consulting Australia Pty Ltd, August 2020; or a new underground water report approved under Condition 50A, whichever is relevant.

"underground water rights" has the meaning set out in section 334ZP of the MR Act.

"*water bore*" means a water bore to which Chapter 3 of the Act applies.

"*water year*" means the period from 1 July to 30 June the following year.