

GENERAL OVERVIEW
OF
COAL TITLES UNDER THE MINING ACT 1992

- **EXPLORATION LICENCE**
- **ASSESSMENT LEASE**
- **MINING LEASE**

and

COLLIERY HOLDINGS

PRESENTATION TITLE – MINING TITLES / COLLIERY HOLDINGS

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MINERAL ALLOCATION AREA

- The whole of the State is a Mineral Allocation Area for coal.
- An application for coal cannot be lodged within a Mineral Allocation Area without the consent of the Minister.
- An application for a mining lease will not require Ministers consent if the applicant has a current exploration licence or Assessment Lease over the area.

EXPLORATION LICENCE

- For the purpose of exploration minerals are divided into Groups 1 -10
- Coal is Group 9

Application

- Must be applied for on the approved form and be accompanied with the required particulars

Grant

- Granted for terms up to 5 years

Renew

- Can be renewed for terms up to 5 years

EXPLORATION LICENCE

For the purpose of exploration minerals are divided into Groups 1 -10

Coal is Group 9

Can be transferred

Can be cancelled

Application

Must be applied for in accordance with the Act on the approved form and be accompanied with the required particulars:

A standard map showing coordinates at all points where there is a change in direction.

Particulars of financial resources

Particulars of technical advice

Particulars of the program of works

Particulars of the amount of money proposed to be expended on prospecting

Details of measures to protect the environment

The appropriate lodgement fee

Copy of the Minister's consent to apply if applicable

Fee \$600 + \$600/km²

Grant

Granted for terms up to 5 years

Contain a list of conditions including:

A security amount to be paid before grant

Environmental and exploration performance reporting and

Native title

Renew

Application for renewal must be lodged on the approved form within a period of 2 months and 1 month before the licences ceases to have effect

Renewable with a 50% reduction each term unless the Minister is satisfied that special circumstances exist to justify an area larger than 50%

Can be renewed for terms up to 5 years

ASSESSMENT LEASE

- Essentially a holding title if a resource is found until the Company is ready to mine
- Exploration can continue on an assessment lease.

Application

- Must be applied for on the approved form and be accompanied with the required particulars.

Grant

- Granted for terms up to 5 years

Renew

- Can be renewed for terms up to 5 years

ASSESSMENT LEASE

Essentially a holding title if a resource is found until the Company is ready to mine

Exploration can continue on an assessment lease

Application

Must be applied for in accordance with the Act on the approved form and be accompanied with the required particulars:

A standard map showing coordinates at all points where there is a change in direction.

An assessment of the mineral bearing capacity of the land and the extent of any mineral deposits in that land

Particulars of financial resources

Particulars of technical advice

Particulars of the program of works

Particulars of any program of marketing or environmental study proposed to be carried out

Particulars of the amount of money proposed to be expended on prospecting

Fee \$600 + \$1200/km²

Grant

Granted for terms up to 5 years

Must have a proven resource within the area

Renewal

Can be renewed for terms up to 5 years

Fee \$1200

MINING LEASE

- Can be
 - transferred
 - consolidated
 - subleased
 - cancelled
- Can be for Mining or Mining purposes.

Application

- May not be made within a mineral allocation area except by the holder of an exploration licence or assessment lease or with the consent of the Minister.

Must be applied for on the approved form and be accompanied with the required particulars.

MINING LEASE

- Can be
- transferred
 - consolidated
 - subleased
 - cancelled

Coal

Mining purposes

Mining purposes are as prescribed in the Regulations and are:

The construction, maintenance or use of:

- Any building or mining plant, or
- Any road, railway, tramway, bridge or jetty, or
- Any reservoir, dam, drain, or water race, or
- Any cable, conveyor, pipeline, telephone line or signalling system, or
- Any bin, magazine or fuel chute, or
- Any plant nursery

The stockpiling or depositing of overburden, ore or tailings

The storage of fuel, machinery, timber or equipment

The generation and transmission of electricity

The construction, maintenance and use of any drillhole or shaft for:

- Drainage of gas, or
- Drainage or conveyance of water, or
- Ventilation, or
- Conveyance of electricity, or
- Conveyance of materials, or
- Communications, or
- Emergency access to underground workings

A mining lease may be fenced

Application

May not be made within a mineral allocation area except by the holder of an exploration licence or assessment lease or with the consent of the Minister.

Must be applied for in accordance with the Act and on an approved form and accompanied with the required particulars:

- A description, prepared in a manner described by the regulations, of the land over which the lease is sought. (explained on the application form)
- An assessment of the mineral bearing capacity of the land and of the extent of any mineral deposits in that land
- Particulars of the financial resources available to the applicant (reference to an annual report for companies)
- Particulars of the technical advice available to the applicant
- Particulars of the program of work proposed to be carried out by the applicant within the application area

Grant

- Granted for terms up to 21 years
- Must have a proven resource
- Must have a current Planning approval
- Cannot exceed the application area and/or the Planning approval area
- Cannot be granted over land determined to be agricultural land or a valuable work or structure without written consent of the landholder (Surface lease only)
- Cannot be granted over land which is within 200 metres of a principal place of residence of the occupier of the land or within 50 metres of a garden (Surface lease only)
- Surface lands of any lease must be properly surveyed prior to grant
- A mining lease must be within a colliery holding.

Or for a mining purpose

A description of the nature and extent of the mining purpose/s to be carried out.

Application fee - \$600 + \$6000/km²

If the application involves the surface of any land then the applicant must, within 21 days of lodging an application cause notice of the application to be served on any owner or occupier of the land concerned.

The notice must state that an application has been lodged, contain a description of the land and state that objections to the grant of a lease, based on any valuable improvements or that the land is agricultural land, may be made to the Minister within 28 days of the notice being served.

Before any lease can be granted the applicant must supply evidence that all affected landholders have been notified.

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Surface lands of any lease must be properly surveyed prior to grant

A mining lease must be within a colliery holding.

A security is assessed and held and is subject to periodical review

In most cases a mining lease fee is involved

Consolidation

Any 2 or more existing leases may be consolidated if the leases are held by the same person and relate to contiguous parcels of land.

Transfer

A lease may be transferred in full or in part

Application must be lodged on an approved form

Must be accompanied by particulars similar to those of a mining lease application

Need to be approved by the Minister

Part transfer will require a survey for the transferred part

Fee – Approval \$300 (whole) \$1200 (part)

Registration \$60/title

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Renewal

- Can be renewed for terms up to 21 years.
- Can be renewed for a lesser area.

Cancellation

- A lease may be cancelled in full or in part.
- At the request of the holder of the lease.
- By the minister for contravention of any condition of the lease.

Renewal

Application for renewal must be lodged on an approved form

Must be lodged within a period of 5 years and 1 year prior to the expiry of the lease or if the lease is for 1 year or less within a period of 2 months and 1 month prior to the expiry of the lease.

Can be renewed for terms up to 21 years

Can be renewed for a lesser area

Renewal fee - \$3600

Cancellation

A lease may be cancelled in full or in part

At the request of the holder of the lease

By the minister for contravention of any condition of the lease

Mining Act 1992 No 29 Section 163 Colliery holdings

- (1) Register of colliery holdings to be kept.
- (2) Describes what is to be recorded in the register.
- (3) Holder must register the mining lease as a colliery holding before commencing mining operations.
- (3A) Anyone carrying out mining purposes in connection with the mining of coal must apply to have the land registered.
- (4) Anyone with an interest in a colliery holding under subsection (3) or (3A) may apply to have the registration cancelled or amended so as to exclude land from the colliery holding.
- (5) Describes where and how an amendment must be lodged.
- (6) The Minister may direct that land be added to a colliery holding .
- (7) The Minister may direct that land be deleted from a colliery holding .
- (8) When a direction can be made.
- (9) Describes who, any direction under (6) or (7), are served on.

Mining Act 1992 No 29 Section 163 Colliery holdings

- (1) The Director-General is to cause to be kept a register of colliery holdings (referred to in this section as *the register*) in such form as may be prescribed by the regulations.
- (2) The Director-General is to cause to be recorded in the register:
- (a) such particulars as are necessary to give effect to a direction given under this section, and
 - (b) such other particulars as may be prescribed by the regulations.
- (3) The holder of a mining lease for coal must apply to have the land subject to the mining lease registered as a colliery holding or recorded on the register as part of an existing colliery holding before commencing mining operations under the mining lease.
- (3A) A person who has the right to carry out mining purposes in connection with the mining of coal must apply to have the land registered as a colliery holding or recorded on the register as part of an existing colliery holding.
- (4) A person who has an interest in a colliery holding under subsection (3) or (3A) may apply to have the registration of the colliery holding cancelled or amended so as to exclude land from the colliery holding.
- (5) An application under this section:
- (a) must be lodged with the Director-General, and
 - (b) must be accompanied by the particulars prescribed by the regulations.
- (6) The Minister may, by order in writing, direct that specified land (being land in which a person has, in the Minister's opinion, a right to mine for coal or to carry out mining purposes in connection with mining for coal) be registered as a colliery holding or recorded on the register as part of an existing colliery holding.
- (7) The Minister may, by order in writing, direct that the registration of a colliery holding be cancelled or amended so as to exclude specified land from the colliery holding.
- (8) A direction may be given under subsection (6) or (7) whether or not an application has been made under subsection (3) or (4) in respect of the same land.
- (9) The Director-General is to cause copies of any direction under subsection (6) or (7) to be served on such persons as, in the Director-General's opinion, have a right to mine coal or to carry out mining purposes in connection with mining for coal in the land or colliery holding to which the instrument relates.

Colliery Holdings

- The area over which the leaseholder has registered the mining lease/s to mine for coal and the area/s of freehold land on which the holder has the right to carry out mining purposes as part of a colliery holding. (Section 163 of Mining Act 1992)

Role:

- provide a convenient entity, covering all mining leases and freehold land on which approved mining and mining related operations are taking place.
- provide a definition for external barriers against the boundaries of coal mining operations.
- provide protection to the colliery holder, from other mining operators or potential operators

- for a particular operation or operations under the control of a single operator.
- Collieries will be required to cover coal mines and associated infrastructure, as well as relevant coal preparation plants..
- a 20 metre barrier (or other specified distance) against the external boundaries of colliery holdings and between underground and open cut operations within any colliery holding.
- Under Sections 21, 40 and 61 of the Mining Act, exploration licences, assessment leases and mining leases cannot be granted over a colliery holding without the consent of the Chief Inspector of Coal Mines. Prior to giving consent, the Chief Inspector must be satisfied that any activities under the proposed titles will not adversely affect the operations or the safety of the coal mining operations in the colliery holding

Inclusion of Areas

- a valid mining lease over the area.
- freehold land over which a development consent (or existing/continuing use rights) under the Environmental Planning & Assessment Act 1979 (EP&A Act) is held for a mining purpose.
- a valid legal agreement under Section 160 of the Mining Act, (such as a sub-lease or licence) to mine for coal, or carry out mining purposes activities within an area.

Exclusion of Areas

- The holder must apply to have the area removed by virtue of Sublease/agreement, whilst an adjoining holder simultaneously, applies to add it to their colliery holding.
- the holder must transfer or cancel part of the mining lease over the area requiring exclusion.

- In exceptional circumstances where cancellation of part of the lease was not appropriate, exclusion may be achieved by ministerial approval under Section 163 (6) of the Mining Act 1992.

Colliery Holdings

- An application for addition to or deletion from a colliery holding must be supplied on a FORM 19

Must include:

- MGA co-ordinates
- Total area of application, as well as area (ha) of title remaining in colliery.
- Total surface area.
- Letter stating reasons for application.

Applicant should discuss proposal with relevant DPI Inspector, prior to lodgement.

Colliery Holdings

- In 2003 the DMR commenced a review of all colliery holdings.
- Initially this review involved writing to the holders of all collieries, via the mine manager.
- the letter requested that for any areas of freehold which the holder wished to maintain in the colliery, they would have to forward to the DMR evidence of the legal right to carry out mining purposes within the subject area.

The letter went on to state that in the absence of the requested evidence being supplied, areas of freehold land would be deleted from the colliery holding.

Colliery Holdings

- On 6 February 2004, Pursuant to Section 163 (7), Mining Act 1992, the Minister approved,
 - that all areas of freehold land for which no evidence of a “right to carry out mining purposes” has been supplied, be deleted from colliery holdings in NSW.
 - that all areas of freehold land that conflicts with existing surface leasehold title, be deleted from colliery holdings in NSW

- The Minister approved on 2 May 2005,
 - that all lands in which a person has a right to mine for coal or to carry out mining purposes in connection with mining for coal, be registered as a Colliery Holding.

Colliery Holdings

RIXS CREEK COLLIERY HOLDING

For History Prior to 02/05/2005 see CAS and Colliery Holding File

COLLIERY HOLDING REGISTER

Paper No: 071285
C909451

Plans: [Colliery Holding](#)
[Colliery Titles](#)

Owner: Bloomfield Collieries Pty Ltd

Operator: Bloomfield Collieries Pty Ltd

Parish/Vic: Auckland & Darlington

County/Vic: Durham

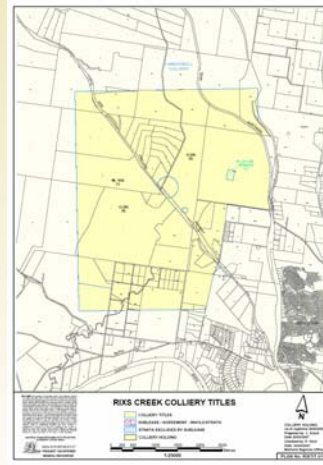
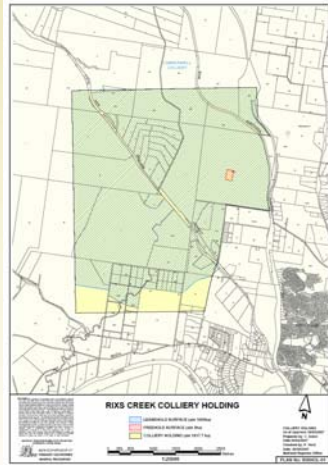
Approval Date	Addition / Deletion	Deal	Leasehold / Freehold	Whole/Part	Approval Area	Area Rem. in Colliery at Date of	Plan No.	Surf. Area in Colliery	CT Plan	Comments
4/07/1980	Addition	3	CL 352 (73)(1)	Part	1814.7 ha	1814.7 ha (Whole)	D6114			Grant of New Lease - Add whole of lease to Colliery Holding
12/01/1998	Deletion	12	CL 352 (73)	Part	7.5 ha	1807.2 ha (Part)	PLAN A			Removal of part lease from Colliery Holding and leased to Singleton Council for Recycling Depot
24/06/1998	Addition	13	ML 1432 (92)	Whole	613.8 ha	613.8 ha (Whole)	M28840A M28840B			Grant of New Lease - Add whole of lease to Colliery Holding
2/05/2005	Deletion	14	CL 352 (73)	Part	1807.7 ha	Nil		Nil		Leasehold land deleted re Policy Review Dated 02/05/04 Papers (C03/0153)
2/05/2005	Addition	15	CL 352 (73)(2)	Whole	1814.7 ha	1814.7 ha (Whole)	D6114			Leasehold land added re Policy Review Dated 02/05/04 Papers (C03/0153)
30/03/2007	Addition	16	Lot239 DPR29334	Part	3 ha	3 ha (Part)	287021B	30X11-01		Addition of freehold title to colliery (Dev. Con. Dated 16/10/1995)
					Total Area of land held by freehold title within Colliery Holding =			3 ha		
					Total Area of CL 352 (73) remaining in Colliery Holding =			1814.7 ha		
					Total Area of ML 1432 (92) remaining in Colliery Holding =			613.8 ha		
					TOTAL SURF. AREA IN COLL. HOLDING AS AT 02/05/2005=			abt. 1653 ha		
					TOTAL AREA OF COLLIERY HOLDING AS AT 02/05/2005=			abt. 1817.7 ha		



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Colliery Holdings



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- Departmental Website:
Lodgement Forms & Relevant Fees
www.dpi.nsw.gov.au/minerals/titles