

Mining lease conditions 2021

General conditions

Version 1.3 – Last updated October 2023

Definitions

Words used in these conditions have the same meaning as defined in the *Mining Act 1992* except where otherwise defined below:

Term	Definition
Act	means the <i>Mining Act 1992</i> .
Landholder	for the purposes of these conditions: <ul style="list-style-type: none">• does not include a secondary landholder• includes, in the case of exempted areas, the controlling body for the exempted area.
Minister	means the Minister administering the Act.

Standard conditions

See Mining Regulation 2016, Schedule 8A, Part 2.

NOTE TO HOLDERS: The prescribed standard conditions in the Mining Regulation 2016, Schedule 8A, Part 2 apply in addition to the conditions in this Schedule 2 (but have not been replicated in this mining lease). The standard conditions imposed by the Mining Regulation 2016 prevail to the extent of any inconsistency with the general conditions below.

General conditions

1. Notice to landholders

- (a) The lease holder must cause written notice of the grant or renewal of this mining lease to be provided to each landholder of land over which the mining lease was granted or renewed in accordance with paragraph (b).
- (b) If there are -
 - (i) less than 10 landholders of the land over which the lease was granted or renewed – the notice must be provided to each landholder,
 - (ii) 10 or more landholders of the land over which the lease was granted or renewed – the notice may be provided to each landholder or published in a newspaper circulating in the area where the mining lease is situated.
- (c) The notice must be provided –
 - (i) for notice of the grant of the mining lease – not later than 90 days after the date on which the mining lease was granted,

- (ii) for notice of the renewal of the mining lease – not later than 90 days after the date on which the renewal of the mining lease takes effect.
- (d) The notice must include the following –
- (i) a statement that the mining lease has been granted or renewed (as relevant),
 - (ii) confirmation as to whether the mining lease includes the surface of the land,
 - (iii) a plan which identifies –
 1. the area of the land subject to the mining lease, and
 2. geographical and other features (such as roads, rivers, railways, towns, suburbs, or localities) that are sufficient to identify the area of the State within which the mining lease is situated.

2. Security (delete if Group security)

The lease holder is required to provide and maintain a security deposit to secure funding for the fulfilment of obligations under the mining lease, including obligations under the mining lease that may arise in the future.

The amount of the security deposit to be provided and maintained is **\$(Click here and type amount)**.

Group security (delete if not applicable)

The lease holder is required to provide and maintain a security deposit to secure funding for the fulfilment of obligations under the mining leases covered by the group security deposit, including obligations under each mining lease that may arise in the future.

The amount to be provided and maintained as a group security deposit is **\$(Click here and type amount)**.

The leases covered by the group security include:

Mining lease XXXX (Act 1992) (Head lease) (delete examples)
Mining lease XXXX (Act 1906) (delete examples)
Mining lease XXXX (Act 1973) (delete examples)
Mining lease XXXX (Act 1992) (This lease) (delete examples)

3. Cooperation agreement

The lease holder must make every reasonable attempt and be able to demonstrate its attempts to the satisfaction of the Secretary, to enter into a cooperation agreement with the holder(s) of any overlapping authorisations issued under the *Mining Act 1992* and petroleum titles issued under the *Petroleum (Onshore) Act 1991*. The cooperation agreement should address but not be limited to:

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

4. Assessable prospecting operations

- (a) The lease holder must not carry out any assessable prospecting operation on land over which this lease has been granted unless:
 - (i) it is carried out in accordance with any necessary development consent; or
 - (ii) if development consent is not required, the prior written approval of the Minister has been obtained.
- (b) The Minister may require the lease holder to provide such information as required to assist the Minister to consider an application for approval.
- (c) An approval granted by the Minister under this condition may be granted subject to terms.
- (d) The lease holder must comply with the approval granted to the holder under this condition.

Special conditions

5. [Click here and type special condition \(delete and type NIL if no special condition applicable\)](#)

X. Petroleum (mining operations by-product only) – EXAMPLE ONLY

For the purposes of this lease, petroleum is limited to coal bed methane that is captured or extracted as a by-product in the course of carrying out mining activities.

X. Dam Safety – mining leases – EXAMPLE ONLY

- (a) The lease holder must not mine within any part of the lease area which is within the notification area of the **[INSERT DAM NAME]** without the prior written approval of the Minister and subject to any conditions the Minister may stipulate.
- (b) Where the lease holder desires to mine within the notification area, the lease holder must:
 - (i) at least 12 months before mining is to commence or such lesser time as the Minister may permit, notify the Minister of the desire to do so. A plan of the mining system to be implemented must accompany the notice; and
 - (ii) provide such information as the Minister may direct.
- (c) The Minister must not, except in the circumstances set out in sub-paragraph (ii), grant approval unless sub-paragraph (i) of this paragraph has been complied with.
 - (i) This sub-paragraph is complied with if:
 - (a) Dams Safety NSW as constituted by section 6 of the *Dams Safety Act 2015* and the owner of the dam have been notified in writing of the desire to mine referred to in paragraph (b).
 - (b) the notifications referred to in clause (a) are accompanied by a description or plan of the area to be mined.
 - (c) the Secretary has complied with any reasonable request made by Dams Safety NSW or the owner of the dam for further information in connection with the mining proposal.
 - (d) Dams Safety NSW has made its recommendations concerning the mining proposal or has informed the Minister in writing that it does not propose to make any such recommendations; and
 - (e) where Dams Safety NSW has made recommendations, the approval is in terms that are:
 - in accordance with those recommendations; or

- where the Minister does not accept those recommendations or any of them - in accordance with a determination under sub-paragraph (ii) of this paragraph.
- (ii) Where the Minister does not accept the recommendations of Dams Safety NSW or where Dams Safety NSW has failed to make any recommendations and has not informed the Minister in writing that it does not propose to make any recommendations, the approval shall be in terms that are, in relation to matters dealing with the safety of the dam:
 - as determined by agreement between the Minister and the Minister administering the *Dams Safety Act 2015*; or
 - in the event of failure to reach such agreement - as determined by the Premier.
- (d) The Minister, on notice from Dams Safety NSW, may at any time or times:
 - (i) cancel any approval given where a notice pursuant to section 19 of the *Dams Safety Act 2015* is given.
 - (ii) suspend for a period of time, alter, omit from or add to any approval given or conditions imposed.

X. Aboriginal place or relic – EXAMPLE ONLY

The lease holder shall not knowingly destroy, deface or damage any aboriginal place or relic within the subject area except in accordance with an authority issued under the *National Parks and Wildlife Act 1974* and shall take every precaution in drilling, excavating or disturbing the land against any such destruction, defacement or damage.

Exploration Reporting

Note: Exploration Reports (Geological and Geophysical)

The lease holder must lodge reports in accordance with the requirements in section 163C of the *Mining Act 1992* and clauses 59, 60 and 61 of the Mining Regulation 2016 as well as any further requirements issued by the Secretary under clause 62 of the Mining Regulation 2016.

Guidelines for the structure, content and data format requirements for reports are set out in the *Exploration Reporting: A guide for reporting on exploration and prospecting in New South Wales*.

© State of New South Wales through Regional NSW 2022. The information contained in this publication is based on knowledge and understanding at the time of writing June 2022. However, because of advances in knowledge, users are reminded of the need to ensure that the information upon which they rely is up to date and to check the currency of the information with the appropriate officer of the Regional NSW or the user's independent adviser.