

## **Applying for an exploration permit for coal in a coal mining project**

### ***Mineral Resources Act 1989***

January 2021

This publication has been compiled by Regulatory Support and Performance of Georesources Division, Department of Resources.

© State of Queensland, 2021

The Queensland Government supports and encourages the dissemination and exchange of its information. The copyright in this publication is licensed under a Creative Commons Attribution 4.0 International (CC BY 4.0) licence.



Under this licence you are free, without having to seek our permission, to use this publication in accordance with the licence terms. You must keep intact the copyright notice and attribute the State of Queensland as the source of the publication.

Note: Some content in this publication may have different licence terms as indicated.

For more information on this licence, visit <https://creativecommons.org/licenses/by/4.0/>.

The information contained herein is subject to change without notice. The Queensland Government shall not be liable for technical or other errors or omissions contained herein. The reader/user accepts all risks and responsibility for losses, damages, costs and other consequences resulting directly or indirectly from using this information.

**Interpreter statement:**

The Queensland Government is committed to providing accessible services to Queenslanders from all culturally and linguistically diverse backgrounds. If you have difficulty in understanding this document, you can contact us within Australia on 13QGOV (13 74 68) and we will arrange an interpreter to effectively communicate the report to you.



## **Table of contents**

<b>Applying for an exploration permit for coal in a coal mining project in Queensland.....</b>	<b>1</b>
<b>Key information.....</b>	<b>1</b>
<b>Limited circumstances in which an EPC can be obtained other than by competitive tender .....</b>	<b>1</b>
<b>Application requirements.....</b>	<b>1</b>
<b>Deciding an application.....</b>	<b>2</b>
<b>Pre-lodgement meeting We recommend a pre-lodgement meeting is held with the department to discuss the process and information required before you lodge your application. ....</b>	<b>3</b>
<b>Operational policies and supporting documents .....</b>	<b>3</b>
<b>Document information.....</b>	<b>4</b>

# Applying for an exploration permit for coal in a coal mining project in Queensland

This guideline provides information about how the department applies the *Mineral Resources Act 1989* (MRA), for a person to obtain an exploration permit for coal (EPC) other than by competitive tender.

## Key information

Holders of existing coal mining projects are able to obtain additional land under an EPC that is necessary for the operation of a coal mining project. To ensure the integrity of the tender process for EPCs is maintained, chapter 4, part 3, division 5 of the MRA will only apply in limited circumstances.

A **coal mining project** is one or more coal interests (i.e. EPC, a mineral development licence (MDL), a coal mining lease (ML (coal)) or an application for a coal mining lease) that is or includes a coal mining lease, or an application for a coal mining lease, if the authorised activities for the coal interest are or will be carried out as a single integrated operation.

The term **project land** refers to land in the area of any coal interests for the coal mining project.

Applying online is quick and easy via the MyMinesOnline electronic lodgement system. You can also download and submit a paper application form. This guide should be read in conjunction with the Exploration Permit Application Guideline for the step by step guide for lodging on MyMinesOnline.

## Limited circumstances in which an EPC can be obtained other than by competitive tender

You must be an eligible person to apply for an EPC, who holds an ML (coal) or has applied for an ML (coal), that is or is included in, a coal mining project.

The area of the application:

- must be contiguous to the coal mining project;
- must not be the subject of a coal interest or application for a coal exploration resource authority (i.e. an EPC or an MDL);
- is not more than six sub-blocks in size; and
- is not the subject of a competitive tender for an EPC.

In addition, an EPC must not have been previously granted for the coal mining project.

## Application requirements

The applicant must make an application in the approved form and lodge it with the chief executive.

The application must:

- state the name of the applicant;
- define the boundary of the area of the proposed EPC;

- be accompanied by –
  - a proposed work program for the term of the EPC, if granted; and
  - a statement about how the work proposed to be carried out under the EPC is necessary for the operation of the coal mining project
- a statement that details your financial and technical resources (refer to the Mineral and Coal Exploration Guide at [https://www.dnrme.qld.gov.au/\\_data/assets/pdf\\_file/0017/241190/mineral-coal-exploration-guideline.pdf](https://www.dnrme.qld.gov.au/_data/assets/pdf_file/0017/241190/mineral-coal-exploration-guideline.pdf), for how applicants demonstrate financial and technical capability and commitment documentation; and
- provide proof of your identity; and
- pay the application fee prescribed by regulation.

The six individual sub-blocks applied for do not have to have a common boundary to each other but must be contiguous to the coal mining project.

## Deciding an application

In deciding whether to grant the EPC, the Minister will have to form a view that the EPC is necessary for the operation of the coal mining project as a single integrated operation.

The following examples are provided as guidance as to what may justify the grant of an EPC as part of a coal mining project as a single operation:

- the EPC is contiguous with one or more coal resource authorities that are either being explored for, and/or are producing coal in a geological unit (or sequence) using a particular geological model; or
- information and data obtained from activities on existing contiguous coal resource authorities indicates that there is a likely resource in the area of the application for the EPC; or
- the granted EPC together with one or more resource authorities will utilise a central processing site when progression is made to a mining lease.

The Minister may grant the EPC with or without conditions, for all or part of the area applied for, and must not grant the EPC:

- if all or part of the area of the proposed EPC is in a fossicking area (unless the application for the EPC was made but not decided before the area became a fossicking area);
- if the Minister considers that granting the EPC is not in the public interest; and
- unless satisfied the prescribed criteria for the grant of an EPC under section 137 of the MRA listed below are met:
  - the applicant is the holder of, or the applicant for, an ML (coal) that is, or is included in, a coal mining project;
  - the area of the proposed EPC is contiguous to the project land for the coal mining project;

- the area of the proposed EPC is not the subject of a coal interest or an application for an EPC or MDL;
- the area of the proposed EPC is not more than six sub-blocks;
- an EPC has not previously been granted in relation to the coal mining project;
- the proposed EPC is necessary for the operation of the coal mining project;
- the applicant has demonstrated the financial and technical capability for carrying out the activities proposed under the EPC; and
- the area of the proposed EPC is not identified, or likely to be identified, as land to be released for tender for coal or other minerals.

If the EPC is granted for only part of the area of the proposed EPC, the application is taken to be refused for the remainder of the area, and the Minister must give the applicant written notice of the reasons for the refusal. In addition, if the application is refused, the Minister may refund all or part of the application fee that accompanied the application.

The applicant for an EPC in a coal mining project may be withdrawn for all or part of the area to which it relates at any time before the EPC is granted. The withdrawal takes effect when the notice is lodged with the chief executive. If part of the application is withdrawn, the application must be amended to define the boundary of the area for the proposed EPC that remains in force. If an application is withdrawn, the Minister may retain all or part of the application fee.

## **Pre-lodgement meeting**

We recommend a pre-lodgement meeting is held with the department to discuss the process and information required before you lodge your application.

## **Operational policies and supporting documents**

Operational policies describe how the department will interpret aspects of the legislation and set out rules the department will apply in a uniform manner.

A detailed list of operational policies for exploration resource authority assessments may be found at <https://www.business.qld.gov.au/industries/mining-energy-water/resources/minerals-coal/legislation-policies/policies-guidelines>.

This guide should be read in conjunction with the Mineral and Coal Exploration Guideline, and MIN/2015/1252 Operational policy - Project-based exploration administration.

## Document information

**Availability and location:** External - Business Industry Portal

**Owner and approver:** Deputy Director-General, Georesources Division

**Review date:** January 2023

**Related documents:** [MIN/2015/1252 Operational policy, Project-based exploration administration](#)

**Contacts:** For help and information about this policy, please contact the relevant Assessment Hub.

**Coal Assessment Hub** on Ph: (07) 4936 0169 or email: [coalhub@dnrme.qld.gov.au](mailto:coalhub@dnrme.qld.gov.au)

For help with MyMinesOnline please contact the MyMinesOnline Helpdesk on (07) 3199 8133 or email [mines\\_online@dnrme.qld.gov.au](mailto:mines_online@dnrme.qld.gov.au).