



ML 70477

19 December 2014

Reference: ML70477

Bowen Basin Coal Pty Ltd
GPO Box 374
BRISBANE QLD 4001

Dear Sir/Madam

We are pleased to advise that pursuant to section 271A of the *Mineral Resources Act 1989*, Mining Lease (ML) Number 70477 has been granted.

Grant date: 16 December 2014

Commencement date: 1 January 2015

Term: 30 years

Area: 452.6 hectares

Environmental authority number: EPML00659513

Note: the Department will, at all times, insist on strict compliance with all terms and conditions of the ML.

For your information the conditions applying to this ML are contained in:

- the *Mineral Resources Act 1989*
- the *Mineral Resources Regulation 2013*

What do I need to do now?

At a minimum the below conditions need to be addressed promptly after grant.

- *Notification to Landowners:*
 - Notify the owners of the land subject to the ML within 20 business days.
- *Health and Safety Requirements*
 - You must comply with the requirements of safety and health legislation at all times.
 - You must comply with the requirements of the Coal Mining Safety and Health Act 1999 and Coal Mining Safety and Health Regulations 2001 for operations on a coal mining permit.
 - Before commencing any operations notify an inspector of mines for the appropriate region to find out your health and safety obligations and responsibilities.
 - For more information about the safety and health requirements, go to:
[http://mines.industry.qld.gov.au/assets/mines-safety-health/coal_exploration_permit_grant_letter_addendum_\(ver_1.2\).pdf](http://mines.industry.qld.gov.au/assets/mines-safety-health/coal_exploration_permit_grant_letter_addendum_(ver_1.2).pdf)
 - Queensland mining and quarrying operations are required to supply information for all or part of the previous 12 months on the Queensland Mining and Quarrying Industry Census Form, located on the departmental website. The census form for calculating

the annual Safety and Health Levy must be lodged quarterly with the department within 20 days of the end of each quarter. For more information about completing the census forms, phone 07 3199 8019 or email safetyandhealthlevy@dnrm.qld.gov.au

- Refer to our website for more information on your requirements.
<https://www.business.qld.gov.au/industry/mining/safety-health-mining>
- *Environmental authority conditions*
 - If your permit was granted without the financial assurance requirement being paid you must pay the financial assurance prior to the commencement of any on ground activities.¹
 - Contact the Department of Environment and Heritage Protection for assistance on financial assurance calculation on palm@ehp.qld.gov.au or 1300 130 372.

Where do I find more information?

There are a range of useful resources and support materials available to assist you in learning more about land access and building relationships with landholders from our website www.business.qld.gov.au/industry/mining. You can also download guidelines and policies on your resource permit obligations, land access and native title as it applies to mining and exploration activities. We recommend you review the land access code and the restricted land provisions before undertaking any activities on private land.²

If you have questions about this letter, or specific detail relating to the above permit contact the Coal Assessment Hub on CoalHub@dnrm.qld.gov.au or +61 (07) 4936 0362.

If you would like to receive future reminders via email, or need help desk services, please register with MyMinesOnline via the website or email mines_online@dnrm.qld.gov.au.

Regards

sch4p4(6) Personal

Debbie-Jo MacDonald
Principal Mining Registrar
Mining and Petroleum Operations
Department of Natural Resources and Mines

¹ Section 292 *Environmental Protection Act 1994*

² The Land Access Code is found in Schedule 1; restricted land provisions in s181(8) and Schedule 2 of the *Mineral Resources Act 1989*

To: Minister Cripps
Minister for Natural Resources and Mines

From: Dr Brett Heyward
Director-General
Department of Natural Resources and Mines

Endorsed: Peter Donaghy
Stephen Smith

sch4p4(6) Pers

Snr Policy Adviser	1/12/14	OK
Chief of Staff		OK
<input checked="" type="radio"/> Approved / <input type="radio"/> Not Approved / <input type="radio"/> Noted Further information required		
sch4p4(6) Personal information (
Minister..		
Dated	16	12/2014

Department of Natural Resources
& Mines

11 August 2014

23 DEC 2014

CTS 19548/14 – Grant of Mining Lease 70477
Principal Applicant: Bowen Basin Coal Pty Ltd
Name of Mine: Lake Vermont West

ROCKHAMPTON

Recommendation

It is recommended that you:

1. be satisfied that the applicant has addressed the matters stated in section 269(4) of the *Mineral Resources Act 1989* (the MRA); and
2. pursuant to section 271A of the MRA, grant Mining Lease (ML) Number 70477 for a term of 30 years, and issue an instrument of lease upon request.

Timing

- Routine.

Current Issues

- ML 70477, as particularised in the attached computer print-out (refer to **Attachment 1**) has been assessed with due and diligent consideration of the prescribed requirements of the MRA.
- Section 271A of the MRA provides the Minister with the power to decide that a mining lease be granted.
- In considering an application, section 271 of the MRA requires the Minister to take into account:
 - (a) Any Land Court of Queensland (LCT) recommendation for the application; and
 - (b) the matters stated in section 269(4) of the MRA; and
 - (c) any native title issues decision of the tribunal under schedule 1A, part 6, division 4, or any substituted decision made by the Minister under schedule 1A, part 6, division 4 in overruling the tribunal's native title issues decision.
- In regard to **recommendation 1**, section 271(b) of the MRA requires the Minister to take into account the matters detailed in section 269(4) of the MRA. An assessment of these matters is detailed in the attached Tenure Assessment (refer to **Attachment 2**).
- In regard to **recommendation 2**, section 271A of the MRA provides the Minister with the power to decide that a mining lease be granted.
- There are no issues of concern raised by the application. No objections were lodged against the application and the application was not referred to the LCT.

Background

- Applicant
Bowen Basin Coal Pty Ltd 100%
C/- Mr Timothy O'Brien
GPO Box 374
BRISBANE QLD 4001

- The mining lease was applied for on 16 August 2012 for the purpose of road/access/right of way, environmental dam, overburden and ore stock piles, tailings/settling dams, temporary accommodation, workshops, machinery and other storage and to assist with water management to support existing operations at the adjacent Lake Vermont Mine.
- The lease area of 452.6 hectares is within the Emerald Mining District and located approximately 16 kilometres north-east of Dysart. The area applied for is not within any tropical wetlands or other sensitive areas. A sketch of the location of the mining lease application is attached (refer to **Attachment 5**).
- This application is over land designated as potential or decided strategic cropping area (SCA) under the *Regional Planning Interests Act 2014*. SCAs are areas shown on the strategic cropping land trigger map.
- Under the *Regional Planning Interests Act 2014* resource activities over an SCA will be restricted unless the activities are exempt under the Act's exemption criteria or a regional interest development approval has been obtained.
- The applicant will generally be exempt where they have entered into a voluntary agreement with the landholder and their activities are not likely to have a significant impact on the SCA. The applicant may also be exempt where the resource activities may be carried out lawfully on the land without the need for any further authority approval on either their resource or environmental authority.
- Where an applicant is not exempt, a Lease may be granted but the holder will be required to submit an assessment application for a regional interest development approval prior to carrying out activities.
- No objections to this application were received.
- The mining lease application was not referred to the LCT.
- The *Native Title Act 1993* (Cth) and complementary State Native Title legislation has been complied with. The Department Natural Resources Mines' native title assessment is recorded in the "Native Title Work Procedure for Decision" document signed by the Senior Native Title Project Officer on 8 August 2014 (refer to **Attachment 3** for details).
- Environmental Authority EPML00659513 has been issued under the *Environmental Protection Act 1994* (EP Act) for this mining lease.
- The applicant is the owner of one of the background land tenures, therefore a compensation agreement is not required. A compensation agreement has been filed by the applicant at the Mining Registrar's office for the remaining land parcel.
- No Financial Assurance is currently held for this mining lease, however if granted, it will form part of the Lake Vermont project for which there is currently \$15,815,763.00 held under the EP Act.

Attachments

- Attachment 1: Departmental Register Report.
- Attachment 2: Mining Registrar's assessment.
- Attachment 3: Native Title Assessment Details.
- Attachment 4: Other issues for the Minister to consider.
- Attachment 5: Sketch of Mining Lease Application.

sch4p4(6) Personal information (sign: [Redacted Signature])

Dr Brett Heyward

Action Officer: Debbie-Jo MacDonald
 Telephone: 4936.0139

Minister for Natural Resources and Mines

Comments:

Released by DNRM
under the
RTI Act 2009



Mining Lease Report - Departmental

Tenure Id: ML 70477

District: EMERALD

Previous Id:

Name of Lease: LAKE VERMONT WEST

Status: APPLICATION

Sub-Status: FOR GRANT

Native Title Category: EXCLUSIVE LAND

Native Title Sub Category:

Pre-requisite Tenure Ids

MINERAL DEVELOPMENT LICENCE 303

Tenancy Type: Sole Holder

Principal Holder

BOWEN BASIN COAL PTY LTD

C/- MR TIMOTHY O'BRIEN

GPO BOX 374

BRISBANE

QLD 4001

Holder Names

<u>Holder Names</u>	<u>Share %</u>	<u>Status</u>	<u>Deal In</u>	<u>Date Appv</u>	<u>Deal Out</u>
BOWEN BASIN COAL PTY LTD	100.000000000000	Current	0	16-AUG-2012	

Marked Out Date and Time: 13-AUG-2012 10:00 AM

Lodged Date and Time: 16-AUG-2012 11:15 AM

Term Sought: 30 years

Certificate of Application Issued: 06-DEC-2013

Situated Within at Date Lodged

AUTHORITY TO PROSPECT 1103

RESTRICTED AREA 394

Area: 452.6 Ha

Surface Area: 452.6 Ha



Mining Lease Report - Departmental

Tenure Id: ML 70477

Local Authorities

Isaac (R)

Minerals / Purpose

- ROAD / ACCESS / RIGHT OF WAY
- ENVIRONMENTAL DAM
- STOCK PILE ORE / OVERBURDEN
- TAILINGS / SETTLING DAM
- TEMPORARY ACCOMMODATION
- WORKSHOP / MACHINERY / STORAGE
- WATER MANAGEMENT

Locality

APPROXIMATELY 16 KILOMETRES NORTH-EAST OF DYSART TOWNSHIP

Date of Grant:

Act Granted Under:

Plan No.	Prev. Plan No.	Status	Volume	Folio	Description
43988		R			Plan of ML70477

General Remarks

Non-Public Remarks

Renewal Processes

Notice Issued:
Lodged:
Approved:

Term History

<u>Commenced</u>	<u>Expiry</u>	<u>Years</u>
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Area Units: 453.00
 Rent Rate: \$0.00
 Annual Rent: \$0.00
 Security Required:

	<u>Received Amount</u>	<u>Date</u>	<u>Refunded Amount</u>	<u>Date</u>
Application Fee	\$149.40	16-AUG-2012		

Survey Fee



Mining Lease Report - Departmental

Tenure Id: ML 70477

<u>Background Tenures</u>	<u>Land Usage</u>	<u>Compensation Required</u>	<u>Finalised</u>
LOT 2 ON SP260662 FREEHOLD	Mining	N	07-AUG-2014
LOT 1 ON SP190747 FREEHOLD	Access	Y	13-MAY-2014

<u>Dealing Name</u>	<u>Dealing Number</u>	<u>Action Initiated</u>	<u>Expected Completion</u>	<u>Actual Completion</u>
CONSENT EXPL/MINE RSTRICT LAND	0	16-AUG-2012	16-JUN-2014	12-FEB-2014
Remarks: RESTRICTED LAND (DAM) IDENTIFIED IN APPLICATION MAP OF RL REQUESTED FROM APPLICANT ON 17 AUG 2012, 15 OCT 2013, PROVIDED 12 NOV 2013. CONSENT FOR RL RECEIVED 12 FEB 2014				
OVERLAPPING PETROLEUM TENURES	0	16-AUG-2012	30-JUN-2014	17-FEB-2014
Remarks: WITHIN ATP 1103 - CH4 PTY LTD S318AX SUBMISSION BY ATP HOLDER REQUIRED 16 NOV 2012 - RECEIVED 22 NOV 2012 S318AT SUBMISSION BY APPLICANT REQUIRED 15 JAN 2013 - RECEIVED 28 NOV 2012 CONSENT FROM ATP1103 LODGED 17 FEB 2014				
INITIAL DEVELOPMENT PLAN	0	16-AUG-2012	30-JUN-2014	17-JUN-2014
Remarks: IDP LODGED & SENT TO TECH ASSESS 16 AUG 2012 APPROVED BY RD CENTRAL REGION 17 JUN 2014 TERM 5 YEARS FROM DATE OF GRANT				
FIELD OFFICER'S REPORT	0	16-AUG-2012	30-NOV-2012	24-OCT-2012
Remarks: LAKE VERMONT - EAST OF DYSART- INSPECTION 24/10/2012- CORNER POSTS WOODEN, PAINTED WHITE AND MARKED "BCC 13-8-2012" TOP PORTION OF DATUM POST VIEWED FROM A DISTANCE DUE TO POST BEING PARTLY SUBMERGED BY SURROUNDING WATER. - SEE ALSO GPS RECORD. DUE TO ABUTALS TO EXISTING ML 70331 AND MINING LEASE APPL. 70383 AND THE TERM SOUGHT SURVEY OF THE MINING LEASE IS RECOMMENDED.				
ENVIRONMENTAL REFERRAL	0	16-AUG-2012	14-MAR-2014	19-FEB-2014
Remarks: APPL TO AMEND EA MIN100736808 (ML70331) SENT TO EHP 16 AUG 2012 EHP ADVISED NO EIS REQUIRED FOR AMENDMENT MIN100736808 12 SEP 2012 DRAFT EA EPML00659513 ISSUED 30 SEP 2013 RECEIVED 10 OCT 2013 FINAL EA ISSUED 19 FEB 2014				
SURVEY SERVICES REQUIREMENTS	0	16-AUG-2012	31-AUG-2014	06-JUN-2014
Remarks: SURVEY OF MINING LEASE RECOMMENDED REFERRED TO CHIEF SURVEYOR 05 NOV 2012 LETTER REQUESTING SURVEY SENT 05 NOV 2012 SURVEY MP43988 REGISTERED 6 JUN 2014				
COMPENSATION SETTLEMENT	0	16-AUG-2012	31-AUG-2014	07-AUG-2014
Remarks: CMP FOR LOT 1 ON SP190747 LODGED 13 MAY 2014 CMP FOR LOT 4 ON CNS382 NOT REQUIRED ONCE CONTRACT OF SALE FINALISED. LAND PARCEL CHANGED TO LOT 2 ON SP260662, CMP NOT REQUIRED AS APPLICANT IS LANDHOLDER				
APPLICATION'S FINAL REVIEW	0	16-AUG-2012	31-AUG-2014	07-AUG-2014
Remarks: TERM SOUGHT 30 YEARS				
NATIVE TITLE SEARCH	0	16-AUG-2012	13-SEP-2012	08-AUG-2014
Remarks: APPL MAY PROCEED IN ACCORDANCE WITH MODULE BA OF THE NATIVE TITLE WORK DECISION PROCEDURES. NTE. Proceed to grant. 100% exclusive land. WORK DECISION DOCUMENT COMPLETED 8 AUG 2014				



Mining Lease Report - Departmental

Tenure Id: ML 70477

<u>Dealing Name</u>	<u>Dealing Number</u>	<u>Action Initiated</u>	<u>Expected Completion</u>	<u>Actual Completion</u>
GPS LOCATION Remarks: DATUM POST - NOT RECORDED - PARTLY SUBMERGED DUE TO SURROUNDING WATER. POST 2 - 148 23 49.3 X 22 27 54.3 POST 3 - 148 23 04.0 X 22 27 54.3 POST 4 - 148 23 04.0 X 22 25 54.4 POST 5 - 148 23 16.1 X 22 25 39.5	0	24-OCT-2012	21-NOV-2012	24-OCT-2012
OBJECTIONS AGAINST APPLICATION Remarks: CPN ISSUED 6 DEC 2013 CLOSE OF OBJ 12 FEB 2014 SUBSTANTIAL COMPLIANCE GIVEN FOR POSTING OF CPN ON POST 3 (DATUM POST UNDER WATER) 16 DEC 2013 NIL OBJECTIONS RECEIVED STAT DECS RECEIVED 17 FEB 2014	0	06-DEC-2013	12-FEB-2014	13-FEB-2014
GRANT OF TENURE PENDING	0	07-AUG-2014	30-NOV-2014	

Sub-Tenures

<u>Tenure Type & Number</u>	<u>Date Lodged</u>	<u>Date Granted</u>	<u>Area</u>
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RTI Act 2009

ATTACHMENT 2

MINING LEASE APPLICATION NUMBER 70477 TENURE ASSESSMENT

Section 269(4) of the *Mineral Resources Act 1989* requires the Minister to take into account those provisions when making a recommendation. Refer to attached tenure assessment by Mining Registrar.

1. **Section 269(4)(a): The provisions of the *Mineral Resources Act 1989* have been complied with.** The Certificate of Application and the Certificate of Public Notice were issued on 6 December 2013. The provisions of the *Mineral Resources Act 1989* (MRA) have been complied with.
2. **Section 269(4)(b): The area of land applied for is mineralised or the other purpose for which the mining lease is sought is appropriate.** The mining lease (ML) is sought for the purposes of road/access/right of way, environmental dam, stock pile ore/overburden, tailings/settling dam, temporary accommodation, workshop/machinery/storage, water management to support existing operations at the adjacent Lake Vermont Project ML 70331. The Minister can be satisfied that the purposes for which the ML is sought are appropriate.
3. **Section 269(4)(c): There will be an acceptable level of development and utilisation of the mineral resources within the area applied for.** The applicant states that exploration has confirmed there are no economic open cut resources on the proposed infrastructure mining lease application. The ML is sought to optimise the utilisation of coal resources within and the expansion of the Lake Vermont Project. There will be an acceptable level of development within the area applied for.
4. **Section 269(4)(d): The land and surface area of land in respect of which the mining lease is sought is of an appropriate size and shape.** The application area will be used for infrastructure facilities and services for the Lake Vermont Mine on ML 70331. The facilities required have been carefully planned and the area is abutting other mining leases. The area of land for which the mining lease is sought is of an appropriate size and shape.
5. **Section 269(4)(e): The term sought is appropriate.** The ML term is based on the expected mine life of ML 70331 and extensions within Mineral Development Licence (MDL) Number 303 for which the infrastructure will be required. The term sought is appropriate.
6. **Section 269(4)(f): The applicant has the necessary financial and technical capabilities to carry on mining operations under the proposed mining lease.** Bowen Basin Coal Pty Ltd (BBC) is the tenement holder and is supported by the Lake Vermont JV which includes Jellinbah Group Pty Ltd, Coranar (Australia) Pty Ltd (AMCI), Marubeni Coal Pty Ltd and CHR Vermont Pty Ltd (Sojitz Coal). BBC has successfully run ML 70331 since 2005. The applicant has the necessary financial and technical capabilities to carry on mining operations under the proposed mining lease.
7. **Section 269(4)(g): The past performance of the applicant has been satisfactory.** The past performance of BBC has been satisfactory. They have complied with provisions of the MRA and have not been issued with any notices to rectify non-compliance or notices to show cause. The past performance of the applicant has been satisfactory.
8. **Section 269(4)(h): No disadvantage will result to the rights of holders of existing exploration permits or mineral development licences, or existing applicants for, exploration permits or mineral development licences.** The pre-requisite tenure for this application is MDL 303 which is held by the applicant. There are no other tenement holders within the area applied for therefore no tenement holders will be disadvantaged. There is no disadvantage to other tenements in the application area.

- 9. **Section 269(4)(i): The operations to be carried on under the authority of the proposed mining lease will conform with sound land use management.** The applicants have provided their Environmental Management Plan and the proposed mining lease will be subject to the conditions of the Environmental Authority. The operations carried out under the authority of the proposed mining lease will conform with sound land use management.
- 10. **Section 269(4)(j): Any adverse environmental impact caused by the proposed mining operations and the extent thereof.** An Environmental Authority has been issued to the applicant that will limit the environmental impacts of the operation. The applicant has previously complied with the terms and conditions of their Environmental Authority with respect to existing operations.
- 11. **Section 269(4)(k): The public right and interest will not be prejudiced.** The application is adjacent to current mining operations and is within a known coal producing area. There were no objections to the mining lease application. There is no evidence that indicates the public right and interest will be prejudiced by the granting of this mining lease.
- 12. **Section 269(4)(l): No good reason has been shown for refusal to grant the proposed mining lease.** The applicant has complied with the provisions of the MRA in relation to this application. There has been no evidence shown to refuse the grant of the proposed mining lease.
- 13. **Section 269(4)(m): Taking into consideration the current and prospective uses of the land, the proposed mining operation is an appropriate land use.** The area is currently used for cattle grazing and the surrounding area is used for coal mining. The proposed mining lease is an appropriate land use.

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**TENURES ADMINISTRATION FUNCTION
NATIVE TITLE WORK PROCEDURE FOR DECISION MAKING
DOCUMENTED DECISION**

Tenure No: Mining Lease 70477

Lodgement Date: 16 August 2012

Mining District: Emerald

Local Authority: Isaac Regional Council

Prerequisite Tenure (if applicable): Mineral Development Licence 303

Date of Expiry of Prerequisite Tenure: 31 August 2012

Background Tenure: LOT 2 ON SP260662 FREEHOLD
LOT 1 ON SP190747 FREEHOLD

Proposed Action: APPLICATION FOR GRANT OF MINING LEASE

Decision: PROCEED TO GRANT

Basis for Decision: (Attach documentation as necessary)

Native Title Assessment for ML 70477 (attached to this decision) identified the area applied for as MLA 70477 as being contained wholly within exclusive possession tenure (freehold land). This land, granted before 24 December 1996 is a previous exclusive possession act in accordance with S23(B)(1) and (2) of the *Native Title Act 1993 (Cth)* and Module BA of the Native Title Work Procedures. Native Title does not exist over this land and ML 70477 may be progressed to grant without further reference to the *Native Title Act 1993 (Cth)*.

sch4p4(6) Personal information

Julieanne Butteriss

Senior Native Title Project Officer

Native Title Services, Central Region

Date: 08 August 2014

ATTACHMENT 4

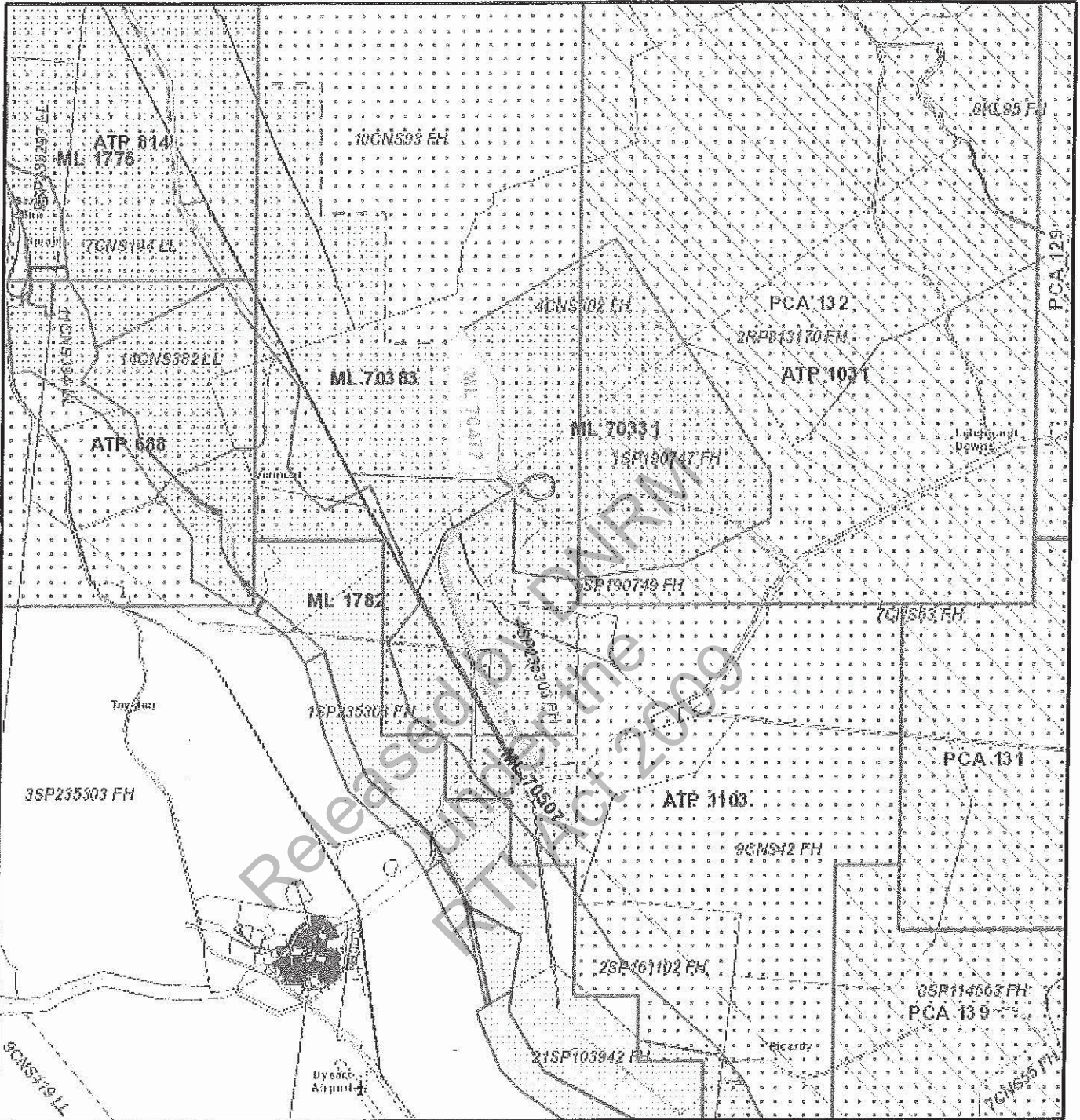
1. **Cape York Area:** The area applied for is not in the Cape York Area (above the 16 degree parallel).
2. **Wild River Area:** The area applied for is not within a declared wild river area or wild river moratorium area and can proceed to grant.
3. **A survey of the boundaries of the mining lease is not required prior to grant.** Survey plan MP43988 has been registered with the department.
4. **Part 7AA Division 3 of the *Mineral Resources Act 1989*.**
 - 4.1 The land the subject of this application is partly overlapped by Authority to Prospect (ATP) for Petroleum Number 1103.
 - 4.2 The holders of the authority to prospect, CH4 Pty Ltd, have, pursuant to section 318BO(1)(c)(ii) of the *Mineral Resources Act 1989*, given their written consent to the grant of the mining lease.
 - 4.3 The consent was lodged at the Office of the Mining Registrar on 17 February 2014.
 - 4.4 The applicant lodged a proposed Initial Development Plan in respect of the application. The Senior Project Officer, Mining and Petroleum assessed the proposed Initial Development Plan and recommended that the proposed Initial Development Plan be approved pursuant to section 318EA of the *Mineral Resources Act 1989*.
 - 4.5 The Initial Development plan was approved under delegation by the Regional Director, Central Region on 17 June 2014.
 - 4.6 The applicant has complied with all relevant additional requirements of Part 7AA - Provisions for Coal Seam Gas.

The Honourable Minister can be satisfied as to having taken into account the matters set out in section 269(4) of the *Mineral Resources Act 1989* and grant Mining Lease Number 70477.

sch4p4(6) Personal information

Debbie-Jo MacDonald
Principal Mining Registrar Assessment
Coal Assessment Hub

Attachment 5 - ML70477 Sketch

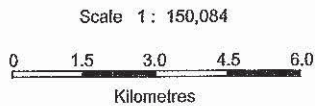


MinesOnlineMaps

Created By: Guest
 Created On: 12/08/2014 8:42:49 AM
 Print Template: A4 Portrait

All enquiries and feedback:
 email: MinesOnlineMaps@dnrm.qld.gov.au

Selected Features
 (see page 2 for a complete legend)



Geocentric Datum of Australia 1994 EPSG: 4283

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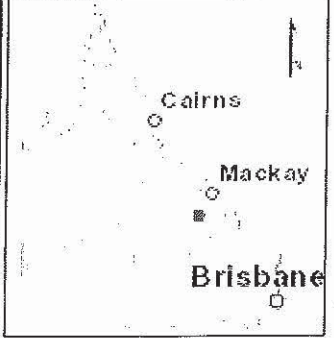


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- ATP Application
- ATP Granted
- Petroleum PCA
- ML Permit Application
- ML Surface Area Application
- ML Access Application
- ML Permit Granted
- ML Surface Area Granted
- ML Access Granted
- Cadastre (DCDB) Parcels

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