

Oakdale State Coal Mine (Sale) Act 1968 No 66

[1968-66]



New South Wales

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Provisions in force

The provisions displayed in this version of the legislation have all commenced.

Authorisation

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Oakdale State Coal Mine (Sale) Act 1968 No 66



New South Wales

An Act to authorise the sale of the Oakdale State Coal Mine and the granting of certain leases; and for purposes connected therewith.

1 Name of Act

This Act may be cited as the *Oakdale State Coal Mine (Sale) Act 1968*.

2 Definitions

In this Act, except to the extent that the context or subject-matter otherwise indicates or requires:

Mining Act means the *Mining Act 1906*, and includes any amendment of that Act and any Act replacing that Act or incorporating any of its provisions.

Minister means Minister for the time being administering the Mining Act.

the Authority means The State Mines Control Authority constituted by the *State Coal Mines Act 1912*, as subsequently amended.

the Company means Clutha Development Pty. Limited and includes a corporation that is related, for the purposes of section 50 of the *Corporations Act 2001* of the Commonwealth, to Clutha Development Pty. Limited.

the Undertaking means the business of carrying on coal-mining operations conducted by the Authority at the Oakdale State Coal Mine and, without limiting the generality of the foregoing provisions of this definition, includes:

- (a) buildings, erections, structures, pits, shafts, drives, levels, drifts, gutters and other excavations, cottages, works, engines, machinery, tools, plant, equipment, vehicles, spares, stores and other chattels and things for the time being used, or held by the Authority for use, in connection with, or for the purposes of, that business,
- (b) stocks of coal for the time being held by the Authority at that mine,
- (c) the water supply works used in connection with, or for the purposes of, that business,
- (d) land, and any interest in land, vested in the Authority and used in connection with, or

for the purposes of, that business, and

(e) technical and other records and plans, maps and diagrams, relating to that business.

3 Powers of the Governor and other persons

- (1) Subject to this Act, the Governor, the Minister and the Authority may enter into an agreement with any person for and with respect to:
 - (a) selling the Undertaking to the Company,
 - (b) conferring on the Company rights to mine for, win and carry away coal and shale in and from the land described in the Schedule to this Act, or any part thereof,
 - (c) granting to the Company, under the Mining Act, a lease or leases affecting the land described in the Schedule to this Act, or any part thereof, or a mining purposes lease or leases affecting land other than the land so described,
 - (d) permitting the Company, upon the sale of the Undertaking, to take possession of the Undertaking or any part thereof and of all or any part of the land described in the Schedule to this Act, and to carry on coal-mining operations therein or thereon, pending the granting to the Company of a lease or leases referred to in paragraph (c) of this subsection, and
 - (e) such other matters connected with or incidental to the matters referred to in paragraphs (a), (b), (c) and (d) of this subsection as the Governor thinks fit.
- (2) The consideration for the performance by the Governor, the Minister and the Authority of an agreement entered into under subsection one of this section shall be not less than nine million five hundred and fifty thousand dollars in cash.
- (3) All acts, matters or things that, by an agreement entered into under subsection one of this section are agreed, directed, authorised or permitted to be done or executed by or on behalf of Her Majesty, the Governor, the Minister or the Authority may be done or executed in accordance with the agreement without any further authority than this Act or, in relation to any such acts, matters or things arising under paragraph (c) of that subsection, without any further authority than the Mining Act.

4 Grant of leases to the Company

- (1) For the purposes of an agreement entered into under subsection one of section three of this Act, the *Mining Act 1906*, and any amendments thereof in force immediately before the commencement of this Act, shall be deemed to be amended to the extent necessary:
 - (a) to authorise the granting of a lease or leases thereunder in conformity with that agreement, and

(b) to give full force and effect to every provision, stipulation, covenant, term and condition of any lease so granted.

- (2) Any proclamation, notification or order made before or after the commencement of this Act that, but for this subsection, would preclude the granting of a lease referred to in subsection one of this section shall, to the extent necessary to authorise the granting of the lease, be deemed to have been revoked, cancelled, varied or amended, as the case may require, immediately before the granting of the lease.
- (3) Nothing in section thirty-two of the Mining Act shall be construed as authorising an objection to the issue of a lease pursuant to an agreement entered into under subsection one of section three of this Act and section 12A of the *State Coal Mines Act 1912*, as subsequently amended, shall not extend to the land comprised in any lease so issued.

5 Vesting of certain property and divesting of control of Authority

Upon completion of the sale of the Undertaking pursuant to an agreement entered into under subsection one of section three of this Act:

- (a) anything thereby sold that does not thereupon vest in the Company by delivery or by an assurance shall vest in and belong to Clutha Development Pty. Limited, and
- (b) the Authority shall be deemed to have been, immediately before completion of the sale, divested of the control and powers in relation to the Undertaking conferred upon it by section fifteen of the *State Coal Mines Act 1912*, as subsequently amended, by virtue of the notification under that section relating to the Burragorang State Coal Mine published in the Gazette on the twenty-third day of June, one thousand nine hundred and fifty.

6 Payment and disposal of purchase moneys

All moneys receivable by the Governor, the Minister or the Authority pursuant to an agreement entered into under subsection one of section three of this Act shall be paid to the Authority and shall, notwithstanding anything contained in the *State Coal Mines Act 1912*, as subsequently amended, be applied in such manner as the Governor may direct.

Schedule

(Section 3)

ALL that piece or parcel of Crown land and private land containing 13193 acres or thereabouts exclusive of the surface and land below the surface to a depth of 50 feet but inclusive of the surface and land below the surface to a depth of 50 feet comprising a surface right over portions ML 6 and ML 7 exclusive of the public road 100 links wide within and adjoining the eastern boundary of portion ML 7 and exclusive of the Electricity Substation Site of 3 roods 26 3/4 perches shown on plan catalogued SB 14267 in the Department of Public Works adjoining such road within the Parishes of Werriberri and Burragorang County of Camden and State of New South Wales within the following boundaries wholly exclusive of portion 57 of 47 acres 1 rood Parish of Burragorang.

Commencing at the south eastern corner of portion 4 of 120 acres excluding road Parish of Werriberri thence on the west by part of the eastern boundary of that portion bearing about 360 degrees 00 minutes 1600 links thence on the north by the western prolongation of the northern boundary of portion ML 10 of 640 acres the northern boundary of that portion to the most northerly north eastern corner of portion ML 10 aforesaid thence on the east by the most easterly eastern boundary of portion ML 10 aforesaid to the most northerly south eastern corner of portion ML 10 aforesaid on the northern boundary of portion ML 11 of 640 acres thence again on the north by part of the northern boundary of portion ML 11 aforesaid and its easterly prolongation to the most westerly north western corner of portion 65 of the 166 acres 2 roods thence on the north west north east and again on the north by the north western north eastern and northern boundaries of portion 65 aforesaid thence again on the north by a line and the northern boundary of portion 60 of 100 acres excluding road to the north eastern corner of portion 60 aforesaid thence again on the east by part of the eastern boundary of portion 60 aforesaid bearing about 180 degrees 00 minutes 350 links thence again on the north by a line the northern boundary of portion 104 of 50 acres by a line to the fourth most westerly north western corner of portion 63 of 326 acres thence again on the west by a line bearing about 360 degrees 00 minutes 200 links to the left bank of Werriberri or Monkey Creek thence generally again on the north north west north east east by the left bank of that Creek upstream to where the said left bank intersects the northern boundary of portion 36 of 500 acres Parish of Burraborang thence on the south by part of the said northern boundary of portion 36 to the north western corner of said portion 36 thence on the east again by the western boundary of said portion 36 to the south western corner of said portion 36 thence on the south again by part of the northern boundary of portion 35 of 1000 acres to the north western corner of said portion 35 thence on the east again by the western boundary of said portion 35 to the south western corner of said portion 35 thence on the south again by part of the northern boundary of portion 38 of 873 acres to the north western corner of said portion 38 thence on the east again by part of the western boundary of said portion 38 to the point of intersection with the northern side of Main Road No 259 150 links wide and variable from Nattai to The Oaks shown on plans catalogued R 5663 and R 22361 1603 Roll in the Department of Lands thence again on the south and generally south east by the northern side of said Main Road No 259 to the south eastern boundary of portion 101 of Part of 40 acres about 300 links from the south eastern corner of said portion 101 thence on the south again by a line bearing 270 degrees 1700 links to the eastern side of the boundary road 100 links wide separating said portion 101 from portion 70 of 200 acres excluding roads thence again on the west by the said eastern side of the said boundary road to the intersection of the eastern side of the boundary road with the easterly prolongation of the northern boundary of said portion 70 thence on the south again by the said easterly prolongation and the northern boundary of said portion 70 to the most northerly north western corner of said portion 70 thence again on the south by a line to the left bank of Gormans Branch of Back Creek thence again generally on south east south and south west by the left bank of that Creek upstream to the north eastern corner of portion 67 of 51 acres excluding roads thence on the west again by the eastern extremity of the boundary road 100 links wide and the eastern boundary of portion 68 of 44 acres to the north eastern corner of said portion 68 thence on the south again by the northern boundary of said portion 68 and its westerly prolongation to the eastern boundary of portion 6 of 75 acres excluding roads thence on the west again by part of the said eastern boundary of portion 6 bearing about 0 degrees 17 minutes 450 links to the north eastern corner of said portion 6 thence on the south again by the northern boundaries of said portion 6 and portion 13 of 150 acres bearing about 270 degrees 09 minutes 3624 links to the north western corner of said portion 13 thence on the south again by a line bearing about 265 degrees 31 minutes 30 seconds 6420.9 links to a point on the eastern boundary of portion ML 4 of 640 acres thence on the south again by a line bearing about 270 degrees 5406.6 links to the eastern boundary of portion ML 3 of 640 acres thence on the west again by the said eastern boundary of portion ML 3 and

the northerly prolongation of the said boundary bearing in all about 360 degrees 9264.9 links thence on the south again by a line bearing about 270 degrees 5046.7 links thence on the west again by a line bearing about 360 degrees 13068.7 links thence on the west again by a line bearing about 4 degrees 22 minutes 56 seconds 787 links to the right bank of Brimstone Gully thence by that bank downstream to the point of commencement. All bearings and distances are approximate.