

# Application for approval of full or partial transfer of a mining lease

Form AD3, *Mining Act 1992*



Regional  
NSW

## Lodgement information

For help with lodging this application, or for more information about authorisations in New South Wales, contact:

Mining, Exploration and Geoscience

**Resource Operations**

**Phone +61 2 4063 6600 (8.30am – 4.30pm)**

[resource.operations@planning.nsw.gov.au](mailto:resource.operations@planning.nsw.gov.au)

## Note

- any reference to the '**Department**' in this form, refers to **Regional NSW**

## How to submit this form

- By email:** Send an electronic copy of the form including any attachments and proof of payment to [resource.operations@planning.nsw.gov.au](mailto:resource.operations@planning.nsw.gov.au)
- By mail:** Mail your form, any attachments and proof of payment to Mining, Exploration and Geoscience, Resource Operations, PO Box 344, Hunter Region Mail Centre NSW 2310
- In person:** Submit your application in person at the Department office, 516 High Street, Maitland, New South Wales. Office hours are 8.30am to 4.30pm

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The information contained in this publication is based on knowledge and understanding at the time of writing (July 2020). 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.

## Privacy statement

This information is collected by the Department for the purposes of assessing an application for an authorisation or an application associated with an authority as required by the *Mining Act 1992* or Mining Regulation 2016.

This information may also be used by the Department to confirm applicant details in the event that subsequent applications are made and may also be used to establish and maintain databases to assist the Department with its work generally.

Except for purposes required by law, the information will not be accessed by any third parties in a way that would identify the person without the consent of that person.

You may apply to the Department to access and correct any information the Department holds if that information is inaccurate, incomplete, not relevant or out of date.

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## When to use this form

**Complete this form if you hold a mining lease in New South Wales and are requesting approval to transfer the authority.**

Use a separate form for each partial transfer application.

This form has been prepared for the purposes of [s120](#) of the *Mining Act 1992* and [cl33](#) of the *Mining Regulation 2016*.

If there is insufficient room in the fields, please provide the information as an attachment.

## Important notes

### Accompanying documentation

Any information or document that is required to accompany this application should be lodged within **10 business days of the lodgement date**. Failure to supply the information within this timeframe may be considered as grounds for refusing the application according to [cl6\(d\), sch1B](#) of the *Mining Act 1992*.

All parties registered as holding an interest in the mining lease must be notified **before** you lodge this application.

The transferor (the existing holder/s of the mining lease) remains liable for any rent and levy liability up until the transfer is registered. We will advise you in writing if any fees are overdue.

If the authority/s to be transferred is a mineral owner authority/s, evidence that the transferee/s is the owner of the mineral/s must be provided to the Department. If evidence is not provided with the application under [s121\(3\)](#) of the *Mining Act 1992*, any approval of the transfer will be conditional upon evidence being provided prior to registration.

Only the **transferor** may complete this form (it **cannot** be submitted by the transferee). This form must be accompanied by the prescribed application fee and the consent of the transferee. For a partial transfer, it must also be accompanied by a plan identifying the area over which the new authority will apply.

If the transfer of an authority is approved, it may be registered **within three months** of being notified of the approval (refer to form [AD4 Application to register the transfer or part transfer of an authority](#)). The transfer will take effect upon registration. Either the transferor or the transferee may apply for registration.

### Agents

If this application is lodged by an agent on behalf of the applicant/s, the Department may seek confirmation of the authority under which the agent operates and any limits of that authority. The agent will need to complete the declaration at the end of this form and supply evidence of their appointment, if not already supplied to the Department ([cl97](#) of the *Mining Regulation 2016*).

### How to submit this form

Refer to the cover page for details.

### Next steps

Once your application has been received, it will be considered and may be granted or refused by the Minister.

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## 1 Type of transfer

Indicate if you are requesting a full or partial transfer.

Full transfer			
<input type="checkbox"/>	Multiple mining leases may be nominated if you wish to transfer in full. List the authorities below:		
	Type – eg mining lease (ML)	Number	Act

  

Partial transfer			
<input type="checkbox"/>	List the authority below (you can only nominate one authority for a partial transfer)		
	Type	Number	Act

## 2 Lease holder/s details (transferor)

Provide the full name of the lease holder/s and if applicable, the ACN or ARBN (for foreign companies).

Full name of the authority holder/s	
Name	
ACN / ARBN	
Name	
ACN / ARBN	
Name	
ACN / ARBN	
Name	
ACN / ARBN	
Name	
ACN / ARBN	

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## Additional lease holders

Provide the full name and ACN or ARBN (for foreign companies), of additional lease holders.

### Additional details

## 3 Transferee/s details

Provide the full name of transferee/s and ACN/s or ARBN/s (for foreign companies). To be eligible to hold an authority, you must be a person 18 years of age or older, or a company eligible to undertake business in New South Wales. Provide the full name of transferee/s and if applicable, the ACN or ARBN (for foreign companies).

The transferee for a mining lease (mineral owner) application must be the owner/s of the mineral. If there is more than one owner, the application must be made by all the owners.

If the transferee/s is a foreign entity, provide proof that the transferee/s is authorised to operate and carry out business in New South Wales.

### 1<sup>st</sup> Transferee details

Name	
	<input type="checkbox"/> This is an individual and is at least 18 years old.
Contact phone	
Contact email	
ACN / ARBN	
Street address (Registered street address for a company)	
Postal address	<input type="checkbox"/> Same as above

### 2<sup>nd</sup> Transferee details

Name	
	<input type="checkbox"/> This is an individual and is at least 18 years old.
Contact phone	
Contact email	
ACN / ARBN	
Street address (Registered street address for a company)	
Postal address	<input type="checkbox"/> Same as above

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## 3<sup>rd</sup> Transferee details

Name	<input type="checkbox"/> This is an individual and is at least 18 years old.
Contact phone	
Contact email	
ACN / ARBN	
Street address (Registered street address for a company)	
Postal address	<input type="checkbox"/> Same as above

## Additional transferees

Provide the full name, phone number, email address, ACN or ARBN (for foreign companies), street address (individuals), registered street address (company) and postal address details of additional transferees. For individuals you must provide a statement that the person is at least 18 years old.

## Additional details

## 4 Contact for this application

### 4.1 Holder (transferor) contact details

Any correspondence in relation to this application will be sent to this person.

#### Details

Contact name	
Position held	
Company	
Postal address	
Phone (incl area code)	
Mobile	
Email	

### Your preferred contact method

- Email (for companies – provide a company email address which is regularly monitored rather than an individual employee's email address)
- Mail (including DX)

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## 4.2 Transferee contact details

Any correspondence in relation to this application will be sent to this person.

Details	
Contact name	
Position held	
Company	
Postal address	
Phone (incl area code)	
Mobile	
Email	

### Your preferred contact method

- Email (for companies – provide a company email address which is regularly monitored rather than an individual employee's email address)
- Mail (including DX)

## 5 Mineral owner authority/s

Is the authority/s to be transferred a mineral owner authority?

- No – **continue to Question 6**
- Yes – **go to Question 5.1**

### 5.1 Evidence of ownership of minerals

For the purposes of [s121\(3\)](#) of the *Mining Act 1992*, the proposed transferee must be the owner of the minerals prior to the transfer being registered. Evidence of ownership can be provided with this application or when applying to register a transfer.

Attach the evidence that the transferee/s is the owner of the mineral/s to which the authority/s to be transferred relate. For the purposes of confirming a transferee's ownership of any mineral, the Secretary may require the applicant to provide further information, which may include written advice from an Australian legal practitioner certifying that the relevant evidence establishes that the transferee owns the mineral.

- I have attached evidence of mineral ownership
- I have **NOT** attached evidence of mineral ownership

## 6 Consent of the proposed transferee/s

Attach a letter/s of consent from the proposed transferee/s, on company letterhead where applicable, consenting to the transfer.

- I have attached a letter/s of consent from the proposed transferees

## 7 Technical capability

The transferee/s must nominate a technical manager who will be responsible for supervising operations and geoscientific reporting.

The technical manager is required to have tertiary qualifications in geoscience, mining engineering or other relevant qualifications and have appropriate experience in exploration for the commodity sought.

You must provide the person's contact details and confirmation of their acceptance of the role.

Note that this does not make the person liable for any other matters relating to this application.

You can attach the contact details and acceptance as a letter or enter the information below.

I have attached documentation with the technical manager details and acceptance of the role

**OR**

I have entered the technical manager details and authorisation below:

Contact details	
Name	
Position	
Company	
Phone	
Email	

**Professional associations:** Provide the name and member number of any relevant professional associations (eg AusIMM, AIG) to which the technical manager belongs, or list relevant qualifications and experience.

**Signature:** Provide the signature of the nominated technical manager to confirm their acceptance of the role.

## 8 Statements of compliance, environmental performance and financial history

The transferee/s must provide Statements of compliance, environmental performance and financial history (the Statement). Complete the [Statement template](#) and indicate how the Statement has been provided.

I have attached the Statement to my application

**OR**

I have submitted the Statement online – the reference number is

## 9 Proposed work program or current development consent

Provide a proposed work program for the transferee that meets the requirements of [s129A](#) of the *Mining Act 1992* using the [Mineral prospecting title work program](#) form available on the Department's website).

*Note: The proposed work program is to be for the proposed activities of the transferee. It is to have the names of all transferees within the Title Holder/Applicant box and include the proposed technical manager.*

### Option A:

- I have attached a proposed work program that:
- indicates the nature and extent of operations to be carried out under the authority conferred by the relevant authority, and
  - sets out commitments relating to the conduct of those operations (such as the timing of the operations), and provides for the carrying out of activities (such as community consultation and environmental management and rehabilitation) in connection with, or ancillary to, those operations, and
  - complies with the regulations.

OR

### Option B:

- I have attached a copy of the appropriate development consent that embraces the entire lease area I am transferring

### Guidance

When answering Questions **10**, **11**, **12** and **13** and where you are seeking approval to transfer multiple authorities, ensure information and/or documentation is provided for all applicable authorities.

## 10 Rehabilitation cost estimate

All current authority holders must provide an estimate of rehabilitation costs. This estimate will be considered by the Department when determining the [security deposit](#) amount.

If transferring more than one authority a separate [Form ESF2 – Rehabilitation Completion and/or Review of Rehabilitation Cost Estimate](#) form for each authority is required.

Before answering this question, read the [Rehabilitation cost estimate guidelines](#) and note the following:

*The Department is responsible for ensuring that the people of NSW do not incur a financial liability as a result of coal, mineral and petroleum exploration and production activities. All authority holders engaged in these activities are, therefore, required to lodge a security deposit.*

*The security deposit must cover the Government's full costs for rehabilitation in the event of default by the authority holder.*

*The rehabilitation cost estimate is an estimate of all rehabilitation liabilities which currently exist on the authority, including approved prospecting operations and those prospecting operations defined as exempt development.*



## 10.1 What is the total rehabilitation cost estimate for the area being transferred?

The estimate should cover the estimated cost of rehabilitation for all prospecting and mining operations on the area of the authority proposed for transfer (whether this be the full authority area proposed for transfer or the partial area proposed for transfer).

### Total rehabilitation cost estimate

\$

### 10.1.1 What method have you used to calculate the rehabilitation cost estimate? Attach your cost calculation to this application

- Department's [rehabilitation cost calculation tool](#)
- Other – attach your calculations or use the field below to describe the tool or cost guide you have used

### 10.1.2 What approvals/plans have you based the rehabilitation cost estimate on?

Provide date of approval letter/s or reference where possible

### Approval letter/s or reference

<input type="checkbox"/>	Exploration activity approvals
<input type="checkbox"/>	Mining project approval/development consent
<input type="checkbox"/>	Mining operations plan/rehabilitation management plan

## 10.2 What period is covered by the estimate?

### What period is covered by the estimate?

Current disturbance at date of application; or	Insert date	
Period covered by the estimation	Insert date	

## 10.3 What security is currently held by the Department?

### Current security held by the Department

\$

## 10.4 Does this rehabilitation cost estimate propose a reduced rehabilitation liability for the authorisation?

If the rehabilitation has been completed and the liability has been reduced, you may claim for a reduction in the security deposit amount.

- Yes – ensure you have completed **Question 12**
- No

## 11 Security deposit – for full transfers only

### 11.1 Is the current security held in cash?

- Yes – **continue to Question 11.2**
- No – **go to Question 12**

### 11.2 Will the cash security deposit remain with the mining lease?

- Yes – it will remain with the authority
- No – the transferee must provide a replacement security when registration of transfer is lodged

## 12 Completion of rehabilitation

### 12.1 Has rehabilitation been completed and/or deemed satisfactory?

Rehabilitation is deemed 'satisfactory' when:

- a [Form ESF2 – Rehabilitation Completion and/or Review of Rehabilitation Cost Estimate](#) is submitted to the Department by the authority holder, and
  - the Department has formally notified the authority holder that the rehabilitation is satisfactory
- Has rehabilitation (including any progressive/partial rehabilitation) already been completed and deemed satisfactory by the Department

Provide details of correspondence including Department references below

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- Has rehabilitation (including any progressive/partial rehabilitation) been completed and you would like to seek formal confirmation from the Department that rehabilitation is satisfactory, **without seeking a reduction in the security deposit?**

If **yes**, ensure you have completed and attached [Form ESF2 – Rehabilitation Completion and/or Review of Rehabilitation Cost Estimate](#) to this application.

- Has rehabilitation (including any progressive/partial rehabilitation) been completed and you would like to seek formal confirmation from the Department that rehabilitation is satisfactory, **and you are seeking a reduction in the security deposit?**

If **yes**, ensure you have completed and [Form ESF2 – Rehabilitation Completion and/or Review of Rehabilitation Cost Estimate](#) to this application.

- Rehabilitation has **not** been completed

## Proposed lease area for partial transfers

This help text relates to **Questions 13 and 14**.

You will need to identify the land in the proposed transfer area in an approved manner. The approved manner is described below:

**For mining leases:** provide a plan drawn in accordance with the statutory surveying requirements ▶ **Go to Question 13**

**For mining (mineral owner) leases:** provide the lot and deposited plan numbers of the land or a standard map, as described in [cl9](#) of the Mining Regulation 2016, showing the alignment of the proposed lease boundaries relative to the Map Grid of Australia; showing coordinates of all the points where there is a change in direction of the boundaries of the land. ▶ **Go to Question 14**

If you consider these requirements to be unduly onerous you may request a variation or exemption from the requirements in accordance with [cl34](#) of the Mining Regulation 2016. Any request must include a justification for the request.

## 13 Description of land – for partial transfer only

Complete this question if you are applying to transfer **part** of the lease area.

Under [cl33\(2\)](#) of the Mining Regulation 2016, you need to provide a plan that meets statutory surveying requirements. If you consider these requirements to be unduly onerous you may request a variation or exemption from the requirements in accordance with [cl34](#) of the Mining Regulation 2016. Any request must include justification for the request.

To meet the requirements of the Act, you must provide a plan completed by a registered surveyor, drawn in accordance with the [Surveying and Spatial Information Regulation 2017](#) and [Department of Lands – Surveyor General Directions \(Direction No 8 mining surveys\)](#). Your plan should include details of:

- the total area of the application in hectares, square metres or square kilometres
- any depth of surface exception (the surface and soil below the surface not applied for) and/or
- any depth restriction (the depth to which you require the lease to extend)
- strata sought (the soil below the surface between any two specified depths or a coal seam)
- the [Map Grid of Australia](#) (MGA) zone, showing boundary alignments

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- MGA coordinates determined by reference to the Geocentric Datum of Australia of all points where there is a change in direction of the boundaries of the land must also be supplied in electronic format as a Microsoft Excel spreadsheet

For assistance, please contact the Department.

Check the box below to indicate you have attached a plan overlay.

- I have attached a plan overlay that meets the above requirements

## 14 Proposed area for the partial transfer of a mining (mineral owner) lease

Complete this question if you are applying for the transfer of **part** of the mining (mineral owner) lease area.

Use **Option A** (lot and deposited plan) or **Option B** (standard map) below to identify the proposed area for transfer.

Option A:	
<input type="checkbox"/>	Provide all the lots and associated deposited plans
Lot number	
Deposited plan	
Lot number	
Deposited plan	
Lot number	
Deposited plan	
<b>Other land</b>	
If there is inadequate space above, provide lot and deposited plan of any other land in the part of the mining (mineral owner) lease proposed to be transferred.	

Option B:	
<input type="checkbox"/>	Provide a standard map, as described in <a href="#">cl9</a> of the Mining Regulation 2016, which shows the alignment of the proposed lease boundaries relative to the Map Grid of Australia, showing coordinates of all the points where there is a change in direction of the boundaries of the land.  If such a map is not available, you must provide either a cadastral map or, if that is not available, an aerial photograph.  Indicate whether you have inserted your map in the field below or attached it separately.

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- I have attached a standard map
- I have inserted my standard map below:



## 17 Checklist of items to be included with this application

Item		Reference
For foreign entities, proof that the applicant/s is authorised to operate and carry out business in New South Wales.	<input type="checkbox"/>	Question 3
Evidence of transferee is the owner of the minerals – if applicable	<input type="checkbox"/>	Question 5
Consent of the proposed transferee/s	<input type="checkbox"/>	Question 6
Technical capability support documentation	<input type="checkbox"/>	Question 7
Statements of compliance, environmental performance and financial history (where not lodged online)	<input type="checkbox"/>	Question 8
Work program	<input type="checkbox"/>	Question 9
Rehabilitation cost estimate	<input type="checkbox"/>	Question 10
<a href="#">Form ESF2 - Rehabilitation Completion and/or Review of Rehabilitation Cost Estimate</a> – if applicable	<input type="checkbox"/>	Question 12
Proposed areas for the partial transfers - if applicable	<input type="checkbox"/>	Question 13 Question 14
Notification of all parties	<input type="checkbox"/>	Question 15
For payments made by direct deposit or prepaid - proof of payment	<input type="checkbox"/>	Question 16
For agents only – evidence of appointment as agent, if this has not been previously supplied to the division	<input type="checkbox"/>	Question 18

### 17.1 Have you lodged all the required information with this form?

- Yes
- No – I will provide outstanding information within 10 business days of lodging this application\*

\*Failure to supply the information within this timeframe may be considered as grounds to refuse the application under cl6(d), sch1B

## 18 Declaration

This form must be signed by the transferor/s (in the case of a company, a duly authorised officer) or an agent authorised to act on behalf of the transferor/s.

### 18.1 Applicant/s (individual or company – transferor)

For each applicant (signed below):

I certify that the information provided is true and correct to the best of my knowledge and belief. I understand under the *Crimes Act 1900 NSW* Part 5A, that knowingly or recklessly giving false or misleading information is a serious offence, and under the *Mining Act 1992* section 378C, any person who provides information that the person knows to be false or misleading is guilty of an offence, for which they may be subject to prosecution.

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(For companies only) In addition to the declaration above, by signing below, I **also** certify that I am authorised to complete and provide the information in this form on behalf of the company listed in section 2 of this form.

1 <sup>st</sup> Applicant details	
Name	
Position/title	
Date	
Signature	

2 <sup>nd</sup> Applicant details	
Name	
Position/title	
Date	
Signature	

3 <sup>rd</sup> Applicant details	
Name	
Position/title	
Date	
Signature	

## 18.2 Agent authorised to act for this applicant/s

Evidence of appointment is required if this has not been previously supplied to the Department.

Agent details	
Name	
Position/title	
Date	
Signature	



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## Office/Administrative use only

Application received:	
Time:	Date:
Officer's Name	
Signature	
<b>Department fee amount:</b> \$700 (per authority) for full transfer or \$1,200 for partial transfer	
Fee amount	\$
<b>Treasury fee amount:</b> \$300 (per authority) for full transfer or \$450 for partial transfer	
Fee amount	\$
<b>Total fee amount:</b> \$1,000 (per authority) for full transfer or \$1,650 for partial transfer	
Total amount:	\$
<b>Receipt number</b>	

## For credit cards

Following confirmation of payment, remove the first eight digits of the credit card number from this form. Ensure that any saved copy does not include full credit card details.

## Document control

Approved by: Executive Director, Resource Operations, Regional NSW under delegation from the Minister administering the *Mining Act 1992*.

CM9 Reference: DOC20/429514

Amendment schedule		
Date	Version #	Amendment
July 2020	1.0	New format for Regional NSW. Form updated to reflect new Departmental name and branding, and updated links.