

Form ML15

Application to vary a mining lease to attach an ancillary mining activity condition

Mining Act 1992

December 2017 | v1.1

More information

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

Division of Resources and Geoscience

Titles Customer Assistance Line

Phone +61 2 4931 6500 (9.30am - 4.30pm)

titles.services@industry.nsw.gov.au

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The information contained in this publication is based on knowledge and understanding at the time of writing. However, because of advances in knowledge, users are reminded of the need to ensure that information upon which they rely is up to date and to check currency of the information with the appropriate officer of the NSW Department of Planning and Environment or the user's independent advisor.

Privacy statement

This information is collected by the NSW Department of Planning and Environment for the purposes of assessing an application for the variation of a mining lease 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access and correct any information the department holds if that information is inaccurate, incomplete, not relevant or out of date.

When to use this form

Complete this form if you are applying to attach an ancillary mining activity condition to an existing mining lease in respect of mineral(s) under the *Mining Act 1992* in New South Wales.

An ancillary mining activity condition:

- Allows the titleholder to include the rehabilitation obligations for ancillary mining activities, as outlined in Section 6 of the *Mining Act 1992*, on their existing mining lease for mineral(s).
- Imposes obligations on the titleholder to rehabilitate land or water that is or may be affected by the carrying out of the ancillary mining activity.
- Requires the recalculation of the security deposit to include the rehabilitation liability arising from the carrying out of the ancillary mining activity.

This form has been prepared in accordance with [Clause 12 of Schedule 1B](#) of the *Mining Act 1992*.

The Division of Resources and Geoscience within the Department of Planning and Environment (department) regulates ancillary mining activities that *directly facilitate*, and are in the *immediate vicinity* of, the mining lease for mineral(s). More information can be found in the Ancillary Mining Activities Guideline.

The form and associated templates are approved in accordance with [Section 382](#) of the *Mining Act 1992*. The information requested in this form may not be specifically referenced in the *Mining Act 1992* or the *Mining Regulation 2016* however its inclusion in the approved form provides the authority of department to request it.

Important notes

Accompanying documentation

Any information or template 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 [Schedule 1B, Clause 6\(d\)](#) of the *Mining Act 1992*.

Agents

If this application is lodged by any party other than the titleholder/s (ie. an agent), the department may seek confirmation of that authority and any limits of that authority given to that other party by the applicant ([Section 163F](#) of the *Mining Act 1992* and [Clause 97](#) of the *Mining Regulation 2016*). 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.

Development consent

Any development, as defined by the *Environmental Planning and Assessment Act 1979* (EP&A Act), that is in place and is the subject of this application must be lawful. For any proposed development that requires consent, a development consent under the EP&A Act must be in place before an ancillary mining activity condition can be imposed on a mining lease for mineral(s).

A variation to a mining lease to attach an ancillary mining activity condition will not be approved for any activities not specified in the development consent and/or not demonstrated to be lawful.

Security Deposit

The department is responsible for ensuring that the people of NSW do not incur a financial liability as a result of coal and mineral exploration and production activities. Ancillary mining activities are included in these requirements and the security applying to the authority will be reassessed to secure funding for the fulfilment of obligations in respect of the ancillary mining activities.

Survey of area where ancillary mining activities is to be carried out

A survey prepared in accordance with statutory requirements will be required before a variation to the mining lease to attach an ancillary mining activity condition is approved. We will advise you in writing when this is required.

How to submit this form

- **By email:** Send an electronic copy of the form including any attachments and proof of payment to titles.services@industry.nsw.gov.au
- **By mail:** Mail your form, any attachments and proof of payment to Division of Resources and Geoscience, Titles Services, PO Box 344, Hunter Region Mail Centre NSW 2310.
- **In person:** Submit your application in person at the Division of Resources and Geoscience's Titles Services office, 516 High Street, Maitland, New South Wales. Office hours are 9.30am to 4.30pm.

How this application will be processed

Once your application has been registered and checked, it will be assessed by the department. The Minister for Resources (or delegate) will consider the department's recommendation and all relevant information, and may propose to approve or refuse the application.

The target processing time for applications for approval is 42 business days.

1 Mining lease details

Provide details of the applicant's existing mining lease that will be associated with the carrying out of ancillary mining activities under this application.

List authority identifier/s (e.g. ML123)

2 Lease holder/s details

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

Name	<input type="text"/>
ACN / ARBN	<input type="text"/>
Registered street address	<input type="text"/>
Postal address	<input type="checkbox"/> Same as above <input type="checkbox"/> Enter here if different

Name	<input type="text"/>
ACN / ARBN	<input type="text"/>
Registered street address	<input type="text"/>
Postal address	<input type="checkbox"/> Same as above <input type="checkbox"/> Enter here if different

Name	<input type="text"/>
ACN / ARBN	<input type="text"/>
Registered street address	<input type="text"/>
Postal address	<input type="checkbox"/> Same as above <input type="checkbox"/> Enter here if different

Additional lease holders

Provide the full name, ACN or ARBN (for foreign companies), registered street address and postal address details of additional titleholders.

3 Contact for this application

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

Contact name	<input type="text"/>
Position held	<input type="text"/>
Company	<input type="text"/>
Postal address	<input type="text"/>
Phone (inc. area code)	<input type="text"/>
Mobile	<input type="text"/>
Email	<input type="text"/>

Your preferred contact method

- Email (For companies – provide a generic company email address which is regularly monitored rather than an individual employee’s email address.)
- Mail

4 Details of the ancillary mining activity

4.1 Ancillary mining activity/s

	Select all ancillary mining activity/s sought to be regulated by an AMA condition and provide details. Only those ancillary mining activities identified in section 6 of the <i>Mining Act 1992</i> may be applied for. Note that all ancillary mining activities must be subject to an appropriate development consent, as required under the Environmental Planning and Assessment Act 1979 .
<input type="checkbox"/>	Construction, maintenance or use of any reservoir or dam (including a tailings dam), other than any reservoir or dam (including a tailings dam principally used for purposes not connected with mining or any other activities regulated by or under an authorisation) – Section 6(6)(a) <i>Mining Act 1992</i> Provide details:
<input type="checkbox"/>	Construction, maintenance or use of any drain or water race, other than any drain or water race principally used for purposes not connected with mining or any other activities regulated by or under an authorisation – Section 6(6)(a) <i>Mining Act 1992</i> Provide details:
<input type="checkbox"/>	Opal puddling – Section 6(6)(b) <i>Mining Act 1992</i> Provide details:
<input type="checkbox"/>	Removal, stockpiling or depositing of overburden or ore to the extent that it is associated with mineral extraction or mineral beneficiation – Section 6(6)(c) <i>Mining Act 1992</i> Provide details:
<input type="checkbox"/>	Removal, stockpiling or depositing of tailings to the extent that it is associated with mineral extraction or mineral beneficiation – Section 6(6)(c) <i>Mining Act 1992</i> Provide details:

4.2 Status of ancillary mining activity

Is the ancillary mining activity -

- proposed, if ticked ▶ **Go to Question 5**
- existing

For existing ancillary mining activities, provide the following information:

- a. Date of commencement of construction (dd/mm/yyyy) / /
- b. Description of the surrounding environment including land use details, sensitive receivers, natural features etc.

Provide details:

- c. Attach to this application form plans showing:
 - i. the location of the ancillary mining activity and its relationship with other built features in the vicinity and the surrounding environment (including natural features, sensitive receivers etc.)
 - ii. the dimensions of the ancillary mining activity

- I have attached details of the ancillary mining activity.

5 Development consent and other approvals

5.1 Development consent

Provide the relevant current development consent under the [Environmental Planning and Assessment Act 1979](#) and/or evidence that the ancillary mining activity is lawful.

- I have attached a copy of the relevant development consent that is in force in respect of the carrying out of the ancillary mining activities on the land.

AND/OR

- I have attached expert evidence (inclusive of reasoning) that the carrying out of the ancillary mining activity is lawful.

5.2 Other approvals

Provide details of other approvals relating to the development including but not limited to Environmental Protection Licence(s), Water Licences, Heritage approvals etc.

- Provide details of each approval (eg: approval reference, legislation, date, etc)

- I have attached a copy of all other approvals relating to the ancillary mining activity.



- There are no other approvals relating to the ancillary mining activity.

6 Proposed final land use for the ancillary mining activity land

Final land use means the intended final landform and land use following completion of mining or operations.

6.1 Approved final land use

- A development consent is in force in respect of the carrying out of the ancillary mining activity, which approves a final land use for the land.

Describe the approved final land use for the land including the ancillary mining activity

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▶ **Go to Question 7**

- A development consent is in force in respect of the carrying out of the ancillary mining activity, but it does not approve a final land use for the land. ▶ **Go to Question 6.2**

- A development consent for the ancillary mining activity does not exist ▶ **Go to Question 6.2**

6.2 Proposed final land use

<input type="checkbox"/>	<p>If the final land use is proposed only (that is the development consent does not approve or remains silent on the final land use), describe the proposed final land use for the land including the ancillary mining activity.</p> <p>Provide details:</p>
<input type="checkbox"/>	<p>Provide evidence of the stakeholder consultation that has occurred as part of the process to determine the proposed final land use.</p> <p>Provide details:</p>

7 Indicative map of the proposed area

<input type="checkbox"/>	<p>Provide an indicative map showing the alignment of the proposed boundaries for the ancillary mining activity relative to the Map Grid of Australia co-ordinates of all the points where there is a change in direction of the boundaries of the land.</p> <p><i>Note: Following the department's review of this application, feedback will be provided to the applicant about the suitability of the above map and whether further details are required to be incorporated prior to the Applicant's submission of the Final Survey of the area of land where the ancillary mining activity is to be carried out.</i></p>
<input type="checkbox"/>	<p>Describe how the proposed ancillary mining activity land area is sufficient to enable effective rehabilitation to be undertaken so that the final land use can be achieved (refer to ESG6 - Principles for identification of area for an 'off title' ancillary mining activity).</p> <p>Provide details:</p>

7.1 Co-ordinates of the proposed area where ancillary mining activities to be carried out

Attach the co-ordinates as a separate document in a CSV format.

I have attached the co-ordinates to this application.

Total area	<input type="text"/>	<input type="checkbox"/> m ²	<input type="checkbox"/> ha	<input type="checkbox"/> km ²
Surface area	<input type="text"/>	<input type="checkbox"/> m ²	<input type="checkbox"/> ha	<input type="checkbox"/> km ²

8 Ancillary mining activity over the surface of any land that is within the buffer zones for dwelling-houses, gardens and significant improvements

If you are applying for an ancillary mining activity condition over the surface of any land that is within the buffer zones for dwelling-houses, gardens and significant improvements under [Section 62](#) of the *Mining Act 1992*, you may need to seek written consent from:

- the owner of the dwelling-house, garden or improvement, and
- the occupant of the dwelling-house (if applicable)

and provide the written consent to the department (unless the ancillary mining activity commenced before 15 November 2010 and has not ceased for a continuous period of 12 months since that date (other than for repair or maintenance) ([Schedule 1B Clause 7B\(8\)](#) and [Section 62](#) of the *Mining Act 1992*)).

8.1 Did the ancillary mining activity commence before 15 November 2010 and has it not ceased for a continuous period of 12 months since that date (other than for repair or maintenance)?

- Yes. If yes, **go to Question 9.**
- No. If no, **continue to Question 8.2.**

8.2 Is the ancillary mining activity to be carried out over the surface of land that is within the buffer zones under [Section 62](#) of the *Mining Act 1992*?

- No. If no, **go to Question 9.**
- Yes. If yes, **continue to Question 8.3.**

8.3 Have you received written consent from the owner and, if applicable, the occupant?

- Yes, I have received written consent and attached the consent this to the application.
- No, I have attached a submission justifying why consent is not required.

9 Fee payment

Payment, proof of payment or details that allow the payment to be made must accompany this application form. Refer to [Schedule 9](#) of the *Mining Regulation 2016* for the fee payable.

Fees and fee calculation

- The application fee is \$8000

Select your payment method

Direct deposit

Account name: Planning & Environment
 BSB: 032 001
 Account number: 114428
 Reference: ML [authority identifier] (e.g: ML 99999)

If you are paying by direct deposit, attach a copy of the receipt issued by your banking authority as evidence that you have paid.

Cheque made payable to Department of Planning & Environment

Credit card* (enter details below)

Payment amount*	\$
Type of card*	Select card type...
Cardholder's name:	
Card number:	
Expiry date (mm/yy):	mm / yy

*Credit card merchant fees are applicable to all credit card payments from 1 July 2017 and will be added to the payment amount at the following rates:

Visa & Mastercard: 0.4%

Amex: 1.5%

Diners: 2.4%

10 Checklist of items to be included with this application

Item		Reference
Current development consent	<input type="checkbox"/>	Question 5
Final land use details	<input type="checkbox"/>	Question 6
An indicative map of the proposed area	<input type="checkbox"/>	Question 7
Co-ordinates of the area (if applicable)	<input type="checkbox"/>	Question 7
Justification for greater than 20 m depth restriction (if applicable)	<input type="checkbox"/>	Question 7
Landholder/s consent or submission (if applicable)	<input type="checkbox"/>	Question 8
For payments made by direct deposit – proof of payment	<input type="checkbox"/>	Question 9
For agents only – evidence of appointment as agent, if this has not been previously supplied to the department	<input type="checkbox"/>	Question 11

10.1 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.

11 Declaration

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

I/We declare that the information provided in this application is true and correct. I/We understand that under [Part 5A](#) of the *Crimes Act 1900*, that knowingly giving false or misleading information is a serious offence; and under [Section 378C](#) of the *Mining Act 1992* 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.

Applicant/s

Name	<input type="text"/>
Position/title	<input type="text"/>
Date	<input type="text"/>
Signature	<input type="text"/>

Name	<input type="text"/>
Position/title	<input type="text"/>
Date	<input type="text"/>
Signature	<input type="text"/>

Name	<input type="text"/>
Position/title	<input type="text"/>
Date	<input type="text"/>
Signature	<input type="text"/>

OR

Agent authorised to act for this titleholder/s

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

Name	<input type="text"/>
Position/title	<input type="text"/>
Date	<input type="text"/>
Signature	<input type="text"/>

Office use only

Application received:

Time: Date:

Fee amount \$8000

Fee amount \$ Receipt number:

Received under delegation from the Secretary

Name Signature

For credit cards

Following confirmation of payment, remove the first eight (8) digits of the credit card number from this form. Ensure that any saved copy does not include full credit card details.

Document control

Authorised by: Director Titles Services

RM8 Reference: PUB17/299 (V17/4261)

Amendment schedule

Date	Version #	Amendment
26 June 2017	1.0	New form
21 December 2017	1.1	Update to New DPE banking details and removal of cost codes