

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



Regional  
NSW

Form ML15, *Mining Act 1992*

## 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
- Facsimile:** +61 2 4063 6973

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access and correct any information the Department holds if that information is inaccurate, incomplete, not relevant or out of date.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

- Imposes obligations on the holder to rehabilitate land or water that is or may be affected by the carrying out of the ancillary mining activity as outlined in Section 6 of the *Mining Act 1992*
- Allows the holder to include the rehabilitation obligations for ancillary mining activities, on their existing mining lease for mineral(s) rather than obtaining a new lease
- 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 [cl12 sch1B](#) of the *Mining Act 1992*.

Mining, Exploration and Geoscience within the Department regulates ancillary mining activities that *directly facilitate*, and are in the *immediate vicinity* of, the mining lease for mineral/s.

If there is insufficient room in any of 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*.

### 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).

### 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

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

Refer to the cover page for details.

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## Next steps

Once your application has been received, it will be assessed by the department. The Minister administering the *Mining Act 1992* (or delegate) will consider the department's recommendation and all relevant information and may approve or refuse the application.

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

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## 1 Mining lease details

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

List authority identifier (eg ML123)

Provide details confirming that the ancillary mining activity/s is in the immediate vicinity and directly facilitates the existing mining lease.

I have attached a scaled plan showing the location of the ancillary mining activity/s relative to the mining lease

and

I have attached details of how the ancillary mining activity/s directly facilitates the mining lease

## 2 Lease holder/s details

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

### 1<sup>st</sup> Lease holder details

Name	
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> Lease holder details

Name	
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> Lease holder details	
Name	
Contact phone	
Contact email	
ACN / ARBN	
Street address (Registered street address for a company)	
Postal address	<input type="checkbox"/> Same as above

## Additional lease holders

Provide the full name, phone number, email address, ACN or ARBN (for foreign companies), street address (individuals), registered street address (companies) and postal address details of additional lease holders.

Additional details

## 3 Contact for this application

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

Contact 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 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 [s6](#) of the *Mining Act 1992* 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](#).

Ancillary mining activity/s	
<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) – s6(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 – s6(6)(a) <i>Mining Act 1992</i> Provide details:
<input type="checkbox"/>	Opal puddling – s6(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 – s6(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 – s6(6)(c) <i>Mining Act 1992</i> Provide details:

### 4.2 Status of ancillary mining activity

Is the ancillary mining activity -

- proposed ▶ **Go to Question 5**
- existing

For existing ancillary mining activities, provide the following information:

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

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- (iii) Attach to this application form plans showing:
- (a) 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)
  - (b) 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

Proposed final land use	
<input type="checkbox"/>	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. Provide details:
<input type="checkbox"/>	Provide evidence of the stakeholder consultation that has occurred as part of the process to determine the proposed final land use. Provide details:

## 7 Rehabilitation cost estimate

All authority holders must provide an estimate of rehabilitation costs. This estimate will be considered by the Department when determining the security deposit amount for the ancillary mining activity, and the head lease.

Before answering the following questions, read the [Rehabilitation cost estimate guidelines](#).

### 7.1 What is the total rehabilitation cost estimate across the area of the ancillary mining activity?

The estimate should cover the estimated cost of rehabilitation of the ancillary mining activity to the proposed final land use.

*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.*

Total rehabilitation cost estimate
\$

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

- Department's [rehabilitation cost calculation tool](#)



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- Other – attach your calculations or use the field below to describe the tool or cost guide you have used
- 
- 

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

Provide date of approval letter/s or reference where possible

- Mining Project Approval/Development Consent
- 

- Mining Operations Plan/Rehabilitation Management Plan
- 

## 8 Indicative map of the proposed area

### Indicative map of the proposed area

- Provide an indicative map showing the alignment of the proposed boundaries for the ancillary mining activity relative to the Map Grid of Australia coordinates of all the points where there is a change in direction of the boundaries of the land.
- 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.
- 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](#)).
- Provide details:

### 8.1 Coordinates of the proposed area compliant with Map Grid of Australia (MGA94) where ancillary mining activities to be carried out

Attach the MGA94 coordinates as a separate electronic file in a CSV format.

- I have attached the MGA94 coordinates to this application

#### MGA94 coordinates to this application

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

## 9 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 [s62](#) of the *Mining Act 1992*, you may need to seek written consent from:

- (i) the owner of the dwelling-house, garden or improvement, and
- (ii) 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) ([cl7B\(8\) sch1B](#) and [s62](#) of the *Mining Act 1992*)).

9.1 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 10**
- No – if no, **continue to Question 9.2**

9.2 Is the ancillary mining activity to be carried out over the surface of land that is within the buffer zones under [s62](#) of the *Mining Act 1992*?

- No – if no, **go to Question 10**
- Yes – if yes, **continue to Question 9.3**

9.3 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

## 10 Fee payment

Payment, proof of payment or details that allow the payment to be made must accompany this application form

### 10.1 Fees

- the application fee amount is \$8,000

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## 10.2 Select your payment method

Select	Payment Method										
<input type="checkbox"/>	<p><b>Direct deposit</b></p> <p>Account name: Department of Regional NSW</p> <p>BSB: 032 001</p> <p>Account number: 183837</p> <p>Reference: ML [authority identifier] (eg ML1234)</p> <p>If you are paying by direct deposit, attach a copy of the receipt issued by your banking authority as evidence that you have paid.</p>										
<input type="checkbox"/>	<p><b>Credit card*</b> (enter details below)</p> <table border="1"> <tr> <td>Payment amount*</td> <td>\$</td> </tr> <tr> <td>Type of card*</td> <td></td> </tr> <tr> <td>Cardholder's name:</td> <td></td> </tr> <tr> <td>Card number:</td> <td></td> </tr> <tr> <td>Expiry date (mm/yy):</td> <td></td> </tr> </table> <p>*Credit card merchant fees are applicable to all credit card payments and will be added to the payment amount at the following rates:</p> <p style="text-align: center;">Visa &amp; Mastercard: 0.4%      Amex: 1.4%</p>	Payment amount*	\$	Type of card*		Cardholder's name:		Card number:		Expiry date (mm/yy):	
Payment amount*	\$										
Type of card*											
Cardholder's name:											
Card number:											
Expiry date (mm/yy):											

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

Item		Reference
Details of how AMA is in the immediate vicinity and directly facilitates the ML	<input type="checkbox"/>	Question 1
Form plans for existing AMAs	<input type="checkbox"/>	Question 4
Current development consent	<input type="checkbox"/>	Question 5
Final land use details and stakeholder consultation	<input type="checkbox"/>	Question 6
Rehabilitation cost estimate	<input type="checkbox"/>	Question 7
An indicative map of the proposed area	<input type="checkbox"/>	Question 8
Coordinates of the area (if applicable)	<input type="checkbox"/>	Question 8
Description of how the land area is sufficient to allow for effective rehabilitation	<input type="checkbox"/>	Question 8
Landholder/s consent or submission (if applicable)	<input type="checkbox"/>	Question 9
For payments made by direct deposit – proof of payment	<input type="checkbox"/>	Question 10
For agents only – evidence of appointment as agent, if this has not been previously supplied to the Department	<input type="checkbox"/>	Question 12

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## 11.1 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

## 12 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.

### 12.1 Applicant/s (individual or company)

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.

(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	

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

## 12.2 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>Application fee amount:</b> \$8,000	
Fee 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: DOC20/442542

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.