

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

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access and correct any information the Department holds if that information is inaccurate, incomplete, not relevant or out of date.

When to use this form

Complete this form if you are applying to renew a mining lease or mining (mineral owner) lease in New South Wales.

This form has been prepared for the purposes of [s113](#) of the *Mining Act 1992* and [cl28](#) of the Mining Regulation 2016.

This form can be used by companies or individuals. Note that specific information may be required depending on the applicant type.

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*.

If you are seeking to renew only part of the lease area, please contact the Department for information on how to prepare your revised plan of the proposed lease area.

You must lodge your renewal application:

- if you are seeking a renewal for less than one year, **within two months prior to the expiry date** of the mining lease or
- if you are seeking a renewal for more than one year, **not earlier than five years and not later than one year before the expiry date** of the mining lease

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.

The target processing times for applications for renewal is

- 45 business days for mineral groups 1-8,10 and 11
- 85 days for mineral groups 9 and 9A

Application to renew a mining lease

Form ML8, *Mining Act 1992*



Regional
NSW

1 Mining lease details

Mining lease details		
ML number		Act
Expiry date		

Is this a mining (mineral owner) lease?

- No – go to **Question 2**
- Yes – provide evidence that the minerals the subject of this application are owned by the holder/s such as copies of the land grants and searches indicating the minerals sought are privately owned by the holder. For the purposes of confirming an holder's ownership of any mineral, the Secretary may require the holder to provide further information, which may include written advice from an Australian legal practitioner certifying that the relevant evidence establishes that the holder owns the mineral
- Yes, I have attached evidence that the minerals are owned by the holder/s

2 Term for which renewal is sought

Term for which renewal is sought		
Years sought		Note the maximum term is 21 years (unless the Premier agrees to a longer term).

3 Lease holder/s details

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

1 st 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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2nd 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

3rd 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 (individual) registered street address (company) and postal address details of additional lease holders.

Additional details

4 Lease holder/s seeking renewal

Information about lease holders and renewal applications can be found in [s116](#) of the *Mining Act 1992*.

4.1 Where the mining lease is held by more than one holder, are all holders seeking renewal?

Yes

- No – provide written confirmation from any holder who is not seeking renewal. Also, check the box below to indicate you have attached this confirmation to your application.
- I have attached confirmation from the party who is not seeking renewal

5 Contact for this application

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)

6 Proposed area for renewal

Are you applying to renew 100% of the lease area?

- Yes – you do not need to describe the land or provide a survey plan. **Go to Question 9**
- No – you must provide a description of the area that you are seeking to renew. **Go to Question 7 for mining leases or Question 8 for mining (mineral owner) leases**

Proposed lease area for partial renewals

This help text relates to **Question 7 and 8**.

You will need to identify the land in the proposed renewal 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 7**

For mining (mineral owner) leases: provide the lot and deposited plan numbers of the land. ▶ **Go to Question 8**

7 Description of land – for part renewals only

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

Under [cl28\(2\)\(a\)](#) 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 area being renewed, including:

- the total area being renewed 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
- 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

8 Proposed area for the partial renewal of a mining (mineral owner) lease

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

Provide the lot and deposited plan numbers of the area to be renewed.

Lot and deposited plan numbers	
Lot number	
Deposited plan	
Lot number	
Deposited plan	
Lot number	
Deposited plan	

Other land

If there is inadequate space above, provide the lot and deposited plan numbers of other land in the part of the mining (mineral owner) lease proposed to be renewed.

9 Renewal justification statement

Complete and attach a [Renewal justification statement for mining leases and petroleum production leases \(RJS\)](#), as described in [cl28\(1\)\(d\)](#) of the Mining Regulation 2016. Check the box below to indicate you have attached it to this application.

Yes – I have attached a renewal justification statement

10 Technical capability

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 mining 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.

11 Statements of compliance, environmental performance and financial history

The holder/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

12 Proposed work program or current development consent

Provide a proposed work program in accordance with [cl28\(1\)\(e\)](#) of the Mining Regulation 2016 that meets the requirements of [s129A](#) of the *Mining Act 1992* or a current development consent under the [Environmental Planning and Assessment Act 1979](#).

Option A

- I have attached a proposed work program that:
- indicates the nature and extent of operations to be carried out under the renewed 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 renewing.
-

13 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.

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

13.1 What is the total rehabilitation cost estimate across the entire authorisation?

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.

The estimate should cover the estimated cost of rehabilitation for **all** prospecting and mining operations.

Total rehabilitation cost estimate

\$

13.1.1 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

13.1.2 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

Exploration activity approvals

Mining project approval/development consent

Mining operations plan/rehabilitation management plan

13.2 What period is covered by the estimate?

What period is covered by the estimate?		
Current disturbance at date of application; or		
Period covered by the estimation		

13.3 What security is currently held by the Department?

Current security held by the Department
\$

13.4 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 14**
- No

14 Completion of rehabilitation

14.1 Has rehabilitation been completed and/or deemed satisfactory?

Rehabilitation of mining and prospecting operations 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

- Has 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 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.

15 Environmental Planning and Assessment Act

Provide details of any changes to the development consent or planning approval under the [Environmental Planning & Assessment Act 1979](#) that relate to the mining operations relevant to this application.

- There have been no modifications to the development consent or planning approval since grant or the last renewal
- I have attached details of any modifications to the development consent or planning approval since grant or the last renewal
- This application does not rely on development consent or planning approval, for the following reasons (list reasons below):
-
-

16 Fee payment

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

16.1 Fees and calculation

- the application fee amount is \$3,000
- the area fee is \$36 per hectare

16.2 Select your payment method

Select	Payment Method
<input type="checkbox"/>	Direct deposit Account name: Department of Regional NSW BSB: 032 001 Account number: 183837 Reference: REN [authority type and number] (eg REN ML1234) If you are paying by direct deposit, attach a copy of the receipt issued by your banking authority as evidence that you have paid.
<input type="checkbox"/>	Credit card* (enter details below)
	Payment amount* \$
	Type of card*
	Cardholder's name:

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18.1 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 3 of this form.

1 st Applicant details	
Name	
Position/title	
Date	
Signature	

2 nd Applicant details	
Name	
Position/title	
Date	
Signature	

3 rd Applicant details	
Name	
Position/title	
Date	
Signature	

18.2 Agent authorised to act for the applicant

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	
Application fee amount: \$3,000 (per authority)	
Fee amount	\$
Area fee amount: \$36 per hectare	
Area fee amount	\$
Total amount:	\$
Receipt number	

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 under delegation from the Minister administering the *Mining Act 1992*.

CM9 Reference: DOC20/429512

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.