

## Form ML8

# Application to renew a mining lease

*Mining Act 1992*

December 2017 | v2.6

### More information

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

Division of Resources and Energy

**Titles Customer Assistance Line**

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

[titles.services@industry.nsw.gov.au](mailto: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 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access and correct any information the Department holds if that information is inaccurate, incomplete, not relevant or out of date.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 [Section 113](#) of the *Mining Act 1992* and [Clause 28](#) 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

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

If this application is lodged by an agent on behalf of the applicant/s, the NSW Department of Planning and Environment (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 ([Clause 97](#) of the *Mining Regulation 2016*).

If you are seeking to renew only part of the lease area, call (02) 4931 6500 or email [titles.services@industry.nsw.gov.au](mailto:titles.services@industry.nsw.gov.au) 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.

## 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](mailto: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.

## Next steps

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

The target processing time for renewals is 45 business days.

## 1 Mining lease details

ML number	<input type="text"/>	Act	<input type="text"/>
Expiry date	<input type="text"/>		

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 titleholder/s such as copies of the land grants and searches indicating the minerals sought are privately owned by the titleholder. For the purposes of confirming an titleholder’s ownership of any mineral, the Secretary may require the titlholder to provide further information, which may include written advice from an Australian legal practitioner certifying that the relevant evidence establishes that the titleholder owns the mineral.
- Yes, I have attached evidence that the minerals are owned by the titleholder/s.

## 2 Term for which renewal is sought

Years sought	<input type="text"/>	Note the maximum term is 21 years (unless the Premier agrees to a longer term).
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## 3 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"/>
Contact phone	<input type="text"/>
Contact email	<input type="text"/>
ACN / ARBN	<input type="text"/>
Registered street address	<input type="text"/>
Postal address	<input type="checkbox"/> Same as above Enter here if different

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

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

## Additional lease holders

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

## 4 Lease holders not seeking renewal

Information about lease holders and renewal applications can be found in [Section 116](#) 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 that is not seeking renewal. 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.

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 (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 [Clause 28\(2\)\(a\)](#) 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 [Clause 34](#) 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
- MGA co-ordinates 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, phone the Maitland Titles Drafting Team on (02) 4931 6478 or email [titles.services@industry.nsw.gov.au](mailto:titles.services@industry.nsw.gov.au).

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 number	<input type="text"/>
Deposited plan	<input type="text"/>
Lot number	<input type="text"/>
Deposited plan	<input type="text"/>
Lot number	<input type="text"/>
Deposited plan	<input type="text"/>

### Other land

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 renewed.

<input type="text"/>
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## 9 Renewal justification statement

Complete and attach a [Renewal justification statement for mining leases and petroleum production leases \(RJS\)](#), as described in [Clause 28\(1\)\(d\)](#) of the *Mining Regulation 2016*. Before completing the template, read the [Guide to completing a renewal justification statement](#). 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 prospecting 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	<input type="text"/>
Position	<input type="text"/>
Company	<input type="text"/>
Phone	<input type="text"/>
Email	<input type="text"/>

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

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

## 11 Statements of corporate compliance, environmental performance history and financial capability

The titleholder/s must provide statements of corporate compliance, environmental performance history and financial capability. Complete and attach the [Statement template](#) and check the box below to indicate you have attached it to this application.

Yes, I have attached the statements of corporate compliance, environmental performance history and financial capability.

## 12 Proposed work program or current development consent

Provide a proposed work program in accordance with [Clause 28\(2\)](#) of the *Mining Regulation 2016* that meets the requirements of [Section 129A](#) 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 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 – 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

Exploration Activity Approvals

<input type="checkbox"/>	<input type="text"/>
<input type="checkbox"/>	Mining Project Approval/Development Consent
	<input type="text"/>
<input type="checkbox"/>	Mining Operations Plan/Rehabilitation Management Plan
	<input type="text"/>

### 13.2 What period is covered by the estimate?

Current disturbance at date of application; or	<input type="text" value="insert date"/>	
Period covered by the Estimation	<input type="text" value="insert date"/>	<input type="text" value="insert date"/>

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

Current security held by the Department
<input type="text" value="\$"/>

### 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 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

<input type="text"/>
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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 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 attached [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.

### Fees

- The application fee amount is \$3,000.
- Area fee: \$36 per hectare.

## Select your payment method

### Direct deposit

Account name: Planning & Environment  
 BSB: 032 001  
 Account number: 114428  
 Reference: REN [authority identifier and number] (eg: REN ML 1234)

Direct deposits will require a copy of the deposit receipt issued by the banking authority as evidence to accompany the application form.

### Cheque made payable to Department of Planning and 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%

## 17 Checklist of items included in this application

Item		Reference
Evidence of mineral ownership (if applicable)	<input type="checkbox"/>	Question 1
Written confirmation from lease holder not seeking renewal (if applicable)	<input type="checkbox"/>	Question 4
For part renewals only – a plan overlay that meets survey requirements (if applicable)	<input type="checkbox"/>	Question 7
Renewal justification statement	<input type="checkbox"/>	Question 9
Technical capability	<input type="checkbox"/>	Question 10
Statements of corporate compliance, environmental performance history and financial capability	<input type="checkbox"/>	Question 11
Proposed work program or development consent	<input type="checkbox"/>	Question 12
Rehabilitation cost estimate - calculations to evidence how the rehabilitation cost estimate is derived	<input type="checkbox"/>	Question 13

<a href="#">Form ESF2 – Rehabilitation Completion and/or Review of Rehabilitation Cost Estimate</a> (if applicable)	<input type="checkbox"/>	Question 14
Modifications to the development consent or planning approval	<input type="checkbox"/>	Question 15
For payments made by direct deposit – 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 Department	<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 refusing the application under Clause 6(d), Schedule 1B.

## 18 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 apply for the renewal of the mining lease (together with any variations) as detailed in this application.

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*, 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 also guilty of an offence, for which they may be subject to prosecution.

### 18.1 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

### 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.

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

## Office use only

### Application received:

Time:  Date:

### Application fee amount: \$3000 (per authority)

Application fee amount \$

### Area fee amount: \$36 per hectare

Area fee amount \$

Total 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: Executive Director Operations and Programs

RM8 Reference: PUB17/XXX (V17/XXXX)

### Amendment schedule

Date	Version #	Amendment
01 March 2016	2.0	Legislation update, new template
06 March 2016	2.1	Hyperlinks updated, minor edits
2 December 2016	2.2	Amendments to address the requirements for the statements of corporate compliance, environmental performance history and financial capability, rehabilitation and coordinates
1 April 2017	2.3	Update bank details, project codes, dept name
26 June 2017	2.4	Replace reference to mining purposes with ancillary mining

		activities, add credit card merchant fees, alter proof of age, minor amendments to technical capability section
October 2017	2.5	Update DRG branding, repair hyperlinks, add work program question, add reference to mineral owner leases.
December 2017	2.6	Update to new DPE bank account details and removal of cost codes