

Information sheet (preface): Applying for an exploration licence, assessment lease or mining lease

Exploration licence

An exploration licence gives the holder the right to prospect for minerals, over a specific area of land in accordance with the conditions of the licence.

Preparing an exploration licence application

Your application must be prepared in accordance with requirements of the *Mining Act 1992* and Mining Regulation 2016.

You must, as a minimum, provide:

- a description, prepared in the approved manner, of the proposed exploration area
- details of the financial resources and technical advice available to you
- details of the estimated amount of money you propose to spend on prospecting in the proposed exploration area
- your environmental performance record
- a proposed work program.

Accompanying documentation

Any information or documents required to accompany your application should be lodged within **10 business days from the date the application is lodged**. Failure to supply the information within this timeframe may be considered grounds for refusing the application.

Newspaper advertisements

Within **45 days** of receiving the confirmation your application has been lodged, you must publish newspaper advertisements in the approved format, giving notice of the application. An exploration licence will not be granted until satisfactory copies of published advertisements are lodged with the Department of Regional NSW.

See the [Secretary requirements: Advertising a notice of an application for an exploration licence](#) for guidance and template text for your advertisement.

Controlled release areas

The Minister responsible for resources (Minister for Regional NSW) can designate any land as a controlled release area. The whole of NSW is a controlled release area for coal.

An exploration licence application for coal may only be made in limited circumstances:

- By the holder of an existing exploration licence, assessment leases or mining lease for coal (known as '[operational allocation](#)').

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- In response to the decision maker inviting applications under the competitive selection process in accordance with the [Strategic Release Framework for Coal and Petroleum Exploration](#)
- by the Secretary of the Department applying under Section 13D for Crown pre-competitive coal exploration licences, for the purpose of obtaining information about the potential mineral bearing qualities of land in the state.

Mineral allocation areas

The Minister can designate any land as a mineral allocation area (MAA) for a particular mineral/s. In NSW, the entire state has been gazetted as a MAA for [Groups 9A](#) and [Group 11](#) minerals, and there are other specific MAAs within the state. The Minister's consent is required to lodge an application for the mineral group/s in the MAA. [Shows the location of mineral allocation areas.](#)

To search current MAAs go to [MinView](#).

To find out how to request the Minister's consent, please contact the Department.

Conflicting exploration areas

If an application is over land that is the subject of another exploration licence for the same group or groups of minerals, the written consent of the holder of the existing exploration licence must be provided with your application [[Section 13\(5\)\(e1\)](#) of the Act].

Native title

A **standard exploration licence** is subject to a licence condition that restricts prospecting to land where native title has been extinguished.

You can provide evidence that native title has been extinguished over the entire area of the exploration licence, sufficient to satisfy the Minister that native title has indeed been extinguished.

On land where native title has **not** been demonstrated to have been extinguished, the licence condition requires the holder to address the 'future acts regime' provisions of the [Native Title Act 1993 \(Cth\)](#), and to obtain the Minister's consent before conducting any prospecting activity.

You may undertake the '**right to negotiate**' process or an alternative process [such as negotiating an indigenous land use agreement (ILUA) under the [Native Title Act 1993](#)], before your licence is granted. The National Native Title Tribunal website provides more information about [negotiation](#) and [ILUAs](#). <http://www.nntt.gov.au/futureacts/Pages/Negotiation.aspx>

The 'right to negotiate' process involves advertising (at your cost) and a wait period. You must complete the process, including entering into an agreement with any registered claimants, before the Minister can grant the licence.

A **low-impact exploration licence** is excluded from the 'right to negotiate' provisions but only authorises a limited range of prospecting operations. A low-impact exploration licence is subject to a wait period of four months after serving notice of the application (under [Section 32D](#) of the Act) on all:

- registered native title bodies corporate

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- registered native title claimants
- representative Aboriginal/Torres Strait Islander bodies.

Notice of the application must be accompanied by a map or other description of the land and a description of the proposed operations.

Agents

If an application is lodged by an agent on behalf of applicant/s, the Department may seek confirmation of the authority under which the agent operates and any limits of that authority. The agent should complete the declaration and supply evidence of their appointment (as required by [clause 97](#) of the Mining Regulation 2016).

Fees

Application fees are calculated in accordance with [Schedule 9](#) of the Mining Regulation 2016. A payment surcharge applies for credit card transactions.

If your application is successful, the Department will notify you the Minister (or their delegate) is proposing to grant you an exploration licence. Before your licence can be granted, however, you will need to pay an annual administrative levy and an annual rental fee.

You will be required to provide a [security deposit](#) (minimum of \$10,000). The security may be requested before your exploration licence is granted.

Additional fees may also be imposed for an exploration licence for operational allocation purposes. See the [Operational allocation guidelines](#).

More information

For more information about non-coal exploration licences, refer to the [Industry guideline for mineral \(non-coal\) explorers](#).

For help or more information about applying for an exploration licence in NSW, please contact:

Mining, Exploration and Geoscience - Resource Operations Branch

Department of Regional NSW

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

Email: resource.operations@planning.nsw.gov.au

Assessment lease

An assessment lease gives the holder the right to prospect for minerals, over a specific area of land in accordance with the conditions of the lease.

Preparing an assessment lease application

Your application must be prepared in accordance with requirements of the *Mining Act 1992* and Mining Regulation 2016.

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You must, as a minimum, provide:

- a description, prepared in the approved manner, of the proposed assessment area
- an assessment of the mineral bearing capacity and extent of any mineral deposits in that land.
- details of the financial resources and technical advice available to you
- your environmental performance record
- particulars of any program of marketing or environmental study proposed to be carried out
- details of the estimated amount of money you propose to spend on prospecting in the proposed assessment area
- a proposed work program.

Accompanying documentation

Any information or document required to accompany this application should be lodged within **10 business days of the date the application is lodged**. Failure to supply the information within this time frame may be considered as grounds for refusing the application.

Newspaper advertisements

Within **45 days** of receiving confirmation that your application has been lodged, you must publish newspaper advertisements, in the approved form, giving notice of your application. An assessment lease will not be granted until satisfactory copies of published advertisements are lodged with the Department of Regional NSW.

See the [Secretary requirements: Advertising a notice of an application for an assessment lease](#) for guidance and template text for your advertisement.

Controlled release areas

The Minister can designate any land as a controlled release area. The whole of NSW is currently a controlled release area for coal.

An application that relates to land in a controlled release area may only be made in relation to a controlled release mineral in limited circumstances:

- by the holder of an exploration licence or mining lease over that land in respect of that mineral or groups of minerals
- by the decision-maker inviting applications under the competitive selection process in Schedule 1A of the Act.

Mineral allocation areas

The Minister can designate any land as a mineral allocation area (MAA) for a particular mineral/s. In NSW, the entire state has been gazetted as a mineral allocation area for [Groups 9A](#) and [Group 11](#) minerals, and there are other specific MAAs within the state. The Minister's consent is required to lodge an application for the mineral group/s in the MAA. [MinView](#) shows the location of mineral allocation areas. Minister's consent is not required if you are already the holder of an exploration licence or mining lease over that land in respect of that mineral or group or minerals.

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To search current MAAs go to [MinView](#).

To find out how to request the Minister's consent, please contact the Department.

Native title

The Minister must not grant an assessment lease unless satisfied either:

- native title has been extinguished over the entire application area
- the right to negotiate process [or alternate process in the [Native Title Act 1993 \(Cth\)](#)] has been completed.

You must provide any evidence regarding [proof of extinguishment of native title](#) before the application can be granted. This must be provided with, or as early as possible after, your application is lodged as the proof of extinguishment assessment process may take time.

Agents

If an application is lodged by an agent on behalf of 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 a declaration and supply evidence of their appointment (as required by [clause 97](#) of the Mining Regulation 2016).

Fees

Application fees are calculated in accordance with [Schedule 9](#) of the Mining Regulation 2016. A payment surcharge applies for credit card transactions.

If your application is successful, we will notify you the Minister (or their delegate) is proposing to grant you an assessment lease. Before your lease can be granted, however, you will need to pay an annual administrative levy and an annual rental fee.

You will be required to provide a [security deposit](#) (minimum of \$10,000). The security may be requested before your assessment lease is granted.

More information

For help or more information about applying for an assessment lease in NSW, contact:

Mining, Exploration and Geoscience - Resource Operations Branch

Department of Regional NSW

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

Email: resource.operations@planning.nsw.gov.au

Mining lease

A mining lease can give the holder rights over a specific area of land: to mine and prospect for minerals, conduct primary treatment operations and carry out ancillary mining activities. A mining lease may also be limited to carrying out ancillary mining activities only.

Preparing a mining lease application

Your application must be prepared in accordance with requirements of the *Mining Act 1992* and Mining Regulation 2016.

You must, as a minimum, provide:

- a description, prepared in the approved manner, of the proposed mining area
- an assessment of the mineral bearing capacity and extent of any mineral deposits in that land
- details of the financial resources and technical advice available to you
- your environmental performance record
- a proposed work program or a current development consent under the [Environmental Planning and Assessment Act 1979](#) (EP&A Act), which authorises the proposed mining activities.

Accompanying documentation

Any information or documents required to accompany your application must be lodged within **10 business days of the date the application is lodged**. Failure to supply the information within this timeframe may be considered as grounds for refusing the application.

Newspaper advertisements

Within **45 days** of receiving confirmation that your application has been lodged, you must publish newspaper advertisements, in the approved form, giving notice of your application. A mining lease will not be granted until satisfactory copies of published advertisements are lodged with the Department of Regional NSW.

See the [Secretary requirements: Advertising a notice of an application for a mining lease](#) for guidance and template text for your advertisement.

Controlled release areas

The Minister responsible for resources (Minister for Regional NSW) can designate any land as a controlled release area. The whole of NSW is currently a controlled release area for coal.

An application that relates to land in a controlled release area may not be made in relation to a controlled release mineral except by the holder of an exploration licence, assessment lease or mining lease over that land in respect of that mineral.

Mineral allocation areas

The Minister can designate any land as a mineral allocation area (MAA) for a particular mineral/s. In NSW, the entire state has been gazetted as a MAA for [Groups 9A](#) and [Group 11](#) minerals, and there are other specific MAAs within the state. The Minister's consent is required to lodge an application for the mineral group/s in the MAA. [MinView](#) shows the location of mineral allocation areas. Minister's consent is not required if you are already the holder of an exploration licence, assessment lease or mining lease over that land in respect of that mineral or group or minerals.

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To search current MAAs go to [MinView](#).

To find out how to request the Minister's consent, please contact the Department.

Native title

The Minister must not grant a mining lease unless satisfied either:

- native title has been extinguished over the entire application area
- the right to negotiate process [or alternate process in the *Native Title Act 1993* (Cth)] has been completed.

You must provide any evidence regarding [proof of extinguishment of native title](#) before the application can be granted. This must be provided with or as early as possible after your application is lodged as the proof of extinguishment assessment process may take time.

Development consent

You do not need to provide development consent under the [EP&A Act](#) at the time you lodge a mining lease application, however you must provide the Department with a copy of the development consent before the mining lease can be granted.

The development consent must provide consent for mining operations and ancillary mining activities within the entirety of the mining lease area.

A mining lease will not be granted for activities that are not specified in the development consent.

For mining lease applications for coal only — to apply for development consent for a mining lease for coal, you must hold either a current exploration licence or assessment lease for coal.

Work program

If you do not have development consent, your application must contain a work program indicating the nature and extent of operations to be carried out and your commitments to timing and carrying out activities (such as community consultation, environmental management and rehabilitation), as required by Section 129A of the Mining Act.

If you already have development consent, you do **not** need to provide a work program with your application.

Notification of landholders

If your application proposes mining to extend to the surface of the land, you must notify landholders of your application within **21 days of the application lodgement date**. The notification must include:

- advice the application has been lodged
- a description of the proposed lease area (a standard map under [clause 9](#) of the Mining Regulation 2016)

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- a statement that objections to the grant on the grounds of ‘[agricultural land](#)’ or ‘[significant improvement claims](#)’ may be made to the Secretary of the Department within 28 days of receiving the notice.

Formal survey of the lease area

A survey prepared in accordance with statutory requirements will be required before the lease is granted. The Department will advise you in writing when this is required.

Agents

If an application is lodged by an agent on behalf of applicant/s, the Department may seek confirmation of the authority under which the agent operates and any limits of that authority. The agent should complete the declaration and supply evidence of their appointment (as required by [clause 97](#) of the Mining Regulation 2016).

Fees

Application fees are calculated in accordance with [Schedule 9](#) of the Mining Regulation 2016. A payment surcharge applies for credit card transactions.

If your application is successful, we will notify you that the Minister (or their delegate) is proposing to grant you a mining lease. Before your lease can be granted, however, you will need to pay an annual administrative levy and an annual rental fee, as well as an additional grant fee of \$85 per hectare or part hectare.

You will be required to provide a [security deposit](#) (minimum of \$10,000). The security may be requested before your mining lease is granted.

More information

For help or more information about applying for a mining lease in NSW, contact:

Mining, Exploration and Geoscience - Resource Operations Branch

Department of Regional NSW

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

Email: resource.operations@planning.nsw.gov.au

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