

1 March 2023

Secretary requirements and general guidance for applicants

Advertising a notice of an application for a mining lease

Purpose of this document

Part 1 of this document sets out the required form of and information to be included in a notice of an application for a mining lease, for the purposes of section 51A(2)(c) of the *Mining Act 1992* and clause 26(2) of the Mining Regulation 2016.

Part 2 of this document provides general guidance other requirements for advertising a notice of an application for a mining lease.

Part 1 Form and information to be included in notice

Form of notice

A notice of an application for a mining lease must be in the form and contain the information below, replacing the text in *italics and bold* with details of the application.

Mining lease application

Notice is given in accordance with Section 51A of the *Mining Act 1992* and clauses 26 and 89K of the Mining Regulation 2016 that Mining lease application (*insert number as listed in acknowledgement letter*) (Act 1992) for (*insert mineral name/s and group/s or ancillary mining activity/s*) has been lodged with the Department of Regional NSW by (*enter applicants name*), ACN (*enter if applicable*), over an area of about (*enter area as applicable in hectares/square kilometres/units*) which is located approximately (*enter number of*) kilometres (*enter direction, ie north west*) of the town of (*enter closest significant town or village*) in the Parish of (*enter Parish*), County of (*enter county name*) as shown on the diagram below.

Information regarding this application can be obtained from (*contact name of applicant's representative*), phone number (*phone number*).

Information regarding landholder's rights is available from the [Department's website](#).

Notes:

* The area may be described by either hectares, square kilometres or units (e.g. the area is approximately 3 square kilometres).

Information to be included in notice

The notice must include the following information:

- the mining lease application number
- the minerals or ancillary mining activity or activities in respect of which the application is made
- a description of the proposed mining area prepared in the manner below, including the approximate area [in either hectares, square kilometres, or units] and proximity to the closest significant town or village,
- the name and contact details of the applicant,
- a reference to the information regarding landholder's rights on the Department's website.

Description of proposed plan of mining area

The notice must include a description of the proposed mining area by means of a plan that:

- is at least 6cm in width and at least of 6cm in length.
- has a minimum resolution of at least 300 dpi at final size.
- is based on an accepted standard map (e.g. county map, topographic-cadastral map).
- identifies any main roads, rivers, railways, villages/towns and localities.
- defines the external boundaries of the proposed mining lease area, with a bolder line than other lines shown on the map.
- has a north point and bar scale.
- contains lettering that is legible at the publication size#.
- shows the distance and direction to the town or village mentioned in the text of the notice.

#Note: To ensure your published advertisement is legible and the diagrams appear correctly, you may wish to contact the newspapers to confirm their advertising specifications (e.g. minimum font size, file type accepted, image resolution required).

MinView is an online departmental tool that may help you prepare your diagram. A copy of MinView maps must not be used for the published notice. For further details refer to:

<https://www.resourcesregulator.nsw.gov.au/meg.site/geoscience/minview>

In remote areas, you may want to choose a larger 'footprint' to include a familiar road or locality. Similarly, if the area is close to a familiar road or locality the area may be smaller and cadastre may be appropriate.

Note: It is recommended that the advertisements are proofread by the applicant before being published. Errors in the text and diagram may affect the validity of the notice and require the advertisements to be readvertised at the applicant's cost.

Submission of advertisements to the Department

Copies of the notice as published should be submitted (preferably in one email) to MEG at titles@regional.nsw.gov.au **OR** applicants may also submit the two advertisements through the Titles Management System (TMS) as attachments to the relevant online application.

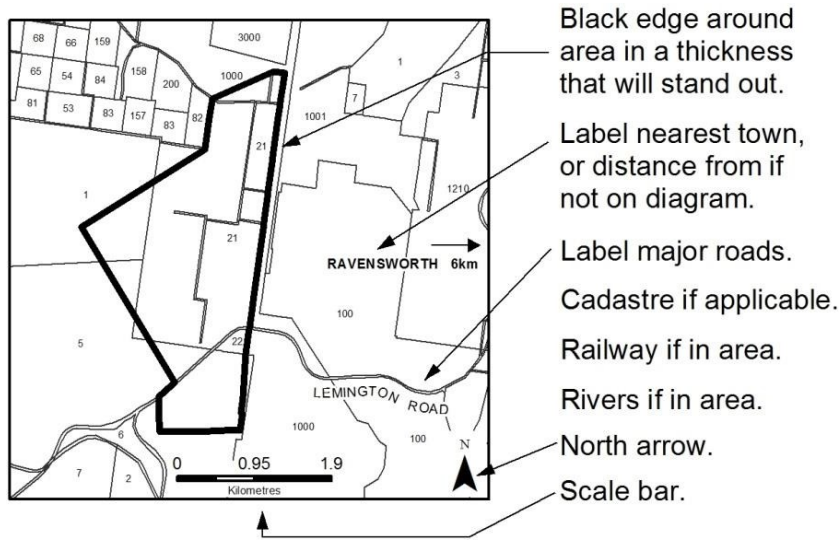
Failure to comply with Secretary's requirements

Should you not be able to comply with the requirements detailed in this document you must seek prior approval to waive the requirements. Requests to waive the requirements are to be emailed to titles@regional.nsw.gov.au. Include a copy of the proposed advertisement with an explanation of why the requirements could not be complied with.

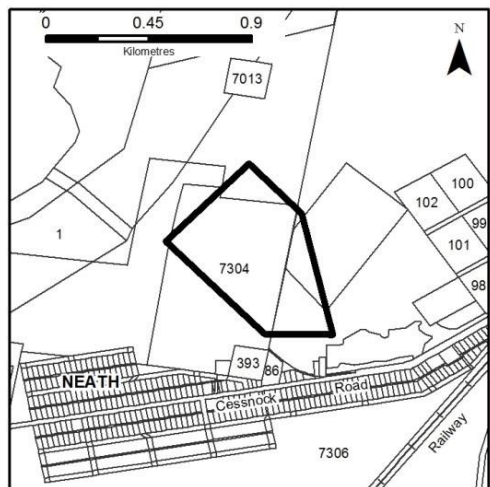
Advertisements found not to comply with the requirements in this document may not be valid and require the advertisements to be readvertised at the cost of the applicant.

Examples of diagrams

Note: The examples shown are to assist in the preparation of an advertisement diagram for a mining lease application.



6 CM WIDTH



6 CM WIDTH



Part 2 General guidance for applicants

The information in this Part 2 is intended to provide general guidance for applicants and does not constitute legal advice.

Section 51A of the Mining Act 1992 and clauses 26 and 89K of the Mining Regulation 2016 set out the requirements for notice of an application for a mining lease. In addition to the required form and

information outlined in Part 1 above, section 51A requires the notice to be published in a particular manner and within a particular time.

The aim of the advertisement is to notify the community that you have applied for a mining lease in the area.

Where to publish the notice

In accordance with section 51A(1) of the *Mining Act 1992* and clause 89K of the Mining Regulation 2016:

- The notice must be published in at least one newspaper circulating generally in NSW.
- It must **also** be published in both the online and print editions of at least one newspaper circulating in the local area of the proposed mining lease.
 - If publishing in both online and print editions is not possible you must publish in either the online **or** print edition of the local publication.
 - If that is not possible either, (eg: there is no local newspaper publication in the relevant locality), you must publish on a website, or another online platform, that is likely to bring the notice to the attention of persons in the local area (eg: local council website).

For a list of metropolitan and regional newspapers in NSW, visit www.newspapers.com.au

When to publish the notice

In accordance with section 51A(1) of the *Mining Act 1992* and clause 26(1) of the Mining Regulation 2016, you must cause notice of the application to be published **within 45 days** after receipt of confirmation that the application for a mining lease has been lodged.

Contact

For help with the Secretary's requirements or for more information about authorisations in New South Wales, contact:

Mining, Exploration and Geoscience

Assessments and Systems

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

Email: titles@regional.nsw.gov.au

Document control

Document number: RDOC23/55652

Approved by: Executive Director, Assessments and Systems, Regional NSW, under delegation from the Secretary administering the *Mining Act 1992*.

Amendment schedule		
Date	Version #	Amendment
March 2021	1.0	New format for Regional NSW. Form updated to reflect new Departmental name and branding, and updated links.
January 2022	1.1	Update links
February 2023	1.2	Updated email address and hyperlinks to reflect new website, and inserted new legislative wording to reflect changes made under Mining Amendment Regulation 2022

© State of New South Wales through Regional NSW 2023. The information contained in this publication is based on knowledge and understanding at the time of writing March 2023. 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.