March 2023

Application for an exploration licence for Group 9 (coal)  
for operational allocation purposes

# *Form EL6, Mining Act 1992*

**Access the** [**Titles Management System (TMS) Portal**](https://meg.resourcesregulator.nsw.gov.au/mining-and-exploration/titles-management-system) **to lodge this application electronically.**

**Any required fee payments and attachments can be submitted through the Portal.**

## **When to use this form**

**Complete this form if you hold any of the following (singularly or in any combination) and you are applying for a Group 9 (coal) exploration licence for operational allocation purposes under the *Mining Act 1992* (Mining Act) in New South Wales:**

* **exploration licence for Group 9 (coal)**
* **assessment lease for coal**
* **mining lease for coal.**

If you are applying for an exploration licence other than for Group 9 (coal) under the Mining Act, you must use form [EL1 - Application for an exploration licence.](https://www.regional.nsw.gov.au/meg/exploring-and-mining/application-forms-and-fees/mining-act-1992-forms)

If you wish to apply for a single exploration licence for both Group 9 (coal) and Group 9A (oil shale) (or any other mineral group) you must submit two application forms - [EL6 - Application for an exploration licence for Group 9 (coal) for operational allocation purposes](https://www.regional.nsw.gov.au/meg/exploring-and-mining/application-forms-and-fees/mining-act-1992-forms) and [EL1 - Application for an exploration licence](https://www.regional.nsw.gov.au/meg/exploring-and-mining/application-forms-and-fees/mining-act-1992-forms) for the other mineral group(s).

In these circumstances please contact the Department about the total application fee payable. Section 22(3) of the Mining Act allows for the grant of a single exploration licence in respect of two applications.

This form is an approved form under s 382 of the Mining Act for the purposes of s 13 (Application for exploration licence) and s13C (Application for operational allocation licence by existing authority holders) of the Mining Act and cl 14 (Applications for exploration licences) and cl 20 (Licences for operational allocation purposes) (of the[*Mining Regulation 2016*](https://legislation.nsw.gov.au/view/html/inforce/current/sl-2016-0498). Any reference to the ‘**Department**’ in this form, refers to the Department of Regional NSW.

If you would like to apply for an operational allocation licence for coal as a privately held mineral, please contact the Department for further information about how to submit an application. You will be required to provide evidence that the minerals applied for are owned by the applicant/s.

## **How to lodge**

You can lodge your application (this form and any attachments) in the following ways:

* **By email:** [titles@regional.nsw.gov.au](mailto:titles@regional.nsw.gov.au)
* **By mail:** Mining, Exploration and Geoscience, Assessments and Systems, PO Box 344, Hunter Region Mail Centre NSW 2310
* **In person:** in person at the Department’s office, 516 High Street, Maitland, New South Wales business days, between the hours of 9.30am and 4.30pm.
* **Facsimile:** +61 2 4063 6973

Lodgement of your application in any of the above ways is taken to be lodgement with the Secretary under the Mining Act.

For help with lodging this application, or for more information about authorisations under the Mining Act 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](mailto:titles@regional.nsw.gov.au)

**© 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.

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 comply with its public register and record-keeping requirements under the *Mining Act 1992* and Mining Regulation 2016, to confirm applicant details in the event that subsequent applications are made and to establish and maintain databases to assist the Department with its work generally.

Except for purposes required by law, your personal information will not be disclosed to third parties unless the disclosure is directly related to the purpose for which the information was collected, and the Department has no reason to believe you would object to the disclosure, or you are reasonably likely to have been aware, or have been made aware, that information of that kind is usually disclosed to that other person or body, or the Department believes on reasonable grounds that the disclosure is necessary to prevent or lessen a serious and imminent threat to the life or health of the individual concerned or another person. You may apply to the Department to access and correct any personal information the Department holds about you if that information is inaccurate, incomplete, not relevant or out of date.

Important notes

Accompanying documentation

All information specified in this form, and all required documents, things or information required to be lodged with your application, should be provided at lodgement.

The decision-maker may reject the application if the applicant does not supply, within 10 business days of making the application: a description of the proposed exploration area under cl 14(1)(a) of the Regulation, the statement of corporate compliance, environmental performance history and financial capability required under cl 14(1)(f) of the Regulation, the particulars of your technical manager required under cl 14(1)(g), or the work program required by s 129A of the Mining Act and clause 35 of the Regulation.[[1]](#footnote-2)

Until it is amended by proclamation, Sch 1B cl 6 also provides separate grounds for the decision-maker to refuse an application on the basis that the applicant has failed to lodge any information required to accompany the application within 10 business days after the application is lodged. If there is insufficient room in any of the fields in this form, please provide the information as an attachment submitted with this form, marking clearly the field or other requirement to which the additional information relates.

A decision-maker may require you to furnish further information in connection with your application and may refuse the application if you do not furnish that information within the specified period.[[2]](#footnote-3)

Minimum standards

In determining an application for an exploration licence, the decision-maker may take into account whether the applicant meets the publicised ‘minimum standards’.[[3]](#footnote-4) The [*Minimum standards for work programs and technical and financial capability*](https://www.resourcesregulator.nsw.gov.au/sites/default/files/2022-11/mineral-prospecting-minimum-standards.pdf)(**minimum standards**) are available on the Department’s website. Failure to meet the applicable minimum standards is a ground of refusal.[[4]](#footnote-5) The [minimum standards](https://www.resourcesregulator.nsw.gov.au/sites/default/files/2022-11/mineral-prospecting-minimum-standards.pdf) apply to an applicant’s proposed work program,[[5]](#footnote-6) and their technical and financial capability to carry out the proposed work program.[[6]](#footnote-7)

Agents

If this application is lodged by an agent on behalf of the applicant/s, you must provide evidence that the agent has authority to act on behalf of the applicant.[[7]](#footnote-8) This can be done by completing the declaration at the end of this form and supplying evidence of their appointment.[[8]](#footnote-9) If this information is not provided, the decision-maker may reject the application if you do not supply this information within 1 business days of making the application.[[9]](#footnote-10)

Applicant

In this form, references to ‘the applicant’ should be read as including a reference to each applicant, where there is more than one applicant (unless stated otherwise).[[10]](#footnote-11)

Conflicting exploration areas

If the 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/s of that other exploration licence/s to the making of this application must accompany an application.[[11]](#footnote-12)

Controlled release areas

Under s13(3A) of the Mining Act, an application that relates to land in a controlled release area may not be made in relation to a controlled release mineral except under s13C (Application for operational allocation licence by existing authority holders), which is the purpose of this form, or pursuant to an invitation under Sch1A (Competitive selection process for controlled release prospecting titles) of the Mining Act, or by the Secretary on behalf of the Crown under s13D (Crown pre-competitive exploration licences).

Advertisements

Exploration licence applicants must publish a notice of the application in accordance with the [Secretary requirements - Advertising a notice for an exploration licence application (coal or oil shale](https://meg.resourcesregulator.nsw.gov.au/mining-and-exploration/applying-to-explore-and-mine-nsw/advertising-requirements)) within 45 days after receipt of confirmation that the application has been lodged (Regulation, cl 15).  The notice must state that an application for an exploration licence has been lodged, contain a plan of the proposed exploration area, and comply with any other requirements that are prescribed by the regulations (s 13A, Mining Act).

Fees

If this application is successful, you will receive a letter from the Department notifying you that the Department is proposing to grant you an exploration licence. You must pay an annual administrative levy and an annual rental fee before your exploration licence can be granted (s292C(1) Mining Act).

You are also generally required to provide the Department with a [security deposit](https://www.resourcesregulator.nsw.gov.au/rehabilitation/rehabilitation-security-deposits) (minimum of $10,000) before your exploration licence is granted. The Department will notify you of the security deposit required.

Activity approvals

Please note that an exploration licence will be subject to a statutory condition that you must not carry out ‘assessable prospecting operations’ (as defined in the Mining Act) unless an activity approval has been first obtained.

Determination of your application

Once your complete application has been received, it will be determined by way of granting or refusing the application in accordance with the Mining Act and Regulation.

1. Term for which licence is sought

|  |  |  |
| --- | --- | --- |
|  | | |
| **Years sought** |  | Note the maximum term is 6 years. |

1. Applicant/s details

To be eligible to hold an authority, each applicant must be a person 18 years of age or older, or a company eligible to undertake business in New South Wales. Provide the full name of applicant/s, contact details and if applicable, the ACN or ARBN (for foreign companies).

|  |
| --- |
| If the applicant/s is a foreign entity, provide proof that the applicant/s is authorised to operate and carry out business in New South Wales. |

|  |  |
| --- | --- |
| 1st Applicant details | |
| Name |  |
| This is an individual and is at least 18 years old. |
| Contact phone |  |
| Contact email |  |
| ACN / ARBN |  |
| Street address (Registered street address for a company) |  |
| Postal address | Same as above |
| Enter here if different |

|  |  |
| --- | --- |
| 2nd Applicant details | |
| Name |  |
| This is an individual and is at least 18 years old. |
| Contact phone |  |
| Contact email |  |
| ACN / ARBN |  |
| Street address (Registered street address for a company) |  |
| Postal address | Same as above |
| Enter here if different |

|  |  |
| --- | --- |
| 3rd Applicant details | |
| Name |  |
| This is an individual and is at least 18 years old. |
| Contact phone |  |
| Contact email |  |
| ACN / ARBN |  |
| Street address (Registered street address for a company) |  |
| Postal address | Same as above |
| Enter here if different |

* 1. Additional applicants

Provide the full name, contact details, ACN or ARBN (for foreign companies), street address (individual), registered street address (company) and postal address details of additional applicants. For individuals you must provide a statement that the person is at least 18 years old.

|  |
| --- |
| Additional details |
|  |

1. Contact for this application and service

Any correspondence in relation to this application and any subsequent authority will be sent to this person, including documents that the Department is required to serve.

|  |  |
| --- | --- |
| Details | |
| Contact name |  |
| Position held |  |
| Company |  |
| Postal address |  |
| Phone (incl area code) |  |
| Mobile |  |
| Email (required) |  |
| Email for service of documents (required) |  |

The Department will contact you and **serve** documents related to your licence **via the email address specified above**.

* 1. Your preferred contact method

If you would **also** like a copy of documents to be sent to you by mail to the postal address indicated above, please check the box below.

I request that copies of documents and communications are also sent to me by mail.

1. Technical capability
   1. Technical capability

Applications for exploration licences must demonstrate that the applicant has the technical capability to carry out the proposed work program.[[12]](#footnote-13) In accordance with the [minimum standards](https://www.resourcesregulator.nsw.gov.au/sites/default/files/2022-11/mineral-prospecting-minimum-standards.pdf), a key requirement for demonstrating technical capability is appointing an appropriate technical manager who will be responsible for guiding work programs, supervising prospecting operations, and for geoscientific reporting.

The application must:

* be accompanied by particulars of technical advice available to the applicant;[[13]](#footnote-14)
* meet the [minimum standards](https://www.resourcesregulator.nsw.gov.au/sites/default/files/2022-11/mineral-prospecting-minimum-standards.pdf) with respect to the technical capability to carry out the proposed work program[[14]](#footnote-15), including particulars of the applicant’s technical manager.[[15]](#footnote-16)
  1. Technical manager

You can attach required information about your technical manager by using the form [Template for technical managers](https://meg.resourcesregulator.nsw.gov.au/sites/default/files/2022-11/template-for-technical-managers-pdf.pdf) or enter the information below. Tick the relevant box below to indicate which option you have selected:

I have attached the form [Template for technical managers](https://www.regional.nsw.gov.au/meg/exploring-and-mining/application-forms-and-fees/mining-act-1992-forms) 🞂 **Go to Part 15**

**OR**

Information about the technical manager satisfying the requirements of the [minimum standards](https://www.resourcesregulator.nsw.gov.au/sites/default/files/2022-11/mineral-prospecting-minimum-standards.pdf), their details and their acceptance is provided below, in Parts 14.2.1, 14.2.2, and 14.2.3 below.

* + 1. Technical manager professional membership/qualifications

The technical manager must have either ‘A’ or ‘B’ below (tick as appropriate):

A.  Membership with a recognised relevant professional organisation at the minimum level of *Member*, with the required degree qualification related to the geosciences:

|  |
| --- |
| Provide the name and member number of any relevant professional association(s) to which the technical manager belongs: |
| AusIMM  AIG membership number:  Other - please specify (including membership number):  Provide details of the degree qualification related to the geosciences (e.g. B. Science (Geology)): |

**OR**

B.  Five years or more experience working in the deposit setting that is proposed in the work program (in this case you must attach the technical manager’s curriculum vitae to evidence this if not already supplied to the Department).

* + 1. Technical manager conduct

The technical manager must also meet certain conduct requirements.

Has the technical manager:

- at any time had their membership refused, revoked or suspended by any relevant professional organisation(s) for conduct-related reasons?

Yes  No

- in the past 10 years, been convicted of an offence under the Mining Act, the *Protection of the Environment Operations Act 1997* or other relevant legislation (as defined in the [Minimum standards](https://www.regional.nsw.gov.au/meg/exploring-and-mining/compliance-and-reporting/mineral-prospecting-minimum-standards))?

Yes  No

|  |
| --- |
| If you ticked yes to either or both of the above, please provide details: |
|  |

* + 1. Technical manager contact details

|  |  |
| --- | --- |
| Technical manager contact details | |
| Name |  |
| Position |  |
| Company |  |
| Phone (incl. area code) |  |
| Mobile |  |
| Email |  |
| Technical manager acceptance  **Signature** **of the nominated technical manager**  In signing below, I hereby:   * confirm my acceptance of the role; and * certify that the information provided in response to Parts 14.2.1 and 14.2.2, is true and correct to the best of my knowledge and belief. * confirm that I understand that under the *Crimes Act 1900 NSW* Part 5A, knowingly or recklessly giving false or misleading information is a serious offence, and that under the Mining Act s 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. | |
|  | |
| Date: | |

1. Financial capability and resources

Applications for exploration licences must demonstrate that the applicant has the financial capability to carry out the proposed work program.[[16]](#footnote-17)

The renewal application must:

* meet the minimum standards relating to financial capability;[[17]](#footnote-18)
* be accompanied by particulars of financial resources available to the applicant.[[18]](#footnote-19)

Answers to the questions relating to financial capability in Parts 5.1 and 5.2 below should be given having regard to:

* the work program and proposed operations
* obligations under the authority
* current assets and liabilities.
  1. Financial status

Is any applicant bankrupt or a body corporate that is subject to a scheme of arrangement, receivership, winding up or other external administration?

Yes  No

**Note:** this includes each applicant where there is more than one applicant.

* 1. Access to capital and financial resources

You must be able to answer yes to at **least one** of the following three questions.

**A**. Does at least one applicant have sufficient capital available over the term to meet the forecast expenditure and committed objectives of the entire proposed work program?

Yes  No

**B.** Is at least one applicant subject to an agreement with a third party for the provision of finance to meet the forecast expenditure and committed objectives of the entire proposed work program (e.g. a deed)?

Yes No

**C**. Has at least one applicant’s board members or corporate officers successfully raised capital in the past for similar exploration programs in NSW or other jurisdictions?

Yes  No

Please provide any other particulars of the financial resources available to the applicant/s

|  |
| --- |
|  |

1. Statement of corporate compliance, environmental performance history and financial capability of the applicant

Applications for renewal of exploration licences must be accompanied by a statement of the corporate compliance, environmental performance history and financial capability of the applicant, made in the approved form.[[19]](#footnote-20) The approved form is the *Statements of corporate compliance, environmental performance history and financial capability form* (**SOCH**) available on the Department’s website

Please indicate how you will provide the [SOCH](https://www.resourcesregulator.nsw.gov.au/rehabilitation/resources/rehabilitation-forms) to the Department:

I have attached the new SOCH to my application

**OR**

I have submitted a new SOCH online the reference number is

I certify that the information in the above mentioned SOCH is true and correct to the best of my knowledge and belief.  Yes  No

1. Proposed work program

Before completing this part of the form, read the [*Work programs for prospecting titles Guideline*](https://meg.resourcesregulator.nsw.gov.au/sites/default/files/2022-11/exploration-guideline-work-programs-for-prospecting-titles.pdf).

Applications for exploration licences must be accompanied by a work program for the proposed term of the exploration licence.[[20]](#footnote-21) The proposed work program must:

* be prepared using the [*Prospecting authority work program form*](https://meg.resourcesregulator.nsw.gov.au/mining-and-exploration/applying-to-explore-and-mine-nsw/mining-act-1992-forms) in accordance with the *Work programs for prospecting titles Guideline*;
* comply with the content requirements for work programs set out in cl 35 of the Regulation;
* meet the [Minimum standards](https://www.resourcesregulator.nsw.gov.au/sites/default/files/2022-11/mineral-prospecting-minimum-standards.pdf) for work programs.[[21]](#footnote-22)
* Tick the relevant box below to indicate that you have attached a proposed work program to this application.

I have attached a proposed work program as set out above.

1. Compliance with native title legislation

Identify how you wish to address native title obligations when undertaking prospecting activities. You may select one of four options:

(i) request a standard licence.

(ii) satisfy the Minister that native title has been extinguished.

(iii) undertake the ‘right to negotiate’ process or an applicable alternative process provided for in the *Native Title Act 1993* (Cth) before your application is granted.

(iv) apply for a low-impact licence.

A **standard licence** is subject to a licence condition (native title condition) that restricts prospecting to only land where native title has been extinguished. The condition requires the holder to address the ‘future acts regime’ provisions of the Commonwealth’s *Native Title Act 1993* and obtain the Minister’s consent prior to conducting **any** prospecting activity on any land where native title has **not** been demonstrated to have been extinguished.

You may provide evidence that asserts that native title has been **extinguished** over the entire area of the exploration licence. This evidence must be sufficient to satisfy the Minister that native title has been extinguished. If the Minister is satisfied native title has been extinguished the standard licence will issue without the native title condition.

You may undertake the **right to negotiate process** or an alternative process (such as a procedure under an **Indigenous Land Use Agreement (ILUA)** that excludes the operation of Subdivision P of the *Native Title Act 1993*) under the provisions of the Commonwealth’s *Native Title Act 1993*, prior to a licence being granted. The right to negotiate process is subject to advertising (at applicants cost), a wait period and if there are registered claimants, you must have completed and entered into an agreement prior to the Minister’s grant of the licence. Undertaking the right to negotiate- process provides an opportunity to reach agreement on the terms of the licence with respect to native title interests. For more information visit the [National Native Title Tribunal website](http://www.nntt.gov.au/Pages/Home-Page.aspx).

A **low-impact exploration licence** is excluded from the right to negotiate provisions of the Commonwealth’s *Native Title Act 1993* but only authorises a limited range of prospecting operations. A low-impact exploration licence is also subject to a wait period of four months following notice of the application to:

* registered native title bodies corporate,
* any registered native title claimant, and
* any representative Aboriginal/Torres Strait Islander body,

as referred to in s32D(1) of the Mining Act. The notice must be accompanied by a map or other description of the land over which the exploration licence is sought and a description of the proposed prospecting operations.

Read our guideline [Native title and the administration of exploration and mining legislation in New South Wales](https://www.regional.nsw.gov.au/meg/exploring-and-mining/native-title) for more information.

* 1. How do you want to demonstrate compliance with native title in respect of prospecting activities

I wish to apply for a standard licence.

I have attached proof that native title has been extinguished.

I will provide proof that native title has been extinguished prior to grant. [Note: if this option is selected the documentation must be provided as early as possible after lodging this application as the proof of extinguishment assessment process may take an extended period of time]

I wish to commence the right to negotiate process and this will be completed before the grant of the exploration licence.

I wish to commence an alternate process provided for in the *Native Title Act 1993* (Cth) (e.g.: procedure under an Indigenous Land Use Agreement (ILUA) that excludes the operation of Subdivision P of the *Native Title Act 1993* (Cth)

Provide details of the alternate regime proposed including the provisions of *the Native Title Act 1993* (Cth) or ILUA relied upon

|  |
| --- |
|  |

Apply for a low-impact licence*.* Note that a four-month wait period applies and a limited range of prospecting activities are allowed – Note: low-impact licences are not encouraged for exploration licences for Group 9.

1. Mineral sought

Group 9 (coal)

**Note:** if you are applying for any other mineral use form EL1.

1. Operational allocation purposes and land size requirements
   1. Operational allocation purposes

Your application must be for operational allocation purposes.

If you are the holder of a combination of coal authorities (i.e. coal exploration licences, assessment leases and mining leases), your application may be for a combination of operational allocation purposes.

(a) For holders of exploration licences or assessment leases – my application is for the purpose of:

both developing a better mine design proposal and recovering coal resources that would otherwise be likely to be sterilised

(b) For holders of mining leases – my application is for the purpose of:

(i) extending the life of a mine

(ii) developing a better mine design

(iii) recovering coal that would otherwise be likely to be sterilised

(iv) obtaining a coal exploration licence over the subsoil above or below the stratum or over the surface above a mining lease.

You must also include with your application information that demonstrates how your application:

* is for operational allocation purposes, and
* meets the relevant criteria in the [Guidelines for coal exploration licences for operational allocation purposes](https://www.regional.nsw.gov.au/meg/nsw-resources/coal/operational-allocation-of-coal) (the guidelines).

I have attached information which demonstrates how this application is for operational allocation purposes and meets the relevant criteria in the guidelines.

* 1. Land size requirements

Your application must comply with the land size requirements.

For all operational allocation purposes other than (b)(iv) ‘above or below an existing mining lease’ (see section 9.1 of this form), the application area must not exceed 33% of the total area footprint (excluding overlaps) of the coal authorities associated with the application.[[22]](#footnote-23)

If your application is for an area above or below an existing mining lease, the application area must not exceed the boundary area of the overlying or underlying mining lease.[[23]](#footnote-24)

If there is inadequate space below to list all the coal authorities associated with your application, provide the details of the remaining associated authorities in an attachment.

| Lateral applications (all purposes other than (b)(iv)) - List of associated coal authorities | | |
| --- | --- | --- |
| Authority type | Number | Act |
|  |  |  |
|  |  |  |
|  |  |  |
|  |  |  |
|  |  |  |
|  |  |  |
| **Total area footprint of associated coal authorities** |  | km2  ha  m2 |
| **Application area footprint** |  | km2  ha  m2 |
| **Percentage of application area footprint with respect to total area footprint of associated coal authorities** | % (maximum of 33%) | |
| **Vertical applications (purpose (b)(iv)) – List of associated coal mining leases** | | |
| Coal mining lease type | Number | Act |
|  |  |  |
|  |  |  |
|  |  |  |
|  |  |  |
|  |  |  |
| **Total area of associated coal mining leases** |  | km2  ha  m2 |
| **Application area** |  | km2  ha  m2 |
| **Percentage of application area with respect to total area of associated coal mining leases** | % (maximum of 100%) | |

1. Proposed exploration area
   1. Area sought

Provide details of the proposed exploration area subject of this application.

The proposed exploration area will be plotted by the Department, which will result in a ‘calculated area’ (e.g. ha) being generated. The ‘calculated area’ is the proposed exploration area following any verification/error correction by the Department. This may result in the calculated area being different to the area applied for. If an exploration licence is granted it will be granted over the ‘calculated area’, which may not be the same area applied for.

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| Area sought | | | | | |
| Total area |  | m2 | ha | km2 |
| Surface area |  | m2 | ha | km2 |

* 1. Map of proposed exploration area

Provide a standard map, as described in cl 9 of the Regulation, which shows the alignment of the proposed exploration licence boundaries relative to the Map Grid of Australia (MGA2020), showing the coordinates of all the points where there is a change in direction of the boundaries. The map may also identify the depth restriction(s) and/or surface exception(s) being sought.

Indicate whether you have inserted your map in the field below or attached it separately.

I have attached a standard map

I have inserted my standard map below:



* 1. Coordinates of proposed exploration area

Attach the MGA2020 coordinates as a separate electronic file in a CSV format. These coordinates are subject to change dependent on the Department’s calculation of the area.

I have attached the MGA2020 coordinates to this application.

* 1. Surface area of land and/or subsoil

Indicate the surface area of land and/or subsoil you are applying for that is, the strata you want the licence to embrace for:

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Surface area of land and/or subsoil | | | | |
|  | Whole area |  | metres |
|  | Part (must be shown on the map) | | | |
|  | Various parts (must be shown on the map) | | | |
|  | Nil | | | |

* 1. Depth restriction sought in metres

Indicate the depth to which you require the licence to extend. The maximum depth that a coal (Group 9) licence will be granted is 900 metres below zero Australian Height Datum.

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Depth restriction sought in metres | | | | |
|  | Whole area |  | Metres (must be shown on the map) |
|  | Part (must be shown on the map) | | | |
|  | Various parts (must be shown on the map) | | | |

* 1. Diagram of application area for market interest test

Provide a diagram in JPEG format that may be used by the Department when advertising for market interest. The diagram must meet the requirements specified below. For examples of acceptable diagrams, refer to the [advertising guidelines for coal exploration licence applications](https://www.regional.nsw.gov.au/meg/exploring-and-mining/application-forms-and-fees/advertising-requirements-guidelines-and-policies/policy-on-grant-of-assessment-leases). The Department will determine if the diagram is acceptable and may request amendments.

**Note:** In accordance with Section 13C of the Mining Act and the *Guidelines for coal exploration licence applications for operational allocation purposes,* for applications against mining leases, the Department will determine the area over which a market interest run will be conducted. If the area is over the larger unallocated coal resource the Department will prepare a diagram.

The diagram must:

* be approximately 6 cm in width and a minimum of 6 cm in length (publication size).
* be a minimum resolution of 300 dpi at final size.
* be based on an accepted standard map (eg county map, topographic-cadastral map).
* identify any major geographic features (eg main roads, rivers, localities)
* clearly define external boundaries of the application area, with a bolder line than other lines shown on the map
* have a north point and appropriate scale bar.
* show the distance and direction to the town mentioned in the text.
* contain lettering that is legible at the publication size (minimum 7 pt font).

I have attached a JPEG diagram that meets the above requirements.

1. Conflicting authorities
   1. Conflicting coal exploration licence/s

In accordance with s13C and s19 of the Mining Act, coal exploration licences can only be sought and granted for the same area as existing Group 9 exploration licence/s with the written consent for the making of the application and the granting of an exploration licence from the holder/s of those existing Group 9 exploration licence/s. This includes existing Group 9 exploration licences held by the Secretary of the Department.

Is the licence being sought over the same area that is the subject of another Group 9 exploration licence?

No - **continue to Part 12.2.**

Yes - **go to Part 12.1.1**

* + 1. Have you attached written consent from the holder/s of the existing Group 9 exploration licence/s?

No - written consent from the holder/s of the existing Group 9 exploration licence/s is being sought

Yes - I have attached the written consent from the holder/s of the existing Group 9 exploration licence/s

* 1. Conflicting assessment lease/s and mining lease/s

In accordance with s19 of the Mining Act an exploration licence can only be granted over the same strata of an existing assessment lease or mining lease with the written consent of the holder/s of those existing lease/s.

Is the licence being sought to embrace the same area and/or strata of an existing assessment lease/s or mining lease/s?

No - **continue to Part 13.**

Yes - **go to Part 12.2.1**

* + 1. Have you attached written consent from the holder/s of the existing assessment lease/s and or mining lease/s?

No - written consent from the holder(s) of the existing assessment lease(s) and/or mining lease(s) is being sought

Yes - I have attached the written consent from the holder(s) of the existing assessment lease(s) and/or mining lease(s)

1. Protected reserves

Is your application for an exploration licence within a protected reserve, as defined with clause 3(2) of the Regulation?

Yes  No

|  |
| --- |
| If you ticked yes, please provide details on which protected reserves are included: |
|  |

1. Fee payment

Provide payment, proof of payment or details allowing payment to be made must accompany this application form.

* 1. Fees and fee calculation
* The application fee amount is $1,000.
* The area fee is $2.00 per hectare or part hectare, per year.

Below are sample calculations.

|  |
| --- |
| **Example**  **The area is 1300.6 hectares and the term is 6 years.**  *Application fee $1,000.00*  *Area fee: 1301 hectares\* @ $2.00 each x 6 years  $15,612.00*  *Total fee $16,612.00*  ***Note figure is rounded up*** |

* 1. Select your payment method

|  |  |
| --- | --- |
| Select | Payment Method |
|  | **Direct deposit**  Account name: Department of Regional NSW  BSB: 032 001  Account number: 183837  Reference: ELA [your company name or last name] (eg ELA Johnson)  If you are paying by direct deposit, attach a copy of the receipt issued by your banking authority as evidence that you have paid. |
|  | **Credit card\*** (enter details below) |
| To pay by credit card, please tick the credit card box and contact Resource Operations on (02) 4063 6600 to speak to a customer service representative. To comply with PCI-DSS your Credit Card information is never stored on file.  You may also submit the application on TMS. |
| \*Credit card merchant fees are applicable to all credit card payments and will be added to the payment amount at the following rates:  Visa & Mastercard: 0.4% Amex: 1.4% |

1. Checklist of items to be included in this application

|  |  |  |
| --- | --- | --- |
| Item |  | Reference |
| For foreign entities, proof that the applicant/s is authorised to operate and carry out business in New South Wales. |  | Part 2 |
| Technical capability support documentation (including form Template for Technical Managers if this information is not already included in this application form) |  | Part 4 |
| Statement of corporate compliance, environmental performance history and financial capability (where not lodged online) |  | Part 6 |
| Proposed work program |  | Part 7 |
| Native title information, i.e. extinguishment documentation (if applicable) |  | Part 8 |
| Information addressing the relevant operational allocation purpose requirements and relevant criteria in the operational allocation guidelines |  | Part 10 |
| A standard map of the proposed exploration area |  | Part 11 |
| Coordinates of the proposed exploration area |  | Part 11 |
| A diagram of application area for market interest test |  | Part 11 |
| Written consent of the holder/s of conflicting exploration licence/s for the granting of the licence over the same area (if applicable) # |  | Part 12 |
| Written consent of the holder/s of conflicting assessment leases and mining leases for the granting of the licence over the same area and/or strata (if applicable) # |  | Part 12 |
| If applicable, information on protected reserves |  | Part 13 |
| For payments made by direct deposit – proof of payment. |  | Part 14 |
| For agents only – evidence of appointment as agent |  | Part 16 |

* 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 for refusing the application under cl6(d) sch1B

1. Declaration

Each applicant (or the authorised officer or agent) must complete the declaration below and sign this form.

* (For companies and agents) I declare that I am authorised to complete and lodge this application.
* 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 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.

|  |  |
| --- | --- |
| 1st Applicant details | |
| Name |  |
| Position/title |  |
| Date |  |
| Signature | Agent Signature |

|  |  |
| --- | --- |
| 2nd Applicant details | |
| Name |  |
| Position/title |  |
| Date |  |
| Signature | Agent Signature |

* 1. Agent authorised to act for this applicant/s

Evidence of appointment is required.

|  |  |
| --- | --- |
| Agent details | |
| Name |  |
| Position/title |  |
| Company |  |
| Postal address |  |
| Phone (incl area code) |  |
| Mobile |  |
| Email |  |
| Date |  |
| Signature | Agent Signature |

Evidence of appointment:

I have attached evidence of appointment to this application

# Office/Administrative use only

|  |  |  |  |
| --- | --- | --- | --- |
| Application received: | | | |
| Time: |  | Date: |  |
| Officer’s Name |  | | |
| Signature | Office use only signature | | |
| **Application fee amount:** $1,000 (per authority) | | | |
| Fee amount | $ | | |
| **Area fee amount:** Area fee is $2.00/ha/year or part hectare. | | | |
| Area fee amount | $ | | |
| **Total amount:** | $ | | |
| **Receipt number** |  | | |

# Document control

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

CM9 Reference: RDOC22/122338

|  |  |  |
| --- | --- | --- |
| 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 |
| August 2022 | 2.0 | Form updated to include Minimum standards criteria.  Update credit card details, hyperlinks. Update contact details.  New format to reflect new template Regional NSW/MEG.  Update contact details to reflect @regional email address  Updated footer; date and document number  Reviewed links to legislation |
| March 2023 | 3.0 | Form updated to reflect commencement of Mining Regulation 2016 on 1 March 2023 and administrative updates. Included information on protected reserves and incomplete applications. |

1. Section 381B, Mining Act; cl [94AA(4)(a)](https://legislation.nsw.gov.au/view/html/inforce/current/sl-2016-0498#sec.94A), Regulation. [↑](#footnote-ref-2)
2. Sch. 1B cl 5, Mining Act. [↑](#footnote-ref-3)
3. Sch. 1B cl 4, Mining Act. [↑](#footnote-ref-4)
4. Sch. 1B, cl 6(b), Mining Act. [↑](#footnote-ref-5)
5. Sch. 1B cl 4(g), Mining Act. [↑](#footnote-ref-6)
6. Sch. 1B cl 4(a), Mining Act. [↑](#footnote-ref-7)
7. Section 163F, Mining Act; cl 14(1)(h), Regulation. [↑](#footnote-ref-8)
8. Section 163F, Mining Act; cl 14(1)(h) & 97, Regulation. [↑](#footnote-ref-9)
9. Clause 94AA(2), Regulation. [↑](#footnote-ref-10)
10. cl 14(1A), Regulation [↑](#footnote-ref-11)
11. cl 14(1)(d), Regulation [↑](#footnote-ref-12)
12. Schedule 1B, cl. 2(1)(a) & 6(b), Mining Act. [↑](#footnote-ref-13)
13. Clause 14(1)(e), Regulations. [↑](#footnote-ref-14)
14. Schedule 1B, cl. 2(1)(a), cl 4(a) & cl (6)(b), Mining Act. [↑](#footnote-ref-15)
15. Clause 14(1)(g), Regulations. [↑](#footnote-ref-16)
16. Sch. 1B, cl 6, Mining Act. [↑](#footnote-ref-17)
17. Schedule 1B, cl. 4(a), Mining Act. [↑](#footnote-ref-18)
18. Clause 14(1)(e), Regulations. [↑](#footnote-ref-19)
19. Clause 18(1)(d1), Regulation. [↑](#footnote-ref-20)
20. Section 129A, Mining Act; cl 35, Regulation. [↑](#footnote-ref-21)
21. Schedule 1B, cl. 2(1)(a), cl 4(g) & cl (6)(b), Mining Act. [↑](#footnote-ref-22)
22. Cl 20(2)(a), Regulation [↑](#footnote-ref-23)
23. Cl 20(2)(b), Regulation [↑](#footnote-ref-24)