March 2023

Application to renew a mining lease

# *Form ML8, 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 are applying to renew a mining lease or a mining (mineral owner) lease under the *Mining Act 1992* in New South Wales.**

This form is an approved form under s 382 of the Mining Act for the purposes of s 113 (Applications for Renewal) of the Mining Act and cl 28 (Renewal of mining leases) 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**.

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

## **How to lodge**

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

* **By email:** 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

**© State of New South Wales through Regional NSW 2022**. The information contained in this publication is based on knowledge and understanding at the time of writing February 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

Timing for lodgement

Renewal applications must be lodged:

* if you are seeking a renewal for one year or less than one year, **within 3 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 5 years** and **not later than one year before the lease ceases to have effect.**

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.

A decision-maker may reject the application if the applicant does not supply the statement of corporate compliance, environmental performance history and financial capability required under cl 28(1)(c1) of the Regulation and in relation to partial renewals, the description of land and required by s 113(5) of the Mining Act and cl 35 of the Regulation within 10 business days of making the application.[[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)

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

Agents

If this application is lodged by an agent on behalf of the applicant/s, 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.[[3]](#footnote-4)

Determination of your application

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

1. Mining lease details

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| Type |       | Number |       | Act Year |       | Expiry date |       |

Is this a mining (mineral owner) lease?

[ ]  No – **go to Question 2**

[ ]  Yes – provide evidence that the minerals the subject of this application are owned by the holder/s such as copies of the land grants and searches indicating the minerals sought are privately owned by the holder. For the purposes of confirming a holder’s ownership of any mineral, the Secretary may require the holder to provide further information, which may include written advice from an Australian legal practitioner certifying that the relevant evidence establishes that the holder owns the mineral

[ ]  Yes, I have attached evidence that the minerals are owned by the holder/s

1. Term for which renewal is sought

|  |  |  |
| --- | --- | --- |
| Years sought |        | Note the maximum term is 21 years (unless the Premier agrees to a longer term) |

1. Lease holder/s details

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

|  |
| --- |
| 1st Lease holder details |
| Name |       |
| Contact phone |       |
| Contact email |       |
| ACN / ARBN |       |
| Street address (Registered street address for a company) |       |
| Postal address | [ ]  Same as above |
| Enter here if different |

|  |
| --- |
| 2nd Lease holder details |
| Name |       |
| Contact phone |       |
| Contact email |       |
| ACN / ARBN |       |
| Street address (Registered street address for a company) |       |
| Postal address | [ ]  Same as above |
| Enter here if different |

|  |
| --- |
| 3rd Lease holder details |
| Name |       |
| Contact phone |       |
| Contact email |       |
| ACN / ARBN |       |
| Street address (Registered street address for a company) |       |
| Postal address | [ ]  Same as above |
| Enter here if different |

Additional lease holders

Provide the full name, phone number, email address, ACN or ARBN (for foreign companies), street address (individual) registered street address (company) and postal address details of additional lease holders.

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

1. Lease holder/s seeking renewal

Refer to s116 of the Mining Act *.*

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

[ ]  Yes

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

 [ ]  I have attached confirmation from the party who is not seeking renewal that they do not wish the authority to be renewed in their name

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) |       |

* 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. Area of lease sought to be renewed

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 part 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** |

1. Description of land sought for part renewal

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

Provide a plan completed by a registered surveyor, drawn in accordance with the [Surveying and Spatial Information Regulation 2017](https://legislation.nsw.gov.au/view/html/inforce/current/sl-2017-0486) and [Department of Lands - Surveyor General Directions (Direction No 8 mining surveys)](https://www.spatial.nsw.gov.au/surveying/surveyor_generals_directions). The plan should include details of the area being renewed, including:

* the total area being renewed in hectares, square metres or square kilometres
* any depth of surface exception (the surface and soil below the surface not applied for) and/or
* any depth restriction (the depth to which you require the lease to extend)
* strata sought (the soil below the surface between any two specified depths or a coal seam)
* the [Map Grid of Australia](https://www.ga.gov.au/scientific-topics/positioning-navigation/geodesy/datums-projections/grid2020) (MGA) zone, showing boundary alignments
* MGA coordinates determined by reference to the Geocentric Datum of Australia of all points where there is a change in direction of the boundaries of the land must also be supplied in electronic format as a Microsoft Excel spreadsheet

Check the box below to indicate you have attached a plan overlay.

[ ]  I have attached a plan overlay that meets the above requirements

Note: Under cl28(2)(a) of the Regulation, you need to provide a plan that meets statutory surveying requirements. If you consider these requirements to be unduly onerous you may request a variation or exemption from the requirements in accordance with cl34 of the Regulation. Any request must include justification for the request.

1. Description of land sought for part renewal - mining (mineral owner) lease only

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 sought for renewal

|  |
| --- |
| Lot and deposited plan numbers |
| Lot number |       |
| Deposited plan |       |
|  |
| Lot number |       |
| Deposited plan |       |
|  |
| Lot number |       |
| Deposited plan |       |

Other land

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

|  |
| --- |
|       |

1. Renewal justification statement

Applications for renewal of mining leases must be accompanied by a ‘renewal justification statement’.[[4]](#footnote-5)

The renewal justification statement must:

* be prepared using the form Renewal Justification Statement for Mining Leases in accordance with the Completing a renewal justification statement Guideline; and
* contain:
* information on the details of the operations carried out on land within the lease during the current term of the lease, including types of operations carried out and a map showing the location of operations carried out;[[5]](#footnote-6)
* a summary of the resources on the land comprised in the lease;[[6]](#footnote-7)
* a statement giving the reasons as to why the renewal is justified.[[7]](#footnote-8)

Tick the relevant box below to indicate you have attached a renewal justification statement to this application.

[ ]  I have attached a renewal justification statement as set out above.

1. Technical capability
	1. Technical capability

Applications for renewal of mining leases must demonstrate that the applicant has the technical capability to carry out the proposed work program.[[8]](#footnote-9) This form requires information about the technical manager appointed for the mine.

* 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)

**OR**

[ ]  Information about the technical manager is provided below.

|  |
| --- |
| 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. |
|  |

Date:

1. Statements of corporate compliance, environmental performance history and financial capability

Applications for renewal of mining leases must be accompanied by a statement of the corporate compliance, environmental performance history and financial capability of the applicant, made in the approved form.[[9]](#footnote-10) The approved form is the Statements of corporate compliance, environmental performance history and financial capability form (**SOCH**) available through the [Resources Regulator portal](https://nswresourcesregulator.service-now.com/regulator) on the Department’s [website](https://www.resourcesregulator.nsw.gov.au/rehabilitation/resources/rehabilitation-forms).

[ ]  I have submitted a new SOCH online the reference number is

1. Proposed work program or current development consent

Applications for renewal of mining leases must be accompanied by a work program for the proposed term of renewal which complies with the content requirements for work programs set out in cl 35(1) of the Regulation, or a current development consent under the [*Environmental Planning and Assessment Act 1979*](https://legislation.nsw.gov.au/view/html/inforce/current/act-1979-203) for the development*.* [[10]](#footnote-11) Select from below as appropriate.

|  |
| --- |
| 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. |

* 1. What security is currently held by the Department?

|  |
| --- |
| Current security held by the Department |
| $       |

1. Completion of rehabilitation
	1. Has any required rehabilitation been completed and/or deemed satisfactory?

Rehabilitation of mining and prospecting operations is deemed ‘satisfactory’ when:

* a f[orm ESF2 – Rehabilitation completion and/or Review of rehabilitation cost estimate](https://www.resourcesregulator.nsw.gov.au/rehabilitation/resources/rehabilitation-forms) 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 complete and deemed satisfactory by the Department?

|  |
| --- |
| Provide details of correspondence including Department references below |
|        |

[ ]  Has rehabilitation been completed, and you would like to seek formal confirmation from the Department that rehabilitation is satisfactory, **without seeking a reduction in the security deposit?**

If **yes**, ensure you have completed and attached [Form ESF2 – Rehabilitation completion and/or Review of rehabilitation cost estimate](https://www.resourcesregulator.nsw.gov.au/rehabilitation/resources/rehabilitation-forms) to this application.

[ ]  Has rehabilitation been completed, and you would like to seek formal confirmation from the Department that rehabilitation is satisfactory, **and you are seeking a reduction in the security deposit?**

If **yes**, ensure you have completed and [Form ESF2 – Rehabilitation completion and/or Review of rehabilitation cost estimate](https://www.resourcesregulator.nsw.gov.au/rehabilitation/resources/rehabilitation-forms) to this application.

[ ]  Rehabilitation has **not** been completed.

1. Environmental Planning and Assessment Act

Provide details of any changes to the development consent or planning approval under the [*Environmental Planning & Assessment Act 197*9](https://legislation.nsw.gov.au/view/html/inforce/current/act-1979-203) 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):

|  |
| --- |
|       |

1. Fee payment

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

* 1. Fees and calculation
* the application fee amount is $3,000
* the area fee is $36 per hectare
	1. Select your payment method

|  |  |
| --- | --- |
| Select | Payment Method |
| [ ]  | **Direct deposit**Account name: Department of Regional NSW BSB: 032 001Account number: 183837Reference: REN [authority type and number] (eg REN ML1234)If you are paying by direct deposit, attach a copy of the receipt issued by your banking authority as evidence that you have paid. |
| [ ]  | **Credit card\***  |
| To pay by credit card, please tick the credit card box and contact (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 |
| Evidence of mineral ownership (if applicable) | [ ]  | Question 1 |
| Written confirmation from lease holder not seeking renewal (if applicable) | [ ]  | Question 4.1 |
| For part renewals only – a plan overlay that meets survey requirements (if applicable) | [ ]  | Question 7 |
| Renewal justification statement | [ ]  | Question 9 |
| Technical capability documentation (if applicable) | [ ]  | Question 10 |
| Statements of corporate compliance, environmental performance history and financial capability (where not lodged online) | [ ]  | Question 11 |
| Proposed work program or development consent | [ ]  | Question 12 |
|  |  |  |
| Completion of Rehabilitation (Form ESF2) | [ ]  | Question 13 |
| Modifications to the development consent or planning approval | [ ]  | Question 14 |
| For payments made by direct deposit – proof of payment | [ ]  | Question 15.2 |
| For agents only – evidence of appointment as agent, if this has not been previously supplied to the Department | [ ]  | Question 17.2 |

* 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 cl94A(4) of the Regulation.

1. Declaration

This form must 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.

* 1. Applicant/s (individual or company)

For each applicant (signed below):

I certify that the information provided is true and correct to the best of my knowledge and belief. I understand under the *Crimes Act 1900 NSW* Part 5A, that knowingly or recklessly giving false or misleading information is a serious offence, and under the Mining Act section 378C, any person who provides information that the person knows to be false or misleading is guilty of an offence, for which they may be subject to prosecution.

(For companies only) In addition to the declaration above, by signing below, I **also** certify that I am authorised to complete and provide the information in this form on behalf of the company listed in section 3 of this form.

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

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

|  |
| --- |
| 3rd Applicant details |
| Name |       |
| Position/title |       |
| Date |       |
| Signature | Agent Signature |

* 1. Agent authorised to act for the applicant

Evidence of appointment is required if this has not been previously supplied to the Department.

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

1. Evidence of appointment:

 [ ]  I have attached evidence of appointment to this application

 [ ]  I have previously supplied evidence of appointment to the Department:

# Office/Administrative use only

|  |
| --- |
| Application received: |
| Time: |       | Date: |       |
| Officer’s Name |       |
| Signature | Office use only signature |
| **Application fee amount:** $3,000 (per authority) |
| Fee amount | $       |
| **Area fee amount:**  $36 per hectare |
| Area fee amount | $       |
| **Total amount:** | $       |
| **Receipt number** |       |

# Document control

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

CM9 Reference: RDOC22/112653

|  |
| --- |
| 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 | Update credit card details, New format to reflect new template Regional NSW/MEGUpdate contact details to reflect @regional email addressUpdated footer; date and document numberReviewed links to legislation |
| February 2023 | 3.0  | Form updated to reflect commencement of Mining Regulation 2016 on 1 March 2023. Included information on protected reserves and incomplete applications. Administrative amendments |

1. Section 381B, Mining Act; cl [94AA(4)](https://legislation.nsw.gov.au/view/html/inforce/current/sl-2016-0498#sec.94A)(f), Regulation. [↑](#footnote-ref-2)
2. Sch. 1B cl 5, Mining Act. [↑](#footnote-ref-3)
3. Clause 97, Regulation. [↑](#footnote-ref-4)
4. Clause 28(1)(d), Regulation. [↑](#footnote-ref-5)
5. Clause 28(1)(d)(i), Regulation. [↑](#footnote-ref-6)
6. Clause 28(1)(d)(ii), Regulation. [↑](#footnote-ref-7)
7. Clause 18(1)(e)(iii), Regulation. [↑](#footnote-ref-8)
8. Schedule 1B, cl. 2(1)(b) & 6(b), Mining Act. [↑](#footnote-ref-9)
9. Clause 18(1)(d1), Regulation. [↑](#footnote-ref-10)
10. Section 129A, Mining Act; cl 28(1)(e), Regulation; cl 35(2), Regulation. [↑](#footnote-ref-11)