March 2023

Application for inclusion of additional mineral(s) in a mining lease

# *Form ML4, 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 include additional mineral(s) in a mining lease under the *Mining Act 1992* (Mining Act) in New South Wales.**

This form is an approved form under s 382 of the Mining Act for the purposes of s 77 (Addition of mineral to mineral mining lease) of the Mining Act. Any reference to the ‘**Department**’ in this form, refers to the Department of **Regional NSW**.

## **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 2023**. 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

Accompanying documentation

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

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.

Notice

The holder of a mining lease over any land must, within **21 days after lodging this application**, serve a copy of the application on each landholder.[[1]](#footnote-2)

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.[[2]](#footnote-3)

Development consent

There must be an appropriate development consent in force with respect to the additional mineral(s) before the holder can mine or prospect that additional mineral. This applies even if additional mineral(s) are included in the mining lease.[[3]](#footnote-4)

Determination of your application

Once your complete application has been received and considered, the decision-maker may, by order in writing served on the applicant, direct that the mining lease applies to the additional mineral specified in the direction, or refuse the application.[[4]](#footnote-5)

A direction may be given in respect of a mining (mineral owner) lease only if the additional mineral is owned by the holder of that lease.[[5]](#footnote-6) A direction may be given unconditionally or subject to such conditions as are specified in the direction.[[6]](#footnote-7) While a direction is in force, the mining lease concerned is taken to extend to the mineral the subject of the direction.[[7]](#footnote-8)

1. Mining lease/s details

Provide the details of the mining lease/s the subject of this application

|  |
| --- |
| Mining lease details |
| ML number |       | Act |       |
| Expiry date |       |
|  |
| ML number |       | Act |       |
| Expiry date |       |
|  |
| ML number |       | Act |       |
| Expiry date |       |

Additional leases

Provide the numbers and expiry for any additional mining leases

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| Additional mining lease details |
|       |

1. Lease holder/s details

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

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| --- |
| 1st Applicant 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 |

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| --- |
| 2nd Applicant 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 |

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| 3rd Applicant 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.

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| 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. Development consent

Do you have development consent already in force over the land for the additional mineral?

[ ]  Yes – I have attached a copy of the development consent over the land for the for the additional mineral

[ ]  No

Note: The holder will not be able to extract/prospect for the additional mineral(s) unless there is a development consent permitting the extraction/prospecting of the additional mineral(s).

1. Additional mineral(s) sought

Please indicate all additional mineral(s) sought for the mining lease

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|       |

1. Justification
	1. Justification for adding additional mineral(s)

A justification should include information about:

a) likelihood of presence of the mineral, and

b) the relationship to currently approved minerals.

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|       |

* 1. Details of planned extraction and processing methods

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* 1. Changes to existing extraction and processing methods ( if any)

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|       |

* 1. Update to Resource Reserve Estimates including the additional minerals

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* 1. Mining (mineral owner) leases

For an application relating to mining (mineral owner) lease, confirm if the additional mineral is owned by the holder of the mining (mineral owner) lease. If yes, please provide evidence establishing ownership.

[ ]  Yes

[ ]  No

1. Checklist of items to be included with this application

|  |  |  |
| --- | --- | --- |
| Item |  | Reference |
| Development consent over the land for the inclusion of the additional mineral/s | [ ]  | Part 4 |
| Confirmation that the additional mineral is owned by the holder of the Mining (Mineral Owner) Lease (if required) | [ ]  | Part 6 |
| For agents only – evidence of appointment as agent | [ ]  | Part 9 |

1. Declaration

This form should be signed by the applicant/s (in the case of a company a duly authorised officer) or an agent authorised to act on behalf of the applicant/s.

* 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.

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

|  |
| --- |
| 2nd Applicant details |
| Name |       |
| Position/title |       |
| Date |       |
| Signature | 1st Applications Signature |

|  |
| --- |
| 3rd Applicant details |
| Name |       |
| Position/title |       |
| Date |       |
| Signature | 1st Applications Signature |

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

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

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| 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

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

# Office/Administrative use only

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| --- |
| Application received: |
| Time: |       | Date: |       |
| Officer’s Name |       |
| Signature | Office use only signature |

# Document control

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

CM9 Reference: RDOC22/111972

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| 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 detailsNew format to reflect new template Regional NSW/MEGUpdate contact details to reflect @regional email addressUpdated footer; date and document numberReviewed links |
| March 2023 | 3.0 | Form updated to reflect amendments to Mining Act and Regulation.  |

1. Section 77(3), Mining Act. [↑](#footnote-ref-2)
2. Clause 97, Regulation. [↑](#footnote-ref-3)
3. Section 65, Mining Act. [↑](#footnote-ref-4)
4. Section 77(4), Mining Act. [↑](#footnote-ref-5)
5. Section 77(4A), Mining Act. [↑](#footnote-ref-6)
6. Section 77(5), Mining Act. [↑](#footnote-ref-7)
7. Section 77(6), Mining Act. [↑](#footnote-ref-8)