November 2024

Notification or application of suspension of mining operations

# *Form ML14, 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 the holder of a mining lease (that is not for an ancillary mining activity or activities only) and you are notifying or applying to suspend mining operations in the mining area in NSW under the *Mining Act 1992*.**

This is an approved form under s 382 of the Mining Act for the purposes of cl 7A(1) of Sch 1B of the Mining Act. Any reference to the **‘department’** in this form, refers to the **Department of** **Primary Industries and Regional Development**.

Privacy statement

View the department’s [privacy statement](http://www.resources.nsw.gov.au/privacy) on how information in this application will be used.

How to lodge

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

* **By email:** titles@regional.nsw.gov.au
* **By mail:** NSW Resources, 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, NSW, 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 form, or for more information about authorisations under the Mining Act in NSW contact:

NSW Resources - Assessments and Systems

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

 **Email:** titles@regional.nsw.gov.au

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.

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.[[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.

Notifying or applying for suspension of mining operations

Under cl 7A(1) of Sch 1B of the Mining Act*,* all mining leases (except those granted in relation to an ancillary mining activity or activities only) are subject to a condition that the holder of the lease may suspend mining operations in the mining area, but only if the operations are suspended in accordance with the written consent of the decision-maker.

The [Suspension of Mining Operations Policy](https://www.regional.nsw.gov.au/__data/assets/pdf_file/0018/1403622/Suspension-of-mining-operations-policy.pdf) (May 2022) sets out the requirements relating to suspending mining operations in the mining area in accordance with cl 7A(1) of Sch 1B of the Mining Act.

The holder of a mining lease may use this form to:

1. **for periods of suspension of up to 12 months –** notify the department of the suspension of mining operations in the mining area. A minimum of 30 calendar days’ notice of suspending operations is required; or
2. **for periods of suspension greater than 12 months and less than 3 years, or suspensions within 2 years of a previous suspension, or a suspension less than 12 months where a notification is not received within 30 calendar days -** apply to the department for written consent to suspend mining operations in the mining area. The application must be lodged at least 60 days before the proposed suspension commences.

The cessation of mining operations due to the end of mine life in accordance with an approved mining operations plans is not considered a suspension of mining operations.

For further information about notifying and applying to suspend operations, see the policy.

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

Determination of your application / next steps

Schedule 1B, clause 7A(1) states —"a mining lease is subject to a condition that the holder of the lease may suspend mining operations in the mining area only if the operations are suspended in accordance with the written consent of the decision-maker. The department will respond to your notification in writing requesting further information, notifying you of the outcome of the notification or application. If the holder of the mining lease is also the mine operator under the WHS laws, the notification of suspension may also be taken to be a notification under cl 129(1)(b) of the WorkHealth and Safety (Mines and Petroleum Sites) Regulation 2014(which relates to ‘reportable events’) provided that the information required is included. Where the lease holder is not the operator, a separate notification must be submitted by the operator. Notification must still be provided upon resumption of mining operations. **Ensure you have reviewed information relating to reportable events and submitted your** [**notification**](https://www.resourcesregulator.nsw.gov.au/safety/notifications/reportable-events-notification) **forms to the Resources Regulator.**

Select one option from the following options:

Is this form:

A **notification** for a suspension of mining operations for less than 12 months?

Note: your notification needs to be provided at least 30 days before your planned suspension of operations.

[ ]  No

[ ]  Yes If yes, answer Questions 2, 3, 4, 5, 6 and 10

* An **application** for approval for suspension of mining operations for 1 to 3 years, or a suspension within 2 years of a previous suspension, or a suspension less than 12 months where a notification not received within 30 calendar days?

Note: your application needs to be provided at least 60 days before your proposed suspension of operations.

[ ]  No

[ ]  Yes If yes, answer ALL Questions on this form

1. Mining lease/s details

Provide the details of the mining lease/s the subject of this notification or application.

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

1. Mining 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. Contact for this application and service

Any correspondence in relation to this application 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 application **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. Period of the suspension

What is the date range of the proposed suspension of mining operations?

Start date:

End date:

Note that the ‘end date’ is the date on which the mining operations will recommence.

1. Details of any previous suspension of mining operations for this project and date ranges

What was the date range of the previous suspension of mining operations?

Start date:

End date:

Provide details of the previous mining operations below, including the reason(s) for the suspension.

|  |
| --- |
|       |

1. Justification for the proposed suspension of mining operations

Provide detailed information below or attach documents supporting and justifying the proposal to suspend operations, including extenuating factors listed below.

The information must include:

|  |
| --- |
| Details |
| Reason for the proposed suspension of mining operations  |       |
| How the lease holder intends to address the factors that led to the need to suspend mining operations  |       |
| Any issues that may delay progressive rehabilitation as required under Schedule 8A of the Regulation or via conditions of title, and details on how progressive rehabilitation obligations will be addressed if changes to the rehabilitation management plan are required |       |
| Please attach the current mineral resources/reserves statement or equivalent report [(current JORC code)](https://nswdrg-uat1.pegacloud.net/prweb/app/TMS_/Y7bN0FKZaScK4U0-izUyPoZIMxdjYofE9Psrr8Ut_pM%2A/%21TABTHREAD3?pyActivity=pzRunActionWrapper&pzFromFrame=pyWorkPage&pzPrimaryPageName=pyWorkPage&pzTransactionId=e8939f49bc202be548ef2d3f7a4907ab&pzHarnessID=HIDA1B96A9D98D050E952026B7390F286F6&previousAssignment=true&pzActivity=GoToPreviousTask&skipReturnResponse=true&pySubAction=runAct&eventSrcSection=PEC-DRG-TMS-Work.pyCaseActionAreaButtons). |       |
| Has this project had any further activity since the above report was produced? If yes, provide a summary of what isn’t covered in the report, detailing what resource has been produced during this time and what resource remains.  | Yes/No       |

#### Extenuating factors

The department may consider the extenuating factors listed below when considering your application. If any apply, please include in a justification statement:

* protracted and complex land access matters
* unforeseen events (e.g. ‘force majeure’ events)
* the mining lease in question is part of a broader project, and suspension is necessary as a result of other activities or matters impacting the project as a whole.
* significant commercial or economic factors
* unanticipated delays in approvals

[ ]  I have attached information supporting and justifying the proposal.

1. Fee payment

Payment, proof of payment or details that allow the payment to be made must accompany an application to suspend mining operations.

No fees are payable for notification of suspension of mining operations for less than 12 months.

* 1. Fees
* the application fee amount is $250
	1. Select your payment method

|  |  |
| --- | --- |
| Select | Payment method |
| [ ]  | Direct depositAccount name: Department of Primary Industries and Regional Development NSW BSB: 032 001Account number: 183837Reference: SUS [authority type and number] (eg SUS 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. |

1. Checklist of items to be included with this application for suspension of mining operations

|  |  |  |
| --- | --- | --- |
| Item |  | Reference |
| Justification for suspension | [ ]  | Question 6 |
| For payments made by direct debit – proof of payment | [ ]  | Question 7 |
| For agents only – evidence of appointment as agent. | [ ]  | Question 9.2 |
| **Review information relating to reportable events and submit your** [**notification**](https://www.resourcesregulator.nsw.gov.au/safety/notifications/reportable-events-notification) **forms to the Resources Regulator.** | [ ]  | Instructions on how to complete the form |

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, 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.

(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 | 1st Applications Signature |

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

|  |
| --- |
| 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:** $250 payable for applications for suspension of mining operations greater than 12 months. |
| Fee amount | $       |
| **Receipt number** |       |

View the department’s privacy statement on how information in this application will be used: www.resources.nsw.gov.au/privacy

# Document control

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

CM Reference: RDOC24/160609

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| --- |
| Amendment schedule |
| **Date** | **Version #** | **Amendment** |
| November 2024 | 3.0  | Form updated to reflect administrative amendments from 1 March 2023. Branding updated to NSW Resources. |
| July 2020 | 1.0 | New format for Regional NSW. Form updated to reflect new Departmental name and branding, and updated links |
| September 2022 | 2.0 | Form renamed and updated to reflect the commencement of Suspension of Mining Operations policy effective from 1 August 2022. New format to reflect new template Regional NSW/MEGUpdate contact details to reflect the @regional email addressUpdated credit card details, footer; date and document numberReviewed links to legislation |

**© State of New South Wales through Department of Primary Industries and Regional Development 2024**. The information contained in this publication is based on knowledge and understanding at the time of writing (November 2024). 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 Department of Primary Industries and Regional Development 2024 or the user’s independent adviser.

1. Sch. 1B, cl 5, Mining Act. [↑](#footnote-ref-2)
2. Clause 97, Regulation. [↑](#footnote-ref-3)