December 2022

Application for a mineral claim within the White Cliffs
Mineral Claims District

# *Form SST2-WC Mining Act 1992*

# Lodgement information

For help with lodging this application or more information about small-scale titles in New South Wales, contact:

Mining, Exploration and Geoscience

Small-Scale Titles Team

Phone +61 2 6820 5200

Fax +61 2 6829 0825

whitecliffs@regional.nsw.gov.au

Note

* any reference to the '**Department**' in this form refers to **Regional NSW**

How to submit this form

Applications within White Cliffs Mineral Claims District

• **By email:** Send an electronic copy of your form, including any attachments, to whitecliffs@regional.nsw.gov.au

• **By mail:** Mail your form, including any attachments, to Mining, Exploration & Geoscience, Title Assessments, PO Box 314, Lightning Ridge NSW 2834

• **By fax:** Fax your form, including any attachments, to +61 2 6829 0825

• **In person:** Submit your application at the Department Office, 41 Opal Street, Lightning Ridge, New South Wales.

 Office hours are 9.30 am to 1.00 pm and 2.00 to 4.00 pm on Monday through Thursday, and 9.30 am to 1.00 pm on Friday.

**© 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 December 2022. 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.

# When to use this form

**This form is to be completed by individuals and companies applying for a mineral claim within the White Cliffs Mineral Claims District.**

This form has been prepared in accordance with the requirements of [s178](https://legislation.nsw.gov.au/view/html/inforce/current/act-1992-029#sec.178) of the *Mining Act 1992* and the Mining Regulation 2016.

If there is insufficient room in any of the fields, please provide the information as an attachment.

# Important notes

Accompanying documentation

This application requires that the proposed mineral claim holder(s) provide a proof of identity document such as a valid driver's licence. The proof of identity document must include your name, date of birth, address, photograph and signature. If any details on your proof of identity document do not match the details provided in this form (e.g. address), then an explanation is to be provided.

Any information or document that is required to accompany this application should be lodged within **10 business days of the lodgment date**. Failure to supply the information within this timeframe may be considered grounds for refusing the application according to [cl6(d) sch1B](https://legislation.nsw.gov.au/view/html/inforce/current/act-1992-029#sch.1B-sec.6) of the *Mining Act 1992*.

Agents

If this application is lodged by an agent on behalf of the applicant(s), the Department will require written confirmation of the authority under which the agent operates and any limits of that authority. The agent will need to complete the declaration at the end of this form and supply written evidence of their appointment ([cl97](https://legislation.nsw.gov.au/view/html/inforce/current/sl-2016-0498#sec.97) of the Mining Regulation 2016).

Next steps

Once your application has been received, it will be considered and may be granted or refused by the Secretary. The Department will notify you in writing of the outcome of your application.

1. Applicant(s) details

Note: To be eligible to hold a small-scale title, you must be a person 18 years of age or older, or a company eligible to undertake business in New South Wales.

|  |
| --- |
| 1st Applicant details |
| Name or company name  |       [ ]  Proof of identity document (e.g. valid driver's licence) is attached |
| Date of birth (if a person is applying)  |       |
| Australian Company Number (if a company is applying) |       ASIC Certificate of Registration of a Company is attached (for new companies only) |
| Name(s) of all company director(s) (if company is applying)  |       |
| Contact person (if company is applying) |  [ ]  Proof of identity document (e.g. valid driver's licence) is attached |
| Contact phone |       |
| Contact email |       |
| Street address (Registered street address for a company) |       |
| Postal address | [ ]  Same as above |
|       |
| My preferred contact method1 | [ ]  Email  | [ ]  Mail  |

1Note: The Department's preference is for email communication to customers

|  |
| --- |
|  2nd Applicant details |
| Name or company name  |       [ ]  Proof of identity documents (e.g. valid driver's licence) is attached |
| Date of birth (if a person applying)  |       |
| Australian Company Number (if company) |      [ ]  ASIC Certificate of Registration of a Company is attached (for new companies only) |
| Name(s) of all company director(s) (if company applying)  |       |
| Contact person (if company applying) |       [ ]  Proof of identity document (e.g. valid driver's licence) is attached |
| Contact phone |       |
| Contact email |       |
| Street address (Registered street address for a company) |       |
| Postal address | [ ]  Same as above |
|       |
| My preferred contact method1 | [ ]  Email  | [ ]  Mail  |

1Note: The Department's preference is for email communication to customers

Additional applicants

If there are more than two proposed holders of the mineral claim, please provide their names and contact details as an attachment. The attachment must include all the names and contact information that is requested in the applicant table above.

 [ ]  Yes, I have attached additional mineral claim holder details

1. Mineral claim

Note: In the White Cliffs Mineral Claims District, standard mineral claims are only granted for a one (1) year period.

* 1. Do you have any other mineral claims granted or applied for?

Note: You can only hold a maximum of two mineral claims (Gazette No. 71 of 20 May 1994 p2336-2337, cl3). The only exception to this restriction is if you have had the rights of a mineral claim devolved onto you under [s202](https://legislation.nsw.gov.au/view/html/inforce/current/act-1992-029#sec.202) of the *Mining Act 1992*.

 [ ]  Yes, provide mineral claim numbers:

|  |
| --- |
|       |

 [ ]  No

1. Identification and mark out of the area
	1. Has a Permit to Enter been used to enter the land to mark out the proposed mineral claim area?

 [ ]  Yes, and provide Permit to Enter number:

 [ ]  No, and provide reasons why a Permit to Enter was not used:

|  |
| --- |
|       |

* 1. Size and shape restrictions

Note: There are size and shape restrictions for mineral claims located in Reserve No. 2684, Reserve No 2685 and Gemville Opal Prospecting Area (Gazette No. 71 of 20 May 1994 p2336-2337, cl1). The proposed mineral claim must be square in shape no greater than 50m by 50m except for where the external boundary of the land available makes such a shape impractical, in which case, the maximum area does not exceed 2,500m2.

If the proposed mineral claim is within Reserve No 2684, 2685 or Gemville Opal Prospecting Area, does the shape and size comply with relevant restrictions?

[ ]  Yes

* 1. Has the mineral claim area been marked out in accordance with clause 40 of the Mining Regulation 2016?

Note: Before lodging an application, you must mark out your proposed claim area. Under [cl40](https://legislation.nsw.gov.au/view/html/inforce/current/sl-2016-0498#sec.40) of the Mining Regulation 2016, marking out your mineral claim includes the following:

* A claim is square or rectangular in shape (as far as practicable) with no claim side exceeding 200m in length
* Marker posts installed on the corners of the claim where the boundaries change direction
* The boundary of the claim indicated for up to one (1) metre from each marker post through trenches at least 150mm deep or stone walls at least 150mm high
* A possession notice was installed on the northernmost corner of the claim; if they are more than 2 northernmost corners, then the easternmost of them
* The possession notice is attached to a wooden board or metal plate
* The possession notice has details of the proposed mineral claim written in by the applicant, including dimensions of the claim, date of mark out, as well as their name and address

Please tick below to confirm that you have marked out the mineral claim in accordance with [cl40](https://legislation.nsw.gov.au/view/html/inforce/current/sl-2016-0498#sec.40) of the Mining Regulation 2016:

[ ]  Yes

* 1. Is the marker post you are using marking out more than one mineral claim?

 [ ] No

[ ]  Yes, and I have attached written consent of all claim holders sharing the marker post whether the claim is granted, pended or proposed.

* 1. Time and date that the proposed mineral claim area was marked out as written on the possession notice

|  |  |
| --- | --- |
| Time (specify am/pm) | Date |
|       |       |

* 1. Has the mineral claim area been surveyed?

Note: An application for a mineral claim must include the Department's "SST2-WC-Supplement: Mineral claim mark out diagram in the White Cliffs Mineral Claims District". The mark-out diagram indicates the distance and bearing of each side of the claim and the distance and bearing to a survey mark. The mark-out diagram is also known as the compass rose.

Please tick below to confirm that you have attached a mark-out diagram to the application:

 [ ]  Yes, I have attached a mark-out diagram

* 1. Has the right-of-way map been attached?

Note: An application for a mineral claim must include a right-of-way map. The right-of-way map must identify the routes from the proposed claim area to a public road.

Please tick below to confirm that you have attached a right-of-way map to the application:

 [ ]  Yes, I have attached a right-of-way map

1. Area, distance and consent
	1. Is the proposed mineral claim located within the prescribed distance of the following:

Note: A mineral claim cannot be granted over any land if it is within the prescribed distance of a dwelling house, woolshed, shearing shed, garden or significant improvement. If your claim is within the prescribed distance, you must provide written consent from the owner. Written consent from the occupier of a dwelling house is also required. This is a requirement under [s188](https://legislation.nsw.gov.au/view/html/inforce/current/act-1992-029#sec.188) of the *Mining Act 1992*.

|  |
| --- |
| Is the mineral claim within the prescribed distance of the following: |
| Within 200m of a dwelling-house that is the principal place of residence of the person occupying it  | [ ]  No [ ]  Yes, consent of owner and occupier attached |
| Within 200m of a woolshed or shearing shed that is in use as such | [ ]  No [ ]  Yes, consent of owner attached |
| Within 50m of a garden | [ ]  No [ ]  Yes, consent of owner attached |
| Located on land with a significant improvement (including but not limited to dams and stock tanks) other than an improvement constructed or used for ancillary mining activities only | [ ]  No [ ]  Yes, consent of owner attached. |

* 1. Is the proposed mineral claim located within an exempted area?

Note: A mineral claim can only be granted over an exempted area if the controlling body provides written consent. This is a requirement under [s181](https://legislation.nsw.gov.au/view/html/inforce/current/act-1992-029#sec.181) of the *Mining Act 1992*. An exempted area is an area constituted by land:

* reserved, dedicated, appropriated, resumed or acquired for public purposes (except land reserved for a temporary common or a commonage), whether vested in the Crown or in any person as trustee for public purposes, or
* held under a lease for water supply by virtue of a special lease or otherwise, or
* transferred, granted or vested in trust by the Crown for the purpose of a race-course, cricket-ground, recreation reserve, park or permanent common or for any other public purpose.

 [ ]  Yes, consent of controlling body attached

 [ ]  No

1. Mining operations
	1. Describe the proposed method of mining on the mineral claim:

|  |
| --- |
|       |

* 1. Is the proposed claim going to be worked with other claims as part of a single mining operation?

 [ ]  Yes, provide mineral claim numbers:

|  |
| --- |
|       |

 [ ]  No

Information – Safety training and opal mine operators

The Work Health and Safety (Mines and Petroleum Sites) Regulation 2022 sets out safety training requirements for mineral claim holders and operators. The mineral claim holder and operator must undergo safety training before mining operations. Safety training is required every 5 years and is facilitated by the NSW Resources Regulator.

The mineral claim holder must also notify the Resources Regulator of the operator for an opal mine before mining operations are carried out at the mine. Fill in and submit Form LR15: Nomination of the opal mine operator.

Note: This is not a requirement before **grant** of a mineral claim. This is provided for your information purposes only.

1. Compliance History

Note: Under [s380A](https://legislation.nsw.gov.au/view/html/inforce/current/act-1992-029#sec.380A) of the *Mining Act 1992*, the Department may consider your compliance history to determine if you are a fit and proper person to be granted a mineral claim.

* 1. Have the applicant(s) or company directors contravened the
	*Mining Act 1992* in the last ten years?

 [ ]  No

 [ ]  Yes - if yes, provide details below1:

|  |  |
| --- | --- |
| Offence Description | Response |
| Penalty Infringement Notice number |       |
| Name (person or company) on the penalty infringement notice |       |
| Date of offence |       |
| Location of offence, including property name or Mineral Claim number or Opal Prospecting Licence number |       |
| Offence provision or section breached under the *Mining Act 1992* |       |

1Note: If there is more than one offence, please provide additional offence details as an attachment. The offence details must include all the information that is requested in the table above.

* 1. Have the applicant(s) or company directors had a mineral claim or opal prospecting licence suspended, cancelled or revoked?

 [ ]  No

 [ ]  Yes - if yes, provide a mineral claim or opal prospecting licence number(s):

|  |
| --- |
|       |

* 1. Have the applicant(s) or company directors contravened the *Work Health and Safety (Mines and Petroleum Sites) Act 2013* in the last ten years?

 [ ]  No

 [ ]  Yes - if yes, provide details below1:

|  |  |
| --- | --- |
| Offence Description | Response |
| Penalty Infringement Notice number |       |
| Name (person or company) on the penalty infringement notice |       |
| Date of offence |       |
| Location of offence, including property name or Mineral Claim number or Opal Prospecting Licence number |       |
| Offence provision or section breached under the *Work Health and Safety (Mines and Petroleum Sites) Act 2013* |       |

1Note: If there is more than one offence, please provide additional offence details as an attachment. The offence details must include all the requested information in the table above.

* 1. Have the applicant(s) or company directors contravened the legislation or committed an offence listed in the table below:

|  |  |  |
| --- | --- | --- |
| **Compliance question** | **No** | **Yes1** |
| Have the applicant(s) or company directors in the last ten years contravened the *Environmental Planning and Assessment Act 1979*? | [ ]  | [ ]  |
| Have the applicant(s) or company directors in the last ten years contravened environment protection legislation2?  | [ ]  | [ ]  |
| Have the applicant(s) or company directors been convicted for an offence involving fraud or dishonesty in the last ten years?  | [ ]  | [ ]  |
| Have the applicant(s) or company directors been convicted of a serious offence3?  | [ ]  | [ ]  |

1Note: If answering "Yes" to any of the compliance questions, you must provide details as an attachment. The details must include the offence's name, date and location, legislation contravened, and type of enforcement action.

2Note: Environment protection legislation includes: [*Contaminated Land Management Act 1997*](https://legislation.nsw.gov.au/view/html/inforce/current/act-1997-140)*;* [*Dangerous Goods (Road and Rail Transport) Act 2008*](https://legislation.nsw.gov.au/view/html/inforce/current/act-2008-095)*;* [*Environmental Trust Act 1998*](https://legislation.nsw.gov.au/view/html/inforce/current/act-1998-082)*;* [*Environmentally Hazardous Chemicals Act 1985*](https://legislation.nsw.gov.au/view/html/inforce/current/act-1985-014)*;* [*Ozone Protection Act 1989*](https://legislation.nsw.gov.au/view/html/inforce/current/act-1989-208)*;* [*Pesticides Act 1999*](https://legislation.nsw.gov.au/view/html/inforce/current/act-1999-080)*;* [*Protection of the Environment Operations Act 1997*](https://legislation.nsw.gov.au/view/html/inforce/current/act-1997-156)*;* [*Radiation Control Act 1990*](https://legislation.nsw.gov.au/view/html/inforce/current/act-1990-013)*;* [*Recreation Vehicles Act 1983*](https://legislation.nsw.gov.au/view/html/inforce/current/act-1983-136)*; and* [*Waste Avoidance and Resource Recovery Act 2001*](https://legislation.nsw.gov.au/view/html/inforce/current/act-2001-058)*.*

3Note: A serious offence is considered imprisonment for life; or imprisonment for term of five years or more; or by a fine of $500,000 or more.

1. Notice to landholders
	1. Notification of application for a mineral claim

Note: You must fill in and give "Form WC21: Landholder notification of application for a mineral claim within the White Cliffs Mineral Claims District" to the landholder on which your proposed mineral claim is located. The landholder notice also includes a map and must be sent to the landholder before lodging a mineral claim application. This is a requirement under [s177](https://legislation.nsw.gov.au/view/html/inforce/current/act-1992-029#sec.177) of the *Mining Act 1992*.

You must also complete a statutory declaration that declares that the notice has been served on the landholder. This requirement is [178(2)(f)](https://legislation.nsw.gov.au/view/html/inforce/current/act-1992-029#sec.178) of the *Mining Act 1992*.

|  |
| --- |
| Details of serving "Form WC21: Landholder notification of application for a mineral claim in the White Cliffs Mineral Claims District" to the landholder  |
| Date notice was served to the landholder (dd/mm/yyyy):       |
| How did you serve the notice on the landholder?[ ]  Post [ ]  Email [ ]  In-person [ ]  Other:  |
| Confirm you have completed the following:[ ]  Attached a copy of "Form WC21: Landholder notification of application for a mineral claim in the White Cliffs Mineral Claims District" served to landholder [ ]  Attached a copy of the map served to landholder[ ]  Attached a copy of statutory declaration declaring that the notice has been served on the landholder |

1. Fee payment

Notice to the applicant: In accordance with [s292M](https://legislation.nsw.gov.au/view/html/inforce/current/act-1992-029#sec.292M) of the *Mining Act 1992*, you are notified that granted mineral claims will be subjected to a term administrative levy. The term administrative levy must be paid before any mineral claim can be granted. The total levy payable is $100 multiplied by the number of years the mineral claim is granted. In the White Cliffs Mineral Claims District, mineral claims are only granted for one (1) year. Therefore, the total levy payable is $100.

The application fee is prescribed under [Sch 9](https://legislation.nsw.gov.au/view/html/inforce/current/sl-2016-0498#sch.9) of the Mining Regulation 2016.

The fee payment amount to be collected when the form is fully submitted and/or grant of mineral claim including the items listed in the table below:

|  |  |
| --- | --- |
| Payment item | Payment amount |
| Application fee | $130 (paid when application is fully submitted)  |
| Term administrative levy | $100 (paid before grant)  |

* 1. Select your payment method

|  |  |
| --- | --- |
| Select | Payment Method |
| [ ]  | Cash |
| [ ]  | Credit card\* (enter details below) |
| Payment amount\* | $       |
| Type of card\* |       |
| Cardholder's name: |       |
| Card number: |       |
| Expiry date (mm/yy): |       |
| \*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 with this application

Note: The two checklists below are to be completed by the applicant prior to signing the declaration.

|  |  |  |
| --- | --- | --- |
| Mandatory items to be attached to application | Yes | Reference |
| Proof of identity document (e.g. valid driver's licence) | [ ]  | Question 1 |
| Mineral claim mark out diagram | [ ]  | Question 3.6 |
| Right of way map | [ ]  | Question 3.7 |
| Copy of Form WC21: Landholder notification of application for a mineral claim in the White Cliffs Mineral Claims District and map | [ ]  | Question 7.1 |
| Statutory declaration confirming that Form WC21 has been served to landholder | [ ]  | Question 7.1 |

|  |  |  |  |
| --- | --- | --- | --- |
| Items to be attached to application if applicable  | Yes | N/A | Reference |
| For companies, ASIC Certificate of Registration if not already provided  | [ ]  | [ ]  | Question 1 |
| Additional applicant details and proof of identity document (e.g. valid drivers licence) | [ ]  | [ ]  | Question 1 |
| Written consent of all claim holders sharing a marker post | [ ]  | [ ]  | Question 3.4 |
| Written consent of owner of any dwelling house, woolshed, shearing shed, garden or significant improvement  | [ ]  | [ ]  | Question 4.1 |
| Written consent of the controlling body of any affected exempted area  | [ ]  | [ ]  | Question 4.2 |
| Details of applicants or companies' additional offences  | [ ]  | [ ]  | Question 6 |
| Additional applicants' declaration  | [ ]  | [ ]  | Question 10.1 |
| For agents only, written evidence of appointment and proof of identity document (e.g. valid driver's licence) | [ ]  | [ ]  | Question 10.2 |

1. Declaration
	1. Applicant(s) (individual or company)

This section is to be completed by the applicant(s) applying for the mineral claim.

Each applicant (or authorised agent of a company) must complete the declaration below and sign this form:

* 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](https://legislation.nsw.gov.au/view/html/inforce/current/act-1900-040#pt.5A), that knowingly or recklessly giving false or misleading information is a serious offence, and under the *Mining Act 1992* section [378C](https://legislation.nsw.gov.au/view/html/inforce/current/act-1992-029#sec.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) I declare that I am authorised to complete and lodge this application

|  |
| --- |
| 1st Applicant details |
| Name or company name |       |
| Contact person and their position (for companies only) |       |
| Date |       |
| Signature | 1st Applications Signature |

|  |
| --- |
| 2nd Applicant details |
| Name or company name |       |
| Contact person and their position (for companies only) |       |
| Date |       |
| Signature | 1st Applications Signature |

Additional applicants

If there are more than two proposed holders of the mineral claim, please provide their signed declaration as an attachment. The attachment must be a copy of this page that the additional proposed holders has filled in their name, date and has signed.

[ ]  I have attached signed declaration for additional proposed mineral claim holders

* 1. Agent authorised to act for the applicant(s) (if applicable)

Note: As the proposed mineral claim holder, you can appoint an agent if desired. An agent can lodge an application on your behalf. You will need to provide written notice that you have appointed a person as your agent.

The authorised agent must complete the declaration below and sign this form:

* 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](https://legislation.nsw.gov.au/view/html/inforce/current/act-1900-040#pt.5A), that knowingly or recklessly giving false or misleading information is a serious offence, and under the *Mining Act 1992* section [378C](https://legislation.nsw.gov.au/view/html/inforce/current/act-1992-029#sec.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.
* I declare that I am authorised to complete and lodge this application

|  |
| --- |
| Agent details |
| Name |      Proof of identity document (e.g. valid driver's licence) is attached  |
| Contact phone |       |
| Contact email |       |
| Street address |       |
| Postal address | Same as above      |
| My preferred contact method1 | [ ]  Email  | [ ]  Mail  |
| Evidence of appointment as an agent | [ ]  I have attached a written notice by the applicant of my appointment as their agent |
| Date |       |
| Signature | Agent Signature |

1Note: The Department's preference is for email communication to customers

# Office use only

|  |
| --- |
| Application received |
| Time:       | Date:       |
| Officers name:       |
| Signature: Agent Signature |
| Application granted |
| Mineral claim number:       |
| Date:       |
| Officers Name:       |
| Signature: Agent Signature |

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Fees | Amount | Receipt number | Receipt date | Payment method  |
| Application fee  | $130 |       |       | [ ]  Cash [ ]  Card |
| Term administrative levy | $100 |       |       | [ ]  Cash [ ]  Card |
| Publication (if applicable) |  $      |       |       | [ ]  Cash [ ]  Card |
| Total amount | **$**      |       |       |  |

All credit card numbers are removed from this form after payment

Document control

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

CM9 Reference: RDOC22/246060

|  |
| --- |
| Amendment schedule |
| **Date** | **Version #** | **Amendment** |
| December 2022 | 1.0 | The Department created a new form. The document reflects Departmental branding and references. |