March 2023

Application for Minister’s approval to register a sublease

# *Form ML13, 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 in New South Wales applying for the Minister’s approval to register a mining sublease (or its renewal or variation).

Under s 163A(7) of the [*Mining Act 1992*](https://legislation.nsw.gov.au/view/html/inforce/current/act-1992-029) and clause 38(3) of the *Mining Regulation 2016*, the Minister's approval is not required if:

* the sublessee is the leaseholder of an adjoining lease or sublease area, and
* the total sublease area (including the area of any adjoining subleases) does not exceed 100 hectares, and
* the term of the sublease does not exceed five years, including any consecutive sublease periods and options for extension.

This form is an approved form under s 382 of the Mining Act for the purposes of s163A (Registration of mining subleases) of the 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 all required documents, things or information required to be lodged with your application should be provided at lodgement. The Mining Act provides that a form is not complete unless the information required by this form is included or submitted with the form.[[1]](#footnote-2)

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.

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) .

Determination of your application

Following lodgement of your application, it will be determined in accordance with the Mining Act and Regulation.

1. Application type

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| [ ]  | Registration | [ ]  | Renewal | [ ]  | Variation |

1. Mining lease/s being sublet

Provide the details of the mining lease/s currently sublet.

|  |  |  |
| --- | --- | --- |
| ML Number | Act | Expiry Date |
|       |       |       |
|       |       |       |
|       |       |       |
|       |       |       |
|       |       |       |

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. Sublessee/s details

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

|  |
| --- |
| 1st Sublessee 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 Sublessee 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 Sublessee 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 sublessees

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 sublessees.

|  |
| --- |
| 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) |       |

* 1. The Department will contact you and **serve** documents related to your application **via the email address specified above.** 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. What security deposit amount is currently held by the Department for the entire lease (head-lease)?

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

1. Consents

Provide consent of each sublessor/s **and** any person/s with a registered interest in the lease being sublet.

[ ]  Yes – I have attached consent of each sublessor

 **and**

[ ]  Yes – I have attached consent of each person/s with a registered interest in the lease being sublet

[ ]  No – there is no other person with a registered interest in the lease being sublet.

1. Sublease area
	1. Standard map of the sublease area

Provide a map as described in cl9 of the Regulation, showing the alignment of the sublease boundaries relative to the Map Grid of Australia coordinates of all the points where there is a change in direction of the boundaries of the land.

[ ]  I have attached a standard map

[ ]  I have inserted my standard map below:



* 1. Coordinates of the proposed area compliant with Map Grid of Australia (MGA94)

Attach the MGA94 coordinates as a separate electronic file in a CSV format.

[ ]  I have attached the MGA94 coordinates to this application

|  |
| --- |
| MGA94 coordinates to this application |
| Total area |       | [ ]  m2 | [ ]  ha | [ ]  km2 |
| Surface area |       | [ ]  m2 | [ ]  ha | [ ]  km2 |

* 1. Depth of surface exception in metres

For the sublease, indicate the area of surface and soil below the surface **not** applied for:

|  |
| --- |
| Depth of surface exception in metres |
| [ ]  | Whole area |        | metres |
| [ ]  | Part (must be shown on the map) |
| [ ]  | Various parts (must be shown on the map) |
| [ ]  | Nil |

* 1. Depth restriction sought

Indicate the depth to which the sublease extends. Note that for coal the maximum depth that any sublease will be granted is 900 metres below zero Australian height datum (AHD).

|  |
| --- |
| Depth restriction sought |
| [ ]  | Whole area |        | metres |
| [ ]  | Part (must be shown on the map) |
| [ ]  | Various parts (must be shown on the map) |
| [ ]  | Nil |

* 1. Strata for the sublease

Indicate the strata for the sublease. For example, the strata between the base of the black seam to the top of the white seam.

Insert/paste your map in the field below and enter any notes here



1. Checklist of items to be included with this application

|  |  |  |
| --- | --- | --- |
| Item |  | Reference |
| Consent of sublessor/s and/or persons with a registered interest | [ ]  | Question 7 |
| Sublease area – Standard map  | [ ]  | Question 8.1 |
| Sublease area – MGA94 coordinates (if applicable) | [ ]  | Question 8.2 |
| For agents only – evidence of appointment as agent, if this has not been previously supplied to the Department | [ ]  | Question 11.2 |

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 2 of this form.

|  |
| --- |
| 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.

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

# Document control

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

CM9 Reference: RDOC22/122678

|  |
| --- |
| 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, hyperlinks New format to reflect new template Regional NSW/MEGUpdate contact details to reflect @regional email addressUpdated footer: document number and dateReviewed 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 382(3), Mining Act. [↑](#footnote-ref-2)
2. Clause 97, Regulation. [↑](#footnote-ref-3)