November 2024

Application for inclusion of petroleum in a mining
lease for coal

# *Form ML5, 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 petroleum in a mining lease for coal.**

This form is an approved form under s 382 of the Mining Act for the purposes of s 78 (Inclusion of petroleum in mining lease) of the [*Mining Act 1992*](https://legislation.nsw.gov.au/view/html/inforce/current/act-1992-029)*.* 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 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 application, 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.

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 .

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)

Development consent

An appropriate development consent must be in force with respect to the petroleum activities before the holder can mine or prospect for petroleum under any mining lease that has petroleum added to it. This applies even if a mining lease is varied to add petroleum.[[2]](#footnote-3) See section 65 of the Mining Act*.*

The land

Please note that the Minister must refuse an application if the application is in relation to land:[[3]](#footnote-4)

* within the NSW adjacent area within the meaning of the [*Petroleum (Offshore) Act 1982*](https://legislation.nsw.gov.au/view/html/inforce/current/act-1982-023)*,* or
* subject to a petroleum exploration licence or a petroleum mining lease granted under the *Petroleum (Onshore) Act 1991*.

The meaning of ‘adjacent area’ is defined in Schedule 2 of the *Petroleum (Offshore) Act 1982.*

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.[[4]](#footnote-5)

Determination of your application

Once your complete application has been received, it will be determined by way of order directing that the mining lease apply to petroleum or by refusing the application in accordance with the Mining Act and Mining Regulation 2016.

1. Mining lease/s details

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

|  |
| --- |
| 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).

|  |
| --- |
| 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 |

|  |
| --- |
| 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 |

|  |
| --- |
| 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.

|  |
| --- |
| 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**.

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.

[ ]  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 petroleum?

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

[ ]  No

Note: The holder will not be able to extract/prospect petroleum unless there is an appropriate development consent permitting the extraction/prospecting of petroleum (s 65(2) of the Mining Act).

1. Justification
	1. Justification for adding petroleum

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|       |

* 1. Details of proposed petroleum extraction

Provide details of proposed petroleum extraction (e.g. coal bed methane that is captured or extracted as a by-product in the course of conducting mining activities).

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|       |

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

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| --- |
|       |

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

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

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 $6,000.

* 1. Select your payment method

|  |  |
| --- | --- |
| Select | Payment method |
| [ ]  | **Direct deposit**Account name: Department of Primary Industries and Regional Development BSB: 032 001Account number: 183837Reference: AMP [authority type and number] (eg AMP 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 Assessments and Systems on (02) 4063 6600 to speak to a customer service representative. To comply with PCI-DSS your credit card information is never stored on file. Alternatively, you may submit the application on TMS. |

1. Checklist of items to be included with this application

|  |  |  |
| --- | --- | --- |
| Item |  | Reference |
| Development consent over the land for petroleum | [ ]  | Question 4 |
| Rehabilitation cost estimate - calculations to evidence how the rehabilitation cost estimate is derived | [ ]  | Question 6 |
| For payments made by direct deposit - proof of payment | [ ]  | Question 7 |
| For agents only – evidence of appointment as agent | [ ]  | Question 8 |

1. Declaration
	1. Each applicant (or the authorised officer or agent) must complete the declaration below and sign this form. Applicant/s (individual or company)
* (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.
* 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.

|  |
| --- |
| 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.

|  |
| --- |
| 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:** $6,000  |
| 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: RDOC24/160621

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| Amendment schedule |
| **Date** | **Version #** | **Amendment** |
| November 2024 | 3.0  | Form updated to reflect commencement of Mining Regulation 2016 on 1 March 2023, and administrative updates. Update to NSW Resources branding.  |
| 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: document number and dateReviewed links |

**© 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. Section 65 Mining Act. [↑](#footnote-ref-3)
3. Section 178(4) Mining Act. [↑](#footnote-ref-4)
4. Clause 97, Regulation. [↑](#footnote-ref-5)