March 2023

Notice to withdraw an application or objection

# *Form AD13, Mining Act 1992*

## **When to use this form**

**Complete this form if you are an applicant or the holder of an authority or mineral claim in New South Wales and you want to:**

* withdraw an application for the grant, renewal, transfer or cancellation of an authority or mineral claim or
* withdraw an application for the suspension of conditions of an authorisation (excluding an environmental assessment permit), or
* withdraw an objection to the grant of an assessment or mining lease

This form has been prepared for the purposes of s130, s208 and Sch1B, cl14(6) 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 **Regional NSW**.

## **How to lodge**

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

* **By email:** titles@regional.nsw.gov.au
* **By email, if your application relates to a competitive selection application:** competitive.allocation@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 notice in any of the above ways is taken to be lodgement with the Secretary under the Mining Act.

For help with lodging this notice, 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 March 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

The withdrawal becomes effective on the date of lodgement and is irrevocable.

**There is no fee payable to withdraw an application or objection.** In the case of a withdrawal of an application, you may be eligible for a refund if a suitable reason for the refund is established (s.382A of the Mining Act).

If any refund is triggered by this notice of withdrawal, the monies will be refunded to the authority holder or applicant for the original authority application now being withdrawn.

Accompanying documentation

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 notice 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.[[1]](#footnote-2)

1. Authority/application details

|  |  |  |
| --- | --- | --- |
| Type | Number[[2]](#footnote-3) | Act |
|       |       |       |

1. What are you seeking to withdraw under this notice?

[ ]  An **objection** to an application.

[ ]  An application - if you are withdrawing an application, indicate the type of application:

 [ ]  Grant of an authority

 [ ]  Renewal of an authority

 [ ]  Approval of a transfer

 [ ]  Suspension of conditions

 [ ]  Cancellation of an authority

 [ ]  Other, please specify

|  |
| --- |
|       |

1. Applicant/objector details

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

|  |
| --- |
| Full name of the authority holder/s |
| Name |       |
| ACN / ARBN |       |
|  |
| Name |       |
| ACN / ARBN |       |
|  |
| Name |       |
| ACN / ARBN |       |

Additional applicants/objectors

Provide the full name, and if applicable ACN or ARBN (for foreign companies) of additional applicants/objectors.

|  |
| --- |
| Additional details |
|       |

1. Contact for this application

Any correspondence in relation to this notice and any subsequent authority will be sent to this person, including documents that the Department is required to serve.

|  |
| --- |
| Contact 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. For the withdrawal of an objection only

Indicate the objection you are withdrawing:

[ ]  **Grant of an assessment lease**

[ ]  You are the holder of an exploration licence that includes some or all of the area in an application for an assessment lease (s38 of the Mining Act*)*

[ ]  You have major proposals for some other use of the land (cl2 sch1 of the *Mining Act*)

[ ]  **Grant of a mining lease**

[ ]  You are the holder of an exploration licence that includes some or all of the area in an application for a mining lease (s59 of the Mining Act)

[ ]  You are a government agency or body (cl9(1) sch1 of the *Mining Act*)

[ ]  You are a council (cl18 sch1 of the *Mining Act*)

[ ]  You are a landholder (cl22 sch1 of the Mining Act*)*

[ ]  You are anyone (other than a person referred to in cl28 sch1 of the *Mining Act*) and not mentioned previously (cl26 sch1 of the Mining Act)

[ ]  **Grant of a mineral claim**

[ ]  You are a landholder who is entitled to use land for agricultural purposes (s179 of the Mining Act*)*

[ ]  **Constitution of an Opal Prospecting Area**

[ ]  You are a landholder (s222 of the Mining Act*)*

* 1. On what date was the objection lodged?

|  |
| --- |
| Date the objection was lodged |
|       |

1. Refund of application fee

If you are withdrawing an application, you may be eligible for a refund of the application fee in whole or in part if you are able to demonstrate that there is ‘good cause’ for the refund. Application fees payable relating to competitive selection applications are non-refundable.

Please indicate if you are seeking a refund and the basis on which you make this request.

[ ]  No – I am not seeking a refund

[ ]  Yes – I am seeking a refund for the reasons outlined below and have provided payment details below:

|  |
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|       |

1. Payment details for refunds

The withdrawal of an application may be eligible for a refund of fees. The Department’s preferred method is electronic funds transfer.

 **By direct deposit**

|  |
| --- |
| Bank details |
| Account name |       |
| BSB |       |
| Account number |       |
| SWIFT code (for accounts outside Australia) |       |

Please include proof of bank account such as a copy of your bank statement that includes BSB number, account number and your name.

1. Declaration

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

* 1. Applicant/s or objector/s (individual or company)

For each applicant or objector (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.

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

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

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

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

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

|  |
| --- |
| 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 |

# Document control

Approved by: Executive Director, Assessments and Systems, Regional NSW

CM9 Reference: RDOC22/116089

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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 | Updated for competitive selection applicationsNew format to reflect new template Regional NSW/MEGUpdate contact details to reflect @regional email addressUpdated footer: document number and dateReviewed links |
| March 2023 | 3.0 | Form updated to reflect commencement of Mining Regulation 2016 on 1 March 2023 and administrative updates.  |

1. Clause 97, Mining Regulation 2016. [↑](#footnote-ref-2)
2. If your application relates to an invitation for competitive selection applications under schedule 1A of the *Mining Act 1992*, a application number is not provided, therefore include the reference [Allocation area] ELA [Applicant/s name]. [↑](#footnote-ref-3)