Application form

Small Scale Mining

Request to cancel an environmental authority (small scale mining activity)

*This approved form is to be used by the holder of an environmental authority to request the cancellation of an environmental authority under section 277A of the* Environmental Protection Act 1994 *(EP Act)*. *Cancellation can only be requested for mining activities that are defined as small scale mining activities and were in effect prior to 31 March 2013.*

**Checklist for lodging this form**

You must complete this checklist to determine if you are eligible to ask the chief executive to cancel the environmental authority. If eligible you must complete the remainder of the form.

|  |  |
| --- | --- |
| **Checklist question** | **Guidance** |
| Is the environmental authority for a mining activity that is an eligible environmentally relevant activity (ERA)? | [ ]  YES [ ]  NO | If no, you cannot use this form. An eligible ERA is an activity that has eligibility criteria[[1]](#footnote-1) and is not being carried out as part of a significant project. In relation to mining activities, an eligible ERA was previously known as a Level 2 mining activity that was operated under a Code of Environmental Compliance.  |
| Does the environmental authority relate to a mining claim for corundum, gemstones or other precious stones (e.g. opal)? OrDoes the environmental authority relate to a mining lease for corundum, gemstones or other precious stones (e.g. opal), that has been converted to a mining claim under section 816 of the *Mineral Resources Act 1989*, the area of which is not more than 20 hectares in size? OrDoes the environmental authority relate to an exploration permit for minerals other than coal, the area of which is not more than 4 sub-blocks in size? | [ ]  YES [ ]  NO | If no to any of these tenure questions, you cannot use this form as the activity must be on specific tenures for this process to apply. |
| Does your activity meet the definition of a small scale mining activity in Schedule 4 of the EP Act?  | [ ]  YES [ ]  NO | To determine the correct answer to this question, you must complete Attachment 1. |

|  |  |
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| **GUIDE** | Details of request |
| If you require assistance in answering any part of this form, or have any please contact Permits and Licensing. Contact details are at the end of this form. The environmental authority number and details may be found on the existing environmental authority or quoted in other correspondence received from the chief executive. If there is an agent acting on behalf of the environmental authority holder, provide details in this section. An agent could be a consultant or a contact for the environmental authority holder. The environmental authority holder is ultimately responsible for the information provided to the department and could be prosecuted under section 480 of the EP Act if the information (from either the environmental authority holder or a consultant) is proven to be false or misleading.As statutory documents need to be sent to all holders of the environmental authority, this section can also be used when there are multiple environmental authority holders to nominate an address for statutory documentation to be sent ‘care of’ to. | Environmental authority details

|  |  |
| --- | --- |
| ENVIRONMENTAL AUTHORITY NUMBERInsert number. |  |
| ENVIRONMENTAL AUTHORITY HOLDERS NAMES |  |

**Agent details / address for service**The address supplied here will also be used as a service address for sending statutory documents. If blank, statutory documents will be sent to the address previously supplied for the holder or principal applicant for the environmental authority.

|  |
| --- |
| INDIVIDUAL OR ORGANISATION NAME (INCLUDE TRADING NAME IF RELEVANT)Insert name. |
| RESIDENTIAL ADDRESS OR REGISTERED ADDRESS (NOT A POST OFFICE BOX ADDRESS)Insert address. |
| POSTAL ADDRESS (IF DIFFERENT FROM ABOVE)Insert address. |
| CONTACT PERSONInsert name. |
| PHONEInsert number. | FACSIMILEInsert number. |
| EMAILInsert email. |
| [ ]  INDICATE IF YOU WANT TO RECEIVE CORRESPONDANCE VIA EMAIL |

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|  | General location details (if applicable)

|  |  |
| --- | --- |
| street numberInsert number. | street nameInsert name. |
| suburb/townInsert name. | postcodeInsert postcode. |

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|  | Resource tenure details

|  |  |
| --- | --- |
| TENURE TYPE  | TENURE NUMBER |
| Insert type. | Insert number. |
| Insert type. | Insert number. |
| Insert type. | Insert number. |

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| You will also still need to comply with the EP Act and its’ subordinate legislation. This includes complying with your General Environmental Duty.  | Do you have any rehabilitation or financial assurance conditions as part of the environmental authority?[ ]  Yes[ ]  NoFinancial assurance[[2]](#footnote-2) and rehabilitation requirements will continue to apply to your mining activity even after the environmental authority is cancelled. Any conditions applying to these matters prior to 31 March 2013 will continue to apply until the Environmental Protection Regulation 2019 prescribes new conditions for financial assurance and rehabilitation for small scale mining activities. Adjustments can continue to be made to increase or reduce the amount held in order to comply with your ongoing requirements.  |
| Where there is more than 1 holder of the environmental authority, this declaration is to be signed by all holders, unless there is an agreement between all holders that 1 holder can sign on behalf of the other(s). **Note:** If only 1 holder is signing this form, they are committing all holders to the content of the form and the declaration. Where the environmental authority holder is a company, this form must be signed by an authorised person for that company. **Privacy statement**The Department of Environment, Science and Innovation (DESI) is collecting the information on this form to process the cancellation of your environmental authority. This collection is authorised under section 277A of the EP Act. Some information may be given to the Department of State Development, Manufacturing, Infrastructure and Planning (DSDMIP) for the purposes of processing this request and/or the administration of the *Regional Planning Interests Act 2014.*Your personal information will only be accessed by authorised employees within these departments and will not be disclosed to any other parties unless authorised or required by law. For queries about privacy matters please email privacy@des.qld.gov.au or telephone: 13 QGOV (13 74 68). | **Declaration****Note:** If you have not told the truth in this form you may be prosecuted.Where an agreement is in place between all holders of the environmental authority, that 1 holder can sign on behalf of the other joint holders, please tick the below checkbox if applicable. [ ]  I have the authority to sign this form on behalf of all the joint holders of the environmental authority. I declare that:* I am the holder of the environmental authority or an authorised signatory for the environmental authority holder.
* The information provided is true and correct to the best of my knowledge.
* I understand that it is an offence under section 480 of *the Environmental Protection Act 1994* to give to the chief executive or an authorised person a document containing information that I know is false or misleading in a material particular.
* I understand that under section 480A of the *Environmental Protection Act 1994* that, if I am required to give a document to the administrating authority or an authorised person, it is an offence to give a document that contains incomplete information in a material particular.
* I understand that all information supplied on or with this form may be disclosed publicly in accordance with the *Right to Information Act 2009* and the *Evidence Act 1977*.

|  |
| --- |
| ENVIRONMENTAL AUTHORITY HOLDER’S NAME Insert name. |
| SIGNATURE |
| POSITION OF SIGNATORYInsert position. | DATEInsert date. |
| JOINT HOLDER’S NAME (IF APPLICABLE)Insert name. | JOINT HOLDER’S SIGNATURE (IF APPLICABLE) |
| JOINT HOLDER’S NAME (IF APPLICABLE)Insert name. | JOINT HOLDER’S SIGNATURE (IF APPLICABLE) |

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|  | **Applicant checklist**[ ]  Form has been signed and completed[ ]  Attachment 1 has been completed |
| **Further information**The latest version of this publication and other publications referenced in this document can be found at www.qld.gov.au using the publication number (ESR/2015/1564 for this form) as a search term or by contacting Permits and Licensing. | Please submit your completed form to:

|  |  |  |
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| **Post:**Permits and LicensingDepartment of Environment, Science and InnovationGPO Box 2454BRISBANE QLD 4001 | **Enquiries:**Permits and LicensingPhone: 13 QGOV (13 74 68)Email: **palm@des.qld.gov.au** |  |

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**Attachment 1—Definition of a small scale mining activity**

Instructions for completing Table 1: Small scale mining activity criteria

1. Answer column 1 questions if your mining activities relate to a mining claim.
2. Answer column 2 questions if your mining activities relate to an exploration permit. Do not provide a yes or no response if the question in column 2 is marked not applicable (N/A) i.e. leave response field blank.
3. If you answer ‘no’ to any of the questions in column 1 or column 2, you do not meet the definition of a small scale mining activity, and cannot submit this form. You must continue to operate in accordance with your existing environmental authority. You must therefore tick ‘no’ to meeting the definition of a small scale mining activity in the checklist at the front of this form. If you answer ‘yes’ to all the questions in column 1 or column 2, then you meet the definition of a small scale mining activity and can continue to fill in the application form.

Table 1: Small scale mining activity criteria

| **Questions** | **Response** | **Guidance** |
| --- | --- | --- |
| **Column 1****Mining claim questions** | **Column 2****Exploration permit questions** |  |  |
| **Can you confirm that the mining activity:** |  |  |
| * Is being carried out under a mining claim, for corundum, gemstones or other precious stones, the area of which is not more than 20ha.
 | * Is being carried out under an exploration permit, for minerals other than coal, the area of which is not more than 4 sub-blocks.
 | [ ]  YES [ ]  NO |  |
| * Does not, or will not, at any time cause more than 5ha of land to be significantly disturbed.
 | * Does not, or will not, at any time cause more than 1000m2 of land to be disturbed.
 | [ ]  YES [ ]  NO |  |
| * Is not or will not be, carried out in a strategic environmental area under the *Regional Planning Interests Act 2014.*
 | * Is not or will not be, carried out in a strategic environmental area under the *Regional Planning Interests Act 2014.*
 | [ ]  YES [ ]  NO | Proximity to strategic environmental area can be searched using the [DA mapping system](https://planning.dsdmip.qld.gov.au/maps) on the DSDMIP website and searching using your street address or lot and plan numbers as a search term.  |
| * Is not, or will not be, carried out in a watercourse or riverine area.
 | * Is not, or will not be, carried out in a watercourse or riverine area.
 | [ ]  YES [ ]  NO | Definitions for these terms are provided in Schedule 4 of the Act. |

| **Questions** | **Response** | **Guidance** |
| --- | --- | --- |
| * Is not, or will not be, carried out in or within 1km of a category A environmentally sensitive area[[3]](#footnote-3).
 | * Is not, or will not be, carried out in or within 1km of a category A environmentally sensitive area.
 | [ ]  YES [ ]  NO | You can search for environmentally sensitive areas using an electronic mapping system at www.qld.gov.auusing ‘maps of environmentally sensitive areas’ as your search term.  |
| * Is not, or will not be, carried out in or within 500m of an area that is a category B environmentally sensitive area[[4]](#footnote-4).
 | * Is not, or will not be, carried out in or within 500m of an area that is a category B environmentally sensitive area.
 | [ ]  YES [ ]  NO | You can search for environmentally sensitive areas using an electronic mapping system at www.qld.gov.auusing ‘maps of environmentally sensitive areas’ as your search term. |
| * Is not, or will not be, carried out in an area prescribed under a regulation as a designated environmental area for this definition.
 | * Is not, or will not be, carried out in an area prescribed under a regulation as a designated environmental area for this definition.
 | [ ]  YES [ ]  NO | When defined, designated environmental areas will be set out in the Environmental Protection Regulation 2019.  |
| * Is not, or will not be, carried out as part of a petroleum activity or a prescribed ERA for which there is an aggregate environmental score prescribed under a regulation.
 | * Is not, or will not be, carried out as part of a petroleum activity or a prescribed ERA for which there is an aggregate environmental score prescribed under a regulation.
 | [ ]  YES [ ]  NO | Schedule 2 of the Environmental Protection Regulation 2019 contains a list of prescribed ERAs. |
| * Is not, or will not be, carried out by more than 20 persons at any one time.
 | N/A | [ ]  YES [ ]  NO |  |
| * Does not, or will not, at any time cause more than 5000m2 of land to be disturbed at a camp site.
 | N/A | [ ]  YES [ ]  NO |  |

1. Further information can be obtained from [www.qld.gov.au](http://www.qld.gov.au) using the search term ‘eligibility criteria mining’. [↑](#footnote-ref-1)
2. Please note that financial assurance arrangements for mining activities have been replaced by the financial provisioning scheme under the *Mineral and Energy Resources (Financial Provisioning) Act 2018*. Your financial assurance is now taken to be a surety given under that Act, and has been transferred to the scheme manager. [↑](#footnote-ref-2)
3. The definition of a category A environmentally sensitive area is available in Schedule 19 of the Environmental Protection Regulation 2019. [↑](#footnote-ref-3)
4. The definition of a category B environmentally sensitive area is available in Schedule 19 of the Environmental Protection Regulation 2019. [↑](#footnote-ref-4)