**Application form**

Environmental Protection Act 1994

Application for surrender or partial surrender of an environmental authority for a resource activity

*This is the approved form under section 262 of the* Environmental Protection Act 1994 *(EP Act) for applications requesting the surrender, or partial surrender, of an environmental authority for a resource activity made under section 257 of the EP Act.*

Only the holder of an environmental authority can apply to surrender the environmental authority.

If your environmental authority contains rehabilitation conditions, or a progressive rehabilitation and closure plan (PRCP) schedule applies for the relevant activity, and you have carried out the activity (i.e. on-ground disturbance has occurred), you will be required to submit a post-surrender management report, and a compliance statement as part of this application. Where a PRCP does not apply for the relevant activities, you will also be required to submit a final rehabilitation report as part of this application. Further information is provided in sections 9 and 10 of this form.

If you would like advice about surrendering or partially surrendering your environmental authority before lodging this form, you can arrange a pre-lodgement meeting with departmental officers. To arrange a meeting please fill out and lodge the form ‘Application for Pre-Lodgement Services’ (ESR/2015/1664)[[1]](#footnote-1). Further information is also available at [www.qld.gov.au](http://www.qld.gov.au) (search ‘surrender of an environmental authority’).

**To determine if you can make an application for the surrender or partial surrender of an environmental authority for a resource activity, you should read the information below.**

* If your environmental authority is for a greenhouse gas storage activity you cannot apply for a partial surrender of the environmental authority because the underlying tenure cannot be partially surrendered.
* With the exception of environmental authorities relating to petroleum exploration activities (authorities to prospect (ATPs)) [[2]](#footnote-2), you cannot make an application to surrender or partially surrender an environmental authority until an application to surrender the relevant tenure is also made under resource legislation.
* You cannot surrender or partially surrender your environmental authority if the environmental authority is for a mining activity and:
  + a conditional surrender application has been made for all or part of the relevant tenure under the *Mineral Resources Act 1989* (MR Act); and
  + you are intending to apply to surrender all or part of the environmental authority that relates to the land on which a new mining tenure will apply if the conditional surrender is approved under the MR Act[[3]](#footnote-3).
* If the application to surrender an environmental authority is for a prescribed environmentally relevant activity then this is the wrong application form. You will need to fill out and submit application form ‘Application to surrender an environmental authority for a prescribed ERA’ (ESR/2015/1719)1.

If you are currently subject to a compliance action you should contact the office that initiated the compliance action for further details about how this might affect the assessment of your surrender application.

If you need help to answer any part of this form, or have any questions about your application, contact details are at the end of this form.

If more space is required for any responses, please attach additional information as a separate page or pages.

# Applicant details

The environmental authority number and details are on the existing environmental authority or quoted in other correspondence from the administering authority.

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. As statutory documents need to be sent to all applicants, 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 Number  Insert number. |
| Environmental Authority Holder(s) Name(s)  Insert name. |

**Agent details/address for service**

The address supplied here will also be used as a service address for sending statutory documents.

|  |  |  |
| --- | --- | --- |
| Individual or Business Name (include trading name if relevant)  Insert name. | | |
| Residential Address or Registered Business Address (Not a Post Office Box Address)  Insert address. | | |
| Postal Address (If Different From Above)  Insert address. | | |
| Contact Person  Insert name. | | |
| Phone  Insert phone. | Email  Insert email. | Facsimile  Insert facsimile. |

# Environmental Management Register or Contaminated Land Register

The Environmental Management Register (EMR) and Contaminated Land Register (CLR) are land-use planning and management registers. Information about the registers and how to search them is available on the Queensland Government website ([www.qld.gov.au](http://www.qld.gov.au)) using ‘land registers’ as a search term.

|  |  |
| --- | --- |
| Is any part of the land currently recorded in, or has it previously been recorded in, the EMR or CLR? | |
| Yes | Complete the table below AND if any response is ‘yes’, provide the additional details requested. |
| No | Go to question 3 |

|  |  |  |  |
| --- | --- | --- | --- |
| Please Tick Relevant Boxes | Yes | No | Additional Details |
| Is any part of the land currently listed on the EMR or CLR? |  |  | Register the land is listed on:  ☐ EMR ☐ CLR  Why is the land on the register (e.g. list notifiable activity/activities)?  Insert details.  Real property description of land on the register:   |  |  |  |  | | --- | --- | --- | --- | | Lot: Insert. | Plan: Insert. | Lot: Insert. | Plan: Insert. | | Lot: Insert. | Plan: Insert. | Lot: Insert. | Plan: Insert. | | Lot: Insert. | Plan: Insert. | Lot: Insert. | Plan: Insert. | | Lot: Insert. | Plan: Insert. | Lot: Insert. | Plan: Insert. | | Lot: Insert. | Plan: Insert. | Lot: Insert. | Plan: Insert. |   Additional information attached (if required) |
| Has the land been removed from the EMR or CLR? |  |  | If yes, you must attach evidence (e.g. a notice) that the land details have been removed from the EMR or CLR.  Evidence attached |
| Has a site management plan been approved for the land? |  |  | If yes, attach a copy of the site management plan.  Site management plan attached |

# Other statutory requirements

Statutory tools are used (generally as a last resort) to respond to breaches of legislative requirements. The range of options available under the EP Act provides for proportionate enforcement action. More information is available in the guideline ‘Environmentally relevant activities compliance and enforcement’ (ESR/2016/2514)1.

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| Is the environmental authority, or the part of the environmental authority that is to be surrendered, currently subject to any of the following statutory requirements under the EP Act (listed in table below)? | | | |
| Yes | Please Tick Relevant Boxes | Yes | No |
| Transitional environmental program |  |  |
| Environmental protection order |  |  |
| Environmental evaluation |  |  |
| Prosecution proceedings |  |  |
| Other (please specify):  Insert other requirements. | | |
| No | Go to question 4. | | |

# Surrender of tenures

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Which of the following best describes your application? | | | | |
| Full surrender of the environmental authority → Go to question 6. | | | | |
| Partial surrender of the environmental authority[[4]](#footnote-4) | | | | |
| For partial surrender -provide details of the resource authority/authorities that you intend to surrender.  As noted in the introduction to this form, you will only be able to apply for a full or partial surrender of the environmental authority under certain circumstances. | | | | |
| Tenement Type | Tenement number | Whole or Part\* | Expiry or Relinquishment Date | Cancellation Date (where relevant) |
| Insert. | Insert. | Insert. | Insert. | Insert. |
| Insert. | Insert. | Insert. | Insert. | Insert. |
| Insert. | Insert. | Insert. | Insert. | Insert. |
| Insert. | Insert. | Insert. | Insert. | Insert. |
| Insert. | Insert. | Insert. | Insert. | Insert. |

\*Where ‘part’ of a tenure has been identified as the subject of this application, attach a plan that contains the GPS coordinates (in GDA2020) of the corners of the area or for an environmental authority for a mining activity, the metes and bounds of the perimeter of the area.

→ Tick to indicate attachment

# Surrendering or relinquishing blocks (or sub blocks) on an environmental authority

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| Is your application to surrender or relinquish blocks (or sub blocks) on an environmental authority for an authority to prospect (ATP) or a mining activity (exploration permit)? |
| Yes. Provide details in the table below.  No → Go to question 6. |

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| Areas being surrendered or partially surrendered | | | | | | | | | | | | | | | | | | | | | | | | | | |
| BIM & Block | Sub blocks | | | | | | | | | | | | | | | | | | | | | | | | | |
|  | all | a | b | c | d | e | f | g | h | j | k | l | m | N | o | p | q | r | s | t | u | v | w | x | y | z |
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# Status of activities

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| --- | --- | --- |
| Have you (or a previous holder/s where there has been a transfer of the tenement or environmental authority) disturbed any part of the area to which this surrender application applies? | | |
| Yes → | Brief description of resource activities  Insert description. | |
| Total area disturbed  Insert area. | Total area rehabilitated  Insert area. |
| No → | Go to question 11.  Note: You may answer **‘**No’ if activities have not commenced, or because the activity is at an early stage. For example site planning, aerial, and ecological surveys may have occurred without the operation progressing any further. | |

# Transfer of petroleum infrastructure to landholders

|  |  |  |  |
| --- | --- | --- | --- |
| Are all of the following circumstances relevant to the environmental authority? | | | |
| Yes | Please Tick Relevant Boxes | Yes | No |
| The environmental authority relates to a petroleum activity |  |  |
| The environmental authority contains rehabilitation conditions |  |  |
| Petroleum infrastructure has been transferred to a landholder prior to this surrender application[[5]](#footnote-5) |  |  |
| If you answered yes to all three of these questions, details of infrastructure transferred to a landholder prior to the surrender of the environmental authority must be included in the final rehabilitation report[[6]](#footnote-6) accompanying this application.  Go to question 8. | | |
| No | Go to question 8. | | |

# Progressive certification

For more information about progressive certification contact Permits and Licensing Management (details on the last page of this application form).

Note: Prior to surrender, certified areas must continue to be maintained in accordance with the conditions of the environmental authority, or rehabilitation milestones or management milestones under a PRCP schedule, in force when the certification was given. In deciding the surrender application, the administering authority will confirm that the certified area for the relevant tenure still meets the criteria of the EP Act against which it was certified.

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| Has an application for ‘progressive certification’ previously been approved for all or part of a resource tenure that forms part of the environmental authority which is the subject of this surrender or partial surrender application? | | |
| Yes → | Resource authorities on which land has been progressively certified | Location within resource authorities (if applicable) |
| Insert. | Insert. |
| Insert. | Insert. |
| Insert. | Insert. |
| Insert. | Insert. |
| Insert. | Insert. |
| Insert. | Insert. |
| Attach additional information (if required) | |
| No → | Go to question 9. | |

# Final rehabilitation and post-surrender management report

Note: This section is only required to be completed if you answered ‘yes’ to question 6.

As on-ground disturbance has occurred on your site, you must provide a post-surrender management report in accordance with section 264A of the EP Act. The post-surrender management report must be completed in the approved form (ESR/2020/5434)1 and contain all the information specified in the form.

If your environmental authority contains conditions about rehabilitation, and a PRCP schedule does not apply, you are also required to provide a final rehabilitation report in accordance with section 264 of the EP Act. The final rehabilitation report must be completed in the approved form (ESR/2015/1616)1 and contain all the information specified in the form. If you answered ‘yes’ to question 7, details of infrastructure transferred to a landholder prior to the surrender of the environmental authority must be included in the final rehabilitation report.

|  |
| --- |
| Does a PRCP schedule apply to your activities? |
| No→ You must attach:  → Final rehabilitation report  AND  → Post-surrender management report |
| Yes → You must attach:  → Post-surrender management report |

# Compliance statement

If you answered ‘yes’ to question 6, you must provide a compliance statement for the environmental authority and, if a PRCP schedule applies to your activities, for the PRCP schedule and the conditions imposed on the schedule. This compliance statement must be completed by, or on behalf of, the environmental authority holder.

Please note: If you are unsure of the answers to these questions, you may need to seek professional advice. **It is an offence to give the administering authority information that is false, misleading or incomplete.**

The following information **must** be provided and forms part of your compliance statement. You may choose to provide this information as an attachment to this application form if you prefer.

|  |  |  |
| --- | --- | --- |
| The information has been included as a separate attachment: | Yes | No |
|  |  |  |
| Have the activities carried out under the environmental authority complied with the conditions of the authority? If not, provide details.  Insert details. | | |
| How has compliance and accuracy been verified (provide information about the date, site, method and evidence used)?[[7]](#footnote-7)  Insert details. | | |
| If a final rehabilitation report is required, is the report accurate?[[8]](#footnote-8) If not provide details.  Insert details. | | |
| If a post-surrender management report is required, is the report accurate and does it comply with section 264A of the EP Act? If not, provide details.  Insert details. | | |
| The following additional questions must be answered if a PRCP schedule applies to the activities: | | |
| Have all rehabilitation milestones and/or management milestones under the PRCP schedule been met? If not, provide details.  Insert details. | | |
| Have conditions imposed on the PRCP schedule been complied with? If not, provide details.  Insert details. | | |

I, Insert the name and position of the person making the compliance statement.

* Make the compliance statement by or for the holder of the environmental authority.
* Confirm that, to the best of my knowledge all information provided as part of this compliance statement, including attachments, addresses the relevant matters and is true, correct, complete, and does not contain misleading information.
* Have not knowingly failed to reveal any relevant information or document to the administering authority.
* Confirm that the opinions expressed in this compliance statement, including attachments, are honestly and reasonably held.
* Am aware that it is an offence under section 480 of the *Environmental Protection Act 1994*, to give the administering authority information that I know is false, misleading or incomplete.
* Understand that all information supplied as part of this compliance statement, including attachments, can be disclosed publicly in accordance with the *Right to Information Act 2009* and the *Evidence Act 1977*.

|  |
| --- |
| Signature |
| Date Insert date. |
| Contact number of the person signing the compliance statement  Insert number. |

# Applicant declaration

Where there is more than one holder of the environmental authority, this declaration is to be signed by all holders, unless there is an agreement between all holders that one can sign on behalf of the other. If only one holder is signing this application form, they are committing all holders to the content of the application and the declaration.

Where the environmental authority holder is a company, this form must be signed by an authorised person for that company. Where an agreement is in place between all holders of the environmental authority, that one holder can sign on behalf of the other joint holders, please tick the checkbox below.

I have the authority to sign this form on behalf of all the joint holders of the environmental authority.

**Note:** If you have not told the truth in this application you may be prosecuted.

I declare that:

* I am the holder of the environmental authority, or authorised signatory for the holder of the environmental authority.
* 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 administering authority or an authorised person a document containing information that I know is false, misleading or incomplete in a material particular.
* I understand that failure to provide sufficient information may result in the application being refused. I understand that an incomplete application may be invalid. Invalid applications will be returned without processing and will only be processed if resubmitted with all invalidating issues addressed.
* I understand that all information supplied on or with this application form may be disclosed publicly in accordance with the *Right to Information Act 2009* and the *Evidence Act 1977*.
* Where ‘No’ is ticked in question 6, that the approved ERAs have not been carried out (no on-ground disturbance has occurred).
* Any certified rehabilitation areas continue to be managed in accordance with –
  + the conditions of the environmental authority in place when the certification was given (including any rehabilitation standards or completion criteria) and
  + any ongoing maintenance commitments which were made in the progressive rehabilitation report.

|  |  |
| --- | --- |
| Applicants name  Insert name. | |
| Applicants signature | |
| Position of signatory  Insert position. | Date  Insert date. |
| Joint holders name (if applicable)  Insert name. | Joint holders signature (if applicable) |

**Applicant checklist**

Application form has been signed and completed.

Question 2: details of any land recorded on the environmental management register or contaminated land register (if required).

Question 4: additional details have been attached to describe the tenures being surrendered for a surrender or partial surrender of the environmental authority (if required).

Question 9: final rehabilitation report and/ or post-surrender management report has been attached (if required).

Question 10: the compliance statement (where required) has been signed and completed and documentation describing compliance has been attached (if required).

**Further information**

The latest version of this publication and other publications referenced in this document can be found at [www.qld.gov.au](http://www.qld.gov.au) using the relevant publication number (ESR/2015/1751 for this document) as a search term.

**Privacy statement**

The Department of Environment, Science and Innovation (DESI) is collecting the information on this form to process your application for surrender or partial surrender of an environmental authority. This collection is authorised under sections 257 to 264 of the *Environmental Protection Act 1994*.  Some information may be given to the Department of Resources for the purposes of processing this application, and the scheme manager appointed under the *Mineral and Energy Resources (Financial Provisioning) Act 2018* in relation to managing contributions or surety required for the environmental authority under that Act.  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).

**Submit your completed application to:**

|  |  |  |
| --- | --- | --- |
| **Post:**  Permits and Licence Management  Department of Environment, Science and Innovation  GPO Box 2454  BRISBANE QLD 4001 | **Further Information:**  [**www.business.qld.gov.au**](http://www.business.qld.gov.au)  Email: [palm@des.qld.gov.au](mailto:palm@des.qld.gov.au)  Phone: 13 QGOV (13 74 68) |  |

1. This is the publication number. The publication number can be used as a search term to find the latest version of a publication at [www.qld.gov.au](http://www.qld.gov.au). [↑](#footnote-ref-1)
2. If your intention is to surrender an environmental authority relating to an ATP and you have relinquished tenures or hold tenures requiring relinquishment, you can make an application to surrender using this form. You should submit the surrender application form before the blocks are relinquished. [↑](#footnote-ref-2)
3. The environmental authority cannot be surrendered for the part of the land which is conditionally surrendered in favour of a new mining tenure.If this is applicable to you, you should contact Permit and Licence Management to discuss (contact details at the end of this form). [↑](#footnote-ref-3)
4. If your environmental authority requires a plan of operations, you may need to amend or replace the plan if you are making a partial surrender. If a PRCP schedule applies to your activities, the administering authority may make necessary amendments to the schedule if your environmental authority is partially surrendered. [↑](#footnote-ref-4)
5. For information on petroleum infrastructure that can be transferred to landholders prior to surrendering an environmental authority, the guideline ‘Transferring petroleum infrastructure to landholders’can be found at [www.qld.gov.au](http://www.qld.gov.au) using the publication number ‘ESR/2020/5403’ as a search term. [↑](#footnote-ref-5)
6. For information on final rehabilitation reports, the guideline, ‘Final rehabilitation report for resource activities’can be found at [www.qld.gov.au](http://www.qld.gov.au) using the publication number ‘ESR/2016/1874’ as a search term. [↑](#footnote-ref-6)
7. Examples of the methods to verify compliance may include a desktop assessment of documentation, an interview with the landowner/holder or a field operator or a site inspection. Evidence used may include photographs, statements and other documentation (maps, plans, approvals, monitoring results etc.). [↑](#footnote-ref-7)
8. Reference to the extent to which the final rehabilitation report is accurate is not required where no report is attached because ‘progressive certification’ has previously been approved for all of the area which is the subject of this surrender application, or where a post-surrender management report is required instead of a final rehabilitation report. [↑](#footnote-ref-8)