

Guideline

Mining

Public notice of application for amendment of environmental authority (mining lease) for a level 1 mining project

All applicants seeking to amend an environmental authority (mining lease) for a level 1 mining project must notify the public of their amendment application if a significant increase in environmental harm is likely and an environmental impact statement (EIS) is not required for the proposed amendment. Guidance is given below on applicants' obligations regarding the giving and publishing of the application notice for the proposed environmental authority pursuant to section 254 of the Environmental Protection Act 1994 (EP Act). Note: This process will only be used if there is no new mining tenement or additional surface area being concurrently added to the mining project. The process described in the guideline 'Public notice of application for mining lease/mining claim and environmental authority (mining lease or mining claim)' should be used where a certificate of public notice will be issued under the Mineral Resources Act 1989 (MR Act).

1. Legislative requirements

1.1 Application for amendment of environmental authority

Following receipt of the draft environmental authority (mining lease) for a proposed project, section 254 of the EP Act requires the applicant for the amended environmental authority involving a significant increase in environmental harm to give and publish a notice about the amendment application - the 'application notice' (see section 2),

Within 10 business days after the applicant is given the draft environmental authority, the applicant must:

- a) give the application notice to –
 - i) each owner of land to which the amendment relates (the relevant land) and any other land necessary for access to the relevant land; and
 - ii) each holder, or applicant for, an exploration permit or mineral development licence over the relevant land for a mineral other than a mineral to which the proposed amendment relates; and
 - iii) the relevant local government;
- b) publish the notice –
 - i) at least once in a newspaper circulating in the locality of the land to which the mining lease is subject; and
 - ii) in any other way decided by the administering authority or prescribed under a regulation.

Note: The administering authority may decide, and advise the applicant of, an additional or substituted way to give or publish the application notice.

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1.2 Giving of application information

It is recommended that the applicant keep a record of names, addresses and details of information sent (documents, giving method and date etc.) to each affected person, including:

- each owner of relevant land or land necessary for access; and
- the relevant local authority.

1.3 Objection period

The objection period for the application is the period fixed by the administering authority by written notice to the applicant. However, section 255 states that the period must be at least 20 business days and must end at least 20 business days after the publication of the application notice under section 254.

In accordance with the delegated arrangements for applications for mining leases/mining claims and environmental authorities, objections in relation to an amendment application for environmental authority (mining lease) are to be lodged with the project manager of the relevant regional office of the Department of Environment and Resource Management.

1.4 Declaration of compliance with public notice requirements of the EP Act

Within five days after the objection period starts, the applicant must give the administering authority:

- a statutory declaration, declaring whether or not the applicant has complied with the EP Act public notice requirements for the relevant environmental authority amendment application; and
- a copy of the application notice.

The form 'Statutory declaration for public notice requirements' is to be used for making the statutory declaration (section 214) is available on the DERM website www.derm.qld.gov.au.

2. Application notice templates

A prepared template of the public notice document entitled 'Public notice of application for amendment of environmental authority (mining lease)' can be obtained by:

- visiting the DERM website at www.derm.qld.gov.au; or
- contacting Permit and Licence Management within DERM on 1300 130 372

Disclaimer:

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