

Guideline

Environmental Protection Act 1994

Progressive certification for resource activities

This guideline describes the arrangements for progressive certification for resource activities under Environmental Protection Act 1994 (EP Act).

| | | |
|----------|--|-----------|
| 1 | Introduction | 2 |
| 1.1 | Who may apply for progressive certification and application requirements | 2 |
| 1.2 | The progressive certification report | 2 |
| 1.3 | Pre-lodgement | 3 |
| 1.4 | Process that follows receipt of progressive certification application | 4 |
| 1.5 | Deciding the progressive certification application | 4 |
| 1.6 | Timeframes for deciding a progressive certification application | 5 |
| 1.7 | Steps after making decision | 5 |
| 1.8 | Continuing responsibility to certified areas | 5 |
| 1.9 | Surrender applications | 6 |
| 2 | Requirements for progressive certification application | 6 |
| 3 | Content of progressive certification report | 7 |
| 3.1 | Application details | 7 |
| 3.2 | Description and status of disturbance and rehabilitation | 7 |
| 3.3 | Retained infrastructure | 11 |
| 3.4 | Landowner/holder consultation | 11 |
| 3.5 | Contaminated land assessment | 12 |
| 4 | Further information | 13 |



1 Introduction

This guideline is written for both applicants and departmental officers. The purpose of this guideline is to provide an overview of the requirements for a progressive certification application and the legislative bases for these requirements.

Applicants may make a progressive certification application for any size area that has been successfully rehabilitated to statutory requirements, even if operations remain active on another part of the site or adjacent to the progressive certification area. Where areas proposed for progressive certification are small or have been subject to limited disturbance the application will likely not require a depth of information that has been detailed in this guideline. Applicants are encouraged to discuss proposed progressive certification areas with their regular departmental contact to determine applicable information requirements for the application.

At the time of writing of this guideline, the progressive certification process was more commonly used by the mining industry, therefore examples in this guideline are tailored to the mining industry based on experience applying the progressive certification process to mining activities. The petroleum, greenhouse gas storage and geothermal industries can use this guideline to gain a general understanding of progressive certification processes and application requirements, and are encouraged to discuss any proposed progressive certification with their regular departmental contact.

1.1 Who may apply for progressive certification and application requirements

An environmental authority (EA) holder for a resource activity (which includes mining, petroleum, greenhouse gas storage and geothermal activities) may apply under section 318ZD of the *Environmental Protection Act 1994* (EP Act) for progressive certification for a relevant tenure for an EA. Progressive certification provides certainty to the EA holder that the certified area(s) has met the regulation requirements.

To make a progressive certification application, the EA holder must submit the approved form *Application for progressive certification* (ESR/2015/1563¹) to the administering authority². The application must be supported by enough information to enable the administering authority to decide the application and be accompanied by a progressive certification report (PCR), a compliance statement and the prescribed fee³. Where applicable, the application must include any Progressive Rehabilitation and Closure Plan (PRCP) schedule relating to the EA. If the PRCP is publicly available, a link to the schedule will suffice. The compliance statement must be made for the EA holder and must state the extent to which the activities carried out under the EA relating to the proposed certified area for the relevant tenure have complied with the conditions of the EA and any PRCP schedule for the EA.

1.2 The progressive certification report

In accordance with section 318ZD of the EP Act, a PCR is required to accompany a progressive certification application.

In order to meet the requirements of section 318ZF of the EP Act, the PCR must:

- include—
 - a map of an appropriate scale that shows the proposed certified area; and
 - relevant information to locate the proposed certified area, including, for example GPS information or a survey; and

¹ This is the publication number, which can be used as a search term to find the latest version of the publication at www.des.qld.gov.au

² The administering authority for the EP Act is the Department of Environment, Science and Innovation (DESI).

³ Fees are prescribed in the Environmental Protection Regulation 2019, Chapter 9 and Schedule 15. At the time of publication of this guideline there are no fees associated with progressive certification.

- if progressive certification has previously been given for a relevant tenure for the EA–
 - state when the certification was given; and
 - identify the certified area the subject of the certification.

If a PRCP schedule applies for the relevant activities carried out in the proposed certified area, a PCR must also contain the following information–

- information showing how the relevant rehabilitation milestones and management milestones under the PRCP schedule have been achieved; and
- information about the extent to which the relevant conditions stated in the PRCP schedule have been complied with.

If a PRCP schedule does not apply for the relevant activities carried out in the proposed certified area, a PCR must also include information in accordance with section 264 of the EP Act, including –

- be completed in the approved form - Rehabilitation report (ESR/2015/16161); and
- be supported by enough information to allow the administering authority to decide whether:
 - the conditions of the EA have been complied with; and
 - the land on which the resource activity has been carried out has been satisfactorily rehabilitated; and
- state details of the monitoring program and results of monitoring rehabilitation indicators as required under any EA condition; and
- state details of any consultation with affected owners and occupiers, members of the public, community groups, government agencies, and other bodies about any completion criteria for rehabilitation stated in the EA; and
- include other matters prescribed under a regulation⁴.

1.3 Pre-lodgement

The administering authority recommends the EA holder to request a pre-lodgement meeting prior to formal application. Pre-lodgement meetings enable the EA holder to fully understand the application requirements, seek direction and advice on whether a proposed application will meet the legislative application requirements. This service can improve the quality of the applications and may reduce delays and un-anticipated problems associated with applications.

Each proposed application should be discussed with the relevant Business Centre in the first instance so that the appropriate steps and processes can be considered and agreed for each application. This is especially important where the certified area has been rehabilitated under historical conditions or criteria that have been amended by the applicant, as these circumstances may need to be considered in the preparation of an application.

To apply for pre-lodgement services, the EA holder should submit an *Application for pre-lodgement services* (ESR/2015/1664) to the administering authority. Within 10 business days after a pre-lodgement meeting, the administering authority will provide written advice with respect to the information necessary to support the application.

⁴ At the time of publishing of this guideline, no other matters are prescribed under a regulation.

1.4 Process that follows receipt of progressive certification application

Once the progressive certification application, including the PCR and compliance statement, has been received the administering authority may:

- conduct a field inspection of the relevant tenure to verify the application and the findings of the compliance statement. The field inspection would include a verification that the land subject of the application has reached an appropriate quality of rehabilitation, take observations (e.g. presence of seepage or standing water) and verification of monitoring data collected to support the achievement of rehabilitation completion criteria.
- request further information needed to assess the application in accordance with section 318ZG of the EP Act. The administering authority can issue a written notice requesting further information from the EA holder within 10 business days after the progressive certification application is received.

Pursuant to section 318ZE of the EP Act, a progressive certification application may be amended at any time before the administering authority decides the progressive certification application by giving the administering authority a written notice stating the amendment. The notice must be accompanied by the fee prescribed under a regulation⁵. If an application is amended under this section, the process for assessing and deciding the application restarts from section 318ZG of the EP Act.

1.5 Deciding the progressive certification application

The PCR and compliance statement provide the supporting information that allows the administering authority to decide a progressive certification application. In deciding an application for progressive certification for a resource activity, the EP Act requires the administering authority to:

- comply with any relevant regulatory requirement⁶; and
- consider each of the following—
 - the standard criteria;
 - the PCR accompanying the application;
 - the compliance statement for the report;
 - if a PRCP schedule applies for the proposed certified area – the PRC plan;
 - further information received in response to a request made under section 318ZG;
 - the matters prescribed under an EPP or by regulation.

⁵ Fees are prescribed in the Environmental Protection Regulation 2019, Chapter 9 and Schedule 15. At the time of publication of this guideline there are no fees associated with progressive certification.

⁶ Regulatory requirements are prescribed in the Environmental Protection Regulation 2019, Chapter 4. There are no applicable regulatory requirements at the time of publishing of this guideline, as under section 32(2)(c) a progressive certification decision is not an environmental management decision.

The administering authority may give the progressive certification only if:

- it is satisfied the conditions of the EA have been complied with for the proposed certified area; and
- **the EA is subject to conditions about rehabilitation and a PRCP schedule does not apply for the proposed certified area**— it is satisfied the land to which the application relates has been satisfactorily rehabilitated; or
- **a PRCP schedule applies for the proposed certified area**— it is satisfied the PRCP schedule has been complied with in relation to the area; and
- it is satisfied each other circumstance (if any) prescribed by regulation⁷ as a circumstance of which the administering authority must be satisfied for this section.

1.6 Timeframes for deciding a progressive certification application

In accordance with section 318ZH of the EP Act, the administering authority must decide whether to give or refuse the progressive certification. Timeframes for the decision period are determined by whether a request for further information has been made by the administering authority.

The decision period for the administering authority to make a decision to give or refuse the progressive certification is:

- if the administering authority requests further information— within 40 business days after the further information is received by the authority; or
- otherwise— within 40 business days after the application is received.

1.7 Steps after making decision

If the administering authority makes a decision on the progressive certification application, it must, within 10 business days after the decision is made:

- if the decision was to refuse the progressive certification— give the applicant an information notice about the decision; or
- if the decision was to give the progressive certification—
 - record particulars of the certification in the relevant register for the EA; and
 - if a PRCP schedule applies for relevant activities carried out in the certified area— record particulars of the certification in the relevant register for the schedule; and
 - give written notice of the decision to the applicant.

If the decision was to give the progressive certification, the administering authority may also amend the EA to acknowledge the decision and include a map of the certified area.

If a PRCP schedule applies for relevant activities carried out on the certified area, the administering authority may amend the PRCP schedule in accordance with section 318ZJA of the EP Act.

1.8 Continuing responsibility to certified areas

Pursuant to section 318ZB of the EP Act, if progressive certification has been given for a relevant tenure, the holder of the EA to which the relevant tenure relates must maintain the certified area and continue to comply with the relevant EA, or the rehabilitation and management milestones under the PRCP schedule, in force when

⁷ At the time of publishing of this guideline, no other circumstances are prescribed under a regulation.

the certification was given. This includes monitoring and maintenance to prevent or manage any environmental harm resulting from resource activities in the area to levels stated in the EA.

The EA holder must maintain and monitor the certified area to ensure it continues to meet the defined rehabilitation objectives in the EA, which are typically safe, stable, non-polluting and a self-sustaining land use.

If a PRCP applies, the final milestone criteria in the approved PRCP schedule will become the standard to which the certified area must be maintained.

For a Non-Use Management Area, the final management milestone in the approved PRCP schedule must show that sufficient improvement has been achieved and this will become the standard to which the certified area must be maintained.

This obligation to maintain the certified area ceases when the last of the following has taken place:

- The relevant resource tenure is surrendered;
- the EA or PRCP schedule is cancelled or surrendered; or
- a continuing condition of the EA or PRCP schedule (i.e. a condition that continues to have effect after the EA or PRCP schedule has ended), has been fulfilled.

Once an area of land is progressively certified, any changes to rehabilitation conditions within the EA, or changes to requirements of a PRCP schedule, will not impact on the certified areas, subject to section 318ZB.

1.9 Surrender applications

When considering a surrender application, if progressive certification has been given for a relevant tenure for the EA, the administering authority must first confirm that the area of the relevant tenure still meets the criteria under which the area was certified.

2 Requirements for progressive certification application

The application must be in the approved form (ESR/2015/1563). The application must:

- a) be supported by enough information to enable the administering authority to decide the application;
- b) be accompanied by a PCR; and
- c) be accompanied by a compliance statement for the PCR made for the EA holder stating the extent to which activities carried out under the EA relating to the proposed certified area for the relevant tenure have complied with the conditions of the EA and any PRCP schedule relating to the EA, and the extent to which the PCR is accurate.

The compliance statement for the PCR must be based on an assessment of compliance with EA conditions relevant to the proposed certification areas, including any relevant management plans, criteria (e.g. rehabilitation success/completion criteria) and PRCP schedule (if applicable). This assessment must include assessment against any standards referenced in a relevant management plan and analysis of any monitoring data and results against any rehabilitation indicators and/or analogue sites. If the rehabilitation was completed to a previous standard or condition, assessment must be against that standard (and details of the standard to which it was rehabilitated must be provided in the PCR).

3 Content of progressive certification report

This section provides guidance to assist applicants to prepare a PCR. This does not preclude an applicant from including additional supporting information which fulfills the requirements of section 318ZF of the EP Act.

The content of a PCR will vary depending on whether the proposed certification area is subject to a PRCP or not.

A PCR must contain **all** of the following:

- application details
- disturbance and rehabilitation details
- details about retained infrastructure
- details of landowner/landholder consultation
- contaminated land assessment

A description of each of the contents for these headings is described below.

3.1 Application details

For **all applications** regardless of whether a PRCP applies, the following information must be included with the PCR as it relates to the proposed certified area:

- EA holder's name and contact details
- EA number
- project name, tenure numbers and lease expiry dates
- author or compiler of the PCR, including contact details
- relevant contact persons responsible for post-certification management commitments.

3.2 Description and status of disturbance and rehabilitation

For **all applications** regardless of whether a PRCP applies, the following information must be included with the PCR as it relates to the proposed certified area:

- Maps and spatial data (refer to the spatial information submission guideline⁸ for more information) at an appropriate scale that identify:
 - the proposed certification area in relation to the property boundaries (Lot on Plan details) and tenure;
 - GPS coordinates (in GDA 2020) of the corners of the certification area or metes and bounds of the perimeter of the certification area (DESI will accept coordinates in GDA94 until June 2022 as part of the transition to the new datum);
 - the extent of disturbance for the area under application;
 - the final landform (contoured at appropriate intervals) and drainage pattern;
 - any remaining items of infrastructure (if any) including any heritage listed features, inhabited dwellings, community infrastructure or third-party infrastructure;
 - any land that was or is contaminated as a result of the activities undertaken on-site;

⁸ https://environment.des.qld.gov.au/data/assets/pdf_file/0027/90288/rs-gl-spatial-information.pdf

Progressive certification for resource activities

- where relevant and representative photographs of the rehabilitation were taken and its aspect.
- details and locations of analogue sites used for determining rehabilitation success (if applicable).
- Period of disturbance (if available).
- Total area disturbed and rehabilitated.
- A description of the nature and extent of disturbance.
- A description of the characterisation of the materials in the certification area (if available), with indicative figures for the amount of overburden, waste rock or resources that have been removed from the land or are now deposited on the land the subject of the certification (if available).
- A description of how disturbed land was rehabilitated.
- Relevant and representative photographs of the rehabilitation and any analogue sites.
- A description of the performance of rehabilitation from when it was undertaken to when the application for certification was made, which may include trend analysis and a representation of data in various formats.
- Enough information, including any monitoring, for the administering authority to decide whether EA conditions have been complied with; and enough information to allow the administering authority to decide whether the land on which each relevant activity has been carried out has been satisfactorily rehabilitated.
 - EA conditions that relate to groundwater must be addressed holistically for a site at surrender. For the purpose of certification, sufficient detail to demonstrate compliance with the EA groundwater conditions must be provided where the proposed certification area includes:
 - any groundwater interactions with surface features of the proposed certification area; or
 - underground mining or underground tailings disposal.
 - Details of the monitoring program and the results of monitoring rehabilitation indicators required under a relevant management plan or any condition of the EA. This includes details of the monitoring program used to demonstrate compliance (including a monitoring comparison with any analogue sites or regional ecosystem benchmarks).
- Any statements or certificates by an appropriately qualified person regarding the construction, stability or performance of structures forming part of the rehabilitation (e.g. dams, escarpments, slopes, capping).
- A description of the requirements of any ongoing potential management, monitoring and/or maintenance.
- If progressive certification has previously been given for a relevant tenure for the EA – state when the certification was given and identify the certified area subject to the certification.

Supporting technical reports may be provided as appendices.

For applications **where a PRCP does not apply** to the proposed certification area, the PCR must describe the status of final rehabilitation and provide sufficient information to demonstrate that rehabilitated land is safe, stable, non-polluting and can sustain a post-activity land use.

If a **PRCP schedule applies** to the proposed certified area the PCR must also include:

- A link to the PRCP schedule.
- A map of the proposed certification area as it relates to the rehabilitation or improvement area in the PRCP schedule.
- Information showing how the rehabilitation milestones and management milestones under the PRCP schedule have been achieved.
- Information about the extent to which the relevant conditions stated in the PRCP schedule have been complied with.
- A description of the status of final rehabilitation and sufficient information to demonstrate that the proposed certification area:
 - If a post-mining land use – has achieved a safe and stable condition, there is no environmental harm being caused by anything on or in the land, and the land can sustain a post-mining land use; or
 - If a non-use management area – has achieved sufficient improvement.

Recommendations for supporting information

The following information may be provided, where applicable, to support the application and would form the basis of pre-lodgement discussions. This section details the information to demonstrate the status of final rehabilitation and that the relevant outcome has been achieved. However, it is not limited to the below and is dependent on the type of resource activities that have taken place.

The examples below are tailored to the mining industry based on experience applying the progressive certification process to mining activities. Petroleum, greenhouse gas storage and geothermal applicants are encouraged to discuss the applicable supporting information for any proposed progressive certification with their regular departmental contact.

- To demonstrate the rehabilitated land is structurally stable, it is recommended that for open cut mining projects that geotechnical evidence is provided for all batters / landforms with slopes greater than 35%, including out of pit dumps, lowwalls or waste rock dump landforms. Lowwall stability is affected by the slope of the pit floor (the dip) and whether the toe of the dump is standing in water i.e there is a potential for slip failure. Therefore, lowwall landforms require geotechnical evidence to demonstrate geotechnical stability if they have water at their toe.

For solid waste disposal areas (including rejects, waste rock dumps, heap leach pads and general refuse disposal facilities) ideally demonstrate that wastes have been placed either below natural land surface (i.e. below grade) or above natural surface with slopes consistent with the EA or PRCP and conducive to the post-activity land use.

Tailings dams, co-disposal areas and reject storage facilities must demonstrate that they are consistent with the EA or PRCP and conducive to the post-activity land use (unless authorised to be retained as a NUMA) with appropriate erosion controls and are designed for long term stability. Tailings dams, co-disposal areas and reject storage facilities must demonstrate an appropriate Factor of Safety has been applied, met and certified by a suitably qualified person.

- To demonstrate that the rehabilitated land is erosionally stable, it is recommended that evidence is provided that demonstrates acceptable erosion rates relevant to the post-activity land use with consideration of the natural characteristics of the site, and there is sufficient ground cover (vegetative, woody debris or competent rock cover) to prevent severe erosion occurring in the long-term. The area must be in a sustainable state that does not compromise the post-activity land use, unless the area is authorised to be retained as a NUMA.
- For rehabilitation overlying long wall and/or bord and pillar underground mining operations, it is recommended that geotechnical evidence is provided that shows that the underground mining area has been suitably managed/stabilised to ensure that no future subsidence, slumping or slippage will occur, has a stable ground surface and a final landform that will not be compromised in the future.
- To demonstrate that the rehabilitated land is sustainable and resilient to climatic variability it is recommended that evidence is provided about changes in established vegetative cover over time. For example, where applicable to the post-activity land use, this can be demonstrated through a vegetation cover analysis that shows the vegetative ground cover and tree cover will be sustainable across a variety of events and time, and/or digital analysis of imagery (e.g. VegMachine⁹ analysis) at an appropriate scale over a relevant time period.

It is recommended that the establishment period for pasture (a grazing land use) is a minimum of 5 years, and a minimum of 15 years for native ecosystems (if the ecosystem contains tree species). Other establishment periods may be considered where appropriate evidence supports the application.

It is recommended that representative site vegetation monitoring data is provided that demonstrates the successful establishment of plant species, natural regeneration and plant species composition relevant to the land use that the rehabilitation will support and consistent with agreed rehabilitation success/completion criteria. However, certification will not be precluded where sufficient monitoring data can demonstrate the vegetation in the rehabilitation area is well on the trajectory to achieving the proposed post-activity land use.

- To demonstrate the rehabilitated land supports the proposed sustainable land use, it is recommended that a soil and spoil assessment is undertaken to provide details of the land use limitations – that is the inherent properties of the soil and land for the proposed land use. The limitations are the soil and land attributes that impede productive growth of pastures, crops or vegetation, including native ecosystem. Material sampling should be sufficient to detail about how the land meets the rehabilitation completion criteria as specified in the EA (e.g. land capability or land suitability class as determined by the EA holder).

For information about land suitability assessment, refer to DSITI/DNRM (2015), *Guidelines for agricultural land evaluation in Queensland, second edition, the State of Queensland* (Department of Science, Information Technology and Innovation and Department of Natural Resources and Mines, Brisbane). This document may assist where an agricultural use is determined as the post-activity land use.

⁹ <https://vegmachine.net/>

- To demonstrate that the rehabilitated land is non-polluting, evidence must be provided which shows that the water that running off/percolating or daylighting onto the surface from the rehabilitated land off site and into the receiving environment meets the relevant water quality objectives and/or the natural variation in the receiving environment, unless the water will not be released off site (e.g. NUMA or void that is a sink and has a nominated PMLU). There must not be evidence of any presence of hazardous contaminants, or acid/saline/neutral mine drainage/seepage, to surface or groundwater (beyond natural background levels). Water by-washing from water storages/structures in the rehabilitation area must meet relevant guidelines/Water Quality Objectives (WQO) for identified Environmental Values. Water quality in water storages to remain must meet relevant post-activity land use objectives.

NOTE: For the purpose of surrender (not only certification), the holder of the EA will need to prove using the residual risk process, that relevant site features on the land (whether previously certified or not), are non-polluting and does not cause environmental harm.

3.3 Retained infrastructure

Infrastructure (such as buildings, roads, dams, wells, bores and power lines) associated with a resource activity may be of value to the underlying landholder(s) for beneficial use. Infrastructure can be retained where safe, stable and not causing environmental harm and the relevant landholder has agreed through a signed landholder statement declaring that they will accept responsibility for the infrastructure once resource activities have ceased. In some cases, it may be desirable for this to happen prior to surrender and when the EA holders no longer requires access to the infrastructure for the carrying out of activities. This is recognised in the *Guideline: Transferring petroleum infrastructure to landholders (ESR/2020/5403)*.

An example of an acceptable landholder statement could include a compensation agreement that specifies the retainment of permanent infrastructure. Where possible, the landholder statement should be completed in the template attached to the PCR approved form, however, alternative formats are acceptable.

The administering authority is not involved in the authorisation of the transfer of infrastructure ownership to the landholder but rather enables the transfer to occur while ensuring the rehabilitation requirements are being met.

For an EA over a mining lease or mining claim tenure, approval from the Minister under the *Mineral Resources Act 1989* is required for infrastructure to be left on the land. Written authorisation must be obtained from the Mining Registrar. This approval must be attached to the PCR if applicable.

Water infrastructure may require approvals under the *Water Act 2000*.

Third party infrastructure

Third-party infrastructure that currently support and continue to exist once resource activities have ceased, such as third-party pipeline easements or power easements, will not be considered in, or affect, the assessment of a progressive certification assessment. Despite certification, the EA holder and any relevant third-party will continue to have access rights over the land.

3.4 Landowner/holder consultation

The PCR must include information about any consultation undertaken regarding the rehabilitation, especially with respect to any rehabilitation completion criteria stated in the EA.

Consultation should have occurred with affected landowners and occupiers, relevant community groups and relevant government agencies. This may include community consultation records with relevant stakeholders undertaken for an Environmental Impact Statement, minutes of community forums, newsletters and other community circulated publications. If no consultation has occurred or is unknown, this should be detailed in the application.

If the holder of the underlying land is not the EA holder, written evidence of consultation with the underlying landholder should be provided as to their acceptance of, or concerns, with the rehabilitated land use and the suitability of the rehabilitated area for that land use.

3.5 Contaminated land assessment

Throughout the life of the resource activity, the EA holder is required to notify the administering authority if a notifiable activity (listed in Schedule 3 of the EP Act) is being carried out on land or if land has been or is being contaminated by a hazardous contaminant as part of the project. The particulars of such land are then recorded on the environmental management register. If a site investigation report shows that the land is not contaminated, the administering authority may remove the land from the environmental management register (refer to section 380 of the EP Act).

An EA holder is required to demonstrate that land that is to be progressively certified has been satisfactorily rehabilitated prior to the administering authority approving the application for progressive certification. Rehabilitation includes the remediation of contaminated land. In cases where activities are carried out as part of the resource activity project have resulted in land contamination, the following applies:

- the administering authority is unable to approve an application for progressive certification until it is satisfied that remediation of contaminated land has been satisfactorily achieved.
- in order to demonstrate that any contaminated land has been satisfactorily remediated, the EA holder is required to follow the process in Chapter 7, Part 8 of the EP Act, and obtain a site suitability statement for the relevant land from the administering authority. The site suitability statement will state whether or not the land is suitable for the intended post-resource activities land use.
- Division 3 of Chapter 7, Part 8 of the EP Act specifies requirements for the investigation of land to scientifically assess whether the land is contaminated in a way that poses an unacceptable risk to human health or another part of the environment. Division 3 outlines requirements for conducting remediation (including rehabilitation) work and validation of that work resulting in the issuing of a suitability statement by the administering authority.
- where land has not been removed from the environmental management register, an approved site management plan will also be required in order to manage any environmental harm that may be caused by the hazardous contaminants. Division 3 of Chapter 7, Part 8 of the EP Act specifies the requirements with respect to site management plans.

Where land the subject of the PCR is on the environmental management register or contaminated land register the PCR must include information on:

- the contaminated land status;
- contamination from the activity relevant to the EA and from any historic activities conducted on site;
- how the land will meet the rehabilitation commitments, including the intended future land use for the site; and
- any site suitability statements or draft site management plans for the land.

EA holders should conduct their own risk assessment as to whether a contaminated land assessment is necessary as part of the PCR and discuss this with the administering authority as part of pre-lodgement for an application.

Further information is available at www.des.qld.gov.au using the search term 'contaminated land'.

4 Further information

Contact the relevant Business Centre for further advice, or for general enquiries please contact Permit and Licence Management. Information is also available on the Queensland Government's Business Queensland website at <https://www.business.qld.gov.au/running-business/environment/licences-permits/rehabilitation/certification>.

Disclaimer

While this document has been prepared with care it contains general information and does not profess to offer legal, professional or commercial advice. The Queensland Government accepts no liability for any external decisions or actions taken on the basis of this document. Persons external to the Department of Environment, Science and Innovation should satisfy themselves independently and by consulting their own professional advisors before embarking on any proposed course of action.

Approved:

17 January 2022

Enquiries:

Permit and Licence Management
Phone: 1300 130 372 (select option 4)
Email: palm@des.qld.gov.au

Version history

| Version | Date | Description of changes |
|---------|------------------|--|
| 1.00 | 31 January 2022 | First published version of the guideline. |
| 1.01 | 01 June 2023 | Facsimile number removed from enquiries section. |
| 1.02 | 21 February 2024 | Updated to align with the MOG |