*Environmental Protection Act 1994*

Application for a decision on the amount and form of financial assurance for prescribed environmentally relevant activities

*This document is the approved form that is to be used by an applicant under section 309 of the* Environmental Protection Act 1994 (*EP Act) for a prescribed environmentally relevant activity to request a decision from the administering authority[[1]](#footnote-1) on the full amount and form of financial assurance to be paid.*

The environmental authority holder of the prescribed environmentally relevant activity will first need to calculate and propose the amount of financial assurance (using the approved methodology) which the administering authority will then assess and make a final determination.

Financial assurance must be paid to the administering authority before any relevant activity under the environmental authority can commence.

For information on financial assurance including details of application requirements, supporting information to be provided and the approved methodology for how to make a calculation, please refer to the Guideline ‘Financial assurance under the *Environmental Protection Act 1994*’ located at **www.business.qld.gov.au**.

If you would like to have a pre-lodgement meeting, please fill out and lodge the form Application for a Pre-Design/Pre-Lodgement Meeting (ESR/2015/1664[[2]](#footnote-2)), prior to lodging this application.

**Checklist for making an application**

You must complete this checklist before you continue with the application form.

|  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| |  |  |  | | --- | --- | --- | | **Checklist questions** | | **Guidance** | | Is there a condition in the environmental authority that requires financial assurance to be paid? | YES – go to question 2  NO | If no, you cannot make this application as payment of financial assurance is not required. | | Is financial assurance already held for the environmental authority to which this application relates? | YES  NO | If no, you can use this application form. | | Have you transferred an environmental authority that had a condition requiring financial assurance to be paid? | YES  NO | If yes, you cannot make this application and can instead should apply to amend or discharge financial assurance using the form ESR/2015/1752. | | Is the environmental authority for a prescribed environmentally relevant activity? | YES  NO | If no, you cannot make this application.  For changing an estimated rehabilitation cost amount use the form ‘Application for a decision on the estimated rehabilitation cost (ESR/2018/44262)’.  The Financial Provisioning Scheme Manager is responsible for the release of scheme assurance, for information visit [www.business.qld.gov.au](http://www.business.qld.gov.au) or email [fps@treasury.qld.gov.au](mailto:fps@treasury.qld.gov.au). | | | |
| **GUIDE**  If you require assistance in answering any part of this form, or have any questions about your application 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 administering authority. | | Application details  1. **Environmental authority**  |  | | --- | | ENVIRONMENTAL AUTHORITY NUMBER  Insert number. | | ENVIRONMENTAL AUTHORITY HOLDER NAMES  Insert name/s. |   **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. |
| If more space is required for any responses, please attach additional information as a separate page.  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.  Describe the location where the environmental authority will be undertaken. Fill in all relevant details.  It is not expected that each applicant will be able to fill in each field e.g. only environmental authorities that are located in a port will be able to fill in a port description.  Indicate ‘whole’ if land disturbance is to be undertaken over the whole area of the lot on plan. If disturbance is only partially over a lot on plan, then state ‘part’. | | |  |  | | --- | --- | | 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 number. | FACSIMILE  Insert number. | | EMAIL  Insert email. | |  Description of land proposed to be disturbed Provide a location description of the land proposed to be disturbed  **Address details**   |  |  |  | | --- | --- | --- | | STREET NUMBER  Insert email. | STREET NAME  Insert email. | | | SUBURB/TOWN  Insert suburb/town. | | POSTCODE  Insert postcode. | |
|  | | |  | | --- | | PORT  Insert Port. |   **Property description**   |  |  | | --- | --- | | **LOT PLAN** | **WHOLE/PART** | | Insert lot plan. | Insert whole/part. | | Insert lot plan. | Insert whole/part. | | Insert lot plan. | Insert whole/part. | | Insert lot plan. | Insert whole/part. | |
| Refer to the Guideline ‘Financial assurance under the *Environmental Protection Act 1994,* for the most up to date information required to be submitted with this application. | | Disturbance details Attach a detailed description of the land disturbance to meet the requirements of the Guideline ‘Financial assurance under the *Environmental Protection Act 1994*’ including:   * the scale of disturbance * the original land use * plans or maps at an appropriate scale illustrating the extent of the proposed land disturbance. |
| Refer to the Guideline ‘Financial assurance under the *Environmental Protection Act 1994,* for the most up to date information required to be submitted with this application. | | Rehabilitation program Attach a detailed description of the rehabilitation program to meet the requirements of the Guideline ‘Financial assurance under the *Environmental Protection Act 1994*’ including:   * The type of rehabilitation proposed. * The location and area of the proposed rehabilitation. * Details of any rehabilitation staging. * Description of any performance indicators, acceptance criteria/final land use, assumptions or published standards that underpin the rehabilitation objects. |
| Refer to the Guideline ‘Financial assurance under the *Environmental Protection Act 1994,* for the most up to date information required to be submitted with this application. https://environment.des.qld.gov.au/assets/documents/regulation/era-gl-financial-assurance-ep-act.pdf | | Applying a financial assurance discount You must complete the following checklist if you are applying for a discount on your financial assurance in accordance with Appendix B under the Guideline ‘Financial assurance under the *Environmental Protection Act 1994*’.   |  |  |  | | --- | --- | --- | | **Checklist questions** | | **Guidance** | | Does your application demonstrate compliance with the mandatory pre-requisites? | YES  NO | If no, you cannot apply for a financial assurance discount. | | Does your application demonstrate that the applicable discount criteria have been met and have you attached the required documentation? | YES  NO | If no, you cannot apply for a financial assurance discount. | |
| To calculate financial assurance, you must use the approved methodology outlined in the Guideline ‘Financial assurance under the *Environmental Protection Act 1994’* | | Proposed financial assurance State the proposed amount and period for holding of the financial assurance below and attach copies of the calculation undertaken in accordance with the approved methodology described in Guideline ‘Financial assurance under the *Environmental Protection Act 1994*’   |  |  | | --- | --- | | Total cost of rehabilitation | $ Insert amount. | | Proposed discount | % Insert discount. | | Proposed amount of financial assurance | $ Insert amount. | | Period for the holding of financial assurance | From: Insert date.  To: Insert date. | |
| In most cases the administering authority will require financial assurance to be given in the form of an unconditional, irrevocable and on demand guarantee.  The request for payment of financial assurance in an alternative form does not guarantee that this will be the form approved by the administering authority. | | Form of financial assurance The administering authority will in most cases require that financial assurance is to be paid in the form of an unconditional, irrevocable and on demand guarantee.  Tick to acknowledge acceptance.  If you would like to pay the financial assurance in another form, you must contact the administering authority (details at the end of this application form) to discuss, prior to making this application.  Tick to confirm you have discussed this with the department and provide a description of the proposed form and a justification below.   |  | | --- | | PROPOSED FORM AND JUSTIFICATION  Insert detail. | |

|  |  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| 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.  **Note:** 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.  **Privacy statement**  The Department of Environment, Science and Innovation is committed to protecting the privacy, accuracy and security of your personal information in accordance with the *Information Privacy Act 2009*. The department is collecting your personal information in accordance with section 309 of the *Environmental Protection Act 1994* in order to process your application. The information will only be accessed by authorised employees within the department. Your information will not be given to any other person or agency unless you have given us permission or we are authorised or required by law. All information supplied on this form may be disclosed publicly in accordance with the *Right to Information Act 2009* and *Evidence Act 1977*. For queries about privacy matters email: **privacy@des.qld.gov.au** or telephone: 13 74 68. | Declaration **Note:** If you have not told the truth in this application enforcement action may be taken against you including prosecution.  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 below checkbox.  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. * The amount of financial assurance has been calculated in accordance with the guideline ‘Financial assurance under the *Environmental Protection Act 1994*’. * 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 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 failure to provide sufficient information may result in the application being refused. * 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*.  |  |  | | --- | --- | | Environmental authority holder’s name  Insert name. | | | Signature  Insert signature. | | | Position of signatory  Insert position. | Date  Insert date. | | Joint holder’s name (if applicable)  Insert detail. | Joint holder’s signature (if applicable) | | Joint holder’s name (if applicable)  Insert detail. | Joint holder’s signature (if applicable) | |
|  | **Applicant checklist**  Application form has been signed and completed  Question 3: Detailed description of land disturbance attached  Question 4: Description of the rehabilitation program attached  Question 5: Discount information attached, if applicable  Question 6: Calculation of proposed financial assurance attached |
| **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 relevant publication number (ESR/2015/1754 for this document) as a search term. | Please submit your application to: Permits and Licensing  GPO Box 2454  Brisbane QLD 4001  Email: [palm@des.qld.gov.au](mailto:palm@des.qld.gov.au)  Phone: 13 QGOV (13 74 68) |

1. The Department of Environment, Science and Innovation is the administering authority under the *Environmental Protection Act 1994*. [↑](#footnote-ref-1)
2. 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**. [↑](#footnote-ref-2)