Environmentally Relevant Activity Code for Petroleum Activities on a Survey Licence

This code includes the conditions a person must comply with under Section 551A of the Environmental Protection Act 1994 to undertake code-managed ERAs for Petroleum Survey Licences activities for the purposes of the Petroleum and Gas (Production and Safety) Act 2004.

This Environmentally Relevant Activity (ERA) Code has been developed under Section 551A of the *Environmental Protection Act 1994* (EP Act) and includes the conditions a person must comply with code-managed ERA XXX – Petroleum Activity on a Survey Licence.

A summary of these code-managed ERAs is provided below. The full definitions for these activities are in Schedule 3A of the Environmental Protection Regulation 2019.

Code-managed ERA X – Petroleum activity on a survey licence		
Tenure Description	Legislation:	*Petroleum and Gas (Production and Safety) Act 2004*
	Tenement Type:	Survey Licence
Activity	Surveying activities	
Activity Location	Statewide	
Activity Operations	The activity will not result in: a) more than 1 hectare of land to be significantly disturbed at any one time;	

A person who is carrying out the activity under this ERA code must not contravene the code. Failure to comply with this ERA code is an offence under the EP Act.

If you are carrying out a resource activity on a mining claim but cannot meet the definition of the relevant code-managed ERA or are unable to comply with the conditions of this ERA Code, you must obtain an environmental authority (EA) prior to commencing the activity. Under section 426 of the EP Act, it is an offence to carry out an ERA, other than a code-managed ERA, without an EA.

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Mandatory Conditions

Note: Defined terms in this document are underlined the first time they appear, and their definitions are provided in Appendix 1.

A	**General**
A1	Unless otherwise permitted under the conditions of this code, contaminants must not be released directly or indirectly to land, air or waters.
B	**Waste**
B1	Waste must be transported off-site for lawful re-use, remediation, recycling or disposal.
C	**Survey Activities**
C1	Test pit excavation must comply with the following requirements: a) No more than 10 test pits may be open at any one time. b) Each test pit must not exceed an equivalent volume of 10 cubic metres (m^3). c) Must not be excavated within acid sulphate soils. d) Must have adequate sediment and erosion controls in place. e) Must be fully backfilled to reinstate topsoil profiles within 48 hours of excavation.
C2	Petroleum survey activities that require earthworks, vegetation clearing and/or placing fill are not permitted: a) in, or within 200 metres of, any wetland, lake or spring; or b) in, or within 100 metres of, the outer bank of any other watercourse.
D	**Rehabilitation**
D1	Auger holes and boreholes must be filled in and tamped down immediately upon completion of soils sample collection.
D2	Rehabilitation works must be completed so that: a) the disturbed areas are reshaped to a stable landform; b) surface drainage lines are re-established; c) topsoil is reinstated; and d) the land is revegetated to be consistent with the surrounding undisturbed land.
D3	All areas disturbed by the activity on the survey licence must be rehabilitated before – a) the tenure expires; or b) the tenure is surrendered.

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General Obligations

In addition to the requirements found in the conditions of this ERA code, you must also meet your obligations under the EP Act, and the regulations made under the Act. For example, you must comply with the following provisions of the Act:

- the general environmental duty (section 319), including special provision for activities involving industrial chemicals (section 319A)

- duty to notify environmental harm (section 320-320G)
- duty to restore the environment (section 319C).

Unless specifically authorised by a condition of this ERA code, this ERA code does not authorise:

- an act that causes serious or material environmental harm (sections 437 – 439) or an environmental nuisance (section 440)
- an act that contravenes a noise standard (section 440Q)
- a deposit of a contaminant, or release of stormwater run-off, mentioned in section 440ZG of the EP Act, or
- placing a contaminant where environmental harm or nuisance may be caused (section 443).

For more information search 'operating under an ERA code' on the Business Queensland webpage (www.business.qld.gov.au).

Relationship with other legislation

This Code does not remove, replace, or limit the need to comply with the *Petroleum and Gas (Production and Safety) Act 2004* or any other applicable legislation.

This Code does not authorise the take of water and does not remove the requirement to obtain any approvals required under the *Water Act 2000*.

References to other documents

References in this document to laws, regulations, standards, policies, programs, guidelines and similar documents and instruments are to the current version of those documents and instruments, as amended or replaced from time to time.

Appendix 1: Definitions

Where a word or phrase in this document is defined in the table of definitions (below) it has its corresponding meaning. Where a word or phrase in this document is not defined in the table of definitions, it has the meaning given to it in (in order of priority):

- the *Environmental Protection Act 1994*, its regulations or its environmental protection policies;
- *Environmental Offsets Act 2014*;
- *Petroleum and Gas (Production and Safety) Act 2004*
- *Regional Planning Interests Act 2014*;
- *Waste Reduction and Recycling Act 2011*;
- the *Acts Interpretation Act 1954*;
- the Macquarie Dictionary (taking account of the context in which the word or phrase is used in this document).

For example, environmental value, environmental harm, environmental nuisance, material environmental harm, serious environmental harm and relevant act are defined in the EP Act and groundwater is defined in the Environmental Protection Regulation 2019.

Defined words or phrases in the singular include the plural and vice versa.

Term	Definition
activity	the code-managed environmentally relevant activity to which this ERA Code relates.
disturbed	means any area that has had its previous state altered by the action or interference of carrying out the activity.
rehabilitation	Means the process of reshaping and revegetating land to restore it to a stable landform and in accordance with acceptance criteria and, where relevant, includes remediation of contaminated land.

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Sensitive place	• a dwelling (including residential allotment, mobile home or caravan park, residential marina or other residential premises, motel, hotel or hostel) • a library, childcare centre, kindergarten, school, university or other educational institution • a medical centre, surgery or hospital • a protected area • a public park or garden that is open to the public (whether or not on payment of money) for use other than for sport or organised entertainment • a work place used as an office or for business or commercial purposes, which is not part of the petroleum activity(ies) and does not include employees accommodation or public roads • for noise, a place defined as a sensitive receptor for the purposes of the Environmental Protection (Noise) Policy 2019.
topsoil	means the surface (top) layer of a soil profile, which is more fertile, darker in colour, better structured and supports greater biological activity than underlying layers. The surface layer may vary in depth depending on soil forming factors, including parent material, location and slope, but generally is not greater than about 300mm in depth from the natural surface.

For consultation purposes only:

The code-managed ERAs are proposed to be defined within Schedule 3A of the Environmental Protection Regulation 2019. The code-managed ERA defines the activity suitable to operate under an ERA Code. The final wording for these definitions may change subject to regulatory drafting, however intent will remain.

Code-managed ERA XXX – A petroleum activity on a survey licence

1. The petroleum activity (the ***relevant activity***) consists of surveying activities on a survey licence, where the relevant activity:

a) does not, or will not, at any time cause more than 1ha of land to be significantly disturbed;

2. For this section -

land is ***significantly disturbed*** if –

1. it is contaminated land; or
2. it has been disturbed by the petroleum activity and human intervention is needed to rehabilitate it –
    a. to a condition required under the relevant ERA Code; or
    b. if the ERA Code does not require the land to be rehabilitated to a particular condition – to the condition it was in immediately before the disturbance.

mitigation measures for a relevant activity, are activities carried out to avoid or minimise the release of fine sediment, or dissolved inorganic nitrogen, to Great Barrier Reef catchment waters, because of the relevant activity being carried out.

survey licence means the petroleum tenement under the *Petroleum and Gas (production and Safety) Act 2004*

surveying activity has the meaning given to it under the *Petroleum and Gas (production and Safety) Act 2004*

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