Eligible Mining Activity (EMA) notice

Under changes introduced to the *Mining Act 1978*, tenement holders can seek authorisation to undertake certain minimal disturbance exploration or prospecting activities by serving an Eligible Mining Activity (EMA) notice to the Department of Mines, Petroleum and Exploration (DMPE).

Activities can commence once an EMA notice has been successfully submitted to DMPE and provides tenement holders an alternative to the Programme of Work process. The requirements for submitting and undertaking EMA notices are set out in the Mining Regulations 1981 and summarised below.

What is an EMA?

For an activity to be considered an EMA it must meet the following criteria:

Activity type
Drilling and activities associated with drilling including drill pads and sumps.
Excavations (including scrape and detect operations, costeans and test pits) to a maximum depth of 4 m.
Access tracks to support any of the above activities.

Activity size
An EMA notice may contain a number of eligible activities (such as drilling and excavations). However, cumulatively, the size of these activities cannot exceed 2 ha per EMA notice.

Excavation tonnage limit
When an EMA notice contains excavations, the maximum quantity of material that can be disturbed per EMA notice is 1,000 t.

Number of EMA Notices per tenements

A mining tenement may only have two EMA notices active on the tenement at any one time (active means that rehabilitation has not been completed and a completion notice has not been submitted).

A mining tenement may also only have five EMA notices served on the tenement per financial year. Once this limit is reached, exploration or prospecting activities must be applied for using a Programme of Work.

Conditions

When undertaking activities authorised under an EMA notice, there are a number of conditions that applicants need to be aware of.

Applicants must:

- not damage or destroy riparian vegetation (the distinctive vegetation associated with a wetland or watercourse);

- not damage or destroy trees that have a trunk diameter of 30 cm or more at a height of 1.3 m above ground level;

- in descending order of priority:

  – avoid clearing native vegetation;

  – minimise the amount of native vegetation cleared; and

  – reduce the impact of clearing on any environmental value.

In addition to these requirements, there are a number of other work management and rehabilitation conditions that apply to EMA notices. These are similar to existing conditions for exploration and prospecting activities, but applicants must read their EMA notice carefully to ensure they are aware of all requirements.

Excluded areas

There are areas throughout the state where EMA notices cannot be lodged, including but not limited to areas of environmental sensitivities, Reserves and freehold land. The EMA excluded layer can be seen in Tengraph and Resources Online and will alert applicants if tenements are located within the excluded area.

For exploration activities within the excluded area, applicants are still able to submit a Programme of Work for assessment by DMPE.

Submitting an EMA notice

EMA notices must be submitted to the department via Resources Online prior to undertaking activities. Once an EMA notice has been submitted successfully, activities can commence.

EMA notices do not authorise activities and/or impacts under other legislation. Other approvals may still be needed (e.g. excess tonnage, heritage) and it remains the tenement holder's responsibility to be aware of all other requirements associated with undertaking the activity.

Rehabilitation and completion obligations

All ground disturbance resulting from an EMA notice must be rehabilitated within 12 months. Once rehabilitation is complete, holders must submit a completion notice within three months to DMPE via Resources Online. An EMA notice is not considered complete until the rehabilitation is finished and a completion notice is submitted to the department via Resources Online.

Where to lodge an EMA notice

Visit: Resources Online or scan the QR code.

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