

Information sheet

Mining

Mining in or near endangered regional ecosystems

This information sheet contains details, both on policy and procedures, in relation to r. 26(j) of the Environmental Protection Regulation 2008 concerning endangered regional ecosystems.

Policy position

Endangered regional ecosystems (ERE), as mapped by the administering authority¹ highlight the potential existence of an important environmental value that needs to be addressed when planning mining activities in, or adjacent to, these areas. The presence of an ERE does not automatically mean that mining activities will be prohibited in these areas.

The following hierarchy will be applied to manage the environmental impacts of mining in, or adjacent to, an ERE (in order of preference):

1. Avoid impacts to the ERE
2. Minimise impacts to the ERE and rehabilitate the ERE
3. Permanent loss of the ERE.

The codes of environmental compliance for mining projects have standard environmental conditions that stipulate what level 2 mining projects can occur beyond certain distances of environmentally sensitive areas. These distances vary depending upon the mining tenure type. For example, in the case of a mining lease, activities cannot be carried out within 2km of a Category A environmentally sensitive area, or within 1km of a Category B environmentally sensitive area. Category B includes EREs.

Under s. 151 of the *Environmental Protection Act 1994*, a mining project is either a level 1 or a level 2 mining project. A level 1 mining project is a project if any of the mining activities that form the project do not comply with the criteria prescribed in rr. 30 to 32 of the Environmental Protection Regulation 2008.

Mining projects that have a low risk of environmental harm are called level 2 mining projects. Environmental authorities (EAs) for level 2 mining projects are either code compliant or non-code compliant. Mining activities authorised under an EA for a level 2 mining project must comply with the criteria in rr. 30 to 32 of the Environmental Protection Regulation 2008. Additional conditions are required for level 2 mining projects to conduct mining activities within the buffer zones around environmentally sensitive areas.

Amendments to s. 151 of the *Environmental Protection Act 1994* in January 2005 removed the discretion that the administering authority previously had that allowed applications for level 2 mining projects to proceed even if the projects are within an ERE. Existing EAs that were granted under the former discretion remain valid, but an application to amend such an EA will require an environmental management plan (EM Plan) as the project is now a level 1 mining project.

¹ The Department of Environment and Resource Management is the administering authority under the *Environmental Protection Act 1994*.

Mining in or near endangered regional ecosystems

For level 1 mining projects, an EM Plan must be submitted with the application. The EM Plan should provide information on how the impacts on the ERE will be managed having regard to the above hierarchy. The administering authority will determine the types of mining activities and impacts on EREs that will be authorised under an EA for a level 1 mining project on a case by case basis.

Procedures

The administering authority will assign a project director and project manager for all EA (mining activities) applications. The project manager from the administering authority will be the key point of contact for all matters associated with the application, including issues regarding EREs.

The administering authority encourages applicants to use the pre-design service. Pre-design consultations can be arranged through the project manager for all applications involving EREs.

Where it is necessary for a miner or mining company to prepare an EM Plan which may deal with environmental values regarding EREs, the administering authority will not provide consultancy services to individual miners/companies to assist them to develop their EM Plan. Staff of the administering authority will be available for pre-planning and pre-design consultations. It should be noted that information used to verify the condition and extent of an ERE where the application relates to a level 1 mining project must be provided by a suitably qualified and experienced professional.

Where an identified ERE is either not present, or mapped in an incorrect location, or it can be shown that the mapped area should not be an ERE, an applicant should provide evidence of this to the Queensland Herbarium and seek to have the ERE mapping changed. This information should be endorsed by a suitably qualified and experienced professional.

Additional information

Information about the location of EREs is available through regional offices of the administering authority. Contact details for these offices are listed in the information sheet Contact Details for Environmental Licensing Including Council Areas (EM148²). The administering authority also provides internet access to mapping of the EREs through 'Maps of environmentally sensitive areas for mining' on the administering authority website. The rules for determining biodiversity status are also listed.

Note that the mapping that is applicable to the *Vegetation Management Act 1999* is slightly different from the mapping that is used in assessing mining projects.

Copies of Queensland legislation may be accessed from the web site of the Office of the Queensland Parliamentary Counsel <www.legislation.qld.gov.au/OQPCHome.htm>. Paper copies may be purchased from SDS Publications through The Queensland Government Bookshop <www.bookshop.qld.gov.au/home.aspx> or by contacting SDS Customer Service on 13 13 04.

Contact details

Persons wanting to arrange a pre-design consultation should contact Permit and Licence Management on 13 QGOV (13 74 68).

Advice and support are available through a statewide network of regional offices of the administering authority.

² This is the publication number, which can be used as a search term to find the latest version of the publication at <www.derm.qld.gov.au>.

Further information

The latest version of this publication can be found at <www.derm.qld.gov.au>. Note: where available, the publication number (e.g. EM1588 for this document) can be used as a search term.

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 and Resource Management should satisfy themselves independently and by consulting their own professional advisors before embarking on any proposed course of action.

Approved by:

Omar Ameer
Director, Regulatory Support and Practice Branch
Department of Environment and Resource Management
Date: 05 January 2012

Enquiries:

Permit and Licence Management
Ph: 13 QGOV (13 74 68)
Fax: (07) 3896 3342
Email: palm@derm.qld.gov.au