



Queensland

Environmental Protection Amendment Regulation (No. 2) 2013

Subordinate Legislation 2013 No. 271

made under the

Environmental Protection Act 1994

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1 Short title

This regulation may be cited as the *Environmental Protection Amendment Regulation (No. 2) 2013*.

2 Commencement

Sections 6, 7 and 12 commence on 1 January 2014.

3 Regulation amended

This regulation amends the *Environmental Protection Regulation 2008*.

4 Amendment of s 16 (Meaning of *concurrence ERA*)

(1) Section 16(2)—

renumber as section 16(3).

(2) Section 16—

insert—

(2) However, a mobile and temporary environmentally relevant activity is not a concurrence ERA.

5 Insertion of new ss 23 and 23A

Chapter 3, part 2—

insert—

23 Designated environmental areas

For schedule 4, definition *small scale mining activity*, paragraphs (a)(vi) and (b)(v) of the Act, the following areas are prescribed as designated environmental areas—

(a) for each agricultural research facility mentioned in schedule 2B, the area with the land description shown opposite the facility's name;

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- (b) a coastal management district under the *Coastal Protection and Management Act 1995*;
- (c) coastal wetlands under the *Coastal Protection and Management Act 1995*;
- (d) the designated landscape area called ‘the Stanbroke Pastoral Development Holding’ recorded on the register under the *Aboriginal Cultural Heritage Act 2003*;
- (e) a nature refuge under the *Nature Conservation Act 1992*;
- (f) a reservation for public purposes under the *Land Act 1994*, section 23;
- (g) a resources reserve under the *Nature Conservation Act 1992*;
- (h) a State forest under the *Forestry Act 1959*;
- (i) a timber reserve under the *Forestry Act 1959*.

23A Prescribed conditions for small scale mining activities—Act, s 21A

For section 21A of the Act, the conditions stated in schedule 2C are prescribed.

6 Amendment of s 101 (Particular prescribed ERAs)

- (1) Section 101, ‘the local government for the local government area where the activity is, or is to be, carried out’—

omit, insert—

a prescribed local government where the activity is, or is to be, carried out in its local government area

- (2) Section 101—

insert—

- (2) In this section—

prescribed local government means a local government, other than a local government mentioned in schedule 8A.

7 Insertion of new ch 9, pt 8

Chapter 9—

insert—

Part 8 Transitional provisions for Environmental Protection Amendment Regulation (No. 2) 2013

174 Continuing devolution of power for particular local governments

- (1) This section applies to an application, made under the Act, relating to a prescribed ERA mentioned in section 101 if—
 - (a) before the commencement of this section, a person made the application to a local government mentioned in schedule 8A; and
 - (b) at the commencement, the application had not been decided by the local government.
- (2) The administration of the Act in relation to deciding the application continues to be devolved to the local government for the purpose of the application and only until the application is decided.

175 When to pay financial assurance

- (1) This section applies if, within 30 business days after the commencement of this section, a holder of a small scale mining tenure carries out a mining activity mentioned in schedule 2C, part 2, section 1.

[s 8]

- (2) Despite schedule 2C, part 2, section 11(a), the holder must pay the financial assurance within 30 business days after the commencement of this section.

8 Insertion of new schs 2B to 2D

After schedule 2A—

insert—

Schedule 2B Designated environmental areas—agricultural research facilities

section 23

Name	Description
Applethorpe research station	Lot 249 on BNT1800 situated in the County of Bentinck
Ayr research station	Lot 97 on GS867 situated in the County of Gladstone
Bowen research station	Lot 112 on HR963, lot 1 on RP715403 and lot 39 on SP113324 situated in the County of Herbert
Bribie Island aquaculture research station	Lot 190 on CG805819 and lot 1 on SP248827 situated in the County of Canning
Bundaberg research station	Lot 16 on CK813259 situated in the County of Cook
Gatton research station	Lot 189 on CC3307 situated in the County of Churchill

Name	Description
Glengarry research station	Lot 34 on RP91429 situated in the County of Aubigny
Hermitage research station	Lots 100, 1304, 156 and 159 on ML2001 situated in the County of Merivale
J. Bjelke-Petersen research station	Lot 349 on CP904165 and lot 379 on FY2924 situated in the County of Fitzroy
Kairi research station	Lot 1 on SP241295 situated in the County of Nares
Kennlea research station	Lot 3 on RP58646 and lot 1 on RP904403 situated in the County of Aubigny
Kingsthorpe research station	Lot 2 on RP129751 situated in the County of Aubigny
Leslie research station	Lot 928 on AG2196 situated in the County of Aubigny
Maroochy horticultural research station	Lot 676 on CG5055 and lot 941 on CG6160 situated in the County of Canning
Mary Valley research station	Lot 3 on SP186078 situated in the County of March
Mutdapilly research station	Lot 111 on SP240462 situated in the County of Churchill
Redlands research station	Lots 31, 32 and 43 on C145614, lots 1, 2 and 3 on C668, lot 6 on C671 and lot 145 on SL11048 situated in the County of Stanley
Redvale research station	Lot 475 on FY2951 situated in the County of Fitzroy

[s 8]

Name	Description
Rosebank research station	Lot 218 on SP237183 situated in the County of Portland
South Johnstone research station	Lot 61 on NR6878 situated in the County of Nares
Spyglass Beef research station	Lot 4835 on CP858256, lot 1 on OC57, lot 3 on RP841848, lot 4 on SP233424 situated in the County of O'Connell
Swans Lagoon research station	Lot 7 on GS1064, lot 11 on GS1065, lots 3 and 6 on SP143785 and lot 116 on SP256839 situated in the County of Gladstone
Tropical weeds research station and residence	Lot 36 on CP889406, lots 208 and 209 on DV583, lot 197 on DV735 and lot 1 on MPH785 situated in the County of Davenport
Walkamin research station	Lot 568 on N157284 situated in the County of Nares
Wellcamp field research station	Lot 209 on AG3878 situated in the County of Aubigny

Schedule 2C Prescribed conditions for small scale mining activities

section 23A

Part 1 Definitions for sch 2C

In this schedule—

dam means a man-made structure or hollow prepared for the retention of aqueous substances used in or produced by the operation of a mining activity.

density of cover, of vegetation in a particular area, means—

- (a) if the plant species are trees or shrubs—the number of trees or shrubs in the area; or
- (b) if the plant species are understorey species, for example, grasses and forbs—the percentage of surface area covered by a particular species in the area.

guidelines for Livestock Drinking Water means the Australian and New Zealand Guidelines for Fresh and Marine Water Quality 2000.

water bore means an artesian bore or a sub-artesian bore under the *Water Act 2000*.

Part 2

Conditions for mining claims and exploration permits

- 1 This part applies to a small scale mining tenure if the mining activity for the tenure is carried out under a mining claim or exploration permit.
- 2 The holder of the small scale mining tenure must rehabilitate all areas disturbed by mining activities on the mining tenure before—
 - (a) the tenure expires; or
 - (b) the tenure is surrendered.
- 3 For an area that has been mined on the tenure, the holder must finish progressive rehabilitation of the area within 1 year of finishing the mining activity in the area.
- 4 The holder must carry out and finish rehabilitation works to establish a landform—
 - (a) that is safe, stable and self-sustaining; and
 - (b) with vegetation of a species and density of cover similar to surrounding undisturbed areas or the landform that existed before mining activities.
- 5 However—
 - (a) section 4 does not apply to infrastructure of the mine that remains on the land under section 6; and
 - (b) the vegetation mentioned in section 4(b) does not include a species declared under the *Land Protection (Pest and Stock Route Management) Regulation 2003* as a category class 1 pest, category class 2 pest or category class 3 pest.

-
- 6 For infrastructure of the mine that remains on the land after the small scale mining activity stops, the holder must enter into a written agreement with the owner of the land providing for the owner to take over responsibility for the infrastructure.

Examples of infrastructure of a mine—

a dam or a road

- 7 If a dam remains on the land after the small scale mining activity stops and is used for livestock drinking supplies, the holder must ensure that—
- (a) the dam is safe; and
 - (b) its water quality complies with the acceptable water quality Guidelines for Livestock Drinking Water when the agreement with the landowner takes effect; and
 - (c) safe access is provided for livestock and native animals.
- 8 The holder of a small scale mining tenure, other than a holder mentioned in section 9, must give the administering authority financial assurance of an amount to be calculated under schedule 2D for the holder's—
- (a) tenure type; and
 - (b) environmental risk of the activity under the tenure; and
 - (c) the proposed area of disturbance as stated in—
 - (i) the work program for the holder's current mining claim under the *Mineral Resources Act 1989*, sections 61(1)(j)(iv) and 81(1)(c); or

[s 8]

- (ii) the program of work for the holder's exploration permit under the *Mineral Resources Act 1989*, section 133(f)(i).
- 9 Section 10 applies if a holder of a small scale mining tenure—
 - (a) held, on 31 March 2013, an environmental authority for the activity carried out under the tenure; and
 - (b) an amount of financial assurance for the environmental authority is held by the administering authority.
- 10 The holder must give the administering authority financial assurance of an amount that is equal to the amount held.

Note—

Under the Act, section 712(2), the amount of financial assurance for an environmental authority held by the administering authority is taken to be the financial assurance required under this condition.

- 11 The financial assurance must be paid—
 - (a) before the day the relevant activity is carried out under the mining tenure; and
 - (b) as security for—
 - (i) compliance with other prescribed conditions for carrying out the small scale mining activity; and
 - (ii) costs or expenses, or likely costs or expenses, mentioned in section 298 of the Act.

Part 3 Additional conditions for exploration permits

- 1 This part applies to a small scale mining tenure if the mining activity for the tenure is carried out under an exploration permit.
- 2 The holder must rehabilitate drill pads and excavations as soon practicable after sampling is finished, and within 3 months of starting the drilling or excavating.
- 3 The holder must, within 30 business days of drilling commencing, ensure that any drill hole is—
 - (a) decommissioned; or
 - (b) converted to a water bore.
- 4 If a drill hole is to be used for ongoing groundwater production or monitoring purposes, the holder must convert the drill hole to a water bore under the *Water Act 2000*.
- 5 The holder may only transfer a functional water bore to an owner of land if the holder and the owner enter into a written agreement.
- 6 Any drill hole or water bore that is not transferred to the owner or the State must be decommissioned by cementing the hole, including the annular space around casing, from top to bottom.

[s 8]

Schedule 2D Rates of financial assurance

section 23A and schedule 2C

Tenure type	Mining claim				Exploration permit (minerals)	
	Hand mining (previously mined)	Hand mining (not previously mined)	Machinery used for mining with no dam	Machinery used for mining with a dam	Low risk	High risk
Environmental risk of the activity (area of disturbance hectares)	\$	\$	\$	\$	\$	\$
0 to 0.1	200	400	400	3400	2500	5000
more than 0.1 to 0.5	400	800	2000	5000	not applicable	
more than 0.5 to 1	1000	2000	4000	7000		
more than 1 to 2	2000	4000	8000	11000		
more than 2 to 3	3000	6000	12000	15000		
more than 3 to 4	4000	8000	16000	19000		
more than 4 to 5	5000	10000	20000	23000		

9 Amendment of sch 3 (Continued codes of environmental compliance—Act, s 707A)

- (1) Schedule 3, part 1, item 1—
omit.
- (2) Schedule 3, part 1, items 2 and 3—
renumber as schedule 3, part 1, items 1 and 2.
- (3) Schedule 3, part 2, items 4 to 6—
renumber as schedule 3, part 2, items 3 to 5.

10 Amendment of sch 3B (Approved eligibility criteria for environmentally relevant activities)

Schedule 3B—

insert—

Eligibility criteria and standard conditions for cattle feedlotting (ERA 2)

Eligibility criteria and standard conditions for sheep feedlotting (ERA 2)

Eligibility criteria and standard conditions for pig keeping (ERA 3)

Eligibility criteria and standard conditions for poultry farming (ERA 4)

Eligibility criteria and standard conditions for chemical manufacturing (water based paint) (ERA 7)

Eligibility criteria and standard conditions for chemical manufacturing (soap, surfactants or cleaning or toiletry products) (ERA 7)

Eligibility criteria and standard conditions for retreading tyres (ERA 13)

Eligibility criteria and standard conditions for extracting material (ERA 16)

[s 11]

Eligibility criteria and standard conditions for screening (5000 tonnes to 100,000 tonnes of material in a year) (ERA 16)

Eligibility criteria and standard conditions for screening (more than 100,000 tonnes but not more than 1 million tonnes of material in a year) (ERA 16)

Eligibility criteria and standard conditions for screening (more than 1 million tonnes of material in a year) (ERA 16)

Eligibility criteria and standard conditions for bottling or canning food (ERA 23)

Eligibility criteria and standard conditions for meat processing (not including rendering) (ERA 25)

Eligibility criteria and standard conditions for meat processing (including rendering) (ERA 25)

Eligibility criteria and standard conditions for milk processing (ERA 26)

Eligibility criteria and standard conditions for metal foundry (ERA 29)

Eligibility criteria and standard conditions for surface coating (ERA 38)

Eligibility criteria and standard conditions for tyre recycling (ERA 59)

Eligibility criteria and standard conditions for sewage treatment works (ERA 63)

11 Amendment of sch 5 (Environmental objective assessment)

Schedule 5, part 2, item 7(f), ‘being carrying out’—

omit, insert—

being carried out

12 Insertion of new sch 8A

After schedule 8—

insert—

Schedule 8A Other local governments

section 101(2), definition *prescribed local government*

Balonne Shire Council
Barcaldine Regional Council
Barcoo Shire Council
Bulloo Shire Council
Carpentaria Shire Council
Central Highlands Regional Council
Charters Towers Regional Council
Cook Shire Council
Croydon Shire Council
Diamantina Shire Council
Gympie Regional Council
Hinchinbrook Shire Council
Lockyer Valley Regional Council
Longreach Regional Council
Scenic Rim Regional Council
Tablelands Regional Council
Winton Shire Council

13 Amendment of sch 10 (Fees)

Schedule 10, part 4—

[s 13]

insert—

15A application for a temporary emissions licence (Act, s 357B(5))	2200.00
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ENDNOTES

- 1 Made by the Governor in Council on 5 December 2013.
- 2 Notified on the Queensland legislation website on 6 December 2013.
- 3 The administering agency is the Department of Environment and Heritage Protection.

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