ERA Code

Environmental Protection Act 1994

Environmentally Relevant Activity Code for a Small Scale Mining Activity on a Prescribed Mining Claim

This code includes the conditions a person must comply with under Section 551A of the Environmental Protection Act 1994 to undertake the code-managed ERA of small scale mining activity on a prescribed mining claim.

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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 to undertake code-managed ERA XX – Small scale mining activity on a prescribed mining claim.

A summary of this code-managed ERA is provided below. The full definition for this activity is in Schedule 3A of the Environmental Protection Regulation 2019.

Code-managed ERA XX – Small scale mining activity on a prescribed mining claim	
Tenure Description	Legislation: *Mineral Resources Act 1989* Tenement Type: Prescribed Mining Claim
Authorised Minerals	Corundum, gemstones, other precious stones
Activity Location	The activity will not be: • carried out in an area constrained for the relevant activity; • carried out in a watercourse or riverine area.
Activity Operations	The activity will not: • cause more than 5ha of land to be significantly disturbed at any one time; • be carried out by more than 20 persons at any one time; • cause more than 5,000m^2 of land to be disturbed at a camp site; • involve mineral extraction by way of chemical separation or processing; • include an activity being carried out as part of another resource ERA; • include an activity being carried out as part of a general ERA.

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

Schedule A – General Conditions	
A1	The activity must not include a regulated structure.
A2	Unless otherwise permitted under the conditions of this code, contaminants must not be released directly or indirectly to land, air or waters.
A3	Activities must not occur within: a) for each agricultural research facility mentioned in Attachment 1, the area with the land description shown opposite the facility's name; 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) a reservation for public purposes under the *Land Act 1994*, section 23; e) a State forest under the *Forestry Act 1959*; and f) a timber reserve under the *Forestry Act 1959*.
Schedule B – Significant Environmental Values	
B1	Activities must not result in environmental harm to: a) an environmental value in a protected area, other than a coordinated conservation area, under the *Nature Conservation act 1992*; b) an environmental value in a marine park that is classified as a conservation park zone, buffer zone, scientific research zone, marine national park zone or preservation zone, under the *Marine Parks Act 2004*; c) an environmental value in a legally secured offset area under the *Environmental Offsets Act 2014*; d) an environmental attribute of a designated precinct in a strategic environmental area under the *Regional Planning Interests Act 2014*; e) an environmental value in a declared fish habitat area under the *Fisheries Act 1994*; f) a waterway providing for passage of fish regulated under the *Fisheries Act 1994*; g) a wetland of significant environmental values; h) a watercourse of significant environmental values; and i) an endangered regional ecosystem.
B2	Only low impact mining activities may be undertaken within: a) an area of essential habitat on the essential habitat map for wildlife that is threatened wildlife; b) a koala habitat area under the Nature Conservation (Koala) Conservation Plan 2017, section 7B; c) an of concern regional ecosystem; d) an area of high value regrowth vegetation;

	e) native vegetation that is within 100m of a wetland of significant environmental values; f) 10m of a defining bank of a watercourse identified on the vegetation management watercourse and drainage feature map; and g) an area where marine plants are located.
Schedule C – Waste Management	
C1	Waste, other than mining waste, must not be disposed of on the mining claim.
C2	Despite condition C1, if the mining claim tenure is conditioned to comply with the *Small Scale Mining Code*[1], waste may be disposed of in accordance with that code.
Schedule D - Rehabilitation	
D1	Rehabilitation works must be completed so that: • any infrastructure is removed, unless agreed to in writing by the landholder to remain; • for any water storages, the contained water is of a quality suitable for the intended ongoing use(s) by that landholder, and safe animal access is provided; • the disturbed areas are reshaped to a stable landform; • surface drainage lines are re-established; • topsoil is reinstated; and • the land is revegetated to be consistent with the surrounding undisturbed land.
D2	All areas disturbed by the activity on the mining claim must be rehabilitated before – a) the tenure expires; or b) the tenure is surrendered.

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); and
- 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

[1] Section 81, *Mineral Resources Act 1989* – a mining claim may be subject to a condition that the holder must comply with the mandatory provisions of the small scale mining code to the extent the code applies to the holder

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- 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 *Mineral Resources Act 1989* 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*.

Definitions

Defined terms in this document are underlined the first time they appear, and their definitions are provided in Appendix 2.

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.

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Appendix 1: Agricultural Research Facility

Name	Description
Applethorpe research station	Lot 249 on BNT1800
Ayr research station	Lot 97 on GS867
Bowen research station	Lot 112 on HR963, lot 1 on RP715403 and lot 39 on SP113324
Bribie Island aquaculture research station	Lot 190 on CG805819 and lot 1 on SP248827
Bundaberg research station	Lot 16 on CK813259
Gatton research station	Lot 189 on CC3307
Hermitage research station	Lots 100, 1304, 156 and 159 on ML2001 and lot 2 on SP156026
J. Bjelke-Petersen research station	Lot 349 on CP904165 and lot 379 on FY2924
Kairi research station	Lot 1 on SP241295
Kennlea research station	Lot 3 on RP58646 and lot 1 on RP904403
Kingsthorpe research station	Lot 2 on RP129751
Leslie research station	Lot 928 on AG2196
Maroochy horticultural research station	Lot 676 on CG5055 and lot 941 on CG6160
Mary Valley research station	Lot 3 on SP186078
Redlands research station	Lots 1, 2, 3, 4, 5 and 43 on SP280786
Redvale research station	Lot 475 on FY2951
South Johnstone research station	Lot 61 on NR6878
Spyglass Beef research station	Lot 4835 on CP858256, lot 1 on OC57, lot 3 on RP841848 and lot 4 on SP233424
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
Walkamin research station	Lot 568 on N157284
Wellcamp field research station	Lot 209 on AG3878

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Appendix 2: Definitions

Explanatory note: Where a term is not defined in this document, the definition in the *Environmental Protection Act 1994,* its regulations and environmental protection policies, then the *Mineral Resources Act 1989* and the *Acts Interpretation Act 1954* then the Macquarie Dictionary should be used in that order.

Term	Definition
activity	the code-managed environmentally relevant activity to which this ERA code relates.
area constrained for the relevant activity	means and area defined in Schedule 3A of the Environmental Protection Regulation 2019 for code-managed ERA XX – Small scale mining activity on a prescribed mining claim.
chemical separation or processing	means chemical separation to extract a mineral from its natural state, where a chemical other than water is used. Chemical separation or processing includes but is not limited to: concentrating, electrowinning, solvent extraction electrowinning (SX-EW), heap leaching, carbon-in-leach (CIL), carbon-in-pulp (CIP). Chemical separation or processing does not include (for example): crushing, grinding, screening, washing (water only), jigging (water only), tabling (water only).
disturbed	means any area that has had its natural state altered by the action or interference of carrying out the activity.
endangered regional ecosystem	means an endangered regional ecosystem identified in the database known as the 'Regional ecosystem description database' published on the department's website. Definition may be removed pending inclusion in *Environmental Protection Act 1994* or Environmental Protection Regulation 2019.
essential habitat	For threatened wildlife, means essential habitat for the wildlife within the meaning of the *Vegetation Management Act 1999*, section 20AC(2). Definition may be removed pending inclusion in *Environmental Protection Act 1994* or Environmental Protection Regulation 2019.
essential habitat map	has the meaning in section 20AC(1) of the *Vegetation Management Act 1999*. Definition may be removed pending inclusion in *Environmental Protection Act 1994* or Environmental Protection Regulation 2019.
high value regrowth vegetation	means an area of high value regrowth vegetation within the meaning of the *Vegetation Management Act 1999* that is part of an endangered regional ecosystem, or of concern regional ecosystem, identified in the database known as the 'Regional ecosystem description database' published on the departments website. Definition may be removed pending inclusion in *Environmental Protection Act 1994* or Environmental Protection Regulation 2019.
low impact mining activities	means hand mining activities which do not result in the clearing of native vegetation; removal, destruction or damage of a marine plant; disturbance of threatened wildlife and/or relevant habitat features (e.g. logs, hollows, burrows, nests etc.) that may support threatened wildlife.
Manual for assessing consequence categories and	Means the document called the *Manual for assessing consequence categories and hydraulic performance of structures* (ESR/2016/1933) (DETSI2024) available on the

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hydraulic performance of structures	Queensland Government website: Manual for assessing consequence categories and hydraulic performance of structures
marine plant	means a marine plant under the *Fisheries Act 1994*. Definition may be removed pending inclusion in *Environmental Protection Act 1994* or Environmental Protection Regulation 2019.
mining claim	means the mining tenement under the *Mineral Resources Act 1989*.
mining waste	means rock, spoil, overburden or the residues resulting from mineral ore processing generated as part of: a) winning mineral from a place where it occurs; or b) extracting mineral from its natural state.
of concern regional ecosystem	means an of concern regional ecosystem identified in the database known as the 'Regional ecosystem description database' published on the department's website. Definition may be removed pending inclusion in *Environmental Protection Act 1994* or Environmental Protection Regulation 2019.
regulated structure	Means any structure in the significant or high consequence category as assessed using the *Manual for assessing consequence categories and hydraulic performance of structures*. A regulated structure does not include a fabricated or manufactured tank or container, designed and constructed to an Australian Standard that deals with strength and structural integrity of that tank or container.
significantly disturbed	land is ***significantly disturbed*** if – – it is contaminated land; or – it has been disturbed by the mining activity and human intervention is needed to rehabilitate it – – to a condition required under the relevant ERA code; or – 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. Examples of a disturbance to land include the covering, compaction, exposure, removal or stockpiling of soil or other material, or the destruction or removal of vegetation.
small scale mining code	means the ***small scale mining code*** made under Section 391C of the *Mineral Resources Act 1989*.
threatened wildlife	Has the meaning provided in schedule (dictionary) of the *Nature Conservation Act 1992* Definition may be removed pending inclusion in *Environmental Protection Act 1994* or Environmental Protection Regulation 2019.
Watercourse of significant environmental values	*Watercourse of significant environmental values* means a watercourse in high ecological value waters within the meaning of the Environmental Protection (Water and Wetland Biodiversity) Policy 2019 Definition may be removed pending inclusion in *Environmental Protection Act 1994* or Environmental Protection Regulation 2019.
Wetland of significant	means

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environmental values	- a wetland in a wetland protection area shown on the map of Great Barrier Reef wetland protection areas - a wetland of high ecological significance shown on the map of Queensland wetland environmental values - wetland in high ecological value waters within the meaning of the Environmental Protection (Water and Wetland Biodiversity) Policy 2019 Definition may be removed pending inclusion in *Environmental Protection Act 1994* or Environmental Protection Regulation 2019.

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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 XX – Small scale mining activity on a prescribed mining claim.

1. The mining activity (the ***relevant activity***) consists of mining any mineral that is corundum, gemstones or other precious stones to which the prescribed mining claim applies, where the relevant activity:
    a) does not, or will not, at any time cause more than 5ha of land to be significantly disturbed; and
    b) is not, or will not be, carried out in a watercourse or riverine area; and
    c) is not, or will not be, carried out on an area that is ***area of land constrained for the relevant activity;*** and
    d) is not, or will not be, carried out by more than 20 persons at any one time; and
    e) does not, or will not, at any time cause more than 5,000m^2 of land to be disturbed at a camp site.
2. The relevant activity does not include:
    a) mineral extraction by way of chemical separation or processing;
    b) an activity being carried out as part of another resource ERA; or
    c) an activity being carried out as part of a general ERA.
3. For this section:

    area of land constrained for the relevant activity means:

    1. a protected area under the *Nature Conservation Act 1992*, other than a coordinated conservation area under that Act.
    2. in a designated precinct in a strategic environmental area.
    3. a marine park under the *Marine Parks Act 2004* that is classified under that Act as a conservation park zone, buffer zone, scientific research zone, marine national park zone, or preservation zone.
    4. a declared fish habitat area under the *Fisheries Act 1994.*
    5. a legally secured offset area under the *Environmental Offsets Act 2014.*
    6. a mapped endangered regional ecosystem identified in the database known as the 'Regional ecosystem description database' published on the department's website.
    7. a wetland in a wetland protection area shown on the map of Great Barrier Reef wetland protection areas.
    8. a wetland of high ecological significance shown on the map of Queensland wetland environmental values.
    9. a waterway providing for passage of fish regulated under the *Fisheries Act 1994*.
    10. a designated precinct in a strategic environmental area.

    chemical separation or processing means chemical separation to extract a mineral from its natural state, where a chemical other than water is used. Chemical separation or processing includes but is not limited to: concentrating, electrowinning, solvent extraction electrowinning (SX-EW), heap leaching, carbon-in-leach (CIL), carbon-in-pulp (CIP). Chemical separation or processing does not include (for example): crushing, grinding, screening, washing (water only), jigging (water only), tabling (water only).

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

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1. it is contaminated land; or
2. it has been disturbed by the mining activity and human intervention is needed to rehabilitate it –
3. to a condition required under the relevant ERA code; or
4. 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.

Examples of a disturbance to land include the covering, compaction, exposure, removal or stockpiling of soil or other material, or the destruction or removal of vegetation.

mining claim means the mining tenement under the *Mineral Resources Act 1989*.

Version history

Version	Date	Description
1.00	XX XXX	

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