ERA Standard

Environmental Protection Act 1994

Eligibility Criteria and Standard Conditions for Mining Activities on an Exploration Permit or a Mineral Development Licence

This document provides eligibility criteria and standard conditions for exploration and mineral development licence activities.

An environmentally relevant activity (ERA) standard is made up of two parts:

- **Eligibility criteria** are constraints set to ensure environmental risks associated with the operation of the ERA are able to be managed by the standard conditions.
- **Standard conditions** are the minimum operating requirements an environmental authority holder must comply with.

For requirements for the surrender of an environmental authority refer to the *Environmental Protection Act 1994.*

Eligibility Criteria

To be eligible for a standard or variation application for an environmental authority under an exploration permit and/or mineral development licence, the activity (the relevant activity) must consist of undertaking exploration for any mineral to which the resource authority applies, where the relevant activity meets the following eligibility criteria:

Eligibility criteria category	Eligibility criteria
ERA	Mining activity on an exploration permit or a mineral development licence
Activity description	Mining activity that is only the following types: a) exploration activities, including i. prospecting; ii. a mining activity involving drilling, costeaning, pitting or carrying out geological surveys b) mineral development activities, including i. investigating the potential development of a mineral resource by bulk sampling or constructing an exploratory shaft, adit or open pit
Resource Authority Description	Legislation: *Mineral Resources Act 1989* Tenement Type: Exploration Permit for coal Exploration Permit for minerals Mineral Development Licence
Authorised Minerals	All minerals

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Activity location	The activity is not carried out in an area that is constrained for the eligibility criteria of the ERA Standard for mining activities on an exploration permit and/or mineral development licence (Eligibility Criteria and Standard Conditions for mining activities on an exploration permit and/or mineral development licence) in Appendix 1.
Activity operations	The activity will not: a) at any one time, cause more than 10ha of land to be significantly disturbed by any activities including all associated infrastructure such as roads, campsites, dams, renewable energy structures and waste storage areas b) at any one time, cause more than 5ha of land to be significantly disturbed by: i. costeaning; ii. pitting; iii. bulk sampling; iv. open pit c) include a general environmentally relevant activity (ERA) to which a section of schedule 2 of the Environmental Protection Regulation 2019 applies and for which there is an aggregate environmental score d) include an activity being carried out as a single integrated operation with another mining activity(ies) authorised under a separate environmental authority.

Which conditions apply

All conditions apply to **all activities** authorised under the environmental authority, including exploration activities and mineral development licence (MDL) activities.

Standard Conditions

Schedule A – General

Explanatory note: *Schedule A outlines the activities authorised for the mining lease under the environmental authority and the operating requirements considered by the administering authority to be acceptable performance standards. A number of activities are not authorised or are otherwise restricted under the standard conditions in Schedule A. This is because the process followed for a standard application does not require a formal assessment by the administering authority.*

In complying with the standard conditions in Schedule A, the holder will be carrying out the mining activities in a way that reduces the risk of environmental harm. Industry is encouraged to exceed these performance standards.

Condition Number	Condition
A1	Activities must not occur within a. a resources reserve under the *Nature Conservation Act 1992*; b. a nature refuge under the *Nature Conservation Act 1992*; c. a State forest under the *Forestry Act 1959;* d. a timber reserve under the *Forestry Act 1959;* e. a coastal management district under the *Coastal Protection and Management Act 1995*;

	f. erosion prone areas under the *Coastal Protection and Management Act 1995;* g. a coastal wetland as defined under the *Coastal Protection and Management Act 1995;* h. a reservation for public purposes under the *Land Act 1994*, section 23; i. for each agricultural research facility mentioned in Attachment 2, the area with the land description shown opposite the facility's name.
A2	The activity must not include: a. a regulated structure; or b. a watercourse diversion; or c. chemical separation or processing.
A3	Contaminants must not be released directly to land, air or waters.
A4	Excluding tracks, the holder of the environmental authority must ensure that the total area of land disturbed within any single disturbance location does not exceed 1,000m² at any time.
A5	All plant and equipment reasonably necessary to ensure compliance with the standard conditions must be installed, maintained and operated in their proper and effective condition.
A6	Effective erosion, sediment and stormwater controls must be installed, used and maintained at all stages of mining.
A7	Measures to minimise stormwater entry onto significantly disturbed land must be implemented and maintained.
A8	Chemicals and fuels must be stored in an effective containment system that meets Australian Standards to prevent leaks and spills.
A9	Waste, other than mining waste, must not be disposed of on the resource authority.
A10	Activities that require earthworks, vegetation clearing and/or placing fill, other than that associated with the construction of linear infrastructure, are not permitted in or within: a. 200m of any wetland, lake or spring; or b. 100m of the outer bank of any other watercourse.
A11	The construction and/or maintenance of linear infrastructure that will result in significant disturbance to a watercourse must be conducted in accordance with the following order of preference: a. Firstly, in times where there is no water present. b. Secondly, in times of no flow. c. Thirdly, in times of flow, but in a way that does not impede low flow.
A12	All buildings, structures, equipment, and plant erected and/or used for the authorised activities must be removed from the site prior to surrender of the environmental authority, unless otherwise agreed in writing with the landholder and the administering authority.
A13	Prior to the expiry of the resource authority, all areas disturbed by activities must be rehabilitated to a stable condition with a land use similar to that of surrounding undisturbed areas.
Schedule B – Significant Environmental Values	

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Explanatory note: *Schedule B outlines the significant environmental values to be protected or enhanced to minimise environmental harm resulting from the mining activities. Negative impacts to these environmental values beyond the authorisations in the standard conditions are considered unlawful environmental harm.*	
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 wetland of significant environmental value; g. a watercourse of significant environmental value; and h. an endangered regional ecosystem.
B2	Only low impact exploration 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. native vegetation that is within 100m of a wetland of significant environmental value; d. 10m of a defining bank of a watercourse identified on the vegetation management watercourse and drainage feature map; and e. an area where marine plants are located.
B3	Activities within a waterway providing for the passage of fish must maintain a flow path and fish passage.
B4	Prior to carrying out mining activities within an of concern regional ecosystem or an area of high value regrowth vegetation, the location of mining activities must be selected to: a. firstly avoid, then minimise, then mitigate any negative impacts on areas of vegetation or other areas of ecological value; b. minimise disturbance to land that may otherwise result in land degradation; c. minimise isolation, fragmentation or dissection of tracts of vegetation that would lead to a reduction in the current level of ecosystem functioning or ecological connectivity; and d. minimise clearing of mature or hollow bearing trees.
Schedule C – Exploration Drilling	

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Explanatory note: *The following conditions apply to exploration activities authorised under the environmental authority. These conditions are designed to address the unique environmental risks associated with each type of activity.* *Exploration drilling may be undertaken on an exploration permit or a mineral development licence.*	
C1	Exploration drill holes must be fitted with a temporary cap at the completion of drilling.
C2	Exploration drill holes spanning multiple aquifers must, at the completion of drilling, isolate all water bearing strata by casing or plugging at each intersection.
C3	All drill holes must be decommissioned (or converted to a water bore) in accordance with: a. for coal exploration drill holes, section 100 of the *Coal Mining Safety and Health Regulation 2017*; or b. if applicable, the *Minimum standards for the construction and reconditioning of water bores that intersect the sediments of artesian basins in Queensland* as in force at the time of decommissioning; or c. the *Minimum Construction Requirements for Water Bores in Australia* as in force at the time of decommissioning.
C4	All drill holes must be decommissioned (or converted to a water bore) by the earlier of: a. the expiry of the resource authority; or b. for: i. artesian drill holes, within one month of drilling completion; and ii. all other drill holes, within 6 months of drilling completion.
C5	Rehabilitation must: a. be commenced for all sumps and drill pads associated with exploration upon completion of drilling; and b. completed for those areas within 6 months of drilling completion, including: i backfilling of sumps and removal of any liners; ii reintegration of topsoil on drill pads to allow for the re-establishment of vegetation; and iii backfilling of drill holes, mounding over the backfilled area, and covering with topsoil.
Schedule D – Costeaning, pitting, geological surveys, bulk sampling, exploratory shaft, adit or open pit ***Explanatory note:*** *The following conditions apply to specific types of activities authorised under the environmental authority. These conditions are designed to address the unique environmental risks associated with each type of activity.* *Costeaning, pitting and geological surveys may be undertaken on either an exploration permit or a mineral development licence.* *Bulk sampling, exploratory shaft, adit or open pits may be undertaken on a mineral development licence.*	
D1	Topsoil must be removed before disturbance, kept separate, and managed to prevent erosion or degradation. A record of topsoil must be kept.
D2	Prior to the expiry of the resource authority, the environmental authority holder must backfill any voids to a profile similar to surrounding undisturbed land using material that:

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	a. is free of contaminants; and b. capable of supporting a land use that is similar to the surrounding area.
D3	Acid producing waste must: a. be separated from benign waste rock. b. disposed of in an excavation or pit and: i. Backfill the excavation or pit with benign, low permeability material as soon as practicable; and ii. Seal the excavation or pit with a compacted capping layer at least 1 metre thick.
D4	Spoil and overburden must be placed outside watercourses, wetlands and flood-prone areas and must be stabilised to prevent erosion and sediment release.

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General Obligations

In addition to the requirements found in the conditions of this ERA standard, you must also meet your obligations under the *Environmental Protection Act 1994*, 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 specially authorised by a condition of this ERA Standard, this ERA Standard 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 'ERA standard' on the Business Queensland webpage (www.business.qld.gov.au).

Definitions

Defined terms in this document are underlined the first time they appear, and their definitions are provided in Appendix 3.

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.

Relationship with Other Legislation

This Standard does not remove, replace, or limit the need to comply with the *Mineral Resources Act 1989* or any other applicable legislation.

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

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Appendix 1: Constrained land

Areas of land constrained for the eligibility criteria of the ERA Standard for mining activities on an exploration permit and/or mineral development licence (Eligibility Criteria and Standard Conditions for mining activities on an exploration permit and/or mineral development licence):

1. a protected area under the *Nature Conservation Act 1992*, other than a resources reserve, a nature refuge or a coordinated conservation area under that Act.
2. 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.
3. a declared fish habitat area under the *Fisheries Act 1994.*
4. a legally secured offset area under the *Environmental Offsets Act 2014.*
5. a mapped endangered regional ecosystem identified in the database known as the 'Regional ecosystem description database' published on the department's website.
6. a wetland in a wetland protection area shown on the map of Great Barrier Reef wetland protection areas.
7. a wetland of high ecological significance shown on the map of Queensland wetland environmental values.
8. a designated precinct in a strategic environmental area.

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Appendix 2: 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 3: 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
dam(s)	means a land-based structure or a void that contains, diverts or controls flowable substances, and includes any substances that are thereby contained, diverted or controlled by that land-based structure or void and associated works.
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.
exploration activities	exploration activities allow the holder of the environmental authority on the relevant resource authority to take action to determine the existence, quality and quantity of minerals by: a. Geological Surveys; b. Geophysical and Geochemical Testing; c. Drilling; d. Sampling and Analysis; e. Environmental and Land Assessments.
fish passage	means the ability for fish to move upstream and downstream through a watercourse and between connected habitats without undue obstruction.
flow path	means a continuous route by which water moves through a watercourse, including any channel, depression, culvert, crossing or other structure, that maintains hydraulic connectivity within the watercourse.
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.

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	Definition may be removed pending inclusion in *Environmental Protection Act 1994* or Environmental Protection Regulation 2019.
linear infrastructure	means powerlines, roads and access tracks
low impact exploration activities	means mining activities which do not result in - result in the clearing of native vegetation, - result in the removal, destruction or damage of a marine plant; - result in the disturbance of threatened wildlife and/or relevant habitat features (e.g. logs, hollows, burrows, nests etc) that may support threatened wildlife; - cause disruption to soil profiles through earthworks or excavation or result in significant disturbance to land which cannot be rehabilitated immediately using hand tools after the activity is completed. Examples of such activities include but are not necessarily limited to prospecting, soil surveys (excluding test or open pits), topographic surveys, cadastral surveys and ecological surveys and traversing land by car or foot via existing access tracks or routes or in such a way that does not result in permanent damage to vegetation.
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.
mineral development activities	means on the relevant resource authority to: a. conduct feasibility studies, geoscientific programs (for example drilling, seismic surveys), metallurgical testing and environmental studies. b. carry out engineering design studies. c. carry out marketing, environmental, engineering and design studies to evaluate the development potential of the defined resource.
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.
rehabilitation or rehabilitated	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. For the purposes of pipeline rehabilitation, rehabilitation includes reinstatement, revegetation and restoration.
significantly disturbed	land is *significantly disturbed* if – a) it is contaminated land; or b) it has been disturbed by the activity and human intervention is needed to rehabilitate it –

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	i. to a condition required under the relevant ERA Standard; or ii. if the ERA Standard 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 – • the covering, compaction, exposure, removal or stockpiling of soil or other material • the destruction or removal of vegetation 1. Without limiting (b) above, land requires human intervention to rehabilitate it if – a) the disturbance has made the land more susceptible to erosion; or b) the land use capability or suitability of the land is diminished; or c) the quality of water in a watercourse downstream of the land has been significantly reduced. 2. If land is significantly disturbed land because it is contaminated land, it ceases to be significantly disturbed land if a suitability statement is issued for the land advising the land is suitable for any use. 3. If land is significantly disturbed land under subsection (1)(b), it ceases to be significantly disturbed land if the administering authority is satisfied the land has been rehabilitated— a) to the condition it was in immediately before the disturbance; or b) to another condition decided by the administering authority.
stable	for a site, means the rehabilitation and restoration of the site is enduring or permanent so that the site is unlikely to collapse, erode or subside.
sump	means a pit in which waste residual drilling material or drilling fluids are stored only for the duration of drilling activities.
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.
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.
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.

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waters	means all or any part of a creek, river, stream, lake, lagoon, swamp, wetland, spring, unconfined surface water, unconfined water in natural or artificial watercourses, bed and bank of any waters, non-tidal or tidal waters (including the sea), stormwater channel, stormwater drain, roadside gutter, stormwater run-off, and underground water.
waterway providing for the passage	Means a waterway providing for the passage of fish as identified in the *Fisheries Act 1994*.
Wetland of significant environmental values	means - 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.

Version history

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