Hon Stirling Hinchliffe MP
Member for Stafford

Minister for Employment, Skills and Mining

CLLO/11109

-9 DEC 2011

Mr Michael Ries
Acting Clerk of the Parliament
Parliament House
Cnr George and Alice Street
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Dear Michael

Thank you for your letter dated 1 December 2011, forwarding petition numbers 1750-11 and 1824-11, tabled in Parliament on 29 November 2011. I have considered the petitions carefully and am pleased to provide my response.

The Queensland Government is aware of concerns about mining exploration and development across the State; however I can assure the petitioners that there are many safeguards already in place through the *Environmental Protection Act 1994* and the *Mineral Resources Act 1989* that regulate all mining activities throughout Queensland.

In terms of regulating mining activities, it is important to note the range of resource activities that can occur and the different levels of impact of these activities. Activities under exploration permits to test the resource potential are generally low impact. The applicant for a mining lease must present details of the nature and extent of activities planned for a mine site. Rigorous environment approvals must be obtained for the location of a mine site relative to sensitive receptors such as small towns. The granting of exploration permits does not mean that mining will go ahead.

Mining permits are regulated under the *Environmental Protection Act 1994*. Before any mining activity is granted, it must undergo a rigorous assessment which includes a thorough and transparent environment evaluation and, in the case of large projects, an Environmental Impact Statement (EIS) is usually required.

The EIS process is administered by the Department of Environment and Resource Management (DERM) and, in the case of a significant project, the Coordinator-General. An EIS process requires a resource proponent to apply for an environmental authority before tenure is granted.

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The authority requires that exploration activities be conducted in accordance with standard conditions of the *Code of Environmental Compliance and Exploration and Mineral Development Projects* (the Code). An EIS process provides two opportunities for the community and individuals to lodge submissions.

DERM and the Coordinator-General can both place conditions on a proposed development. These conditions are based on an individual assessment of the project and are therefore customised to reflect its specific potential impacts.

The Queensland Government acknowledges that, despite the regulation already in place, there has been a need to further allay communities' concerns regarding resources exploration in close proximity to populated areas. To address the tension between resource development and urban living, a two stage process was announced in August 2011.

Stage 1 – Interim Response

On 16 August 2011, I declared Restricted Area 384 over land bound by the South East Queensland (SEQ) Regional Plan, plus a buffer zone of 2 km, as well as cities and towns outside SEQ with a population of 1000 or more, plus a 2 km buffer zone. The buffer zone of 2 km is in accordance with existing statutory environmental codes that provide adequate separation of conflicting activities. The population of 1000 was chosen as it is the smallest population that the Australian Bureau of Statistics (ABS) uses as an identified urban centre. Towns with populations less than 1000 are considered rural.

The intent of Restricted Area 384 was to temporarily prevent any new resource exploration application (excluding industrial minerals) from being granted over or near urban areas within the restricted area until a long-term solution is set in place.

Stage 2 – Permanent Solution

I introduced the permanent solution to Parliament on 29 November 2011 as part of the *Resources Legislation (Balance, Certainty and Efficiency) Amendment Act 2011*. The key amendments include:

- Providing the minister responsible for mining with the power to declare, amend or remove 'urban restricted areas' (URA) under all resources legislation (excluding geothermal). URA will be defined as towns with a population over 1000, plus a 2 km buffer.
- The default position in a URA will be no activity, however a company wishing to undertake activity can seek approval from the relevant local government. The Queensland Government will lead the development of guidelines for the process.
- Existing mining and petroleum lease holders will be subject to a 'grandfather' clause, that is, activities approved under their environmental authority can proceed without the need for consent which will recognise the extensive approval processes already in place for production leases.
- Existing holders of non-production permits (i.e. exploration permits and mineral development licences) will need to follow the approvals process immediately and activities must cease until approval is granted.

- Exploration permits will be conditioned to prohibit progression to open cut activities within the URA (excluding industrial minerals used in the construction industry).
- Amendments will be made to petroleum legislation to allow property owners to refuse entry on the surface of the land within 100 metres laterally of their residence, providing consistency across the resources legislation.
- In the longer term, a State Planning Policy (SPP) will be developed that provides a uniform approach to recognise key coal, mineral and petroleum resources in regional planning processes.

The population of 1000 as set by the ABS will remain as applied under Stage 1 in determining URA, however key elements of the policy are specifically designed to provide greater protection to small communities which are not covered by URA, primarily by extending a protection that currently exists for property owners under the *Mineral Resources Act 1989* to all resources legislation (i.e. this will now apply to gas companies). Property owners will have the ability to refuse entry to land, by all types of resource companies, within 100 metres laterally of a residence. This is the equivalent of a 3.14 hectare potential no-activity zone over a residence.

I consider the range of amendments will further strengthen the way resources are managed in Queensland. These amendments will provide the community with greater transparency of exploration activities and, when located outside an urban centre, increase their rights regarding activities near their residence.

Any questions about this response can be referred to Ms Bernadette McNevin, Director of Land and Resource Policy of the Department of Employment, Economic Development and Innovation, on telephone 3324 2847 or email bernadette.mcnevin@deedi.qld.gov.au .

Yours sincerely

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Minister for Employment, Skills and Mining