Queensland

Environmental Protection Act 1994

Environmental Protection Regulation 2008

Reprinted as in force on 1 January 2009

Reprint No. 1

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the Office of the Queensland Parliamentary Counsel
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Information about this reprint

This regulation is reprinted as at 1 January 2009. The reprint shows the law as amended by all amendments that commenced on or before that day (Reprints Act 1992 s 5(c)).

The reprint includes a reference to the law by which each amendment was made—see list of legislation and list of annotations in endnotes. Also see list of legislation for any uncommenced amendments.

Minor editorial changes allowed under the provisions of the Reprints Act 1992 mentioned in the following list have also been made to—

- use standard punctuation consistent with current drafting practice (s 27)
- reorder definitions consistent with current drafting practice (s 30)
- use aspects of format and printing style consistent with current drafting practice (s 35)
- omit provisions that are no longer required (s 40)
- correct minor errors (s 44)
- make all necessary consequential amendments (s 7(1)(k)).

This page is specific to this reprint. A table of reprints is included in the endnotes.

Also see endnotes for information about when provisions commenced.

Spelling

The spelling of certain words or phrases may be inconsistent in this reprint or with other reprints because of changes made in various editions of the Macquarie Dictionary (for example, in the dictionary, 'lodgement' has replaced 'lodgment').

Dates shown on reprints

Reprints dated at last amendment All reprints produced on or after 1 July 2002, authorised (that is, hard copy) and unauthorised (that is, electronic), are dated as at the last date of amendment. Previously reprints were dated as at the date of publication. If an authorised reprint is dated earlier than an unauthorised version published before 1 July 2002, it means the legislation was not further amended and the reprint date is the commencement of the last amendment.

If the date of an authorised reprint is the same as the date shown for an unauthorised version previously published, it merely means that the unauthorised version was published before the authorised version. Also, any revised edition of the previously published unauthorised version will have the same date as that version.

Replacement reprint date If the date of an authorised reprint is the same as the date shown on another authorised reprint it means that one is the replacement of the other.

Queensland

Environmental Protection Regulation 2008

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Environmental Protection Regulation 2008

[as amended by all amendments that commenced on or before 1 January 2009]

Chapter 1 Preliminary

1 Short title

This regulation may be cited as the *Environmental Protection Regulation 2008*.

2 Commencement

This regulation commences on 1 January 2009.

3 Definitions

The dictionary in schedule 12 defines particular words used in this regulation.

Chapter 2 Environmental impact statements

Part 1 Preliminary

4 Types of project requiring Commonwealth or State authority approval

A project is prescribed for section 37(1)(e) of the Act if—

(a) the Commonwealth Minister has, under the Commonwealth Environment Act—

(i) decided the approach for assessing the relevant impacts of the project is assessment by an accredited assessment process; and

(ii) given notice of the decision; or

Editor's note—

Commonwealth Environment Act, chapter 4 (Environmental assessments and approvals), part 8 (Assessing impacts of controlled actions), division 3 (Decision on assessment approach)

(b) the relevant impacts of the project are to be assessed under a bilateral agreement.

Part 2 EIS process

5 Application of pt 2

(1) This part and schedule 1 apply to a project mentioned in section 4.

(2) Any steps or actions taken under the EIS process before the action mentioned in section 4(a) happens are taken to have complied with this division.

6 Prescribed matters for draft terms of reference—Act, s 41(2)(d)

The draft terms of reference for an EIS must include the matters necessary for ensuring—

(a) the project's relevant impacts are assessed under the EIS; and

(b) the assessment of the project under the EIS—

(i) gives enough information about the project and its relevant impacts to allow the Commonwealth Minister to make an informed decision whether to approve the project under the Commonwealth Environment Act; and

(ii) addresses the matters mentioned in schedule 1.

7 Prescribed matters for TOR notice and EIS notice—Act, ss 42(2)(f) and 52(1)(g)

(1) A TOR notice and an EIS notice must state the following—

(a) the project's title and location;

(b) the name of the proponent for the project;

(c) if the proponent and designated proponent for the project are not the same entity—the name of the designated proponent;

(d) the protected matters for the project.

(2) In this section—

protected matter means a matter mentioned in the Commonwealth Environment Act, section 34 and protected by a controlling provision for the project.

8 Prescribed way for publishing TOR notice and EIS notice

A TOR notice and an EIS notice must be published—

(a) in a newspaper circulating throughout Australia; or

(b) in each State or Territory in a newspaper circulating generally in the State or Territory.

9 Prescribed matters for EIS assessment report—Act, s59(e)

(1) An EIS assessment report must contain the following matters—

(a) a description of the following—

(i) the project;

(ii) the places affected by the project;

(iii) any matters of national environmental significance likely to be affected by the project;

(b) a summary of the project's relevant impacts;

(c) a summary of feasible mitigation measures or changes to the project or procedures to prevent or minimise the project's relevant impacts, proposed by the proponent or suggested in a relevant submission;

(d) to the extent practicable, a summary of feasible alternatives to the project identified in the assessment process and the likely impact of the alternatives on matters of national environmental significance;

(e) to the extent practicable, a recommendation for any conditions of approval for the project that may be imposed to address impacts identified in the assessment process on matters of national environmental significance.

(2) In this section—

matters of national environmental significance means matters of national environmental significance mentioned in the Commonwealth Environment Act, chapter 2, part 3, division 1.

Editor's note—

Commonwealth Environment Act, chapter 2 (Protecting the environment), part 3 (Requirements for environmental approvals), division 1 (Requirements relating to matters of national environmental significance)

relevant submission means a properly made submission under section 55(2) of the Act or a submission accepted by the chief executive under section 55(3) of the Act.

10 Other requirements for EIS process

The chief executive must, as soon as practicable after preparing an EIS assessment report, give a copy of it to the Commonwealth Minister.

Part 3 Prescribed periods for chapter 3 of the Act

11 Period to advise chief executive about draft terms of reference—Act, s 45

For section 45 of the Act, the period for giving the chief executive the things mentioned in that section is the later of the following periods to end—

(a) 20 business days after the chief executive has given the proponent a copy of all comments received within the comment period;

(b) if the chief executive and the proponent have, within the 20 business days, agreed to a longer period—the longer period.

12 Period for finalising terms of reference—Act, s 46

For section 46 of the Act, the period for doing the things mentioned in section 46(1) of the Act is the later of the following periods to end—

(a) 20 business days after the proponent gives the documents mentioned in section 45 of the Act to the chief executive;

(b) if the chief executive and the proponent have, within the 20 business days, agreed to a longer period—the longer period.

13 Period for deciding whether EIS may proceed—Act, s 49

For section 49(1) of the Act, the period for considering a submitted EIS and deciding whether to allow it to proceed under chapter 3, part 1, division 4 of the Act is the later of the following periods to end—

(a) 20 business days after the EIS is submitted;

(b) if the chief executive and the proponent have, within the 20 business days, agreed to a longer period—the longer period.

Chapter 3 Environmentally relevant activities

Part 1 Chapter 4 activities

Division 1 Preliminary

14 What is the *aggregate environmental score* for a chapter 4 activity

The ***aggregate environmental score*** for a chapter 4 activity is the aggregate environmental score stated for the activity in the section under schedule 2 applying to the activity.

Note—

Aggregate environmental scores for environmentally relevant activities are based on the aggregate environmental scores worked out for the activities under the environmental emission profile.

15 Meaning of *scheduled area*

A ***scheduled area*** is a local government area mentioned in schedule 4.

16 Meaning of *year* for carrying out chapter 4 activity

(1) Subject to subsection (2), a ***year***, in relation to carrying out a chapter 4 activity, is a financial year.

(2) A ***year***, in relation to carrying out a chapter 4 activity under a registration certificate, is—

(a) if the first anniversary day for the certificate has not happened—the period starting on the day the certificate takes effect and ending immediately before the first anniversary day; or

(b) otherwise—the period starting on an anniversary day for the certificate (the ***preceding anniversary day***) and ending immediately before the next anniversary day for the certificate after the preceding anniversary day.

Division 2 Prescribed activities

17 Activities prescribed as environmentally relevant activities—general

(1) Each activity to which a section under schedule 2 applies is an environmentally relevant activity.

Note—

See section 18(b) and 19 of the Act.

(2) An activity to which a section under schedule 2 applies includes the activity carried out as a mobile and temporary environmentally relevant activity, unless the section otherwise provides.

Note—

See schedule 4, definition *mobile and temporary environmentally relevant activity* of the Act.

Division 3 Prescribed activities for development applications

Subdivision 1 Development applications for wild river areas

18 Exempt environmentally relevant activity—Act, s 73AA

(1) Each of the following is prescribed for the Act, section 73AA(9), definition *exempt environmentally relevant activity*—

(a) a chapter 4 activity for which there is no aggregate environmental score;

(b) motor vehicle workshop operation.

Editor's note—

schedule 2, section 21 (Motor vehicle workshop operation)

(2) Despite subsection (1)(a), the following chapter 4 activities are not prescribed for the definition—

(a) intensive animal feedlotting, for keeping 50 to 150 standard cattle units or 350 to 1000 standard sheep units in a feedlot;

(b) pig keeping, for keeping 21 to 400 standard pig units;

(c) poultry farming, for farming more than 1000 to less than than 200000 birds;

(d) asphalt manufacturing, for manufacturing less than 1000t of asphalt in a year;

(e) extractive and screening activities, for extracting, other than by dredging, in a year, less than 5000t of material from a wild river area.

Editor's note—

schedule 2, sections 2 (Intensive animal feedlotting), 3 (Pig keeping), 4 (Poultry farming), 6 (Asphalt manufacturing) and 16 (Extractive and screening activities)

19 Other prescribed activities—Act, s 73AA

(1) Each of subsections (2) to (7) prescribes a chapter 4 activity, or an aspect of a chapter 4 activity, for the definition under section 73AA(9) of the Act stated in the subsection.

(2) For the definition *crude oil or petroleum product storage ERA*, the chapter 4 activity is chemical storage under schedule 2, section 8(1)(c).

(3) For the definition *dredging ERA*, the chapter 4 activity is extractive and screening activities under schedule 2, section 16(1)(a).

(4) For the definition *extraction ERA*, the chapter 4 activity is extractive and screening activities under schedule 2, section 16(1)(b) or (c).

(5) For the definition *screening ERA*, the chapter 4 activity is extractive and screening activities under schedule 2, section 16(1)(d).

(6) For the definition *sewage ERA*, the chapter 4 activity is sewage treatment.

(7) For the definition *water treatment ERA*, the chapter 4 activity is water treatment.

Editor's note—

schedule 2, sections 63 (Sewage treatment) and 64 (Water treatment)

Subdivision 2 Development applications that may require financial assurances

20 Prescribed activity for requirement for financial assurances—Act, s 364

For section 364(1A) and (2)(c) of the Act, a chapter 4 activity for which there is an aggregate environmental score is prescribed.

Division 4 Other matters

21 Untreated clinical waste disposal

(1) A person must not deliver untreated clinical waste to a facility for disposal under schedule 2, section 60(1)(b) unless the waste was generated in a scheduled area.

Maximum penalty—20 penalty units.

(2) Subsection (3) applies to the occupier of a facility mentioned in schedule 2, section 60(1) if untreated clinical waste is disposed of at the facility.

(3) The occupier must ensure—

(a) the waste is buried at the facility; and

(b) the burial of the waste is supervised by a person who is competent to supervise the burial.

Maximum penalty—20 penalty units.

22 Codes of environmental compliance for chapter 4 activities

Each of the documents published by the department and mentioned in schedule 3, part 1 is approved as a code of environmental compliance for the chapter 4 activity, or aspects of the chapter 4 activity, to which it applies.

Editor's note—

The codes are available for inspection during office hours on business days at the department's head office at 160 Ann Street, Brisbane and at each regional office. On the day this regulation was notified the codes were also available on the department's website.

Part 2 Petroleum activities

23 Petroleum activities prescribed as level 1 and 2 petroleum activities

(1) A petroleum activity stated in schedule 5, column 1 is a level 1 petroleum activity.

(2) A petroleum activity other than a level 1 petroleum activity is a level 2 petroleum activity.

24 What is the *aggregate environmental score* for a level 1 petroleum activity

The ***aggregate environmental score*** for a level 1 petroleum activity stated in schedule 5, column 1 is the aggregate environmental score stated opposite the activity in column 2 of the schedule.

Note—

Aggregate environmental scores for environmentally relevant activities are based on the aggregate environmental scores worked out for the activities under the environmental emission profile.

Part 3 Mining activities

Division 1 Preliminary

25 What is a *category A environmentally sensitive area*

A ***category A environmentally sensitive area*** means any of the following—

(a) any of the following under the *Nature Conservation Act 1992*—

(i) a national park (scientific);

(ii) a national park;

(iii) a national park (Aboriginal land);

(iv) a national park (Torres Strait Islander land);

(v) a national park (Cape York Peninsula Aboriginal land);

(vi) a national park (recovery);

(vii) a conservation park;

(viii) a forest reserve;

(b) the wet tropics area under the *Wet Tropics World Heritage Protection and Management Act 1993*;

(c) the Great Barrier Reef Region under the *Great Barrier Reef Marine Park Act 1975* (Cwlth);

(d) a marine park under the *Marine Parks Act 2004*, other than a part of the park that is a general use zone under that Act.

26 What is a *category B environmentally sensitive area*

A ***category B environmentally sensitive area*** means any of the following—

(a) any of the following areas under the *Nature Conservation Act 1992*—

(i) a coordinated conservation area;

(ii) a wilderness area;

(iii) a World Heritage management area;

(iv) an international agreement area;

(v) an area of critical habitat or major interest identified under a conservation plan;

(vi) an area subject to an interim conservation order;

(b) an area subject to the following conventions to which Australia is a signatory—

(i) the 'Convention on the Conservation of Migratory Species of Wild Animals' (Bonn, 23 June 1979);

(ii) the 'Convention on Wetlands of International Importance, especially as Waterfowl Habitat' (Ramsar, Iran, 2 February 1971);

(iii) the 'Convention Concerning the Protection of the World Cultural and Natural Heritage' (Paris, 23 November 1972);

(c) a zone of a marine park under the *Marine Parks Act 2004*;

(d) an area to the seaward side of the highest astronomical tide;

(e) the following under the *Queensland Heritage Act 1992*—

(i) a place of cultural heritage significance;

(ii) a registered place;

(f) an area recorded in the Aboriginal Cultural Heritage Register established under the *Aboriginal Cultural Heritage Act 2003*, section 46, other than the area known as the 'Stanbroke Pastoral Development

Holding', leased under the *Land Act 1994* by lease number PH 13/5398;

(g) a feature protection area, State forest park or scientific area under the *Forestry Act 1959*;

(h) a declared fish habitat area under the *Fisheries Act 1994*;

(i) a place in which a marine plant under the *Fisheries Act 1994* is situated;

(j) an endangered regional ecosystem identified in the database known as the 'Regional ecosystem description database' kept by the department.

Editor's note—

The Regional ecosystem description database is available for inspection—

(a) during office hours, at the Queensland Herbarium, Brisbane Botanic Gardens, Mt Coot-tha Road, Toowong and each regional office of the department; and

(b) on the department's website.

27 Meaning of *riverine area*

A ***riverine area*** does not include land outside the flood flow channel of a watercourse.

28 What is *significantly disturbed* land

(1) Land is ***significantly disturbed*** if—

(a) it is contaminated land; or

(b) it has been disturbed and human intervention is needed to rehabilitate it—

(i) to a condition required under the relevant environmental authority; or

(ii) if the environmental authority 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
- the carrying out of a mining activity in a watercourse or wetland
- the submergence of an area with a hazardous contaminant, tailings, or water

(2) Without limiting subsection (1)(b), 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.

(3) 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.

(4) 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.

Division 2 Prescribed criteria

29 Criteria for mining activities—Act, s 151

This division prescribes criteria for mining activities under an environmental authority (mining activities) for section 151(1)(a) and (2)(b)(i) of the Act.

30 Criteria under any environmental authority (mining activities)

The following criteria are prescribed for mining activities allowed, or to be allowed, under an environmental authority (mining activities)—

(a) the mining activities do not, or will not, at any one time, cause more than 10ha of land to be significantly disturbed;

(b) the mining activities are not, or will not be, carried out in a category A environmentally sensitive area or a category B environmentally sensitive area;

(c) the mining activities do not include—

(i) a chapter 4 activity for which there is an aggregate environmental score; or

(ii) a level 1 petroleum activity.

31 Criteria under environmental authority (mining lease)

(1) In addition to the criteria mentioned in section 30, the following criteria are prescribed for mining activities allowed, or to be allowed, under an environmental authority (mining lease)—

(a) the mining activities do not, or will not, at any one time, cause more than 5ha of a riverine area or mine workings to be significantly disturbed;

(b) the mining activities are not, or will not, be carried out by more than 20 persons at any one time;

(c) only the following types of mining are, or will be, allowed under the relevant mining lease—

(i) alluvial mining;

(ii) clay pit mining;

(iii) dimension stone mining;

(iv) hard rock mining;

(v) opal mining;

(vi) shallow pit mining.

(2) In this section—

alluvial mining means excavating, in any way, unconsolidated, waterborne or weathered material (whether or not it is in a watercourse) and processing it by using chemical methods or gravity-separation to extract minerals from the material.

Examples—

gem, gold or tin mining from alluvial wash

clay pit mining means excavating—

(a) waterborne or weathered material (whether or not it is in a watercourse) to extract clay for a use related to its ceramic properties; or

(b) kaolin; or

(c) bentonite.

dimension stone mining means extracting rock and processing it by additional cutting or shaping to use it for building.

Examples of rock extracted as dimension stone—

granite, limestone, marble, sandstone and slate

hard rock mining means extracting material from underground or open cut pits and processing it by crushing or

milling and using chemical methods or gravity-separation to extract minerals from it.

mine workings means an area from which ore or overburden has been extracted, or on which waste rock is stored, that is not—

(a) substantially rehabilitated to the satisfaction of the administering authority; or

(b) used for constructing a camp site, road, plant, tailings dam, water storage dam, or other infrastructure.

opal mining means extracting material from underground or open cut pits and processing it by manually separating opal rock or by using gravity-separation to extract opal.

shallow pit mining means extracting material from an open cut pit no more than 5m deep and processing the material to extract minerals.

32 Criteria under other environmental authorities (mining activities)

In addition to the criteria mentioned in section 30, the following criteria are prescribed for mining activities allowed, or to be allowed, under an environmental authority (mining activities), other than an environmental authority (mining lease)—

(a) the mining activities do not, or will not, at any one time, cause more than $5000m^2$ of land to be disturbed at a campsite;

(b) no more than $20m^3$ of any substance is, or will be, extracted from each kilometre of a riverine area affected by the mining activities in a year.

Division 3 Aggregate environmental score

33 What is the *aggregate environmental score* for a level 1 mining project

The ***aggregate environmental score*** for a level 1 mining project stated in schedule 6, column 1 is the aggregate environmental score stated opposite the project in column 2 of the schedule.

Note—

Aggregate environmental scores for environmentally relevant activities are based on the aggregate environmental scores worked out for the activities under the environmental emission profile.

Division 4 Codes of environmental compliance

34 Codes of environmental compliance for mining activities

Each of the documents published by the department and mentioned in schedule 3, part 2 is approved as a code of environmental compliance for the mining activities to which it applies.

Editor's note—

The codes are available for inspection during office hours on business days at the department's head office at 160 Ann Street, Brisbane and at each regional office. On the day this regulation was notified the codes were also available on the department's website.

Division 5 Prescribed periods for chapter 5 of the Act

Subdivision 1 Applications for environmental authority (mining claim)

35 Refusal period for application—Act, s 173

For section 173(1) of the Act, the refusal period for an application to which chapter 5, part 4 of the Act applies is 5 business days after the administering authority receives the application.

36 Period for giving draft environmental authority—Act, s 175

For section 175(2) of the Act, the period for giving a draft environmental authority is the latest of the following periods to end—

(a) 5 business days after the refusal period ends;

(b) if additional conditions have been imposed under section 176 of the Act—10 business days after the last request for additional conditions;

(c) if the applicant and the administering authority have, within the later of the periods under paragraph (a) or (b) to end, agreed to a longer period for giving the draft environmental authority—the longer period.

Subdivision 2 Applications for environmental authority (exploration) and environmental authority (mineral development)

37 Assessment period for EM plan assessment report—Act, s 191

For section 191(2) of the Act, the assessment period for an EM plan assessment report is—

(a) the later of the following periods to end—

(i) 30 business days after the environmental management plan is submitted;

(ii) if the applicant has amended the plan within the 30 business days—30 business days after the EM plan amendment notice for the amendment is given to the administering authority; or

(b) if the applicant and administering authority have agreed, in writing, to a shorter period—the shorter period.

38 Period for decision—Act, s 193

For section 193(1) of the Act, the period for deciding the application to which chapter 5, part 5 of the Act applies is 10 business days after the later of the following events to happen—

(a) if an EIS requirement has been made for the application—the completion of the EIS process;

(b) the end of the assessment period under section 191(2) of the Act.

Subdivision 3 Applications for environmental authority (mining lease)

39 Assessment period for EM plan assessment report—Act, s 205

(1) For section 205(3) of the Act, the period for giving an EM plan assessment report about a submitted EM plan is—

(a) the later of the following periods to end—

(i) 30 business days after the environmental management plan is submitted;

(ii) if the applicant has amended the plan within the 30 business days—30 business days after the EM plan amendment notice for the amendment is given to the administering authority; or

(b) if the applicant and administering authority have agreed in writing to a shorter period—the shorter period.

(2) Despite subsection (1), if the EM plan assessment report is, under section 205(4) of the Act, included in an EIS assessment report, the period for giving the EM plan assessment report is the period applying to the EIS assessment report under section 57(2) of the Act.

40 Refusal period for application—Act, s 207

For section 207(1) of the Act, the refusal period is 10 business days after the last of the following events to happen—

(a) if an EIS requirement has been made for the application—the completion of the EIS process;

(b) the end of the assessment period mentioned in section 205(3) of the Act;

(c) if, before the end of the assessment period, a relevant mining tenement has, under the State Development Act, part 4, been declared to be, or include, a significant

project—the preparation of the Coordinator-General's report for the project;

(d) if an EIS assessment report or EM plan assessment report states that a submitted EM plan does not comply with section 203 of the Act—an EM plan assessment report being given to the applicant about the submitted EM plan, after it has been amended, stating that it complies with section 203 of the Act.

Subdivision 4 Amendment applications

41 Period for assessment level and EIS decisions—Act, s 246

For section 246(1) of the Act, the period for an assessment level decision and EIS decision for an amendment application is 10 business days after the administering authority receives the application.

42 Period for deciding amendment application—Act, s 257

For section 257(1) of the Act, the period for deciding an amendment application is 20 business days after the administering authority receives the application.

Subdivision 5 Surrender applications

43 Period for surrender application—Act, s 270

For section 270(3) of the Act, the period within which the holder of an environmental authority (mining activities) must make a surrender application for each part of the authority relating to a relevant mining tenement is—

(a) if the relevant mining tenement is a mining claim—30 business days; or

(b) if the relevant mining tenement is an exploration permit or mineral development licence—60 business days; or

(c) if the relevant mining tenement is a mining lease—90 business days.

44 Period for giving FRR assessment report—Act, s 276

For section 276(2) of the Act, the period for giving an FRR assessment report is the later of the following periods to end—

(a) 30 business days after the final rehabilitation report is submitted;

(b) if the applicant has amended the report within the 30 business days—30 business days after the FRR amendment notice for the amendment is given to the administering authority.

45 Period for deciding surrender application—Act, s 277

For section 277 of the Act, the period for deciding a surrender application is the later of the following periods to end—

(a) 40 business days after the final rehabilitation report is submitted;

(b) if the applicant has amended the report—40 business days after the FRR amendment notice for the amendment is given to the administering authority;

(c) if the relevant mining tenement is an exploration permit or mineral development licence—60 business days after the relevant mining tenement ends;

(d) if the relevant mining tenement is a mining lease—90 business days after the relevant mining tenement ends.

Chapter 4 Regulatory requirements

Part 1 Preliminary

Division 1 Purpose

46 Purpose of ch 4

This chapter prescribes the regulatory requirements with which the administering authority is required to comply for making environmental management decisions.

Division 2 Interpretation

47 Definitions for ch 4

In this chapter—

activity includes that part, if any, of an activity relating to—

(a) preparing a place for the activity before carrying out the activity; or

(b) rehabilitating a place after it has been used for carrying out the activity.

characteristic—

(a) of a contaminant, material or waste, means any of the following—

(i) the physical and chemical properties and reactivity of the contaminant, material or waste;

(ii) the biological, carcinogenic, mutagenic or toxic properties of the contaminant, material or waste;

(iii) the variation of the concentration, emission rate or flux over time, of the contaminant, material or waste; or

(b) of the receiving environment, means any of the following—

(i) the physical, chemical, ecological or biological properties of the receiving environment;

(ii) the variability of the receiving environment.

Example of variability of the receiving environment—

whether a watercourse is tidal or is subject to periodic flooding or drought

control measure means a device, equipment, structure, or management strategy used to prevent or control the release of a contaminant or waste to the environment.

Examples—

- an acoustic enclosure
- a bund around a storage pond
- a fabric filter to collect dust
- a release or overflow valve on machinery
- a strategy for operating a furnace in a way that achieves combustion of a contaminant at a particular oxygen level

environmental management decision see section 48.

initial mixing zone means an area where water containing contaminants mixes rapidly with surface water because of the momentum or buoyancy of the contaminated water and the turbulence of the surface water.

material means a material in its solid, liquid or gaseous state.

monitoring see section 49.

relevant site, for an activity, means a place where the activity is, or is proposed to be, carried out.

surface water means water other than groundwater.

water includes water containing contaminants.

48 Meaning of *environmental management decision*

(1) An ***environmental management decision*** is a decision under the Act for which the administering authority making the decision is required to comply with regulatory requirements.

(2) However, an ***environmental management decision*** does not include a decision under the Act about the surrender of a registration certificate or an environmental authority.

49 Meaning of *monitoring*

Monitoring, in relation to monitoring the impact of an activity on the receiving environment, includes analysing, assessing, examining, inspecting, measuring, modelling or reporting any of the following—

(a) the quantity, quality, characteristics, timing and variability of the release of the contaminant;

(b) the effectiveness of control measures;

(c) characteristics of, and impact on, the receiving environment;

(d) the effectiveness of remedial or rehabilitation measures.

Part 2 Regulatory requirements for all environmental management decisions

50 Application of pt 2

This part applies to the administering authority for making any environmental management decision.

51 Matters to be considered for environmental management decisions

(1) The administering authority must, for making an environmental management decision relating to an activity, consider the following matters—

(a) each of the following under any relevant environmental protection policies—

(i) the management hierarchy;

(ii) environmental values;

(iii) quality objectives;

(iv) the management intent;

(b) the characteristics of the contaminants or materials released from carrying out the activity;

(c) the nature and management of, including the use and availability of technology relating to, the processes being, or to be, used in carrying out the activity;

(d) the impact of the release of contaminants or materials from carrying out the activity on the receiving environment, including the cumulative impact of the release with other known releases of contaminants, materials or wastes;

(e) the characteristics of the receiving environment and the potential impact on it from carrying out the activity;

(f) for each affected person for the activity—the order of occupancy or use between the person carrying out the activity and the affected person;

(g) the remaining capacity of the receiving environment to accept contaminants or wastes released from future activities while protecting the environmental values;

(h) the quantity and type of greenhouse gases released, and the measures proposed to demonstrate the release is minimised using best practice methods that include strategies for continuous improvement.

(2) In this section—

affected person, for an activity, means a person affected, or who may be affected, by the release of a contaminant or waste from carrying out the activity.

52 Conditions to be considered for environmental management decisions

(1) The administering authority must, for making an environmental management decision relating to an activity, consider whether to impose conditions about the following matters—

(a) implementing a system for managing risks to the environment;

(b) implementing measures for avoiding or minimising the release of contaminants or waste;

(c) ensuring an adequate distance between any sensitive receptors and the relevant site for the activity to which the decision relates;

Examples of a condition for paragraph (c)—

a condition requiring riparian buffers, noise buffers or buffers for protecting endangered regional ecosystems

(d) limiting or reducing the size of the initial mixing zone or attenuation zone, if any, that may be affected by the release of contaminants;

(e) treating contaminants before they are released;

(f) restricting the type, quality, quantity, concentration or characteristics of contaminants that can be released;

(g) the way in which contaminants may be released;

Examples of a condition for paragraph (g)—

- a condition restricting the release of a contaminant at a particular temperature, velocity or rate or during particular meteorological conditions or water flows

- a condition restricting the release of contaminant to a depth below the level of surface waters

(h) ensuring a minimum degree of dispersion happens when a contaminant is released;

Example of a condition for paragraph (h)—

a condition requiring the use of a diffuser for releasing a contaminant

(i) protecting environmental values, and meeting quality objectives, under relevant environmental protection policies;

(j) recycling, storing, transferring or disposing of waste in a particular way;

(k) rehabilitating land to achieve particular outcomes;

(l) measures for the ongoing protection of environmental values that are, or may be, adversely affected by the activity.

(2) In this section—

attenuation zone means the area around a release of contaminants to groundwater in which the concentration of the contaminants in the release is reduced to ambient levels through physico-chemical and microbiological processes.

sensitive receptor means a sensitive receptor under any relevant environmental protection policies.

53 Matters to be considered for decisions imposing monitoring conditions

(1) The administering authority must, for making an environmental management decision relating to an activity, consider whether to impose monitoring conditions about the release of contaminants from the activity on the receiving environment.

(2) For considering whether to impose a monitoring condition, the administering authority must consider the following matters—

(a) the potential impact on the receiving environment of—

(i) the activity to which the decision relates; and

(ii) the release of the contaminant;

(b) the characteristics of the contaminant;

(c) the potential for a control measure to fail and the effect of a failure of a control measure on the receiving environment;

(d) the protocols relevant to monitoring the release of the contaminant;

(e) whether the monitoring should be continuous or intermittent.

(3) In this section—

monitoring condition, about the release of contaminants from an activity on the receiving environment, means a condition about any of the following matters—

(a) monitoring the quantity, quality, characteristics, timing and variability of the release;

(b) monitoring indicators of the effective operation of control measures;

(c) monitoring the characteristics of the receiving environment;

(d) assessing the effectiveness of remedial or rehabilitation measures;

(e) monitoring the impact of the release on the values, objectives and biota in the receiving environment;

(f) analysing monitoring data against objectives and standards including, for example, by predictive modelling;

(g) reporting the results of monitoring in a stated form and timeframe;

(h) reporting on the time and way in which the release is made to the receiving environment.

Part 3 Additional regulatory requirements for particular environmental management decisions

54 Application of pt 3

If an environmental management decision relates to an activity mentioned in a provision in this part, the administering authority making the decision must comply with the provision in addition to part 2.

55 Release of water or waste to land

(1) This section applies to the administering authority for making an environmental management decision relating to an activity that involves, or may involve, the release of water or waste to land (the ***relevant land***).

(2) The administering authority must consider the following matters—

(a) the topography, including the flooding potential of the relevant land;

(b) the climatic conditions affecting the relevant land;

(c) the available land on which the water or waste can be released;

(d) the storage of the water or waste in wet weather;

Example—

storage of water or waste in ponds or tanks

(e) the way in which the water or waste will be released to the relevant land;

(f) the need to protect soil and plants on the relevant land from damage;

(g) the potential for infiltration of the water or waste to groundwater;

(h) the potential for generation of aerosols or odours from the water or waste;

(i) the impact of any transfer or run-off of contaminants from the relevant land to surface waters;

(j) the ongoing availability of the land for the release of the water or waste.

(3) The administering authority must also consider whether to impose conditions about each of the following matters—

(a) developing and implementing a land release management plan for the relevant area that protects the environmental values affected, or that may be affected, by the activity;

(b) the way in which, or rate at which, the water or waste may be released;

(c) releasing the water or waste in a way that minimises infiltration to groundwater;

(d) if the water or waste is to be transferred to another entity—the circumstances under which the transfer may occur;

(e) releasing the water to a bio-retention system, including, for example, a constructed wetland, for the removal of nutrients from the water.

(4) In this section—

land release management plan, for the relevant area, means a plan that achieves the following outcomes for the area—

(a) the efficient application of water or waste using best practice methods;

(b) control of sodicity in the soil;

(c) minimal degradation of soil structure;

(d) control of the build-up, from water, waste or other sources, of nutrients and contaminants in the soil and subsoil;

(e) prevention of subterranean flows of contaminants to waters;

(f) prevention of impact of infiltration on groundwater resources;

(g) prevention of run-off by controlling the rate of application of water or waste, and by using structures, including, for example, tailwater dams;

(h) prevention of surface ponding;

(i) prevention of spraydrift or overspray from the relevant area;

(j) prevention of damage to native vegetation;

(k) reporting the results of monitoring, and an assessment of the impact on the groundwater in the relevant area of the release of the water or waste.

56 Release of water, other than stormwater, to surface water

(1) This section applies to the administering authority for making an environmental management decision relating to an activity that involves, or may involve, the release of water, other than stormwater, to surface water.

(2) The administering authority must consider each of the following matters—

(a) any available toxicity data relevant to the release and the receiving environment;

(b) if there is an initial mixing zone—

(i) whether there is any practicable alternative that would reduce or eliminate the initial mixing zone; and

(ii) whether the size of the initial mixing zone is likely to adversely affect an environmental value or the ecological condition of the receiving environment, including, for example, a watercourse or wetland; and

(iii) whether concentrations of contaminants in the initial mixing zone are acutely toxic to the biota.

(3) The administering authority must also consider whether to impose conditions about the following matters—

(a) releasing the water to tidal waters only during particular tidal conditions, including, for example, phases of the moon;

(b) releasing the water to non-tidal waters only if the rate of flow of the surface water is greater than a particular level.

57 Release of stormwater

(1) This section applies to the administering authority for making an environmental management decision relating to an activity that involves, or may involve, the release of stormwater to the receiving environment.

(2) The administering authority must consider the following matters—

(a) the topography of, and climatic conditions affecting, the receiving environment;

(b) if the activity involves exposing or disturbing soil—the soil type, its characteristics and the way it is managed;

(c) if the activity involves the storage of materials or wastes that are exposed to rainfall or stormwater run-off—the characteristics and containment of the material or waste;

(3) The administering authority must also consider whether to impose conditions about the following matters—

(a) diverting upstream stormwater run-off away from the area contaminated or disturbed by the activity (the ***affected area***);

(b) minimising the size of the affected area;

(c) covering, paving, roofing and cleaning the affected area;

(d) cleaning the affected area without using water;

(e) analysing and managing soil;

(f) installing and maintaining appropriate control measures;

Examples of control measures—

bio-retention system, buffers for improving waste water quality, first flush stormwater diversion systems, oil separators, rubbish traps, sediment fences, sediment traps

(g) treating the affected area.

Examples—

mulching, revegetating, using surface covers or soil agglomerants

58 Release of water or waste to particular wetlands for treatment

(1) This section applies to the administering authority for making an environmental management decision relating to an activity that involves, or may involve, the release of water or waste to a referable wetland or a significant coastal wetland for treatment.

(2) The administering authority must refuse to grant the application if the authority considers that, because of the activity—

(a) the wetland will be destroyed or reduced in size; or

(b) the biological integrity of the wetland may not be maintained.

(3) In this section—

biological integrity, of a wetland, means the wetland's ability to support and maintain a balanced, integrative, adaptive community of organisms having a species composition, diversity and functional organisation comparable to that of the natural habitat in which the wetland is located.

referable wetland means an area shown as a wetland on a document called 'Map of referable wetlands' made available by the chief executive.

Editor's note—

On the day this regulation was notified in the gazette, the document was available on the department's website.

significant coastal wetland has the same meaning as in the State coastal management plan.

State coastal management plan means the State coastal management plan prepared under the *Coastal Protection and Management Act 1995.*

Editor's note—

On the day this regulation was notified, the State coastal management plan was published on the department's website.

wetland includes—

(a) a tidal wetland, estuary, salt marsh, melaleuca swamp (and any other coastal swamp), mangrove area, marsh or lake; or

(b) a minor coastal stream regardless of whether it is of a saline, freshwater or brackish nature.

59 Activity involving berthing, docking or mooring a boat

(1) This section applies to the administering authority for making an environmental management decision relating to an activity

that involves, or may involve, berthing, docking or mooring a boat.

(2) The administering authority must consider the following matters—

(a) the availability of facilities for collecting and disposing of wastes generated from the boat;

(b) whether to impose a condition to provide facilities for collecting and disposing of wastes generated from the boat.

Examples of waste generated from a boat—

bilge waste, garbage, sewage

60 Activity involving storing or moving bulk material

(1) This section applies to the administering authority for making an environmental management decision relating to an activity that involves, or may involve, storing or moving bulk material.

Examples of bulk material—

alumina, cement, coal, grain, metaliferous ores, quarried materials, woodchips

(2) The administering authority must consider each of the following matters—

(a) the chemical and physical characteristics of the material;

(b) the way in which the material is, or is to be, contained during each stage of the storage or movement of the material;

(c) the methods of cleaning up any spillage during movement of the material;

(d) if storage or movement of the material is likely to result in the release of part of the material into waters, the impact of the accumulation of the material on the bed of the waters.

(3) The administering authority must also consider whether to impose conditions about the following matters—

(a) installing and maintaining appropriate control measures;

Examples—

- installing devices for collecting dust at places where bulk material is being moved
- installing dust collectors at transfer points
- enclosing, roofing or screening equipment used for storing or moving bulk material

(b) managing stockpiles of the material in a particular way;

Example—

setting a maximum height for a stockpile

(c) collecting, removing or disposing of spillage released while moving the material;

(d) monitoring the impact of releases of contaminants or waste from storing or moving bulk materials on the receiving environment including, for example, the impact of environmental nuisance and impacts on the biota of adjacent waters.

61 Activity involving acid sulfate soil

(1) This section applies to the administering authority for making an environmental management decision relating to an activity that involves, or may involve, disturbance of acid sulfate soil.

(2) The administering authority must consider—

(a) 'State Planning Policy 2/02—Planning and Managing Development Involving Acid Sulfate Soils' (***SPP 2/02***); and

(b) the guideline for SPP 2/02 (the ***guideline***).

Note—

The guideline states that it may be used as a source of general advice on investigation and management of acid sulfate soils for situations outside the scope of SPP 2/02.

Editor's note—

On the day this regulation was notified, SPP 2/02 and the guideline were available on the website of the Department of Infrastructure and Planning at <www.dip.qld.gov.au>.

(3) The administering authority must also consider whether to impose conditions about the following matters—

(a) minimising the generation of contaminated water;

(b) treating acid sulfate soils;

(c) treating or disposing of leachate and run-off;

(d) managing the fluctuations in the watertable;

(e) maintaining minimum levels of cover over any buried acid sulfate soils.

(4) In this section—

acid sulfate soil means actual acid sulfate soil or potential acid sulfate soil.

actual acid sulfate soil means soil or sediment containing highly acidic soil horizons or layers affected by the oxidation of iron sulfides.

disturbance, of acid sulfate soil, means disturbance of the soil by—

(a) excavating or removing the soil; or

(b) exposing the soil to air; or

(c) changing the level of groundwater.

potential acid sulfate soil means soil or sediment containing iron sulfides or other sulfidic material that has not been exposed to air and oxidised.

62 Activity involving acid-producing rock

(1) This section applies to the administering authority for making an environmental management decision relating to an activity

that involves, or may involve, disturbance of acid-producing rock.

Example of an activity involving disturbance of acid-producing rock—

tailings from processing acid-producing rock in a mining operation

(2) The administering authority must consider the following matters—

(a) the physical and chemical characteristics of the rock;

(b) the potential of the rock to generate or neutralise acidity;

(c) the characteristics of the leachate leaching from, or potentially leaching from, the rock including, in particular, contaminants in the leachate that are likely to cause environmental harm if released to the environment.

(3) The administering authority must also consider whether to impose conditions about the following matters—

(a) the ways in which waste may be disposed of or stored, including for example, the location of areas for waste disposal or storage;

(b) minimising the ingress of oxygen or water to areas used, or to be used, for waste disposal or storage;

(c) inhibiting the generation of acidity from waste rock, including for example, through using particular treatments;

(d) processes for collecting, storing and treating any generated leachate;

(e) monitoring of the waste disposal and storage areas including, for example, the water balance and oxygen levels;

(f) monitoring the potential seepage zone for indications of the formation of acid rock drainage.

(4) In this section—

acid-producing rock means rock containing sulphitic minerals that have the potential to oxidise and generate acidity.

disturbance, of acid-generating rock, means disturbance of the rock by—

(a) excavating or removing the rock; or

(b) exposing the rock to air; or

(c) changing the level of groundwater.

63 Activity involving direct release of waste to groundwater

(1) This section applies to the administering authority for making an environmental management decision relating to an activity that involves, or may involve, the release of waste directly to groundwater (the ***receiving groundwater***).

Example of direct release of waste to groundwater—

an activity involving the release of contaminated water to groundwater through a well, deep-well injection or a bore

(2) The administering authority must refuse to grant the application if the authority considers—

(a) the waste is not being, or may not be, released entirely within a confined aquifer; or

(b) the release of the waste is affecting adversely, or may affect adversely, a surface ecological system; or

(c) the waste is likely to result in a deterioration in the environmental values of the receiving groundwater.

(3) In this section—

confined aquifer means an aquifer that is contained entirely within impermeable strata.

64 Activity involving indirect release of contaminants to groundwater

(1) This section applies to the administering authority for making an environmental management decision relating to an activity that involves, or may involve, the release of contaminants indirectly to groundwater (the ***receiving groundwater***).

Example of indirect release of waste to groundwater—

storage of contaminated water in a pond allowing infiltration of contaminated water to groundwater

(2) The administering authority must consider the following matters—

(a) the geological stability of the relevant site for the activity;

(b) the location, quality and use, or potential use, of the receiving groundwater;

(c) the permeability of the earth under the place where the activity is carried out;

(d) the presence of containment devices at the relevant site for the activity and their effectiveness in preventing or minimising the release of the waste;

Example of a containment device—

a liner for a storage pond

(e) the distance separating the receiving groundwater from any containment device;

(f) the potential for fluctuations in the level of the receiving groundwater;

(g) the way in which materials, including contaminants, will be removed from the containment system;

(h) whether or not materials, including contaminants, will be removed from the containment devices and if so, the effectiveness of the methods that will be used for the removal.

(3) The administering authority must also consider whether to impose conditions about the following matters—

(a) the design, construction, function, protection and maintenance of containment devices;

(b) maintaining a particular distance between the receiving groundwater and the point of contact between each containment device and the underlying earth;

(c) removing materials from the containment devices.

Chapter 5 Matters relating to environmental management and environmental offences

Part 1 Regulated waste

65 What is *regulated waste*

(1) ***Regulated waste*** is waste that—

(a) is commercial or industrial waste, whether or not it has been immobilised or treated; and

(b) is of a type, or contains a constituent of a type, mentioned in schedule 7.

(2) Waste prescribed under subsection (1) includes—

(a) for an element—any chemical compound containing the element; and

(b) anything that contains residues of the waste.

Part 2 Contaminated land

66 Prescribed organisations for contaminated land matters—Act, ss 381, 395 and 410

Each of the organisations listed in schedule 8 is an organisation for—

(a) conducting a site investigation for section 381(a) of the Act; or

(b) preparing a validation report for section 395(1)(a) of the Act; or

(c) preparing a site management plan for section 410(a) of the Act.

67 Prescribed waste for notifiable activity—Act, sch 3

Regulated waste is prescribed waste for schedule 3, item 37 of the Act.

Part 3 Noise

Division 1 Prescribed standards

68 Prescribed standards for particular noise standards

(1) For section 440K of the Act, definition *background level*, the prescribed standard is AS 1055.

(2) For section 440K of the Act, definitions *Z Peak* and *Z Peak Hold*, the prescribed standard is AS IEC 61672.

Editor's note—

A copy of the prescribed standards may be inspected, free of charge, during business hours at the department's head office at 160 Ann Street, Brisbane.

Division 2 Measuring noise

69 Purpose of div 2

This division provides for ways in which noise may be measured to help in deciding whether an environmental nuisance has been caused, or a noise standard has been contravened, by an emission of noise.

Note—

See sections 440 (Offence of causing environmental nuisance) and 440Q (Offence of contravening a noise standard) of the Act.

70 Definition for div 2

In this division—

source noise means a noise from a person, place or thing that—

(a) is measured over a time interval of at least 15 minutes or, if the noise continues for less than 15 minutes, the duration of the source noise; and

(b) allows for adjustments under AS 1055 for tonal character and impulsiveness of sound; and

(c) is quoted to the nearest whole number of decibels.

71 Measuring background level

Background level may be measured by applying the relevant procedure under—

(a) AS 1055; or

(b) the noise measurement manual.

72 Measuring source noise

Source noise may be measured by applying the relevant procedure under—

(a) AS 1055; or

(b) the noise measurement manual.

73 Measuring source noise for particular noise standards

(1) Source noise for a noise standard under section 440T, 440U or 440V of the Act may be measured as $L_{A90,\ T}$.

Editor's note—

section 440T (Pumps), 440U (Airconditioning equipment) or 440V (Refrigeration equipment) of the Act

(2) Source noise for a noise standard under section 440W, 440X or 440Y of the Act may be measured as $L_{Aeq,T}$.

Editor's note—

section 440W (Indoor venues), 440X (Open-air events) or 440Y (Amplifier devices other than at indoor venue or open-air event) of the Act

(3) In this section—

$\boldsymbol{L_{Aeq,\ T}}$ means the value of the A-weighted sound pressure level of a continuous steady sound that within a measurement time interval (T) has the same mean square sound pressure as a sound under consideration the level of which varies over time.

74 Measurement of noises of same type from same premises

If 2 or more noises of the same type happen simultaneously at the same premises, they may be measured as if they are 1 noise of that type happening at the premises.

Examples—

1 A number of concerts happen simultaneously at different places at the same premises. A building is affected by noise from more than 1 of the concerts. The noises may be measured as if they were from 1 concert.

2 A premises is used as a stopover depot for trucks with refrigerators. A building is affected by noise from the use of more than 1 of the refrigerators. The noises may be measured as if they were from 1 refrigerator.

75 Prescribed instruments—Act, s 490(8)

Each instrument, equipment and installation identified in AS IEC 61672 is prescribed for section 490(8) of the Act.

Editor's note—

section 490 (Evidentiary provisions) of the Act

76 Evidentiary provision

A copy of each of the following is admissible in evidence in a proceeding under the Act—

(a) AS 1055;

(b) the noise measurement manual.

Part 4 Water contamination

77 Prescribed water contaminants for Act, ch 8, pt 3C

Each of the contaminants mentioned in schedule 9 is prescribed as a contaminant for chapter 8, part 3C of the Act.

Part 5 Air contamination

78 Prescribed standard for particular offences relating to air contamination

For section 440ZL of the Act, the prescribed standard is 'AS/NZS 4013:1999—Domestic solid fuel burning appliances–Method for determination of flue gas emission'.

Editor's note—

A copy of the prescribed standard may be inspected, free of charge, during business hours at the department's head office at 160 Ann Street, Brisbane.

Part 6 Record-keeping requirements for particular fuel suppliers

79 Application of pt 6

This part states the records that a person must keep under section 440ZY(2) of the Act.

80 Records kept by manufacturer

(1) This section applies if the person manufactures the fuel.

(2) The person must keep records of the following matters—

(a) the kind and grade of fuel manufactured, or its product code;

(b) the quantity of fuel manufactured;

(c) details of any testing done on the fuel, including—

(i) the date of each test; and

(ii) records by which the fuel tested can be traced to delivery docket numbers for the fuel; and

(iii) the test methods used; and

(iv) the results of the tests;

(d) for each supply of fuel—

(i) how the fuel was supplied; and

(ii) the quantity supplied; and

(iii) the kind and grade of fuel, or its product code; and

(iv) to whom it was supplied; and

(v) delivery docket numbers;

(e) records by which the fuel supplied can be traced to delivery docket numbers for the fuel;

(f) records by which each receipt of fuel into the person's tanks can be traced to fuel supplied from the tanks;

(g) stock reconciliation records.

(3) Subsection (2)(g) does not apply to fuel for which it is not possible for the person to keep separate reconciliation records.

81 Records kept by importer

(1) This section applies if the person imports the fuel.

(2) The person must keep records of the following matters—

(a) the kind and grade of fuel manufactured, or its product code;

(b) the quantity of fuel manufactured;

(c) details of any testing done on the fuel, including—

(i) the date of each test; and

(ii) records by which the fuel tested can be traced to delivery docket numbers for the fuel; and

(iii) the test methods used; and

(iv) the results of the tests;

(d) for each supply of fuel—

(i) how the fuel was supplied; and

(ii) the quantity supplied; and

(iii) the kind and grade of fuel, or its product code; and

(iv) to whom it was supplied; and

(v) delivery docket numbers;

(e) records by which the fuel supplied can be traced to delivery docket numbers for the fuel;

(f) records by which each receipt of fuel into the person's tanks can be traced to fuel supplied from the tanks;

(g) stock reconciliation records.

(3) Subsection (2)(g) does not apply to fuel for which it is not possible for the person to keep separate reconciliation records.

Chapter 6 National Pollutant Inventory

Part 1 Preliminary

82 Purpose of ch 6

The purpose of this chapter is to give effect to, and enforce compliance with, the 'National Environment Protection (National Pollutant Inventory) Measure 1998' (the ***NPI NEPM***) made under the *National Environment Protection Council Act 1994* (Cwlth), section 14.

Editor's note—

The NPI NEPM is available for inspection, free of charge, during business hours, at the department's head office. On the day this regulation was notified in the gazette, the NPI NEPM was also available on the website of the Department of the Environment, Water, Heritage and the Arts at <www.npi.gov.au>.

83 Definitions for ch 6

In this chapter—

published means published by the Commonwealth.

reporting period, for a facility, means the facility's reporting period under section 86.

reporting requirement, for an occupier of a reporting facility, means the requirement for the occupier to give information to the chief executive under section 85(2) or (7).

reporting threshold, for a substance, means the reporting threshold for the Substance under the NPI NEPM.

84 Expressions in this part have same meaning as under NPI NEPM

Unless this regulation provides otherwise, expressions in this part that are defined under the NPI NEPM have the same meaning as they have in the NPI NEPM.

Part 2 Reporting requirements

85 Occupiers of reporting facilities to give information

(1) This section applies to the occupier of a reporting facility that, under NPI NEPM, exceeds the reporting threshold for a substance in the facility's reporting period.

(2) The occupier must, within 3 months after the end of the reporting period, give the chief executive the following, unless the occupier has a reasonable excuse—

(a) the information mentioned in NPI NEPM, section 9(1);

(b) a statement about the information that complies with NPI NEPM, section 9(6).

Maximum penalty—20 penalty units.

(3) However, this section does not apply until—

(a) the Commonwealth and the State agree that the ANZSIC code for 1 or more activities carried out at the facility (the ***code***) is an industry type required to report under this measure; and

(b) the Commonwealth has included the code on a published list as an industry type required to report under this measure; and

(c) the Commonwealth publishes industry reporting materials for the code.

(4) Also, this section does not apply to mandatory transfer data mentioned in NPI NEPM, section 9(1), until the Commonwealth publishes industry reporting materials for transfers.

(5) Subsection (2) is subject to sections 94 and 96.

Editor's note—

sections 94 (Exemption on ground of national security) and 96 (Deciding claim for exemption on ground of commercial confidentiality)

(6) If the chief executive requires further information in relation to the information mentioned in NPI NEPM, section 9(1)(e) or (g), the chief executive may give the occupier a written notice stating—

(a) the information required; and

(b) why the information is required; and

(c) a reasonable period of at least 30 business days for compliance; and

(d) the review or appeal details for the decision to give the notice.

(7) The occupier must comply with the notice unless the occupier has a reasonable excuse.

Maximum penalty—20 penalty units.

86 Reporting period for reporting facility

(1) The reporting period for a reporting facility is—

(a) a financial year; or

(b) if the chief executive decides the occupier of the facility is required to collect or collate data similar to emission data or mandatory transfer data on the basis of a different annual reporting period—the annual reporting period decided by the chief executive.

(2) The chief executive may make a decision under subsection (1)(b)—

(a) on the chief executive's own initiative; or

(b) on a written application for a particular reporting period (a ***reporting period application***) made to the chief executive by the occupier.

(3) As soon as practicable after making the decision, the chief executive must give the occupier a written notice (a ***reporting period notice***) about the decision.

(4) The reporting period notice about the decision is an information notice about the decision if—

(a) the decision has been made on the chief executive's own initiative; or

(b) the occupier has made a reporting period application and the chief executive has refused it.

(5) If the occupier makes a reporting period application and the chief executive fails to give the occupier a reporting period notice within 40 days after the application is made, the failure is taken to be a decision by the chief executive to refuse the application at the end of the 40 days.

87 Occupier must keep particular information for 3 years

(1) Subsection (2) applies to the occupier of a reporting facility for keeping the information used in deciding if the reporting threshold for a substance is exceeded in the reporting period for the facility.

(2) The occupier must keep the information for 3 years after the reporting period ends.

Maximum penalty—20 penalty units.

(3) Subsection (4) applies to the occupier of a reporting facility for keeping the information required to assess the emission data and mandatory transfer data given to the chief executive under section 85(2) or (7).

(4) The occupier must keep the information for 3 years after—

(a) the emission data and mandatory transfer data are required to be given to the chief executive under section 85(2); or

(b) if the chief executive requires information under a notice given under section 85(6), the period for compliance stated in the notice.

Maximum penalty—20 penalty units.

88 Minister may name occupier in report to council

(1) This section applies to the occupier of a reporting facility if the Minister is satisfied the occupier has contravened any of the following (each of which is a ***relevant provision***)—

(a) section 85(2) or (7);

(b) section 480 or 481 of the Act for giving information required to be given under section 85.

Editor's note—

section 480 (False, misleading or incomplete documents) or 481 (False or misleading information) of the Act

(2) If the Minister is satisfied it is appropriate in the circumstances, the Minister may, in the Minister's implementation report, name the occupier as a person who the Minister is satisfied has contravened a relevant provision.

(3) In deciding whether it is appropriate in the circumstances to name an occupier in the implementation report, the Minister must have regard to the following relevant matters—

(a) any mitigating or aggravating circumstances;

(b) whether the occupier has previously contravened a relevant provision and any action taken against the occupier for the contravention;

(c) whether naming the occupier would be unreasonably harsh or oppressive.

(4) Before naming the occupier in the report, the Minister must give the occupier a written notice stating the following—

(a) that the Minister proposes naming the occupier in the implementation report as a person who the Minister is satisfied has failed to comply with a relevant provision;

(b) the grounds for the proposed action;

(c) that the occupier may make, within a stated period (the ***show cause period***) written representations to show why the proposed action should not be taken.

(5) The show cause period must end not less than 28 days after the notice is given to the occupier.

(6) The Minister must consider the written representations, if any, made by the occupier during the show cause period.

(7) If after considering the representations the Minister still considers it is appropriate to name the person in the report, the Minister may do so.

(8) The Minister must give the occupier written notice of the decision stating the following—

(a) that the Minister has decided to name the occupier in the implementation report as a person who the Minister is satisfied has failed to comply with a relevant provision, and the reasons for the decision;

(b) the review or appeal details for the decision.

(9) In this section—

implementation report means the Minister's report to the council under the *National Environment Protection Council (Queensland) Act 1994*, section 23.

Part 3 Estimation techniques for emission and transfer data

89 Occupier of reporting facility must use estimation technique

(1) The occupier of a reporting facility must use a technique (an ***estimation technique***) for estimating emission data and mandatory transfer data for complying with the facility's reporting requirements.

(2) The estimation technique must be—

(a) a technique for estimating the data for the reporting facility, approved by the chief executive under section 92 or 93; or

(b) if paragraph (a) does not apply—the technique for estimating the data set out in the industry reporting materials for the relevant type of reporting facility.

90 When chief executive may approve estimation technique

The chief executive may approve an estimation technique for use by the occupier of a reporting facility (an ***estimation technique approval***) if—

(a) there is no estimation technique for estimating emission data and mandatory transfer data set out in the relevant industry reporting materials for the reporting facility; or

(b) both—

(i) there is an estimation technique (the ***existing technique***) for estimating the data set out in the relevant industry reporting materials for the reporting facility; and

(ii) the chief executive reasonably considers another technique is likely to provide more representative emission data and mandatory transfer data than the existing technique.

91 Application for approval of estimation technique

(1) The occupier of a reporting facility may apply to the chief executive for an estimation technique approval (an ***estimation technique application***).

(2) The estimation technique application must—

(a) set out the estimation technique for which approval is sought; and

(b) give the information necessary to enable the chief executive to decide the application.

(3) The chief executive may give the occupier a written notice asking the occupier to give to the chief executive, in the reasonable period stated in the notice, further information the chief executive reasonably considers necessary to decide the application.

(4) A notice under subsection (3) is an information notice about the chief executive's decision to ask for the further information.

92 Deciding estimation technique application

(1) For deciding an estimation technique application, the chief executive must—

(a) approve the estimation technique for which approval is sought (the ***proposed technique***); or

(b) refuse to approve the proposed technique; or

(c) approve the proposed technique subject to a modification decided by the chief executive; or

(d) approve another estimation technique.

(2) In deciding whether to approve the proposed technique, or approve another estimation technique, the chief executive must have regard to the representativeness of the proposed technique compared with the representativeness of estimation techniques in the relevant industry reporting materials for the reporting facility.

(3) The chief executive may refuse to approve the proposed technique if—

(a) the chief executive has given the occupier a notice under section 91(3) asking for further information; and

(b) the occupier does not comply with the request in the period stated in the notice.

(4) The chief executive must give the occupier written notice of the decision under subsection (1) as soon as possible after making the decision.

(5) If the chief executive decides to approve the technique subject to a modification, the notice must state the modification.

(6) If the chief executive refuses to approve the proposed technique, approves it subject to a modification or approves another estimation technique, the chief executive must give an information notice about the decision.

(7) Subsection (8) applies if the chief executive fails to give the occupier a notice about the chief executive's decision—

(a) within 40 days after the application is made; or

(b) if the occupier gave the chief executive further information requested under section 91(3)—within 40 days after receiving the further information.

(8) The chief executive's failure to give the notice is taken to be a decision by the chief executive to refuse to approve the proposed technique.

93 Approval of estimation technique on chief executive's initiative

(1) The chief executive may, at any time, give an estimation technique approval for a reporting facility.

(2) Before giving an estimation technique approval, the chief executive must give the occupier of the reporting facility a written notice stating that the chief executive will give the

approval within a stated period of not less than 14 days unless the occupier makes an estimation technique application.

(3) If the occupier does not make an estimation technique application within the stated period, the chief executive must give the occupier—

(a) a notice stating the estimation technique approved by the chief executive; and

(b) an information notice about the decision to approve the estimation technique.

Part 4 Exceptions to reporting requirements

94 Exemption on ground of national security

(1) This section applies if the occupier of a facility gives the chief executive written evidence that—

(a) the occupier has made a claim to the Commonwealth under NPI NEPM that information required to be given by the occupier under section 85(2) should be treated as confidential on the grounds of national security; and

(b) the claim—

(i) has been granted; or

(ii) has not been assessed before the occupier is required to give the chief executive the information.

(2) Subject to subsections (3) and (4), the occupier is exempted from giving the chief executive the information.

(3) Subsection (4) applies if—

(a) the exemption is given under subsection (1)(b)(ii); and

(b) the Commonwealth refuses the claim after the occupier is required to give the chief executive the information.

(4) The occupier must give the chief executive the information within the later of the following—

(a) 3 months after the end of the reporting period;

(b) 10 business days after receiving notice of the Commonwealth's decision to refuse the claim.

95 Claiming exemption on ground of commercial confidentiality

(1) The occupier of a facility may, by written notice given to the chief executive, claim information that the occupier is required to give under section 85(2) or (7) should be treated as confidential on the grounds of commercial confidentiality.

(2) The notice must contain the information necessary to enable the chief executive to decide the claim.

(3) The chief executive may, by written notice to the occupier, ask the occupier to give the chief executive, in the reasonable period stated in the notice, further relevant information to enable the chief executive to decide the claim.

(4) A notice under subsection (3) must be accompanied by an information notice about the chief executive's decision to make the request.

96 Deciding claim for exemption on ground of commercial confidentiality

(1) The chief executive may grant the claim only if the chief executive reasonably believes the information would be exempt matter under the *Freedom of Information Act 1992*, section 45.

(2) If the chief executive grants the claim—

(a) the chief executive must give the occupier a notice about the decision; and

(b) the occupier is exempted from giving the chief executive the information for the period stated in the notice.

(3) The chief executive may refuse to grant the claim if the chief executive has given the occupier a notice under section 95(3) asking for further information and the occupier does not comply with the request in the period stated in the notice.

(4) The chief executive must give the occupier written notice of the chief executive's decision on the claim.

(5) If the chief executive refuses to grant the claim, the notice must be an information notice about the decision to refuse the claim.

(6) Subsection (7) applies if the chief executive fails to give the occupier a notice about the chief executive's decision on the claim—

(a) within 60 days after the claim is made; or

(b) if the occupier gave the chief executive further information under section 95(3)—within 60 days after receiving the further information.

(7) The chief executive's failure to give the notice is taken to be a decision by the chief executive to refuse to grant the claim at the end of the relevant 60 days.

Part 5 Other matters

97 Information not to be used as evidence

Information given by the occupier of a reporting facility under this chapter is not admissible in evidence in proceedings against the occupier, other than for an offence against section 480 or 481 of the Act.

Chapter 7 Administration

Part 1 Devolution of powers

Division 1 Matters devolved to local government

98 Environmental nuisance

The administration and enforcement of the following provisions of the Act is devolved to each local government for its local government area—

(a) section 440;

(b) section 443, to the extent it relates to environmental nuisance.

99 Noise standards

The administration and enforcement of the following provisions of the Act is devolved to each local government for its local government area—

(a) section 440Q;

(b) chapter 8, part 3B, division 3.

100 Water contamination

The administration and enforcement of chapter 8, part 3C of the Act is devolved to each local government for its local government area.

101 Particular chapter 4 activities

The administration and enforcement of the Act in relation to the following chapter 4 activities is devolved to the local

government for the local government area where the activity is, or is to be, carried out—

(a) each of the following chapter 4 activities—

(i) poultry farming;

(ii) asphalt manufacturing;

(iii) plastic product manufacturing;

(iv) abrasive blasting;

(v) boilermaking or engineering;

(vi) metal forming;

(vii) metal recovery;

(viii) motor vehicle workshop operation;

(ix) printing;

(x) concrete batching;

(b) each of the following chapter 4 activities carried out within the stated threshold mentioned for the activity—

(i) chemical storage, for storing $10m^3$ to $500m^3$ of chemicals of class C1 or C2 combustible liquids under AS 1940 or dangerous goods class 3;

(ii) surface coating, for—

(A) anodising, electroplating, enamelling or galvanising using 1t to 100t of surface coating materials in a year; or

(B) coating, painting or powder coating using 1t to 100t of surface coating materials in a year;

(iii) wooden and laminated product manufacturing, for fabricating 100t or more of wooden products in a year;

(iv) waste incineration and thermal treatment, for incinerating waste vegetation, clean paper or cardboard;

(c) boat maintenance or repair, but only to the extent the activity is, or is to be, carried out at a boat maintenance or repair facility.

Editor's note—

schedule 2, sections 4 (Poultry farming), 6 (Asphalt manufacturing), 8 (Chemical storage), 12 (Plastic product manufacturing), 17 (Abrasive blasting), 18 (Boilermaking or engineering), 19 (Metal forming), 20 (Metal recovery), 21 (Motor vehicle workshop operation), 37 (Printing), 38 (Surface coating), 43 (Concrete batching), 48 (Wooden and laminated product manufacturing), 49 (Boat maintenance or repair) and 61 (Waste incineration and thermal treatment)

102 Devolution includes statutory instruments under Act

To remove any doubt, it is declared that the administration and enforcement of the Act in relation to a chapter 4 activity, devolved to a local government under section 101, includes the administration and enforcement of statutory instruments made under the Act in relation to the activity.

Division 2 Matters not devolved to local government

103 Clean-up and cost recovery notices

Despite division 1, the administration and enforcement of chapter 7, parts 5B and 5C of the Act is not devolved to a local government, regardless of whether or not a matter to which part 5B or 5C of the Act relates is otherwise devolved to a local government.

104 Record-keeping for particular fuel suppliers

Despite section 101, the administration and enforcement of chapter 5, part 6 is not devolved to a local government, regardless of whether or not an activity to which the part relates is otherwise devolved to a local government.

105 Enforcing compliance with NPI NEPM

Despite section 101, the administration and enforcement of chapter 6 is not devolved to a local government, regardless of whether or not an activity to which the chapter relates is otherwise devolved to a local government.

106 Particular acts, omissions or activities by State or local government entity

(1) This section applies despite division 1.

(2) The administration and enforcement of a provision of the Act mentioned in sections 98 to 100 is not devolved to a local government if the administration and enforcement of the provision relates to a thing that is, or is claimed to have been, done, or omitted to be done, by a State or local government entity.

(3) The administration and enforcement of the Act in relation to an environmentally relevant activity is not devolved to a local government if the activity is, or is to be, carried out by a State or local government entity.

(4) In this section—

State or local government entity means—

(a) the State; or

(b) a local government; or

(c) an instrumentality or agency of the State or a local government; or

(d) a government owned corporation.

107 Mobile and temporary activity across local government areas

(1) This section applies if a mobile and temporary environmentally relevant activity is, or is to be, carried out by a person in more than 1 local government area.

(2) Despite section 101, the administration and enforcement of the Act in relation to the activity is not devolved to a local government.

108 Activity carried out at a facility with a non-devolved activity

(1) This section applies to an environmentally relevant activity (the ***subject activity***)—

(a) that is, or is to be, carried out at a facility in a local government area; and

(b) to which, other than for this section, section 101 would apply.

(2) Despite section 101, the subject activity is not devolved to a local government if—

(a) the subject activity includes carrying out another environmentally relevant activity (the ***coextensive activity***) at the same facility; and

(b) the administration and enforcement of the Act for the coextensive activity is not devolved to a local government.

Part 2 Enforcement

109 Authorised persons—Act, s 445

For section 445(1)(c) of the Act, each of the following classes of persons is declared to be an approved class of persons—

(a) employees of a local government who are appointed as authorised persons by the local government's chief executive officer;

(b) for the purposes only of sections 440J and 463A of the Act—

(i) authorised officers appointed under the *Brisbane Forest Park Act 1977*, section 42; or

(ii) authorised officers appointed under the *Recreation Areas Management Act 2006*, section 143; or

(iii) conservation officers appointed under the *Nature Conservation Act 1992*, section 127(1); or

(iv) inspectors appointed under the *Marine Parks Act 2004*, section 52.

Part 3 Review of decisions and appeal

110 Original decisions and dissatisfied persons

(1) Chapter 11, part 3 of the Act applies to each of the following decisions of the chief executive as if the decision were a decision mentioned in schedule 2, part 2 of the Act—

(a) a decision to request information under section 85(6) for assessing the integrity of emission data given by an occupier of a reporting facility;

(b) a decision under section 86(1)(b) about an annual reporting period for a reporting facility;

(c) a decision to request information under section 92(3);

(d) a decision to refuse to approve an estimation technique, or approve it subject to a modification under section 92(5);

(e) a decision to request information to decide a claim for an exemption on the ground of commercial confidentiality under section 95(3);

(f) a decision to refuse to grant a claim for exemption on the ground of commercial confidentiality under section 96.

(2) Chapter 11, part 3, division 1 and division 3, subdivision 2 of the Act apply to a decision of the Minister under section 88(8) to name the occupier of a reporting facility in the Minister's implementation report as if the decision were a review decision.

(3) For a decision mentioned in subsection (1) or (2), the dissatisfied person is the occupier of the reporting facility affected by the decision.

Part 4 Registers

111 Register of environmental reports

The administering authority must keep in the register of environmental reports the following information for each environmental evaluation it requires to be conducted or commissioned—

(a) the name of the recipient of the notice to conduct or commission the evaluation;

(b) the type of the evaluation;

(c) the day the notice requiring the evaluation is issued;

(d) for an evaluation of an activity the recipient has carried out, is carrying out, or proposes to carry out—

(i) the type of activity; and

(ii) if the activity is an environmentally relevant activity—the certificate or authority number for the registration certificate or environmental authority under which the activity is carried out; and

(iii) the address or location of the place where the activity has been, is being, or is proposed to be, carried out;

(e) for an evaluation of an event—the nature of the event and where it happened;

(f) the name of the person carrying out the evaluation;

(g) the day the report about the evaluation is submitted to the administering authority;

(h) the administering authority's decision about the report;

(i) the action taken by the administering authority after deciding whether or not to accept the report.

112 Register of monitoring program results

The administering authority must keep in the register of results of monitoring programs carried out under the Act the following information for each monitoring program—

(a) the name of the person carrying out the activity to which the program relates;

(b) the type of the activity;

(c) for an activity mentioned in paragraph (a) that is an environmentally relevant activity—the certificate or authority number for the registration certificate or environmental authority under which the activity is carried out;

(d) the requirements under the program;

(e) the name of the person carrying out the program;

(f) the period covered by the program;

(g) the results of the program and any action taken by the administering authority because of the results.

113 Register of transitional environmental programs

(1) The administering authority must keep in the register of transitional environmental programs the following information for each transitional environmental program submitted, or required to be submitted to, the authority—

(a) the name of the person or public authority submitting or required to submit the program;

(b) the activity the person or public authority has carried out, is carrying out, or proposes to carry out for which the program is submitted or required to be submitted;

(c) for an activity mentioned in paragraph (b) that is an environmentally relevant activity—the certificate or authority number for the registration certificate or environmental authority under which the activity is carried out;

(d) the address or location of the place where the activity has been, is being, or is proposed to be, carried out;

(e) the aims of the program;

(f) the matters to be addressed by the program;

(g) the period over which the program is to be carried out;

(h) the day the program is submitted;

(i) if a certificate of approval is given for the program, the day the certificate is given;

(j) matters relating to compliance or noncompliance with the program.

(2) Also, if a certificate of approval for the program is subject to a condition that the person or public authority prepare a public statement about the environmental management of the activity, a copy of the statement must be included in the register.

114 Register of environmental protection orders

The administering authority must keep in the register of environmental protection orders the following information for each environmental protection order it issues—

(a) the name of the recipient of the order;

(b) the activity to which the order relates;

(c) for an activity mentioned in paragraph (b) that is an environmentally relevant activity—the certificate or authority number for the registration certificate or environmental authority under which the activity is carried out;

(d) the address or location of the place where the activity has been, is being, or is proposed to be, carried out;

(e) the grounds for issuing the order;

(f) the requirements under the order;

(g) the day the order is issued;

(h) matters relating to compliance or noncompliance with the order.

115 Register of authorised persons

The administering authority must keep in the register of authorised persons information about the limitations, if any, stated in the instrument of appointment for each authorised person mentioned in the register.

Chapter 8 Fees

Part 1 Fees generally

116 Fees payable under Act

(1) Schedule 10 and this chapter provide for fees payable under the Act.

(2) This chapter provides for annual fees payable for particular applications and authorities.

(3) The fee payable for an application for a development approval, registration certificate or environmental authority (each a ***relevant authority***) is the total of the following—

(a) the application fee mentioned in schedule 10 for the relevant authority;

(b) the annual fee for the relevant authority.

Part 2 Fees for devolved matters

117 Fees and discounts made by resolution or local law

(1) This section applies if the administration and enforcement of the Act for a matter (the ***devolved matter***) has been devolved to a local government.

(2) If—

(a) this chapter or schedule 10 prescribes a fee (the ***default fee***) payable to the administering authority for the devolved matter; and

(b) the local government has made a resolution or local law prescribing a different fee (the ***local fee***) payable for the

devolved matter, whether higher or lower than the default fee;

the local fee is payable for the devolved matter instead of the default fee.

(3) If the local government has made a resolution or local law prescribing the local fee payable for the devolved matter, part 3, division 2 does not apply in relation to the local fee.

(4) However, if subsection (2) does not apply, the local government may make a resolution or local law stating that part 3, division 2 applies to the fee for the devolved matter.

(5) Also, the local government may not make a resolution or local law to change the aggregate environmental score for the devolved matter.

Part 3 Annual fees

Division 1 General matters

118 Meaning of *annual fee*

(1) The ***annual fee*** for a relevant authority is—

(a) if section 120 applies to the relevant authority—the fee worked out for the authority under section 120; or

(b) if the holder of the relevant authority is eligible to pay a reduced annual fee under division 2—the reduced annual fee; or

(c) if none of the environmentally relevant activities proposed to be carried out under the relevant authority has an aggregate environmental score—

(i) for 1 activity—the annual fee mentioned in schedule 10 for the activity; or

(ii) for 2 or more activities—the highest annual fee stated in schedule 10 for the activities.

Note—

The aggregate environmental score for a relevant activity is stated in schedule 2, 5 or 6.

(2) In this section—

relevant authority means a development approval, registration certificate or environmental authority.

119 Annual fee to accompany particular applications

(1) This section applies to an application for any of the following (each a ***relevant authority***)—

(a) a development approval;

(b) a registration certificate for a chapter 4 activity;

(c) an environmental authority (petroleum activities);

(d) an environmental authority (mining activities).

(2) The application must be accompanied by the application fee and annual fee for the relevant authority.

Note—

However, see also section 141 (Circumstances under which annual fee for registration certificate reduced or not payable).

120 Annual fee for particular development applications, registration certificates and environmental authorities

(1) This section applies to—

(a) a development application, or registration certificate, for 1 or more chapter 4 activities for which there is an aggregate environmental score, whether or not the application or certificate includes a chapter 4 activity for which there is not an aggregate environmental score; or

(b) an environmental authority for—

(i) 1 or more level 1 petroleum activities; or

(ii) a level 1 mining project.

(2) The annual fee for the development application, registration certificate or environmental authority (each a ***relevant authority***) must be worked out using the following formula—

F = S x **M**

where—

F is the amount of the annual fee for the development application, registration certificate or environmental authority.

S is —

(a) if the relevant authority is for 1 environmentally relevant activity—the aggregate environmental score for the activity; or

(b) if the relevant authority is for 2 or more environmentally relevant activities—the higher or highest aggregate environmental score for the activities.

Note—

The aggregate environmental scores for a level 1 mining project that includes a chapter 4 activity are stated in schedules 2 and 6.

M is—

(a) for a development application, or registration certificate, for a relevant activity—100; or

(b) otherwise—200.

(3) However, subsection (4) applies if—

(a) the development application or registration certificate is for 2 or more chapter 4 activities; and

(b) at least 1 of the activities is a relevant activity; and

(c) at least 1 of the activities is not a relevant activity.

(4) The annual fee for the development application or registration certificate is the higher of the following—

(a) the fee worked out under subsection (2);

(b) the fee worked out under subsection (2) as if there were no relevant activities for the development application or registration certificate.

(5) This section is subject to divisions 2 and 3 and parts 5 and 6.

Editor's note—

divisions 2 (Reduced annual fees in particular circumstances) and 3 (Amendment applications for environmental authorities) and parts 5 (Special provision for registration certificate fees) and 6 (Exemptions)

(6) In this section—

relevant activity means any of the following chapter 4 activities—

(a) aquaculture;

(b) intensive animal feedlotting;

(c) pig keeping;

(d) poultry farming.

Editor's note—

schedule 2, sections 1 (Aquaculture), 2 (Intensive animal feedlotting), 3 (Pig keeping) and 4 (Poultry farming)

Division 2 Reduced annual fees in particular circumstances

Subdivision 1 Preliminary

121 Purpose of div 2

The purpose of this division is to allow the holder of a relevant authority to pay a reduced annual fee for the authority if the holder is eligible.

122 Definitions for div 2

In this division—

annual fee, for an authority, means the annual fee worked out under section 120 for the authority.

appropriately qualified person, for completing a statutory declaration about the relevant activities carried out under a relevant authority, means a person, other than the holder of the authority or an employee of the holder, who—

(a) has the qualifications and experience appropriate for completing the statutory declaration about the activities; and

(b) is a member of an organisation listed in schedule 8.

approved EMS see section 123.

approved partner see section 124.

eligible, to pay a reduced annual fee, means eligible under section 126 to pay the reduced annual fee.

lower emissions score see section 125.

prescribed environmental management system means an environmental management system accredited under ASNZ ISO: 14001: 2004.

Editor's note—

ASNZ ISO: 14001: 2004 Environmental Management Systems.

reduced annual fee, for a relevant authority, means the reduced annual fee worked out under section 127 for the authority.

relevant activity means any of the following carried out under a relevant authority—

(a) a chapter 4 activity for which there is an aggregate environmental score;

(b) a level 1 petroleum activity;

(c) a level 1 mining project.

relevant authority means either of the following to which section 120(1) applies—

(a) a registration certificate;

(b) an environmental authority.

123 What is an *approved EMS*

The holder of a relevant authority has an ***approved EMS*** if each relevant activity carried out under the authority is being carried out in accordance with a prescribed environmental management system.

124 Who is an *approved partner*

(1) An ***approved partner*** is the holder of a relevant authority who is registered with the business partnership program.

(2) In this section—

business partnership program means the program of that name established by the department.

Editor's note—

On the day this regulation was notified in the gazette information about the business partnership program was available on the department's website.

125 What is a *lower emissions score*

(1) The holder of a relevant authority has a ***lower emissions score*** if—

(a) if the holder is carrying out only 1 relevant activity under the authority—the relevant activity has an emissions score that is at least 25% less than the emissions score stated to apply for the activity under the environmental emission profile; or

(b) if the holder is carrying out 2 or more relevant activities under the authority—the relevant activity that has the

highest aggregate environmental score has an emissions score that is at least 25% less than the emissions score stated to apply for the activity under the environmental emission profile.

(2) In this section—

emissions score, for a relevant activity, means the emissions score component of the aggregate environmental score for the activity.

Editor's note—

On the day this regulation was notified in the gazette information about the aggregate environmental scores for relevant activities was available on the department's website.

Subdivision 2 Reduced annual fee

126 Eligibility for payment of a reduced annual fee

(1) The holder of a relevant authority is eligible to pay a reduced annual fee for the authority if—

(a) the holder has carried out a relevant activity under the authority for at least 1 year; and

(b) in the 3 years immediately before the annual fee for the authority is due, no compliance action event has happened for the holder; and

(c) the holder—

(i) has an approved EMS; or

(ii) is an approved partner; or

(iii) has a lower emissions score; and

(d) the holder gives the chief executive the following, within the period stated in the annual notice—

(i) if the holder has an approved EMS—a statutory declaration, completed by an appropriately qualified person, verifying that—

(A) each relevant activity carried out under the authority in the previous year has been carried out in accordance with a prescribed environmental management system; and

(B) the holder is complying with the conditions of the authority;

(ii) if the holder has a lower emissions score—a statutory declaration, completed by an appropriately qualified person, verifying—

(A) the holder's emissions score for the relevant activity; and

(B) that the data used to calculate the holder's emissions score for the relevant activity is accurate and has been obtained by a method appropriate for the type of activity;

(iii) the other documents and information stated in the annual notice; and

(e) the holder pays the reduced annual fee within the period stated in the annual notice.

(2) The holder stops being eligible to pay a reduced annual fee if the holder knows, or ought reasonably to know, there has been a disqualifying event for the holder.

(3) In this section—

compliance action event, for the holder of a relevant authority, means any of the following directly relating to an activity carried out or a thing omitted to be done under the authority—

(a) the serving of an infringement notice under the *State Penalties Enforcement Act 1999* on the holder for an offence;

(b) the issuing of an environmental protection order to the holder;

(c) the holder—

(i) has voluntarily submitted a draft transitional environmental program; or

(ii) is acting under an approved transitional environmental program; or

(iii) is required to prepare a transitional environmental program; or

(iv) has, under section 350 of the Act, given the administering authority a program notice;

(d) the issue of a cost recovery notice to the holder unless—

(i) the amount claimed under the notice has been fully paid; or

(ii) the notice has been withdrawn or has otherwise stopped having effect;

(e) the holder has been issued with a direction notice under section 363B of the Act and—

(i) the holder complies with the notice; or

(ii) a proceeding for an offence against section 363E of the Act has not started;

(f) a proceeding for an environmental offence or an offence under section 363E, 363I or 363L of the Act (a ***notice offence***), is started or continued against the holder and has not finished;

Editor's note—

section 363E (Offence not to comply with a direction notice), 363I (Offence not to comply with clean-up notice) or 363L (Obstruction of recipient complying with notice) of the Act

(g) the holder is convicted of an environmental offence or a notice offence.

disqualifying event, for a holder, means any of the following that happens during the year to which the reduced annual fee applies—

(a) the holder stops being an approved partner;

(b) the holder no longer has an approved EMS;

(c) the holder no longer has a lower emissions score;

(d) there is a compliance action event for the holder.

127 What is the *reduced annual fee*

The ***reduced annual fee*** for a relevant authority is—

(a) 90% of the annual fee if the holder is an approved partner; or

(b) 80% of the annual fee if—

(i) the holder has an approved EMS; or

(ii) the holder has a lower emissions score; or

(c) 70% of the annual fee if the holder is an approved partner and—

(i) the holder has an approved EMS; or

(ii) the holder has a lower emissions score; or

(d) 60% of the annual fee if—

(i) the holder has an approved EMS; and

(ii) the holder has a lower emissions score; or

(e) 50% of the annual fee if—

(i) the holder is an approved partner; and

(ii) the holder has an approved EMS; and

(iii) the holder has a lower emissions score.

Subdivision 3 Offences and record keeping

128 Application of sdiv 3

This subdivision applies to the holder of a relevant authority who has, under this division, paid a reduced annual fee for the authority.

129 Offence to pay reduced annual fee if not eligible

It is an offence for the holder to pay the reduced annual fee instead of the annual fee for the authority if the holder is not eligible to pay the reduced annual fee.

Maximum penalty—20 penalty units.

130 Requirement to keep records for reduced annual fee

The holder must, unless the holder has a reasonable excuse, keep each of the following records relating to the payment of the reduced annual fee for at least 5 years after the reduced annual fee is paid—

(a) if the holder was eligible for the reduction under section 126(1)(c)(i)—a copy of an accreditation certificate prepared under the relevant prescribed environmental management system for the approved EMS;

(b) if the holder was eligible for the reduction under section 126(1)(c)(ii)—

(i) the holder's certificate of registration under the business partnership program; and

(ii) a copy of the action plan the holder was required to develop for the holder's registration under the business partnership program;

Editor's note—

On the day this section commenced information about the development of an action plan was available on the department's website.

(c) if the holder was eligible for the reduction under section 126(1)(c)(iii)—a copy of the data and methodology used to calculate the holder's emissions score for the relevant activity under the authority;

(d) if the holder was under section 126(1)(d), required to give the chief executive a statutory declaration about the relevant activities carried out under the relevant authority—

(i) a copy of the statutory declaration; and

(ii) for the appropriately qualified person who completed the statutory declaration—the person's contact details and evidence of the person's membership of a prescribed organisation.

Maximum penalty—20 penalty units.

131 Authorised person may require holder to give information or documents

(1) An authorised person may, by written notice to the holder, require the holder to give the officer the information or documents about the payment of the reduced annual fee that the officer requires.

(2) The notice may state a reasonable period within which the information or documents must be given.

(3) The holder must comply with the notice unless the holder has a reasonable excuse.

Maximum penalty for subsection (3)—20 penalty units.

132 Requirement to notify change of eligibility

If the holder's eligibility for the reduced annual fee under section 126(1)(c)(i) or (ii) stops during the year to which the fee applies, the holder must give the administering authority written notice of the fact within 10 business days after the eligibility stops.

Maximum penalty—20 penalty units.

133 Refunding difference between annual fee and reduced fee

(1) This section applies if the holder—

(a) is not eligible to pay the reduced annual fee; or

(b) stops being eligible to pay the reduced annual fee during the year to which the fee applies.

(2) The administering authority may require the holder to pay the authority the difference between the annual fee and the reduced annual fee.

Division 3 Amendment applications for environmental authorities

134 When supplementary annual fee payable

(1) This section applies if—

(a) a person makes an amendment application for an environmental authority (petroleum activities) or environmental authority (mining activities); and

(b) amending the authority in accordance with the application would result in an annual fee being payable that is higher than the annual fee for the authority as stated in the last annual notice for the authority.

(2) The application must be accompanied by the supplementary annual fee for the authority worked out under the following formula—

S = A - P

where—

S is the amount of the supplementary annual fee for the authority.

A is the amount of the annual fee that would be payable for the authority if the authority were amended in accordance with the amendment application.

P is the amount of the annual fee stated in the last annual notice given for the authority.

Division 4 Credits and refunds

135 Credit for annual fee for environmental authority after amendment

(1) This section applies if—

(a) an amendment application for an environmental authority is accompanied by the supplementary annual fee under section 134; and

(b) the application is granted; and

(c) the amendment takes effect.

(2) The administering authority must credit for the payment of the next annual fee for the authority an amount worked out using the following formula—

C = S x N/365

where—

C is the amount of the credit.

S is the supplementary annual fee accompanying the amendment application.

N is the number of days from the anniversary day for the authority preceding the amendment to the day the amendment takes effect.

136 Refund of annual fee if application refused

(1) This section applies if—

(a) an administering authority refuses an application for a registration certificate for 1 or more chapter 4 activities; and

(b) no registration certificate is granted for any of the activities.

(2) This section also applies if an administering authority refuses an application relating to an environmental authority.

(3) The administering authority must refund to the applicant the annual fee that accompanied the application.

137 Refund of annual fee if replacement environmental authority issued

(1) This section applies if—

(a) a person holds an environmental authority (the ***replaced authority***); and

(b) the person has paid an annual fee for the replaced authority; and

(c) the administering authority issues a replacement environmental authority (the ***replacement authority***) for the replaced authority; and

(d) the replacement authority is issued before the day that, other than for the replacement, would have been the next anniversary day for the replaced authority after the payment.

(2) The administering authority must refund an amount worked out using the following formula—

R = F x N/365

where—

R is the amount of the refund.

F is the amount of the annual fee paid by the person.

N is the number of days from the day the replacement authority is issued to the next anniversary day for the replaced authority.

Part 4 Other particular fees

138 Fee for anniversary changeover application

(1) The fee payable for an anniversary changeover application for a registration certificate or an environmental authority must be worked out using the following formula—

F = 250 + (A x N/365)

where—

F is the amount of the fee for the anniversary changeover application for the registration certificate or environmental authority.

A is the amount of the annual fee for the registration certificate or environmental authority.

N is the number of days in the interim year.

(2) In this section—

anniversary changeover application, for a registration certificate or environmental authority, means an application under section 318A of the Act to change the anniversary day for the registration certificate or environmental authority.

interim year see section 318B(1)(a) of the Act.

139 Fee for late payment of annual fee

(1) This section applies if a registered operator or a holder of an environmental authority has not paid the annual fee for the registration certificate or authority on or before the anniversary day for the registration certificate or authority.

(2) The administering authority must give the operator or holder a written notice stating that the operator or holder must, within a stated period of at least 10 business days after the notice is given, pay—

(a) the annual fee or the outstanding amount of the fee; and

(b) the late payment fee stated in schedule 10.

(3) The operator or holder must comply with the notice.

140 Fees for transitional environmental programs

(1) The fee for an administering authority's consideration of a draft transitional environmental program, or an amendment of an approval for a transitional environmental program, is the amount that—

(a) the authority considers to be reasonable; and

(b) is not more than the reasonable cost of deciding the application for approval of the program or the amendment of the approval.

(2) The holder of an approval of a transitional environmental program must pay the administering authority a fee for its assessment of the holder's annual returns and monitoring compliance with the program.

(3) The fee is the amount that—

(a) the authority considers to be reasonable; and

(b) is not more than the reasonable cost of the assessment and monitoring.

Part 5 Special provision for registration certificate fees

141 Circumstances under which fee for registration certificate reduced or not payable

(1) This section applies if—

(a) before starting to carry out a chapter 4 activity (a ***development approval activity***), a person applies for a development approval for development for the activity; and

(b) the development permit for the development takes effect; and

Note—

See the Integrated Planning Act, section 3.5.20 (When development may start).

(c) the person applies for a registration certificate for the chapter 4 activity no later than 30 business days after the development permit for the development takes effect.

(2) Subsection (3) applies if—

(a) the application for the registration certificate also includes an activity (a ***code activity***) to which a code of environmental compliance applies; and

(b) the annual fee for a registration certificate for the code activity is higher than the annual fee paid for the development approval for the development approval activity.

(3) The annual fee for the registration certificate is the difference between the annual fee for the code activity and the annual fee paid for the development approval for the development approval activity.

(4) If subsection (2) does not apply, no annual fee or application fee is payable for the registration certificate.

Part 6 Exemptions

142 Administering authority exempt from fees for self-administered activities

An administering authority is exempt from payment of a fee relating to a development application, registration certificate or environmental authority for an environmentally relevant activity that is administered by the authority.

Note—

See chapter 7, part 1, division 2 (Matters not devolved to local government).

143 Prescribed local government exempt from fees

(1) This section applies to the following (each a ***prescribed local government***)—

(a) a community government under the *Local Government (Community Government Areas) Act 2004*;

(b) the Northern Peninsula Area Regional Council;

(c) the Torres Strait Island Regional Council.

(2) A prescribed local government is exempt from payment of a fee relating to—

(a) a development application; or

(b) a registration certificate for a chapter 4 activity that is carried out by the local government in its local government area.

144 Prescribed charitable institution exempt from fees

(1) A prescribed charitable institution is exempt from payment of a fee relating to—

(a) a development application; or

(b) registration certificate for the chapter 4 activity under schedule 2, section 63 if the activity is carried out within the relevant threshold.

Editor's note—

schedule 2, section 63 (Sewage treatment)

(2) In this section—

prescribed charitable institution means a charitable institution that, under the *Income Tax Assessment Act 1997* (Cwlth), is an exempt institution that is eligible for a refund.

relevant threshold means the stated threshold of operating sewage treatment works with a total daily peak design capacity of 21EP to 100EP under schedule 2, section 63(4).

Chapter 9 Repeal, transitional and savings provisions

Part 1 Repeal

145 Repeal of regulation

The Environmental Protection Regulation 1998, SL No. 29 is repealed.

Part 2 Transitional and savings provisions

Division 1 Preliminary

146 Definitions for pt 2

In this part—

anniversary day, for a development approval or registration certificate, means the first anniversary day for the approval or certificate after the commencement.

commencement means the commencement of this section.

former environmentally relevant activity means an environmentally relevant activity mentioned in the repealed regulation, schedule 1, under the heading 'Environmentally relevant activity', immediately before the commencement.

former ERA, for an item mentioned in this part, means the item to which the reference relates is an item mentioned in the repealed regulation, schedule 1, under the heading 'Environmentally relevant activity', immediately before the commencement.

Example—

Former ERA 1 is the repealed regulation, item 1 (Aquaculture and agricultural activities).

repealed regulation means the repealed *Environmental Protection Regulation 1998*.

Division 2 Transitional provisions about environmentally relevant activities

Subdivision 1 General

147 General matters for environmentally relevant activities

A reference in an Act or document to a former environmentally relevant activity mentioned in column 1 of the following table (a ***column 1 ERA***) may, from the commencement and if the context permits, be taken to be a reference to an environmentally relevant activity mentioned in column 2 of the table (a ***column 2 ERA***) opposite the column 1 ERA.

Column 1 ERA		Column 2 ERA	
Aquaculture and agriculture activities		**Part 1—Aquaculture and intensive animal industry**	
1	Aquaculture	1	Aquaculture
2	Cattle feedlotting	2	Intensive animal feedlotting
3	Pig farming	3	Pig keeping
4	Poultry farming	4	Poultry farming
Chemical, coal and petroleum products activities		**Part 2—Chemical, coal and petroleum products activities**	
5	Alcohol distilling	5	Alcohol production
6	Chemical manufacturing, processing or mixing	7	Chemical manufacturing
7	Chemical storage	8	Chemical storage
8	Coke producing	31	Mineral processing
9	Gas production	10	Gas producing
10	Paint manufacturing	7	Chemical manufacturing
11	Crude oil or petroleum product storage	8	Chemical storage
12	Oil refining or processing	11	Oil refining or processing
13	Fuel gas refining or processing	9	Hydrocarbon gas refining
Community infrastructure and services		**Part 13—Water treatment services**	
14	Crematorium	—	—

Column 1 ERA		Column 2 ERA	
15	Sewage treatment	63	Sewage treatment
Electricity, fuel burning and water supply activities			
16	Municipal water treatment plan	64	Water treatment
		Part 3—Energy related services	
17	Fuel burning	15	Fuel burning
18	Power station	14	Electricity generation
Extractive activities		**Part 4—Extractive activities**	
19	Dredging material	16	Extractive and screening activities
20	Extracting rock or other material	16	Extractive and screening activities
22	Screening etc. materials	16	Extractive and screening activities
Fabricated metal product activities		**Part 5—Fabricated metal product activities**	
23	Abrasive blasting	17	Abrasive blasting
24	Boiler making or engineering	18	Boilermaking or engineering
25	Metal surface coating	38	Surface coating
26	Metal forming	19	Metal forming
27	Metal recovery	20	Metal recovery
28	Motor vehicle workshop	21	Motor vehicle workshop operation
Food processing		**Part 6—Food processing**	
29	Beverage production	22	Beverage production
30	Edible oil processing	24	Edible oil manufacturing or processing
31	Flour milling	—	
32	Meat processing	25	Meat processing
33	Milk processing	26	Milk processing
34	Seafood processing	27	Seafood processing
35	Smoking, drying or curing works	—	
36	Sugar milling or refining	28	Sugar milling or refining
37	Bottling and canning	23	Bottling and canning
Metal product activities		**Part 7—Metal production and mineral processing activities**	
40	Metal foundry	29	Metal foundry operation
41	Metal works	30	Metal smelting and refining
42	Mineral processing	31	Mineral processing

Column 1 ERA		Column 2 ERA	
Miscellaneous activities		**Part 8—Miscellaneous activities**	
43	Animal housing	—	—
44	Battery manufacturing	32	Battery manufacturing
45	Crushing, milling or grinding	33	Crushing, milling, grinding or screening
46	Mushroom growing substrate manufacture	34	Mushroom growing substrate manufacture
47	Pet, stock or aquaculture food manufacturing	—	
48	Plaster manufacturing	35	Plaster manufacturing
49	Pulp or paper manufacturing	36	Pulp or paper manufacturing
50	Rendering operation	25	Meat processing
51	Plastic manufacturing	12	Plastic product manufacturing
52	Printing	37	Printing
53	Soil conditioner manufacturing	53	Composting and soil conditioner manufacturing
54	Tanning	39	Tanning
55	Textile manufacturing	40	Textile manufacturing
56	Tobacco processing	—	
57	Tyre manufacturing or retreading	13	Tyre manufacturing or retreading
Non-metallic mineral product manufacture		**Part 9—Non-metallic mineral product manufacture**	
58	Asbestos products manufacturing	—	
59	Asphalt manufacturing	6	Asphalt manufacturing
60	Cement manufacturing	41	Cement manufacturing
61	Clay or ceramic products manufacturing	42	Clay or ceramic products manufacturing
62	Concrete batching	43	Concrete batching
63	Glass or glass fibre manufacturing	44	Glass or glass fibre manufacturing
64	Mineral wool or ceramic fibre manufacturing	45	Mineral wool or ceramic fibre manufacturing
Recreational and sporting activities		**—**	
65	Motor racing	—	
Sawmilling, woodchipping and wooden product manufacturing		**Part 10—Sawmilling, woodchipping and wooden product manufacturing**	
66	Chemically treating timber	46	Chemically treating timber
67	Sawmilling or woodchipping	47	Timber milling and woodchipping

Column 1 ERA		Column 2 ERA	
68	Wooden product manufacturing	48	Wooden and laminated product manufacturing
Transport and maritime services		**Part 11—Transport and maritime services**	
69	Boat maintaining or repairing facility	49	Boat maintenance or repair
70	Heliport	—	
71	Port (other than an airport)	—	
72	Railway facility	—	
73	Marina or seaplane mooring	—	
74	Stockpiling, loading or unloading goods in bulk	50	Bulk material handling
—		51	Road tunnel ventilation stack operation
Waste management		**Part 12—Waste management**	
75	Waste disposal	60	Waste disposal
76	Incinerating waste	61	Waste incineration and thermal treatment
77	Battery recycling	52	Battery recycling
78	Chemical or oil recycling	55	Regulated waste recycling or reprocessing
79	Drum reconditioning	54	Drum and container reconditioning
80	Tyre recycling	59	Tyre recycling
81	Recycling or reprocessing regulated waste	55	Regulated waste recycling or reprocessing
82	Waste transfer station	62	Waste transfer station operation
83	Regulated waste transport	57	Regulated waste transport
84	Regulated waste storage	56	Regulated waste storage
85	Regulated waste treatment	58	Regulated waste treatment

148 Existing development approvals and registration certificates

(1) This section applies to a person who, immediately before the commencement, held a relevant authority to carry out a column 1 ERA.

(2) The person is, on the anniversary day for the relevant authority, taken to be the holder of a relevant authority to carry out the column 2 ERA opposite the column 1 ERA, unless the authority is sooner cancelled.

(3) If the relevant authority held by the person immediately before the commencement was subject to a condition, the relevant authority the person is taken to hold on the anniversary day for the authority is also taken to be subject to a condition in the same terms, so far as practicable, as the condition.

(4) This section is subject to the other provisions of this division.

(5) In this section—

relevant authority means—

(a) a development approval; or

(b) a registration certificate.

149 Existing applications

(1) This section applies to an application for a development approval or registration certificate made before the commencement and not decided on the commencement.

(2) However—

(a) if before the commencement the applicant paid the former application fees for the application—the application fee and annual fee for the application under this regulation are taken to have been paid; and

(b) if the application is an application for a development approval and paragraph (a) does not apply—the repealed regulation continues to apply for the payment of the former application fees for the application as if this regulation had not commenced.

(3) If the application is about a column 1 ERA, the application is taken to be about a column 2 ERA shown opposite the column 1.

(4) Also, subsection (5) applies if the application is about an activity that is a former environmentally relevant activity but is not an environmentally relevant activity under this regulation.

(5) The administering authority must, as soon as practicable after the commencement—

(a) give the applicant a notice stating that, under this regulation, the activity is no longer an environmentally relevant activity; and

(b) refund to the applicant the amount of the application fee.

(6) In this section—

former application fees means the application fee and the prescribed annual fee amount payable under the repealed regulation.

Subdivision 2 Effect of changes to environmentally relevant activities

150 Activities that are no longer environmentally relevant activities

(1) This section applies to an activity that was a former environmentally relevant activity but is not an environmentally relevant activity under this regulation, including, for example, the following—

(a) former ERA 1(a), 14, 16(c), 22(a), 31, 35, 43, 56, 58, 65, 67(a), 70, 71 or 73;

(b) former ERA 2(a) if the activity consists of keeping less than 50 standard cattle units in a year;

(c) former ERA 3(a) if the activity consists of keeping less than 21 standard pig units in a year;

(d) former ERA 8 if the activity consists of producing less than 100t of coke or mineral products in a year;

(e) former ERA 19(a) if the activity consists of dredging less than 1000t of material in a year from the bed of naturally occurring surface waters;

(f) former ERA 20(a) if the activity consists of extracting, other than by dredging, a total of less than 5000t of rock, sand, clay, gravel, loam or other material in a year, other than in a wild river area;

(g) former ERA 24 if the activity consists of boilermaking, assembling, building or manufacturing a total of less than 200t of metal product in a year;

(h) former ERA 26 if the activity consists of forming a total of less than 10000t of metal in a year;

(i) former ERA 28 if the activity consists of—

(i) operating a workshop to maintain a fleet of fewer than 10 vehicles; or

(ii) operating a mobile or a temporary motor vehicle workshop;

(j) former ERA 29 if the activity consists of producing less than 1ML of alcoholic or non-alcoholic beverages in a year;

(k) former ERA 34 if the activity consists of processing in a year less than 500t of seafood or seafood products;

(l) former ERA 36 if the activity consists of—

(i) crushing or grinding less than 200t or more of sugar cane in a year; or

(ii) manufacturing less than 200t of sugar or other sugarcane products in a year;

(m) former ERA 40 if the activity consists of—

(i) producing less than 100t of ferrous metal castings in a year; or

(ii) producing 50t or more of non-ferrous metal castings in a year;

(n) former ERA 44 if the activity consists of manufacturing less than 200t of batteries in a year;

(o) former ERA 46 if the activity consists of manufacturing less than 200t of substrate for mushroom growing in a year;

(p) former ERA 47 if the activity consists of processing in a year—

(i) less than 1000t of meat or meat products in a year; or

(ii) less than 500t or more of seafood or seafood products;

(q) former ERA 48 if the activity consists of manufacturing or processing less than 5000t of plaster in a year;

(r) former ERA 51 if the activity consists of manufacturing in a year—

(i) a total of less than 50t of plastic product, other than a plastic product mentioned in subparagraph (ii); or

(ii) a total of less than 5t of foam, composite plastics or rigid fibre-reinforced plastics;

(s) former ERA 52 if the activity consists of printing less than 200t of printed materials in a year;

(t) former ERA 54 if the activity consists of operating a tannery or facility for tanning, curing or finishing less than 100t of leather products in a year;

(u) former ERA 55 if the activity consists of manufacturing or processing less than 100t of textile products in a year;

(v) former ERA 60 if the activity consists of manufacturing less than 200t of cement in a year;

(w) former ERA 62 if the activity consists of producing less than 200t of concrete or concrete products in a year.

(2) A registration certificate to carry out the activity continues in force, as if the repealed regulation had not been repealed by

this regulation, until the first anniversary day for the certificate.

(3) The administering authority must, as soon as practicable after the commencement—

(a) give the holder of the registration certificate a notice stating that, under this regulation, the activity is no longer an environmentally relevant activity; and

(b) from the anniversary day of the registration certificate, the holder no longer needs a registration certificate to carry out the activity.

151 Changes to environmentally relevant activities

(1) This section applies if—

(a) a holder of a relevant authority is carrying out an activity under the authority that is a former environmentally relevant activity; and

(b) under this regulation, the activity is no longer the environmentally relevant activity described in the relevant authority.

(2) The administering authority must, as soon as practicable after the commencement, give the holder a notice stating the following—

(a) that, under this regulation, the activity is still an environmentally relevant activity;

(b) the provision of schedule 2 applicable to the holder's activity;

(c) from the anniversary day of the relevant authority, the holder is taken to have a relevant authority to carry out the activity mentioned in the provision of schedule 2 applicable to the holder's activity.

(3) In this section—

relevant authority means—

(a) a development approval; or

(b) a registration certificate.

Subdivision 3 Environmental authorities

152 Existing environmental authorities

(1) This section applies to a person who, immediately before the commencement, held an environmental authority (a ***former environmental authority***) to carry out an environmentally relevant activity under the repealed regulation.

(2) The person is, on the anniversary day for the former environmental authority, taken to be the holder of an environmental authority to carry out the equivalent environmentally relevant activity under this regulation, unless the authority is sooner cancelled.

(3) If the former environmental authority was subject to a condition, the environmental authority the person is taken to hold on the anniversary day for the former environmental authority is also taken to be subject to a condition in the same terms, so far as practicable, as the condition.

(4) This section is subject to the other provisions of this subdivision.

153 Changes to environmentally relevant activities

(1) This section applies if—

(a) immediately before the commencement, the holder of an environmental authority was carrying out an activity under the authority that was an environmentally relevant activity under the repealed regulation; and

(b) under this regulation, the activity is no longer the environmentally relevant activity described in the environmental authority.

(2) The administering authority must, as soon as practicable after the commencement, give the holder a notice stating the following—

(a) that, under this regulation, the activity is still an environmentally relevant activity;

(b) the provision of schedule 5 or 6 applicable to the holder's activity;

(c) from the anniversary day of the former environmental authority, the holder is taken to have an environmental authority to carry out the activity mentioned in the provision of schedule 5 or 6 applicable to the holder's activity.

154 Existing applications

(1) This section applies to an application for an environmental authority to carry out an environmentally relevant activity under the repealed regulation, made before the commencement and not decided on the commencement.

(2) Subject to subsection (3), on the commencement the application is taken to be an application for an environmental authority to carry out the equivalent environmentally relevant activity mentioned in schedule 5 or 6.

(3) If before the commencement the applicant paid the former application fee for the application, the application fee and annual fee for the application under this regulation are taken to have been paid.

(4) In this section—

former application fee means either or both of the following payable under the repealed regulation—

(a) the application fee;

(b) an amount equal to the annual fee.

Subdivision 4 Particular approvals for environmentally relevant activities

155 Particular approvals continue in force for 2 years

(1) This section applies to a person given an approval to carry out an environmentally relevant activity under a repealed provision if the approval was in force immediately before the commencement.

(2) The approval to carry out the activity continues in force while the person carries out the activity until the day that is 2 years after the commencement.

(3) In this section—

repealed interim regulation means the repealed *Environmental Protection (Interim) Regulation 1995*.

repealed provision means—

(a) the repealed interim regulation, section 63 or 65, as in force on 1 March 1995; or

Editor's note—

repealed interim regulation, section 63 (Transitional provision for other activities) or 65 (Transitional provision about works for level 2 activities)

(b) the repealed interim regulation, section 65, as in force on 28 June 1996.

Editor's note—

repealed interim regulation, section 65 (Transitional provision about schedule 1, item 3)

Subdivision 5 Miscellaneous matters for environmentally relevant activities

156 Administration and enforcement of particular former environmentally relevant activities devolved to local government

(1) This section applies to the following former environmentally relevant activities—

(a) former ERA 14, 22(a), 43, 65, 70 or 73;

(b) former ERA 20(a) if the activity consists of extracting, other than by dredging, a total of less than 5000t of rock, sand, clay, gravel, loam or other material, in a year;

(c) former ERA 24 if the activity consists of boilermaking, assembling, building or manufacturing a total of less than 200t of metal product in a year;

(d) former ERA 26 if the activity consists of forming a total of less than 10000t of metal in a year;

(e) former ERA 28 if the activity consists of—

(i) operating a workshop to maintain a fleet of fewer than 10 vehicles; or

(ii) operating a mobile or a temporary motor vehicle workshop;

(f) former ERA 29 if the activity consists of producing less than 1ML of alcoholic or non-alcoholic beverages in a year;

(g) former ERA 47 if the activity consists of processing, in a year—

(i) less than 1000t of meat or meat products in a year; or

(ii) less than 500t or more of seafood or seafood products;

(h) former ERA 51 if the activity consists of manufacturing, in a year—

(i) a total of less than 50t of plastic product, other than plastic product mentioned in subparagraph (ii); or

(ii) a total of less than 5t of foam, composite plastics or rigid fibre-reinforced plastics;

(i) former ERA 52 if the activity consists of printing less than 200t of printed materials in a year.

(2) From the commencement, the administration and enforcement of the Act for each of the former environmentally relevant activities continues to be devolved to the local government for the local government area where the activity is, or is to be, carried out.

157 Codes of environmental compliance for former environmentally relevant activities

(1) This section applies to each of the documents mentioned in the repealed regulation, schedule 6A, and approved as a code of environmental compliance for the former environmentally relevant activity to which it applies.

Editor's note—

repealed regulation, schedule 6A (Codes of environmental compliance for chapter 4 activities or aspects of chapter 4 activities)

(2) The document continues to be approved as a code of environmental compliance for the former environmentally relevant activity to which it applies, as if the repealed regulation had not been repealed, until 1 year after the commencement.

(3) In this section—

former environmentally relevant activity includes aspects of the former environmentally relevant activity.

Division 3 Transitional provisions for miscellaneous matters

158 Delayed application of fees payable under ch 8

(1) Chapter 8 does not apply to an existing environmental authority or existing registration certificate until the first anniversary day for the authority or certificate after the commencement.

(2) Any fee paid under the repealed regulation in relation to an existing environmental authority or existing registration certificate continues to apply as if the repealed regulation had not been repealed.

(3) In this section—

existing environmental authority means an environmental authority in force immediately before the commencement.

existing registration certificate means a registration certificate in force immediately before the commencement.

159 References to repealed regulation

In an Act or document, a reference to the repealed regulation may, if the context permits, be taken to be a reference to this regulation.

Schedule 1 Matters to be addressed by assessment under EIS

sections 5(1) and 6(b)(ii)

General information

1 the background of the project including, for example, the following matters—

- the project's title
- the designated proponent's full name and postal address
- a clear outline of the project's objective
- the project's location
- the background to the project's development
- how the project relates to any other actions, of which the proponent should reasonably be aware, that have been, or are being, taken or that have been approved in the area affected by the project
- the project's current status
- the consequences of not proceeding with the project

Description

2 a description of the project, including the following matters—

- the project's components
- the precise location of works to be undertaken, structures to be built or components of the project that may have relevant impacts
- how the works are to be undertaken and design parameters for aspects of the structures or components of the project that may have relevant impacts
- the project's relevant impacts, including the matters under item 3

- proposed safeguards and mitigation measures for dealing with the project's relevant impacts, including the matters under item 4
- any other requirements for, or conditions of, approval applying, or that the proponent reasonably believes are likely to apply, to the proposed project, including the matters under item 5
- to the extent reasonably practicable, any feasible alternatives to the project, including, for example, the following—
  - if relevant, the alternative of taking no action
  - a comparative description of the impacts of each alternative on the matters protected by the controlling provisions for the project
  - sufficient detail to clarify why any alternative is preferred to another
- any consultation about the project, including, for example, the following—
  - consultation taken and any documented response to, or result of, the consultation
  - proposed consultation about the project's relevant impacts
- identification of affected persons and interested persons, including a statement mentioning any communities that may be affected and describing the communities' views

Relevant impacts

3 the project's relevant impacts under item 2 include the following matters—

- a description of the project's relevant impacts
- a detailed assessment of the nature and extent of the likely short term and long term relevant impacts
- a statement about whether any relevant impacts are likely to be unknown, unpredictable or irreversible

- an analysis of the significance of the relevant impacts
- any technical data and other information used or needed to make a detailed assessment of the relevant impacts

Proposed safeguards and mitigation measures

4 the project's proposed safeguards and mitigation measures under item 2 include the following matters—

- a description, and an assessment of the expected or predicted effectiveness, of the mitigation measures for dealing with the project's relevant impacts
- any statutory or policy basis for the mitigation measures
- the cost of the mitigation measures
- an outline of an environmental management plan setting out the framework for continuing management, mitigation and monitoring programs for the project's relevant impacts, including any provision for independent environmental auditing
- the name of the entity responsible for endorsing or approving each mitigation measure or monitoring program
- a consolidated list of mitigation measures proposed to be undertaken to prevent, minimise or compensate for the project's relevant impacts, including mitigation measures proposed to be taken by the State, a local government or the proponent

Other approvals and conditions

5 the project's other approvals and conditions under item 2 include the following matters—

- details of any planning instrument under the Integrated Planning Act dealing with the project including, for example, the following—

- what environmental assessment of the project has been, or is being, carried out under the planning instrument
- how the planning instrument provides for preventing, minimising and managing the project's relevant impacts

- a description of any approval, other than the Commonwealth approval, obtained from a State or Commonwealth entity, including any approval conditions applying to the project
- a statement identifying any other required approval, other than the Commonwealth approval
- a description of the monitoring, enforcement and review procedures applying, or proposed to apply, to the project

Proponent's environmental record

6 details of any proceedings under a law of the Commonwealth or a State for the protection of the environment or the conservation and sustainable use of natural resources (an ***environmental law***) against the following—

- the proponent
- the applicant for any permit under an environmental law for the project

7 if the proponent is a corporation, details of the corporation's environmental policy and planning framework

Information sources

8 details of the following about information given in the EIS—

- the source of the information
- how recent the information is
- how the reliability of the information was tested
- any uncertainties in the information

Schedule 2 Chapter 4 activities and aggregate environmental scores

sections 14 and 17

Part 1 Aquaculture and intensive animal industry

1 Aquaculture

(1) Aquaculture (the ***relevant activity***) consists of cultivating or holding marine, estuarine or freshwater organisms in an enclosure on land or in waters.

(2) The relevant activity does not include cultivating or holding marine, estuarine or freshwater organisms—

(a) in an aquarium for display purposes only; or

(b) in an enclosure from which no water, other than uncontaminated stormwater, can be released to waters; or

(c) if the marine, estuarine or freshwater organisms receive no augmented food supply.

(3) In the following table, the aggregate environmental score for the relevant activity is the score stated opposite the threshold within which the relevant activity is carried out.

Threshold	Aggregate environmental score
1 cultivating or holding crustaceans in enclosures that are on land and have a total area of—	
(a) more than 100m^2 to 10ha	11
(b) more than 10ha to 100ha	21
(c) more than 100ha	34

Threshold		Aggregate environmental score
2	cultivating or holding marine, estuarine or freshwater organisms, other than crustaceans, in enclosures that are on land and have a total area of—	
	(a) more than 100m^2 to 10ha	19
	(b) more than 10ha to 100ha	29
	(c) more than 100ha	32
3	carrying out the relevant activity in enclosures that are in waters and have a total area of—	
	(a) no more than 1ha	26
	(b) more than 1ha	36

(4) In this section—

augmented food supply, for cultivating or holding marine, estuarine or freshwater organisms, means the addition of foods for cultivating or holding the organisms.

enclosure includes a cage, pond or tank.

2 Intensive animal feedlotting

(1) Intensive animal feedlotting (the ***relevant activity***) consists of keeping 50 or more standard cattle units of cattle or 350 or more standard sheep units of sheep in a feedlot.

(2) The relevant activity does not include keeping cattle or sheep—

(a) in a drought-declared area, if the animals are fed no more than their nutritional requirements; or

(b) on a feed pad in a paddock; or

(c) for no longer than is reasonably necessary for—

(i) sale, slaughter or transport; or

(ii) weaning; or

(iii) animal husbandry; or

(iv) milking; or

(v) shearing.

(3) In the following table, the aggregate environmental score, if any, for the relevant activity is the score stated opposite the threshold within which the relevant activity is carried out.

Threshold		**Aggregate environmental score**
1	keeping the following number of standard cattle units in a feedlot—	
	(a) 50 to 150	no score
	(b) more than 150 to 1000	14
	(c) more than 1000 to 10000	28
	(d) more than 10000	49
2	keeping the following number of standard sheep units in a feedlot—	
	(a) 350 to 1000	no score
	(b) more than 1000 to 10000	12
	(c) more than 10000	26

(4) In this section—

animal husbandry includes—

(a) branding, dehorning, desexing, treating animals for pests (including preventative treating), vaccinating and veterinary work; and

(b) managing or treating animals as required under a law of the State for public health or safety.

Example—

keeping animals in an area that has been placed in quarantine

cattle includes—

(a) beef and dairy cattle; and

(b) cattle of all ages.

drought-declared area means an area that is considered to be severely affected by drought, however the relevant criterion is described, for the purpose of eligibility for assistance under a scheme administered by the State or Commonwealth government.

feedlot means a confined yard or enclosure that—

(a) contains watering and feeding facilities where cattle or sheep are fed entirely by hand or mechanically; and

(b) is designed, constructed or used in a way that does not allow cattle or sheep in the yard or enclosure to graze.

sheep includes sheep of all ages.

3 Pig keeping

(1) Pig keeping (the ***relevant activity***) consists of keeping 21 or more standard pig units of pigs.

(2) The relevant activity does not include keeping pigs for no longer than is reasonably necessary for sale, slaughter or transport.

(3) In the following table, the aggregate environmental score, if any, for the relevant activity is the score stated opposite the threshold within which the relevant activity is carried out.

Threshold		Aggregate environmental score
1	keeping 21 to 400 standard pig units	no score
2	keeping more than 400 to 3500 standard pig units	27
3	keeping more than 3500 to 8000 standard pig units	34
4	keeping more than 8000 standard pig units	43

4 Poultry farming

(1) Poultry farming (the ***relevant activity***) consists of farming a total of more than 1000 birds for—

(a) producing eggs or fertile eggs; or

(b) rearing hatchlings, starter pullets or layers; or

(c) rearing birds for meat.

(2) In the following table, the aggregate environmental score, if any, for the relevant activity is the score stated opposite the threshold within which the relevant activity is carried out.

Threshold		Aggregate environmental score
1	farming more than 1000 to 200000 birds	no score
2	farming more than 200000 birds	9

(3) In this section—

birds means any of the following—

(a) chickens;

(b) ducks;

(c) geese;

(d) guineafowl;

(e) turkeys.

Part 2 Chemical, coal and petroleum products activities

5 Alcohol production

(1) Alcohol production (the ***relevant activity***) consists of producing more than 200m^3 of alcohol in a year.

(2) The relevant activity does not include production of alcoholic beverages by simple fermentation only.

Example of simple fermentation—

making beer

(3) The aggregate environmental score for the relevant activity is 48.

6 Asphalt manufacturing

(1) Asphalt manufacturing (the ***relevant activity***) consists of manufacturing asphalt.

(2) In the following table, the aggregate environmental score, if any, for the relevant activity is the score stated opposite the threshold within which the relevant activity is carried out.

Threshold	Aggregate environmental score
manufacturing in a year—	
(a) less than 1000t of asphalt	no score
(b) 1000t or more of asphalt	32

7 Chemical manufacturing

(1) Chemical manufacturing (the ***relevant activity***) consists of any of the following—

(a) manufacturing a total of 200m^3 or more of coating, food additives, industrial polish, sealant, synthetic dye, pigment, ink, adhesives or paint in a year;

(b) manufacturing a total of 200t or more of chemicals, other than chemicals mentioned in paragraph (a), in a year;

(c) using in the manufacturing process a total of 200t or more of chemicals as feedstock in a year.

(2) The relevant activity does not include—

(a) mixing non-combustible or non-flammable chemicals or chemical products that are not dangerous goods by diluting the chemicals or chemical products with water only; or

(b) blending ethanol with petrol; or

(c) carrying out an activity to which another section under this schedule applies, or would apply if the activity were carried out within a stated threshold under that section.

(3) In the following table, the aggregate environmental score, if any, for the relevant activity is the score stated opposite the threshold within which the relevant activity is carried out.

Threshold	**Aggregate environmental score**
1 manufacturing 200m^3 or more of water based paint in a year	no score
2 manufacturing, in a year, the following total quantity of coating, food additives, industrial polish, sealant, synthetic dye, pigment, ink, adhesives or paint, other than water based paint—	
(a) 200m^3 to 1000m^3	10
(b) more than 1000m^3 to 100000m^3	19
(c) more than 100000m^3	37
3 manufacturing, in a year, a total of 200t or more of any of the following—	
(a) soap, surfactants or cleaning or toiletry products	39
(b) agricultural chemical products or chemicals for biological control	114
(c) medicines, pharmaceutical products, poisons or veterinary chemical products	115
(d) explosives	138
(e) fertiliser	153
4 manufacturing, in a year, the following quantities of organic chemicals, other than organic chemicals to which items 1 to 3 apply—	
(a) 200t to 1000t	30
(b) more than 1000t to 10000t	66
(c) more than 10000t to 100000t	139
(d) more than 100000t	202

Threshold	Aggregate environmental score
5 manufacturing, in a year, the following quantities of inorganic chemicals, other than inorganic chemicals to which items 1 to 3 apply—	
(a) 200t to 1000t	56
(b) more than 1000t to 10000t	115
(c) more than 10000t to 100000t	200
(d) more than 100000t	268

(4) In this section—

agricultural chemical product means an agricultural chemical product under the *Agricultural and Veterinary Chemicals Code Act 1994* (Cwlth).

manufacturing includes combining, processing and reacting.

poison means a poison in the 'Standard for the Uniform Scheduling of Drugs and Poisons' compiled by the Australian Health Ministers' Advisory Council and published by the Commonwealth.

veterinary chemical product means a veterinary chemical product under the *Agricultural and Veterinary Chemicals Code Act 1994* (Cwlth).

8 Chemical storage

(1) Chemical storage (the ***relevant activity***) consists of storing—

(a) 50t or more of chemicals of dangerous goods class 1 or class 2, division 2.3 in containers of at least $10m^3$; or

(b) 50t or more of chemicals of dangerous goods class 6, division 6.1 in containers capable of holding at least 900kg of the chemicals; or

(c) $10m^3$ or more of chemicals of class C1 or C2 combustible liquids under AS 1940 or dangerous goods class 3; or

(d) the following quantities of other chemicals in containers of at least $10m^3$—

(i) 200t or more, if they are solids or gases;

(ii) $200m^3$ or more, if they are liquids.

(2) The relevant activity does not include—

(a) in-transit storage of chemicals; or

(b) storing chemicals for carrying out an activity under section 7; or

(c) transporting petroleum under the *Petroleum Act 1923* or the *Petroleum and Gas (Production and Safety) Act 2004*.

(3) In the following table, the aggregate environmental score, if any, for the relevant activity is the score stated opposite the threshold within which the relevant activity is carried out.

Threshold		**Aggregate environmental score**
1	storing a total of 50t or more of chemicals of dangerous goods class 1 or class 2, division 2.3 under subsection (1)(a)	51
2	storing 50t or more of chemicals of dangerous goods class 6, division 6.1 under subsection (1)(b)	51
3	storing the following total quantity of chemicals of class C1 or C2 combustible liquids under AS 1940 or dangerous goods class 3 under subsection (1)(c)—	
	(a) $10m^3$ to $500m^3$	no score
	(b) more than $500m^3$	85
4	storing 200t or more of chemicals that are solids or gases, other than chemicals mentioned in items 1 to 3, under subsection (1)(d)	31
5	storing $200m^3$ or more of chemicals that are liquids, other than chemicals mentioned in items 1 to 3, under subsection (1)(d)	31

(4) In this section—

container includes a package or tank.

dangerous goods means dangerous goods under the dangerous goods code.

in-transit storage, of chemicals, means storage of the chemicals in a container for no more than 5 days at a place, if, during the storage—

(a) the container in the chemicals is not opened; and

(b) the chemicals are neither used, nor intended to be used.

Examples of in-transit storage—

containers of chemicals being transported or awaiting transport or collection because of unavoidable delay

storing, a quantity of a chemical, includes moving the chemical, or some of the chemical, within the site where the chemical is stored.

9 Hydrocarbon gas refining

(1) Hydrocarbon gas refining (the ***relevant activity***) consists of refining natural gas or coal seam methane gas.

(2) The relevant activity does not include—

(a) collecting gas from sewage treatment works or from decomposition of organic waste in landfills associated with carrying out a relevant waste management activity; or

(b) collecting naturally occurring gas from coal seams if the collection is authorised under schedule 5 or 6; or

(c) reforming or synthesising gas.

(3) In the following table, the aggregate environmental score, if any, for the relevant activity is the score stated opposite the

threshold within which the relevant activity is carried out.

Threshold	Aggregate environmental score
refining in a year—	
(a) less than 200000000m^3 of natural gas	no score
(b) 200000000m^3 or more of natural gas	19
(c) coal seam gas	64

10 Gas producing

(1) Gas producing (the ***relevant activity***) consists of manufacturing, processing or reforming 200t or more of hydrocarbon gas in a year.

(2) The relevant activity includes underground and above ground gasification of coal.

(3) The relevant activity does not include—

(a) collecting gas from sewage treatment works or from decomposition of organic waste in landfills associated with carrying out a relevant waste management activity; or

(b) collecting gas from naturally occurring hydrocarbon deposits or coal seams.

(4) The aggregate environmental score for the relevant activity is 64.

(5) In this section—

relevant waste management activity means an activity to which section 55, 56, 58 or 60 applies.

Editor's note—

section 55 (Regulated waste recycling or reprocessing), 56 (Regulated waste storage), 58 (Regulated waste treatment) or 60 (Waste disposal)

11 Oil refining or processing

(1) Oil refining or processing (the ***relevant activity***) consists of refining or processing crude oil or shale oil.

(2) In the following table, the aggregate environmental score for the relevant activity is the score stated opposite the threshold within which the relevant activity is carried out.

Threshold	Aggregate environmental score
refining or processing, in a year, the following quantity of crude or shale oil—	
(a) less than 500m^3	146
(b) 500m^3 to 150000m^3	186
(c) more than 150000m^3	237

12 Plastic product manufacturing

(1) Plastic product manufacturing (the ***relevant activity***) consists of—

(a) manufacturing, in a year, a total of 50t or more of plastic products, other than a plastic product mentioned in paragraph (b); or

(b) manufacturing, in a year, a total of 5t or more of foam, composite plastics or rigid fibre-reinforced plastics.

(2) In the following table, the aggregate environmental score for the relevant activity is the score stated opposite the threshold within which the relevant activity is carried out.

Threshold	Aggregate environmental score
1 manufacturing, in a year, a total of 50t or more of plastic product, other than a plastic product mentioned in item 2	28
2 manufacturing, in a year, a total of 5t or more of foam, composite plastics or rigid fibre-reinforced plastics	54

13 Tyre manufacturing or retreading

(1) Tyre manufacturing and retreading (the ***relevant activity***) consists of either or both of the following—

(a) manufacturing tyres;

(b) retreading tyres.

(2) In the following table, the aggregate environmental score for the relevant activity is the score stated opposite the threshold within which the relevant activity is carried out.

Threshold		Aggregate environmental score
1	manufacturing tyres	36
2	retreading tyres	17

Part 3 Energy related services

14 Electricity generation

(1) Electricity generation (the ***relevant activity***) consists of generating electricity by using fuel at a rated capacity of 10MW electrical or more.

(2) The relevant activity does not include co-generating electricity in association with carrying out another environmentally relevant activity.

(3) In the following table, the aggregate environmental score for the relevant activity is the score stated opposite the threshold within which the relevant activity is carried out.

Threshold		Aggregate environmental score
1	generating electricity by using gas at a rated capacity of 10MW electrical or more	72
2	generating electricity by using a fuel, other than gas, at a rated capacity of—	

Threshold	Aggregate environmental score
(a) 10MW electrical to 150MW electrical	76
(b) more than 150MW electrical	151

(4) In this section—

co-generating means using a fuel to simultaneously produce heat and electrical energy.

15 Fuel burning

(1) Fuel burning (the ***relevant activity***) consists of using fuel burning equipment that is capable of burning at least 500kg of fuel in an hour.

(2) The relevant activity does not include burning fuel for—

(a) carrying out an activity to which another section applies or would apply if it were carried out within a stated threshold under that section; or

(b) operating a stand-by generator for fewer than 200 hours in a year; or

(c) operating mobile equipment to respond, or for training to respond, to an emergency.

(3) The aggregate environmental score for the relevant activity is 35.

Part 4 Extractive activities

16 Extractive and screening activities

(1) Extractive and screening activities (the ***relevant activity***) consists of any of the following—

(a) dredging a total of 1000t or more of material from the bed of naturally occurring surface waters, in a year;

(b) extracting, other than by dredging, material from a wild river area;

(c) extracting, other than by dredging, a total of 5000t or more of material, in a year, from an area other than a wild river area;

Examples—

- extracting material for excavating a bund between existing waters and an artificial waterway being constructed on dry land
- extracting material from a dry river bed, other than the bed of tidal waters
- extracting virgin rock from a quarry
- extracting rock, that has been previously broken, from a stockpile on the site from which the rock was originally extracted

(d) screening 5000t or more of material in a year.

(2) The relevant activity does not include—

(a) extracting material—

(i) under an environmental authority (mining activities); or

(ii) in the course of cutting and filling land for constructing a road or railway; or

(b) extracting material from a wild river area if—

(i) the primary purpose of extracting the material is not to gain the material; and

(ii) no more than 1500m^3 of materials is extracted or the surface area from which the material is extracted is less than 5200m^2; or

(c) extracting material from a road reserve in a wild river area if—

(i) the material is to be used for constructing or maintaining a road; and

(ii) no more than 5000t of material is extracted in the relevant year.

(3) In the following table, the aggregate environmental score for the relevant activity is the score stated opposite the threshold within which the relevant activity is carried out.

Threshold		Aggregate environmental score
1	dredging, in a year, the following quantity of material—	
	(a) 1000t to 10000t	11
	(b) more than 10000t to 100000t	25
	(c) more than 100000t to 1000000t	44
	(d) more than 1000000t	66
2	extracting, other than by dredging, in a year, the following quantity of material—	
	(a) less than 5000t, if the material is extracted from a wild river area	no score
	(b) 5000t to 100000t	22
	(c) more than 100000t to 1000000t	39
	(d) more than 1000000t	57
3	screening, in a year, the following quantity of material—	
	(a) 5000t to 100000t	13
	(b) more than 100000t to 1000000t	29
	(c) more than 1000000t	47

(4) In this section—

material includes clay, gravel, loam, rock and sand.

naturally occurring surface waters includes artificial waterways that are directly connected to naturally occurring surface waters.

Example—

a canal connected to naturally occurring surface waters

road reserve means a road reserve under the *Land Act 1994*.

screening includes washing, crushing, grinding, milling, sizing or separating materials extracted from the earth.

Part 5 Fabricated metal product activities

17 Abrasive blasting

(1) Abrasive blasting (the ***relevant activity***) consists of cleaning equipment or structures on a commercial basis using a stream of abrasives in either a wet or dry pressure stream.

(2) The relevant activity includes—

(a) spraying a coating on equipment or a structure that has been subject to abrasive blasting; and

(b) carrying out the activity at any site.

(3) The aggregate environmental score for the relevant activity is 16.

18 Boilermaking or engineering

(1) Boilermaking or engineering (the ***relevant activity***) consists of boilermaking, assembling, building or manufacturing a total of 200t or more of metal product in a year.

(2) In the following table, the aggregate environmental score, if any, for the relevant activity is the score stated opposite the threshold within which the relevant activity is carried out.

Threshold	**Aggregate environmental score**
carrying out the relevant activity for producing, in a year, the following quantity of metal product—	
(a) 200t to 10000t	no score
(b) more than 10000t	46

(3) In this section—

metal product includes agricultural equipment, electrical machines, heavy machinery, motor vehicles, trains and trams.

19 Metal forming

(1) Metal forming consists of forming a total of 10000t or more of metal in a year.

(2) There is no aggregate environmental score for metal forming.

(3) In this section—

forming, in relation to metal, includes—

(a) pressing, forging, extending, extruding, rolling metal; and

(b) forming metal into plate, wire or rods; and

(c) fabricating metal into sheets.

20 Metal recovery

(1) Metal recovery (the ***relevant activity***) consists of recovering metal by operating—

(a) a scrap metal yard; or

(b) a facility for dismantling automotive or mechanical equipment, including debonding brake or clutch components.

(2) In the following table, the aggregate environmental score, if any, for the relevant activity is the score stated opposite the threshold within which the relevant activity is carried out.

Threshold		Aggregate environmental score
1	recovering less than 100t of metal in a day	no score
2	recovering 100t or more of metal in a day, or 10000t or more of metal in a year—	
	(a) without using a fragmentiser	19
	(b) using a fragmentiser	51

21 Motor vehicle workshop operation

(1) Motor vehicle workshop operation (the ***relevant activity***) consists of operating a workshop on a commercial basis or in the course of carrying on a commercial enterprise involving any of the following relating to motor vehicles—

(a) maintaining mechanical components, engine cooling radiators or body panels;

(b) spray-painting body panels;

(c) detailing or washing.

(2) The relevant activity includes carrying on a commercial or non-commercial enterprise by or for a State or local government entity.

(3) The relevant activity does not include—

(a) operating a workshop for the purposes of—

(i) a farming operation; or

(ii) a gas, mining or petroleum activity; or

(b) operating a workshop to maintain a fleet of fewer than 10 vehicles; or

(c) operating a workshop to maintain or repair—

(i) auto electrical, exhaust, suspension or air conditioning components of motor vehicles; or

(ii) wheels or tyres of motor vehicles, including wheel alignments; or

(iii) minor scratches, chips or dents using a brush, air brush or paintless method; or

(iv) motor vehicle hoses; or

(d) operating a workshop if the relevant activity is carried out as a mobile and temporary environmentally relevant activity; or

(e) washing motor vehicles if—

(i) all the water used is discharged to sewerage infrastructure under a trade waste approval; or

(ii) the washing is required under a law of the State for weed or pest control.

(4) The aggregate environmental score for the relevant activity is 7.

(5) In this section—

maintaining includes servicing, tuning, reconditioning or repairing.

mechanical components includes brakes, clutch, differential, gearbox, hydraulic systems, transmission and other drive-train equipment.

motor vehicle means—

(a) a vehicle that is propelled by a motor that forms part of the vehicle and moves on wheels; or

(b) rolling stock; or

(c) an aircraft; or

(d) a boat.

Examples of motor vehicles—

helicopter, hovercraft, ride-on mower

State or local government entity includes an instrumentality or agency of the State government or a local government.

Part 6 Food processing

22 Beverage production

(1) Beverage production (the ***relevant activity***) consists of producing 1ML or more of beverages in a year.

(2) The relevant activity does not include—

(a) carrying out an activity to which section 5 would apply, if the activity were carried out within a stated threshold under that section; or

Editor's note—

section 5 (Alcohol production)

(b) producing non-alcoholic beverages if the production does not allow for the release of waste to waters; or

(c) bottling water.

(3) In the following table, the aggregate environmental score for the relevant activity is the score stated opposite the threshold within which the relevant activity is carried out.

Threshold		**Aggregate environmental score**
1	producing, in a year, the following quantity of non-alcoholic beverages—	
	(a) 1ML to 10ML	19
	(b) more than 10ML	32
2	producing 1ML or more of alcoholic beverages in a year	55

23 Bottling and canning

(1) Bottling and canning (the ***relevant activity***) consists of bottling or canning 200t or more of food in a year.

(2) The relevant activity does not include—

(a) bottling or canning that is included under another environmentally relevant activity; or

(b) bottling water.

(3) The aggregate environmental score for the relevant activity is 45.

24 Edible oil manufacturing or processing

(1) Edible oil manufacturing or processing consists of manufacturing or processing 1000t or more of feedstock material for edible oil production in a year.

(2) The aggregate environmental score for edible oil processing is 38.

25 Meat processing

(1) Meat processing (the ***relevant activity***) consists of either of the following—

(a) processing 1000t or more of meat or meat products in a year, whether or not the processing includes rendering;

(b) rendering 100t or more of meat or meat products in a year, if the meat or meat products are not otherwise processed.

(2) The relevant activity does not include—

(a) processing meat or meat products involving only chilling, curing, drying, freezing, packaging or smoking the meat or meat products; or

(b) processing meat or meat products in retail premises, including, for example, butcher shops and supermarkets.

(3) In the following table, the aggregate environmental score, if any, for the relevant activity is the score stated opposite the threshold within which the relevant activity is carried out.

Threshold		**Aggregate environmental score**
1	processing, not including rendering, in a year, the following quantity of meat or meat products—	
	(a) 1000t to 5000t	16
	(b) more than 5000t to 50000t	26
	(c) more than 50000t	41
2	processing, including rendering, in a year, the following quantity of meat or meat products—	
	(a) 1000t to 5000t	25
	(b) more than 5000t to 50000t	48
	(c) more than 50000t	66
3	rendering, without any other processing, in a year, the following quantity of meat or meat products—	

Threshold	Aggregate environmental score
(a) 100t to 500t	no score
(b) more than 500t	29

(4) In this section—

processing, meat or meat products, includes slaughtering animals to produce meat or meat products.

rendering meat or meat products, means extracting by-products from the processing of animals, including fat, tallow, derivatives of fat or tallow or proteinaceous matter.

26 Milk processing

(1) Milk processing (the ***relevant activity***) consists of manufacturing or processing a total of 200t or more of dairy products in a year.

(2) The relevant activity does not include processing milk on a farm in the course of normal farm operations.

(3) The aggregate environmental score for the relevant activity is 37.

(4) In this section—

dairy products includes milk, evaporated or condensed milk, butter, cheese and ice cream.

processing includes separating and evaporating.

27 Seafood processing

(1) Seafood processing (the ***relevant activity***) consists of processing, in a year, 500t or more of seafood or seafood products.

(2) The relevant activity does not include—

(a) processing seafood involving only chilling, curing, drying, freezing, packaging or smoking the seafood; or

(b) processing seafood in retail premises, including, for example, fish shops and supermarkets; or

(c) cooking whole animals; or

(d) processing seafood on a boat in waters.

(3) The aggregate environmental score for the relevant activity is 15.

28 Sugar milling or refining

(1) Sugar milling or refining (the ***relevant activity***) consists of either—

(a) crushing or grinding 200t or more of sugar cane in a year; or

(b) manufacturing 200t or more of sugar or other sugarcane products in a year.

(2) The aggregate environmental score for the relevant activity is 48.

Part 7 Metal production and mineral processing activities

29 Metal foundry operation

(1) Metal foundry operation (the ***relevant activity***) consists of—

(a) producing 100t or more of ferrous metal castings in a year; or

(b) producing 50t or more of non-ferrous metal castings in a year.

(2) In the following table, the aggregate environmental score for the relevant activity is the score stated opposite the threshold within which the relevant activity is carried out.

Threshold		Aggregate environmental score
1	producing, in a year, the following quantity of ferrous metal castings—	
	(a) 100t to 1000t	35
	(b) more than 1000t to 5000t	45
	(c) more than 5000t to 10000t	47
	(d) more than 10000t	62
2	producing, in a year, 50t or more of non-ferrous metal castings using permanent moulds	13
3	producing, in a year, the following quantity of non-ferrous metal castings using non-permanent moulds—	
	(a) 50t to 200t	16
	(b) more than 200t to 1000t	19
	(c) more than 1000t to 5000t	28
	(d) more than 5000t	33

30 Metal smelting and refining

(1) Metal smelting and refinery (the ***relevant activity***) consists of processing ores, ore concentrates or impure metals to produce in a year—

(a) 1t or more of gold; or

(b) 10t or more of—

(i) a metal, other than gold; or

(ii) a metalloid.

(2) In the following table, the aggregate environmental score for the relevant activity is the score stated opposite the threshold within which the relevant activity is carried out.

Threshold	Aggregate environmental score
processing in a year—	
(a) 1t to 100t of gold	107
(b) 10t to 100t of metalloids or metals other than gold	107
(c) more than 100t to 10000t of metals or metalloids	205
(d) more than 10000t of metals or metalloids	316

(3) In this section—

metalloid means an element that is both metallic and non-metallic.

Examples—

arsenic, bismuth, silicon

processing includes smelting.

31 Mineral processing

(1) Mineral processing (the ***relevant activity***) consists of processing, in a year, a total of 1000t or more of coke or mineral products.

(2) In the following table, the aggregate environmental score for the relevant activity is the score stated opposite the threshold within which the relevant activity is carried out.

Threshold	Aggregate environmental score
1 processing 1000t or more of coke in a year	148
2 processing, in a year, the following quantities of mineral products, other than coke—	

Threshold	Aggregate environmental score
(a) 1000t to 100000t	179
(b) more than 100000t	280

(3) In this section—

processing includes—

(a) in relation to coke—quenching, cutting, crushing, and grading the coke; or

(b) in relation to other mineral products—washing, leaching, classifying, mixing and concentrating the mineral products.

Example for paragraph (b)—

magnetic separation of magnetite

Part 8 Miscellaneous activities

32 Battery manufacturing

(1) Battery manufacturing consists of manufacturing 200t or more of batteries in a year.

(2) The aggregate environmental score for battery manufacturing is 35.

33 Crushing, milling, grinding or screening

(1) Crushing, milling, grinding or screening (the ***relevant activity***) consists of crushing, grinding, milling or screening more than 5000t of material in a year.

(2) The activity includes crushing waste, other than putrescible waste, to extract resources for reuse or recycling.

(3) The relevant activity does not include—

(a) crushing, grinding, milling or screening agricultural products for the purpose of a farming operation; or

(b) an activity to which section 16, 55 or 61 would apply, if the activity were carried out within a stated threshold under that section.

Editor's note—

section 16 (Extractive and screening activities), 55 (Regulated waste recycling or reprocessing) or 61 (Waste incineration or thermal treatment)

(4) There is no aggregate environmental score for the relevant activity.

34 Mushroom growing substrate manufacture

(1) Mushroom growing substrate manufacture (the ***relevant activity***) consists of manufacturing 200t or more of substrate for mushroom growing in a year.

(2) The aggregate environmental score for the relevant activity is 11.

35 Plaster manufacturing

(1) Plaster manufacturing consists of manufacturing or processing 5000t or more of plaster in a year.

(2) The aggregate environmental score for plaster manufacturing is 47.

36 Pulp or paper manufacturing

(1) Pulp or paper manufacturing consists of manufacturing a total of 100t or more of pulp or paper products in a year.

(2) The aggregate environmental score for pulp or paper manufacturing is 204.

(3) In this section—

pulp or paper products means pulp, paper, cardboard, moulded paper pulp or similar products manufactured from any organic, recycled or synthetic fibre.

37 Printing

(1) Printing (the ***relevant activity***) consists of printing 200t or more of printed materials in a year.

(2) The relevant activity does not include photocopying, photographic printing or plateless printing.

(3) In the following table, the aggregate environmental score, if any, for the relevant activity is the score stated opposite the threshold within which the relevant activity is carried out.

Threshold	Aggregate environmental score
printing, in a year, the following quantity of printed materials—	
(a) 200t to 1000t	no score
(b) more than 1000t	22

(4) In this section—

plateless printing means laser printing or printing using electrostatic, magnetic, thermal or ink-jet technologies.

printed materials includes advertising material, magazines, newspapers, packaging and stationery.

38 Surface coating

(1) Surface coating (the ***relevant activity***) consists of using, in a year, 1t or more of surface coating materials for—

(a) anodising, electroplating, enamelling or galvanizing; or

(b) coating or painting or powder coating.

(2) The relevant activity does not include—

(a) coating a surface using only a paintbrush, roller or sponge; or

(b) coating a surface in association with carrying out an activity to which section 17, 21, 48, 49 or 54 applies.

Editor's note—

section 17 (Abrasive blasting), 21 (Motor vehicle workshop operation), 48 (Wooden and laminated product manufacturing) 49 (Boat maintenance and repair) or 54 (Drum and container reconditioning)

(3) In the following table, the aggregate environmental score for the relevant activity is the score stated opposite the threshold within which the relevant activity is carried out.

Threshold	**Aggregate environmental score**
1 anodising, electroplating, enamelling or galvanizing, using, in a year, the following quantity of surface coating materials—	
(a) 1t to 100t	10
(b) more than 100t to 1000t	19
(c) more than 1000t to 10000t	41
(d) more than 10000t	66
2 coating, painting or powder coating, using, in a year, the following quantity of surface coating materials—	
(a) 1t to 100t	no score
(b) more than 100t	7

(4) In this section—

painting includes—

(a) adding a surface coating other than anodising, electroplating, enamelling or galvanizing surfaces; and

(b) spray painting.

39 Tanning

(1) Tanning consists of operating a tannery or facility for tanning, curing or finishing 100t or more of leather products in a year.

(2) The aggregate environmental score for tanning is 56.

(3) In this section—

leather products includes—

(a) cured animal skins or hides; and

(b) finished leather.

40 Textile manufacturing

(1) Textile manufacturing consists of manufacturing or processing, in a year, a total of 100t or more of any of the following textile products in the way stated for the product—

(a) manufacturing carpet;

(b) scouring or carbonising wool;

(c) milling cotton;

(d) bleaching, dyeing or finishing natural fibre or synthetic textiles.

(2) The aggregate environmental score for textile manufacturing is 27.

Part 9 Non-metallic mineral product manufacture

41 Cement manufacturing

(1) Cement manufacturing consists of, in a year—

(a) manufacturing 200t or more of cement; or

(b) calcining 200t or more of limestone.

(2) The aggregate environmental score for cement manufacturing is 92.

42 Clay or ceramic products manufacturing

(1) Clay or ceramic products manufacturing (the ***relevant activity***) consists of manufacturing 200t or more of clay or ceramic products in a year.

(2) In the following table, the aggregate environmental score for the relevant activity is the score stated opposite the threshold within which the relevant activity is carried out.

Threshold	**Aggregate environmental score**
manufacturing the following quantity of clay or ceramic products in a year—	
(a) 200t to 5000t	32
(b) more than 5000t	62

(3) In this section—

clay or ceramic products includes bricks, pipes, pottery, refractories and tiles.

43 Concrete batching

(1) Concrete batching consists of producing 200t or more of concrete or concrete products in a year, by mixing cement with sand, rock, aggregate or other similar materials.

(2) The aggregate environmental score for concrete batching is 30.

(3) In this section—

concrete products includes grout and mortar.

44 Glass or glass fibre manufacturing

(1) Glass or glass fibre manufacturing consists of manufacturing 200t or more of glass or glass fibre in a year.

(2) The aggregate environmental score for glass or glass fibre manufacturing is 67.

45 Mineral wool or ceramic fibre manufacturing

(1) Mineral wool or ceramic fibre manufacturing consists of manufacturing mineral wool or ceramic fibre.

(2) The aggregate environmental score for mineral wool or ceramic fibre manufacturing is 55.

Part 10 Sawmilling, woodchipping and wooden product manufacturing

46 Chemically treating timber

(1) Chemically treating timber consists of using chemicals to treat timber for preservation, on a commercial basis.

(2) The aggregate environmental score for chemically treating timber is 42.

47 Timber milling and woodchipping

(1) Timber milling and woodchipping (the ***relevant activity***) consists of milling a total of 5000t or more of timber in a year.

(2) The relevant activity includes—

(a) kiln-drying timber that has been milled; and

(b) producing timber veneer.

(3) The relevant activity does not include—

(a) carrying out the relevant activity as a mobile and temporary environmentally relevant activity for fewer than 2 consecutive days at any one place; or

(b) carrying out the relevant activity in association with carrying on an activity to which section 48 applies, or would apply, if the activity were carried out within a stated threshold under that section.

(4) In the following table, the aggregate environmental score for the relevant activity is the score stated opposite the threshold within which the relevant activity is carried out.

Threshold	Aggregate environmental score
milling, in a year, the following total quantity of timber—	
(a) 5000t to 10000t	22
(b) more than 10000t to 20000t	35
(c) more than 20000t to 100000t	58
(d) more than 100000t	69

(5) In this section—

milling includes sawing, cutting, chipping, compressing, dressing, finger-jointing, and machining.

timber includes logs.

48 Wooden and laminated product manufacturing

(1) Wooden and laminated product manufacturing (the ***relevant activity***) consists of—

(a) fabricating, in a year, a total of 100t or more of wooden products; or

(b) manufacturing, in a year, a total of—

(i) 5000t or more of reconstituted timber products; or

(ii) 100t or more of laminated products.

(2) The relevant activity does not include—

(a) carrying out an activity to which section 46 applies; or

Editor's note—

section 46 (Chemically treating timber)

(b) milling or kiln-drying timber or logs; or

(c) manufacturing house frames or timber trusses.

(3) In the following table, the aggregate environmental score for the relevant activity is the score stated opposite the threshold within which the relevant activity is carried out.

Threshold		Aggregate environmental score
1	fabricating in a year 100t or more of wooden products	no score
2	manufacturing, in a year, the following quantity of reconstituted timber products—	
	(a) 5000t to 10000t	42
	(b) more than 10000t	70
3	manufacturing in a year 100t or more of laminated products	55

(4) In this section—

fabricating, reconstituted timber products—

(a) means to assemble parts or sections of wood or wood products to make reconstituted timber products; and

(b) includes the fabrication of the reconstituted timber products by a cabinet maker, joiner, timber truss maker or wood worker.

laminated products includes high pressure laminate sheeting, laminate-covered wooden or reconstituted timber products, thick laminates and fibre polymer laminates.

manufacturing, a wooden product, includes spraying a coating or glue on the product as part of the manufacturing process.

reconstituted timber products includes chipboard, glue laminated timber, laminated veneer lumber, medium density fibreboard and plywood.

wooden products includes cabinets and furniture.

Part 11 Transport and maritime services

49 Boat maintenance or repair

(1) Boat maintenance or repair (the ***relevant activity***) consists of operating, on a commercial basis, a boat maintenance or repair facility for maintaining or repairing hulls, superstructure or mechanical components of boats or seaplanes.

(2) The relevant activity includes cleaning or maintaining hulls in water at a boat maintenance or repair facility or another place.

(3) The relevant activity does not include—

(a) carrying out an activity to which section 21 applies; or

Editor's note—

section 21 (Motor vehicle workshop operation)

(b) sail making.

(4) The aggregate environmental score for the relevant activity is 17.

50 Bulk material handling

(1) Bulk material handling (the ***relevant activity***) consists of—

(a) loading or unloading minerals at a rate of 100t or more a day; or

(b) stockpiling 50000t or more of minerals; or

(c) loading or unloading bulk materials—

(i) in connection with operations at a port; and

(ii) at a rate of 100t or more a day; or

(d) stockpiling bulk materials in connection with operations at a port.

(2) The relevant activity does not include loading, unloading or stockpiling materials under an environmental authority.

(3) In the following table, the aggregate environmental score for the relevant activity is the score stated opposite the threshold within which the relevant activity is carried out.

Threshold		Aggregate environmental score
1	loading or unloading 100t or more of minerals in a day or stockpiling 50000t or more of minerals—	
	(a) within 5km of the highest astronomical tide or 1km of a watercourse	73
	(b) at another place	49
2	loading or unloading 100t or more of bulk materials in a day or stockpiling bulk materials	73

(4) In this section—

bulk materials means unpackaged and loose materials or goods, other than minerals.

mineral see the *Mineral Resources Act 1989*, schedule.

51 Road tunnel ventilation stack operation

(1) Road tunnel ventilation stack operation consists of operating a road tunnel ventilation stack.

(2) The aggregate environmental score for road tunnel ventilation stack operation is 36.

Part 12 Waste management

52 Battery recycling

(1) Battery recycling consists of operating a facility for receiving, and recycling or reprocessing, any type of battery.

(2) There is no aggregate environmental score for battery recycling.

53 Composting and soil conditioner manufacturing

(1) Composting and soil conditioner manufacturing (the ***relevant activity***) consists of manufacturing, from organic material or organic waste, 200t or more of compost or soil conditioners in a year.

(2) The relevant activity does not include—

(a) manufacturing mushroom growing substrate; or

(b) composting material from agriculture or livestock production on the site where it is produced.

(3) The aggregate environmental score for the relevant activity is 18.

(4) In this section—

organic waste—

(a) includes sewage sludge that has been treated and animal manure; and

(b) does not include clinical waste, contaminated soil, or organic chemical residues.

Example of organic chemical residue—

hydrocarbon waste

54 Drum and container reconditioning

(1) Drum and container reconditioning (the ***relevant activity***) consists of operating a facility on a commercial basis for receiving and reconditioning metal or plastic drums or containers.

(2) The relevant activity includes applying a coating by spraying cleaned drums or containers.

(3) The relevant activity does not include reconditioning drums containing regulated waste.

(4) There is no aggregate environmental score for the relevant activity.

55 Regulated waste recycling or reprocessing

(1) Regulated waste recycling or reprocessing (the ***relevant activity***) consists of operating a facility for receiving, and recycling or reprocessing, regulated waste to produce saleable products.

(2) The relevant activity does not include—

(a) carrying out an activity to which section 25, 34 or 53 would apply if the activity were carried out within a stated threshold under any of those sections; or

Editor's note—

section 25 (Meat processing) or 34 (Mushroom growing substrate manufacture)

(b) carrying out an activity to which section 52 applies; or

(c) recycling or reprocessing tyres.

(3) The aggregate environmental score for the relevant activity is 85.

56 Regulated waste storage

(1) Regulated waste storage (the ***relevant activity***) consists of operating a facility for receiving and storing regulated waste for more than 24 hours.

(2) The relevant activity does not include—

(a) storing less than 5t, or fewer than 500 equivalent passenger units, of tyres or parts of tyres; or

(b) storing regulated waste in transit; or

(c) storing at a facility, for no more than 28 days, any of the following, awaiting removal from the facility for recycling, reprocessing, treatment or disposal—

(i) fewer than 500 batteries;

(ii) pharmaceuticals;

(iii) body parts;

(iv) clinical waste consisting only of sharps in sharps containers that comply with AS 4031 or AS/NZ 4261;

(v) less than 5000L of waste oil; or

(d) carrying out an activity to which section 20, 25, 27, 53, 59, 60, 61 or 62 would apply if the activity were carried out within a stated threshold under the section; or

Editor's note—

section 20 (Metal recovery), 25 (Meat processing) or 27 (Seafood processing)

(e) carrying out an activity to which section 55 or 58 applies.

(3) In the following table, the aggregate environmental score for the relevant activity is the score stated opposite the threshold within which the relevant activity is carried out.

Threshold		**Aggregate environmental score**
1	receiving and storing 5t or more or 500 or more equivalent passenger units, of tyres or parts of tyres	9
2	receiving and storing regulated waste other than tyres	21

(4) In this section—

AS 4031 means 'AS 4031:1992—Non-reusable containers for the collection of sharp medical items used in health care areas'.

AS/NZ 4261 means 'AS/NZ 4261:1994—Reusable containers for the collection of sharp items used in human and animal medical applications'.

in-transit, in relation to storing regulated waste, means storing the waste for no more than 5 days, including, for

example, while transporting the waste or because of an unavoidable delay in transporting the waste.

57 Regulated waste transport

(1) Regulated waste transport (the ***relevant activity***) consists of—

(a) transporting on a non-commercial basis 250kg or more of regulated waste in a vehicle; or

(b) transporting on a commercial basis any quantity of regulated waste in a vehicle.

(2) In the following table, the aggregate environmental score, if any, for the relevant activity is the score stated opposite the threshold within which the relevant activity is carried out.

Threshold		Aggregate environmental score
1	transporting tyres	no score
2	transporting regulated waste, other than tyres, in—	
	(a) 1 to 5 vehicles	7
	(b) 6 to 35 vehicles	21
	(c) 36 or more vehicles	42

(3) In this section—

vehicle includes the part of an aircraft, boat, rolling stock, semi-trailer, tanker, trailer or truck, used to transport the regulated waste.

58 Regulated waste treatment

(1) Regulated waste treatment (the ***relevant activity***) consists of operating a facility for receiving and treating regulated waste or contaminated soil to render the waste or soil non-hazardous or less hazardous.

(2) The relevant activity does not include—

(a) carrying out an activity to which section 25, 27, 53, 59 or 61 would apply if the activity were carried out within a stated threshold under any of those sections; or

Editor's note—

section 25 (Meat processing) or 27 (Seafood processing)

(b) carrying out an activity to which section 52, 54 or 55 applies; or

(c) remediation of contaminated soil at the site of the contamination.

(3) The aggregate environmental score for the relevant activity is 90.

(4) In this section—

regulated waste does not include reconditioned drums or containers that are clean and do not contain residues.

59 Tyre recycling

(1) Tyre recycling (the ***relevant activity***) consists of operating a facility on a commercial basis for receiving and recycling or receiving and reprocessing 1000 or more equivalent passenger units of tyres, or parts of tyres in a year.

(2) The relevant activity does not include retreading tyres.

(3) There is no aggregate environmental score for the relevant activity.

60 Waste disposal

(1) Waste disposal (the ***relevant activity***) consists of only 1 of the following—

(a) operating a facility for disposing of any, or any combination of, the following—

(i) regulated waste;

(ii) general waste;

(iii) limited regulated waste;

(iv) if the facility is in a scheduled area—no more than 5t of untreated clinical waste in a year;

(b) operating a facility for disposing of, in a year, 50t or more of waste consisting of any, or any combination, of the following—

(i) general waste;

(ii) a quantity of limited regulated waste that is no more than 10% of the total amount of waste received at the facility in a year;

(iii) if the facility is in a scheduled area—no more than 5t of untreated clinical waste.

(2) The relevant activity does not include using clean earthen material as fill.

(3) In the following table, the aggregate environmental score for the relevant activity is the score stated opposite the threshold within which the relevant activity is carried out.

Threshold		**Aggregate environmental score**
1	operating a facility for disposing of, in a year, the following quantity of waste under subsection (1)(a)—	
	(a) less than 50000t	50
	(b) 50000t to 100000t	82
	(c) more than 100000t to 200000t	100
	(d) more than 200000t	110
2	operating a facility for disposing of, in a year, the following quantity of waste under subsection (1)(b)—	
	(a) 50t to 2000t	13
	(b) more than 2000t to 5000t	20
	(c) more than 5000t to 10000t	29
	(d) more than 10000t to 20000t	41
	(e) more than 20000t to 50000t	53
	(f) more than 50000t to 100000t	58

Threshold	Aggregate environmental score
(g) more than 100000t to 200000t	73
(h) more than 200000t	96

(4) In this section—

clean earth means earth that has trace elements and contaminant levels within the interim ecologically-based investigation levels for urban land use under the document 'Schedule B(1)—Guidelines on the Investigation of Soil and Groundwater', forming part of the National Environment Protection (Assessment of Site Contamination) Measure 1999.

Editor's note—

The National Environment Protection (Assessment of Site Contamination) Measure 1999 made under the *National Environment Protection Council Act 1994* (Cwlth), section 14(1), is available at government bookshops. On the day this regulation was notified in the gazette the document was also available on the Environment Protection and Heritage Council's website at <www.ephc.gov.au>.

clean earthen materials means—

(a) bricks, pavers, ceramics or concrete that does not contain embedded steel reinforcing rods, pulverised to size of no more than 100mm; or

(b) clean earth.

facility includes a naturally occurring or constructed hollow or pit, including, for example, a gully, mining shaft or quarry, but does not include a hollow or pit on a farm used for receiving and disposing of general waste produced on the farm.

61 Waste incineration and thermal treatment

(1) Waste incineration and thermal treatment (the ***relevant activity***) consists of operating a facility for incinerating or thermally treating waste.

(2) The relevant activity does not include thermal treatment of waste carried out as part of another activity mentioned in this schedule.

Example—

thermally treating waste to generate electricity under section 14 (Electricity generation)

(3) In the following table, the aggregate environmental score, if any, for the relevant activity is the score stated opposite the threshold within which the relevant activity is carried out.

Threshold		**Aggregate environmental score**
1	incinerating waste vegetation, clean paper or cardboard	no score
2	incinerating or thermally treating, in a year, the following quantity of general waste—	
	(a) less than 5000t	18
	(b) 5000t or more	30
3	incinerating or thermally treating—	
	(a) clinical waste or quarantine waste	51
	(b) other regulated waste	41

(4) In this section—

facility, for incinerating vegetation, includes a fixed or mobile apparatus for blowing air into a hole in the ground to facilitate the incineration of the vegetation.

thermally treating, in relation to waste, means applying heat to the waste to render the waste less hazardous for disposal.

Examples—

using an autoclave facility or plasma arc

62 Waste transfer station operation

(1) Waste transfer station operation (the ***relevant activity***) consists of operating, on a commercial basis or in the course of carrying on a commercial enterprise, a waste transfer

station that receives a total quantity of at least 30t or 30m³ of waste on any day.

(2) A waste transfer station is taken to have received a quantity of at least 30m³ of waste if the station receives containers or vehicles that have a combined total capacity of at least 30m³.

(3) The aggregate environmental score for the relevant activity is 31.

(4) In this section—

waste transfer station means a facility used for—

(a) sorting or consolidating waste; and

(b) temporarily storing the waste before moving it from the site where the relevant activity is carried out.

Example of a waste transfer station—

a facility managed commercially that receives and sorts waste, sends the recyclable waste to a recycling facility and the non-recyclable waste to a landfill on another site

Part 13 Water treatment services

63 Sewage treatment

(1) Sewage treatment (the ***relevant activity***) consists of—

(a) operating 1 or more sewage treatment works at a site that have a total daily peak design capacity of at least 21EP; or

(b) operating a sewage pumping station with a total design capacity of more than 40KL in an hour, if the operation of the pumping station is not an essential part of the operation of sewage treatment works to which paragraph (a) applies.

(2) The relevant activity does not include—

(a) carrying out works, other than operating a sewage pumping station mentioned in subsection (1)(b),

involving only infrastructure for the collection of sewage, including for example, pipes; or

(b) carrying out works involving either of the following—

(i) operating or maintaining composting toilets;

(ii) treating or recycling greywater.

(3) In the following table, the aggregate environmental score for the relevant activity is the score stated opposite the threshold within which the relevant activity is carried out.

Threshold		**Aggregate environmental score**
1	operating no-release works with a total daily peak design capacity of at least 21EP	no score
2	operating sewage treatment works, other than no-release works, with a total daily peak design capacity of—	
	(a) 21 to 100EP	27
	(b) more than 100 to 1500EP	53
	(c) more than 1500 to 4000EP	76
	(d) more than 4000 to 10000EP	89
	(e) more than 10000 to 50000EP	114
	(f) more than 50000 to 100000EP	125
	(g) more than 100000EP	145
3	operating a sewage pumping station under subsection (1)(b)	no score

(4) In this section—

daily peak design capacity, for sewage treatment works, means the higher EP for the works calculated using each of the following formulae—

(a) **EP = V/250**

where—

V is the maximum volume, in litres, of sewage that can be treated at the works in a day;

(b) **EP = M/ 2.5**

where—

M is the estimated mass, in grams, of phosphorus in the total quantity of the influent to the works in a day.

no-release works means sewage treatment works from which neither solid nor liquid contaminants are released to the environment, whether from inside or outside the works.

operating, sewage treatment works, includes—

(a) collecting gas from the treatment works; and

(b) operating a pump station or other works associated with the treatment works.

64 Water treatment

(1) Water treatment (the ***relevant activity***) consists of carrying out any of the following activities in a way that allows waste, whether treated or untreated, to be released into the environment—

(a) desalinating 0.5ML or more of water in a day;

(b) treating 10ML or more of raw water in a day;

(c) carrying out advanced treatment of 5ML or more of water in a day.

(2) The relevant activity does not include—

(a) treating water in a way that allows trade waste to be released only into a local government's sewerage infrastructure under a trade waste approval; or

(b) treating water if the only treatment is disinfection or fluoridation; or

(c) treating water in association with carrying out an activity to which section 55, 56, 60, 61 or 63 applies.

Editor's note—

section 55 (Regulated waste recycling or reprocessing), 56 (Regulated waste storage) or 60 (Waste disposal)

(3) In the following table, the aggregate environmental score, if any, for the relevant activity is the score stated opposite the threshold within which the relevant activity is carried out.

Threshold		Aggregate environmental score
1	desalinating, in a day, the following quantity of water, allowing the release of waste only to seawater—	
	(a) 0.5ML to 5ML	no score
	(b) more than 5ML	7
2	desalinating, in a day, the following quantity of water, allowing the release of waste to waters other than seawater—	
	(a) 0.5ML to 5ML	8
	(b) more than 5ML	13
3	treating 10ML or more raw water in a day	26
4	carrying out, in a day, advanced treatment of 5ML or more of water, allowing the release of waste—	
	(a) only to seawater; or	34
	(b) to waters other than seawater	45

(4) In this section—

advanced treatment, of water, means the treatment of water that has been treated in a sewage treatment plant by removing dissolved salts so that the water is potable or suitable for agricultural or industrial use.

mixed water means water that has undergone advanced water treatment and has been mixed with raw water.

raw water means—

(a) water derived—

(i) directly from surface water; or

(ii) from groundwater; or

(b) mixed water.

seawater means tidal waters, other than tidal waters between the banks of a river or stream.

trade waste see the *Water Supply (Safety and Reliability) Act 2008*, schedule 3.

Schedule 3 Codes of environmental compliance

sections 22 and 34

Part 1 Codes for environmental compliance for, or for aspects of, chapter 4 activities

1 Code of environmental compliance for certain aspects of extractive activities—Version 2

2 Code of environmental compliance for certain aspects of mobile and temporary abrasive blasting—Version 2

3 Code of environmental compliance for certain aspects of regulated waste transport—Version 2

Part 2 Codes of environmental compliance for mining activities

4 Code of Environmental Compliance for Exploration and Mineral Development Projects

5 Code of Environmental Compliance for Mining Claims and Prospecting Permits

6 Code of Environmental Compliance for Mining Lease Projects

Schedule 4 Scheduled areas

section 15

1 Aurukun shire
2 Balonne shire
3 Barcaldine region
4 Barcoo shire
5 Blackall Tambo region
6 Boulia shire
7 Bulloo shire
8 Burke shire
9 Carpentaria shire
10 Cherbourg shire
11 Cloncurry shire
12 Cook shire
13 Croydon shire
14 Dalby region
15 Diamantina shire
16 Doomadgee shire
17 Etheridge shire
18 Flinders shire
19 Goondiwindi region
20 Hope Vale shire
21 Kowanyama shire
22 Lockhart River shire
23 Longreach region
24 Mapoon shire

25 McKinlay shire

26 Mornington shire

27 Mount Isa city

28 Murweh shire

29 Napranum shire

30 North Burnett region

31 Northern Peninsula Area region

32 Paroo shire

33 Pormpuraaw shire

34 Quilpie shire

35 Richmond shire

36 Roma region

37 Torres shire

38 Torres Strait Island region

39 Winton shire

40 Woorabinda shire

41 Wujal Wujal shire

42 Yarrabah shire

43 the part of the local government area of Banana Shire Council that was, immediately before 15 March 2008, the part of the local government area of Taroom Shire Council

44 the part of the local government area of Bundaberg Regional Council that was, immediately before 15 March 2008, the local government area of Kolan Shire Council

45 the parts of the local government area of Central Highlands Regional Council that were, immediately before 15 March 2008, the local government areas of Bauhinia Shire Council and Peak Downs Shire Council

46 the part of the local government area of Charters Regional Council that was, immediately before 15 March 2008, the local government area of Darymple Shire Council

47 the parts of the local government area of Fraser Coast Regional Council that were, immediately before 15 March 2008, the local government area of Woocoo Shire Council and part of the local government area of Tiaro Shire Council

48 the parts of the local government area of Gympie Regional Council that were, immediately before 15 March 2008, the local government area of Kilkivan Shire Council and part of the local government area of Tiaro Shire Council

49 the part of the local government area of Isaac Regional Council that was, immediately before 15 March 2008, the local government area of Nebo Shire Council

50 the part of the local government area of Rockhampton Regional Council that was, immediately before 15 March 2008, the local government area of Mount Morgan Shire Council

51 the part of the local government area of Somerset Regional Council that was, immediately before 15 March 2008, the local government area of Kilcoy Shire Council

52 the parts of the local government area of South Burnett Regional Council that were, immediately before 15 March 2008, the local government areas of Murgon Shire Council and Wondai Shire Council

53 the parts of the local government area of Toowoomba Regional Council that were, immediately before 15 March 2008, the local government areas of Cambooya Shire Council, Clifton Shire Council, Millmerran Shire Council and Pittsworth Shire Council

Schedule 5 Level 1 petroleum activities and their aggregate environmental scores

sections 23(1) and 24

Column 1		Column 2
Level 1 petroleum activity		**Aggregate environmental score**
1	geological storage of carbon dioxide	49
2	a petroleum activity authorised under the *Petroleum (Submerged Lands) Act 1982*	126
3	a petroleum activity that is likely to have a significant impact on a category A or B environmentally sensitive area	126
4	extending an existing pipeline by more than 150km under a petroleum authority	165
5	constructing a new pipeline of more than 150km under a petroleum authority	165
6	a petroleum activity carried out on a site containing a high hazard dam or a significant hazard dam	165
7	a petroleum activity involving injection of a waste fluid into a natural underground reservoir or aquifer	165
8	a petroleum activity, other than a petroleum activity mentioned in items 1 to 7, that includes a chapter 4 activity for which an aggregate environmental score is stated	126

Schedule 6 Aggregate environmental scores for level 1 mining projects

section 33

Column 1		Column 2
Level 1 mining project		**Aggregate environmental score**
1	drilling, costeaning, pitting or carrying out geological surveys causing significant disturbance	8
2	investigating the potential development of a mineral resource by large bulk sampling or constructing an exploratory shaft, adit or open pit	17
3	mining bauxite	97
4	mining mineral sand	120
5	mining black coal	128
6	mining iron ore	128
7	mining nickel ore	160
8	mining gold ore	216
9	mining copper ore	217
10	mining lead, silver or zinc separately or in any combination	185
11	mining metal ore, other than a metal ore mentioned in item 3, 4, 6, 7, 8, 9 or 10	158
12	a level 1 mining project, other than a level 1 mining project mentioned in items 1 to 11	136

Schedule 7 Regulated waste

section 65

1 acidic solutions and acids in solid form

2 animal effluent and residues, including abattoir effluent and poultry and fish processing wastes

3 antimony and antimony compounds

4 arsenic and arsenic compounds

5 asbestos

6 barium compounds, other than barium sulfate

7 basic (alkaline) solutions and bases (alkalis) in solid form

8 beryllium and beryllium compounds

9 boron compounds

10 cadmium and cadmium compounds

11 chemical waste arising from a research and development or teaching activity, including new or unidentified material and material whose effects on human health or the environment are not known

12 chlorates

13 chromium compounds (hexavalent and trivalent)

14 clinical and related waste

15 containers contaminated with a regulated waste

16 copper compounds

17 cyanides (inorganic)

18 cyanides (organic)

19 encapsulated, chemically-fixed, solidified or polymerised wastes

20 ethers

21 filter cake

22 fly ash

23 food processing waste

24 grease trap waste

25 halogenated organic solvents

26 highly odorous organic chemicals, including mercaptans and acrylates

27 inorganic fluorine compounds, other than calcium fluoride

28 inorganic sulfides

29 isocyanate compounds

30 lead and lead compounds including lead-acid batteries

31 material containing polychlorinated biphenyls (PCBs), polychlorinated napthalenes (PCNs), polychlorinated terphenyls (PCTs) or polybrominated biphenyls (PBBs)

32 mercury and mercury compounds

33 metal carbonyls

34 mineral oils

35 nickel compounds

36 non-toxic salts including, for example, saline effluent

37 hydrocarbons and water mixtures or emulsions, including oil and water mixtures or emulsions

38 organic phosphorous compounds

39 organic solvents, other than halogenated solvents, including, for example, ethanol

40 organohalogen compounds, other than another substance stated in this schedule

41 oxidising agents

42 perchlorates

43 pesticides, including organchlorine

44 pharmaceuticals, drugs and medicines

45 phenols and phenol compounds, including chlorophenols

46 phosphorus compounds, other than mineral phosphates

47 polychlorinated dibenzo-furan (any congener)

48 polychlorinated dibenzo-p-dioxin (any congener)

49 reactive chemicals

50 reducing agents

51 residues from industrial waste treatment or disposal operations

52 selenium and selenium compounds

53 sewage sludge and residues, including nightsoil and septic tank sludge

54 sludge and residues from water treatment plants

55 surface active agents (surfactants) containing principally organic constituents, whether or not also containing metals and other inorganic materials

56 tallow

57 tannery wastes, including leather dust, ash, sludges and flours

58 tarry residues arising from refining, distillation or any pyrolytic treatment

59 tellurium and tellurium compounds

60 thallium and thallium compounds

61 triethylamine catalysts for setting foundry sands

62 tyres

63 vanadium compounds

64 vegetable oils

65 waste containing peroxides other than hydrogen peroxide

66 waste from a heat treatment or tempering operation that uses cyanides

67 waste from surface treatment of metals or plastics

68 waste from the manufacture, formulation or use of the following—

- biocides or phytopharmaceuticals
- inks, dyes, pigments, paints, lacquers or varnish
- organic solvents
- photographic chemicals or processing materials
- resins, latex, plasticisers, glues or other adhesives
- wood-preserving chemicals

69 waste from the manufacture or preparation of pharmaceutical products

70 waste of an explosive nature, other than an explosive within the meaning of the *Explosives Act 1999*

71 wool scouring wastes

72 zinc compounds

Schedule 8 Prescribed organisations

sections 66 and 122, definition *appropriately qualified person*

Australasian Radiation Protection Society

Australian Institute of Agricultural Science and Technology

Australian Institute of Geoscientists

Australian Society of Soil Science

Engineers Australia

Environmental Health Australia

Environment Institute of Australia and New Zealand

Institute of Explosives Engineers

Institution of Chemical Engineers Australia

Institution of Engineering and Mining Surveyors Australia

Planning Institute of Australia

South Pacific Environmental Radioactivity Association

The Australasian Institute of Mining and Metallurgy

The Institution of Surveyors Australia

The Royal Australian Chemical Institute

Schedule 9 Prescribed water contaminants

section 77

1 a chemical, or chemical waste containing a chemical

Examples—

- biocide, including herbicide, fungicide and pesticide
- chemical that causes biochemical or chemical oxygen demand
- chemical toxicant for which guidelines are prescribed in the document 'Australian and New Zealand guidelines for fresh and marine water quality'
- degreasing agent

2 a gas other than oxygen

3 a liquid containing suspended or dissolved solids

4 a liquid that has a temperature different by more than 2ºC from ambient water temperature

5 animal matter, including dead animals, animal remains and animal excreta, and water used to clean animals, animal enclosures or vehicles used for transporting animals

6 ashes, clay, gravel, sediment, stones and similar organic or inorganic matter

7 a substance that has a pH outside the range 6.5 to 8.5

8 building and construction materials, including bitumen, brick, cement, concrete and plaster

9 building, construction and demolition waste, including bitumen, brick, concrete cuttings, plaster and waste water generated by building, construction or demolition

10 clinical waste

11 glass, metal parts, paper, piping, plastic and scrap metal

12 industrial waste

13 oil, including, for example, petroleum or vegetable based oil

14 paint, paint scrapings or residues, paint sludge, water used for diluting paint or washing painting utensils, and waste from paint stripping

15 plant matter, including, for example, bark, lawn clippings, leaves, mulch, pruning waste, sawdust, shavings, woodchip and other waste from forest products

16 putrescible waste, including, for example, food scraps

17 sewage and sewage residues, whether treated or untreated, and any other matter containing faecal coliforms or faecal streptococci, including, for example, waste water pumped out from a septic tank

18 vehicles and components of vehicles, including, for example, batteries and tyres

19 waste and waste water, generated from indoor cleaning, including, for example, waste from carpet or upholstery cleaning and steam cleaning

20 waste and waste water, generated from outdoor cleaning, including, for example, waste generated from high pressure water blasting of commercial or industrial premises, fuel dispensing areas, plant or equipment, roofs, streets, vehicles and wharves

21 waste generated from repairing or servicing motor vehicles, including, for example, engine coolant, grease, lubricants and oil

22 waste water from commercial or industrial activities

Examples of commercial or industrial activities—

building works, concrete cutting, site dewatering

23 waste water, including backwash from swimming pools, condensate from compressors, untreated ballast water, water from air-conditioning or cooling systems, water from testing fire sprinklers and waste water from grease traps

Schedule 10 Fees

section 116

Note—

See also chapter 8 for other fees payable under the Act.

Part 1 Fees for development approvals and registration certificates

		$
1	application for assessment of a development application for 1 or more chapter 4 activities	500.00
2	request, under the Integrated Planning Act, to—	
	(a) extend a period mentioned in s 3.5.21A for a development approval (s 3.5.22(6)(b))	250.00
	(b) change a development approval, other than to change a condition imposed on the approval (s 3.5.24(4)(a)(ii))	250.00
	(c) change or cancel a condition imposed on a development approval (s 3.5.33(4)(b))	250.00
3	application for registration of 1 or more chapter 4 activities, other than continuing chapter 4 activities (Act, s 73D(2)(b)).	500.00
4	application for registration of 1 or more continuing chapter 4 activities (Act, s 73D(2)(b)).	100.00
5	annual fee for a development application, or registration certificate, for a chapter 4 activity for which there is no aggregate environmental score .	500.00

Part 2 Fees for environmental authorities (petroleum activities)

		$
6	application for environmental authority (petroleum activities) for a level 1 petroleum activity (Act, s 102(d)(ii))	500.00
7	application for environmental authority (petroleum activities) for a level 2 petroleum activity (Act, s 90(d)).	500.00
8	amendment application for environmental authority (petroleum activities) (Act, s 120(c)) . . .	250.00
9	transfer application for environmental authority (petroleum activities) (Act, s 130(d))	100.00
10	annual fee for environmental authority (petroleum activities) for a level 2 petroleum activity	500.00

Part 3 Fees for environmental authorities (mining activities)

		$
11	application for an environmental authority (mining activities) for a level 1 mining project (Act, s 154(1)(d))	500.00
12	application for an environmental authority (mining activities) for a level 2 mining project, other than an environmental authority (prospecting) or environmental authority (mining claim) (Act, s 154(1)(d)	500.00
13	amendment application for environmental authority (mining activities) (Act, s 240(c)(ii))	250.00
14	transfer application for environmental authority (mining activities) (Act, s 260(1)(d)	100.00
15	annual fee for an environmental authority (mining activities) for a level 2 mining project, other than an environmental authority (prospecting) or environmental authority (mining claim)	500.00

Part 4 Other fees

		$
16	fee for late payment of an annual fee for a registration certificate or environmental authority	100.00
17	fee for consideration of a report about a site investigation (Act, s 382) for—	

		$
	(a) land that is used exclusively for residential purposes and is not the subject of a development application—for each lot	466.60
	(b) any other land—for each lot	1 048.00
18	fee for obtaining an extract from the environmental management register or contaminated land register (Act, s 542(3)), for each lot to which the extract relates—	
	(a) if the extract is obtained from the internet. . . .	37.70
	(b) otherwise	44.30

Schedule 12 Dictionary

section 3

Part 1 Extended definitions

1 Meaning and calculation of *equivalent passenger unit*

(1) An ***equivalent passenger unit*** is a unit of measurement based on the mass of a quantity of tyres, or parts of tyres.

(2) For a quantity of tyres, or parts of tyres, each 9.5kg of the tyres or parts is equivalent to 1 ***equivalent passenger unit***.

2 Meaning and calculation of *standard cattle unit*

(1) A ***standard cattle unit*** is a unit of measurement based on the live weight of cattle.

(2) The number of ***standard cattle units*** that is equivalent to an animal of a live weight mentioned in column 1 of the following table is stated opposite in column 2.

Column 1	**Column 2**
Live weight (kg)	**Number of standard cattle units**
up to 350	0.67
more than 350 to 400	0.74
more than 400 to 450	0.81
more than 450 to 500	0.87
more than 500 to 550	0.94
more than 550 to 600	1.00
more than 600 to 650	1.06
more than 650 to 700	1.12
more than 700	1.18

3 Meaning and calculation of *standard pig unit*

(1) A ***standard pig unit*** is a unit of measurement based on types, or a combination of types and live weight, of pigs.

(2) In the following table, the number of ***standard pig units*** that is equivalent to an animal of a type mentioned in column 1 is stated opposite in column 2.

Column 1	**Column 2**
Type of pig	**Number of standard pig units**
boar	1.6
gestating sow	1.6
gilt	1.8
lactating sow	2.5

(3) In the following table, the number of ***standard pig units*** that is equivalent to an animal of a type mentioned in column 1 and a live weight mentioned opposite in column 2, is stated opposite the live weight in column 3.

Column 1	**Column 2**	**Column 3**
Type of pig	**Live weight (kg)**	**Number of standard pig units**
sucker	1.4 to 8	0.1
weaner	more than 8 to 25	0.5
grower	more than 25 to 55	1.0
finisher	more than 55 to 100	1.6
finisher	more than 100	1.8

4 Meaning and calculation of *standard sheep unit*

(1) A ***standard sheep unit*** is a unit of measurement based on the live weight of sheep.

(2) The number of ***standard sheep units*** that is equivalent to an animal of a live weight mentioned in column 1 of the following table is stated opposite in column 2.

Column 1	**Column 2**
Live weight (kg)	**Number of standard sheep units**
up to 25	0.519
more than 25 to 30	0.595
more than 30 to 35	0.667
more than 35 to 40	0.738
more than 40 to 45	0.806
more than 45 to 50	0.872
more than 50 to 55	0.937
more than 55 to 60	1.000
more than 60 to 65	1.062
more than 65 to 70	1.123
more than 70 to 75	1.182
more than 75	1.241

5 Meaning of *watercourse*

(1) A ***watercourse*** is a river, creek or stream in which water flows permanently or intermittently—

(a) in a natural channel, whether artificially improved or not; or

(b) in an artificial channel that has changed the course of the watercourse.

(2) A ***watercourse*** includes the bed and banks and any other element of a river, creek or stream confining or containing water.

Part 2 Other definitions

action has the meaning given by the Commonwealth Environment Act, chapter 8, part 23, division 1, subdivision A.

activity, for chapter 4, see section 47.

aggregate environmental score—

(a) for a chapter 4 activity—see section 14; or

(b) for a level 1 petroleum activity—see section 24; or

(c) for a level 1 mining project—see section 33.

annual fee—

(a) generally—see section 118; or

(b) for chapter 8, part 3, division 2, see section 122.

appropriately qualified person, for chapter 8, part 3, division 2, see section 122.

approved EMS, for chapter 8, part 3, division 2, see section 123.

approved partner, for chapter 8, part 3, division 2, see section 124.

AS 1055 means 'AS 1055–1997—Acoustics–Description and measurement of environmental noise'.

AS 1940 means 'AS 1940–2004—The storage and handling of flammable and combustible liquids'.

AS IEC 61672 means 'AS IEC 61672—Electroacoustics–Sound level meters'.

authority number, for an environmental authority, means the unique number issued for the environmental authority by the administering authority.

bed, of any waters—

(a) includes an area covered, permanently or intermittently, by tidal waters; but

(b) does not include an area of dry land that is occasionally covered by flood waters.

boat maintenance or repair facility means a facility on land or in water that is used to maintain or repair boats or seaplanes.

Examples of facilities—

cradles, dry docks and hardstand areas

category A environmentally sensitive area see section 25.

category B environmentally sensitive area see section 26.

certificate number, for a registration certificate, means the unique number issued for the certificate by the administering authority.

characteristic, for chapter 4, see section 47.

chemical means—

(a) an agricultural chemical product or veterinary chemical product under the *Agricultural and Veterinary Chemicals Code Act 1994* (Cwlth); or

(b) a dangerous good under the dangerous goods code; or

(c) a drug or poison in the 'Standard for the Uniform Scheduling of Drugs and Poisons' compiled by the Australian Health Ministers' Advisory Council and published by the Commonwealth; or

(d) a substance intended for use as—

(i) a fertiliser for agricultural, horticultural or garden use, other than mushroom growing substrate or compost; or

(ii) a paint solvent, pigment, dye, printing ink, industrial polish, adhesive, sealant, food additive, bleach, sanitiser, disinfectant, or biocide; or

(iii) a pesticide, insecticide, fungicide, herbicide, rodenticide, nematocide, miticide, fumigant or related product; or

(iv) a surface active agent, including, for example, soap and detergent; or

(e) class 1 or 2 combustible liquids under AS 1940.

chemical waste means waste generated from the use of chemicals in medical, dental, veterinary and laboratory procedures, including, for example, mercury, formalin and gluteraldehyde.

clinical waste see the Waste Management Regulation, schedule 9.

commercial, for an activity mentioned in schedule 2, means carried out for a fee or reward.

commercial waste see the Waste Management Regulation, schedule 9.

Commonwealth approval, for a project, means the Commonwealth Minister's approval of the action the subject of the project under the Commonwealth Environment Act, chapter 4, part 9.

Commonwealth Minister means the Minister of the Commonwealth responsible for administering the Commonwealth Environment Act.

controlling provision, for a project, means a provision of the Commonwealth Environment Act, chapter 2, part 3, decided by the Commonwealth Minister as a controlling provision for the project under that Act, chapter 4, part 7, division 2.

control measure, for chapter 4, see section 47.

council means the National Environment Protection Council under the *National Environment Protection Council (Queensland) Act 1994*.

daily peak design capacity, in relation to sewage treatment, see schedule 2, section 63(4).

dangerous goods class means the class allocated to dangerous goods under the dangerous goods code.

dangerous goods code means the seventh edition of the 'Australian Code for the Transport of Dangerous Goods by Road and Rail'.

department's website means the department's website on the internet.

Editor's note—

The department's website address is <www.epa.qld.gov.au>.

designated proponent, for a project, means the person designated as a proponent for the action the subject of the project under the Commonwealth Environment Act, section 75(3).

eligible, for chapter 8, part 3, division 2, see section 122.

environmental emission profile means the document 'Environmental Emission Profiles—A tool to profile the relative risk of environmentally relevant activities under the Environmental Protection Regulation 2008', published by the department.

Editor's note—

A copy of the environmental emission profile is available, free of charge, during business hours from the department's head office at 160 Ann Street, Brisbane. On the day this regulation was notified in the gazette, a copy of the document was also available on the department's website.

environmental management decision, for chapter 4, see section 48.

EP or ***equivalent person***, in relation to sewage treatment, see schedule 2, section 63(4).

equivalent passenger unit see section 1 of this schedule.

ERA means an environmentally relevant activity.

facility, for an environmentally relevant activity, means, generally, the premises or other place used for the activity.

general waste means waste other than regulated waste.

groundwater means underground water.

highest astronomical tide means the highest level of the tides that can be predicted to occur under average meteorological conditions and under any combination of astronomical conditions.

high hazard dam means a dam that is assessed as being in a high hazard category within the meaning of the document 'Manual for assessing hazard categories and hydraulic performance of dams' published by the department.

Editor's note—

A copy of the document is available free of charge, during business hours, from the department's head office at 160 Ann Street, Brisbane.

industrial waste see the Waste Management Regulation, schedule 9.

initial mixing zone, for chapter 4, see section 47.

limited regulated waste means any of the following types of regulated waste—

(a) asbestos;

(b) fish processing waste;

(c) food processing waste;

(d) poultry processing waste;

(e) quarantine waste that has been rendered non-infectious;

(f) sludge or residue from water treatment plants;

(g) sewage sludge or residue produced in carrying out an activity to which schedule 2, section 63 applies;

Editor's note—

schedule 2, section 63 (Sewage treatment)

(h) treated clinical waste;

(i) tyres.

lower emissions score, for chapter 8, part 3, division 2, see section 125.

material, for chapter 4, see section 47.

monitoring, for chapter 4, see section 47.

noise measurement manual means the document called 'Noise Measurement Manual', published by the department.

Editor's note—

The document is available for inspection during business hours at the department's head office at 160 Ann Street and each regional office, and, on the day this regulation was notified in the gazette, was also available on the department's website.

NPI NEPM see section 82.

operating, in relation to sewage treatment works, see schedule 2, section 63(4).

prescribed environmental management system, for chapter 8, part 3, division 2, see section 122.

published, for chapter 6, see section 83.

quarantine waste means quarantine waste material under the document called 'Process Management System for the Storage of Quarantine Waste', published by the Australian Quarantine and Inspection Service.

Editor's note—

On the day this regulation was notified in the gazette, the document was available for inspection during office hours at the national office of the Commonwealth Department of Agriculture, Fisheries and Forestry at 18 Marcus Clarke Street, Canberra City ACT.

reduced annual fee, for chapter 8, part 3, division 2, see section 122.

regulated waste see section 65.

related waste means waste that constitutes, or is contaminated with, chemicals, cytotoxic drugs, human body parts, pharmaceutical products or radioactive substances.

relevant activity, for chapter 8, part 3, division 2, see section 122.

relevant authority, for chapter 8, part 3, division 2, see section 122.

relevant impacts, for chapter 2 and schedule 1, means the impacts a project has or will have, or is likely to have, on the matter protected by a controlling provision for the project.

relevant site, for chapter 4, see section 47.

reporting period, for chapter 6, see section 83.

reporting requirement, for chapter 6, see section 83.

reporting threshold, for chapter 6, see section 83.

scheduled area see section 15.

significant hazard dam means a dam that is assessed as being in a significant hazard category within the meaning of the document 'Manual for assessing hazard categories and hydraulic performance of dams' published by the department.

Editor's note—

A copy of the document is available free of charge during business hours from the department's head office at 160 Ann Street, Brisbane.

source noise, for chapter 5, part 3, division 2, see section 70.

standard cattle unit see section 2 of this schedule.

standard pig unit see section 3 of this schedule.

standard sheep unit see section 4 of this schedule.

stated threshold, for a chapter 4 activity to which a section under schedule 2 applies, means a threshold for carrying out the activity stated in the section.

surface water, for chapter 4, see section 47.

trade waste approval see the *Water Supply (Safety and Reliability) Act 2008*, schedule 3.

treated clinical waste means clinical waste that has been treated to render it non-infectious.

untreated clinical waste means clinical waste, other than treated clinical waste, including, for example, clinical waste that has been only partly treated.

Waste Management Regulation means the *Environmental Protection (Waste Management) Regulation 2000*.

water, for chapter 4, see section 47.

watercourse see section 5 of this schedule.

within, a threshold, includes in accordance with the threshold.

year, in relation to carrying out a chapter 4 activity, see section 16.

Endnotes

1 Index to endnotes

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2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). Accordingly, this reprint includes all amendments that commenced operation on or before 1 January 2009. Future amendments of the Environmental Protection Regulation 2008 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

3 Key

Key to abbreviations in list of legislation and annotations

Key		Explanation	Key		Explanation
AIA	=	Acts Interpretation Act 1954	(prev)	=	previously
amd	=	amended	proc	=	proclamation
amdt	=	amendment	prov	=	provision
ch	=	chapter	pt	=	part
def	=	definition	pubd	=	published
div	=	division	R[X]	=	Reprint No. [X]
exp	=	expires/expired	RA	=	Reprints Act 1992
gaz	=	gazette	reloc	=	relocated
hdg	=	heading	renum	=	renumbered
ins	=	inserted	rep	=	repealed
lap	=	lapsed	(retro)	=	retrospectively
notfd	=	notified	rv	=	revised edition
num	=	numbered	s	=	section
o in c	=	order in council	sch	=	schedule
om	=	omitted	sdiv	=	subdivision
orig	=	original	SIA	=	Statutory Instruments Act 1992
p	=	page	SIR	=	Statutory Instruments Regulation 2002
para	=	paragraph	SL	=	subordinate legislation
prec	=	preceding	sub	=	substituted
pres	=	present	unnum	=	unnumbered
prev	=	previous			

4 Table of reprints

Reprints are issued for both future and past effective dates. For the most up-to-date table of reprints, see the reprint with the latest effective date.

If a reprint number includes a letter of the alphabet, the reprint was released in unauthorised, electronic form only.

Reprint No.	Amendments included	Effective	Notes
1	2008 SL No. 439	1 January 2009	

5 List of legislation

Environmental Protection Regulation 2008 SL No. 370

made by the Governor in Council 6 November 2008
notfd gaz 7 November 2008 pp 1319–21
ss 1–2 commenced on date of notification
remaining provisions commenced 1 January 2009 (see s 2)
exp 1 September 2019 (see SIA s 54)

Notes—(1) The expiry date may have changed since this reprint was published. See the latest reprint of the SIR for any change.

(2) A regulatory impact statement and an explanatory note were prepared.

amending legislation—

Environmental Protection and Other Legislation Amendment Regulation (No. 2) 2008 SL No. 439 pts 1–2
notified gazette 12 December 2008 pp 2044–53
ss 1–2 commenced on date of notification
remaining provisions commenced 1 January 2009

6 List of annotations

Particular chapter 4 activities
s 101 amd 2008 SL No. 439 s 4

Particular acts, omissions or activities by State or local government entity
prov hdg amd 2008 SL No. 439 s 5(1)
s 106 amd 2008 SL No. 439 s 5(2)

Eligibility for payment of a reduced annual fee
s 126 amd 2008 SL No. 439 s 6

Offence to pay reduced annual fee if not eligible
s 129 amd 2008 SL No. 439 s 7

Requirement to keep records for reduced annual fee
s 130 sub 2008 SL No. 439 s 8

Requirement to notify change of eligibility
s 132 sub 2008 SL No. 439 s 9

General matters for environmentally relevant activities
s 147 amd 2008 SL No. 439 s 10

Existing applications
s 149 amd 2008 SL No. 439 s 11

Existing applications
s 154 amd 2008 SL No. 439 s 12

CHAPTER 10—CONSEQUENTIAL AMENDMENTS
ch 10 om R1 (see RA ss 7(1)(k) and 40)

SCHEDULE 2—CHAPTER 4 ACTIVITIES AND AGGREGATE ENVIRONMENTAL SCORES
Extractive and screening activities
s 16 amd 2008 SL No. 439 s 13(1)

Wooden and laminated product manufacturing
s 48 amd 2008 SL No. 439 s 13(2)

Bulk material handling
s 50 amd 2008 SL No. 439 s 13(3)

Waste transfer station operation
s 62 amd 2008 SL No. 439 s 13(4)

SCHEDULE 11—CONSEQUENTIAL AMENDMENTS
sch 11 om R1 (see RA s 40)

7 Table of corrected minor errors

under the Reprints Act 1992 s 44

Provision	Description
150(l)(i)	om ‘sugarcane’ ins ‘sugar cane’
28(1)(a)	om ‘sugarcane’ ins ‘sugar cane’

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