



Queensland

Environmental Protection and Other Legislation Amendment Regulation (No. 1) 2004

Subordinate Legislation 2004 No. 316

made under the

Coastal Protection and Management 1995

Environmental Protection Act 1994

Nature Conservation Act 1992

State Penalties Enforcement Act 1999

Contents

		Page
Part 1	Preliminary	
1	Short title	4
2	Commencement	4
Part 2	Amendment of Coastal Protection and Management Regulation 2003	
3	Regulation amended in pt 2	4
4	Amendment of s 4 (Fixing coastal lines—Act, s 59)	4
5	Amendment of s 5 (Fees for assessment of development application)	4
6	Omission of pt 3, div 2, sdivs 1–3, hdgs	5
7	Amendment of ss 7 and 8	5
8	Amendment of ss 8 and 11	5
9	Amendment of s 9 (Exemption from payment of royalty)	5
10	Amendment of sch 1 (Coastal building lines)	6
Part 3	Amendment of Environmental Protection Regulation 1998	
11	Regulation amended in pt 3	6

Environmental Protection and Other Legislation No. 316, 2004
Amendment Regulation (No. 1) 2004

12	Replacement of s 6 (Prescribed criteria for standard mining activities—Act, s 151)	6
	6 Prescribed criteria—Act, s 151	6
13	Amendment of s 44 (Definitions for div 3)	7
14	Amendment of s 44A (Fees for prescribed authorities)	7
15	Amendment of ss 44AA and 44C	7
16	Omission of s 44B (Fee for transfer application)	7
17	Replacement of pt 4, div 3, sdiv 3 (Fees for adding new constituent part to integrated authority)	7
	46 Credit for environmental authority amendment applications	8
18	Amendment of s 48C (Definitions for sdiv 4)	8
19	Amendment of ss 50, 51A and 62	8
20	Amendment of sch 1 (Prescribed environmentally relevant activities and amounts for annual fees)	9
21	Amendment of sch 1A (Criteria for standard mining activities)	9
22	Amendment of sch 6 (Fees)	10
23	Amendment of sch 8C (Prescribed periods under Act)	12
24	Amendment of sch 9 (Dictionary)	13
Part 4	Amendment of Nature Conservation Regulation 1994	
25	Regulation amended in pt 4	13
26	Amendment of s 5 (How chief executive may deal with applications for licence)	13
27	Replacement of s 7 (Licence not transferable)	14
	7 Licences generally not transferable	14
	7A Transfer of apiary permit for park designated for apiaries	14
28	Amendment of s 37 (Chief executive may grant permits)	14
29	Amendment of s 39 (Duration of permits)	15
30	Replacement of s 50 (When permits may not be granted)	15
	50 Restrictions on grant of apiary permit	15
31	Insertion of new s 475A	15
	475A Prescribed forest reserves for temporary continuation of beekeeping—Act, s 184	16
32	Amendment of sch 7 (Fees)	16
33	Insertion of new sch 9A	16
	Schedule 9A Prescribed forest reserves for temporary continuation of beekeeping	
34	Amendment of sch 10 (Definitions)	18

Environmental Protection and Other Legislation No. 316, 2004
Amendment Regulation (No. 1) 2004

Part 5	Amendment of Nature Conservation (Wildlife) Regulation 1994	
35	Regulation amended in pt 5	19
36	Amendment of s 3 (Definitions)	19
Part 6	Amendment of State Penalties Enforcement Regulation 2000	
37	Regulation amended in pt 6	19
38	Amendment of sch 2 (Environmental legislation)	19

Part 1 Preliminary

1 Short title

This regulation may be cited as the *Environmental Protection and Other Legislation Amendment Regulation (No. 1) 2004*.

2 Commencement

- (1) Part 3 commences on 1 January 2005.
- (2) The other provisions of this regulation commence on 17 December 2004.

Part 2 Amendment of Coastal Protection and Management Regulation 2003

3 Regulation amended in pt 2

This part amends the *Coastal Protection and Management Regulation 2003*.

4 Amendment of s 4 (Fixing coastal lines—Act, s 59)

Section 4, heading, ‘s 59’—
omit, insert—
‘s 66’.

5 Amendment of s 5 (Fees for assessment of development application)

Section 5(2)(c), ‘schedule 2, part 2, item 2(c),’—
omit, insert—
‘that item,’.

6 Omission of pt 3, div 2, sdivs 1–3, hdgs

Part 3, division 2, subdivisions 1 to 3, headings—
omit.

7 Amendment of ss 7 and 8

- (1) Sections 7 and 8, headings, ‘s 61ZH’—
omit, insert—
‘s 102’.
- (2) Sections 7 and 8, ‘section 61ZH(1)’—
omit, insert—
‘section 102(1)’.

8 Amendment of ss 8 and 11

Sections 8(a) and 11(1)(a), ‘section 61L(2)’—
omit, insert—
‘section 80(2)’.

9 Amendment of s 9 (Exemption from payment of royalty)

- (1) Section 9, heading—
omit, insert—

‘9 Royalty not payable for particular transport-related matters’.

- (2) Section 9—
insert—
- ‘(3) No royalty is payable by a port authority for quarry material removed—
- (a) to maintain or improve navigational channels or navigation in its port if the material is disposed of—
- (i) in an area associated with port activities and approved by the Minister of the department in

which the *Transport Infrastructure Act 1994* is administered; and

- (ii) under relevant statutory environmental controls; or
- (b) to reclaim land that is, or is proposed to be, strategic port land under the *Transport Infrastructure Act 1994*.’.

10 **Amendment of sch 1 (Coastal building lines)**

Schedule 1, entry for Shire of Bowen, under heading ‘Plan number’, before ‘SC 3359’—

insert—

‘SC 3357,’.

Part 3 **Amendment of Environmental Protection Regulation 1998**

11 **Regulation amended in pt 3**

This part amends the *Environmental Protection Regulation 1998*.

12 **Replacement of s 6 (Prescribed criteria for standard mining activities—Act, s 151)**

Section 6—

omit, insert—

‘6 Prescribed criteria—Act, s 151

‘For section 151¹ of the Act, the prescribed criteria for types of environmental authority (mining activities) are stated in schedule 1A.’.

¹ Section 151 (What is a *level 1 mining project* and a *level 2 mining project*) of the Act

13 Amendment of s 44 (Definitions for div 3)

Section 44, definition *transfer application*—
omit.

14 Amendment of s 44A (Fees for prescribed authorities)

(1) Section 44A(1)(c), ‘for petroleum activities’—

omit, insert—

‘(petroleum activities)’.

(2) Section 44A(1)(c)(ii) and (d)(ii)—

omit.

(3) Section 44A(1)(c)(iii) and (iv) and (d)(iii) and (iv)—

renumber as section 44A(1)(c)(ii) and (iii) and (d)(ii) and (iii) respectively.

(4) Section 44A(1)(e)—

omit.

15 Amendment of ss 44AA and 44C

Sections 44AA and 44C, ‘150’—

omit, insert—

‘153.70’.

16 Omission of s 44B (Fee for transfer application)

Section 44B—

omit.

17 Replacement of pt 4, div 3, sdiv 3 (Fees for adding new constituent part to integrated authority)

Part 4, division 3, subdivision 3—

omit, insert—

‘46 Credit for environmental authority amendment applications

- ‘(1) This section applies if—
- (a) the fee under schedule 6 is paid for an amendment application for an environmental authority; and
 - (b) the application is granted; and
 - (c) the amendment takes effect.
- ‘(2) The administering authority must credit for the payment of the next anniversary fee for the environmental authority an amount worked out by using the following formula—

$$AC = D1 \times FAA/365 + D2 \times FPP/365$$

where—

AC is the amount of the credit.

D1 is the number of days from the previous anniversary day for the environmental authority to the day the amendment takes effect.

D2 is the number of days from the day the amendment takes effect to the next anniversary day.

FAA is the annual fee component of the application fee.

FPP is the amount of the last annual fee paid for the environmental authority before the day the amendment takes effect.’.

18 Amendment of s 48C (Definitions for sdiv 4)

Section 48C, definition *activity*, paragraph (c)—
omit.

19 Amendment of ss 50, 51A and 62

Sections 50(4)(a)(ii), 51A(1)(a) and 62(1)(b), ‘or integrated’—
omit.

20 Amendment of sch 1 (Prescribed environmentally relevant activities and amounts for annual fees)

- (1) Schedule 1, column 3, heading, ‘annual fees’—
omit, insert—
‘particular annual fees’².
- (2) Schedule 1, heading, ‘sections 4, 46 and 47’—
omit, insert—
‘sections 4, 6A and 39 and schedules 6 and 9’.
- (3) Schedule 1, items 20 and 22, ‘an authority, lease, licence or permit mentioned in item 21C or 21D’—
omit, insert—
‘petroleum authority’.
- (4) Schedule 1, items 21C and 21D—
omit, insert—

‘21C The construction of a new transmission pipeline under a pipeline licence issued under any of the petroleum legislation	1	3 390.00
21D A petroleum activity otherwise prescribed under this schedule as a level 1 environmentally relevant activity	1	The amount provided under schedule 6, part 1A, item 9A
‘21E A petroleum activity not otherwise prescribed under this schedule as a level 1 environmentally relevant activity	2	nil’.

21 Amendment of sch 1A (Criteria for standard mining activities)

- (1) Schedule 1A, heading—
omit, insert—

² For other annual fees see schedule 6, items 9A and 13 to 16.

‘Schedule 1A Prescribed criteria for s 151³ of the Act

section 6’.

(2) Schedule 1A, section 1(a)—

insert—

‘(vii) a forest reserve under the *Nature Conservation Act 1992*;’.

(3) Schedule 1A, section 2(a)(vii)—

omit.

22 Amendment of sch 6 (Fees)

(1) Schedule 6, part 1A—

omit, insert—

‘Part 1A Fees for environmental authorities (petroleum activities)

		\$
6	Application for environmental authority (petroleum activities) for a level 1 petroleum activity	205.00 plus an amount equal to the annual fee for the authority
7	Application for environmental authority (petroleum activities) for a level 2 petroleum activity	205.00
8	Amendment application for environmental authority (petroleum activities) (Act, s 120)	153.70 plus an amount equal to the annual fee for the authority

³ Section 151 (What is a *level 1 mining project* and a *level 2 mining project*) of the Act

Environmental Protection and Other Legislation No. 316, 2004
Amendment Regulation (No. 1) 2004

		\$
9	Transfer application for environmental authority (petroleum activities) (Act, s 130)	50.00
9A	Annual fee for environmental authority (petroleum activities) if, under schedule 1, item 21D, any relevant petroleum activity for the authority is a level 1 petroleum activity.	the higher or highest amount stated in schedule 1 opposite any relevant petroleum activity for the authority’.
	(2) Schedule 6, item 10, ‘standard environmental authority (mining activities)’— <i>omit, insert—</i> ‘an environmental authority (mining activities) for a level 2 mining project’.	
	(3) Schedule 6, item 11, ‘non-standard environmental authority (mining activities)’— <i>omit, insert—</i> ‘an environmental authority (mining activities) for a level 1 mining project’.	
	(4) Schedule 6, item 12— <i>omit, insert—</i>	
‘12	Amendment application for environmental authority (mining activities) (Act, s 240)	153.70 plus the amount of the next annual fee for the authority if that amount is not required to be paid under s 240(c)(i) of the Act
12A	Transfer application for environmental authority (mining activities) (Act, s 260)	50.00’.
	(5) Schedule 6, items 14, 15 and 16, from ‘Annual fee’ to ‘standard mining activity,’—	

omit, insert—

‘Annual fee for an environmental authority (mining activities) for a level 1 mining project’.

- (6) Schedule 6, part 2A—

omit.

23 Amendment of sch 8C (Prescribed periods under Act)

- (1) Schedule 8C, part 2, divisions 1 and 2—

omit.

- (2) Schedule 8C, section 13, heading ‘EMOS’—

omit, insert—

‘EM plan’.

- (3) Schedule 8C, section 13(1)(a), ‘EMOS’—

omit, insert—

‘environmental management plan’.

- (4) Schedule 8C, section 13(1)(b), ‘EMOS’, first mention—

omit, insert—

‘plan’.

- (5) Schedule 8C, section 13(1)(b), ‘EMOS’, second mention—

omit, insert—

‘EM plan’.

- (6) Schedule 8C, section 14(1) and (2)—

omit.

- (7) Schedule 8C, section 14(3), words before ‘10 business days’—

omit, insert—

‘For section 207(1), the prescribed period is’.

- (8) Schedule 8C, section 15—

omit.

- (9) Schedule 8C, part 2, divisions 3 to 7—
renumber as schedule 8C, part 2, divisions 1 to 4.
- (10) Schedule 8C, sections 8 to 20—
renumber as schedule 8C sections 4 to 16.

24 Amendment of sch 9 (Dictionary)

- (1) Schedule 9, definitions *annual fee*, *next anniversary day*, *prescribed annual fee amount* and *transfer application*—
omit.
- (2) Schedule 9—
insert—
'*prescribed annual fee amount*, for a registration certificate or development application, means—
 - (a) if the certificate or application includes only 1 chapter 4 activity—the amount stated in schedule 1 opposite the activity; or
 - (b) otherwise—an amount equal to the higher or highest of the amounts stated in schedule 1 opposite the chapter 4 activities included in the certificate or application.'

Part 4 Amendment of Nature Conservation Regulation 1994

25 Regulation amended in pt 4

This part amends the *Nature Conservation Regulation 1994*.

26 Amendment of s 5 (How chief executive may deal with applications for licence)

Section 5(10), after 'subject'—

insert—

‘to’.

27 Replacement of s 7 (Licence not transferable)

Section 7—

omit, insert—

‘7 Licences generally not transferable

‘A licence other than an apiary permit for a park designated for apiaries is not transferable.

‘7A Transfer of apiary permit for park designated for apiaries

‘(1) The chief executive may, on the making of an application, transfer an apiary permit for a park designated for apiaries.

‘(2) The application must be—

(a) in the approved form; and

(b) made by the holder of the permit and the proposed transferee; and

(c) accompanied by the fee prescribed under a regulation.

‘(3) Sections 4(8) and (9) and 5 apply for the application as if—

(a) it were an application for a licence; and

(b) a reference in the sections to the applicant were a reference to the proposed transferee.’.

28 Amendment of s 37 (Chief executive may grant permits)

Section 37, after ‘section 37A’—

insert—

‘and part 5⁴’.

4 Part 5 (Permits to take, use, keep or interfere with cultural or natural resources)

29 Amendment of s 39 (Duration of permits)

Section 39(1)(c)(i)—

omit, insert—

‘(i) if the permit is an apiary permit—5 years; or’.

30 Replacement of s 50 (When permits may not be granted)

Section 50—

omit, insert—

‘50 Restrictions on grant of apiary permit

‘(1) This section imposes restrictions on the chief executive’s power, under section 37,⁵ to grant an apiary permit.

‘(2) The permit may be granted only over a conservation park, park designated for apiaries⁶ or resources reserve.⁷

‘(3) The permit must not be for more than 150 beehives.

‘(4) The permit must not be granted for a park designated for apiaries if, were the permit to be granted, there would be more than the permitted number of apiary sites for the park.⁸

‘(5) For subsection (4), the permitted number of apiary sites for the park is the number of apiary sites stated in schedule 9A,⁹ opposite the name of the forest reserve that became the park.’.

31 Insertion of new s 475A

After section 475—

insert—

5 Section 37 (Chief executive may grant permits)

6 See schedule 10, definition *park designated for apiaries* and schedule 9A (Prescribed forest reserves for temporary continuation of beekeeping).

7 See however section 36 (Authorities for new national park or national park (recovery)) of the Act.

8 See also section 184 (Provision to allow beekeeping in particular former forest reserves until 2025) of the Act.

9 Schedule 9A (Prescribed forest reserves for temporary continuation of beekeeping)

‘475A Prescribed forest reserves for temporary continuation of beekeeping—Act, s 184

‘For section 184¹⁰ of the Act, the prescribed forest reserves are stated in schedule 9A.’.

32 Amendment of sch 7 (Fees)

Schedule 7, part 1, item 6—

omit, insert—

‘6 Apiary permit—

(a) for 6 months or less	59.50
(b) for more than 6 months but not more than 1 year . . .	88.90
(c) for more than 1 year but not more than 2 years	160.00
(d) for more than 2 years but not more than 3 years	226.60
(e) for more than 3 years but not more than 4 years	284.40
(f) for more than 4 years but not more than 5 years	333. 30

7 Application to transfer apiary permit. 50.00’.

33 Insertion of new sch 9A

After schedule 9—

insert—

¹⁰ Section 184 (Provision to allow beekeeping in particular former forest reserves until 2025) of the Act

‘Schedule 9A Prescribed forest reserves for temporary continuation of beekeeping

sections 50 and 475A

‘Part 1 Forest reserves proposed to become national parks

Name of forest reserve	Permitted number of apiary sites
Alford Forest Reserve	2
Beerburrum Forest Reserve 1	9
Beerwah Forest Reserve	6
Benarkin Forest Reserve	2
Bingera Forest Reserve	2
Blackdown Tableland Forest Reserve	14
Boompa Forest Reserve 2	2
Bulburin Forest Reserve	6
Burnett Creek Forest Reserve	2
Cherbourg Forest Reserve	2
Cordalba Forest Reserve	5
Emu Vale Forest Reserve	1
Goomburra Forest Reserve	2
Kirrama Forest Reserve	3
Kroombit Tops Forest Reserve	32
Littabella Forest Reserve	5
Miva Forest Reserve	1
Mount Binga Forest Reserve	2
Mt Mathieson Forest Reserve	2
Neumgna Forest Reserve	10
Palen Forest Reserve 2	1
Polmailly Forest Reserve 2	1

Name of forest reserve	Permitted number of apiary sites
Spicers Gap Forest Reserve	3
Teviot Forest Reserve	1
Warro Forest Reserve	11
Wongi Forest Reserve	36
Woocoo Forest Reserve	1

‘Part 2 Forest reserve proposed to become national park (recovery)’

Name of forest reserve	Permitted number of apiary sites
Neumgna Forest Reserve	1’.

34 Amendment of sch 10 (Definitions)

Schedule 10—

insert—

‘apiary permit means a permit to take, use, keep or interfere with cultural or natural resources for the location of an apiary.

park designated for apiaries means a national park or national park (recovery) to which section 184¹¹ of the Act applies that was formerly a forest reserve prescribed under section 475A and schedule 9A.^{12’.}

11 Section 184 (Provision to allow beekeeping in particular former forest reserves until 2025) of the Act

See also section 475A (Prescribed forest reserves—Act, s 184) of this regulation.

12 Section 475A (Prescribed forest reserves for temporary continuation of beekeeping—Act, s 184) and schedule 9A (Prescribed forest reserves for temporary continuation of beekeeping)

s 88(5), for a class 3 offence under s 88	15
s 88(5), for a class 4 offence under s 88	4
s 88A(1), if a circumstance mentioned in s 88A(2) applies.	4
s 91(2)	15
s 100E	4
s 100G(3).	20

Authorised person for service of infringement notices—a conservation officer appointed under the *Nature Conservation Act 1992*, section 127¹³.

ENDNOTES

- 1 Made by the Governor in Council on 16 December 2004.
- 2 Notified in the gazette on 17 December 2004.
- 3 Laid before the Legislative Assembly on . . .
- 4 The administering agency is the Environmental Protection Agency.

© State of Queensland 2004

13 *Nature Conservation Act 1992*, section 127 (Appointment of conservation officers)