



Queensland

Environmental Protection Legislation Amendment Regulation (No. 1) 2010

Subordinate Legislation 2010 No. 363

made under the

Environmental Protection Act 1994

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Part 1 Preliminary

1 Short title

This regulation may be cited as the *Environmental Protection Legislation Amendment Regulation (No. 1) 2010*.

2 Commencement

- (1) Sections 8 and 14 commence on 1 January 2011.
- (2) Sections 4, 5, 6 and 15(1) and (2) commence immediately after the commencement of the *Water and Other Legislation Act 2010*, section 51.

Part 2 Amendment of Environmental Protection Regulation 2008

3 Regulation amended

This part amends the *Environmental Protection Regulation 2008*.

4 Insertion of new s 24A

Chapter 3, part 3, division 1—
insert—

'24A Definitions for pt 3

'In this part—

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.

[s 5]

Examples—

gem, gold or tin mining from alluvial wash

category A environmentally sensitive area see section 25.

category B environmentally sensitive area see section 26.

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, 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.

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.

riverine area see section 27.

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

significantly disturbed, in relation to land, see section 28.’.

5 Replacement of ss 30 and 31

Sections 30 and 31—

omit, insert—

‘30 Criteria under any environmental authority (mining activities)

- ‘(1) The following criteria are prescribed for each mining activity that is allowed, or is to be allowed, under an environmental authority (mining activities)—
- (a) the mining activity does not, or will not, at any one time, cause more than 10ha of land to be significantly disturbed;
 - (b) the mining activity is not, or will not be, carried out in a category A environmentally sensitive area or a category B environmentally sensitive area;
 - (c) the mining activity is not, or will not be, carried out under an environmental authority under which either of the following is, or is to be, allowed—
 - (i) an environmentally relevant activity to which a section of schedule 2 applies and for which there is an aggregate environmental score;
 - (ii) a level 1 chapter 5A activity;
 - (d) the mining activity is not, or will not be, carried out in a wild river area, unless—
 - (i) the mining activity is authorised under an environmental authority (prospecting), environmental authority (mining claim), environmental authority (exploration) or environmental authority (mineral development); or
 - (ii) the mining activity involves alluvial mining and is, or will be, carried out at a place that is not in a wild river high preservation area, wild river nominated waterway or wild river special floodplain management area; or
 - (iii) the mining activity involves clay pit mining, dimension stone mining, hard rock mining, opal mining or shallow pit mining and is, or will be, carried out at a place that is not in a wild river high

[s 5]

preservation area or wild river special floodplain management area.

‘(2) In this section—

wild river nominated waterway means a nominated waterway under the *Wild Rivers Act 2005*.

‘31 Criteria under environmental authority (mining lease)

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

- (a) the mining activity does not, or will not, at any one time, cause more than 5ha of either of the following to be significantly disturbed—
 - (i) a riverine area;
 - (ii) mine workings;
- (b) the mining activity is 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—

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.’.

6 Amendment of s 32 (Criteria under other environmental authorities (mining activities))

- (1) Section 32, ‘mining activities allowed, or’—

omit, insert—

‘each mining activity that is allowed, or is’.

- (2) Section 32(a), ‘activities do’—

omit, insert—

‘activity does’.

- (3) Section 32(b), ‘activities’—

omit, insert—

‘activity’.

7 Amendment of s 102 (Devolution includes statutory instruments under Act)

Section 102, from ‘chapter 4 activity’—

omit, insert—

‘matter devolved to a local government under this division includes the administration and enforcement of statutory instruments made under the Act in relation to the matter.’.

8 Insertion of new ch 8, pt 4A

Chapter 8—

insert—

[s 9]

‘Part 4A Provision for refund of EIS fee

‘140A Refund of fee for submitting draft TOR for an EIS

- ‘(1) This section applies if a proponent for a project—
- (a) has submitted draft terms of reference for an EIS for the project under section 41 of the Act; and
 - (b) has not submitted the EIS under section 47 of the Act; and
 - (c) gives the chief executive a written notice stating that the proponent does not intend to submit the EIS.
- ‘(2) The chief executive must refund to the proponent the fee for the submission of the draft terms of reference less the administrative component.
- ‘(3) In this section—
administrative component, of the fee, means \$30000.’.

9 Replacement of ch 9, pt 2, hdg (Transitional and savings provisions)

Chapter 9, part 2, heading—
omit, insert—

‘Part 2 Transitional and savings provisions for SL No. 370 of 2008’.

10 Replacement of ch 10, hdg (Transitional provisions for members of QR group)

Chapter 10, heading—
omit, insert—

‘Part 3 Transitional provisions for members of QR group’.

11 Amendment of s 160 (Definitions for ch 10)

- (1) Section 160, heading, ‘ch 10’—
omit, insert—
‘pt 3’.
- (2) Section 160, ‘In this chapter’—
omit, insert—
‘In this part’.
- (3) Section 160, definition *change of ownership*, ‘chapter’—
omit, insert—
‘part’.
- (4) Section 160, definition *commencement*, ‘chapter’—
omit, insert—
‘section’.

12 Insertion of new ch 9, pt 4

After section 162—

insert—

**‘Part 4 Transitional provision for
Environmental Protection
Legislation Amendment
Regulation (No. 1) 2010**

**‘163 Administering authority to refund portion of particular
annual fees**

- ‘(1) This section applies if—
- (a) before the commencement—
 - (i) a person made a development application, or held a registration certificate, for sewage treatment

[s 12]

- involving operating sewage treatment works (the *relevant activity*); and
- (ii) the person carried out the relevant activity within the threshold (the *existing threshold*) mentioned in schedule 2, section 63(3), table, item 2(a) or (b), as in force before the commencement; and
 - (iii) the person paid the annual fee (the *previous annual fee*) for the development application or registration certificate for carrying out the relevant activity within the existing threshold; and
- (b) the relevant activity would have been carried out within the threshold (the *new threshold*) mentioned in schedule 2, section 63(3), table, item 2(a)(i) or (b)(i), if the new threshold had applied to carrying out the activity.
- ‘(2) The administering authority must refund the person the amount that is the difference between—
- (a) the previous annual fee; and
 - (b) the annual fee that would have been payable for the development application or registration certificate as if—
 - (i) the relevant activity had been carried out within the new threshold; and
 - (ii) the new threshold had applied to carrying out the relevant activity when the previous annual fee was paid.
- ‘(3) In this section—
- commencement* means the commencement of this section.
- operating*, sewage treatment works, see schedule 2, section 63(4).
- sewage treatment* means the environmentally relevant activity, sewage treatment, to which schedule 2, section 63 applies.’.

13 Amendment of sch 2 (Chapter 4 activities and aggregate environmental scores)

(1) Schedule 2, section 8(2)—

insert—

‘(d) carrying out an activity to which section 55, 56, 57 or 58 applies.’.

(2) Schedule 2, section 63(3), table, item 2(a) and (b)—

omit, insert—

‘(a) 21 to 100EP—	
(i) if treated effluent is discharged from the works to an infiltration trench or through an irrigation scheme; or	14
(ii) otherwise	27
(b) more than 100 to 1500EP—	
(i) if treated effluent is discharged from the works to an infiltration trench or through an irrigation scheme; or	27
(ii) otherwise	53’.

14 Amendment of sch 10 (Fees)

(1) Schedule 10, parts 1 to 4—

renumber as schedule 10, parts 2 to 5.

(2) Schedule 10, items 1 to 18—

renumber as schedule 10, items 4 to 22.

(3) Schedule 10—

insert—

[s 15]

'Part 1 Fees for environmental impact statements

		\$
1	fee for submitting draft terms of reference for an EIS (Act, s 41(2)(b))	120 000.00
2	fee for giving an EIS amendment notice, other than an EIS amendment notice given under section 56(2)(c) of the Act (Act, s 66(4))	10 000.00
3	application for approval to voluntarily prepare an EIS (Act, s 71(d)(ii))	500.00'.

15 Amendment of sch 12 (Dictionary)

(1) Schedule 12, part 2, definitions *category A environmentally sensitive area* and *category B environmentally sensitive area*—

omit.

(2) Schedule 12, part 2—

insert—

'alluvial mining, for chapter 3, part 3, see section 24A.

category A environmentally sensitive area, for chapter 3, part 3, see section 25.

category B environmentally sensitive area, for chapter 3, part 3, see section 26.

clay pit mining, for chapter 3, part 3, see section 24A.

dimension stone mining, for chapter 3, part 3, see section 24A.

hard rock mining, for chapter 3, part 3, see section 24A.

opal mining, for chapter 3, part 3, see section 24A.

riverine area, for chapter 3, part 3, see section 27.

shallow pit mining, for chapter 3, part 3, see section 24A.

significantly disturbed, for chapter 3, part 3, see section 28.’.

- (3) Schedule 12, part 2, definitions *change of ownership*, *commencement*, *interim period*, *member of QR Group*, *QR Limited*, *related body corporate* and *Treasurer*, ‘chapter 10’—
omit, insert—
‘chapter 9, part 3’.

Part 3 **Amendment of Environmental Protection (Waste Management) Regulation 2000**

16 Regulation amended

This part amends the *Environmental Protection (Waste Management) Regulation 2000*.

17 Amendment of s 68C (Review and appeal decisions)

Section 68C(a)(ii), ‘transportion’—
omit, insert—
‘transportation’.

18 Amendment of sch 7 (Waste origin codes for waste tracking)

Schedule 7, under the subheading ‘Textile, clothing, footwear and leather manufacturing’, ‘yam’—
omit, insert—
‘yarn’.

ENDNOTES

- 1 Made by the Governor in Council on 9 December 2010.
- 2 Notified in the gazette on 10 December 2010.
- 3 Laid before the Legislative Assembly on . . .
- 4 The administering agency is the Department of Environment and Resource Management.

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