



Queensland

Environmental Protection Amendment Regulation (No. 1) 2011

Subordinate Legislation 2011 No. 46

made under the

Environmental Protection Act 1994

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[s 1]

1 Short title

This regulation may be cited as the *Environmental Protection Amendment Regulation (No. 1) 2011*.

2 Regulation amended

This regulation amends the *Environmental Protection Regulation 2008*.

3 Replacement of s 22A (Prescribed circumstance for adding, changing or cancelling development condition of particular approval—Act, s 73C)

Section 22A—
omit, insert—

‘22A Prescribed circumstances for adding, changing or cancelling a development condition of particular approvals—Act, s 73C

- ‘(1) Each of subsections (2) and (3) prescribe circumstances for section 73C(1)(i) of the Act for adding, changing or cancelling a development condition of the development approval to which the subsection applies.
- ‘(2) For a development approval for waste disposal at a site, the prescribed circumstance is that immediately before 1 January 2009—
- (a) the development approval was for former ERA 75; and
 - (b) former ERA 82 was carried out at the site; and
 - (c) there was no development approval for former ERA 82 at the site.
- ‘(3) For a development approval for asphalt manufacturing or extractive and screening activities at a site, the prescribed circumstance is that immediately before 1 January 2011—
- (a) 10m³ to 500m³ of chemicals of class C1 or C2 combustible liquids under AS 1940 or dangerous goods class 3 were stored at the site for carrying out the asphalt manufacturing or extractive and screening activities; and

(b) there was no development approval for carrying out chemical storage within the threshold mentioned in schedule 2, section 8(3), table, item (3)(a) at the site.

‘(4) In this section—

asphalt manufacturing means the environmentally relevant activity under schedule 2, section 6.

chemical storage means the environmentally relevant activity under schedule 2, section 8.

extractive and screening activities means the environmentally relevant activity under schedule 2, section 16.

former ERA 75 means the environmentally relevant activity mentioned in the repealed regulation, schedule 1, item 75.

former ERA 82 means the environmentally relevant activity mentioned in the repealed regulation, schedule 1, item 82.

repealed regulation means the repealed *Environmental Protection Regulation 1998*.

waste disposal means the environmentally relevant activity under schedule 2, section 60.’.

4 Amendment of s 63 (Activity involving direct release of waste to groundwater)

Section 63(2)(a)—

omit, insert—

‘(a) for an application other than an application relating to an environmental authority for a petroleum activity—the waste is not being, or may not be, released entirely within a confined aquifer; or’.

5 Amendment of s 143 (Prescribed local government exempt from fees)

(1) Section 143(1)(a)—

omit, insert—

‘(a) an indigenous local government;’.

[s 6]

- (2) Section 143(1)(d) and (f)—
omit.
- (3) Section 143(1)(e)—
renumber as section 143(1)(d).
- (4) Section 143—
insert—
- ‘(3) In this section—
indigenous local government see the *Local Government Act 2009*, schedule 4.’.

6 Insertion of new ch 9, pt 5

Chapter 9—

insert—

‘Part 5 Transitional provision for Environmental Protection Amendment Regulation (No. 1) 2011

‘164 Administering authority to refund particular application and annual fees

- ‘(1) This section applies if—
 - (a) before the commencement—
 - (i) a person held a development approval or registration certificate for carrying out asphalt manufacturing or extractive and screening activities at a site; and
 - (ii) for carrying out the asphalt manufacturing or extractive and screening activities, the person stored 10m³ to 500m³ of chemicals of class C1 or C2 combustible liquids under AS 1940 or dangerous goods class 3 at the site; and
 - (iii) the person made a development application (the *later application*) to carry out chemical storage

within the threshold mentioned in schedule 2, section 8(3), table, item (3)(a) at the site and paid the application fee for the application and the annual fee for a development approval for the chemical storage; and

- (iv) the administering authority had not assessed the later application; and
 - (b) the person has continued to hold the development approval or registration certificate mentioned in paragraph (a)(i) since the commencement; and
 - (c) the person withdraws the later application.
- ‘(2) The administering authority must refund the person—
- (a) the application fee for the later application; and
 - (b) the annual fee for the development approval for the chemical storage.

‘(3) In this section—

asphalt manufacturing means the environmentally relevant activity under schedule 2, section 6.

chemical storage means the environmentally relevant activity under schedule 2, section 8.

commencement means the commencement of this section.

extractive and screening activities means the environmentally relevant activity under schedule 2, section 16.’.

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

- (1) Schedule 2, section 8(2), ‘The relevant’—
omit, insert—
‘However, the relevant’.
- (2) Schedule 2, section 8(2)(c) and (d)—
renumber as section 8(2)(d) and (e).
- (3) Schedule 2, section 8(2)—

[s 8]

insert—

‘(c) storing 10m³ to 500m³ of chemicals of class C1 or C2 combustible liquids under AS 1940 or dangerous goods class 3 for carrying out an activity under section 6 or 16; or’.

(4) Schedule 2, section 8(4), definitions *dangerous goods* and *storing—*

omit.

8 Amendment of sch 12 (Dictionary)

Schedule 12, part 2—

insert—

‘***dangerous goods*** means dangerous goods under the dangerous goods code.

storing, a quantity of a chemical, includes moving the chemical, or some of the chemical, within the site where the chemical is stored.’.

ENDNOTES

- 1 Made by the Governor in Council on 14 April 2011.
- 2 Notified in the gazette on 15 April 2011.
- 3 Laid before the Legislative Assembly on . . .
- 4 The administering agency is the Department of Environment and Resource Management.

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