



Queensland

Environmental Protection and Other Legislation Amendment Regulation (No. 1) 2011

Subordinate Legislation 2011 No. 246

made under the

Environmental Protection Act 1994
Sustainable Planning Act 2009

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Part 1 Preliminary

1 Short title

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

Part 2 Amendment of Environmental Protection Regulation 2008

2 Regulation amended

This part amends the *Environmental Protection Regulation 2008*.

3 Amendment of s 58 (Release of water or waste to particular wetlands for treatment)

- (1) Section 58, heading, ‘particular’—
omit.
- (2) Section 58(1), ‘referable wetland or a significant coastal wetland’—
omit, insert—
‘wetland’.
- (3) Section 58(3)—
omit.

4 Insertion of new ch 8A

After section 144—
insert—

[s 5]

‘Chapter 8A Miscellaneous

‘144D Limited amendment of Map of referable wetlands

- ‘(1) The chief executive may amend the Map of referable wetlands only if the amendment—
- (a) is to remove all or part of an area shown as a wetland management area or wetland protection area; and
 - (b) is made because—
 - (i) more accurate information indicating the extent, or hydrological type, of the wetland has become available; or
 - (ii) the chief executive considers the wetland is not of high ecological significance.
- ‘(2) If the chief executive amends the map under this section, the chief executive must—
- (a) fix a new edition number to the amended map; and
 - (b) publish the amended map on the department’s website; and
 - (c) notify all affected owners about the amendment and the reasons for the amendment; and
 - (d) give all affected owners a copy of the amended map.
- ‘(3) In this section—
- affected owner*, for an amendment, means an owner of land that is no longer included in an area shown as a wetland management area or wetland protection area on the Map of referable wetlands because of the amendment.’.

5 Amendment of sch 10 (Fees)

Schedule 10, part 2, item 5, ‘Great Barrier Reef’—
omit.

6 Amendment of sch 12 (Dictionary)

- (1) Schedule 12, part 2, definitions *Great Barrier Reef wetland protection area* and *wetland*—

omit.

- (2) Schedule 12—

insert—

‘Map of referable wetlands means the ‘Map of referable wetlands’, a document approved by the chief executive on 4 November 2011 and published by the department, as amended from time to time by the chief executive under section 144D.

wetland means an area shown as a wetland on the Map of referable wetlands.

wetland management area means an area shown as a wetland management area on the Map of referable wetlands.

wetland protection area means an area shown as a wetland protection area on the Map of referable wetlands.’.

Part 3 Amendment of Sustainable Planning Regulation 2009

7 Regulation amended

This part amends the *Sustainable Planning Regulation 2009*.

8 Amendment of sch 3 (Assessable development, self-assessable development and type of assessment)

- (1) Schedule 3, part 1, table 4, item 10 and heading, ‘Great Barrier Reef’—

omit.

- (2) Schedule 3, part 1, table 4, item 10, column 2’—

[s 9]

insert—

‘(c) associated with government supported transport infrastructure or electricity infrastructure.’.

(3) Schedule 3, part 2, table 4, after item 5—

insert—

‘For wetland protection areas	
6	Operational work that is high impact earth works carried out for government supported transport infrastructure in a wetland protection area.
7	Operational work that is high impact earth works carried out for electricity infrastructure in a wetland protection area.’.

9 Amendment of sch 5 (Applicable codes, laws and policies for particular development)

Schedule 5, part 2, table 4, after item 5—

insert—

‘High impact earthworks in a wetland protection area		
6	High impact earthworks for government supported transport infrastructure in a wetland protection area made self-assessable under schedule 3, part 2, table 4, item 6	The code under ‘State Planning Policy 4/11 Protecting Wetlands of High Ecological Significance in Great Barrier Reef Catchments’, annex 2
7	High impact earthworks for electricity infrastructure in a wetland protection area made self-assessable under schedule 3, part 2, table 4, item 7	The code under ‘State Planning Policy 4/11 Protecting Wetlands of High Ecological Significance in Great Barrier Reef Catchments’, annex 2’.

10 Amendment of sch 6 (Assessment manager for development applications)

Schedule 6, table 3, item 13, heading, ‘Great Barrier Reef’—

omit.

11 Amendment of sch 7 (Referral agencies and their jurisdictions)

- (1) Schedule 7, table 2, item 43A, column 1, ‘Great Barrier Reef’—

omit.

- (2) Schedule 7, table 3, item 21A, ‘for a domestic housing activity, if’—

omit, insert—

‘a material change of use relating to a domestic housing activity, government supported transport infrastructure or electricity infrastructure, if’.

- (3) Schedule 7, table 3, item 21A, column 1, ‘Great Barrier Reef’—

omit.

12 Amendment of sch 17 (Development for which a notification period of at least 30 business days applies—areas)

Schedule 17, paragraph (d), ‘Great Barrier Reef’—

omit.

13 Amendment of sch 26 (Dictionary)

- (1) Schedule 26, definitions *Great Barrier Reef wetland protection area* and *wetland management area*—

omit.

- (2) Schedule 26—

insert—

‘*electricity infrastructure* means operating works under the *Electricity Act 1994*, section 12(3).

government supported transport infrastructure means transport infrastructure that—

[s 13]

- (a) is funded, wholly or partly, by appropriations from the consolidated fund; or
- (b) is funded, wholly or partly, by borrowings made by the Government (other than commercial borrowings made by the Queensland Treasury Corporation acting as an agent); or
- (c) is funded, wholly or partly, by borrowings guaranteed by the Government other than borrowings for commercial investments; or
- (d) is provided by a person on the basis of conditions agreed to by the Government that are intended to support the commercial viability of the infrastructure; or
- (e) is funded, wholly or partly, by the Commonwealth.

wetland see the *Environmental Protection Regulation 2008*, schedule 12.

wetland management area see the *Environmental Protection Regulation 2008*, schedule 12.

wetland protection area see the *Environmental Protection Regulation 2008*, schedule 12.’.

- (3) Schedule 26, definition *high impact earthworks*, item 2, paragraphs (d) and (f), ‘Great Barrier Reef’—

omit.

- (4) Schedule 26, definition *high impact earthworks*, item 2, paragraphs (i) and (j)—

omit, insert—

‘(i) carried out under—

- (i) the *Electricity Act 1994*, section 101 or 112A; or
- (ii) the *Fire and Rescue Service Act 1990*, section 53, 68 or 69; or
- (iii) a geothermal exploration permit under the *Geothermal Exploration Act 2004*; or

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- (j) the laser levelling of land if the work does not change the previously levelled contours or slope of the land; or
 - (k) carried out for government supported transport infrastructure for which the funding and construction arrangements were approved by the State or Commonwealth before 31 October 2011; or
 - (l) the maintenance of government supported transport infrastructure, including any of the following relating to the infrastructure—
 - (i) rehabilitation;
 - (ii) replacement;
 - (iii) repair;
 - (iv) recurrent servicing;
 - (v) preventive and remedial action;
 - (vi) removal;
 - (vii) alteration;
 - (viii) maintaining systems and services; or
 - (m) carried out within a coastal management district; or
 - (n) necessary to reinstate earthworks destroyed by floods or landslides; or
 - (o) carried out in tidal water.’

ENDNOTES

- 1 Made by the Governor in Council on 24 November 2011.
- 2 Notified in the gazette on 25 November 2011.
- 3 Laid before the Legislative Assembly on . . .
- 4 The administering agency is the Department of Environment and Resource Management.