



Queensland

Environmental Protection and Other Legislation Amendment Regulation (No. 1) 2013

Subordinate Legislation 2013 No. 25

made under the

Environmental Protection Act 1994

State Penalties Enforcement Act 1999

Sustainable Planning Act 2009

Contents

Part 1	Preliminary	
1	Short title	7
2	Commencement	7
Part 2	Amendment of Environmental Protection Regulation 2008	
3	Regulation amended	7
4	Amendment of s 5 (Application of pt 2)	7
5	Replacement of ch 3, pt 1, hdg (Chapter 4 activities)	7
6	Amendment of s 14 (What is the aggregate environmental score for a chapter 4 activity)	8
7	Replacement of s 16 (Meaning of year for carrying out chapter 4 activity)	8
	16 Meaning of concurrence ERA	8
8	Amendment of s 17 (Activities prescribed as environmentally relevant activities—general)	9
9	Insertion of new s 17A	9
	17A Activities prescribed as extractive activities—Act, s 120	9
10	Replacement of ch 3, pt 1, div 3, hdg (Prescribed activities for development applications)	9
11	Omission of ch 3, pt 1, div 3, sdiv 1, hdg	9

Contents

12	Replacement of s 18 (Exempt environmentally relevant activity—Act, s 73AA)	10
	18 Exempt prescribed ERA—Act, s 174	10
13	Replacement of s 19 (Other prescribed activities—Act, s 73AA)	10
	19 Sewage ERA—Act, s 174.	10
	19A Water treatment ERA—Act, s 174	10
14	Omission of ch 3, pt 1, div 3, sdiv 2 (Development applications that may require financial assurances)	10
15	Insertion of new ch 3, pt 1, div 3A	11
	Division 3A Development application relating to concurrence ERAs	
	19B Application of div 3A.	11
	19C Assessing application.	11
16	Omission of s 22 (Codes of environmental compliance for chapter 4 activities)	11
17	Omission of s 22A (Prescribed circumstances for adding, changing or cancelling a development condition of particular approvals—Act, s 73C)	11
18	Replacement of ch 3, pt 2, hdg (Chapter 5A activities)	12
19	Omission of s 23 (Chapter 5A activities prescribed as level 1 and 2 chapter 5A activities)	12
20	Omission of s 24 (What is the aggregate environmental score for a level 1 chapter 5A activity)	12
21	Amendment of s 24AA (Prescribed matters for environmental management plan—Act, s 310D)	12
22	Amendment of s 24AB (Prescribed circumstance for amending environmental authority (chapter 5A activities)—Act, s 312E)	13
23	Replacement of ch 3, pt 3 (Mining activities)	14
	Part 3 Mining activities	
	25 Eligibility criteria prescribed for mining activities—Act, s 707B	14
24	Amendment of s 48 (Meaning of environmental management decision)	14
25	Insertion of ch 4, pt 2, div 1, hdg	15
26	Replacement of s 51 (Matters to be considered for environmental management decisions)	15
	51 Matters to be complied with for environmental management decisions	15
27	Amendment of s 52 (Conditions to be considered for environmental management decisions)	16
28	Insertion of new s 53A	16

	53A	Prescribed standard criteria for environmental management decisions	16
29		Omission of ss 55, 56, 57, 59, 60, 61, 62, 64, 64A, 64B, 64C and 64D	17
30		Omission of s 66 (Prescribed organisations for contaminated land matters—Act, ss 381, 395 and 410)	17
31		Amendment of ch 5, pt 8, hdg (Statutory condition for environmental authority (chapter 5A activities))	17
32		Amendment of s 81B (Prescribed maximum amount for chemicals—Act, s 312W)	17
33		Amendment of s 83 (Definitions for ch 6)	18
34		Amendment of s 101 (Particular chapter 4 activities)	18
35		Amendment of s 111 (Register of environmental reports)	19
36		Replacement of s 112 (Register of monitoring program results)	19
	112	Prescribed information—Act, s 540	19
37		Amendment of s 113 (Register of transitional environmental programs)	20
38		Amendment of s 114 (Register of environmental protection orders)	20
39		Insertion of new ch 7, pt 5	21
	Part 5	Suitably qualified persons and auditors	
	115A	Prescribed organisations for suitably qualified persons and auditors	21
	115B	Prescribed regulatory function	21
	115C	Prescribed criteria—Act, s 568.	21
40		Amendment of s 116 (Fees payable under Act)	24
41		Insertion of new s 116A	24
	116A	Recovery of unpaid amounts	24
42		Amendment of s 117 (Fees and discounts made by resolution or local law)	24
43		Replacement of s 118 (Meaning of annual fee)	25
	118	Meaning of annual fee	25
44		Replacement of s 119 (Annual fee to accompany particular applications)	25
	119	Payment of annual fee for first year of environmental authority	25
45		Replacement of s 120 (Annual fee for particular development applications, registration certificates and environmental authorities)	26
	120	Annual fee for environmental authority	26

Contents

46	Amendment of s 121 (Purpose of div 2)	27
47	Amendment of s 122 (Definitions for div 2)	27
48	Amendment of s 123 (What is an approved EMS)	28
49	Amendment of s 124 (Who is an approved partner)	28
50	Amendment of s 125 (What is a lower emissions score)	29
51	Amendment of s 126 (Eligibility for payment of a reduced annual fee)	29
52	Amendment of s 127 (What is the reduced annual fee)	31
53	Amendment of s 128 (Application of sdiv 3)	31
54	Amendment of s 130 (Requirement to keep records for reduced annual fee)	31
55	Amendment of s 134 (When supplementary annual fee payable)	31
56	Omission of ch 8, pt 3, div 4 (Credits and refunds)	32
57	Replacement of s 138 (Fee for anniversary changeover application)	32
	138 Fee for anniversary changeover application.	32
58	Amendment of s 139 (Fee for late payment of annual fee).	33
59	Insertion of new s 140A	33
	140A Fee for termination of suspension of environmental authority	34
60	Omission of ch 8, pt 5 (Special provision for registration certificate fees)	34
61	Amendment of s 142 (Administering authority exempt from fees for self-administered activities)	34
62	Amendment of s 143 (Prescribed local government exempt from fees)	35
63	Amendment of s 144 (Prescribed charitable institution exempt from fees)	35
64	Omission of s 144A (Exemption from payment of annual fee if relevant mining tenement not granted)	35
65	Amendment of s 144B (Holders of particular environmental authorities exempt from annual fee)	35
66	Amendment of s 144C (Refund of application fee for particular environmental authority if application for relevant mining tenement refused)	36
67	Insertion of new ch 9, pt 7	36
	Part 7 Transitional provisions for Environmental Protection and Other Legislation Amendment Regulation (No. 1) 2013	
	Division 1 Fees	

	168	Refund of annual fee if environmental authorities amalgamated	36
	169	Exemption from payment of annual fee if relevant mining tenement not granted	37
	Division 2	Existing environmentally relevant activities	
	170	Eligibility criteria and standard conditions for particular environmentally relevant activities	37
	171	Non-transitional ERAs—Act, s 676A	38
	172	Prescribed day—Act, s 676C	38
	173	Temporary devolution of power for application relating to prescribed ERA that is poultry farming	38
68		Amendment of sch 2 (Chapter 4 activities and aggregate environmental scores)	39
69		Insertion of new sch 2A	67
	Schedule 2A	Aggregate environmental scores for particular resource activities	
70		Replacement of sch 3 (Codes of environmental compliance)	69
	Schedule 3	Continued codes of environmental compliance—Act, s 707A	
71		Insertion of new sch 3A	70
	Schedule 3A	Prescribed eligibility criteria for mining activities	
72		Replacement of schs 5 and 6.	73
73		Amendment of sch 8 (Prescribed organisations)	82
74		Amendment of sch 10 (Fees)	82
75		Omission of sch 11 (Prescribed environmental management systems)	84
76		Amendment of sch 12 (Dictionary)	84
Part 3		Amendment of State Penalties Enforcement Regulation 2000	
77		Regulation amended	91
78		Amendment of sch 2 (Environmental legislation)	91
Part 4		Amendment of Sustainable Planning Regulation 2009	
79		Regulation amended	92
80		Amendment of sch 3 (Assessable development, self-assessable development and type of assessment)	92
81		Amendment of sch 4 (Development that can not be declared to be development of a particular type—Act, section 232(2)).	93
82		Amendment of sch 5 (Applicable codes, laws and policies for particular development)	93

Contents

83	Amendment of sch 6 (Assessment manager for development applications)	93
84	Amendment of sch 7 (Referral agencies and their jurisdictions) .	94

Part 1 Preliminary

1 Short title

This regulation may be cited as the *Environmental Protection and Other Legislation Amendment Regulation (No. 1) 2013*.

2 Commencement

This regulation commences on 31 March 2013.

Part 2 Amendment of Environmental Protection Regulation 2008

3 Regulation amended

This part amends the *Environmental Protection Regulation 2008*.

4 Amendment of s 5 (Application of pt 2)

Section 5(2), ‘division’—

omit, insert—

‘part’.

5 Replacement of ch 3, pt 1, hdg (Chapter 4 activities)

Chapter 3, part 1, heading—

omit, insert—

‘Part 1 Environmentally relevant activities—general matters’.

[s 6]

6 Amendment of s 14 (What is the *aggregate environmental score* for a chapter 4 activity)

(1) Section 14, heading ‘chapter 4 activity’—

omit, insert—

‘**environmentally relevant activity**’.

(2) Section 14, ‘chapter 4 activity’—

omit, insert—

‘prescribed ERA’.

(3) Section 14—

insert—

‘(2) The *aggregate environmental score* for a resource activity is the aggregate environmental score stated for the activity in the section under schedule 2A applying to the activity.’.

7 Replacement of s 16 (Meaning of *year* for carrying out chapter 4 activity)

Section 16—

omit, insert—

‘16 Meaning of *concurrency ERA*

‘(1) An activity is a *concurrency ERA* if—

(a) the activity is a prescribed ERA; and

(b) the threshold within which the activity is carried out is stated opposite the letter ‘C’ in the relevant table.

‘(2) In this section—

relevant table, for an activity, means the table in the section of schedule 2 that applies to the activity.

Editor’s note—

An application for an environmental authority for a concurrency ERA may also require assessment under the Planning Act.’.

8 Amendment of s 17 (Activities prescribed as environmentally relevant activities—general)

(1) Section 17(1), ‘an environmentally relevant activity’—

omit, insert—

‘a prescribed ERA.’.

(2) Section 17(1), note ‘section 18(b) and 19’—

omit, insert—

‘section 19 (Environmentally relevant activity may be prescribed)’.

9 Insertion of new s 17A

Chapter 3, part 1, division 2—

insert—

‘17A Activities prescribed as extractive activities—Act, s 120

‘For section 120(4) of the Act, definition *extractive activity*, the prescribed activities are the extractive and screening activities mentioned in schedule 2, part 4.’.

10 Replacement of ch 3, pt 1, div 3, hdg (Prescribed activities for development applications)

Chapter 3, part 1, division 3, heading—

omit, insert—

‘Division 3 Environmental authority applications for wild river areas’.

11 Omission of ch 3, pt 1, div 3, sdiv 1, hdg

Chapter 3, part 1, division 3, subdivision 1, heading—

omit.

[s 12]

12 Replacement of s 18 (Exempt environmentally relevant activity—Act, s 73AA)

Section 18—

omit, insert—

‘18 Exempt prescribed ERA—Act, s 174

- ‘(1) For section 174(4) of the Act, definition *exempt prescribed ERA*, a prescribed ERA for which there is no aggregate environmental score is prescribed.
- ‘(2) Despite subsection (1), poultry farming, for farming between 1000 to 200000 birds, is not prescribed for the definition *exempt prescribed ERA*.’.

13 Replacement of s 19 (Other prescribed activities—Act, s 73AA)

Section 19—

omit, insert—

‘19 Sewage ERA—Act, s 174

‘For section 174(4) of the Act, definition *sewage ERA*, the activity mentioned in schedule 2, section 63 is prescribed.

‘19A Water treatment ERA—Act, s 174

‘For section 174(4) of the Act, definition *water treatment ERA*, the activity mentioned in schedule 2, section 64 is prescribed.’.

14 Omission of ch 3, pt 1, div 3, sdiv 2 (Development applications that may require financial assurances)

Chapter 3, part 1, division 3, subdivision 2—

omit.

15 Insertion of new ch 3, pt 1, div 3A

Chapter 3, before division 4—

insert—

‘Division 3A Development application relating to concurrence ERAs

‘19B Application of div 3A

‘This division applies if the chief executive or a local government is the assessment manager or concurrence agency for a development application relating to a concurrence ERA.

‘19C Assessing application

‘In assessing the application the chief executive or the local government must consider the following matters as a code for IDAS under the Planning Act—

- (a) an environmental objective assessment against the environmental objectives and performance outcomes mentioned in schedule 5, part 3, table 2;
- (b) the standard criteria.’.

16 Omission of s 22 (Codes of environmental compliance for chapter 4 activities)

Section 22—

omit.

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

Section 22A—

omit.

[s 18]

18 Replacement of ch 3, pt 2, hdg (Chapter 5A activities)

Chapter 3, part 2, heading—

omit, insert—

‘Part 2 Prescribed matters for particular resource activities’.

19 Omission of s 23 (Chapter 5A activities prescribed as level 1 and 2 chapter 5A activities)

Section 23—

omit.

20 Omission of s 24 (What is the *aggregate environmental score* for a level 1 chapter 5A activity)

Section 24—

omit.

21 Amendment of s 24AA (Prescribed matters for environmental management plan—Act, s 310D)

(1) Section 24AA, heading—

omit, insert—

‘24AA Prescribed documents for application for environmental authority for a CSG activity—Act, s 125’.

(2) Section 24AA(1)—

omit, insert—

‘(1) For section 125(1)(n) of the Act, the documents prescribed for an application for an environmental authority for a CSG activity that is an ineligible ERA are—

(a) documents dealing with the following matters about coal seam gas water generated in connection with carrying out the CSG activity—

-
- (i) whether the proposed management of the coal seam gas water is consistent with the coal seam gas water management policy, including the prioritisation hierarchy for managing and using coal seam gas water;
 - (ii) if the proposed management of the coal seam gas water is inconsistent with the prioritisation hierarchy for managing and using coal seam gas water—the reason for managing the coal seam gas water in the proposed way; and
 - (b) documents dealing with the following matters for brine or salt generated from the management of the coal seam gas water mentioned in paragraph (a)—
 - (i) whether the proposed management of the brine or salt is consistent with the coal seam gas water management policy, including the prioritisation hierarchy for managing saline waste;
 - (ii) if the proposed management of the brine or salt is inconsistent with the prioritisation hierarchy for managing saline waste—the reason for managing the coal seam gas water in the proposed way.’.
 - (3) Section 24AA(2), definition *coal seam gas environmental authority*—
omit.

22 Amendment of s 24AB (Prescribed circumstance for amending environmental authority (chapter 5A activities)—Act, s 312E)

- (1) Section 24AB, heading, ‘(chapter 5A activities)—Act, s 312E’—
omit, insert—
‘for particular resource activities—Act, s 215’.

[s 23]

(2) Section 24AB(1)—

omit, insert—

‘(1) For an environmental authority issued for a resource activity, other than a mining activity, a prescribed circumstance for section 215(2)(m) of the Act is that an underground water impact report identifies impacts, or potential impacts, on an environmental value.’.

23 Replacement of ch 3, pt 3 (Mining activities)

Chapter 3, part 3—

omit, insert—

‘Part 3 Mining activities

‘25 Eligibility criteria prescribed for mining activities—Act, s 707B

‘For section 707B(1) of the Act—

- (a) the eligibility criteria stated in schedule 3A, section 1 is prescribed for all mining activities; and
- (b) the eligibility criteria stated in schedule 3A, section 2 is prescribed for a mining activity, other than a mining activity relating to a mining lease; and
- (c) the eligibility criteria stated in schedule 3A, section 3 is prescribed for a mining activity relating to a mining lease.’.

24 Amendment of s 48 (Meaning of *environmental management decision*)

Section 48(2), from ‘the Act about’—

omit, insert—

‘the Act about—

- (a) the surrender of an environmental authority; or

- (b) an application for an amendment that is a minor amendment; or
- (c) an application for a progressive certification.’.

25 Insertion of ch 4, pt 2, div 1, hdg

Chapter 4, part 2, division 1, before section 50—

insert—

**‘Division 1 Regulatory requirements for all
environmental management
decisions—general’.**

**26 Replacement of s 51 (Matters to be considered for
environmental management decisions)**

Section 51—

omit, insert—

**‘51 Matters to be complied with for environmental
management decisions**

- ‘(1) The administering authority must, for making an environmental management decision relating to an environmentally relevant activity, other than a prescribed ERA—
- (a) carry out an environmental objective assessment against the environmental objective and performance outcomes mentioned in schedule 5, part 3, tables 1 and 2; and
 - (b) consider the environmental values declared under this regulation; and
 - (c) consider each of the following under any relevant environmental protection policies—
 - (i) the management hierarchy;
 - (ii) environmental values;
 - (iii) quality objectives;

[s 27]

(iv) the management intent.

- ‘(2) For an environmental management decision relating to a prescribed ERA, the administering authority making the decision must—
- (a) carry out an environmental objective assessment against the environmental objective and performance outcomes mentioned in schedule 5, part 3, table 1; and
 - (b) consider the matters mentioned in subsection (1)(b) and (c).’.

27 Amendment of s 52 (Conditions to be considered for environmental management decisions)

- (1) Section 52(1)—

insert—

‘(m) if under an environmental objective assessment, the assessor is not satisfied an environmental objective has been achieved, measures for minimising the adverse effects of not achieving the environmental objective.’.

- (2) Section 52(2), definition *sensitive receptor*—

omit.

28 Insertion of new s 53A

Chapter 4, part 2—

insert—

‘53A Prescribed standard criteria for environmental management decisions

‘For schedule 4 of the Act, definition *standard criteria*, paragraph (1), an environmental objective assessment relating to an environmental management decision is prescribed.

-
- 29 Omission of ss 55, 56, 57, 59, 60, 61, 62, 64, 64A, 64B, 64C and 64D**
Sections 55, 56, 57, 59, 60, 61, 62, 64, 64A, 64B, 64C and 64D—
omit.
- 30 Omission of s 66 (Prescribed organisations for contaminated land matters—Act, ss 381, 395 and 410)**
Section 66—
omit.
- 31 Amendment of ch 5, pt 8, hdg (Statutory condition for environmental authority (chapter 5A activities))**
Chapter 5, part 8, heading, '(chapter 5A activities)'—
omit, insert—
'for particular resource activities'.
- 32 Amendment of s 81B (Prescribed maximum amount for chemicals—Act, s 312W)**
(1) Section 81B, heading, '312W'—
omit, insert—
'206'.
(2) Section 81B(1), '312W(2)(a)'—
omit, insert—
'206(4)(a)'.
(3) Section 81B(2), '312W(2)(b)'—
omit, insert—
'206(4)(b)'.

[s 33]

33 Amendment of s 83 (Definitions for ch 6)

Section 83, definition *reporting threshold*, ‘Substance’—
omit, insert—
‘substance’.

34 Amendment of s 101 (Particular chapter 4 activities)

- (1) Section 101, heading, ‘chapter 4 activities’—
omit, insert—
‘**prescribed ERAs**’.
- (2) Section 101, ‘chapter 4 activities’—
omit, insert—
‘prescribed ERAs’.
- (3) Section 101(a)—
omit, insert—
‘(a) each of the following prescribed ERAs—
 - (i) asphalt manufacturing;
 - (ii) plastic product manufacturing;
 - (iii) metal forming.’.
- (4) Section 101(b)—
omit, insert—
‘(b) each of the following prescribed ERAs carried out within the stated threshold mentioned for the activity—
 - (i) metal recovery, for—
 - (A) recovering less than 100t of metal in a day;
or
 - (B) recovering, without using a fragmentiser,
100t or more of metal in a day or 10000t or
more of metal in a year;

- (ii) surface coating, for anodising, electroplating, enamelling or galvanising using 1t to 100t of surface coating materials in a year;
 - (iii) waste incineration and thermal treatment, for incinerating waste vegetation, clean paper or cardboard;
- (5) Section 101, editor's note—
omit, insert—
'Editor's note—
schedule 2, sections 6 (Asphalt manufacturing), 12 (Plastic product manufacturing), 19 (Metal forming), 20 (Metal recovery), 38 (Surface coating), 49 (Boat maintenance or repair) and 61(Waste incineration and thermal treatment)'.
'

35 Amendment of s 111 (Register of environmental reports)

Section 111(d)(ii), 'certificate or authority number for the registration certificate or environmental authority'—

omit, insert—

'authority number for the environmental authority'.

36 Replacement of s 112 (Register of monitoring program results)

Section 112—

omit, insert—

'112 Prescribed information—Act, s 540

- '(1) For section 540(1)(k) of the Act, the administering authority must keep the following information for each relevant monitoring program—
- (a) the name of the person carrying out the activity to which the program relates;
 - (b) the type of the activity;

[s 37]

- (c) for an activity mentioned in paragraph (a) that is an environmentally relevant activity—the authority number for the 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.
- ‘(2) In this section—
- relevant monitoring program*** means a monitoring program carried out under the following—
- (a) the Act;
 - (b) a development condition of a development approval;
 - (c) a condition of an environmental authority.’.

37 Amendment of s 113 (Register of transitional environmental programs)

- (1) Section 113(1), ‘submitted to,’—
omit, insert—
‘submitted, to’.
- (2) Section 113(1)(c), ‘certificate or authority number for the registration certificate or environmental authority’—
omit, insert—
‘authority number for the environmental authority’.

38 Amendment of s 114 (Register of environmental protection orders)

Section 114(c), ‘certificate or authority number for the registration certificate or environmental authority’—

omit, insert—

‘authority number for the environmental authority’.

39 Insertion of new ch 7, pt 5

Chapter 7—

insert—

‘Part 5 Suitably qualified persons and auditors

‘115A Prescribed organisations for suitably qualified persons and auditors

‘Each organisation listed in schedule 8 is prescribed for—

- (a) section 564 of the Act, definition *suitably qualified person*, paragraph (b); and
- (b) section 572(b)(ii) of the Act.’.

‘115B Prescribed regulatory function

‘For section 564 of the Act, definition *regulatory function*, paragraph (d), completing a statutory declaration under chapter 8, part 3 is prescribed.’.

‘115C Prescribed criteria—Act, s 568

- ‘(1) For section 568(b) of the Act, the following criteria are prescribed for an auditor’s evaluation of a site investigation report, validation report, draft site management plan or draft amendments of a site management plan prepared under chapter 7, part 8 of the Act—
 - (a) the report or plan accurately includes the following information about the site the subject of the report or plan—

[s 39]

- (i) the reasons for listing the site on the environmental management register or contaminated land register;
- (ii) a description of all surface and subsurface infrastructure on the site, including details of the location, size and type of the infrastructure;
- (iii) a description of the surrounding area of the site, including the following—
 - (A) a description of all category A environmentally sensitive areas in the surrounding area;
 - (B) a description of all category B environmentally sensitive areas in the surrounding area;
 - (C) the location of all water, watercourses and wetlands in the surrounding area;
 - (D) the location of all stormwater drainage in the surrounding area;
 - (E) a description of land uses in the surrounding area, including sensitive land uses that may affect the safety of the site or cause a risk to human health or another part of the environment;
 - (F) a description of all activities carried out in the surrounding area that may affect the safety of the site or cause a risk to human health or another part of the environment;
- (iv) for any waste disposed of, or stored on the site, that contains, or may potentially contain, hazardous contaminants, details of the location, volume and type of waste disposed of, or stored, on the site;
- (v) for the waste mentioned in paragraph (iv), details of any potential contamination of the site caused by disposing or storing the waste on the site;

- (vi) a description of the geology and hydrogeology of the site;
- (vii) details of any environmentally relevant activities or notifiable activities carried out on the site, including the materials used and waste produced during the carrying out of the activities;
- (viii) details of any earthworks carried out on the site, including the materials used and waste produced during the earthworks;
- (ix) if work was carried out on the site to remediate contaminated land—
 - (A) the contamination levels recorded on the site before the work was carried out; and
 - (B) the contamination levels recorded on the site after the work was carried out;
- (b) the report or plan includes sufficient information to allow the auditor to assess—
 - (i) if the report or plan provides evidence that the site is suitable for a stated use, whether the site is suitable for that stated use; and
 - (ii) whether the site is contaminated in a way that is a risk to another part of the environment or human health; and
 - (iii) if the report or plan provides evidence that the site is contaminated, the extent to which the site is contaminated and the uses that may be suitable for the site; and
 - (iv) if the plan sets out the objectives to be achieved and maintained under the plan—
 - (A) the proposed objectives are appropriate for the site; and
 - (B) the proposed methods to achieve and maintain the objectives are appropriate for the site; and

[s 40]

- (v) if the plan sets out monitoring and reporting compliance measures for the site, the reporting and compliance measures are appropriate for the site.

‘(2) In this section—

water means water as defined under the *Water Act 2000*.’.

40 Amendment of s 116 (Fees payable under Act)

(1) Section 116(2), ‘applications and authorities’—

omit, insert—

‘environmental authorities’.

(2) Section 116(3) and (4)—

omit.

41 Insertion of new s 116A

After section 116—

insert—

‘116A Recovery of unpaid amounts

‘For section 580(2)(a) of the Act, if a fee payable under the Act to an administering authority is not paid in full by the date prescribed for the relevant fee in this regulation or stated in a notice for the relevant fee, the authority may recover the unpaid amount as a debt owed to the authority.’.

42 Amendment of s 117 (Fees and discounts made by resolution or local law)

Section 117(3) to (5)—

omit, insert—

‘(3) Part 3, division 2 does not apply to a fee payable to the local government unless the local government makes a resolution or local law stating that part 3, division 2 applies to the fee.

- ‘(4) The local government can not make a resolution or local law to change the aggregate environmental score for the devolved matter.’.

43 Replacement of s 118 (Meaning of *annual fee*)

Section 118—

omit, insert—

‘118 Meaning of *annual fee*

‘The *annual fee* for an environmental authority is—

- (a) if the holder of the environmental authority is eligible to pay a reduced annual fee under division 2—the reduced annual fee; or
- (b) for any other environmental authority—the fee worked out for the authority under section 120.’.

44 Replacement of s 119 (Annual fee to accompany particular applications)

Section 119—

omit, insert—

‘119 Payment of annual fee for first year of environmental authority

- ‘(1) This section applies to an environmental authority for which an annual fee is prescribed.
- ‘(2) The holder of the authority must, within 20 business days of the authority taking effect, pay the administering authority the annual fee prescribed for the authority.

Editor’s note—

For when an environmental authority takes effect, see section 200 of the Act.’.

[s 45]

45 Replacement of s 120 (Annual fee for particular development applications, registration certificates and environmental authorities)

Section 120—

omit, insert—

‘120 Annual fee for environmental authority

‘(1) The annual fee for an environmental authority is the total of the site fees for all project sites for the authority.

‘(2) The *site fee* for a project site for an environmental authority is—

(a) if none of the environmentally relevant activities proposed to be carried out at the project site has an aggregate environmental score—

(i) for an environmental authority for a mining activity relating to a mining claim—nil; or

(ii) for any other environmental authority—\$551; or

(b) if any of the environmentally relevant activities to be carried out at the project site has an aggregate environmental score—the highest of the ERA fees calculated for each of the environmentally relevant activities.

‘(3) The *ERA fee* for an environmentally relevant activity is worked out using the following formula—

$$F = S \times M$$

where—

F is the amount of the ERA fee.

S is the aggregate environmental score for the activity.

M is—

(a) for a relevant prescribed ERA—\$110.40; or

(b) for any other environmentally relevant activity—\$220.80.

‘(4) In this section—

relevant prescribed ERA means any of the following prescribed ERAs—

- (a) aquaculture;
- (b) intensive animal feedlotting;
- (c) pig keeping;
- (d) poultry farming;
- (e) a relevant activity mentioned in schedule 2, section 63(3), table, item 1(a).

Editor’s note—

schedule 2, sections 1 (Aquaculture), 2 (Intensive animal feedlotting), 3 (Pig keeping), 4 (Poultry farming) and 63 (Sewage treatment)’.

46 Amendment of s 121 (Purpose of div 2)

(1) Section 121, ‘a relevant authority’—

omit, insert—

‘an environmental authority’.

(2) Section 121, from ‘if’—

omit, insert—

‘if —

- (a) the holder is eligible; and
- (b) there is an aggregate environmental score for the environmentally relevant activity authorised under the authority.’.

47 Amendment of s 122 (Definitions for div 2)

(1) Section 122, definitions *appropriately qualified person*, *relevant activity* and *relevant authority*—

omit.

[s 48]

(2) Section 122, definition *prescribed environmental management system*—

omit, insert—

‘prescribed environmental management system means—

- (a) an environmental management system that a conformity assessment body has certified as conforming to AS/NZS ISO 14001:2004 ‘Environmental management systems—Requirements with guidance for use’; or
- (b) the National Feedlot Accreditation Scheme, Rules of Accreditation published in 2011 by AUS-MEAT Limited ABN 44 082 528 881.

Editor’s note—

At the commencement of this section the National Feedlot Accreditation Scheme, Rules of Accreditation was available on the internet at <www.ausmeat.com.au>.’.

(3) Section 122, definition *reduced annual fee*, ‘a relevant authority’—

‘an environmental authority’.

48 Amendment of s 123 (What is an *approved EMS*)

Section 123, ‘a relevant authority’—

omit, insert—

‘an environmental authority’.

49 Amendment of s 124 (Who is an *approved partner*)

Section 124(1), ‘a relevant authority’—

omit, insert—

‘an environmental authority’.

50 Amendment of s 125 (What is a *lower emissions score*)

- (1) Section 125(1), ‘a relevant authority’—

omit, insert—

‘an environmental authority’.

- (2) Section 125(1)(a) and (b), ‘if’—

omit.

51 Amendment of s 126 (Eligibility for payment of a reduced annual fee)

- (1) Section 126(1), ‘a relevant authority’—

omit, insert—

‘an environmental authority’.

- (2) Section 126(1)(d)—

omit, insert—

‘(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, other than a prescribed approved EMS—a statutory declaration, completed by a suitably qualified person, verifying that—

(A) each relevant activity carried out under the authority in the previous year has been carried out in accordance with an environmental management system that a conformity assessment body has certified as conforming to AS/NZS ISO 14001:2004 ‘Environmental management systems—Requirements with guidance for use’; and

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

[s 51]

- (ii) if the holder has a prescribed approved EMS—a statutory declaration, completed by the holder, verifying that—
 - (A) each relevant activity carried out under the authority in the previous year has been carried out in accordance with the National Feedlot Accreditation Scheme, Rules of Accreditation published in 2011 by AUS-MEAT Limited ABN 44 082 528 881; and
 - (B) the holder is complying with the conditions of the authority;
 - (iii) the other documents and information stated in the annual notice; and’.
- (3) Section 126(3), definition *compliance action event*, ‘a relevant authority’—
omit, insert—
‘an environmental authority’.
- (4) Section 126(3)—
insert—
‘prescribed approved EMS means the National Feedlot Accreditation Scheme, Rules of Accreditation published in 2011 by AUS-MEAT Limited ABN 44 082 528 881.’.
- (5) Section 126(3)—
renumber as section 126(4).
- (6) Section 126—
insert—
- ‘(3) Also, the holder stops being eligible if—
 - (a) there is more than 1 project site for the authority; and
 - (b) subsection (1) does not apply to 1 or more of the project sites for the authority.’.

52 Amendment of s 127 (What is the *reduced annual fee*)

Section 127, ‘a relevant authority’—

omit, insert—

‘an environmental authority’.

53 Amendment of s 128 (Application of s div 3)

Section 128, ‘a relevant authority’—

omit, insert—

‘an environmental authority’.

54 Amendment of s 130 (Requirement to keep records for reduced annual fee)

(1) Section 130(d), after ‘if the holder was’—

insert—

‘,’.

(2) Section 130(d), ‘the relevant authority’—

omit, insert—

‘an environmental authority’.

(3) Section 130(d)(ii), ‘appropriately qualified person’—

omit, insert—

‘suitably qualified person’.

55 Amendment of s 134 (When supplementary annual fee payable)

(1) Section 134(1)(a), ‘(chapter 5A activities) or environmental authority (mining activities)’—

omit.

(2) Section 134(2)—

omit, insert—

[s 56]

- ‘(2) The holder of the environmental authority must, within 20 business days after the amendment application is approved, pay the administering authority a supplementary annual fee worked out using the following formula—

$$S = (A - P) \times N / 365$$

where—

S is the amount of the supplementary annual fee.

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

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

N is the number of days from the day the authority was amended in accordance with the amendment application until the next anniversary day for the authority.

- ‘(3) If the holder does not pay the supplementary annual fee within 20 business days under subsection (2), the administering authority may recover the supplementary annual fee as a debt owed to the authority.’.

56 Omission of ch 8, pt 3, div 4 (Credits and refunds)

Chapter 8, part 3, division 4—

omit.

57 Replacement of s 138 (Fee for anniversary changeover application)

Section 138—

omit, insert—

‘138 Fee for anniversary changeover application

- ‘(1) For section 310(2) of the Act, the fee payable for an anniversary changeover application for an environmental authority is worked out using the following formula—

$$F = 276.00 + (A \times N/365)$$

where—

F is the amount of the fee.

A is the amount of the annual fee for the environmental authority.

N is the number of days in the interim year.

‘(2) In this section—

anniversary changeover application, for an environmental authority, means an application under section 310 of the Act to change the anniversary day for the authority to a new day.

interim year, for a proposed change of anniversary day, means the period—

- (a) starting on the old anniversary day for the environmental authority; and
- (b) ending on the new anniversary day in the following year after the proposed change.

Example—

If the old anniversary day was 1 June and the new anniversary day is 1 July, the period will be 31 days.’.

58 Amendment of s 139 (Fee for late payment of annual fee)

(1) Section 139(1), ‘a registered operator or’—

omit.

(2) Section 139(1), ‘registration certificate or’—

omit.

(3) Section 139(2) and (3), ‘operator or’—

omit.

59 Insertion of new s 140A

After section 140—

[s 60]

insert—

‘140A Fee for termination of suspension of environmental authority

‘(1) For section 284G(2)(b) of the Act, the fee payable to terminate a suspension of an environmental authority is worked out using the following formula—

$$F = A \times N/365$$

where—

F is the amount of the fee.

A is the amount of the annual fee for the environmental authority.

N is the number of days in the interim year.

‘(2) In this section—

interim year, for a termination of a suspension of an environmental authority, means the period—

- (a) starting on the day the notice to terminate the suspension is given to the administering authority; and
- (b) ending on the next anniversary day for the authority.’.

60 Omission of ch 8, pt 5 (Special provision for registration certificate fees)

Chapter 8, part 5—

omit.

61 Amendment of s 142 (Administering authority exempt from fees for self-administered activities)

Section 142, ‘a development application, registration certificate or’—

omit, insert—

‘an’.

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

Section 143(2)—

omit, insert—

- ‘(2) A prescribed local government is exempt from payment of a fee relating to an environmental authority for a prescribed ERA that is carried out by the local government in its local government area.’.

63 Amendment of s 144 (Prescribed charitable institution exempt from fees)

Section 144(1)—

omit, insert—

- ‘(1) A prescribed charitable institution is exempt from payment of a fee relating to an environmental authority for a prescribed ERA mentioned in schedule 2, section 63 if the prescribed ERA is carried out within the relevant threshold.’.

64 Omission of s 144A (Exemption from payment of annual fee if relevant mining tenement not granted)

Section 144A—

omit.

65 Amendment of s 144B (Holders of particular environmental authorities exempt from annual fee)

Section 144B(1), ‘a level 2 mining project’—

omit, insert—

‘mining activities that are eligible ERAs’.

[s 66]

66 Amendment of s 144C (Refund of application fee for particular environmental authority if application for relevant mining tenement refused)

Section 144C(1)(a), '(mining activities) for a level 2 mining project'—

omit, insert—

'for mining activities that are eligible ERAs'.

67 Insertion of new ch 9, pt 7

Chapter 9—

insert—

'Part 7 Transitional provisions for Environmental Protection and Other Legislation Amendment Regulation (No. 1) 2013

'Division 1 Fees

'168 Refund of annual fee if environmental authorities amalgamated

'(1) This section applies if—

- (a) the holder of 2 or more environmental authorities (mining activities) made an amendment application under section 238(2) of the Act on or after 1 March 2011 but before 2 November 2012; and
- (b) the amendment application was or is granted.

'(2) The administering authority must refund to the holder the amount that is the difference between—

- (a) the total of the annual fees paid by the holder for the environmental authorities for the relevant period; and

- (b) the total of the annual fees that would have been payable by the holder for 1 environmental authority for the relevant period.

‘(3) In this section—

relevant period means the period from 1 January 2009 until the day the amendment application was or is granted.

‘169 Exemption from payment of annual fee if relevant mining tenement not granted

‘(1) This section applies if—

- (a) a person is granted an environmental authority (mining activities) for a level 2 mining project on or before 31 March 2013; and
- (b) the person has applied for 1 or more relevant mining tenements for the environmental authority mentioned in paragraph (a); and
- (c) all the applications for a relevant mining tenement mentioned in paragraph (b) are not granted.

‘(2) The person is exempt from payment of the annual fee for the environmental authority until the next anniversary day for the authority after the earliest day on which at least 1 of the relevant mining tenements is granted.

‘Division 2 Existing environmentally relevant activities

‘170 Eligibility criteria and standard conditions for particular environmentally relevant activities

‘Schedule 3 mentions the codes of environmental compliance for which—

- (a) the matters identified as eligibility criteria in the code continue to be taken to be the eligibility criteria for the environmentally relevant activity under section 707A(2)(a) of the Act; and

[s 67]

- (b) standard environmental conditions of the code continue to be taken to be the standard conditions for the environmentally relevant activity until new standard conditions for the activity take effect under section 707A(2)(b) of the Act.

‘171 Non-transitional ERAs—Act, s 676A

- ‘(1) An activity that was a former environmentally relevant activity but is not a prescribed ERA after the commencement of this section, is prescribed for section 676A(1) of the Act.

Editor’s note—

For a list of former environmentally relevant activities see the department’s website <www.ehp.qld.gov.au>

- ‘(2) In this section—

former environmentally relevant activity means an activity to which a section under schedule 2, of the former regulation, applied.

former regulation means this regulation as in force immediately before the commencement of this section.

‘172 Prescribed day—Act, s 676C

‘For section 676C(1) of the Act, the day prescribed is 31 March 2013.

‘173 Temporary devolution of power for application relating to prescribed ERA that is poultry farming

- ‘(1) This section applies to an application, made under the Act, relating to a prescribed ERA that is poultry farming, if—
 - (a) before the commencement of this section, a person made the application to a local government; and
 - (b) the application has not been decided by the local government.
- ‘(2) The administration of the Act in relation to deciding the application is a matter devolved to the local government for

the purpose of the application and only until the application is decided.’.

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

(1) Schedule 2, heading, ‘Chapter 4 activities’—

omit, insert—

‘Prescribed ERAs’.

(2) Schedule 2, part 1, section 1(3), table—

omit, insert—

‘Threshold	Aggregate environmental score	3
1 cultivating or holding crustaceans in enclosures that are on land and have a total area of—		
(a) more than 100m ²	11	C
(b) more than 10ha but not more than 100ha	21	C
(c) more than 100ha	34	C
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 but not more than 10ha	19	C
(b) more than 10ha but not more than 100ha	29	C
(c) more than 100ha	32	C
3 carrying out the relevant activity in enclosures that are in waters and have a total area of—		
(a) no more than 1ha	26	C
(b) more than 1ha	36	C’.

[s 68]

(3) Schedule 2, part 1, section 2(1), ‘50’—

omit, insert—

‘150’.

(4) Schedule 2, part 1, section 2(1), ‘350’—

omit, insert—

‘1000’.

(5) Schedule 2, part 1, section 2(3), table—

omit, insert—

‘Threshold	Aggregate environmental score	3
1 keeping the following number of standard cattle units in a feedlot—		
(a) 150 to 1000	14	
(b) more than 1000 but not more than 10000	28	C
(c) more than 10000	49	C
2 keeping the following number of standard sheep units in a feedlot—		
(a) 1000 to 10000	12	
(b) more than 10000	26	C’.

(6) Schedule 2, part 1, section 3(1), ‘21’—

omit, insert—

‘400’.

(7) Schedule 2, part 1, section 3(3), table—

omit, insert—

'Threshold	Aggregate environmental score	3
1 keeping 400 to 3500 standard pig units	27	
2 keeping more than 3500 but not more than 8000 standard pig units	34	C
3 keeping more than 8000 standard pig units	43	C'.

(8) Schedule 2, part 1, section 4(2), table—

omit, insert—

'Threshold	Aggregate environmental score	3
1 farming more than 1000 but not more than 200000 birds	no score	
2 farming more than 200000 birds	9	C'.

(9) Schedule 2, part 2, section 5(3)—

omit, insert—

'(3) In the following table, the aggregate environmental score for the relevant activity is the score stated opposite the threshold within which the activity is carried out.

Threshold	Aggregate environmental score	3
producing more than 200m ³ of alcohol in a year	48	C'.

(10) Schedule 2, part 2, section 6—

omit, insert—

'6 Asphalt manufacturing

'(1) Asphalt manufacturing (the *relevant activity*) consists of manufacturing in a year 1000t or more of asphalt.

[s 68]

‘(2) In the following table, the aggregate environmental score for the relevant activity is the score stated opposite the threshold within which the activity is carried out.

Threshold	Aggregate environmental score	3
manufacturing 1000t or more of asphalt in a year	32	C’.

(11) Schedule 2, part 2, section 7(3), table—
omit, insert—

Threshold	Aggregate environmental score	3
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	C
(b) more than 1000m ³ but not more than 100000m ³	19	C
(c) more than 100000m ³	37	C
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
(c) medicines, pharmaceutical products, poisons or veterinary chemical products	115	C
(d) explosives	138	C
4 manufacturing, in a year, the following quantities of fertiliser—		

Threshold	Aggregate environmental score	3
(a) 200t to 5000t	33	C
(b) more than 5000t	153	C
5 manufacturing, in a year, the following quantities of organic chemicals, other than organic chemicals to which items 1 to 4 apply—		
(a) 200t to 1000t	30	C
(b) more than 1000t but not more than 10000t	66	C
(c) more than 10000t but not more than 100000t	139	C
(d) more than 100000t	202	C
6 manufacturing, in a year, the following quantities of inorganic chemicals, other than inorganic chemicals to which items 1 to 4 apply—		
(a) 200t to 1000t	56	C
(b) more than 1000t but not more than 10000t	115	C
(c) more than 10000t but not more than 100000t	200	C
(d) more than 100000t	268	C’.

(12) Schedule 2, part 2, section 8(1)(c), ‘10m³—

omit, insert—

‘500m³’.

(13) Schedule 2, part 2, section 8(2)(c)—

omit.

(14) Schedule 2, part 2, section 8(2)(d) and (2)(e)—

renumber as section 8(2)(c) and (2)(d).

(15) Schedule 2, part 2, section 8(3), table—

[s 68]

omit, insert—

'Threshold	Aggregate environmental score	3
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	C
2 storing 50t or more of chemicals of dangerous goods class 6, division 6.1 under subsection (1)(b)	51	C
3 storing 500m ³ or more of chemicals of class C1 or C2 combustible liquids under AS 1940 or dangerous goods class 3 subsection (1)(c)	85	C
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	C
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	C'.

(16) Schedule 2, part 2, section 8(4)(a), definition of *in-transit storage*, 'in the'—

omit, insert—

'holding the'.

(17) Schedule 2, part 2, section 9(2)(b), 'schedule 5 or 6'—

omit, insert—

'an environmental authority for a resource activity'.

(18) Schedule 2, part 2, section 9(3), table—

omit, insert—

'Threshold	Aggregate environmental score	3
refining in a year—		

[s 68]

(a) less than 2000000000m ³ of natural gas	no score	C
(b) 2000000000m ³ or more of natural gas	19	C
(c) coal seam gas	64	C'.

(19) Schedule 2, part 2, section 10(4)—

omit, insert—

‘(4) In the following table, the aggregate environmental score for the relevant activity is the score stated opposite the threshold within which the activity is carried out.

Threshold	Aggregate environmental score	3
manufacturing, processing or reforming 200t or more of hydrocarbon gas in a year	64	C'.

(20) Schedule 2, part 2, section 11(2), table—

omit, insert—

Threshold	Aggregate environmental score	3
refining or processing, in a year, the following quantity of crude or shale oil—		
(a) less than 500m ³	146	C
(b) 500m ³ to 150000m ³	186	C
(c) more than 150000m ³	237	C'.

(21) Schedule 2, part 2, section 12(2), table—

omit, insert—

Threshold	Aggregate environmental score	3
1 manufacturing, in a year, a total of 50t or more of plastic product, other than a plastic product mentioned in item 2	28	C
2 manufacturing, in a year, a total of 5t or more of foam, composite plastics or rigid fibre-reinforced plastics	54	C'.

[s 68]

(22) Schedule 2, part 2, section 13(2), table—
omit, insert—

Threshold	Aggregate environmental score	3
1 manufacturing tyres	36	C
2 retreading tyres	17’.	

(23) Schedule 2, part 3, section 14(3), table—
omit, insert—

Threshold	Aggregate environmental score	3
1 generating electricity by using gas at a rated capacity of 10MW electrical or more	72	C
2 generating electricity by using a fuel, other than gas, at a rated capacity of—		
(a) 10MW electrical to 150MW electrical	76	C
(b) more than 150MW electrical	151	C’.

(24) Schedule 2, part 3, section 15(3)—
omit, insert—

‘(3) In the following table, the aggregate environmental score for the relevant activity is the score stated opposite the threshold within which the activity is carried out.

Threshold	Aggregate environmental score	3
using fuel burning equipment that is capable of burning at least 500kg of fuel in an hour	35	C’.

(25) Schedule 2, part 4, section 16(1)(b)—
omit.

(26) Schedule 2, part 4, section 16(1)(c), ‘other than a wild river area’—

- omit.*
- (27) Schedule 2, part 4, section 16(1)(d)—
omit.
- (28) Schedule 2, part 4, section 16(1)(e), ‘year, other than in a wild river area’—
omit, insert—
 ‘year.’.
- (29) Schedule 2, part 4, section 16(1)(c) and (e)—
renumber as section 16(b) and (c).
- (30) Schedule 2, part 4, section 16(2)(a), ‘environmental authority (chapter 5A activities) or environmental authority (mining activities)’—
omit, insert—
 ‘environmental authority for a resource activity’.
- (31) Schedule 2, part 4, section 16(2)(b) and (c)—
omit.
- (32) Schedule 2, part 4, section 16(2)(h), ‘(a) to (g)’—
omit, insert—
 ‘(a) to (e)’.
- (33) Schedule 2, part 4, section 16(2)(d) to (h)—
renumber as section 16(2)(b) to (f).
- (34) Schedule 2, part 4, section 16(3), table—
omit, insert—

Threshold	Aggregate environmental score	3
1 dredging, in a year, the following quantity of material—		
(a) 1000t to 10000t	11	C

[s 68]

'Threshold	Aggregate environmental score	3
(b) more than 10000t but not more than 100000t	25	C
(c) more than 100000t but not more than 1000000t	44	C
(d) more than 1000000t	66	C
2 extracting, other than by dredging, in a year, the following quantity of material—		
(a) 5000t to 100000t	22	
(b) more than 100000t but not more than 1000000t	39	C
(c) more than 1000000t	57	C
3 screening, in a year, the following quantity of material—		
(a) 5000t to 100000t	13	
(b) more than 100000t but not more than 1000000t	29	
(c) more than 1000000t	47'.	

(35) Schedule 2, part 5, section 17—

omit.

(36) Schedule 2, part 5, section 18—

omit.

(37) Schedule 2, part 5, section 19(1), 'forming'—

omit, insert—

'hot forming'.

(38) Schedule 2, part 5, section 19(2)—

omit, insert—

‘(2) In the following table, the aggregate environmental score for the relevant activity is the score stated opposite the threshold within which the activity is carried out.

Threshold	Aggregate environmental score	3
hot forming a total of 10000t or more of metal in a year	no score	C’.

(39) Schedule 2, part 5, section 19(3), definition *forming*—
omit, insert—

‘*hot forming*, in relation to metal, includes to heat the metal and—

- (a) press, forge, extend, extrude or roll metal; or
- (b) form metal into plate, wire or rods; or
- (c) fabricate metal into sheets.’.

(40) Schedule 2, part 5, section 20(2), table—
omit, insert—

Threshold	Aggregate environmental score	3
1 recovering less than 100t of metal in a day	no score	C
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	C
(b) using a fragmentiser	51	C’.

(41) Schedule 2, part 5, section 21—
omit.

(42) Schedule 2, part 6, section 24(2)—
omit, insert—

[s 68]

‘(2) In the following table, the aggregate environmental score for the relevant activity is the score stated opposite the threshold within which the activity is carried out.

Threshold	Aggregate environmental score	3
manufacturing or processing 1000t or more of feedstock material for edible oil production in a year	38	C’.

(43) Schedule 2, part 6, section 25(3), table—
omit, insert—

Threshold	Aggregate environmental score	3
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 but not more than 50000t	26	C
(c) more than 50000t	41	C
2 processing, including rendering, in a year, the following quantity of meat or meat products—		
(a) 1000t to 5000t	25	
(b) more than 5000t but not more than 50000t	48	C
(c) more than 50000t	66	C
3 rendering, without any other processing, in a year, the following quantity of meat or meat products—		
(a) 100t to 500t	no score	C
(b) more than 500t	29	C’.

(44) Schedule 2, part 6, section 28(2)—

omit, insert—

‘(2) In the following table, the aggregate environmental score for the relevant activity is the score stated opposite the threshold within which the activity is carried out.

Threshold	Aggregate environmental score	3
crushing or grinding 200t or more of sugar cane in a year or manufacturing 200t or more of sugar or other sugarcane products in a year	48	C’.

(45) Schedule 2, part 7, section 29(2), table—

omit, insert—

Threshold	Aggregate environmental score	3
1 producing, in a year, the following quantity of ferrous metal castings—		
(a) 100t to 1000t	35	C
(b) more than 1000t but not more than 5000t	45	C
(c) more than 5000t but not more than 10000t	47	C
(d) more than 10000t	62	C
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 but not more than 1000t	19	C

[s 68]

Threshold	Aggregate environmental score	3
(c) more than 1000t but not more than 5000t	28	C
(d) more than 5000t	33	C'.

(46) Schedule 2, part 7, section 30(2), table—
omit, insert—

Threshold	Aggregate environmental score	3
processing in a year—		
(a) 1t to 100t of gold	107	C
(b) 10t to 100t of metalloids or metals other than gold	107	C
(c) more than 100t but not more than 10000t of metals or metalloids	205	C
(d) more than 10000t of metals or metalloids	316	C'.

(47) Schedule 2, part 7, section 31(2), table—
omit, insert—

Threshold	Aggregate environmental score	3
1 processing 1000t or more of coke in a year	148	C
2 processing, in a year, the following quantities of mineral products, other than coke—		
(a) 1000t to 100000t	179	C
(b) more than 100000t	280	C'.

(48) Schedule 2, part 8, section 32(2)—
omit, insert—

‘(2) In the following table, the aggregate environmental score for the relevant activity is the score stated opposite the threshold within which the activity is carried out.

Threshold	Aggregate environmental score	3
manufacturing 200t or more of batteries in a year	35	C’.

(49) Schedule 2, part 8, section 33(4)—
omit, insert—

‘(4) In the following table, the aggregate environmental score for the relevant activity is the score stated opposite the threshold within which the activity is carried out.

Threshold	Aggregate environmental score	3
crushing, grinding, milling or screening more than 5000t of material in a year	no score	C’.

(50) Schedule 2, part 8, section 34—
omit.

(51) Schedule 2, part 8, section 35(2)—
omit, insert—

‘(2) In the following table, the aggregate environmental score for the relevant activity is the score stated opposite the threshold within which the activity is carried out.

Threshold	Aggregate environmental score	3
manufacturing or processing 5000t or more of plaster in a year	47	C’.

(52) Schedule 2, part 8, section 36(2)—
omit, insert—

[s 68]

‘(2) In the following table, the aggregate environmental score for the relevant activity is the score stated opposite the threshold within which the activity is carried out.

Threshold	Aggregate environmental score	3
manufacturing a total of 100t or more of pulp or paper products in a year	204	C’.

(53) Schedule 2, part 8, section 37—

omit.

(54) Schedule 2, part 8, section 38(1)—

omit, insert—

‘(1) Surface coating (the **relevant activity**) consists of using, in a year—

(a) 1t or more of surface coating materials for anodising, electroplating, enamelling or galvanising; or

(b) 100t or more of surface coating materials for coating or painting or powder coating.’.

(55) Schedule 2, part 8, section 38(2)(c)—

omit, insert—

‘(c) coating a surface in association with carrying out an activity to which section 48 or 49 applies.

Editor’s note—

section 48 (Timber and laminated product fabrication) and section 49 (Boat maintenance or repair)’.

(56) Schedule 2, part 8, section 38(3), table—

omit, insert—

Threshold	Aggregate environmental score	3
1 anodising, electroplating, enamelling or galvanising using, in a year, the following quantity of surface coating materials—		
(a) 1t to 100t	10	C
(b) more than 100t but not more than 1000t	19	C
(c) more than 1000t but not more than 10000t	41	C
(d) more than 10000t	66	C
2 coating, painting or powder coating, using, in a year, more than 100t of surface coating materials	7’.	

(57) Schedule 2, part 8, section 39(2)—

omit, insert—

‘(2) In the following table, the aggregate environmental score for the relevant activity is the score stated opposite the threshold within which the activity is carried out.

Threshold	Aggregate environmental score	3
operating a tannery or facility for tanning, curing or finishing 100t or more of leather products in a year	56	C’.

(58) Schedule 2, part 8, section 40(2)—

omit, insert—

[s 68]

‘(2) In the following table, the aggregate environmental score for the relevant activity is the score stated opposite the threshold within which the activity is carried out.

Threshold	Aggregate environmental score	3
1 manufacturing or processing, in a year, a total of 100t or more of carpet	27	C
2 manufacturing or processing, in a year, a total of 100t or more of scouring or carbonising wool	27	C
3 manufacturing or processing, in a year, a total of 100t or more of milling cotton	27	C
4 manufacturing or processing, in a year, a total of 100t or more of bleaching, dyeing or finishing natural fibre or synthetic textiles	27	C’.

(59) Schedule 2, part 9, section 41(2)—

omit, insert—

‘(2) In the following table, the aggregate environmental score for the relevant activity is the score stated opposite the threshold within which the activity is carried out.

Threshold	Aggregate environmental score	3
1 manufacturing 200t or more of cement in a year	92	C
2 calcining 200t or more of limestone in a year	92	C’.

(60) Schedule 2, part 9, section 42(2), table—

omit, insert—

Threshold	Aggregate environmental score	3
manufacturing the following quantity of clay or ceramic products in a year—		
(a) 200t to 5000t	32	C
(b) more than 5000t	62	C’.

(61) Schedule 2, part 9, section 43—

omit.

(62) Schedule 2, part 9, section 44(2)—

omit, insert—

‘(2) In the following table, the aggregate environmental score for the relevant activity is the score stated opposite the threshold within which the activity is carried out.

Threshold	Aggregate environmental score	3
manufacturing 200t or more of glass or glass fibre in a year	67	C’.

(63) Schedule 2, part 9, section 45(2)—

omit, insert—

‘(2) In the following table, the aggregate environmental score for the relevant activity is the score stated opposite the threshold within which the activity is carried out.

Threshold	Aggregate environmental score	3
manufacturing mineral wool or ceramic fibre	55	C’.

(64) Schedule 2, part 10, section 46(2)—

omit, insert—

[s 68]

‘(2) In the following table, the aggregate environmental score for the relevant activity is the score stated opposite the threshold within which the activity is carried out.

Threshold	Aggregate environmental score	3
using chemicals to treat timber for preservation, on a commercial basis	42	C’.

(65) Schedule 2, part 10, section 47(4), table—
omit, insert—

Threshold	Aggregate environmental score	3
milling, in a year, the following total quantity of timber—		
(a) 5000t to 10000t	22	C
(b) more than 10000t but not more than 20000t	35	C
(c) more than 20000t but not more than 100000t	58	C
(d) more than 100000t	69	C’.

(66) Schedule 2, part 10, section 48, heading—
omit, insert—

‘48 Timber and laminated product fabrication’.

(67) Schedule 2, part 10, section 48(1) and (2)—
omit, insert—

‘(1) Timber and laminated product fabrication (the *relevant activity*) consists of fabricating, in a year, a total of—

- (a) 5000t or more of reconstituted timber products; or
- (b) 100t or more of laminated products.’.

(68) Schedule 2, part 10, section 48(3) and (4)—
renumber as section 48(2) and (3).

(69) Schedule 2, part 10, section 48(2), as renumbered, table—
omit, insert—

Threshold	Aggregate environmental score	3
1 fabricating, in a year, the following quantity of reconstituted timber products—		
(a) 5000t to 10000t	42	C
(b) more than 10000t	70	C
2 fabricating in a year 100t or more of laminated products	55	C’.

(70) Schedule 2, part 10, section 48(3), as renumbered, definitions *manufacturing* and *wooden products*—
omit.

(71) Schedule 2, part 11, section 49(2) and (3)—
omit, insert—

‘(2) The relevant activity includes cleaning or maintaining hulls in water at a boat maintenance or repair facility or another place if the facility or other place is within 50 metres of a bed of naturally occurring surface waters.

‘(3) The relevant activity does not include sail making.’.

(72) Schedule 2, part 11, section 49(4)—
omit, insert—

‘(4) In the following table, the aggregate environmental score for the relevant activity is the score stated opposite the threshold within which the activity is carried out.

Threshold	Aggregate environmental score	3
operating, on a commercial basis, a boat maintenance or repair facility for maintaining or repairing hulls, superstructure or mechanical components of boats or seaplanes	17	C’.

[s 68]

(73) Schedule 2, part 11, section 50(2) after ‘environmental authority’—

insert—

‘for a resource activity’.

(74) Schedule 2, part 11, section 50(3), table—

omit, insert—

Threshold	Aggregate environmental score	3
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	C
(b) at another place	49	C
2 loading or unloading 100t or more of bulk materials in a day or stockpiling bulk materials	73	C’.

(75) Schedule 2, part 11, section 51—

insert—

‘(1A) The relevant activity does not include carrying out an activity associated with operating a road tunnel ventilation stack for the projects known as Clem Jones Tunnel and Airport Link Project described in the Coordinator-General’s reports for the EIS, and change reports, for the projects under the *State Development and Public Works Organisation Act 1971*.

Editor’s note—

The Clem Jones Tunnel was formerly called the North-South Bypass Tunnel.’.

(76) Schedule 2, part 11, section 51(1A) and (2)—

renumber as section 51(2) and (3).

(77) Schedule 2, part 11, section 51(3), as renumbered—

omit, insert—

- ‘(3) In the following table, the aggregate environmental score for the relevant activity is the score stated opposite the threshold within which the activity is carried out.

Threshold	Aggregate environmental score	3
operating a road tunnel ventilation stack	36	C’.

- (78) Schedule 2, part 12, section 52(2)—

omit, insert—

- ‘(2) In the following table, the aggregate environmental score for the relevant activity is the score stated opposite the threshold within which the activity is carried out.

Threshold	Aggregate environmental score	3
operating a facility for receiving, and recycling or reprocessing, any type of battery	no score	C’.

- (79) Schedule 2, part 12, section 53(3)—

omit, insert—

- ‘(3) In the following table, the aggregate environmental score for the relevant activity is the score stated opposite the threshold within which the activity is carried out.

Threshold	Aggregate environmental score	3
manufacturing, from organic material or organic waste, 200t or more of compost or soil conditioners in a year	18	C’.

- (80) Schedule 2, part 12, section 54—

omit.

- (81) Schedule 2, part 12, section 55(2)(a), ‘25, 34’—

omit, insert—

[s 68]

‘25’.

- (82) Schedule 2, part 12, section 55(2)(a), editor’s note, ‘34 (Mushroom growing substrate manufacture)’—

omit.

- (83) Schedule 2, part 12, section 55(2)—

insert—

‘(d) manufacturing mushroom growing substrate.’.

- (84) Schedule 2, part 12, section 55(3), table—

omit, insert—

‘Threshold	Aggregate environmental score	3
1 carrying out the relevant activity if— (a) the regulated waste is in a solid form or an aqueous solution or suspension; and (b) no more than 10t of regulated waste is stored or processed at the facility in a day; and (c) all liquid or solid waste generated from the activity is released to a local government’s sewerage infrastructure or a facility mentioned in section 56, 58, 60 or 61	9	C
2 otherwise carrying out the relevant activity	85	C’.

- (85) Schedule 2, part 12, section 56(2)(a)—

omit, insert—

‘(a) storing tyres or parts of tyres; or’.

- (86) Schedule 2, part 12, section 56(2)(e), ‘59,’—

omit.

- (87) Schedule 2, part 12, section 56(2)(e), editor’s note, ‘59 (Tyre recycling),’—

omit.

(88) Schedule 2, part 12, section 56(3), table—

omit, insert—

Threshold	Aggregate environmental score	3
receiving and storing regulated waste	21	C’.

(89) Schedule 2, part 12, section 58(2)(b), ‘52, 54’—

omit, insert—

‘52’.

(90) Schedule 2, part 12, section 58(3)—

omit, insert—

‘(3) In the following table, the aggregate environmental score for the relevant activity is the score stated opposite the threshold within which the activity is carried out.

Threshold	Aggregate environmental score	3
operating a facility for receiving and treating regulated waste or contaminated soil to render the waste or soil non-hazardous or less hazardous	90	C’.

(91) Schedule 2, part 12, section 60(3), table—

omit, insert—

Threshold	Aggregate environmental score	3
1 operating a facility for disposing of, in a year, the following quantity of waste mentioned in subsection (1)(a)—		
(a) less than 50000t	50	C
(b) 50000t to 100000t	82	C
(c) more than 100000t but not more than 200000t	100	C

[s 68]

'Threshold	Aggregate environmental score	3
(d) more than 200000t	110	C
2 operating a facility for disposing of, in a year, the following quantity of waste mentioned in subsection (1)(b)—		
(a) 50t to 2000t	13	
(b) more than 2000t but not more than 5000t	20	
(c) more than 5000t but not more than 10000t	29	
(d) more than 10000t but not more than 20000t	41	C
(e) more than 20000t but not more than 50000t	53	C
(f) more than 50000t but not more than 100000t	58	C
(g) more than 100000t but not more than 200000t	73	C
(h) more than 200000t	96	C'.

(92) Schedule 2, part 12, section 61(2)(b), 'another activity mentioned in this schedule'—

omit, insert—

'another activity that is a concurrence ERA.'

(93) Schedule 2, part 12, section 61(3), table—

omit, insert—

'Threshold	Aggregate environmental score	3
1 incinerating waste vegetation, clean paper or cardboard	no score	C
2 incinerating or thermally treating, in a year, the following quantity of general waste—		

'Threshold	Aggregate environmental score	3
(a) less than 5000t	18	C
(b) 5000t or more	30	C
3 incinerating or thermally treating—		
(a) clinical waste or quarantine waste	51	C
(b) other regulated waste	41	C'.

(94) Schedule 2, part 12, section 62(4)—

omit, insert—

'(4) In the following table, the aggregate environmental score for the relevant activity is the score stated opposite the threshold within which the activity is carried out.

Threshold	Aggregate environmental score	3
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 30m ³ of waste on any day	31	C'.

(95) Schedule 2, part 13, section 63(2)—

insert—

'(c) operating no-release works.'

(96) Schedule 2, part 13, section 63(3), table—

omit, insert—

'Threshold	Aggregate environmental score	3
1 operating sewage treatment works, other than no-release works, with a total daily peak design capacity of—		
(a) 21 to 100EP—		

[s 68]

'Threshold	Aggregate environmental score	3
(i) if treated effluent is discharged from the works to an infiltration trench or through an irrigation scheme; or	14	
(ii) otherwise	27	C
(b) more than 100 but not more than 1500EP—		
(i) if treated effluent is discharged from the works to an infiltration trench or through an irrigation scheme; or	27	
(ii) otherwise	53	C
(c) more than 1500 but not more than 4000EP	76	C
(d) more than 4000 but not more than 10000EP	89	C
(e) more than 10000 but not more than 50000EP	114	C
(f) more than 50000 but not more than 100000EP	125	C
(g) more than 100000EP	145	C
2 operating a sewage pumping station mentioned in subsection (1)(b)	no score ¹ .	

(97) Schedule 2, part 13, section 64(3), table—
omit, insert—

'Threshold	Aggregate environmental score	3
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	

Threshold	Aggregate environmental score	3
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	C
(b) more than 5ML	13	C
3 treating 10ML or more raw water in a day	26	C
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	C
(b) to waters other than seawater	45	C’.

69 Insertion of new sch 2A

After schedule 2—

insert—

‘Schedule 2A Aggregate environmental scores for particular resource activities

section 14(2)

Column 1	Column 2
Environmentally relevant activity	Aggregate environmental score (AES)
1 activities under a GHG injection and storage lease under the GHG storage Act	49
2 a petroleum activity authorised under the <i>Petroleum (Submerged Lands) Act 1982</i>	126
3 a petroleum activity that is likely to have a significant impact on a category A or B environmentally sensitive area	126

[s 69]

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 1 or more prescribed ERAs for which an aggregate environmental score is stated	126 or, if 1 or more of the prescribed ERAs have an AES of more than 126, the AES for the prescribed ERA that has the highest AES
9	drilling, costeaning, pitting or carrying out geological surveys causing significant disturbance	8
10	investigating the potential development of a mineral resource by large bulk sampling or constructing an exploratory shaft, adit or open pit	17
11	mining bauxite	97
12	mining mineral sand	120
13	mining black coal	128
14	mining iron ore	128
15	mining nickel ore	160
16	mining gold ore	216
17	mining copper ore	217
18	mining lead, silver or zinc separately or in any combination	185

19	mining metal ore, other than a metal ore mentioned in items 11, 12, 14, 15, 16, 17 or 18	158
20	mining activities that are ineligible ERAs, other than mining activities mentioned in items 9 to 19	136’.

70 Replacement of sch 3 (Codes of environmental compliance)

Schedule 3—

omit, insert—

‘Schedule 3 Continued codes of environmental compliance—Act, s 707A

section 170

‘Part 1 Codes of environmental compliance for, or for aspects of, chapter 4 activities

- 1 Code of environmental compliance for certain aspects of extractive and screening activities (ERA 16)—Version 7
- 2 Code of environmental compliance for certain aspects of regulated waste transport—Version 4
- 3 Code of environmental compliance for certain aspects of sewage treatment activities (ERA 63)—Version 1

-
- (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, authorised—
- (i) an environmentally relevant activity to which a section of schedule 2 applies and for which there is an aggregate environmental score;
 - (ii) a resource activity, other than a mining activity, that is an ineligible ERA;
- (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 for a mining activity relating to a mining claim, an environmental authority for a mining activity relating to an exploration permit or an environmental authority for a mining activity relating to a mineral development licence; 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 preservation area or wild river special floodplain management area.

‘(2) In this section—

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

[s 71]

‘2 Eligibility criteria for a mining activity other than a mining activity relating to a mining lease

In addition to the eligibility criteria mentioned in section 1, the following eligibility criteria are prescribed for each mining activity that is authorised, or is to be authorised, under an environmental authority for a mining activity, other than a mining activity relating to a mining lease—

- (a) the mining activity does not, or will not, at any one time, cause more than 5000m² of land to be disturbed at a campsite;
- (b) no more than 20m³ of any substance is, or will be, extracted from each kilometre of a riverine area affected by the mining activity in a year.

‘3 Eligibility criteria for mining activities relating to a mining lease

‘(1) In addition to the eligibility criteria mentioned in section 1, the following eligibility criteria are prescribed for each mining activity that is authorised, or is to be authorised, under an environmental authority for a mining activity relating to a 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, authorised 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.’.

72 Replacement of schs 5 and 6

Schedules 5 and 6—

omit, insert—

‘Schedule 5 Environmental objective assessment

section 51(1)(a)

‘Part 1 Preliminary

‘1 Definitions for sch 5

In this schedule—

application means an application for which an environmental objective assessment must be carried out.

contingency measures means measures planned and implemented to minimise the risk to the environment of releases of emissions into the environment during periods when an activity may not be operating under normal conditions.

-
- (3) If the assessor is not satisfied the activity the subject of the application achieves item 1 of the performance outcome for the relevant environmental objective, the assessor must decide whether the activity achieves the relevant item 2 performance outcomes stated for the environmental objective.
 - (4) The application achieves the relevant environmental objective if the assessor is satisfied the activity the subject of the application achieves—
 - (a) item 1 of the performance outcome for the relevant environmental objective; or
 - (b) item 2 of the performance outcomes for the relevant environmental objective.
 - (5) If the assessor is not satisfied the application achieves a performance outcome for the relevant environmental objective, the assessor may still decide the application achieves the relevant environmental objective if the application includes alternative measures for the activity the subject of the application to achieve the environmental objective.

Editor's note—

Nothing in this schedule prevents the assessor from granting an application that the assessor considers does not satisfy each environmental objective mentioned in this schedule or prevents the assessor from refusing to grant an application the assessor is satisfied achieves each environmental objective mentioned in this schedule.

Assessing whether application minimised adverse effects

- (6) If a performance outcome requires the assessor to assess whether an adverse effect has been minimised, an adverse effect has been minimised if the assessor is satisfied all reasonable and practical measures have been taken to minimise the adverse effect.
- (7) In deciding whether all reasonable and practical measures have been taken to minimise the adverse effect, the assessor must consider the following matters—
 - (a) the nature of the harm or potential harm;

(c) releases of contaminants to the atmosphere for dispersion will be managed to prevent or minimise adverse effects on environmental values.
Water
Environmental Objective
The activity will be operated in a way that protects environmental values of waters.
Performance Outcomes
1 There is no actual or potential discharge to waters of contaminants that may cause an adverse effect on an environmental value from the operation of the activity.
2 All of the following— <ul style="list-style-type: none">(a) the storage and handling of contaminants will include effective means of secondary containment to prevent or minimise releases to the environment from spillage or leaks;(b) contingency measures will prevent or minimise adverse effects on the environment due to unplanned releases or discharges of contaminants to water;(c) the activity will be managed so that stormwater contaminated by the activity that may cause an adverse effect on an environmental value will not leave the site without prior treatment;(d) the disturbance of any acid sulfate soil, or potential acid sulfate soil, will be managed to prevent or minimise adverse effects on environmental values;(e) acid producing rock will be managed to ensure that the production and release of acidic waste is prevented or minimised, including impacts during operation and after the environmental authority has been surrendered;(f) any discharge to water or a watercourse or wetland will be managed so that there will be no adverse effects due to the altering of existing flow regimes for water or a watercourse or wetland;

[s 72]

<p>(g) for a petroleum activity, the activity will be managed in a way that is consistent with the coal seam gas water management policy, including the prioritisation hierarchy for managing and using coal seam gas water and the prioritisation hierarchy for managing saline waste;</p> <p>(h) the activity will be managed so that adverse effects on environmental values are prevented or minimised.</p>
Wetlands
Environmental Objective
The activity will be operated in a way that protects the environmental values of wetlands.
Performance Outcomes
<p>1 There will be no potential or actual adverse effect on a wetland as part of carrying out the activity.</p> <p>2 The activity will be managed in a way that prevents or minimises adverse effects on wetlands.</p>
Groundwater
Environmental Objective
The activity will be operated in a way that protects the environmental values of groundwater and any associated surface ecological systems.
Performance Outcomes
<p>1 Both of the following apply—</p> <p>(a) there will be no direct or indirect release of contaminants to groundwater from the operation of the activity;</p> <p>(b) there will be no actual or potential adverse effect on groundwater from the operation of the activity.</p> <p>2 The activity will be managed to prevent or minimise adverse effects on groundwater or any associated surface ecological systems.</p> <p><i>Note—</i> Some activities involving direct releases to groundwater are prohibited under section 56 of this regulation.</p>
Noise
Environmental Objective

The activity will be operated in a way that protects the environmental values of the acoustic environment.
Performance Outcomes
1 Sound from the activity is not audible at a sensitive receptor.
2 The release of sound to the environment from the activity is managed so that adverse effects on environmental values including health and wellbeing and sensitive ecosystems are prevented or minimised.
Waste
Environmental Objective
Any waste generated, transported, or received as part of carrying out the activity is managed in a way that protects all environmental values.
Performance Outcomes
1 Both of the following apply— (a) waste generated, transported or received is managed in accordance with the waste and resource management hierarchy in the <i>Waste Reduction and Recycling Act 2011</i> ; (b) if waste is disposed of, it is disposed of in a way that prevents or minimises adverse effects on environmental values.
Land
Environmental Objective
The activity is operated in a way that protects the environmental values of land including soils, subsoils, landforms and associated flora and fauna.
Performance Outcomes
1 There is no actual or potential disturbance or adverse effect to the environmental values of land as part of carrying out the activity.
2 All of the following— (a) activities that disturb land, soils, subsoils, landforms and associated flora and fauna will be managed in a way that prevents or minimises adverse effects on the environmental values of land;

[s 72]

- | |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <ul style="list-style-type: none"> (b) areas disturbed will be rehabilitated or restored to achieve sites that are— <ul style="list-style-type: none"> (i) safe to humans and wildlife; and (ii) non-polluting; and (iii) stable; and (iv) able to sustain an appropriate land use after rehabilitation or restoration; (c) the activity will be managed to prevent or minimise adverse effects on the environmental values of land due to unplanned releases or discharges, including spills and leaks of contaminants; (d) the application of water or waste to the land is sustainable and is managed to prevent or minimise adverse effects on the composition or structure of soils and subsoils. |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

‘Table 2 Land use assessment

Site Suitability	
Environmental Objective	
The choice of the site, at which the activity is to be carried out, minimises serious environmental harm on areas of high conservation value and special significance and sensitive land uses at adjacent places.	
Performance Outcomes	
1	Both of the following apply— <ul style="list-style-type: none"> (a) areas of high conservation value and special significance likely to be affected by the proposal are identified and evaluated and any adverse effects on the areas are minimised, including any edge effects on the areas; (b) the activity does not have an adverse effect beyond the site.
2	Both of the following apply—

<ul style="list-style-type: none"> (a) areas of high conservation value and special significance likely to be affected by the proposal are identified and evaluated and any adverse effects on the areas are minimised, including any edge effects on the areas; (b) critical design requirements will prevent emissions having an irreversible or widespread impact on adjacent areas.
Location on Site
Environmental Objective
The location for the activity on a site protects all environmental values relevant to adjacent sensitive uses.
Performance Outcomes
<ul style="list-style-type: none"> 1 The location for the activity means there will be no adverse effect on any environmental values. 2 Both of the following apply— <ul style="list-style-type: none"> (a) the activity, and components of the activity, are carried out on the site in a way that prevents or minimises adverse effects on the use of surrounding land and allows for effective management of the environmental impacts of the activity; (b) areas used for storing environmentally hazardous materials in bulk are located taking into consideration the likelihood of flooding.
Critical Design Requirements
Environmental Objective
The design of the facility permits the operation of the site, at which the activity is to be carried out, in accordance with best practice environmental management.
Performance Outcomes
<ul style="list-style-type: none"> 1 The activity does not involve the storage, production, treatment or release of hazardous contaminants, or involve a regulated structure. 2 All of the following apply— <ul style="list-style-type: none"> (a) all storage provided for hazardous contaminants includes secondary containment to prevent or minimise releases to the environment from spillage or leaks;

[s 73]

- (b) regulated structures comply with the ‘Manual for Assessing Hazard Categories and Hydraulic Performance of Dams’ published by the department;
- (c) provide containers for the storage of hazardous contaminants that are secured to prevent the removal of the containers from the site by a flood event;
- (d) the design of the facility prevents or minimises the production of hazardous contaminants and waste;
- (e) if the production of hazardous contaminants and waste is not prevented or minimised under paragraph (d)—the design of the facility contains and treats hazardous contaminants rather than releasing them.’.

73 Amendment of sch 8 (Prescribed organisations)

Schedule 8, authorising section, ‘sections 66 and 122, definition *appropriately qualified person*’—

omit, insert—

‘section 115A’.

74 Amendment of sch 10 (Fees)

(1) Schedule 10, part 2—

omit, insert—

‘Part 2 Fees for development approvals

	\$
5 application for assessment of a development application for 1 or more concurrence ERAs	551.00
6 application for assessment of a development application for operational work, reconfiguring a lot or a material change of use of premises in a wetland protection area—	

	\$
(a) if the application is for development for non-urban purposes, and the work is carried out, or the lot or premises is—	
(i) more than 200m from a wetland	536.00
(ii) less than 200m from a wetland or in a wetland.	2 144.00
(b) if the application is for development for urban purposes.	5 361.00
7 request, under the Planning Act, to—	
(a) extend a period mentioned in s 341 of that Act for a development approval (Planning Act, s 383(3)(c)(ii)).	276.00
(b) change a development approval (Planning Act, s 370(2)(a)(ii)).	276.00’.
(2) Schedule 10, parts 3 and 4—	
<i>omit, insert—</i>	

‘Part 3 Fees for environmental authorities

	\$
8 application for environmental authority (Act, s 125(1)(e)).	551.00
9 application to change environmental authority, other than an application for a minor change or a change approved by the administering authority (Act, s 132(1)(b)).	276.00
10 fee for amendment application for environmental authority (Act, s 226(1)(c))	276.00
11 application to change amendment application for environmental authority (Act, s 236(b))	276.00
12 fee for amalgamation application (Act, s 246(d)) . .	276.00

[s 75]

	\$
13 fee for transfer application for environmental authority for a prescribed ERA (Act, s 253(f))	110.40
14 fee for conversion application (Act, s 696(b))	276.00’.
(3) Schedule 10, part 5— <i>renumber</i> as part 4.	
(4) Schedule 10, part 4 as renumbered, items 20 to 22— <i>renumber</i> as items 15 to 17.	
(5) Schedule 10, part 4 as renumbered, item 15 as renumbered, ‘a registration certificate or’— <i>omit</i> .	
(6) Schedule 10, part 4 as renumbered— <i>insert</i> —	
‘18 application for approval as an auditor (Act, s 570(c))	1102.00’.

75 Omission of sch 11 (Prescribed environmental management systems)

Schedule 11—
omit.

76 Amendment of sch 12 (Dictionary)

- (1) Schedule 12, part 1, sections 2 to 5—
renumber as sections 5 to 8.
- (2) Schedule 12, part 1, section 1—
omit, insert—

‘1 Meaning of *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.

‘2 Meaning of *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;

[s 76]

- (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.

'3 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.

'4 Meaning of *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

[s 76]

- ‘(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.’.

(3) Schedule 12, part 2, definitions *appropriately qualified person, category A environmentally sensitive area, category B environmentally sensitive area, certificate number, coal seam gas, commercial waste, EP or equivalent person, relevant activity, relevant authority, significantly disturbed* and *year*—
omit.

(4) Schedule 12, part 2—
insert—

‘**eligibility ERA** see section 112 of the Act.

environmental objective assessment means an assessment carried out in accordance with schedule 5, part 2.

ineligible ERA see section 112 of the Act.

project site, for an environmental authority, means a site where 1 or more environmentally relevant activities are carried out as a single integrated operation under the authority.

Queensland planning provisions means the standard planning scheme provisions under the Planning Act, section 54.

sensitive land use means a sensitive land use as defined under the Queensland planning provisions.

Editor's note—

On the commencement of this section, the Queensland planning provisions were also available on the department's website at <www.dip.qld.gov.au>.

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

- (5) Schedule 12, part 2, definition *aggregate environmental score*—

omit, insert—

'**aggregate environmental score**, for an environmentally relevant activity, see section 14.'

- (6) Schedule 12, part 2, definition *alluvial mining*—

omit, insert—

'**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'.

- (7) Schedule 12, part 2, definition *annual fee*—

omit, insert—

'**annual fee** see section 118.'

- (8) Schedule 12, part 2, definition *clay pit mining*—

omit, insert—

'**clay pit mining** means excavating—

[s 76]

- (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.’.
- (9) Schedule 12, part 2, definition *hard rock mining*—
omit, insert—
‘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.’.
- (10) Schedule 12, part 2, definition *monitoring*, ‘47’—
omit, insert—
‘49’.
- (11) Schedule 12, part 2, definition *opal mining*—
omit, insert—
‘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.’.
- (12) Schedule 12, part 2, definition *riverine area*—
omit, insert—
‘riverine area does not include land outside the flood flow channel of a watercourse.’.
- (13) Schedule 12, part 2, definition *shallow pit mining*—
omit, insert—
‘shallow pit mining means extracting material from an open cut pit no more than 5m deep and processing the material to extract minerals.’.

[s 79]

Part 4 Amendment of Sustainable Planning Regulation 2009

79 Regulation amended

This part amends the *Sustainable Planning Regulation 2009*.

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

(1) Schedule 3, part 1, table 2, item 1—

omit, insert—

‘1	<p>Making a material change of use of premises for an environmentally relevant activity that, under the <i>Environmental Protection Regulation 2008</i>, section 16, is identified as a concurrence ERA (the <i>relevant ERA</i>), unless—</p> <p>(a) an environmental authority to carry out a concurrence ERA has been approved for the premises; and</p> <p>(b) the relevant ERA and concurrence ERA mentioned in paragraph (a) are to be carried out under the environmental authority; and</p> <p>(c) under the <i>Environmental Protection Regulation 2008</i>, section 14(1), the relevant ERA has a lower aggregate environmental score than the concurrence ERA mentioned in paragraph (a)</p>	<p>For a concurrence ERA that is devolved to a local government under the <i>Environmental Protection Regulation 2008</i>, code assessment if the local government is the assessment manager</p> <p>For all other environmentally relevant activities, code assessment if the chief executive administering the Environmental Protection Act is the assessment manager’.</p>
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(2) Schedule 3, part 1, table 5, item 4—

omit.

(3) Schedule 3, part 1, table 5, item 5—

omit.

(4) Schedule 3, part 2, table 5—

omit.

81 Amendment of sch 4 (Development that can not be declared to be development of a particular type—Act, section 232(2))

Schedule 4, table 5, item 2, column 2, ‘(mining activities)’—
omit.

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

(1) Schedule 5, part 1, table 2, item 1, column 2, ‘The relevant provisions of the Environmental Protection Act’—

omit, insert—

‘The provisions of chapter 3, part 1, division 3A of the *Environmental Protection Regulation 2008*’.

(2) Schedule 5, part 1, table 2, item 1, column 2, paragraph (a)—

omit.

(3) Schedule 5, part 1, table 5, item 6—

omit.

(4) Schedule 5, part 1, table 5, item 7—

omit.

(5) Schedule 5, part 2, table 5—

omit.

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

Schedule 6, table 3, item 1, column 2, ‘Administering authority’—

omit, insert—

‘for an environmentally relevant activity that is devolved to a local government under the *Environmental Protection Regulation 2008*, the local government

[s 84]

for all other environmentally relevant activities mentioned in column 1, the chief executive administering the Environmental Protection Act’.

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

- (1) Schedule 7, table 2, item 1, column 1, ‘or schedule 3, part 1, table 5, item 5’—

omit.

- (2) Schedule 7, table 2, item 1, column 2—

omit, insert—

‘for an environmentally relevant activity that is devolved to a local government under the *Environmental Protection Regulation 2008*, the local government—as a concurrence agency

for all other environmentally relevant activities mentioned in column 1, the chief executive administering the Environmental Protection Act—as a concurrence agency’.

- (3) Schedule 7, table 2, item 1, column 3—

omit, insert—

‘The purposes of the Environmental Protection Act to the extent it applies to each environmental objective mentioned in schedule 5, part 3, table 2 of the *Environmental Protection Regulation 2008*’.

- (4) Schedule 7, table 2, item 24—

omit.

ENDNOTES

- 1 Made by the Governor in Council on 28 February 2013.
- 2 Notified in the gazette on 1 March 2013.
- 3 Laid before the Legislative Assembly on . . .
- 4 The administering agency is the Department of Environment and Heritage Protection.

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