



Queensland

# Environmental Legislation (ERA Standards and Other Matters) Amendment Regulation 2018

## Subordinate Legislation 2018 No. 97

made under the

*Environmental Offsets Act 2014*

*Environmental Protection Act 1994*

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## **Part 1 Preliminary**

### **1 Short title**

This regulation may be cited as the *Environmental Legislation (ERA Standards and Other Matters) Amendment Regulation 2018*.

### **2 Commencement**

Section 12(3) commences on 1 July 2018.

## **Part 2 Amendment of Environmental Offsets Regulation 2014**

### **3 Regulation amended**

This part amends the *Environmental Offsets Regulation 2014*.

### **4 Amendment of s 6 (Environmental offsets policy—Act, s 12)**

Section 6, ‘1.5’—

*omit, insert—*

1.6

## **Part 3 Amendment of Environmental Protection Regulation 2008**

### **5 Regulation amended**

This part amends the *Environmental Protection Regulation 2008*.

**6 Omission of s 24AB (Prescribed circumstance for amending environmental authority for particular resource activities—Act, s 215)**

Section 24AB—

*omit.*

**7 Amendment of ch 3, pt 3, hdg (Eligibility criteria for environmentally relevant activities)**

Chapter 3, part 3, heading, ‘Eligibility criteria’—

*omit, insert—*

**ERA standards**

**8 Replacement of s 24B (Approval of eligibility criteria—Act, s 318)**

Section 24B—

*omit, insert—*

**24B Approval of ERA standards—Act, s 318D**

For section 318D of the Act, an ERA standard stated in a document mentioned in schedule 3B is approved.

**9 Amendment of s 81A (Environmental values for wetlands)**

Section 81A(c), from ‘including’ to ‘rare’—

*omit, insert—*

including threatened wildlife and near threatened

**10 Amendment of s 98 (Environmental nuisance)**

Section 98(b)—

*omit, insert—*

(b) section 443A.

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**11 Amendment of s 112 (Prescribed information—Act, s 540)**

Section 112, heading—

*omit, insert—*

**112 Prescribed information for relevant monitoring programs—Act, s 540**

**12 Amendment of s 120 (Annual fee for environmental authority)**

(1) Section 120(2)(a), ‘proposed’—

*omit, insert—*

authorised

(2) Section 120(2)(b)—

*omit, insert—*

(b) if any of the environmentally relevant activities authorised to be carried out at the project site has an aggregate environmental score—

(i) for a relevant mining authority issued before 31 March 2013, for which the relevant activity continues to comply with the eligibility criteria for the activity—\$652; or

(ii) for a relevant resource authority issued on or after 31 March 2013—\$652; or

(iii) for any other environmental authority—the highest of the ERA fees calculated for each of the environmentally relevant activities.

(3) Section 120(2)(b)(i) and (ii), as amended by subsection (2), ‘\$652’—

*omit, insert—*

\$674

(4) Section 120(4)—

*insert—*

***ineligible ERA*** means an environmentally relevant activity that is not an eligible ERA.

***relevant mining authority*** means an environmental authority for a mining activity or resource project that at any time before 31 March 2013 was not a level 1 mining project under the Act.

***relevant resource authority*** means an environmental authority for a resource activity, but does not include an environmental authority for a resource activity that includes 1 or more ineligible ERAs.

**13 Amendment of sch 2A (Aggregate environmental scores for particular resource activities)**

Schedule 2A, item 6, column 1—

*omit, insert—*

6 a petroleum activity carried out on a site that contains a high consequence dam or a significant consequence dam if the dam forms part of the activity

**14 Amendment of sch 3 (Continued codes of environmental compliance—Act, s 707A)**

Schedule 3, parts 1 and 2—

*omit, insert—*

Code of environmental compliance for certain aspects of sewage treatment activities (ERA 63)—Version 1

**15 Amendment of sch 3B (Approved eligibility criteria for environmentally relevant activities)**

- (1) Schedule 3B, heading, ‘eligibility criteria’—

*omit, insert—*

**ERA standards**

- (2) Schedule 3B, after item ‘Eligibility criteria and standard conditions for surface coating (ERA 38) –version 2’—

*insert—*

ERA standard—Regulated waste transport (ERA 57) – version 1

ENDNOTES

- 1 Made by the Governor in Council on 28 June 2018.
- 2 Notified on the Queensland legislation website on 29 June 2018.
- 3 The administering agency is the Department of Environment and Science.

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