



Queensland

# Environmental Protection (Composting Facilities) Amendment Regulation 2024

## Subordinate Legislation 2024 No. 126

made under the

*Environmental Protection Act 1994*

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# Environmental Protection (Composting Facilities) Amendment Regulation 2024

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**1 Short title**

This regulation may be cited as the *Environmental Protection (Composting Facilities) Amendment Regulation 2024*.

**2 Regulation amended**

This regulation amends the *Environmental Protection Regulation 2019*.

**3 Insertion of new ch 3, pt 5**

Chapter 3—

*insert—*

**Part 5 Plant or equipment for ERAs**

**29A Types of plant or equipment for particular organic material processing—Act, s 580**

- (1) This section applies in relation to carrying out organic material processing—
  - (a) within 4km of the boundary of a residential zone; and
  - (b) using odorous feedstock.
- (2) For section 580 of the Act—
  - (a) an enclosed system must be used to receive, store and initially mix the odorous feedstock; and
  - (b) to the extent the activity involves composting the odorous feedstock, either or both of the following systems must be used to compost the feedstock—
    - (i) an enclosed system;
    - (ii) an in-vessel system.
- (3) In this section—

[s 4]

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*enclosed system*, for carrying out organic material processing, means plant or equipment—

- (a) comprising a system under which negative pressure is used in a building, or a section of a building; and
- (b) that is designed, when used under paragraph (a), to minimise any adverse effect, or potential adverse effect, of the activity on odour.

*in-vessel system*, for carrying out organic material processing—

- (a) means plant or equipment—
  - (i) comprising a system under which material is—
    - (A) covered or contained; and
    - (B) composted in a way that captures, filters or otherwise controls the release of gases; and
  - (ii) that is designed, when used under subparagraph (i), to minimise any adverse effect, or potential adverse effect, of the activity on odour; but
- (b) does not include plant or equipment comprising a system under which the release of gases is controlled only by the use of semi-permeable membranes.

#### **4 Insertion of new s 41AC**

After section 41AB—

*insert—*

##### **41AC Organic material processing**

- (1) This section applies to the administering authority for making an environmental management decision relating to organic material processing, if

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the activity is to be carried out within 4km of the boundary of a residential zone.

- (2) The administering authority must, for making the environmental management decision, consider whether to impose either of the following conditions on the environmental authority—
  - (a) a condition to the effect that the relevant activity for the authority must not be carried out using odorous feedstock;
  - (b) if the relevant activity for the authority is to be authorised to be carried out using odorous feedstock—a condition to the effect that the activity must be carried out as mentioned in section 29A(2)(a) and (b).

## **5 Amendment of s 93 (Consignment numbers for waste transported into Queensland)**

(1) Section 93(4)—

*omit, insert—*

- (3A) The administering executive must decide to—
  - (a) approve the application with or without imposing a condition on the approval; or
  - (b) refuse to approve the application.
- (4) The administering executive must refuse to approve the application unless the administering executive is satisfied—
  - (a) the intended transporter holds, or is acting under, an environmental authority for transporting the waste to the intended receiver; and

*Note—*

See section 429(2) of the Act under which a reference to an environmental authority includes a reference to an interstate licence in the circumstances stated in the provision.

[s 6]

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- (b) the intended receiver holds, or is acting under, an environmental authority for carrying out the intended treatment of the waste.
- (2) Section 93(5)(a)—  
*omit, insert—*
  - (a) whether the application is—
    - (i) approved without a condition; or
    - (ii) approved subject to a condition; or
    - (iii) refused; and
- (3) Subsection 93(5)—  
*insert—*
  - (ba) if the application is approved subject to a condition—the condition; and
- (4) Section 93(5)(c), ‘refused’—  
*omit, insert—*  
approved subject to a condition or refused
- (5) Section 93(5)(ba) and (c)—  
*renumber* as section 93(5)(c) and (d).
- (6) Section 93(3A) to (7)—  
*renumber* as section 93(4) to (8).

## 6 Insertion of new s 93A

After section 93—

*insert—*

### **93A Additional responsibility of transporter of odorous feedstock**

- (1) This section applies to a person who transports trackable waste that is odorous feedstock.
- (2) However, this section does not apply if the person

holds, or is acting under, an environmental authority for transporting the odorous feedstock.

- (3) The person must not give the odorous feedstock to the intended receiver unless the person is satisfied on reasonable grounds that the intended receiver of the feedstock holds, or is acting under, an environmental authority for carrying out organic material processing in relation to organic material that is odorous feedstock.

Maximum penalty—20 penalty units.

**7 Amendment of s 144 (Original decisions and dissatisfied persons—Act, s 519)**

Section 144(1)(a)(iii)—

*omit, insert—*

- (iii) a decision to impose a condition on the approval of a consignment number under section 93(4)(a);
- (iv) a decision to refuse an application for a consignment number under section 93(4)(b);

**8 Amendment of s 186A (Prescribed circumstances for amending environmental authorities—Act, s 215)**

- (1) Section 186A, heading—

*omit, insert—*

**186A Circumstances for amending environmental authority for mineral and bulk material handling—Act, s 215**

- (2) Section 186A, ‘section 215(2)(r)’—

*omit, insert—*

section 215(2)(s)

[s 9]

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**9 Insertion of new s 186B**

After section 186A—

*insert—*

**186B Circumstance for amending environmental authority for organic material processing—Act, s 215**

For section 215(2)(s) of the Act, the circumstance prescribed for amending an environmental authority for organic material processing is that each of the following applies—

- (a) the relevant activity for the authority is carried out within 4km of the boundary of a residential zone;
- (b) the administering authority believes the relevant activity is being, or may be, carried out, at any time, using odorous feedstock;
- (c) the authority does not include a condition to the effect that the relevant activity must be carried out as mentioned in section 29A(2)(a) and (b).

**10 Insertion of new ch 11, pt 9**

Chapter 11—

*insert—*

**Part 9**

**Transitional provision  
for Environmental  
Protection  
(Composting Facilities)  
Amendment Regulation  
2024**



## **226 Regulatory requirement for decision about environmental authority for organic material processing**

- (1) This section applies if, before the commencement—
  - (a) an application was made for an environmental authority for organic material processing; and
  - (b) the decision stage for the application had started; and
  - (c) the administering authority had not made a decision about the application under chapter 5, part 5, division 2, subdivision 2 of the Act.
- (2) Section 41AC does not apply to the administering authority for deciding the application.

## **11 Insertion of new sch 18A**

After schedule 18—

*insert—*

### **Schedule 18A Odorous feedstock**

schedule 19, part 2, definition *odorous feedstock*

1 abattoir waste

*Examples—*

animal effluent, bone material, blood, paunch material, tallow waste

2 acid sulfate soils and sludge

3 animal manure including waste water from holding yards

4 animal processing waste, other than fish or poultry processing waste

[s 12]

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*Examples—*

dead animals or parts of dead animals, milk waste, mixed animal manure and animal bedding organic waste

- 5 biosolids that are not stabilised biosolids
- 6 brewery and distillery effluent
- 7 fish processing waste

*Examples—*

fish bones and other remains, waste water from fish processing

- 8 food processing treatment tank, or treatment pit, liquids, solids or sludges
- 9 grease trap waste
- 10 food processing effluent and solids
- 11 poultry processing waste

*Examples—*

abattoir effluent and sludges, egg waste, feathers, meat and bone leftovers

- 12 protein-based food organics

*Examples—*

expired protein-based food from supermarkets

- 13 a substance used for manufacturing fertiliser for agricultural, horticultural or garden use

*Examples—*

ammonium nitrate, dewatered fertiliser sludge

## 12 Amendment of sch 19 (Dictionary)

- (1) Schedule 19, part 2—

*insert—*

***odorous feedstock*** means waste of a type mentioned in schedule 18A.

***organic material processing*** means the prescribed ERA mentioned in schedule 2, section

53.

*residential zone* has the meaning given by the *Planning Regulation 2017*.

- (2) Schedule 19, part 2, definition *consignment number*, paragraph (a), ‘section 93(5)’—

*omit, insert—*

section 93(6)

ENDNOTES

- 1 Made by the Governor in Council on 25 July 2024.
- 2 Notified on the Queensland legislation website on 26 July 2024.
- 3 The administering agency is the Department of Environment, Science and Innovation.

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