



*Environmental Protection Act 1994*

# **Environmental Protection Regulation 2019**

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Queensland

# Environmental Protection Regulation 2019

## Contents

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		Page
<b>Chapter 1</b>	<b>Preliminary</b>	
1	Short title .....	17
2	Commencement .....	17
3	Definitions .....	17
3A	Rounding of amounts expressed as numbers of fee units .....	17
<b>Chapter 2</b>	<b>Environmental impact statements</b>	
<b>Part 1</b>	<b>Preliminary</b>	
4	Types of project requiring Commonwealth or State authority approval 18	
<b>Part 2</b>	<b>EIS process</b>	
5	Application of part .....	18
6	Prescribed matters for draft terms of reference—Act, s 41 .....	19
7	Prescribed matters for TOR notice and EIS notice—Act, ss 42 and 52 19	
8	Prescribed way for publishing TOR notice and EIS notice—Act, ss 51 and 558 .....	20
9	Prescribed matters for EIS assessment report—Act, s 59 .....	20
10	Other requirements for EIS process .....	21
<b>Part 3</b>	<b>Prescribed periods for chapter 3 of the Act</b>	
11	Period to advise chief executive about draft terms of reference—Act, s 45 .....21	
12	Period for finalising terms of reference—Act, s 46 .....	21
<b>Chapter 2A</b>	<b>Great Barrier Reef catchment</b>	
13	Great Barrier Reef catchment—Act, s 75 .....	22
14	Lots taken to be in particular river basins .....	22
<b>Chapter 3</b>	<b>Environmentally relevant activities</b>	
<b>Part 1</b>	<b>Environmentally relevant activities—general matters</b>	
<b>Division 1</b>	<b>Preliminary</b>	

Contents

---

15	What is the aggregate environmental score for an environmentally relevant activity . . . . .	23
16	Meaning of scheduled area . . . . .	24
17	Meaning of concurrence ERA . . . . .	24
18	References to carrying out particular environmental activities in a year 24	
<b>Division 2</b>	<b>Prescribed activities</b>	
19	Activities prescribed as environmentally relevant activities—Act, s 19 25	
20	Activities prescribed as extractive activities—Act, s 120 . . . . .	25
<b>Division 3</b>	<b>Development application relating to concurrence ERAs</b>	
21	Assessing development application for concurrence ERA . . . . .	25
<b>Division 4</b>	<b>Clinical waste disposal</b>	
22	Untreated clinical waste disposal . . . . .	26
<b>Part 2</b>	<b>Agricultural ERAs</b>	
<b>Division 1</b>	<b>Prescribed methodologies for agricultural ERA standards</b>	
23	Prescribed methodologies for cultivation of bananas—Act, s 81	27
24	Prescribed methodologies for cultivation of sugarcane—Act, s 81	27
<b>Division 2</b>	<b>Agricultural ERA advice</b>	
25	Summary of tailored advice—Act, s 86 . . . . .	28
<b>Part 3</b>	<b>Prescribed matters for particular resource activities</b>	
26	Designated environmental areas . . . . .	28
27	Prescribed conditions for small scale mining activities—Act, s 21A	29
28	Prescribed documents for application for environmental authority for a CSG activity—Act, s 125 . . . . .	29
<b>Part 4</b>	<b>ERA standards</b>	
29	Approved ERA standards—Act, s 318D . . . . .	30
<b>Chapter 4</b>	<b>Regulatory requirements</b>	
<b>Part 1</b>	<b>Preliminary</b>	
<b>Division 1</b>	<b>Purpose</b>	
30	Purpose of chapter . . . . .	31
<b>Division 2</b>	<b>Interpretation</b>	
31	Definitions for chapter . . . . .	31
32	Meaning of environmental management decision . . . . .	32
32A	Meaning of PRCP schedule decision . . . . .	33
33	Meaning of monitoring . . . . .	33
<b>Part 2</b>	<b>Regulatory requirements for all environmental management</b>	

	<b>decisions</b>	
34	Application of part . . . . .	34
35	Matters to be complied with for environmental management decisions 34	
36	Conditions to be considered for environmental management decisions 36	
37	Matters to be considered for decisions imposing monitoring conditions 38	
38	Prescribed standard criteria for environmental management decisions 39	
<b>Part 3</b>	<b>Additional regulatory requirements for particular environmental management decisions</b>	
39	Application of part . . . . .	39
40	Release of water or waste to wetlands for treatment . . . . .	40
41	Activity involving direct release of waste to groundwater . . . . .	40
41AA	Release of particular contaminants to Great Barrier Reef catchment waters and other waters . . . . .	41
41AB	Transshipping activity within particular areas . . . . .	43
<b>Part 4</b>	<b>Regulatory requirements for PRCP schedule decisions</b>	
41A	Application of part . . . . .	43
41B	Requirements for PRCP schedule decisions . . . . .	43
41C	Additional requirement for PRCP schedule decisions—void situated wholly or partly in flood plain . . . . .	44
<b>Chapter 5</b>	<b>Matters relating to environmental management and environmental offences</b>	
<b>Part 1</b>	<b>Categorisation of commercial waste and industrial waste</b>	
<b>Division 1</b>	<b>Regulated waste, category 1 regulated waste and category 2 regulated waste</b>	
42	Meaning of regulated waste . . . . .	46
43	Meaning of category 1 regulated waste and category 2 regulated waste 47	
<b>Division 2</b>	<b>Testing waste</b>	
44	Purpose of division . . . . .	48
45	Taking samples . . . . .	48
46	Testing samples . . . . .	49
47	Retesting of waste . . . . .	49
48	Results of testing . . . . .	49
49	Offence relating to sampling and testing . . . . .	50
<b>Division 3</b>	<b>Notification, reporting and record keeping</b>	

Contents

---

50	Definitions for division . . . . .	50
51	Generator must notify and report changes . . . . .	51
52	Generator must keep records . . . . .	52
53	Receiver must keep records . . . . .	52
<b>Part 2</b>	<b>Public notice for notifying environmental harm</b>	
54	Public notices—Act, s 320, definition public notice . . . . .	53
<b>Part 3</b>	<b>Contaminated land</b>	
55	Prescribed waste for notifiable activity—Act, sch 3 . . . . .	54
<b>Part 4</b>	<b>Noise</b>	
<b>Division 1</b>	<b>Prescribed standards</b>	
56	Prescribed standards for background level, Z Peak and Z Peak Hold	54
<b>Division 2</b>	<b>Measuring noise</b>	
57	Purpose of division . . . . .	54
58	Definition for division . . . . .	55
59	Measuring background level . . . . .	55
60	Measuring source noise . . . . .	55
61	Measuring source noise for particular noise standards . . . . .	55
62	Measurement of noises of same type from same premises . . . . .	56
63	Prescribed instruments, equipment and installations—Act, s 490	56
64	Evidentiary provision . . . . .	56
<b>Part 5</b>	<b>Water contamination</b>	
65	Prescribed water contaminants—Act, s 440ZF . . . . .	57
<b>Part 6</b>	<b>Air contamination</b>	
66	Prescribed standards for particular offences relating to air contamination	57
<b>Part 7</b>	<b>Record-keeping requirements for manufacture or import of fuel</b>	
67	Application of part . . . . .	58
68	Records kept by manufacturer . . . . .	58
69	Records kept by importer . . . . .	59
<b>Part 8</b>	<b>Statutory condition for environmental authority for particular resource activities</b>	
70	Prescribed maximum amount for chemicals—Act, s 206 . . . . .	60
<b>Part 9</b>	<b>Waste tracking</b>	
<b>Division 1</b>	<b>Preliminary</b>	
71	Waste transportation to which this part applies . . . . .	61
72	Meaning of waste handler, generator, transporter and receiver .	63

73	Fee for giving prescribed information .....	63
<b>Division 2</b>	<b>Prescribed matters for giving of information</b>	
74	Prescribed information .....	64
75	Prescribed way of giving information .....	64
76	Prescribed period for giving information .....	64
<b>Division 3</b>	<b>Obligations of waste handlers</b>	
<b>Subdivision 1</b>	<b>Transportation within Queensland</b>	
77	Application of subdivision .....	65
78	Responsibilities of generator .....	65
79	Responsibilities of transporter .....	66
80	Responsibilities of receiver .....	66
81	Responsibilities of waste handler acting in more than 1 capacity	67
<b>Subdivision 2</b>	<b>Transportation into Queensland</b>	
82	Application of subdivision .....	68
83	Responsibilities of transporter .....	68
84	Responsibilities of receiver .....	69
85	Responsibilities of waste handler acting in more than 1 capacity	69
<b>Subdivision 3</b>	<b>Transportation out of Queensland</b>	
86	Application of subdivision .....	70
87	Responsibilities of generator .....	70
88	Responsibilities of transporter .....	71
89	Responsibilities of waste handler acting in more than 1 capacity	71
<b>Division 4</b>	<b>Miscellaneous</b>	
90	Application of provisions to agents .....	71
91	Giving information to administering authority in prescribed form	72
92	Approval of ways of giving information to administering authority	73
93	Consignment numbers for waste transported into Queensland .	75
94	Exemptions .....	76
95	Emergencies .....	77
96	Trackable waste to be given only to licensed transporter .....	78
97	Generator identification number .....	78
<b>Chapter 6</b>	<b>Waste management by local governments</b>	
<b>Part 1</b>	<b>Preliminary</b>	
98	Application of chapter .....	79
99	References to local government .....	79
100	Meaning of serviced premises .....	79

Contents

---

<b>Part 2</b>	<b>Waste management in local government areas</b>	
<b>Division 1</b>	<b>Storage of general waste</b>	
101	Owner or occupier of relevant premises to supply waste containers	80
102	Requirements for storing general waste in waste containers . . .	81
103	General requirements for keeping waste containers at serviced premises .....	82
104	Other requirements for storing general waste at particular serviced premises .....	83
<b>Division 2</b>	<b>Removal of general waste</b>	
105	Local government may give notice about removing general waste	84
106	Depositing or disposal of general waste from premises other than serviced premises .....	85
<b>Division 3</b>	<b>Storage and treatment of industrial waste</b>	
107	Requirements for storing industrial waste .....	85
108	Requirement to treat industrial waste for disposal .....	86
<b>Division 4</b>	<b>Compliance notices</b>	
109	Authorised person may give notice to comply .....	87
<b>Part 3</b>	<b>Requirements and restrictions for waste facilities</b>	
110	Depositing waste at waste facility .....	87
111	Restrictions on burning waste at waste facility .....	88
112	Restrictions on use of waste facility .....	89
113	Waste transporter to comply with directions and give information	89
<b>Chapter 7</b>	<b>National Pollutant Inventory</b>	
<b>Part 1</b>	<b>Preliminary</b>	
114	Purpose of chapter .....	90
115	Definitions for chapter .....	90
116	Expressions in this part have same meaning as under NPI NEPM	90
<b>Part 2</b>	<b>Reporting requirements</b>	
117	Occupiers of reporting facilities to give information .....	91
118	Reporting period for reporting facility .....	92
119	Occupier must keep particular information for 3 years .....	93
120	Minister may name occupier in report .....	94
<b>Part 3</b>	<b>Estimation techniques for emission and transfer data</b>	
121	Occupier of reporting facility must use estimation technique . . .	95
122	When chief executive may approve estimation technique .....	96
123	Application for approval of estimation technique .....	96
124	Deciding estimation technique application .....	97



125	Approval of estimation technique on chief executive's initiative . . .	98
<b>Part 4</b>	<b>Exceptions to reporting requirements</b>	
126	Exemption on ground of national security . . . . .	98
127	Claiming exemption on ground of commercial confidentiality . . .	99
128	Deciding claim for exemption on ground of commercial confidentiality 100	
<b>Part 5</b>	<b>Other matters</b>	
129	Information not to be used as evidence . . . . .	101
<b>Chapter 8</b>	<b>Administration</b>	
<b>Part 1</b>	<b>Devolution of powers</b>	
<b>Division 1</b>	<b>Matters devolved to local government</b>	
130	Environmental nuisance . . . . .	101
131	Noise standards . . . . .	102
132	Water contamination . . . . .	102
133	Particular prescribed ERAs . . . . .	102
134	Devolution includes statutory instruments under Act . . . . .	103
135	Devolution—waste management in local government areas . . .	103
136	Devolution—receiving and disposing of waste . . . . .	103
<b>Division 2</b>	<b>Matters not devolved to local government</b>	
137	Issuing particular notices and orders . . . . .	103
138	Record keeping for particular fuel suppliers . . . . .	104
139	Enforcing compliance with NPI NEPM . . . . .	104
140	Other particular acts, omissions or activities . . . . .	104
141	Mobile and temporary activity across local government areas . .	104
142	Carrying out devolved activity and non-devolved activity at a facility	105
<b>Part 2</b>	<b>Enforcement</b>	
143	Authorised persons—Act, s 445 . . . . .	105
<b>Part 3</b>	<b>Review of decisions and appeal</b>	
144	Original decisions and dissatisfied persons—Act, s 519 . . . . .	106
<b>Part 4</b>	<b>Registers kept by administering authority</b>	
145	Prescribed documents and information for register of environmental reports—Act, s 540 . . . . .	107
146	Prescribed documents and information for relevant monitoring programs—Act, s 540 . . . . .	108
147	Prescribed documents and information for register of transitional environmental programs—Act, s 540 . . . . .	109
148	Prescribed documents and information for register of environmental	

Contents

---

	protection orders—Act, s 540 . . . . .	110
149	Prescribed information for register of authorised persons—Act, s 540 110	
<b>Part 5</b>	<b>Suitably qualified persons and auditors</b>	
150	Prescribed regulatory function—Act, s 564 . . . . .	111
151	Prescribed organisations for suitably qualified persons and auditors— Act, ss 564 and 572 . . . . .	111
152	Guideline for application for approval as auditor—Act, s 570 . . .	111
153	Code of conduct for auditors—Act, s 574D . . . . .	111
<b>Chapter 9</b>	<b>Fees</b>	
<b>Part 1</b>	<b>Fees generally</b>	
154	Fees payable under Act . . . . .	112
155	Recovery of unpaid amounts . . . . .	112
<b>Part 2</b>	<b>Fees for devolved matters</b>	
156	Fees and discounts made by resolution or local law . . . . .	112
<b>Part 3</b>	<b>Annual fees</b>	
<b>Division 1</b>	<b>General matters</b>	
157	Meaning of annual fee . . . . .	113
158	Payment of annual fee for first year of environmental authority .	113
159	Annual fee for environmental authority . . . . .	114
<b>Division 2</b>	<b>Reduced annual fees in particular circumstances</b>	
<b>Subdivision 1</b>	<b>Preliminary</b>	
160	Purpose of division . . . . .	116
161	Definitions for division . . . . .	116
162	What is an approved EMS . . . . .	117
163	Who is an approved partner . . . . .	117
164	What is a lower emissions score . . . . .	117
<b>Subdivision 2</b>	<b>Reduced annual fee</b>	
165	Eligibility for payment of a reduced annual fee . . . . .	118
166	Documents for eligibility for payment of a reduced annual fee . .	121
167	What is the reduced annual fee . . . . .	122
<b>Subdivision 3</b>	<b>Offences and record keeping</b>	
168	Application of subdivision . . . . .	123
169	Offence to pay reduced annual fee if not eligible . . . . .	123
170	Requirement to keep records for reduced annual fee . . . . .	123
171	Authorised person may require holder to give information or documents 124	

172	Requirement to notify change of eligibility . . . . .	124
173	Refunding difference between annual fee and reduced fee . . . .	125
<b>Division 3</b>	<b>Amendment applications for environmental authorities</b>	
174	When supplementary annual fee payable . . . . .	125
<b>Division 4</b>	<b>Supplementary annual fee for regulated waste transport</b>	
175	Supplementary annual fee for regulated waste transport . . . . .	126
<b>Part 4</b>	<b>Other particular fees</b>	
176	Fee for changing anniversary day applications . . . . .	128
177	Fee for late payment of annual fee . . . . .	129
178	Fees for transitional environmental programs . . . . .	129
179	Fee for termination of suspension of environmental authority . . .	130
<b>Part 5</b>	<b>Exemptions</b>	
180	Administering authority exempt from fees for self-administered activities 130	
181	Prescribed local government exempt from fees . . . . .	131
182	Prescribed charitable institution exempt from fees . . . . .	131
183	Holders of particular environmental authorities exempt from annual fee 132	
<b>Part 6</b>	<b>Refund of application fees</b>	
184	Refund of application fee for particular environmental authority .	133
<b>Chapter 10</b>	<b>Miscellaneous</b>	
<b>Part 1</b>	<b>Public interest evaluations</b>	
184A	Qualifications and experience for carrying out public interest evaluations 134	
<b>Part 2</b>	<b>General</b>	
185	When annual return must be given—Act, s 316IA . . . . .	135
186	Limited amendment of map of Great Barrier Reef wetland protection areas . . . . .	135
186A	Prescribed circumstances for amending environmental authorities—Act, s 215 . . . . .	136
187	Approval of guidelines about issuing particular environmental protection orders—Act, s 548A . . . . .	136
187A	PRCP start date—Act, s 750 . . . . .	136
187B	Exceptional circumstances in which land taken not to be available for rehabilitation—Act, s 754 . . . . .	137
<b>Chapter 11</b>	<b>Repeal, transitional and savings provisions</b>	
<b>Part 1</b>	<b>Repeal</b>	
188	Repeal . . . . .	138

Contents

---

<b>Part 2</b>	<b>Transitional and savings provisions for SL No. 155 of 2019</b>	
<b>Division 1</b>	<b>Preliminary</b>	
189	Definition for part .....	138
<b>Division 2</b>	<b>Environmental authorities and environmentally relevant activities</b>	
190	Prescribed conditions for small scale mining activities .....	138
191	Continued eligibility criteria and standard conditions for sewage treatment activities—Act, s 707A .....	139
192	Replacement environmental authorities for organic material processing and waste disposal .....	139
193	Replacement environmental authorities for particular prescribed ERAs	139
194	Replacement environmental authorities for organic material processing	140
194A	Approved ERA standards continue in effect .....	141
<b>Division 3</b>	<b>Regulatory requirements</b>	
195	Regulatory requirements continue to apply .....	141
<b>Division 4</b>	<b>Environmental management and environmental offences</b>	
196	Records of generators and receivers for commercial waste and industrial waste .....	142
197	Records of waste handlers .....	142
198	Applications relating to waste tracking .....	142
199	Approvals .....	142
200	Consignment numbers .....	143
201	Exemptions for transportation of trackable waste .....	143
202	Generator identification numbers .....	143
<b>Division 5</b>	<b>Waste management by local governments</b>	
203	Local laws about waste management .....	143
204	Approvals for depositing or disposal of general waste .....	144
<b>Division 6</b>	<b>National Pollutant Inventory</b>	
205	Reporting periods .....	144
206	Information kept by occupiers of reporting facility .....	144
207	Estimation technique applications .....	144
208	Estimation technique approvals .....	145
209	Exemptions for reporting requirements .....	145
<b>Division 7</b>	<b>Devolution of powers</b>	
210	Continued administration and enforcement .....	145
<b>Division 8</b>	<b>Record requirement for fees</b>	

211	Requirement to keep records for reduced annual fee . . . . .	146
<b>Division 9</b>	<b>Miscellaneous</b>	
212	References to repealed regulation . . . . .	146
<b>Part 3</b>	<b>Transitional provision for Environmental Protection (Rehabilitation Reform) Amendment Regulation 2019</b>	
213	Carrying out PRCP objective assessment for particular PRCP schedule decision . . . . .	147
<b>Part 4</b>	<b>Transitional provisions for Environmental Protection (Great Barrier Reef Protection Measures) and Other Legislation Amendment Regulation 2019</b>	
214	Application of s 41AA during transitional period . . . . .	148
215	Application of sch 2, pt 2A generally . . . . .	149
<b>Part 5</b>	<b>Transitional provisions for Environmental Protection (Reef Protection Measures) Amendment Regulation 2020</b>	
216	Application of ss 214 and 215 . . . . .	150
217	Application of sch 2, pt 2A to activities on particular land . . . . .	150
<b>Part 7</b>	<b>Transitional provisions for Environmental Protection (Transshipping Activities) Amendment Regulation 2020</b>	
219	Definitions for part . . . . .	151
220	Environmental authorities for mineral and bulk material handling	151
221	Applications for environmental authorities for mineral and bulk material handling . . . . .	152
222	Amendment applications for environmental authorities for mineral and bulk material handling . . . . .	152
223	Continuing particular activities related to mineral and bulk material handling . . . . .	152
<b>Part 8</b>	<b>Transitional provisions for Environmental Protection (Commercial Cropping and Horticulture Activities in Great Barrier Reef Catchment) Amendment Regulation 2021</b>	
224	Disapplication of s 217 . . . . .	153
225	Application of sch 2, pt 2A to activities on particular land . . . . .	153
<b>Schedule 1</b>	<b>Matters to be addressed by assessment under EIS . . . . .</b>	154
<b>Schedule 2</b>	<b>Prescribed ERAs and aggregate environmental scores . . . . .</b>	158
<b>Part 1</b>	<b>Aquaculture and intensive animal industry</b>	
1	Aquaculture . . . . .	158
2	Intensive animal feedlotting . . . . .	160
3	Pig keeping . . . . .	161
4	Poultry farming . . . . .	162
<b>Part 2</b>	<b>Chemical, coal and petroleum products activities</b>	

Contents

---

5	Alcohol production . . . . .	163
6	Asphalt manufacturing . . . . .	163
7	Chemical manufacturing . . . . .	164
8	Chemical storage . . . . .	167
9	Hydrocarbon gas refining . . . . .	169
10	Gas producing . . . . .	169
11	Oil refining or processing . . . . .	170
12	Plastic product manufacturing . . . . .	171
13	Tyre manufacturing or retreading . . . . .	171
<b>Part 2A</b>	<b>Cropping and horticulture activities</b>	
13A	Commercial cropping and horticulture in Great Barrier Reef catchment 172	
<b>Part 3</b>	<b>Energy related services</b>	
14	Electricity generation . . . . .	174
15	Fuel burning . . . . .	174
<b>Part 4</b>	<b>Extractive activities</b>	
16	Extractive and screening activities . . . . .	175
17	Section 17 not used . . . . .	178
18	Section 18 not used . . . . .	178
<b>Part 5</b>	<b>Fabricated metal product activities</b>	
19	Metal forming . . . . .	178
20	Section 20 not used . . . . .	178
21	Section 21 not used . . . . .	179
<b>Part 6</b>	<b>Food processing</b>	
22	Beverage production . . . . .	179
23	Bottling and canning . . . . .	179
24	Edible oil manufacturing or processing . . . . .	180
25	Meat processing . . . . .	180
26	Milk processing . . . . .	182
27	Seafood processing . . . . .	182
28	Sugar milling or refining . . . . .	183
<b>Part 7</b>	<b>Metal production and mineral processing activities</b>	
29	Metal foundry operation . . . . .	183
30	Metal smelting and refining . . . . .	184
31	Mineral processing . . . . .	185
<b>Part 8</b>	<b>Miscellaneous activities</b>	

32	Battery manufacturing . . . . .	186
33	Crushing, milling, grinding or screening . . . . .	187
34	Section 34 not used . . . . .	187
35	Plaster manufacturing . . . . .	187
36	Pulp or paper manufacturing . . . . .	188
37	Section 37 not used . . . . .	188
38	Surface coating . . . . .	188
39	Tanning . . . . .	190
40	Textile manufacturing . . . . .	190
<b>Part 9</b>	<b>Non-metallic mineral product manufacture</b>	
41	Cement manufacturing . . . . .	191
42	Clay or ceramic products manufacturing . . . . .	192
43	Section 43 not used . . . . .	192
44	Glass or glass fibre manufacturing . . . . .	192
45	Mineral wool or ceramic fibre manufacturing . . . . .	193
<b>Part 10</b>	<b>Sawmilling, woodchipping, and timber and laminated product manufacturing</b>	
46	Chemically treating timber . . . . .	193
47	Timber milling and woodchipping . . . . .	194
48	Timber and laminated product fabrication . . . . .	195
<b>Part 11</b>	<b>Transport and maritime services</b>	
49	Boat maintenance or repair . . . . .	196
50	Mineral and bulk material handling . . . . .	196
51	Road tunnel ventilation stack operation . . . . .	199
52	Section 52 not used . . . . .	200
<b>Part 12</b>	<b>Waste management</b>	
53	Organic material processing . . . . .	200
54	Mechanical waste reprocessing . . . . .	202
55	Other waste reprocessing or treatment . . . . .	204
56	Section 56 not used . . . . .	205
57	Regulated waste transport . . . . .	205
58	Section 58 not used . . . . .	207
59	Section 59 not used . . . . .	207
60	Waste disposal . . . . .	207
61	Thermal waste reprocessing and treatment . . . . .	210

Contents

---

62	Resource recovery and transfer facility operation . . . . .	211
<b>Part 13</b>	<b>Water treatment services</b>	
63	Sewage treatment . . . . .	214
64	Water treatment . . . . .	216
<b>Schedule 3</b>	<b>Aggregate environmental scores for particular resource activities</b> 219	
<b>Schedule 4</b>	<b>Scheduled areas</b> . . . . .	222
<b>Schedule 5</b>	<b>Designated environmental areas—agricultural research facilities</b> 225	
<b>Schedule 6</b>	<b>Prescribed conditions for small scale mining activities</b> . . . .	227
<b>Schedule 7</b>	<b>Approved ERA standards</b> . . . . .	231
<b>Schedule 8</b>	<b>Environmental objective assessment</b> . . . . .	234
<b>Part 1</b>	<b>Preliminary</b>	
1	Definitions for schedule . . . . .	234
<b>Part 2</b>	<b>General matters to be addressed by environmental objective assessment</b>	
2	General information . . . . .	235
3	Assessing whether application minimised adverse effects . . . .	236
<b>Part 3</b>	<b>Environmental objectives and performance outcomes</b>	
<b>Schedule 8A</b>	<b>PRCP objective assessment</b> . . . . .	244
<b>Part 1</b>	<b>Preliminary</b>	
1	Definitions for schedule . . . . .	244
<b>Part 2</b>	<b>Matters for carrying out PRCP objective assessments</b>	
2	Requirements for carrying out PRCP objective assessment . . . .	245
<b>Part 3</b>	<b>PRCP objectives and PRCP performance outcomes</b>	
<b>Schedule 9</b>	<b>Regulated waste and waste that is not regulated waste</b> . . . .	251
<b>Schedule 10</b>	<b>Prescribed water contaminants</b> . . . . .	263
<b>Schedule 11</b>	<b>Trackable waste and waste codes</b> . . . . .	265
<b>Schedule 12</b>	<b>Prescribed information for waste tracking</b> . . . . .	269
1	Generator . . . . .	269
2	Transporter . . . . .	270
3	Receiver . . . . .	271
<b>Schedule 13</b>	<b>Other local governments</b> . . . . .	272
<b>Schedule 14</b>	<b>Prescribed organisations</b> . . . . .	273
<b>Schedule 15</b>	<b>Fees</b> . . . . .	274
<b>Schedule 16</b>	<b>Amount of surety</b> . . . . .	278
<b>Schedule 17</b>	<b>Disposal and treatment codes for waste tracking</b> . . . . .	279



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<b>Schedule 18</b>	<b>National environment protection (movement of controlled waste between States and Territories) measure, schedule A, list 2</b>	281
<b>Schedule 19</b>	<b>Dictionary</b> .....	285
<b>Part 1</b>	<b>Extended definitions</b>	
1	Meaning of category A environmentally sensitive area .....	285
2	Meaning of category B environmentally sensitive area .....	286
3	Meaning of organochlorine pesticide .....	287
4	Meaning of organophosphate pesticide .....	288
5	Meaning of persistent organic pollutant (other) .....	289
6	Meaning of polycyclic aromatic hydrocarbon .....	290
7	Meaning and calculation of standard cattle unit .....	291
8	Meaning and calculation of standard pig unit .....	291
9	Meaning and calculation of standard sheep unit .....	292
10	Meaning of watercourse .....	293
<b>Part 2</b>	<b>Other definitions</b>	



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# Environmental Protection Regulation 2019

## Chapter 1 Preliminary

### 1 Short title

This regulation may be cited as the *Environmental Protection Regulation 2019*.

### 2 Commencement

This regulation commences on 1 September 2019.

### 3 Definitions

The dictionary in schedule 19 defines particular words used in this regulation.

### 3A Rounding of amounts expressed as numbers of fee units

- (1) This section applies for working out the amount of a fee expressed in this regulation as a number of fee units.
- (2) For the purpose of the *Acts Interpretation Act 1954*, section 48C(3), the amount is to be rounded—
  - (a) if the result is not more than \$2.50—to the nearest cent (rounding one-half upwards); or
  - (b) if the result is more than \$2.50 but not more than \$100—to the nearest multiple of 5 cents (rounding one-half upwards); or
  - (c) if the result is more than \$100 but not more than \$500—to the nearest multiple of 10 cents (rounding one-half upwards); or

- (d) if the result is more than \$500—to the nearest dollar (rounding one-half upwards).

## **Chapter 2            Environmental impact statements**

### **Part 1                Preliminary**

#### **4            Types of project requiring Commonwealth or State authority approval**

A project is prescribed for section 37(1)(f) of the Act if—

- (a) the Commonwealth Minister has, under the Commonwealth Environment Act, chapter 4, part 8, division 3—
  - (i) decided an accredited assessment process must be used for assessment of the relevant impacts of the project; and
  - (ii) given notice of the decision; or
- (b) the relevant impacts of the project are to be assessed under a bilateral agreement.

### **Part 2                EIS process**

#### **5            Application of part**

- (1) This part and schedule 1 apply to a project mentioned in section 4.
- (2) For a project mentioned in section 4(a), a step or action taken under the EIS process, before a notice mentioned in

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section 4(a) is given, is taken to be a step or action that complies with this part.

## **6 Prescribed matters for draft terms of reference—Act, s 41**

The draft terms of reference for an EIS must include the matters necessary for ensuring—

- (a) the project’s relevant impacts are assessed under the EIS; and
- (b) the assessment of the project under the EIS—
  - (i) gives enough information about the project and its relevant impacts to allow the Commonwealth Minister to make an informed decision whether to approve the project under the Commonwealth Environment Act; and
  - (ii) addresses the matters mentioned in schedule 1.

## **7 Prescribed matters for TOR notice and EIS notice—Act, ss 42 and 52**

- (1) For sections 42(2)(f) and 52(1)(g) of the Act, the following matters are prescribed—
  - (a) the project’s title and location;
  - (b) the name of the proponent for the project;
  - (c) if the proponent and designated proponent for the project are not the same entity—the name of the designated proponent;
  - (d) any matter protected for the project.
- (2) In this section—

*matter protected* means a matter protected that is mentioned in the Commonwealth Environment Act, section 34 and protected by a controlling provision for the project.

**8 Prescribed way for publishing TOR notice and EIS notice—Act, ss 51 and 558**

For sections 51(2)(b)(ii) and 558(3) of the Act, a TOR notice and an EIS notice must be published—

- (a) in a newspaper circulating throughout Australia; or
- (b) in each State or Territory in a newspaper circulating generally in the State or Territory.

**9 Prescribed matters for EIS assessment report—Act, s 59**

(1) For section 59(e) of the Act, the following matters are prescribed—

- (a) a description of the following—
  - (i) the project;
  - (ii) the places affected by the project;
  - (iii) any matters of national environmental significance likely to be affected by the project;
- (b) a summary of the project’s relevant impacts;
- (c) a summary of feasible mitigation measures or changes to the project or procedures to prevent or minimise the project’s relevant impacts, proposed by the proponent or suggested in a relevant submission;
- (d) to the extent practicable, a summary of feasible alternatives to the project identified in the assessment process and the likely impact of the alternatives on matters of national environmental significance;
- (e) to the extent practicable, a recommendation for any conditions of approval for the project that may be imposed to address impacts identified in the assessment process on matters of national environmental significance.

(2) In this section—

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*relevant submission* means a properly made submission under section 55(2) of the Act or a submission accepted by the chief executive under section 55(3) of the Act.

## 10 Other requirements for EIS process

The chief executive must, as soon as practicable after preparing an EIS assessment report, give a copy of it to the Commonwealth Minister.

## Part 3 Prescribed periods for chapter 3 of the Act

### 11 Period to advise chief executive about draft terms of reference—Act, s 45

For section 45 of the Act, the period is the later of the following periods to end—

- (a) 20 business days after the chief executive gives the proponent a copy of all comments received within the comment period;
- (b) if the chief executive and the proponent have, within the 20 business days, agreed to a longer period—the longer period.

### 12 Period for finalising terms of reference—Act, s 46

For section 46(1) of the Act, the period is the later of the following periods to end—

- (a) 20 business days after the proponent gives the documents mentioned in section 45 of the Act to the chief executive;
- (b) if the chief executive and the proponent have, within the 20 business days, agreed to a longer period—the longer period.

## Chapter 2A Great Barrier Reef catchment

### 13 Great Barrier Reef catchment—Act, s 75

For section 75(1) of the Act, the map held by the department called ‘Great Barrier Reef catchment and river basins’ and dated 23 August 2018 is prescribed.

### 14 Lots taken to be in particular river basins

- (1) For the purpose of applying this regulation, or an agricultural ERA standard approved under this regulation, all the land in a lot is taken to be in a particular river basin if more than 50% of the lot is in the basin.
- (2) In this section—

*lot* means—

  - (a) a lot under the *Land Title Act 1994*; or
  - (b) a separate, distinct parcel of land for which an interest is recorded in a register under the *Land Act 1994*.



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## Chapter 3 Environmentally relevant activities

### Part 1 Environmentally relevant activities—general matters

#### Division 1 Preliminary

#### 15 What is the *aggregate environmental score* for an environmentally relevant activity

- (1) The *aggregate environmental score* for a prescribed ERA is the aggregate environmental score stated for the activity in the section under schedule 2 applying to the activity.
- (2) The *aggregate environmental score* for a resource activity is the aggregate environmental score stated for the activity in the section under schedule 3 applying to the activity.
- (3) However, subsection (4) applies for a resource activity mentioned in schedule 3, if—
  - (a) the activity includes 1 or more activities mentioned in schedule 2 (each an *included schedule 2 activity*) for which an AES is stated; and
  - (b) the AES stated in schedule 2 for an included schedule 2 activity is more than the AES stated in schedule 3 for the resource activity.
- (4) The *aggregate environmental score* for the resource activity is—
  - (a) the AES for the included schedule 2 activity; or
  - (b) if there are 2 or more included schedule 2 activities to which subsection (3)(b) applies—the AES for the included schedule 2 activity that has the highest AES stated for the activity in schedule 2.

## 16 Meaning of *scheduled area*

A *scheduled area* is a local government area, or the part of a local government area, mentioned in schedule 4.

## 17 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) However, a mobile and temporary environmentally relevant activity is not a concurrency ERA.
- (3) In this section—

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

*Note—*

For when a development permit is required for a concurrency ERA, see the Planning Act.

## 18 References to carrying out particular environmental activities in a year

- (1) This section applies for a prescribed ERA or a resource activity being carried out under an environmental authority.
- (2) A reference in schedule 2 or schedule 3 to the activity being carried out in a year is a reference to the activity being carried out during—
  - (a) for the first year of the environmental authority—the period of 1 year starting on the day the authority takes effect; or
  - (b) otherwise—the period of 1 year starting on an anniversary day for the authority.

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## **Division 2                      Prescribed activities**

### **19            Activities prescribed as environmentally relevant activities—Act, s 19**

- (1) For section 19 of the Act, each activity to which a section under schedule 2 applies is a prescribed ERA.
- (2) An activity to which a section under schedule 2 applies includes the activity carried out as a mobile and temporary environmentally relevant activity, unless the section otherwise provides.
- (3) An activity mentioned in schedule 2, section 50 includes an activity carried out in a relevant Great Barrier Reef Marine Park area.

*Note—*

See section 19(1A) of the Act.

### **20            Activities prescribed as extractive activities—Act, s 120**

For section 120(4) of the Act, definition *extractive activity*, the extractive and screening activities mentioned in schedule 2, section 16 are an extractive activity.

## **Division 3                      Development application relating to concurrence ERAs**

### **21            Assessing development application for concurrence ERA**

- (1) Subsection (2) applies if a local government is the assessment manager for a development application for a material change of use for a concurrence ERA.
- (2) Each of the following matters is an assessment benchmark for the Planning Act for the material change of use—

[s 22]

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- (a) an environmental objective assessment against the environmental objectives and performance outcomes stated in schedule 8, part 3, division 2;
  - (b) the standard criteria;
  - (c) if the concurrence ERA is to be carried out in a strategic environmental area—the impacts of the activity on the environmental attributes for the area under the *Regional Planning Interests Act 2014*.
- (3) Subsection (4) applies if a local government is a referral agency for a development application for a material change of use for a concurrence ERA.
- (4) For the Planning Act, the local government must assess the development application against the matters stated in subsection (2)(a) to (c).

## **Division 4                      Clinical waste disposal**

### **22                      Untreated clinical waste disposal**

- (1) A person must not deliver untreated clinical waste to a facility for disposal under schedule 2, section 60(1)(b) unless the waste was generated in a scheduled area.

Maximum penalty—20 penalty units.

- (2) Subsection (3) applies to the occupier of a facility mentioned in schedule 2, section 60(1)(a) or (b) if untreated clinical waste is disposed of at the facility.

- (3) The occupier must ensure—

- (a) the waste is buried at the facility; and
- (b) the burial of the waste is supervised by a person who is competent to supervise the burial.

Maximum penalty—20 penalty units.

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## Part 2                      Agricultural ERAs

### Division 1                      Prescribed methodologies for agricultural ERA standards

#### 23                      Prescribed methodologies for cultivation of bananas—Act, s 81

- (1) This section prescribes, for section 81(6) of the Act, definition *prescribed methodology*, the methodology for working out the amount of nitrogen and phosphorus to be applied to a crop, plant or soil without exceeding the needs of the crop or plant, or a plant in the soil, for the cultivation of bananas.
- (2) The methodology is the methodology stated in the document called ‘Prescribed methodology for banana cultivation’ published on the department’s website.

#### 24                      Prescribed methodologies for cultivation of sugarcane—Act, s 81

- (1) This section prescribes, for section 81(6) of the Act, definition *prescribed methodology*, the methodology for each of the following for the cultivation of sugarcane—
  - (a) working out the amount of nitrogen and phosphorus to be applied to a crop, plant or soil without exceeding the needs of the crop or plant, or a plant in the soil;
  - (b) conducting tests of soil.
- (2) The methodology for a matter mentioned in subsection (1) is the methodology for the matter stated in the document called ‘Prescribed methodology for sugarcane cultivation – version 2’ published on the department’s website.

## Division 2                      Agricultural ERA advice

### 25            Summary of tailored advice—Act, s 86

- (1) This section prescribes, for section 86(3)(f) of the Act, the details that must be included in a summary of tailored advice.
- (2) If the advice makes a recommendation about the application of a fertiliser product, the details are—
  - (a) the name, or a description, of the product; and
  - (b) the application rate recommended for the product; and
  - (c) the method of application recommended for the product; and
  - (d) the timing and frequency of application recommended for the product.
- (3) In this section—

*fertiliser product* means a product that is, or contains, nitrogen or phosphorous.

## Part 3                              Prescribed matters for particular resource activities

### 26            Designated environmental areas

For schedule 4 of the Act, definition *small scale mining activity*, paragraphs (a)(vi) and (b)(v), each of the following areas is a designated environmental area—

- (a) for each agricultural research facility mentioned in schedule 5, the area with the land description shown opposite the facility's name;
- (b) a coastal management district under the *Coastal Protection and Management Act 1995*;
- (c) coastal wetlands under the *Coastal Protection and Management Act 1995*;

- (d) the designated landscape area called ‘the Stanbroke Pastoral Development Holding’ recorded on the register under the *Aboriginal Cultural Heritage Act 2003*, section 162;
- (e) a nature refuge under the *Nature Conservation Act 1992*;
- (f) a reservation for public purposes under the *Land Act 1994*, section 23;
- (g) a resources reserve under the *Nature Conservation Act 1992*;
- (h) a State forest under the *Forestry Act 1959*;
- (i) a timber reserve under the *Forestry Act 1959*.

**27 Prescribed conditions for small scale mining activities—Act, s 21A**

For section 21A(1) of the Act, a prescribed condition for a small scale mining activity is a condition stated in schedule 6.

**28 Prescribed documents for application for environmental authority for a CSG activity—Act, s 125**

- (1) For section 125(1)(o) 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 each of 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 each of 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.
- (2) In this section—

*prioritisation hierarchy* means—

- (a) for managing and using coal seam gas water—the prioritisation hierarchy for managing and using CSG water stated in the coal seam gas water management policy; or
- (b) for managing brine and salt—the prioritisation hierarchy for managing saline waste stated in the coal seam gas water management policy.

## Part 4 ERA standards

### 29 Approved ERA standards—Act, s 318D

For section 318D of the Act, an ERA standard stated in a document mentioned in schedule 7 is approved.



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## Chapter 4 Regulatory requirements

### Part 1 Preliminary

#### Division 1 Purpose

##### 30 Purpose of chapter

This chapter prescribes the regulatory requirements with which the administering authority is required to comply for making environmental management decisions or PRCP schedule decisions.

#### Division 2 Interpretation

##### 31 Definitions for chapter

In this chapter—

*activity* includes that part, if any, of an activity relating to the following—

- (a) preparing a place for the activity before carrying out the activity;
- (b) rehabilitating a place after it has been used for carrying out the activity.

*characteristic*—

- (a) of a contaminant, material or waste, means any of the following—
  - (i) the physical and chemical properties and reactivity of the contaminant, material or waste;
  - (ii) the biological, carcinogenic, mutagenic or toxic properties of the contaminant, material or waste;

- (iii) the variation of the concentration, emission rate or flux over time, of the contaminant, material or waste; or
- (b) of the receiving environment, means any of the following—
- (i) the physical, chemical, ecological or biological properties of the receiving environment;
- (ii) the variability of the receiving environment.

*Example of variability of the receiving environment—*

whether a watercourse is tidal or is subject to periodic flooding or drought

***control measure*** means a device, equipment, structure, or management strategy used to prevent or control the release of a contaminant or waste to the environment.

*Examples—*

- an acoustic enclosure
- a bund around a storage pond
- a fabric filter to collect dust
- a release or overflow valve on machinery
- a strategy for operating a furnace in a way that achieves combustion of a contaminant at a particular oxygen level

***environmental management decision*** see section 32.

***material*** means a material in its solid, liquid or gaseous state.

***monitoring*** see section 33.

***PRCP schedule decision*** see section 32A.

***surface water*** means water other than groundwater.

***water*** includes water containing contaminants.

## 32 Meaning of ***environmental management decision***

- (1) An ***environmental management decision*** is a decision under the Act for which the administering authority making the

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decision is required to comply with regulatory requirements, other than a PRCP schedule decision.

- (2) However, an *environmental management decision* does not include a decision under the Act about—
  - (a) an amendment application for an environmental authority that is for a minor amendment of the authority; or
  - (b) a surrender application for an environmental authority; or
  - (c) a progressive certification application under chapter 5A, part 6 of the Act.

### **32A Meaning of *PRCP schedule decision***

- (1) A *PRCP schedule decision* is a decision under the Act about a PRCP schedule for which the administering authority making the decision is required to comply with regulatory requirements.
- (2) However, a *PRCP schedule decision* does not include a decision about an amendment application for a minor amendment (*PRCP threshold*).

### **33 Meaning of *monitoring***

*Monitoring*, in relation to monitoring the impact of an activity on the receiving environment, includes analysing, assessing, examining, inspecting, measuring, modelling or reporting any of the following matters—

- (a) the quantity, quality, characteristics, timing and variability of the release of any contaminant;
- (b) the effectiveness of any control measure;
- (c) the characteristics of, and impact on, the receiving environment;
- (d) the effectiveness of remedial or rehabilitation measures.

## **Part 2**                      **Regulatory requirements for all environmental management decisions**

### **34**      **Application of part**

This part applies to the administering authority for making any environmental management decision.

### **35**      **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 8, part 3, divisions 1 and 2; and
  - (b) consider the environmental values declared under this regulation; and
  - (c) if the activity is to be carried out in a strategic environmental area—consider the impacts of the activity on the environmental attributes for the area under the *Regional Planning Interests Act 2014*; and
  - (d) consider each of the following under any relevant environmental protection policies—
    - (i) the management hierarchy;
    - (ii) environmental values;
    - (iii) quality objectives;
    - (iv) the management intent; and
  - (e) if a bilateral agreement requires the matters of national environmental significance to be considered—consider those matters.

- (2) However, the administering agency is not required to consider the matters mentioned in subsection (1)(e) if the Coordinator-General, under the State Development Act, section 54Y, issues an environmental approval for the undertaking of all or part of a coordinated project to which the activity relates.
- (3) For an environmental management decision relating to a prescribed ERA, other than the prescribed ERA mentioned in schedule 2, section 13A, the administering authority making the decision must—
  - (a) carry out an environmental objective assessment against the environmental objective and performance outcomes mentioned in schedule 8, part 3, division 1; and
  - (b) consider the matters mentioned in subsection (1)(b), (c) and (d).
- (4) For an environmental management decision relating to the prescribed ERA mentioned in schedule 2, section 13A, the administering authority making the decision must—
  - (a) carry out an environmental objective assessment against the environmental objectives for water and groundwater mentioned in schedule 8, part 3, division 1, to the extent the performance outcomes for the environmental objectives relate to fine sediment, or dissolved inorganic nitrogen, entering the water of the Great Barrier Reef or Great Barrier Reef catchment waters; and
  - (b) consider each environmental value, declared under this regulation, to the extent the value relates to fine sediment, or dissolved inorganic nitrogen, entering the water of the Great Barrier Reef or Great Barrier Reef catchment waters; and
  - (c) if the activity is to be carried out in a strategic environmental area—consider the impacts of the activity on each environmental attribute for the area under the *Regional Planning Interests Act 2014*, to the extent the attribute relates to fine sediment, or dissolved inorganic nitrogen, entering the water of the Great Barrier Reef or Great Barrier Reef catchment waters; and

- (d) consider each of the following matters under a relevant environmental protection policy, to the extent the matter relates to fine sediment, or dissolved inorganic nitrogen, entering the water of the Great Barrier Reef or Great Barrier Reef catchment waters—
  - (i) the management hierarchy;
  - (ii) environmental values;
  - (iii) quality objectives;
  - (iv) the management intent.

### **36 Conditions to be considered for environmental management decisions**

- (1) The administering authority must, for making an environmental management decision relating to an activity, consider whether to impose conditions about each of the following matters—
  - (a) implementing a system for managing risks to the environment;
  - (b) implementing measures to prevent or minimise the release of contaminants or waste;
  - (c) ensuring an adequate distance between any sensitive receptors and the relevant site for the activity to which the decision relates;  
*Examples of a condition for paragraph (c)—*
    - a condition requiring riparian buffers, noise buffers or buffers for protecting endangered regional ecosystems
  - (d) limiting or reducing the size of the initial mixing zone or attenuation zone, if any, that may be affected by the release of contaminants;
  - (e) treating contaminants before they are released;
  - (f) restricting the type, quality, quantity, concentration or characteristics of contaminants that may be released;

- (g) managing the way in which contaminants may be released;

*Examples of a condition for paragraph (g)—*

- a condition restricting the release of a contaminant at a particular temperature, velocity or rate or during particular meteorological conditions or water flows
- a condition restricting the release of a contaminant to a depth below the level of surface waters

- (h) ensuring a minimum degree of dispersion happens when a contaminant is released;

*Example of a condition for paragraph (h)—*

a condition requiring the use of a diffuser for releasing a contaminant

- (i) protecting environmental values, and meeting quality objectives, under relevant environmental protection policies;
- (j) recycling, storing, transferring or disposing of waste in a particular way;
- (k) rehabilitating land to achieve particular outcomes;
- (l) implementing measures for the ongoing protection of environmental values that are, or may be, adversely affected by the activity;
- (m) if under an environmental objective assessment, the assessor is not satisfied an environmental objective has been achieved—implementing measures for minimising the adverse effects of not achieving the environmental objective.

- (2) In this section—

***attenuation zone*** means the area around a release of contaminants to groundwater in which the concentration of the contaminants in the release is reduced to ambient levels through physico-chemical and microbiological processes.

***initial mixing zone*** means an area where water containing contaminants mixes rapidly with surface water because of the

momentum or buoyancy of the contaminated water and the turbulence of the surface water.

*relevant site*, for an activity, means a place where the activity is, or is proposed to be, carried out.

### **37 Matters to be considered for decisions imposing monitoring conditions**

- (1) The administering authority must, for making an environmental management decision relating to an activity, consider whether to impose monitoring conditions about the release of contaminants from the activity on the receiving environment.
- (2) For considering whether to impose a monitoring condition, the administering authority must consider the following matters—
  - (a) the potential impact on the receiving environment of the activity to which the decision relates and the release of the contaminant;
  - (b) the characteristics of the contaminant;
  - (c) the potential for a control measure to fail and the effect of a failure of a control measure on the receiving environment;
  - (d) any protocol under the Act relevant to monitoring the release of the contaminant;
  - (e) whether the monitoring should be continuous or intermittent.
- (3) In this section—

*monitoring condition*, about the release of contaminants from an activity on the receiving environment, means a condition about any of the following matters—

  - (a) monitoring the quantity, quality, characteristics, timing and variability of the release;
  - (b) monitoring indicators of the effective operation of control measures;



- (c) monitoring the characteristics of the receiving environment;
- (d) assessing the effectiveness of remedial or rehabilitation measures;
- (e) monitoring the impact of the release on the values, objectives and biota in the receiving environment;
- (f) analysing monitoring data against objectives and standards including, for example, by predictive modelling;
- (g) reporting the results of monitoring in a stated form and timeframe;
- (h) reporting on the time and way in which the release is made to the receiving environment.

### **38 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.

## **Part 3 Additional regulatory requirements for particular environmental management decisions**

### **39 Application of part**

If an environmental management decision relates to an activity mentioned in a provision in this part, the administering authority making the decision must comply with the provision in addition to part 2.

#### **40 Release of water or waste to wetlands for treatment**

- (1) This section applies to the administering authority for making an environmental management decision relating to an activity that involves, or may involve, the release of water or waste to a wetland for treatment.
- (2) The administering authority must refuse to grant the application if the authority considers that, because of the activity—
  - (a) the wetland may be destroyed or reduced in size; or
  - (b) the biological integrity of the wetland may not be maintained.
- (3) In this section—

*biological integrity*, of a wetland, means the ability of the wetland to support and maintain a balanced, integrative, adaptive community of organisms having a species composition, diversity and functional organisation comparable to that of the natural habitat of the locality in which the wetland is located.

#### **41 Activity involving direct release of waste to groundwater**

- (1) This section applies to the administering authority for making an environmental management decision relating to an activity that involves, or may involve, the release of waste directly to groundwater (the *receiving groundwater*).

*Example of direct release of waste to groundwater—*

an activity involving the release of contaminated water to groundwater through a well, deep-well injection or a bore

- (2) The administering authority must refuse to grant the application if the authority considers—
  - (a) for an application other than an application relating to an environmental authority for a petroleum activity—the waste is not being, or may not be, released entirely within a confined aquifer; or

- 
- (b) the release of the waste is affecting adversely, or may affect adversely, a surface ecological system; or
  - (c) the waste is likely to result in a deterioration in the environmental values of the receiving groundwater.
- (3) In this section—
- confined aquifer* means an aquifer that is contained entirely within impermeable strata.

#### **41AA Release of particular contaminants to Great Barrier Reef catchment waters and other waters**

- (1) This section applies to the administering authority for making an environmental management decision relating to an activity (the *relevant activity*) that is, or will be, carried out in—
- (a) the Great Barrier Reef catchment; or
  - (b) the coastal waters of the State that are between the following geodesic lines—
    - (i) a line running north from the point that is the most northern coastline of the State in the Great Barrier Reef catchment;
    - (ii) a line running east from the point that is the most southern coastline of the State in the Great Barrier Reef catchment.
- (2) However, this section does not apply to—
- (a) a prescribed ERA mentioned in schedule 2, section 16, to the extent the activity is dredging in waters mentioned in subsection (1)(b); or
  - (b) a prescribed ERA mentioned in schedule 2, section 13A.
- (3) The administering authority must refuse to grant the application if the authority considers that—
- (a) the relevant activity will, or may, have a residual impact; and

- (b) having regard to the matters mentioned in the water quality offset policy, the residual impact will not be adequately counterbalanced by offset measures for the relevant activity.
- (4) A **residual impact** of a relevant activity is the presence of fine sediment, or dissolved inorganic nitrogen, in Great Barrier Reef catchment waters, or waters mentioned in subsection (1)(b), that—
- (a) was released to the water because of the relevant activity; and
- (b) remains, or is likely to remain, in the water despite mitigation measures for the relevant activity.
- (5) For subsection (4), the presence of fine sediment must be detected by measuring total suspended solids.
- (6) **Mitigation measures**, for a relevant activity, are activities carried out to avoid or minimise the release of fine sediment, or dissolved inorganic nitrogen, to Great Barrier Reef catchment waters, or waters mentioned in subsection (1)(b), because of the relevant activity being carried out.
- (7) **Offset measures**, for a relevant activity, are activities carried out to reduce the load of fine sediment, or dissolved inorganic nitrogen, in Great Barrier Reef catchment waters, or waters mentioned in subsection 1(b).
- (8) For subsections (6) and (7), a mitigation measure, or an offset measure, for a relevant activity may be carried out at the place where the relevant activity is carried out or elsewhere.
- (9) In this section—
- load**, of fine sediment, or dissolved inorganic nitrogen, in water, means the total mass of the fine sediment, or dissolved inorganic nitrogen, in the water, measured over a period of time.
- water quality offset policy** means the document called ‘Point source water quality offsets policy 2019’ published on the department’s website.

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### **41AB Transshipping activity within particular areas**

- (1) This section applies to the administering authority for making an environmental management decision relating to a transshipping activity.
- (2) The administering authority must refuse to grant the application if the authority considers that all or part of the transshipping activity is to be carried out—
  - (a) in an area within the Great Barrier Reef Marine Park; or
  - (b) in an area that is—
    - (i) within the Great Barrier Reef World Heritage Area; but
    - (ii) not within a port area.
- (3) A transshipping activity to be carried out in an area within the Great Barrier Reef Marine Park includes a transshipping activity to be carried out in a relevant Great Barrier Reef Marine Park area.
- (4) In this section—

*Great Barrier Reef Marine Park* means the Great Barrier Reef Marine Park under the *Great Barrier Reef Marine Park Act 1975* (Cwlth).

## **Part 4 Regulatory requirements for PRCP schedule decisions**

### **41A Application of part**

This part applies to the administering authority for making a PRCP schedule decision.

### **41B Requirements for PRCP schedule decisions**

- (1) The administering authority must, for making the PRCP schedule decision—

[s 41C]

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- (a) carry out a PRCP objective assessment against each PRCP objective, and PRCP performance outcome for each PRCP objective, mentioned in schedule 8A, part 3; and
  - (b) consider any 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;
    - (iv) the management intent.
- (2) The administering authority may approve or amend a PRCP schedule only if each PRCP objective for the PRCP schedule is achieved under schedule 8A.

**41C Additional requirement for PRCP schedule decisions—void situated wholly or partly in flood plain**

- (1) Subsections (2) and (3) apply for making the PRCP schedule decision if land the subject of the PRCP schedule may contain a void situated wholly or partly in a flood plain.
- (2) The administering authority must consider the results of flood plain modelling carried out in relation to the land the subject of the PRCP schedule.
- (3) The administering authority must treat the land as a flood plain to the extent the results of the flood plain modelling show that, when all relevant activities carried out on the land have ended, the land is the same height as, or lower than, the level modelled as the peak water level 0.1% AEP for a relevant watercourse under the ARR.
- (4) If the administering authority is satisfied land the subject of a PRCP schedule contains a void situated wholly or partly in a flood plain, the administering authority may approve or amend the schedule only if it provides for rehabilitation of the

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land comprising the void, to the extent it is situated in the flood plain, to a stable condition.

(5) In this section—

***AEP*** has the meaning given under the ARR.

***ARR*** means the guideline called the Australian Rainfall and Runoff published by the Commonwealth.

*Note—*

The ARR is available on the Australian Rainfall and Runoff website at [www.arr.ga.gov.au](http://www.arr.ga.gov.au).

***artificial feature***, for land the subject of a PRCP schedule, means—

- (a) **a structure or feature that** is temporary and, under the PRCP schedule or otherwise, is to be removed from the land; or
- (b) a structure or feature that, under the PRCP schedule, will require a level of maintenance after the land is surrendered that is greater than the level of maintenance that would be required for the land if the relevant activities the subject of the PRCP schedule had not been carried out; or
- (c) a feature forming part of the landform of the land, other than the natural landform, if the feature interferes with or affects—
  - (i) a relevant watercourse; or
  - (ii) the natural flow of water on the land.

***flood plain modelling***, for land the subject of a PRCP schedule, means modelling of the landform of the land—

- (a) carried out under the ARR; and
- (b) excluding any artificial features for the land.

***relevant watercourse*** means—

- (a) a watercourse classified as stream order 4 or higher under the Strahler stream order classification system; or

- (b) if a watercourse mentioned in paragraph (a) is permanently diverted under—
  - (i) a condition, or proposed condition, of an environmental authority mentioned in the *Water Act 2000*, section 98; or
  - (ii) a water licence or proposed water licence under the *Water Act 2000*;the watercourse as permanently diverted.

## **Chapter 5            Matters relating to environmental management and environmental offences**

### **Part 1                Categorisation of commercial waste and industrial waste**

#### **Division 1            Regulated waste, category 1 regulated waste and category 2 regulated waste**

#### **42            Meaning of *regulated waste***

- (1) *Regulated waste* is waste that—
  - (a) is commercial waste or industrial waste; and
  - (b) is of a type, or contains a constituent of a type, mentioned in schedule 9, part 1, column 1.
- (2) Waste prescribed under subsection (1) includes—
  - (a) for an element—any chemical compound containing the element; and



- 
- (b) anything that contains residues of the waste, including, for example, a container contaminated with the waste.
  - (3) However, waste is not *regulated waste* if the waste is of a type mentioned in schedule 9, part 3, division 1.
  - (4) Also, waste is not *regulated waste* if current test results for the waste state that—
    - (a) for each relevant attribute, the waste satisfies the requirement mentioned in—
      - (i) for solid waste—column 2 of the attribute table opposite the attribute; or
      - (ii) for liquid waste—column 3 of the attribute table opposite the attribute; and
    - (b) for each relevant substance, the concentration of the substance in the waste is less than the threshold mentioned in—
      - (i) for solid waste—column 2 of the substance table opposite the substance; or
      - (ii) for liquid waste—column 3 of the substance table opposite the substance.

#### **43 Meaning of *category 1 regulated waste* and *category 2 regulated waste***

- (1) Regulated waste is *category 1 regulated waste* if—
  - (a) the waste is either—
    - (i) liquid waste; or
    - (ii) solid waste that does not have current test results; and
  - (b) both of the following apply—
    - (i) the waste is of a type, or contains a constituent of a type, mentioned in schedule 9, part 1, column 1;
    - (ii) the category mentioned in schedule 9, part 1, column 2 opposite the type is category 1.

- (2) Also, regulated waste is *category 1 regulated waste* if—
  - (a) the waste is solid waste; and
  - (b) current test results for the waste state that—
    - (i) the pH of the waste is less than 2 or more than 12.5; or
    - (ii) for a relevant substance, the concentration of the substance in the waste is more than the threshold mentioned in column 2 of the threshold table opposite the substance.
- (3) *Category 1 regulated waste* includes anything that contains residues of the waste, including, for example, a container contaminated with the waste.
- (4) *Category 2 regulated waste* is regulated waste other than category 1 regulated waste.

## Division 2                      Testing waste

### 44            Purpose of division

This division states requirements for sampling and testing commercial waste or industrial waste for working out whether the waste is—

- (a) general waste; or
- (b) category 1 regulated waste; or
- (c) category 2 regulated waste.

### 45            Taking samples

A sample for the testing of commercial waste or industrial waste must be taken—

- (a) by an appropriately qualified person; and
- (b) under a protocol.

## 46 Testing samples

A sample of commercial waste or industrial waste must be tested—

- (a) by an appropriately qualified person; and
- (b) under a protocol; and
- (c) for each relevant attribute; and
- (d) for each relevant substance.

## 47 Retesting of waste

An authorised person may ask a person who generates waste to retest the waste under this division if the authorised person reasonably suspects—

- (a) if the waste is general waste—the waste would, if retested under this division, become regulated waste; or
- (b) if the waste is category 2 regulated waste—the waste would, if retested under this division, become category 1 regulated waste.

## 48 Results of testing

- (1) The results (*test results*) of a test of commercial waste or industrial waste under section 46 are current for the waste from the date of the report for the test (the *report date*) until the earliest of the following—
  - (a) the end of 3 months after the report date;
  - (b) if an authorised person makes a request under section 47—the date of the request;
  - (c) if the waste is retested under this division—the date of the report for the retest.
- (2) Test results for waste generated by an activity continue to be current test results for further waste generated by the same activity until either of the following changes in a material way—

[s 49]

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- (a) the activity;
- (b) the waste generated by the activity.

*Examples of when waste generated by an activity changes in a material way—*

- 1 Materials of a different type or quality become involved in the generation of the waste.
- 2 New or different processes become involved in the generation of the waste.

- (3) In this section—

*report*, for a test, means a report, written by the person who conducted the test, stating the results of the test.

#### **49 Offence relating to sampling and testing**

A person must not wilfully—

- (a) tamper with a sample of waste taken under section 45;  
or
- (b) interfere with the testing of a sample of waste under section 46; or
- (c) otherwise jeopardise the accuracy of test results for waste.

Maximum penalty—100 penalty units.

### **Division 3 Notification, reporting and record keeping**

#### **50 Definitions for division**

In this division—

*generator*, of tested waste, means the person who generates the waste.

*prescribed information*, for a load of tested waste transported to a receiver, means information about—

- 
- (a) whether the load is general waste or regulated waste; and
  - (b) if the load is regulated waste—whether the load is category 1 regulated waste or category 2 regulated waste; and
  - (c) the current test results for the waste.

*receiver*, of tested waste, means a person to whom the waste is transported.

*tested waste* means waste that has current test results.

## 51 Generator must notify and report changes

- (1) This section applies if—
  - (a) on the retesting of general waste under division 2, the waste becomes regulated waste; or
  - (b) on the retesting of category 2 regulated waste under division 2, the waste becomes category 1 regulated waste.
- (2) The generator of the waste must notify the administering authority of the change within 24 hours after receiving the test results for the retesting.

Maximum penalty—20 penalty units.

- (3) Within 10 business days after receiving the test results for the retesting of the waste, the generator of the waste must give the administering authority a written report stating—
  - (a) the test results for the retesting; and
  - (b) the results of testing last carried out for the waste under division 2 before the test results mentioned in paragraph (a) were received; and
  - (c) the results of any further testing of the waste to confirm the test results mentioned in paragraph (a); and
  - (d) if a load of the waste is being transported at the time of the change—details of the load, including the volume and destination of the load; and

- (e) the action, if any, the generator proposes to take as a result of the change.

Maximum penalty—20 penalty units.

- (4) A notice or report given by the generator under this section is not admissible in evidence against the generator in a prosecution for an offence against the Act.
- (5) Subsection (4) does not prevent other evidence obtained because of the notice or report, or the giving of the notice or report, being admitted in any legal proceeding against the generator.

## **52 Generator must keep records**

- (1) A generator of tested waste in the State must, for each load of the waste transported to a receiver, record the prescribed information for the load in the approved form.

Maximum penalty—20 penalty units.

- (2) The generator must, before or when the load is given to a receiver, give the prescribed information for the load to the receiver.
- (3) The generator must keep the record mentioned in subsection (1) for at least 5 years.

Maximum penalty—20 penalty units.

## **53 Receiver must keep records**

- (1) This section applies if a receiver in the State is given a load of tested waste.
- (2) The receiver must, before or when the receiver is given the load, record the prescribed information for the load in the approved form.

Maximum penalty—20 penalty units.

- (3) Within 24 hours after becoming aware of an omission or inaccuracy in the prescribed information, the receiver must



## **Part 3 Contaminated land**

### **55 Prescribed waste for notifiable activity—Act, sch 3**

Regulated waste is prescribed waste for schedule 3, item 37 of the Act.

## **Part 4 Noise**

### **Division 1 Prescribed standards**

#### **56 Prescribed standards for background level, Z Peak and Z Peak Hold**

- (1) For section 440K of the Act, definition *background level*, the prescribed standard is AS 1055.
- (2) For section 440K of the Act, definitions *Z Peak* and *Z Peak Hold*, the prescribed standard is AS IEC 61672.

*Notes—*

- 1 For references to prescribed standards, see section 579C of the Act.
- 2 A copy of the prescribed standards may be inspected, free of charge, during business hours at the department's head office.

### **Division 2 Measuring noise**

#### **57 Purpose of division**

This division provides for ways in which noise may be measured to help in deciding whether an environmental nuisance has been caused, or a noise standard has been contravened, by an emission of noise.

*Notes—*

- 1 For the offence about causing environmental nuisance, see section 440 of the Act.



- 2 For the offence about contravening a noise standard, see section 440Q of the Act.

## 58 Definition for division

In this division—

*source noise* means a noise from a person, place or thing that—

- (a) is measured over a time interval of at least 15 minutes or, if the noise continues for less than 15 minutes, the duration of the source noise; and
- (b) allows for adjustments under AS 1055 for tonal character and impulsiveness of sound; and
- (c) is quoted to the nearest whole number of decibels.

## 59 Measuring background level

Background level may be measured by applying the relevant procedure under—

- (a) AS 1055; or
- (b) the noise measurement manual.

## 60 Measuring source noise

Source noise may be measured by applying the relevant procedure under—

- (a) AS 1055; or
- (b) the noise measurement manual.

## 61 Measuring source noise for particular noise standards

- (1) Source noise for a noise standard under section 440T, 440U or 440V of the Act may be measured as  $L_{A90, T}$ .
- (2) Source noise for a noise standard under section 440W, 440X or 440Y of the Act may be measured as  $L_{Aeq, T}$ .

(3) In this section—

$L_{Aeq, T}$  means the value of the A-weighted sound pressure level of a continuous steady sound that within a measurement time interval (T) has the same mean square sound pressure as a sound under consideration the level of which varies over time.

## **62 Measurement of noises of same type from same premises**

If 2 or more noises of the same type happen simultaneously at the same premises, they may be measured as if they are 1 noise of that type happening at the premises.

*Examples—*

- 1 A number of concerts happen simultaneously at different places at the same premises. A building is affected by noise from more than 1 of the concerts. The noises may be measured as if they were from 1 concert.
- 2 A premises is used as a stopover depot for trucks with refrigerators. A building is affected by noise from the use of more than 1 of the refrigerators. The noises may be measured as if they were from 1 refrigerator.

## **63 Prescribed instruments, equipment and installations—Act, s 490**

Each instrument, equipment or installation identified in AS IEC 61672 is prescribed for section 490(8) of the Act.

## **64 Evidentiary provision**

A copy of each of the following is admissible in evidence in a proceeding under the Act—

- (a) AS 1055;
- (b) the noise measurement manual.

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## Part 5 Water contamination

### 65 Prescribed water contaminants—Act, s 440ZF

For section 440ZF of the Act, each of the contaminants mentioned in schedule 10 is prescribed as a contaminant for chapter 8, part 3C of the Act.

## Part 6 Air contamination

### 66 Prescribed standards for particular offences relating to air contamination

For section 440ZL of the Act, an Australian and New Zealand standard as in force from time to time under each of the following designations (regardless of the edition or year of publication of the standard) is a prescribed standard—

- (a) AS/NZS 4012 (Domestic solid fuel burning appliances—Method for determination of power output and efficiency);
- (b) AS/NZS 4013 (Domestic solid fuel burning appliances—Method for determination of flue gas emission).

*Notes—*

- 1 For references to prescribed standards, see section 579C of the Act.
- 2 A copy of the prescribed standards may be inspected, free of charge, during business hours at the department's head office.

## **Part 7**                      **Record-keeping requirements for manufacture or import of fuel**

### **67**      **Application of part**

This part states the records that a person must keep under section 440ZY(2) of the Act.

### **68**      **Records kept by manufacturer**

- (1) This section applies if the person manufactures the fuel.
- (2) The person must keep records of the following matters—
  - (a) the kind and grade of fuel manufactured, or its product code;
  - (b) the quantity of fuel manufactured;
  - (c) details of any testing done on the fuel, including—
    - (i) the date of each test; and
    - (ii) records by which the fuel tested can be traced to delivery docket numbers for the fuel; and
    - (iii) the test methods used; and
    - (iv) the results of the tests;
  - (d) for each supply of fuel—
    - (i) how the fuel was supplied; and
    - (ii) the quantity supplied; and
    - (iii) the kind and grade of fuel, or its product code; and
    - (iv) to whom it was supplied; and
    - (v) delivery docket numbers;
  - (e) records by which the fuel supplied can be traced to delivery docket numbers for the fuel;

- 
- (f) records by which each receipt of fuel into the person's tanks can be traced to fuel supplied from the tanks;
  - (g) stock reconciliation records.
- (3) Subsection (2)(g) does not apply to fuel for which it is not possible for the person to keep separate reconciliation records.

## **69 Records kept by importer**

- (1) This section applies if the person imports the fuel.
- (2) The person must keep records of the following matters—
  - (a) the kind and grade of fuel manufactured, or its product code;
  - (b) the quantity of fuel manufactured;
  - (c) details of any testing done on the fuel, including—
    - (i) the date of each test; and
    - (ii) records by which the fuel tested can be traced to delivery docket numbers for the fuel; and
    - (iii) the test methods used; and
    - (iv) the results of the tests;
  - (d) for each supply of fuel—
    - (i) how the fuel was supplied; and
    - (ii) the quantity supplied; and
    - (iii) the kind and grade of fuel, or its product code; and
    - (iv) to whom it was supplied; and
    - (v) delivery docket numbers;
  - (e) records by which the fuel supplied can be traced to delivery docket numbers for the fuel;
  - (f) records by which each receipt of fuel into the person's tanks can be traced to fuel supplied from the tanks;
  - (g) stock reconciliation records.

- (3) Subsection (2)(g) does not apply to fuel for which it is not possible for the person to keep separate reconciliation records.

## Part 8 **Statutory condition for environmental authority for particular resource activities**

### 70 **Prescribed maximum amount for chemicals—Act, s 206**

- (1) For section 206(4) of the Act, definition *restricted stimulation fluids*, paragraph (a), the maximum amounts are as follows—
- (a) for benzene—1 part in a billion in any chemical additive, or combination of chemical additives, included in the restricted stimulation fluid;
  - (b) for ethylbenzene—80 parts in a billion in any chemical additive, or combination of chemical additives, included in the restricted stimulation fluid;
  - (c) for toluene—180 parts in a billion in any chemical additive, or combination of chemical additives, included in the restricted stimulation fluid;
  - (d) for m-xylene—75 parts in a billion in any chemical additive, or combination of chemical additives, included in the restricted stimulation fluid;
  - (e) for o-xylene—350 parts in a billion in any chemical additive, or combination of chemical additives, included in the restricted stimulation fluid;
  - (f) for p-xylene—200 parts in a billion in any chemical additive, or combination of chemical additives, included in the restricted stimulation fluid.
- (2) For section 206(4) of the Act, definition *restricted stimulation fluids*, paragraph (b), the maximum amount of a chemical is the amount of the chemical that produces or would be likely to produce, whether on its own or in combination with another chemical, more than any of the following as it breaks down in the environment—

- 
- (a) 1 part in a billion of benzene;
  - (b) 80 parts in a billion of ethylbenzene;
  - (c) 180 parts in a billion of toluene;
  - (d) 75 parts in a billion of m-xylene;
  - (e) 350 parts in a billion of o-xylene;
  - (f) 200 parts in a billion of p-xylene.
- (3) To remove any doubt, it is declared that the amount of a chemical mentioned in subsection (1) or (2) is not measured in relation to water included in the restricted stimulation fluid.

## Part 9 Waste tracking

### Division 1 Preliminary

#### 71 Waste transportation to which this part applies

- (1) This part applies to the transportation of regulated waste of a type stated in schedule 11 (*trackable waste*).
- (2) However, this part does not apply to—
  - (a) the non-commercial transportation of less than 250kg of trackable waste; or
  - (b) the transportation of trackable waste in a pipeline; or
  - (c) the transportation of trackable waste under an exemption given by the administering authority under section 94; or
  - (d) the transportation of trackable waste in a container if—
    - (i) the amount of trackable waste is not more than 5% of the capacity of the container; and
    - (ii) the container is being transported to a place to be refilled with the same substance as the waste,

without undergoing a process before the refilling;  
or

- (e) the transportation of fly ash from a power station to a place for use in the treatment of waste in a way that involves combining the waste with the ash; or
  - (f) the transportation of trackable waste to an accredited laboratory for analysis; or
  - (g) the transportation of trackable waste in an emergency, if the transportation is to protect the environment, human health or property; or
  - (h) the transportation of chemicals from a farm if—
    - (i) the chemicals are transported by—
      - (A) the owner or occupier of the farm; or
      - (B) another person for free; and
    - (ii) the chemicals are being transported to a place that disposes of agricultural or veterinary chemicals in accordance with a product stewardship; or
  - (i) the transportation of trackable waste in accordance with a product recall—
    - (i) by the Australian Pesticides and Veterinary Medicines Authority; or
    - (ii) reported to Food Standards Australia New Zealand; or
    - (iii) by the Therapeutic Goods Administration; or
  - (j) the transportation of trackable waste to a place for use as stock food; or
  - (k) the transportation of trackable waste to a farm for use as a soil conditioner or fertiliser.
- (3) In this section—

***accredited laboratory*** means a laboratory accredited by the National Association of Testing Authorities.



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## 72 **Meaning of *waste handler, generator, transporter and receiver***

- (1) If there is a transportation of trackable waste to which this part applies, each of the following persons is a ***waste handler*** for the waste—
  - (a) the person (the ***generator***) from whom the trackable waste is transported (whether the person generated the waste or received it from someone else);
  - (b) the person (the ***transporter***) who transports the waste;
  - (c) the person (the ***receiver***) to whom the waste is transported.
- (2) If a person acts in more than 1 of the capacities mentioned in subsection (1), the person must comply with this part for each of the capacities.

*Example—*

A person generates a load of trackable waste and transports it to someone else for treatment. The first person must comply with this part, in relation to the load, as both the generator and transporter of the waste.

## 73 **Fee for giving prescribed information**

- (1) A waste handler must pay the fee stated in this section to the chief executive when the waste handler gives prescribed information about the transportation of trackable waste to the administering authority.
- (2) The fee is—
  - (a) for information given in the way prescribed under section 75(a)—5.30 fee units; or
  - (b) for information given in the way prescribed under section 75(b)—3.15 fee units; or
  - (c) for information given in the way prescribed under section 75(c) or (d)—2.24 fee units for each load of trackable waste mentioned in the form used to give the information.

## **Division 2                      Prescribed matters for giving of information**

### **74            Prescribed information**

The *prescribed information* that a waste handler must record, or give to the administering authority or another waste handler, is the information stated in schedule 12 relating to the waste handler.

### **75            Prescribed way of giving information**

The *prescribed way* of giving prescribed information about the transportation of trackable waste is giving the information—

- (a) using the paper form of the prescribed form; or
- (b) using the electronic form of the prescribed form, by electronically transmitting the form to the administering authority using the online system on the department's website; or
- (c) using the electronic spreadsheet form of the prescribed form, by electronically transmitting the form to the administering authority using the online system on the department's website; or
- (d) in a way approved under section 92.

### **76            Prescribed period for giving information**

The *prescribed period* for giving prescribed information about waste to the administering authority is—

- (a) if the information is given in the prescribed form—
  - (i) for information given in the way prescribed under section 75(a) or (b)—7 days; or
  - (ii) for information given in the way prescribed under section 75(c)—7 days after the end of the month in

which the transportation of the trackable waste ended; or

- (b) if the information is given in a way approved by the administering authority under section 92—the period stated by the administering authority in the approval.

## **Division 3                    Obligations of waste handlers**

### **Subdivision 1            Transportation within Queensland**

#### **77            Application of subdivision**

This subdivision applies to the transportation of trackable waste from a generator in Queensland to a receiver in Queensland.

#### **78            Responsibilities of generator**

- (1) When the generator gives the waste to the transporter, the generator must—
  - (a) give the transporter the prescribed information about the waste in the prescribed form; and
  - (b) record the prescribed information about the waste.

Maximum penalty—20 penalty units.

- (2) The generator must give the prescribed information about the waste to the administering authority in the prescribed way and within the prescribed period after giving the waste to the transporter.

Maximum penalty—20 penalty units.

- (3) The generator must keep the record mentioned in subsection (1)(b) for at least 5 years.

Maximum penalty—20 penalty units.

## **79 Responsibilities of transporter**

- (1) While transporting the waste in Queensland, the transporter must carry a document containing the information received from the generator under section 78(1)(a).

Maximum penalty—20 penalty units.

- (2) When the transporter gives the waste to the receiver, the transporter must—
  - (a) give the receiver the prescribed information about the waste; and
  - (b) record the prescribed information about the waste.

Maximum penalty—20 penalty units.

- (3) Within 7 days after becoming aware of a discrepancy in information received from the generator under section 78(1)(a), the transporter must give written notice of the discrepancy to the administering authority.

Maximum penalty—20 penalty units.

- (4) The transporter must keep the record mentioned in subsection (2)(b) for at least 5 years.

Maximum penalty—20 penalty units.

## **80 Responsibilities of receiver**

- (1) When the transporter gives the waste to the receiver, the receiver must record the prescribed information about the waste.

Maximum penalty—20 penalty units.

- (2) The receiver must give the prescribed information about the waste to the administering authority in the prescribed way and within the prescribed period after receiving the waste from the transporter.

Maximum penalty—20 penalty units.

- (3) Within 7 days after becoming aware of a discrepancy in the information received from the transporter under

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section 79(2)(a), the receiver must give written notice of the discrepancy to the administering authority.

Maximum penalty—20 penalty units.

- (4) The receiver must keep the record mentioned in subsection (1) for at least 5 years.

Maximum penalty—20 penalty units.

## **81 Responsibilities of waste handler acting in more than 1 capacity**

- (1) If a person is both the generator and the transporter—
- (a) section 78(1)(a) does not apply; and
  - (b) section 78 otherwise applies as if a reference to the generator giving the waste to the transporter were a reference to the person starting the transportation; and
  - (c) section 79(1) applies as if a reference to the information received from the generator were a reference to the information recorded by the person; and
  - (d) section 79(3) does not apply.
- (2) If a person is both the transporter and the receiver—
- (a) section 79(2)(a) does not apply; and
  - (b) section 80(3) does not apply; and
  - (c) sections 79 and 80 otherwise apply as if a reference to the transporter giving the waste to the receiver were a reference to the person completing the transportation of the waste.

## **Subdivision 2      Transportation into Queensland**

### **82      Application of subdivision**

This subdivision applies to the transportation of trackable waste from a generator outside Queensland to a receiver in Queensland.

### **83      Responsibilities of transporter**

- (1) The transporter must not transport the waste into Queensland unless the administering executive has, under section 93, assigned a consignment number to—
  - (a) the load being transported; or
  - (b) the loads being transported over a 12-month period.

Maximum penalty—20 penalty units.

- (2) Before transporting the waste into Queensland, the transporter must obtain from the generator the information about the waste mentioned in schedule 12, section 1(2), other than the generator's identification number and a unique identifier for the load.
- (3) While transporting the waste in Queensland, the transporter must carry a document—
  - (a) stating the consignment number assigned to the load by the administering executive; and
  - (b) containing the information mentioned in subsection (2).

Maximum penalty—20 penalty units.

- (4) When the transporter gives the waste to the receiver, the transporter must—
  - (a) give the receiver the prescribed information about the waste; and
  - (b) record the prescribed information about the waste.

Maximum penalty—20 penalty units.

- (5) Within 7 days after becoming aware of a discrepancy in information obtained under subsection (2), the transporter must give written notice of the discrepancy to the administering authority.

Maximum penalty—20 penalty units.

- (6) The transporter must keep the record mentioned in subsection (4)(b) for at least 5 years.

Maximum penalty—20 penalty units.

#### **84 Responsibilities of receiver**

- (1) When the transporter gives the waste to the receiver, the receiver must record the prescribed information about the waste.

Maximum penalty—20 penalty units.

- (2) The receiver must give the prescribed information about the waste to the administering authority in the prescribed way and within the prescribed period after receiving the waste from the transporter.

Maximum penalty—20 penalty units.

- (3) Within 7 days after becoming aware of a discrepancy in the information received from the transporter under section 83(4)(a), the receiver must give written notice of the discrepancy to the administering authority.

Maximum penalty—20 penalty units.

- (4) The receiver must keep the record mentioned in subsection (1) for at least 5 years.

Maximum penalty—20 penalty units.

#### **85 Responsibilities of waste handler acting in more than 1 capacity**

If a person is both the transporter and the receiver—

- (a) section 83(4)(a) does not apply; and

- (b) section 84(3) does not apply; and
- (c) sections 83 and 84 otherwise apply as if a reference to the transporter giving the waste to the receiver were a reference to the person completing the transportation of the waste.

## **Subdivision 3      Transportation out of Queensland**

### **86      Application of subdivision**

This subdivision applies to the transportation of trackable waste from a generator in Queensland to a receiver outside Queensland.

### **87      Responsibilities of generator**

- (1) When the generator gives the waste to the transporter, the generator must—
  - (a) give the transporter the prescribed information about the waste; and
  - (b) record the prescribed information about the waste.

Maximum penalty—20 penalty units.

- (2) The generator must give the prescribed information about the waste to the administering authority in the prescribed way and within the prescribed period after giving the waste to the transporter.

Maximum penalty—20 penalty units.

- (3) The generator must keep the record mentioned in subsection (1)(b) for at least 5 years.

Maximum penalty—20 penalty units.



## **88 Responsibilities of transporter**

- (1) While transporting the waste in Queensland, the transporter must carry a document containing the information received from the generator under section 87(1)(a).

Maximum penalty—20 penalty units.

- (2) Within 7 days after becoming aware of a discrepancy in information received from the generator under section 87(1)(a), the transporter must give written notice of the discrepancy to the administering authority.

Maximum penalty—20 penalty units.

## **89 Responsibilities of waste handler acting in more than 1 capacity**

If a person is both the generator and the transporter—

- (a) section 87(1)(a) does not apply; and
- (b) section 87 otherwise applies as if a reference to the generator giving the waste to the transporter were a reference to the person starting the transportation of the waste; and
- (c) section 88(1) applies as if a reference to the information received from the generator were a reference to the information recorded by the person; and
- (d) section 88(2) does not apply.

## **Division 4 Miscellaneous**

### **90 Application of provisions to agents**

- (1) This section applies if—
  - (a) a waste handler is required by a provision of division 3 (a *waste tracking provision*) to do something; and

- (b) the waste handler enters into a written agreement with another person (the *agent*) to do the thing for the waste handler; and
  - (c) the agreement states the agent is aware of subsection (3).
- (2) In a proceeding for an offence against a waste tracking provision, it is a defence for the waste handler to show—
- (a) the waste handler entered into the agreement with the agent; and
  - (b) the contravention was directly caused by a failure of the agent to do something in compliance with the agreement.
- (3) The waste tracking provision applies to the agent, to the extent the agent has agreed to do something required by the provision, as if a reference in the provision to the waste handler were a reference to the agent.

## 91 Giving information to administering authority in prescribed form

- (1) The chief executive must prepare forms (each a *prescribed form*) for use in giving information to the administering authority under division 3.
- (2) Each form mentioned in section 75(a) or (b) must be marked with a unique identifier consisting of numbers, letters or both.
- (3) If a waste handler gives information in a form mentioned in section 75(c), the waste handler must ensure a unique identifier (consisting of numbers, letters or both) is stated for each load of trackable waste mentioned in the form.
- (4) The chief executive must make the forms available to the public, whether published on the department's website or otherwise, on payment of a reasonable fee.
- (5) If a person obtains a prescribed form from the chief executive and uses it to give information to the administering authority under division 3 about the transportation of trackable waste,

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the number marked on the form under subsection (2) is the unique identifier for the load of waste.

## **92 Approval of ways of giving information to administering authority**

- (1) A person may apply to the administering executive for approval of a particular way of giving prescribed information to the administering authority under division 3.
- (2) The person must, within the period required by the administering executive—
  - (a) give the administering executive the information the executive reasonably requires to decide the application; and
  - (b) pay the reasonable fee required by the executive for assessing the application.
- (3) If the person does not comply with subsection (2), the application lapses.
- (4) The administering executive may approve the way of giving prescribed information if the executive is satisfied—
  - (a) it is a reliable, effective, timely and efficient way for the information to be given to the administering authority; and
  - (b) the information will be secure while it is being given; and
  - (c) the information will be given in a form that enables the authority to access, record and otherwise deal with the information; and
  - (d) it includes a system for assigning an appropriate unique identifier (consisting of numbers, letters or both) to each transportation of trackable waste for which information is given; and
  - (e) it would otherwise be an appropriate way for the information to be given.

*Example—*

The administering executive may approve a system under which a person transmits information from the person's database directly to the administering authority in a particular electronic form.

- (5) An approval under subsection (4) may be given on reasonable conditions.
- (6) After the administering executive decides the application, the administering executive must give the person a written notice stating—
  - (a) whether the application is approved or refused; and
  - (b) if the application is approved—
    - (i) any conditions of the approval; and
    - (ii) the prescribed period for giving the information; and
  - (c) if the application is refused—the reasons for the decision; and
  - (d) the review or appeal details for the decision.
- (7) If the administering executive has not decided the application by the due day, the application is taken to have been refused.
- (8) To remove doubt, it is declared that the administering executive may approve, under this section, a way of giving information, even though a person has not applied for the approval.
- (9) In this section—

***due day***, for deciding an application, means—

  - (a) 60 days after the application is made, not including a day the administering executive asks for information under subsection (2)(a), a day the person gives the requested information, and any days in between; or
  - (b) any later day agreed between the administering executive and the person.

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**93      Consignment numbers for waste transported into Queensland**

- (1) A person may apply to the administering executive for a consignment number for—
  - (a) a load of trackable waste to be transported into Queensland from another State; or
  - (b) loads of trackable waste to be transported into Queensland from another State over a 12-month period.
- (2) The application must be in the approved form.
- (3) The person must give the administering executive the following information if the executive requests it—
  - (a) information mentioned in schedule 12, section 1, about the load;
  - (b) information the executive reasonably requires to decide the application.
- (4) The administering executive must approve the application for a consignment number if the executive is satisfied—
  - (a) the intended transporter holds, or is acting under, an environmental authority for transporting the waste to the intended receiver; and
  - (b) the intended receiver holds, or is acting under, an environmental authority for carrying out the intended treatment of the waste.
- (5) After the administering executive decides the application, the administering executive must give the person a written notice stating—
  - (a) whether the application is approved or refused; and
  - (b) if the application is approved—the consignment number assigned to the load or loads of trackable waste; and
  - (c) if the application is refused—
    - (i) the reasons for the decision; and
    - (ii) the review or appeal details for the decision.

(6) If the administering executive has not decided the application by the due day, the application is taken to have been refused.

(7) In this section—

*due day*, for deciding an application, means—

- (a) 10 business days after the application is made, not including a day the administering executive asks for information under subsection (3), a day the person gives the requested information, and any days in between; or
- (b) any later day agreed between the administering executive and the person.

*intended treatment*, of trackable waste to be transported into Queensland, means the way the waste is to be treated, disposed of, stored or otherwise dealt with by the receiver.

## 94 Exemptions

(1) A person may apply to the administering authority for an exemption for the transportation of trackable waste to which this part applies.

*Note—*

See section 71 for the trackable waste to which this part applies.

(2) The person must give the administering authority the information the authority reasonably requires to decide the application.

(3) The administering authority may grant the exemption if the authority is satisfied the waste does not show any environmentally significant characteristics.

*Example—*

A person operates a food processing facility. Waste from the facility includes filter cake (a trackable waste) that the person sends away for disposal at the end of each week. The filter cake derives only from the washing of vegetables and consists almost entirely of sand and dirt. Analysis of the filter cake establishes that it does not show any environmentally significant characteristics.

The administering authority decides to grant the person an exemption for the transportation of each of these weekly loads. The exemption is

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given on conditions about the process that generates the filter cake to ensure the filter cake will not show any environmentally significant characteristics.

- (4) An exemption may be given on reasonable conditions.
- (5) After the administering executive decides the application, the administering executive must give the person a written notice stating—
  - (a) whether or not the exemption is granted; and
  - (b) if the exemption is granted—any conditions of the exemption; and
  - (c) if the exemption is refused—the reasons for the decision; and
  - (d) the review or appeal details for the decision.
- (6) If the administering authority has not decided the application for exemption by the due day, the authority is taken to have refused the application.
- (7) In this section—

*due day*, for deciding an application, means—

  - (a) 30 days after the application is made, not including a day the administering authority asks for information it reasonably requires to decide the application, a day the person gives the requested information, and any days in between; or
  - (b) any later day agreed between the administering authority and the person.

## 95 Emergencies

In a proceeding for an offence against a provision of this part, it is a defence for the person to prove the act or omission constituting the failure to comply with the provision—

- (a) was carried out, or happened, in the exercise of a power under chapter 9, part 4 of the Act; or

- (b) was carried out, or happened, under an emergency direction; or
- (c) was reasonably necessary because of an emergency.

## **96 Trackable waste to be given only to licensed transporter**

- (1) A generator of trackable waste must not give the waste to another person to transport it in a vehicle for a fee or reward, or in a load of more than 250kg, unless the other person holds, or is acting under, an environmental authority for transporting the waste in the vehicle.

Maximum penalty—20 penalty units.

- (2) In a proceeding for an offence against subsection (1), it is a defence for the person to prove there were reasonable grounds for believing the other person had an environmental authority for transporting the waste in the vehicle.

## **97 Generator identification number**

On application by a person in the approved form, the administering executive must assign the person a generator identification number.

*Note—*

The generator identification number is mentioned in the prescribed information for a generator under schedule 12, section 1.



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## Chapter 6      Waste management by local governments

### Part 1              Preliminary

#### 98      Application of chapter

This chapter applies to a local government area unless—

- (a) the local government for the area makes a local law about waste management for the area; and
- (b) the local law states it replaces this chapter.

#### 99      References to local government

In this chapter, a reference to a local government in the context of dealing with waste produced at relevant premises is a reference to the local government for the local government area in which the relevant premises is situated.

#### 100      Meaning of *serviced premises*

Relevant premises in a local government area are *serviced premises* if—

- (a) the relevant premises are in an area designated by the local government under the *Waste Reduction and Recycling Regulation 2011*, section 7 as an area in which the local government may conduct general waste collection; or
- (b) the local government has required the owner or occupier of the relevant premises to arrange for removal of general waste from the relevant premises.

*Examples of ways a local government may require the removal of general waste for paragraph (b)—*

a local law, a resolution of the local government, a development approval for the premises, a public health order under the *Public Health Act 2005*

## **Part 2                      Waste management in local government areas**

### **Division 1                Storage of general waste**

#### **101    Owner or occupier of relevant premises to supply waste containers**

- (1) The owner or occupier of relevant premises in a local government area must—
  - (a) subject to subsection (2), supply enough standard general waste containers at the relevant premises to store the general waste produced at the premises; or
  - (b) if required by the local government, supply at the relevant premises, enough waste containers, other than standard general waste containers, to store the general waste produced at the relevant premises.

*Examples of ways a local government may require waste containers for paragraph (b)—*

a local law, a resolution of the local government, a development approval for the premises

Maximum penalty—20 penalty units.

- (2) However, subsection (1)(a) does not apply if the local government supplies to the relevant premises the number of standard general waste containers the local government reasonably considers is required at the relevant premises.
- (3) If the local government supplies a standard general waste container to relevant premises under subsection (2), the reasonable cost of supplying the container is a debt payable by

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the owner or occupier of the relevant premises to the local government.

- (4) However, subsection (3) does not prevent a local government from supplying a standard general waste container to relevant premises without cost to the owner or occupier of the relevant premises.

## 102 Requirements for storing general waste in waste containers

- (1) The occupier of relevant premises must—
- (a) store general waste at the relevant premises in a standard general waste container or, if required by the local government, in another type of waste container; and

*Examples of ways a local government may require waste to be stored in another type of waste container—*

a local law, a resolution of the local government, a development approval for the premises

- (b) keep each waste container at the relevant premises clean and in good repair; and
- (c) ensure each waste container at the relevant premises is securely covered other than to place waste in or remove waste from the container or to clean the container.

Maximum penalty—20 penalty units.

- (2) A person must not—
- (a) place any of the following in a waste container—
- (i) a liquid, semi-liquid or moist substance, unless the substance is securely wrapped or contained to prevent the substance leaking from the wrapper or container;
- (ii) material that is smouldering or aflame;
- (iii) matter or a thing that is alive; or

[s 103]

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- (b) remove or disturb the cover of a waste container other than to place waste in the container or to clean the container; or
- (c) use or damage a waste container so that it is not weatherproof or serviceable or can not be securely covered; or
- (d) disturb or otherwise interfere with the contents of a waste container.

Maximum penalty—20 penalty units.

- (3) The occupier of the relevant premises must ensure that a person does not place anything in a waste container at the premises in contravention of subsection (2)(a).

Maximum penalty—20 penalty units.

- (4) In a proceeding for an offence against subsection (3), it is a defence for a person to prove the contravention of that subsection was due to circumstances over which the person had no control.

### **103 General requirements for keeping waste containers at serviced premises**

- (1) Subject to subsection (2), the occupier of serviced premises must ensure that a waste container supplied for the premises is kept—

- (a) if the local government requires the container be kept at a particular place at the premises—at the place; or

*Examples of ways a local government may require waste containers to be kept at a particular place—*

a local law, a resolution of the local government, a development approval for the premises

- (b) otherwise—at ground level close to the rear alignment of a building at the premises.

Maximum penalty—20 penalty units.

- (2) Subsection (1) does not prevent the occupier of the serviced premises from placing a waste container in a place outside the

premises for the collection of general waste from the container if—

- (a) the local government has arranged to collect waste from the container at the place; and
- (b) the container is in the place for no longer than—
  - (i) the period, if any, allowed under a local law of the local government; or
  - (ii) is otherwise reasonably appropriate before and after the collection.

*Example of a place outside serviced premises—*

the kerb adjacent to the serviced premises

- (3) If a local government has arranged for the collection of general waste from a waste container at the serviced premises, the occupier of the premises must ensure there is unobstructed access to the container for removal of the waste.

Maximum penalty—20 penalty units.

- (4) In a proceeding against a person for an offence under subsection (3), it is a defence for the person to prove the contravention was due to circumstances over which the person had no control.

## **104 Other requirements for storing general waste at particular serviced premises**

- (1) This section applies to a person who is for particular serviced premises—
  - (a) the owner or occupier of the premises;
  - (b) the registered suitable operator for a prescribed environmentally relevant activity carried out at the premises;
  - (c) the holder of an environmental authority for a mining activity or petroleum activity carried out at the premises.
- (2) The person must, if required by the local government, ensure each of the following is supplied at the premises—

- (a) either—
  - (i) an elevated stand at a level required by the local government for holding all waste containers; or
  - (ii) an imperviously paved area, drained as required by the local government, where all waste containers can be placed;
- (b) a hose cock and hose in the vicinity of the stand or paved area;
- (c) a suitable enclosure for the area where the waste containers are kept.

*Examples of ways a local government may require a person to comply with subsection (2)—*

a local law, a resolution of the local government, a development approval

Maximum penalty for subsection (2)—20 penalty units.

- (3) In this section—

*particular serviced premises* means serviced premises other than a single detached dwelling.

## Division 2                      Removal of general waste

### 105      Local government may give notice about removing general waste

- (1) This section applies to a local government that has arranged for the removal of general waste produced at relevant premises.
- (2) The local government may give the occupier of the relevant premises a written notice stating—
  - (a) the days on which the waste is to be collected; and
  - (b) where the waste container is to be placed for collection of the waste (the *designated location*); and

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- (c) the time by which the waste container is to be placed in the designated location for collection of the waste.

## **106 Depositing or disposal of general waste from premises other than serviced premises**

- (1) This section applies if general waste is produced at relevant premises, other than serviced premises.
- (2) The local government may—
  - (a) give a written approval (a *relevant approval*) to the owner or occupier of the relevant premises for depositing or disposing of the waste; and
  - (b) impose conditions on the approval, including, for example, conditions about—
    - (i) the place for depositing or disposing of the waste; or
    - (ii) the method of depositing or disposing of the waste.
- (3) A person must not deposit or dispose of the waste unless the person deposits or disposes of the waste—
  - (a) at a waste facility under part 3; or
  - (b) under a relevant approval and any conditions of the approval.

Maximum penalty for subsection (3)—20 penalty units.

## **Division 3 Storage and treatment of industrial waste**

### **107 Requirements for storing industrial waste**

- (1) The occupier of relevant premises where there is industrial waste must, if required by the local government—
  - (a) supply at the premises the number of industrial waste containers required by the local government for storing

the waste at the premises safely, efficiently and without causing a nuisance; and

- (b) keep the waste containers at a place at the premises the local government requires; and
- (c) keep each waste container clean and in good repair.

*Examples of ways a local government may require compliance with subsection (1)—*

a local law, a resolution of the local government, a development approval

Maximum penalty—20 penalty units.

- (2) If the occupier does not supply at the relevant premises the number of industrial waste containers required by the local government for subsection (1)(a), the local government may supply industrial waste containers at the premises.
- (3) If a local government supplies an industrial waste container to relevant premises under subsection (2), the reasonable cost of supplying the container is a debt payable by the occupier of the premises to the local government.
- (4) In this section—

***industrial waste container*** means a waste container of a type approved by the local government for storing industrial waste at premises within the local government's area.

## **108 Requirement to treat industrial waste for disposal**

The occupier of relevant premises where there is industrial waste must, if required by the local government, treat the waste to a standard approved by the local government for disposal of the waste at a waste facility.

*Examples of ways a local government may require an occupier to treat industrial waste for disposal—*

a local law, a resolution of the local government, a development approval for the premises

Maximum penalty—40 penalty units.



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## **Division 4                      Compliance notices**

### **109      Authorised person may give notice to comply**

- (1) If an authorised person believes on reasonable grounds that a person has contravened division 1, 2 or 3, the authorised person may give the person a written notice about the contravention.
- (2) The notice must state—
  - (a) the act or omission comprising the contravention; and
  - (b) the action the person must take to rectify the contravention; and
  - (c) the day by which the person must take the action.
- (3) The stated day must be at least 28 days after the notice is given.
- (4) If a person is given a notice under subsection (1), the person must comply with the notice unless the person has a reasonable excuse for not complying with it.

Maximum penalty—10 penalty units.

- (5) If a person is given a notice under subsection (1) in relation to a contravention of division 1, 2 or 3, the person can be prosecuted for the contravention only if the person does not comply with the notice.
- (6) However, this section does not require an authorised person to give a person a notice under subsection (1) before the person may be prosecuted for a contravention of division 1, 2 or 3.

## **Part 3                                      Requirements and restrictions for waste facilities**

### **110      Depositing waste at waste facility**

- (1) A person must not deposit the following waste at a waste facility—

[s 111]

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- (a) liquid or semiliquid waste;
- (b) hot ash;
- (c) material that is smouldering or aflame;
- (d) material that can spontaneously combust;
- (e) material containing a substance that may be harmful to persons or property because, if it reacts with air or water, it may produce toxic gases or become corrosive or explosive;
- (f) an explosive;
- (g) ammunition, other than ammunition that no longer contains explosives, pyrotechnics or propellants apart from trace residues that are incapable of supporting combustion or an explosive reaction.

Maximum penalty—20 penalty units.

- (2) Subsection (1) does not apply to waste deposited with the consent of—
  - (a) the person who—
    - (i) is the registered suitable operator for the facility; or
    - (ii) holds an environmental authority for the facility; or
  - (b) the person in charge of the facility.

## **111 Restrictions on burning waste at waste facility**

A person must not set fire to, or burn, waste at a waste facility other than—

- (a) under an environmental authority; or
- (b) under a development condition of a development approval; or
- (c) under the *Fire and Emergency Services Act 1990*.

Maximum penalty—20 penalty units.

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## **112 Restrictions on use of waste facility**

- (1) A person must not, without the consent of a waste facility's owner or operator—
  - (a) enter the facility other than to deposit waste; or
  - (b) remain on the facility after depositing waste; or
  - (c) interfere with waste at, or remove waste from, the facility.

Maximum penalty—10 penalty units.

- (2) Subsection (1) does not apply to—
  - (a) the facility's owner or operator; or
  - (b) an authorised person.

## **113 Waste transporter to comply with directions and give information**

- (1) This section applies to a person who transports and delivers waste to a waste facility.
- (2) The person must—
  - (a) comply with all relevant and reasonable directions contained in any sign displayed at the facility by the facility's owner or operator; and
  - (b) deal with the waste in accordance with reasonable instructions given by the person in charge of the facility; and
  - (c) if asked by the facility's owner or operator—give information to the owner or operator about the type and amount of waste being delivered.

Maximum penalty—10 penalty units.

## Chapter 7 National Pollutant Inventory

### Part 1 Preliminary

#### 114 Purpose of chapter

The purpose of this chapter is to give effect to, and enforce compliance with, the ‘National Environment Protection (National Pollutant Inventory) Measure 1998’ (the *NPI NEPM*) made under the *National Environment Protection Council Act 1994* (Cwlth), section 14.

#### 115 Definitions for chapter

In this chapter—

*reporting period*, for a reporting facility, see section 118.

*reporting requirement*, for the occupier of a reporting facility, means the requirement for the occupier to give information to the chief executive under section 117(2) or (7).

*reporting threshold*, for a substance, means the reporting threshold for the substance under the NPI NEPM.

#### 116 Expressions in this part have same meaning as under NPI NEPM

Unless this regulation provides otherwise, expressions in this part that are defined under the NPI NEPM have the same meaning as they have in the NPI NEPM.

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## Part 2 Reporting requirements

### 117 Occupiers of reporting facilities to give information

- (1) This section applies to the occupier of a reporting facility that, under NPI NEPM, exceeds the reporting threshold for a substance in the facility's reporting period.
- (2) The occupier must, within 3 months after the end of the reporting period, give the chief executive the following, unless the occupier has a reasonable excuse—
  - (a) the information mentioned in NPI NEPM, section 9(1);
  - (b) a statement about the information that complies with NPI NEPM, section 9(6).

Maximum penalty—20 penalty units.

- (3) However, this section does not apply unless—
  - (a) the Commonwealth and the State agree that the code under ANZSIC for 1 or more activities carried out at the facility is an industry type required to report under this measure; and
  - (b) the Commonwealth has included the code on a list as an industry type required to report under this measure and published the list; and
  - (c) the Commonwealth publishes industry reporting materials for the code.
- (4) Also, this section does not apply to mandatory transfer data mentioned in NPI NEPM, section 9(1), unless the Commonwealth publishes industry reporting materials for transfers.
- (5) Subsection (2) is subject to sections 126 and 128.
- (6) If the chief executive requires further information in relation to the information mentioned in NPI NEPM, section 9(1)(e) or (g), the chief executive may give the occupier a written notice stating—
  - (a) the information required; and

- (b) why the information is required; and
  - (c) a reasonable period of at least 30 business days for compliance; and
  - (d) the review or appeal details for the decision to give the notice.
- (7) The occupier must comply with the notice unless the occupier has a reasonable excuse.

Maximum penalty—20 penalty units.

- (8) In this section—

*ANZSIC* means the document called ‘1292.0 - Australian and New Zealand Standard Industrial Classification (ANZSIC), 2006 (Revision 2.0)’, made by the Australian Bureau of Statistics.

## 118 Reporting period for reporting facility

- (1) The *reporting period* for a reporting facility is—
- (a) a financial year; or
  - (b) if the chief executive decides the occupier of the facility is required to collect or collate data similar to emission data or mandatory transfer data on the basis of a different annual reporting period—the annual reporting period decided by the chief executive.
- (2) The chief executive may make a decision under subsection (1)(b)—
- (a) on the chief executive’s own initiative; or
  - (b) on a written application for a particular reporting period (a *reporting period application*) made to the chief executive by the occupier.
- (3) As soon as practicable after making the decision, the chief executive must give the occupier a written notice (a *reporting period notice*) about the decision.
- (4) The reporting period notice about the decision is an information notice about the decision if—

- (a) the decision has been made on the chief executive's own initiative; or
  - (b) the occupier has made a reporting period application and the chief executive has refused it.
- (5) If the occupier makes a reporting period application and the chief executive fails to give the occupier a reporting period notice within 40 days after the application is made, the failure is taken to be a decision by the chief executive to refuse the application at the end of the 40 days.

### **119 Occupier must keep particular information for 3 years**

- (1) Subsection (2) applies to the occupier of a reporting facility for keeping the information used in deciding if the reporting threshold for a substance is exceeded in the reporting period for the facility.

- (2) The occupier must keep the information for 3 years after the reporting period ends.

Maximum penalty—20 penalty units.

- (3) Subsection (4) applies to the occupier of a reporting facility for keeping the information required to assess the emission data and mandatory transfer data given to the chief executive under section 117(2) or (7).

- (4) The occupier must keep the information for 3 years after—

- (a) the emission data and mandatory transfer data are required to be given to the chief executive under section 117(2); or
- (b) if the chief executive requires information under a notice given under section 117(6), the period for compliance stated in the notice.

Maximum penalty—20 penalty units.

## 120 Minister may name occupier in report

- (1) This section applies to the occupier of a reporting facility if the Minister is satisfied the occupier has contravened any of the following (each a *relevant provision*)—
  - (a) section 117(2) or (7);
  - (b) section 480, 480A or 481 of the Act for giving information required to be given under section 117.
- (2) If the Minister is satisfied it is appropriate in the circumstances, the Minister may, in the Minister's implementation report, name the occupier as a person who the Minister is satisfied has contravened a relevant provision.
- (3) In deciding whether it is appropriate in the circumstances to name the occupier in the implementation report, the Minister must have regard to the following matters—
  - (a) any mitigating or aggravating circumstances;
  - (b) whether the occupier has previously contravened a relevant provision and any action taken against the occupier for the contravention;
  - (c) whether naming the occupier would be unreasonably harsh or oppressive.
- (4) Before naming the occupier in the report, the Minister must give the occupier a written notice stating the following—
  - (a) that the Minister proposes naming the occupier in the implementation report as a person who the Minister is satisfied has failed to comply with a relevant provision;
  - (b) the grounds for the proposed action;
  - (c) that the occupier may make, within a stated period (the *show cause period*) written representations to show why the proposed action should not be taken.
- (5) The show cause period must be a period of at least 28 days after the notice is given to the occupier.
- (6) The Minister must consider the written representations, if any, made by the occupier during the show cause period.



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- (7) If after considering the representations the Minister still considers it is appropriate to name the person in the report, the Minister may do so.
  - (8) The Minister must give the occupier written notice of the decision stating the following—
    - (a) that the Minister has decided to name the occupier in the implementation report as a person who the Minister is satisfied has failed to comply with a relevant provision, and the reasons for the decision;
    - (b) the review or appeal details for the decision.
  - (9) In this section—

*implementation report* means the Minister's report submitted to the National Environment Protection Council under the *National Environment Protection Council (Queensland) Act 1994*, section 23.

## Part 3 Estimation techniques for emission and transfer data

### 121 Occupier of reporting facility must use estimation technique

- (1) The occupier of a reporting facility must use a technique (an *estimation technique*) for estimating emission data and mandatory transfer data for complying with the facility's reporting requirements.
- (2) The estimation technique must be—
  - (a) a technique for estimating the data for the reporting facility, approved by the chief executive under section 124 or 125; or
  - (b) if paragraph (a) does not apply—the technique for estimating the data stated in the industry reporting materials for the relevant type of reporting facility.

## **122 When chief executive may approve estimation technique**

The chief executive may approve an estimation technique for use by the occupier of a reporting facility (an *estimation technique approval*) if—

- (a) there is no estimation technique for estimating emission data and mandatory transfer data stated in the relevant industry reporting materials for the reporting facility; or
- (b) both of the following apply—
  - (i) the relevant industry reporting materials for the reporting facility state an estimation technique (the *existing technique*) for estimating the data;
  - (ii) the chief executive reasonably considers another technique is likely to provide more representative emission data and mandatory transfer data than the existing technique.

## **123 Application for approval of estimation technique**

- (1) The occupier of a reporting facility may apply to the chief executive for an estimation technique approval (an *estimation technique application*).
- (2) The estimation technique application must—
  - (a) state the estimation technique for which approval is sought; and
  - (b) give the information necessary to enable the chief executive to decide the application.
- (3) The chief executive may give the occupier a written notice asking the occupier to give to the chief executive, in the reasonable period stated in the notice, further information the chief executive reasonably considers necessary to decide the application.
- (4) A notice under subsection (3) is an information notice about the chief executive's decision to ask for the further information.

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## 124 Deciding estimation technique application

- (1) For deciding an estimation technique application, the chief executive must—
  - (a) approve the estimation technique for which approval is sought (the *proposed technique*); or
  - (b) refuse to approve the proposed technique; or
  - (c) approve the proposed technique subject to a modification decided by the chief executive; or
  - (d) approve another estimation technique.
- (2) In deciding whether to approve the proposed technique, or approve another estimation technique, the chief executive must have regard to the representativeness of the proposed technique compared with the representativeness of estimation techniques in the relevant industry reporting materials for the reporting facility.
- (3) The chief executive may refuse to approve the proposed technique if—
  - (a) the chief executive has given the occupier a notice under section 123(3) asking for further information; and
  - (b) the occupier does not comply with the request in the period stated in the notice.
- (4) The chief executive must give the occupier written notice of the decision under subsection (1) as soon as possible after making the decision.
- (5) If the chief executive decides to approve the technique subject to a modification, the notice must state the modification.
- (6) If the chief executive refuses to approve the proposed technique, approves it subject to a modification or approves another estimation technique, the chief executive must give the occupier an information notice about the decision.
- (7) Subsection (8) applies if the chief executive fails to give the occupier a notice about the chief executive's decision—
  - (a) within 40 days after the application is made; or

[s 125]

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- (b) if the occupier gave the chief executive further information requested under section 123(3)—within 40 days after receiving the further information.
- (8) The chief executive's failure to give the notice is taken to be a decision by the chief executive to refuse to approve the proposed technique.

### **125 Approval of estimation technique on chief executive's initiative**

- (1) The chief executive may, at any time, give an estimation technique approval for a reporting facility.
- (2) Before giving an estimation technique approval, the chief executive must give the occupier of the reporting facility a written notice stating that the chief executive will give the approval within a stated period of at least 14 days unless the occupier makes an estimation technique application.
- (3) If the occupier does not make an estimation technique application within the stated period, the chief executive must give the occupier—
  - (a) a notice stating the estimation technique approved by the chief executive; and
  - (b) an information notice about the decision to approve the estimation technique.

## **Part 4 Exceptions to reporting requirements**

### **126 Exemption on ground of national security**

- (1) This section applies if the occupier of a facility gives the chief executive written evidence that—
  - (a) the occupier has made a claim to the Commonwealth under NPI NEPM that information required to be given

- 
- by the occupier under section 117(2) should be treated as confidential on the grounds of national security; and
- (b) the claim—
    - (i) has been granted; or
    - (ii) has not been assessed before the occupier is required to give the chief executive the information.
  - (2) Subject to subsections (3) and (4), the occupier is exempted from giving the chief executive the information.
  - (3) Subsection (4) applies if—
    - (a) subsection (1)(b)(ii) applies; and
    - (b) the Commonwealth refuses the claim after the occupier is required to give the chief executive the information.
  - (4) The occupier must give the chief executive the information within the later of the following—
    - (a) 3 months after the end of the reporting period;
    - (b) 10 business days after receiving notice of the Commonwealth's decision to refuse the claim.

## **127 Claiming exemption on ground of commercial confidentiality**

- (1) The occupier of a facility may, by written notice given to the chief executive, claim information that the occupier is required to give under section 117(2) or (7) should be treated as confidential on the grounds of commercial confidentiality.
- (2) The notice must contain the information necessary to enable the chief executive to decide the claim.
- (3) The chief executive may, by written notice to the occupier, ask the occupier to give the chief executive, in the reasonable period stated in the notice, further relevant information to enable the chief executive to decide the claim.

- (4) A notice under subsection (3) must be accompanied by an information notice about the chief executive's decision to make the request.

## **128 Deciding claim for exemption on ground of commercial confidentiality**

- (1) The chief executive may grant the claim only if the chief executive reasonably believes—
  - (a) the information would be exempt information under the *Right to Information Act 2009*; or
  - (b) disclosure of the information would be reasonably expected to cause a public interest harm as mentioned in the *Right to Information Act 2009*, schedule 4, part 4, item 7.
- (2) If the chief executive grants the claim—
  - (a) the chief executive must give the occupier a notice about the decision; and
  - (b) the occupier is exempted from giving the chief executive the information for the period stated in the notice.
- (3) The chief executive may refuse to grant the claim if the chief executive has given the occupier a notice under section 127(3) asking for further information and the occupier does not comply with the request in the period stated in the notice.
- (4) The chief executive must give the occupier written notice of the chief executive's decision on the claim.
- (5) If the chief executive refuses to grant the claim, the notice must be an information notice about the decision to refuse the claim.
- (6) Subsection (7) applies if the chief executive fails to give the occupier a notice about the chief executive's decision on the claim—
  - (a) within 60 days after the claim is made; or

- (b) if the occupier gives the chief executive further information under section 127(3)—within 60 days after receiving the further information.
- (7) The chief executive’s failure to give the notice is taken to be a decision by the chief executive to refuse to grant the claim at the end of the relevant 60 days.

## **Part 5                      Other matters**

### **129      Information not to be used as evidence**

Information given by the occupier of a reporting facility under this chapter is not admissible in evidence in proceedings against the occupier, other than for an offence against section 480, 480A or 481 of the Act.

## **Chapter 8                  Administration**

### **Part 1                      Devolution of powers**

#### **Division 1                Matters devolved to local government**

### **130      Environmental nuisance**

The administration and enforcement of each of the following provisions is devolved to each local government for its local government area—

- (a) section 440 of the Act;
- (b) section 443A of the Act.

### 131 Noise standards

The administration and enforcement of each of the following provisions is devolved to each local government for its local government area—

- (a) section 440Q of the Act;
- (b) chapter 8, part 3B, division 3 of the Act.

### 132 Water contamination

The administration and enforcement of chapter 8, part 3C of the Act is devolved to each local government for its local government area.

### 133 Particular prescribed ERAs

- (1) The administration and enforcement of the Act in relation to each of the following prescribed ERAs is devolved to a prescribed local government where the activity is, or is to be, carried out in its local government area—
  - (a) asphalt manufacturing;
  - (b) plastic product manufacturing;
  - (c) metal forming;
  - (d) surface coating, carried out within the threshold for anodising, electroplating, enamelling or galvanising, using 1t to 100t of surface coating materials in a year;
  - (e) boat maintenance or repair, but only to the extent the activity is, or is to be, carried out at a boat maintenance or repair facility.

*Note—*

See schedule 2, sections 6, 12, 19, 38 and 49.

- (2) In this section—

***prescribed local government*** means a local government, other than a local government mentioned in schedule 13.



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**134 Devolution includes statutory instruments under Act**

To remove any doubt, it is declared that the administration and enforcement of the Act in relation to a matter devolved to a local government under this division includes the administration and enforcement of statutory instruments made under the Act in relation to the matter.

**135 Devolution—waste management in local government areas**

The administration and enforcement of chapter 6, part 2 is devolved to each local government for its local government area.

**136 Devolution—receiving and disposing of waste**

The administration and enforcement of chapter 6, part 3, to the extent it relates to a waste facility owned, operated or otherwise controlled by a local government, is devolved to that local government.

**Division 2 Matters not devolved to local government**

**137 Issuing particular notices and orders**

- (1) Despite division 1, the administration and enforcement of a relevant provision is not devolved to a local government, regardless of whether or not a matter to which the relevant provision relates is otherwise devolved to a local government.

- (2) In this section—

*relevant provision* means—

- (a) chapter 7, part 5, division 2 of the Act; or
- (b) chapter 7, part 5B of the Act; or
- (c) chapter 7, part 5C of the Act.

### **138 Record keeping for particular fuel suppliers**

The administration and enforcement of chapter 5, part 7 is not devolved to a local government, regardless of whether or not an activity to which the part relates is otherwise devolved to a local government.

### **139 Enforcing compliance with NPI NEPM**

Despite section 133, the administration and enforcement of chapter 7 is not devolved to a local government, regardless of whether or not an activity to which the chapter relates is otherwise devolved to a local government.

### **140 Other particular acts, omissions or activities**

- (1) This section applies despite division 1.
- (2) The administration and enforcement of a provision of the Act mentioned in sections 130 to 132 is not devolved to a local government if the administration and enforcement of the provision relates to—
  - (a) a thing that is, or is claimed to have been, done, or omitted to be done, by a State or local government entity; or
  - (b) an environmentally relevant activity that is not devolved to a local government.
- (3) The administration and enforcement of the Act in relation to an environmentally relevant activity is not devolved to a local government if the activity is, or is to be, carried out by a State or local government entity.

### **141 Mobile and temporary activity across local government areas**

- (1) This section applies if a mobile and temporary environmentally relevant activity is, or is to be, carried out by a person in more than 1 local government area.

- (2) Despite section 133, the administration and enforcement of the Act in relation to the activity is not devolved to a local government.

## **142 Carrying out devolved activity and non-devolved activity at a facility**

- (1) This section applies to an environmentally relevant activity (the *subject activity*)—
- (a) that is, or is to be, carried out at a facility in a local government area; and
  - (b) to which, other than for this section, section 133 would apply.
- (2) Despite section 133, the subject activity is not devolved to a local government if—
- (a) the subject activity includes carrying out another environmentally relevant activity (the *coextensive activity*) at the same facility; and
  - (b) the administration and enforcement of the Act for the coextensive activity is not devolved to a local government.

## **Part 2 Enforcement**

### **143 Authorised persons—Act, s 445**

Employees of a local government who are appointed as authorised persons under section 445(2) of the Act are declared to be a class of persons for section 445(1)(c) of the Act.





- (i) the type of activity; and
  - (ii) if the activity is an environmentally relevant activity—the authority number for the environmental authority under which the activity is carried out; and
  - (iii) the address or location of the place where the activity has been, is being, or is proposed to be, carried out;
- (e) for an evaluation of an event—the nature of the event and where it happened;
  - (f) the name of the person carrying out the evaluation;
  - (g) the day the report about the evaluation is submitted to the administering authority;
  - (h) the administering authority’s decision about the report;
  - (i) any action taken by the administering authority under section 326H or 326I of the Act.

**146 Prescribed documents and information for relevant monitoring programs—Act, s 540**

- (1) For section 540(1)(k) of the Act, the administering authority must keep the following documents or information for each relevant monitoring program—
  - (a) the name of the person carrying out an activity to which the program relates;
  - (b) the type of the activity the person is carrying out;
  - (c) for an activity mentioned in paragraph (b) 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;
  - (h) any document the administering authority gives to a person carrying out the activity or program because of the results of the program.
- (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.

**147 Prescribed documents and information for register of transitional environmental programs—Act, s 540**

- (1) For section 540(1)(k) of the Act, the administering authority must keep in the register of transitional environmental programs the following documents or information for each transitional environmental program—
- (a) the name of the holder, or applicant for the issue, of the program;
  - (b) the activity the holder or applicant is carrying out, or proposes to carry out, under the program;
  - (c) for an activity mentioned in paragraph (b) that is an environmentally relevant activity—the authority number for the environmental authority under which the activity is carried out;
  - (d) the address or location of the place where the activity has been, is being, or is proposed to be, carried out;
  - (e) the objectives of the program;
  - (f) the matters to be addressed by the program;
  - (g) the day the program is issued;
  - (h) any document the administering authority gives to a holder of a program, or person acting under the

program, that relates to compliance or noncompliance with the program.

- (2) Also, if a program is subject to a condition that the person or public authority prepare a public statement about the environmental management of the activity, a copy of the statement must be included in the register.

**148 Prescribed documents and information for register of environmental protection orders—Act, s 540**

For section 540(1)(k) of the Act, the administering authority must keep in the register of environmental protection orders the following documents or information for each environmental protection order it issues—

- (a) the name of the recipient of the order;
- (b) the activity to which the order relates;
- (c) for an activity mentioned in paragraph (b) that is an environmentally relevant activity—the authority number for the environmental authority under which the activity is carried out;
- (d) the address or location of the place where the activity has been, is being, or is proposed to be, carried out;
- (e) the grounds for issuing the order;
- (f) the requirements under the order;
- (g) the day the order is issued;
- (h) any document the administering authority gives to the recipient of the order that relates to compliance or noncompliance with the order.

**149 Prescribed information for register of authorised persons—Act, s 540**

For section 540(1)(k) of the Act, the administering authority must keep in the register of authorised persons information about the limitations, if any, stated in the instrument of



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appointment for each authorised person mentioned in the register.

## **Part 5**                      **Suitably qualified persons and auditors**

### **150 Prescribed regulatory function—Act, s 564**

For section 564 of the Act, definition *regulatory function*, paragraph (d), completing a statutory declaration under chapter 9, part 3 is prescribed.

### **151 Prescribed organisations for suitably qualified persons and auditors—Act, ss 564 and 572**

Each organisation listed in schedule 14 is prescribed for—

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

### **152 Guideline for application for approval as auditor—Act, s 570**

For section 570(f) of the Act, the guideline called ‘Queensland auditor handbook for contaminated land, module 2: auditor application requirements’, made by the chief executive and published on the department’s website, is prescribed.

### **153 Code of conduct for auditors—Act, s 574D**

For section 574D(b) of the Act, the code of conduct called ‘Queensland auditor handbook for contaminated land, module 4: code of professional conduct’, made by the chief executive and published on the department’s website, is prescribed.

## Chapter 9 Fees

### Part 1 Fees generally

#### 154 Fees payable under Act

- (1) Schedule 15 and this chapter provide for fees payable under the Act.
- (2) This chapter provides for annual fees payable for particular environmental authorities.

#### 155 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 owing to the authority.

### Part 2 Fees for devolved matters

#### 156 Fees and discounts made by resolution or local law

- (1) This section applies if the administration and enforcement of the Act for a matter (the *devolved matter*) has been devolved to a local government.
- (2) Subsection (3) applies if—
  - (a) this chapter or schedule 15 prescribes a fee (the *default fee*) payable to the administering authority for the devolved matter; and
  - (b) the local government has made a resolution or local law prescribing a different fee (the *local fee*) payable for the devolved matter, whether higher or lower than the default fee.

- (3) The local fee is payable for the devolved matter instead of the default fee.
- (4) 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.
- (5) The local government can not make a resolution or local law to change the aggregate environmental score for the devolved matter.

## **Part 3                      Annual fees**

### **Division 1                General matters**

#### **157    Meaning of *annual fee***

The *annual fee* for an environmental authority is—

- (a) if, for an environmental authority, the holder of the 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 159.

#### **158    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 after the authority takes effect, pay the administering authority the annual fee prescribed for the authority.

*Note—*

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

## **159 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 authorised 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—712 fee units; or
  - (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—712 fee units; or
    - (ii) for a relevant resource authority issued on or after 31 March 2013—712 fee units; or
    - (iii) for any other environmental authority—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—

*S* is the aggregate environmental score for the activity.

*M* is—

- (a) for a relevant prescribed ERA—143.10 fee units; or

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- (b) for a resource activity for which the AES stated for the activity in the section under schedule 2 or 3 applying to the activity is 120 or more—857 fee units; or
  - (c) for any other environmentally relevant activity—286.70 fee units.

*F* is the amount of the ERA fee.

- (4) In this section—

***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 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).

***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.

## **Division 2                      Reduced annual fees in particular circumstances**

### **Subdivision 1              Preliminary**

#### **160      Purpose of division**

The purpose of this division is to allow the holder of an environmental authority to pay a reduced annual fee for the authority if—

- (a) the holder is eligible under section 165 to pay the reduced annual fee; and
- (b) there is an aggregate environmental score for the environmentally relevant activity authorised under the authority.

#### **161      Definitions for division**

In this division—

*annual fee*, for an environmental authority, means the annual fee worked out under section 159 for the authority.

*approved EMS* see section 162.

*approved partner* see section 163.

*conformity assessment body* means a body accredited under JAS-ANZ for certifying environmental management systems.

*ecoBiz program* means the program of that name established by the department.

*JAS-ANZ* means the Joint Accreditation System of Australia and New Zealand that was declared under the *Joint Accreditation System of Australia and New Zealand (Privileges and Immunities) Regulations 1998* (Cwlth) to be an international organisation to which the *International Organisations (Privileges and Immunities) Act 1963* (Cwlth) applies.

***lower emissions score*** see section 164.

***prescribed environmental management system*** means—

- (a) an environmental management system that a conformity assessment body has certified as conforming to AS/NZS ISO 14001:2016 ‘Environmental management systems—Requirements with guidance for use’; or
- (b) the National Feedlot Accreditation Scheme Rules published in September 2018 by AUS-MEAT Limited ABN 44 082 528 881.

***reduced annual fee***, for an environmental authority, means the reduced annual fee worked out under section 167 for the authority.

***relevant resource environmental authority*** means an environmental authority for a resource activity relating to a mining lease or a petroleum lease for which the AES stated for the activity in the section under schedule 2 or 3 applying to the activity is 120 or more.

## **162 What is an *approved EMS***

The holder of an environmental authority has an ***approved EMS*** if each relevant activity carried out under the authority is carried out in accordance with a prescribed environmental management system.

## **163 Who is an *approved partner***

An ***approved partner*** is the holder of an environmental authority who is registered as a partner under the ecoBiz program.

## **164 What is a *lower emissions score***

- (1) Subsection (2) applies to the holder of an environmental authority carrying out only 1 relevant activity under the authority.

[s 165]

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- (2) The holder has a ***lower emissions score*** if the relevant activity has an emission score that is at least 25% less than the emission score stated to apply for the activity under the emission scores profile.
- (3) Subsection (4) applies to the holder of an environmental authority carrying out 2 or more relevant activities under the authority.
- (4) The holder has a ***lower emissions score*** if the relevant activity that has the highest aggregate environmental score has an emission score that is at least 25% less than the emission score stated to apply for the activity under the emission scores profile.
- (5) In this section—

***emission score***, for a relevant activity, means the emission score component of the aggregate environmental score for the activity under the emission scores profile.

***emission scores profile*** means the document called ‘Emission scores profile of environmentally relevant activities’, published on the department’s website.

*Note—*

A copy of the emission scores profile is available, free of charge, during business hours from the department’s head office.

## **Subdivision 2      Reduced annual fee**

### **165      Eligibility for payment of a reduced annual fee**

- (1) The holder of an environmental authority is eligible to pay a reduced annual fee for the authority if—
  - (a) the holder has carried out a relevant activity under the authority for at least 1 year; and
  - (b) in the 3 years immediately before the annual fee for the authority is due, no compliance action event has happened for the holder; and
  - (c) the holder—



- (i) has an approved EMS; or
  - (ii) is an approved partner; or
  - (iii) has a lower emissions score; or
  - (iv) for a relevant resource environmental authority—is currently carrying out rehabilitation of the land that is the subject of the environmental authority; and
- (d) the holder gives the chief executive the documents under section 166(1) within the period stated in the annual notice; and
- (e) the holder pays the reduced annual fee within the period stated in the annual notice.
- (2) The holder stops being eligible to pay a reduced annual fee if the holder knows, or ought reasonably to know, that a disqualifying event has happened for the holder.
- (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.
- (4) In this section—
- compliance action event***, for the holder of an environmental authority, means any of the following directly relating to an activity carried out or a thing omitted to be done under the authority—
- (a) the serving of an infringement notice under the *State Penalties Enforcement Act 1999* on the holder for an offence;
  - (b) the issuing of an environmental protection order to the holder;
  - (c) the holder—
    - (i) has voluntarily applied for the issue of a transitional environmental program; or

- (ii) is acting under a transitional environmental program; or
- (iii) is required to apply for the issue of a transitional environmental program; or
- (iv) has, under section 350 of the Act, given the administering authority a program notice;
- (d) the issue of a cost recovery notice to the holder unless—
  - (i) the amount claimed under the notice has been fully paid; or
  - (ii) the notice has been withdrawn or has otherwise stopped having effect;
- (e) the holder has been issued with a direction notice under section 363B of the Act and—
  - (i) the holder complies with the notice; or
  - (ii) a proceeding for an offence against section 363E of the Act has not started;
- (f) a proceeding for an environmental offence or an offence under section 363E, 363I or 363L of the Act, is started or continued against the holder and has not finished;
- (g) the holder is convicted of an environmental offence or another offence mentioned in paragraph (f).

***disqualifying event***, for the holder of an environmental authority, means any of the following that happens during the year to which the reduced annual fee applies—

- (a) the holder stops being an approved partner;
- (b) the holder no longer has an approved EMS;
- (c) the holder no longer has a lower emissions score;
- (d) the holder has stopped carrying out rehabilitation of the land that is the subject of the environmental authority;
- (e) the holder recommences extracting the resource that is the subject of the environmental authority;
- (f) there is a compliance action event for the holder.

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**166 Documents for eligibility for payment of a reduced annual fee**

- (1) For section 165(1)(d), the holder of an environmental authority must give the chief executive each of the following documents—
- (a) if the holder has an approved EMS, other than a prescribed approved EMS—a statutory declaration, completed by a suitably qualified person, verifying that—
    - (i) 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 14001:2016 ‘Environmental management systems—Requirements with guidance for use’; and
    - (ii) the holder is complying with the conditions of the authority;
  - (b) if the holder has a prescribed approved EMS—a statutory declaration, completed by the holder, verifying that—
    - (i) 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 published in September 2018 by AUS-MEAT Limited ABN 44 082 528 881; and
    - (ii) the holder is complying with the conditions of the authority;
  - (c) if the holder is the holder of a relevant resource environmental authority and the holder is currently carrying out rehabilitation of the land that is the subject of the environmental authority—a statutory declaration, completed by the holder, verifying that—
    - (i) the holder has stopped extracting the resource that is the subject of the environmental authority and

does not intend to recommence extracting the resource; and

- (ii) the holder is currently carrying out rehabilitation of the land that is the subject of the environmental authority;
  - (d) the other documents and information stated in the annual notice.
- (2) In this section—

*prescribed approved EMS* means the National Feedlot Accreditation Scheme Rules published in September 2018 by AUS-MEAT Limited ABN 44 082 528 881.

## **167 What is the *reduced annual fee***

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

- (a) 90% of the annual fee if the holder is an approved partner; or
- (b) 80% of the annual fee if—
  - (i) the holder has an approved EMS; or
  - (ii) the holder has a lower emissions score; or
- (c) 70% of the annual fee if the holder is an approved partner and—
  - (i) the holder has an approved EMS; or
  - (ii) the holder has a lower emissions score; or
- (d) 60% of the annual fee if—
  - (i) the holder has an approved EMS; and
  - (ii) the holder has a lower emissions score; or
- (e) 50% of the annual fee if—
  - (i) for a relevant resource environmental authority—the holder is currently carrying out rehabilitation of the land that is the subject of the environmental authority; or

- (ii) otherwise—
  - (A) the holder is an approved partner; and
  - (B) the holder has an approved EMS; and
  - (C) the holder has a lower emissions score.

## **Subdivision 3      Offences and record keeping**

### **168      Application of subdivision**

This subdivision applies to the holder of an environmental authority who has, under this division, paid a reduced annual fee for the authority.

### **169      Offence to pay reduced annual fee if not eligible**

The holder must not pay the reduced annual fee instead of the annual fee for the authority unless the holder is eligible under section 165 to pay the reduced annual fee.

Maximum penalty—20 penalty units.

### **170      Requirement to keep records for reduced annual fee**

The holder must, unless the holder has a reasonable excuse, keep each of the following records relating to the payment of the reduced annual fee for at least 5 years after the reduced annual fee is paid—

- (a) if the holder was eligible for the reduction under section 165(1)(c)(i)—a copy of an accreditation certificate prepared under the prescribed environmental management system for the approved EMS;
- (b) if the holder was eligible for the reduction under section 165(1)(c)(ii)—
  - (i) the holder's certificate of registration under the ecoBiz program; and

- (ii) a copy of the action plan the holder was required to develop for the holder's registration under the ecoBiz program;
- (c) if the holder was eligible for the reduction under section 165(1)(c)(iii)—a copy of the data and methodology used to calculate the holder's emission score for the relevant activity under the authority;
- (d) if the holder was, under sections 165(1)(d) and 166, required to give the chief executive a statutory declaration about the relevant activities carried out under an environmental authority—
  - (i) a copy of the statutory declaration; and
  - (ii) for the suitably qualified person who completed the statutory declaration—the person's contact details and evidence of the person's membership of a prescribed organisation.

Maximum penalty—20 penalty units.

### **171 Authorised person may require holder to give information or documents**

- (1) An authorised person may, by written notice to the holder, require the holder to give the authorised person the information or documents about the payment of the reduced annual fee that the authorised person requires.
- (2) The notice may state a reasonable period within which the information or documents must be given.
- (3) The holder must comply with the notice unless the holder has a reasonable excuse.

Maximum penalty for subsection (3)—20 penalty units.

### **172 Requirement to notify change of eligibility**

If the holder's eligibility for the reduced annual fee under section 165(1)(c)(i) or (ii) stops during the year to which the fee applies, the holder must give the administering authority

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written notice of the fact within 10 business days after the eligibility stops.

Maximum penalty—20 penalty units.

### **173 Refunding difference between annual fee and reduced fee**

- (1) This section applies if the holder—
  - (a) is not eligible under section 165 to pay the reduced annual fee; or
  - (b) stops being eligible under that section to pay the reduced annual fee during the year to which the fee applies.
- (2) The administering authority may by written notice require the holder to pay the authority, within 20 business days, the difference between the annual fee and the reduced annual fee.

## **Division 3 Amendment applications for environmental authorities**

### **174 When supplementary annual fee payable**

- (1) This section applies if—
  - (a) a person makes an amendment application for an environmental authority; and
  - (b) the administering authority decides to approve the application; and
  - (c) the annual fee payable for the amended environmental authority is higher than the annual fee paid for the environmental authority before the decision.
- (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 payable for the amended environmental authority.

*P* is the amount of the annual fee paid for the environmental authority before the decision.

*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 in full within the 20 business days, the administering authority may recover any unpaid amount of the supplementary annual fee as a debt owed to the authority.

## Division 4                      **Supplementary annual fee for regulated waste transport**

### 175      **Supplementary annual fee for regulated waste transport**

- (1) This section applies if—
- (a) a person holds an environmental authority for regulated waste transport; and
  - (b) the activity (the *relevant activity*) carried out under the authority is the transporting of regulated waste, other than end-of-life tyres; and
  - (c) the AES for the relevant activity increases (the *AES increase*) because the number of registered vehicles for the relevant activity increases; and
  - (d) the annual fee for the authority, worked out immediately after the AES increase, is higher than the annual fee for



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the authority worked out on the relevant day for the authority.

*Note—*

See schedule 2, section 57.

- (2) The administering authority may, by written notice, require the person to pay 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 annual fee for the authority worked out immediately after the AES increase.

**P** is the annual fee for the authority worked out on the relevant day for the authority.

**N** is the number of days from the day the AES increase happens until the next anniversary day for the authority.

- (3) The person must pay the supplementary annual fee within 20 business days after the date of the notice.
- (4) If the person does not pay the supplementary annual fee in full within the 20 business days, the administering authority may recover any unpaid amount of the supplementary annual fee as a debt owing to the authority.
- (5) In this section—

**registered vehicle**, for the relevant activity, means a vehicle that is registered with the department as a vehicle used to carry out the activity.

**relevant day**, for an environmental authority, means the latest of the following—

- (a) the day the authority takes effect;
- (b) the most recent anniversary day for the authority;

[s 176]

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- (c) if a supplementary annual fee is payable under section 174 in relation to an amendment application for the authority— the day the amendment application was approved;
- (d) if, as the result of a previous AES increase, the holder of the authority was required to pay a supplementary annual fee under this section—the day the previous AES increase happened.

## Part 4                      Other particular fees

### 176    Fee for changing anniversary day applications

- (1) For section 316L(2) of the Act, the fee payable for an anniversary changeover application for an environmental authority is worked out using the following formula—

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

where—

*F* is the amount of the fee.

*U* is 358.70 fee units.

*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 316L 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.

### **177 Fee for late payment of annual fee**

- (1) This section applies if the holder of an environmental authority has not paid the annual fee for the authority on or before the anniversary day for the authority.
- (2) The administering authority must give the holder a written notice stating that the holder must, within a stated period of at least 10 business days after the notice is given, pay—
  - (a) the annual fee or the outstanding amount of the fee; and
  - (b) the late payment fee stated in schedule 15.
- (3) The holder must comply with the notice.

### **178 Fees for transitional environmental programs**

- (1) The fee for an administering authority's consideration of an application for the issue of a transitional environmental program, or an amendment of a transitional environmental program, is the amount that—
  - (a) the authority considers to be reasonable; and
  - (b) is not more than the reasonable cost of deciding the application for the issue of the program or amendment of the program.
- (2) The holder of a transitional environmental program must pay the administering authority a fee for its assessment of the holder's annual returns and monitoring compliance with the program.
- (3) The fee is the amount that—
  - (a) the authority considers to be reasonable; and

- (b) is not more than the reasonable cost of the assessment and monitoring.

**179 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.

## Part 5 Exemptions

**180 Administering authority exempt from fees for self-administered activities**

An administering authority is exempt from payment of a fee relating to an environmental authority for an environmentally relevant activity that is administered by the authority.

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## 181 Prescribed local government exempt from fees

- (1) This section applies to the following (each a *prescribed local government*)—
  - (a) an indigenous local government;
  - (b) Aurukun Shire Council;
  - (c) Mornington Shire Council;
  - (d) Torres Shire Council.
- (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.
- (3) In this section—

*indigenous local government* see the *Local Government Act 2009*, schedule 4.

## 182 Prescribed charitable institution exempt from fees

- (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.
- (2) In this section—

*prescribed charitable institution* means a registered charity that, under the *Income Tax Assessment Act 1997* (Cwlth), chapter 2, part 2-15, division 50, is an exempt entity that is eligible for a refund.

*relevant threshold* means the stated threshold of operating sewage treatment works with a total daily peak design capacity of 21EP to 100EP under schedule 2, section 63(3).

**183 Holders of particular environmental authorities exempt from annual fee**

- (1) This section applies to the holder of an environmental authority for—
  - (a) mining activities that are eligible ERAs for only 1 of the following activities—
    - (i) an environmentally relevant activity carried out for the sole purpose of maintaining a State heritage place or a National heritage place;
    - (ii) dimension stone mining for the sole purpose of constructing or maintaining a war grave; or
  - (b) a prescribed ERA mentioned in schedule 2, section 13A, if the prescribed ERA is the only environmentally relevant activity carried out under the environmental authority.
- (2) The holder is exempt from payment of the annual fee for the environmental authority.
- (3) In this section—

***Commonwealth War Graves Commission*** means the commission of that name established under royal charter in the United Kingdom.

***National heritage place*** has the meaning given by the *Environment Protection and Biodiversity Conservation Act 1999* (Cwlth), section 324C(3).

***State heritage place*** means a State heritage place under the *Queensland Heritage Act 1992*.

***war grave*** includes any of the following things for which the Commonwealth Department of Veterans' Affairs or the Commonwealth War Graves Commission is responsible for establishing and maintaining under a law of a State, the Commonwealth or a foreign country—

- (a) a headstone;
- (b) a war memorial or similar memorial;

- (c) an inscribed plaque or commemorative plate;
- (d) a monumental, ornamental or other structure;
- (e) another thing erected or placed—
  - (i) to mark the site where human remains have been buried or placed; or
  - (ii) to commemorate a deceased person.

## **Part 6                      Refund of application fees**

### **184      Refund of application fee for particular environmental authority**

- (1) This section applies if—
  - (a) a person has applied for an environmental authority for mining activities that are eligible ERAs; and
  - (b) the person has applied for 1 or more relevant mining tenements for the environmental authority; and
  - (c) each application for a relevant mining tenement mentioned in paragraph (b) has been refused or rejected.
- (2) The administering authority must refund to the person the application fee for the environmental authority.

## Chapter 10 Miscellaneous

### Part 1 Public interest evaluations

#### 184A Qualifications and experience for carrying out public interest evaluations

- (1) This section prescribes the experience and qualifications an entity must have that are necessary to carry out a public interest evaluation for the following provisions of the Act—
  - (a) section 49(8), definition *qualified entity*;
  - (b) section 136A(3), definition *qualified entity*;
  - (c) section 316PC(4)(a).
- (2) The entity must have a qualification relating to each of the following areas (each a ***relevant field***) that gives the entity the necessary competence for carrying out the evaluation—
  - (a) environmental risk assessment;
  - (b) financial impact assessment;
  - (c) regional and State macro-economic assessment;
  - (d) rehabilitation planning and management;
  - (e) resource project planning and management;
  - (f) social impact assessment.
- (3) Also, the entity must have at least 10 years of demonstrated experience in each relevant field.
- (4) A substantial part of the experience mentioned in subsection (3) must be relevant to—
  - (a) mining; and
  - (b) for a relevant field mentioned in subsection (2)(d) or (e)—
    - (i) the nature of the mineral to be mined; and
    - (ii) the mining method and associated impacts.



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## Part 2                      General

### 185      **When annual return must be given—Act, s 316IA**

- (1) For section 316IA(2)(b)(i) of the Act, the day prescribed is—
  - (a) for the holder of an environmental authority for only a relevant prescribed ERA—the anniversary day for the holder’s environmental authority; or
  - (b) otherwise—1 April immediately following the year to which the annual return relates.

- (2) In this section—

*relevant prescribed ERA* means—

- (a) a prescribed ERA if the administration and enforcement of the Act in relation to the prescribed ERA is devolved to a local government under chapter 8, part 1; or
- (b) a prescribed ERA mentioned in schedule 2, part 1, section 2, 3 or 4.

### 186      **Limited amendment of map of Great Barrier Reef wetland protection areas**

- (1) The chief executive may amend the map of Great Barrier Reef wetland protection areas only if the amendment—
  - (a) is to remove all or part of an area shown as a wetland protection area; and
  - (b) is made because—
    - (i) more accurate information indicating the extent, or hydrological type, of the wetland has become available; or
    - (ii) the chief executive considers the wetland is not of high ecological significance.
- (2) If the chief executive amends the map under subsection (1), the chief executive must—
  - (a) fix a new edition number to the amended map; and

- (b) publish the amended map on the department’s website.
- (3) In this section—

*wetland protection area* means an area shown as a wetland protection area on the map of Great Barrier Reef wetland protection areas.

**186A Prescribed circumstances for amending environmental authorities—Act, s 215**

For section 215(2)(r) of the Act, the circumstances for amending an environmental authority for a prescribed ERA mentioned in schedule 2, section 50 are—

- (a) the holder of the authority or a person acting under the authority has carried out, or is carrying out, a transshipping activity under the authority; and
- (b) the authority does not state the threshold mentioned in schedule 2, section 50(4), table, item 3.

**187 Approval of guidelines about issuing particular environmental protection orders—Act, s 548A**

The guideline called ‘Issuing ‘chain of responsibility’ environmental protection orders under chapter 7, part 5, division 2 of the *Environmental Protection Act 1994*’, made by the chief executive and published on the department’s website, is approved under section 548A(2) of the Act.

**187A PRCP start date—Act, s 750**

For section 750 of the Act, definition *PRCP start date*, the day prescribed is 1 November 2019.

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**187B Exceptional circumstances in which land taken not to be available for rehabilitation—Act, s 754**

- (1) For section 754(9) of the Act, exceptional circumstances in which land is taken not to be available for rehabilitation for section 126D(4) of the Act exist to the extent—
  - (a) the land is identified in a proposed PRCP schedule as containing a probable or proved ore reserve; and
  - (b) the mining of the reserve is required to rehabilitate a relevant rehabilitation area under the proposed PRCP schedule; and
  - (c) the reserve can not reasonably be mined within 10 years after the land would otherwise have become available for rehabilitation under section 126D(5) of the Act; and
  - (d) the proposed PRCP schedule provides for the mining of the reserve and the area becoming available for rehabilitation as soon as practicable after the 10-year period mentioned paragraph (c) ends.
- (2) In this section—

***relevant rehabilitation area***, for a proposed PRCP schedule, means land under the proposed PRCP schedule if—

  - (a) it is land described in section 754(3) of the Act; and
  - (b) despite paragraph (a), the proposed PRCP schedule provides for a post-mining land use for the land.

## **Chapter 11      Repeal, transitional and savings provisions**

### **Part 1            Repeal**

#### **188      Repeal**

The Environmental Protection Regulation 2008, SL No. 370 is repealed.

### **Part 2            Transitional and savings provisions for SL No. 155 of 2019**

#### **Division 1        Preliminary**

##### **189      Definition for part**

In this part—

*repealed regulation* means the repealed *Environmental Protection Regulation 2008*.

#### **Division 2        Environmental authorities and environmentally relevant activities**

##### **190      Prescribed conditions for small scale mining activities**

- (1) This section applies to an environmental authority, in force immediately before the commencement, for a mining activity that is a small scale mining activity.
- (2) The repealed regulation, section 23A and schedule 2C continues to apply to the authority.

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**191 Continued eligibility criteria and standard conditions for sewage treatment activities—Act, s 707A**

- (1) The repealed regulation, section 170 continues to apply except that a reference to the codes of environmental compliance mentioned in schedule 3 is taken to be a reference to the code of environmental compliance called ‘Code of environmental compliance for certain aspects of sewage treatment activities (ERA 63)—Version 1’.
- (2) In this section—  
*code of environmental compliance* see section 676 of the Act.

**192 Replacement environmental authorities for organic material processing and waste disposal**

- (1) This section applies to a person who, immediately before the commencement, was the holder of a replacement environmental authority under the repealed regulation, section 183(2).

*Note—*

The prescribed ERAs for a replacement environmental authority mentioned in the repealed regulation, section 183 are organic material processing and waste disposal.

- (2) The repealed regulation, section 183(4), (5) and (6) continues to apply to the person as if—
  - (a) a reference to an existing environmental authority is taken to be a reference to an authority mentioned in the repealed regulation, section 183(1); and
  - (b) a reference to the commencement is taken to be a reference to the commencement of the repealed regulation, section 183.

**193 Replacement environmental authorities for particular prescribed ERAs**

- (1) This section applies to a person who, immediately before the commencement, was the holder of a replacement

environmental authority under the repealed regulation, section 186(2).

*Note—*

The following are the prescribed ERAs for a replacement environmental authority mentioned in the repealed regulation, section 186—

- organic material processing
- mechanical waste reprocessing
- other waste reprocessing or treatment
- regulated waste transport
- waste disposal
- thermal waste reprocessing and treatment
- resource recovery and transfer facility operation

- (2) The repealed regulation, sections 186(4), (5), (6) and (7) and 187 continues to apply as if—
- (a) a reference to an existing environmental authority is taken to be a reference to an authority mentioned in the repealed regulation, section 186(1); and
- (b) a reference to the commencement is taken to be a reference to the commencement of the repealed regulation, section 186.

## **194 Replacement environmental authorities for organic material processing**

- (1) This section applies to a person who, immediately before the commencement, was the holder of a replacement environmental authority under the repealed regulation, section 190(2).

*Note—*

The prescribed ERA for the replacement environmental authority mentioned in the repealed regulation, section 190 is organic material processing.

- (2) The repealed regulation, section 190(4) continues to apply as if—

- (a) a reference to an existing environmental authority is taken to be a reference to an authority mentioned in the repealed regulation, section 190(1); and
- (b) a reference to the commencement is taken to be a reference to the commencement of the repealed regulation, section 190.

### **194A Approved ERA standards continue in effect**

For section 318D of the Act, an ERA standard that was approved under the repealed *Environmental Protection Regulation 2008* and stated in a document mentioned in schedule 7 on 1 September 2019 continues in effect as an approved ERA standard.

## **Division 3 Regulatory requirements**

### **195 Regulatory requirements continue to apply**

- (1) This section applies if, immediately before the commencement, the administering authority for a matter started to make an environmental management decision under the repealed regulation and the decision had not been made.
- (2) The repealed regulation, chapter 4 continues to apply to the making of the decision.
- (3) For subsection (2), a reference in the regulatory requirements under the repealed regulation to an environmental protection policy is taken to be a reference to an environmental protection policy as in force immediately before the commencement.

## **Division 4 Environmental management and environmental offences**

### **196 Records of generators and receivers for commercial waste and industrial waste**

A record kept by a generator or receiver under the repealed regulation, chapter 5, part 1, division 3 is taken to be a record under chapter 5, part 1, division 3.

### **197 Records of waste handlers**

A record kept by a waste handler under the repealed regulation, chapter 5, part 9, division 3 is taken to be a record under chapter 5, part 9, division 3.

### **198 Applications relating to waste tracking**

- (1) This section applies if, immediately before the commencement, an application made under the repealed regulation, section 81W, 81X or 81Y had not been finally dealt with.
- (2) The repealed regulation, chapter 5, part 9 continues to apply to the application.
- (3) An approval, consignment number or exemption granted under the repealed regulation, section 81W, 81X or 81Y, as applied by subsection (2), is taken to be an approval, consignment number or exemption granted under section 92, 93 or 94.

### **199 Approvals**

An approval given under the repealed regulation, section 81W and in effect immediately before the commencement is taken to be an approval given under section 92.



## **200 Consignment numbers**

A consignment number assigned to a load or loads of trackable waste under the repealed regulation, section 81X and in effect immediately before the commencement is taken to be the consignment number assigned to the load or loads under section 93.

## **201 Exemptions for transportation of trackable waste**

An exemption granted under the repealed regulation, section 81Y and in effect immediately before the commencement is taken to be an exemption granted under section 94.

## **202 Generator identification numbers**

A generator identification number assigned to a person under the repealed regulation, section 81ZB and in effect immediately before the commencement is taken to be the generator identification number assigned to the person under section 97.

# **Division 5 Waste management by local governments**

## **203 Local laws about waste management**

- (1) This section applies to a local government area if—
  - (a) the local government for the area made a local law about waste management for the area; and
  - (b) the local law states that it replaces the repealed regulation, chapter 5A; and
  - (c) the local law is in force immediately before the commencement.
- (2) Chapter 6 does not apply to the local government area while the local law is in force.

## **204 Approvals for depositing or disposal of general waste**

- (1) An approval for depositing or disposing of waste that is given by a local government under the repealed regulation, section 81ZK(2)(a) and in force immediately before the commencement is taken to be a relevant approval for the depositing or disposing of the waste under section 106.
- (2) If the local government imposed a condition on the approval under the repealed regulation, section 81ZK(2)(b), the condition is taken to be imposed on the relevant approval under section 106.

## **Division 6 National Pollutant Inventory**

### **205 Reporting periods**

A reporting period for a reporting facility decided by the chief executive under the repealed regulation, section 86 and in effect immediately before the commencement is taken to be the reporting period for the facility for chapter 7.

### **206 Information kept by occupiers of reporting facility**

Any information kept by an occupier of a reporting facility under the repealed regulation, section 87 is taken to be information under section 119.

### **207 Estimation technique applications**

- (1) This section applies if, immediately before the commencement, an estimation technique application made under the repealed regulation, section 91 had not been finally dealt with.
- (2) The repealed regulation, chapter 6, part 3 continues to apply to the application.

- (3) An approval granted under the repealed regulation, section 92 as applied by subsection (2), is taken to be an approval granted under section 124.

## **208 Estimation technique approvals**

An estimation technique approval under the repealed regulation, section 92 or 93 and in effect immediately before the commencement is taken to be an estimation technique approval under section 124 or 125.

## **209 Exemptions for reporting requirements**

An exemption granted under the repealed regulation, section 96 and in effect immediately before the commencement is taken to be an exemption granted under section 128.

# **Division 7 Devolution of powers**

## **210 Continued administration and enforcement**

The repealed regulation, section 185 continues to apply to a local government except that—

- (a) a reference to the commencement is taken to be a reference to the commencement of the repealed regulation, section 185; and
- (b) a reference to former section 101 is taken to be a reference to the repealed regulation, section 101 as in force immediately before the commencement of the *Environmental Protection (Waste ERA Framework) Amendment Regulation 2018*, section 11; and
- (c) a reference to new section 101 is taken to be a reference to the repealed regulation, section 101 as in force on the commencement of the repealed regulation, section 185.

## **Division 8                      Record requirement for fees**

### **211      Requirement to keep records for reduced annual fee**

The repealed regulation, section 130 continues to apply to a record required to be kept under that section.

## **Division 9                      Miscellaneous**

### **212      References to repealed regulation**

- (1) In a document, if the context permits—
  - (a) a reference to the repealed regulation may be taken to be a reference to this regulation; and
  - (b) a reference to a repealed provision may be taken to be a reference to the corresponding provision to the repealed provision.
- (2) Subsection (1) does not limit the *Acts Interpretation Act 1954*, section 14H.
- (3) In this section—

*corresponding provision*, to a repealed provision, means a provision of this regulation that is substantially the same as the repealed provision.

*repealed provision* means a provision of the repealed regulation as in force immediately before the commencement.

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## **Part 3**

# **Transitional provision for Environmental Protection (Rehabilitation Reform) Amendment Regulation 2019**

### **213 Carrying out PRCP objective assessment for particular PRCP schedule decision**

- (1) This section applies if, under section 754 of the Act, the administering authority has given a mining EA holder a notice requiring the holder to give the administering authority a proposed PRC plan.
- (2) Schedule 8A, part 3, table 1 does not apply for conducting a PRCP objective assessment of the proposed PRCP schedule for the plan to the extent that—
  - (a) a land outcome document provides for an outcome for the land the subject of the proposed PRCP schedule; and
  - (b) the outcome for the land is the same as or substantially similar to the outcome for the land as if it were a post-mining land use or non-use management area under the plan.
- (3) Also, the PRCP objective and PRCP performance outcomes stated in schedule 8A, part 3, table 2, entry for ‘Rehabilitation Milestones’ do not apply for conducting a PRCP objective assessment of the proposed PRCP schedule for the plan to the extent that—
  - (a) a land outcome document states criteria for achieving an outcome provided for in the document for land; and
  - (b) the same or substantially similar criteria are proposed in the plan for the outcome.
- (4) In addition, the PRCP objective and PRCP performance outcomes stated in schedule 8A, part 3, table 3, entry for ‘Management Milestones’ do not apply for conducting a PRCP objective assessment of the proposed PRCP schedule for the plan to the extent that—

[s 214]

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- (a) a land outcome document states criteria for achieving an outcome provided for in the document for land; and
  - (b) the same or substantially similar criteria are proposed in the plan for the outcome.
- (5) For applying subsection (2), (3) or (4), if there is an inconsistency in land outcome documents for land, the document appearing first in the list mentioned in section 750 of the Act, definition *land outcome document*, prevails to the extent of the inconsistency.
- (6) In this section—  
*land outcome document* see section 750 of the Act.

## **Part 4**

# **Transitional provisions for Environmental Protection (Great Barrier Reef Protection Measures) and Other Legislation Amendment Regulation 2019**

### **214 Application of s 41AA during transitional period**

- (1) Section 41AA does not apply in relation to an application made under the Act if the application was made before the transitional period ends.
- (2) In this section—  
*transitional period* means the period that starts on the commencement and ends 1 year after the commencement.

*Note*—

See section 216 in relation to the application of this section.

## 215 Application of sch 2, pt 2A generally

- (1) Schedule 2, part 2A does not apply during the transitional period.
- (2) Also, after the end of the transitional period, schedule 2, part 2A does not apply to premises to which a development approval attaches, while the development approval is in effect, if the development approval—
  - (a) was in effect immediately before the commencement; and
  - (b) is for—
    - (i) operational work that is high value agriculture clearing or irrigated high value agriculture clearing; or
    - (ii) a material change of use of premises that involves high value agriculture clearing or irrigated high value agriculture clearing.
- (3) In this section—

***development approval*** see the *Planning Act 2016*, schedule 2.

***high value agriculture clearing*** means high value agriculture clearing within the meaning of the *Vegetation Management Act 1999* immediately before 8 March 2018.

***irrigated high value agriculture clearing*** means irrigated high value agriculture clearing within the meaning of the *Vegetation Management Act 1999* immediately before 8 March 2018.

***material change of use***, of premises, see the *Planning Act 2016*, schedule 2.

***operational work*** see the *Planning Act 2016*, schedule 2.

***premises*** see the *Planning Act 2016*, schedule 2.

***transitional period*** means the period that starts on the commencement and ends 6 months after the commencement.

*Note—*

See section 216 in relation to the application of this section.

## **Part 5**

# **Transitional provisions for Environmental Protection (Reef Protection Measures) Amendment Regulation 2020**

### **216 Application of ss 214 and 215**

- (1) Sections 214 and 215 apply as if the transitional period ends on 31 May 2021.
- (2) In this section—  
*transitional period*—
  - (a) in relation to section 214, see section 214(2); or
  - (b) in relation to section 215, see section 215(3).

### **217 Application of sch 2, pt 2A to activities on particular land**

- (1) This section applies in relation to land if—
  - (a) the cultivation of crops or horticulture—
    - (i) is carried out on the land, on a commercial basis, at any time between 1 June 2018 and 31 May 2021, both dates inclusive; and
    - (ii) immediately before 1 June 2021, is no longer carried out on the land; and
  - (b) schedule 2, section 13A(4) does not apply in relation to the land.
- (2) During the transitional period, a reference to land in schedule 2, section 13A(1) does not include the land mentioned in subsection (1).
- (3) An activity mentioned in subsection (1)(a) includes preparatory work for the activity.
- (4) In this section—  
*preparatory work*, for an activity, see schedule 2, section 13A(7).



*transitional period* means the period that starts on 1 June 2021 and ends on 31 May 2026.

Notes—

- 1 This section replaces previous section 216, which was inserted by the *Environmental Protection (Great Barrier Reef Protection Measures) and Other Legislation Amendment Regulation 2019*.
- 2 See also section 224.

## Part 7

# Transitional provisions for Environmental Protection (Transshipping Activities) Amendment Regulation 2020

### 219 Definitions for part

In this part—

*former*, for a provision of this regulation, means as in force immediately before the commencement.

*mineral and bulk material handling* means a prescribed ERA mentioned in new schedule 2, section 50.

*new*, for a provision of this regulation, means as in force on the commencement.

### 220 Environmental authorities for mineral and bulk material handling

- (1) This section applies to a person who immediately before the commencement, held an environmental authority (the *existing authority*) to carry out a prescribed ERA mentioned in former schedule 2, section 50.
- (2) From the commencement, the person is taken to be the holder of an environmental authority (the *replacement authority*) to carry out a prescribed ERA mentioned in new schedule 2, section 50.

- (3) If the existing authority was subject to a condition, the replacement authority is taken to be subject to the condition.

**221 Applications for environmental authorities for mineral and bulk material handling**

- (1) This section applies to an application for an environmental authority to carry out a prescribed ERA mentioned in former schedule 2, section 50 that was made, but not decided, before the commencement.
- (2) New schedule 2, section 50 applies to the application.

**222 Amendment applications for environmental authorities for mineral and bulk material handling**

- (1) This section applies to an amendment application for an environmental authority to carry out a prescribed ERA mentioned in former schedule 2, section 50 that was made, but not decided, before the commencement.
- (2) New schedule 2, section 50 applies to the amendment application.

**223 Continuing particular activities related to mineral and bulk material handling**

- (1) This section applies to a person if—
  - (a) before the commencement, the person had carried out an activity that was not a prescribed ERA; and
  - (b) on the commencement, the activity became a prescribed ERA under new schedule 2, section 50; and
  - (c) after the commencement, the person continues to carry out the activity.
- (2) For 1 year after the commencement, the activity carried out by the person continues to be an activity that is not a prescribed ERA.

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## Part 8                      **Transitional provisions for Environmental Protection (Commercial Cropping and Horticulture Activities in Great Barrier Reef Catchment) Amendment Regulation 2021**

### **224      Disapplication of s 217**

Section 217 does not apply.

### **225      Application of sch 2, pt 2A to activities on particular land**

- (1) This section applies in relation to land if the cultivation of crops or horticulture was carried out on the land at any time between 1 June 2018 and 31 May 2021, both dates inclusive.
- (2) During the transitional period, a reference to uncropped land in schedule 2, section 13A(1) does not include the land mentioned in subsection (1).
- (3) An activity mentioned in subsection (1) includes preparatory work for the activity.
- (4) In this section—  
*preparatory work*, for an activity, see schedule 2, section 13A(6).

*transitional period* means the period that starts on 1 June 2021 and ends on 31 May 2026.

## **Schedule 1      Matters to be addressed by assessment under EIS**

sections 5(1) and 6(b)(ii)

### **General information**

- 1 the background of the project including, for example, the following matters—
  - the project's title
  - the designated proponent's full name and postal address
  - a clear outline of the project's objective
  - the project's location
  - the background to the project's development
  - how the project relates to any other actions, of which the proponent should reasonably be aware, that have been, or are being, taken or that have been approved in the area affected by the project
  - the project's current status
  - the consequences of not proceeding with the project

### **Description**

- 2 a description of the project, including the following matters—
  - the project's components
  - the precise location of works to be undertaken, structures to be built or components of the project that may have relevant impacts
  - how the works are to be undertaken and design parameters for aspects of the structures or components of the project that may have relevant impacts
  - the project's relevant impacts, including the matters under item 3

- 
- proposed safeguards and mitigation measures for dealing with the project's relevant impacts, including the matters under item 4
  - any other requirements for, or conditions of, approval applying, or that the proponent reasonably believes are likely to apply, to the proposed project, including the matters under item 5
  - to the extent reasonably practicable, any feasible alternatives to the project, including, for example, the following—
    - if relevant, the alternative of taking no action
    - a comparative description of the impacts of each alternative on the matters of national environmental significance
    - sufficient detail to clarify why any alternative is preferred to another
  - any consultation about the project, including, for example, the following—
    - consultation taken and any documented response to, or result of, the consultation
    - proposed consultation about the project's relevant impacts
  - identification of affected persons and interested persons, including a statement mentioning any communities that may be affected and describing the communities' views

### **Relevant impacts**

- 3 the project's relevant impacts under item 2 include the following matters—
  - a description of the project's relevant impacts
  - a detailed assessment of the nature and extent of the likely short-term and long-term relevant impacts
  - a statement about whether any relevant impacts are likely to be unknown, unpredictable or irreversible
  - an analysis of the significance of the relevant impacts

- any technical data and other information used or needed to make a detailed assessment of the relevant impacts

### **Proposed safeguards and mitigation measures**

- 4 the project's proposed safeguards and mitigation measures under item 2 include the following matters—
  - a description, and an assessment of the expected or predicted effectiveness, of the mitigation measures for dealing with the project's relevant impacts
  - any statutory or policy basis for the mitigation measures
  - the cost of the mitigation measures
  - an outline of an environmental management plan setting out the framework for continuing management, mitigation and monitoring programs for the project's relevant impacts, including any provision for independent environmental auditing
  - the name of the entity responsible for endorsing or approving each mitigation measure or monitoring program
  - a consolidated list of mitigation measures proposed to be undertaken to prevent, minimise or compensate for the project's relevant impacts, including mitigation measures proposed to be taken by the State, a local government or the proponent

### **Other approvals and conditions**

- 5 the project's other approvals and conditions under item 2 include the following matters—
  - details of any planning instrument under the Planning Act dealing with the project including, for example, the following—
    - what environmental assessment of the project has been, or is being, carried out under the planning instrument
    - how the planning instrument provides for preventing, minimising and managing the project's relevant impacts

- a description of any approval, other than the Commonwealth approval, obtained from a State or Commonwealth entity, including any approval conditions applying to the project
- a statement identifying any other required approval, other than the Commonwealth approval
- a description of the monitoring, enforcement and review procedures applying, or proposed to apply, to the project

**Proponent's environmental record**

- 6 details of any proceedings under a law of the Commonwealth or a State for the protection of the environment or the conservation and sustainable use of natural resources (an *environmental law*) against the following—
  - the proponent
  - the applicant for any permit under an environmental law for the project
- 7 if the proponent is a corporation, details of the corporation's environmental policy and planning framework

**Information sources**

- 8 details of the following about information given in the EIS—
  - the source of the information
  - how recent the information is
  - how the reliability of the information was tested
  - any uncertainties in the information

## **Schedule 2      Prescribed ERAs and aggregate environmental scores**

sections 15 and 19

*Editor's note—*

Some section numbers in this schedule have been deliberately left blank. Each section that is not used is identified in this schedule.

### **Part 1                      Aquaculture and intensive animal industry**

#### **1      Aquaculture**

- (1) Aquaculture (the *relevant activity*) consists of cultivating or holding marine, estuarine or freshwater organisms in an enclosure on land or in waters.
- (2) The relevant activity does not include cultivating or holding marine, estuarine or freshwater organisms—
  - (a) in an aquarium for display purposes only; or
  - (b) in an enclosure from which no water, other than uncontaminated stormwater, can be released to waters; or
  - (c) if the marine, estuarine or freshwater organisms receive no augmented food supply.
- (3) In the following table, the aggregate environmental score for the relevant activity is the score stated opposite the threshold within which the relevant activity is carried out.



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 <sup>2</sup> but not more than 10ha	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 <sup>2</sup> 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

(4) In this section—

***augmented food supply***, for cultivating or holding marine, estuarine or freshwater organisms, means the addition of foods for cultivating or holding the organisms.

***enclosure*** includes a cage, pond or tank.

## 2 Intensive animal feedlotting

- (1) Intensive animal feedlotting (the *relevant activity*) consists of keeping more than 150 standard cattle units of cattle or more than 1,000 standard sheep units of sheep in a feedlot.
- (2) The relevant activity does not include keeping cattle or sheep—
  - (a) in a drought-declared area, if the animals are fed no more than their nutritional requirements; or
  - (b) on a feed pad in a paddock; or
  - (c) for no longer than is reasonably necessary for—
    - (i) sale, slaughter or transport; or
    - (ii) weaning; or
    - (iii) animal husbandry; or
    - (iv) milking; or
    - (v) shearing.
- (3) In the following table, the aggregate environmental score, if any, for the relevant activity is the score stated opposite the threshold within which the relevant activity is carried out.

Threshold	Aggregate environmental score	3
1 keeping the following number of standard cattle units in a feedlot—		
(a) more than 150 but not more than 1,000	14	
(b) more than 1,000 but not more than 10,000	28	C
(c) more than 10,000	49	C
2 keeping the following number of standard sheep units in a feedlot—		
(a) more than 1,000 but not more than 10,000	12	

Threshold	Aggregate environmental score	3
(b) more than 10,000	26	C

(4) In this section—

*animal husbandry* includes—

- (a) branding, dehorning, desexing, treating animals for pests (including preventative treating), vaccinating and veterinary work; and
- (b) managing or treating animals as required under a law of the State for public health or safety.

*Example—*

keeping animals in an area that has been placed in quarantine

*cattle* includes—

- (a) beef and dairy cattle; and
- (b) cattle of all ages.

*drought-declared area* means an area that is considered to be severely affected by drought, however the relevant criterion is described, for the purpose of eligibility for assistance under a scheme administered by the State or Commonwealth government.

*feedlot* means a confined yard or enclosure that—

- (a) contains watering and feeding facilities where cattle or sheep are fed entirely by hand or mechanically; and
- (b) is designed, constructed or used in a way that does not allow cattle or sheep in the yard or enclosure to graze.

*sheep* includes sheep of all ages.

### 3 Pig keeping

- (1) Pig keeping (the *relevant activity*) consists of keeping more than 400 standard pig units of pigs.

Schedule 2

- (2) The relevant activity does not include keeping pigs for no longer than is reasonably necessary for sale, slaughter or transport.
- (3) In the following table, the aggregate environmental score, if any, for the relevant activity is the score stated opposite the threshold within which the relevant activity is carried out.

Threshold	Aggregate environmental score	3
1 keeping more than 400 but not more than 3,500 standard pig units	19	
2 keeping more than 3,500 but not more than 8,000 standard pig units	22	C
3 keeping more than 8,000 standard pig units	31	C

#### 4 Poultry farming

- (1) Poultry farming (the *relevant activity*) consists of farming a total of more than 1,000 birds for—
- (a) producing eggs or fertile eggs; or
  - (b) rearing hatchlings, starter pullets or layers; or
  - (c) rearing birds for meat.
- (2) In the following table, the aggregate environmental score, if any, for the relevant activity is the score stated opposite the threshold within which the relevant activity is carried out.

Threshold	Aggregate environmental score	3
1 farming more than 1,000 but not more than 200,000 birds	no score	
2 farming more than 200,000 birds	9	C

- (3) In this section—
- birds* means any of the following—

- (a) chickens;
- (b) ducks;
- (c) geese;
- (d) guineafowl;
- (e) turkeys.

## Part 2                      Chemical, coal and petroleum products activities

### 5            Alcohol production

- (1) Alcohol production (the *relevant activity*) consists of producing more than 200m<sup>3</sup> of alcohol in a year.
- (2) The relevant activity does not include production of alcoholic beverages by simple fermentation only.

*Example of simple fermentation—*

making beer

- (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 <sup>3</sup> of alcohol in a year	48	C

### 6            Asphalt manufacturing

- (1) Asphalt manufacturing (the *relevant activity*) consists of manufacturing in a year more than 1,000t of asphalt.
- (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 more than 1,000t of asphalt in a year	32	C

## 7 Chemical manufacturing

- (1) Chemical manufacturing (the *relevant activity*) consists of any of the following activities—
- manufacturing a total of 200m<sup>3</sup> or more of coating, food additives, industrial polish, sealant, synthetic dye, pigment, ink, adhesives or paint in a year;
  - manufacturing a total of 200t or more of chemicals, other than chemicals mentioned in paragraph (a), in a year;
  - using in the manufacturing process a total of 200t or more of chemicals as feedstock in a year.
- (2) The relevant activity does not include—
- mixing non-combustible or non-flammable chemicals or chemical products that are not dangerous goods by diluting the chemicals or chemical products with water only; or
  - blending ethanol with petrol; or
  - manufacturing chemicals for carrying out an activity to which another section applies.
- (3) In the following table, the aggregate environmental score, if any, for the relevant activity is the score stated opposite the threshold within which the relevant activity is carried out.

Threshold	Aggregate environmental score	3
1 manufacturing 200m <sup>3</sup> or more of water based paint in a year	no score	

Threshold	Aggregate environmental score	3
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 <sup>3</sup> to 1,000m <sup>3</sup>	10	C
(b) more than 1,000m <sup>3</sup> but not more than 100,000m <sup>3</sup>	19	C
(c) more than 100,000m <sup>3</sup>	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—		
(a) 200t to 5,000t	33	C
(b) more than 5,000t	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 1,000t	30	C

## Schedule 2

Threshold	Aggregate environmental score	3
(b) more than 1,000t but not more than 10,000t	66	C
(c) more than 10,000t but not more than 100,000t	139	C
(d) more than 100,000t	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 1,000t	56	C
(b) more than 1,000t but not more than 10,000t	115	C
(c) more than 10,000t but not more than 100,000t	200	C
(d) more than 100,000t	268	C

(4) In this section—

***agricultural chemical product*** means an agricultural chemical product under the *Agricultural and Veterinary Chemicals Code Act 1994* (Cwlth).

***manufacturing*** includes combining, processing and reacting.

***poison*** means a poison in the ‘Standard for the Uniform Scheduling of Drugs and Poisons’ compiled by the Australian Health Ministers’ Advisory Council and published by the Commonwealth.

***veterinary chemical product*** means a veterinary chemical product under the *Agricultural and Veterinary Chemicals Code Act 1994* (Cwlth).



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## 8 Chemical storage

- (1) Chemical storage (the *relevant activity*) consists of storing—
  - (a) 50t or more of chemicals of dangerous goods class 1 or class 2, division 2.3 in containers of at least 10m<sup>3</sup>; or
  - (b) 50t or more of chemicals of dangerous goods class 6, division 6.1 in containers capable of holding at least 900kg of the chemicals; or
  - (c) more than 500m<sup>3</sup> of chemicals of class C1 or C2 combustible liquids under AS 1940 or dangerous goods class 3; or
  - (d) the following quantities of other chemicals in containers of at least 10m<sup>3</sup>—
    - (i) 200t or more, if they are solids or gases;
    - (ii) 200m<sup>3</sup> or more, if they are liquids.
- (2) However, the relevant activity does not include—
  - (a) in-transit storage of chemicals; or
  - (b) storing chemicals for carrying out an activity under section 7; or
  - (c) transporting petroleum under the *Petroleum Act 1923* or the *Petroleum and Gas (Production and Safety) Act 2004*; or
  - (d) storing chemicals for carrying out an activity to which section 55, 57 or 62 applies; or
  - (e) storing chemicals within the threshold stated in subsection (3), table, items 1, 2, 4 or 5 for carrying out an activity to which section 50 applies.
- (3) In the following table, the aggregate environmental score, if any, for the relevant activity is the score stated opposite the threshold within which the relevant activity is carried out.

## Schedule 2

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 more than 500m <sup>3</sup> of chemicals of class C1 or C2 combustible liquids under AS 1940 or dangerous goods class 3 under 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 <sup>3</sup> or more of chemicals that are liquids, other than chemicals mentioned in items 1 to 3, under subsection (1)(d)	31	C

(4) In this section—

**container** includes a package or tank.

**in-transit storage**, of chemicals, means storage of the chemicals in a container for no more than 5 days at a place, if, during the storage—

- (a) the container holding the chemicals is not opened; and
- (b) the chemicals are neither used, nor intended to be used.

*Examples of in-transit storage—*

containers of chemicals being transported or awaiting transport or collection because of unavoidable delay

## 9 Hydrocarbon gas refining

- (1) Hydrocarbon gas refining (the *relevant activity*) consists of refining natural gas or coal seam methane gas.
- (2) The relevant activity does not include—
  - (a) collecting gas from sewage treatment works or from decomposition of organic waste in landfills associated with carrying out a relevant waste management activity; or
  - (b) collecting naturally occurring gas from coal seams if the collection is authorised under an environmental authority for a resource activity; or
  - (c) reforming or synthesising gas.
- (3) In the following table, the aggregate environmental score, if any, for the relevant activity is the score stated opposite the threshold within which the relevant activity is carried out.

Threshold	Aggregate environmental score	3
refining in a year—		
(a) less than 200,000,000m <sup>3</sup> of natural gas	no score	C
(b) 200,000,000m <sup>3</sup> or more of natural gas	19	C
(c) coal seam gas	64	C

- (4) In this section—
 

*relevant waste management activity* means an activity to which section 55, 60 or 62 applies.

## 10 Gas producing

- (1) Gas producing (the *relevant activity*) consists of manufacturing, processing or reforming 200t or more of hydrocarbon gas in a year.
- (2) The relevant activity does not include—

## Schedule 2

- (a) collecting gas from sewage treatment works or from decomposition of organic waste in landfills associated with carrying out a relevant waste management activity; or
- (b) collecting gas from naturally occurring hydrocarbon deposits or coal seams.
- (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, processing or reforming 200t or more of hydrocarbon gas in a year	64	C

- (4) In this section—  
*relevant waste management activity* means an activity to which section 55, 60 or 62 applies.

## 11 Oil refining or processing

- (1) Oil refining or processing (the *relevant activity*) consists of refining or processing crude oil or shale oil.
- (2) In the following table, the aggregate environmental score for the relevant activity is the score stated opposite the threshold within which the relevant activity is carried out.

Threshold	Aggregate environmental score	3
refining or processing, in a year, the following quantity of crude or shale oil—		
(a) less than 500m <sup>3</sup>	146	C
(b) 500m <sup>3</sup> to 150,000m <sup>3</sup>	186	C
(c) more than 150,000m <sup>3</sup>	237	C

## 12 Plastic product manufacturing

- (1) Plastic product manufacturing (the *relevant activity*) consists of—
- (a) manufacturing, in a year, a total of 50t or more of plastic products, other than a plastic product mentioned in paragraph (b); or
  - (b) manufacturing, in a year, a total of 5t or more of foam, composite plastics or rigid fibre-reinforced plastics.
- (2) In the following table, the aggregate environmental score for the relevant activity is the score stated opposite the threshold within which the relevant activity is carried out.

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

## 13 Tyre manufacturing or retreading

- (1) Tyre manufacturing and retreading (the *relevant activity*) consists of either or both of the following—
- (a) manufacturing tyres;
  - (b) retreading tyres.
- (2) In the following table, the aggregate environmental score for the relevant activity is the score stated opposite the threshold within which the relevant activity is carried out.

Threshold	Aggregate environmental score	3
1 manufacturing tyres	36	C

Threshold	Aggregate environmental score	3
2 retreading tyres	17	

## Part 2A                      Cropping and horticulture activities

### 13A      Commercial cropping and horticulture in Great Barrier Reef catchment

- (1) Commercial cropping and horticulture (the *relevant activity*) consists of the cultivation of 1 or more crops or horticulture carried out—
  - (a) on at least 5ha of uncropped land—
    - (i) in a particular river basin; and
    - (ii) whether or not the land is contiguous; and
  - (b) on a commercial basis.
- (2) The relevant activity includes preparatory work for the crop cultivation or horticulture.
- (3) For subsection (1)(a), land is *uncropped land* unless—
  - (a) the land was used to carry out the cultivation of crops, or horticulture, during at least 3 different calendar years, whether or not the calendar years are consecutive, that started and ended within 10 years before the relevant activity starts on the land; and
  - (b) the cultivation of crops, or horticulture, mentioned in paragraph (a) was not carried out under an environmental authority for a prescribed ERA under this section.
- (4) Also, the relevant activity does not include—
  - (a) crop cultivation or horticulture using a closed system that prevents fine sediment, or dissolved inorganic

nitrogen, from being released on to land, or into water, in the Great Barrier Reef catchment; or

*Example—*

hydroponics where water is recycled on site

- (b) the cultivation of trees in the following areas—
- (i) a State forest, timber reserve or forest consent area within the meaning of the *Forestry Act 1959*; or
  - (ii) a forest entitlement area within the meaning of the *Land Act 1994*; or
- (c) a forest practice within the meaning of the *Vegetation Management Act 1999*; or
- (d) preparatory work for an activity mentioned in paragraph (a), (b) or (c).
- (5) 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
carrying out the relevant activity	no score	

- (6) In this section—

***building work*** see the *Planning Act 2016*, schedule 2.

***drainage work*** see the *Plumbing and Drainage Act 2018*, schedule 1.

***plumbing work*** see the *Plumbing and Drainage Act 2018*, schedule 1.

***preparatory work***, for an activity, means work, other than building work, plumbing work or drainage work, carried out to prepare land for the activity, including, for example—

- (a) excavating or filling the land; or
- (b) clearing or destroying vegetation on the land; or
- (c) ploughing the land, or otherwise preparing soil on the land for planting; or

- (d) other work in, on, over or under the land that materially affects the land or its use.

## Part 3 Energy related services

### 14 Electricity generation

- (1) Electricity generation (the *relevant activity*) consists of generating electricity by using fuel at a rated capacity of 10MW electrical or more.
- (2) The relevant activity does not include co-generating electricity in association with carrying out another environmentally relevant activity.
- (3) In the following table, the aggregate environmental score for the relevant activity is the score stated opposite the threshold within which the relevant activity is carried out.

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

- (4) In this section—

*co-generating* means using a fuel to simultaneously produce heat and electrical energy.

### 15 Fuel burning

- (1) Fuel burning (the *relevant activity*) consists of using fuel burning equipment that is capable of burning at least 500kg of fuel in an hour.



- (2) The relevant activity does not include burning fuel for—
- (a) carrying out an activity to which another section applies; or
  - (b) operating a stand-by generator for fewer than 200 hours in a year; or
  - (c) operating mobile equipment to respond, or for training to respond, to an emergency.
- (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

## Part 4 Extractive activities

### 16 Extractive and screening activities

- (1) Extractive and screening activities (the *relevant activity*) consists of any of the following—
- (a) dredging a total of 1,000t or more of material from the bed of naturally occurring surface waters, in a year;
  - (b) extracting, other than by dredging, a total of 5,000t or more of material, in a year, from an area;
 

*Examples—*

    - extracting material for excavating a bund between existing waters and an artificial waterway being constructed on dry land
    - extracting virgin rock from a quarry
    - extracting rock, that has been previously broken, from a stockpile on the site from which the rock was originally extracted
  - (c) screening 5,000t or more of material, in a year.

- (2) The relevant activity does not include—
- (a) extracting material under an environmental authority for a resource activity; or
  - (b) extracting material from a road if—
    - (i) the material is to be used for constructing or maintaining a road; and
    - (ii) the surface area from which the material is extracted is less than 10,000m<sup>2</sup>; or
  - (c) extracting material from a place for constructing a road or railway at the place; or

*Examples—*

- cutting and filling land for constructing a road or railway
  - extracting material for constructing a tunnel for a road or railway
- (d) extracting material from a place, other than by dredging, for constructing the foundations of a building at the place; or
  - (e) extracting material for reshaping land if—
    - (i) reshaping the land does not involve blasting; and
    - (ii) the material is not removed from the site from which it is extracted; or

*Example—*

cutting and filling land for creating building lots

- (f) screening material on the site from which it has been extracted in the course of carrying out an activity mentioned in paragraphs (a) to (e).
- (3) In the following table, the aggregate environmental score for the relevant activity is the score stated opposite the threshold within which the relevant activity is carried out.

Threshold	Aggregate environmental score	3
1 dredging, in a year, the following quantity of material—		
(a) 1,000t to 10,000t	11	C
(b) more than 10,000t but not more than 100,000t	25	C
(c) more than 100,000t but not more than 1,000,000t	44	C
(d) more than 1,000,000t	66	C
2 extracting, other than by dredging, in a year, the following quantity of material—		
(a) 5,000t to 100,000t	22	
(b) more than 100,000t but not more than 1,000,000t	39	C
(c) more than 1,000,000t	57	C
3 screening, in a year, the following quantity of material—		
(a) 5,000t to 100,000t	13	
(b) more than 100,000t but not more than 1,000,000t	29	
(c) more than 1,000,000t	47	

(4) In this section—

**material** includes clay, gravel, loam, rock, sand and other substances found in the earth.

**road** see the *Land Act 1994*, section 93.

**screening** includes washing, crushing, grinding, milling, sizing or separating material.

**17 Section 17 not used**

See editor’s note for this schedule.

**18 Section 18 not used**

See editor’s note for this schedule.

**Part 5 Fabricated metal product activities**

**19 Metal forming**

- (1) Metal hot forming consists of hot forming a total of 10,000t or more of metal in a year.
- (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 10,000t or more of metal in a year	no score	C

- (3) In this section—
  - 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.

**20 Section 20 not used**

See editor’s note for this schedule.

**21 Section 21 not used**

See editor's note for this schedule.

**Part 6 Food processing****22 Beverage production**

- (1) Beverage production (the *relevant activity*) consists of producing 1ML or more of beverages in a year.
- (2) The relevant activity does not include—
  - (a) producing beverages for carrying out an activity to which section 5 applies; or
  - (b) producing non-alcoholic beverages if the production does not allow for the release of waste to waters; or
  - (c) bottling water.
- (3) In the following table, the aggregate environmental score for the relevant activity is the score stated opposite the threshold within which the relevant activity is carried out.

Threshold	Aggregate environmental score
1 producing, in a year, the following quantity of non-alcoholic beverages—	
(a) 1ML to 10ML	19
(b) more than 10ML	32
2 producing 1ML or more of alcoholic beverages in a year	55

**23 Bottling and canning**

- (1) Bottling and canning (the *relevant activity*) consists of bottling or canning 200t or more of food in a year.
- (2) The relevant activity does not include—

Schedule 2

- (a) bottling or canning for carrying out an activity to which another section applies; or
- (b) bottling water.
- (3) The aggregate environmental score for the relevant activity is 45.

**24 Edible oil manufacturing or processing**

- (1) Edible oil manufacturing or processing consists of manufacturing or processing 1,000t or more of feedstock material for edible oil production in a year.
- (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 1,000t or more of feedstock material for edible oil production in a year	38	C

**25 Meat processing**

- (1) Meat processing (the *relevant activity*) consists of either of the following—
  - (a) processing 1,000t or more of meat or meat products in a year, whether or not the processing includes rendering;
  - (b) rendering 100t or more of meat or meat products in a year, if the meat or meat products are not otherwise processed.
- (2) The relevant activity does not include processing meat or meat products that—
  - (a) involves only chilling, curing, drying, freezing, packaging or smoking the meat or meat products; or
  - (b) does not involve any of the following—

- (i) slaughtering animals;
  - (ii) rendering the meat or meat products;
  - (iii) the release of waste to waters;
  - (iv) the treatment of waste using anaerobic or facultative systems.
- (3) In the following table, the aggregate environmental score, if any, for the relevant activity is the score stated opposite the threshold within which the relevant activity is carried out.

Threshold	Aggregate environmental score	3
1 processing, not including rendering, in a year, the following quantity of meat or meat products—		
(a) 1,000t to 5,000t	16	
(b) more than 5,000t but not more than 50,000t	26	C
(c) more than 50,000t	41	C
2 processing, including rendering, in a year, the following quantity of meat or meat products—		
(a) 1,000t to 5,000t	25	
(b) more than 5,000t but not more than 50,000t	48	C
(c) more than 50,000t	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

- (4) In this section—

***processing***, meat or meat products, includes slaughtering animals to produce meat or meat products.

***rendering*** means extracting by-products from the processing of animals, including fat, tallow, derivatives of fat or tallow and matter containing protein.

## **26 Milk processing**

- (1) Milk processing (the ***relevant activity***) consists of manufacturing or processing a total of 200t or more of dairy products in a year.
- (2) The relevant activity does not include processing milk on a farm in the course of normal farm operations.
- (3) The aggregate environmental score for the relevant activity is 37.
- (4) In this section—

***dairy products*** includes milk, evaporated or condensed milk, butter, cheese and ice-cream.

***processing*** includes separating and evaporating.

## **27 Seafood processing**

- (1) Seafood processing (the ***relevant activity***) consists of processing, in a year, 500t or more of seafood or seafood products.
- (2) The relevant activity does not include—
  - (a) processing seafood involving only chilling, curing, drying, freezing, packaging or smoking the seafood; or
  - (b) processing seafood in retail premises, including, for example, fish shops and supermarkets; or
  - (c) cooking whole animals; or
  - (d) processing seafood on a boat in waters.
- (3) The aggregate environmental score for the relevant activity is 15.



**28 Sugar milling or refining**

- (1) Sugar milling or refining (the *relevant activity*) consists of either—
- (a) crushing or grinding 200t or more of sugar cane in a year; or
  - (b) manufacturing 200t or more of sugar or other sugarcane products in a year.
- (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

## Part 7 Metal production and mineral processing activities

**29 Metal foundry operation**

- (1) Metal foundry operation (the *relevant activity*) consists of—
- (a) producing 100t or more of ferrous metal castings in a year; or
  - (b) producing 50t or more of non-ferrous metal castings in a year.
- (2) In the following table, the aggregate environmental score for the relevant activity is the score stated opposite the threshold within which the relevant activity is carried out.

Threshold	Aggregate environmental score	3
1 producing, in a year, the following quantity of ferrous metal castings—		
(a) 100t to 1,000t	35	C
(b) more than 1,000t but not more than 5,000t	45	C
(c) more than 5,000t but not more than 10,000t	47	C
(d) more than 10,000t	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 1,000t	19	C
(c) more than 1,000t but not more than 5,000t	28	C
(d) more than 5,000t	33	C

### 30 Metal smelting and refining

- (1) Metal smelting and refining (the *relevant activity*) consists of processing ores, ore concentrates or impure metals to produce in a year—
- (a) 1t or more of gold; or
  - (b) 10t or more of—
    - (i) a metal, other than gold; or

(ii) a metalloid.

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

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 10,000t of metals or metalloids	205	C
(d) more than 10,000t of metals or metalloids	316	C

- (3) In this section—

***metalloid*** means an element that is both metallic and non-metallic.

*Examples—*

arsenic, bismuth, silicon

***processing*** includes smelting.

### 31 Mineral processing

- (1) Mineral processing (the ***relevant activity***) consists of processing, in a year, a total of 1,000t or more of coke or mineral products.
- (2) In the following table, the aggregate environmental score for the relevant activity is the score stated opposite the threshold within which the relevant activity is carried out.

Threshold	Aggregate environmental score	3
1 processing 1,000t or more of coke in a year	148	C

Threshold	Aggregate environmental score	3
2 processing, in a year, the following quantities of mineral products, other than coke—		
(a) 1,000t to 100,000t	179	C
(b) more than 100,000t	280	C

(3) In this section—

*processing* includes—

- (a) in relation to coke—quenching, cutting, crushing, and grading the coke; or
- (b) in relation to other mineral products—washing, leaching, classifying, mixing and concentrating the mineral products.

*Example for paragraph (b)—*

magnetic separation of magnetite

## Part 8 Miscellaneous activities

### 32 Battery manufacturing

- (1) Battery manufacturing consists of manufacturing 200t or more of batteries in a year.
- (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

**33 Crushing, milling, grinding or screening**

- (1) Crushing, milling, grinding or screening (the *relevant activity*) consists of crushing, grinding, milling or screening more than 5,000t of material in a year.
- (2) The relevant activity does not include—
  - (a) crushing, grinding, milling or screening—
    - (i) grain crops; or
    - (ii) other agricultural products on a farm for use on the farm; or
    - (iii) waste; or
  - (b) crushing, grinding, milling or screening for carrying out an activity to which section 16 applies.
- (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
crushing, grinding, milling or screening more than 5,000t of material in a year	no score	C

**34 Section 34 not used**

See editor's note for this schedule.

**35 Plaster manufacturing**

- (1) Plaster manufacturing consists of manufacturing or processing 5,000t or more of plaster in a year.
- (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 5,000t or more of plaster in a year	47	C

### 36 Pulp or paper manufacturing

- (1) Pulp or paper manufacturing consists of manufacturing a total of 100t or more of pulp or paper products in a year.
- (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

- (3) In this section—

*pulp or paper products* means pulp, paper, cardboard, moulded paper pulp or similar products manufactured from any organic, recycled or synthetic fibre.

### 37 Section 37 not used

See editor's note for this schedule.

### 38 Surface coating

- (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) more than 100t of surface coating materials for coating or painting or powder coating.

- (2) The relevant activity does not include—
- (a) coating a surface using only a paintbrush, roller or sponge; or
  - (b) coating or painting for marking pavements or roads; or
  - (c) coating a surface in association with carrying out an activity to which section 48 or 49 applies.
- (3) In the following table, the aggregate environmental score for the relevant activity is the score stated opposite the threshold within which the relevant activity is carried out.

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 1,000t	19	C
(c) more than 1,000t but not more than 10,000t	41	C
(d) more than 10,000t	66	C
2 coating, painting or powder coating, using, in a year, more than 100t of surface coating materials	7	

- (4) In this section—
- painting* includes—
- (a) adding a surface coating other than anodising, electroplating, enamelling or galvanising surfaces; and
  - (b) spray painting.

**39 Tanning**

- (1) Tanning consists of operating a tannery or facility for tanning, curing or finishing 100t or more of leather products in a year.
- (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

- (3) In this section—
  - leather products* includes—
    - (a) cured animal skins or hides; and
    - (b) finished leather.

**40 Textile manufacturing**

- (1) Textile manufacturing consists of manufacturing or processing, in a year, a total of 100t or more of any of the following textile products in the way stated for the product—
  - (a) manufacturing carpet;
  - (b) scouring or carbonising wool;
  - (c) milling cotton;
  - (d) bleaching, dyeing or finishing natural fibre or synthetic textiles.
- (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.



<b>Threshold</b>	<b>Aggregate environmental score</b>	<b>3</b>
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

## **Part 9 Non-metallic mineral product manufacture**

### **41 Cement manufacturing**

- (1) Cement manufacturing consists of, in a year—
- (a) manufacturing 200t or more of cement; or
  - (b) calcining 200t or more of limestone.
- (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.

<b>Threshold</b>	<b>Aggregate environmental score</b>	<b>3</b>
1 manufacturing 200t or more of cement in a year	92	C
2 calcining 200t or more of limestone in a year	92	C

**42 Clay or ceramic products manufacturing**

- (1) Clay or ceramic products manufacturing (the *relevant activity*) consists of manufacturing 200t or more of clay or ceramic products in a year.
- (2) In the following table, the aggregate environmental score for the relevant activity is the score stated opposite the threshold within which the relevant activity is carried out.

Threshold	Aggregate environmental score	3
manufacturing the following quantity of clay or ceramic products in a year—		
(a) 200t to 5,000t	32	C
(b) more than 5,000t	62	C

- (3) In this section—

*clay or ceramic products* includes bricks, pipes, pottery, refractories and tiles.

**43 Section 43 not used**

See editor's note for this schedule.

**44 Glass or glass fibre manufacturing**

- (1) Glass or glass fibre manufacturing consists of manufacturing 200t or more of glass or glass fibre in a year.
- (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

**45 Mineral wool or ceramic fibre manufacturing**

- (1) Mineral wool or ceramic fibre manufacturing consists of manufacturing mineral wool or ceramic fibre.
- (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

## Part 10 Sawmilling, woodchipping, and timber and laminated product manufacturing

**46 Chemically treating timber**

- (1) Chemically treating timber for preservation on a commercial basis (the *relevant activity*) consists of the following—
- (a) using chemicals listed in AS1604.1, appendix B, other than copper chromium arsenic or creosote, to treat a total of 1,500m<sup>3</sup> or more of timber in a year;
- (b) using copper chromium arsenic, creosote or a chemical not listed in AS1604.1, appendix B to treat timber.
- (2) In the following table, the aggregate environmental score for the relevant activity is the score stated opposite the threshold within which the relevant activity is carried out.

Threshold	Aggregate environmental score	3
1 using chemicals listed in AS1604.1, appendix B, other than copper chromium arsenic or creosote, to treat 1,500m <sup>3</sup> or more of timber in a year for preservation on a commercial basis	32	C

## Schedule 2

Threshold	Aggregate environmental score	3
2 using copper chromium arsenic, creosote or a chemical not listed in AS1604.1, appendix B, to treat timber for preservation on a commercial basis	42	C

(3) In this section—

*AS1604.1* means ‘AS 1604.1:2012—Specification for preservative treatment—Sawn and round timber’.

#### 47 Timber milling and woodchipping

- (1) Timber milling and woodchipping (the *relevant activity*) consists of milling a total of 5,000t or more of timber in a year.
- (2) The relevant activity includes—
  - (a) kiln-drying timber that has been milled; and
  - (b) producing timber veneer.
- (3) The relevant activity does not include—
  - (a) carrying out the relevant activity as a mobile and temporary environmentally relevant activity for fewer than 2 consecutive days at any one place; or
  - (b) carrying out the relevant activity in association with carrying on an activity to which section 48 applies.
- (4) In the following table, the aggregate environmental score for the relevant activity is the score stated opposite the threshold within which the relevant activity is carried out.

Threshold	Aggregate environmental score	3
milling, in a year, the following total quantity of timber—		
(a) 5,000t to 10,000t	22	C

Threshold	Aggregate environmental score	3
(b) more than 10,000t but not more than 20,000t	35	C
(c) more than 20,000t but not more than 100,000t	58	C
(d) more than 100,000t	69	C

(5) In this section—

*milling* includes sawing, cutting, chipping, compressing, dressing, finger-jointing, and machining.

*timber* includes logs.

#### 48 Timber and laminated product fabrication

(1) Timber and laminated product manufacture (the *relevant activity*) consists of manufacturing, in a year, a total of—

- (a) 5,000t or more of reconstituted timber products; or
- (b) 100t or more of laminated products.

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

Threshold	Aggregate environmental score	3
1 manufacturing, in a year, the following quantity of reconstituted timber products—		
(a) 5,000t to 10,000t	42	C
(b) more than 10,000t	70	C
2 manufacturing in a year 100t or more of laminated products	55	C

(3) In this section—

*laminated products* includes high pressure laminate sheeting, laminate-covered wooden or reconstituted timber products, thick laminates and fibre polymer laminates.

*reconstituted timber products* includes chipboard, glue laminated timber, laminated veneer lumber, medium density fibreboard and plywood.

## Part 11 Transport and maritime services

### 49 Boat maintenance or repair

- (1) Boat maintenance or repair (the *relevant activity*) consists of operating, on a commercial basis, a boat maintenance or repair facility for maintaining or repairing hulls, superstructure or mechanical components of boats or seaplanes if the facility is within 50 metres of a bed of naturally occurring surface waters.
- (2) The relevant activity includes cleaning or maintaining hulls in water at a boat maintenance or repair facility or another place.
- (3) The relevant activity does not include sail making.
- (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

### 50 Mineral and bulk material handling

- (1) Mineral and bulk material handling (the *relevant activity*) consists of—

- 
- (a) handling minerals or bulk materials, other than handling mentioned in paragraph (b), in a way that involves—
    - (i) loading or unloading minerals at a rate of 100t or more a day; or
    - (ii) storing 50,000t or more of minerals; or
    - (iii) loading or unloading bulk materials—
      - (A) in connection with operations at a port area; and
      - (B) at a rate of 100t or more a day; or
    - (iv) storing bulk materials in connection with operations at a port area; or
  - (b) handling minerals or bulk materials in a way that involves loading or unloading minerals or bulk materials from 1 ship to another ship at a rate of 100t or more a day.
- (2) The relevant activity does not include handling minerals or bulk materials in a way that involves loading, unloading or storing materials on a site the subject of an environmental authority for a resource activity.
- (3) Also, for handling mentioned in subsection (1)(b), the relevant activity does not include handling minerals or bulk materials in a way that involves—
- (a) loading or unloading minerals or bulk materials in relation to—
    - (i) an emergency response; or
    - (ii) refuelling a ship; or
    - (iii) transferring minerals or bulk materials between 2 or more ships docked within a port area; or
    - (iv) transporting bulk materials to a remote area of the State; or
  - (b) loading or unloading minerals or bulk materials for carrying out an activity to which section 16(1)(a) applies; or

Schedule 2

- (c) loading or unloading minerals or bulk materials if a Commonwealth law—
- (i) permits the activity to be carried out; or
  - (ii) requires a permit or other authority to carry out the activity.
- (4) In the following table, the aggregate environmental score for the relevant activity is the score stated opposite the threshold within which the relevant activity is carried out.

Threshold	Aggregate environmental score	3
1 loading or unloading 100t or more of minerals in a day, other than loading or unloading mentioned in item 3, or storing 50,000t 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, other than loading or unloading mentioned in item 3, or storing bulk materials	73	C
3 loading or unloading 100t or more of minerals or bulk materials from 1 ship to another ship in a day	73	

- (5) In this section—
- bulk material***—
- 1 Bulk material means—
    - (a) solid material consisting of separate particles, granules or other small pieces of the material; or
    - (b) any material that is a liquid or gas.
  - 2 However, bulk material does not include—



- (a) any material contained or wrapped in a way that prevents the material from escaping the container or wrapper; or
- (b) a mineral; or
- (c) water.

***emergency response*** means an activity carried out for any of the following purposes—

- (a) to investigate and respond to an emergency;
- (b) to save human life or avoid the risk of injury to a person;
- (c) to deal with a threat of pollution to the marine environment.

***mineral***—

- 1 Mineral means any substance that is a *mineral* as defined under the *Mineral Resources Act 1989*, section 6.
- 2 However, a mineral does not include any mineral contained or wrapped in a way that prevents the mineral from escaping the container or wrapper.

***remote area***, of the State, means an area of the State identified as remote Australia or very remote Australia in the document called ‘Australian Statistical Geography Standard, Volume 5—Remoteness Structure’, published by the Australian Bureau of Statistics on its website.

***ship*** see the *Transport Operations (Marine Safety) Act 1994*, section 10.

## **51 Road tunnel ventilation stack operation**

- (1) Road tunnel ventilation stack operation consists of operating a road tunnel ventilation stack.
- (2) 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*.

- (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

## 52 Section 52 not used

See editor's note for this schedule.

## Part 12 Waste management

### 53 Organic material processing

- (1) Organic material processing (the *relevant activity*) consists of operating a facility for processing, by way of composting or anaerobic digestion, more than 200t of organic material in a year.
- (2) The relevant activity does not include—
- (a) manufacturing mushroom growing substrate; or
  - (b) the composting of organic material from agriculture or livestock production if the organic material is either—
    - (i) composted at the site where it was produced; or
    - (ii) transported to another site, where agriculture or livestock production is carried out, and composted at that site; or
  - (c) the anaerobic digestion of organic material at a facility—
    - (i) to which section 63 applies; or

- (ii) where an activity to which section 3 or 25 applies is carried out; or
- (d) the composting of organic material at a site if an activity to which section 2, 3 or 4 applies is carried out at the site.
- (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
processing more than 200t of organic material in a year—		
(a) by composting the organic material	18	C
(b) by anaerobic digestion	16	C

- (4) In this section—

***anaerobic digestion***, of organic material, means the decomposition of the organic material by microorganisms in the absence of oxygen.

***composting***, of organic material, includes mixing the organic material to manufacture a soil conditioner.

***organic material*** means—

- (a) animal matter, including, for example, dead animals, animal remains and animal excreta; or
- (b) plant matter, including, for example, bark, lawn clippings, leaves, mulch, pruning waste, sawdust, shavings, woodchip and other waste from forest products; or
- (c) organic waste.

***organic waste***—

- (a) includes the following—
- (i) a substance used for manufacturing fertiliser for agricultural, horticultural or garden use;

- (ii) animal manure;
  - (iii) biosolids;
  - (iv) cardboard and paper waste;
  - (v) fish processing waste;
  - (vi) food and food processing waste;
  - (vii) grease trap waste;
  - (viii) green waste;
  - (ix) poultry processing waste;
  - (x) waste generated from an abattoir; but
- (b) does not include—
- (i) biosecurity waste; or
  - (ii) clinical or related waste; or
  - (iii) contaminated soil; or
  - (iv) synthetic substances, other than synthetic substances to which paragraph (a)(i) applies.

## 54 Mechanical waste reprocessing

- (1) Mechanical waste reprocessing (the *relevant activity*) consists of operating a facility for receiving and mechanically reprocessing waste.
- (2) The relevant activity does not include—
  - (a) baling or compacting clean paper, cardboard, aluminium cans or plastics; or
  - (b) reprocessing, including recycling, liquid waste; or
  - (c) reprocessing, including recycling, clean earth.
- (3) In the following table, the aggregate environmental score for the relevant activity is the score stated opposite the threshold within which the relevant activity is carried out.

Threshold	Aggregate environmental score	3
1 operating a facility for receiving and mechanically reprocessing, in a year, more than 5,000t of inert, non-putrescible waste or green waste only	8	
2 operating a facility for receiving and mechanically reprocessing, in a year, the following quantity of general waste—		
(a) 5,000t or less	19	C
(b) more than 5,000t but not more than 10,000t	25	C
(c) more than 10,000t	31	C
3 operating a facility for receiving and mechanically reprocessing, in a year, the following quantity of category 2 regulated waste—		
(a) 5,000t or less	29	C
(b) more than 5,000t but not more than 10,000t	43	C
(c) more than 10,000t	56	C
4 operating a facility for receiving and mechanically reprocessing, in a year, the following quantity of category 1 regulated waste—		
(a) 5,000t or less	32	C
(b) more than 5,000t but not more than 10,000t	50	C
(c) more than 10,000t	73	C

(4) In this section—

***mechanically reprocessing waste*** includes mechanically crushing, milling, grinding, shredding or sorting waste, whether or not for the purpose of recycling the waste.

*Examples—*

reprocessing, including recycling, waste using a trommel, glass imploder, concrete crusher, green waste shredder or tyre shredder

## 55 Other waste reprocessing or treatment

- (1) Other waste reprocessing or treatment (the ***relevant activity***) consists of operating a facility for receiving waste and—
  - (a) reprocessing the waste; or
  - (b) treating the waste to render it non-hazardous or less hazardous.
- (2) The relevant activity does not include an activity to which section 53, 54, 61 or 62 applies.

*Examples of the relevant activity—*

operating a facility for receiving waste and reprocessing or treating the waste using bioremediation, chemical fixation, microwaves or an autoclave

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

Threshold	Aggregate environmental score	3
1 operating a facility for receiving and either reprocessing or treating, in a year, the following quantity of general waste—		
(a) 5,000t or less	28	C
(b) more than 5,000t but not more than 10,000t	39	C
(c) more than 10,000t	48	C

Threshold	Aggregate environmental score	3
2 operating a facility for receiving and either reprocessing or treating, in a year, the following quantity of category 2 regulated waste—		
(a) 5,000t or less	38	C
(b) more than 5,000t but not more than 10,000t	52	C
(c) more than 10,000t	65	C
3 operating a facility for receiving and either reprocessing or treating, in a year, the following quantity of category 1 regulated waste—		
(a) 5,000t or less	46	C
(b) more than 5,000t but not more than 10,000t	65	C
(c) more than 10,000t	82	C
4 operating a facility for receiving and either reprocessing or treating clinical waste or biosecurity waste	46	C

- (4) In this section—  
*reprocessing* includes recycling.

## 56 Section 56 not used

See editor's note for this schedule.

## 57 Regulated waste transport

- (1) Regulated waste transport (the *relevant activity*) consists of transporting regulated waste in a vehicle.

- (2) The relevant activity does not include—
- (a) transporting no more than 175kg of asbestos in a vehicle; or
  - (b) self-haul transporting no more than 250kg of regulated waste; or
  - (c) transporting waste by a State or local government entity if—
    - (i) the waste is generated by or for the entity as a result of the construction or maintenance of a State-controlled road, local government road or railway corridor; and
    - (ii) the transportation is between sites owned or operated by a State or local government entity.
- (3) If the relevant activity is transporting end-of-life tyres, the aggregate environmental score for the relevant activity is 2.
- (4) If the relevant activity is transporting regulated waste, other than end-of-life tyres, the aggregate environmental score for the relevant activity is the lesser of the following—
- (a) the number of registered vehicles for the relevant activity;
  - (b) 36.
- (5) In this section—

**registered vehicle**, for the relevant activity, means a vehicle that is registered, with the department, as a vehicle used to carry out the activity.

**self-haul transporting** means transporting waste by or for a person if—

- (a) the person is the occupier of commercial premises where the waste is produced; and
- (b) the waste is transported from the premises free of charge.

**vehicle** includes a part of an aircraft, boat, rolling stock, semi-trailer, tanker, trailer or truck used to transport waste.



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**58 Section 58 not used**

See editor's note for this schedule.

**59 Section 59 not used**

See editor's note for this schedule.

**60 Waste disposal**

- (1) Waste disposal (the *relevant activity*) consists of only 1 of the following—
  - (a) operating a facility for disposing of—
    - (i) only regulated waste; or
    - (ii) regulated waste and any, or any combination, of the following—
      - (A) general waste;
      - (B) limited regulated waste;
      - (C) if the facility is in a scheduled area—no more than 5t of untreated clinical waste in a year;
  - (b) operating a facility for disposing of—
    - (i) only general waste; or
    - (ii) general waste and either, or a combination, of the following—
      - (A) a quantity of limited regulated waste that is no more than 10% of the total amount of waste received at the facility in a year;
      - (B) if the facility is in a scheduled area—no more than 5t of untreated clinical waste;
  - (c) operating a facility for disposing of only inert waste;
  - (d) maintaining a decommissioned waste disposal facility.
- (2) The relevant activity does not include using clean earth as fill.

## Schedule 2

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

<b>Threshold</b>	<b>Aggregate environmental score</b>	<b>3</b>
1 operating a facility for disposing of, in a year, the following quantity of waste mentioned in subsection (1)(a)—		
(a) less than 50,000t	65	C
(b) 50,000t to 100,000t	92	C
(c) more than 100,000t but not more than 200,000t	116	C
(d) more than 200,000t	119	C
2 operating a facility for disposing of, in a year, the following quantity of waste mentioned in subsection (1)(b)—		
(a) less than 2,000t	18	C
(b) 2,000t to 5,000t	27	C
(c) more than 5,000t but not more than 10,000t	37	C
(d) more than 10,000t but not more than 20,000t	45	C
(e) more than 20,000t but not more than 50,000t	56	C
(f) more than 50,000t but not more than 100,000t	65	C
(g) more than 100,000t but not more than 200,000t	82	C
(h) more than 200,000t	107	C

Threshold	Aggregate environmental score	3
3 operating a facility for disposing of, in a year, the following quantity of waste mentioned in subsection (1)(c)—		
(a) less than 50,000t	28	C
(b) 50,000t to 100,000t	35	C
(c) more than 100,000t but not more than 200,000t	40	C
(d) more than 200,000t	50	C
4 maintaining a decommissioned waste disposal facility	9	

(4) In this section—

***decommissioned waste disposal facility***—

- (a) means a facility, for which a person holds or held an environmental authority, that—
  - (i) was used for disposal of waste; and
  - (ii) no longer accepts waste for disposal; and
  - (iii) has had a final capping system installed in accordance with the environmental authority; but
- (b) does not include a landfill if the environmental authority for the landfill has been surrendered under chapter 5, part 10 of the Act.

***facility***—

- (a) includes a naturally occurring or constructed hollow or pit, including, for example, a gully, mining shaft or quarry; but
- (b) does not include a hollow or pit on a farm used for receiving and disposing of general waste produced on the farm.

***inert waste*** means—

- (a) bricks, pavers, ceramics, concrete, glass or steel; or
- (b) similar general waste that does not biodegrade or decompose.

**limited regulated waste** means any of the following types of regulated waste—

- (a) animal effluent and residues, including abattoir effluent and poultry and fish processing waste;
- (b) asbestos;
- (c) biosecurity waste that has been rendered non-infectious;
- (d) food processing waste;
- (e) sewage sludge or residue produced in carrying out an activity to which section 63 applies;
- (f) tyres.

## 61 Thermal waste reprocessing and treatment

- (1) Thermal waste reprocessing and treatment (the **relevant activity**) consists of operating a facility for thermally reprocessing or treating waste.
- (2) The relevant activity does not include burning waste under the *Fire and Emergency Services Act 1990*.
- (3) In the following table, the aggregate environmental score for the relevant activity is the score stated opposite the threshold within which the relevant activity is carried out.

Threshold	Aggregate environmental score	3
1 thermally reprocessing or treating, in a year, the following quantity of general waste—		
(a) 5,000t or less	33	C
(b) more than 5,000t but not more than 10,000t	39	C
(c) more than 10,000t	45	C

Threshold	Aggregate environmental score	3
2 thermally reprocessing or treating, in a year, the following quantity of category 2 regulated waste—		
(a) 5,000t or less	43	C
(b) more than 5,000t but not more than 10,000t	57	C
(c) more than 10,000t	70	C
3 thermally reprocessing or treating, in a year, the following quantity of category 1 regulated waste—		
(a) 5,000t or less	51	C
(b) more than 5,000t but not more than 10,000t	69	C
(c) more than 10,000t	87	C
4 thermally reprocessing or treating clinical waste or biosecurity waste	51	C

(4) In this section—

*thermally reprocessing or treating*, in relation to waste, means reprocessing or treating the waste by applying heat to the waste to change its chemical composition.

*Examples—*

gasification, incineration, pyrolysis, use of a plasma arc

*reprocessing* includes recycling.

## 62 Resource recovery and transfer facility operation

(1) Resource recovery and transfer facility operation (the *relevant activity*) consists of operating a facility for—

(a) receiving and sorting, dismantling or baling waste; or

- (b) receiving and temporarily storing waste before it is moved to a waste facility.
- (2) The relevant activity does not include—
- (a) in-transit storing of waste; or
  - (b) a local government operating a facility that receives a total quantity of not more than 11,000t or 11,000m<sup>3</sup> of waste in a year; or
  - (c) sorting and storing waste, generated by or because of a disaster situation, during the period of, and in the declared area for, the disaster situation; or
  - (d) storing waste, for not more than 28 days, in accordance with an accredited product stewardship scheme; or
  - (e) storing clinical waste consisting only of sharps in sharps containers that comply with AS 4031 or AS/NZS 4261; or
  - (f) storing chemically-treated power poles; or
  - (g) operating a container refund point under the *Waste Reduction and Recycling Act 2011*, chapter 4, part 3B; or
  - (h) sorting or storing—
    - (i) a total quantity of no more than 6t or 6m<sup>3</sup> of general waste at any one time; or
    - (ii) a total quantity of no more than 4t or 4m<sup>3</sup> of category 2 regulated waste, other than intact or partly disassembled lead acid batteries, at any one time; or
    - (iii) a total quantity of no more than 45t of, or 3,000, intact or partly disassembled lead acid batteries at any one time; or
    - (iv) a total quantity of no more than 1t or 1m<sup>3</sup> of category 1 regulated waste at any one time; or
  - (i) the receiving and sorting of waste by a State or local government entity if the waste is—

- (i) generated by or for the entity as a result of the construction or maintenance of a State-controlled road, local government road or railway corridor; and
- (ii) stored—
- (A) on the road or railway corridor mentioned in paragraph (i); or
- (B) on a site owned or operated by a State or local government entity.
- (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
1 operating a facility for receiving and sorting, dismantling, baling or temporarily storing—		
(a) scrap metal, non-putrescible waste or green waste only	6	
(b) general waste	14	C
(c) category 2 regulated waste	26	C
(d) category 1 regulated waste	35	C
2 operating a facility for receiving and sorting, baling or temporarily storing end-of-life tyres only	14	C

- (4) In this section—

*accredited product stewardship scheme* see the *Waste Reduction and Recycling Act 2011*, section 87(2).

**AS 4031** means AS 4031—1992 (Non-reusable containers for the collection of sharp medical items used in health care areas).

**AS/NZS 4261** means AS/NZS 4261—1994 (Reusable containers for the collection of sharp items used in human and animal medical applications).

**declared area** see the *Disaster Management Act 2003*, schedule.

**disaster situation** see the *Disaster Management Act 2003*, schedule.

**in-transit storage**, of waste, means storage of the waste in a vehicle or container for no more than 5 days at a place if, during the storage, the waste is not removed from the vehicle or container.

**period**, of a disaster situation, see the *Disaster Management Act 2003*, schedule.

## Part 13 Water treatment services

### 63 Sewage treatment

- (1) Sewage treatment (the *relevant activity*) consists of—
  - (a) operating 1 or more sewage treatment works at a site that have a total daily peak design capacity of at least 21EP; or
  - (b) operating a sewage pumping station with a total design capacity of more than 40KL in an hour, if the operation of the pumping station is not an essential part of the operation of sewage treatment works to which paragraph (a) applies.
- (2) The relevant activity does not include—
  - (a) carrying out works, other than operating a sewage pumping station mentioned in subsection (1)(b), involving only infrastructure for the collection of sewage, including, for example, pipes; or
  - (b) carrying out works involving either of the following—
    - (i) operating or maintaining composting toilets;



- (ii) treating or recycling greywater; or
- (c) operating no-release works.
- (3) In the following table, the aggregate environmental score for the relevant activity is the score stated opposite the threshold within which the relevant activity is carried out.

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—		
(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 1,500EP—		
(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 1,500 but not more than 4,000EP	76	C
(d) more than 4,000 but not more than 10,000EP	89	C
(e) more than 10,000 but not more than 50,000EP	114	C
(f) more than 50,000 but not more than 100,000EP	125	C

Threshold	Aggregate environmental score	3
(g) more than 100,000EP	145	C
2 operating a sewage pumping station mentioned in subsection (1)(b)	no score	

(4) In this section—

*daily peak design capacity*, for sewage treatment works, means the higher EP for the works calculated using each of the following formulae—

(a)  $EP = V / 200$

where—

*V* is the volume, in litres, of the average dry weather flow of sewage that can be treated at the works in a day;

(b)  $EP = M / 2.5$

where—

*M* is the mass, in grams, of phosphorus in the untreated influent that the works are designed to treat as the inlet load in a day.

*no-release works* means sewage treatment works from which neither solid nor liquid contaminants are released to the environment, whether from inside or outside the works.

*operating*, sewage treatment works, includes—

- (a) collecting gas from the treatment works; and
- (b) operating a pump station or other works associated with the treatment works.

## 64 Water treatment

- (1) Water treatment (the *relevant activity*) consists of carrying out any of the following activities in a way that allows waste, whether treated or untreated, to be released into the environment—

- (a) desalinating 0.5ML or more of water in a day;
  - (b) treating 10ML or more of raw water in a day;
  - (c) carrying out advanced treatment of 5ML or more of water in a day.
- (2) The relevant activity does not include—
- (a) treating water in a way that allows liquid or solid waste to be released only to the following—
    - (i) a local government’s sewerage infrastructure;
    - (ii) a facility mentioned in section 55, 60, 61 or 62; or
  - (b) treating water if the only treatment is disinfection or fluoridation; or
  - (c) treating water in association with carrying out an activity to which section 55, 60, 61, 62 or 63 applies.
- (3) In the following table, the aggregate environmental score, if any, for the relevant activity is the score stated opposite the threshold within which the relevant activity is carried out.

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	
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

Threshold	Aggregate environmental score	3
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

(4) In this section—

***advanced treatment***, of water, means the treatment of water that has been treated in a sewage treatment plant by removing dissolved salts so that the water is potable or suitable for agricultural or industrial use.

***mixed water*** means water that has undergone advanced water treatment and has been mixed with raw water.

***raw water*** means—

- (a) water derived—
  - (i) directly from surface water; or
  - (ii) from groundwater; or
- (b) mixed water.

***seawater*** means tidal waters, other than tidal waters between the banks of a river or stream.

## Schedule 3      **Aggregate environmental scores for particular resource activities**

section 15(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
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 that contains a high consequence dam or a significant consequence dam if the dam forms part of the activity	165
7 a petroleum activity involving injection of a waste fluid into a natural underground reservoir or aquifer	165
8 a petroleum activity or GHG storage activity, other than an activity mentioned in any of items 1 to 7, that includes 1 or more activities mentioned in schedule 2 for which an AES is stated	126

## Schedule 3

<b>Column 1</b>	<b>Column 2</b>
<b>Environmentally relevant activity</b>	<b>Aggregate environmental score (AES)</b>
9 a mining activity involving 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 clay pit mining, dimension stone mining or mining gemstones (including the material from which gemstones are extracted)—	
(a) if the activity involves mining a quantity of material of at least 5,000t but not more than 100,000t in a year	22
(b) if the activity involves mining a quantity of material of more than 100,000t but not more than 1,000,000t in a year	39

Column 1	Column 2
<b>Environmentally relevant activity</b>	<b>Aggregate environmental score (AES)</b>
(c) if the activity involves mining a quantity of material of more than 1,000,000t in a year	57
21 a mining activity that is an ineligible ERA, other than a mining activity mentioned in items 9 to 20	136

## **Schedule 4      Scheduled areas**

section 16

- 1    Aurukun
- 2    Balonne
- 3    Barcaldine
- 4    Barcoo
- 5    Blackall Tambo
- 6    Boulia
- 7    Bulloo
- 8    Burke
- 9    Carpentaria
- 10    Cherbourg
- 11    Cloncurry
- 12    Cook
- 13    Croydon
- 14    Diamantina
- 15    Doomadgee
- 16    Etheridge
- 17    Flinders
- 18    Goondiwindi
- 19    Hope Vale
- 20    Kowanyama
- 21    Lockhart River
- 22    Longreach
- 23    Mapoon
- 24    Maranoa



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- 25 McKinlay
  - 26 Mornington
  - 27 Mount Isa
  - 28 Murweh
  - 29 Napranum
  - 30 North Burnett
  - 31 Northern Peninsula Area
  - 32 Paroo
  - 33 Pormpuraaw
  - 34 Quilpie
  - 35 Richmond
  - 36 Torres
  - 37 Torres Strait Island
  - 38 Western Downs
  - 39 Winton
  - 40 Woorabinda
  - 41 Wujal Wujal
  - 42 Yarrabah
  - 43 the part of the local government area of Banana Shire Council that was, immediately before 15 March 2008, the part of the local government area of Taroom Shire Council
  - 44 the part of the local government area of Bundaberg Regional Council that was, immediately before 15 March 2008, the local government area of Kolan Shire Council
  - 45 the parts of the local government area of Central Highlands Regional Council that were, immediately before 15 March 2008, the local government areas of Bauhinia Shire Council and Peak Downs Shire Council
  - 46 the part of the local government area of Charters Regional Council that was, immediately before 15 March 2008, the local government area of Dalrymple Shire Council

Schedule 4

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- 47 the parts of the local government area of Fraser Coast Regional Council that were, immediately before 15 March 2008, the local government area of Woocoo Shire Council and part of the local government area of Tiaro Shire Council
- 48 the parts of the local government area of Gympie Regional Council that were, immediately before 15 March 2008, the local government area of Kilkivan Shire Council and part of the local government area of Tiaro Shire Council
- 49 the part of the local government area of Isaac Regional Council that was, immediately before 15 March 2008, the local government area of Nebo Shire Council
- 50 the part of the local government area of Rockhampton Regional Council that was, immediately before 15 March 2008, the local government area of Mount Morgan Shire Council
- 51 the part of the local government area of Somerset Regional Council that was, immediately before 15 March 2008, the local government area of Kilcoy Shire Council
- 52 the parts of the local government area of South Burnett Regional Council that were, immediately before 15 March 2008, the local government areas of Murgon Shire Council and Wondai Shire Council
- 53 the parts of the local government area of Toowoomba Regional Council that were, immediately before 15 March 2008, the local government areas of Cambooya Shire Council, Clifton Shire Council, Millmerran Shire Council and Pittsworth Shire Council

## Schedule 5      Designated environmental areas—agricultural research facilities

section 26

<b>Name</b>	<b>Description</b>
Applethorpe research station	Lot 249 on BNT1800
Ayr research station	Lot 97 on GS867
Bowen research station	Lot 112 on HR963, lot 1 on RP715403 and lot 39 on SP113324
Bribie Island aquaculture research station	Lot 190 on CG805819 and lot 1 on SP248827
Bundaberg research station	Lot 16 on CK813259
Gatton research station	Lot 189 on CC3307
Hermitage research station	Lots 100, 1304, 156 and 159 on ML2001 and lot 2 on SP156026
J. Bjelke-Petersen research station	Lot 349 on CP904165 and lot 379 on FY2924
Kairi research station	Lot 1 on SP241295
Kennlea research station	Lot 3 on RP58646 and lot 1 on RP904403
Kingsthorpe research station	Lot 2 on RP129751
Leslie research station	Lot 928 on AG2196
Maroochy horticultural research station	Lot 676 on CG5055 and lot 941 on CG6160
Mary Valley research station	Lot 3 on SP186078
Redlands research station	Lots 1, 2, 3, 4, 5 and 43 on SP280786

Schedule 5

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<b>Name</b>	<b>Description</b>
Redvale research station	Lot 475 on FY2951
South Johnstone research station	Lot 61 on NR6878
Spyglass Beef research station	Lot 4835 on CP858256, lot 1 on OC57, lot 3 on RP841848 and lot 4 on SP233424
Tropical weeds research station and residence	Lot 36 on CP889406, lots 208 and 209 on DV583, lot 197 on DV735 and lot 1 on MPH785
Walkamin research station	Lot 568 on N157284
Wellcamp field research station	Lot 209 on AG3878

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## Schedule 6 Prescribed conditions for small scale mining activities

section 27

### Part 1 Definitions for schedule

In this schedule—

*dam* means a man-made structure or hollow prepared for the retention of aqueous substances used in or produced by the operation of a mining activity.

*density of cover*, of vegetation in a particular area, means—

- (a) if the plant species are trees or shrubs—the number of trees or shrubs in the area; or
- (b) if the plant species are understorey species, including, for example, grasses and forbs—the percentage of surface area covered by a particular species in the area.

*water bore* means an artesian bore or a sub-artesian bore under the *Water Act 2000*.

### Part 2 Conditions for mining claims and exploration permits

- 1 This part applies to a small scale mining tenure if the mining activity for the tenure is carried out under a mining claim or exploration permit.
- 2 The holder of the small scale mining tenure must rehabilitate all areas disturbed by the mining activity on the mining tenure before—
  - (a) the tenure expires; or

- (b) the tenure is surrendered.
- 3 For an area that has been mined on the tenure, the holder must finish progressive rehabilitation of the area within 1 year after finishing the mining activity in the area.
- 4 The holder must carry out and finish rehabilitation works to establish a landform—
- (a) that is safe, stable and self-sustaining; and
  - (b) with vegetation of a species and density of cover similar to surrounding undisturbed areas or the landform that existed before the mining activity.
- 5 However, section 4 does not apply to infrastructure of the mine that remains on the land under section 6.
- 6 For infrastructure of the mine that remains on the land after the mining activity stops, the holder must enter into a written agreement with the owner of the land providing for the owner to take over responsibility for the infrastructure.
- Examples of infrastructure of a mine—*  
a dam, a road
- 7 If a dam remains on the land after the mining activity stops and is used for livestock drinking supplies, the holder must ensure that—
- (a) the dam is safe; and
  - (b) the dam's water quality complies with the Australian water quality management guidelines when the agreement with the landowner takes effect; and
  - (c) safe access is provided for livestock and native animals.
- 8 The holder of the small scale mining tenure, other than if the holder is a holder to which section 10 applies, must give the scheme manager a surety of an amount prescribed under schedule 16 for—
- (a) the holder's tenure type; and
  - (b) the holder's environmental risk of the activity under the tenure; and
  - (c) the proposed area of disturbance as stated in—

- 
- (i) if the tenure is a current mining claim under the *Mineral Resources Act 1989*, sections 61(1)(j)(iv) and 81(1)(c)—the holder’s work program for the current mining claim; or
    - (ii) if the tenure is a exploration permit under the *Mineral Resources Act 1989*, section 133(f)(i)—the holder’s program of work for the permit.
  - 9 The surety must be paid—
    - (a) before the day the mining activity is carried out under the mining tenure; and
    - (b) as security for—
      - (i) compliance with other prescribed conditions for carrying out the mining activity; and
      - (ii) costs or expenses, or likely costs or expenses, mentioned in section 316C of the Act.
  - 10 Section 11 applies if the holder of the small scale mining tenure—
    - (a) held, on 31 March 2013, an environmental authority for the activity carried out under the tenure; and
    - (b) an amount of financial assurance for the environmental authority is held by the administering authority.
  - 11 The holder must give the administering authority financial assurance of an amount that is equal to the amount held.

*Notes—*

- 1 Under section 712(2) of the Act, the amount of financial assurance for an environmental authority held by the administering authority is taken to be the financial assurance required under this condition.
- 2 Under the *Mineral and Energy Resources (Financial Provisioning) Act 2018*, section 90, the financial assurance required under this condition is taken to be a surety given under part 3 of that Act for the small scale mining tenure.

## **Part 3**

### **Additional conditions for exploration permits**

- 1 This part applies to a small scale mining tenure if the mining activity for the tenure is carried out under an exploration permit.
- 2 The holder must rehabilitate drill pads and excavations as soon as practicable after sampling is finished, and within 3 months after starting the drilling or excavating.
- 3 The holder must, within 30 business days after drilling starts, ensure that any drill hole is—
  - (a) decommissioned; or
  - (b) converted to a water bore.
- 4 If a drill hole is to be used for ongoing groundwater production or monitoring purposes, the holder must convert the drill hole to a water bore under the *Water Act 2000*.
- 5 The holder may transfer a functional water bore to an owner of land only if the holder and the owner enter into a written agreement for the transfer.
- 6 Any drill hole or water bore that is not transferred to the owner or the State must be decommissioned by cementing the hole, including the annular space around casing, from top to bottom.



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## **Schedule 7      Approved ERA standards**

section 29

### **Part 1                      Agricultural ERA standards**

- 1    Agricultural ERA standard for banana cultivation – version 2
- 2    Agricultural ERA standard for beef cattle grazing – version 2
- 3    Agricultural ERA standard for sugarcane cultivation – version 2

### **Part 2                      Other ERA standards**

- 1    Eligibility criteria and standard conditions—Geothermal exploration activities – version 2
- 2    Eligibility criteria and standard conditions—Petroleum exploration activities – version 2
- 3    Eligibility criteria and standard conditions—Petroleum pipeline activities – version 2
- 4    Eligibility criteria and standard conditions—Petroleum survey activities – version 2
- 5    Eligibility criteria and standard conditions for cattle feedlotting (ERA 2) – version 2
- 6    Eligibility criteria and standard conditions for sheep feedlotting (ERA 2) – version 2
- 7    Eligibility criteria and standard conditions for pig keeping (ERA 3) – version 2
- 8    Eligibility criteria and standard conditions for poultry farming (ERA 4) – version 2
- 9    Eligibility criteria and standard conditions for chemical manufacturing (water based paint) (ERA 7) – version 2

Schedule 7

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- 10 Eligibility criteria and standard conditions for chemical manufacturing (soap, surfactants or cleaning or toiletry products) (ERA 7) – version 2
- 11 Eligibility criteria and standard conditions for retreading tyres (ERA 13) – version 2
- 12 Eligibility criteria and standard conditions for extracting material (ERA 16) – version 2
- 13 Eligibility criteria and standard conditions for screening (5,000 tonnes to 100,000 tonnes of material in a year) (ERA 16) – version 2
- 14 Eligibility criteria and standard conditions for screening (more than 100,000 tonnes but not more than 1 million tonnes of material in a year) (ERA 16) – version 2
- 15 Eligibility criteria and standard conditions for screening (more than 1 million tonnes of material in a year) (ERA 16) –version 2
- 16 Eligibility criteria and standard conditions for bottling or canning food (ERA 23) – version 2
- 17 Eligibility criteria and standard conditions for meat processing (not including rendering) (ERA 25) – version 2
- 18 Eligibility criteria and standard conditions for meat processing (including rendering) (ERA 25) – version 2
- 19 Eligibility criteria and standard conditions for milk processing (ERA 26) – version 2
- 20 Eligibility criteria and standard conditions for metal foundry (ERA 29) – version 2
- 21 Eligibility criteria and standard conditions for surface coating (ERA 38) – version 2
- 22 ERA standard–Regulated waste transport (ERA 57) – version 2
- 23 Eligibility criteria and standard conditions for sewage treatment works (ERA 63) – version 2
- 24 Eligibility criteria and standard conditions for exploration and mineral development projects – version 2

- 25 Eligibility criteria and standard conditions for mining claims – version 2
- 26 Eligibility criteria and standard conditions for mining lease activities – version 2
- 27 ERA standard—Commercial cropping and horticulture in the Great Barrier Reef catchment (prescribed ERA 13A) – version 1

## **Schedule 8      Environmental objective assessment**

section 35(1)(a) and (3)(a)

### **Part 1              Preliminary**

#### **1              Definitions for schedule**

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.

*existing flow regime*, for water or a watercourse or wetland, means the flow regime for water or a watercourse or wetland existing prior to any discharge of water or contaminants into water or a watercourse or wetland caused from the carrying out of an activity.

*fugitive emissions* means emissions that are not captured by a collection system or vent system.

*performance outcome* means a performance outcome mentioned in part 3, division 1 or 2.

*regulated structure* means a structure that is assessed as being a regulated structure under the document called ‘Manual for assessing consequence categories and hydraulic performance of structures’, published by the department.

*shut down and start up emissions* means emissions released into the environment during the commencement and completion of a process, including a temporary suspension of an operation.

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*stable*, for a site, means the rehabilitation and restoration of the site is enduring or permanent so that the site is unlikely to collapse, erode or subside.

## **Part 2**

# **General matters to be addressed by environmental objective assessment**

### **2 General information**

- (1) The assessor must decide the extent to which the application achieves each environmental objective relevant to the application.
- (1A) However, if the application is accompanied by a proposed PRCP schedule or draft PRCP schedule, part 3, division 1, entry for 'Land', performance outcome 2(b) does not apply for the assessment.
- (2) In assessing whether the application achieves the relevant environmental objective, the assessor must decide whether the activity the subject of the application achieves item 1 of the performance outcome stated for the environmental objective.
- (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.

*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.

### **3 Assessing whether application minimised adverse effects**

- (1) 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.
- (2) 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;
  - (b) the sensitivity of the receiving environment;
  - (c) the current state of technical knowledge for the activity;
  - (d) the likelihood of successful application of different measures that might be taken to minimise the adverse effects;
  - (e) the financial implications of the different measures as they would relate to the type of activity;
  - (f) if the adverse effect is caused by the location of the activity being carried out, whether it is feasible to carry out the activity at another location.

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## **Part 3                      Environmental objectives and performance outcomes**

### **Division 1                  Operational assessment**

#### **Air**

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##### **Environmental Objective**

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The activity will be operated in a way that protects the environmental values of air.

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##### **Performance Outcomes**

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- 1 There is no discharge to air of contaminants that may cause an adverse effect on the environment from the operation of the activity.
  - 2 All of the following—
    - (a) fugitive emissions of contaminants from storage, handling and processing of materials and transporting materials within the site are prevented or minimised;
    - (b) contingency measures will prevent or minimise adverse effects on the environment from unplanned emissions and shut down and start up emissions of contaminants to air;
    - (c) releases of contaminants to the atmosphere for dispersion will be managed to prevent or minimise adverse effects on environmental values.
- 

#### **Water**

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##### **Environmental Objective**

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The activity will be operated in a way that protects environmental values of waters.

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##### **Performance Outcomes**

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- 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—
  - (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;
  - (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;
  - (h) the activity will be managed so that adverse effects on environmental values are prevented or minimised.

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### **Wetlands**

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**Environmental Objective**

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The activity will be operated in a way that protects the environmental values of wetlands.

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**Performance Outcomes**

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- 1 There will be no potential or actual adverse effect on a wetland as part of carrying out the activity.
  - 2 The activity will be managed in a way that prevents or minimises adverse effects on wetlands.
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**Groundwater**

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**Environmental Objective**

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The activity will be operated in a way that protects the environmental values of groundwater and any associated surface ecological systems.

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**Performance Outcomes**

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- 1 Both of the following apply—
  - (a) there will be no direct or indirect release of contaminants to groundwater from the operation of the activity;
  - (b) there will be no actual or potential adverse effect on groundwater from the operation of the activity.
- 2 The activity will be managed to prevent or minimise adverse effects on groundwater or any associated surface ecological systems.

*Note—*

Some activities involving direct releases to groundwater are prohibited under section 41 of this regulation.

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**Noise**

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**Environmental Objective**

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The activity will be operated in a way that protects the environmental values of the acoustic environment.

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**Performance Outcomes**

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- 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.
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### **Waste**

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#### **Environmental Objective**

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Any waste generated, transported, or received as part of carrying out the activity is managed in a way that protects all environmental values.

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#### **Performance Outcomes**

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- 1 Both of the following apply—
    - (a) waste generated, transported or received is managed in accordance with the waste and resource management hierarchy under the *Waste Reduction and Recycling Act 2011*;
    - (b) if waste is disposed of, it is disposed of in a way that prevents or minimises adverse effects on environmental values.
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### **Land**

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#### **Environmental Objective**

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The activity is operated in a way that protects the environmental values of land, including soils, subsoils, landforms and associated flora and fauna.

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#### **Performance Outcomes**

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- 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 apply—
    - (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;
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- 
- (b) areas disturbed will be rehabilitated or restored to achieve sites—
    - (i) that are safe and stable; and
    - (ii) where no environmental harm is being caused by anything on or in the land; and
    - (iii) that are 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.
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## **Division 2                      Land use assessment**

### **Site Suitability**

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#### **Environmental Objective**

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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.

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#### **Performance Outcomes**

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- 1 Both of the following apply—
  - (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—
- (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.
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### **Location on Site**

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#### **Environmental Objective**

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The location for the activity on a site protects all environmental values relevant to adjacent sensitive uses.

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#### **Performance Outcomes**

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- 1 The location for the activity means there will be no adverse effect on any environmental values.
- 2 Both of the following apply—
- (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.
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### **Critical Design Requirements**

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#### **Environmental Objective**

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The design of the facility permits the site at which the activity is to be carried out to operate in accordance with best practice environmental management.

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#### **Performance Outcomes**

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- 1 The activity does not involve the storage, production, treatment or release of hazardous contaminants, or involve a regulated structure.
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- 2 All of the following apply—
- (a) all storage provided for hazardous contaminants includes secondary containment to prevent or minimise releases to the environment from spillage or leaks;
  - (b) regulated structures comply with the document called ‘Manual for assessing consequence categories and hydraulic performance of structures’, published by the department;
  - (c) containers are provided 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.
-

## Schedule 8A PRCP objective assessment

section 41B

### Part 1 Preliminary

#### 1 Definitions for schedule

In this schedule—

*available for improvement*, in relation to land in an improvement area for a non-use management area, means land in the improvement area that is not being mined, other than land to which any of the following applies—

- (a) the land is being used for operating infrastructure or machinery for mining, including, for example, a dam or water storage facility;
- (b) the land is identified in the PRCP schedule or the application for an environmental authority relating to the schedule as containing a probable or proved ore reserve that is to be mined within 10 years after the land would otherwise have become available for improvement;
- (c) the land is required for the mining of a probable or proved ore reserve mentioned in paragraph (b).

*improvement area*, for a non-use management area, means an area of land in the non-use management area to which a management milestone relates.

*milestone criteria*, for a management milestone or a rehabilitation milestone, means requirements that must be met to achieve the milestone.

*mined* see section 126D(6) of the Act.

*rehabilitation area*, for land the subject of a post-mining land use, means an area of the land to which a rehabilitation milestone for the post-mining use relates.

*sufficient improvement*, of a non-use management area, means the last management milestone for the area has been achieved.

## **Part 2                                  Matters for carrying out PRCP objective assessments**

### **2                                  Requirements for carrying out PRCP objective assessment**

- (1) The administering authority must consider whether the PRCP schedule achieves each PRCP objective stated in part 3 for the PRCP schedule.
- (2) A PRCP schedule achieves the PRCP objective stated in part 3, table 1 only if the PRCP schedule achieves—
  - (a) for a post-mining land use—item 1 of the PRCP performance outcomes for the objective; or
  - (b) for a non-use management area—items 2 and 3 of the PRCP performance outcomes for the objective.
- (3) However, if the PRCP schedule shows a proposed non-use management area for which a public interest evaluation was required, part 3, table 1, items 2 and 3 of the PRCP performance outcomes for the PRCP objective stated in part 3, table 1 do not apply for the assessment.
- (4) A PRCP schedule achieves a PRCP objective stated in part 3, table 2 or 3 only if the PRCP schedule achieves each PRCP performance outcome for the objective.

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## **Part 3**                      **PRCP objectives and PRCP performance outcomes**

### **Table 1**                      **Final site design assessment**

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#### **Post-mining land uses and non-use management areas**

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##### **PRCP Objective**

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The PRCP schedule properly states a post-mining land use or non-use management area for each area of land to which the PRCP schedule relates.

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##### **PRCP Performance Outcomes**

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- 1 Each post-mining land use—
  - (a) is viable, having regard to the use of land in the surrounding region; and
  - (b) satisfies at least 1 of the following—
    - (i) the use is consistent with how the land was used before a mining activity was carried out on the land;
    - (ii) the use is consistent with a development approval relating to the land;
    - (iii) the use is consistent with a use of the land, other than a use that is mining, permitted under a State or Commonwealth Act, including, for example, a planning instrument under the Planning Act;
    - (iv) the use will deliver, or is aimed at delivering, a beneficial environmental outcome.
- 2 The total area of land proposed as a non-use management area is minimised to the extent possible by, for example, demonstrating that the land, or any part of the land, can not be used for any post-mining land use.



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- 3 Each non-use management area is located to prevent or minimise environmental harm having regard to—
- (a) all reasonably practical alternatives for the location; and
  - (b) the nature of the environmental harm that may be caused because of the proposed location; and
  - (c) the sensitivity of the environment surrounding the proposed location.

## **Table 2                      Post-mining land use assessment**

### **Rehabilitation Milestones**

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#### **PRCP Objective**

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Rehabilitation milestones are supported by milestone criteria and are suitable for rehabilitating land to a stable condition.

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#### **PRCP Performance Outcomes**

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- 1 Each rehabilitation milestone is appropriate for achieving the post-mining land use for the rehabilitation area.
- 2 Each rehabilitation milestone is supported by milestone criteria that—
  - (a) are appropriate for achieving the milestone; and

*Examples—*

1 A post-mining land use for land is a water-storage facility for livestock. The last rehabilitation milestone for the land is the completion of a water-storage facility for livestock use. The milestone criteria that may be appropriate for achieving the milestone are criteria that demonstrate the facility will be safe and stable, and the pH and salinity of the water in the facility will be potable, for livestock.

2 A post-mining land use for land is a native ecosystem habitat. The last rehabilitation milestone for the land is a safe, self-sustaining and stable ecosystem. The milestone criteria that may be appropriate for achieving the milestone are criteria that demonstrate the ecosystem will include species of the type and diversity needed to sustain the ecosystem.

- (b) facilitate achieving subsequent rehabilitation milestones.
- 3 The last rehabilitation milestone and milestone criteria for the milestone demonstrate the post-mining land use will be sustainable in the long term.

### **Progressive Rehabilitation**

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#### **PRCP Objective**

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Rehabilitation of land to a stable condition will be achieved progressively during the life of the mine.

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#### **PRCP Performance Outcomes**

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- 1 Rehabilitation areas are planned in a way that maximises achieving progressive rehabilitation for the post-mining land use.
- 2 The first rehabilitation milestone for a rehabilitation area will start as soon as practicable after the land in the area becomes available for rehabilitation for section 126D(4) of the Act by, for example, starting within 6 months after the area becomes available for rehabilitation.
- 3 The time frame mentioned in section 126D(4) of the Act for achieving each rehabilitation milestone has regard to the risks identified in the PRC plan for the land under section 126C(1)(f) of the Act.
- 4 The time frame mentioned in section 126D(4) of the Act within which the land will be rehabilitated to a stable condition has regard to any time frames agreed to during consultation with the community about the PRC plan.

## **Table 3                      Non-use management area assessment**

### **Management Milestones**

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#### **PRCP Objective**

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Management milestones are supported by milestone criteria and are suitable for the non-use management area.

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### **PRCP Performance Outcomes**

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- 1 Each management milestone is appropriate for achieving sufficient improvement of the improvement area.
- 2 Each management milestone is supported by milestone criteria that—
  - (a) are the most appropriate for achieving the milestone; and
  - (b) facilitate achieving subsequent management milestones; and
  - (c) have regard to the technical knowledge available when the PRCP objective assessment is carried out about managing risks of the non-use management area to the environment; and
  - (d) prevent contaminants from being produced or, if prevention is not possible, minimise the impact of the release of contaminants.

*Examples of minimising the impact of the release of a contaminant—*

- 1 appropriately containing the contaminant
  - 2 appropriately treating the contaminant before it is released
- 3 On achieving sufficient improvement of a non-use management area, each of the following is prevented or minimised to the greatest extent possible, having regard to the technical knowledge available when the PRCP objective assessment is carried out—
    - (a) the risk of the area collapsing, eroding or subsiding;
    - (b) the need to actively manage the area;
    - (c) access to the area by an animal or person by, for example, fencing the boundary of the area.

### **Progressive Improvement**

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#### **PRCP Objective**

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Each management milestone for a non-use management area will maximise progressively achieving sufficient improvement of the area.

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### **PRCP Performance Outcomes**

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- 1 Improvement areas are planned in a way that maximises progressively achieving sufficient improvement of the non-use management area.
- 2 The first management milestone for an improvement area will start within a reasonable period after the area becomes available for improvement by, for example, starting within 1 year after the area becomes available for improvement.
- 3 Each management milestone for an improvement area will be achieved as soon as practicable after the land becomes available for improvement.
- 4 The time frame within which each management milestone is to be achieved has regard to the risk of not achieving sufficient improvement of the non-use management area.
- 5 The time frame within which the last management milestone for each improvement area is to be achieved has regard to any time frame agreed to during consultation with the community about the PRC plan.

## Schedule 9 Regulated waste and waste that is not regulated waste

sections 42 and 43 and schedule 19, part 2, definitions *attribute table*, *substance table* and *threshold table*

### Part 1 Types of regulated waste and default categorisation

	Column 1 Type	Column 2 Category
1	acidic solutions and acids in solid form	2
2	animal effluent and residues, including abattoir effluent and poultry and fish processing wastes	2
3	antimony and antimony compounds	1
4	arsenic and arsenic compounds	1
5	asbestos	2
6	barium compounds, other than barium sulfate	1
7	basic (alkaline) solutions and bases (alkalis) in solid form	2
8	beryllium and beryllium compounds	1
9	boron compounds	1
10	biosecurity waste	1
11	cadmium and cadmium compounds	1
12	chemical waste arising from a research and development or teaching activity, including new or unidentified material and material whose effects on human health or the environment are not known	1
13	chlorates	1
14	chromium compounds (hexavalent and trivalent)	1

## Schedule 9

	<b>Column 1 Type</b>	<b>Column 2 Category</b>
15	clinical and related waste	1
16	copper compounds	1
17	cyanides (inorganic)	1
18	cyanides (organic)	1
19	encapsulated, chemically-fixed, solidified or polymerised wastes	2
20	ethers	1
21	filter cake, other than filter cake waste generated from the treatment of raw water for the supply of drinking water	1
22	fire debris and fire washwaters	1
23	fluorinated organic compounds (total)	1
24	fly ash	1
25	food processing waste (other than liquid food processing waste)	2
26	grease trap waste	2
27	halogenated organic solvents	1
28	highly odorous organic chemicals, including mercaptans and acrylates	1
29	inorganic fluorine compounds, other than calcium fluoride	1
30	inorganic sulfides	2
31	isocyanate compounds	1
32	lead and lead compounds	1
33	lead acid batteries (intact)	2
34	liquid food processing waste	2
35	material containing polychlorinated biphenyls (PCBs), polychlorinated naphthalenes (PCNs), polychlorinated terphenyls (PCTs) or polybrominated biphenyls (PBBs)	1
36	mercury and mercury compounds	1
37	metal carbonyls	1
38	mineral oils	2

	<b>Column 1 Type</b>	<b>Column 2 Category</b>
39	nickel compounds	1
40	non-toxic salts, including, for example, saline effluent	2
41	oil and water mixtures or emulsions, or hydrocarbons and water mixtures or emulsions	2
42	organic phosphorous compounds	1
43	organic solvents, other than halogenated solvents, including, for example, ethanol	1
44	organohalogen compounds, other than another substance stated in this schedule	1
45	oxidising agents	1
46	per- and poly-fluoroalkyl substances	1
47	perchlorates	1
48	pesticides, including organochlorine	1
49	pharmaceuticals, drugs and medicines	1
50	phenols and phenol compounds, including chlorophenols	1
51	phosphorus compounds, other than mineral phosphates	2
52	polychlorinated dibenzo-furan (any congener)	1
53	polychlorinated dibenzo-p-dioxin (any congener)	1
54	residues from industrial waste treatment or disposal operations	1
55	selenium and selenium compounds	1
56	sewage sludge and residues, including nightsoil and septic tank sludge	2
57	surface active agents (surfactants) containing principally organic constituents, whether or not also containing metals and other inorganic materials	2
58	tannery wastes, including leather dust, ash, sludges and flours	1
59	tarry residues arising from refining, distillation or any pyrolytic treatment	1
60	tellurium and tellurium compounds	2

## Schedule 9

	<b>Column 1 Type</b>	<b>Column 2 Category</b>
61	thallium and thallium compounds	2
62	triethylamine catalysts for setting foundry sands	2
63	tyres	2
64	vanadium compounds	1
65	vegetable oils	2
66	waste containing peroxides other than hydrogen peroxide	2
67	waste from a heat treatment or tempering operation that uses cyanides	1
68	waste from surface treatment of metals or plastics	2
69	waste from the manufacture, formulation or use of biocides or phytopharmaceuticals	1
70	waste from the manufacture, formulation or use of inks, dyes, pigments, paints, lacquers or varnish	2
71	waste from the manufacture, formulation or use of organic solvents	1
72	waste from the manufacture, formulation or use of photographic chemicals or processing materials	2
73	waste from the manufacture, formulation or use of resins, latex, plasticisers, glues or other adhesives	1
74	waste from the manufacture, formulation or use of wood-preserving chemicals	1
75	waste from the manufacture or preparation of pharmaceutical products	1
76	waste of an explosive nature, other than an explosive within the meaning of the <i>Explosives Act 1999</i>	1
77	wool scouring wastes	2
78	zinc compounds	1



## Part 2 **Categorisation thresholds for solid tested waste**

	<b>Column 1 Substance</b>	<b>Column 2 Threshold (mg/kg)</b>
1	aldrin and dieldrin (total)	40
2	antimony	36
3	arsenic	1,200
4	barium	18,000
5	benzene	20
6	benzo(a)pyrene	12
7	beryllium	360
8	boron	80,000
9	cadmium	360
10	carbon tetrachloride	8
11	chlorobenzene	336
12	chloroform	4
13	chromium (hexavalent)	1,200
14	copper	880
15	cresol (total)	16,000
16	cyanide	960
17	dichlorobenzene (1,2-dichlorobenzene)	2,160
18	dichlorobenzene (1,4-dichlorobenzene)	32
19	dichloroethane (1,2-dichloroethane)	6
20	dichloroethylene (1,1-dichloroethylene)	276
21	dichloromethane (methylene chloride)	420
22	dichlorophenoxyacetic acid (2,4-dichlorophenoxyacetic acid)	840

## Schedule 9

	<b>Column 1 Substance</b>	<b>Column 2 Threshold (mg/kg)</b>
23	dieldrin and aldrin (total)	40
24	dinitrotoluene (2,4-dinitrotoluene)	20
25	ethylbenzene	68
26	fluoride	3,720
27	lead	1,200
28	mercury	320
29	methyl ethyl ketone	32,400
30	molybdenum	468
31	nickel	4,800
32	nitrobenzene	60
33	organochlorine pesticides (total)	200
34	organophosphate pesticides (total)	1,000
35	per- and poly-fluoroalkyl substances (PFAS)	0
36	persistent organic pollutant (other)	200
37	petroleum hydrocarbons (C6 to C9)	3,800
38	petroleum hydrocarbons (C10 to C36)	21,200
39	phenols (total)	160,000
40	polychlorinated biphenyls (PCBs)	50
41	polycyclic aromatic hydrocarbons (total)	1,200
42	selenium	2,800
43	styrene (vinyl benzene)	7,200
44	silver	468
45	tetrachloroethane (1,1,1,2-tetrachloroethane)	24
46	tetrachloroethane (1,1,2,2-tetrachloroethane)	24
47	tetrachloroethylene	96

	<b>Column 1 Substance</b>	<b>Column 2 Threshold (mg/kg)</b>
48	trichloroethane (1,1,1-trichloroethane)	9,720
49	trichloroethane (1,1,2-trichloroethane)	1.8
50	trichloroethylene	5
51	trichlorophenol (2,4,5-trichlorophenol)	7,560
52	trichlorophenol (2,4,6-trichlorophenol)	76
53	toluene	5,880
54	vanadium	468
55	vinyl chloride	0.72
56	xylenes (total)	696
57	zinc	1,600

## **Part 3                      Waste that is not regulated waste**

### **Division 1                      Types of waste**

- 1 intact or partly disassembled televisions
- 2 intact or partly disassembled electronic equipment designed to be used with a television
 

*Examples—*  
video players, DVD players, gaming consoles, set-top boxes
- 3 intact or partly disassembled computers
 

*Examples—*  
desktop computers (including monitors), notebook computers, laptop computers, tablets
- 4 intact or partly disassembled equipment designed to be used with computers

*Examples—*

keyboards, mice, hard drives, scanners, printers, multi-function devices, speakers, web cameras

- 5 intact or partly disassembled internal computer components

*Examples—*

network or graphics cards, motherboards, optical drives

- 6 intact or partly disassembled automotive equipment

*Examples—*

vehicles, engines, transmissions, differentials

- 7 mobile phones

- 8 mobile phone accessories

*Example—*

mobile phone chargers

- 9 batteries typically used in small electronic devices or handheld devices

*Examples of handheld devices—*

mobile phones, digital cameras, keyboards, toys, torches

- 10 whitegoods

- 11 treated timber, other than sawdust or shavings

- 12 groundwater or treated groundwater necessarily or unavoidably brought to the surface of the earth as part of an industrial process, if the groundwater—

- (a) has a pH of at least 6 but not more than 10.5; and
- (b) has an electrical conductivity of less than 15,000µS/cm

- 13 architectural and decorative paints collected, stored and transported in accordance with a product stewardship, unless the paint—

- is a bagged render
- is texture coating
- contains isocyanates
- is paint stripper
- is an industrial paint

- is anti-fouling paint
- 14 containers of architectural and decorative paints mentioned in item 13 that are collected, stored and transported in accordance with a product stewardship, unless the paint is in a spray pack
  - 15 tallow
  - 16 treated clinical waste
  - 17 related waste that has been treated to render it non-infectious

## Division 2                      Non-regulated thresholds for tested waste

	<b>Column 1 Attribute</b>	<b>Column 2 Solid waste requirement</b>	<b>Column 3 Liquid waste requirement</b>
1	pH	from pH 6.5 to pH 9	from pH 6.5 to pH 10.5
2	conductivity (electrical)	-	less than 1,200µS/cm
3	biological oxygen demand	-	less than 15mg/L
4	flashpoint, for waste that is less than 24% alcohol (v/v)	-	less than 60°C
5	peroxides (other than hydrogen peroxide) more than 0.01% (v/v)	-	not present
6	asbestos more than 0.01% (w/w)	not present	not present

## Schedule 9

<b>Column 1 Substance</b>	<b>Column 2 Solid waste threshold (mg/kg)</b>	<b>Column 3 Liquid waste threshold (µg/L)</b>
1 aldrin and dieldrin (total)	10	6
2 antimony	9	60
3 arsenic	300	200
4 barium	4,500	40,000
5 benzene	5	20
6 benzo(a)pyrene	3	0.2
7 beryllium	90	1,200
8 boron	20,000	3,700
9 cadmium	90	2
10 carbon tetrachloride	2	60
11 chlorobenzene	84	6,000
12 chloroform	1	4
13 chromium (hexavalent)	300	10
14 copper	220	14
15 cresol (total)	4,000	3,000
16 cyanide	240	70
17 dichlorobenzene (1,2-dichlorobenzene)	540	30,000
18 dichlorobenzene (1,4-dichlorobenzene)	8	800
19 dichloroethane (1,2-dichloroethane)	1	60
20 dichloroethylene (1,1-dichloroethylene)	69	500
21 dichloromethane (methylene chloride)	105	220
22 dichlorophenoxyacetic acid (2,4-dichlorophenoxyacetic acid)	210	600

<b>Column 1 Substance</b>	<b>Column 2 Solid waste threshold (mg/kg)</b>	<b>Column 3 Liquid waste threshold (µg/L)</b>
23 dieldrin and aldrin (total)	10	6
24 dinitrotoluene (2,4-dinitrotoluene)	5	5
25 ethylbenzene	17	6,000
26 fluoride	930	30,000
27 lead	300	34
28 mercury	80	6
29 methyl ethyl ketone	8,100	11,200
30 molybdenum	117	1,000
31 nickel	1,200	110
32 nitrobenzene	15	3
33 organochlorine pesticides (total)	50	0.00011
34 organophosphate pesticides (total)	250	0.035
35 per- and poly-fluoroalkyl substances (PFAS)	0	0
36 persistent organic pollutant (other)	50	0
37 petroleum hydrocarbons (C6 to C9)	950	-
38 petroleum hydrocarbons (C10 to C36)	5,300	-
39 petroleum hydrocarbons (total)	-	6,000
40 phenols (total)	40,000	11,600
41 polychlorinated biphenyls (PCBs)	2	0.00074
42 polycyclic aromatic hydrocarbons (total)	300	0.2
43 selenium	700	110
44 styrene (vinyl benzene)	1,800	600
45 silver	117	1

## Schedule 9

<b>Table 2—Substance table</b>		
<b>Column 1</b> <b>Substance</b>	<b>Column 2</b> <b>Solid waste threshold (mg/kg)</b>	<b>Column 3</b> <b>Liquid waste threshold (µg/L)</b>
46 tetrachloroethane (1,1,1,2-tetrachloroethane)	6	11
47 tetrachloroethane (1,1,2,2-tetrachloroethane)	6	2
48 tetrachloroethylene	24	82
49 trichloroethane (1,1,1-trichloroethane)	2,430	16,000
50 trichloroethane (1,1,2-trichloroethane)	0.45	0.82
51 trichloroethylene	1	6
52 trichlorophenol (2,4,5-trichlorophenol)	1,890	2,400
53 trichlorophenol (2,4,6-trichlorophenol)	19	200
54 toluene	1,470	16,000
55 vanadium	117	172
56 vinyl chloride	0.18	6
57 xylenes (total)	174	12,000
58 zinc	400	30



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## Schedule 10 Prescribed water contaminants

## section 65

- 1 a chemical, or chemical waste containing a chemical  
*Examples—*
  - biocide, including herbicide, fungicide and pesticide
  - chemical that causes biochemical or chemical oxygen demand
  - per and poly-fluoroalkyl substances (PFAS)
- 2 a gas other than oxygen
- 3 a liquid containing suspended or dissolved solids
- 4 a liquid that has a temperature different by more than 2°C from ambient water temperature
- 5 animal matter, including dead animals, animal remains and animal excreta, and water used to clean animals, animal enclosures or vehicles used for transporting animals
- 6 ashes, clay, gravel, sediment, stones and similar organic or inorganic matter
- 7 a substance that has a pH outside the range 6.5 to 8.5
- 8 building and construction materials, including bitumen, brick, cement, concrete and plaster  
*Examples—*
  - cement washed to create exposed aggregate treatment
  - coloured powder used to create stencilled concrete features
- 9 building, construction and demolition waste, including bitumen, brick, concrete cuttings, plaster and waste water generated by building, construction or demolition
- 10 clinical waste
- 11 glass, metal parts, paper, piping, plastic and scrap metal
- 12 industrial waste
- 13 oil, including, for example, petroleum or vegetable based oil

Schedule 10

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- 14 paint, paint scrapings or residues, paint sludge, water used for diluting paint or washing painting utensils, and waste from paint stripping
- 15 plant matter, including, for example, bark, lawn clippings, leaves, mulch, pruning waste, sawdust, shavings, woodchip and other waste from forest products
- 16 putrescible waste, including, for example, food scraps
- 17 regulated waste
- 18 sewage and sewage residues, whether treated or untreated, and any other matter containing faecal coliforms or faecal streptococci, including, for example, waste water pumped out from a septic tank
- 19 vehicles and components of vehicles, including, for example, batteries and tyres
- 20 waste and waste water, generated from indoor cleaning, including, for example, waste from carpet or upholstery cleaning and steam cleaning
- 21 waste and waste water, generated from outdoor cleaning, including, for example, waste generated from high pressure water blasting of commercial or industrial premises, fuel dispensing areas, plant or equipment, roofs, streets, vehicles and wharves
- 22 waste generated from repairing or servicing motor vehicles, including, for example, engine coolant, grease, lubricants and oil
- 23 waste water, including backwash from swimming pools, condensate from compressors, water from air-conditioning or cooling systems and waste water from grease traps

## Schedule 11 Trackable waste and waste codes

section 71 and schedule 19, part 2, definition *waste code*

### Explanatory notes to schedule

- 1 A substance is trackable waste if it is regulated waste of a type mentioned in this schedule.
- 2 If a substance falls under more than 1 item in this list, and the code for one of the items is marked with an asterisk, the code for the substance is the code marked with an asterisk.

Type of waste	Waste code
acidic solutions and acids in solid form	B100
animal effluent and residues, including abattoir effluent and poultry and fish processing wastes	K100
antimony and antimony compounds	D170
arsenic and arsenic compounds	D130
asbestos	N220
barium compounds, other than barium sulphate	D290
basic (alkaline) solutions and bases (alkalis) in solid form	C100
beryllium and beryllium compounds	D160
boron compounds	D310
cadmium and cadmium compounds	D150
chemical waste arising from a research and development or teaching activity, including new or unidentified material and material whose effects on human health or the environment are not known	T100
chlorates	D350

## Schedule 11

<b>Type of waste</b>	<b>Waste code</b>
chromium compounds (hexavalent and trivalent)	D140
clinical and related waste	R100*
copper compounds	D190
cyanides (inorganic)	A130
cyanides (organic)	M210
encapsulated, chemically fixed, solidified or polymerised wastes	N160*
ethers	G100
filter cake, other than filter cake waste generated from the treatment of raw water for the supply of drinking water	N190
fire debris and fire washwaters	N140*
fly ash	N150
grease trap waste	K110
halogenated organic solvents	G150
highly odorous organic chemicals, including mercaptans and acrylates	M260
inorganic fluorine compounds, other than calcium fluoride	D110
inorganic sulfides	D330
isocyanate compounds	M220
lead and lead compounds	D220
liquid food processing waste	K200
material containing polychlorinated biphenyls (PCBs), polychlorinated naphthalenes (PCNs), polychlorinated terphenyls (PCTs) or polybrominated biphenyls (PBBs)	M100
mercury and mercury compounds	D120
metal carbonyls	D100

<b>Type of waste</b>	<b>Waste code</b>
mineral oils	J100
nickel compounds	D210
non-toxic salts	D300
oil and water mixtures or emulsions, or hydrocarbons and water mixtures or emulsions	J120
organic phosphorous compounds	H110
organic solvents, other than halogenated solvents	G110
organohalogen compounds, other than another substance stated in this schedule	M160
per- and poly-fluoroalkyl substances	M270
perchlorates	D340
pharmaceuticals, drugs and medicines	R120*
phenols and phenol compounds, including chlorophenols	M150
phosphorus compounds, other than mineral phosphates	D360
polychlorinated dibenzo-furan (any congener)	M170
polychlorinated dibenzo-p-dioxin (any congener)	M180
residues from industrial waste treatment or disposal operations	N205
selenium and selenium compounds	D240
sewage sludge and residues, including nightsoil and septic tank sludge	K130
surface active agents (surfactants) containing principally organic constituents, whether or not also containing metals and other inorganic materials	M250
tannery wastes, including leather dust, ash, sludges and flours	K140

<b>Type of waste</b>	<b>Waste code</b>
tarry residues arising from refining, distillation or any pyrolytic treatment	J160
tellurium and tellurium compounds	D250
thallium and thallium compounds	D180
triethylamine catalysts for setting foundry sands	M230
tyres	T140
vanadium compounds	D270
waste containing peroxides other than hydrogen peroxide	E100
waste from a heat treatment or tempering operation that uses cyanides	A110
waste from surface treatment of metals or plastics	A100
waste from the manufacture, formulation or use of—	
• biocides or phytopharmaceuticals	H100
• inks, dyes, pigments, paints, lacquers or varnish	F100
• organic solvents	G160
• photographic chemicals or processing materials	T120
• resins, latex, plasticisers, glues or other adhesives	F110
• wood-preserving chemicals	H170
waste from the manufacture or preparation of pharmaceutical products	R140
waste of an explosive nature, other than an explosive within the meaning of the <i>Explosives Act 1999</i>	E120
wool-scouring wastes	K190
zinc compounds	D230

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## **Schedule 12 Prescribed information for waste tracking**

section 74

### **1 Generator**

- (1) This section states the prescribed information about waste given by a generator to a transporter for sections 78 and 87.
- (2) The generator must give all of the following information to the transporter—
  - (a) the generator's—
    - (i) name, address, local government area and contact details; or
    - (ii) generator identification number;
  - (b) if the generator is a business—the generator's ABN;
  - (c) the name, address and contact details of the person to whom the waste is to be transported;
  - (d) the day the generator gives the waste to the transporter for transporting;
  - (e) the unique identifier for the transportation of the load of waste;
  - (f) for a load of waste transported to a receiver outside Queensland—the consignment number for the load;
  - (g) if the waste is dangerous goods—the type and number of containers in which the waste is contained;
  - (h) the following details of the waste—
    - (i) the type of waste;
    - (ii) the amount of the waste, expressed as a stated number of kilograms or litres;
    - (iii) its physical nature (solid, liquid, paste or gas);
    - (iv) the waste code of the waste;

- (v) if the waste is dangerous goods—
  - (A) its UN number; and
  - (B) its packing group designator; and
  - (C) its dangerous goods class and any subsidiary risk.
- (3) The generator must record, and must give to the administering authority, all of the following information—
  - (a) the information mentioned in subsection (2);
  - (b) the transporter's name, address and contact details;
  - (c) the transporter's environmental authority number;
  - (d) if the vehicle used to transport the waste is a motor vehicle—the vehicle's registration number.

## **2 Transporter**

- (1) This section states the prescribed information about waste given by a transporter to a receiver for sections 79 and 83.
- (2) The transporter must give all of the following information to the receiver—
  - (a) the information mentioned in section 1(2) received from the generator;
  - (b) for a load of waste transported from a generator outside Queensland—the consignment number for the load;
  - (c) the transporter's name, address and contact details;
  - (d) the transporter's environmental authority number;
  - (e) if the vehicle used to transport the waste is a motor vehicle—the vehicle's registration number;
  - (f) any jurisdiction, other than Queensland, in which the waste has been transported;
  - (g) the day and time the transporter gives the waste to the receiver.
- (3) The transporter must record the following information—



- (a) the information mentioned in subsection (2);
- (b) the receiver's name, address and contact details;
- (c) the receiver's environmental authority number.

### **3 Receiver**

- (1) This section states the prescribed information about waste given to a receiver by a transporter for sections 80 and 84.
- (2) The receiver must record the following information—
  - (a) the information mentioned in section 2(2) received from the transporter;
  - (b) the amount of waste received, expressed as a stated number of kilograms or litres;
  - (c) whether the waste is received for recycling, conversion to energy, another type of treatment, storage or disposal;
  - (d) the disposal or treatment code for the way of disposing of or treating the waste.
- (3) The receiver must give the following information to the administering authority—
  - (a) the information mentioned in subsection (2);
  - (b) the receiver's name, address and contact details;
  - (c) the receiver's environmental authority number.

## **Schedule 13     Other local governments**

section 133(2), definition *prescribed local government*

Balonne Shire Council  
Banana Shire Council  
Barcaldine Regional Council  
Barcoo Shire Council  
Bulloo Shire Council  
Carpentaria Shire Council  
Central Highlands Regional Council  
Charters Towers Regional Council  
Cook Shire Council  
Croydon Shire Council  
Diamantina Shire Council  
Gympie Regional Council  
Hinchinbrook Shire Council  
Lockyer Valley Regional Council  
Longreach Regional Council  
Mareeba Shire Council  
Murweh Shire Council  
Scenic Rim Regional Council  
Southern Downs Regional Council  
Tablelands Regional Council  
Winton Shire Council

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## **Schedule 14 Prescribed organisations**

### section 151

Australasian Radiation Protection Society  
Australian Institute of Agricultural Science and Technology  
Australian Institute of Geoscientists  
Australian Society of Soil Science  
Engineers Australia  
Environmental Health Australia  
Environment Institute of Australia and New Zealand  
Institute of Explosives Engineers  
Institution of Chemical Engineers  
Planning Institute of Australia  
South Pacific Environmental Radioactivity Association  
Surveying and Spatial Sciences Institute  
The Australasian Institute of Mining and Metallurgy  
The Royal Australian Chemical Institute

## **Schedule 15      Fees**

section 154(1)

*Note—*

See also chapter 9 for other fees payable under the Act.

### **Part 1                      Fees for environmental impact statements**

	<b>Fee units</b>
1    Submitting draft terms of reference for an EIS (Act, s 41(2)(b))	41,854.00
2    Submitting an EIS (Act, s 47(2))	206,361.00
3    Giving an EIS amendment notice, other than an EIS amendment notice given under section 56(2)(d) of the Act (Act, s 66(4))	13,948.00
4    Application for approval to voluntarily prepare an EIS (Act, s 71(d)(ii))	712.00
5    Application for a decision about whether an EIS would be required and, if applicable, for approval to prepare an EIS (Act, s 73B(d))	712.00

## Part 2 Fees for environmental authorities

	<b>Fee units</b>
6 Application for environmental authority, other than an environmental authority for a mining activity that is an eligible ERA and relates to a mining claim (Act, s 125(1)(e))—	
(a) for a standard application	688.00
(b) for a variation application or site-specific application for an environmental authority for only the prescribed ERA mentioned in schedule 2, section 13A	903.00
(c) for a variation application or site-specific application for an environmental authority for another activity	688.00 plus 30% of the annual fee for the authority the subject of the application
7 Change of application for environmental authority or proposed PRC plan, other than a minor change or a change agreed to by the administering authority (Act, s 132(1)(b))	358.70
8 Amendment application (Act, s 226(1)(c))—	
(a) for an amendment of an environmental authority	346.60
(b) for an amendment of an environmental authority and the PRCP schedule to which the authority relates	346.60
(c) for an amendment of a PRCP schedule	346.60
9 Assessment fee for amendment application for major amendment of an environmental authority or PRCP schedule (Act, s 228(4))—	

	<b>Fee units</b>
(a) if the environmental authority is only for the prescribed ERA mentioned in schedule 2, section 13A	213.90
(b) if the environmental authority is for another activity—	
(i) for an amendment of the environmental authority	30% of the annual fee for the authority the subject of the application
(ii) for an amendment of the environmental authority and the PRCP schedule to which the authority relates	30% of the annual fee for the authority the subject of the application
(iii) for an amendment of only the PRCP schedule to which the environmental authority relates	30% of the annual fee for the authority to which the PRCP schedule the subject of the application relates
10 Change of amendment application for environmental authority or PRCP schedule (Act, s 236(1)(b))	358.70
11 Application for amalgamated environmental authority (Act, s 246(g))	358.70
12 Transfer application for environmental authority for a prescribed ERA (Act, s 253(f))	143.10

	<b>Fee units</b>
13 Conversion application under section 695 of the Act (Act, s 696(b))	358.70

### **Part 3                      Other fees**

	<b>Fee units</b>
14 Application for a temporary emissions licence (Act, s 357B(5))	2,763.00
15 Obtaining an extract from the environmental management register or contaminated land register (Act, s 542(3)), for each lot to which the extract relates—	
(a) if the extract is obtained using the internet	53.90
(b) otherwise	63.35
16 Application for approval as an auditor (Act, s 570(c))	1,428.00
17 Late payment of an annual fee for environmental authority (s 177(2)(b))	143.10

## Schedule 16 Amount of surety

schedule 6

Tenure type	Mining claim				Exploration permit (minerals)	
	Hand mining (previously mined)	Hand mining (not previously mined)	Machinery used for mining with no dam	Machinery used for mining with a dam	Low risk	High risk
Environmental risk of the activity (area of disturbance hectares)	\$	\$	\$	\$	\$	\$
0 to 0.1	200	400	400	3,400	2,500	5,000
more than 0.1 to 0.5	400	800	2,000	5,000	not applicable	
more than 0.5 to 1	1,000	2,000	4,000	7,000		
more than 1 to 2	2,000	4,000	8,000	11,000		
more than 2 to 3	3,000	6,000	12,000	15,000		
more than 3 to 4	4,000	8,000	16,000	19,000		
more than 4 to 5	5,000	10,000	20,000	23,000		



## Schedule 17 Disposal and treatment codes for waste tracking

schedule 19, part 2, definitions *disposal code* and *treatment code*

### Part 1 Disposal codes

The following ways of dealing with waste do not include resource recovery, recycling, reclamation, direct re-use or an alternative use of the waste.

	<b>Disposal code</b>
disposal to a landfill	D1
land farming	D2
surface impoundment	D4
biological treatment in a way not otherwise mentioned in this part	D8
immobilisation or solidification	D9A
physico/chemical treatment other than immobilisation or solidification	D9B
incineration	D10
permanent storage	D12
blending or mixing before disposal in another way mentioned in this part	D13
repackaging before disposal in another way mentioned in this part	D14
storage before disposal in another way mentioned in this part	D15

**Part 2 Treatment codes**

The following ways of dealing with waste may include resource recovery, recycling, reclamation, direct re-use or an alternative use of the waste.

	<b>Treatment code</b>
using waste as a fuel, other than by direct incineration	R1
recycling or reclaiming a substance, other than a substance mentioned in items R6 to R8, if it is—	
• an organic substance used as a solvent	R2
• an organic substance not used as a solvent	R3
• a metal or metal compound other than a drum	R4
• an inorganic substance other than a metal or metal compound	R5
recycling or reclaiming—	
• an acid or base	R6
• a component used for pollution abatement	R7
• a component from a catalyst	R8
refining used oil or otherwise using previously used oil	R9
using a residual trackable waste obtained from treatment in another way mentioned in this part	R11
storage before treatment in another way mentioned in this part	R13
recycling, reconditioning or laundering of drums	R14

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**Schedule 18      National environment  
protection (movement of  
controlled waste between  
States and Territories)  
measure, schedule A, list 2**

schedule 19, part 2, definition *environmentally significant  
characteristic*

**Schedule A, list 2: Characteristics of controlled  
wastes**

<b>Dangerous Goods Class (UN Class)</b>	<b>UN Code</b>	
1	H1	Explosive  An explosive substance or waste is a solid or liquid substance or waste (or mixture of substances or wastes) which is in itself capable by chemical reaction of producing gas at such a temperature and pressure and at such a speed as to cause damage to the surroundings.
3	H3	Flammable Liquids

**Dangerous  
Goods  
Class (UN  
Class)****UN  
Code**

The word *flammable* has the same meaning as *inflammable*. Flammable liquids are liquids, or mixtures of liquids, or liquids containing solids in solution or suspension (for example, paints, varnishes, lacquers, etc., but not including substances or wastes otherwise classified on account of their dangerous characteristics) which give off flammable vapour at temperatures of not more than 60.5 degrees Celsius, closed-cup test, or not more than 65.6 degrees Celsius, open-cup test. (Since the results of open-cup tests and of closed-cup tests are not strictly comparable and even individual results by the same test are often variable, regulations varying from the above figures to make allowances for such differences would be within the spirit of the definition.)

- |     |      |   |
|-----|------|---|
| 4.1 | H4.1 | <p>Flammable solids</p> <p>Solids or waste solids, other than those classified as explosives, which under conditions encountered in transport are readily combustible, or may cause or contribute to fire through friction.</p>                               |
| 4.2 | H4.2 | <p>Substances or wastes liable to spontaneous combustion</p> <p>Substances or wastes which are liable to spontaneous heating under normal conditions encountered in transport, or to heating up in contact with air, and being then liable to catch fire.</p> |
| 4.3 | H4.3 | <p>Substances or wastes which, in contact with water, emit flammable gases</p> <p>Substances or wastes which, by interaction with water, are liable to become spontaneously flammable or to give off flammable gases in dangerous quantities.</p>             |

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<b>Dangerous Goods Class (UN Class)</b>	<b>UN Code</b>	
5.1	H5.1	<b>Oxidising</b>  Substances or wastes which, while in themselves not necessarily combustible, may, generally by yielding oxygen, cause or contribute to, the combustion of other materials.
5.2	H5.2	<b>Organic peroxides</b>  Organic substances or wastes which contain the bivalent-O-structure are thermally unstable substances which may undergo exothermic self-accelerating decomposition.
6.1	H6.1	<b>Poisonous (acute)</b>  Substances or wastes liable either to cause death or serious injury or to harm human health if swallowed or inhaled or by skin contact.
6.2	H6.2	<b>Infectious substances</b>  Substances or wastes containing viable micro-organisms or their toxins which are known or suspected to cause disease in animals or humans.
8	H8	<b>Corrosives</b>  Substances or wastes which, by chemical action, will cause severe damage when in contact with living tissue, or in the case of leakage, will materially damage, or even destroy, other goods or the means of transport; they may also cause other hazards.
9	H10	<b>Liberation of toxic gases in contact with air or water</b>  Substances or wastes which, by liberation with air or water, are liable to give off toxic gases in dangerous quantities.

<b>Dangerous Goods Class (UN Class)</b>	<b>UN Code</b>	
9	H11	<p>Toxic (delayed or chronic)</p> <p>Substances or wastes which, if they are inhaled or ingested or if they penetrate the skin, may involve delayed or chronic effects, including carcinogenicity.</p>
9	H12	<p>Ecotoxic</p> <p>Substances or wastes which if released present or may present immediate or delayed adverse impacts to the environment by means of bioaccumulation and/or toxic effects upon biotic systems.</p>
9	H13	<p>Capable of yielding another material which possesses H1-H12</p> <p>Capable by any means, after disposal, of yielding another material, e.g., leachate, which possesses any of the characteristics listed above.</p> <p><b>Other Reasons</b></p> <p>Potential to have a significant adverse impact on ambient air quality.</p> <p>Potential to have a significant adverse impact on ambient marine, estuarine or freshwater quality.</p>

*Note—*

UN Class and Code relates to the hazard classification system included in the United Nations Recommendations on the Transport of Dangerous Goods as used in Australia.

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# Schedule 19 Dictionary

section 3

## Part 1 Extended definitions

### 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 conservation park;
  - (vii) a special wildlife reserve;
  - (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) an area of critical habitat or major interest identified under a conservation plan;
  - (iii) 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* that is within a general use zone of the marine park under that Act;
- (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 Queensland heritage place, unless there is an exemption certificate issued under that Act;
- (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’ published on the department’s website.

*Note—*

The Regional ecosystem description database is also available for inspection during office hours, at the Queensland Herbarium and each regional office of the department.

### 3 Meaning of *organochlorine pesticide*

Each of the following is an *organochlorine pesticide*—

- aldrin
- chlordane
- dichlorodiphenyldichloroethane
- dichlorodiphenyldichloroethylene
- dichlorodiphenyltrichloroethane
- dieldrin
- endosulfan I
- endosulfan II
- endosulfan sulphate
- endrin
- endrin aldehyde
- heptachlor
- heptachlor epoxide
- hexachlorobenzene

- $\alpha$ -hexachlorocyclohexane
- $\beta$ -hexachlorocyclohexane
- $\delta$ -hexachlorocyclohexane
- $\gamma$ -hexachlorocyclohexane (lindane)
- methoxychlor.

#### 4 **Meaning of *organophosphate pesticide***

Each of the following is an *organophosphate pesticide*—

- acephate
- azamethiphos
- azinphos-methy
- cadusafos
- carbofuran
- chlorfenvinphos
- chlorpyrifos
- chlorpyrifos-methyl
- coumaphos
- cythioate
- diazinon
- dichlorvos
- dimethoate
- disulfoton
- ethion
- fenamiphos
- fenitrothion
- fenthion
- maldison (malathion)
- methamidophos

- methidathion
- mevinphos
- naled
- naphthalophos
- omethoate
- oxydemeton-methyl
- parathion
- parathion-methyl
- phorate
- phosmet
- pirimiphos-methyl
- profenofos
- propetamphos
- prothiofos
- temephos
- terbufos
- tetrachlorvinphos
- thiometon
- trichlorfon.

## **5 Meaning of *persistent organic pollutant (other)***

Each of the following is a *persistent organic pollutant (other)*—

- chlordecone
- dioxins
- furans
- heptabromodiphenyl ether
- hexabromobiphenyl

- hexabromodiphenyl ether
- mirex
- pentabromodiphenyl ether
- pentachlorobenzene
- perfluorooctane sulfonic acid and its salts
- perfluorooctane sulfonyl fluoride (PFOS)
- tetrabromodiphenyl ether
- toxaphene.

**6 Meaning of *polycyclic aromatic hydrocarbon***

Each of the following is a *polycyclic aromatic hydrocarbon*—

- acenaphthene
- acenaphthylene
- anthracene
- benzo(a)anthracene
- benzo(a)pyrene
- benzo(b)fluoranthene
- benzo(ghi)perylene
- benzo(k)fluoranthene
- chrysene
- dibenzo(ah)anthracene
- fluoranthene
- fluorene
- indeno(1,2,3-cd)pyrene
- naphthalene
- phenanthrene
- pyrene.

## 7 Meaning and calculation of *standard cattle unit*

- (1) A *standard cattle unit* is a unit of measurement based on the live weight of cattle.
- (2) The number of *standard cattle units* that is equivalent to an animal of a live weight mentioned in column 1 of the following table is stated opposite in column 2.

Column 1	Column 2
Live weight (kg)	Number of standard cattle units
up to 350	0.67
more than 350 to 400	0.74
more than 400 to 450	0.81
more than 450 to 500	0.87
more than 500 to 550	0.94
more than 550 to 600	1.00
more than 600 to 650	1.06
more than 650 to 700	1.12
more than 700	1.18

## 8 Meaning and calculation of *standard pig unit*

- (1) A *standard pig unit* is a unit of measurement based on types, or a combination of types and live weight, of pigs.
- (2) In the following table, the number of *standard pig units* that is equivalent to an animal of a type mentioned in column 1 is stated opposite in column 2.

Column 1	Column 2
Type of pig	Number of standard pig units
boar	1.6
gestating sow	1.6

Column 1	Column 2
Type of pig	Number of standard pig units
gilt	1.8
lactating sow	2.5

- (3) In the following table, the number of *standard pig units* that is equivalent to an animal of a type mentioned in column 1 and a live weight mentioned opposite in column 2, is stated opposite the live weight in column 3.

Column 1	Column 2	Column 3
Type of pig	Live weight (kg)	Number of standard pig units
sucker	1.4 to 8	0.1
weaner	more than 8 to 25	0.5
grower	more than 25 to 55	1.0
finisher	more than 55 to 100	1.6
finisher	more than 100	1.8

## 9 Meaning and calculation of *standard sheep unit*

- (1) A *standard sheep unit* is a unit of measurement based on the live weight of sheep.
- (2) The number of *standard sheep units* that is equivalent to an animal of a live weight mentioned in column 1 of the following table is stated opposite in column 2.

Column 1	Column 2
Live weight (kg)	Number of standard sheep units
up to 25	0.519
more than 25 to 30	0.595
more than 30 to 35	0.667

<b>Column 1</b>	<b>Column 2</b>
<b>Live weight (kg)</b>	<b>Number of standard sheep units</b>
more than 35 to 40	0.738
more than 40 to 45	0.806
more than 45 to 50	0.872
more than 50 to 55	0.937
more than 55 to 60	1.000
more than 60 to 65	1.062
more than 65 to 70	1.123
more than 70 to 75	1.182
more than 75	1.241

## 10 Meaning of *watercourse*

- (1) A *watercourse* is a river, creek or stream in which water flows permanently or intermittently—
  - (a) in a natural channel, whether artificially improved or not; or
  - (b) in an artificial channel that has changed the course of the watercourse.
- (2) A *watercourse* includes the bed and banks and any other element of a river, creek or stream confining or containing water.

## Part 2 Other definitions

*action* has the meaning given by the Commonwealth Environment Act, chapter 8, part 23, division 1, subdivision A.

*activity*, for chapter 4, see section 31.

**AES** means aggregate environmental score.

**aggregate environmental score**, for an environmentally relevant activity, see section 15.

**animal waste** means any discarded materials, including carcasses, body parts, blood or bedding, originating—

- (a) from animals contaminated with an agent infectious to humans; or
- (b) from animals inoculated during research, production of biologicals or pharmaceutical testing with infectious agents.

**annual fee**, for an environmental authority—

- (a) generally, see section 157; or
- (b) for chapter 9, part 3, division 2, see section 161.

**approved EMS**, for chapter 9, part 3, division 2, see section 162.

**approved partner**, for chapter 9, part 3, division 2, see section 163.

**AS 1055** means ‘AS 1055–1997—Acoustics—Description and measurement of environmental noise’.

**AS 1940** means ‘AS 1940–2004—The storage and handling of flammable and combustible liquids’.

**AS IEC 61672** means ‘AS IEC 61672—Electroacoustics—Sound level meters’.

**attribute table** means schedule 9, part 3, division 2, table 1.

**Australian water quality management guidelines** means the document called ‘Australian & New Zealand guidelines for fresh and marine water quality’, published by the Australian Government Department of Agriculture.

*Note*—

See the Water Quality Australia website for access to the Australian water quality management guidelines.



**authority number**, for an environmental authority, means the unique number issued for the environmental authority by the administering authority.

**available for improvement**, in relation to land in an improvement area for a non-use management area, for schedule 8A, see schedule 8A, part 1, section 1.

**bed**, of any waters—

- (a) includes an area covered, permanently or intermittently, by tidal or non-tidal waters; but
- (b) does not include land adjoining or adjacent to the bed that is from time to time covered by floodwater.

**biosecurity waste** means—

- (a) waste that is goods subject to biosecurity control under the *Biosecurity Act 2015* (Cwlth); or
- (b) goods under the *Biosecurity Act 2015* (Cwlth) that are or were in contact with waste mentioned in paragraph (a).

**boat maintenance or repair facility** means a facility on land or in water that is used to maintain or repair boats or seaplanes.

*Examples of facilities—*

cradles, dry docks, hardstand areas

**category 1 regulated waste** see section 43(1), (2) and (3).

**category 2 regulated waste** see section 43(4).

**category A environmentally sensitive area** see section 1 of this schedule.

**category B environmentally sensitive area** see section 2 of this schedule.

**characteristic**, for chapter 4, see section 31.

**chemical** means—

- (a) an agricultural chemical product or veterinary chemical product under the *Agricultural and Veterinary Chemicals Code Act 1994* (Cwlth); or
- (b) a dangerous good under the dangerous goods code; or

- (c) a drug or poison mentioned in the current Poisons Standard under the *Therapeutic Goods Act 1989* (Cwlth); or
- (d) a substance intended for use as—
  - (i) a fertiliser for agricultural, horticultural or garden use, other than mushroom growing substrate or compost; or
  - (ii) a paint, paint solvent, pigment, dye, printing ink, industrial polish, degreasing agent, adhesive, sealant, food additive, bleach, sanitiser, disinfectant, biocide or firefighting foam; or
  - (iii) a pesticide, insecticide, fungicide, herbicide, rodenticide, nematocide, miticide, fumigant or related product; or
  - (iv) a surface active agent, including, for example, soap and detergent; or
- (e) class 1 or 2 combustible liquids under AS 1940; or
- (f) a chemical toxicant for which guidelines are prescribed under the Australian water quality management guidelines.

***chemical waste*** means waste generated from the use of chemicals in medical, dental, veterinary and laboratory procedures, including, for example, mercury, formalin and gluteraldehyde.

***clay pit mining*** means excavating—

- (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.

***clean earth*** means any natural substance found in the earth that is not contaminated with waste or a hazardous contaminant.

*Examples—*

clay, gravel, loam, rock, sand, soil

***clinical waste*** means waste that has the potential to cause disease, including, for example, the following—

- (a) animal waste;
- (b) discarded sharps;
- (c) human tissue waste;
- (d) laboratory waste.

***coal seam gas water*** means underground water brought to the surface of the earth or moved underground in connection with exploring for or producing coal seam gas.

***coal seam gas water management policy*** means the document called ‘Coal seam gas water management policy’, dated December 2012 and published on the department’s website.

***commercial***, for an activity mentioned in schedule 2, means carried out for a fee or reward.

***commercial premises*** means any of the following types of premises—

- (a) a hotel, motel, caravan park, cafe, food store or canteen;
- (b) an assembly building, institutional building, kindergarten, child minding centre, school or other building used for education;
- (c) premises where a sport or game is ordinarily played in public;
- (d) an exhibition ground, show ground or racecourse;
- (e) an office, shop or other premises where business or work, other than a manufacturing process, is carried out.

***commercial waste*** means waste, other than green waste, recyclable waste, interceptor waste or waste discharged to a sewer, produced as a result of the ordinary use or occupation of commercial premises.

***Commonwealth approval***, for a project, means the Commonwealth Minister’s approval of the action the subject

of the project under the Commonwealth Environment Act, chapter 4, part 9.

**Commonwealth Minister** means the Minister of the Commonwealth responsible for administering the Commonwealth Environment Act.

**concurrency ERA** see section 17.

**conformity assessment body**, for chapter 9, part 3, division 2, see section 161.

**consignment number** means—

- (a) for a load of waste transported from a generator outside Queensland—the number assigned to the load under section 93(5); or
- (b) for a load of waste transported to a receiver outside Queensland—any number assigned as a consignment number for the load under an equivalent law of the jurisdiction.

**controlling provision**, for a project, means a provision of the Commonwealth Environment Act, chapter 2, part 3, decided by the Commonwealth Minister as a controlling provision for the project under that Act, chapter 4, part 7, division 2.

**control measure**, for chapter 4, see section 31.

**cresol** means pure cresol and its chemical derivatives, including, for example, the following—

- (a) 2-methylphenol (o-cresol)
- (b) 3-methylphenol (m-cresol)
- (c) 4-methylphenol (p-cresol).

**current test results**, for waste, means test results—

- (a) for the tests mentioned in section 46 for the waste; and
- (b) that are current for the waste under section 48.

**cytotoxic drug** means a drug known to have carcinogenic, mutagenic or teratogenic potential.

**daily peak design capacity**, in relation to sewage treatment, see schedule 2, section 63(4).

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

***dangerous goods class*** means the class allocated to dangerous goods under the dangerous goods code.

***dangerous goods code*** means the seventh edition of the ‘Australian Code for the Transport of Dangerous Goods by Road and Rail’.

***designated proponent***, for a project, means the person designated as a proponent for the action the subject of the project under the Commonwealth Environment Act, section 75(3).

***dimension stone mining*** means extracting rock and processing it by additional cutting or shaping for use for building or monumental purposes.

*Examples of rock extracted by dimension stone mining—*

granite, limestone, marble, sandstone, slate

***disposal code***, for a way of disposing of waste, means the relevant code for the disposal operation stated in schedule 17.

***domestic clean-up waste*** means non-putrescible, dry and inoffensive waste, other than green waste or recyclable waste, produced as a result of a clean-up of domestic premises.

***domestic premises*** means any of the following types of premises—

- (a) a single unit private dwelling;
- (b) premises containing 2 or more separate flats, apartments or other dwelling units;
- (c) a boarding house, hostel, lodging house or guest house.

***domestic waste*** means waste, other than domestic clean-up waste, green waste, recyclable waste, interceptor waste or waste discharged to a sewer, produced as a result of the ordinary use or occupation of domestic premises.

***ecoBiz program***, for chapter 9, part 3, division 2, see section 161.

***end-of-life tyre*** means a used tyre that is not attached to a vehicle.

***environmentally significant characteristic*** means a characteristic mentioned in the MCW NEPM, schedule A, list 2, a copy of which is set out in schedule 18.

***environmental management decision***, for chapter 4, see section 32.

***environmental objective assessment*** means an assessment carried out in accordance with schedule 8, part 2.

***ERA*** means an environmentally relevant activity.

***estimation technique***, for chapter 7, part 3, see section 121.

***estimation technique application***, for chapter 7, part 3, see section 123.

***estimation technique approval***, for chapter 7, part 3, see section 122.

***facility***, for an environmentally relevant activity, means, generally, the premises or other place used for the activity.

***floodwater*** means water overflowing, or that has overflowed, from a watercourse onto or over riparian land that is not submerged when the watercourse flows between or is contained within its bed and banks.

***general waste*** means—

- (a) generally, waste other than regulated waste; and
- (b) for chapter 6, part 2, any of the following—
  - (i) commercial waste other than regulated waste;
  - (ii) domestic waste;
  - (iii) recyclable waste.

***generator***—

- (a) for chapter 5, part 1, division 3, see section 50; or
- (b) for chapter 5, part 9, see section 72(1)(a).

***generator identification number***, of a person, means the number assigned to the person under section 97.

**green waste** means grass cuttings, trees, bushes, shrubs, loppings of trees, bushes or shrubs, or similar matter produced as a result of the ordinary use or occupation of premises.

**groundwater** means underground water.

**high consequence dam** means a dam that is assessed as being in a high consequence category within the meaning of the document called ‘Manual for assessing consequence categories and hydraulic performance of structures’, published by the department.

**highest astronomical tide** means the highest level of the tides that can be predicted to occur under average meteorological conditions and under any combination of astronomical conditions.

**human body parts** means recognisable organs, bones and gross body parts but does not include teeth, gums, hair, nails, bone fragments or a placenta if it is to be retained by a parent or guardian.

**human tissue waste** means the following—

- (a) tissue, blood, blood products and other body fluids that are removed from a person during surgery, an autopsy or another medical procedure;
- (b) tissue, blood, blood products and other body fluids that are removed from a person during post-operative care or treatment;
- (c) specimens of tissue, blood, blood products and other body fluids and containers in which the specimens are kept;
- (d) discarded material saturated with, or containing, free-flowing blood and other body fluids.

**improvement area**, for a non-use management area, for schedule 8A, see schedule 8A, part 1, section 1.

**industrial waste** means—

- (a) interceptor waste; or
- (b) waste other than the following—

- (i) commercial waste;
- (ii) domestic waste;
- (iii) domestic clean-up waste;
- (iv) green waste;
- (v) recyclable waste;
- (vi) recyclable interceptor waste;
- (vii) waste discharged to a sewer.

***interceptor*** means a device used to intercept a substance in sewage, waste water or trade waste and prevent its discharge into a sewer, septic tank, waste water disposal system or other treatment device.

*Examples of interceptors—*

- neutralising interceptors for neutralising acidic and alkaline substances
- grease interceptors for collecting and solidifying fat, grease and similar matter
- oil interceptors for collecting oil and petroleum products
- silt interceptors for collecting soil, sand, gravel and other sedimentary solids

***interceptor waste*** means matter, other than recyclable interceptor waste, intercepted by, and held in, an interceptor.

***JAS-ANZ***, for chapter 9, part 3, division 2, see section 161.

***liquid waste*** means waste that—

- (a) has an angle of repose of less than 5 degrees above horizontal; or
- (b) becomes free-flowing—
  - (i) at or below 60 degrees Celsius; or
  - (ii) when it is transported; or
- (c) is generally not capable of being picked up by a spade or shovel.

***local government road*** see the *Transport Infrastructure Act 1994*, schedule 6.



**lower emissions score**, for chapter 9, part 3, division 2, see section 164.

**manufacturing process** means a handcraft or other process relating to adapting, altering, assembling, cleaning, finishing, making, ornamenting, preparing, renovating, repairing, washing, or wrecking goods for trade, sale or gain or otherwise in connection with a business.

**map of Great Barrier Reef wetland protection areas** means the document called ‘Map of Great Barrier Reef wetland protection areas’, made by the chief executive and published on the department’s website.

**map of Queensland wetland environmental values** see the *Environmental Protection (Water and Wetland Biodiversity) Policy 2019*, schedule 2.

**material**, for chapter 4, see section 31.

**matters of national environmental significance** means matters of national environmental significance mentioned in the Commonwealth Environment Act, chapter 2, part 3, division 1.

**MCW NEPM** means the *National Environment Protection (Movement of Controlled Waste between States and Territories) Measure* made by the National Environment Protection Council, on 26 June 1998, under the *National Environment Protection Council Act 1994* (Cwlth).

**milestone criteria**, for a management milestone or rehabilitation milestone, for schedule 8A, see schedule 8A, part 1, section 1.

**mined**, for schedule 8A, see schedule 8A, part 1, section 1.

**monitoring**, for chapter 4, see section 33.

**naturally occurring surface waters** includes artificial waterways that are directly connected to naturally occurring surface waters.

*Example—*

a canal connected to naturally occurring surface waters

***noise measurement manual*** means the document called ‘Noise measurement manual’, published on the department’s website.

***NPI NEPM*** see section 114.

***operating***, sewage treatment works, see schedule 2, section 63(4).

***organochlorine pesticide*** see section 3 of this schedule.

***organophosphate pesticide*** see section 4 of this schedule.

***packing group designator***, for trackable waste, means the packing group designator applying to the waste under the dangerous goods code.

***persistent organic pollutant (other)*** see section 5 of this schedule.

***pharmaceutical product*** means an S4 medicine under the *Medicines and Poisons Act 2019*.

***phenol*** means pure phenol and its chemical derivatives, including, for example, the following—

- (a) 2-cyclohexyl-4,6-dinitrophenol
- (b) 2,4-dimethylphenol
- (c) 2,4-dinitrophenol
- (d) 2-methyl-4,6-dinitrophenol
- (e) 2-nitrophenol
- (f) 4-nitrophenol.

***polycyclic aromatic hydrocarbon*** see section 6 of this schedule.

***port area*** means a port area of a port authority or other port entity within the meaning of the *Transport Infrastructure Act 1994*, section 267AA.

***port authority*** see the *Transport Infrastructure Act 1994*, schedule 6.

***port entity*** see the *Transport Infrastructure Act 1994*, section 267.

***PRC plan*** includes a proposed PRC plan.

***PRCP objective assessment*** means an assessment carried out in accordance with schedule 8A.

***PRCP schedule*** includes a proposed PRCP schedule or draft PRCP schedule.

***PRCP schedule decision*** see section 32A.

***prescribed environmental management system***, for chapter 9, part 3, division 2, see section 161.

***prescribed form***, for chapter 5, part 9, see section 91(1).

***prescribed information***—

- (a) for chapter 5, part 1, division 3, see section 50; or
- (b) for chapter 5, part 9, see section 74.

***prescribed period***, for chapter 5, part 9, see section 76.

***prescribed way***, for chapter 5, part 9, see section 75.

***probable or proved ore reserve*** see section 126D(6) of the Act.

***product stewardship*** means—

- (a) a product stewardship scheme under the *Waste Reduction and Recycling Act 2011*; or
- (b) 1 of the following under the *Product Stewardship Act 2011* (Cwlth)—
  - (i) an accredited voluntary arrangement;
  - (ii) an approved co-regulatory arrangement;
  - (iii) mandatory product stewardship requirements specified under part 4 of that 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.

***radioactive substance*** see the *Radiation Safety Act 1999*, schedule 2.

**railway corridor** see the *Transport Infrastructure Act 1994*, section 255(6).

**receiver**—

- (a) for chapter 5, part 1, division 3, see section 50; or
- (b) for chapter 5, part 9, see section 72(1)(c).

**recyclable interceptor waste** means matter that is, or is intended to be, removed from a grease interceptor and taken elsewhere for processing into a non-toxic, non-hazardous and usable substance for sale.

**recyclable waste**, for a local government's area, means clean and inoffensive waste that is declared by the local government to be recyclable waste for the area.

*Examples of waste that may be declared to be recyclable waste—*

glass bottles, newspaper, cardboard, steel and aluminium cans, green waste

**reduced annual fee**, for an environmental authority, for chapter 9, part 3, division 2, see section 161.

**registration number**, of a motor vehicle, see the *Transport Operations (Road Use Management—Vehicle Registration) Regulation 2021*, schedule 8.

**regulated waste** see section 42.

**rehabilitation area**, for land the subject of a post-mining land use, for schedule 8A, see schedule 8A, part 1, section 1.

**related waste** means waste that constitutes, or is contaminated with, chemicals, cytotoxic drugs, human body parts, pharmaceutical products or radioactive substances.

**relevant attribute**, in relation to waste, means—

- (a) if the waste is liquid waste—any of the attributes mentioned in the attribute table, column 1, items 1 to 6; or
- (b) if the waste is solid waste—an attribute mentioned in the attribute table, column 1, item 1 or 6.

**relevant Great Barrier Reef Marine Park area** see section 19(3) of the Act.

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**relevant impacts**, for chapter 2 and schedule 1, means the impacts, including the potential for environmental harm—

- (a) for a project prescribed under section 4(a)—the project has or will have, or is likely to have, on the matter protected by a controlling provision for the project; or
- (b) for a project prescribed under section 4(b)—the project has or will have, or is likely to have, on the matters of national environmental significance.

**relevant premises** includes domestic, government and commercial premises.

**relevant resource environmental authority**, for chapter 9, part 3, division 2, see section 161.

**relevant substance**, in relation to waste, means a substance mentioned in the substance table, column 1 or the threshold table, column 1 that could reasonably be expected to be present in the waste having regard to—

- (a) the source, type and quality of materials involved in the generation of the waste; and
- (b) the way in which the waste was generated.

**reporting period**, for a reporting facility, for chapter 7, see section 118.

**reporting requirement**, for the occupier of a reporting facility, for chapter 7, see section 115.

**reporting threshold**, for a substance, for chapter 7, see section 115.

**river basin** see section 75(2) of the Act.

**scheduled area** see section 16.

**sensitive land use** see the *Planning Regulation 2017*, schedule 24.

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

**serviced premises**, for chapter 6, see section 100.

**sharp** means an object or device having sharp points, protuberances or cutting edges that are capable of causing a penetrating injury to humans.

**significant consequence dam** means a dam that is assessed as being in a significant consequence category within the meaning of the document called ‘Manual for assessing consequence categories and hydraulic performance of structures’, published by the department.

**solid waste** means waste other than liquid waste.

**source noise**, for chapter 5, part 4, division 2, see section 58.

**standard cattle unit** see section 7 of this schedule.

**standard general waste container** means a container of a type approved by a local government for storing domestic waste, commercial waste or recyclable waste at premises in the local government’s area.

**standard pig unit** see section 8 of this schedule.

**standard sheep unit** see section 9 of this schedule.

**State or local government entity** means—

- (a) the State; or
- (b) a local government; or
- (c) an instrumentality or agency of the State or a local government; or
- (d) a government owned corporation; or
- (e) a rail government entity under the *Transport Infrastructure Act 1994*.

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

**subsidiary risk**, for trackable waste, means the subsidiary risk applying to the waste under the dangerous goods code.

**substance table** means schedule 9, part 3, division 2, table 2.

**sufficient improvement**, of a non-use management area, for schedule 8A, see schedule 8A, part 1, section 1.

**surface water**, for chapter 4, see section 31.

**tested waste**, for chapter 5, part 1, division 3, see section 50.

**test results** see section 48(1).

**threshold table** means schedule 9, part 2, table.

**trackable waste** see section 71(1).

**transhipping activity** means a prescribed ERA mentioned in schedule 2, section 50(1)(b).

**transporter**, for chapter 5, part 9, see section 72(1)(b).

**treated clinical waste** means clinical waste that has been treated to render it non-infectious.

**treatment code**, for a way of treating waste, means the code for the treatment operation stated in schedule 17.

**unique identifier**, for the transportation of a load of trackable waste, means—

- (a) if the generator gives the administering authority information about the transportation in the prescribed form—the unique identifier marked on the form; or
- (b) if the generator gives the administering authority information about the transportation in another way the administering executive has approved under section 92—the unique identifier assigned under the approved way.

**UN number**, for trackable waste, means the United Nations number applying to the waste under the dangerous goods code.

**untreated clinical waste** means clinical waste, other than treated clinical waste, including, for example, clinical waste that has been only partly treated.

**waste code**, for trackable waste, means the code for the waste stated in schedule 11.

**waste facility** means a facility for the recycling, reprocessing, treatment, storage, incineration, conversion to energy or disposal of waste.

**waste handler** see section 72(1).

**water**, for chapter 4, see section 31.

**watercourse** see section 10 of this schedule.

**wetland** means an area shown as a wetland on the map of Queensland wetland environmental values.

**within**, a threshold, includes in accordance with the threshold.