Queensland

Environmental Protection Act 1994

Environmental Protection Regulation 2008

Current as at 31 May 2013

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- The list of annotations endnote gives historical information at section level.

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Queensland

Environmental Protection Regulation 2008

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Environmental Protection Regulation 2008

[as amended by all amendments that commenced on or before 31 May 2013]

Chapter 1 Preliminary

1 Short title

This regulation may be cited as the *Environmental Protection Regulation 2008*.

2 Commencement

This regulation commences on 1 January 2009.

3 Definitions

The dictionary in schedule 12 defines particular words used in this regulation.

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)(e) of the Act if—

(a) the Commonwealth Minister has, under the Commonwealth Environment Act—

(i) decided the approach for assessing the relevant impacts of the project is assessment by an accredited assessment process; and

(ii) given notice of the decision; or

Editor's note—

Commonwealth Environment Act, chapter 4 (Environmental assessments and approvals), part 8 (Assessing impacts of controlled actions), division 3 (Decision on assessment approach)

(b) the relevant impacts of the project are to be assessed under a bilateral agreement.

Part 2 EIS process

5 Application of pt 2

(1) This part and schedule 1 apply to a project mentioned in section 4.

(2) Any steps or actions taken under the EIS process before the action mentioned in section 4(a) happens are taken to have complied with this part.

6 Prescribed matters for draft terms of reference—Act, s 41(2)(d)

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(2)(f) and 52(1)(g)

(1) A TOR notice and an EIS notice must state the following—

(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) the protected matters for the project.

(2) In this section—

protected matter means a matter 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

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(e)

(1) An EIS assessment report must contain the following matters—

(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—

matters of national environmental significance means matters of national environmental significance mentioned in the Commonwealth Environment Act, chapter 2, part 3, division 1.

Editor's note—

Commonwealth Environment Act, chapter 2 (Protecting the environment), part 3 (Requirements for environmental approvals), division 1 (Requirements relating to matters of national environmental significance)

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 for giving the chief executive the things mentioned in that section is the later of the following periods to end—

(a) 20 business days after the chief executive has given 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 of the Act, the period for doing the things mentioned in section 46(1) of the Act 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.

13 Period for deciding whether EIS may proceed—Act, s 49

For section 49(1) of the Act, the period for considering a submitted EIS and deciding whether to allow it to proceed under chapter 3, part 1, division 4 of the Act is the later of the following periods to end—

(a) 20 business days after the EIS is submitted;

(b) if the chief executive and the proponent have, within the 20 business days, agreed to a longer period—the longer period.

Chapter 3 Environmentally relevant activities

Part 1 Environmentally relevant activities—general matters

Division 1 Preliminary

14 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.

Note—

Aggregate environmental scores for environmentally relevant activities are based on the aggregate environmental scores worked out for the activities under the environmental emission profile.

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

15 Meaning of *scheduled area*

A ***scheduled area*** is a local government area mentioned in schedule 4.

16 Meaning of *concurrence ERA*

(1) An activity is a ***concurrence ERA*** if—

(a) the activity is a prescribed ERA; and

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

(2) In this section—

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

Editor's note—

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

Division 2 Prescribed activities

17 Activities prescribed as environmentally relevant activities—general

(1) Each activity to which a section under schedule 2 applies is a prescribed ERA.

Note—

See section 19 (Environmentally relevant activity may be prescribed) of the Act.

(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.

Note—

See schedule 4, definition *mobile and temporary environmentally relevant activity* of the Act.

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

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

Division 2A Amount and form of financial assurance for environmental authorities

17B Guideline prescribed—Act, ss 294 and 295

For sections 294(3)(b)(ii) and 295(3)(b) of the Act, the guideline called 'Financial Assurance under the Environmental Protection Act 1994' is prescribed.

Editor's note—

The guideline may be accessed on the department's website at <www.ehp.qld.gov.au>.

Division 3 Environmental authority applications for wild river areas

18 Exempt prescribed ERA—Act, s 174

(1) For section 174(4) of the Act, definition *exempt prescribed ERA*, a prescribed ERA for which there is no aggregate environmental score is prescribed.

(2) Despite subsection (1), poultry farming, for farming between 1000 to 200000 birds, is not prescribed for the definition *exempt prescribed ERA*.

19 Sewage ERA—Act, s 174

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

19A Water treatment ERA—Act, s 174

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

Division 3A Development application relating to concurrence ERAs

19B Application of div 3A

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

19C Assessing application

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

(a) an environmental objective assessment against the environmental objectives and performance outcomes mentioned in schedule 5, part 3, table 2;

(b) the standard criteria.

Division 4 Other matters

21 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) 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.

Part 1A Agricultural ERAs

Division 1 Fertiliser application requirements

22B Application of div 1

This division applies to a person carrying out an agricultural ERA that is commercial sugar cane growing on a relevant agricultural property.

22C Prescribed methodology for optimum nitrogen and phosphorus amounts—Act, s 80

(1) For section 80(3) of the Act, the prescribed methodology for working out the optimum amount of each of nitrogen and phosphorus that can be applied to soil on the relevant agricultural property is the relevant methodology stated in the nutrient calculation document.

(2) In this section—

nutrient calculation document means the document called 'The method for calculating the optimum amount of nitrogen

and phosphorus to be applied to sugarcane properties regulated under the Environmental Protection Act 1994', published by the department.

Editor's note—

A copy of the document is available for inspection during office hours on business days at the department's head office at level 3, 400 George Street, Brisbane and at each regional office, and on the department's website.

22D Prescribed intervals for soil testing—Act, s 81

For section 81(3)(a) of the Act, the prescribed intervals for carrying out soil tests of the relevant agricultural property are within 1 year before each sugar cane crop is planted.

22E Prescribed methodology for soil testing—Act, s 81

(1) For section 81(3)(b) of the Act, the prescribed methodology for carrying out soil tests of the relevant agricultural property is the methodology stated in the soil sampling document.

(2) In this section—

soil sampling document means the document called 'The method for soil sampling and analysis on sugarcane properties regulated under the Environmental Protection Act 1994', published by the department.

Editor's note—

A copy of the document is available for inspection during office hours on business days at the department's head office at level 3, 400 George Street, Brisbane and at each regional office, and on the department's website.

Division 2 Document requirements

22F Prescribed matters for agricultural ERA record—Act, s 83

For section 83(2)(d) of the Act, the following matters are prescribed—

(a) the boundaries of the following, as shown by maps or diagrams of the relevant agricultural property—

(i) crops or paddocks from which soil has been taken for testing;

(ii) the areas to which agricultural chemicals, fertilisers or soil conditioners have been applied;

(b) a description of the methods used to apply the agricultural chemicals, fertilisers or soil conditioners.

Part 2 Prescribed matters for particular resource activities

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

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

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

(i) whether the proposed management of the coal seam gas water is consistent with the coal seam gas water management policy, including the prioritisation hierarchy for managing and using coal seam gas water;

(ii) if the proposed management of the coal seam gas water is inconsistent with the prioritisation hierarchy for managing and using coal seam gas water—the reason for managing the coal seam gas water in the proposed way; and

(b) documents dealing with the following matters for brine or salt generated from the management of the coal seam gas water mentioned in paragraph (a)—

(i) whether the proposed management of the brine or salt is consistent with the coal seam gas water management policy, including the prioritisation hierarchy for managing saline waste;

(ii) if the proposed management of the brine or salt is inconsistent with the prioritisation hierarchy for managing saline waste—the reason for managing the coal seam gas water in the proposed way.

(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 saline waste—the prioritisation hierarchy for managing saline waste stated in the coal seam gas water management policy.

24AB Prescribed circumstance for amending environmental authority for particular resource activities—Act, s 215

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

(2) In this section—

underground water impact report means an underground water impact report approved under the *Water Act 2000*, section 385.

Part 3 Eligibility criteria for environmentally relevant activities

24B Approval of eligibility criteria—Act, s 318

Each of the eligibility criteria for an environmentally relevant activity, stated in a document mentioned in schedule 3B, is approved.

Editor's note—

The documents mentioned in schedule 3B may be accessed on the department's website at <www.ehp.qld.gov.au>.

Editor's note—

The guideline and code of conduct may be accessed on the department's website at <www.ehp.qld.gov.au>.

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

For section 707B(1) of the Act—

(a) the eligibility criteria stated in schedule 3A, section 1 is prescribed for all mining activities; and

(b) the eligibility criteria stated in schedule 3A, section 2 is prescribed for a mining activity, other than a mining activity relating to a mining lease; and

(c) the eligibility criteria stated in schedule 3A, section 3 is prescribed for a mining activity relating to a mining lease.

Chapter 4 Regulatory requirements

Part 1 Preliminary

Division 1 Purpose

46 Purpose of ch 4

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

Division 2 Interpretation

47 Definitions for ch 4

In this chapter—

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

(a) preparing a place for the activity before carrying out the activity; or

(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 48.

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.

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

monitoring see section 49.

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

surface water means water other than groundwater.

water includes water containing contaminants.

48 Meaning of *environmental management decision*

(1) An ***environmental management decision*** is a decision under the Act for which the administering authority making the decision is required to comply with regulatory requirements.

(2) However, an ***environmental management decision*** does not include a decision under the Act about—

(a) the surrender of an environmental authority; or

(b) an application for an amendment that is a minor amendment; or

(c) an application for a progressive certification.

49 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—

(a) the quantity, quality, characteristics, timing and variability of the release of the contaminant;

(b) the effectiveness of control measures;

(c) 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

Division 1 Regulatory requirements for all environmental management decisions—general

50 Application of pt 2

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

51 Matters to be complied with for environmental management decisions

(1) The administering authority must, for making an environmental management decision relating to an environmentally relevant activity, other than a prescribed ERA—

(a) carry out an environmental objective assessment against the environmental objective and performance outcomes mentioned in schedule 5, part 3, tables 1 and 2; and

(b) consider the environmental values declared under this regulation; and

(c) consider each of the following under any relevant environmental protection policies—

(i) the management hierarchy;

(ii) environmental values;

(iii) quality objectives;

(iv) the management intent.

(2) For an environmental management decision relating to a prescribed ERA, the administering authority making the decision must—

(a) carry out an environmental objective assessment against the environmental objective and performance outcomes mentioned in schedule 5, part 3, table 1; and

(b) consider the matters mentioned in subsection (1)(b) and (c).

52 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 the following matters—

(a) implementing a system for managing risks to the environment;

(b) implementing measures for avoiding or minimising 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 can be released;

(g) 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) 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, 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.

53 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—

(i) the activity to which the decision relates; and

(ii) 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) the protocols 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.

53A Prescribed standard criteria for environmental management decisions

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

Part 3 Additional regulatory requirements for particular environmental management decisions

54 Application of pt 3

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.

58 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 will be destroyed or reduced in size; or

(b) the biological integrity of the wetland may not be maintained.

63 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.

Chapter 5 Matters relating to environmental management and environmental offences

Part 1 Regulated waste

65 What is *regulated waste*

(1) ***Regulated waste*** is waste that—

(a) is commercial or industrial waste, whether or not it has been immobilised or treated; and

(b) is of a type, or contains a constituent of a type, mentioned in schedule 7.

(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.

Part 1A Public notice for notifying environmental harm

65A Prescribed matters for Act, s 320, definition *public notice*

(1) For section 320 of the Act, definition *public notice*, the prescribed way is a way likely to bring the event, its nature and the circumstances in which it happened to the attention of—

(a) if the public notice is required to be given under section 320C(3)(b) of the Act—the persons on the affected land; or

(b) if the public notice is required to be given under section 320D(3)(b) of the Act—the persons at the affected land.

(2) Also for that definition, the prescribed circumstances are all circumstances in which a public notice for an event must be given—

(a) under section 320C(3)(b) of the Act unless a written notice is given under section 320C(3)(a) of the Act for the event; or

(b) under section 320D(3)(b) of the Act unless a written notice is given under section 320D(3)(a) of the Act for the event.

(3) Without limiting subsection (1), the prescribed way includes the following—

(a) by radio or television broadcast;

(b) in a newspaper;

(c) by erecting or installing a sign with a surface area of at least $1m^2$ in the vicinity of the affected land.

(4) In this section—

event means an event mentioned in section 320A(1) of the Act.

Part 2 Contaminated land

67 Prescribed waste for notifiable activity—Act, sch 3

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

Part 3 Noise

Division 1 Prescribed standards

68 Prescribed standards for particular noise standards

(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.

Editor's note—

A copy of the prescribed standards may be inspected, free of charge, during business hours at the department's head office at level 3, 400 George Street, Brisbane.

Division 2 Measuring noise

69 Purpose of div 2

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.

Note—

See sections 440 (Offence of causing environmental nuisance) and 440Q (Offence of contravening a noise standard) of the Act.

70 Definition for div 2

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.

71 Measuring background level

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

(a) AS 1055; or

(b) the noise measurement manual.

72 Measuring source noise

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

(a) AS 1055; or

(b) the noise measurement manual.

73 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 $L_{A90, T}$.

Editor's note—

section 440T (Pumps), 440U (Air-conditioning equipment) or 440V (Refrigeration equipment) of the Act

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

Editor's note—

section 440W (Indoor venues), 440X (Open-air events) or 440Y (Amplifier devices other than at indoor venue or open-air event) of the Act

(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.

74 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.

75 Prescribed instruments—Act, s 490(8)

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

Editor's note—

section 490 (Evidentiary provisions) of the Act

76 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.

Part 4 Water contamination

77 Prescribed water contaminants for Act, ch 8, pt 3C

Each of the contaminants mentioned in schedule 9 is prescribed as a contaminant for chapter 8, part 3C of the Act.

Part 5 Air contamination

78 Prescribed standard for particular offences relating to air contamination

For section 440ZL of the Act, the prescribed standard is 'AS/NZS 4013:1999—Domestic solid fuel burning appliances–Method for determination of flue gas emission'.

Editor's note—

A copy of the prescribed standard may be inspected, free of charge, during business hours at the department's head office at level 3, 400 George Street, Brisbane.

Part 6 Record keeping requirements for particular fuel suppliers

79 Application of pt 6

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

80 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.

81 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 7 Wetlands

81A Environmental values for wetlands

For section 9(b) of the Act, the qualities of a wetland that support and maintain the following are environmental values—

(a) the health and biodiversity of the wetland's ecosystems;

(b) the wetland's natural state and biological integrity;

(c) the presence of distinct or unique features, plants or animals and their habitats, including threatened wildlife, near threatened wildlife and rare wildlife under the *Nature Conservation Act 1992*;

(d) the wetland's natural hydrological cycle;

(e) the natural interaction of the wetland with other ecosystems, including other wetlands.

Part 8 Statutory condition for environmental authority for particular resource activities

81B Prescribed maximum amount for chemicals—Act, s 206

(1) For section 206(4)(a) of the Act, definition *restricted stimulation fluids*, the prescribed 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)(b) of the Act, definition *restricted stimulation fluids*, the prescribed 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.

Chapter 6 National Pollutant Inventory

Part 1 Preliminary

82 Purpose of ch 6

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.

Editor's note—

The NPI NEPM is available for inspection, free of charge, during business hours, at the department's head office. On the day this regulation was notified in the gazette, the NPI NEPM was also available on the website of the Department of the Environment, Water, Heritage and the Arts at <www.npi.gov.au>.

83 Definitions for ch 6

In this chapter—

published means published by the Commonwealth.

reporting period, for a facility, means the facility's reporting period under section 86.

reporting requirement, for an occupier of a reporting facility, means the requirement for the occupier to give information to the chief executive under section 85(2) or (7).

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

84 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.

Part 2 Reporting requirements

85 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 until—

(a) the Commonwealth and the State agree that the ANZSIC code for 1 or more activities carried out at the facility (the ***code***) is an industry type required to report under this measure; and

(b) the Commonwealth has included the code on a published list as an industry type required to report under this measure; 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), until the Commonwealth publishes industry reporting materials for transfers.

(5) Subsection (2) is subject to sections 94 and 96.

Editor's note—

sections 94 (Exemption on ground of national security) and 96 (Deciding claim for exemption on ground of commercial confidentiality)

(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.

86 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.

87 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 85(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 85(2); or

(b) if the chief executive requires information under a notice given under section 85(6), the period for compliance stated in the notice.

Maximum penalty—20 penalty units.

88 Minister may name occupier in report to council

(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 of which is a ***relevant provision***)—

(a) section 85(2) or (7);

(b) section 480 or 481 of the Act for giving information required to be given under section 85.

Editor's note—

section 480 (False or misleading documents) or 481 (False or misleading information) of the Act

(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 an occupier in the implementation report, the Minister must have regard to the following relevant 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 end not less than 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.

(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 to the council under the *National Environment Protection Council (Queensland) Act 1994*, section 23.

Part 3 Estimation techniques for emission and transfer data

89 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 92 or 93; or

(b) if paragraph (a) does not apply—the technique for estimating the data set out in the industry reporting materials for the relevant type of reporting facility.

90 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 set out in the relevant industry reporting materials for the reporting facility; or

(b) both—

(i) there is an estimation technique (the ***existing technique***) for estimating the data set out in the relevant industry reporting materials for the reporting facility; and

(ii) the chief executive reasonably considers another technique is likely to provide more representative emission data and mandatory transfer data than the existing technique.

91 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) set out 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.

92 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 91(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 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

(b) if the occupier gave the chief executive further information requested under section 91(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.

93 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 not less than 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

94 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 85(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) the exemption is given under subsection (1)(b)(ii); 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.

95 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 85(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.

96 Deciding claim for exemption on ground of commercial confidentiality

(1) The chief executive may grant the claim only if the chief executive reasonably believes the information would be—

(a) exempt information under the *Right to Information Act 2009*; or

(b) information disclosure of which could reasonably be 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 95(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 gave the chief executive further information under section 95(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

97 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 or 481 of the Act.

Chapter 7 Administration

Part 1 Devolution of powers

Division 1 Matters devolved to local government

98 Environmental nuisance

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

(a) section 440;

(b) section 443, to the extent it relates to environmental nuisance.

99 Noise standards

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

(a) section 440Q;

(b) chapter 8, part 3B, division 3.

100 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.

101 Particular prescribed ERAs

The administration and enforcement of the Act in relation to the following prescribed ERAs is devolved to the local government for the local government area where the activity is, or is to be, carried out—

(a) each of the following prescribed ERAs—

(i) asphalt manufacturing;

(ii) plastic product manufacturing;

(iii) metal forming;

(b) each of the following prescribed ERAs carried out within the stated threshold mentioned for the activity—

(i) metal recovery, for—

(A) recovering less than 100t of metal in a day; or

(B) recovering, without using a fragmentiser, 100t or more of metal in a day or 10000t or more of metal in a year;

(ii) surface coating, for anodising, electroplating, enamelling or galvanising using 1t to 100t of surface coating materials in a year;

(iii) waste incineration and thermal treatment, for incinerating waste vegetation, clean paper or cardboard;

(c) 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.

Editor's note—

schedule 2, sections 6 (Asphalt manufacturing), 12 (Plastic product manufacturing), 19 (Metal forming), 20 (Metal recovery), 38 (Surface coating), 49 (Boat maintenance or repair) and 61(Waste incineration and thermal treatment)

102 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.

Division 2 Matters not devolved to local government

103 Clean-up and cost recovery notices

Despite division 1, the administration and enforcement of chapter 7, parts 5B and 5C of the Act is not devolved to a local government, regardless of whether or not a matter to which part 5B or 5C of the Act relates is otherwise devolved to a local government.

104 Record keeping for particular fuel suppliers

Despite section 101, the administration and enforcement of chapter 5, part 6 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.

105 Enforcing compliance with NPI NEPM

Despite section 101, the administration and enforcement of chapter 6 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.

106 Particular acts, omissions or activities by State or local government entity

(1) This section applies despite division 1.

(2) The administration and enforcement of a provision of the Act mentioned in sections 98 to 100 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.

(4) In this section—

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*.

107 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 101, the administration and enforcement of the Act in relation to the activity is not devolved to a local government.

108 Activity carried out at a facility with a non-devolved activity

(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 101 would apply.

(2) Despite section 101, 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

109 Authorised persons—Act, s 445

For section 445(1)(c) of the Act, each of the following classes of persons is declared to be an approved class of persons—

(a) employees of a local government who are appointed as authorised persons by the local government's chief executive officer;

(b) for the purposes only of sections 440J and 463A of the Act—

(i) authorised officers appointed under the *Brisbane Forest Park Act 1977*, section 42; or

(ii) authorised officers appointed under the *Recreation Areas Management Act 2006*, section 143; or

(iii) conservation officers appointed under the *Nature Conservation Act 1992*, section 127(1); or

(iv) inspectors appointed under the *Marine Parks Act 2004*, section 52.

Part 3 Review of decisions and appeal

110 Original decisions and dissatisfied persons

(1) Chapter 11, part 3 of the Act applies to each of the following decisions of the chief executive as if the decision were a decision mentioned in schedule 2, part 2 of the Act—

(a) a decision to request information under section 85(6) for assessing the integrity of emission data given by an occupier of a reporting facility;

(b) a decision under section 86(1)(b) about an annual reporting period for a reporting facility;

(c) a decision to request information under section 92(3);

(d) a decision to refuse to approve an estimation technique, or approve it subject to a modification under section 92(5);

(e) a decision to request information to decide a claim for an exemption on the ground of commercial confidentiality under section 95(3);

(f) a decision to refuse to grant a claim for exemption on the ground of commercial confidentiality under section 96.

(2) Chapter 11, part 3, division 1 and division 3, subdivision 2 of the Act apply to a decision of the Minister under section 88(8) to name the occupier of a reporting facility in the Minister's implementation report as if the decision were a review decision.

(3) For a decision mentioned in subsection (1) or (2), the dissatisfied person is the occupier of the reporting facility affected by the decision.

Part 4 Registers

111 Register of environmental reports

The administering authority must keep in the register of environmental reports the following information for each environmental evaluation it requires to be conducted or commissioned—

(a) the name of the recipient of the notice to conduct or commission the evaluation;

(b) the type of the evaluation;

(c) the day the notice requiring the evaluation is issued;

(d) for an evaluation of an activity the recipient has carried out, is carrying out, or proposes to carry out—

(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) the action taken by the administering authority after deciding whether or not to accept the report.

112 Prescribed information—Act, s 540

(1) For section 540(1)(k) of the Act, the administering authority must keep the following information for each relevant monitoring program—

(a) the name of the person carrying out the activity to which the program relates;

(b) the type of the activity;

(c) for an activity mentioned in paragraph (a) that is an environmentally relevant activity—the authority number for the environmental authority under which the activity is carried out;

(d) the requirements under the program;

(e) the name of the person carrying out the program;

(f) the period covered by the program;

(g) the results of the program and any action taken by the administering authority because of the results.

(2) In this section—

relevant monitoring program means a monitoring program carried out under the following—

(a) the Act;

(b) a development condition of a development approval;

(c) a condition of an environmental authority.

113 Register of transitional environmental programs

(1) The administering authority must keep in the register of transitional environmental programs the following information for each transitional environmental program submitted, or required to be submitted, to the authority—

(a) the name of the person or public authority submitting or required to submit the program;

(b) the activity the person or public authority has carried out, is carrying out, or proposes to carry out for which the program is submitted or required to be submitted;

(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 aims of the program;

(f) the matters to be addressed by the program;

(g) the period over which the program is to be carried out;

(h) the day the program is submitted;

(i) if a certificate of approval is given for the program, the day the certificate is given;

(j) matters relating to compliance or noncompliance with the program.

(2) Also, if a certificate of approval for the 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.

114 Register of environmental protection orders

The administering authority must keep in the register of environmental protection orders the following 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) matters relating to compliance or noncompliance with the order.

115 Register of authorised persons

The administering authority must keep in the register of authorised persons information about the limitations, if any, stated in the instrument of appointment for each authorised person mentioned in the register.

Part 5 Suitably qualified persons and auditors

115A Prescribed organisations for suitably qualified persons and auditors

Each organisation listed in schedule 8 is prescribed for—

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

(b) section 572(b)(ii) of the Act.

115B Prescribed regulatory function

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

115C Prescribed criteria—Act, s 568

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

(a) the report or plan accurately includes the following information about the site the subject of the report or plan—

(i) the reasons for listing the site on the environmental management register or contaminated land register;

(ii) a description of all surface and subsurface infrastructure on the site, including details of the location, size and type of the infrastructure;

(iii) a description of the surrounding area of the site, including the following—

(A) a description of all category A environmentally sensitive areas in the surrounding area;

(B) a description of all category B environmentally sensitive areas in the surrounding area;

(C) the location of all water, watercourses and wetlands in the surrounding area;

(D) the location of all stormwater drainage in the surrounding area;

(E) a description of land uses in the surrounding area, including sensitive land uses that may affect the safety of the site or cause a risk to human health or another part of the environment;

(F) a description of all activities carried out in the surrounding area that may affect the safety of the site or cause a risk to human health or another part of the environment;

(iv) for any waste disposed of, or stored on the site, that contains, or may potentially contain, hazardous contaminants, details of the location, volume and type of waste disposed of, or stored, on the site;

(v) for the waste mentioned in paragraph (iv), details of any potential contamination of the site caused by disposing or storing the waste on the site;

(vi) a description of the geology and hydrogeology of the site;

(vii) details of any environmentally relevant activities or notifiable activities carried out on the site, including the materials used and waste produced during the carrying out of the activities;

(viii) details of any earthworks carried out on the site, including the materials used and waste produced during the earthworks;

(ix) if work was carried out on the site to remediate contaminated land—

(A) the contamination levels recorded on the site before the work was carried out; and

(B) the contamination levels recorded on the site after the work was carried out;

(b) the report or plan includes sufficient information to allow the auditor to assess—

(i) if the report or plan provides evidence that the site is suitable for a stated use, whether the site is suitable for that stated use; and

(ii) whether the site is contaminated in a way that is a risk to another part of the environment or human health; and

(iii) if the report or plan provides evidence that the site is contaminated, the extent to which the site is contaminated and the uses that may be suitable for the site; and

(iv) if the plan sets out the objectives to be achieved and maintained under the plan—

(A) the proposed objectives are appropriate for the site; and

(B) the proposed methods to achieve and maintain the objectives are appropriate for the site; and

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

(2) In this section—

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

Chapter 8 Fees

Part 1 Fees generally

116 Fees payable under Act

(1) Schedule 10 and this chapter provide for fees payable under the Act.

(2) This chapter provides for annual fees payable for particular environmental authorities.

116A Recovery of unpaid amounts

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

Part 2 Fees for devolved matters

117 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) If—

(a) this chapter or schedule 10 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;

the local fee is payable for the devolved matter instead of the default fee.

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

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

Part 3 Annual fees

Division 1 General matters

118 Meaning of *annual fee*

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

(a) if the holder of the environmental authority is eligible to pay a reduced annual fee under division 2—the reduced annual fee; or

(b) for any other environmental authority—the fee worked out for the authority under section 120.

119 Payment of annual fee for first year of environmental authority

(1) This section applies to an environmental authority for which an annual fee is prescribed.

(2) The holder of the authority must, within 20 business days of the authority taking effect, pay the administering authority the annual fee prescribed for the authority.

Editor's note—

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

120 Annual fee for environmental authority

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

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

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

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

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

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

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

F = S x M

where—

F is the amount of the ERA fee.

S is the aggregate environmental score for the activity.

M is—

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

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

(4) In this section—

relevant prescribed ERA means any of the following prescribed ERAs—

(a) aquaculture;

(b) intensive animal feedlotting;

(c) pig keeping;

(d) poultry farming;

(e) a relevant activity mentioned in schedule 2, section 63(3), table, item 1(a).

Editor's note—

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

Division 2 Reduced annual fees in particular circumstances

Subdivision 1 Preliminary

121 Purpose of div 2

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; and

(b) there is an aggregate environmental score for the environmentally relevant activity authorised under the authority.

122 Definitions for div 2

In this division—

annual fee, for an authority, means the annual fee worked out under section 120 for the authority.

approved EMS see section 123.

approved partner see section 124.

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

eligible, to pay a reduced annual fee, means eligible under section 126 to pay the reduced annual fee.

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 125.

prescribed environmental management system means—

(a) an environmental management system that a conformity assessment body has certified as conforming to AS/NZS ISO 14001:2004 'Environmental management systems–Requirements with guidance for use'; or

(b) the National Feedlot Accreditation Scheme, Rules of Accreditation published in 2011 by AUS-MEAT Limited ABN 44 082 528 881.

Editor's note—

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

reduced annual fee, for an environmental authority, means the reduced annual fee worked out under section 127 for the authority.

123 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 being carried out in accordance with a prescribed environmental management system.

124 Who is an *approved partner*

(1) An ***approved partner*** is the holder of an environmental authority who is registered as a partner under the business partnership program.

(2) In this section—

business partnership program means the program of that name established by the department.

Editor's note—

On the day this regulation was notified in the gazette information about the business partnership program was available on the department's website.

125 What is a *lower emissions score*

(1) The holder of an environmental authority has a ***lower emissions score*** if—

(a) the holder is carrying out only 1 relevant activity under the authority—the relevant activity has an emissions score that is at least 25% less than the emissions score stated to apply for the activity under the environmental emission profile; or

(b) the holder is carrying out 2 or more relevant activities under the authority—the relevant activity that has the highest aggregate environmental score has an emissions score that is at least 25% less than the emissions score stated to apply for the activity under the environmental emission profile.

(2) In this section—

emissions score, for a relevant activity, means the emissions score component of the aggregate environmental score for the activity.

Editor's note—

On the day this regulation was notified in the gazette information about the aggregate environmental scores for relevant activities was available on the department's website.

Subdivision 2 Reduced annual fee

126 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; and

(d) the holder gives the chief executive the following, within the period stated in the annual notice—

(i) if the holder has an approved EMS, other than a prescribed approved EMS—a statutory declaration, completed by a suitably qualified person, verifying that—

(A) each relevant activity carried out under the authority in the previous year has been carried out in accordance with an environmental management system that a

conformity assessment body has certified as conforming to AS/NZS ISO 14001:2004 'Environmental management systems–Requirements with guidance for use'; and

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

(ii) if the holder has a prescribed approved EMS—a statutory declaration, completed by the holder, verifying that—

(A) each relevant activity carried out under the authority in the previous year has been carried out in accordance with the National Feedlot Accreditation Scheme, Rules of Accreditation published in 2011 by AUS-MEAT Limited ABN 44 082 528 881; and

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

(iii) the other documents and information stated in the annual notice; and

(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, there has been a disqualifying event 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 submitted a draft transitional environmental program; or

(ii) is acting under an approved transitional environmental program; or

(iii) is required to prepare 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 (a ***notice offence***), is started or continued against the holder and has not finished;

Editor's note—

section 363E (Offence not to comply with a direction notice), 363I (Offence not to comply with clean-up notice) or 363L (Obstruction of recipient complying with notice) of the Act

(g) the holder is convicted of an environmental offence or a notice offence.

disqualifying event, for a holder, 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) there is a compliance action event for the holder.

prescribed approved EMS means the National Feedlot Accreditation Scheme, Rules of Accreditation published in 2011 by AUS-MEAT Limited ABN 44 082 528 881.

127 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) the holder is an approved partner; and

(ii) the holder has an approved EMS; and

(iii) the holder has a lower emissions score.

Subdivision 3 Offences and record keeping

128 Application of sdiv 3

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

129 Offence to pay reduced annual fee if not eligible

It is an offence for the holder to pay the reduced annual fee instead of the annual fee for the authority if the holder is not eligible to pay the reduced annual fee.

Maximum penalty—20 penalty units.

130 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 126(1)(c)(i)—a copy of an accreditation certificate prepared under the relevant prescribed environmental management system for the approved EMS;

(b) if the holder was eligible for the reduction under section 126(1)(c)(ii)—

(i) the holder's certificate of registration under the business partnership program; and

(ii) a copy of the action plan the holder was required to develop for the holder's registration under the business partnership program;

Editor's note—

On the day this section commenced information about the development of an action plan was available on the department's website.

(c) if the holder was eligible for the reduction under section 126(1)(c)(iii)—a copy of the data and methodology used to calculate the holder's emissions score for the relevant activity under the authority;

(d) if the holder was, under section 126(1)(d), 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.

131 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 officer the information or documents about the payment of the reduced annual fee that the officer 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.

132 Requirement to notify change of eligibility

If the holder's eligibility for the reduced annual fee under section 126(1)(c)(i) or (ii) stops during the year to which the fee applies, the holder must give the administering authority written notice of the fact within 10 business days after the eligibility stops.

Maximum penalty—20 penalty units.

133 Refunding difference between annual fee and reduced fee

(1) This section applies if the holder—

(a) is not eligible to pay the reduced annual fee; or

(b) stops being eligible to pay the reduced annual fee during the year to which the fee applies.

(2) The administering authority may require the holder to pay the authority the difference between the annual fee and the reduced annual fee.

Division 3 Amendment applications for environmental authorities

134 When supplementary annual fee payable

(1) This section applies if—

(a) a person makes an amendment application for an environmental authority; and

(b) amending the authority in accordance with the application would result in an annual fee being payable

that is higher than the annual fee for the authority as stated in the last annual notice for the authority.

(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) x N/365

where—

S is the amount of the supplementary annual fee.

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

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

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

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

Part 4 Other particular fees

138 Fee for anniversary changeover application

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

F = 276.00 + (A x N/365)

where—

F is the amount of the fee.

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

N is the number of days in the interim year.

(2) In this section—

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

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

(a) starting on the old anniversary day for the environmental authority; and

(b) ending on the new anniversary day in the following year after the proposed change.

Example—

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

139 Fee for late payment of annual fee

(1) This section applies if a 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 10.

(3) The holder must comply with the notice.

140 Fees for transitional environmental programs

(1) The fee for an administering authority's consideration of a draft transitional environmental program, or an amendment of an approval for 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 approval of the program or the amendment of the approval.

(2) The holder of an approval 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.

140A Fee for termination of suspension of environmental authority

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

F = A x 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 6 Exemptions

142 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.

Note—

See chapter 7, part 1, division 2 (Matters not devolved to local government).

143 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.

144 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 charitable institution that, under the *Income Tax Assessment Act 1997* (Cwlth), is an exempt institution 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).

144B Holders of particular environmental authorities exempt from annual fee

(1) This section applies to a holder of an environmental authority for mining activities that are eligible ERAs for only 1 of the following activities—

(a) an environmentally relevant activity carried out for the sole purpose of maintaining a State heritage place or a National heritage place;

(b) dimension stone mining for the sole purpose of constructing or maintaining a war grave.

(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 7 Refund of application fees

144C Refund of application fee for particular environmental authority if application for relevant mining tenement refused

(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 8A Miscellaneous

144D Limited amendment of Map of referable wetlands

(1) The chief executive may amend the Map of referable wetlands only if the amendment—

(a) is to remove all or part of an area shown as a wetland management area or wetland protection area; and

(b) is made because—

(i) more accurate information indicating the extent, or hydrological type, of the wetland has become available; or

(ii) the chief executive considers the wetland is not of high ecological significance.

(2) If the chief executive amends the map under this section, the chief executive must—

(a) fix a new edition number to the amended map; and

(b) publish the amended map on the department's website; and

(c) notify all affected owners about the amendment and the reasons for the amendment; and

(d) give all affected owners a copy of the amended map.

(3) In this section—

affected owner, for an amendment, means an owner of land that is no longer included in an area shown as a wetland

management area or wetland protection area on the Map of referable wetlands because of the amendment.

Chapter 9 Repeal, transitional and savings provisions

Part 1 Repeal

145 Repeal of regulation

The Environmental Protection Regulation 1998, SL No. 29 is repealed.

Part 2 Transitional and savings provisions for SL No. 370 of 2008

Division 1 Preliminary

146 Definitions for pt 2

In this part—

anniversary day, for a development approval or registration certificate, means the first anniversary day for the approval or certificate after the commencement.

commencement means the commencement of this section.

former environmentally relevant activity means an environmentally relevant activity mentioned in the repealed

regulation, schedule 1, under the heading 'Environmentally relevant activity', immediately before the commencement.

former ERA, for an item mentioned in this part, means the item to which the reference relates is an item mentioned in the repealed regulation, schedule 1, under the heading 'Environmentally relevant activity', immediately before the commencement.

Example—

Former ERA 1 is the repealed regulation, item 1 (Aquaculture and agricultural activities).

repealed regulation means the repealed *Environmental Protection Regulation 1998*.

Division 2 Transitional provisions about environmentally relevant activities

Subdivision 1 General

147 General matters for environmentally relevant activities

(1) This section is subject to section 148 and subdivision 2.

(2) A reference in an Act or document to a former environmentally relevant activity mentioned in column 1 of the table below subsection (3) (a ***column 1 ERA***) may, from the commencement and if the context permits, be taken to be a reference to an environmentally relevant activity mentioned in column 2 of the table (a ***column 2 ERA***) opposite the column 1 ERA.

(3) However, if an aspect of a column 1 ERA (the ***relevant aspect***) is mentioned in column 1 of the table, a reference in an Act or document to the column 1 ERA may, to the extent the column 1 ERA involved the relevant aspect and if the

context permits, be taken to be a reference to the column 2 ERA opposite the relevant aspect.

Column 1 ERA		Column 2 ERA	
Aquaculture and agriculture activities		**Part 1—Aquaculture and intensive animal industry**	
1	Aquaculture	1	Aquaculture
2	Cattle feedlotting	2	Intensive animal feedlotting
3	Pig farming	3	Pig keeping
4	Poultry farming	4	Poultry farming
Chemical, coal and petroleum products activities		**Part 2—Chemical, coal and petroleum products activities**	
5	Alcohol distilling	5	Alcohol production
6	Chemical manufacturing, processing or mixing	7	Chemical manufacturing
7	Chemical storage	8	Chemical storage
8	Coke producing	31	Mineral processing
9	Gas production	10	Gas producing
10	Paint manufacturing	7	Chemical manufacturing
11	Crude oil or petroleum product storage	8	Chemical storage
12	Oil refining or processing	11	Oil refining or processing
13	Fuel gas refining or processing	9	Hydrocarbon gas refining
Community infrastructure and services		**Part 13—Water treatment services**	
14	Crematorium	—	
15	Sewage treatment	63	Sewage treatment
Electricity, fuel burning and water supply activities			
16	Municipal water treatment plan	64	Water treatment
		Part 3—Energy related services	
17	Fuel burning	15	Fuel burning
18	Power station	14	Electricity generation
Extractive activities		**Part 4—Extractive activities**	
19	Dredging material	16	Extractive and screening activities
20	Extracting rock or other material	16	Extractive and screening activities
22	Screening etc. materials	16	Extractive and screening activities

Column 1 ERA		Column 2 ERA	
Fabricated metal product activities		**Part 5—Fabricated metal product activities**	
23	Abrasive blasting	17	Abrasive blasting
24	Boiler making or engineering	18	Boilermaking or engineering
25	Metal surface coating	38	Surface coating
26	Metal forming	19	Metal forming
27	Metal recovery	20	Metal recovery
28	Motor vehicle workshop	21	Motor vehicle workshop operation
Food processing		**Part 6—Food processing**	
29	Beverage production	22	Beverage production
30	Edible oil processing	24	Edible oil manufacturing or processing
31	Flour milling	—	
32	Meat processing	25	Meat processing
33	Milk processing	26	Milk processing
34	Seafood processing	27	Seafood processing
35	Smoking, drying or curing works	—	
36	Sugar milling or refining	28	Sugar milling or refining
37	Bottling and canning	23	Bottling and canning
Metal product activities		**Part 7—Metal production and mineral processing activities**	
40	Metal foundry	29	Metal foundry operation
41	Metal works	30	Metal smelting and refining
42	Mineral processing	31	Mineral processing
Miscellaneous activities		**Part 8—Miscellaneous activities**	
43	Animal housing	—	
44	Battery manufacturing	32	Battery manufacturing
45	Crushing, milling or grinding	33	Crushing, milling, grinding or screening
46	Mushroom growing substrate manufacture	34	Mushroom growing substrate manufacture

Column 1 ERA		Column 2 ERA	
47	Pet, stock or aquaculture food manufacturing—		
	(a) to the extent an aspect of the former ERA involved an activity to which schedule 2, section 25 would have applied	25	Meat processing
	(b) to the extent an aspect of the former ERA involved an activity to which schedule 2, section 27 would have applied	27	Seafood processing
48	Plaster manufacturing	35	Plaster manufacturing
49	Pulp or paper manufacturing	36	Pulp or paper manufacturing
50	Rendering operation	25	Meat processing
51	Plastic manufacturing	12	Plastic product manufacturing
52	Printing	37	Printing
53	Soil conditioner manufacturing	53	Composting and soil conditioner manufacturing
54	Tanning	39	Tanning
55	Textile manufacturing	40	Textile manufacturing
56	Tobacco processing	—	
57	Tyre manufacturing or retreading	13	Tyre manufacturing or retreading
Non-metallic mineral product manufacture		**Part 9—Non-metallic mineral product manufacture**	
58	Asbestos products manufacturing	—	
59	Asphalt manufacturing	6	Asphalt manufacturing
60	Cement manufacturing	41	Cement manufacturing
61	Clay or ceramic products manufacturing	42	Clay or ceramic products manufacturing
62	Concrete batching	43	Concrete batching
63	Glass or glass fibre manufacturing	44	Glass or glass fibre manufacturing
64	Mineral wool or ceramic fibre manufacturing	45	Mineral wool or ceramic fibre manufacturing
Recreational and sporting activities		**—**	
65	Motor racing	—	
Sawmilling, woodchipping and wooden product manufacturing		**Part 10—Sawmilling, woodchipping and wooden product manufacturing**	
66	Chemically treating timber	46	Chemically treating timber

Column 1 ERA		Column 2 ERA	
67	Sawmilling or woodchipping—		
	(a) to the extent an aspect of the former ERA involved an activity to which schedule 2, section 47 would have applied	47	Timber milling and woodchipping
	(b) to the extent an aspect of the former ERA involved an activity to which schedule 2, section 48 would have applied	48	Wooden and laminated product manufacturing
68	Wooden product manufacturing	48	Wooden and laminated product manufacturing
Transport and maritime services		**Part 11—Transport and maritime services**	
69	Boat maintaining or repairing facility	49	Boat maintenance or repair
70	Heliport	—	
71	Port (other than an airport)	—	
72	Railway facility	—	
73	Marina or seaplane mooring	—	
74	Stockpiling, loading or unloading goods in bulk	50	Bulk material handling
—		51	Road tunnel ventilation stack operation
Waste management		**Part 12—Waste management**	
75	Waste disposal	60	Waste disposal
76	Incinerating waste	61	Waste incineration and thermal treatment
77	Battery recycling	52	Battery recycling
78	Chemical or oil recycling	55	Regulated waste recycling or reprocessing
79	Drum reconditioning	54	Drum and container reconditioning
80	Tyre recycling	59	Tyre recycling
81	Recycling or reprocessing regulated waste	55	Regulated waste recycling or reprocessing
82	Waste transfer station	62	Waste transfer station operation
83	Regulated waste transport	57	Regulated waste transport
84	Regulated waste storage	56	Regulated waste storage
85	Regulated waste treatment	58	Regulated waste treatment

148 Existing development approvals and registration certificates

(1) This section applies to a person who, immediately before the commencement, held a relevant authority to carry out a column 1 ERA.

(2) The person is, on the anniversary day for the relevant authority, taken to be the holder of a relevant authority to carry out the column 2 ERA opposite the column 1 ERA, unless the authority is sooner cancelled.

(3) If the relevant authority held by the person immediately before the commencement was subject to a condition, the relevant authority the person is taken to hold on the anniversary day for the authority is also taken to be subject to a condition in the same terms, so far as practicable, as the condition.

(4) This section is subject to the other provisions of this division, other than section 147.

(5) In this section—

relevant authority means—

(a) a development approval; or

(b) a registration certificate.

149 Existing applications

(1) This section applies to an application for a development approval or registration certificate made before the commencement and not decided on the commencement.

(2) However—

(a) if before the commencement the applicant paid the former application fees for the application—the application fee and annual fee for the application under this regulation are taken to have been paid; and

(b) if the application is an application for a development approval and paragraph (a) does not apply—the

repealed regulation continues to apply for the payment of the former application fees for the application as if this regulation had not commenced.

(3) If the application is about a column 1 ERA, the application is taken to be about a column 2 ERA shown opposite the column 1.

(4) Also, subsection (5) applies if the application is about an activity that is a former environmentally relevant activity but is not an environmentally relevant activity under this regulation.

(5) The administering authority must, as soon as practicable after the commencement—

(a) give the applicant a notice stating that, under this regulation, the activity is no longer an environmentally relevant activity; and

(b) refund to the applicant the amount of the application fee.

(6) In this section—

former application fees means the application fee and the prescribed annual fee amount payable under the repealed regulation.

Subdivision 2 Effect of changes to environmentally relevant activities

150 Activities that are no longer environmentally relevant activities

(1) This section applies to an activity that was a former environmentally relevant activity but is not an environmentally relevant activity under this regulation, including, for example, the following—

(a) former ERA 1(a), 14, 31, 35, 43, 56, 58, 65, 67(a), 70, 71 or 73;

(b) former ERA 2(a) if the activity consists of keeping less than 50 standard cattle units;

(c) former ERA 3(a) if the activity consists of keeping less than 21 standard pig units;

(d) former ERA 8 if the activity consists of producing less than 100t of coke in a year;

(e) former ERA 19(a) if the activity consists of dredging less than 1000t of material in a year from the bed of naturally occurring surface waters;

(f) former ERA 20(a) if the activity consists of extracting, other than by dredging, a total of less than 5000t of rock, sand, clay, gravel, loam or other material in a year, other than in a wild river area;

(g) former ERA 22(a), if the activity consists of screening, washing, crushing, grinding, milling, sizing or separating, in a year, more than 50t but less than 5000t of material extracted from the earth, other than in a wild river area;

(h) former ERA 24 if the activity consists of boilermaking, assembling, building or manufacturing a total of less than 200t of metal product in a year;

(i) former ERA 26 if the activity consists of forming a total of less than 10000t of metal in a year;

(j) former ERA 28 if the activity consists of—

(i) operating a workshop to maintain a fleet of fewer than 10 vehicles; or

(ii) operating a mobile or a temporary motor vehicle workshop;

(k) former ERA 29 if the activity consists of producing less than 1ML of alcoholic or non-alcoholic beverages in a year;

(l) former ERA 34 if the activity consists of processing in a year less than 500t of seafood or seafood products;

(m) former ERA 36 if the activity consists of—

(i) crushing or grinding less than 200t or more of sugar cane in a year; or

(ii) manufacturing less than 200t of sugar or other sugarcane products in a year;

(n) former ERA 40 if the activity consists of—

(i) producing less than 100t of ferrous metal castings in a year; or

(ii) producing 50t or more of non-ferrous metal castings in a year;

(o) former ERA 44 if the activity consists of manufacturing less than 200t of batteries in a year;

(p) former ERA 46 if the activity consists of manufacturing less than 200t of substrate for mushroom growing in a year;

(q) former ERA 47 if the activity consists of processing in a year—

(i) less than 1000t of meat or meat products in a year; or

(ii) less than 500t or more of seafood or seafood products;

(r) former ERA 48 if the activity consists of manufacturing or processing less than 5000t of plaster in a year;

(s) former ERA 51 if the activity consists of manufacturing in a year—

(i) a total of less than 50t of plastic product, other than a plastic product mentioned in subparagraph (ii); or

(ii) a total of less than 5t of foam, composite plastics or rigid fibre-reinforced plastics;

(t) former ERA 52 if the activity consists of printing less than 200t of printed materials in a year;

(u) former ERA 54 if the activity consists of operating a tannery or facility for tanning, curing or finishing less than 100t of leather products in a year;

(v) former ERA 55 if the activity consists of manufacturing or processing less than 100t of textile products in a year;

(w) former ERA 60 if the activity consists of manufacturing less than 200t of cement in a year;

(x) former ERA 62 if the activity consists of producing less than 200t of concrete or concrete products in a year.

(2) A registration certificate to carry out the activity continues in force, as if the repealed regulation had not been repealed by this regulation, until the first anniversary day for the certificate.

(3) The former administering authority for the former environmentally relevant activity must, as soon as practicable after the commencement—

(a) give the holder of the registration certificate a notice stating that, under this regulation, the activity is no longer an environmentally relevant activity; and

(b) from the anniversary day of the registration certificate, the holder no longer needs a registration certificate to carry out the activity.

(4) In this section—

former administering authority, for a former environmentally relevant activity, means the entity that was the administering authority for the activity immediately before the commencement.

151 Changes to environmentally relevant activities

(1) This section applies if—

(a) a holder of a relevant authority is carrying out an activity under the authority that is a former environmentally relevant activity; and

(b) under this regulation, the activity is no longer the environmentally relevant activity described in the relevant authority.

(2) The administering authority must, as soon as practicable after the commencement, give the holder a notice stating the following—

(a) that, under this regulation, the activity is still an environmentally relevant activity;

(b) the provision of schedule 2 applicable to the holder's activity;

(c) from the anniversary day of the relevant authority, the holder is taken to have a relevant authority to carry out the activity mentioned in the provision of schedule 2 applicable to the holder's activity.

(3) In this section—

relevant authority means—

(a) a development approval; or

(b) a registration certificate.

Subdivision 3 Environmental authorities

152 Existing environmental authorities

(1) This section applies to a person who, immediately before the commencement, held an environmental authority (a ***former environmental authority***) to carry out an environmentally relevant activity under the repealed regulation.

(2) The person is, on the anniversary day for the former environmental authority, taken to be the holder of an environmental authority to carry out the equivalent environmentally relevant activity under this regulation, unless the authority is sooner cancelled.

(3) If the former environmental authority was subject to a condition, the environmental authority the person is taken to hold on the anniversary day for the former environmental authority is also taken to be subject to a condition in the same terms, so far as practicable, as the condition.

(4) This section is subject to the other provisions of this subdivision.

153 Changes to environmentally relevant activities

(1) This section applies if—

(a) immediately before the commencement, the holder of an environmental authority was carrying out an activity under the authority that was an environmentally relevant activity under the repealed regulation; and

(b) under this regulation, the activity is no longer the environmentally relevant activity described in the environmental authority.

(2) The administering authority must, as soon as practicable after the commencement, give the holder a notice stating the following—

(a) that, under this regulation, the activity is still an environmentally relevant activity;

(b) the provision of schedule 5 or 6 applicable to the holder's activity;

(c) from the anniversary day of the former environmental authority, the holder is taken to have an environmental authority to carry out the activity mentioned in the provision of schedule 5 or 6 applicable to the holder's activity.

154 Existing applications

(1) This section applies to an application for an environmental authority to carry out an environmentally relevant activity

under the repealed regulation, made before the commencement and not decided on the commencement.

(2) Subject to subsection (3), on the commencement the application is taken to be an application for an environmental authority to carry out the equivalent environmentally relevant activity mentioned in schedule 5 or 6.

(3) If before the commencement the applicant paid the former application fee for the application, the application fee and annual fee for the application under this regulation are taken to have been paid.

(4) In this section—

former application fee means either or both of the following payable under the repealed regulation—

(a) the application fee;

(b) an amount equal to the annual fee.

Subdivision 4 Particular approvals for environmentally relevant activities

155 Particular approvals continue in force for 2 years

(1) This section applies to a person given an approval to carry out an environmentally relevant activity under a repealed provision if the approval was in force immediately before the commencement.

(2) The approval to carry out the activity continues in force while the person carries out the activity until the day that is 2 years after the commencement.

(3) In this section—

repealed interim regulation means the repealed *Environmental Protection (Interim) Regulation 1995*.

repealed provision means—

(a) the repealed interim regulation, section 63 or 65, as in force on 1 March 1995; or

Editor's note—

repealed interim regulation, section 63 (Transitional provision for other activities) or 65 (Transitional provision about works for level 2 activities)

(b) the repealed interim regulation, section 65, as in force on 28 June 1996.

Editor's note—

repealed interim regulation, section 65 (Transitional provision about schedule 1, item 3)

Subdivision 5 Miscellaneous matters for environmentally relevant activities

156 Administration and enforcement of particular former environmentally relevant activities devolved to local government

(1) This section applies to the following former environmentally relevant activities—

(a) former ERA 14, 22(a), 43, 65, 70 or 73;

(b) former ERA 20(a) if the activity consists of extracting, other than by dredging, a total of less than 5000t of rock, sand, clay, gravel, loam or other material, in a year;

(c) former ERA 24 if the activity consists of boilermaking, assembling, building or manufacturing a total of less than 200t of metal product in a year;

(d) former ERA 26 if the activity consists of forming a total of less than 10000t of metal in a year;

(e) former ERA 28 if the activity consists of—

(i) operating a workshop to maintain a fleet of fewer than 10 vehicles; or

(ii) operating a mobile or a temporary motor vehicle workshop;

(f) former ERA 29 if the activity consists of producing less than 1ML of alcoholic or non-alcoholic beverages in a year;

(g) former ERA 47 if the activity consists of processing, in a year—

(i) less than 1000t of meat or meat products in a year; or

(ii) less than 500t or more of seafood or seafood products;

(h) former ERA 51 if the activity consists of manufacturing, in a year—

(i) a total of less than 50t of plastic product, other than plastic product mentioned in subparagraph (ii); or

(ii) a total of less than 5t of foam, composite plastics or rigid fibre-reinforced plastics;

(i) former ERA 52 if the activity consists of printing less than 200t of printed materials in a year.

(2) From the commencement, the administration and enforcement of the Act for each of the former environmentally relevant activities continues to be devolved to the local government for the local government area where the activity is, or is to be, carried out.

157 Codes of environmental compliance for former environmentally relevant activities

(1) This section applies to each of the documents mentioned in the repealed regulation, schedule 6A, and approved as a code of environmental compliance for the former environmentally relevant activity to which it applies.

Editor's note—

repealed regulation, schedule 6A (Codes of environmental compliance for chapter 4 activities or aspects of chapter 4 activities)

(2) The document continues to be approved as a code of environmental compliance for the former environmentally relevant activity to which it applies, as if the repealed regulation had not been repealed, until 1 year after the commencement.

(3) In this section—

former environmentally relevant activity includes aspects of the former environmentally relevant activity.

Division 3 Transitional provisions for miscellaneous matters

158 Delayed application of fees payable under ch 8

(1) Chapter 8 does not apply to an existing environmental authority or existing registration certificate until the first anniversary day for the authority or certificate after the commencement.

(2) Any fee paid under the repealed regulation in relation to an existing environmental authority or existing registration certificate continues to apply as if the repealed regulation had not been repealed.

(3) In this section—

existing environmental authority means an environmental authority in force immediately before the commencement.

existing registration certificate means a registration certificate in force immediately before the commencement.

159 References to repealed regulation

In an Act or document, a reference to the repealed regulation may, if the context permits, be taken to be a reference to this regulation.

Part 3 Transitional provisions for members of QR group

160 Definitions for pt 3

In this part—

change of ownership means the beginning of the day notified by the Treasurer by gazette notice for this part.

commencement means the commencement of this section.

interim period means the period from the commencement to the change of ownership.

member of QR Group means QR Limited or a related body corporate of QR Limited.

QR Limited means QR Limited ACN 124 649 967.

related body corporate has the meaning given in the Corporations Act.

Treasurer means the Minister who administers the *Financial Accountability Act 2009*.

161 Application of s 106 to member of QR Group during interim period

A member of QR Group is taken to be an instrumentality or agency of the State for the purposes of section 106 during the interim period.

162 Application of s 106 to member of QR Group after change of ownership

(1) Subsection (2) applies if—

(a) because of section 106, the administration and enforcement of a provision of the Act mentioned in sections 98 to 100 is not devolved to a local government; and

(b) immediately before the change of ownership, the administering authority is conducting an investigation under the Act in relation to, or is exercising an enforcement power under the Act against, a member of QR Group; and

(c) the investigation or enforcement relates to a provision of the Act mentioned in sections 98 to 100.

(2) The administering authority may—

(a) continue to undertake that investigation in relation to, and exercise that enforcement power against, the member of QR Group; and

(b) take the further actions it is entitled or empowered to take under the Act after the investigation or exercise of the enforcement power has ended;

as if the member of QR Group continued to be an instrumentality or agency of the State for the purposes of section 106.

(3) Subsection (4) applies if—

(a) because of section 106, the administration and enforcement of a provision of the Act in relation to an environmentally relevant activity is not devolved to a local government; and

(b) as at the change of ownership, an application has been properly made by a member of QR Group to the administering authority for approval of the environmentally relevant activity.

(4) The administering authority may continue to assess and determine the application as if the member of QR Group continued to be an instrumentality or agency of the State for the purposes of section 106.

Part 4 Transitional provision for Environmental Protection Legislation Amendment Regulation (No. 1) 2010

163 Administering authority to refund portion of particular annual fees

(1) This section applies if—

(a) before the commencement—

(i) a person made a development application, or held a registration certificate, for sewage treatment involving operating sewage treatment works (the ***relevant activity***); and

(ii) the person carried out the relevant activity within the threshold (the ***existing threshold***) mentioned in schedule 2, section 63(3), table, item 2(a) or (b), as in force before the commencement; and

(iii) the person paid the annual fee (the ***previous annual fee***) for the development application or registration certificate for carrying out the relevant activity within the existing threshold; and

(b) the relevant activity would have been carried out within the threshold (the ***new threshold***) mentioned in schedule 2, section 63(3), table, item 2(a)(i) or (b)(i), if the new threshold had applied to carrying out the activity.

(2) The administering authority must refund the person the amount that is the difference between—

(a) the previous annual fee; and

(b) the annual fee that would have been payable for the development application or registration certificate as if—

(i) the relevant activity had been carried out within the new threshold; and

(ii) the new threshold had applied to carrying out the relevant activity when the previous annual fee was paid.

(3) In this section—

commencement means the commencement of this section.

operating, sewage treatment works, see schedule 2, section 63(4).

sewage treatment means the environmentally relevant activity, sewage treatment, to which schedule 2, section 63 applies.

Part 5 Transitional provision for Environmental Protection Amendment Regulation (No. 1) 2011

164 Administering authority to refund particular application and annual fees

(1) This section applies if—

(a) before the commencement—

(i) a person held a development approval or registration certificate for carrying out asphalt manufacturing or extractive and screening activities at a site; and

(ii) for carrying out the asphalt manufacturing or extractive and screening activities, the person stored 10m^3 to 500m^3 of chemicals of class C1 or C2 combustible liquids under AS 1940 or dangerous goods class 3 at the site; and

(iii) the person made a development application (the ***later application***) to carry out chemical storage within the threshold mentioned in schedule 2, section 8(3), table, item (3)(a) at the site and paid the application fee for the application and the annual fee for a development approval for the chemical storage; and

(iv) the administering authority had not assessed the later application; and

(b) the person has continued to hold the development approval or registration certificate mentioned in paragraph (a)(i) since the commencement; and

(c) the person withdraws the later application.

(2) The administering authority must refund the person—

(a) the application fee for the later application; and

(b) the annual fee for the development approval for the chemical storage.

(3) In this section—

asphalt manufacturing means the environmentally relevant activity under schedule 2, section 6.

chemical storage means the environmentally relevant activity under schedule 2, section 8.

commencement means the commencement of this section.

extractive and screening activities means the environmentally relevant activity under schedule 2, section 16.

Part 6 Transitional provisions for Environmental Protection Amendment Regulation (No. 4) 2011

165 Administering authority to refund portion of particular EIS fees

(1) This section applies if a proponent for a project—

(a) before the commencement, has submitted draft terms of reference for an EIS for the project under section 41 of the Act; and

(b) has not submitted the EIS under section 47 of the Act; and

(c) gives the chief executive a written notice stating that the proponent does not intend to submit the EIS.

(2) The administering authority must refund to the proponent the previous fee less the administrative component of the fee.

(3) In this section—

administrative component, of the fee, means $30000.

commencement means the commencement of this section.

previous fee means the fee for the submission of the draft terms of reference stated in schedule 10, part 1, item 1 before the commencement.

166 Particular persons exempt from payment of EIS fee

(1) This section applies if a proponent for a project—

(a) before the commencement of this section, has submitted draft terms of reference for an EIS for the project under section 41 of the Act; and

(b) on or after the commencement, submits the EIS under section 47 of the Act.

(2) Despite section 47(2) of the Act, the proponent is exempt from payment of the fee for submitting the EIS.

167 Administering authority to refund portion of particular annual fees

(1) This section applies if during the prescribed period—

(a) a person—

(i) made a development application, or held a registration certificate, for chemical manufacturing involving manufacturing fertiliser (the ***relevant activity***); and

(ii) carried out the relevant activity within the threshold (the ***existing threshold***) mentioned in schedule 2, part 2, section 7(3), table, item 3(e), as in force immediately before the commencement of this section; and

(iii) paid the annual fee (the ***previous annual fee***) for the development application or registration certificate for carrying out the relevant activity within the existing threshold; and

(b) the relevant activity would have been carried out within the threshold (the ***new threshold***) mentioned in schedule 2, part 2, section 7(3), table, item 4(a), if the new threshold had applied to carrying out the activity.

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

(a) the previous annual fee; and

(b) the annual fee that would have been payable for the development application or registration certificate if—

(i) the relevant activity had been carried out within the new threshold; and

(ii) the new threshold had applied to carrying out the relevant activity when the previous annual fee was paid.

(3) In this section—

manufacturing fertiliser means the environmentally relevant activity, manufacturing fertiliser, to which schedule 2, part 2, section 7 applies.

prescribed period means the period starting on 1 January 2009 and ending at the end of the day immediately before the commencement of this section.

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

Division 1 Fees

168 Refund of annual fee if environmental authorities amalgamated

(1) This section applies if—

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

(b) the amendment application was or is granted.

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

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

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

(3) In this section—

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

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

(1) This section applies if—

(a) a person is granted an environmental authority (mining activities) for a level 2 mining project on or before 31 March 2013; and

(b) the person has applied for 1 or more relevant mining tenements for the environmental authority mentioned in paragraph (a); and

(c) all the applications for a relevant mining tenement mentioned in paragraph (b) are not granted.

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

Division 2 Existing environmentally relevant activities

170 Eligibility criteria and standard conditions for particular environmentally relevant activities

Schedule 3 mentions the codes of environmental compliance for which—

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

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

171 Non-transitional ERAs—Act, s 676A

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

Editor's note—

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

(2) In this section—

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

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

172 Prescribed day—Act, s 676C

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

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

(1) This section applies to an application, made under the Act, relating to a prescribed ERA that is poultry farming, if—

(a) before the commencement of this section, a person made the application to a local government; and

(b) the application has not been decided by the local government.

(2) The administration of the Act in relation to deciding the application is a matter devolved to the local government for the purpose of the application and only until the application is decided.

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 protected by the controlling provisions for the project
  - 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 14 and 17

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^2	11	C
(b) more than 10ha but not more than 100ha	21	C

Threshold		Aggregate environmental score	3
	(c) more than 100ha	34	C
2	cultivating or holding marine, estuarine or freshwater organisms, other than crustaceans, in enclosures that are on land and have a total area of—		
	(a) more than 100m^2 but not more than10ha	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 150 or more standard cattle units of cattle or 1000 or more 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) 150 to 1000	14	
	(b) more than 1000 but not more than 10000	28	C
	(c) more than 10000	49	C
2	keeping the following number of standard sheep units in a feedlot—		
	(a) 1000 to 10000	12	
	(b) more than 10000	26	C

(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 400 or more standard pig units of pigs.

(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 400 to 3500 standard pig units	27	
2	keeping more than 3500 but not more than 8000 standard pig units	34	C
3	keeping more than 8000 standard pig units	43	C

4 Poultry farming

(1) Poultry farming (the ***relevant activity***) consists of farming a total of more than 1000 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 1000 but not more than 200000 birds	no score	
2	farming more than 200000 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^3 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^3 of alcohol in a year	48	C

6 Asphalt manufacturing

(1) Asphalt manufacturing (the ***relevant activity***) consists of manufacturing in a year 1000t or more 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 1000t or more of asphalt in a year	32	C

7 Chemical manufacturing

(1) Chemical manufacturing (the ***relevant activity***) consists of any of the following—

(a) manufacturing a total of 200m^3 or more of coating, food additives, industrial polish, sealant, synthetic dye, pigment, ink, adhesives or paint in a year;

(b) manufacturing a total of 200t or more of chemicals, other than chemicals mentioned in paragraph (a), in a year;

(c) 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—

(a) 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

(b) blending ethanol with petrol; or

(c) carrying out an activity to which another section under this schedule applies, or would apply if the activity were carried out within a stated threshold under that section.

(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^3 or more of water based paint in a year	no score	
2	manufacturing, in a year, the following total quantity of coating, food additives, industrial polish, sealant, synthetic dye, pigment, ink, adhesives or paint, other than water based paint—		
	(a) 200m^3 to 1000m^3	10	C
	(b) more than 1000m^3 but not more than 100000m^3	19	C
	(c) more than 100000m^3	37	C
3	manufacturing, in a year, a total of 200t or more of any of the following—		
	(a) soap, surfactants or cleaning or toiletry products	39	
	(b) agricultural chemical products or chemicals for biological control	114	C
	(c) medicines, pharmaceutical products, poisons or veterinary chemical products	115	C
	(d) explosives	138	C
4	manufacturing, in a year, the following quantities of fertiliser—		
	(a) 200t to 5000t	33	C

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

(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).

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 $10m^3$; 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) $500m^3$ or more 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 $10m^3$—

(i) 200t or more, if they are solids or gases;

(ii) $200m^3$ 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) carrying out an activity to which section 55, 56, 57 or 58 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 storing a total of 50t or more of chemicals of dangerous goods class 1 or class 2, division 2.3 under subsection (1)(a)	51	C

2	storing 50t or more of chemicals of dangerous goods class 6, division 6.1 under subsection (1)(b)	51	C
3	storing 500m^{3}or more of chemicals of class C1 or C2 combustible liquids under AS 1940 or dangerous goods class 3 subsection (1)(c)	85	C
4	storing 200t or more of chemicals that are solids or gases, other than chemicals mentioned in items 1 to 3, under subsection (1)(d)	31	C
5	storing 200m^3 or more of chemicals that are liquids, other than chemicals mentioned in items 1 to 3, under subsection (1)(d)	31	C

(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 200000000m^3 of natural gas	no score	C
(b) 200000000m^3 or more of natural gas	19	C
(c) coal seam gas	64	C

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 includes underground and above ground gasification of coal.

(3) 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 gas from naturally occurring hydrocarbon deposits or coal seams.

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

Threshold	Aggregate environmental score	3
manufacturing, processing or reforming 200t or more of hydrocarbon gas in a year	64	C

(5) In this section—

relevant waste management activity means an activity to which section 55, 56, 58 or 60 applies.

Editor's note—

section 55 (Regulated waste recycling or reprocessing), 56 (Regulated waste storage), 58 (Regulated waste treatment) or 60 (Waste disposal)

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^3	146	C
(b) 500m^3 to 150000m^3	186	C
(c) more than 150000m^3	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
2	retreading tyres	17	

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 would apply if it were carried out within a stated threshold under that section; 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 1000t or more of material from the bed of naturally occurring surface waters, in a year;

(b) extracting, other than by dredging, a total of 5000t 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 5000t 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 reserve, other than in a wild river area, 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 10000m^2; 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) 1000t to 10000t	11	C
	(b) more than 10000t but not more than 100000t	25	C
	(c) more than 100000t but not more than 1000000t	44	C
	(d) more than 1000000t	66	C
2	extracting, other than by dredging, in a year, the following quantity of material—		
	(a) 5000t to 100000t	22	
	(b) more than 100000t but not more than 1000000t	39	C
	(c) more than 1000000t	57	C
3	screening, in a year, the following quantity of material—		
	(a) 5000t to 100000t	13	
	(b) more than 100000t but not more than 1000000t	29	
	(c) more than 1000000t	47	

(4) In this section—

material includes clay, gravel, loam, rock, sand and other substances found in the earth.

road reserve means a road reserve under the *Land Act 1994*.

screening includes washing, crushing, grinding, milling, sizing or separating material.

Part 5 Fabricated metal product activities

19 Metal forming

(1) Metal hot forming consists of hot forming a total of 10000t 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 10000t 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 Metal recovery

(1) Metal recovery (the ***relevant activity***) consists of recovering metal by operating—

(a) a scrap metal yard; or

(b) a facility for dismantling automotive or mechanical equipment, including debonding brake or clutch components.

(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	recovering less than 100t of metal in a day	no score	C
2	recovering 100t or more of metal in a day, or 10000t or more of metal in a year—		
	(a) without using a fragmentiser	19	C
	(b) using a fragmentiser	51	C

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) carrying out an activity to which section 5 would apply, if the activity were carried out within a stated threshold under that section; or

Editor's note—

section 5 (Alcohol production)

(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—

(a) bottling or canning that is included under another environmentally relevant activity; 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 1000t 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 1000t 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 1000t 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—

(a) processing meat or meat products involving only chilling, curing, drying, freezing, packaging or smoking the meat or meat products; or

(b) processing meat or meat products in retail premises, including, for example, butcher shops and supermarkets.

(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) 1000t to 5000t	16	
(b) more than 5000t but not more than 50000t	26	C

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

(4) In this section—

processing, meat or meat products, includes slaughtering animals to produce meat or meat products.

rendering meat or meat products, means extracting by-products from the processing of animals, including fat, tallow, derivatives of fat or tallow or proteinaceous matter.

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 1000t	35	C
	(b) more than 1000t but not more than 5000t	45	C
	(c) more than 5000t but not more than 10000t	47	C
	(d) more than 10000t	62	C
2	producing, in a year, 50t or more of non-ferrous metal castings using permanent moulds	13	
3	producing, in a year, the following quantity of non-ferrous metal castings using non-permanent moulds—		
	(a) 50t to 200t	16	
	(b) more than 200t but not more than 1000t	19	C
	(c) more than 1000t but not more than 5000t	28	C
	(d) more than 5000t	33	C

30 Metal smelting and refining

(1) Metal smelting and refinery (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 10000t of metals or metalloids	205	C
(d) more than 10000t 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 1000t 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 1000t or more of coke in a year	148	C
2	processing, in a year, the following quantities of mineral products, other than coke—		
	(a) 1000t to 100000t	179	C
	(b) more than 100000t	280	C

(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 5000t of material in a year.

(2) The activity includes crushing waste, other than putrescible waste, to extract resources for reuse or recycling.

(3) 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

(b) an activity to which section 16, 55 or 61 would apply, if the activity were carried out within a stated threshold under that section.

Editor's note—

section 16 (Extractive and screening activities), 55 (Regulated waste recycling or reprocessing) or 61 (Waste incineration and thermal treatment)

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

Threshold	Aggregate environmental score	3
crushing, grinding, milling or screening more than 5000t of material in a year	no score	C

35 Plaster manufacturing

(1) Plaster manufacturing consists of manufacturing or processing 5000t 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 5000t 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.

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) 100t or more 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.

Editor's note—

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

(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 1000t	19	C
	(c) more than 1000t but not more than 10000t	41	C
	(d) more than 10000t	66	C
2	coating, painting or powder coating, using, in a year, more than 100t of surface coating materials	7	

(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.

Threshold	Aggregate environmental score	3
1 manufacturing or processing, in a year, a total of 100t or more of carpet	27	C

Threshold	Aggregate environmental score	3
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.

Threshold	Aggregate environmental score	3
1 manufacturing 200t or more of cement in a year	92	C
2 calcining 200t or more of limestone in a year	92	C

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 5000t	32	C
(b) more than 5000t	62	C

(3) In this section—

clay or ceramic products includes bricks, pipes, pottery, refractories and tiles.

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 wooden product manufacturing

46 Chemically treating timber

(1) Chemically treating timber consists of using chemicals to treat timber for preservation, on a commercial basis.

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

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

47 Timber milling and woodchipping

(1) Timber milling and woodchipping (the ***relevant activity***) consists of milling a total of 5000t 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, or would apply, if the activity were carried out within a stated threshold under that section.

(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) 5000t to 10000t	22	C
(b) more than 10000t but not more than 20000t	35	C
(c) more than 20000t but not more than 100000t	58	C
(d) more than 100000t	69	C

(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 fabrication (the ***relevant activity***) consists of fabricating, in a year, a total of—

(a) 5000t or more of reconstituted timber products; or

(b) 100t or more of laminated products.

(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	fabricating, in a year, the following quantity of reconstituted timber products—		
	(a) 5000t to 10000t	42	C
	(b) more than 10000t	70	C
2	fabricating in a year 100t or more of laminated products	55	C

(3) In this section—

fabricating, reconstituted timber products—

(a) means to assemble parts or sections of wood or wood products to make reconstituted timber products; and

(b) includes the fabrication of the reconstituted timber products by a cabinet-maker, joiner, timber truss maker or wood worker.

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 Bulk material handling

(1) Bulk material handling (the ***relevant activity***) consists of—

(a) loading or unloading minerals at a rate of 100t or more a day; or

(b) stockpiling 50000t or more of minerals; or

(c) loading or unloading bulk materials—

(i) in connection with operations at a port; and

(ii) at a rate of 100t or more a day; or

(d) stockpiling bulk materials in connection with operations at a port.

(2) The relevant activity does not include loading, unloading or stockpiling materials under an environmental authority for a resource 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 loading or unloading 100t or more of minerals in a day or stockpiling 50000t or more of minerals—		
(a) within 5km of the highest astronomical tide or 1km of a watercourse	73	C
(b) at another place	49	C
2 loading or unloading 100t or more of bulk materials in a day or stockpiling bulk materials	73	C

(4) In this section—

bulk materials means unpackaged and loose materials or goods, other than minerals.

mineral see the *Mineral Resources Act 1989*, schedule.

port means the port area for a port under the *Transport Infrastructure Act 1994*, section 267AA.

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*.

Editor's note—

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

(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

Part 12 Waste management

52 Battery recycling

(1) Battery recycling consists of operating a facility for receiving, and recycling or reprocessing, any type of battery.

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

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

53 Composting and soil conditioner manufacturing

(1) Composting and soil conditioner manufacturing (the ***relevant activity***) consists of manufacturing, from organic material or organic waste, 200t or more of compost or soil conditioners in a year.

(2) The relevant activity does not include—

(a) manufacturing mushroom growing substrate; or

(b) composting material from agriculture or livestock production on the site where it is produced.

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

Threshold	**Aggregate environmental score**	**3**
manufacturing, from organic material or organic waste, 200t or more of compost or soil conditioners in a year	18	C

(4) In this section—

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) plant material;

(viii) poultry processing waste;

(ix) waste generated from an abattoir; but

(b) does not include—

(i) clinical or related waste; or

(ii) contaminated soil; or

(iii) organic chemicals, other than a substance mentioned in paragraph (a)(i); or

Examples of organic chemicals for subparagraph (iii)—

chlorinated hydrocarbons, lubricating greases, pesticides, tars

(iv) plastics that are not compostable.

55 Regulated waste recycling or reprocessing

(1) Regulated waste recycling or reprocessing (the ***relevant activity***) consists of operating a facility for receiving, and recycling or reprocessing, regulated waste to produce saleable products.

(2) The relevant activity does not include—

(a) carrying out an activity to which section 25 or 53 would apply if the activity were carried out within a stated threshold under any of those sections; or

Editor's note—

section 25 (Meat processing) or 53 (Composting and soil conditioner manufacturing)

(b) carrying out an activity to which section 52 applies; or

(c) recycling or reprocessing tyres; or

(d) manufacturing mushroom growing substrate.

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

56 Regulated waste storage

(1) Regulated waste storage (the ***relevant activity***) consists of operating a facility for receiving and storing regulated waste for more than 24 hours.

(2) The relevant activity does not include—

(a) storing tyres or parts of tyres; or

(b) storing regulated waste in transit; or

(c) storing at a facility, for no more than 28 days, any of the following, awaiting removal from the facility for recycling, reprocessing, treatment or disposal—

(i) fewer than 500 batteries;

(ii) pharmaceuticals;

(iii) body parts;

(iv) clinical waste consisting only of sharps in sharps containers that comply with AS 4031 or AS/NZ 4261;

(v) less than 5000L of waste oil; or

(d) storing at a facility, for no more than 90 days, chemically treated power poles awaiting removal from the facility for recycling, reprocessing, treatment or disposal; or

(e) carrying out an activity to which section 20, 25, 27, 53, 60, 61 or 62 would apply if the activity were carried out within a stated threshold under the section; or

Editor's note—

section 20 (Metal recovery), 25 (Meat processing), 27 (Seafood processing), 53 (Composting and soil conditioner manufacturing), 60 (Waste disposal), 61 (Waste incineration and thermal treatment) or 62 (Waste transfer station operation)

(f) carrying out an activity to which section 55 or 58 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**
receiving and storing regulated waste	21	C

(4) In this section—

AS 4031 means 'AS 4031:1992—Non-reusable containers for the collection of sharp medical items used in health care areas'.

AS/NZ 4261 means 'AS/NZ 4261:1994—Reusable containers for the collection of sharp items used in human and animal medical applications'.

in-transit, in relation to storing regulated waste, means storing the waste for no more than 5 days, including, for example, while transporting the waste or because of an unavoidable delay in transporting the waste.

57 Regulated waste transport

(1) Regulated waste transport (the ***relevant activity***) consists of—

(a) transporting on a non-commercial basis 250kg or more of regulated waste in a vehicle; or

(b) transporting on a commercial basis any quantity of regulated waste in a vehicle.

(2) The relevant activity does not include transporting chemically treated power poles in a vehicle.

(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
1	transporting tyres	no score
2	transporting regulated waste, other than tyres, in—	
	(a) 1 to 5 vehicles	7
	(b) 6 to 35 vehicles	21
	(c) 36 or more vehicles	42

(4) In this section—

vehicle includes the part of an aircraft, boat, rolling stock, semi-trailer, tanker, trailer or truck, used to transport the regulated waste.

58 Regulated waste treatment

(1) Regulated waste treatment (the ***relevant activity***) consists of operating a facility for receiving and treating regulated waste or contaminated soil to render the waste or soil non-hazardous or less hazardous.

(2) The relevant activity does not include—

(a) carrying out an activity to which section 25, 27, 53, 59 or 61 would apply if the activity were carried out within a stated threshold under any of those sections; or

Editor's note—

section 25 (Meat processing), 27 (Seafood processing), 53 (Composting and soil conditioner manufacturing), 59 (Tyre recycling) or 61 (Waste incineration and thermal treatment)

(b) carrying out an activity to which section 52 or 55 applies; or

(c) remediation of contaminated soil at the site of the contamination.

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

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

(4) In this section—

regulated waste does not include reconditioned drums or containers that are clean and do not contain residues.

59 Tyre recycling

(1) Tyre recycling (the ***relevant activity***) consists of operating a facility on a commercial basis for receiving and recycling or receiving and reprocessing 1000 or more equivalent passenger units of tyres, or parts of tyres in a year.

(2) The relevant activity does not include retreading tyres.

(3) There is no aggregate environmental score for the relevant activity.

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, in a year, 50t or more of waste consisting 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.

(2) The relevant activity does not include using clean earthen material as fill.

(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 disposing of, in a year, the following quantity of waste mentioned in subsection (1)(a)—		
(a) less than 50000t	50	C
(b) 50000t to 100000t	82	C
(c) more than 100000t but not more than 200000t	100	C
(d) more than 200000t	110	C

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

(4) In this section—

clean earth means earth that has trace elements and contaminant levels within the interim ecologically-based investigation levels for urban land use under the document 'Schedule B(1)—Guidelines on the Investigation of Soil and Groundwater', forming part of the National Environment Protection (Assessment of Site Contamination) Measure 1999.

Editor's note—

The National Environment Protection (Assessment of Site Contamination) Measure 1999 made under the *National Environment Protection Council Act 1994* (Cwlth), section 14(1), is available at government bookshops. On the day this regulation was notified in the gazette the document was also available on the Environment Protection and Heritage Council's website at <www.ephc.gov.au>.

clean earthen materials means—

(a) bricks, pavers, ceramics or concrete that does not contain embedded steel reinforcing rods, pulverised to a size of no more than 100mm; or

(b) clean earth.

facility includes a naturally occurring or constructed hollow or pit, including, for example, a gully, mining shaft or quarry, but does not include a hollow or pit on a farm used for receiving and disposing of general waste produced on the farm.

61 Waste incineration and thermal treatment

(1) Waste incineration and thermal treatment (the ***relevant activity***) consists of operating a facility for incinerating or thermally treating waste.

(2) The relevant activity does not include—

(a) incinerating human or animal remains unless the remains are clinical waste or quarantine waste; or

(b) thermal treatment of waste carried out as part of another activity that is a concurrence ERA.

Example—

thermally treating waste to generate electricity under section 14 (Electricity generation)

(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	incinerating waste vegetation, clean paper or cardboard	no score	C
2	incinerating or thermally treating, in a year, the following quantity of general waste—		
	(a) less than 5000t	18	C

Threshold	Aggregate environmental score	3
(b) 5000t or more	30	C
3 incinerating or thermally treating—		
(a) clinical waste or quarantine waste	51	C
(b) other regulated waste	41	C

(4) In this section—

facility, for incinerating vegetation, includes a fixed or mobile apparatus for blowing air into a hole in the ground to facilitate the incineration of the vegetation.

thermally treating, in relation to waste, means applying heat to the waste to render the waste less hazardous for disposal.

Examples—

using an autoclave facility or plasma arc

62 Waste transfer station operation

(1) Waste transfer station operation (the ***relevant activity***) consists of operating, on a commercial basis or in the course of carrying on a commercial enterprise, a waste transfer station that receives a total quantity of at least 30t or 30m³ of waste on any day.

(2) A waste transfer station is taken to have received a quantity of at least 30m³ of waste if the station receives containers or vehicles that have a combined total capacity of at least 30m³.

(3) The relevant activity does not include operating a waste transfer station on a site if an activity to which section 60 applies is carried out on the site.

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

Threshold	Aggregate environmental score	3
operating, on a commercial basis or in the course of carrying on a commercial enterprise, a waste transfer station that receives a total quantity of at least 30t or 30m³ of waste on any day	31	C

(5) In this section—

waste transfer station means a facility used for—

(a) sorting or consolidating waste; and

(b) temporarily storing the waste before moving it from the site where the relevant activity is carried out.

Example of a waste transfer station—

a facility managed commercially that receives and sorts waste, sends the recyclable waste to a recycling facility and the non-recyclable waste to a landfill on another site

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 1500EP—		
(i) if treated effluent is discharged from the works to an infiltration trench or through an irrigation scheme; or	27	
(ii) otherwise	53	C
(c) more than 1500 but not more than 4000EP	76	C
(d) more than 4000 but not more than 10000EP	89	C

Threshold		Aggregate environmental score	3
	(e) more than 10000 but not more than 50000EP	114	C
	(f) more than 50000 but not more than 100000EP	125	C
	(g) more than 100000EP	145	C
2	operating a sewage pumping station mentioned in subsection (1)(b)	no score	

(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 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 56, 58, 60 or 61; 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, 56, 60, 61 or 63 applies.

Editor's note—

section 55 (Regulated waste recycling or reprocessing), 56 (Regulated waste storage), 60 (Waste disposal), 61 (Waste incineration and thermal treatment) or 63 (Sewage treatment)

(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	

Threshold		Aggregate environmental score	3
2	desalinating, in a day, the following quantity of water, allowing the release of waste to waters other than seawater—		
	(a) 0.5ML to 5ML	8	C
	(b) more than 5ML	13	C
3	treating 10ML or more raw water in a day	26	C
4	carrying out, in a day, advanced treatment of 5ML or more of water, allowing the release of waste—		
	(a) only to seawater; or	34	C
	(b) to waters other than seawater	45	C

(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 2A Aggregate environmental scores for particular resource activities

section 14(2)

Column 1		Column 2
Environmentally relevant activity		**Aggregate environmental score (AES)**
1	activities under a GHG injection and storage lease under the GHG storage Act	49
2	a petroleum activity authorised under the *Petroleum (Submerged Lands) Act 1982*	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 containing a high hazard dam or a significant hazard dam	165
7	a petroleum activity involving injection of a waste fluid into a natural underground reservoir or aquifer	165
8	a petroleum activity, other than a petroleum activity mentioned in items 1 to 7, that includes 1 or more prescribed ERAs for which an aggregate environmental score is stated	126 or, if 1 or more of the prescribed ERAs have an AES of more than 126, the AES for the prescribed ERA that has the highest AES

Column 1		Column 2
Environmentally relevant activity		**Aggregate environmental score (AES)**
9	drilling, costeaning, pitting or carrying out geological surveys causing significant disturbance	8
10	investigating the potential development of a mineral resource by large bulk sampling or constructing an exploratory shaft, adit or open pit	17
11	mining bauxite	97
12	mining mineral sand	120
13	mining black coal	128
14	mining iron ore	128
15	mining nickel ore	160
16	mining gold ore	216
17	mining copper ore	217
18	mining lead, silver or zinc separately or in any combination	185
19	mining metal ore, other than a metal ore mentioned in items 11, 12, 14, 15, 16, 17 or 18	158
20	mining activities that are ineligible ERAs, other than mining activities mentioned in items 9 to 19	136

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

section 170

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

1 Code of environmental compliance for certain aspects of extractive and screening activities (ERA 16)—Version 7

2 Code of environmental compliance for certain aspects of regulated waste transport—Version 4

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

Part 2 Codes of environmental compliance for mining activities

4 Code of Environmental Compliance for Exploration and Mineral Development Projects

5 Code of Environmental Compliance for Mining Claims and Prospecting Permits

6 Code of Environmental Compliance for Mining Lease Projects

Schedule 3A Prescribed eligibility criteria for mining activities

section 25

1 Eligibility criteria for all mining activities

(1) The following eligibility criteria are prescribed for each mining activity that is authorised, or is to be authorised, under an environmental authority for a mining activity—

(a) the mining activity does not, or will not, at any one time, cause more than 10ha of land to be significantly disturbed;

(b) the mining activity is not, or will not be, carried out in a category A environmentally sensitive area or a category B environmentally sensitive area;

(c) the mining activity is not, or will not be, carried out under an environmental authority under which either of the following is, or is to be, authorised—

(i) an environmentally relevant activity to which a section of schedule 2 applies and for which there is an aggregate environmental score;

(ii) a resource activity, other than a mining activity, that is an ineligible ERA;

(d) the mining activity is not, or will not be, carried out in a wild river area, unless—

(i) the mining activity is authorised under an environmental authority for a mining activity relating to a mining claim, an environmental authority for a mining activity relating to an exploration permit or an environmental authority for a mining activity relating to a mineral development licence; or

(ii) the mining activity involves alluvial mining and is, or will be, carried out at a place that is not in a wild

river high preservation area, wild river nominated waterway or wild river special floodplain management area; or

(iii) the mining activity involves clay pit mining, dimension stone mining, hard rock mining, opal mining or shallow pit mining and is, or will be, carried out at a place that is not in a wild river high preservation area or wild river special floodplain management area.

(2) In this section—

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

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

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

(a) the mining activity does not, or will not, at any one time, cause more than $5000m^2$ of land to be disturbed at a campsite;

(b) no more than $20m^3$ of any substance is, or will be, extracted from each kilometre of a riverine area affected by the mining activity in a year.

3 Eligibility criteria for mining activities relating to a mining lease

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

(a) the mining activity does not, or will not, at any one time, cause more than 5ha of either of the following to be significantly disturbed—

(i) a riverine area;

(ii) mine workings;

(b) the mining activity is not, or will not, be carried out by more than 20 persons at any one time;

(c) only the following types of mining are, or will be, authorised under the relevant mining lease—

(i) alluvial mining;

(ii) clay pit mining;

(iii) dimension stone mining;

(iv) hard rock mining;

(v) opal mining;

(vi) shallow pit mining.

(2) In this section—

mine workings means an area from which ore or overburden has been extracted, or on which waste rock is stored, that is not—

(a) substantially rehabilitated to the satisfaction of the administering authority; or

(b) used for constructing a camp site, road, plant, tailings dam, water storage dam or other infrastructure.

Schedule 3B Approved eligibility criteria for environmentally relevant activities

section 24B

Eligibility criteria and standard conditions—Geothermal exploration activities

Eligibility criteria and standard conditions—Petroleum exploration activities

Eligibility criteria and standard conditions—Petroleum pipeline activities

Eligibility criteria and standard conditions—Petroleum survey activities

Schedule 4 Scheduled areas

section 15

1 Aurukun shire
2 Balonne shire
3 Barcaldine region
4 Barcoo shire
5 Blackall Tambo region
6 Boulia shire
7 Bulloo shire
8 Burke shire
9 Carpentaria shire
10 Cherbourg shire
11 Cloncurry shire
12 Cook shire
13 Croydon shire
15 Diamantina shire
16 Doomadgee shire
17 Etheridge shire
18 Flinders shire
19 Goondiwindi region
20 Hope Vale shire
21 Kowanyama shire
22 Lockhart River shire
23 Longreach region
24 Mapoon shire
24A Maranoa region

25 McKinlay shire

26 Mornington shire

27 Mount Isa city

28 Murweh shire

29 Napranum shire

30 North Burnett region

31 Northern Peninsula Area region

32 Paroo shire

33 Pormpuraaw shire

34 Quilpie shire

35 Richmond shire

37 Torres shire

38 Torres Strait Island region

38A Western Downs region

39 Winton shire

40 Woorabinda shire

41 Wujal Wujal shire

42 Yarrabah shire

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

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 Environmental objective assessment

section 51(1)(a)

Part 1 Preliminary

1 Definitions for sch 5

In this schedule—

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

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

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 table 1 or 2.

regulated structure means a structure that is assessed as being a regulated structure under the 'Manual for Assessing Hazard Categories and Hydraulic Performance of Dams' 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.

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

General information

(1) The assessor must decide the extent to which the application achieves each environmental objective relevant to the application.

(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.

Editor's note—

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

Assessing whether application minimised adverse effects

(6) If a performance outcome requires the assessor to assess whether an adverse effect has been minimised, an adverse effect has been minimised if the assessor is satisfied all reasonable and practical measures have been taken to minimise the adverse effect.

(7) In deciding whether all reasonable and practical measures have been taken to minimise the adverse effect, the assessor must consider the following matters—

(a) the nature of the harm or potential harm;

(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 carrying out, whether it is feasible to carry out the activity at another location.

Part 3 Environmental objectives and performance outcomes

Table 1 Operational assessment

Air
Environmental Objective
The activity will be operated in a way that protects the environmental values of air.
Performance Outcomes
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
Environmental Objective
The activity will be operated in a way that protects environmental values of waters.
Performance Outcomes
1 There is no actual or potential discharge to waters of contaminants that may cause an adverse effect on an environmental value from the operation of the activity.

2	All of the following— (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.
	Wetlands
Environmental Objective	
	The activity will be operated in a way that protects the environmental values of wetlands.
Performance Outcomes	
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.
Groundwater	
Environmental Objective	
	The activity will be operated in a way that protects the environmental values of groundwater and any associated surface ecological systems.
Performance Outcomes	
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 56 of this regulation.
Noise	
Environmental Objective	
	The activity will be operated in a way that protects the environmental values of the acoustic environment.
Performance Outcomes	
1	Sound from the activity is not audible at a sensitive receptor.
2	The release of sound to the environment from the activity is managed so that adverse effects on environmental values including health and wellbeing and sensitive ecosystems are prevented or minimised.
Waste	
Environmental Objective	
	Any waste generated, transported, or received as part of carrying out the activity is managed in a way that protects all environmental values.

Performance Outcomes
1 Both of the following apply— (a) waste generated, transported or received is managed in accordance with the waste and resource management hierarchy in the *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.
Land
Environmental Objective
The activity is operated in a way that protects the environmental values of land including soils, subsoils, landforms and associated flora and fauna.
Performance Outcomes
1 There is no actual or potential disturbance or adverse effect to the environmental values of land as part of carrying out the activity. 2 All of the following— (a) activities that disturb land, soils, subsoils, landforms and associated flora and fauna will be managed in a way that prevents or minimises adverse effects on the environmental values of land; (b) areas disturbed will be rehabilitated or restored to achieve sites that are— (i) safe to humans and wildlife; and (ii) non-polluting; and (iii) stable; and (iv) able to sustain an appropriate land use after rehabilitation or restoration; (c) the activity will be managed to prevent or minimise adverse effects on the environmental values of land due to unplanned releases or discharges, including spills and leaks of contaminants; (d) the application of water or waste to the land is sustainable and is managed to prevent or minimise adverse effects on the composition or structure of soils and subsoils.

Table 2 Land use assessment

Site Suitability
Environmental Objective
The choice of the site, at which the activity is to be carried out, minimises serious environmental harm on areas of high conservation value and special significance and sensitive land uses at adjacent places.
Performance Outcomes
1 Both of the following apply— (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.
Location on Site
Environmental Objective
The location for the activity on a site protects all environmental values relevant to adjacent sensitive uses.
Performance Outcomes
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.
Critical Design Requirements
Environmental Objective
The design of the facility permits the operation of the site, at which the activity is to be carried out, in accordance with best practice environmental management.
Performance Outcomes
1 The activity does not involve the storage, production, treatment or release of hazardous contaminants, or involve a regulated structure.
2 All of the following apply—
(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 'Manual for Assessing Hazard Categories and Hydraulic Performance of Dams' published by the department;
(c) provide containers for the storage of hazardous contaminants that are secured to prevent the removal of the containers from the site by a flood event;
(d) the design of the facility prevents or minimises the production of hazardous contaminants and waste;
(e) if the production of hazardous contaminants and waste is not prevented or minimised under paragraph (d)—the design of the facility contains and treats hazardous contaminants rather than releasing them.

Schedule 7 Regulated waste

section 65

1 acidic solutions and acids in solid form

2 animal effluent and residues, including abattoir effluent and poultry and fish processing wastes

3 antimony and antimony compounds

4 arsenic and arsenic compounds

5 asbestos

6 barium compounds, other than barium sulfate

7 basic (alkaline) solutions and bases (alkalis) in solid form

8 beryllium and beryllium compounds

9 boron compounds

10 cadmium and cadmium compounds

11 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

12 chlorates

13 chromium compounds (hexavalent and trivalent)

14 clinical and related waste

15 containers contaminated with a regulated waste

16 copper compounds

17 cyanides (inorganic)

18 cyanides (organic)

19 encapsulated, chemically-fixed, solidified or polymerised wastes

20 ethers

21 filter cake, other than filter cake waste generated from the treatment of raw water for the supply of drinking water

22 fly ash

23 food processing waste

24 grease trap waste

25 halogenated organic solvents

26 highly odorous organic chemicals, including mercaptans and acrylates

27 inorganic fluorine compounds, other than calcium fluoride

28 inorganic sulfides

29 isocyanate compounds

30 lead and lead compounds including lead-acid batteries

31 material containing polychlorinated biphenyls (PCBs), polychlorinated napthalenes (PCNs), polychlorinated terphenyls (PCTs) or polybrominated biphenyls (PBBs)

32 mercury and mercury compounds

33 metal carbonyls

34 mineral oils

35 nickel compounds

36 non-toxic salts including, for example, saline effluent

37 hydrocarbons and water mixtures or emulsions, including oil and water mixtures or emulsions

38 organic phosphorous compounds

39 organic solvents, other than halogenated solvents, including, for example, ethanol

40 organohalogen compounds, other than another substance stated in this schedule

41 oxidising agents

42 perchlorates

43 pesticides, including organochlorine

44 pharmaceuticals, drugs and medicines

45 phenols and phenol compounds, including chlorophenols

46 phosphorus compounds, other than mineral phosphates

47 polychlorinated dibenzo-furan (any congener)

48 polychlorinated dibenzo-p-dioxin (any congener)

49 reactive chemicals

50 reducing agents

51 residues from industrial waste treatment or disposal operations

52 selenium and selenium compounds

53 sewage sludge and residues, including nightsoil and septic tank sludge

54 surface active agents (surfactants) containing principally organic constituents, whether or not also containing metals and other inorganic materials

55 tallow

56 tannery wastes, including leather dust, ash, sludges and flours

57 tarry residues arising from refining, distillation or any pyrolytic treatment

58 tellurium and tellurium compounds

59 thallium and thallium compounds

60 triethylamine catalysts for setting foundry sands

61 tyres

62 vanadium compounds

63 vegetable oils

64 waste containing peroxides other than hydrogen peroxide

65 waste from a heat treatment or tempering operation that uses cyanides

66 waste from surface treatment of metals or plastics

67 waste from the manufacture, formulation or use of the following—

- biocides or phytopharmaceuticals
- inks, dyes, pigments, paints, lacquers or varnish
- organic solvents
- photographic chemicals or processing materials
- resins, latex, plasticisers, glues or other adhesives
- wood-preserving chemicals

68 waste from the manufacture or preparation of pharmaceutical products

69 waste of an explosive nature, other than an explosive within the meaning of the *Explosives Act 1999*

70 wool scouring wastes

71 zinc compounds

Schedule 8 Prescribed organisations

section 115A

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 Australia

Institution of Engineering and Mining Surveyors Australia

Planning Institute of Australia

South Pacific Environmental Radioactivity Association

The Australasian Institute of Mining and Metallurgy

The Institution of Surveyors Australia

The Royal Australian Chemical Institute

Schedule 9 Prescribed water contaminants

section 77

1 a chemical, or chemical waste containing a chemical

Examples—

- biocide, including herbicide, fungicide and pesticide
- chemical that causes biochemical or chemical oxygen demand
- chemical toxicant for which guidelines are prescribed in the document 'Australian and New Zealand guidelines for fresh and marine water quality'
- degreasing agent

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 2ºC 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

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

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 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

18 vehicles and components of vehicles, including, for example, batteries and tyres

19 waste and waste water, generated from indoor cleaning, including, for example, waste from carpet or upholstery cleaning and steam cleaning

20 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

21 waste generated from repairing or servicing motor vehicles, including, for example, engine coolant, grease, lubricants and oil

22 waste water, including backwash from swimming pools, condensate from compressors, water from air-conditioning or cooling systems and waste water from grease traps

Schedule 10 Fees

section 116

Note—

See also chapter 8 for other fees payable under the Act.

Part 1 Fees for environmental impact statements

		$
1	submitting draft terms of reference for an EIS (Act, s 41(2)(b))	32 167.00
2	submitting an EIS (Act, s 47(2))	96 503.00
3	giving an EIS amendment notice, other than an EIS amendment notice given under section 56(2)(c) of the Act (Act, s 66(4))	10 722.00
4	application for approval to voluntarily prepare an EIS (Act, s 71(d)(ii))	551.00

Part 2 Fees for development approvals

		$
5	application for assessment of a development application for 1 or more concurrence ERAs	551.00

		$
6	application for assessment of a development application for operational work, reconfiguring a lot or a material change of use of premises in a wetland protection area—	
	(a) if the application is for development for non-urban purposes, and the work is carried out, or the lot or premises is—	
	(i) more than 200m from a wetland	536.00
	(ii) less than 200m from a wetland or in a wetland.	2 144.00
	(b) if the application is for development for urban purposes.	5 361.00
7	request, under the Planning Act, to—	
	(a) extend a period mentioned in s 341 of that Act for a development approval (Planning Act, s 383(3)(c)(ii)).	276.00
	(b) change a development approval (Planning Act, s 370(2)(a)(ii)).	276.00

Part 3 Fees for environmental authorities

		$
8	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))	551.00
9	application to change environmental authority, other than an application for a minor change or a change approved by the administering authority (Act, s 132(1)(b)).	276.00
10	fee for amendment application for environmental authority (Act, s 226(1)(c))	276.00

		$
11	application to change amendment application for environmental authority (Act, s 236(b))	276.00
12	fee for amalgamation application (Act, s 246(d)) . .	276.00
13	fee for transfer application for environmental authority for a prescribed ERA (Act, s 253(f))	110.40
14	fee for conversion application (Act, s 696(b))	276.00

Part 4 Other fees

		$
15	fee for late payment of an annual fee for environmental authority	110.40
16	fee for consideration of a report about a site investigation (Act, s 382) for—	
	(a) land that is used exclusively for residential purposes and is not the subject of a development application—for each lot	515.00
	(b) any other land—for each lot	1 156.00
17	fee for 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 from the internet	41.55
	(b) otherwise	48.85
18	application for approval as an auditor (Act, s 570(c))	1102.00

Schedule 12 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 national park (recovery);

(vii) a conservation park;

(viii) a forest reserve;

(b) the wet tropics area under the *Wet Tropics World Heritage Protection and Management Act 1993*;

(c) the Great Barrier Reef Region under the *Great Barrier Reef Marine Park Act 1975* (Cwlth);

(d) a marine park under the *Marine Parks Act 2004*, other than a part of the park that is a general use zone under that Act.

2 Meaning of *category B environmentally sensitive area*

A ***category B environmentally sensitive area*** means any of the following—

(a) any of the following areas under the *Nature Conservation Act 1992*—

(i) a coordinated conservation area;

(ii) a wilderness area;

(iii) a World Heritage management area;

(iv) an international agreement area;

(v) an area of critical habitat or major interest identified under a conservation plan;

(vi) an area subject to an interim conservation order;

(b) an area subject to the following conventions to which Australia is a signatory—

(i) the 'Convention on the Conservation of Migratory Species of Wild Animals' (Bonn, 23 June 1979);

(ii) the 'Convention on Wetlands of International Importance, especially as Waterfowl Habitat' (Ramsar, Iran, 2 February 1971);

(iii) the 'Convention Concerning the Protection of the World Cultural and Natural Heritage' (Paris, 23 November 1972);

(c) a zone of a marine park under the *Marine Parks Act 2004*;

(d) an area to the seaward side of the highest astronomical tide;

(e) the following under the *Queensland Heritage Act 1992*—

(i) a place of cultural heritage significance;

(ii) a registered place;

(f) an area recorded in the Aboriginal Cultural Heritage Register established under the *Aboriginal Cultural Heritage Act 2003*, section 46, other than the area known as the 'Stanbroke Pastoral Development Holding', leased under the *Land Act 1994* by lease number PH 13/5398;

(g) a feature protection area, State forest park or scientific area under the *Forestry Act 1959*;

(h) a declared fish habitat area under the *Fisheries Act 1994*;

(i) a place in which a marine plant under the *Fisheries Act 1994* is situated;

(j) an endangered regional ecosystem identified in the database known as the 'Regional ecosystem description database' kept by the department.

Editor's note—

The Regional ecosystem description database is available for inspection—

(a) during office hours, at the Queensland Herbarium, Brisbane Botanic Gardens, Mt Coot-tha Road, Toowong and each regional office of the department; and

(b) on the department's website.

3 Meaning and calculation of *equivalent passenger unit*

(1) An ***equivalent passenger unit*** is a unit of measurement based on the mass of a quantity of tyres, or parts of tyres.

(2) For a quantity of tyres, or parts of tyres, each 9.5kg of the tyres or parts is equivalent to 1 equivalent passenger unit.

4 Meaning of *significantly disturbed land*

(1) Land is ***significantly disturbed*** if—

(a) it is contaminated land; or

(b) it has been disturbed and human intervention is needed to rehabilitate it—

(i) to a condition required under the relevant environmental authority; or

(ii) if the environmental authority does not require the land to be rehabilitated to a particular condition—to the condition it was in immediately before the disturbance.

Examples of a disturbance to land—

- the covering, compaction, exposure, removal or stockpiling of soil or other material
- the destruction or removal of vegetation
- the carrying out of a mining activity in a watercourse or wetland
- the submergence of an area with a hazardous contaminant, tailings, or water

(2) Without limiting subsection (1)(b), land requires human intervention to rehabilitate it if—

(a) the disturbance has made the land more susceptible to erosion; or

(b) the land use capability or suitability of the land is diminished; or

(c) the quality of water in a watercourse downstream of the land has been significantly reduced.

(3) If land is significantly disturbed land because it is contaminated land, it ceases to be significantly disturbed land if a suitability statement is issued for the land.

(4) If land is significantly disturbed land under subsection (1)(b), it ceases to be significantly disturbed land if the administering authority is satisfied the land has been rehabilitated—

(a) to the condition it was in immediately before the disturbance; or

(b) to another condition decided by the administering authority.

5 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

6 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
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

7 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
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

8 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 47.

AES means aggregate environmental score.

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

alluvial mining means excavating, in any way, unconsolidated, waterborne or weathered material (whether or not it is in a watercourse) and processing it by using chemical methods or gravity-separation to extract minerals from the material.

Examples—

gem, gold or tin mining from alluvial wash

annual fee see section 118.

approved EMS, for chapter 8, part 3, division 2, see section 123.

approved partner, for chapter 8, part 3, division 2, see section 124.

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'.

authority number, for an environmental authority, means the unique number issued for the environmental authority by the administering authority.

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.

biological integrity, of water or a wetland, means the ability of the water or 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 water or wetland is located.

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 and hardstand areas

change of ownership, for chapter 9, part 3, see section 160.

characteristic, for chapter 4, see section 47.

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 in the 'Standard for the Uniform Scheduling of Drugs and Poisons' compiled by the

Australian Health Ministers' Advisory Council and published by the Commonwealth; 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 solvent, pigment, dye, printing ink, industrial polish, adhesive, sealant, food additive, bleach, sanitiser, disinfectant, or biocide; 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.

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.

clinical waste see the Waste Management Regulation, schedule 9.

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 Coal Seam Gas Water Management Policy, dated December 2012, prepared by the department and published on its website.

Editor's note—

The department's website is <www.ehp.qld.gov.au>.

commencement, for chapter 9, part 3, see section 160.

commercial, for an activity mentioned in schedule 2, means carried out for a fee or reward.

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.

conformity assessment body, for chapter 8, part 3, division 2, see section 122.

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 47.

council means the National Environment Protection Council under the *National Environment Protection Council (Queensland) Act 1994*.

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'.

department's website means the department's website on the internet.

Editor's note—

The department's website address is <www.ehp.qld.gov.au>.

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.

Example of rock extracted by dimension stone mining—

granite, limestone, marble, sandstone, slate

eligible, for chapter 8, part 3, division 2, see section 122.

environmental emission profile means the document 'Environmental Emission Profiles—A tool to profile the relative risk of environmentally relevant activities under the Environmental Protection Regulation 2008', published by the department.

Editor's note—

A copy of the environmental emission profile is available, free of charge, during business hours from the department's head office at level 3, 400 George Street, Brisbane. On the day this regulation was notified in the gazette, a copy of the document was also available on the department's website.

environmental management decision, for chapter 4, see section 48.

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

equivalent passenger unit see section 1 of this schedule.

ERA means an environmentally relevant activity.

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 waste other than regulated waste.

groundwater means underground water.

hard rock mining means extracting material from underground, or open cut pits, and processing it by crushing or milling and using chemical methods or gravity-separation to extract minerals from it.

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.

high hazard dam means a dam that is assessed as being in a high hazard category within the meaning of the document 'Manual for assessing hazard categories and hydraulic performance of dams' published by the department.

Editor's note—

A copy of the document is available free of charge, during business hours, from the department's head office at level 3, 400 George Street, Brisbane.

industrial waste see the Waste Management Regulation, schedule 9.

initial mixing zone, for chapter 4, see section 47.

interim period, for chapter 9, part 3, see section 160.

JAS-ANZ, for chapter 8, part 3, division 2, see section 122.

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) food processing waste;

(d) quarantine waste that has been rendered non-infectious;

(e) sewage sludge or residue produced in carrying out an activity to which schedule 2, section 63 applies;

Editor's note—

schedule 2, section 63 (Sewage treatment)

(f) treated clinical waste;

(g) tyres.

lower emissions score, for chapter 8, part 3, division 2, see section 125.

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

material, for chapter 4, see section 47.

member of QR Group, for chapter 9, part 3, see section 160.

monitoring, for chapter 4, see section 49.

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 by the department.

Editor's note—

The document is available for inspection during business hours at the department's head office at level 3, 400 George Street, Brisbane and each regional office, and, on the day this regulation was notified in the gazette, was also available on the department's website.

non-urban purposes means purposes other than urban purposes.

NPI NEPM see section 82.

opal mining means extracting material from underground or open cut pits and processing it by manually separating opal rock or by using gravity-separation to extract opal.

operating, in relation to sewage treatment works, see schedule 2, section 63(4).

prescribed environmental management system, for chapter 8, part 3, division 2, see section 122.

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.

published, for chapter 6, see section 83.

QR Limited, for chapter 9, part 3, see section 160.

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

quarantine waste means quarantine waste material under the document called 'Process Management System for the Storage of Quarantine Waste', published by the Australian Quarantine and Inspection Service.

Editor's note—

On the day this regulation was notified in the gazette, the document was available for inspection during office hours at the national office of the Commonwealth Department of Agriculture, Fisheries and Forestry at 18 Marcus Clarke Street, Canberra City ACT.

reduced annual fee, for chapter 8, part 3, division 2, see section 122.

regulated waste see section 65.

related body corporate, for chapter 9, part 3, see section 160.

related waste means waste that constitutes, or is contaminated with, chemicals, cytotoxic drugs, human body parts, pharmaceutical products or radioactive substances.

relevant impacts, for chapter 2 and schedule 1, means the impacts a project has or will have, or is likely to have, on the matter protected by a controlling provision for the project.

relevant site, for chapter 4, see section 47.

reporting period, for chapter 6, see section 83.

reporting requirement, for chapter 6, see section 83.

reporting threshold, for chapter 6, see section 83.

riverine area does not include land outside the flood flow channel of a watercourse.

scheduled area see section 15.

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

Editor's note—

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

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

shallow pit mining means extracting material from an open cut pit no more than 5m deep and processing the material to extract minerals.

significant hazard dam means a dam that is assessed as being in a significant hazard category within the meaning of the document 'Manual for assessing hazard categories and hydraulic performance of dams' published by the department.

Editor's note—

A copy of the document is available free of charge during business hours from the department's head office at level 3, 400 George Street, Brisbane.

source noise, for chapter 5, part 3, division 2, see section 70.

standard cattle unit see section 2 of this schedule.

standard pig unit see section 3 of this schedule.

standard sheep unit see section 4 of this schedule.

stated threshold, for a prescribed ERA to which a section under schedule 2 applies, means a threshold for carrying out the activity stated in the section.

storing, a quantity of a chemical, includes moving the chemical, or some of the chemical, within the site where the chemical is stored.

surface water, for chapter 4, see section 47.

Treasurer, for chapter 9, part 3, see section 160.

treated clinical waste means clinical waste that has been treated to render it non-infectious.

untreated clinical waste means clinical waste, other than treated clinical waste, including, for example, clinical waste that has been only partly treated.

urban purposes means purposes for which land is used in cities or towns, including residential, industrial, sporting, recreation and commercial purposes, but not including environmental, conservation, rural, natural or wilderness area purposes.

waste and resource management hierarchy see the *Waste Reduction and Recycling Act 2011*, schedule.

waste and resource management principles see the *Waste Reduction and Recycling Act 2011*, schedule.

Waste Management Regulation means the *Environmental Protection (Waste Management) Regulation 2000*.

waste reduction and recycling plan see the *Waste Reduction and Recycling Act 2011*, schedule.

water, for chapter 4, see section 47.

watercourse see section 8 of this schedule.

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

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

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

within, a threshold, includes in accordance with the threshold.

Endnotes

1 Index to endnotes

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2 Date to which amendments incorporated

This is the reprint date mentioned in the *Reprints Act 1992*, section 5(c). Accordingly, this reprint includes all amendments that commenced operation on or before 31 May 2013. Future amendments of the *Environmental Protection Regulation 2008* may be made in accordance with this reprint under the *Reprints Act 1992*, section 49.

3 Key

Key to abbreviations in list of legislation and annotations

Key		Explanation	Key		Explanation
AIA	=	Acts Interpretation Act 1954	(prev)	=	previously
amd	=	amended	proc	=	proclamation
amdt	=	amendment	prov	=	provision
ch	=	chapter	pt	=	part
def	=	definition	pubd	=	published
div	=	division	R[X]	=	Reprint No. [X]
exp	=	expires/expired	RA	=	Reprints Act 1992
gaz	=	gazette	reloc	=	relocated
hdg	=	heading	renum	=	renumbered
ins	=	inserted	rep	=	repealed
lap	=	lapsed	(retro)	=	retrospectively
notfd	=	notified	rv	=	revised version
num	=	numbered	s	=	section
o in c	=	order in council	sch	=	schedule
om	=	omitted	sdiv	=	subdivision
orig	=	original	SIA	=	Statutory Instruments Act 1992
p	=	page	SIR	=	Statutory Instruments Regulation 2002
para	=	paragraph	SL	=	subordinate legislation
prec	=	preceding	sub	=	substituted
pres	=	present	unnum	=	unnumbered
prev	=	previous			

4 Table of reprints

A new reprint of the legislation is prepared by the Office of the Queensland Parliamentary Counsel each time a change to the legislation takes effect.

The notes column for this reprint gives details of any discretionary editorial powers under the *Reprints Act 1992* used by the Office of the Queensland Parliamentary Counsel in preparing it. Section 5(c) and (d) of the Act are not mentioned as they contain mandatory requirements that all amendments be included and all necessary consequential amendments be incorporated, whether of punctuation, numbering or another kind. Further details of the use of any discretionary editorial power noted in the table can be obtained by contacting the Office of the Queensland Parliamentary Counsel by telephone on 3237 0466 or email legislation.queries@oqpc.qld.gov.au.

From 29 January 2013, all Queensland reprints are dated and authorised by the Parliamentary Counsel. The previous numbering system and distinctions between printed and electronic reprints is not continued with the relevant details for historical reprints included in this table.

Reprint No.	Amendments included	Effective	Notes
1	2008 SL No. 439	1 January 2009	
1A	2009 Act No. 13	1 July 2009	
1B	2009 SL No. 145	10 July 2009	
1C	2009 SL No. 304	11 December 2009	
1D	2009 SL No. 280	18 December 2009	
1E	2009 SL No. 304	1 January 2010	
1F	2010 SL No. 13	19 February 2010	
1G	2010 SL No. 76	30 April 2010	
1H	2010 Act No. 19	23 May 2010	
1I	2010 SL No. 162	1 August 2010	
1J	2010 Act No. 19	21 September 2010	
1K	2010 SL No. 328	26 November 2010	
1L	2010 SL No. 363	10 December 2010	
1M	2010 SL No. 363	1 January 2011	
1N	2011 SL No. 46	15 April 2011	
1O	2010 SL No. 363 2011 SL No. 80	10 June 2011	
1P	2011 SL No. 145	29 July 2011	
2	2011 SL No. 135	1 August 2011	
2A	2011 SL No. 246	25 November 2011	
2B	2011 SL No. 231	1 December 2011	
2C	2011 SL No. 248	2 December 2011	
2D	2012 SL No. 41	17 February 2012	
2E	2012 SL No. 114	1 August 2012	
2F	2012 SL No. 196	9 November 2012	
2G	2012 SL No. 253	21 December 2012	

Current as at	Amendments included	Notes
31 March 2013	2013 SL No. 25	RA s 44
3 May 2013	2013 Act No. 19	

Current as at	Amendments included	Notes
31 May 2013	2013 SL No. 83	

5 List of legislation

Regulatory impact statements

For subordinate legislation that has a regulatory impact statement, specific reference to the statement is included in this list.

Explanatory notes

All subordinate legislation made on or after 1 January 2011 has an explanatory note. For subordinate legislation made before 1 January 2011 that has an explanatory note, specific reference to the note is included in this list.

Environmental Protection Regulation 2008 SL No. 370

made by the Governor in Council 6 November 2008
notfd gaz 7 November 2008 pp 1319–21
ss 1–2 commenced on date of notification
remaining provisions commenced 1 January 2009 (see s 2)
exp 1 September 2019 (see SIA s 54)
Notes—(1) The expiry date may have changed since this reprint was published. See the latest reprint of the SIR for any change.
(2) A regulatory impact statement and an explanatory note were prepared.

amending legislation—

Environmental Protection and Other Legislation Amendment Regulation (No. 2) 2008 SL No. 439 pts 1–2

notfd gaz 12 December 2008 pp 2044–53
ss 1–2 commenced on date of notification
remaining provisions commenced 1 January 2009 (see s 2)

Right to Information Act 2009 No. 13 ss 1–2, 213 sch 5

date of assent 12 June 2009
ss 1–2 commenced on date of assent
remaining provisions commenced 1 July 2009 (2009 SL No. 132)

Environmental Protection and Other Legislation Amendment Regulation (No. 1) 2009 SL No. 145 pts 1–2, s 2 sch

notfd gaz 10 July 2009 pp 1022–3
commenced on date of notification

Sustainable Planning Regulation 2009 SL No. 280 ss 1–2, pt 9 div 8

notfd gaz 27 November 2009 pp 1001–6
ss 1–2 commenced on date of notification
remaining provisions commenced 18 December 2009 (see s 2)

Environmental Protection Amendment Regulation (No. 1) 2009 SL No. 304

notfd gaz 11 December 2009 pp 1187–91

ss 1–2 commenced on date of notification

s 5 commenced 1 January 2010 immediately after the commencement of the Environmental Protection Act 1994 s 75 as ins by the Great Barrier Reef Protection Amendment Act 2009 s 6 (see s 2 and 2009 SL No. 273)

remaining provisions commenced on date of notification

Environment and Resource Management and Other Legislation Amendment Regulation (No. 1) 2010 SL No. 13 pts 1, 3

notfd gaz 19 February 2010 pp 407–9

commenced on date of notification

Environmental Protection and Other Legislation Amendment Regulation (No. 1) 2010 SL No. 76 pts 1–2

notfd gaz 30 April 2010 pp 1053–4

commenced on date of notification

Note—A regulatory impact statement and explanatory note were prepared.

Transport and Other Legislation Amendment Act (No. 2) 2010 No. 19 ss 1, 2(1)(b), ch 2 pt 8

date of assent 23 May 2010

ss 1–2, 33 commenced on date of assent

remaining provisions commenced 21 September 2010 (see s 2(1)(b) and gazette notice pubd Queensland Government Gazette No. 20, 21 September 2010 p 172)

Environment and Resource Management Legislation Amendment Regulation (No. 2) 2010 SL No. 162 pts 1, 5

notfd gaz 2 July 2010 pp 1033–7

ss 1–2 commenced on date of notification

remaining provisions commenced 1 August 2010 (see s 2)

Environmental Protection Amendment Regulation (No. 1) 2010 SL No. 328

notfd gaz 26 November 2010 pp 810–13

commenced on date of notification

Environmental Protection Legislation Amendment Regulation (No. 1) 2010 SL No. 363 pts 1–2

notfd gaz 10 December 2010 pp 1082–6

ss 1–2 commenced on date of notification

ss 8, 14 commenced 1 January 2011 (see s 2(1))

ss 4–6, 15(1)–(2) commenced 10 June 2011 immediately after the commencement of s 51 of the Water and Other Legislation Amendment Act 2010 No. 53 (see s 2(2) and 2011 SL No. 81)

remaining provisions commenced on date of notification

Environmental Protection Amendment Regulation (No. 1) 2011 SL No. 46

notfd gaz 15 April 2011 pp 624–6

commenced on date of notification

Environmental Protection Amendment Regulation (No. 2) 2011 SL No. 80
notfd gaz 10 June 2011 pp 380–1
commenced on date of notification

Environment and Resource Management Legislation Amendment Regulation (No. 1) 2011 SL No. 135 pts 1, 5
notfd gaz 8 July 2011 pp 632–5
ss 1–2 commenced on date of notification
remaining provisions commenced 1 August 2011 (see s 2)

Environmental Protection Amendment Regulation (No. 3) 2011 SL No. 145
notfd gaz 29 July 2011 pp 788–9
commenced on date of notification

Waste Reduction and Recycling Regulation 2011 SL No. 231 ss 1, 2(b)–(c), 49 sch 9 pt 3
notfd gaz 18 November 2011 pp 547–8
ss 1–2 commenced on date of notification
remaining provisions commenced 1 December 2011 (see s 2(1)(c))

Environmental Protection and Other Legislation Amendment Regulation (No. 1) 2011 SL No. 246 pts 1–2
notfd gaz 25 November 2011 pp 603–6
commenced on date of notification

Environmental Protection Amendment Regulation (No. 4) 2011 SL No. 248
notfd gaz 25 November 2011 pp 603–6
ss 1–2 commenced on date of notification
remaining provisions commenced 2 December 2011 (see s 2)

Environmental Protection Amendment Regulation (No. 1) 2012 SL No. 41
notfd gaz 17 February 2012 pp 340–3
commenced on date of notification

Environment and Heritage Protection Legislation Amendment Regulation (No. 1) 2012 SL No. 114 pts 1, 3
notfd gaz 27 July 2012 pp 927–9
ss 1–2 commenced on date of notification
remaining provisions commenced 1 August 2012 (see s 2)

Environmental Protection and Other Legislation Amendment Regulation (No. 1) 2012 SL No. 196 pts 1, 3
notfd gaz 9 November 2012 pp 319–20
commenced on date of notification

Environmental Protection Amendment Regulation (No. 2) 2012 SL No. 253
notfd gaz 21 December 2012 pp 599–602
commenced on date of notification

Environmental Protection and Other Legislation Amendment Regulation (No. 1) 2013 SL No. 25 pts 1–2
notfd gaz 1 March 2013 pp 331–2
ss 1–2 commenced on date of notification
remaining provisions commenced 31 March 2013 (see s 2)

Queensland Rail Transit Authority Act 2013 No. 19 ss 1, 120 sch 1
date of assent 3 May 2013
commenced on date of assent

Environmental Protection Amendment Regulation (No. 1) 2013 SL No. 83
notfd gaz 31 May 2013 pp 160–5
commenced on date of notification

6 List of annotations

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s 5 amd 2013 SL No. 25 s 4

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s 16 sub 2013 SL No. 25 s 7

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s 19 amd 2009 SL No. 280 s 69
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s 16 amd 2008 SL No. 439 s 13(1); 2009 SL No. 145 s 14(1)–(7); 2013 SL No. 68(25)–(34); 2013 SL No. 83 s 6(1)

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s 17 om 2013 SL No. 25 s 68(35)

Boilermaking or engineering
s 18 om 2013 SL No. 25 s 68(36)

Metal forming
s 19 amd 2013 SL No. 25 s 68(37)–(39)

Metal recovery
s 20 amd 2013 SL No. 25 s 68(40)

Motor vehicle workshop operation
s 21 amd 2009 SL No. 145 s 2 sch; 2009 SL No. 304 s 7(1)
om 2013 SL No. 25 s 68(41)

Edible oil manufacturing or processing
s 24 amd 2013 SL No. 25 s 68(42)

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s 25 amd 2013 SL No. 25 s 68(43)

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s 28 amd 2013 SL No. 25 s 68(44)

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s 29 amd 2013 SL No. 25 s 68(45)

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s 30 amd 2013 SL No. 25 s 68(46)

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s 31 amd 2013 SL No. 25 s 68(47)

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s 32 amd 2013 SL No. 25 s 68(48)

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s 34 om 2013 SL No. 25 s 68(50)

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s 35 amd 2013 SL No. 25 s 68(51)

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s 36 amd 2013 SL No. 25 s 68(52)

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s 37 om 2013 SL No. 25 s 68(53)

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s 38 amd 2009 SL No. 145 s 14(9)–(10); 2013 SL No. 25 s 68(54)–(56)

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s 51 amd 2013 SL No. 25 s 68(75)–(77)

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s 52 amd 2013 SL No. 25 s 68(78)

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s 53 amd 2009 SL No. 145 s 14(14); 2013 SL No. 25 s 68(79)

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