



Queensland

Environmental Protection Amendment Regulation (No. 1) 2009

Subordinate Legislation 2009 No. 304

made under the

Environmental Protection Act 1994

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1 Short title

This regulation may be cited as the *Environmental Protection Amendment Regulation (No. 1) 2009*.

2 Commencement

Section 5 commences immediately after the commencement of the *Environmental Protection Act 1994*, section 75, as inserted by the *Great Barrier Reef Protection Amendment Act 2009*, section 6.

3 Regulation amended

This regulation amends the *Environmental Protection Regulation 2008*.

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

Section 22, editor's note—

omit, insert—

'Editor's note—

The codes are 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.'

5 Insertion of new ch 3, pt 1A

Chapter 3—

insert—

‘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.’.

[s 6]

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

Section 120(2), note—

omit.

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

(1) Schedule 2, section 21(3)(e)(i)—

omit, insert—

‘(i) all the water used is released to a local government’s sewerage infrastructure; or’.

(2) Schedule 2, section 55(3)—

omit, insert—

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

Threshold	Aggregate environmental score
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
2 otherwise carrying out the relevant activity	85’.

(3) Schedule 2, section 56(2)(d) and (e)—

renumber as schedule 2, section 56(2)(e) and (f).

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- (4) Schedule 2, section 56(2)—
insert—
'(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'.
- (5) Schedule 2, section 57(2) and (3)—
renumber as schedule 2, section 57(3) and (4).
- (6) Schedule 2, section 57—
insert—
'(2) The relevant activity does not include transporting chemically treated power poles in a vehicle.'
- (7) Schedule 2, section 64(2)(a)—
omit, insert—
'(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'.
- (8) Section 64(4), definition *trade waste*—
omit.

8 Amendment of sch 3 (Codes of environmental compliance)

- (1) Schedule 3, part 1, item 1, 'Version 3'—
omit, insert—
'Version 4'.
- (2) Schedule 3, part 1, item 2, 'Version 2'—
omit, insert—
'Version 3'.

[s 9]

- (3) Schedule 3, part 1, item 3, ‘Version 2’—
omit, insert—
‘Version 3’.

9 Amendment of sch 12 (Dictionary)

Schedule 12, part 2, definition *trade waste approval—*
omit.

ENDNOTES

- 1 Made by the Governor in Council on 9 December 2009.
- 2 Notified in the gazette on 11 December 2009.
- 3 Laid before the Legislative Assembly on . . .
- 4 The administering agency is the Department of Environment and Resource Management.

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