



Queensland

Environmental Protection and Other Legislation Amendment Regulation (No. 1) 2010

Subordinate Legislation 2010 No. 76

made under the

Environmental Protection Act 1994
Sustainable Planning Act 2009

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Part 1 Preliminary

1 Short title

This regulation may be cited as the *Environmental Protection and Other Legislation Amendment Regulation (No. 1) 2010*.

Part 2 Amendment of Environmental Protection Regulation 2008

2 Regulation amended

This part amends the *Environmental Protection Regulation 2008*.

3 Amendment of s 51 (Matters to be considered for environmental management decisions)

(1) Section 51(1)—

insert—

‘(aa) environmental values declared under this regulation;’.

(2) Section 51(1)(g), ‘the environmental values’—

omit, insert—

‘environmental values’.

4 Amendment of s 58 (Release of water or waste to particular wetlands for treatment)

Section 58(3), definitions *biological integrity* and *wetland*—
omit.

insert—

insert—

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- | | |
|--|------------|
| (ii) less than 200m from a wetland or in a wetland. | 2 000.00 |
| (b) if the application is for development for urban purposes. | 5 000.00’. |

7 Amendment of sch 12 (Dictionary)

Schedule 12, part 2—

insert—

‘biological integrity, of a wetland, means the wetland’s ability 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 in which the wetland is located.

Great Barrier Reef wetland protection area means an area shown as a Great Barrier Reef wetland protection area on the ‘Map of referable wetlands’ of April 2010, a document approved by the chief executive.

non-urban purposes means purposes other than urban purposes.

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.

wetland means an area shown as a wetland on the ‘Map of referable wetlands’ of April 2010, a document approved by the chief executive.’.

11 Amendment of sch 6 (Assessment manager for development applications)

- (1) Schedule 6, table 3, after item 12—

insert—

‘Development in Great Barrier Reef wetland protection area		
13	If tables 1 and 2 do not apply and the application is for— (a) assessable development under schedule 3, part 1, table 4, item 10; and (b) no other assessable development	Chief executive administering the Environmental Protection Act’.

- (2) Schedule 6, table 4, item 1(a)—

insert—

‘(v) assessable development under schedule 3, part 1, table 4, item 10; and’.

12 Amendment of sch 7 (Referral agencies and their jurisdictions)

- (1) Schedule 7, table 2, item 43, column 1, paragraph (a), from ‘lot’ to ‘wetland’—

omit, insert—

‘land is situated in a wetland management area’.

- (2) Schedule 7, table 2, item 43, column 1, paragraph (b), ‘10 lots’—

omit, insert—

‘6 lots’.

- (3) Schedule 7, table 2, after item 43, under heading ‘Land in or near a wetland’—

insert—

[s 12]

‘43A Reconfiguring a lot if— (a) any part of the land is situated in a Great Barrier Reef wetland protection area; and (b) the reconfiguration results in more than 6 lots, or any lot created is less than 5ha; and (c) the reconfiguration involves operational work that is high impact earthworks in a Great Barrier Reef wetland protection area, other than for a domestic housing activity	The chief executive (environment)—as a concurrence agency	The purposes of the Environmental Protection Act
43B Operational work made assessable under schedule 3, part 1, table 4, item 10 if the chief executive (environment) is not the assessment manager	The chief executive (environment)—as a concurrence agency	The purposes of the Environmental Protection Act’.

- (4) Schedule 7, table 3, item 21, column 1, from ‘lot’ to ‘wetland’—

omit, insert—

‘land is situated in a wetland management area’.

- (5) Schedule 7, table 3, after item 21, under heading ‘Land in or near a wetland’—

insert—

‘21A Material change of use, other than for a domestic housing activity, if— (a) any part of the land is situated in a Great Barrier Reef wetland protection area; and (b) the material change of use involves operational work that is high impact earthworks in a Great Barrier Reef wetland protection area	The chief executive (environment)—as a concurrence agency	The purposes of the Environmental Protection Act’.
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13 Amendment of sch 17 (Development for which a notification period of at least 30 business days applies—areas)

- (1) Schedule 17, paragraph (c), ‘contains or shares a common boundary with or is’—

omit, insert—

‘contain or share a common boundary with or are’.

- (2) Schedule 17, paragraph (c)(iv)—

omit, insert—

‘(d) contain or share a common boundary with a wetland management area or a Great Barrier Reef wetland protection area.’.

14 Amendment of sch 26 (Dictionary)

Schedule 26—

insert—

‘***Great Barrier Reef wetland protection area*** means an area shown as a Great Barrier Reef wetland protection area on the ‘Map of referable wetlands’ of April 2010, a document approved by the chief executive (environment).

high impact earthworks—

- 1 *High impact earthworks* means operational work that involves changing the form of land, or placing a structure on land, in a way that diverts water to or from a wetland.
- 2 However, *high impact earthworks* does not include operational work that is—
 - (a) necessary to maintain infrastructure including any core airport infrastructure, buildings, dams, fences, helipads, roads, stockyards, vehicular tracks, watering facilities and constructed drains other than contour banks, other than to source construction material; or

[s 14]

- (b) carried out for a forest practice; or
- (c) excavating not more than 100m³ of material, or using not more than 100m³ of material as fill; or
- (d) excavating not more than 1000m³ of material, or using not more than 1000m³ of material as fill, if the excavating is more than 200m from the wetland in a Great Barrier Reef wetland protection area; or
- (e) excavating to establish underground infrastructure, other than infrastructure for drainage or stormwater flows, if the excavated land is to be restored, as far as practicable, to its original contours after the infrastructure is established; or
- (f) carried out to restore or conserve the ecological processes or hydrological functions of a Great Barrier Reef wetland protection area; or
- (g) carried out completely or partly in a declared fish habitat area or a wild river area, if the work is assessable development under schedule 3, part 1; or
- (h) the constructing or raising of waterway barrier works, if the work is self-assessable development under schedule 3, part 2; or
- (i) carried out for a transport purpose under the Transport Infrastructure Act or the *Transport Planning and Coordination Act 1994* before 29 April 2011; or
- (j) carried out under—
 - (i) the *Electricity Act 1994*, section 101 or 112A; or
 - (ii) the *Fire and Rescue Service Act 1990*, section 53, 68 or 69; or
 - (iii) a geothermal exploration permit under the *Geothermal Exploration Act 2004*.

wetland management area means an area shown as a wetland management area on the ‘Map of referable wetlands’ of April 2010, a document approved by the chief executive (environment).’.

ENDNOTES

- 1 Made by the Governor in Council on 29 April 2010.
- 2 Notified in the gazette on 30 April 2010.
- 3 Laid before the Legislative Assembly on . . .
- 4 The administering agency is the Department of Environment and Resource Management.

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