



Queensland

Environmental Protection Amendment Regulation (No. 4) 2011

Subordinate Legislation 2011 No. 248

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. 4) 2011*.

2 Commencement

This regulation commences on 2 December 2011.

3 Regulation amended

This regulation amends the *Environmental Protection Regulation 2008*.

4 Amendment of s 24A (Definitions for pt 3)

Section 24A, definition *dimension stone mining*—
omit.

5 Insertion of new ch 5, pt 1A

Chapter 5—
insert—

**‘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.

[s 6]

- ‘(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 1m² in the vicinity of the affected land.
- ‘(4) In this section—
- event* means an event mentioned in section 320A(1) of the Act.’.

6 **Amendment of s 119 (Annual fee to accompany particular applications)**

Section 119(2)(b) and note—

omit, insert—

- ‘(b) the annual fee for the relevant authority, unless the relevant authority is—
- (i) a registration certificate for a continuing chapter 4 activity; or
 - (ii) an environmental authority (mining activities) for a level 2 mining project.

Note—

However, see also sections 141 and 144B.’.

7 Insertion of new s 137A

Chapter 8, part 3, division 4—

insert—

‘137A 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 or makes 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 or payable 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.’.

8 Omission of ch 8, pt 4A (Provision for refund of EIS fee)

Chapter 8, part 4A—

omit.

9 Insertion of new ss 144A and 144B

Chapter 8, part 6—

insert—

‘144A 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; and
 - (b) the person has applied for 1 or more relevant mining tenements for the environmental authority mentioned in paragraph (a); and
 - (c) none of the applications for a relevant mining tenement mentioned in paragraph (b) has been 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.

‘144B Holders of particular environmental authorities exempt from annual fee

- ‘(1) This section applies to a holder of an environmental authority for a level 2 mining project 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.'

10 Insertion of new ch 8, pt 7

Chapter 8—

insert—

'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 (mining activities) for a level 2 mining project; 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.

[s 11]

- ‘(2) The administering authority must refund to the person the application fee for the environmental authority.’.

11 Insertion of new ch 9, pt 6

Chapter 9—

insert—

‘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

[s 12]

- (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.’

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

Schedule 2, part 2, section 7(3), table—

omit, insert—

‘Threshold	Aggregate environmental score
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
(b) more than 1000m ³ to 100000m ³	19
(c) more than 100000m ³	37
3 manufacturing, in a year, a total of 200t or more of any of the following—	

'Threshold	Aggregate environmental score
(a) soap, surfactants or cleaning or toiletry products	39
(b) agricultural chemical products or chemicals for biological control	114
(c) medicines, pharmaceutical products, poisons or veterinary chemical products	115
(d) explosives	138
4 manufacturing, in a year, the following quantities of fertiliser—	
(a) 200t to 5000t	33
(b) more than 5000t	153
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
(b) more than 1000t to 10000t	66
(c) more than 10000t to 100000t	139
(d) more than 100000t	202
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
(b) more than 1000t to 10000t	115
(c) more than 10000t to 100000t	200
(d) more than 100000t	268'.

13 Amendment of sch 10 (Fees)

Schedule 10, part 1—

omit, insert—

