



Queensland

# Environmental Protection Amendment Regulation (No. 1) 2012

## Subordinate Legislation 2012 No. 41

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) 2012*.

## 2 Regulation amended

This regulation amends the *Environmental Protection Regulation 2008*.

## 3 Insertion of new ss 24AA and s24AB

Chapter 3, part 2—

*insert—*

### **‘24AA Prescribed matters for environmental management plan—Act, s 310D**

‘(1) For section 310D(2)(e) of the Act, the prescribed matters for an environmental management plan for an application for a coal seam gas environmental authority are—

- (a) how the coal seam gas water management policy, including the preferred management options, has been considered by the applicant; and
- (b) if a non-preferred management option is proposed to be used by the applicant instead of a preferred management option, the reason for using the non-preferred management option.

‘(2) In this section—

*coal seam gas environmental authority* means an environmental authority (chapter 5A activities) for a level 1 chapter 5A activity involving exploring for or producing coal seam gas.

*non-preferred management option* means a non-preferred management option for coal seam gas water stated in the coal seam gas water management policy.

*preferred management option* means a preferred management option for coal seam gas water stated in the coal seam gas water management policy.

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**‘24AB Prescribed circumstance for amending environmental authority (chapter 5A activities)—Act, s 312E**

‘(1) For section 312E(2)(p) of the Act, a prescribed circumstance 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.’.

**4 Amendment of s 56 (Release of water, other than stormwater, to surface water)**

(1) Section 56(2)—

*insert—*

‘(c) if coal seam gas water may be released to surface water—

(i) whether the velocity, volume, rate and timing of the release of the coal seam gas water is compatible with the natural flow regime of the surface water; and

(ii) a prediction, based on available data or relevant hydrological modelling, of the nature and scale of the impact on the natural flow regime of the surface water; and

(iii) the extent of the impact of the coal seam gas water on the biological integrity of the surface water.’.

(2) Section 56(3)—

*insert—*

‘(c) if coal seam gas water may be released to surface water—

(i) minimising the interruption of the recessional stage of the surface water that does not flow continuously; and

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(ii) requiring the applicant to monitor the flow and biological integrity of the surface water and give the administering authority reports about the monitoring.’.

(3) Section 56—

*insert—*

‘(4) In this section—

*recessional stage*, of surface water, means the stage in the flow regime of the surface water when it recedes but before the water has little or no flow.’.

## **5 Insertion of new s 64D**

Chapter 4, part 3—

*insert—*

### **‘64D Activity involving the use or disposal of coal seam gas water**

‘(1) This section applies to the administering authority for making an environmental management decision on an application for an activity that involves, or may involve, the use or disposal of coal seam gas water.

‘(2) The administering authority must consider the coal seam gas water management policy.’.

## **6 Amendment of sch 12 (Dictionary)**

(1) Schedule 12, definition *biological integrity*—

*omit.*

(2) Schedule 12—

*insert—*

‘*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.

***coal seam gas*** means petroleum (in any state) occurring naturally in association with coal or oil shale, or in strata associated with coal or oil shale mining.

***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 June 2010, prepared by the department and published on its website.

*Editor's note—*

The department's website is <[www.derm.qld.gov.au](http://www.derm.qld.gov.au)>.

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#### ENDNOTES

- 1 Made by the Governor in Council on 16 February 2012.
- 2 Notified in the gazette on 17 February 2012.
- 3 Laid before the Legislative Assembly on . . .
- 4 The administering agency is the Department of Environment and Resource Management.

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