



Queensland

Environmental Protection Amendment Regulation (No. 2) 2014

Subordinate Legislation 2014 No. 134

made under the

Environmental Protection Act 1994

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[s 1]

1 Short title

This regulation may be cited as the *Environmental Protection Amendment Regulation (No. 2) 2014*.

2 Commencement

- (1) This regulation, other than section 4, commences on 1 July 2014.
- (2) Section 4(1) is taken to have commenced on 9 May 2014.
- (3) Section 4(2) is taken to have commenced on the commencement of the *Sustainable Planning (Infrastructure Charges) and Other Legislation Amendment Act 2014*, part 3, division 2.

3 Regulation amended

This regulation amends the *Environmental Protection Regulation 2008*.

4 Amendment of s 51 (Matters to be complied with for environmental management decisions)

- (1) Section 51(1)(d)—
omit, insert—
 - (d) if a bilateral agreement requires the matters of national environmental significance to be considered—consider those matters.
- (2) Section 51—
insert—
 - (1A) However, the administering agency is not required to consider the matters mentioned in subsection (1)(d) if the Coordinator-General has, under the State Development Act, section 54Y, issued an environmental approval for the undertaking of all or part of the coordinated project to which the activity relates.

5 Amendment of s 120 (Annual fee for environmental authority)

(1) Section 120(2)(a)(ii), ‘\$570’—

omit, insert—

\$589

(2) Section 120(3), definition *M*—

omit, insert—

M is—

(a) for a relevant prescribed ERA—\$118.20; or

(b) for a resource activity for which the AES stated for the activity in the section under schedule 2 or 2A applying to the activity is 120 or more—

(i) if the annual fee is payable during the period 1 July 2014 to 30 June 2015—\$354.70; or

(ii) if the annual fee is payable during the period from 1 July 2015 to 30 June 2016—\$473; or

(iii) if the annual fee is payable during the period from 1 July 2016 to 30 June 2017—\$591; or

(iv) if the annual fee is payable from 1 July 2017—\$709; or

(c) for any other environmentally relevant activity—\$236.50.

6 Amendment of s 126 (Eligibility for payment of a reduced annual fee)

(1) Section 126(1)(c)(iii), ‘and’—

omit, insert—

or

[s 6]

(2) Section 126(1)(c)—

insert—

- (iv) for a relevant resource environmental authority—is currently carrying out rehabilitation of the land that is the subject of the environmental authority; and

(3) Section 126(1)(d)(iii)—

omit, insert—

- (iii) for a relevant resource environmental authority—the holder is currently carrying out rehabilitation of the land that is the subject of the environmental authority—a statutory declaration, completed by the holder, verifying that—

- (A) the holder has stopped extracting the resource that is the subject of the environmental authority and does not intend to recommence extracting the resource; and

- (B) the holder is currently carrying out rehabilitation of the land that is the subject of the environmental authority; and

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

(4) Section 126(4), definition *disqualifying event*, paragraph (d)—

omit, insert—

- (d) the holder has stopped carrying out rehabilitation of the land that is the subject of the environmental authority;

- (e) the holder recommences extracting the resource that is the subject of the environmental authority;
- (f) there is a compliance action event for the holder.

(5) Section 126(4)—

insert—

relevant resource environmental authority means an environmental authority for a resource activity relating to a mining lease or a petroleum lease for which the AES stated for the activity in the section under schedule 2 or 2A applying to the activity is 120 or more.

7 Amendment of s 127 (What is the *reduced annual fee*)

(1) Section 127(e)(i) to (iii)—

omit, insert—

- (i) for a relevant resource environmental authority—the holder is currently carrying out rehabilitation of the land that is the subject of the environmental authority; or
- (ii) otherwise—
 - (A) the holder is an approved partner; and
 - (B) the holder has an approved EMS; and
 - (C) the holder has a lower emissions score.

(2) Section 127—

insert—

- (2) In this section—

[s 8]

relevant resource environmental authority see section 126(4).

8 Insertion of new ss 135 and 136

Chapter 8, part 3, division 3—

insert—

135 When shortfall in fee for major amendment application payable

- (1) This section applies if—
 - (a) a person makes a major amendment application for an environmental authority; and
 - (b) amending the authority in accordance with the application results 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 authority must, within 20 business days after the amendment application is approved, pay the administering authority the shortfall worked out using the following formula—

$$S = F - P$$

where—

S is the amount of the shortfall.

F is the amount of the part of the major amendment application fee calculated as being 30% of the annual fee that would have been payable for the authority if the amendment results in the activity that is the subject of the authority having an AES that is higher than the AES the activity had when the amendment application was made.

P is the amount of the part of the major amendment application fee calculated as being

30% of the annual fee that was paid when the amendment application was made.

- (3) If the holder does not pay the shortfall within 20 business days under subsection (2), the administering authority may recover the shortfall as a debt owed to the authority.
- (4) This section applies in addition to section 134.

136 Refunding overpayment of fee for major amendment application

- (1) This section applies if—
 - (a) a person makes a major amendment application for an environmental authority; and
 - (b) amending the authority in accordance with the application results in an annual fee being payable that is lower than the annual fee for the authority as stated in the last annual notice for the authority.
- (2) The administering authority must refund to the holder any overpayment of the part of the fee for the application that was calculated as being 30% of the annual fee for the authority the subject of the application when the application was made.

9 Amendment of s 138 (Fee for anniversary changeover application)

Section 138(1), '285.60'—

omit, insert—

295.60

10 Amendment of sch 2A (Aggregate environmental scores for particular resource activities)

Schedule 2A, table, item 20—

Part 1 Fees for environmental impact statements

	\$
1 submitting draft terms of reference for an EIS (Act, s 41(2)(b))	34 457.00
2 submitting an EIS (Act, s 47(2))	169 880.00
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))	11 485.00
4 application for approval to voluntarily prepare an EIS (Act, s 71(d)(ii))	589.00

Part 2 Fees for environmental authorities

	\$
5 fee for 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))—	
(a) for a standard application	570.00
(b) for a site specific application or variation application	570.00 plus 30% of the annual fee for the authority that is the subject of the application
6 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))	295.60
7 fee for amendment application for environmental authority (Act, s 226(1)(c))—	

[s 11]

	\$
(a) for a minor amendment application	285.60
(b) for a major amendment application	285.60 plus 30% of the annual fee for the authority that is the subject of the application
8 application to change amendment application for environmental authority (Act, s 236(b)). . . .	295.60
9 fee for amalgamation application (Act, s 246(d))	295.60
10 fee for transfer application for environmental authority for a prescribed ERA (Act, s 253(f)) .	118.20
11 fee for conversion application (Act, s 696(b)). .	295.60

Part 3 Other fees

	\$
12 fee for late payment of an annual fee for environmental authority.	118.20
13 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	551.00
(b) any other land—for each lot	1 237.00
14 application for a temporary emissions licence (Act, s 357B(5))	2 277.00
15 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. . . .	44.50

	\$
(b) otherwise	52.30
16 application for approval as an auditor (Act, s 570(c))	1 179.00

12 Amendment of sch 12 (Dictionary)

Schedule 12, part 1, section 2(e)(ii)—

omit, insert—

- (ii) a Queensland heritage place, unless there is an exemption certificate issued under that Act;

ENDNOTES

- 1 Made by the Governor in Council on 26 June 2014.
- 2 Notified on the Queensland legislation website on 27 June 2014.
- 3 The administering agency is the Department of Environment and Heritage Protection.

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 Authorised by the Parliamentary Counsel