



Queensland

Environmental Protection (Commercial Cropping and Horticulture Activities in Great Barrier Reef Catchment) Amendment Regulation 2021

Subordinate Legislation 2021 No. 42

made under the

Environmental Protection Act 1994

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1 Short title

This regulation may be cited as the *Environmental Protection (Commercial Cropping and Horticulture Activities in Great Barrier Reef Catchment) Amendment Regulation 2021*.

2 Commencement

This regulation commences on 1 June 2021.

3 Regulation amended

This regulation amends the *Environmental Protection Regulation 2019*.

4 Amendment of s 41AA (Release of particular contaminants to Great Barrier Reef catchment waters and other waters)

(1) Section 41AA(3)—

omit, insert—

(3) The administering authority must refuse to grant the application if the authority considers that—

(a) the relevant activity will, or may, have a residual impact; and

(b) having regard to the matters mentioned in the water quality offset policy, the residual impact will not be adequately counterbalanced by offset measures for the relevant activity.

(2) Section 41AA(4)(b)—

omit, insert—

(b) remains, or is likely to remain, in the water despite mitigation measures for the relevant activity.

(3) Section 41AA—

insert—

[s 5]

- (4A) For subsection (4), the presence of fine sediment must be detected by measuring total suspended solids.
- (4) Section 41AA(5), ‘A **mitigation measure**, for a relevant activity, is a measure’—
omit, insert—
Mitigation measures, for a relevant activity, are activities
- (5) Section 41AA(4A) and (5)—
renumber as section 41AA(5) and (6).
- (6) Section 41AA—
insert—
(7) **Offset measures**, for a relevant activity, are activities carried out to reduce the load of fine sediment, or dissolved inorganic nitrogen, in Great Barrier Reef catchment waters, or waters mentioned in subsection 1(b).
- (8) For subsections (6) and (7), a mitigation measure, or an offset measure, for a relevant activity may be carried out at the place where the relevant activity is carried out or elsewhere.
- (9) In this section—
load, of fine sediment, or dissolved inorganic nitrogen, in water, means the total mass of the fine sediment, or dissolved inorganic nitrogen, in the water, measured over a period of time.
water quality offset policy means the document called ‘Point source water quality offsets policy 2019’ published on the department’s website.

5 **Amendment of s 183 (Holders of particular environmental authorities exempt from annual fee)**

Section 183(1)(b), after ‘section 13A’—

insert—

, if the prescribed ERA is the only environmentally relevant activity carried out under the environmental authority

6 Amendment of s 217 (Application of sch 2, pt 2A to activities on particular land)

Section 217, note—

omit, insert—

Notes—

- 1 This section replaces previous section 216, which was inserted by the *Environmental Protection (Great Barrier Reef Protection Measures) and Other Legislation Amendment Regulation 2019*.
- 2 See also section 224.

7 Insertion of new ch 11, pt 8

Chapter 11—

insert—

Part 8 Transitional provisions for Environmental Protection (Commercial Cropping and Horticulture Activities in Great Barrier Reef Catchment) Amendment Regulation 2021

224 Disapplication of s 217

Section 217 does not apply.

225 Application of sch 2, pt 2A to activities on particular land

- (1) This section applies in relation to land if the cultivation of crops or horticulture was carried out on the land at any time between 1 June 2018 and 31 May 2021, both dates inclusive.
- (2) During the transitional period, a reference to uncropped land in schedule 2, section 13A(1) does not include the land mentioned in subsection (1).
- (3) An activity mentioned in subsection (1) includes preparatory work for the activity.
- (4) In this section—

preparatory work, for an activity, see schedule 2, section 13A(6).

transitional period means the period that starts on 1 June 2021 and ends on 31 May 2026.

8 Amendment of sch 2 (Prescribed ERAs and aggregate environmental scores)

- (1) Schedule 2, section 13A(1)—

omit, insert—

- (1) Commercial cropping and horticulture (the *relevant activity*) consists of the cultivation of 1 or more crops or horticulture carried out—
 - (a) on at least 5ha of uncropped land—
 - (i) in a particular river basin; and
 - (ii) whether or not the land is contiguous; and
 - (b) on a commercial basis.

- (2) Schedule 2, section 13A(3)—

omit.

- (3) Schedule 2, section 13A(4)—

omit, insert—

(4) For subsection (1)(a), land is *uncropped land* unless—

(a) the land was used to carry out the cultivation of crops, or horticulture, during at least 3 different calendar years, whether or not the calendar years are consecutive, that started and ended within 10 years before the relevant activity starts on the land; and

(b) the cultivation of crops, or horticulture, mentioned in paragraph (a) was not carried out under an environmental authority for a prescribed ERA under this section.

(4) Schedule 2, section 13A(4) to (7)—

renumber as schedule 2, section 13A(3) to (6).

9 Amendment of sch 7 (Approved ERA standards)

Schedule 7, part 2—

insert—

27 ERA standard—Commercial cropping and horticulture in the Great Barrier Reef catchment (prescribed ERA 13A) – version 1

10 Amendment of sch 13 (Other local governments)

Schedule 13—

insert—

Banana Shire Council

11 Amendment of sch 15 (Fees)

(1) Schedule 15, item 5(b), from ‘for the prescribed ERA’—

omit, insert—

[s 11]

for an environmental authority for only the prescribed ERA mentioned in schedule 2, section 13A

- (2) Schedule 15, item 5(c), ‘another activity’—

omit, insert—

an environmental authority for another activity

- (3) Schedule 15, item 8(a), ‘for a’—

omit, insert—

only for the

ENDNOTES

- 1 Made by the Governor in Council on 13 May 2021.
- 2 Notified on the Queensland legislation website on 14 May 2021.
- 3 The administering agency is the Department of Environment and Science.

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