

**Report on the administration of the  
*Environmental Protection Act 1994*  
2009–2010**

Prepared by:

Department of Environment and Resource Management

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## Executive summary

This Report on the Administration of the *Environmental Protection Act* is an annex to the Annual Report for the Department of Environment and Resource Management (DERM) for the financial year 2009–2010.

The purpose of the report is to allow the Queensland Parliament—through the Minister for Environment and Resource Management—to assess the performance of DERM in relation to the administration of this Act.

The *Environmental Protection Act 1994* (the Act) is an Act for the protection of Queensland's environment, while allowing for sustainable development. The Act is jointly administered by the State and local governments. Section 546 of the Act provides for an annual report to the parliament on the administration of the Act.

The objective of this report is to demonstrate the effective administration by the administering authorities of the *Environmental Protection Act 1994*. It reports on all activities undertaken by the applicable administering authority in the financial year 2009–2010 and must include:

- (i) the types and number of environmentally relevant activities administered by the authority;
- (ii) the action taken by the authority to enforce this Act;
- (iii) the number of complaints about contraventions of this Act received by the authority;
- (iv) the other information the chief executive requires by written notice given to the administering authority at least 2 months before the end of the year.

The administration of activities under the Act may be summarised as follows:

### Administration by the State:

Environmentally relevant activities administered	11 110
Compliance inspections	1 438
Statutory compliance and infringement notices	265
Complaints received	2 125

### Administration by local governments:

Environmentally relevant activities administered	9 577
Statutory compliance and infringement notices	1 220
Complaints received	17 037

This report demonstrates that the Department of Environment and Resource Management is achieving its statutory requirements to protect Queensland's environment while promoting ecologically sustainable development.

John Bradley

**Director-General**

**Department of Environment and Resource Management**

# 1. Introduction

The object of the Act is to protect Queensland's environment, while allowing ecologically sustainable development to improve the total quality of life in a way that maintains ecological processes, both now and in the future.

The Act provides for protection of Queensland's environment by achieving an integrated management program consistent with ecologically sustainable development. The Department of Environment and Resource Management (DERM) has responsibility for the overall administration of the Act, including the following subordinate legislation:

- Environmental Protection Regulation 2008
- Environmental Protection (Air) Policy 2008
- Environmental Protection (Noise) Policy 2008
- Environmental Protection (Waste Management) Regulation 2000
- Environmental Protection (Waste Management) Policy 2000
- Environmental Protection (Water) Policy 2009.

## 1.1 Environmentally relevant activities

The Act defines three types of environmentally relevant activities (ERAs). These are Chapter 4 activities, mining activities and Chapter 5A activities. Chapter 4 activities are generally industrial or commercial activities that may release contaminants with potential to cause environmental harm, other than as part of a mining or petroleum or gas project. Mining activities include exploration, extraction, rehabilitation and similar activities that are authorised under the *Mineral Resources Act 1989*. Chapter 5A activities are petroleum and gas activities that are authorised under the *Petroleum Act 1923*, the *Petroleum and Gas (Production and Safety) Act 2004* and the *Petroleum (Submerged Lands) Act 1982*, and greenhouse gas storage activities authorised under the *Greenhouse Gas Storage Act 2009*.

## 1.2 Administering authorities

The Act is administered through co-regulatory arrangements with local governments, and in conjunction with other government departments. Chapter 11 of the Act provides for the administration of the Act to be devolved or delegated to local governments, or delegated to other agencies. Local governments have been devolved the administration of the Act in relation to particular activities and matters.

All local governments have been devolved responsibility for environmental nuisance, noise standards, prescribed water contamination and particular Chapter 4 activities<sup>1</sup>. All local governments have a delegated responsibility for the enforcement and management of litter and illegal waste disposal.

The Department of Employment, Economic Development and Innovation (DEEDI) has been delegated powers for administering the Act for environmentally relevant activities associated with cattle feedlots, piggeries, dairy farming and livestock holding facilities.

## 1.3 Annual reporting requirement

The Act provides for annual reporting on the administration of the Act. Each administering authority, other than the chief executive, is required to report to the chief executive within two months of the end of the financial year. The chief executive then provides a report to the Minister within four months of the end of the financial year. The Minister must table the report in parliament within 14 sitting days of its receipt.

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<sup>1</sup> The activities devolved to local government are listed in s. 101 of the Environmental Protection Regulation 2008.

## 2. Changes to the *Environmental Protection Act 1994* and subordinate legislation

During the 2009–2010 reporting year there were significant changes to the legislation, regulations and policies. The changes are summarised below in Table 1.

**Table 1: Changes to environmental protection legislation in 2009–2010.**

<b><i>Environmental Protection Act 1994</i></b>	
<b>Major amendments</b>	
<i>Great Barrier Reef Protection Amendment Act 2009</i> No. 42 Pts. 1, 2	Major amendments to insert new agricultural ERAs that included certain cattle and cane farm operations in some Great Barrier Reef catchments.
<i>South-East Queensland Water (Distribution and Retail Restructuring) and Other Legislation Amendment Act 2010</i> No. 20 ss. 1, 2(2)(a), Pt. 4	Major amendments to insert new requirements that improve the management of coal seam gas water arising from exploration or extraction of coal seam gas.
<b>Minor amendments</b>	
<i>Right to Information Act 2009</i> No. 13 ss. 1–2, 213, Sched. 5	Minor amendments consequential to the new right to information (RTI) laws.
<i>Sustainable Planning Act 2009</i> No. 36 ss. 1–2, 872, Sched. 2	Minor amendments consequential to the planning law reforms made under the new <i>Sustainable Planning Act 2009</i> (SP Act). These ensure that arrangements under the repealed <i>Integrated Planning Act 1997</i> continued to apply under the new SP Act.
<i>Natural Resources and Other Legislation Amendment Act 2010</i> No. 12 ss. 1, 251, Sched.	Minor amendments consequential to <i>Forestry Act 1959</i> amendments, which clarify compensation arrangements in the event that access to the land results in loss or damage and compensation is payable.

<b><i>Environmental Protection Regulation 2008</i></b>	
<b>Major amendments</b>	
Environmental Protection Amendment Regulation (No. 1) 2009 SL No. 304	Major amendments to state the specific requirements for agricultural ERAs, such as arrangements for soil testing and fertiliser and chemical requirements.
Environmental Protection and Other Legislation Amendment Regulation (No. 1) 2010 SL No. 76 Pts. 1–2	Major amendments that supported the introduction of new regulatory arrangements for wetlands in some Great Barrier Reef catchments in Queensland.
<b>Minor amendments</b>	
<i>Right to Information Act 2009</i> No. 13 ss. 1–2, 213, Sched. 5	Minor amendments consequential to the new Right to Information laws.
Environmental Protection and Other Legislation Amendment Regulation No. 1 2009 SL No. 145 Pts. 1–2, s. 2, Sched.	Minor amendments to resolve technical errors and/or clarify aspects of the Regulation, including definitions of environmentally relevant activities.
Sustainable Planning Regulation 2009 SL No. 280 ss. 1–2, Pt. 9 Div. 8	Minor amendments consequential to the planning law reforms made under the new Sustainable Planning Regulation 2009.

<b>Environmental Protection Regulation 2008</b>	
Environment and Resource Management and Other Legislation Amendment Regulation (No. 1) 2010 SL No. 13 Pts. 1, 3	Minor amendments to correct the names of several local government areas that fall within the list of scheduled areas.
Transport and Other Legislation Amendment Act (No. 2) 2010 No. 19 ss. 1, 2(1)(b), Ch. 2 Pt. 8	Minor amendments to transitional provisions for members of Queensland Rail Group.

<b>Environmental Protection (Water) Policy 2009</b>	
<b>Major amendments</b>	
Environmental Protection (Water) Policy 2009 SL No. 178	Major amendments to provide for a new Environmental Protection (Water) Policy in August 2009.
<b>Minor amendments</b>	
Sustainable Planning Regulation 2009 SL No. 280 ss. 1–2, pt. 9 div. 9	Minor amendments consequential to the planning law reforms made under the new SP Act.
Environmental Protection (Water) Amendment Policy (No. 1) 2010 SL No. 185	Minor amendments consequential to the changes to the <i>South-East Queensland Water (Distribution and Retail Restructuring) Act 2009</i> .

### 3. Environmentally relevant activities

The assessment process and approval requirement for ERAs varies depending on the type of ERA. A Chapter 4 activity, other than an activity to which a code of environmental compliance applies, requires a development approval issued under the *Sustainable Planning Act 2009* and a registration certificate issued under the Act. A mining activity or a Chapter 5A activity requires an environmental authority issued under the Act. The number and type of ERAs administered are provided in Table 2 and the number of approvals given in 2009–2010 are listed in Table 3.

The assessment process for some of the higher risk activities is varied to provide a more intensive assessment process. These assessments are conducted through extensive environmental impact assessments under the Act or through advice to the Coordinator-General under the *State Development and Public Works Organisation Act 1971* (SD&PWO Act). A summary of major project assessments managed, or significantly contributed to, by DERM during 2009–2010 is outlined in Tables 4 and 5.

The development approval or the environmental authority may contain conditions relevant to the activity. These conditions are designed to prevent or minimise environmental harm from the operation of the activity.

Details of the type and number of ERAs administered by the State as of 30 June 2010 are attached in Appendix 1.

**Table 2: Environmentally relevant activities administered at 30 June 2010.**

	DERM	DEEDI	Local government	Total
Chapter 4 activities	5 522	599	9 577	15 698
Mining activities	5 247	-	-	5 247
Chapter 5A activities	341	-	-	341
Total	11 110	599	9 577	21 286

**Table 3: Environmental authorities<sup>2</sup> issued during 2009–2010.**

	DERM	DEEDI	Local government	Total
Chapter 4 activity permits or concurrence responses	2 841	42	638	3 518
Registration certificates	772	42	938	1 749
Mining activity authorities	801	698	-	1 499
Chapter 5A authorities	77	-	-	77
Total	4 491	782	1 576	6 843

**Table 4: Assessments completed in 2009–10.**

Project	Type	Assessment process
Eagle Downs Coal	Coal mine	EIS under EP Act <sup>2</sup>
Cloncurry Copper	Metalliferous mine	Voluntary EIS under EP Act
Surat Gladstone Pipeline	Natural gas pipeline	EIS under EP Act

<sup>2</sup> Environmental Protection Act 1994.

**Table 5: Assessments in progress during 2009–2010.**

Project name	Type of project	Assessment process
Alpha Coal Mine	Coal mine	EIS under SD&PWO Act <sup>3</sup>
Australia Pacific LNG	Liquid natural gas plant	EIS under SD&PWO Act
Bell Creek Nornico	Metalliferous mine	Voluntary EIS under EP Act
Bloodwood Creek UCG	Underground coal gasification	Voluntary EIS under EP Act
Gladstone Steel Making Facility	Steel plant	EIS under SD&PWO Act
Boundary Hill Coal	Coal mine	EIS under EP Act
BMA Caval Ridge	Coal mine	EIS under SD&PWO Act
BMA Daunia	Coal mine	EIS under SD&PWO Act
Cameby Downs Expansion	Coal mine	Voluntary EIS under EP Act
Cannington Expansion	Metalliferous mine	Voluntary EIS under EP Act
Codrilla Coal	Coal mine	EIS under EP Act
Connors River Dam	Water supply dam	EIS under SD&PWO Act
Drake Coal	Coal mine	Voluntary EIS under EP Act
Dugald River	Metalliferous mine	Voluntary EIS under EP Act
Eaglefield Expansion	Coal mine	Voluntary EIS under EP Act
East End Mine Expansion	Limestone mine	EIS under EP Act
Einasleigh Copper	Metalliferous mine	Voluntary EIS under EP Act
Elimatta Coal	Coal mine	EIS under EP Act
Ellensfield Coal	Coal mine	Voluntary EIS under EP Act
Emu Swamp Dam	Water supply dam	EIS under SD&PWO Act
Felton Coal	Coal mine	Voluntary EIS under EP Act
Foxleigh Plains	Coal mine	Voluntary EIS under EP Act
Grosvenor Coal	Coal mine	Voluntary EIS under EP Act
Kevin's Corner	Coal mine	EIS under SD&PWO Act
Kunioon Coal	Coal mine	Voluntary EIS under EP Act
Linc Energy	Underground coal gasification	EIS under SD&PWO Act
Middlemount Stage 2	Coal mine	Voluntary EIS under EP Act

<sup>3</sup> *State Development and Public Works Organisation Act 1971.*

<b>Project name</b>	<b>Type of project</b>	<b>Assessment process</b>
Millennium Coal	Coal mine	Voluntary EIS under EP Act
Mungana Gold	Metalliferous mine	Voluntary EIS under EP Act
Nathan Dam	Water supply dam	EIS under SD&PWO Act
New Acland – Stage 3 Expansion	Coal mine	EIS under SD&PWO Act
Paradise South Phosphate	Phosphate mine	EIS under EP Act
Pisolite Hills	Bauxite mine	EIS under EP Act
Queensland Curtis LNG	Liquid natural gas plant	EIS under SD&PWO Act
Rocklands Copper	Metalliferous mine	Voluntary EIS under EP Act
Rolleston Expansion	Coal mine	EIS under EP Act
Sarum Coal	Coal mine	EIS under EP Act
Shell LNG	Liquid natural gas plant	EIS under SD&PWO Act
Sun LNG	Liquid natural gas plant	Voluntary EIS under EP Act
Surat Gas Project	Coal seam gas field	Voluntary EIS under EP Act
Surat Gladstone Pipeline	Natural gas pipeline	EIS under EP Act
Wandoan Coal	Coal mine	EIS under SD&PWO Act
Waratah Galilee Coal	Coal mine	EIS under SD&PWO Act
Washpool Coal	Coal mine	Voluntary EIS under EP Act
Wateranga	Mineral mine	EIS under EP Act
Woori Coal	Coal mine	Voluntary EIS under EP Act
ZeroGen	Power and CO <sup>2</sup> geosequestration	EIS under SD&PWO Act

## 4. Contaminated land

Land contamination can occur as a result of poor environmental management and waste disposal practices, or accidental spills from industrial or commercial activities. Details of land that has been used for notifiable activities, for example, service stations, landfills and tanneries, are kept on the Environmental Management Register (EMR) to monitor and manage potential land contamination issues. Entry on the EMR does not mean that the land must be cleaned up or that the current land use must stop.

Site investigation and validation reports may be prepared to assess the presence and extent of contamination on a site. If necessary, a site management plan may be prepared to state the way in which contamination will be managed to prevent environmental harm.

Where DERM is satisfied that the land is contaminated and action is required to remediate the land to prevent serious environmental harm, the land may be listed on the Contaminated Land Register (CLR). Land can be transferred from the CLR to the EMR where site management plans have been implemented to manage the contamination so that it no longer causes environmental harm or poses a risk to human health.

When DERM is satisfied that the land is not or is no longer contaminated, it is removed from the EMR. When land is removed from either register, DERM issues a suitability statement for the land.

Searches to find out if a particular site is listed on the EMR or the CLR can be conducted through DERM (linked to Smart Service Queensland) or via CITEC Confirm <[www.citec.com.au](http://www.citec.com.au)>. CITEC Confirm and DERM both offer an immediate response to online searches.

A summary of contaminated land management activities undertaken by DERM during 2009–2010 is given in Table 6.

**Table 6: Contaminated land management 2009–2010.**

Number of sites on the Environmental Management Register	21 828
Number of sites on the Contaminated Land Register	12
Development applications (SP Act) assessed and responses issued	479
Site investigation and validation reports received	120
Site management plans approved	325
Suitability statements issued	490
Soil disposal permits issued	135
Searches of the environmental management and contaminated land registers	82 592

## 5. Complaints and incidents

The responsibility for managing environmental complaints and incidents is shared between the State and local governments. The State responds to complaints regarding serious and material environmental harm, and the activities and ERAs it administers, including the activities of local governments. Local government is generally responsible for the investigation of complaints about waste dumping, littering, release of prescribed water contaminants, nuisance and ERAs administered by local government.

Where a complaint or environmental incident is dealt with by the State, DERM responds directly or co-ordinates a response in conjunction with other Queensland government agencies or local governments, depending on the type of complaint or environmental incident. Some incidents of environmental significance, such as oil spills from ships, may be covered by other legislation and DERM provides a support role to the administering department.

### 5.1 Complaints

A summary of complaints during 2009–2010 is provided in Table 7.

**Table 7: Complaints received in 2009–2010.**

DERM	2027
DEEDI	98
Local government	17 037
Total	19 162

The total number of complaints recorded by local governments and the total number of complaints recorded in 2009–2010 was lower than recorded in the previous year. The number of complaints varies from year to year and no particular trend is evident in the numbers of complaints received. The majority of nuisance complaints (67 per cent) received by local government were related to residential sources.

### 5.2 Incidents

The DERM pollution hotline (1300 130 372) provides a service for reporting of major pollution incidents, such as chemical spills impacting on the environment. The hotline uses a single telephone number across Queensland, and is available 24 hours a day, seven days a week.

Major incidents involving DERM in 2009–2010 are outlined below.

#### **Hendra virus outbreak—Rockhampton**

An exotic animal disease incident started in Rockhampton on 24 July 2009 with an outbreak of Hendra virus at a horse stud, resulting in the death of a veterinary surgeon and four horses. The outbreak site was placed under high level quarantine by DEEDI for three months. DERM assisted DEEDI by providing advice on the handling and disposal of infectious waste, disposal of contaminated soil, the environmental consequences of the use of chemical disinfectants, assessment of the risk to groundwater and surface water, and responding to concerns about the management of flying foxes (protected animals) and vegetation.

#### **Lead concentrate spill—Cloncurry**

On 2 September 2009, five train carriages were derailed spilling between 250 and 300 tonnes of lead concentrate on black soil flood plains 72 km east of Cloncurry. Queensland Rail engaged Golder Associates as project managers to recover the concentrate, clean up the site and dispose of contaminated wastes. DERM officers attended the incident to ensure that the contaminants were contained and that the site was properly remediated.

#### **Grounding of the bulk carrier Shen Neng 1 on Douglas Shoal—Great Barrier Reef**

On 3 April 2010, the coal carrier Shen Neng 1 grounded on Douglas Shoal, approximately 50 nautical miles north of the entrance to the port of Gladstone. The ship's hull was seriously damaged resulting in the release of an estimated eight tonnes of bunker oil in total. The ship was refloated in mid-April and towed to a location off Great Keppel Island where the damage was further assessed and oily water and fuel was pumped out of the ship. In May, the ship was towed to a place of refuge in Hervey Bay where a portion of the cargo was removed to make the ship sufficiently seaworthy to leave Australian waters. On 21 May, the ship began its journey under tow first to Gladstone then to China.

DERM officers worked with officers from the Great Barrier Reef Marine Park Authority giving planning and environmental advice to Maritime Safety Queensland. DERM officers carried out shoreline assessments, underwater assessments, and gave advice on oiled wildlife management and waste management activities.

#### **Ammonium nitrate explosives incident—Bajool**

On 1 October 2009, DERM officers attended the Bajool Explosives Reserve on the Bruce Highway 35 km south of Rockhampton, which had been evacuated because of the risk of explosion of a 23 000 litres tank of explosive slurry that had overheated and was emitting large quantities of gaseous compounds. The Bajool site is a major storage facility for ammonium nitrate and other explosives used by the mining industry in central Queensland. The primary risks were from fire or explosion releasing contaminants to the adjacent waterway and the nearby township of Bajool. Over the eight hours of the incident, DERM officers worked closely with Queensland Fire and Rescue Service and Queensland Police Service to provide advice on the chemical reactions, response options, likely contaminants and measures necessary to minimise the risk of releases and consequential serious environmental harm.

#### **Herbicide truck rollover—Wandoan**

On 11 February 2010, a truck carrying a load of mixed herbicides rolled over adjacent to Roche Creek 20 km north of Wandoan on the Leichhardt Highway, resulting in the release of 20 000 litres of chemical into the table drain. Due to the impending risk of heavy rain and likelihood of serious environmental harm to Roche Creek and downstream water users, DERM took emergency action to ensure that the site was cleaned up and remediated.

#### **MMG (Century Zinc) pipeline spill—Gregory Downs**

On 5 October 2009, there was a failure in the 300 km pipeline between the MMG Century Zinc mine and the port at Karumba resulting in the release of an estimated 750 tonnes of zinc concentrate in the vicinity of Gregory Downs. DERM officers attended the incident and supervised the initial cleanup works over an eight day period. Contaminated soils were taken back to the mine and disposed of in the tailings dam.

#### **Pesticide truck rollover—Millmerran**

On 9 June 2010, a truck carrying insecticides and fungicides overturned and caught on fire on the Gore Highway near Millmerran. The chemicals and fire water pooled and soaked into the earthen table drain contaminating an area of approximately 10 square metres. The site was declared safe by Queensland Fire and Rescue Service the following day. DERM then arranged with the Toowoomba Regional Council for the contaminated soil and sawdust to be removed and disposed of and the site remediated.

#### **Lead concentrate truck rollover—McKinlay**

On 28 February 2010, a road train with two trailers overturned on the Landsborough Highway spilling two tonnes of lead concentrate, some of which was released to nearby Rutchillo Creek. DERM officers attended the site during the cleanup operation, which was performed by Broken Hill Proprietary Limited (BHP). BHP used sandbagging to prevent the lead concentrate from flowing downstream and pumping to remove contaminated water from Rutchillo Creek. DERM oversaw the remediation of the site, which involved BHP sampling the site of the spill and downstream in Rutchillo Creek to ensure that all contamination had been removed.

#### **Hazmat spill from shipping container at Port of Brisbane**

On 29 August 2009, approximately 2800 litres of ethanolamine was spilled from three containers onto the deck of Patrick's wharf at the Port of Brisbane. DERM's assistance was requested by Queensland Fire and Rescue Service. The response involved removing the bulk of the spilled product with absorbent materials. The contaminated absorbent material was then placed into overpack drums for transport and appropriate disposal. However, residual product on the wharf still posed a risk to human health and safety. Due to the low volumes, low toxicity of this product and the short half life of the product, it was considered appropriate for the residual contaminant to be hosed into the Brisbane River.

#### **Oil platform leak—Timor Sea**

On 21 August 2009, the West Atlas oil platform in the Timor Sea suffered an oil and gas blow-out resulting in a large-scale spill and oil slick. DERM assisted the Australian Maritime Safety Authority (AMSA) by providing advice on the potential for wildlife to be impacted and the development of an oiled wildlife response plan.

## 6. Enforcement

### 6.1 Regulatory compliance program

Annual compliance plans form part of DERM's compliance strategy, in which compliance is approached in a targeted and transparent way. Risks to Queensland's environment are proactively managed and monitored, and action is taken to deal with non-compliance through a modern and strong enforcement capability.

The objective of DERM's Compliance Strategy 2008–2012 was to build a foundation of environmental compliance through which business, industry and the community can engage with sustainability.

The objective of the Annual Compliance Plan 2009–2010 (ACP) was to reduce risks from the activities regulated by DERM by improving the levels of compliance in the regulated community. The ACP targeted areas where there was significant risk or opportunities to improve performance. Projects included in the ACP addressed critical issues, emergent issues and maintenance issues.

The number of sites targeted for on-site compliance assessment each year is based on risks identified, anticipated workload and available resources. The complexity of the compliance inspections varies depending on the risk posed by a facility or the type of issues being assessed.

Level A inspections are used for initial risk assessments of sites, or to assess a portion of a licensed operation. For example, stormwater management at a low risk site, investigation of a dust complaint at a site, or checking compliance with an enforcement notice.

Level B inspections are used for checking compliance with statutory documents issued by DERM, such as development approval and environmental authority conditions. Sites where Level B inspections are undertaken include any activity licence by DERM that poses a medium to high environmental risk.

Level C inspections are detailed audits used for checking compliance with statutory documentation and the broader legislation. Extensive documentary evidence of compliance is expected and may involve validation through sample collection. Sites where Level C inspections are undertaken include high risk industrial and mine sites.

The compliance activity undertaken in 2009–2010, including on-site compliance monitoring, is described below. A summary of the number of on-site compliance assessments completed under the department's regulatory compliance program is provided in Table 8.

#### 6.1.1 Critical issues

Critical issues are those that require immediate attention because they are causing unlawful harm to the natural landscape, or severely threatening the conservation of the natural and cultural heritage, or have an impact on issues that may affect public safety.

In 2009–2010, mine water management was identified as a critical issue after the 2008–2009 wet season discharges from mine sites in north Queensland caused contamination of nearby waterways and stock water supplies.

As a result of investigations by DERM counsel, charges were laid against four companies for breaches of the *Environmental Protection Act 1994*.

In order to improve site water management on high risk mine sites generally, DERM commenced a strategic compliance project to assess the adequacy of water management on sites in the context of current design guidelines, consistency of permit conditions and other water management practices. This strategic compliance project will continue into 2010–2011.

#### 6.1.2 Emergent issues

Emergent issues are those activities within a particular business sector or area that have a high potential to impact on the natural environment. Projects focus on areas such as establishing baseline compliance performance, effectiveness of current regulatory activities, strategies to improve compliance performance and identifying regulatory strategies and compliance outcomes.

In 2009–2010, DERM continued with a four-year project, commenced in 2008–2009, to examine mining financial assurance matters. To ensure information contained in a plan of operations is accurate, particularly the categorisation of significantly disturbed land and calculation of financial assurance, a review of the regulatory framework and site inspections are being undertaken. Sixteen inspections were carried out in 2009–2010.

As a result of a successful partnership between DERM and the Sunshine Coast Regional Council in 2007–2008, to address impacts on waterways from inadequate erosion and sediment control at urban development sites, DERM developed similar partnerships with other south-east Queensland councils in 2009–2010.

In partnership with councils, DERM will target compliance inspections of erosion and sediment control practices on private development sites and local government or other state department-owned sites and projects.

In 2009–2010, DERM assessed the level of environmental compliance at waste disposal facilities. Fifty-five landfills were inspected, focusing on environmental impacts to groundwater and surface water. Warning letters and penalty infringement notices were issued to non-compliant sites. In addition to improving risk assessment processes, the findings of the project informed the development of Queensland's Waste Strategy 2010–2020—Waste Avoidance and Recycling.

Support was provided to the Department of Infrastructure and Planning (DIP) by identifying high risk sewage treatment plants (STPs) that have a potential impact on the water quality of the Great Barrier Reef lagoon. Inspections were carried out on 11 sites, and findings were reported to DIP to assist in setting the upgrade funding priorities.

### 6.1.3 Maintenance issues

Every year, general compliance assessment of DERM clients occurs to ensure adherence to legislation, permit conditions and other regulatory instruments. The compliance assessment involves site inspections by DERM on any business licensed by DERM.

The frequency and the level of compliance assessments take into account the:

- nature of the activities carried out
- inherent risk of causing environmental harm
- location of the business and the sensitivity of the receiving environment
- past performance of the licence holder and any other relevant matter that needs to be considered.

During 2009–2010, DERM undertook 781 planned inspections of licensed activities, focusing primarily on aquaculture facilities in the north, port operations in Townsville and Brisbane, extractive industries in Ipswich, meat and other food processing, industrial estates, and small sewage treatment plants and large sewage treatment infrastructure.

This included 36 inspections at facilities in the Port of Brisbane, in partnership with local government, to determine compliance with approval conditions. While compliance levels were reasonably good, DERM is continuing to work with operators to improve stormwater management practices.

An inspection may also be initiated in response to a nuisance complaint or pollution incident reported to DERM. In 2009–2010, DERM carried out 566 reactive inspections.

**Table 8: Compliance inspections undertaken in 2009–2010.**

Issue type	Element	Number of inspections
Critical	Mine water management	9
Emergent	Mining financial assurance	16
	Sewage treatment plants (Great Barrier Reef)	11
	Waste disposal facilities	55
Maintenance	Licensed activities	724
	Freshwater/estuarine catchments (Caboolture Estuary)	21
	Ports (Brisbane)	36
	Unplanned inspections	566
Total		1 438

## 6.2 Enforcement

A range of enforcement tools are available to DERM to be used where non-compliance is identified through inspection. These tools are an alternative, or in addition, to the use of remedies through the courts. Each of the tools is described below. A summary of the number of notices issued is provided in Table 9.

### 6.2.1 Environmental investigations and audits

DERM may require a person to carry out an environmental evaluation to decide the source, cause or extent of environmental harm caused, or likely to be caused by an activity. Typically, an environmental evaluation is required where the cause or solution to an environmental issue is not obvious. The results of an evaluation may be used to decide whether an environmental management program is needed, or whether changes to the development approval or environmental authority conditions are required. When requiring an environmental evaluation, DERM will identify the relevant matters for the evaluation.

### 6.2.2 Environmental protection orders

An environmental protection order is an order that DERM may use to impose a reasonable requirement to prevent or minimise environmental harm. Typically, an environmental protection order is issued where the cause of environmental harm is known and what has to be done is clear. An environmental protection order usually requires a person to undertake certain actions within a specified timeframe.

### 6.2.3 Transitional environmental programs

A transitional environmental program is a specific program that DERM may require to achieve compliance with the *Environmental Protection Act 1994*. The program may either be designed to reduce environmental harm or detail a transition to an environmental standard, such as when a new environmental protection policy commences. A transitional environmental program provides a legally binding commitment to bring an operation into compliance and provides protection from prosecution provided commitments are met. A transitional environmental program may also be submitted voluntarily.

### 6.2.4 Penalty infringement notices

Authorised persons under the *Environmental Protection Act 1994* are able to issue penalty infringement notices for a range of offences under the Act and its subordinate legislation. Infringement notices are appropriate where:

- the breach is minor
- the facts are apparent and indisputable
- the breach is a one-off situation and easily remedied
- inspection discovers a breach that normal operating procedures should have prevented
- the issuing of an infringement notice is likely to be a deterrent.

**Table 9: Statutory compliance and infringement notices.**

Notice	DERM	DEEDI	Local government	Total
Environmental evaluations	16	0	29	48
Environmental protection orders	49	0	34	83
Transitional environmental programs	41	0	21	62
Penalty infringement notices	159	0	1 133	1 292
Total	265	0	1 220	1 485

Of the penalty infringement notices issued by local governments, 79 per cent related to the release of water, 12 per cent related to noise and 8 per cent related to waste.

## 6.3 Court action

### 6.3.1 Prosecutions

DERM finalised 13 prosecutions and local governments finalised five prosecutions under the *Environmental Protection Act 1994* during 2009–2010. Fines imposed by courts in relation to DERM initiated actions totalled \$646 800 and investigation costs of \$70 303 were awarded by the courts. A summary of the finalised actions is provided in Table 10.

A further 14 prosecutions remained to be finalised by DERM and 11 prosecution remained to be finalised by local government as at 30 June 2010. A summary of the outstanding actions is provided in Table 11.

### 6.3.2 Planning and Environment Court orders

Where a continuing or potential environmental threat exists, the court may issue either a restraint order or an enforcement order. Enforcement orders are applied in the case of a development offence. Restraint orders may be issued for a threatened or anticipated offence.

When issuing an order, the court has very broad powers and may direct the company or person to:

- stop an activity that either constitutes, or will constitute, the offence
- do anything to comply with or cease a contravention of the law
- do anything required to stop committing an offence; or
- rehabilitate or restore an area.

One restraint order was granted to DERM during 2009–2010.

**Table 10: Finalised prosecutions and restraint orders under the *Environmental Protection Act 1994* in 2009–10.**

Party	Offence	Nature of offence	Plea	Date and place of judgement	Court order
<b>Department of Environment and Resource Management</b>					
Body Corporate for ILLAWONG LAKES RESORT	Contravene a development condition of a development approval and breach of environmental protection order.	ss. 435(2) and 361(2) <i>Environmental Protection Act 1994</i>	Guilty	17 August 2009 Brisbane Magistrates Court	Fined \$40 000 and \$1 846.35 in costs
ZAPS & SONS PTY LTD	Contravene a development condition of a development approval and breach of environmental protection order.	ss. 435(2) and 361(2) <i>Environmental Protection Act 1994</i>	Guilty	17 August 2009 Brisbane Magistrates Court	Fined \$40 000 and \$1 846.35 in costs
FOLLOWMONT TRANSPORT PTY LTD	Unlawfully causing serious environmental harm.	s. 437(2) <i>Environmental Protection Act 1994</i>	Guilty	9 September 2009 Brisbane Magistrates Court	Fined \$25 000 and \$6 000 in costs
David ANSIN	Unlawfully causing serious environmental harm.	s. 437(2) <i>Environmental Protection Act 1994</i>	Guilty	9 September 2009 Brisbane Magistrates Court	Fined \$2 800 and \$6 000 in costs
SIMS GROUP AUSTRALIA HOLDINGS LIMITED	Unlawfully causing an environmental nuisance.	s. 440(2) <i>Environmental Protection Act 1994</i>	Guilty	30 September 2009 Brisbane Magistrates Court	Fined \$30 000

Party	Offence	Nature of offence	Plea	Date and place of judgement	Court order
Trinity Leigh POPP	Unlawfully causing serious environmental harm.	s. 437(2) <i>Environmental Protection Act 1994</i>	Guilty	09 December 2009 Brisbane Magistrates Court	Fined \$11 000 and \$10 000 in costs
Brett CULLEY	Making false or misleading statement to authorised person.	s. 481(1) <i>Environmental Protection Act 1994</i>	Guilty	22 December 2009 Caboolture Magistrates Court	Fined \$9 000 and \$73 in costs
MMG CENTURY Limited	Contravention of environmental authority, wilfully and unlawfully cause environmental harm.	ss. 430 and 437 <i>Environmental Protection Act 1994</i>	Guilty	28 March 2010 Mt Isa Magistrates Court	Fined \$130 000 and \$8 686.96 in costs
John Edward ALLEN	Providing false, misleading or incomplete documents. Wilfully contravene an environmental protection order.	ss. 480 and 361 <i>Environmental Protection Act 1994</i>	Guilty	27 April 2010 Maroochydore District Court	Fined \$32 000 and \$3 850 in costs
Robert Lincoln PENNY	Wilfully contravene an environmental protection order. Carrying out a Chapter 4 activity without being a registered operator for activity.	ss. 361 and 427 <i>Environmental Protection Act 1994</i>	Guilty	07 May 2010 Beenleigh Magistrates Court	Fined \$85 000 (currently under appeal)
JOHN DEE WARWICK PTY LTD	Contravene development condition of a development approval.	s. 435 <i>Environmental Protection Act 1994</i>	Guilty	20 May 2010 Warwick Magistrates Court	Fined \$12 000
QUEENSLAND ALUMINA LTD	Unlawfully causing serious environmental harm.	s. 437(2) <i>Environmental Protection Act 1994</i>	Guilty	09 June 2010 Gladstone Magistrates Court	Fined \$90 000 and \$20 000 in costs
Jarrod MCCRACKEN	Wilfully causing environmental nuisance. Taking vegetation in a national park. Taking a protected plant. Failing to take cultural heritage duty of care. Trespassing. Carrying out assessable development without a permit.	s. 440(1) <i>Environmental Protection Act 1994</i> ss. 62(1) and 89(1) <i>Nature Conservation Act 1992</i> s. 23 <i>Aboriginal Cultural Heritage Act 2003</i> s. 404 <i>Land Act 1994</i> s. 4.3.1 <i>Integrated Planning Act 1997</i>	Guilty	22 June 2010	Fined \$140 000 and \$33 000 in costs

Party	Offence	Nature of offence	Plea	Date and place of judgement	Court order
<b>Restraint Order</b>					
Peter HOLE	Contravening an environmental protection order and development condition.	ss. 361, 435 and 505 <i>Environmental Protection Act 1994</i>	-	26 February 2010	Restraint order issued
<b>Local government</b>					
<b>Brisbane City Council</b>					
LEY LINES PTY LTD	Carrying out assessable development without a permit.	s. 31(2)(b) <i>Environmental Protection (Water) Policy 2009</i> ; ss. 4.3.1 and 4.3.5 <i>Integrated Planning Act 1997</i> .	Guilty	28 August 2009 Sandgate	Fined \$2 500 plus costs
Michael Ronald LITHERLAND	Carrying out assessable development without a permit.	ss. 4.3.1 and 4.3.5 <i>Integrated Planning Act 1997</i>	No plea	1 April 2010 Holland Park	Fined \$50 000 plus costs
Sergio MASINELLO and Richard MCKEON	Failing to comply with conditions of development approval.	ss. 435 and 493(2) <i>Environmental Protection Act 1994</i>	Guilty	7 October 2010 Brisbane	Fined \$18 000 plus costs
<b>Cassowary Coast Regional Council</b>					
Earl Robert OHNESORGEN	Contravening a restraint order.	Continuing to operate metal recovery in contravention of a restraint order.	Guilty	17 October 2009 Innisfail	Fined \$20 000 plus costs
PARMALAT AUSTRALIA LTD	Failure to comply with a direction notice (s363E).	Failure to clean up a prescribed contaminant (i.e. earth) from a roadside gutter.	Guilty	23 October 2009 Southport	\$4 700 fine including costs

**Table 11: Prosecutions and restraint order applications commenced, but not completed, under the *Environmental Protection Act 1994* or the *Sustainable Planning Act 2009*.**

Party	Charge	Allegation	Status at 30 June 2009
<b>Department of Environment and Resource Management</b>			
BIRLA MOUNT GORDON PTY LTD	s. 361(2) <i>Environmental Protection Act 1994</i>	Breaches of environmental protection orders.	Complaint sworn 10 June 2010 for a number of charges of breaching an environmental protection order.  Matter listed for mention on 10 August 2010 in Mount Isa Magistrates Court.  Defendant has not yet entered a plea.
CLAIFIRE PTY LTD and John SLAVIN	ss. 361(1) and 427 <i>Environmental Protection Act 1994</i>  s. 4.3.1 <i>Integrated Planning Act 1997</i>	Breach of environmental protection order and carry assessable development without development approval.	Complaints sworn 3 June 2010.  Matter first listed before Emerald Magistrates Court on 5 July 2010.
DALBY BIO-REFINERY LTD	ss. 435(1) and 361(2) <i>Environmental Protection Act 1994</i>	Wilfully contravene a development condition of a development approval.  Contravene an environmental protection order.	Complaint sworn 19 March 2010.  The defendant has not yet entered a plea and is currently considering the brief of evidence.  The matter is listed for mention on 28 September 2010 at Dalby Magistrates Court.
BIRLA MOUNT GORDON PTY LTD	s. 505(12) <i>Environmental Protection Act 1994</i>	Breaching a Court Order.	Complaint sworn 26 November 2009 for breaching a court order.  The defendant has not yet entered a plea, and is currently considering the brief of evidence.  Next in Mount Isa Magistrates Court for mention on 10 August 2010.
ENVIROSOLVE PTY LTD, Rex WILLIAMS and Jason WILLIAMS	ss. 435, 361 and 480 <i>Environmental Protection Act 1994</i>	Offence to contravene a development condition.  Giving false, misleading or incomplete documents.  Breach of an environmental protection order.	An indictment was presented on 3 June 2010.  Matter listed for mention before the Brisbane District Court on 1 July 2010 to allow defence time to consider its position.
Anthony STRAZZIERI	s. 438(1) <i>Environmental Protection Act 1994</i>	Wilfully causing material environmental harm.	The complaint was sworn on 30 June 2009.  The defendant elected to proceed on indictment, and on 27 May 2010 was committed for trial to the Maroochydore District Court. The defendant did not enter a plea at this time.  An indictment must be presented in the District Court by 27 November 2010.
Robert PENNY	s. 480(1) <i>Environmental Protection Act 1994</i>	Knowingly submitting a document to administering authority containing false or misleading information.	The complaint was sworn on 11 June 2009.  On 7 May 2010 in Beenleigh Magistrates Court, the defendant pleaded not guilty to these two charges.  The matter is listed for hearing on 24 August 2010.

Party	Charge	Allegation	Status at 30 June 2009
COPPER CO LTD & A.C.N. 076 289 097 PTY LTD (formerly LADY ANNIE OPERATIONS PTY LTD)	s. 437(2) <i>Environmental Protection Act 1994</i>	Unlawfully causing serious environmental harm.	The complaint was sworn on 29 January 2010. The matter is next listed for mention on 27 July 2010 at Mt Isa Magistrates Court. The defendant has not yet entered a plea.
HAMCOR PTY LTD, Donald Charles HAYWARD, Anna Marie Hayward, and Terrence Arthur ARMSTRONG	s. 505(12) <i>Environmental Protection Act 1994</i>	Contravening a restraint order.	Complaints sworn 28 August 2009. Matter listed for mention 17 September 2010. The defendants have not yet entered pleas. The parties are currently reviewing material seized during a search warrant on 9 September 2009.
AUSTRALIAN RAW MATERIALS CORPORATION PTY LTD GREAT AUSTRALIAN OPERATIONS PTY LTD ("GREAT AUSTRALIA MINE")	s. 437(2) <i>Environmental Protection Act 1994</i>	Unlawfully causing serious environmental harm.	Complaints sworn 28 February 2010. The matter is next listed for mention before Cloncurry Magistrates Court on 6 August 2010. The defendant has not yet entered a plea.
JOHN HOLLAND PTY LTD; JOHN HOLLAND GROUP PTY LTD	ss. 435 and 438 <i>Environmental Protection Act 1994</i>	Breaching a development condition, unlawfully causing material environmental harm.	Complaints sworn 7 May 2010. Matters first listed before Bowen Magistrates Court on 6 July 2010 and Mackay Magistrates Court on 16 July 2010.
Barry Griffith CLARK	s. 361 <i>Environmental Protection Act 1994</i>	Failing to comply with an environmental protection order.	Complaint sworn 20 November 2009. On 21 May 2010 Clark entered a plea of not guilty. The matter is listed for hearing on 6 December 2010 at Southport Magistrates Court.
ERNEST HENRY MINING PTY LTD	s. 437(2) <i>Environmental Protection Act 1994</i>	Unlawfully causing serious environmental harm.	Complaint sworn 9 March 2010. Matter listed for mention on 2 July 2010 at Cloncurry Magistrates Court. The defendant has not yet entered a plea.
UNIMIN AUST LTD	s. 4.3.1 <i>Integrated Planning Act 1997</i> s. 427(1) <i>Environmental Protection Act 1994</i> s. 53(1)(c) <i>Forestry Act 1959</i>	Carrying out development without an effective permit. Carrying out a level 1 Chapter 4 activity without a registration certificate or without being a registered operator. Extracting quarry material from mining lease without authority.	Complaints sworn on 1 December 2009 and 7 June 2010. Matter listed for mention on 14 July 2010 at Brisbane Magistrates Court. The defendant has not yet entered a plea.

### 6.3.3 Warrants

Entry of premises is a sensitive issue that requires a balance between a person's right to privacy and the needs of an investigation. Authorised persons have powers of entry in a range of circumstances, including when:

- the occupier consents to the entry
- it is a public place that is open to the public at the time of entry
- the place is open for business or the place is otherwise open for entry when entry is made, and where:
  - it is a place to which an environmental authority, registration certificate, development approval or code of environmental compliance for an environmentally relevant activity relates; or
  - it is a place where industry is conducted
- certain circumstances are met for investigating releases of contaminants or potentially contaminated land
- entry is appropriate to access other land for these purposes.

When entry of premises is necessary, but not possible because none of these powers fits the circumstances, an authorised person may obtain a warrant from a magistrate to gain entry. If issued, a warrant allows an authorised person, with necessary and reasonable help and force, to enter a place and exercise the authorised person's powers. DERM applied for and was granted 15 warrants during 2009–2010.

## 7. Reporting by other administering authorities

Each administering authority, other than the chief executive of DERM, is required to report to the chief executive within two months of the end of the financial year. Other than DERM, the administering authorities are DEEDI and the state's 74 local governments.

Reports were received from 59 of the 74 local governments for the 2009–2010 reporting year. Table 12 lists the local governments that did not provide a report to the chief executive prior to preparation of this report. While these local governments failed to comply with the requirements of s. 546(1) of *Environmental Protection Act 1994*, there is no offence in law for that failure of administration.

Details of the information supplied by local governments are attached in Appendix 2.

**Table 12: Local governments that did not provide a report on the administration of the Act in 2009–2010.**

Bundaberg Regional Council	Napranum Aboriginal Shire Council
Cook Shire Council	Northern Peninsula Area Regional Council
Flinders Shire Council	Paroo Shire Council
Fraser Coast Regional Council	Pormpuraaw Aboriginal Shire Council
Isaac Regional Council	Richmond Shire Council
Kowanyama Aboriginal Shire Council	Southern Downs Regional Council
Mapoon Aboriginal Shire Council	Weipa Town Authority
Maranoa Regional Council	

## Appendix 1

### Environmentally relevant activities administered by the State under the *Environmental Protection Act 1994* during 2009–2010.

Activity		Number administered
1-(1a)	Aquaculture >100 m <sup>2</sup> but <10 ha land	31
1-(1b)	Aquaculture >10 ha but <100 ha land	26
1-(1c)	Aquaculture >100 ha land	2
1-(2a)	Aquaculture >100 m <sup>2</sup> but <10 ha land	18
1-(2b)	Aquaculture >10 ha but <100 ha land	4
1-(2c)	Aquaculture >100 ha land	1
1-(3a)	Aquaculture <1 ha waters	1
1-(3b)	Aquaculture >1 ha waters	2
1(a)	Aquaculture >5 ha – no wastes released*	1
2-(1a)	Intensive animal feedlotting >50 but <150 cattle	1
2-(1b)	Intensive animal feedlotting >150 but <1000 cattle	1
2-(1c)	Intensive animal feedlotting >10 000 but <1000 cattle	0
2-(1d)	Intensive animal feedlotting – more than 10 000 cattle	0
2-(2a)	Intensive animal feedlotting >350 but <1000 sheep	0
2-(2b)	Intensive animal feedlotting >1000 but <10 000 sheep	0
2-(2c)	Intensive animal feedlotting >10 000 sheep	0
3-(1)	Pig keeping >21 but <400	0
3-(2)	Pig keeping >400 but <3500	0
3-(3)	Pig keeping >3500 but <8000	0
3-(4)	Pig keeping >8000	1
4-(1)	Poultry farming >1000 but <200 000	0
4-(2)	Poultry farming >200 000	1
5	Alcohol distilling*	1
5	Alcohol production >200 m <sup>3</sup> year	3
6-(a)	Asphalt manufacturing <1000 t per year	2
6-(b)	Asphalt manufacturing >1000 t per year	12
6(a)	Chemical manufacturing >200 but <20 000 t per annum*	10
6(b)	Chemical manufacturing >20000 but <100 000 t per annum*	2
6(c)	Chemical manufacturing >100 000 t per annum*	1
7-(1)	Chemical manufacturing >200 m <sup>3</sup> per year water based paint	4
7-(2a)	Chemical manufacturing >200 m <sup>3</sup> but <1000 m <sup>3</sup> per year	5
7-(2b)	Chemical manufacturing >1000 m <sup>3</sup> but <100 000 m <sup>3</sup> per year	4
7-(2c)	Chemical manufacturing >100 000 m <sup>3</sup>	1
7-(3a)	Chemical manufacturing >200 t per year soap	13
7-(3b)	Chemical manufacturing >200 t per year agricultural	8
7-(3c)	Chemical manufacturing >200 t per year medicines	3
7-(3d)	Chemical manufacturing >200 t per year explosives	8

Activity		Number administered
7-(3e)	Chemical manufacturing >200 t per year fertiliser	14
7-(4a)	Chemical manufacturing >200 t but <1000 t per year organic	6
7-(4b)	Chemical manufacturing >1000 t but <10 000 t per year	5
7-(4c)	Chemical manufacturing >10 000 t but <100 000 t per year	11
7-(4d)	Chemical manufacturing >100 000 t per year	1
7-(5a)	Chemical manufacturing >200 t but <1000 t per year inorganic	6
7-(5b)	Chemical manufacturing >1000 t but <10 000 t per year	5
7-(5c)	Chemical manufacturing >10 000 t but <100 000 t per year	3
7-(5d)	Chemical manufacturing >100 000 t per year	7
7(a)	Chemical storage > 10 m <sup>3</sup> but < 1000 m <sup>3</sup> *	22
7(b)	Chemical storage > 1000 m <sup>3</sup> *	3
8-(1)	Chemical storage >50 t class 1 or 2	27
8-(2)	Chemical storage >50 t class 6	12
8-(3a)	Chemical storage >10 m <sup>3</sup> but <500 m <sup>3</sup> class C1 or C2	292
8-(3b)	Chemical storage >500 m <sup>3</sup> class C1 or C2	85
8-(4)	Chemical storage >200 t solids or gases	14
8-(5)	Chemical storage >200 m <sup>3</sup> liquids	33
9-(a)	Hydrocarbon gas refining <200 000 000 m <sup>3</sup> per year	0
9-(b)	Hydrocarbon gas refining >200 000 000 m <sup>3</sup> per year	1
9-(c)	Hydrocarbon gas refining – coal seam gas	0
10	Gas producing >200 t per year	2
11(a)	Crude oil storing >10 000 but <500 000 L*	33
11(b)	Crude oil storing >500 000 L or more*	1
11-(c)	Oil refining or processing >150 000 m <sup>3</sup> per year	2
12-(1)	Plastic product manufacturing >50 t per year	2
12-(2)	Plastic product manufacturing >5 t per year foam	2
13-(1)	Tyre manufacturing or retreading – manufacturing	0
13-(2)	Tyre manufacturing or retreading – retreading	11
14-(1)	Electricity generation >10 MW gas	15
14-(2a)	Electricity generation >10 MW but <150 MW fuel	7
14-(2b)	Electricity generation >150 MW fuel	14
15	Fuel burning >500 kg per hour	88
15(a)	Sewage treatment >21 but < 100 ep*	4
15(b)	Sewage treatment >100 but <1500 ep*	9
15(c)	Sewage treatment >1500 but <4000 ep*	4
15(d)	Sewage treatment >4000 but <10 000 ep*	1
15(e)	Sewage treatment >10 000 but <50 000 ep*	3
16-(1a)	Dredging >1000 t but <10 000 t per year	155
16-(1b)	Dredging >10 000 t but <100 000 t per year	117
16-(1c)	Dredging >100 000 t but <1 000 000 t per year	50
16-(1d)	Dredging >1 000 000 t per year	6

Activity		Number administered
16-(2a)	Extractive >50 t but <5000 t per year wild river area	4
16-(2b)	Extractive >5000 t but <100 000 t per year	280
16-(2c)	Extractive >100 000 t but <1 000 000 t per year	116
16-(2d)	Extractive >1 000 000 t	33
16-(3a)	Screening >5000 t but <100 000 t per year	258
16-(3b)	Screening >100 000 t but <1 000 000 t per year	129
16-(3c)	Screening >1 000 000 t per year	35
16	Municipal water treatment*	28
17	Abrasive blasting	149
17	Fuel burning*	5
18-(a)	Boilermaking or engineering >200 t but <10 000 t per year	22
18-(b)	Boilermaking or engineering >10 000 t per year	7
19	Metal forming >10 000 t per year	12
19(a)	Dredging <5000 t per annum*	10
19(b)	Dredging >5000 but <100 000 t per annum*	6
19(c)	Dredging material >100 000 t per annum*	3
20-(1)	Metal recovery <100 t per day	11
20-(2a)	Metal recovery >100 t per day or >10 000 t per year	3
20-(2b)	Metal recovery >100 t per day or >10 000 t per year fragmentiser	2
20(a)	Extraction <5000 t per annum*	76
20(b)	Extraction >5000 but <100 000 t per annum*	6
20(c)	Extraction rock >100 000 t per annum*	2
21	Motor vehicle workshop operation	284
22-(1a)	Beverage production >1 ML but <10 ML non-alcoholic	3
22-(1b)	Beverage production >10 ML non-alcoholic	8
22-(2)	Beverage production >1 ML alcoholic	3
22(a)	Screening >50 t but <5000 t per annum*	10
22(b)	Screening >5000 t but <100 000 t per annum*	6
22(c)	Screening >100 000 t per annum*	6
23	Bottling and canning >200 t per year	6
23(a)	Abrasive blasting – permanent location*	1
23(b)	Abrasive blasting – itinerant activity*	4
24	Edible oil manufacturing or processing >1000 t	2
24	Boiler making or engineering*	4
25-(1a)	Meat processing >1000 t but <5000 t per year	8
25-(1b)	Meat processing >5000 t but <50 000 t per year	12
25-(1c)	Meat processing >50 000 t per year	2
25-(2a)	Meat processing >1000 t but <5000 t per year inc rendering	6
25-(2b)	Meat processing >5000 t but <50 000 t per year inc rendering	8
25-(2c)	Meat processing >50 000 t per year inc rendering	13
25-(3a)	Meat processing >100 t but <500 t per year exc processing	2

Activity		Number administered
25-(3b)	Meat processing >500 t exc processing	8
25(a)	Metal surface coating <2000 t*	1
25(b)	Metal surface coating >2000 t but < 10 000 t*	2
25(c)	Metal surface coating >10 000 t but <30 000 t*	3
26	Milk processing >200 t per year	10
26	Metal forming*	3
27	Seafood processing >500 t per year	24
27	Metal recovery*	1
28	Motor vehicle workshop*	8
28	Sugar milling or refining >200 t per year	15
29-(1a)	Metal foundry operation >100 t but <1000 t per year fe	7
29-(1b)	Metal foundry operation >1000 t but <5000 t per year fe	4
29-(1c)	Metal foundry operation >5000 t but <10 000 t per year fe	3
29-(1d)	Metal foundry operation >10 000 t per year ferrous (fe)	2
29-(2)	Metal foundry operation >50 t per year non-ferrous	6
29-(3a)	Metal foundry operation >50 t but <200 t non-perm	5
29-(3b)	Metal foundry operation >200 t but <1000 t per year non-per	2
29-(3c)	Metal foundry operation >1000 t but <5000 t per year non-per	1
29-(3d)	Metal foundry operation >5000 t per year non-perm	3
29(a)	iii) Beverage non alcoholic >14.5 ML per annum*	1
30-(a)	Metal smelting & refining >100 t but <1 t gold per year	0
30-(b)	Metal smelting & refining >100 t but <10 t metals other than gold per year	0
30-(c)	Metal smelting & refining >10 000 t but <100 t metalloids per year	0
30-(d)	Metal smelting & refining >10 000 t per year	4
31-(1)	Mineral processing >1000 t per year coke	2
31-(2a)	Mineral processing >1000 t but <100 000 t per year	2
31-(2b)	Mineral processing >100 000 t per year	5
32	Battery manufacturing >200 t per year	2
33	Crushing, milling, grinding or screening >5000 t per year	54
34	Mushroom growing substrate manufacture >200 t	1
35	Plaster manufacturing >5000 t per year	3
36	Pulp or paper manufacturing >100 t per year	3
37-(a)	Printing >200t but <1000 t per year	1
37-(b)	Printing >1000 t per year	0
38-(1a)	Surface coating >1 t but <100 t per year anodising, etc	11
38-(1b)	Surface coating >100 t but <1000 t per year anodising, etc	11
38-(1c)	Surface coating >1000 t but <10 000 t per year anodising, etc	14
38-(1d)	Surface coating >10 000 t per year anodising, etc	9
38-(2a)	Surface coating >1 t but <100 t per year coating	22
38-(2b)	Surface coating >100 t per year coating	26
39	Tanning>100 t per year	6

Activity		Number administered
40	Textile manufacturing >100 t per year	2
40(b)	i) Metal foundry (non ferrous) <20 t*	1
40(c)	Metal foundry*	3
41	Cement manufacturing >200 t per year	3
42-(a)	Clay or ceramic products >200 t but <5000 t per year	4
42-(b)	Clay or ceramic products >5000 t per year	5
43	Concrete batching >200 t per year	74
43	Animal housing*	7
44	Glass or glass fibre manufacturing >200 t per year	2
45	Mineral wool or ceramic fibre manufacturing	0
45	Crushing, milling or grinding*	6
46	Chemically treating timber	46
47-(a)	Timber milling & woodchipping >5000 t but <10 000 t per year	28
47-(b)	Timber milling & woodchipping >10 000 t but <20 000 t per year	17
47-(c)	Timber milling & woodchipping >20 000 t but <100 000 t per year	12
47-(d)	Timber milling & woodchipping >100 000 t per year	4
47	Pet, stock or aquaculture food manufacturing*	1
48-(1)	Wooden & laminated product >100 t per year wooden	6
48-(2a)	Wooden & laminated product >5000 t but <10 000 t per year	1
48-(2b)	Wooden & laminated product >10 000 t per year	3
48-(3)	Wooden & laminated product >100 t per year laminated	1
49	Boat maintenance or repair	11
50-(1a)	Bulk mineral handling >100 t or 50 000 t watercourse	17
50-(1b)	Bulk mineral handling >100 t or 50 000 t per day	1
50-(2)	Bulk material handling >100 t per day	58
51	Road tunnel ventilation stack operation	1
51(b)	Plastic manufacturing >5 t per annum*	1
52	Battery recycling	3
53	Composting & soil conditioner manufacturing >200 t per year	72
53	Soil conditioner manufacturing*	2
54	Drum and container reconditioning	5
55	Regulated waste recycling or reprocessing	24
55-(1)	Regulated waste recycling or reprocessing	1
55-(2)	Regulated waste recycling or reprocessing	7
56-(1)	Regulated waste storage >5 t or 500 t per year	11
56-(2)	Regulated waste storage	98
57-(1)	Regulated waste transport – tyres	45
57-(2a)	Regulated waste transport 1 to 5 vehicles	551
57-(2b)	Regulated waste transport 6 to 35 vehicles	93
57-(2c)	Regulated waste transport >36 vehicles	15
58	Regulated waste treatment	28

Activity		Number administered
59	Tyre recycling	11
60-(1a)	Waste disposal <50 000 t per year (1)(a)	46
60-(1b)	Waste disposal >50 000 t but <100 000 t per year (1)(a)	8
60-(1c)	Waste disposal >100 000 but <200 000 t per year (1)(a)	3
60-(1d)	Waste disposal >200 000 t per year (1)(a)	11
60-(2a)	Waste disposal >50 t but <2000 t per year (1)(b)	88
60-(2b)	Waste disposal >2000 t but <5000 t per year (1)(b)	39
60-(2c)	Waste disposal >5000 t but <10 000 t per year (1)(b)	25
60-(2d)	Waste disposal >10 000 t but <20 000 t per year (1)(b)	19
60-(2e)	Waste disposal >20 000 t but <50 000 t per year (1)(b)	19
60-(2f)	Waste disposal >50 000 t but <100 000 t per year (1)(b)	20
60-(2g)	Waste disposal >100 000 t but 200 000 t per year (1)(b)	11
60-(2h)	Waste disposal >200 000 t per year (1)(b)	5
60	Cement manufacturing*	2
61-(1)	Waste incineration & thermal treatment	7
61-(2a)	Waste incineration & thermal treatment <5000 t per year	5
61-(2b)	Waste incineration & thermal treatment >5000 t per year	1
61-(3a)	Waste incineration & thermal treatment – clinical	9
61-(3b)	Waste incineration & thermal treatment – regulated	5
61	Clay or ceramic products manufacturing*	1
62	Waste transfer station operation >30 t or 30 m <sup>3</sup> per day	38
62	Concrete batching*	3
63-(1)	Sewage treatment >21EP no-release	27
63-(2a)	Sewage treatment >21 but <100 EP	268
63-(2b)	Sewage treatment >100 but <1500 EP	244
63-(2c)	Sewage treatment >1500 but <4000 EP	57
63-(2d)	Sewage treatment >4000 but <10 000 EP	29
63-(2e)	Sewage treatment >10 000 but <50 000 EP	19
63-(2f)	Sewage treatment >50 000 but <100 000 EP	11
63-(2g)	Sewage treatment >100 000 EP	8
63-(3)	Sewage treatment – pumping station (1)(b)	4
64-(1a)	Water treatment >0.5 but <5 ML water per day seawater	7
64-(1b)	Water treatment >5 ML water per day seawater	1
64-(2a)	Water treatment >0.5 but <5 ML water per day	2
64-(2b)	Water treatment >5 ML water per day	0
64-(3)	Water treatment >10 ML raw water per day	34
64-(4a)	Water treatment >5 ML water per day advanced to seawater	0
64-(4b)	Water treatment >5 ML water per day advanced to other waters	5
70	Heliport*	1
71	Port*	1
72	Railway facility*	2

Activity		Number administered
73(b)	Marina or seaplane mooring >20 but <100 berths*	1
74	Stockpiling, loading or unloading goods in bulk*	6
75(a)(i)	Waste disposal – general >50 t but <2000 t per annum*	6
75(a)(vii)	Waste disposal – general >75 000 but <100 000 t per annum*	1
75(a)(viii)	Waste disposal – general >100 000 but <200 000 t per annum*	1
76(a)	Incinerating waste – vegetation*	1
76(b)	Incinerating waste – clean paper or cardboard*	2
76(e)	Incinerating waste – regulated*	1
77	Battery recycling*	1
79	Drum reconditioning*	2
80	Tyre recycling*	1
81	Recycling or reprocessing regulated waste*	1
83(a)	Regulated waste transport – tyres*	3
83(b)(i)	Regulated waste transport – 1 to 35 vehicles*	16
84(b)	Regulated waste storage (other than 84(a))*	3
<b>Total</b>		<b>5 522</b>

Note: \* denotes ERA descriptions under the repealed Environmental Protection Regulation 1998.

Chapter 5 Activity (Mining)		Number administered
1	Drilling, costeaning, pitting or carrying out geological surveys causing significant disturbance	21
2	Investigating the potential development of a mineral resource by large bulk sampling or constructing an exploratory shaft, adit or open pit	17
3	Mining bauxite	0
4	Mining mineral sand	0
5	Mining black coal	9
6	Mining iron ore	1
7	Mining nickel ore	2
8	Mining gold ore	24
9	Mining copper ore	13
10	Mining lead, silver or zinc separately or in any combination	7
11	mining metal ore, other than a metal ore mentioned in item 3, 4, 6, 7, 8, 9 or 10	4
12	a level 1 mining project, other than a level 1 mining project mentioned in items 1 to 11	39
13	Mining – Code Compliant Level 2	4 845
14	Mining – Non-Code Compliant Level 2	265
<b>Total</b>		<b>5 247</b>

Chapter 5A Activity (Gas and Petroleum)		Number administered
1	activities under a GHG injection and storage lease under the GHG storage Act	0
2	a petroleum activity authorised under the <i>Petroleum (Submerged Lands) Act 1982</i>	0
3	a petroleum activity that is likely to have a significant impact on a category A or B environmentally sensitive area	0
4	extending an existing pipeline by more than 150 km under a petroleum authority	2
5	constructing a new pipeline of more than 150 km under a petroleum authority	2
6	a petroleum activity carried out on a site containing a high hazard dam or a significant hazard dam	25
7	a petroleum activity involving injection of a waste fluid into a natural underground reservoir or aquifer	0
8	a petroleum activity, other than a petroleum activity mentioned in items 1 to 7, that includes 1 or more Chapter 4 activities for which an aggregate environmental score is stated	19
9	GHG exploration permit – level 2	2
10	Petroleum other than a level 1 activity – level 2	290
<b>Total</b>		<b>340</b>

## Appendix 2

### **Information supplied by local governments on the administration of the *Environmental Protection Act 1994* during 2009–10.**

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