ENVIRONMENT, AGRICULTURE, RESOURCES AND ENERGY COMMITTEE

INQUIRY INTO THE ENVIRONMENTAL PROTECTION (GREENTAPE REDUCTION) AND OTHER LEGISLATION AMENDMENT BILL 2011

SUMMARY OF SUBMISSIONS 1 – 8
PREPARED BY EAREC SECRETARIAT 24 JANUARY 2012

This Summary is designed to be read in conjunction with the submissions.

Submissions 1 – 8 are generally supportive of the Bill but have raised issues about specific clauses and policy initiatives.

Comments in clause order

(5, 8, 9, 12, 24, 36, 45, 47, 58, 60, 64 and other comments)

Cl.	Section/initiative	Submitter	Key Points
5	Amendment of S 51 Public notification	**Submission No. 3 Queensland Law Society**	The QLS supports the new requirement for website publication by the proponent. However, subsection (4) appears to be incomplete as there is no provision for the EIS to be withdrawn from a website upon withdrawal of the application or the EIS. It could become misleading if the same EIS is still required to be published, even though it has been withdrawn, particularly if it has been replaced. (Sub 3, p.1)
5	Amendment of S 51 Public notification	**Submission No. 9 Queensland Murray-Darling Committee Inc.**	It is recommended that a code of conduct for community engagement and disclosure of information is developed addressing: a. Community expectations for a more enduring and direct role in the planning, decision-making and implementation of natural resource policies and activities as they relate to mining and energy industry impacts. b. Timely and adequate notification of proposed developments, particularly to local governments and communities where the development and associated developments have the potential to impact on the planning and resourcing of supporting infrastructure, services and land use e.g. Industrial and residential zoning, refuse management, sewerage management, roads, infrastructure, services (health, police, schools), airports, and emergency services. c. Engagement that is timely, meaningful and relevant and conducted appropriately for each stakeholder. d. Public notification of and access to approved Environmental Authorities or Licenses and consultation with regards to any proposed changes to Environmental Authorities. e. Timely and public disclosure of monitoring requirements, and subsequent results for the condition and trend of natural resource assets including site, total and cumulative impacts as they relate to the mining and energy industry. f. Notification to landholders of all chemicals stored and used on the property. Further contingency planning is needed across industries for risks associated with direct contamination to livestock, food and fibre crops; failure to comply to declaration of chemicals and withholding periods by landholders; compensation for lost sales and any industry impact. g. Public notification of breach of conditions and public access to complaints registers is maintained. (Sub 9, pp.4-5)
8	Division 3 Applying for environmental authorities - 125 Requirements for applications generally	**Submission No. 2 Ipswich City Council**	It is supported that all ERAs have a document containing the conditions of operation (including design and construction conditions and operating conditions) as well as a registration. This sets very clear advice about their obligations and responsibilities as operators. It is supported that the number of documents relevant to the licensing of the activity be minimised for clarity and simplicity. All conditions (design / construction and operation) are all ongoing requirements for an operator and must be regularly monitored to maintain compliance. In establishing a clearer layout and function of development permit conditions, the legislation must be clear that design and construction requirements for an ERA should not be dictated by the

<table>
<tr><th>Cl.</th><th>Section/initiative</th><th>Submitter</th><th>Key Points</th></tr>
<tr><td></td><td></td><td></td><td>land use requirements / standards of the planning scheme. However, IDAS does provide opportunities to work with applicants to ensure conflicting requirements of each system can be resolved through negotiation without compromising either of the required outcomes of the relevant legislation. It is agreed that the conditions set require greater flexibility for modification / amendment through simplified processes for site specific assessed activities. However, currently, operators of activities wishing to change their operational conditions can do so without necessarily triggering an Material Change of use (MCU) for a new ERA. An MCU for ERA DA is only triggered where the SPA triggers are effected. In many situations, operational activities do not change the scale or intensity of the activity or nature of the business. However, there is a disparity between the practice and legislative intent, and it is supported that the SPA triggers be simplified and specified in more detail to eliminate these risks. In some situations, a change to operational requirements of an activity may trigger further assessment under the land use approval, but this is something determined under the SPA and planning scheme. If this occurs, and is considered in appropriate by the planning requirements, then this is a matter for discussion with Department of Local Government and Planning (DLGP) and Council land use planners. (Sub 2, p.4)</td></tr>
<tr><td>8</td><td>Insertion of new chs 5 and 5A</td><td>Submission No. 2
Ipswich City Council</td><td>The review undertaken prior to developing this Bill has involved a consideration of a number of assessment pathways for conditioning environmentally relevant activities (ERAs). The standard approval/ conditions and site specific assessment processes are supported. The degradation of the licensing framework for environmentally relevant activities to levels below standard approvals levels of assessment is categorically not supported.
As the Bill is not to be retrospectively applied to existing development permits/ registrations, nor compulsorily transitioned across from the existing system, there is clear evidence that the licensing framework would return to an earlier era of licensing where there were multiple types of approvals regulating ERA's. The old regulatory framework was changed due to significant concern by industry and regulators about the lack of a level playing field, transparency and consistency. Such a model requires modifications to the administering authority's licensing systems which will incur significant costs to implement. It is not supported to return to this arrangement. For this reason, the retention of the development approval and registration system remains as the preferred approach. The following table that describes the history of ERA licensing supports these concerns:
Table 1
<table>
<tr><th>Years</th><th>Types of ERA approvals</th></tr>
<tr><td>1995 – 1998</td><td>Integrated authority; Level 1 licence; Provisional licence; Level 2 approval; Deemed approval (level 2 ERAs).</td></tr>
<tr><td>1998 – 2004</td><td>Integrated authority; Level 1 approval (without DA); Level 1 approval (with DA); Level 1 licence (without DA); Level 1 licence (with DA); Provisional licence; Level 2 approval (without DA); Development approval for level 2 ERA; Deemed approval (level 2 ERAs)
*Note: Several ERA levels and definitions changed with the introduction of the 1998 Regulation and Chapter 4 Activities were introduced in 2001 (i.e. renaming of ERA</td></tr>
</table></td></tr>
</table>

<table>
<tr><th>Cl.</th><th>Section/initiative</th><th>Submitter</th><th>Key Points</th></tr>
<tr><td></td><td></td><td></td><td>
<table>
<tr><td></td><td>type).</td></tr>
<tr><td>2004 – 2010</td><td>DA or equivalent of DA (e.g. former licence/approval) and Registration Certificate; Deemed approval. *Note: From 1 January 2009 some ERAs were no longer regulated, thresholds and definitions for several ERAs changed, etc.</td></tr>
<tr><td>2011 – current</td><td>DA or equivalent of DA (e.g. former licence/approval) and Registration Certificate.</td></tr>
</table>

With most of the significant ERA licensing system reforms, there has been a significant cost imposition on Local Government, DEEDI and DERM to implement the changes. So to minimise the costs of change, it is suggested that the existing framework be modified to achieve the flexibility proposed by this Bill, rather than changing the framework. A return to previous eras of the Environmental Protection Act's evolution, where multiple types of licences existed, is considered to be confusing to regulators, industry and the community. This is considered to be a backward step and is not supported. (Sub 2, pp.2-3)
</td></tr>
<tr><td>8</td><td>Insertion of new chs 5 and 5A</td><td>Submission No. 7
Logan City Council</td><td>
Since Environmentally Relevant Activities (ERAs) were first regulated in 1995, the environmental protection legislation has been amended numerous times. Each substantive change has impacted on industry as they have had to learn about the changes and what each set of changes means to their business. Over time this has created an inordinate burden on industry, which will be repeated if this Bill proceeds in its current format.

As you can see from the above table (Refer to submission), there have been numerous reforms to the way devolved ERAs are regulated, with many changes designed to 'streamline' the process and reduce 'regulatory burden'. However, subsequent reforms have been needed as each amended process has had flaws. The system proposed in the Greentape Reduction Bill is similar to the process that existed between 1998 and 2004, which was replaced with the current system for a variety of reasons.
<table>
<tr><th>Years</th><th>Types of ERA approvals</th></tr>
<tr><td>Proposed for commencement in 2012</td><td>Environmental authority obtained through:
o Standard application;
o Variation application;
o Site-specific application; or
o Conversion application.
• Environmental authority that is a 'transitional authority' still operating under the former development permit conditions.
• Amalgamated environmental authority (note: due to the limited scope of activities regulated by local government, local government would only be involved in the issuing of an 'amalgamated corporate authority').
• All operators of Environmental Authorities are also required to be a 'registered suitable operator'.
Note: these changes would mean the regulation of ERAs is reverting back to a process similar to the one that existed between 1998 and 2004 (i.e. conditions on environmental authority, operator requires separate licence/registration, integrated authorities now in for the form of 'ERA projects', 'amalgamated environmental authority', etc).</td></tr>
</table>
</td></tr>
</table>

Cl.	Section/initiative	Submitter	Key Points
			When the current system was introduced environmental authority conditions became development conditions. Now under the proposed s.677 of the Bill, the development conditions will revert back to being environmental authority conditions. So an ERA business that existed before 2004 was issued an environmental authority with conditions, was then advised in late-2004 their conditions are now development conditions, and will potentially be told in 2012 that they are returning to 'environmental authority' conditions. This type of change is not beneficial to industry. In the explanatory notes that were released prior to the current system being implemented the following statements were made (emphasis added in places): ***Reasons for the Bill*** The Bill incorporates legislative changes necessary to improve the integration of the EP Act and the IPA. The amendments will reduce red tape for industry through streamlined approval processes, provide for consistent regulation and administration of all ERAs and provide for significant administrative efficiencies for administering authorities. ***Achieving the Objective*** The objective of the Bill will be achieved by enacting amendments to the Acts that provide the following- • A single approval type for ERAs: transitioning conditions of environmental authorities as development conditions of development approvals. • A single approval process for ERAs: changing IPA so that mobile and temporary ERAs are assessed and conditioned in the integrated development assessment system (IDAS) and amending the EP Act so that all conditioning powers associated with the ERAs are linked to the development approval. • A single approval requirement: replacing the requirement for the person carrying out an ERA to hold an environmental authority with the requirement for the operator to be a registered operator… ***Alternatives to the Bill*** The proposed amendments significantly reduce the number of approval types and processes in relation to environmentally relevant activities and provides for one approval type and approval process to be consistently applied to all activities. This will achieve greater efficiencies and environmental outcomes for administering authorities and their customers... **Administrative costs and savings to Government** Removing the need to maintain multiple approval processes and approval types will provide significant administrative savings to administering authorities, and to industry. Savings include removing the need to maintain multiple administrative systems, processes and forms. These changes will consequently reduce

Cl.	Section/initiative	Submitter	Key Points
			training requirements for new and existing administering authority officers. The replacement of the environmental authority with the system of operator registration will provide significant cost savings to administering authorities. The registration system is simple and requires reduced assessment considerations. The codes of environmental compliance will provide administrative savings through: • application of a standard set of conditions for each ERA outlined in the code; and • reduced individual assessment of development applications for these standard activities. This will provide cost savings for both industry and administering authorities and enable more time to be devoted to compliance programs and assessment of applications for higher risk activities... The current system was introduced to overcome issues associated with multiple approval processes, conditions being split onto 2 documents (which confused operators), etc. The model proposed in the Greentape Reduction Bill incorporates characteristics that have been problematic in the past. This indicates that implementing the proposed model is likely to reintroduce a complexity that will add to the burden on industry and reintroduce problems that the current system has addressed. Consequently, the introduction of the Greentape Reduction reforms in their current format is likely to result in further amendments being needed in the future. It is critical that we learn from history and do not subject industry to changes that are likely to fail. The objectives of the Greentape Reduction Bill could be implemented through amendments to the existing process for ERA approvals. For example, the introduction of 'Codes of Environmental Compliance' under the current system for specific ERAs would achieve the same outcomes (e.g. reduced approval times, consistent conditions, etc) as 'standard applications' with 'standard conditions'. Several Logan City Council staff have worked in the environmental protection area since the introduction of the EPAct. Consequently we are aware that some historical licence/approval options were beneficial to industry, Council and the environment. Based on this extensive experience of the strengths and weaknesses of each of the historical ERA approval processes, the officers recommend the existing system be retained with minor amendments (as detailed below) and Codes of Environmental Compliance are developed for the majority of Chapter 4 Activities. The minor amendments to the existing system that would be supported are the inclusion of: • A process equivalent to 'Level 1 approvals' which were issued to ERA operators who were compliant with the EP legislation and their conditions. These approvals spanned several years, so good operators who posed a low risk to

Cl.	Section/initiative	Submitter	Key Points
			the environment were inspected less often and paid lower fees. Consequently the financial burden was reduced based on the risk of the operator. Level 1 approvals also provided a strong incentive for non-compliant businesses to improve their standards (so they could pay lower fees and have less disruption to their business from Council inspections). It is requested that s.308 contained in the Bill is amended to enable Administering Authorities to issue renewals for multiple years to environmentally responsible operators. This would further reduce the `Greentape' for good operators, which is consistent with purpose of the Bill. • Authorities issued to a single company for operating multiple ERAs and/or operating on multiple sites. These were historically known as 'integrated authorities'. The inclusion of 'amalgamated environmental authorities' and 'ERA projects' in the Greentape Reduction Bill serves the same purpose as the historical integrated authorities. LCC supports the inclusion of these provisions that reduce the 'Greentape' burden on industry. As a result of the frequent changes to ERA definitions, thresholds, approval types, etc, there has been a significant administrative burden on local government. There has also been a significant regulatory and administrative burden imposed on industry. One of the most effective ways to reduce the burden on industry is to prevent future changes to approval/registration/licence types. This can only be achieved by taking the time to get the system right and maintaining that system through good communication and legislative standards. **Terminology introduced by the Bill** One of the greatest challenges for industry is to understand the jargon used in legislation. The environmental protection legislation already contains many terms that are not readily understood. The Bill will introduce a lot of new jargon that industry will have to learn. Examples of new jargon relevant to devolved ERAs are: • Standard application; • Variation application; • Site-specific application; • Conversion application; • Amalgamated environmental authority; • Eligibility criteria; • Standard conditions; • ERA project; • Significant project; • Registered suitable operator. While some of the terminology is necessary to implement the proposed changes, others appear to have no benefit, for example, changing the 'holder of a registration certificate' to a 'registered suitable operator'.

Cl.	Section/initiative	Submitter	Key Points
			To genuinely reduce the regulatory burden on industry we should try to use readily understood terms. For example, people understand that a car has to be registered to be driven on public roads and that the driver has to be licensed. It would therefore be easier for industry to understand the need to hold two types of ERA approvals (currently a development permit and a registration certificate, proposed in the Bill to be an environmental authority and registration as a suitable registered operator) if the activity was registered for the land and the operator was licensed, i.e. terms used in other common contexts. **Regulation development** A significant amount of detail associated with the regulation of devolved ERAs is contained within the Regulations. It is therefore critical that any new regulations are developed through extensive and meaningful consultation with local government. Key issues that local government needs to be consulted on are ERA definitions and inclusions/exclusions; the ability for local governments to set their own fees, etc. **Cost reduction** Significant emphasis has been placed on reducing costs to industry and regulators through the Greentape Reduction reforms. However, how the projected savings have been calculated is not clear. For example, many local government set annual fees for devolved ERAs that are lower than those in the regulation, so if the fees in the regulation have been used to project industry savings, the projections will not be accurate. Also, do the time savings projected through the 'standard approval' process take into account that the operator still has to wait to become a 'registered suitable operator' and in many instances will also have to wait for a development permit to be issued? The costs and benefits of the initiatives should also encompass officer training, industry advice and guidance, changes to local government computer systems, forms and procedures, etc.
8	Part 1 Division 4 and Part 2 – Some general comments	**Submission No. 3** **Queensland Law Society**	Leaving aside the drafting errors, the QLS has not been convinced that the reintroduction of environmental authorities for 'prescribed ERAs' is necessarily a reduction in greentape. Back when environmental authorities were abolished for prescribed ERAs, as part of the 'roll-in' to the *Integrated Planning Act 1997* (repealed), that step was supposed to have been a reduction in greentape. Logically, it cannot be a reduction in 'greentape' both ways. We do have a concern that the numerous frequent changes to the names of approvals for prescribed ERAs in recent years have led to widespread confusion. In the experience of our members, it is difficult enough to explain to international or interstate investors the current series of deeming provisions which mean that older approvals for ERAs have one name but are now deemed to have another name and that the descriptions of the ERAs shown on the front cover are now superseded by other descriptions in a regulation; it is going to become one step more difficult with the latest round of changes. (Sub 3, p.3)

Cl.	Section/initiative	Submitter	Key Points
8	Part 4, Division 2 Public notice	**Submission No. 4 Environmental Defenders Office**	The EDO believes that improving the quality of community rights of access to information, submission and appeal is key to "more efficient processes and improved outcomes for the community and the environment… [and] saves public servants' time and therefore public money." The Bill does improve access to information in some ways, for example making more material available online, but misses opportunities. For public objections to mining leases and environmental authorities the timeframe is shorter under the Bill which is worse than the current situation. The EDO also suggests that "the EP legislation could mandate elements of a quality public notice" to make them clearer (and) improve access to the public notice, application and supporting materials for members of the community who wish to make a submission or objection, otherwise people miss their chance to make a submission entirely or are worn out before they have a chance to consider the merits of the proposal. At the time of writing, while officers of DERM advise that "soon" applications for environmental authorities mining and mining leases will be online, to help people make submissions currently they are not. To find out if a proposed mining lease or environmental authority is advertised for public submission/objection it is necessary to constantly ring rural Mining Wardens or to read obscure rural newspapers. This material ought to be online not obscure and hard to find. For our letter to the Premier on access to information on mining and coal seam gas, see http://www. edo. org . au/edoq1d/edoq1d/new/2011 -06-15%20Lte/020to%20Premier%20on%20mining%20&%20C S G%20proces ses.pdf Since that letter we have received a reply that advises that coal seam gas environmental authority applications and final authorities are now online which is a start but as yet this reform has not occurred for submissions/objections for proposed environmental authorities for mining projects. (Sub 4, pp. 1-2)
8	Part 4, Division 2 Public notice	**Submission No. 9 Queensland Murray-Darling Committee Inc.**	QMDC wishes to raise the same concerns as those outlined for section 5 above.
8	Part 5, Division 3, Subdivision 2 Section 182 (Submitter may give objection notice)	**Submission No. 4 Environmental Defenders Office**	**The Bill will reduce the timeframe for public objection to proposed mining leases.** The Bill would reduce the period for making an objection to a decision on a mining lease from at least 20 business days after the certificate of public notice is given to the applicant (sections 212(2) of the *Environmental Protection Act 1994* and 252A(3) of the *Mineral Resources Act 1989*) to 10 business days after the decision notice is given (section [182(3)(a)] of the Bill). The impact of this reduction is slightly softened by the provision of a new submission period however the conditions of approval will not be available during the submission period, making it impossible to assess the degree to which issues may be adequately addressed through conditions until the objection period. Ten business days is insufficient time for a member of the public to evaluate what may be hundreds of conditions, consult experts, determine whether to give an objection notice and draft the required grounds of objection.

Cl.	Section/initiative	Submitter	Key Points
			Once the conditions of approval are viewed by the submitter, it may be that some issues raised previously by that submitter in the submission are no longer of concern, or the conditions raise fresh issues. Therefore it is important that the objector may raise extra or different issues in the objection compared to the submission. Under the *Sustainable Planning Act* 2009, submitters are not restricted in appeals to only issues raised in their earlier submissions. An objection period more consistent with other laws would be 20 business days after the decision notice is given. This would be consistent with the *Sustainable Planning Act* 2009 which, in addition to a submission period for impact assessable development, provides an appeal period for submitters of 20 business days (section 462(4) of the Sustainable Planning Act 2009). However given the many difficulties faced by poorly resourced community members in gaining legal and expert assistance in short timeframes, and given the huge size of many mines (for example the Rio Tinto mine at Weipa that was front page in *The Courier Mail* on 14 October 2011) and the number of new or expanded mines proposed, (over 30 new or expanded coal mines alone are currently proposed and some will be out for public objection around the same time), a minimum objection/appeal period of 30 business days is a much more appropriate timeframe for both mining objections and appeals on decisions on coal seam gas environmental authorities. (Sub 4, p.3)
8	Part 5 Decision stage	**Submission No. 9 Queensland Murray-Darling Committee Inc.**	QMDC is concerned that the Bill reduces the period for making an objection to a decision on a mining lease from at least 20 business days after the certificate of public notice is given to the applicant (sections 212(2) of the Environmental Protection Act 1994 and 252A(3) of the Mineral Resources Act 1989) to 10 business days after the decision notice is given (clause 182(3)(a) of the Bill). Although the impact of this reduction is qualified by the provision of a submission period, the conditions of approval will not be available during the submission period. This creates a situation where it is not possible to assess the degree to which issues may be adequately addressed through conditions until the objection period. 10 business days is insufficient time for a member of the public to evaluate and comment on possibly hundreds of conditions, consult local communities and key stakeholders, legal, technical and scientific experts, determine whether to give an objection notice and draft the required grounds of objection. Once the conditions of approval are viewed by the submitter, some issues raised previously by that submitter may no longer be of concern, or the conditions raise new issues. Therefore it is important that the objector may raise extra or different issues in the objection compared to the submission. Under the Sustainable Planning Act 2009, submitters are not restricted in appeals to only issues raised in in their earlier submissions. An objection period consistent with other legislation would be 20 business days after the decision notice is given. This is consistent with the Sustainable Planning Act 2009 which, in addition to a submission period for impact assessable development, provides an appeal period for submitters of 20 business days (section

Cl.	Section/initiative	Submitter	Key Points
			462(4) of the Sustainable Planning Act 2009). However given the many resourcing limitations experienced by community members, such as receiving legal and scientific expertise in short timeframes, and given the huge size of many mines and the number of new or expanded mines proposed, some may be out for public objection around the same time. It is recommended that a minimum objection/appeal period of 30 business days is provided for both mining objections and appeals on decisions on coal seam gas environmental authorities.
8	Part 8 Amalgamating environmental authorities Division 1 Preliminary	**Submission No. 2** **Ipswich City Council**	It is generally supported that a single authority for multiple activities be continued to be implemented as long as cost recovery is available for the regulator. The concept of a corporate operator authority (where it is not restricted to one particular property) already exists in the Environmental Protection Act (i.e. multi-registration). The improvements suggested in the original greentape reduction discussion paper were about streamlined processes of monitoring, reporting, management systems etc. These concepts are generally supported and it is suggested that these be included into the current provisions to improve the system. This could be achieved by dividing the approval document into general conditions (which could contain 'standard conditions') for generic issues and another section for site specific requirements. The Bill could then be amended to state that where a corporate licence (or multiple registration) process applies, all general conditions of an ERA Development Permit will be considered as one for this purpose for reducing administrative burden. This also supports the ease of transfer (and merger) of licences as activities are traded, sometimes in and out of a multiple registration arrangements. (Sub 2, pp.5-6)

Cl.	Section/initiative	Submitter	Key Points
8	Section 110 What is a *mining activity*	**Submission No. 3 Queensland Law Society**	While the QLS supports simplification of the definitions so as to avoid unnecessary duplication of information set out in the Mineral Resources Act 1989, the simplification of the definition of 'mining activity' in Section 110 may appear to revoke a current important rights in the current Section 147, which is the extension of the 'mining activity' under the environmental authority to cover private access land that is not part of the mining tenement itself under Section 147(1)(b). This is important because the use of that private land for access purposes would be characterised under planning law as a purpose ancillary to the principal use, which is the mining activity. Given that mining activities under the EP Act/MR Act are exempt from planning schemes, current planning schemes obviously do not cover this issue. (Sub 3, pp.1-2)
8	Section 112 Other key definitions for ch 5	**Submission No. 9 Queensland Murray-Darling Committee Inc.**	"Eligibility criteria" are a crucial component of the Bill, which many other sections must be in accordance with. QMDC is concerned that this Bill will be passed without public consultation on the eligibility criteria. Public consultation will provide industry, local government and community certainty. At the very least QMDC recommends the inclusion of a threshold limit within the eligibility criteria. This would provide greater clarity and certainty because thresholds limits would help to define those natural resource assets identified as being both statewide and regionally at risk to the impacts caused by activities and infrastructure of industries and businesses. Setting threshold limits for natural assets (water (surface and groundwater); vegetation & biodiversity; land and soils; air; nitrogen, phosphorous, carbon elements) will help the Bill to identify whether a new development or existing industries or businesses can operate without causing impacts, for example, generating or disposing of levels of waste that will cause unacceptable impacts on those assets within the defined threshold limits. The eligibility criteria will then be able to define and provide: • "no go" zones; • clear and predetermined standard environmental practices acceptable under legislation e.g. safe effluent disposal, no net loss environmental offset programs, defined buffer zones for activities and infrastructure against stream order classifications, set road heights on floodplains, stream water quality discharge limits etc; • more efficient administrative processes within the Bill. It is recommended: 1. That the inclusion of threshold limits are included within the eligibility criteria 2. That a public consultation process be commenced before the Bill is passed to make comment on the eligibility criteria.
8	Section 113 Single integrated operations	**Submission No. 3 Queensland Law Society**	The QLS supports the concept of a single approval for single integrated operations (at the option of the proponent), but there are some drafting oddities with this section: • One of the criteria is: `(c) the activities are, or will be, carried out at 1 or more

Cl.	Section/initiative	Submitter	Key Points
			places'. This provision appears to be a pointless waste of space. Logically, it is not possible for any activity to fail to be carried out at either one place or more places. The only other possible option would be for it to be carried out at zero places. • The QLS questions the practicability of the requirement in paragraph (a) that the activities must be carried out under the management of 'a single responsible individual'. It would be more workable if the requirement referred to a single entity, rather than an individual. Is the intention to prevent flexible working arrangements such as part-time work? If a husband and wife run an operation, do they need to cease being jointly responsible? Carried to its logical conclusion, this requirement is absurd. • Paragraph (d), referring to 'distances short enough' appears to be an invitation to litigation, as it is open to widely varying interpretations in this modern electronic era. For example, if an integrated mining project contains numerous mining leases, some of which have other land between, involving driving long distances over dirt roads, are the distances short enough? If an industrial project is located partly on one side of a river and partly on the other, with no bridge directly between, is that close enough? (Sub 3, p.2)
8	Section114 Stages of assessment process	**Submission No. 9 Queensland Murray-Darling Committee Inc.**	QMDC is concerned that when each stage does not apply, key issues may slip through the safety net and opportunities for public consultation will be lost creating a lack of transparency and confidence in the process, for example, it is unclear as to whether the public be notified or advised as to which stage each application sits and which stage it is exempt from
8	Section 115 Development application taken to be application for environmental authority in particular circumstances	**Submission No. 3 Queensland Law Society**	The following typographical errors appear in this section: (2) — 'taken to also be' should be 'taken to be also', unless there is a new rule in OQPC encouraging split infinitives. (3) — 'parts 2' should be 'part 2'; 'other than division 2, to 4' should be 'other than divisions 2 to 4'. If the new rule is proposed to be that the prescribed ERA component of a development application is to be processed as an environmental authority application, it would be simpler just to make this the rule and not have supporting deeming provisions about the situation where someone forgets to lodge the environmental authority component of the application. The deeming provisions do not entirely work, for example, just because someone has lodged supporting information for the development application does not necessarily mean that it will tick all the boxes as a 'properly made submission' for the non-existent environmental authority application. The community may have some concerns about that backdoor route. Also, for subsection (5), just because an element of the development application is changed, it does not necessarily follow, in practical terms, that this should impact on the ERA component of the application. (Sub 3, p.2)

Cl.	Section/initiative	Submitter	Key Points
8	Section 117 Restriction for applications for resource activities	**Submission No. 3 Queensland Law Society**	The requirement should be for the person to be either the applicant or the holder of the tenement. The application for the environmental authority could be for a replacement environmental authority. (Sub 3, p.3)
8	Section 118 Single application required for ERA projects, and Section 119 – Single environmental authority required for ERA projects	**Submission No. 3 Queensland Law Society**	The QLS has never supported a compulsion for a single application for all relevant activities forming a project, but only the option of being able to make a single application. There are many sound commercial reasons why an applicant may prefer to make more than one application, for example, the applicant only proposes to carry on the operation for a short time before splitting it to sell or lease to different parties, or would like to keep that option open. Similarly, in many cases it may be simpler for activities on one parcel of land to be processed as one application, and for related activities on another parcel of land to be processed separately, for regulatory reasons. For example, while it may be easier in some situations for resources activities and off-site infrastructure activities to be processed together, in other cases, the need for the off-site infrastructure (such as an airstrip with associated ERAs such as fuel storage) only arises later and could be more easily processed separately and in the normal way. If the true aim is 'greentape reduction', the simpler options should be kept open. Planning law has a better way of dealing with this issue, with principles preventing 'piecemeal and misleading applications' (so as to protect the community from misleading applications), but at the same time allowing considerable flexibility for development applications to be structured in whatever way best suits the commercial context. (sub 3, p.3)
8	Section 120 Application for environmental authority can not be made in particular circumstances	**Submission No. 3 Queensland Law Society**	The QLS has previously made a separate submission to the former Scrutiny Committee about North Stradbroke Island. We remain of the same view. (Sub 3, p.3)
8	Section 120 Application for environmental authority can not be made in particular circumstances	**Submission No. 7 Logan City Council**	In the past the EP legislation has not given Administering Authorities the power to refuse an ERA application if a development approval for the land use has not been granted (this has since been rectified). The inclusion of s.120 prevents this issue reoccurring and is a practical inclusion that will reduce industry confusion. (Sub 7, p.6)
8	Section121 Types of application	**Submission No. 9 Queensland Murray-Darling Committee Inc.**	QMDC request the opportunity to speak to this clause at the Hearing if given an opportunity.
8	Section 122 What is a *standard application*	**Submission No. 6 Australian Contaminated Land Consultants Association Inc. (Qld Chapter)**	ACLCA seeks clarification that activities in Schedule 2 notifiable activities will not fall into a standard application for Environmentally Relevant Activities (ERAs). (Sub 6, p.2)
8	Section 122 What is a *standard application*, and Section 124 What is a *site-specific application*	**Submission No. 2 Ipswich City Council**	The future assignment of ERA's to the appropriate level of assessment will require an ongoing process of active and open engagement with the Act's co-administrators. In terms of the local government ERAs, local government must have significant input into the assignment process. It is worthy considering the issue of sites that may include ERAs of both State and Local Government allocation (although would be State regulated). In these situations, there is a potential for different assessment processes applied to activities based on the State and Local

Cl.	Section/initiative	Submitter	Key Points
			Government allocation, which may not be consistent in the big picture. This should be considered before finalisation of the assessment allocations. (Sub 2, p.4)
8	Section 124 What is *site-specific application*	**Submission No. 2 Ipswich City Council**	Site specific assessment is supported as the assessment track for many ERAs. The practical implementation of the integration of ERA's into the Sustainable Planning Act's (SPA) Integrated Development Assessment System (IDAS) process has evolved into an outcome which is not consistent with the intent of the legislation. This has come about from an ineffective transition and regulator training program which, due to the terminology and the process used (i.e. IDAS), has become significantly and inappropriately embedded into land use planning and assessment mindset. The intent of the legislation is that land use planning and ERA assessment (licensing) are separate but integrated processes. Land use planning has a head of power of the SPA and essentially involves assessment of land uses against SPA and the Council's planning scheme provisions. In assessing ERAs, the head of power is the EPA and this provides the criteria for assessing and conditioning these activities / licenses. The IDAS provides a mechanism where licensing is addressed through a process consistent with land use approvals an enables (if elected by the applicant) to integrate the approvals to speed the process. The framework is appropriate, however, there is a need for recalibration of regulators (planning and environmental) through education to ensure the legislated outcomes are properly implemented. (Sub 2, p.3)
8	Section 124 What is *site-specific application*	**Submission No. 9 Queensland Murray-Darling Committee Inc.**	The Bill offers a limited definition with regards to a site-specific application in comparison to the other two types of application. QMDC is concerned that the clause's attempt to "catch all other" applications that do not fit definitions as those prescribed in clause 122 & 123 will provide opportunities for anomalies to arise when other relevant clauses are to be implemented against the site-specific application. QMDC recommends refining the definition in line with the detail afforded the standard and variation applications. It is recommended that a detailed definition is provided for a site-specific application.
8	Section 125 Requirements for applications generally	**Submission No. 2 Ipswich City Council**	Missing components? The council suggests including minimum requirements of identification of likely emissions and impacts, copy of development plans/layouts, technology details, pollution control equipment etc. (Sub 2, p.7)
8	Section 125 Requirements for applications generally (1)(k)	**Submission No. 2 Ipswich City Council**	The council suggests that "there needs to be capacity to amend other conditions (not identified within the scope of the application) for situations where a change to a condition results in the need to modify another. This should be with consent of course. (Sub 2, p.7)
8	Section 125 Requirements for applications	**Submission No. 9 Queensland Murray-Darling Committee Inc.**	QMDC does not believe a statutory declaration is the most appropriate mechanism to ensure eligibility criteria is met. What steps will be taken if statutory declaration made and it is determined criteria is not actually met by the applicant. What checks are going to be in place to ascertain whether the criteria are being met by the applicant at the first instance? QMDC recommends refining this process to provide clarity and transparency.

Cl.	Section/initiative	Submitter	Key Points
			The exception afforded a standard application under clause 125(1)(l) is of concern to QMDC because of the issues raised in relation to clause 112. If the eligibility criteria are prescribed for standard applications how will the impacts be measured and recorded for public scrutiny. How are the environmental values defined and measured for the description required under clause 125(1)(l)(i)(C)? Are values attached to water, air, biodiversity, vegetation, social and economic well-being of community addressed under this clause? Are cumulative impacts to be considered also? Where are impacts on community infrastructure and socio-economic wellbeing, air quality, water quality and quantity, biodiversity, vegetation, regional ecosystems etc clearly addressed in Division 3 of the Bill? QMDC does not support the applicant being able to state when it "wants" an EA to take effect in accordance with clause 125(1)(m). It is recommended: 1. That these issues be considered and addressed accordingly. 2. That a public record be made available recording the assessment of the standard application against matters as outlined in clause 125(1)(l) to (n). 3. That clause 125(1)(m) be removed from the Bill.
8	Section 126 Requirements for site-specific applications – CSG activities	**Submission No. 9 Queensland Murray-Darling Committee Inc.**	QMDC recommends clause 126(1) be expanded to include a statement regarding greenhouse gas and dust emissions, noise and lighting impacts, soil impacts, weed and pest threats/biosecurity risks, loss of biodiversity and vegetation, the quantity of water required for camp services, quantity of other types of waste (construction materials, sewage, food scraps, tyres etc QMDC strongly disagrees with clause 126(2) and recommends it be removed from the Bill. Having a feasible alternative to an evaporation pond should be an essential component of the eligibility criteria. It is recommended: 1. That clause 126(1) include other identified key environmental risks and impacts. 2. That clause 126(2) be removed from the Bill.
8	Section 138 When information stage applies	**Submission No. 9 Queensland Murray-Darling Committee Inc.**	This section raises the same concerns as those discussed in relation to section 125, above.
8	Section 139 Information state does not apply if EIS process complete	**Submission No. 9 Queensland Murray-Darling Committee Inc.**	Who deems environmental risks have not changed? QMDC is concerned that if there is no formal process to require the information stage for an applicant's proposed project because the EIS is complete, a review of environmental risks to consider any key changes during the time that has lapsed since the EIS is necessary. This will enable the application to be assessed according to better scientific data and knowledge on more current environmental risks, best business practices, threshold limits, community aspirations and the cumulative impacts to natural resources in the region of the application. The clause may capture substantial changes in the environment owing to natural disasters, but will it capture the risks associated with climate change, or the cumulative impacts of other development and industry. This may pose new risks not originally contemplated.

Cl.	Section/initiative	Submitter	Key Points
8	Section 140 (2) Information request to applicant	**Submission No. 7 Logan City Council**	This subsection includes information that must be included in an information request. It relates to the content of s.141. Separating notice requirements across two sections increases the likelihood omissions will be made. Council's suggestion: Move the content of s.140(2) into s.141. (Sub 7, p.6)
8	Section 150 Notification stage does not apply if EIS process complete	**Submission No. 9 Queensland Murray-Darling Committee Inc.**	QMDC wishes to raise the same concerns as those outlined for section 139 above.
8	Section 157 Public access to application	**Submission No. 9 Queensland Murray-Darling Committee Inc.**	Clause 157(1)(b) should be rewritten to allow the administering authority to recover costs from the applicant for all public access requests for application documentation.
8	Section 161 Acceptance of submission	**Submission No. 9 Queensland Murray-Darling Committee Inc.**	QMDC wishes to raise the same concerns as those outlined for clause 5, amendment of s.51 above.
8	Section 201 Term of environmental authority	**Submission No. 7 Logan City Council**	This section states that the term of an Environmental Authority will lapse after a stated period. Council's suggestion: As indicated previously, Council would like this section and s.308 to be amended to enable local government to issue fully compliant ERA operators with environmental authorities for multiple years. This would create an incentive to comply with environmental standards and reduces the burden on compliant businesses. (Sub 7, p.6)
8	Section 204 Conditions that must be imposed for standard or variation applications	**Submission No. 7 Logan City Council**	This section requires that the Administering Authority place a condition on specific Environmental Authorities that the holder of the authority takes 'all reasonable steps' to ensure the activity complies with the eligibility criteria for the activity. The term 'reasonable steps' is very ambiguous. To ensure environmental standards are maintained and fair regulation, operators of ERAs should be required to comply with the eligibility criteria for standard or variation applications, or lodge a site-specific application, i.e. it should be a requirement to comply, not a requirement to take 'all reasonable steps'. The current provision provides little/no disincentive for operators who aren't complying with the eligibility criteria to do the right thing and apply for a site-specific Environmental Authority. Council's suggestion: Remove the wording `to take all reasonable steps' from s.204(2). Include an offence for ERA operators that are operating under an Environmental Authority obtained through a standard or variation application and that do not comply with the eligibility criteria (unless operating under an approved Transitional Environmental Program (TEP) and the only noncompliance/s with the eligibility criteria are covered by the TEP). Also include this offence in the State Penalty Enforcement Regulation so a Penalty Infringement Notice can be issued for this offence. (Sub 7, p.6)
8	Section 253 Requirements for transfer application and Section 262 Requirements for surrender application	**Submission No. 7 Logan City Council**	The requirements for a transfer application are detailed in s.253. The requirements for a surrender application are detailed in s.262. There is no information regarding what action is to be taken if a transfer or surrender application does not comply with s.253 or s.262 (i.e. no section similar to s.128). Council's suggestion: The inclusion of a section similar to s.128 for transfer and

Cl.	Section/initiative	Submitter	Key Points
			surrender applications. If necessary a section regarding lapsed applications should also be included. The provisions should enable the Administering Authority to charge an additional fee to cover the cost of reassessing the application. This would enable full cost recovery and lower fees for applicants who lodge a 'properly made application' the first time. (Sub 7, p.6)
8	Section 256 Notice to owners of transfer	**Submission No. 7** **Logan City Council**	After an Environmental Authority is transferred, the new operator is required to send the land owner/s a copy of the Environmental Authority. This places a burden on the new operator at a time when they are moving into a new business and have numerous other tasks to complete. A more streamlined approach would be for the Administering Authority to send a copy of the Environmental Authority at the time it is issued. **Council's suggestion:** Amend s.256 to require the operator to send a copy of the Environmental Authority to the property owner/s if the Administering Authority has not already done so. Require the Administering Authority to advise the new operator if they are required to send the property owner/s a copy of the Environmental Authority. (Note: this allows Administering Authorities to adopt a process that is appropriate for the industry, etc). (sub 7, pp. 6 – 7)
8	Section 269 Restrictions on giving approval	**Submission No. 7** **Logan City Council**	S.269 places restrictions on when an Administering Authority may approve a surrender application. In some instances (e.g. a surrender application for ERA8 Chemical Storage for a service station) the local government will require information from DERM to be able to assess the requirements of s.269(c). To ensure compliance with the relevant timeframes, DERM would have to provide this information quickly. This will require a streamlined process with strict timeframes for DERM (e.g. 10 business days). **Council's suggestion:** No amendment to the legislation recommended. Require DERM to develop a streamlined process in which they will provide LG the information required to be considered under s.269(c) within 10 business days free of charge. (Sub 7, p. 7)
8	Section 278(e)	**Submission No. 7** **Logan City Council**	S.278 details when an Administering Authority may cancel or suspend an Environmental Authority. s.278(e) includes the grounds that the environmental authority holder's registration as a suitable operator `... is proposed to be cancelled or suspended' (i.e. under ss.318K-318Q). In its current form this provision appears to lack natural justice, i.e. another decision can be made based on the proposed cancellation/suspension of the registration. It is believed that the intent of this provision is to enable both the Environmental Authority and the Registration to be cancelled/suspended at the same time. **Council's suggestion:** Amend s.278(e) to: • remove the wording 'is proposed to be cancelled or suspended' from; and • insert provisions that state notices of proposed suspension/cancellation can be issued under s.280 and s.318L at the same time. (Sub 7, p. 7)
8	Section 311(2) Deciding application	**Submission No. 7** **Logan City Council**	S.311(2) allows the Administering Authority to change the anniversary day for an Environmental Authority if the holder agrees in writing. Currently ERA renewals are scattered throughout the year, resulting in numerous batches of renewals having to

Cl.	Section/initiative	Submitter	Key Points
			be processed. This decreases efficiency, resulting in increased administration costs to local government. These costs are usually incorporated in the annual fees paid by ERA operators. **Council's suggestion:** To increase efficiency and therefore decrease costs to industry, there should be a provision that enables local government to amend the anniversary date to a consistent date for all ERAs in that local government area, without the need for written consent. To ensure fairness the local government should be required to give the ERA operator 40 business days notice of the proposed change and charge pro-rata fees. (Sub 7, p. 7)
8	Section 314 Requirement to replace environmental authority if non-compliance with eligibility criteria	**Submission No. 7** **Logan City Council**	This section requires the ERA operator to replace an environmental authority through a site-specific application if they do not comply with the eligibility criteria. This provision essentially gives someone additional time to comply when they have falsely stated their business complies with the eligibility criteria or they have failed to ensure the business continues to comply with the eligibility criteria. In the absence of a penalty for failing to comply with the eligibility criteria (refer to comments on 5.204) there is little disincentive to apply for a site-specific application. A business who wants an approval quickly can obtain an authority through a standard application and then if they are caught, apply for a site-specific application after they are given a notice under s.314(4). These provisions in their current form protect noncompliant businesses. **Council's suggestion:** Refer to recommended solution for s.204. (Sub 7, pp. 7 – 8)
8	Section 318C (4)	**Submission No. 7** **Logan City Council**	S.318C requires the Chief Executive (i.e. DERM) to give a notice of proposed standard conditions. s.318C(4) requires that the Chief Executive must give a written notice of the proposed standard conditions to the holder of a relevant existing authority. This implies one of four things: • DERM is not intending to develop standard conditions for devolved ERAs which would be ill-advised and would prevent Greentape achieving its purpose; • DERM is going to deregulate devolved ERAs which is definitely not supported as the regulation of devolved ERAs has resulted in improved environmental standards; • DERM is going to require the postal addresses of all ERA operators regulated by local government and then undertake massive mail-outs; or • DERM is going to require local government do the mail-out on their behalf, which will create an additional administrative burden on local government. **Council's suggestion:** Genuine engagement with local government regarding devolved ERAs. A realistic process is developed to comply with s.318C that does not create an additional administrative burden on local government unless DERM funds this work. (Sub 7, p. 8)
8	Section 318E Codes of practice	**Submission No. 7** **Logan City Council**	This provision is broad in nature allowing the creation of a code of practice `... for an activity that causes, or is likely to cause, environmental harm'. This could potentially include activities regulated by local government (e.g. roof cleaning

Cl.	Section/initiative	Submitter	Key Points
			businesses that regularly discharge wastewater to stormwater). s.318E(3) requires the Administering Authority to keep a copy of the code of practice available on its website. If the code of practice is for an activity regulated by local government, this section requires every local government to keep the same document on their website which is a logistical nightmare, particularly if the code is updated. **Council's suggestion:** s.318E(3) be amended to require that all codes of practice made under subsection (1) are made available on the DERM website (i.e. replace 'Administering Authority' with the State agency primarily responsible for environmental protection. (Sub 7, pp. 8–9)
8	Section 318G Deciding Application	**Submission No. 2** **Ipswich City Council**	**What if no decision is made? What happens** The council suggests a Need for inclusion of a provision which clarifies this. (Sub 2, p.7)
8	Section 318H Grounds for refusing application for registration	**Submission No. 2** **Ipswich City Council**	There is a need to be able to extend the assessment and decision timeframes as this can be dependant upon other agency input (see later in Bill). The council's suggestion: include a provision to allow extensions where delays from other agencies that provide information are experienced. (Sub 2, p.7)
8	Section 318H Grounds for refusing application for registration (a)	**Submission No. 2** **Ipswich City Council**	Applicant's environmental record is not defined, nor a clear scope of what is to be considered. The council's suggestion: provide a definition or scope of consideration in making this decision is to be included in the legislation. (Sub 2, p.7)
8	Section 318H Grounds for refusing application for registration (c), and Section318K Cancelation of suspension of registration (a)(ii)	**Submission No. 2** **Ipswich City Council**	The provision "or have been" is very onerous. This should be linked to a cause and effect relationship – i.e. there is evidence (and to be substantiated in a court if required) that there was a direct or indirect influence or relationship of the breaches with the particular XO. The council suggests amending provision so that it relates to the proven relationship between the XO and the other company(s). (Sub 2, p.7)
8	Section 318J When registration takes effect	**Submission No. 2** **Ipswich City Council**	Commencement of registration is not clear to operator or AA. Many licensing systems do not record the date of entering the data into the system (or not easily found) and this may be difficult to identify if needing to go to court. Council's suggestion: the date of commencement be date stated on environmental authority. This will then be certain. (sub 2, pp.7 – 8)
8	Section 318K (b) Cancellation or suspension of registration	**Submission No. 7** **Logan City Council**	S.318K identifies when an Administering Authority may cancel or suspend a registration. S.318K(b) states the Administering Authority may cancel of suspend a registration if it is satisfied the operator is not a suitable person to be registered as a suitable operator having regard to the applicant's environmental record'. This provision mirrors several existing provisions that are vague in nature. Greater guidance is required in relation to this provision. **Council's suggestion:** Clear guidelines are developed to ensure all Administering Authorities interpret and implement this provision in a consistent manner. Inclusion of explanatory notes under s.318K(b) to guide the interpretation of the provision. (Sub 7, p. 9)
8	Section 318R Investigation of applicant suitability or disqualifying events	**Submission No. 2** **Ipswich City Council**	This section requires timeframes to be included, otherwise S314 will be detrimentally affected. See comments above. Council's suggestion: set timeframes for response. (Sub 2, p.8)

Cl.	Section/initiative	Submitter	Key Points
8	Section 318R Investigation of applicant suitability or disqualifying events	**Submission No. 7 Logan City Council**	This section allows Administering Authorities to investigate applicant suitability by requesting information from other relevant agencies. This section allows information to be obtained from other State environmental protection agencies, etc, but does not make any provision for local government to request relevant information from DERM. DERM could also not request information from other State agencies (e.g. DPI&F) that also regulate ERAs. **Council's suggestion:** s.318R be amended to allow an Administering Authority to obtain information from another Administering Authority within Queensland. (Sub 7, p. 9)
8	Section 318S Use of information in suitability report	**Submission No. 2 Ipswich City Council**	This section requires timeframes to be included, otherwise S314 will be detrimentally affected. See comments above. Council's suggestion: set timeframes for response.
8	Section 318T Notice of use of information in suitability report	**Submission No. 7 Logan City Council**	This section requires the Administering Authority issue a notice to the applicant before using information in a suitability report. This provides natural justice which is supported. However, this adds a step in the process without extending the timeframes (which is only 20 business days) to make the decision. **Council's suggestion:** s.318G be amended to extend the timeframe to make a decision if a notice under s.318T is issued. (Sub 7, p. 9)
8	Section 318U	**Submission No. 7 Logan City Council**	This section deals with confidentiality in relation to suitability reports. Currently the provisions cover public service employees and employees of a local government. Several local governments and State agencies use contractors to implement legislation and process applications. There is no definition of 'employee' and contractors are generally not considered employees of the relevant Administering Authority. Therefore the implementation of this provision would be problematic if contractors are not included in this section. **Council's suggestion:** Amend s.318U(1) and (3)(b) to include contractors employed by an Administering Authority. (Sub 7, p. 9)
8	Section 318U (2) Confidentiality of suitability reports	**Submission No. 2 Ipswich City Council**	This poses significant record keeping issues/risks). Decision makers need to be able to justify their decisions and as such require record keeping. This record keeping needs to be secure. This may be necessary for review in later times. **Council's suggestion:** reconsider this provision and its corporate memory issues. (Sub 2, p.8)
8	Section 318U (3)(a) Confidentiality of suitable reports	**Submission No. 2 Ipswich City Council**	The term 'second person' is not clear. Council suggests rewording for clarity. (sub 2, p.8)
8	Section 318V Destruction of suitability reports	**Submission No. 2 Ipswich City Council**	Destruction of suitability reports is difficult if received electronically due to backup computer systems. Council's suggestion: consider the implications of this matter. (sub 2, p.8)
9	Section 321 What is an environmental evaluation – 326 (1) Administering authority may conduct environmental audit for resource activities	**Submission No. 7 Logan City Council**	These sections detail the provisions for environmental evaluations. Most of these provisions replicate existing provisions of the EPAct. These sections will continue the current approach of having two types of environmental evaluations — environmental audits and environmental investigations. Both types of environmental evaluations are designed to achieve similar outcomes. The primary difference is

Cl.	Section/initiative	Submitter	Key Points
			that an environmental auditor must conduct an environmental audit. There are several situations in which an environmental audit or environmental investigation could be issued. The Greentape Bill presents an opportunity for the two types of environmental evaluations to be consolidated which would reduce the regulatory burden on Administering Authorities and industry. **Council's suggestion:** Consolidate these provisions to create one type of environmental authority. Include the ability for the Administering Authority to specify the minimum qualifications of the person completing the environmental evaluation (e.g. an auditor approved under the EP Act) in the consolidated provisions. (Sub 7, pp. 9 – 10)
9	Section 323 Administering authority may require environmental audit about other matters	**Submission No. 7** **Logan City Council**	S.323 details some of the circumstances in which and Administering Authority may require an environmental audit including: • Non-compliance with a Direction Notice (used to regulate nuisances, illegal discharges to stormwater systems, etc); • Contravening a noise standard; and • Depositing prescribed water contaminants into a stormwater system or in place where they could move into a water body. These provisions deal with some of the noncompliances that have a smaller or shorterterm impact on the environment. Therefore requiring an environmental auditor undertake the environmental evaluation is unnecessary and increases the cost to comply. In some instances another type of professional (e.g. acoustic engineer) may be better qualified than an environmental auditor to provide expert advice to achieve the desired outcome. **Council's suggestion:** If the above recommendation is not implemented, move the content of s.323(1)(b) into s.326B, i.e. move the 'nuisance' type provisions to be included under the environmental investigation provisions. (Sub 7, p. 10)
9	Section 326G (2)	**Submission No. 7** **Logan City Council**	This provision states that the Administering Authority must accept the report submitted by the environmental auditor. This doesn't take into account that auditors may make errors (not deliberately), etc. **Council's suggestion:** Amend this provision so that Administering Authorities can require the report be amended if there are errors or omissions. Also include a provision that the report can be disallowed/refused if the Administering Authority if the report is seriously flawed and action is taken under s.574H (Who may make complaint about an auditor). (Sub 7, p. 10)
9	Section 343A Notation of approval of transitional environmental program on particular environmental authorities	**Submission No. 2** **Ipswich City Council**	The purpose of this is not clear, and is confusing. Council's suggestion: reword provision to apply as follows: 1. Have an Environmental Authority 2. Get a TEP 3. Issue amended Environmental Authority stating TEP now related and in place from xx/xx/xx to xx/xx/xx What this will do is raise the attention of the TEP without

Cl.	Section/initiative	Submitter	Key Points
			excessive administration and confusion. Issuing an amended Environmental Authority is appropriate in this circumstance. (Sub 2, p.8)
12	**Clause 12** Amendment of s 330 (What is a transitional environmental program) **Clause 13** Amendment of s331 (Content of program)	**Submission No. 7** **Logan City Council**	These clauses will amend ss.330-331 in relation to Transitional Environmental Programs (used to support a business transition to an appropriate standard, becoming compliant over a fixed period of time). These clauses do not currently include standard conditions. Consequently, an ERA operator who intends to transition to comply with the standard conditions must obtain a site-specific approval in the meantime. This doesn't appear consistent with the intent of the Act to encourage improved environmental performance or the intent of the Bill to decrease Greentape for industry. **Council's suggestion:** Clauses 12 and 13 be amended to include 'standard conditions'. (Sub 7, pp. 10 – 11)
15	Section 334A Administering authority may request further information	**Submission No. 7** **Logan City Council**	This section enables the Administering Authority to require information relevant to a submitted Transitional Environmental Program. There are currently not detals to identify what action should be taken if the information is not provided by the person/public authority. There is also no maximum time period set before the process lapses. **Council's suggestion:** Inclusion of more process requirements including the maximum time period the person/public authority has to submit the information, that the process lapses if the person/public authority fails to provide the required information during that time period, etc. (Sub 7, p. 11)
24	Amendment of s 347 (Notice of disposal by holder of program approval)	**Submission No. 7** **Logan City Council**	This clause will amend s.347 which relates to the disposal (e.g. sale) of a business that is not covered by an environmental authority and that has an approved Transitional Environmental Program (TED). It is unclear why a business operating under an Environmental Authority that has a TEP is not subject to the same requirements. **Council's suggestion:** Do not amend s.347 so all holders of a TEP have to tell potential purchasers of the TEP. (Sub 7, p. 11)
35	Amendment of s435A (Offence to contravene standard environmental conditions)	**Submission No. 9 Queensland Murray-Darling Committee Inc.**	QMDC asserts the Bill must ensure very clear messages are sent to applicants that contravening environmental conditions will not be tolerated. QMDC suggests the key is to develop a model of educating industry or businesses on environmental compliance, so that they do not see it as a burden and can efficiently work towards benefit from the savings and opportunities of sustainable practices 'beyond compliance'. This would likely require DERM and other key stakeholders such as environmental legal services, business associations, NRM or industry peak bodies to actively identify ways to assist individuals, businesses and industry interpret and implement their environmental requirements on a local or regional level. What may also assist is the coordination of information dissemination by DERM regarding current and relevant Land and Environment Court case law as well as federal, state and local government environmental initiatives, strategies and policies, and significant international protocols, treaties best practices and standards. The education process should include as its basis the importance of

Cl.	Section/initiative	Submitter	Key Points
			compliance in terms of environmental protection, risk reduction and the advantages of sustainable business practices. It is recommended that the penalty for offences under section 435A is increased.
36	Amendment of s 452 (Entry of place – general)	**Submission No. 7** **Logan City Council**	These amendments to s.452 are very similar to the existing provisions regarding an authorised person's power to enter places. These provisions do not provide suitable powers of entry when a business is operating, but is not 'open' for business (e.g. noisy work conducted after hours). **Council's suggestion:** s.452(2)(c)-(f) should be amended to include powers of entry when the activity is being conducted (even if the business is not 'open' for trade or to the public). These powers of entry should apply to places where ERAs and other regulated activities are occurring, and where ERAs are being conducted without the necessary approvals (i.e. don't have reduced powers of entry for illegally operating ERAs). However, these powers of entry should not apply to residential premises or parts of a building lawfully used as residential premises. (Sub 7, p. 11)
40	Amendment of s520 (Dissatisfied person)	**Submission No. 9 Queensland Murray-Darling Committee Inc.**	It is recommended that the definition of a "dissatisfied person" be expanded to include a broad inclusion of persons in the community including neighbours to the land that forms part of the application.
41	Amendment of s521 (Procedure for review)	**Submission No. 9 Queensland Murray-Darling Committee Inc.**	QMDC wishes to raise the same concerns as those outlined for clause 5, Amendment of s51 above.
45	Section 540 (1) (c) Registers to be kept by administering authority	**Submission No. 7** **Logan City Council**	The proposed changes in clause 47 are similar to the existing content of these sections. There is no definition of 'monitoring programs' which can lead to different interpretations of this requirement. **Council's suggestion:** Include a definition of 'monitoring program' in Schedule 4 (Dictionary). (Sub 7, p. 11)
45	Amendment of s531 (Who may appeal)	**Submission No. 9 Queensland Murray-Darling Committee Inc.**	QMDC request the opportunity to speak to this clause at the Hearing if given the opportunity.
47	Section 540 Registers to be kept by administering authority	**Submission No. 6** **Australian Contaminated Land Consultants Association Inc. (Qld Chapter)**	ACLCA would like to see suitable qualified persons (SQPs) and auditors kept on a publicly available register. (Sub 6, p.2)
51	Replacement of chapter 12, part 1 (Approval of codes of practice and standard environmental conditions)	**Submission No. 9 Queensland Murray-Darling Committee Inc.**	It is recommended that a public consultation process be allowed to provide input to guidelines for the administration of the Act.
58	Part 3 Suitably qualified persons section 564, and Division 3 Performance of auditor's functions section 574(C-M)	**Submission No. 6** **Australian Contaminated Land Consultants Association Inc. (Qld Chapter)**	Both sections refer to levels of competency; qualifications and experience relevant to performing the function (SQPs) or state the functions proposed to be performed by the applicant (Auditors application). ACLCA wish to seek clarification on the operational policy in defining the levels of competency of both SQPs and auditors. (Sub 6, p.2)
58	Insertion of new ch12, parts 3-3a	**Submission No. 9 Queensland Murray-Darling Committee Inc.**	Regulations to support suitably qualified persons including auditors to perform regulatory functions are also dependent on adequate government resourcing to increase the availability of people who not only have the relevant skills, knowledge

Cl.	Section/initiative	Submitter	Key Points
			and experience but also have the ability to adapt and apply new products, technologies and information to their local and regional needs. QMDC recommends the implementation of regulations which build the capacity to deliver further important knowledge and technological advances to Queensland and its regional communities. This will ensure the Act and its regulations will advance the Act's effectiveness and efficiency. It is recommended that the relevant regulations reflect not only suitably qualified persons including auditors whom are skilled in current best practices but are also persons that are well-informed by localised and regionalised knowledge and research.
60	Section 677 Continuing effect of existing development permit for chapter 4 activity as environmental authority	**Submission No. 7** **Logan City Council**	This section provides transitional arrangements for Chapter 4 Activities, including devolved ERAs. s.677(4) states that 'the anniversary day for the environmental authority is the anniversary day of the day the development permit was given'. In accordance with s.316 of the current EPAct, local government has to issue an annual notice (i.e. renewal) prior to the anniversary day for the registration certificate. The proposed requirememes relate to the anniversary day of the development permit. This date is often different to the anniversary of the registration certifica te. To implement the proposed provision would require each Administering Authority of Chapter 4 Activities to go through every relevant development permit and amend the anniversary day of each ERA. In many cases this will result in changed periods covered by the fee which is unfair to industry and an unbeneficial administrative burden on local government. **Council's suggestion:** Amend s.677(4) to state that the anniversary day for the environmental authority is the anniversary day for the registration certificate. This will ensure ERA renewal dates remain unchanged. (Sub 7, p. 11)
60	Section 694 Definition for div 5 – Section 695 Application to convert conditions of transitional authority to standard conditions	**Submission No. 7** **Logan City Council**	S.694 defines 'transitional authority' and includes development permits for Chapter 4 activities devolved to local government that exist before the commencement of the Greentape Reduction provisions. s.695 states that the holder of a transitional authority may apply to convert the conditions to the standard conditions for the relevant activity. To do this the ERA operator would have to pay a fee. Consequently most ERA operators will not apply to convert the conditions. This will result in varying minimum standards existing within each industry. Current development permits which become an Environmental Authority under s.677 will remain in effect for the lifetime of the activity occurring on the site. Therefore multiple standards could exist for decades. This reduces some of the regulatory efficiency the Greentape Reforms intended to achieve. However, it is recognised that changing the requirements of existing ERAs is problematic. However, a better balance is needed and the bulk of devolved ERAs will operate in a similar way and therefore are likely to comply with the eligibility criteria to be developed in the future. **Council suggests including provisions that:** • Require the Administering Authority give the holder of each 'transitional authority' a notice within 1 year of relevant standard conditions being developed.

Cl.	Section/initiative	Submitter	Key Points
			• State the conditions will automatically change to the standard conditions 1 year after the notice is served, unless the operator advises the Administering Authority they want to retain their existing conditions. • If the holder of the transitional authority advises the Administering Authority that they want to retain their existing conditions, the Administering Authority cannot change their conditions unless specifically permitted by the EPAct (e.g. the provisions to amend conditions if the holder is convicted of an environmental offence). This would be consistent with s.213 that states that the holder of an environmental authority has one year to comply with any new standard conditions that apply to existing authorities.
62	Amendment of sch 4 (Dictionary)	**Submission No. 9 Queensland Murray-Darling Committee Inc**	Measures to protect the environment from potential evaporation impacts caused by the construction and operation of frac ponds and the exploration and appraisal ponds required for pilot production testing must be as stringent as CSG evaporation dam constructions and operations (see clause 62(2) at p.237 of the Bill). It is recommended that definitions are added to the dictionary to include other types of dams, for example, exploration, appraisal, fraccing, oily water ponds etc.
64	Amendment of s 10 (Definitions for terms used in *development*)	**Submission No. 6 Australian Contaminated Land Consultants Association Inc. (Qld Chapter)**	The ACLCA asks whether the current rate of 10% change in material use is still considered a trigger for a change in Material Change in Use (MCU) and if the operational policy to enact the change will be published on the DERM website. (Sub 6, p.2)
65	Amendment of s261 (When application is a properly made application)	**Submission No. 9 Queensland Murray-Darling Committee Inc**	QMDC request the opportunity to speak to this clause at the Hearing if given an opportunity.
67	Amendment of s321 (Applicant may stop decision-making period to request chief executive's assistance)	**Submission No. 9 Queensland Murray-Darling Committee Inc**	QMDC is concerned that decisions may be made behind closed doors that require public and community involvement (see clause 67 s 321 (1) at pp. 252-253 of the Bill). Refer to discussion re public and community engagement at discussion on clause 5, Amendment of s51, above. It is recommended that s 319 include a public process to: 1. Inform the public of the conflict or discrepancy and the applicant's decision making process; 2. Source a wide range of views from all stakeholders (landholders, rural and regional community members, agriculture and agribusinesses, environment and conservation, State and local government, mining and energy sector, research and science). 3. Secure feedback from organisations and individuals to inform and provide direction for the Sustainable Planning Act 2009.
71	Amendment of s399 (Who may carry out compliance assessment)	**Submission No. 9 Queensland Murray-Darling Committee Inc**	QMDC is concerned that the Bill does not define the necessary expertise or experience that is required to carry out compliance assessments and which determines what is deemed "suitably qualified" for a "nominated entity" (see clause 71 s 399 (1) & (6) at pp. 254-255 of the Bill). In QMDC's experience DERM and local governments are currently under-resourced to monitor current Environmental Authorities (EAs) and Operation Plans (OPs). To

Cl.	Section/initiative	Submitter	Key Points
			the best of QMDC's knowledge there are currently 183 EAs with thousands of associated conditions. With the CSG and coal industry and their associated support industries on the ever increase in the QMDB there is a real need to articulate clearly what skills and knowledge are needed to ensure development or work or documents comply with not only the conditions imposed in accordance with the proposed Bill and other associated legislation but also current best practices. QMDC submits that current best practices must not only be based on national and international industrial practices but also be informed by localised and regionalised knowledge and research. This will ensure the Bill and any associated legislation or regulations will serve to further the effectiveness and efficiency of environmental legislation. Public and community confidence in the assessment process is dependent on the availability of public servants and other persons who have the relevant authority, skills, knowledge and experience and also have the ability to adapt and apply new products, technologies and information to their local and regional needs. It is recommended that a regulation is implemented and read alongside this section of the Bill to: 1. Require financial payments from applicants to build the capacity and qualification of public servants and other persons to assess development, work or documents that fall within the ambit of the Bill. (NB:This will assist the mining and resource industry, for example, to deliver on their promises to increase the skills of the working force of Queensland and its regional communities).
78	Legislation amended in schedule	**Submission No. 9 Queensland Murray-Darling Committee Inc**	QMDC argues that on a local and regional level there is a need for proponents of industry and business requiring licenses or EAs to be provided with a clear and consistent framework for best practice and policy decision-making, risk management and responses to the specific and cumulative impacts of their industry or business on the QMDB's natural resources. QMDC seeks a robust legislative and regulatory framework that is compatible with the protective mechanisms afforded by environmental law and regional plans, policies and strategies. **Equity and balancing community interests** QMDC notes the extensive number of licenses and EAs regulating industry, businesses and individuals in Queensland (183 as per DERM's website November 2011). The sheer volume and therefore industrial or business interest raises concern regarding equity issues and the balancing of community interests. QMDC supports the need to have improved information and advice on regulatory requirements. QMDC would add that included in this information should be data and information documenting the key natural resource assets and values of each region and targets for their management. QMDC supports this information being made available on key government websites.

Cl.	Section/initiative	Submitter	Key Points
			Quality of information and scientific certainty QMDC supports the need to align legislation and administrative processes. QMDC has experienced how anomalies in water legislation, for example, create certain injustices especially when the mining and energy industry sector have inherent rights under the Petroleum and Gas Act to water and the farming sector are subject to water resource planning and permits. QMDC also supports DERM's concern regarding the quality of information provided by proponents being sometimes inadequate to make informed decisions. As a submitter to a number of EA applications by CSG companies, QMDC has found that decisions are often delayed because proponents are not forthcoming with essential data. This leads to distrust in the company's integrity. A wider concern is that the regulator is being put in a position to make decisions when there is a clear lack of scientific evidence or certainty. This may lead to impacts on natural resources, the environment or community interests that should be avoided in the first place.
703	Plan of operations for environmental authority for petroleum activity that relates to petroleum lease	**Submission No. 9 Queensland Murray-Darling Committee Inc.**	QMDC is concerned that clause 703(4) will remove an accountability mechanism essential for the protection of the environment and public confidence in the Act's capacity, and recommends that clause 703(4) be removed from the Bill.
-	Division 6 Conditions	**Submission No. 9 Queensland Murray-Darling Committee Inc.**	QMDC request the opportunity to speak to these clauses at the Hearing if given an opportunity.

Other comments – clause not specified or unclear

Submitter	Key Points
Submission No. 2 Ipswich City Council	Generally, many terms used in the Bill are quite complicated and confusing (eg prescribed ERA project, significant project, registered suitable operator, amalgamated authorities etc). It is suggested that simpler terminology be considered so that the community (in particular) will understand the legislation. Considering the evolution of the legislation, there has been so many changes that operators will struggle with the terminology of this legislation. Local Governments deal with a large proportion of small to medium businesses and as such the terminology and changes can lead to confusion, frustration and distrust which results in greater administration by Local Government. Clear communication from DERM to all sectors of the community will assist in setting this clear and reduce the expected significant administrative burden for Local Government. (Sub 2, pp.8-9)
Submission No. 3 Queensland Law Society	The QLS strongly supports: (a) The inclusion of a formal information stage with timeframes, for resource activity applications as well as prescribed ERAs; and (b) The proposed deletion of EM Plan requirements. However, similar to the sampled sections, there are drafting errors and unintended consequences in these sections too. (Sub 3, p.4)
Submission No. 5 Local Government Association of Queensland Inc.	The LGAQ expresses its concerns that limited consideration has been given to the administrative burden for local government in making the proposed changes in the Bill. LGAQ are also concerned about the potential reduction in opportunities for cost recovery for local government in managing environmental protection. Local government also gained the added impact of managing commercial nuisance in 2009 with no option to cost recover for these activities so to consider the changes now, as proposed in the Bill, is of concern to the Association. Ipswich and Logan City Councils have made submissions to the committee with extensive comments on the Bill itself in relation to operational issues and the Association supports these submissions. (Sub 5, p.1)
Submission No. 6 Australian Contaminated Land Consultants Association Inc. (Qld Chapter)	The ACLCA wishes to be advised of all operational policies from the Queensland Government Department of Environment and Resource Management (DERM) to be enacted by the Bill and if these policies will be published on the DERM website as stated in s.318 (3) "The administering authority must keep a copy of a code of practice made under subsection 1." (Sub 6, p.1)
Submission No. 6 Australian Contaminated Land Consultants Association Inc. (Qld Chapter)	ACLCA would like to see in the Act a section on Performance of SQP's Function, in a similar manner as Auditors. (Sub 6, p.2)
Submission No. 6 Australian Contaminated Land Consultants Association Inc. (Qld Chapter)	Currently the legislation for third party certification only applies to site investigations and not ERA applications. Given the streamlining (relaxing) of some prescribed ERA applications (standard or site specific), ACLCA would like to suggest that ERA applications of activities on schedule 2 notifiable activities are signed off by a SQP and/or an auditor. (Sub 6, p.2)
Submission No. 6 Australian Contaminated Land Consultants Association Inc. (Qld Chapter)	ACLA suggests that ERA applications for the medium activities require a sign off by an SQP and high risk activities also require third party certification by auditors, as well as a sign off by SQPs. (Sub 6, p.2)
Submission No. 6 Australian Contaminated	In the development of operational policies for the Act, ACLCA seeks clarification on the following: • "SQPs will not need to be approved." How will this work?

Land Consultants Association Inc. (Qld Chapter)	• That third party certifiers will work under a code of conduct. Who is to develop this code? • The bill is specific to the state of QLD and not uniform with, or complimentary to, Commonwealth or another state. How does this work with NEPM etc? • Reference guidelines. Are any of these planned for contaminated land operations and if so when? Are the draft 1998 guidelines to be revised? • SQP – Are the "appropriate qualifications and experience" to be defined? Is "appropriate organisation" to be defined? What are the changes to the regulatory function that can be performed by a SQP? • Statutory Declarations – have the SQP stat decs formats changed? • Guidelines for type of auditor and criteria – when will these be issued and in what format? • Term of approval. It is assumed there will now be a panel of auditors for certain functions. It is assumed that this panel will run for a period of time, how long will this be? It is assumed that the current appointment of TPRs on a site specific basis will cease. Will the current panel of TPRs automatically qualify for the panel of auditors or will they need to reapply? • Conditions of approval for an auditor – is it known what these may be? • Code of practice – are any codes planned to be developed by DERM in the near future and if so when? • Clauses relating to "business days" – is this from receipt by PALM and not DERM? If by DERM, how many days are allowed for internal processing and how will the applicant know when the time period commences? • How is "best practice environmental management" to be defined? (Sub 6, p.3)
Submission No. 7 Logan City Council	Logan City Council is committed to supporting local businesses in a way that protects the environment whilst minimising the regulatory burden on business. Consequently Council supports the following objectives of the Bill: • That third party certifiers will work under a code of conduct. Who is to develop this code? • Developing a licensing model proportionate to the environmental risk of an activity; and • Reducing `greentape' associated with the environmental protection legislation while maintaining environmental outcomes. However, it is critical that any amendments to the environmental protection legislation enable local government to achieve full cost recovery (which is consistent with the user pays principle), and does not create an additional administrative burden on local government. (Sub 7, p. 2)
Submission No. 8 Cement Concrete & Aggregates Australia	CCAA strongly supports the Bill. However, we also strongly urge that sufficient resources and planning is devoted to the implementation of the Bill, and to be complemented by other improvements in DERM's business processes and customer interfaces so that there is a greater "one-stop-shop" approach in relation to DERM-business interactions. CCAA strongly urge that there is continued close involvement and engagement of DERM regional staff and local government authorities (as well as industry) in the further development and roll-out of the reforms. This is vital in ensuring that the reforms are practically designed, properly communicated and have broad stakeholder support. CCAA also urge that close attention be given to the structure and design of reform guidance material to ensure license holders can clearly understand the implications of the proposed changes and can properly plan for any changes. (Sub 8, p. 2)
Submission No. 8 Cement Concrete & Aggregates Australia	In relation to the introduction of an amalgamated corporate authority, CCAA believes that the initiative is positive in relation to the ability to make a single annual return in relation to multiple sites, and the potential to significantly reduce the overall number of licences and registrations. (Sub 8, p. 2)
Submission No. 8 Cement Concrete & Aggregates Australia	CCAA strongly endorses the initiative to streamline and clarify information requirements, including the provision of clear guidance on the information required and a reduction in the amount of information to be assessed. CCAA members note that clear information requests would be especially beneficial where the approval process has been delayed. (Sub 8, p. 2)
Submission No. 8 Cement Concrete & Aggregates Australia	CCAA strongly support the introduction of a licensing model that clearly reflects the environmental risk of a particular Environmentally Relevant Activity (ERA), and are very supportive of increased efficiency for the operational approvals process. (Sub 8, p. 1)
Submission No. 8	CCAA agree with the flexibility of being able to amend operational approvals without the need to change the development approval, and the

Cement Concrete & Aggregates Australia	ability for an operator licence to cover multiple sites. (Sub 8, p. 1)
Submission No. 8 Cement Concrete & Aggregates Australia	With regards to the initiative to amend operational approvals without having to amend development approvals, CCAA members are supportive of this change, provided there are effective and efficient ways to amend any conditions attached to the approval. (Sub 8, p. 1)
Submission No. 8 Cement Concrete & Aggregates Australia	CCAA is supportive of a system which will reduce the number of annual returns and payments. With regards to the transfer of an operator license, in general, industry supports a licence which is attached to the operator rather than the land on which the business is based. The industry believes that this initiative could provide greater efficiency in transferring licences, and takes into account businesses with complex and varying ownership structures. However, any changes should be accompanied by clear guidance and high levels of support and resources for business to transfer current licenses to the new arrangements, including any clear articulation of any transitional arrangements. There also must be a clear understanding of what standard conditions will apply to operator licence. (Sub 8, p. 1)
Submission No. 8 Cement Concrete & Aggregates Australia	In relation to use of third party certifiers to assess development applications, CCAA in general supports the use of independent and suitability qualified third parties in appropriate situations, provided there are suitable processes for the determination of certifiers. This appears to be addressed in the Bill. However, potentially, third party certifiers may result in additional costs for industry, especially the costs of retaining third party consultants where a development approval is delayed. Additional issues associated with use of third party certifiers include a possible loss of corporate knowledge at DERM if third party certifiers undertake the majority of assessments and increased conditions being imposed due to third party certifier liability responsibilities. CCAA members also note that reduced application costs should apply where third party certifiers are engaged as DERM is not providing resources to undertake the assessment. (Sub 8, p. 2)
Submission No. 8 Cement Concrete & Aggregates Australia	In relation to the prioritisation of information required with the application. CCAA is very supportive of technical and supporting information (which is not critical to the application decision) being supplied after approval has been granted. CCAA members note that such prioritisation of information would assist in reducing application processing delays and would like to see this initiative also implemented by local governments. (Sub 8, p. 2)
Submission No. 1 Queensland Resources Council	QRC is supportive of the initiatives of the Greentape Reduction Project and largely how they are represented in the Greentape Bill. (Sub 1, p.1)
Submission No. 1 Queensland Resources Council	QRC is supportive of removing environmental management plans, acknowledging their role over time has become meaningless. (Sub 1, p.1)
Submission No. 2 Ipswich City Council	As briefly mentioned above, the Bill will result in significant changes to administrative systems, processes, documents, scripting as well as staff training and customer management being borne by the Administering Authorities. This correlates to significant cost implications. It does not appear that these have been considered in the calculations being made throughout the development of this Bill. Although Ipswich City Council is yet to fully determine the costs of these administrative activities, it is expected to be in the tens of thousands of dollars to implement. This is not considered to be appropriate when alternative models could reduce such costs. (Sub 2, p.6) The reduction of these costs to the Administering Authorities can be effective where there is a strong commitment by DERM in providing the necessary support, training and resources as part of the implementation of the Bill. This would include, but not be limited to the following: interpretation tools, flow charts, template documents and letters, transitional understandings/fact sheets, identification of likely system changes, officer training etc. (Sub 2, p.6)
Submission No. 2 Ipswich City Council	It is strongly held that the current lack of clear, concise and plain language guidance for regulators, industry and the community needs to be addressed and improved. The following initiatives are considered vital in this process so to support the effective implementation of the Bill / Act: • education of proponents about what information is required to be submitted with their application (including implications of not providing a full application) • the development of a contemporary and well researched Operators Compliance Guide (or similar) that has been based on contemporary scientific research, practicability, financial and social considerations (note, as previously supported by the Environmental Protection

	Partnerships Forum, DERM should fund cooperatively with Local Government and DEEDI a review process similar to that undertaken by Brisbane City Council in reviewing some OCG's) • provision of guidance about the best time for information and level of detail of information to be provided • templates fact sheets, guidelines, flow charts etc • advice about selecting consultants and the expectations of such services • plain language information about the SPA ERA DA triggers • information and clarification about the land use – environmental licensing relationship. It is worthwhile noting that there are some activities that cannot, and should not, avoid the provision of detailed and complex information (e.g. noise or odour reports etc). This needs to be made clear to all parties involved. The Bill does not extend to consider administrative opportunities for reducing green tape. It is supported that the Standard Criteria (and also the Environmental Management Decisions) be reviewed, updated, simplified and clarified so to support their more efficient use and application. The current practicability of these are quite low, but is critical in delivering quality decisions. This should also be consulted through the Local Government Working Group and Panel. (Sub 2, p.6)
Submission No. 2 Ipswich City Council	The Bill does not address incidental activities associated with an ERA. If an activity is significant enough to trigger as an ERA (whether it is ancillary or otherwise), then they should be administered equitably. Where incidental activities would be the same as 'ancillary activities', this approach will have a significant impact on revenue to cover the cost of administration for the regulator. There may be a number of related activities being conducted by the operator, with each being of a reasonable component of the business. There is a need to add clarity and transparency to this issue. It is suggested that the current system remain (i.e. some activities are automatically included as a part of the ERA – e.g. asphalt manufacturing and chemical storage) and others require additional arrangements. Another alternative is to establish fees for parent and child activities – i.e. whereby the main activity is charged at full fee and associated activities on the site being charged a proportion of the full fee so to recover administrative costs. (Sub 2, p.5)
Submission No. 1 Queensland Resources Council	QRC is equally encouraged by the inclusion of an 'information stage' in the application process, consistent with resources legislation, recognising the potential to cut application and Environmental Authority development process timeframes. (Sub 1, p.1)
Submission No. 2 Ipswich City Council	It is worthwhile noting that land use planning has a number of foci that are considered important in decision making. Issues such as built form changes, footprint issues, use of space, aesthetics etc are just some of these. There is some overlap and potential for conflicting outcomes that a particular development must demonstrate. This is the role of the applicant to sort through and resolve with the assistance of the regulatory agencies. In many circumstances, where a minor change to an operation does trigger the need for a change to a land use planning approval, there is scope for these to be addressed though short and simple processes of minor amendments. Sometimes there are duplicative or potentially inconsistent conditions for land use and ERA approvals. This is considered appropriate as there are likely to be valid and different sets of outcomes that need to be achieved under each head of power. The applicant and regulatory agencies have the capacity to negotiate these issues through for a balanced and acceptable outcome. It is important that legislative reform does not make one approval any more important than the other. Where there are concerns regarding the actions of the land use planning field on environmental licensing outcomes, then this is a matter for discussion with DLGP and local government land use planners. In regards to relaxations for operational changes for an ERA DA, these would need to be relevant to changes that do not result in increased environmental harm (including nuisance). If this is the extent of the trigger, then this is generally supported. In other situations, it is suggested that these would require further assessment. In conjunction with this, the land use planning approval would need to be considered under the SPA arrangements. However, these two processes should not drive the other to require a new application so to achieve improved environmental outcomes. There needs to be clear direction about the differences and relationships between ERA approvals and land use matters that are assessable under a planning scheme. The broad consideration of the suitability of an area for industrial or a business land use is necessary when considering land use applications, whereas the regulatory operation and management of an ERA is a licensing matter. (Sub 2, pp.4-5)

Submission No. 1 **Queensland Resources Council**	In regards to the amendment to remove the duplicative notification process for voluntary Environmental Impact Statement's (EIS), QRC requests a similar streamlined notification process also be considered for non-voluntary EIS. (Sub 1, p.1)
Submission No. 2 **Ipswich City Council**	In establishing the suitability of a suitable operator, there is a need to set clear and transparent rules around what makes an unsuitable operator. The existing registration process is not a hindrance to transfer of businesses (although the Act requires a new registration to be issued and the old one cancelled). The real problem is the lack of the suitability test information and systems. The Bill does not address this issue with clarity with the term 'environmental record' which is not defined. (Sub 2, p.5)
Submission No. 2 **Ipswich City Council**	The concept of standard conditions is supported to assist with green tape reduction. It is agreed that standard conditions may be applicable to some ERAs (especially those of a small to medium sized activity and those of a lower environmental risk) resulting in benefits to industry, community and regulators. The allocation of the applicable activities to this assessment track requires further scientific, economic, technological and social research and debate as detailed below. These look and feel very similar to the existing Codes of Environmental Compliance (COEC) and for the reasons of administrative cost effectiveness described above, are suggested to be the framework for standard conditions. There are some shortcomings with the existing regime that could be easily modified so to achieve the standard conditions. The creation of 'eligibility criteria' that are specific, minimal, definite and not open to debate is supported. Standard conditions should be supported by an administrative process which includes the provision of information to the operator that would include a copy of the conditions that are applicable, guidance material about licensing and compliance with the conditions a registration certificate etc. This will support more effective and efficient compliance actions (should these be necessary). Further consultation with the working groups and panels are required to determine what ERA's may fit in this category. The variation of standard conditions is generally not supported. For requests to alter all but very minor and small issues, there is a potential that the amendment of some conditions can have effect on other conditions and/or be so significant that the activity requires site specific assessment. Setting a clear point along this continuum at which the assessment is escalated is difficult. This is demonstrated by the Bill (see Chapter 5, Part 7). Considering this, it is suggested that amendments are not permitted to be made to standard approvals and that these are escalated to site specific assessment processes. (Sub 2, p.3)