



## **QMDC’s submission on the Review of Environmentally Relevant Activities – Draft Regulatory Assessment Statement & Assigning Environmentally Relevant Activities to Assessment Tracks – Greentape Reduction Initiatives**

### **Submission To:**

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This submission is presented by the Chief Executive Officer, Geoff Penton, on behalf of the Queensland Murray-Darling Committee Inc. (QMDC). QMDC is a regional natural resource management (NRM) group that supports communities in the Queensland Murray-Darling Basin (QMDB) to sustainably manage their natural resources.

### **1.0 Comments on *Assigning Environmentally Relevant Activities to Assessment Tracks***

#### **1.1 Section 2.1 ERA deletions (p.3)**

The State of the Environment Reports show that there has been a steady decline in the overall health of the environment, e.g. the loss of vegetation and consequential impacts on biodiversity is well documented. The statement that “(T)here has been considerable improvement in environmental management by businesses since the commencement of the EP Act in 1995” must be qualified in order for it to have any integrity as an argument for reducing regulatory control of businesses.

#### **1.2 Section 2.1.1 Ongoing environmental performance (p.4)**

QMDC is concerned that the ‘ongoing protection of the environment for activities that are de-regulated will be through the *Sustainable Planning Act 2009* approvals at the planning stage’. The SPA is currently under review and some of the proposed changes are not conducive to regional NRM planning priorities formulated to protect natural resource assets and the social and economic of those communities dependent on these natural resources.





QMDC supports codes of practice as one tool amongst others to improve environmental management practices. However in QMDC's opinion issues related to compliance to the codes is being overlooked in the proposed Greentape Initiative. If regulation is being replaced by potentially 29 codes of practice what sort of resourcing (time, money, monitoring, reporting, reviewing) does this require from local and state government departments? How will compliance be financed if there is no income being received from permit applications?

QMDC does not believe the existing EP Act tools will necessarily be adequate to safeguard the environment from unacceptable business practices. Those relied upon (ss. 319, 320 - 320G, 437, 438, 440, 440Q, 440ZG, & 442) if the proposed ERAs are deleted are activated once damage to the environment or breaches occur and in the case of transitional environmental programs allow ongoing pollution.

### 1.3 Section 2.2 Standard applications (p.5)

QMDC agrees with the introduction of standard applications based on an eligibility criteria and standard conditions.

"*Eligibility criteria*" and "*standard conditions*" if they are a crucial component of the standard applications, should undergo a public consultation process to consider stakeholders' issues pertinent to environmental management practices. Public consultation and stakeholder engagement will help to provide industry, local government, NRM bodies and community groups more confidence in the proposed legislative changes.

At the very least QMDC recommends the inclusion of a threshold limit approach for natural resource assets 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 programmes, 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 Act.



*Standard conditions* would then be able to be set defining for example, buffer zones appropriate to stream order, acceptable waste management streams, what contaminant releases to air, water and land were acceptable or not according to regional water quality guidelines, soil type etc.

We are proposing threshold limits as a basis of simplifying and fast tracking development approval processes for developments that can demonstrate that they will operate within threshold limits. Those developments that are unable to fit within the threshold limits are either subject to a quicker rejection and hence there will be a lesser cost to industry or will undergo a substantially increased level of scrutiny.

QMDC strongly urges the *standard conditions* to be written to also address cumulative impacts of all activities on air, water, soil and the social, cultural and economic well-being of affected communities.

***Recommendations:***

- 1. That the inclusion of threshold limits are included within the *eligibility criteria***
- 2. That threshold limits are used to administratively and technically to simplify approval process**
- 3. That threshold limits are used to fast track the rejection of a development, where the development cannot demonstrate that it can perform within a particular threshold limit**
- 4. That a public consultation process be commenced before the regulation is passed to make comment on the *eligibility criteria* and *standard conditions***

## **2.0 Comments on Review of ERAs – Draft Regulatory Assessment Statement**

### **2.1 Executive summary (pvi)**

QMDC has consistently argued that economics should not be the sole driver for regulatory reform and the argument for amending the current law so as to reduce compliance and administrative costs to industry and government must be seriously tempered by the need to uphold stringent environmental standards and practices. Reducing the costs for government and industry need to be balanced against the potential cost of bad decisions where a development ends up costing government a lot of money.

These issues are important factors in this submission for QMDC and the communities it serves. Clearly absent from the Assessment Statement is the information QMDC seeks showing how the QMDB region's natural resource assets will be afforded greater protection and benefit from these changes.

QMDC seeks further assessment of supposed "low risk activities" and the environmental risk they pose in relation to site-specific and cumulative impacts and environmental harm and risk to natural assets on a regional scale.

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## 2.2 Section 1 Issues statement (p.1)

QMDC argues that the *Issues statement* moves the focus from ‘helping’ small businesses to cost savings and balancing fees and revenue for local and state government. The focus also moves significantly away from the importance of maintaining environmental protection to meeting the state government’s target of 20% reduction in regulation as the primary purpose of reform.

## 2.3 Section 2 Initiatives (p.2)

Details of the initiative “to introduce a licensing system for environmentally relevant activities (ERAs) that more fully reflects the risks to the environment from the activity” in QMDC’s opinion is likely to fall short of the real costs. Will there be another fiscal source relied upon to finance the real costs of reforms proposed by these Greentape Initiatives in light of the revenue predicted to be lost e.g. mining royalties or fees?

## 2.4 Section 3.1 Initiative 1: Deleting some low risk ERAs (p.3)

The Greentape Initiatives need to better articulate what the “*objective of proportionality*” is and what weight the state government are giving this objective over the need to maintain or improve environmental protection in relation the potential impact of the ERA, not solely its size. The economic analysis provided to promote Initiative 1 is not balanced with an environmental management analysis.

## 2.5 Section 3.1.1 Benchmarking with other states (p.4)

QMDC believes the detail left out of this section makes it difficult to draw any real conclusions from the comparison of number of licences issued by different states. For instance if the motor vehicle workshops were excluded the difference in licenses is not that much more in Queensland. It must also be recognised that motor vehicle workshops and other ERAs produce small amounts but regular contamination over long periods of time leaving contaminated sites that prevent future use of that land or site.

## 2.6 Section 3.1.2 Assessment of ERAs (p.5)

The Assessment Statement does not address amenity issues in relation to existing ERAs and the fact they are operational and are not subject to the planning stage. What anomaly will be created for those existing and operating businesses if similar ERAs are deemed suitable for deletion or a standard application?



## **2.7 Section 3.1.3 Options (p.5)**

QMDC does not believe enough information has been produced in these documents to enable us to fully support any of the proposed options. It is clear however the government will not continue to support the status quo. QMDC argues that Options 1.2 and 1.3 have not undergone a thorough assessment of environmental risk to natural resource and community assets.

## **2.8 Option 1.2**

QMDC supports greater opportunities for compliance education and believes this must be an integral part of moving to a standard application/code of practice process.

As stated earlier QMDC is concerned that the EP Act tools relied upon are only triggered once environmental harm has occurred. Where it is proposed to regulate ERAs through codes of practice or guidelines, there is no analysis provided on these obligations being only voluntary and not mandatory. Additionally they appear to only apply to the general environmental duty. Although it appears that the net loss to revenue for Option 1.2 may be low litigation costs owing to a lack of compliance to codes, or standard conditions may be high.

QMDC sees the need to devolve administration to local government and that they maintain some role in the administration of the regulations. The State government should take a role in providing technical support as necessary to local government where non-compliance or breaches of standard conditions must be litigated.

## **2.9 Option 1.3**

As stated in 2.7 above, QMDC would require a more in depth analysis of Options 1.3 to be able to voice any preference.

## **2.10 Section 3.2 Initiative 2 and Option 2.1**

QMDC asserts the risks associated with the release of contaminants, from small sewage treatment plants requires the continuation of the ERA process.



# QMDC Submission

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