

The Web Incorporated's

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21 st February 2000

**BREC Urgent Briefing New IPA
Amendments Wreck Impact Assessment**

***This is the Email which told us some of the bad
news about the IPA amendments***

EMAIL FROM EDO QLD 18th February 2000

Subject: Urgent- designated developments

Date: Fri, 18 Feb 2000 17:13:02 +-1100

MIME-Version: 1.0

Dear all, From Jo Bragg

Urgent please read this half page.

The referral coordination process under the Integrated Planning Act is currently triggered if a development would have been a designated development (eg aerodrome) or on prescribed land (eg fish habitat reserve) under the Local Govern.(Planning and Environment) Act regs. Once coordinated information request is made if referral coordination is triggered. It is the nearest thing to EIS in the Integrated Planning Act 1997.

I received some proposed 'minor' amendments to that process in a letter from the Department of Planning on 31 January 2000. Now I have read them, they are not minor at all. They are proposing to shrink the list of triggers for referral coordination. One (bad) idea is to delete any environmentally relevant activities from the list. They want to get agreement on those changes to put them in place by 30 March.

I think we need to continue current transitional provisions until these changes can be properly considered. This preempts the EIS comments many of us have made in our submissions on the review of IPA.

If you want to find out more and have your say contact Anne Caerdinael (3237 1736) or Graeme Ballard 3235 4122 at the Department of Planning. Ask them for a copy, and us as a default if they will not fax them to you.

No one except us (not even QCC) seems to have been sent this material to comment on. This is important stuff, not minor at all and surely deserving wider consultation with the environment sector

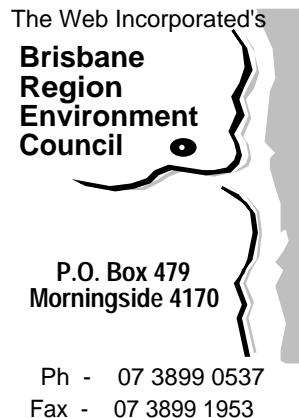
Regards, Jo Bragg

***BREC got a hold of the copy on the 21 st Feb and found out that
comments had closed on 16th Feb !!! but if we could make a submission
by 3:30pm by that day (the 21st) and they would consider it***

MEMO

February 21 2000

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----->>>ATTENTION DCILGP ANNE CAERDINAEL<<<-----
----->>>Comments ON REFERRAL COORDINATION<<<-----

We reject this wholesale change of the impact assessment regime without adequate public consultation or discussion.

We Reject truncation by 50% of public comment time on potentially impact assessable developments.

We Reject modifications to restrict scope in item 9 of new prescribed land schedule to only listed wetlands.

We Reject exclusion of references to "critical habiat or area of major interest" from new prescribed lands schedule.

The EPAct is deficient in public notification on assessing Environmentally relevent activities(ERA's) and some ERA's must be retained in the list of developments requiring impact assessment.

We reject the offered 5 item list of "designated" developments and would like to see the assessment criteria used to prune the list from 40 to just 5 items.

The amendments will make impact assessment an optional extra for planning schemes and will open up a downward bidding war in environmental protection.

We urge you to allow more time for submissions on this very important matter. And that the commencement date of these amendments be delayed til 30th June 2000.

Yours for nature

Michael Petter

NEW IPA AMENDMENTS - THE IMPACTS

**NO GUARANTEE IF IMPACT ASSESMENT
FOR THE 35 ITEMS LEFT OFF THE LIST.
IF WE STILL GET IMPACT ASSESMENT !
... WE ONLY GET HALF THE TIME TO COMMENT !!!**

IPA Notification period for applications

3.4.5. The “**notification period**” for the application—

(a) must be not less than—

(i) if there is no referral coordination for the application—15 business days starting on the day after the last action under section 3.4.4(1) is carried out; or

(ii) if there is referral coordination for the application—30 business days starting on the day after the last action under section 3.4.4(1) is carried out; and

(b) must not include any business days between 20 December and 5 January (in the following year).

WHATS CHANGED

THIS FOLLOWING SECTION IS TO BE REMOVED AND REPLACED BY A REFERENCE TO A SMALLER LIST OF DEVELOPMENTS

IPA Current

Applications requiring referral coordination

6.1.35C.(1) Despite section 3.3.5, referral coordination is required for the

following development applications—

(a) applications for a material change of use for a designated development;

(b) applications for a material change of use (other than for a dwelling house, outbuilding or farm building) on prescribed land or for the reconfiguration of a lot that is prescribed land.

(2) Subsection (1) applies even if there are no concurrence agencies for the application.

(3) In subsection (1)—

“**designated development**” means a development mentioned in the *Local Government (Planning and Environment) Regulation 1991*, schedule 1, immediately before the repeal of the repealed Act.

“**prescribed land**” means land located in, or having a common boundary with, an area referred to in the *Local Government (Planning and Environment) Regulation 1991*, schedule 2, immediately before the repeal of the repealed Act.

(4) This section expires 1 year after it commences.

NEW LIST

DEVELOPMENTS

1. Aerodrome for the use of persons not normally living at the premises (this does not include a private airstrip).
2. Large outdoor sport and recreation development including, for example, a golf course, a major sporting venue and a racing circuit, but not including a golf course of 30 ha or less or a golf driving range.
3. Major shopping development of greater than 20 000m² gross floor area.
4. Tourist resort development –
 - (a) with accommodation for more than 1000 people (including staff); or
 - (b) on an offshore island.
5. Works for creating or extending bodies of water with a maximum surface area of water of more than 5000 m².

What Happened to the other 35 items that used to be on this list, including marina's, chemical works, refineries, aquaculture and extractive industries. Does this mean a council doesn't have to do impact assessment for these developments, if it doesn't want to ?

PRESCRIBED LAND

Where the site subject of the application is within -

1. A Declared Catchment Area under the *Water Resources Act 1989*.
2. An area below a floodline adopted by the local government and the proposal involves filling an area greater than 5000m² below that floodline.

Where the site subject of the application is within, contains, or shares a common boundary with an area within or containing -

3. A protected area (unless exempted by a conservation plan) under the *Nature Conservation Act 1992*. This includes any site subject of the application being within 100m of a National Park.
4. A Coastal Management Control District under the *Beach Protection Act 1968*.
5. A designated landscape area under the *Cultural Record (Landscapes Queensland and Queensland Estate) Act 1987*.
6. A protected area, registered place or restricted zone under the *Queensland Heritage Act 1992*.
7. A reserve, sanctuary and grounds, including fish habitat reserve, fish sanctuary, oyster grounds, public oyster reserve or wetland reserve set apart and declared under the *Fisheries Act 1976*.
8. A Wet Tropics Area under the *Wet Tropics World Heritage Protection and Management Act 1993*, unless exempted –
 - (a) under a management plan under that Act; or
 - (b) by the Wet Tropics Management Authority.
9. A wetland as identified in the Queensland chapter of the *Directory of Important Wetlands in Australia*.

The old Act used to refer to ALL wetlands wether fresh or brackish now its only very special wetlands who get any protection.

=====
OLD LIST
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Local Government (Planning and Environment)

Regulation 1991

SCHEDULE 1

DEVELOPMENTS

1. Abattoir for killing more than 50 animals a week.
2. Aerodrome for the use of persons not normally living at the premises.

- 3.** Aquaculture facility for the commercial production of aquatic organisms.
- 4.** Bitumen or asphalt works, other than temporary works for, and located on or adjacent to, a construction site.
- 5.** Bottling works (including works for cleaning recycled bottles) with a floor space of more than 2 000 m².
- 6.** Brewery, unless the products are for consumption only at the brewery.
- 7.** Brickworks.
- 8.** Cannery, with a floor space of more than 2 000 m².
- 9.** Cement works.
- 10.** Ceramic works for producing more than 200 t of 1 or more of the following a year—
 - (a) pipes;
 - (b) pottery;
 - (c) refractories;
 - (d) tiles.

Example—

A ceramic works for producing 150 t of tiles and 60 t of pipes is a development.

- 11.** Chemical storage facility for storing more than 100 m³ of chemicals that are dangerous goods under the Australian Code for the Transport of Dangerous Goods by Road and Rail.
 - 12.** Chemical production works, including, for example, works for producing corrosive substances, detergents, explosives, flammable products (excluding petroleum products), gases, oxidising agents (including chlorine), paint, poisons and soaps.
 - 13.** Coal handling or storage facility—
 - (a) for handling more than 100 t of any material a day; or
 - (b) for storing more than 5 000 t of any material.
- Example—*
- A coal handling facility for handling 30 t of coal a day and 80 t of non-carbonaceous material a day is a development.
- 14.** Concrete batching plant (other than a plant of a temporary nature associated with a construction site and located on or adjacent to the construction site) for manufacturing more than 20 000 t of concrete or concrete products a year.
 - 15.** Concrete products works for producing more than 1 000 t of product a year.
 - 16.** Crushing, grinding or milling works for processing more than 200 t of 1 or more of the following a year—
 - (a) chemicals;
 - (b) minerals;
 - (c) natural grain products;
 - (d) ore;
 - (e) rocks.
 - 17.** Ethanol production plant.
 - 18.** Extractive industry facility (if the facility is for the commercial winning of materials (other than minerals within the meaning of the *Mineral Resources Act 1989*))—
 - (a) using more than 2 ha of land for 1 or more of the following—

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- (i) excavation;
 - (ii) processing;
 - (iii) storage;
 - (iv) activities associated with excavation, processing or storage;
- or
- (b) for extracting more than 10 000 m³ of materials a year.
- 19.** Fertiliser manufacturing plant for producing more than 200 t of product a year.
- 20.** Glass manufacturing (including glass recycling) works for producing more than 200 t of product a year.
- 21.** Helicopter landing facility for commercial purposes, other than a helicopter landing facility at an aerodrome mentioned in item 2.
- 22.** Large outdoor sport and recreation development including, for example, a golf course, a major sporting venue and a racing circuit, but not including a golf course of 30 ha or less or a golf driving range.
- 23.** Lime works for producing more than 200 t of product a year.
- 24.** Major shopping development.
- 25.** Marina with—
- (a) more than 30 moorings; or
 - (b) at least 1 refuelling facility.
- 26.** Metallurgical works (other than engineering, fabricating or assembly works) for processing more than 100 t of metals or ore or metals and ore a year.
- 27.** Oil refinery.
- 28.** Petroleum product storage or storage and processing works—
- (a) for storing flammable liquids or liquefied gases that are dangerous goods under the Australian Code for the Transport of Dangerous Goods by Road and Rail; and
 - (b) with a storage capacity of more than—
 - (i) 100 kL above ground; or
 - (ii) 1 000 kL below ground.
- 29.** Piggery for accommodating more than 1 000 pigs in pens.
- 30.** Refuse transfer station, sewage treatment plant, waste disposal facility, waste landfill or waste treatment plant for burying, crushing, disposing of, incinerating, processing, recovering, storing, or transferring hospital wastes or chemical, liquid, oil, petroleum or solid wastes.
- 31.** Rubber or plastic works, including a shredding facility, for producing (other than by fabricating) more than 200 t of product a year.
- 32.** Sawmill, joinery works, or combined sawmill and joinery works, for dealing with more than 4 000 m³ of timber a year in 1 or more of the following ways—
- (a) machining;
 - (b) milling;
 - (c) sawing.
- 33.** Scrap metal or drum reconditioning works, whether or not for performing—
- (a) metal finishing; or
 - (b) extending, forging or rolling for plate, rod or wire manufacture.
- 34.** Sugar mill or refinery.

35. Tannery, fellmongering works or hide curing works.
36. Timber preservation works.
37. Tourist resort development—
 - (a) with accommodation for more than 1 000 people (including staff); or
 - (b) on an offshore island.
38. Tyre manufacturing works or a tyre processing, shredding or storage facility.
39. Woodchip mill, or paper pulp works, for producing more than 2 000 t of either paper or pulp or paper and pulp a year.

SCHEDULE 1 (continued)

40. Works for creating or extending bodies of water with a maximum surface area of water of more than 5 000 m².

**OLD SCHEDULE 2
PRESCRIBED AREAS**

section 16(b)

1. Area below the flood line adopted by the local government, if development involves filling an area of more than 5 000 m².
2. Area that, under a conservation plan under the *Nature Conservation Act 1992* (unless exempted under the plan), is identified as—
 - (a) a critical habitat for native wildlife; or
 - (b) an area of major interest.
3. Catchment area under the *Water Resources Act 1989*.
4. Coastal management control district under the *Beach Protection Act 1968*.
5. Designated landscape area under the *Cultural Record (Landscapes Queensland and Queensland Estate) Act 1987*.
6. Protected area, registered place or restricted zone under the *Queensland Heritage Act 1992*.
7. Protected area under the *Nature Conservation Act 1992*, unless exempted under a conservation plan under that Act for the area.
8. Reserve, sanctuary and grounds, including fish habitat reserve, fish sanctuary, oyster grounds, public oyster reserve or wetland reserve set apart and declared under the *Fisheries Act 1994*.
9. The Wet Tropics Area under the *Wet Tropics World Heritage Protection and Management Act 1993*, unless exempted—
 - (a) under a management plan under that Act; or
 - (b) by the Wet Tropics Management Authority.²⁴
10. Wetland, whether fresh, brackish or marine, including coral reefs, mangrove areas, mudflats, sand flats, sandy beaches, seagrass beds, and tidal marshes.