



EDO Qld.

Environmental Defenders Office

*Using the law to protect
our environment.*

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A non-profit community legal centre

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**Submission to the Agricultural, Resources and Environment Committee
EP (Greentape Reduction) Bill 2012 (“Bill”)
Chair Mr Ian Rickuss, MP for Lockyer**

Issues	Development under the Sustainable Planning Act 2009	Mining or petroleum activity application under the EP Act as amended by Bill	Recommended Change to Bill	Reason
<i>Comparing physical footprint and duration of urban developments and mining and petroleum activities</i>	House renovation in character area Eg 600 sq metres 40 years Shopping centre Eg 1 hectare 30 years Large residential development 5 or more hectares 40 years	Wandoan Coal Mine 32,117 hectare 30 years minimum life, Alpha Tad Coal Mine & Rail Over 55,300 hectares 30 years minimum life Avon Downs and McNaulty Project Area coal seam gas 16,300 hectares 20 years or over for gas field	Mining activities and coal seam gas activities need longer and fairer opportunity for public scrutiny and improved access to information.	Fair go for the community. Mining and coal seam gas activities have major environmental impacts and physical footprints and duration in time compared to urban developments. Mining and gas companies can afford extensive legal help. So this needs to be balanced to help the community
<i>Public Submission Period on application</i>	15 business days minimum to 30bd minimum s298	Minimum 20 bd s154, 155	Insert minimum 50 bd in new s154 and 155	Takes time for individual or community group to hear submission period is open, obtain information, read information maybe including 5,000 page EIS, talk to

			<p>Amend s151 to provide that: An applicant may start the notification stage as soon as the application stage ends for the application <u>unless a submission period has not ended for another application in the same basin.</u></p>	<p>friends or arrange meeting of group, consider obtaining expert advice or legal advice, find adviser who can help (almost no legal aid) seek meeting with agencies to discuss matter, receive and draft submission. ALL OUTSIDE BUSINESS HOURS There are over 30 new or expanded coal mines proposed in Queensland and expected to undergo assessment in the next 2 years and many thousands of proposed gas wells. The community can't effectively respond to multiple applications at the same time.</p>
<p><i>Don't count Christmas or Easter break in days for submissions or appeals</i></p>	<p>Some business days excluded s127 (2) (b) must not include any business day from 20 December in a particular year to 5 January in the following year, both days inclusive.</p>		<p>Insert new s155A Exclude some periods from business days, “When calculating the submission period for all applications, and the time for calculating any appeals, business days must not include any business day from: (a) 13 December in a particular year to 12 January in the following year both days inclusive; or (b) the five days after Easter Sunday</p>	<p>Community groups might be caught out unawares by activities being publicly notified in and around holiday periods. Both Christmas and Easter are key time when people go away or generally switch off from looking at public notices. For fairness to the community those periods ought not to be counted in the public submission period or any appeal</p>
<p><i>Public access to information requests and responses and changed applications</i></p>	<p>Includes information requested by agencies and the answers by the applicant</p>	<p>Not included ins157 and definition of “application documents”</p>	<p>Insert “information requested by agencies and answers by the applicant” AND “any changes to the application proposed or agreed” in definition of “application documents” Insert “application documents”</p>	<p>The full information and agency views are important for the community to see when doing their submission or later considering an appeal. The community needs to know if an application is changed. We need consistent definition of</p>

			instead of application in s157(1)(a)and (c)	application documents used in s157 as is used in s156 These amendments are tidy up amendments.
<i>Public Access to information- public register</i>		Public register includes “monitoring programs” carried out under conditions of an environmental authority s540(c)	Insert after “monitoring programs carried out” the words “or audits or reports or plans required to be prepared” s540	If an environmental authority requires a report to be prepared or an operational plan to be produced, then the public ought to be able to inspect a copy to see if the company is complying with the law. Otherwise that community member needs to go through months for a Right to Information request which is inefficient.
<i>Standard criteria</i>		The definition of “standard criteria” does not include environmental harm	Insert “environmental harm” in the definition of standard criteria	Environmental authorities authorise environmental harm, so this amendment would make it clear this central concept of the EP Act was relevant to decisions on applications for environmental authorities.
<i>Requirements for Applications generally- amendments to match concept of environmental harm</i>		S125(1)(l)(i) (A), (B), (C) does not precisely reflect the concept of environmental harm	Amend, 125(1)(l)(i)(A) should instead read: “a description of the environmental values <u>likely to be potentially adversely affected (whether temporary or permanent and of whatever magnitude, duration or frequency)</u> by each relevant activity” Amend, 125(1)(l)(i)(B): should instead read: “details of any <u>potential</u> emissions or releases <u>likely to be generated by which are a direct or indirect result of each relevant activity</u> ” Amend 125(1)(l)(i)(C) should instead read: “a description of the risk and likely	As environmental harm is a central concept of the EP Act, it is important for the application requirements to reflect that concept neatly.

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			magnitude of <u>potential</u> impacts on the environmental values;”	
<i>Requirements for Applications generally-extra elements for application to match concept of environmental harm</i>		S125	<p>Insert new 125(1)(i)(AA): “a description of the character and resilience of the receiving environment to the potential adverse impacts”</p> <p>Insert new 125(1)(iv) “if the results of any calculations or modelling is relied on in the application, include sufficient information to allow independent replication of those results including any input data, formulas, assumptions or methodologies”</p>	<p>To accord with the standard criteria, of key relevance</p> <p>To enable peer review by government and the public of the information provided. It would be useful for a similar section to go in Chapter 3 about EIS and also the State Development etc Act. about EIS.</p>
<i>Special provisions for applications for coal seam gas EAs</i>		S 126	Insert new 126(1)(g) “the intended locations of all activities, facilities and supporting infrastructure including dams, pipelines, power lines and roads”	To enable assessment of the localised impacts by affected landholders:

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Principal Solicitor

Environmental Defenders Office (Qld) Inc .

Note brown shaded areas is new material compared to what was already mentioned in oral hearing