

# State code 22: Environmentally relevant activities

## 22.1 Purpose statement

The purpose of the code is to ensure that **environmentally relevant activities (ERAs)**:

1. are located and designed to avoid or mitigate **environmental harm** on **environmental values** of the natural **environment**, adjacent **sensitive land uses** and sensitive receptors
2. avoid impacts on **matters of state environmental significance**, and where avoidance is not reasonably possible, minimise and mitigate impacts, and provide an **offset** for **significant residual impacts** where appropriate.

Note: Guidance on achieving compliance with the performance outcomes in the code, as well as on the broader assessment process for **ERAs**, is provided in the Guideline – SDAP State Code 22: ERAs, Department of Environment and Heritage Protection, 2017. Guidance for determining if the **ERA** will have a **significant residual impact** on a **matter of state environmental significance** is provided in the Significant Residual Impact Guideline, Department of State Development, Infrastructure and Planning, 2014.

## 22.2 Performance outcomes and acceptable outcomes

Development that is a material change of use for an **ERA** should demonstrate compliance with the relevant provisions of table 22.2.2. For further details of the specific performance outcomes to be addressed, please refer to table 22.2.1.

**Table 22.2.1: ERA applicable criteria for activity**

Development	Relevant provisions of code
All ERAs	Table 22.2.2 – PO1 – PO6
All development – <b>matters of state environmental significance</b>	Table 22.2.2 – PO7
<b>Category C areas</b> and <b>category R areas</b> of vegetation	Table 22.2.2 – PO8
<b>Intensive animal industry – poultry farming (ERA 4(2))</b>	Table 22.2.2 – PO1, PO2, PO4 – PO6, PO9

**Table 22.2.2: Material change of use**

Performance outcomes	Acceptable outcomes
<b>All ERAs</b>	
<b>PO1</b> Development is suitably located and designed to avoid or mitigate <b>environmental harm</b> to the acoustic <b>environment</b> .	<b>AO1.1</b> Development meets the acoustic quality objectives for sensitive receptors identified in the Environmental Protection (Noise) Policy 2008.
<b>PO2</b> Development is suitably located and designed to avoid or mitigate <b>environmental harm</b> to the air <b>environment</b> .	<b>AO2.1</b> Development meets the air quality objectives of the Environmental Protection (Air) Policy 2008.
<b>PO3</b> Development, other than <b>intensive animal industry for poultry farming</b> , is suitably located and designed to avoid or mitigate <b>environmental harm</b> on adjacent <b>sensitive land uses</b> caused by odour.	No acceptable outcome is prescribed.
<b>PO4</b> Development is suitably located and designed to avoid or mitigate <b>environmental harm</b> to the receiving waters <b>environment</b> .	<b>AO4.1</b> Development meets the management intent, water quality guidelines and objectives of the Environmental Protection (Water) Policy 2009.
<b>PO5</b> Development is designed to include elements which: <ol style="list-style-type: none"> <li>1. prevent or minimise the production of <b>hazardous contaminants</b> and <b>waste</b> as by-products; or</li> <li>2. contain and treat <b>hazardous contaminants</b> on-site rather than releasing them into the <b>environment</b>; and</li> </ol>	No acceptable outcome is prescribed.

Performance outcomes	Acceptable outcomes
3. provide secondary containment to prevent the accidental release of <b>hazardous contaminants</b> to the <b>environment</b> from spillage or leaks.	
<b>PO6 Environmentally hazardous materials</b> located on-site are stored to avoid or minimise their release into the <b>environment</b> due to inundation during flood events.	No acceptable outcome is prescribed.
<b>All development – matters of state environmental significance</b>	
<b>PO7 Development:</b> <ol style="list-style-type: none"> <li>avoids impacts on <b>matters of state environmental significance</b>; or</li> <li>minimises and mitigates impacts on <b>matters of state environmental significance</b> after demonstrating avoidance is not reasonably possible; and</li> <li>provides an <b>offset</b> if, after demonstrating all reasonable avoidance, minimisation and mitigation measures are undertaken, the development results in an acceptable <b>significant residual impact</b> on a <b>matter of state environmental significance</b>.</li> </ol> <p>Statutory note: For Brisbane core port land, an offset may only be applied to development on land identified as E1 Conservation/Buffer, E2 Open Space or Buffer/Investigation in the Brisbane Port LUP precinct plan. For the Brisbane Port LUP, see <a href="http://www.portbris.com.au">www.portbris.com.au</a>.</p> <p>Note: Guidance for determining if the development will have a <b>significant residual impact</b> on a <b>matter of state environmental significance</b> is provided in the Significant Residual Impact Guideline, Department of State Development, Infrastructure and Planning, 2014. Where the <b>significant residual impact</b> is considered an acceptable impact on the <b>matter of state environmental significance</b> and an <b>offset</b> is considered appropriate, the <b>offset</b> should be delivered in accordance with the <i>Environmental Offsets Act 2014</i>.</p>	No acceptable outcome is prescribed.
<b>Category C areas and category R areas of vegetation</b>	
<b>PO8 Development:</b> <ol style="list-style-type: none"> <li>avoids impacts on <b>category C areas</b> of vegetation and <b>category R areas</b> of vegetation; or</li> <li>minimises and mitigates impacts on <b>category C areas</b> and <b>category R areas</b> of vegetation after demonstrating avoidance is not reasonably possible.</li> </ol>	No acceptable outcome is prescribed.
<b>Intensive animal industry – poultry farming (ERA 4(2))</b>	
<b>PO9 Poultry farming</b> development (where farming more than 200,000 birds) is suitably located and designed to avoid or mitigate <b>environmental harm</b> on adjacent <b>sensitive land uses</b> caused by odour.	<p><b>AO9.1</b> For poultry farming involving 300,000 birds or less, development meets the separation distances as determined using the S-factor methodology to:</p> <ol style="list-style-type: none"> <li>a <b>sensitive land use</b> in a rural zone; and</li> <li>boundary of a non-rural zone.</li> </ol> <p>OR</p> <p><b>AO9.2</b> Development meets the separation distances as determined by odour modelling using the following criteria:</p> <ol style="list-style-type: none"> <li>2.5 <b>odour units</b>, 99.5 percent, 1 hour average for a <b>sensitive land use</b> in a rural zone; or</li> <li>1.0 <b>odour units</b>, 99.5 percent, 1 hour average for the boundary of a non-rural zone.</li> </ol> <p>Statutory note: Guidance for determining if the development will cause <b>environmental harm</b> caused by odour is provided in the Development of Meat Chicken Farms in Queensland, Department of Agriculture and Fisheries, 2016 and the Guideline – Odour Impact Assessment from Developments, Department of Environment and Heritage Protection, 2013.</p>

## 22.3 Reference documents

Department of Agriculture and Fisheries 2016, [Development of Meat Chicken Farms in Queensland](#)

Department of Environment and Heritage Protection 2016, [Environmental offsets framework documents](#)

Department of Environment and Heritage Protection 2013, [Guideline – Odour Impact Assessment from Developments](#)

Department of Environment and Heritage Protection 2017, [Guideline – SDAP State code 22: Environmentally Relevant Activities](#)

Department of State Development, Infrastructure and Planning 2014, [Significant Residual Impact Guideline](#)

Queensland Government 2008, [Environmental Protection \(Air\) Policy 2008](#)

Queensland Government 2008, [Environmental Protection \(Noise\) Policy 2008](#)

Queensland Government 2009, [Environmental Protection \(Water\) Policy 2009](#)

## 22.4 Glossary of terms

**Category C areas** means areas of high value regrowth vegetation classed as ‘endangered’ or ‘of concern’ under the *Vegetation Management Act 1999* that are shown on the regulated vegetation management map as category C areas.

**Category R areas** means regrowth watercourse and drainage feature areas under the *Vegetation Management Act 1999* that are shown on the regulated vegetation management map as category R areas.

**Environment** includes:

1. ecosystems and their constituent parts, including people and communities
2. all natural and physical resources
3. the qualities and characteristics of locations, places and areas, however large or small, that contribute to their biological diversity and integrity, intrinsic or attributed scientific value or interest, amenity, harmony and sense of community
4. the social, economic, aesthetic and cultural conditions that affect, or are affected by, things mentioned in paragraphs 1 to 3.

**Environmental harm** see the *Environmental Protection Act 1994*.

Note: **Environmental harm** is defined as any adverse effect, or potential adverse effect (whether temporary or permanent and of whatever magnitude, duration or frequency) on an **environmental value**, and includes **environmental** nuisance.

**Environmentally hazardous material** means **hazardous contaminants** as well as any bulk material which can detrimentally impact on the **environmental values** if released into the **environment**.

Note: Common examples of **environmentally hazardous materials** are compost and mulch, tailings and effluent from **intensive animal industries**.

**Environmentally relevant activity (ERA)** means a concurrence ERA listed in schedule 2 of the Environmental Protection Regulation 2008 with a capital ‘C’ in column 3 (excluding mobile or temporary ERAs and ERAs devolved to local authorities by section 101 of the Environmental Protection Regulation 2008).

**Environmental value** see the *Environment Protection Act 1994*.

Note: **Environmental values** are:

1. a quality or physical characteristic of the **environment** that is conducive to ecological health or public amenity or safety; or
2. another quality of the **environment** identified and declared to be an **environmental value** under an environmental protection policy or regulation. Relevant environmental protection policies (EPP) are EPP (Noise), EPP (Air) and EPP (Water).

**Hazardous contaminant** see the *Environment Protection Act 1994*.

Note: **Hazardous contaminant** means a contaminant, other than an item of explosive ordnance that, if improperly treated, stored, disposed of or otherwise managed, is likely to cause serious or material **environmental harm** because of:

1. its quantity, concentration, acute or chronic toxic effects, carcinogenicity, teratogenicity, mutagenicity, corrosiveness, explosiveness, radioactivity or flammability; or
2. its physical, chemical or infectious characteristics.

**Intensive animal industry** see schedule 24 of the Planning Regulation 2017.

Note: **Intensive animal industry** means:

1. the use of premises for:
  - a. the intensive production of animals or animal products, in an enclosure, that requires food and water to be provided mechanically or by hand; or
  - b. storing and packing feed and produce, if the use is ancillary to the use in subparagraph a; but
2. does not include the cultivation of aquatic animals.

Examples include feedlot, piggery, poultry and egg production.

**Matters of state environmental significance** see schedule 2 of the Environmental Offsets Regulation 2014.

Note: **Matters of state environmental significance** are **prescribed environmental matters** under the Environmental Offsets Regulation 2014 that require an **offset** when a prescribed activity will have a **significant residual impact** on the matter. A **matter of state environmental significance** is any of the following matters:

1. regional ecosystems under the *Vegetation Management Act 1999* that:
  - a. are endangered regional ecosystems
  - b. are of concern regional ecosystems
  - c. intersect with a **wetland** shown on the vegetation management wetlands map
  - d. contain areas of essential habitat shown on the essential habitat map for an animal that is endangered wildlife or vulnerable wildlife or a plant that is endangered wildlife or vulnerable wildlife
  - e. are located within the defined distances stated in the Environmental Offsets Policy, Department of Environment and Heritage Protection, 2014 from the defining banks of a relevant watercourse or drainage feature as shown on the vegetation management watercourse and drainage feature map; or
  - f. are areas of land determined to be required for ecosystem functioning ('connectivity areas')
2. **wetlands** in a **wetland** protection area or **wetlands** of high ecological significance shown on the map of referable **wetlands** under the Environmental Protection Regulation 2008
3. **wetlands** and watercourses in high ecological value waters as defined in schedule 2 of the Environmental Protection (Water) Policy 2009
4. designated precincts in strategic environmental areas under the Regional Planning Interests Regulation 2014
5. threatened wildlife under the *Nature Conservation Act 1992* and special least concern animals under the Nature Conservation (Wildlife) Regulation 2006
6. protected areas under the *Nature Conservation Act 1992*, excluding coordinated conservation areas
7. highly protected zones of state marine parks under the *Marine Parks Act 2004*
8. declared fish habitat areas under the *Fisheries Act 1994*
9. waterways that provide for fish passage under the *Fisheries Act 1994* if the construction, installation or modification of waterway barrier works carried will limit the passage of fish along the waterway
10. marine plants under the *Fisheries Act 1994*; or
11. legally secured **offset** areas.

**Offset** means environmental offset under the *Environmental Offsets Act 2014*.

Note: Environmental **offset** means an activity undertaken to counterbalance a **significant residual impact** of a prescribed activity on a **prescribed environmental matter**, delivered in accordance with the Environmental **offsets** framework, Department of Environment and Heritage Protection, 2016. The **prescribed environmental matters** assessed under the State Development Assessment Provisions are **matters of state environmental significance**.

**Odour unit (ou)** means that concentration of odorant(s) at standard conditions that elicits a physiological response from a panel (detection threshold) equivalent to that elicited by one **Reference Odour Mass**, evaporated in one cubic metre of neutral gas at standard conditions.

**Poultry farming** see schedule 2 of the Environmental Protection Regulation 2008.

Note: **Poultry farming** consists of farming a total of more than 1 000 birds for:

1. producing eggs or fertile eggs
2. rearing hatchlings, starter pullets or layers; or
3. rearing birds for meat.

**Prescribed environmental matters** see the *Environmental Offsets Act 2014*.

Note: A **prescribed environmental matter** is any species, ecosystem or other similar matter protected under Queensland legislation for which an **offset** may be provided. A **prescribed environmental matter** may be a matter of national, state or local **environmental** significance, however, assessment criteria in the State Development Assessment Provisions only relate to **matters of state environmental significance**. Each of the **prescribed environmental matters** are listed under the Environmental Offsets Regulation 2014.

**Reference odour mass** means the acceptable reference value for the odour unit, equal to a defined mass of a certified reference material. One reference odour mass is equivalent to 132 µg n-butanol which evaporated in 1 cubic metre of neutral gas at standard conditions produces a concentration of 40 ppb (µmol/mol).

**Sensitive land uses** see schedule 24 of the Planning Regulation 2017.

Note: **Sensitive land uses** means:

1. caretaker's accommodation; or
2. a childcare centre; or
3. a community residence; or
4. a detention facility; or
5. a dual occupancy; or
6. a dwelling house; or
7. a dwelling unit; or
8. an educational establishment; or
9. a health care service; or
10. a hospital; or
11. a hotel, to the extent the hotel provides accommodation for tourists or travellers; or
12. a multiple dwelling; or
13. non-resident workforce accommodation; or
14. a relocatable home park; or
15. a residential care facility; or
16. a resort complex; or
17. a retirement facility; or
18. rooming accommodation; or
19. rural workers' accommodation; or
20. short-term accommodation; or
21. a tourist park.

**Sensitive receptor** means an area or place where noise is measured as defined by schedule 1 of the Environmental Protection Policy (Noise) 2008.

**Serious environmental harm** see the *Environmental Protection Act 1994*.

Note: **Serious environmental harm** is **environmental harm** (other than **environmental** nuisance):

1. that is irreversible, of a high impact or widespread
2. caused to an area of high conservation value or special significance
3. that causes actual or potential loss or damage to property of an amount of, or amounts totalling, more than the threshold amount; or
4. that results in costs of more than the threshold amount being incurred in taking appropriate action to:
  - a. prevent or minimise the harm
  - b. rehabilitate or restore the **environment** to its condition before the harm.

**Significant residual impact** see the *Environmental Offsets Act 2014*.

Note: **Significant residual impact** is an impact, whether direct or indirect, of a prescribed activity on all or part of a **prescribed environmental matter** that:

1. remains, or will or is likely to remain, (whether temporarily or permanently) despite on-site mitigation measures for the prescribed activity
2. is, or will or is likely to be, significant.

Guidance for determining if a prescribed activity will have a **significant residual impact** on a **matter of state environmental significance** is provided in the Significant Residual Impact Guideline, Department of State Development, Infrastructure and Planning, 2014.

**Wetland** means an area shown as a wetland on the map of referable wetlands as defined by the Environmental Protection Regulation 2008.

**Waste** see the *Environmental Protection Act 1994*.

Note: **Waste** includes anything, other than a resource approved under chapter 8 of the *Waste Reduction and Recycling Act 2011*, that is:

1. left over, or an unwanted by-product, from an industrial, commercial, domestic or other activity; or
2. surplus to the industrial, commercial, domestic or other activity generating the **waste**.