

Australian Capital Territory

Environment Protection (Consultation on Application for Environmental Authorisation) Declaration 2014 (No 2)

Disallowable instrument DI2014–225

made under the

Environment Protection Act 1997, section 48 (Consultation on application for environmental authorisation)

EXPLANATORY STATEMENT

The *Environment Protection Act 1997* (the Act) establishes a scheme for application and grant of environmental authorisations for activities that may harm the environment.

Section 48 of the Act requires that for an application for authorisation to carry out a prescribed activity, the Environment Protection and Water Regulation Authority (the Authority) is to give notice of the application and to accept submissions from the public about the application.

Subsection 48(6) provides that the Minister may declare that Section 48 does not apply to a prescribed activity. This provision allows flexibility for the Authority to respond expeditiously to reduce the risk of immediate environmental harm and consequential risk to the community.

This instrument notifies the Minister's declaration under section 48(6) of the Act that section 48 does not apply to the prescribed activity in item 9, of table 1.2 in schedule 1.2 of the Act.

The prescribed activity in item 9 of table 1.2 is: the transportation from one place in the ACT to another place in the ACT, for fee or reward, of a) 200kgs or more of regulated waste, other than waste consisting only of stabilised asbestos waste in bonded matrix; or b) 2t or more of used, rejected or unwanted tyres (including shredded tyres and tyre pieces).

In light of the recent knowledge of Canberra properties impacted by 'Mr Fluffy' insulation, the Minister recognises the need for a quick and responsive tool to facilitate the transportation of such materials to licensed facilities as soon as possible.

The Minister's declaration will provide the ability of the Authority to grant authorisations as soon as possible for the transportation of such materials to licensed facilities, without compromising environmental safeguards.

The declaration will not remove the obligation of the Authority to assess environmental authorisation applications, nor will the exemption diminish the obligations on authorisation holders to comply with all conditions including but not limited to environmental protection within their authorisation.