

# **Streamlining your EA application process**

**4 June 2015**

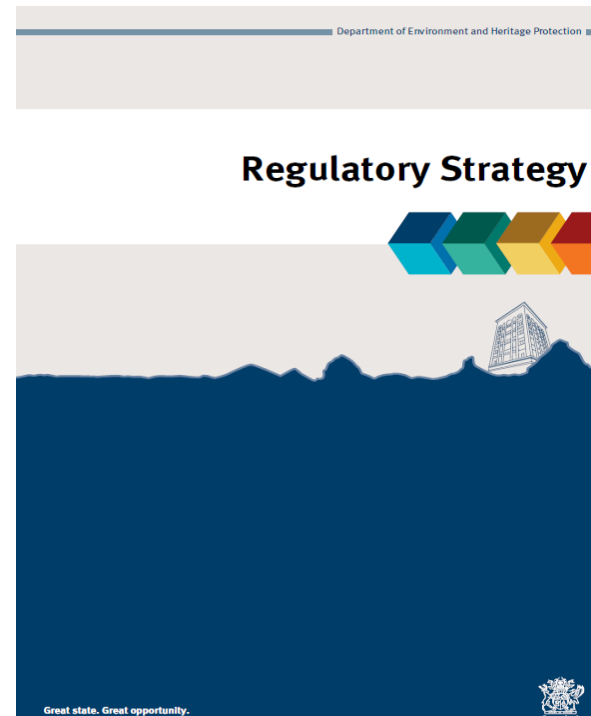
**James Mackenzie – Manager, Department  
of Environment and Heritage Protection**

# Presentation Overview

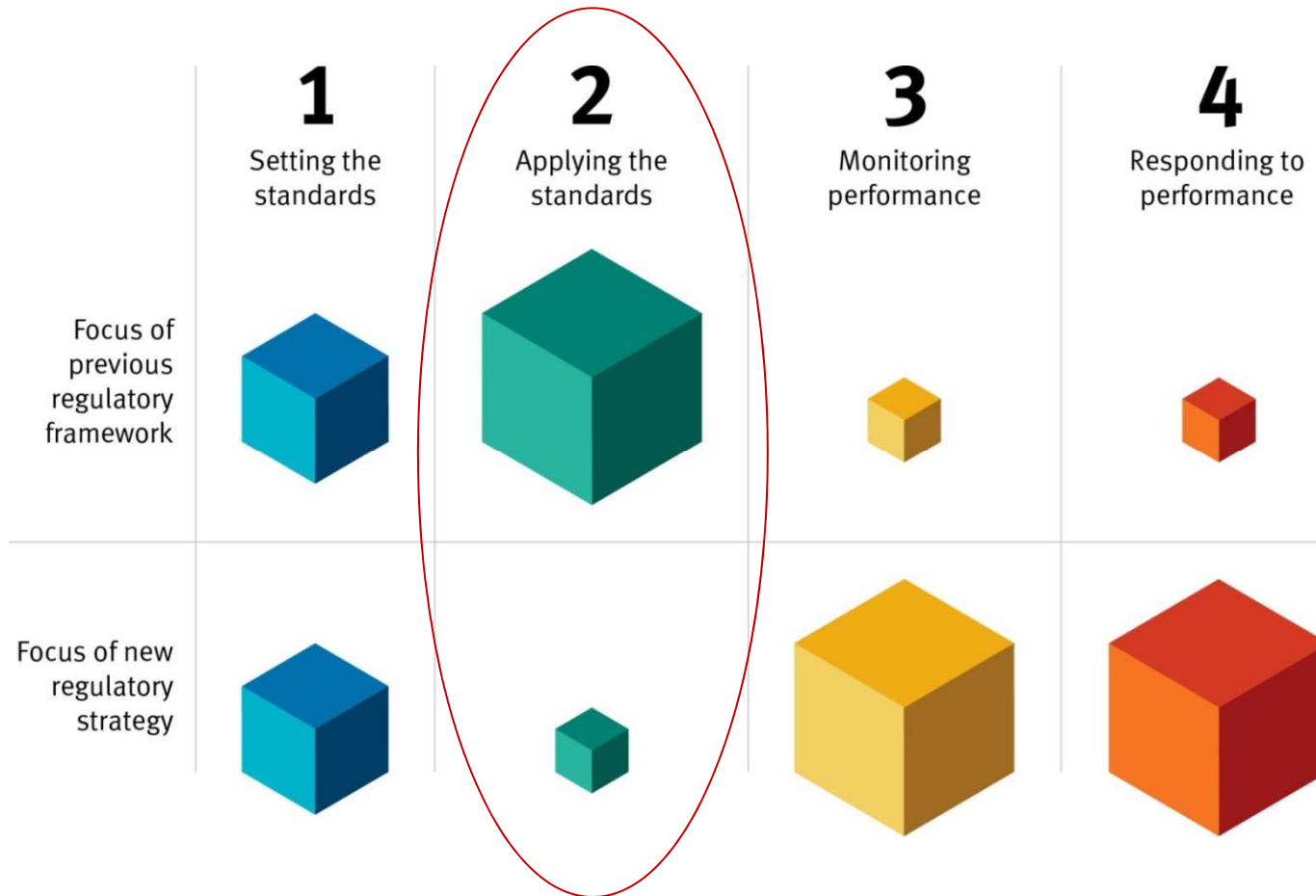
- Regulatory strategy
- Regulatory requirements
- Application types and conditions
- Applying for an environmental authority
- Business and Industry Portal (worked example)
- Prelodgement meetings
- Key take home message
- Questions

# Regulatory Strategy

- Outlines long-term vision for regulatory, compliance and enforcement activity
- Represents a significant cultural and operational change in the way the department undertakes its assessment and compliance functions
- [Link to regulatory strategy](#)



# Regulatory Strategy



# Regulatory Strategy

Benefits to industry	Benefits to the environment
<ul style="list-style-type: none"> <li>• More certainty and consistency in approval conditions</li> </ul>	<ul style="list-style-type: none"> <li>• More best practice environmental management measures are adopted by industry</li> </ul>
<ul style="list-style-type: none"> <li>• Quicker approvals</li> </ul>	<ul style="list-style-type: none"> <li>• Assessment based on environmental risk</li> </ul>
<ul style="list-style-type: none"> <li>• More scope to develop innovative, low-cost environmental solutions</li> </ul>	<ul style="list-style-type: none"> <li>• Allows increased proactive compliance</li> </ul>
<ul style="list-style-type: none"> <li>• Reduced compliance costs</li> </ul>	<ul style="list-style-type: none"> <li>• Greater education about environmental management</li> </ul>

# Assessment Considerations

- Required to comply with the requirements of the *Environmental Protection Act 1994* (and the *Sustainable Planning Act 2009*).
- Required to comply with the EP regulatory requirements or IDAS code, and consider the standard criteria.
- The regulatory requirements are a series of considerations, prohibitions, and environmental objective assessments specified in the Environmental Protection Regulation 2008.
- The IDAS code for decisions under SPA (ref to SDAP)  
<http://www.dlg.qld.gov.au/development-applications/sdap.html>
- The Standard Criteria are a list of considerations and are specified in Schedule 4, Dictionary, of the EP Act 1994

## Regulatory Requirements (EP Regulation, Chapter 4)

- Environmental objective assessment (reg. 51.1a)
  - Environmental values (reg. 51.1b)
  - Environmental attributes for strategic environmental areas (reg. 51.1ba)
  - Prohibitions (reg. 58 & 63)
  - Management hierarchy
  - Quality objectives
  - Management intent
  - Consider conditions (reg. 52)
  - Consider monitoring conditions (reg. 53)
- } Environmental Protection Policies (reg. 51.1c)

<https://www.legislation.qld.gov.au/LEGISLTN/CURRENT/E/EnvProtR08.pdf>

## Standard Criteria (EP Act, Chapter 5, Part 5)

- Must be considered for EA applications and major amendments (EP Act, Chapter 5, Part 5)
- Defined in Schedule 4, Definitions of the EP Act
- Prohibitions under the regulatory requirements cannot be over ridden by a consideration in the standard criteria.
- Not all criteria will be relevant to every application.



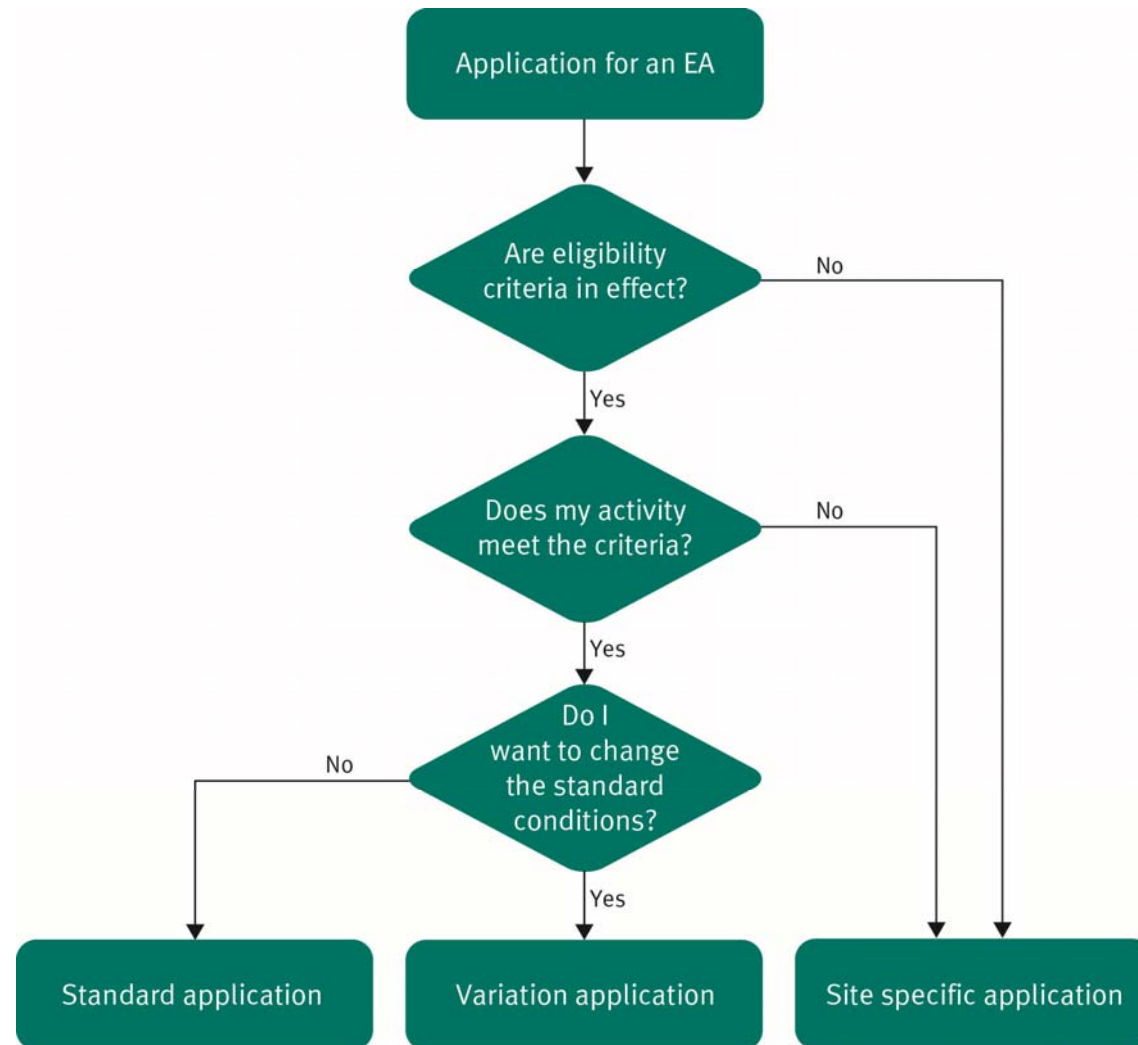
# Standard Criteria

## **Examples of standard criteria:**

- (a) the following principles of environmental policy as set out in the Intergovernmental Agreement on the Environment-
  - (i) the precautionary principle
  - (ii) intergenerational equity;
  - (iii) conservation of biological diversity and ecological integrity.
- (e) the character, resilience and values of the receiving environment
- (g) the best practice environmental management for the activity
- (h) the financial implications of the requirements as they would relate to the activity
- (i) the public interest

# Types of Environmental Authority Applications

Standard applications	Variation applications	Site-specific applications
Eligible ERAs	Eligible ERAs	1 or more ineligible ERAs
Must meet eligibility criteria	Must meet eligibility criteria	Full assessment against regulatory requirements, IDAS code (if relevant) and the standard criteria
Must meet standard conditions	Vary 1 or more standard conditions	
Quick approval	Assessment based on extent of variation	



## Example of Eligibility Criteria – ERA 63(1)(i)

Eligibility criteria category	Eligibility criteria
Activity description	The activity is sewage treatment works with a total daily peak design capacity of 21 to 100 equivalent persons, if treated effluent is discharged through an irrigation scheme.
	The activity does not discharge effluent to an infiltration trench.
Activity location	The effluent disposal area is not within 250 metres of any bore used for domestic water supply.
	The effluent disposal area is not within 1000 metres of any bore used for town water supply.
	The activity is not carried out in a high preservation, special floodplain management area or floodplain management area in any declared wild river area.
	The facility is not within 100 metres of any watercourse, wetland or spring.
Water	There is no release of aqueous waste from the activity to waters.

# Example of Standard Conditions – ERA 63(1)(i)

Conditions
<b>General</b>
G1: All reasonable steps must be taken to ensure the activity complies with the eligibility criteria.
G2: The activity must be undertaken in accordance with written procedures that: <ul style="list-style-type: none"> <li>• identify potential risks to the environment from the activity during routine operations and emergencies</li> <li>• establish control measures that minimise the potential for environmental harm</li> <li>• ensure plant and equipment is maintained and operated in proper and effective condition</li> <li>• ensure that staff are trained and aware of their obligations under the <i>Environmental Protection Act 1994</i></li> <li>• ensure that reviews of environmental performance are undertaken at least annually.</li> </ul>
G3: The activity must not cause environmental nuisance at a nuisance sensitive place.
G4: All documents and records of monitoring required by conditions of this authority must be kept for at least five years.
G5: Storage of chemicals and fuels in bulk or in containers of greater than 15 litres must be within a secondary containment system and releases controlled in a manner that prevents environmental harm.
<b>Land</b>
L1: Contaminants from the activity must not be released to land except as authorised by under conditions (D1), (D3) and (D4).

# Environmental Authority Conditions

- Standard conditions
  - For eligible ERAs. Examples include chemical manufacturing, extraction, meat processing, surface coating, tyre recycling etc.
- Model conditions
  - Extraction, composting, waste disposal, sewage treatment, mining and petroleum activities.
- Common conditions library
  - A library of generic, site specific conditions that can be applied on a case by case basis.

# Common Conditions for Prescribed ERAs

## Applicability of document

- Site specific applications
- Where model or standard conditions have not been developed for the activity
- If you cannot meet eligibility criteria or standard conditions and therefore make a site specific application
- If model conditions do not adequately address environmental risk specific to your operation or site.



[Common conditions library](#)

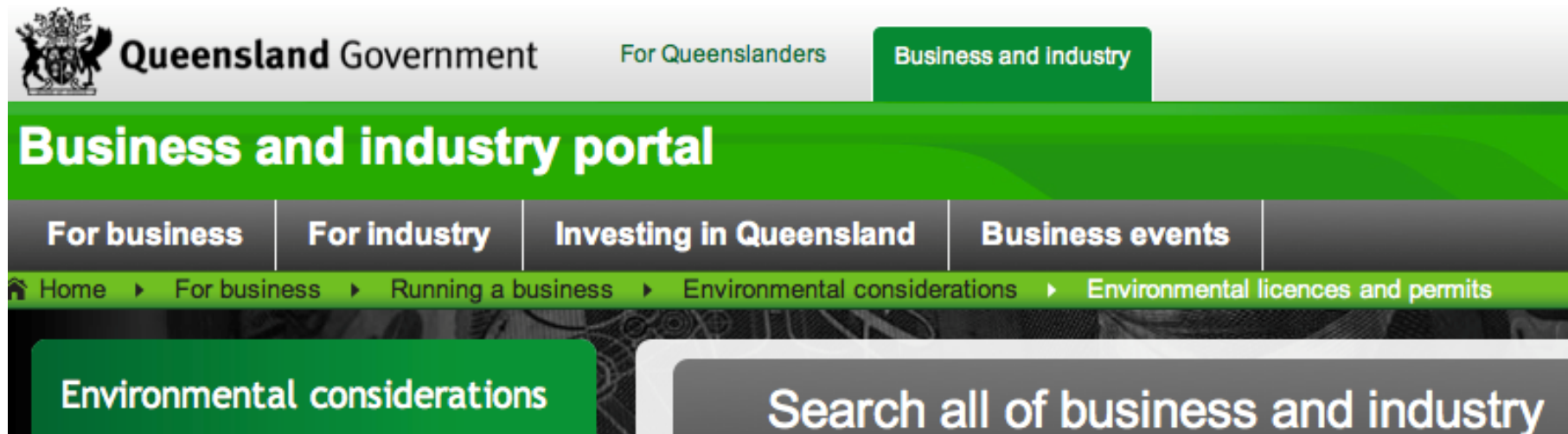
# Applying for an Environmental Authority

- There are three key areas to be identified and addressed through the ERA application process. These include:
  - Identify the environmental values of the receiving environment.
  - Identify the possible impacts of the proposed activity and all associated risks to the environmental values.
  - Identify the strategies to mitigate the identified risk to the environmental values.
- Technical guidelines explain how to provide the necessary information. There are guidelines for activities with impacts to air; land; water; as well as noise and waste impacts.
- Optionally, identify standard / model / common conditions that you can comply with.



## Business and Industry Portal - Scenario

- One Government – source of information for applicants for a range of government requirements including EA's



The screenshot displays the top section of the Queensland Government Business and Industry Portal. At the top left is the Queensland Government crest and logo. To its right, the text 'Queensland Government' is displayed, followed by 'For Queenslanders' and a green button labeled 'Business and Industry'. Below this is a large green banner with the text 'Business and industry portal'. Underneath the banner is a navigation bar with five tabs: 'For business', 'For industry', 'Investing in Queensland', 'Business events', and an unlabeled tab. Below the navigation bar is a breadcrumb trail: 'Home > For business > Running a business > Environmental considerations > Environmental licences and permits'. At the bottom of the screenshot, there is a green button labeled 'Environmental considerations' and a grey button labeled 'Search all of business and industry'.

# Environmental licences and permits

Department of Environment and Heritage Protection



## Forms and fees finder: environmental authorities

An easy-to-use tool which gives your business a customised report of forms and fees



## Applying for an environmental authority

How to make standard, variable and site-specific applications for an EA



## Complying with an environmental authority

Pay annual fees, submit annual returns and comply with EA conditions



## Changing, combining or transferring an environmental authority

The application process to change, combine or transfer your EA



## Surrendering or suspending an environmental authority

How to surrender or suspend EAs administered by EHP or DAFF



## Financial assurance and rehabilitation for environmental authorities

Learn about types of security deposits and progressive rehabilitation certification



## Forms and fees for environmental authorities

A handy list of forms and fees to apply for, change or comply with an EA



## Dredging and removal of quarry material from under tidal water

Apply for an allocation of quarry material for land under tidal water

## Worked Example

<http://www.business.qld.gov.au/business/running/environment/licences-permits>

## Pre-design / pre-lodgement meeting

- For applicants seeking advice regarding approvals that are not for a development approval under SPA.
- Departmental officers will advise:
  - what information and support documents will be required for your application; and
  - The timeframes you will need to meet.
- If development is complex, relevant department specialists can attend feasibility meeting.
- Designed to improve application standards and reduce unnecessary delays

## Important take home messages

- Three different application types (Standard / Variation / Site Specific)
- Standard, model, common and site specific conditions
- Business and industry portal is good source of information
- Important to address application requirements - technical guidelines can assist
- Information required to assess an application depends on the application type, the nature of the activity and the nature of the receiving environment
- Pre-design / pre-lodgement meetings can assist in determining information requirements - can lead to streamlining applications and reduce delays

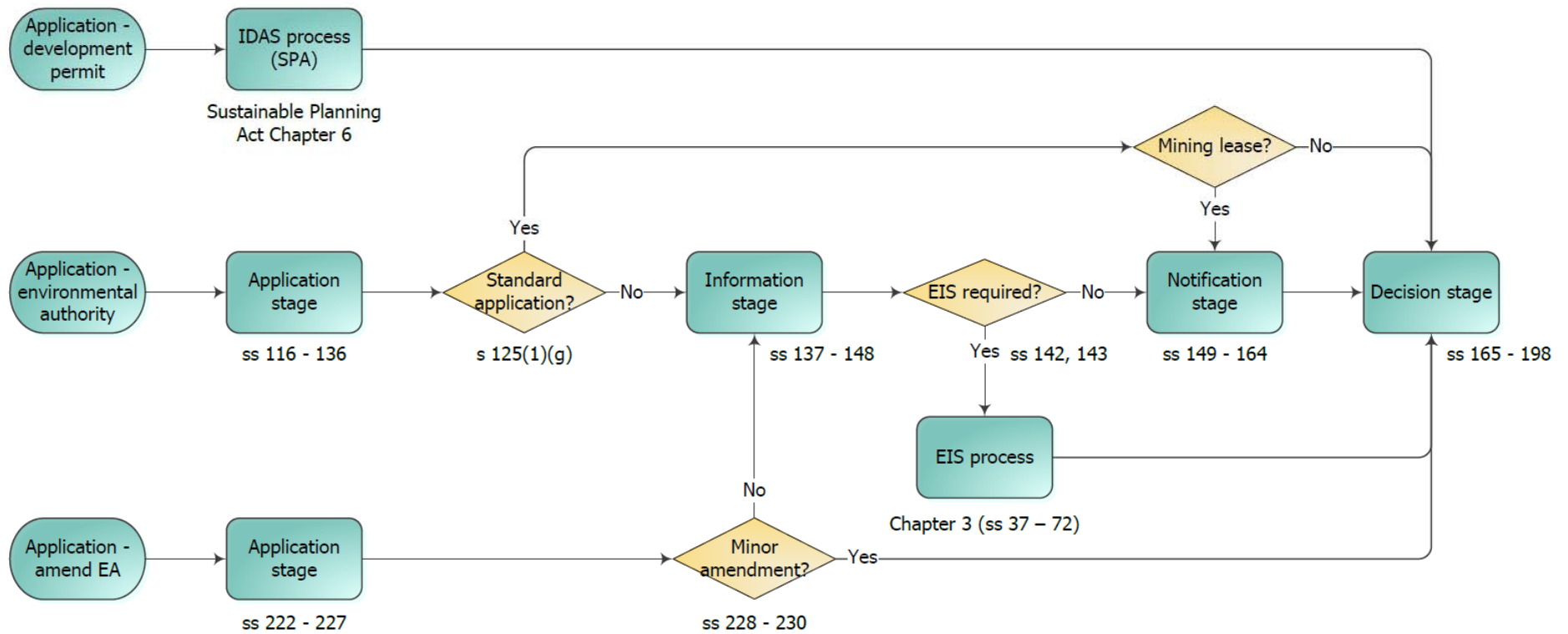
# Questions ?

# Spare slides

# Applying for an Environmental Authority

- Stages of the assessment process
  - Application stage
  - Information stage
  - Notification stage (not applicable to prescribed ERAs)
  - Decision stage
- Not all stages, or all parts of a stage, apply to all applications

# Overview – Application for an environmental authority





# Assessment process for sewage treatment plant

