Streamlining your EA application process

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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

1. Setting the standards
2. Applying the standards
3. Monitoring performance
4. Responding to performance

Focus of previous regulatory framework

Focus of new regulatory strategy
## Regulatory Strategy

<table>
<thead>
<tr>
<th>Benefits to industry</th>
<th>Benefits to the environment</th>
</tr>
</thead>
<tbody>
<tr>
<td>More certainty and consistency in approval conditions</td>
<td>More best practice environmental management measures are adopted by industry</td>
</tr>
<tr>
<td>Quicker approvals</td>
<td>Assessment based on environmental risk</td>
</tr>
<tr>
<td>More scope to develop innovative, low-cost environmental solutions</td>
<td>Allows increased proactive compliance</td>
</tr>
<tr>
<td>Reduced compliance costs</td>
<td>Greater education about environmental management</td>
</tr>
</tbody>
</table>
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)

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

**Types of Environmental Authority Applications**
Application for an EA

Are eligibility criteria in effect?

Yes

Does my activity meet the criteria?

Yes

Do I want to change the standard conditions?

No

Yes

Standard application

Variation application

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

<table>
<thead>
<tr>
<th>Eligibility criteria category</th>
<th>Eligibility criteria</th>
</tr>
</thead>
<tbody>
<tr>
<td>Activity description</td>
<td>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.</td>
</tr>
<tr>
<td></td>
<td>The activity does not discharge effluent to an infiltration trench.</td>
</tr>
<tr>
<td>Activity location</td>
<td>The effluent disposal area is not within 250 metres of any bore used for domestic water supply.</td>
</tr>
<tr>
<td></td>
<td>The effluent disposal area is not within 1000 metres of any bore used for town water supply.</td>
</tr>
<tr>
<td></td>
<td>The activity is not carried out in a high preservation, special floodplain management area or floodplain management area in any declared wild river area.</td>
</tr>
<tr>
<td></td>
<td>The facility is not within 100 metres of any watercourse, wetland or spring.</td>
</tr>
<tr>
<td>Water</td>
<td>There is no release of aqueous waste from the activity to waters.</td>
</tr>
</tbody>
</table>
## Example of Standard Conditions – ERA 63(1)(i)

<table>
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</tr>
</thead>
<tbody>
<tr>
<td><strong>General</strong></td>
</tr>
<tr>
<td><strong>G1</strong>: All reasonable steps must be taken to ensure the activity complies with the eligibility criteria.</td>
</tr>
<tr>
<td><strong>G2</strong>: The activity must be undertaken in accordance with written procedures that:</td>
</tr>
<tr>
<td>- identify potential risks to the environment from the activity during routine operations and emergencies</td>
</tr>
<tr>
<td>- establish control measures that minimise the potential for environmental harm</td>
</tr>
<tr>
<td>- ensure plant and equipment is maintained and operated in proper and effective condition</td>
</tr>
<tr>
<td>- ensure that staff are trained and aware of their obligations under the <em>Environmental Protection Act 1994</em></td>
</tr>
<tr>
<td>- ensure that reviews of environmental performance are undertaken at least annually.</td>
</tr>
<tr>
<td><strong>G3</strong>: The activity must not cause environmental nuisance at a nuisance sensitive place.</td>
</tr>
<tr>
<td><strong>G4</strong>: All documents and records of monitoring required by conditions of this authority must be kept for at least five years.</td>
</tr>
<tr>
<td><strong>G5</strong>: 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.</td>
</tr>
<tr>
<td><strong>Land</strong></td>
</tr>
<tr>
<td><strong>L1</strong>: Contaminants from the activity must not be released to land except as authorised by under conditions (D1), (D3) and (D4).</td>
</tr>
</tbody>
</table>
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.
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
Environmental licences and permits

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
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

Application - development permit
IDAS process (SPA)
Sustainable Planning Act Chapter 6

Application - environmental authority
Application stage
ss 116 - 136
Standard application?
No
Information stage
EIS required?
No
Notification stage
ss 149 - 164
ss 165 - 198
Decision stage
Yes
Mining lease?
No
Yes

Application - amend EA
Application stage
ss 222 - 227
Minor amendment?
Yes
EIS process
Chapter 3 (ss 37 - 72)
No
ss 137 - 148
Yes ss 142, 143
ss 149 - 164
Assessment process for sewage treatment plant