

# Information sheet

## Environmental Protection Act 1994

### Applying to conduct an environmentally relevant activity

*The purpose of this information sheet is to outline the requirements to apply to conduct an environmentally relevant activity (ERA). This document is intended to provide guidance and does not take the place of relevant legislation.*

#### 1 Does your activity require an environmental authority?

Certain industry activities are considered environmentally relevant activities (ERAs) due to their potential to release contaminants into the environment that may or will cause environmental harm. Schedule 2 of the [Environmental Protection Regulation 2019](#) details all ERAs. To find out whether your activity is considered an ERA refer to the information sheet Summary of fees for ERAs (ESR/2012/1746<sup>1</sup>).

To carry out an ERA, among other things, you must hold an environmental authority (EA). EAs are administered by a range of Queensland Government and local government agencies which are referred to as the administering authority, for more information see - [Administering authority for environmental authorities | Business Queensland](#).

##### 1.1 Operating without an EA

An unlicensed operator is a person who is:

- carrying out an ERA without an EA;
- carrying out an ERA in excess of the threshold authorised under the EA;
- for an ERA carried out under a standard EA, carrying out the activity in non-compliance with the eligibility criteria; or
- carrying out an ERA while an EA is suspended.

It is an offence under section 426 of the *Environmental Protection Act 1994* (the Act) to carry out an ERA without holding or acting under an EA, with a maximum penalty of 4,500 penalty units. To see the current value of a penalty unit, refer to [section 3 of the Penalties and Sentences Regulation 2015](#).

##### 1.2 Applying for an EA

There are three main application types depending on the level of environmental risk that an activity may pose. A standard application may be applicable for certain low-risk activities that have eligibility criteria, where you identify that you can comply with these as well as the standard conditions. A list of activities suitable for a standard application can be found here - [Activities suitable for standard applications | Business Queensland](#). If an activity is able to meet the eligibility criteria, but not all of the standard conditions, you may apply for a variation application to change those conditions. All other activities will require a site-specific application. The [Forms and fees finder: environmental authorities | Business Queensland](#) can be used to help identify the application type and relevant forms and fees required, based on your specific activity.

#### 2 Other considerations

If you are applying for an EA in response to enforcement action taken against you for carrying out an unlicensed operation, please note the following:

- you cannot continue to carry out the ERA while your EA application is being assessed;
- continuing to carry out an ERA without an EA may result in additional enforcement action;
- there is no guarantee that the EA application or development application will be approved; and

<sup>1</sup> This is the publication number, which can be used as a search term to find the latest version of a publication at [www.des.qld.gov.au](http://www.des.qld.gov.au)



- if you do not provide all the necessary information at the time of submitting your application, the following things may occur:
  - your application may not be accepted; or
  - it will not be assessed until you provide the necessary information via an information request; or
  - the application may be refused because the administering authority is not satisfied, based on the available information, that the ERA can be carried out in compliance with the Act.

## 2.1 Suitable operator

You must be a registered suitable operator (RSO) for an EA to be approved. You can do this by applying through [Online Services](#) or filling out the Application to be a registered suitable operator (ESR/2015/1771<sup>1</sup>). This can be done at the same time as your EA application. As an RSO you are considered suitable to hold an EA. It is still an offence under section 426 of the Act to carry out an ERA without an EA even as an RSO.

## 2.2 Development assessment

Some ERAs may require a development approval (DA) for a material change of use. Development applications must be lodged with the relevant assessment agency at the same time, or before the EA application is lodged. The ERAs that require assessment by the State are identified with a capital 'C' in the final column of the information sheet Summary of fees for ERAs (ESR/2015/1746<sup>1</sup>). DAs by other agencies can be required if the proposal is triggered by the relevant local planning scheme, or other parts of Schedule 10 of the Planning Regulation 2017. An EA can be issued without an approved DA, however the EA will not come into effect until the relevant DA is approved. Operating under the EA before the DA is approved is still an offence under section 426 of the Act. For details see [Lodging your environmental authority application | Business Queensland](#).

## 2.3 Technical information requirements

For site-specific or variation applications, the application must be accompanied by a range of technical information. For details on how to provide the relevant information read the guidelines found here [Technical information requirements for an environmental authority application | Business Queensland](#).

## 2.4 Notifiable activities

Land is listed on the Environmental Management Register if certain types of activities (known as notifiable activities) have been, or are being, carried out on the land, or if the land is 'contaminated land'. Some ERAs are considered notifiable activities and as such, a notification must be submitted to the administering authority, refer to the Template for giving written notice about a notifiable activity under s.320 of the Act (ESR/2015/1845<sup>1</sup>). For further information about when it is appropriate to list or remove land on the land registers refer to the Guideline: Listing and removing land on the land registers (ESR/2016/2044<sup>1</sup>).

## 2.5 Contacts

To assist with the process of applying for an EA it is recommended that you take advantage of the pre-lodgement services your administering authority provides.

Where DESI is the administering authority, you can find further information regarding pre-lodgement services online through [Business Queensland](#), emailing [palm@des.qld.gov.au](mailto:palm@des.qld.gov.au), phoning 1300 130 372 (select option 4), or filling out the [Application for pre-lodgement services for an environmental authority](#) (ESR/2015/1664<sup>1</sup>).

The State Assessment and Referral Agency (SARA) is the point of contact for DAs involving assessment by the State. For information on how to organise a pre-lodgement meeting, contact your [local DHLGPPW office](#).

Local government is the point of contact for DAs which do not involve assessment by the State. For more information find their contact details here [Search the local government directory | DHLGPPW](#).

### Disclaimer

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