

## **Agricultural ERA standard for banana cultivation – version 1**

This **Agricultural Environmentally Relevant Activity** (ERA) standard has been created in accordance with section 318 and 768 of the *Environmental Protection Act 1994* for the purposes of section 81 of the Act. The agricultural ERA standard for banana cultivation provides the minimum standard conditions for an agricultural ERA carrying out, on a commercial basis on land in the **Great Barrier Reef Catchment**, horticulture, namely commercial cultivation of bananas.

<b>Eligibility criteria category</b>	<b>Eligibility criteria</b>
<b>Activity</b> general	The activity is horticulture namely commercial cultivation of bananas
Activity location	The activity is located within the Great Barrier Reef Catchment

### 1. Who this document applies to

This agricultural ERA standard, including standard conditions, applies to all persons carrying out banana cultivation on land in the Great Barrier Reef catchment. It will apply to persons carrying out the activity of banana cultivation on land that they own or on land the person has arranged to use for the activity. It also applies to persons that are employed or otherwise engaged to carry out banana cultivation in the Great Barrier Reef catchment.

### 2. When the agricultural ERA standard for banana cultivation takes effect

<b>Conditions</b>	<b>Activity/Regions</b>	<b>Take effect date</b>
General record keeping (standard conditions SC15, SC19 and SC20)	Banana cultivation in the Wet Tropics, Burdekin, Mackay Whitsunday, Fitzroy and Burnett Mary regions within the Great Barrier Reef catchments	1 December 2019
All standard conditions (except SC15-17)	Banana cultivation in the Great Barrier Reef catchment that requires an environmental authority for a prescribed ERA in schedule 2, section 13A of the <i>Environmental Protection Regulation 2019</i> (new cropping and horticulture)	Upon commencement of the environmental authority
All standard conditions (except SC15, SC17-18)	Banana cultivation in the Wet Tropics region within the Great Barrier Reef catchment	1 December 2020
All standard conditions (except SC15-16, SC18)	Banana cultivation in the Burdekin, Mackay Whitsunday, Fitzroy and Burnett Mary regions within the Great Barrier Reef catchment	1 December 2022

### 3. Standard conditions

Standard conditions are listed in column 1 of the standard conditions for an agricultural ERA (banana cultivation) in the table below. The standard conditions are the mandatory requirements that must be met in order for persons carrying out an agricultural ERA to be considered compliant with the agricultural ERA standard for banana cultivation.

#### 4. Advice notes for meeting the standard conditions

Where applicable, advice notes have been provided in column 2 of the standard conditions for an agricultural ERA (banana cultivation) table below, including examples of **measures** and recognised approaches that may be undertaken in order to be considered compliant with the relevant standard condition. The measures outlined in the advice notes are not compulsory. A person carrying out the agricultural ERA for banana cultivation may choose their own measure/s to comply with the standard condition unless where stated otherwise. The advice notes also provide useful information and links to documents that may be considered relevant.

#### 5. Record keeping

The *Environmental Protection Regulation 2019* states that the person carrying out an agricultural ERA must make and keep records (an **agricultural ERA record**) about the matters prescribed. The person carrying out the agricultural ERA for banana cultivation must make and keep records about the matters prescribed in the standard conditions and Appendix 1 and 2. The person carrying out the agricultural ERA must also keep all **relevant primary documents** related to the agricultural ERA records (e.g. invoices, receipts). The following standard conditions are the record keeping standard conditions and a lower penalty infringement notice applies under the *State Penalties Enforcement Regulation 2014*:

- SC4
- SC15
- SC16
- SC17
- SC18
- SC19
- SC20

#### 6. Compliance and enforcement of the agricultural ERA standard for banana cultivation

Failure to comply with any of the standard conditions contained within the agricultural ERA standard for banana cultivation is an offence under Section 82 of the *Environmental Protection Act 1994* and penalties apply. Provisions under the *State Penalties Enforcement Regulation 2014* allow for a penalty infringement notice to be given if an offence has been found to have been committed. General obligations under the *Environmental Protection Act 1994* may also apply to persons conducting an agricultural ERA and those persons are encouraged to familiarise themselves with all requirements related to their specific activity (Appendix 4).

#### 7. Definitions

Words used in this document and defined in Appendix 3 are **bolded** the first time they appear.

#### 8. Other requirements

Other relevant Commonwealth, State and local government legislative requirements may be applicable to banana cultivation activities. A list of additional legislative requirements likely to apply to this activity is listed in Appendix 4.

#### 9. Version history

Version	Date	Description of changes
1	1 December 2019	

## Standard conditions for an agricultural ERA for banana cultivation

Standard conditions	Advice notes for complying with the standard condition									
<b>Nitrogen and phosphorus application</b>										
<p><b>SC1</b> Prior to applying <b>fertiliser</b> on the <b>agricultural property</b>, annual application rates of nitrogen and phosphorus for banana <b>plant crops</b> and <b>ratoon crops</b> must be calculated using the administering authority's latest version of the '<i>Prescribed methodology for Banana Cultivation</i>'.</p>	<p><b>Advice to SC1</b> Refer to the Prescribed methodology for banana cultivation on the banana page at <a href="http://www.qld.gov.au/reefregulations">www.qld.gov.au/reefregulations</a></p>									
<p><b>SC2</b> If the calculated annual nitrogen and/or phosphorus application rates exceed the <b>threshold rates</b> shown in Table 1, a <b>nutrient management plan</b> must be developed for the <b>whole of farm, block, or management zone</b> prior to applying fertiliser on the agricultural property.</p> <p>Table 1. Threshold annual rates of nitrogen and phosphorus</p> <table border="1" data-bbox="159 987 869 1133"> <thead> <tr> <th data-bbox="159 987 368 1059">Crop stage</th> <th data-bbox="368 987 616 1059">Nitrogen, kg/ha/year</th> <th data-bbox="616 987 869 1059">Phosphorus, kg/ha/year</th> </tr> </thead> <tbody> <tr> <td data-bbox="159 1059 368 1095">Plant</td> <td data-bbox="368 1059 616 1095">280</td> <td data-bbox="616 1059 869 1095">60</td> </tr> <tr> <td data-bbox="159 1095 368 1133">Ratoon</td> <td data-bbox="368 1095 616 1133">400</td> <td data-bbox="616 1095 869 1133">60</td> </tr> </tbody> </table>	Crop stage	Nitrogen, kg/ha/year	Phosphorus, kg/ha/year	Plant	280	60	Ratoon	400	60	<p><b>Advice to SC2</b> Refer to the Prescribed methodology for banana cultivation on the banana page at <a href="http://www.qld.gov.au/reefregulations">www.qld.gov.au/reefregulations</a></p>
Crop stage	Nitrogen, kg/ha/year	Phosphorus, kg/ha/year								
Plant	280	60								
Ratoon	400	60								
<p><b>SC3</b> Nutrient management plans developed under SC2 must be developed in accordance with the '<i>Prescribed methodology for Banana Cultivation</i>' and include:</p> <ol style="list-style-type: none"> <li>a) A farm map/s showing block boundaries, block identifiers, block area (ha), and leaf sampling locations;</li> <li>b) the results of <b>leaf testing</b> for nitrogen;</li> <li>c) the results of leaf testing for phosphorus;</li> <li>d) nitrogen and phosphorus recommendations by an <b>appropriate person</b>, including:             <ol style="list-style-type: none"> <li>i. recommended application rates of nitrogen and phosphorus;</li> <li>ii. appropriate frequency of application;</li> </ol> </li> <li>e) annual nitrogen and phosphorus application rates applied;</li> <li>f) annual <b>yields</b> achieved (for example - the total number of cartons per year per farm);</li> <li>g) names, date and contact details of the appropriate person/s.</li> </ol>	<p><b>Advice to SC3</b> Refer to the Prescribed methodology for banana cultivation on the banana page at <a href="http://www.qld.gov.au/reefregulations">www.qld.gov.au/reefregulations</a></p>									

<p><b>SC4</b> A copy of the nutrient management plan must be kept for at least six (6) years and made available for inspection by an <b>authorised person</b> upon request.</p>	<p><b>Advice to SC4</b> SC4 is a record keeping standard condition and subject to a lower penalty infringement notice under the <i>State Penalties Enforcement Regulation 2014</i>.</p>
<p><b>SC5</b> The nutrient management plan for the agricultural property must be reviewed and updated in accordance with SC6, at least annually by the person carrying out the agricultural ERA.</p>	<p><b>Advice to SC5</b> The nutrient management plan can be amended at any time but the annual review must be completed at least every 12 months.</p>
<p><b>SC6</b> The review and update of the nutrient management plan as required by SC5, must include:</p> <ol style="list-style-type: none"> <li>a recalculation of the annual nitrogen and phosphorus amounts based on latest leaf test results (as per the '<i>Prescribed methodology for Banana Cultivation</i>');</li> <li>an update to the farm map (as per SC3);</li> <li>any other change(s) that may affect the amount of fertiliser calculated (as per the '<i>Prescribed methodology for Banana Cultivation</i>').</li> </ol>	<p><b>Advice to SC6</b> Refer to the Prescribed methodology for banana cultivation on the banana page at <a href="http://www.qld.gov.au/reefregulations">www.qld.gov.au/reefregulations</a></p>
<p><b>SC7</b> The first nutrient management plan must be developed and verified by an appropriate person/s and then must be reviewed, updated and verified by an appropriate person every five (5) years.</p>	<p><b>Advice to SC7</b> A nutrient management plan can be developed and verified by the same, or different appropriate persons.</p>
<p><b>SC8</b> The annual application rate of fertiliser applied to each plant and ratoon block must not exceed the rates in Table 1 of SC2, or the rates calculated as part of a nutrient management plan developed for the agricultural property in accordance with SC2-SC7.</p>	
<p><b>SC9</b> Ground-based <b>broadcast application</b> of fertiliser containing nitrogen must not occur on the agricultural property.</p>	
<p><b>SC10</b> Ground-based broadcast application of fertiliser containing phosphorus (and not nitrogen) must not occur on the agricultural property unless:</p> <ol style="list-style-type: none"> <li>in preparation for the impending establishment of a plant crop; and</li> <li>the fertiliser is incorporated into the soil within three (3) days of application.</li> </ol>	

Erosion and sediment control	
<p><b>SC11</b> Ratoon paddock <b>inter-rows</b> must have at least 60 percent <b>covered ground</b>, except when undertaking renovation works (for example to remove wheel ruts).</p>	<p><b>Advice to SC11</b> Inter-row renovation works can be undertaken at any time of year although it should be timed to coincide with drier periods.</p>
<p><b>SC12</b> By the start of the <b>wet season</b> all plant blocks must have at least 60 percent covered ground in the inter-row, except when undertaking renovation works to remove wheel ruts.</p>	<p><b>Advice to SC12</b> Inter-row renovation works can be undertaken at any time of year although it should be timed to coincide with drier periods.</p>
<p><b>SC13</b> At <b>fallow</b> all blocks must have a grassy fallow or <b>cover crop</b> established that maintains <b>adequate covered ground</b>.</p>	
<p><b>SC14</b> Measures that minimise the release of soil and <b>surface water</b> run-off to <b>receiving waters</b> must be implemented and maintained in areas that are subject to a <b>high risk of erosion</b>.</p>	<p><b>Advice to SC14</b> Measures that may be implemented to achieve SC14 include:</p> <ol style="list-style-type: none"> <li>a) surface water drainage structures that are designed to reduce run-off velocity (e.g. <b>vegetated spoon drains</b>);</li> <li>b) surface water drains to <b>sediment traps</b> or similar structures prior to release to receiving waters;</li> <li>c) <b>vegetated buffers</b> with adequate covered ground are in place;</li> <li>d) <b>diversion banks</b> to divert surface water flows away from areas of exposed soil;</li> <li>e) <b>contour banks</b> to intercept run-off and channel it into a structure (e.g. <b>grassed waterway</b>) that reduces run-off velocity;</li> <li>f) any other measure that achieves SC14.</li> </ol>
Record keeping	
<p><b>SC15</b> From 1 December 2019, for banana cultivation in the Wet Tropics, Burdekin, Mackay Whitsunday, Fitzroy and Burnett Mary regions, records must be kept in accordance with Appendix 1.</p>	<p><b>Advice to SC15</b> SC15 is a record keeping standard condition and subject to a lower penalty infringement notice under the <i>State Penalties Enforcement Regulation 2014</i>.</p>
<p><b>SC16</b> From 1 December 2020, for banana cultivation in the Wet Tropics region, records must be kept in accordance with Appendix 2.</p>	<p><b>Advice to SC16</b> SC16 is a record keeping standard condition and subject to a lower penalty infringement notice under the <i>State Penalties Enforcement Regulation 2014</i>.</p>

<p><b>SC17</b> From 1 December 2022, for banana cultivation in the Burdekin, Mackay Whitsunday, Fitzroy and Burnett Mary regions, records must be kept in accordance with Appendix 2.</p>	<p><b>Advice to SC17</b> SC17 is a record keeping standard condition and subject to a lower penalty infringement notice under the <i>State Penalties Enforcement Regulation 2014</i>.</p>
<p><b>SC18</b> Banana cultivation in the Great Barrier Reef catchment that requires an environmental authority for a prescribed ERA in schedule 2, section 13A of the <i>Environmental Protection Regulation 2019</i> (new cropping and horticulture) must keep records in accordance with Appendices 1 and 2 from commencement of the environmental authority.</p>	<p><b>Advice to SC18</b> SC18 is a record keeping standard condition and subject to a lower penalty infringement notice under the <i>State Penalties Enforcement Regulation 2014</i>.</p>
<p><b>SC19</b> The person carrying out the agricultural ERA must keep all relevant primary documents related to the agricultural ERA records.</p>	<p><b>Advice to SC19</b> SC19 is a record keeping standard condition and subject to a lower penalty infringement notice under the <i>State Penalties Enforcement Regulation 2014</i>.</p>
<p><b>SC20</b> Records in Appendix 1 and 2 must be kept for at least six (6) years and made available to the administering authority when requested within the requested timeframe.</p>	<p><b>Advice to SC20</b> Records can be made and kept in any format, including on a property map.</p> <p>SC20 is a record keeping standard condition and subject to a lower penalty infringement notice under the <i>State Penalties Enforcement Regulation 2014</i>.</p>

## Appendix 1: Record keeping requirements – General

The following records are required to be kept by all persons carrying out an agricultural ERA involving banana cultivation on land in the **Great Barrier Reef catchment**.

A record is a note that something has occurred. The actual documents that relate to the record (e.g. a leaf test report, fertiliser contractor print-out, or a fertiliser invoice), are relevant primary documents that provide proof of these records and are also required to be kept under SC19.

Records must be made within three (3) business days of the application of fertiliser, **mill mud** or **mill ash**, or **agricultural chemicals** at the relevant agricultural property, kept for at least six (6) years and made available for inspection to an **authorised person** upon request. Records can be kept in any form.

### Property and person details

1. Person(s) who carries out the agricultural ERA
2. Name of person making record
3. Company name (if applicable)
4. Property address(es)
5. Postal address
6. Farm identification number(s) (if applicable)
7. A list of the cadastral lots included in all the farms within the agricultural enterprise

### Records of agricultural chemicals, fertiliser and mill mud/mill ash applied

1. Location of each application (e.g. farm number with block name or management zone)
2. Date of each application
3. Agricultural chemical and/or fertiliser product (including mill mud/mill ash) applied to each location:
  - a. Product name
  - b. Application rate (kg/ha, L/ha or tonnes/ha for mill mud/mill ash)
  - c. For fertiliser, the product percentage of nitrogen and phosphorus

## Appendix 2: Record keeping requirements – Standard conditions SC1 – SC10

The following records are required to be kept in accordance with SC16 and SC17.

A record is a note that something has occurred. The actual documents that relate to the record (e.g. a leaf test report, fertiliser contractor print-out, or a fertiliser invoice), are relevant primary documents that provide proof of these records and are also required to be kept under SC19.

The records below must be made within three (3) business days, kept for at least six (6) years and made available for inspection to an authorised person upon request. Records can be kept in any form.

### A. Nitrogen and phosphorus application

1. Amounts of nitrogen and phosphorus (kg/ha) calculated for each block using the *Prescribed methodology for Banana Cultivation*
2. Method of fertiliser application

### B. Nutrient Management Plan (only required when threshold is exceeded under SC2)

1. A farm map/s showing block boundaries, block identifiers, block area (ha), and leaf sampling locations
2. The results of leaf testing for nitrogen
3. The results of leaf testing for phosphorus
4. Nitrogen and phosphorus recommendations by an appropriate person, including:
  - a. recommended application rates
  - b. appropriate frequency of application
5. Annual nitrogen and phosphorus application rates applied (kg/ha/yr)
6. Annual yields achieved (for example - the total number of cartons per year per farm)
7. Names, date and contact details of the appropriate person/s



### Appendix 3: Terms and definitions

Terms	Definitions
Activity	The agricultural environmentally relevant activity (ERA) to which this agricultural ERA standard applies.
Adequate covered ground	Means:- a) A thing that covers the paddock soil surface (not including roads, drains and headlands); and, b) is of sufficient depth and composition that the cover remains in place and is effective in protecting soil from wind and water erosion to minimise soil and nutrient loss.
Aerial broadcast application	Means the application of fertiliser by aircraft used where ground-based application is not practicable.
Agricultural chemicals	Means any herbicides, insecticides and fungicides applied as part of carrying out the agricultural ERA for banana cultivation.
Agricultural Environmentally Relevant Activity (agricultural ERA)	Has the same meaning as the <i>Environmental Protection Act 1994</i> .  (1) An activity is an agricultural ERA if it is— (a) carrying out any of the following on a commercial basis— (i) cattle grazing; (ii) horticulture; (iii) cultivation of another crop. (b) carried out on a lot that is in the Great Barrier Reef catchment.  (2) However, if only part of the lot is in the Great Barrier Reef catchment, the activity is an agricultural ERA if the part of the lot that is in the catchment is – (a) More than 75 percent of the lot; or (b) More than 20,000 hectares.
Agricultural ERA record	A record that is required to be kept by a person carrying out an agricultural ERA under a relevant agricultural ERA standard.
Agricultural property	In relation to a relevant activity, means the parcel or parcels of land on which the activity is carried out.
Appropriate person	A person who has professional qualifications, training or skills or experience relevant to completing a nutrient management plan. This must include the ability to give an authoritative assessment, advice and analysis relevant to the farm, block and management zone, using protocols, standards, methods or literature, where relevant.
Authorised person	Means a person appointed as an authorised person under the <i>Environmental Protection Act 1994</i> by the chief executive or chief executive officer of a local government.
Block	An area of land that is typically used to grow bananas.
Broadcast application	Means application of fertiliser across the entire surface of a block on the agricultural property. Ground-based broadcast application is not considered to be:

	<ul style="list-style-type: none"> <li>a) <b>Surface banded application</b> of fertiliser and soil conditioners.</li> <li>b) <b>Aerial broadcast application</b> of fertiliser.</li> <li>c) Broadcast application of <b>soil conditioner/s</b> (including mill mud or mill mud/mill ash mix) in the fallow, if it is incorporated into the soil during the fallow period.</li> </ul>
Contour banks	Means a constructed earth embankment, incorporating a channel on the upslope side, typically traversing a slope on or close to the contour to control and/or prevent the erosion of that slope. Also referred to as graded banks, terraces, or bunds.
Cover crop	Means plants grown during the fallow period in order to provide soil cover.
Covered ground	Covered ground may be living or dead and may include plant material and trash.
Diversion banks	Means a structure to divert run-off away from areas where it could cause problems (such as cultivated paddocks or buildings) into stable waterways, natural depressions or water storages.
Fallow	An area of land that is typically used to grow bananas, that is left without that crop for a period of at least 6 months.
Fertiliser	Means a product that contains a quantified amount, obtained by analysis, of nitrogen and/or phosphorus.
Grassed waterways	Means a vegetated, stable, longitudinally sloping water disposal area of sufficient capacity used to discharge surplus run-off and to allow it to flow to a lower level without causing erosion.
Great Barrier Reef catchment	Has the same meaning in the <i>Environmental Protection Act 1994</i> . The Great Barrier Reef catchment is the area shown on a map prescribed by regulation as the Great Barrier Reef catchment.
High risk of erosion	Means an area with a high risk of soil loss from wind and water erosion including but not limited to: <ul style="list-style-type: none"> <li>(a) a slope of 3 percent or greater; or</li> <li>(b) less than 60 percent ground covered; or</li> <li>(c) evidence of active erosion e.g. an area where soil loss is occurring and the area is relatively bare of cover.</li> </ul>
Inter-rows	Means the area between crop rows.
Leaf testing	Means a test of the characteristics of leaves, analysed by a National Association of Testing Authorities (NATA) or Australasian Soil and Plant Analysis Council (ASPAC) accredited laboratory, or one holding an equivalent certification.
Management zone	A group of blocks that are of the same soil type, planted at the same time and treated the same for nutrient application.
Measures	Means an action or procedure planned and implemented to minimise the risk to the environment of releases of sediment or nutrients into the environment as a result of the agricultural ERA.

Mill ash	Means a by-product produced by sugar mill boilers. Also known as boiler ash.
Mill mud	Means the residual mud and fibre filtered from the raw sugar juice during the sugar refining process. Also called filter mud, filter cake or sugarcane press mud.
Nutrient management plan	Means the farm map and any other documents (including records, fertiliser recommendations, and leaf test and analysis results) used to prepare the nutrient management plan.
Plant crop	For the purposes of this standard means the initial banana crop after planting.
Ratoon crop	For the purposes of this standard means a new crop of bananas produced from suckers of the harvested plant.
Receiving waters	Means the <i>waters</i> into which the relevant agricultural ERA drains. <i>Waters</i> has the meaning in the <i>Environmental Protection Act 1994</i> and includes all or any part of a creek, river, stream, lake, lagoon, swamp, wetland, spring, unconfined surface water, unconfined water in natural or artificial watercourses, bed and bank of any waters, non-tidal or tidal waters (including the sea), and underground water. For the purposes of this standard, receiving waters also includes structures or features which may reasonably be expected to drain to <i>waters</i> including a stormwater channel, stormwater drain, or roadside gutter.
Relevant Primary document	Means a document relating to the carrying out of the activity that is the subject of the record from which information in the record was obtained, and can include: <ul style="list-style-type: none"> <li>- Receipts and invoices for the purchase of a chemical or fertiliser product;</li> <li>- A summary of tailored advice about carrying out the agricultural ERA (e.g. recommended application rates and frequency); and</li> <li>- Leaf test and analysis reports.</li> </ul>
Sediment trap	Means a basin that removes sediment, debris and litter from run-off water by allowing it to settle out and be left behind when the water moves on.
Soil conditioner/s	Means a substance added to soil to improve the growing conditions for plant roots. Examples are gypsum, lime and organic matter. For the purpose of this standard, mill mud and mill ash are considered soil conditioners.
Surface banded application	Means fertiliser applied in bands along the crop rows on the soil surface.
Surface water	Has the meaning in the <i>Environmental Protection (Water and Wetland Biodiversity) Policy 2019</i> and means “waters other than ground waters”.
Threshold rate	The annual nitrogen and or phosphorus application rate, over which, a nutrient management plan is required, i.e. 280 kg N/ha/year for plant crops and 400 kg N/ha/year for ratoon crops and 60 kg P/ha/year for plant and ratoon crops.
Trash	Means ‘banana trash’ i.e. banana plant leaf and stems usefully placed into the inter-rows providing organic matter, which suppresses weeds and provides an effective ground cover.

Vegetated buffer	Means a strip of retained or planted vegetation used to prevent off-site effects of intensive cropping.
Vegetated spoon drains	Means shallow, open, vegetated channels between crop rows primarily designed for conveying water along a drainage pathway.
Wet season	For the purpose of this standard, the wet season is between 1 November and 30 April of the following year.
Whole of farm	Means the area to which the nutrient management plan applies where: <ul style="list-style-type: none"> <li>(a) the activity is carried out under the day-to-day management of a single responsible individual, for example, a site or operations manager;</li> <li>(b) the activity is operationally interrelated;</li> <li>(c) the activity is, or will be, carried out at one (1) or more places; and</li> <li>(d) places where the activities are carried out are separated by distances short enough to make feasible the integrated day-to-day management of the activities.</li> </ul>
Yield	Means an annual record of banana production. The yield measurement used can be determined by the farmer, but the same measure should be used each year. Example yield measurements include: <ul style="list-style-type: none"> <li>- the number of cartons per year per farm</li> <li>- the amount of bananas produced per year per farm</li> <li>- the amount of bananas sent to market</li> <li>- or any other annual quantifiable measurement of production</li> </ul>

## Appendix 4: General obligations under the *Environmental Protection Act 1994*

This appendix is not intended to provide a comprehensive list of all obligations under Queensland law. It provides some general information and person(s) carrying out an agricultural ERA for banana cultivation are encouraged to familiarise themselves with all requirements related to their specific activity.

Separate to the banana cultivation standard, a person carrying out an agricultural ERA for banana cultivation must also be aware of and meet their obligations under the *Environmental Protection Act 1994*, and the regulations made under that Act including the following provisions.

### General environmental duty

Section 319 of the *Environmental Protection Act 1994* states that any person who carries out an activity that causes or is likely to cause environmental harm must comply with their general environmental duty. This means that we are all responsible for the actions we take that affect the environment. We must not carry out any activity that causes, or is likely to cause, environmental harm unless we take all reasonable and practicable measures to prevent or minimise the harm. To decide what meets your general environmental duty, you need to consider:

- the nature of the harm or potential harm;
- the sensitivity of the receiving environment;
- the current state of technical knowledge for the activity;
- the likelihood of successful application of the different measures to prevent or minimise environmental harm that might be taken.

It is not an offence not to comply with the general environmental duty. However, maintaining your general environmental duty is a defence against the following:

- a) an act that causes serious or material environmental harm or an environmental nuisance;
- b) an act that contravenes a noise standard;
- c) a deposit of a contaminant, or release of stormwater run-off, mentioned in section 440ZG.

More information is available on the Queensland Government website <https://www.business.qld.gov.au>.

### Duty to notify

Section 320A of the *Environmental Protection Act 1994* explains the duty to notify. The duty to notify applies to all persons and requires a person or company to give notice where serious or material environmental harm is caused or threatened. Notice must be given of the event, its nature and the circumstances in which the event happened. Notification can be verbal, written or by public notice depending on who is notifying and being notified.

The duty to notify arises where:

- a person carries out activities or becomes aware of an act of another person arising from, or connected to, those activities that causes or threatens serious or material environmental harm;
- while carrying out activities, a person becomes aware of the happening of one or both of the following events:
  - the activity negatively affects (or is reasonably likely to negatively affect) the water quality of an aquifer
  - the activity has caused the unauthorised connection of two or more aquifers;

- the owner or occupier of contaminated land or an auditor performing an auditor's function (as defined in section 568(b) of the *Environmental Protection Act 1994*) becomes aware of:
  - the happening of an event involving a hazardous contaminant on the contaminated land; or
  - a change in the condition of the contaminated land; or
  - a notifiable activity having been carried out, or being carried out, on the contaminated land that is causing, or is reasonably likely to cause, serious or material environmental harm.

For more information on the duty to notify requirements refer to the guideline 'Duty to notify of environmental harm' (ESR/2016/2271).

## **Some relevant offences under the *Environmental Protection Act 1994***

### **Causing serious or material environmental harm (sections 437 and 438)**

Material environmental harm is when the harm is not trivial or negligible in nature. Serious environmental harm is harm that is irreversible, of a high impact or widespread, or that is caused to an area of high conservation value or special significance.

Serious or material environmental harm excludes environmental nuisance.

### **Causing environmental nuisance (section 440)**

Environmental nuisance is unreasonable interference with an environmental value caused by aerosols, fumes, light, noise, odour, particles or smoke. It may also include an unhealthy, offensive or unsightly condition because of contamination.

### **Depositing a prescribed water contaminant in waters (section 440ZG)**

Prescribed water contaminants include a wide variety of contaminants listed in schedule 9 of the *Environmental Protection Regulation 2008*.

It is your responsibility to ensure that prescribed water contaminants are not left in a place where they may or do enter a waterway, the ocean or a stormwater drain. This includes making sure that stormwater falling on or running across your site does not leave the site contaminated. Where stormwater contamination occurs you must ensure that it is treated to remove contaminants. You should also consider where and how you store material used in your processes onsite to reduce the chance of water contamination.

### **Placing a contaminant where environmental harm or nuisance may be caused (section 443)**

A person must not cause or allow a contaminant to be placed in a position where it could reasonably be expected to cause serious or material environmental harm or environmental nuisance.

## **Responsibilities under other legislation**

An agricultural ERA pursuant to the *Environmental Protection Act 1994* does not remove the need to obtain any additional approval for the activity that might be required by other state and/or Commonwealth legislation. Other legislation for which a permit may be required includes, but is not limited to:

- *Aboriginal Cultural Heritage Act 2003*;
- *Fisheries Act 1994*;
- *Forestry Act 1959*;
- *Nature Conservation Act 1992*;
- *Petroleum and Gas (Production and Safety) Act 2004 / Petroleum Act 1923*;

- *Queensland Heritage Act 1992;*
- *Planning Act 2016;*
- *Waste Reduction and Recycling Regulation 2011;*
- *Water Supply (Safety and Reliability) Act 2008;*
- *Water Act 2000;*
- *Work Health and Safety Act 2011, Work Health and Safety Regulation 2011 and Work Health and Safety (Codes of Practice) Notice 2011.*

Additional obligations may be applicable including, but not limited to:

- Safe Work Australia Code of Practice on How to Safely Remove Asbestos 2011 or the Safe Work Australia Code of Practice on How to Manage and Control Asbestos in the Workplace 2011 or any subsequent versions;
- Australian Dangerous Goods Code;
- Australian and New Zealand Environment and Conservation Council (ANZECC) Polychlorinated Biphenyls Management Plan Revised Edition – April 2003.

Persons are advised to check with all relevant statutory authorities and comply with all relevant legislation.