

# REEF WATER QUALITY

Program



## Reef protection regulations in the Great Barrier Reef regions New or expanding cropping and horticulture activities (ERA 13A) Frequently asked questions

### What are the requirements?

Growers need a permit (i.e. an environmental authority) to undertake commercial cropping and horticulture in the Great Barrier Reef catchment on five hectares or more of land that does not have a cropping history. A cropping history is when the land has been used for cropping or horticulture activities during three of the last 10 years. Growers must obtain a permit before starting the activity, including any preparatory work.

### What is commercial cropping or horticulture?

Cropping or horticulture is a commercial activity if it is being carried out for a fee or reward. This includes any fruit, vegetable, grain or legume crop that is to be grown and harvested for financial gain, including selling as animal fodder.

### What types of crops are included? Are any crops excluded?

The requirements apply to all types of commercial crops including grains and horticulture, sugarcane and banana production.

The following are excluded:

- Timber crops as forestry activities that are regulated under alternative legislation.
- Growing crops in a fully closed system (such as hydroponics where water is recycled on site) that does not result in any release to soil or receiving waters.
- Soil scarification or enrichment sowing of forage crops for the purpose of pasture improvement.

### Why is the minimum threshold five hectares?

Five hectares allows for small changes to be made to an existing farm and its cropping area (such as relocating access tracks or sheds) without requiring a permit to crop these previously uncropped areas.

### What if I start cropping on less than five hectares but expand over time?

The five-hectare threshold is cumulative. If you expand your cropping or horticulture activity to more than five hectares on the land without a cropping history, you will need to apply for a permit for all of the land.

### **Why is a permit required?**

Permits enable agriculture to expand while not worsening the Reef water quality problem. It is acknowledged that many growers are already implementing improved practices. However, we need all new cropping activities to be managed in a way that limits sediments and nutrients being lost off-farm and ending up in the Great Barrier Reef.

### **Who obtains the permit?**

The permit is issued to a 'person' or 'persons' (can be in two or more names) and may be an individual or a corporation. The permit will allow that person to undertake the activity at the specified location. That person is responsible for instructing other people assisting with the activity to comply with the permit conditions.

### **How do I apply?**

Before the department can issue you with a permit, you must be registered as a 'suitable operator'.

You can apply to become a registered suitable operator by completing an application through [Online Services](#) (preferred).

Alternatively, you can complete the [Application to be a registered suitable operator form](#) (ESR/2015/1771) and submit it to the Department of Environment, Science and Innovation (DESI) using the details provided in the form. This application form can be submitted with your permit application.

There are three types of application forms: a standard form, variation form or site-specific form. The type of application determines how much information you must include, how the department will assess your application, and the conditions the department will apply to your permit.

### **Where can I get an application form?**

Complete the application through [Online Services](#) (preferred).

Alternatively, you can complete the form and submit it to the DESI using the details provided in the form

- [Standard application](#) (ESR/2020/5273)
- [Variation application](#) (ESR/2020/5272)
- [Site-specific application](#) (ESR/2020/5274)

### **How much does it cost to apply for a permit?**

The fees for an application for ERA13A Commercial cropping and horticulture in Great Barrier Reef catchments can be found on the Queensland Government website under [Forms and fees for environmental authorities](#).

Fees may be subject to annual indexation in line with the consumer price index.

### **Once I have a permit, will I be charged an annual fee?**

There are no annual or ongoing fees.

### **Are there examples to help me make an application?**

While there are no templates available, you can request a pre-lodgement meeting with the department to discuss your application. To organise a pre-lodgement meeting, email [palm@des.qld.gov.au](mailto:palm@des.qld.gov.au) or call 1300 130 372 (select option 4). You can also download an [Application for pre-lodgement services](#) (ESR/2015/1664).

### **How long does it take to get a permit for a standard application?**

If your application is properly made, the department will approve your standard application within 20 business days. The department will post or email the permit to you within five days of approving it.

### **Can a standard application be refused?**

The department cannot refuse a standard application.

### **Is there an appeal process?**

The department can refuse a site-specific application. If the application is refused, you can apply for a review of the decision and, following the review, apply to the Planning and Environment Court to appeal the decision.

### **How long does the permit last for?**

A permit for new cropping or horticulture does not have an expiry or end date. The department can suspend or cancel the permit in certain circumstances such as if the permit was issued because of materially false or misleading information or if the permit holder ceases to be a registered suitable operator.

### **What happens if I change the type of crop I'm growing? Do I need to notify the department?**

You do not need to amend your permit if you change crop types and can continue to meet the conditions of your permit.

### **What should I do if I can no longer comply with the eligibility criteria or conditions of my permit?**

If you can no longer meet the eligibility criteria or conditions of your permit, you will need to apply to amend your permit.

### **If I buy an established farm, do I need a permit?**

If the land being cropped has a cropping history, that is, it has been used for cropping or horticulture activities in at least three out of the last 10 years, a permit is not required to continue cropping the same land, even under a new owner. It is the responsibility of the buyer to ensure they receive appropriate evidence of a cropping history.

### **If I buy a farm that has not been cropped before, do I need a permit?**

If you intend to undertake commercial cropping or horticulture on five hectares or more of the land to be purchased and it has not been cropped in at least three out of the last 10 years, you are likely to require a permit.

### **Can a permit be transferred when a farm is sold?**

A permit can be transferred from one person (e.g. the seller) to another person (e.g. the buyer). This could be listed as a condition of sale for land where a permit is in place for commercial cropping and horticulture.

### **Are there any exemptions for banana growers relocating due to TR4 Panama disease?**

If you are a banana grower relocating due to TR4 Panama disease on land for which a Notice has been issued under the *Biosecurity Act 2014*, regardless of the size of the new cropping activity, you will only need to submit a standard or variation application.

### **Why is sugarcane and banana growing not exempt given they're already regulated?**

The permit requirements relate to designing and setting up the farm to minimise nutrient and sediment loss from new cropping developments. The Agricultural Environmental Relevant Activity standards under the Reef protection regulations then guide the ongoing operation of the farm such as nutrient application.

### **Do I need a permit to start grazing?**

New grazing activity does not require an environmental authority. Where Agricultural Environmental Relevant Activity standards under the Reef protection regulations are in place for grazing, they must be followed.

**Do I still need to comply with other requirements, such as those under the *Vegetation Management Act 1999*?**

You still need to comply with other legislative requirements.

**What is the proposed schedule of 'visits' for compliance or what are the reasons to conduct a visit?**

The department will be developing a compliance prioritisation model as part of its existing program.

**Where can I find more information?**

The standard conditions are outlined in the [‘Environmentally relevant activity standard – Commercial cropping and horticulture in the Great Barrier Reef catchment \(prescribed ERA 13A\) – Version 1’](#).

The [Applying for an environmental authority to undertake commercial cropping and horticulture guide](#) will help growers determine if they need a permit and, if so, what type of application to make and how to apply.

The [Standard conditions guide \(5-100 hectares\)](#) provides practical information to help growers plan design and maintain measures that will minimise nutrient and sediment releases and loss of irrigation water.

You can also contact the department’s Permits and Licensing Management (PALM) area via email to [palm@des.qld.gov.au](mailto:palm@des.qld.gov.au) or call 1300 130 372 (select option 4).